

IN THE UNITED STATES DISTRICT COURT FOR THE
 WESTERN DISTRICT OF TEXAS
 EL PASO DIVISION

JANET PADILLA, ET AL.

Plaintiffs,

vs.

UNITED STATES OF AMERICA,
 GIOVANNI GAUDIOSO, ET AL.
 Defendants,

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Civil Action No. EP 05-CA-0478

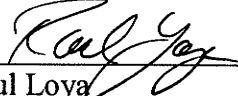
JUDGE MONTALVO

**APPENDIX TO PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR
 SUMMARY JUDGMENT**

Page Numbers	Documents
APP 1-6	Affidavit of Phillip E. Jordan, DEA SAC, Retired
APP 7-25	U.S. Department of Justice Court Transcript regarding Guillermo Ramirez-Peyro
APP 26-40	Bureau of Immigration and Customs Enforcement memorandum with attachments
APP 41-58	Deposition Transcript of Guillermo Ramirez-Peyro
APP 57-90	The Attorney General's Guidelines Regarding the Use of Confidential Informants

Respectfully submitted,

LOYA & ASSOCIATES, P.C.

By: 
Raul Loya
Texas Bar No. 00791142
Matthew Abraham
Texas Bar No. 24031683
10830 N. Central Expressway, Suite 200
Dallas, Texas 75219
Telephone (214) 521-8766
Facsimile (214) 521-8820

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that on October 6th, 2006, this document was filed with the Clerk for the United States District Court for the Western District of Texas, El Paso Division, using the CM/ECF filing system as ordered by the Court. The system will send a Notice of Electronic Filing to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means all others will be sent a copy through the United States postal service. The attorney of record for the Defendant authorized to accept Notice is listed below.

By: 
Raul Loya

Mr. Marvin Moos
EBANKS, SMITH & CARLSON
1401 McKinney
Houston, Texas 77010

Mr. John A. Broadwell
U.S. ATTORNEY'S OFFICE
Western District of Louisiana
300 Fannin Street, Suite 3201
Shreveport, Louisiana 71101

Ms. Mary Stillinger **VIA U.S. MAIL**
Attorney at Law
4911 Alameda
El Paso, Texas 79905

Mr. Duane Baker
Attorney at Law
303 Texas, Suite 1400
El Paso, Texas 79901-1461

Mr. Ronald Ederer
The Law Office of Ron F. Ederer
1020 N.E. Loop 410, Suite 505
San Antonio, Texas 78209

Mr. Gary B. Weiser
Attorney at Law
521 Texas Avenue
El Paso, Texas 79901

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JUDGE MONTALVO

AFFIDAVIT OF PHILLIP E. JORDAN

BEFORE ME, the undersigned authority, on this day personally appeared Phillip E. Jordan known to me to be the person whose name appears below, who upon being duly sworn, deposes and states the following:

“My name is Phillip Jordan. I am over the age of twenty-one (21) years and in all ways competent to make this affidavit. All of the facts stated herein are within my personal knowledge and are true and correct.

I have over thirty (30) years in law enforcement. I served with the Drug Enforcement Administration (“DEA”) for over 30 years, from 1965 to 1996. I was the DEA Special Agent in Charge for the Dallas Division and I was the former director of the El Paso Intelligence Center (EPIC). I was a senior inspector for the DEA in charge of inspections and overseeing the operations of confidential informants prior to my transfer to the Dallas Division. I supervised the compliance of numerous memorandums of understanding between DEA and the United States Customs and other agencies.

I have reviewed the affidavits submitted by Ms. Juanita Fielden, Raul Bencomo, Curtis Compton, and Giovanni Gaudio in this case. With regard to Guillermo Ramirez-Peyro, the informant, I have reviewed the following: 1) The Court transcript of Ramirez’s testimony before Judge Dierkes 2) His Deposition testimony 3) Declaration

given before the Mexican Consulate in Dallas -Spanish and English translations; 4) Recorded interview by Ramirez to the media 5) State of New Mexico arrest records 6) Ramirez Confidential Source instructions.

I reviewed the following correspondence: BICE August 25, 2003 Memorandum, stating Ramirez "supervised" the murders and had minimal participation. U.S. Customs letter to the Mexican Attorney General SIEDO attaché Jorge Rosas, dated August 15, 2003.

I reviewed the independent Management Review conducted by the DEA timeline of events and analysis by DEA SAC Sandalio Gonzalez. I have also reviewed the criminal indictments in EP-03-CR-2291-KC and the manual titled: Attorney General Guidelines Regarding The Use of Confidential Informants.

Ms. Fielden's testimony is inconsistent and lacks credibility. Fielden admits that the first murder was recorded by the informant. Fielden does not reveal whether the Judge signed a T-III federal intercept order. And, if so, what did they tell the judge in the ten (10) day report? The report would indicate whether they informed the judge that the informant supervised but did not participate in the murder. This would have been a mischaracterization and deceptive.

Fielden's statements indicate that she misrepresented the true nature of the informants involvement. The Bureau of Immigration and Customs Enforcement August 25, 2003 memorandum gives an incomplete account of the informant's involvement in the murder. Fielden and ICE's account of the murder of Reyes was not completely truthful, especially compared with Ramirez's own statements. Ramirez gave a sworn statement to the Mexican consulate in Dallas, Texas. He testified in immigration court. And, he has given a sworn deposition.

In his deposition, Mr. Ramirez adopted the statement given to the Mexican consulate as true and accurate. The statement gives a detailed account of the murder of Fernando Reyes that occurred in August 2003. By all indications, Ramirez was a key participant in the torture and murder of Reyes. Ramirez also admits his involvement in disposing of the bodies. It is my belief that Judge Phil Martinez would not have

authorized the Title III intercept had he been informed of Ramirez's true involvement in murder.

Ms. Fielden and the ICE agents deliberately excluded DEA personnel and concealed information regarding Ramirez' involvement in murders and other illegal activity. The cooperating individual referred to as the "CI" in the affidavit, was arrested by New Mexico DEA Special Agent Mike Garcia. After the CI's arrest, Ms. Fielden held a meeting with ICE management, excluding DEA personnel. Under the established protocol, Ms. Fielden had no right to call this meeting without the arresting agency being present and did not have justification to request the dismissal of the charges that were pending in state court without DEA consultation. Under DEA policy, if an informant is arrested committing a crime, he is subject to being "blacklisted" and extraordinary precautions would have to be taken in order to continue utilizing this type of informant. Murder is not negotiable to continue the utilization of an informant.

Ms. Fielden makes no mention of any DEA consultation. Fielden claims to have obtained a "consensus" to continue using the informant. The reasons Fielden and ICE personnel concealed information from DEA is clear. Ms. Fielden and the ICE agents were aware of the CI's illicit activities, i.e., committing murder, which is totally against DEA and Department of Justice policy. It has always been DEA policy that an investigation is terminated when the CI is an accomplice, accessory, or is about to commit a murder. To allow a CI to continue cooperating with the government after having been involved in criminal wrong-doing, i.e., murder, is against all Department of Justice policies, and, most important, the United States Constitution.

Ramirez testified that his BICE handlers knew ahead of time that murders were planned. According to Ramirez, the intercepts indicated the time, place, and the person(s) targeted for torture and murder. I refer to the court transcript of Ramirez's testimony as well as his media interview that indicate his direct involvement.

In his 18 years of law enforcement, Bencomo has been trained to discontinue working with an informant that "supervised" and participated in a murder. It is simply not credible that Department of Justice Officials would approve the continued use of an informant directly involved in murder.

Bencomo and Compton's claims that they were not aware of the killings prior to them taking place are contrary to the evidence. The DEA timeline of events show that the ICE agents allowed Ramirez to return to Juarez armed with a firearm against both U.S. policy and Mexican law. The informant continued his involvement after each sequential murder and debriefing. Bencomo states they learned of the "murders" through "interviews" of Ramirez after the fact. He does not indicate how many interviews took place between August 03, 2004 and January 04, 2004. He does not indicate how many murders took place. There is no evidence to support Compton's claim that the Mexican authorities authorized the operations to continue.

As a supervisor, Compton should have blacklisted the informant immediately upon learning of the first murder. Compton cannot explain why Ramirez signed the INSTRUCTION FOR CONFIDENTIAL SOURCES FORM under a fictitious name "Jesus Contreras." Furthermore, Ramirez was never required to sign another form after the first murder.

According to the Ramirez media interview, ICE took no action to prevent the murders from occurring and stop the operation. Ramirez was specifically instructed not to record any more murders, thus giving the informant a false impression that he had license to kill.

Bencomo and Compton admit that Ramirez told them where the murder took place giving the exact address. This means El Paso ICE lied to the DEA in Juarez, and to the Mexican authorities in the letter dated August 15, 2003. The letter to the PGR stated that the informant "witnessed" a murder and suggested they didn't know where the murder took place.

Bencomo claims to have worked diligently with the prosecutor to prepare an indictment of Santillan but did not indict him for the first murder. This is further indication that the prosecutors were attempting to conceal Ramirez's involvement in the first murder. I believe it was never the prosecutor and ICE's intention to arrest Santillan for the first murder because they continued sending the informant to Juarez where additional murders took place. Moreover, when the prosecutor indicted Santillan in November 2003 she did not charge him with the first murder. Fielden knew the murders

were taking place and they took no action to prevent them. DEA was never consulted during this time.

Bencomo knew of the first murder and the caliber of the Juarez cartel they were investigating. It stands to reason that other murders would follow. By the informant's modus operandi, ICE would have reason to expect that others would be killed. As the record shows, Ramirez was acting as an agent of the U.S. Government.

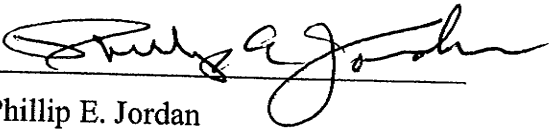
The agents attempt to justify their actions by claiming that all of this happened in Mexico. The murders were being supervised, however, by an informant sponsored by the U.S. government. It is startling to say the least given Gaudio's experience and training that he allowed the operation to continue after Ramirez admitted to committing murder while working for ICE.

The BICE officials including Raul Bencomo, Curtis Compton, and Giovanni Gaudio made no efforts to stop Ramirez from participating in the murders. The several management reviews of Bencomo, Compton, Gaudio, Kramer and Fielden show a total disregard for human life and disrespect for the rule of law in Mexico. The evidence indicates that BICE officials and Ms. Fielden made no efforts to arrest the suspects and "take down" the case. This allowed an additional thirteen murders to take place. According to the DEA review, the BICE agents and the prosecutor's office went to great lengths to protect this homicidal informant. Gaudio allowed the prosecutor Fielden to make operational decisions regarding Ramirez. The operation was only stopped after the attempted murder of a DEA agent and his family in Ciudad Juarez, Mexico.

Under DEA and Department of Justice Guidelines a federal agent has an affirmative duty to prevent a premeditated murder or bodily harm that could lead to death. The federal agents knew that the informant and the Juarez drug cartel had specifically targeted specific individuals for execution. After review of the evidence, the federal agents made no attempts to prevent the murders from occurring.

The actions of Raul Bencomo, Curtis Compton, Giovanni Gaudio, Patricia Kramer and Juanita Fielden show deliberate, reckless, or callous indifference to the constitutional rights of the victims and their survivors. The victims and their families are legal residents and citizens of the United States protected by the Constitution. The fact that the crimes committed by Ramirez, the confidential informant, were only halted after the apparent targeting of two DEA Special Agents is unprecedented in my 30 years of law enforcement.

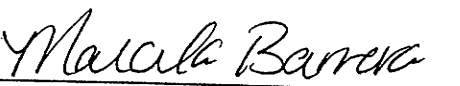
Further affiant sayeth not.”


Phillip E. Jordan

Subscribed and sworn to me, this 6th day of October 2006 to certify which witness my hand and official seal.

SEAL:




Notary Public for the State of Texas

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
Bloomington, Minnesota

File No.: A 78 745 209

August 11, 2005

In the Matter of)
)
RAMIREZ-PERYO, GUILLERMO EDUARDO) IN REMOVAL PROCEEDINGS
)
Respondent)

CHARGE: Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act, as an immigrant who at the time of application for admission was not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under Section 211(a) of the Act.

APPLICATIONS: Deferral of removal under Article 3 of the Convention against Torture - 8 C.F.R. Section 1208.17.

ON BEHALF OF RESPONDENT:

Jodi Lynn Goodwin,
Attorney at Law

ON BEHALF OF GOVERNMENT:

Kevin Lashus,
Assistant Chief Counsel

ORAL DECISION OF THE IMMIGRATION JUDGE

1) INTRODUCTION AND PROCEDURAL SUMMARY

The respondent is a 34-year-old married male, who is a native and citizen of Mexico. He sought entry into the United States on October 15, 2004. He was not admitted at that time, and was subsequently placed into removal proceedings. The Notice to Appear in this case, under date of May 9, 2005, was filed with

the Immigration Court in Bloomington, Minnesota, on May 16, 2005. Respondent was charged with being an intending immigrant not in possession of ^a valid immigrant entry document^s.

At a Master Calendar hearing held on June 9, 2005, the respondent, through counsel, admitted allegations 1 through 5 in the Notice to Appear, and conceded the charge of removability. Removability is accordingly established by clear and convincing evidence. The respondent is an arriving alien and would not be designating a country for removal.

Regarding relief from removal, the respondent has filed an application for deferral of removal under Article 3 of the Convention against Torture. See Exhibit No. 7. The respondent testified in support of his application for relief. Both sides have offered additional documents.

2) GENERAL SUMMARY OF WITHHOLDING/DEFERRAL OF REMOVAL LAW

An applicant may be considered for eligibility for withholding or deferral of removal under Article 3 of the Convention against Torture if the applicant requests such consideration or if the evidence presented by the applicant indicates that the alien may be tortured in the country of removal. See 8 C.F.R. Section 1208.13(c)(1). Eligibility for withholding of removal under the Convention against Torture is set out at 8 C.F.R. Section 1208.16(c). The burden of proof is on the applicant to establish that it is more likely than not that he would be tortured if removed to the proposed country of

his safety and well-being. At page 34 is a March 9, 2004, document addressed to the respondent advising him that as of that time reliable sources indicated that ^a~~the~~ death threat had been placed on the respondent by the Vincente Carrillo Fuentes organization. Respondent was advised not to use the name Lalo or Ramirez.

Included in the Exhibit are a number of documents relating to respondent's use as a [^]informant. It notes that a number of ICE officials, including Raul Bencomo, face questioning by the agency's office of professional responsibility over their close relationship with the informant. It notes that several ICE officials had been transferred to headquarters in Washington as a part of a shake-up designed to restore confidence in the agency subsequent to news reports of the respondent's situation as an informant. At this time the informant is identified by the name Lalo. At one point it is stated that there is to be a Congressional hearing in which the informant's activities in Mexico were likely to come up.

It identifies Lalo as a presumed former high ranking member of the Juarez cartel. He operated on American soil under supervision of ICE officials in the United States. He states that in Mexico he worked for Heriberto Santillán Tabares, one of the elite leaders of the cartel. It is noted that the bodies of 12 drug trafficker suspects were uncovered in the backyard of a house in a middle-class neighborhood in Juarez. This apparently

4) ANALYSIS

Removability in this case is not in dispute, as the respondent has admitted the allegations and conceded the charge of removability. The only issues remaining for consideration by the Court are whether or not the respondent qualifies for any relief from removal. The only relief being sought by the respondent is deferral of removal to Mexico under Article 3 of the Convention against Torture. Because of his criminal history, the respondent is ineligible for asylum, withholding of removal under Section 241(b)(3) of the Act, or for withholding of removal under the Torture Convention. This has been, in effect, stipulated by respondent's counsel in her brief.

The Court will briefly comment on respondent's credibility. Respondent is a drug trafficker and has been in close proximity to a number of murders, and was, in effect, involved in covering up those murders. That being said, there is a great deal of documentation in the file confirming that the respondent was, in fact, an informant for Customs and ICE, over an extended period of time. The things that he has testified to, to a great extent, are documented in the record. While the respondent's own background causes concern about blindly accepting anything he says, the Court will recognize that the essential elements of his claim are documented. The Court will find him generally credible.

To be granted relief under Article 3 of the Convention

1 A. The special agent Raul Bencomo, he was my control
2 agent, Curtis Compton was a supervisor, Todd Johnson, another
3 supervisor. Pete Gonzalez, another chief of supervisors, and
4 several, several more, if you want more names.

5 Q. All of these individuals you just named work with the
6 ICE office?

7 A. Yes, sir [sic].

8 Q. Did you ever work with any other agents within the U.S.
9 Government -- I mean agencies? Excuse me.

10 A. Yeah, all of these cases were related, like a lot be
11 with the DEA, with the Secret, Secret Service or the FBI or with
12 ATF, also.

13 Q. So you did investigations and informed about criminal
14 activity to all these different agencies?

15 A. Yes, I was working directly with ICE. Depending what
16 the case was, people from the FBI would come or DEA or ATF to
17 participate with us.

18 Q. During the, the four years that you were working as an
19 informant, about how many people were, were arrested based on
20 information that, that you were able to give ICE and these other
21 agencies?

22 MR. LASHUS TO JUDGE

23 Objection. Calls for speculation. He wouldn't know that.

24 JUDGE TO MR. LASHUS

25 He can answer if he knows.

1 MR. RAMIREZ-PERYO TO MS. GOODWIN

2 Approximately about 50 persons and, and, and charge and
3 convicted.

4 MS. GOODWIN TO MR. RAMIREZ-PERYO

5 Q. During the time that you were placed in protective
6 custody as a material witness, do you know if there were
7 instructions given to your custodians as to the names of these
8 individuals so that you would, would not be placed near them?

9 A. Yes. Actually, yeah, they did ask me to, to put me by
10 myself, especially away from these people.

11 MS. GOODWIN TO JUDGE

12 Judge, I would just note for the record that there is
13 documentation in Group Exhibit 11, two letters from the United
14 States Attorney's office to the Marshal Service listing
15 approximately 46 names of individuals that he should not be
16 housed near.

17 MR. LASHUS TO MS. GOODWIN

18 Was that the Marshal Service or was that -- I actually
19 thought that was a pleading?

20 MS. GOODWIN TO MR. LASHUS

21 No, it was a letter to the Marshal Service, it's to Mike
22 Troyonson (phonetic sp.). The first one listing approximately 40
23 names --

24 MR. LASHUS TO MS. GOODWIN

25 Oh, you're right.

1 JUDGE FOR THE RECORD

2 That's page 34. All right.

3 MR. LASHUS TO MR. RAMIREZ-PERYO

4 Q. Whenever you, whenever you worked as an informant, did
5 you use another name?

6 A. Yes, since the beginning, yeah, we -- the beginning we
7 did sign with fictitious name, Jesus Contreras.

8 Q. And within ICE is that name you were known by?

9 A. In relation to the payment, yes. And due to the
10 relationship that I did have with all the offices of
11 investigation, they would refer to me with, with my real name.

12 Q. And your real name is?

13 A. It's, it's Eduardo Ramirez.

14 Q. Do you use any type of nickname?

15 A. Yeah, Lalo, which is short for Eduardo.

16 JUDGE FOR THE RECORD

17 L A L O.

18 MS. GOODWIN TO MR. RAMIREZ-PERYO

19 Q. Many of, many of the, the documents that, that had been
20 submitted refer to Lalo or Jesus Contreras. Is, is that
21 referring to you?

22 A. Yeah, that's me.

23 Q. Before we move off of this topic. To make clear, you
24 indicated that payments were made to you.

25 A. Yeah, they would pay for my job, they didn't pay for

1 A. Yeah. The second one was in August of 2004.

2 Q. It was -- that was after you had already brought down
3 Mr. Santillán.

4 A. Yes.

5 Q. Okay. Go ahead. What happened?

6 A. Okay. At that time, they start like kidnapping the
7 people that they were close to me.

8 Q. When you say they, who do you mean they?

9 A. Yeah, that's the people from the cartel and the police
10 in Mexico. Finally, through a known person, they, they, they
11 give me an appointment to this place in El Paso, Texas and then
12 one person came, the peoples close to me in my place. The only
13 thing happen that this person came and they gave him like four --
14 shot him four times in the head.

15 Q. Who set up the appointment for you to meet them in El
16 Paso?

17 A. It was done by Jesus Laredo.

18 Q. Who is he?

19 A. He was some delinquent from Juarez.

20 Q. Part of the cartel?

21 A. He did have some relation, he didn't work very close to
22 them, but had some relation.

23 Q. So he's the one who told you to go to a certain place?

24 A. Yes.

25 Q. Where did he tell you to go?

1 A. That go to, to go to Whataburger, which is a restaurant
2 in Texas.

3 JUDGE FOR THE RECORD

4 Whataburger, W H --

5 MR. GATEÑO TO JUDGE

6 Oh --

7 JUDGE FOR THE RECORD

8 -- A T A B U R G E R.

9 MS. GOODWIN TO MR. RAMIREZ-PERYO

10 Q. Why did he tell you to go there? What was the purpose
11 of the meeting?

12 A. The purpose was to, to get some money to, to receive
13 some money for some crossing that was done that morning with,
14 with ICE, was a crossing that was done so they could detect some
15 corruptions. But --

16 Q. And did you believe that was the reason for the
17 meeting?

18 A. Yes. I mean we had done that crossing in the morning.

19 Q. So why didn't you go?

20 A. Because ICE told me that I shouldn't see anybody.
21 Yeah, they only, they only wanted me to help them with the
22 people, but they didn't want me to see anybody because they knew
23 that I was in danger.

24 Q. When you say they only wanted you to help with the
25 people, what do you mean by that?

1 A. Okay. For them to detect that inspector was corrupted
2 or not, they, they need that that inspector left a note to get
3 through. And that's what they ask me, to get that agent that
4 would send this load.

5 Q. So in other words, to find somebody to actually cross
6 the load?

7 A. Yes, that's the way --

8 Q. So you like managing the operation?

9 A. Yeah, practically, yes.

10 Q. Who did you send to this meeting or who, who went to
11 the meeting in, in your stead?

12 A. Was Abraham Guzman.

13 Q. Did he go in your vehicle or somebody else's?

14 A. He was in his own vehicle.

15 Q. Was ICE monitoring this meeting?

16 A. No, this meeting was done late at night, and they
17 didn't go. They were only just waiting for the money, for the
18 payment, and they, they didn't go over there.

19 Q. And when Mr. Guzman arrived at, at this Whataburger you
20 said that, that he was shot four times.

21 A. Yes. That's the way it is.

22 Q. By who?

23 MR. LASHUS TO JUDGE

24 Objection. Calls for speculation.

25 JUDGE TO MR. RAMIREZ-PERYO

1 Q. Wait, wait, wait.

2 MS. GOODWIN TO JUDGE

3 If he knows.

4 JUDGE TO MS. GOODWIN

5 If he knows he can answer.

6 MR. RAMIREZ-PERYO TO MS. GOODWIN

7 No. I don't know the name of who was the criminal.

8 MR. GATEÑO TO MS. GOODWIN

9 The -- and the assassin is the way he used it.

10 MS. GOODWIN TO MR. RAMIREZ-PERYO

11 Q. When were you first placed in protective custody?

12 A. Immediately after the homicide of Abraham, Abraham.

13 Q. Why do you think they decided to place you in
14 protective custody?

15 A. Well, I imagine that they want to kept me alive for the
16 trial.

17 Q. Do you know if there's anyone else that has the type of
18 information that you have?

19 MR. LASHUS TO JUDGE

20 Objection. There's no way he could know that. Calls for
21 speculation. There's no way you could ask him if he knows
22 whether other people have that information.

23 JUDGE TO MS. GOODWIN

24 And what specific information you're talking about? Not
25 clear either. So I'm going to sustain the objection. Form of

1 A. Yes, actually I record a homicide that was done by the
2 police.

3 Q. Okay. When did this take place?

4 A. This was in August of 2003, more or less.

5 Q. Were these local police, state police, national police?

6 A. That time was state police.

7 Q. Where did the killing take place?

8 A. In Ciudad Juarez, Chihuahua, in the street, Parsionero.

9 Q. Who was the person who was killed?

10 A. Fernando Reyes-Aguado, I think it is.

11 Q. Why was he killed?

12 A. They did kill him because they want to steal some
13 merchandise from him.

14 Q. Did this have anything to do with the drug cartel?

15 A. Yeah, actually, Santillán was the one that wanted to
16 steal the merchandise, that's why he had him killed.

17 Q. Okay. How did they kill him?

18 A. Asphyxiated.

19 Q. You see any other killings by the police?

20 A. Yes, sir.

21 Q. How many other killings?

22 A. I did see another killing, and I did see several bodies
23 that were already dead which the police would come with them,
24 they already dead. Yeah, but they would take them there and just
25 to check out to make sure that --

1 recording device. It's not like a regular recording like that,
2 but it's a digital type device that is hooked up to a computer
3 and all the noise is downloaded.

4 JUDGE TO MS. GOODWIN

5 Well, we've getting a little off the track here. Might try
6 to refocus him on --

7 MS. GOODWIN TO JUDGE

8 Yes, Judge.

9 MS. GOODWIN TO MR. RAMIREZ-PERYO

10 Q. You, you, you indicated that in Ciudad Juarez you saw
11 that the police where the ones who would do the kidnapping and
12 killing.

13 A. Yes.

14 Q. Who were they doing this kidnapping and killing for?

15 A. Yeah. For the cartel of Juarez, for the chief of the,
16 the bosses of the cartel Juarez.

17 Q. So the bosses didn't have to actually go out and do the
18 torturing and the killing themselves?

19 (TAPE 2)

20 A. Yes. Actually, to avoid problems, the police they,
21 they do it. Yeah, because they do know how to avoid, you know,
22 the actual investigations that would come forward.

23 JUDGE TO MR. RAMIREZ-PERYO

24 Q. Sir, did you ever personally witness any police
25 officers in Mexico kill anybody?

1 investigations and when, and when this happened I, precisely, to
2 show the reality of what happened, I did one recording and not
3 only I did go with the agent Bencomo, I did go immediately to the
4 building with the offices of ICE. And I was at least with 12
5 agents from the, the office, the investigation office, since the
6 top, which I think it was Giovanni, that's Joseph (phonetic sp.),
7 and more agents, and, and they had their recording and they did
8 know the truth of the facts. Their -- the articles that have
9 come out afterwards, I repeat, are from people that they weren't
10 there and, and they didn't have knowledge of the things with the
11 reality they were.

12 Q. But, but my question was you were not involved in the
13 killing of those people.

14 A. I repeat. And if involved means that I was present,
15 yes, I was. If involved means that I hit him, and I asphyxiate
16 him, then that's not.

17 Q. See --

18 JUDGE TO MR. RAMIREZ-PERYO

19 Q. Why, why were you present at the time of these
20 killings?

21 A. Because that was the order from Santillán. To start, I
22 was present only in two cases. What they do is that they would
23 ask us to be several person in house. When we were all there,
24 they would kill, at any occasion they would kill the people that
25 they were going to kill. That's the reason why I was supposed to

1 A. I didn't hold him. When they grab him, they told me,
2 lay him down. But they had him, one from one side and the other
3 one from the other side. The only thing I did was grab hold to
4 pull his legs so he could lay down. It was not necessary, it was
5 only three of them already on top of him. And, and that was also
6 clear.

7 MR. GATEÑO TO MR. LASHUS

8 And he said clear.

9 MR. RAMIREZ-PERYO TO MR. LASHUS

10 And I also explain, I even I explain to the U.S.
11 authorities, because we were going to present this in the
12 testimony against Santillán.

13 MR. LASHUS TO MR. RAMIREZ-PERYO

14 Q. Did you tell your -- the ICE officers that you were
15 aware that Mr. Santillán had ordered the deaths of people
16 associated with the cartel?

17 MR. GATEÑO TO MR. LASHUS

18 Is that what you --

19 MR. LASHUS TO MR. GATEÑO

20 Yes.

21 MR. RAMIREZ-PERYO TO MR. LASHUS

22 Yes.

23 MR. LASHUS TO MR. RAMIREZ-PERYO

24 Q. Did you tell them before, right before it happened?

25 A. Yeah, several occasions. For example, in one occasion

1 in Chicago, and Santillán talks to me, so I could send the boy
2 there to open the house, and me being in Chicago with the agents
3 from ICE, and they knew because I authorize for them to hear my
4 phone conversation. And besides that, I told them what's going
5 on, and in El Paso they were listening my phone calls.

6 Q. It was because of all of this information that
7 Santillán, when he was arraigned before the Grand Jury in San
8 Antonio, that he, he was accused of murder.

9 A. I don't know if it was charged that it was allegations
10 against him or not. As you know, I've been locked up and nobody
11 tells me anything. I don't know anything.

12 Q. Do you know whether or not he was charged with murder?

13 A. I understand no, that they, they, they brought those
14 charges for some kind of an arrangement that they did with him.

15 Q. Well, you know he was actually charged with murder.

16 A. No. I didn't know.

17 Q. Okay. Do you know that the charges were dismissed by
18 the United States Government?

19 A. Yeah, that he did make some arrangement with them.

20 Q. Did you know that the U.S. attorney announced that the
21 prosecution dismissed the murder charges because Santillán is
22 facing murder charges in Mexico?

23 A. I don't know. No, not me. Nobody have said anything.

24 Q. Well, you gave a statement to the associate legal
25 attaché of the attorney general in Mexico.

1 Q. You listed a group of five officers who you worked
2 closely with at ICE in El Paso.

3 A. Who did I give this in?

4 Q. That you, you worked them with, very closely, special
5 agents Bencomo, Ortiz, Todd Johnson and --

6 A. Yeah, more than five.

7 Q. Do you work with them closely for three years?

8 MR. GATEÑO TO MR. LASHUS

9 How many years? Three years?

10 MR. LASHUS TO MR. GATEÑO

11 Three years.

12 MR. RAMIREZ-PERYO TO MR. LASHUS

13 Yeah, some of them came in a little bit afterwards. Yeah,
14 yeah, since then I would treat with different agents, some of
15 them would leave, other ones would come in.

16 MR. LASHUS TO MR. RAMIREZ-PERYO

17 Q. Have you talked to them at anytime you've been in
18 protective custody?

19 A. No. Okay. One of, one, one of my -- that, that I'm --
20 one of my limitations is that it's talking with the exterior. I
21 only can talk to -- 15 minutes with my wife, 15 minutes with the
22 mother of my children and my children.

23 JUDGE TO MR. RAMIREZ-PERYO

24 Q. Why is this condition imposed upon you? Do you know?

25 A. Yeah, supposedly to protect me. That's the reason that

1 Q. Okay. The -- before you were put into ICE protective
2 custody, but after the Santillán case, that's when you were
3 threatened in August of 2004. Is that right?

4 A. No. That's not the case, the case of Santillán.
5 Santillán. The case of Santillán was from 2001 until now, 2005.
6 That was Uray (phonetic sp.).

7 Q. But it was after you'd already given testimony as a
8 material witness.

9 A. That was from August, yes.

10 Q. Right. You were requested to pick up cash at the
11 Whataburger.

12 A. Yes.

13 Q. You weren't expected to deliver anything, you were just
14 supposed to pick up cash.

15 A. Exactly.

16 Q. And you sent Jesus Laredo. He's the person who's
17 responsible for --

18 A. No.

19 Q. You, you said Guzman --

20 A. Jesus Laredo is the one that asked me --

21 Q. Right.

22 A. -- to be there. I --

23 Q. Mr. Guzman.

24 A. Yes. Yeah, he was in charge to go get the money.

25 Q. All right. And Jesus Laredo did not belong to the

1 cartel.

2 A. No, he did, he did have knowledge of the members of the
3 cartel due to my relationship that I had with him.

4 Q. But he was just another criminal.

5 A. Yeah, another criminal.

6 Q. He's separate and apart from the cartel.

7 A. Yeah.

8 Q. And he arranged to meet you to deliver money.

9 A. Yeah.

10 Q. What was the money for? Why did -- did he owe you
11 money?

12 A. I repeat that that morning there was a crossing to
13 prove that there was an inspector that was corrupt.

14 Q. Right. There was an operation to identify a customs
15 agent.

16 A. An inspector. Yeah.

17 Q. Right.

18 A. Corrupt.

19 Q. Okay. So you completed that.

20 A. No. But then they complete -- I mean it was suspended
21 when they killed my agent.

22 Q. Right. But I don't understand why you thought that Mr.
23 Laredo had any reason to give you money.

24 A. The drug that was coming across, obviously, you had,
25 obviously, you had to pay the corrupt inspector because he allow

1 it to cross, to get through. And, and Jesus Laredo he was
2 intermediary, the middleman, with the owner of the truck. And
3 then once that driver -- the truck got across, he had to pay for
4 the crossing of the drug.

5 Q. But the drugs never got across.

6 A. Yeah, the drug, yeah, the drug went through about 6:00
7 in the morning, August 25th.

8 Q. So Abraham Guzman was supposed to receive money for the
9 delivery of the drugs.

10 A. Yeah, because of the cross of the drug, because the
11 inspector has to be paid.

12 Q. And how much money was he supposed to get?

13 A. \$25,000.

14 Q. All right. So you sent Abraham to pick up the \$25,000.

15 A. Yes.

16 Q. And this was separate and apart from the cartel
17 business, this is somebody else.

18 A. That's what we thought, but the -- and there were --
19 okay, but that was word from the cartel, to kill me or to kill my
20 people.

21 Q. How do you know that? Who told you that?

22 A. Because as a fact, because, because afterwards I did
23 talk to the police and afterwards Jesus Laredo was found dead in
24 some alley.

25 Q. Why would an intermediary who was killed suggest that