

1 PRESENTATION ON BEHALF OF THE DEPARTMENT

2
3 JAIME ADAN BALLESTEROS,
4 the witness hereinbefore named, being first duly
5 cautioned and sworn to testify the truth, the whole
6 truth and nothing but the truth, testified as
7 follows:
8

9 DIRECT EXAMINATION

10 BY MR. BRUBAKER:

11 Q. When did you go to work for the Department?

12 A. May '79.

13 Q. And when were you promoted as Sergeant
14 Investigator?

15 A. January '87.

16 Q. How long were you stationed in McAllen?

17 A. Five-and-a-half years, maybe six. I left
18 in July of '93.

19 Q. And when were you promoted to Lieutenant?

20 A. July '93.

21 Q. While you were in McAllen working in the
22 Narcotics Service, could you tell me who your first
23 and second line supervisors were there during your
24 tour of duty?

25 A. Terry Bowers, my lieutenant -- okay.

1 Starting in what, '87?
2 Q. Yes, sir.
3 A. John Hatcher, Terry Bowers, and Beto Pena,
4 Floyd Goodwin, Juan Castillo.
5 Q. Are you familiar with the informant named
6 Robert McLean?
7 A. Yes.
8 Q. Could you tell me under what circumstances
9 that he came to work for you as an informant?
10 A. In '87, we had an investigation on Antonio
11 Franco, and we had a wire tap on Antonio Franco's
12 house, the DPS and DEA and FBI. And we busted out,
13 and McLean decided to cooperate and he became an
14 informant.
15 Q. Can you tell me about when McLean came to
16 work as an informant?
17 A. It was in '87, I think. Yeah, '87. I
18 don't know -- I can't tell you what month it was.
19 Q. Which agency initially documented him as an
20 informant?
21 A. We had him as an informant, DPS did and the
22 FBI had him as an informant.
23 Q. What was McLean's first participation as an
24 informant? Which investigation was he involved in?
25 A. We continued on the Franco case, which

1 was actually, after we busted Franco, it was taken
2 over by Ricardo Garza.

3 Q. Can you tell me what McLean's specific
4 instructions were for participating in the
5 investigation?

6 A. To give information.

7 Q. Did he take any active part other than
8 providing information?

9 A. Yes, he flew the airplane.

10 Q. Flying loads?

11 A. Right.

12 Q. And he was flying the loads for Garza?

13 A. For Garza -- let's see, I think Garza had
14 already been busted, I think. So then he started
15 with Manual Saldiva, I think it is. And I think it
16 was through him that he was flying loads and were
17 busted behind him and Manual Saldiva. But I think
18 they were still part of the Franco Garza
19 Organization.

20 Q. Okay. During your period of working this
21 case with the FBI, do you remember whether or not the
22 FBI allowed any of the loads that McLean flew into
23 the country to get through in furtherance of the
24 investigation?

25 A. No.

1 Q. "No," you don't remember, or "No," they
2 didn't?

3 A. No, I don't know.

4 Q. Okay.

5 MR. EEDS: Was he your informant at
6 that time or someone else's?

7 THE WITNESS: Mine and the FBI's --
8 what's his name -- Claudio De Joel from FBI.

9 Q. (By Mr. Brubaker) Did you all have joint
10 control of McLean at that time?

11 A. Yes.

12 Q. Okay. And who was paying the rewards to
13 McLean at that period of time?

14 A. We didn't pay him until after trial. I
15 think maybe one or two years later, something like
16 that. The FBI paid him.

17 Q. So his assistance was strictly for
18 consideration in his legal problems at the time?

19 A. Well, they weren't going to pursue anything
20 on him. He just did that, and then they paid him.
21 The FBI paid him.

22 Q. The FBI paid him?

23 A. Yes. DPS didn't pay him anything, if I can
24 recall.

25 Q. Was McLean being paid by the violators at

1 that time?

2 A. He was allowed to keep, I think, what he
3 was making.

4 Q. Do you know who made the decision to allow
5 him to keep the proceeds?

6 A. I don't know. I think it was being
7 discussed with the FBI. It came up in trial and
8 Charlie Lewis with AUSA argued that, you know, he was
9 allowed to keep whatever he was getting paid for.
10 And had the Government had to pay him, it would have
11 been X amount of dollars. Instead, that's what he
12 got paid.

13 Q. Do you recall how much money that DPS may
14 have paid McLean during the period of time that he
15 worked for us?

16 A. During that time, it was nothing. I think
17 maybe later on, it might have been -- I really don't
18 remember. Little things, if any. I really can't
19 recall.

20 MR. EEDS: You said his name came up
21 during the Intercept Investigation and you all
22 arrested him or just brought him in and talked to
23 him?

24 THE WITNESS: I didn't go up to the
25 house when he got picked up. The FBI and DEA went to

1 his house. And he -- I think -- I don't know what
2 they told him, but he came in later and said he
3 wanted to cooperate. And then he started working.

4 MR. EEDS: And he came in and talked
5 to you or who?

6 THE WITNESS: He talked to the FBI.

7 MR. EEDS: And how did you become the
8 controlling agent of it?

9 THE WITNESS: Because Joe Garza and
10 the FBI were a part of the same investigation, and
11 then they just brought me in because I was being
12 trained by Joe Garza. So that's how that happened.

13 Q. (By Mr. Brubaker) Are you familiar with
14 the informant Oto Chacone?

15 A. Yes.

16 Q. Can you tell me how and when Chacone came
17 to be an informant for you?

18 A. I don't know if it was '88 or '89. McLean
19 said that Oto had approached him prior because Oto
20 was doing -- they call it fiuca (phonetic) -- running
21 electronics to Mexico. And the Mexicans had taken
22 some money from him, or his loads, or were ripping
23 him off. And he wanted to -- I don't know if Bob
24 told him or how it happened -- but he told Bob at one
25 time, if he wanted something -- if you wanted to fly

1 something -- or something to that effect -- that if
2 you can call on him so he did.

3 Bob told me and we went ahead and worked
4 him and set up a deal where he wanted Bob to go to
5 Mexico with one of his people to pick up some
6 marijuana. So we made them come over to an airstrip
7 in Edinburg to pick up some fuel. That was the
8 pretext we were saying. So when the guy landed with
9 Bob, we arrested him on the strip. So Chacono
10 thought -- he was supposed to be north of Freer
11 waiting for the airplane.

12 So we kind of timed it to see what it would
13 take for the plane to go down there and come back.
14 You know, what time it would get there, hoping that
15 Oto would be there. Oto didn't show up so we picked
16 him up later and charged him with conspiracy. Then,
17 he decided to cooperate, and that's when he became an
18 informant.

19 Q. All right. At that time, was DPS the only
20 agency that was working that case?

21 A. FBI.

22 Q. I see. Did Chacono also become an
23 informant for the FBI at that time?

24 A. Yes, if I can recall. Yes. After a
25 while -- let's see. We paid him -- the FBI --

1 something came out and said, "Well, you know, if
2 we're going to pay him, he has to be solely our
3 informant." So we ended up just paying him. But
4 they still used him, and he would inform for them
5 also.

6 MR. EEDS: Why were we paying him if
7 he was working off a case?

8 THE WITNESS: We didn't until he
9 worked off the case.

10 MR. EEDS: After he worked off the
11 initial case?

12 THE WITNESS: Yeah, then we started
13 paying him.

14 MR. EEDS: And who made that
15 decision?

16 THE WITNESS: I don't know if it was
17 AUSA or who it was. I don't know.

18 MR. EEDS: You don't know if it was
19 who?

20 THE WITNESS: I don't know if it was
21 the AUSA or who it was.

22 MR. EEDS: But he was strictly our
23 informant at that time?

24 THE WITNESS: No, FBI's also. So we
25 were working the case with the FBI.

1 MR. EEDS: Okay.

2 Q. (By Mr. Brubaker) Can you remember what
3 the first cases that he made where he was working off
4 his cases were, what they involved?

5 A. He went ahead and testified on the thing
6 that we picked him up on, the conspiracy, so he did
7 that. Then, after that, I think it was the National
8 Guard thing that we did.

9 Q. He wasn't paid for any of those?

10 A. Not for the first one -- not for giving the
11 information on that one. But I'm not too sure on the
12 National Guard deal, if we paid him on that or not.
13 I can't recall.

14 Q. Do you remember when that was that you
15 established he was an informant?

16 A. '89 or '88, somewhere in there. I don't
17 remember.

18 Q. How long did you all continue to work with
19 the FBI?

20 A. Until 1990, '91. We always worked with
21 them. But up around then, we started working with
22 DEA and Customs.

23 Q. During the time that you were working with
24 the FBI, are you aware of any loads that Chacon
25 brought into the country that the FBI allowed to go

1 in furtherance of the investigation?

2 A. No.

3 Q. During this period of time, were we the
4 only agency paying him? You said the FBI had some
5 kind of problem; is that right?

6 A. Yeah, we paid him. Yeah, the FBI didn't
7 pay him.

8 Q. What about Customs?

9 A. I think Customs paid him also.

10 Q. Do you know if DEA paid him during this
11 period of time?

12 A. No. During that period of time, DEA was
13 not involved.

14 Q. Was Chacono also allowed to keep the
15 proceeds that he was receiving from the traffickers?

16 A. Yes.

17 Q. Do you know who made that decision?

18 A. No.

19 Q. During your association with McLean and
20 Chacono, did you ever fly in any of their aircraft?

21 A. In the United States, yes.

22 Q. Did you ever fly into Mexico with them?

23 A. Well, Bob said, "We're going to go for a
24 ride," and he'd cross over Mexico, but he would come
25 back in. But Customs was with me on that

1 case, on that particular deal.

2 Q. Do you remember ever being counseled about
3 flying with them, about the concerns of being in an
4 informant's aircraft and any problems that could
5 result from that?

6 A. No, I was never counseled. In fact, I was
7 afraid when I was first told to go up with them.
8 Because after we got McLean, he wanted to show where
9 the strips were. Joe Garza couldn't fly, and De Joel
10 couldn't fly, so they told me to get on the
11 airplane.

12 MR. EEDS: Who told you that?

13 THE WITNESS: De Joel and Joe Garza.
14 And we were going to -- close to Hevernaville. And,
15 you know, it just freaked me out.

16 MR. EEDS: Joe told you to fly, one of
17 our investigators, not a supervisor?

18 THE WITNESS: Right.

19 MR. EEDS: Did the supervisor at the
20 time know you were flying?

21 THE WITNESS: No. It was just -- we
22 were at the airport and he said, "Just go with him to
23 show" -- "they're going to show you where they're
24 bringing in the stuff there in Hevernaville." So I
25 didn't know so -- you know, I was afraid that -- I

1 was in the backseat so I got my gun because I didn't
2 know where we were going. I said, "Well, I can't
3 shoot them here because how am I going to get down."

4 Q. (By Mr. Brubaker) Did McLean or Chacone
5 have your home phone number?

6 A. No. Chacone tricked me once, and I don't
7 know how that worked. I never gave them my home
8 phone number. He said, "Well, I've got your number
9 because when you call, it shows up here." And he
10 called me once, maybe twice, at home. I wasn't -- I
11 didn't want him calling me at the house.

12 MR. EEDS: How did he trick you? You
13 said, "It showed up here."

14 THE WITNESS: He says when I call him
15 in his truck, that his phone indicates -- the thing
16 will come out. Call it my naive or whatever. And he
17 said, "Well, it's in there." I said, "Okay." So
18 that's how he called me. I told him, "Don't call me
19 at the house," and he still called me a couple times.

20 MR. EEDS: He said when you called
21 him, the number appeared on the cell phone?

22 THE WITNESS: On his phone, yeah. On
23 his cell phone, apparently, yeah.

24 MR. EEDS: And when was this, what
25 year?

1 THE WITNESS: '80 -- I mean, '90 --
2 '89, '90, '91, somewhere around there. I don't
3 know.

4 Q. (By Mr. Brubaker) Did you make a call from
5 his cell phone to your house, is that what you're
6 saying, and then he just recalled the number? Are
7 you saying it acted similar to Caller ID?

8 A. Yeah. See, I didn't even know about Caller
9 ID.

10 MR. EEDS: He said it was like Caller
11 ID?

12 THE WITNESS: He didn't say that. He
13 said that he had my number.

14 Q. (By Mr. Brubaker) That was the concept he
15 was trying to make?

16 A. Right. He scammed me.

17 Q. Did McLean or Chacono ever come to your
18 house?

19 A. Chacono came by one time, not into the
20 house. He just passed by.

21 Q. How did he come to know where you lived?

22 A. I don't recall. I don't know if driving by
23 one time or what or he saw my truck. I don't know
24 what -- how he first found out where I lived, but he
25 told me he knew where I lived. It's not very hard

1 when you live in

2 Q. Did you ever have any occasions to meet
3 with McLean or Chacone, outside of work, on a social
4 setting?

5 A. No.

6 Q. Can you tell me about when and why you,
7 along with McLean and Chacone, quit working with the
8 FBI?

9 A. It was a load that was taken into Warton --
10 two cocaine loads -- the same day, one after
11 another. And for some reason, I don't know how it
12 happened, but the FBI didn't make country clearance
13 or something. Or I don't know what the details were,
14 but FBI said that they didn't want to work anymore.
15 So I just continued working with Customs.

16 MR. EEDS: Up until that time, you had
17 a pretty good working relationship with the FBI
18 working with them?

19 THE WITNESS: Yes. And we still
20 worked with the FBI after that. But as far as air
21 smuggling, they said, you know, they didn't want to
22 do country clearance or something. Or that
23 supervisor, for some reason, just said that he wasn't
24 going to do it anymore. And I don't know what the
25 argument was.

1 I think when the loads came down, it had
2 been where -- whoever calls in got this number, they
3 took credit for the load. And right off the bat,
4 Customs called and got the number, and they took
5 credit for that load. And the FBI tried to call, but
6 they had already given the number. Something like
7 that, and it was just between Customs and FBI.

8 Q. (By Mr. Brubaker) While Chacone and McLean
9 were working with you and the FBI and Customs, did
10 they routinely fly back and forth to Mexico?

11 A. That was part of Jacone's deal. They had
12 to go by -- they went back and forth.

13 Q. And they were bringing loads from Mexico
14 into the country?

15 A. When they let us know, yes. Not without us
16 knowing. If they told us. But, you know, we didn't
17 know every time they did what they did. They flew a
18 lot, and we didn't know every time they flew.

19 Q. Can you tell me about when and why you
20 began to work with T.K. and the Drug Enforcement
21 Administration?

22 A. After a talk with the FBI, I think the main
23 thing was that -- of course, you know, the Customs
24 guy that I was working with left. So now I went
25 ahead and called AUSA's office and told them, "Well,

1 FBI is not going to work for Customs so, you know,
2 I'm not going to be working these types of cases
3 because I need to have clearance." And then he went
4 ahead and got me with T.K. He says, "Well, you know,
5 here's T.K. Solis, and you can work with him."

6 MR. EEDS: Who did this?

7 THE WITNESS: John Cruz.

8 MR. EEDS: The AUSA?

9 THE WITNESS: Yeah. He told me about
10 T.K., and he got us to meet. And I met with T.K. and
11 told him about Oto. And he said, "Yeah, we'll work."

12 Q. (By Mr. Brubaker) Do you know about when
13 you started working with T.K.?

14 A. It was after I talked to the FBI that they
15 didn't want to do -- that was after that Warton deal.

16 Q. Do you know a year or month?

17 A. '90, I think. '90 or '91.

18 Q. After you had the initial discussion with
19 T.K. about working McLean and Chacone, were there any
20 formal meetings held to discuss the types of
21 investigations that you all wanted to work or any
22 direction or how McLean and Chacone would be
23 utilized?

24 A. I met with T.K. and told him -- I didn't
25 know T.K. I just knew he was a DEA. I told him that

1 Chacone -- who is not a pilot but had airplanes and
2 he flew fiuca -- that he and Bob were working
3 together, and that this is what we had done. And,
4 you know, if he could handle it or work it and get
5 the country clearances and he said yes.

6 Q. So --

7 A. And then I introduced him to Chacone.

8 Q. There were no supervisors at this initial
9 meeting?

10 A. No.

11 MR. EEDS: Did your supervisors know
12 that the FBI wasn't going to work with him anymore?

13 THE WITNESS: Yes, I told them.

14 MR. EEDS: And who was your supervisor
15 you told?

16 THE WITNESS: Back then, I don't
17 remember. I think it might have been Terry.

18 MR. EEDS: It was the Lieutenant?

19 THE WITNESS: Yes. See they were
20 there, I mean, during the whole deal. I mean, they
21 were just -- when -- we took over that Warton
22 office -- the Highway Patrol Office to the point
23 where the Highway Patrol got mad. We had 100 FBI, 50
24 Customs. We just had everybody there. We bought our
25 own tower and had Customs airplane, DPS airplane, and

1 it was just a big old deal. FBI, for the most part,
2 wanted to work it alone with us and not involve
3 Customs. I just called everybody.

4 Q. (By Mr. Brubaker) Do you remember what the
5 first case was you worked with T.K. and Chacone and
6 McLean?

7 A. No, I don't remember.

8 Q. On any of the investigations that you
9 worked with T.K. and Chacone and McLean, were there
10 regular meetings held with DEA supervisors or our
11 supervisors to discuss the investigations and where
12 they needed to be going.

13 A. I would tell T.K. In fact, T.K. even
14 talked to the CI. And I told my supervisors what's
15 coming up, but, you know, they would never happen. I
16 would say, "We're just going to go. It's gonna go,"
17 and it doesn't go. He says, "Well, I'm going to do
18 this," and it doesn't happen. I say, "We're going to
19 go look at a strip," and they go and then nothing
20 ever happens.

21 Q. So there were no formal meetings between --

22 A. Not between DEA supervisors and DPS
23 supervisors, no.

24 Q. Adan, if I could get you to look at this
25 CLE-1. In this CLE-1, you talk about the Lamas

1 Organization.

2 A. Let me read this. Hold on.

3 (Long pause.)

4 A. This was, I think, the cocaine that Beto
5 Pena took down.

6 Q. (By Mr. Brubaker) Okay. Do you remember
7 writing this CLE-1?

8 A. Yes.

9 Q. File No. N7A-89035?

10 A. Yeah, I need to -- I must have wrote it,
11 here it is. But this was information given a long
12 time later. And after it happened -- I don't really
13 know exactly when it happened. But after it
14 happened, the CI was saying that he knew about it and
15 that these people had something to do with it.

16 Q. Okay. And at the time you wrote this
17 report, the information that you had on the Lamas
18 brothers is the full extent of the information you
19 had on them, as far as identifying information, is
20 contained under the physical description section on
21 Detail 2 and 3; is that correct?

22 A. Yeah, that's the only thing that I could
23 find on them.

24 Q. Okay. I would like you to look over this
25 CLE-1, from File No. N7A-89080, dated 11-27 of '89.

1 (Long pause.)

2 A. Right there it says sue (sic). I think it
3 was a C. In the report --

4 Q. (By Mr. Brubaker) So you did write this
5 CLE-1; is that correct?

6 A. Yes.

7 Q. And the information under the physical
8 description section on Lamas basically indicates that
9 you had him fully identified; is that correct,
10 provided --

11 A. According to the information that I could
12 find.

13 Q. You indicate that Lamas wanted to begin
14 flying cocaine into the United States?

15 A. Yeah, Lamas or Nieto. And they were
16 associated to each other.

17 Q. Okay. Was this information provided by
18 Chacone?

19 A. Yes.

20 Q. This CLE-1 also indicates that Lamas wanted
21 to start with 500 pounds of marijuana to test the
22 system and make sure everything worked?

23 A. Well, not the system. He wanted to test
24 the CI. Because if he didn't trust the CI, he wasn't
25 going to give him any more.

1 Q. Before he fronted any cocaine; is that
2 correct?

3 A. Well, that was cocaine that he wanted to
4 do.

5 Q. Right. But I'm saying, before he was going
6 to allow the informant to bring any cocaine, he
7 wanted to try marijuana. That's what you indicated?

8 A. Yes, that's what he said.

9 Q. Okay.

10 A. That's what the CI said.

11 Q. Could I get you to look over this CLE-1,
12 from File No. N7A-89080, dated 1-15 of '90?

13 (Long pause.)

14 Q. (By Mr. Brubaker) Did you prepare this
15 CLE-1?

16 A. Yes.

17 Q. In Detail No. 2, you indicate that -- I
18 assume that Chacono was introduced to Nieto; is that
19 correct? That's the source you keep referring to in
20 this report?

21 A. As a source, which was Chacono.

22 Q. And he basically reiterates the same thing
23 that Lamas had told him. They wanted to try out 500
24 pounds of marijuana because they didn't trust him?

25 A. Well, I guess. Yeah, that's what it says

1 here, and that's what they talked about.

2 Q. Okay. In Detail No. 7, you indicate that,
3 apparently, Chacone had convinced them that to all of
4 his knowledge that he was -- he could be trusted and
5 they decided to go ahead and not fly the test load of
6 marijuana and go ahead and do the cocaine shipment
7 first; is that correct?

8 A. Yeah, because we didn't want -- because he
9 had already talked about cocaine. We didn't want to
10 mess with marijuana. So we told him, "It's going to
11 be the same price. Just jack up the price. That
12 way, if you're going to do something, you might as
13 well do something worth your while."

14 Q. During the time that Chacone was obtaining
15 this information, was there any active surveillance
16 on him or did he just come in and debrief after being
17 with these violators?

18 A. I don't remember. I want to say we did,
19 but I don't remember.

20 Q. Okay. I notice there's also several phone
21 numbers listed throughout the report, which you have
22 indexed in the book, indicating --

23 A. Numbers that he was--

24 Q. -- pagers and a non-listed number to a
25 business; is that correct?

1 A. Yes. That's through the crisscross. We
2 were able to determine what those numbers were.

3 Q. Okay. In the physical description section,
4 you indicate that the description of Juan Lamas --
5 you refer back to another report, which was a common
6 practice at that time, right?

7 A. Yes.

8 Q. Did you make any effort through the
9 businesses that had these phone numbers to get any
10 more identifying information on anybody in this --

11 A. I don't remember. We were working with the
12 FBI on that, so they had the reports. I don't know
13 what they tracked down or what they were doing.

14 Q. Let me get you to look at this CLE-1, from
15 File No. N7A-89080, dated 12-6-89.

16 (Long pause.)

17 Q. (By Mr. Brubaker) Did you write this
18 CLE-1?

19 A. Yes.

20 Q. This is basically the -- or this is the
21 report that you made reference to for the physical
22 description section in the last report that you
23 looked at for Nieto and Lamas that you refer to; is
24 it not?

25 A. I think it is. You just go back and forth

1 off the same one if you need to get other
2 information.

3 Q. Did -- was McLean and Chacone involved in
4 this?

5 A. Chacone was. And there was another pilot
6 Matamoros -- Rafael Matamoros was the pilot.

7 Q. If I could call your attention on the first
8 page under the "defendants" column. You have Juan
9 Lamas listed there with an address on 23rd Street in
10 Brownsville?

11 A. Huh-uh.

12 Q. And in the physical description section,
13 Detail No. 3, you have a description of Juan Lamas
14 again; is that correct?

15 A. Where is this? What page?

16 Q. Page No. 9, the physical description
17 section.

18 A. Yes, it shows the same one.

19 Q. Could I get you to refer back to the CLE-1
20 dated 11-27-89, in File No. N7A-89080, Page 2, the
21 physical description section?

22 A. It shows a Brownsville address.

23 Q. Yeah, that one.

24 A. Yes.

25 Q. The physical description that you show of

1 Juan Lamas there varies quite a bit from the one that
2 you show here, different address, different size.
3 Were they -- different color hair. Were these two
4 different individuals?

5 A. Yeah, there was about two, three or four
6 different Juan Lamas. I don't know, and I can't
7 remember the sources if they used each other's name
8 or -- there was two, three or four different ones.
9 So I never really knew which Juan Lamas it was. I
10 only went by what he could tell me.

11 Q. You were never able to -- you have some
12 addresses listed here. You were never able to go to
13 these apartment complexes and obtain any
14 documentation from lease information or anything that
15 would have given you any clue who the positive ID was
16 on John Lamas; is that correct?

17 A. We -- of course, we had surveillance on the
18 apartment. But, you know, we could never tell who he
19 was. And we couldn't get close enough -- I don't
20 know how the apartment was where we can take out
21 vehicles, but we followed vehicles and we took those
22 tags down. And those were the vehicle descriptions
23 back here (indicating).

24 Q. Did you make any conscious effort to check
25 with the leasing agents or Highway Department records

1 or anything on those vehicles to try to find any more
2 definite information out on who Juan Lamas may have
3 been?

4 A. Not that I can recall. I think this is
5 what I did here.

6 Q. What about the description you have of
7 Nieto. Do you feel that it was accurate and correct?

8 A. As far as what the CI told me.

9 Q. How were you able -- or where did you come
10 up with this IDing information?

11 A. From the CI. He pointed out as to where
12 Nieto is hanging out or lives, whatever. That's why
13 we put the 334 Morning Side in Brownsville.

14 Q. Did you ever check any utility records for
15 that address?

16 A. No.

17 Q. Can I get you to look at this affidavit for
18 search warrant, the probable cause section.

19 (Long pause.)

20 Q. (By Mr. Brubaker) Do you recall this
21 affidavit?

22 A. Yes.

23 Q. This was a continued effort on your part to
24 dismantle Lamas and his group, was it not?

25 A. Yes.

1 Q. Was all the information that you put in the
2 affidavit obtained from your several-day
3 surveillance?

4 A. Yes.

5 Q. Was any information provided by Chacone?

6 A. No, he just, like this (indicating),
7 pointed, "There he is and he's doing it." And we
8 did -- and he pointed out the house where the
9 marijuana was, if I can recall. And that's where we
10 set up, across from the house.

11 Q. Is there some particular reason you didn't
12 mention receiving information from an informant in
13 this affidavit?

14 A. I don't know if it was because of the
15 days -- I don't recall.

16 THE COURT REPORTER: Because of what?

17 THE WITNESS: The days -- the amount
18 of surveillance.

19 Q. (By Mr. Brubaker) Are you telling me it
20 was an oversight on your part, leaving that
21 information out?

22 A. I don't know what it is. I guess we
23 started surveillance on the apartments. That's where
24 it started. And we just went off on that and that
25 and that, and we finally put him down in that other

1 house. The information we had was on the Hacienda
2 Apartment. And we corroborated everything else, and
3 we developed the information.

4 Q. So Chacone didn't really have an active
5 part?

6 A. No. A lot of stuff, he minimized himself.
7 So that's why we were there for days.

8 MR. EEDS: So he didn't give you
9 information on this search warrant? He didn't tell
10 you which house the marijuana was in?

11 THE WITNESS: The thing is that -- he
12 told us about Lamas, and we followed Lamas, and we
13 followed Lamas. And he kept on telling us about
14 Lamas so we got interested in Lamas. We followed
15 Lamas and talked about them doing something or,
16 "Lamas is associated with someone," or whatever. So
17 we started -- we kept on Lamas and we developed the
18 information on Lamas. But I can't recall if he told
19 us anything else or if he was ever in any house or --
20 see, when they went into that house -- they were
21 going to that house so he turned off the lights. So
22 we figured that's where they were doing their deal.

23 Q. (By Mr. Brubaker) You indicate in the
24 affidavit that a traffic stop was to be conducted. I
25 assume that it wasn't since you don't mention that it

1 was. Can you tell me why you did not make the
2 traffic stop?

3 A. It wasn't me. We had other units out
4 there. They wanted to do a traffic stop. I don't
5 know why it wasn't done. I know we wanted to
6 identify them because we really never had an
7 identification on them. And there it was right there
8 (indicating). It says, "Traffic stop was to be
9 conducted to possibly identify Lamas."

10 Q. You had the opportunity to positively
11 identify him, but you didn't avail yourself of that
12 opportunity?

13 A. We can't. Because if we did, then he would
14 know we were looking at him.

15 Q. I don't recall any mention in this report,
16 or any of the previous reports dealing with Lamas,
17 where you indicated that there might be more than one
18 Juan Lamas or someone using Juan Lamas' name.

19 A. The CI told me that. I didn't put it in
20 the report, but apparently it showed up because
21 there's two different Lamas. And I think I might
22 have questioned the CI. I said, "Well, there's
23 different Lamas." And then we ran a check on him,
24 but there was five different Lamas. And I forgot how
25 the FBI ran the check. And we went through court

1 records where people had been arrested in the area,
2 and there was about three, four, five different Juan
3 Lamas.

4 Q. Well, you're aware that the people that you
5 index on these reports ends up in the data base up
6 here in the computer; is that correct?

7 A. I know that now. I didn't know then. I
8 know we had it over there.

9 Q. So this Juan Lamas you have positively IDed
10 by Texas DL and social security could be totally not
11 associated with this; is that correct?

12 A. I don't know.

13 Q. And, in fact, could be innocent; is that
14 correct?

15 A. I don't know.

16 MR. EEDS: Did you make your
17 supervisor aware that the possibility existed that
18 you all were looking at several different Juan
19 Lamas?

20 THE WITNESS: I'm sure he was aware
21 because I have my reports.

22 MR. EEDS: Well, from reading --

23 THE WITNESS: How many Juans are there
24 in the valley?

25 MR. EEDS: But from reading your

11 where we were at -- I mean, you can just smell --
12 that was, what, 4,035 pounds of marijuana coming from
13 that shack, which was -- you know, was not even
14 brick, if I can recall.

15 Q. The marijuana could have been stacked out
16 in the middle of a field somewhere, could it not?
17 You show no --

18 A. It could have.

19 Q. You show no indication that -- or any
20 reason why someone should believe that the marijuana
21 is inside any of the structures that are listed in
22 this affidavit.

23 A. Well, I believed that it was inside the
24 house.

25 Q. Well, I understand you believed that. But

1 what I'm asking you is why -- did you not have the
2 information? You don't state --

3 A. Well, the thing is, when you're doing
4 surveillance and you're looking at this covert action
5 that they're doing, they're going back and forth, you
6 assume by what they're doing that it's in that
7 location.

8 Q. Well, it also describes -- it could
9 describe the actions of someone who was meeting with
10 a paramour. I mean, there's no --

11 A. A paramour?

12 Q. Illicit lover, chip, whatever you want to
13 call them.

14 A. Oh, not like this.

15 Q. There's no indication anywhere in here,
16 that I can see, where you've mentioned that you have
17 knowledge and why you believe that the marijuana is
18 located at this address.

19 A. Well, if you were on surveillance for two
20 or three days that we were out there and looking at
21 the vehicles and the suspicious nature of them going
22 down in that location and then the strong smell of
23 marijuana coming from that location, you infer that
24 there's narcotics in there, marijuana, and there was.

25 Q. Did Chacono know that marijuana was at this

1 location?

2 A. I don't think so. I don't know.

3 Q. If I can get you to also look at this
4 affidavit that's part of that same case. And I
5 assume it was run subsequently to the one that you
6 just looked at.

7 A. Back here it says, "Seized during search
8 warrant. See cover attached."

9 Q. You got the 4,000 pounds first and then the
10 2,000; is that right?

11 (Long pause.)

12 Q. (By Mr. Brubaker) Do you remember this
13 affidavit?

14 A. Yes.

15 Q. So basically you all went to that first
16 house and got 4,000 plus pounds, then you did a
17 consent and got a couple thousand more, then you
18 wrote this affidavit?

19 A. Say that again.

20 Q. You got like 4,000 pounds off of this first
21 affidavit?

22 A. Right.

23 Q. And then you got 2,000 on the consent. I
24 don't know which one of those came first, either the
25 consent or the first affidavit.

1 A. Okay.

2 Q. But you had 6,000 plus pounds in custody,
3 and then you prepared this affidavit; is that
4 correct?

5 A. Yeah. Do you have the report to this?

6 Q. Yes, sir. This is CLE-1 dated 2-19 of '90,
7 File No. N7A-90009.

8 (Long pause.)

9 A. Do you have that other report dated 2-19 of
10 '90, the CLE-1?

11 Q. Which detail are you referring to, Adan?

12 A. To the detail addressed in the synopses --
13 "refer to CLE dated 2-19-90" by myself.

14 Q. This one here is dated 2-19 of '90 that
15 you're holding.

16 A. Well, this is another one I'm referring
17 to. The report to the seizure of the marijuana, the
18 4,000 pounds. Do you have that report? Okay.
19 This is 2-19, but it refers to 2-19.

20 Q. That's the only report in there dated
21 2-19.

22 A. All right.

23 Q. There's one dated 2-16 that Doug Brooks
24 wrote up.

25 A. Okay.

1 (Long pause.)

2 Q. (By Mr. Brubaker) You remember this second
3 affidavit; is that right?

4 A. Yes.

5 Q. Did Chacone provide any information in
6 this? Or was this, again, a culmination of your
7 lengthy surveillance?

8 A. Right.

9 Q. And, again, I would point out to you
10 there's no mention anywhere in this affidavit of how
11 or why you believe that there's any marijuana in this
12 residence.

13 A. In which residence?

14 Q. The one that --

15 A. The 4,000 pound one?

16 Q. No, the one --

17 A. The second --

18 Q. No, the one that the search warrant is for
19 963-B Live Oak in Harlingen. The one that the
20 affidavit and search warrant are for. You indicate
21 that you seized that other marijuana and basically
22 the same information. "The guy drove fast. He made
23 a lot of meetings." Still, no indication that
24 there's any marijuana or that you have any knowledge
25 there's any marijuana in this location; is that

1 correct?

2 A. Which one came first? They're both on the
3 same days.

4 Q. Well, I would have to assume that the one
5 with the 4,000 --

6 A. On the one you're inquiring about, on the
7 affidavit, it says that we took 6,639 pounds of
8 marijuana.

9 Q. That's what I'm saying. I would think the
10 first one I handed you came first, and then a
11 consent, which would have given you the 6,000
12 pounds. And then you ran the second search warrant
13 and got another couple thousand for somewhere upward
14 of 86 to 8,700 pounds of weed.

15 A. Okay. This refers back to this one, and
16 this one talks about the surveillance that we did on
17 this one and on this one (indicating). So that's how
18 we got the 4,000 and the 2,609, located on Nixon
19 Road, to give us the affidavit to go -- to give us
20 probable cause to go on the one on Live Oak.

21 Q. But there's still nowhere in either
22 affidavit that mentions how or why you believe there
23 was marijuana, specifically in those residences; is
24 that correct?

25 A. Well, it talks about the surveillance of

1 the vehicles, where we started back on the 10th, in
2 reference to the 4,000 that we took off of that.

3 Q. But you still haven't answered my
4 question. Is there any statement in either one of
5 these affidavits that indicate how or why,
6 specifically, that you know that marijuana is in
7 either of these places?

8 A. Yes, through the surveillance and following
9 the vehicles and how they're moving around and that
10 we took down the 2,609 pounds and the 4,000, whatever
11 pounds that was, off of the other one. That is in
12 this affidavit.

13 Q. Sir, I understand that you took that down,
14 but it still doesn't tell me how you know there's
15 marijuana in that residence. It tells me you took
16 down this marijuana over here, but it doesn't tell me
17 how you know there's marijuana in this Live Oak
18 address.

19 MR. EEDS: Did a supervisor look at
20 these affidavits before you presented them?

21 THE WITNESS: No.

22 MR. EEDS: Did T.K.?

23 THE WITNESS: Usually you don't have a
24 supervisor with you when you write the affidavits.
25 You're out there at night. You find a little room

1 somewhere where you can find a typewriter. You type
2 it up, especially at 3:00 in the morning or whatever
3 time this was. I don't know which particular time
4 this one was.

5 MR. EEDS: Did anybody, other than
6 you, look at these affidavits?

7 THE WITNESS: I think Escribano was
8 with me.

9 MR. EEDS: And who is he?

10 THE WITNESS: The FBI investigator.
11 He's in Puerto Rico now.

12 Q. (By Mr. Brubaker) Have you had a chance
13 to -- go ahead. I'm sorry.

14 A. Go ahead.

15 Q. Have you had a chance to read over the
16 CLE-1 dated 2-19 that I handed you just a moment ago?

17 A. Yes, for the most part.

18 Q. This is an accurate and detailed report
19 concerning your activities that lead up to the
20 execution of the two search warrants and the
21 consents; is that correct?

22 A. Well, according to what I got from these
23 other copies of surveillance, yes, to the best I can
24 recall.

25 Q. And there's no mention of any information

1 coming from an informant. It is strictly based on
2 your surveillance; is that correct?

3 A. That's correct. Because that's the reason
4 why it took so long.

5 Q. This CLE-12, from N7A-90009, dated 2-28 of
6 '90, could you look at this and explain to me why we
7 paid Chacone \$5,000 for the information, in that file
8 we've been talking about, if he had no activity and
9 provided no information?

10 A. He's the one that gave us Lamas.

11 Q. What do you mean he gave you Lamas?

12 A. He put us on to Lamas and we followed
13 Lamas.

14 Q. He put you on to who? I'm sorry.

15 A. To Juan Lamas. And that's why we would
16 follow him around. We would go ahead and get the
17 information on him, and that's where we started our
18 surveillance.

19 Q. Can you tell me the report that that CLE-12
20 references for the payment?

21 A. 2-19-90.

22 Q. Is that not the one you have in front of
23 you?

24 A. Yes.

25 Q. Basically, that CLE-12 is stating that he

1 was paid for the seizures made on this report?

2 A. Yes.

3 Q. But yet, he didn't provide any of the
4 information?

5 A. He gave us Juan Lamas.

6 MR. EEDS: How?

7 THE WITNESS: By telling us that he's
8 the one associated with, you know, marijuana and
9 things going on. That's why we sat on him. But he
10 didn't give us, per se, what's going on. That's why
11 we had to corroborate what's going on. And we had to
12 follow Lamas around to see the illegal activities and
13 the suspicious activities that he's doing. We built
14 the probable cause.

15 Q. (By Mr. Brubaker) We basically paid
16 Chacone \$5,000 because he said, "This guy over here's
17 a crook"?

18 MR. EEDS: "He's a crook."

19 THE WITNESS: Right.

20 MR. EEDS: Who approved that under the
21 knowledge of what you just told us?

22 THE WITNESS: I guess they had to get
23 a voucher from Charlie Williams.

24 MR. EEDS: Charlie Williams was not
25 your supervisor?

1 THE WITNESS: Terry was my supervisor,
2 but I'm reading what it says here. Terry did.

3 MR. EEDS: And Terry knew that the
4 information the man gave you was for \$5,000, "That
5 guy's in the dope business"?

6 THE WITNESS: Yes. We went on Lamas,
7 and he showed us here -- and the CI showed us
8 places. But the CI didn't give us information and
9 say, "There it is or there it is." How can I put
10 that in a search warrant because the CI didn't do
11 that. The CI told me, "Look at him because he's
12 doing things, and he's associating with these
13 people." And he's going to these locations that I
14 gave, where I was able to get license plates and
15 stuff.

16 And he was showing me and pointing me to
17 the houses. "This is where they're going. These are
18 the people. Look at these people. Look at Hadimule
19 (phonetic) and Zuniga and Lamas and follow these
20 people. They're going to do something" -- "they're
21 doing something," so we did. Had he not told us, we
22 wouldn't have sat up on them.

23 Q. (By Mr. Brubaker) Was Juan Lamas ever
24 arrested in this case?

25 A. No, I don't think so. No.

1 Q. Can you tell me what happened to Juan Lamas
2 during this surveillance?

3 A. I don't know. Surveillance picked him up,
4 followed him. And when we hit the house, he wasn't
5 at the house. And these are the people that were at
6 the houses.

7 Q. Everything in your affidavit and report
8 indicates that all of your efforts were directed at
9 making a case against Juan Lamas; is that correct?

10 A. Well, you pick out whoever is the most
11 culpable, I think. And I think Juan Lamas was the
12 one that was either directing or associating or
13 getting the people together so that's who we stuck
14 on. But as you can see, you know, here was Zuniga.
15 Zuniga was the one that had the marijuana that we hit
16 so it was changed to -- the title was changed to
17 Zuniga and not Juan Lamas. We didn't arrest Juan
18 Lamas. We couldn't find Juan Lamas.

19 Q. Well, you all had him under surveillance.
20 What happened to him?

21 A. I don't know.

22 MR. EEDS: Based on your affidavits
23 and your reports, the whole thing centers on Juan
24 Lamas?

25 THE WITNESS: Yeah.

1 MR. EEDS: Just a minute. That's who
2 your informant told you was doing all of these
3 things. And we go seize 8,000 pounds of marijuana,
4 and we never arrest Juan Lamas. He just disappears.

5 THE WITNESS: Well, maybe it wasn't
6 Juan Lamas. Maybe it was Zuniga. The thing is, we
7 followed the vehicles from where Juan Lamas was
8 staying. Apparently -- I don't know, because I
9 didn't follow all of the vehicles. But when we hit
10 the house, Juan Lamas wasn't there.

11 We didn't do a traffic stop, so we didn't
12 know if this was, indeed, Juan Lamas or not.

13 Q. (By Mr. Brubaker) On the first affidavit,
14 you indicate that Juan Lamas was in charge of the
15 premises. How did you determine he was in charge of
16 the premises?

17 A. The CI told us. Are you talking about the
18 La Hacienda Apartments or the --

19 Q. The location where this marijuana was
20 seized.

21 A. Yeah, the CI said that it belongs to Juan
22 Lamas.

23 Q. I guess --

24 A. I mean, I kept on calling the CI and would
25 ask him. I said, "Well, does he go here?" He said,

1 "Yeah, sometimes he goes there." I said, "Who does
2 it belong to?" He said he believed it belonged to
3 Juan Lamas.

4 Q. It was out of the county, wasn't it?

5 A. It's right close to the airport.

6 Q. Minnesota Avenue and California Street?

7 A. Yes.

8 Q. Of the no-name county road?

9 A. Uh-huh.

10 Q. And your surveillance lasted, what, about
11 six days?

12 A. Yes.

13 Q. During this period of time, was there any
14 effort made to check county records as to who owned
15 the property or any utilities or any other method
16 commonly used to identify?

17 A. No, because I wasn't in the office, and I
18 was outside a lot and on surveillance and with the
19 other investigators. We tried to run on the plates,
20 but they come back not registered to anybody. We
21 didn't have a good location on the house to be able
22 to go run any les pendens (phonetic) or anything on
23 it.

24 And also, we didn't trust anyone in the
25 courthouse. When you go to the courthouse, you still

1 open a book to go in and inquire. And right off the
2 bat, they know you're working in somebody and the
3 word goes out. It's almost just like Star County.

4 Q. Did you make any effort to contact one of
5 our analysts to have them do a manual search on the
6 license plates?

7 A. No, I didn't -- well, I might have. I just
8 don't recall.

9 Q. On the second --

10 A. I think I would call and get several plates
11 and things here and there. I just never got anything
12 back. That's how I wasn't ever able to ever get
13 anything. In fact, I don't think he ever had a
14 driver's license. We went as far as to -- we went
15 to, I think it was, probation and other locations.
16 We went to the sheriff's office to see if he had been
17 busted before, to see if they had anything on him. I
18 think that's one of the places where we found there
19 was several different Juan Lamas.

20 Now, which one this is -- there's one who
21 had been busted with this DL. And then -- I don't
22 remember if we got a photo of that or not. In fact,
23 I think I even called DPS and they sent me the photo
24 of Juan Lamas -- on that Juan Lamas.

25 MR. EEDS: Was it the same Juan

1 Lamas?

2 THE WITNESS: The CI couldn't tell by
3 looking at the black-and-white photo.

4 MR. EEDS: But you had been following
5 him -- you've been following this Juan Lamas around.
6 You articulate in your probable cause and search
7 warrant what Juan Lamas is doing, how he's driving.
8 You all never saw him?

9 THE WITNESS: They saw him driving.

10 MR. EEDS: Was it the same one that
11 you got the picture of?

12 THE WITNESS: You couldn't tell from
13 that black-and-white photo.

14 Q. (By Mr. Brubaker) On the second affidavit,
15 you indicate that Zuniga and Rodriguez were in charge
16 of the suspected premises?

17 A. Yes, I think we got that from -- I don't
18 know if we ran license plates or what it was.

19 Q. Again, the main target of this was Juan
20 Lamas, but, yet, he does not appear as a defendant on
21 your defendant list on that report?

22 A. No.

23 Q. Why is that?

24 A. He didn't get arrested.

25 Q. Was he not culpable to be arrested at a

1 future time? Had he not violated any laws? Did you
2 not have any evidence on him?

3 A. We couldn't identify him. We didn't know
4 if he was, indeed, the one driving. It's not against
5 the law to drive the car. I mean, of course, he was
6 doing those illegal activities. We think that was
7 him, but we don't know for sure.

8 Q. So basically the only people that went to
9 jail were the mules that were sitting there guarding
10 this marijuana? Juan Lamas and his brothers, I think
11 Ricardo and Estevan, were not arrested in this case?

12 A. No.

13 Q. Adan, could I get you to look at this
14 CLE-1, dated 3-11-91, from N7A-91007?

15 (Long pause.)

16 A. Okay.

17 Q. (By Mr. Brubaker) Did you write this
18 CLE-1?

19 A. Yes.

20 Q. Is this going to be Juan and Ricardo Lamas'
21 brother?

22 A. I think it is.

23 Q. And the date of this arrest was March the
24 8th, 1991; is that correct?

25 A. Yeah, according to the report. Yes.

1 Q. And you initially charged him with
2 possession with intent to distribute and conspiracy
3 to possess with intent to distribute; is that
4 correct?

5 A. Yes.

6 Q. Would you look at this report, dated
7 8-26-91, for File N7A-91007?

8 A. Okay.

9 (Long pause.)

10 Q. (By Mr. Brubaker) Do you remember writing
11 this report?

12 A. Yes.

13 Q. Okay. On the first detail, you indicate
14 that as part of the ongoing joint investigations
15 between DPS and DEA into the investigation of Nieto
16 and his organization, you received information about
17 this marijuana shipment; is that correct?

18 A. Yes.

19 Q. And ultimately, you stopped Estevan Lamas
20 and arrested him?

21 A. Yes.

22 Q. In Detail No. 3, you indicate that Nieto
23 and Lamas will be indicted on Federal charges for
24 continuing criminal enterprise and racketeering; is
25 that correct?

1 A. Yes.

2 Q. On Detail 4, you indicate that Estevan
3 Lamas pled guilty to misprision of a felony and that
4 the original charges were dismissed; is that correct?

5 A. Yes.

6 Q. Did you have any discussions with any
7 US attorneys involved in the case and have the
8 charges reduced to misprision of a felony?

9 A. We talked with AUSA, and I think that's
10 what happened. It got reduced to misprision.

11 Q. What was the reason that the original
12 charge was reduced?

13 A. I don't know if it was because he would
14 plead out to that and we wouldn't have to go to
15 court, I guess. I don't know, because the guy was
16 going to plea out. But it was an ongoing
17 investigation. And if he pled out to that, we would
18 come back and get him on other charges once we got
19 his brother.

20 Q. Did Juan Lamas ever get indicted on Federal
21 charges?

22 A. No, not that I'm aware of. DEA was still
23 working it.

24 Q. Did Juan Lamas ever get indicted on State
25 charges?

1 A. No, not that I'm aware of.

2 Q. Okay. If I could call your attention back
3 to the CLE-1, dated 12-6 of '89, in File
4 No. N7A-89080.

5 A. Okay.

6 Q. This, again, is that cocaine seizure that
7 was made?

8 A. Huh-uh.

9 Q. You indicated that Chacone and Rafael --
10 A. Matamoros.

11 Q. -- Matamoros were the pilots. Those were
12 the two informants involved in the case?

13 A. Yes.

14 Q. And according to this report, none of these
15 people were ever arrested; is that correct?

16 A. Yes.

17 Q. Okay. This happened, according to this
18 report, the 2nd of December, 1989; is that correct?

19 A. On a Saturday, yes.

20 Q. And you indicate the defendants -- two of
21 the defendants -- two of the defendants, at least,
22 are Jose Bernardo Nieto and Juan Lamas; is that
23 correct?

24 A. Yes.

25 Q. So basically we have an investigation that

1 spans several files and some 15 months involving
2 Nieto and Lamas; is that correct?

3 A. Yes.

4 Q. And from the reports we have here, it would
5 appear that every load that Chacone was involved
6 with, that was going to this organization, was taken
7 down; is that correct?

8 A. Yes.

9 Q. One of the allegations made against you is
10 that you allowed Chacone to bring in some four loads,
11 totaling 1300 and some odd pounds, of marijuana for
12 this organization to facilitate the investigation.

13 Based on your experience as an
14 investigator, doesn't that seem a little suspicious
15 that over a 15-month period, the same group of
16 violators continue to deal with Chacone when every
17 load he touches seemed to get taken down? Or would
18 it be more likely that a few of those did get through
19 lending some credibility to the man?

20 A. I have no knowledge.

21 Q. I'm saying, take yourself apart from this.
22 Isn't it generally known that when a violator loses a
23 load, he tends to not trust the persons involved with
24 the seizure of that load; is that correct?

25 A. I don't know. Apparently, they still

1 trusted him.

2 Q. I'm saying in general. Isn't that
3 correct -- they tend not to want to deal with those
4 people any more; is that correct?

5 A. I mean, I don't know how you want me to
6 answer that question. How do you want me to answer
7 that question?

8 Q. I'm saying, would it be reasonable that
9 someone who's involved in drug trafficking with
10 another individual, who's responsible for bringing
11 that load to them, and they get busted with it, for
12 them not to trust the person that brought the load?

13 A. Apparently --

14 Q. They would be suspicious of them, would
15 they not?

16 A. They apparently still trusted them. He
17 kept on --

18 Q. I'm saying, in general, isn't that pretty
19 well the way it is?

20 A. Well, because -- my experience was they
21 still trusted him.

22 Q. I'm saying, in general, as a narcotics
23 investigator, have you ever not worked any cases
24 where a CI becomes burned, if you will, because they
25 delivered a load?

1 A. Well, usually, when one gets taken down,
2 that's it. It ends.

3 Q. Okay. But yet here we have a period of 15
4 months where they continue to go back to Chacone. So
5 it lends some credibility, is what I'm saying, to the
6 allegation that a few loads did get through.

7 A. Probably. I don't know.

8 Q. But you're saying you have no knowledge of
9 any loads being allowed to go through --

10 A. No.

11 Q. -- unseized to facilitate this
12 investigation?

13 A. No, no knowledge.

14 Q. Let me get you to read over this CLE-1,
15 dated 2-2 of '91, File No. N7A-91009.

16 (Long pause.)

17 A. Okay.

18 Q. (By Mr. Brubaker) After having read it, do
19 you recall writing this report?

20 A. Yes.

21 Q. Was McLean involved in this?

22 A. Later on.

23 Q. Okay. Was Chacone involved in -- was
24 Chacone a source of information in this report?

25 A. Yeah. He was afraid, and he said -- he

1 told me that his name was Chemo, and for us to call
2 him Chemo. To refer to him as Chemo.

3 Q. So "Chemo" is --

4 A. Chacone.

5 Q. -- Chacone?

6 A. Yes.

7 Q. Are you aware that there's a business on
8 McCall Road there near Edinburg named Chemo also?

9 A. No.

10 Q. Basically, the way this report is written,
11 it indicates that Rios left with an unknown male who
12 was later identified as Chemo. And that's basically
13 a falsehood, is it not, because we know who Chemo is?

14 A. Well, he identified himself as Chemo. I
15 mean, the thing is -- and I went over it with the
16 supervisors that he wants to have his identity
17 protected.

18 Q. You're telling me that a supervisor
19 authorized you to --

20 A. He read this. He knows about it.

21 Q. Did you have a specific conversation with a
22 supervisor to use a pseudonym for Chacone in this
23 report?

24 A. I can't recall.

25 MR. EEDS: Is Chemo a Mexican

1 National?

2 THE WITNESS: That's what he said he
3 was. He was saying he wanted to be Mexican. If he
4 put Venezuela, right off the bat they would know --

5 MR. EEDS: Well, you know, Adan, that
6 what you write in the report is the truth, and what
7 you put in physical descriptions is the truth. And
8 you do not write reports based on the CI, what he
9 told somebody else. You put in this report what is
10 the truth. And you know that Chemo is not a Mexican
11 National?

12 THE WITNESS: Yes.

13 MR. EEDS: But you put it in the
14 report, did you not?

15 THE WITNESS: Right.

16 MR. EEDS: And you're saying your
17 supervisor knew that -- the way that this falsehood
18 is that you wrote in this report, your supervisor
19 gave you permission to write this report this way?

20 THE WITNESS: He approved it.

21 MR. EEDS: That's two different
22 things. Your approved supervisor approved this
23 report? Did you tell him who Chemo was?

24 THE WITNESS: Yes.

25 MR. EEDS: You're saying Floyd Goodwin

1 approved this report fully aware that Chemo was your
2 CI?

3 THE WITNESS: Yes, Floyd was the one
4 that's here (indicating). Yes.

5 Q. (By Mr. Brubaker) Was Special Agent
6 Thomas --

7 A. Because he was afraid. He was paranoid.
8 Yes.

9 Q. Was Special Agent Thomas K. Solis working
10 with you in conjunction with this case at this time?

11 A. Yes.

12 Q. Were there any formal meetings held with
13 DPS or DEA supervisors concerning this trip that
14 Chacone made to Mexico?

15 A. No, he had already come back and told us
16 about this, I think. I can't recall.

17 Q. Do you know if T.K. Solis obtained any kind
18 of official clearance for Chacone to travel to
19 Mexico?

20 A. I don't know.

21 Q. Did you speak with any of your supervisors
22 about obtaining authorization for Chacone to travel
23 to Mexico on this particular day?

24 A. Chacone was always in Mexico. He always
25 went back and forth.

1 Q. Were the DPS supervisors and DEA
2 supervisors aware of Jacone's frequent travels to
3 Mexico?

4 A. I know that Floyd knows that he went back
5 and forth.

6 Q. Was the initial reason you started working
7 with DEA and T.K. Solis specifically was to handle
8 the country clearance problem for Chacone traveling
9 back and forth --

10 A. Yes.

11 Q. -- to a foreign country?

12 A. Yes.

13 Q. Do you know if T.K. Solis obtained country
14 clearance for this trip?

15 A. I don't know.

16 Q. Did you have any discussions with T.K.
17 Solis about this trip concerning whether or not the
18 country clearance had been obtained?

19 A. I don't recall. He knows about the
20 report. He knows because Oto was talking to him
21 also.

22 Q. So T.K. Solis was well aware of the fact
23 that informants working in Mexico required prior
24 clearance, is that what you're saying?

25 A. Excuse me?

1 Q. I said, you're telling me that T.K. Solis,
2 through a conversation with you, made you aware that
3 he was fully aware of the fact that informants
4 working in Mexico required prior clearance from his
5 agency?

6 A. I wasn't aware. I mean, he didn't tell
7 me or -- I knew that we were going to do a load, that
8 we needed -- if they're going to bring something in,
9 we needed country clearance. That, I knew. See,
10 when Oto was always in Mexico, he would come back and
11 tell us what he did.

12 Q. But he never had prior clearance or
13 authorization to go? It was always after the fact
14 that the debriefings were held? You had no prior
15 knowledge that he was going?

16 A. On this one, I don't know if he -- I didn't
17 know that. He just came up and said he was meeting
18 with Onesimo Rios from McAllen.

19 Q. Adan, this is another CLE-1 in that same
20 file, N7A-91009, dated 4-23 of '91.

21 (Long pause.)

22 A. Okay.

23 Q. (By Mr. Brubaker) After reading it, do you
24 recall writing this report?

25 A. Yes.

1 Q. This is a continuation of the previous
2 report, basically, concerning plans to smuggle some
3 cocaine into the country involving Javier Pardo. You
4 now have him IDed. Before, you refer to him only as
5 T.O.; is that correct?

6 A. Yes.

7 Q. And you continue in this report to refer to
8 Chacone as Chemo; is that correct?

9 A. Yes.

10 Q. Was this trip to Mexico approved prior to
11 Chacone going to Mexico?

12 A. I don't know.

13 Q. Was T.K. Solis continuing to work on this
14 investigation with you?

15 A. Yes.

16 Q. Was he aware of this trip?

17 A. I think he was.

18 Q. Were there any conversations between you
19 and T.K. Solis concerning any prior authorization for
20 Chacone to make this trip to Mexico?

21 A. No.

22 Q. Do you know if McLean accompanied Chacone
23 on this trip?

24 A. I don't know.

25 Q. This is another CLE-1, from File N7A-91009,

1 dated 5-22-91. Could I get you to look that over,
2 please?

3 (Long pause.)

4 A. Okay.

5 Q. (By Mr. Brubaker) After reviewing that, do
6 you recall writing that CLE-1?

7 A. Yes.

8 Q. Again, this is a continuation of Jacone's
9 exploits with Pardo; is it not?

10 A. Yes.

11 Q. In that first detail, you indicate that you
12 and Special Agent T.K. Solis were the recipient of
13 this information; is that correct?

14 A. Yes.

15 Q. Was it provided by Chacone?

16 A. Yes.

17 Q. And, again, you continue to refer to
18 Chacone as Chemo?

19 A. Yes.

20 Q. It indicates that Chacone traveled to
21 Mexico City, and then to Las Angeles, and then to
22 Michigan. Were these trips authorized in advance by
23 you and T.K.?

24 A. We didn't know about them until he told us
25 on the 29th.

1 Q. Was Chacone ever given any instructions
2 about obtaining prior approval before traveling to
3 Mexico?

4 A. I don't know.

5 Q. Did you ever give him any of those kind of
6 instructions?

7 A. No, just that we needed to know when he was
8 flying something in because we needed to get
9 clearance.

10 Q. Did T.K. ever have any conversations with
11 Chacone telling him to obtain prior approval for
12 traveling to Mexico?

13 A. I don't know.

14 Q. So all of the information reported in this
15 particular report was given to you after the fact?

16 A. Yes.

17 Q. You didn't know that he was -- where he was
18 at and the activities that were going on until after
19 he got back; is that correct?

20 A. Well, the 29th is when he told us and we
21 got the information. And it says, in fact, the 20th
22 that he did all of this. And then the 30th, he had
23 that thing that he said that guy wire transferred.

24 Q. You indicate -- in Detail No. 3, you
25 mention an individual named McMath. Did you ever get

1 him IDed?

2 A. No, that's what he said his name was. He
3 didn't know if it was McMath or Mac whatever, and
4 that's the best I could do as far as getting him
5 identified.

6 Q. And that was strictly on information that
7 Chacone provided you?

8 A. Right.

9 Q. Well, while you and T.K. were working on
10 this particular investigation, were there ever any
11 discussions between you and TK, or between any of the
12 DEA or DPS supervisors, as to how the reporting would
13 be handled? Were you both going to write reports?
14 Was one of you going to write reports and refer to
15 the other one?

16 A. I don't recall.

17 MR. EEDS: That would be a pretty
18 important detail about who was going to do the
19 reporting of these things, wouldn't it, whether it
20 was you or T.K. or both of you?

21 THE WITNESS: I didn't even think
22 about it except when we took something down. We made
23 sure that there was one report.

24 MR. EEDS: Haven't you done
25 investigations before where you've worked with other

1 agencies and its always been told, "One person write
2 reports so that we don't have two reports that can
3 possibly contradict each other"?

4 THE WITNESS: When we took something
5 down, yes.

6 MR. EEDS: Well, even on surveillances
7 and stuff. You want to make sure that the
8 surveillance reports -- that one person doesn't write
9 something that's contradictory to another.

10 THE WITNESS: Well, T.K. knew I was
11 writing reports, so I don't know if he was writing
12 reports.

13 MR. EEDS: That was never discussed
14 between you, about who was going to write reports?

15 THE WITNESS: No.

16 Q. (By Mr. Brubaker) Did you provide TK with
17 a copy of every report you wrote?

18 A. I don't remember.

19 Q. Did he provide you with copies of any of
20 the reports that he wrote?

21 A. Yes. I don't know if I got them all, but I
22 had asked for some, and sometimes he would and
23 sometimes he didn't. And one time I got just a bunch
24 of them. I think I put a copy -- you know, one of
25 our headings on it and just submitted it that way.

1 Q. I need you to look over this DEA-6 -- this
2 is a debriefing report that was written by T.K. --
3 and tell me if you recall the activities that are
4 reported in this DEA-6.

5 A. What's the date on it?

6 Q. The date it was written, is that what
7 you're asking me?

8 A. Yes.

9 Q. July the 8th, '91.

10 (Long pause.)

11 A. I've not seen this one.

12 Q. (By Mr. Brubaker) Do you remember that
13 activity?

14 A. I wasn't there. You're talking about the
15 one that got taken down --

16 Q. No, I'm talking about -- do you remember
17 this meeting and having this debriefing with Chacone?

18 A. Yeah, Oto told us that they wanted to bring
19 a load in. I don't know about all the details,
20 though. I don't know about the grease and the
21 strips, but that he wanted to bring in a load of
22 cocaine.

23 Q. Okay. It indicates that on July 5th, that
24 you and T.K. debriefed Chacone and obtained this
25 information. Is it safe to say that T.K. reported

1 this accurately, that you did meet on that day?

2 A. Yeah, we did meet with him because he said
3 they were going to bring something in.

4 Q. And the last detail in there indicates that
5 Pardo had requested that Chacone remain on stand-by
6 waiting for the cocaine to be crossed into the United
7 States. That he wanted it in the United States on
8 July 6th, 1991.

9 Can I get you to look at this copy of your
10 weekly report? And, in particular, the date dated
11 7-5 of '91. Could you read, for the record, what it
12 says?

13 A. "Travel to Brownsville and met with CS-6
14 and 22 and DA Solis. Reference, narcotics
15 investigation."

16 Q. And CS-6 is who?

17 A. Bob McLean. And 22 is Oto Chacone.

18 Q. CS-6 is McLean; is that right?

19 A. Yes.

20 Q. Okay. So that would tend to corroborate
21 what's in that report, that you all did meet with
22 them on the 5th?

23 A. We met with them, yes.

24 Q. This whole investigation was directed
25 towards bringing a load of cocaine into the United

1 States that was being supplied by Pardo; is that
2 correct?

3 A. Yes. To take it to Warton, Texas.

4 Q. According to Chacone and McLean, based on
5 the information they had been able to provide, it
6 would appear that a load was brought into the United
7 States on July 6th, 1991, pursuant to this
8 investigation. Do you know what the 2,200 plus
9 pounds of cocaine that was seized in Fort Bend County
10 in this investigation -- do you know when it entered
11 the country?

12 A. No.

13 Q. So it could have come in on the 6th; is
14 that correct?

15 A. It could have.

16 Q. This is a CLE-1, dated 9-6 of '91, File
17 No. N7A-91009. Could I get you to review that,
18 please?

19 (Long pause.)

20 A. Okay.

21 Q. (By Mr. Brubaker) After reviewing that, do
22 you remember writing this CLE-1?

23 A. Yes.

24 Q. You indicate in Detail No. 1 that on the
25 7th of July, 1991, that you received information that

1 a shipment of cocaine was to be air smuggled into the
2 United States by the Javier Pardo organization; is
3 that correct?

4 A. Yes.

5 Q. And you had no knowledge when you wrote
6 this, indicating that this information was received
7 on the 7th of July, that the cocaine was already in
8 the country?

9 A. No.

10 Q. Well, who would have authorized them to fly
11 to Mexico to pick up the load?

12 A. Well, they told us that they were going to
13 do it. T.K. knew about it. That's why I work with
14 DEA.

15 Q. Did you and T.K. Solis have any specific
16 conversations about this particular load of cocaine
17 and whether or not prior country clearance was
18 obtained?

19 A. No. It was just I knew I wasn't going to
20 be around because I got sent to a school. So I told
21 him to make sure to contact Customs and make sure
22 that Gavito, the DEA investigator that worked with
23 them, wasn't there. Because Chacon had mentioned
24 that he was afraid of him. And my concern was to
25 make sure that everything went well since I wasn't

1 going to be there.

2 Q. Was Chacone in touch with you on a regular
3 basis during this time?

4 A. Yeah, he would call every once in a while,
5 basically crying that he didn't want Gavito there.

6 Q. Would there be any reason for Chacone not
7 to tell you that the cocaine was in the country?

8 A. I don't know. There shouldn't be.

9 Q. In Detail No. 3, you indicated on the 9th
10 of July, 1991, that you made contact with Lieutenant
11 Goodwin and advised him that the probability of the
12 cocaine shipment arriving into the US was imminent
13 and requested assistance in following the cocaine to
14 Houston, Texas and seizing the cocaine shipment; is
15 that correct?

16 A. Yes. I talked to Floyd several times on
17 the phone and told him that it's going to come in and
18 take care of it. And he said, "Yeah, we will. We
19 will. We will." And he didn't like Armondo
20 Ramirez. And I had a real bad feeling that things
21 weren't going to go well because they didn't like
22 each other. That's the feeling that I got.

23 Q. At the time you made this call, did you
24 know whether or not the cocaine was in the country?

25 A. No.

1 Q. Were there any discussions with you and/or
2 T.K. with any DPS or DEA supervisor -- supervisors as
3 to how the investigation was to proceed and how the
4 seizure was to be handled?

5 A. I told Floyd just make sure they didn't
6 burn it. That was my only concern. And that Gavito
7 not be there. I also told T.K. to make sure that
8 this was a DPS/DEA investigation, not DPS and Task
9 Force. That I didn't want Gavito there. But, again,
10 I had no control over that.

11 Q. When the seizure was finally made, do you
12 know if everyone was in agreement with the way the
13 seizure was handled?

14 A. I don't know.

15 Q. Did you ever hear of any disagreements
16 concerning the way that the seizure was handled?

17 A. Floyd told me that they got contacted late
18 and they had to rush to catch up with the group. Oto
19 Chacon told me that it got burned, and he was scared
20 how it got taken down.

21 Q. Do you know why Lieutenant Goodwin would
22 have been called late?

23 A. I have no idea.

24 Q. Do you know who all participated in the
25 surveillance and seizure of the cocaine?

1 A. No.

2 Q. Was your concern about Gavito being there
3 strictly because of what Chacono had told you?

4 A. Yes. I think maybe Gavito was there. I
5 know the DEA was. And who else was there, I don't
6 know. I think part of the Task Force was there, but
7 I don't know who else.

8 MR. PARKER: If you're going to be
9 much longer, I'm going to have to make a couple of
10 phone calls. You're getting me in another bind now.

11 MR. BRUBAKER: Let's go ahead and take
12 a break so Mr. Parker can make his phone calls.

13 MR. PARKER: How much longer do you
14 think you're going to be, sir?

15 MR. BRUBAKER: Honestly, sir, I don't
16 know. Roughly, I would guess, we're about half-way
17 through.

18 MR. PARKER: Okay.

19 (Brief recess.)

20 MR. PARKER: Let's go.

21 Q. (By Mr. Brubaker) This is a CLE-1, dated
22 7-15 of '91, in File N7A-91030. Can I get you to
23 review that, please?

24 (Long pause.)

25 A. Okay.

1 Q. (By Mr. Brubaker) That's basically a
2 report by, then, Trooper Martinez detailing the
3 seizure of the cocaine; is that correct?
4 A. Yes, that's what that report indicates.
5 Q. Did you have any conversations with Trooper
6 Martinez on how this report should be written?
7 A. No.
8 Q. Do you know why this report was written as
9 a traffic stop?
10 A. No.
11 Q. Let me refer you back to the CLE-1 dated
12 9-6 of '91, File N7A-91009.
13 A. Okay.
14 Q. Detail 4 is the only reference you make to
15 the seizure; is that correct?
16 A. Yes, I think it is. What's the date of
17 that report there?
18 Q. Which report?
19 A. Betty's report.
20 Q. It's dated 7-15 of '91.
21 A. Yeah, that's the only time on this report.
22 Q. So you did not make a report on this
23 seizure other than the one detail and the report you
24 just looked at; is that correct?
25 A. I can't remember.

1 Q. Do you know if T.K. Solis wrote a report on
2 this seizure?

3 A. I don't know.

4 Q. Did you ever receive a report from T.K.
5 Solis about this seizure?

6 A. I don't remember. I don't recall seeing
7 one.

8 Q. Did you have any conversations with T.K.
9 Solis as to when this load of cocaine was brought
10 into the country?

11 A. No.

12 Q. Did you have any conversations with Chacone
13 or McLean as to how this load was brought in the
14 country?

15 A. No.

16 Q. Was this not an important case for you?

17 A. It was to me, but I got sent off to
18 school. I wanted to be there, but I wasn't allowed
19 to.

20 Q. Who was it that didn't allow you to go?

21 A. Floyd Goodwin.

22 Q. Is there a particular reason he didn't
23 allow you to go?

24 A. When he first got there -- I don't know
25 through jealousies or what it was with the rest of

1 the agents, I guess because I was seizing large
2 amounts of narcotics, that they didn't want me to
3 work big cases any more. Floyd told me not to work
4 these cases and to work undercover.

5 Q. Who is "they" didn't want you to work?

6 A. I guess the other agents in the office.
7 Well, not they didn't want me to work. They were
8 jealous. And Floyd did not want me to work. He told
9 me to finish up what I'm doing and start working
10 undercover. And that upset me.

11 MR. EEDS: So you just washed your
12 hands of this case?

13 THE WITNESS: No. I mean, this case
14 hadn't even come up yet. So I then turned to work
15 with FBI. And I asked T.K. to teach me how to work
16 undercover. I hadn't been to undercover school. I
17 started working with the FBI, and they stuck me in
18 undercover just because they wanted me to start
19 working undercover.

20 MR. EEDS: Well, when James asked you
21 if you had -- if T.K. had written a report, you said
22 no -- or if you had seen one, you said you didn't
23 remember. He asked you if you had asked Chacone and
24 McLean how this load got here or when, you said, no,
25 you didn't. I can't remember the other question, but

1 your response was no, which means you just weren't
2 concerned about it.

3 THE WITNESS: I wasn't there. I mean,
4 what can I do? I wasn't even there.

5 MR. EEDS: But you're the controlling
6 agent of those CIs.

7 THE WITNESS: I was not there. I
8 tried to be there. I got on the phone. I made
9 several phone calls to McAllen, wanted to know what
10 was going on, "Keep me in touch." This is when I was
11 on break. Finally, when I got out of class, I
12 flew -- I got in my car and went to -- going towards
13 Houston to see if I can intercept -- get some kind of
14 information. I would get a phone call -- or I
15 called -- I don't know where I called, McAllen or
16 something. "It got taken down. The cocaine is
17 already in route back to Austin." So I just turned
18 around and came back to Austin.

19 Q. (By Mr. Brubaker) You never had any
20 discussions with Chacono or McLean about this
21 seizure?

22 A. Afterwards, yes. Chacono was very scared.
23 He was very scared about them thinking that it was
24 him. He was very disappointed about how it got taken
25 down.

1 Q. Who made the decision to take it down the
2 way it was taken down?

3 A. I don't know.

4 Q. You never had a discussion with your
5 supervisor about -- if Chacone was that upset, I
6 assume you were upset because he was upset. You
7 never had a discussion with your supervisor about how
8 it was handled?

9 A. No, just that he needed -- Chacone wanted
10 something in the newspaper showing that it got taken
11 down by law enforcement, because that's what they
12 normally do or whatever, so he can prove he did not
13 take it.

14 Q. Were you aware of any problems that
15 developed with Mexico over this seizure?

16 A. Mexico DEA?

17 Q. Mexico DEA.

18 A. Yes, they came and talked to me and T.K.

19 Q. Do you know what the trouble was over?

20 A. No. It kind of switched to -- what I
21 gathered was -- was that an agent from Mexico City, I
22 think it was, that they had gotten into his apartment
23 or something and put an egg, which indicated they
24 were going to get him or something, and then made
25 this case a priority. That's what I came to

1 understand.

2 Q. Did you and T.K. Solis ever have any
3 discussions as to whether or not this load had been
4 cleared through Mexico DEA?

5 A. I don't know. No.

6 Q. "No," you didn't, or "No," you don't know
7 if you had that conversation?

8 A. No, we didn't. And I don't know whether he
9 had clearance or not. After that, all the emphasis
10 went on Oto because he was afraid of getting killed
11 and how the take-down happened.

12 Q. Did T.K. ever mention to you being in
13 trouble --

14 A. No.

15 Q. -- because of the problem with Mexico?

16 A. No.

17 Q. Did T.K. ever discuss with you whether or
18 not he wrote a report on this seizure?

19 A. No.

20 Q. Were there ever any meetings between you
21 and T.K. and DEA supervisors and DPS supervisors
22 about where this case should go from this point?

23 A. No. Not that I can recall, no.

24 Q. So here you've got a file where you
25 continued to mention the Cali Cartell, and we do a

1 ton of cocaine, and everybody just drops the case,
2 nobody cares about it anymore?

3 A. I think I got cut out by DEA. Months went
4 by -- or I don't know how long went by. And Terry,
5 my captain, then went to a meeting with DEA or
6 funding or something and this came up, this
7 investigation. And that they had ties in the
8 Colombian and this and all of that, and I was never
9 mentioned. And Terry got mad that I was not part of
10 it. So I got -- I called T.K. and I got mad.

11 And then they had a meeting and I got
12 invited down to that meeting. Me and Juan Castillo
13 went to that meeting down on Padre Island. It was
14 DEA, and DEA out of Colombia, and DEA analysts out of
15 Washington. But when TK presented the case, I don't
16 know if it was for money or what it was, I don't
17 think that DPS was even mentioned. And Terry
18 realized, "Hey, this is a case that Adan's been
19 working on." And then that's when I got mad.

20 Q. That meeting you're referring to was quite
21 a bit later, though, was it not?

22 A. I don't recall how long later, but it was
23 later. Also, T.K. went into the hospital, so that
24 went down. I was having back problems, and I had
25 back surgery. I was also doing other investigations

1 with JTF-6 and trying to work undercover because they
2 wanted me to work undercover.

3 Q. Prior to this time, since becoming an
4 investigator, had you ever worked undercover?

5 A. No. I guess in-between here and there --
6 because after Floyd told me to -- I think I started
7 working undercover.

8 Q. But you felt that was an unfair request for
9 you to learn the skills of working undercover, having
10 never done it before?

11 A. No.

12 Q. Would you take a look at this report
13 written by Joe Sagnibene, dated 5-3 of '93, in File
14 N7A-91009, Detail 1, in particular. Could you read
15 me what Detail 1 says, for the record, please?

16 A. "On 4-6-93, Sergeant Investigator Sagnibene
17 and Ballesteros and Lieutenant Castillo traveled to
18 South Padre Island to attend a meeting with Drug
19 Enforcement Administration representatives from
20 Colombia, Mexico City, Houston, Los Angeles,
21 Washington, D.C., and Brownsville.

22 "The meeting was held in order to
23 establish and formalize plans in reference to the
24 Bermudas Antonio Drug Smuggling Organization."

25 Q. Was that a fair representation of what

1 happened?

2 A. Yeah, we went out there and they discussed
3 what they had. And we just went there and sat and
4 listened.

5 Q. So that was some two years -- or close to
6 two years after this seizure; is that correct?

7 A. That was -- what was that date?

8 Q. April of '93.

9 A. About a year, what, a year-and-a-half.
10 After my surgery and after T.K. got out of the
11 hospital.

12 Q. And you never had any conversations with
13 Trooper Martinez about how the report should be
14 written on the seizure?

15 A. Not that I can recall.

16 Q. After this seizure, there was no plans made
17 to attempt any more seizures or to continue on with
18 the investigation?

19 A. After that was taken down, the main concern
20 was Oto. That they believe that it wasn't his fault,
21 and that he proved that the strip was safe. And they
22 wanted him to bring in more cocaine.

23 Q. Did Chacon travel to Mexico right after
24 this seizure was made?

25 A. Yes.

1 Q. Was he shown 22 tons of cocaine in Mexico?

2 A. He said he saw a lot of cocaine. I don't
3 know how many tons, but a lot.

4 Q. Apparently, for them to show him that much
5 and let him come back, they still trusted him; is
6 that correct?

7 A. Yeah, and that's because we took down the
8 load -- or it got taken down.

9 Q. Did you and T.K. continue working with
10 Chacone in an effort to bring another load of cocaine
11 in from Pardo?

12 A. No. After that, it was just mainly to
13 cover for him and to -- they were interested in
14 bringing in the load, but the main concern was to
15 prove that this one was not his fault for going down.

16 Q. Another one of the allegations that was
17 made against you, Adan, was that you allowed and
18 authorized Chacone and McLean to fly to Mexico, pick
19 up 2,000 kilos, in back-to-back trips, of cocaine and
20 bring them back and, ultimately, take them to Houston
21 where they were distributed.

22 This is a copy of your weekly report from
23 July 14th, 1991, through July 20th, 1991. Could you
24 read the activities for me for Monday, 7-15 of '91?

25 A. "Travel to Brownsville and met with DEA

1 Special Agent T.K. Solis and CS-22," that's Oto
2 Chacone.

3 Q. And also for the 16th of July?

4 A. "At McAllen DPS office, met with Lieutenant
5 Goodwin and CS-22. Reference, payment and continuing
6 investigation." And then took six hours sick
7 leave -- four hours sick leave.

8 Q. On the 18th of July?

9 A. 17th, I also had sick leave. On the 18th,
10 "At McAllen DPS office and with CS-6," which is Bob
11 McLean, "in the Westway area. Assisted Sergeant
12 Investigator Victor Escalon in search warrant
13 execution in the Progresso area."

14 Q. So at least the week following this
15 seizure, you were still actively working with the
16 informants and T.K.; is that correct?

17 A. Yes.

18 Q. This is a copy of your weekly for the week
19 of 7-21-91 through 7-23-91. Could you read me the
20 activities for Monday, the 22nd of July, 1991?

21 A. "At McAllen DPS office and met CS-6,"
22 that's Bob McLean, "in the Westway area."

23 Q. Could you read me the entry for 7-23-91?

24 A. "Traveled to Brownsville, met with CS-22,"
25 that is Oto Chacone. "Reference, narcotics

1 investigation."

2 Q. Could you also read me the entry for
3 7-24-91?

4 A. "Traveled to Harlingen and met with DEA
5 Special Agent T.K. Solis and Mexico City DEA Agent,
6 David" -- I can't tell.

7 Q. Okay.

8 A. "And Guadalajara DEA, Jaime Castillo.
9 Referencing procedure, Colombian and Mexican cocaine
10 smuggling."

11 Q. Okay. Could you read the entry for 7-25 of
12 '91?

13 A. "Travel to Weslaco and met with" -- 25?

14 Q. Yeah.

15 A. "Traveled to Brownsville and met with CS-22
16 and DEA T.K. Solis. Reference, air smuggling.
17 Assisted Ruben Duran in the Falferious, Texas, air on
18 surveillance. And arrest defendant and seizure of 20
19 pounds of marijuana."

20 Q. Okay. Could you read the entry for 7-26 of
21 '91?

22 A. "Traveled to Weslaco and met with CS-6,"
23 Bob McLean, "22," Chacon, "and DEA Special Agent
24 T.K. Solis. Reference, air smuggling."

25 Q. And could you read the entry for 7-27-91?

1 A. "In Weslaco on surveillance and CS-22 and
2 T.K. Solis."

3 Q. So that would be two weeks after the
4 seizure. So you all were still all working together
5 at that time based on your weekly; is that correct?

6 A. Yes.

7 Q. According to information provided by
8 Chacone and McLean, as well as some records they
9 provided, the 2,000 kilos was brought in in 1,000
10 kilo lots back-to-back on the 26th and 27th of July.
11 Both of those days you show meetings with them and
12 being on surveillance.

13 A. Oh, I was out there, yes. They called us
14 and talked to us.

15 Q. Were you aware that they flew into Mexico
16 those days?

17 A. No.

18 Q. Well, what were you surveilling, what
19 activity?

20 A. On them. They wanted to meet with us.

21 Q. You indicate you were on surveillance. You
22 wouldn't surveil the CIs unless they were meeting
23 with somebody or doing something.

24 A. Yeah, they said they were going to go look
25 at a strip or go down to Mexico. We knew they were

1 going to Mexico.

2 Q. It indicates you met with them both days in
3 Weslaco.

4 A. Yes, that's the half-way point.

5 Q. Both of those loads were brought into the
6 Weslaco Airport?

7 A. That's what they say.

8 Q. And on both days, according to your weekly,
9 you and T.K. were both in Weslaco when those loads
10 were brought in?

11 A. They called us there.

12 Q. Well, how would you explain them being able
13 to bring those loads in with you all down there if
14 you didn't have knowledge of it?

15 A. We weren't at the airport.

16 Q. Where did you meet them at?

17 A. At HEB or in a parking lot somewhere. They
18 didn't want us around the hanger because they didn't
19 want us to burn it.

20 Q. Burn it from who?

21 A. From other crooks. There was a guy there,
22 that worked there, named Cavazos. And Bob did not
23 want me going to the hanger.

24 Q. You never went to the hanger ever?

25 A. Yes.

1 Q. On what occasion did you go to the hanger?

2 A. Because we were going to use it for the
3 JTF-6 investigation.

4 Q. Was that before or after this
5 investigation?

6 A. I think during. We were getting prepared.
7 I think, also that day, I went down to Progresso and
8 was surveilling that airstrip because we were looking
9 at, I think, five airstrips: Progresso, Weslaco,
10 Donna, Raymondville -- I think two in Raymondville.

11 Q. Is there some reason you wouldn't have
12 included those areas on your weekly?

13 A. No, because Progresso is right next to
14 Weslaco.

15 Q. On that particular Friday, the 26th, there
16 was constant telephone traffic between all of you
17 all. And you make a credit-card phone call to the
18 Warton County Sheriff's Department during the
19 afternoon of that first day. Do you know why you
20 would call them in the middle of -- according to your
21 report, you were in Weslaco at that time.

22 A. Yes.

23 Q. Why would that have been?

24 A. That I called Warton?

25 Q. Yes.

1 A. Because they wanted -- they wanted to go
2 see airstrips because they needed to prove -- and Oto
3 was crying. He was afraid. Because I was told that
4 he was held ransom, and that Pardo paid \$3 million
5 for him. And that he needed to prove that the strip
6 was okay. It was cool. And he wanted to bring
7 somebody in that they had in Brownsville to show him
8 the strip.

9 Q. Who was the guy in Brownsville they wanted
10 to show the strip to?

11 A. One of Pablo's people.

12 Q. What was the point of showing them the
13 airstrip in Weslaco? The load wasn't taken down at
14 Weslaco.

15 A. That's where they wanted to meet.

16 Q. Why did they pick Warton?

17 A. Because that's where the other load came
18 in, the one that got taken down. They wanted to see
19 where it got taken down.

20 Q. It wasn't taken down at Warton. It never
21 went to Warton.

22 A. The thing is that that's what Oto told
23 them. That they flew it into Warton.

24 Q. You don't recall who it was from
25 Brownsville they wanted to show this strip to?

1 A. Well, I don't know if that person was from
2 Brownsville. That's where they were picking them up.

3 Q. Did they ever pick him up?

4 A. Yeah, when they took them on the 31st or
5 the 30th. I was under the impression they wanted to
6 go right then and there.

7 Q. Could you read the entries from your weekly
8 for July 30th and 31st, 1991?

9 A. "Traveled to Warton. Reference, air
10 smuggling operation on Javier Pardo, Colombian
11 Cocaine Enterprise."

12 And July 31st, "In Warton, Texas, as
13 above. Returned back to duty station."

14 Q. You're telling me on that day McLean and
15 Chacone flew another crook into Warton?

16 A. Right. That's what they tell me.

17 Q. That's what they told you?

18 A. Uh-huh.

19 Q. You didn't see them?

20 A. No.

21 Q. Well, what was the purpose of you being
22 there?

23 A. To apologize, for one, to the captain from
24 Warton that he was not used on the take down in Fort
25 Bend county. And two, that they wanted to see other

1 strips. The day before, we went to Freer to --
2 Q. "They" who?
3 A. Excuse me?
4 Q. "They" who?
5 A. Six. Because they wanted to bring in
6 another load. You know, I didn't believe it. We
7 just took down a load. How were they going to want
8 to bring in more?
9 MR. EEDS: Who, Oto?
10 THE WITNESS: No, the Colombians.
11 So --
12 Q. (By Mr. Brubaker) Did you ever see them in
13 Warton?
14 A. No.
15 Q. Did you talk to them any time during that
16 day?
17 A. Yeah, I called -- Oto never called me
18 back. My concern was, as well as T.K.'s -- T.K. told
19 me to go down there -- was in case Pardo came in
20 himself, to have him arrested.
21 Q. How were you supposed to know if Pardo came
22 in?
23 A. Chacone was supposed to call me and tell
24 me.
25 Q. How was he going to call you and tell you?

1 A. Page me.

2 Q. And when was he going to do this, after
3 they got to Warton?

4 A. Yes. They were supposed to take off, go to
5 Houston and then return back the next day.

6 Q. So two days that you were in Warton, you
7 never talked to Chacone?

8 A. Never -- well, that night, I think he
9 finally called me.

10 Q. You mean the first night, the 30th?

11 A. Yeah. It might have been in the morning --
12 early in the morning. It might have been the 31st,
13 1:00 a.m. or somewhere.

14 Q. When you left to go to Warton that morning,
15 did you have any contact with Chacone?

16 A. I don't know. I might have called him or
17 we talked the day before or that morning. I don't
18 know.

19 Q. Did you have any contact with McLean that
20 day?

21 A. I don't know if I called him or not.
22 That --

23 Q. Did you ever -- I'm sorry. Go ahead.

24 A. That day, the 30th, I did call him because
25 I never heard anything. So I called had him to ask

1 him what happened.

2 Q. And what did he tell you happened?

3 A. Well, I asked him, you know, who came in.

4 And he said a female and a child carrying a

5 suitcase. And I asked him if there was anything in

6 the suitcase, you know, narcotics. And he said no or

7 that he didn't know.

8 Q. And those people rode in the plane with

9 Chacone and McLean?

10 A. Right.

11 Q. And which plane did they come in?

12 A. I don't know.

13 Q. And you talked to him the night of the 30th

14 and he told you that those people had come to the

15 airport and he let them out at the airport?

16 A. Who are you referring to?

17 Q. The person with the suitcase and the

18 child.

19 A. Yeah. When they came in on the 30th, it

20 was the female and the child.

21 Q. And he left them at the Warton Airport?

22 A. Yeah, with Chacone.

23 Q. Chacone stayed?

24 A. Yes.

25 Q. He stayed at the Warton Airport on the

1 30th?

2 A. According to Bob.

3 Q. And Bob flew back?

4 A. I think -- well, yeah, because I called him
5 in the valley.

6 Q. And the 31st, was Chacone or McLean at that
7 airport?

8 A. I think they both were.

9 Q. They came back the next day?

10 A. On the 31st.

11 Q. Why did they come back the next day?

12 A. To pick up that girl -- that lady, who I
13 thought was supposed to be a guy. They told me it
14 was going to be some people to see the strip.

15 Q. And where did those people stay while they
16 were in Warton?

17 A. In Houston.

18 Q. How did they get to Houston?

19 A. I don't know.

20 Q. So on the 31st, Chacone and McLean picked
21 up this lady and this child and all four of them went
22 back to the valley in Jacone's plane?

23 A. Right.

24 MR. EEDS: Did you ever make contact
25 with, I think you said the Captain, who you wanted to

1 apologize to?

2 THE WITNESS: Yes, he was with me.

3 MR. EEDS: For how long?

4 THE WITNESS: I think an hour or so.

5 We were at the DPS office, and I talked to a trooper
6 that I saw driving by there. And we waited there and
7 it was about an hour.

8 Q. (By Mr. Brubaker) What was the captain's
9 name?

10 A. Larry Hensley.

11 Q. Did you ask Hensley to have the local
12 police stay away from the Warton Airport?

13 A. No.

14 Q. So if he says that, he's lying?

15 A. Yes, if that's what he says.

16 Q. And Chacone and McLean moved 2,000 pounds
17 of cocaine through that airport that day and you're
18 there and you don't know nothing about it?

19 A. I don't know anything about it. I wasn't
20 at the strip.

21 Q. How many phone calls do you think that you
22 made to Bob and Chacone over that two-day period?

23 A. I got paged, and he called me about six,
24 seven, eight -- I don't know how many times. A lot
25 of times.

1 Q. Where did you call him at?

2 A. I don't know if it was his mobile or at his
3 home or where it was.

4 Q. You don't find that a little coincidental
5 that the two days that the cocaine was brought into
6 the country, you happen to be in the area? And the
7 two days that it's moved to Warton and then onto
8 Houston, you happen to be in the area? You don't
9 find that a little coincidental?

10 A. Well, he got me in the area. He did that
11 to the IRS, also, when he ran loads behind them.

12 Q. Is there documentation he ran loads behind
13 the IRS?

14 A. Yeah, he got busted. That's why he was in
15 prison.

16 Q. That was quite a bit after this, was it
17 not?

18 A. Yeah. But he did it to me, and he did it
19 to them.

20 Q. Were you aware that Chacone had any
21 problems on a case that was made in Mobile, Alabama?

22 A. No, only when they told me to go get him to
23 testify.

24 Q. Did you ever attend a meeting in Houston,
25 Texas, with McLean, Chacone, T.K. Solis and Mike

1 Turner, from DEA out of Mexico, to discuss the
2 problems in Mobile?

3 A. Okay. If that's Mobile, yeah. I knew they
4 had asked him in reference to that. I don't know
5 what that was a problem to.

6 Q. And prior to that time, you had no
7 knowledge --

8 A. None.

9 Q. -- of any of that cocaine?

10 A. None. None whatsoever.

11 Q. You had no knowledge of any of the
12 defendants in that case?

13 A. None.

14 Q. This is a newspaper article from the
15 Houston Chronicle dated December the 18th, 1991.
16 Could you read that for me, please?

17 (Witness starts to read the newspaper
18 article in a mumbled voice.)

19 THE COURT REPORTER: Can you start all
20 over and slow down?

21 MR. BRUBAKER: You don't have to read
22 it out loud. Read it until you're familiar with it.

23 (Long pause.)

24 A. Okay.

25 Q. (By Mr. Brubaker) Have you ever seen that

1 article before?

2 A. No.

3 Q. Maybe you could explain to me why it was in
4 your personal copy of this file.

5 A. I don't remember seeing it. The reason
6 it's there, I guess, T.K. put it in there or --

7 Q. Put it in your file?

8 A. When he gave me his reports.

9 Q. There's none of his reports in your file.

10 A. I don't remember seeing this.

11 Q. There's none of his reports in that file,
12 Adan.

13 A. I don't remember seeing this at all. And I
14 don't recall --

15 Q. Do you recognize any of those names?

16 A. No, I don't remember seeing any of this.
17 Or I don't even know who put it in the file.

18 Q. Does someone else have access to your
19 personal files?

20 A. What are you referring to?

21 Q. Your personal copy of this file.

22 A. That's at the office.

23 Q. No, I'm not talking about the office file.
24 I'm talking about your personal copy that you kept.

25 A. I don't know where you got this because

1 I've never seen it before. I don't know how it got
2 in there unless I might have seen it. But I don't
3 remember it.

4 Q. Well, according to Chacone, those people
5 right there lost about 650 something pounds of
6 cocaine. Mr. Pardo was a little upset and thought
7 maybe he had been ripped off. Wanted you all to
8 research the newspapers and see if you could find an
9 article so that he could send it to Mr. Pardo.

10 A. No, that was the one that we took down --
11 that was taken down in Fort Bend County.

12 Q. No, no, I'm talking about this one --

13 A. I'm talking about --

14 Q. I'm Telling you what Chacone said.

15 THE COURT REPORTER: Wait. One at a
16 time or the record is not going to be clear.

17 A. I don't know. I don't know about this, and
18 I don't know what Chacone said.

19 Q. (By Mr. Brubaker) Well, that article was
20 faxed to you, according to Chacone. I have a faxed
21 copy that came out of your personal copy of that
22 file. The defendant in that file also happens to be
23 one of the defendants from Mobile. Chacone told you
24 at that time, according to him, that that was one of
25 the individuals involved in picking up the 2,000

1 kilos.

2 A. That's a lie because I don't remember
3 seeing this, and I don't remember.

4 Q. Coincidences are starting to stack up here,
5 Adan.

6 A. No, it's not.

7 Q. Yes, it is.

8 A. I don't see this -- I didn't see this, and
9 I don't know what he told you.

10 Q. Well, it didn't fall out of the sky. I'm
11 telling you, it was in your file.

12 A. Where in my file? Attached to what
13 report?

14 Q. To this file we've been talking about here
15 (indicating).

16 A. It had to have been attached to a report.
17 What report was it attached to?

18 Q. It was attached -- it wasn't attached to
19 anything. It was in-between the copies of the file.

20 A. You mistakenly put it in there, then,
21 because I did not put it in there.

22 Q. Now it's my fault that it's in there?

23 A. Well, I didn't put it in there.

24 Q. So if we run a finger-print analysis, your
25 fingerprints ain't going to be anywhere on that

1 article? Is that what you're telling me?

2 A. Probably not.

3 Q. Probably not?

4 A. I mean, I don't remember seeing it.

5 Q. Well, it just seems coincidental. Here

6 we've got the same defendants from Mobile appearing

7 in your file in December of '91. You just told me

8 you didn't have any knowledge of the Mobile case

9 until the meeting in Houston, which happened a couple

10 years later.

11 A. Right. Right, when they told me -- when we

12 went to that meeting in Houston.

13 Q. How do you explain that being in your file?

14 A. I can't. I don't even know this is in my

15 file. I never saw it there. Possibly somebody in

16 the office might have seen it and put it in there. I

17 don't know.

18 Q. Why would they put it in your file? Why

19 wasn't it in Juan Lamas' file or why wasn't it in

20 somebody else's file? Why does it happen to be in

21 the file that's involved with Pardo?

22 A. I've never seen this. I don't recall it.

23 Q. After you attended the meeting in Houston

24 to discuss the problems in Mobile, did you report to

25 your supervisor that Chacone had a legal problem

1 involving a load that you allege he run (sic) around
2 you?

3 A. I don't even know what the problem in
4 Mobile was. It was that he was associated with some
5 people there, as I understood it.

6 Q. You all had this big meeting and you
7 traveled all the way to Houston and you didn't know
8 what it was about?

9 A. No, I don't know what mobile was about.
10 That meeting in Houston was in reference to him
11 working in Mexico. That's what the meeting in
12 Houston was about.

13 Q. T.K. and Turner had just come back from
14 Mobile from debriefing these people, and you all did
15 not discuss the fact that Chacono had been implicated
16 in that case?

17 A. I didn't know what case. I just knew that
18 he was involved with some people in -- up there in
19 Mobile.

20 Q. Did you all discuss that Chacono had been
21 implicated in the case in Mobile?

22 A. No, just that he was involved with those
23 people, and that they still wanted him to work.

24 Q. Who is "they"?

25 A. DEA and Customs.

1 Q. There was no discussion that he was
2 involved with a 500 kilo delivery of cocaine to those
3 people in Mobile?

4 A. No.

5 Q. So if T.K. and Turner and Chacone and
6 McLean said that's what happened at that meeting,
7 they're all lying?

8 A. I don't remember that. They did not
9 discuss that. I didn't know that. He was involved
10 with something that went down, and I thought it was
11 in Mobile so I didn't know.

12 Q. Did you advise your supervisors that
13 Chacone had a problem in Mobile?

14 A. I don't remember. Because he was now
15 working in Mexico with DEA.

16 Q. Was he still currently established with us?

17 A. We didn't drop him, so, yes.

18 Q. Well, would the fact that an informant ran
19 500 kilos of cocaine around you be cause for maybe
20 black balling him or at least having a talk with him
21 or documenting something in his file?

22 A. I didn't know that he ran that behind me.
23 I didn't know.

24 Q. You were at this meeting, were you not?

25 A. But it wasn't in reference to that, that I

1 can recall. It wasn't in reference to him running a
2 load behind me. He did something up in Mobile.

3 Q. Well, did you report "that something" to
4 your supervisors? Did you write it up in his file?
5 Did you try to take any disciplinary action against
6 him?

7 A. No, because he was still being used. They
8 wanted to see if he can still work.

9 Q. Was there any discussion of the prosecution
10 of Chacono on that cocaine case?

11 A. I don't recall.

12 Q. Did you ever talk with the US Attorney or
13 any prosecutor about prosecuting Chacono on that
14 case?

15 A. On which case?

16 Q. The 500 kilos of cocaine.

17 A. I didn't know that he was involved with 500
18 kilos of cocaine.

19 Q. Well, how is it you attend this meeting and
20 don't remember that? That was the whole purpose of
21 the meeting. They flew straight from Mobile to
22 Houston.

23 A. Well, I knew that they were in Houston. I
24 don't know if I went with them from here to Houston,
25 but I met them in Houston. And it was -- the meeting

1 was in reference to having him work in Mexico.

2 Q. Was that meeting not -- the meeting place
3 not arranged by your brother?

4 A. Yeah, there in the ATF's office.

5 Q. Well, how is it that Turner and Solis and
6 Chacone and McLean all remember the meeting and
7 exactly what went on?

8 A. I don't know. I don't even remember if
9 Chacone was there, or even McLean, at that meeting.
10 I don't think they were at that meeting.

11 Q. Yes, they were at the meeting.

12 A. Excuse me?

13 Q. They were at the meeting. I'm telling you,
14 everybody acknowledges they were at the meeting,
15 everybody else but you.

16 A. I mean, we were at the meeting in Houston,
17 but I don't know who else was there. I know Turner
18 was and T.K. was and I was.

19 Q. So were the two informants.

20 A. I don't recall that.

21 Q. You don't find it unusual that somebody
22 wouldn't have been a little bit upset that Chacone
23 allegedly run (sic) 500 kilos of cocaine around them?

24 A. Who are you referring to?

25 Q. You or T.K. or DEA supervisors or DPS

1 supervisors.

2 A. Yes, they would have been upset.

3 Q. Well, then how come nothing happened to
4 Chacone?

5 A. I didn't know. I didn't know that that
6 happened.

7 Q. Did you know why he wasn't prosecuted in
8 Mobile?

9 A. I guess because he cooperated. He was to
10 get prosecuted, but they wanted him to cooperate and
11 testify.

12 Q. Did you ever meet with Special Agent Tanner
13 from United States Customs Service out of Mobile?

14 A. I've heard of him. I don't remember if I
15 met him or not.

16 MR. BRUBAKER: Let the record reflect
17 that Captain John Hatcher will now be sitting in on
18 this interview.

19 Q. (By Mr. Brubaker) Let's back up a little
20 bit here, again. Adan, we've got two -- we know the
21 two loads of cocaine came into Weslaco. You're in
22 the area both times. It was transferred to Warton on
23 two separate days. You were there both times.
24 You've got this article in your file that deals with
25 defendants out of the Mobile case that took part of

1 that load of cocaine.

2 The coincidences are starting to build up,
3 but yet you have no knowledge of this?

4 A. No.

5 Q. Did you and T.K. ever have any discussions
6 after the load that was taken down in Richmond of
7 letting a load go to facilitate this investigation?

8 A. No.

9 Q. Well, if T.K. says you did, then he's
10 lying?

11 A. He's lying.

12 Q. And McLean --

13 A. Just like he lied to me in reference to the
14 reports that Chacono got abducted. I found out later
15 that he didn't.

16 Q. T.K. Solis told you that he wrote a report
17 saying that Chacono was abducted?

18 A. He didn't tell me he wrote a report. He
19 told me that he was held ransom. And Oto told me he
20 was held ransom. That's why they needed to show the
21 strip on the 30th.

22 Q. Well, if he was held for ransom, how did he
23 get back to the United States?

24 A. Pardo paid \$3 million for him, according to
25 him.

1 Q. Did you document that in any report?
2 A. No, I told Floyd.
3 Q. Why didn't you document that in any report?
4 A. I just didn't.
5 Q. Did you write-up any kind of intelligence
6 report indicating that Chacone had seen 22 tons of
7 cocaine in Mexico?
8 A. I mentioned it to Floyd. I told Floyd
9 about it.
10 Q. But you don't think that was significant
11 enough to document in a report?
12 A. DEA was going to go down there, and they
13 were trying to get the CI to go down there. I don't
14 know if I did or not, also.
15 Q. So after this meeting in Houston, the next
16 time any mention was made to you of the Mobile case
17 was when you went to interview Chacone at Big
18 Spring?
19 A. Yes. And that was that Mobile called T.K.
20 and they wanted us to go ask him if he would
21 cooperate and testify.
22 Q. Is there some reason that T.K. did not go
23 on that trip?
24 A. I have no idea. He told me he was going to
25 go.

1 Q. What did you and Chacone talk about when
2 you interviewed him at Big Spring?

3 A. I was told by T.K. that someone from Chili
4 or Peru, that he knew, was -- he was involved with
5 them and that Customs wanted him to testify on them.
6 And he said, "I don't know what you're talking about,
7 you know. I don't know anybody from whatever." And
8 I said, "Well, one of the those places, and they just
9 want you to testify." He said, "Well, I don't know
10 anything. I said, "Well, they want you to
11 cooperate." And he said, "Okay. Well, just have
12 them come talk to me here because I don't want to go
13 over there."

14 Q. Why would McLean and Chacone make up this
15 story?

16 A. I don't know.

17 Q. They both tell the same story,
18 independently of each other, and they hadn't seen
19 each other in several years because Chacone was
20 incarcerated.

21 A. Yeah, Bob said he went to talk to him.

22 Q. Not according to Bob.

23 A. Well, apparently he did.

24 Q. Did you have any phone conversations with
25 McLean after this came to light and DEA/OPR became

1 Q. What did you and Chacone talk about when
2 you interviewed him at Big Spring?

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4 or Peru, that he knew, was -- he was involved with
5 them and that Customs wanted him to testify on them.
6 And he said, "I don't know what you're talking about,
7 you know. I don't know anybody from whatever." And
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9 want you to testify." He said, "Well, I don't know
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19 each other in several years because Chacone was
20 incarcerated.

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22 Q. Not according to Bob.

23 A. Well, apparently he did.

24 Q. Did you have any phone conversations with
25 McLean after this came to light and DEA/OPR became

1 involved in the case?

2 A. Yeah, McLean called and said they wanted to
3 talk to him.

4 Q. And what did you tell McLean?

5 A. I said, "Talk to him."

6 Q. And did you talk to McLean after the
7 interview?

8 A. He told me he was going to call me back.
9 And I needed to go somewhere, so I wasn't going to be
10 at the office. So I called him and let him know I
11 was not going to be there.

12 Q. And what transpired in that conversation?

13 A. He just told me that you all went and
14 talked to him. And I said -- I think he was still in
15 bed.

16 Q. You didn't discuss the content of that
17 interview?

18 A. No.

19 THE COURT REPORTER: Did you say he
20 was sick in bed or still in bed?

21 THE WITNESS: Still in bed. That's
22 what it sounded like.

23 Q. (By Mr. Brubaker) You've indicated a
24 couple times here that T.K. lied to you. Could you
25 elaborate on that a little bit, please?

1 A. My attorney later on said that he made a
2 report saying -- about him being abducted, and I
3 always took that for true. And my attorney told me
4 that it wasn't true.

5 Q. At the time that the load that was taken
6 down in Fort Bend County was made, are you saying he
7 lied to you about any aspect of that case at that
8 time? Or you found out because of this report that
9 it was a lie?

10 A. It was after the take-down in reference to
11 Chacone being abducted, being held for ransom.

12 Q. And you were saying that Chacone was
13 scared?

14 A. Yes.

15 Q. Well, if he was so scared, why would he go
16 back down there and pick up another load or two
17 loads?

18 A. See, when he went, it was after the Fort
19 Bend County load that he said he needed to go down
20 there. If he didn't go down there, then that proved
21 that he was responsible for that load being taken
22 down.

23 Q. So he came back after that. You said he
24 was scared; is that correct?

25 A. Not any more because Pardo, the one he was

1 associated with, paid \$3 million for him for that
2 load, according to him.

3 Q. So that made him feel okay so he wasn't
4 scared no more?

5 A. Apparently not, although he still needed to
6 prove that that strip was cool. And they still
7 wanted to bring in some cocaine so they wanted to see
8 that strip -- another strip so when they came in to
9 show him. That's why we went to Freer and to Corpus
10 Christi the day before.

11 Q. So it was their intent to bring the cocaine
12 from Mexico directly to those strips?

13 A. To show them what strips they can use. I
14 mean, we hadn't even discussed about any cocaine
15 coming in.

16 Q. And Warton was one of those strips?

17 A. No, Warton was the strip that they were
18 going to prove that it was okay, show them that it's
19 a good strip, a good location.

20 Q. And what strip were they supposed to use if
21 they brought in any more cocaine?

22 A. It depends. You know, we would let them
23 have their option. You don't tell them, "Hey, come
24 into this one." Then, it looks like you're the one
25 that's having them go here. And if it gets taken

1 down, it's your fault. So we let them pick where
2 they want to go.

3 Q. And where did they pick?

4 A. They didn't pick because it didn't happen.

5 Q. So those people that came into Warton on --
6 with Chacone and McLean never looked at any strips?

7 A. I don't know.

8 Q. You never debriefed Chacone and McLean
9 after that incident?

10 A. I asked -- yes, I asked who came in. They
11 told me.

12 Q. And what was those peoples' role within the
13 organization?

14 A. Well, it wasn't who I thought was going to
15 come in. They said it was a man, and it was a female
16 that came in.

17 Q. And what was the female's role within that
18 organization?

19 A. I don't know. She was going to report back
20 to them.

21 Q. And what is it she was to report back?

22 A. I don't know. I guess to say that the
23 strip was okay.

24 Q. And how was going to the strip and landing
25 and getting out and looking at it going to prove that

1 it was okay?

2 A. That's up to Oto.

3 Q. That it was what?

4 A. I don't know.

5 Q. Did you debrief them after that trip or
6 not?

7 A. No. I would talk to them on the phone.
8 And he said, yeah, that they came in. And that she
9 saw it, and she went back to report it. She felt
10 that it was okay." And they were talking about
11 bringing in some loads.

12 Q. What was this lady's name?

13 A. I don't know.

14 Q. You didn't ask Chacone?

15 A. Yes.

16 Q. Did he provide it for you?

17 A. No.

18 Q. Why not?

19 A. I don't know. I don't know if he knew or
20 not.

21 Q. And what was the purposes for you being in
22 Warton again?

23 A. To talk to Larry in reference to
24 apologizing for him because he was not involved in
25 Fort Bend. Also, because T.K. wanted me to go down

1 there in case Pardo came in so we can make
2 arrangements to arrest Pardo.

3 Q. Why didn't T.K. come with you?

4 A. I don't know.

5 Q. So if T.K. had told you to go to Arkansas
6 and wait on him, you would have went?

7 A. I couldn't go to Arkansas without
8 permission. Although, I asked permission to go here,
9 you know, it's easier to go to Warton than it is to
10 go to Arkansas.

11 Q. Why did T.K. not want to go himself? I
12 mean, if he had a chance to arrest Pardo, that would
13 be the crown jewel in all of this mess, wouldn't it?

14 A. I don't know.

15 Q. You kind of stated that DEA took over the
16 case from you. And here was your opportunity to
17 arrest Pardo if he came in and TK was going to pass
18 that opportunity up?

19 A. I don't know.

20 Q. Did you ever receive any money from Oto
21 Chacone?

22 A. No.

23 Q. Did you ever receive any gifts from Oto or
24 McLean?

25 A. No.

1 Q. Did they ever provide you with a portable
2 aircraft radio?

3 A. Yeah. They let me use one, yes.

4 Q. But you didn't keep it?

5 A. No.

6 Q. You were never given a scanner as a gift?

7 A. No, they had one because they were
8 bragging -- well, not bragging. It's just -- it had
9 just come out and it had 400 some odd channels.

10 Q. Were you ever given a pair of binoculars
11 for a gift?

12 A. No.

13 Q. Do you know if T.K. was ever given any
14 money by Chacone?

15 A. No, I don't know.

16 Q. Do you know if T.K. was ever given any
17 equipment?

18 A. No.

19 Q. Do you know if T.K. was ever given a
20 cellular phone by Chacone?

21 A. No.

22 Q. "No," you don't know, or, "No," he wasn't
23 given one?

24 A. No, I don't know.

25 Q. Do you know if T.K. was ever offered a trip

1 to Hawaii, after getting out of the hospital, for
2 himself and his wife by Chacone?
3 A. No, I don't know.
4 Q. Do you know if T.K. was ever offered a
5 Rolex watch by Chacone?
6 A. No.
7 Q. Did you ever make a loan from Chacone?
8 A. No.
9 Q. Did you ever ask Chacone for money to
10 purchase a computer?
11 A. No.
12 Q. Did you purchase a computer during this
13 time?
14 A. I did not.
15 Q. Excuse me?
16 A. I did not.
17 Q. During the time Chacone worked for you, you
18 never purchased a computer?
19 A. I had a computer but -- yes.
20 Q. When did you purchase the computer?
21 A. I don't remember.
22 Q. How much did the computer cost?
23 A. That was about 15 or \$1,600.
24 Q. How did you pay for the computer?
25 A. I paid cash on that one.

1 comes with it.

2 Q. The total bill was about \$1,500?

3 A. I don't remember what the exact bill was,
4 but I think it was about that or --

5 Q. How was this machine configured?

6 A. What do you mean?

7 Q. What processor did it have, how much
8 memory, the hard drive?

9 A. I don't know. I think it's 20.

10 Q. Would you agree that computers were quite a
11 bit higher back then than they are now?

12 A. Yes -- well, I don't know. I don't know
13 how much -- I haven't been trying to buy any right
14 now, lately.

15 Q. Did Oto know you had a computer?

16 A. Does he know I have a computer? I don't
17 know. I think he does.

18 Q. Did you ever show it to him?

19 A. No.

20 Q. Did you ever discuss it with him about
21 buying it?

22 A. About this one, yeah. He knew -- I think
23 he knew about it.

24 Q. Did you tell him how much you paid for it?

25 A. No.

1 Q. Examine that receipt. Does that look like
2 the receipt for your computer?
3 A. Yeah.
4 Q. That's in excess of \$2,700; is that
5 correct?
6 A. Yes.
7 Q. So if Chacone says he loaned you \$3,000 for
8 a computer, that's pretty close, isn't it?
9 A. No.
10 Q. \$2,700 and \$3,000 is not close?
11 A. He didn't loan me any money.
12 Q. How would he know about the computer and
13 how much it cost?
14 A. I don't know.
15 Q. Just a lucky guesser?
16 A. I don't know.
17 Q. Did you ever receive a loan from Chacone to
18 purchase a suburban?
19 A. No, I didn't.
20 Q. Did you purchase a suburban?
21 A. Yes, I did.
22 Q. How did you purchase it?
23 A. I put money down, and I got a loan from the
24 bank.
25 Q. Where did the money come from that you put

1 down?

2 A. My money. Money I had.

3 Q. You drew all of the money that you put down
4 out of the bank?

5 A. No, not from the bank. The loan, I got
6 from the bank.

7 Q. Where did the cash money you put down come
8 from?

9 A. From money that I had been saving.

10 Q. And where were you saving it?

11 A. Where? At home.

12 Q. How much did you put down on the vehicle?

13 A. I put \$4,000 -- close to \$5,000 in San
14 Antonio. And I think -- I wanted to get my payments
15 down -- that was about \$8,000 at the bank. So the
16 remainder was \$11,000 that I had to finance.

17 Q. So you put \$4,000 down at the dealership?

18 A. \$4,000 something -- close, somewhere around
19 there.

20 Q. And then you did what?

21 A. And then I went to the bank to finance it.
22 And I needed to get my payments down to a certain
23 amount that I wanted to pay per month, so then I
24 put -- I got an \$11,000 loan. And the rest I put
25 cash. I think it was about \$8,000.

1 Q. Where did that cash come from?
2 A. From me.
3 Q. From where, the bank?
4 A. From my savings.
5 Q. Out of your savings account?
6 A. No, from the one that I saved at home.
7 Q. You kept \$8,000 at the house?
8 A. I had more than \$8,000 at the house.
9 Q. How much money did you have in the bank at
10 that time?
11 A. I had money in the bank, also.
12 Q. Did you have more money in the bank than
13 you had at the house?
14 A. I don't remember. No -- I mean, it's about
15 the same.
16 Q. Do you always keep large sums of currency
17 at your house?
18 A. Up until 1990, when I got sued for
19 divorce.
20 Q. You got sued for divorce in 1990?
21 A. I mean, for more money for my divorce.
22 Q. So you were hiding money, is that what
23 you're telling me?
24 A. I was keeping money. The reason I was
25 keeping money is in case that I had from

1 that

2 Q. Why would you think she was going to get
3 ?

4 A. Because my
5

6
7 Q. So rather than save money in the bank where
8 you could be earning interest on it, you were keeping
9 it at the house?

10 A. Yes.

11 Q. So you put, what, \$13,000 down on this
12 vehicle, roughly?

13 A. Let's see, about 12 or 13, somewhere around
14 there.

15 Q. So you won't have any problem signing a
16 release to allow us access to those bank records
17 where that transaction occurred?

18 A. No.

19 Q. Did you ever receive \$50,000 in cash from
20 Oto Chacon?

21 A. No.

22 Q. So you put 12 or \$13,000 down on this
23 vehicle. Oto said he loaned you \$15,000. That's
24 pretty close?

25 A. He knew I was going to buy one.

1 Q. You cut all your business up with him and
2 told him exactly how much you were going to pay for
3 this and how much you needed to put down?

4 A. We would drive around, he would want to
5 meet and we would go different places. And he knew I
6 was buying a suburban. In fact, when I went to get
7 the suburban, he wanted to meet. And I said, "I
8 can't. I'm going to get my suburban in San Antonio."

9 Q. He knew all of your financial arrangements?

10 A. Not all of them. How can he know that? I
11 mean, no.

12 Q. That's what I'm asking. How could he get
13 that close to a figure on the amount you put down?

14 A. I have no idea.

15 Q. How could he get that close to the amount
16 you put down on the computer if it wasn't true?

17 A. Well, just like Ricardo Garza was able to
18 do credit checks. I have no idea.

19 Q. If you paid cash for it, there's no -- it's
20 a cash receipt. There's no credit check on that
21 computer.

22 A. I have no idea. I don't know.

23 Q. Do you see, Adan, all these coincidences?
24 I mean, you just -- everybody else is lying but you?

25 A. I'm not lying.

1 Q. That's what I'm saying. Everybody else is
2 lying, all these records don't mean nothing, is that
3 what you're telling me? Something is not right here,
4 Adan. I mean, did you let -- did you discuss letting
5 a load go to facilitate -- did you let it go? Did
6 you know about it?

7 A. No.

8 Q. Then, you act like this investigation -- I
9 mean, you just kind of drop it. And here the best
10 informant you've ever had comes back and tells you he
11 saw 22 tons of cocaine. I think that would be
12 something to get a little excited about.

13 A. We were excited.

14 Q. You kind of dropped it.

15 A. The DEA was working it.

16 Q. There's no more reports to speak of. What
17 were you all doing?

18 A. Because nothing happened. T.K. gave me
19 reports. Didn't you see my file? You seem to find
20 things in my file. Look at the DEA-6s he gave me.

21 Q. That's what I was telling you. There
22 wasn't any in there, Adan.

23 A. They're in there.

24 Q. If they were in there, they're not in there
25 now.

1 A. They're in there, unless they got sent to
2 Alabama. Because they called me and they wanted
3 reports. And I called McAllen and told them to pull
4 out everything I had on Pardo and send it to them.

5 Q. That's documented on the outside of that
6 jacket. But, I mean, that's the McAllen file. I'm
7 talking about your personal file here. The one that
8 you kept in your desk.

9 A. I didn't have everything in there.

10 Q. You didn't have everything in there?

11 A. No. What desk are you referring to?

12 Q. The one you had while you were in McAllen?

13 A. I left that in McAllen?

14 Q. Yes, sir. Were you actively pursuing this
15 case after the Richmond seizure?

16 A. DEA now was using him in Mexico. So -- I
17 mean, I can't do anything in Mexico, and he's
18 reporting to T.K. I can only go by what he's
19 doing -- what T.K. tells me.

20 Q. And what did T.K. tell you was going on?

21 A. Nothing. Just when he gave me the
22 report -- because I finally asked him for reports,
23 and he said he would give me some, and he never did.
24 And I got some, and I put them in the file -- not in
25 the personal file. I think it was filed in the file

1 at the office.

2 Q. Well, I have the office file and it's not
3 in there.

4 A. Well, I put a cover sheet on it.

5 Q. I'm telling you, there's no DEA reports in
6 that file. I don't know what happened to them, but
7 they're not in there.

8 A. They ought to be in there. The cover sheet
9 looks just like this (indicating). And then behind
10 it is just a brief summary, and then the reports are
11 behind it, his reports.

12 Q. Do you know why this article would have
13 been in your personal file?

14 A. This is Garcia-Abrego organization, I
15 think.

16 Q. Why don't you peruse that article a little
17 bit and tell me what it deals with.

18 A. Soldier A Fortune. It says, "US says hired
19 informant smuggles on the side."

20 Q. It kind of goes along with the topic we've
21 been talking about. Why would you be so concerned
22 about that to put that in your file, the same file?

23 A. I don't even know why it's in there. In
24 fact, I don't even remember leaving a file in there.

25 Q. Well, it's in there.

1 A. Who put it in there?
2 Q. Well, it was your file. I don't know.
3 A. Was it a conspiracy? Are you putting that
4 file -- I thought I had taken everything.
5 Q. Well, you left a box behind, Adan. This
6 ain't the OJ trial. There ain't no conspiracy here,
7 as much as you might like it to be.
8 These are your weekly reports for August
9 1991. Would you read me the date on -- I mean, the
10 activity on August the 1st?
11 A. "Traveled" -- "in McAllen DPS office
12 working in and among reports."
13 Q. Okay. Would you read the entry for August
14 the 2nd?
15 A. "Traveled to Weslaco and Harlingen with
16 CS-6. Reference, narcotics investigation."
17 Q. Okay. Would you read me the entry for
18 August the 5th, 1991?
19 A. "In McAllen DPS office and traveled to
20 Weslaco. Reference, narcotics investigation. In
21 Harlingen, assisting Special Investigator Cavazos on
22 investigation."
23 Q. Could you read the entry for August the
24 9th, 1991?
25 A. "Traveled to Weslaco and met with T.K."

1 Solis, DEA, and CS-6 at DPS McAllen office."
2 Q. The next whole week you were off; is that
3 correct?
4 A. Yes.
5 Q. That would have been the week of 8-11-91
6 through 8-17 of '91?
7 A. Yes.
8 Q. Could you read the entry for 8-27 of '91?
9 A. "Traveled to Brownsville and met with
10 CS-22. Reference, narcotics investigation. Met with
11 AUSA John Cruz and FBI SA Victor Bazan and SA Ray
12 Gonzales."
13 Q. And could you read the entry for 8-30 of
14 '91?
15 A. "At McAllen DPS office and met with CS-6.
16 Reference, narcotics investigation."
17 Q. Most of these entries dealt with you
18 meeting with McLean, is that true?
19 A. Yes.
20 Q. What happened to Chacon during this period
21 of time?
22 A. I don't know.
23 Q. Sorry?
24 A. I don't know.
25 Q. You don't remember having any contact with

1 Chacone during that time?

2 A. He might have paged me or called me. I
3 can't recall.

4 Q. Do you know where he would have been?

5 A. I don't know. I have no idea. I think he
6 was out-of-town or something.

7 Q. Where was he out of town at?

8 A. I don't know.

9 Q. Well, if you recall, all the entries in
10 July indicated, pretty much, you were meeting with
11 both of those two informants.

12 A. Yes.

13 Q. Now, all of sudden, you're just meeting
14 with McLean. It's like Chacone dropped off the face
15 of the earth.

16 A. I don't know where he's at. He was
17 out-of-town or -- I don't know if he was on vacation
18 or -- I don't know what he did.

19 Q. He was out-of-town. That's when he was
20 getting rid of the cocaine.

21 A. I don't know.

22 Q. He indicates he had daily contact with you,
23 reported all of his activities.

24 A. No, he didn't.

25 Q. Do you recall the interview that Special

1 Agent Gilbert Bruce and I had with you in San Antonio
2 back in 1995?

3 A. Not all of it.

4 Q. But you do recall that we did have a
5 meeting and an interview?

6 A. Yes.

7 Q. At the time of that interview, you
8 couldn't -- didn't have any idea why you were in
9 Warton on those days. And now, all of a sudden,
10 you're relatively positive why you were there. How
11 come you change?

12 A. Well, when I get there, you don't tell me
13 what's going on. All of a sudden, you're popping
14 things in front of me. I couldn't recall because I
15 couldn't remember until you showed me that I was
16 there at the hotel.

17 And then you tell me that he brought in so
18 much cocaine. I said, "No, that couldn't happen" I
19 got upset. I even told you, "That did not happen.
20 That's not true." And that's where most of that was
21 directed to. And shortly after that, if I can
22 recall, that's where that ended.

23 Q. At that time, you also told us that it was
24 your understanding that Oto and Bob had flown to
25 Mexico to check out a strip and they came back

1 loaded, which would have been the El Campo load.
2 A. No.
3 Q. That's what you told us. That's what I'm
4 saying, I don't know why the change in the story
5 now.
6 A. What did I say? What did I say?
7 Q. I told you what you said. "They flew down
8 to check a strip and they came back loaded."
9 A. I did not say that.
10 Q. Yes, you did.
11 A. I didn't say that.
12 Q. You also indicated that it took several
13 days of discussions back and forth between DEA and
14 DPS about the load that was going to be taken down.
15 That DEA wanted it taken off closer to them and that
16 Floyd wanted to do a traffic stop.
17 A. Boy, I don't remember that.
18 Q. And it's your best recollection that when
19 that load was taken off into Richmond -- do you
20 recall whether or not there was ever any discussions
21 between you or T.K. or any of the supervisors in any
22 formal meetings or informal meetings held to discuss
23 the situation with the Mexico DEA office?
24 A. What are you referring to?
25 Q. About them being upset about the load.

1 A. Afterwards?
2 Q. Yes.
3 A. Yeah, that's why we met in that hotel with
4 Castillo and that DEA -- Castillo and me and T.K.
5 And I couldn't recall if they were upset. I just
6 knew about that egg that they mentioned and talked
7 about. And they wanted to get these people.
8 Q. Did T.K. routinely provide you copies of
9 his reports?
10 A. No.
11 Q. But he did provide you some copies of his
12 reports?
13 A. I got some.
14 Q. Did you have to sign any kind of
15 authorization or clearance to allow those to leave
16 the DEA office?
17 A. I don't recall. I don't remember.
18 Q. And you're sure that you placed those in
19 some file, either the office file or your file,
20 attached with a cover sheet, CLE-1?
21 A. Yes, I can recall that's what I did. I
22 think one of them, I kind of looked at what the
23 report was and I wrote a report on it. Then, like he
24 gave me -- I don't know how many reports there were.
25 I said, "That's too much to, you know, try to do a

1 report on," so I just cover-sheeted it.

2 Q. Were copies of those reports made to send
3 up here to the headquarter's file?

4 A. It was given to the secretary to make a
5 file of it.

6 MR. BRUBAKER: Why don't we take a
7 five-minute break and we'll come back and wrap this
8 thing up.

9 (Brief recess.)

10 MR. BRUBAKER: Just a couple things I
11 want to try to get cleared up in my mind, Adan,
12 concerning the money issue, for one thing.

13 Q. All right. You indicated you had -- you
14 were saving money at the house. And that's where the
15 money for the computer and the money for the down
16 payment came from; is that correct?

17 A. Yes.

18 Q. When did you begin saving money at the
19 house in that manner?

20 A. About '82.

21 Q. And where did that money come from? Did
22 you deposit your check and withhold part of it and
23 begin to save it?

24 A. Yeah, cash it and used it and stuff like
25 that.

1 Q. How much money did you actually have at the
2 house?

3 A. About \$17,600 something.

4 Q. How many people do you know keeps (sic)
5 that much money at the house?

6 A. I don't know.

7 Q. Besides attorneys?

8 A. I don't know.

9 Q. Does anybody else know that you were saving
10 that money at the house in that manner?

11 A. I did.

12 Q. Just you alone?

13 A. Yeah. I mean, I put money aside because of
14 that reason. Because in case that happened to come
15 up.

16 Q. But you never discussed saving that money
17 at the house that way with anybody else?

18 A. No.

19 Q. Did you ever have any problems meeting your
20 obligations?

21 A. No. Every time I got paid, that's when I
22 sent it off.

23 Q. And how do you pay your .?

24 A. Cashier's -- money order.

25 Q. Do you take that from the cash that you

1 have at the house or how do you pay that, out of your
2 paycheck?

3 A. Yeah. When I deposit it -- when I deposit
4 some money, I cash some money (sic).

5 Q. Have you ever been late on a
6 payment?

7 A. I think once -- not that I was late. It's
8 just, I don't think she got it. It went off to -- I
9 pay to the office. But, no, I paid
10 every time. I think maybe she called once and asked
11 where it was. And it was sent, and I had the money
12 order for it.

13 Q. Do you recall if there was ever an occasion
14 where she might have called the Department to
15 complain about not getting --

16 A. She was mad, I'm sure.

17 Q. I mean, were there incidents where she
18 called?

19 A. Yeah, she would call the office looking for
20 me. She always got paid, always got paid, never ever
21 never missed.

22 Q. Did you ever discuss having any kind of
23 financial problems with Oto?

24 A. No. He knew that trial was coming up. I
25 was pissed.

1 Q. For the increase in ?
2 A. Yes. And I really got mad because I put
3 her on my insurance when I didn't have to. And that
4 was just in case she got . And
5 then, when I got ordered to that and dental and
6 medical, I said -- well, I got mad. I said, "Well,
7 I'm just going to use the money I was saving just in
8 case something happened and use it on me."
9 Q. And that's when you bought the suburban?
10 A. Yes.
11 Q. Do you still keep money at the house in
12 that manner?
13 A. I keep some. I have cash money. I keep
14 money.
15 Q. How much do you have at the house now?
16 A. I don't know, maybe about \$1,200.
17 Q. Were you keeping the money in a safe or
18 where were you keeping it?
19 A. In a safe.
20 Q. Do you still have that safe?
21 A. We've got a bigger one.
22 Q. A bigger one. When you put the cash money
23 down on the vehicle, were there any CTRs filled out?
24 A. I don't know.
25 Q. Back to the trip to Warton on the 30th and

1 31st of July, 1991. You said you went over there to
2 make an apology to Larry Hensley; is that correct?

3 A. That's one of the reasons, yes.

4 Q. Did you, in fact, make that apology?

5 A. Yes.

6 Q. Was he, in fact, upset about not being
7 included in the investigation?

8 A. No, he just said that if we had a
9 disposition on the cocaine, that he would like to get
10 some for the county to use, I don't know, for the
11 dogs or what.

12 Q. What gave you the impression that he was
13 upset, to start out with, that would cause you to go
14 over there to make an apology?

15 A. Because I told him I was going to call him.

16 Q. Did he routinely assist you in
17 investigations that were in the Warton area?

18 A. I would call him and let him know that we
19 were going over. That's his jurisdiction.

20 Q. Did he assist on the investigations?

21 A. On the first one, no, because we used -- I
22 hadn't met him yet. We used some other person.

23 Q. The ones that he was involved with, was he
24 always -- did you provide him a copy of the reports
25 or anything?

1 A. No, he never asked for them.

2 Q. Did you ever advise him what happened to
3 the cases?

4 A. Yes.

5 Q. So if he indicated to us that there was
6 never any problem and that he never knew whatever
7 happened to the cocaine after it left Warton, he's
8 lying; is that right?

9 A. I didn't hear your question.

10 Q. I said, if he indicated to us, when we
11 interviewed him, that there had never been a problem
12 between you all and that he never knew what happened
13 to the cocaine after it left the airport or went
14 through the jurisdiction, he never knew any
15 disposition on the cases, then he would be lying to
16 us. Is that what you're telling me?

17 A. What problem are you talking about? I
18 don't understand what you're getting at. I don't
19 understand the question.

20 Q. All right. If he indicated that you had
21 never apologized to him, that incident never
22 happened, and that he was never made aware of any
23 disposition on any of the cases, and you've just told
24 me contrary to that on both issues, then he's lying.
25 Is that what you're telling me?

1 A. I went and apologized to him. Now, if he
2 told you that I didn't apologize, yes, he would be
3 lying. I told him, "Hey, I wasn't here. I couldn't
4 be there so you weren't used. Next time we'll use
5 you."

6 Q. And if he says that he never ever knew what
7 happened to any of the loads, then he would also be
8 lying about that?

9 A. I don't see how he would know. I mean, I
10 told him we were going in.

11 Q. Well, you told me you advised him of what
12 happened to the disposition on the cases.

13 A. No, you asked me if he knew what was --
14 when we were going over or whatever. I would call
15 him and let him know.

16 Q. Did he ever participate? Did he ever go on
17 surveillance with you? Was he ever there when the
18 stuff was seized?

19 A. One time that we went in, he couldn't be
20 there for some reason. It was a marijuana load. And
21 we took it down in Houston, and I don't know what the
22 reason, why he couldn't be there.

23 Q. And on those occasions when you called him
24 and told him you were coming over there to work on a
25 deal, after it was over, at any time, did you ever

1 let him know what happened on that investigation,
2 what was seized, what -- who was arrested?

3 A. I don't recall if we did that all the time.

4 Q. Did you ever do it?

5 A. I don't recall.

6 Q. When you went to Big Spring to interview
7 Chacone, how did you get out there?

8 A. DPS airplane.

9 Q. How did you get from the airport to the
10 FCI?

11 A. To the jail?

12 Q. Yes.

13 A. I had one of the investigators from Midland
14 or somewhere, James, come pick me up.

15 Q. Did you have any discussion with him about
16 your purpose for being out there?

17 A. I don't remember. He knew I was going to
18 go talk to a prisoner. And I told him where it was.
19 That's why he was able to find it.

20 Q. Did you invite him to sit in on the
21 interview?

22 A. Well, he was there with us, and then he
23 volunteered to get up. And the case agent -- his
24 case agent, I think -- caseworker -- Oto's caseworker
25 was there. So when he left, it's okay because he was

1 in there.

2 Q. Why did James agree to just get up and
3 leave?

4 A. He just volunteered to go.

5 Q. You never had any discussion with him
6 concerning Oto's ability to speak English?

7 A. I don't know. I don't remember.

8 MR. BRUBAKER: I've been doing all the
9 questioning, Adan. I'm going to give you an
10 opportunity to make any statements you think that we
11 haven't covered and might be relevant to getting this
12 mess straightened out. Or if you have any ideas of
13 why Oto and Bob would be saying these things.

14 THE WITNESS: I have no idea.

15 MR. BRUBAKER: Well, in closing,
16 there's something that I need you to understand and
17 consider it to be a direct order. You're not to
18 discuss, other than with your attorney here, anything
19 that went on in here with anybody else that works
20 with this Department or anywhere else, especially
21 those that might be a witness.

22 Do you understand that?

23 THE WITNESS: I won't talk to
24 anybody.

25 MR. BRUBAKER: And if I understood you

1 right earlier, you would be agreeable to signing a
2 release for us to get the records for the reference
3 of the purchase of that vehicle; is that correct?
4 THE WITNESS: Yes.
5 MR. BRUBAKER: I think that's all I've
6 got, Adan. I appreciate you coming in. I appreciate
7 your time.
8 THE WITNESS: Okay.
9 MR. BRUBAKER: I appreciate your time.
10 MR. PARKER: All right.
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12 (Interview adjourned.)
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C H A N G E S T O I N T E R V I E W

Rule 205: "No erasures or obliterations of any kind are to be made to the original testimony as transcribed by the deposition officer. Any changes in form or substance which the witness desires to make shall be furnished to the deposition officer by the witness, together with a statement of the reasons given by the witness for making such changes."

Please enter the page number, line number, and the reason for such change or correction.

<u>Page/Line</u>	<u>Correction</u>	<u>Reason for Correction</u>

WITNESS' SIGNATURE

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STATE OF TEXAS *
COUNTY OF TRAVIS *

I HEREBY CERTIFY that I have read the foregoing interview and that this interview, together with my corrections, is a true record of my testimony given at this interview.

Jaime Adan Ballesteros
JAIME ADAN BALLESTEROS

(1) SUBSCRIBED AND SWORN TO BEFORE ME
this the 1st ^{res} day of November, 1996.



Patricia E. Subia
Notary public in and for the State of Texas.

Commission Expires: 06-02-98

1 REPORTER'S CERTIFICATE

2
3 STATE OF TEXAS *
4 COUNTY OF TRAVIS *

5
6 I, ANGIE HERTEL, Certified Court Reporter
7 for the State of Texas, do hereby certify that the
8 facts stated by me in the proceedings hereof are
9 true; that the said witness did make the above and
10 foregoing answers in response to questions propounded
11 as shown; that I did, in shorthand, report said
12 proceedings, and that the above and foregoing
13 typewritten pages contains a full, true and correct
14 computer-aided transcription of my shorthand notes
15 taken on said occasion.

16 WITNESS MY HAND this the 4th day
17 of October, 1996.

18
19
20
21 Angie Hertel 19w.
22 ANGIE HERTEL
23 Certified Shorthand Reporter
24 For the State of Texas
25 CSR No. 5633

Expiration Date: 12-31-97