

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

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UNITED STATES OF AMERICA :

VS. : Criminal No.

VICTOR MANUEL GERENA, ET AL, : H-85-50 TEC

Defendants :

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Federal Building  
450 Main Street  
Hartford, Connecticut

February 3, 1989

T R I A L

Held Before:

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

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1 listening to any radio or television broadcast  
2 concerning the subject matter of this trial,  
3 assuming there has been any, will please raise  
4 their right hand. Thank you.

5 Call the witness.

6

7 A N N E G A S S I N ,

8 called as a witness by the Government, having  
9 been previously duly sworn, was examined and  
10 testified further on her oath as follows:

11 THE COURT: Ms. Gassin, for the  
12 record, you were previously sworn in this case  
13 yesterday and your testimony today will continue  
14 to be under oath.

15 THE WITNESS: Yes.

16 THE COURT: Very well.

17

18 DIRECT EXAMINATION

19 CONTINUED BY MR. BOYLE:

20 Q. Ms. Gassin, you indicated to us yesterday  
21 that since early September of 1985 you have been  
22 represented by Attorney Lloyd Macdonald; is that  
23 correct?

24 A. Yes, that's right.

25 Q. Is Attorney Macdonald in the courtroom

1 today?

2 A. Yes, he's here today.

3 Q. Would you point him out for the ladies  
4 and gentlemen of the jury here?

5 A. He's sitting here in the first bench.

6 MR. BOYLE: Thank you.

7 BY MR. BOYLE:

8 Q. Ms. Gassin, as we closed court yesterday,  
9 you listened to conversation number 2 from tape 54;  
10 is that correct?

11 A. Yes, that's right.

12 Q. Where were you when that conversation  
13 took place?

14 A. I'm sorry, but can I see that again? To  
15 the best of my recollection, I was at my house.

16 Q. Would you like to see the transcript to  
17 refresh your recollection?

18 A. Yes, I'd like to see it again.

19 MR. ACEVEDO: Excuse me, counselor,  
20 is it conversation 1 or 2?

21 MR. BOYLE: Conversation 2.

22 (Pause.)

23 THE WITNESS: Yes, I was at my house.

24 BY MR. BOYLE:

25 Q. Where was Juan Segarra when he was

1 engaged in that call with you?

2 A. He was calling from the Northhampton area.

3 Q. Do you know why he was in the  
4 Northhampton area that day?

5 A. He had gone out there to meet with Paul  
6 Weinberg. He was at that point trying to put the  
7 mobile home up for sale.

8 Q. Now, during that conversation Juan  
9 Segarra said to you that he had had an upsetting  
10 moment in Central Square; do you recall that?

11 A. Yes, I do.

12 Q. Did you later have a discussion with Juan  
13 Segarra concerning what that upsetting moment was?

14 A. Yes. He told me later that he had gone  
15 into a bank in Central Square and was exchanging  
16 some money and that, apparently, the clerk told  
17 him to wait a minute and stepped back and went  
18 away from where he was standing from behind the  
19 counter and so he was worried at that point that  
20 she somehow was suspicious about the money.

21 Q. Did he tell you what he did at that point?

22 A. As far as I remember, he stayed there and  
23 she came back and he left.

24 Q. Later on in that conversation you said to  
25 him that you were upset by something you had seen

1 on television that day; do you recall that?

2 A. Yes, that's right.

3 Q. Would you tell us please what it was that  
4 you saw on television that had you upset?

5 A. That was at the time when Victor Gerena's  
6 identification was found and there had been an  
7 article about that in the press and there was also  
8 mention of it on the news.

9 Q. Why were you upset by that?

10 A. Because it was evidence that had been  
11 found relative to the robbery.

12 THE COURT: Where had it been found?

13 THE WITNESS: As I remember --

14 MR. WEINGLASS: Your Honor, I assume  
15 this question, the answer is not for the truth of  
16 the matter, but rather goes to the state of mind  
17 of the witness.

18 THE COURT: That's correct.

19 MR. WEINGLASS: I would ask the jury  
20 be instructed with respect to that.

21 THE COURT: It's a very simple  
22 matter. It's come out in the evidence, I think,  
23 previously where it was found. Not where it was  
24 found, but it was thrown apparently --

25 MR. BOYLE: Ms. Gassin testified



1 yesterday that according to her discussions with  
2 Juan Segarra, the identification had been thrown  
3 away by Victor Gerena.

4 THE COURT: The question is, do you  
5 know where it was found?

6 THE WITNESS: I remember my  
7 conversation with Papo as to where it was thrown  
8 away. I don't remember precisely where it was  
9 found; whether that was in the same place or not.

10 THE COURT: Do you know where it was  
11 thrown away?

12 THE WITNESS: At some exit on the  
13 Mass. Pike.

14 THE COURT: All right.

15 BY MR. BOYLE:

16 Q. Did you ever have a conversation with  
17 Juan Segarra concerning an exit on the Mass. Pike  
18 where the identification had been thrown away?

19 A. Yes, I had a conversation with him about  
20 that.

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

23 A. I don't remember precisely what he said,  
24 but we had a discussion about the Mass. Pike,  
25 about an exit and the fact that it was not his

1 idea at some point.

2 Q. Ms. Gassin, at my request, did you also  
3 listen to tape number 56 from Boston?

4 A. Yes, I did.

5 Q. In listening to that tape, did you  
6 recognize any voices that appeared on it?

7 A. Yes, I did.

8 Q. Whose voice did you hear?

9 A. If I'm correct in remembering that that  
10 is the tape in which there was a conversation  
11 between Papo and someone from an insurance company,  
12 then the voice I recognize is Papo's.

13 Q. Did you recognize the voice from the  
14 insurance company?

15 A. No.

16 Q. Did you review a transcript of that  
17 conversation that I had provided to you?

18 A. Just to identify the voice.

19 Q. In those instances on the transcript  
20 where the voice of Juan Segarra-Palmer is  
21 identified, did you have any dispute with that  
22 attribution?

23 A. No, I didn't.

24 (Government's Exhibit 454-A: Marked  
25 for identification.)

1 BY MR. BOYLE:

2 Q. Showing you 454-A for Identification, is  
3 that the transcript of tape 56?

4 A. Yes, it is.

5 Q. Did you review that transcript while  
6 listening to the tape to determine the attribution  
7 accuracy of the voice attribution for Juan  
8 Segarra-Palmer?

9 A. Yes. I listened to it long enough to  
10 determine that that was Papo speaking.

11 Q. Thank you.

12 Q. Your voice does not appear on that tape;  
13 is that right?

14 A. That's right. It doesn't appear.

15 Q. As of April 1985, did Juan Segarra still  
16 own the Jamboree motor home?

17 A. Yes, he did.

18 Q. At some point during the spring of 1985  
19 did he sell it?

20 A. He put it up for sale when he had come up  
21 at the end of April. He sold it when he came back  
22 up in June.

23 Q. Did anyone assist him in the selling of  
24 the motor home?

25 A. Paul Weinberg.

1 MR. WEINGLASS: Objection, unless  
2 it's clear whether, the witness' knowledge or  
3 whether was told or whether she assumes.

4 THE COURT: Does she know?

5 MR. BOYLE: I'll withdraw the  
6 question and ask another, your Honor.

7 BY MR. BOYLE:

8 Q. Did Juan Segarra tell you that anyone had  
9 assisted him in selling the motor home?

10 A. Yes, he did.

11 Q. Who did he tell you assisted him in  
12 selling the motor home?

13 A. Paul Weinberg.

14 Q. Did Juan Segarra tell you how much money  
15 he received for the sale of the motor home?

16 A. Yes, he did.

17 Q. What did he tell you he received for the  
18 amount?

19 A. Well, he asked me to put into my account  
20 a check which was for \$16,000.

21 Q. Did he give you the check?

22 A. Yes.

23 Q. Did you deposit it to your account?

24 A. Yes.

25 Q. After you deposited that check to your

1 account, did he ask you to do anything further  
2 with the \$16,000?

3 A. Yes, he did.

4 Q. Would you tell us, please, what he asked  
5 you to do?

6 A. He asked me to ask that the bank make out  
7 a cashier's check, a bank check for \$8,000 to be  
8 sent to a person named Norman Ramirez in Puerto  
9 Rico.

10 THE COURT: Sent to whom?

11 THE WITNESS: Norman Ramirez.

12 BY MR. BOYLE:

13 Q. Did you do that?

14 A. Yes, I did.

15 Q.. Ms. Gassin, showing you Government 455  
16 for Identification, do you recognize that?

17 A. Yes, I do.

18 (Government's Exhibit 455: Marked  
19 for identification.)

20 BY MR. BOYLE:

21 Q. What is it, please?

22 A. It's a savings account withdrawal for \$8,000.

23 Q. Is that a savings account withdrawal that  
24 you executed?

25 A. Yes. It's my account. It's my signature.

1 Q. When did you make that withdrawal?

2 A. It says here the first of August '85.

3 Q. Is that \$8,000 the money that you  
4 withdrew at Juan Segarra's request to send to  
5 Norman Ramirez?

6 A. That's right.

7 MR. BOYLE: Your Honor, I move  
8 Exhibit 455 in full.

9 MR. ACEVEDO: No objection.

10 THE COURT: Full exhibit.

11 (Government's Exhibit 455: Received  
12 in evidence.)

13 (Government's Exhibit 456: Marked  
14 for identification.)

15 BY MR. BOYLE:

16 Q. Ms. Gassin, showing you Exhibit 456 for  
17 Identification, do you recognize that?

18 A. Yes. That's the cashier's check for \$8,000  
19 made out to the order of Norman Ramirez.

20 Q. Is that the cashier's check you obtained  
21 from your account at Bay Bank?

22 A. Yes, it is.

23 Q. What did you do with that check after you  
24 got it from Bay Bank?

25 A. I then sent it to the address which Papo

1 had given me in Puerto Rico.

2 MR. BOYLE: Your Honor, I move  
3 exhibit 456 in full.

4 MR. ACEVEDO: I don't have any  
5 objection, your Honor, but I think it should be  
6 clear in the record and for the jury that the  
7 check is made out to Norman Ramirez endorsed by  
8 Norman Ramirez and deposited in an account in Vega  
9 Baja, Puerto Rico. I believe it's Banco de Ponce.

10 THE COURT: When you say, Norman  
11 Ramirez, you understand Norman Ramirez-Talavera?

12 MR. ACEVEDO: As a matter of fact,  
13 it's endorsed Norman Ramirez-Talavera. It's  
14 deposited into an account.

15 MR. BOYLE: It ought to be admitted  
16 in full before she testifies to those facts.

17 THE COURT: Full.

18 (Government's Exhibit 456: Received  
19 in evidence.)

20 BY MR. BOYLE:

21 Q. To whom is that check for \$8,000 made  
22 payable?

23 A. To Norman Ramirez.

24 Q. If you would look to the reverse side,  
25 does the check bear an endorsement?

1 A. Yes, it does.

2 Q. Would you read the name of the person who  
3 endorsed it?

4 A. Norman Ramirez-Talavera.

5 Q. According to the back of that check, is  
6 there an indication of when and where that check  
7 was executed?

8 A. Seventh of August '85, Banco de Ponce.

9 MR. BOYLE: May I publish these to  
10 the jury, your Honor?

11 THE COURT: You may publish them to  
12 the jury.

13 BY MR. BOYLE:

14 Q. Ms. Gassin, yesterday you testified about  
15 things that you had done for which Juan Segarra's  
16 organization was grateful; do you recall that?

17 A. Yes.

18 Q. Why did you do the things that you did?

19 A. I did them because he asked me to. I did  
20 them because I was at the time very much in love  
21 with him and I wanted to do what I could to help  
22 him.

23 Q. During the course of the time that you  
24 knew Juan Segarra can you tell us the names of  
25 other people that he had mentioned as being part



1 of his organization?

2 A. The name of Gaby. Luis. I think that's  
3 all.

4 Q. Before yesterday when was the last time  
5 that you saw Juan Segarra?

6 A. I saw him when he left the Boston area, I  
7 think it was July 3, 1985.

8 Q. Did he tell you -- was he returning to  
9 Puerto Rico on July 3, 1985?

10 A. No, he was going to Mexico.

11 Q. Did he tell you why he was going to  
12 Mexico?

13 A. Yes, he did.

14 Q. What did he say?

15 A. He told me when he came up from Puerto  
16 Rico at the end of June or around the 21st of June  
17 that he had found out that there was going to be  
18 an FBI raid in Puerto Rico and that he was one of  
19 the principal targets and so he was getting out  
20 and he was going to Mexico. He told me that his  
21 wife and kids had already left for Mexico and he  
22 had come up to sell the mobile home and was going  
23 to leave.

24 Q. Thank you. Thank you, Ms. Gassin.

25 MR. BOYLE: I have no more questions

1 at this time, your Honor.

2 THE COURT: Which counsel is going  
3 to proceed first?

4 MR. WEINGLASS: I will, your Honor.

5

6 CROSS EXAMINATION

7 BY MR. WEINGLASS:

8 Q. Good morning, Ms. Gassin.

9 A. Good morning.

10 Q. I want to start with questions that you  
11 were asked this morning by Mr. Boyle so that we  
12 could have some context.

13 Do I understand your testimony to be that  
14 you started a relationship with Juan Segarra, Papo,  
15 in the month of May, 1984?

16 A. That's right.

17 Q.. That's about, by my calculation, eight  
18 months after September 1983, which is the date of  
19 the Wells Fargo robbery?

20 A. Yes.

21 Q. And you told us you loved him.

22 A. That's right.

23 Q. And this is of no particular moment, but  
24 at the time you started your relationship with him,  
25 you knew he was a married man. He told you that?

- 1 A. That's right.
- 2 Q. He told you he had children?
- 3 A. That's right, uh-huh.
- 4 Q. He told you he loved his family?
- 5 A. Yes.
- 6 Q. You were then 25 or 26?
- 7 A. Twenty-five I think, yes.
- 8 Q. And he was about 34.
- 9 A. That's right.
- 10 Q. At the time of your arrest 15 months
- 11 later in August of 1985 you had begun a
- 12 relationship with another man?
- 13 A. Yes.
- 14 Q. So, and that's Alex; is that correct
- 15 THE COURT: I didn't hear that,
- 16 counselor.
- 17 MR. WEINGLASS: Alex. A-l-e-x.
- 18 THE WITNESS: Yes.
- 19 BY MR. WEINGLASS:
- 20 Q. So, at the time of your arrest 15 months
- 21 later it would be fair to say your relationship
- 22 with Papo, for all intents and purposes, had ended?
- 23 A. He had left, he being Papo.
- 24 Q. So, the relationship had ended?
- 25 A. I don't think I can answer that with a

1 yes or no.

2 Q. Would it be that you still had some  
3 feelings, but the relationship was over?

4 A. I don't think I can say what would have  
5 happened if I hadn't been arrested on August 30,  
6 1985.

7 Q. Well, you were involved with this other  
8 man, isn't that correct, at the time of your  
9 arrest?

10 A. Well, I didn't know what was going to  
11 happen with that. I think it's very difficult to  
12 answer those kinds of questions. I can't agree to  
13 that.

14 Q. But you were arrested about 6:55 in the  
15 morning on August 30th; is that right?

16 A. Yes, that's right.

17 Q. On the street?

18 A. That's right.

19 Q. You were walking at 6:55 in the morning?

20 A. That's right.

21 Q. Where were you coming from?

22 A. My house.

23 Q. Where were you going to?

24 A. I was going to, as I recall, pick up a  
25 truck at Ryder Trucks because I was then supposed

1 to be moving to New York City later that day.

2 Q. You were moving on that very day?

3 A. As I remember, yes.

4 Q. Now, it's true, isn't it, that part of  
5 the reason why you loved Papo was because you  
6 believed that he was committed to helping the  
7 oppressed?

8 A. I think it's fair to say that I was  
9 captivated by him and by his values, yes.

10 Q. When you say, "his values," what are you  
11 referring to?

12 A. What he told me himself, that he believed  
13 in freeing the oppressed and he believed in  
14 freedom.

15 Q. As a matter of fact, freeing the  
16 oppressed and freedom are values that you yourself  
17 sympathize with?

18 A. Yes.

19 Q. As a matter of fact, during the time you  
20 knew him in those 15 months, would it be fair to  
21 say and tell me if it's not fair, that you  
22 yourself were searching for a more active role in  
23 helping the oppressed?

24 A. I was searching at that point in my life  
25 for meaning and direction in my life. I think

1 that's fair to say.

2 Q. For meaning?

3 A. Meaning and a direction in my life,  
4 personal and professional.

5 Q. You felt that in this search for meaning  
6 as a 25-year-old woman, you would find meaning in  
7 helping the oppressed in part?

8 A. In part and helping people who need help,  
9 yes.

10 Q. That included refugees from Central  
11 America?

12 A. Well, you would have to be more specific.

13 Q. Did you want to lend your skills and  
14 talents towards helping refugees from Central  
15 America during this time?

16 A. If you're referring to a conversation I  
17 had with Papo, I remember I worked at the time in  
18 a health center in a clinic and I had been asked  
19 by a friend of mine whether I could help someone  
20 who was a refugee who needed to have some sort of  
21 operation, needed to be admitted into a hospital  
22 and whether there was a way through my contacts  
23 that I could ask physicians what would be the best  
24 way of doing that.

25 So, I tried to find a solution to that

1 problem, yes.

2 Q. As a humanitarian gesture?

3 A. Yes, because I felt there was someone  
4 here who needed medical help and there should be a  
5 way of providing that help.

6 Q. You were also, and I don't want to  
7 belabor the point, you were also interested in the  
8 broader issue of the policy of the United States  
9 that creates situations where people like this  
10 political refugee needs help?

11 A. Yes. I think you can say I was  
12 interested in the broader issues, yes.

13 Q. You yourself wanted to go to a  
14 demonstration in Washington to protest United  
15 States policies in Central America?

16 A. I think so, yes.

17 Q. You did. Isn't it also a fact that one  
18 of the reasons which you didn't talk about this  
19 morning why you wanted to help Papo was because  
20 you had this set of values and beliefs in 1984  
21 and '85?

22 A. Yes. I'm not denying that I sympathize  
23 with values of freedom and as I said, helping  
24 people who need help.

25 Q. You didn't mention that this morning when

1 you were asked why you helped him.

2 A. Yes. I would say there's two major  
3 reasons which for me are part and parcel of the  
4 same thing; which is that I loved this man and I  
5 respected the values that he shared with me.

6 Q. It was that respect which was also part  
7 of the reason why you loved him?

8 A. Most probably, yes. I don't know.

9 Q. As a matter of fact, correct me if I'm  
10 wrong, in your own family history either your  
11 parents or grandparents were active in the  
12 resistance against the occupation of France?

13 A. During World War II., yes.

14 Q. So, you could relate easily to someone  
15 who would dedicate his life to resist what he  
16 considered to be an occupation of his people?

17 A. Well, there I have to stop in the sense  
18 that what Papo shared with me were, I would say,  
19 general issues of freedom and freeing the  
20 oppressed and not very -- he always actually  
21 answered my questions in very general terms.

22 Q.. Yes. I appreciate that.

23 A. So, it was also very difficult to know  
24 precisely what his plans were. He often asked --  
25 when I asked questions he would answer by saying,



1 "That's just the kind of question you don't ask."

2 Q. We're going to touch on that later on.

3 Now, you described a screenplay that you  
4 read; do you remember when you read it?

5 A. Yes. In July of 1984.

6 Q. Four and a half years ago?

7 A. Yes.

8 Q. Four and a half years ago. At that same  
9 time, actually the night before, you had watched a  
10 video with Papo?

11 A. That's right.

12 Q. About the history of Puerto Rico, the  
13 suffering?

14 A. Yes.

15 Q. You told us what you recall the  
16 screenplay. What do you recall of the video?

17 A. As I said yesterday, what I recall is  
18 just that it was a video of the history of the  
19 island and of the independence movement.

20 Q. Could you be any more specific in your  
21 recollection about that video that you saw at the  
22 same time that you read the screenplay?

23 A. The only thing that I remember  
24 specifically is a scene of a demonstration in  
25 Puerto Rico.

1 Q. That's all you remember?

2 A. Specifically, yes.

3 Q. How long was that video?

4 A. It's really an estimate, because I don't  
5 remember, but I would say maybe 15 minutes.

6 Q. You don't remember any of the content of  
7 that particular video other than there was a scene  
8 of a demonstration?

9 A. And that, as I said, it was the history  
10 of the independence movement.

11 Q. Well, share with us one item of the  
12 history that was projected on that video at the  
13 same time that you read the screenplay?

14 A. Well, I can only share with you what I  
15 remember.

16 Q. Of course. What do you remember?

17 A. As I said, the only specific recollection  
18 of what I have is of this scene that happened -- I  
19 don't remember when -- a demonstration of people  
20 in Puerto Rico.

21 Q. You and Papo that night after you watched  
22 the video had a discussion about that video and  
23 the history of the Puerto Rican independence  
24 movement; is that right?

25 A. Probably we did.

1 Q. What do you recall of that discussion?

2 A. I just remember it's a movement that's  
3 gone on for some time. That's all that I remember.

4 Q. Just generally you remember that  
5 discussion just generally?

6 A. Yes.

7 Q. Did the word, "Lares," L-a-r-e-s, come up?

8 A. I don't remember that.

9 Q. You don't remember that?

10 A. No.

11 Q. That wasn't vividly portrayed in the  
12 video and discussed by you and he afterwards?

13 A. I'm sorry, Mr. Weinglass, I don't  
14 remember.

15 Q. I understand.

16 Q. And the phrase "El Grito de Lares." "El  
17 Grito de Lares," you speak Spanish, do you  
18 remember that phrase?

19 A. "El Grito de Lares"?

20 Q. Yes.

21 A. No.

22 Q. It's the slogan or the -- it's not  
23 "Remember Pearl Harbor" in the United States?

24 A. Yes.

25 Q. The cry of Lares. You don't remember

1 discussing that?

2 A. No, I don't remember discussing that.

3 Q. Where several hundred Puerto Ricans were  
4 slaughtered, executed in their fight against the  
5 Spanish for their independence in the square in  
6 Lares?

7 MR. BOYLE: Objection. Mr.  
8 Weinglass is testifying. The witness said she  
9 doesn't have any recollection of that phrase or  
10 that term.

11 MR. WEINGLASS: I'm trying my best  
12 to help her recollection. I'm not going to go  
13 through --

14 THE COURT: I'll permit that one  
15 question, counselor. If she remembers, all right.  
16 If she doesn't, that's all right.

17 BY MR. WEINGLASS:

18 Q.. You don't --

19 A. I don't remember.

20 Q. How would you rate your own memory? Good,  
21 fair, poor?

22 A. I think I have -- when you're looking  
23 back to events that happened four or five years  
24 ago, I think you'll agree with me it's much easier  
25 to remember events where you're directly

1 implicated or associated. So, the manuscript I  
2 have much more precise memory of certain incidents  
3 because they're associated with a person who I was  
4 involved with.

5 Q. Have you discussed that answer with  
6 counsel before today?

7 A. Absolutely not.

8 Q. By the way, how many hours -- strike that.  
9 Your sister is an attorney?

10 A. Yes, she is.

11 Q. Did you discuss your role as a witness  
12 with your sister?

13 A. My role as a witness?

14 Q. Your involvement in the case as a witness?

15 A. I discussed that with her when I was  
16 arrested, yes.

17 Q. You discussed it briefly with Mr. Avery?

18 A. Very briefly when I was first arrested.

19 Q. Discussed at greater length with Mr. Good?

20 A. Yes.

21 Q. Your second lawyer?

22 A. Yes.

23 THE COURT: Mr. Who?

24 MR. WEINGLASS: <sup>ANDY</sup> Mr. Good, G-o-o-d-e?

25 THE WITNESS: I don't think there is

1 an E.

2 BY MR. WEINGLASS:

3 Q. You discussed it at still greater length  
4 with Mr. Macdonald who is here in court?

5 A. That's right.

6 Q. You discussed your role as a witness with  
7 Mr. Boyle; is that right?

8 A. I discussed with Mr. Boyle the obligation  
9 that I had in terms of the agreement that I had  
10 with the Government, yes.

11 Q. That's all you discussed with him, right?  
12 That's all you discussed with him?

13 A. Plus the meetings that I had with the  
14 Government that you're aware of.

15 Q. The meetings I'm aware of are some of  
16 your meetings with the FBI. I'm not aware of your  
17 meetings with the attorneys in this case for the  
18 Government, who you met with; isn't that right?

19 A. Yes, I met with them.

20 Q. You went over what you were going to say  
21 here in court with them?

22 A. The direct testimony, yes.

23 Q. When did you do that?

24 A. Well, I was here last week, as you know.

25 Q. That's one time. How many hours then?

1           A.    I would say probably four to five hours  
2 maximum.

3           Q.    Did you do it again since last week?

4           A.    Since last week very briefly yesterday.

5           Q..   With whom?

6           A.    Mr. Boyle.

7           Q.    For how long?

8           A.    Half an hour, maximum.

9           Q.    Prior to last week had you gone over your  
10 testimony with any attorneys from the United  
11 States Attorneys Office?

12          A.    Yes.

13          Q.    With whom?

14          A.    With Mr. Boyle and Mr. Dabrowski.

15          Q.    And Mr. Dabrowski also?

16          A.    Yes.

17          Q..   How many hours that time?

18          A.    I would say six hours. Six or seven  
19 hours.

20          Q..   Now, we're up to about eleven and a half  
21 hours and prior to that time had you met with U.S.  
22 Attorneys to discuss your testimony?

23          A.    Yes.

24          Q..   With whom?

25          A.    Mr. Dabrowski and with Carmen Espinosa.

1 Q. So, how many hours that time?

2 A. I don't remember exactly, but I think it  
3 was roughly six to seven hours again.

4 Q. So now it's getting up around close to 20  
5 hours and prior to that time had you met with U.S.  
6 Attorneys?

7 A. No. Prior to that time I think that puts  
8 us to the time of my arrest and the meetings that  
9 I had, the 302's and the Grand Jury testimony.

10 Q. That was the 40 pages of single space  
11 that we have in writing?

12 A. That's right.

13 Q. All told, totaling it all up, would you  
14 say it comes to approximately 40 hours?

15 A. Well, I haven't done the calculation as  
16 we've been talking. If you've been doing the  
17 calculation and it adds up to 40, then I would  
18 agree with you.

19 Q. You said the diary helped you remember  
20 dates.

21 A. That's right.

22 Q. This is 450. When you testified  
23 yesterday, did you have to open the diary once?

24 A. No.

25 Q. You had those dates memorized?



1           A.    Well, as I said, I reconstructed the  
2 events once, twice, several times to get the  
3 chronology. Now, I know that chronology, yes.

4           Q.    But you said that the diary helped you.

5           A.    Yes.

6           Q.    Is there any entry -- strike that.

7                   Your said Papo came and you met him in  
8 May of '84. He came in June of '84. He came in  
9 July of '84. He came in September of '84. He  
10 came in November of '84. He came in December of '84.  
11 He came in February of '85. He came in April of '85.  
12 He came in June of '85. And in your diary is  
13 there one entry for Papo ever coming to visit you?

14          A.    I don't know if there is, sir, or not.

15          Q.    Why don't you take a minute and look?

16          A.    As I said yesterday, the way that I  
17 reconstructed that chronology were from events  
18 that were happening in my life. The May 4th date  
19 I know because I know that it was a Friday and I  
20 remember that day because I had a performance that  
21 day.

22                   I knew a week before that I had knee  
23 surgery. I knew I was at Debra Weaver's house. I  
24 knew one week later on May 4th that's when I saw  
25 Papo. That's how I went about reconstructing that

1 chronology.

2 Q. How did you reconstruct July? Is your  
3 diary completely blank?

4 A. We're talking about July 1984?

5 Q. Yes.

6 A. Yes.

7 Q. Is your diary blank?

8 A. It is. I reconstructed that period based  
9 on events that were happening in my life.

10 Q. Look through the whole diary and see if  
11 there's one notation of Papo coming to visit you,  
12 of all those times you told us about.

13 A. Well, I don't know if you want me to look  
14 at every page right now. It's very possible that  
15 there isn't, sir.

16 Q. It's not the kind of thing that I would  
17 write down or I would need to write down.

18 Q. That's not the kind of book that you  
19 would refresh your recollection since there's no  
20 notation whatsoever of him ever coming?

21 A. No, you're wrong in the sense that's the  
22 kind of book I would use to refresh my  
23 recollection. His visits for me were associated  
24 with other events going on in my life. I know one  
25 day he came and I had a performance that day and I

1 had it on my calendar.

2 THE COURT: What kind of performance?

3 THE WITNESS: Dance company. I was  
4 involved with a dance company at the time.

5 BY MR. WEINGLASS:

6 Q. Let's see what we have here. Were there  
7 any entries -- if you told us he came up August  
8 16th and you went to Hartford with him on August  
9 18th. Any entries for August 14, 15, 16, 17, 18,  
10 19, 20, 21? Any entries?

11 A. No. The diary is blank at that point,  
12 sir. I retraced that chronology based on a very  
13 personal event which was happening in my life and  
14 I don't think which is of any interest of your  
15 client for me to speak about.

16 Q. Well, I'll accept that, but there's  
17 nothing in your diary, right?

18 A. No, there's nothing in my diary.

19 Q. Now, yesterday right at the start of your  
20 testimony you told us you considered yourself  
21 guilty of being an accomplice and a co-conspirator  
22 in a \$7 million robbery; is that right?

23 A. Because I had helped with disposing of  
24 the money, yes.

25 Q. You were told, were you not, how many

1 years in prison you faced, right?

2 A. Well, at that point it was hard to know.  
3 I discussed all that with my attorney, yes.

4 Q. How many years in prison did you believe  
5 you faced shortly after your arrest?

6 A. I don't remember specifically. I knew  
7 that I had the prospect of extended custody in  
8 front of me. I don't remember specifically in  
9 terms of years.

10 Q. That wasn't anything that you were  
11 concerned about?

12 MR. BOYLE: Objection. That's an  
13 argumentative question.

14 BY MR. WEINGLASS:

15 Q. The charges were read to you?

16 THE COURT: I didn't hear your  
17 response, counselor. It wasn't clear to counsel.

18 MR. WEINGLASS: Counsel objected to  
19 my question as being argumentative and I've  
20 withdrawn it.

21 BY MR. WEINGLASS:

22 Q. When you were arrested, the FBI told you  
23 what charges you faced, right?

24 A. Yes.

25 Q. They read to you from the indictment,

1 right?

2 A. That's right.

3 Q. You met with an attorney that day, right? (Answer)

4 A. Yes.

5 Q. You met with a second attorney that day, (Good)

6 right?

7 A. That's right.

8 Q. Didn't the question of how many years in  
9 prison you faced come up?

10 A. Well, yes, as I remember at that point in  
11 time it was hard to know.

12 Q. When the FBI read the charges and all  
13 they said to you it's hard to know how many years  
14 in prison you might face if you get a maximum  
15 sentence?

16 A. I don't remember, sir, what they told me.

17 Q. Does the figure 40 years in prison sound  
18 familiar to you?

19 A. I don't know.

20 Q. To this day do you know how many years in  
21 prison you faced for being what you said was  
22 guilty of being an accomplice and a co-conspirator?

23 A. It would depend on the outcome of the  
24 trial. I don't know.

25 Q. If you're found guilty and you're

1 sentenced to a maximum term, how many years do you  
2 face?

3 A. Guilty of what I was charged with?

4 Q. Yes.

5 A. I would have to talk to my attorney. I  
6 don't know.

7 Q. That subject has never come up?

8 MR. BOYLE: Objection. That's not  
9 what she said. She answered his question.

10 Q. Has that subject ever come up?

11 A. Obviously, it did.

12 Q. You don't remember; is that right?

13 A. In terms of years, yeah, I don't remember.

14 Q. You don't remember that even though it's  
15 a matter of some personal interest to you; how  
16 many years you faced in prison; is that right?

17 A. Well, I remember be given the outcome of  
18 the trial.

19 Q. Your testimony that you never asked and  
20 none of your three lawyers, plus all the United  
21 States Attorneys you talked to, one, two, three,  
22 never once said to you how many years in prison  
23 you faced --

24 MR. BOYLE: Objection.

25 BY MR. WEINGLASS:

1 Q. -- for what you've done?

2 MR. BOYLE: Mischaracterization of  
3 the testimony. She testified directly the  
4 opposite of that.

5 THE COURT: She said she didn't  
6 remember.

7 BY MR. WEINGLASS:

8 Q. That's your testimony. You don't  
9 remember?

10 A. I know we discussed it and I know it  
11 would be based on the outcome of the trial.  
12 That's what I remember.

13 Q. Although you considered yourself guilty  
14 of the \$7 million robbery, United States  
15 Government never asked you to plead guilty. You  
16 didn't have to plead guilty to anything; isn't  
17 that right?

18 A. That was one of the conditions of my  
19 agreement, yes.

20 Q. Your case was diverted, right?

21 A. The terms of the agreement were that the  
22 charges against me would be dismissed provided  
23 that I comply with the terms of the agreement.

24 Q. So, you didn't even have to plead guilty  
25 to a traffic violation in this case; isn't that

1 right?

2 A. That's right.

3 Q. Now, for all this, how many days did you  
4 spend in jail; in a cell?

5 A. I was released on September 12th.

6 Q. So, you spent a total of 12 days in jail?

7 A. I was arrested on August 30th. So, from  
8 August 30th until September 12th, yes.

9 Q. And you don't want to go back to jail?

10 A. I don't think anyone likes to be in jail.

11 Q. Now, the FBI told you, did they not, that  
12 your ex-lover, Juan Segarra now faces more than  
13 150 years in prison?

14 THE COURT: Counsel, that is  
15 something that's argumentative before the jury.

16 MR. WEINGLASS: It's what the FBI  
17 told her.

18 THE COURT: Question is, what did he  
19 tell her about her. If you manufacture a  
20 particular number of years to put before the jury  
21 to acquaint them with, it is improper.

22 MR. WEINGLASS: It's not  
23 manufactured. It's in the indictment.

24 THE COURT: If you'll listen. My  
25 point is, if you want to ask her if she was told



1 or that was discussed, that would be permitted.

2 MR. WEINGLASS: That's what I asked.

3 THE COURT: Whatever sentence of the  
4 jury, will be charged at the end. It will be  
5 solely, if it's a guilty verdict, it will not be  
6 the jury, but the Court will make the decision as  
7 Congress provided. So, the jury or others will  
8 have nothing to do with it.

9 MR. WEINGLASS: I must take  
10 exception to the Court's use of the word,  
11 "manufacture." Your Honor has read the indictment.  
12 I've read the indictment. We know what my client  
13 faces and I'm asking her if the FBI told her what  
14 the tally was.

15 BY MR. WEINGLASS:

16 Q. Did they tell you?

17 A. I don't remember if they did or not. I  
18 don't think so. When I was arrested, I don't  
19 think so.

20 Q. Since you've been arrested?

21 A. As I remember, I've spoken with my  
22 attorney about that and what he told me is that  
23 obviously it would depend on the verdict and that  
24 it would probably be lengthy, yes.

25 Q. Now, yesterday Mr. Boyle marked but not

1 admitted into evidence Exhibit 448, which is a  
2 statement of acceptance of the benefits of pretrial  
3 diversion. You've read this document, haven't you?

4 A. Yes, I have.

5 Q.. More than once?

6 A. Yes.

7 Q. You signed it, correct?

8 A. That's right.

9 Q. Yesterday you were able to give us  
10 verbatim some of the words in the document about  
11 how you were to testify?

12 A. I don't know if it was verbatim, but I  
13 understand the terms of my agreement, yes.

14 Q.. Well, let's turn to that verbatim part --

15 THE COURT: This is not a full  
16 exhibit. Do you want to make it a full exhibit,  
17 counselor?

18 MR. WEINGLASS: Yes, your Honor.

19 THE COURT: Any objection.

20 MR. BOYLE: No.

21 THE COURT: Full exhibit. Mark it  
22 Madam Clerk.

23 (Defendants' Exhibit 448: Received  
24 in evidence.)

25 BY MR. WEINGLASS:

1 Q. Now, the agreement provides, I'm now  
2 referring to the letter of September 23, 1985 from  
3 the U.S. Attorney's office in Massachusetts to Mr.  
4 Macdonald, your attorney?

5 A. Yes.

6 Q. Paragraph 1, you agree to give complete  
7 and truthful testimony and information, right?

8 A. That's right.

9 Q. You agree to answer completely and  
10 truthfully all questions put to you by law  
11 enforcement agents?

12 A. Yes.

13 Q. Now, under the terms of this agreement,  
14 as you understand it, what happens to you if you  
15 don't give law enforcement -- or if you don't  
16 testify completely and truthfully? What happens  
17 to you?

18 A. Well, the terms of the agreement were  
19 that I say what I know so that I do give complete  
20 information about that and then I not make any  
21 false statements, and that if I went against those  
22 terms, that the immunity that I had would be  
23 revoked.

24 Q. And you would face 40 years or more again?

25 A. Well, then I would go to trial, yes.

1 Q. Who decides in this agreement, who  
2 decides if you're being truthful?

3 Is it the jury or is it the folks sitting  
4 at this table backed up by the folks at that bench,  
5 the formidable array of people to my right?

6 MR. BOYLE: Objection, your Honor.  
7 Could we have a question without the inclusion of  
8 comments by counsel?

9 BY MR. WEINGLASS:

10 Q. Who decides? Does the jury decide if  
11 you're being truthful or is it exclusively the  
12 United States Attorneys and the FBI?

13 A. Well, it's the Government that decides.

14 Q. Let's review the time of your arrest and  
15 the events that transpired after your arrest.

16 You were arrested at 6:55 in the morning  
17 and you were walking on a public street in  
18 Cambridge; is that right?

19 A. That's right.

20 Q. You were walking alone?

21 A. That's right.

22 Q. How many agents or police officers  
23 arrested you?

24 A. As I recall, there were three.

25 Q. Do you recall their names?

1           A.    Neil Cronin, John Huyler and a woman was  
2 present. I don't remember her name.

3           Q.    Marita Hopkins?

4           A.    That's right.

5           Q.    Neil Cronin and John Huyler were sent by  
6 the FBI to arrest you, right?

7           A.    Yes.

8           Q.    The two gentlemen who had been listening  
9 to your phone conversation and had bugged your  
10 front sitting room, right?

11          A.    Yes, as far as I know, yes.

12          Q.    Describe the arrest for us?

13          A.    You want me to describe what happened?

14          Q.    Yes, at 6:55 in the morning on the street,  
15 Neil Cronin, John Huyler and Marita Hopkins  
16 approach you. What happens?

17          A.    I came out of my house. As I'm walking  
18 down the street, a car came up to me and I heard  
19 something being said and I thought here's someone  
20 trying to bug me and I kept trying to walk forward.  
21 Then the car stopped and --

22          Q.    You weren't wrong. Go ahead.

23                   THE COURT: Counselor, that's an  
24 improper remark and you don't make it again.  
25 You've been warned before. That's very

1 unprofessional and you know it. Proceed.

2 THE WITNESS: Then as far as I  
3 remember, Neil and John both got out of the car  
4 and told me that I was under arrest.

5 BY MR. WEINGLASS:

6 Q. Neil and John? We know them as Agents  
7 Cronin and Huyler, but it's okay.

8 MR. BOYLE: Objection, your Honor.  
9 It's not a matter what Mr. Weinglass knows them as.  
10 She described them as she knows them.

11 BY MR. WEINGLASS:

12 Q. What did Neil and John do then?

13 A. They told me that I was under arrest.

14 Q. Were you handcuffed?

15 A. I got in the car. I was -- I remember  
16 being handcuffed later at some point. I suppose  
17 that I was. I don't remember if I was at that  
18 point or not.

19 Q. Is it your testimony that the FBI put you  
20 in a vehicle with agents without first handcuffing  
21 you?

22 MR. BOYLE: Objection. That's not  
23 her testimony.

24 BY MR. WEINGLASS:

25 Q. Do you recall if you were handcuffed

1 before you went into the vehicle?

2 MR. BOYLE: She said she didn't  
3 recall.

4 THE COURT: It wasn't too clear to  
5 her. She wasn't sure if it was the beginning or  
6 after.

7 BY MR. WEINGLASS:

8 Q.. Would it assist your recollection to know  
9 that the FBI does not get into a vehicle with  
10 arrestees unless they're first handcuffed for the  
11 safety of the agents?

12 A. Well, if that's the case, then I imagine  
13 I was handcuffed. I don't remember that. I  
14 remember being handcuffed when I was then taken to  
15 Framingham to prison.

16 Q. What happened to your purse; if you were  
17 carrying it -- I'm sorry, it's an assumption I  
18 made.

19 A. They took it from me.

20 Q. Marita Hopkins?

21 A. I don't remember if it was Neil Cronin or  
22 John Huyler.

23 Q.. Now, then where did they take you?

24 A. They took me to the Marshal's lock-up in  
25 Boston.

1 Q. Are you sure of that?

2 A. That's where I ended up, yes.

3 Q. That's where you ended up?

4 A. Yes.

5 Q. Where did they take you?

6 A. Well, I don't remember where I was. I  
7 first had to get photographs taken of me. I don't  
8 know where that was.

9 Q. Did they take you to the FBI offices --  
10 not the Marshal's lock-up -- on the ninth floor of  
11 the John F. Kennedy building in Boston?

12 A. I remember what happened to me, sir. I  
13 don't remember at that point in time. I don't  
14 know where that was. I remember that I was in a  
15 room where photographs were taken of me.

16 Q. You were in a room designated by the FBI  
17 as the interview room of the FBI office. Isn't  
18 that where you were when they first took you in?

19 A. I was taken into a room, yes and the FBI  
20 was present, yes.

21 Q. You weren't put into a cell until three  
22 hours and 45 minutes later in another building; in  
23 the Marshal's office in the John McCormick  
24 building; isn't that right?

25 A. Yes, I was taken there later. Again, I



1 don't remember the time.

2 Q. So, you spent three hours and 45 minutes  
3 in the interview room with the FBI, right?

4 A. If you say so. I don't remember the time,  
5 sir.

6 Q. Now, you were allowed to call a lawyer at  
7 7:15 in the morning; isn't that right?

8 A. That's right.

9 Q. Kind of not too easy to reach a lawyer at  
10 that hour, but you had a friend who was an  
11 attorney?

12 A. That's right.

13 Q. Did the FBI explain to you why they  
14 arrested you at a time before any law offices were  
15 open?

16 MR. BOYLE: Objection. The question  
17 assumes facts not in evidence, your Honor.

18 THE COURT: Well, it's harmless. Go  
19 ahead.

20 BY MR. WEINGLASS:

21 Q. Do you know how many law offices are  
22 opened at 7:00 in the morning in Boston?

23 A. How many law offices?

24 Q. Yes.

25 A. I don't know, no.

1 Q. Did anyone tell you that people go to law  
2 school so they can sleep late in the morning? Did  
3 you ever hear that expression?

4 Now, this three hours and 45 minutes that  
5 you were in the interview room, was a lawyer with  
6 you?

7 A. During the time that I was with the FBI?

8 Q. Yes.

9 A. Well, I'll tell you what happened.

10 Q. No. I'll let you tell us what happened,  
11 but first answer my question and then you can tell  
12 us what happened.

13 In the three hours and 45 minutes that  
14 you were in the interview room was a lawyer with  
15 you?

16 A. No.

17 Q. Now, please tell us what happened.

18 A. Well, what happened is that I called this  
19 friend of mine who is an attorney in order to tell  
20 him that I've been arrested and to ask him what I  
21 should do and he said that he would get somebody  
22 down there to talk to me.

23 Q. You reached him at home?

24 A. That's right.

25 Q. But in the three hours and 45 minutes, of

1 course, no one showed up?

2 A. Well, you see, I don't remember the  
3 timing on this. I know when I got back to the  
4 Marshal's lock-up, I did see an attorney.

5 Q. That was later in the other building in  
6 the cell you saw a lawyer for the first time.

7 I'm talking about when you were in the  
8 John F. Kennedy building in the FBI interview room.  
9 No lawyer showed up.

10 A. No lawyer showed up.

11 Q. Right. Well, Neil and John were there  
12 though; is that right?

13 A. I remember Neil Cronin being there. I  
14 don't remember if John Huyler was there.

15 Q. When Neil was there, he talked to you;  
16 isn't that right?

17 A. Yes.

18 Q. He told you they had been listening to  
19 some of your conversations on the telephone the  
20 last few months.

21 A. Yes.

22 Q. He told you they had a microphone in your  
23 sitting room?

24 A. Yes.

25 Q. How did that strike you?

1           A.    Well, I think anybody would be shocked,  
2 surprised, which I was.

3           Q.    Dismayed?

4           A.    You can add that, too.

5           Q.    Fearful?

6           A.    Pardon?

7           Q.    Fearful.

8           A.    I would say fearful and shocked.

9           Q.    Concerned that your private life had been  
10 intruded upon?

11          A.    Yes, you can say that.

12          Q.    Somewhat contrary to your values of a  
13 free society.

14          A.    Yes.

15          Q.    Did they enlighten you by playing any  
16 tapes for you?

17          A.    They played me an excerpt of one tape,  
18 yes.

19          Q.    It was a little shocking, right?

20          A.    Yes.

21          Q.    And they played that excerpt after you  
22 had talked to a lawyer and before that lawyer  
23 showed up?

24          A.    I don't remember if they played that tape  
25 before I called my friend or after. It was before

1 a lawyer showed up, yes.

2 Q. So that the sequence is you get in the  
3 interview room and at about 7:15 you call the  
4 lawyer and about 7:40 another lawyer calls back.  
5 The lawyer who calls back is Mike Avery?

6 A. Yes.

7 Q. He talks to John Cronin and then after  
8 that Cronin plays for you one of your tapes; isn't  
9 that right?

10 A. Sir -- I don't remember the chronology of  
11 that.

12 Q. Have you been shown your arrest report by  
13 the FBI?

14 A. The arrest report?

15 Q. Yes.

16 A. I don't know what that is. No, I don't  
17 think I've seen it.

18 Q. Let me see if you've been shown it.

19 MR. WEINGLASS: This may be marked.

20 THE COURT: The identification,  
21 Madam Clerk?

22 THE CLERK: Defendant's 198.

23 (Defendants' Exhibit 198: Marked  
24 for identification.)

25 BY MR. WEINGLASS:

1 Q. I want to show you a two-page report of  
2 your arrest, the official 302 of the FBI. Nowhere  
3 in that official report do they say they played a  
4 tape of your voice; do they?

5 A. No, it's not indicated.

6 Q. It's a rather detailed report. They say  
7 you ate some yogurt and you had some coffee, some  
8 cookies, but they don't say they played you the  
9 tape; do they?

10 A. It's not written down there, no.

11 Q. In that official report. Now, do you  
12 remember that tape?

13 A. They played a very brief excerpt. I  
14 recognized my voice and Papo's voice. That's all.

15 Q. Would you say that tape bordered on the  
16 intimate?

17 A. I don't remember the content at all.

18 Q. Tell us what was going on in your mind at  
19 that time when you were in an interview room and  
20 they played you the tape and read you the charges?

21 A. Well, I was in shock. I think also at  
22 that point in time I even wondered whether there  
23 might be some sort of mistake. I didn't know why  
24 I was there. And I was upset, yeah.

25 Q.. You didn't know why you were there

1 because -- how come you didn't know why you were  
2 there?

3 Is it because Juan Segarra or Papo never  
4 explicitly told you that anything that you were  
5 doing in connection with money had anything to do  
6 with the Wells Fargo robbery?

7 A. It's not that. It's because I felt that  
8 I didn't have a culpable role related to the  
9 robbery. I was listed on an indictment with a  
10 list of individuals who belonged to an  
11 organization that I didn't know the name of until  
12 I was arrested.

13 Also because Papo had asked me to do  
14 several things for him without ever telling me  
15 there are consequences to your action. This is a  
16 high-risk situation.

17 Q. And he never told you that it was  
18 connected to a robbery, a Wells Fargo robbery; is  
19 that your testimony?

20 A. No, I can't say that, sir.

21 Q. In any event, that wasn't your testimony  
22 yesterday?

23 A. I'm sorry. You have to repeat that.

24 Q. When Judge Clarie asked you yesterday  
25 afternoon, "Did Juan Segarra ever tell you that

1 the money in your footlocker was from the Wells  
2 Fargo robbery?" You thought for a long while and  
3 do you remember what you said?

4 A. I said I would have to answer yes.

5 Q. On the day of the arrest are you saying  
6 that you didn't understand why you were arrested?

7 A. What I'm saying is that what Papo had  
8 asked me to do, he had presented to me in a very  
9 matter of fact way and never informed me that  
10 there were very real and grave consequences to my  
11 actions.

12 Q. Ms. Gassin, isn't the truth of the matter  
13 what you told the FBI back in September of '85 and  
14 that is that Juan Segarra never told you that the  
15 \$35,000 in your footlocker came from the Wells  
16 Fargo robbery? Isn't that what you told the FBI?

17 A. What I told the FBI is what I can tell  
18 you again today, which is that I'd been informed  
19 by Papo in July that he had participated in the  
20 Wells Fargo robbery.

21 I had read this manuscript and he told me  
22 about the robbery. Less than a month later he  
23 asked me to participate in the transport of money  
24 that was to be concealed in a trailer and driven  
25 across the Mexican border.



1           As I said before on other occasions when  
2 I asked questions as to, specific questions, as to  
3 for example where the money was going, I was often  
4 told, "That's just the kind of question you don't  
5 ask."

6           I think that, as I said also yesterday, I  
7 wasn't aware of his having participated in any  
8 other robbery.

9           Q.    Is that your answer?

10          A.    And also I don't have a present  
11 recollection to date of him -- of him saying this  
12 is the money that came out of that truck.

13          Q.    But when Judge Clarie asked you that  
14 yesterday, didn't you indicate that he did tell  
15 you?

16          A.    I said that I would have to answer yes  
17 and then I went on to explain that what I just  
18 told you today, which is that he had never -- he  
19 hadn't told me about any other robbery and that if  
20 at the same time he's telling me that the fives  
21 which are in the footlocker can't be used in the  
22 States because they can be traced, if he's  
23 counting money and pulling down the blinds so  
24 people can't look, I think it's safe to say that --

25          Q.    It's safe --

1 THE COURT: Let her finish her  
2 statement.

3 MR. WEINGLASS: I'm sorry.

4 THE WITNESS: And due to the fact he  
5 had spoken to me about the robbery and he talked  
6 about transporting this money in a concealed  
7 fashion, we're talking about the same money.

8 BY MR. WEINGLASS:

9 Q. Right. You're making a reasonable  
10 inference and a reasonable assumption and I have  
11 no quarrel with your reasonable inferences and  
12 your assumptions; but Judge Clarie asked you, "Did  
13 he tell you that it came from the robbery?" And  
14 you said, "Yes."

15 Did he tell you? I'll ask you that now.  
16 Did he tell you that that money came from the  
17 Wells Fargo robbery?

18 A. I'll answer it the same way that I just  
19 did.

20 Q. Did he say it in words to you?

21 A. I can't answer that that way. I'm sorry.

22 Q. Do you remember when the FBI asked you  
23 that on September 16, page 12, Gassin stated that --  
24 strike that.

25 Regarding the money and the footlocker

1 which Segarra kept at her residence, Gassin  
2 claimed that Segarra never mentioned the origin of  
3 the money.

4 Did you tell the FBI that?

5 THE COURT: Can we establish the  
6 date of that, counselor?

7 MR. WEINGLASS: September 16th.

8 THE WITNESS: I imagine what I said  
9 then is what I'm saying today.

10 BY MR. WEINGLASS:

11 Q. You were being truthful with the FBI?

12 A. Yes.

13 Q. Never mentioned it, the origin of the  
14 money; isn't that right?

15 A. What I meant by that is that the money  
16 that was -- I'm going to repeat myself again.  
17 That there was a series of consequences, events  
18 and conversations which made it clear where the  
19 money came from.

20 However, I don't have a present  
21 recollection of a particular conversation on a  
22 particular date when he said that that money in  
23 there is from that truck.

24 Q. Thank you. Isn't that the problem here,  
25 precisely, Ms. Gassin; that you're putting

1 together a screenplay. Your recollection of  
2 events, some conversations and drawing a lot of  
3 assumptions and inferences as if these things were  
4 discussed specifically between you when you really  
5 don't remember and you can't take those apart?

6 A. No. All I'm saying is what I remember,  
7 sir.

8 Q. Yes. Now, let's go back to the day of  
9 your arrest. After three hours and 45 minutes  
10 with the FBI in the interview room you are  
11 transported to the John McCormick building, the  
12 15th floor where you're put in a cell.

13 A. Yes.

14 Q. Had you ever been in a cell before?

15 A. No.

16 Q. You remain in that cell and the lawyer  
17 comes to see you, Mr. Avery?

18 A. Yes.

19 Q. To discuss the charges with you and he  
20 tells you that you're going to appear before a  
21 magistrate on that day, federal magistrate?

22 A. Yes.

23 Q.. You don't remember the rest of the  
24 conversation?

25 A. I remember that he read through the

1 indictment and he said that he wouldn't be able to  
2 represent me because of a conflict.

3 Q. So, he exits and another lawyer shows up.  
4 Lawyer Good?

5 A. Yes.

6 Q. And you and Lawyer Good go before a  
7 magistrate that afternoon?

8 A. Yes.

9 Q. They take you out of your cell to go  
10 before a magistrate.

11 A. That's right.

12 Q. Who appears for the United States  
13 Government, if you remember?

14 A. You mean the prosecutor?

15 Q. Yes.

16 A. Mr. Mueller.

17 Q. And to your shock and dismay the United  
18 States Government says, "This young woman is not  
19 to be released on bail under any conditions."

20 A. Well, Mr. Good already told me that that  
21 would probably be the outcome of that, yes.

22 THE COURT: It's now 11:30,  
23 counselor. The jury will be excused for 15  
24 minutes. Quarter of 12:00 we will resume.

25 (Whereupon, the jury was excused.)

1 THE COURT: The witness is excused.  
2 (Witness excused.)

3 THE COURT: Recess, Mr. Bailiff.  
4 (Whereupon, a recess was taken from  
5 11:30 o'clock a.m. to 11:47 o'clock a.m.)

6 THE COURT: Call the jury, please.  
7 Maybe you better wait until everyone is seated.

8 (Pause.)

9 THE COURT: Everyone is here. Yes,  
10 you may call the jury.

11 (Whereupon, the jury entered the  
12 courtroom.)

13 THE COURT: Call the witness, please.  
14 (Whereupon, the witness resumed the  
15 stand.)

16 BY MR. WEINGLASS:

17 Q. Ms. Gassin, I want to back up for just a  
18 moment. The time that you're in the interview  
19 room of the FBI offices on the ninth floor of the  
20 John F. Kennedy building in Boston, do you recall  
21 if Neil Cronin suggested to you that you might  
22 want to consider turning state's evidence in this  
23 case and being a witness for the Government?

24 A. Yes, he did.

25 Q. That was suggested within an hour of your

1 arrest; isn't that right?

2 A. I would say so, yes.

3 Q. Did he tell you then that they had been  
4 listening to your private life and your personal  
5 concerns and they thought you might want to go  
6 easy on yourself by cooperating with the  
7 Government?

8 A. I don't remember the term, Go easy on  
9 myself, no.

10 Q. August 1985 was a pretty rough month for  
11 you personally, was it not?

12 A. How so? August 1985. How so?

13 Q. Well, I don't want to worsen what's  
14 already happened, but your stepfather died  
15 unexpectedly?

16 A. That's right.

17 Q. Things were not going very well with Papo?

18 A. Well, all I can say is that he had left,  
19 yes.

20 Q. You had started with Alex?

21 A. I don't see what that has to do with it.

22 Q. There was another man in your life.

23 A. It's not as simple as that, sir. I'm  
24 sorry.

25 Q. You were moving from Boston to New York?

1 A. That's true, yes.

2 Q. Leaving your friends behind?

3 A. I was going off to school. I was very  
4 excited about going off to school; Columbia  
5 University.

6 Q. You were also scared about New York City?

7 A. I don't know being particularly scared  
8 about New York City, no.

9 Q. So, they suggest to you that maybe you  
10 would want to cooperate here with the Government  
11 and you didn't say, Yes, at that point?

12 A. I refused to talk to them, as I remember.

13 Q. Then, as a matter of fact, when Neil  
14 Cronin made that suggestion, that's when he told  
15 you how many years in prison you faced?

16 A. It's possible that he did.

17 Q. And then you met that afternoon with  
18 Michael Avery, your first lawyer, Andy Good, your  
19 second lawyer and you go before a magistrate.

20 A. Yes.

21 Q. You're taken from a cell and the  
22 magistrate says what about releasing you on bail?

23 A. No bail. That I'm going to jail.

24 Q. No bail?

25 A. Well, that I'm not being released that



1 day on bail; that I was going to jail that night,  
2 yes.

3 Q. The magistrate said, "You're not going to  
4 be released on bail, period."

5 A. Well, I don't remember that. I know  
6 there was a bail hearing that was coming up at the  
7 time when Lloyd Macdonald started representing me.  
8 All I remember is that on that particular day I  
9 was going to Framingham.

10 Q. You wanted bail on that day. Your lawyer  
11 asked for bail. You wanted out?

12 A. Yeah, I imagine I did, yes.

13 Q. The magistrate said, "No. No bail,"  
14 right?

15 A. Yes. I went to Framingham that night.

16 Q. The Government said you're dangerous to  
17 the magistrate?

18 A. That I don't remember, sir.

19 Q. So, they take you off to Framingham. Now,  
20 what's Framingham?

21 A. To jail.

22 Q. It's a jail? Is it a federal jail; if  
23 you know?

24 A. As far as I'm concerned, it was a jail.

25 Q. You were put in a state jail, weren't you,

1 with women who had been picked up for various  
2 crimes on the street?

3 A. Yes, that's right.

4 Q. Was that a pleasant experience?

5 A. I don't think it's a pleasant experience  
6 to be in jail, no.

7 Q. And particularly in that --

8 A. I have no other points of comparison.

9 Q. Now, we're getting toward the Labor Day  
10 weekend, August 30th, you're arrested, right?

11 A. Yes.

12 Q. Your lawyer comes to see you, Andy Good,  
13 through that weekend?

14 A. Yes.

15 Q. And you begin to talk to Andy about  
16 getting out of this thing even if it means  
17 becoming a Government witness.

18 A. That was one of the options that was  
19 discussed, yes.

20 Q. Andy stays with you a few more days as  
21 your lawyer.

22 A. That's right.

23 Q. Then he leaves, right?

24 A. Yes.

25 Q. Did he leave because within a few days

1 you had decided you would become a Government  
2 witness?

3 A. No. I hadn't made that decision, sir.

4 Q. Pardon?

5 A. I had not made that decision, sir.

6 Q. Not yet?

7 A. No.

8 Q. But he's replaced by Mr. Macdonald who is  
9 a very able former Assistant United States  
10 Attorney?

11 A. Andy Good recommended Lloyd Macdonald and  
12 I also understood Lloyd Macdonald to be one of the  
13 more prominent defense attorneys in the Boston  
14 area.

15 Q. Good. I would hope my clients are as  
16 kind. But you also knew him to be an Assistant  
17 United States Attorney who could talk to the  
18 Government for you?

19 A. Well, that was not the reason why he was  
20 retained.

21 Q. That played no part in your thinking or  
22 did it?

23 A. He was recommended to me, as I said, by  
24 Andy Good. My sister was also involved in  
25 selecting an attorney. I met with Lloyd and we

1 decided.

2 Q. But there are all kinds of lawyers and  
3 the lawyer you selected was a prominent, good  
4 lawyer who had connections to the U.S. Attorney so  
5 that you could work your deal?

6 MR. BOYLE: Object to the question  
7 on connections to the U.S. Attorney's office.

8 THE COURT: Sustained.

9 BY MR. WEINGLASS:

10 Q. Now, within eleven days a deal had been  
11 struck; isn't that right?

12 A. Well, I got out on September 12th, yes.

13 Q. And you had written during that 11-day  
14 period some things about what you recalled had  
15 happened, right?

16 A. I tried to retrace what had happened, yes.

17 Q. And you gave those to your lawyer, right?

18 A. Well, I imagine I did. We had lengthy  
19 discussions about what had happened. He took  
20 notes as well.

21 Q. But you wrote things in your own hand;  
22 isn't that right?

23 A. Yes.

24 Q. You gave it to your lawyer and the  
25 process was that your lawyer would go to the FBI

1 and the Justice Department with your notes saying,  
2 "Here. Is this enough?" And they would say, "No,  
3 we want more." And your lawyer would come back  
4 and you would write a little more and they would  
5 go back to the Justice Department, "Is this enough?"  
6 "No, we want a little more."

7 A. No, that's my understanding. That's  
8 absolutely not the way it happened, sir.

9 Q. It's not? Where are those notes you  
10 wrote your handwritten explanations of,  
11 "What happened"?

12 A. They're with myself and my attorney.

13 Q. You have them here with you?

14 A. Yes.

15 MR. WEINGLASS: Your Honor, at this  
16 point I would like to have those turned over for  
17 purposes of further cross-examination. I can  
18 continue now.

19 THE COURT: The jury will be excused  
20 for a few minutes.

21 (Whereupon, the jury was excused.)

22 THE COURT: What is the position of  
23 the Government and counsel for the witness?

24 MR. BOYLE: Government's position,  
25 your Honor, is that the Defendant is entitled only

1 to prior statements by this witness that relate to  
2 her testimony on direct that are in the  
3 Government's possession. The Government doesn't  
4 have these notes.

5 To the best of my knowledge, no one  
6 associated with the Government has ever seen them.  
7 The Defense -- we can't turn them over and the  
8 Defense is not entitled to any such notes under  
9 any provision of law.

10 THE COURT: Were there any notes  
11 tendered to the U.S. Attorney as an inducement to  
12 make this agreement?

13 MR. BOYLE: Not to my knowledge,  
14 your Honor.

15 MR. WEINGLASS: Your Honor, I accept  
16 Mr. Boyle's representation, as I always would; but  
17 it's our position that the negotiation was with  
18 the U.S. Attorney's office in Massachusetts and if  
19 your Honor will look at the agreement that was  
20 entered into, it was with Mr. Mueller, the U.S.  
21 Attorneys in Massachusetts and I assume they have  
22 the principal responsibility for the negotiation,  
23 backed up, perhaps, but only backed up, by the  
24 U.S. Attorney's office in Connecticut.

25 I think no U.S. Attorney present in

1 court today perhaps will have personal knowledge  
2 of the process. I think we would need Mr. Mueller.

3 I think we can short cut it if we  
4 ask Mr. Macdonald. I'll accept his representation.

5 THE COURT: Mr. MacDonald, do you  
6 care to comment?

7 MR. MACDONALD: Yes I would, your  
8 Honor.

9 THE COURT: Would you come forward  
10 please and give your full name for the record so  
11 we'll have it in the record your position.

12 MR. MACDONALD: My name is Deverest  
13 Lloyd Macdonald and I am counsel for the witness,  
14 Ms. Gassin. I can say in answer to that question  
15 or on the subject that at no time were any  
16 handwritten notes of Ms. Gassin while I  
17 represented her or to my knowledge while Mr. Good  
18 represented her ever proffered to the Government,  
19 shown to the Government or otherwise referred to  
20 in the course of any discussions as to her  
21 position with the prosecution.

22 MR. DABROWSKI: Your Honor, may I  
23 add to that Assistant United States Attorney Van  
24 Kirk was involved in the process at that time.  
25 Contrary to Mr. Weinglass' understanding, the

1 United States Attorneys Office in Connecticut had  
2 returned the indictment, was coordinating the  
3 events.

4 It was, in fact, Mr. Mueller who was  
5 involved in the face-to-face conversations, but  
6 Mrs. Van Kirk was kept informed. The United  
7 States Attorney then now District Judge Alan Nevas  
8 was kept fully informed and I can represent to the  
9 Court on their behalf no notes of any kind were  
10 tendered or offered to them during this process.

11 THE COURT: All right.

12 MR. WEINGLASS: Your Honor, I don't  
13 think -- that doesn't conclude the matter at all.  
14 Even if all these representations are true, if  
15 this witness hand wrote to her attorney notes  
16 about the matter, she's publicly testified in  
17 court today and yesterday, she no longer has a  
18 privilege, if she ever had one, about those notes,  
19 number one, having publicly and under oath already  
20 testified about the same events.

21 Number two, even if she had that  
22 privilege, an attorney/client privilege, and no  
23 one has asked her if she wants to waive it yet,  
24 the Defendant's Sixth Amendment right to confront  
25 this witness with her own handwritten notes, not



1 her lawyer's notes, is a right that has priority  
2 over the witness' right to claim her privilege.  
3 This raises an interesting question of conflicts  
4 of rights, which I'm sensitive to.

5 I must say that if the witness does  
6 not waive the right, then as in all criminal cases  
7 where the Defendant has a Sixth Amendment right  
8 that must also be protected, the witness'  
9 testimony must be struck. So that the witness'  
10 right to counsel is protected and the Defendant's  
11 right to cross-examination is protected.

12 If it comes to that, that must be  
13 the solution.

14 I would hope it doesn't come to that  
15 and I would hope that one of two things happen.  
16 Either the witness waives her right or if she and  
17 her counsel do not waive their right, then the  
18 Court orders the turnover light of my client's  
19 Sixth Amendment right of confrontation and she's  
20 already testified publicly about the same events.

21 THE COURT: Let's establish, first,  
22 from her attorney, are there handwritten notes of  
23 a material matter concerning her testimony that  
24 she gave to you that are in your possession?

25 MR. MACDONALD: I'm a bit confused,

1 your Honor, frankly, as to what Mr. Weinglass is  
2 referring to here. I am aware of some handwritten  
3 notes of my client which were prepared, I believe,  
4 sometime after the events of her arrest for  
5 purposes of refreshing her own recollection. As  
6 I'm standing here, I can't put a particular date  
7 on it, but it was well after the negotiations with  
8 respect to her posture with the Government.

9 THE COURT: They were written after?

10 MR. MACDONALD: Yes, sometime within  
11 the last three and a half years. Longer ago than  
12 six months ago. Those are the ones I'm familiar  
13 with and I believe those are in her possession.

14 Again, as I am standing here, I  
15 don't know whether or not I have any other  
16 handwritten notes of hers, your Honor, and I would  
17 be happy to review my files.

18 I don't have all of my records in this  
19 case in my hand today. I can certainly have those  
20 examined before the beginning of court this  
21 afternoon.

22 THE COURT: If there are none, we're  
23 arguing about nothing. If there are some, then  
24 the question might arise in the Court's ruling  
25 whether the procedure is that it's a privilege as

1 has been suggested between the client and the  
2 attorney or should they be found in camera with  
3 the Court to see whether there's anything  
4 conflicting that would indicate their testimony  
5 was not wholly factual and truthful.

6 Those are the things I'm thinking about  
7 as the possibilities.

8 Do you have any suggestions,  
9 counselor, as an experienced trial counselor?

10 MR. MACDONALD: I would think, your  
11 Honor, the first question is a factual one. Does  
12 anything exist that would justify the Court having  
13 to think about this problem. I do know that these  
14 refreshment of recollection notes are in Ms.  
15 Gassin's possession at this point.

16 I would have to discuss with her  
17 what our position would be on that, but previewing  
18 my own feelings, I believe my advice to her would  
19 be not to resist disclosure of those to the  
20 Defense.

21 THE COURT: As I understand Mr.  
22 Weinglass' claim is that these notes were written  
23 not recently or since the agreement was struck, so  
24 to speak, between the Government and the witness  
25 and her attorney, but that the notes he's seeking

1 are notes that were used with counsel or directly  
2 with the Government to induce them to make this  
3 agreement. Isn't that what you're seeking?

4 MR. WEINGLASS: Yes, your Honor.  
5 I'm doing it on the basis, and I don't think we  
6 can forget this, that just prior to sending the  
7 jury out I asked Ms. Gassin if she did write notes  
8 at that time and Ms. Gassin indicated she did.

9 So, I believe those notes exist.

10 THE COURT: She might have written  
11 many notes. The question is, are they material to  
12 the issue at hand? That's the real question.

13 MR. WEINGLASS: I think she said  
14 notes about the event or what happened. I assume  
15 those are very material. They're all assumptions  
16 on my part.

17 MR. DABROWSKI: Your Honor, I would  
18 propose we take a brief recess to provide Mr.  
19 Macdonald an opportunity to speak with his client  
20 to obtain facts upon which he can certainly rely  
21 and perhaps share with us, if appropriate, in  
22 order to address this question.

23 MR. WEINGLASS: I would agree.

24 THE COURT: Why couldn't we do this?  
25 This is only one phase of your cross-examination.

1 Why can't we proceed until 1:00 o'clock with the  
2 jury and not waste any time having the jury  
3 sitting out there twirling their thumbs and finish  
4 at 1:00 and at the noon recess you will have a  
5 whole hour to speak with the witness and review  
6 whatever exist, if anything does exist?

7 MR. WEINGLASS: Your Honor, in  
8 fairness to all concerned, including the jury, I  
9 believe from Mr. Macdonald's representations,  
10 that we're talking about what Mr. Dabrowski says  
11 is just a five-minute break here.

12 THE COURT: If it's only five  
13 minutes, there's no problem. I'm thinking about  
14 an hour.

15 MR. WEINGLASS: Oh, no. I don't  
16 think it would be that long. If it's that long,  
17 we'll come back.

18 It would be very helpful if we could  
19 resolve this at this point. If the Court is  
20 concerned about time, we could put a cap on the  
21 time. If it isn't enough time we would go ahead.  
22 It would be helpful to try.

23 THE COURT: You're suggesting five  
24 minutes, that's quarter past 12:00.

25 MR. WEINGLASS: Yes.

1 THE COURT: I know how these  
2 recesses are once they start. Suppose we aim to  
3 resume at quarter past 12:00. The witness is  
4 excused temporarily. We'll recess until quarter  
5 past 12:00, Mr. Bailiff.

6 (Whereupon, the jury was excused.)

7 (Whereupon, a recess was taken from  
8 12:09 o'clock p.m. to 12:15 o'clock p.m.)

9 THE COURT: Is Attorney Macdonald  
10 available with his client?

11 MR. DABROWSKI: It's my  
12 understanding he's on the way, your Honor. He was  
13 with Ms. Gassin, speaking to her and he's coming.

14 THE COURT: Counselor, is there  
15 anything to report to the Court?

16 MR. MACDONALD: Yes, there is, your  
17 Honor. There were no notes that Ms. Gassin  
18 prepared in 1985. She tells me that her reference  
19 in her recent testimony to the existence of notes  
20 were some that she made while she was in the  
21 institution at Framingham while in detention and I  
22 am informed by her and by the Government that  
23 those notes are already in the possession of the  
24 Defense.

25 THE COURT: They're in the

1 possession of the Defense?

2 MR. MACDONALD: Yes, your Honor.

3 MR. BOYLE: Your Honor, for  
4 clarification, Ms. Gassin turned over to the  
5 Government that calendar which is in evidence  
6 marked as Exhibit 450 for Identification. It's a  
7 week-at-a-glance calendar which she testified to  
8 on direct and part of Mr. Weinglass' cross.

9 In addition to the calendar, there are  
10 notes written on some blank pages.

11 THE COURT: Are these the notes she  
12 was referring to?

13 MR. BOYLE: I don't know what she  
14 was referring to. I haven't spoken to her. Mr.  
15 Macdonald has. This is in evidence and these are  
16 notes she made after her arrest and I believe her  
17 testimony was to help her reconstruct the events.

18 THE COURT: Are there any other  
19 notes to which counsel refer to; namely, notes  
20 prepared at Framingham in the detention jail there  
21 that she made or prepared that were turned over to  
22 Defense counsel?

23 MR. BOYLE: No, what was turned over  
24 to Defense counsel, your Honor, was a copy of this  
25 calendar with those pages that include the notes.

1 Those are the only handwritten notes that the  
2 Government has made by Ms. Gassin and they have  
3 been turned over.

4 THE COURT: Any other notes,  
5 counselor, except those?

6 MR. MACDONALD: There aren't any.

7 THE COURT: Does that answer your  
8 question, counselor?

9 MR. WEINGLASS: Yes.

10 THE COURT: Call the jury, please.

11 (Whereupon, the jury entered the  
12 courtroom.)

13 THE COURT: You will recall the  
14 witness, please.

15 BY MR. WEINGLASS:

16 Q. During the period of time that you  
17 remained in Framingham in the state jail from  
18 August 30th to September 11th --

19 A. September 12th.

20 Q. Thank you. You were housed in a cell; is  
21 that correct?

22 A. That's right.

23 Q. Now, the agreement for you to become a  
24 state witness was entered into on the 11th; is  
25 that right?



1           A.    Yes.

2           Q.    On the 12th you're taken from your cell  
3 and taken out of the jail the next day?

4           A.    Yes.

5           Q.    When you're taken out of the jail, that  
6 followed an event that happened the night before,  
7 on the 11th, when you met with Mr. Cronin, Agent  
8 Cronin, Neil Cronin and you met with Joe Rodriguez  
9 and you met with another Assistant United States  
10 Attorney, Mr. Mueller and you met with Ms. Van  
11 Kirk who is seated here and you started to talk to  
12 them the late afternoon and evening of September  
13 11th.

14          A.    That's right.

15          Q.    And your lawyer, Mr. Macdonald, was there.

16          A.    That's right.

17          Q.    Prior to that time in the process of  
18 negotiation of days did that negotiation proceed  
19 in a fashion where you offered to do certain  
20 things and then a counter offer was made through  
21 your counsel to you that he would have to do a  
22 little more?

23          A.    You have to be more specific. I don't  
24 know what you're talking about.

25          Q.    Why don't you tell us? That would be

1 better. What was the process of negotiation as  
2 you understood it from August --

3 A. First of all, there was a process of  
4 decision making. I had to decide first whether I  
5 wanted to cooperate at all.

6 Q. When did you decide?

7 A. I would say it was fairly late on,  
8 because it was also -- there were also conditions  
9 that I placed on that cooperation, which needed to  
10 be met.

11 Q. You mean you were making demands on the  
12 Government of the United States?

13 A. I don't know what you mean by making  
14 demands.

15 Q. Making conditions.

16 A. What was negotiated by my attorney that  
17 the charges against me would be dismissed should I  
18 cooperate.

19 Q. That was a condition, right?

20 A. That was one of the conditions, yes.

21 Q. You wouldn't come forward and help the  
22 United States Government unless you were let out  
23 from under this whole thing, right?

24 A. It was a complex-decision making process,  
25 sir.

- 1 Q. I'm sure. Did your sister help you?
- 2 A. I talked with my sister.
- 3 Q. At that time?
- 4 A. Yes.
- 5 Q. Did she fly in to see you?
- 6 A. Yes, she did.
- 7 Q. She practices in California?
- 8 A. Yes, she does.
- 9 Q. Of course, you were consulting Mr.
- 10 Macdonald along the way here?
- 11 A. Yes.
- 12 Q. Now, did the Government agree right away
- 13 to your condition, that all the charges be
- 14 dismissed?
- 15 A. Well, the person who would be apt to
- 16 answer that is my attorney.
- 17 Q. I'm sure. Why don't you give us your
- 18 understanding of what your attorney told you in
- 19 September of 1985 about the negotiation?
- 20 A. Are you talking about the process?
- 21 Q. Yes.
- 22 A. As I said, I wasn't involved in the
- 23 process. So, I know what we discussed. We
- 24 discuss, first of all, there was a period of time
- 25 in which I discussed with him at great length the

1 decision to cooperate and he actually repeatedly  
2 painted a dismal picture of cooperation because he  
3 wanted to know exactly what I was getting into.

4 We discussed this at great length for  
5 days on end. The exact timing of the negotiation  
6 and when conditions were met, I don't know.

7 Q. Now, describe for us that scene on  
8 September 11th when Ms. Van Kirk comes to Boston  
9 with Special Agent Rodriguez and they're joined by  
10 Neil Cronin and Assistant United States Mueller,  
11 Attorney Mueller. Where is this meeting taking  
12 place? In the jail?

13 A. No.

14 Q. Where is it taking place?

15 A. As far as I remember, it was in a room  
16 near the Marshal's lock-up. I don't remember  
17 exactly.

18 Q. You went back to the McCormick building,  
19 15th floor?

20 A. Maybe it was the 15th floor. I don't  
21 know.

22 Q. You were all seated around a table?

23 A. Yes, we sat around a table.

24 Q. You spoke for how many hours?

25 A. Well, we went through this yesterday, sir.

1 I don't remember exactly the number of hours that  
2 I spoke.

3 Q. Did you tell us how many hours yesterday?

4 A. Yes. I imagine I answered your question.

5 Q. Do you remember what you answered  
6 yesterday? That's February 2, 1989. What did you  
7 say?

8 A. I think my first response was two to  
9 three hours.

10 Q. Have you gone over the official 302, the  
11 official Government report, of that meeting?

12 A. Yes, I have.

13 Q. How many times?

14 A. Two or three times, I would say.

15 Q. Two or three times? When was the last  
16 time you read it?

17 A. I think I glanced at it or looked over it  
18 quickly again a week ago.

19 Q. About a week ago?

20 A. Yes.

21 Q. Was that the third time you read it or  
22 more than the third time?

23 A. I really don't remember.

24 Q. This has been marked 195. The official  
25 report of that meeting does not say when the

1 meeting began, when the meeting ended or how long  
2 the meeting took place, does it?

3 MR. BOYLE: Objection, your Honor.  
4 The witness is going to testify from a document,  
5 it ought to be marked full.

6 MR. WEINGLASS: I'm not offering it.  
7 I'm using it to refresh the witness' recollection.

8 MR. BOYLE: He's not. His question  
9 didn't have anything to do with her recollection.  
10 It had to do with what appears in the report. If  
11 he wants to try to refresh the witness'  
12 recollection, I have no objection.

13 MR. WEINGLASS: I accept that.

14 BY MR. WEINGLASS:

15 Q. Is there anything in that report that  
16 would help you refresh your recollection aside  
17 from the fact that it's 16 single-spaced  
18 typewritten pages as to how long that meeting  
19 occurred?

20 A. Anything particular in the report, no, I  
21 don't see that there would be a particular report  
22 that would give me the time of the meeting.

23 Q. Did you take any notes of the timing of  
24 the meeting?

25 A. Did I take notes of the timing of the

1 meeting.

2 Q. Yes.

3 A. No.

4 Q. Did you take any notes of that meeting?

5 A. No.

6 Q. Were you asked to write anything of that  
7 meeting?

8 A. No.

9 Q. You weren't recorded at that meeting by  
10 the FBI?

11 A. Not that I know of.

12 Q. Evidently, it's not their habit to record  
13 when you're face to face. Now, were you  
14 confronted at that meeting with various items of  
15 evidence like documents or tapes that the FBI and  
16 Justice Department had?

17 A. Various documents, such as -- I don't  
18 know? I don't know what you mean exactly. I  
19 don't remember. You'll have to refresh my memory  
20 because I don't remember anything being shown to  
21 me at that point.

22 Q. You don't remember September of '85. It  
23 involved you directly?

24 A. Yes. Well, my answer is to the best of  
25 my recollection nothing was shown to me.

1 Q. Who was questioning you?

2 A. As I remember, Mr. Mueller was  
3 questioning me.

4 Q. Did anyone else question you besides Mr.  
5 Mueller?

6 A. Ms. Van Kirk.

7 Q. Anyone else?

8 A. Possibly, the agents. I don't remember.

9 Q. Agent Cronin, Agent Rodriguez, right?

10 A. That's right.

11 Q. You were there being confronted by no  
12 fewer than four people from the Justice Department  
13 and the FBI?

14 A. In the presence of my attorney, yes.

15 Q. They were all questioning you, right, and  
16 you were still in jail hoping to get out the next  
17 morning, right?

18 A. Well, I wasn't sure when I was going to  
19 get out, no.

20 Q. You did get out the next morning?

21 A. Yes.

22 Q. While you were talking to them, it was  
23 your hope that you would get out the next morning?

24 A. As I understand, sir, an agreement had  
25 been reached at that point.



1 Q. So, although the magistrate had said on  
2 September 30th you were to be held without bail by  
3 virtue of the magic of the agreement --

4 A. On August 30th.

5 Q. You were going to be released, right,  
6 even though you were a danger to the United States?

7 A. Well, as I said, I don't remember that  
8 there was a discussion about the fact that I was a  
9 dangerous individual, no.

10 Q. Now, you don't remember anybody  
11 confronting you with a tape on that occasion?

12 A. I have not. The only time that I have  
13 listened to tapes were exactly one week ago.

14 Q. We'll get into that. Were you shown any  
15 documents?

16 A. At that meeting?

17 Q. Yes.

18 A. No. As far as I remember, no.

19 Q. So, is it your recollection this was a  
20 meeting where just four people were asking you  
21 questions and you were giving answers?

22 A. That's right.

23 Q. Who was writing down your answers?

24 A. The people who were questioning me.

25 Q. All four of them?

1           A.    Well, I don't remember precisely who took  
2 notes, if they all took notes, if one took notes.

3           Q.    Well, there were two lawyers and two  
4 agents; isn't that right?

5           A.    That's right.

6           Q.    Only the agents filed a report; isn't  
7 that correct?

8           A.    That's right.

9           Q.    You didn't write anything?

10          A.    No.

11          Q.    Isn't it your understanding, Ms. Gassin,  
12 that if you veer from these 16 typewritten pages  
13 that the FBI wrote down, that you would be in  
14 danger of being accused of not being truthful and,  
15 therefore, you would face 40 years ago?

16          A.    No. My only obligation was to say what I  
17 knew to be true and that's what I've done from the  
18 outset.

19          Q.    Okay. We're going to get into that. Now,  
20 this meeting of two to three hours was followed  
21 within five days by a second meeting.

22          A.    There was a second meeting, yes.

23          Q.    That was followed within eight days by a  
24 third meeting, right?

25          A.    Yes.

1 Q. That was followed within one day by a  
2 fourth meeting and by another day with the fifth  
3 meeting and by about a month with a telephone call,  
4 October 30th from Agent Cronin, right?

5 A. A telephone call? I don't know what  
6 you're referring to.

7 Q. Do you remember Agent Cronin called you  
8 on October 30th to try to get from you details of  
9 what you had talked about with your first lawyer  
10 when you met him in private.

11 A. I don't remember that conversation, sir.

12 Q. Let me show you this document which is  
13 marked 199.

14 (Defendants' Exhibit 199: Marked  
15 for identification.)

16 BY MR. WEINGLASS:

17 Q. I want to show you what's been marked 199  
18 for Identification, which is a 302 by Agent Cronin  
19 and directing your attention to the third  
20 paragraph. Does that refresh your recollection  
21 that the FBI wanted to know the details of your  
22 private conversation with your first lawyer?

23 MR. DABROWSKI: Your Honor, may we  
24 have a moment to speak briefly with Mr. Weinglass?  
25 We think we should inform him of something.

1 (Pause.)

2 MR. DABROWSKI: Thank you, your  
3 Honor.

4 THE WITNESS: So, your question was.  
5 BY MR. WEINGLASS:

6 Q. Do you remember a conversation with Agent  
7 Cronin on the telephone?

8 A. Well, now that you show me that, yes.

9 Q. Now, I'm advised by Government counsel  
10 that that call was made pursuant to a Court order.  
11 So, I didn't know that, but I didn't mean to imply  
12 any impropriety. I haven't seen the Court order,  
13 but I assume it exists.

14 When you talked to Agent Cronin, you  
15 didn't remember any of the details -- that's what  
16 I wanted to know -- of the conversation, even  
17 though you had talked with Mr. Avery about a month  
18 earlier.

19 A. No, what the report says in there is that  
20 I primarily discussed with Mr. Avery what was  
21 going to happen that day. Reviewed, as I recall,  
22 what I was charged with and then as I say, or as  
23 not as I say but as the agent has written -- the  
24 outcome of my discussion with Mr. Avery was the  
25 fact there was a conflict Mr. Avery could not

1 represent me and I met with him a very short time  
2 and not very much was discussed, as far as I  
3 remember, as to what my involvement was.

4 Q. About five weeks after you talked to your  
5 lawyer, you told Agent Cronin that you could not  
6 remember any details of the conversation?

7 A. Well, read the rest of the paragraph  
8 that's written there. It goes on to say what was  
9 discussed.

10 Q. Does it say, "Gassin could not remember  
11 any details of her conversation with Avery"?

12 A. Well, again, I don't know how they have  
13 chosen to write that. If you continue to read  
14 that document, it does specify we discussed what  
15 was going to happen to me that day, what I was  
16 charged with and the fact that there was this  
17 conflict.

18 Q. "She believes she may have furnished  
19 Avery with some idea of her involvement."

20 A. I met with him a very short time.  
21 Obviously, it was not the time to go into the  
22 whole sequence of events.

23 Q. But you couldn't remember specifically if  
24 you had told Mr. Avery anything about your  
25 involvement. You might have. Five weeks after --

1           A.    I don't remember what was specifically  
2 discussed with regards to my involvement, yes.

3           Q.    Now, prior to your testimony, which began  
4 yesterday, you reviewed, for the third time, these  
5 FBI notes; is that right?

6           A.    Yes.

7           Q.    You listened to tapes; is that right?

8           A.    I listen to the tapes which weren't  
9 entered in as evidence, yes.

10          Q.    Did you listen to any other tapes?

11          A.    No.

12          Q.    Did you review your Grand Jury testimony?

13          A.    Yes.

14          Q.    Did you review anything else?

15          A.    I reviewed the 302's and I reviewed the  
16 Grand Jury testimony.

17          Q.    Now, you testified before the Grand Jury  
18 on the 25th of September; isn't that right?

19          A.    If that's the date that's written on the  
20 document, yes, that's right.

21          Q.    You don't remember the date?

22          A.    The precise date?

23          Q.    Yes. Was that an important date for you?

24          Let me ask you this.

25          A.    I think everything was important

1 following my arrest, yes. I think that's fair to  
2 say.

3 Q. But some important things you can't  
4 remember, even if they impact your interests?

5 MR. BOYLE: Objection.

6 Argumentative.

7 THE COURT: Well, he's asking about  
8 specific dates. The jury will evaluate it.

9 BY MR. WEINGLASS:

10 Q. Have you ever testified before a Grand  
11 Jury in your life?

12 A. Prior to that time?

13 Q. Yes.

14 A. No.

15 Q. So, this is the one and only time that  
16 you testified before a Grand Jury and you don't  
17 remember what date exactly?

18 MR. BOYLE: Objection, that question  
19 has been answered.

20 THE COURT: I think she has answered  
21 she doesn't recall the dates specifically,  
22 counselor.

23 BY MR. WEINGLASS:

24 Q. This is a copy of your Grand Jury  
25 transcript. Is this what you reviewed?

1 A. Yes, it is.

2 Q. Now, this time we have a time when you  
3 began, which is noted on that transcript and a  
4 time when you finished?

5 A. Yes.

6 MR. BOYLE: Excuse me, please. May  
7 I just have the number?

8 MR. WEINGLASS: Two hundred.

9 (Defendants' Exhibit 200: Marked  
10 for identification.)

11 BY MR. WEINGLASS:

12 Q. Now we know your testimony before the  
13 Grand Jury was about five hours. You can  
14 calculate it may be give or take a few minutes,  
15 because it's noted?

16 A. Yes.

17 Q. Unlike the 302's?

18 A. Yes.

19 Q. Those five hours of questioning before  
20 the Grand Jury, was your lawyer present in the  
21 Grand Jury room?

22 A. As I remember, my lawyer was available to  
23 me should I need to consult with him, yes.

24 Q. Was he present in the Grand Jury room?

25 THE COURT: The law provides,



1 counselor, that the lawyer cannot be in the  
2 Grand Jury room. He can be outside sitting at the  
3 door and if you want to consult with him, you can.

4 MR. WEINGLASS: Thank you, your  
5 Honor.

6 THE COURT: You know that.

7 MR. WEINGLASS: I want to see if the  
8 witness recalls that. I appreciate the assistance.

9 BY MR. WEINGLASS:

10 Q. Was your lawyer in the room with you?

11 A. As I remember, I consulted with my lawyer  
12 when we had breaks and when I had a lunch break.

13 Q. Was the lawyer in the room with you?

14 A. I don't think he was. I don't remember.

15 Q. Now, this Grand Jury was sitting in  
16 Massachusetts, right?

17 A. That's right.

18 Q. You weren't brought before the  
19 Connecticut Grand Jury which voted the indictments  
20 in this case?

21 A. No, I wasn't.

22 Q. So, the grand jurors who voted the  
23 indictment in this case never had an opportunity  
24 to question you; isn't that right?

25 MR. BOYLE: Objection. That assumes

1 a fact not in evidence, your Honor.

2 THE COURT: She said she wasn't  
3 there. If she wasn't there, they couldn't  
4 question her.

5 MR. DABROWSKI: It's also a  
6 misrepresentation of the state of the Grand Jury  
7 record, your Honor.

8 MR. WEINGLASS: I'd be glad to be  
9 corrected.

10 MR. DABROWSKI: I'll correct Mr.  
11 Weinglass during the lunch break, your Honor.

12 MR. WEINGLASS: I prefer to do my  
13 business in court.

14 MR. DABROWSKI: I'll tell him right  
15 now over here, if he'd like. I'll advise the  
16 Court and the jury right now if they would like.

17 MR. WEINGLASS: Well --

18 (Pause.)

19 MR. WEINGLASS: I think if I  
20 understand counsel correctly, the Grand Jury who  
21 voted the indictments in this case were offered  
22 the opportunity to question Ms. Gassin and they  
23 declined it. So, her testimony was read.

24 BY MR. WEINGLASS:

25 Q. Now, to prepare yourself for your

1 testimony, did you take notes to assist you?

2 A. To prepare for my testimony?

3 Q. Yes.

4 A. I believe what we were discussing an hour  
5 ago was the fact that I had taken notes after the  
6 time that -- I don't know how to phrase it -- that  
7 I left the custody of the FBI sometime in between  
8 the time period of that and now.

9 Q. Where are those notes?

10 A. I have them here.

11 Q. Are those notes that you've turned over  
12 to the Government?

13 A. Those notes I turned over to my attorney.

14 Q. I see. Are those the notes that are in  
15 your diary or are they other notes?

16 A. They're other notes. They have the same  
17 information.

18 MR. WEINGLASS: Your Honor, I would  
19 ask that I be given those notes.

20 THE COURT: We'll have to excuse the  
21 jury again and resolve that issue. I don't know  
22 what they are.

23 MR. WEINGLASS: Well --

24 THE COURT: Can you proceed until  
25 1:00 o'clock and take that up after the recess?

1 MR. WEINGLASS: Yes.

2 BY MR. WEINGLASS:

3 Q. Now, I want to get into some of the  
4 matters you've been discussing with us in the last  
5 day and a half; day.

6 You said there were boxes in your house,  
7 under your bed. When?

8 A. Well, as I said yesterday, it was  
9 sometime in the time period between when Papo came  
10 back from Panama, which was around, as I recall,  
11 the 25th of August until between that time and the  
12 time when the mobile home finally leaves for  
13 Mexico, which was around a month later, around the  
14 20th of September.

15 Q. You told us yesterday that there were six  
16 or eight boxes?

17 A. As far as I remember, yes.

18 Q. Did you ever tell anyone, the FBI, Ms.  
19 Van Kirk, Agent Rodriguez, Neil Cronin, Agent  
20 Huyler or the Grand Jury under oath that there  
21 were eight boxes before yesterday?

22 A. I don't remember specifically what -- I  
23 have to go over the Grand Jury testimony to see if  
24 that question was asked and if I answered that  
25 question.

1 Q. Well, let me give you your Grand Jury  
2 testimony --

3 THE COURT: Do you know where it is,  
4 counselor?

5 THE WITNESS: You want me to go  
6 through this from beginning to end?

7 MR. WEINGLASS: We'll refer to a  
8 specific tape.

9 BY MR. WEINGLASS:

10 Q. Are you pretty conversant with that  
11 volume, Ms. Gassin?

12 A. Well, I've read it, as I said, in its  
13 entirety twice, I believe.

14 Q. Pardon?

15 A. I believe in its entirety I've read it  
16 twice.

17 Q. Well, why don't you look on page 123?

18 A. So, I said I would say about six.

19 Q. And six was the number you gave the FBI?

20 A. I said about six, yes.

21 Q. Did you ever say to anyone, "About eight"?

22 A. Well, I don't know. I base that number  
23 on what I recall the dimension of those boxes  
24 could be and what could fit under my bed.

25 Q. Has your memory improved from September

1 1985 of what you could fit under your bed or was  
2 your memory better now than September 1985?

3 A. Well, I don't think you can make that  
4 kind of conclusion. Oftentimes, yes, your memory  
5 is better when you're near that specific event,  
6 but sometimes things come back to you.

7 With this particular point, I'm not  
8 implying that something is always going to come  
9 back to me and I know there's eight boxes. I  
10 continue to say there's about six boxes there.

11 Q. Did you ever say there was "About eight,"  
12 to anyone?

13 A. I don't remember, sir.

14 Q. Well, you've read over these 302's, you  
15 read over your Grand Jury testimony. Did the  
16 number eight pop out at you anywhere, ever?

17 A. I haven't memorized what are in those  
18 transcripts, sir. I don't know for certain if the  
19 number eight appears in those documents.

20 Q. You never mentioned it when you were  
21 under oath before the Grand Jury, the figure eight?

22 A. I said, "About six."

23 Q. Were you present when the boxes went into  
24 your apartment?

25 A. Well, I have a memory of boxes being

1 there at some point, of seeing the boxes and then  
2 the boxes were gone. I don't remember  
3 specifically when they arrived, as I said.

4 Q. You weren't there when the boxes came in.

5 A. I don't know if I was there or not. I  
6 just don't remember.

7 Q. You weren't there when the boxes went out.

8 A. I don't remember that either.

9 Q. You never looked in the boxes?

10 A. I never looked in the boxes.

11 Q. The boxes were never opened in your  
12 presence sense?

13 A. They were never opened in my presence.

14 Q. You never held the boxes?

15 A. Again, not that I remember.

16 Q. You never saw the boxes in the trailer  
17 that was being pulled by the pickup truck?

18 A. No, I was just told they were in the  
19 trailer.

20 Q. You never were inside the trailer?

21 A. Which trailer are we talking about?  
22 Inside the van?

23 Q. The trailer that was pulled by the pickup  
24 truck?

25 A. No.

1 Q. So, you never held the boxes. They were  
2 never opened in your presence. You don't remember  
3 how they got in your apartment; you don't remember  
4 if you were there when they were taken out; you  
5 never saw them in the trailer?

6 A. Well.

7 Q. You never saw them in the motor home?

8 A. I know how the boxes got in my house.

9 Q. You were told and you assumed you were  
10 told the truth?

11 A. Well, I was told by Papo, yes.

12 Q. Did Papo always tell you the truth?

13 A. Well, that's a question you should ask  
14 him.

15 Q. What about your sense?

16 A. When he spoke to me, I trusted him and I  
17 believed what you told me to be true.

18 Q. But you knew because of his political  
19 involvement sometimes he told you things of what  
20 he did specifically and you later found out he had  
21 done something else, right?

22 A. There was one reference to that with a  
23 trip that he took, yes.

24 Q. He told up he was going to New York.  
25 Later you found out he wasn't in New York at all.



1 He was in Mexico?

2 A. That's right.

3 Q. Sometimes he told you he was going to  
4 Mexico. You don't know if he was in New York;  
5 isn't that right?

6 A. I know what he told me.

7 Q. But you don't know what actually happened?

8 MR. BOYLE: Objection, without  
9 specification as to what Mr. Weinglass is  
10 referring to.

11 BY MR. WEINGLASS:

12 Q. Ms. Gassin, all you can tell us, as best  
13 you can remember, is what he told you, but you  
14 don't know if that actually happened in general.

15 MR. BOYLE: Objection. The question  
16 is too general and it's a mischaracterization of  
17 her testimony in the past day and a half.

18 THE COURT: It's too broad. If you  
19 want to particularize it, it would be in order.

20 BY MR. WEINGLASS:

21 Q. You do know that he told you once he was  
22 going to New York and you later found out he was  
23 going to Mexico, right?

24 A. On one occasion, yes.

25 Q. All you can tell us is what you recall,

1 as best you can recall, after four and a half  
2 years of what he told you, but unless you were  
3 with him, you're not sure what he told you  
4 actually happened; isn't that right?

5 MR. BOYLE: Object again, your Honor,  
6 unless Mr. Weinglass will specify what event and  
7 circumstances Mr. Weinglass will specify.

8 BY MR. WEINGLASS:

9 Q. In general, as you sit here today, in  
10 general, you can only tell us what you believe you  
11 can recall of what he told you, but you don't know  
12 if actually what he told you occurred?

13 A. It depends on the incident. I'm sorry.

14 Q. For instance, his travels. He told you  
15 he was going to New York. He went to Mexico you  
16 later found out; right?

17 A. On one occasion and I remember a  
18 conversation I had with him when he came back and  
19 he told me, in fact, where he had been and he  
20 excused himself for not having said where he had  
21 been.

22 Q. You traveled with him only once to Mexico?

23 A. To Mexico I only went once, yes.

24 Q. That was when?

25 A. That was on Valentine's Day, February, of

1 1984.

2 Q. Careful.

3 A. Nineteen eighty-five.

4 Q. So, you were with him in Mexico?

5 A. I flew down to meet him.

6 Q. What did you do in Mexico that you saw  
7 and can tell us directly?

8 A. He went and bought clothes.

9 Q. He went and bought clothes?

10 A. Yes.

11 Q. What do you mean by that?

12 A. At that point in time his organization  
13 had fallen apart and as he told me that he wasn't  
14 receiving a salary from them anymore, he was  
15 looking for other ways of making a living and he  
16 had, he explained to me he was, in fact, going to  
17 set up some kind of an import business and he was  
18 going to purchase clothes in Mexico and sell them.

19 Sell them in Puerto Rico and sell them in  
20 New York, Boston, et cetera.

21 Q.. So, he was going around buying clothes  
22 for his clothing business?

23 A. When I was there, that's what he did, yes.

24 Q.. You were with him?

25 A. Yes.

1 Q. You saw what he was doing?

2 A. Yes.

3 Q. And the clothes came back and you tried  
4 selling some of them?

5 A. Yes.

6 Q. You sold some rabozos?

7 A. Yes.

8 Q. Those are shawls?

9 A. Yes.

10 Q. But the only thing that you actually can  
11 tell us from your own personal knowledge of what  
12 Papo did in Mexico is that he bought clothes for  
13 his clothing business in February of 1985 when you  
14 were there and you saw it happen; right?

15 A. I was there on that trip, yes.

16 Q. Other than that, you can only tell us  
17 what's in a screenplay, which we'll talk about  
18 this afternoon, and what you can remember he might  
19 have told you because you weren't there; isn't  
20 that right?

21 A. All I know is what he told me what he did  
22 when I was around him.

23 THE COURT: It's 1:00 o'clock.

24 We'll take our recess, Mr. Bailiff and ladies and  
25 gentlemen of the jury.

1 (Whereupon, the jury was excused.)

2 THE COURT: The witness is excused.

3 (Witness excused.)

4 THE COURT: Recess until 2:00

5 o'clock. I understand in the interim, counsel for  
6 the witness and U.S. Attorney and Defense counsel  
7 will confer on these notes to find out what they  
8 are.

9 MR. WEINGLASS: Yes.

10 THE COURT: Report when we convene.

11 (Whereupon, court recessed for lunch  
12 at 1:00 o'clock p.m.)

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