

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

3 UNITED STATES OF AMERICA,)
4 vs.) Cause No. 2:11-CR-77
5 RICHARD REYES.)

EXCERPT TRANSCRIPT OF PROCEEDINGS
TESTIMONY OF EDDIE TORRES JR.

JANUARY 22 & 23, 2014

BEFORE THE HONORABLE CHIEF JUDGE PHILIP P. SIMON
UNITED STATES DISTRICT COURT

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1 (The following is an excerpt transcript of the testimony
2 of Eddie Torres Jr., reported as follows:)

3 **THE COURT:** Sir, raise your right hand to take an
4 oath.

5 (The oath was administered.)

6 **THE WITNESS:** Yeah.

7 **THE COURT:** You can be seated. Make sure you speak
8 right into the microphone so we can all hear you.

9 **DIRECT EXAMINATION**

10 **BY MR. NOZICK:**

11 Q. Good afternoon, sir.

12 A. How you doing?

13 Q. Good, thank you.

14 Could you please state your name for the record. I'm
15 gonna ask you pull the microphone up a little close to
16 yourself. Can you spell your name?

17 A. Eddie Torres Jr.

18 Q. Please spell your first and last name.

19 A. E-D-D-I-E, T-O-R-R-E, Torres.

20 Q. So is there an S at the end after the E?

21 A. Yes.

22 Q. And you're a junior?

23 A. Yes, I am.

24 Q. Do you have a nickname?

25 A. Macho.

1 Q. Are you represented by an attorney?

2 A. Yes, I am.

3 Q. What's your attorney's name?

4 A. Kurt Ernst.

5 Q. Is he here today?

6 A. No, he ain't.

7 Q. Is he aware that you're testifying in this trial?

8 A. Yes, he is.

9 Q. Okay. Are you comfortable testifying without him present
10 in court today?

11 A. Yes.

12 Q. He's told you that he would not be able to be present,
13 correct?

14 A. Yes.

15 Q. I see you're currently incarcerated?

16 A. Yes, I am.

17 Q. Are you under Indictment?

18 A. Yes, I am.

19 Q. Have you pled guilty to a case already, or is that case
20 pending and set for trial?

21 A. I pled guilty.

22 Q. Okay. Were you charged in this same Indictment, in the
23 same case, that we're here for today?

24 A. Yes, I am.

25 Q. Do you remember what it was that you were charged with?

1 A. Charged with a RICO and drug trafficking.

2 Q. And what did you plead guilty to?

3 A. Huh?

4 Q. Do you remember what you pled guilty to, which counts?

5 A. Two counts.

6 Q. To both counts?

7 A. Yes.

8 Q. And was that pursuant to a written plea agreement that we
9 had together?

10 A. Yes, it was.

11 Q. Did we agree in that plea that you would cooperate?

12 A. Yes.

13 Q. And what was your understanding about whether or not you
14 needed to be truthful?

15 A. Tell the truth.

16 Q. Would you be in violation of that plea agreement if you
17 lied to help the government?

18 A. Yes, I'd be wrong.

19 Q. You'd be what?

20 A. I'd be wrong if I lied.

21 Q. Okay. But would that violate the plea agreement?

22 A. Yes, it would.

23 Q. Okay. What would happen if you lied in a way to hurt
24 the government, would that violate the plea agreement?

25 A. Yes, it would.

1 Q. Okay. And then would the deal be off?

2 A. Yes.

3 Q. Okay. Did you also receive what's called a proffer letter
4 or Rule 11 letter?

5 A. No.

6 Q. Okay. You don't remember receiving a letter which said
7 your own words can't be used against you?

8 A. Oh, yes. Yes.

9 Q. And what's your understanding of that letter?

10 A. That what I signed, whatever I say, won't be used against
11 me.

12 Q. At sentencing?

13 A. At sentencing.

14 Q. Or if you went to trial, could we use your proffer and
15 your words against you?

16 A. Yes. If I went to trial, yes.

17 Q. Okay. Tell this jury a little bit about your background.
18 Where did you grow up, sir?

19 A. In East Chicago.

20 Q. Your whole life in East Chicago, Indiana?

21 A. Yes. Yes, I had.

22 Q. In which neighborhood?

23 A. South side.

24 Q. Where did you go to elementary school?

25 A. Field school.

1 Q. Did you go to middle school?

2 A. Yes.

3 Q. Which one?

4 A. West Side.

5 Q. And how about high school?

6 A. Central High School.

7 Q. How far did you go in high school?

8 A. Graduated.

9 Q. You graduated high school?

10 A. Yes, I did.

11 Q. In which year?

12 A. Eighty-nine.

13 Q. Now, sir, I'm not gonna ask this question to embarrass
14 you, but how good are you at reading the English language?

15 A. Not that good.

16 Q. Has it gotten better since you've been in jail?

17 A. Yes.

18 Q. Before you were charged in this case, how was your ability
19 to read English?

20 A. Not that good.

21 Q. Could you make it through an average book?

22 A. No.

23 Q. Or a newspaper?

24 A. No.

25 Q. Okay. Your plea agreement, was that read out loud to you?

1 A. Yes, it was.

2 Q. Are you now able to read and write?

3 A. Yes, a little.

4 Q. Were you a gang member?

5 A. Yes, I was.

6 Q. Which gang did you belong to?

7 A. Imperial Gangsters.

8 Q. Was there more than one faction of the Imperial Gangsters?

9 A. There was two.

10 Q. Okay. And which one did you belong to?

11 A. 149th.

12 Q. How old were you when you joined?

13 A. Thirteen.

14 Q. And what grade were you in, do you remember?

15 A. Seventh.

16 Q. Do you remember roughly what year that was?

17 A. Eighty-three.

18 Q. I'm sorry?

19 A. Eighty-three.

20 Q. Eighty-three.

21 So how old are you today?

22 A. Forty-three years old.

23 Q. What years were you active in the Imperial Gangsters,
24 would you say, from '83 till when?

25 A. 2002.

1 Q. And why was it that you joined the Imperial Gangsters as
2 opposed to another gang?

3 A. Because we have riots with the Vice Lords.

4 Q. Was the Imperial Gangsters the dominant gang in your
5 neighborhood on the south side?

6 A. Yes, it was.

7 Q. Did you have to get beaten into the gang?

8 A. No.

9 Q. No?

10 A. Violate -- just chest.

11 Q. Violated in?

12 A. Yeah, just violated in.

13 Q. And was that like a two- or three-minute beating or just
14 chest shots?

15 A. Chest shots.

16 Q. How many chest shots did you take?

17 A. Sixty.

18 Q. Six zero?

19 A. Yes.

20 Q. And are you up against the wall for that?

21 A. Yes, I was.

22 Q. At the time when you first joined, were there two
23 factions, 149th and 139th?

24 A. Yes.

25 Q. From the very beginning?

1 A. Yes.

2 Q. Were you ever violated during your time in the gang?

3 A. Yes, I was.

4 Q. What are some of the things that you were violated for?

5 A. Not showing up to a *junta*.

6 Q. Not showing up to a what?

7 A. A *junta*, a meeting.

8 Q. A meeting.

9 Is that *junta* like the Spanish word *junta*?

10 A. Yes.

11 Q. Is that, to your knowledge, J-U-N-T-A, for the court
12 reporter?

13 A. (Nodding head in the affirmative.)

14 Q. Did you ever participate in violating anyone else?

15 A. Yes, I had.

16 Q. Who have you violated?

17 A. Big Dave.

18 Q. And what was he violated for?

19 A. For not paying dues and coming late to a meeting.

20 Q. What was the relationship between the Indiana Imperial
21 Gangsters and the Chicago Imperial Gangsters?

22 A. We got along; did business together.

23 Q. What kind of business?

24 A. Drug action.

25 Q. Okay. From time to time would Indiana Imperial Gangsters

1 get drugs from Chicago Imperial Gangsters?

2 A. Yes.

3 Q. Cocaine, marijuana, or both?

4 A. Both.

5 Q. And would Indiana ever provide drugs to the Illinois
6 gangsters?

7 A. No.

8 Q. Okay. It would always come from Illinois to here?

9 A. Yes.

10 Q. How about guns, was there a gun relationship between
11 Indiana IGs and Chicago IGs?

12 A. Yes, there was.

13 Q. Okay. Who would supply who with guns?

14 A. We supply them.

15 Q. You'd supply them with guns?

16 A. Yes.

17 Q. And by we, the Indiana --

18 A. Gangs.

19 Q. Gangs? Imperial Gangsters?

20 A. And sell them to them.

21 Q. I'm sorry. I'm gonna ask you not talk over me.

22 Indiana Imperial Gangsters would supply the Chicago
23 Imperial Gangsters?

24 A. Yes.

25 Q. More than once?

1 A. Yes.

2 Q. Would you give them guns when guns were hot or you were
3 just supplying them guns?

4 A. No, when they were hot, they'd trade them, sell them, to
5 Chicago.

6 Q. Okay. And explain to the jury what it means for a gun to
7 be hot?

8 A. Bodies on them.

9 Q. Okay. And to put it in terms that everyone would
10 understand, to have a body on them, what do you mean?

11 A. A shooting. They were involved in a shooting.

12 Q. A gun was involved in a shooting?

13 A. Yes.

14 Q. Why would you want to get rid of a gun that was involved
15 in a shooting?

16 A. Get rid of the evidence.

17 Q. Let's talk about what kind of drug weights you were
18 responsible for.

19 Which drugs were you selling?

20 A. Cocaine and marijuana.

21 Q. What quantities of cocaine were you selling?

22 A. Kilos.

23 Q. During the course of your time in the Imperial Gangsters,
24 roughly how many kilos of cocaine do you think you were
25 responsible for distributing as part of the Imperial Gangsters?

1 A. Fifteen kilos.

2 Q. Fifteen kilos?

3 A. Yes.

4 Q. Was it common knowledge that you were distributing large
5 quantities of cocaine amongst the Imperial Gangsters?

6 A. Yes.

7 Q. You didn't keep that a secret, did you?

8 A. No.

9 Q. Do you think -- to the extent that you know, do you think
10 that Imperial Gangsters knew that kilo levels of cocaine were
11 being sold?

12 A. Yes, they knew.

13 Q. That wasn't a secret?

14 A. No.

15 Q. In addition to dealing with Imperial Gangsters, is it true
16 that you dealt with other individuals with cocaine?

17 A. Yes.

18 Q. And without getting into any names, is it fair to say that
19 you dealt with some individuals that were law enforcement
20 officers?

21 A. Yes, it was.

22 Q. Did you deal with them on kilo levels?

23 A. Yes, I have.

24 Q. And is that separate from this Imperial Gangster
25 Indictment and conspiracy?

1 A. Yes.

2 Q. Have you ever heard the term "hitting a lick" or "hitting
3 a rip"?

4 A. Yes.

5 Q. What does that mean?

6 A. You rob somebody.

7 Q. Is that common or was that common in the Imperial
8 Gangsters?

9 A. Yes, it was.

10 Q. Now, when you say "rob," do you mean an actual armed
11 robbery like a stickup or do you mean --

12 A. Break-in.

13 Q. -- burglary -- let me finish -- or do you mean a burglary,
14 breaking into somebody's residence?

15 A. Breaking into somebody's residence, in a garage or
16 something.

17 Q. Was that fairly common?

18 A. Yes.

19 Q. Were many members of the Imperial Gangsters involved in
20 that?

21 A. Yes, they were.

22 Q. And what would they usually be looking for when they are
23 breaking into a residence or a garage?

24 A. Marijuana.

25 Q. Okay. Would they look for cocaine also?

1 A. No, mostly marijuana.

2 Q. How about money?

3 A. Money too.

4 Q. These people that they were breaking into, the people's
5 garages, who were they? Who were the victims?

6 A. The Mexican Mafia.

7 Q. Mexican drug traffickers?

8 A. Yes.

9 Q. And what cities were these burglaries taking place in or
10 these licks?

11 A. In East Chicago.

12 Q. Were they all in East Chicago, Indiana --

13 A. No, Hammond.

14 Q. -- or were there any other towns they occurred in?

15 A. Gary, Chicago.

16 Q. Chicago, Illinois.

17 A. Yes.

18 Q. And Gary?

19 A. (Nodding head in the affirmative.)

20 Q. Is that a yes?

21 A. Yes.

22 Q. Were you involved in doing any of these robberies, hitting
23 any of these licks?

24 A. Yes, I was.

25 Q. During what time period?

1 A. Ninety-seven.

2 Q. Any after that?

3 A. No.

4 Q. Were you involved on sending anyone to hit any licks?

5 A. No.

6 Q. Or telling people about where to go for a lick?

7 A. No.

8 Q. How is it that people would know where to hit? How do
9 they know where these garages are or these houses?

10 A. Somebody would tell them.

11 Q. Somebody would tell them?

12 A. Yes.

13 Q. Okay. Did you consider that to be a dangerous business,
14 hitting these licks, if you were ripping off Mexican drug
15 traffickers?

16 A. Yes.

17 Q. But you did it anyway?

18 A. Yes.

19 Q. Now, you said that you were active till 2002, correct?

20 A. Yes.

21 Q. After 2002, were you ever beaten out of the gang?

22 A. No.

23 Q. Did you continue to associate with other Imperial
24 Gangsters?

25 A. Yes.

1 Q. Okay. If you saw them, would you shake up with them?

2 A. Once in a while, yes, I have.

3 Q. Have you ever heard the term "old school IG"?

4 A. Yes.

5 Q. Or old school Imperial Gangster.

6 A. What does old school mean to you?

7 A. The oldest ones. We're old.

8 Q. Now, did you eventually consider yourself an old school
9 IG?

10 A. Yes, I have.

11 Q. I'm sorry. How old are you again today?

12 A. Forty-three.

13 Q. Forty-three.

14 A. As an old school IG, would you still post up on the
15 corner?

16 A. No.

17 Q. As an old school IG, did you still go to meetings?

18 A. No.

19 Q. As an old school IG, did you still pay dues?

20 A. No.

21 Q. Yet you still pled guilty to this Indictment, correct?

22 A. Yes.

23 Q. Is that because you were still involved in the gang as an
24 old school IG?

25 A. Yes.

1 Q. Do you know Richie Reyes?

2 A. Yes, I do.

3 Q. Do you see him in the courtroom today?

4 A. Yes.

5 Q. Could you please point him out and describe an article of
6 clothing he's wearing?

7 A. (Indicating.)

8 Q. I see you pointed. Could you please say an article of
9 clothing that he's wearing.

10 A. (No response.)

11 Q. Do you need a minute?

12 A. (No response.)

13 Q. Do you need some water, sir?

14 A. (No response.)

15 **THE COURT:** Sir, do you need a break, or are you
16 ready to proceed?

17 **THE WITNESS:** I'm ready.

18 **THE COURT:** All right.

19 Proceed, Mr. Nozick.

20 **MR. NOZICK:** I will, Your Honor.

21 For the record, I'm gonna give you a cup of water.

22 **BY MR. NOZICK:**

23 Q. Mr. Torres, are you happy to be here today?

24 A. No.

25 Q. Do you feel good about what you're doing?

1 A. (Shaking head in the negative.)

2 Q. Is that a yes or a no?

3 A. No.

4 Q. You and Richie Reyes were friends?

5 A. Yes.

6 Q. Do you feel guilty for what you are doing?

7 A. (Nodding head in the affirmative.)

8 Q. Is that a yes?

9 A. Yes, I do.

10 Q. Okay. Are you testifying because you'd like to shorten
11 your plea agreement -- I mean, shorten your prison term?

12 A. Yes.

13 Q. Would you rather not be here today?

14 A. Yep.

15 Q. Okay. Richie Reyes, was he an Imperial Gangster?

16 A. Yes.

17 Q. Did he hang out with 139th Street, 149th Street, or
18 both?

19 A. With both.

20 Q. Was he involved in any criminal activity?

21 A. Yes.

22 Q. Was he involved, to your knowledge, in hitting licks or
23 rips?

24 A. Yes.

25 Q. Who, to your knowledge, did he hit licks with?

1 A. Alex Ponce, Ace, Zo.

2 Q. Who is Alex Ponce?

3 A. One of the Imperial Gangsters.

4 Q. Your age, older, or younger?

5 A. Younger. He was a little younger.

6 Q. Okay. Alex Ponce. And who's the second one you said,

7 Ace?

8 A. Uh-huh.

9 Q. Is that a yes?

10 A. Yes.

11 Q. Who is Ace? What's his last name?

12 A. I don't know his last name.

13 Q. Is that Ace Cortez, your co-defendant?

14 A. Yes.

15 Q. And Zo, is that -- is he deceased today?

16 A. Yes, he is.

17 Q. Is that Alonzo Cavazos.

18 A. Yes.

19 Q. How is it that you know that Richie Reyes was hitting
20 licks with those individuals?

21 A. 'Cause we talked about it.

22 Q. Is there anyone else that you know that Richie Reyes was
23 hitting licks with?

24 A. Charles Barrios Jr.

25 Q. Charles Barrios Jr., was he an IG?

1 A. No, he ain't.

2 Q. Do you know anyone else that he was hitting licks with?

3 A. No.

4 Q. What are some of the spots that Richie Reyes hit licks at?

5 A. One in Gary on 15th Avenue, one in Chicago.

6 Q. The Gary one, do you know roughly what year that was?

7 A. 2000 something, sir.

8 Q. Was it after 2001?

9 A. Yes.

10 Q. Was it 2002 or after?

11 A. Around 2002 I think it was, sir.

12 Q. Okay. Who did he commit that one with?

13 A. With Alex Ponce and Zo.

14 Q. Okay. And that one was in Gary, Indiana?

15 A. Uh-huh.

16 Q. Is that a yes?

17 A. Yes.

18 Q. Do you know where in Gary, Indiana?

19 A. Fifteenth Avenue.

20 Q. Okay. And what would a cross street be? 15th and what?

21 A. After Burr Street.

22 Q. Do you know what neighborhood that is in Gary as far as
23 different neighborhood names?

24 A. Brunswick.

25 **MR. FRIEDLANDER:** Judge, could the witness keep his

1 voice up. I'm having a little trouble hearing him.

2 **BY THE WITNESS:**

3 A. Brunswick.

4 **BY MR. NOZICK:**

5 Q. I'm sorry?

6 A. The Brunswick area.

7 Q. Was that a residence or garage?

8 A. It was a garage.

9 Q. Do you know what they got out of it?

10 A. Weed.

11 Q. Now, by weed you mean marijuana?

12 A. Yes.

13 Q. How do you know this?

14 A. It was blocks of weed. They told me.

15 Q. They told you?

16 A. Yeah.

17 Q. Did you ever personally see it?

18 A. Yes.

19 Q. Where was it that you saw it?

20 A. Alex Ponce had it.

21 Q. And how much of it did you see?

22 A. I seen a pound of it. He showed me.

23 Q. Okay. Did you ever get anything off that lick?

24 A. No.

25 Q. Do you know in total how much they got?

1 A. No, I don't, sir.

2 Q. Did they estimate how much it was, how big a lick it was?

3 A. No.

4 Q. And that one was with Alex Ponce, Zo, and Mr. Reyes?

5 A. Uh-huh.

6 Q. Okay.

7 And as you sit here today, are you confident that that one
8 was in at least 2002? It was no earlier than 2002?

9 A. Yeah, around that time, sir.

10 Q. Do you know of any that the defendant did in Chicago, any
11 licks?

12 A. One.

13 Q. Okay. Roughly what year was that?

14 A. 2000 something, sir. I don't know exactly but --

15 Q. If you had to estimate, was it after 2001?

16 A. Yes.

17 Q. If you have to estimate, was it after 2002?

18 A. 2003, I think it was; around there, sir.

19 Q. Was it around 2003?

20 A. (Nodding head in the affirmative.)

21 Q. Is that a yes?

22 A. Yes.

23 Q. Now, do you have a memory about which one came first, the
24 Gary one or the Chicago one?

25 A. Gary one.

1 Q. Okay. And then roughly how much later was the Chicago
2 one?

3 A. Later on. Like a year or two.

4 Q. A year or so later?

5 A. Yeah.

6 Q. Is that a yes?

7 A. Yes, it was.

8 Q. Okay. This Chicago one, do you know who the defendant did
9 it with?

10 A. With Charles Barrios, Alex Ponce, and some other people.

11 Q. Do you know who those other people are?

12 A. No.

13 Q. How is it that you know about that second one?

14 A. 'Cause I got one from them.

15 Q. You got one what from them?

16 A. A pound.

17 Q. Who did you get it from?

18 A. Richie.

19 Q. Richie Reyes gave you a pound of that marijuana?

20 A. Yes.

21 Q. Did he charge you?

22 A. No, he didn't.

23 Q. Roughly how much would a pound of marijuana have gone for
24 back then?

25 A. \$700.

1 Q. This was a \$700 gift?

2 A. Yes.

3 Q. Where were you when Richie gave it to you?

4 A. My house.

5 Q. Which was where?

6 A. In Gary.

7 Q. Did you thank him for it?

8 A. Yes.

9 Q. Did you ever give him anything in exchange?

10 A. Yes.

11 Q. What's that?

12 A. I gave him a half a brick.

13 Q. At some other point in time?

14 A. Yes.

15 Q. Half a brick of what?

16 A. Cocaine.

17 Q. When was it that you gave him half a brick of cocaine?

18 A. Like 2003.

19 Q. After he had given you the marijuana?

20 A. Yeah.

21 Q. Roughly how long afterwards?

22 A. Later on, like, in the summertime.

23 Q. Where were you when you gave him the half brick of
24 cocaine?

25 A. At my cousin's house.

1 Q. Who is your cousin?

2 A. Lena Torres (phonetic).

3 Q. Why did you give him half a brick of cocaine?

4 A. Because I hit a lick and I gave it to him.

5 Q. How much was cocaine going for during that time period
6 for, a kilo?

7 A. Like 20.

8 Q. \$20,000?

9 A. Yes.

10 Q. So this is a \$10,000 gift you are giving him, no?

11 A. Yes.

12 Q. But what had it cost you? Had it cost you anything?

13 A. No.

14 Q. Because you had hit a lick?

15 A. Yes.

16 Q. Tell the jury, if you would, about that lick. Who did you
17 do it with?

18 A. By myself.

19 Q. By yourself?

20 A. Yes.

21 Q. Where was the victim's place?

22 A. I got it from the victim. I just took it from him.

23 Q. Did you get it during a stickup?

24 A. No.

25 Q. Were you fronted that cocaine?

1 A. Yes, I was.

2 Q. Who was the person that fronted you the cocaine?

3 A. Some Mexican mob people.

4 Q. And how long did you -- how long did you have for
5 turnaround? When were you supposed to pay them?

6 A. I didn't pay them.

7 Q. I know, but how long did they think they were gonna wait
8 to get their money?

9 A. The next day.

10 Q. Do these guys live in East Chicago?

11 A. Yes.

12 Q. Were you worried you were gonna see them around?

13 A. No.

14 Q. How many kilos were you fronted?

15 A. Five.

16 Q. And what was the price?

17 A. A hundred thousand dollars.

18 Q. 20,000 each?

19 A. Uh-huh.

20 Q. So you got fronted a hundred thousand dollars worth of
21 cocaine from the Mexican mob you say?

22 A. Yes.

23 Q. You weren't afraid of them killing you?

24 A. No.

25 Q. Why is that?

1 A. I wasn't scared.

2 Q. You didn't leave town afterwards?

3 A. No.

4 Q. And out of those kilos, you gave half a kilo to the
5 defendant?

6 A. Yes, I had.

7 Q. Did there come a time that you learned that the defendant
8 got shot in the stomach?

9 A. Yes.

10 Q. Did you go visit him in the hospital?

11 A. Yes, I did.

12 Q. Which hospital did you go to?

13 A. St. Catherine's.

14 Q. That's in East Chicago?

15 A. Yes, it is.

16 Q. Did you have a conversation with the defendant about how
17 it was that he had gotten shot?

18 A. Yes.

19 Q. What did he tell you?

20 A. That they called him to go do a lick and he went and he
21 end up getting shot.

22 Q. Who did he go to do that lick with?

23 A. With Rat, some black dude named Rat.

24 Q. Did he know who it was who had shot him?

25 A. Gaunt.

1 Q. Who is Gaunt?

2 A. A four nine -- Tre Nine Imperial Gangster.

3 Q. And was it Gaunt himself whose place it was or Gaunt's
4 father's?

5 A. Gaunt's father's.

6 Q. And he said that it was Rat that took him there?

7 A. Yes.

8 Q. At some point around July 4 weekend, 2006, did you have a
9 falling out with the defendant?

10 A. Yes, I did.

11 Q. And what was that over?

12 A. 'Cause his buddy came to my house wanting three kilos of
13 cocaine.

14 Q. Who is his buddy?

15 A. Coop.

16 Q. I'm sorry?

17 A. Coop.

18 Q. You know his real name?

19 A. Battle.

20 Q. Is that Robert Battle?

21 A. Yeah, Robert Battle.

22 Q. Was he -- to your knowledge, has he ever held any position
23 in the City of East Chicago?

24 A. Yes.

25 Q. Is he a councilman in the City of East Chicago?

1 A. Yes, he is.

2 Q. And describe him. Is he a white guy, black guy, Hispanic
3 guy?

4 A. Black guy.

5 Q. What happened with Robert Battle?

6 A. He came to my house and asked me could I get him three
7 kilos of cocaine. I used his phone to get it, and he end up --
8 I couldn't get it for him. He ended up calling my people.

9 Q. Who are your people?

10 A. In Chicago, Little Chino, and he ended up going out there.

11 Q. I'm sorry. Slow down a little bit.

12 Is your testimony that Robert Battle, he wanted you to set
13 up a deal for him?

14 A. Yes.

15 Q. And did you attempt to?

16 A. Yes, I did.

17 Q. Did Robert Battle then call your source of supply on his
18 own?

19 A. Yes, he did.

20 Q. Where was that source of supply?

21 A. In Chicago.

22 Q. To your knowledge, what happened when Robert Battle went
23 to meet those people?

24 A. He got robbed.

25 Q. By robbed you mean stuck up at gunpoint or they just took

1 his money and didn't give him the cocaine?

2 A. Stuck up by gunpoint.

3 Q. Did he come back and tell you that?

4 A. Yes.

5 Q. How much cocaine was Robert Battle, the councilman, trying
6 to buy?

7 A. Three kilos.

8 Q. And how much money did he have?

9 A. 72,000.

10 Q. How did you learn about the robbery?

11 A. Richie Reyes came to my house.

12 Q. And what did Richie Reyes say about his friend getting
13 robbed?

14 A. He thought I had something to do with it. They asked me
15 for 20 G's.

16 Q. Okay. Let's take it one step at a time.

17 First of all, did you have anything to do with him setting
18 up Robert Battle?

19 A. No, I didn't.

20 Q. And did you tell that to Richie Reyes?

21 A. Yes, I did.

22 Q. Was Richie Reyes mad that you had set up his friend to be
23 robbed?

24 A. Yes, he thought I set him up. He was mad at me.

25 Q. Was he mad that his friend got robbed?

1 A. Yes.

2 Q. But you said something about Richie Reyes wanted
3 something?

4 A. Yes.

5 Q. What did he want?

6 A. He wanted 20 G's from me if I robbed him.

7 Q. If you had participated he wanted \$20,000 from you?

8 A. Yes.

9 Q. Did you take him to mean that he wanted that to keep it
10 for himself or to get it back for his friend Mr. Battle?

11 A. Himself.

12 Q. To keep it for himself?

13 A. Yes.

14 Q. Was he part of the deal? Was he a middleman on that
15 cocaine deal between you and Robert Battle?

16 A. No, he wasn't.

17 Q. So, if you know, why would he feel entitled to a cut of
18 that robbery?

19 A. 'Cause that was his boy. He thought I robbed him. He
20 wanted a cut from me.

21 Q. Wanted a cut from you for himself though.

22 A. Uh-huh.

23 Q. Is that a yes?

24 A. Yes.

25 Q. To your knowledge, did Richie Reyes ever deal with

1 Armando Ortega?

2 A. Yes, he has.

3 Q. How is it that you know this?

4 A. I was there.

5 Q. Where is there?

6 A. In Marktown.

7 Q. Marktown, that's a neighborhood in East Chicago?

8 A. Yes.

9 Q. And did you ever see Richie Reyes and Armando Ortega
10 together?

11 A. Yes.

12 Q. How did you end up being there?

13 A. With Richie.

14 Q. Was anyone else present?

15 A. Yeah.

16 Q. Who?

17 A. Ace, Cooch.

18 Q. Okay. Was that Cooch's residence?

19 A. Yes, it was.

20 Q. Okay. What did you see happen at Cooch's residence
21 between the defendant, Richie Reyes, and Armando Ortega?

22 A. Richie got a four-and-a-half from Armando Ortega.

23 Q. I'm sorry. Richie got what from Armando?

24 A. A four-and-a-half.

25 Q. And what is four-and-a-half?

1 A. Four ounces and a half ounce of cocaine.

2 Q. Four-and-a-half ounces of cocaine?

3 A. Yes.

4 Q. Did you see any money exchange hands?

5 A. No.

6 Q. Did you see that on just one occasion or more than one
7 occasion?

8 A. One time.

9 Q. Richie Reyes, did he become an Imperial Gangster before
10 you or after you?

11 A. After me.

12 Q. I'd like to put up on the screen what's in evidence as
13 SW-24.

14 In preparation for this trial, have we ever shown you this
15 photo?

16 A. Yes.

17 Q. This is an old photo, is it not?

18 A. Yes, it is.

19 Q. Do you see yourself in that photo?

20 A. Yes, I do.

21 Q. Could you please mark the screen and point where you are?

22 A. (Indicating.)

23 Q. Okay. Let the record reflect you marked the face of
24 someone with a shirt that's blue, looks like it says "Chicago"
25 on it?

1 A. Yes.

2 Q. These other individuals in the picture, are they all
3 Imperial Gangsters?

4 A. Yes, they are.

5 Q. Do you recognize Richie Reyes at the bottom left?

6 A. Yes.

7 Q. And what's he doing with his hands?

8 A. Throwing the Imperial crown up.

9 Q. Okay. And what's he doing with his other hand?

10 A. Throwing the Kings down.

11 Q. Throwing down the Latin Kings gang sign?

12 A. (Nodding head in the affirmative.)

13 Q. Is that a yes?

14 A. Yes.

15 Q. By throwing it down, does that mean dissing them or
16 insulting the Latin Kings?

17 A. Dissing them.

18 Q. I'd like to put up on the screen what is in evidence as
19 SW-17.

20 You recognize those individuals?

21 A. Yes.

22 Q. Who's that on the left?

23 A. (No response.)

24 Q. Who's that wearing a blue shirt?

25 A. That's Richie.

1 Q. Richie Reyes?

2 A. Yes, it is.

3 Q. Do you recognize the gentleman on the right in green?

4 A. Yes.

5 Q. Who's that?

6 A. Jesus Fuentes.

7 Q. Does he have a nickname?

8 A. Chu-Chu.

9 Q. What gang was Chu Fuentes in?

10 A. Two-Six.

11 Q. High ranking guy or soldier?

12 A. High ranking.

13 Q. Was he the leader of the Two-Six?

14 A. Yes, he was.

15 Q. I'd like to put up what's in evidence as SW-18.

16 Again, who's that on the right?

17 A. Richie.

18 Q. And what's he doing with his hands?

19 A. Throwing up shotguns.

20 Q. Throwing up the what?

21 A. Shotguns.

22 Q. The gentleman on the left, who's that?

23 A. Chu.

24 Q. And what is Chu Fuentes doing with his hand?

25 A. Throwing up the bunny.

1 Q. Now, the bunny, who's that the gang sign for?

2 A. Two-Six.

3 Q. During the '90s, early 2000s, was anyone higher than Chu
4 Fuentes in the Two-Six?

5 A. No.

6 Q. Was Two-Six -- strike that.

7 Was Chu Fuentes one of the biggest gangsters in Northwest
8 Indiana that you knew of?

9 A. Yes.

10 Q. Would Chu Fuentes hang out with a rank and file, with just
11 a kid that was a soldier, to your knowledge?

12 A. Yes.

13 Q. To your knowledge, did Richie Reyes have a drug
14 relationship, during the course of this conspiracy, with
15 Memo Briseno, Guillermo Briseno?

16 A. Yes.

17 **MR. NOZICK:** You can take the picture down.

18 Q. Did any other Imperial Gangsters that you know of that
19 were in your Indictment ever live with Memo?

20 A. Yes.

21 Q. Okay. Who was that?

22 A. Tall Folks.

23 Q. Is that Anthony Baldazo?

24 A. Yes, it is.

25 Q. And he was indicted with you?

1 A. Yes.

2 Q. Do you know where Memo's residence was?

3 A. Indianapolis Boulevard, 150th.

4 Q. And did there come a time that you learned that

5 Richie Reyes was supplying Memo Briseno with narcotics?

6 A. Yes.

7 Q. How is it that you learned that?

8 A. Memo told me.

9 Q. Memo told you back then when it was happening?

10 A. Yes.

11 Q. And was that sometime in the mid 2000s?

12 A. Yes, it was.

13 Q. What did Memo tell you?

14 A. That he was getting it from Richie.

15 Q. Getting what from Richie?

16 A. Cocaine.

17 Q. And Anthony Baldazo was staying there during that same
18 time period?

19 A. Yes, he was.

20 **MR. NOZICK:** One moment.

21 **THE COURT:** Sure.

22 **MR. NOZICK:** Nothing further.

23 **THE COURT:** Mr. Friedlander, how long do you think
24 you'll have with this witness?

25 **MR. FRIEDLANDER:** Judge, I hope no more than 25

1 minutes to a half hour based on that.

2 **MR. NOZICK:** Your Honor, may I approach on that
3 scheduling matter we discussed earlier?

4 **THE COURT:** Sure.

5 (Discussion held off the record at sidebar.)

6 (A recess was taken for the day and the cross-examination
7 of Eddie Torres Jr. proceeded as follows on January 23,
8 2014:)

9 **THE COURT:** So when we left off yesterday, I believe
10 Mr. Nozick had completed his direct examination of Mr. Torres,
11 and it was Mr. Friedlander's turn for cross-examination.
12 So you may proceed, sir.

13 **MR. FRIEDLANDER:** Thank you, Judge.

14 **CROSS-EXAMINATION**

15 **BY MR. FRIEDLANDER:**

16 Q. Good morning, Mr. Torres.

17 A. Good morning.

18 Q. My name is Jack Friedlander, and I represent
19 Richard Reyes.

20 Yesterday you testified you entered into a plea agreement
21 on February 20th of 2013, is that correct?

22 A. Yes, I did.

23 Q. And that plea agreement was an agreement between you and
24 the government, correct?

25 A. Yes.

1 Q. And prior to that plea agreement, as Mr. Nozick said, you
2 had several proffers, remember that?

3 A. Yes.

4 Q. And those proffers were meetings where you told them
5 things about knowledge of crimes and things of that nature that
6 you had personal knowledge of, correct?

7 A. Yes, I did.

8 Q. And based on that, they indicated to you that it would be
9 necessary for you to testify before a grand jury as it relates
10 to Mr. Reyes and possibly other matters, correct?

11 A. Yes.

12 Q. And at some particular point in time, you did testify
13 before a grand jury, and you had a plea agreement that was
14 presented to you where you were pleading guilty to a RICO
15 conspiracy which was capped at 20 years, is that correct?

16 A. Yes.

17 Q. And you faced a potential life sentence with respect to
18 drug dealing and other acts committed, a potential life
19 sentence, is that correct?

20 A. Yes.

21 Q. So you have a benefit by following through on your plea
22 agreement and testifying today, is that correct?

23 A. Yes.

24 Q. And you took an oath yesterday before -- you stood before
25 this honorable jury and this Court when you said that you would

1 tell the truth, is that correct?

2 A. Yes.

3 Q. Okay. By the way, one of the reasons that you are
4 cooperating is because of that potential life sentence and you
5 now can have significantly reduced your time to 20 years at the
6 maximum with a possible further reduction in conformity with
7 your cooperation with the government, not only on this case but
8 on others, correct?

9 A. Yes.

10 Q. And you know the only one who can recommend, the only one
11 who can recommend to His Honor, Judge Simon here, for reduction
12 in your sentence is the U.S. Attorney, correct?

13 A. Yes.

14 Q. That's your plea agreement. And the only one that can
15 sentence you based on that recommendation is Judge Simon; you
16 understand that?

17 A. Yes.

18 Q. Are you a truthful guy?

19 A. Yes, I am.

20 Q. Okay. I'm just gonna call your attention to a couple of
21 things.

22 You remember, as we've already discussed, that you testified
23 before a grand jury on February 6, 2013, is that correct?

24 A. Yes.

25 Q. And you remember -- I believe yesterday you testified

1 about two incidents regarding rips that this defendant was
2 involved in?

3 A. Yes.

4 Q. And you said one was in Chicago and one was in Gary, is
5 that correct?

6 A. Yes.

7 Q. And do you remember the dates that you told the jury that
8 they were?

9 A. Like 2003, something like that.

10 Q. Well, one lick in Chicago after 2002 and another in the
11 Gary case in 2003, is that correct?

12 A. Yes.

13 Q. That was your testimony after you took your oath in court
14 --

15 A. Yes.

16 Q. -- yesterday, correct?

17 A. Yes.

18 Q. Well, as I stated, you previously had testified before the
19 grand jury back in February of 2013, February 6th, in this
20 very building, correct?

21 A. Yes, I did.

22 Q. And you were asked the question: "Tell us about Richie
23 Reyes" -- reading from page 28, grand jury, at line 22 -- "was
24 he an Imperial Gangster?"

25 You answered, "Yes, he was."

1 "Did he ever do a drug rip with Alex Ponce?"

2 "Yes, he has."

3 "Tell us about that one."

4 Your answer: "They broke in a garage in Chicago, took
5 some pounds."

6 Do you remember testifying to that?

7 A. Yes, I did.

8 Q. "In Chicago, or did you tell us previously it was in
9 Gary?"

10 There seemed to have been some confusion as to what you
11 stated back then, is that correct?

12 A. Yeah.

13 Q. "That one was in Chicago."

14 "Okay. With Alex Ponce in Chicago?" is the question.

15 "Yeah."

16 "QUESTION: Okay. How much marijuana did they take?

17 "Like a hundred some pounds."

18 "And what year do you think that was?" That was the
19 question.

20 And your response: "Ninety something. 1990 something."

21 So how do we reconcile 1990 with what you just told us,
22 swear your right hand to God to tell the truth there, in 2002
23 and 2003, when you testified a year earlier that it was in
24 1990? Why would you do that?

25 A. I don't remember that question, sir.

1 Q. Well --

2 A. And I don't remember. You know, it had been so long.

3 Q. Well, I know yesterday --

4 A. That date.

5 Q. -- Mr. Nozick told us you don't read too well. You got
6 your GED while you were in jail. And that's commendable, is
7 that correct?

8 A. Yeah.

9 Q. How can you be off by 13 years, in '90 something? That's
10 not in the 2000s. Clearly in the '90s then, right?

11 A. Uh-huh.

12 Q. Okay. The year that this Indictment covers, the period of
13 time that this Indictment covers as it applies to this
14 defendant and the same Indictment that it applies to you, is
15 2002 to the day of your arrest, is that correct?

16 A. Yes.

17 Q. Well, as you sit there now, is there something -- other
18 date you want to tell them about?

19 A. No.

20 Q. So you really don't remember the date?

21 A. No, I don't remember the date, sir.

22 Q. So you testified twice under oath, and now you're telling
23 this good jury that you really don't recall?

24 A. Don't remember the date.

25 Q. Is there a lot of things that you don't remember?

1 A. Yeah, little bit.

2 Q. Huh?

3 A. Little bit.

4 Q. You smoke weed or do drugs?

5 A. Yes, I do.

6 Q. Daily?

7 A. Marijuana.

8 Q. Okay. Daily, when you were out on the street?

9 A. Yes, I did.

10 Q. Did you get high?

11 A. Yes.

12 Q. Do any other drugs?

13 A. Cocaine.

14 Q. Okay. Daily?

15 A. Yeah.

16 Q. So you were, for lack of -- in other words, you were a

17 pretty significant drug user back in the day, right?

18 A. Yes.

19 Q. Would that be in the period of the '90s, up until your

20 arrest?

21 A. Yes.

22 Q. So you're confused about dates, times, and places,

23 correct?

24 A. Yeah, a little bit.

25 Q. Now, yesterday you testified again that from a rip that

1 Richie pulled you got some drugs, correct?

2 A. Yes.

3 Q. Do you remember on that same day before the grand jury,
4 question at page 30, line 2:

5 "Did you ever get any drugs from either of these rips from
6 Richie Reyes?"

7 "ANSWER: No."

8 Swore to tell the truth there too. Didn't get any drugs
9 from Richie, did you?

10 A. Yes, I did.

11 Q. Why did you lie there?

12 A. I didn't remember at the time.

13 Q. How are they to believe you now?

14 A. (No response.)

15 Q. Well, let's go a little further.

16 "Have you ever dealt drugs with Richie Reyes, either
17 selling it to him or getting it from him?" That was the
18 question back then.

19 "No, none."

20 Did you lie again?

21 A. Yeah.

22 Q. You neither --

23 "QUESTION: You never either supplied him or gotten from
24 him?"

25 "No."

1 "What was Richie Reyes selling as far as drugs go?"

2 "Weed."

3 "Large quantities or small?"

4 Not cocaine, right?

5 A. Yeah, he was selling cocaine.

6 Q. But you didn't tell them that here?

7 A. I know I didn't.

8 Q. Why?

9 A. I don't know.

10 Q. You need this deal to go through. You want to make this
11 man happy, don't you?

12 A. Yeah.

13 Q. So when I asked you a few minutes ago, "Are you a truthful
14 and honest person," how would you answer that now?

15 A. My mind wasn't right at the time.

16 Q. Are you truthful?

17 A. Yes.

18 Q. Are you honest?

19 A. Yes.

20 Q. People out on the street would say that you're a stand-up
21 guy, right?

22 A. Yes.

23 Q. You cried here yesterday. Did you cry because you were
24 gonna lie?

25 A. No.

1 Q. Why'd you cry?

2 A. Because that's my friend.

3 Q. Well, how can you lie about your friend? You told them
4 no, no, no, no. But now the deal's in effect and you gotta
5 tell them yes, yes, yes. Is that sort of the way the game's
6 played?

7 A. No.

8 Q. Pardon me if I don't believe you.

9 **MR. NOZICK:** Objection, Your Honor.

10 **THE COURT:** Yeah, that's stricken. You're admonished
11 to disregard that comment.

12 **BY MR. FRIEDLANDER:**

13 Q. You a good friend of his?

14 A. Yes.

15 Q. Know a lot about him?

16 A. Yes.

17 Q. Well, you were asked the question, "Okay" -- reading from
18 grand jury page 31, line 23 -- "Any other criminal information
19 on Richie Reyes? Do you know anything about homicides he's
20 committed?"

21 Again, this testimony was in 2013.

22 Answer is: "No."

23 Is that correct?

24 A. Yes.

25 Q. And is that true as you sit here today?

1 A. Yes, I don't know no homicides he did.

2 Q. Okay. Was he a violent guy when he was with you?

3 A. No.

4 Q. Now, when you were indicted -- as an Indictment comes
5 down, there's usually what's known as an arrest warrant. Do
6 you know what an arrest warrant is?

7 A. Yes.

8 Q. That means that the police are given permission or the
9 agents are given permission to arrest you, correct?

10 A. Yes.

11 Q. Did you have knowledge about that arrest warrant?

12 A. Yes, I did.

13 Q. And you received that from a police officer?

14 A. Yes.

15 Q. You were involved in dealings with police officers,
16 correct?

17 A. Yes, I was.

18 Q. Now, I guess you told this good jury that you and
19 Richard Reyes split in 2005, is that correct?

20 A. 2005 what? Split what?

21 Q. Were you still friends? You had a split-up with him, I
22 think you said, over some coke deal that went bad with a third
23 person or he blamed you for something?

24 A. Yeah, like 2006, 2005, around there.

25 Q. But that deal had nothing to do with him, correct?

1 A. No, nothing.

2 Q. He wasn't selling drugs at that point?

3 A. No.

4 Q. Okay. Now, at any point did you say that Richie Reyes was
5 being supplied drugs by Armando Ortega in 2006?

6 A. Yes.

7 Q. Okay. So if Armando Ortega came in here and said that he
8 didn't even know Richie Reyes 'till the summer of 2007, would
9 that be a lie?

10 A. You could say like 2006, 2007, sir.

11 Q. So you're really not sure?

12 A. Yeah, I'm not really sure when we met about Armando.

13 Q. Well, when you were out on the street, dates weren't
14 important because you knew you would be getting up the next
15 day, right?

16 A. Yeah.

17 Q. So days just spilled over to weeks that spilled over to
18 months that spilled over to years that spilled over?

19 A. Yes.

20 Q. Something like that, right?

21 A. Yes.

22 Q. So this good jury knows that you really aren't too sure
23 about your dates, right?

24 A. Yes.

25 Q. I appreciate that.

1 Now, you indicated during your direct examination by Mr. Nozick
2 yesterday that at some point in time Richie Reyes was shot in
3 the stomach, correct?

4 A. Yes.

5 Q. And do you remember when that happened?

6 A. No, I don't remember the date that happened.

7 Q. Okay. You went on further to say that Richie Reyes -- and
8 yesterday you testified that it was at some point in the 2000s,
9 correct?

10 A. Yes.

11 Q. I believe you said it was in -- I wanted to see if I wrote
12 that down. You weren't quite sure as to the time that you
13 thought he was shot.

14 You said you went and visited him in the hospital shortly
15 after it happened, is that correct?

16 A. Yes, I did.

17 Q. You said that you had a conversation with him and you told
18 him -- he told you -- excuse me.

19 He told you in a conversation at the hospital that he got
20 shot doing a drug rip, is that right?

21 A. Yes.

22 Q. Was anyone else present there?

23 A. No.

24 Q. Do you know that Richie Reyes was in a coma for a long
25 time after he was shot?

1 A. It wasn't that -- it wasn't that same time after. When he
2 got out the coma, sir.

3 Q. When he got out of the coma?

4 A. Yes.

5 Q. Was there anybody present with him?

6 A. No.

7 Q. Was his wife sitting there every day?

8 A. Yes, I think she was; but when I went, she wasn't there.

9 Q. Was his mother there?

10 A. Yes, the whole family was there, sir.

11 Q. Daily, right?

12 A. Yes.

13 Q. Worried about their son?

14 A. Yes.

15 Q. Their father, their husband?

16 A. Yes.

17 Q. Correct?

18 A. Yes.

19 Q. But you had a conversation?

20 A. Yeah, later on.

21 Q. That's what you want them to believe?

22 A. Yes.

23 Q. By the way, were you friendly with Armando Ortega?

24 A. No, not that friendly with him.

25 Q. Did you deal with him?

1 A. Not really.

2 Q. Well, do you know of him dealing to a lot of the Imperial
3 Gangsters?

4 A. Yes.

5 Q. Was he an Imperial Gangster?

6 A. No, not that I know of, he wasn't.

7 Q. So he would be considered outside of, for lack of a better
8 word, the group of people in your conspiracy and enterprise --
9 of the RICO enterprise that you're charged with, right?

10 A. Yes.

11 Q. He's what's known as an independent, right?

12 A. Yes.

13 Q. He's an independent drug dealer?

14 A. Yes.

15 Q. How do you know he was supplying Richard Reyes?

16 A. 'Cause I was there at one time.

17 Q. One time?

18 A. Yes.

19 Q. And what quantities did you say you saw him give?

20 A. About four-and-a-half.

21 Q. Four-and-a-half. Do you remember that date?

22 A. No, I don't remember that date.

23 Q. By the way, when this arrest warrant came out, can you
24 tell this jury where you were arrested?

25 A. In Florida.

1 Q. Florida.

2 Now, you told us that you were out of the gang, right?

3 A. Yes.

4 Q. Why you out of the gang?

5 A. 'Cause I was old enough.

6 Q. Huh?

7 A. I was done, and I lost my son.

8 Q. Okay. And when you lost your son -- and, again, I'm sorry
9 for your loss.

10 An event happened and you were just out, right?

11 A. Yep.

12 Q. Did you go out and tell everybody, "I'm out of the gang"?

13 A. No, I just quit hanging around with most of them.

14 Q. Walk away from it all?

15 A. Yes.

16 Q. You continued on being an independent drug dealer,
17 correct?

18 A. Yes.

19 Q. At one point in time I believe you testified you were high
20 up, maybe even the leader?

21 A. Yes.

22 Q. Okay. Did you get beaten out of the gang?

23 A. No, I didn't.

24 Q. So you left on your own accord, as you just said, didn't
25 get beaten out.

1 All these rules for the shorties and the young guys who come in
2 the gang when they're 12, 13, 14, 15, post up, pay dues, take a
3 beating, violation, these are really -- are they really rules?

4 A. Yeah, they're rules.

5 Q. Well, you had meetings at a cemetery, right?

6 A. Yes.

7 Q. Is there a list on a tombstone that said these are the
8 rules of the IG and they must be followed?

9 A. No.

10 Q. Well, how do they know the rules?

11 A. You get them when you join the gang.

12 Q. Okay. Why do you get to leave without the beating?

13 A. 'Cause I was running it. I just gave up.

14 Q. But is that your choice?

15 A. That was my choice.

16 Q. So --

17 A. Give up my spot.

18 Q. I'm sorry. I don't mean to interrupt you.

19 That was your choice, you said?

20 A. Yes.

21 Q. So, again, if you break a rule or a law in a city or state
22 or federally, you get charged, right?

23 A. Yes.

24 Q. Did you get charged with anything by the gang?

25 A. No.

1 Q. They just said, okay, bye-bye?

2 A. Yeah.

3 Q. The next person jumped on the perch?

4 A. Yes.

5 Q. Was Richie Reyes -- well, strike that.

6 Did Richie Reyes at some point in time get married and
7 have a kid?

8 A. Yes, he did.

9 Q. And did he pretty much leave the gang after that?

10 A. He kept away.

11 Q. For a long time?

12 A. Yes.

13 Q. Do you remember when he got married?

14 A. No.

15 Q. But around that time is when he walked away, too, is that
16 correct?

17 A. Yes.

18 Q. You remember him starting to go to school too?

19 A. Yes.

20 Q. You saw him less and less and less, correct?

21 A. Yes.

22 Q. More and less infrequently?

23 A. Yes.

24 Q. And he wasn't jumping around buying large quantities of
25 dope or anything like that, correct?

1 A. No.

2 Q. And you already told us -- and you were a leader at some
3 point then back in the early 2000s, correct, 2002, '03, '04?

4 A. 2002.

5 Q. You were a leader?

6 A. 2002 I was the last leader.

7 Q. Okay. And around that time, he was absenting himself from
8 the gang, was he not?

9 A. Yes.

10 Q. We've heard a lot of people say, a lot of people say old
11 school, once a gangbanger you're always a gangbanger, but
12 that's not really true as you just said, right?

13 A. Yes, it ain't true.

14 Q. There really is no enterprise here, right?

15 A. No.

16 Q. Well, you told us about when you did your own lick or rip
17 and took these kilos, I think you said five kilos?

18 A. Yes.

19 Q. Worth a hundred and something thousand?

20 A. A hundred thousand dollars.

21 Q. Did you walk in or have a meeting at the cemetery and
22 spread your money to everybody there and say, Hey, guys, look
23 what I got for you?

24 A. No.

25 Q. You were an independent?

1 A. Yes.

2 Q. An independent ripper?

3 A. Yes.

4 Q. And independent burglar?

5 A. Yes.

6 Q. You didn't care about the gang. That was money in your
7 pocket, right?

8 A. Yes.

9 Q. It was independent of the gang, nothing to do with
10 advancing that gang or that enterprise, is that correct?

11 A. Yes.

12 Q. I don't think I asked you this, and excuse me if I did,
13 does the gang keep records of how much money each shorty gives?

14 A. No.

15 Q. So it's like walk into the meeting and there's a door with
16 a hat, and someone's watching to make sure they drop it in
17 every time they come?

18 A. No, you just pay the dues.

19 Q. It's a little less formal?

20 A. Yeah.

21 Q. So there really is no Articles of Incorporation or
22 structure to this gang, is there?

23 A. No.

24 Q. Didn't go out and hire a lawyer and have them draw up
25 documents and say, This is how you must operate this

1 enterprise, did you?

2 A. No.

3 Q. You never met with a lawyer about the gang, did you?

4 A. No.

5 Q. Never went to see a corporate lawyer or something like
6 that?

7 A. (Shaking head in the negative.)

8 Q. And as you sit there today, you wish this whole thing
9 would just go away, right?

10 A. Yes.

11 Q. But it's not?

12 A. Nope.

13 **MR. FRIEDLANDER:** Judge, if I could have one minute?

14 **THE COURT:** Sure.

15 **BY MR. FRIEDLANDER:**

16 Q. Do you know a young lady by the name of Carmen Maria
17 Morales?

18 A. Yes.

19 Q. Who is she?

20 A. My cousin.

21 Q. Was she also married to this gentleman?

22 A. Yes, she was.

23 Q. You consider her to be a truthful person?

24 A. Yes.

25 Q. Thank you for your honesty.

1 **MR. FRIEDLANDER:** Nothing further.

2 **THE COURT:** Any redirect?

3 **MR. NOZICK:** Yes, Your Honor.

4 **REDIRECT EXAMINATION**

5 **BY MR. NOZICK:**

6 Q. Good morning, sir.

7 A. Good morning.

8 Q. One moment.

9 You were asked some questions about your plea agreement. Do
10 you recall those questions --

11 A. Yes.

12 Q. -- by Mr. Friedlander?

13 A. Yes.

14 Q. And you talked about how under this plea agreement the
15 most you can get is a 20-year cap, correct? So the most you
16 can get is 20 years in prison, correct?

17 A. Yes.

18 Q. Have you ever been promised anything below that?

19 A. No.

20 Q. Do I have to give you anything below that or recommend
21 anything below that?

22 A. No, you don't, sir.

23 Q. Have you ever killed anyone?

24 A. No.

25 Q. Has there ever been any allegation in this case that you

1 have some bodies on you, that you've killed anyone?

2 A. No.

3 Q. Just drug sales, correct?

4 A. Yes.

5 Q. And drug rips?

6 A. Yes.

7 Q. And is it fair to say that in addition to this case, you
8 are cooperating in other high-level law enforcement
9 investigations?

10 A. Yes.

11 Q. Some involve public corruption?

12 A. Yes.

13 Q. And you could still, at the end -- I could still ask for
14 20 years in prison, correct?

15 A. Yes, you could.

16 Q. Does that seem like a fantastic deal to you?

17 A. No, it don't, sir.

18 Q. Am I your best buddy?

19 A. No.

20 Q. Is Bruce Hegyi from the Department of Justice, is he your
21 best buddy?

22 A. No, he ain't.

23 Q. After all this, after being labeled a snitch, you can
24 still -- I could still get up there and ask for 20 years in
25 prison, no?

1 A. Yes.

2 Q. Are you thrilled about that?

3 A. No, I ain't.

4 Q. Now, the government has sat down with you a number of
5 times, have we not?

6 A. Yes, you have.

7 Q. Have we asked you about a lot of different defendants?

8 A. Yes.

9 Q. Have we asked questions about virtually every Imperial
10 Gangster in this Indictment?

11 A. Yes, you have.

12 Q. Have we asked questions about events that occurred over a
13 long time period?

14 A. Yes.

15 Q. Over ten years' worth of crimes?

16 A. Yes.

17 Q. And were you smoking marijuana during that entire time?

18 A. Yes, I was.

19 Q. Were you taking notes? Did you keep a diary during this?

20 A. No, I don't.

21 Q. And some of the things we asked you about were five years
22 ago, correct?

23 A. (No response.)

24 Q. At least five years ago?

25 A. Yeah.

1 Q. And we asked about things ten years ago, did we not?

2 A. Yes, you did.

3 Q. And did we ask about some cold, cold homicides, perhaps
4 even back in the '90s?

5 A. Yes.

6 Q. Is it fair to say that you don't remember exact dates?

7 A. Yes.

8 Q. I asked you this yesterday, but I'm gonna ask you again,
9 how do you feel about testifying today?

10 A. Not that good.

11 Q. It's a packed courtroom. Are a lot of people in the
12 courtroom?

13 A. Yeah.

14 Q. And the story's been in the newspaper, if you know?

15 A. I don't know. I don't got the paper.

16 Q. Do people on the street, to your knowledge, know about
17 your cooperation?

18 A. Yes.

19 **MR. FRIEDLANDER:** Objection as to what people on the
20 street know. He's in jail.

21 **THE COURT:** Sustained.

22 **BY MR. NOZICK:**

23 Q. Is it public knowledge that you're cooperating?

24 A. Yes.

25 Q. Do you like being labeled a snitch?

1 A. No.

2 Q. How old did you say you were?

3 A. Forty-three.

4 Q. How long have you known Richie Reyes?

5 A. Thirty-one years.

6 Q. Some of the people I asked you about, were they younger
7 kids?

8 A. Yes.

9 Q. People that you didn't know that well?

10 A. Yes.

11 Q. Did you feel worse testifying about Richie Reyes than
12 about some of these youngs kids you didn't know that well?

13 A. Yes.

14 **MR. FRIEDLANDER:** Objection, Judge. He hasn't
15 testified about young kids here today.

16 **THE COURT:** Yeah, sustained.

17 **BY MR. NOZICK:**

18 Q. Did you testify in grand jury about a large number of
19 younger Imperial Gangsters?

20 **MR. FRIEDLANDER:** Same objection, Judge. The jury
21 hasn't heard anything about what --

22 **MR. NOZICK:** He wasn't asked --

23 **THE COURT:** What's the relevance of this?

24 **MR. NOZICK:** I'd have to say it at sidebar.

25 **THE COURT:** Okay.

1 (Bench conference.)

2 **MR. NOZICK:** Your Honor, Mr. Torres was impeached on
3 cross-examination with this grand jury testimony. He clearly
4 minimized what he knew about Richie Reyes. He is a reluctant
5 witness. He feels horrible about cooperating --

6 If I could finish.

7 And what I'm seeking to elicit is that he feels a lot
8 worse testifying against his old school buddy, Richie Reyes,
9 than he does these, you know, these young kids 20 years younger
10 than him that he barely knows. So what I'm getting at is he's
11 known Richie Reyes for years, and that's why he wasn't
12 forthcoming in the grand jury about all the stuff he knew about
13 Richie Reyes. And then, you know, as time goes on, more and
14 more comes out. I think that's a natural line of argument to
15 investigate.

16 You know, he is one of these criminals, like many are, who
17 the more you talk to them, the more forthcoming they become.
18 And he was particularly not that forthcoming at first because
19 he's known Richie Reyes for 20 years. Now, these young guys --

20 **THE COURT:** That point's been well made that these
21 two are good friends. He's a very reluctant witness. He's not
22 happy to be here. That point's been established.

23 **MR. NOZICK:** Yes, Your Honor. That was established
24 before he was impeached with his grand jury. I think I should
25 be able to get out of him that he felt bad and wasn't fully

1 forthcoming at first. That's why he said -- I mean, Judge, I
2 didn't establish --

3 **THE COURT:** Okay. But what I'm prohibiting you to do
4 is getting into what he testified before the grand jury about
5 other people. You can ask him about his motives as it relates
6 to Mr. Reyes --

7 **MR. NOZICK:** Okay.

8 **THE COURT:** -- but cannot get to testimony relating
9 to other people that the jury hasn't heard about. I think it
10 puts extrinsic material into the record that is really neither
11 relevant nor particularly probative as to the point that you're
12 trying to make. I understand it, but I don't see the probative
13 value of it beyond what you've already established with this
14 witness.

15 Anything you want to say?

16 **MR. FRIEDLANDER:** No. The next objection will be
17 prejudicial if he keeps going further and further. There's no
18 reason.

19 **THE COURT:** You opened the door. He's allowed to
20 explore the reasons why he was minimizing in the grand jury
21 within the context of what I just instructed you.

22 **MR. NOZICK:** Understood, Judge.

23 **MR. FRIEDLANDER:** Correct.

24 **MR. NOZICK:** So just be clear and to not elicit
25 further objections, what I intend to ask is: Do you feel worse

1 or did you feel worse about cooperating against Richie Reyes
2 than other guys that you didn't know as well? Yes. Were you
3 perhaps not fully forthcoming at the time? So --

4 **MR. FRIEDLANDER:** I don't think he can ask that.

5 **MR. NOZICK:** I think I can, Judge. He felt worse --

6 **MR. FRIEDLANDER:** He hasn't identified anybody else,
7 Judge.

8 **MR. NOZICK:** Well, that's what I was trying to do.

9 **MR. FRIEDLANDER:** You can't do it now.

10 **MR. NOZICK:** Sure I can. I can say that there are
11 many -- I've asked questions about many different people in the
12 grand jury, and he was more forthcoming about the guys that he
13 wasn't old buddies with than he was about his old buddy. I
14 think once he's been impeached, I mean, that's perfectly
15 allowable line of argument.

16 **THE COURT:** I'm gonna sustain the objection.

17 **MR. FRIEDLANDER:** I'm gonna read the line from the
18 grand jury.

19 (Bench conference concluded.)

20 **BY MR. NOZICK:**

21 Q. Are you closer -- or were you closer to Richie Reyes than
22 some other defendants?

23 A. Yes.

24 Q. Do you feel particularly bad about snitching on him?

25 A. Yes, I do.

1 Q. And were you fully truthful and forthcoming about Richie
2 Reyes back when we asked you questions in front of the grand
3 jury?

4 **MR. FRIEDLANDER:** Objection, Judge.

5 **MR. NOZICK:** He opened the door to it.

6 **THE COURT:** You opened the door. You asked him those
7 very questions. So overruled.

8 **THE WITNESS:** Some things I might have had wrong,
9 sir.

10 **BY MR. NOZICK:**

11 Q. In your heart, did you want to minimize the damage you did
12 to your old friend, Richie Reyes?

13 A. Yes.

14 Q. As time goes on, and I've asked you more questions, have
15 you become more truthful and forthcoming about everything you
16 know?

17 A. Yes.

18 Q. Mr. Friedlander asked you some questions about whether or
19 not, during the time period of the Indictment, you saw Richie
20 Reyes selling drugs. Do you remember those questions?

21 A. Yes.

22 Q. Okay. And you talked about a deal. You said that you had
23 a falling out with Mr. Reyes around '06?

24 A. '06, '07, around there.

25 Q. And during that time period, did you deal directly with

1 drugs with Mr. Reyes?

2 A. No, I didn't.

3 Q. Did he ask you, though, for drug money from a rip that he
4 thought you were involved in?

5 A. Yes, he did.

6 Q. You're not sure the exact date of that, are you?

7 A. The day that happened?

8 Q. Yes, the year it happened?

9 A. No, I ain't exact the date or the year, but it happened
10 July 5th when Battle got robbed.

11 Q. So it was after July 4 --

12 A. July.

13 Q. You remember it was after one of the July 4ths?

14 A. Yes.

15 Q. You were asked some questions on cross-examination about
16 seeing Richie Reyes with Armando Ortega. Do you remember those
17 questions?

18 A. Yes.

19 Q. Has Armando Ortega ever visited you since you've been
20 locked up on this case?

21 A. No, he hasn't.

22 Q. Has he ever written you a letter since you've been locked
23 up on this case?

24 A. No.

25 Q. Has he ever called you since you've been locked up on this

1 case?

2 A. No, he haven't.

3 Q. Without getting into the exact location of where you've
4 been since pleading guilty, is it fair to say that you've been
5 housed at least an hour away from here?

6 A. Yes, I have.

7 Q. Is it fair to say that it's in a jail or prison that's not
8 normally used for Hammond prisoners?

9 A. Yes.

10 Q. And are you housed under your own name, or are you housed
11 under an alias?

12 A. Under alias name.

13 Q. Is that for your protection?

14 A. Yes, it is.

15 Q. Have you had any conversations since being arrested with
16 Armando Ortega about deals with Richie Reyes and Cooch that you
17 were present for?

18 A. No.

19 Q. Have you coordinated your testimony with Armando Ortega in
20 any way?

21 A. No.

22 Q. How about Ace Cortez, have you been housed separately from
23 him?

24 A. Yes, I have.

25 Q. Since you pled guilty?

1 A. Yes.

2 Q. Has Ace Cortez written you any letters?

3 A. No.

4 Q. Has anyone written any letters on Ace's behalf to you?

5 A. No.

6 Q. Have you seen Ace Cortez since pleading guilty?

7 A. No, I haven't.

8 Q. Is he in your facility?

9 A. No.

10 Q. Has he tried to call you?

11 A. No.

12 Q. At any point since being arrested, did you coordinate your
13 testimony with him and say, If we're called as a witness, let's
14 say that we were present at a deal with Richie Reyes?

15 A. No.

16 Q. Have you ever had any conversations since being arrested
17 with Ace Cortez about Richie Reyes getting shot in the stomach
18 during a drug rip?

19 A. No.

20 Q. Did you and Ace Cortez ever coordinate your testimony to
21 say, Hey, to get out of trouble, let's say that Richie Reyes,
22 one of our 24 defendants, was set up by a guy named Rat?

23 A. No.

24 Q. Never had a conversation with Ace about that, did you?

25 A. No.

1 Q. Now, you were asked some questions by Mr. Friedlander
2 about you having walked away from the gang; correct?

3 A. Yes.

4 Q. Yet you still pled guilty in this case?

5 A. Yes, I have.

6 Q. Did your lawyer explain to you that you were still guilty
7 if you still associated with Imperial Gangsters?

8 A. Yes.

9 Q. Did he explain to you that if you supplied Imperial
10 Gangsters during the conspiracy with any drugs you'd still be
11 guilty?

12 A. Yes.

13 Q. Did he explain to you that being an old school guy who
14 still associates would make you still guilty of this
15 conspiracy?

16 A. Yes.

17 Q. The drug rips, you gave different dates during grand jury
18 than today, did you not?

19 A. Yes.

20 Q. Were you truthful in your testimony yesterday when you
21 gave your best estimation of the dates in the 2000s for these
22 drug rips?

23 A. Yes.

24 Q. Were you trying to lie and violate your plea agreement in
25 order to help the government?

1 A. No.

2 Q. You told us at some point during preparation that Richie
3 Reyes, you think, bought some vehicles after some of the rips.

4 Do you remember telling us that?

5 A. Yes.

6 Q. After one of the rips, the more recent rips, what kind of
7 vehicles do you think he bought?

8 **MR. FRIEDLANDER:** Objection, Judge. It's not in
9 evidence.

10 **THE COURT:** Is this beyond the scope of --

11 **MR. NOZICK:** Well, I think the door was opened,
12 'cause when he was talking about when the dates of the rips
13 were. I'm trying to flesh out some of the details of things he
14 may have bought afterwards.

15 **THE COURT:** I'm gonna overrule the objection. Ask
16 the question again.

17 **BY MR. NOZICK:**

18 Q. To your knowledge, did Richie Reyes ever buy any big-ticket
19 items after any of his rips in the 2000s?

20 A. Just used cars.

21 Q. Used cars?

22 A. Yeah.

23 Q. What are some used cars he bought?

24 A. I don't remember what kind he bought, but they were just
25 used.

1 Q. Okay. One moment.

2 You were asked a number of questions about the deals -- strike
3 that.

4 Do you remember seeing -- one moment.

5 You testified yesterday, did you not, about Memo Briseno
6 dealing with Richie Reyes?

7 A. Yes.

8 Q. And who did you say was living with Memo Briseno at the
9 time?

10 A. Tall Folks.

11 Q. Is that Anthony Baldazo?

12 A. Yes.

13 Q. Was Tall Folks 12 years old at the time?

14 A. No, I don't know how old was he at the time.

15 Q. To your recollection, did Memo ever have a 12- or
16 13-year-old boy staying with him?

17 **MR. FRIEDLANDER:** Objection. Asked and answered.

18 **THE COURT:** Sustained.

19 **BY MR. NOZICK:**

20 Q. To your knowledge, did Tall Folks [verbatim] ever have
21 custody of a minor child that was not his own?

22 A. No, I don't know about that, sir.

23 Q. Okay. Did you know Tall Folks when he was in the gang?

24 A. Yes.

25 Q. During the time period that you knew him, roughly how old

1 was he?

2 A. Like 17, 16.

3 **MR. NOZICK:** One moment.

4 Q. To your knowledge, you first learned of Tall Folks being
5 involved in the gang at 16 or 17?

6 A. Sixteen.

7 Q. Okay. And was he living with Memo immediately at that
8 point or a number of years later?

9 A. A number of years later.

10 **MR. FRIEDLANDER:** Objection, again, Judge. This is
11 well beyond the scope, door open or not.

12 **MR. NOZICK:** I think the door was opened. He was
13 talking about the time period of the defendant's involvement in
14 the conspiracy, and I'm gonna pin down that there's no way that
15 these deals with Memo and the defendant are --

16 **MR. FRIEDLANDER:** Objection. He's testifying now.

17 **THE COURT:** Approach the bench.

18 (Bench conference.)

19 **MR. NOZICK:** Which one goes first, me?

20 **THE COURT:** Yeah.

21 **MR. NOZICK:** Okay. A central theme of
22 Mr. Friedlander's defense is that his defendant was out of the
23 game by 2002. We don't know -- we've heard testimony from
24 Anthony Baldazo that -- this was not on my notes, but it's '06,
25 '07, '08 -- Mr. Friedlander has solicited on cross-examination

1 or elicited on cross-examination testimony that is implying and
2 inferring and outright saying that Richie Reyes was completely
3 out of the gang by then and everything was going on in the
4 '90s.

5 What I'm gonna get out is that what he testified to
6 yesterday, him knowing about this drug dealing, was that during
7 the 2000s, because Anthony Baldazo would have been like eight
8 or nine or ten, if this is before 2002, 12 years old. I'm
9 trying to pin down some times, and I can recall Baldazo for it.
10 But what Jack got out of the witness is that, basically,
11 everything -- all these criminal acts occurred before the time
12 of the conspiracy. I'm saying, if that were true, then Baldazo
13 would have to have been 12 years old at the time that he was
14 staying with Memo.

15 **THE COURT:** All right. Any response?

16 **MR. FRIEDLANDER:** Baldazo already testified, Judge.
17 They saw him. He told them what he knew. He can't keep going
18 back after another witness. This is well beyond what I
19 inquired about. I inquired not about Anthony Baldazo, not
20 about Memo Briseno, not about either one.

21 **THE COURT:** Yeah, I do think this all goes -- it's
22 argument that --

23 **MR. NOZICK:** Okay.

24 **THE COURT:** -- you can simply make in closing
25 argument. The jury saw Baldazo. They know how old he is.

1 **MR. NOZICK:** Okay.

2 **THE COURT:** That's just something you have to tie up
3 in closing.

4 **MR. NOZICK:** Okay.

5 **THE COURT:** So I agree with the defendant here. I'm
6 gonna sustain the objection.

7 **MR. FRIEDLANDER:** And just for future questions, he's
8 given a narrative question that goes on and on and on and then
9 asking for a yes or no answer.

10 **THE COURT:** I completely agree with you.

11 **MR. FRIEDLANDER:** I'm objecting because he's
12 testifying.

13 **THE COURT:** You need to lodge your objections as you
14 go.

15 **MR. FRIEDLANDER:** I understand.

16 **THE COURT:** I agree that there's a substantial amount
17 of leading going on, and if you were objecting, I would be
18 sustaining your objections.

19 **MR. FRIEDLANDER:** I understand.

20 **THE COURT:** I understand it's a judgment call that
21 you're making, and you're making your best -- you don't want to
22 appear to be obstructionist, and I appreciate that, but stop
23 leading your witnesses.

24 **MR. NOZICK:** I will.

25 **THE COURT:** Okay.

1 (End of bench conference.)

2 **BY MR. NOZICK:**

3 Q. Mr. Torres, do you understand the importance of telling
4 the truth today?

5 A. Yes.

6 Q. Would you be in violation of your plea agreement if you
7 did not?

8 A. Yes, I would.

9 Q. Would you be in violation even if you were lying for the
10 government?

11 A. Yes, I'd be in violation.

12 Q. And could your plea agreement be thrown out the window?

13 A. Yes, it could.

14 **MR. NOZICK:** Nothing further.

15 **THE COURT:** Any recross?

16 **MR. FRIEDLANDER:** Just very briefly, Judge.

17 **RECROSS-EXAMINATION**

18 **BY MR. FRIEDLANDER:**

19 Q. I just want to be clear about one issue on this redirect
20 by Mr. Nozick. This defendant asked you for dollars when
21 someone was ripped off for money, a Battle or a Beatle or
22 whatever his name was, correct?

23 A. Yes.

24 Q. You had already testified that your son had passed away,
25 you had walked away from the gang, and he was long out of the

1 gang, correct?

2 A. Yes.

3 Q. You were an independent, I said, ripper or burglar,
4 correct?

5 A. Yes.

6 Q. None of that money from the rip went back to the gang,
7 right?

8 A. No.

9 Q. We already went through that. And when Richie was shot in
10 2006 or whenever you said, he was long out of the gang too,
11 right?

12 A. Yeah.

13 Q. And Mr. Nozick asked you an interesting question, that you
14 had a meeting with your attorney and it said that old school in
15 the gang, and you're still -- and you deal with someone in the
16 gang, you're still part of a conspiracy; that's what he asked
17 you and you said "yes"?

18 A. Yes.

19 Q. Where did you see where it said that?

20 A. No, that's what he just told me.

21 Q. Mr. Nozick told you?

22 A. No, my lawyer.

23 Q. You said that if you were dealing with somebody --

24 A. In the gang you are still --

25 Q. Even if you were both out of the gang?

1 A. Yes.

2 Q. Where did he show you that that's the law?

3 A. He didn't show me. He just told me.

4 Q. You just believed that --

5 A. Yeah.

6 Q. -- what he said is true, correct?

7 A. Yes.

8 Q. But do you know that to be true?

9 A. I don't know.

10 Q. Outside of your lawyer saying -- making a statement like
11 that, you said, "Oh, okay." You really truly believe you were
12 in the gang after your son was shot?

13 A. Yes, I was out of it.

14 Q. For a long time, right?

15 A. Uh-huh.

16 Q. Thanks, sir.

17 **MR. NOZICK:** Nothing further.

18 * * *

19 (End of excerpt transcript.)

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1 **CERTIFICATE**

2 I, Stacy L. Drohosky, certify that the foregoing is a
3 correct transcript from the record of proceedings in the
4 above-entitled matter.

5 Date: February 8, 2014

6 S/Stacy L. Drohosky
7 S/STACY L. DROHOSKY
8 Court Reporter
9 U.S. District Court

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