

**WEDNESDAY,\_NOVEMBER\_28,\_1984**

**THE COURT:** ALL RIGHT. WE WILL PROCEED.

**CROSS-EXAMINATION  
BY MR. CAHN:**

**Q.** (BY MR. CAHN) MR. CABEZAS, WHEN DID YOU FIRST MEET JULIO ZAVALA?

**A.** 20 YEARS AGO.

**Q.** THAT WOULD BE ABOUT 1964?

**A.** '63 .

**Q.** 1963. WHERE WAS THAT?

**A.** MANAGUA - NICARAGUA.

**Q.** ARE YOU A NICARAGUAN CITIZEN?

**A.** YES , I AM.

**Q.** WHAT YEAR WERE YOU BORN?

**A.** JANUARY 26, 1946.

**Q.** DID YOU GO TO SCHOOL IN NICARAGUA?

**A.** YES, SIR, I DID.

**Q.** HOW MUCH SCHOOLING DID YOU HAVE?

**A.** HIGH SCHOOL AND I GRADUATED FROM THE UNIVERSITY.

**Q.** WHAT UNIVERSITY DID YOU GRADUATE FROM?

**A.** NATIONAL UNIVERSITY OF NICARAGUA.

**Q.** HOW MANY YEARS DID YOU GO THERE?

**A.** SIX YEARS.

**Q.** WHAT DID YOU STUDY THERE?

**A.** LAW.

**Q.** AFTER YOU GRADUATED FROM THE UNIVERSITY. DID YOU TAKE AN EXAMINATION TO BECOME A LAWYER IN NICARAGUA?

**A.** YES , I DID.

**Q.** DID YOU PASS THAT EXAM?

**A. YES, I DID.**

**Q. ARE YOU A LAWYER?**

**A. IN MY COUNTRY?**

**Q. YES.**

**A. UNTIL THE DAY I DIE I WILL BE A LAWYER.**

**THE COURT: UNTIL THE DAY HE DIES HE IS A LAWYER IN HIS COUNTRY.**

**Q. (BY MR. CAHN) DID YOU STUDY ACCOUNTING?**

**A. YES. SIR.**

**Q. ARE YOU ACCOUNTANT?**

**A. YES.**

**Q. DID YOU HAVE A LICENSE?**

**A. NO.**

**Q. HAVE YOU PRACTICED ACCOUNTING?**

**A. WHEN I WAS WORKING IN NICARAGUA, YES.**

**Q. FOR HOW MANY YEARS DID YOU PRACTICE ACCOUNTING?**

**A. I WORKED FOR THE BANK OF AMERICA FOR ALMOST FIVE YEARS.**

**Q. IN WHAT CAPACITY?**

**A. I WAS THE HEAD OF THE FOREIGN DEPARTMENT.**

**Q. HEAD OF WHAT DEPARTMENT?**

**A. FOREIGN DEPARTMENT.**

**Q. HEAD OF THE FOREIGN DEPARTMENT?**

**A. CORRECT.**

**Q. DID YOU HAVE EMPLOYEES UNDER YOU?**

**A. PARDON ME, SIR?**

**Q. DID YOU HAVE EMPLOYEES THAT WORKED UNDER YOU?**

**MR. ZANIDES: OBJECTION. IRRELEVANT.**

**THE WITNESS: THERE WAS SEVEN PEOPLE, YES.**

**MR. ZANIDES: THAT IS IRRELEVANT. YOUR HONOR, AS TO WHAT HE DID AS AN ACCOUNTANT 20 YEARS AGO OR 15 YEARS AGO IN NICARAGUA.**

**MR. IVERSEN:** HE WAS A BOOKKEEPER HERE IN THIS CASE.

**THE COURT:** OVERRULED. THERE HAS TO BE SOME LIMIT TO THE PURSUIT OF THIS.

**Q.** (BY MR. CAHN) WHEN DID YOU COME TO THE UNITED STATES FOR THE FIRST TIME?

**A.** 1970.

**Q.** ON THAT FIRST TRIP HOW LONG DID YOU REMAIN IN THE UNITED STATES?

**A.** ABOUT FOUR YEARS.

**Q.** DID YOU WORK IN THE UNITED STATES?

**A.** I WAS WORKING, I WAS STUDYING AT THE SAME TIME.

**Q.** STUDYING?

**A.** YES, SIR.

**Q.** WHAT WERE YOU STUDYING?

**A.** COMMERCIAL PILOT.

**Q.** COMMERCIAL WHAT?

**A.** PILOT.

**Q.** AND ARE YOU A COMMERCIAL PILOT?

**A.** YES, I AM.

**Q.** DO YOU HAVE AN ACTIVE LICENSE NOW?

**A.** NOT ANYMORE.

**Q.** WHEN IS THE LAST TIME THAT YOU HAD AN ACTIVE LICENSE?

**A.** DURING THE REVOLUTION.

**Q.** WHAT YEAR WAS THAT?

**A.** 1979.

**Q.** WHAT WORK DID YOU DO WHEN YOU FIRST CAME HERE IN 1970?

**A.** JANITOR.

**Q.** JANITOR?

**A.** YES, SIR.

**Q.** FOR THE WHOLE FOUR YEARS?

**A.** YES, SIR.

**Q.** IN 1974, DID YOU LEAVE THE COUNTRY?

**A.** THAT'S CORRECT.

**Q.** WHERE DID YOU GO?

**A.** I WENT BACK TO MY COUNTRY.

**Q.** DID YOU RETURN TO THE UNITED STATES AT SOME TIME?

**A.** 1977, TO BE THE EXACT.

**Q.** WHERE DID YOU GO AT THAT TIME?

**A.** CALIFORNIA.

**Q.** WHEN DID YOU NEXT LEAVE CALIFORNIA, IF YOU DID?

**Q.** DID YOUR FAMILY GO WITH YOU?

**A.** NO. MY FAMILY WAS LIVING HERE IN CALIFORNIA.

**Q.** DID YOU STAY IN NICARAGUA FOR A PERIOD OF TIME?

**A.** TO BE EXACT, ABOUT A MONTH AND HALF, BECAUSE THEN THE REVOLUTION TOOK OVER THE POWER AND I LEFT THE COUNTRY JULY THE 15, 1979. SINCE THEN I HAVE BEEN HERE.

**Q.** WERE YOU CONNECTED WITH THE GOVERNMENT IN ANY WAY AT THAT TIME, JULY OF '79?

**MR. ZANIDES:** OBJECTION, IRRELEVANT.

**THE COURT:** WHAT IS THE RELEVANCE?

**MR. CAHN:** THERE HAS BEEN SOME MENTION OF CIA INVOLVEMENT IN THIS CASE, YOUR HONOR.

**THE COURT:** IS THAT STILL AN ISSUE? I THOUGHT THAT WAS RESOLVED.

**MR. ZANIDES:** IT WAS.

**MR. CAHN:** YOUR HONOR, I HAVE INFORMATION THAT THIS WITNESS HAS MADE SUBSTANTIALLY DIFFERENT STATEMENTS TO MR. LASSART AND MR. ALBA ON VARIOUS OCCASIONS, AND I AM GOING TO GET ONE OF THE TWO OF THEM IN HERE.

**THE COURT:** WHAT HAS THAT GOT TO DO WITH HIS GOVERNMENTAL CONNECTIONS?

**MR. CAHN:** WELL, I UNDERSTAND THERE WAS A GREAT DEAL OF DISCUSSION ABOUT THAT. IT MIGHT BE A BIT COLLATERAL.

**THE COURT:** WHAT IS THE RELEVANCE OF IT?

**MR. CAHN:** WE WILL DROP IT FOR NOW, YOUR HONOR.

**A.** I CALLED HIM.

**Q.** YOU JUST DROPPED OVER?

**A.** I CALLED HIM.

**Q. AND DID YOU TELL HIM THAT YOU WANTED TO TALK TO HIM?**

**A. THAT'S CORRECT.**

**Q. DID YOU TELL HIM WHAT ABOUT?**

**A. NO.**

**A. HE INVITED ME TO COME OVER.**

**Q. ARE YOU AND MR. ZAVALA RELATED BY BLOOD?**

**A. NO.**

**Q. WERE YOU RELATED BY MARRIAGE?**

**A. HE WAS MARRIED TO MY SISTER.**

**Q. AND YOUR SISTER'S NAME?**

**A. MARITZA.**

**Q. MARITZA?**

**A. UH-HUH.**

**Q. IN NOVEMBER OF '81, WAS HE MARRIED TO MARITZA?**

**A. NO.**

**Q. THEY HAD DIVORCED?**

**A. THAT'S CORRECT.**

**Q. WHEN DID THEY DIVORCE?**

**A. I DON'T REMEMBER EXACTLY--1978. I DON'T REMEMBER.**

**Q. AROUND '77, 78, SOMEWHERE IN THERE. NOW, WHEN YOU WENT OVER TO THE HOUSE, WHAT DID YOU ASK MR. ZAVALA?**

**A. WELL, ON PREVIOUS OCCASION I HAVE STATED TO JULIO MY DESIRE TO BECOME A LAWYER IN THIS COUNTRY. THE REASON WHY I TOLD JULIO ZAVALA THAT IS BECAUSE I KNEW THAT THERE WAS NO WAY FOR ME TO GO BACK TO MY COUNTRY SINCE THE REVOLUTION HAD TAKEN OVER THE POWER.**

**SO HE SAID HE WAS GOING TO HELP ME TO--YOU KNOW, HELP ME TO FINANCE SOME AND SUPPORT MY FAMILY SINCE I HAD TO QUIT MY JOB AT THAT TIME.**

**Q. YOU HAD TO QUIT YOUR JOB?**

**A. YES. IN ORDER FOR ME TO GO TO LAW SCHOOL I HAVE TO BECOME AN FULL-TIME STUDENT. AND I COULDN'T, YOU KNOW, CATCH UP IF I WAS WORKING TWO JOBS.**

**THAT WAS THE REASON THAT I ASKED JULIO IF HE CAN LET ME MAKE SOME MONEY. SO I HAD TO QUIT THE JOB SO I WOULD HAVE ENOUGH TIME TO STUDY AND GET MYSELF READY FOR THE BAR.**

**Q.** ALL RIGHT. THEN TELL ME ABOUT THE CONVERSATION BETWEEN YOU AND JULIO ON THAT DAY WHEN YOU ASKED HIM TO GO TO WORK. WHAT DID YOU SAY, WHAT DID JULIO SAY, TO THE BEST OF YOUR RECOLLECTION?

**A.** AT THAT TIME JULIO STATED TO ME THAT HE WAS HOT BECAUSE DORIS SALOMON, EDMUNDO ROCHA, THEY HAD BEEN CAUGHT AND IN SOME COCAINE TRANSACTION.

**Q.** MAY I INTERRUPT. I AM SORRY. HE TOLD YOU HE HAD BEEN WHAT?

HE WAS---

**A.** THEY HAD BEEN CAUGHT IN DOING SOME COCAINE TRANSACTION.

**Q.** HE IS TALKING ABOUT HIMSELF?

**A.** HE WAS TALKING ABOUT MUNDO ROCHA AND DORIS SALOMON.

**Q.** THEY HAD BEEN CAUGHT?

**A.** THAT'S CORRECT.

**Q.** DID YOU KNOW DORIS SALOMON?

**A.** YES.

**Q.** AT THAT TIME?

**A.** YES.

**Q.** AND DID YOU KNOW MUNDO ROCHA?

**A.** YES.

**Q.** LET'S GO ON WITH THE CONVERSATION. HE TOLD YOU THEY HAD BEEN CAUGHT?

**A.** EXACTLY.

**Q.** AND GO ON. WHAT ELSE?

**A.** HE SAID THEY HAD BEEN CAUGHT, AND THAT HE WAS HOT AND HE NEEDED SOMEONE HE CAN TRUST SO HE CAN CONTINUE TO DO THE BUSINESS FOR HIM.

**MR. ZANIDES:** HE WAS WHAT?

**THE WITNESS:** HE WAS HOT.

**MR. ZANIDES:** HE WAS HOT?

**THE WITNESS:** YES.

**Q.** (BY MR. CAHN) NOW, HE TOLD YOU THIS AFTER YOU HAD TOLD HIM THAT YOU WANTED TO GO TO LAW SCHOOL AND WORK FOR HIM; IS THAT RIGHT?

**A.** THAT'S CORRECT, YES.

**Q.** GO AHEAD.

**A.** AT THAT TIME HE SAID TO ME THAT BECAUSE HE WAS HOT THERE WERE SO MANY TRAFFIC--SO MANY PEOPLE COMING BY AND BUYING COCAINE TO BARNESON STREET.

THEN HE MENTIONED TO ME HE WAS GOING TO HELP BECAUSE AT THAT TIME I WAS STILL WORKING FOR PRUDENTIAL INSURANCE COMPANY. SO HE HELP ME TO ARRANGE A SPACE ON MISSION STREET TO PUT UP AN OFFICE TO SELL INSURANCE.

**Q.** HOW DID HE HELP YOU?

**A.** HE GAVE ME ABOUT \$1,500 TO PAY THE FIRST MONTH THE LAST MONTH AND THE DEPOSIT TO GET THAT SPACE.

**Q.** THAT WAS TO SELL INSURANCE THERE?

**A.** EXACTLY.

**Q.** THAT WAS NOT TO SELL COCAINE WAS IT?

**A.** NOT SIR.

**Q.** WHAT ELSE WENT ON IN THAT CONVERSATION?

**A.** WELL, HE SAID TO ME THAT HE WAS GOING TO HELP ME. HE GAVE ME THE MONEY. I ARRANGED THE SPACE, NOW, ON MISSION. AND HE SAID I WAS GOING TO BE DELIVERING COCAINE AND COLLECTING MONEY SO HE CAN STAY A LITTLE BIT COOL AT THAT TIME BECAUSE, TO BE EXACTLY, AT THAT TIME MR. ZAVALA WAS HAVING PROBLEMS HIMSELF WITH SOME LEGAL PROBLEM.

AND HE SAID, "I WAS LUCKY THAT THE CHARGE WAS DISMISSED. AND I DON'T WANT TO GET MYSELF IN THIS TRANSACTION, SO I WANT YOU TO WORK FOR ME. I TRUST YOU. AND THEN, YOU KNOW, THE HEAT IS GOING--IT WOULD BE OFF ME FOR AWHILE."

**THE COURT:** OF COURSE, YOU NEVER THOUGHT TO DO IT BEFORE THE CASE STARTED. GO AHEAD.

**Q.** (BY MR. CAHN) WHEN YOU WENT TO ECUADOR IN 1977, APRIL TO BE EXACT---

**A.** MARCH TO BE EXACT.

**Q.** IT WAS MARCH?

**A.** ABOUT THE END OF MARCH, YES.

**Q.** DID YOU TAKE \$5,000 WITH YOU?

**A.** I DIDN'T HAVE THAT KIND OF MONEY, SIR.

**Q.** DID YOU TAKE ANY MONEY WITH YOU TO PURCHASE COCAINE?

**A.** NO, SIR. MY TRIP WASN'T MEANT TO MAKE ANY DRUG TRANSACTIONS AT THAT TIME. IF YOU CAN CHECK THE NEWS IN THAT COUNTRY, THERE WAS A PACTO ANDINO MEETING IN GUAYAQUIL, AND THAT WAS THE REASON FOR MY TRIP.

**Q.** IN OCTOBER OF 1981, DID YOU INTRODUCE MR. ZAVALA TO ANY COCAINE SUPPLIER?

**A.** NO, SIR.

**Q. DO YOU KNOW A WOMAN BY THE NAME OF NORA?**

**A. WHO?**

**Q. NORA, N-O-R-A?**

**A. THAT WAS MY SISTER-IN-LAW.**

**Q. THAT'S RIGHT. WAS SHE ALSO YOUR GIRLFRIEND?**

**A. YES. I WAS HAVING AN AFFAIR WITH HER, YES.**

**Q. DO YOU KNOW SOMEBODY BY THE NAME OF MENESES?**

**A. THERE IS A LOT OF MENESES IN TOWN, SIR.**

**Q. DO YOU KNOW ANYBODY BY THAT NAME?**

**A. YEAH, TWO OF THEM ARE DOING TIME WITH ME AT STAFFORD, ARIZONA. TIRSO, ROGER (PHONETIC)--HE IS DOING TIME WITH ME AT STAFFORD, ARIZONA, THERE ARE A LOT OF MENESES I KNOW,**

**Q. WHO IS THE OTHER MENESES?**

**A. TIRSO MENESES, ROGER MENESES (PHONETIC), AS A MATTER OF FACT, YOUR HONOR, I MET THOSE PEOPLE IN JAIL. I NEVER MET THEM ON THE OUTSIDE.**

**Q. WAS THERE A MENESES LIVING IN THE SAME HOUSE AS YOUR SISTER-IN-LAW, NORA?**

**A. JAIRO MORALES, THE GUY WHO WAS RENTING AN IN-LAW APARTMENT TO MY SISTER-IN-LAW.**

**Q. HE WAS A COCAINE DEALER, WASN'T HE?**

**A. NOT TO MY KNOWLEDGE.**

**Q. DIDN'T YOU INTRODUCE HIM TO JULIO AS BEING A COCAINE SUPPLIER?**

**A. THIS IS THE SECOND TIME THAT I SAID NO TO YOU, THE FIRST TIME THAT I SAID NO TO YOU WAS WHEN YOU COME AND VISIT ME TO THE COUNTY JAIL AND I SAY TO YOU THAT WAS A LIE--THAT MR. ZAVALA WAS LYING TO YOU.**

**AS I REMEMBER, I SAID TO YOU, I AM NOT THE ONE WHO IS GOING TO TRIAL. IF YOU ARE TRYING TO PUT UP A DEFENSE, HE WILL BE THE ONE THAT WILL GET HURT BECAUSE THE EVIDENCE THAT THE FBI HAD SHOWED DIFFERENTLY. THAT WAS THE FIRST TIME THAT I SAID TO YOU THAT NOT AND I AM TELLING YOU THE THIRD TIME NO.**