

1 underutilized and just lost their stick.

2 CLERK: We have boxes of those at the office.

3 THE COURT: You want to bring these up?

4 MS. SCHAFFER: Then we'd ask him to take them to
5 Court.

6 THE COURT: I don't use them, so, go ahead.

7 CROSS EXAMINATION OF SPECIAL AGENT BRYAN ENGEL

8 BY MR. SCHAFFER:

9 Q So, Agent, you started out talking about the transmigrante
10 business. You used the phrase that this industry is heavily
11 regulated by the Mexican Government, correct?

12 A Yes, that's the investigation led to believe based on the
13 import (indiscernible).

14 Q (indiscernible).

15 A Yes.

16 Q Could I ask you to speak in the mic (indiscernible)?

17 A Yes.

18 Q Okay. And what you mean by that is the Mexican Government
19 only license, issue a license to give different companies in
20 Mexico, they can process the paperwork, correct?

21 A If that's what you're stating, I don't have the facts as
22 to based on how many or how little the Mexican Government would
23 authorize.

24 Q That's not within the FBI reports that you helped produce
25 today?

1 A There's a number of reports from HIS and FBI.

2 Q Is it in there? All right, well, we're pulling up that
3 report. You're aware of the fact that the companies regulated
4 by the Mexican Government in Mexico are called patentas,
5 correct?

6 A Yes.

7 Q All right. And a patenta receives the paperwork on the
8 vehicle that's going to crossover and has to process that
9 paperwork, correct?

10 A Correct.

11 Q What the patenta does is -- let me back up here. These
12 vehicles coming into Mexico are not permitted to stay in
13 Mexico. They have to pass through Mexico and into Central and
14 South America, correct?

15 A That is correct.

16 Q All right. So, the Mexican Government tells these
17 patentas that the cargo that's being approved has to go all the
18 through Mexico and out of country or the patenta has to pay a
19 big fine, correct?

20 A That is correct.

21 Q And it's not just the vehicle that is being regulated,
22 it's the contents of the vehicle as well, correct?

23 A I believe so, yes.

24 Q Another words, these vehicles will often be packed full of
25 consumer goods that are going to Central and South America

1 mostly for resale, correct?

2 A Some of them are, I mean, you can see it if you, you know,
3 drive down the interstate in Brownsville for a number of
4 minutes.

5 Q Okay. Sometimes it's an empty vehicle, but often times
6 the vehicle is packed full of consumable goods, correct?

7 A Sometimes, yes.

8 Q Okay. The forwarding or the patenta has somebody who will
9 actually inspect the car as it enters Mexico and then inspect
10 the car as it leaves the southern border of Mexico, correct?

11 A I believe so, yes.

12 Q And that inspector has to make sure whatever was in that
13 car when it entered Mexico has to have the same contents when
14 it leaves Mexico a few days or a week later, correct?

15 A The car, the contents, all of it are regulated, yes.

16 Q Right. So, because that patenta could be fined
17 significantly by the Mexican Government, they want to make sure
18 that the forwarding companies their dealing with are reputable
19 and straight up companies, correct?

20 A Sure.

21 Q Okay. So, the five patentas in Mexico have exclusive
22 relationships with many of the forwarding companies on the
23 American side, correct?

24 A Yes.

25 Q All right. And all together there may be five or six

1 forwarding companies that have exclusive relationships with
2 those patentas, correct?

3 A Correct.

4 Q So, let's say that I, hypothetically, want to take my old
5 Chevrolet and drive it through Mexico and see it in South
6 America. I still have to get approved by a patenta, correct?

7 A Yes.

8 Q All right. But as somebody who doesn't have a
9 relationship with a patenta, they're going to make me go to a
10 forwarding company they do have a relationship with, correct?

11 A That would make sense.

12 Q All right. And in order to do that these forwarding
13 companies that are permitted to work with the patentas will
14 make me pay a percentage to them in order for them to handle
15 the business, correct?

16 A There is a, you know, fee that must be paid for the
17 services, that's why they're providing that business, yes.

18 Q Correct. A lot of the complaints that the FBI and the HSI
19 were getting were from people who wanted to have a forwarding
20 company that didn't have an exclusive relationship with the
21 patenta on the Mexico side, correct?

22 A That was well before my time on the investigation, so I
23 can't.

24 Q Well before you, all right. So, let's talk about that.
25 You've been an FBI agent for a little bit over a year, correct?

1 A Correct.

2 Q You've gone down to the Quantico, what six months ago?

3 A A year ago.

4 Q Oh, okay. Well, I noticed you turned when the prosecutor
5 asked you what you did, you said I'm a special investigator.
6 Is that different than a special agent?

7 A No, it's I'm an investigator. I'm the criminal
8 investigator.

9 Q Are you also referred to as a special agent?

10 A A special agent, yes.

11 Q Okay. And after you graduated from Quantico, did you get
12 sent down Rio Grande Valley?

13 A Yes, I did.

14 Q So, you've been there since February of 2022?

15 A I've been there since June of 2022.

16 Q And you know this investigation started going on back in
17 2011, correct?

18 A From my knowledge, the investigation started in 2018.

19 Q In what?

20 A In 2018.

21 Q You didn't know this investigation started in 2011?

22 A Who started it in 2011?

23 Q There was an original investigation involving the very
24 same people and companies in 2011, correct?

25 A If there was an investigation before the one that we're

1 currently talking about, I, you know, that's not something that
2 I would have seen.

3 Q Are you the case agent?

4 A I am one of the case agents, yes.

5 Q And so, the only thing -- let me back up here a minute.

6 So, we were talking about these forwarding companies, and you
7 had said that they have gotten together and agreed among them
8 to agree on a price, and they agreed that's what they were all
9 charging, that same price, to reduce competition. Correct?

10 A That is according to witness interviews, yes.

11 Q Were you aware that -- you know the names of Mireya
12 Miranda?

13 A Yes.

14 Q Mireya Miranda's a defendant in this case, correct?

15 A She is.

16 Q How about Sandra Guerra?

17 A Yes.

18 Q Miguel Caballero

19 A Yes.

20 Q And you know the name of Luis Quantez.

21 A I do.

22 Q And Mr. Quantez was in the transmigrante business and then
23 got out of it and later he died, correct?

24 A Correct.

25 Q Right. Now, (indiscernible) let me show what I marked as

1 exhibit (indiscernible) and ask you if you've seen this
2 document before from 2011?

3 A I'm not sure what this document is. It's all in Spanish.

4 Q Well, look at the last two pages. Are you telling me
5 you've never seen the document?

6 THE COURT: If he doesn't know what it is --

7 BY MR. SCHAFFER:

8 A Sir, there's been a number of documents --

9 THE COURT: Wait, wait, wait, you don't get to just
10 add. He doesn't know what it is.

11 MR. SCHAFFER: Okay.

12 THE COURT: You want to ask him some more questions.

13 BY MR. SCHAFFER:

14 Q Have you ever seen that document?

15 A No.

16 Q You are aware of the fact that in 2011 those people I just
17 named came up with an agreement to all charge the same price
18 for transmigrante services in order to quit undercutting each
19 other's profits. You didn't know about that?

20 A No, sir. Like I said, I'm relatively new to this
21 investigation, there's a lot of information, there's a lot of
22 data, this spans a long time. I'm in the process of trying to
23 not only prepare for this testimony --

24 THE COURT: I'm sorry, he didn't know, he didn't
25 know.

1 BY MR. SCHAFFER:

2 Q Well, if you're investigating an anti-trust of price
3 fixing case, wouldn't it be important to you that there was a
4 written agreement in existence in essence (indiscernible) were
5 going to charge the same amount in order to reduce competition
6 among ourselves. Wouldn't that be important as an agent
7 investigating anti-trust?

8 THE COURT: I think it would be important, go ahead.

9 THE WITNESS: Yeah.

10 THE COURT: I mean, it's not going to make any
11 difference, I get it, it's important.

12 MR. SCHAFFER: Okay. Would you like a copy of the
13 exhibit, Your Honor.

14 THE COURT: Sure. What is it?

15 MR. SCHAFFER: It's a written agreement among those
16 four individuals that they would set a price for transgrante
17 services because kept undercutting each other so bad, they were
18 all about to go out of business. And so, they came up with an
19 agreement. May I continue with questions?

20 THE COURT: Sure.

21 BY MR. SCHAFFER:

22 Q You're aware of the fact that almost every defendant in
23 this case at one time or another has been interviewed by the
24 FBI or HSI, correct?

25 A I do believe that a number of interviews have been -- have

1 taken place, yes.

2 Q Including Mr. Martinez, correct?

3 A I'm not sure, he might have been by HSI. I don't have
4 purview on all of the interviews and who's --

5 Q Didn't you say when he got arrested he waived his rights
6 and consented to an interview?

7 A From my understanding he acknowledged his rights, and he
8 did interview after was arrested, yes.

9 Q Were you there?

10 A No.

11 Q You realize it was tape recorded?

12 A I do.

13 Q Have you heard the tape recording?

14 A I did.

15 Q One of the things that Mr. Martinez --

16 THE COURT: Okay. Can I just kind of say. You need
17 to slow down because he just asked you was he interviewed, and
18 you said I don't know. But now, you're telling us that of
19 course he was interviewed, and I listened to the tape
20 recording. So, I'm not sure where the disconnect is, but just
21 slow down and listen to the questions and answer the question
22 as asked, not the version that you wish had been asked or the
23 ones that you want to have answered. Okay, please?

24 THE WITNESS: Yes, Your Honor.

25 THE COURT: That will be helpful, thank you.

1 BY MR. SCHAFFER:

2 Q So, you're aware that two-hour interview back in November
3 of 2022, Mr. Martinez said that, yeah, there was an agreement
4 among all the companies that they would charge the same amount?
5 You're aware of that, aren't you?

6 A I can't recall the entire two-hour interview.

7 Q He --

8 THE COURT: Did he during the interview acknowledge
9 that there was an agreement amongst the five companies to
10 charge the same price, yes or no?

11 THE WITNESS: Your Honor, I didn't listen to the
12 interview in its entirety.

13 THE COURT: All right. So, you don't know.

14 THE WITNESS: I have no idea.

15 BY MR. SCHAFFER:

16 Q Is there anybody on your investigative team that knows
17 less about this case than you?

18 MS. TAYLOR: Objection, Your Honor, argumentative.

19 THE COURT: Yeah, that's a little argumentative, I
20 get it.

21 BY MR. SCHAFFER:

22 Q Well, Mr. Martinez sat there and answered questions for
23 two hours there.

24 A He answered questions to the lead investigating agency,
25 which is Homeland Security.

1 Q So, that makes the answer to my question yes, correct.

2 A He did, yes.

3 Q Okay. One of the things that he was asked about were
4 payments to the Cartel, correct?

5 A Again, I have no idea.

6 Q You're unaware of the fact that for two hours he sat there
7 and told about payments that he was forced to make to the
8 Cartel for transmigrantes going across the border?

9 A Sir, like I previously stated, I did not listen to the
10 interview in its entirety.

11 Q Well, that's the first thing that was talked about for
12 probably 15 minutes was about how he was getting shaken down by
13 the cartel, correct?

14 MS. TAYLOR: Objection, Your Honor, it's been asked
15 and answered. I'm not even sure there was a question there.

16 MS. SHAFFER: Well, Your Honor --

17 THE COURT: Well, I guess, I mean, you're asking
18 questions, he doesn't know the answer.

19 BY MR. SCHAFER:

20 Q Do you recall Mr. Martinez for at least 10 to 15 minutes
21 explaining how he owned a casino over in Mexico?

22 A I do not.

23 Q Do you recall him saying that the cartel shut off the
24 power to the casino and refused to turn the power back on
25 unless he paid several hundred thousand dollars?

1 A I do not.

2 THE COURT: You know, you can proofer this stuff to
3 me in a minute.

4 MR. SHAFFER: Oh, I'm going to.

5 THE COURT: Yeah, yeah, okay. Well, then we don't
6 probably need to beat him up about it. He said he doesn't
7 remember pretty much anything about the interview. You tell me
8 anything you want me to know about the interview, but when it's
9 your chance to present evidence. At this point, I get it.

10 MR. SHAFFER: All right.

11 BY MR. SHAFFER:

12 Q All right. Well, let's talk about a few things that maybe
13 we can agree on.

14 A Okay.

15 Q You're aware of the fact that Mr. Martinez no criminal
16 history, correct?

17 A Yes.

18 Q You're aware of the fact that he was born here in
19 Houghton, Texas and that he's an American citizen, right?

20 A Yes, he is.

21 Q You're aware of the fact that he has numerous family
22 members in the Houston area, reaching all the way down to the
23 Rio Grande Valley, correct?

24 A I'm going to take your word for it. I don't understand
25 his entire family lineage, but if you say it's true.

1 Q All right. You know, hang on a second. You're aware of
2 the fact that when he was arrested in November of '22, it
3 wasn't hard to find him, was it?

4 A I'm not sure, I wasn't present during his arrest.

5 Q He was arrested having dinner at a restaurant down in the
6 valley, correct?

7 A Like I said, I was not a participant --

8 THE COURT: Are you aware of any difficulties in
9 finding him?

10 THE WITNESS: I am not.

11 THE COURT: Okay, go ahead.

12 BY MR. SCHAFFER:

13 Q At the time he was arrested he had no fake IDs or false
14 identification on him, correct?

15 A Again, I have no knowledge of his arrest, what was on him
16 during his arrest.

17 Q Nobody told you that he did (indiscernible).

18 A They didn't say that he did and there wasn't any report.

19 Q Nobody told you he had a weapon on him, correct?

20 A No.

21 Q Nobody told you that he resisted arrest, correct?

22 A Didn't hear about that.

23 Q I'm sorry?

24 A I did not hear about that.

25 Q Nobody told you that he attempted to flee, correct?

1 A No.

2 Q And you have no evidence to suggest that he does attempt
3 to flee, correct?

4 A Just the evidence that we stated.

5 Q That's not evidence of anything. I'm asking you if you
6 possess any --

7 THE COURT: Well, wait, wait, wait, I'm the one who's
8 going to figure out what all this evidence means.

9 MR. SHAFFER: But my question is, do you have
10 evidence --

11 THE COURT: Ask him the questions --

12 MR. SHAFFER: -- showing that he has --

13 THE COURT: Wait a minute, wait a minute, wait a
14 minute. He just answered your question. It's the Government's
15 view that his contacts criminal and otherwise with a foreign
16 country as well as business contacts as well as his
17 participation in this crime in Mexico constitutes a flight
18 risk. That's what they're telling me. And I'm the one who's
19 going to decide whether that's right. And you're asking him to
20 characterize the evidence and I'm telling you that that's my
21 job and to move on, please.

22 MR. SCHAFFER: Well, I won't dispute that, but what I
23 was asking and what I meant to ask and perhaps my words were
24 (indiscernible) is whether there was evidence, that he
25 possessed evidence showing that this Defendant has an intent to

1 flee.

2 THE COURT: An intention to flee. Did he tell you or
3 anybody else that he intends to flee?

4 THE WITNESS: I have not heard, myself personally, of
5 that.

6 THE COURT: Did you uncover a plan that he intends to
7 flee, whether inside of text messages or otherwise?

8 THE WITNESS: Me personally, no. I have no knowledge
9 of the other investigators, Your Honor.

10 THE COURT: I mean you -- you're the case agent.
11 You're speaking for the government right now. You don't have
12 any information about that, do you?

13 THE WITNESS: To the best of my knowledge, no.

14 THE COURT: Okay.

15 BY MR. SCHAFFER:

16 Q Well, so let's talk about the evidence and how it relates
17 to similar Defendants. You're aware of the fact that six of
18 the Defendants in this case, all of whom live down on the
19 Mexican border, were released on bond. Correct?

20 A I believe a number of them were released on bond, yes.

21 Q Okay. One of them in particular is a guy named Roberto
22 Garcia who goes by the name of (indiscernible). Do you know
23 who that individual is?

24 A Yes, I do.

25 Q He's out on bond. Correct?

1 A If you say so. I don't have a docket memorized, who's
2 out, who's not, who's been arraigned, who's still in custody.

3 Q Now, (indiscernible) is somebody who according to some of
4 your informants was actually making threats against people.
5 Correct?

6 A Yes. Some of the reports show that he was making threats.

7 Q He lives (indiscernible), does he not?

8 A He does.

9 Q And you don't know if he's out on bond or not. You agree
10 it would be in the court record. Correct?

11 A Yes.

12 Q All right. Marco Medina was somebody who ran one of the
13 orbiting companies that you testified about. Correct?

14 A He was.

15 Q He's somebody who was supposedly involved in making
16 threats to people. Correct?

17 A I don't know if he made threats directly. I know that he
18 was one of the ones that shared information with Mr. Martinez.

19 Q Okay. So supposedly, it's Mr. Martinez's right-hand man.
20 Correct?

21 A Supposedly, yes.

22 Q All right. He's out on \$100,000 bond. Correct?

23 A I believe so.

24 Q He lives in the Rio Grande Valley. Correct?

25 A I think he's living somewhere else. I'm not sure of his

1 whereabouts.

2 Q How about Carlos Yzaguirre? Is he on bond?

3 A I'm not sure. I think so.

4 Q How about Mireya Miranda?

5 A I believe she is.

6 Q Sandra Medina?

7 A She is.

8 Q And all those individuals I named are people that lived
9 down in the Rio Grande Valley. Correct?

10 A They did, yes.

11 Q They did or they do?

12 A They did. I believe some of them have relocated closer to
13 their current family, I think, in the San Antonio area.

14 Q You talked about a number of trips. Let me
15 (indiscernible). You talked about a number of trips that Mr.
16 Martinez made back in, in think, 2022 across the Mexican
17 border. Correct?

18 A Correct.

19 Q All right. I'm going to give you -- because I know that --
20 -- and by the way, you recall that we were set for a hearing in
21 this case a month or so ago, and right before the hearing, the
22 government turned over 180 separate items -- discovery items --
23 that you had reviewed. Correct, sir?

24 A I have not reviewed every single item in discovery, no.

25 That's a --

1 THE COURT: (indiscernible) ask again.

2 BY MR. SCHAFFER:

3 Q Do you recall -- I'm going to actually give you a copy of
4 what I'm going to mark as Exhibit 40 for identification
5 purposes for the government. It's a spreadsheet that you sent
6 as discovery items that this agent reportedly reviewed. Have
7 you seen this index before, sir, that's Exhibit 40?

8 A Yes, sir. I believe -- I mean, I've seen this before,
9 yes. I can't describe --

10 Q Is that an index of the items that the government gave you
11 to review in order to prepare for the hearing?

12 A There was a number of items. I didn't get an itemized
13 list like this. I reviewed reports.

14 Q So we got the itemized list but you never got anything
15 showing what it was the government wanted you to review?

16 A I've -- I mean, yes. I mean, I didn't get this kind of
17 list. I got the reports that you were given, yes.

18 Q And read them. Correct?

19 A Yes.

20 Q All right. Do you recall that reviewing a report from --
21 and by the way, Pamela Dolan is one of the agents in this case.
22 Correct?

23 A Yes, she was the case agent that I relieved when I got to
24 the office.

25 Q All right. And when you testified that Carlos Martinez

1 had made 16 trips across the border, did that come from a
2 report or did you look at actual crossing records?

3 A It came from a report that were pulled from CVP crossing
4 records.

5 Q All right. Let me show what I've marked as Defendant's
6 Exhibit 36.

7 MR. SCHAFFER: May I approach, Your Honor?

8 THE COURT: Sure. You can always approach.

9 MR. SCHAFFER: Okay.

10 BY MR. SCHAFFER:

11 Q Take a look at that report, please, and tell me if that's
12 the report that you were referring to.

13 A Yes, it is.

14 Q All right. So let's talk about what else that shows.
15 First of all, Mr. Martinez's primary residence in down the
16 Valley. Correct?

17 A Yes.

18 Q And you'd agree with me that since the border is right
19 there next to McAllen and right there next to Brownsville, it's
20 not unusual for people that live down there to cross over the
21 border.

22 A No, it's very natural.

23 Q So if you look at that report, you'll see that it also
24 details that Marco Medina, one of the co-Defendants who's on
25 bond, made 33 trips during that same time period. Correct?

1 A That's what the report, yes.

2 Q Carlos Yzaguirre made 255 trips during that same time
3 period. Correct?

4 A Yes.

5 Q Mr. Martinez made 16, right?

6 A Correct.

7 Q So Mireya Miranda made 61 trips back and forth across the
8 border. Correct?

9 A Yes, sir.

10 Q And lastly, Sandra Medina made 133 trips across the
11 border. Correct?

12 A Correct.

13 Q During the same time period when Mr. Martinez made 16
14 trips. Correct?

15 A Yes, sir. That's what the reports states.

16 Q All those individuals I named are out on bond, are they
17 not?

18 A I believe they are, yes.

19 Q And they were on bond with agreement of the government,
20 weren't they?

21 A That was between them and the government. I had nothing
22 to do with the bond.

23 Q Now you're aware of the fact that almost every time Mr.
24 Martinez crossed back in the United States he was questioned in
25 what we call secondary. Correct?

1 A Yes, I believe a number of the individuals on this
2 document were questioned in secondary.

3 Q Okay. And every time Mr. Martinez was pulled into
4 secondary and questioned about his purposes for being in
5 Mexico, he was cooperative with the agents, wasn't he?

6 A I have no knowledge of his cooperation with CBP officials
7 at the port of entry.

8 Q Did anybody tell you he wasn't cooperative?

9 A No one told me he was not cooperative, no.

10 Q Are you aware of the fact that Mr. Martinez had numerous
11 conversations with HSI about what was going on in his casino
12 down in Mexico?

13 A I did not. It had no relevance to my part of this
14 investigation. I --

15 Q (indiscernible)

16 THE COURT: So hold on. One more time. Stop working
17 into your answers explanations for why you don't know
18 something. If you know, tell him what you know. If you don't
19 know, say I don't know. That is all, please.

20 THE WITNESS: Yes, Your Honor. I don't know.

21 MR. SCHAFFER: You don't know what?

22 THE COURT: What you just asked. Whether he stated
23 to the HSI agents information about his troubles with his
24 casino. Are -- you said -- are you aware of those discussions
25 and instead of just telling me, no, I'm aware, he said, that

1 wouldn't have any relevance to my investigation and that's not
2 an answer and so I was trying to help you.

3 MR. SCHAFFER: Thank you, sir.

4 THE COURT: All right.

5 BY MR. SCHAFFER:

6 Q All right. So let's talk a little bit --

7 THE COURT: Because every time we have to go --
8 quibble back and forth on a question, it makes the question
9 last 30 more seconds and if we do that for 50 questions, it's
10 going to be 25 extra minutes, and I'm not in mood for this.
11 Answer the question. Do you understand?

12 THE WITNESS: Yes, Your Honor.

13 THE COURT: Thank you.

14 BY MR. SCHAFFER:

15 Q So let's move on to the specific acts of violence that you
16 testified about today. You'd agree with me that almost all of
17 these incidents that you testified about were performed by
18 (indiscernible)?

19 A Correct.

20 Q And almost all the incidents that you testified about the
21 government was aware of four to five years ago.

22 A I believe so, yes.

23 Q All right. So let's talk -- the first one you mentioned
24 was somebody by the name of Eloï Overra. Let me have number 6.

25 MS. TAYLOR: Objection. Your Honor, if we could just

1 ask initials be used. There is a protective order in place to
2 at this time protect the identities of these witnesses and
3 victims so we were trying to use initials since this is a
4 public part.

5 THE COURT: Use the initials, please.

6 MR. SCHOENFELT: Yes, sir.

7 BY MR. SCHAFFER:

8 Q So let's talk about EO. EO is the person who came in to
9 the -- to meet with the government along with a woman by the
10 name of Consuelo -- oh, are you using initials on this?

11 MS. TAYLOR: No. Since her name is already out in a
12 piece of evidence that's the government presenting.

13 By MR. SCHAFFER:

14 Q EO and Consuelo Ramos came in to meet with government
15 agents on October 3rd of 2018. Correct?

16 A I believe so.

17 Q Would it help you if I put your -- the report in front of
18 you?

19 A Sure.

20 Q So EO and Consuelo Ramos come in to meet with agents for
21 the government and they describe an incident where EO was
22 beaten up across the Mexican border. Correct?

23 A Correct.

24 Q And EO -- the reason that it gets brought up today is EO
25 supposedly says, well, after this guy beat me up, he said, this

1 is what you get for being a whatever. I work for Quanta.

2 That's supposedly what EO said at that time. Correct?

3 A Correct.

4 Q Now you're aware of the fact that Consuelo Ramiz had been
5 telling people who were robbed or beaten in Mexico to always
6 tell police that Mr. Martinez did it. correct?

7 A No. I have no idea on that.

8 Q Really? Let me show you Exhibit 7. Let me show you
9 Exhibit 7. Exhibit 7 is an FBI report of the debriefing of the
10 confidential informant. correct?

11 A Correct.

12 Q All right. And if we turn over to the very last paragraph
13 of that report, what we see is the agent reports that the
14 informant was aware of clients who had been robbed or kidnapped
15 in Mexico and they had been told by Ramiz to file police
16 reports claiming that the robbers told them they were acting on
17 behalf of Carlos Martinez when the clients didn't ever know who
18 Carlos Martinez was. Right?

19 A That's what the report says.

20 Q So that was actually reported to an FBI agent who made a
21 part of his report that Consuelo Ramiz was going around trying
22 to get people to lie to the government to implicate Mr.
23 Martinez. Correct?

24 A I don't know why she would have stated that, whether it
25 was to lie or not.

1 Q Why don't you answer my question?

2 A I don't know.

3 THE COURT: I mean, that's what the report says.
4 It's what it says.

5 MR. SCHAFFER: Right.

6 By MR. SCHAFFER:

7 Q And that's one of several reports filled out by your boss,
8 the FBI, as to interviews with informants. Correct?

9 A If you have the reports.

10 Q No, you have it now. Do you have any reason to doubt
11 what's in there?

12 A Yes. No, I don't.

13 Q Okay. So it was reported to the FBI three or four years
14 ago to be careful because Consuelo Ramiz is trying to get
15 people to lie about Mr. Martinez. That's what it says.
16 Correct?

17 A It's not a warning. It just states the facts of what the
18 --

19 THE COURT: Look, I get it. I get it. It's what it
20 says. Next. And I'll just -- I'm not trying to, you know,
21 make arguments but let's just not cloud things up, speaking of
22 clouds. I mean, the problem is that the Defendant's iCloud
23 account has a discussion on it about removing the security
24 detail on September 27th, 2018, the very date that the beating
25 occurred. Why don't you ask him about that?

1 MR. SCHAFFER: Okay. I'll --

2 THE COURT: I mean, you know --

3 BY MR. SCHAFFER:

4 Q Now what that message actually had to do with -- are you
5 familiar with the place right across the border, an
6 intersection known as the Y?

7 A Yes. The Y has come up a few times.

8 Q Okay. Let's talk about how it comes up. If you cross the
9 Mexican border and you go a couple miles inland, you come to an
10 intersection that actually looks like a Y. correct?

11 A I'm going to take your word for it. I don't know.

12 Q Have you ever been to the Y or seen pictures of the Y?

13 A We don't cross over into Mexico as part of our official
14 duties.

15 Q Yet you talk to informants who told about the Y. correct?

16 A Yes. Informants have discussed the Y.

17 Q Okay. So you're aware of the fact that at some point, the
18 governor of Tamaulipas authorized his director of finance that
19 he could set up a roadblock at the Y and collect \$100 off every
20 transmigrante that came through there. Correct?

21 A I'm not aware of that.

22 Q You're aware of the fact that LG has a brother who has
23 actually -- worked for the Department of Finance over in
24 Tamaulipas. Correct?

25 A I'm not aware of that either.

1 Q Let me have those reports. It's number 25. I'm going to
2 hand you what I'm marking as Exhibit 25. I'm going to hand you
3 Exhibit 25 and ask you to take a look at it, familiarize
4 yourself with it, please. Are you familiar with that report?

5 A Yes, sir.

6 Q Had you seen it before?

7 A I believe so. I believe it was one of the ones that I
8 have reviewed.

9 Q Okay. And the report is a Department of Homeland Security
10 report of a conversation with an informant. Correct?

11 A Source of information. I believe the HSI clarifies SOIs
12 and informants in a different category but that's their --

13 Q Well, there's somebody that's supplying information about
14 this case. Correct?

15 A Correct.

16 Q And this was from -- this report is from October -- or
17 about an interview September 25th, 2019. Correct?

18 A Yes.

19 Q And it talks about person LG that you all have been
20 discussing during the hearing today. Correct?

21 A Correct. She's mentioned.

22 Q And it talks how Arturo Soto Alamonde is the Tamaulipas
23 finance secretary that LG Soto Alamonde met with the United
24 States and made an agreement to charge 100 to \$150 each or --
25 in a fee -- to pass along the Y in San Fernando, Tamaulipas.

1 The Y is a common reference to a location where the road splits
2 in the area. The sources stated that the brother of Linda
3 Guerreo -- of LG -- is known as Rueben G. and may have assisted
4 in brokering the deal between Linda and -- LG -- and Soto
5 Alamonde. The source believes this is true because Rueben
6 worked for all -- worked for or still works for the state of
7 Tamaulipas. The source say that any transmigrant who did not
8 pay was stopped at the Y and harassed by the Tamaulipas tax
9 division until the \$150 was paid. That's the LG you've been
10 talking about as being such a great source of information.
11 Correct?

12 A This is the same LG, yes.

13 Q Okay. And yet you're hearing from another source of
14 information that she actually has an extortion or shakedown
15 scheme she's doing with the state of Tamaulipas down at the Y.
16 Correct?

17 A I believe this report states that the Tamaulipas tax
18 division was the one stopping people.

19 Q Did I read that report incorrectly --

20 THE COURT: Okay. Just a minute. I'm taking away
21 that LG is also a shaker downer and in cahoots with the
22 government of Mexico somehow. Is that what you're trying to
23 convey to me?

24 MR. SCHAFFER: That and she's trying to remove
25 competition that she has here in the United States, including -

1 -

2 THE COURT: That's my takeaway. I got it.

3 MR. SCHAFFER: -- including Mr. Martinez and all the
4 other Defendants that she was competing against.

5 THE COURT: Okay. I got it.

6 BY MR. SCHAFFER:

7 Q So while LG is in the FBI and HSI office informing, she's
8 also running a shakedown scheme over in Mexico. Correct?

9 THE COURT: Who's the person being interviewed in
10 that report?

11 MR. SCHAFFER: It just says source of information.

12 THE COURT: All right. It's not LG.

13 THE WITNESS: No, Your Honor, it's not.

14 THE COURT: Okay. So it's some other person that's
15 telling us what that person believes about LG. Right?

16 MR. SCHAFFER: Yes, Your Honor.

17 THE COURT: Okay. Go. Keep going.

18 BY MR. SCHAFFER:

19 Q And part of the way that scheme worked is that LG's cars -
20 - transmigrante cars -- would have people escorting them
21 through the -- from the border all the way down through the Y.
22 Correct?

23 A Yes.

24 Q Okay. And what happened was, somebody communicated with
25 Mr. Martinez that Reuben, LG's brother, had been fired by the

1 government and so there would be no more escorts of those cars
2 coming through there. Correct?

3 A I believe in the text thread, yes, it stated that Reuben
4 had been fired.

5 Q Right. And what happened is, Mr. Martinez and every other
6 owner of a (indiscernible) agency was complaining to the
7 Mexican government that LG was using the government to make
8 money off of these transmigrantes and -- which were being
9 handled by companies other than hers. Correct?

10 A I mean --

11 Q That's what you heard. Correct?

12 A The report states that there was an agreement made between
13 these two people.

14 Q And you're aware of the fact that Mr. Martinez and a
15 number of other forwarding agents started complaining to the
16 government and the media about what LG was doing in cahoots
17 with the Tamaulipas government. Correct?

18 A No, I'm not aware of any complaints made.

19 Q All right. There's also testimony on direct about the
20 kidnapping of AA and FC. Do you recall that?

21 A Yes.

22 Q Do you have evidence to show that Mr. Martinez was
23 involved in that in any way at all?

24 A No.

25 THE COURT: Well, wait. What did AA say?

1 THE WITNESS: At the end of the kidnapping, AA stated
2 that her kidnapper said that she was kidnapped because of what
3 her father did for work and that if her father didn't find a
4 new job, he would disappear as well.

5 THE COURT: I mean, I get it that it's, you know --
6 when you said, is not evidence, I just don't want to cloud the
7 record as evidence. You're talking about physical evidence or
8 otherwise or seeing him at the scene or him being personally
9 involved. I get it, that there's not that evidence, but
10 there's a statement by AA that her kidnapper implicated Mr.
11 Martinez.

12 MR. SCHAFFER: Okay. See that's -- I'm glad you said
13 that. That's not what happened --

14 THE COURT: So --

15 BY MR. SCHAFFER:

16 Q AA never talked about Carlos Martinez, did she?

17 A She stated that she was told, this is because of what AA's
18 father did for work.

19 Q So how does -- I mean, AA's father worked for a guy Luis
20 (indiscernible). Correct?

21 A Correct.

22 Q He is a -- he's an organized crime figure down in Mexico,
23 isn't he?

24 A I'm unaware of his status in Mexico.

25 Q Are you aware of the fact that he was arrested smuggling

1 1400 bulletproof vests into Mexico? He was arrested for
2 organized crime. He was in prison for extortion. You didn't
3 know any of that?

4 A I know that he was arrested on tax charges and all the
5 charges against him were dropped. I don't have his complete
6 criminal record from Mexico.

7 Q Are you aware of the fact that he owns a paramilitary
8 group called group called Hercules?

9 THE COURT: Okay. We're starting to get off. I'm
10 not worried about the AA thing. I have no idea what happened.
11 Okay? Just -- we're getting -- we're unpeeling the onion and
12 you guys are going to have a month-long trial and you've to
13 going to do it in front of me. I want to know if I can let
14 this go.

15 MR. SCHAFFER: Well, Your Honor, so --

16 THE COURT: I got it. I'm not going to listen to the
17 AA part of it because I don't know what happened. So move on.
18 BY MR. SCHAFFER:

19 Q All right. Let's talk about the killing of Rocio Aldrete.
20 That's one of the things she testified about a little while
21 ago. Let me have Exhibits 7, 11 (indiscernible). You would
22 agree with me that in that 180-item index that I gave you
23 earlier -- in there somewhere --

24 A Yes, sir.

25 Q -- these are all the exhibits that you were supposed to

1 review and testify about, there's not a word in there about Mr.
2 Martinez being involved in the killing of Rocio Aldrete or the
3 shooting of Consuelo Ramiz. Correct?

4 A No, sir.

5 Q As a matter of fact, there are numerous reports from
6 informants where they said how other people were involved in
7 that shooting and not Mr. Martinez. Correct?

8 A I'm unaware of that.

9 Q You're about to see them. Let me have (indiscernible).

10 THE COURT: Which thing are we talking about now?

11 MR. SCHAFFER: The shooting -- where he talks about
12 two women being shot in Mexico -- Consuelo Ramos and Rocio
13 Aldrete. That was the second act of --

14 THE COURT: I just remember RH. Is that the same
15 person?

16 MR. SCHAFFER: (indiscernible) I think they meant RA.
17 It's Rocio Aldrete.

18 THE COURT: All right. I write down what I'm told so
19 is it -- now it's RA? So on 3/7/19, Ramos goes to Mexico with
20 now RA which is her client. They're both shot numerous times?

21 MR. SCHAFFER: Well, they --

22 THE COURT: Isn't that what his testimony was?
23 That's what we're -- that's the one we're talking about?

24 MR. SCHAFFER: Yes, sir.

25 THE COURT: I want to get to the one we're talking

1 about and take notes next to it. That's all I'm doing.

2 MR. SCHAFFER: No, I understand.

3 THE COURT: I just want to -- I'm going backwards in
4 my notes. Now I'm going to put a little line and say what
5 you're going to say about it. So go ahead. That's all I'm
6 doing.

7 BY MR. SCHAFFER:

8 Q Let me show you Exhibit 11, the FBI report authored by
9 Matthew (indiscernible).

10 THE COURT: Is there any information in your
11 investigative file that Mr. Martinez had anything to do with
12 the 3/17/19 shooting? Is there?

13 THE WITNESS: Not directly, Your Honor, no.

14 THE COURT: Is there indirectly?

15 THE WITNESS: No.

16 THE COURT: Okay. So cross that one out.

17 MR. SCHAFFER: I'll move on.

18 THE COURT: Okay. I got to -- I crossed it out. I'm
19 not going to worry about it.

20 BY MR. SCHAFFER:

21 Q All right. Then you talked about LG, and you said that
22 she had a brother who was shot 11/27/19 in Mexico. Do you
23 recall that, sir?

24 A A nephew.

25 Q I'm sorry?

1 A The nephew was shot.

2 Q Oh, I thought it was on --

3 A The brother, OG, was shot at.

4 Q Oh, okay. Now OG and his companion were both interviewed
5 by police. Correct?

6 A Yes, they gave a statement.

7 Q Neither of them implicated Carlos Martinez
8 (indiscernible).

9 A No.

10 Q On the -- oh, in fact, OG was asked specifically if his
11 shooting was cartel related and he said no. Correct?

12 A If that's what he said. I don't have memorized what he
13 stated.

14 Q Okay. All right. So let's talk about LG. You said the
15 first incident, 10/24/19, there was a fire bombing of a vehicle
16 over in Mexico. Correct?

17 A Correct.

18 Q Tell me if the evidence you have that suggests that Carlos
19 Martinez was responsible for that.

20 A There's no evidence.

21 Q 11/6/19, there was a shooting -- LG's nephew and two other
22 individuals. What evidence do you have to show that my client
23 is connected to that?

24 A Nothing directly.

25 Q 11/17/19, is that -- yeah, that's the shooting of --

1 somebody shooting at them. Correct?

2 A I believe so, yes.

3 Q We've already talked about that. Now here's the
4 interesting thing about LG. What you talked about earlier
5 called the pool -- supposedly -- well, the pool in 2019 no
6 longer existed. Correct?

7 A The status of the pool and the members of the pool
8 fluctuated. I don't have a timeline on who was in it and when
9 they were and were not in it.

10 Q Do you recall -- and by the way, LG had initially come in
11 to complain about threats being made toward her in the
12 transmigrante business as early as 2013. Correct?

13 A I believe so. I don't have that date.

14 MR. SCHAFFER: Your Honor, I'm going to have very,
15 very few questions left. Could we take a very quick break so I
16 can kind of streamline? I'm throwing out over half of what I
17 was going to (indiscernible).

18 THE COURT: All right. How long so you need?

19 MR. SCHAFFER: Five, ten minutes.

20 THE COURT: Anything before I go? Are we --

21 MS. TAYLOR: No, Your Honor.

22 THE COURT: How are you going to be on redirect?

23 MS. TAYLOR: Brief if at all.

24 THE COURT: All right. And what are you going to be
25 doing?

1 MR. SCHAFFER: We're going to call one witness.
2 We're going to proffer a few but not many. And then we might
3 have one additional witness who will take like one minute. I
4 would think our whole presentation will take less than 15
5 minutes.

6 THE COURT: All right. Because remember, I have a
7 phone call and I want to be respectful of everybody with their
8 time and they're just going to be sitting there. So if we're
9 not done by 4:30 (indiscernible)

10 MR. SCHAFFER: We'll be very close. I think we can
11 do it.

12 THE COURT: All right. So I'll come back
13 (indiscernible).

14 (Recess)

15 THE COURT: All right, we're back on the record. Mr.
16 Schaffer, go ahead.

17 MR. SCHAFFER: Yes, Your Honor.

18 RESUMED CROSS EXAMINATION OF SPECIAL AGENT BRYAN ENGEL
19 BY MR. SCHAFFER:

20 Q I'm going to show you what's marked as Exhibit 22. This
21 is a Homeland Security investigation report, correct?

22 A Yes, it is.

23 Q And in there, the agent by the name of Sergio Velasquez
24 reports an interview with a person named L.G., correct?

25 A Correct.

1 Q That's the same L.G. you've been testifying about today,
2 correct?

3 A Correct.

4 Q Then L.G. went to the government, May 19th of 2013, to say
5 that she was being threatened by Miguel Caballero in the
6 transmigrante business, correct?

7 A Correct.

8 Q Okay. And she started providing information then about
9 Mr. Caballero and his association with the Gulf Cartel,
10 correct?

11 A Yes, she's talking about Mr. Caballero.

12 Q Okay. And he was in competition with her, correct?

13 A Yes, he ran another transmigrante forwarding agency.

14 Q And he's one of the defendants in this case, right?

15 A He is.

16 Q So basically you have somebody, the woman who was running
17 the shakedown at the Y as early as 2013 reporting on the
18 threats and allegations against (sound drops), right?

19 A She made reports on Mr. Caballero, yes.

20 Q Okay. Now, at the time of that interview, L.G. was not a
21 government informant, correct?

22 A I have no knowledge of that. I'm not sure.

23 Q (Indiscernible)

24 A Correct.

25 Q Okay. Then later on if we read through all these reports,

1 she becomes a source of information, and then later on a
2 confidential human source, correct?

3 MS. TAYLOR: Objection, Your Honor.

4 THE COURT: What's the objection?

5 MS. TAYLOR: Relevance whether she's a source and not
6 information we want to reveal publicly at this juncture.

7 THE COURT: All right. I mean, but she developed
8 into somebody who's now talking to the FBI in terms of trying
9 to implicate Mr. Martinez, right?

10 MS. TAYLOR: Correct.

11 THE WITNESS: She is not working with the FBI, Your
12 Honor. She's working -- she was speaking with HSI in this
13 report.

14 THE COURT: Okay, whoever, yes.

15 THE WITNESS: Yes, Your Honor.

16 THE COURT: But she's speaking with agents, I got it.

17 THE WITNESS: Yes, Your Honor.

18 THE COURT: I don't think it matters her capacity.

19 MR. SCHAFFER: Okay, all right.

20 BY MR. SCHAFFER:

21 Q The reason I ask about this, sir, is later on in 2018,
22 this L.G., she actually started calling around -- I'm going to
23 give you Exhibit 23 -- and talking to other people telling
24 them, hey, we have to get that pool going again. Do you recall
25 that, sir? And in particular, back on January 7th of 2018, you

1 recall L.G. calling Sandra, the team, and Marco -- all co-
2 defendants in this case -- saying, hey, we got to get the pool
3 back together so we can make some money.

4 A I do not, no.

5 Q I want you to refer to Exhibit 23 that I just gave you.

6 A Yes, sir.

7 Q Have you read that report? In particular, let me refer
8 you to Page 3. Do you see that this informant, SA115HG, which
9 is the Homeland Security informant, is telling the other co-
10 defendants in this case, Marco Medina in particular, that they
11 need to get back together, work out the issues, and we need to
12 do it before it gets too cold because it's going to be
13 different -- harder to push forward. Do you see the part I'm
14 referencing?

15 A I see that in the report, yes.

16 Q Now, have you listened to that tape recording?

17 A No, I have not.

18 Q Are you aware that L.G. instructs three of the individuals
19 in this indictment that we need to put the pool back together
20 and we need to do it quick.

21 A No, I'm not.

22 Q You're aware of the fact that that conversation is tape
23 recorded, correct?

24 A I am now if you're telling me it is. I've never heard
25 the...

1 Q Have you ever seen this report that I just put in front of
2 you?

3 A No, sir. We don't make it a practice of handing out
4 informant reports to other agencies.

5 Q You'd agree with me it wouldn't be proper for a government
6 informant to be encouraging people to get together and break
7 the law, correct?

8 A I cannot discuss or have any knowledge of what she was
9 doing for Homeland. I have no idea.

10 Q You're saying in theory, it would not be crime, correct?

11 A That depends on the status of her as a source.

12 Q I think I need to ask you any other questions about that.
13 You're aware of the fact, you testified about a conversation
14 that took place at a restaurant that was being tape recorded by
15 L.G.. Let me find the specific part. You said that December
16 12, 2019, Ceballos, one of the co-defendants, had a meeting
17 with Linda about her paying a fine, correct?

18 A Correct.

19 Q You recall -- by the way, you have her exact conversation,
20 correct?

21 A The audio recordings are mostly in Spanish.

22 Q Did you read the transcript?

23 A I've read some of the transcript.

24 Q Okay. And you recall that Mr. Ceballos was saying that he
25 had talked to Carlos Martinez's brother, and Mr. Martinez's

1 brother was saying Carlos is very upset because people are out
2 robbing and killing people and using his name trying to put it
3 all off on him.

4 A No, sir. I'm unaware of that part.

5 Q You didn't read that part of the transcript.

6 A I did not read the entire transcript, sir.

7 Q Let me show you what we have marked as Exhibit -- by the
8 way, that meeting took place over four years ago, correct?

9 A I believe so.

10 Q I'm going to show you what I've marked as Exhibit 20. Is
11 this the report that you reviewed concerning the meeting
12 between Ceballos and L.G. December 20, 2019?

13 A I did not review this report. I had the actual, like,
14 stack of the translations, which...

15 Q I'm going to direct your attention to Page 7 at the very
16 top of the page.

17 THE COURT: What are y'all talking about? Tell me
18 what you're -- I've lost track of your question.

19 MR. SCHAFFER: All right. So what this has to do
20 with, he said there was a meeting that took place between
21 Ceballos and Linda Guerrero.

22 THE COURT: Are we supposed to be using the letters?

23 MR. SCHAFFER: I'm sorry?

24 THE COURT: Aren't we supposed to be just using the
25 letters?

1 MR. SCHAFFER: I'm sorry, L.G. Well, some of them...

2 THE COURT: I know. Just use the letters so that --
3 please.

4 MR. SCHAFFER: Anyway, he said there's a meeting
5 between L.G. and Ceballos where Ceballos told her she was going
6 to have to pay a fine and that this money --

7 THE COURT: What's the date of this meeting because I
8 have them all written down by date.

9 MR. SCHAFFER: This is December 12, 2019.

10 THE COURT: What's the question you have about it?

11 MR. SCHAFFER: Well, so the point is it was during
12 this meeting when Mr. Ceballos is saying that he had talked to
13 Jorge, who's Mr. Martinez's brother, correct?

14 THE COURT: Is Jorge Mr. Ceballos -- who's brother --
15 ask the question again.

16 BY MR. SCHAFFER:

17 Q Do you know if Mr. Martinez has a brother named Jorge?

18 A Yes.

19 Q Okay. And what Mr. Ceballos is saying is that he had
20 talked to Jorge. Mr. Martinez -- Carlos Martinez -- is upset
21 because they're robbing and killing and using my name and
22 that's wrong. The very top passage at the top of Page 7.

23 A That's what the report says.

24 Q Okay. And that starts with Mr. Ceballos is talking about
25 to Linda -- L.G. -- that he's upset with people using his name

1 while they're out committing crimes, correct?

2 A That's what it would indicate that Mr. Ceballos --

3 Q And that brings me to the person named L.B.

4 THE COURT: Wait, can we just go back though? I just
5 -- I don't want to lose track here. So I had understood that
6 in that meeting, Ceballos-Soto meets with L.G., right? Yes?

7 THE WITNESS: Yes, Your Honor.

8 THE COURT: And Ceballos-Soto says to L.G. that he's
9 working for Martinez, correct?

10 THE WITNESS: Correct.

11 THE COURT: Ceballos-Soto tells L.G. she's not in
12 compliance with the pool or the peso and the fines and all
13 that, correct?

14 THE WITNESS: Yes, Your Honor, that's the meeting
15 where she paid the fines.

16 THE COURT: And Ceballos-Soto says that Martinez was
17 requiring the fees.

18 THE WITNESS: Correct.

19 THE COURT: Okay. Now what's the context in which
20 Martinez says that he doesn't like people using his name that
21 you just testified about; what's the context of that?

22 THE WITNESS: In this report, Your Honor, it's just a
23 number of individuals talking line by line and it was one of
24 the comments made by Ceballos-Soto is that he does not like
25 Luis, nor Julio, and that he -- Jorge, Mr. Martinez's brother

1 -- said that -- let him, Quanta, find out. If you check, it is
2 clean. The roaches are running. They were robbing and killing
3 using my name -- Quanta's name -- and that is wrong.

4 THE COURT: Okay.

5 BY MR. SCHAFFER:

6 Q So but what Mr. Ceballos is doing during that meeting with
7 L.G. is he's saying, oh yeah, you got to pay \$50,000 or \$42,000
8 because this is going to go to the fine, correct?

9 A That was her fine for the patentee, yes.

10 Q Right. But that money didn't go to Quanta; that money
11 went to Mr. Ceballos, the person who was sitting there saying,
12 oh yeah, you got to pay this \$42,000, correct?

13 A Mr. Ceballos worked on behalf of Mr. Martinez.

14 THE COURT: But, yes, it got paid to Ceballos. You
15 don't know if he paid it to Martinez, do you?

16 THE WITNESS: Both of the fine payments actually went
17 to Yzaguirre, who is a money courier for Martinez.

18 BY MR. SCHAFFER:

19 Q But you don't know what Mr. Yzaguirre did with that money,
20 did you?

21 A I do not.

22 Q So the last thing I'm going to talk to you about -- oh,
23 and by the way, you're aware of the fact that Mr. Martinez,
24 Carlos Martinez, did not even get involved in the transmigrante
25 business until 2016, correct?

1 A The reports that I have read indicated that he started to
2 participate in the industry in 2013, but that later, like in
3 the 2016-'17 era, was making decisions with Marco Medina
4 running his transmigrante forwarding agency for him.

5 Q So you're telling me there's a government report that says
6 Mr. Martinez was in the business in 2013?

7 A I can't specifically remember which one, but in
8 discussions with case agents who have been on this case much
9 longer than I have, that is what was relayed to me, yes.

10 Q Can you think of a reason in the world why that hasn't
11 been turned over to us?

12 A There's a lot that's been turned over. I have no idea.

13 Q So one of the people you testified about and asked a few
14 questions have to do with this guy named L.B., and that's the
15 one that I ask you about the fact that he was in prison for
16 organized crime and extortion and smuggling. That's the person
17 that you said that back in 2013, OCL Carlos Jr. and Mr.
18 Martinez had kidnapped, right?

19 A In 2012.

20 Q 2012, same person, L.B., correct?

21 A Correct, based on his reporting.

22 Q Right. And L.B. was saying in essence I was kidnapped,
23 tied up, hood put over my head, but I could see through the
24 fabric and I could tell it was Carlos Martinez.

25 A Correct.

1 Q And then five or six years later, Carlos Martinez came to
2 him and said, hey, I want to work together, correct?

3 A It didn't sound like it was that peaceful of a
4 conversation, but yes.

5 Q Of course, in 2017 when that supposedly happened, that's
6 when Mr. L.B. was in prison in Mexico, correct?

7 A I'm not sure when he was incarcerated in Mexico.

8 Q As a matter of fact, when you interviewed Consuelo, she
9 said that she was only running Mr. L.B.'s business because he
10 was locked up in prison, and so she was running the business
11 until he gets out.

12 A That's correct.

13 Q That's in the report, correct?

14 A In 2018-'19, I believe.

15 Q Sorry?

16 A Like, I believe that was in the 2018-'19 timeframe, yes.

17 Q He was in prison 2018 to 2019?

18 A I'm not sure of his incarceration. I believe that's what
19 the report states as far as her timeline when she was running
20 the transmigrante agency.

21 Q Do you know why he was in prison?

22 THE COURT: Can I just comment that this --

23 MR. SCHAFFER: I'm sorry?

24 THE COURT: I'm just going to comment that -- with
25 apologies to any district judge who has to read this transcript

1 later -- y'all are talking over each other so much. Because
2 what happens, whether you know it or not, is she's not actually
3 going to transcribe this. She's just making a recording. It
4 gets sent to some person across town who's going to be sitting
5 there trying to recognize voices and doing a transcription and
6 this transcription is going to say question inaudible, answer
7 inaudible, question inaudible, answer inaudible. It's going to
8 be a mess. Please don't talk over each other. I'm just giving
9 you a fair warning that that's what we keep getting back with
10 these ERO transcripts. It's not perfect.

11 MR. SCHAFFER: Yes, sir.

12 THE WITNESS: Yes, Your Honor.

13 BY MR. SCHAFFER:

14 Q You're aware of what L.B. was in prison for the two or
15 three times that he went, correct?

16 A I am aware, based on his interview, that he was imprisoned
17 for a certain amount of time -- I don't know the dates -- on
18 some type of tax law, but that the charges were later dropped.
19 I'm not sure of his entire criminal history, what he was in
20 prison for.

21 Q Smuggling 1400 bulletproof vests into Mexico from the
22 United States, you weren't aware of that?

23 A No idea.

24 Q You're aware of the fact that he was under investigation
25 for murder and complicity in the murder of four American kids

1 who were kidnapped in a restaurant in Mexico, executed, and
2 their truck was found in his parking lot?

3 A No, I'm not.

4 Q You never knew that.

5 A No, sir.

6 MS. TAYLOR: Objection, Your Honor. Asked and
7 answered.

8 THE COURT: Sustained.

9 MR. SCHAFFER: I'll pass the witness, Your Honor.

10 THE COURT: Redirect?

11 MS. TAYLOR: No further questions, Your Honor.

12 THE COURT: You can step down; stay in the courtroom
13 though. I know it's crowded, so maybe you can sit over next to
14 the marshal or something like that?

15 THE WITNESS: Yes, Your Honor.

16 THE COURT: Any other witnesses or evidence from the
17 government?

18 MS. TAYLOR: No, Your Honor, the government will
19 rest.

20 THE COURT: All right. Do you have witnesses or a
21 proffer in any order that you choose?

22 MR. KENNEDY: I'd like to call Joel Garza to the
23 stand, please.

24 THE COURT: Be sworn, please.

25 CLERK: Raise your right hand. Do you solemnly swear