

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

-----x
UNITED STATES OF AMERICA :
VS. : Criminal No.
VICTOR MANUEL GERENA, ET AL, : H-85-50 TEC
Defendants :
-----x

Federal Building
450 Main Street
Hartford, Connecticut

February 2, 1989

TRIAL

Held Before:

The Hon. T. EMMET CLARIE
Senior U. S. D. J.
and a Jury of Twelve

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I N D E X

	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
1					
2					
3	Primitivo Rios Jr.		M-13		
4			W-14		
5	Anne Gassin	B-31	Bacheil-43	B-58	
6		B-31			
7					
8					
9	<u>GOVERNMENT'S</u>		<u>FOR ID:</u>	<u>IN EV:</u>	
10	437-A			200	
11	447		41		
12	447-A		43		
13	447-B		48		
14	448		65		
15	449-A		70	93	
16	450		93		
17	451		118	121	
18	452		127	139	
19	453 A&B			164	
20	436 A&B		209		
21	436		215	216	
22	438		215		
23	438-A		216		
24	439-A		217		
25	440		217		

1	441	219	220
2	441 A&B	219	
3	DEFENDANTS'		
4	193	74	
5	194	75	
6	195	75	
7	196	81	
8	197	81	
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1 A N N E G A S S I N ,
2 called as a witness by the Govenment, being
3 first duly sworn by the Clerk, was examined,
4 and testified on her oath as follows:

5 THE CLERK: Please be seated.
6 Please state your name and spell your name for the
7 record.

8 THE WITNESS: Anne Gassin. That's
9 G-a-s-s-i-n.

10

11

DIRECT EXAMINATION

12

BY MR. BOYLE:

13

Q.. Ms. Gassin, would you please tell the

14

Court something about your educational background?

15

A. I went to school at Harvard University.

16

I have a B.A. in biology. I graduated in 1981.

17

Q.. Ms. Gassin, were you arrested on August

18

30, 1985?

19

A. Yes, I was.

20

Q. Was that arrest part of the case that is

21

now being tried before Judge Clarie in this

22

courtroom?

23

A. Yes, it is.

24

Q. What were the charges against you as you

25

understand them?

1 A. I was charged with having been an
2 accomplice and co-conspirator in the Wells Fargo
3 robbery by virtue of having aided with the
4 disposal of the money.

5 Q. After you were arrested did you reach an
6 agreement with the Government?

7 A. Yes, I did.

8 Q. Would you please tell the Court what the
9 agreement was as you understand it?

10 A. I agreed to meet with the Government and
11 to testify in court. At these meetings and at all
12 times I was to respond candidly and openly to all
13 questions which were put to me. I was told not to
14 withhold any information and not to falsely
15 implicate anyone. Just to tell what I knew.

16 Q. Ms. Gassin, do you know the Defendant,
17 Juan Segarra-Palmer?

18 A. Yes, I do.

19 Q. Would you please tell the Court briefly
20 how you came to meet him?

21 A. I met him through friends. I first met
22 him in the late summer, early fall 1983.

23 Q. Over time, Ms. Gassin, did you come to
24 know Mr. Segarra-Palmer well?

25 A. Yes, I did.

1 Q. In August of 1984 did Mr. Segarra tell
2 you about a plan to transport some money?

3 A. Yes, he did.

4 Q. Did he ask for your help in doing that?

5 A. Yes.

6 Q. In connection with that plan, did anyone
7 come to Massachusetts from Puerto Rico to assist?

8 A. Yes.

9 MS. BACKIEL: Objection. In
10 connection with that plan. Calls for a conclusion
11 that the witness is not in a position to know from
12 her own personal experience.

13 THE COURT: The objection is noted
14 and the objection is overruled. Proceed.

15 BY MR. BOYLE:

16 Q. When did you first see that person, Ms.
17 Gassin?

18 A. Okay. I first was introduced to that
19 person on September 16, 1984.

20 Q. Did Mr. Segarra tell you why that person
21 was in Massachusetts on September 16, 1984?

22 A. Yes, he did.

23 Q. What did he say?

24 A. He told me that he had come up from
25 Puerto Rico in order to help with this plan to

1 transport money to Mexico. He was to assist in
2 taking apart a mobile home which was going to be
3 used in transporting the money and in order to be
4 able to conceal the money inside the mobile home
5 and put it back together.

6 Q. Did Mr. Segarra tell you the name of this
7 person who had come from Puerto Rico?

8 A. Yes.

9 Q. Do you recall now today what his name was?

10 A. No, I don't.

11 Q. Would you please tell the Court the
12 circumstances surrounding your first meeting with
13 that person on September 16th?

14 A. The meeting took place at Paul Weinberg's
15 house in Massachusetts. I had come there with
16 Papo in the mobile home.

17 Q. Excuse me for just a minute. When you
18 say Papo, to whom are you referring?

19 A. To Juan Segarra.

20 Q. That's the name you came to refer Juan
21 Segarra by, as Papo?

22 A. That's right.

23 Q. Please continue.

24 A. When we arrived at Paul Weinberg's house,
25 we drove into the town to meet with this other

1 person who had arrived from Puerto Rico and we
2 picked him up and drove back to Paul Weinberg's
3 house.

4 Q. What sort of vehicle were you in when you
5 drove to pick this person up?

6 A. A small car. I don't remember.

7 Q. What time of day was it?

8 A. It was in late afternoon. I would say
9 around 4:00 o'clock or 5:00.

10 Q. What were the lighting conditions at that
11 time, as you recall?

12 A. They were southern. I don't know what
13 you want me to say. It was a clear day.

14 Q. Where were you sitting in the car in
15 relation to the man who had come from Puerto Rico?

16 A. I was sitting next to him in the back
17 seat.

18 Q. About how far away from you were you in
19 that car?

20 A. Two feet about.

21 Q. Did you have an opportunity to see that
22 man's face?

23 A. Yes, I did.

24 Q. Did you speak with the man at all?

25 A. Yes, I did.

1 Q. After that meeting would you please tell
2 us what other dealings you had with that man who
3 had come from Puerto Rico?

4 A. That night we drove back to Cambridge and
5 he stayed at my house over a period of three to
6 four days.

7 Q. When you drove back to Cambridge, who
8 were you with?

9 A. I was with Papo in the mobile home and he
10 drove back separately in a red van.

11 Q. So, the man from Puerto Rico drove back
12 in the van?

13 A. That's right.

14 Q. He stayed at your house after you got
15 back to Cambridge that evening?

16 A. Yeah. He stayed at my house for a few
17 days, yes.

18 Q. Did you have occasion to see him off and
19 on while he was staying at your house?

20 A. Yes, I did.

21 Q. Would you please describe that man for us?

22 A. I would say he's about five-seven, small
23 build. He at the time had a small beard like a
24 goatee kind of beard and was balding a little.

25 Q. When was the last time that you saw that

1 man, roughly?

2 A. Well, it would be prior to the departure
3 in the mobile home, which was around September 20th,
4 I think.

5 Q. September 20th of 1984?

6 A. That's right.

7 Q. After your arrest were you shown a photo
8 array that included a picture of that man?

9 A. Yes.

10 Q. When did you see that photo array?

11 A. I saw that photo array in September 1984
12 in the latter part of September. I don't remember
13 when.

14 Q. Have you seen that photo array or any
15 photo of that man since September 1984?

16 A. No, I haven't.

17 Q. Ms. Gassin, what I'm going to ask you to
18 do now is to look about the courtroom and tell us
19 if you see that man who came from Puerto Rico in
20 September 1984.

21 If you'd like, you may step down and move
22 about the courtroom and I believe that Judge
23 Clarie will allow you to ask people to stand up if
24 you feel that that would assist in your
25 identification.

1 A. Okay. I think I will have to step down.

2 Q. Please do.

3 (Pause.)

4 BY MR. BOYLE:

5 Q. Do you recognize anyone, Ms. Gassin?

6 A. No, I don't.

7 Q. Ms. Gassin, would you tell us, please,
8 the circumstances surrounding the showing of the
9 photo spread to you in September 1985; how did
10 that come about?

11 A. It was in a meeting in the presence of my
12 attorney and two of the FBI agents and I think Bob
13 Mueller.

14 Q. Bob Mueller was the Assistant United
15 States Attorney who was involved in the case?

16 A. That's right.

17 Q. Was there anyone else there aside from
18 your attorney, Mr. Mueller and two FBI agents and
19 yourself?

20 A. Not that I remember.

21 Q. Tell us what you recall about what you
22 were told --

23 THE COURT: Excuse me, are we in a
24 position to call the jury now that this procedure
25 has been completed?

1 MR. BOYLE: That's acceptable to the
2 Government, your Honor.

3 (Pause.)

4 BY MR. BOYLE:

5 Q. Ms. Gassin, when I asked you if you saw
6 the man who came from Puerto Rico here in the
7 courtroom today, you said, "No." Are you saying
8 that that man is definitely not here or that you
9 simply cannot recognize anyone right now?

10 A. I can't recognize someone in this room
11 who resembles the memory I have of the person that
12 I met in September 1984.

13 THE COURT: Was there anything
14 peculiar about this person's resemblance?

15 THE WITNESS: The image I have of
16 his face and his eyes, his beard, I don't
17 recognize in someone here.

18 BY MR. BOYLE:

19 Q. Ms. Gassin, do you recognize Juan
20 Segarra-Palmer in the courtroom today?

21 A. Yes, I do.

22 Q. Would you tell us where he is, please?

23 A. He's sitting over there at that table.
24 Second person in from the left.

25 MR. BOYLE: May the record reflect

1 the witness has identified the Defendant, your
2 Honor?

3 THE COURT: Which one is he from the
4 left?

5 THE WITNESS: He's the person with
6 the beard, the glasses.

7 THE COURT: Second from the left?

8 THE WITNESS: Yes.

9 THE COURT: Very well. The record
10 may disclose she's identified him.

11 BY MR. BOYLE:

12 Q. Ms. Gassin, when you were shown the photo
13 spread in September 1985, what was said to you, if
14 anything, by anyone in the room as you were asked
15 to look at the spread?

16 A. All that was said to me, that I look at
17 the photos and see if there was -- if I could
18 identify among those photos the person who I met
19 in September 1984.

20 Q. Did anyone suggest to you any particular
21 photo that you ought to select?

22 A. No.

23 Q. What happened when the photos were
24 displayed to you?

25 A. I looked at the pictures and I identified

1 one of them.

2 Q. After you identified one of those photos,
3 what did you do?

4 A. As I remember, I was asked to put my
5 signature on the one that I identified.

6 Q. I'd like to show you Government Exhibit
7 447 for Identification.

8 (Government's Exhibit 447: Marked
9 for identification.)

10 BY MR. BOYLE:

11 Q. Ms. Gassin, does that appear to be the
12 photo spread that you were shown in September 1985?

13 A. Yes.

14 Q. As you look at those -- first of all, how
15 many photos are included in that photo spread?

16 A. Nine.

17 Q. Just generally, can you tell us what
18 characteristics the persons in those photos have;
19 that is, their sex, skin color and so forth.

20 A. They're all men, skin color, sorry, it's
21 hard to say. There are certainly no black people
22 in the photo spread. They all look to be people I
23 would say in their early thirties.

24 Q. Do all of the persons depicted in those
25 photos have some sort of facial hair?

1 A. Yes, they do.

2 Q. Ms. Gassin, as you look at that photo
3 spread now, do you see the photograph that you
4 selected in 1985 as being the man from Puerto Rico?

5 A. Yes, I do.

6 Q. Would you show us which one that is,
7 please?

8 A. It's this one, here.

9 Q. Ms. Gassin -- excuse me for a moment.

10 (Pause.)

11 BY MR. BOYLE:

12 Q. Ms. Gassin, would you turn that
13 photograph over, please? Is your signature on
14 that photograph?

15 A. Yes, it is.

16 Q. Is that the photograph that you signed in
17 September 1985?

18 A. Yes, it is.

19 Q. Before you identified that photograph
20 again here today, did you know that your signature
21 was on the back of that particular photo?

22 A. No, I didn't.

23 MR. BOYLE: Your Honor, the photo
24 spread is marked as Government 447. I had like to
25 have the photograph that Ms. Gassin selected

1 identified as Exhibit 447-A for Identification,
2 please.

3 THE COURT: May be so marked.

4 (Government's Exhibit 447-A: Marked
5 for identification.)

6 THE COURT: Is there any reason for
7 referring to the other eight? Should they be
8 marked by some identification in the Clerk's
9 possession?

10 MR. BOYLE: I had intended to keep
11 all the photos together as a group. I don't know
12 that they have to be marked individually so long
13 as they're all kept together within the envelope
14 that is marked.

15 THE COURT: All right.

16 MR. BOYLE: I have no more questions,
17 your Honor.

18

19

CROSS EXAMINATION

20 BY MS. BACKIEL:

21 Q. Good morning, Ms. Gassin. The person
22 that you were asked to identify in September 1985
23 is someone that you had first met a year earlier
24 in 1984; is that correct?

25 A. That's right.

1 Q. In the period between, say, the end of
2 September 1984 and September 25th of 1985 when you
3 looked at these photographs, you had no contact
4 with that person whatsoever?

5 A. I had no contact with that person.

6 Q. Now, September 25th of 1985 was the day
7 that you testified before the Grand Jury in Boston;
8 is that correct?

9 A. As far as I remember, yes.

10 Q. Do you recall looking at photographs
11 before or after you testified before the Grand
12 Jury?

13 A. I don't remember.

14 Q. Do you recall if it was the same day?

15 A. As far as I remember, it was after.

16 Q. On the same day?

17 A. I don't remember.

18 Q. Do you recall that you were released from
19 custody the day after you testified before the
20 Grand Jury?

21 A. Yes.

22 Q. Do you recall that you had at least two
23 other interviews with the FBI before you testified
24 before the Grand Jury?

25 A. Yes.

1 Q. Your first interview, I believe, was on
2 the 11th of September 1985; is that correct?

3 A. I think so, yes.

4 Q. At that time you were not shown any
5 photographs, were you?

6 A. I was not shown any photographs.

7 Q. You were asked to describe this person
8 whom you met on September, you now say, September
9 16, 1984?

10 A. I'm sorry, can you repeat that?

11 Q. You were asked the first time that you
12 talked to the FBI to describe this person whom you
13 met on September 16th of 1984?

14 A. That's right.

15 Q. You gave a description?

16 A. Yes.

17 Q. As completely as you could?

18 A. Yes.

19 Q. That included the fact that it was
20 someone in his mid-thirties, correct? You said he
21 was in his mid-thirties?

22 A. Yes.

23 Q. Who had a beard?

24 A. Yes. I must have referred to the same
25 goatee that I think I saw.

1 Q. Bald?

2 A. Balding.

3 Q. All right. Obviously Hispanic?

4 A. Yes.

5 Q. Now, you just looked at these photographs,
6 these nine photographs, that you were shown on the
7 25th of September, Government Exhibit G, 447. I
8 will ask you to look at these again and tell me
9 how many of these males seem to you to be Hispanic?
10 I'll include 447-A in this array.

11 THE COURT: Let her look at them.

12 BY MS. BACKIEL:

13 Q. Have you had an opportunity to look at
14 them?

15 A. No, I haven't. No.

16 (Pause.)

17 THE COURT: Take your time. All the
18 time you need.

19 THE WITNESS: When you say Hispanic,
20 do you mean Puerto Rican?

21 BY MS. BACKIEL:

22 Q. You told the FBI this person was Puerto
23 Rican, right?

24 A. Yes.

25 Q. You were looking for the picture when you

1 saw the photo array of someone who looked Puerto
2 Rican?

3 A. No, I was looking for someone who I saw
4 in September 1984. The criteria that I'm using
5 identifying that individual is the face and the
6 person that I remember.

7 Q. Correct. One of the physical
8 characteristics that you were able to recall of
9 that person is that they were Puerto Rican?

10 A. That's right. But that's not the primary
11 criteria that I'm using to identify that
12 individual. I think it should be said, that --

13 Q. I'm asking you to look at the photographs
14 that are in front of you and tell me how many of
15 them appear to you to be Puerto Rican.

16 (Pause.)

17 THE WITNESS: I would say six.

18 BY MS. BACKIEL:

19 Q. Let me see if there was a number on them.

20 THE COURT: That was the reason the
21 Court suggested they be marked. When you start
22 singling them out, and there's no number on them,
23 that's the problem.

24 MS. BACKIEL: I think we should mark
25 them.

1 THE COURT: The first one was what
2 identification?

3 THE CLERK: 447-A.

4 THE COURT: The others will be in
5 sequence alphabetically, B, C, D, E, F, whatever
6 it goes to.

7 (Government's Exhibits 447-B through
8 447-I: Marked for identification.)

9 BY MS. BACKIEL:

10 Q. In your opinion six of those would appear
11 to be Hispanic?

12 A. That's right.

13 Q. Including the one that you picked out?

14 A. Yes.

15 Q. You were not shown these photographs at
16 the time of your second interview with the FBI on
17 the 16th of September 1985, were you?

18 A. No.

19 Q. Were you shown any photographs at all at
20 the time of that second interview?

21 A. No.

22 Q. After your first interview on the 11th of
23 September, were you asked to try to recall, as
24 best you could, anymore details about this person
25 that you could meet to help the FBI identify him?

1 A. I don't remember specific date. I was
2 asked to describe the individual that I met, but I
3 can't tell you whether that was repeatedly asked
4 in May on the 11th, the 16th, et cetera.

5 Q. Did you expect at some point you were
6 going to be asked to identify that person, either
7 in person or in a photograph?

8 A. That I was told that I was going to be
9 asked to identify him?

10 Q. Yes.

11 A. I don't remember that, no.

12 Q. Did you expect that you would be asked to
13 identify that person?

14 A. No, I didn't expect anything, no.

15 Q. Were you asked to tell the FBI the name
16 of the person whom you met?

17 A. Yes.

18 MR. BOYLE: Objection. This goes
19 beyond the issue of suggestiveness, your Honor.
20 That's the only purpose.

21 THE COURT: Would you repeat the
22 question?

23 MS. BACKIEL: I asked her if she was
24 to try to recall for the FBI the name of the man
25 she met.

1 THE COURT: Well, the Court will
2 allow it. Harmless.

3 BY MS. BACKIEL:

4 Q. You did try and you could not recall the
5 name?

6 A. That's right.

7 Q.. Now, it was part of your understanding,
8 was it not, that you would provide information to
9 the FBI in exchange for an agreement that would
10 permit you not only to avoid prosecution in the
11 case, but also to be released on bail as soon as
12 you had provided the bulk of the information that
13 you had to provide to the FBI?

14 MR. BOYLE: Objection. The only
15 issue before the Court right now is whether the
16 photo spread was in any way suggestive. This goes
17 to the witness' bias. That's appropriate for
18 cross-examination after her direct testimony. It
19 does not go to suggestiveness.

20 MS. BACKIEL: It goes to the factors
21 that would bear on pressure for her to make an
22 identification at the time of the photographic
23 identification.

24 THE COURT: I think that point is
25 well taken. It could be argued, although my first

1 impression was the one the prosecutor mentioned.
2 Now that I thought it through further, I can see
3 the further reason given by Ms. Backiel before she
4 gave it. I think it should be admitted. The
5 record may stand. Proceed.

6 BY MS. BACKIEL:

7 Q. Would you like me to repeat the question?

8 A. Yes.

9 THE COURT: You can have it read
10 back, if you like.

11 (Whereupon, the last question was
12 read by the Court Reporter.)

13 THE WITNESS: The terms of my
14 agreement were that I answer all questions that
15 were put to me by the Government and that I tell
16 the Government what I knew; that those were the
17 terms of my agreement. That's how I would answer
18 that question.

19 BY MS. BACKIEL:

20 Q. You did understand that you would be
21 released on bail after testifying to the Grand
22 Jury; isn't that correct?

23 A. Yes, the agreement was that I would be
24 released.

25 Q. The day that you testified to the Grand

1 Jury you were shown some photographs and then you
2 were released the next day; is that your
3 recollection?

4 A. I'm sorry. I don't remember the day,
5 exact day, when I was shown those photographs.

6 Q. Let's go back to these photographs. I'm
7 showing you now the photograph that's been
8 identified 447-E for Identification, one of the
9 photographs in the photo spread, and I ask you to
10 look carefully at this photograph, at the shape of
11 the face and the color of the eyes of the person
12 depicted in this photograph and tell me if, in
13 your opinion, this looks like a Puerto Rican male
14 to you.

15 MR. BOYLE: Objection, your Honor.
16 That question is argumentative. The witness
17 answered the question concerning whether the
18 number of people in the photo spread that she
19 thought were of Puerto Rican background.

20 THE COURT: I think she said there
21 were six.

22 MS. BACKIEL: I'm asking her, that
23 was six including the person's photograph she
24 picked out.

25 MR. BOYLE: I object to the question.

1 THE COURT: The Court will allow it.
2 She can question in that area. She can say it
3 does or it doesn't.

4 BY MS. BACKIEL:

5 Q. If you were to meet that person on the
6 street --

7 THE COURT: Just a moment now. Give
8 her a chance to look at it.

9 (Pause.)

10 THE WITNESS: I included him in my
11 first selection, but I'm not sure. How you
12 identify someone in terms of their origin is the
13 whole person, not just a black and white photo
14 which is difficult to judge the origin.

15 THE COURT: That was one of the six
16 you selected, however, right?

17 THE WITNESS: Yes, it is.

18 THE COURT: Let's go on to the next
19 one.

20 BY MS. BACKIEL:

21 Q. Looking at that photograph now, if you
22 were to describe the person depicted in the
23 photograph to the Judge or someone who hasn't
24 seen the photograph, would you say, "Well, this is
25 a Puerto Rican male"?

1 A. Whether I would look at this photograph
2 and say this person is Puerto Rican?

3 Q. Is that how would you characterize the
4 person in that photograph?

5 A. I would characterize him by what he looks
6 like. I wouldn't necessarily say that he's Puerto
7 Rican.

8 Q. Showing you --

9 THE COURT: As you know, counselor,
10 the question is, are the pictures suggestive.
11 That's the only reason I'm letting you get into
12 this; is that right?

13 MS. BACKIEL: That's correct. The
14 description given was Puerto Rican male.

15 BY MS. BACKIEL:

16 Q. I'm showing you what has been marked
17 447-D for Identification and ask you to look at
18 this photograph and tell me if you had to describe
19 that person to someone who has not seen the
20 photograph, if you would say, "This appears to me
21 to be a Puerto Rican male."

22 A. I'm sorry, but before I go through all
23 this, I think it's important to say that my
24 identification of Puerto Rican was I was
25 introduced to him as someone who was Puerto Rican.

1 I don't understand why I'm going through this,
2 frankly.

3 Q. Well, that's all right. If you could
4 just try to answer the questions.

5 THE COURT: Is it difficult to
6 determine whether they're Puerto Rican or not from
7 looking at the picture?

8 THE WITNESS: It is. What I said is
9 that the way I identify this person is by, when
10 I'm looking at the photographs, was by the memory
11 that I have of his face.

12 BY MS. BACKIEL:

13 Q. Let me ask you a different question with
14 regard to photograph 447-F. Looking at this
15 photograph, would you say it was a photograph of a
16 person who was balding?

17 A. Whether this was a photograph of someone
18 who was balding?

19 Q. Correct.

20 A. No, it's not of someone who was balding.

21 Q. With regard to 447-D, is this a
22 photograph of someone who is balding?

23 A. No.

24 Q. With regard to photograph 447-E, would
25 you describe this person as someone who was

1 balding?

2 A. No.

3 Q. Why don't you look at 447-B and tell me
4 whether this person is balding?

5 A. He has a regressed hairline. I wouldn't
6 say he's balding.

7 Q. With regard to 447-C, the same question.

8 A. No.

9 Q. I'm going to now show you the three
10 photographs which you selected as not looking like
11 Puerto Rican or Hispanic males and with regard to
12 those three photographs, the question is the same
13 as I've just asked you for the last; that is, do
14 they depict people who appear to be balding?
15 Pending your photograph, 447-G, is this person
16 balding?

17 A. No.

18 Q. And 447-H, is this person balding?

19 A. No.

20 Q. And with regard to 447-I, is this person
21 balding?

22 A. Yes.

23 Q. So, there are two photographs in front of
24 you of people who appear to be balding, 447-A and
25 447-I; is that correct?

1 A. With some others that have receding
2 hairlines, as I said.

3 Q. When you described the person you'd met
4 with Mr. Segarra to the FBI, you described him as
5 a person who was balding, correct?

6 A. Who was losing some of his hair, yes.

7 Q. Photograph 447-I, one of the two
8 photographs of people who were balding is
9 obviously not a Puerto Rican male in your opinion;
10 is that correct?

11 A. I don't know which one that is.

12 Q. I'm sorry. Let me show you 447-I.
13 That's one of the photographs that you selected as
14 not appearing to be a Puerto Rican male; is that
15 correct?

16 A. Yes.

17 MS. BACKIEL: May I have just a
18 moment?

19 (Pause.)

20 MS. BACKIEL: I have no further
21 questions.

22 THE COURT: Counsel ready to call
23 the jury?

24 MR. BOYLE: I would like to ask a
25 few questions, your Honor.

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REDIRECT EXAMINATION

BY MR. BOYLE:

Q. Ms. Gassin, do you have 447-A in front of you?

A. Yes, I do.

Q. That's the photograph that you identified as the man who came from Puerto Rico; is that correct?

A. That's right.

Q. Ms. Gassin, if you look at that photograph and had never seen that man before, would you know from that photograph that he's Puerto Rican?

A. No, not necessarily.

Q. When you sat down with the FBI agents to select, to look at the photos that they showed you, were you looking for a Puerto Rican or were you looking for the man that you had seen in August and September 1984?

A. I was looking for the man that I saw in September of 1984.

Q. Thank you.

MR. BOYLE: No further questions.

MS. BACKIEL: Before we call the

1 jury, I think it's appropriate for a very brief
2 argument.

3 THE COURT: Why don't you make it at
4 sidebar, counselor?

5 (At sidebar:)

6 THE COURT: Go ahead, Ms. Backiel.

7 MS. BACKIEL: I think, in essence,
8 it's quite clear the witness described to the FBI
9 the person with the only characteristic she could
10 recall were approximate mid-thirties, balding,
11 Hispanic, and a goatee and some other characteristics
12 that don't appear in the photograph.

13 The FBI showed her nine photographs.
14 Of those two people appeared to be balding. One
15 was obviously not Hispanic. I think that's an
16 extremely suggestive process and no reference to
17 that identification should be permitted to go to
18 the jury.

19 THE COURT: The Court is satisfied
20 that there is adequate that the show-up was
21 adequate and proper and lawful and it may go to
22 the jury. So ordered.

23 Just one question before you go back.
24 When the jury comes in, since she couldn't
25 identified him in the group, how lengthy a

1 procedure are we going to have it? Is she going
2 to leave the witness stand and go down? What is
3 the procedure you're going to use?

4 MR. BOYLE: I intend to ask her
5 again if she sees the man who came from Puerto
6 Rico in the courtroom under direct. If Ms.
7 Backiel wants to keep her client in the back of
8 the courtroom, that's her business.

9 THE COURT: That's the agreement.

10 MR. ACEVEDO: I just wonder since
11 the jury has been out for an hour, are we going to
12 have a break?

13 THE COURT: At 11:30 we'll have a
14 break.

15 (End of sidebar.)

16 THE COURT: When the jury comes in,
17 I think for their benefit, the witness should be
18 sworn in their presence, even though she's been
19 sworn once.

20 THE CLERK: Yes, your Honor.

21 (Whereupon, the jury entered the
22 courtroom.)

23

24

25

1 A N N E G A S S I N ,

2 called as a witness by the Government, being
3 duly sworn by the Clerk, was examined, and
4 testified on his oath as follows:

5 THE CLERK: Please be seated.

6 Please state your name and spell your name for the
7 record.

8 THE WITNESS: My name is Anne Gassin.
9 G-a-s-s-i-n.

10 MR. BOYLE: Excuse me, your Honor,
11 I'll collect this matter that's before the witness.

12 THE COURT: In addition to her
13 educational background, I'm asking the attorney to
14 also ask her her age so we'll have it on the
15 record.

16 MR. BOYLE: Very well. Your Honor.

17

18 DIRECT EXAMINATION

19 BY MR. BOYLE:

20 Q. Ms. Gassin, would you tell us your age,
21 please?

22 A. I'm 30 years old. D.O.B.-1958

23 Q. Ms. Gassin, would you tell the Court and
24 the ladies and gentlemen of the jury something
25 about your background, please.

1 MR. ACEVEDO: Your Honor, could you
2 instruct the witness to speak in the microphone?
3 I couldn't hear that last answer.

4 THE WITNESS: I'm 30 years old.

5 BY MR. BOYLE:

6 Q. Would you tell us, please, something
7 about your background?

8 A. I was born in France. I moved to the
9 States when I was seven years old. I grew up in
10 Indiana, went to high school in Michigan and went
11 on to Harvard University in 1977.

12 Q. Did you graduate from Harvard University?

13 A. In 1981.

14 Q. With what degree did you have?

15 A. A B.A. in biology.

16 Q.. Ms. Gassin, after you graduated from
17 Harvard, what sort of employment did you take?

18 A. I worked in an emergency ward at Harvard
19 University Health Services.

20 Q. On August 30, 1985 were you arrested by
21 agents of the FBI?

22 A. Yes, I was.

23 Q.. Was that arrest in connection with the
24 case that is now on trial?

25 A. Yes, it was.

1 Q. Would you tell us, please, in your own
2 words what you were charged with?

3 A. I was charged with having been an
4 accomplice and co-conspirator in the Wells Fargo
5 robbery because I had helped in disposing of the
6 money.

7 Q. Were you guilty of that?

8 A. Yes, I was.

9 Q. At some point after your arrest did you
10 enter into an agreement with the Government?

11 A. Yes.

12 Q. Would you tell us, please, how that came
13 about?

14 A. The terms of the agreement or how it came
15 about? I don't know what you mean.

16 Q. Were you represented by an attorney
17 during that time?

18 A. Yes, I was represented by Lloyd Macdonald
19 and I still am.

20 THE COURT: Is he here today?

21 THE WITNESS: He's not here today.

22 He'll be here tomorrow.

23 BY MR. BOYLE:

24 Q. Did Mr. Macdonald to your knowledge
25 conduct negotiations with the Government?

1 A. Yes.

2 Q. How long after you were arrested did you
3 reach an agreement through Mr. Macdonald with the
4 Government?

5 A. It was a period of two weeks. I think
6 the date was September 11th.

7 Q. Would you tell us, please, what your
8 understanding is of the agreement that you reached
9 with the Government?

10 A. I was to meet with the Government and to
11 testify in court. I was to answer all questions
12 put to me regarding the case and respond openly,
13 completely and candidly to all questions that were
14 asked of me. I was told not to withhold any
15 information and not to falsely implicate anyone.
16 Just to say what I knew.

17 Q. Are you here today in connection with
18 that agreement?

19 A. Yes, I am.

20 Q. In return for your doing that, what
21 benefit did you receive from the Government?

22 A. I was put on probation for a period of 18
23 months, at the end of which if the terms of my
24 agreement were met, the agreement was that the
25 charges against me would be dismissed.

1 Q. Has that probationary period now ended?

2 A. Yes, it was.

3 Q. Did you enter into -- did you put this
4 agreement with the Government in writing?

5 A. Yes.

6 (Government's Exhibit 448: Marked
7 for identification.)

8 BY MR. BOYLE:

9 Q. Ms. Gassin, showing you what's been
10 marked Government 448 for Identification, if you
11 would look that over and tell us if you recognize
12 that being the agreement that you and Mr.
13 Macdonald reached with the Government?

14 A. Yes.

15 THE COURT: This is being offered as
16 a full exhibit?

17 MR. BOYLE: No, your Honor. I'm not
18 offering it as a full exhibit.

19 THE COURT: Identification of 448.

20 BY MR. BOYLE:

21 Q. Ms. Gassin, do you know the Defendant in
22 this case, Juan Segarra-Palmer?

23 A. Yes, I do.

24 Q. Would you please tell the ladies and
25 gentlemen of the jury and the Court how it is that

1 you came to meet him?

2 A. I met him through friends of mine. I
3 first met him in 1983 in the late summer, early
4 fall.

5 Q. Where were you when you first met him in
6 late summer or early fall of '83?

7 A. I was coming back to a friend's house in
8 Cambridge and Juan Segarra or Papo was standing
9 outside her house and she introduced me to him.

10 Q. Who was your friend?

11 A. Deborah Weaver.

12 Q. I believe you said Juan Segarra or Papo.
13 Is that the name you came to know Juan Segarra by?

14 A. I was introduced to him as Papo.

15 Q. Was anyone with Juan Segarra at the time
16 that you met him on that occasion?

17 A. Yes.

18 Q. Could you please tell us how that man was
19 introduced to you?

20 A. He was introduced to me by the name of
21 Luis.

22 Q. Would you describe him for us, please?

23 THE COURT: I didn't get that name.
24 He was introduced to you by the name of what?

25 THE WITNESS: Luis.

1 THE COURT: Luis?

2 THE WITNESS: Luis.

3 BY MR. BOYLE:

4 Q. Would you describe him for us, please,
5 Ms. Gassin?

6 A. Yes. I would say he was in his late
7 thirties or early forties. He was about five-seven.
8 He had grayish hair. He had a hat on and glasses,
9 a beard.

10 Q. Did you speak to that man at all?

11 A. Just to say hello.

12 Q. Did you learn anything about his ethnic
13 background?

14 A. Yes.

15 Q. What was that?

16 A. I was told that he was Puerto Rican.

17 Q. How long did this meeting with Juan
18 Segarra and Luis last?

19 A. Very brief. We were just introduced and
20 I went into the house.

21 Q. Did you come to see Juan Segarra on
22 occasions after that?

23 A. I saw him later after that time. I don't
24 remember exactly when. It was around that same
25 time period. It was at Deborah Weaver's house

1 again, inside her house, just a brief meeting
2 conversation that we had in her kitchen.

3 Q. Did you ever see the man who was
4 introduced to you as Luis again after that first
5 meeting?

6 A. No, I did not.

7 Q. Ms. Gassin, after your arrest were you
8 shown a series of photographs by agents of the FBI?

9 A. Yes.

10 Q. In that series of photographs were you
11 asked to pick out a man, the man that was
12 introduced to you as Luis?

13 A. Yes.

14 Q. Would you tell us what happened when you
15 looked at those photos, please?

16 A. I just looked at them and identified the
17 man who resembled the man that I had met at that
18 time and who was introduced to me as Luis.

19 THE COURT: How many photographs are
20 there, counselor?

21 MR. BOYLE: There are nine, your
22 Honor.

23 BY MR. BOYLE:

24 Q. Ms. Gassin, I'm showing you Government
25 Exhibit 449 for Identification. I ask if this

1 appears to be the photo spread that you were shown
2 by the FBI when you were asked to identify the man
3 who was introduced to you as Luis?

4 A. Yes, that's the photo spread.

5 Q. When you saw the photo spread on that
6 occasion, after you had identified the photo of
7 the man who resembled Luis, did the agents of the
8 FBI ask you to do anything with that photograph?

9 A. They asked me to sign my name on the back
10 of the photograph.

11 Q. When was the last time before I just
12 showed it to you that you saw that photo spread?

13 A. The last time was the first time that I
14 saw it; September of '85.

15 Q. After you identified the man who
16 resembled Luis, did the agents ask you to sign
17 your name on the back of that photo?

18 A. Yes.

19 Q. If you would now look at that series of
20 photos that is displayed in front of you, and tell
21 us if you can now identify the photo of Luis.

22 A. Yes. This is it.

23 Q. Ms. Gassin, you have selected one
24 photograph. Would you turn that photograph over,
25 please? Does that photograph bear any writing on

1 the back?

2 A. Yes, it has my signature.

3 Q. Is that the same photograph that you
4 identified in September 1985 as Luis?

5 A. Yes, it is.

6 Q. Thank you.

7 MR. BOYLE: Your Honor, I ask that
8 these photos be marked individually. I believe
9 449-A through I.

10 (Government's Exhibits 449-A through
11 449-I: Marked for identification.)

12 MR. BOYLE: I ask those photos be
13 admitted in full.

14 THE COURT: Any objection?

15 MR. WEINGLASS: Yes. Voir dire,
16 your Honor. I have a limited voir dire.

17 VOIR DIRE EXAMINATION

18 BY MR. WEINGLASS:

19 Q. Good morning, Ms. Gassin. My name is
20 Leonard Weinglass. I represent Juan
21 Segarra-Palmer, known to you as Papo.

22 Now, could you tell us, if you can
23 remember, when and where you selected this
24 photograph?

25 A. It was in September of 1984. I don't

1 remember the date.

2 Q. In the month of September 1984 you were
3 arrested August 30th?

4 A. Yes.

5 Q. You met with the FBI the first time on
6 September 11th, within 11 days; is that correct?

7 A. That's right.

8 Q. The persons who met with you at that time
9 included Agent Cronin of the FBI; do you recall?

10 A. Yes.

11 Q. And Agent Rodriguez who is seated here in
12 court, correct?

13 A. That's right.

14 Q. And that was a long meeting? I won't get
15 into it.

16 A. I don't remember the length, but I think
17 so, yes.

18 Q. Then within five days you had another
19 meeting with the FBI; this time Agent Cronin was
20 joined by Agent Huyler; do you recall that?

21 A. Yes.

22 Q. And Agent Rodriguez was there also?

23 A. Yes.

24 Q. Then within eight days, on September 24th,
25 you met again with the FBI, right; and this time

1 Agent Cronin was present with Agent Huyler; do you
2 recall that? That was the third meeting?

3 A. Yes. Again, I don't remember the dates.

4 Q. All this time you were in custody with
5 the federal authorities; is that correct?

6 A. You're talking after September 12th?

7 Q. Yes. You weren't free to go home?

8 A. Pardon? I was out of prison as far as I
9 remember, at that point; if that's what you're
10 asking me.

11 Q. Were you free to go home?

12 A. I was to speak with the Government before
13 I left.

14 Q. Before they let you go home?

15 A. Before I left.

16 Q. But they weren't holding you in a jail at
17 that time, but you were being held; isn't that
18 correct? During this period of all these meetings?

19 A. I was being kept somewhere for my
20 protection, I was told.

21 Q. You were not released on bail and free
22 until after you testified before the Grand Jury?

23 A. That's right.

24 Q. Which was later in September, isn't that
25 correct?

1 A. Again I don't remember my date of
2 testifying before the Grand Jury.

3 Q. Now then there was a fourth meeting,
4 which occurred on September 25th with again Agent
5 Cronin, this time joined by Agent Anderson; do you
6 recall that?

7 A. I remember that I had meetings. I don't
8 remember a specific meeting. I don't know who
9 Agent Anderson is.

10 Q. Now, it was in this fourth meeting that
11 you can recall that the FBI showed you pictures
12 which have been marked here which you just
13 testified about, 449. These nine pictures were
14 shown to you; isn't that correct?

15 A. Yes. As I said, I don't remember the
16 dates.

17 Q. Before these pictures were shown to you,
18 you had been questioned for how many hours, if you
19 can recall, by agents of the FBI?

20 MR. BOYLE: I'll object without a
21 specification of the date and number of hours that
22 he's asking about.

23 MR. WEINGLASS: I'll break it down.

24 BY MR. WEINGLASS:

25 Q. Do you know how many hours you were

1 questioned the first time on September 11th?

2 A. As I recall, two hours; but it's a
3 estimate at this point. Four years later I can't
4 tell you.

5 Q. That's understandable.

6 The second time; do you recall how many
7 hours?

8 A. I would say same period of time.

9 Q. Couple of hours?

10 A. Yes.

11 Q. Third time; do you remember how many
12 hours?

13 A. Well, quite frankly, the third time I
14 don't know what meeting we're talking about here,
15 unless I see the content of that meeting. Then I
16 can tell you what the time is.

17 MR. WEINGLASS: May we have this
18 marked for identification.

19 THE COURT: Shall we establish,
20 counselor, how long after arrest she was
21 represented by counsel?

22 MR. WEINGLASS: Yes, your Honor.
23 I'll go into that.

24 (Defendants' Exhibit 193: Marked
25 for identification.)

1 BY MR. WEINGLASS:

2 Q. We'll complete the third session of your
3 questioning by showing you this document marked
4 193 and I'll follow up with questions that the
5 Court requested.

6 (Defendants' Exhibits 194 and 195:
7 Marked for identification.)

8 THE WITNESS: You're asking me how
9 much time?

10 BY MR. WEINGLASS:

11 Q. Yes. If that helps you.

12 A. I'm sorry. It's really hard for me to
13 say. I would have to say again maybe a similar
14 time frame.

15 Q. That would be a couple of hours; is that
16 right?

17 A. Yes. At the most I would say.

18 Q. Incidentally, this report you've seen,
19 report which has been marked 193?

20 A. Yes, I have.

21 Q. You have reviewed all these reports that
22 the FBI made?

23 A. I've read them, yes.

24 Q.. Now, this one is four typewritten pages
25 and then it has some documents appended to it; is

1 that right?

2 A. Yes.

3 Q. The report of the first meeting that the
4 FBI had with you is 16 typewritten pages; isn't it?
5 I'll show you that one which has been marked 194,
6 if counsel will bear with me. That one is 16
7 pages, typewritten?

8 A. Yes.

9 Q. The second meeting which is 195 is 17
10 pages typewritten.

11 A. Yes.

12 Q. Now, Ms. Gassin, in light of the fact
13 now we're up to about 31 typewritten single spaced
14 pages of FBI reports on their meetings with you,
15 is it your recollection that these meetings only
16 lasted a few hours or were they much longer?

17 A. Well, in looking at these again, I would
18 say the third one was definitely shorter and the
19 first two, I really don't remember.

20 Q. Do you remember if your meetings went
21 past the lunch meal, started in the morning and
22 went through the afternoon? Does that help you at
23 all?

24 A. Well, my first meeting I remember started
25 in the late afternoon or maybe around 4:00 o'clock

1 and I think went on for maybe two to three hours.
2 The others I know started earlier in the day. I
3 don't remember how long they were.

4 Q. Would it be fair to say that before you
5 were shown these photographs you had spent six,
6 seven hours with the FBI?

7 A. Yes.

8 Q. Now, the Court requested that I ask you
9 about counsel.

10 A. Yes.

11 Q. Your first attorney, his name was?

12 A. Well, I first briefly met with an
13 attorney, Mr. Avery.

14 Q. Was that the day of your arrest?

15 A. Yes.

16 Q. He had to excuse himself from
17 representation with you because of a conflict?

18 A. That's right.

19 Q. So, your first attorney excused himself?

20 A. That's right.

21 Q. Then you had a second attorney.

22 A. Yes.

23 Q. What became of him?

24 A. He also excused himself three days later.

25 Q. At that time were you beginning to get

1 the feeling it was hard to get a lawyer when you
2 need one?

3 A. I didn't, no.

4 Q. The third attorney you got was a former
5 Assistant United States Attorney; isn't that right,
6 Mr. Macdonald?

7 A. Yes.

8 Q. He worked out the deal with the
9 Government; is that correct?

10 A. Yes.

11 Q. Now, I want to show you what has been
12 marked 196, which is a report of your fourth
13 meeting with the FBI when you were shown these
14 photographs which are 449. You've read that
15 report; did you not?

16 A. Yes, I have.

17 Q. Now, when you identified a photograph in
18 this session, which is the fourth session you had
19 with the FBI, I'm sorry, dated September 25, 1985?

20 A. That one is 27.

21 Q. We all make the same mistake. The date
22 of the transcription is the 27th, the date of the
23 interview is the 25th.

24 A. Right.

25 Q. It took me about three years before I got

1 straightened out on that one myself. Were you
2 having some difficulty in identifying the man who
3 was introduced as Luis when you made the
4 identification?

5 A. No, I don't remember having difficulty.

6 Q. Do you recall telling the agents that he
7 seemed to have less hair than the person in the
8 picture, but then again the person who you saw
9 that day was wearing a hat?

10 A. Yes, there is ambiguity in that report in
11 the sense that I also later saw -- sorry, earlier
12 on after I had met Luis at some point after that
13 time a friend of mine, Deborah Weaver, showed me
14 photographs of a trip she had taken when she was
15 down in Puerto Rico and there were people in that
16 photograph, one of whom she identified as Luis.

17 I think that there's a comment in that
18 report which is ambiguous because of the two
19 photographs.

20 Q. That comment is she now believed that the
21 Luis in the photograph was not the same Luis she
22 met in person. That's the comment that creates
23 the ambiguity; is that correct?

24 A. Yes.

25 Q. That comment by FBI Agent Cronin, does

1 that mean that the photograph which is 449 you
2 then told the FBI was not the Luis who you had met?

3 A. No. What I meant, was that this
4 photograph looked like the person that I met in
5 1983, whereas I was unsure about this other
6 photograph that Deborah Weaver had shown me.

7 Q. So, you had at that time two photographs
8 of a person who had been identified to you as Luis.
9 One was this photograph, 449. You thought that
10 resembled him. The other photograph was Deborah
11 Weaver's photograph --

12 A. No.

13 Q. That Luis you thought did not resemble
14 him?

15 A. I did not have it at that time. I was
16 shown that photograph sometime in, I don't
17 remember when, in the spring of 1984. I saw it
18 once, maybe twice. I didn't see it after that;
19 but the person who I saw in that photograph I saw,
20 didn't have a hat, was on a beach in another
21 situation. Didn't look exactly like the person
22 that I met who was also introduced to me as Luis
23 outside her door in the fall of '83.

24 Q. It would help you, would it not, Ms.
25 Gassin, if you saw a photograph of the individual

1 you met wearing a hat, wearing a hat?

2 A. It might.

3 MR. BOYLE: Objection, your Honor.
4 This goes beyond the scope of proper voir dire as
5 to the identification of that photo. This is
6 cross-examination.

7 THE COURT: Until I know where he's
8 going, I can't rule on it. I don't know what he's
9 coming up with.

10 MR. WEINGLASS: If I may have this
11 marked.

12 (Defendants' Exhibit 196: Marked
13 for identification.)

14 BY MR. WEINGLASS:

15 Q. Incidentally, was the hat that he was
16 wearing a white hat?

17 A. Are you asking me if it was a white hat?

18 Q. Yes.

19 A. As I recall, it was a brown hat.

20 (Defendants' Exhibit 197: Marked
21 for identification.)

22 BY MR. WEINGLASS:

23 Q. I want to show you 197 for Identification
24 and ask you if you can see a gentleman in that
25 photographer wearing a hat.

1 A. Yes.

2 Q. Looking at that photograph now, is that
3 the gentleman who you believe you met?

4 A. In this photograph I can't see his face.
5 However, from what I can see, it's not the image
6 that I have of the person that I met.

7 Q. That shows the full body?

8 A. Yes, but I also can't see his face at all
9 very good.

10 Q. I understand. When you say it's not the
11 image, is it because there is something about his
12 body that's different?

13 A. I felt the person that I met was a little
14 thinner.

15 THE COURT: It's now 11:30. We
16 usually take a recess from 11:30 to quarter of
17 12:00. The jury is excused. Just a minute. The
18 jury is excused for 15 minutes. The witness will
19 wait until the jury has filed out and she may be
20 excused after the jury and then the attorneys and
21 members of the courtroom may be excused. The jury
22 is excused first.

23 (Whereupon, the jury was excused.)

24 THE COURT: The witness may now be
25 excused. Recess, Mr. Bailiff.

1 (Whereupon, a recess was taken from
2 11:30 o'clock a.m. to 11:46 o'clock a.m.)

3 THE COURT: The witness may come in,
4 Mr. Marshal.

5 (Whereupon, the witness resumed the
6 stand.)

7 THE COURT: You may be seated. Wait
8 until the attorneys are in before you call the
9 jury.

10 Ms. Backiel and the prosecutor,
11 there's a communication from the jury. I want you
12 to read it before I speak in open court concerning
13 it.

14 (Pause.)

15 MS. BACKIEL: Could we confer with
16 the Court and propose a response?

17 THE COURT: I just want to call it
18 to your attention. Do you have a response? Let
19 me know.

20 MS. BACKIEL: Could we do that at
21 sidebar?

22 THE COURT: You better confer with
23 associate counsel so you will be in agreement.

24 MS. BACKIEL: You're referring to my
25 adversary counsel?

1 THE COURT: No.

2 (Pause.)

3 THE COURT: There's one other thing
4 I want to put on the record, counselor. It
5 pertains to your client. I note he doesn't have
6 earphones in his ears back there.

7 MR. BOYLE: Your Honor, may the
8 witness step out before we discuss this?

9 (Witness excused.)

10 MR. DABROWSKI: We had already made
11 arrangements with the marshals so there would be
12 no encounter between the witness and the jury.
13 The jury's room door is closed. It's better to go
14 out the side door. We anticipated that and there
15 shouldn't be a problem with regard to the witness
16 encountering.

17 THE COURT: Except from experience
18 in the courtroom. It might be an inference she
19 was commingling with the jury if she went out the
20 same door as the jury.

21 MR. DABROWSKI: We've made
22 arrangements to avoid exactly that, your Honor.

23 THE COURT: If she goes out this
24 side door, there won't be any question.

25 May I have that? There is a

1 communication from the jury which simply says,
2 "Why is it that one of the Defendants, Negron,
3 sitting out where the public sits?" I haven't
4 said anything and I haven't given an answer.

5 MS. BACKIEL: I would propose that
6 out of the presence of the witness the Court
7 instructs the jury that in response to a
8 communication from the jury, the jury is
9 instructed because identification is at issue an
10 arrangement has been made to avoid any suggestive
11 identification and that once the identification is
12 no longer at issue, the parties will resume their
13 normal places.

14 THE COURT: That should be done
15 before the witness comes in; is that agreed?

16 MR. BOYLE: I suggest that the jury
17 just be told that a Defendant is free to sit
18 wherever he wants within the courtroom.

19 THE COURT: Well, that might create
20 an inference, too. I think the fact that there
21 was a question of identification and it was agreed
22 that he would sit back with the audience, period.

23 MR. DABROWSKI: Your Honor, that's
24 technically incorrect. It was not agreed. As you
25 know, the Government resisted that procedure. The

1 Government objected to this procedure that was
2 followed.

3 THE COURT: The Court ordered that
4 he had the permission to sit back in the audience,
5 period. Call the jury and we'll ask the witness
6 to come in afterwards.

7 MS. BACKIEL: I think the jury
8 should be told this was done at his counsel's
9 advice.

10 THE COURT: All right.

11 THE COURT: Is he going to put on
12 that headphone? I don't want him to claim later
13 he didn't know what was going on.

14 MS. BACKIEL: There's no problem
15 with that, your Honor. Not in the presence of the
16 jury, but I will advise the Court that there's no
17 problem today. That claim will not be raised.

18 (Whereupon, the jury entered the
19 courtroom.)

20 THE COURT: The jury had a question
21 of the Court which the Court must answer. "Why is
22 it that one of the Defendants, Negron, sitting out
23 where the public sits?"

24 That was requested by counsel and
25 approved and ordered by the Court for purposes of

1 identification procedures. He will, I assume, in
2 due course resume his position where he has been
3 sitting. This should be filed and marked as a
4 court exhibit.

5 (Court Exhibit H: Received in
6 evidence.)

7 THE COURT: The witness may resume
8 the stand.

9 (Whereupon, the witness resumed the
10 stand.)

11

12

VOIR DIRE EXAMINATION

13 CONTINUED BY MR. WEINGLASS:

14 Q. Ms. Gassin, looking at the photograph --
15 I'm sorry, I have the wrong photograph.

16 Do you recall signing the photograph that
17 has been marked 449-A?

18 A. Yes.

19 Q. You do recall it and do you recall if
20 agents of the FBI signed it when you signed it,
21 specifically Agent Cronin?

22 A. Yes.

23 Q. They signed right after you; is that
24 right?

25 A. That's right.

1 Q. That was on September 25, 1985?

2 A. Yes.

3 Q. It's your testimony that the individual
4 who you picked out in this picture was someone who
5 you had seen for about five minutes one year
6 earlier?

7 A. That's right.

8 MR. WEINGLASS: I have no further
9 questions. No objection.

10 MR. BOYLE: I ask the photos be
11 admitted in full, your Honor.

12 MR. WEINGLASS: If I may, I misspoke.

13 BY MR. WEINGLASS:

14 Q. Was someone you had seen for
15 approximately five minutes two years earlier?

16 A. In 1983, yes.

17 Q. You claim you saw this person around
18 August, September 1983?

19 A. That's right.

20 Q. And you made the identification on
21 September 25, 1985. That's two years later?

22 A. Yes, yes. That's right.

23 THE COURT: It isn't clear to me,
24 counselor, the point you brought up. Did he stay
25 at your home?

1 THE WITNESS: No.

2 THE COURT: Not this person. I
3 wanted to make sure.

4 BY MR. WEINGLASS:

5 Q. This is someone I think you said you
6 casually met on the street. You didn't know you
7 were going to meet him?

8 A. I met him -- the first time I met Papo
9 standing outside Deborah Weaver's house in
10 Cambridge.

11 Q. You said were you introduced to Papo?

12 A. Yes.

13 Q.. You were introduced to Luis?

14 A. Exactly.

15 Q. You never saw him again?

16 A. That's right.

17 Q. Two years later you pick out his picture?

18 A. I picked out the person who resembled the
19 person I met, yes.

20 Q. When you say, "resembled," would you say
21 for certain that's the person or would you just
22 say there's a resemblance?

23 A. I identified that person as the person
24 that I saw in 1983.

25 Q. Right. But would you say that picture is

1 a picture of someone who bears a resemblance or
2 would you say that's the same man?

3 MR. BOYLE: Objection. Asked and
4 answered.

5 THE COURT: She's allowed to press
6 to that point with what certainty she's
7 identifying.

8 BY MR. WEINGLASS:

9 Q. Ms. Gassin, would you be able to say,
10 "That's the same man," or would you say, "That's
11 someone who I think resembles the man I met two
12 years earlier for less than five minutes"?

13 A. All I can say is I met him for a few
14 minutes, five minutes maximum, and that photo
15 resembles the person that I met.

16 Q. Thank you.

17 BY MR. BOYLE:

18 Q. Ms. Gassin, during the meetings that you
19 had with the FBI agents Mr. Weinglass asked when
20 they wrote those reports he showed you, who was
21 present beside you and the FBI agents at those
22 meetings?

23 A. My attorney was present.

24 Q. Was your attorney, Mr. Macdonald, present
25 at all those meetings?

1 A. Yes, he was.

2 Q. Before the agents showed you that photo
3 spread and the photo that you identified, what did
4 they say, as they handed you the photo spread?

5 A. This photo spread?

6 Q. Yes.

7 A. They asked me to look at the photos and
8 see if there was -- if one of those photos looked
9 like the person that I had met in September 19 --
10 in the fall of 1983.

11 Q. Did the agents or anyone else indicate to
12 you which one you ought to select?

13 A. No.

14 Q. Before that photo spread was shown to you
15 had those agents or any other agents showed you
16 that photo that you identified as Luis?

17 A. No.

18 MR. BOYLE: I ask that exhibit be
19 admitted in full, your Honor, 449.

20 MR. WEINGLASS: One last question in
21 response to that.

22

23

VOIR DIRE EXAMINATION

24 BY MR. WEINGLASS:

25 Q.. Ms. Gassin, didn't you tell the agents on

1 that occasion that the photograph you selected of
2 the nine most resembled?

3 A. I don't remember my exact words.

4 Q. Would it refresh your recollection if I
5 were to show you 196? I'm sorry, I've circled the
6 portion. Would that refresh your recollection
7 that you told the agents of the nine photographs
8 this picture most resembled?

9 A. I don't remember exactly what I said
10 because I know that this isn't a direct transcript
11 of my words. So, I don't know how it was written
12 down and what my exact words were at the time.

13 Q. It's the agent's record of what you said?

14 A. Right.

15 Q. As a matter of fact, the FBI did not tape
16 record you in any of these meetings; isn't that
17 correct?

18 A. To my knowledge, no.

19 Q. They didn't even have you write your own
20 statements in your own hand?

21 A. To write down what I said?

22 Q. Yes.

23 A. No, I didn't write down what I said.

24 Q. They wrote it down; isn't that right?

25 These are all written by the FBI?

1 A. That's right.

2 Q. Thank you.

3 THE COURT: You offer it, counselor?

4 MR. BOYLE: I offer 449-A through I
5 as a full exhibit.

6 THE COURT: Full exhibit.)

7 (Government's Exhibits 449-A through
8 449-I: Received in evidence.)

9 THE COURT: Do you want to show them
10 to the jury?

11 MR. BOYLE: Thank you.

12 THE COURT: I've been looking over
13 her shoulder.

14 BY MR. BOYLE:

15 Q. 449-A, is the photograph that you
16 identified as Luis, Ms. Gassin?

17 A. Yes, that's the one.

18 (Pause.)

19 BY MR. BOYLE:

20 Q. Ms. Gassin --

21 THE COURT: Maybe you better wait.
22 Photographs are something people take a moment to
23 look at.

24 MR. BOYLE: Very well, your Honor.

25 (Government's Exhibit 450: Marked

1 for identification.)

2 THE COURT: All right, counselor,
3 you may proceed.

4 MR. BOYLE: Thank you, your Honor.
5 BY MR. BOYLE:

6 Q. Ms. Gassin, I believe you mentioned this
7 before, but if you would again, please, after that
8 meeting with Deborah Weaver, Juan Segarra and Luis
9 outside Deborah Weaver's home, when did you next
10 see Juan Segarra?

11 A. I met him again later on in that same
12 time period, which is late summer, early fall 1983;
13 and it was this time inside her house, in her
14 kitchen. We just had a conversation.

15 Q. When did you next see him?

16 A. On May 4, 1984.

17 Q. So, that would be approximately seven
18 months after you had seen him the last time?

19 A. That's right.

20 Q. Would you tell us the circumstances
21 surrounding that, please?

22 A. I was staying at the time at my friend's
23 house, Deborah Weaver's house, and I was coming
24 home with her to her house that night and at her
25 house was Papo and we just sat down and had dinner

1 together.

2 Q. Why were you staying at Deborah Weaver's
3 house on May 4, 1984?

4 A. I had knee surgery about a week prior to
5 that time and I was staying with her because it
6 was difficult for me to do my own cooking,
7 shopping, et cetera.

8 Q. How long did your dinner and meeting with
9 Juan Segarra on May 4th last?

10 A. I don't remember exactly. I would say
11 maybe a couple of hours.

12 Q. Did he recognize you from your prior
13 meetings?

14 A. No, he didn't.

15 Q. Did you have any conversation about that?

16 A. Yeah, later on we did.

17 Q. What did he say?

18 A. He just said that he excused himself for
19 not remembering that he had met me and he told me
20 that when I explained to him the times that I had
21 met him at her house, he said it corresponded to a
22 time when he was very busy and was preoccupied.

23 Q. What sort of car was Juan Segarra driving
24 during this period in May 1984; if you recall?

25 A. It was a blue Volvo, as I recall.

1 Q. Do you know who owned the blue Volvo?

2 A. A friend of his, Pam Taylor is her name.

3 Q. In the week that followed May 4, 1984,
4 did you begin to see Juan Segarra on a regular
5 basis?

6 A. Yes, I did.

7 Q. At some point during that week or shortly
8 after that did you fall in love with him?

9 A. Yes, I did.

10 Q. Did you two develop an intimate
11 relationship after that?

12 A. Yes.

13 Q. Did Juan Segarra tell you why he was in
14 Boston during May 1984?

15 A. He told me that -- the only thing he told
16 me was that he was selling flowers with a friend
17 of his by the name of Kenny.

18 Q. Did he tell you anything more about Kenny?

19 A. No. Much later on he told me that he was
20 someone that had had trouble with the law, but I
21 don't know anything else about him.

22 Q. Did you ever meet Kenny?

23 A. No.

24 Q. You said that you were staying at Deborah
25 Weaver's home as of May 4th. When did you return

1 to your home?

2 A. Let's see. May 4th was a Friday. I went
3 home on a Sunday, Sunday evening.

4 Q. During that following week, did Juan
5 Segarra begin to stay at your house?

6 A. Later on that week around May 10th, yeah.

7 Q. Now, in answering these last few
8 questions you've been able to specify dates for us.
9 How is it that you're able to remember dates from
10 1984 as you sit here now?

11 A. Well, because when I reconstructed my
12 meetings with Papo in that time period of 1983 to
13 1985, I used a diary that I kept and I could
14 associate different events and using that,
15 reconstruct the timing.

16 Q. Were you reconstructing those events when
17 the FBI was questioning you in September of '85?

18 A. Yes.

19 Q. Ms. Gassin, showing you Government
20 Exhibit 450 for Identification, is that the diary
21 that you used to reconstruct these dates and
22 events?

23 A. Yes, it is.

24 Q. Thank you.

25 THE COURT: Is that being offered as

1 a full exhibit?

2 MR. BOYLE: No, your Honor. Not at
3 this time.

4 BY MR. BOYLE:

5 Q. How long did Juan Segarra stay in
6 Cambridge during the early part of May 1984?

7 A. Well, he left around May 14th or 15th, as
8 I recall.

9 Q. Did he say where he was going?

10 A. I took him to a bus station. He told me
11 he was going to New York.

12 Q. When did you next see him?

13 A. In early June. I think it was June 7th
14 is when he came back.

15 Q. Did you pick him up or did he come to
16 your house?

17 A. I don't remember that.

18 Q. How long did he remain in Cambridge after
19 he arrived on June 7th?

20 A. About a week.

21 Q. Did he tell you where he was going when
22 he left?

23 A. He didn't tell me where he was going. He
24 told me later when he came back that he had been
25 to Mexico.

1 Q. Did he say why he went to Mexico?

2 A. No, he didn't say.

3 Q. Did you see Juan Segarra again in late
4 July of 1984?

5 A. Yes, I did.

6 Q. Would you please tell us how that came
7 about?

8 A. Papo came back to the Boston area at the
9 end of July and I saw him again. I don't remember
10 when, if it was the week of the 23rd or the week
11 of the 30th, he came to my house.

12 Q. How is it that you can specify it to the
13 23rd or 30th?

14 A. Again, based on this calendar and I can't
15 tell you exactly what the circumstances were
16 around that, but that's how I did that.

17 Q. Do you recall the day of the week that he
18 came?

19 A. Yeah, because he came to Boston on a
20 weekend. I wasn't there. I was away on a camping
21 trip and I saw him on Monday. It was either
22 Monday the 23rd or Monday the 30th.

23 Q. Did you have any conversations about his
24 plans during that week?

25 A. Yeah. He told me he was going to go up

1 to Maine to a house that Deborah Weaver has up
2 there to do some -- because he had some writing,
3 some work to do.

4 Q. Did he tell what you kind of writing he
5 was going to do?

6 A. Just that it was some writing about work
7 of his.

8 Q. What kind of work did he tell you that he
9 did?

10 A. Well, at that point all that he had told
11 me was that he was somehow vaguely associated with
12 a video or some kind of media company.

13 Q. Now, would you describe -- first of all,
14 did he go to Bryant Pond?

15 A. Yes, he did.

16 Q. Do you recall when he went?

17 A. He went at the beginning of the week. It
18 was either the week of the 23rd or week of the 30th.

19 Q. Did you join him there at some point?

20 A. Yeah, I drove up there on a Wednesday of
21 either of those weeks.

22 Q. Would you describe for us, please, the
23 place at Byrant Pond that Deborah Weaver owned?

24 A. It's a small house on a lake.

25 Q. How did Juan Segarra get there?

- 1 A. He drove up.
- 2 Q. Did you drive up yourself after that?
- 3 A. Yeah, I drove up in my car afterwards.
- 4 Q. What happened after you got there?
- 5 A. That afternoon he showed me a video about
6 Puerto Rico.
- 7 Q. Could you describe the video for us,
8 please?
- 9 A. It was a video which talked about the
10 history of the island and also about the
11 independence movement.
- 12 Q. Did he tell you whether he had made that
13 video?
- 14 A. I don't remember whether he did or not.
- 15 Q. Did you have a conversation about the
16 writing that Juan Segarra said he went to Byrant
17 Pond to do?
- 18 A. Well, the next day he showed me the
19 manuscript that he had written.
- 20 Q. Would you tell us, please, how that came
21 about?
- 22 A. He just asked me whether I would be
23 interested in reading it and I said yes and so he
24 gave it to me to read.
- 25 Q. Would you describe for us, please, what

1 the manuscript looked like?

2 A. It was written on a pad of white, lined
3 paper in blue ink, as I recall.

4 Q. Did you recognize the writing as his?

5 A. Well, not necessarily, but he had told me
6 that on a different occasion that he had different
7 ways of writing because it was better not to
8 always use the same writing style as writing could
9 be traced to a particular person.

10 Q. What did you do with the manuscript?

11 A. I read it.

12 Q. Where were you when you read it?

13 A. I was sitting outside of the house.

14 Q. Was he with you?

15 A. No, he was inside.

16 Q. Approximately, how many pages was the
17 manuscript; if you recall?

18 A. Well, I don't remember, but I think it
19 took me about, I would say, between half an hour
20 and an hour or 45 minutes to an hour to read it.

21 Q. Would you tell us, please, as best you
22 can recall, what the manuscript said?

23 MS. BACKIEL: Objection.

24 MR. WEINGLASS: The manuscript is
25 the best evidence, the writing is the best

1 evidence. I object on grounds of best evidence.

2 THE COURT: If they have the
3 manuscript, the manuscript would be the best
4 evidence. Is the manuscript available? Do you
5 have it in your possession?

6 MR. BOYLE: It is not.

7 THE COURT: Is it in the possession
8 of the witness?

9 MR. BOYLE: No, your Honor.

10 THE COURT: The objection is noted
11 and the objection is overruled.

12 MS. BACKIEL: There is an objection
13 on an additional ground as well. Hearsay.

14 THE COURT: Hearsay. Objection
15 overruled. Proceed.

16 MR. WEINGLASS: Your Honor, we
17 haven't had any testimony on the length of this
18 manuscript.

19 THE COURT: Forty-five minutes to an
20 hour it took her to read it. She may read slowly.
21 She may read very fast. I don't know.

22 MR. WEINGLASS: Your Honor, I object
23 to the witness testifying about something she read
24 more than four years ago.

25 THE COURT: It will go --

1 MR. WEINGLASS: That the Government
2 doesn't have.

3 THE COURT: It will go to the weight
4 rather than the admissibility. Proceed.

5 BY MR. BOYLE:

6 Q. Ms. Gassin, tell us the format of the
7 manuscript, please.

8 A. What do you mean by format?

9 Q. Was it in a narrative style or was it
10 written in the manner of a play?

11 A. It was a manuscript that related
12 incidents or events that had occurred. Characters
13 were introduced and described prior to the
14 beginning of each scene.

15 Q. Would you tell us, please, what you
16 recall about the first scene from the manuscript?

17 A. The first scene is at a birthday party in
18 New York and what I recall of that is a
19 conversation, there's a character there named
20 Ramon who has a conversation with a friend of his
21 and this friend tells him that he knows of someone
22 else who is willing to do something for their
23 cause or their organization.

24 Q. Is the cause identified in the manuscript?

25 A. Not that I remember.

1 Q. Is the organization identified in the
2 manuscript?

3 A. No.

4 Q. Is the same of the person who was
5 supposedly willing to help Ramon identified in the
6 manuscript?

7 A. Yes.

8 Q. What was that name?

9 A. Victor Gerena.

10 Q. Is Victor Gerena referred to by any other
11 name in the manuscript?

12 A. As the eagle or "Aguila."

13 Q. Do you speak Spanish, Ms. Gassin?

14 A. Yes, I do.

15 Q. Do you know the Spanish word for eagle?

16 A. It's "aguila."

17 Q. What happened after this conversation in
18 New York between Ramon and the other person?

19 A. Then Ramon goes down to meet with Victor
20 Gerena and to learn more precisely about who he is
21 and what he can do to help.

22 Q. Does Ramon come to find out what sort of
23 occupation Victor Gerena has?

24 A. Well, at that point it's discussed that
25 Victor Gerena drives a Wells Fargo truck and that

1 it's discussed in the manuscript his route and the
2 amount of money that he carries and what could be
3 done with it.

4 Q. According to the manuscript, what
5 happened after Ramon's initial meeting with Victor
6 Gerena?

7 A. Then what happens, as I remember, is that
8 he, being Ramon, and his organization decides that
9 it would be good for Victor Gerena to go down to
10 Puerto Rico because he had never been on the
11 island; to learn about the island, the history and
12 the independence movement and who the members of
13 the organization were and what their objectives
14 were.

15 Q. According to the manuscript, did Victor
16 Gerena go to Puerto Rico with Ramon?

17 A. Yes.

18 Q.. What happens in Puerto Rico?

19 A. He met with members of the organization --

20 THE COURT: So it will be clear to
21 me, who is Ramon; do you know? Do you know who
22 Ramon is?

23 MR. BOYLE: I think I can answer the
24 Court's question, your Honor, with a question.

25 BY MR. BOYLE:

1 Q. After you read the manuscript, did you
2 have a discussion about it with Juan Segarra?

3 A. Yes, I did.

4 Q. Did you ask him if Ramon was, in fact, an
5 actual person?

6 A. Yes.

7 Q. What was his response?

8 A. Well, as I remember, I asked him directly,
9 "Are you Ramon," and he said, "Yes."

10 Q. Going back now to the trip to Puerto Rico
11 with Ramon and Victor Gerena, can you tell us what
12 happened there, please?

13 MR. WEINGLASS: Your Honor, I don't
14 mean to interrupt. Are we still on scene one, is
15 that the recitation?

16 MR. BOYLE: Your Honor, I didn't ask
17 for a scene-by-scene account and I don't believe
18 that is what the witness is providing.

19 MR. WEINGLASS: Okay. Thank you.

20 BY MR. BOYLE:

21 Q.. Ms. Gassin, do you remember how many
22 scenes were in this manuscript?

23 A. I don't remember.

24 Q.. Tell us, as best you can recall, from
25 having read it, what the manuscript said about

1 Victor Gerena and Ramon in Puerto Rico.

2 A. Well, Victor Gerena then met the members
3 of the organization. The only name that I
4 remember is the name of Gaby.

5 Q. Can you spell that for us, please?

6 A. It's either G-a-b-y, or G-a-b-i. I don't
7 know.

8 Q. Did the manuscript say anything about the
9 group's reaction to the involvement of Victor
10 Gerena?

11 A. Well, what happened when Victor Gerena
12 was down there was that they did decide to involve
13 him and they explained him to go forward with this
14 plan and they explained to him afterwards he would
15 be forced to go underground and the organization
16 would be in a position to give him a new identity
17 and to take him out of the country.

18 Q. What was the plan?

19 A. The plan, which was later described, was
20 that Victor Gerena who was the driver of this
21 Wells Fargo truck would at some point in his route
22 stop the truck so that it could be overtaken by
23 other members of the organization who would come
24 and take the money away.

25 Q. Did the group in Puerto Rico agree to the

1 plan?

2 A. Yes.

3 Q. What happened next?

4 A. What is then described as an organization
5 phase, the planning of the whole operation.

6 Q. Do you recall who was responsible for any
7 particular planning of this event?

8 A. Well, as I remember, Ramon was involved
9 in the planning of the operation. Then later Papo
10 described to me in a later conversation that he
11 had met --

12 MR. WEINGLASS: It's not responsive
13 to the question. The question was what's in the
14 manuscript. He wants the witness to remember the
15 manuscript.

16 MR. BOYLE: I'll withdraw that and
17 focus on the manuscript for right now, your Honor.

18 BY MR. BOYLE:

19 Q. What was Ramon's responsibility for the
20 robbery plan?

21 A. He had an organizational role, which was
22 described in the manuscript.

23 Q. According to the manuscript, did the
24 robbery go forward as planned?

25 A. As I remember, there was a delay in the

1 operation. It was supposed to take place on a
2 particular day and it was put off to another day.

3 Q. Do you recall why it was put off?

4 A. No, I don't remember.

5 Q. Would you tell us, please, as best you
6 can recall, what Victor Gerena was supposed to do
7 to bring about the robbery?

8 A. Well, as I remember, he was supposed to
9 somehow induce sleep in the other guards who were
10 with him in the truck. He would then at some
11 point in his route give a signal to people who
12 were members of the group who were waiting for him
13 and at which point they would converge on the
14 truck.

15 Q. Did the manuscript describe how the
16 robbery actually took place?

17 A. Yes, it did.

18 Q. What do you recall about that?

19 A. Well, what I remember are people waiting
20 for this signal. I remember the people -- what
21 people are wearing is described. They were
22 supposed to look like they were members of some
23 kind of sports team and they had baseball hats on,
24 some kind of windbreaker and an athletic bag.

25 Q. Who were these people who were dressed in

1 that athletic gear?

2 A. They were members of the organization who
3 had come up to do this operation.

4 Q. What was the purpose of those members
5 carrying athletic bags?

6 A. Well, the purpose was to -- well, there I
7 have a problem with what's in the manuscript and
8 what I was later told.

9 Q. Do you recall, as you sit here today,
10 what the manuscript told you what the purpose of
11 the athletic bags was?

12 A. Yes, the manuscript must have described
13 it, yes.

14 Q. What was that?

15 A. The athletic bags were used to put the
16 money in that was inside the truck.

17 Q. Where did the robbery actually take place?

18 A. I don't know.

19 Q. Do you recall if the robbery took place
20 on a road?

21 A. Well, what I recall is that the plan was
22 that it would take place in an area that had some
23 obstruction in it, that was some construction site
24 or had other obstruction. The idea being it was
25 an area that cars would have difficult access to

1 and so it was planned that Victor would get away
2 on a motorcycle because there was a road which
3 would allow apparently a motorcycle to get out but
4 not cars to follow very easy.

5 Q. Do you have a recollection where the
6 truck was at the time the robbery occurred?

7 A. As I recall, it wasn't out in the open,
8 but I don't remember precisely.

9 Q. You said it was not out in the open?

10 A. It was not out in the open.

11 Q. Did the manuscript say how much money was
12 taken?

13 A. Well, again, I have trouble with whether
14 that was in the manuscript or whether I was told
15 that later.

16 Q. What did Victor Gerena do after he left
17 on the motorcycle?

18 A. He was then later met by Ramon and he, at
19 that point, abandoned his motorcycle somewhere and
20 they drove off.

21 Q. When you finished reading the manuscript,
22 what did you do?

23 A. I talked to Papo about it.

24 Q. Was the manuscript complete at the point
25 that you had seen it?

1 A. No, it wasn't.

2 Q. Do you know if he ever finished it?

3 A. Yes, he did. He told me that he did.

4 Q. Did you ever read the completed version?

5 A. No, I never did.

6 Q. Now, after you read the manuscript, tell
7 us, please, about your conversation with Juan
8 Segarra.

9 A. Well, one of the first questions that I
10 asked him was whether he was Ramon.

11 Q. Why did you suspect that he would be
12 Ramon?

13 A. By the way the character was described,
14 by incidents in the manuscript which made me think
15 it would be him.

16 Q. Which incidents, as best you can recall,
17 led you to think he would be Ramon?

18 A. The first being the birthday party in New
19 York. It was the birthday party of Ramon's
20 daughter and I knew that Papo had a daughter who
21 lived in New York. Also later in Ramon's
22 activities in the New England area made me think
23 that he was Papo.

24 Q. What was Ramon doing in the New England
25 area?

1 THE WITNESS: Meeting people and --

2 MR. WEINGLASS: Objection. Unless
3 the witness has personal knowledge. Not hearsay.

4 THE COURT: If she knows.

5 A. Meeting people and organizing this
6 operation.

7 BY MR. BOYLE:

8 Q.. Now, at that point after you finished
9 reading the manuscript, had you had any knowledge
10 of the Wells Fargo robbery as of that day?

11 A. I didn't when I read it, no.

12 Q. In your conversation with Juan Segarra
13 after he told you that he was Ramon, did you have
14 any discussion as to whether what was described in
15 the robbery had actually taken place?

16 A. Yes, he told me that it had and he told
17 me that it was the Wells Fargo robbery.

18 Q. Is that the first time you had ever heard
19 of the Wells Fargo robbery?

20 A. That's right.

21 Q. In your discussion did you come to find
22 out how much money was taken?

23 A. He told me that roughly \$7 million were
24 taken.

25 Q. What else did you discuss with Juan

1 Segarra after you read the manuscript concerning
2 his role as Ramon?

3 A. At that point either that day or later on
4 he told me that he had been involved in clocking
5 different routes, different escape routes from the
6 robbery.

7 THE COURT: I didn't get that. He
8 had been involved in what?

9 THE WITNESS: In timing or clocking
10 different routes from the point of the robbery in
11 order to determine the best escape route for
12 Victor Gerena.

13 THE COURT: Before it happened?

14 THE WITNESS: Before it happened,
15 yes.

16 BY MR. BOYLE:

17 Q. Now, did Juan Segarra tell you that's
18 what he did or was that a reiteration of what
19 Ramon had done?

20 A. No, he told me that that's what he did.
21 He used it as an explanation of why he knew the
22 area of the Mass. Pike so well.

23 Q. Did he ever tell you why he had written
24 this manuscript?

25 A. He told me the purpose -- this manuscript

1 was going to be handed over to someone who was
2 going to turn it into a screenplay. The purpose
3 being to create some kind of movie out of this
4 event.

5 Q. What else did Juan Segarra tell you about
6 his role in the Wells Fargo robbery? Specifically,
7 did he say anything about where he was on the
8 night that the robbery occurred?

9 A. Well, he told me that he was waiting for
10 this signal because, apparently, also on the day
11 that it actually happened, the signal was late and
12 there was apprehension about that. And then he
13 told me that he later went to meet Victor Gerena.

14 Q. Do you know where that meeting with
15 Victor Gerena occurred?

16 A. No, I don't.

17 THE COURT: Did he say what the
18 signal was?

19 THE WITNESS: No, I don't remember.

20 BY MR. BOYLE:

21 Q. Did Juan Segarra say anything about the
22 use of the motorcycle?

23 A. Well, he told me that he had thought up
24 the idea one day as he was driving on the Mass.
25 Pike and he saw a motorcycle and he thought that

1 would be a great escape for Victor Gerena because
2 no one would imagine he would get away on a
3 motorcycle.

4 Q. Did he tell you anything about the
5 discussions that he had with his group before the
6 robbery?

7 A. Well, just that the group was very --
8 thought that he was crazy, in fact, to think that
9 the operation, in fact, could be pulled off and
10 they were apprehensive about that.

11 THE COURT: Who thought he was crazy?

12 THE WITNESS: His organization.

13 BY MR. BOYLE:

14 Q. During the conversation, did he identify
15 his organization at all?

16 A. No.

17 Q. Did he tell you anything about his role
18 in persuading the organization to approve the
19 robbery?

20 A. Yes, he did. He told me that it was his
21 idea and he convinced the others that it could
22 work and they were skeptical, but they later came
23 around.

24 Q. Did he express any feelings to you that
25 he had in his involvement in the robbery?

1 A. Well, it was something -- it was an
2 operation that he was proud of, the fact that it
3 had worked.

4 Q. Now, after you had that conversation on
5 the day that you read the manuscript, how much
6 longer did you remain at Byrant Pond?

7 A. I left the following afternoon, Friday
8 afternoon.

9 Q. Where did you go?

10 A. I went back to Cambridge.

11 Q. Did Juan Segarra go back to Cambridge
12 with you?

13 A. Yes, he did.

14 (Government's Exhibit 451: Marked
15 for identification.)

16 THE COURT: Was there anybody else
17 in Maine with you while you were there at the time?

18 THE WITNESS: No.

19 BY MR. BOYLE:

20 Q. Ms. Gassin, during that conversation that
21 you had after you read the manuscript, was
22 anything discussed about how Victor Gerena went
23 underground, to use the words that were used in
24 the manuscript?

25 MR. WEINGLASS: Objection. Is there

1 testimony that those words appear in the
2 manuscript?

3 MR. BOYLE: That's my recollection,
4 your Honor. I'll rephrase the question.

5 BY MR. BOYLE:

6 Q. Ms. Gassin, was there any discussion that
7 you had with Juan Segarra about what happened to
8 Victor Gerena after the robbery?

9 A. Yeah. He told me they crossed a border
10 and I don't remember which border it was. They
11 left the country. They drove off.

12 Q. When you say, "they," who was they?

13 A. Ramon and Victor.

14 Q. Do you recall anything in the manuscript
15 about the scene of Ramon and Victor crossing a
16 border?

17 A. There was something in there about wigs
18 that they had that they would use, an Afro wig and
19 some other kind of wig.

20 Q. Showing you Government Exhibit 451 for
21 Identification, do you recognize that?

22 A. Yes, I do.

23 Q. Would you tell us what it is, please?

24 A. It's a photograph that was taken at the
25 time when we were in Byrant Pond in May.

?
July P. 99

1 Q. Is that a fair and accurate depiction of
2 you and Juan Segarra at Byrant Pond in May?

3 A. Yes.

4 MR. BOYLE: Move 451 as a full
5 exhibit, your Honor.

6 MR. WEINGLASS: A brief voir dire.
7

8 VOIR DIRE EXAMINATION

9 BY MR. WEINGLASS:

10 Q. This picture shows both you and Papo; is
11 that correct?

12 A. That's right.

13 Q. When the Judge asked you if you were
14 alone at Byrant Pond, you said yes?

15 A. We were.

16 Q. Is this picture a Polaroid?

17 A. As I remember, yes. There was an
18 automatic system on the camera so you could set it
19 and it would click off automatically. No one took
20 this picture.

21 Q. Polaroids have an automatic system on it?

22 A. Well, apparently, they do.

23 Q. Was it your camera?

24 A. No, it wasn't my camera.

25 Q. Do you know whose it was?

1 A. I don't know. It might have been up at
2 the house.

3 Q. You don't remember?

4 A. Whose camera it was?

5 Q. Yes.

6 A. I don't remember.

7 THE COURT: May I see the picture,
8 please?

9 BY MR. WEINGLASS:

10 Q. Is that because it was four years ago?

11 A. Probably. Maybe I was never told whose
12 camera it was.

13 MR. WEINGLASS: Thank you.

14 THE COURT: Full exhibit.

15 (Government's Exhibit 451: Received
16 in evidence.)

17 MR. BOYLE: May I publish it to the
18 jury, your Honor?

19 THE COURT: You may.

20 BY MR. BOYLE:

21 Q. Ms. Gassin, I want to go back and ask you
22 ~~briefly about that conversation that followed your~~
23 reading of the manuscript. What did Victor Gerena
24 do as he left the scene of the Wells Fargo robbery,
25 according to that manuscript?

1 A. He drove away on a motorcycle.

2 Q. Do you know where he drove to?

3 A. Well, I know from a later conversation
4 with Papo.

5 Q. In that later conversation what did Juan
6 Segarra say?

7 A. He told me that he drove out the Mass.
8 Pike and at some point along his route he threw
9 out his identification.

10 Q. Do you know where on the Mass. Pike that
11 occurred?

12 A. Some exit on the pike. I don't know.

13 Q. Do you know or did Juan Segarra tell you
14 or did the manuscript tell you --

15 MR. WEINGLASS: Objection, the
16 compound nature of the question.

17 BY MR. BOYLE:

18 Q. Did Juan Segarra tell you where the
19 stolen money from Wells Fargo was as of August
20 1984?

21 THE COURT: August '84 or '85, which?

22 MR. BOYLE: Eighty-four, your Honor.

23 THE COURT: All right. I'm sorry.

24 THE WITNESS: Where it was as of
25 August '84?

1 BY MR. BOYLE:

2 Q. Yes.

3 A. Well, I knew where part of it was.

4 Q. Did you have a conversation with him
5 about his group's attitude toward his handling of
6 the money?

7 A. I don't know what you mean by that.

8 Q. Did you ever have a conversation in which
9 Juan Segarra expressed to you his group's
10 displeasure with the way he was handling the
11 stolen money?

12 MR. WEINGLASS: Objection, leading.
13 Assumes facts not in evidence. The witness should
14 be asked a question. Not told.

15 THE COURT: It's rather leading,
16 counselor. Let her tell you.

17 BY MR. BOYLE:

18 Q. Did you ever have a discussion with Juan
19 Segarra about responsibility, whose responsibility
20 it was to move the money after the Wells Fargo
21 robbery?

22 MR. ACEVEDO: Objection. It's
23 leading, your Honor.

24 THE WITNESS: Well, he was
25 principally involved in moving the money.

1 BY MR. BOYLE:

2 Q. Ms. Gassin, when did you last see the
3 manuscript?

4 A. I saw it that first and only time, which
5 was in July of 1984.

6 Q. Do you know where it got to after that?

7 A. I don't know where exactly it ended up.
8 I know that what Papo wanted to do, was to take it
9 to someone in Mexico who was going to turn it into
10 some screenplay.

11 Q. Did he ever tell you anyone else who he
12 wanted to review the manuscript?

13 A. Yes, he told me that he wanted a friend
14 of his by the name of Richard to read it.

15 Q. Did you know who Richard was?

16 A. He was -- yes. He was either living with
17 or married to, I don't remember, Pam Taylor.

18 THE COURT: Pam Taylor?

19 THE WITNESS: Taylor.

20 BY MR. BOYLE:

21 Q. Do you know Richard's nationality?

22 A. Yes.

23 Q. What is it?

24 A. He's English.

25 Q. After you returned to Cambridge from

1 being at Bryant Pond, how long did Juan Segarra
2 remain in Cambridge?

3 A. He left the next day.

4 Q. Did he tell you where he was going?

5 A. Puerto Rico.

6 Q. When did he come back to Cambridge?

7 A. He came back in mid-August, as I recall,
8 on August 16.

9 Q. After he came back, did you and he have
10 occasion to come to Hartford, Connecticut?

11 A. Yeah. We went down two days later on the
12 18th.

13 Q. Why were you coming to Hartford?

14 A. Well, all I can say is what we did when
15 we were down there. We --

16 MR. WEINGLASS: Objection. That's
17 not responsive to the question. The question is
18 why, not what.

19 BY MR. BOYLE:

20 Q. You don't recall Juan Segarra's purpose
21 in coming to Hartford from what he told you?

22 A. He told me that he wanted to see Victor
23 Gerena's family, his mother, but he didn't do that.
24 We drove by his neighborhood and that's all.

25 Q. What else did you do while you were here

1 in Hartford?

2 A. He bought a videotape in Hartford.

3 Q. Did he tell you why he was buying a
4 videotape?

5 A. He told me that he needed a videotape so
6 that they could film Victor Gerena wherever he was
7 in association with this motion picture thing, I
8 think.

9 Q. Where did you buy the videotape?

10 A. Somewhere in Hartford. I don't remember.

11 Q. Did he show you anything else while you
12 were coming to Hartford that day?

13 A. No..

14 Q. During your trip to Hartford, did you
15 have a discussion with Juan Segarra about
16 postcards?

17 A. Yes.

18 Q. Would you tell us what that discussion
19 involved, please?

20 A. Well, around that time he had a plan to
21 send out a series of postcards that would be
22 mailed from a variety of different locations.
23 Each card having a message, a written message,
24 from Victor Gerena and he wanted one of them to be
25 posted -- to be mailed from Hartford.

1 Q. Did he show you any postcards?

2 A. Yeah.

3 Q. What did he show you?

4 A. I just remember one --

5 MR. WEINGLASS: Objection. Best
6 evidence. If this evidence exists in its physical
7 form, of the Government ought to produce it and
8 not rely on the recollection of the witness.

9 THE COURT: Do you have the card?

10 MR. BOYLE: Just a moment, your
11 Honor.

12 (Government's Exhibit 452: Marked
13 for identification.)

14 MR. BOYLE: Your Honor, I don't want
15 to discuss in front of the jury what evidence we
16 do have. That will become apparent as the case
17 goes on. This is a preliminary question, which
18 will establish a foundation for some later
19 evidence.

20 THE COURT: State your question.

21 BY MR. BOYLE:

22 Q. Did Juan Segarra show you a postcard on
23 your trip to Hartford?

24 A. Yes, he did.

25 Q. Would you tell us, please, what you

1 recall about that postcard?

2 A. It was a postcard of, as I recall, Mount
3 Monadnuc.

4 Q. Was there any writing on the postcard?

5 A. There was a message on the back, yes.

6 Q. Did you recognize the handwriting on the
7 back of the postcard?

8 A. No.

9 Q. Did the handwriting or did the postcard
10 purport to be signed by any person?

11 A. It was supposed to be a message from
12 Victor Gerena.

13 Q. Do you recall the content of the message
14 at all?

15 A. Something to the effect that he was alive
16 and well, wherever he was.

17 Q. Did Juan Segarra ask you to do anything
18 about that postcard?

19 A. Oh, I'm not sure if it was that one or
20 another one, but he wanted me to mail a postcard
21 from Hartford.

22 Q.. Did you ever do that?

23 A. No, I didn't.

24 Q. Was the postcard that Juan Segarra showed
25 you inside an envelope?

1 A. Yes, I think it was.

2 Q. Do you recall how that envelope was
3 addressed?

4 A. Well, he gave me one envelope which had
5 an address of the newspaper in Hartford. I don't
6 remember the name.

7 Q. Showing you Government Exhibit 452 for
8 Identification, do you recognize that, Ms. Gassin?

9 A. Yes, I do.

10 Q. What is it?

11 A. It's the envelope which I was supposed to
12 mail.

13 Q. Did you ever mail that envelope?

14 A. No.

15 Q. Did you keep it at your house?

16 A. Yes.

17 Q. Do you recognize the handwriting that
18 appears on that envelope?

19 A. I recognize the handwriting as being --
20 that which was on the envelope. I don't remember
21 whose handwriting it is.

22 Q. Is it your handwriting?

23 A. No.

24 MR. BOYLE: I move that as a full
25 exhibit, your Honor.

1 THE COURT: Is there any content in
2 the envelope?

3 MR. BOYLE: No, your Honor. It's
4 just the envelope.

5 THE COURT: Without objection, full
6 exhibit.

7 (Government's Exhibit 452: Received
8 in evidence.)

9 BY MR. BOYLE:

10 Q. How long did you remain in Hartford that
11 day?

12 A. Just a few hours.

13 THE COURT: Excuse me. It isn't
14 clear to me. Was there a card or content in that
15 envelope when you had it?

16 THE WITNESS: At one point in time
17 there was, yes. Then I don't remember what
18 happened to that card because I never mailed it.
19 All that I had left was an empty envelope. So, I
20 assumed Papo mailed it using another envelope.

21 MR. WEINGLASS: Your Honor, I'm
22 going to ask assumptions --

23 THE COURT: The assumption may go
24 out. It may be stricken. Just what she knows.

25 BY MR. BOYLE:

1 Q. After your trip to Hartford did Juan
2 Segarra tell you that he was going to take a trip
3 someplace else?

4 A. Yes.

5 Q. Where was he going?

6 A. To Panama.

7 Q. Did he ask you to do anything in
8 connection with that trip to Panama?

9 A. Well, prior to his arrival he asked me to
10 make a phone call to Panama.

11 Q. Did you do that?

12 A. As I recall, I think that I did and
13 didn't get through and he ended up calling when he
14 arrived in the Boston area.

15 Q. Did he tell you why he was going to
16 Panama?

17 A. Just to meet with some people.

18 Q. Did he identify those people at all?

19 A. No.

20 Q. Did he go to Panama?

21 A. Yes. Well, that's what he told me.

22 Q. When did he leave Cambridge?

23 A. It was shortly after we came back from
24 Hartford. It was around the 20th of August, I
25 think.

1 Q. How long did he remain in Panama?

2 A. Just four to five days.

3 Q. When he returned, did he tell you
4 anything about his trip?

5 A. Just that he had successfully met with
6 whoever he was supposed to meet with down there.

7 Q. After his return from Panama, did Juan
8 Segarra tell you about a plan that he had
9 described?

10 A. Yes, he did.

11 Q. Would you tell us, please, what that plan
12 was?

13 A. The plan was to move money across the
14 Mexican border into Mexico by means of a
15 camping-type truck and trailer and the plan was
16 that a couple was supposed to drive this truck
17 across the Mexican border.

18 Q. Do you know how much money was supposed
19 to be involved in this plan?

20 A. No, I don't.

21 Q. Where did the money come from?

22 A. Well, it came from somewhere in the area
23 because during that time frame at one point in
24 time I had -- he stored boxes in my house under my
25 bed that he told me contained money.

1 Q. Would you describe these boxes for us,
2 please?

3 A. They were just regular cardboard boxes.

4 THE COURT: How big were they? The
5 size of them? Eighteen inches along?

6 THE WITNESS: Two feet, two by two.

7 THE COURT: Two feet by two feet.
8 Twenty-four inches square?

9 THE WITNESS: Yes, I think so.

10 BY MR. BOYLE:

11 Q. Did you ever look inside those boxes?

12 A. No.

13 Q. Do you recall when he put those boxes in
14 your bedroom?

15 A. Well, it would have been sometime between
16 August when he came back from Panama and the time
17 that he ultimately left, which was much later in
18 September.

19 THE COURT: Excuse me. Where were
20 these boxes, if you know, before they were put
21 under your bed? Where did they come from; do you
22 know? How did they get in your house?

23 THE WITNESS: I don't know. He
24 brought them in. I don't know.

25 THE COURT: He brought them in?

1 THE WITNESS: Yes.

2 BY MR. BOYLE:

3 Q. Did he ever tell you where he had brought
4 them from?

5 A. No.

6 Q. Did Juan Segarra ask you to become
7 involved in this plan to transport money to Mexico?

8 A. Yes.

9 Q. Would you tell us, please, what he wanted
10 you to do?

11 A. Well, there was a couple that was
12 supposed to drive the camping truck across and he
13 wanted the couple to be non-Hispanic. To be white.

14 Q. By couple, you mean a man and a woman?

15 A. Man and woman, yes. He had already the
16 man who was supposed to drive across and there was
17 a woman who was supposed to come from Puerto Rico
18 to drive cross and she couldn't because of some
19 health reasons or something.

20 THE COURT: Because of what?

21 THE WITNESS: Some medical reason.

22 So, he asked me if I would participate in the trip
23 across.

24 BY MR. BOYLE:

25 Q. Did you agree to do that?

1 A. Yes, I did.

2 Q. What happened after you agreed to
3 participate?

4 A. He asked me to come out to Northampton,
5 Mass. where he was to meet with the person who was
6 going to drive across with me.

7 Q. How far is Northampton from Cambridge?

8 A. Well, as I remember, it's about three
9 hours.

10 Q. Did you go out to Northampton with him?

11 A. Yes.

12 Q. Tell us about that, please?

13 A. I drove out one night after I got off
14 work. So, I drove out around midnight. I think
15 it was on August 28th.

16 THE COURT: August 28th of '84?

17 THE WITNESS: Of '84, yes. Papo
18 asked me to meet him in the parking lot of a motel
19 called the Townhouse Motel.

20 THE COURT: What hotel?

21 THE WITNESS: Townhouse Motel.

22 BY MR. BOYLE:

23 Q. Did you meet him at the Townhouse Motel?

24 A. Yes, I did.

25 Q.. Now, was he driving a vehicle at that

1 time?

2 A. Yes. He used at that point in time he
3 used a red van that he had bought previously in
4 the summer, but when I met him in the parking lot,
5 he was in a truck, a green and white truck, that
6 he told me was a truck that he told me was going
7 to be used to drive across the border.

8 Q. Have you ever seen that truck before?

9 A. No.

10 Q. What happened after you met him in the
11 parking lot of the motel?

12 A. We drove into Northampton to another
13 hotel call the Northampton Hotel.

14 Q. After you arrived at that hotel did Juan
15 Segarra have a telephone call?

16 A. Yes. He called Paul Weinberg to discuss
17 with him about a meeting.

18 THE COURT: Who is Weinberg?

19 THE WITNESS: He's the person who
20 was supposed to drive across the Mexican border.

21 THE COURT: What's his first name?

22 THE WITNESS: Paul.

23 BY MR. BOYLE:

24 Q. Had you ever met Paul Weinberg before
25 that?

1 A. No.

2 Q. How long did that telephone conversation
3 last?

4 A. A few minutes.

5 Q. Did you meet Paul Weinberg the next day?

6 A. Yes, the next morning.

7 Q. Would you tell us about that, please?

8 A. We met in a diner and we just met over
9 breakfast. Papo and I arrived and Paul came later
10 and we discussed about the trip and how we would
11 meet up to drive this truck across.

12 Q. Now, where were you and Paul Weinberg
13 supposed to meet the truck and trailer?

14 A. Well, we were supposed to fly to, as I
15 recall, Laredo, Texas, where we would be met by
16 Papo and other people who would be down there.

17 THE COURT: Did you talk with
18 Weinberg?

19 THE WITNESS: Yes, I did.

20 THE COURT: Did he agree?

21 THE WITNESS: To go ahead --

22 THE COURT: To go with you?

23 THE COURT: He had already decided
24 to go. He was just -- the purpose was that we
25 meet and we discussed how we would meet and how we

1 would fly down there and I remember I asked him a
2 question about whether he thought the whole thing
3 was safe and his reply was that it was because if
4 Papo was involved, it had to be safe.

5 THE COURT: It's now 1:00 o'clock,
6 counselor. We're going to follow the same
7 procedure. The jury will be released first and
8 then the witness and then the remaining occupants
9 of the Court.

10 (Whereupon, the jury was excused.)

11 THE COURT: Mr. Bailiff, recess
12 court.

13 (Whereupon, the witness was excused,
14 and a recess for lunch was taken at 1:00 o'clock
15 p.m.)

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