

Alaniz Direct of Carlos Oyervides

1 THE COURT: Will all please rise for the jury?

2 *(Jury present)*

3 THE COURT: You have heard no evidence yet. You have
4 heard from me and you have heard from the attorneys in opening
5 statement. That does not constitute evidence.

6 We will hear from the first witness now.

7 Be prepared to be sworn, sir. Raise your right
8 hand, please.

9 *(Witness sworn)*

10 MR. ALANIZ: May I proceed?

11 THE COURT: You may proceed.

12 MR. ALANIZ: Thank you, Your Honor.

13 **CARLOS OYERVIDES, DULY SWORN, TESTIFIED:**

14 **DIRECT EXAMINATION**

15 *(Official court interpreter translating)*

16 *BY MR. ALANIZ:*

17 Q Sir, can you please state your full name, sir?

18 A Carlos Aaron Oyervides.

19 MR. ALANIZ: Because of his last name pronunciation,
20 can I refer to him by his first name?

21 THE COURT: You may. Why don't you spell the last
22 name for everybody?

23 *BY MR. ALANIZ:*

24 Q Can you spell your last name, sir?

25 A O-Y-E-R-V-I-D-E-S.

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14:40 1 Q Now, Carlos, can you tell the jury, where are you currently
2 residing, sir?

3 A In Edinburg, Texas.

4 Q Currently are you in the custody of the U.S. Marshals?

14:40 5 A Okay. Yes. Right now I'm currently in custody here at the
6 FDC.

7 Q And how long have you been in the custody of the U.S.
8 Marshals, sir?

9 A Almost four years.

14:40 10 Q Before you were taken into custody, where did you live?

11 A Here in Houston.

12 Q And besides living in Houston, did you ever live in South
13 Texas?

14 A Yes. I lived in Edinburg, Texas.

14:40 15 Q And where were you born, sir?

16 A In Pharr, Texas.

17 Q And did you grow up in Pharr, Texas? Or did you grow up
18 somewhere else?

19 A I grew up in Reynosa, Tamaulipas, and later I came over
14:41 20 here to the United States to study at the University of
21 Edinburg.

22 Q Are you a United States citizen, sir?

23 A Yes, I am. I'm a U.S. citizen.

24 Q Where did you go to high school?

14:41 25 A At Edinburg North High School.

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14:41 1 Q Did you finish your high school education, sir?

2 A I just had the reading test left.

3 Q So you don't have the diploma; is that correct?

4 A That is correct.

14:41 5 Q So did you ever go to college?

6 A No. Not to the university.

7 Q And after getting out of high school, what kind of work did
8 you do to make a living, sir?

9 A I worked at Church's Fried Chicken, and I worked at Valley
14:42 10 Motion magazine and Raw Enterprises.

11 Q Now, you said you worked at Church's Fried Chicken. What
12 city was that restaurant in, sir?

13 A Edinburg, Texas.

14 Q And while working at the Church's Fried Chicken restaurant,
14:42 15 did you get to meet any of the Edinburg police officers during
16 that time?

17 A Yes. I met several of the Edinburg officers back then.

18 Q Do you have any recollection, sir, as to what year you
19 worked at Church's Fried Chicken?

14:42 20 A Yes, sir.

21 Q When approximately did you work at Church's Fried Chicken?

22 A It was in '95.

23 Q 1995?

24 A '95.

14:43 25 Q And during that time, you met some Edinburg police

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14:43 1 officers?

2 A Yes. That's right.

3 Q After leaving that job, where else did you work besides
4 Valley Motion magazine?

14:43 5 A Afterwards, legally or --

6 MR. ALANIZ: Your Honor, may I stand from the podium?
7 Because I can't see his face.

8 THE COURT: You may.

9 MR. ALANIZ: Thank you.

14:43 10 *BY MR. ALANIZ:*

11 Q So let's talk about your legal employment.

12 A Legal. Okay.

13 Q So you worked for Church's Fried Chicken. Any other legal
14 jobs that you held after leaving Church's Fried Chicken?

14:44 15 A Valley Motion magazine.

16 Q Any others? Is that it?

17 A Raw Enterprises.

18 Q Let me ask you this then: At some point when you were
19 working in the legal business, did you get arrested for
14:44 20 possessing drugs?

21 A That's right.

22 Q What years, do you remember, was that, sir?

23 A It was in '99.

24 Q And can you tell the jury what you were doing when you got
14:44 25 arrested in 1999?

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14:44 1 A I was bringing marijuana across the checkpoint.

2 Q By the "checkpoint," you mean the border patrol checkpoint
3 in Falfurrias, Texas?

4 A Yes. The Falfurrias one.

14:44 5 Q After being arrested at the checkpoint, sir, did you go to
6 prison?

7 A I went to prison.

8 Q How many years did you spend in federal prison for that
9 crime, sir?

14:45 10 A It was 18 months.

11 Q And so after you got out, after 18 months, where did you go
12 live, sir?

13 A In Edinburg.

14 Q And during that period of time after you left the prison,
15 did you start working legally or did you start doing illegal
16 work, sir?

17 A I started working legally and then later illegal.

18 Q In your illegal business, sir, did you start working with a
19 person by the name of Dimas DeLeon?

14:45 20 A Dimas DeLeon.

21 Q Dimas.

22 A Yes. Dimas DeLeon.

23 MR. ALANIZ: Can you pull up Number 72, please?

24 BY MR. ALANIZ:

14:46 25 Q There on the screen, Mr. Oyervides, do you recognize the

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14:46 1 person in photograph Number 72, which is Government's Exhibit
2 Number 72?

3 A That's right. Dimas.

4 Q Dimas who?

14:46 5 A DeLeon, Dimas DeLeon.

6 Q Can you tell the jury, sir, how did you meet Mr. DeLeon?

7 A I already knew him from Reynosa, Tamaulipas, and then I ran
8 into him again there in Edinburg.

9 Q When you were in Mexico, were y'all, like, young kids or
14:46 10 were you all adults?

11 A No. We were still kids.

12 Q When you again met up with Mr. DeLeon in Edinburg, or in
13 the U.S., were you all adults at that point or were you still
14 young men?

14:47 15 A We were adults.

16 Q At the time you met Mr. DeLeon in the U.S., did you start
17 working with him in an illegal business?

18 A That's right.

19 Q How did you -- what did he ask you to do or what did you do
14:47 20 for him that was illegal, sir?

21 A We started to look for transportation.

22 Q What do you mean by "look for transportation"?

23 A Transportation to bring drugs over here to Houston, Texas.

14:47 24 Q So you're telling the jury that you and Mr. DeLeon were
25 involved in the business --

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14:47 1 MR. CUNNINGHAM: Your Honor, I object to the leading
2 question.

3 THE COURT: He's working in a different language. I
4 don't object to some leading.

14:47 5 MR. ALANIZ: Thank you, Your Honor.

6 *BY MR. ALANIZ:*

7 Q So you and Mr. DeLeon began in the business of transporting
8 drugs; is that correct?

9 A That is correct.

14:48 10 Q And what types of drugs were you and Mr. DeLeon involved in
11 transporting?

12 A Marijuana, cocaine.

13 Q And you were transporting the drugs from where to where,
14 sir?

14:48 15 A From McAllen, all the way to Houston, or anyplace further
16 north.

17 Q And for the work that you and Mr. DeLeon -- that you and
18 Mr. DeLeon did in transporting drugs, can you give the jury an
19 idea how much money you all were getting paid to transport, for
14:48 20 example, let's say a kilogram of cocaine from the Valley to
21 Houston?

22 A For one kilogram, we charged \$1,000 for each kilogram.

23 Q And for a pound of marijuana, how much were you all
24 charging to transport the marijuana from South Texas to
14:49 25 Houston?

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14:49 1 A One hundred dollars.

2 Q And how long if you recall, sir, did you and Mr. DeLeon
3 transport drugs to Houston from South Texas?

4 A Like a percentage?

14:49 5 Q No. How long a period of time did you transport drugs, if
6 you recall?

7 A Like five, five years.

8 Q And were you doing that on a regular basis?

9 A We were doing it on a regular basis, and then that's when
10 we started -- when the corruption started.

11 Q Let me ask you for a second, during the time that you and
12 Mr. DeLeon transported drugs, did you all ever get caught by
13 law enforcement?

14 A We never got caught.

14:50 15 Q And at some point in the business that you were in with
16 Mr. DeLeon, did you all decide to do something different than
17 just transport the drugs from South Texas to Houston?

18 A Yes.

19 Q Will you tell the jury, sir, what did you and Mr. DeLeon
14:50 20 decide to do that was different?

21 A That was different? We started to steal merchandise, to
22 get friends, friends that used to work at the police --

23 Q Let me stop you there, sir. At some point, you and
24 Mr. DeLeon decided to steal the drugs that you were supposed to
14:51 25 transport?

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14:51 1 A We started to steal the drugs that we transported.

2 Q Now, let me ask you this about the business of transporting
3 drugs. When somebody paid you and Mr. DeLeon to transport
4 drugs, would they give the drugs to you and him directly?

14:51 5 A Yes. They would hand them to us directly.

6 Q And once they handed over the drugs to you, what was your
7 job at that point?

8 A My job was to get ahold of friends, police officer friends,
9 so they could bust them and replace it with false merchandise.

14:52 10 Q Let me take you back for a second, Mr. Oyervides, and
11 before we get into that aspect of your business.

12 When you were just transporting drugs, and that's
13 what you all were doing, once the drugs were turned over to
14 you, what was your job? To take them where?

14:52 15 A To take them here to Houston.

16 Q What did you do with the drugs here in Houston?

17 A We would tell them, right, but we wouldn't bring them. We
18 would get them down there.

19 Q So you wouldn't transport the drugs at all?

14:52 20 A We wouldn't transport them at all.

21 Q So what would you tell the owners of the drugs happened to
22 the drugs after you sold them?

23 A That the merchandise had gotten busted.

24 Q By "being busted," you mean that law enforcement had seized
14:53 25 the drugs?

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14:53 1 A That they had seized the drugs.

2 Q And would the owners of the drugs that you told that the
3 drugs had been seized -- did they take your word for it?

4 A Yes. Because we would give them the piece of paper.

14:53 5 Q Just generally speaking, if you just told the owners of the
6 drugs that the drugs were seized, would that be enough to
7 satisfy them?

8 A At times we had to show them, right, like when we got
9 busted?

14:53 10 Q Yes.

11 A So that the owner could see that a problem had happened.

12 Q Well, let me take you back for a second, Mr. Oyervides.
13 Without discussing what things you did after you told them that
14 the drugs had been seized, just generally, did the owners of
14:54 15 the drugs just take your word for it that the drugs were
16 seized? Or did they want more proof?

17 A They wanted proof. Sometimes they wanted proof. When they
18 couldn't see it themselves, they wanted proof.

19 Q So you would have to figure out ways to explain to the
14:54 20 owners of the drugs what happened to their drugs?

21 A There were ways to explain it to them.

22 Q And at some point when you and Mr. DeLeon decided to start
23 this scheme of stealing drugs, did you have any law enforcement
24 friends that were helping you in seizing some of these drugs?

14:55 25 A Yes. That's right. That's true.

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14:55 1 Q Did you have a border patrol agent by the name of Eduardo
2 Bazan helping you?

3 A Yes. That's right. Correct.

4 Q How did you meet Border Patrol Agent Bazan?

14:55 5 A Back when I -- I used to know his brother-in-law and his
6 wife.

7 Q Okay. And were you good friends with Mr. Bazan?

8 A We were real good friends.

9 Q Did you all visit each other at your homes?

14:55 10 A Yes. That's right. I used to stay at his house sometimes.

11 Q And were you all -- did you all socialize outside of your
12 homes?

13 A That's right. That's right.

14 Q And did Border Patrol Agent Bazan -- did he know what kind
14:56 15 of illegal business you were involved in?

16 A Yes. That's true.

17 Q So you told him?

18 A Yes. I told him.

19 Q And did he -- at some point did you approach him about
14:56 20 helping you in seizing some of these drug loads?

21 A Yes. That's true.

22 Q Now, at some point, Mr. Bazan -- he agreed to help you with
23 your --

24 THE INTERPRETER: Repeat, please.

14:56 25 BY MR. ALANIZ:

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14:56 1 Q At some point did Mr. Bazan decide he wanted to help you
2 with this illegal scheme?

3 A Yes. That's right.

14:56 4 Q And at that point, did you and Mr. DeLeon decide to look
5 for other law enforcement officers that might help you in your
6 illegal business?

7 A That's true.

8 Q Now, before I go any further, Mr. Oyervides, when you and
9 Mr. DeLeon stole these drugs, you said that there were
14:57 10 different ways in which you and Mr. DeLeon would be able to
11 show or explain to the owners what happened to their drugs; is
12 that correct?

13 A That's true.

14 Q When you and Mr. DeLeon received those drugs, whether it
14:57 15 was cocaine or marijuana, did you all decide to create fake
16 bundles of both cocaine and marijuana?

17 A That's true.

18 Q When you got -- when you all created the fake bundles of
19 cocaine, for example, would you use any cocaine whatsoever and
14:57 20 put it inside the bundles?

21 A That's true.

22 Q When you made these fake bundles, how much cocaine would
23 you all put into the bundles?

24 A We would put as much as one ounce.

14:58 25 Q And where would you put that ounce of cocaine in the

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14:58 1 bundles?

2 A It's on top and on the bottom.

3 Q Can you tell the jury why you would put the real -- some of
4 the real cocaine on top and the bottom of the bundles?

14:58 5 A So that the officer would tell us, right, so that we could
6 pass it off as real coke.

7 THE COURT: Can you make clear where the drugs were
8 being seized? Were they being seized at the border or past the
9 border but before the checkpoint? Or at the checkpoint?

14:58 10 MR. ALANIZ: I will make sure, Judge.

11 *BY MR. ALANIZ:*

12 Q Let me ask you this question: The seizures, Mr. Oyervides,
13 that I'm going to discuss with you over the next couple hours
14 of testimony, where were most of these seizures of drugs made?
15 In what city?

16 A They were made in Edinburg.

17 Q That was most of -- the majority of the seizures; is that
18 correct?

19 A That's true.

14:59 20 Q We will talk about officers in a second, but I want to just
21 go over with you the creation or the making of these fake
22 cocaine bundles and fake marijuana bundles.

23 When you all made fake marijuana bundles, what
24 would you put inside the bundles?

14:59 25 A The marijuana bundles or the cocaine?

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14:59 1 Q The marijuana.

2 A We would put alfalfa in them.

3 Q Would you put any marijuana in the bundles at all?

4 A Yeah. We would put marijuana in them.

14:59 5 Q And where would you put the marijuana, sir?

6 A Around the top of the alfalfa.

7 Q And what was the reason for putting it on top of the
8 alfalfa?

9 A So that when they got open, they could see that it was
10 marijuana.

11 Q Now, in the process of stealing these drugs, Mr. Oyervides,
12 did you and Mr. DeLeon --

13 A Excuse me. Also, sometimes when the officers would tell us
14 to leave one bundle, we would mark it. That was the one that
15 the officers were going to open.

15:00 16 Q I will ask you in a second, Mr. Oyervides, but I want to
17 ask you about another matter.

18 At some point when you were working with
19 Mr. DeLeon and stealing these drugs, did you and him decide to
20 approach or become friends with Edinburg police officers?

21 A That's true.

22 Q And in the process of trying to befriend Edinburg police
23 officers, what did you join? As far as the Edinburg Police
24 Department, what kind of activities did you join in?

15:01 25 A Edinburg Crime Stoppers.

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15:01 1 Q You were a volunteer?

2 A I was a volunteer for Edinburg Crime Stoppers.

3 Q And what was the purpose of you joining the Edinburg Texas
4 Police Department Crime Stoppers?

15:01 5 A So I could visit my friends that I had there at the police
6 and to be able to work.

7 Q When you were -- when you volunteered at the Edinburg
8 Police Department, what kind of things did you do with the
9 Edinburg Police Department?

15:01 10 A At the Valley Motion magazine.

11 Q Let me ask you about that. That magazine is owned by whom?

12 A Dimas DeLeon.

13 Q And Mr. DeLeon owns that magazine. Did you go to the
14 Edinburg Police Department and try to sell advertisements for
15 that magazine?

16 A To try to give away advertising.

17 Q And in the process of joining the Crime Stoppers and trying
18 to give them or the police department a free advertisement in
19 this magazine, did that allow you to get close to different
15:02 20 Edinburg police officers?

21 A That's true.

22 Q And one of the police officers that you befriended over
23 that period of time, is that Mr. Hector Beltran?

24 A That's right.

15:02 25 Q Do you have any memory, Mr. Oyervides, of approximately

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15:02 1 what year you met Mr. Beltran?

2 A I don't remember what year.

3 Q Was it after you came out of prison?

4 A Yes. That's true. After I got out of prison.

15:03 5 Q Now, when you met Mr. Beltran, did you and him over the
6 period of -- over a period of time, did you all become close
7 friends?

8 A We became good friends.

9 Q How often would you say that you met with or hung around
15:03 10 with Mr. Beltran during that period of time that you met him at
11 the Edinburg Police Department?

12 A We would meet up every day.

13 Q By the way, Mr. Oyervides, at that time when you were in
14 Crime Stoppers, or helping as a volunteer, were you doing any
15:03 15 kind of legal employment, legal work?

16 A Legal?

17 Q Legal, yes. Did you have a job, like, at a restaurant?

18 A Yes. With the magazine.

19 Q With Mr. DeLeon?

15:04 20 A Yes.

21 Q And that's the only job that you had?

22 A Yes. That's the only job that I had.

23 Q And the other job was to transport drugs?

24 A And the other job was to transport the drugs.

15:04 25 Q And do you remember what kind of vehicle you were driving

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15:04 1 at that period of time, sir?

2 A What vehicle did I drive?

3 Q Yes. What kind of cars were you driving?

4 A I drove a white car, like a Crown Victoria.

15:04 5 Q Did you ever tell Mr. Beltran what kind of legal work you
6 did for Mr. DeLeon?

7 A Yes. That's true. I did tell him.

8 Q And over --

9 THE INTERPRETER: I'm sorry. Clarification.

15:05 10 Was the question legal or illegal?

11 MR. ALANIZ: Legal.

12 BY MR. ALANIZ:

13 Q And during that period of time, Mr. Oyervides, when you
14 were friends with Mr. Beltran, did you all travel together?

15:05 15 A We did travel together.

16 Q What places did you all meet up when you would travel?
17 What kind of places?

18 A We traveled to Las Vegas.

19 Q Did you hunt with Mr. Beltran?

15:05 20 A Yes. We also went hunting.

21 Q And at some point during your relationship with
22 Mr. Beltran, did you ever approach him and tell him that you
23 were -- that you had the ability to give him information about
24 drug loads?

15:05 25 A True.

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15:05 1 Q And when you told him that you were able to give him
2 information about drug loads, what did he say?

3 A He said "all right."

4 Q Was he interested in the information?

15:06 5 A He was interested in the information.

6 Q And at some point during that period of time, when you were
7 telling him about the fact that you had information about drug
8 loads, did he suggest to you to become a confidential informant
9 with the Edinburg Police Department?

15:06 10 MR. CUNNINGHAM: I object, Judge, to leading.

11 THE COURT: What is the objection?

12 MR. CUNNINGHAM: Leading objection, Your Honor.

13 THE COURT: Overruled.

14 *BY MR. ALANIZ:*

15:06 15 Q So the question was, Mr. Oyervides, at some point when you
16 told Mr. Beltran that you were willing and able to give him
17 information about drugs loads, he said he was interested?

18 A He was interested.

19 Q After that, did you become a confidential informant for the
15:06 20 Edinburg Police Department?

21 A That's true. Mr. Alaniz?

22 Q Yes, sir?

23 A He told me to become a confidential informant.

24 Q And during that period of time also, before you became a
15:07 25 confidential informant, did you have any conversations with

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15:07 1 Mr. Beltran regarding some packages that he, Mr. Beltran, was
2 intercepting at a mail place, a U.S. mail location?

3 A Could you repeat the question for me?

4 THE COURT: That will be a good breaking point for a
15:07 5 change. Thank you so much.

6 THE INTERPRETER: I'm sorry, Your Honor, I couldn't do
7 more. We are going to change interpreters.

8 THE COURT: Mr. Alaniz, we had a little confusion
9 about the witness's name. Could you spell it for us?

15:08 10 MR. ALANIZ: Of course I can, Your Honor. The last
11 name is Oyervides. It is spelled O-Y-E-R-V-I-D-E-S.

12 THE COURT: You may inquire.

13 *BY MR. ALANIZ:*

14 Q Mr. Oyervides, we were talking about your friendship you
15:09 15 developed with Mr. Beltran.

16 Let me ask you, sir -- I forgot to ask you --
17 what type of police officer was Mr. Beltran? Was he a patrol
18 officer or something else?

19 A He was a K9.

15:09 20 Q By that, you mean he had a drug-sniffing dog that he
21 handled?

22 A Yes. He had a dog that sniffed drugs, and the name of the
23 dog was Tico.

24 Q In your relationship with Mr. Beltran, did you get to the
15:09 25 point where you had -- you felt comfortable enough with him to

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15:10 1 discuss the things that you were doing with Mr. DeLeon?

2 A That's true.

3 Q And can you tell the jury how you approached Mr. Beltran
4 regarding telling him what you and Mr. DeLeon were involved in?

15:10 5 A First, it was through Crime Stoppers, and then the
6 friendship just kept growing more and more.

7 Q Let me ask you this: At the very beginning, did you come
8 out and tell him exactly what you and Mr. DeLeon were involved
9 in? Or did you tell him other things?

15:10 10 A At first, I did not tell him. It was only after some time
11 had passed that I told him.

12 Q Do you recall -- if you can recall, can you tell the jury
13 when is the first time that you asked Mr. Beltran for a favor
14 in terms of a traffic stop?

15:11 15 A I do remember the first favor we did.

16 Q What favor did you ask Mr. Beltran to do for you, sir?

17 A To stop a Jeep. We had put one ounce of cocaine in the gas
18 tank.

19 Q Let me go back for a second on that particular incident,
15:11 20 Mr. Oyervides. The person in the Jeep, had that person given
21 you and Mr. DeLeon some drugs?

22 A That's correct.

23 Q What kind of drugs had that person in the Jeep given you?

24 A Cocaine.

15:12 25 Q Do you remember the amounts, sir?

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15:12 1 A It was 10 kilos.

2 Q Let me take you back, Mr. Oyervides, before we go any
3 further on that particular incident. Before you approached
4 Mr. Beltran with that proposition or that favor, had you found
15:12 5 out if -- had he told you anything about stealing marijuana
6 from packages?

7 A Could you repeat that question, please?

8 Q Sure. Before you asked Mr. Beltran for this favor in terms
9 of this traffic stop, had Mr. Beltran ever told you anything
15:13 10 about the fact that he was stealing marijuana from packages in
11 the mail?

12 A Not at that time. Not yet.

13 Q That was later?

14 A That was later.

15:13 15 Q So let's go back to the traffic stop favor that you asked
16 of Mr. Beltran. After the person in that Jeep gave you and
17 Mr. DeLeon the 10 kilograms of cocaine, what did you do with
18 that cocaine?

19 A So this is something that DeLeon took care of distributing
15:13 20 and then sharing the money.

21 Q And, of course, you didn't tell Mr. Beltran anything about
22 that cocaine; is that correct?

23 A At that time, I had not said anything about it to him, not
24 at that time.

15:14 25 Q But you told the jury that at some point in the meeting

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15:14 1 with this person in this Jeep, that you and somebody else put a
2 small amount of cocaine in the gas tank or -- the gas tank of
3 the vehicle?

4 A That's correct. That is true.

15:14 5 Q Can you tell the jury why did you plant or put that cocaine
6 in that person's vehicle?

7 A We wanted to see how Hector Beltran would react at the
8 first stop.

9 Q So the first favor that you asked of him in terms of drug
15:14 10 stop, he conducted a traffic stop --

11 THE COURT: We need a break?

12 A JUROR: We can't hear her.

13 THE COURT: Can't hear her? Let's see if we can fix
14 that. Hold on a second.

15:15 15 *(Pause)*

16 THE COURT: The last answer was: We wanted to see how
17 Hector Beltran would react at the first stop.

18 You may need to clarify that. Something is wrong
19 there.

15:15 20 **BY MR. ALANIZ:**

21 Q Mr. Oyervides, when you asked for this favor and after you
22 put -- or someone else put that cocaine in that person's
23 vehicle, did you ask Mr. Beltran to do a traffic stop in that
24 vehicle?

15:16 25 A That's correct. That's true.

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15:16 1 Q Did you tell Mr. Beltran where the cocaine would be found?

2 A That is true.

3 Q And did you see Mr. Beltran actually make that traffic
4 stop?

15:16 5 A We agreed on it. At Junior, a laundry, we were talking
6 about it there. Junior is a street in Edinburg. So it was --
7 it was Junior. Junior is a street in Edinburg. We were there
8 in business, which is also a street, and Junior. There is a
9 laundry there. There is a shop. What do you call the street?

15:17 10 It is just a business street.

11 THE COURT: Are you talking about a business district?

12 THE WITNESS: It's in Edinburg, Texas. It's a street
13 called Junior.

14 BY MR. ALANIZ:

15:17 15 Q So this is where you met with Mr. Beltran to discuss this
16 traffic stop?

17 A That is correct.

18 Q And after Mr. Beltran made the traffic stop, did you meet
19 with Mr. Beltran afterwards?

15:18 20 A Yes. Afterwards I met with him.

21 Q Do you have any memory, Mr. Oyervides, whether you gave
22 Mr. Beltran any money?

23 A I gave him a present of \$500.

15:18 24 Q So after this favor in terms of this traffic stop, did you
25 feel more comfortable in discussing with Beltran further what

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15:18 1 you were involved in?

2 A Yes. We felt so much -- well, he liked the fact that I
3 gave him \$500.

4 Q And once you gave him the money, sir, did he mention
15:19 5 whether or not he would like to make more money?

6 A Yes. He did want to earn more money.

7 Q And at that point, did you tell him how he could earn more
8 money?

9 A Yes. Later on, after some time went by, then we did talk
15:19 10 about it.

11 Q And can you tell the jury what you told Mr. Beltran as to
12 what he could do or how he could help you in making more money?

13 A Yes. I told him that we could change the merchandise. We
14 could put in false merchandise, and then we would steal it.

15:20 15 Q By "merchandise," you mean drugs; is that correct?

16 A Drugs. That's correct.

17 Q What was Mr. Beltran's reaction, sir?

18 A He was interested in the money. He wanted to earn more
19 money.

15:20 20 Q And after that conversation, Mr. Oyervides, did it get to a
21 point where Mr. Beltran told you anything about him seizing
22 marijuana from the mail location there in Edinburg?

23 A That is true.

24 Q Can you tell the jury what he told you regarding the mail
15:21 25 packages that his dog would alert to?

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15:21 1 A Because he wanted to help me, he wanted to help me get
2 marijuana so that I could sell.

3 Q Did that ever happen, sir?

4 A It never happened.

15:21 5 Q And so after that conversation, did you and Mr. Beltran
6 continue your relationship?

7 A Yes. The relationship continued.

8 Q And at some point, did you tell Mr. Beltran that you were
9 willing to give him information about other drug loads?

15:22 10 A That is true.

11 Q During that conversation, or subsequent to that, did you
12 agree to become a confidential informant for the Edinburg
13 Police Department?

14 A That is true.

15:23 15 Q During this period of time, Mr. Oyervides, when you had a
16 relationship with Mr. Beltran, are you still involved with the
17 Edinburg Crime Stoppers?

18 A That is correct.

19 Q And during your involvement with Edinburg Crime Stoppers,
15:23 20 were you involved in the Christmas holiday, I guess, event of
21 Blue Santa?

22 A That is correct.

23 Q Can you tell the jury what was your involvement in the Blue
24 Santa festivities during Christmastime?

15:24 25 A We were at Walgreens, and we were collecting presents for

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15:24 1 low income people.

2 Q And so you dressed up as Blue Santa?

3 A Yes. I was the Blue Santa.

4 Q I'm going to show you, sir, what has been admitted into

15:24 5 evidence as Defense Exhibit Number 11. Do you recognize that

6 photograph, sir?

7 A Yes. That would be me.

8 Q And this is with the Edinburg Police Department; is that

9 correct?

15:25 10 A That's correct.

11 Q Do you have any recollection, Mr. Oyervides, what year that

12 was, maybe?

13 A I don't recall.

14 Q Do you remember whether you did this just one year or

15:25 15 multiple years?

16 A More than one.

17 Q Were there any other festivities that you were involved in

18 with the Edinburg Police Department Crime Stoppers as a

19 volunteer?

15:25 20 A Yes. There were other participations.

21 Q Were you also involved in Halloween festivities where

22 everyone would dress up as different characters?

23 A No. I never participated in a Halloween festivity.

24 Q Did you ever dress up with some of the other Edinburg

15:26 25 Police Department police officers in a costume for Halloween?

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15:26 1 A No. Well, once I entered a competition, but I actually did
2 not dress up or put on a costume with other police department
3 officers. I just sent pictures.

4 MR. ALANIZ: Can we bring up 102?

15:27 5 BY MR. ALANIZ:

6 Q Let me show you, Mr. Oyervides, Government's Exhibit
7 Number 102.

8 A So, yeah, that's actually me there in costume, but that was
9 not a Halloween party at all. It was a, how do you call it, a
10 parade.

11 Q And you said -- you are the one in what color, sir?

12 A Yes. It was a red and yellow costume, like a clown.

13 Q Is that a character from some kind of a show? Or what is
14 that, sir?

15:28 15 A Yes. It's a character from a show.

16 Q And do you recognize any of the other individuals in that
17 photograph?

18 A I need to study it more.

19 Q If you don't recognize anyone, sir, that's okay. I will
15:29 20 move on.

21 Now, let me ask you, Mr. Oyervides, your
22 relationship with Mr. Beltran involved a personal relationship?

23 A He was like a brother. I saw him as a brother to me.

24 Q And after the traffic stop favor that he did for you,
15:29 25 sometime after that, did you become a confidential informant

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15:29 1 for Edinburg Police Department?

2 A That is true.

3 Q And do you remember or do you recall what officer signed
4 you up as a confidential informant?

15:30 5 A Ralph Garcia.

6 Q Do you recall when you signed the agreement with Officer
7 Ralph Garcia to become an informant with the Edinburg Police
8 Department?

9 A I don't recall when I signed, but I do recall where.

15:30 10 Q Where were you when you signed the confidential -- the
11 documents to become a confidential informant for the Edinburg
12 Police Department?

13 A At Hector Beltran's apartment.

14 Q The place where he lived?

15:30 15 A Yes. The place where he lived.

16 Q And were you an informant for Mr. Garcia for a long time or
17 for a short period of time?

18 A For a very short time with Garcia, because I began to work
19 for Hector.

15:31 20 Q Now, let me ask you, sir, about an incident that happened
21 in May of 2010. Can you tell the jury whether or not you were
22 involved in stealing some marijuana from a Chevrolet Malibu
23 during that time, sir?

24 A It was a white Chevrolet.

15:32 25 Q The one I'm referring to, Mr. Oyervides, is the one left at

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15:32 1 the hospital.

2 A Oh, yes, yes. I was there.

3 Q Can you tell the jury, Mr. Oyervides, what that Chevrolet
4 Malibu contained in it?

15:32 5 A It had marijuana.

6 Q Approximately how many pounds of marijuana were in that
7 vehicle, sir?

8 A At that time, I did not recall, but I do now remember the
9 one that we brought out of the vehicle.

15:32 10 Q How much marijuana did you take out of the vehicle?

11 A It must have been approximately 300 pounds.

12 Q When you took the marijuana out of that vehicle, sir, can
13 you tell the jury who was driving that car?

14 A Mario Solis.

15:33 15 Q I'm showing you, sir, what's been admitted into evidence as
16 Government's Exhibit Number 74. Do you recognize that person?

17 A Yes. That's Mario Solis.

18 Q And back in May of 2010, was he the one driving that car
19 that contained that marijuana?

15:33 20 A That's right.

21 Q Before you took that marijuana out of that car, had you and
22 Mr. DeLeon already planned to steal the marijuana?

23 A Yes. We had already planned it.

24 Q Can you tell the jury, Mr. Oyervides, what you and

15:34 25 Mr. DeLeon did in terms of how to steal this marijuana?

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15:35 1 A Yeah. First, it was my friend Eddie Beltran, who is Border
2 Patrol. I stationed the car at the hospital. Then I talked to
3 Edgar, and Edgar said to indeed park the car at the hospital
4 but to leave two bags behind so that the K9 could come and
15:35 5 sniff it.

6 Q Let me ask you this, Mr. Oyervides: Before Mr. Solis
7 parked the car at the hospital, had you and Mr. DeLeon or
8 Mr. Solis -- had you all been talking to the owners of the
9 marijuana?

15:36 10 A So these people, the people who owned the marijuana, were
11 following the car where Solis was inside. And then he stopped
12 the owners of the marijuana so that they could take it.

13 Q So when Mr. Solis was driving the marijuana, the owners
14 were behind them; is that correct?

15:36 15 A Yes. The owners were behind.

16 Q I'm sorry. In a separate vehicle?

17 A In separate vehicles.

18 Q And before Mr. Solis was being followed by the owners of
19 the marijuana in the second vehicle, did you have any contact
15:36 20 with Border Patrol Agent Eduardo Bazan?

21 A Yes. We were talking for a while before they stopped.

22 Q And after talking to Agent Bazan, did you ask him to
23 conduct a traffic stop on the vehicle occupied by the owners of
24 the marijuana?

15:37 25 A Yes. That's true. For him to stop the owners.

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15:37 1 Q Did Mr. Solis, who was driving the marijuana in that car --
2 what did you tell him to do once Agent Bazan stopped the owners
3 of the marijuana?

4 A Yes. We had already explained what he had to say to them.

15:37 5 Q And so after Agent Bazan, Border Patrol Agent Bazan stopped
6 the marijuana, where did Mr. Solis take the car to, to what
7 place?

8 A To the hospital.

9 Q Was that before or after you all took out the marijuana
10 bundles from the car?

11 A That was after.

12 Q So can you tell the jury --

13 A First, we took out the marijuana and then we left the
14 vehicle.

15:38 15 Q And when you said "we took out the marijuana," who took out
16 the marijuana from that vehicle?

17 A At this point, I don't recall. I don't recall who took out
18 the marijuana.

19 Q But do you recall the marijuana being taken out of the
20 vehicle?

21 A Yes. I do recall.

22 Q And after the marijuana is taken out of the vehicle, where
23 does Mr. Solis take the car to?

24 A To the Mustang.

15:39 25 Q What did he do with the car? Did he steal the car? Did he

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15:39 1 leave the car behind? What did he do?

2 A He abandoned it there with two bundles of marijuana.

3 Q And after Mr. Solis abandoned the car with the marijuana
4 bundles, what did you do?

15:39 5 A I texted my friend Hector and said that we had already left
6 the car at the hospital.

7 Q And, Mr. Oyervides, before you called Mr. Beltran to tell
8 him that the vehicle had been left at the hospital, had you
9 talked to Mr. Beltran before that point and discussed with him
10 what you were doing?

11 A Yes. I had already talked to him about it.

12 Q What had you told Mr. Beltran you were going to do with the
13 marijuana in that car?

14 A That we were going to steal the marijuana.

15:40 15 Q Once you stole the marijuana, sir, how did you convince the
16 owners that you didn't steal the marijuana?

17 A How I convinced the owners?

18 Q That's correct. Yes, sir.

19 A Well, he had said that they were going to follow the car
15:41 20 and that they were waiting for him. So this is something that
21 they didn't really realize because they were stopped and Eddie
22 didn't see it.

23 Q When you say "Eddie," who is Eddie, sir?

24 A Eddie Bazan.

15:41 25 Q Is he the Border Patrol agent that made the traffic stop on

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15:41 1 the owners?

2 A He is the patrol that stopped the owners of the
3 merchandise.

4 Q If you recall, Mr. Oyervides, after this particular
15:41 5 incident, did you pay Mr. Beltran any money?

6 A Yes, we did. But, first, I would like to explain to you
7 what I did at the hospital so we could leave the car there.

8 Q Well, let me ask you this, Mr. Oyervides. After speaking
9 to Mr. Beltran about the car being left at the hospital, what
15:42 10 else did you do?

11 A Well, I talked to Officer Hector Beltran, and I told him
12 that I had left a car there. But he said then to leave the
13 bundles too so that the dog could sniff them, but also that I
14 alert the department, police department that there was a
15:43 15 suspicious car there.

16 Q After you made the call to the Edinburg Police Department
17 about a suspicious vehicle, did Mr. Beltran show up with
18 his K9?

19 A Yes. Because he was very close to the area, waiting for
15:43 20 me.

21 MR. ALANIZ: May we approach, Your Honor?

22 THE COURT: You may approach.

23 *(At the bench)*

24 MR. ALANIZ: My next incident is going to take --

15:44 25 THE COURT: Do you want to excuse the jury now?

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15:44 1 MR. ALANIZ: I'm going to take this next incident and
2 break it up. That's just my suggestion.

3 THE COURT: Does anybody object to breaking now?

4 MR. MARTINEZ: No, Your Honor.

15:44 5 *(Open court)*

6 THE COURT: Okay. Ladies and gentlemen, I know you
7 have suggested you could work until 4:00 today, but we have
8 reached an obvious break point. And we are going to excuse you
9 a little early.

15:44 10 I would remind you, please, adhere to all the
11 instructions I offered you, especially about reading about this
12 case. This case will be covered by the media. Please shield
13 yourself from the coverage, if you will.

14 We will resume at 7:30 in the morning. We will
15 have bagels and sweetbreads for you, and coffee, but you may
16 not like our snacks, so feel free to bring your own food from
17 home, food or drink. We don't provide meals until you are in
18 deliberations, but we do try to keep you supplied with snacks
19 and coffee and all the rest.

15:45 20 We do sometimes have trouble controlling the
21 temperature in here. Even though it is 100 outside, you may
22 want to bring a sweater. I can't promise we will always keep
23 you comfortable.

24 *(Jury not present)*

15:46 25 THE COURT: Do you want to take up some more

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15:46 1 evidentiary objections?

2 MR. ALANIZ: First of all, Judge, I don't think
3 anybody has invoked the rule, but we would invoke the rule at
4 this time.

15:46 5 MR. CUNNINGHAM: I was going to do the same thing.
6 Great minds think alike.

7 THE COURT: I don't have the slightest idea who is a
8 witness and who is not.

9 MR. ALANIZ: All of our witnesses will be outside,
10 Judge, Your Honor. We would ask the Court if we can excuse
11 from the rule two of our agents who are helping us with the
12 trial?

13 THE COURT: Normally you get one agent.

14 MR. ALANIZ: The one we would like, for sure, is
15 Mr. Perez. But if the Court is only willing to give us one,
16 then we will --

17 THE COURT: Is he testifying as an expert?

18 MR. ALANIZ: No. Not as an expert. He will testify
19 just as a witness, both of them.

15:47 20 THE COURT: Does anybody object to their having two
21 case agents in the courtroom?

22 MR. CUNNINGHAM: My understanding is the second one is
23 Mike Burner.

24 MR. ALANIZ: Yes. That's correct.

15:47 25 MR. CUNNINGHAM: I'm speaking only on behalf of

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15:47 1 Mr. Polanco. I don't have any objection to two case agents.

2 MR. MARTINEZ: I don't either, Your Honor.

3 THE COURT: Okay.

4 MR. ALANIZ: Mr. Leeper, I think, hasn't joined in,
15:47 5 Your Honor.

6 MR. LEEPER, JR.: I don't have an objection, Your
7 Honor.

8 THE COURT: In terms of the defendants' witnesses,
9 experts are normally excused from the rule.

10 Do you have any experts you want to keep in the
11 courtroom?

12 MR. MARTINEZ: I don't, Your Honor.

13 MR. CUNNINGHAM: Judge, and this goes back to -- the
14 government has an FBI agent by the name of Michael Shute,
15 S-H-U-T-T (sic), who is a cell tower location expert. Because
16 of the late hour that we got the evidence, I haven't gotten an
17 expert. I may need an expert that has not been retained yet,
18 but that's next week.

19 THE COURT: That's fine. I appreciate the heads-up.
15:48 20 We won't worry about that right now.

21 Do you want to talk about exhibits?

22 Thank you. You are done. You were a hero. Can
23 you help us out tomorrow?

24 THE INTERPRETER: Of course. Yes.

15:48 25 MR. LEEPER, JR.: Your Honor, I have my investigator

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1 here, David Davis, if that's okay, in the courtroom.

2 THE COURT: Can we leave him in the courtroom?

3 MR. ALANIZ: If he is not a witness, I have no
4 problem, Your Honor.

5 THE COURT: He may be a witness. Is he a witness?

6 MR. LEEPER, JR.: No, sir.

7 THE COURT: Anybody that's not a witness can certainly
8 stay.

9 Okay. I'm not looking for work. If there are no
10 problems with exhibits --

11 MS. MACDONALD: Just for purposes of the record, the
12 parties have all agreed that Government's Exhibits 12
13 through 102 are admitted, with the exception of 67A
14 through 67G.

15 THE COURT: Okay. Admitted.

16 MS. MACDONALD: Thank you.

17 THE COURT: Mr. Ramirez is not here right now. Give
18 it to him.

19 Okay. Thank you. See you tomorrow.

20 *(Court adjourned at 3:49 p.m.)*

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I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled cause.

Date: September 20, 2019

/s/ Mayra Malone

Mayra Malone, CSR, RMR, CRR
Official Court Reporter

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