

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

1  
FEB 13 1989  
U.S. DISTRICT COURT  
HARTFORD, CT

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

-----x

Federal Building  
450 Main Street  
Hartford, Connecticut

February 7, 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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23

24

25

1 MORNING SESSION

2 10:03 O'CLOCK A.M.

3  
4 THE COURT: Call the roll, please.

5 THE CLERK: Mr. Norman

6 Ramirez-Talavera, Mr. Ayes Suarez, Mr. Antonio  
7 Camacho-Negron, Mr. Maldonado and Mr.  
8 Segarra-Palmer are present, your Honor.

9 THE COURT: Counsel ready to proceed?

10 MR. BOYLE: Government is ready,  
11 your Honor. Excuse me, your Honor.

12 (Pause.)

13 MR. BOYLE: Your Honor, perhaps  
14 there's one thing I could bring up now that Agent  
15 Ryan is setting up the tape. It's my belief the  
16 Defense intends to play at least one tape for Ms.  
17 Gassin and it is a tape, it is either a tape that  
18 was not admitted into evidence on Thursday or it  
19 is an authorization of one of the tapes that was  
20 admitted on Thursday, but it is a portion of the  
21 tape that the Government did not play in its  
22 direct.

23 I object to the Defense playing any  
24 portion of a tape other than what was played  
25 during Ms. Gassin's direct testimony.

1                   The basis for my objection is that  
2 any statements that appear on those tapes are  
3 hearsay in violation of rule 801.

4                   Hearsay being defined as a statement  
5 made other than by a witness testifying at trial  
6 which is offered to prove the truth of the matters  
7 asserted.

8                   Now, the Government can introduce  
9 the tapes involving Mr. Segarra and Ms. Gassin  
10 because they are statements by co-conspirators and  
11 because they are admissions by party opponents.

12                   The Defense cannot put in that  
13 evidence itself because, of course, none of the  
14 parties to that conversation are opponents to the  
15 Defense.

16                   I want to lodge that objection in  
17 advance and ask for a ruling on it.

18                   THE COURT: I don't know what she's  
19 going to say or what's on there. I don't know  
20 what it's all about.

21                   MR. BOYLE: I don't either, your  
22 Honor. Perhaps Mr. Weinglass, if he feels  
23 appropriate, he will make a proffer. My position  
24 is none of what appears on those tapes can be  
25 offered by the Defense because it is hearsay and

1 it does not fall within any of the exceptions of  
2 the hearsay rule. Those conversations that the  
3 Government played during her direct fall squarely  
4 within the exceptions to the hearsay rule and that  
5 is why the Government is allowed to play the tapes.

6 They do not fall within any  
7 exceptions to the hearsay rule when the Defense  
8 attempts to play other portions of the tape beyond  
9 what is played to Ms. Gassin on direct.

10 THE COURT: Well, we shall see. So  
11 I'll know what's on the tape, counselor.  
12 Otherwise, I'm making a blind ruling.

13 MR. WEINGLASS: I don't think there  
14 is a need for a ruling. I can represent to the  
15 Court that I will not be playing tapes until the  
16 very end of the cross, and I think there will be  
17 time to address it.

18 However, in fairness, I want to  
19 indicate I will be playing the tape, only the tape  
20 that has been admitted into evidence by the  
21 Government, and I'll be playing it very close to  
22 the portion that the Government admitted, the very  
23 small portion for one contextual reason; and,  
24 secondly, I will only admit it if it falls within  
25 the rules of impeachment by establishing an

1 adequate foundation for the witness as to did she  
2 ever say something different than what she said,  
3 and depending on her answer, the tape may or may  
4 not be played.

5 THE COURT: Let's cross that bridge  
6 when we get to it. All right. Call the witness  
7 in first. Have her seated.

8 (Whereupon, the witness entered the  
9 courtroom.)

10 THE COURT: Call the jury please.

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

13 THE COURT: Good morning, ladies and  
14 gentlemen of the jury.

15 THE JURY: Good morning, your Honor.

16 THE COURT: I'll ask the usual  
17 question. All those who have followed the Court's  
18 instructions in not discussing this case with  
19 anyone or permitting anyone to discuss it with you,  
20 and who have refrained from reading any newspapers  
21 concerning the subject matter of the case or  
22 listened to any radio or television broadcast, if  
23 there have been any, and thus followed the Court's  
24 instructions, those who have will please raise  
25 their right hand. Thank you.

1 Ms. Gassin, you were previously  
2 sworn and your testimony today will continue to be  
3 under oath.

4 THE WITNESS: Yes.

5 THE COURT: Counsel, you may proceed.

6 A N N E L. G A S S I N ,

7 called as a witness by the Government, having  
8 been previously duly sworn, resumed the  
9 stand, testifying further on her oath as  
10 follows:

11 CROSS EXAMINATION

12 CONTINUED BY MR. WEINGLASS:

13 Q. Good morning, Ms. Gassin.

14 A. Good morning.

15 Q. Over this past weekend have you had an  
16 opportunity to review any written materials in  
17 connection with your testimony?

18 A. Yes, I have.

19 Q. What have you reviewed?

20 A. I reviewed my Grand Jury testimony. I  
21 looked over the 302's and I also looked over the  
22 transcript from Thursday.

23 Q. Now, your transcript from Thursday was  
24 your testimony from your first day here?

25 A. That's right.



1 Q. When you were questioned by Mr. Boyle?

2 A. Yes.

3 Q. What was your purpose in reviewing that?

4 A. Really, just to read through it. No  
5 specific purpose beyond that.

6 Q. Did you compare your testimony that you  
7 gave on Thursday on direct examination with your  
8 Grand Jury testimony?

9 A. I would say not directly, no, but I read  
10 through both of them this weekend.

11 Q. You had read through your Grand Jury  
12 testimony, I believe you told us, two or three  
13 times before you testified?

14 A. Yes.

15 Q. Then you read through it again this  
16 weekend?

17 A. Yes.

18 Q. And you read through the transcript of  
19 what you said on Thursday and you read through,  
20 again, the approximate 40 pages of the FBI reports  
21 of your interviews?

22 A. Yes.

23 Q. Did you take any notes?

24 A. No.

25 Q. Now, without going into any specifics,

1 would it be fair to say that you have a graduate  
2 degree?

3 A. Yes.

4 THE COURT: What's your graduate  
5 degree in? You mentioned you had a B.A. in  
6 biology. Did you have a graduate degree beyond  
7 that?

8 THE WITNESS: Yes, I do.

9 THE COURT: What is that?

10 THE WITNESS: A Master's in  
11 management.

12 THE COURT: In what?

13 THE WITNESS: Management.

14 THE COURT: I don't think you  
15 mentioned that before. If you did, I missed it.  
16 Where did you get that degree?

17 THE WITNESS: Well, I don't want to  
18 talk about where I got that degree. That's why I  
19 didn't mention it the first time.

20 THE COURT: Very well. I'll  
21 withdraw the question.

22 BY MR. WEINGLASS:

23 Q. Have you discussed your testimony with  
24 anyone?

25 A. With my attorney.

1 Q. With Mr. Macdonald, who is here in court  
2 today?

3 A. That's right.

4 Q. When did you discuss your testimony with  
5 him, over the weekend?

6 A. I briefly spoke to him on Monday and I  
7 spoke to him briefly this morning.

8 Q. Did you call him or did he contact you or  
9 was it prearranged that you would discuss things?

10 MR. BOYLE: Objection. Irrelevant.

11 MR. WEINGLASS: I'm not getting into  
12 the content, your Honor. It's who initiated --

13 THE COURT: The Court will allow it.

14 A. It was prearranged that I see him on  
15 Monday.

16 BY MR. WEINGLASS:

17 Q. How much time did you spend with him  
18 yesterday?

19 A. Well, I was working at his office, but I  
20 didn't speak to him the whole day.

21 Q. How much time did you speak to him, if  
22 you can recall?

23 A. Did I speak to him about the case?

24 Q. Yes.

25 A. I would say less than half an hour.

1 Q. You said you were working in his office  
2 yesterday?

3 A. Yes.

4 Q. Did you spend the entire day working at  
5 his office?

6 A. I was there from 10:00 o'clock in the  
7 morning until 3:00 in the afternoon.

8 Q. It was that time that you spent reviewing  
9 your Grand Jury testimony, your 40 pages of FBI  
10 interviews and about 175 pages of your testimony  
11 on Thursday?

12 A. No. I was also doing some of my own work  
13 on Monday.

14 Q. In that 10:00 o'clock to 3:00 period?

15 A. That's right.

16 Q. But your Grand Jury testimony was about  
17 152 pages, and your testimony on Thursday was  
18 about 175, and the FBI interviews are about 40.  
19 That's up around 350 pages of material that you've  
20 dealt with over the weekend; is that right?

21 A. Yes. As I said, I didn't read them. I  
22 believe I said I looked over. I didn't read in  
23 detail. I did look at some of that material over  
24 the weekend, yes.

25 Q. When you say you didn't read them in

1 detail, could you describe how you read them? You  
2 would leaf through them quickly?

3 A. I would say reading quickly.

4 Q. But Ms. Gassin, it was important for you  
5 to know what was in those pages because you're  
6 testifying under oath; isn't that right? You want  
7 to testify as accurately as you can?

8 A. Well, that's right.

9 Q. So, you read it with a view in your mind  
10 that this is important material and you want to  
11 recall as much of it as you can; isn't that right?

12 A. Yes, that's right.

13 Q. How many hours did it take you to read  
14 the 350 pages?

15 A. Well, let's see. To count back. I read  
16 Thursday's transcript yesterday and I would say  
17 that I spent, at most, an hour and a half doing  
18 that. The other materials I looked at over the  
19 weekend.

20 So, I would say I spent a couple of hours  
21 looking over the Grand Jury testimony and the  
22 302's.

23 Q. I'm just trying to get a sense. Would  
24 you say that you spent about three and a half  
25 hours or four hours, since Friday, rereading

1 materials?

2 A. Yes. That's an outside estimate. That  
3 would be at most.

4 Q. At most three and a half hours?

5 A. Yes.

6 Q. It took you about an hour and a half to  
7 read the 175 pages of the transcript from Thursday?

8 A. Yes.

9 Q. Incidentally, prior to your appearance  
10 here last Thursday, did anyone inform you of  
11 testimony that had been previously offered by  
12 other witnesses in this case?

13 A. No.

14 Q. You weren't informed of the testimony of  
15 Neil Cronin, John Huyler in this case prior to  
16 your appearance?

17 A. I thought you were asking me a question  
18 about the content of their testimony which I have  
19 no knowledge of, but I do know that they were  
20 present, yes.

21 Q. You were told they testified, but you  
22 weren't told what they said?

23 A. That's right.

24 Q. Now, let's turn to an entirely new area  
25 this morning. That is the area of the money. The

1 money that you said you actually saw and counted.  
2 The money that was in your foot locker.

3 A. Yes.

4 Q. Under your bed.

5 First, I'd like to put the money and what  
6 was under your bed in some context.

7 You told us that the boxes that were  
8 under your bed, which you never opened, were there  
9 for a relatively brief period of time, less than  
10 one month.

11 A. That's right.

12 Q. Between August 25, 1984 and September 20  
13 or 21, 1984.

14 A. That's right.

15 Q. That's about three and a half weeks?

16 A. Yes.

17 Q. The period of time, that three and a half  
18 week period when those six boxes you say were  
19 under your bed, that's about a year after the  
20 Wells Fargo robbery which occurred in September of  
21 '83?

22 A. Yes. It's a year, and as I recall, I  
23 said there were about six boxes under my bed.

24 Q. So, about a year later after the Wells  
25 Fargo robbery these six boxes materialize under

1 your bed and they stay there for less than a month;  
2 is that correct?

3 A. That's right.

4 Q. You, if there was money in the boxes, you  
5 don't know how much was in the boxes?

6 A. All I know is that -- that Papo told me  
7 that there was money in the boxes and at one point  
8 also I remember a conversation when he  
9 specifically talked to me about the smell of the  
10 money that was coming out of the boxes.

11 Q. Have you, prior to just now, ever told  
12 the FBI, your six interviews, your Grand Jury in  
13 your 152 pages or this jury or anyone that there  
14 was a smell of money? Is this the first time  
15 you've ever told that to anyone?

16 A. I think that I probably brought that up  
17 in the past.

18 Q. You never did with the FBI. You read  
19 your 302's this weekend. You remember that that's  
20 not in there?

21 A. It's not in the 302's. Yes. I don't  
22 think I mentioned it at that time.

23 Q. Do you think the FBI might have been  
24 interested in that?

25 MR. BOYLE: Objection. Irrelevant.



1 THE COURT: Well, if asked a  
2 different way, it would be relevant. That's  
3 something the FBI might be interested in in their  
4 investigation; where it had been.

5 BY MR. WEINGLASS:

6 Q. Did you believe the FBI might be  
7 interested in that?

8 A. I wasn't answering questions or recalling  
9 based on what I thought the FBI would be  
10 interested in.

11 Q. Incidentally, are you saying you didn't  
12 smell anything funny? You had to wait for Juan  
13 Segarra to tell you that for you to know that  
14 there was a funny smell in your room under your  
15 bed?

16 A. Well, I can describe to you the  
17 conversation, if you'd like.

18 Q. Right. Aside from conversations, which  
19 you can describe and have never described before,  
20 you're sleeping in that bed every night?

21 MR. BOYLE: Objection. Assumes a  
22 fact not in evidence.

23 BY MR. WEINGLASS:

24 Q. Were you sleeping in that bed between  
25 August 25th and September 20th --

1           A.    Mr. Weinglass, I don't know specifically  
2 what money smells like.  Yes, I was sleeping in  
3 that bed.

4           Q.    Did you smell anything funny?

5           A.    When he brought it to my attention, I  
6 said, yes, that I smelled something, and he went  
7 on to say that that smell came from the money that  
8 was in the boxes.

9           Q.    So, the money smells; is that your  
10 testimony and he had to bring it to your attention  
11 and that's when you realized there was a smell  
12 from money in your boxes?

13          A.    It's not something that I had paid  
14 particular attention to until he mentioned it to  
15 me; the smelling.

16          Q.    It's not something you told the FBI;  
17 isn't that true?

18          A.    It's not something that I talked about in  
19 my meetings with the FBI.

20          Q.    Or in your testimony under oath before  
21 the Grand Jury?

22          A.    Right.

23          Q.    In any event, getting back to my question  
24 to you, Ms. Gassin, if there was money in those  
25 boxes, you don't know how much there was; isn't

1 that true?

2 A. Again, I know that there was money in  
3 those boxes because that's what Papo told me. I  
4 don't know how much was in those boxes.

5 Q. Now I'll ask the question once again. If  
6 there was money in the boxes, you don't know how  
7 much was in the boxes?

8 MR. BOYLE: Objection. She answered  
9 the question.

10 MR. WEINGLASS: Not directly, your  
11 Honor. I'm entitled to a direct answer if it's  
12 possible.

13 THE COURT: You have an ambiguous  
14 situation. She said she relied upon Papo to tell  
15 her about the money being there. You can ask her,  
16 did she count it, did she open it. Is that the  
17 only reliance she had was what he told her.

18 MR. WEINGLASS: We've gone through  
19 that.

20 BY MR. WEINGLASS:

21 Q. You didn't count the money in the boxes,  
22 right?

23 A. I didn't count the money in the boxes.

24 Q. You didn't open the boxes?

25 A. I never opened the boxes.

1 Q. You never held the boxes, picked them up?

2 A. Not that I remember.

3 Q. And Papo never told you if there was  
4 money in the boxes, how much was in the boxes?

5 A. He told me, again, that there was money  
6 in the boxes. He didn't tell me how much was in  
7 the boxes.

8 Q. Ms. Gassin, you didn't ask. That was one  
9 of those things you knew better than to ask?

10 A. I didn't ask.

11 Q. You weren't curious about how much money  
12 you were sleeping over, if there was money?

13 A. I didn't ask.

14 Q. So, the boxes are there and the boxes  
15 leave. You didn't see the boxes being brought in,  
16 you didn't see the boxes being brought out,  
17 physically see them?

18 A. No, what I'm saying is, I don't remember,  
19 specifically today. I don't have a present  
20 recollection of a memory on a specific date of  
21 boxes being carried in and out. It's also  
22 possible that they were carried in, carried out,  
23 brought back in, carried out.

24 Q. Right.

25 MR. WEINGLASS: Your Honor, I would

1 ask that portion of the witness' testimony about  
2 what was possible be stricken.

3 THE COURT: I didn't get that.

4 MR. WEINGLASS: I ask that portion  
5 of the witness' response as to what was possible  
6 be stricken because we can't deal with  
7 possibilities.

8 THE COURT: Will you read it back?

9 (Whereupon, the pending question was  
10 read by the Court Reporter.)

11 THE COURT: The possibility point is  
12 well taken. We can't deal in possibilities. We  
13 can deal in probabilities. This answer used the  
14 term, "Possibilities."

15 Therefore, it may be stricken and  
16 the jury will disregard it. Proceed.

17 BY MR. WEINGLASS:

18 Q. Now, it's a fact, is it not, that the  
19 money you told us about that was in your  
20 footlocker you saw?

21 A. Yes, I saw.

22 Q. And you counted?

23 A. I counted it at one point, yes.

24 Q. There was \$35,000 by your count?

25 A. When I counted it, yes, there was \$35,000.

1 Q. Now, that money didn't appear in your  
2 footlocker until after the boxes had left; isn't  
3 that true?

4 A. It appeared after Papo came back from the  
5 trip to Mexico. So, it appeared the end of  
6 September '84.

7 Q. Ms. Gassin, I would appreciate if you  
8 could concentrate on the question.

9 MR. BOYLE: I object, your Honor.  
10 If Mr. Weinglass wants to instruct the witness, he  
11 should apply to the Court. He shouldn't make it  
12 to the witness directly.

13 MR. WEINGLASS: Then I apply to the  
14 Court; that the witness be instructed that she  
15 answer the question that's asked.

16 THE COURT: Well, up to now I think  
17 she's tried to, Counselor. Proceed with your next  
18 question and I'll observe very carefully.

19 BY MR. WEINGLASS:

20 Q. I'll ask the question once again. The  
21 money did not appear in the footlocker until after  
22 the boxes had left your apartment; is that true?

23 A. That's true.

24 Q. Thank you. That was October of 1984?

25 A. I'm sorry, what was? When the money was

1 in my footlocker?

2 Q. Yes.

3 A. Yes. The last day of September '84.

4 Q. That was more than a year after the Wells  
5 Fargo robbery money appears in your footlocker in  
6 cash, which you counted?

7 A. That's right.

8 Q. And 10 months later when you are arrested  
9 on August 30, 1985, there was still money in your  
10 apartment?

11 A. Yes, there was.

12 Q. And there was \$500?

13 A. That's right.

14 Q. Which the FBI seized when they searched  
15 your apartment?

16 A. Yes.

17 Q. They were in singles?

18 A. They were in singles.

19 Q. Ms. Gassin, were they in the footlocker?

20 A. At that point I really don't remember. I  
21 would pre -- no, I don't remember.

22 Q. You had a wicker basket on the floor of  
23 your bedroom, a wicker box?

24 A. Yes.

25 Q. The money was in there, wasn't it?

1 A. I really don't remember.

2 Q. In reading through the FBI materials that  
3 you read, did you read the note the FBI made when  
4 they seized the money?

5 A. No, I haven't read that.

6 Q. Let's see if this refreshes your  
7 recollection. This can be marked.

8 (Defendants' Exhibit 206: Received  
9 in evidence.)

10 BY MR. WEINGLASS:

11 Q. You don't remember where approximately  
12 \$500 was in your bedroom on August 30, 1985; is  
13 that your testimony?

14 A. On August 30, 1985, I was in the process  
15 of moving. So, the \$500 I would say should have  
16 been in the footlocker. It's possible if I was  
17 going to use the footlocker to put things in, that  
18 I had taken what was in the footlocker out. I  
19 don't remember. I don't have specific recall  
20 where that money was.

21 Q. Let's see if this assists you. I want to  
22 hand you Exhibit 206. If you can just read  
23 through that and see if that assists you as to  
24 where the money was.

25 (Pause.)



1 BY MR. WEINGLASS:

2 Q. Does that assist you?

3 MR. BOYLE: Objection. Proper  
4 question is, does that refresh her recollection.

5 BY MR. WEINGLASS:

6 Q. Does that refresh your recollection?

7 A. No, it doesn't refresh my recollection as  
8 to where it was.

9 Q. It doesn't refresh your recollection?

10 A. I don't have a specific recall of that  
11 money being in the wicker basket as opposed to  
12 being in the footlocker no, if that's what you're  
13 asking about.

14 Q. Five one hundred dollar bills and you  
15 don't remember where it was?

16 MR. BOYLE: I would object. Asked  
17 and answered twice.

18 THE COURT: Excuse me, counselor.  
19 Will you repeat that? Five hundred what?

20 MR. WEINGLASS: Five one hundred  
21 dollar bills, and you don't remember where it was?

22 MR. BOYLE: That's a  
23 mischaracterization.

24 THE COURT: I had five hundred  
25 dollars in singles. It isn't clear to me what

1 your question is. That's what confused me.

2 MR. WEINGLASS: I have five hundred  
3 dollar in singles: That's different than hundred  
4 dollar bills.

5 I'm sorry. Five hundred dollars in  
6 singles.

7 MR. BOYLE: My objection still is  
8 that the question has been asked and answered  
9 twice.

10 THE COURT: Will you read the form  
11 of the question back now?

12 (Whereupon, the pending question was  
13 read by the Court Reporter.)

14 BY MR. WEINGLASS:

15 Q. It should have been 500 singles, and you  
16 don't remember where it was?

17 A. I don't remember where it was  
18 specifically, no.

19 Q. Now, this footlocker that was under your  
20 bed is not a new footlocker, is it?

21 A. No, it's old.

22 Q. You've had it for a number of years?

23 A. Yes.

24 Q. How many years had you had it?

25 A. It belonged to my stepfather.

- 1 Q. It's an old family footlocker?
- 2 A. Yes.
- 3 Q. Is it made out of wood or metal?
- 4 A. It's made out of wood.
- 5 Q. You told us five by two by two; is that
- 6 correct?
- 7 A. Yes.
- 8 Q. Was it black?
- 9 A. Yes.
- 10 Q. Was it locked?
- 11 A. Was it locked at what point?
- 12 Q. Did it have a lock on it?
- 13 A. As far as I remember, it had a padlock
- 14 that I put on, yes.
- 15 Q. Who had the keys to the padlock during
- 16 the period of time that we're talking about; that
- 17 10-month period between the last day of September
- 18 1984 or October 1, '84 or the day of your arrest,
- 19 August 30, '85?
- 20 A. As I remember, the key was just in my
- 21 bedroom.
- 22 Q. So, you had access to the key at all
- 23 times?
- 24 A. Yes.
- 25 Q. Now, the footlocker had things in it

1 other than the money; isn't that true?

2 A. Well, no. All that I remember is the  
3 money and as I described, this brown vinyl bag  
4 that some of the money was in, which was also  
5 placed inside the footlocker.

6 Q. Ms. Gassin, wasn't there a blanket or  
7 sheets or clothes over on top of the money inside  
8 the footlocker to hide the money?

9 A. Well, I don't remember that.

10 Q. Do you know how much of that footlocker  
11 the money occupied?

12 MR. BOYLE: Your Honor, may we have  
13 a specification as to the time period?

14 MR. WEINGLASS: Well, let me go  
15 through it this way.

16 BY MR. WEINGLASS:

17 Q. By your count, there were 26 bundles of  
18 singles, each bundle having 500 singles; is that  
19 right?

20 A. I would have to look back at that  
21 document. I don't remember now the number of  
22 stacks that there were.

23 Q. You read that document this weekend;  
24 didn't you?

25 A. I didn't memorize it, Mr. Weinglass.

1 Q. That was the fourth time you read that  
2 document?

3 A. Well, I didn't memorize the number of  
4 stacks that there were, no.

5 Q. If I were to indicate to you that there  
6 were 25 or 26 stacks of singles, would that assist  
7 you in any way?

8 A. Well, I would have to look at the  
9 document. I know how much total I counted.

10 Q. You don't remember?

11 MR. BOYLE: Objection, your Honor.  
12 She answered that question four times.

13 THE COURT: She said she would have  
14 to look at the document.

15 BY MR. WEINGLASS:

16 Q. Looking at documents that you already  
17 read three or four times assists your recall, does  
18 it not?

19 MR. BOYLE: Objection. It's  
20 argumentative.

21 THE COURT: It is argumentative.  
22 Each instance is a separate instance.

23 BY MR. WEINGLASS:

24 Q. This is one page that you had to remember,  
25 right?

1 MR. BOYLE: Objection. She didn't  
2 have to remember it.

3 BY MR. WEINGLASS:

4 Q. Do you remember what's written on this  
5 one page, Ms. Gassin, in your own hand?

6 A. I remember the purpose of that sheet, yes.

7 Q. Do you remember what you wrote on this  
8 one page?

9 MR. BOYLE: Objection. It's not  
10 appropriate for Mr. Weinglass to quiz the witness  
11 as to what appears on the document.

12 THE COURT: He can test her memory  
13 and it may be you want to show the jury what's  
14 written on there, I don't know.

15 MR. WEINGLASS: We're going to get  
16 to that, your Honor.

17 THE WITNESS: I remember the total  
18 amount that I counted. I remember that what is on  
19 that document are the numbers of stacks of ones,  
20 fives and fifties, and the number of bills per  
21 stack.

22 BY MR. WEINGLASS:

23 Q. But do you remember how many stacks of  
24 singles you wrote on this document and it is in  
25 your handwriting?

1 A. No, I don't remember.

2 Q. I'll show you the document to see if that  
3 refreshes your recollection of now having seen the  
4 document, which is 204. Do you now remember there  
5 are either 25 or 26 stacks or bundles of singles,  
6 which were bundled in 500 to the bundle?

7 A. That's right.

8 (Defendants' Exhibit 204: Marked  
9 for identification.)

10 BY MR. WEINGLASS:

11 Q. There were about 34 stacks of fives which  
12 were bundled in a hundred to the bundle.

13 A. That's right.

14 Q. That makes a total of about 60 stacks of  
15 money, just singles and fives.

16 A. Yes.

17 Q. Is that right?

18 A. That's right.

19 Q. There was one stack of fifties.

20 A. Yes.

21 Q. A hundred fives to a stack.

22 A. Yes.

23 Q. So, we have about 61 bundles; is that  
24 right?

25 A. Yes.

1 Q. They were covered, were they not, with  
2 sheets and towels and clothing?

3 A. As far as I remember, they weren't, sir,  
4 as best I can remember.

5 Q. This was actual cash you saw with your  
6 own eyes and cash that you counted?

7 A. That I counted once, yes.

8 Q. Did you ever indicate that it was a  
9 different figure than \$35,000?

10 A. Indicate to whom?

11 Q. The Grand Jury?

12 A. That it was a different figure than that?

13 Q. Yes. Do you know?

14 A. I don't think I did, no.

15 Q. Now, after you testified before the Grand  
16 Jury you wrote yourself some notes; isn't that  
17 correct?

18 A. Yes.

19 Q. In your own hand?

20 A. Yes.

21 Q. Do you recall these notes?

22 A. Yes.

23 Q. Do you recall when you wrote them?

24 A. As I said on Friday, I can give an  
25 estimate as to that and the estimate that I gave



1 was that it would be prior to the fall of 1986.

2 Q. Would it be fair to say your recollection  
3 then was a little better than it is now; two years,  
4 three years ago?

5 A. Well, it should be. It's not always that  
6 way. Sometimes things come back to you later.

7 Q. Sometimes your recollection gets better  
8 with passage of time?

9 A. No. I'm saying that sometimes incidents  
10 come back to you at later dates.

11 Q. Do you recall in your handwritten notes,  
12 which are Exhibit 205, you indicated you might  
13 have counted the money in February 1985?

14 A. Yes. As I recall, I wasn't sure about  
15 that. I think there is a question mark next to it.

16 (Defendants' Exhibit 205: Marked  
17 for identification.)

18 BY MR. WEINGLASS:

19 Q. You did write in your notes, "Question  
20 mark counted the money, \$35,000," with an arrow to  
21 the time period of February 1985?

22 A. It's under February. It could have been  
23 March 19, '85; but there is a question mark there.  
24 I don't know.

25 Q. We're just trying to get the time frame,

1 and by this, it could be February, it could be  
2 March '85; is that right?

3 A. It could be, yes.

4 Q. Now, let's look at this time frame and  
5 see what was happening in your life at about that  
6 time. In February of '89. I'm sorry, February of  
7 '85 we're talking about -- you flew down to Mexico.

8 A. That's right.

9 Q. With Papo or you met him in Mexico?

10 A. I met him in Mexico, yes.

11 Q. That was about the time that he told you  
12 to bring down, I think it was, a pack of fives?

13 A. That's right.

14 Q. You brought down a pack of fives?

15 A. That's right.

16 Q. You actually traveled with a pack of  
17 fives from Boston to Mexico city?

18 A. That's right.

19 Q. A pack of fives was how much money?

20 A. Well, refer to that document to the stack  
21 of numbers of fives that were in one stack.

22 Q. You don't remember how many fives are in  
23 one stack? Let me ask you this --

24 A. I think it was --

25 Q. The fives were packaged, were they not?

1 A. Yes.

2 Q. With red and white labels?

3 A. Yes.

4 Q. You don't remember how many there were to  
5 a package?

6 A. Well, I think what's written on that  
7 document was, there was a hundred. I would refer  
8 you to that document.

9 Q. Sure. Why don't you look at 204 and see  
10 if that refreshes your recollection as to how many  
11 were in a package?

12 A. Yes. As I just said, there were 100 in a  
13 stack.

14 Q. So, you brought down a hundred fives?

15 A. Yes.

16 Q. Two thousand five hundred dollars -- one  
17 hundred fives is five hundred dollars.

18 A. That's right.

19 Q. Five hundred dollars. You're in Mexico  
20 with Papo and you told us what you and Papo did in  
21 Mexico. You were looking around for clothes for  
22 his clothing business, right?

23 A. That's what we did when I was down there,  
24 yes.

25 Q. Actually, he had a partner in his

1 clothing business in Mexico, Mr. Ruiz; is that  
2 right?

3 A. I think he did at that point.

4 Q. About his clothing business, you said you  
5 were helping him to sell clothes when you came  
6 back up to Cambridge; is that right?

7 A. Yes.

8 Q. You had certain items of clothes and you  
9 were selling them?

10 A. Yes.

11 Q. And, to your knowledge, he went to a  
12 store in Cambridge to try to get them to market  
13 his clothes also?

14 A. Yes.

15 Q. And he was trying to market his clothes  
16 also in Puerto Rico?

17 A. Yes.

18 Q. So, he was trying to develop outlets for  
19 the importation of clothing from Mexico.

20 A. Yes.

21 Q. When you would sell clothes for him in  
22 Cambridge, what would you do with the money?

23 A. I would put it in my account.

24 Q. Now, incidentally, you knew he was  
25 involved in other businesses as well? He was

1 selling satellite dishes for television?

2 A. He mentioned that project at one point.

3 Q. I think you told us the printing business  
4 in Vega Baja, copying, printing?

5 A. Yes.

6 Q. You knew that he had been a dog trainer  
7 at one time?

8 A. That jogs my memory, but that's all.

9 Q. And that he had worked in Lynn,  
10 Massachusetts, in the factory there at one time?

11 A. Yes, he told me that.

12 Q. So, in February the two of you, in  
13 '85, are down in Mexico going to various clothing  
14 places to pick up clothes samples for sale and he  
15 told you at that time, did he not, that he was out  
16 of the organization?

17 A. As I remember, it happened right at that  
18 time period, yes.

19 Q. The two of you came back?

20 A. I came back separately.

21 Q. You came back and he came back later to  
22 Cambridge?

23 A. Yes.

24 Q. The next month in March you deposited  
25 some of the money that was in the footlocker into

1 your personal account?

2 A. I deposited money for him, yes, into my  
3 account; five hundred dollars.

4 Q. Out of the footlocker?

5 A. That's right.

6 Q. Now, would you say that Papo usually  
7 traveled when he traveled, to your view, traveled  
8 kind of light?

9 A. It depends where you mean. When he would  
10 go back to Puerto Rico, he usually had a suitcase  
11 or two.

12 Q. But on March 5th after he had been to  
13 Mexico with you and then came up to Cambridge, he  
14 went back to Puerto Rico with about six suitcases  
15 of unmatched luggage; do you remember that?

16 A. That's possible. I don't remember that.

17 Q. You don't recall?

18 A. No.

19 Q. Let me see if this will assist your  
20 recollection.

21 MR. WEINGLASS: I'll show it to  
22 Government counsel.

23 BY MR. WEINGLASS:

24 Q. I want to show you Volume 10 and ask you  
25 to read what appears on page 327, the last full

1 paragraph, the first sentence and see if that  
2 refreshes your recollection as to his having six  
3 pieces of unmatched luggage when he returned to  
4 Puerto Rico on March 5, 1985?

5 A. I don't recall specifically six pieces of  
6 luggage, no.

7 Q. Do you remember that he was buying  
8 luggage when he was down in Mexico to bring back  
9 on that trip?

10 A. Well, not specifically, no. I remember  
11 the clothes. I don't remember specifically buying  
12 luggage.

13 Q. Incidentally, by my tally, I'll hand you  
14 again your own count, you had 13,000 one-dollar  
15 bills in that footlocker.

16 A. Yes.

17 Q. We heard the tapes here that were played  
18 of your conversation with Papo in March. You were  
19 trying to count some of that money, which was  
20 quite a chore.

21 A. Yes. There is a conversation about  
22 counting, yes.

23 Q. The only monies that you changed into  
24 larger bills were singles?

25 A. Well, see, I know that I had gone around

1 with him to different banks in Cambridge in the  
2 fall of 1984 and I don't remember specifically  
3 whether those were ones or what bills those were.

4 Q. Was your recollection better when you  
5 talked to the FBI on September 16, 1985 than it is  
6 today?

7 A. Well, that could be, yes.

8 Q. Do you recall that you only indicated  
9 that you had changed singles?

10 A. At what point are we talking about here?

11 Q. In the time you just indicated; September  
12 of '84.

13 A. And the context is going around to five  
14 different banks or something like that in the  
15 Cambridge/Harvard Square area?

16 Q. Yes.

17 A. As I say, I don't have a recollection  
18 today that those were singles, that those were  
19 only singles or what those bills were. I know  
20 they were small bills into larger bills.

21 Q. Well, I'll show you your FBI interview of  
22 September 16, 1985. Does that refresh your  
23 recollection that you only changed singles. Does  
24 that refresh your recollection?

25 A. Well, I know that there were singles. I



1 don't know if that excluded there being other --

2 Q. Ms. Gassin, he never asked you to change  
3 fives in Massachusetts, did he?

4 A. Well, the fives that were in my  
5 footlocker wrapped in bands, no.

6 Q. You didn't usually keep money in your  
7 footlocker, did you?

8 A. What do you mean by usually? Before he  
9 asked me to?

10 Q. Yes.

11 A. No, I never kept money in my house.

12 Q. What became of the \$500, if you know,  
13 that the FBI ceased on the day of your arrest?

14 A. I don't know.

15 Q. Now, when you read your testimony this  
16 weekend from Thursday last week, which was  
17 February 2nd, do you recall telling us when you  
18 discussed the Three Kings give-away with Papo?

19 A. Yes.

20 Q. When was that?

21 A. What I remember is a conversation about,  
22 I would say, the general plan. As I remember,  
23 what I said on either Thursday or Friday, the time  
24 period I indicated was in December and then Papo  
25 called me and discussed what actually happened

1 after it had happened.

2 So, January 6th or shortly thereafter.

3 Q. Do you remember discussing it January 6th  
4 or shortly thereafter?

5 A. And also, as I said, one time prior to  
6 that when it was at sort of a planning stage and  
7 my best estimate of that conversation was December  
8 of 1983.

9 Q. Is that your best estimate today?

10 A. My best estimate today of that  
11 conversation?

12 Q. Yes.

13 A. Yes. It would be December of '84 and, as  
14 I said, after it was over, January 6th.

15 Q. Ms. Gassin, do you remember that you told  
16 this jury as recently as last Thursday when you  
17 were under the same oath, and you were being  
18 questioned by Mr. Boyle, you told this jury,  
19 "I don't remember discussing it with him in  
20 December."

21 A. No. I --

22 Q. Do you remember telling the jury that?

23 A. I remember saying what I said just now,  
24 which was --

25 THE COURT: Wait a minute, let her

1 finish.

2 THE WITNESS: If I can finish. I do  
3 remember specifically saying. So, I don't know if  
4 this was Thursday or Friday that I remembered a  
5 conversation in December of 1984 and I remembered  
6 another conversation after it was over.

7 BY MR. WEINGLASS:

8 Q. Do you remember the first time you  
9 discussed these conversations saying this,  
10 "I don't remember discussing it with him in  
11 December."

12 Do you remember saying those words on  
13 Thursday about the Three Kings to this jury?

14 A. No. I would have to see the context of  
15 that. I don't remember that. What I do  
16 remember --

17 Q. It's your testimony today on Tuesday,  
18 February 7th, that you don't remember telling this  
19 jury under oath at one point in your testimony on  
20 Thursday, "I don't remember discussing it with him  
21 in December." You don't remember saying that; is  
22 that your testimony?

23 A. I remember saying that I had a  
24 conversation with him, and again, it's what I just  
25 finished saying, which was once in December and

1 once on Three Kings day or shortly thereafter.

2 Q. My question to you, Ms. Gassin, is not  
3 what you remember of what happened then. My  
4 question to you is simply this. Do you remember  
5 last Thursday under oath saying to the jury when  
6 the subject first came up, "I don't remember  
7 discussing it with him in December." Do you  
8 remember saying those words?

9 A. No, I don't remember that.

10 Q. You don't remember that today?

11 A. No.

12 Q. Five days later?

13 MR. BOYLE: Objection, your Honor.  
14 She answered that.

15 THE COURT: The last comment is  
16 argumentative. If you have the transcript, the  
17 transcript will speak for itself.

18 BY MR. WEINGLASS:

19 Q. Is it that five days after you said it  
20 here in court you don't remember saying it?

21 MR. BOYLE: Objection. Asked and  
22 answered.

23 THE COURT: It has been answered,  
24 counselor, I think about three times now.

25 BY MR. WEINGLASS:

1 Q. Do you remember Mr. Boyle asking you this  
2 question, page 132, line 19, "In December did you  
3 have any conversations with Juan Segarra about an  
4 event that he had planned for January 1985?" Your  
5 answer, "I learned about that event later. I  
6 don't remember discussing it with him in December."

7 A. But, as I recall in subsequent testimony --

8 Q. Do you remember? My question is that  
9 question and that answer?

10 MR. BOYLE: Objection. She should  
11 be allowed to answer the question.

12 THE COURT: You interrupted her,  
13 counselor.

14 MR. WEINGLASS: She started to  
15 answer and there was no pending question. I just  
16 read this and then I wanted to ask a question if  
17 she remembered saying these words under oath.

18 MR. BOYLE: There was a question.  
19 Mr. Weinglass knows what the answer was going to  
20 be and he doesn't want to hear it.

21 MR. WEINGLASS: I'm glad to hear it.

22 THE COURT: Very simple question.  
23 Had you finish your answer?

24 THE WITNESS: No, I was in the  
25 process of answering.

1 THE COURT: Can you remember now  
2 what your answer was?

3 THE WITNESS: As I recall, in  
4 subsequent testimony I said that there was a  
5 conversation about when the Three Kings day was at  
6 a planning stage, and as I recall my answer was,  
7 as best I could pinpoint that date, that was in  
8 December and then I had another conversation with  
9 him in detail, which was either on January 6th or  
10 shortly thereafter.

11 BY MR. WEINGLASS:

12 Q. Ms. Gassin, I want to show you page 132  
13 of the transcript and I want to ask you this  
14 specific question -- do you remember this question --  
15 "In December did you have any conversations with  
16 Juan Segarra about an event that he had planned  
17 for January '85?" And do you remember your answer?  
18 "I learned about that event later. I don't  
19 remember discussing it with him in December."

20 Do you remember that question and that  
21 answer?

22 MR. BOYLE: Object, your Honor, the  
23 witness has asked to characterize her past  
24 testimony. She should be allowed to read pages  
25 132 to 135.

1 MR. WEINGLASS: I object to that.

2 THE COURT: You can do that on  
3 redirect, counselor.

4 MR. BOYLE: Very well.

5 THE COURT: If you think she's been  
6 misled.

7 BY MR. WEINGLASS:

8 Q. Do you remember that question and that  
9 answer which is on 132?

10 A. I remember what I later said. That I  
11 have a specific recollection of.

12 Q. You don't remember that question and that  
13 answer?

14 A. I don't remember specifically that answer,  
15 no.

16 Q. This is the transcript you read this  
17 weekend; isn't that right?

18 A. How many pages did you say there was?

19 Q. One hundred seventy-five.

20 A. Okay. I don't think I memorized every  
21 page.

22 Q. I understand that. It was just this  
23 weekend. You testify on Thursday under oath and  
24 on Saturday you read your questions and answers  
25 and you don't remember that question and answer?

1 MR. BOYLE: Objection. That's  
2 argumentative.

3 THE COURT: The record may stand as  
4 it is.

5 BY MR. WEINGLASS:

6 Q. Ms. Gassin, where were you Christmas 1984?  
7 Difficult to remember?

8 A. No. As I remember Christmas 1984, I had  
9 gone to visit my mother.

10 Q. You were in Paris, France?

11 A. Yes.

12 Q. When did you go?

13 MR. BOYLE: Objection. Irrelevant.

14 MR. WEINGLASS: Pertains to this  
15 matter.

16 THE COURT: This is in '84. Is it  
17 relevant, counselor?

18 MR. WEINGLASS: Oh, yes. To this  
19 line of inquiry.

20 THE COURT: As long as you don't  
21 pursue her living circumstances at the present,  
22 the Court will allow it.

23 BY MR. WEINGLASS:

24 Q. When did you leave?

25 A. Shortly before Christmas.



1 Q. Do you remember the day?

2 A. I don't remember the day.

3 Q. Well, that's one day that's in your diary;  
4 isn't it?

5 A. It's possible that it's in my agenda, yes,  
6 if I noted it down when I left.

7 Q. When did you come back?

8 A. Well, if you want a specific date, I  
9 suppose I could look in my agenda. I don't  
10 remember. It would have been after New Year's, at  
11 any rate.

12 Q. What day is Three Kings?

13 A. January 6.

14 Q. What day did you come back?

15 A. Well, I'm not sure. That's what I'm  
16 saying. I don't know. I would need to look there.  
17 I came back on January 6.

18 BY MR. WEINGLASS:

19 Q. You don't remember that you came back  
20 right on Three Kings Day?

21 A. No.

22 Q. And it was on Three Kings Day that Papo  
23 called you; the day you got back from Paris; isn't  
24 that right?

25 A. Well, I remember the conversation that I

1 had with him, yes.

2 Q. But you've been able to remember dates,  
3 Ms. Gassin, with reference to things in your  
4 private life. You don't remember that January 6th,  
5 Three Kings Day, the day you got back from Paris  
6 is the very day that he called you about Three  
7 Kings?

8 A. Well, I remember that I asked him to call  
9 me when I got back, but I don't remember  
10 specifically, no, that I came back on Three Kings  
11 Day.

12 Q. Did you tell the Grand Jury that?

13 A. Did I tell the Grand Jury what?

14 Q. That he called you on Three Kings Day?

15 A. I don't know if that's in my Grand Jury  
16 testimony or not.

17 Q. You read that testimony for the fourth  
18 time this weekend; isn't that right?

19 A. Yes, I did.

20 Q. This was the only time you went to Paris,  
21 France, during the time that you knew Papo?

22 A. Yes, that's right.

23 Q. This was the only Three Kings Day during  
24 the time that you had a relationship with Papo,  
25 right?

1 A. Yes.

2 Q. Page 128, do you remember this question,  
3 "Did you have occasion to talk to him about his  
4 participation in the toy give-away at or about  
5 this time?" Answer, "Yes." "When, if you recall?"  
6 "When did I talk to him about it?" Question:  
7 "Yes." Answer: "He probably called me to the  
8 phone to talk to me about it in January. The gift  
9 giving occurred on Three Kings Day. I think  
10 that's the 6th of January."

11 Does that assist you?

12 A. Well, I think it says what I've said,  
13 which is that he called me in January. It doesn't  
14 exclude the fact he called me once before to  
15 explain to me the project.

16 Q. Did you tell the Grand Jury that? Did  
17 you tell the Grand Jury what you just said?

18 A. Well, what's referenced there is a  
19 conversation I had with him in January.

20 Q. Did you tell the FBI that?

21 A. Well, I don't know if they specifically  
22 asked me.

23 Q. Was it your practice, Ms. Gassin, in  
24 talking with the FBI that if they didn't  
25 specifically ask you something, you weren't going

1 to tell them? Is that the way you were dealing  
2 with them?

3 A. I told them what I remembered.

4 Q. You now think you remember a discussion  
5 in December; is that right?

6 A. Yes. When the operation was in the  
7 planning stage.

8 Q. Could you tell us when in December?

9 A. No, I can't.

10 Q. Were you in Paris, France, when you had  
11 that discussion with him?

12 A. No, it was prior to my departure.

13 Q. He was here in Cambridge from December  
14 3rd to December 8th by your testimony. Was it  
15 while he was here?

16 A. Well, I do remember speaking with him  
17 about it on the phone. So, I think it would have  
18 been after.

19 THE COURT: I didn't understand that.

20 THE WITNESS: After he had left.

21 After he had gone back to Puerto Rico.

22 THE COURT: I see.

23 BY MR. WEINGLASS:

24 Q. Now, Ms. Gassin, you told us about a  
25 Jamboree motor home?

1 A. Yes.

2 Q. Where were you on September 9, 1984?

3 You've already told us.

4 A. September 9th was the day that Papo and I  
5 drove up to see Paul Weinberg at his house in New  
6 Hampshire.

7 Q. You're sure Papo was with you?

8 A. Well, we drove up in the car together and  
9 drove back in the car.

10 Q. You're sure he was with you the day  
11 before on the 8th?

12 A. I know he was with me on the 7th. I  
13 don't remember specifically on the 8th.

14 Q. Now, you told us on Thursday that when  
15 you went up to New Hampshire with Papo, you drove  
16 up in your car?

17 A. That's right.

18 Q. Your little Honda?

19 A. That's right.

20 Q. And you said that Papo was with Paul  
21 doing some work on the house and you were doing  
22 some other work on the house. You were in the  
23 front of the house working on a patio or a wall.

24 A. Yes.

25 Q. And they were upstairs in the house

1 working on wiring in the bathroom.

2 A. Yes, working on wiring. I don't know  
3 where it was.

4 Q. There must have been a time when you were  
5 all close enough together so that you overheard  
6 conversation between Papo and Paul?

7 A. Yes.

8 Q. You weren't, of course, then trying to  
9 overhear their conversations. It was just  
10 something that happened.

11 A. Yes, it was just something that happened.

12 Q. You reported to us on Thursday what you  
13 remember generally of that conversation, which you  
14 say you can remember. It's September 9, 1984;  
15 about four and a half years ago, right?

16 A. I'm not sure what you're asking me there.

17 Q. You recall that conversation that you  
18 overheard?

19 A. Yes. I don't know if overheard is the  
20 appropriate word because I was there with them.

21 Q. I don't mean to imply that you were  
22 listening in.

23 A. Yes.

24 Q. There was a conversation on September 9,  
25 1984 and you remember it, four and a half years

1 later, today.

2 A. Yes, generally.

3 Q. And you told us that he had to talk to  
4 Paul about what type of truck they should use.

5 A. What type of vehicle.

6 Q. What type of vehicle. And that was  
7 because Paul's pickup truck which was pulling a  
8 trailer behind it had turned over in Pennsylvania.

9 A. Yes. I don't know if it was Paul's  
10 pickup truck, but yes, because the pickup truck  
11 flipped.

12 Q. He had to talk to Paul about what type of  
13 vehicle they should use to use your words?

14 A. Yes.

15 Q. And you told us on Thursday, that they  
16 discussed having a more stable vehicle in order  
17 not to have a truck with a hitch?

18 A. Yes.

19 Q. And by a truck with a hitch, you mean a  
20 truck pulling a trailer?

21 A. That's right.

22 Q. And then the idea of a motor home was  
23 discussed.

24 A. Yes. As I remember, yes.

25 Q. So, Papo had to talk to Paul about this?

1           A.    He told me before he left that that was  
2 the purpose of the trip, yes.

3           Q.    Did Papo ever mention to you anything  
4 about a Superior motor home which we've heard  
5 about in this case which was purchased, Government  
6 claims, a year before in September of '83?

7           A.    No.

8           Q.    Never mentioned a Superior motor home to  
9 you?

10          A.    No.

11          Q.    But a year later, in September of '84, he  
12 had to consult with Paul about what could be a  
13 more stable vehicle and you overheard that  
14 conversation?

15          A.    Well, I know the objective was to discuss  
16 what type of vehicle to get and what to do with  
17 the truck that flipped.

18          Q.    He had to consult Paul about that in  
19 September of '84 because Papo didn't know, in  
20 September of '84, that a motor home was more  
21 stable than a trailer?

22          A.    Well, I know that Paul was somehow  
23 involved. That's all.

24          Q.    That he had to discuss it with Paul,  
25 right?



1 A. Yes.

2 Q. You were with him when he bought the  
3 Jamboree motor home?

4 A. Yes.

5 Q. The date?

6 A. It was on a Friday and, as I remember, I  
7 think it was the 14th of September.

8 Q. Describe the Jamboree motor home for us.

9 A. It's a beige and brown motor home.  
10 There's places in front for two people to sit.  
11 There are places for people to sleep. There are  
12 kitchen facilities, as I remember, in the back; a  
13 refrigerator.

14 Q. You're familiar with the interior?

15 A. Yes.

16 Q. You slept in it?

17 A. Yes.

18 Q. When you went up to see Irene?

19 A. Yes.

20 Q. In New Hampshire?

21 A. Yes.

22 Q. So, you drove in it, you slept in it, you  
23 cleaned in it?

24 A. Yes.

25 Q. You knew the inside of it; is that right?

1 A. Yes, I've been inside it.

2 Q. It was a motor home that sleeps six  
3 people; is that right?

4 A. Yes, it's possible.

5 Q. Twenty-five foot long?

6 A. I suppose so. I don't remember it being  
7 that long, but, yes.

8 Q. I'm going to show you a series of  
9 photographs and see if you can identify the motor  
10 home, both the exterior and the interior; but  
11 first I'm going to show them to counsel.

12 (Pause.)

13 BY MR. WEINGLASS:

14 Q. I'd like to show you a series of  
15 photographs that have been marked 207 to 213.  
16 Government counsel have seen these.

17 I ask you to look through those color  
18 photographs and indicate whether or not those  
19 photographs accurately depict both the exterior  
20 and the interior of the motor home as you remember  
21 it in September of 1984.

22 A. Yes, it looks like the motor home.

23 MR. WEINGLASS: Your Honor, I ask  
24 that they be admitted into evidence.

25 THE COURT: Without objection.

1 MR. BOYLE: Your Honor, I have no  
2 objection because they are Government photos. I  
3 ask that the record reflect Ms. Gassin said, "It  
4 appears to be the same motor home."

5 THE COURT: This is the Jamboree  
6 motor home; is that correct, counselor?

7 MR. WEINGLASS: Yes, your Honor.

8 THE COURT: In fact, it says it on  
9 the outside; Jamboree. All right, without  
10 objection, they may be made full exhibits.

11 (Defendants' Exhibits 207 through  
12 213: Received in evidence.)

13 MR. WEINGLASS: Thank you, your  
14 Honor. May I circulate these photographs to the  
15 jury at this time?

16 THE COURT: Certainly.

17 MR. WEINGLASS: Two thirteen depicts  
18 the exterior of the motor home and the remaining  
19 photographs are various shots of the interior.

20 THE COURT: Were you present when  
21 the Jamboree was purchased?

22 THE WITNESS: Yes, I was.

23 THE COURT: From whom was it  
24 purchased; from where?

25 THE WITNESS: As I remember, it was

1 out in Westborough at a place called Wanderlust, I  
2 think.

3 THE COURT: Do you know who paid for  
4 it?

5 THE WITNESS: Papo paid for it.

6 THE COURT: All right. I didn't  
7 want to get confusion in my mind between the  
8 Superior and the Jamboree, counselor.

9 MR. WEINGLASS: Yes, that's an  
10 important distinction.

11 MR. WEINGLASS: Your Honor, may I  
12 continue?

13 THE COURT: Certainly.

14 BY MR. WEINGLASS:

15 Q. Ms. Gassin, to your knowledge, and while  
16 you were in a relationship with Juan Segarra, he  
17 attended various management and education seminars;  
18 isn't that correct?

19 A. I took him to one such seminar, yes.

20 Q. Where was that?

21 A. As I recall, it was in a hotel. I think  
22 it was the Sheraton Tara.

23 Q. You don't remember where?

24 A. Well, as best I remember, it was there,  
25 yes.

1 Q. It's a town you ought to remember. Do  
2 you remember where it was?

3 MR. BOYLE: Objection. That's an  
4 inappropriate comment.

5 THE COURT: You shouldn't say that;  
6 she ought to remember. The question is, does she  
7 remember. I don't know the details. Does she or  
8 doesn't she?

9 BY MR. WEINGLASS:

10 Q. Do you remember it?

11 A. Well, I did at the time. I realized  
12 later that it was Framingham, yes.

13 Q. Framingham?

14 A. Yes.

15 Q. You realized that when you were put in  
16 jail in Framingham?

17 A. I don't know if it was that day.

18 Q. But the thought crept in when you were in  
19 jail that this is where you took Papo to a seminar;  
20 this town?

21 A. I don't know if that's when the thought  
22 crept in.

23 Q. Now, that seminar was Advanced Management  
24 Techniques?

25 A. Yes.

1 Q. How many days did he attend that seminar  
2 in Framingham, if you can remember?

3 A. As I remember, it was just one day.

4 Q. Do you remember the time frame?

5 A. You mean when this happened?

6 Q. Yes.

7 A. Yes. In June of 1984.

8 Q. Do you remember that a month earlier he  
9 attended a project management course at the  
10 Worcester Polytech Institute in Worcester,  
11 Massachusetts?

12 A. No, I don't think he told me that.

13 Q. He didn't tell you about that?

14 A. No.

15 Q. Do you remember his attending an advanced  
16 course on education instruction in Hartford,  
17 Connecticut?

18 A. When would this be?

19 Q. In August 1984 and you drove him down?

20 A. When in August 1984? I don't remember.

21 Q. Well, did you tell us you and Papo were  
22 in Hartford in August 1984?

23 A. Yes, we drove down one day, and as I  
24 recall, it was a Sunday. We were there just a few  
25 hours.

1 Q. It was August 18th?

2 A. Yes.

3 Q. Might your memory be faulty?

4 A. With regards to the date you're saying?

5 Q. Yes. Let me show you your diary to help

6 you. Look up in your diary what day of the week

7 August 18, 1984 was.

8 A. Saturday.

9 Q. Right. Not Sunday as you just told us.

10 Having now realized that you drove him down on

11 Saturday, August 18th, do you now remember you

12 drove him down to a seminar at a hotel here in

13 Hartford on that day and that was your purpose in

14 coming here?

15 A. Well, I honestly don't remember, sir. No.

16 Q. Do you remember what you told this jury

17 about your purpose in coming to Hartford last

18 Thursday when you testified under oath and then

19 read the transcript of your testimony on Saturday?

20 A. I remember I said what we did when we

21 were in Hartford.

22 Q. Did you indicate to the jury what the

23 purpose was in coming down?

24 A. As I remember, there was an objection

25 about that because I related what we did when we

1 were down here.

2 Q. You remember the objection.

3 A. The objection was as to what the purpose  
4 was.

5 Q. Do you remember being asked this question,  
6 Ms. Gassin, "You don't recall" -- by Mr. Boyle --  
7 "You don't recall Juan Segarra's purpose in coming  
8 to Hartford from what he told you," and your  
9 answer, "He told me he wanted to see Victor Gerena's  
10 family, his mother, but he didn't do that."

11 Didn't you tell us that on Thursday and  
12 didn't you read that on Saturday and you can't  
13 remember that today?

14 A. No. I remember that precisely. That was  
15 one of the reasons that was put forward by Papo,  
16 yes. I don't remember if there were other reasons.

17 Q. Like going to school on Saturday instead  
18 of coming down on Sunday to see Victor Gerena's  
19 mother. Isn't that something you just added for  
20 the purpose of securing your deal with the  
21 Government?

22 A. That is absolutely not true. Absolutely  
23 not true.

24 MR. WEINGLASS: Your Honor, may we  
25 take the morning break at this time?



1 THE COURT: It's now 11:30. I  
2 didn't want to interrupt you. I realized it was  
3 11:30.

4 (Whereupon, the jury was excused.)

5 THE COURT: The witness is excused  
6 until quarter of 12:00.

7 THE WITNESS: Thank you.

8 (Whereupon, the witness was excused,  
9 and a recess was taken from 11:30 o'clock a.m. to  
10 11:47 o'clock a.m.)

11 THE COURT: Call the witness, please.

12 (Whereupon, the witness entered the  
13 courtroom.)

14 THE COURT: Call the jury, please.

15 (Whereupon, the jury entered the  
16 courtroom.)

17 THE COURT: Is it warm enough in  
18 here for all the jurors? Everybody comfortable?  
19 You would like it warmer?

20 A JUROR: Yes.

21 THE COURT: I mentioned it to the  
22 Clerk. We'll see what we can do.

23 Go ahead, counselor.

24 MR. WEINGLASS: Thank you, your  
25 Honor.

1 BY MR. WEINGLASS:

2 Q. Ms. Gassin, I would like to go back  
3 briefly into the question of the manuscript or  
4 screenplay or account as you prefer. In scene 1,  
5 as you remember it, there was a birthday party and  
6 Ramon was present; is that correct?

7 A. Yes, the first part that I remember is  
8 the birthday party.

9 Q. But Victor Gerena was not present?

10 A. As I remember, he was not present, no.

11 Q. And correct me if I'm wrong. Your  
12 recollection is that there was a person at that  
13 party who spoke to Ramon who, and he told Ramon  
14 that he knew someone who knew Victor Gerena and  
15 that Victor Gerena wanted to do something for the  
16 cause?

17 A. No. I think, as I've said before,  
18 there's a conversation between Ramon and this  
19 other person and this other person either says  
20 that he knows of Victor Gerena or he knows of  
21 someone who knows Victor Gerena. That isn't clear.

22 Q. That's not clear.

23 A. Yes.

24 Q. It could have been one way or the other?

25 A. Yes. I don't remember that.

1 Q. In any event, Victor Gerena wasn't there.

2 That you're clear on?

3 A. Yes.

4 Q. And what you're not sure about is either  
5 this person said that he knew Victor Gerena or he  
6 said he knew someone who knew Victor Gerena?

7 A. Right.

8 Q. Do you know what became in the manuscript  
9 or screenplay or account of that person; that is  
10 the person who spoke to Ramon?

11 A. Again, in the account that I read -- and  
12 I would rather not use the word screenplay since  
13 that's not my word -- I remember this person being  
14 mentioned and I don't remember what becomes of him,  
15 no.

16 Q. You don't know what happens to him?

17 A. I don't remember that.

18 Q. When you read it, was it your impression  
19 that this person was someone who was close to  
20 Victor Gerena?

21 A. I don't remember. He knew of him. I  
22 don't know if he was close to him or not.

23 Q. But he knew that Victor wanted to do  
24 something to help the cause?

25 A. That's what I remember, yes.

1 Q. And it was the cause of Puerto Rican  
2 independence?

3 A. As I said, in the past I don't know if  
4 that was precisely stated in the account or if  
5 that came up later in conversation.

6 MR. WEINGLASS: If the Court will  
7 bear with me for a moment.

8 (Pause.)

9 BY MR. WEINGLASS:

10 Q. The one time you read this manuscript the  
11 end of July 1984, you didn't read it with the  
12 intent of remembering details in the 60 pages, did  
13 you?

14 A. I didn't read it with that intent, no.

15 Q. Now, after you testified before the Grand  
16 Jury, did you write some handwritten notes of  
17 questions for Lloyd Macdonald, your attorney,  
18 which indicated in any way why you couldn't  
19 remember what was in the manuscript or the account?

20 A. You're referring to a series of questions  
21 there or issues that I wanted to raise with Lloyd  
22 in a conversation?

23 Q. Right.

24 A. That's all that I remember. There were a  
25 series of points.

1 Q. You wrote them?

2 A. I wrote them, yes.

3 Q. I want to show you 201-A.

4 Showing you this page of your handwritten  
5 notes, I'd like you to explain to the jury what  
6 you meant when you wrote, "My lack of," what is  
7 that word?

8 THE WITNESS: "Reaction."

9 BY MR. WEINGLASS:

10 Q. -- "to the transcript as I was more  
11 interested in the man, not the event." Did you  
12 write that?

13 A. I wrote that, yes.

14 Q. You were more interested in the man, not  
15 the event. What did you mean by that?

16 A. Well, again, I don't know what I  
17 specifically had in mind that I wanted to discuss  
18 with my attorney at that time. I think the  
19 sentence is fairly clear though; that I was  
20 obviously interested in this person who I was  
21 involved with; not the event.

22 Q. What did you mean by "My lack of reaction  
23 to the transcript?" By the way, in your own hand  
24 you call it a transcript, not an account; is that  
25 right?

1           A.    That's what's written down there at that  
2 time is transcript. I've also referred to it as  
3 an account.

4                    I'm sorry, what was the question?

5           Q.    When you testified here on Thursday, do  
6 you remember being asked this question by Mr.  
7 Boyle, first time it came up, page 68, line 19,  
8 "Did you have a conversation about the writing  
9 that Juan Segarra said he went to Bryant Pond to  
10 do?" And your answer, "Well, the next day he  
11 showed me the manuscript that he had written."

12                   That's the way you described it on  
13 Thursday, the first time you were questioned on it  
14 with Government counsel calling it a writing and  
15 you called it a manuscript.

16           A.    I think, Mr. Weinglass, we discussed this  
17 in length, as I remember, Thursday and Friday, and  
18 the words that I have used and which are in the  
19 Grand Jury are, you will see the words, "Account,  
20 transcript," and I think as well, "Manuscript."

21           Q.    When you started your testimony on  
22 Thursday, and you were questioned by Mr. Boyle, he  
23 called it a writing and you called it a manuscript.

24           A.    Well, I think his question came from a  
25 preceding one, which had what Papo had been doing

1 at that time and he had been writing. So, I would  
2 gather that's why he used the word, "Writing." In  
3 terms of my own answer, as I said, I've used the  
4 words "manuscript," "transcript," "account."

5 Q. Are you sure of what you just said, that  
6 when Mr. Boyle was questioning you, there was  
7 discussion about Papo writing and that's why he  
8 used "writing"?

9 A. Well, I'm not sure of that. I think he  
10 could best answer that. I'm trying to retrace, in  
11 my memory, the line of questioning.

12 Q. Are you doing that accurately or you  
13 might be inaccurate?

14 MR. BOYLE: Objection. He's asking  
15 the witness to characterize her testimony.

16 MR. WEINGLASS: I'm asking her to  
17 characterize her recall.

18 MR. BOYLE: Her recall of the events  
19 of last Thursday aren't here.

20 THE COURT: The jury will recall her  
21 analysis of the testimony.

22 MR. WEINGLASS: Her recall of four  
23 and a half years is in issue. If she can't  
24 remember last Thursday, the question is, does that  
25 bear on whether she can remember something she

1 read once four and a half years ago.

2 MR. BOYLE: Mr. Weinglass knows how  
3 inappropriate that remark is. I ask the jury be  
4 instructed to disregard that.

5 THE COURT: The jury will disregard  
6 it. You can argue that at the end.

7 BY MR. WEINGLASS:

8 Q. Now, you told us that you met Papo on the  
9 sidewalk in front of Debra Weaver's house late  
10 summer, early fall 1983?

11 A. Yes.

12 Q. Is that true?

13 A. That's right.

14 Q. Isn't it true, Ms. Gassin, that you  
15 didn't meet him until May of 1984?

16 A. No.

17 Q. You just conveniently moved it up eight  
18 months?

19 A. Absolutely not. I was introduced to him,  
20 as I said, in late summer or early fall of 1983.

21 Q. Have you ever told anyone --

22 THE COURT: Let her finish her  
23 statement, counselor.

24 A. That was when I was first introduced to  
25 him and I think I stated that very clearly.



1 BY MR. WEINGLASS:

2 Q. Did you ever tell anyone that you met him  
3 in May of 1984?

4 A. I don't know if I precisely used those  
5 words. That's when, in May 1984, is when I began  
6 having a relationship with him.

7 Q. Let me be more specific. Did you ever  
8 tell anyone like Papo, for instance, that you met  
9 him in May 1984?

10 A. Well, I remember precisely having a  
11 discussion with him about the fact that I had been  
12 introduced to him earlier and he couldn't remember  
13 that.

14 Q. Ms. Gassin, do you remember telling him  
15 that you met him in May of 1984 on the telephone,  
16 which was recorded by the FBI on the very same  
17 tape that was played to the jury on Thursday?

18 A. Well, again, as I just said, I think what  
19 I'm referring to there was the fact that as I  
20 recall, that conversation was a year later and I  
21 would be referring to the fact that our  
22 relationship began in May 1984.

23 Q. Do you remember, Ms. Gassin, telling him  
24 not what you just said, but "I met you on May 4th,  
25 1984." Do you remember?

1           A.    I might have used that word.  I don't  
2 know.  It's clear to me that I was introduced to  
3 him before.

4           Q.    Do you remember telling him, "I met you  
5 on May 4, 1984," or you don't remember?

6           A.    It's possible that I did.  I don't know.

7           Q.    You don't know.

8                   MR. WEINGLASS:  May we have that  
9 portion of the tape played?  It's set up, I  
10 believe, to go.  It's tape 38, your Honor, which  
11 was marked and moved into evidence.  It's another  
12 portion of the same tape.  Exhibit 438 was the  
13 Government's portion of that tape.

14                   I'm playing less than a minute of  
15 another portion of the exact same tape, a  
16 conversation between Anne Gassin and my client.

17                   THE COURT:  We'll call that 438-A?

18                   MR. BOYLE:  I believe the tape can  
19 remain marked as 438.  As I understand it, Mr.  
20 Weinglass is not offering a transcript.  So,  
21 there's nothing else to be marked.  We can simply  
22 indicate we're playing tape 438.

23                   As the Court knows, I lodged an  
24 objection before to the playing of any  
25 conversations other than what was played on

1 Thursday.

2 It is my understanding that Mr.  
3 Weinglass is not offering any of the contents of  
4 this conversation for the truth of the matters  
5 asserted.

6 If that is the case, I ask that the  
7 jury be so instructed and I will not object.

8 MR. WEINGLASS: At this point I'm  
9 offering it for impeachment.

10 THE COURT: All right. Play the  
11 tape. Is the gentleman here who's been  
12 engineering the machine who has some experience  
13 with it? There were two, Agent Rodriguez, and he  
14 did most of it. Is he present?

15 MR. WEINGLASS: He's been here for  
16 most of this examination. He's not present at the  
17 moment.

18 MR. BOYLE: We will have someone who  
19 is familiar with the machinery come down and run  
20 it for Mr. Weinglass, your Honor.

21 THE COURT: Can you go on in the  
22 meantime with something else, counselor?

23 MR. WEINGLASS: Well, just briefly.  
24 I guess I could cover one other area.

25 BY MR. WEINGLASS:

1 Q. Ms. Gassin, the Jamboree motor home was  
2 sold in April of 1985?

3 A. No. As I recall, it wasn't sold until  
4 June.

5 Q. Of 1985?

6 A. Yes.

7 Q. When it was sold, after it was sold, Papo  
8 gave you a check?

9 A. That's right.

10 Q. To deposit?

11 A. Yes.

12 Q. That check was in the amount of how much?

13 A. As I recall, \$16,000.

14 Q. You deposited that check into your bank  
15 account?

16 A. That's right.

17 Q. Then, at his direction, you drew out \$8,000  
18 and sent a check to Puerto Rico?

19 A. Yes. I had a bank check made out.

20 Q. That's been marked in evidence?

21 A. That's right.

22 Q. Then you sent another \$3,000 to Papo, who  
23 was in Mexico?

24 A. That's right.

25 Q. So, that's \$8,000 went to Puerto Rico, \$3,000

1 you sent to Mexico. That's \$11,000.

2 A. Yes.

3 Q. That left \$5,000 more from the 16.

4 A. Yes.

5 Q. What happened to that \$5,000?

6 A. It stayed in my account.

7 Q. Is it still in your account?

8 A. I don't know what happened to that.

9 Q. You don't know what happened to your  
10 account?

11 A. Well, it's no longer my account. So, I  
12 don't know what happened to the contents.

13 Q. I see. The FBI seized that account?

14 A. I don't know what precisely happened, but  
15 the account is no longer -- the contents of that  
16 account are no longer mine.

17 Q. You don't transact out of that account  
18 anymore?

19 A. No.

20 Q. And you haven't since you were arrested?

21 A. That's right.

22 MR. WEINGLASS: Your Honor, we're  
23 still waiting.

24 THE COURT: Is there any other area  
25 you can go into while we're waiting?

1 MR. BOYLE: Excuse me, your Honor.  
2 Maybe Ms. Van Kirk can take care of it

3 THE COURT: We don't want someone to  
4 push the wrong button and erase the tape. If  
5 there's any question, Ms. Van Kirk, you better  
6 leave it to the engineer.

7 MS. ESPINOSA-VAN KIRK: These  
8 recorders are set up so they cannot record. The  
9 record function has been disabled. There's no  
10 problem with that. I thought maybe it was already  
11 set. Apparently, the speakers are not hooked up  
12 and Mr. Rodriguez has to do something in the back.

13 MR. WEINGLASS: Did someone set this  
14 up?

15 MR. FRIZZELL: Yes.

16 MS. ESPINOSA-VAN KIRK: It's set.  
17 You can hear it with the headphones.

18 (Whereupon, a tape was played.)

19 BY MR. WEINGLASS:

20 Q. That's kind of loud. Were you able to  
21 make that out?

22 A. I heard the sentence that you were  
23 referring to, yes.

24 Q. "I can't believe it," you said --

25 THE COURT: Why don't you play it

1 once more? I didn't get the full meaning of it,  
2 counselor. Not quite so loud.

3 THE COURT: I'm sure Agent Rodriguez  
4 can bring it into focus.

5 (Pause.)

6 (Whereupon, a tape was played.)

7 BY MR. WEINGLASS:

8 Q. Did you hear that, Ms. Gassin?

9 A. Yes, I did. Did you hear yourself saying,  
10 "I can't believe this. If you come up May 1,  
11 that's going to be, like, exactly when I met you  
12 last year." This conversation is, incidentally,  
13 April 14, 1985. You said, "I met you May 4th, but  
14 that doesn't matter," and you laughed. "It's  
15 funny," and you said, "A whole year."

16 A. What I'm referring to there is the  
17 beginning of our relationship. I had no reason to  
18 refer to the late summer, early fall of 1983  
19 because I was introduced to him and I left. What  
20 I'm referring to is the beginning of my  
21 relationship with him.

22 Q. You said, "I met you May 4th?"

23 A. What should I have said? "I was  
24 introduced to you on the steps of Debra Weaver's  
25 house in the late summer, early fall, 1983, which

1 was a year and a half ago." I was referring to  
2 the significant part of our relationship, which  
3 was 1984.

4 Q. When you were in jail, you told us that  
5 you were going through your diary and you were  
6 making some notes when you were in jail, right?

7 A. Yes.

8 Q. That was to kind of fix key dates?

9 A. To get a chronology, yes.

10 Q. And that was so that you could recall  
11 events for the FBI?

12 A. Well, not specifically, no. It was to  
13 determine my own chronology of events. That's all.

14 Q. So, there you're not talking to Papo,  
15 you're recalling your own chronology of events for  
16 yourself; is that right?

17 A. Yes. I had no contact with Papo at that  
18 point.

19 Q. In recalling your own chronology in your  
20 own hand while you're sitting in jail in Exhibit  
21 450, your diary, your first entry on the last page  
22 is, "Met May 4th," isn't that right? The last  
23 page. The top of the page?

24 A. Yes, I know. I'm looking at the whole  
25 thing.



1 Q. Sure. Take your time.

2 (Pause.)

3 THE WITNESS: Yes, I started with  
4 the beginning of my relationship with him.

5 BY MR. WEINGLASS:

6 Q. What did you write in your diary?

7 A. Excuse me?

8 Q. What did you write, specifically, those  
9 three words?

10 A. "Met May 4th."

11 Q. It didn't say the beginning of the  
12 relationship, did it?

13 A. Well, it was clear in my mind that's what  
14 I was referring to.

15 Q. It said exactly what you had said on the  
16 tape; "Met May 4th," right?

17 A. Again, that's when I started my  
18 relationship with him. I'm negating the fact that  
19 I saw him previously.

20 Q. Ms. Gassin, on Friday do you recall an  
21 answer to my question -- page 60, counsel -- line  
22 13, you indicated that "Papo had asked me to do  
23 several things for him without ever telling me  
24 there are consequences to your action. This is a  
25 high risk situation." Do you remember saying that?

1           A.    Yes.

2           Q.    Isn't it a fact, Ms. Gassin, that during  
3 the period of your life, particularly in the  
4 spring of 1985, you were searching for meaning in  
5 your life and part of it was that you wanted to do  
6 more. You even wanted to live your life out on a  
7 limb, to use your words. Do you remember having a  
8 conversation like that?

9           A.    Well, I remember having discussions on  
10 that theme, yes.

11          Q.    Well, let's play this portion of the  
12 conversation which precedes the portion that was  
13 marked and put into evidence on tape 438. If  
14 counsel could assist me in finding that portion.

15                   THE COURT: Is this the same tape,  
16 counselor?

17                   MR. WEINGLASS: Yes, your Honor.  
18 April 14, 1985.

19                   THE COURT: Has the agent found the  
20 relevant part?

21                   MR. RODRIQUEZ: Yes, your Honor.

22                   THE COURT: All right.

23                   (Pause.)

24                   (Whereupon, a tape was played.)

25                   THE COURT: Does that cover the area

1 you're seeking?

2 MR. WEINGLASS: There's just one  
3 more page.

4 THE COURT: This experience,  
5 counselor, sort of demonstrates to the Court the  
6 importance of having these written forms to go  
7 along, even with the English translation. It  
8 makes it much clearer.

9 Has Agent Rodriguez found the part?

10 MR. RODRIQUEZ: I have the point  
11 they pointed out, your Honor.

12 THE COURT: Very well.

13 (Whereupon, a tape was played.)

14 BY MR. WEINGLASS:

15 Q. Ms. Gassin, the portion of that tape that  
16 was played during the Government's case was the  
17 part where he indicated to you that they were  
18 super grateful for what you had done; do you  
19 recall that?

20 A. Yes, I do.

21 Q. The part that was played this morning was  
22 kind of the lead-up into that where it's fair to  
23 say, is it not, that you were expressing some  
24 concern about what you're doing whether you've  
25 done enough and he's trying to reassure you; isn't

1 that true?

2 A. Well, the conversation is more general  
3 than that. The conversation is about the fact  
4 that I was looking for meaning in my own life,  
5 personally and professionally, which I then  
6 proceeded to do by August 30, 1985.

7 Q. So, it's your testimony today, to this  
8 jury, that you were talking about your  
9 professional life?

10 MR. BOYLE: Objection. That's not  
11 what she had testified.

12 BY MR. WEINGLASS:

13 Q. Is it your testimony your references are  
14 to your professional life?

15 A. I said personal and professional.

16 Q. Is there anything about your professional  
17 life that requires you to live out on a limb?

18 A. What I'm referring to, when I look back  
19 and listen to myself talk and I know what was  
20 going on in my head at the time, is that I was  
21 looking for, as I said before, meaning in my life,  
22 and I wanted to feel more as if I was going  
23 somewhere and more helpful; and at the time I was  
24 working for a dance company part-time. I was also  
25 working in health care part-time and I started

1 feeling like I was doing everything part-time and  
2 I wasn't sure that I was really going in any one  
3 direction. I had this objective of feeling that I  
4 wanted to -- that I wanted to help. Help people.

5 So, by August 30, 1985 I had made a  
6 decision to go back to school and enroll in a  
7 Master's program in physical therapy, which for me  
8 was the solution that I had reached for that  
9 problem.

10 Q. I see. But back on April 14th when this  
11 conversation occurred and you said you wanted to  
12 be more helpful, what was in your mind? More  
13 helpful in what sense?

14 A. As I recall, I wanted to help people and  
15 I wanted to feel like my life had more direction  
16 than it did at the present time.

17 Q. You heard Papo say to you toward the end,  
18 "You're young. You think you can turn the world  
19 around," right?

20 A. Yes.

21 Q. When you said you wanted to be more  
22 helpful, weren't you meaning helpful in the sense  
23 of changing the political and social environment  
24 to some extent?

25 A. Well, again, where that enters into,

1 helping people, then I would say that that entered  
2 into my considerations, yes.

3 Q. Would you say, Ms. Gassin, that it was  
4 peripheral to your consideration at that time or  
5 it was central?

6 A. I think it's hard to say, sir. I was  
7 searching for meaning, generally.

8 Q. Let's deal with some specific references  
9 in that tape. The part that we played started  
10 with your referring to the "Good Fight." What is  
11 the "Good Fight"?

12 A. It's a movie.

13 Q. What is it about?

14 A. Well, I think there you're going to have  
15 to refresh my recollection, sir, because there are  
16 several movies that come to mind. I'm not sure  
17 which one I'm referring to.

18 Q. It's about people who went and fought and  
19 died for freedom in Spain.

20 A. Okay.

21 Q. In the 1930's, right?

22 A. Uh-huh.

23 Q. As a matter of fact, you referred to  
24 brigades on that tape.

25 A. Yes.

1 Q. What was that a reference to?

2 A. Well, --

3 Q. I'm sorry, what was the reference to  
4 brigades?

5 A. As I remember, I think -- you might have  
6 to correct me if I'm wrong -- they were Americans  
7 who went over to Spain at that period of time.

8 Q. Yes, Abraham Lincoln Brigade. A group of  
9 Americans who left their homes and families and  
10 went to fight side by side with the Spanish and  
11 other people for their freedom.

12 MR. BOYLE: Objection. Irrelevant.

13 MR. WEINGLASS: No, your Honor.

14 Getting down to the point.

15 THE COURT: He's going to get to the  
16 point because we're not going to go into the  
17 Franco Republican Civil War in Spain back 25 years  
18 ago and fight that here. Let's get down to the  
19 point.

20 MR. WEINGLASS: That one,  
21 fortunately, doesn't have to be refought.

22 THE COURT: There are so many ways  
23 that you can try to pry out info from this witness,  
24 and that's it.

25 BY MR. WEINGLASS:

1           Q.    Your reference was to the "Good Fight," a  
2 movie about Americans who went and fought side by  
3 side with other people for their freedom, right?

4           A.    Yes.

5           Q.    And, Ms. Gassin, isn't that what you were  
6 talking about in this conversation; you, as an  
7 American, wanted to lend that kind of commitment  
8 to the Puerto Rican people and fight side by side  
9 with them for their independence for freedom?

10          A.    I think there you're going very far in  
11 your correlations, sir. I think that I'm expressing  
12 sympathy with the values of those people who did  
13 go over to Spain. I think it's very difficult --  
14 I do not say there I wanted to become part of a  
15 brigade.

16          Q.    But you wanted to involve yourself more  
17 like those people who searched for their  
18 commitment, you said, and went and fought for  
19 freedom in another land with another people.

20          A.    No. Again, I go back to the fact I was  
21 searching for meaning in my life. I wanted to be  
22 more helpful. I was sympathetic with those values,  
23 yes. As to precisely what I was going to do, I  
24 didn't know. That's what that whole period of  
25 time was about.



1 Q. But you wanted to do more, right?

2 A. I wanted to find more meaning in my life,  
3 yes. That's what I said.

4 Q. You were being counseled in that  
5 conversation by Papo that you can't change the  
6 world so fast, but you wanted to, right?

7 A. Well, it's a very general comment. I  
8 don't know what we're referring to there, what I'm  
9 referring to, what he's referring to.

10 Q. You have no idea?

11 A. When he says, "You can't change the world  
12 that fast," what precisely we're referring to? No,  
13 I don't.

14 Q. Is your recollection of what you meant in  
15 that conversation and what he was referring to  
16 somewhat clouded by the fact that you're appearing  
17 here today as a witness for the United States  
18 Government against a man who fought for his own  
19 people and is now in trouble because of it?

20 MR. BOYLE: Objection

21 THE COURT: Sustained.

22 BY MR. WEINGLASS:

23 Q. You don't feel any sense of shame about  
24 that, do you, Ms. Gassin?

25 MR. BOYLE: Objection.

1 THE COURT: Sustained.

2 MR. WEINGLASS: I have nothing further.

3 THE COURT: Any other questions by  
4 any other counselor?

5 Give your name and who you represent  
6 to the witness, please.

7 CROSS EXAMINATION

8 BY MS. BACKIEL:

9 Q. Good morning, Ms. Gassin.

10 A. Good morning.

11 Q. Linda Backiel. I represent Antonio  
12 Camacho-Negron.

13 Now, last Thursday when you were here in  
14 the courtroom, do you recall telling the jury that  
15 my client, Antonio Camacho-Negron, who is seated  
16 at the table with me, was someone you recognized  
17 as a person whom you had met in Cambridge,  
18 Massachusetts in 1984?

19 A. That's right.

20 Q. Do you recall telling the jury that? Now,  
21 prior to telling the jury that you recognize Mr.  
22 Camacho, do you recall a session in the morning  
23 when the jury was not here when you were asked to  
24 look around the courtroom and see if you could  
25 identify anyone here who resembled the person whom

1 you had met in 1984?

2 A. Yes, I do.

3 Q. Do you remember that upon being asked to  
4 do that, you told the prosecutor that you would  
5 need to step down from the witness stand?

6 A. Yes.

7 Q. And you did step down from the witness  
8 stand?

9 A. Yes.

10 Q. And I believe that you walked over here  
11 to the table where the Defense attorneys and the  
12 Defendants are seated; is that right?

13 A. Yes.

14 Q. And you walked directly over to this  
15 table and looked at the males seated there; is  
16 that correct?

17 A. Well, I remember walking down looking at  
18 the table and looking in back of the courtroom.

19 Q. You did both. First you stopped at the  
20 table and looked at the males at the table.

21 A. I think so, yes.

22 Q. Do you recall stopping over here in front  
23 of Mr. Norman Ramirez-Talavera for a moment and  
24 taking a second look at him?

25 A. I don't remember that. I remembering

1 going towards that vicinity. I remember standing  
2 in the proximity of Mr. Weinglass and looking  
3 behind, but I don't remember that.

4 Q. You don't recall stopping over there and  
5 looking at Mr. Talavera, the gentleman with the  
6 beard?

7 A. I know who you mean. No, not  
8 specifically.

9 Q. After you were at this table then you  
10 walked back over here to where Mr. Weinglass is  
11 and a little bit further to approximately this  
12 point right here and looked into the spectator  
13 section; is that correct?

14 A. That's right.

15 Q. You were told to take as much time as you  
16 needed to look around the courtroom at everyone  
17 who was here; is that right?

18 A. That's right.

19 Q. After you had looked around and taken as  
20 much time as you needed, you returned to the  
21 witness stand and do you recall telling Mr. Boyle,  
22 "I can't recognize someone in this room who  
23 resembles the memory I have of the person that I  
24 met in 1984"?

25 A. Yes.

1 Q. Do you recall giving that answer?

2 A. Yes, I would also add though that I did  
3 not take all the time that I needed. I think it's  
4 clear that I had walked in here, very hard  
5 situation, first time in the courtroom. I wasn't  
6 about to take five or 10 minutes and look around  
7 to see if anyone was there who jarred my memory.

8 Q. You were told to take all the time you  
9 needed to?

10 A. I was told that I could, yes, but I was  
11 very nervous at the time.

12 Q. And you returned to the witness stand of  
13 your own volition after you had looked around?

14 A. That's right.

15 Q. Now, at the time you did that Mr. Camacho  
16 was seated in the courtroom; isn't that right?

17 A. Yes.

18 Q. And you looked at him?

19 A. Well, as I looked through the courtroom,  
20 I looked at individuals who were there. So, if he  
21 was there, I saw him, yes.

22 Q. You're not even whether he was present or  
23 not at that time; is that what you're saying?

24 A. Well, I saw him. I have recollection of  
25 him later on as the proceedings were going on when

1 I precisely saw him.

2 Q. Yes, but the first time that you walked  
3 back here and you looked around, are you telling  
4 us now that you don't know whether he was seated  
5 in the audience at that time?

6 A. Well, I didn't recognize him. I didn't  
7 recognize him.

8 Q. Did you see him?

9 A. I don't know because I didn't recognize  
10 him.

11 Q. Fine. Now, after the jury was called in  
12 Mr. Boyle again asked you if you could recognize  
13 someone and at that point you picked out Mr.  
14 Camacho, correct?

15 A. Yes.

16 Q. Mr. Boyle asked you if earlier in the day  
17 you had been unable to recognize him and you gave  
18 the explanation which you just now gave to the  
19 jury; is that correct? You were nervous?

20 A. Yes.

21 Q. Now, when you were testifying on Thursday,  
22 did Mr. Boyle ask you about a hearing that we had  
23 here in the morning before the jury came in in  
24 which your attention was focused on some  
25 photographs?

1           A.    I'm sorry, I don't follow you.  Are you  
2 asking me whether the photographs were shown to me?  
3 I don't know what you mean.

4           Q.    I'm asking you whether Mr. Boyle asked  
5 you about looking at photographs when the jury was  
6 here on Thursday?

7           A.    Yes, I think he did.  Asked me about the  
8 photographs that were shown to me?  I don't  
9 remember precisely.  I think so.

10          Q.    Is it your recollection that you have  
11 already explained to the jury what happened when  
12 you were looking at the photographs?

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

14          Q.    Yes.  Is it your recollection that you  
15 already explained to the men and women of the jury  
16 that you sat here in the morning of Thursday and  
17 looked at photographs including a photograph of  
18 Mr. Camacho?

19                   MR. BOYLE:  Objection.  Your Honor,  
20 if we're going to go into this, which I believe I  
21 was precluded in my direct, I would like the Court  
22 to explain why it is that procedure was carried  
23 out.

24                   MS. BACKIEL:  We'll make that clear.

25                   MR. BOYLE:  I ask it be made clear

1 now.

2 THE COURT: Well, we have what is  
3 called a Wade procedure, a Wade hearing, W-a-d-e,  
4 where an identification has been made of  
5 photographs. It's usually first presented in  
6 court outside the presence of the jury and the  
7 Court is obligated to make a finding whether or  
8 not the pictures are suggestive of the person  
9 identified.

10 In this case I believe there were  
11 nine pictures.

12 MS. BACKIEL: Your Honor, I think  
13 I'll be able to develop this, if you would permit  
14 me.

15 THE COURT: I'm almost through.

16 MR. BOYLE: I would like the  
17 explanation.

18 THE COURT: She testified at that  
19 time, I think there were six, thought they might  
20 be of Puerto Rican origin and there was one who  
21 had a receding --

22 MS. BACKIEL: Your Honor, if we  
23 could have a sidebar conference. I think this can  
24 be developed with testimony.

25 THE COURT: I won't get into the



1 details of what she said, but the purpose of it is  
2 to first find whether or not the array of pictures  
3 is suggestive and the Court found and does find --

4 MS. BACKIEL: Your Honor, I would  
5 request that the jury not be further instructed on  
6 a matter of law at this point. I have a specific  
7 purpose.

8 THE COURT: I'll hear you at sidebar.

9 (At sidebar:)

10 MS. BACKIEL: The purpose at this  
11 point for discussing the photographic  
12 identification is so that the jury will know that  
13 her attention was focused on a photograph of Mr.  
14 Camacho after her initial failure to identify and  
15 her subsequent in-court identification.

16 For the jury to be instructed at  
17 this point by the Court that the Court has made a  
18 legal determination about the suggestivity of the  
19 array is not an issue. That is the jury's issue  
20 to determine and that the purpose of my  
21 questioning at this point I want to focus her  
22 attention on the fact that she saw a photograph,  
23 was shown a photograph of Mr. Camacho, and that  
24 that refreshed her recollection of the person whom  
25 she had previously identified.

1 I think that for the Court to  
2 instruct the jury in a matter of law that that  
3 array was not suggestive is on the one hand  
4 preempting a determination --

5 THE COURT: We found that.

6 MS. BACKIEL: I know the Court has.  
7 I'm not arguing that the array was suggestive  
8 before the jury. I am arguing that she was  
9 exposed to a photograph of Mr. Camacho and that  
10 that is the source of her in-court identification.

11 THE COURT: Well, I think maybe what  
12 I've said up to now is harmless and take it from  
13 there. If you want to develop it, go ahead and  
14 develop.

15 MS. BACKIEL: I would ask the Court  
16 not to further instruct the jury.

17 THE COURT: Unless you start arguing  
18 about it being a suggestive array. Then I would  
19 have to say the Court made a finding on that as a  
20 matter of law.

21 MS. BACKIEL: I think that the jury  
22 should be able to determine the basis of her  
23 identification here in court and the question of  
24 the legality of the array is not one I raise  
25 before the jury, but I am asking the jury to

1 consider why it was that she was able to identify  
2 a second time that she looked around in court in  
3 the intervening event --

4 THE COURT: You can go into that.  
5 There's no problem with that.

6 MR. BOYLE: I have two requests,  
7 your Honor. I don't have a problem with what the  
8 Court said. First I ask that the Court instruct  
9 the jury that it was the Defense who requested the  
10 Wade hearing because at least now; there's the  
11 possible question, in some jurors minds that the  
12 Government did something improper by showing these  
13 photographs. I would like that request.

14 I would also request that the Court  
15 instruct the jury that the Government was  
16 precluded from questioning about that during her  
17 direct examination because it would be improper  
18 bolstering of her in-court identification.

19 The record, as it stands now, could  
20 lead one or more of the jurors to question whether  
21 the Government, A, had done something improper by  
22 showing the photograph or, B, had tried to pull  
23 the wool over the jury's eyes by not telling the  
24 jurors about the witness' viewing of the photo  
25 spread.

1 I would like it established for the  
2 jury that the Government did what was required by  
3 the Wade hearing at the Defense's request and that  
4 the Government's questions were what the  
5 Government was limited to questioning about in a  
6 proper direct examination.

7 MS. BACKIEL: I think those legal  
8 instructions, at this point in the proceedings,  
9 are inappropriate, and I argue that by the mere  
10 fact that holding the Wade hearing, the Government  
11 has done something improper.

12 Of course, if I would be wrong and  
13 the Court would be entitled to correct me in the  
14 presence of the jury.

15 I'm not arguing it was improper to  
16 hold the Wade hearing, but the jury must be aware  
17 of the fact the witness was exposed to the  
18 Defendant's photograph between the time that she  
19 could not identify and the time she did.

20 MR. BOYLE: I don't have any problem  
21 with that being brought to the jury's attention.  
22 My concern is Ms. Backiel, in her questioning,  
23 asked about Mr. Boyle showing the photograph and  
24 Mr. Boyle not questioning her about the fact that  
25 she had seen the photograph.

1 I want the jury instructed that the  
2 Government didn't do anything improper either  
3 during the Wade hearing or during the direct  
4 examination. That it did what it was required to  
5 do by law. I'm not trying to preclude questioning  
6 about the fact the witness saw the photograph.  
7 That's certainly the case.

8 THE COURT: I don't think you're in  
9 dispute over this.

10 MS. BACKIEL: I don't either. I  
11 will not invoke Mr. Boyle's name any further.

12 MR. BERGENN: Could I have a moment,  
13 your Honor? Before we leave sidebar, may I have  
14 one moment with Ms. Backiel?

15 THE COURT: Sure.

16 (Pause.)

17 MS. BACKIEL: Just to make one other  
18 issue clear, as I said, I'm not challenging the  
19 legal due process violation of suggestiveness in  
20 the photo array before the jury. The jury must be  
21 able to make its own determination about whether  
22 the photographic identification was one that was  
23 made on the basis of her independent recollection  
24 or on the basis of some other factors inherent in  
25 the photo displacement.

1 THE COURT: If you want to bring  
2 that out in the photo spread, you can do so.

3 MR. BOYLE: I make no request that  
4 the Court instruct the jury as to the Court's  
5 finding on the Wade hearing. I still request that  
6 the Court instruct the jury that the Defendant  
7 requested the Wade hearing and that the Government  
8 was precluded from questioning about the  
9 photographs during its direct examination.

10 MS. BACKIEL: I don't understand,  
11 the Government was precluded.

12 THE COURT: I won't go that far. I  
13 won't make that second representation that you  
14 have included. There hasn't been a ruling on it.  
15 It didn't come up in issue.

16 MR. BOYLE: Because I didn't bring  
17 it up. The Court shouldn't try to bolster her  
18 in-court identification.

19 THE COURT: It could come out during  
20 her examination.

21 MR. DABROWSKI: No. What Ms.  
22 Backiel did was inappropriately suggest to this  
23 jury that Mr. Boyle did something wrong by not, in  
24 effect, bringing to the jury's attention the fact  
25 that the witness had seen a photograph.

1                   Now, once the witness has made an  
2 in-court identification, it would be inappropriate  
3 for Mr. Boyle, as a prosecutor, to attempt to  
4 bolster or buttress that testimony with evidence  
5 of the fact that on a prior occasion the witness  
6 had correctly picked out a photograph in this case  
7 of Antonio Camacho-Negron.

8                   So, once the in-court identification  
9 is made, Mr. Boyle is precluded from pursuing the  
10 out of court identification made at an earlier  
11 time. Ms. Backiel knows this. Yet at the same  
12 time in her cross-examination she inappropriately  
13 suggested to the jury that Mr. Boyle did something  
14 wrong by saying to the jury, "Now, Mr. Boyle  
15 didn't mention this." It's that point that we  
16 want corrected in this jury's mind.

17                   THE COURT: Did he mention it?

18                   MR. BOYLE: That I didn't mention  
19 the photographic identification?

20                   MR. DABROWSKI: The instruction that  
21 we ask for is that the Wade hearing, number one,  
22 was at the specific request of the Defense and was  
23 conducted according to law in an appropriate  
24 manner.

25                   Number two, as a result of the

1 in-court identification, Mr. Boyle was precluded  
2 from attempting to bolster at that time the  
3 testimony of the witness by a prior out-of-court  
4 identification.

5 THE COURT: I don't think I'm going  
6 to get into that.

7 MR. DABROWSKI: Well, then --

8 THE COURT: That will make it too  
9 complicated for the jury. They won't know what  
10 we're talking about.

11 MR. DABROWSKI: You're leaving, in  
12 effect, the record exactly as Ms. Backiel wants it  
13 with a suggestion that the Government has done  
14 something wrong.

15 THE COURT: I stated it as clearly.

16 MS. BACKIEL: The Court instructed  
17 the jury there was a Wade hearing, it was done at  
18 the request of the Defense, and implied that the  
19 Court has found there was no impropriety.

20 Rule 801 permits the prosecution,  
21 should it seek fit to do so, refer to the previous  
22 photo ID.

23 I think the issue of the Wade  
24 hearing is not the issue before the jury, not the  
25 issue I'm striving to direct the witness'



1 attention to. Any further instructions are just  
2 confusing.

3 THE COURT: All right. Thank you.  
4 (End of sidebar.)

5 THE COURT: It is now 1:00 o'clock,  
6 our usual time for recess. I'm going to state one  
7 thing in the presence of counsel and the jury.  
8 You've seen our sidebar conference.

9 A Wade hearing is something I've  
10 explained what it is; the opportunity for a  
11 witness outside of the presence of the jury to  
12 review photographs in an array submitted at the  
13 time of the original presentation to see whether  
14 or not there's been any impropriety.

15 As far as the jury is concerned in  
16 respect to that, the Wade hearing is a thing that  
17 happens regularly in court, outside of your  
18 presence and should not in any way reflect upon  
19 the Government or the Defense by having been done  
20 outside the presence of the jury. It's a usual  
21 practice. All right. We will now have lunch.

22 (Whereupon, the jury was excused.)

23 THE COURT: The witness is now  
24 excused. We'll resume at 2:00 o'clock. Recess,  
25 Mr. Bailiff.