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# APPENDIX A

**NOT FOR PUBLICATION**

**FILED**

UNITED STATES COURT OF APPEALS

NOV 4 2019

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

BALTAZAR REYES GARCIA,

Defendant-Appellant.

No. 18-30012

D.C. No.

2:16-cr-00287-JLR-3

MEMORANDUM\*

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ANGEL SERRANO CARRENO,

Defendant-Appellant.

No. 18-30013

D.C. No.

2:16-cr-00287-JLR-9

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

HECTOR CONTRERAS IBARRA,

No. 18-30014

D.C. No.

2:16-cr-00287-JLR-4

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Defendant-Appellant.
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Appeal from the United States District Court  
for the Western District of Washington  
James L. Robart, District Judge, Presiding

Argued and Submitted October 21, 2019  
Seattle, Washington

Before: IKUTA and BENNETT, Circuit Judges, and DORSEY,\*\* District Judge.

In these consolidated appeals, Baltazar Reyes-Garcia, Hector Contreras-Ibarra, and Angel Serrano-Carreno (“Defendants”) appeal their jury convictions for conspiracy to distribute controlled substances and other crimes. They claim that evidentiary and procedural errors, individually and cumulatively, require reversal. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Because the facts are familiar to the parties, we do not recite them here except as necessary.

1. The district court did not fail to protect Reyes-Garcia’s and Contreras-Ibarra’s Confrontation Clause rights when it instructed the jury to disregard portions of two police officers’ testimony in which they repeated statements made to them by an informant (referred to as “CS3” in the record).

The district court’s instruction was clear, and “[w]e normally presume that a

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\*\* The Honorable Jennifer A. Dorsey, United States District Judge for the District of Nevada, sitting by designation.

jury will follow an instruction to disregard inadmissible evidence inadvertently presented to it, unless there is an ‘overwhelming probability’ that the jury will be unable to follow the court’s instructions, and a strong likelihood that the effect of the evidence would be ‘devastating’ to the defendant.” *Greer v. Miller*, 483 U.S. 756, 766 n.8 (1987) (citation omitted). Here, the record does not show an “overwhelming probability” that the jury was unable to follow the instruction, and the testimony that the jury was instructed to disregard was not the strongest evidence against Defendants.

And we are not persuaded by Reyes-Garcia’s and Contreras-Ibarra’s argument that *Bruton v. United States*, 391 U.S. 123 (1968), applies. The circumstances underlying the Court’s holding in *Bruton* are not present here. CS3 was not a codefendant who made a “powerfully incriminating” confession, and the district court instructed the jury to disregard all of the testimony repeating CS3’s statements to the officers. *Cf. id.* at 131, 135–36. Thus, *Bruton* is inapplicable.

We also conclude that the government, during closing, did not improperly reference the testimony that the jury was instructed to disregard. Read in context, the prosecutor’s challenged statement referred to portions of the officers’ testimony that the jury was not instructed to disregard. Therefore, the district court did not err, let alone plainly err, by allowing the prosecution to reference the December 2015 controlled buy.

2. We review de novo whether the district court properly found that evidence was not “other crimes” evidence under Federal Rule of Evidence (“Rule”) 404(b). *See United States v. Soliman*, 813 F.2d 277, 278 (9th Cir. 1987). Evidence that is inextricably intertwined with the charged offense is not “other crimes” evidence. *See United States v. Loftis*, 843 F.3d 1173, 1177 (9th Cir. 2016).

Contreras-Ibarra argues that the district court erred by admitting evidence of an uncharged December 2015 drug transaction at a Yakima, Washington home. The same Yakima home was also involved in one of the charged transactions. The December 2015 transaction showed why the evidence related to the charged transaction proved that the items loaded into a vehicle at the Yakima home and later delivered to an undercover agent were illegal drugs. Thus, the district court did not err by admitting evidence of the December 2015 drug transaction because that evidence was inextricably intertwined with the charged offenses.

Contreras-Ibarra also argues that, under Rule 403, it was error to admit evidence of the December 2015 transaction because it lacked any probative value. His argument is unavailing because the evidence tended to prove that the items loaded into the car at the Yakima home during the course of the charged transaction were methamphetamines.

3. Assuming without deciding that the district court erred by allowing an informant (referred to as “CS1” in the record) to testify about statements made by

coconspirators pursuant to Rule 801(d)(2)(E), any error was harmless. *See United States v. Foster*, 711 F.2d 871, 880–81 (9th Cir. 1983). The evidence against Reyes-Garcia was significant, and the challenged statements made by CS1 were not the most compelling pieces of evidence offered by the government. Thus, we conclude that any “error was more probably harmless than not.” *United States v. Freeman*, 498 F.3d 893, 905 (9th Cir. 2007).

4. We review the district court’s admission of the two challenged wiretap conversations for plain error because Reyes-Garcia did not object to their admission. The wiretap conversation about threats that Reyes-Garcia made to a coconspirator related to a debt owed to Reyes-Garcia was properly admitted because it was made in furtherance of the conspiracy. *See Fed. R. Evid.* 801(d)(2)(E); *see also United States v. Yarbrough*, 852 F.2d 1522, 1536 (9th Cir. 1988). As for the second wiretap conversation, even if we viewed it as an attempt to thwart Reyes-Garcia’s collection efforts and assumed that it was improperly admitted because it did not further the conspiracy, Reyes-Garcia fails to show that the error was prejudicial. *See United States v. Olano*, 507 U.S. 725, 734–35 (1993). Thus, the district court did not plainly err by admitting the second wiretap conversation.

5. Reyes-Garcia argues that several statements made by Agent Weathers were inadmissible hearsay. He made a hearsay objection to only one statement—that

the FBI received information from the DEA that Reyes-Garcia was working with another drug trafficker. We review the admission of that statement for abuse of discretion. *See United States v. Dean*, 980 F.2d 1286, 1288 (9th Cir. 1992). If the statement was inadmissible hearsay, then “the government must show that the prejudice resulting from the error was more probably harmless than not.”

*Freeman*, 498 F.3d at 905. We review the admission of Agent Weathers’s other alleged hearsay statements for plain error.

Assuming without deciding that the district court erred by admitting Agent Weathers’s statement that the FBI received information from the DEA that Reyes-Garcia was working with another drug trafficker, the error was more probably harmless than not. There was significant other evidence showing that Reyes-Garcia was working with the drug trafficker.

As for the three remaining alleged hearsay statements, Reyes-Garcia fails to show that the district court plainly erred by admitting them because he fails to explain how he was prejudiced by their admission. *See Olano*, 507 U.S. at 734.

6. The district court did not plainly err by admitting Agent Weathers’s testimony about Reyes-Garcia’s prior use of false identification. Reyes-Garcia concedes that the error (assuming there was one) does not rise to the level of plain error.

7. The district court did not err, let alone plainly err, by allowing officers to



offer lay testimony describing Reyes-Garcia's conduct as counter-surveillance activities. The vast majority of the officers' testimony was about the suspicious behavior that they observed. And the officers opined, in cursory fashion, that the behavior was consistent with counter-surveillance activities. Thus, the district court did not err by treating the testimony as lay testimony.

And the cases that Reyes-Garcia cites do not show that the court erred in admitting the challenged statements, given the context in which they were made. Because the district court did not err, Reyes-Garcia's other arguments, which rest on the premise that the district court should have treated the testimony as expert testimony—that the district court should have given a dual role instruction at the time of the testimony and that the testimony lacked the proper foundation for expert testimony—necessarily fail.

8. Serrano-Carreno argues that the district court failed to properly consider whether evidence about his prior drug related activity was unfairly prejudicial or needlessly cumulative under Rule 403. We review the district court's application of Rule 403 for abuse of discretion. *United States v. Curtin*, 489 F.3d 935, 943 (9th Cir. 2007). If the district court abused its discretion, we then consider “whether the government successfully bore its burden of proof that the error in admitting the evidence was harmless.” *United States v. McElmurry*, 776 F.3d 1061, 1070 (9th Cir. 2015).

Assuming without deciding that the district court erred by failing to conduct a proper Rule 403 balancing analysis, any error was harmless. The evidence against Serrano-Carreno was overwhelming.

9. Defendants fail to show that the district court abused its discretion when it determined that no further inquiry was necessary after it received a note from a juror inquiring who had knowledge about the juror's information. Defendants argue that, under *United States v. Simtob*, 485 F.3d 1058 (9th Cir. 2007), the district court was required to conduct an inquiry because the note raised a concern about potential bias. *Simtob* is not applicable because the note here, unlike the circumstances in *Simtob*, did not present a "colorable claim of juror bias" based on a report of indirect coercive contact towards the juror. *Id.* at 1064 (quoting *Dyer v. Calderon*, 151 F.3d 970, 974 (9th Cir. 1998)).

10. The district court did not plainly err by allowing the prosecution to make certain statements about "toxic" drugs being "pour[ed]" into the "community." In context, it was not obvious that the statements asked the jury to convict Defendants in order to protect the community from drugs. Rather, it would have been reasonable for the district court to interpret the statements as asking the jury to make reasonable inferences based on the evidence. *See United States v. Atcheson*, 94 F.3d 1237, 1244–45 (9th Cir. 1996). Indeed, defense counsel elicited testimony from an expert in which the expert stated that "every ingredient in

methamphetamine is toxic to the human body.”

Defendants also argue that they were denied their right to a fair trial because the prosecution improperly disparaged defense counsel. We review this claim for abuse of discretion and harmless error because Defendants made this objection below. *See United States v. Tam*, 240 F.3d 797, 802 (9th Cir. 2001); *United States v. Ruiz*, 710 F.3d 1077, 1082 (9th Cir. 2013). “Under harmless error review, claims of prosecutorial misconduct are ‘viewed in the entire context of the trial,’ and reversal ‘is justified only if it appears more probable than not that prosecutorial misconduct materially affected the fairness of the trial.’” *Ruiz*, 710 F.3d at 1082 (quoting *United States v. Younger*, 398 F.3d 1179, 1190 (9th Cir. 2005)).

Assuming without deciding that it was error to allow the prosecution to make the statements referencing defense counsel, any error was harmless. Given the substantial evidence against Defendants, we conclude that they have failed to show that the prosecutor’s statements referencing defense counsel more probably than not materially affected the fairness of the trial.

11. Defendants argue that the district court erred by identifying certain exhibit numbers for the jury without informing the jury to not give the exhibits undue weight. We review this claim for plain error because Defendants did not make this specific objection below. *See United States v. Stinson*, 647 F.3d 1196, 1217 (9th Cir. 2011).

None of the cases that Defendants rely on clearly establish that a court errs by identifying specific exhibit numbers for the jury without informing the jury to not give the exhibits undue weight. Thus, we conclude that Defendants have failed to show that the district court committed plain error.

12. All Defendants assert a cumulative error claim. “In reviewing for cumulative error, the court must review all errors preserved for appeal and all plain errors.” *United States v. Necoechea*, 986 F.2d 1273, 1282 (9th Cir. 1993). Our cumulative error analysis also considers errors not rising to the level of plain error. *United States v. Fernandez*, 388 F.3d 1199, 1256–57 (9th Cir. 2004). We affirm if “it is more probable than not that, taken together,” the cumulative effect of the errors “did not materially affect the verdict.” *Id.* at 1257.

In light of our conclusions above, we consider these possible errors in our cumulative error analysis for Reyes-Garcia: (1) the admission of CS1’s testimony about statements made by coconspirators; (2) the admission of one challenged wiretap conversation; (3) the admission of Agent Weathers’s four statements that Reyes-Garcia challenges as inadmissible hearsay; (4) the admission of Agent Weathers’s testimony about Reyes-Garcia’s prior use of false identification; (5) the admission of the prosecution’s statements regarding toxic drugs and defense counsel; and (6) the district court’s decision to identify exhibit numbers for the jury without informing the jury to not give the exhibits undue weight. Given the

significant amount of evidence against Reyes-Garcia, we conclude that it is more probable than not that the cumulative effect of these claimed errors did not materially affect the verdict.

We consider these possible errors in our cumulative error analysis for Contreras-Ibarra: (1) the admission of the prosecution's statements regarding toxic drugs and defense counsel; and (2) the district court's decision to identify exhibit numbers for the jury without informing the jury to not give the exhibits undue weight. Given the significant amount of evidence against Contreras-Ibarra, we conclude that it is more probable than not that the cumulative effect of these claimed errors did not materially affect the verdict.

Finally, we consider these possible errors in our cumulative error analysis for Serrano-Carreno: (1) the district court's failure to conduct a proper Rule 403 balancing analysis about his prior drug related activity; (2) the admission of the prosecution's statements regarding toxic drugs and defense counsel; and (3) the district court's decision to identify exhibit numbers for the jury without informing the jury to not give the exhibits undue weight. Given the overwhelming evidence against Serrano-Carreno, we conclude that it is more probable than not that the cumulative effect of these claimed errors did not materially affect the verdict.

**AFFIRMED.**

# APPENDIX B

Presented to the Court by the foreman of the  
Grand Jury in open Court, in the presence of  
the Grand Jury and FILED in the U.S.  
DISTRICT COURT at Seattle, Washington.

By William M. McCool 20 16  
WILLIAM M. MCCOOL, Clerk  
Deputy

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

1. ERIC MARQUEZ,  
2. HECTOR HUGO GARCIA GUTIERREZ,  
3. BALTAZAR REYES GARCIA,  
4. HECTOR CONTRERAS IBARRA,  
5. PABLO CATANO,  
6. OSCAR LUNA MERCADO,  
7. MIGUEL VALDOVINOS CISNEROS, a.k.a.  
"Miguelito,"  
8. IVAN BETANZOS TORRES,  
9. ANGEL SERRANO CARRENO,  
10. LEOPOLDO SAVALZA VELA, a.k.a "Polo,"  
11. LUIS QUINONES CEJA, a.k.a "Cookie,"  
12. DANIEL RAMOS DOMINGUEZ,  
13. EDGAR GONZALEZ,  
14. LILLIANA VELIZ,

Defendants.

NO. **CR16-287JLR**

INDICTMENT

The Grand Jury charges that:

*United States v. Marquez, et al., Indictment - 1*

UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE 5220  
SEATTLE, WASHINGTON 98101  
(206) 553-7970

**COUNT 1****(Conspiracy to Distribute Controlled Substances)**

Beginning at a time unknown, but within the past five years, and continuing until on or about October 26, 2016, in King, Skagit, Snohomish, and Whatcom Counties, within the Western District of Washington, and elsewhere, ERIC MARQUEZ, HECTOR HUGO GARCIA GUTIERREZ, BALTAZAR REYES GARCIA, HECTOR CONTRERAS IBARRA, PABLO CATANO, OSCAR LUNA MERCADO, MIGUEL VALDOVINOS CISNEROS, IVAN BETANZOS TORRES, ANGEL SERRANO CARRENO, LEOPOLDO SAVALZA VELA, LUIS QUINONES CEJA, DANIEL RAMOS DOMINGUEZ, EDGAR GONZALEZ, and LILLIANA VELIZ, and others known and unknown, did knowingly and intentionally conspire to distribute substances controlled under Title 21, United States Code, Section 812, Schedules I and II, including methamphetamine, heroin, and cocaine, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and 846.

**Specific Quantity Allegations as to Methamphetamine**

1. With respect to Defendants ERIC MARQUEZ, HECTOR HUGO GARCIA GUTIERREZ, BALTAZAR REYES GARCIA, HECTOR CONTRERAS IBARRA, PABLO CATANO, OSCAR LUNA MERCADO, MIGUEL VALDOVINOS CISNEROS, IVAN BETANZOS TORRES, ANGEL SERRANO CARRENO, LEOPOLDO SAVALZA VELA, and LUIS QUINONES CEJA, their conduct as members of the conspiracy charged in Count 1, which includes the reasonably foreseeable conduct of other members of the conspiracy charged in Count 1, involved 50 grams or more of actual methamphetamine, and 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, in violation of Title 21, United States Code, Section 841(b)(1)(A).

**Specific Quantity Allegations as to Heroin**

2. With respect to Defendants, ERIC MARQUEZ, HECTOR HUGO GARCIA GUTIERREZ, BALTAZAR REYES GARCIA, HECTOR CONTRERAS

*United States v. Marquez, et al.*, Indictment - 2

UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE 5220  
SEATTLE, WASHINGTON 98101  
(206) 553-7970



IBARRA, PABLO CATANO, OSCAR LUNA MERCADO, MIGUEL VALDOVINOS  
 CISNEROS, IVAN BETANZOS TORRES, ANGEL SERRANO CARRENO, and LUIS  
 QUINONES CEJA, their conduct as members of the conspiracy charged in Count 1,  
 which includes the reasonably foreseeable conduct of other members of the conspiracy  
 charged in Count 1, involved one kilogram or more of a substance containing a detectable  
 amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(A).

### **Specific Quantity Allegations as to Cocaine**

3. With respect to Defendants ERIC MARQUEZ, HECTOR HUGO GARCIA  
 GUTIERREZ, BALTAZAR REYES GARCIA, HECTOR CONTRERAS IBARRA,  
 PABLO CATANO, OSCAR LUNA MERCADO, MIGUEL VALDOVINOS  
 CISNEROS, IVAN BETANZOS TORRES, ANGEL SERRANO CARRENO, and LUIS  
 QUINONES CEJA, their conduct as members of the conspiracy charged in Count 1,  
 which includes the reasonably foreseeable conduct of other members of the conspiracy  
 charged in Count 1, involved 500 grams or more of a mixture or substance containing a  
 detectable amount of cocaine, in violation of Title 21, United States Code, Section  
 841(b)(1)(B).

All in violation of Title 21, United States Code, Section 846.

### **ASSET FORFEITURE ALLEGATION**

Upon conviction of the offenses alleged in Count 1 of the Indictment, the  
 defendants, ERIC MARQUEZ, HECTOR HUGO GARCIA GUTIERREZ, BALTAZAR  
 REYES GARCIA, HECTOR CONTRERAS IBARRA, PABLO CATANO, OSCAR  
 LUNA MERCADO, MIGUEL VALDOVINOS CISNEROS, IVAN BETANZOS  
 TORRES, LEOPOLDO SAVALZA VELA, ANGEL SERRANO CARRENO, LUIS  
 QUINONES CEJA, DANIEL RAMOS DOMINGUEZ, EDGAR GONZALEZ, and  
 LILLIANA VELIZ, shall forfeit to the United States, pursuant to Title 21, United States  
 Code, Section 853, any property constituting, or derived from, any proceeds obtained,  
 directly or indirectly, as the result of such offenses, and also shall forfeit any property  
 used, or intended to be used, in any manner or part, to commit, or to facilitate the

1 commission of, such offenses, including, but not limited to, a sum of money representing  
2 the proceeds obtained as a result of the offense charged in Count 1, above.

3 If any of the above described forfeitable property, as a result of any act or  
4 omission of the Defendants,

- 5 1. cannot be located upon the exercise of due diligence;
- 6 2. has been transferred or sold to, or deposited with, a third party;
- 7 3. has been placed beyond the jurisdiction of the Court;
- 8 4. has been substantially diminished in value; or
- 9 5. has been commingled with other property which cannot be divided //

10 //

11 //

12 //

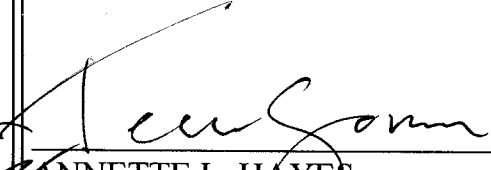
1 without difficulty; it is the intent of the United States, pursuant to Title 21, United States  
2 Code, Section 853(p), to seek the forfeiture of any other property of the Defendants up to  
3 the value of the above described forfeitable property.

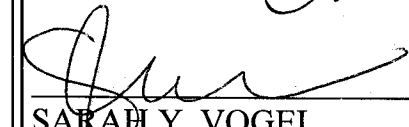
4  
5 A TRUE BILL:

6 DATED:

7  
8 *Signature Redacted per Judicial Policy*

9  
10 FOREPERSON

11   
12 ANNETTE L. HAYES  
13 United States Attorney

14   
15 SARAH Y. VOGEL  
16 Assistant United States Attorney

17   
18 STEVEN T. MASADA  
19 Assistant United States Attorney

20   
21 S. KATE VAUGHAN  
22 Assistant United States Attorney

# APPENDIX C

Presented to the Court by the foreman of the  
Grand Jury in open Court, in the presence of  
the Grand Jury and FILED in the U.S.  
DISTRICT COURT at Seattle, Washington.

Honorable James L. Robart

July 6, 2017  
WILLIAM M. McCOOL, Clerk  
By [Signature] Deputy

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

2. HECTOR HUGO GARCIA GUTIERREZ,  
3. BALTAZAR REYES GARCIA,  
4. HECTOR CONTRERAS IBARRA,  
9. ANGEL SERRANO CARRENO,  
11. LUIS QUINONES CEJA, a.k.a. "Cookie,"  
16. ANTONIO GOMEZ, a.k.a. "Tonio,"

Defendants.

NO. CR 16-287 JLR

**SECOND SUPERSEDING  
INDICTMENT**

The Grand Jury charges that:

**COUNT 1**

**(Conspiracy to Distribute Controlled Substances)**

Beginning at a time unknown, but within the past five years, and continuing until  
on or about November 2, 2016, in King, Skagit, Snohomish, and Whatcom Counties,  
within the Western District of Washington, and elsewhere, HECTOR HUGO GARCIA  
GUTIERREZ, BALTAZAR REYES GARCIA, HECTOR CONTRERAS IBARRA,  
ANGEL SERRANO CARRENO, LUIS QUINONES CEJA, and ANTONIO GOMEZ,

1 and others known and unknown, did knowingly and intentionally conspire to distribute  
 2 substances controlled under Title 21, United States Code, Section 812, Schedules I and II,  
 3 including methamphetamine, heroin, and cocaine, contrary to the provisions of Title 21,  
 4 United States Code, Sections 841(a)(1) and 846.

5 **Specific Quantity Allegations as to Methamphetamine**

6 With respect to Defendants HECTOR HUGO GARCIA GUTIERREZ,  
 7 BALTAZAR REYES GARCIA, HECTOR CONTRERAS IBARRA, ANGEL  
 8 SERRANO CARRENO, and LUIS QUINONES CEJA, their conduct as members of the  
 9 conspiracy charged in Count 1, which includes the reasonably foreseeable conduct of  
 10 other members of the conspiracy charged in Count 1, involved 50 grams or more of  
 11 actual methamphetamine, and 500 grams or more of a mixture or substance containing a  
 12 detectable amount of methamphetamine, in violation of Title 21, United States Code,  
 13 Section 841(b)(1)(A).

14 **Specific Quantity Allegations as to Heroin**

15 With respect to Defendants HECTOR HUGO GARCIA GUTIERREZ,  
 16 BALTAZAR REYES GARCIA, HECTOR CONTRERAS IBARRA, ANGEL  
 17 SERRANO CARRENO, and LUIS QUINONES CEJA, their conduct as members of the  
 18 conspiracy charged in Count 1, which includes the reasonably foreseeable conduct of  
 19 other members of the conspiracy charged in Count 1, involved one kilogram or more of a  
 20 substance containing a detectable amount of heroin, in violation of Title 21, United States  
 21 Code, Section 841(b)(1)(A).

22 **Specific Quantity Allegations as to Cocaine**

23 With respect to Defendants HECTOR HUGO GARCIA GUTIERREZ,  
 24 BALTAZAR REYES GARCIA, HECTOR CONTRERAS IBARRA, and ANTONIO  
 25 GOMEZ, their conduct as members of the conspiracy charged in Count 1, which includes  
 26 the reasonably foreseeable conduct of other members of the conspiracy charged in Count  
 27 1, involved 5 kilograms or more of a mixture or substance containing a detectable amount  
 28 of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(A).

1 With respect to Defendants ANGEL SERRANO CARRENO, LUIS QUINONES  
 2 CEJA, their conduct as members of the conspiracy charged in Count 1, which includes  
 3 the reasonably foreseeable conduct of other members of the conspiracy charged in Count  
 4 1, involved 500 grams or more of a mixture or substance containing a detectable amount  
 5 of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(B).

6 All in violation of Title 21, United States Code, Section 846.

7 **COUNT 2**

8 **(Conspiracy to Commit Money Laundering)**

9 Beginning at a time unknown, but within the past five years, and continuing until  
 10 on or about November 2, 2016, in King, Skagit, Snohomish, and Whatcom Counties,  
 11 within the Western District of Washington, and elsewhere, HECTOR HUGO GARCIA  
 12 GUTIERREZ, and others, known and unknown, did knowingly and intentionally  
 13 combine, conspire, confederate and agree together and with each other to commit certain  
 14 money laundering offenses under Title 18, United States Code, Sections 1956, to wit:

15 **(1956(a)(1))**

16 (a) to knowingly conduct and attempt to conduct a financial transaction  
 17 affecting interstate and foreign commerce, which in fact involved the proceeds of  
 18 specified unlawful activity, that is, conspiracy to distribute controlled substances, in  
 19 violation of Title 21, United States Code, Sections 841(a)(1) and 846, knowing that the  
 20 property involved in the financial transactions represents the proceeds of some form of  
 21 unlawful activity --

22 (1) with the intent to promote the carrying on of the specified  
 23 unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i);  
 24 and

25 (2) knowing that the transactions are designed in whole or in part  
 26 (i) to conceal and disguise the nature, the location, the  
 27 source, the ownership, and the control of the proceeds of the specified unlawful activity,  
 28 in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i); and

(ii) to avoid a transaction reporting requirement under State or Federal law, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(ii).

**(1956(a)(2))**

(b) to knowingly transport, transmit, and transfer, and attempt to transport, transmit, and transfer a monetary instrument or funds from a place in the United States to or through a place outside the United States and to a place in the United States from or through a place outside the United States--

(1) with the intent to promote the carrying on of the specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(2)(A); and

(2) knowing that the monetary instrument or funds involved in the transportation, transmission, and transfer represent the proceeds of some form of unlawful activity and knowing that such transportation, transmission, and transfer is designed in whole or in part--

(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(2)(B)(i); and

(ii) to avoid a transaction reporting requirement under State or Federal law, in violation of Title 18, United States Code, Section 1956(a)(2)(B)(ii).

The Grand Jury further alleges that the offense and alleged acts were committed during and in furtherance of the conspiracy charged in Count 1, above.

All in violation of Title 18, United States Code, Section 1956(h).

**COUNT 5**

**(Distribution of a Controlled Substance)**

On or about April 19, 2016, in Skagit County, Washington, within the Western District of Washington, and elsewhere, HECTOR HUGO GARCIA GUTIERREZ, BALTAZAR REYES GARCIA, HECTOR CONTRERAS IBARRA, and ANGEL SERRANO CARRENO, knowingly and intentionally distributed, and aided and abetted



1 the distribution of, methamphetamine, a substance controlled under Schedule II, Title 21,  
2 United States Code, Section 812.

3 The Grand Jury further alleges that the offense involved fifty (50) grams or more  
4 of actual methamphetamine.

5 The Grand Jury further alleges that this offense was committed during and in  
6 furtherance of the conspiracy charged in Count 1, above.

7 All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)  
8 and Title 18, United States Code, Section 2.

9 **COUNT 6**

10 **(Distribution of a Controlled Substance)**

11 On or about May 23, 2016, in Skagit County, Washington, within the Western  
12 District of Washington, and elsewhere, BALTAZAR REYES GARCIA and HECTOR  
13 CONTRERAS IBARRA, knowingly and intentionally distributed, and aided and abetted  
14 the distribution of, methamphetamine, a substance controlled under Schedule II, Title 21,  
15 United States Code, Section 812.

16 The Grand Jury further alleges that the offense involved fifty (50) grams or more  
17 of actual methamphetamine.

18 The Grand Jury further alleges that this offense was committed during and in  
19 furtherance of the conspiracy charged in Count 1, above.

20 All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)  
21 and Title 18, United States Code, Section 2.

**COUNT 8**

**(Distribution of a Controlled Substance)**

On or about June 22, 2016, in Skagit County, Washington, within the Western District of Washington, and elsewhere, ANGEL SERRANO CARRENO knowingly and intentionally distributed, and aided and abetted the distribution of, methamphetamine, a substance controlled under Schedule II, Title 21, United States Code, Section 812.

The Grand Jury further alleges that the offense involved five (5) grams or more of actual methamphetamine.

The Grand Jury further alleges that this offense was committed during and in furtherance of the conspiracy charged in Count 1, above.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B) and Title 18, United States Code, Section 2.

**COUNT 9**

**(Distribution of a Controlled Substance)**

On or about June 28, 2016, in Skagit County, Washington, within the Western District of Washington, and elsewhere, HECTOR HUGO GARCIA GUTIERREZ, BALTAZAR REYES GARCIA and HECTOR CONTRERAS IBARRA, knowingly and intentionally distributed, and aided and abetted the distribution of, methamphetamine, a substance controlled under Schedule II, Title 21, United States Code, Section 812.

The Grand Jury further alleges that the offense involved fifty (50) grams or more of actual methamphetamine.

The Grand Jury further alleges that this offense was committed during and in furtherance of the conspiracy charged in Count 1, above.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A) and Title 18, United States Code, Section 2.

**COUNT 12**

**(Distribution of a Controlled Substance)**

On or about July 21, 2016, in Skagit County, Washington, within the Western District of Washington, and elsewhere, HECTOR HUGO GARCIA GUTIERREZ knowingly and intentionally distributed, and aided and abetted the distribution of, methamphetamine, a substance controlled under Schedule II, Title 21, United States Code, Section 812.

The Grand Jury further alleges that the offense involved fifty (50) grams or more of actual methamphetamine.

The Grand Jury further alleges that this offense was committed during and in furtherance of the conspiracy charged in Count 1, above.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A) and Title 18, United States Code, Section 2.

**COUNT 16**

**(Distribution of a Controlled Substance)**

On or about September 14, 2016, in Skagit County, Washington, within the Western District of Washington, and elsewhere, HECTOR HUGO GARCIA GUTIERREZ knowingly and intentionally distributed, and aided and abetted the distribution of, methamphetamine, a substance controlled under Schedule II, Title 21, United States Code, Section 812.

The Grand Jury further alleges that the offense involved fifty (50) grams or more of actual methamphetamine, and five hundred (500) grams or more of a mixture or substance containing a detectable amount of methamphetamine.

The Grand Jury further alleges that this offense was committed during and in furtherance of the conspiracy charged in Count 1, above.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A) and Title 18, United States Code, Section 2.

**COUNT 17**

**(Possession of Controlled Substances with Intent to Distribute)**

On or about September 26, 2016, in King County, Washington, within the Western District of Washington, and elsewhere, ANTONIO GOMEZ did knowingly and intentionally possess, and did aid and abet the possession of, with the intent to distribute, cocaine, a substance controlled under Schedule II, Title 21, United States Code, Section 812.

The Grand Jury further alleges that this offense was committed during and in furtherance of the conspiracy charged in Count 1, above.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

**COUNT 19**

**(Possession of Controlled Substances with Intent to Distribute)**

On or about October 9, 2016, in Skagit County, Washington, within the Western District of Washington, and elsewhere, HECTOR HUGO GARCIA GUTIERREZ did knowingly and intentionally possess, and did aid and abet the possession of, with the intent to distribute, methamphetamine, a substance controlled under Schedule II, Title 21, United States Code, Section 812.

The Grand Jury further alleges that this offense was committed during and in furtherance of the conspiracy charged in Count 1, above.

All in violation of Title 21, United States Code, Sections 841(a)(1), and 841(b)(1)(C), and Title 18, United States Code, Section 2.

**COUNT 20**

**(Possession of Controlled Substances with Intent to Distribute)**

On or about October 10, 2016, in Skagit County, Washington, within the Western District of Washington, and elsewhere, HECTOR HUGO GARCIA GUTIERREZ did knowingly and intentionally possess, and did attempt to possess, and did aid and abet the

possession of, with the intent to distribute, methamphetamine and heroin, substances controlled under Schedules I and II, Title 21, United States Code, Section 812.

The Grand Jury further alleges that the offense involved fifty (50) grams or more of actual methamphetamine, and five hundred (500) grams or more of a mixture or substance containing a detectable amount of methamphetamine.

The Grand Jury further alleges that the offense involved one hundred (100) grams or more of a mixture or substance containing a detectable amount of heroin.

The Grand Jury further alleges that this offense was committed during and in furtherance of the conspiracy charged in Count 1, above.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 841(b)(1)(B), and Title 18, United States Code, Section 2.

### **COUNT 21**

#### **(Possession of Controlled Substances with Intent to Distribute)**

On or about October 11, 2016, in Skagit County, Washington, within the Western District of Washington, and elsewhere, HECTOR HUGO GARCIA GUTIERREZ did knowingly and intentionally possess, and did aid and abet the possession of, with the intent to distribute, heroin, a substance controlled under Schedule I, Title 21, United States Code, Section 812.

The Grand Jury further alleges that this offense was committed during and in furtherance of the conspiracy charged in Count 1, above.

All in violation of Title 21, United States Code, Sections 841(a)(1), and 841(b)(1)(C), and Title 18, United States Code, Section 2.

### **COUNT 22**

#### **(Possession of Controlled Substances with Intent to Distribute)**

On or about October 11, 2016, in Skagit County, Washington, within the Western District of Washington, and elsewhere, HECTOR HUGO GARCIA GUTIERREZ and LUIS QUINONES CEJA did knowingly and intentionally possess, and did aid and abet

1 the possession of, with the intent to distribute, heroin and methamphetamine, substances  
2 controlled under Schedules I and II, Title 21, United States Code, Section 812.

3 The Grand Jury further alleges that this offense was committed during and in  
4 furtherance of the conspiracy charged in Count 1, above.

5 All in violation of Title 21, United States Code, Sections 841(a)(1), and  
6 841(b)(1)(C), and Title 18, United States Code, Section 2.

7 **COUNT 23**

8 **(Possession of Controlled Substances with Intent to Distribute)**

9 On or about October 13, 2016, in Skagit County, Washington, within the Western  
10 District of Washington, and elsewhere, HECTOR HUGO GARCIA GUTIERREZ and  
11 LUIS QUINONES CEJA did knowingly and intentionally possess, and did aid and abet  
12 the possession of, with the intent to distribute, methamphetamine, a substance controlled  
13 under Schedule II, Title 21, United States Code, Section 812.

14 The Grand Jury further alleges that this offense was committed during and in  
15 furtherance of the conspiracy charged in Count 1, above.

16 All in violation of Title 21, United States Code, Sections 841(a)(1), and  
17 841(b)(1)(C), and Title 18, United States Code, Section 2.

18 **COUNT 25**

19 **(Possession of Controlled Substances with Intent to Distribute)**

20 On or about October 17, 2016, in Skagit and Whatcom Counties, Washington,  
21 within the Western District of Washington, and elsewhere, HECTOR HUGO GARCIA  
22 GUTIERREZ did knowingly and intentionally possess, and did aid and abet the  
23 possession of, with the intent to distribute, methamphetamine, a substance controlled  
24 under Schedule II, Title 21, United States Code, Section 812.

25 The Grand Jury further alleges that this offense was committed during and in  
26 furtherance of the conspiracy charged in Count 1, above.

27 All in violation of Title 21, United States Code, Sections 841(a)(1) and  
28 841(b)(1)(C), and Title 18, United States Code, Section 2.

**COUNT 26**

**(Possession of Controlled Substances with Intent to Distribute)**

On or about October 20 and 21, 2016, in Skagit County, Washington, within the Western District of Washington, and elsewhere, HECTOR HUGO GARCIA GUTIERREZ did knowingly and intentionally possess, and did aid and abet the possession of, with the intent to distribute methamphetamine, a substance controlled under Schedule II, Title 21, United States Code, Section 812.

The Grand Jury further alleges that the offense involved fifty (50) grams or more of actual methamphetamine.

The Grand Jury further alleges that this offense was committed during and in furtherance of the conspiracy charged in Count 1, above.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

**COUNT 30**

**(Possession of Controlled Substances with Intent to Distribute)**

On or about November 2, 2016, in King County, Washington, within the Western District of Washington, and elsewhere, ANTONIO GOMEZ did knowingly and intentionally possess, and did aid and abet the possession of, with the intent to distribute, cocaine, a substance controlled under Schedule II, Title 21, United States Code, Section 812.

It is further alleged that the offense involved 500 grams or more of a mixture or substance containing a detectable amount of cocaine.

The Grand Jury further alleges that this offense was committed during and in furtherance of the conspiracy charged in Count 1, above.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B), and Title 18, United States Code, Section 2.

**COUNT 31**

**(Possession of Controlled Substances with Intent to Distribute)**

**19812 50<sup>th</sup> Avenue West, #613, Lynnwood, Washington**

On or about November 2, 2016, in Snohomish County, Washington, within the Western District of Washington, and elsewhere, LUIS QUINONES CEJA did knowingly and intentionally possess, and did aid and abet the possession of, with the intent to distribute, cocaine, a substance controlled under Schedule II, Title 21, United States Code, Section 812.

The Grand Jury further alleges that this offense was committed during and in furtherance of the conspiracy charged in Count 1, above.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

**COUNT 32**

**(Possession of Controlled Substances with Intent to Distribute)**

**19812 50<sup>th</sup> Avenue West, #613, Lynnwood, Washington**

On or about November 2, 2016, in Snohomish County, Washington, within the Western District of Washington, and elsewhere, LUIS QUINONES CEJA did knowingly and intentionally possess, and did aid and abet the possession of, with the intent to distribute, marijuana, a substance controlled under Schedule I, Title 21, United States Code, Section 812.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D), and Title 18, United States Code, Section 2.

**COUNT 33**

**(Unlawful Possession of a Firearm by Prohibited Person)**

**19812 50<sup>th</sup> Avenue West, #613, Lynnwood, Washington**

On or about November 2, 2016, in Snohomish County, Washington, within the Western District of Washington, and elsewhere, LUIS QUINONES CEJA, having



1 | previously been convicted of crimes punishable by imprisonment for a term exceeding  
2 | one year, to wit:

- 3 | • *Unlawful Possession of a Firearm*, on or about August 7, 2012, in Skagit  
4 | County Juvenile Court, Cause No. 12-8-0000165-5;

5 | did knowingly possess in and affecting interstate and foreign commerce firearms, that is,  
6 | one Springfield XDM Firearm (S/N# MG208565), which had been shipped and  
7 | transported in interstate and foreign commerce.

8 | The Grand Jury further alleges that this offense was committed during and in  
9 | furtherance of the conspiracy charged in Count 1, above.

10 | All in violation of Title 18, United States Code, Section 922(g)(1).

#### 11 | **COUNT 34**

#### 12 | **(Possession of a Firearm in Furtherance of a Drug Trafficking Offense)**

13 | **19812 50<sup>th</sup> Avenue West, #613, Lynnwood, Washington**

14 | On or about November 2, 2016, in Snohomish County, Washington, within the  
15 | Western District of Washington, and elsewhere, LUIS QUINONES CEJA knowingly and  
16 | intentionally possessed a firearm, to wit: one Springfield XDM Firearm  
17 | (S/N# MG208565), in furtherance of a drug trafficking offense for which he may be  
18 | prosecuted in a Court of the United States, to wit: *Conspiracy to Distribute Controlled*  
19 | *Substances*, as charged in Count 1, and *Possession of Controlled Substances with Intent*  
20 | *to Distribute* as charged in Counts 31 and 32, above.

21 | All in violation of Title 18, United States Code, Section 924(c)(1)(A).

**COUNT 35****(Possession of Controlled Substances with Intent to Distribute)****15072 Nookachamps Road, Mount Vernon, Washington**

On or about November 2, 2016, in Skagit County, Washington, within the Western District of Washington, and elsewhere, ANGEL SERRANO CARRENO did knowingly and intentionally possess, and did aid and abet the possession of, with the intent to distribute, heroin, a substance controlled under Schedule I, Title 21, United States Code, Section 812.

The Grand Jury further alleges that this offense was committed during and in furtherance of the conspiracy charged in Count 1, above.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

**COUNT 36****(Unlawful Possession of Ammunition by Prohibited Person)****15072 Nookachamps Road, Mount Vernon, Washington**

On or about November 2, 2016, in Skagit County, Washington, within the Western District of Washington, and elsewhere, ANGEL SERRANO CARRENO, having previously been convicted of crimes punishable by imprisonment for a term exceeding one year, to wit:

- *Malicious Mischief 2<sup>nd</sup> Degree*, on or about October 5, 2012, Skagit County Superior Court, Cause No. 12-1-0000505-1;
- *Delivery of Controlled Substances – Cocaine* (two counts), on or about December 17, 2010, Skagit County Superior Court, Cause No. 09-1-0000949-9;
- *Possession with Intent to Deliver a Controlled Substances – Cocaine*, on or about December 17, 2010, Skagit County Superior Court, Cause No. 09-1-0000949-9;

1           • *Maintaining a Vehicle for Drug Trafficking*, on or about December 17,  
 2           2010, Skagit County Superior Court, Cause No. 09-1-0000949-9;  
 3 did knowingly possess in and affecting interstate and foreign commerce ammunition, that  
 4 is, 13 rounds of Wolf 7.62x39mm ammunition and 2 rounds of Tula 7.62x39mm  
 5 ammunition, all of which had been shipped and transported in interstate and foreign  
 6 commerce.

7           The Grand Jury further alleges that this offense was committed during and in  
 8 furtherance of the conspiracy charged in Count 1, above.

9           All in violation of Title 18, United States Code, Section 922(g)(1).

#### 10                                   **COUNT 41**

#### 11                   **(Possession of Controlled Substances with Intent to Distribute)**

12           On or about November 22, 2016, in Skagit County, Washington, within the  
 13 Western District of Washington, and elsewhere, ANGEL SERRANO CARRENO did  
 14 knowingly and intentionally possess, with the intent to distribute, heroin, a substance  
 15 controlled under Schedule I, Title 21, United States Code, Section 812.

16           All in violation of Title 21, United States Code, Sections 841(a)(1), and  
 17 841(b)(1)(C).

#### 18                                   **ASSET FORFEITURE ALLEGATIONS**

#### 19                   **Conspiracy to Distribute Controlled Substances**

20           The allegations contained in Count 1 of this second superseding indictment are  
 21 hereby realleged and incorporated by reference herein for the purpose of alleging  
 22 forfeitures to the United States pursuant to Title 21, United States Code, Section 853.

23           Pursuant to Title 21, United States Code, Section 853, upon conviction of the  
 24 offenses alleged in Count 1 of the Indictment, the defendants, HECTOR HUGO  
 25 GARCIA GUTIERREZ, BALTAZAR REYES GARCIA, HECTOR CONTRERAS  
 26 IBARRA, ANGEL SERRANO CARRENO, LUIS QUINONES CEJA, and ANTONIO  
 27 GOMEZ, shall forfeit to the United States, any property constituting, or derived from,  
 28 any proceeds obtained, directly or indirectly, as the result of such offenses, and also shall

forfeit any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including but not limited to:

1. A sum of money representing the proceeds obtained as a result of the offense charged in Count 1, above, for which the defendants are jointly and severally liable;

2. Items seized from 15072 Nookachamps Road, Mount Vernon, Washington on November 2, 2016:

a. \$3,548.00 in U.S. currency;

3. Items seized from 19812 50<sup>th</sup> Ave West, #613, Lynnwood, Washington:

a. Springfield XDM .40 caliber Firearm (S/N MG208565);

4. Items seized from 6108 Westminster Lane, Pasco, Washington on November 2, 2016:

a. HS Products XD9 9mm Pistol, (S/N XD917369);

b. Browning Hi Power 9mm Pistol (S/N 245NW61171);

5. Items seized from [REDACTED], Stanwood, Washington on November 2, 2016:

a. \$101,900.00 in U.S. currency.

**Conspiracy to Commit Money Laundering**

The allegations contained in Count 2 of this Second Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 982(a)(1).

Upon conviction of the offenses alleged in Count 2 of the Second Superseding Indictment, HECTOR HUGO GARCIA GUTIERREZ, of the felony money laundering offense alleged in Count 2 above, pursuant to Title 18, United States Code, Section 982(a)(1), property, real or personal, involved in such offense and any property traceable to such property, including but not limited to:

1        1.        A sum of money representing the proceeds obtained as a result of the  
 2 offense charged in Count 2, above, for which the defendants are jointly and severally  
 3 liable.

4        2.        Items seized from [REDACTED], Stanwood, Washington on  
 5 November 2, 2016:

6            a.        \$101,900.00 in U.S. currency.

7                                    **Distribution of Controlled Substances**

8        The allegations contained in this second superseding indictment are hereby  
 9 realleged and incorporated by reference herein for the purpose of alleging forfeitures to  
 10 the United States pursuant to Title 21, United States Code, Section 853.

11        Pursuant to Title 21, United States Code, Section 853, upon conviction of the  
 12 offenses alleged in Count 5 and 8 of the Superseding Indictment, the defendant ANGEL  
 13 SERRANO CARRENO shall forfeit to the United States, any property constituting, or  
 14 derived from, any proceeds obtained, directly or indirectly, as the result of such offenses,  
 15 and also shall forfeit any property used, or intended to be used, in any manner or part, to  
 16 commit, or to facilitate the commission of, such offenses, including but not limited to:

17        1.        A sum of money representing the proceeds obtained as a result of the  
 18 offense charged in Count 5 and 8, above, for which each defendant is liable;

19        2.        Items seized from 15072 Nookachamps Road, Mount Vernon, Washington  
 20 on November 2, 2016:

21            a.        \$3,548.00 in U.S. currency.

22                                    **924(d) Forfeitures**

23        The allegations in Counts 33, 34 and 36 of the second superseding indictment are  
 24 hereby realleged and incorporated herein by reference for the purpose of alleging  
 25 forfeiture to the United States pursuant to Title 18, United States Code, Section 924(d)  
 26 and Title 28, United States Code, Section 2461(c). Upon conviction of the offenses in  
 27 violation of Title 18, United States Code, Section 922(g) and/or 924(c), set forth in  
 28

Counts 33, 34 and 36 LUIS QUINONES CEJA and ANGEL SERRANO CARRENO shall forfeit to the United States any firearms involved or used in the commission of the offense, including but not limited to:

1. Springfield XDM Firearm (S/N MG208565), with magazine(s), ammunition and accessories;
2. 13 rounds of Wolf 7.62x39mm ammunition and 2 rounds of Tula 7.62x39mm ammunition;
3. Any and all ammunition, magazines and accessories not otherwise listed above.

*Substitute Assets*

If any of the above described forfeitable property, as a result of any act or omission of the Defendants,

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third party;
3. has been placed beyond the jurisdiction of the Court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be divided

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1 without difficulty; it is the intent of the United States, pursuant to Title 21, United States  
2 Code, Section 853(p), to seek the forfeiture of any other property of the Defendants up to  
3 the value of the above described forfeitable property.

4  
5 A TRUE BILL:

6 DATED: 7/6/17

7  
8 *Signature Redacted per Judicial Policy*

9  
10 FOREPERSON

11   
12 ANNETTE L. HAYES  
13 United States Attorney

14   
15 SARAH Y. VOGEL  
16 Assistant United States Attorney

17   
18 STEVEN T. MASADA  
19 Assistant United States Attorney

20   
21 S. KATE VAUGHAN  
22 Assistant United States Attorney

# APPENDIX D



AO245B

(Rev. 11/16) Judgment in a Criminal Case  
Sheet 1

# UNITED STATES DISTRICT COURT

Western District of Washington

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

ANGEL SERRANO CARRENO

Case Number: 2:16CR00287JLR-009

USM Number: 45386-086

David Hammerstad

Defendant's Attorney

**THE DEFENDANT:**

- ☐ pleaded guilty to count(s) \_\_\_\_\_
- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.
- ☒ was found guilty on count(s) 1, 5, 35, 36, and 41 of the Second Superseding Indictment  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 846	Conspiracy to Distribute Controlled Substances	11/02/2016	1
21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 2	Distribution of Methamphetamine	04/19/2016	5
21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 2	Possession of Heroin with Intent to Distribute	11/02/2016	35
18 U.S.C. § 922	Unlawful Possession of Ammunition	11/02/2016	36
21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)	Possession of Heroin with Intent to Distribute	11/22/2016	41

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) \_\_\_\_\_
- ☒ Count(s) 8 ☒ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

K. VANQUAN B. MANADA  
Assistant United States Attorney

JANUARY 16, 2018  
Date of Imposition of Judgment

[Signature]  
Signature of Judge

The Honorable James L. Robart  
United States District Judge

Name and Title of Judge

16 January 2018  
Date

AO245B (Rev. 11/16) Judgment in a Criminal Case  
Sheet 2 — Imprisonment

Judgment — Page 2 of 7

DEFENDANT: ANGEL SERRANO CARRENO  
CASE NUMBER: 2:16CR00287JLR-009

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

156 MONTHS ON COUNTS 1, 5, 35, 41; AND 120 MONTHS ON COUNT 36, TO RUN CONCURRENTLY — FOR A TOTAL SENTENCE OF 156 MONTHS

☒ The court makes the following recommendations to the Bureau of Prisons:

Sheridan FCI & PDAP

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

- ☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_  
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ before 2 p.m. on \_\_\_\_\_  
☐ as notified by the United States Marshal.  
☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

AO245B (Rev. 11/16) Judgment in a Criminal Case  
Sheet 3 — Supervised Release

Judgment — Page 3 of 7

DEFENDANT: ANGEL SERRANO CARRENO  
CASE NUMBER: 2:16CR00287JLR-009

### SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :

5 YEARS

### MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
  - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached pages.

DEFENDANT: **ANGEL SERRANO CARRENO**  
CASE NUMBER: **2:16CR00287JLR-009**

### STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

DEFENDANT: **ANGEL SERRANO CARRENO**  
CASE NUMBER: **2:16CR00287JLR-009**

**SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall participate as instructed by the U.S. Probation Officer in a program approved by the probation office for treatment of narcotic addiction, drug dependency, or substance abuse, which may include testing to determine if defendant has reverted to the use of drugs or alcohol. The defendant shall also abstain from the use of alcohol and/or other intoxicants during the term of supervision. Defendant must contribute towards the cost of any programs, to the extent defendant is financially able to do so, as determined by the U.S. Probation Officer. In addition to urinalysis testing that may be a part of a formal drug treatment program, the defendant shall submit up to eight (8) urinalysis tests per month.
2. The defendant shall submit his or her person, property, house, residence, storage unit, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition.
3. The defendant shall provide the probation officer with access to any requested financial information including authorization to conduct credit checks and obtain copies of the defendant's federal income tax returns.
4. The defendant shall participate as directed in a mental health program approved by the United States Probation Office. The defendant must contribute towards the cost of any programs, to the extent the defendant is financially able to do so, as determined by the probation office.

AO245B (Rev. 11/16) Judgment in a Criminal Case  
Sheet 5 — Criminal Monetary Penalties

Judgment — Page 6 of 7

DEFENDANT: **ANGEL SERRANO CARRENO**  
CASE NUMBER: **2:16CR00287JLR-009**

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 500	N/A	Waived	N/A

- ☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ 0.00	\$ 0.00	
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- ☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:
- ☒ The court finds the defendant is financially unable and is unlikely to become able to pay a fine and, accordingly, the imposition of a fine is waived.

\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: ANGEL SERRANO CARRENO  
CASE NUMBER: 2:16CR00287JLR-009

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- ☒ PAYMENT IS DUE IMMEDIATELY. Any unpaid amount shall be paid to Clerk's Office, United States District Court, 700 Stewart Street, Seattle, WA 98101.
- ☒ During the period of imprisonment, no less than 25% of their inmate gross monthly income or \$25.00 per quarter, whichever is greater, to be collected and disbursed in accordance with the Inmate Financial Responsibility Program.
- ☒ During the period of supervised release, in monthly installments amounting to not less than 10% of the defendant's gross monthly household income, to commence 30 days after release from imprisonment.
- ☐ During the period of probation, in monthly installments amounting to not less than 10% of the defendant's gross monthly household income, to commence 30 days after the date of this judgment.

The payment schedule above is the minimum amount that the defendant is expected to pay towards the monetary penalties imposed by the Court. The defendant shall pay more than the amount established whenever possible. The defendant must notify the Court, the United States Probation Office, and the United States Attorney's Office of any material change in the defendant's financial circumstances that might affect the ability to pay restitution.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program are made to the United States District Court, Western District of Washington. For restitution payments, the Clerk of the Court is to forward money received to the party(ies) designated to receive restitution specified on the Criminal Monetaries (Sheet 5) page.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT Assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.



AO245B

(Rev. 11/16) Judgment in a Criminal Case  
Sheet 1

## UNITED STATES DISTRICT COURT

Western District of Washington

UNITED STATES OF AMERICA

v.

BALTAZAR REYES GARCIA

## JUDGMENT IN A CRIMINAL CASE

Case Number: 2:16CR00287JLR-003

USM Number: 53687-048

Stephan R. Illa

Defendant's Attorney

## THE DEFENDANT:

- ☐ pleaded guilty to count(s) \_\_\_\_\_
- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.
- ☒ was found guilty on count(s) 1, 5, 6 and 9 of the Second Superseding Indictment  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 U.S.C. §841(a)(1), 841(b)(1)(A), and 846	Conspiracy to Distribute Controlled Substances	11/2/16	1
21 U.S.C. §841(a)(1) and 841(b)(1)(A)	Distribution of Methamphetamine	11/2/16	5, 6, and 9

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) \_\_\_\_\_
- ☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

*Kate Vaughan and Seven Masada*  
Assistant United States Attorney

11/16/2018  
Date of Imposition of Judgment

*James L. Robart*  
Signature of Judge

The Honorable James L. Robart

United States District Judge

Name and Title of Judge

16 January 2018  
Date



AO245B (Rev. 11/16) Judgment in a Criminal Case  
Sheet 2 — Imprisonment

Judgment — Page 2 of 7

DEFENDANT: **BALTAZAR REYES GARCIA**  
CASE NUMBER: 2:16CR00287JLR-003

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

216 months on counts 1, 5, 6, 9 *concurrently.*

☒ The court makes the following recommendations to the Bureau of Prisons:

Placement in BOP facility in Southern California

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_

DEPUTY UNITED STATES MARSHAL

AO245B (Rev. 11/16) Judgment in a Criminal Case  
Sheet 3 — Supervised Release

Judgment — Page 3 of 7

DEFENDANT: **BALTAZAR REYES GARCIA**  
CASE NUMBER: **2:16CR00287JLR-003**

### SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :

5 years

### MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
  - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached pages.

DEFENDANT: **BALTAZAR REYES GARCIA**  
CASE NUMBER: 2:16CR00287JLR-003

### STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

DEFENDANT: **BALTAZAR REYES GARCIA**  
CASE NUMBER: **2:16CR00287JLR-003**

**SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall participate as directed in an education program approved by the U.S. Probation Officer. The defendant must contribute towards the cost of any programs; to the extent the defendant is financially able to do so, as determined by the U.S. Probation Officer.
2. The defendant shall provide the probation officer with access to any requested financial information including authorization to conduct credit checks and obtain copies of the defendant's federal income tax returns.
3. If deported, the defendant shall not reenter the United States without permission of the Secretary of the Department of Homeland Security. If granted permission to reenter, the defendant shall contact the nearest U.S. Probation Office within 72 hours of reentry.
4. The defendant shall submit his or her person, property, house, residence, storage unit, vehicle, papers, computers (as defined in 18 U.S.C. §1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition.

AO245B (Rev. 11/16) Judgment in a Criminal Case  
Sheet 5 — Criminal Monetary Penalties

Judgment — Page 6 of 7

DEFENDANT: **BALTAZAR REYES GARCIA**  
CASE NUMBER: **2:16CR00287JLR-003**

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 400	N/A	Waived	N/A

- ☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ 0.00	\$ 0.00
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- ☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:
- ☒ The court finds the defendant is financially unable and is unlikely to become able to pay a fine and, accordingly, the imposition of a fine is waived.

\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO245B

(Rev. 11/16) Judgment in a Criminal Case  
Sheet 6 — Schedule of Payments

Judgment — Page 7 of 7

DEFENDANT: **BALTAZAR REYES GARCIA**  
CASE NUMBER: **2:16CR00287JLR-003**

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- ☒ **PAYMENT IS DUE IMMEDIATELY.** Any unpaid amount shall be paid to Clerk's Office, United States District Court, 700 Stewart Street, Seattle, WA 98101.
- ☒ During the period of imprisonment, no less than 25% of their inmate gross monthly income or \$25.00 per quarter, whichever is greater, to be collected and disbursed in accordance with the Inmate Financial Responsibility Program.
- ☒ During the period of supervised release, in monthly installments amounting to not less than 10% of the defendant's gross monthly household income, to commence 30 days after release from imprisonment.
- ☐ During the period of probation, in monthly installments amounting to not less than 10% of the defendant's gross monthly household income, to commence 30 days after the date of this judgment.

The payment schedule above is the minimum amount that the defendant is expected to pay towards the monetary penalties imposed by the Court. The defendant shall pay more than the amount established whenever possible. The defendant must notify the Court, the United States Probation Office, and the United States Attorney's Office of any material change in the defendant's financial circumstances that might affect the ability to pay restitution.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program are made to the United States District Court, Western District of Washington. For restitution payments, the Clerk of the Court is to forward money received to the party(ies) designated to receive restitution specified on the Criminal Monetaries (Sheet 5) page.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT Assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

AO245B

(Rev. 11/16) Judgment in a Criminal Case  
Sheet 1

# UNITED STATES DISTRICT COURT

Western District of Washington

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

HECTOR CONTRERAS IBARRA

Case Number: 2:16CR00287JLR-004

USM Number: 53688-048

Michele Shaw

Defendant's Attorney

**THE DEFENDANT:**

- ☐ pleaded guilty to count(s) \_\_\_\_\_
- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.
- ☒ was found guilty on count(s) 1, 5, 6, and 9 of the Second Superseding Indictment  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 U.S.C. §§841(a)(1), 841(b)(1)(A) and 846	Conspiracy to Distribute Controlled Substances	November 2016	1
21 U.S.C. §§841(a)(1) and 841(b)(1)(A)	Distribution of Methamphetamine	April 19, 2016	5
21 U.S.C. §§841(a)(1) and 841(b)(1)(A)	Distribution of Methamphetamine	May 23, 2016	6
21 U.S.C. §§841(a)(1) and 841(b)(1)(A).	Distribution of Methamphetamine	June 28, 2016	9

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) \_\_\_\_\_
- ☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

*K. Vaughan and Steven Masada*  
Assistant United States Attorney

*1/16/2018*  
Date of Imposition of Judgment

*James L. Robart*  
Signature of Judge

The Honorable James L. Robart

United States District Judge

Name and Title of Judge

*16 January 2018*  
Date

AO245B (Rev. 11/16) Judgment in a Criminal Case  
Sheet 2 — Imprisonment

Judgment — Page 2 of 7

DEFENDANT: **HECTOR CONTRERAS IBARRA**  
CASE NUMBER: 2:16CR00287JLR-004

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

180 months

☒ The court makes the following recommendations to the Bureau of Prisons:

Placement in Sheridan, OR, or California

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_

\_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL



AO245B (Rev. 11/16) Judgment in a Criminal Case  
Sheet 3 — Supervised Release

Judgment — Page 3 of 7

DEFENDANT: **HECTOR CONTRERAS IBARRA**  
CASE NUMBER: 2:16CR00287JLR-004

**SUPERVISED RELEASE**

Upon release from imprisonment, you will be on supervised release for a term of :

5 years

**MANDATORY CONDITIONS**

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
  - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached pages.

DEFENDANT: **HECTOR CONTRERAS IBARRA**  
CASE NUMBER: 2:16CR00287JLR-004

### STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

DEFENDANT: **HECTOR CONTRERAS IBARRA**  
CASE NUMBER: 2:16CR00287JLR-004

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall submit his or her person, property, house, residence, storage unit, vehicle, papers, computers (as defined in 18 U.S.C. §1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition.
2. The defendant shall participate as instructed by the U.S. Probation Officer in a program approved by the probation office for treatment of narcotic addiction, drug dependency, or substance abuse, which may include testing to determine if defendant has reverted to the use of drugs or alcohol. The defendant shall also abstain from the use of alcohol and/or other intoxicants during the term of supervision. Defendant must contribute towards the cost of any programs, to the extent defendant is financially able to do so, as determined by the U.S. Probation Officer. In addition to urinalysis testing that may be a part of a formal drug treatment program, the defendant shall submit up to eight (8) urinalysis tests per month.
3. The defendant shall participate as directed in the Moral Reconciliation Therapy program approved by the United States Probation and Pretrial Services Office. The defendant must contribute towards the cost of any programs, to the extent the defendant is financially able to do so, as determined by the U.S. Probation Officer.
4. If deported, the defendant shall not reenter the United States without permission of the Secretary of the Department of Homeland Security. If granted permission to reenter, the defendant shall contact the nearest U.S. Probation Office within 72 hours of reentry.

AO245B (Rev. 11/16) Judgment in a Criminal Case  
Sheet 5 — Criminal Monetary Penalties

Judgment — Page 6 of 7

DEFENDANT: **HECTOR CONTRERAS IBARRA**  
CASE NUMBER: 2:16CR00287JLR-004

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 400	N/A	Waived	N/A

- ☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ 0.00	\$ 0.00	
--------	---------	---------	--

- ☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:
- ☒ The court finds the defendant is financially unable and is unlikely to become able to pay a fine and, accordingly, the imposition of a fine is waived.

\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: **HECTOR CONTRERAS IBARRA**  
CASE NUMBER: 2:16CR00287JLR-004

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- ☒ PAYMENT IS DUE IMMEDIATELY. Any unpaid amount shall be paid to Clerk's Office, United States District Court, 700 Stewart Street, Seattle, WA 98101.
- ☒ During the period of imprisonment, no less than 25% of their inmate gross monthly income or \$25.00 per quarter, whichever is greater, to be collected and disbursed in accordance with the Inmate Financial Responsibility Program.
- ☒ During the period of supervised release, in monthly installments amounting to not less than 10% of the defendant's gross monthly household income, to commence 30 days after release from imprisonment.
- ☐ During the period of probation, in monthly installments amounting to not less than 10% of the defendant's gross monthly household income, to commence 30 days after the date of this judgment.

The payment schedule above is the minimum amount that the defendant is expected to pay towards the monetary penalties imposed by the Court. The defendant shall pay more than the amount established whenever possible. The defendant must notify the Court, the United States Probation Office, and the United States Attorney's Office of any material change in the defendant's financial circumstances that might affect the ability to pay restitution.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program are made to the United States District Court, Western District of Washington. For restitution payments, the Clerk of the Court is to forward money received to the party(ies) designated to receive restitution specified on the Criminal Monetaries (Sheet 5) page.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT Assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

# APPENDIX E

JUDGE JAMES L. ROBERT

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff

vs.

ANGEL SERRANO CARRENO

Defendant.

D.C. Docket No. CR 16 – 287 JLR

NOTICE OF APPEAL

**Notice of Appeal:** Notice is hereby given that DEFENDANT ANGEL SERRANO CARRENO appeals to the United States Court of Appeals for the Ninth Circuit, from the verdict that was filed and entered on October 16, 2017 [docket no. 679] and from the judgment and sentence that was filed and entered on January 16, 2018 [docket no. 781].

**Sentence imposed:** 156 months of confinement; 5 years of supervised release.

**Bail Status:** In custody, serving sentence.

**Transcript:** Required.

-1-

NOTICE OF APPEAL

Law Office of David Hammerstad, LLC  
1111 3<sup>rd</sup> Avenue, Suite 2220  
Seattle, Washington 98101  
Tel. 206.445.0215 – Fax 206.682.3746  
e-mail: david@hammerstadlaw.com

1  
2 DATED this 18th day of January, 2018.

3 Respectfully submitted,

4  
5  
6 s/ David Hammerstad  
7 David Hammerstad #34255  
8 Attorney at Law  
9 Law Offices of David Hammerstad  
10 1111 3<sup>rd</sup> Avenue, Suite 2220  
11 Seattle, WA 98101  
12 (206) 445-0215  
13 (206) 682-3746 (fax)

14  
15 **CERTIFICATE OF SERVICE**

16 I, David Hammerstad, hereby certify that on January 18, 2018, I electronically filed the  
17 foregoing *Notice of Appeal* with the Clerk of the Court using the CM/ECF system, which will  
18 send notification of such filing to the attorneys of record for the Government.

19 /s/ David Hammerstad  
20 David Hammerstad #34255  
21 Attorney at Law  
22 Law Offices of David Hammerstad  
23 1111 3<sup>rd</sup> Avenue, Suite 2220  
24 Seattle, WA 98101  
25 (206) 445-0215  
26 (206) 682-3746 (fax)  
27 david@hammerstadlaw.com

28 -2-

29 NOTICE OF APPEAL

Law Office of David Hammerstad, LLC  
1111 3<sup>rd</sup> Avenue, Suite 2220  
Seattle, Washington 98101  
Tel. 206.445.0215 –Fax 206.682.3746  
e-mail: david@hammerstadlaw.com



Hon. James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,,

Plaintiff,

v.

BALTAZAR REYES-GARCIA,

Defendant.

D.C. Docket No. CR 16 – 287 JLR

NOTICE OF APPEAL

**Notice of Appeal:** Notice is hereby given that DEFENDANT BALTAZAR REYES-GARCIA appeals to the United States Court of Appeals for the Ninth Circuit, from the verdict that was filed and entered on October 16, 2017 [docket no. 679] and from the judgment and sentence that was filed and entered on January 16, 2018 [docket no. 778].

**Sentence imposed:** 216 months of confinement; 5 years of supervised release.

**Bail Status:** In custody, serving sentence.

**Transcript:** Required.

NOTICE OF APPEAL – 1

LAW OFFICES OF STEPHAN R. ILLA, INC. P.S.  
POST OFFICE BOX 10033  
BAINBRIDGE ISLAND, WA 98110  
(206) 464-4142

1 Respectfully Submitted on January 17, 2018.

2 LAW OFFICES OF STEPHAN R. ILLA, P.S., INC.

3 

4  
5 Stephan R. Illa  
6 WSBA No. 15793  
7 Attorney for Appellant/Defendant

8 Law Offices of Stephan R. Illa, Inc., P.S.  
9 Post Office Box 10033  
10 Bainbridge Island, WA 98110  
11 206 464-4142

12 Certificate of Service

13 I certify, under penalty of perjury under the laws of the State of Washington, that today I electronically  
14 filed this pleading and all attachments with the Clerk of Court using the CM/ECF system, which will send  
15 electronic notification of the filing to the attorneys of record for each of the parties.

16 Signed on January 17, 2018 in Seattle, Washington.

17 

18 Stephan R. Illa

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

HECTOR CONTRERAS IBARRA,

Defendant.

D.C. Docket No. CR 16-287 JLR

NOTICE OF APPEAL

**Notice of Appeal:** Notice is hereby given that DEFENDANT HECTOR CONTRERAS IBARRA appeals to the United States Court of Appeals for the Ninth Circuit, from the verdict that was filed and entered on October 16, 2017 [docket no. 679] and from the judgment and sentence that was filed and entered on January 16, 2018 [docket no. 773].

**Sentence imposed:** 180 months of confinement; 5 years of supervised release.

**Bail Status:** In custody, serving sentence.

**Transcript:** Required.

NOTICE OF APPEAL- 1

**MICHELE SHAW**

Attorney at Law  
2125 Western Ave #330  
Seattle, WA 98121  
Bus (206) 448-9612  
Fax (206) 319-5473

[michele@micheleshawlaw.com](mailto:michele@micheleshawlaw.com)

1 DATED this 19<sup>th</sup> day of January, 2018.

Respectfully Submitted,

2 s/ Michele Shaw

3 MICHELE SHAW, WSBA #19561

4 Law Office of Michele Shaw

2125 Western Ave., #330

Seattle, WA 98121

5 Telephone: (206) 448-9612

6 Fax: (206) 319-5473

Email: [michele@micheleshawlaw.com](mailto:michele@micheleshawlaw.com)

7 CERTIFICATE OF SERVICE

8 I HEREBY CERTIFY that on this day, I electronically filed the foregoing pleading  
9 with the Clerk of the Court using the CM/ECF system which will send notification of such  
10 filing to the attorney(s) of record for the defendant(s). I hereby certify that I have served any  
11 other parties of record that are non CM/ECF participants via tele-fax/U.S. postal mail.

12 DATED this 19<sup>th</sup> day of January, 2018.

13 s/ Sienna Wakatsuki

14 Sienna Wakatsuki, Legal Assistant

Law Offices of Michele Shaw, #19561

2125 Western Ave., #330

15 Seattle, WA 98121

16 Phone: (206) 448-9612

Facsimile: (206) 319-5473

[sienna@micheleshawlaw.com](mailto:sienna@micheleshawlaw.com)

23 NOTICE OF APPEAL- 2

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UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

JUN 12 2018

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

BALTAZAR REYES GARCIA,

Defendant-Appellant.

No. 18-30012

D.C. No.

2:16-cr-00287-JLR-3

Western District of Washington,  
Seattle

ORDER

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ANGEL SERRANO CARRENO,

Defendant-Appellant.

No. 18-30013

D.C. No.

2:16-cr-00287-JLR-9

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

HECTOR CONTRERAS IBARRA,

Defendant-Appellant.

No. 18-30014

D.C. No.

2:16-cr-00287-JLR-4

Appellant Angel Serrano Carreno's unopposed motion (Docket Entry No. 9  
in appeal No. 18-30013) to consolidate appeal Nos. 18-30012, 18-30013 and 18-

30014 is granted. Appeal Nos. 18-30012, 18-30013 and 18-30014 are consolidated. The briefing schedule established in appeal No. 18-30012 shall govern these consolidated appeals.

The consolidated opening briefs are due September 24, 2018. The consolidated answering brief is due October 24, 2018. The optional consolidated reply briefs are due within 21 days after service of the consolidated answering brief. The parties are reminded of the court's preference for joint briefing. *See* Circuit Advisory Committee Note to 9th Cir. R. 32-2.

Appellant's motion (Docket Entry No. 10 in appeal No. 18-30013) for an extension of time to file the opening brief is denied as moot.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Samantha Miller  
Deputy Clerk  
Ninth Circuit Rule 27-7

# APPENDIX F

1 Q Why not?

2 A I commonly do state investigations, and the State of  
3 Washington is a two-party -- I need permission from both  
4 parties to record a certain subject within Washington State.

5 Q So two-party consent?

6 A Yes.

7 Q And so one of the parties would be the target, right?

8 A Yes.

9 Q Okay. So turning back to this particular case, based on  
10 the information that CS3 had provided to you, what did you  
11 decide to do?

12 A I decided to do a controlled buy.

13 Q All right. And who was the target in that case?

14 A It would be Hector Ibarra.

15 Q Hector Contreras Ibarra?

16 A Hector Contreras Ibarra.

17 Q When was the first controlled buy in this case?

18 A It was December the 4th, 2015.

19 Q How was that controlled buy set up?

20 A I advised CS3 to contact Hector and ask for  
21 methamphetamine, in which CS3 did that.

22 Q Approximately how much methamphetamine did you instruct  
23 the CS to buy from Hector Contreras Ibarra?

24 A One ounce of methamphetamine.

25 Q Where was CS3 told that that deal should take place?



1 A The deal was taking place at 1580 East Selah Road in  
2 Yakima County.

3 Q I'm going to show you what's been marked as Government's  
4 Exhibit 34. Where is that?

5 A That's 1580 East Selah Road in Yakima County.

6 Q Have you been to that location?

7 A Yes, I have.

8 Q What was significant -- was that the location that the CS  
9 was told to go to?

10 A Yes.

11 Q Were you able to gather further information about this  
12 address?

13 A Yes. I was able to find the property owner of the  
14 residence.

15 Q Did you obtain a driver's license picture of him?

16 A Yes.

17 Q And who was the property owner?

18 A Jorge Contreras.

19 Q I'm going to show you what's been marked as Government's  
20 Exhibit 10. Who is that?

21 A That's Jorge Contreras.

22 Q Let's turn back to the controlled buy on December 4, 2015.  
23 Did you meet with the confidential source that day?

24 A Yes, I did.

25 Q What did you do?

1 A With another detective, I patted down that CS3 to make  
2 sure he had no contraband, or weapons, or any large money,  
3 U.S. currency, and then provided him with recorded funds to  
4 purchase the methamphetamine.

5 Q Was he driving a vehicle?

6 A Yes.

7 Q Did you search the vehicle?

8 A No, I did not. But a detective did.

9 Q A different detective did?

10 A Yes.

11 Q And so that protocol of searching the CS and the vehicle  
12 before each controlled buy. That was followed?

13 A Yes.

14 MS. SHAW: I can't hear the witness. Could he speak  
15 closer to the microphone?

16 THE WITNESS: Yes, ma'am.

17 Q Did you give him a recording device?

18 A No.

19 Q All right. What happened after you met with the  
20 confidential source and the search protocol was taking place?

21 A After the CS3 was provided currency, they were followed to  
22 1580 East Selah Road.

23 Q Did you follow him?

24 A Yes.

25 Q Were you able to see the transaction at 1580 Selah Road?

1 A No.

2 Q Why not?

3 A The transaction occurred inside the residence -- or inside  
4 that -- a residence.

5 Q Were you able to see the front of the residence yourself?

6 A No.

7 Q Why not?

8 A I was stationed too far away from the residence.

9 Q Why did you station yourself far away from the residence?

10 A When the CS3 was able to leave, I was able to follow them  
11 away from the location.

12 Q Was that your assigned task in this particular controlled  
13 buy?

14 A Yes.

15 Q Was there other law enforcement who were stationed closer  
16 to the residence in order to observe it?

17 A Yes.

18 Q All right. So you followed the CS to the residence, then  
19 stationed yourself. What was the next thing that you  
20 observed?

21 A Approximately 15 minutes later the CS3 vehicle left the  
22 residence, in which I followed the CS3 to a predetermined  
23 location.

24 Q What did you do when you met up with him?

25 A I met up with CS3 and they provided me with narcotics that

1 were purchased from 1580 Selah Road.

2 Q Was he searched again?

3 A Yes, he was.

4 Q Did you debrief him?

5 A Yes, I did.

6 Q Was his description of the transaction consistent with  
7 other law enforcement surveillance of it?

8 A Yes.

9 Q I'm going to show you what's been marked as Government's  
10 Exhibit 131. Do you recognize that?

11 A Yes.

12 Q Are those the narcotics that were taken from CS3 on  
13 December 4, 2015?

14 A Yes.

15 MS. VAUGHAN: Government offers Exhibit 131.

16 MR. ILLA: No objection.

17 MS. SHAW: No objection.

18 MR. HAMMERSTAD: No objection.

19 THE COURT: Exhibit 131 is admitted.

20 (Exhibit 131 was admitted.)

21 Q So now that the jury can see that, what's the approximate  
22 weight of that?

23 A 27.9 grams.

24 Q Is that consistent with the ounce that you requested that  
25 the CS purchase?

1 A Yes.

2 MS. VAUGHAN: Your Honor, may Special Agent Cheng  
3 approach the witness with the exhibits?

4 THE COURT: Yes.

5 Q Detective Rojas, did you package up those drugs and put  
6 them into evidence?

7 A Yes.

8 Q If you could turn around and look in the box behind you,  
9 but without withdrawing the exhibit. Could you look at  
10 Exhibit 130, please?

11 A Yes.

12 Q And see if you recognize that?

13 A (Witness complies.)

14 THE COURT: Counsel, you just said 130.

15 MS. VAUGHAN: Yes.

16 THE COURT: Didn't we admit 131.

17 MS. VAUGHAN: We admitted 131, that's the image of  
18 the drugs.

19 A I observed 130, yes.

20 Q How do you recognize that to be the drugs that were seized  
21 on December 4th?

22 A It has the agent's name that I gave the narcotics to.

23 MS. VAUGHAN: The government offers Exhibit 130.

24 MR. ILLA: No objection to 130.

25 MS. SHAW: No objection.

1 MR. HAMMERSTAD: No objection.

2 THE COURT: 130 is admitted.

3 (Exhibit 130 was admitted.)

4 Q Now that it's been admitted, could you reach into the box  
5 and get it out, please? And just Exhibit 130.

6 A (Witness complies.)

7 Q What is that?

8 A Methamphetamine that I gave to Agent Mueller.

9 Q Where did you obtain that from?

10 A That was from the controlled buy from the East Selah Road  
11 address.

12 Q Could you show that? Could you hold it up so the jury can  
13 see that?

14 A (Witness complies.)

15 Q Based on your training and experience, when you saw that  
16 what did you conclude it was?

17 A That's consistent with what methamphetamine looks like.

18 Q Okay. All right.

19 THE COURT: Counsel, if you'll hold on a moment.  
20 Ladies and gentlemen, remember I told you you would have the  
21 exhibits back in the jury room with you? Some we don't send  
22 back. Large piles of money that's loose, you don't get to  
23 have those. Drugs, you don't get to have those. Firearms,  
24 you don't get to have those. Normally what I do is I'll  
25 consult with the lawyers, but if we have a number of exhibits

1 I think it's important for you to see, I'll set them on the  
2 rail out here. And at the time that you're going back into  
3 the jury room you'll have an opportunity to walk by and  
4 observe them. So know that you won't have this back in the  
5 jury room with you. For some people that makes them very  
6 nervous, the thought that they would. So I want to make sure  
7 you understand that. Thank you, counsel.

8 MS. VAUGHAN: Thank you, Your Honor.

9 Q And you can place that back in the box now.

10 A (Witness complies.)

11 Q In December 2015, in the same month as this controlled buy  
12 took place, did you review Department of Licensing records  
13 for a blue Mercedes?

14 A Yes.

15 Q I'm going to show you what's been marked as Government's  
16 Exhibit 40. Was that the records for the license plate that  
17 you reviewed in December 2015?

18 A That is the same information I reviewed.

19 Q And who is the registered driver for -- or the registered  
20 owner for that vehicle?

21 A Baltazar Reyes Garcia.

22 Q Why did you review this license plate?

23 A CS3 provided me information that the source of narcotics  
24 were Jorge and Hector, who was driving that vehicle.

25 Q Did you, at the same time, obtain a driver's license

1 record for Baltazar Reyes Garcia?

2 A Yes.

3 Q I'm going to show you what's been marked as Government's  
4 Exhibit 1. Was that what you obtained?

5 A Yes.

6 Q What did you do with the information about Baltazar Reyes  
7 Garcia?

8 A I provided that information to FBI Task Force Officer  
9 Rogers, because they had also an investigation with Balta.

10 Q You said "Balta?"

11 A Baltazar.

12 Q Reyes Garcia?

13 A Yes, Baltazar Reyes Garcia.

14 Q Turning now to January 7, 2016. Was that the date of  
15 another controlled buy?

16 A Yes.

17 Q And which confidential source did you use?

18 A CS3.

19 Q What did you tell CS3 to do?

20 A At my direction I asked CS3 to attempt to purchase  
21 methamphetamine from Hector again.

22 Q What did you instruct -- what kind of amount did you  
23 instruct him to buy?

24 A I requested to purchase an ounce of methamphetamine.

25 Q Were you present when that phone call was made?



1 A Yes.

2 Q What happened?

3 A In my presence CS3 placed a phone call. I overheard the  
4 conversation. I could hear CS3 talking to a second person,  
5 requesting the methamphetamine and talking about prices. And  
6 then the phone hung up.

7 Q Who, based on your understanding of the call and being  
8 present for it, what was your understanding of who CS3 was  
9 talking to?

10 A At the time I listened to the conversation I didn't know,  
11 but at the end of the conversation CS3 said it was Jorge  
12 Contreras.

13 Q For the controlled buy on January 7, did you follow the  
14 same procedure as with the prior controlled buy?

15 A Yes.

16 Q What did that involve?

17 A That involved -- I searched CS3 for any illegal  
18 contraband, weapons, large amount of currency, to assure he  
19 had nothing illegal on him.

20 Q Did you conduct surveillance on January 7, 2016?

21 A Yes.

22 Q What did you do?

23 A I was in charge of dropping off CS3 at the meet location,  
24 then establish myself down the road to pick up CS3 after that  
25 controlled buy.

1 Q Where did that take place?

2 A Within the City of Yakima in Yakima County.

3 Q Did you observe that deal?

4 A No.

5 Q Did other law enforcement observe that deal?

6 A Yes.

7 Q Was that because your job was managing the CS; is that  
8 correct?

9 A That's correct.

10 Q Were there other law enforcement also stationed elsewhere?

11 A Yes, there was.

12 Q Where were they stationed?

13 A There's also other detectives stationed at the East Selah  
14 Road address.

15 Q Why?

16 A It was anticipated that Jorge would be coming from the  
17 East Selah address to meet the CI to purchase the narcotics.

18 Q What happened after the controlled buy took place?

19 A After the controlled buy took place, I recovered CS3.

20 Q When you say you recovered CS3, what does that mean?

21 A I met CS3 at a predetermined location in which CS3  
22 provided me with the object purchased from Hector --  
23 correction, Jorge.

24 Q I'm going to show you what's been marked as Government's  
25 Exhibit 141. Do you recognize that?

1 A Yes.

2 Q What is -- is that the evidence that you purchased or that  
3 the CS purchased?

4 A Yes, the CS purchased that.

5 MS. VAUGHAN: Government offers Exhibit 141.

6 MR. ILLA: No objection to 141.

7 MS. SHAW: No objection.

8 MR. HAMMERSTAD: No objection.

9 THE COURT: 141 is admitted and may be published.

10 (Exhibit 141 was admitted.)

11 Q Now that the jury can see that, can you describe what that  
12 is, please?

13 A That is a plastic bag weighing 26.2 grams.

14 Q Was that what you obtained from CS3 on January 7, 2016?

15 A Yes.

16 Q Was that amount, the weight, consistent with what you had  
17 instructed CS3 to purchase?

18 A Yes.

19 Q If you could reach down back into the box and look for  
20 Exhibit 140, please.

21 A (Witness complies.) Yes, I have seen it.

22 Q Do you recognize that?

23 A Yes.

24 Q How did you recognize it?

25 A That is the name of the agent, Agent Butler, who I

1 provided the narcotics to.

2 MS. VAUGHAN: Government offers 140.

3 MR. ILLA: No objection.

4 MS. SHAW: No objection.

5 MR. HAMMERSTAD: No objection.

6 THE COURT: 140 is admitted and may be published.

7 (Exhibit 140 was admitted.)

8 Q If you could reach into the box and grab 140, please. And  
9 what is that?

10 A This is what CS3 purchased and is consistent with what  
11 methamphetamine looks like.

12 Q Thank you. And you can place that back in the box?

13 Was there a third controlled buy involving CS3?

14 A Yes.

15 Q What was that date?

16 A That was January 14th.

17 Q What did you instruct CS3 to do?

18 A I instructed CS3 to purchase methamphetamine from Jorge.

19 Q Why did you instruct him to purchase methamphetamine from  
20 Jorge?

21 A Because we've already had purchases with him prior, and we  
22 couldn't confirm that Hector would be providing the  
23 narcotics, so Jorge would. So I had him do the controlled  
24 buy with Jorge.

25 Q How much did you ask the confidential source to purchase

1 from Jorge?

2 A Two ounces of methamphetamine.

3 Q How did CS3 reach out to Jorge?

4 A CS3 placed a phone call.

5 Q Were you there?

6 A Yes, I was.

7 Q Where was that deal set up?

8 A Inside -- within the City of Yakima.

9 Q Did you follow the same procedures as you had with  
10 controlled buys 1 and 2?

11 A Yes. I searched the CS when he arrived.

12 Q And he wasn't in a vehicle?

13 A No, that controlled buy he was not. I searched him before  
14 and after.

15 Q What did you do on that day after you had searched CS3?

16 A Um --

17 Q Did you conduct surveillance?

18 A Yes. I conducted surveillance.

19 Q What did you do?

20 A I dropped CS3 at the meet location, and set up to recover  
21 or to pick up CS3 after the controlled buy.

22 Q Did you observe a specific vehicle at the meet location?

23 A Yes.

24 Q What did you observe?

25 A A silver Acura.

1 Q Why did you observe that, in particular?

2 A That was the vehicle Jorge was driving that was at his  
3 residence.

4 Q And were law enforcement stationed at 1580 East Selah  
5 Road?

6 A Yes. I had additional detectives at the East Selah Road  
7 residence.

8 Q That's how you knew what to look out for, correct?

9 A Yes.

10 Q Were you able to observe who was driving the silver Acura?

11 A Yes.

12 Q Who was that?

13 A That was going to be Jorge Contreras.

14 Q What happened after the buy?

15 A After the buy we met CS3 at a predetermined location in  
16 which he -- CS3 provided me the narcotics that were purchased  
17 from Jorge.

18 Q And what happened -- and so did CS3 provide you with the  
19 narcotics?

20 A Yes.

21 Q Was he searched again?

22 A Yes. I searched him again.

23 Q I'm going to show you what's been marked as Government's  
24 Exhibit 151. And that has two pages. Can you review both  
25 those pages? Do you recognize those?

1 A Yes.

2 Q Was that the narcotics that you obtained from CS3 on  
3 January 14th?

4 A That's one of two items.

5 Q Is that the other one?

6 A Can you go back to the other? Yes. That one and the  
7 other one, yes.

8 Q Both the bags?

9 A Yes.

10 MS. VAUGHAN: The government offers Exhibit 151.

11 MR. ILLA: No objection to 151.

12 MS. SHAW: No objection.

13 MR. HAMMERSTAD: No objection.

14 THE COURT: 151 is admitted and may be published.

15 (Exhibit 151 was admitted.)

16 Q So, again, this is a two-page exhibit. I'm actually going  
17 to start with the first page. Why are there two bags?

18 A I don't recall if they were all in that bag, but I wanted  
19 to document both items purchased or both one ounces of  
20 methamphetamine.

21 Q So there was -- the purchase was for two ounces total,  
22 correct?

23 A Yes.

24 Q So these are the two, two-ounce bags; is that correct?

25 A Yes.

1 Q If you could reach down into the box behind you and look  
2 for Exhibit 150.

3 A (Witness complies.) Yes.

4 Q Do you recognize Exhibit 150?

5 A Yes, I do.

6 Q How do you recognize that?

7 A It has the name of the agent I gave the narcotics to.

8 MS. VAUGHAN: The government offers 150.

9 MR. ILLA: No objection to 150.

10 MS. SHAW: No objection.

11 MR. HAMMERSTAD: No objection.

12 THE COURT: Exhibit 150 is admitted may be published.

13 (Exhibit 150 was admitted.)

14 Q Detective Rojas, if you could reach behind you into the  
15 box and grab Exhibit 150. And if you could hold it up again  
16 and describe to the jury what that is.

17 A This is what was purchased on that controlled buy. And it  
18 is consistent with what I recognize to be methamphetamine.

19 Q That's a larger packet than the others, right, because  
20 it's twice the amount, correct?

21 A Yes.

22 Q All right. You can place that back in the bag.

23 A (Witness complies.)

24 Q Turning back to CS3. I think you testified before that  
25 you started working with him in November 2015; is that



1 correct?

2 A That's correct.

3 Q Approximately how long were you working with him for?

4 A CS3, I worked with CS3 for approximately four months.

5 Q Was he also providing information on other targets and  
6 other criminal activity?

7 A Yes.

8 Q Was he being paid for his assistance?

9 A Yes, he was.

10 Q Approximately how much was he paid over that four-month  
11 period?

12 A In four months CS3 was paid \$2,030.

13 Q So approximately how much is that a month?

14 A It's approximately \$500 a month.

15 Q What were those payments for?

16 A They were for the purchasing of evidence for the task  
17 force, also for living expenses and things like that.

18 Q He also was providing information on other cases?

19 A Yes, that's correct, providing information.

20 Q Was the controlled buy that you conducted with CS3 on  
21 January 14th, the last controlled buy you conducted with him?

22 A Yes.

23 Q Why?

24 A Soon after, end of February beginning of March, I lost  
25 contact with CS3.

1 Q Have you worked with CS3 as a confidential source again?

2 A No.

3 Q Turning now to some other surveillance. Did you conduct  
4 further surveillance in this case?

5 A Yes.

6 Q Was that in early March?

7 A Yes, it was.

8 Q On March 2nd, let's talk about that surveillance. Where  
9 did you surveil?

10 A I was in -- I was told by TFO Rogers if I could go to the  
11 area of the East Selah residence to look for Baltazar, who  
12 was being -- his phone was being pinged.

13 Q I'm going to show you what's been marked as Government's  
14 Exhibit 4, again. Is that the East Selah address?

15 A Yes.

16 Q Did you go there?

17 A Yes.

18 Q What did you observe?

19 A I observed a Mercedes parked in the driveway.

20 Q When you say "Mercedes," is that the same Mercedes that  
21 CS3 had told you about in December?

22 A Yes.

23 Q What was the license plate that was provided to you in  
24 December?

25 A It's a Washington license plate of ATV1244.

1 Q Could you review that again, please?

2 A License plate ATV1244.

3 Q Okay. Let's just blow that one up, again. It's a little  
4 hard to read. There we go.

5 A I'm sorry, my dyslexia kicked in when I read that.  
6 AVT1244. I'm dyslexic.

7 Q Was that the license plate of the vehicle you observed on  
8 March 2, 2016, at this East Selah Road address?

9 A Yes.

10 Q You saw it at the East Selah Road address. What else did  
11 you observe about that vehicle?

12 A It was parked. And after observing that vehicle I parked  
13 down the road, and shortly after that vehicle passed me. And  
14 I followed the vehicle.

15 Q Did you observe who was driving that vehicle?

16 A Yes. The vehicle jumped on the highway and I was able to  
17 pass the vehicle to see the driver. And the driver of the  
18 vehicle was Hector Contreras Ibarra.

19 Q I'm going to show you what's been marked as Government's  
20 Exhibit 2. Was that the person you observed?

21 A Yes.

22 Q Did you conduct surveillance the next day, March 3rd?

23 A Yes.

24 Q Where were you told to go?

25 A To the area of north -- North Fair Street in the City of

1 Yakima.

2 Q Was it close to a hotel?

3 A Yes.

4 Q Which hotel?

5 A Fairfield Inn, it's called.

6 Q Why did you go there?

7 A Again, the ping for Baltazar Reyes Garcia's phone was in  
8 that area.

9 Q What did you observe?

10 A I observed the same Mercedes Benz in the parking lot of  
11 the hotel.

12 Q What did you do next?

13 A I advised TFO Rogers the vehicle was there, and they sent  
14 additional agents out.

15 Q Did you conduct any further surveillance?

16 A No. After I was relieved, I did not.

17 Q And why did the FBI take over?

18 A It was their active case.

19 MS. VAUGHAN: Nothing further, Your Honor.

20 CROSS EXAMINATION

21 BY MS. SHAW:

22 Q Good morning, Detective Rojas.

23 A Good morning, ma'am.

24 Q I'm Michele Shaw, I represent Hector Contreras Ibarra.

25 A Yes, ma'am.

1 Q We've never met before, have we?

2 A No.

3 Q And I asked you to meet for an interview, but you declined  
4 that opportunity?

5 A That's correct.

6 Q All right. Thank you. So I want to ask you a few  
7 questions about your background and training that you've had  
8 with drugs and narcotics.

9 A Yes.

10 Q Can you tell the jury what you've learned about the  
11 effects that methamphetamine can have on your body and your  
12 brain?

13 A It has -- the effects? It's a -- I don't know what you  
14 call it, but it gives an artificial high, the narcotics does.

15 Q Can it affect your central nervous system and your brain?

16 A Yes.

17 Q And can it affect your judgment?

18 A Yes.

19 Q And can it affect a person's mind where they can have  
20 delusions and hallucinations?

21 MS. VAUGHAN: I'm going to object. Detective Rojas  
22 is not qualified as an expert in this area.

23 THE COURT: Counsel, what is the relevance of this?

24 MS. SHAW: The relevance of this, Your Honor, is that  
25 CS3 has stated that he was using methamphetamine, and since

1 this witness has been speaking about CS3 and his  
2 observations --

3 THE COURT: How is he qualified to comment? I'm  
4 going to permit some limited testimony, but he's not been  
5 listed as an expert in this and I don't believe that he's  
6 qualified to be a medical expert.

7 MS. SHAW: I apologize, Your Honor. I thought he  
8 went to drug training, my apologies, on the substance. I can  
9 move to a different line of questioning.

10 THE COURT: He said he went to drug training, but you  
11 haven't established that the medical consequences were  
12 covered by his drug training as opposed to more the police  
13 aspects of it.

14 MS. SHAW: Certainly. Thank you, Your Honor.

15 Q Detective Rojas, I'll ask you one more question on that.  
16 When you did your training to be a narcotics detective, what  
17 classes or information did you learn about how the  
18 consumption of methamphetamine can affect you?

19 A My narcotics classes I've taken were more concentrated on  
20 the trends and the purchasing of narcotics, the organizations  
21 of buying and selling methamphetamine or narcotics. That was  
22 more of the training that I received.

23 Q Thank you.

24 With regard to your relationship with CS3, can you tell  
25 the jury about the previous work that he tried to do with

1 Detective Gusby for the Yakima Police Department?

2 A CS3 never worked with Detective Gusby.

3 Q He didn't try to get cocaine from, and do a controlled buy  
4 on November -- in November of 2015?

5 A No.

6 Q Okay. And in terms of CS3's relationship to Mr. Hector  
7 Contreras Ibarra, when did it come to your attention that  
8 he's related to him in a way by marriage?

9 A I don't recall the exact relationship. I knew it was  
10 families moving up together, living together. But I didn't  
11 really clarify on directly what their direct relationship was  
12 like, as far as what they were by real family members.

13 Q Thank you. On November 24, 2015 you testified that you  
14 met CS3 that day. Correct?

15 A I'm sorry, which day, ma'am.

16 Q I'm sorry, November 24, 2015.

17 A November 24th. Can you give me -- November 24th, what day  
18 was that, ma'am, for --

19 Q I don't have a calendar in front of me for 2015. Do you  
20 recall signing an agreement with CS3 on November 24, 2015?

21 A Yes, okay, that's the day. Yes. I do recall that day  
22 now.

23 Q Okay. When you met with him that day you had him sign a  
24 document that's called a consent and admonishment form,  
25 right?

1 A Yes.

2 Q And what is the purpose of signing that form?

3 A It's to give the CSs who we're going to work with, like an  
4 outline of what we expect of that informant to be, and what  
5 they can and can't do, kind of give them a guideline.

6 Q And they're not allowed to ingest narcotics, are they,  
7 when they work for you?

8 A No.

9 Q They have to tell the truth?

10 A Yes.

11 Q And do they have to report to you if they're arrested or  
12 get into trouble?

13 A Yes.

14 Q How did you determine how much you were going to pay CS3?

15 A When a controlled buy is purchased with a CS, we ask them  
16 what prices do they usually pay for certain narcotics. And  
17 so whatever they pay for that narcotic, and whatever the  
18 current, I guess you would say the price for that certain  
19 narcotic is at the time, we go off that.

20 Q And how do you determine how much the LEAD task force will  
21 pay the undercover people that are working for you?

22 A Just to clarify. How much I pay a CS?

23 Q CS3, um-hum.

24 A It depends on the source of information, if the target is  
25 a bigger target or a smaller target determines what the



1 payment would be.

2 Q So on November 25th you gave CS3 \$100, right?

3 A I would have to see that. November 25th, was that the day  
4 the form was signed?

5 Q Do you have your file with you, Detective?

6 A No, I don't.

7 MS. SHAW: Your Honor, I don't have a respective  
8 representative to approach the witness. May I ask Agent  
9 Cheng to give him his file?

10 THE COURT: Yes.

11 Q Does that document look familiar to you?

12 A Yes, it does.

13 Q Is that in your handwriting?

14 A No, it is not.

15 Q And who keeps track of how much money you gave CS3?

16 A Our task force supervisor ultimately knows, and our  
17 bookkeeper within our office who documents this, and that's  
18 whose handwriting is on there.

19 Q And can you tell the jury -- this says "Informant payment  
20 record." Is this a list of the payments that the LEAD task  
21 force made to CS3?

22 A Yes.

23 Q And now that your recollection has been refreshed, you  
24 have November 25, 2015, you gave him \$100, right?

25 A Yes, I did.

1 Q And you have "expenses" and "cell phone" written there.

2 A Yes.

3 Q You don't know what he used the money for though, do you?

4 A For a cell phone.

5 Q Did he bring you receipts?

6 A No.

7 Q Okay. And then you have 12/2/15, \$80, information. What  
8 does that mean?

9 A That could have been information on a wanted person or on  
10 the case itself. There was some information that was useful  
11 to the task force.

12 Q Do you remember what it was?

13 A I don't recall what that information -- what it was.

14 Q And then you have 12/4/15, \$100?

15 A Yes.

16 Q And that was for the controlled buy that was made that  
17 day?

18 A Yes.

19 Q Thank you.

20 Going back to December 3, 2015. Do you recall texting  
21 CS3?

22 A Not in particular that day, but we did text.

23 Q Would it refresh your recollection and assist you to have  
24 a copy of your text messages that you had with CS3?

25 A Yes.

1 MS. SHAW: Your Honor, may I respectfully ask Agent  
2 Cheng to -- if there's a different way Your Honor wants me to  
3 do it.

4 THE COURT: No, that's fine.

5 MS. SHAW: All right. Sorry.

6 A Ma'am, did you want me to hold onto this?

7 Q Yes, please.

8 Do you recognize what I've handed you, Detective?

9 A Yes, they are text messages between CS3 and myself.

10 Q Okay. And I'm going to ask you to go to the second page  
11 of this document. The text messages from December 3, 2015.  
12 Start on page 1, correct, where you say, "You there?" He  
13 says, "Yes."

14 A Okay. Okay. I'm following now.

15 Q Thank you. And if you go down to the bottom of page 2 he  
16 says to you, "Please give me Jorge" or George's number,  
17 correct?

18 A Yes.

19 Q That's December 3rd.

20 A On the texts I have November 25, 2015, then the second  
21 page has no way for me --

22 Q I can explain the text to you.

23 A Yes, if you could, please.

24 Q If you go on page 1?

25 A Um-hum.

1 Q 11/25/15.

2 A I see that to December 3, 2015.

3 Q Then you go to 11/29/15 -- I'm still on page 1 -- you go  
4 down to the bottom third of the document, it says, "Thursday,  
5 12/3/15." You said, at 10:30 a.m., "Are you there?" And he  
6 said, "Yes."

7 A Yes, I see that.

8 Q Then you go to the next page and there is another  
9 exchange. You said, "I want more. How much for an ounce?"

10 A Yes.

11 Q He said "450," right?

12 A Yes.

13 Q And you said, "Okay."

14 A Yes.

15 Q Correct? And then he texted you back, correct?

16 A I'm assuming the same day, but that evening, at  
17 18:13 hours.

18 Q Okay. Then at the bottom of the page, we're still on  
19 12/3/15, the day before the controlled buy he says, "Please  
20 give me Jorge's number." Correct?

21 A Yes.

22 Q Regarding the call -- I'm going to ask you a few  
23 questions, Detective, about the alleged purchase of  
24 methamphetamine from Mr. Hector Contreras Ibarra on  
25 December 4th. Okay?

1 A Okay.

2 Q So you told the jury that he spoke to Mr. Hector Contreras  
3 Ibarra that day. But you have no idea if he did, correct?

4 A I was not there present when the phone call was made.

5 Q And in other times when you've done controlled buys,  
6 you've likely recorded the phone number of the person that  
7 the undercover or CS is using, correct?

8 A Not always.

9 Q But in this case you chose not to, correct?

10 A On the first buy I did not get the number that was called.

11 Q Okay. And you told the jury on your direct testimony on  
12 Friday, that when you do a controlled buy it's really  
13 important to be able to independently verify what the CS is  
14 telling you, correct?

15 A That is correct.

16 Q In fact, you never saw Hector Contreras Ibarra on  
17 December 4th, did you?

18 A No. I did not see Hector at all.

19 Q And you had several other detectives that were working  
20 with you that day, right?

21 A There were other detectives on scene, yes.

22 Q Detective Bronkhurst (phonetic) was in your car?

23 A Yes.

24 Q He didn't see Hector that day, did he?

25 A Nope. No he did not.

1 Q I'm sorry, I should say Mr. Contreras Ibarra. Detective  
2 Fairchild, Detective Boone, did they report to you they saw  
3 Hector Contreras Ibarra on December 4th?

4 A No, none of the detectives observed the controlled buy  
5 inside the residence.

6 Q So the only person that can offer evidence that they  
7 engaged in a drug transaction is somebody that is working for  
8 you as a confidential source, correct?

9 A CS3 was the one that said that he purchased the narcotics  
10 from Hector.

11 Q And this is the person that is using meth intermittently  
12 and you lost track of him at the end of February, right?

13 A CS3 was never impaired when he worked with me.

14 Q Did you do a UA?

15 A No.

16 Q Why not?

17 A I don't have the means of doing a UA on the streets,  
18 ma'am.

19 Q Does your police department have UAs, Detective Rojas?

20 A No, we do not.

21 Q There is no UAs that are available at a drug-testing  
22 facility near your office?

23 A No. And that wouldn't be practical during a controlled  
24 buy.

25 Q But you could have brought him in in the morning and had

1 somebody from probation or somebody from the jail assist you  
2 in doing a UA, right?

3 A If I would see that it was necessary, I believe I could  
4 have arranged that, by using my law enforcement experience of  
5 telling if someone was impaired, those were the options I  
6 could use. But CS3 was never impaired, from my experience,  
7 when working with him.

8 Q Did you ask him, when you saw him on December 4th, "When  
9 was the last time you used meth?"

10 A No, I did not.

11 Q Thank you.

12 You testified today about two more transactions that  
13 you had CS3 do. I'll cover the first one, briefly.  
14 January 7th, that one did not involve Hector Contreras  
15 Ibarra, correct?

16 A No, it did not.

17 Q And the January 14th one, that one did not involve Hector  
18 Contreras Ibarra, correct?

19 A No, it did not.

20 Q And the CS3 told you on December 4th that he got those  
21 drugs from Mr. Hector Contreras Ibarra, correct?

22 A On which day, ma'am?

23 Q December 4th.

24 A Yes, the first controlled buy, the CS said he bought the  
25 narcotics from Hector.

1 Q But he was speaking to Jorge, my client's father, in the  
2 driveway, right?

3 A Yes. On the way in determined that -- on the way in CS3  
4 did make contact with Jorge Contreras in the driveway.

5 Q And in terms of you losing track of CS3, at that point you  
6 determined it was no longer viable to go forward using him,  
7 correct?

8 A No. The investigation was over to the federal  
9 investigators, FBI and DEA, so they took over the  
10 investigation. It was a larger case.

11 Q But you lost track of him, didn't you?

12 A Yes, I did.

13 Q And so did the feds, correct?

14 A I don't have any information on what the feds had on CS3.

15 Q Do you know where he was at the end of February 2016?

16 A At that time I did not.

17 Q And so in terms of why people might go missing, can you  
18 buy meth on the street in Yakima for \$100?

19 A Methamphetamine is available in Yakima County.

20 Q But you can get some for \$100, right?

21 A You can purchase methamphetamine, yes, you could.

22 Q For that price?

23 A Yes.

24 Q Thank you.

25 In terms of the preservation of evidence in the case,



1 you testified and those exhibits were entered in, and from  
2 December 4, 2015, did you submit that bag to anyone, at that  
3 time, to see whether or not you could develop latent prints?

4 A No. The narcotics -- it was an active investigation. The  
5 narcotics was held in our evidence at the LEAD task force.

6 Q I'm sorry, Detective, when you said it was what kind of  
7 investigation?

8 A At that time it stood as an active case. So the narcotics  
9 weren't shipped out. It's not a common process -- in the  
10 state-level we don't send all narcotics or for latent  
11 fingerprints on any controlled buys.

12 Q That would have given you some other independent  
13 verification that Mr. Hector Contreras Ibarra handled that  
14 methamphetamine on December 4th, right?

15 A If I end up charging Hector Ibarra, that could have been a  
16 method we could have went further. But those narcotics were  
17 safely at the LEAD task force. That could have been done at  
18 any time.

19 Q When you met with the CS3 in November of 2015, he talked  
20 to you about the fact that my client and his father buried  
21 methamphetamine in the backyard on East Selah Road, correct?

22 A East Selah Road, yes.

23 Q Did you go digging for the meth?

24 A At what time, ma'am?

25 Q Any time.

1 A When the execution was executed at the end of the  
2 investigation, the back locations were searched for narcotics  
3 looking for fresh holes and items like that effect.

4 Q You didn't find any meth buried in the backyard, did you?

5 A I did not locate any methamphetamine buried.

6 Q Okay.

7 MS. SHAW: Your Honor, I just need one moment,  
8 please. Your Honor, that's all I have. Thank you,  
9 Detective.

10 THE WITNESS: Thank you, ma'am.

11 MS. SHAW: Your Honor, I don't know if the other  
12 counsel will want those, so I'll just leave them.

13 THE COURT: Hold on to them for the time being.

14 THE WITNESS: Yes, sir.

15 CROSS EXAMINATION

16 BY MR. HAMMERSTAD:

17 Q Good morning, Detective Rojas.

18 A Good morning.

19 Q My name is David Hammerstad, I represent Angel Serrano  
20 Carreno.

21 A Yes, sir.

22 Q A couple questions for you. Did you review your file  
23 before coming to court today?

24 A Which file are we talking about, sir?

25 Q Your investigation file.

1 A My case report, I did, sir.

2 Q When did you do that?

3 A When or why?

4 Q When?

5 A This morning.

6 Q Where is your file now?

7 A My report is sitting in the holding room for the state  
8 witnesses.

9 Q Okay. Thank you.

10 CROSS EXAMINATION

11 BY MR. ILLA:

12 Q I'm Stephan Illa. I represent Mr. Baltazar Reyes Garcia.

13 A Good morning, sir.

14 Q When the fellow that you've been calling CS3 first met  
15 you, did you ask him what his real name was?

16 A I asked for his name. I would assume that his name I  
17 could find in the system.

18 Q And his name that he gave you was what?

19 A Artemio Villa.

20 Q And that's the name that you took to be his because he  
21 told you, right?

22 A Well, I did my history check with that name.

23 Q So you didn't take him at his word on a matter as simple  
24 as what his own name is, you had to check first, right?

25 A To verify that information.

1 Q One of the things you wanted to verify was whether or not  
2 this person had some sort of history with the criminal  
3 justice system?

4 A Yes, we do a criminal history check when checking for  
5 possible CSs.

6 Q Did you ask Mr. Artemio Villa what his occupation was?

7 A Yes.

8 Q What did he tell you?

9 A At that time CS3 advised he was unemployed.

10 Q Mr. Villa told you he was unemployed?

11 A Yes.

12 Q Did he tell you how he was surviving day-to-day being  
13 unemployed?

14 A No.

15 Q Did you ask him?

16 A No, I did not.

17 Q Why not?

18 A Those are minute questions that we just don't go over.

19 Q So if he were, for example, living off of an inheritance  
20 from a rich relative, that's not important for you to know,  
21 any more than if he's out trying to make money on the streets  
22 doing illegal things?

23 A That question wasn't asked.

24 Q Do you know if anybody asked him what he was doing to get  
25 money?

1 A No, I do not.

2 Q This is a fella who came to you, this Mr. Villa, and he  
3 told you he knows a lot about the drug trade; is that right?

4 A Yes.

5 Q Did he tell you how he got that information?

6 A CS3 advised he was part of that organization and was  
7 helping sell methamphetamine.

8 Q And you took him at his word?

9 A After getting his information and verifying it, yes.

10 Q Did you ask him whether he was dealing methamphetamine  
11 himself?

12 A Yes, I did.

13 Q Did he tell you how much methamphetamine he was dealing?

14 A CS3 advised that he had, in the past, driven  
15 methamphetamine from state lines from within Washington  
16 State.

17 Q How many times?

18 A I don't recall.

19 Q Did you ask him?

20 A I did ask, but I don't recall the answer to that.

21 Q You asked him because that was an important detail to you?

22 A Yes.

23 Q Did you write it down in your report?

24 A I may have on a debriefing within the file.

25 Q Where is the debriefing in the file?

1 A It's in the CS packet.

2 Q Where is that?

3 A It's at the -- the copy -- the prosecutor has a copy and  
4 it's at the LEAD task force.

5 Q Is that a document you reviewed before you came to court  
6 today?

7 A No, I did not.

8 Q How come?

9 A I reviewed my case report of the incident, of my  
10 investigation.

11 Q Would it help you to maybe remember better if you were  
12 able to look at that report and you could tell us if you got  
13 a response to your questions about how much he was dealing?

14 A If I could review that report or the intel report, I will.

15 Q And to do that what would you have to do?

16 A Get the file and read the report.

17 Q Okay. So if we re-called you later, would you have time  
18 to do that in, say, a few days or maybe toward the end of the  
19 case, come back and tell us what's in that report?

20 A Whatever is needed, I can review.

21 Q Okay. Your memory is that he told you he transported  
22 methamphetamine into the State of Washington?

23 A I need to review it. I remember at one point that  
24 conversation did occur because he was talking about the  
25 larger organizations he was working with or knew of.

1 Q Okay. My question was directed toward whether or not he  
2 told you that he, Mr. Villa, had brought methamphetamine into  
3 the State of Washington. That's what I'm asking.

4 A I don't recall without reviewing my CS report.

5 Q Did he tell you that he had sold methamphetamine to other  
6 people?

7 A I don't recall that.

8 Q Is that something that --

9 A I'm trying to recall. Off the top of my head, I can't  
10 recall.

11 Q Do you recall asking him if he ever sold any drugs at all?

12 A I did.

13 Q Did he tell you that he sold drugs?

14 A I don't recall without the CS report.

15 Q Do you recall if you asked him when he first started  
16 selling drugs?

17 A I don't recall that.

18 Q Did you ask him how much money he made selling drugs?

19 A I don't recall asking that question.

20 Q Do you recall whether you asked him whether or not he had  
21 large sums of money available to him to live off of from drug  
22 dealing?

23 A I don't recall that question.

24 Q Did you ask him what kind of car he drove?

25 A I don't recall that question.

1 Q Did you ever run him in any kind of financial database to  
2 see if he had unexplained sources of wealth, like some drug  
3 dealers do?

4 A Yeah, I did not run CS3 in that kind of database.

5 Q That's a method that you use when you're trying to find  
6 out whether or not someone is a drug dealer; isn't it?

7 A Those are some resources we use.

8 Q As far as the resources available to you, do you have  
9 access to other means to corroborate things that a potential  
10 informant tells you?

11 A Such as, sir?

12 Q Well, for example, Ms. Shaw asked you about drug use. Did  
13 you ask Mr. Villa whether he was a drug user?

14 A Those are standard questions. I may have, but I don't  
15 recall the answer or I don't recall if I asked CS3 that  
16 direct question.

17 Q It's important to know whether or not an informant is  
18 actually a drug addict; isn't it?

19 A It's important to know.

20 Q It's important because you can't really trust a drug  
21 addict around drugs, can you?

22 A It's important to know, yes.

23 Q And you have to be careful to make sure that the informant  
24 doesn't, say, dip into a bag of drugs?

25 A That is why we search them before and after controlled



1 buys.

2 Q You wouldn't take an informant at his word if he said: No  
3 need to search me today, we've done two or three of these  
4 already, let's just go do it. You wouldn't put up with that,  
5 would you?

6 A We verify the CI's information, what information is given  
7 to us.

8 MR. ILLA: Your Honor, may I go to get a glass of  
9 water, please?

10 THE COURT: Yes.

11 Q When Mr. Villa came to you with information, you told  
12 Ms. Shaw one of the things you do is to determine how much to  
13 pay for the information.

14 A Yes.

15 Q And you pay more for better information than you do for  
16 not very helpful stuff, right?

17 A If it's an ongoing, active investigation, that information  
18 is more viable to the task force or to other groups than say  
19 another brand-new target or something else.

20 Q So if an informant comes to you and gives you information  
21 about someone who is selling, say, nickel, five-dollar bags  
22 of pot somewhere, that's not as valuable information in your  
23 hierarchy as someone who comes to you and says, I've got  
24 somebody who is dealing kilograms of methamphetamine?

25 A Not necessarily.

1 Q Oh, okay. Do you pay more for the guy who comes to you  
2 and says: I can give you big dealers? Or does he get the  
3 same amount as the guy who comes to you and says: There's a  
4 kid at my school selling dope in the locker room?

5 A Well, if someone is selling at schools -- it all depends  
6 on the information and what the task force can establish or  
7 get done with that information.

8 Q When this man, Mr. Villa, came to you, he told you that he  
9 had valuable information about drug dealers, correct?

10 A Yes.

11 Q Did you ask him whether he himself had ever done business  
12 or bought and sold drugs with these people?

13 A I don't recall asking the CS that question.

14 Q Is it important to determine an informant's motive when  
15 dealing with him?

16 A That is one aspect we look at.

17 Q It's an important aspect, especially if someone who wants  
18 to be an informant is also a drug dealer; isn't that right?

19 A Ask the question again, sir.

20 Q Probably can't. Let me try it this way: If you have  
21 someone who is dealing drugs, one of their big concerns is  
22 competition, isn't it?

23 A In the drug world, I would say yes.

24 Q And to get rid of your competition in the drug world, one  
25 way is to do it yourself and, say, work harder, charge lower

1 prices, provide better service. That would be one way to get  
2 rid of competition?

3 A People challenge for business a lot, drug dealers.

4 Q Another way to get ahead, get your competition out of the  
5 way, would be to use, again self-help, but illegal self-help  
6 like you see on TV, get some guns and clean it up, right?

7 A They've been known to do that. I mean, I guess they would  
8 do that.

9 Q There's another way to get rid of your competition too,  
10 though, isn't there?

11 A What is that, sir?

12 Q Well, have you ever heard of the possibility that an  
13 informant, drug dealer, might try to use your help to get rid  
14 of competition?

15 A I've heard of it. We've -- I've heard it before. I've  
16 never seen it in my experience.

17 Q So as far as you know you've never been used in that way?

18 A From my knowing, no, I've never been used in that way.

19 Q And in this case what Mr. Villa did is he told you that  
20 he's a drug dealer, right?

21 A Well, yes, he was involved with a group of drug dealers,  
22 yes.

23 Q You can't remember if he had been in competition with  
24 these people that he's pointing the finger at or not, right?

25 A I wouldn't know that information, no.

1 Q You don't remember asking him that, did you?

2 A No.

3 Q And while Mr. Villa is under your control, you are  
4 watching him, frisking him, searching, rather than relying on  
5 his word, aren't you?

6 A In controlled buys, yes, we verify information. That's  
7 how we do it.

8 Q And during the four months that Mr. Villa was your  
9 informant, how many buys did he do for you?

10 A A total of three buys.

11 Q Three buys over four months?

12 A Yes.

13 Q When you recruited Mr. Villa to be your informant, you  
14 told him that he should not break the law, didn't you?

15 A That is correct.

16 Q Did you follow up with him to make sure that he remembered  
17 that?

18 A In what way, sir?

19 Q Well, did you remind him more than once or was that just  
20 the first meeting, you said: Don't break the law, and that  
21 was it?

22 A It was that I just told him that and it was understood to  
23 follow the rules, follow the law.

24 Q And as far as you know, during the time that he was off  
25 the leash and not under your control, he was behaving fine?

1 A I don't have any information what he was doing when he was  
2 not in contact with me.

3 Q That's because you weren't watching him?

4 A No, not 24 hours. No.

5 Q Do you know if Mr. Villa is going to be here to testify at  
6 this trial?

7 A I don't know.

8 Q When was the last time you saw Mr. Villa?

9 A Approximately a month ago.

10 Q What were the circumstances?

11 A I met CS3 with TFO Rogers.

12 Q What was the purpose of that meeting?

13 A That was to advise CS3 of the impending trial and just to  
14 get him caught up on what was going on, and have him -- TFO  
15 Rogers was debriefing him and talking to him.

16 Q Is there a report about that meeting that you prepared?

17 A No. I didn't write a report. I was just a friendly face  
18 for CS3, just to -- in the event I can translate for CS3 if  
19 he needed a translator.

20 Q As far as what he told the agent and you at that meeting,  
21 did Mr. Villa tell you that he was still not dealing drugs  
22 anymore, he was off of that?

23 A I don't recall that -- I didn't take notes, TFO Rogers did  
24 that. I don't recall that coming up at all.

25 Q So your memory is that nobody asked him what he's doing

1 for a living, for example?

2 A I don't recall. No, I don't recall him asking him that.

3 Q Nobody asked him how he's been able to survive, pay his  
4 bills, that sort of thing?

5 A I believe TFO Rogers was doing all the talking. She may  
6 have taken notes.

7 Q But as far as you, you were there listening. I'm asking  
8 what you remember. You don't remember that, do you?

9 A I don't recall.

10 Q How about the drug use? Did anybody at that meeting,  
11 either you or Agent Rogers, ask him if he was still using  
12 methamphetamine?

13 A I did not ask.

14 MR. ILLA: Thanks. I have nothing more.

15 REDIRECT EXAMINATION

16 BY MS. VAUGHAN:

17 Q Good morning again, Detective Rojas.

18 A Good morning.

19 Q Do you still have those text messages up there?

20 A Yes, I do.

21 Q I think counsel for Mr. Contreras Ibarra had you look at  
22 the first couple of pages. Could you look at the page after  
23 that?

24 A Ma'am, third page or second page?

25 Q Third page.

- 1 A Okay.
- 2 Q Is there a picture on the top of that third page?
- 3 A Yes.
- 4 Q Is that a text from CS3?
- 5 A That's from CS3.
- 6 Q What does that say?
- 7 A English or -- "This is Hector."
- 8 Q Does it say -- what does it say in Spanish?
- 9 A "El es, Hector."
- 10 Q What does that mean?
- 11 A This is Hector.
- 12 Q And is it a picture of Hector Ibarra --
- 13 A Yes. I'm sorry, Jorge. I got the names wrong. Third
- 14 page, ma'am? Is it the picture of the gentleman at a table?
- 15 Q Yes, underneath it says, "el es Hector."
- 16 A Yes, that's correct. Hector, yes, ma'am.
- 17 Q That's who you recognize?
- 18 A Yes.
- 19 Q Hector Contreras Ibarra?
- 20 A Yes.
- 21 Q Counsel for Mr. Reyes Garcia asked you lots of questions
- 22 about what you had inquired of CS3 before and during his time
- 23 as a confidential source. Do you regularly work with
- 24 sources?
- 25 A Yes.

1 Q Is it the bread-and-butter of drug investigations?

2 A They're the primary source of information during narcotics  
3 investigation for the LEAD task force.

4 Q If you could speak up a little.

5 What kind of history do those sources typically have?

6 MR. ILLA: I'll object to the form of the question  
7 and I want to argue it, Your Honor.

8 THE COURT: Overruled.

9 A Commonly informants have a drug history. Drug history,  
10 drug usage, and friends involved in the drug world. Those  
11 are the people who have the best information because they are  
12 directly involved in that society or that action.

13 Q So when somebody comes to you either because they're  
14 working off a charge or for other reasons and they have  
15 information about drug dealing, is it typical that they have,  
16 in fact, themselves dealt or used drugs?

17 A Yes, that is a common feature of a confidential informant.

18 Q In terms of verifying information and their background,  
19 what do you do?

20 A As far as their criminal history, ma'am?

21 Q Um-hum, correct.

22 A I run a criminal history check on the subject. I get  
23 their name and date of birth and I do what's called a history  
24 check on their criminal activity and what they've been  
25 arrested for and charged with. And that gives me an outline



1 of what their criminal history and law enforcement history,  
2 their dealing with law enforcement.

3 Q And if you didn't work with drug dealers as informants,  
4 where would you find your information? How much of your  
5 information comes from drug dealers, in your role  
6 investigating drug trafficking?

7 A The vast majority of our investigations are started and  
8 completed and assisted by confidential informants that gives  
9 their information of the dealings of organizations.

10 Q In your work with sources, it's obviously important when  
11 they're doing controlled buys that they're not high or  
12 intoxicated, correct?

13 A Yeah. That is something that we do are vigilant of and  
14 that's where our law enforcement experience -- prior to  
15 working as a detective we worked the road. So if we feel  
16 like someone is impaired, that action doesn't take place  
17 because that puts my detectives and -- that could be  
18 obviously an issue on many levels.

19 Q And you have training and experience in order to recognize  
20 somebody who, for example mis high on meth; is that correct?

21 A Yes. From my experience working patrol, working with DUIs  
22 and impaired people, that's something that we take from the  
23 patrol world to detectives that we really rely on when  
24 dealing with informants or when we deal with any subjects.

25 Q There was nothing, based on your training and experience,

1 with your interactions with CS3 that led you to believe that  
2 he was high on meth on any of those days?

3 MR. ILLA: Objection, leading.

4 THE COURT: Counsel, I'm going to sustain the  
5 objection as leading.

6 A It's -- sorry ma'am. Sorry.

7 Q Did you, at any time when you were working with CS3,  
8 observe him intoxicated?

9 A In my interactions with CS3, I never felt that CS3 was  
10 impaired in any way, any means or any way.

11 Q Turning now to -- counsel for Mr. Reyes Garcia was asking  
12 you about the meeting that you had with CS3 on November 24,  
13 2015. And you stated that you would need to refresh your  
14 recollection as to what CS3 had told you. Did you write a  
15 report of that debrief?

16 A Yes, I did write several or a couple of CS reports,  
17 debrief reports.

18 Q Talking now about November 24th, did you write a report  
19 then?

20 A I don't recall without looking at --

21 Q If you had, would it refresh your recollection to review  
22 it?

23 A Yes.

24 MS. VAUGHAN: Your Honor, may I approach the witness?

25 THE COURT: Yes.

1 Q Is that the report that you wrote on the debrief of CS3?

2 A Yes.

3 Q Now, Detective Rojas, do you often -- do you always do a  
4 debrief of sources when you first meet with them, find out  
5 what their information is?

6 A No.

7 Q Did you -- what I mean -- when you first meet them, you  
8 ask them what information they have to give you, correct?

9 A Yes, as to document my information -- their information  
10 for myself and for the future of the investigation.

11 Q Based on your training and experience, when you first meet  
12 with somebody, your first interaction with them, do they tell  
13 you everything or a more limited amount, typically?

14 A In my experience it's common that CS's are leery of  
15 working with law enforcement. So they don't give you the  
16 full aspect of their involvement or what they know.

17 Q Detective Rojas, if you could take a moment to review that  
18 report in order to refresh your recollection. Have you  
19 reviewed it?

20 A Yes, ma'am. I just did.

21 Q What did CS3 tell you about his knowledge of drug  
22 trafficking with respect to Mr. Contreras Ibarra and  
23 Mr. Reyes Garcia?

24 A They advised that -- CS3 advised that in the past year  
25 they've been recrystallizing at --

1 Q If you could speak more slowly and clearly.

2 A CS3 advised that Jorge Contreras was aware of what was  
3 going on. That CS3 said at the time that Jorge's son,  
4 Hector, was also involved with the recrystallization of  
5 methamphetamine at the East Selah Road residence. He said  
6 that Hector -- Jorge and Hector.

7 MR. HAMMERSTAD: Object to hearsay.

8 THE COURT: I'm sorry?

9 MR. HAMMERSTAD: Object to hearsay.

10 THE COURT: Overruled.

11 A CS3 said Jorge and Hector are large producers and sellers  
12 of methamphetamine in the area. The CS said they commonly  
13 have pounds of methamphetamine in the detached garage at the  
14 East Selah residence. The CI also advised it's common for  
15 Jorge and Hector to bury methamphetamine in the area near the  
16 horses. CS3 advised that Jorge and Hector also worked with  
17 another subject, he only knew as "Balta," from the Seattle  
18 area. The CI said Balta is a Mexican native that has ranches  
19 and horses somewhere in the Seattle area.

20 The CI said Balta commonly travels to California to  
21 arrange a large amount of methamphetamine to be sent to  
22 Washington. The CS had no information on Balta.

23 Q You testified earlier, in response to questions from  
24 counsel for Mr. Reyes Garcia, that CS3 had driven  
25 methamphetamine in Washington. What did CS3 say about who he

1 had driven with?

2 A I don't recall who exactly, but it was the -- he was  
3 involved with Hector and Jorge and Balta's organization.

4 Q You were asked questions about whether methamphetamine had  
5 been found in the backyard of the East Selah Road address.  
6 Now, what is the date of that report?

7 A This intel was for November 20th -- excuse me,  
8 November 24, 2015.

9 Q Were you present at the search of East Selah Road address?

10 A Yes, I was.

11 Q And did that -- when did that search take place?

12 A Several -- I'd have to look at the date, ma'am. I don't  
13 recall.

14 Q Was it at least a year after that information?

15 A Yes, it was over a year after that investigation or after  
16 this report.

17 MS. VAUGHAN: Nothing further, Your Honor.

18 RECROSS EXAMINATION

19 BY MS. SHAW:

20 Q Hello again, Detective Rojas.

21 A Ma'am.

22 Q With respect to the relationship, again, that you said you  
23 came to understand that CS3 is related by marriage to Hector  
24 Contreras Ibarra, correct?

25 A I don't recall the official relationship between CS3 and

1 your client.

2 Q But did you ever ask CS3 if he had been at a birthday  
3 party with Hector Contreras Ibarra?

4 A I don't recall.

5 Q And the photo that the government asked you about, that's  
6 of Hector Contreras Ibarra, is he seated at a table alone?

7 A If I can review it.

8 Q Certainly.

9 A Yes, Hector is sitting alone.

10 Q Is there a tablecloth that has flowers on it?

11 A I can only assume. It's in black and white. It's kind of  
12 blurry.

13 Q But he's seated at a table, correct?

14 A Yes, appears to be.

15 Q And there's a tablecloth with some pattern on it, correct?

16 A Yes, ma'am.

17 Q And does it look like he's holding a bottle of whiskey or  
18 bottle of Ameretto? I can't tell what it is.

19 A It's a bottle, ma'am. I don't know what it is of.

20 Q Could be alcohol, right?

21 A I could only assume, ma'am.

22 Q I know you've testified today that you recognize  
23 methamphetamine, right?

24 A Yes.

25 Q Is he holding methamphetamine in that photo?

1 A I don't see anything in his hands, ma'am.

2 Q Thank you.

3 With regard to Mr. Jorge Contreras Ibarra -- or I  
4 apologize, my client's father, Jorge -- he was not indicted  
5 in this case, was he?

6 A Not in this case.

7 Q Okay. And with respect to the information that you just  
8 covered with the government that CS3 gave you on November 24,  
9 2015, the CS told you that there's pounds of methamphetamine  
10 in the garage, right?

11 A That in the past there was.

12 Q Okay. But I thought your report says the CI said it was  
13 common to have pounds of meth in the detached garage on the  
14 property, correct?

15 A I did write that, yes.

16 Q So it doesn't say "in the past," does it?

17 A No. My intel report says "common."

18 Q And based on the fact that you did several controlled buys  
19 from that residence, you could have arrested Jorge that day  
20 and done a search of the garage and seized pounds and pounds  
21 of meth, right?

22 A It could have been done, but that wouldn't -- that would  
23 cut my investigation short. If I'm able to get a larger  
24 investigation, we tend not to do that.

25 Q So it's possible you lost that opportunity to seize all

1     that meth?

2     A    If it's common --

3     Q    That may have been there, right?

4     A    If it's common, we'd hope it would be back.

5     Q    The CS3 didn't take any photographs of all these pounds of  
6    meth in the garage, did he?

7     A    CS3 did not take any photographs of pounds of  
8    methamphetamine.

9     Q    And you gave him money for a phone, right?

10    A    Yes, we did.

11    Q    Okay. Detective, I'm a little confused on your drug -- or  
12    understanding of how drugs affect your body and your brain,  
13    because when I asked you on direct if meth can impair your  
14    judgment or make you delusional, you told the jury that you  
15    didn't get that information when you learned or went to your  
16    drug classes, correct?

17    A    For the LEAD task force or as law enforcement?

18    Q    Yes. Either?

19    A    Yeah, during my law enforcement career we do have classes  
20    on impaired subjects and the different drugs that affect you,  
21    alcohol, marijuana, methamphetamine, acid. So I do have the  
22    -- so those are the skills I used when I worked in patrol  
23    looking for impaired subjects driving and dealing with that  
24    subject, not --

25    Q    I apologize. Please go ahead.



1 A The official physiology, I wouldn't know the wording or  
2 the vocabulary to describe what happens when the drugs are  
3 ingested in the body.

4 Q Did you ever learn that meth can have short and  
5 long-term -- can cause short and long-term memory damage?

6 A That is a side effect of constant use of methamphetamine.

7 Q Thank you very much.

8 MR. HAMMERSTAD: No recross, Your Honor.

9 RECROSS EXAMINATION

10 BY MR. ILLA:

11 Q You told the prosecutor that you regularly use  
12 confidential sources?

13 A Yes, sir.

14 Q You use them because you don't go undercover yourself  
15 these days, right; that's too dangerous, isn't it?

16 A No. I have done undercover work as well.

17 Q That's not something you do currently, though, primarily  
18 you rely on the sources, don't you?

19 A No. At times I do play undercover roles on  
20 investigations.

21 Q Did you play any undercover role in this investigation?

22 A No, I did not.

23 Q With respect to Mr. Villa, the confidential source we've  
24 been talking about here, you told the prosecutor that  
25 sometimes confidential sources are working off a charge.

1 What does that mean?

2 A At times when confidential informants are charged with a  
3 crime, they request or they provide information in lieu of  
4 being charged that specific crime.

5 Q When you were dealing with Mr. Villa, was he working off a  
6 charge?

7 A Not at that time. He wasn't charged with anything.

8 Q When you said "Not at that time," were you aware of his  
9 prior history as an informant for other agencies?

10 A After doing a criminal history check, I did know he was --  
11 CS3 was arrested for possession of controlled substance.

12 Q Did Mr. Villa tell you that he used to be an informant for  
13 other law enforcement agencies?

14 A I don't recall him saying he was an informant for other  
15 agencies.

16 Q After you found out that, in fact, he had been an  
17 informant for other law enforcement agencies, did you ask him  
18 about that?

19 A I don't recall CS3 being an informant for another agency,  
20 sir.

21 Q Okay. As far as you know, he was never an informant  
22 before?

23 A From my recollection, I just know that CS3 was an  
24 informant for the LEAD task force. And he assisted also in  
25 this other investigation with the FBI and DEA, I believe.

1 Q When he assisted the FBI or DEA, that's when he was  
2 working off a charge?

3 A No. He was never charged with any crime that they  
4 assisted him, he never got in lieu of providing information  
5 for us.

6 Q How many different times do you think you met with CS3,  
7 Mr. Villa?

8 A In person?

9 Q Yeah.

10 A I couldn't recall.

11 Q Well, I can try to help. You had three controlled buys,  
12 right?

13 A Yes, there's three controlled buys.

14 Q And you met him for those for sure, right?

15 A Yes, those three controlled buys.

16 Q That was before, then during you watched him, then after  
17 you search him and talk to him, right?

18 A So, yeah, three different times, sir, or are you talking  
19 about individually? Like one event would be one controlled  
20 buy, second event --

21 Q I'm confusing myself here and I apologize.

22 A Okay, sir.

23 Q With the court's permission I'll dispense with that  
24 question and go this way.

25 You told the prosecutor that at no time you met with

1 Mr. Villa did he seem to be impaired?

2 A When I had personal contact with CS3, there were no signs  
3 of impairment.

4 Q And over the course of the four months that he was working  
5 with you, you met with him a handful of times in person?

6 A I don't recall the time -- I don't recall him being  
7 impaired any time I met with CS3.

8 Q My question is directed more toward the number of times.  
9 You met with him about a handful of times over the course of  
10 four months?

11 A I wouldn't be able to put a number on it. There might  
12 have been times for some information, or just to meet up.  
13 But I can't recall a handful, or what.

14 Q More than once a month?

15 A I don't recall.

16 Q And that's nothing you kept track of in reports or  
17 anything? We couldn't find a document to help you remember?

18 A No. That's not something we document, every time we meet  
19 with a source. We don't document every time we meet.

20 Q That's your decision?

21 A That's kind of standard operations within the task force.

22 Q I heard you talk about Mr. Villa telling you that  
23 methamphetamine was buried at this property. Do you recall  
24 that?

25 A Yes, on the intel report on November 24th, CS3 said at

1 times there will be buried methamphetamine to be hidden  
2 there.

3 Q And he gave you to understand that that methamphetamine  
4 was buried there now?

5 A No.

6 Q Did he tell you when it had been buried there?

7 A All I know is the past or it's common.

8 Q Did he tell you what parts of the property? Did he show  
9 you on a map where it was buried?

10 A CS3 said where the horses were.

11 Q Did you look at a map to figure out where that was?

12 A No, I did not.

13 Q We've seen aerial photographs at this trial already. Did  
14 you have any aerial reconnaissance done to see if you could  
15 find any places where soil had been dug up recently?  
16 Anything like that?

17 A Recently, sir, or when were you --

18 Q At any time.

19 A I'm familiar with the area, so I know there are horses in  
20 the area. So I don't recall looking for any specific buried  
21 spots.

22 Q Okay.

23 A During the investigation.

24 Q After this man, Mr. Villa, told you that methamphetamine  
25 was buried on the property at times in the past, did you

1 conclude that there might be methamphetamine buried there  
2 sometime in the future?

3 A We concluded that the East Selah Road is a place that's a  
4 source of methamphetamine.

5 Q As far as the burial of that methamphetamine, did you  
6 conduct any surveillance, after you got this information, to  
7 watch the property to see if somebody was out there with a  
8 shovel or backhoe digging stuff up?

9 A No. Surveillance was to check the residence. But nothing  
10 to specifically buried methamphetamine.

11 Q And as far as you know, there's nothing at all that  
12 supports that statement that Mr. Villa gave you about this  
13 buried treasure of methamphetamine, right?

14 THE COURT: Counsel, "buried treasure" is  
15 inappropriate.

16 MR. ILLA: I apologize to the court. I withdraw the  
17 question.

18 Q As far as the buried meth, is there any information you  
19 have, any evidence to corroborate Mr. Villa's story about the  
20 buried drugs?

21 A No further information was obtained, no.

22 Q The prosecutor asked you about your typical experience  
23 with informants, and one of the things she asked you about  
24 was whether in the first meeting informants were typically  
25 truthful, completely truthful. Do you recall that?

1 A Yes, I do.

2 Q It's true, isn't it, that informants typically will try to  
3 hide information or not reveal everything when they first  
4 come in?

5 A At times.

6 Q And the reasons they do that are as varied as the reasons  
7 people become informants in the first place?

8 A Every informant, every possible informant is different and  
9 their motivation is different, their ability to relax, to  
10 talk to law enforcement about illegal activity is different.  
11 You kind of just judge each informant or possible informant  
12 of their interaction with you just case-by-case.

13 Q In terms of this informant, Mr. Villa, did he tell you the  
14 complete truth the first time you met with him?

15 A I have no reason to question his truthfulness.

16 Q Did he ever tell you different information in later  
17 meetings?

18 A Through our conversations and that information he gave me  
19 I was able to verify what he told me.

20 Q Did he ever lie to you in the course of your dealings with  
21 him?

22 A CS3 -- I've never known CS3 to tell me a lie.

23 Q And the way you find out if an informant is telling you a  
24 lie is you verify it or try to corroborate what they say?

25 A We have different steps by corroborating different law

1 enforcement reports or asking different investigators of what  
2 they knew, information, things to that effect.

3 Q If you don't try to corroborate the information, you're  
4 relying on the informant's word alone, aren't you?

5 A Say that question again, sir.

6 Q If you don't try to corroborate, verify what the informant  
7 tells you, then you just are relying on the informant's word  
8 alone, aren't you?

9 A Yeah. But we verify -- we independently verify CI's  
10 information.

11 Q You're not talking about the buried meth, are you?

12 A No. Besides the investigation that other departments had  
13 done, I had no way of verifying that information.

14 Q How about the CS3, Mr. Villa, told you that Mr. Reyes  
15 Garcia owns a bunch of ranches and horses in the Seattle  
16 area. Did you corroborate that information?

17 A We, through the license plate, we knew there was a place  
18 where he lived at, but we couldn't corroborate -- I believe I  
19 did contact -- TFO Rogers provided me some information, but I  
20 can't recall if that was verified or not.

21 Q So as far as the ownership of ranches and the horses, no  
22 corroboration for that, is there?

23 A I remember speaking to TFO Rogers. It was a larger  
24 investigation that I wasn't -- I had the information, but  
25 there was more to Reyes Garcia's involvement that I didn't



1 have, I wasn't privy to.

2 Q And you're still not, right?

3 A No.

4 Q So that's why you're not telling us about any  
5 corroboration of the ranches or the horses, because you just  
6 don't know?

7 A I don't know. I independently don't know.

8 Q What we have on that is what the informant told you?

9 A Yes.

10 Q Mr. Villa's word?

11 A What he provided me, yes.

12 MR. ILLA: Thanks. I have nothing more.

13 THE COURT: Redirect?

14 MS. VAUGHAN: Not from the government, Your Honor.

15 THE COURT: All right. You may step down, sir.

16 Thank you.

17 THE WITNESS: The exhibits?

18 MS. VAUGHAN: May Agent Cheng approach to get the  
19 drug exhibits, please?

20 THE COURT: We try not to leave the drugs sitting  
21 out.

22 MS. VAUGHAN: Your Honor, the government calls  
23 Detective Fairchild.

24 THE COURT: Ladies and gentlemen of the jury,  
25 everyone doing okay?

1           A JUROR: The sound is a little off. It's gotten a  
2 little better. But I keep hearing some reverb.

3           THE COURT: The court has made the same observation,  
4 and I think we're trying to work with it.

5                       MITCHELL GUSTAVE FAIRCHILD

6           Having been sworn under oath, testified as follows:

7           THE CLERK: Please state your full name and spell it  
8 for the court reporter.

9           THE WITNESS: Mitchell Gustave Fairchild. Mitchell,  
10 M-I-T-C-H-E-L-L. Gustave, G-U-S-T-A-V-E. Fairchild,  
11 F-A-I-R-C-H-I-L-D.

12                       DIRECT EXAMINATION

13 BY MS. VAUGHAN:

14 Q Good afternoon, Detective Fairchild. Where are you  
15 currently employed?

16 A I'm a police officer for the City of Grandview.

17 Q And do you also work for a task force?

18 A I'm presently assigned as detective for the LEAD task  
19 force.

20 Q What does LEAD mean?

21 A Law Enforcement Against Drugs.

22 Q How long have you been with LEAD?

23 A About two and a half, almost three years.

24 Q And prior to your assignment -- well, just overall how  
25 long have you been a law enforcement officer?

1 A A little over 26 years.

2 Q During that 26-year period, and particularly in the last  
3 two-and-a-half years, do you have training and experience  
4 with respect to narcotics investigations?

5 A Yes, I do.

6 Q What kind of training and experience is that?

7 A I attended a DEA basic narcotics training. I have  
8 undercover training. I have clan lab training and  
9 processing. And then just ongoing training throughout the  
10 years relating to updates and trends in narcotics.

11 Q Does your training and experience include surveillance as  
12 well?

13 A Yes.

14 Q You said "clan lab." Is that the clandestine laboratory?

15 A Correct.

16 Q What does that mean?

17 A I was tasked with being trained in how to process and  
18 remove methamphetamine labs.

19 Q Is that because they're particularly dangerous?

20 A Yes.

21 Q I'm going to turn now to your role in this case. What was  
22 that?

23 A I was assigned as one of the surveillance officers.

24 Q And was that for the controlled buys in Yakima?

25 A Yes.

1 Q Okay. Now, turning to the first controlled buy on  
2 December 4, 2015, what was your role?

3 A I was assigned as surveillance out on East Selah Road.

4 Q I'm going to show you what's been marked as Government's  
5 Exhibit 34. Do you recognize that?

6 A Yes, I do.

7 Q What is that?

8 A That would be the residence that I was tasked with  
9 watching.

10 Q Now, on December 4, 2015, where were you stationed in  
11 relation to this picture?

12 A I believe I was on Ray Simmons Road, it's off -- a side  
13 street from East Selah Road.

14 Q What could you observe from your vantage point?

15 A The front of the residence.

16 Q And the driveway?

17 A Correct.

18 Q So a little -- so was the vegetation in the way?

19 A I believe that, and then there were some vehicles also  
20 parked in the yard.

21 Q All right. Why were you stationed at that particular  
22 location?

23 A That was where the person that we were supposed to be  
24 purchasing narcotics from resided. And that was where the  
25 transaction was going to occur.

1 Q What did you observe during your surveillance of that  
2 location?

3 A I observed a confidential informant arrive and meet with  
4 an elderly male.

5 Q When you say "arrive," how did he arrive? Was he walking?

6 A Pulled into the driveway with a vehicle.

7 Q Pulled into the driveway. What did you observe after  
8 that?

9 A They exited the vehicle and contacted the elderly male.  
10 And then they moved from my field of vision. I wasn't able  
11 to see them the entire time they were there, just part of it.

12 Q How long approximately was the CS at that location?

13 A It was about 15 minutes.

14 Q When you first saw the CS contact the older person in the  
15 driveway, was there anyone else around?

16 A No.

17 Q I think you testified they then moved out of your view; is  
18 that correct?

19 A Correct.

20 Q After 10 to 15 minutes, what did you then observe?

21 A The informant returned to their vehicle and left the  
22 residence.

23 Q Looking at the picture in front of you, was it the  
24 driveway where you observed CS3 and the older person?

25 A It would have been -- so you go up the driveway and then

1 to the left of the driveway, between the driveway and  
2 manufactured home.

3 Q What is the structure at the back there?

4 A It's a metal-sided shop.

5 Q Sort of detached garage thing?

6 A Correct.

7 Q Let's turn now to January 7, 2016. Was that the next  
8 controlled buy?

9 A Yes, it was.

10 Q Were you involved in surveillance on that date?

11 A Yes, I was.

12 Q Where were you stationed?

13 A I was on -- north of the residence off of East Selah Road.

14 Q What was the purpose of you being at the East Selah Road  
15 address?

16 A Prior to making contact with the target there, I was  
17 tasked with setting up to see if anybody came and went from  
18 the residence.

19 Q What did you observe on that day?

20 A I observed an Acura -- after the phone call was made, I  
21 observed an Acura leave the residence. Then we followed that  
22 vehicle.

23 Q When you say "After the phone call was made," what do you  
24 mean by that?

25 A Detective Rojas had the informant contact the target to

1 set up the controlled purchase.

2 Q And so after that took place what did you observe?

3 A I observed an Acura leave the residence and go into  
4 Yakima.

5 Q The residence being the 1580 Selah Road address?

6 A Yes, correct.

7 Q Did you follow the Acura?

8 A Yes, I did.

9 Q Did you follow it to the meet location?

10 A Yes, I did.

11 Q Did you observe the meet?

12 A No, I did not.

13 Q Why not?

14 A Other detectives were in the parking lot there and I drove  
15 past.

16 Q It was your role -- you had a different role than that; is  
17 that correct?

18 A Correct. Mine was to observe him come and go.

19 Q Did you observe the Acura leave the meet location?

20 A Yes.

21 Q What did you do?

22 A Followed it back to the residence.

23 Q Where is the residence?

24 A East Selah Road.

25 Q The address that's on the screen?

1 A 1580 East Selah Road, yes.

2 Q Turning now to the third controlled buy, January 14, 2016.  
3 Did you participate in the surveillance on that day?

4 A Yes, I did.

5 Q Where were you stationed?

6 A Approximately the same location, north of the residence on  
7 East Selah Road.

8 Q And why were you there?

9 A To observe the target leave the residence, and then to  
10 follow them to the meet location.

11 Q And what did you observe?

12 A I observed the Acura again leave the residence and go into  
13 Yakima.

14 Q Did you follow it?

15 A Yes, I did.

16 Q What did you then observe?

17 A Turned off as they turned in to the meet location. And  
18 then after the purchase was made, I followed the vehicle back  
19 to the residence.

20 Q What did you observe when the vehicle got back to the  
21 residence?

22 A I observed the target get out of the vehicle and go into  
23 the house.

24 Q Did you recognize the target?

25 A Yes.



1 Q And who did you recognize it to be?

2 A It would be Mr. Contreras.

3 Q Was that Jorge Contreras?

4 A Yes.

5 Q I'm going to show you what's been marked as Government's  
6 Exhibit 10. Is that who you observed it to be?

7 A Yes.

8 MS. VAUGHAN: Nothing further, Your Honor.

9 CROSS EXAMINATION

10 BY MS. SHAW:

11 Q Good afternoon. Do you prefer to go by Agent Clem or  
12 Detective -- I'm sorry, Fairchild.

13 A I'm Detective Fairchild.

14 Q I'm Michele Shaw. I represent Hector Contreras Ibarra.  
15 Did you see Hector Contreras Ibarra on December 4, 2015?

16 A No.

17 Q Did you see him on January 7, 2016?

18 A No.

19 Q Did you see him on January 14, 2016?

20 A No.

21 Q Were you involved -- and please correct me if I'm  
22 mistaken -- in a prior attempt to buy a half kilo or a kilo  
23 of cocaine from Hector working with an undercover?

24 A I don't recall that, no.

25 Q Do you recall working -- maybe if I can refresh your

1 recollection -- that you were working with Detective Gusby?

2 A He is one of the detectives I work with, yes.

3 Q And you don't recall trying to purchase cocaine from  
4 Hector Contreras Ibarra with a CS?

5 A I don't specifically recall Mr. Ibarra, no. I've worked a  
6 number of investigations similar to that fact pattern.

7 Q Okay. And when you try to purchase narcotics, or if an  
8 undercover comes to you and says, "I have information. I  
9 think I can get a kilo of cocaine from Hector Contreras  
10 Ibarra," how do you get connected into making a decision if  
11 you're going to follow through with that?

12 A That would be a supervisor's decision.

13 Q And what is your relationship, please, to Detective Gusby?

14 A He would be one of my co-agents.

15 Q What's your relationship to Detective Rojas?

16 A The same. We work on the same task force.

17 Q Okay. So I was just trying to get an understanding,  
18 because you told the jury -- the government, sorry, is that  
19 you are from Grandview?

20 A City of Grandview, yes.

21 Q I don't know the eastern part of the state as well as you  
22 do. Can you help me a little bit in terms of where is  
23 Grandview in relationship to Pasco or Royal City or that  
24 area?

25 A Those are three separate counties. So Pasco is in

1 Franklin County. I believe Royal City is either Franklin, or  
2 -- I'm not sure, I don't actually work up there very often.  
3 I work in Yakima County, which is -- the East Selah Road  
4 would be to the north end of that, about halfway to  
5 Ellensburg is the cutoff for Yakima County. Then down  
6 between Grandview and Prosser would be the other end of  
7 Yakima County. That's our primary responsibility.

8 Q Okay. When do you decide if you're going to write a  
9 police report or not, or incident report?

10 A When I'm the case agent I would be writing a report. Or  
11 if I was working in the undercover capacity, I'd be writing a  
12 report. Or if I had some information that would be like I  
13 interviewed somebody or something like that, that would be  
14 direct information.

15 Q Okay.

16 MS. SHAW: Your Honor, may I speak with the  
17 government for a second?

18 THE COURT: Yes.

19 MS. SHAW: Your Honor, I just need a moment, please.

20 Q Detective Fairchild, what did you review in this case to  
21 come here today?

22 A I reviewed the report that Detective Rojas prepared.

23 Q So you never authored any reports in this case?

24 A No, I did not.

25 Q And if you had participated in attempting to purchase a

1 kilo of cocaine from Hector Contreras Ibarra before you -- is  
2 it possible you did, you just don't remember?

3 A If it was my case, I would have written a report, if it  
4 was a successful purchase. But not necessarily if it was  
5 not. It sounds like what you're referring to was Detective  
6 Gusby's report. And he would have been the one that would  
7 make the decision whether a report was prepared or not.

8 MS. SHAW: Okay. Thank you so much. That's all I  
9 have.

10 MR. HAMMERSTAD: No questions, Your Honor.

11 CROSS EXAMINATION

12 BY MR. ILLA:

13 Q I'm Stephan Illa. I represent this man here, Mr. Reyes  
14 Garcia. You said that you went through DEA basic training.  
15 Tell the jury what that involves.

16 A It's a two-week course on basic narcotics investigations,  
17 warrant preparation, those types of things.

18 Q Where is that held?

19 A It's been several years ago, but mine was actually held, I  
20 believe, in Tacoma.

21 Q And these are organizations like yours that are affiliated  
22 with drug investigations who go for special training from  
23 DEA?

24 A Can you rephrase the question?

25 Q I should, I'm sorry. When you go to these two-week

1 sessions, these are for agents or investigators who work for  
2 non-DEA agencies?

3 A I believe so. I believe that's correct.

4 Q And so you had a lot of local law enforcement people at  
5 the training?

6 A From all over the state, yes.

7 Q And the people conducting the training were the DEA  
8 people?

9 A Correct.

10 Q When you had that DEA basic training, did you receive any  
11 training in the handling or control of informants?

12 A I believe so.

13 Q Do you remember specifically whether that was included?

14 A No, I do not.

15 Q Have you ever had any training in the handling and control  
16 of informants?

17 A Yes.

18 Q Tell the jury what training you've received with respect  
19 to that.

20 A So our specific protocols and how those are handled,  
21 that's a pretty broad question.

22 Q I'll make it more narrow.

23 You have procedures you follow when you are meeting an  
24 informant for the first time, don't you?

25 A Yes, we do.

1 Q One of those procedures is to talk to the informant and  
2 figure out who he is or she is?

3 A Correct.

4 Q You run the person for criminal history?

5 A Yes.

6 Q Is one of the most important things to do when assessing  
7 an informant's potential is to look at their motive for being  
8 an informant?

9 A I believe you need to consider that because it would  
10 influence how you ran an operation.

11 Q And as far as the motive for becoming an informant, you're  
12 familiar with a variety of reasons that people inform on  
13 people, right?

14 A Yes.

15 Q Some of those reasons include profit?

16 A Yes.

17 Q A Get Out of Jail Free card?

18 A Working off charges I guess would be one way.

19 Q I'm sorry, working off charges. Also revenge, perhaps?

20 A Yes.

21 Q And if someone is -- someone comes in wanting to be an  
22 informant, something else you want to look at is what they do  
23 for a living or what their history is, right?

24 A Correct.

25 Q And if they are in the drug-trafficking business

1 themselves, another possible motive might be that they want  
2 to get rid of some of their competition, right?

3 A That would be a possibility, yes.

4 Q Another possibility would be they want to get revenge on  
5 someone that they know or somebody related to them by  
6 marriage or birth, right?

7 A It's possible, yes.

8 Q And by pointing the finger at them they can basically have  
9 law enforcement attack the person they want to get back at?

10 A Was that a question?

11 Q There was a question mark at the end.

12 A I suppose that's possible.

13 Q In this case were you involved in the recruitment of the  
14 person they've called CS3, Mr. Villa?

15 A I don't think so, no.

16 Q Did you ever meet Mr. Villa?

17 A Yes.

18 Q When you met with him -- well, let me ask you this: How  
19 many times did you meet with him?

20 A Once for sure on a different case.

21 Q Did you use him as an informant?

22 A Detective Rojas did. He was not my informant.

23 Q Why did you meet with him?

24 A Because generally when you meet an informant you have at  
25 least two officers there.

1 Q Is that to protect the informant or to protect the  
2 officers?

3 A Both.

4 Q It protects the informant because why?

5 A Avoids any allegations of misconduct.

6 Q So that's protecting you and him?

7 A And also stops any kind of misconduct from occurring.

8 Q As far as misconduct, misconduct would include things like  
9 an informant telling you something that's not true, correct?

10 A Well, it's our job to verify what they tell us.

11 Q You don't just trust what comes out of their mouth?

12 A No.

13 Q Because if you did that, you can't rely on it if you can't  
14 verify it, right?

15 A Correct.

16 MR. ILLA: Thanks. I have nothing more.

17 MS. VAUGHAN: Nothing from the government, Your  
18 Honor.

19 THE COURT: All right. You may step down. Thank  
20 you, Detective.

21 THE COURT: Who is the next witness?

22 MS. VAUGHAN: That is Detective Clem.

23 THE COURT: Well, let's take a break for lunch.

24 Ladies and gentlemen, thank you for your patience. We'll see  
25 you all at 1:30. So you get 65 minutes to race through



1 lunch. And we'll see you back. And be back on our normal  
2 schedule.

3 (Jury exits the courtroom.)

4 THE COURT: We'll be in recess.

5 (Recess.)  
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1 AFTERNOON SESSION

2 THE COURT: Are we ready to bring the jury in?

3 MR. HAMMERSTAD: I have one -- just a point of  
4 clarification. I don't know if we'll get to it this  
5 afternoon or not, but if we get to the June 22nd incident, I  
6 filed a motion to exclude. The court denied it. But I just  
7 wanted to clarify, if it was on 404(b) grounds, then I would  
8 be asking for a limiting instruction.

9 THE COURT: I believe when I ruled on this in regards  
10 to the other person, I said the limiting instruction would be  
11 given. I don't know these events by the dates like you guys  
12 do. I tend to know them more by the players. Is this the  
13 Mount Vernon Camaro episode?

14 MR. HAMMERSTAD: The Lexus in Mount Vernon.

15 THE COURT: Yes. All right. Does the government  
16 wish to be heard on the presence of a limiting instruction?

17 MR. MASADA: Your Honor, the final jury instructions  
18 are going to include a limiting instruction, regardless. And  
19 it's not going to specify specific events. If defense  
20 counsel is requesting a limiting instruction at the time we  
21 hear about it, we obviously don't agree with it. We don't  
22 agree it's actually 404(b). It's actually part of that  
23 ongoing conspiracy. You'll hear Special Agent Gerrol and  
24 others testify about what happened that day. So perhaps the  
25 court could reserve ruling.

1 But just to give a summary, they were conducting  
2 surveillance. They followed a known GPS for a known member  
3 of the conspiracy. And they ran into Angel Serrano. And  
4 then they followed him and ultimately they saw a meet, there  
5 was a car stop and they seized drugs. So it seems like part  
6 and parcel of the conspiracy.

7 THE COURT: Are you going to get to it today?

8 MR. MASADA: Close. I mean, we'll see how we do.

9 THE COURT: Let me put it this way: Are you going to  
10 get to it with your next witness?

11 MR. MASADA: Not our next witness. But that witness  
12 will testify today.

13 THE COURT: All right. Then I'll tell you before the  
14 witness takes the stand. I have an extremely large pile of  
15 notes up here.

16 MR. HAMMERSTAD: Thank you.

17 MR. MASADA: Thank you, Your Honor.

18 THE COURT: Please bring the jury in.

19 (Jury enters the courtroom.)

20 THE COURT: The government will call its next  
21 witness.

22 MS. VAUGHAN: Government calls Sergeant Aaron Clem to  
23 the stand.

24

25

1 AARON CLEM

2 Having been sworn under oath, testified as follows:

3 THE CLERK: Please state your full name and spell it  
4 for the court reporter.

5 THE WITNESS: Aaron Clem. A-A-R-O-N, C-L-E-M.

6 THE COURT: You may inquire.

7 DIRECT EXAMINATION

8 BY MS. VAUGHAN:

9 Q Good afternoon, Sergeant Clem. Where are you currently  
10 employed?

11 A I work for the Kennewick Police Department.

12 Q How long have you worked for the Kennewick Police  
13 Department?

14 A About 21 years.

15 Q Are you also currently a task force officer?

16 A I am.

17 Q Who with?

18 A With the FBI.

19 Q What task force, other than the FBI; what is the name of  
20 that task force?

21 A It's the Eastern Washington Safe Streets Task Force.

22 Q Is that engaged in investigating drug-trafficking  
23 organizations?

24 A It is.

25 Q Now, you testified that you had been with the Kennewick

1 Police Department approximately twenty years. What kind of  
2 training and experience do you have with respect to that  
3 employment?

4 A Various police-type training, traffic investigations,  
5 whatnot. Criminal -- investigating criminal organizations,  
6 drug-related training from the DEA, concealed compartments,  
7 drug interdiction, various other seminars.

8 Q And does it also include tracking vehicles and searching  
9 vehicles?

10 A Yes.

11 Q What was your role in this particular case?

12 A I was tracking a phone.

13 Q And did you also engage in searching a vehicle?

14 A Also engaged in searching a vehicle, yes.

15 Q You testified you were tracking a phone. Let's turn our  
16 attention to that, just very briefly. How is a telephone  
17 tracked by law enforcement?

18 A Two different ways. One of them is a GPS, where it will  
19 pinpoint where the phone is, near precisely, depending on the  
20 service that it has. The other one is from the cell phone  
21 towers themselves, which gives you a less accurate location.

22 Q Okay. I'm going to draw your attention to Government's  
23 Exhibit 62A. And because that's kind of blurry, I am going  
24 to enlarge that. If you look to the left-hand side, there is  
25 a phone number in large print. Is that the phone number you

1     were tracking?

2     A    Yes.

3     Q    What number is that?

4     A    (509) 412-9166.

5     Q    And who is the client or the subscriber of that phone?

6     A    Alfredo Jurado.

7     Q    You just testified that there were two ways to track a  
8     phone.  When you were tracking this cell phone, how was it  
9     being tracked?

10    A    From the cell phone towers.

11    Q    Approximately when were you tracking this particular  
12    phone?

13    A    From about September 4, 2015 through the 18th, September  
14    18, 2015.

15    Q    And when we're talking about tracking, that's when you  
16    were actively monitoring its location, right?

17    A    Yes.

18    Q    Data was coming to law enforcement before then, right?

19    A    I started tracking it on the 4th.

20    Q    On the 4th of September.  So you were monitoring where it  
21    was going; is that correct?

22    A    Yes.

23    Q    Okay.  Where was the phone initially located when you were  
24    tracking it in the middle of September?

25    A    On September 4th?

1 Q September 11.

2 A September 11th. In Pasco, Washington.

3 Q Was it close to a particular known residence?

4 A It was. We believed it was close to the known residence  
5 of Alfredo Jurado.

6 Q Where did it go after that?

7 A After that, it left that evening and traveled southbound  
8 on to I-82 into Oregon. And then east on 84 down through  
9 Pendleton, Twin Falls, Idaho; down into Las Vegas, Nevada.

10 Q Where did it go after that?

11 A Chandler, Arizona.

12 Q How long did it stay in Arizona?

13 A Approximately two days.

14 Q Where did it go next?

15 A Then it returned back to Las Vegas for a period of time.  
16 Then back up the same route. It went down through Twin  
17 Falls, Pendleton and back up through Washington.

18 Q Were you actively tracking it during this timeframe?

19 A Yes.

20 Q Was the vehicle ultimately located on the freeway?

21 A It was located on the freeway as it entered Washington  
22 State from Oregon.

23 Q What freeway was it on?

24 A Interstate 82.

25 Q What did you do when you saw that it had entered the State

1 of Washington?

2 A So, Special Agent Pratt identified the vehicle as it  
3 entered Washington. He notified the rest of the surveillance  
4 team. It was followed until it entered the vicinity of  
5 Kennewick. Then Officer Merkl with the Kennewick Police  
6 Department and Officer Kuhn with the Kennewick Police  
7 Department stopped the vehicle.

8 Q I'm going to show you what's marked as Government's  
9 Exhibits 100, 101, and 102. Are those photographs related to  
10 the stop and search of the vehicle you were tracking?

11 A Yes.

12 MS. VAUGHAN: The government offers 100, 101 and 102.

13 MR. ILLA: No objection to those exhibits.

14 MS. SHAW: No objection.

15 MR. HAMMERSTAD: No objection.

16 THE COURT: 100, 101 and 102 are admitted. They may  
17 be published.

18 (Exhibits 100, 101 & 102 were admitted.)

19 Q I'm going to start first with Exhibit 101. What is that?

20 A That is the vehicle that Alfredo Jurado was driving.

21 Q What is that document?

22 A That is his driver's license.

23 Q And who is that?

24 A That's Alfredo Jurado.

25 Q Was the car ultimately seized?



1 A It was.

2 Q Where was it taken to?

3 A It was taken to the Kennewick Police Department.

4 Q Let's go through a few images of that search. I'll show  
5 you what's been marked as Government's Exhibit 106. That  
6 same vehicle, in the police department?

7 A Same vehicle.

8 Q I'm going to show you Government's Exhibit 114. Who is  
9 that document related to?

10 A Alfredo Jurado.

11 Q The phone number, the same number you were tracking?

12 A Same number, yes.

13 Q Same vehicle license plate?

14 A Yes.

15 Q Exhibit 115, what are those?

16 A Those are receipts for a fight in the Mirage.

17 Q Is that Las Vegas?

18 A Yes.

19 Q Looking at the date, does that match the tracking of the  
20 phone that you were doing?

21 A Yes.

22 Q And 116. What is the date of that document?

23 A September 14, 2015.

24 Q The name on that?

25 A Alfredo Jurado.

1 Q Does that also match the tracking of Alfredo Jurado's  
2 phone?

3 A Yes.

4 Q I'm going to show you Exhibit 109. Do you recognize that?

5 A That is the interior center console area of the vehicle.

6 Q And just to step back a bit. You were present at the  
7 search of this vehicle, correct?

8 A Yes.

9 Q And was this search the same night the vehicle was  
10 stopped?

11 A Yes.

12 Q And those phones were obtained from the vehicle?

13 A Yes.

14 Q And was one of those phones, the phones that you were  
15 tracking?

16 A Yes.

17 Q I'm going to show you what's been marked as Government's  
18 Exhibit 122. What are those?

19 A Those are three individual Saran-wrapped packages, later  
20 found to contain methamphetamine.

21 Q Where were they concealed?

22 A They were concealed in the back seat, under the cushion,  
23 in a hidden compartment built into the back seat of the  
24 vehicle.

25 Q Did you investigate how that compartment worked?

1 A Yes.

2 Q Did you take a video of that investigation?

3 A I did.

4 Q And have you reviewed that video in its entirety before  
5 you came to court today?

6 A Yes.

7 Q Was that Exhibit 126?

8 A Yes.

9 MS. VAUGHAN: The government offers Exhibit 126.

10 MR. ILLA: No objection, Your Honor.

11 MS. SHAW: No objection, Your Honor.

12 MR. HAMMERSTAD: No objection.

13 THE COURT: Exhibit 126 is admitted. It may be  
14 published.

15 (Exhibit 126 was admitted.)

16 MS. VAUGHAN: This is a quick video.

17 (Video played.)

18 Q If you could describe for the jury what that video is  
19 depicting.

20 A So that video is depicting how you would open the seat, or  
21 the hidden compartment if you knew where it was, or how to  
22 access it. Right there in the front, toward the front of the  
23 seat are two trunk latches. There's some wires that go down  
24 to -- from each trunk latch that go down to a screw that is  
25 screwed down and accessed from the bottom of the seat. And

1     what you saw there was the mechanic placing an electrode or  
2     an electrical current to that screw, which activated the  
3     trunk latches and opened up the latches so you could access  
4     the compartment.

5     Q   Was this specially built into the back seat of the Jeep  
6     Liberty?

7     A   Yes.

8     Q   Not something you'd purchase from Jeep?

9     A   No.

10    Q   In this compartment, is that where the drugs were found?

11    A   Yes.

12    Q   You were present when the drugs were found, correct?

13    A   Yes.

14    Q   Were those drugs packaged that evening and put in evidence  
15    bags?

16    A   They were put into evidence as they sat there. We  
17    packaged them into evidence bags later.

18    Q   Were you present when those were packaged into evidence  
19    bags?

20    A   Yes. Yes.

21    Q   Where did those narcotics ultimately go?

22    A   They would have gone to the DEA lab.

23    Q   Were you there, present, preparing those drugs for  
24    shipment to the DEA?

25    A   Yes.

1 Q I'm going to ask you to turn --

2 MS. VAUGHAN: Your Honor, may Special Agent Cheng  
3 approach the witness with the exhibits?

4 THE COURT: Yes.

5 Q Sergeant Clem, I'm going to ask you to look in that box,  
6 but not withdraw anything. And the exhibits are marked 125B.  
7 If you could just identify them. Do you recognize those?

8 A Yes.

9 Q How do you recognize them?

10 A So these are six individual evidence packages of a  
11 crystalline substance that we -- myself, TFO Stanley and  
12 Special Agent Pratt packaged for shipment to the DEA.

13 MS. VAUGHAN: The government offers 125B.

14 MR. ILLA: No objection.

15 MS. SHAW: No objection.

16 THE COURT: 125B is admitted.

17 (Exhibit 125B was admitted.)

18 Q Sergeant Clem, if you could now, now that they have been  
19 admitted, pull each one of those bags out of the box and show  
20 them to the jury? And what do you recognize that package to  
21 contain?

22 A So this is our drug -- our EVIDENCE No. 1B4. It contains  
23 some packaging and a crystalline substance. And then another  
24 powdery substance.

25 Q And what is the consistency of the larger package?

1 A It's a crystal substance.

2 Q Thank you. If you could pull the other five out to show  
3 the jury, please.

4 A This is identified as 1B16. Again, crystalline substance  
5 and a white powder substance. This is identified as 1B11.  
6 Again, a crystalline substance and a white powder substance.  
7 This is 1B9, crystalline substance and a white powder  
8 substance. This is 1B6, crystalline substance and a white  
9 powder substance. And 1B14. Again, a crystalline substance  
10 and powder substance.

11 Q Just drawing your attention to Exhibit 122. There were  
12 three packages there. Why are there six packages now?

13 A When we unwrapped the packages there was a larger  
14 Ziploc-style bag, and inside that were two additional smaller  
15 Ziploc-style bags in each one of those. So there was six  
16 individual packages total.

17 Q Okay.

18 MS. VAUGHAN: Nothing further.

19 CROSS EXAMINATION

20 BY MS. SHAW:

21 Q Good afternoon, Sergeant Clem.

22 A Good afternoon.

23 Q I'm Michele Shaw. I represent Hector Contreras Ibarra.  
24 And outside of your role with the meth that you've described  
25 for the jury today, and your participation back in 2015,

1 didn't you also participate in surveillance of my client's  
2 residence in Pasco?

3 A Yes.

4 Q And why were you asked to conduct surveillance of his  
5 house, I think it was October of 2016?

6 A I believe we were trying to locate him.

7 Q Okay. And do you recall what you observed those days?

8 A We observed cars leaving. I think that particular day we  
9 observed a car leaving. I don't think we ever saw him.

10 Q Did you observe --

11 THE COURT: Counsel, hold on a second. Can you tilt  
12 that microphone up a little bit? Thank you, counsel.

13 Q Do you recall the time and day you were there?

14 A I think it was morning time.

15 Q And so do you recall observing a female driver of a black  
16 Chrysler 300 taking a child to an elementary school?

17 A Yes.

18 Q And then do you recall the female coming back and going --  
19 taking another child to a different school?

20 A Yes.

21 Q You didn't observe any illegal activity when you were  
22 there that day?

23 A No.

24 Q And were you also present at the search of the Selah Road  
25 residence in November?

1 A Selah Road?

2 Q Selah, yes. Sorry. Thank you for correcting me.

3 A Yes.

4 Q What was your role?

5 A I was interviewing people inside the house.

6 Q Do you remember who you interviewed?

7 A A Jorge junior, I believe. Annabelle -- no, not  
8 Annabelle. I forget their names.

9 Q Members of --

10 A Members of Hector's --

11 Q Jorge Contreras's family?

12 A Yes.

13 Q Do you remember showing them photographs?

14 A Yes.

15 MS. SHAW: Your Honor, that's all I have. Thank you  
16 very much.

17 MR. HAMMERSTAD: No questions.

18 CROSS EXAMINATION

19 BY MR. ILLA:

20 Q How long have you been with Kennewick Police Department  
21 did you say?

22 A About 21 years.

23 Q So 21 years. Over the course of the 21 years you've  
24 received a lot of training in different aspects of police  
25 work?



1 A Yes.

2 Q Some of that training includes drug training,  
3 specifically?

4 A Yes.

5 Q Part of that drug training includes preservation of  
6 evidence?

7 A Yes.

8 Q And how to collect it properly?

9 A Sure. Yep.

10 Q Have you ever taken the DEA short course, the two-week  
11 course that they offer for local law enforcement?

12 A Several years ago, yes.

13 Q During that course did you receive any training regarding  
14 collecting evidence to preserve trace elements?

15 A I can't say specifically.

16 Q In the course of all your work in the police department,  
17 one of the things you were taught to do is to collect  
18 evidence?

19 A Yes.

20 Q And to preserve it for later analysis if that's  
21 appropriate?

22 A Yes.

23 Q In this particular case were you the one responsible for  
24 deciding what evidence to collect and how to preserve it, or  
25 was that someone else's decision?

1 A I couldn't tell you whose decision it was or whose  
2 responsibility it was. We were working as a team.

3 Q But you're not saying it's your job. You weren't in  
4 charge of that part of it, were you?

5 A No, not that I recall.

6 Q So who was it that directed you to collect the evidence?

7 A Are you talking from the car or when we packaged it?

8 Q Well, let's start out with the car. Did you collect the  
9 drug evidence from the car, or is that someone else who did  
10 that?

11 A I believe it was somebody else that did that.

12 Q You say you "believe," is there some question in your  
13 mind?

14 A Well, we were all there, so...

15 Q Who removed the packages from the trap compartment?

16 A Maybe Detective Salter, I don't recall. Like I said,  
17 there were several of us there.

18 Q When you folks opened up this trap compartment you saw  
19 three packages wrapped in plastic?

20 A Yes.

21 Q Those three packages are depicted in Exhibit 122.

22 MR. ILLA: Could I ask the government, Your Honor,  
23 please to put that up on the screen for us? It's a  
24 photograph which has been admitted. And I believe it is  
25 published to the jury.

1 MS. VAUGHAN: Um-hum, yes.

2 Q Do you see on your screen there, those are the three  
3 packages after they've been taken out of the trap, right?

4 A Yes.

5 Q At this point, then, what was the next step in dealing  
6 with this evidence as far as you were concerned?

7 A So we took them to the evidence room and we weighed each  
8 one and numbered them 1, 2 and 3. And then we placed them in  
9 bags and put them into secure evidence at the police  
10 department, so we could retrieve them later and proceed with  
11 the repackaging for the DEA, and taking the packaging off.

12 Q Before you took the evidence into your possession and put  
13 in bags, did you take any steps to try to preserve any  
14 fingerprint evidence that might be on these packages?

15 A I was just wearing gloves.

16 Q In terms of preserving fingerprint evidence, do you have  
17 any training in the use of a Super Glue to try to preserve or  
18 fix latent prints?

19 A I have received training in that, yes.

20 Q Is that something you've ever participated in yourself  
21 after receiving the training?

22 A No, just at training.

23 Q In the course of your work, have you ever used that  
24 technique to try to preserve latent prints on evidence?

25 A Just during the training.

1 Q After -- I'm sorry, pardon me.

2 Did you take any other steps to preserve trace evidence  
3 on those packages when you took them into custody?

4 A We tried to remove the Saran wrap delicately so that we  
5 could package it relatively loosely to try and not disturb  
6 any fingerprints when we sent it off for prints. So as  
7 opposed to crumpling it up together, you know, and trying to  
8 -- maybe possibly destroy fingerprints -- we tried to package  
9 it loosely.

10 Q So although you didn't use a Super Glue method, you were  
11 careful to try to not crinkle it up?

12 A Yes.

13 Q Did you remove the packages before you took it to the  
14 station? Or am I confused? Am I thinking that we're in a  
15 different stage now, the re-packaging; we're not talking  
16 about that are we?

17 A When we removed the cellophane?

18 Q Yes, sir.

19 A Yes. We removed it when we were re-packaging it, yes.

20 Q I apologize. I wanted to stick with the initial intake --

21 A Yes.

22 Q -- to start with. Did you take any steps to try to  
23 collect anything like trace evidence, like DNA off of the  
24 packages?

25 A No.

1 Q Is that a technique that you're familiar with?

2 A Yes.

3 Q Have you been trained to collect DNA evidence?

4 A No.

5 Q Are other people in your department doing that?

6 A Not that I'm aware of, no.

7 Q So you've received training, but that's not something you  
8 do?

9 A Not training on how to collect it, just training that  
10 people do collect DNA. It is possible to collect DNA.

11 Q Tell the jury, what steps do you have to take as the  
12 officer responsible for collecting evidence, in order to  
13 preserve the possibility of DNA analysis later?

14 A The only steps that I know of is to use gloves so that you  
15 don't contaminate it.

16 Q Okay. How about hairs or fibers. Did you take any steps  
17 to try to collect that kind of evidence from these packages?

18 A No.

19 Q Is that something you're trained in?

20 A Yes.

21 Q Have you collected hair and fiber evidence before?

22 A Not that I can specifically recall.

23 Q Let's move now to the re-packaging stage. When you got  
24 these things back to the police evidence room, who was  
25 responsible for the re-packaging process?

1 A So it was myself, TFO Doug Stanley, and Special Agent  
2 Michael Pratt.

3 Q Who was in charge among the three of you?

4 A I suppose technically I was.

5 Q Are you the one who decided to repackage these into the  
6 form we see now in front of you, those exhibits?

7 A That is our standard procedure. That is just how we do  
8 it, yes.

9 Q When you undid the packaging, you told us there was an  
10 outer layer of -- did you call it Saran wrap?

11 A Yes. Cellophane. Saran wrap. Yeah.

12 Q And underneath that we see an Exhibit 122, the yellow.  
13 What's the yellow?

14 A We believe it was mustard. We didn't test it, but it  
15 looked like mustard, smelled like mustard.

16 Q You didn't --

17 A We didn't taste it.

18 Q As far as the mustard itself, I don't want to get into too  
19 many details, but it looks to be a yellow mustard rather than  
20 a Grey Poupon kind of thing?

21 A Yes.

22 Q Do you know of any evidence that was collected with --  
23 maybe at residences, or connected with the defendants,  
24 involving mustard, any mustard in the house, mustard bottles,  
25 that kind of thing?

1 A Not that I know of.

2 Q Spots on the shirt?

3 A Not that I know of, no.

4 Q After you unwrapped the packages, was there internal  
5 packaging as well?

6 A Yes.

7 Q What did you do with that internal packaging?

8 A I would assume. I don't recall specifically, but I would  
9 assume we packaged it as well for fingerprints, fingerprint  
10 analysis.

11 Q Were there any other levels of packaging that you dealt  
12 with?

13 A There was the large Ziploc-style bag, and then there was  
14 two additional Ziploc-style bags inside that.

15 Q Are we talking multiple layers of plastic, not separate  
16 bags containing stuff?

17 A Separate bags containing these items wrapped in plastic.

18 Q Okay. Did you write any reports as a result of your  
19 re-packaging of these items?

20 A We wrote one report that we all signed off on, yes.

21 Q Tell the jury how that works. How do you all write one  
22 report?

23 A So the way we do it is everybody that is involved in that  
24 particular part of the investigation, one of those people  
25 will write the report, the rest of us will review it for

1 accuracy and then sign our name to that report as well.

2 Q Is that how you did it here?

3 A Yes.

4 Q Who wrote the initial report on this, was that you or  
5 someone else?

6 A That was TFO Stanley.

7 Q And you reviewed it and approved it?

8 A Yes.

9 MR. ILLA: Thanks. I have nothing more.

10 MS. VAUGHAN: Nothing from the government, Your  
11 Honor.

12 THE COURT: You may step down.

13 MS. VAUGHAN: If you could place those back in the  
14 box.

15 MR. MASADA: United States calls Lance Warbus.

16 THE COURT: Mr. Masada, before we get to the topic we  
17 were talking about before -- the witness. The 404(b)  
18 discussion that we had just before the jury came in.

19 MR. MASADA: This is not the witness.

20 THE COURT: I'll ask you to alert me before that  
21 witness testifies.

22 MR. MASADA: Yes, Your Honor.

23

24

25



1 LANCE T. WARBUS

2 Having been sworn under oath, testified as follows:

3 THE CLERK: Please take the stand. Please state your  
4 full name and spell it for the court reporter.

5 THE WITNESS: Lance T. Warbus. L-A-N-C-E,  
6 W-A-R-B-U-S.

7 THE COURT: You may sit down, sir.

8 DIRECT EXAMINATION

9 BY MR. MASADA:

10 Q Good afternoon, Mr. Warbus. Can you please tell us where  
11 you work?

12 A Tulalip Resort Casino.

13 Q Where is Tulalip Resort Casino?

14 A North of Seattle, about 45 minutes.

15 Q Which city?

16 A Next to Marysville.

17 Q Is it on the Tulalip Reservation?

18 A It is.

19 Q Is that, for clarity, is that the casino right off of I-5  
20 with the Orca whale?

21 A It is.

22 Q It is. What's your role at the Tulalip Resort Casino?

23 A I'm a senior casino host.

24 Q How long have you worked at the Tulalip Resort Casino?

25 A I've worked there 15 years.

1 Q How long have you been a host?

2 A I've been a host for six.

3 Q I'm sorry, for how long?

4 A For six years.

5 Q What does it mean to be a host?

6 A I take care of the high-end players of the casino. One  
7 percent of the players.

8 Q I'm sorry, the top 1 percent?

9 A The top 1 percent.

10 Q What does it mean, a high-end player?

11 A A high-end player loses, theoretically, or actually over  
12 \$15,000 in a six-month timeframe.

13 Q Is a high-end player the equivalent of a VIP?

14 A It is.

15 Q Does the Tulalip Resort Casino maintain records about the  
16 players that play in their casino?

17 A We do.

18 Q How so?

19 A It is done through the reward system. They go to the  
20 player track, or My Tulalip Rewards. They get a player's  
21 card. And that is how we track their play.

22 Q So an individual, a customer or a guest, would have to  
23 register for a player's card?

24 A Yes, they do.

25 Q How do player's cards -- how do they operate?

1 A A player's card is operated by when they stick it in the  
2 machine and put currency in the machine, it tracks their  
3 play, bet, paid out, a whole variety of history.

4 Q So let's just use an example. How would a guest, a casino  
5 guest, use a player's card on, for example, a slot machine?

6 A A slot machine? They would put the player's card in, put  
7 the money in the machine. And that would be tracked on their  
8 player's card.

9 Q Is the data gathered from the player's card, is that what  
10 you use to determine VIP status?

11 A We do.

12 Q Did you review records from the Tulalip Resort Casino in  
13 relation to an individual by the name of Baltazar Reyes  
14 Garcia?

15 A Yes, I did.

16 Q Does that individual have a Tulalip Resort player's card?

17 A He does.

18 Q How many casinos are on the Tulalip Reservation?

19 A We have two.

20 Q Which one do you work at?

21 A I work at Tulalip Casino.

22 Q So the records you use relate to one or both casinos?

23 A Just the one.

24 Q The large one off the freeway?

25 A Correct.

1 Q I'm showing you what's been admitted as Government's  
2 Exhibit 70. Are these the records you reviewed?

3 A They are.

4 Q As part of your responsibility, are you also responsible  
5 for reporting for certain guests, financial reporting for  
6 certain guests?

7 A Yes.

8 Q Back in 2016 and in 2015 when registering for a player's  
9 card, what information was required by the casino resort?

10 A To get a player's card?

11 Q To get a player's card.

12 A It takes a driver's license to get a player's card.

13 Q Any driver license, or --

14 A It has to be the actual guest's valid driver's license.

15 Q Now, if we turn to the final page of this exhibit, is this  
16 the identification, the Washington driver's license that was  
17 provided for the records for Baltazar Reyes Garcia?

18 A It was.

19 Q All right. Now, did Mr. Reyes Garcia maintain any special  
20 status at the Tulalip Casino?

21 A He made a hosted status.

22 Q So he made the VIP status?

23 A He did.

24 Q The top 1 percent?

25 During what period of time did Mr. Reyes Garcia

1 maintain hosted status at your casino?

2 A From January 2016 to July of 2016.

3 Q So let's look at some of these records. Let's go to the  
4 second page. What does the second page show?

5 A This is showing the monthly play history.

6 Q So the total play per month?

7 A Correct.

8 Q If we can, let's walk through some of these categories so  
9 the jury understands what they're looking at. The first  
10 category, if we're going down the left-hand column, cash  
11 buy-in. What does that mean?

12 A Cash buy-in is actual currency put into a machine.

13 Q When you say "actual currency," what do you mean?

14 A \$1, \$5, \$20, \$100 bills.

15 Q Cash?

16 A Cash.

17 Q So by way of example, turning to March 2016, how much  
18 actual cash did Mr. Reyes Garcia insert into a machine?

19 A \$29,571.

20 Q That's the amount while using his player's card?

21 A Correct.

22 Q If he was not using his player's card, that amount would  
23 not be attributed to his player account?

24 A It would not.

25 Q Now, based on these records, what type of gaming did

1 Mr. Reyes Garcia do?

2 A He played slot machines.

3 Q No table games?

4 A No tables.

5 Q Now, if you could, could you just explain for the jury how  
6 a player's card works in relationship to a slot machine?

7 A When you insert the player's card into the slot machine,  
8 it shows you how your gaming history is recorded. You put  
9 money in the machine, you play. We do cash-back points. So  
10 for every dollar you spent at Tulalip, you get 1 percent cash  
11 back. That's how we monitored the gaming history.

12 Q And just for -- slot machines have sort of changed over  
13 time?

14 A Correct.

15 Q How does a player, if they want to cash out of a slot  
16 machine, how does that work?

17 A When you put the money in, you want to cash out a machine,  
18 you would use the cash-out button and receive a player's  
19 ticket.

20 Q What can you do with that ticket?

21 A The ticket can be used at any of the other slot machines  
22 or cashed out at a TX machine or the cage.

23 Q Let's say a player puts that ticket into a different slot  
24 machine, let's just say he or she wants to move and play on a  
25 different machine. Does that affect at all the cash buy-in

1 amount depicted on Exhibit 70?

2 A It does not.

3 Q So, again, cash buy-in is pure cash, straight cash?

4 A Correct.

5 Q Okay. Again, turning your attention to Exhibit 70,  
6 page 2. There's a category or row called "total bet." What  
7 does that amount mean?

8 A Total bet is how many times the person played the machine  
9 and what was put into that machine or those specific  
10 machines.

11 Q Would that be the total amount of betting during that  
12 period?

13 A During the whole month, yes.

14 Q And the category "paid out," I believe it's highlighted in  
15 red?

16 A Yes. That is what the machine paid out to that guest  
17 while playing those machines.

18 Q And what is the category, I think it's two rows down,  
19 casino win. What does that category mean?

20 A That's what he actually lost during that month of play.

21 Q If it's in parentheses, that would mean that the player  
22 won?

23 A It does.

24 Q So if we could return to the next page. Did you notice,  
25 in reviewing these records, any change in the playing

1 activity for Baltazar Reyes Garcia in relationship to his  
2 player's card?

3 A That after July 2016 he did not play.

4 Q At all?

5 A At all.

6 Q All right.

7 A No card had played.

8 Q Now, let's turn, if you will, to the first page of  
9 Exhibit 70. What is the first page of Exhibit 70?

10 A This is his yearly play for 2015 and 2016.

11 Q Again, are the columns down the left-hand side the same in  
12 all these notes?

13 A Yes.

14 Q So for the calendar year 2016, how much actual cash did  
15 Baltazar Reyes Garcia put through slot machines at the  
16 Tulalip Resort while using his player's card?

17 A In 2016? \$120,997.

18 Q How much did he win or lose?

19 A He lost 35,682.71.

20 Q And you previously testified that Mr. Baltazar Reyes  
21 Garcia had no gaming activity after July 2016, correct?

22 A That is correct.

23 Q So those figures would be for the period -- what period in  
24 2016?

25 A From January to July.



1 MR. MASADA: Nothing further, Your Honor.

2 MS. SHAW: I'll pass the witness.

3 MR. HAMMERSTAD: No questions.

4 CROSS EXAMINATION

5 BY MR. ILLA:

6 Q My name is Stephan Illa. I represent Mr. Baltazar Reyes  
7 Garcia. Have you ever met him before?

8 A I don't recall.

9 Q Did you ever operate as a host for him when he was at the  
10 casino?

11 A I did not. It was a different host.

12 Q Who was the host who worked for him?

13 A It was Jenny Phillips.

14 Q Does she still work at your casino?

15 A She no longer works there.

16 Q Do you know where she is?

17 A No. She decided to take a different career path.

18 Q Have you talked to her since she left?

19 A I have not.

20 Q Do you know if she is available to testify at trial?

21 A I do not have any contact information on her.

22 Q When you went through your records, other than financial  
23 records, your casino also maintains records of currency  
24 transactions, doesn't it?

25 A What type of currency transactions?

1 Q Well, aren't there some currency transactions that you are  
2 required by law to report?

3 A Yes, there are.

4 Q Tell the jury what kind of transactions, in currency, that  
5 you as a casino person have to report?

6 A For all transactions at the casino, anything over \$3,000  
7 actual cash buy-in to a cage, to table games, or any of the  
8 venues. And anything over \$10,000 is reported to the IRS.

9 Q How many currency transaction reports like those did your  
10 casino make with respect to Mr. Reyes Garcia?

11 A I don't have any records on those.

12 Q Is it your casino's policy to report those transactions  
13 whenever you find them?

14 A Yes, it is.

15 Q And you don't have any evidence of currency transactions  
16 of that size for this gentleman, do you?

17 A I do not have any of those.

18 Q You told us that he was playing slot machines; is that  
19 right?

20 A Correct.

21 Q I'm taking a look at Exhibit 70.

22 MR. ILLA: Could I get the first page up again, Your  
23 Honor, please? Thank you.

24 Q The first bright green line, three from the top, "average  
25 bet per play." What does that keep track of?

1 A That is what he bets. That is the slot machine bet that  
2 he averaged through all of his play history during 2016.

3 Q And how long does it take for a bet that size to either  
4 pay off, or I was going to say -- or lose, I guess is the  
5 other.

6 A It's a win or loss, depending on the slot machines. You  
7 can win or you can lose. There is no guarantees one way or  
8 another.

9 Q I obviously didn't ask that very well. Let me try again.  
10 When you bet on a slot machine, is it like pressing a button  
11 and then it happens?

12 A Yes.

13 Q And so it's a matter of seconds?

14 A It is a matter of seconds.

15 Q If your average bet is four bucks or so, does it take you  
16 quite a while to run up \$100,000, let's say?

17 A His total bets was \$535,888.45. He played 133,832 spins  
18 on those slots. That's how he got his average play.

19 Q I take it you didn't review any casino videotapes?

20 A No, I did not.

21 Q You guys have those, don't you?

22 A They do.

23 Q If we were to look at those tapes, based on this record,  
24 what we would expect to see is Mr. Reyes Garcia at your  
25 casino in front of a slot machine, pressing the button over

1 and over and over?

2 A If they have been kept or recorded, they would be on those  
3 machines. They are roaming cameras, so not always focusing  
4 on one machine or another.

5 Q He would have been there for hours at a time?

6 A Yes.

7 Q Most of the day?

8 A Depending on the days, yes.

9 Q I don't want you to give away any casino secrets, but slot  
10 machines in terms of the odds of paying off, if you're  
11 somebody who is good at math, is that the game you're going  
12 to play? Or are you going to go for something else?

13 A The slot machines are regulated by the state. There is a  
14 percentage of payouts. But there is no guaranteed win.

15 Q If you're my host at the casino and I say to you: What's  
16 got better odds, blackjack or the video poker?

17 A Blackjack is going to have better odds, because you'll be  
18 able to regulate it better.

19 Q And more interaction?

20 A Correct.

21 MR. ILLA: Thanks. I have nothing more.

22 REDIRECT EXAMINATION

23 BY MR. MASADA:

24 Q Mr. Warbus, just a couple questions. At the Tulalip  
25 Resort Casino, are individuals allowed to use other people's

1 player's cards?

2 A No, they're not.

3 Q Are they provided specific instructions what the rules are  
4 with player's cards?

5 A Yes. The guests are let know they can only use their  
6 player's card.

7 Q Does Tulalip Resort Casino actually monitor the activity  
8 and use of player's cards to make sure that players are  
9 actually using their own cards?

10 A We do have a My Tulalip representative that does go around  
11 and try to make sure people are using their cards. But  
12 there's no guarantee of 100 percent.

13 MR. MASADA: Thank you, Your Honor. I have no  
14 further questions.

15 RECROSS EXAMINATION

16 BY MR. ILLA:

17 Q When you say there's no guarantee of 100 percent, are you  
18 suggesting that somebody other than Mr. Reyes Garcia could  
19 use a card to generate some of these numbers?

20 A People go out and play. Sometimes they forget the card is  
21 in the machine, they leave it. They get a new player's card.  
22 Somebody might sit down and play on that machine.

23 Q A player could give his card to somebody else for them to  
24 use?

25 A It is tracked, if they have more than one card in play,

1 they do end up being deactivated.

2 Q If you have one card, you can hand it to somebody else and  
3 they can use it?

4 A We try not to let people do that. It can happen, but  
5 usually we will catch it, eventually.

6 MR. ILLA: Okay. Thanks. I have nothing more.

7 MR. MASADA: Nothing further, Your Honor.

8 THE COURT: Thank you, sir.

9 THE WITNESS: Thank you.

10 MR. MASADA: Your Honor, the government calls Special  
11 Agent Benjamin Gerrol.

12 BENJAMIN GERROL

13 Having been sworn under oath, testified as follows:

14 THE CLERK: Please take the stand.

15 Please state your full name and spell it for the court  
16 reporter.

17 THE WITNESS: My name is Benjamin Gerrol,  
18 B-E-N-J-A-M-I-N. Last name is G-E-R-R-O-L.

19 DIRECT EXAMINATION

20 BY MR. MASADA:

21 Q Good afternoon, Special Agent Gerrol. Where are you  
22 employed?

23 A I'm employed with the DEA in Charleston, West Virginia.

24 Q What is your current title?

25 A Special Agent.

1 investigation, identify potential suppliers and identify  
2 additional associates and even drug redistributors. And that  
3 was the first phase.

4 The second phase of the investigation really begins when  
5 we were able to introduce an undercover agent, posing as  
6 CS1's cousin, to Eric Marquez. So this offered a new avenue  
7 of information for us. The undercover agent was posing as a  
8 drug transporter that had access to smuggling drugs  
9 potentially into Canada. So this offered a whole new avenue  
10 of communications with Marquez. And ultimately we elected to  
11 pursue a wiretap on Eric Marquez's phones. And that would be  
12 the third phase of the covert part of this investigation.

13 Q And following the covert portion of the investigation, is  
14 there an overt portion?

15 A Yes. After all that, on November 2nd we elected to arrest  
16 individuals that we had indicted. And we elected to execute  
17 a number of search warrants at various locations in the  
18 Western District of Washington and also in the Eastern  
19 District of Washington.

20 And then with the information that we gathered from those  
21 search warrants, we continued to develop the investigation.  
22 And that part is all considered the overt investigation, just  
23 because we've made our investigation known, clearly.

24 Q Through your investigation, did you identify the three  
25 defendants that are seated in the courtroom today?

1 Q CS1, yes.

2 A Yeah. So we were actually investigating Cesar Sanabria's  
3 cocaine supplier, who was in Everett. And Cesar Sanabria, of  
4 course, was in the Mount Vernon area.

5 Q Did that individual actually cooperate?

6 A Yes.

7 Q And how so? In what ways?

8 A So Cesar ultimately cooperated. And the very first thing  
9 we did is to do the same thing he had been doing, to purchase  
10 drugs from his cocaine supplier. And it wasn't long after  
11 that that we arrested the cocaine supplier and prosecuted  
12 him.

13 Q Now, were charges ever filed against CS1 for his narcotics  
14 dealing?

15 A No.

16 Q What other benefits were provided to CS1 from DEA for all  
17 his cooperation and assistance?

18 A Yeah, so he was working off potential charges. They were  
19 not filed. But obviously they could have been filed at any  
20 time. And those were our controlled purchases.

21 Once he cooperated against his cocaine supplier, it's not  
22 like that was all wiped away, okay? There still needs to be  
23 more done in terms of cooperation.

24 So through most of this investigation he was still  
25 cooperating for his potential charges from his cocaine



1 controlled buys.

2 Now, at a certain time in this investigation those charges  
3 were cleared. And at that point he began cooperating more so  
4 for monetary gain.

5 Q Now, at some point you mention introducing an undercover  
6 into this organization. Again, what is an undercover agent,  
7 just for a little bit of background?

8 A So an undercover agent is just a law enforcement officer  
9 that's disguised as a criminal, in this case a drug  
10 trafficker.

11 Q Who was the undercover used?

12 A His name is Neddy Fierro. He was a border patrol agent  
13 from Bellingham, Washington.

14 Q Is Mr. Fierro a native Spanish speaker?

15 A Yes, he is.

16 Q Now, what did the undercover do as part of this  
17 investigation?

18 A So the undercover also conducted controlled buys from Eric  
19 Marquez and Hugo Garcia Gutierrez. And the undercover  
20 officer also met with Eric Marquez on multiple occasions and  
21 had recorded conversations about his efforts and attempts to  
22 smuggle large loads of drugs into Canada.

23 Q Now, whose decision was it to introduce an undercover?

24 A That would be mine and Mr. Cheng's.

25 Q And why did you introduce an undercover into this

1 particular investigation?

2 A Yeah, so, CS1 was an ounce-level cocaine drug trafficker.  
3 He had done that for a number of months. That's what he was  
4 comfortable with. He knew Eric Marquez. But almost  
5 immediately Eric Marquez's level of drug trafficking was  
6 above his head. He did not have a history of distributing  
7 pound quantities of methamphetamine. So it really wasn't in  
8 his wheelhouse.

9 And so it was better for us to introduce someone who had  
10 that knowledge, even if it is an undercover agent, about  
11 methamphetamine, you know, and different elements of drug  
12 trafficking. So that way the undercover agent could talk  
13 about that with Eric Marquez, because the CS wasn't  
14 comfortable doing that.

15 Q Special Agent, let's turn to the actual events. And,  
16 again, we're speaking in generalities here. Just to be  
17 clear, did you have any involvement whatsoever in the Eastern  
18 District of Washington investigation?

19 A No.

20 Q So on April 5, 2016 -- and again broadly speaking -- what  
21 occurred on that day?

22 A So on April 5th we simply -- I met with CS1 and directed  
23 him to set up just a meeting with Eric Marquez to talk about  
24 potentially buying heroin from him.

25 Q And on April 7th, what activity was taking place on that

1 day?

2 A So on April 7th, again, I met with CS1. And on this  
3 occasion I directed CS1 to communicate with Eric Marquez and  
4 arrange a meeting. On this occasion we were going to  
5 purchase one ounce of heroin.

6 Q Did you actually purchase heroin?

7 A Yes, we did.

8 Q April 14th, what occurred on that date?

9 A So on April 14th I met with CS1, directed CS1 to set up a  
10 meeting with Eric Marquez. This time the CS was going to  
11 talk about potentially buying methamphetamine from Eric  
12 Marquez, get the prices and quantities in which Eric Marquez  
13 was selling methamphetamine.

14 Q And I should have clarified. With respect to these  
15 meetings, were they actually recorded?

16 A So the April 5th meeting was not recorded because that was  
17 their first meeting. And I know we've heard some of the  
18 state officers testify that this is a two-party consent  
19 state. So any time we begin an investigation, just in case  
20 it doesn't go federal, we will follow the state rules until  
21 we're sure it's going to go federal. Then we just follow  
22 federal law.

23 So in this case the first meeting was not recorded. And  
24 then after that first meeting we had our probable cause, even  
25 at the state level, to get the order to intercept -- to

1 record these conversations. So every meeting after was  
2 recorded.

3 Q Turning back to the timeline, April 19, 2016, what  
4 occurred on that date?

5 A So on April 19th, again, met with CS1 and directed CS1 to  
6 set up a meeting with Eric Marquez. And it was during this  
7 meeting that we were actually going to purchase the  
8 methamphetamine that we had negotiated for on the 14th. So  
9 during this meeting I met with CS1, we set up the meeting,  
10 again, at the Splash and Dash Car Wash. CS met Eric Marquez.  
11 And my directions were to obtain a sample of methamphetamine  
12 and tell Eric Marquez if the customer, CS's customer, liked  
13 the sample, that CS's customer would want to buy a full  
14 pound. Okay? So there would be two meetings that day.

15 Q Was there actually a second meeting?

16 A Yes, there was.

17 Q And was a pound of methamphetamine ultimately acquired on  
18 April 19, 2016?

19 A Yes.

20 MR. MASADA: Your Honor, if I may, may I approach? I  
21 neglected to give the witness a translation binder.

22 THE COURT: Yes.

23 Q The communication in relation to April 19th, the  
24 communications arranging the various meetings, were those  
25 captured or recorded in any way?

1 A Yes.

2 Q I'd ask you, Special Agent, to turn in your binder that's  
3 before you to Exhibit 220.

4 A Okay.

5 Q All right. And are these -- first of all, what are they?

6 A These are pictures of CS1's phone. They're SnapChat  
7 messages.

8 Q Were these submitted for translation?

9 A Yes, they were.

10 Q And you mentioned there were two meetings?

11 A That's correct.

12 Q And you mentioned that it was recorded, correct?

13 A Yes.

14 Q If you would, would you turn with me to Exhibit 221?

15 A (Witness complies.) Okay.

16 MR. MASADA: I apologize, Your Honor. I don't  
17 believe we provided the court with a version of this either.  
18 May I approach, Your Honor?

19 THE COURT: Yes.

20 Q Exhibit 221, Special Agent, is that a translation of one  
21 -- a translation of the recording of one of the meetings that  
22 occurred on April 19, 2016?

23 A Yes, it is.

24 Q If you would, would you flip with me to 221B. Is that  
25 simply an excerpt of the recording that was obtained on

1 April 19, 2016?

2 A Yes.

3 Q Moving on, jumping ahead to May 23rd. Again, what,  
4 generally speaking, what occurred on that date?

5 A So on May 23rd, I again met with CS1. And, again,  
6 directed CS1 to arrange a meeting with Eric Marquez in which  
7 we were, again, going to purchase one pound of  
8 methamphetamine.

9 Q And were communications between CS1 and Eric Marquez  
10 recorded or captured?

11 A Yes.

12 Q If you would turn with me in the binder to Exhibits 267,  
13 268, 269, and 270.

14 A Okay.

15 Q And are these translations of either calls or texts  
16 between Mr. Marquez and the CS on May 23rd?

17 A Yes, they are.

18 Q Now, jumping ahead, again, to June 28, 2016. Generally  
19 speaking, what occurred on that date?

20 A So this was the first meeting between the undercover agent  
21 and Eric Marquez. The confidential source -- I had given  
22 instructions to, again, arrange a purchase of one pound of  
23 methamphetamine. But on this occasion the CS was directed to  
24 say that he was out of town, busy, couldn't make it. But his  
25 customer, being an undercover agent, really needed the

1 methamphetamine. So the CS got Eric Marquez to agree to meet  
2 with the undercover agent.

3 Q And were the communications with the undercover and the  
4 meetings themselves recorded?

5 A Yes.

6 Q If you would turn to Exhibits 377, 378 and 379.

7 A Okay.

8 Q Are these transcripts and translations of those  
9 communications?

10 A Yes, they are.

11 Q And all these recordings we're talking about, were they  
12 submitted to a court-certified interpreter for translation?

13 A Yes.

14 Q So you didn't do them, correct?

15 A No.

16 Q Now, can you describe the process for preparing  
17 translation transcripts for trial?

18 A So we record the meetings and we maintain those  
19 recordings. And then when it's time to have them translated,  
20 we provide those recordings to a court-certified translator.  
21 And then the court certified translator prepares English --  
22 or a Spanish-to-English translation.

23 Q Once you get the draft transcripts back, do you have a  
24 Spanish-speaking agent also review them for accuracy?

25 A Yes.

1 Q All right. And who provides the actual attribution for  
2 the speakers or the parties involved in these communications?

3 A So generally speaking, I work with a Spanish-speaking  
4 investigator in this case, the undercover agent, and we  
5 identify the speakers specifically in the translated  
6 document.

7 Q Now, we're going to call the interpreter in a moment and  
8 take a break, and we'll deal with that, but before we do,  
9 let's turn to sort of the next large stage of the  
10 investigation, which was the wiretap.

11 A Okay.

12 Q So you've done these controlled buys. You've done  
13 surveillance. Did you feel that you were in a position, as  
14 the case agent, to sort of bring this investigation to an  
15 end?

16 A No.

17 Q Why not?

18 A Generally speaking, a drug trafficker at the level of Eric  
19 Marquez is going to have a large network of suppliers, also  
20 additional drug redistributors that work for him. And at  
21 this point in the investigation, while we had certainly  
22 identified some redistributors and we had certainly  
23 identified some drug suppliers, we didn't have the full  
24 picture. And the wiretap is simply a tool that once you  
25 utilize a lot of the traditional techniques, the physical



1 surveillance, the tracking devices, once you've utilized all  
2 of those, you can pursue a wiretap to intercept calls.

3 Q A wiretap, is that something you can do on your own  
4 authority?

5 A No, it's a very direct process and requires a court order.

6 Q I don't want you to describe the actual details of how you  
7 get a wiretap authorized, but, you know, again, is there a  
8 very specific legal process you must obtain to tap a phone?

9 A Yes, there is a very strict legal process.

10 Q Did you follow that process in this investigation?

11 A Yes, we did.

12 Q Which phone or phones did you first seek permission to  
13 intercept?

14 A So the first phone we intercepted was Eric Marquez's  
15 phone.

16 Q Approximately what date did you first start intercepting  
17 communications?

18 A August 24, 2016.

19 Q And over the course of the investigation, how many phones  
20 did you receive authorization to intercept?

21 A Let me count in my head.

22 Q Well, we don't need you to.

23 A I bet you there's a chart.

24 Q I'll show you Exhibit 25.

25 A Yes.

1 Q What is Exhibit 25?

2 A It's a chart documenting the wiretap portion of this  
3 investigation.

4 Q Did you help prepare that in advance of trial today?

5 A Yes, I did.

6 MR. MASADA: The government moves to offer Exhibit 25  
7 for demonstrative purposes.

8 MR. ILLA: No objection to 25 for illustrative  
9 purposes, Your Honor.

10 MS. SHAW: No objection.

11 MR. HAMMERSTAD: No objection.

12 THE COURT: No. 25 is admitted for illustrative  
13 purposes.

14 (Demonstrative 25 was admitted.)

15 Q Okay. So I think you said the first phone that you  
16 obtained authorization to intercept occurred in late August  
17 2016?

18 A That's correct.

19 Q Was that identified sort of internally as TT12?

20 A Yes.

21 Q Now, who prepared the affidavits in support of these  
22 wiretaps?

23 A I did.

24 Q And who was responsible for serving the legal process on  
25 particular phone companies?

1 A Myself and Joseph Cheng.

2 Q Now, as the case agent, were you also responsible for  
3 determining when to terminate a wiretap?

4 A Yes.

5 Q Now, just to be clear, what types of phones are these that  
6 you intercepted over the course of the investigation?

7 A With exception to TT5, which was a post-pay account, all  
8 the other phones are what we refer to as "burner phones,"  
9 they're prepaid disposable phones.

10 Q And let's focus on TT12. How long did the actual  
11 interception of TT12 last?

12 A Approximately 15 days.

13 Q Now, when you obtain authorization to conduct a wiretap,  
14 how long -- is there a specific duration, a maximum duration  
15 you're allowed to intercept communication?

16 A Yes, 30 days.

17 Q Well, TT12, for example, lasted only 15 days. Why only  
18 15 days?

19 A Because Eric Marquez stopped using the phone.

20 Q When you say "stopped using the phone" what does that  
21 mean?

22 A That means he stops using it in favor for another phone.

23 Q Now, is that fairly -- how does that compare to the phone  
24 usage of -- that you've seen of other members of this  
25 organization?

1 A So this organization was very disciplined in their phone  
2 usage. Typically they did not keep a phone for longer than  
3 30 days. That is in reference to the phones that we were in  
4 contact with, actually purchasing drugs from, you know,  
5 calling to purchase drugs from.

6 Furthermore, our toll analysis showed that most of Eric's  
7 phones that he talked to were also recently activated,  
8 prepaid phones. And so as we identified new phones for Eric  
9 Marquez and we looked at those toll records, there were all  
10 new sets every month of new phones in his top callers. So  
11 the organization as a whole was very disciplined in changing  
12 their phones at the end of the month, or if there were any  
13 sort of law enforcement, suspected law enforcement activity.

14 Q And based on your investigation, did members of this  
15 organization use one phone, multiple phones?

16 A Multiple phones. Two to three at a time.

17 Q Did they communicate with different people on different  
18 phones?

19 A Yes. It's what we refer to as compartmentalization. So a  
20 structured drug-trafficking organization will typically  
21 compartmentalize the different members of the organization.  
22 That is to say, if Eric Marquez has a drug supplier that  
23 might be on a phone only for the drug suppliers. And then  
24 Eric Marquez might also have a phone primarily for  
25 redistributors or people who are working for him. It's a way

1 to insulate the organization. So that way if one of Eric's  
2 workers is arrested with drugs, and police search that phone,  
3 well, it's not going to infiltrate the whole organization,  
4 right? It's not going to bleed all the way through.

5 Q Is it also common for people involved in drug trafficking  
6 to sort of maintain a stable phone?

7 A Yes. Often referred to as their personal number.

8 Q And you mentioned some of the phones up here. Did you  
9 find -- do any of the phones that you intercepted over the  
10 course of this investigation sort of fall in that latter  
11 category?

12 A Yes. So TT5, which I mentioned was on a post-pay account,  
13 that was Eric's personal number. The CS obviously had that,  
14 because the CS also knew Eric Marquez just personally; you  
15 know, they had a relationship just about cars and racing cars  
16 and fixing up cars. So generally speaking, non-drug  
17 communication is likely to occur on the personal phone.

18 THE COURT: Mr. Masada, is this a good time to take a  
19 break?

20 MR. MASADA: Perfect time, Your Honor. Thank you.

21 THE COURT: All right. Ladies and gentlemen, you  
22 haven't been instructed for a while. I'm sure, however, that  
23 you probably remember this as well as any of us. And  
24 besides, I'm releasing you to that spacious, luxurious jury  
25 room. So please remember not to discuss the case among

1 yourselves, keep an open mind. We've moved through a number  
2 of witnesses today. There are a bunch more. The defendants  
3 haven't had their opportunity to present witnesses, if they  
4 choose to do so. So just keep an open mind. And we'll see  
5 you all back here at 3:15.

6 (Jury exits the courtroom.)

7 THE COURT: Mr. Hammerstad, do you want to make an  
8 argument for the record?

9 MR. HAMMERSTAD: I was pretty clear in my briefing.  
10 Just succinctly, the argument was that I didn't -- I'm not  
11 aware of seeing, in the government's briefing, particular  
12 specific ties between this incident and the greater  
13 conspiracy. And that was my argument for why it wasn't  
14 intertwined with the evidence.

15 THE COURT: All right. The ruling of the court will  
16 remain as it was, that this part of the investigation -- the  
17 investigation is part of the alleged conspiracy. And I felt  
18 it was inexplicably intertwined and not subject to 404(b).  
19 With that, you have an additional two minutes in your  
20 afternoon break.

21 MR. MASADA: One quick issue. We have discussed this  
22 with defense counsel. And I apologize, I should have alerted  
23 the court right after lunch. We agreed Special Agent Gerrol  
24 is going to lay the groundwork for some of these recordings,  
25 take a break, then Claudia A'Zar is going to come in and

1     testify to certify the translations. Then he will return to  
2     the stand and continue on, if that's okay with the court.

3             THE COURT: It's all right with the court, if we all  
4     agreed to it.

5             MS. SHAW: We have no objection. I understand  
6     Claudia is not available tomorrow.

7             MR. MASADA: She's not available in the morning  
8     tomorrow. So that's part of the reason.

9             THE COURT: That's fine. We'll be in recess.

10                             (Recess.)

11                             (Jury enters the courtroom.)

12             THE COURT: You may resume.

13     Q     Special Agent Gerrol, where we left off we were talking  
14     about wiretaps somewhat generally. Let's talk about how the  
15     mechanics of a wiretap, how it actually works once you obtain  
16     authorization from the court. First of all, is there a  
17     special facility that's used to run wiretap investigations?

18     A     Yes. We have a wire room in most DEA offices. So we have  
19     a wire room in the Bellingham resident office that we run all  
20     wiretaps from.

21     Q     What is a wire room? Can you describe it for the jury?

22     A     So, it's a room with a number of computer terminals. In  
23     our case, at Bellingham, we had about five computer  
24     terminals. And on those computer terminals there's software  
25     that allows us to intercept the communications. And that's

1 all those computers are used for, just that software is  
2 installed on there and that's all we use them for.

3 Q Now, what about the wire room itself. Is access to the  
4 wire room regulated, restricted in any way?

5 A Yes. So only members of the investigative team, those who  
6 are working on investigation, as well as the linguists and  
7 monitors, are allowed into the wire room. And it's  
8 controlled with restricted access cards. And then there's a  
9 sign-in and sign-out sheet every time you come in and out.

10 Q And you mentioned the terms "linguist" and "monitor."  
11 What is a linguist?

12 A So since this was a wiretap involving Spanish-speaking  
13 individuals, we use linguists. We use actually a contract  
14 company that provides us Spanish-speaking linguists that will  
15 monitor the wiretap for us. Because most of the agents in  
16 our office speak English only.

17 Q And is that -- are they specially trained, this contract  
18 company, these linguists, in the operation of wiretaps?

19 A Yes. They're specially trained. And the company is used  
20 by DEA nationwide. So a lot of these linguists have been on  
21 lots of wiretaps all around the country.

22 Q And they're trained to recognize voices, speech patterns,  
23 things of that nature?

24 A Yeah. A big portion of their job -- like I've already  
25 talked about how a lot of drug traffickers change their



1 phones, so in the course of a wiretap investigation you'll  
2 often get a new phone number. So the linguists are trained  
3 to recognize the users of those new phone numbers, because  
4 it's likely that they might be users, you know, of a prior  
5 phone. Then they've dropped it. Now they're calling into  
6 the wire with a new phone. So that is something linguists  
7 are trained to pick up on.

8 Q How do the calls or texts actually get to the wire room?  
9 How do they physically reach the wire room?

10 A So as the target in this case, Eric Marquez, uses his  
11 telephone, if he turns it on and makes an outgoing call, as  
12 soon as he presses that dial button and the microphone  
13 activates, we begin receiving that intercept. It's the same  
14 for when he receives a call. Often it will be when it's  
15 ringing. We'll start receiving that intercept. Same with  
16 text messages. When they go to his phone they come to us.

17 Q So once a wiretap is up and running, what happens when a  
18 call comes into the wire room?

19 A So when it comes in, whoever is monitoring it, sitting at  
20 the computer monitoring that line, is going to listen to the  
21 call live. A little box will pop up for the monitor to type  
22 notes, make any sort of notation they need while they're  
23 listening to the call. So that once the call has ended, they  
24 can then write a brief summary, something accurate and  
25 concise, not a full-fledged transcription, but a summary to

1 pass along to whatever agents are in the wire room.

2 Q Now, you as the case agent, at least for the English  
3 language communications, are you responsible for actually  
4 reviewing the communications?

5 A Yes. If there were English calls, that's something that  
6 an agent could monitor, listen to, and prepare the summaries.

7 Q And what about for foreign language communications?

8 A For foreign language communications, in this case Spanish,  
9 the linguists, who are Spanish speakers, they'll prepare the  
10 summary. And then if there is time -- and oftentimes I'll  
11 ask them to look at specific calls and prepare a transcript  
12 for me. So during the course of the investigation we will  
13 get some number of transcripts done by the monitors. But the  
14 bulk of the calls are later transcribed into transcripts  
15 using the joint language training center or some other  
16 translation service.

17 Q Now, in a wiretap, what types of communications are you  
18 looking for?

19 A So we're looking for communications relating to drug  
20 trafficking.

21 Q Or criminal activity?

22 A Criminal activity, yeah.

23 Q So hypothetically speaking, what happens if someone makes  
24 a call and you realize it's to their priest or their  
25 attorney; what happens?

1 A Well, so in the event of what's referred to as "privileged  
2 communication," communications with your clergy or your  
3 spouse or your attorney, those communications are immediately  
4 marked as "privileged" and they are immediately silenced and  
5 archived away and no recording is made. You cannot monitor  
6 them and you cannot retrieve any sort of recording.

7 Q And these rules are provided to participants in the wire  
8 room?

9 A Yes. Before each intercept is started on any phone. So  
10 even if you're in the middle of the wiretap portion of the  
11 investigation, every time you turn on a new phone, you do  
12 what we call a minimization briefing. That is, where you  
13 just discuss and read the rules and remind everyone involved  
14 in monitoring, or being in the wire room whatsoever, you  
15 remind them of what types of communications are privileged  
16 and what our standards are for minimizing non-criminal  
17 communication.

18 Q You mentioned the term "minimize." What about calls that  
19 aren't privileged, per se, but are completely personal in  
20 nature in that they don't relate to criminal activity?

21 A Yeah, so for these calls what will happen is once the  
22 monitor realizes that, okay, this isn't criminal in nature,  
23 maybe the target is talking to his or her mother, they'll  
24 press a button to minimize the call, which means the audio  
25 will be turned off and no recording is made while that audio

1 is turned off. And as the call continues, they'll do a spot  
2 check. So maybe turn it on for 15, 20 seconds, just listen  
3 to make sure that the context of the call is still the same  
4 and still not criminal. And if it is, they hit the minimize  
5 button again. And again audio is turned off, no recording  
6 made. And that just continues on throughout the call.

7 Q Now, what does it mean to be pertinent, a pertinent  
8 communication?

9 A A pertinent communication is a call or text where the  
10 contents of that communication involve criminal activity,  
11 drug trafficking, or anything pertinent.

12 Q That could include merely, like associations between known  
13 suspects, targets?

14 A Correct. It doesn't have to be overtly drug-related. If  
15 Eric Marquez is telling Hugo Garcia Gutierrez where to go,  
16 they're clearly involved in a conspiracy at this point in our  
17 investigation as we're conducting surveillance. So that's  
18 pertinent to our investigation that we know where Hugo Garcia  
19 is going.

20 Q So once a monitor has determined a communication to be  
21 pertinent, what would he or she do?

22 A Once it's pertinent, the monitor will mark it as  
23 pertinent. And then the monitor will prepare a summary, like  
24 I said. That summary is then reviewed by whatever agent is  
25 overseeing or working in the wire room at that time. And the

1 agent can read the summary, ask the monitor some questions,  
2 ask the monitor to go back and re-listen to something, maybe.

3 But once the agent knows the context of that call, that  
4 agent can then make a determination of what information needs  
5 to be passed to surveillance units that are out in the field  
6 actually conducting surveillance.

7 Q Now, if a call is marked pertinent or a communication is  
8 marked pertinent, how is it saved?

9 A It's saved on a Blu-ray disk on our Title 3 server, which  
10 is actually located in Seattle at our field division.

11 Q Is that disk alterable in any way?

12 A No. It's saved on an unalterable disk that our  
13 investigative team doesn't even have access to.

14 Q As part of a process at the conclusion of a wiretap, is  
15 something done with that disk to ensure that it is never  
16 altered?

17 A So when we terminate the interception of a line, we go and  
18 we take custody of that Blu-ray disk, the data is copied off  
19 the server, it's put into an evidence bag. Then we go before  
20 a District Judge and we seal the evidence bag in front of the  
21 District Judge.

22 Q Now, in a wiretap, does the phone company also provide you  
23 with data about the communications?

24 A Yeah. So as the calls are made, we're receiving toll  
25 data. So just the incoming the outgoing, the numbers that

1 are calling, the duration of the call. In some cases we'll  
2 receive the GPS coordinates for the phone that we're  
3 intercepting, or we might receive cell tower location for  
4 that phone as well.

5 Q So we're going to discuss some specific communications  
6 relating to this investigation a little bit later. But  
7 generally speaking for now, what were the results of the  
8 wiretaps you conducted in this case? Were you able to  
9 identify additional individuals?

10 A Yeah. So the wiretap portion of this investigation was  
11 very successful in that we identified multiple additional  
12 drug redistributors working for Eric Marquez and Hugo Garcia.  
13 We also identified multiple additional drug suppliers who  
14 were supplying Eric's organization with heroin,  
15 methamphetamine and cocaine.

16 Q Now, is it common, based on your experience, for  
17 traffickers to have multiple suppliers?

18 A Yes.

19 Q Just to be clear, a wiretap, a wiretap in this case, does  
20 that cover telephonic communications?

21 A Yes. Only telephonic communications. So if that phone  
22 has the Facebook app installed on it and gets a Facebook  
23 message, we're not going to get that. Or if there is  
24 SnapChat installed on the phone, any social media device,  
25 we're not going to get it. Only the calls routed through the

1 actual telephone company.

2 Q Now, through this wiretap did you -- and I guess through  
3 prior wiretaps and your experience investigating narcotics,  
4 did you become familiar with code that drug traffickers use?

5 A Yes.

6 Q And specifically the numbers of individuals in this  
7 conspiracy?

8 A Yes.

9 Q And can you just give us some examples?

10 A Yes. So generally speaking, methamphetamine, that's going  
11 to be referred to as "agua" or "bottles" or "glass."

12 Anything that references the appearance of methamphetamine,  
13 which is a clear, crystal-like substance. Heroin could be  
14 anything that references the dark color. It could be "black"  
15 or could be "tires." Once again, anything that makes it  
16 clear you're talking about a black-colored object, a drug  
17 trafficker is going to know what that is. The same with  
18 cocaine. It could be "white." In this investigation they  
19 also referred to it as "Cheyenne." So those are just kind of  
20 a sample of the coded words for drugs.

21 Q What about money?

22 A So money is generally referred to as papers, newspapers,  
23 receipts, anything that references the paper, you know, feel  
24 of money.

25 Q In your experience have you ever heard drugs referred to

1 in the context of food?

2 A Yes. I mean, that's also -- you know, if a drug  
3 trafficker has a customer that they regularly deal with, and  
4 they regularly only buy heroin, you don't even have to say  
5 "black" or "tire," you could refer to, you know, "Hey, let me  
6 come pick up the barbecue." Or, "Hey, let me come pick up  
7 the food." Or as simple as, "Hey, let me get that."

8 Q Could you look with me again in the transcript notebook in  
9 front of you, specifically Exhibits 700 to 724. And there's  
10 a couple empty exhibits there. But have you reviewed these  
11 exhibits in advance of your testimony today?

12 A Yes, I have.

13 Q Are these transcripts of intercepted calls and texts  
14 prepared by a court-certified interpreter?

15 A Yes, they are.

16 Q And are these just certain communications that were  
17 intercepted during the course of the wiretap?

18 A Yes.

19 Q Are they -- is it close to all of them?

20 A No.

21 Q All right. Now, again, could you briefly explain the  
22 process of getting these wiretap communications translated  
23 and put in transcript form.

24 A So, again, we provide the audio file, in the case of a  
25 phone call, or the text file in the case of a text message,



1 we provide those to a court-certified translator. And just  
2 like with the body wires, they give us the Spanish-to-English  
3 translation.

4 Q Now, let's just move on for one more sort of stage. And  
5 we talked about sort of the overt actions that law  
6 enforcement took. Again, who made the decisions to take  
7 overt action in this investigation?

8 A Myself and Joseph Cheng.

9 Q What occurred on November 2, just generally speaking?

10 A So on November 2 we had, by that point, indicted a number  
11 of individuals. And so on November 2nd we decided to arrest  
12 those individuals and conduct numerous search warrants  
13 throughout the State of Washington.

14 Q Did that include the searches of the residence of  
15 defendant Angel Serrano?

16 A Yes, it did.

17 Q What residence was that?

18 A Yes, that was 15072 Nookachamps Road.

19 Q Did you search a residence used by Eric Marquez?

20 A Yes. It was a residence on First Street in Mount Vernon.

21 Q And was that the same residence that he lived at during  
22 the course of your investigation?

23 A No. Once again, we're intercepting his phone calls, so we  
24 know a lot of personal details about his life. And he was --  
25 he had actually just moved from the Stackpole residence,

1 which you've heard a lot about and will continue to hear a  
2 lot about. He moved from his Stackpole residence to that  
3 North First Street residence, both of which are owned by his  
4 brother.

5 Q Did you also search at the East Selah Road house in Yakima  
6 that we've heard a lot about?

7 A Yes.

8 Q And how about a residence on Westminster Lane in Pasco?

9 A Yes.

10 Q Was that residence the residence of Hector Contreras  
11 Ibarra?

12 A Yes, it was.

13 Q Just to be clear, on November 2nd or by November 2, 2016,  
14 did you have a good address, good current address for  
15 defendant Baltazar Reyes Garcia?

16 A By November 2, 2016 we knew generally where he was  
17 located.

18 Q But did you know his actual residence?

19 A No.

20 Q And was the residence for him actually searched as part of  
21 that operation?

22 A No.

23 Q Now, during the various searches and investigative  
24 actions, did you search cell phones?

25 A Yes.

1 Q How many?

2 A Well over 100 cell phones.

3 Q Did you search them as part of your investigation?

4 A Myself and Joseph Cheng searched them.

5 Q You participated in those?

6 A Yes.

7 Q Were some of those communications in the Spanish language?

8 A Yes.

9 Q If you would turn in your transcript binder to 451-C.

10 Hold that place. I'm showing you on the screen what's been  
11 marked Exhibit 451B. Do you recognize what this is?

12 Generally speaking, is it a download of a cell phone?

13 A Yes. That's the download of a cell phone belonging to  
14 Angel Serrano.

15 Q Was this record submitted to the court certified  
16 interpreter for translation?

17 A Yes, it was.

18 Q At least partial translation?

19 A Yes.

20 Q And is that contained in 451C in your transcript book?

21 A Yes.

22 Q All right. 453, Government's Exhibit 453B, you'll see on  
23 your screen. Is this also a phone download report for a  
24 phone that was searched as part of this investigation?

25 A Yes, it is.

1 Q Was that also submitted to a court-certified interpreter  
2 for partial translation?

3 A Yes, it is.

4 Q All right. And is that 453C in your translation binder?

5 A Yes, it is.

6 MR. MASADA: Your Honor, I think this is a good time  
7 to take a break and call Ms. A'Zar, if that's possible.

8 THE COURT: All right. Ladies and gentlemen -- you  
9 may step down, sir -- I mentioned to you earlier that  
10 sometimes we will take a witness somewhat out of order.  
11 We'll interrupt someone. In this instance it's the court  
12 interpreter/translator. And she apparently is not available  
13 tomorrow. So we're going to interrupt this witness's  
14 testimony today, put her on, that way you'll be able to have  
15 her testimony. Then we'll resume with the witness who was on  
16 the stand.

17 I'm very complimentary of the lawyers for doing this.  
18 They could be real sticks about it. And all that does is  
19 waste your time and waste mine. So, they're trying hard to  
20 keep this case moving along. But if you're wondering why  
21 we're taking this witness somewhat out of turn, that's what's  
22 going on.

23 Please come forward.  
24  
25

1 CLAUDIA A'ZAR

2 Having been sworn under oath, testified as follows:

3 THE CLERK: Please take the stand. Please state your  
4 full name and spell it for the court reporter.

5 THE WITNESS: Claudia A'Zar -- C-L-A-U-D-I-A,  
6 A-Z-A-R, as in Robert.

7 DIRECT EXAMINATION

8 BY MR. MASADA:

9 Q Good afternoon, Ms. A'Zar.

10 A Good afternoon.

11 Q How are you employed?

12 A I'm a freelance Spanish interpreter and translator.

13 Q How long have you been an interpreter and translator?

14 A Since 1999. So I think that's 17 years.

15 Q Seventeen years. Now, can you explain for the jury the  
16 difference between an interpreter and a translator as you  
17 distinguish the two?

18 A Well, an interpreter is what my colleagues are doing here.  
19 It is an oral way of conveying the meaning. A translator is  
20 anything that is in written form.

21 Q Let's talk a little bit about your background and  
22 training. Where are you from?

23 A I was born and raised in Mexico. And I came to the U.S.  
24 when I was 25 years old. So I learned Spanish in Mexico. I  
25 went to bilingual schools all my life.

1 Q Is Spanish your native language?

2 A Yes, it is.

3 Q What kind of education did you get in Mexico?

4 A Well, my parents were very keen about us three sisters  
5 learning English. So we were fortunate enough to go to  
6 private schools. And I attended the American school in  
7 Mexico City.

8 Q Great. And so you started studying English at what age?

9 A Kindergarten, age four.

10 Q Do you speak other languages too?

11 A My mom is Italian, so we had to speak Italian at home.

12 Q Are you fluent in all those languages?

13 A Yes. I lived in Italy for a while and I -- to this day I  
14 have to speak in Italian with my mom. If not, she'll pretend  
15 she doesn't understand. Her Spanish is better than mine, I  
16 think.

17 Q Where did you go to college?

18 A I went to the University of the Americas in Puebla, an  
19 American university that started, I believe, in the 50s.  
20 Again, I studied business and economics. And the more  
21 advanced the courses were, everything was in English because  
22 of the textbooks. And then in my last semester in college I  
23 was studying business administration and economics. I came  
24 here as an exchange student to Ellensburg, Washington where I  
25 promptly met my husband the first day of school. And I'm

1 here after 22 years.

2 Q Here we are.

3 A Yes.

4 Q So 22 years here in Washington State?

5 A Correct.

6 Q How long have you been here in the United States?

7 A I came here in '94.

8 Q Do you have any certifications as a legal interpreter or  
9 translator?

10 A Yes. In '98 when I decided to become an interpreter, I  
11 wanted to go into the legal field. So I found out that the  
12 State of Washington offered a certification, which I  
13 received. You had to -- well, I had to pass a test, a  
14 written test. And if I was able to pass a written test then  
15 I could do the oral, which I passed. Then I acquired a  
16 federal certification.

17 Q What does it mean to obtain a federal certification?

18 A Well, it is the same as the state but with steroids. Like  
19 it's a little bit more of a difficult test. I believe the  
20 last time I heard, less than 4 percent of all the applicants  
21 nationwide pass the test.

22 Q Do you also belong to any professional associations?

23 A Yes. There's a state organization called NOTIS, the  
24 National Organization of Translators and Interpreters. And  
25 the ATA, American Translators Association.

1 Q In the past have you been members of other organizations  
2 as well?

3 A Yes. There's WASCLA which is the Washington -- I think  
4 it's -- I don't remember. It's a coalition of language  
5 access in the State of Washington. And there was another one  
6 called WITS, Washington Interpreters and Translators Society.  
7 And, I don't remember.

8 Q What kind of specialized training have you had in  
9 interpretation and translation?

10 A Well, once I passed the test I realized that I still  
11 didn't know much. So I went to the University of Arizona in  
12 Tucson, there is a renowned course, it's three weeks or a  
13 month, I can't remember. But different trainings, different  
14 classes. And I also went to the Bellevue College. They have  
15 a translation and interpretation institute. So I followed  
16 the interpretation path. And we have, by law, have to  
17 continuously educate ourselves. So every two years we have  
18 to send the amount of -- I think we are required to do  
19 16 hours of continuous education every two years, and at  
20 least four hours of ethics, I believe.

21 Q And in this role have you also taught courses of these  
22 subjects?

23 A Yes. I really like the teaching part, especially when  
24 people don't know anything about interpreting. So they start  
25 with good habits. So I teach at Bellevue College. I teach



1 the fundamentals of interpretation class, which is two  
2 quarters per year. And the administrative office of the  
3 courts of the State of Washington hires me every year to  
4 train the people who pass the written test and are preparing  
5 to take the oral test.

6 Q Let's talk about your experience. Have you acted as a  
7 translator in this courthouse?

8 A Yes.

9 Q And in other courthouses?

10 A Yes.

11 Q How many criminal matters have you provided your services  
12 in relation to?

13 A As an interpreter?

14 Q Yeah.

15 A I have no idea. I'm a full-time interpreter.

16 Q Quite a lot?

17 A Hum?

18 Q Quite a lot?

19 A Yes.

20 Q And have you worked as a translator in wiretap cases?

21 A Yes.

22 Q Specifically?

23 A Yes. For I would say at least, I don't know, maybe  
24 12 years, I think.

25 Q And based on your education, training and experience, are

1 you familiar with both Spanish and English grammar usage and  
2 speech?

3 A Yes.

4 Q And just to be clear, do you always work for the  
5 government?

6 A No. No. Again, I'm a freelancer. So I work for the  
7 government. I work for defense. I work for private  
8 companies, doctors, anybody who needs to communicate who  
9 doesn't speak the language. If I'm available and I'm capable  
10 to do the job, I'll take it.

11 Q Let's talk about what you did in this particular case.  
12 Did you receive a number of Spanish language recordings in  
13 relation to this matter?

14 A Yes.

15 Q And also some just written texts in Spanish as well?

16 A That's correct.

17 Q And the recordings, does that include what appear to be  
18 telephone calls?

19 A Yes.

20 Q Does it also include what we call body wires or  
21 recordings?

22 A Yes.

23 Q All right. Now, in what form do you receive those?

24 A I usually receive them electronically.

25 Q How do you go about translating them into English? Just

1 describe your process.

2 A Well, I usually receive the electronic form, the sound  
3 file. The first thing I do, I listen to it to make sure that  
4 I can understand it and have an idea of what it is about.  
5 Then what I will do is listen to it again, and again, and  
6 again, because it is like peeling an onion. I always think  
7 like many times, especially in English, when I listen to a  
8 song, I am sure that it says something. Then years later I  
9 realize I've been singing it wrong all along. Because we  
10 hear something and we're sure that we hear something. So  
11 it's very important to listen to the entire sound file. And  
12 when I feel comfortable with it, I try to get acquainted with  
13 the voices, the speakers. Although I'm not a voice  
14 recognition expert.

15 And then when I'm comfortable with it, then I start to  
16 transcribe. So I have a software that allows me to download  
17 the sound file in a software that allows me to have a pedal  
18 so I can use a pedal to hear the voices. And then I can have  
19 my hands free to type.

20 And I pretty much just type every single thing I hear. I  
21 cannot guess. I cannot miss anything. I have to be as  
22 neutral as possible and just type whatever I hear then. Then  
23 I let it sit and marinate for a few days. Then I hear it  
24 again, and hear it again. And when I feel comfortable that I  
25 cannot do anything anymore and I feel I've done it to the

1 best of my ability, then and only then do I start translating  
2 it into English. And, again, I let it marinate for a few  
3 days, then I hear it again.

4 Q Did you follow that process in this case?

5 A Yes, I did.

6 Q All right. And what is your final product? What does it  
7 look like?

8 A Well, it depends on the size of the sound file. It could  
9 be one page. It could be 300 pages. And so I use tables. I  
10 have a key that explains my abbreviations for the voices  
11 according to how I assign them. And then the first column  
12 will have numbers, the second column will have the voices, as  
13 I chose that they would be, then I have the transcription.  
14 Then the last table is a translation.

15 Q Why do you do it that way?

16 A I think it is easier. Over the years people who use them  
17 like them that way. And usually around the nation that's how  
18 we do it.

19 Q What about the speakers on any recording. Do you actually  
20 identify who those speakers are?

21 A No, I don't. I don't know the speakers. And I don't know  
22 -- I was not present when the recording was done. So I  
23 really don't know. I just go from what I hear.

24 Q But do you indicate the different voices that you hear?

25 A Yes. And sometimes if I can't, I will inform the client,

1 in this case you guys, it was very difficult to understand  
2 who was who, or if it's a wire, there are a lot of noises and  
3 things in the background. So with that disclaimer, then I  
4 will send my final product.

5 Q You said you received a number of items in relation to  
6 this case and that included some written items. Did that  
7 include text messages?

8 A Yes.

9 Q And did that include photographs of text messages as well  
10 as text messages contained in larger reports?

11 A Yes.

12 Q All right. How many transcripts, roughly, did you prepare  
13 as part of just this case, generally speaking?

14 A Well, I started working on this case a while back. So I'm  
15 not sure how many, but there were many.

16 Q Okay. Before you came here today did you look at the  
17 exhibits that are contained in the exhibit binder that is  
18 before you?

19 A Yes. I was able to review them one last time.

20 Q For example, let's turn to Exhibit 220.

21 A Yes.

22 Q Do you recognize what 220 is?

23 A Yes. These are text messages.

24 Q We've already heard testimony that these were messages  
25 between an informant and another individual on April 19th.

1 Did you translate this from Spanish to English?

2 A Yes, I did.

3 Q Exactly, like word-for-word exactly as they appear on the  
4 screen?

5 A Well, it's not word-for-word because we need to find out  
6 what the meaning is and the context to be able to translate.  
7 If it were word-for-word, it probably wouldn't make sense in  
8 English.

9 Q Exactly. So is Exhibit 220 what you prepared?

10 A Yes.

11 MR. MASADA: The government moves to admit Exhibit 20  
12 at this time.

13 MR. ILLA: No objection.

14 MS. SHAW: No objection, Your Honor.

15 MR. HAMMERSTAD: No objection.

16 THE COURT: The exhibit is admitted and may be  
17 published.

18 (Exhibit 20 was admitted.)

19 Q We'll come back to this one just a little bit later. And  
20 this is sort of a little different two-column process that  
21 you described earlier, because these are written  
22 communications, correct?

23 A Yes. I like to have the original image, because I think  
24 that an image says more than a thousand words. And just the  
25 parts that are not in English are the parts that get

1 translated on the right side.

2 Q So just so we're clear, the photo on the left is what was  
3 provided to you, and the text on the right is your  
4 translation?

5 A That's correct.

6 Q Okay.

7 MR. MASADA: Sorry. I realize now it was not  
8 published.

9 Q So, again, photo on the left, what was provided to you,  
10 and column on the right is the translation that you prepared?

11 A Yes.

12 Q We'll come back to this one in just a little bit. And  
13 before you came here today, did you also look at the exhibits  
14 that have been marked in your binder 451C and 453B?

15 A 453C, yes. And B?

16 Q I'm sorry, 451C and 453C?

17 A Yes.

18 Q I misspoke there. All right. On your screen I'm showing  
19 you what's been marked 451B.

20 A Yes.

21 Q Is this a document that you were provided to prepare at  
22 least a partial translation?

23 A Yes. In this case, what I did is that I OCRd the  
24 document. So I just went to look for the sentences that were  
25 in Spanish. I italicized the translation into English, then

1 turned it into a PDF again.

2 Q You basically just typed it over into the document, the  
3 translation into the document?

4 A Correct.

5 Q Is that translation contained in 451C?

6 A Yes. Not in that particular page, but yes.

7 Q Right. If you would, would you turn in your translation  
8 binder to 453C? Is this a translation that you prepared or  
9 at least a partial translation that you prepared?

10 A Yes.

11 Q And on your screen you'll see Exhibit 453B.

12 A Yes.

13 Q I know this is a mouthful. Is 453C a partial translation  
14 of 453B?

15 A I didn't understand your question.

16 Q I'm sorry. So is 453C, which is in the book in front of  
17 you --

18 A Yes.

19 Q -- is that a translation you prepared?

20 A Yes.

21 Q And is that the same as 453B, which is on your screen?

22 A Yes.

23 Q Okay. Before you came here today, did you also review --  
24 and, I'm sorry, this is a little tedious -- the exhibits in  
25 the translation book in front of you marked Exhibit 221B?



1 A Yes.

2 Q 267, Exhibit 267?

3 A Yes.

4 Q 268?

5 A Yes.

6 Q 269?

7 A Yes.

8 Q And 270?

9 A Yes.

10 Q As well as, and I apologize, Exhibits 377, 378 and 379?

11 A 377, 378 and -- yes, yes and yes.

12 Q Only a few more. As well as Exhibit 395?

13 A Yes.

14 Q And just a few more. Exhibits 700 through 703?

15 A 700, yes. 701, yes. 702, yes. And 703, yes.

16 Q Okay. And Exhibits 705 through 708?

17 A 705, yes. 706, yes. 707, yes. 708, yes.

18 Q All right. Just two more blocks, I promise. And finally

19 Exhibits 710 through 719 and 721 through 724. It's probably

20 the only transcripts remaining in the book.

21 A So 710, yes. 711, yes. 712, yes. You said 713 and 714,

22 right?

23 Q Yes.

24 A 713, yes. 714, yes. 715. What else?

25 Q 716 through 719.

1 A 716, yes; 17, yes; 18, yes; 19, yes.

2 Q And finally, 721 through 724, Ms. A'Zar.

3 A 721, yes. 722, yes. 723, yes. And 724, yes.

4 Q Okay. Do you recognize the English translations as your  
5 work?

6 A Yes.

7 Q And have they been slightly reformatted from the version,  
8 the final version that you prepared?

9 A Yes.

10 Q All right. And Exhibit 228 -- for example, 221B. 221B,  
11 is that an excerpt of 221?

12 A Yes.

13 Q And all these transcripts, they are true and accurate  
14 translations from Spanish to English of the material you  
15 received in this investigation?

16 A Yes, prepared to the best of my ability.

17 Q Let's talk about the transcripts themselves. I'll ask you  
18 some questions about formats of your transcripts. If you see  
19 an italicized word, what does that mean?

20 A It was spoken originally in English.

21 Q In some of these communications do these individuals flip  
22 between Spanish and English?

23 A Yes.

24 Q So if a word is in English, do you just basically take it  
25 from the left column to the right column?

1 A Pretty much, yes.

2 Q If the transcript has a "U" in brackets, what does that  
3 mean?

4 A That means unintelligible. Because I cannot guess if I  
5 can hear something. If I cannot figure it out, I'm not going  
6 to guess. Or sometimes I just can't hear something. So it's  
7 unintelligible.

8 Q Sometimes people talk over one another?

9 A Their voices overlap, yes.

10 Q What about an "i," a little "i" in brackets? What does  
11 that abbreviation mean?

12 A That's inaudible. Many times people are speaking on the  
13 phone and I can only hear one side of the conversation. And  
14 there is something going on, but there is no way I can hear.  
15 So I just use the "i" in brackets.

16 Q What happens if there are, given the differences between  
17 language, what if there are two words separated by a slash?

18 A Well, sometimes, again, with context, I need to fully  
19 understand the sentence in order to be able to translate it.  
20 But sometimes, for example, if I am working as an  
21 interpreter, an interpreter could turn around and ask the  
22 person they're interpreting to clarify something. So they  
23 would say, sir, do you mean this or that, because that  
24 particular sentence could mean two things.

25 In this case I don't have anybody to ask. So if the

1 information that I'm getting is vague, then it could mean one  
2 thing or another. And I cannot choose. That's not my job.  
3 So I leave both options for the reader. Sometimes there's  
4 more than two options.

5 Q Let's look at an example, if you will. I'm showing you  
6 what has been marked or admitted as Government's Exhibit 220.  
7 This is the fourth page, for the record.

8 A Yes.

9 Q There it is. Sorry. So Exhibit 220, page 4. There's two  
10 versions of the initial phrase. Can you read what the two  
11 equally valid translations would be in this case?

12 A Well, the first option for me was, "If you/he or she liked  
13 it, I'm on my way." But because text messages are known that  
14 they have no grammar rules, no accents or anything, it could  
15 also mean, "Yes, he or she liked it." Again, I'm not able to  
16 ask the writer what they meant. So I have both options.

17 In Spanish "si" means if -- "si" with an accent in the "I"  
18 means yes. So it could be either or. I don't know which,  
19 that's why you have both options.

20 Q But as you mentioned, it's fairly common for text  
21 messages, for grammar rules to kind of go out the window?

22 A Yes. Even in English, with the auto correct, sometimes we  
23 don't know what we're texting.

24 MR. MASADA: Your Honor, I have nothing further.

25 Thank you.

1 MR. HAMMERSTAD: No questions Your Honor.

2 MS. SHAW: I'll pass on the witness. Thank you.

3 THE COURT: Mr. Illa.

4 CROSS EXAMINATION

5 BY MR. ILLA:

6 Q My name is Stephan Illa. I represent Mr. Reyes Garcia.

7 A Good afternoon.

8 Q You described yourself as an interpreter or translator,  
9 depending on the work you're doing?

10 A Yes.

11 Q And the interpreter part of you is the part that does  
12 voice translations?

13 A That's correct.

14 Q Like our interpreters here in court?

15 A Yes, on --

16 Q The translator part of you is the part that translates  
17 written work?

18 A Yes. Unless I'm doing side translation, which is a hybrid  
19 mode, where we're interpreting and we're reading a document  
20 into the target language.

21 Q Okay. For purposes of what your work was in this case for  
22 the government, that was all translation work, not  
23 interpretation work?

24 A Correct. Transcription translation, yes.

25 Q As far as interpretation work, did you ever act as an

1 interpreter on behalf of any of the agents in this case when  
2 they were talking to witnesses or cooperating defendants,  
3 anything like that?

4 A I don't think so, no.

5 Q We've heard another term that we haven't heard you  
6 mention, which is linguist. What is a linguist?

7 A Well, a linguist is a person who studies the language.  
8 I'm not a linguist.

9 Q Somebody who is studying the language?

10 A Yes.

11 Q And as far as certifications for linguists, that's not  
12 something you're familiar with, is it?

13 A I don't know if there's a certification for a linguist.

14 Q That's certainly not something you have heard about in  
15 connection with translation or interpretation work, have you?

16 A Well, a lot of linguists are translators and interpreters.  
17 But I've never heard anybody being certified as a linguist.  
18 I mean, you can get a degree in linguistics.

19 Q As far as linguists go, you're not aware of what kind of  
20 level you'd have to be at to call yourself a linguist, if  
21 there's a certification, I guess if you call yourself one you  
22 are one?

23 A No. You have to go to college and become a linguist, I  
24 think.

25 Q Are you guessing or do you know?

1 A I don't think that you can just go out and, like if I  
2 would go out and call myself a lawyer, I would have to go to  
3 college to become one. So a linguist needs to have a degree  
4 of some sort.

5 Q So a degree in what?

6 A Linguistics.

7 Q Are you aware of the identities of any of the linguists  
8 that the government used in this case to screen calls?

9 A I don't know anyone.

10 Q Do you know who would know about the qualifications of  
11 those linguists?

12 A I am sure that there's a huge department of human  
13 resources in the federal government and they're the ones who  
14 hire and fire. I don't know.

15 Q You described your process as one where you would listen  
16 to the entire conversation maybe once, twice, over and over  
17 until you were confident you had it right?

18 A Yes.

19 Q And you did this even though you have marvelous  
20 qualifications and have spoken Spanish since birth?

21 A Listening to it several times, you mean?

22 Q Yeah.

23 A Well, I wouldn't be doing my work right if I didn't,  
24 because this is a very -- I mean, the title of the document  
25 is forensic transcription translation. I really need to make

1     sure that everything that I hear needs to be written. And if  
2     I can't or if I don't have the ability to understand, I just  
3     don't do the job.

4     Q   That's part of your ethics as an interpreter, isn't it?

5     A   Yes.

6     Q   You don't identify speakers, that was done by someone  
7     else?

8     A   Correct.

9     Q   Do you know who did that?

10    A   No, I don't.

11    Q   What's the total amount of time that you've put in on this  
12    project for the government?

13    A   As I was telling Mr. Masada, this started a long time ago,  
14    and I don't do just one project at a time, I do several at  
15    once. So I wouldn't know. But to give you an idea, for  
16    example for the wires, if the quality of the sound is really  
17    bad, I would say that I might need maybe between half an  
18    hour, 45 minutes of time for every minute of sound. So I  
19    wouldn't know how many hours I worked. But there were many  
20    hours.

21    Q   This was a major project?

22    A   Yes, it was.

23               MR. ILLA: Thanks. I have nothing more.

24               THE COURT: Redirect?

25               MR. MASADA: No, Your Honor. Thank you.



1 THE COURT: Thank you. You may step down.

2 MR. MASADA: Your Honor, at this time the United  
3 States would recall Special Agent Gerrol.

4 THE COURT: Thank you. Counsel, for planning  
5 purposes, why don't you assume we'll be going on for about  
6 12 minutes more. And we'll break about 20 minutes after. I  
7 have a matter to raise with counsel.

8 BENJAMIN GERROL

9 Previously sworn, resumed and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. MASADA:

12 Q Special Agent, just to close the loop before we --  
13 Ms. A'Zar said she did not prepare voice attributions for the  
14 transcripts. Who did?

15 A So, the voices were attributed to the calls and body wires  
16 by myself, working with the undercover agent in this case.

17 Q How did you do voice attributions? Let's try to break it  
18 into chunks. How did you do voice attributions for  
19 communications with CS1, as you've referred to him?

20 A So the CS, I'm personally familiar with his voice, having  
21 talked at length with the CS. But the undercover agent is  
22 also familiar with his voice.

23 Q Okay. And then so what about the attribution then, what  
24 about the other party to the conversation?

25 A Yeah. So, for instance, April, let's say April 7th, if I

1 watch the CS meet with Eric Marquez and only Eric Marquez,  
2 and I'm familiar with the CS's voice, then in that recording  
3 the person that the CS is talking to is Eric Marquez.

4 Q And you mentioned working with the undercover. Is the  
5 undercover familiar with the CS's voice?

6 A Yes.

7 Q And how about with Eric Marquez?

8 A Yes. The undercover has also talked at length with Eric  
9 Marquez.

10 Q And Hugo Garcia Gutierrez?

11 A Yes.

12 Q All right. In phone communications when the CS was  
13 communicating with the individuals by phone, did you review  
14 whom the recipient contact would have been?

15 A Yeah. So I watch the CS place the calls, see who the CS  
16 is calling. The CS is calling at my direction. I know the  
17 CS is calling Eric Marquez. And so once again, I know the  
18 voice of the CS. And the person that the CS is talking to in  
19 that call would be Eric Marquez.

20 Q Did you also consider what you observed? Again, I believe  
21 you testified that if you see two people meet you know who  
22 the voices on the recording would be.

23 A Right. If the CS calls Eric Marquez, calls a number that  
24 we know to be used by Eric Marquez, and the CS says, "Hey,  
25 meet me at the Splash and Dash Car Wash," then Eric Marquez

1 shows up to the Splash and Dash Car Wash, well that also  
2 shows that he was the individual that the CS was talking to.

3 Q So the attributions for the -- well, let's focus on  
4 Exhibits 221B, 267 to 270, 377 to 379 and Exhibit 395. Those  
5 are all communications involving the UC or the undercover?

6 A The CS or the undercover.

7 Q The undercover or the CS. Are those attributions to the  
8 best of your knowledge?

9 A Yes.

10 Q The header information, what about the header information  
11 that is contained on those transcripts?

12 A So that's information that I added and checked for  
13 accuracy.

14 MR. MASADA: Your Honor, at this time the Government  
15 offers 221B, 267, 268, 269, 270, 377, 378, 379 and 395.

16 MR. ILLA: I couldn't write all those down, but if  
17 they're the ones we've been talking about, I have no  
18 objection.

19 THE COURT: Mr. Masada, are they the ones we've been  
20 talking about?

21 MR. MASADA: They are, Your Honor.

22 MS. SHAW: No objection.

23 MR. HAMMERSTAD: No objection.

24 THE COURT: For the record, 221B, 267, 268, 269, 270,  
25 377, 378, 379 and 395 are admitted and may be published.

1 (Exhibits 221B, 267, 268, 269, 270, 377,  
2 378, 379 & 395 were admitted.)

3 Q And Special Agent, let's turn to the wiretaps in this  
4 case. Can you explain for the jury your process of  
5 attribution for the wiretap communications?

6 A So again, in terms of Eric Marquez and Hugo Garcia  
7 Gutierrez, I worked with the undercover agent. And we are  
8 familiar with their voices. We also obviously know the phone  
9 Eric Marquez is using because we received court authorization  
10 to track that phone.

11 Q Same with Hugo Garcia Gutierrez for his phones?

12 A Correct.

13 Q Continue on.

14 A Yeah. So we're talking about all of these, right?

15 Q Yes, generally speaking.

16 A So generally speaking, in terms of Angel Serrano, so one  
17 of the ways we identified his phone was there was actually a  
18 series of calls between Hugo Garcia Gutierrez and Eric  
19 Marquez. And Hugo actually tells Eric to call Angel, right?  
20 Tell Angel to start collecting the money.

21 Then the next call we intercept is a call to a number and  
22 they're talking about that exact same conversation. So the  
23 user of that phone would be inferred to be Angel.

24 Now, on top of that, that specific phone that I'm  
25 referring to was located in Angel's residence when we

1 ultimately searched his residence.

2 Keep going here. Let's see --

3 Q Well, before you move on then, have you actually  
4 interviewed defendant Serrano?

5 A Yes, I have interviewed Angel Serrano.

6 Q Are you somewhat familiar with his voice?

7 A Yes.

8 Q You mentioned the undercover assisted you in all of these.  
9 As part of that, did he also review known exemplars for all  
10 of these individuals?

11 A Yes.

12 Q So continuing on, what else did you do or consider when  
13 preparing attribution?

14 A So we also, for instance, we have a phone in here used by  
15 Ivan Betanzos Torres. So with his specific phone what we did  
16 was we actually obtained a tracking warrant for his phone.  
17 And then during our investigation we conducted surveillance  
18 on Ivan Betanzos Torres. And on multiple occasions we  
19 surveilled him as he drove from Mount Vernon down to Everett.  
20 And the phone pinged, along with him, as he was driving down.

21 So that gave us the knowledge to know that that phone  
22 belonged to him. And that is specifically in reference to  
23 the phone number ending in 8089.

24 We have another phone used by Ivan Bentanzos Torres in  
25 here. And once again I talked a bit about how our linguists

1 who listened to the wiretaps, if they've heard a number of  
2 calls with a user on a specific phone and then that user  
3 stops using that phone and uses another phone, they can  
4 recognize that voice. And they can also conduct voice  
5 comparisons where they take snippets of other calls and  
6 isolate them and play them with snippets from the new phone.  
7 And they can compare that, play them back-to-back. Then they  
8 can tell us, yes, that's the same user, in regards to the  
9 second phone used by Ivan Betanzos Torres that we have that  
10 was also located with him when we arrested him.

11 Q There's also an individual identified in those transcripts  
12 as Edgar Gonzalez. First of all, who is Edgar Gonzalez?

13 A So, Edgar Gonzalez is a heroin redistributor that worked  
14 for Eric Marquez and Hugo Garcia Gutierrez. And in the calls  
15 that are in this binder, the individual directs Hugo Garcia  
16 Gutierrez to come to his house. And we were conducting  
17 surveillance on Hugo Garcia Gutierrez. And he went to a  
18 house. And then he makes another call and says, "Hey, I'm  
19 here." And Edgar Gonzalez comes out and meets with him.

20 So with those series of observations, we can deduce that  
21 that is Edgar Gonzalez's telephone.

22 Q Based on all of the above, do you believe that the voice  
23 attributions on the exhibits in the 700 series are accurate?

24 A Yes, they are.

25 Q And the call header information for these wiretap

1 transcripts, where did you get that data?

2 A Yeah, so I made sure that all the header information, the  
3 date, target telephone, session number, direction,  
4 participants and file name, I made sure all that was correct  
5 based on our actual wiretap records.

6 Q That was provided directly by the phone company?

7 A Yes.

8 Q All right.

9 MR. MASADA: Your Honor, the government offers  
10 Exhibits 700, 701, 702, 703, 705 through 708, 710 through 719  
11 and 721 through 724.

12 THE COURT: Any objection?

13 MR. ILLA: I have no objection, Your Honor.

14 MS. SHAW: No objection, Your Honor.

15 MR. HAMMERSTAD: I'd like to voir dire the witness,  
16 briefly.

17 THE COURT: Ladies and gentlemen, that voir dire of  
18 the witness simply means he's going to ask him some  
19 questions. We never call anything what you'd like.

20 VOIR DIRE EXAMINATION

21 BY MR. HAMMERSTAD:

22 Q Good afternoon, agent.

23 A Good afternoon.

24 Q In terms of the attribution of the calls attributed to  
25 Mr. Serrano Carreno, you interacted with him once, I believe?

1 A That's correct.

2 Q On November 22nd?

3 A Yes.

4 Q Is that right? And a voice on a phone doesn't always  
5 sound exactly like a voice in person?

6 A Not always, but sometimes it does.

7 Q Okay. In terms of the phones seized from him, were you  
8 present when those phones were obtained?

9 A I was not present at the search warrant.

10 Q Okay.

11 A But I did search every single phone. And in terms of  
12 knowing that phone is from the search warrant, obviously at  
13 the search warrant it was put into an evidence bag and  
14 sealed. So that's how I know that that phone came from that  
15 search warrant.

16 Q Okay. But it's not identified by subscriber information  
17 in Mr. Serrano Carreno's name?

18 A I actually don't have knowledge of that, of who the  
19 subscriber information is for that phone.

20 MR. HAMMERSTAD: Thank you.

21 THE WITNESS: Yes.

22 THE COURT: Do you want to give us your numbers  
23 again, counsel?

24 MR. MASADA: I'll read them out one-by-one, Your  
25 Honor. I apologize, it's a lot. Government's Exhibits 700,



1 701, 702, 703, Exhibits 705, 706, 707, 708, 710, 711, 12, 13,  
2 14, 15, 16, 17, 18, 19 and 721, 22, 23 and 24.

3 THE COURT: Mr. Illa, any objection?

4 MR. ILLA: No objection.

5 MS. SHAW: No objection.

6 MR. HAMMERSTAD: No objection, Your Honor.

7 THE COURT: Those exhibits are deemed admitted and  
8 may be published tomorrow.

9 (Exhibits 700-703, 705-708, 710-719, 721-724 were admitted.)

10 THE COURT: Ladies and gentlemen, I'm sending you  
11 home. You didn't do anything wrong. This is good. Just  
12 since you haven't heard these words for a while, remember  
13 until the trial is over don't discuss the case with anyone  
14 else, including your fellow jurors, people involved in the  
15 trial, and don't allow others to discuss the case with you.  
16 This includes discussing the case in person, in writing, by  
17 phone or electronic means, e-mail, text messaging, Internet  
18 chat rooms, blogs, websites, applications, including but not  
19 limited to Facebook, YouTube, Twitter, Instagram, LinkedIn  
20 SnapChat and any other form of social media.

21 If anyone tries to communicate with you about the case,  
22 please let me know about it immediately. Do not read, watch  
23 or listen to any news reports or other accounts of the trial.  
24 Don't do any research, such as consulting the dictionary,  
25 searching the Internet or other reference materials. I

1 always wonder when I say, "Don't do any research," then we  
2 tell you every way to do it. But that's what the instruction  
3 says.

4 Finally, keep an open mind until all the evidence has been  
5 presented and you have heard the arguments of counsel and my  
6 instructions on the law and views of your fellow jurors. If  
7 anyone needs to speak with me about anything, simply give a  
8 signed note to the courtroom deputy to give to me. One of  
9 those came today, that's why I'm going to talk to the  
10 lawyers. And we'll get you an answer tomorrow.

11 In the meantime, have a good evening. Tomorrow we are  
12 starting at 9:00 a.m. You guys have been just fabulous about  
13 getting here on time. We're supposed to have another week of  
14 nice weather, so that makes a big difference. But leave  
15 yourself a little bit of leeway in there. Ladies and  
16 gentlemen, please rise for the jury.

17 (Jury exits the courtroom.)

18 THE COURT: Counsel, one of the jurors has asked a  
19 question about if the parties, the attorneys, whoever, know  
20 their identities. And I'm going to say implicitly in that is  
21 perhaps some concern about her being known to everyone. I  
22 believe that there is a split in the courthouse about how  
23 this is done. I know some of my colleagues collect the jury  
24 forms at the end of jury selection, others of them collect  
25 them at the end of trial, and others don't do anything.

1       So since someone has expressed that concern, I'm going to  
2       solicit your advice. Do any of you feel a need to continue  
3       to hold onto the jury forms or are you prepared to return  
4       them to the court to be disposed of at this time?

5           MS. VAUGHAN: Your Honor, the government has them in  
6       safekeeping. We are happy to return them to the court at  
7       this time, and see no further need to retain them. We have  
8       no record of the identities otherwise.

9           MR. ILLA: Your Honor, my practice is to give those  
10      to the clerk immediately after the jury is seated. I've done  
11      that. I collected forms from Mr. Hammerstad and Ms. Shaw,  
12      gave them all to your clerk and asked her to shred them.

13          THE COURT: We'll be able to tell them that's not a  
14      concern.

15          MR. ILLA: If this was a note from a juror, are we  
16      entitled to know the juror number?

17          THE COURT: I'm going to give you a copy of the note  
18      and my response. But I wanted a chance to talk to you first.  
19      All right. Anything further at this time?

20          MS. SHAW: No, Your Honor.

21          MS. VAUGHAN: Not from the government, Your Honor.

22          MS. SHAW: Could the government please tell us who  
23      they are calling after Agent Gerrol concludes his testimony?

24          THE COURT: That was going to my question.

25          MS. VAUGHAN: Would you like us to read it out or

# APPENDIX G

Hon. James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BALTAZAR REYES GARCIA,  
HECTOR CONTRERAS IBARRA,  
ANGEL SERRANO CARRENO,

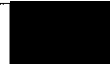
Defendants.

No. CR16-0287JLR

JURY QUESTION AND  
THE COURT'S RESPONSE

Question #1

Jury



Question #1 - Does the prosecution  
and or/ defense aware  
of my real name, work  
place, where I live?

Does the defendants know  
my name, occupation, etc.?

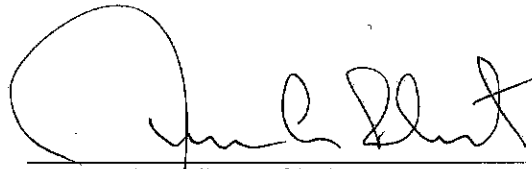
~~Question #2~~

JURY QUESTION AND THE COURT'S RESPONSE - 1

The Court's Response:

The attorneys have your juror form during jury selection. They are then returned to the court. They have your name and other <sup>information</sup> juror form during this limited period of time. Address of home or work not disclosed. Your name and occupation on the juror form when the attorneys have them.

DATED this 2<sup>ND</sup> day of Oct., 2017 at 5:00 pm ~~am~~/p.m.



HON. JAMES L. ROBART  
United States District Judge

# APPENDIX H

1 MS. SHAW: Mr. Garcia can't hear.

2 THE COURT: Go to the podium, please.

3 MR. ILLA: That I understood.

4 THE COURT: If you're not next to the mike, and you  
5 moved your mike, there isn't a record.

6 MR. ILLA: Having looked at the note, I have  
7 concerns.

8 THE INTERPRETER: One second, please.

9 THE COURT: We need to be timely in arrivals,  
10 including the interpreters. All right. Mr. Illa.

11 MR. ILLA: The second question, "Does the defendants  
12 know my name, occupation, et cetera," is what causes  
13 particular concern. I've consulted with Ms. Shaw and  
14 Mr. Hammerstad about that. And we are concerned that that  
15 sort of issue may have been discussed among the jurors,  
16 that's why we're asking for the court to inquire specifically  
17 about that sort of issue. That's all.

18 THE COURT: I'm going to decline to do that. I  
19 believe that the three gentlemen who sat in here yesterday  
20 raised the attention of the jury. They raised my attention.  
21 I think they may even be children, since some of them bear a  
22 striking resemblance to the defendants. And I believe it was  
23 a matter of they wanted to know who knew their juror  
24 information, and I guess specifically the question of were  
25 the defendants aware of it. And that's what the court



1 answered. So absent that, I don't see any reason to further  
2 raise the issue, which would simply raise their awareness of  
3 the fact that potentially that information would be known to  
4 these people -- to the defendants as opposed to the  
5 attorneys, and caused them concern.

6 MR. ILLA: I understand the court's ruling and  
7 respect it. I've made my record. Thank you.

8 THE COURT: Yes, you have made your record. Let's  
9 bring the jury in.

10 (Jury enters the courtroom.)

11 THE COURT: Good morning. I understand that one of  
12 you inquired of the in-court deputy, which is what her  
13 official title is, what the schedule is. So let me remind  
14 you of that. Today is October 3rd. Pens to the ready, if  
15 anyone wants to write this down. We're going to go 9:00 to  
16 4:30. So just a regular court day. Tomorrow, Wednesday the  
17 4th, 9:00 to 4:30. So regular court day. Thursday, one of  
18 my colleagues is hard at work in either France or Italy, and  
19 so he had previously scheduled a hearing to take place at  
20 9 o'clock. So we're going to start at 9:30 so I can go be  
21 Judge Lasnik at 9:00. Other than starting at 9:30, our  
22 schedule will be the same.

23 Friday, as you know, the 6th, we are not having court.  
24 That will give you a four-day weekend if you want to play  
25 hooky for your jobs. Because on Monday the 9th it is either

1 A So, when the meeting broke up, I again followed the CS  
2 from that meeting location back to our prearranged meeting  
3 location.

4 Q And you met with the CS?

5 A I did.

6 Q Now, based on that April 14, 2016 meeting between the CS  
7 and Eric Marquez, what did you do?

8 A So based on that meeting, we decided that a couple days  
9 later we could, indeed, arrange for the purchase of a pound  
10 of methamphetamine from Eric Marquez.

11 Q Why was that?

12 A Because the CS had informed me that the conversations with  
13 Eric Marquez indicated that Eric Marquez would sell the CS a  
14 pound of methamphetamine for \$5,000.

15 Q And was that captured on the recording device?

16 A Yes.

17 Q I'm sorry?

18 A Yes.

19 Q So let's turn to April 19, 2016. What did you direct CS1  
20 to do?

21 A So approximately 1:30 p.m. I met with the CS again at a  
22 prearranged meeting location and I directed the CS to arrange  
23 a meeting with Eric Marquez. And the basis of this meeting  
24 was going to be that the CS was wanting a sample, a small  
25 sample of methamphetamine, which the CS would then provide to

1 the CS's customer. And if the customer liked it, the CS was  
2 going to immediately return and purchase a full pound. And,  
3 of course, the customer would later be an undercover agent.  
4 But on this occasion it is just coming straight to me and  
5 we're seizing it.

6 Q So did you direct surveillance units to go anywhere on  
7 that particular day?

8 A Yes. Once again I directed surveillance units to  
9 establish surveillance at the Splash and Dash Car Wash.

10 Q On that particular day did you have the assistance of a  
11 helicopter as well?

12 A Yes, we did.

13 Q Can you describe what that helicopter -- where it comes  
14 from?

15 A Yes. So that's a Customs and Border Patrol helicopter.  
16 We use them regularly in our surveillance. And usually we --  
17 sometimes we have to donate an agent from our investigative  
18 team to ride in the helicopter and use the camera. And  
19 there's a radio in the helicopter, just like our vehicles.  
20 So they can, in live-time, communicate exactly what they're  
21 seeing.

22 Q Now, the events of May -- I'm sorry, April 19, 2016, did  
23 that involve several separate locations?

24 A Yes.

25 Q I'm showing you what's been -- what's been marked

1 Government's Exhibit 224. Do you recognize 224?

2 A Yes.

3 Q Is it just a map of several locations in the general  
4 vicinity?

5 A Yes.

6 Q Or --

7 A Locations that we conducted surveillance at that day.

8 MR. MASADA: Your Honor, the government offers 224  
9 for illustrative purposes.

10 MR. ILLA: No objection to 224.

11 MS. SHAW: No objection, Your Honor.

12 MR. HAMMERSTAD: No objection.

13 THE COURT: It was previously admitted, counsel.

14 MR. MASADA: I apologize, Your Honor.

15 Q Special Agent, 224 you'll see on your screen. Can you  
16 describe each of the locations?

17 A So first is the Splash and Dash Car Wash. That's the  
18 location where the CS met Eric Marquez multiple times that  
19 day. The Candlewood Suites is a nearby hotel where we  
20 observed Hugo Garcia Gutierrez drive to after dropping off  
21 Eric Marquez at our first meeting. Down at the bottom there  
22 is the Si Senor Restaurant. This is where we followed Eric  
23 Marquez, Angel Serrano, Hugo Garcia Gutierrez and Leopoldo  
24 Savalza Vela. We followed them there and saw them meet  
25 Baltazar Reyes Garcia and Hector Garcia Gutierrez, who were

1 driving that red Jeep Liberty.

2 Then from there we followed them to 1462 Camano Drive  
3 residence, which was the residence of Hector Contreras Ibarra  
4 and Baltazar Reyes Garcia. And there, after a short stop, we  
5 followed Eric Marquez, Hugo Garcia Gutierrez, Angel Serrano  
6 and Leopoldo Savalza Vela back to the Splash and Dash Car  
7 Wash, where they dropped Eric Marquez off for the second  
8 meeting with the CS. And then we followed them back to the  
9 Candlewood Suites.

10 Then after the meeting with the CS, the CS actually gave  
11 Eric Marquez a ride from the Splash and Dash Car Wash back to  
12 the Candlewood Suites. And that's where our surveillance was  
13 terminated.

14 Q Okay. Let's back up, Special Agent. You mentioned you  
15 met with the CS earlier that day?

16 A Yes.

17 Q And how did the CS communicate with Mr. Marquez?

18 A Through SnapChat.

19 Q Why SnapChat?

20 A Ultimately through SnapChat, because Eric Marquez wasn't  
21 answering his phone.

22 Q Was that a method of communication used by Mr. Marquez?

23 A Yes.

24 Q And were those SnapChat messages made in your presence?

25 A Yes.

1 Q Were they preserved?

2 A Yes.

3 Q I'm showing you what's been admitted as Exhibit 220,  
4 Government's Exhibit 220. Are these photos of the SnapChat  
5 messages between Mr. Marquez and the CS?

6 A Yes.

7 Q Just to be clear, "me" would refer to the CS?

8 A Yes.

9 Q "Compo 1" is who?

10 A That's the SnapChat handle of Eric Marquez.

11 Q So if we look at the first page of Exhibit 220, what time  
12 was this message sent?

13 A 1:33 p.m.

14 Q What was said?

15 A That's the CS reaching out to Eric Marquez saying, "What's  
16 up, cousin? What are you doing?"

17 Q Did he send a follow-up message, turning to the second  
18 page?

19 A Yes.

20 Q What was that?

21 A "Do you have the sample? I'm going to MV now." Which is  
22 Mount Vernon.

23 Q And does this reference the sample you had directed the CS  
24 to order from Mr. Marquez?

25 A Yes.

1 Q Did Eric Marquez respond to the CS? And I'll turn to  
2 page 3 of Exhibit 220.

3 A He responded with, "Yeah."

4 Q What time?

5 A 1:59 p.m.

6 Q What did you do after the CS received this message?

7 A Shortly thereafter I gave the CS a concealed recording  
8 device and followed the CS to the Splash and Dash Car Wash.

9 Q What did you observe?

10 A I observed the CS and Eric Marquez, or Eric Marquez's  
11 purple GMC Sierra, it actually had two people in it, pull  
12 into the Splash and Dash Car Wash.

13 Q And where did you go?

14 A I set up nearby, once again to follow the CS once the  
15 meeting dispersed.

16 Q And can you describe for the jury Mr. Marquez's truck?

17 A Yes. It's a lifted GMC 1500 Sierra, purple in color, with  
18 some chrome accents.

19 Q Fairly distinctive?

20 A Very distinctive.

21 Q So can you explain what happened next?

22 A So, not long after I observed the GMC Sierra leaving the  
23 Splash and Dash Car Wash, while clearly, according to the  
24 audio transmitter, the meeting between the CS and Eric  
25 Marquez was occurring. And so listening to the radio I

1 obviously learned that the GMC Sierra had dropped Eric  
2 Marquez off. Then surveillance units followed the GMC from  
3 the Splash and Dash Car Wash to the Candlewood Suites, which  
4 is very close by.

5 There they observed Hugo Garcia Gutierrez get out of the  
6 GMC Sierra, walk over to the hotel and actually knocked on a  
7 room that was later identified as Room 102.

8 Then Hugo Garcia Gutierrez walked around and disappeared  
9 out of sight. Minutes later Hugo Garcia Gutierrez comes back  
10 from around the back of the hotel, accompanied by Angel  
11 Serrano and Leopoldo Savalza Vela. Those three individuals  
12 get back in the GMC, then they drive from the Candlewood  
13 Suites back to the Splash and Dash Car Wash.

14 Q Were the CS and Eric Marquez still at the car wash you  
15 described?

16 A Yes. They had remained there this entire time.

17 Q All right. And then what did you see?

18 A So a short time later, once again, minutes, the meeting  
19 had broken up. And I got back behind the CS1 or CS as he  
20 drove away. And I followed the CS to a prearranged meeting  
21 location.

22 Q What did the CS provide to you?

23 A A small plastic baggie with a shard, just a small crystal  
24 of methamphetamine.

25 Q If you would, Special Agent, would you look in that box



1 before you for Government's Exhibit 200?

2 A Okay.

3 Q Did you find it?

4 A Yes.

5 Q What is Exhibit 200?

6 A This is the sample of methamphetamine that was provided to  
7 me by the CS.

8 MR. MASADA: Your Honor, government offers  
9 Exhibit 200.

10 MR. ILLA: No objection.

11 MS. SHAW: No objection.

12 MR. HAMMERSTAD: No objection.

13 THE COURT: Exhibit 200 is admitted and may be  
14 published.

15 (Exhibit 200 was admitted.)

16 Q Was Exhibit 200, or the exhibit marked as 200, booked into  
17 DEA evidence?

18 A Yes.

19 Q Was it assigned an exhibit number?

20 A Yes. Exhibit 2.

21 Q What was done with DEA Exhibit 2?

22 A It was sent to the lab.

23 Q For analysis?

24 A Yes.

25 Q Did the CS also provide you with a recording device?

1 approximately 7:12 p.m. And based on our surveillance that  
2 was being conducted, they were -- Eric Marquez was at the  
3 Camano Island address of Baltazar Reyes Garcia and Hector  
4 Contreras Ibarra. And the message says -- let's see here.

5 Q The gist of it.

6 A The gist of it is that he's ready and he'll be there in  
7 40 minutes.

8 Q Did you convey that information to the surveillance teams?

9 A Yes.

10 Q All right. And so what did you do?

11 A I stayed with the CS and prepared the CS for his next  
12 meeting with Eric Marquez. Again, I gave the CS a concealed  
13 recording device. And, again, I followed the CS from our  
14 prearranged meeting location to the Splash and Dash Car Wash  
15 where the meeting was supposed to occur.

16 Q Did you also provide him with money?

17 A I did. \$5,000 in prerecorded government funds.

18 Q And that was the amount agreed upon for a pound of  
19 methamphetamine?

20 A Yes.

21 Q And you said you followed the CS to the meet location.  
22 And that meet location was where?

23 A The Splash and Dash Car Wash.

24 Q All right. And what did you observe?

25 A So I observed the CS pull into the Splash and Dash Car

1 Wash. And then again, I set up nearby to follow the CS when  
2 the meeting broke up. And minutes later I observed the  
3 Subaru that Eric Marquez had been driving, again driving away  
4 from the Splash and Dash Car Wash, while clearly, according  
5 to the audio transmitter, the CS was meeting with Eric  
6 Marquez. So the Subaru left and Eric Marquez remained with  
7 the CS.

8 Q And did you ultimately see the CS's vehicle leave as well?

9 A Yes. Then the CS vehicle left. And it was occupied.  
10 And, again, according to the audio transmitter, the CS was  
11 still talking with Eric Marquez. So it became clear that  
12 Eric Marquez had gotten in the CS's vehicle and the CS was  
13 giving Eric Marquez a ride.

14 Q And did you follow that vehicle?

15 A Yes.

16 Q Where did you follow it to?

17 A Back to the Candlewood Suites, from the prior meeting.

18 Q And following the Candlewood Suites, where did you go?

19 A After the CS dropped off Eric Marquez, I followed the CS  
20 from the Candlewood Suites back to our prearranged meeting  
21 location.

22 Q And did you meet with him?

23 A Yes.

24 Q And what did he provide you?

25 A He provided me a gold whiskey box, which further contained

1 a pound of methamphetamine.

2 Q As well as a recording device?

3 A As well as the concealed recording device.

4 Q All right. If you would, Special Agent, would you find  
5 Government's Exhibit 201 in front of you?

6 A Okay.

7 Q What is Exhibit 201?

8 A 201 is the methamphetamine that was provided to me by the  
9 CS.

10 MR. MASADA: Your Honor, the government offers  
11 Government's Exhibit 201.

12 MR. ILLA: No objection to 201.

13 MS. SHAW: No objection, Your Honor.

14 MR. HAMMERSTAD: No objection.

15 THE COURT: 201 is admitted and may be published.

16 (Exhibit 201 was admitted.)

17 Q Would you hold that up for the jury?

18 A (Witness complies.) So this is 201. One pound of  
19 methamphetamine.

20 Q And was that exhibit later sent to the DEA lab for  
21 analysis?

22 A Yes.

23 Q And what -- was that assigned a DEA number?

24 A Yes.

25 Q What DEA exhibit number?

1 A Three.

2 Q Now, as part of your investigation, did you also conduct  
3 some follow-up inquiries about the Candlewood Suites?

4 A Yes.

5 Q Why?

6 A Because, like I said, we observed Hugo Garcia Gutierrez  
7 knock on that room window for Room 102. And then he went  
8 into the hotel. And then come out of the hotel along with  
9 Angel Serrano and Leopoldo Savalza Vela.

10 Q Did you also review the recording of that interaction,  
11 that first meeting on April 19, 2016?

12 A Yes.

13 Q What was the -- what basis did you have to further inquire  
14 about the Candlewood Suites?

15 A This is the concealed audio recording?

16 Q Yes.

17 A At the end of that recording, Eric Marquez actually  
18 mentioned -- appearing to be impatient that this was taking  
19 so long -- mentioned that: They were just coming from over  
20 there at a hotel where there was some restaurants.

21 Q And so at the -- so on your screen you'll see what's been  
22 marked Government's Exhibit 226. Do you recognize 226?

23 A Yes.

24 Q These are records provided to the DEA by the Candlewood  
25 Suites?

1 A That's correct.

2 MR. MASADA: The government offers Exhibit 226.

3 MR. ILLA: No objection to 226.

4 MS. SHAW: No objection, Your Honor.

5 MR. HAMMERSTAD: No objection.

6 THE COURT: 226 is admitted. It may be published.

7 (Exhibit 226 was admitted.)

8 Q Special Agent, what is Exhibit 226?

9 A It's the room registration information for Room 102.

10 Q And in whose name was the hotel room rented?

11 A Antonio Serrano.

12 Q And it says at the top of the page, "ACC," perhaps  
13 account. And another name. What name is that?

14 A Fernando Carreno.

15 Q And turning to the second page, there is a checkout form  
16 for the guest staying in -- at least one of the guests  
17 staying in 102. Again, what name was used to check out what  
18 appears to be a Keurig?

19 A Fernando Carreno.

20 Q Now, Special Agent, are you familiar with defendant Angel  
21 Serrano's full legal name?

22 A Yes.

23 Q What is it?

24 A Angel Fernando Serrano Carreno.

25 Q On your screen you'll see what's been marked Government's

1 Exhibit 57. Do you recognize Exhibit 57?

2 A Yes.

3 Q And what is Exhibit 57?

4 A Angel Serrano's driver's license.

5 MR. MASADA: The government offers Government's  
6 Exhibit 57.

7 MR. ILLA: No objection to 57.

8 MS. SHAW: No objection.

9 MR. HAMMERSTAD: No objection.

10 THE COURT: No. 57 is admitted and may be published.

11 (Exhibit 57 was admitted.)

12 Q The jury can now see Exhibit 57. Can you describe what  
13 this is?

14 A This is the Washington driver's license for Angel Serrano.

15 Q As part of your follow-up inquiries, have you also  
16 reviewed other certified government records with  
17 Mr. Serrano's full legal name?

18 A Yes.

19 Q And, again, his middle name is?

20 A Fernando.

21 Q And just to be clear, this driver's license contained in  
22 Exhibit 57 was issued on what date?

23 A October 28, 2016.

24 Q So after the events you're talking about today?

25 A That's correct.

1 Q All right. And what address did Mr. Serrano provide on  
2 his driver's license?

3 A 15072 Nookachamps Road, Mount Vernon, Washington.

4 Q Is that a residence that was of interest to your  
5 investigation?

6 A Yes.

7 Q And was it ultimately searched?

8 A Yes, it was.

9 Q On what date?

10 A November 2, 2016.

11 Q Did the Candlewood Suites also provide video footage of at  
12 least one of the guests staying in Room 102?

13 A Yes.

14 Q Have you reviewed, prior to coming to trial today,  
15 Exhibit 227?

16 A Yes.

17 Q What is Exhibit 227?

18 A It's a video of Angel Serrano using his room card to  
19 access the commissary of the hotel.

20 MR. MASADA: Government offers 227.

21 MR. ILLA: No objection.

22 MS. SHAW: No objection.

23 MR. HAMMERSTAD: No objection.

24 THE COURT: No. 227 is admitted.

25 (Exhibit 227 was admitted.)



1 Q All right. We're going to play the video.

2 (Video played.)

3 Q Who is the individual depicted in that video?

4 A That's Angel Serrano.

5 Q Now, let's pause and talk about some of the locations that  
6 came up as part of your investigation. Can you describe  
7 what, if any, challenges to traditional surveillance that  
8 some of these locations posed?

9 A Many of the residences that were of particular interest to  
10 us were in rural areas, kind of on the outskirts of Mount  
11 Vernon. A lot of these were accessed by very rural roads,  
12 roads that if you parked on you're going to look weird,  
13 you're going to look out of place. And you're likely going  
14 to be challenged very quickly as being out of place. So that  
15 means that it's very difficult for us to sit there and  
16 conduct static surveillance on these residences.

17 Q So what technique did the investigation employ?

18 A We installed pole cameras at these locations.

19 Q And we've heard a little bit about pole cams, so I won't  
20 go into it in too much detail. But can you just give us an  
21 overview of where, what residences, what locations pole cams  
22 were installed at this point in the investigation?

23 A We installed pole cameras at the Stackpole residence where  
24 Eric Marquez and Hugo Garcia Gutierrez lived. We installed a  
25 pole camera at the Camano Island address where Baltazar Reyes

1 and Hector Contreras Ibarra lived. We also installed a pole  
2 cam at 15072 Nookachamps Road, which is where Angel Serrano  
3 lived. And then additionally we had a pole cam installed at  
4 the East Selah address in Yakima, Washington, which was  
5 Hector Contreras Ibarra's prior residence and his father's  
6 residence and was also involved in our investigation.

7 Q Have you reviewed pole cam footage from these pole cams?

8 A Yes.

9 Q Give us a ballpark, how much?

10 A Hundreds of hours.

11 Q All right. Now let's, if you don't mind, Special Agent,  
12 we can turn to the next sort of pertinent event, which would  
13 be -- let's talk about May 23, 2016?

14 A Okay.

15 Q Were you involved in an operation on that day?

16 A Yes.

17 Q And what was the nature of that operation?

18 A So, again, we were directing CS1 to purchase another pound  
19 of methamphetamine from Eric Marquez.

20 Q And what was your role in that operation?

21 A My role, again, was to meet with the CS and provide the CS  
22 direction on how to arrange the meeting.

23 Q Did you also conduct surveillance based on using the pole  
24 cams that day?

25 A Yes.

1 Q And have you since also reviewed the pole cam footage from  
2 May 23, 2016?

3 A Yes.

4 Q Now, approximately what time did you actually meet with  
5 the CS?

6 A Approximately 5:00 p.m.

7 Q Earlier in the day, were you reviewing pole cam footage?

8 A Yes, I was watching it live.

9 Q Now, what guidance had you given the CS about arranging  
10 this particular deal?

11 A So the prior day the CS was actually with Eric Marquez at  
12 Eric Marquez's residence working on Eric Marquez's cars. And  
13 I directed the CS to let Eric Marquez know that the CS was  
14 going to want another pound of methamphetamine the next day.

15 Q And so that meeting would have occurred on the 22nd of  
16 May?

17 A That's correct.

18 Q So turning back to May 23rd. Did you review pole camera  
19 footage for the Camano Island residence?

20 A Yes.

21 Q On your screen, I'm showing you what's been marked  
22 Exhibits 254, 255, and 256. Do you recognize those?

23 A Yes.

24 Q What are they?

25 A Those are still frames from the pole cam at Camano Island.

1 MR. MASADA: The government moves to admit  
2 Exhibits 254, 255 and 256.

3 MR. ILLA: I have no objection to those exhibits,  
4 Your Honor.

5 MS. SHAW: No objection.

6 MR. HAMMERSTAD: No objection.

7 THE COURT: Exhibits 254, 255 and 256 are admitted.

8 (Exhibits 254, 255 & 256 were admitted.)

9 Q Special Agent, before we look at them, what did you  
10 observe that day? What did you observe occur at the Camano  
11 Island on May 23, 2016?

12 A So around noon I observed Baltazar Reyes Garcia in the  
13 driveway of the residence. And he actually got into his  
14 Mercedes SUV and ultimately drove away from the residence.  
15 An hour later, approximately 1:00 p.m., I observed an  
16 individual that I recognized as Hector Contreras Ibarra walk  
17 into the driveway of the residence. Ultimately he got into  
18 the red Jeep Liberty and pulled it down the driveway, and  
19 then backed it up the driveway into the open garage so that  
20 the tailgate area of the Jeep Liberty was into the garage.  
21 Is this published?

22 Q Not yet. Let me stop you there, Special Agent. I'm  
23 showing you what's been admitted as Exhibit 254.

24 A Okay.

25 Q And, Special Agent, continue. What did you observe?

1 A So like I said, he backed the Jeep Liberty partially into  
2 the garage, like you see there. And then I just watched as  
3 Contreras Ibarra just milled about in the garage back behind  
4 the vehicle. Then ultimately he got back into the driver's  
5 seat of the Jeep Liberty and pulled it forward. Then closed  
6 the garage door as he pulled it forward. And then he walked  
7 off camera back towards the entrance to the residence.

8 Q So turning to Exhibit 255. What is 255?

9 A So 255, approximately at 1:25 p.m., Hector Contreras is  
10 seen walking back to the Jeep Liberty and eventually getting  
11 into the Jeep Liberty.

12 Q Exhibit 256. Is this Mr. Ibarra getting into the Jeep  
13 Liberty?

14 A Yes.

15 Q That's the Jeep Liberty that has been seen on prior  
16 surveillances?

17 A Yes. That's the same Jeep Liberty from the April 19th  
18 controlled purchase where we saw Eric Marquez meet with  
19 Contreras Ibarra and Reyes Garcia at the Si Senor.

20 Q And, Special Agent, did you take note of what  
21 Mr. Contreras Ibarra was wearing when he departed the Camano  
22 Island residence?

23 A Yes. So knowing a controlled purchase was going to be  
24 conducted later that day and with the understanding of how  
25 the prior controlled purchase occurred where Eric Marquez

1 actually met with Contreras Ibarra and Reyes Garcia, I took  
2 note that Contreras Ibarra was wearing the jeans, the  
3 dark-colored jacket and the black hat. I just put it in the  
4 back of my mind in case that comes up later.

5 Q All right. Now, you said you met with the CS on May 23,  
6 2016. Did you direct him to reach out to Mr. Marquez?

7 A Yes.

8 Q And I'm showing you what's been admitted as Government's  
9 Exhibit 267. Do you recognize what 267 is?

10 A Yes. That's the text message that the CS sent Eric  
11 Marquez.

12 Q What did he say? What did the CS say?

13 A "Buddy, it's me Evo. Are you ready?"

14 Q What does Evo refer to?

15 A Evo is the CS's, I guess, nickname for himself, because he  
16 drives a Mitsubishi Evo.

17 Q Was Eric Marquez ready at 5:07 p.m.?

18 A No. Eric Marquez was not ready.

19 Q Why not?

20 A Eric Marquez had indicated to the CS that he needed a  
21 couple hours to wait for his drug supplier to meet with him.

22 Q So what did you do?

23 A I waited with the CS at the prearranged meeting location.

24 Q Now, did a meet ultimately occur on that day?

25 A Yes.

1 Q At about what time?

2 A The meeting occurred approximately 7:30.

3 Q Where did that meeting occur?

4 A At the CS's residence.

5 Q Was that planned?

6 A That was not planned.

7 Q We'll get into why in a moment.

8 Now, while you're waiting, are surveillance agents  
9 following the various individuals that are targets of the  
10 investigation?

11 A Yes.

12 Q And were you also reviewing pole cam footage?

13 A Yes. So I was in a parking lot with the CS, and I also  
14 have access to the pole camera footage on my phone or laptop,  
15 I can log in and look as well. So I was with the CS  
16 monitoring the radio, listening to surveillance and also  
17 watching the pole cams.

18 Q Special Agent, on your screen you'll see Government's  
19 Exhibit 258, and Exhibit 259 and Exhibit 257A that you've  
20 reviewed previously to today.

21 A Yes.

22 Q 257A is a series of photos, correct?

23 A Yes.

24 Q Are those images from the Nookachamps Road area pole cam?

25 A That's correct.

1 MR. MASADA: The government offers Exhibits 257A, 258  
2 and 259.

3 MR. ILLA: I have no objection to those exhibits,  
4 Your Honor.

5 MS. SHAW: No objection, Your Honor.

6 MR. HAMMERSTAD: No objection.

7 THE COURT: 257A, 258 and 259 are admitted.

8 (Exhibits 257A, 258 & 259 were admitted.)

9 Q Special Agent, did Mr. Contreras Ibarra later appear at  
10 the Nookachamps residence?

11 A Yes, he did.

12 Q All right. And could you indicate on your screen where  
13 you see Mr. Contreras Ibarra's vehicle?

14 A So this is a touchscreen, right?

15 Q I believe so.

16 A Okay. Oh, nice. Right there -- I circled it -- is the  
17 red Jeep Liberty that was seen earlier in the day at Camano.

18 Q What approximate time did it arrive?

19 A 6:52 p.m.

20 Q Just to orient the jury to what we're looking at, this is  
21 the pole cam at the Nookachamps property?

22 A That's correct.

23 Q Where is defendant Angel Serrano's residence?

24 A It's just past this tree.

25 Q And this camera, are you able to remotely move it?



1 A Yes. So with my phone I can pan it, tilt it and zoom it.

2 Q All right. And, Special Agent, did Mr. Contreras Ibarra,  
3 what did he do at the property?

4 A So Contreras Ibarra pulled into the driveway, then got out  
5 of the Jeep Liberty and talked with another individual that  
6 was there at the residence, but appeared to just wait.

7 Q I'm showing you what's been admitted as Exhibit 259. What  
8 is Exhibit 259?

9 A So I had zoomed in as best I could on the individual that  
10 got out of the Jeep, so that way I could see his clothing,  
11 see the same gray jacket, black hat, jeans. And based on  
12 that, I recognized it's the same individual that left the  
13 Camano residence, identified as Hector Contreras Ibarra.

14 Q Special Agent, where was Eric Marquez, generally, about  
15 this time?

16 A At his residence at Stackpole.

17 Q And what did you -- what did he do that afternoon, I mean  
18 about this time?

19 A At about this time?

20 Q Yeah.

21 A So at about this time Eric Marquez was with Leopoldo  
22 Savalza Vela and they were driving in the Subaru sedan. And  
23 they had actually just left Nookachamps. And we followed  
24 them back to Eric Marquez's residence on Stackpole Drive.  
25 There Eric Marquez and Leopoldo Savalza Vela got out of the

1     Subaru and they went inside the Stackpole residence for a  
2     couple minutes. Then they came back out, got back into the  
3     Subaru and were followed to Nookachamps.

4     Q     Special Agent, I'm showing on your screen Exhibit 252,  
5     just a series of photos, and Exhibit 253.

6     A     Okay.

7     Q     Also a series of photos. Again, have you reviewed these  
8     before coming to court today?

9     A     Yes.

10    Q     What is 252 and 253?

11    A     So 252 is Eric Marquez and Leopoldo Savalza Vela arriving  
12    at Stackpole. And 253 is Leopoldo Savalza Vela and Eric  
13    Marquez departing from Stackpole.

14           MR. MASADA: The government offers Exhibits 252 and  
15    253.

16           MR. ILLA: No objection to those exhibits.

17           MS. SHAW: No objection.

18           MR. HAMMERSTAD: No objection.

19           THE COURT: 252 and 253 are admitted.

20                   (Exhibits 252 & 253 were admitted.)

21    Q     All right. I'm showing you, Special Agent, Exhibit 252.  
22    As we walk through the photos, which again are just still  
23    images from a video, correct?

24    A     Correct.

25    Q     Can you explain to the jury what you see here?

1 A So that's Eric Marquez getting out of the passenger's side  
2 of the vehicle. And there is Leopoldo Savalza Vela getting  
3 out of the driver's side.

4 Q And did you again take notice of clothing, different,  
5 distinctive aspects of these individuals?

6 A Yes. So you see Leopoldo Savalza Vela has the striped  
7 sweater. And Eric Marquez is wearing the plain gray T-shirt.

8 Q All right. And Exhibit 253, what is Exhibit 253?

9 A So 253 is, again, a series of still images of those same  
10 two individuals, Leopoldo Savalza Vela in the striped sweater  
11 and Eric Marquez in the gray shirt, having walked from the  
12 residence, getting back into the Subaru. You can see the  
13 driver's side door open there.

14 Q Approximately what time did they leave the Stackpole  
15 residence?

16 A 7:04 p.m.

17 Q All right. And where do they go, Special Agent?

18 A They were followed directly to Nookachamps Road.

19 Q And approximately what time did they arrive at Nookachamps  
20 Road?

21 A They arrived at approximately 7:17 p.m.

22 Q And can you describe -- Exhibit 257A is in front of you on  
23 the screen -- can you point to where Mr. Marquez's vehicle is  
24 parked?

25 A (Witness complies.)

1 Q And, again, 257A is a series of stills that come from a  
2 video; is that correct?

3 A That's correct.

4 Q All right. And so what do you see? What did you observe  
5 during this -- at this location?

6 A So what I observed is Eric Marquez and Leopoldo Savalza  
7 Vela get out of the Subaru. They mill about in the driveway  
8 there. Then you can see the tailgate open up there on the  
9 Jeep Liberty. And you'll see two individuals walk over  
10 there. That's Eric Marquez in the gray shirt. Then you see  
11 the dark-colored jacket and black hat there. So Eric Marquez  
12 and Contreras Ibarra are right there at the tailgate of the  
13 Jeep. Everyone else is back with the Subaru. So you see  
14 Eric Marquez accessing the tailgate area.

15 Q Does he remove something?

16 A He appears to take something and then walk over to the  
17 Subaru. And that's actually -- his back is actually, if I  
18 can point it out, that's his back right there. Can you clear  
19 that? He's actually reaching into the passenger compartment  
20 of the Subaru.

21 Q Scrolling through the video, what do they do?

22 A So then they just talk there at the end of the driveway.  
23 And ultimately, after a brief conversation, Savalza Vela gets  
24 back in the driver's side of the Subaru and Eric Marquez back  
25 in the passenger's side and the Subaru departs.

1 Q Approximately what time does Eric Marquez and Mr. Savalza  
2 Vela leave the Nookachamps residence?

3 A Approximately 7:23.

4 Q At some point does Eric Marquez contact the CS?

5 A Yes. So as they're pulling off of Nookachamps Road onto  
6 the main road there, the CS receives a phone call from Eric  
7 Marquez. And during that call --

8 Q At what time did he receive that call?

9 A 7:24.

10 Q So within a minute?

11 A Yes.

12 Q What was the context of that call?

13 A The context of that call was that Eric Marquez wanted to  
14 meet with the CS at the CS's residence.

15 Q Was this a surprise to you?

16 A Yes.

17 Q Were you at the CS's residence?

18 A We were not at the CS's residence.

19 Q So what did you do?

20 A So, again, we did all our normal pre-controlled purchase  
21 activities, searching the CS, making sure the CS had  
22 prerecorded buy money, and giving the CS a concealed audio  
23 recording device. And then I followed the CS, as quickly as  
24 we could, to get from the prearranged meeting location to his  
25 residence.

1 Q Now, just to be clear, Special Agent, how much money did  
2 you give the CS?

3 A \$2,500.

4 Q Why only \$2,500 this time?

5 A Because the CS had actually negotiated for half of the  
6 pound to be fronted or given to the CS on loan. And then the  
7 CS would pay for the other half.

8 Q Is that a fairly common arrangement in the  
9 drug-trafficking world?

10 A That's very common. And it's usually referred to as  
11 "fronted."

12 Q Just to be clear, Exhibit 270, which is in your  
13 translation binder, we talked about it earlier, is that one  
14 of the recordings that occurred on that date?

15 A Yes.

16 Q All right. So where did you go, specifically?

17 A So I followed the CS to the CS's residence and parked on  
18 that street.

19 Q What did you observe?

20 A So I observed the Subaru Impreza sedan that you see parked  
21 right there.

22 Q Okay. It's not published yet.

23 A Oh, sorry. I observed the Subaru Impreza arrive at the  
24 CS's residence and pull up in front, on the curb.

25 Q Special Agent, would you please review 260, Exhibits 260,

1 261, 262, 263, and 264.

2 A Okay.

3 Q Are those photographs from the delivery that you observed  
4 on May 23, 2016?

5 A Yes.

6 Q That occurred at the CS's residence?

7 A Yes.

8 MR. MASADA: Your Honor, the government offers  
9 Exhibits 260, 261, 262, 263 and 264.

10 MR. ILLA: No objection, Your Honor.

11 MS. SHAW: No objection, Your Honor.

12 MR. HAMMERSTAD: No objection.

13 THE COURT: 260, 261, 262, 263 and 264 are admitted  
14 and may be published.

15 (Exhibits 260, 261, 262, 263 & 264 were admitted.)

16 Q All right, Special Agent, Government's Exhibit 260 is on  
17 display. Again, describe what you observed.

18 A So I observed the Subaru Impreza that departed Nookachamps  
19 arrive at the CS's residence, that pulled up along the curb  
20 which was fronting the CS's residence. Then I observed Eric  
21 Marquez get out of the passenger's side of the Subaru  
22 Impreza, meet with the CS briefly. And then the CS reached  
23 into the passenger compartment, the rear passenger  
24 compartment of the Subaru, I saw his body go in, and then  
25 moments later Eric Marquez walked back to the Subaru, got in

1 the passenger's side. The Subaru departed. And then I drove  
2 up to the CS's residence and observed the CS closing his  
3 trunk.

4 Q And, again, exhibit -- just for the record, Exhibit 261 is  
5 the car pulling in?

6 A Yes.

7 Q 262 is Mr. Marquez exiting the vehicle. 263. And,  
8 finally, 264 is what?

9 A That is when the meeting is broken up. So the CS has  
10 already reached into the Subaru and Eric Marquez is now  
11 getting back in the passenger's side of the vehicle. And  
12 they're about to drive away.

13 Q Now, after the Subaru departed, what did you observe?

14 A So I drove up to the CS's residence and observed the CS  
15 closing his trunk. Then I observed the CS get into his car.  
16 And I followed the CS from his residence back to our  
17 prearranged meeting location.

18 Q What, if anything, did you retrieve from CS1?

19 A So once we got there, I saw the CS accessing the trunk of  
20 his vehicle. So I told the CS to pop the trunk. I looked in  
21 the trunk and saw a plastic bag that further contained a Glad  
22 trash box that was empty. And inside of it was a pound of  
23 methamphetamine.

24 Q Special Agent, I'm showing you what's been marked  
25 Government's Exhibit 251. Do you recognize 251?



1 A Yes.

2 Q What is 251?

3 A That's the package of methamphetamine that I retrieved  
4 from the CS's trunk.

5 MR. MASADA: Your Honor, the government offers  
6 Exhibit 251.

7 MR. ILLA: No objection.

8 MS. SHAW: No objection, Your Honor.

9 MR. HAMMERSTAD: No objection.

10 THE COURT: No. 251 is admitted.

11 (Exhibit 251 was admitted.)

12 Q All right, Special Agent, this is a series of photos, so  
13 we'll walk through them. The first photo?

14 A So that's the Glad trash bag box. And then that's the  
15 bundle of methamphetamine that was located inside the box.  
16 And then once you unwrap the plastic Ziploc bag, there with  
17 the methamphetamine.

18 Q Is it fairly common to field test methamphetamine when  
19 it's obtained?

20 A Yes.

21 Q All right. If you would, Special Agent, would you look  
22 for Exhibit 250 in the box before you?

23 A Okay.

24 Q Did you find it?

25 A Yes.

1 Q What is Exhibit 250?

2 A This is the methamphetamine that I received from the CS on  
3 May 23rd.

4 MR. MASADA: Your Honor, the government offers  
5 Exhibit 250.

6 MR. ILLA: No objection to 250.

7 MS. SHAW: No objection, Your Honor.

8 MR. HAMMERSTAD: No objection.

9 THE COURT: No. 250 is admitted and may be published.

10 (Exhibit 250 was admitted.)

11 Q Special Agent, would you hold up Exhibit 250 for the jury  
12 and explain what it is?

13 A (Witness complies.)

14 Q What are you holding up, Special Agent?

15 A So in my left hand here is the Glad trash bag box and the  
16 plastic packaging, which is in a separate envelope because  
17 the lab separated and fingerprinted these packaging  
18 materials.

19 Then in this end we have the pound of methamphetamine, you  
20 can see the crystal chunks. And, once again, that was  
21 wrapped inside a Ziploc bag, further wrapped in plastic,  
22 Saran wrap.

23 Q The drug exhibit you're holding up, was that booked into  
24 evidence and assigned a DEA number?

25 A Yes.

1 Q What number?

2 A Four.

3 Q Was that sent to the DEA lab for chemical analysis?

4 A Yes.

5 Q After this deal, after the delivery, did you again debrief  
6 the CS?

7 A Yes.

8 Q And did you -- were there any discrepancies of what  
9 surveillance observed?

10 A No.

11 MR. MASADA: Your Honor, I'm about to turn to a new  
12 event. Do we want to keep going?

13 THE COURT: Why don't we take our morning break at  
14 this time. Ladies and gentlemen, I usually don't instruct  
15 you when you're just going back into the jury room, other  
16 than to remind you to keep an open mind and not to talk about  
17 the case. Enjoy a little bit longer break than usual.  
18 Please rise for the jury and we'll be in recess.

19 (Jury exits the courtroom.)

20 THE COURT: We will be in recess.

21 (Recess.

22 THE COURT: Please bring the jury in.

23 (Jury enters the courtroom.)

24 Q Special Agent, before the break we were talking about a  
25 controlled purchase of narcotics on May 23, 2016. I think

1     you testified that only part -- half of the drugs were paid  
2     for, and half of the drugs were fronted. So, again, refresh  
3     the jury what we're talking about, fronting an amount of  
4     drugs?

5     A    So we paid \$2,500 for the pound of meth, which costs  
6     \$5,000. So that means we paid \$2,500 up front. Then we  
7     still owed \$2,500 for the remaining half pound.

8     Q    Did the CS, or DEA in reality, actually pay that amount,  
9     that \$2,500 for the drugs that were fronted?

10    A    Yes.

11    Q    Did that occur on June 8, 2016?

12    A    Yes.

13    Q    And, again, did you meet with the CS before and after the  
14    meeting?

15    A    Yes.

16    Q    And who did he meet with and deliver the cash to?

17    A    Again, Eric Marquez.

18    Q    Special Agent, let's turn our attention to a different  
19    topic right now. During this investigation was the CS sort  
20    of told to maintain contact with Mr. Marquez?

21    A    Yes.

22    Q    And at times did he provide you with information?

23    A    Yes.

24    Q    About his contacts with individuals?

25    A    Yes.

1 Q Now, for example, what did you do when he would provide  
2 you certain information?

3 A So if the CS called me and said that he was at Eric  
4 Marquez's house, and a certain car or a certain person showed  
5 up at the house, since we had these pole cams, I would be  
6 able to go back and see if the pole cam captured any of that,  
7 so that way I could kind of independently verify that the CS  
8 was, in fact, seeing what he had said.

9 Q Just to be clear, during your investigation did you  
10 actually tell the CS there were pole cams erected at any of  
11 these locations?

12 A No.

13 Q So let's use an example. May 21, 2016, did you do  
14 something?

15 A Yes. I reviewed the pole cam which was installed at Eric  
16 Marquez's residence on Stackpole Road.

17 Q Why did you do that?

18 A I did this because the CS had called me and said that on  
19 that date the CS had actually heard Hugo Garcia Gutierrez  
20 talking on the phone with someone that they first referred to  
21 enano, which I was then informed was a Spanish word for  
22 dwarf. And then Hugo Garcia Gutierrez actually corrected  
23 everyone and said that they shouldn't call this person enano,  
24 that they need to call this person by their real name,  
25 Baltazar.

1 MR. ILLA: Your Honor, I object and move to strike on  
2 confrontation and hearsay grounds.

3 THE COURT: Overruled.

4 Q Continue, Special Agent?

5 A So the CS continued to tell me -- the CS of course being  
6 present here at this meeting and hearing all these things --  
7 the CS told me that a little bit later in that day an  
8 individual who the CS understood to be Baltazar or enano, who  
9 they were talking about prior in the day, had arrived driving  
10 a black sedan.

11 MR. ILLA: Your Honor, I will object and ask for a  
12 continuing objection on confrontation and hearsay grounds.

13 THE COURT: The continuing objection is granted. The  
14 objection is overruled.

15 MR. ILLA: Thank you, Your Honor.

16 Q Special Agent, I'm showing you what's been marked  
17 Government's Exhibit 242 and 243. Do you recognize 242 and  
18 243?

19 A Yes.

20 Q What are 242 and 243?

21 A Those are still frames from the pole cam at the Stackpole  
22 residence.

23 Q For what date?

24 A For May 21, 2016.

25 MR. MASADA: The government offers 242 and 243.

1 MR. ILLA: No objection to those exhibits.

2 MS. SHAW: No objection, Your Honor.

3 MR. HAMMERSTAD: No objection.

4 THE COURT: 242 and 243 are admitted.

5 (Exhibits 242 & 243 were admitted.)

6 Q And, Special Agent, what are depicted in Exhibits 242 and  
7 243?

8 A So, the CS had told me this individual, Baltazar, or  
9 enano, showed up later that day and was wearing blue and  
10 green plaid shirt tucked into jeans. And so this still frame  
11 serves to corroborate the CS's statements that -- there you  
12 see an individual with the blue-green plaid shirt, tucked  
13 into jeans there, arriving at Stackpole.

14 Q And 243?

15 A There you see the same individual is now leaving  
16 Stackpole, along with him there is Eric Marquez.

17 Q In the pole cam footage as well, did you actually observe  
18 the CS or the CS's vehicle at the location at the same time?

19 A Yes.

20 Q All right. So, let's turn to -- now let's turn to  
21 June 16, 2016. What occurred on that date?

22 A So on this date we conducted a controlled purchase of one  
23 ounce of cocaine, again from Eric Marquez, utilizing CS1.

24 During this occasion I actually directed the CS to tell  
25 Marquez that the cocaine was for his customer, the same

1 ongoing customer, and that the customer had the money, right,  
2 and wasn't -- was hoping that Eric Marquez would agree to  
3 meet with the CS and the customer, which would be the UC, the  
4 undercover agent at that point. So that way the undercover  
5 agent could pay for the cocaine. And that would be the first  
6 meeting between the undercover and Eric Marquez.

7 Q And what was the undercover's story? What was his  
8 relationship to CS1?

9 A The story was that the undercover agent was CS1's cousin.

10 Q And did this initial controlled purchase of cocaine occur  
11 on June 16, 2016?

12 A It did. CS1 was directed to go directly to Eric's  
13 residence there on Stackpole and meet with Eric Marquez. And  
14 it was during that meeting that Eric Marquez just gave the CS  
15 the cocaine and directed the CS to, "Go give the cocaine to  
16 your guy, your cousin, and bring me back the money."

17 Q And did you -- what did you do? First of all, did you  
18 meet with the CS beforehand?

19 A Yes.

20 Q And did you provide him with, well, one, money --

21 A No. We did not give him any money.

22 Q Why did you not provide him any money?

23 A Because we wanted Mr. Marquez to meet with the undercover  
24 agent to get the money.

25 Q After meeting with the CS, what did you do? Did you



1 follow him?

2 A Yes. We followed the CS, again from a prearranged meeting  
3 location, to just short of the turn onto Stackpole Road  
4 there. At that point I let the pole cam do most of the  
5 observing.

6 Q All right. And following that meeting did you meet again  
7 with CS1?

8 A Yes. Again, picked up the CS's vehicle as it was leaving,  
9 followed it back to a prearranged meeting location.

10 Q What, if anything, did he provide to you?

11 A He provided me a plastic baggie with approximately an  
12 ounce of cocaine.

13 Q Now, following that first meeting, was there a second  
14 meeting arranged?

15 A Yes.

16 Q Can you explain that?

17 A So the second meeting occurred again at CS -- the CS's  
18 residence. And on that occasion we actually were able to  
19 send the undercover agent with the CS to the CS's residence.  
20 And there Eric Marquez actually showed up to pick up the  
21 money.

22 Q Special Agent, turning your attention to June 22, 2016.  
23 Again, was there an operation conducted on that date?

24 A Yes. We were conducting surveillance in Mount Vernon.

25 Q Just general surveillance?

1 A Yes. We were watching Eric Marquez and Hugo Garcia  
2 Gutierrez.

3 Q Did you participate in surveillance on that day?

4 A Yes, I did.

5 Q Can you describe the course of the surveillance over the  
6 day, from your perspective?

7 A Okay. So from my perspective I had assisted throughout  
8 the day following various targets. And we were primarily  
9 focused on Stackpole and what Eric Marquez and Hugo Garcia  
10 Gutierrez were doing. And during the course of that, nothing  
11 was really going on at the Stackpole residence; you know,  
12 people were there in the front yard, but there was nothing  
13 mobile going on. So I pulled up the tracking data for one of  
14 Eric Marquez's vehicles, the Subaru, the ones -- the same  
15 Subaru that was involved in the prior controlled purchases.  
16 And like I said, we had a court-ordered tracking device on  
17 that vehicle. And I observed it driving around in Mount  
18 Vernon. So I figured I would just head towards Mount Vernon  
19 and see if I could identify who was driving the Subaru and  
20 start following that a little bit.

21 It pulled into a neighborhood -- this is all from GPS  
22 data, not me seeing it -- pulled into a neighborhood and  
23 stopped at an address. And it remained there for a couple  
24 pings. So I was making my way to that address. By the time  
25 I got to that address, it had already gone. It was gone.

1 But when I pulled up to that address, a black Lexus kind of  
2 caught the corner of my eye. And as I drove by it the driver  
3 looked familiar to me. The driver looked like Angel Serrano.

4 Q I'll stop you there. Why did that Lexus grab your  
5 attention initially?

6 A Because it was at the same residence where the Subaru had  
7 stopped momentarily. So I didn't know if maybe they had met  
8 or maybe there was some connection there. But this is pretty  
9 customary for us when we're on surveillance is to just watch  
10 and observe everything we can.

11 Q All right. And when you pulled up and first saw this  
12 Lexus, was it moving? Was it on?

13 A Yeah, it was on. And the driver was in it. And it was  
14 about to pull away.

15 Q Okay. So then going forward, what did you see? Explain  
16 exactly what you did and saw.

17 A I was actually in front of the Lexus. And we came to a  
18 stop sign. And at that time I could see in my side-view  
19 mirror through the windshield there and I recognized the  
20 driver as Angel Serrano.

21 And then I immediately called out on the radio for  
22 assistance, "Hey I have Angel Serrano driving this black  
23 Lexus, if any available units can come help me." And so at  
24 that point I actually had to pull off and get behind him. I  
25 just went around the block, right? So that way I could be

1 behind him and not have him behind me.

2 And so I followed him for one turn, right? At the next  
3 turn a marked police unit actually got behind him, just by  
4 coincidence. And from that point on other surveillance units  
5 had joined me and were now helping me with the surveillance.

6 And from that point on Mr. Serrano's driving became highly  
7 erratic. He drove all around Mount Vernon, specifically  
8 South Mount Vernon, through neighborhoods, seemingly for no  
9 purpose other than what a trained agent that has conducted a  
10 lot of surveillance would recognize as counter-surveillance.  
11 Just making turns to make sure that no one else is making  
12 those turns with him, right? Cleaning his tail, if you will.  
13 And likely because that marked police unit had pulled up  
14 behind him.

15 Q So how long did this go on, this erratic driving?

16 A Approximately 10, 15 minutes.

17 Q Did you follow that Lexus driven by Mr. Serrano to any  
18 particular place?

19 A Yes. So eventually Mr. Serrano went to a church parking  
20 lot in Mount Vernon.

21 Q Let me stop you there, Special Agent. And roughly where  
22 was that church parking lot located in relation to where your  
23 surveillance began?

24 A It was pretty much right where the cop had originally  
25 pulled in behind him. So he basically had driven all down

1 South Mount Vernon through neighborhoods, and went right back  
2 to where he originally was in the first place. And there he  
3 pulled into an otherwise empty parking lot and pulled up  
4 alongside a silver Suzuki sedan. And at that point I set up  
5 on the street to follow away the Suzuki sedan, if in fact a  
6 meeting would occur.

7 Q How long did those two vehicles meet with one another?

8 A Just a couple minutes.

9 Q And, again, otherwise empty parking lot?

10 A Yes.

11 Q Just to be clear, were there other surveillance units in  
12 the vicinity as well?

13 A Yes.

14 Q And after that two-or-three-minute meeting, what happened?

15 A So, both vehicles pulled out of the parking lot, went  
16 different directions. And we followed the Suzuki.

17 Q Did you find that, based on your training and experience,  
18 that two-to-three-minute meeting in an empty parking lot  
19 suspicious?

20 A Yes.

21 MR. ILLA: Objection to the form of the question,  
22 Your Honor. That's not relevant.

23 THE COURT: I'll sustain the objection as leading.

24 Q So, Special Agent, you know, based on your observations,  
25 the observations of the entire surveillance team, this

1 two-to-three-minute meeting in an otherwise empty parking  
2 lot, the counter-surveillance, what did you do?

3 A I reached out to the local Mount Vernon police to see if  
4 they could arrange a traffic stop on the silver Suzuki.

5 Q Were they able to?

6 A Yes.

7 Q Where did that traffic stop occur?

8 A It occurred in Mount Vernon, just a short ways away from  
9 where they had met.

10 Q And we'll hear a little bit more about that traffic stop  
11 later. But did you personally observe that traffic stop?

12 A I observed the traffic stop as it was ongoing.

13 Q What is your understanding of what resulted from that  
14 traffic stop?

15 A My understanding is that the officers that conducted the  
16 traffic stop seized approximately an ounce, a little over an  
17 ounce of methamphetamine from the occupants of that Suzuki.

18 Q Now, Special Agent, why exactly did you request that Mount  
19 Vernon Police Department patrol officer to conduct a traffic  
20 stop on that Aeiro that Suzuki Aeiro?

21 A Because our observations during that surveillance, what we  
22 recognized as counter-surveillance driving after the marked  
23 unit pulled in behind him, along with just the nature of  
24 their meeting, two cars alongside each other in an otherwise  
25 empty parking lot, brief encounter, then they part ways.

1 We've obviously -- I've obviously done a lot of controlled  
2 purchases and a lot of surveillances. And these are exactly  
3 how we set up our drug deals. This is exactly how drug deals  
4 occur on other wiretap investigations I've been involved in.  
5 This is typical suspicious activity that, with other facts,  
6 might rise to the level of probable cause for stopping a  
7 vehicle and seeing if, in fact, there was a drug transaction.

8 Q Special Agent if you would, let's turn our attention to  
9 June 28, 2016.

10 A Okay.

11 Q What investigative action, if any, took place on that  
12 date?

13 A So on this date we were, again, going to purchase a pound  
14 of methamphetamine from Eric Marquez. But since we had  
15 introduced the undercover agent, even though it was just for  
16 a moment to hand Eric Marquez money, we were hoping that on  
17 this occasion we could have the CS communicate with Eric  
18 Marquez and set up a meeting directly with the undercover  
19 agent, so that way the CS wouldn't have to be involved.

20 Q So what did you direct the CS to do?

21 A So I directed the CS to tell Eric Marquez that he was busy  
22 and he was out of town, but his cousin really needed some  
23 meth, and asked if Eric Marquez would be okay with meeting  
24 his cousin directly, who was the undercover agent.

25 Q And was a meeting with the undercover ultimately arranged

1 for June 28, 2016?

2 A Yes.

3 Q How so?

4 A So we were conducting surveillance on Eric Marquez that  
5 day. And at approximately 3:00 p.m., Eric Marquez and Hugo  
6 Garcia Gutierrez were at IHOP on Freeway Drive in Mount  
7 Vernon. And while they were inside the restaurant, at  
8 approximately 3:40 p.m., I received a call from the CS. And  
9 the CS told me that Eric Marquez had agreed to meet the CS's  
10 cousin, which would be UC1, at the nearby Panda Express there  
11 on Freeway Drive.

12 Q What did you do?

13 A So at that time I was with the undercover agent at that  
14 time. I made sure the undercover agent had the concealed  
15 recording device. And I followed the undercover agent to the  
16 Panda Express.

17 Q What did you observe?

18 A I observed the undercover agent pull into the Panda  
19 Express. And then I drove past and set up in a nearby  
20 parking lot so that I could continue to follow the undercover  
21 agent after the meeting ended, just like I do with  
22 confidential sources. And not long after that, I noticed  
23 that the blue Dodge Challenger that Eric Marquez and Hugo  
24 Garcia Gutierrez were driving was now driving past me. And  
25 based on the audio transmitter, it was clear that the



1 undercover agent was in that car.

2 Q And, again, that conversation was recorded?

3 A Yes.

4 Q And so where did they go?

5 A So they went to the Splash and Dash Car Wash, actually.

6 Q At some point did they return to the original meet  
7 location?

8 A Yes. They went to the car wash. They actually went  
9 through the car wash. Then they returned to the Panda Palace  
10 or Panda Express, sorry.

11 Q Exhibit 378 in your translation binder, right next to you.

12 A Yeah.

13 Q Is that the recording of that initial meeting with the UC  
14 and Eric Marquez and Hugo Garcia Gutierrez?

15 A You said 378? It's 378, yes.

16 Q Okay.

17 THE COURT: Counsel, you have a question pending to  
18 you.

19 A Yes. You said 378, right?

20 Q Yes, sir.

21 A Yes.

22 Q Now, following that meeting with -- or after the meeting  
23 concluded, that first meeting, did you -- what did you do?

24 A So ultimately we had to, again, wait. Because Eric  
25 Marquez did not have the methamphetamine that we wanted to

1 purchase. And it was my understanding that a load of  
2 methamphetamine would be inbound from Yakima, Washington, and  
3 that a second meeting could occur later in the day once Eric  
4 Marquez had gotten some methamphetamine from that load.

5 Q In that first meeting did you actually provide the  
6 undercover with money?

7 A Yes.

8 Q When he returned to you, did the undercover still have  
9 that money?

10 A Yes.

11 Q So you mentioned that you had to wait. Can you explain  
12 what you mean?

13 A Um --

14 Q What you did.

15 A So I stayed with the undercover agent at a staging  
16 location, really all day long, while surveillance continued  
17 to follow Eric Marquez, Hugo Garcia Gutierrez and others.

18 Q And have you reviewed pole camera footage from the  
19 residence on East Selah Road in Yakima?

20 A Yes.

21 Q I'm showing you what's been marked Exhibits 334A, 334B,  
22 334C, 335A and 335B. What are those exhibits, Special Agent?

23 A Those exhibits are, again, still shots from the pole cam.  
24 And they show a number of individuals loading bags into the  
25 trunk of a black Chrysler 300, and then ultimately departing

1 in the Chrysler 300.

2 MR. MASADA: Your Honor, the government offers 334A,  
3 334B, 334C, 335A and 335B.

4 MR. ILLA: I have no objection to those exhibits.

5 MS. SHAW: No objection, Your Honor.

6 MR. HAMMERSTAD: No objection.

7 THE COURT: 334A, 334B, 334C, 335A and 335B are  
8 admitted and may be published.

9 (Exhibits 334A, 334B, 334C, 335A & 335B were admitted.)

10 MR. MASADA: Thank you, Your Honor.

11 Q Special Agent, let's start with Exhibit 334A. And, again,  
12 Special Agent, just to orient the jury. This is the East  
13 Selah Road house in Yakima that we've heard a good amount of  
14 testimony about.

15 A That's correct.

16 Q What do you see in Exhibit 334A?

17 A A black Chrysler 300 sedan.

18 Q Approximately what time, I guess, is this?

19 A 12:13 p.m.

20 Q So turning to 334B, what is 334B?

21 A So the Chrysler 300, by this point, had pulled forward.  
22 And you can see two individuals accessing the trunk  
23 compartment of the Chrysler 300.

24 Q Right there?

25 A Yes.

1 Q So this vehicle right here, is that the Chrysler 300?

2 A Yes.

3 Q So turning to 334C. What does 334C show?

4 A So there you see three individuals walking towards the  
5 Chrysler 300.

6 Q Now, as time goes on, do you continue -- does the Chrysler  
7 300 sort of remain at the -- well, let me ask a different  
8 question. Let's just turn to 335A. What time is 335A?

9 A 4:19 p.m.

10 Q What does 335A show?

11 A It shows four individuals. There appears to be a female  
12 in a black shirt, white pants; another female there in the  
13 pink shirt and jean shorts. And once again, they're  
14 accessing the trunk area of the Chrysler 300.

15 Q Does this Chrysler ultimately depart this location?

16 A Yes.

17 Q I'm going to show you 335B. What does 335B show?

18 A So it's approximately 4:38 p.m. when the Chrysler 300  
19 departed the Selah residence.

20 Q Okay. Now, based on your -- and you're in contact with  
21 surveillance units at this time?

22 A Yes.

23 Q Who are they following at this point?

24 A They're following Eric Marquez, Hugo Garcia Gutierrez, as  
25 well as Baltazar Reyes Garcia.

1 Q Anybody else?

2 A By this point, Ivan Betanzos Torres has also come under  
3 surveillance.

4 Q Where are they generally located?

5 A At an auto dealership in Everett.

6 Q And at some point did surveillance follow them away from  
7 that auto dealership?

8 A Yes.

9 Q To where?

10 A To the Ixtapa Restaurant in Stanwood, Washington.

11 Q Approximately what time is this, just to orient the jury?

12 A 7:20 p.m.

13 Q Now, on June 28th, 2016, did the undercover receive a call  
14 from Eric Marquez?

15 A Yes, he did.

16 Q What was the purpose of that call?

17 A The purpose of that call was to arrange their second  
18 meeting, presumably for UC1 to purchase the pound of  
19 methamphetamine.

20 Q And approximately what time did that call come in?

21 A Approximately 8 o'clock.

22 Q And you've reviewed Exhibit 377 in the transcript binder?

23 A Yes.

24 Q Is that a transcript of the call?

25 A Yes, it is.

1 Q So did you also review footage from the Nookachamps  
2 residence, the residence of defendant Angel Serrano, for that  
3 evening of June 28, 2016?

4 A Yes, I did.

5 Q Have you reviewed before trial today Exhibits 367A, 367B,  
6 367B, 367C, have you reviewed those?

7 A Yes.

8 Q And are those stills, again, from the Nookachamps area?

9 A Yes, they are.

10 Q All right.

11 MR. MASADA: Your Honor, the government offers 367A,  
12 B and C.

13 MR. ILLA: No objection to those exhibits.

14 MS. SHAW: No objection.

15 MR. HAMMERSTAD: No objection.

16 THE COURT: 367A, 367B and 367C are admitted and may  
17 be published.

18 (Exhibits 367A, 367B & 367C were admitted.)

19 Q Now, 367A is a little bit later. What time is this frame  
20 from?

21 A 8:47 p.m.

22 Q What does it depict?

23 A It depicts the blue Dodge Challenger, which was driven by  
24 Eric Marquez. He's wearing the blue shirt. And occupied by  
25 Ivan Betanzos Torres, who is wearing the white shirt.

1 Q Where did that car come from?

2 A It came from Ixtapa Restaurant in Stanwood, Washington.

3 Q What time is this image taken?

4 A 8:47 p.m.

5 Q And 367B. 367B is a series of images; is that correct?

6 A Yes.

7 Q What does 367B show?

8 A It shows the arrival of a gray Kia sedan.

9 Q And just so we're clear, it stops at what residence?

10 A 15072 Nookachamps, the residence of Angel Serrano.

11 Q And the individual in the red shirt, who is that?

12 A Hugo Garcia Gutierrez.

13 Q What does he do?

14 A He goes to the trunk, opens the trunk, retrieves an object  
15 and then walks inside.

16 Q Now, at approximately what time does he walk inside with  
17 this item that he took from the trunk of the Kia?

18 A 8:49 p.m.

19 Q Do these individuals or anybody come out of that residence  
20 at any point shortly thereafter?

21 A Yes.

22 Q I'm showing you what's been marked 367C. What is 367C?

23 A So it is a series of still images.

24 Q What do they depict?

25 A There you see Eric Marquez in the blue shirt. You see

1 Hugo Garcia Gutierrez in the red shirt, and Ivan Betanzos  
2 Torres in the white shirt. And all three individuals are  
3 going to get into the Kia sedan and drive away.

4 Q Where do they drive to?

5 A They drive to the Panda Express in Mount Vernon on Freeway  
6 Drive.

7 Q Why do they go there?

8 MR. ILLA: Object to the form of the question, Your  
9 Honor.

10 THE COURT: Sustained. You need to lay some  
11 foundation, counsel.

12 Q Where were you at approximately this time?

13 A I was with the undercover agent.

14 Q Where?

15 A In a parking lot off Freeway Drive.

16 Q And what did you do?

17 A I followed the undercover agent from our prearranged  
18 meeting location to the Panda Express there on Freeway Drive.

19 Q And what happened there?

20 A The undercover agent met with Hugo Garcia Gutierrez. Hugo  
21 Garcia Gutierrez actually got in the undercover agent's  
22 vehicle. And then the Kia sedan, which was still occupied by  
23 Eric Marquez and Ivan Betanzos Torres, drove just down the  
24 street to a Mexican meat shop. And right behind them  
25 followed the undercover agent, Hugo Garcia Gutierrez in the



1 undercover agent's vehicle.

2 Q And was that meeting also recorded?

3 A Yes.

4 Q And Exhibit 379, is that a transcript of that?

5 A Yes, it is.

6 Q Where did the undercover go following the meeting with, I  
7 guess, Hugo Garcia Gutierrez in the Kia?

8 A I followed the undercover agent back to a prearranged  
9 meeting location.

10 Q And did he provide you with anything?

11 A Yes. He provided me with a gallon-size Ziploc bag that  
12 contained methamphetamine.

13 Q Special Agent, if you would, would you look in the box by  
14 your feet and try to locate Government's Exhibit 330?

15 A Okay.

16 Q Did you find it?

17 A Yes.

18 Q What is Exhibit 331?

19 A This was the methamphetamine provided to me by the  
20 undercover agent.

21 MR. MASADA: Your Honor, the government offers  
22 Exhibit 330.

23 MR. ILLA: No objection, Your Honor.

24 MS. SHAW: No objection.

25 MR. HAMMERSTAD: No objection.

1 THE COURT: 330 is admitted and may be published.

2 (Exhibit 330 was admitted.)

3 Q Would you hold it up for the jury, please, Special Agent  
4 Gerrol?

5 A (Witness complies.)

6 Q Can you describe what that is?

7 A This is the gallon-size Ziploc bag which contained large  
8 shards of crystal methamphetamine.

9 Q And, Special Agent, I'm showing you what's been marked  
10 Government's Exhibit 331 on your screen. Do you recognize  
11 313?

12 A Yes. That's the exhibit that was given to me by the  
13 undercover agent on June 28th.

14 Q That's a photograph of it?

15 A Yes.

16 MR. MASADA: Your Honor, the government offers 313.

17 MR. ILLA: No objection to 313.

18 MS. SHAW: No objection, Your Honor.

19 MR. HAMMERSTAD: No objection.

20 THE COURT: 331 is admitted and may be published.

21 (Exhibit 331 was admitted.)

22 Q Special Agent, the jury can see Exhibit 331. Did you  
23 notice anything about the packaging, the method in which the  
24 drugs were packaged in this case?

25 A Yeah. It looks like it was just dumped into a gallon-size

1 Ziploc bag.

2 Q The drugs, Exhibit 330, the methamphetamine acquired on  
3 that day, was it given a DEA number?

4 A Yes.

5 Q What number?

6 A Seven.

7 Q Was it sent to the DEA lab for analysis?

8 A Yes.

9 Q Did you arrange additional meetings between the undercover  
10 and Mr. Marquez?

11 A Yes.

12 Q Let's turn back to exhibit -- Demonstrative Exhibit 22.  
13 And specifically can I turn your attention to July 8, 2016?  
14 Now, as a little bit of background, did you give the UC  
15 directions on what information to provide to Mr. Marquez?

16 A Yes. So I instructed the UC to talk with Eric Marquez  
17 about smuggling drugs into Canada. I instructed the UC to  
18 position himself as someone who, in the past, had smuggled  
19 methamphetamine and cocaine and heroin using a trucking  
20 company from America into Canada. And that was supposed to  
21 be the basis for UC1's relationship with Eric Marquez.

22 Q And why did you do that? Why did you specifically sort of  
23 bring in information about smuggling drugs across the border  
24 into Canada?

25 A It opened up a new avenue for our investigation, because

1 this way Eric Marquez would potentially talk about his access  
2 to larger quantities of drugs. Because we're potentially  
3 talking about smuggling 10 to 15 kilograms at a time into  
4 Canada, and we were able to determine if that's something  
5 that Eric Marquez was able to do.

6 Q Did you have information that smuggling drugs into Canada  
7 would be of interest to this organization?

8 A Yes.

9 Q Turning to July 8, 2016. Did you meet with the undercover  
10 ahead of time?

11 A Yes.

12 Q I should back up. Was there a meeting actually arranged  
13 on July 8th?

14 A Yes.

15 Q Where was that meeting to occur?

16 A It was to occur at the Applebee's in Mount Vernon.

17 Q And you said you met with the UC ahead of time?

18 A Yes.

19 Q And where did the UC go?

20 A So the UC arranged a meeting at the Applebee's with Eric  
21 Marquez. So the UC went to the Applebee's and waited on Eric  
22 Marquez to arrive.

23 Q And what did you do?

24 A I just parked in a nearby parking lot.

25 Q How long did that meeting last?

1 A Ten minutes, approximately.

2 Q Again, was the UC in possession of a recorder and  
3 transmitter?

4 A Yes.

5 Q And did surveillance follow anyone following that meeting?

6 A Yes. Surveillance followed Eric Marquez away from that  
7 meeting.

8 Q Where did he go?

9 A He went to the -- a gas station near the Tulalip Casino.

10 Q Did he meet with anyone?

11 A Yes.

12 Q Who?

13 A Baltazar Reyes Garcia.

14 Q So let's turn to July 14, 2016. What were you doing -- I  
15 should say, were you conducting surveillance on that day?

16 A Yes.

17 Q And who, specifically, were you surveilling on July 14,  
18 2016?

19 A Baltazar Reyes Garcia.

20 Q And were you able to locate him?

21 A Yes.

22 Q Where did you locate him?

23 A At his residence on Camano.

24 Q And did surveillance units follow?

25 A Yes.

1 Q Were you part of that surveillance team?

2 A Yes.

3 Q Where did he go? What did you observe?

4 A So we followed him from his Camano residence to the  
5 shopping center there off Smoky Point in Marysville. We  
6 watched Reyes Garcia, who was with two unknown individuals,  
7 watched him go to an AT&T phone store. And then from there  
8 they went to the IHOP there and had breakfast.

9 Q Did you see them leave the IHOP?

10 A Yes.

11 Q Did you observe any things of interest, any suspicious  
12 behavior?

13 A Yeah. So when they left the IHOP, the two unknown  
14 individuals that Reyes Garcia was with got back into their  
15 truck that they were driving and began making a loop around  
16 the parking lot. And that parking lot is pretty large,  
17 because there's the Costco there, an IHOP, there's a bunch of  
18 retail stores. It's a very large parking lot. So the truck  
19 began making a loop around the parking lot, while Reyes  
20 Garcia began just walking through the parking lot looking,  
21 looking at vehicles that were parked there in the parking  
22 lot, to include my vehicle. In fact, he looked right at me.  
23 And eventually he walked all the way through the parking lot  
24 and got back into the truck. And we continued to follow the  
25 truck.

1 Q Following that instance, that encounter in the parking  
2 lot, did you notice any change in behavior on behalf of the  
3 individuals in the truck?

4 A Yes. We had been following them for quite some time from  
5 Camano down here to Marysville. So after he had done that  
6 walk-through of the parking lot, the driving of the truck  
7 just instantly changed. Again, it became erratic,  
8 nonsensical, what we recognized as counter-surveillance  
9 driving. They drove down across the interstate there into  
10 Marysville, and they just began driving through neighborhoods  
11 again, often at really high rates of speed, just attempting  
12 to make turns so that way anyone that was following them  
13 wouldn't be able to follow.

14 Q Did they turn down, for example, dead-end streets?

15 A They were turning down dead-end streets. At one point  
16 they parked in a cul-de-sac, like backed in so that they were  
17 nosed out looking at anyone that was driving by. You know,  
18 in my experience likely they were just looking at all the  
19 cars that were around them, trying to get certain vehicles,  
20 maybe mine, off of them. And eventually they pulled into a  
21 cul-de-sac neighborhood area. And when they came out of --  
22 when the truck came out of that, it went to a residence. And  
23 there we noticed that only one person was in that truck.

24 Q And was that one person the defendant, Baltazar Reyes  
25 Garcia?

1 A No.

2 Q So he had gotten out of the truck at some point?

3 A That's right.

4 Q So also in July did you notice other changes in behavior;  
5 for example, did anybody change residences?

6 A Yes. So in early July we also noticed Contreras Ibarra  
7 loaded up a U-Haul with furniture and appeared to move out of  
8 the Camano Island address.

9 Q Now, Special Agent, counsel previously asked another  
10 witness about Si Senor, that restaurant. Are you familiar  
11 with Si Senor?

12 A Yes.

13 Q And they asked about prior investigations and surveillance  
14 conducted at the restaurant. Do you recall that testimony?

15 A Yes.

16 Q Why did -- who decided to do further investigation of Si  
17 Senor?

18 A So we decided to look into Si Senor because of its  
19 association with Baltazar Reyes Garcia. Like I said, the  
20 April 19th deal occurred just after they left Si Senor. And  
21 then based on our phone GPS tracking data of Reyes Garcia's  
22 phone, as well as our own physical surveillance, we knew that  
23 Baltazar Reyes Garcia regularly went to Si Senor.

24 Q Does Mr. Baltazar Reyes Garcia have any other known  
25 associations with Si Senor in any way?



1 A On November 2, 2016 we decided to execute search warrants  
2 at numerous residences and also arrest all the individuals  
3 that we had previously indicted.

4 Q And that occurred on November 2, 2016?

5 A Yes.

6 Q Now, we've discussed several residences that had been  
7 surveilled by DEA. Were some of them -- were some of those  
8 the ones that were searched?

9 A Yes.

10 Q So I'm showing you what's been marked -- there it is,  
11 sorry about that -- Exhibit 32. I'm showing you on your  
12 screen. Again, whose residence is this?

13 A Angel Serrano.

14 Q And was this one of the residences searched?

15 A Yes.

16 Q While we have Exhibit 32 up on the screen, do you  
17 recognize that blue sports car in the corner?

18 A Yes. That's the Dodge Challenger, often driven by Eric  
19 Marquez.

20 Q And was anyone arrested at that location on November 2,  
21 2016?

22 A Yes.

23 Q Exhibit 34. Is this the -- was this residence searched as  
24 well on November 2nd?

25 A Yes.

1 Q What residence is this?

2 A That's the East Selah residence where Hector Contreras  
3 Ibarra's father lived.

4 Q Did investigators also seek authority to search a  
5 residence in Pasco, Washington?

6 A Yes.

7 Q What was that residence?

8 A That was the residence of Hector Contreras Ibarra.

9 Q What about that Stackpole residence that we talked about  
10 where Eric Marquez was living, was that residence searched?

11 A So we did search it, but Eric Marquez had just moved out  
12 of that residence to another nearby residence in Mount  
13 Vernon.

14 Q What was that new residence where Eric Marquez lived?

15 A It was on First Street.

16 Q And did he live with anyone?

17 A He lived with Garcia Gutierrez.

18 Q Now, was that residence searched as well?

19 A Yes.

20 Q Now, in November 2016 did the DEA have any -- did your  
21 investigation have any solid information on the permanent  
22 residence of defendant, Baltazar Reyes Garcia?

23 A No, we did not.

24 Q So was any residence searched for him, specifically?

25 A No.

1 Q Now, when it was all said and done, how many individuals  
2 were arrested based on this investigation that you've been  
3 talking about here?

4 A Seventeen.

5 MR. ILLA: Objection, relevance.

6 THE COURT: Objection overruled.

7 A Seventeen.

8 Q Now, Special Agent, was Mr. Serrano allowed to return to  
9 the community following November 2, 2016?

10 A Yes.

11 Q So let's jump ahead a couple weeks. Were you contacted  
12 about an arrest by the Mount Vernon Police Department on or  
13 about November 18, 2016?

14 A Yes.

15 Q I don't want you to tell me what information it was  
16 specifically or what actually occurred, but did it prompt you  
17 to do something?

18 A Yes. It prompted me to obtain a search warrant for a  
19 residence in Mount Vernon.

20 Q Was that 807 South 27th Street, Mount Vernon?

21 A Yes.

22 Q Who lived at this address at the time?

23 A Angel Serrano Carreno.

24 Q Did you execute a search warrant?

25 A Yes, we did. On November 22nd.

1 Q Did you personally participate in that search?

2 A I did.

3 Q And who was present at that search when you -- when the  
4 warrant was executed?

5 A Angel Serrano Carreno and another individual who we  
6 arrested in this investigation, Rigoberto Castellano.

7 Q I'm showing you what's been marked Government's Exhibit 8,  
8 do you recognize the individual in Government's Exhibit 8?

9 A That's Rigoberto Castellano.

10 MR. MASADA: Your Honor, government offers Exhibit 8.

11 MR. ILLA: No objection to 8.

12 MS. SHAW: No objection, Your Honor.

13 MR. HAMMERSTAD: No objection.

14 THE COURT: No. 8 is admitted and may be published.

15 (Exhibit 8 was admitted.)

16 Q And, again, this was the other individual that was present  
17 in the house on November 22, 2016?

18 A That's correct.

19 Q Was this also an individual identified and arrested as  
20 part of your investigation?

21 A Yes.

22 Q Now, what, if anything, did you find in defendant  
23 Serrano's sort of new residence?

24 A We located a plastic bag containing heroin.

25 Q Anything else?

1 A Also a scale.

2 Q Did you interview Angel Serrano?

3 A Yes, I did.

4 Q Can you explain how that occurred?

5 A Well, it occurred in my vehicle. I took him from the  
6 residence to my vehicle, read him his Miranda rights, asked  
7 him if he wanted to speak with me, and told him that I only  
8 -- I didn't want to talk about anything prior to his first  
9 arrest, so I didn't want to talk about our prior  
10 investigation because he had already had a chance to be  
11 interviewed about that and had counsel. So I just wanted to  
12 talk about the timeframe from when he was released up until  
13 that moment. And he agreed to speak with me.

14 Q Did he talk about distributing narcotics?

15 A He did. He admitted that an individual came by his house  
16 and that that individual was someone that he used to sell  
17 heroin to.

18 Q And was that the individual that was stopped by Mount  
19 Vernon police on November 18th?

20 A Yes.

21 Q Now, I'm showing you what's been marked Government's  
22 Exhibit 12. Do you recognize the individual that's in  
23 Government's Exhibit 12?

24 A Yes.

25 Q Who is that?

1 A That's Christopher Dankert.

2 MR. MASADA: The government offers Exhibit 12.

3 MR. ILLA: No objection to 12.

4 MS. SHAW: No objection, Your Honor.

5 MR. HAMMERSTAD: No objection.

6 THE COURT: No. 12 is admitted and may be published.

7 (Exhibit 8 was admitted.)

8 Q Did you show Mr. Serrano this photo?

9 A I did.

10 Q What did Mr. Serrano say?

11 A Well, I was asking Mr. Serrano if he knew this individual.  
12 And Mr. Serrano kind of interrupted me and said, "That guy  
13 came by here, but I never asked him to come by here." And he  
14 said that he didn't want to -- he knew who it was but he  
15 didn't want to tell me the name of the individual. Then he  
16 also said that that guy was the one that he used to sell  
17 heroin to months prior, back in the summer.

18 THE COURT: Counsel, how close are you to being a  
19 place to stop?

20 MR. MASADA: That's fine, Your Honor.

21 THE COURT: Ladies and gentlemen, we're going to send  
22 you out into the world, so you're going to get your usual  
23 instructions. Remember, until the trial is over, do not  
24 discuss this case with anyone, including your fellow jurors,  
25 members of your family, people involved in the trial or

# APPENDIX I

1 A I was provided information of illegal activity involving a  
2 provided name of Hector Contreras Ibarra who lived at 1580  
3 East Selah Road in Yakima County.

4 Q Was that an individual that provided you that information?

5 A I'm sorry?

6 Q That was a confidential source that provided you that  
7 information?

8 A Yes. A confidential source provided us that information.

9 Q Have you worked with that confidential source before?

10 A No. This was the first time I worked with this source.

11 Q What was the name of this confidential source?

12 A Artemio Villa.

13 Q Did you refer to him by that name most of the time?

14 A Nickname CS3.

15 Q Why do law enforcement refer to confidential sources by  
16 numbers or CS?

17 A CS is to protect their identity as much as possible.

18 Q Why does law enforcement want to protect the identity of  
19 confidential sources?

20 A To provide safety for them to keep the integrity of the  
21 case if other CSs are used.

22 Q Were you the handler of CS3 in this matter?

23 A Yes, I was.

24 Q How did he first become a confidential source?

25 A CS3 was arrested by the Washington State Patrol for being