

1 (Whereupon, the witness was excused,
2 and a recess was taken for lunch at 1:00 o'clock
3 p.m.)
4
5

6 AFTERNOON SESSION

7 2:00 O'CLOCK P.M.
8

9 THE COURT: Call the witness, please.

10 (Whereupon, the witness entered the
11 courtroom.)

12 THE COURT: Call the jury, please.

13 (Whereupon, the jury entered the
14 courtroom.)

15 THE COURT: You may proceed,
16 counselor.

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

18 called as a witness by the Government, having
19 been previously duly sworn, resumed the stand,
20 testifying further on her oath as follows:

21 CROSS EXAMINATION

22 CONTINUED BY MS. BACKIEL:

23 Q. Ms. Gassin, I'm going to show you what
24 has been marked Government Exhibit 447, which is a
25 white envelope containing a series of photographs.

1 I would ask if you would look at the photographs
2 in that envelope and tell the jury if you
3 recognize those photographs.

4 A. Yes, I recognize them.

5 Q. Are those the photographs that you looked
6 at in court last Thursday morning?

7 A. Yes.

8 Q. Are those also photographs that the FBI
9 showed to you in 1985 at the end of September?

10 A. Yes.

11 Q. Now, when we were discussing those
12 photographs last Thursday morning, did you notice
13 how many of the people in those photographs were
14 bald?

15 A. Yes.

16 Q. I believe last Thursday you said that you
17 saw two bald people in those photographs?

18 A. Yes.

19 Q. What's the total number of photographs
20 there in front of you?

21 A. There are nine. As I remember, I also
22 said that one had a receding hairline.

23 Q. I believe that's correct.

24 A. As I look here, there's another one we
25 found in that category as well.

1 Q. Receding hairline?

2 A. Yes.

3 Q. When you spoke to the FBI about the
4 person whom you had met with Juan Segarra, you
5 described him as a Puerto Rican male in his mid
6 thirties?

7 A. Yes.

8 Q. Who was approximately five feet-seven
9 inches tall?

10 A. Yes.

11 Q. And was bald and had a beard; is that
12 correct?

13 A. Yes. I think I said he was balding or
14 losing some of his hair.

15 Q. And had a beard?

16 A. Yes.

17 Q. As you look at those photographs in front
18 of you, of the two people whom you identified as
19 bald or balding in those photographs, I believe
20 that you said last Thursday there was only one of
21 them who appeared to you to be Puerto Rican; is
22 that correct?

23 A. Yes. As I said last Thursday, it's very
24 difficult from a photograph to identify whether
25 someone is Puerto Rican or not.

1 Q. Yes, but of the clearly balding people
2 before you, one of them is definitely not Puerto
3 Rican; would you say that?

4 A. Well, I can't say that they're definitely
5 not Puerto Rican.

6 Q. Let's refer specifically to photograph
7 447-I. This is a photograph which I believe you
8 said on Thursday did not appear to you to be a
9 photograph of a Puerto Rican person; is that
10 correct?

11 A. Yes. As I remember, I was having great
12 difficulty making that distinction and I explained
13 to you why.

14 It still would be very difficult for me
15 to look at this photograph and say, yes, this
16 person is Puerto Rican, but no, they're not Puerto
17 Rican.

18 Q. On last Thursday you thought he may not
19 have looked Puerto Rican. Isn't it true last
20 Thursday you thought that person did not appear to
21 be Puerto Rican. You may have changed your
22 opinion today.

23 A. If I included it in that separation, then
24 that's what I said, yes.

25 Q. Now, of the photographs before you, if I

1 may, the one which you identified as being the
2 only bearded and balding Puerto Rican male has the
3 tag attached to it, Exhibit 447-A.

4 I would ask you to focus your attention
5 on this photograph for a moment. Now, last
6 Thursday do you recall being asked, when you
7 looked at those nine photographs, whether you saw
8 the photograph that you had earlier picked out in
9 1985?

10 A. That's right.

11 Q. You picked out the photograph that has
12 the label 447-A on the back; is that correct?

13 A. That's right.

14 Q. You were asked to turn over the
15 photograph and see if your signature appeared on
16 the reverse; is that correct?

17 A. That's right.

18 Q. Now, when you look at the front of all
19 nine of those photographs, do you notice anything
20 distinctly different about the front of 447-A from
21 all eight other photographs?

22 A. Distinctive about this one?

23 Q. Yes, 447-A.

24 A. When I look at it carefully, I see a line
25 across, a white line, across the face here. If

1 that's what you're referring to.

2 Q. Are you saying when you look at the front
3 of 447-A, you see a white line running the length
4 of the face approximately through the left eye on
5 447-A?

6 A. Yes, that's right. I do see that.

7 Q. Do you see a white line on any of the
8 other photographs in front of you?

9 A. There's some white scratches on this one.

10 Q. Do you see a white line running the
11 length of the face on any of the other photographs?

12 A. I see a scratch on this one as well, but,
13 no, I don't.

14 Q. When you say, "This one," for the record,
15 would you indicate which one you're referring to?

16 A. The scratches were on this one.

17 Q. If I may, indicating 447-H.

18 A. Yes. 447-C and this one here as well,
19 which is 447-G.

20 Q. Now, referring to 447-G, the lines on
21 this photograph are a series of parallel lines
22 going through the hair?

23 A. That's right.

24 Q. They look like it might be the kind of
25 streak or mark of something being dragged across a

1 wet negative or a photograph?

2 A. I really don't know. They're a series of
3 white, parallel lines.

4 Q. On 447-C, where is the white line?

5 A. Going across the nose, from the eye to
6 the nose.

7 Q. Looks as if a scratch has been made in
8 front of the photograph?

9 A. I don't know.

10 Q. And on 447-H there's a series of parallel
11 lines down at the beard, also looking like
12 scratches?

13 A. Yes, there are some lines here above on
14 the moustache and down on the beard.

15 Q. Referring to 447-A, do the lines -- does
16 the line and the scratches on the front of this
17 photograph appear to you to be similar to the
18 lines or scratches on the other photographs?

19 MR. BOYLE: Objection. Line of
20 questioning is irrelevant to the testimony on
21 direct, your Honor. She was not questioned about
22 this photograph.

23 THE COURT: I don't know where
24 counsel is going. Maybe she wants to show there
25 was something suggestive about these lines. I

1 don't know yet.

2 MS. BACKIEL: It will become
3 apparent in just a moment. That is where I'm
4 going.

5 MR. BOYLE: The problem is, your
6 Honor, there's been no testimony on direct about
7 this photo spread. So, the suggestiveness of it
8 is not before the jury at this point.

9 MS. BACKIEL: The prosecution
10 introduced an identification here in court. I'm
11 entitled to show the basis of that identification.

12 THE COURT: The Court will overrule
13 the objection. Proceed.

14 BY MS. BACKIEL:

15 Q. Now, the lines on the front of 447-A, the
16 lines and the scratches, do they appear to you to
17 be similar in character to the lines in the other
18 three photographs that you have identified? Are
19 they the same kinds of marks or scratches?

20 A. Well, down here some of it is and there's
21 a line that's more pronounced.

22 Q. The more pronounced line that runs
23 through the eye and the length of the face, will
24 you look at that line for a moment and see if it
25 reminds you of anything?

1 (Pause.)

2 BY MS. BACKIEL:

3 Q. Are you turning the photograph over
4 several times to look at what's on the back of it?

5 A. Yes, I am.

6 Q. Why is that?

7 A. Because I don't know whether the scratch
8 is coming from what's written on the back or not.

9 Q. What's written on the back?

10 A. There's my signature and date. There's a
11 signature of the agent and there's something else
12 that I don't know.

13 Q. As you look at that white line that's
14 running through the length of the face and the eye
15 of the person depicted there, does that white line
16 come from your signature?

17 A. It doesn't come from my signature, no.

18 Q. You see the impression of your signature
19 as a white line on the front of this photograph?

20 A. No, my signature is up here. I don't
21 know what this is here (indicating).

22 Q. Do you recognize that to be a signature?

23 A. This looks like a signature, yes.

24 Q. Do you see what it reads underneath it?

25 A. SA. FBI, Boston, Massachusetts.

1 Q. The date?

2 A. Yes.

3 Q. What's the date?

4 A. 9-25-85.

5 Q. That is the date on which you first saw
6 this photograph; is that correct?

7 A. That's right.

8 Q. And this is the photograph that you
9 looked at here in court in the morning before you
10 were able to identify Antonio Camacho-Negron
11 sitting in the courtroom; isn't that right?

12 A. Well, I'm not certain if my
13 identification was due to my having been shown the
14 photographs, for one. But I would also like to
15 add, this white line that you've brought to my
16 attention, I didn't see when I was here on
17 Thursday.

18 Q. Do you remember the question that I asked
19 you?

20 A. Which one now?

21 Q. The last question.

22 A. Could you repeat it for me?

23 Q. The last question I asked is, is this the
24 photograph that you looked at on Thursday morning
25 before you were able to identify Antonio

1 Camacho-Negron?

2 A. What I tried to answer was that I was
3 shown this photo spread on Thursday and I
4 identified the person that I had met in September
5 of 1984.

6 What I don't know is whether this -- my
7 identification of the person later in the
8 courtroom was due to this photograph.

9 Q. But you do know that before you saw the
10 photograph you could not identify anyone in the
11 courtroom?

12 A. I know that when I entered the courtroom,
13 I could not recognize the person that I saw.

14 Q. And you do recall being asked after that
15 to look at these photographs and pick out the
16 photo which you had identified in 1985; do you
17 recall being asked to do that?

18 A. Yes.

19 Q. Then you selected this photograph which
20 is now 447-A?

21 A. Then I selected this photograph, yes, as
22 being the photograph of the person that I had seen
23 in September 1984.

24 Q. You were asked to identify a photograph
25 which you had previously selected; do you recall

1 that?

2 A. Well, I would have to see exactly how the
3 question was phrased. That I don't know.

4 Q. I'll let you look at that.

5 Showing the witness page 16, counsel,
6 transcript of February 2, 1989. Reading from line
7 8, "Ms. Gassin, as you look at that photo spread
8 now, do you see the photograph that you selected
9 in 1985 as being the man from Puerto Rico?"

10 Answer: "Yes, I do." Do you recall that question
11 and that answer?

12 A. Yes, I recall I selected the photograph
13 as the question is phrased; that I selected him as
14 being the person who came up from Puerto Rico in
15 September 1984.

16 Q. That's the photograph that has the
17 signature line showing as a white streak down the
18 front of it with the date and name of the agent on
19 the back; is that correct?

20 A. Yes. Again that's a line that I did not
21 see on Thursday.

22 MS. BACKIEL: I would like to
23 publish the photographs to the jury.

24 THE COURT: Certainly.

25 MS. BACKIEL: I'll put them back in

1 the envelope.

2 THE COURT: You should separate them
3 out so they'll know one from the other -- they
4 heard your conversation, but they don't know what
5 you were showing to the witness -- perhaps showing
6 the one she singled out so they'll know which one
7 that is and on the back of it, whatever it says
8 there.

9 MR. BOYLE: Thank you. I don't
10 think they've been admitted in full.

11 (Government's Exhibits 447-A through
12 447-I: Received in evidence.)

13 BY MS. BACKIEL:

14 Q. Ms. Gassin, showing you 447-A, this is
15 the photograph that you identified as the one you
16 selected in 1985; is that correct?

17 A. Yes.

18 Q. If you would, Ms. Gassin, do you note
19 some names written on the bottom of these other
20 photographs?

21 A. The name here or the name here? Which?

22 Q. Some names written in pen at the bottom?

23 A. Yes, I do.

24 Q. Showing the jury 447-B, now, this is a
25 photograph without any lines across the face; is

1 that correct?

2 A. That's correct.

3 Q. Is this one of the people whom you
4 identified as having the receding hairline or not?

5 A. That's right.

6 Q. Would you read the name that appears on
7 the back of that

8 THE COURT: Counselor, can we
9 establish, was the name on there when she first
10 identified it -- I don't know -- up in Boston.

11 MS. BACKIEL: The names are on the
12 back. I'm not contending she read the names when
13 she made the identification.

14 THE COURT: That should be made
15 clear so there won't be any confusion. Were these
16 names on there up in Boston when you first looked
17 at them?

18 THE WITNESS: No. I looked at the
19 front of the photograph and then I signed one
20 photograph that I had identified.

21 MS. BACKIEL: We're not suggesting
22 that the names were on the back then.

23 BY MS. BACKIEL:

24 Q. For the convenience of the jury,
25 photograph 447-B bears what name?

1 MR. BOYLE: Objection, hearsay. She
2 doesn't know where that came from, your Honor.
3 It's hearsay.

4 MS. BACKIEL: I'll withdraw it.

5 BY MS. BACKIEL:

6 Q. 447-B, that's not one of the ones you
7 testified had scratches or marks on it?

8 A. That's not one of the ones that had
9 scratches on it, no.

10 Q. 447-C, this is one where you testified
11 that there was a scratch across the eye?

12 A. I see a line here from the eye to the
13 nose.

14 Q. That's not similar to the line that was
15 on 447-A, is it?

16 A. It's less pronounced.

17 Q. And 447-D, this has no lines or scratches
18 on it?

19 A. It has no lines or scratches.

20 Q. And 447-E, no lines or scratches?

21 A. No.

22 Q. And 447-F?

23 A. No.

24 Q. Now G you testified had lines and
25 scratches?

1 A. Yes.

2 Q. They don't appear to be like the
3 signature line that was on the front of 447-A?

4 A. Well, there are a series of thick,
5 parallel lines going through the hair.

6 Q. And 447-H, any lines and scratches that
7 caught your attention there?

8 A. Yes, across the beard and across the
9 moustache.

10 Q. Do they look like the signature lines on
11 the face of 447-A?

12 A. There are thin lines.

13 Q. Do they look to you to be like the
14 signature line on the face of 447-A?

15 A. They're less pronounced.

16 Q. And 447-I, this is the other photograph
17 that you identified as being balding, correct?

18 A. That's right.

19 Q. Of the nine, this is the other one. Are
20 there any lines or scratches going across the face
21 of that photograph?

22 A. No.

23 Q. Now, when I asked you whether 447-A was a
24 photograph which you had identified on Thursday
25 morning, you said you could not be sure whether

1 your subsequent identification here in the
2 courtroom was based on seeing that photograph or
3 not; is that right?

4 A. That's right.

5 Q. And human experience teaches you that it
6 certainly could be the product of having sat there
7 and studied that photograph that led you to make
8 the identification here in the courtroom; is that
9 right?

10 MR. BOYLE: Objection.

11 THE COURT: Sustained.

12 BY MS. BACKIEL:

13 Q. You cannot tell the jury today that you
14 made that identification independently of the
15 photograph which you sat here and studied during
16 the morning, can you?

17 A. I didn't sit here and study it. I would
18 say though that I can't say.

19 Q. Thank you. Now, in the description that
20 you gave to the FBI you included a height, five
21 feet-seven inches, and I believe you specified
22 that the person was about the same height as Juan
23 Segarra.

24 A. That's what I remember.

25 Q. You had a pretty good sense of how tall

1 he was; didn't you?

2 A. Yes.

3 MR. BOYLE: As to which one are we
4 talking about now?

5 BY MS. BACKIEL:

6 Q. You had a pretty good sense how tall Juan
7 Segarra was, correct?

8 A. Yes.

9 Q. When you met this other person, you made
10 an observation that they were of approximately the
11 same height; is that correct?

12 A. Yes.

13 Q. Now, I would ask Mr. Segarra to stand in
14 the courtroom back to back with Mr. Camacho and I
15 would ask you if it appears to you that they are
16 of the same height?

17 A. No.

18 Q. Would you say that there was at least
19 four or five inches difference in their height?

20 A. Yes.

21 MS. BACKIEL: Mr. Camacho can sit
22 down. Thank you.

23 BY MS. BACKIEL:

24 Q. And you described the Puerto Rican who
25 came up with Mr. Segarra's someone of a small

1 build; is that correct?

2 A. I think so.

3 Q. As you looked at Mr. Camacho here in the
4 courtroom, would you say that he had a stocky
5 build?

6 A. As I said in court, my memory of him was
7 as being less heavy than as I see him today.

8 Q. How about the build? Is it a stockier
9 build, larger bones than you recall?

10 A. Well, I didn't make that distinction. As
11 I see him here today, he seems heavier to me.

12 Q. Now, the person whom you met in 1984 was
13 a complete stranger to you, the first time you saw
14 him in 1984 in Cambridge, Massachusetts?

15 A. The first time that I saw him, yes.

16 Q. Not somebody that you thought you had
17 seen around in the community or gone to school
18 with but not paid attention to. This was somebody
19 you had no idea you had ever seen before?

20 A. Someone that I had never seen before.

21 Q. You never saw this person after the end
22 of September 1984?

23 A. That's right.

24 Q. And you had no occasion to see him or a
25 photograph of him or even think about him between

1 September of 1984 and September of 1985?

2 A. That's right.

3 Q. Is it not the case every time you saw
4 this person he was in the accompany of Juan
5 Segarra and one or more other people?

6 A. I think I might have had on one occasion
7 at my house a conversation with him independently
8 of Papo.

9 Q. You're not sure of that?

10 A. Well, I remember a conversation in my
11 kitchen, yes.

12 Q. Are you saying that that conversation
13 took place at a time when there was no one else
14 present?

15 A. I think Papo had been there and then left
16 and we continued to talk.

17 Q. Is it fair to say that during the time
18 that you were with this person, your attention was
19 fairly shifted on Papo rather than the other
20 people who might have been with him?

21 A. Well, I don't know if you can say that.
22 If I was talking to -- having a conversation with
23 him and Papo, I would be dealing with both of them,
24 yes.

25 Q. Would it be fair to say that your

1 attention was equally divided between Papo and
2 this other person, or would it be fair to say that
3 you were really paying attention to Papo and this
4 other person just happened to be there with him?

5 A. Well, I don't know that I can say that,
6 no. If I was talking to him, I would be talking
7 to both of them. I can't say that.

8 Q. You wouldn't say that because you were
9 developing a romantic relationship with Papo, you
10 were much more interested in him than you were in
11 the other person? Was that your experience?

12 A. Well, I was interested in the person I
13 was involved with, yes. If that's what you're
14 asking me.

15 Q. More so than the people whom happened to
16 be with him at the time?

17 A. It depends what you mean by interested.

18 Q. Paying particular attention to their
19 faces, their body language, their reactions to the
20 situation. You gave that kind of attention to
21 Papo, didn't you?

22 A. Well, I knew Papo more. I had more
23 contact with Papo. That's clear.

24 Q. You paid more attention to him when you
25 were with him than somebody else -- than you did

1 to the other person?

2 A. Well, again it depends on the situation.
3 I can't answer you like that generally.

4 Q. Ms. Gassin, are you sure about the first
5 time that you ever saw the person who came up from
6 Puerto Rico with Juan Segarra? Are you sure when
7 that was?

8 A. Are you talking about in September 1984?

9 Q. Is that when it was; in September 1984?

10 A. As I said before, there was -- prior to
11 the first trip Papo had told me that someone was
12 coming up from Puerto Rico to take apart a mobile
13 home and conceal money, et cetera and he came by
14 my house at one point before going out to
15 Northampton around August 25th.

16 Q. Let me just clarify something. When you
17 say, "He came by my house," who are you referring
18 to?

19 A. Papo. ↙

20 Q. Papo came by your house?

21 A. Yes.

22 Q. When is it he came by your house?

23 A. Around August 25th, August 26, 1984.

24 Q. Sometime before the 16th of September
25 1984?

1 A. That's right, yes.

2 Q. All right.

3 A. And he came by in a red van and there was
4 someone in the van, a friend of his, who was
5 waiting to go out to Northampton with him and from
6 a conversation with Papo I understood that the
7 person that came back to my house after the truck
8 flipped, around August 30 or 31, someone stayed at
9 my house.

10 I understood that person to be the same
11 person who came back up on September 16th of 1984,
12 whom I did not see in Florence.

13 Q. Let's try to break that down a little bit
14 because there are a lot of facts in there. You
15 said that Papo came by your house about August 25th?

16 A. Yes.

17 Q. And there was another person in a red van
18 with him at that time?

19 A. Yes.

20 Q. You didn't see the person in the red van
21 at that time, did you?

22 A. I saw there was someone in there, but I
23 didn't see that person enough to be able to
24 identify them, no.

25 Q. Sometime after that you had a

1 conversation with Papo, which led you to conclude
2 that the person who had been in the red van on the
3 25th of August was the same person who turned up
4 at your house after August 31st of 1984; is that
5 what you're telling us?

6 A. No. It's not that clear. I'll try to be
7 clearer.

8 What I'm saying, the person who stayed at
9 my house on August 30th or August 31st during the
10 night I understood to be the same person who came
11 up in September and whom I met.

12 Q. All right, now, you're referring to a
13 person who was in a red van on the 25th of August?

14 A. Yes.

15 Q. With Juan Segarra?

16 A. Yes.

17 Q. You're referring to a person who stayed
18 at your house on August 31st?

19 A. Yes.

20 Q. You didn't see the person on the 25th of
21 August?

22 A. No.

23 Q. You didn't see the person on the 31st of
24 August?

25 A. I didn't see the person staying at my

1 house, no.

2 Q. But you have put together those two
3 pieces of information with some other information
4 that Juan Segarra gave you to conclude that they
5 were the same person; is that what you're telling
6 us?

7 A. No. I'll try to be a bit more precise.

8 Q. Let me see if you can answer that
9 question so that I understand exactly what you're
10 saying.

11 You have concluded that the person who
12 was in the van on the 25th of August is the same
13 as the person who stayed in your house on the 31st
14 of August; is that correct?

15 A. I'm not sure about that.

16 Q. You're not sure?

17 A. I know the person who stayed at my house
18 on the 31st or 1st I was told was the same person
19 whom I later met in September, okay.

20 Independently of that, there's someone
21 who came up, who came to my house in a red van and
22 I don't know whether that person is the same
23 person who stayed at my house and who came back in
24 September.

25 Q. So, you're convinced that the person who

1 came in September and the person who stayed in
2 your house at the end of August are the same
3 person?

4 A. That's right.

5 Q. You are not sure whether the person in
6 the red van on the 25th of August is the same as
7 that person?

8 A. That's right.

9 Q. Now, when you told the jury that Papo
10 told you that there was a person who had come up
11 to help conceal money in vehicles?

12 A. Yes.

13 Q. And who was an expert at doing that, Papo
14 told you that, gave you that information, in a
15 conversation about the man in the red van on the
16 25th of August; is that correct?

17 A. No, it wasn't necessarily about the man
18 who was in the red van. He told me someone was
19 coming up from Puerto Rico to help with this
20 operation of concealing money in the truck and
21 trailer.

22 Q. Someone?

23 A. Yes.

24 Q. You're not sure today what person he was
25 referring to when he told you that; isn't that

1 correct?

2 A. I don't know whether that's the person
3 who came in the red van. I know that's the person
4 who stayed at my house and who later came back in
5 September. ✓

6 Q. Was the conversation about the person who
7 was going to do this, a conversation that you had
8 on or after September 16th?

9 A. Well, there were several conversations,
10 probably before and afterwards.

11 Q. Do you recall having that conversation on
12 or after August 31st or do you recall having that
13 conversation before August 31st?

14 A. Well, as I said, there were several
15 conversations at this time about this person who
16 was coming up and about what needed to be done.

17 And from those conversations I know that
18 that person staying at my house was the same
19 person who came back up again in September.

20 So, it's difficult to pinpoint the first
21 date for that conversation. It's probable that it
22 was -- the timing would be August 31st and
23 afterwards.

24 THE COURT: This conversation was
25 with whom?

1 THE WITNESS: With Papo.

2 BY MS. BACKIEL:

3 Q. You now believe that that conversation
4 was either August 31st or afterwards?

5 A. Well, we had one conversation about this,
6 about someone coming up from Puerto Rico to work
7 on this trailer and truck. That would have been
8 around the time of August 25th or 26th, when that
9 person came up.

10 If you're asking about me about a
11 conversation of the individual being the same on
12 August 31 as the one who came in September, then
13 that would be later.

14 Q. Do you recall what you told the FBI about
15 the conversation that you had with Papo concerning
16 the man who was going to make some alterations to
17 the truck or to the vehicles?

18 A. I don't recall specifically, no.

19 Q. Do you recall when you told the Grand
20 Jury this conversation about the person who was
21 going to make alterations to the vehicles took
22 place?

23 A. What I told the Grand Jury as to the
24 timing of that conversation?

25 Q. Yes.

1 A. I don't remember specifically, no.

2 Q. Do you recall telling the Grand Jury
3 about a conversation that you had at a diner in
4 Northampton on August 29th of 1984?

5 A. Yes.

6 Q. That conversation was a conversation
7 between yourself, Paul Weinberg and Juan Segarra,
8 correct?

9 A. That's right, yes.

10 Q. You're sure that that conversation took
11 place on August 29th?

12 A. Yes.

13 Q. Do you recall telling the Grand Jury at
14 pages 95 and 96 of the transcript, question from
15 United States Attorney, "You indicated that there
16 was a man who was supposed to go down with Papo
17 and you had seen him," and you answer, "Uh-huh."
18 The U.S. Attorney continues, "Prior to your going
19 out to Northampton?" "Yeah." "Where had you seen
20 him?" Answer: "I saw him very briefly. I met
21 him with Papo. They were on their way to drive
22 out to Paul's and he stopped by my house to get
23 something or to say goodbye or something when the
24 other man in this van that they were in was the
25 man who I later understood was going to be driving

1 down."

2 Do you recall telling the Grand Jury that?

3 A. Yes.

4 Q. Does that now refresh your recollection
5 that you had this conversation about the person
6 who had come up to help immediately -- well,
7 shortly after seeing the person in the red van,
8 August 25th or sometime before August 29th?

9 MR. BOYLE: Objection. The witness'
10 recollection doesn't need refreshing on that point.
11 She testified to two conversations. One occurring
12 prior to August 29th and one occurring after.

13 MS. BACKIEL: The witness testified
14 that she could not recall when this conversation
15 took place.

16 THE COURT: Well, can you clarify it
17 by restating your question so there will be no
18 ambiguity?

19 MS. BACKIEL: Yes.

20 BY MS. BACKIEL:

21 Q. Having heard that testimony that you gave
22 to the Grand Jury, do you now recall that you had
23 a conversation with Juan Segarra in which he
24 indicated to you that the person who had come up
25 to help make alterations to the vehicle was there

1 before the 29th of August of 1984?

2 A. Yes, he had come up and he was there
3 before the 29th.

4 Q. That was the person whom you had seen
5 briefly in the red van or you saw that there was a
6 person in the red van?

7 A. Yes. What I'm saying today or trying to,
8 I think, is that I couldn't see into that red van.

9 Q. Right. But you knew that the person in
10 the red van was the one who was going to be
11 helping Papo with the arrangements; the
12 alterations to the vehicles; is that your
13 recollection?

14 A. As best I remember, yes.

15 Q. Now, you recall being asked by Mr. Boyle
16 on last Thursday when you first met the individual
17 whom you identified as the person who was going to
18 help Juan Segarra alter the vehicles?

19 A. Yes.

20 Q. And you answered, "It was on September 16th
21 we went into Florence to pick him up at a bus
22 station," do you remember that?

23 A. That's right. Yes.

24 Q. Now, didn't you previously tell the FBI
25 that the individual was already at Paul Weinberg's

1 home when you arrived there on the 16th of
2 September of 1984?

3 A. No. What I meant is, he wasn't at the
4 house. We had to go pick him up. He was in town.

5 Q. He was not already at the residence?

6 A. He was not at the residence, no.

7 Q. You're sure of that?

8 A. Yes, because we got in a car and went to
9 pick him up. My recollection is he wasn't at the
10 house.

11 Q. Did you ever tell the FBI that he was
12 already at the residence when you arrived on the
13 16th of September?

14 A. I think what I meant was that he was in
15 the area. He was in that town.

16 Q. At this point I'm not asking you what you
17 think you meant. I'm asking you whether you ever
18 told the FBI that the individual was already at
19 the Weinberg residence?

20 A. I don't remember that, because we had to
21 go pick him up, as I said.

22 Q. Showing you what has been marked
23 Government Exhibit 195, do you recognize this to
24 be a copy of your interview with the FBI, your
25 first interview with the FBI, taken on the 11th of

1 September 1985?

2 A. Yes.

3 Q. Would you turn to page 11?

4 MR. BOYLE: It's Defense Exhibit 195.

5 MS. BACKIEL: Pardon me.

6 BY MS. BACKIEL:

7 Q. Defense 195; do you recognize this to be
8 a copy of the transcript of your interview from
9 September 11, 1985?

10 A. Yes. It's the report, yes.

11 Q. Will you look at pages 11 and 12, please?
12 And I think we can save some time if you go to the
13 bottom of the last paragraph on page 11 and the
14 top of page 12.

15 A. Yes.

16 Q. Where it says, "Also at Weinberg's
17 residence was the individual Gassin had been
18 introduced briefly in Cambridge, Massachusetts."
19 That's how it reads, "This individual had flown to
20 the United States from Puerto Rico and taken a bus
21 to Springfield, Massachusetts."

22 A. Yes. Well I think --

23 Q. Let me ask you a question. Is that what
24 you told the FBI on September 11th?

25 A. I don't remember that, because as I said,

1 he wasn't at the house when we arrived. We got in
2 a car and went physically to pick him up.

3 Q. You said last week that you went to
4 Florence, Massachusetts to pick him up; isn't that
5 right?

6 A. I remember driving a short distance. As
7 I recall, where Paul Weinberg lives is in Florence.

8 Q. Is Florence the same as Springfield,
9 Massachusetts?

10 A. Is it the same town?

11 Q. Yes.

12 A. I don't know. I don't think so, if it's
13 called Florence.

14 Q. Have you ever had occasion to drive from
15 Paul Weinberg's house to Springfield,
16 Massachusetts, a distance of a drive of some 30 or
17 40 minutes? Have you ever done that with Juan
18 Segarra?

19 A. I don't remember specifically, no, going
20 from Paul's house to Springfield.

21 Q. But if you were going to refer to a place
22 in the town where Paul Weinberg lived, you would
23 have no reason to say Springfield, would you?

24 A. If I wanted to refer to a place in his
25 town, is that what you're saying?

1 Q. Correct.

2 A. I don't know, unless I was speaking very
3 generally.

4 Q. Well, is Florence generally known as
5 Springfield?

6 MR. BOYLE: Objection.
7 Argumentative.

8 THE COURT: How far is Florence from
9 Springfield and you will get the answer. If she
10 knows.

11 BY MS. BACKIEL:

12 Q. Do you know how far apart they are;
13 Florence and Springfield?

14 A. No, I don't.

15 Q. Do you know how far apart Northampton and
16 Springfield are?

17 A. No, I don't know.

18 Q. But they're not the same town, are they?

19 A. No.

20 Q. You didn't mention to the FBI when you
21 talked to them on the 11th, that you had to drive
22 anywhere to see this individual. You said he was
23 at the residence; isn't that right?

24 A. Well, I don't know. I know we've gone
25 through this also before. These aren't my exact

1 words and I don't know how it was paraphrased.
2 It's clear as stated to me that person was not
3 there when I arrived at Paul Weinberg's house.

4 Q. You talked to the FBI on the 11th of
5 September, 12 days after your arrest; did you not?

6 A. On the 11th, yes.

7 Q. Then you have talked to them five days
8 later on the 16th of September?

9 A. Yes.

10 Q. And then you talked to them eight days
11 later on the 24th of September?

12 A. Yes.

13 Q. And you knew that they were very
14 interested in this mystery person who came up from
15 Puerto Rico and the circumstances under which you
16 met him; isn't that right?

17 A. Again, I was to say what I remembered and
18 to answer their questions. I have nothing to say
19 beyond that.

20 Q. They asked you a lot of questions about
21 this person who came up from Puerto Rico, how and
22 when you met him, where you met him? Didn't the
23 FBI ask you a lot of questions about that?

24 A. They asked me questions about that just
25 as they did every other part of my testimony.

1 Q. And you tried hard to remember what you
2 knew about that person so that you could answer
3 their questions, right?

4 A. Again, I tried to remember what had
5 happened.

6 Q. In all of those times of talking to the
7 FBI, you never mentioned riding in the back seat
8 of a car with this person from the bus station in
9 Florence to Paul Weinberg's house, did you?

10 A. I don't remember actually going to a bus
11 station. My memory is driving out from Paul
12 Weinberg's house with Papo and Paul, going into
13 town, a town, and picking him up. He was walking
14 on the street and he got in the car and we drove
15 back.

16 Q. He materialized on the street, then you
17 picked him up and drove back to the house?

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

20 THE COURT: Grounds?

21 MR. BOYLE: I object because it's
22 argumentative, your Honor. I don't think it was a
23 serious question on Ms. Backiel's part and I ask
24 the Court to instruct her to ask serious questions.

25 THE COURT: The record as is may

1 stand up to now. Go ahead.

2 BY MS. BACKIEL:

3 Q. You never mentioned to the FBI that you
4 took a car ride with this person; did you?

5 A. Well, I don't know. I would have to look
6 at the other 302's.

7 Q. I'll show them to you. Showing the
8 witness Exhibit 193 -- Defense 193 -- which
9 purports to be a 302 report of your interview on
10 the 24th and Defense Exhibit 194, which purports
11 to be a
12 17-page interview that you had with the FBI on the
13 16th of September, 1985.

14 THE COURT: Is there any particular
15 part you want to call her attention to, counselor?
16 To read a 17-page document takes some time.

17 MS. BACKIEL: As I read those, I
18 don't see any mention of taking a car ride or
19 picking him up in Florence. The witness should
20 have an opportunity to see if it's there. I can't
21 point her to it. I don't think it's there.

22 THE COURT: If you could point her
23 to the general page or two pages where the subject
24 matter is discussed, it would focus her attention.

25 MS. BACKIEL: All right. I will try

1 to do that.

2 BY MS. BACKIEL:

3 Q. If you will look at page 11 of Exhibit
4 195, about the middle of the page, bottom of the
5 first paragraph, do you see where it says, "The
6 unknown individual who Gassin had met briefly in
7 Cambridge, Massachusetts was at Paul Weinberg's
8 residence when she and Segarra arrived"?

9 A. Yes, I see that.

10 Q. That's what you told the FBI on the 16th
11 of September, isn't it?

12 A. Well, I don't know if that's what I told
13 the FBI. That's what I'm trying to say. I said
14 that. What I remember is that he was not at the
15 residence and we had to get in Paul Weinberg's car
16 to go pick him up.

17 Q. The Court wisely suggested that I
18 indicate to you a part of your 302 where it
19 mentioned that visit, but you should feel free to
20 look through the rest of this and see if you see
21 in there any mention of going into Florence,
22 finding this individual on the street and riding
23 in a car with him.

24 THE WITNESS: I don't see a
25 reference to that.

1 BY MS. BACKIEL:

2 Q. You have looked over these 302 reports
3 how many times in the last -- how many times have
4 you looked over the 302 reports in the last two
5 weeks?

6 A. In the last two weeks, looked over them
7 twice.

8 Q. Sometime before the last two weeks you
9 reviewed the 302 reports and you made some
10 handwritten notes about things that you thought
11 were not accurate.

12 Showing you what has been marked as
13 Defense Exhibit 203, are those the handwritten
14 notes that you made about corrections,
15 inaccuracies that you saw in the FBI reports of
16 your conversations with them?

17 A. Yes. Not all of them were corrections,
18 but they were notes that I had made, yes.

19 Q. Those were annotations that you made so
20 that you could make whatever testimony that you
21 might give more accurate; is that right?

22 A. Well, they were just comments that I had
23 regarding what was written.

24 Q. Did you comment there either with regard
25 to the interview of the 11th of September or with

1 regard to the interview of the 16th of September
2 that the individual was not at Paul Weinberg's
3 residence, but rather you went somewhere to pick
4 him up and rode in a car with him?

5 A. No, I don't see such a comment.

6 Q. Did you mention the car ride to the Grand
7 Jury?

8 A. Again, I don't remember specifically.

9 Q. Do you now recall that you never
10 mentioned picking the individual up and riding in
11 the car with him until the day you testified here
12 in court last week; does that strike you as how it
13 happened?

14 A. I don't know if it's in the Grand Jury
15 testimony or not. If you say it's not, then it's
16 not.

17 Q. Would you like to review your Grand Jury
18 testimony?

19 A. Well, if you would like me to look at it,
20 I will.

21 Q. I was hoping to save some time by
22 suggesting to you now when you think about it, do
23 you recall that that detail about riding in the
24 car never came into your mind to tell anyone until
25 you testified here in court? Does that seem to

1 you to be an accurate statement?

2 MR. BOYLE: I object. I believe the
3 witness asked to see her Grand Jury testimony.

4 THE COURT: What's the basis of your
5 objection?

6 MR. BOYLE: I believe the witness
7 asked to see her Grand Jury testimony in response
8 to Ms. Backiel's question whether she had ever
9 told anyone that they had driven in a car to pick
10 up this third man while in Northampton.

11 THE COURT: In other words, she
12 couldn't answer it without reading her Grand Jury
13 testimony?

14 MR. BOYLE: I believe so, your Honor.

15 THE COURT: It will be up to the
16 witness. If she wants her answer, she will have
17 to show her the testimony. If she doesn't, she
18 can forget it and go on to something else.

19 BY MS. BACKIEL:

20 Q. Do you want to look at your Grand Jury
21 testimony or does it refresh your memory now?

22 A. If it was not specifically asked of me,
23 perhaps it's something that did not come out, no.
24 I wouldn't know for certain unless I looked at it.
25 If you want me to look at it, I will.

1 Q. I don't think we need to spend time on it.
2 You testified in response to some
3 questions from Mr. Weinglass this morning and also
4 last Friday that you respected Juan Segarra for
5 values of freedom that he represented; is that
6 right?

7 A. Yes.

8 Q. And freedom is something that was very
9 important to you in 1985?

10 A. Well, as were other issues, personal
11 meaning, et cetera.

12 Q. I assume that it's very important to you
13 today; your freedom?

14 A. My personal freedom?

15 Q. Your freedom, yes.

16 A. Yes.

17 Q. All of a sudden at 6:55 in the morning on
18 the 30th of August you found out what it was like
19 not to have any freedom, didn't you?

20 A. Yes.

21 Q. And you didn't like that at all, I
22 presume.

23 A. Well, I don't think anyone likes being
24 arrested.

25 Q. And you didn't like the prospect of being

1 deprived of your freedom for a period of 40 years
2 or more, did you?

3 A. I didn't like the prospect of extended
4 custody, no.

5 Q. And you and your lawyer found a way to go
6 from being in custody to gaining your freedom by
7 the 23rd of September; you had worked that out,
8 had end you?

9 A. Well, our objective was not to find a way.
10 First a decision had to be made about whether I
11 wanted to come to an agreement with the Government
12 or not.

13 So, you're correct in saying that by
14 September -- by the time I testified at the Grand
15 Jury that an agreement had been reached, yes.

16 Q. Wasn't the point of that agreement to
17 preserve your freedom and to make sure that you
18 would not spend an extended time in custody?
19 Wasn't that the whole point of your agreement?

20 A. Well, the conditions of the agreement
21 were that the charges against me would be dismissed.

22 Q. That was of some importance to you,
23 wasn't it?

24 A. Yes.

25 Q. And wasn't the point of making an

1 agreement so that you could have your freedom?

2 A. Yes.

3 Q. And in order to get that freedom and
4 preserve that freedom, what you had to do was meet
5 with Neil Cronin, John Huyler, Joe Rodriguez,
6 Carmen Van Kirk, Robert Mueller, the Grand Jury,
7 Albert Dabrowski and Mr. Boyle and answer their
8 questions? Isn't that what you had to do to
9 preserve your freedom?

10 A. I had to meet with the Government and
11 answer their questions and testify in court.

12 Q. Repeatedly?

13 A. Repeatedly?

14 Q. Yes. More than one time?

15 A. At their request, yes.

16 Q. And you knew that continuing to do that
17 and continuing to provide them with information
18 which they could use in their prosecution was the
19 price of your freedom?

20 A. Again, the terms of my agreement were
21 that I answer candidly, openly, the questions that
22 were put to me.

23 Q. And the terms of your agreement were also
24 that should the Government determine that you had
25 intentionally given any false, incomplete or

1 misleading testimony or information, your deal
2 would be cancelled, you would lose your immunity,
3 you would be prosecuted for everything that you
4 had told the Government about, your participation
5 in that, plus, possibly, obstruction of justice or
6 perjury?

7 I'm showing you what has been marked
8 Government Exhibit 448. Is that a copy of your
9 agreement with the Government?

10 A. Yes, it is.

11 Q. Is paragraph 3 of that saying if the
12 Government determines that you are not giving
13 complete information, the deal is off and you can
14 be prosecuted on the basis of anything that you
15 have said and for perjury and for obstruction of
16 justice.

17 Is that what paragraph 3 means?

18 A. Well, as I understand, the Court would
19 determine that.

20 Q. Will you read paragraph 3 and see if the
21 Court determines it or the Government determines
22 it?

23 A. As my attorney explained to me, a Court
24 would determine that.

25 Q. What does paragraph 3 say, Ms. Gassin?

1 A. It says, "Should the Government
2 determine" --

3 Q. "Should the Government determine." Does
4 it say only "Should a Court determine"?

5 A. Well, again, my attorney explained to me
6 that a Court would be -- would make that decision.

7 Q. You understood, did you not, that it was
8 the FBI and the prosecutors who would decide when
9 and whether you had given complete information.

10 A. Well, as I understood, I would have
11 recourse, I would have recourse, which is that a
12 Court would have to rule on that.

13 Q. In other words, if the Government revoked
14 the deal and said, "We're going to prosecute you,"
15 you thought that you could raise that issue in
16 court and have somebody else decide whether that
17 was right or not. Is what what you're telling us?

18 A. In terms. Exact legal procedures, I
19 don't know. I think that's generally what it
20 would be, yes.

21 Q. You could agree to go and be interviewed
22 and provide information to the FBI basically
23 whenever they said, "We need more information,
24 material," right?

25 A. No, not basically when they said. They

1 were prearranged meetings, and meetings that were
2 agreed upon by myself and my attorney.

3 Q. And you met with the FBI and prosecutors
4 on the 11th of September and you gave them a
5 16-page statement, right?

6 A. Yes.

7 Q. And apparently, it was determined that
8 that was not a complete statement, because on the
9 16th they wanted more information and you went
10 back for another meeting; is that right?

11 MR. BOYLE: Object to the use of the
12 term, "Statement," your Honor.

13 MS. BACKIEL: I'll opt for another
14 word.

15 MR. BOYLE: We've been
16 characterizing accurately throughout as an FBI
17 report of the interview as opposed to a statement.
18 BY MS. BACKIEL:

19 Q. You were asked to go back and give
20 another interview on the 16th, isn't that right?

21 A. That's right.

22 Q. Apparently, that was not enough because
23 then you were called back for another interview on
24 the 24th; is that right?

25 A. I was called back on the 24th, yes.

1 Q. And on the 11th, the 16th and the 24th
2 you hadn't looked at photographs and identified
3 this person who was supposed to come up and fix
4 the vehicles to conceal money, had you?

5 A. No, I hadn't mentioned any photographs.

6 THE COURT: It's now ten after 3:00.
7 We usually take a five-minute recess. Suppose we
8 do that now? The Court will excuse the jury for a
9 few minutes.

10 (Whereupon, the jury was excused.)

11 THE COURT: The witness can be
12 excused for a few minutes. Recess, Mr. Bailiff.

13 (Whereupon, a recess was taken from
14 3:00 o'clock p.m. to 3:20 o'clock p.m.)

15 THE COURT: Call the witness, please.

16 (Whereupon, the witness entered the
17 courtroom.)

18 THE COURT: Call the jury, please.

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

21 THE COURT: Proceed, counselor.

22 BY MS. BACKIEL:

23 Q. Before the break we were recalling a
24 series of interviews that you had with the FBI on
25 the 11th, the 16th and the 24th of September 1985,

1 Victor Gerena's house, neighborhood and buying the
2 tape was part of this continuing process of trying
3 to project this account, script that he wanted to
4 make of Victor Gerena and his reasons for making
5 the offer that he did to the Puerto Rican
6 independence movement?

7 A. He told me in terms of driving through
8 Victor Gerena's neighborhood at the time, he was
9 thinking of stopping by and visiting Victor Gerena's
10 mother. That was the reason that was given to me.

11 Q. But he didn't do that?

12 A. No.

13 Q. But he was in the neighborhood and was
14 pointing out to you this was the neighborhood and
15 it was Victor Gerena's neighborhood, as far as you
16 know?

17 A. We drove through the neighborhood.

18 Q. And bought a videotape?

19 A. We bought a videotape.

20 Q. Now, when you testified earlier, I
21 believe that you testified that you never saw the
22 inside of the trailer that left for Mexico?

23 A. I never saw the trailer.

24 Q. The inside of it?

25 A. Inside or outside. I just saw the truck.

1 Q. You have no idea what kind of equipment
2 it had in it?

3 A. No.

4 Q. You don't know whether it had cameras,
5 film, sound recording and movie equipment in it?

6 A. What I was told in terms of the trip was
7 that the truck and trailer was supposed to look
8 like this couple was going camping and I was told
9 there would be camping-type equipment in there. I
10 don't know what else would be in there.

11 Q. When the motor home was ready to leave
12 for Mexico or what you thought was its destination
13 in Mexico, you weren't inside it to see what kind
14 of equipment it had in it?

15 A. All I know about the motor home was money
16 was being concealed in it. That's all that I know.

17 Q. You know that because somebody told you
18 that, right? When you say, "I know it." Do you
19 mean somebody told me, right?

20 A. Because Papo told me that.

21 Q. You never saw money concealed in the
22 motor home, did you?

23 A. Again, as I've testified what I know was
24 that I was told by Papo that money was going to be
25 taken out of this van and put into this motor home

1 and the panels were going to be taken out, money
2 was going to be put in and I saw tools that were
3 going to be used to do that.

4 Q. You've told us all that before. But do
5 you remember the question I asked you?

6 A. Would you repeat it please?

7 Q. Yes. You never saw money in the motor
8 home, did you?

9 A. No.

10 Q. And when you tell the jury, "I know
11 something," you don't mean, "I saw it with my own
12 eyes"?

13 A. Well --

14 MR. BOYLE: Objection. That
15 question is too broad, your Honor.

16 BY MS. BACKIEL:

17 Q. In this instance when you said, "I know
18 that money was concealed in the motor home," you
19 do not mean, "I saw money concealed in the motor
20 home," correct?

21 A. That's right.

22 Q. Ms. Gassin, would it be fair to say that
23 a great part of what you're telling the jury you
24 know, you mean you believe this to be true because
25 Juan Segarra told you something; is that what you

1 mean when you tell the jury that you knew?

2 A. What I'm saying is, and what I've
3 continued to say or testified to, is what I saw
4 when I was with Papo and what he told me.

5 Q. What you saw was no money ever concealed
6 in the motor home or in the trailer, right?

7 A. I did not see money in the motor home and
8 I never saw the trailer.

9 Q. You never saw anyone performing any
10 alterations to the interior of the motor home, did
11 you?

12 A. No.

13 Q. You never saw anyone performing any
14 alterations to the trailer?

15 A. I didn't see the trailer.

16 Q. You didn't see anyone put any boxes into
17 the motor home?

18 A. No.

19 Q. You didn't see anyone put any boxes into
20 the trailer?

21 A. I didn't see the trailer.

22 Q. In fact, you didn't see into the boxes to
23 know whether there was money in them; did you?

24 A. I didn't open the boxes.

25 Q. You never saw what was in the boxes, did

1 you?

2 A. No.

3 Q. So, when you tell the jury that you know
4 that there was money concealed in the motor home,
5 you know that there was money in the trailer and
6 you know that there was money in the boxes, what
7 you're really saying is, "I believe that there was
8 money there because I recall that Juan Segarra
9 told me that"?

10 MR. BOYLE: Objection to what she
11 believes.

12 MS. BACKIEL: That is the question.
13 Is she telling the jury she knows this because she
14 saw it or she believes it.

15 MR. BOYLE: She's telling and has
16 told the jury that that's what Juan Segarra told
17 her. It's not a question of what she believes.

18 THE COURT: It's pretty clear. It's
19 what he told her. It's an admission on his part.
20 BY MS. BACKIEL:

21 Q. Now, you're telling the jury that Juan
22 Segarra gave you all this information about stolen
23 money, being concealed in a trailer, being
24 transported secretly to Mexico; that's what you're
25 telling the jury Juan Segarra told you, right?

1 A. What, about the trip down to Mexico and
2 the money in the mobile home, the motor home?
3 Well, it's a series of circumstances and events of
4 Papo telling me that that was the plan and seeing
5 those boxes appear and being removed from my house.

6 Q. These conversations that you're telling
7 the jury about that you had with Juan Segarra, we
8 have to rely on your memory of those conversations,
9 right?

10 A. Well, they're conversations that I had
11 with him.

12 Q. That's what you recall now about those
13 conversations that you had four and a half years
14 ago, right?

15 A. Well, that's what he told me.

16 Q. We have to take your word for it, don't
17 we?

18 A. Again, in all I've testified to is the
19 same thing; which is that I knew about this
20 operation because, one, I was asked to go on this
21 trip and I was informed of the purpose which was
22 to transport money across and I was informed that
23 the money was going to be concealed inside the
24 mobile home that's all I can say.

25 Q. We have to take your word for it that

1 that was actually told to you and that your
2 recollection is accurate?

3 MR. BOYLE: Objection.
4 Argumentative.

5 THE COURT: Sustained.

6 BY MS. BACKIEL:

7 Q. Ms. Gassin, you testified about a red van
8 which was up in Maine when you went up to read the
9 script, the account, correct? The red van was
10 already there?

11 A. Yes.

12 Q. This is an old, dilapidated, red van
13 which Juan Segarra bought from Joe Oliver, is that
14 right

15 THE COURT: Bought from whom?

16 MS. BACKIEL: Joe Oliver.

17 THE WITNESS: It's an old van that
18 he bought from him.

19 BY MS. BACKIEL:

20 Q. Was it a van that you would drive
21 yourself from Maine to Boston?

22 A. I've never driven a van.

23 Q. Was it in good running order, as far as
24 you know?

25 A. I think there were some problems with it.

1 Q. Like it didn't always get where it was
2 supposed to go; did it?

3 A. I don't know.

4 Q. Do you recall that when you left Maine,
5 you followed the red van all the way home because
6 it was in imminent danger of breaking down along
7 the way?

8 A. Well, I don't recall that. I recall that
9 we both drove back together; Papo in the red van
10 and me in my car.

11 THE COURT: Has it been established
12 where in Maine the red van was?

13 BY MS. BACKIEL:

14 Q. Was it in Bryant Pond?

15 A. Yes.

16 Q. When you returned to Boston, didn't you
17 follow that van all the way back to Boston because
18 you and Juan Segarra were afraid that it wouldn't
19 make the trip and you would have to stop and pick
20 him up?

21 A. Well, I don't recall that, no.

22 Q. Now, the red van would stay parked in
23 Cambridge, Massachusetts for periods of time when
24 Juan Segarra was in Cambridge; isn't that right?

25 A. When he was or wasn't?

1 Q. When he was.

2 A. It would stay parked?

3 Q. Yes.

4 A. Well, I suppose when he wasn't using it,
5 yes.

6 Q. Did Juan Segarra use your car rather than
7 the red van whenever possible?

8 A. Well, he used my car, yes, and he used
9 the red van also.

10 Q. Would you say that he used the red van
11 only when your car was not available?

12 A. Well, that would depend if he needed to
13 transport things. I had a Honda Civic.

14 Q. Now, you've told the jury that you went
15 out to Paul Weinberg's house on the 16th of
16 September on that Sunday and you recall that when
17 you left there, you and Juan Segarra went back to
18 Boston in the motor home and that you were
19 followed by a van back to Boston; is that correct?

20 A. Yes, but the van and the motor home went
21 back to Cambridge, yes.

22 Q. Was the motor home left first and the van
23 came after?

24 A. As I recall, we left simultaneously.

25 Q. Now, it was night, 10:00 o'clock at night,

1 when you left Paul Weinberg's?

2 A. I think so, yes.

3 Q. And you didn't have any particular reason
4 to pay attention to the van that was leaving at
5 the same time that you were, did you?

6 A. Well, we were both leaving together and I
7 don't recall if the person who was driving the red
8 van knew the way or not.

9 Q. You say the red van. It was night out,
10 right?

11 A. Yes.

12 Q. Did Joe Oliver's van have a straight
13 front or did it have sort of a snout and recessed
14 window?

15 MR. BOYLE: Objection. Relevance.

16 THE COURT: This is for
17 identification purposes to make sure you're both
18 talking about the same vehicle?

19 MS. BACKIEL: Precisely.

20 THE COURT: If there's some peculiar
21 identification if she recalls, it will be
22 permissible.

23 BY MS. BACKIEL:

24 Q. Joe Oliver's red van was an old red van,
25 right?

1 A. Yes.

2 Q. It had a straight front; it didn't have a
3 snout and recessed window?

4 A. I don't remember it having a snout. I
5 don't remember, no.

6 Q. At the moment you don't have any specific
7 recollection of whether the vehicle that followed
8 you back to Boston had a snout and a recessed
9 window or a straight front; do you?

10 A. Well, I remember what the red van
11 generally looked like. There was only one red van
12 that I saw.

13 Q. There was only one red van that you saw.
14 Are you aware of an orange van that was there?

15 A. An orange van?

16 Q. Yes.

17 A. No.

18 Q. You don't recall seeing it?

19 A. An orange van?

20 Q. Yes.

21 A. I don't remember that.

22 Q. A brown van?

23 A. No.

24 Q. Was the red van the color of my scarf,
25 bright red?

1 A. I don't remember it being bright red, no.

2 Q. Would it be fair to say that you assumed
3 that the van that was following you back to
4 Cambridge was Joe Oliver's red van, but you didn't
5 pay particular attention because you glanced at it
6 and thought that it was the same vehicle?

7 A. I saw it was the same vehicle. It was in
8 the parking lot when I came back. I saw it.

9 Q. You assumed that it was the same vehicle?

10 MR. BOYLE: Objection. She said she
11 saw it.

12 THE COURT: She said she thought it
13 was, like anybody would when they see something.

14 BY MS. BACKIEL:

15 Q. You said while you were there that Sunday,
16 you were inside with Paul Weinberg's wife and
17 children and the men were outside doing something
18 in the garage, right?

19 A. Yes.

20 Q. Do you know if they were working on the
21 red van?

22 A. I don't know what they were doing
23 precisely.

24 Q. Do you know if they had to take the red
25 van apart and try to repair it?

1 A. No.

2 Q. Do you know whether the red van was in
3 any condition to travel when you left Paul
4 Weinberg's house that night?

5 A. Well, it made it back to Cambridge.

6 Q. If the vehicle that went back to
7 Cambridge was the red van, the same red van?

8 A. Well, it's the red van that I saw. The
9 only red van I know is Joe Oliver's van.

10 Q. Do you recall a conversation that you had
11 with Juan Segarra shortly after the 16th of
12 September in which he told you that he had been
13 driving on the freeway and run out of gas in the
14 red van?

15 A. After September 16th?

16 Q. Yes.

17 A. That he had been riding in it and it ran
18 out of gas?

19 Q. Yes. Had to leave it in the breakdown
20 lane on the freeway and he walked to get gas,
21 brought the gas back and brought it back in.

22 THE COURT: You have to be careful
23 about the term, "freeway." Out in California they
24 talk about "freeway." Was that the Massachusetts
25 Turnpike?

1 MS. BACKIEL: I use the generic
2 expressway. This wasn't Los Angeles.

3 BY MS. BACKIEL:

4 Q. Do you recall a conversation about that?

5 A. It jars my memory, but I don't remember
6 specifically.

7 Q. Do you know what happened to the pickup
8 truck and the trailer after the 30th of August
9 1984?

10 A. I don't know what happened, no.

11 Q. Do you know if anybody was in charge of
12 getting them repaired, taking care of --

13 A. I know that Paul Weinberg was generally
14 taking care of the problem, but I don't know.

15 Q. You don't know whether he physically did
16 anything at all about it or whether somebody else
17 did that?

18 MR. BOYLE: Objection. She said she
19 doesn't know what happened to the truck.

20 THE COURT: Did you know where that
21 little trailer came from?

22 THE WITNESS: The little trailer?
23 No, I don't.

24 THE COURT: That was a two-
25 wheel trailer? It hooked onto the pickup truck?

1 THE WITNESS: I don't know if it was
2 two wheels. I know it was hitched up to the truck.

3 THE COURT: I see.

4 BY MS. BACKIEL:

5 Q. Now, I believe you testified that there
6 were at least two men from Puerto Rico who were in
7 the Boston, Cambridge area with Juan Segarra at
8 the same time with Juan Segarra in August/September
9 1984; is that right?

10 A. Two men that I knew of in August, yes.

11 Q. Is it fair to say that there may have
12 been other men that you didn't know of at that
13 time?

14 A. It's possible.

15 Q. Now, of these two men that you did know
16 of, one you saw, but you didn't remember his name;
17 is that correct?

18 A. Are you talking about August here?

19 Q. August and September 1984?

20 A. Well, it's two different things, because
21 in August, as we said before, I saw someone who
22 was in this red van prior to going out to Paul
23 Weinberg's house.

24 Q. Let's talk about September. I think that
25 would be more clear.

1 A. Okay.

2 Q. In September there was one man whom you
3 saw, but whose name you never recalled?

4 A. That's right.

5 Q. He was introduced to you?

6 A. That's right.

7 Q. You heard a name?

8 A. Yes.

9 Q. And you just didn't recall it?

10 A. Well, as I remember, it was a rather
11 uncommon nickname as far as I was concerned. I
12 don't remember it, no.

13 Q. The other person, the other Puerto Rican
14 male, you never saw, but you heard his name and
15 you remembered it, right?

16 A. No. We're talking about two different
17 things there. I know that a person named Gaby was
18 involved in August and I don't know if he was
19 there in September or not. Then I was told about
20 a woman who came up whom I saw outside of my
21 apartment.

22 Q. So, in August you heard the name Gaby and
23 you understood that Gaby was in the Boston,
24 Cambridge area in August as part of Juan Segarra's
25 project?

1 A. I understood he was one of the people who
2 drove the truck down, yes.

3 Q. You never saw Gaby?

4 A. No.

5 Q. Gaby was in the account that Juan Segarra
6 wrote in Maine; is that right?

7 A. I remember the name being there, yes.

8 Q. Gaby was an important person in Segarra's
9 organization, according to that account; isn't
10 that right?

11 A. Yes, as I understood him to be, yes.

12 Q. Now, the first time you were introduced
13 in September to the other Puerto Rican male who
14 had come up, you understood that Juan Segarra had
15 not seen this person for a long time; isn't that
16 right?

17 Do you recall telling the FBI that Juan
18 Segarra had not seen this person in a long time
19 when he came up?

20 A. I think it's in one of the reports. I
21 don't have a present recollection of that.

22 Q. When you say you think it's in the
23 reports, do you think that you told the FBI that
24 because that's what you understood from Juan
25 Segarra?

1 A. Well, I know that the reports are written
2 by agents based on what I said.

3 Q. You're not suggesting to the jury that
4 the agent put that in there and it wasn't true.
5 You're saying you have no present recollection of
6 it?

7 A. No, that's right.

8 Q. And you didn't get any sense from Juan
9 Segarra that this stranger was a terribly
10 important person in his organization, did you?

11 A. I didn't get a sense that he was terribly
12 important in his organization.

13 Q. Right.

14 A. Well, all I knew about this person is
15 that he -- what his purpose was, what he had come
16 up to do, which was to take apart this mobile home
17 and put money in and he had done this before.

18 Q. Right. He had done this before. Did
19 Juan Segarra tell you when or where this person
20 had done this before?

21 A. No. Not that I remember.

22 Q. But you got the feeling that this person
23 had taken apart a mobile home and put it together
24 again during his acquaintance with Juan Segarra?

25 A. A mobile home or some other vehicle.

1 Q. And you understood that it was for the
2 same purpose that that was being done on this
3 occasion?

4 A. Well, for the purpose of putting -- of
5 concealing money in a vehicle, yes.

6 Q. Did Juan Segarra tell you that this
7 person had skills as a carpenter or a cabinet
8 maker?

9 A. I don't remember that.

10 Q. Showing you what has previously been
11 marked and received into evidence as Government's
12 320, which I will show to the prosecution,
13 purports to be a photograph taken on the 11th of
14 May, 1984, at a Howard Johnson's rest area on the
15 Massachusetts Turnpike, depicting, according to
16 the legend, Angel Diaz-Ruis and Orlando
17 Gonzalez-Claudio.

18 (Pause.)

19 BY MS. BACKIEL:

20 Q. Showing you Government's 320, this
21 photograph, does it appear to you to depict
22 several men standing outside what might be a
23 mobile home?

24 A. Yes.

25 Q. Perhaps Exhibit 319 will give you a more

1 complete view of the mobile home. This was
2 Government's 319, previously received into
3 evidence.

4 MS. BACKIEL: I'm showing to the
5 prosecution Exhibits 319, 318, 317, 315 and 314.

6 (Pause.)

7 BY MS. BACKIEL:

8 Q. I'll ask you to look at 314, 15, 17, 18
9 and 19 and ask you if you've ever seen any of the
10 individuals depicted in those photographs.

11 A. Well, some of them are very dark, but, no,
12 I don't think so.

13 Q. Of the individuals whom you could
14 distinguish features here, you've never seen any
15 of these people before?

16 A. No.

17 MS. BACKIEL: May I publish these to
18 the jury? They've seen them previously, but just
19 so they'll understand what this conversation is
20 about.

21 BY MS. BACKIEL:

22 Q. Showing you Government Exhibits
23 previously received into evidence, 86-A and B.
24 Eighty-six A purporting to be a photograph taken
25 on the 22nd day of March 1984, 86-B taken on the

1 same day in a shopping center in New Paltz, New
2 York.

3 Showing you those photographs, Ms. Gassin,
4 I'm afraid they're even worse than the last ones
5 you looked at, but do you recognize any of the
6 people in these photographs as people who appeared
7 in the last series of photographs I showed to you,
8 Government Exhibits 314 through 19 with the
9 exception of 316?

10 MR. BOYLE: Objection. She's asking
11 the witness to compare people who appear in
12 photographs and that's not relevant to her
13 testimony, your Honor.

14 THE COURT: She can ask her if she
15 recognizes any of the persons depicted in the
16 photograph, but to compare one with the other is
17 an unfair, improper question. Sustained.

18 Rephrase it, please.

19 BY MS. BACKIEL:

20 Q. Well, do you recognize any of the
21 individuals in those two photographs?

22 A. No, I don't.

23 Q. Any of them look familiar to you?

24 A. No.

25 Q. Ms. Gassin, after the accident in

1 Pennsylvania, you received a phone call from Juan
2 Segarra; is that correct?

3 A. Yes.

4 Q. He told you, it's not clear to me whether
5 it was over the telephone or at some other time
6 that the person who was known as Gaby panicked at
7 the scene of the accident and wanted to scoop up
8 whatever money he could and run away basically,
9 right?

10 A. Yes, he didn't tell me that on the
11 telephone. It was in a subsequent conversation,
12 yes.

13 Q. He also told you, did he not, that the
14 driver of that vehicle waited for the police,
15 identified himself as the driver of the vehicle
16 and did not panic and try to run away?

17 A. I don't remember if it was the driver.
18 He told me that he had himself went out to speak
19 with the State Police.

20 Q. As far as you know, Gaby is the only
21 person who panicked and tried to run away?

22 A. That's what Papo told me, yes.

23 Q. You don't recall that the driver stayed
24 and identified himself to the police?

25 A. I don't remember that that was ever said

1 to me by Papo, no.

2 Q. You described a pickup truck to which you
3 understand a trailer was attached, but you never
4 saw the trailer?

5 A. That's right.

6 Q. The pickup truck itself had an open bed?

7 A. It was open in the back.

8 Q. How long, approximately, was the bed of
9 it?

10 A. I really can't say. I don't know.

11 Q. Fifteen feet, 20 feet?

12 THE COURT: She said she doesn't
13 know.

14 THE WITNESS: I don't know.

15 THE COURT: She may not be familiar
16 with half-ton Fords, Chevrolet three-quarter ton,
17 and so forth.

18 BY MS. BACKIEL:

19 Q. Did you ever ride in the cab of the
20 pickup truck?

21 A. Yes, I did.

22 Q. Your understanding from that experience,
23 if you were riding in the cab of that truck, you
24 wouldn't necessarily see what was contained within
25 a trailer that was attached to the truck, would

1 you?

2 A. If you're in the front seat of the truck,
3 do you see what's in the back of the trailer, is
4 that what you're asking me?

5 Q. In the trailer at all?

6 A. I never saw the trailer attached to the
7 truck. I never saw the trailer.

8 Q. When you met with Paul Weinberg at the
9 diner on the 29th of August, you knew that Paul
10 Weinberg was a lawyer, right?

11 A. That's right.

12 Q. You knew that Papo wanted to consult with
13 him about this trip to Mexico; is that right?

14 A. Well, the purpose was that I meet Paul
15 Weinberg.

16 Q. But you also knew that Papo knew that he
17 was a lawyer?

18 A. Yes.

19 Q. And you were told that when you were
20 going to be driving this truck and trailer across
21 the border into Mexico, you should use your own
22 passport?

23 A. That's right.

24 Q. And identify yourself and your true name?

25 A. That's right.

1 Q. And you were assured that Papo was a
2 careful person and that it would be absolutely,
3 you were assured by Paul Weinberg, that Papo was a
4 careful person and it would be absolutely safe for
5 you to cross the border into Mexico driving this
6 truck, pulling the trailer and identifying
7 yourself as Anne Gassin, right?

8 A. Well, I don't remember specifically in
9 conversation reference being made to our
10 identifying ourselves by our names. The question
11 that I asked of Paul, as I recall, was whether he
12 felt it was safe and his answer was, "Yes. If
13 Papo was involved, it had to be safe."

14 Q. You were going to use your own passport
15 to identify yourself at the border?

16 A. As I remember, yes.

17 Q. Didn't it strike you as inconsistent with
18 carrying a large amount of money, moving a large
19 amount of money across the border, that an
20 attorney would tell you that it was a perfectly
21 safe thing to use your passport and identify
22 yourself to carry a large amount of money across
23 the border?

24 MR. BOYLE: Objection. The
25 testimony doesn't indicate that's what the

1 attorney told her.

2 THE COURT: What?

3 MS. BACKIEL: Perfectly safe?

4 THE COURT: Just because an attorney
5 said so is no assurance.

6 MS. BACKIEL: It's certainly not.
7 My question to her is, this is the situation in
8 which would you want to go and get a second
9 opinion.

10 BY MS. BACKIEL:

11 Q. Did it strike you as odd that this
12 attorney would say, "This is perfectly safe. You
13 should use your passport. Go across the border.
14 There's no problem here"?

15 THE WITNESS: Well, I didn't
16 question the issue. Paul and Papo seemed to know
17 each other.

18 BY MS. BACKIEL:

19 Q. They seemed to know each other and they
20 had had conversations to which you were not a
21 party, right?

22 A. Yes.

23 Q. And you had had other conversations with
24 Papo, right?

25 A. Yes.

1 Q. You thought that the purpose of this trip
2 was to take money, right?

3 A. Well, that's what Papo told me, yes.

4 Q. You also knew, however, that a script was
5 going to Mexico, an account that was to be turned
6 into a film script to somebody in Mexico?

7 A. I knew at some point, yes, this account
8 was going to be turned into a screenplay by
9 someone who was in Mexico, yes.

10 Q. You knew that Papo had an interest in
11 doing an interview with Victor Gerena in which he
12 would make a political speech about his reasons
13 for doing what he did for the independence
14 movement, right?

15 A. I don't know what he was going to say in
16 his speech. I knew the intention was to interview
17 him, yes.

18 Q. You understood that Victor Gerena was a
19 hotly sought after fugitive at this point; did you
20 not?

21 A. Yes.

22 Q. You understood that it would be a tricky
23 thing for people who are active in the Puerto
24 Rican independence movement to cross the border
25 from the United States into Mexico and go to film

1 an interview with Victor Gerena without being
2 caught? That wouldn't be easy; would it?

3 A. Well, what I was concerned about was
4 transporting money across and the fact that that
5 would be dangerous.

6 Q. And so would going to film an interview
7 of Victor Gerena; wouldn't it?

8 A. I don't know.

9 Q. What does your common sense tell you?

10 MR. BOYLE: Objection.

11 THE COURT: Sustained.

12 BY MS. BACKIEL:

13 Q. After the 27th or 8th of September, 1985,
14 the motor home returned to the Cambridge, Boston
15 area, correct?

16 A. The motor home returned in 1984.

17 Q. I'm sorry, 1984.

18 A. On September 30th. I was moving out of
19 my house. That's why I remember that date.

20 Q. Sometime after that you cleaned out the
21 motor home with Juan Segarra?

22 A. Yes.

23 Q. You vacuumed it?

24 A. I don't remember that. I remember
25 cleaning out the refrigerator. Taking out pillows

1 and some clothes that were there.

2 Q. Did you dust it, wipe it down, do
3 anything to clean it physically?

4 A. As I said, I don't remember that. I
5 remember the refrigerator. Beyond that, I don't
6 remember.

7 Q. Was the refrigerator a mess? Was there a
8 specific reason why you remember the refrigerator?

9 A. No. It's just what I remember.

10 Q. But you were inside and you cleaned out
11 the motor home and you had a good opportunity to
12 see what it looked like?

13 A. Yes.

14 Q. Did you see any alterations to the motor
15 home?

16 A. No. As I said, the only comment that I
17 remember Papo made to me was the fact the window
18 cranks had been put on -- that they were reversed
19 when they were put back on.

20 Q. What do you mean the window cranks were
21 reversed? Can you explain what that means?

22 MR. BOYLE: Objection. All she can
23 say is what she was told. It doesn't matter what
24 she thought that meant.

25 THE COURT: I think the jury knows

1 about reversing a crank on a window. It turns to
2 the right or left or up or down or whatever way it
3 worked and they put them on backwards. That was
4 her testimony.

5 MS. BACKIEL: My question is what
6 does that mean. Because I've performed an
7 experiment and I would like the witness to tell
8 me -- let me ask some questions.

9 BY MS. BACKIEL:

10 Q. Did you use the window cranks in the
11 motor home? Did you move them physically to see
12 if they were, in fact, reversed?

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

14 Q. When you say they were reversed when you
15 went into the motor home, did you notice whether
16 they were on backwards?

17 A. I don't even know if I looked at them at
18 that point, no.

19 Q. Did you understand, by the window cranks
20 being reversed, this to mean that if I moved the
21 lever of the window crank itself in a
22 counterclockwise direction, the window would go up
23 instead of down?

24 MR. BOYLE: Objection as to what the
25 witness understood.

1 THE COURT: There's no basis on
2 which she can find such an opinion. She said she
3 doesn't remember trying them. I assume she's not
4 a mechanic. Unless you ask her and establish her
5 as a mechanic.

6 BY MS. BACKIEL:

7 Q. You're not a mechanic, are you?

8 A. No.

9 Q. When Juan Segarra said to you that the
10 window cranks were reversed or you believe that he
11 said to you the window cranks were reversed, you
12 simply stored this impression away somewhere and
13 didn't think about what that actually meant
14 physically?

15 A. That they were put on backwards. That's
16 all that -- the recollection that I have.

17 Q. You didn't ask yourself how could that be?
18 What does that mean they were put on backwards?

19 MR. BOYLE: Objection. Irrelevant.

20 THE COURT: Sustained.

21 BY MS. BACKIEL:

22 Q. Ms. Gassin, you've told the jury a number
23 of things that you believe and want the jury to
24 believe Juan Segarra told you about transporting
25 money to Mexico; right?

1 A. Well, the jury will make up their own
2 minds. I'm just telling -- testifying to what I
3 was told.

4 Q. You're testifying to what you told the
5 FBI and the Grand Jury in your four different
6 interviews with them, right?

7 A. I'm what? Sorry.

8 Q. You're testifying to what you have told
9 the FBI and the Grand Jury on your four different
10 interviews with them, right?

11 MR. BOYLE: Object to that question,
12 your Honor. It's too vague.

13 THE COURT: It is vague, counselor.
14 Is she just repeating what she told them or trying
15 to tell the truth?

16 MR. BOYLE: She was asked questions
17 about what she told the FBI, which compounds it.

18 THE COURT: I understand.

19 BY MS. BACKIEL:

20 Q. Are you telling the jury today anything
21 that contradicts what you told the FBI on your
22 four different interviews with them?

23 MR. BOYLE: Objection.

24 THE COURT: Sustained.

25 BY MS. BACKIEL:

1 Q. Ms. Gassin, is it your understanding of
2 paragraph 3 of your agreement with the prosecution
3 that if you are to testify under oath here today
4 differently from how you have testified before the
5 Grand Jury in any material respect, your agreement
6 with the Government will be cancelled?

7 A. That is not my understanding, no.

8 Q. What do you think will happen if in some
9 material respect you do testify differently from
10 how you've testified before?

11 A. My obligation is just to say what I know
12 and what I remember.

13 Q. What do you think will happen if what you
14 remember today contradicts what you remembered
15 when you talked with the FBI on September 11th,
16 16th and 24th of 1985?

17 A. Well, again, all that I can say is that
18 my obligation is to say what I know, what I
19 remember.

20 Q. It's your understanding that it is
21 consistent with your agreement with the Government
22 that you should remember and say the same things
23 over and over again?

24 MR. BOYLE: Objection.

25 BY MS. BACKIEL:

1 Q. Rather than remember new and different
2 things; is that right?

3 MR. BOYLE: I'll withdraw it.

4 THE WITNESS: No, that's not my
5 understanding.

6 MS. BACKIEL: Thank you. I have no
7 further questions.

8 THE COURT: Anything further? Next
9 counsel?

10 MR. ACEVEDO: If I may, your Honor.

11

12 CROSS EXAMINATION

13 BY MR. ACEVEDO:

14 Q. Good afternoon, Ms. Gassin.

15 A. Good afternoon.

16 Q. Ms. Gassin, my name is Juan Acevedo and I
17 represent a Defendant in this case, Norman Ramirez.

18 Now, Ms. Gassin, you previously testified
19 that sometime in the spring or summer of 1985,
20 Papo told you that people had opened a print shop
21 in Puerto Rico and they needed money to pay off
22 the mortgages that they had taken to open up the
23 shop.

24 A. That's right.

25 Q. You also testified and if you want to

1 look at it, showing you Government's 456, that you
2 sent that check for \$8,000 to Norman Ramirez
3 because Mr. Segarra asked you to do so?

4 A. That's right.

5 Q. Isn't it true that when he asked you to
6 send that check to Norman Ramirez, that check was
7 to pay the mortgages that were taken to open the
8 print shop in Puerto Rico?

9 A. Well, he didn't say specifically. He
10 just asked me to -- he told me when I deposited
11 the \$16,000 into my account, that he would then
12 send me subsequently the name and address of the
13 person that I was supposed to send some money to
14 and he told me to send \$8,000 to Norman Ramirez,
15 which I did.

16 Q. He gave you that name, Norman Ramirez and
17 he gave you an address?

18 A. Correct.

19 Q. You had never met Norman Ramirez?

20 A. No.

21 Q. You didn't know who he was?

22 A. No.

23 Q. You still don't know or at least --

24 A. I don't know.

25 Q. You never seen that person before?

1 A. No.

2 Q. If I show you my client here, this young
3 man here with the beard, have you ever seen him
4 before?

5 A. No.

6 Q. Let me go back a little bit in your
7 testimony. You were testifying last Thursday in
8 your direct testimony on February 2nd which you
9 already said this morning that you read during the
10 weekend and last Thursday there were a few tapes
11 that were played.

12 One of them, I believe the first tape
13 that was played was Government's 437-A which is
14 tape 6 and after we heard the tape there was a
15 conversation in that tape about selling the motor
16 home, correct?

17 A. As --

18 THE COURT: I didn't hear that. A
19 conversation on the tape about doing what?

20 MR. ACEVEDO: About selling the
21 motor home.

22 THE COURT: All right.

23 A. As I recall, I listened to such a tape,
24 yes. I don't know if it was tape 6.

25 BY MR. ACEVEDO:

1 Q. Do you remember that in that tape and I
2 can show you the transcript if you need to do so,
3 I believe it's Government's 437-A, can I have that?
4 Do you remember Mr. Boyle asking you why Mr.
5 Segarra wanted to sell the mobile home?

6 A. Yes.

7 Q. Do you remember your answer last Thursday?

8 MR. BOYLE: I object to her being
9 quizzed about what her answers were last Thursday.
10 If Mr. Acevedo wants to ask a question, she can
11 answer it.

12 MR. ACEVEDO: I have a right to
13 probe into this.

14 MR. BOYLE: He's asking questions
15 that are irrelevant.

16 MR. ACEVEDO: It's highly relevant.
17 The Court will permit her to answer.

18 BY MR. ACEVEDO:

19 Q. Do you remember that question?

20 A. As to why, what was the reason for
21 selling the mobile home?

22 Q. Yes.

23 A. Well, I know what the reason was.

24 Q. He needed money, no?

25 A. Which was that, as I think I remember I

1 said, since the group had dissolved, there was no
2 source of income. That they had to find other
3 ways of earning money. That they had opened up
4 this printing press. That people mortgaged their
5 homes. That he needed money, yes.

6 Q. Let me ask you this: Did he tell you that
7 this printing press was going to be a business
8 opened to the public?

9 A. As far as I knew, yes.

10 Q. As a matter of fact, this conversation
11 you had on the phone, tape 6, happened in
12 early March of 1984, middle of March 1984?

13 A. Eighty-five, I think.

14 BY MR. ACEVEDO:

15 Q. I'm sorry. You're right; '85.

16 Let me show you Government's 437-B. That
17 was on March 13th, wasn't it?

18 A. The conversation about the shop, you're
19 saying?

20 Q. Yes.

21 A. Yes.

22 Q. In that conversation he tells you about
23 the printing press that has been opened for about
24 a week; doesn't he?

25 A. That's right.

1 Q. And in your testimony last Thursday was
2 that he needed to sell the mobile home, the motor
3 home, because he needed the money for the printing
4 press. People that had mortgaged their homes to
5 open up?

6 A. It's true people had mortgaged their
7 homes to open up, yes.

8 Q. Then when he sold the motor home, he
9 asked you to send \$8,000 to Norman Ramirez?

10 A. That's right.

11 MR. ACEVEDO: I don't have any more
12 questions. Thank you.

13 MR. BERGENN: No questions, your
14 Honor.

15 THE COURT: You have three minutes,
16 counselor.

17 MR. BOYLE: Your Honor, I would like
18 to make an application to the Court. The Court is
19 aware of the representations we had concerning
20 this witness on Friday and is also aware of this
21 witness' rather onerous travel schedule.

22 I know the jury has been very
23 patient. My redirect examination is going to be
24 very brief. I ask that we be allowed to conduct
25 the redirect and recross and conclude this witness

1 today. I realize that will mean --

2 THE COURT: Depending on how long
3 you're going to take.

4 MR. BOYLE: I'll let the Court
5 measure that.

6 THE COURT: The jury expects 4:30 to
7 be the magic hour. Keeping that in mind, a few
8 well directed questions should conclude this
9 matter.

10

11 REDIRECT EXAMINATION

12 BY MR. BOYLE:

13 Q. Ms. Gassin, were you questioned by Ms.
14 Backiel concerning the photographic identification
15 that you made in September 1985; do you recall
16 that?

17 A. Yes.

18 Q. Would you tell the ladies and gentlemen
19 of the jury how that photo spread was presented to
20 you by Agent Cronin in September of '85?

21 A. I was just shown the photos and asked if
22 I could -- if amongst those photos I saw the
23 person whom I had met in September 1984.

24 Q. How did he display the photos to you?

25 A. They were placed in front of me on a

1 table.

2 Q. Did you see them all at the same time?

3 A. Yes.

4 Q. Did Agent Cronin do anything to highlight
5 any of those photos for you?

6 A. No.

7 Q. Did anyone do anything to indicate to you
8 which photo it would be appropriate for you to
9 select?

10 A. No.

11 Q. Between that time, September 1985, and
12 last Thursday, February 2, 1988, had you ever seen
13 that photo that you selected of the man who had
14 come from Puerto Rico in September 1984?

15 A. No.

16 Q. When I showed you that series of photos
17 at the hearing outside the presence of the jury on
18 February 2, would you please tell the ladies and
19 gentlemen of the jury how it was presented to you
20 then?

21 A. It was presented to my in the same way.
22 The photos were shown to me and I was asked to
23 identify the photograph that I selected as being
24 the man that I saw in September 1984.

25 Q. Did you do that?

1 A. Yes, I did.

2 Q. Did you have any hesitation about that
3 selection, either before Agent Cronin in September
4 of '85, or on Thursday here in the presence of the
5 Court?

6 A. No, I did not.

7 Q. Ms. Gassin, if you recall your testimony
8 of last Friday, you were referring to the
9 manuscript as an account; do you recall that?

10 A. Yes.

11 Q. If you recall, Mr. Weinglass asked you
12 whether you had ever used the word, "account,"
13 before to refer to that writing that Juan Segarra
14 showed you; do you recall that?

15 A. Yes.

16 Q. Did Mr. Weinglass show you your Grand
17 Jury testimony at that point to see if you could
18 find any reference to your using that word?

19 A. I don't remember. I don't think so.

20 Q. Showing you Defendants' Exhibit 200, page
21 55, line 5, do you see the question that's asked
22 there, Ms. Gassin?

23 A. Yes.

24 Q. Who was asking you those questions?

25 A. Mr. Mueller.

1 BY MR. WEINGLASS:

2 Q. Government counsel showed you page 55 of
3 your Grand Jury testimony, right?

4 A. Yes.

5 Q. Do you remember reading page 53, which is
6 two pages before that?

7 A. I've read page 53.

8 Q. Do you remember if that's the first time
9 you were asked to refer to the writing; two pages
10 before page 55?

11 A. Well, I don't know if that's the first
12 time.

13 Q. Well, 53 precedes 55?

14 A. That's right.

15 Q. Do you remember being asked this question
16 on page 53, "Could you describe to the Grand Jury
17 what then happened?" Answer: "I think I asked him
18 what he had been writing and he said he wanted to
19 show it to me. So, he handed me a transcript or a
20 manuscript that I then read." Right?

21 A. Okay.

22 Q. That was the first time you were asked
23 about a writing and you called it a transcript or
24 a manuscript, right?

25 A. If that's what's written there, that's

1 what I said, yes.

2 Q. Would you like to read it?

3 A. Well, I believe you, if that's what
4 you've just read.

5 Q. Later on you didn't refer to the writing
6 as an account, but you were asked this question,
7 "Would you please describe to the Grand Jury the
8 substance of this manuscript?" And referring to
9 the substance you said it was, "The account of a
10 robbery." Right?

11 A. Yes.

12 Q. But when you were asked to describe the
13 writing, you called it a transcript or a
14 manuscript?

15 A. Well, I don't know if later on in the
16 testimony I've also referred to the writing as an
17 account.

18 Q. This might take more time than we have.
19 You've read this document three or four times. At
20 no point, other than what counsel just referred to
21 on page 55 when you were asked the substance of
22 the manuscript, did you ever describe it as an
23 account; isn't that true?

24 MR. BOYLE: Objection. We've been
25 over this. I suggest we move the Grand Jury into

1 evidence and let the jury decide what she said.

2 MR. WEINGLASS: That's improper.
3 Government counsel knows it. You read this to
4 answer Government counsel's question. I ask you
5 at no point other than when you were asked to
6 describe the substance of the manuscript did you
7 ever refer to it in any terms like account; isn't
8 that true?

9 A. Well, again, I don't know. I'd like to
10 read through again the whole document.

11 BY MR. WEINGLASS:

12 Q. You would want to read through it again
13 before you could answer that?

14 A. To know specifically how I answered and
15 what times and how many times I said account,
16 manuscript or transcript, I'm sorry, I would have
17 to read it, yes.

18 Q. Isn't it true in 152 pages you only used
19 the word, "account" once when the Government asked
20 to you describe the substance of the manuscript;
21 isn't that true?

22 A. I don't know. Again --

23 Q. We won't waste any more time. I have no
24 further questions.

25 THE COURT: Any questions?

1 Q. What question did Mr. Mueller ask you in
2 September 1985 before the Grand Jury?

3 A. "Would you please describe to the Grand
4 Jury the substance of this manuscript?"

5 Q. Is that the first time that you had been
6 asked to answer that question under oath?

7 A. Yes.

8 Q. In September 1985 when you answered that
9 question for the first time under oath, how did
10 you respond?

11 A. My answer was, "It was the account of a
12 robbery which when I finished, I asked him what
13 robbery it was and he told me it was the Wells
14 Fargo heist done in September 1983."

15 Q. Thank you.

16 MR. BOYLE: That's all I have, your
17 Honor.

18 THE COURT: Anything new, counselor?

19 MR. WEINGLASS: Just one. Recross.

20

21 RECROSS EXAMINATION

22 BY MR. WEINGLASS:

23 Q. Ms. Gassin, you were just asked if that
24 was the first time under oath you had described
25 the writing and you said yes.

1 A. Yes.

2 Q. Is it the first time under oath you
3 described the writing?

4 A. The first time under oath, yes.

5 Q. Wasn't the first time under oath when you
6 described the writing you referred to it as a
7 transcript or manuscript?

8 A. I don't know what you're referring to
9 there.

10 Q. You have a habit of looking over to this
11 side of the room.

12 MR. BOYLE: Objection.

13 BY MR. WEINGLASS:

14 Q. Is it your ordinary habit --

15 THE COURT: Let's concentrate on the
16 witness, counselor.

17 BY MR. WEINGLASS:

18 Q. Were you looking for any assistance from
19 anyone to your left?

20 A. No.

21 Q. You don't have that habit that you've
22 been engaging in the last few days --

23 THE COURT: Counsel, that's an unfair
24 statement. That's an unfair statement to make in
25 the presence of the jury.

1 MR. WEINGLASS: No.

2 THE COURT: All right. The witness
3 is excused.

4 (Whereupon, the witness was
5 excused.)

6 THE COURT: Before we adjourn for
7 the day, ladies and gentlemen, I'll state on the
8 record the same admonition. Please do not discuss
9 this case with anyone else or permit anyone to
10 discuss it with you and do not listen to any radio
11 or television broadcast or read anything about
12 this case, in the event such is printed or
13 broadcast.

14 With that reminder, the Court will
15 now excuse the jury and look forward to seeing you
16 in the morning at 10:00 o'clock.

17 (Whereupon, the jury was excused.)

18 THE COURT: How many witnesses do
19 you have tomorrow?

20 MR. DABROWSKI: Your Honor, we just
21 intended to discuss that with Mr. Weinglass for a
22 number of reasons.

23 THE COURT: I don't want some
24 question to arise that hadn't been discussed. If
25 you both know who they are, there won't be any

1 surprise.

2 MR. DABROWSKI: In fact, they're
3 coming from Pennsylvania and we will freely
4 discuss that with Mr. Weinglass and the other
5 counsel.

6 THE COURT: How many witnesses are
7 there?

8 MR. DABROWSKI: Two coming from
9 Pennsylvania, your Honor. In addition, we then
10 intend to go into another sequence. To save time
11 we'll discuss this with Mr. Weinglass.

12 There's an ice storm in Houston, as
13 I understand. We may or may not be able to get a
14 witness up from Houston. We don't know as of this
15 minute.

16 So, there are some adjustments that
17 are going to have to be made, depending on whether
18 or not we can get a witness out of Texas. We
19 intended to discuss this with Defense counsel.

20 THE COURT: Can you provide any
21 materials that counsel is entitled to?

22 MR. DABROWSKI: They've been turned
23 over, to my understanding.

24 THE COURT: Very well. Anything
25 else, ladies and gentlemen before we adjourn?

1 MR. DABROWSKI: No, your Honor.

2 THE COURT: Adjourn court, Mr.

3 Bailiff.

4 (Whereupon, the witness was excused,

5 and the above proceedings adjourned at 4:50

6 o'clock p.m.)

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