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01 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

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07 In the matter of:)

07) Case No. BA109900

08 PEOPLE vs. RAFAEL ANTONIO PEREZ) VOLUME 24

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CONFIDENTIAL

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TRANSCRIPTION OF INTERVIEW OF

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RAPHAEL ANTONIO PEREZ

16

16

Los Angeles, California

17

17

Wednesday, April 26, 2000

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22 Transcribed by:

22

23 Melina M. Johnson,

23 CSR No. 11466

24
24 Job No.:
25 IAD4693
25

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14 TRANSCRIPT OF INTERVIEW OF RAFAEL

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15 ANTONIO PEREZ, taken on behalf of the

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16 Los Angeles Police Department, at Piper

17

17 Tech., Los Angeles, California, commencing

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18 at 12:50 p.m., on Wednesday, April 26, 2000,

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19 reported by Melina M. Johnson, CSR No. 11466, a

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20 certified Shorthand Reporter for the State of

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21 California.

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03 Los Angeles County District Attorney's Office

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09 Beverly Hills, California, 90212-4309

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11 Deputy District Attorney

11 Los Angeles County District Attorney's Office

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13 Los Angeles Police Department

14 Internal Affairs Group

14 Rampart Task Force

15

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16 SERGEANT JOHN V. COOK, II

16 Los Angeles Police Department

17 Internal Affairs Group

17

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18 DETECTIVE TIM SHAW

19 Los Angeles Police Department

19 Robbery-Homicide Division Task Force

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21 DETECTIVE SEAN MAHONEY

21 Los Angeles Police Department

22 Van Nuys Detective Division

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23 DETECTIVE STUART MICHELSON

24 Los Angeles Police Department
24 Robbery-Homicide Division Task Force
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01 APPEARANCES (Continued):

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02 DETECTIVE SHELLEY DE MUCHA

02 Los Angeles Police Department

03 Robbery-Homicide Division Task Force

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04 DETECTIVE WALT HAMPTON

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07 SERGEANT GREGG STRENK

07 Los Angeles Police Department

08 Internal Affairs Group

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09 SERGEANT TED MATTHEWS

10 Los Angeles Police Department

10 Internal Affairs Group

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EXAMINATION BY:

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Mr. Rosenthal

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Mr. Wright

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Detective Shaw

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Detective Michelson

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Detective DeMucha

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Detective Hampton

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Sergeant Strenk

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FURTHER EXAMINATION BY:

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Detective DeMucha

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01 Los Angeles, California, Wednesday, April 23, 2000

02 12:50 p.m.

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05 MR. ROSENTHAL: All right. We're on the
06 record.

07 It's April 26th, the year 2000. It's
08 12:50 in the afternoon. I'm Richard Rosenthal,
09 Deputy District Attorney. These are the continuing
10 interviews of Rafael Perez.

11 Mr. Perez, if you'll please raise your
12 right hand.

13

14 RAFAEL PEREZ,
15 produced as a witness, and having been first duly
16 sworn, was examined and testified as follows:

17

18 MR. ROSENTHAL: Thank you. And you will
19 remain under oath during the pendency of
20 the questioning, which should go until about
21 5:00 o'clock.

22 THE WITNESS: Yes, sir.

23

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01

EXAMINATION

02 BY MR. ROSENTHAL

03 Q Mr. Perez, the first case I wanted to ask

04 you about relates to the arrest in 1992, on August

05 25th of 1992, of Michael Honore, H-o-n-o-r-e. D.R.

06 number is 920735146. District attorney case number

07 is BA063617. Mr. Honore got four years in state

08 prison after a guilty plea on this case.

09 He also, however, was arrested and went to

10 trial on another case. The district attorney case

11 number is BA150527. And this was an arrest for a

12 possession for sale of cocaine base. He went to

13 trial, and apparently, you testified at his 1998

14 trial.

15 And according to the notes that I've

16 received, it says that you simply testified relating

17 to your August 5th, 1992 arrest of Mr. Honore. And

18 basically, you testified that you were working

19 undercover while assigned to Narcotics Bureau in

20 Wilshire, that while undercover, you purchased ten
21 dollars worth of cocaine from the defendant.

22 There has been a writ of habeas corpus
23 filed. The judge has asked us to inquire as to
24 whether or not you committed perjury during this
25 1998 testimony that related to the 1992 arrest.

3097

01 I've shown you a copy of the arrest report from the
02 1982 case -- or 1992 arrest.

03 And the question is, it's a report that
04 was written by you, is there any problem with this
05 report?

06 A May I ask what the allegation of the
07 misconduct or criminal misconduct or perjury was?

08 Q Apparently, the allegation is simply that
09 the arrest report in the 1992 arrest is false, that
10 he did not sell cocaine to you, that he's innocent
11 of that charge and was framed.

12 A I've read the report in its entirety, and
13 I have not found any written portion of this report
14 to be falsified, and I don't see anything wrong with
15 this report. I can address any particular issue.

16 But from looking at this report, I don't see any

17 misconduct or anything that was written that didn't
18 occur.

19 Q All right. We've asked you this question
20 before, but I'm going to ask you it again, as it
21 relates to this case.

22 Prior to joining Rampart CRASH, did you
23 ever commit any misconduct or write any false police
24 reports or frame anybody for any crime they did not
25 commit prior to joining Rampart CRASH?

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01 MR. MC KESSON: The only problem I have,
02 Richard, is when you say "any misconduct," it's kind
03 of a broad catch-all when you say "misconduct."

04 MR. ROSENTHAL: Well, let's -- I'm not talking
05 about administrative misconduct. I'm talking about
06 criminal acts.

07 MR. MC KESSON: Okay.

08 THE WITNESS: Again -- and we've addressed
09 this before, you're right -- prior to coming to
10 Rampart CRASH, I was not involved, engaged in, or
11 was aware of any intentional misrepresentation of
12 reports or perjury on the stand. I was not involved
13 in any criminal activity at the time. So no, there

14 was nothing going on at that time.

15 MR. ROSENTHAL: Okay. That's it for this case.

16 The next case is going to be the -- Deputy
17 District Attorney Gilbert Wright is here, and he has
18 a couple of questions. And this relates to the
19 arrest of Samuel Bailey, Otto Castillo, Humberto
20 Vasquez -- and if the reporter needs any spellings,
21 please let me know -- and Roy Montes. D.R. number
22 is 961226394. And the district attorney case
23 numbers are various case numbers, but the primary
24 one we'll refer to is BA137221.

25

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01 EXAMINATION

02 BY MR. WRIGHT:

03 Q Mr. Perez, do you remember -- you've had
04 the reports on the Bailey/Castillo case just moments
05 ago; is that right?

06 A I've read the reports, yes.

07 Q Okay. As you sit here today, was there a
08 video done on that location, either through an O.P.,
09 an observation post, or either being in a van? Was
10 there a video there?

11 A Prior to leaving the briefing room at 77th
12 Division, I assigned two 77th CRASH officers to
13 monitor the location in a van. They advised me that
14 they had the capabilities of videotaping the
15 location through that van. I told them to go ahead
16 and do it.

17 At the end of the operation, I was never
18 given any tape or -- or anything relating to any
19 tape, videotape. So I don't know if where they were
20 positioned, they were unable to videotape, or what.
21 But I never ended up getting any tape of the actual
22 arrest or the operation.

23 Q As you sit here today, do you know who
24 those 77th officers are?

25 A I don't. I don't know their names.

3100

01 Q Did you ever see anyone with a video?

02 A No, sir.

03 Q Did you ever see anyone taking pictures?

04 A No, sir.

05 Q Did you -- did you know how they were
06 going to do this? Was it was going to be in a car?
07 Was it going to be in a van? Was it going to be in

08 a building?

09 A From my understanding, once they had the
10 capabilities of videotaping from their van -- they
11 had an undercover van they were going to use. But
12 again, I don't know if -- whether they eventually
13 videotaped it or not.

14 MR. ROSENTHAL: In the past have you ever had
15 people videotape for you?

16 THE WITNESS: No, sir. This was a 77th thing.
17 They offered it, and we said, "Yeah, go ahead." But
18 we don't ever videotape, you know, operations. It
19 was just -- so happens they mentioned it, and we
20 said, "Well, why not? Go ahead." They wanted to do
21 the O.P. anyways, so -- but we normally don't do it.

22 BY MR. WRIGHT:

23 Q After it was over did you ever ask anyone,
24 "What about the video?"

25 A I don't remember asking. And again,

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01 I don't know if someone relayed something to me
02 about "There ain't no tape" or they couldn't make a
03 tape, but I don't remember asking for it.

04 Q The subject of the video came up through

05 the 77th officers --

06 A When I was holding the briefing at the
07 station, they offered, "Hey, would you guys want us
08 to O.P. it -- we got an undercover van -- and
09 videotape it?" I looked at my boss and said, "Yeah,
10 okay. No problem." And so that was their job.

11 Q So how many officers would have been
12 present when they made that offer?

13 A Oh, the entire room filled with 77th,
14 Rampart officers, as well as several 77th CRASH
15 supervisors and Rampart CRASH supervisors. That
16 offer was made right in that briefing room.

17 Q Can you guess how many? Was it over 20?
18 Less than --

19 A More than 20 officers.

20 Q When you said you had to look to your
21 supervisor, would that have been Sergeant Ortiz?

22 A Yes, sir.

23 Q Was Officer Richardson in the room at that
24 time?

25 A Yes, sir.

3102

01 Q Do you know if Sergeant Ortiz ever

02 requested -- or ever asked you, "What about that
03 video?"

04 A I don't remember any conversation
05 regarding the video.

06 Q Do you know where the video was going to
07 be set up? Do you know where this observation post
08 was going to be?

09 A No, sir. Once they left the trailer from
10 our meeting, I don't even know where they set up.
11 I know they had a clear and unobstructed view of the
12 location, but I don't even know where they set up.

13 Q Okay. I know that you did not have an
14 opportunity to look at your transcripts from your
15 previous discussion with Mr. Rosenthal on this
16 case. Does it refresh your recollection at all if
17 you had indicated that this video was going to be in
18 a van?

19 A Well, I know that that was the
20 understanding, that they were going to -- they had
21 the capability of videotaping from their van. But
22 again, I never received a video. I don't even
23 have -- I don't remember having a conversation with
24 those two officers that were going to be in the van,

25 as far as what happened to the video or even if they
3103

01 took a video of the operation.

02 Q When you came onto the location, did you
03 happen to see their van?

04 A No, sir.

05 MR. ROSENTHAL: So for all you knew, the van
06 simply couldn't get into a spot where it would have
07 been appropriate for them to even shoot the video?

08 THE WITNESS: That would be my understanding.
09 I'm sure that if a videotape would have been taken,
10 they would have given it to me. I was the, let's
11 say, officer in charge of that operation, so the
12 videotape would have come to me.

13 MR. MC KESSON: As far as you know.

14 THE WITNESS: As far as I know.

15 BY MR. WRIGHT:

16 Q And because this was done in 77th, and
17 apparently, Rampart never videos -- never does
18 videos in these type of operations, you wouldn't
19 know how long videos like this would have been kept?

20 A No idea, sir.

21 Q When you were at the location, do you

22 recall if there was a Rampart officer on a roof?

23 A There was no Rampart officer on any roof.

24 I actually made the assignment list and gave

25 everybody their assignments. I had no one on any

3104

01 roof.

02 MR. MC KESSON: Richard, I thought it was just

03 going to be a couple questions on this. I thought

04 it was going to be a couple questions on this. I

05 mean, it's getting kind of deep. I would like him

06 to see transcripts.

07 MR. ROSENTHAL: Well, at least I know he didn't

08 discuss anything about assignments on a roof in the

09 prior transcript, so I don't think that would have

10 been helpful.

11 Is there much more?

12 MR. WRIGHT: No. I think that that is just

13 about it.

14 MR. ROSENTHAL: If there is more, we can go off

15 the record and discuss it with Mr. McKesson, if

16 there's anything else you do want to discuss.

17 MR. WRIGHT: That's it on the Bailey/Castillo

18 matter. I have some other questions I'd like to

19 ask.

20 MR. ROSENTHAL: So there are -- apparently,
21 there is some general questions that some of the
22 prosecutors have had, based upon reading the
23 transcripts. So go ahead.

24 MR. WRIGHT: Thank you.

25 MR. MC KESSON: That's just general questions
3105

01 involving the entire investigation?

02 MR. WRIGHT: Yes. And if he remembers -- if he
03 remembers, he remembers. If he doesn't, he doesn't.
04 And I just -- we just wanted to clarify some things.

05 MR. MC KESSON: Can we go off the record?

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

08 (Discussion off the record)

09 MR. ROSENTHAL: We're back on the record.

10 It's 1:06 p.m. Deputy District Attorney
11 Wright will continue.

12 MR. WRIGHT: I'm sorry. We need to go off the
13 record one more time.

14 MR. ROSENTHAL: All right. Off the record.

15 (Discussion off the record)

16 MR. ROSENTHAL: We're back on the record.

17 It's 1:07. Go ahead.

18 BY MR. WRIGHT:

19 Q All right. Mr. Perez, do CRASH officers
20 ever take any mementos that they recover from gang
21 members and keep them at home?

22 MR. MC KESSON: But the only problem I have,
23 when you say "CRASH," are you focusing on what he
24 knows about Rampart CRASH officers?

25 MR. WRIGHT: Yes.

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01 MR. MC KESSON: Okay.

02 MR. ROSENTHAL: The assumption here is -- we
03 know Mr. Perez was only assigned to Rampart CRASH,
04 so obviously, unless he tells us otherwise, this
05 relates to his knowledge of Rampart CRASH.

06 MR. WRIGHT: Right. And -- but I could, if
07 everyone agrees, I could open it up to ask him if he
08 knows about --

09 MR. MC KESSON: Yeah, that's fine.

10 MR. WRIGHT: -- other CRASH organizations,
11 since he is a CRASH officer, and maybe he has --
12 maybe he knows about other CRASH divisions. And if

13 he doesn't, he doesn't. Is that okay?

14 MR. MC KESSON: That's fine.

15 MR. ROSENTHAL: Oh, sure.

16 BY MR. WRIGHT:

17 Q Do you want me to repeat the question?

18 A Sure.

19 Q Do CRASH officers ever take any mementos
20 that they recover from gang members and keep them at
21 home, in a locker room, in a locker? And if so,
22 what kinds? Guns? Bandannas? Belt buckles?

23 A That question is easily answered by simply
24 walking into a CRASH office. If you walked into
25 Rampart CRASH office, and you looked on the wall,
3107

01 you would see a sweatshirt, a black sweatshirt, with
02 gray writing on it, that said "18th Street." That
03 came off of a suspect, a gang member.

04 You would look on the wall, and you would
05 see every gang member -- gang that was in the
06 division -- a hat representing that gang. Those
07 hats came off of suspects.

08 You would see a desk lined with belt
09 buckles with as many gangs as we can get their belt

10 buckles. Those belt buckles are taken off of
11 defendants, gang members.

12 All of the above, everything you said,
13 guns, belt buckles, T-shirts -- it's sort of like,
14 you know, mementos. You're absolutely right. Do we
15 keep them for personal use at home? No. Guns? We
16 may keep them, may even take them home for a later
17 day to, you know, plant them on another suspect or
18 another gang member. But yes, very often.

19 You can go to 77th Division right now, and
20 you will see every type of red bandanna, blue
21 bandanna. Every type of different gang pictures
22 that are seized from gang members. Hats, everything
23 you can think of, buckles. Those things are seized
24 from gang members as mementos and kept by officers
25 in their offices. I mean, it happens all the time.

3108

01 MR. ROSENTHAL: If we were to, for example, go
02 into the homes of any of the Rampart CRASH officers
03 that you're aware of, would you expect us to be able
04 to find any of these mementos, just as personal
05 mementos? Or do you think that they were basically
06 always kept at the Rampart CRASH offices?

07 THE WITNESS: Durden, Cohan, Buchanan, those
08 three officers, yes. I would say you might even
09 find some T-shirts, maybe a hat, a sweatshirt,
10 something like that. The rest of the officers,
11 I doubt they would take anything home.

12 MR. ROSENTHAL: Why these particular three?

13 THE WITNESS: They were into that, you know.
14 They were -- not just because they were young
15 officers, but they were busy officers. I mean, they
16 were well into the CRASH thing. And they were
17 always into, you know, "Oh, I got a hat. Look at
18 this hat I took from this guy," that type of thing.

19 So a sweatshirt -- I wouldn't be surprised
20 to see that Durden kept a sweatshirt that belonged
21 to a Temple Street gang member, no.

22 BY MR. WRIGHT:

23 Q The next question I have -- and I want to
24 throw this open to the crowd.

25 MR. ROSENTHAL: Well, actually, let me just ask

3109

01 a follow-up on that. I'm sorry.

02 MR. MC KESSON: I'll answer it.

03 MR. ROSENTHAL: Let me ask you this --

04 MR. WRIGHT: I want to know if it's an okay
05 question to ask.

06 MR. ROSENTHAL: Everything is okay to ask.
07 It's not a problem.

08 MR. WRIGHT: Okay.

09 MR. ROSENTHAL: The question I've got on this,
10 though, is when you say that -- you said it was
11 Cohan, Buchanan, and Durden -- those were the three?

12 THE WITNESS: Right, uh-huh.

13 MR. ROSENTHAL: Is that conclusion that we
14 might potentially find these items at their homes --
15 is that based upon your general knowledge of the
16 types of officers they were and the types of things
17 they did? Or do you have any specific knowledge of
18 having gone to their homes and actually seen them in
19 their homes or perhaps seen them take items home?

20 THE WITNESS: Yes to just one. I've worked
21 with Officer Durden for quite some time. I've never
22 gone to Officer Durden's home. But if you were to
23 go to Officer Durden's home, I would venture to
24 guess that he is sort of like a rat pack, collects
25 everything. He's into collecting toys and computer

01 toys and gadgets. That's the type of, you know --
02 the type of person he is -- not officer, but person.

03 Well, that person kind of trickles over
04 into the officer. And so it wouldn't surprise me
05 for him to be collecting memorabilia and stuff from
06 gang members.

07 The other two officers, as well as Durden,
08 it's just based on how I know them, you know, the
09 period of time that I've known them, and the type of
10 officer that they are. And I've worked with them,
11 you know, many, many, many months, so I know the
12 type of officers that they are.

13 MR. ROSENTHAL: Okay. I'm sorry.

14 BY MR. WRIGHT:

15 Q Were any of those items taken without
16 probable cause? Would they have been just their
17 contacts? Would they have just taken them without
18 the other person's -- without the suspect's
19 knowledge?

20 A With or without. I mean --

21 Q And I'm talking about --

22 A In CRASH we would -- I mean, it just
23 didn't matter. I mean, if somebody had a hat we

24 wanted, we'd just take the hat. What's he going to
25 do? I mean, that's the type of attitude that we
3111

01 had.

02 I mean, sometimes it may be when, you
03 know, they're getting arrested, and they had a hat,
04 we just don't book the hat. We just keep it and put
05 it up in the office. The belt buckle, same thing.
06 We just don't book it with his property and put it
07 up on the wall.

08 But yeah, both, you know, in both
09 directions, with their knowledge and the without
10 their knowledge.

11 MR. ROSENTHAL: With their permission and
12 without their permission?

13 THE WITNESS: Right.

14 MR. ROSENTHAL: I tend to think it would be
15 hard to take somebody's belt buckle or hat without
16 their knowledge.

17 THE WITNESS: Right.

18 MR. ROSENTHAL: Okay.

19 BY MR. WRIGHT:

20 Q I want to ask you some questions now about

21 the Rampart CRASH Protocol.

22 First of all, do you recall how many pages
23 the Rampart CRASH Protocol is?

24 A I don't remember how many pages. I know
25 it was many pages. I couldn't tell you. I couldn't
3112

01 tell you how many pages it was.

02 Q Well, how would you describe it? It would
03 would be a thin booklet? A thick booklet, or what?

04 A I would characterize it as a booklet with
05 probably more than 10 pages. It had no cover on it.
06 It was just sheets of paper.

07 Q What would it be called? Would it be
08 called the Rampart CRASH Protocol, or what?

09 A Yes, sir.

10 Q Do you know what is the common practice --
11 let's just stick with Rampart CRASH. What is the
12 common practice, as far as how long you're going to
13 keep this Protocol?

14 A You keep it as long as you're in the unit.
15 I mean, there's some things that you may forget. I
16 mean, and some things are -- like some of the issues
17 on there may have not been Department policy

18 protocols. They were protocol for the CRASH Unit.

19 I mean, we had right down to misconducts
20 that can get you thrown out of the unit. You are
21 disloyal to the unit, that's automatic barred from
22 the unit. You're going to get kicked out. You
23 bad-mouth the unit, you're gone. Certain other
24 things were, you know, not as severe.

25 But we covered everything from where are
3113

01 we going to snoop up, meaning if -- when we talk on
02 the radio, we don't want to let other people know
03 what we're doing. So I may snoop up south over the
04 air, and everybody knows to meet me at the Pep Boys
05 down on Washington. Snoopy north, they know where
06 they're going to meet me.

07 Right down to what frequencies that we're
08 going to use that we know no one else is listening
09 to, how we're going to handle crime scenes, all of
10 those things are covered in the Protocol.

11 Q So within the Protocol, are you saying
12 that there are statements which say something to the
13 effect of, if a Rampart CRASH officer is disloyal,
14 then this is what would happen?

15 A Absolutely. Yeah. I forget the word that
16 was used, but it was dishonor -- sort of like
17 dishonoring the unit or bad-mouthing the unit. It
18 was one of those things that was really important to
19 Ortiz because there was -- there began to be little
20 cliques within the CRASH Unit.

21 (Discussion off the record)

22 MR. ROSENTHAL: First of all, it doesn't go off
23 the record, basically, until I say it's off record.
24 So that's on the record. You left off at --

25 (Record read)

3114

01 THE WITNESS: There began to be cliques within
02 the unit, and people bad-mouthing several other
03 members of the CRASH unit to patrol people. And
04 that became a real hot issue and big issue within
05 the CRASH Unit.

06 So even within our Protocol -- our
07 Protocol would be sort of updated -- if that's the
08 right word to use -- like, another page would be
09 added to it and handed out.

10 So everything was on there, was covered on
11 that Protocol. And everything that concerned you

12 within the CRASH unit, whether it's the junior man
13 at a scene is handling a scene, it's his scene.
14 Just because you're the P-III doesn't mean, "Oh, I'm
15 not doing what you're telling me."

16 It was very strict, you know. You are in
17 charge of a scene. You assigned officers whatever
18 you want them to do. You're in charge of that
19 scene. Handle it. If you can't handle it, then
20 it's going to be taken from you. But you are looked
21 at that you should be able to handle it.

22 And then it talks about how officers are
23 going to conduct themselves in patrol -- around
24 patrol officers. Whether it's -- there's a search
25 of a building and there's some patrol officers there
3115

01 that want you to go do a search with them. Well,
02 you're not going to do it, not as a CRASH officer.
03 You tell them, "Listen either you get all patrol
04 guys or you let me do it with my CRASH guys."

05 Things like that. All these things are
06 covered in that Protocol.

07 BY MR. WRIGHT:

08 Q Do you know who would write this Protocol?

09 Who told -- who said this Protocol should be
10 created?

11 A The actual author, the main author, of the
12 Protocol was Sergeant Ortiz. There was issues or
13 items put into the Protocol at the time of its
14 publishing by some of the senior officers in the
15 unit, certain things that needed to be in there that
16 might have been omitted. And Sergeant Ortiz looked
17 for our direction.

18 Q Would this Protocol be written or typed?

19 A It was typed, computer typed.

20 Q Do you know who would type it?

21 A From what I understand, Ortiz typed it.
22 I believe -- and I'm not certain, but I -- from what
23 I remember, I think he might have had a girlfriend,
24 or somebody might have typed it up for him.

25 MR. ROSENTHAL: So you wouldn't know what
3116

01 computer would have been used to prepare it?

02 THE WITNESS: No, sir.

03 BY MR. WRIGHT:

04 Q Or would it have been a computer?

05 A It was definitely a computer typed -- it

06 wasn't, like, a typewriter. It a computer typed
07 printing.

08 Q Okay. Do you know if this Protocol would
09 have been typed up at the station or typed at home?

10 A I don't know, sir.

11 Q Okay.

12 A I don't know where it was typed.

13 MR. ROSENTHAL: Where did you keep your
14 Protocol?

15 THE WITNESS: From what I -- what I last
16 recall, it would have either been in my war bag on
17 top of my locker, at -- my locker, the one I had at
18 Rampart. It might have been inside of a posse box
19 inside my locker at Rampart.

20 MR. ROSENTHAL: Did you ever take it home?

21 THE WITNESS: It's possible that I may have
22 taken it home during several stages of moving from
23 Rampart, the patrol locker room, to the detectives
24 locker room. I cleared out a bunch of things out of
25 my locker, and I may have taken some paperwork home.

3117

01 But I'm not 100 percent positive that I did. I

02 mean, it's possible.

03 MR. ROSENTHAL: Do you know whether other
04 officers may have taken their Protocols home?

05 THE WITNESS: I mean, one of the biggies was
06 you don't leave this Protocol laying around. So is
07 it possible? Of course, it's possible they could
08 have taken it home. I would -- I mean, my thing
09 would be -- I'm assuming they would keep it in their
10 locker or somewhere where they could get to it.

11 BY MR. WRIGHT:

12 Q People were told to keep this Protocol in
13 a safe place?

14 A Definitely. I mean, it's sort of like --
15 any time you game-plan something, you don't leave
16 copies of your search warrant laying around. Well,
17 the Protocol was definitely one of those things
18 that -- no one else is to see this, other than the
19 CRASH officers.

20 It's just like some of the meetings we
21 had. What we have this -- the meetings that we
22 have, no one is to know about this. These are our
23 meetings, and it's not supposed to go anywhere else.

24 Q And when people left Rampart, how would
25 the Protocols be --

3118

01 A Things would --

02 Q No. How would they -- how would people
03 get the Protocols back? How would Sergeant Ortiz or
04 another supervisor --

05 A You don't. It's sort of like -- the CRASH
06 Unit is sort of like the Marine Corps: Once a
07 marine, always a marine. Once you're a CRASH
08 officer, you have almost every right.

09 If -- let's say you're Officer Graham, and
10 he's left CRASH two years ago, and he wants to come
11 to CRASH and look through "I" cards, "Absolutely,
12 Officer Graham. Come on in. No problem. You're
13 part of the," you know, "brother" -- you know,
14 "brother CRASH officers."

15 Let's say it's Officer Orpin from patrol,
16 "I'd like to come in and see something." "Whoa.
17 Whoa. Hold on. Hold on. What do you want to see?"
18 You know what I mean? "I'll get it for you. No,
19 you can't come in this office." Or you know, "What
20 do you need? Why are you looking at our files?"
21 that type of thing. I mean, it's totally different.

22 Q Well, would Lucy Diaz -- would she have

23 been given this Protocol?

24 A She'd have one, yes.

25 Q Did -- was there anyone that did not get

3119

01 one?

02 A From the time I was there?

03 Q Yes.

04 A Every officer that comes to Rampart CRASH
05 should and will get a Protocol.

06 Q Even the ones that you -- that the unit --
07 that the CRASH unit may not trust?

08 A They get a Protocol.

09 DETECTIVE SHAW: Who gave them the Protocol?

10 THE WITNESS: It depends. The initial handing
11 out, obviously, of the Protocol is by Sergeant
12 Ortiz -- was done by Sergeant Ortiz. The subsequent
13 ones that were passed out -- let's say we received
14 three or four new guys. Myself or one of the senior
15 guys in the unit would make copies and make sure
16 that they received a copy of that Protocol. Sort
17 of, you know, getting them locked on as to what goes
18 on here, how we do it, things like that. So I would
19 supply him with a copy of the Protocol, or

20 Richardson, or one of senior guys.

21 MR. ROSENTHAL: Does the court reporter know
22 the name of the person who asked that question?

23 DETECTIVE SHAW: Shaw, S-h-a-w.

24 Do you have -- do you remember anyone
25 specifically that you gave the Protocol to, thinking
3120

01 back?

02 THE WITNESS: I know I've passed them out
03 because I've made -- I've made copies of them
04 before, and I've handed some out. Who the officers
05 were? I couldn't tell you right now.

06 DETECTIVE SHAW: I just have a recollection
07 that you specifically worked with Officer
08 Duarte-Argomaniz. She was your partner. Do you
09 remember whether you gave her a Protocol?

10 THE WITNESS: Do I have a specific
11 recollection of giving her one? No. Would I have
12 been the officer to give her one? Yes. Would I
13 have given Durden one? Yes. Do I have the specific
14 recollection of giving it to them? No.

15 Officer Arujo, I would have been the one
16 to give it to him. Officer Tovar, I probably would

17 have been the one to give it to him. Several
18 officers, I would have been the one to give it to
19 them because I was either instrumental in getting
20 them in the unit, or I trained them when they got
21 into the unit. So I would have been the one giving
22 the copies and things like that.

23 BY MR. WRIGHT:

24 Q Would you have ever given the Protocol to
25 non-CRASH officers?

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01 A Never. Never. You don't even talk about
02 it. It doesn't exist.

03 MR. WRIGHT: All right. That's all I have on
04 that particular subject, unless anyone else has any
05 questions on that subject.

06 MR. ROSENTHAL: Okay.

07 BY MR. WRIGHT:

08 Q The last subject is the field officer
09 notebook. You kept a field officer notebook; is
10 that right?

11 A Yes, sir.

12 Q And are officers, CRASH officers -- are
13 they trained to keep their notebooks? What is the

14 reason that -- if there is a reason -- for CRASH
15 officers to keep a notebook?

16 A Personally, I was a terrible
17 administrative person. You keep the field officer's
18 notebook because you put a lot of different
19 information in there, from informants that you meet
20 out on the street and you write their pager number
21 or phone number, to just crime information.

22 Let's say you -- you get told in roll call
23 this person is wanted, this vehicle, this license
24 plate, you write all that stuff during roll call in
25 your field officer's notebook, if you're a good
3122

01 administrative police officer, and you take copious
02 notes. Not everyone does.

03 I know Officer Liddy probably writes more
04 notes in his field officer's notebook than anybody
05 I have ever known. I mean, every day he writes at
06 least two or three pages worth of stuff. Some
07 officers are like that. Others are not. I mean,
08 I wrote the bare minimum, whatever I needed.

09 Generally, you wrote in there what unit
10 you're working, the date, who your partner might

11 be -- what unit you're working, things like that.

12 But you are encouraged to keep them, even
13 by the D.A.'s office, because some stuff in there
14 may be admissible later. Let's say you said you
15 received some information -- and you wrote it in
16 your field officer's notebook -- about a wanted
17 person, and you referred to your field officer's
18 notebook. You may want to have that field officer's
19 notebook later to show your probable cause.

20 Q So would this particular field officer
21 notebook -- would it be considered important to keep
22 by a CRASH officer?

23 A Do we have roll call training to say it's
24 very important to keep your field officer's
25 notebook? No. Do officers know that, you know,

3123

01 maintain a field officer's notebook? Yeah.

02 Q Would gang intelligence be contained in
03 the field officer notebook?

04 A Yes, sir.

05 Q What about complaints that a gang member
06 might make towards a CRASH officer, do you think a
07 CRASH officer might keep that kind of information in

08 his gang -- in his field officer notebook?

09 MR. MC KESSON: Can you read that question

10 back, please?

11 (Record read)

12 MR. MC KESSON: Gilbert, are you talking about

13 formal complaints that an officer may be interviewed

14 on? Are you talking about if you bust a gang

15 member, and a gang member complains about something

16 or complains -- I'm not clear when you say

17 "complaints," because it's formal complaint process.

18 MR. ROSENTHAL: I'm assuming from the question

19 that what he's asking is, if a gang member would

20 come up to you while you're on duty, make a

21 complaint about another officer, would you write it,

22 potentially, in your notebook? Is that right?

23 MR. MC KESSON: Is that what you are talking

24 about, Gilbert?

25 MR. WRIGHT: Or --

3124

01 MR. MC KESSON: See, the reason I'm saying --

02 MR. WRIGHT: -- or all of the above.

03 MR. ROSENTHAL: It's an open question.

04 MR. WRIGHT: All of the above.

05 MR. MC KESSON: So if he -- so for example, if
06 he's interviewed by Sergeant Ortiz because somebody
07 else -- some gang member had a complaint about him,
08 is that something that he may write in his field
09 officer notebook?

10 MR. WRIGHT: Yes.

11 MR. MC KESSON: That question.

12 THE WITNESS: I personally, no. I mean, it's
13 not -- it's not something I need to write in my
14 notebook. I mean, unless there's something
15 specific, a name or a moniker that somebody gave me
16 a hint towards, "This guy made a complaint," or
17 "He's one of the witnesses," I might write it on
18 there, something like that.

19 Or I mean, I know there was an instance at
20 one point -- and we've talked about it -- where it
21 was a big, major complaint at Rampart, and there was
22 three or four witnesses that were known. And
23 officers were looking for them to get them deported.
24 Those names might be written on there.

25 But specifically, you know, obtained -- or
3125

01 maintaining information in your field officer's

02 notebook about personnel complaints, no.

03 BY MR. WRIGHT:

04 Q That's, I think, what I was thinking of,
05 that particular example.

06 MR. ROSENTHAL: Okay. Wait. The one you
07 just referred to, was that the William Penn Hotel
08 incident, the tire slashing incident?

09 THE WITNESS: Yes, sir.

10 MR. ROSENTHAL: Okay.

11 THE WITNESS: Yes, sir, things like that,
12 where we're looking for -- you know, a big complaint
13 was brought up; three gang members are listed as
14 witnesses that are going to be interviewed by
15 Internal Affairs; somehow this information comes
16 down to us, and now we're out looking for them to
17 deport them, get their minds right, or get them out
18 of the area or arrested or whatever. We might keep
19 that information in our notebook, but not
20 specifically just a personnel complaint.

21 BY MR. WRIGHT:

22 Q And hypothetically, if a gang member were
23 to come up to you -- I think one of the examples
24 Mr. McKesson might have given -- if a gang member

25 were to come up to you and say, "Hey, I just want to
3126

01 let you know that a certain officer in CRASH has
02 done something to me that I thought was unwarranted,
03 and I'm upset about it," or maybe it may have left
04 you with the impression they may make a complaint,
05 would you make a note of that?

06 A I personally wouldn't.

07 Q Okay.

08 A I may contact the officer or -- I just
09 don't see myself writing it in my field officer's
10 notebook.

11 MR. WRIGHT: Okay. I believe that I am
12 through.

13 MR. ROSENTHAL: Well, actually --

14 MR. WRIGHT: One thing that Mr. Perez, in
15 response to one of these questions -- I had wanted
16 to just follow up on, if I could.

17 MR. ROSENTHAL: Let me just ask a question
18 though.

19 As far as the field officer notebooks,
20 where would you normally keep yours?

21 THE WITNESS: I would generally keep it in my

22 locker, in my -- at the police station.

23 MR. ROSENTHAL: Would you ever take them home?

24 THE WITNESS: Some officers keep a small

25 little duty bag -- is that what they're called?

3127

01 Duty bags? -- a little war bag, the little miniature

02 ones, the one you kind of put your gun in if you

03 want to and your badge and your -- every once in a

04 while, you know, just getting undressed at the end

05 of the day, you might take your field officer's

06 notebook and throw it in your duty bag and so you

07 take your duty bag home with you, so yeah.

08 Generally, you keep it in your locker.

09 You use it every day, so you keep it in your locker

10 to use every day.

11 MR. ROSENTHAL: What about when you change

12 divisions or units? What would you do if -- for

13 example, you're in CRASH, you've got all these field

14 officer's notebooks -- and I assume, you know, you

15 might use one up in a period of a week or two maybe?

16 THE WITNESS: No. I'd say --

17 MR. ROSENTHAL No?

18 THE WITNESS: I'd say one would probably last

19 you two months.

20 MR. ROSENTHAL: Okay. So you're in CRASH for
21 two years.

22 THE WITNESS: Yes, sir.

23 MR. ROSENTHAL: Now you're talking about 12
24 field officer notebooks. You're done with CRASH.
25 You're now going to patrol somewhere, vice, what
3128

01 have you. What would you do with these 12 field
02 officer notebooks? Or what would other officers do,
03 if you know?

04 THE WITNESS: Probably keep them all the way
05 in the back of their locker. Like I said, a good
06 administrative officer would maintain those records
07 that soundly. Me, myself, I mean, I probably
08 maintained maybe one, you know -- or one and the one
09 I may have just finished. I don't think I would
10 keep records that far back.

11 MR. ROSENTHAL: So you just trash them at some
12 point?

13 THE WITNESS: Yes, sir. Yes, sir.

14 BY MR. WRIGHT:

15 Q How big are these notebooks?

16 A About the size of that tape recorder
17 there, maybe five inches by three-and-a-half inches.

18 MR. ROSENTHAL: Little spiral notebooks?

19 THE WITNESS: No. It's like a binded -- like
20 a binder -- or what do you call it? It's sort of
21 just binded on the top, and it's a flip-up, binded.

22 MR. ROSENTHAL: Oh, that's right.

23 BY MR. WRIGHT:

24 Q The final question that I have -- and if
25 it's been asked before, let me know and -- just let

3129

01 me know.

02 You indicated there might -- there are
03 some ways you might find out about formal complaints
04 made against officers. What are those ways?

05 A I'll just give you an example. Sergeant
06 Ortiz works Rampart CRASH. Sergeant Ortiz leaves
07 Rampart CRASH and is assigned now to the 1.81 unit,
08 the Personnel Complaint Unit. A complaint comes in,
09 let's say, through Internal Affairs, and they send
10 it down to our 1.81 unit. Ortiz receives all the
11 preliminary information, they got this witness, that
12 witness, that person, this person, who is making a

13 complaint against Perez regarding this.

14 Sergeant Ortiz is going to give me a call,
15 tell me, "Hey, listen, I'm going to end up doing
16 this complaint. But this guy made a complaint
17 against you. They got this person and that person
18 and that person, who are supposedly witnesses and
19 are going to be giving statements. So I'm giving a
20 heads-up. Do what you gotta do. Get your stories
21 straight. Get with your partner, make sure your
22 stories are straight."

23 Say, for example, Sergeant Hoopes --
24 Sergeant Hoopes is a captain's adjutant. A lot of
25 the complaints come in through him. Sergeant Hoopes

3130

01 would give us a call or meet us at the roll call --
02 the roll call for that day and talk to several
03 officers that are involved, "Hey, listen, a
04 complaint's coming down." This and that, you know,
05 all the specifics of the complaint.

06 And it just goes on and on. You know,
07 Sergeant Roller, R-o-l-l-e-r, he worked the CRASH
08 unit. Now he's working the 1.81 unit. You know,
09 Sergeant Byrnes -- and just different supervisors

10 that have worked CRASH, or maybe really good
11 friends with CRASH supervisors. They're going to
12 give us the heads-up.

13 I don't -- I don't know of one complaint
14 where -- that I had that I wasn't given the heads-up
15 on, had time to corroborate my story with my partner
16 and handle it, you know, the best we knew how.

17 Q So you know specific instances -- and it
18 sounds like there's numerous instances -- where you
19 would be -- you would make -- you would be made
20 aware or other CRASH officers who had complaints
21 made against them would be made aware that there
22 were formal complaints made against them?

23 A Yes.

24 MR. WRIGHT: That's a long question. I
25 apologize. I don't have anything further. I would
3131

01 like to say something off the record, if that's
02 permitted.

03 MR. ROSENTHAL: All right. We'll go off the
04 record.

05 (Recess)

06 MR. ROSENTHAL: We're back on the record.

07 It's 1:43 in the afternoon. And we've got
08 some new detectives, Detectives Mahoney and Shaw, to
09 discuss a new case.

10 So why don't you guys go ahead.

11 DETECTIVE SHAW: Okay. For the record here, we
12 have -- it's April 26th. It is 1345 in the
13 afternoon. We are on tape number 230606. And
14 myself, Detective Shaw, number 25588, and Detective
15 Mahoney, number 24038, and we have -- we're
16 interviewing Former Officer Ray Perez, and he's here
17 with his counsel, Mr. McKesson. Deputy District
18 Attorney Richard Rosenthal is here. Sergeant John
19 Cook is here, and we have --

20 SERGEANT ORPIN: Sergeant Debbie Orpin.

21 DETECTIVE SHAW: -- is also here.

22 MR. ROSENTHAL: Before you begin, let me
23 mention the case numbers, if I may.

24 DETECTIVE SHAW: Yes.

25 MR. ROSENTHAL: This is going to relate to the

3132

01 case of People versus Clinton Harris, case number
02 BA140224. And this is D.R. number 960236364.

03 Go ahead.

04

05

EXAMINATION

06 BY DETECTIVE SHAW:

07 Q Okay. And before we get started, on the
08 record, I showed you a booking photograph of Clinton
09 Thomas Harris. The booking number is 5012820, dated
10 10/22/96, and along with that, an arrest report for
11 this arrest.

12 Basically, what do you remember about this
13 arrest?

14 A What I don't remember about the arrest is
15 when we got to the building, why specifically we
16 went to that -- I know why we went to the building.
17 What I don't specifically know is why we went into
18 that apartment. I don't know if it was based on
19 some paperwork or something that we found with that
20 address in the car or something like that.

21 But I know we went to the location. I
22 know we had an apartment to look into. But why we
23 went to this apartment, I don't recall.

24 I know when we went there and we knocked
25 on the door -- and there was an older gentleman, as

3133

01 well as Mr. Harris there. I know on the report it
02 said that he came to the front door and said, "Yeah,
03 how much do you guys want?" or something like that.
04 That was fabricated.

05 I know on the report it says that he came
06 to the front door, and we observed a butt of a
07 weapon or something like that in his front waist
08 band. That is also fabricated.

09 We had to have some type of knowledge that
10 there was some type of narcotics activity going on
11 there. Otherwise, we wouldn't have even bothered.
12 I know we went into the location without any
13 permission to search or any permission to come in.

14 And exactly -- I can picture the room.
15 What I do remember specifically was that there was a
16 couch and a long glass table, and the gun was on the
17 glass table. There was also, I think, a rifle
18 found. I can specifically remember that.

19 I specifically remember finding out that
20 the guy said he was on some type of -- he was an
21 ex-con. He had been convicted before. And we
22 decided we were going to take him. I think we were
23 right in the middle of another arrest, and we

24 decided we were just going to take him too. And we
25 ended up booking him as an ex-con with a gun.

3134

01 MR. ROSENTHAL: Let me just ask this: Could we
02 establish, why is it -- how is it that this case, in
03 particular, came to our attention?

04 DETECTIVE SHAW: This came to our attention
05 because the arrest happened on the same night as the
06 Daniel Carrillo arrest, and this is a neighbor of
07 where Daniel Carrillo lived.

08 MR. ROSENTHAL: And Daniel Carrillo is the
09 individual from whom the gun was obtained to plant
10 on Miguel Hernandez?

11 DETECTIVE SHAW: Correct.

12 MR. ROSENTHAL: Let me just ask this:
13 Mr. Perez, do you recall having seen this report
14 before, on Clinton Harris?

15 THE WITNESS: I've seen it before.

16 MR. ROSENTHAL: Okay. Was this one that you
17 would have pulled out for further discussion?

18 THE WITNESS: I don't think I saw it the first
19 time. I've seen it another time, not too long ago.
20 But whether -- are you asking me if I saw it the

21 first, initial time? I don't remember seeing it
22 then.

23 MR. ROSENTHAL: Okay. So you don't recall
24 taking a look at this report when the R.H.D.
25 detectives initially brought over all of the reports
3135

01 for you to look at?

02 THE WITNESS: I don't know if I did or didn't.

03 MR. ROSENTHAL: Okay.

04 THE WITNESS: I don't remember seeing it.

05 MR. ROSENTHAL: But from having looked at it
06 now, it is your memory that the report does contain
07 some false observations?

08 THE WITNESS: Yes.

09 MR. ROSENTHAL: Okay. And that includes the
10 defendant did not say, "What do you need?" when he
11 opened the door, and you did not observe the handle
12 of a semi-automatic weapon protruding from his front
13 waist band at the time?

14 THE WITNESS: That's absolutely fabricated,
15 yes.

16 MR. ROSENTHAL: Is there anything else in the
17 report that's false? Do you need to take a look at

18 it again?

19 THE WITNESS: I think there is a statement
20 attributed to him, a spontaneous statement, saying,
21 "I knew I shouldn't have bought that gun," somewhere
22 towards the bottom of the report.

23 MR. ROSENTHAL: Yes. It says -- under
24 "Statements" it says, "While being transported to
25 Jail Division for booking, the defendant, without
3136

01 being asked any questions, stated," quote, "'Damn.
02 I knew I shouldn't have bought that gun. The only
03 reason I got it is because he sold it to me for 40
04 bucks,'" end quote.

05 THE WITNESS: That didn't occur.

06 MR. ROSENTHAL: Okay. Go ahead.

07 BY DETECTIVE SHAW:

08 Q Okay. I have in front of me a Daily Field
09 Activities Report dated October 22nd, 1996, and
10 Durden and Perez are listed at the bottom under the
11 officer names. I'm going let you review this to
12 have it recall your memory. And basically, the
13 pertinent stuff probably starts on line E, "Where
14 Sunset and Bonnie Brae."

15 A Okay, sir.

16 Q Okay. And I'm also going to show you an
17 eight-by-ten of a booking photo, 5012829, dated
18 10/22/96. And this is of Daniel Carrillo.

19 A Yes, he is.

20 Q Does that refresh your memory about how
21 you ended up getting to Hartford?

22 A I know that we believed that that was
23 where he lived, Mr. Carrillo. What I'm having a
24 problem remembering is how we ended up in that
25 particular apartment. But I know that we had
3137

01 arrested him. He delivered some narcotics on Bonnie
02 Brae, I believe. He delivered some narcotics on a
03 call-out that we did. He showed up; we arrested
04 him.

05 We later -- after -- while transporting
06 him, we recovered a Beretta 92F from his -- I guess
07 he took it out of his rear waist band and put it
08 into the cushion, the seat portion of my Taurus,
09 Ford vehicle.

10 Q Okay. Also letting you review -- there,
11 as part of the arrest report, was a consent to

12 search form. And just having you review that, do
13 you remember Mr. Herndon giving you consent?

14 A I had Mr. Herndon sign this, yes.

15 Q Okay. Is that your signature at the
16 bottom?

17 A That's my signature -- Sergeant -- yes,
18 that's my signature. And the top portion of the
19 consent to search is all filled out in my
20 handwriting as well.

21 Q Okay. Now, at the bottom where it says
22 "Sergeant Ortiz as witness," do you remember
23 Sergeant Ortiz being at the scene?

24 A I don't remember him being at the scene.
25 That is his signature. Do I remember him at the
3138

01 scene? No, sir.

02 Q Do you remember him signing it later or
03 that -- that's not you signing his name or anyone
04 else, that's Sergeant Ortiz' signature?

05 A That's his signature, yes.

06 DETECTIVE MAHONEY: Now, was that signed
07 before or after you had entered the room and seized
08 the guns?

09 THE WITNESS: Long after.

10 DETECTIVE MAHONEY: Long after?

11 THE WITNESS: Yes, sir.

12 BY DETECTIVE SHAW:

13 Q Now, trying to think back, there was a
14 search done on that same evening of Daniel
15 Carrillo's apartment. Do you remember whether
16 Carrillo's search was done, of his apartment -- the
17 search of Carrillo's apartment was done before or
18 after the apartment you entered, the apartment for
19 Mr. Clinton Harris?

20 A I don't recall. I cannot remember whether
21 we went there first or after.

22 DETECTIVE MAHONEY: When you went back to
23 Hartford, did you guys take Carrillo with you to do
24 the search, or did you go without him? Was he at
25 the station?

3139

01 THE WITNESS: He was at the station.

02 DETECTIVE MAHONEY: So the 92-F had already
03 been recovered when you went to Hartford to search
04 his apartment?

05 THE WITNESS: Yes, sir.

06 BY DETECTIVE SHAW:

07 Q Do you remember anyone being at Carrillo's
08 apartment?

09 A I do not. I'm not saying there was nobody
10 there, but I don't remember whether there was
11 somebody there or not.

12 Q Do you remember which officers went to
13 Hartford with you?

14 A We had probably six officers involved in
15 this operation with us. Which ones went with us and
16 which ones transported, I don't recall. I know we
17 had -- we had about six officers.

18 Q Okay. Now, the gun we earlier discussed
19 was on a tabletop, on a glass table. Do you
20 remember who found the gun or observed the gun?

21 A Durden recovered the gun.

22 Q Okay. And do you remember any other
23 officers in the apartment during the search, and who
24 found the rifle and where?

25 A That, I do not recall. I don't remember

3140

01 seeing Sergeant Ortiz. I remember going in. I
02 remember finding -- or Officer Durden finding the

03 weapon. I remember us talking to the old -- he was
04 a very dark-skinned old man, very wrinkled -- old,
05 dark-skinned. I think he might have been disabled
06 or something, couldn't walk very well or something.

07 But I just cannot -- I mean, I know that
08 we had about six total officers working with us
09 during this whole thing. We were going from one
10 apartment to another. But who it was that might
11 have went with us to this particular apartment,
12 I just don't recall.

13 Q Now, the actual making entry into the
14 apartment, do you remember whether it was the old
15 man you just described, whether he's the one that
16 opened the door or called through the door?

17 A I know we knocked, and the door was
18 opened, and we walked right in. Who might have
19 opened it -- no, you know what, I think it was the
20 old man, because I think the Harris guy was sitting
21 on the couch, back like this, when we walked in. It
22 was the old man that answered the door.

23 Q Okay. And do you remember whether it was
24 officers that actually turned the door and opened
25 the door, whether you knocked and it opened, or was

3141

01 the door physically opened or --

02 A No. I think we knocked, the door came
03 open, and we just pushed it all the way in and made
04 our way in.

05 Q And it was the older gentleman that kind
06 of met you?

07 A Yes, sir.

08 DETECTIVE MAHONEY: At this point you can't
09 recall why exactly you wanted to get into that
10 apartment?

11 THE WITNESS: No.

12 DETECTIVE MAHONEY: Is it possible maybe
13 Carrillo gave you some information that the guy next
14 door was selling dope too?

15 THE WITNESS: It's possible. We had -- we
16 would have had to have some kind of information to
17 just go there. I mean, I wouldn't just arbitrarily
18 pick an apartment to go into. I just cannot
19 remember -- especially having two capers going on at
20 one time. I know it had to be related because here
21 we are in the same apartment, you know, one
22 apartment over.

23 (Discussion off the record)

24 DETECTIVE MAHONEY: Do you know who wrote the
25 arrest report?

3142

01 THE WITNESS: I believe Officer Durden wrote
02 the report.

03 DETECTIVE MAHONEY: His name is at the top,
04 which usually indicates that he would be the author.

05 THE WITNESS: From reading the report
06 originally, I believe it said Officer Durden was the
07 author. Yes, Officer Durden wrote the report.

08 MR. ROSENTHAL: For the record, the defendant
09 appears to have never been arraigned on this and
10 would be a fugitive. So there's been no conviction,
11 no preliminary hearing, no arraignment on this case,
12 according to the D.A. file.

13 Do you need to go off the record for a
14 moment?

15 DETECTIVE SHAW: Yeah.

16 MR. ROSENTHAL: Let's go off the record.

17 DETECTIVE MAHONEY: Okay. Off the record.

18 The time is 1359.

19 (Discussion off the record)

20 MR. ROSENTHAL: It's 1:59. We're back on the
21 record.

22 Okay. Why don't you go ahead and ask your
23 questions.

24 BY DETECTIVE SHAW:

25 Q Okay. We're back on record. And we're
3143

01 talking about the initial arrests that occurred at
02 Sunset and Bonnie Brae, and then your follow-ups,
03 which were to Rampart Detectives and to Hartford.

04 Do you remember whether or not you --
05 Daniel Carrillo, and that whole incident, you
06 remember dropping him off at the station and then
07 making the follow-up? Or how did the events occur?

08 A Carrillo was taken into custody on Bonnie
09 Brae at around 2200 hours, transported by us from
10 there to Third and Detectives. As we were taking
11 him out of the car, I recovered the gun from the
12 right rear side of the vehicle.

13 MR. ROSENTHAL: Hold on one second. This
14 relates to the arrest of Daniel Carrillo. D.R. is
15 number 960236307. Case number is BA140178. And
16 this has been discussed before because it relates to

17 the gun plants on Miguel Hernandez, which was D.A.
18 number BA140249.

19 Okay. Go ahead.

20 THE WITNESS: While at Detectives, getting him
21 out of the vehicle, I recovered the gun from the
22 right -- I'm sorry, left rear passenger seat. As
23 I'm taking him out, I found the gun there. I showed
24 it to Durden.

25 I remember taking the magazine out, and
3144

01 the bullets were, like, silver-tipped bullets, so we
02 knew it wasn't a police officer's gun. You know,
03 because I immediately checked to see, did I drop my
04 gun? Because it looked exactly like a police
05 officer's gun.

06 I remember we put it in the back of the
07 car and went and put him in the tank, interview
08 room, and continued to do what we had to do.

09 Later on that evening, that same evening,
10 I talked to the officers and basically had somewhat
11 of a -- you know, a semi-ass-chewing. And I told
12 them that I wasn't going to bring it up in roll
13 call, as far as, you know, officer safety issues.

14 But I let them know, you know, how upset I was about
15 it.

16 DETECTIVE MAHONEY: And the officers you're
17 referring to would be who?

18 THE WITNESS: They were Officers Stepp and
19 I believe it was his partner -- not Stepp, I'm
20 sorry. Officer Buchanan and his partner, Officer
21 Ruggiero, I believe it is. And initially, they just
22 didn't believe me. They were, like, "No way. It
23 didn't occur," you know. Then I told them, "Yeah,
24 it did."

25 MR. ROSENTHAL: We've been over this before.
3145

01 DETECTIVE MAHONEY: Okay. I'm just -- do you
02 know who exactly -- who took Carrillo into custody?

03 THE WITNESS: I was actually inside the
04 location with the person who was making the
05 call-out.

06 DETECTIVE MAHONEY: Right.

07 THE WITNESS: He was taken into custody right
08 in front of the door. And when I came out, he was
09 already in handcuffs and being detained.

10 DETECTIVE MAHONEY: Because according to the

11 arrest report it was Lucy Diaz and Cohan. Did you
12 ever mention to them this nine millimeter? Do you
13 remember talking to them about it?

14 THE WITNESS: No.

15 DETECTIVE MAHONEY: Okay.

16 BY DETECTIVE SHAW:

17 Q I have a D.F.A.R. for -- it states
18 Tuesday, October 23rd, '96, but it shows, on line D,
19 1039 Bonnie Brae, Code 6, assisted CRASH -- 2 CRASH
20 23 with narco investigation. And on this D.F.A.R.
21 it shows Buchanan working with Stepp.

22 So I just want -- because you mentioned
23 Stepp, Buchanan, and Ruggerio. And I understand one
24 may have been a regular partner. See if you
25 remember this.

3146

01 A There should be two other officers here
02 too. And I can't think of his name -- big white
03 guy.

04 Q Cohan and Diaz?

05 A No. No. There should be some more
06 officers there. He's a tall, male, white officer.

07 Q This is a daily work sheet for CRASH for

08 Tuesday 10/22/96.

09 A Cardenas, Raymond Cardenas. I don't know
10 if you have them -- their D.F.A.R.'s, but they were
11 at the scene as well. And Cardenas and Brehm were
12 the ones -- the officers that were helping.
13 Buchanan is one of the officers that I remember up
14 front, detaining the male. Like I said, I was
15 inside.

16 And I think there was an original
17 question, but I don't remember what that was.

18 Q Well, we were talking about the
19 confrontation where you decided that there wouldn't
20 be a roll call chewing out -- or you wouldn't expose
21 these officers for a problem for their officer
22 safety.

23 Do you remember where that confrontation
24 was? Was it end of watch? Was it before you made
25 the follow-up to Hartford? Or when that

3147

01 confrontation took place?

02 A It was towards end of watch, and it was in
03 Rampart Detectives, not in the CRASH office, outside
04 the CRASH office, over by the homicide tables.

05 DETECTIVE MAHONEY: Okay. One final thing,
06 for me at least. The young lady in the top left
07 photo there, it's a booking photo of Esther
08 Carranza -- or Aletha Carranza. Do you remember
09 seeing her at Daniel Carrillo's house?

10 Aletha is A-l-e-t-h-a, Carranza,
11 C-a-r-r-a-n-z-a.

12 THE WITNESS: May I ask if they lived on
13 Hartford?

14 DETECTIVE MAHONEY: That's Carrillo's
15 girlfriend.

16 THE WITNESS: But does she not live on
17 Hartford? Does she live at a different location?

18 DETECTIVE MAHONEY: That's what she told us.

19 THE WITNESS: That she lived on Hartford?

20 DETECTIVE MAHONEY: No, she didn't actually
21 live there.

22 THE WITNESS: She lived at another location?
23 Did she mention -- I don't recall. I don't know
24 these two people at all.

25 DETECTIVE MAHONEY: I'm just specifically

3148

01 referring to her.

02 THE WITNESS: She looks vaguely familiar.

03 DETECTIVE MAHONEY: Is it possible she was

04 there when you searched that apartment or --

05 THE WITNESS: Yes, it's possible. She looks

06 vaguely familiar, but I don't know -- I mean, I

07 don't want to get the instances confused.

08 BY DETECTIVE SHAW:

09 Q Thinking back to the entering of

10 Carrillo's apartment, do you remember whether you

11 got a key from Carrillo or whether you did a

12 door-knock?

13 A I don't remember.

14 DETECTIVE MAHONEY: Okay. That's no problem.

15 THE WITNESS: I would assume we took his keys,

16 but I don't remember.

17 DETECTIVE SHAW: John, do you have anything?

18 SERGEANT COOK: No.

19 DETECTIVE SHAW: Okay. That's going to

20 conclude that portion.

21 DETECTIVE MAHONEY: That's all the questions we

22 have. So we conclude the interview. The time is

23 1409.

24 (Recess)

25 MR. ROSENTHAL: We're back on the record.

3149

01 It's 2:28 in the afternoon. This is going
02 to be an interview that relates to the arrest of
03 Jesus Flores and Julio Ramirez, D.A. case number
04 BA155839. D.R. is 970732803.

05 Go ahead.

06

07 EXAMINATION

08 BY DETECTIVE MICHELSON:

09 Q Okay. Detective Michelson, 25106.

10 I have about seven questions I'd like to
11 ask you in regards to this, and this is for
12 clarification purposes.

13 Where was Detective McGee during this
14 arrest, that you can remember?

15 A Detective McGee was at the Rampart trailer
16 and responded there when we requested another unit
17 with a camera, and he arrived.

18 Q Okay. So that would have been after you
19 had entry into this location?

20 A Yes, sir.

21 Q How'd you actually get into that location?

22 A We knocked on the door.

23 Q Meaning you and --

24 A Me, myself -- myself, Coronado, and Durden
25 knocked on the door. We heard that there was no
3150

01 one -- I mean, we heard movement, but we knew no one
02 was going to come to the door, and then we just
03 kicked the door in.

04 Q All three of you?

05 A Yes, sir.

06 Q Did Officer Coronado recover the bindle of
07 cocaine in the hallway?

08 A There was never any bindle of cocaine
09 produced or offered.

10 Q In other words, none of the defendants
11 came to the door, opened the door, and dropped it in
12 the hallway?

13 A That was a complete fabrication.

14 Q Okay. Did Coronado look into the kitchen
15 window of this apartment, that you know of?

16 A Yeah, he did try. He walked out to the
17 fire escape, looked in, and he said he couldn't see
18 anything because there was a mattress leaning up

19 against the window, so he couldn't see inside.

20 Q And was that -- that was before you kicked
21 it, correct?

22 A Yes, sir.

23 Q Was Detective III Lusby anywhere near this
24 arrest?

25 A No, sir.

3151

01 Q I haven't reviewed the transcripts, but
02 it's stated here that you had stated at some point
03 in this investigation that you had stole cocaine and
04 jewelry. And the question to that would be, what
05 did you do with that?

06 A There was cocaine stolen. I don't know
07 about any jewelry. We probably kept about a pound
08 of powder cocaine and about -- between 8 to 10
09 ounces of already rocked-up rock cocaine.

10 Do you want me to go into detail as to
11 everything we did with that cocaine?

12 Q Hang on. You kept one pound of powder and
13 eight --

14 A Eight ounces of rocked-up cocaine.

15 Q Is it a pretty long process of where it

16 ultimately ended up?

17 MR. MC KESSON: The only problem, Detective,
18 he's talked about this, like, several times.

19 DETECTIVE MICHELSON: Apparently -- and they
20 have access to the transcripts. For some reason
21 they wanted clarification on this.

22 MR. MC KESSON: I think we're missing each
23 other.

24 SERGEANT COOK: He has talked about the process
25 of taking care of the cocaine. It was in our last
3152

01 interview. Patty wasn't there. I'm the one that
02 conducted the interview.

03 DETECTIVE MICHELSON: Oh, okay.

04 SERGEANT COOK: So it's in the transcript that
05 we have not received.

06 DETECTIVE MICHELSON: Great. Then we won't
07 need to address that. Great.

08 That's it on this one. Thank you.

09 (Recess)

10 MR. ROSENTHAL: We're back on the record.

11 It's 2:42. The next case that's going to
12 be discussed relates to the arrest of Laura

13 Villatora, V-i-l-l-a-t-o-r-a. D.R. number is
14 970224601. D.A. case number is BA153152.

15 Go ahead.

16

17 EXAMINATION

18 BY DETECTIVE DE MUCHA:

19 Q Okay. Most of the questions I'm going to
20 ask are just for clarification. So you may have
21 already answered them, but we had some confusion
22 earlier on -- regarding Laura Villatora.

23 Who actually recovered the marijuana?

24 A Officer Coronado actually recovered it.
25 I know on the report it says I recovered it. And
3153

01 I think we covered this last time we talked. I have
02 no idea why he put me down for recovering, other
03 than trying to get me a subpoena.

04 We would do that sometimes, you know, "You
05 want a subpoena? You want to get the overtime?
06 I'll put you down for recovering something." And
07 that's the only reason I could imagine is -- I mean,
08 there was really no reason. He found it. I mean,
09 simple as that. It wasn't like planted or anything.

10 Q Right.

11 A But I know I didn't recover it. I didn't
12 walk out to that balcony to get it, so -- I saw him
13 when he came back in, and I looked at the bag. If
14 I recall it was, like, a plastic black bag and it
15 had a bunch of baggies in it. But why he put me
16 down, I don't know, other than for a subpoena.

17 Q Now, there were two balconies. There was
18 the residence balcony that these folks belonged to,
19 and then there was one right next door. Do you
20 know -- did you see which balcony Coronado got it
21 from?

22 A I mean, if I was at the location, I could
23 tell you, "He came out of this window."

24 Q Uh-huh.

25 A I couldn't tell you which window, whose
3154

01 balcony --

02 Q I could show you a picture.

03 A Maybe that would help me.

04 DETECTIVE DE MUCHA: I'm showing Mr. Perez a
05 series of four photographs that show a two-story
06 apartment building.

07 BY DETECTIVE DE MUCHA:

08 Q And just so you know, the apartment that
09 was hers would be this one, reflecting on the bottom
10 left photograph, the upper left balcony.

11 A I don't know if that's a door to go into
12 the balcony or not. But from what I remember, he
13 went into this window. I mean, he went through the
14 window, not through a door.

15 Q Right.

16 A I don't know if the door was working or
17 whatever, but from what I remember, he went through
18 the window.

19 Q Okay.

20 A I believe it was this window here.

21 Q And then --

22 MR. MC KESSON: For the record, he's pointing
23 to the window that appears to be on the right side
24 of the left side of the balcony.

25 DETECTIVE DE MUCHA: Correct.

3155

01 DETECTIVE HAMPTON: Why don't you give the
02 address?

03 THE WITNESS: It's actually -- I'm sorry.

04 MR. MC KESSON: Hard to see.

05 THE WITNESS: The address I don't know. But
06 the photo I'm referring to is the lower left-hand
07 photo. There's two balconies. The one that would
08 be to my left. There's an upper level. There's
09 what appears to be a door on the left-hand side and
10 a window on the right-hand -- or on the right of
11 that, from my view, and I'm looking at the window as
12 the entry to the balcony that I saw Officer Coronado
13 going through.

14 BY DETECTIVE DE MUCHA:

15 Q And that's actually 1627 West 12th Street?

16 A Yes, ma'am.

17 Q Okay. And again, just to verify, when
18 you went in, you found some marijuana in the toilet,
19 didn't you?

20 A It was still kind of circulating on the --
21 above the water, on top of the water. You could
22 tell most of it had been flushed, but there was some
23 of it -- some residue on top.

24 Q Was it a lot or --

25 A I mean, I guess in perspective, you know,

01 five pounds compared to maybe about a third of an
02 ounce -- I mean, there was some -- there was plenty
03 to -- if you wanted to gather it and test it, there
04 was plenty to be gathered.

05 Q Okay. When you went up there and went to
06 the door, was there a security screen door on the
07 door?

08 A On the front or back?

09 Q On the back. Because I believe that's
10 where you made entry was on the back, upper floor.

11 A That's correct. When I got there Officer
12 Coronado -- the door had already been opened. So
13 I'm having a real tough time remembering whether
14 there was a metal screen door. I -- I can't tell
15 you whether there is or isn't.

16 Q All right. Let me backtrack just a sec.
17 Was it Officer Coronado, then, that first went up
18 the stairs and made contact with the occupant?

19 A Yes, ma'am.

20 Q Okay. I'm --

21 A I'm sorry. I had went to the front, and
22 he went to the rear. And when I heard screaming and
23 yelling in the back, I went to the -- I'm sorry --

24 yeah, I went from the front to the rear, and that's
25 when he -- the struggle with the female, having to

3157

01 grab her by the hair and take her down.

02 Q So he was already inside the doorway then?

03 A He was at the doorway. The door was
04 already opened, yes.

05 Q [***** CI # 21 Information Redacted *****]

06 [*****]

07 [*****]

08 A [***** CI # 21 Information Redacted *****]

09 Q [***** CI # 21 Information Redacted *****]

10 [*****]

11 [*****]

12 [*****]

13 A [***** CI # 21 Information Redacted *****]

14 [*****]

15 Q [***** CI # 21 Information Redacted *****]

16 [*****]

17 A [***** CI # 21 Information Redacted *****]

18 [*****]

19 [*****]

20 [*****]

21 [*****]
22 [*****]
23 [*****]
24 [*****]
25 [*****]

3158

01 [*****]

02 Q [***** CI # 21 Information Redacted *****]

03 A [***** CI # 21 Information Redacted *****]

04 Q [***** CI # 21 Information Redacted *****]

05 A [***** CI # 21 Information Redacted *****]

06 Q And after the call was made, I assume that

07 a deal was set up?

08 A I think it was a five-pound deal was made,

09 yes.

10 Q And where was he supposed to come with the

11 dope?

12 A Her residence, coming in through the rear.

13 Q Okay. And he ultimately showed up and

14 things happened?

15 A Yes, ma'am.

16 Q [***** CI # 21 Information Redacted *****]

17 [*****]

18 [*****]

19 [*****]

20 [*****]

21 A [***** CI # 21 Information Redacted *****]

22 Q [***** CI # 21 Information Redacted *****]

23 A [***** CI # 21 Information Redacted *****]

24 [*****]

25 [*****]

3159

01 [***** CI # 21 Information Redacted *****]

02 [*****]

03 [*****]

04 [*****]

05 [*****]

06 [*****]

07 [*****]

08 [*****]

09 [*****]

10 [*****]

11 [*****]

12 [*****]

13 [*****]

14 [*****]

15 [*****]

16 [*****]

17 [*****]

18 [*****]

19 [*****]

20 Q [***** CI # 21 Information Redacted *****]

21 A [***** CI # 21 Information Redacted *****]

22 [*****]

23 Q [***** CI # 21 Information Redacted *****]

24 [*****]

25 A [***** CI # 21 Information Redacted *****]

3160

01 Q [***** CI # 21 Information Redacted *****]

02 [*****]

03 [*****]

04 A I assume so.

05 DETECTIVE DE MUCHA: Okay.

06

07 EXAMINATION

08 BY DETECTIVE HAMPTON:

09 Q I want to ask one question on this report

10 here. It's Detective Hampton.

11 Before you went to that address, did you

12 go to the next door neighbor's accidentally and
13 knock on somebody's door?

14 A It's possible. I think I did that.

15 I think -- what happened was, it was just me and
16 Coronado that went to the location. He had some
17 information that she had a felony warrant so -- and
18 plus, supposedly she's still dealing.

19 So he was going to go to the rear. I was
20 going to go to the front. I think I knocked on the
21 wrong door. I even ran up the stairs to the wrong
22 door and realized it was the wrong house, came back
23 down, and had to go next door. And they wouldn't
24 open.

25 Q Did somebody answer that door?

3161

01 A The wrong one? I don't know if somebody
02 answered it or it was just opened and I ran up. But
03 I know I ran up, and it was the wrong -- the wrong
04 house. It was the wrong people. And I had to come
05 back down. And then I heard some voices and
06 screaming, and I went up to the front.

07 DETECTIVE HAMPTON: Okay.

08 DETECTIVE DE MUCHA: I think that takes care of

09 it for me.

10 BY DETECTIVE HAMPTON:

11 Q Okay. I want to talk about Acosta's
12 arrest. You have the report in front of you?

13 A Yes, sir.

14 MR. ROSENTHAL: Let me just put on the record,
15 this relates to the arrest of Porfirio Acosta, first
16 name, P-o-r-f-i-r-i-o. The D.R. number is
17 970224602. The D.A. case number is BA153198. And
18 this is the first time we've discussed this case.

19 SERGEANT COOK: Can we go off the record for
20 just 30 seconds here?

21 MR. ROSENTHAL: Sure. We'll go off the record
22 for a moment.

23 (Discussion off the record)

24 MR. ROSENTHAL: We're back on the record.

25 Go ahead.

3162

01 DETECTIVE HAMPTON: Okay. Did you give a case
02 number, sir?

03 MR. ROSENTHAL: Yes.

04 DETECTIVE HAMPTON: You did. Okay.

05 BY DETECTIVE HAMPTON:

06 Q [***** CI # 21 Information Redacted *****]

07 [*****]

08 [*****]

09 [*****]

10 A Actually, I had three other of my
11 narcotics officers detain him when he arrived at the
12 location. [***** CI # 21 Information Redacted *****]

13 [*****]

14 Q Okay. And is that person Acosta, and the
15 first name, P-o-r-f-i-r-i-o?

16 A Yes, sir.

17 Q Okay. In looking at the second page -- or
18 page 2 of the arrest report, it's obvious that this
19 source of activity is not truthful.

20 MR. MC KESSON: Is that a question?

21 DETECTIVE HAMPTON: Yes, it is a question.

22 BY DETECTIVE HAMPTON:

23 Q Is that or is it not the right source of
24 activity?

25 MR. MC KESSON: I didn't mean to be rude.

3163

01 DETECTIVE HAMPTON: No. No. I understand.

02 I understand.

03 THE WITNESS: Some of it is truthful on the
04 source of activity, and some of it is not.
05 Obviously, the assignments are correct. Meeting
06 with a Rampart citizen, that's inaccurate. [*****

07 [***** CI # 21 Information Redacted *****]

08 [*****]

09 [*****]

10 DETECTIVE DE MUCHA: [* CI # 21 Info Redacted *]

11 [*****]

12 THE WITNESS: No, ma'am.

13 DETECTIVE DE MUCHA: [* CI # 21 Info Redacted *]

14 [*****]

15 THE WITNESS: Yes, ma'am.

16 BY DETECTIVE HAMPTON:

17 Q Can I --

18 A And --

19 MR. MC KESSON: I think he wants to interrupt
20 you and ask you a question.

21 THE WITNESS: Okay.

22 BY DETECTIVE HAMPTON:

23 Q All right. I think it would be easier if
24 I just asked the question, and you can just answer
25 them.

3164

01 It says on "7/8," July 8th, '97, "at
02 approximately 1000 hours, my partner and I met with
03 a Rampart citizen regarding this activity." Is that
04 true? [***** CI # 21 Info Redacted *****]

05 A That would be inaccurate.

06 Q And I go on, the citizen advised you of
07 this information, that this certain person -- and
08 gives a name -- as a narcotic dealer that deals
09 narcotics to the rear of 1627 West 12th Street at
10 about 10:00 p.m. And also, that this person drives
11 a Toyota Celica, license 1-Henry-Tom-Zebra-533?

12 A All of that information was obtained,
13 obviously, afterwards. We didn't have, like, a
14 license plate number. We didn't have a name. The
15 time that we used was just what we used because that
16 was the time we made the arrest. All that was
17 thrown in after, you know, obtaining information
18 after the arrest.

19 Q Okay. So what I'm asking you, it's not
20 really correct, because it -- you're saying you
21 received this information on 7/8, the day prior.

22 A It would be incorrect.

23 Q Thank you. It goes on in the
24 "Observation" part -- did you have a chance to read
25 that, the "Observation" part?

3165

01 A Yes.

02 Q Okay. You requested the Officers
03 Canister, serial number 26107, Officer New, serial
04 number 30487, and Officer Covington, 30387. And
05 I believe these officers worked Narcotics at that
06 time?

07 A Yes, sir.

08 Q Were these officers actually present?

09 A Yes, sir.

10 Q [***** CI # 21 Information Redacted ****]

11 [*****]

12 [*****]

13 [*****]

14 [*****]

15 [*****]

16 A Yes.

17 Q Okay. To the best of your knowledge, were
18 they aware of what had transpired in the residence?

19 A They had no knowledge.

20 Q They had no knowledge?

21 A No, sir.

22 Q Okay. So the rest of this report, where
23 you approach Mr. Acosta and ask him -- identify
24 yourself, and you state that you're conducting a
25 narcotics investigation and find some marijuana in
3166

01 the front seat of his car that's in plain view, is
02 that incorrect?

03 A The -- Mr. Acosta was already detained.

04 I came out of the house at that point, but he was
05 already detained. It wasn't a consensual contact
06 the way it is referred to. But the narcotics was in
07 plain view on the right front seat.

08 Q Do you remember how much? Just a baggy?

09 A No. It was a brick, a five-pound brick.

10 Q Okay. And the rest of the "Observations"
11 says that you and these other three officers -- let
12 me just say the names -- yourself, Coronado,
13 Canister, New, and Covington made a follow-up to 508
14 West 50th Street, where that -- in the report it
15 says that's where you actually recovered the amount
16 of marijuana that you booked. Is that incorrect?

17 A Was there a -- and I don't know if it's
18 mentioned in the report or not. I haven't -- was
19 there a mention of a big thermos cooler in this?

20 Q No, sir.

21 A There was some --

22 Q Let me ask you this: Did you make a
23 follow-up to that location?

24 A Yes, we did.

25 Q Okay. Who was with you?

3167

01 A All of the officers that are listed on
02 there.

03 Q [***** CI # 21 Information Redacted *****]

04 A [***** CI # 21 Information Redacted *****]

05 Q [***** CI # 21 Information Redacted *****]

06 A [***** CI # 21 Information Redacted *****]

07 [*****]

08 Q [***** CI # 21 Information Redacted *****]

09 [*****]

10 A [***** CI # 21 Information Redacted *****]

11 [*****]

12 [*****]

13 Q Once you got to 508 West 50th Street, did

14 you recover any narcotics?

15 MR. MC KESSON: You're talking about on the
16 trip back, right?

17 DETECTIVE HAMPTON: I'm sorry?

18 MR. MC KESSON: You're talking about the
19 follow-up?

20 DETECTIVE HAMPTON: On the follow-up.

21 THE WITNESS: We did recover some narcotics.
22 The quantity amount I don't recall. But I know they
23 were -- and it doesn't say in the report, but they
24 were in, like, the thermos cooler-type coolers,
25 igloo coolers. Those types of containers. How much
3168
01 narcotics, I don't recall exactly.

02 BY DETECTIVE HAMPTON:

03 Q Can you look at the face sheet of the
04 arrest report. Would that recollect what you
05 recovered and booked?

06 A Well, this gives you sort of, like, one
07 lump sum, you know, for item number 2. I'm assuming
08 item 2 was recovered at the house. But what we
09 actually found was, you know, a little bit here, a
10 little bit there, a little bit in this cooler, a

11 little bit in another, in the cooler in the corner.

12 But it's sort of just listed as one bulk amount.

13 Q If you can remember, was anybody there at
14 that residence?

15 A I want to say that I don't remember
16 anybody else being there.

17 Q Okay. Do you remember how you got in?

18 A I can assume, but I don't remember.
19 I think it was keys. We got in with keys --

20 Q Okay.

21 A -- but I'm not certain.

22 Q So -- I'm sorry. Go ahead.

23 DETECTIVE DE MUCHA: Did -- this arrestee, did
24 he give you consent to go in his car and to go in
25 his house?

3169

01 THE WITNESS: What usually happened was -- and
02 I know on this one we just detained him, and then we
03 did the consent later, after we've already searched.
04 [***** CI # 21 Information Redacted *****]
05 [*****] I told my unit to move in and detain
06 him, get him out of the car. And I went straight in
07 and recovered the narcotics.

08 DETECTIVE DE MUCHA: Right.

09 MR. ROSENTHAL: So the portion of the report
10 where it says, "I asked the male in Spanish if I
11 could talk to him" -- or "I, Officer Perez, asked
12 the male in Spanish if I could talk to him. He
13 stated yes. I advised him we were conducting a
14 narcotics investigation. I asked him if he would
15 sign a consent to search his vehicle. He said
16 okay," that's not true?

17 THE WITNESS: That's incorrect.

18 MR. ROSENTHAL: Okay. And he then indicated
19 you handed him a consent to search form, signed
20 consent to search form, which he signed. And so
21 that's obviously not true also, at least at that
22 time.

23 THE WITNESS: At that time, that's correct.

24 MR. ROSENTHAL: Right. So he would have signed
25 it, but later, after you recovered everything?

3170

01 THE WITNESS: Yes, sir.

02 MR. ROSENTHAL: Okay. So the narcotics was, in
03 fact, there, as indicated in the report, but -- and
04 you said the narcotics was actually in plain view?

05 THE WITNESS: Yes, it was actually on the
06 right front seat.

07 MR. ROSENTHAL: It would have been perfectly
08 legal for you -- if you walk up to a car, you see
09 narcotics in plain view, you can seize it. Why
10 would you have put in this information saying you
11 got a consent?

12 MR. MC KESSON: Because you guys always want
13 more.

14 MR. ROSENTHAL: Is that pretty much it?

15 THE WITNESS: You know, I'm going to be real
16 honest. Yeah. I mean, it's -- you know, you write
17 in a report it was sitting there in plain view,
18 you're going to go -- you know. Or a jury may go --
19 so we add a little more.

20 MR. ROSENTHAL: What you said, just for the
21 record, when you said "you may go," you gave kind of
22 a look of disbelief --

23 THE WITNESS: Disbelief, right.

24 MR. ROSENTHAL: -- that the D.A. or jury might
25 have if you were to go along with that story.

3171

01 THE WITNESS: That's correct.

02 MR. ROSENTHAL: So you thought that this would
03 be -- increase the chances of a filing and a
04 conviction if you indicated that there was a signed
05 consent prior to taking the narcotics?

06 THE WITNESS: My goal any time I fabricated a
07 report is to try and secure a conviction, to enhance
08 the report.

09 DETECTIVE DE MUCHA: Did he give you any kind
10 of -- did you even ask him at all when you went to
11 his home for any kind of verbal consent first?

12 THE WITNESS: I don't remember doing it. That
13 doesn't mean somebody else didn't.

14 BY DETECTIVE HAMPTON:

15 Q Another question I have, how long were you
16 in Villatora's residence before you requested the
17 assistance of the other three officers?

18 A Probably -- probably about -- probably
19 about an hour and a half. [**** CI # 21 Info Redacted **]

20 [*****]

21 [*****]

22 [*****]

23 Q Okay. So these three officers, Canister,
24 New, and Covington, when they arrived, their

25 assignment was to be the surveillance unit when this
3172

01 guy -- be the take-down officers when this suspect
02 comes. To the best of your knowledge, they figured,
03 at that time, this was a righteous arrest?

04 A It was.

05 Q Okay.

06 A At that time it was, yes.

07 Q It was. And I mean, their follow-up --
08 thinking everything was legal when they were doing
09 the follow-up to the residence, thinking you guys
10 had -- [*** CI # 21 Information Redacted *****]
11 [*****]
12 [*****] And what I'm getting at is, these
13 other officers were acting in good faith?

14 A Yes, sir.

15 MR. ROSENTHAL: Who wrote this report? Because
16 on the face sheet it appears it would have been
17 Coronado, but in the actual narrative it talks
18 about, "My partner, Officer Coronado, and I, Officer
19 Perez."

20 THE WITNESS: I think it was another one of
21 those Coronado arrests, but he had to go to a

22 detective seminar, and I ended up writing the
23 report.

24 MR. ROSENTHAL: Okay.

25 THE WITNESS: I wrote the report.

3173

01 MR. ROSENTHAL: And why did you put Coronado's
02 name on the top?

03 THE WITNESS: Actually, he did that.

04 MR. ROSENTHAL: So he would have been -- done
05 the face sheet, and you would have done the
06 narrative?

07 THE WITNESS: Yes, sir.

08 MR. ROSENTHAL: Okay.

09 BY DETECTIVE HAMPTON:

10 Q Did you write this face sheet then,
11 Mr. Perez?

12 A No. Coronado wrote this.

13 Q Did he sign Lusby's name?

14 A Yes, sir.

15 Q In front of you?

16 A I'm sorry. Let me see that.

17 Q It appears -- I'm not a handwriting
18 expert, but it appears to be the same handwriting.

16 left, if I got completed with the report -- but
17 I still had to go book the bodies and stuff like
18 that -- he would read it or talk to the supervisor
19 about it.

20 He was a permanent F.E.S. guy. I was the
21 loanee, so I had been there maybe a month, I think.
22 But he would take off, and then I would go and
23 transport the body or whatever else.

24 Q Right.

25 A But the first thing I would go do, as soon
3175

01 as I got to the station, is start on the report, let
02 him start to book the evidence. If I got completed,
03 he would read it.

04 But at one point or another, he would know
05 what was going on in this report. We would discuss
06 what we were going to write.

07

08 FURTHER EXAMINATION

09 BY DETECTIVE DE MUCHA:

10 Q You just don't have an independent
11 recollection on this occasion?

12 A That's correct.

13 Q Do you remember who transported Villatora
14 to the trailer?

15 A The female?

16 Q Yes.

17 A I want to say me and my partner
18 transported her. Vaguely, I remember showing up to
19 the trailer with her.

20 Q And what did you do with her? I mean,
21 you still were going to do the follow-up, I believe,
22 to Acosta's location. Who baby-sat her? Did you
23 skew her someplace?

24 A I believe Detective Lusby -- one of the
25 supervisors stayed there.

3176

01 Q Were they aware you were going to go do a
02 follow-up?

03 A Yes. That's why they were assigned to
04 baby-sit her.

05 Q But none of them went with you?

06 A McGee was with us.

07 Q McGee was with you?

08 A I believe so. McGee's a supervisor.

09 Q Yeah, I know. I thought he might have

10 been on vacation that day -- or am I thinking of
11 another case?

12 A There was -- at this point it was just
13 McGee and Lusby. I believe he -- I believe McGee
14 was with us. I mean, I can't be positive.

15 Q So possibly McGee was there?

16 MR. MC KESSON: You gotta raise your voice.
17 Did you say you couldn't be positive?

18 THE WITNESS: I couldn't be positive.

19 BY DETECTIVE DE MUCHA:

20 Q So you dropped her off, drove the
21 supervisors -- and McGee went with you to the
22 follow-up location?

23 A Yes.

24 Q Okay. Whose idea was it to -- I assume
25 since you wrote the report, I mean -- let me

3177

01 backtrack. I'm sorry.

02 Whose idea was it to actually come up with
03 this particular version on the source of activity?

04 A I wrote it. So I mean -- I mean, I guess
05 it would have been my idea, but --

06 Q Well --

07 A I guess at the time I wasn't looking at
08 it as a version. I was looking at it as putting my
09 source of activity to go. So it wasn't like, "Hey,
10 who's going to come up with this?" type of thing. I
11 just wrote a rough -- sort of what the truth was, as
12 to what the source of activity was.

13 Q So I guess what I'm getting at is, you
14 discussed what you were going to say, or just when
15 you sat down to write it --

16 A No. I always discussed with my partner
17 how I'm going to write it, especially with Coronado.
18 If he wasn't with what I was going to say, then
19 "Tell me how you want me to write it. This was your
20 caper anyway." But I always discussed with him so
21 if Lusby, on the side, asked him, "So what went on
22 with this caper? This girl is telling me you beat
23 her," and he says -- if he says yes, I'm going to
24 say yes.

25 MR. ROSENTHAL: Let me just point out, on the

3178

01 source of activity -- because I have read a lot of
02 your reports. [***** CI Information Redacted *****]

03 [*****]

04 [*****]
05 [*****]
06 [*****]
07 [*****]
08 [*****]
09 [*****]
10 [*****]
11 [*****]
12 [*****]

13 THE WITNESS: That's correct.

14 MR. ROSENTHAL: [**** CI Information Redacted ****]
15 [*****]
16 [*****]
17 [*****]

18 THE WITNESS: That's correct.

19 MR. ROSENTHAL: But under "Observations" the --
20 and just correct me if I'm wrong here. I'm just
21 basing this conclusion upon what you've said so far.

22 You decided that you wanted to increase
23 the amount of probable cause, so to speak, for the
24 narcotics by adding in a consent to search and a
25 consensual encounter; is that correct?

01 THE WITNESS: On which part?

02 MR. ROSENTHAL: Under the "Observations," with
03 respect to approaching the car and getting his
04 consent to search the vehicle.

05 THE WITNESS: Yes.

06 MR. ROSENTHAL: And would you have discussed
07 that with Coronado before you wrote it or --

08 THE WITNESS: Yes.

09 MR. ROSENTHAL: Okay.

10 BY DETECTIVE DE MUCHA:

11 Q Okay. I think I have one last question.

12 On page -- I believe it's page 3 of the arrest
13 report, looks like the first paragraph, it says,
14 "The male directed my partner of Coronado to a red
15 plastic container which contained a large amount of
16 green leafy substance resembling marijuana."

17 Was that the coolers that you were
18 referring to earlier?

19 A Yes. I think I referred to them as
20 containers because they were, like, coolers.

21 Q Okay.

22 A Is that the only container it talks about
23 us finding?

24 Q Yeah, just says the one.

25 A Yeah, there was several locations where
3180

01 there was different -- what happens often is if
02 there's several -- you know, it's in the same
03 apartment. There's some over here and some in that
04 corner, we just put it together. And one we found
05 in one cooler or that container -- so we're not
06 putting 10 locations.

07 Q Did -- Acosta, the arrestee, did he direct
08 your partner, or was it you that found it? Or do
09 you even remember?

10 A I don't remember. I mean, I don't know
11 why I wrote that that particular day. It's possible
12 he did say, "Hey, some of it's in that container
13 over there." I remember the container being in a
14 corner of the house. It was a big container. We
15 wouldn't have missed it anyway. But I'm sure
16 there's a reason why I put that he told us where it
17 was at.

18 Q Do you remember if it was you or it was
19 Coronado?

20 A I think it was Coronado.

21 DETECTIVE HAMPTON: I'm done.

22 DETECTIVE DE MUCHA: I think we're done.

23 MR. ROSENTHAL: Okay. Thank you. We'll go off
24 the record for a moment.

25 (Recess)

3181

01 MR. ROSENTHAL: We're back on the record.

02 It's 3:40 in the afternoon. We're going
03 to be discussing the case involving the beating of
04 Gabriel Aguirre, A-g-u-i-r-r-e. The city attorney
05 case number that it relates to is 8CR23263. The
06 D.R. number of the arrest is 980213035. And it
07 includes 13036, -37, -38, -39, and -40, one D.R.
08 number for every alleged victim officer.

09 Okay. You may proceed.

10 SERGEANT STRENK: This is for personnel
11 complaint number 00-1229.

12 MR. ROSENTHAL: As I stated before, Mr. Perez,
13 you continue to be under oath, and you'll be under
14 oath for the rest day.

15 THE WITNESS: Yes, sir.

16 SERGEANT STRENK: We're at a confidential
17 location and present is Ray Perez. The interview is

18 being conducted by Sergeant Gregg Strenk, 24702, and
19 Sergeant Ted Matthews, 22482, Internal Affairs
20 Group.

21 Also present is Sergeant Debbie Orpin,
22 serial number 27432, assigned Internal Affairs
23 Group, Kevin McKesson, Attorney at Law, and Richard
24 Rosenthal, who is with the district attorney's
25 office. Transcribing is Melina Johnson, who is the
3182
01 transcriber from Lynden. Thank you very much.

02

03 EXAMINATION

04 BY SERGEANT STRENK:

05 Q Ray, prior to going on tape, you were
06 provided a copy of the arrest report.

07 We're going to take a short break. It's
08 1540 hours.

09 (Recess)

10 MR. ROSENTHAL: Back on the record.

11 It's 3:43. Go ahead.

12 BY SERGEANT STRENK.

13 Q We're back on tape.

14 Prior to the interview you had an

15 opportunity to review the arrest report as it
16 relates to Gabriel Aguirre; is that correct?

17 A I have.

18 Q And you were interviewed initially on
19 October 1st by Sergeants Cook and Thompson and
20 Detective Nalyweiko in regards to this where you
21 gave a summary of the event. Do you recall that?

22 A Yes, sir.

23 Q This is just a follow-up interview to
24 address some questions and some additional
25 allegations that were brought up.

3183

01 That night, do you recall who your partner
02 was?

03 A I believe it was Officer Arujo.

04 Q Do you recall how you came to be at
05 Witmer, the address on Witmer street?

06 A I was at Rampart Detectives, and
07 Officer -- we were doing some administrative stuff.
08 Officer Cohan told me he needed some assistance on a
09 location that they were about to go hit. They were
10 looking for a suspect. And I told him my partner
11 was busy, but I could jump in their car with them

12 and go and help them out.

13 Q Do you recall if Cohan told you that in
14 person, or is that over the radio, to the best of
15 your memory?

16 A I'm pretty sure he told me in person,
17 because I jumped in the car with them while he
18 was at the -- yeah, he told me in person. I was at
19 Detectives, and he was there, and he was telling me
20 how he was going to do this follow-up. And I just
21 jumped in the car with him.

22 Q Do you recall who his partner was that
23 night, Cohan's partner?

24 A I believe it was Officer Chavez. There
25 was also an Officer Mesina and Gomez that went with
3184

01 us.

02 Q Not all in the same car?

03 A No, sir.

04 Q Okay. Do you recall where the vehicles
05 were parked when you got to the Witmer location?

06 A A long ways away. We parked pretty far
07 away. I remember walking and low crawling and doing
08 that kind of thing for probably about two blocks.

09 We parked pretty far away.

10 Q When you walked to the location, was that
11 on surface streets, or did you go another route
12 other than surface streets to get there?

13 A No. We went through back yards. In fact,
14 the way they got into the building -- we went
15 through, like, an open lot, through the back alley
16 hopped some fences. They climbed up on a big tall
17 fence and got through the back of the building and
18 opened a window. They climbed -- there was a big
19 drop. But here's the fence and here's the building.
20 They jumped from the fence to this window and
21 climbed in through the window.

22 Q Okay. And how did you -- who was "they"
23 climbing into the window?

24 A That would have been Officer Cohan and
25 Officer Chavez.

3185

01 Q And what did you do from there? They
02 climbed the fence and jumped into the window?

03 A Well, we had formerly planned, once they
04 got in, we were going to hug the building. Well --

05 Q Do you want a piece of paper?

06 A Yeah, maybe I can draw.

07 Q You're acting like you want to write
08 something, so I might as well give you three sheets,
09 because I'm going ask you to draw some pictures
10 later anyway.

11 A Can I use one of your markers?

12 I guess, from what I remember -- from what
13 I remember, it was, like, an open field. This is
14 the front door. This is a window.

15 SERGEANT MATTHEWS: Can you give us the old
16 infamous north on there?

17 THE WITNESS: Give me a second. I believe
18 that's north.

19 SERGEANT MATTHEWS: Okay.

20 THE WITNESS: That would be north.

21 BY SERGEANT STRENK:

22 Q Okay. So you've indicated on that a
23 window. Is that the window you're saying that Cohan
24 and Chavez jumped from the fence? You have a
25 squiggly line. Does that squiggly line represent

3186

01 something?

02 A This would be a fence, and I'll write

03 "fence" on it. "Window," and this window, I
04 believe, is actually the -- maybe the third floor
05 window. Yeah. And this is a big drop here. I
06 think there's some stairs that may go down and then
07 a long walkway.

08 But they jumped from this fence on to the
09 window and then crawled in the window. And then
10 Chavez did it. And this is a front door here on the
11 west side of the building.

12 SERGEANT MATTHEWS: Before we leave that, do
13 you know, was that window leading into a hallway or
14 was that leading into an apartment? Or did you
15 ever --

16 THE WITNESS: I think it led into an
17 apartment.

18 SERGEANT MATTHEWS: Okay.

19 THE WITNESS: An abandoned apartment.

20 SERGEANT MATTHEWS: Okay.

21 THE WITNESS: Our plan was that once the two
22 of them made entry, we were going to -- we were on a
23 tac. We were going to kind of crawl it as close to
24 the building as we can and close to the fence and
25 make our way to the front door.

3187

01 Once they got in the building, they were
02 going to come to the front. They were going to let
03 us know if anybody was running out of the building
04 to the front. If nobody was running or anything,
05 they were just going to open the doors for us, and
06 we'd go in. And that's pretty much what occurred.

07 BY SERGEANT STRENK:

08 Q When you say "we," you're talking about?

09 A Gomez, Mesina, and myself.

10 Q So now that you're at the front, does
11 something occur?

12 A Yes, somebody ran.

13 Q Okay. And how do you know that?

14 A Cohan let us know over the radio that
15 somebody ran.

16 Q Okay. Do you subsequently get into the
17 building? And if so, how?

18 A They opened the doors for us.

19 SERGEANT MATTHEWS: "They" being? Again, I'm
20 sorry.

21 THE WITNESS: You're right. Cohan and Chavez.

22 BY SERGEANT STRENK:

23 Q What happens after the doors open for you?

24 A We work our way upstairs to, I believe,

25 the second or third floor, where we find a beer

3188

01 bottle, just like a little book on the floor.

02 And Cohan begins to tell us that he saw

03 somebody running. It was not the person we were

04 looking for. It was a male Hispanic who had burns

05 over his body, some gang member that he recognized

06 as, you know -- that he recognized from a prior

07 contact that had burns on his body. But it wasn't

08 who we were looking for.

09 But he had the information as to where the

10 person we were looking for -- what apartment he was

11 in.

12 SERGEANT MATTHEWS: Maybe -- can you tell us,

13 did he ever tell you how he knew which apartment?

14 How he gathered that information?

15 THE WITNESS: He already had that information

16 when we were going to the apartment building.

17 SERGEANT MATTHEWS: And he shared that with you

18 prior to --

19 THE WITNESS: Yes. We knew that these guys

20 were in there. They hang out in the building. They
21 drink in the hallways. But they were also staying
22 in one particular apartment inside the building.

23 SERGEANT MATTHEWS: Okay.

24 BY SERGEANT STRENK:

25 Q When he tells you that this other person
3189

01 was chased, does he ever tell you the results? Did
02 they ever catch him? Did they pursue him?

03 A Pursued him and lost him. They didn't
04 find him.

05 Q Did he ever tell you at that point in time
06 where he chased this individual to? Whether they --

07 A They just know they saw him running. And
08 they went down the hallway, didn't know which way he
09 went. Turned left or right? They didn't know.

10 Q So now you're up at this apartment with
11 the book -- and date it, please. Thank you.

12 A I'm sorry, the question was?

13 Q You're at the apartment with the book and
14 some beer bottles outside of it in the hall?

15 A Yes, sir.

16 Q That's on the second or third floor?

17 A I believe it's on the stairs from the
18 second floor that leads up to the third floor.

19 Q Is there any conversation about checking
20 that apartment?

21 A Yes. We said we're going to go to the
22 apartment. We're going to go in.

23 Q And who is "we"?

24 A All of us, at that point. All of us were
25 going in.

3190

01 Q How did they decide to enter that
02 apartment versus any of the other apartments in this
03 building?

04 A Cohan already had information as to which
05 apartment they were hiding in or sleeping in.

06 Q Did he say -- did you ask this -- did he
07 say how he had that information?

08 SERGEANT MATTHEWS: We answered that.

09 THE WITNESS: I don't have a specific
10 recollection, but I believe, based on some of the
11 conversation that we had, it had come from the
12 informant [***** CI # 9 Information Redacted *****]
13 [*****]

14 BY SERGEANT STRENK:

15 Q Okay.

16 A [***** CI # 9 Information Redacted *****]

17 [*****]

18 [*****]

19 MR. ROSENTHAL: Yes.

20 THE WITNESS: [***** CI # 9 *****]

21 MR. ROSENTHAL: [***** CI # 9 *****]

22 BY SERGEANT STRENK:

23 Q Okay. How is entry made into that
24 apartment?

25 A The door was kicked in.

3191

01 Q Do you recall who kicked the door in?

02 A Cohan and Chavez kicked the door in.

03 Q Once the door is kicked in, is entry made?

04 A Yes.

05 Q What do you see -- do you recall the order
06 of people going into that apartment?

07 A Cohan and Chavez went in.

08 SERGEANT MATTHEWS: Why don't we pull that one
09 aside.

10 BY SERGEANT STRENK:

11 Q Let's go to another page, and you can draw
12 me an apartment, if you would --

13 A The apartment --

14 Q -- that we're going to talk about, yes.

15 A Let me just draw a box. There's a door.

16 Q That's fine.

17 A As you enter the front building -- I'm
18 going to put the officers names as -- the order they
19 went in.

20 Q Okay.

21 A It was Officer Cohan, Officer Chavez,
22 myself, Officer Mesina, and Officer Gomez. These
23 are the officers that went inside.

24 Q Okay.

25 A I don't think there's a question pending.

3192

01 Q When you go inside, what do you see?

02 A When we go inside -- if you can look at
03 this diagram, I wrote a box and Aguirre. There is
04 some sheets and blankets thrown on the floor, side
05 by side, on the left side of the apartment. The
06 apartment is abandoned. It's -- no one's
07 sleeping -- or no one's renting it. It's just

08 they're using it. It was dark.

09 Anyway, Aguirre is sleeping on the very
10 first throw blanket on the floor. And then another
11 male Hispanic is sleeping on the next blanket.

12 As we go there, Cohan -- I want to put a
13 "C" and circle it. Cohan is on -- and I'm going to
14 write this down, that he's also -- I'm going to put
15 "FD." He's face down on the blanket. Cohan is on
16 his left side as he's laying down on the ground. So
17 if this is -- I'm going to put a mark as though
18 there was a body there.

19 Q Okay. How about you make that mark as an
20 arrow and the top of the arrow indicating where
21 their head would be laying.

22 A Right. I put an arrow indicating in the
23 upper position, towards the wall, which would be his
24 head.

25 Cohan got on this side of him, as you're
3193

01 looking down at him, to his left side. And he's
02 also -- Chavez -- so I'll put --

03 Q "MC" for Manny Chavez.

04 A Okay. And "MC" and I'm going to circle

05 it. He was on his right side. I was -- I'm going
06 to put a "P" and circle it. I was at his feet.
07 I'll put sort of like a half arrow indicating his
08 feet. When -- next question?

09 SERGEANT MATTHEWS: Why don't we finish with
10 the last officer and put him in position.

11 BY SERGEANT STRENK:

12 Q Where -- do you know where Gomez and
13 Mesina go?

14 A Yeah. I'm going to put "Mesina," circle
15 it. And a "G" and circle it. They did -- they
16 grabbed --

17 Q The second individual?

18 A -- the second individual and --

19 Q For your ease and for the record, that
20 second individual goes by the name of Carnasa. So
21 you can call him Carnasa if it helps you, other
22 than --

23 A It won't help me.

24 MR. ROSENTHAL: Can you spell that, please?

25 SERGEANT STRENK: C-a-r-n-a-s-a.

3194

01 BY SERGEANT STRENK:

02 Q Okay. So Mesina goes to --

03 A Mesina and Gomez go to the second male
04 Hispanic, and they have him kneel -- I don't know
05 how you want me to -- I can't draw somebody
06 kneeling, but --

07 SERGEANT MATTHEWS: Just put an "X."

08 BY SERGEANT STRENK:

09 Q Put an "X" where he kneels.

10 A I'm going to put an "X" and circle it.
11 They kneeled with his hand on his head, on his
12 knees, on the -- as you go into the apartment, the
13 left furthest corner from you.

14 Q Okay.

15 A You guys follow that?

16 Q Yes.

17 SERGEANT MATTHEWS: He's facing into the wall?

18 THE WITNESS: Facing the wall.

19 BY SERGEANT STRENK:

20 Q Okay.

21 A Cohan, right away, grabs Mr. Aguirre, has
22 his hand on his neck, has his hand around his waist,
23 and is starting to knee him with his knee.

24 I, in this position, come over here. And

25 his legs are moving. I kick his legs open, I
3195

01 believe, once, maybe twice. But I believe it was
02 once. I kick his leg -- and it was his left leg.
03 I remember kicking his left leg, as he was facing
04 down, left leg.

05 Cohan then continues to just -- pretty
06 much like a power drive, knee into the back.

07 And Chavez, Manny Chavez, is using his
08 flashlight and is beating on him repeatedly on his
09 back. I mean, just -- just wailing on him. He's
10 thumping him pretty hard. And they just continue
11 this for a good while.

12 MR. ROSENTHAL: I'm sorry, who was doing that?

13 THE WITNESS: Manny Chavez, with the
14 flashlight.

15 SERGEANT MATTHEWS: You said the room was dark.
16 How -- there must have been some type of
17 illumination. Do you know where that was coming
18 from, to see what was going on?

19 THE WITNESS: There was some ambient lighting
20 coming from the hallways when the doors were open.
21 And we all had our flashlights. I mean, we were all

22 prepared --

23 BY SERGEANT STRENK:

24 Q Do you recall if there were any other
25 rooms in this apartment itself?

3196

01 A I don't remember any. There may have
02 been, but I just don't -- I remember concentrating
03 on this area right here and then coming back out to
04 the hallway.

05 Q How long does this kneeling and this
06 beating by Cohan and Chavez take place on Aguirre?

07 A Beat on him for a good while. I'd say
08 probably a good -- a good 70 to 90 seconds.

09 Q Does Aguirre make any comments or anything
10 during this time when he's being kneed and hit?

11 A He says, "Cohan, what's up?" He knew
12 Cohan. And he told Cohan, you know, "Cohan? What's
13 up, Officer Cohan?" This is as -- right as we're
14 coming in -- when we break -- when they break the
15 door down and we go in, they were asleep. You could
16 tell they were sleeping. Their faces, their
17 expressions, you could tell. They were
18 still asleep. So we -- I mean, I knew he wasn't the

19 guy that ran. Obviously, this guy is asleep.

20 But he knew Cohan right off the bat. He
21 asked Cohan, "What's up?" And they just commenced
22 to wailing on him.

23 Q What happens after this beating is done?

24 A He is brought down. I believe we brought
25 him down one flight of stairs, and then we put him
3197

01 up against a wall where the stairs lead down to the
02 next floor. So he's facing a wall here. And this
03 is going to be difficult for me to draw.

04 Q Let me take that one from you. And before
05 we go there, let me ask you a question.

06 A Do you have any photos of this?

07 Q Of the apartment? Unfortunately, no.
08 It's not vacant any longer.

09 A I mean, the hallway at all?

10 Q Yeah.

11 A Maybe it would be easier to explain it.

12 SERGEANT MATTHEWS: While my partner's looking
13 for those photographs let me just -- when you came
14 in, was Aguirre covered by the blanket, or was he
15 lying on the blanket?

16 THE WITNESS: He was covered by a blanket.

17 SERGEANT MATTHEWS: Covered by a blanket?

18 THE WITNESS: Yes.

19 SERGEANT MATTHEWS: Okay. How about the other
20 suspect in the room?

21 THE WITNESS: Same thing, he's covered by a
22 blanket, yes, sir.

23 SERGEANT MATTHEWS: All right. When you --
24 I assume you handcuffed -- or someone handcuffed
25 him --

3198

01 THE WITNESS: Eventually.

02 SERGEANT MATTHEWS: -- at some point. Was that
03 in the room, or did they --

04 THE WITNESS: In the room.

05 SERGEANT MATTHEWS: Okay. Stood him up on his
06 feet?

07 THE WITNESS: Handcuffed him, then stood him
08 up, yes.

09 SERGEANT MATTHEWS: Okay. Led him out into the
10 hallway?

11 THE WITNESS: Yes, sir.

12 SERGEANT MATTHEWS: You were with that --

13 THE WITNESS: Yes, sir.

14 SERGEANT MATTHEWS: Okay. When you entered the
15 hallway area, did you see any of -- maybe curious
16 neighbors looking out their doors, coming into the
17 hallway, find out what all this commotion may have
18 been?

19 THE WITNESS: Boy, I tell you --

20 BY SERGEANT STRENK:

21 Q If you don't remember, I don't want you to
22 guess, so --

23 A No. Right. Because for some reason I
24 remember somebody talking to somebody, but I don't
25 know whether it's somebody just leaving the building
3199

01 or someone trying to figure out what was going on.
02 Somebody talked to somebody. It wasn't me.

03 Q Before we go to the hallway, these
04 individuals are handcuffed and stood up in this
05 apartment, correct?

06 A I missed one thing here. And I believe it
07 was Officer Mesina -- while all this was going on,
08 towards the end of it, Officer Mesina -- while this
09 guy is sitting handcuffed on the floor, he goes and

10 kicks him in the groin while he's sitting on the
11 floor -- or kneeling on the floor.

12 Q Okay.

13 A Pretty -- pretty hard.

14 Q Does anybody do anything to Carnasa, this
15 other individual, while he's lying on the ground?

16 A Not that I saw. But again, I was paying
17 more attention to this guy here. I know they were
18 taking him into custody. But what I saw was -- what
19 I was paying attention to was Mr. Aguirre.

20 Q In your initial interview on October 1st,
21 you had stated that both Gomez and Mesina kicked
22 Aguirre at least once or twice -- or two to three
23 times when he was on the ground. Does that refresh
24 your memory at all?

25 A I think I said I kicked him.

3200

01 Q You said you kicked him. You said you
02 kicked the blanket off of him and maybe kicked him
03 once or twice in the legs to spread his legs, type
04 of thing. And when asked, you said that Mesina
05 kicked Aguirre maybe once or twice in the legs or
06 groin, and Gomez maybe two to three times in the leg

07 and groin area.

08 A I think there's a little mix up on the --
09 Mesina and who they were kicking. And I don't know
10 if it's on that transcript -- who they kicked, who
11 I was talking about they kicked, is this guy here.

12 Q Okay.

13 A And I don't know his name, but -- and
14 I don't know what your report says, but I definitely
15 said that I kicked this guy. And I remember kicking
16 him on the inner thigh. Because in fact, he
17 complained about being kicked in the inner thigh,
18 and I know I kicked him on the inner thigh. In
19 fact, he had a mark on his inner thigh.

20 MR. MC KESSON: Did you review the reports, the
21 transcripts?

22 THE WITNESS: Not all of them. I went through
23 some of them.

24 (Discussion off the record)

25 BY SERGEANT STRENK:

3201

01 Q Do you know if anyone else kicked this
02 individual, Carnasa, when he was kneeling up against
03 the wall there?

04 A From my memory, it was the male Hispanic
05 officer that kicked him in the groin while he was
06 kneeling down.

07 Q And the male Hispanic officer being?

08 A Officer Mesina.

09 Q In your statement on October 1st, you
10 stated that you remembered seeing Officer Chavez --
11 while the guy is kneeling down, facing the wall,
12 Officer Chavez kicked him in the groin area from
13 behind.

14 A Right. And -- and I -- if you read a
15 little bit further down, I believe I was saying that
16 I was having problems remembering which names were
17 which -- or which name belonged to which officer
18 because there was a bunch of -- there were several
19 Hispanic officers.

20 At some point I said I was having their
21 names confused -- or I may be getting their names
22 confused. And Sergeant Cook said it was important
23 to get their names right, or something like that.

24 Q So it wasn't two different officers? It
25 was just one officer who --

01 A One officer kicked him.

02 Q Okay.

03 MR. MC KESSON: Would you like him to go
04 through the transcripts and show you the part he's
05 talking about, where he made the clarification?

06 SERGEANT STRENK: There's a clarification on
07 Chavez' first name -- Manny, Michael. And he's
08 referred to as Michael, but it's Manny. There might
09 have been, in another part not related to this
10 transcript -- or the copy that I have -- because
11 this is a series of interviews that took place on
12 the same day -- and where that clarification might
13 have taken place. And I'll have to research that.

14 THE WITNESS: I know I was having problems
15 with their last names, the Hispanic officers. I was
16 having a problem remembering. There was Chavez,
17 there was another Hispanic officer, and I was having
18 a problem -- now I can't think of his name.

19 BY SERGEANT STRENK:

20 Q That's fine. Now, out in the hallway --
21 I've shown you a picture of a hallway. Does that
22 hallway look familiar to you or refresh your memory
23 at all?

24 A Yes.

25 Q And how does it -- what does that depict?

3203

01 A It depicts the location into where we
02 eventually took Mr. Aguirre out of his apartment
03 from up -- I believe his apartment would be on the
04 next floor up.

05 Q Okay.

06 A We walked him down -- and it's somewhat
07 depicted on this photo, the stairs -- we walked him
08 down this stairs and around, and we stood him right
09 about here.

10 Q Okay. Why was he walked from upstairs and
11 then stopped at this landing of the stairway, the
12 second floor down, one floor down? What was the
13 purpose to stop?

14 A I don't know. I guess -- I don't know.

15 Q Okay.

16 A I really couldn't tell you. It was
17 Cohan's caper. He walked him down and put him right
18 there, and we started talking. I was going to try
19 to help him clean up this mess.

20 Q Okay. So you -- when you say "we started

21 talking," who started to talk?

22 A Me and Cohan.

23 Q Okay.

24 A And we were standing -- if I remember
25 correctly, this should be, like, a little fire

3204

01 hydrant thing right about here. And we were
02 standing just on the other side of that little fire
03 hydrant box, whatever, fire extinguisher.

04 Q Aguirre's in that little stairwell
05 landing?

06 A Right here, sir.

07 Q Do you know where the other individual
08 that was detained, Carnasa, is at this point in
09 time?

10 A Oh, I believe he was standing somewhere
11 nearby. I don't know if he was to his left or to
12 his right, but he was also there.

13 Q Do you know where Officer Mesina or
14 Officer Gomez or Officer Chavez are?

15 A We're all right here. We're all still
16 right in this hallway. We haven't left.

17 Q At any point in time -- going back to the

18 apartment, and I apologize -- in the apartment, did
19 you ever see Cohan strike Aguirre while Aguirre was
20 standing up handcuffed?

21 A In the apartment?

22 Q (No audible response)

23 A I don't remember him striking him. Not
24 that it didn't happen, but I don't remember seeing
25 it. Once he was handcuffed and was standing, I
3205

01 don't remember seeing Cohan hitting him.

02 Q Out in the hallway, as you and Cohan start
03 to talk, what's being discussed?

04 A While we were in the hallway, Cohan tells
05 me -- I mean, we knew this guy was beat up pretty
06 bad. He was going to have major marks. He asked
07 me, you know, "What do we do?" And I told him,
08 "Well, here's how the story is going to go" -- you
09 know, especially seeing the injuries that the --
10 I'll call him the victim -- Aguirre sustained. I
11 mean, there was some real visible, real clear, long
12 marks across his back and very deep contusions in
13 his back.

14 What I told him that we're going to do

15 is -- and I was telling him what we were going to
16 do is -- we're going to say we got into the
17 building, and the defendant ran. And that he ran
18 down the hallway and went down a flight of stairs.
19 As he's going down this flight of stairs, he loses
20 his footing and sort of just slides down the stairs
21 on his back. And that's how he got the long
22 injuries, as well as some of the other injuries.

23 I told him that he made it back through
24 the window, and Cohan and his partner are right
25 behind him. And as they're chasing him, they can
3206

01 see some kind of trickle of blood down his back.

02 As I'm telling Cohan this, Aguirre says,
03 "Oh, now you're going to cover it up," or something
04 to that effect. And in the stairs itself we found a
05 bottle of beer, as well as, like, a little book. I
06 don't even know what the book was, like a little
07 diary or something. I'm holding that as I'm talking
08 to Cohan.

09 When Aguirre turns around and says, "Oh,
10 now you're going to cover it up," I looked at him,
11 and I threw the book at him. I think that's

12 somewhere in -- actually, it was in a trial that
13 came up, something like that. I'm throwing the book
14 at him. But I actually, physically threw a book at
15 him.

16 And I walked over there, and I was going
17 push him up against the wall and tell him to relax,
18 or whatever, shut up, whatever it was I was going to
19 tell him. As I go to grab him, he gets scared and
20 bends down. So as I'm going to grab him, my body
21 hits him, and his head goes through the wall.

22 Q Did he have any injuries to his face prior
23 to you contacting with your body against the wall?

24 A I don't think so.

25 Q Afterwards, did he?

3207

01 A Yeah, blood starting trickling out, like,
02 a small cut on his nose.

03 SERGEANT MATTHEWS: Where was Carnasa
04 during --

05 THE WITNESS: He was -- you know,
06 specifically, I don't remember, but I know he was
07 somewhere -- he hadn't left the building or
08 anything. We still -- we were all still there.

09 BY SERGEANT STRENK:

10 Q Who was present when you threw the book at
11 him, at Aguirre?

12 A Everybody. Everyone.

13 Q Anyone comment to you after you threw the
14 book at him?

15 A It didn't hit him. It didn't -- it was a
16 small, little book. It kind of just flew, it kind
17 of landed. But everybody was there, yeah.

18 Q When you went up and -- for lack of a --

19 A I pushed him.

20 Q He says you shoved his face into the wall.
21 What kind of force did you use when you shoved his
22 face into the wall?

23 A I shoved him, but I couldn't have shoved
24 his face because he had leaned down. I was going to
25 grab his, you know, upper shoulder, face area to
3208

01 push him up against the wall, but he bent down. And
02 my lower -- or my chest -- lower half body ended up
03 pushing his body right into -- you notice where
04 the -- I don't know if you guys saw where the thing
05 had to be fixed. It was lower -- in other words, he

06 would be standing up here. His face would be much
07 higher than where the actual damage was. That's
08 because he bent down, and as my body pushed into
09 him, he went right through the wall.

10 Q Did he bend down as to --

11 A He's scared.

12 Q -- anticipating you, and kind of bracing
13 for contact with you?

14 A Yes, sir, that's exactly it.

15 Q What occurs after that?

16 A He's upset, you know, and he's talking
17 about how we're going to cover this up or whatever,
18 but he relaxes a little bit. I go back to Cohan and
19 explain to him the rest of how the scenario is going
20 to go. Told him I'm going to call Byrnes over and
21 that I'll run everything down through Byrnes. And
22 eventually Byrnes shows up.

23 Q And when you talked about him falling
24 downstairs, are you talking about stairs or
25 something else?

3209

01 A Fire escape stairs, metal fire escape.

02 SERGEANT MATTHEWS: Do you remember what the

03 weather was that night?

04 THE WITNESS: Actually, I think it had been
05 raining on and off. But we made sure that it looked
06 more like -- we actually took a beer, poured it down
07 the stairs to make it look like it was even more
08 wet.

09 SERGEANT MATTHEWS: The fire escape?

10 THE WITNESS: The fire escape, yes.

11 BY SERGEANT STRENK:

12 Q And when you requested a supervisor, do
13 you request Byrnes specifically?

14 A Yes, sir.

15 Q Let me step back for a few seconds, if
16 I may.

17 When you first contacted Aguirre in the
18 apartment, do you remember what he was wearing?

19 A No shirt on.

20 Q When you say "no shirt," nothing on his
21 upper part of the body? A shirt versus a tank top,
22 muscle shirt? I want to make sure we're talking
23 about the same thing, that he was bare-chested or
24 not bare-chested.

25 A You know, I want to say that he had no --

3210

01 because I remember seeing his arms. I don't think
02 he had a shirt on.

03 Q Okay. Let me try to help you out a little
04 bit. When -- in the hallway, when he makes the
05 comment to you about making a story up, do you make
06 a comment back to him, something to the effect,
07 "Hey, did I give you permission to talk?" Do you
08 remember making a comment like that?

09 A I think I might have.

10 Q After he is pushed into the wall, is
11 there -- there's damage to the wall?

12 A Yes, sir.

13 Q Is there blood on the wall?

14 A I don't think so. I don't remember trying
15 to clean up any blood from the wall or anything like
16 that. You know, it was a small cut, and then it
17 just started trickling down. I don't think there
18 was.

19 Q Okay. Aguirre states that he had a tank
20 top or a muscle shirt on at the time of this
21 contact. And when he's shoved up against the wall,
22 there was blood on the wall. And someone removes

23 his shirt, takes the shirt, and wipes the wall clean
24 of the blood with his shirt.

25 A That's kind of contradictory.

3211

01 Q Does that sound familiar to you? Does
02 that ring a bell?

03 A No. At least I didn't do that, or I
04 didn't see anybody.

05 Q And it wasn't done in your presence?

06 A It wasn't done in my presence.

07 MR. ROSENTHAL: Can we break for just one
08 second? I need to ask you a question.

09 SERGEANT STRENK: Okay. We're going to take a
10 quick break. It's 1615 hours.

11 (Recess)

12 SERGEANT STRENK: We're back on tape. It's
13 1616 hours.

14 BY SERGEANT STRENK:

15 Q Does someone at some point in time leave
16 that hallway to go get the police vehicles?

17 A I believe so.

18 Q Do you remember when that occurs?

19 A That occurred -- to the best of my

20 recollection, vehicles were brought around, right as
21 Byrnes was arriving.

22 Q Okay. Do you recall who went to get the
23 vehicles?

24 A It wasn't me.

25 Q Okay.

3212

01 A That's all I remember. It wasn't me. I'm
02 assuming it was Mesina and Gomez that went to go get
03 them, but it --

04 Q That's only an assumption on Mesina and
05 Gomez?

06 A Yes, sir. All I know, it wasn't me.

07 Q Do you know when that occurred? You said
08 prior to Paul Byrnes showing up.

09 A From what I remember, Paul showed up to
10 the front of the building, because I remember
11 greeting him -- not greeting him, but meeting him at
12 the front of the building, and our vehicles -- or
13 the officers' vehicles were being pulled up front,
14 right at the same time. So they got there together.

15 Q From the time you requested a
16 supervisor -- or requested Paul Byrnes respond, to

17 the time he got there, how long do you think the
18 time frame was?

19 A You know, I think he showed up with
20 Arujo, with my partner. I think my partner came
21 with him. I'm not 100 percent sure. I'm not 100
22 percent sure. But at any rate, I'd say probably 15,
23 20 minutes elapsed.

24 Q So sometime in those 15, 20 minutes, two
25 people went to go get the cars?

3213

01 A Yes, sir.

02 Q And that was after this incident in the
03 hallway, where you pushed his face or head into the
04 wall?

05 A Yes.

06 Q Paul Byrnes gets there. What occurs? Do
07 you meet him? Where do you meet him?

08 A In front of the building.

09 Q Okay. Who else was present at the front
10 of the building?

11 A I think just myself. The guys are still
12 up here. Most of the guys are still up here.

13 Cohan, everybody else is still up here. I go

14 downstairs. I believe he got us on simplex or
15 something and said, "Hey, I'm at the building," or
16 something, "Where you guys at?" I walk down and
17 meet him out front.

18 Q Do you know who -- so there would be
19 Carnasa, Aguirre --

20 A He was standing somewhere over here, from
21 what I remember.

22 Q Who is "he"?

23 A Carnasa. And the reason I'm saying over
24 here is I remember when Paul started to talk to him,
25 when he came up, we kind of talked to him over here
3214

01 on this -- on the other side of this wall over here.

02 Q Okay.

03 A This archway of the doorway.

04 Q Two officers went to go get the cars.

05 Paul Byrnes arrives. You meet him downstairs. That
06 leaves the two suspects upstairs with --

07 A Cohan and Chavez.

08 Q -- Cohan and Chavez?

09 A Yes, sir.

10 Q Okay. You then return upstairs with Paul

11 Byrnes. Do you have any conversations with Paul
12 Byrnes between the time you meet him at the steps,
13 or out front, and the time you get upstairs?

14 A Real light, something like, "What the
15 hell?" you know, "What the fuck you guys get into?"
16 that type of thing. I told him, "I'll explain when
17 we get upstairs."

18 Q Now that you're upstairs, what occurs?

19 A I let -- I basically let Cohan explain to
20 him what occurred. And this is sort of a -- this
21 whole scenario is sort of like a -- for some of the
22 other officers -- was a get to understand where Paul
23 Byrnes is coming from.

24 Because I -- and Byrnes wanted me to do it
25 this way. He said, "Let them tell me what

3215

01 happened," you know. And they went into, "This
02 guy" -- "we show up in the building. This guy
03 started running. He ran down the stairs, hurt his
04 back. And we took him into custody. And we have
05 the swarm technique up here, his head hit the wall,
06 broke the wall. And we took him into custody."

07 And Paul turned toward me and told me,

08 "Now, what the fuck really happened, Ray?" And
09 I did, and I told him everything, you know, that we
10 thumped this guy, but this is the story we're going
11 use.

12 And while we were standing here, he had me
13 grab the beer. We went upstairs and went to the
14 fire escape.

15 SERGEANT MATTHEWS: Upstairs, third floor?

16 THE WITNESS: Third floor, to the fire escape.
17 We poured beer on the fire escape. He takes photos
18 of that. We come back here, where the wall is
19 broken, and he has me -- well, we take a couple
20 photos first.

21 And he said, "You know what, shave the
22 wall" -- the drywall, the sheetrock -- you know, the
23 plaster, whatever it is -- "shave it down a little
24 bit to make it look thinner than what it really
25 was." And I do that. And I think I used a ruler
3216

01 even to show the thickness of the wall. We take a
02 picture of that.

03 We have -- myself and Paul Byrnes talks to
04 the other male Hispanic, Carnasa --

05 BY SERGEANT STRENK:

06 Q Carnasa?

07 A -- Carnasa, and I make up something to
08 tell Byrnes, you know. Byrnes knows that I'm --
09 what I'm telling him is completely different from
10 what this guy is really saying but goes, "Okay.
11 That sounds perfect." We take them, and then we all
12 leave to the station at the -- I'm sorry.

13 SERGEANT MATTHEWS: Was this English or in
14 Spanish?

15 THE WITNESS: Spanish.

16 SERGEANT MATTHEWS: So he's telling you --
17 Carnasa is telling you one thing, but you're putting
18 your own twist or turn on the translation?

19 THE WITNESS: Yes, sir.

20 BY SERGEANT STRENK:

21 Q When Paul Byrnes is upstairs now, and he
22 asks Cohan what happened, and Cohan lays out the
23 story about the chase and everything else, you said
24 "they" told him. Does everyone else -- who else
25 talks to Paul Byrnes upstairs, what other

3217

01 officers --

02 A Just Cohan. Just Cohan. The other
03 officers -- well, I don't know if they were in
04 earshot, but they were -- they were standing around,
05 but I don't know if they were actually listening to
06 the conversation, so I can't say that they heard him
07 saying it. They were within earshot.

08 SERGEANT MATTHEWS: How about the suspects?

09 THE WITNESS: The suspect -- the male Hispanic
10 and Aguirre, they might have heard part of the
11 conversation, but maybe not make out everything that
12 was said.

13 BY SERGEANT STRENK:

14 Q Okay. We have five officers there. When
15 you talked to Cohan and initially tell Cohan how the
16 story is going to be told, who else is privy to that
17 story?

18 A Everybody.

19 Q Everybody's there?

20 A Oh, yeah. Because you gotta remember, we
21 talked about how we did the swarm technique, and
22 you know. They're chasing him, and myself,
23 Mesina, and Gomez are at the other side of the
24 hallway. And he's running right towards us, and we

25 swarm on him and try to take him down. And

3218

01 everybody is grabbing one hand and a leg. And as
02 we're going down, his head hits the wall. We all
03 have to collaborate on this story. So all of them
04 are there to hear everything that went on.

05 Q Everyone is actively participating in
06 fabricating the story?

07 A Yes, sir.

08 Q And where is that taking place?

09 A Most of the story took place right here,
10 right, you know, where I was standing, just on the
11 other side of that little fire extinguisher, right
12 here. And the officers are standing right about
13 here.

14 Q Anyone, during that time when the story is
15 being fabricated, object in anyway to the story?

16 A No, sir.

17 Q Anyone act as if they have a hard time
18 going along with this story, this fabrication?

19 A No, sir.

20 Q When you said Cohan relays this story to
21 Paul Byrnes --

22 (Discussion off the record)

23 SERGEANT STRENK: We okay?

24 MR. MC KESSON: Fine.

25 BY SERGEANT STRENK:

3219

01 Q When Cohan relays the story to Paul Byrnes
02 and then Paul Byrnes turns to you and he said,
03 "Hey, tell me what the fuck really happened," is
04 that basically what he asked you, in that language?

05 A Well, he -- when we were coming up -- and
06 like I said, a lot of these guys don't know Paul
07 Byrnes, you know the younger guys that had just
08 gotten to the unit. And I've known Paul several
09 years, patrol and CRASH.

10 But you know, they knew that he was solid,
11 but they just didn't know how solid he was, that
12 they could tell him anything, it didn't matter. You
13 could tell him exactly what happened, but exactly
14 how you're going to write it.

15 And so he -- it was sort of like a joking
16 thing, "Tell me" -- "so tell me what happened." So
17 they're telling this whole story, and then right in
18 front of them, I tell him the truth. You know, and

19 they're like -- you know, that type of thing.

20 But you know, they had a real
21 understanding of what Paul Byrnes was going to be
22 like -- or you know, the type of officer he was, as
23 far as what we call solid, you know, how solid he
24 was going to be at that point.

25 Q Paul Byrnes directs you to pick up some
3220

01 beers --

02 A A beer.

03 Q -- a beer, pour it up on the fire escape.
04 He takes photographs. Anyone else besides you and
05 Paul Byrnes go when that occurs?

06 A Just me and Paul Byrnes.

07 Q When he tells you to shave the wall, who
08 was present when that occurs?

09 A I believe it was just me and Paul Byrnes.

10 Q Where is everyone else?

11 A I cannot say that somebody -- one of the
12 officers may have been down in the lower level,
13 couldn't see up, and see what I was doing. But
14 while we were standing right here, and I was shaving
15 that wall, it was just me and Paul Byrnes.

16 Q So when you're directed to grab a beer and
17 go upstairs, where is everyone else when that
18 occurs?

19 A They're now in front of the building.

20 Q So Paul Byrnes comes up, everyone is
21 upstairs now, including the suspects, when he
22 originally gets there?

23 A Right.

24 Q Cohan relays the story to him. He turns
25 to you, "Tell me the real story." You tell him the
3221

01 real story in front of everybody. Do individuals
02 then start to take bodies downstairs?

03 A Shortly after that, he sort of looks
04 around, he said, "All right. Grab that beer. Take
05 the bodies downstairs." And me and him walk
06 upstairs.

07 Q Okay.

08 A He went to look at the apartment, and we
09 went all the way to the fire escape.

10 Q Then you come back down. Do you know
11 where he had a camera -- that he obtained a camera
12 from to take pictures of the fire escape?

13 A I think he just brought it with him.

14 Q Do you know how many pictures he took of
15 the fire escape?

16 A I remember at least two or three that he
17 took of the fire escape.

18 Q Do you recall what you shaved that wall
19 down with?

20 A I really don't. I know I used some
21 straight-edged something, some type of tool or
22 something, because I know I --

23 (Pause in the proceedings)

24 SERGEANT STRENK: We're back on tape. It's
25 1630 hours, side B, continuation of the interview
3222

01 with Ray Perez.

02 BY SERGEANT STRENK:

03 Q Did you carry a knife when you worked as a
04 patrol officer?

05 A Very, very rarely.

06 Q Okay. So you used some kind of object,
07 but you don't know what, when you shaved that wall?

08 A It could have been the ruler itself, you
09 know, taking the side of the ruler. When you scrape

10 it, all it is, is like the dust particles falling
11 off.

12 Q What was the purpose of scraping that
13 wall?

14 A To make the wall look thinner than what it
15 actually was, to show that, you know, his head
16 hitting it -- it was so thin that it was easily
17 broken.

18 Q So the only people present when the beer
19 was poured were yourself and Paul Byrnes?

20 A That's correct.

21 Q The only people who were present when the
22 shaving of the wall took place was you and Paul
23 Byrnes?

24 A That's correct.

25 Q But when the story was made together,
3223

01 everyone was present? When the story was relayed to
02 Byrnes, everybody was present? And then when you
03 told Byrnes the truth, everyone was present as well?

04 A Yes, sir.

05 Q And you say that Byrnes might have brought
06 Arujo with him?

07 A You know, I think he did. I don't want to
08 say I'm positive, but I think he did show up.

09 Q Okay. Let's think about cars now, and the
10 number of people we have there, to maybe help
11 determine who was there and how everyone got back.

12 We have two suspects. So you recall now
13 everyone is downstairs after you're done
14 photographing and pouring beer and doing the wall,
15 what the procedures are, who gets into what car and
16 that?

17 A No. When myself and Sergeant Byrnes are
18 walking through -- and I'm walking through and the
19 fire escape and all that, like I said, the bodies
20 are brought downstairs. That's when they're getting
21 transported. I don't know who transported who.

22 Q When you come back downstairs with Paul
23 Byrnes, were there any police cars there, other than
24 Paul Byrnes' car?

25 A I know I left with Sergeant Byrnes.

3224

01 I know that.

02 Q Okay.

03 A And I believe Officer Arujo. So I know at

04 one point there was two other cars, that -- like I
05 said, the two cars that were brought around. When
06 exactly did they leave? I think by the time I was
07 done -- when we were done doing our thing upstairs,
08 and I came back out front, it was just Arujo at
09 Sergeant Byrnes' car and myself and Sergeant Byrnes.

10 Q While you were there do you recall a radio
11 call being generated for a screaming man at the
12 location?

13 A I don't know if I remember hearing it,
14 the radio call there, but I remember that talk.
15 I mean, I remember hearing that somebody said there
16 was a radio call that was put out. In fact, I think
17 some patrol cars -- a patrol car showed up or
18 something. That's right. I didn't actually hear
19 the radio call, but -- yeah, a patrol car did show
20 up.

21 Q Do you recall learning that after the fact
22 or when you were there?

23 A I didn't know a radio call was generated.
24 I know that some officers showed up, and they said
25 they got a radio call or something.

01 Q The officers showing up, were you aware of
02 that at the scene or after the fact?

03 A At the scene.

04 Q And do you remember how you became aware
05 that other officers showed up?

06 A I think they just showed up while we
07 were there.

08 Q Upstairs? Downstairs? In front?

09 A I think they showed up while we were
10 already there -- or downstairs -- or I don't think
11 they ever made it upstairs. I think they were up
12 front, and I think we told them that we were
13 handling it. There was no radio call or whatever we
14 told them.

15 Q And I'm going to try to -- when you
16 believed that Arujo was there, what makes you
17 believe that Arujo was there?

18 A I remember seeing his face.

19 Q I want to clarify. Are you sure Arujo was
20 there, or was it just a belief Arujo was there?

21 A I'm about 90 percent sure that Arujo
22 showed up. Yeah, in fact, I'm better than 90
23 percent sure Arujo showed up.

24 Q Do you remember Arujo being upstairs?

25 A No. Arujo stayed downstairs with the car.

3226

01 I remember that. Now, did he ever come into the
02 building at any point? I'm not sure. He wasn't
03 with us when we did anything, when we talked or
04 anything. He was downstairs.

05 Q So he wasn't upstairs when the story was
06 made, when the beer was poured?

07 A No, sir

08 Q Any of that stuff?

09 A No, sir.

10 Q Okay.

11 SERGEANT MATTHEWS: Did you share with Arujo
12 any of the events that occurred, either when you got
13 into the -- you said you believe you rode back with
14 Sergeant Byrnes?

15 THE WITNESS: Yes, sir.

16 SERGEANT MATTHEWS: When you got back to
17 Detectives or anything, kind of bring him up to
18 speed, what was going on?

19 THE WITNESS: We talked a little bit. We
20 also -- when we got to the Detectives, and Aguirre

21 was sitting on the bench, Paul said, "We have to go
22 get some photos taken."

23 And we decided we're going to clean him up
24 before we go to take him to get photos, and Aguirre
25 wouldn't let us. He said, "No. I want the photos
3227

01 to look just exactly how I look like." Because he
02 had blood trickling down his face, and he refused to
03 let us, you know, clean him up.

04 Arujo was there, and you know, we were
05 trying to convince him, "Hey, look, bro, we're just
06 going to clean this blood off you," you know, that
07 type of thing. He wasn't going for it.

08 There was some conversation about the guy
09 getting thumped. Was Arujo -- did Arujo know?
10 I couldn't say yes or no. I mean --

11 SERGEANT MATTHEWS: Okay. Let me ask you
12 this, Ray: Did it come down to -- did you say,
13 "This guy, we his kicked butt," as opposed to, "This
14 was a use of force"?

15 THE WITNESS: Oh, no. It was real obvious
16 that we kicked this guy's butt, yeah.

17 SERGEANT MATTHEWS: What I'm saying, did you

18 tell Arujo, "We thumped this guy"?

19 THE WITNESS: Yeah. Yeah.

20 BY SERGEANT STRENK:

21 Q So it's your belief Arujo knew what
22 occurred, or at least Arujo knew that misconduct
23 occurred, causing these injuries?

24 A Yes.

25 Q Would that be a fair assessment?

3228

01 A Yes.

02 Q Do you recall who transported him to
03 P.A.B.?

04 A To get photos?

05 Q (No audible response)

06 A I believe it was myself and Arujo.

07 Q That's consistent with the M.T. slips that
08 I have. Your name is on it, and Arujo's name is on
09 it.

10 En route to P.A.B., did you stop along the
11 way to try to intimidate Aguirre from filing a
12 complaint?

13 A I don't remember that. It's just not my
14 M.O. If you're going to complain, you're going to

15 complain. I mean, I know that Paul Byrnes is going
16 to take the complaint, so I'm not really too worried
17 about it.

18 MR. ROSENTHAL: Can we go off the record for
19 just a moment?

20 SERGEANT STRENK: Sure. It's 1635.

21 (Recess)

22 SERGEANT STRENK: We're back on tape at 1638
23 hours.

24 BY SERGEANT STRENK:

25 Q Aguirre states that en route to P.A.B.,
3229

01 you and Arujo stopped the car several times, towards
02 alleys, trying to tell him not to make a complaint.

03 A As I was saying earlier, it's totally not
04 my style, you know, to drive and tell somebody not
05 to make a complaint. However, I don't have a
06 recollection whether I did that or not.

07 Q Anytime you had contact with Aguirre, did
08 you ever hear him telling Cohan or telling anyone
09 that he wanted to make a personnel complaint, he was
10 going to make a complaint?

11 A I think he did say something like that.

12 Q Do you remember when you first heard that?

13 A Exactly at what point and what time? I
14 knew he was going to -- I knew he was probably going
15 to make a complaint as soon as -- as soon as the
16 beating occurred, I knew this guy was going to make
17 a complaint. There was no doubt. He was beat down
18 pretty good.

19 I knew when I pushed him into the wall
20 and he sustained that little cut on his nose, he was
21 really upset, and I knew he definitely was going to
22 file a complaint then. That's why we were starting,
23 you know, to fix the scene, to benefit our story or
24 to fit our story, as well as getting the statements
25 from the other witness.

3230

01 But him saying specifically he was going
02 to make a complaint -- I thought I heard him say
03 something like that, he wanted to talk to a
04 supervisor, make a complaint. But exactly, I don't
05 remember.

06 Q Okay. At P.A.B. did you recall having to
07 take him up for S.I.D. photos?

08 A Yes, sir.

09 Q Do you recall in the elevator going up to
10 the fourth floor where photos are, Arujo making any
11 discourteous remarks to him? Do you recall Arujo
12 making any kind of comment, something to the effect,
13 quote, "You're a disgrace to our race," unquote?

14 A You know, that -- that -- that vaguely
15 sounds familiar, the race thing.

16 Q Did you read the arrest report that night?

17 A I don't remember.

18 Q When did you learn what was going to be
19 read -- or put into the arrest report?

20 A I knew what was going to be put in the
21 arrest report when we were sitting right here
22 talking. Exactly what I'm telling the officers --
23 Cohan, is exactly what's going to be put in the
24 report. We already had -- we all -- all the
25 officers there already had an understanding of

3231

01 what's going to be in that report.

02 Q Do you recall when the first time was you
03 read the arrest report?

04 A I don't.

05 Q Do you recall being interviewed by

06 Sergeant Young for a personnel complaint as it
07 related to this matter in May of '98?

08 A I remember Sergeant Young, yes. I
09 remember someone -- him giving me an interview at
10 Rampart Station.

11 Q Do you have an opinion about that
12 interview?

13 A What do you mean by "opinion"?

14 SERGEANT MATTHEWS: You've been interviewed on
15 other personnel complaints by other sergeants.

16 MR. ROSENTHAL: You mean how well did the --
17 was the sergeant really looking to find the truth?
18 Is that what you're asking?

19 SERGEANT MATTHEWS: That's fair enough.

20 SERGEANT STRENK: That's a fair question.

21 THE WITNESS: You guys gotta remember, these
22 sergeants, you know, that worked the 1.81 units are
23 sergeants that worked the division and know the
24 officers and know the supervisors, are out to take
25 care of them, you know. Who cares about Aguirre?
3232

01 We care about the officers and taking care of them.

02 So of course, the questions are going to

03 be, like, "Okay. Before we start, here's what I'm
04 going to ask you. Okay. You Ready?" "Yeah."
05 "Let's go."

06 BY SERGEANT STRENK:

07 Q Did that occur in this instance? Did you
08 get prompted to what you were going to be asked
09 about?

10 A I knew what I was going to be asked.
11 I knew what the topics were going to be and what the
12 important subject was going to be and the right
13 answers. Yeah, of course.

14 SERGEANT MATTHEWS: Was this interview in
15 person?

16 THE WITNESS: Yes, at Rampart Station.

17 SERGEANT MATTHEWS: Okay.

18 MR. ROSENTHAL: When you say you knew, was that
19 because of what the sergeant had told you in the
20 preinterview, or was that based upon everything that
21 was discussed with all the other officers?

22 THE WITNESS: The preinterview. I don't know
23 if I mentioned this before, that, you know, it's
24 sort of like -- I think I talked about it about
25 homicide, you know, how they'll interview a

3233

01 defendant, get the story that they want to hear, and
02 then get back on tape and go, "Okay. We're here
03 today," as though the interview had just started,
04 but they had actually been interviewed an hour, hour
05 and a half prior to all that.

06 And the same thing with 1.81 interviews,
07 you know. That's the problem with having sergeants
08 that work that division and know all these officers
09 and then working with them for two years. Now this
10 sergeant is working the 1.81 unit and is going to
11 interview me? I've been there four or five years.
12 He's going to give me the heads up. He's going to
13 tell me, you know, "This is important. Make sure
14 you get this. This question is important."

15 BY SERGEANT STRENK:

16 Q Okay. We'll probably go into that at
17 another time. I don't want to waste time on that
18 now.

19 Everyone went into the apartment with
20 flashlights? Do you know?

21 A I don't -- I -- there was a lot of
22 flashlights. I had mine. Chavez had his. Cohan

23 had his. I think everybody had their flashlights.
24 If not the big flashlight, at least the belt one we
25 wear. We all wear little belt ones.

3234

01 Q Okay.

02 A But I know I had my big one, and Chavez
03 had his big one. Cohan had his big one.

04 Q Going back to the original drawing that
05 you drew of the apartment building. And you've got
06 Cohan on Aguirre's left and Chavez on his right.
07 You say Cohan had a hand on the back of his neck and
08 a hand somewhere on the lower part of his torso --

09 A Back area.

10 Q -- and he's kneeling him --

11 A Power driving.

12 Q -- repeatedly. And I think your initial
13 interview, I think you said at least 20 times kned
14 him in the back. Chavez is on his right and strikes
15 him with the flashlight. I believe in the initial
16 interview you said at least 10 times in the back.

17 From a knee in the back and the way -- is
18 Cohan getting struck by Chavez' flashlight as well,
19 or how is Chavez being able to strike Aguirre in the

20 back when Cohan is kneeling him the back and he's got
21 a hand on his neck and a hand on the lower part of
22 his back?

23 A I was going to say if we can get on the
24 ground and demonstrate it, I can show you.

25 Q Kevin might be willing to do that, but
3235

01 I won't be.

02 A By just describing it -- let's say this is
03 a body. Let's say this is the head. This is going
04 to be difficult for a transcript, but -- I mean --
05 he had his neck -- and Aguirre's face, that I
06 remember, most of the time was turned, trying to
07 look up to the officer. And he had his lower -- and
08 he was just driving his knee into -- and he was
09 stooped down and down on the ground. There was no
10 bed. He's on the floor. He's driving his knee.
11 And at one point --

12 MR. ROSENTHAL: Who's driving his knee?

13 THE WITNESS: Cohan.

14 MR. ROSENTHAL: Okay.

15 THE WITNESS: And during the same time, as
16 he's trying to drive his -- or he's driving his knee

17 into the back, you can see, you know -- Chavez is
18 now, like -- in between the hits is getting his
19 hits, you know. He's just slamming him. And
20 then --

21 BY SERGEANT STRENK:

22 Q For the record, you're pulling your arm
23 back, doing full swings down, like a hammer, in a
24 motion like that. It's not little half swings.
25 It's full-swing blows to the back?

3236

01 A I don't know if you have photos of the
02 injuries, but you can tell this wasn't, "Stay down."
03 These were full blows. I mean, I felt the blows.
04 I knew this was going to be a complaint, a major
05 complaint.

06 But yeah, in between -- I mean, if you
07 look at the photos, you'll see, like, round
08 injuries, deep contusions, I mean, deep bruise
09 contusions. Those are knees just being rammed into
10 him as he's on the floor. And then the long ones
11 are the flashlights just beating into him.

12 But they pretty much just sort of like
13 took turns. One would knee several times, and then

14 the other one would get in -- get his whacks. And
15 they rotated back and forth.

16 Q At any point in time was Aguirre
17 attempting to flee? And you're shaking your head
18 negative?

19 A He was not. He was laying on the ground.

20 Q Any point in time when this occurred, did
21 Aguirre attempt to kick the officers?

22 A No, sir.

23 Q Attempt to strike the officers in any way?

24 A No, sir.

25 Q In your opinion, was there any legitimate
3237

01 reason why he was being kneed by Cohan? Any legal
02 reason, any justification for being kneed by Cohan?

03 A No, sir.

04 Q Any legal reason, any justification for
05 Chavez to be striking him with a flashlight?

06 A No, sir.

07 Q An officer has provided a noncompelled
08 statement to me as it relates to this, and it's
09 different than yours. His version is that Cohan is
10 the one who basically puts a knee on Aguirre's back

11 and then proceeds to flashlight Aguirre in the back.
12 And that you are standing between Aguirre's legs,
13 like you said initially, and that you repeatedly
14 kicked Aguirre in the groin and upper leg area
15 approximately 10 times.

16 Do you have any response to that version
17 of this event?

18 A Definitely, Cohan did not knee and use the
19 flashlight, because he had -- his hands were free,
20 holding the guy down. Definitely, Chavez -- I mean,
21 I'm right there. I'm right between his legs.

22 It is true that I kicked him. I think --
23 personally, I think once, might have been twice.
24 And it was before all the flashlight and all the
25 actual hitting began, because I thought -- when they

3238

01 were pulling the sheets off of him, I'm kicking his
02 legs open.

03 But 10 times? Absolutely not. I'll
04 concede to maybe twice, but absolutely, positively,
05 definitely not 10 times.

06 I have no reason to -- and I've said this
07 before many times. But it doesn't benefit me one

08 way or another, whether I kicked him 10 or 20 times.
09 I'd say, "I kicked him about 20 times to open his
10 legs." Kicked him, I think, at the most two times.
11 Personally, I think it was once to open his legs.

12 But definitely, Cohan was not the one
13 hitting with the flashlight. It was Chavez. I
14 mean, I'm, like I said, right between the legs,
15 I'm looking right at both of them. I have my
16 flashlight, you know. There's no mistake on that.

17 Q When you, in the hallway, shoved Aguirre
18 into the wall, did you have to pass any officers to
19 get to him?

20 A Yes.

21 Q Were you pissed at him for making his
22 comments towards you?

23 A Yeah.

24 Q Did you walk up to him? Did you run up to
25 him?

3239

01 A I walked briskly towards him.

02 Q Do you recall what officers you had to
03 walk past to get to him?

04 A I know I passed Cohan, and then I believe

05 it was Gomez that I passed up. I would have been
06 about here, Cohan would have been here, and I
07 believe Gomez would have been standing about here.

08 And I walked -- I threw -- first I threw
09 the book at him, you know, telling him to be quiet
10 or, "Did I tell you to talk?" or something like
11 that, and then I walked over to him.

12 That's when he got scared. He thought I
13 was going hit him or something and bent down, and my
14 body pushed him right through the -- his head
15 through the wall.

16 Q Could it have been Mesina that you walked
17 past to get to Aguirre?

18 A Certainly.

19 Q Could you have gotten into a car with
20 Gomez and Mesina and left the station and met Cohan
21 and Chavez at a location to then go to this
22 location, versus what you said earlier, leaving the
23 station, everyone together?

24 A I know that Cohan talked to me about this
25 caper at the station.

3240

01 Q Okay.

02 A I know we met up at the -- we met up
03 there, and we all walked in together. I know we
04 met -- I know I talked to him at the station. He
05 had told me about this A.D.W., this guy Spider. So
06 that's the -- that's -- to the best of my
07 recollection, I remember talking to him at the
08 station.

09 SERGEANT MATTHEWS: Just to put it on the
10 record, make sure that we're clear, at any point did
11 you see Sergeant Byrnes attempt to interview or talk
12 with Aguirre?

13 THE WITNESS: I don't think so.

14 SERGEANT MATTHEWS: How about the other
15 Hispanic gentleman, did he have any conversation
16 with him?

17 THE WITNESS: Through me.

18 SERGEANT MATTHEWS: Through you?

19 THE WITNESS: Yes, sir. And I think we
20 also -- we had the male Hispanic -- I can't remember
21 his name. You keep throwing it at me. But we had
22 him fill out a statement. We basically told him
23 what to write, and then we told him his L.A.
24 privileges were pretty much revoked.

25 MR. ROSENTHAL: Can we go off the record for a
3241

01 moment?

02 SERGEANT STRENK: Sure can. It's 1655 hours.

03 (Recess)

04 SERGEANT STRENK: We're back on the record.

05 It's 1656 hours. I've reviewed my notes.

06 I have nothing further.

07 SERGEANT MATTHEWS: Nothing else.

08 SERGEANT STRENK: Ray, anything further that

09 relates to this incident that you feel we haven't

10 sufficiently addressed?

11 THE WITNESS: I did want to say that I --

12 I did testify in some type of hearing on this case.

13 I don't know if there's transcripts to that hearing.

14 But I remember going to court on some type of bail

15 hearing or some type of -- maybe a 1538.5 motion,

16 some type of hearing in court with Aguirre. So I

17 don't know if that's been looked up or not or if

18 it's important or not.

19 SERGEANT STRENK: Was it a C.A. hearing?

20 THE WITNESS: I think it was Rashawn handling

21 it.

22 MR. ROSENTHAL: That would be a city attorney
23 case.

24 SERGEANT STRENK: Could that have been for the
25 criminal case, the A.D.W. that he was being looked
3242
01 at for?

02 THE WITNESS: I believe so. I don't even know
03 why I'm bringing it up. It came up before, and I
04 just want to make sure you guys know about it.

05 SERGEANT STRENK: For the record as well,
06 Richard has attempted to locate that city attorney
07 package, and he has not been able to locate it. So
08 it's his opinion that there was not a city attorney
09 filing or review of background, police officer
10 charges which were requested, additional filing in
11 this arrest. So that might be what you're talking
12 about.

13 Okay. If there's nothing further, I want
14 to thank you for your time. We're going to go off
15 tape at 1700 hours.

16 (Concluded at 5:00 p.m.)

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