

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

File No.: A 78 745 209

August 11, 2005

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

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

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

ON BEHALF OF RESPONDENT:

Jodi Lynn Goodwin,
Attorney at Law

ON BEHALF OF GOVERNMENT:

Kevin Lashus,
Assistant Chief Counsel

ORAL DECISION OF THE IMMIGRATION JUDGE

1) INTRODUCTION AND PROCEDURAL SUMMARY

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

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

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

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

2) GENERAL SUMMARY OF WITHHOLDING/DEFERRAL OF REMOVAL LAW

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

removal.

Torture is defined as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or her or a third person information or a confession, punishing him or her for an act he or she or a third person has committed or is suspecting to having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. See 8 C.F.R. Section 1208.18(a).

Acquiescence requires that the public official have prior awareness of the activity and thereafter breach his or her legal responsibility to intervene to prevent such activity.

In assessing whether it is more likely than not that an applicant would be tortured in the proposed country of removal, all evidence relevant to the possibility of future torture shall be considered, including, but not limited to: evidence of past torture inflicted upon the applicant; evidence that the applicant could relocate to a part of the country of removal where he is not likely to be tortured; evidence of gross, flagrant or mass violations of human rights within the country of removal, where applicable; and other relevant conditions in the country of removal. See 8 C.R.F. Section 1208.16(c).

3) THE EVIDENCE PRESENTED

The respondent was the only witness to testify. On direct examination he stated that he is 34 years old and was born in Mexico. He last attempted entry into the United States in 2004 at Laredo, Texas. Respondent testified that he had been working with ~~the~~ Immigration and Customs Enforcement (ICE) as an informant. He ~~was~~ also had a business in El Paso. He began his work with ICE as an informant in the year 2000. In connection with his most recent entry, he was considered to be a witness in need of protection, and was put in a prison facility for his own protection. Subsequently, he was advised by the Department of Homeland Security that he was to be subjected to removal proceedings. He states that he was very shocked when he got that latter information.

Respondent's family, consisting of his wife and two children, currently reside in New Mexico. His family had crossed into the United States in January, 2004. He had been living with his family in San Antonio for about eight months. It was at that point that he was put into a prison setting for his own protection. The U.S. Government pays the costs associated with the respondent's family residing in the United States at this time. There was no information that they are in removal proceedings. Information supplied by respondent's counsel is that the wife and children were paroled into the United States for humanitarian purposes. It was believed that they were in

danger in Mexico due to his work as an informant.

Respondent testified that the purpose of his work as an informant was to obtain information against criminal organizations in Mexico. This also included investigation of corrupt Immigration Service inspectors. Respondent's area of providing information also related to cigarette and drug trafficking.

The respondent identified a number of individuals who had been involved in working with him as ICE agents supervising his informant activities. One of the areas on which he provided information related to the Carrillo Fuentes narcotics trafficking organization. Specific reference was made to a Heriberto Santillán, a high ranking operative for the Carrillo Fuentes drug organization. The respondent testified that on January, 2004, he made an appointment for Santillán to come to the United States. Santillán was arrested after he entered the United States and was subsequently charged with drug crimes and murders. Santillán ultimately pled to the drug offenses and was sentenced to 25 years incarceration. It was only after Santillán pled guilty to these offenses that the respondent was placed in removal proceedings.

Respondent testified that he had an agreement with ICE that they would protect him. He states that he had also provided information to other agencies, including the ATF, DEA and FBI. He believes that about 50 individuals have been arrested and

convicted as a result of his activities as an informant. During the time that the respondent was in protective custody in prison, he was segregated from those individuals^S who would likely pose a threat to his safety while in custody. When he was moved from one facility to another, this was done in a high security manner.

When ICE advised respondent that they wished to remove him from the United States, he stated that he wished to apply for asylum. He was given a credible fear review which resulted in a positive referral to the^{Immigration} Court. He was then sent to Minnesota, apparently for his own safety. He states that at one point some ICE agents had advised him that he faced severe danger or death in Mexico. They provided him with a paper acknowledging that they had advised him about the threats to kill him in Mexico.

During the time respondent was acting as an informant he used the name Jesus Contreras. He also used the nickname Lalo. Respondent was paid a great deal of money, in excess~~ing~~ of \$200,000, for his work with ICE. He states that he is still owed about \$400,000 for his work. He states he was also promised permanent resident status and protection in the United States for both ^{himself} ~~he~~ and his family.

The respondent stated that there had been two attempts on his life. The first one was in 2001 and this was related to a controlled delivery of some marijuana. Apparently the drug dealers in Juarez realized that there was a trap set and they turned on the respondent.

The more interesting incident to these proceedings is an attempt on respondent's life that took place in August, 2004. The respondent had sent somebody to pick up some money that was owed to the respondent. This individual's name was Abraham Guzman. Guzman was shot to death when attempting to obtain the money. Respondent indicated that he believed that the shooters were after him. It was right after this incident that the respondent was put into protective custody. He states that the ICE agents wanted to keep him alive for Santillán's trial.

Respondent also referenced another individual, Jamie Marcus-Marcus, who had been brought to the United States for his safety. Marcus had been involved in burying people in Mexico who had been killed in relation to the drug ring operations. Marcus knew that the respondent was an ICE informant.

Respondent states that if he is sent back to Mexico he believes that the members of the cartel, ~~and~~ the police and the government of Mexico would want to harm him. This would be directly related to his informant activities. He states that the police authorities in Mexico work hand-in-hand with the drug cartels. He believes that all levels of the Mexican police, including the federal, state and municipal, all have connections to the drug cartels. Respondent also believes that high level officials in the Mexican government are in cooperation with the drug cartel.

Respondent testifies^d that members of the police in Juarez

kidnap and kill people on behalf of the cartel. He states that he actually saw Mexican police kill people. In August, 2003, he states that some state police killed an individual named Fernando Reyes-Aguado at the Parsionero Street address in Juarez. This killing was carried out to steal merchandise from Reyes-Aguado. He was asphyxiated and died. Respondent did see another killing, as well. He also saw bodies of individuals who had been killed by the police, ^{and} respondent was involved in arranging the burial of these bodies. Respondent states that a federal investigative agency in Mexico provided information to the cartel about informants, and this information was used by the cartel to kill these informants. Repondent also states that lower ranking members of the cartel were also killed for not properly doing their drug-related jobs.

On cross-examination respondent stated he was involved in managing the transportation of drugs in the Guadalajara region of Mexico for about six months ~~but~~ before he came into contact with ICE officials. Prior to that he had worked as a member of the federal police for roads in Mexico for about one year.

Respondent first contacted customs officials in the year 2000, at the Bridge of ^{the} Americas in El Paso. He had gone to the bridge and asked to talk to a DEA representative. Ultimately he spoke with an agent, Raul Bencomo, one of his handlers during the time he was an informant. Respondent volunteered to give information to use against the drug cartel. ^{At} that time he stated

he was not afraid for his life.

Respondent was questioned whether he was involved in harming people, himself, in Mexico. He denied having physically injured people. However, he was present when people were killed and he was involved in disposing of bodies.

Respondent provided a statement to Mexican authorities regarding his work as an informant. This statement was given in the United States. He believes that he was promised immunity in Mexico regarding this statement. At this time he is in contact with his wife and children, but is only allowed a limited number of phone calls to them. He is not allowed other outside contacts because of concerns for his protection.

Respondent stated that the promise made to him to give him permanent resident status in the United States was a verbal promise only. Respondent, himself, has never been physically harmed in Mexico. Regarding the arrest of Mr. Santillán in January 2004, respondent was the one who arranged Santillán's entry into the United States, and respondent was with him at the time of the arrest.

The Court will note the following from the Exhibits in this case: Exhibit No. 2 is the Government's submission, ^{which} begins with the Form I-213. It notes the respondent was the subject of an expedited removal action, and he then expressed a fear of returning to Mexico. At page 5 of this Exhibit is a Form I-94 which reflects that respondent was paroled into the United States

on October 15, 2004, for the public benefit, with the parole^e valid until January 14, 2005. This was a multiple entry parole^e.

Included in this Exhibit is the credible fear work sheet. This reflects that respondent was an informant for ICE and had been threatened with death on several occasions, and had attempts made on his life. The summary of the respondent's credible fear interview is further on in this Exhibit. It is consistent with his testimony in Court about his involvement as an informant.

The sworn statement of the respondent taken in connection with the credible fear interview is also near the back of this Exhibit. In this document he relates that he was an informant, and his ICE contact was special agent Raul Bencomo. He references having turned over tapes to ICE, including one which dealt with the capture, torture and homicide of a person. He states this was done by the police. Another recording mentions a police commander and some members of the drug cartel talking about kidnapping a member of the DEA. He states his mission with ICE was to infiltrate the Juarez cartel. A house was established where they would bury the bodies. When asked what would happen~~d~~ to him if he returned to Mexico, he states^{the} police will torture and kill me because I know the cartel send⁺ the police to do the job.

Exhibit No. 5 includes that^e State Department Country Report on Mexico dated February 28, 2005. It notes that narcotics-related killings and violence increased particularly in the

northern states of Mexico. It is noted that the police sometimes tortured suspects to force confessions. In March, 2003, Amnesty International published a report that accused all branches of the security forces of using torture. The authorities in Mexico rarely punished officials for torture. It is noted that many citizens distrusted the justice system, including law enforcement officials, and were reluctant to register official complaints.

Exhibit No. 7 is respondent's Form I-589. This document is again generally consistent with his testimony in Court, in that the emphasis here is on his fear of the cartel in Mexico, and also notes that the Mexican police carry out torture and killing for the cartel.

Exhibit No. 10 is the Government's submission, and it includes various documents including a Department of State Wanted poster for Vincente Carrillo Fuentes, identifying him as the head of the Juarez cartel in Mexico. Carrillo Fuentes has been charged in a 46-count indictment in the Western District of Texas with continuing criminal enterprise and other narcotics-related charges. There is an article from Common Sense for Drug Policy which notes trafficking organizations and corrupt officials on both sides of the border. It is reported that the U.S. drug war in Mexico has encourage^d violent crime, corruption and political instability.

Exhibit No. 11 is the respondent's submission of additional documents. The Court would note that at page 3 of the

respondent's brief it is stated that "Because Mr. Ramirez was engaged in drug trafficking for over three years prior to becoming an informant for the U.S. Government, he committed serious nonpolitical crimes which render him ineligible for asylum and withholding of removal.". Included in this Exhibit is a document, signed by the respondent under the Jesus Contreras name on March 19, 2004, setting out instructions for a confidential source working with the U.S. Customs Service.

On pages 7 and 8 are summaries of payments made to the respondent as an informant, totalling \$224,650. At pages 9 and 10 is an ICE memorandum dated July 16, 2003, reflecting that respondent was arrested in New Mexico transporting marijuana. On March 12, 2004, it appears that respondent was deactivated as a confidential informant. It is noted there that the respondent remains a critical witness in a number of ICE cases. At page 12 is an affidavit for a material witness arrest warrant which identifies the respondent as being a necessary witness in a drug case. The indictment in the Santillán case begins at page 15.

At pages 23 through 27 are letters from an assistant U.S. attorney, Juanita Fielden, to the United States Marshal's Office in El Paso, under dates of October 6 and October 13, 2004, identifying a large number of people who should be kept away from the respondent while respondent was in custody. It stated that these individuals were arrested or are pending arrest based on information provided by respondent and may present a danger to

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

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

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

is a reference to the individuals that the respondent was involved in burying.

There is an article, under date of August 19, 2004, which references a Chihuahua state police commander named Miguel Ángel Loya and two of his subordinates, all of whom were suspected of working for the Juarez cartel. These officers allegedly reported to a suspected top lieutenant in the cartel, Heriberto Santillán Tabares, whom the informant Lalo helped apprehend and is now in prison in El Paso. Santillán was believed to be the uncle of commander Loya. Loya had gone into hiding and was possibly dead.

There is an article, under date of September 3, 2004, which reflects that a[^] Abraham Guzman was shot to death. The Dallas Morning News reported that the bullets that ~~shot~~^{killed} Guzman were meant for someone else, a man known as Lalo who had provided information on the cartel as a paid informant for a U.S. agency. Lalo had sent Mr. Guzman to pick up some cash, and it was then that Guzman was shot to death. There is a discussion there that ICE agents had escorted Lalo to El Paso from his temporary residence in San Antonio shortly before this killing. Law enforcement officials said that even bringing this informant to Juarez was dangerous. Another senior U.S. law enforcement agent is reported stating "There is no sense for this guy, who is clearly a target of the cartel, to be here on his own. The cartel wants to do him in, whack him in the worse^T way.".

In another point in the article it says you could not

double-cross the cartel and live to tell about it. After the shooting of Guzman, Lalo and a female friend stayed in separate hotels as ICE agents provided round-the-clock surveillance, worried that cartel leaders, on learning that the wrong man was killed, would try again. ^{At} Page 46 there is a report that states that the respondent had violated his agreement with ~~the~~ ICE by escaping from a safe house and going back to the drug business. After the death of Guzman, ICE arrested the protected witness to return him to the U.S. Marshal's Office. Lalo had been assured that protection would be given to his wife and son in exchange for continuing in the witness protection program in the United States and never again ^{trying to} escape.

In an article, under date ^{of} September 21, 2004, a reference is made to a law enforcement report that says that some members of Mexico's elite federal investigative agency, AFI, were working with the Juarez cartel. The AFI revealed some informants to the cartel and ^{they} were assaulted by a group including ten state police officers and cartel lieutenants and beaten to death. It is reported here that the respondent, Lalo, is the one who led authorities to the grave containing the bodies of 12 drug traffickers.

At page 54 is a translation of an article, under date of September 21, 2004, which identifies Lalo as being a Jesus Contreras, one of the names used by the respondent. It also references his witness informant identification code of SA913EP.

There is another article at page 66 discussing the role of Jesus Contreras.

At page 73 is an article from El Diario, under date of October 31, 2004. This identifies the respondent by his true name of Guillermo Eduardo Ramirez-Peryo as being Lalo, the informant. His identity was determined from a La Cruces, New Mexico, file reflecting that he has been involved in drug trafficking there in 2003. There is also a reference to a declaration given by the respondent in the offices of the Mexican consulate in Dallas, Texas, in the presence of a legal attaché to the federal prosecutor of the Mexican Republic, that references the name Ramirez-Peryo as being Jesus Contreras.

Page 76 is a San Antonio Express news article from April 20, 2005, which reflects that Heriberto Santillán had pled guilty to participating in an ongoing criminal enterprise and was immediately sentenced to 25 years in prison.

At page 109 is the transcript of respondent's interrogation in Dallas, Texas, on February 12, 2004 by the Mexican legal attaché. This long statement details respondent's involvement with the drug ring.

Page 127 is a copy of a civil complaint filed by the survivors of a Luis Padilla against a number of government employees and Guillermo Ramirez-Peryo, a/k/a Lalo. This notes the killing of Mr. Padilla and connects the respondent and his supervising agents to the killing.

4) ANALYSIS

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

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

To be granted relief under Article 3 of the Convention

against Torture respondent must establish that it is more likely than not that he would be tortured if removed to the country of removal. In the present case, the respondent is primarily afraid of the Juarez drug cartel against whom he acted as an informant. His actions as an informant have resulted in the arrest and conviction of about 50 people, including Heriberto Santillán, a high-ranking member of the drug cartel. There is documentation in the record that would reflect that the cartel is well aware of respondent's identity, and that even U.S. Government officials have recognized that there are serious threats against respondent's life in Mexico at this time.

For a person to be granted relief under the Torture Convention ~~they~~ must show that the feared torture would be inflicted by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity. See 8 C.F.R. Section 1208.18(a). The evidence is clear as far as this Court is concerned that Mexican law enforcement, to a great extent, has carried out various crimes on behalf of narco-traffickers in Mexico. And there really does not seem to be much dispute with the respondent's testimony that Mexican police were involved in some of the killings he witnessed. Further, there is information that high-ranking national police officials in Mexico turned over information on informants to the cartel.

The various background documents would seem to indicate that

there are U.S. law enforcement officials who believe that this cartel would be most interested in having the respondent killed. The risk of such an act being carried out by law enforcement in Mexico is very high. The Court would simply note that it does not believe that the Board decision in Matter of S-V-, Int. Dec. 3430 (BIA 2000) is relevant to this case. ~~and~~ That case dealt with individuals in Colombia who were afraid of guerrilla groups in that country that were directed to overthrow the Colombia government. The Board in that case concluded that protection under the Torture Convention does not extend to persons who fear entities that the government is unable to control.

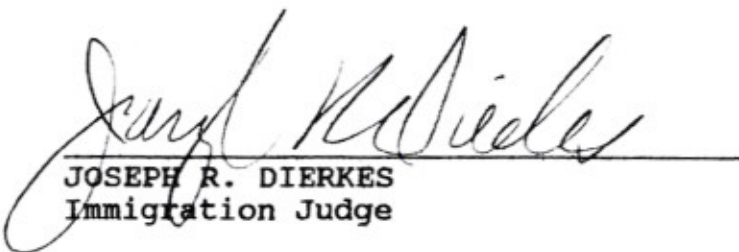
In the present case, we are not dealing with a group attempting to overthrow the Mexican government. Rather, we are talking about an organization that has some of its criminal acts carried out by members of the government, specifically law enforcement officers. This is not a group that the government is unable to control. Rather, what it is, it is a group that uses various government officials to carry out its acts of torture. The Court believes that the evidence in this case indicates that it is more likely than not that this respondent would be subjected to torture or worse were he to be returned to Mexico at this time. The danger to him, to a great extent, would come from law enforcement officials. The Court believes that the evidence is clear that Torture Convention relief is warranted in this case.

That being said, the Court in no way should be interpreted as providing any sort of an endorsement for this respondent's behavior, including his drug trafficking and his assistance to the cartel, itself. As often is the case, in the realm of drug cases, dealings must be had with unsavory characters. This respondent is a former law enforcement officer who became a drug trafficker. Regardless, the relief under Article 3 of the Convention against Torture is not a discretionary form of relief and must be granted if the evidence is there. The Court will grant the relief.

The following orders will be entered in this case:

ORDERS

- 1) Respondent is found to be removable from the United States on the charge in the Notice to Appear.
- 2) Respondent's application for deferral of removal under Article 3 of the Convention against Torture is granted, and respondent's removal to Mexico is deferred.
- 3) Respondent is ordered removed from the United States to any country other than Mexico.



JOSEPH R. DIERKES
Immigration Judge

CERTIFICATE PAGE

I hereby certify that the attached proceeding before
JUDGE JOSEPH R. DIERKES, in the matter of:

RAMIREZ-PERYO, GUILLERMO EDUARDO

A 78 745 209

Bloomington, Minnesota

is an accurate, verbatim transcript of the cassette tape as
provided by the Executive Office for Immigration Review and that
this is the original transcript thereof for the file of the
Executive Office for Immigration Review.

Barbara Culliton
Barbara Culliton, Transcriber

Free State Reporting, Inc.
1324 Cape St. Claire Road
Annapolis, Maryland 21401
(301) 261-1902

October 5, 2005
(completion date)

By submission of this CERTIFICATE PAGE, the Contractor certifies
that a Sony BEC/T-147, 4-channel transcriber or equivalent, as
described in Section C, paragraph C.3.3.2 of the contract, was used
to transcribe the Record of Proceeding shown in the above
paragraph.

U.S. Department of Justice
Executive Office for Immigration Review
United States Immigration Court

Matter of

File A 78 745 209

RAMIREZ-PERYO, GUILLERMO EDUARDO

Respondent

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In REMOVAL Proceedings

Transcript of Hearing

Before JOSEPH R. DIERKES, Immigration Judge

Date: August 11, 2005

Place: Bloomington, Minnesota

Transcribed by FREE STATE REPORTING, INC., at Annapolis, Maryland

Official Interpreter: David Gateño

Language: Spanish

Appearances:

For the Department of
Homeland Security:

Kevin Lashus

For the Respondent:

Jodi Lynn Goodwin

1 JUDGE FOR THE RECORD

2 This is Immigration Judge Joseph Dierkes, sitting in
3 Bloomington, Minnesota in ER courtroom. Today's date, August
4 11th, 2005. This is a continued removal hearing in the matter of
5 Guillermo Ramirez-Peryo, A 78 745 209. Interpreter in the
6 Spanish language is David Gateño, he was previously sworn.

7 JUDGE TO MR. RAMIREZ-PERYO

8 Q. State your name.

9 A. Guillermo Eduardo Ramirez-Peryo.

10 Q. Okay. And Ms. Goodwin will be your attorney today?

11 MS. GOODWIN TO MR. GATEÑO

12 Goodwin.

13 JUDGE TO MR. GATEÑO

14 Goodwin.

15 MR. RAMIREZ-PERYO TO JUDGE

16 Yes, sir.

17 JUDGE TO MS. GOODWIN

18 Identify yourself, counsel.

19 MS. GOODWIN TO JUDGE

20 Jodi Goodwin.

21 JUDGE TO MR. LASHUS

22 For the Government?

23 MR. LASHUS TO JUDGE

24 Kevin Lashus.

25 JUDGE TO MS. GOODWIN AND MR. LASHUS

1 Okay.

2 JUDGE FOR THE RECORD

3 Well, we're here to deal with respondent's application for
4 Torture Convention relief. We've already marked Exhibits up
5 through 7. Exhibit 8 will be the Court's letter to the State
6 Department requesting their opinion on the case. All right, will
7 be their response on the date of June 30th, 2005. Exhibit 10
8 will be the Government's filing August, is that 3rd? Yes, it's
9 3rd, August, maybe 3rd, 2005. Various news reports and Matters
10 of S-V-, Matter of S-V-. That'll be Exhibit 10. 11 will be
11 respondent's filing received at the Court August 9th, 2005. It's
12 a brief and a 165 -- 66 pages of -- that'll all be Exhibit 11.

13 JUDGE TO MS. GOODWIN AND MR. LASHUS

14 Are there any other filings I've missed?

15 MR. LASHUS TO JUDGE

16 No, Your Honor.

17 MS. GOODWIN TO JUDGE

18 No, Judge.

19 JUDGE TO MS. GOODWIN AND MR. LASHUS

20 Any objections to any of the Exhibits?

21 MR. LASHUS TO JUDGE

22 No, Your Honor.

23 MS. GOODWIN TO JUDGE

24 None from the respondent, Your Honor.

25 JUDGE FOR THE RECORD

1 Exhibits are admitted.

2 JUDGE TO MS. GOODWIN

3 Do you have any changes or corrections you need to make to

4 the I-589 in Exhibit 7?

5 MS. GOODWIN TO JUDGE

6 No, Judge.

7 JUDGE TO MS. GOODWIN

8 All right.

9 JUDGE TO MR. RAMIREZ-PERYO

10 Q. Sir, stand and raise your right hand, please. Do you

11 swear that you know the contents of your application for relief,

12 including the attached documents and supplements and they're all

13 true and correct?

14 A. Yes, sir.

15 Q. All right. Do you swear that the testimony you will

16 give today will be the truth, the whole truth and nothing but the

17 truth?

18 A. Yes, sir.

19 JUDGE TO MS. GOODWIN

20 The respondent --

21 JUDGE TO MR. RAMIREZ-PERYO

22 Q. You can put your hand down.

23 JUDGE TO MS. GOODWIN

24 The respondent's going to be the only witness. Right?

25 MS. GOODWIN TO JUDGE

1 Yes, Judge.

2 JUDGE TO MR. RAMIREZ-PERYO

3 Q. Sir, you, sir, you can, you can come on up here.

4 MS. GOODWIN TO JUDGE

5 Judge, could we go off the record just for one second?

6 JUDGE FOR THE RECORD

7 Off the record.

8 (OFF THE RECORD)

9 (ON THE RECORD)

10 JUDGE FOR THE RECORD

11 Back on the record.

12 JUDGE TO MS. GOODWIN

13 Go ahead.

14 MS. GOODWIN TO MR. RAMIREZ-PERYO

15 Q. Can you state your complete name for the record?

16 A. Guillermo Eduardo Ramirez-Peryo.

17 Q. And how old are you, sir?

18 A. 34 years old.

19 Q. You were born in Mexico. Correct?

20 A. Yes.

21 Q. And what is your status in the United States right now?

22 A. I'm detained by Immigration.

23 Q. What was the -- how was the last entry that you made to
24 the United States?

25 A. Last time I entered was the year of 2004 through

1 Laredo, Texas.

2 Q. And did you enter with documents?

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

4 Q. Prior to being detained by Immigration, did, did you
5 work?

6 A. Yes, I was working with ICE, which prior was customs,
7 the United States Customs.

8 Q. So you worked on the United States side of the border?

9 A. Yes. Yeah. Yes, I did have permission to work with
10 them as an informant and also they have some business in El Paso,
11 Texas.

12 Q. When, when did you start working with U.S. Customs or
13 ICE as an informant?

14 A. In the year 2000.

15 Q. And when did you stop working for them?

16 A. Yeah. I kept on working. I'm, I'm here like
17 consequence due to working with them. After all the work that I
18 did with them, they decide to put me as a protected witness in,
19 in a prison so I could be prepared to -- and I never learned from
20 them anymore until the people from deportation showed up, and now
21 they told me that I would be deported, which I thought it was
22 unbelievable. Isn't that the truth?

23 Q. Why, why would you think it is unbelievable?

24 A. First, because of the job that I did with ICE. It was
25 suppose that I was under protection. Actually, my family finds

1 itself here in the United States under protection with ICE.

2 Q. When you --

3 JUDGE TO MR. RAMIREZ-PERYO

4 Q. Well, where, where is your family right now?

5 A. They're in New Mexico, in New Mexico.

6 Q. How are they under protection at this time?

7 A. When I did finish my cases and I did give the persons
8 that they wanted to arrest, they asked me for my family to cross
9 to, to -- from Laredo. I was, I was in El Paso. And the agents
10 are from ICE, they received them in Laredo, Texas, that was in
11 January of 2004.

12 Q. All right.

13 A. And they were transported to San Antonio, Texas, where
14 we did live for about eight month. And then when they did put me
15 in prison for my protection, they moved my family to New Mexico,
16 and then, then now I know that they're watching after him so they
17 can maintain them and everything because I, I cannot see them.

18 Q. Is Government paying for the place where your family
19 lives now?

20 A. Yes, sir.

21 Q. Okay.

22 MS. GOODWIN TO MR. RAMIREZ-PERYO

23 Q. Apart from paying for the place where your family
24 lives, they also pay for utilities, long distance phone calls,
25 things like that?

1 A. And they -- okay. They also getting some money, you
2 know, like, like for food, you know, and well, that's the income
3 that my family does have.

4 Q. And when you say your family, you're referring to your
5 wife and your two children. Correct?

6 A. Yes, ma'am.

7 Q. Okay. And has there been any indication that ICE is no
8 longer going to help your family?

9 A. Well, the way my, my wife has told me, then February,
10 seems like that they wouldn't keep on helping them. But a few
11 more days the agent return and he said yes, they will keep on
12 helping them and they will have that type of support until they
13 could regulate their, their status here in the United States.

14 JUDGE TO MS. GOODWIN AND MR. LASHUS

15 Is there any indication that they have been put in
16 proceedings? Anybody know anything about that?

17 MS. GOODWIN TO JUDGE

18 Judge, the, the, the wife and the children have not been
19 placed in proceedings. They -- when they entered through Laredo
20 in January of 2004, they were paroled for humanitarian purposes.

21 JUDGE TO MS. GOODWIN

22 Okay. All right.

23 JUDGE TO MR. LASHUS

24 Do you agree with that, Mr. Lashus?

25 MR. LASHUS TO JUDGE

1 I don't know.

2 JUDGE TO MR. LASHUS

3 You don't know? Okay. All right.

4 MS. GOODWIN TO MR. RAMIREZ-PERYO

5 Q. At the time your family entered the United States, did
6 Immigration give them a permit to be in the United States?

7 A. Yes. Actually the agent did send some people to get
8 them at the border and right there they did make the papers and
9 they give them the documents.

10 Q. Why, why did ICE ask you to have your family come to
11 the United States?

12 A. There were -- there the consequences for the job that I
13 was doing to them -- with them. My job consisted of infiltrating
14 one of the, the criminal organization most powerful in my
15 country, which is a cartel of the family Carrillo Fuentes or --

16 JUDGE FOR THE RECORD

17 C A --

18 MR. RAMIREZ-PERYO TO MS. GOODWIN

19 -- they call the cartel --

20 JUDGE FOR THE RECORD

21 -- C A R R I L L O, F U E N T E S.

22 MR. RAMIREZ-PERYO TO MS. GOODWIN

23 -- the cartel of the, the Ciudad Juarez. This investigation
24 last a long time. I wasn't an informant, that I would give a
25 number.

1 JUDGE TO MR. RAMIREZ-PERYO

2 Q. No. Just, just try to give us a short answer to why
3 ICE brought your family to the U.S..

4 A. The short answer is because they were in danger due to
5 my job with ICE.

6 Q. All right.

7 MS. GOODWIN TO MR. RAMIREZ-PERYO

8 Q. And, and was that same reason that, that ICE decided to
9 place you in protective custody?

10 A. Yes.

11 Q. And your work with ICE lasted for, more or less, about
12 four years?

13 A. Yes, four years, yes.

14 Q. From the beginning, what was the goal, the stated goal
15 of your work with ICE, or customs when you started?

16 A. The, the, the goal was to detect and to get evidence
17 against criminal organizations.

18 Q. At the outset, was it just focus on the Carrillo
19 Fuentes cartel? Or was it other criminal organizations?

20 A. No, other, other organizations. Everything that would
21 do with crime.

22 Q. And what, specifically, was your role?

23 A. Okay. There, okay, there was not a specific role. I
24 would ask them what they were interested on, and, and they would
25 decide if I would infiltrate this organization that I would detect.

1 Q. Can you give me a few examples, like the kinds of, of
2 the investigations that you participated in?

3 A. Yeah. The investigations of some corruptive inspector
4 from the INS, cases of fraud with cigarettes and cigars, and they
5 would avoid taxes and they would bring cigarettes or they would
6 call counterfeit, and a lot of the Judge were related to drugs to
7 narco traffic. That was the type of work.

8 Q. And at the same time that you were involved in, in
9 investigating and infiltrating other criminal organizations, were
10 you continually involved in infiltration of the Carrillo Fuentes
11 organization?

12 A. Yes. With Carrillo Fuentes we started like in 2001 and
13 we end up in 2004 where and we -- I give up -- I gave Heriberto
14 Santillán.

15 JUDGE FOR THE RECORD

16 S A N T I L L A N .

17 MS. GOODWIN TO MR. RAMIREZ-PERYO

18 Q. And who's Heriberto Santillán?

19 A. Heriberto Santillán was a director from the cartel the
20 Carrillo from the city of Juarez.

21 Q. And when you said director, is that a very high level
22 position within the cartel?

23 A. Yeah, he wasn't what you would call the, the operation
24 level at national level.

25 JUDGE TO MR. RAMIREZ-PERYO

1 Q. Sir, can you stop rattling your chain here, since we're
2 going to pick it up on the tape. Right.

3 JUDGE TO MS. GOODWIN

4 Go ahead.

5 MS. GOODWIN TO MR. RAMIREZ-PERYO

6 Q. Was he, was, was Mr. Santillán close to Mr. Carrillo
7 Fuentes?

8 A. Yeah, they did have communications with him.

9 Q. And you, you stated earlier that you gave up Mr.
10 Santillán. How did you do that?

11 A. Well, practically, I did create an appointment so he
12 could come here to the United States. And then they have this
13 operation program so he could come with me in my pickup truck and
14 we already did know which way I was going to drive and where a
15 patrol was going to stop me, so that, so that way, without
16 notice, he could be arrested with no resistance.

17 Q. And when you say that we had a plan and we made an
18 operation, who are you referring to?

19 A. With the office, the investigation office of ICE in El
20 Paso, Texas and also in conjunction with the sheriff department
21 over there.

22 JUDGE TO MR. RAMIREZ-PERYO

23 Q. When was Santillán arrested?

24 A. Was January 15, 2004, I think.

25 MS. GOODWIN TO MR. RAMIREZ-PERYO

1 Q. And was Mr. Santillán charged with any crimes in the
2 United States?

3 A. Yes.

4 Q. What were those charges?

5 A. Well, originally they were for 30 kilos of cocaine and
6 also for some homicides, I think five people, and organization
7 crime -- organized crime.

8 Q. Do you know what happened to those charges? Was he
9 convicted?

10 A. Yeah. He came to an agreement with the United States
11 attorneys. Yeah, he declare himself guilty for the organized
12 crime and of the cocaine, and they gave 25 years of prison. And
13 I think that they did drop the homicide charges.

14 Q. After Mr. Santillán plead guilty is, is that about the
15 time that Immigration decided to, to deport you?

16 A. Yeah, immediately afterwards.

17 Q. Why is that?

18 MR. LASHUS TO JUDGE

19 Objection. Calls for speculation.

20 JUDGE TO MR. RAMIREZ-PERYO

21 Q. Well, wait, wait, wait.

22 JUDGE TO MS. GOODWIN

23 Your response?

24 MS. GOODWIN TO JUDGE

25 I'm asking for his opinion as to why Immigration did that.

1 He's obviously cannot testify as to the real reason why they did
2 it.

3 JUDGE TO MS. GOODWIN

4 Well, but he has no actual knowledge of it.

5 MS. GOODWIN TO JUDGE

6 I'll rephrase the question, Judge.

7 JUDGE TO MS. GOODWIN

8 All right.

9 MS. GOODWIN TO MR. RAMIREZ-PERYO

10 Q. Why do you think you were placed in deportation
11 proceedings immediately after Mr. Santillán pled guilty?

12 A. I don't have a response for that. I'm surprised
13 because I did, because I did have an agreement with ICE because
14 they were going to protect me. If I did things and I would do
15 things the way they would ask me.

16 Q. Did you do the things that ICE asked you to do?

17 A. Yeah. Yeah, I recorded a lot of conversations with
18 Santillán and with a lot of members of the cartel. I gave
19 information about the drugs and another trafficking --
20 traffickers that operated here in the United States.

21 Q. When you gave that information, who specifically did
22 you work with within, within ICE?

23 A. It was office, investigation office and there was
24 several investigation officers, agents.

25 Q. What were some of their names?

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

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

7 A. Yes, sir [sic].

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

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

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

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

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

22 MR. LASHUS TO JUDGE

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

24 JUDGE TO MR. LASHUS

25 He can answer if he knows.

1 MR. RAMIREZ-PERYO TO MS. GOODWIN

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

4 MS. GOODWIN TO MR. RAMIREZ-PERYO

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

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

11 MS. GOODWIN TO JUDGE

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

17 MR. LASHUS TO MS. GOODWIN

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

20 MS. GOODWIN TO MR. LASHUS

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

24 MR. LASHUS TO MS. GOODWIN

25 Oh, you're right.

1 MS. GOODWIN TO MR. LASHUS

2 -- and the second letter --

3 MR. LASHUS TO MS. GOODWIN

4 Yeah.

5 MS. GOODWIN TO MR. LASHUS

6 -- listing about 6 names.

7 MR. LASHUS TO JUDGE

8 It was pursuant to the Court's order. I had assumed that
9 that was part of the pleading.

10 MS. GOODWIN TO MR. RAMIREZ-PERYO

11 Q. And were you actually held isolated from other
12 individuals?

13 A. Yeah, yeah, during this eight month, yeah, I was held
14 in this cell, kind of like a punishment time cell with no contact
15 with anybody other than the custodians, the people in charge of
16 the prison.

17 Q. And when, when you were transferred from the marshal's
18 custody to Immigration custody, how were -- how are you being
19 held with Immigration?

20 A. Originally, it was like a special team, they call them
21 SRT, SRT they call them, like SWAT something from ICE.

22 Q. Like a police SWAT team?

23 A. Yeah, they did have long arms and with jackets against
24 bullets and they were in three different vehicles. They take --
25 they put me in one and they took me to a different city. Yeah,

1 they put me in a field, Immigration also isolated with a special
2 vigilant.

3 Q. Okay. Where, where was that Immigration camp?

4 A. I think it's called Santa Isabel in Texas, close to
5 Brownsville, Texas [sic].

6 JUDGE TO MR. RAMIREZ-PERYO

7 Q. Why did you come to Minnesota?

8 A. When they manifested the idea was that they were going
9 to send me back to Mexico, I told the officer that this could be
10 a mistake, that's it's not possible because they were going to
11 kill me.

12 MS. GOODWIN TO MR. RAMIREZ-PERYO

13 Q. Just, just one second. And, and you told them that --
14 who, who, who knew they were going to kill you? When you say who
15 and they, tell me which people you're talking -- how did ICE --

16 A. Okay.

17 Q. -- know that?

18 A. There are special agents of ICE knew that they were
19 going to kill me.

20 Q. And how did ICE know that?

21 MR. LASHUS TO MR. RAMIREZ-PERYO

22 Q. Knew who was going to kill you?

23 A. Well, the, okay. The cartel in Mexico will kill me or
24 the government in Mexico, because they're together there. And
25 ICE knows that because I work with them and we did give the

1 evidence that, that the government and, and the cartel is
2 basically one, because they're on to all these jobs that I did
3 with them and they, they were conscience and they decided they
4 were going to protect me and kept me here. Because it's obvious
5 that they would kill me in my country and also here they could
6 kill me.

7 JUDGE TO MR. RAMIREZ-PERYO

8 Q. Well, why did you -- why were you sent to Minnesota?

9 A. When, okay, when they wanted to deported me, then I, I
10 say well, I did -- do request asylum. And they did, they did an
11 interview with me about credible fear, and another day, then this
12 team, this SWAT team came and they put me in a plane that brought
13 me here. The truth is that they haven't given me any
14 explanations about anything.

15 Q. Were you on a commercial plane or a small plane?

16 A. Oh, in a big plane of the U.S. Marshal's.

17 MS. GOODWIN TO MR. RAMIREZ-PERYO

18 Q. When you were at the, the Port Isabel Detention
19 Center --

20 JUDGE TO MR. GATEÑO

21 Port Isabel.

22 MR. GATEÑO TO JUDGE

23 Huh?

24 JUDGE TO MS. GOODWIN

25 Is it Port Isabel?

1 MS. GOODWIN TO JUDGE

2 It's, yeah, it's Port Isabel. I believe he might have said
3 Santa Isabel. It's Port Isabel.

4 MR. GATEÑO TO JUDGE

5 It's Port Isabel. Okay.

6 MS. GOODWIN TO MR. RAMIREZ-PERYO

7 Q. After the credible fear interview, do you recall having
8 discussions about being moved to another place for your own
9 protection?

10 A. Yeah. Once they approved the interview of the credible
11 fear, one of the executives over there, they told me that they
12 would, they told me that they would move me somewhere else, they
13 didn't tell me where, but they would move me for my safety.

14 Q. Where, where are you detained now?

15 A. I'm in Washington County Jail.

16 Q. Is that a place where there a lot of Immigration
17 detainees?

18 MR. LASHUS TO JUDGE

19 Objection. Calls for speculation. He wouldn't --

20 JUDGE TO MR. RAMIREZ-PERYO

21 Q. Wait --

22 MR. LASHUS TO JUDGE

23 -- know that.

24 JUDGE TO MR. RAMIREZ-PERYO

25 Q. -- a minute.

1 JUDGE TO MR. LASHUS

2 He can answer if he knows, if he knows the people who are
3 there in jail.

4 MR. RAMIREZ-PERYO TO MS. GOODWIN

5 That, that I know, no. I mean I'm, I'm a little bit
6 isolated.

7 MS. GOODWIN TO MR. RAMIREZ-PERYO

8 Q. Are you still in a single cell?

9 A. Yes.

10 Q. Are you -- I'm sorry.

11 A. The only difference that nowadays it's six cells where
12 I am and during, during the day for a few hours they let me out
13 to, to mingle with the other people --

14 Q. The other six --

15 A. -- there.

16 Q. -- people?

17 A. Six or less, which ever is there.

18 Q. But not the general population?

19 MR. LASHUS TO JUDGE

20 Here's another objection. Calls for speculation. He
21 doesn't know if it's general population.

22 JUDGE TO MR. LASHUS

23 I think he's answered the question. He's in a group of six
24 people.

25 MS. GOODWIN TO MR. RAMIREZ-PERYO

1 Q. I want to go back. You mentioned that agents of ICE
2 knew that you would be killed if you went back to Mexico. At
3 anytime did agents of ICE, specifically, tell you that you would
4 be killed if you went back to Mexico?

5 A. Yeah, several times, we touch that theme --

6 Q. Did they ever give you any --

7 A. -- that subject.

8 Q. -- did they ever give you any notice in writing that
9 your life was in danger in Mexico?

10 A. Yeah, when they -- we did finish the cases. In an
11 occasion they made me sign that I knew about, that they knew that
12 there was a contract to kill me.

13 Q. Do you recall which agents signed that document?

14 A. Well, it was Pedro Gonzalez and Raul Bencomo and there
15 was more agents, but I don't remember who had signed it.

16 Q. Did they give you specific instructions to what you
17 should do or not do to protect yourself?

18 A. Yes.

19 MS. GOODWIN TO JUDGE

20 Judge, just for the record. Contained in Group Exhibit 11
21 is a copy of that, that instruction letter to the respondent.

22 JUDGE TO MS. GOODWIN

23 Which page is that?

24 MS. GOODWIN TO JUDGE

25 It is -- the bad part, Judge, is I don't have my pages

1 numbered. I numbered your's.
2 JUDGE TO MS. GOODWIN
3 Right.
4 MS. GOODWIN TO JUDGE
5 Mine are by the letters. It's -- in mine it's, it's letter
6 Q under section 2. And I apologize. I should have numbered my
7 own pages --
8 MR. LASHUS TO JUDGE
9 Mine aren't --
10 MS. GOODWIN TO JUDGE
11 -- so I refer to it.
12 MR. LASHUS TO JUDGE
13 -- mine aren't numbered either. So I need to look at
14 your's. Because I don't know what you're referring to.
15 MS. GOODWIN TO JUDGE
16 It's -- what's it right before? Right before. It's right
17 before the news articles start, Judge. It's the last document
18 before the news articles. It's just a one page document.
19 JUDGE TO MS. GOODWIN
20 It's 34 on mine, I think. It's one that begins on March
21 8th, 2004.
22 MS. GOODWIN TO JUDGE
23 Yes, Judge.
24 JUDGE TO MS. GOODWIN
25 All right.

1 JUDGE FOR THE RECORD

2 That's page 34. All right.

3 MR. LASHUS TO MR. RAMIREZ-PERYO

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

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

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

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

12 Q. And your real name is?

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

14 Q. Do you use any type of nickname?

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

16 JUDGE FOR THE RECORD

17 L A L O.

18 MS. GOODWIN TO MR. RAMIREZ-PERYO

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

22 A. Yeah, that's me.

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

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

1 everything, but, yeah, they would pay me.

2 Q. And then, more or less, how much were you paid?

3 A. Of everything that I receive, I receive like 200,000
4 plus.

5 Q. Over the four years?

6 A. Yes. And it's several jobs that they're pending that I
7 haven't been paid.

8 JUDGE TO MR. RAMIREZ-PERYO

9 Q. How much are you still owed, do you believe?

10 A. I can't give you an exact account, because they would
11 specify how much I would get paid.

12 Q. Approximate.

13 A. Over \$400,000 according to what they would comment,
14 make comments to me.

15 MS. GOODWIN TO JUDGE

16 Judge, for the record, I would bring the Court's attention
17 to the, the record of payments made to source SA913.

18 JUDGE TO MS. GOODWIN

19 Let's see that's at page --

20 MS. GOODWIN TO JUDGE

21 Very, very near the front, right after the I-94s.

22 JUDGE TO MS. GOODWIN

23 Let me get the numbers, see, and that looks like 7 and 8 --

24 MS. GOODWIN TO JUDGE

25 Yes, Judge.

1 JUDGE TO MS. GOODWIN

2 -- and 9. \$224,650.

3 MS. GOODWIN TO MR. RAMIREZ-PERYO

4 Q. Were you, were you assigned a control number or an
5 informant number with your work with ICE?

6 A. Yeah, they would refer also to me about that number
7 which was 913. Complete, I think it's SA913FAEP (indiscernible).

8 Q. Aside from the, the approximate \$400,000 that you
9 believe ICE still is pending payment to you, were there any other
10 promises or, or indications from ICE of other benefits which
11 would be offered to you?

12 A. Yes. Yeah, mainly the protection and also the
13 permanent residences that they were going to give us, that they
14 promised to, to me, to my family and for people that would be
15 working close to me.

16 Q. Did you or any of the other individuals that were
17 promised residency ever receive residency?

18 A. That I know, that I know, no, none of us have received
19 anything.

20 Q. In the, in your application for asylum and, and
21 likewise in the, the credible fear notes, it indicates that, that
22 there, there have been two attempts on your life. Is that
23 correct?

24 A. Yeah, that's correct.

25 Q. When was the first one?

1 A. The first was, more or less, like in 2001. That was
2 due to giving a control, giving of marijuana that was done.

3 Q. What do you mean a controlled giving?

4 A. A delivery, a controlled delivery is when the drug
5 enters to the United States under the supervision of ICE, and
6 then you give it to the criminal organization, to the group, and
7 supposedly you give them some time so then you can detain them.

8 Q. So it's set up in advance? Okay. So what happened --

9 A. Yes.

10 Q. -- with this controlled delivery?

11 A. Well, I did cross with the drug. I gave it to them,
12 but then they never had the precaution about -- they actually
13 they got right behind the vehicle when I gave it to them.

14 Q. Who got right behind the vehicle?

15 A. Okay. The officers of U.S. Custom at that time. And
16 they stay right behind us so they really figure it out.

17 Q. You mean the, the criminal elements figured out that --

18 A. That it was a trick.

19 Q. So what happened?

20 A. Then I did have to go to Juarez for the payment to
21 cross, to bring the drug across, well, they were waiting for me,
22 to kill me.

23 Q. Who was waiting for you?

24 A. The owners of the drug.

25 Q. Where were they?

1 A. In Ciudad Juarez.

2 Q. Where exactly?

3 A. They're in, in a business center, a commercial center.

4 Q. So what happened when they saw you?

5 A. They did take, they did take me to a pickup truck so to

6 count the money, and just being there, they did take a gun and

7 they put it to my head and I -- and they told me, what did I tell

8 you that would happen to you if that was a trick. And we did

9 start arguing about this point, and then we did come to the

10 agreement that I was going to get the drug and to keep it and

11 there wasn't no -- there was no check. And that's how they allow

12 me to return here to the United States. And with ICE did, well,

13 supposedly, they detain me so they could put me to jail and they

14 did put me in a house of some friend of the agent and they did

15 gave me false papers that I was in jail.

16 Q. And did you show these false papers to the owners of

17 the drugs?

18 A. Well, the agents send it to them with another

19 informant. And I was there for about five weeks in that house,

20 and then they did pay for that. My case was dismissed and they

21 allow me to go free.

22 Q. Did the owners of the drugs believe all that?

23 A. No, I, I never did look for them again. I never told

24 them that I was out. They, they probably didn't believe it.

25 Q. What was the, what was the second attempt on your life?

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

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

3 Mr. Santillán.

4 A. Yes.

5 Q. Okay. Go ahead. What happened?

6 A. Okay. At that time, they start like kidnapping the

7 people that they were close to me.

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

9 A. Yeah, that's the people from the cartel and the police

10 in Mexico. Finally, through a known person, they, they, they

11 give me an appointment to this place in El Paso, Texas and then

12 one person came, the peoples close to me in my place. The only

13 thing happen that this person came and they gave him like four --

14 shot him four times in the head.

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

16 Paso?

17 A. It was done by Jesus Laredo.

18 Q. Who is he?

19 A. He was some delinquent from Juarez.

20 Q. Part of the cartel?

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

22 them, but had some relation.

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

24 A. Yes.

25 Q. Where did he tell you to go?

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

3 JUDGE FOR THE RECORD

4 Whataburger, W H --

5 MR. GATEÑO TO JUDGE

6 Oh --

7 JUDGE FOR THE RECORD

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

9 MS. GOODWIN TO MR. RAMIREZ-PERYO

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

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

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

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

19 Q. So why didn't you go?

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

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

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

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

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

8 Q. So you like managing the operation?

9 A. Yeah, practically, yes.

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

12 A. Was Abraham Guzman.

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

14 A. He was in his own vehicle.

15 Q. Was ICE monitoring this meeting?

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

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

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

22 Q. By who?

23 MR. LASHUS TO JUDGE

24 Objection. Calls for speculation.

25 JUDGE TO MR. RAMIREZ-PERYO

1 Q. Wait, wait, wait.
2 MS. GOODWIN TO JUDGE
3 If he knows.
4 JUDGE TO MS. GOODWIN
5 If he knows he can answer.
6 MR. RAMIREZ-PERYO TO MS. GOODWIN
7 No. I don't know the name of who was the criminal.
8 MR. GATEÑO TO MS. GOODWIN
9 The -- and the assassin is the way he used it.
10 MS. GOODWIN TO MR. RAMIREZ-PERYO
11 Q. When were you first placed in protective custody?
12 A. Immediately after the homicide of Abraham, Abraham.
13 Q. Why do you think they decided to place you in
14 protective custody?
15 A. Well, I imagine that they want to kept me alive for the
16 trial.
17 Q. Do you know if there's anyone else that has the type of
18 information that you have?
19 MR. LASHUS TO JUDGE
20 Objection. There's no way he could know that. Calls for
21 speculation. There's no way you could ask him if he knows
22 whether other people have that information.
23 JUDGE TO MS. GOODWIN
24 And what specific information you're talking about? Not
25 clear either. So I'm going to sustain the objection. Form of

1 question.

2 MS. GOODWIN TO JUDGE

3 Okay.

4 MS. GOODWIN TO MR. RAMIREZ-PERYO

5 Q. Was anyone else designated as a material witness in the
6 case against Mr. Santillán?

7 A. Yes. Yeah, we did bring a person from Mexico.

8 Q. Who's we?

9 A. Yeah, the agents of ICE and myself, we went to -- for
10 him, to look for him in Laredo.

11 Q. Who was that?

12 A. Jamie Marcus-Marcus (phonetic sp.).

13 Q. And how was he related to you?

14 A. Yeah, he's a friend of mine, but he also work with the
15 cartel.

16 Q. Do you know if he's an informant?

17 A. No, he wasn't an informant, I just propose him as
18 another witness.

19 Q. Why?

20 A. First, to save his life. Yeah, because when ICE
21 brought everything to light, at the, the house where there was
22 dead, because I commanded them because he was the one that would
23 bury the bodies, they probably would have wanted to kill him.

24 Q. You mean Jamie Marcus-Marcus was the who that would
25 bury bodies?

1 I'll accept.

2 JUDGE TO MR. LASHUS

3 All right.

4 MS. GOODWIN TO MR. RAMIREZ-PERYO

5 Q. Did Jamie Marcus-Marcus actually come to the United
6 States?

7 A. Yes.

8 Q. Was, was he designated as a material witness?

9 A. Yeah. I don't know. All I know is that we did go get
10 him, they did, they gave him the permit just like mine, they also
11 gave him a work permit, because they got me isolated and I don't
12 know what happened to him.

13 Q. Did you tell Jamie Marcus-Marcus that you were an
14 informant for ICE?

15 A. Yeah. That's I did for that, that, that day that I did
16 talk to him, my mission was to talk to him first in Mexican
17 territory. And I explained to him that he had actually two
18 options. Stay in Mexico so he could get killed and, and to come
19 with me and to testify against Santillán and that the government
20 was going to protect us.

21 Q. So you told him that you were going to testify against
22 Santillán?

23 A. Yes. And I actually I did recorded that conversation
24 that I did have with him.

25 Q. Did you turn tape into ICE?

1 A. Yes. Yes, I did.

2 Q. What will, what will happen to you if you are returned
3 to, to Mexico?

4 A. Well, they, they will kill me or they will torture me
5 and then will kill me.

6 Q. Who will?

7 A. Yeah, the police, the cartel, the government, it's all
8 the same people.

9 Q. Why do you say it's the same people?

10 A. Because the police works for the cartel.

11 Q. How do you know this?

12 A. During the three years of working as a investigation, I
13 recorded and I showed that, that the police is under the order
14 and to service the people from the cartel, inclusive this
15 recordings where I would record the conversations that I would
16 have with Santillán, and he would explain to me the arrangements
17 that they would have with militaries with high executives, high
18 level government people.

19 Q. The, the arrangements that the cartel had with the
20 military?

21 A. They were militaries, with politics -- politicians and
22 with the police, that's for sure that they are under the orders.

23 Q. And when you say the police, are there many levels of
24 police?

25 A. Yes, there is three levels, federal, state and

1 municipal.

2 Q. Which ones are under the control of the cartel?

3 A. All three of them.

4 Q. You indicated that you have recorded some conversations
5 with Santillán where he explained arrangements that were made
6 with military and politicians. What, what specific arrangements
7 did he tell you about politicians?

8 A. No, that he didn't precisely, himself, well, the cartel
9 had agreements with people that were close to President Fox. He
10 explained to me that President Fox took, took the position to
11 arrange, consult with the cartel from Juarez to -- which it,
12 which it means that he was going to attack the, the enemy cartels
13 being from Tijuana and from the Gulf, and then the cartel from
14 Juarez would be operating with this court, you know, without the
15 government being --

16 Q. This is --

17 A. -- on --

18 Q. -- what --

19 A. -- top of them.

20 Q. This is what Santillán told you?

21 A. It's one of the law conversations that we did have.
22 Also, when I did go to Colombia to make arrangement with the
23 Colombians, the plan was to come by sea, and the Mexico's navy,
24 the ships, they're the ones that would get the drugs in the, in
25 the sea -- marina -- ocean borders, you know, of the national

1 territories. They, yeah, they kept close to what you call
2 ground, firm ground, and the PGR then would fly this drugs to
3 the -- to Juarez, the city of Juarez.

4 Q. So from, from the, from the source of the drugs through
5 the distribution, was all these arrangements made with different
6 government parts?

7 A. That's, yeah, that's the purpose to make arrangements
8 with them so they won't have any losses. So they invite them,
9 you know, to take part of the vehicle, and that way they avoid a
10 war. And then they try, so they would come then for sure.

11 Q. And apart from these arrangements that were made, let's
12 say with this shipment from Colombia, did you ever see any other
13 evidence of some national policy to let to see that Juarez cartel
14 grow?

15 A. Indefinitively, in the Juarez I did see it and I
16 recorded it, that the policemen, they would kidnap and kill the
17 people. Actually, in one of these cases with cigarettes, with
18 cigars, it came out that one person is still being arrested in
19 Juarez, in the city of Juarez. He had made arrangements in
20 Mexico with the brothers of President Fox's wife, and they drop
21 the investigation they will have against them. Yeah, all of this
22 is, is difficult to explain because all this happened during a
23 period of three years. But as, as, yeah, about as this
24 information was coming out, I would transfer immediately to ICE,
25 and doing the reports, and so on. I would have a little

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

4 JUDGE TO MS. GOODWIN

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

7 MS. GOODWIN TO JUDGE

8 Yes, Judge.

9 MS. GOODWIN TO MR. RAMIREZ-PERYO

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

13 A. Yes.

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

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

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

19 (TAPE 2)

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

23 JUDGE TO MR. RAMIREZ-PERYO

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

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

3 Q. Okay. When did this take place?

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

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

6 A. That time was state police.

7 Q. Where did the killing take place?

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

9 Q. Who was the person who was killed?

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

11 Q. Why was he killed?

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

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

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

17 Q. Okay. How did they kill him?

18 A. Asphyxiated.

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

20 A. Yes, sir.

21 Q. How many other killings?

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

1 MR. GATEÑO TO JUDGE

2 Can I ask him to repeat that?

3 JUDGE TO MR. GATEÑO

4 Yes.

5 MR. RAMIREZ-PERYO TO JUDGE

6 Well, okay, well the police, well, they will kill them there
7 and then they would leave and then I would go to check to make
8 sure the people would bury them.

9 JUDGE TO MR. RAMIREZ-PERYO

10 Q. And these other people, would you believe they were
11 killed by the police?

12 A. Yeah, I, yeah, I do know that the police killed them,
13 actually, there is recordings, while they're talking to me, like
14 Santillán, how did they kill them and why they were killed.

15 Q. And why were these people being killed?

16 A. Yeah, there was differences. That first one, you know,
17 he was -- he denounced some warehouse where there were drugs
18 with, with federal, AFI, oh, AFI the federal agency of
19 investigation.

20 JUDGE FOR THE RECORD

21 A F I.

22 MR. RAMIREZ-PERYO TO JUDGE

23 And the AFI talk to the cartel and this fears of turn about
24 this warehouse, then the cartel send the judicials and then they
25 kidnapping and then they kill them by kicking them.

1 JUDGE TO MR. RAMIREZ-PERYO

2 Q. This person was an informant.

3 A. Yeah, he did wanted to be an informant for the AFI.
4 But the AFI practically cut his life short.

5 Q. All right.

6 MS. GOODWIN TO MR. RAMIREZ-PERYO

7 Q. AFI informed the cartel?

8 A. Yes. That's what's going on.

9 JUDGE TO MS. GOODWIN

10 Okay.

11 JUDGE TO MR. RAMIREZ-PERYO

12 Q. Go ahead.

13 A. Other ones were killed because they didn't live up to
14 their jobs with the cartel and other ones because there was
15 petitions from Vicente, because they would have done something
16 that would effect the interest from the cartel, and that was
17 enough for them to get killed.

18 MS. GOODWIN TO MR. RAMIREZ-PERYO

19 Q. Would they kill you because they know that you're an
20 informant now?

21 MR. LASHUS TO JUDGE

22 Objection. Calls for speculation.

23 JUDGE TO MS. GOODWIN

24 Well, rephrase your question. And I think just asking an
25 opinion. But --

1 MS. GOODWIN TO MR. RAMIREZ-PERYO

2 Q. Why do you think that you would be killed?

3 A. Okay. There is no doubt about it that I affected,
4 quite a bit, the cartel. Okay. Besides the fact that I got into
5 hallucinative drugs and to also get arrested some of their people
6 here in the United States, I witness the participation from the
7 government, with people from the cartel. Well, actually, seeing
8 that some of the assistance from the police, of the state police,
9 they weren't arrested and there, there came orders, warrants for
10 arrest and also with flyers, you know with their pictures that
11 they're -- they are looking for them, you know, they're -- I
12 don't how familiarized we're here with the relation with the
13 mafias. At least, any police, police agency in Texas they know
14 that the Mafia, because for any little detail, they would kill
15 you. And more reason, everything that I did that to get evidence
16 and to, and, and to filter inside them, to get into their
17 organization. But it's partially that they wanted to kill me.

18 Q. Are you still available to ICE for further debriefing?

19 A. I don't understand the question. If I'm available or
20 if they -- if, if I want to do it or if they need me?

21 Q. What I'm asking is, based on all of the information
22 over the four years that you worked with them, if they have
23 another case that they need to take to trial.

24 A. No, everybody already declared guilty.

25 Q. If they needed you to reaffirm the information you've

1 given already, would you do that?
2 A. Yes, of course, yes.
3 MS. GOODWIN TO JUDGE
4 I'll pass the witness, Judge.
5 JUDGE TO MS. GOODWIN
6 Okay.
7 JUDGE TO MR. LASHUS
8 How long do you think your cross will be here?
9 MR. LASHUS TO JUDGE
10 About an hour, an hour and a half.
11 JUDGE TO MR. LASHUS
12 Okay.
13 JUDGE FOR THE RECORD
14 Off the record a minute.
15 (OFF THE RECORD)
16 (ON THE RECORD)
17 JUDGE FOR THE RECORD
18 Okay. Back on the record.
19 JUDGE TO MR. LASHUS
20 Mr. Lashus, cross?
21 MR. LASHUS TO MR. RAMIREZ-PERYO
22 Q. Sir, you're a drug trafficker.
23 A. No.
24 Q. You were never a drug trafficker.
25 A. No, drug trafficker, no.

1 Q. What does it mean to you when I say trafficker?
2 A. Well, a person that sells drugs.
3 Q. It's only the sellers that are traffickers.
4 A. Yeah, the way I see it, they're the trafficking.
5 Q. What do you call people who transport drugs across the
6 border for money?
7 A. Well, well, they're the --
8 MR. GATEÑO TO MR. LASHUS
9 He used the word donkey.
10 MR. LASHUS TO MR. RAMIREZ-PERYO
11 Q. Mules.
12 A. The ones that -- mules, the mules, the ones that --
13 Q. Sir, are you a mule?
14 A. I did have to be, yes.
15 Q. And you did that for probably the past, I don't know,
16 eight years.
17 A. Could you repeat that?
18 Q. You did that the past eight years.
19 A. No. No, sir.
20 Q. You worked in -- as a mule before you worked for ICE.
21 Right?
22 A. No.
23 Q. You're certain you didn't do any illegal drug
24 transportation before you worked for ICE in 2000?
25 A. Transport? Yes, I'm sure I didn't do it.

1 Q. I wasn't asking you if you used drugs.

2 A. No, I'm saying that I didn't transport drugs.

3 Q. How were you involved in the drug trade before you
4 began to work for ICE?

5 A. I did, okay, I, I, I entered the drug business not
6 transporting but supervising the people that transport. I
7 supervised and people from the warehouses and other people.

8 Q. You were in charge of managing the transportation of
9 drugs across the border.

10 A. Not, not across the border. I was in Guadalajara,
11 Jalisco, in Guadalajara, Jalisco were I was in that.

12 Q. This was before you started working for ICE.

13 A. Yes, sir.

14 Q. And this was after you were dismissed from your
15 position with the police.

16 A. Yes. Unfortunately, in Mexico the best or maybe the
17 only job that, that you can get when you go with the police is to
18 build relations with another trafflicant.

19 Q. Why were you fired from your job with the police?

20 A. That was reason with personal problems with the
21 (untranslated) -- the commander.

22 Q. You were terminated because of personal problems you
23 had with the command.

24 A. Yes.

25 Q. How long had you worked for the Mexican police force?

1 A. I was with them around a year.

2 Q. Okay. And it was the state police.

3 A. No it was the federal police in roads.

4 Q. Okay. What did you do before you were a policeman?

5 A. Student.

6 Q. And where did you go to school?

7 A. I did go in different cities in Mexico. Guadalajara,
8 Durango, Mexicali and also Mexico City.

9 Q. Your mother is a professor.

10 A. No, she's a civil engineer.

11 Q. Okay. Did, did she ever teach at a university?

12 A. No, sir.

13 Q. What about your father? What does he do?

14 A. He's also civil engineer.

15 Q. Okay. How long were you involved in the management of
16 the drug transporting? How long were you involved in the, the
17 storing of drugs in Guadalajara?

18 A. Approximately six months.

19 Q. Okay. And we're talking hundreds of thousands of
20 pounds of cocaine and marijuana.

21 A. Only cocaine.

22 Q. Okay. And that was because of your contacts with the,
23 the Medellin cartel.

24 A. No. More or less, then my contacts they originated
25 from there. I mean I was contracted by the Mexicans.

1 Q. Okay. You didn't personally have any contact with the
2 Colombians on the cocaine.

3 A. No, not before, no.

4 Q. All right. You first came to the attention of customs
5 in 2000 when you were smuggling marijuana over the border.

6 A. Yeah, that's completely false.

7 Q. When did you first get in contact with Immigration --
8 or, or customs?

9 A. With customs, was in the year 2000.

10 Q. How did they come upon you?

11 A. I got to the Bridge for the Americas where you call
12 them in the city Juarez and El Paso, and I did request to talk to
13 a person from DEA. The inspector that attended me, he called an
14 agent from the U.S. Customs. And this agent was Raul Bencomo.
15 Then I did, I did tell them that I did want to talk to the agent
16 from the DEA because I wanted to give some information and that I
17 have read in the paper that they were contracting people in
18 different countries because those people it will be easier for
19 them to infiltrate in the criminal organization of those
20 countries.

21 Q. Why a volunteer?

22 A. Because with the relation that I had have with narco
23 traffickers, and I did see their way of operating and I didn't
24 like it, and I always had the vocation to be a policeman, that's
25 what I did tell the officer Bencomo.

1 Q. And you thought it would be honorable for you to
2 infiltrate the cartel.

3 A. Yeah, I, I was -- well, in infiltrating the cartel,
4 that came afterwards. That started like in the year 2001. And,
5 and at that time I thought it was fine, it would be honorable to
6 participate with that new agency, which was the investigation
7 office of U.S. Government.

8 Q. At that time, in 2000, did you fear for your life at
9 all?

10 A. No, sir.

11 Q. Okay. Were you married?

12 A. Yes. Like how you say, like common-law.

13 Q. And you had a child.

14 A. Two.

15 Q. You have two children. All right. When you first met
16 special agent Bencomo, did you tell him what your real name was?

17 A. Yes, sir.

18 Q. And he's always known you as Mr. Ramirez.

19 A. Yeah, my true name. That's how he knows me.

20 Q. Do -- were your family members, your wife and your
21 children, ever introduced to those involved in the cartel?

22 A. Yeah, they were known given that because we still live,
23 some members of the cartel and myself, only about two or three
24 blocks apart.

25 Q. Okay. And they knew all the members of your family.

1 A. Not all of them.

2 Q. Well, surely they know your mother and your father.

3 A. To visually to know them visually? No.

4 Q. They never came to your house to visit for holidays.

5 A. No. And, and I didn't live with my mom and my dad. I
6 mean, I had my own house.

7 Q. Do you know how it is that the money is delivered to
8 your wife in El -- in New Mexico?

9 A. I understand that a special agent goes and gives them
10 the money.

11 Q. Gives them cash.

12 A. Yes.

13 Q. So your wife doesn't get receipts or there's nothing in
14 a bank account.

15 A. And I, okay, and I, I, and she throw it -- signs, and I
16 say that because I thought that's the way I used to do it, and
17 she put sign, know, for the money a receipt for the money that
18 she's getting, and two agents call it signing as witnesses.

19 Q. Is there -- do you -- have you ever seen the sort of
20 spreadsheet that has the list of money and delivery dates for
21 your wife like you have in your case?

22 A. No.

23 Q. And you've never been there to see her sign off.

24 A. Unfortunately, I've been, yeah, I, virtually, I've been
25 locked up in, in jail and I haven't been able to see my family.

1 Q. Well, but she tells you that she received the money
2 that way.

3 A. Yeah, yeah, in the phone calls, I do have 15 minutes
4 twice a week to talk to my family.

5 Q. She knows you're here.

6 A. Yes, of course.

7 Q. Right. Did you ever discuss bringing her to testify
8 today?

9 A. Her? No.

10 Q. You never wanted her to come to testify.

11 A. I never -- that never was proposed to me, but if it's
12 necessary, yeah, she could come.

13 Q. Okay. And you, you think that she's been paroled
14 somewhat similar to your parol.

15 A. She enter with a same little card that they gave me --

16 Q. The little --

17 A. -- (indiscernible).

18 Q. The I-94 card.

19 A. But as I understand it, since February they haven't
20 renew it, so she doesn't have the new card.

21 Q. All right. So it's possible that she's not in status
22 any longer.

23 A. Well, it's possible.

24 Q. All right. You testified that when it was that your
25 life became in danger, you were put into protective custody.

1 A. Yes.

2 Q. You've been in protective custody in the United States.

3 A. Yes, sir.

4 Q. You believe you're in protective custody right now.

5 A. Yes.

6 Q. If you're in protective custody, who's seeking to harm
7 you?

8 A. All the members from the cartel from Juarez.

9 Q. All of the criminals.

10 A. Or whoever wants to receive the recompense that is on
11 my head.

12 Q. Well, you're saying that there's, there's an amount of
13 money that would be paid to someone who could prove that you were
14 dead.

15 A. I, I don't say that. ICE told me that and the
16 investigation officer.

17 Q. Well, you have -- is it, is it true that the only piece
18 of paper that you received was on March 9 of 2004, it's the paper
19 that Ms. Goodwin has provided us?

20 A. In reference to that, yes.

21 Q. Do you know which agents witnessed you signing the
22 document?

23 A. It was there, Pete Gonzalez, Raul Bencomo, David Ortiz
24 and other one, whose last name is Rico, I don't remember his
25 name.

1 Q. All right. But it's this piece of paper that has been
2 submitted with your evidence. You don't have any other piece of
3 paper.

4 A. No.

5 Q. This is the only evidence that you have that there is a
6 request that you be killed.

7 A. Well, also, I would assume that when they did take me
8 to lock me up they present me in front of the Judge.

9 Q. That was on the material witness warrant. Right. That
10 was before Judge Kapell (phonetic sp.), in San Antonio.

11 A. No that was in Midland, Texas.

12 Q. But it was in front of Judge Kapell.

13 A. Honestly, I don't remember the name of the Judge.

14 Q. Okay. But he told you that you were going to be in
15 protective custody as a witness during the Santillán criminal
16 case.

17 A. Yes, yes.

18 Q. All right. Other than the cartel, who else would be
19 seeking you, either here in the United States or anywhere else in
20 the world?

21 A. Well, the government of my country.

22 Q. Okay. And that's including Vicente Fox's entire
23 government.

24 A. Yeah, and even if Vicente Fox is ready to leave and if
25 he, he does leave, the militaries and the policemen, they still

1 are the same people.

2 Q. All right. And why do you think that Vicente Fox would
3 be looking for you?

4 A. No, no, not the president. I mean he's very busy, he's
5 got allied occupation.

6 Q. I'm, I'm generalizing. Why would anybody with his
7 government seek you to harm you?

8 A. Okay. Just to show, to show the rest of the people
9 that you shouldn't show evidence against the narco traffic and if
10 you -- if somebody does that, you'll end up dead.

11 Q. So you, you believe the Mexican government seeks you in
12 retaliation for your assistance in the Santillán case.

13 A. Of course, yes.

14 Q. Besides the Mexican government and the cartel, anybody
15 else looking for you?

16 A. Yeah. Yeah. Sorry, some of, yeah, some of the other
17 organizations which I affected and they are end up also being in
18 jail.

19 Q. The criminal organizations.

20 A. Yeah, well, also like the Mafia with the cigarettes
21 that started from China, Los Angeles, Buffalo.

22 Q. Right. If, if -- besides the Mexican government, the
23 drug cartels and these other Mafia criminal organizations,
24 anybody else?

25 A. No. Not that I know of.

1 Q. Are you scared of any of American Government?
2 A. Right now, yes.
3 Q. All right.
4 A. Now --
5 Q. What members of the American Government do you fear?
6 A. Okay. ICE, by being deported by them, because it's
7 actually putting me in the hands of the person that's going to
8 kill me.
9 Q. Okay. So you don't, you don't fear that ICE would harm
10 you. You fear that they'll turn you over to somebody who will
11 harm you.
12 A. Exactly.
13 Q. I was actually getting at something else. Do you know
14 what happened to special agent Bencomo?
15 A. I understand that they released him. I don't know.
16 Q. He got released from ICE.
17 A. Yes.
18 Q. Do you know if he is in criminal custody?
19 A. No. I don't know if he is or is not.
20 Q. Do you fear harm from special agent Bencomo?
21 A. I don't befriend that he's the person that wants to
22 harm me.
23 Q. All right. Do you think there are any other agents
24 with ICE who would want to physical harm you?
25 A. I don't believe that they would be assassins or who hit

1 you. No.

2 Q. What about agents with the Secret Service, ATF, DEA?

3 A. No. To physical harm me. No.

4 Q. All right. You testified that you are manager for drug
5 distribution in Mexico.

6 A. Yes.

7 Q. And I also know that you were involved in the
8 management of transporting drugs from Mexico to the United
9 States.

10 A. When?

11 Q. When you were working for ICE.

12 A. Oh, yes, yes.

13 Q. And again we're talking hundreds of thousands of
14 pounds. Marijuana and cocaine. And hundreds of thousands of
15 dollars.

16 A. I'm, I'm sorry. Not, not hundreds of thousands of
17 pounds, but really thousands of pounds.

18 Q. Okay. Thousands of pounds of cocaine and marijuana and
19 also cash. You had, you had to transport, manage the
20 transportation of money.

21 A. Yes, sir.

22 Q. Were you involved in any harming of people?

23 A. Yes, yes. I did have the supervision that the bodies
24 would be buried. Yeah.

25 Q. Were you involved in actually harming the bodies?

1 A. No. No, the assassins, the ones that do the killing
2 were the policemen.

3 Q. You, yourself, never personally was involved in the
4 harm of any individual.

5 A. To hit an individual? No.

6 Q. You never hit, killed, shot, asphyxiated anything to
7 anybody, you personally.

8 A. Personally? No. I was present when that happened and
9 about this the FBI did a polygraphic exam where, where it's
10 constance, where I never ordered or killed anybody.

11 Q. Right. There is a lot of articles that are in the
12 record and some of the articles suggest you actually participated
13 in the murdering of people. Part of the reason why officer
14 Bencomo is alleged to have been let go by ICE, is that you've
15 been implicated in the murders. Essentially, he knew that you
16 were murdering someone, and didn't stop you. Your testimony is
17 that's absolutely false.

18 MR. GATEÑO TO MR. LASHUS

19 Will you repeat that?

20 MR. LASHUS TO MR. GATEÑO

21 Absolutely false.

22 MR. LASHUS TO MR. RAMIREZ-PERYO

23 Q. Your testimony is that's absolutely a false allegation.

24 A. No. But it's false. There are articles, the people
25 that they don't even know and they never were involved in this

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

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

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

17 Q. See --

18 JUDGE TO MR. RAMIREZ-PERYO

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

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

1 be there, because they would ask me to be there and I had to be
2 there.

3 Q. And what were you supposed to do while you were there?

4 A. In, in the case of Fernando Reyes, which was the first
5 time, they did take him to the house, and which is the fact that
6 he should give me some numbers for some people that some
7 merchandise was supposed to be delivered in New York. What they
8 did is, when he came in there, the agents from the state, they
9 came out and they hold him down and they asphyxiated him.

10 Q. Well, he was supposed to meet with you at that
11 building.

12 A. No. He's not coming to a meeting, he was coming
13 together with Santillán and Alix (phonetic sp.), he was coming
14 with him. And then to say we're going to go there so we can talk
15 with Lalo. And, and the, and the whole, and the whole
16 development of that is we got to the house, it's recorded and ICE
17 has it.

18 MR. LASHUS TO MR. RAMIREZ-PERYO

19 Q. You bought the duct tape.

20 A. Yes.

21 Q. You bought the lime.

22 A. Yes.

23 Q. You bought the hydrogen peroxide.

24 A. No. That was bought by Santillán.

25 Q. All right. What about the gauze?

1 A. The gauze.

2 Q. (untranslated).

3 A. Santillán bought that. If you allow me to explain to
4 you, the recording consists, when I get there I meet with
5 Santillán in a business center and he's there, him and Alix
6 Garcia. Since I get there they give me an arm, a weapon. And
7 they -- and we, we go inside this pharmacy and Santillán buys the
8 medication, the peroxide and, and the, the, the bandages. And
9 they explain there. You're going to go with the agents from the
10 state to the house and there somebody's going to be waiting for
11 you, they're going to be waiting for you -- then you going to be
12 waiting for us and we going to bring Fernando over there. And
13 this scares me, and because I have never -- they have sent me to
14 go inside a house with people that I know that they're
15 (indiscernible). And the, and the excuse that I did first so I
16 won't be there with them, then like I said, I'm going to go buy
17 the, the lime and I'm going to go buy the duct tape and, and
18 water, also. I just didn't want to be inside. And actually I'm
19 leaving the house while they're coming in with him, when they
20 came with Fernando. All of that is recorded. And we analyze the
21 recording with ICE and also with the sheriff agents from El Paso
22 and we did that several times and now that is clear.

23 Q. What's not clear is whether or not you held Fernando's
24 legs down while he was being murdered. Because you told us that
25 you did not --

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

7 MR. GATEÑO TO MR. LASHUS

8 And he said clear.

9 MR. RAMIREZ-PERYO TO MR. LASHUS

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

13 MR. LASHUS TO MR. RAMIREZ-PERYO

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

17 MR. GATEÑO TO MR. LASHUS

18 Is that what you --

19 MR. LASHUS TO MR. GATEÑO

20 Yes.

21 MR. RAMIREZ-PERYO TO MR. LASHUS

22 Yes.

23 MR. LASHUS TO MR. RAMIREZ-PERYO

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

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

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

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

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

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

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

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

16 A. No. I didn't know.

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

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

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

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

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

1 A. Yeah. Yes, I did.

2 Q. And you told them everything. Right?

3 A. I didn't say everything.

4 Q. Well, you told them that Santillán was involved in the
5 assassinations of all of these people.

6 A. Yeah. No. But that doesn't mean that I did give them
7 the whole story.

8 Q. Well, I understand. But what I'm telling you is you
9 understand that you'll be a witness in his murder case in Mexico.

10 A. No. The fact, the reason why I did talk to the Mexican
11 government, first, the agents from ICE told me, do you want to
12 make a statement to the Mexican government. I said no,
13 impossible. And the moment that I go to die, currently in order
14 for them to kill me. And then ICE told me, or, or you, or you do
15 give a statement to the government of Mexico or we deport you and
16 your family. No, wait, that's the way, then I will give it. And
17 he told me, don't worry about it. This is only with the
18 objective to clarify what happened with Santillán and the
19 government of Mexico will give you immunity in, in case in like
20 five or ten years down the road you would like to return to
21 Mexico.

22 Q. You were told you were promised immunity in Mexico.

23 A. Yes, yes.

24 Q. And it's around the allegations that you have against
25 Santillán for the murders.

1 A. Yes. That's, that's, through my statement, but it was
2 very clear that I was never going to show up in Mexico to
3 testify.

4 Q. Well, why do you say that's it's clear that you won't
5 show up in Mexico to testify? The attaché wanted your statement.
6 They told you you're going to get immunity to testify against
7 him.

8 A. Not, not if, not if I testify. Only if I explain the
9 facts the same way I did it that day in Dallas.

10 Q. It's a statement like the statement you make in, in
11 the, the Santillán prosecution here. You can't rely on a
12 statement, you have to testify.

13 A. No. They, they didn't tell me that. Permit me to say
14 that that day was I present, I was --

15 Q. Right.

16 A. -- there, the U.S. attorney when he left, her assistant
17 and three --

18 Q. Right.

19 A. -- agents from ICE and some more, and Todd Johnson and
20 Pete Gonzalez.

21 Q. And also the Mexican attaché and, and two assistants
22 with her -- one assistant.

23 A. One, one assistant. And permit me to say I do
24 understand the, the legal procedure that you are talking about,
25 but what ICE told me that what I was going to do and that's it,

1 to make that statement there. And, and inclusive I was here in
2 the United States because I wasn't to go to Mexico. And what if
3 they, they say this is Mexican territory because it's the
4 consulate and they want to arrest me? No. That's the reason why
5 the, that's what the agents, when they come in with you and then
6 they going to come out with you. Because you, because you did
7 work for us and you did the whole investigation for us.

8 Q. You, you thought you would show up to the consulate and
9 the Mexican government would take you into custody.

10 A. Yeah, but they'd lived up to the agreement that they
11 did have with the agents from ICE.

12 Q. And part of that agreement was that if you ever return
13 to Mexico you'd get immunity.

14 A. Yes. And that, yes, they're not going to send me to
15 jail, that's not necessary. What they want to do is kill me.

16 Q. You didn't answer my question. You understand you'll
17 get immunity if you were returned as long as you testified.

18 A. No. Only see, if I talk what I did tell them there.
19 They'll say anything that we're going to see each other again.

20 Q. But immunity was part of the deal.

21 A. Yeah, that's it. But for that time, that time
22 exclusively, not, not, not any other time.

23 Q. And it was similar to the deal that you got in the
24 Santillán prosecution. You were going to give testimony as a
25 material witness and you had already agreed you were immune from

1 criminal prosecution.

2 A. I don't see no similarity. Here, well yeah, yeah,
3 here, only here it was only because I was part of an ICE
4 investigation that they contract with me so I could infiltrate
5 them.

6 Q. You don't think ICE works with the Mexican government?
7 I mean why were you talking to the attaché as arranged by ICE if
8 ICE didn't talk to the Mexican government?

9 A. Because at that time there was no communications with
10 the Mexican government.

11 Q. This was the first time.

12 A. During the four years that I work with ICE, which I
13 operated in Mexico as in the United States, never, we never did
14 anything with the Mexican government because we didn't trust them
15 then. Not me, neither ICE.

16 JUDGE TO MR. LASHUS

17 Well, where are you going with this line of inquiry? What
18 are you trying to establish?

19 MR. LASHUS TO JUDGE

20 I'd like to establish that he's got immunity in Mexico.

21 MS. GOODWIN TO JUDGE

22 I don't believe there's been any testimony to that effect.

23 MR. LASHUS TO JUDGE

24 He just testified to it.

25 JUDGE TO MR. LASHUS

1 Well, he believes there's some agreement, but, okay.

2 MR. LASHUS TO JUDGE

3 I've already established that.

4 MR. LASHUS TO MR. RAMIREZ-PERYO

5 Q. Have you ever testified before a Judge before today?

6 A. Yeah, in Midland, Texas.

7 Q. That to get for, for what purpose? Is that for the

8 warrant?

9 A. Yeah, when they did lock me up as a material witness.

10 Q. Okay. Have you ever testified before a jury?

11 A. No, sir.

12 Q. You ever testified before a Grand Jury?

13 A. No, sir.

14 Q. It was only your testimony as a material witness that

15 you testified.

16 A. No. That wasn't -- that's to, to talk about as a

17 material witness. That was to discuss if I was going to be

18 locked or not.

19 Q. If you were going to be protected.

20 A. Yes.

21 Q. And you no longer work for ICE.

22 A. No, I'm here locked up. I'm not doing anything.

23 Q. Okay. Vicente Fox is waging a war against drugs. Is

24 that true or false?

25 A. It's true.

1 Q. Do you believe that he is waging war against drugs?
2 A. Yes.
3 Q. Do you believe that the government -- it's against the
4 law for the government to associate with the drug cartel?
5 A. Yeah, of course it's against the law.
6 Q. It's against the law for the police to work with the
7 cartel.
8 A. Of course, yeah.
9 Q. It's against the law for the, the army to work with the
10 cartel.
11 A. Here lately, yeah. Yeah, it must be.
12 Q. Okay. You were never told why you were going to come
13 to Minnesota.
14 A. Yeah, for protection, because in the field, in the camp
15 where they kept me, they could have killed me there, also.
16 Q. You're worried about other prisoners.
17 A. Not, not myself, ICE would have brought me here.
18 Q. But they were worried about people who you would be
19 incarcerated with.
20 A. Yeah. Yeah, they were scared that another people in
21 jail that would kill me or, or harm me.
22 Q. Was that -- were you told that? Or were you just
23 moved?
24 A. Okay. Very briefly, they told me, a person told me, I
25 think it was the administrator.

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

3 A. Who did I give this in?

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

6 A. Yeah, more than five.

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

8 MR. GATEÑO TO MR. LASHUS

9 How many years? Three years?

10 MR. LASHUS TO MR. GATEÑO

11 Three years.

12 MR. RAMIREZ-PERYO TO MR. LASHUS

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

16 MR. LASHUS TO MR. RAMIREZ-PERYO

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

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

23 JUDGE TO MR. RAMIREZ-PERYO

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

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

1 they gave me.

2 MR. LASHUS TO MR. RAMIREZ-PERYO

3 Q. You're not supposed to talk to any of the ICE agents.

4 A. No. And it's not that I've been forbidden, it's simply

5 I haven't been able to dial to anybody.

6 Q. Well, have you -- do you know if you've attempted

7 communication with those officers through anybody else?

8 A. Myself?

9 Q. Yes, sir. You.

10 A. How I -- did I try to talk to them?

11 Q. Yes, sir.

12 A. Yeah. Yeah, I did send a message to Juanita Fielden.

13 JUDGE TO MR. GATEÑO

14 Fielden.

15 MR. GATEÑO TO JUDGE

16 Huh?

17 MR. LASHUS TO MR. RAMIREZ-PERYO

18 Q. What was the --

19 JUDGE FOR THE RECORD

20 F I E L --

21 MR. LASHUS TO MR. RAMIREZ-PERYO

22 Q. -- message?

23 JUDGE FOR THE RECORD

24 -- D E N.

25 MR. GATEÑO TO MR. LASHUS

1 Huh?

2 MR. LASHUS TO MR. RAMIREZ-PERYO

3 Q. What was the message?

4 A. Yes, because, yeah, because none of the benefits or the
5 promises that they gave me while I was locked up, they weren't,
6 they weren't living up to it.

7 Q. Do you know if she knows or if any of the other ICE
8 officers know that you're in proceedings today?

9 A. Yeah, they must know, because the people that do deal
10 with my wife and my children they keep up asking about these
11 things.

12 Q. Right. Do you know if you've asked any of them to give
13 you statements for your hearing today?

14 A. My -- no, myself, I cannot, I cannot talk to them.

15 Q. Do you know if anybody has done it on your behalf?

16 A. I think that my attorney might have done it.

17 Q. Okay. Now the, the, the promises that you're talking
18 about between you and Ms. Fielden, were those promises ever
19 written down?

20 A. Yeah, yeah, yeah when I start saying the bad that I was
21 being treated and they were not -- they weren't complying with
22 anything, I, I did ask the attorney to make all these things in
23 writing. I couldn't trust on their word.

24 Q. Well, do you have proof that you were offered permanent
25 residence?

1 A. No, that was verbal. We never did do any written
2 agreements.

3 Q. Do you know what an S visa is?

4 A. No.

5 Q. Do you know if anybody offered you an S visa?

6 A. No. What they did tell me was permanent residency.

7 Q. I want to take you back to 2001, during the first
8 threat on your life. That involved somebody who is separate and
9 apart from the cartel.

10 A. Yeah.

11 Q. He was someone who had been promised money by you for a
12 delivery of drugs.

13 A. No, no the other way around. He had to pay us to cross
14 the drug.

15 Q. When the -- I don't understand when it was that customs
16 vehicle was behind your vehicle. Were you bringing drugs from
17 Mexico to the United States and the person who you were
18 delivering the drugs to was in your car?

19 A. If you permit me, I can tell you how that -- how he
20 operates on that. Okay. U.S. Custom solicit that people that
21 wants to introduce drugs into the United States, they, they allow
22 you to cross in a van full of drugs. Supposedly a plane is
23 watching you with some kind of a device and they follow the van
24 and then you, you delivery it and then they follow it to the
25 point where they take it to some warehouse, and they're watching

1 and they give you most time possible to arrest those people. The
2 problem, and the problem is that the theory, it sounds good, but
3 the moment is that when you give the -- and deliver it, that they
4 stick this behind you. And then if you go here, they go right
5 behind you. Then they, they just realize, finally, that it's a
6 trick.

7 Q. Had you passed the van off to somebody else?

8 A. Yes, sir.

9 Q. So when the customs were following the van, you weren't
10 in the van.

11 A. No, not any longer.

12 Q. And then the van got confiscated.

13 A. No, they only were watching them, that's all. No, they
14 didn't stop them until I -- when I return and I told them, hey,
15 they almost kill me. But I did promise that it wasn't true what
16 the people in El Paso were saying, and I were going to go and get
17 the van. Then they told me, go get it. And then when I get it,
18 the, the same, they would just follow me. And then, then I did
19 call them. I said hey, arrest me because I'm having, you know,
20 this tail, four cars behind me. There was, yeah, it's a
21 ridiculous type of job.

22 Q. When you were threatened they didn't have evidence that
23 you were an informant.

24 A. No. No, the only thing they had was this pickup truck
25 that was stuck behind this van that was loaded with drugs.

1 Q. So you created this false arrest for yourself to throw,
2 throw the --

3 A. No, I didn't create it, we create it. ICE and myself.

4 Q. Right. But you all created it so that the traffickers
5 wouldn't believe that you were an informant.

6 A. Exactly.

7 Q. And after you were released back to Mexico, you never
8 had problems with these guys ever again.

9 A. No, I never did look for them again.

10 Q. Because they bought it, they bought that you weren't an
11 informant.

12 A. For, for, okay, what most have to do about this is the
13 person that introduced me to them, he did bring the papers that
14 were sent with a different informant that --

15 MR. GATEÑO TO JUDGE

16 Can I ask him to repeat that?

17 JUDGE TO MR. GATEÑO

18 Sí.

19 MR. RAMIREZ-PERYO TO MR. LASHES

20 Oh, they're the false papers that ICE would use, the false,
21 the false arrest, they made it -- give there, through a message
22 from the cartel, that here is the papers from this arrest, so
23 just stop the show. But, obviously, they thought I did go ask in
24 the jail, and I wasn't there. And, and then they probably didn't
25 believe it either, but then they stay away from me because the

1 cartel actually was protecting me.

2 MR. LASHUS TO MR. RAMIREZ-PERYO

3 Q. So you didn't get any harm because the cartel was
4 protecting you.

5 A. Yeah, in several jobs that is with the same thing like
6 the burn I was held at certain point, I would emphasize my
7 relation, you know, with the cartel, and that would stop the
8 people to try to harm me or to have some kind of an argument with
9 me. Because to harm me was like having a hand of Santillán.

10 Q. Right. And these were, these were criminals who trying
11 to go after -- these were criminals that did not belong to the
12 cartel and they feared the cartel.

13 A. Of course, of course.

14 Q. Okay. And you couldn't tell the Mexican police that
15 you had been -- that a gun had been pointed to your head.

16 A. At that time, no. How, how, am I going to say they had
17 me in this pickup truck?

18 Q. Have you ever been harmed in Mexico?

19 A. Thank God, no.

20 Q. You've never been abused in anyway, tortured.

21 A. No, I've been threatened and they been --

22 MR. GATEÑO TO MR. LASHUS

23 Was freaking now, what's the word? When you get angry with
24 a kid and you --

25 MS. GOODWIN TO MR. GATEÑO

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

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

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

9 A. That was from August, yes.

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

12 A. Yes.

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

15 A. Exactly.

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

18 A. No.

19 Q. You, you said Guzman --

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

21 Q. Right.

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

23 Q. Mr. Guzman.

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

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

1 cartel.

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

4 Q. But he was just another criminal.

5 A. Yeah, another criminal.

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

7 A. Yeah.

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

9 A. Yeah.

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

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

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

16 A. An inspector. Yeah.

17 Q. Right.

18 A. Corrupt.

19 Q. Okay. So you completed that.

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

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

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

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

5 Q. But the drugs never got across.

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

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

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

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

13 A. \$25,000.

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

15 A. Yes.

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

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

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

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

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

1 you, suggest that a cartel wanted you dead? I don't understand
2 how you can make that leap. Why, why is the fact that Jesus
3 Laredo being shot have anything to do with the cartel wanting you
4 dead?

5 A. The relation is this. The cartel, you know, that the
6 persons that, that the persons that they did have the corrupt
7 inspectors was me.

8 Q. Right. You, you had the, the inspector under your
9 thumb. If, if they wanted drugs delivered you could get them
10 through the border.

11 A. Yeah.

12 Q. All right.

13 A. And they did know that Jesus Laredo, he was in charge
14 to, to make the arrangements in the Mexican side.

15 Q. Okay. I understand that, too.

16 A. And the cartel, what it did, was one of two thing.
17 They did want to make believe that he was going to make a
18 crossing or, or, or they told him, hey, us together with Lalo,
19 we're going to make a crossing, and then when Lalo thinks he's
20 going to get the money, then we kill him.

21 Q. That's what you think.

22 A. Yeah, that's what happened, that's what the police says
23 in El Paso and also the FBI.

24 Q. The police, the, the homicide detectives in El Paso
25 told you that it was an assassination attempt on your life.

1 A. After the investigations, yes. Not at the beginning,
2 no.

3 Q. You're telling me that there's an investigation, a
4 homicide investigation in El Paso, that said that you were the
5 intended assassinee, you were the one that was supposed to be
6 killed.

7 A. Yes.

8 Q. Where is that investigation?

9 A. In El Paso.

10 Q. You didn't ask for it.

11 A. You think -- I can't even talk to my family, you think
12 I can talk with the police in El Paso?

13 Q. So no request for that report has ever been made.

14 A. One of, one of things that Juanita, when they locked me
15 up, the FBI and the police in El Paso, in September 30th, they
16 said that they want to come and talk to me so they can finish up
17 with that investigation. Up to today, nobody has ever talked to
18 me. Not the FBI, not the police in El Paso and not, not the
19 people from ICE.

20 Q. So your testimony is based upon a statement that was
21 made to you by a police officer.

22 A. And because of my experience with the cartel, also.

23 Q. My experience is that mules get assassinated all the
24 time. In fact, you've given, you've given statements that mules,
25 people associated with the transportation of money, narco

1 traffickers in general are assassinated all the time. You don't
2 know why people are killed. They're killed because they're
3 criminals. But you're telling me there's a police report that
4 concludes that you were supposed to be killed. And --

5 A. Yes. And I'm sorry about that and contradicting you,
6 but the experience of the police in El Paso that they are
7 accustomed to cheaper this and also the same agents from ICE in El
8 Paso, they know more about the reason why they kill people, that
9 they don't, they don't kill people to be a criminal. No, the
10 contrary, they want the criminals. They, they kill because they
11 did something wrong and in the, and in the case of Jesus Laredo,
12 he died because I wasn't killed.

13 Q. He died because he's drug dealer. Drug dealers are
14 assassinated all the time.

15 MS. GOODWIN TO JUDGE

16 Objection, Your Honor. Counsel has repeatedly been
17 testifying instead of asking a question. So could counsel have
18 the question -- I would ask he be instructed to, to ask the
19 questions.

20 MR. LASHUS TO MR. RAMIREZ-PERYO

21 Q. Besides your opinion, why do you believe that's true?

22 A. Yeah, because the interest of the cartel to kill me was
23 essential. At that time I was going to testify against
24 Santillán.

25 Q. Sir, you're paranoid that everybody's going to kill

1 you. What evidence do you have?

2 A. Would you and me, to sit with me in Mexico in a
3 restaurant?

4 Q. Sure. I was in Mexico two months ago.

5 A. No. With me, next to me.

6 Q. Sure.

7 JUDGE TO MR. RAMIREZ-PERYO

8 Q. This is -- wait, wait. These are not appropriate
9 questions going from the witness to the attorney here.

10 JUDGE TO MR. LASHUS

11 Move on, Mr. -- how much longer your cross going to go here?

12 MR. LASHUS TO JUDGE

13 I don't know.

14 MR. LASHUS TO MR. RAMIREZ-PERYO

15 Q. Do you know if there was a report from the ICE agents
16 about the attempted assassination of you?

17 A. I don't know if there is or there's not.

18 Q. Do you know how it was that the Mexican authorities
19 found out about the house where the bodies were found?

20 A. Yeah. They were informed.

21 Q. If the Mexican authorities were part of assassinating
22 those people that were found in the house, why would they have to
23 wait until ICE told them about the bodies?

24 A. Because that this, this is for them, this was a sure
25 plan, that the plans that they had that when this big garden

1 where it full of people is to put a plaque of, a plaque of cement
2 and then nobody would ever know.

3 Q. But they found the bodies.

4 A. Yeah, because I did say it, I said it.

5 Q. Do you know if the Mexican government has ever
6 prosecuted anybody for any of the murders of the bodies at that
7 location?

8 A. Yeah. They arrested the people that, the people that I
9 told them to be in certain place so they could be arrested.

10 Q. Okay. What about any of the Mexican police officers?
11 Do you know if they've ever been arrested?

12 A. Conveniently, instead of first arresting them, and then
13 afterwards going for the bodies, they, they went to the bodies
14 with the television and the newspapers and, obviously, some of
15 the police ran away and other ones, they were arrested.

16 Q. And those police that were involved in the murders were
17 prosecuted.

18 A. Yes, of course.

19 Q. You brought your friend Jamie Marcus to the United
20 States.

21 A. Yes, sir.

22 Q. Because he was at the house and could confirm the
23 whereabouts of the bodies.

24 A. Yes, sir.

25 Q. You told him that you were confidential informant.

1 A. Yeah, yeah, in September when they did take me to
2 Court, when they locked me up as a material witness.

3 Q. Was Santillán's attorney there?

4 A. No.

5 Q. Do you know if Santillán's attorney was ever advised
6 that you were going to be a witness against Santillán?

7 A. Yeah, he has many statements based on my own opinion.

8 Q. And would that have been the first time that anyone in
9 the cartel would have known that you were an informant during the
10 course of Santillán's trial?

11 A. No. Not through the Court. The first thing that
12 happened was the information leaks and through the press. That's
13 how they found out that I was.

14 Q. But it would not have known to the cartel prior to
15 Santillán's arrest that, that you were, that you were an
16 informant.

17 A. No, they would have, have killed me, immediately.

18 Q. Were you with Santillán when he was arrested by the
19 U.S. --

20 (TAPE 3)

21 Q. Were you with Santillán when he was arrested in the
22 United States?

23 A. Yes, sir. I was with him.

24 Q. You were in the same car? How, how did that arrest
25 take place?

1 A. The, the plan was this. I did talk to Santillán, so he
2 could come the following day and I was going to meet with him in
3 the middle of the International Bridge. We cross walking, we
4 would get on in my vehicle and, supposedly, we were going to an
5 office to get his work permit because he already gotten the
6 permits so he could cross.

7 MR. LASHUS TO MR. RAMIREZ-PERYO

8 Q. You arranged for that. You arranged for him to get the
9 crossing card.

10 A. Yeah, not me. ICE did it.

11 Q. Right. But you're the only one that ever arranged for
12 him to come to the United States.

13 A. When we crossed I knew which, which street to go by and
14 over there an office from the sheriff would be there because I
15 already talk to him and he was going to stop us and he was -- we
16 were going to be arrested [sic]. That's the way that he was
17 arrested.

18 Q. Right. I mean the sheriff was supposed to pick you up
19 after you had crossed the International Bridge.

20 A. We, we were circulating for about an hour because it
21 was important that I would record that Santillán's testimony
22 about the people that they killed the day before and the people
23 from the DA that they were going to kill.

24 JUDGE TO MR. RAMIREZ-PERYO

25 Q. Were you wearing a wire or recording device at that

1 time?

2 A. I did have, yeah, I did have three that day. One in
3 the vehicle and two in my body.

4 MR. LASHUS TO MR. RAMIREZ-PERYO

5 Q. And it was only you and he in the car.

6 A. No. He did come with another person. Some name -- his
7 name was Mario Ortiz, I think.

8 Q. What happened?

9 A. But we did leave him in some apartment.

10 JUDGE TO MR. RAMIREZ-PERYO

11 Q. What was the day on which Santillán was arrested,
12 again?

13 A. I think it was January 15th of 2004.

14 Q. At that time, would Santillán -- do you know if
15 Santillán realized that you were an informant at that time?

16 A. I'm sure he didn't because otherwise he wouldn't have
17 come to the United States.

18 Q. No. I mean after he was arrested?

19 A. That, that, okay. Tell you the truth, I never knew
20 when he finally figured it out because I never knew about him
21 anymore.

22 Q. The police arrested you at that time, also. Right?

23 A. No.

24 Q. No? Okay.

25 MR. LASHUS TO MR. RAMIREZ-PERYO

1 Q. Do you, do you know if there is a warrant for your
2 arrest in Mexico?

3 A. I don't know. I have no way for me to know it.

4 Q. You've never been informed by anyone, including the
5 attaché in Dallas that you were wanted by the government.

6 A. No. It is the warrant my arrest? No. In, in Dallas
7 they told me that it would be nothing against me.

8 Q. That there would be nothing against you in Mexico.

9 A. No.

10 Q. All right. You're concerned about those police who are
11 corrupt that work for the cartel. Is that right?

12 A. Well, that was part of my worry --

13 Q. Well, and --

14 A. -- my concern.

15 Q. -- you're worried about, you're worried about the
16 cartel using the legitimate government to enforce an order to
17 kill you.

18 A. Yes.

19 Q. But you know that, I mean, it's against the law to
20 assassinate people in Mexico.

21 A. Yeah, but I also know that they don't live up to the
22 law in Mexico.

23 Q. Because they're --

24 A. Don't --

25 Q. -- corrupt.

1 A. -- comply with the law. And personally, that's a sad
2 reality of my country.

3 Q. Right. If you had to go to Mexico tomorrow, is there
4 anywhere in Mexico that you could go that you think you would be
5 safe?

6 A. Absolutely not.

7 Q. You couldn't go any -- to any other cities.

8 A. No.

9 Q. And that's because the cartel is looking for you.

10 A. Yeah, the cartel and, and, and the government because,
11 I repeat again, it's like one.

12 Q. Is there anywhere in the world you could go?

13 A. Well, I don't know if other countries would accept me.
14 But what I do know is that the Government, which one I worked,
15 and with the one I was in agreement with everything that
16 happened, it was the Government of the United States. That's why
17 I feel, you know, that to ask, you know, to -- for them to live
18 up with everything that they promised me and based on all the
19 agreements we had.

20 Q. That's the United States Government.

21 A. Yes.

22 Q. All right.

23 MR. LASHUS TO JUDGE

24 Can we go off the record real quick? I need to follow-up
25 with a question.

1 (OFF THE RECORD)

2 (ON THE RECORD)

3 JUDGE TO MR. LASHUS

4 Okay.

5 MR. LASHUS TO MR. RAMIREZ-PERYO

6 Q. What I was getting at was if you had to go back to
7 Mexico, you wouldn't stay there very long.

8 A. I think that forever because they would kill me.

9 Q. You would never go back to Mexico.

10 A. Of my own will, I don't think about returning, ever.

11 Q. During all of your time working for ICE, other than
12 talking to the attaché in Dallas, have you ever talked to anybody
13 else with the Mexican government about what you learned of the
14 cartel?

15 A. No, of course not.

16 Q. Okay. Well, why do you say of course not?

17 A. Yeah, yeah, how I'm going to be talking about the
18 cartel, so what, so they could then make a phone call and say
19 hey, kill him because he's talking about you guys?

20 Q. Well, I mean that's what you did with customs in 2000,
21 with the United States Customs in 2000. You said U.S.
22 Government, I have this information. Have you ever done that
23 with the Mexican (indiscernible)?

24 A. No. But you didn't ask me if I'd done it with the
25 government of Mexico.

1 Q. Right. That's what I'm asking. Have you done that
2 with the Mexican government?

3 A. No, never. No, not with the government of Mexico. I
4 trusted the Government of the United States and I worked with
5 them.

6 Q. You never contacted anybody with the police in Mexico
7 about any of the crimes you were a witness to.

8 A. No. I did talk with the people that dead, that's it.

9 Q. At the beginning of your testimony you today, you said
10 that the cartel, the police and the Mexican government is all the
11 same group.

12 A. Yes, unfortunately, yes.

13 Q. You don't think that there is any legitimate
14 enforcement of the drug laws in Mexico.

15 A. No, unfortunately, all the police organizations in
16 Mexico, they are corrupted.

17 Q. But your not -- Santillán was talking about the army.
18 He's talking about Fox. We're talking about everybody.

19 A. Yes, yes.

20 Q. So there's no legitimate enforcement of the drug laws
21 in Mexico.

22 A. Well, what they do is they associate themself with the
23 cartel, in this case, with the cartel from Juarez, and in effect
24 they do attack the rest of the cartels.

25 Q. So the --

1 A. There is persecution -- prosecution against drugs. I
2 mean there is, which have the cartels that they're not affiliated
3 with the government.

4 Q. It's selective enforcement.

5 A. Yeah. They have to decide, I mean, they can't
6 associate with everyone of them.

7 Q. Your, your fear is that if you were returned to Mexico
8 you'd be instantly killed.

9 A. Not instantly, they maybe they can torture me for some
10 time first.

11 Q. Have you ever been involved in a situation where the
12 cartel tortured someone?

13 A. Okay. No, but I do know and I did, and I did know of
14 houses that they do have where they kidnap people and they
15 torture people, and they do this in cases where they have people
16 that they owes them money or that they want to get some
17 information.

18 Q. You never went to any of the -- those houses.

19 A. Yeah, yeah. We did get there.

20 Q. Well, I mean, did you ever see anybody tortured?

21 A. No, only knew that they were there tied up.

22 Q. Do you have -- do you owe the cartel money?

23 A. No. The cartel, they owe me.

24 Q. And do you have any information they're seeking?

25 A. Okay. I know what they -- what I would -- no, but what

1 I would think is that they would love to know the way that we
2 infiltrate them and all the devices that we use to know about
3 them.

4 Q. When you say we, you're talking about ICE.

5 A. Yes. Of course, yes.

6 Q. The, the digital tapes, you don't have any of those.

7 A. No, of course not. I have to get them to the office in
8 ICE.

9 Q. You never made any copies.

10 A. No. Okay. There are certain devices that I can't
11 erase or add or arrange for a copy, anything.

12 Q. Okay. They were -- they're write-protected.

13 A. No. The only thing, okay, the only thing you need some
14 computer technology to download the information, and then you can
15 do anything.

16 Q. Did -- have you ever seen any transcripts of any of
17 those tapes?

18 A. Yes. Several times.

19 Q. Right. I mean you actually read them?

20 A. Some of them, yes.

21 Q. Do you know where, where they are?

22 A. I know that the DA has got some, ICE must have all of
23 them, DA has got copies, the U.S. attorney has copies, and ICE
24 must have them all. And maybe the FBI might also might have
25 some.

1 Q. Did you see recently that the Mexican government
2 thought they had arrested Mr. Carrillo?

3 A. Okay. I think I read somewhere that some bad informant
4 told them of some person to be Carrillo and somehow it turn out
5 to be false.

6 Q. Do you know if the Mexican government is interested in
7 arresting Mr. Carrillo?

8 A. I believe not, I don't think so.

9 Q. Okay.

10 MR. LASHUS TO JUDGE

11 I don't have any other questions.

12 JUDGE TO MS. GOODWIN

13 Any redirect?

14 MS. GOODWIN TO JUDGE

15 Yes, Judge. I have four questions.

16 MS. GOODWIN TO MR. RAMIREZ-PERYO

17 Q. Did ICE allow you to continue with your investigation
18 of the, the Juarez cartel after you had already told them about
19 people being killed?

20 A. Yes, of course, yes.

21 Q. So they knew about the murders, but the investigation
22 still continued.

23 A. Yeah, I was informing them as I as getting to know
24 things.

25 Q. Did you ever receive a written confirmation of immunity

1 from the Government of the United States of any criminal charges?

2 A. No, no.

3 Q. Did you ever see -- receive a written confirmation of
4 immunity from anyone within the Mexican government stating that
5 you would not be charged criminally?

6 A. No, neither.

7 Q. Are you aware of the civil lawsuit that's filed in El
8 Paso with respect to the deaths of one of the individuals found
9 at the house in Ciudad Juarez?

10 A. I do, I do know a little bit that there's a civil
11 lawsuit, but I'm not -- I don't know much.

12 Q. Do you know who's named as defendants in that lawsuit?

13 A. I, I have an understanding that some agents from ICE,
14 Juanita Fielden and also myself.

15 Q. And do you, do you know whether or not I made contact
16 with any of these individuals to ask them to come to testify here
17 in your, your deportation case?

18 A. Yeah, you did mention that.

19 Q. None of those individuals are present to give
20 testimony. And that's correct, right?

21 A. Yeah, I don't see anybody attended.

22 Q. Do you know why they, why they stated to me -- do you
23 know why stated that they could not come?

24 MR. LASHUS TO JUDGE

25 (indiscernible) --

1 JUDGE TO MS. GOODWIN

2 It assumes they stated they could not come. You can ask him
3 if he knows why they're not here. And if he has personal --

4 MS. GOODWIN TO MR. RAMIREZ-PERYO

5 Q. Do you know, do --

6 JUDGE TO MS. GOODWIN

7 -- knowledge of that he can answer.

8 MS. GOODWIN TO MR. RAMIREZ-PERYO

9 Q. Do you know why they're not here?

10 A. You mentioned that his bosses forbidden them to, to do
11 it.

12 Q. Do you know why they were forbidden?

13 A. I would assume that right now they're against
14 investigation that was done, that they're not in agreement with
15 it.

16 Q. Who's against it?

17 A. The headquarter from ICE.

18 Q. Do you know whether or not a request for a copy of your
19 complete file with ICE was made under the Freedom of Information
20 Act request?

21 A. I think that you did ask for one.

22 Q. Do you know if any documents from your ICE file were
23 ever received?

24 A. I understand that not.

25 JUDGE TO MS. GOODWIN

1 When you say his ICE file, you're talking about records
2 relating to him as an informant.

3 MS. GOODWIN TO JUDGE

4 I'm talking about any and all records relating to him
5 whether as an informant, as a respondent or anything that ICE may
6 have in their possession.

7 JUDGE TO MS. GOODWIN

8 All right.

9 MS. GOODWIN TO MR. RAMIREZ-PERYO

10 Q. And you don't have, you don't have in your possession
11 documents such as the, the documents Mr. Lashus was asking you
12 about, investigation reports, copies of digital recordings,
13 other, other documents that, that would be in the files of ICE.
14 You don't have copies of any of that?

15 MS. GOODWIN TO MR. GATEÑO

16 Juanita Fielden.

17 MR. RAMIREZ-PERYO TO MS. GOODWIN

18 Precisely because this information's so delicate, I didn't
19 even keep receipts of payment. They would destroyed right there
20 when I got paid. And I, and I did never did keep anything of
21 that so there wouldn't be any evidence.

22 MS. GOODWIN TO MR. RAMIREZ-PERYO

23 Q. But you tried to get documents and to get testimony
24 from people within the Government to, to, to assist in your
25 defense in, in this case. Correct?

1 A. Yeah, I would like to have here present the agents of
2 which ones I did work so they could see that I'm not lying and
3 what, and to give, and to give faith that everything that we did
4 was according to them, all of these investigations.

5 MS. GOODWIN TO JUDGE

6 I have no further questions.

7 JUDGE TO MR. LASHUS

8 Anything?

9 MR. LASHUS TO JUDGE

10 No, sir.

11 JUDGE TO MR. LASHUS

12 All right.

13 JUDGE TO MR. RAMIREZ-PERYO

14 Q. You may step down, sir.

15 JUDGE TO MS. GOODWIN

16 Any other evidence for the respondent?

17 MS. GOODWIN TO JUDGE

18 No, Judge.

19 JUDGE TO MR. LASHUS

20 Anything for the Government?

21 MR. LASHUS TO JUDGE

22 No, Your Honor.

23 JUDGE TO MR. LASHUS

24 All right.

25 JUDGE TO MR. GATEÑO

1 He can step out for a few minutes here.

2 MR. GATEÑO TO JUDGE

3 Oh.

4 JUDGE TO MR. RAMIREZ-PERYO

5 Q. And we'll call you back when I'm --

6 MR. GATEÑO TO JUDGE

7 Thank you, Judge.

8 JUDGE TO MR. RAMIREZ-PERYO

9 Q. -- ready for my decision.

10 JUDGE RENDERS ORAL DECISION

11 JUDGE TO MS. GOODWIN

12 You waive, Ms. Goodwin?

13 MS. GOODWIN TO JUDGE

14 Yes, Judge.

15 JUDGE TO MR. LASHUS

16 Government reserves?

17 MR. LASHUS TO JUDGE

18 We do, Your Honor.

19 JUDGE TO MR. LASHUS

20 Your appeal is due by September 12th.

21 JUDGE TO MR. RAMIREZ-PERYO

22 Q. Sir, since you're being granted deferral of removal,
23 I'm required to read you certain things. A grant of deferral of
24 removal does not give you any lawful or permanent Immigration
25 status in the United States. It will not necessarily result in