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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FRANCISCO CARRILLO, JR.,)
)
Plaintiff,)
)
VS.) Case no.
) CV11-10310SVW (AGRx)
COUNTY OF LOS ANGELES; CRAIG)
DITSCH; AND DOES 1-10,)
INCLUSIVE,)
)
)
Defendants.)
_____)

Deposition of
Craig Ditsch
Wednesday, July 18, 2012

Reported by: Leslie L. Chisum, CSR no. 9682

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Deposition of Craig Ditsch, before Leslie L. Chisum,
a Certified Shorthand Reporter for the State of
California, with principal office in the county of
Ventura, commencing at 10:38 a.m., Wednesday, July 18,
2012, at 234 East Colorado Boulevard, Suite 230, Pasadena
California.

* * *

APPEARANCES OF COUNSEL:

For the Plaintiff:
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BY: JIN S. CHOI, ESQ.
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(818) 545-1925

Also Present:
Tom Parker
Francisco Carrillo, Jr.

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INFORMATION REQUESTED

(None)

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER

(None)

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PASADENA, CALIFORNIA; WEDNESDAY, JULY 18, 2012

10:38 A.M.

--o0o--

THE VIDEOGRAPHER: We are on the record. This is the deposition of Craig Ditsch taken on behalf of the plaintiff in the matter of Francisco Carrillo, Jr. vs. the County of Los Angeles, et al. pending before the United States District Court, Central District of California, case no. CV11-10310SVW(AGRx).

It is Wednesday, July 18th, 2012, and we are at 234 East Colorado Boulevard, suite 230, in Pasadena, California. My name is Esrom Jayasinghe of Verbatim Video located 9725 Gladbeck Avenue in Northridge, California. This is the start of disk one. The time now is 10:38.

Counsel, if you would kindly introduce yourself and state your affiliation, please.

MR. KAYE: Ronald Kaye on behalf of the plaintiff Mr. Francisco Carrillo, Jr. Also present with me at this deposition is my partner Miss Marilyn Bednarski and another attorney at our firm Miss Caitlin Weisberg.

MR. CHOI: Jin Choi on behalf of defendants County of Los Angeles and Craig Ditsch.

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Craig Ditsch,
called as a witness by and on behalf of the Plaintiff, and
having been duly administered the oath, was examined and
testified as follows:

EXAMINATION

BY MR. KAYE:

Q. Good morning.

A. Good morning.

Q. Lt. Ditsch, I am going to give you some
guidelines on how a deposition works in order for us to be
as clear as possible. And, first, the oath that you've
just taken that was given to you by the court reporter,
that is an oath under the penalty of perjury which means
that, although we are not in a courtroom and there's no
judge here, it has the same -- same effect.

Do you understand that?

A. Yes, sir.

Q. Everything you will be saying will be taken down
by a court reporter who's present. And even though we are
having this videotaped simultaneously, ultimately the
transcript is what controls. So I would ask you when I
ask you a question that requires a "yes" or "no" answer,
that you specifically say "yes" or "no" and not nod your
head or say "uh-huh." Do you understand?

1 A. Yes.

2 Q. If you don't understand a question, then ask me
3 to -- advise me you don't understand it, and I will
4 rephrase it as best as I can. The goal is not to confuse
5 you but to be as clear as possible. Do you understand
6 that?

7 A. Yes, sir.

8 Q. The ultimate result of this deposition will be a
9 transcript which will be in a booklet, and this will be
10 produced to your counsel and you will have what is
11 generally agreed to 30 days to make corrections. You
12 should know that any corrections you make on the
13 transcript are also under the penalty of perjury. Do you
14 understand that?

15 A. Yes, sir.

16 Q. And similarly, when you make your corrections, I
17 have the right as counsel to make reference and to make
18 note of that before a jury if this case should proceed to
19 trial. Do you understand that?

20 A. Sure.

21 Q. The primary topic that we are going to be
22 addressing are events which occurred on January 18th and
23 January 19th of 1991, and I understand that that is over
24 20 years ago. But ultimately I am entitled to your best
25 estimate even if you don't remember exactly. Do you

1 understand that?

2 A. Yes, sir.

3 Q. But I ask you not to guess because we're trying
4 to get evidence and testimony that reflects what occurred
5 that day, and if you don't know something, please advise.
6 And we don't want you to speculate or guess. Okay?

7 A. Yes, sir.

8 Q. And I assume that you understand what a -- an
9 estimate is, but I always go through this little tale
10 that -- in order to give an example that you -- if you
11 were to leave my office right now, you would be able to
12 potentially estimate how long this conference table is,
13 but you could never estimate how long the desk is in my
14 office because you've never been there. That would be a
15 guess. Okay.

16 When I ask a question to you, your counsel may
17 object. Please wait for your counsel's objection to be
18 completed, and then answer the question. Unless your
19 counsel specifically instructs you not to answer, you're
20 required pursuant to the Federal law to answer the
21 question. Do you understand?

22 A. Yes.

23 Q. If you need to take a break at any time, please
24 do so. This is not an endurance contest. The only thing
25 is that I ask you not to take a break while a question is

1 pending. It makes sense.

2 A. Yes.

3 Q. Are you on any medication today that would
4 affect your ability to answer questions truthfully?

5 A. No.

6 Q. Are you under any medication which would
7 interfere with your ability to recollect events?

8 A. No.

9 Q. Have you ever been deposed before?

10 A. I believe I have once.

11 Q. And do you remember when that occurred?

12 A. I do not.

13 MR. CHOI: Mr. Kaye, before you go further, could
14 you also state the appearance of the other two
15 individuals.

16 MR. KAYE: Also present at this deposition is the
17 plaintiff Mr. Francisco Carillo, Jr. and also present at
18 this deposition is plaintiff's police practices expert Tom
19 Parker.

20 Q. So do you have a sense whether this deposition
21 was in the last ten years?

22 A. I'd say no, that it was not in the last ten
23 years.

24 Q. Was it within the last 20 years?

25 A. Probably close to that. I'd say 20 to 30 years.

1 Q. And were you a witness or a party to the lawsuit
2 you were testifying in at the deposition?

3 A. I don't remember.

4 Q. And was it reflecting your capacity as a law
5 enforcement officer?

6 A. I'm not even sure of that. I don't know.

7 Q. Not the most memorable experience?

8 A. Apparently not.

9 Q. Okay. So in your recollection there's only one
10 time that you've been deposed but you don't know of the
11 circumstances surrounding it?

12 A. Correct.

13 Q. Have you ever testified in a court of law?

14 A. Yes.

15 Q. Now, presumably you've done so repeatedly as a
16 law enforcement officer; correct?

17 A. Correct.

18 Q. Would you say you've done that over a hundred
19 times?

20 A. Yes.

21 Q. Over 200 times?

22 A. Probably.

23 Q. And how many times could you estimate you've
24 testified before a jury? More than 50 times.

25 A. I would say about 50 times.

1 Q. And other than your role as a law enforcement
2 officer, have you ever testified in a court of law as a
3 witness in any other context?

4 A. Not that I can recall.

5 Q. And when did you become a sheriff's deputy for
6 the county of Los Angeles?

7 A. I became a deputy sheriff in March of 1985.

8 Q. And prior to that did you have any law
9 enforcement experience?

10 A. Yes.

11 Q. And where was that?

12 A. I was first hired as a police officer for the
13 city of Azusa May 2nd, 1977.

14 Q. And what was your rank in the city of Azusa
15 during those --

16 A. Officer.

17 Q. -- years? Officer. Did you ever get promoted?

18 A. No.

19 Q. And you came to the sheriff's department in
20 March of '85 as a deputy; correct?

21 A. Correct.

22 Q. And give me a -- if you could, a description
23 of -- well, strike that. What is your education prior to
24 your position in the city of Azusa a police officer?

25 A. I have a bachelor's degree in economics from the

1 University of California Riverside.

2 Q. And that was prior to Azusa?

3 A. Yes.

4 Q. And did you have any employment other than --
5 well, what was your employment history prior to your
6 position in the city of Azusa?

7 MR. CHOI: Going back how far?

8 MR. KAYE: Go back five years prior to the city of
9 Azusa.

10 THE WITNESS: Well, as I was working my way through
11 college and playing football at U.C. Riverside, I worked
12 as an attendant at a gas station, a Chevron gas station,
13 for a guy named Mike Burke. I -- after graduating from
14 college, while I applied for law enforcement positions, I
15 was working building homes for a guy named Richard Green
16 who was doing custom homes at the time.

17 BY MR. KAYE:

18 Q. So those are your two positions within the five
19 years prior to Azusa?

20 A. Correct.

21 Q. And if you could say why did you decide to --
22 after getting a bachelor's of economics at U.C. Riverside,
23 why did you decide to pursue law enforcement?

24 A. I originally went to college to play football.
25 I went there to get a college degree that could get me in

1 the FBI. When I checked into the FBI office in West
2 Covina before going to college, they told me that I could
3 get hired as an FBI agent with a college degree in
4 business. And I went to college, and just before I
5 graduated, they told me that they were no longer accepting
6 business degrees, that I needed a business degree and law
7 enforcement experience. So I applied for law enforcement
8 positions.

9 Q. Well, you know, if we would have gone back 25
10 years, 30 years, you could have talked to my expert here
11 who was the head of the FBI in L.A. We could have had
12 this whole thing worked out. Okay.

13 So -- and just for my own curiosity, what position
14 did you play in football?

15 A. I was running back.

16 Q. All right.

17 A. And tight end and a middle linebacker.

18 Q. When we have a break, we'll tell you some
19 football stories.

20 A. Cool. I'll tell you some too.

21 Q. So let me go through your career at the
22 sheriff's department. Please tell me -- so you went to
23 the academy in March of 1985?

24 A. I did not go through the sheriff's academy. I
25 went through Rio Hondo academy in 1977.

1 Q. Because you were lateral from --

2 A. I was --

3 Q. -- from Azusa?

4 A. I was actually a lateral from the city of
5 Alhambra. I left the city of Azusa and went to the city
6 of Alhambra before I was hired with the sheriff's
7 department.

8 Q. So what did you do with the city of Alhambra?
9 What was your position?

10 A. I was a police officer.

11 Q. And you were trained in 1977 at Rio Hondo as
12 a -- in the academy?

13 A. Correct.

14 Q. And when you transferred from Alhambra to the
15 sheriff's department, you didn't have to go take any kind
16 of academy courses or you went -- went straight onto
17 patrol?

18 A. I believe I might have had my advanced POST even
19 before coming to the sheriff's department. So, no, I did
20 not have to go through any of their academy training.

21 Q. Why did you leave Azusa and go to Alhambra?

22 A. Azusa at the time was a good place to work, very
23 active, had a lot of gang activity. That was where I
24 built my interest in gangs. But it was a very small city.
25 We had -- I think I was making a thousand and sixty-four

1 dollars a month. And it just -- I was recruited by my
2 patrol commander who had left and gone to Culver City as
3 the captain and got the chief job at Alhambra. He was a
4 great guy when I worked for him at Azusa, and I went to
5 Alhambra to work for him when he recruited me.

6 Q. And did -- how long were you in Alhambra?

7 A. Two and a half years.

8 Q. So if I have this correct, you started law
9 enforcement in 1977, went to Azusa, and then so that would
10 be approximately six years?

11 A. Yes.

12 Q. And then two and a half years at Alhambra based
13 on your -- you transferred primarily based on your
14 relationship with the new chief?

15 A. Correct.

16 Q. And were you similarly involved in gang work in
17 Alhambra?

18 A. Alhambra didn't have I don't think -- they
19 considered a gang problem. There was no gang detail
20 there. It wasn't the environment of -- like the city of
21 Azusa, didn't have the Hispanic gang problem that Azusa
22 did. And I wanted -- that was where my interest really
23 lie. So I decided to go to the sheriff's department.

24 Q. Because of the sheriff's department's focus on
25 gang intervention by law enforcement?

1 A. Correct.

2 Q. And can you describe why you had this interest
3 in gang intervention?

4 A. I think it started from when I -- my days in
5 Azusa just with the Hispanic gang problem that Azusa had.

6 Q. And why would that be something that interests
7 you?

8 A. I guess just because everybody develops their
9 interest in the field, and that was where my interest --
10 that's the direction of my interest.

11 Q. And you were interested in understanding -- my
12 understanding -- and I'm not a law enforcement officer --
13 but the gang intervention by law enforcement is in certain
14 ways different from normal patrol; correct?

15 A. Yes.

16 Q. And you develop an expertise regarding the gang
17 culture; correct?

18 A. Yes.

19 Q. And -- you particularly because you understand a
20 culture and have a particular population you're focusing
21 on, you start -- it's very intensive on intelligence work
22 amongst the gang deputies; correct?

23 A. Sure.

24 Q. And you share a lot of information in order to
25 be able to apprehend gang members?

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A. Sure.

Q. Correct?

A. Yes.

Q. And particularly in the gang enforcement area of law enforcement, there's more of an interaction and sharing of information than many other areas of law enforcement; correct?

MR. CHOI: Objection. Calls for speculation.

MR. KAYE: In your experience.

THE WITNESS: I would say that there is a -- more so than most other areas of law enforcement I'd say is correct, yes.

BY MR. KAYE:

Q. Now let's just go -- and it doesn't have to be as itemized and, you know, long and drawn out, but I'd like to understand your career history in the sheriff's department. So you were there in March of '85 as a deputy. Where were you stationed?

A. When I first went to the sheriff's department, I was assigned to -- Men's Central Jail.

Q. And how long were you there?

A. 11 months.

Q. You lucky man.

A. Yes. At the time there was -- the going rate was about three years, and Sheriff Block signed a pact

1 giving lateral officers custody seniority based on the
2 amount of experience -- prior experience. I got the
3 maximum which was allowed which was two years. I had
4 already done 11 months, so when he signed that, it
5 basically kicked me out the door the next list, and I went
6 to Lynwood sheriff's station.

7 Q. So just for clarification, you had two years'
8 custody experience when you were in Azusa or just they
9 gave you such credit --

10 A. They gave --

11 Q. -- because you were a lateral?

12 A. I'm sorry. Yes. They gave me two years'
13 custody seniority for the sheriff's department.

14 Q. I see.

15 A. I had never worked a custody facility before.

16 Q. And after 11 months at Men's Central Jail, where
17 did you go?

18 A. I went to Lynwood station.

19 Q. So we're talking in 1986?

20 A. Correct.

21 Q. And your rank?

22 A. Deputy.

23 Q. Patrol?

24 A. Yes.

25 Q. And after being in patrol, were you promoted or

1 transferred anywhere else at Lynwood station?

2 A. I was in patrol for about a year, and then I was
3 chosen as a training officer. I trained new deputies for
4 about a year. And then I was chosen for the newly
5 established Gang Enforcement Team that the county
6 established in several of their more active stations.

7 Q. And that's gang enforcement, G-E-T?

8 A. Correct.

9 Q. Okay. So as a training officer for a year, you
10 would work with new deputies that were on, for lack of a
11 better word, probation at the -- at the Lynwood station?

12 A. I'm not sure if it was a probationary period,
13 but it was a training period of six months that each
14 deputy first going to patrol has to go through.

15 Q. And as a training officer, would you go out on
16 patrol one on one with the new deputies? Would that be
17 the normal format that you would go out in a patrol car
18 with the new --

19 A. Yes. As a two-man car?

20 Q. Yeah.

21 A. Yes.

22 Q. And would you review all their reports before
23 they were submitted to the watch commander or sergeant?

24 A. Yes.

25 Q. Was that a mandatory training requirement that

1 all reports be reviewed?

2 A. I don't know if it was a mandatory training
3 thing, but that was the way it was done at the time.

4 Q. That was the practice?

5 A. And that was really the correct practice.

6 Q. Right. So I'll ask you more about the Gang
7 Enforcement Team a little bit later, but just to get your
8 chronology -- so we're talking one year. We're probably
9 now in 1987. You're at the Gang Enforcement Team at
10 Lynwood and how long do you do that?

11 A. I went to the Gang Enforcement Team in '88.

12 Q. '88. Sorry.

13 A. It was one year patrol.

14 Q. One year training and now gang enforcement?

15 A. Right. One year patrol, one year training, and
16 then to the Gang Enforcement Team.

17 Q. Okay. How long -- how long did you do gang
18 enforcement?

19 A. 11 months. Actually 11 or 12 months. It was at
20 the very beginning of '89 -- I think it was January of '89
21 I went to the investigator position of the gang team
22 Operation Safe Streets.

23 Q. Okay. And as an investigator -- first of all,
24 the gang enforcement did you have a partner?

25 A. Yes.

1 Q. And who was your partner?

2 A. Dan McLeod.

3 Q. And were you a uniformed officer on the GET?

4 A. Yes.

5 Q. And on OSS investigations did you have a
6 partner?

7 A. Dan Raimo, R-a-i-m-o.

8 Q. And did you wear a sheriff's uniform or would
9 you be in plainclothes?

10 A. It was what they call soft clothes. We
11 generally wore jeans with the raid jacket that the
12 sheriff's department has.

13 Q. Even sweltering days of summer you'd wear that
14 jacket?

15 A. Yes. It's a windbreaker-type jacket.

16 Q. The green one. I've seen it.

17 A. Right.

18 Q. And did you drive a patrol vehicle or a non --
19 would not be obvious department vehicle as an OSS
20 investigator?

21 A. As an OSS investigator, we had undercover cars
22 that everybody knew were police cars, but they weren't
23 black and white marked sheriff cars, no.

24 Q. And the GET gang enforcement had black and
25 whites?

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A. Yes.

Q. And the under -- do you recall what car you were driving back in early 1991, late 1990?

A. I believe it was a white Caprice, white -- they're -- I'm not sure. It was either Caprice or Crown Vic.

Q. But a white car?

A. Yeah. Usually they were all white.

Q. Okay. We'll go back into that a little bit more, but I want to discuss your training -- excuse me -- your preparation for this deposition. You -- any conversation that you've had with your lawyer is protected as privileged. We have no right to access that information. But we are able to access information reflecting discussions with colleagues, and we are able to access information about how long, when you met with people. But I'm just -- as an attorney I'm just advising you that there's no way I would like you to slip and make an error and start talking about discussions you've had with Mr. Choi or any other of your lawyers.

Do you understand?

A. Yes.

Q. So I'm going to refer to the events of this lawsuit, unless I describe otherwise, the events that happened January 18th and 19th of 1991 as "the incident."

1 If I'm talking about the incident, that should make you
2 know where I'm going.

3 Have you -- in preparation for this deposition, have
4 you read anything reflecting this incident?

5 A. Yes.

6 Q. What have you read?

7 A. I've read I believe it was my testimony from the
8 first trial, my testimony from the second trial, I believe
9 a bit of my testimony from the habeas corpus hearing. I
10 believe I read my declaration that was filed prior to the
11 habeas corpus hearing, and I believe I read some of my
12 testimony of the habeas corpus hearing. Did I say that
13 already?

14 Q. Whatever you say it's going to be recorded.
15 Anything -- anything else you've read besides first trial
16 testimony, second trial testimony, habeas testimony,
17 declaration in preparation for the habeas?

18 A. And my supplemental report that I wrote back in
19 1991.

20 Q. Any other documents you've read?

21 A. Not that I can recall.

22 Q. In the last five years, have you read anything
23 reflecting this case other than those documents that
24 you've just referenced?

25 A. I believe I did. But I'm not -- I'm not even

1 sure what I read. It was in preparation of the habeas
2 corpus -- when this first broke, when the sheriff's
3 department first found out about -- out about the habeas
4 corpus filing, it was reassigned to homicide investigator
5 Rick Biddle, his partner Barry Hall, and I believe they
6 gave me documents that I read then. But they didn't seem
7 to be complete documents of any particular thing. And to
8 tell you the truth, I don't remember what exactly those
9 documents were.

10 Q. And this was in 2010?

11 A. Yes. I would have -- I'd say it was 2010.

12 Q. And in preparation for this deposition, when did
13 you read these documents the first -- the first trial,
14 second trial, habeas transcripts?

15 A. Last night.

16 Q. So that was the first time?

17 A. Yes.

18 Q. And presumably you met with Mr. Choi in
19 preparation for this deposition; correct?

20 A. Yes.

21 Q. And when did you meet with him?

22 A. Yesterday.

23 Q. And how long did you meet with him for?

24 A. An hour, maybe an hour and a half.

25 Q. And where did you meet?

1 A. In his Glendale office.

2 Q. So in any way did you start preparing for this
3 deposition before yesterday?

4 A. No.

5 Q. And you've only met with Mr. Choi yesterday.
6 Have you met with any other attorney in preparation for
7 this deposition?

8 A. No.

9 Q. Have you met with any other -- any other
10 individual in preparation for this deposition, a paralegal
11 from Mr. Choi's office or a representative of the
12 sheriff's department?

13 A. No.

14 Q. And I know this might be a little difficult, but
15 give me the best answer you can. If you -- do you -- do
16 you know who you've spoken to within the last five years
17 from the county of Los Angeles reflecting this incident?

18 A. The only person I can remember is Rick Biddle
19 when Rick Biddle was assigned to re-investigate this case.
20 I don't remember the exact type of communication. But --

21 MR. CHOI: He's asking you who --

22 THE WITNESS: Who had I talked to?

23 MR. CHOI: Right.

24 THE WITNESS: I'd say Rick Biddle.

25 ///

1 BY MR. KAYE:

2 Q. And do you recall what the conversation was with
3 Mr. Biddle?

4 A. Not really.

5 Q. Have you ever met with Chief McSweeney from the
6 detectives bureau -- maybe he's not there anymore but --

7 A. No.

8 Q. -- reflecting this case?

9 A. He's my current chief. I don't recall ever
10 talking to him about that habeas hearing or anything, no.

11 Q. Or anything involving this incident?

12 A. No.

13 Q. Have you ever met with Deputy District Attorney
14 Juan Mejia reflecting this case?

15 A. Juan Mejia was one of the habeas corpus D.A.'s
16 and I don't remember ever speaking to him. I remember
17 being in a meeting at homicide where he was present, but
18 we never spoke.

19 Q. Okay. Did you engage in correspondence in any
20 way with Juan Mejia?

21 A. Not that I recall.

22 Q. Okay. Did you review the habeas petition in
23 this case?

24 A. I don't recall. I -- you know, I think that's
25 what I -- I think that's what I based the declaration

1 response on is the habeas corpus petition.

2 Q. Do you -- have you spoken to Commander Goran or
3 Goran in the past five years about this case?

4 A. No, sir.

5 Q. Have you -- do you interact with Commander Goran
6 right now?

7 A. I did when I was at homicide. As a homicide
8 investigator, I was at a scene where he was the responding
9 commander. That was probably ten years ago. And I don't
10 think I've spoken to him since unless I saw him at some
11 function.

12 Q. Okay. And how about Sgt. Loy Luna? Have you
13 talked to him about this case within the last five years?

14 A. No. I talk to Loy but not about this case.

15 Q. When did you last see Loy?

16 A. I just saw him yesterday.

17 Q. And where did you see him?

18 A. I saw him at walking down the hall. He was
19 teaching a class at the school where my office is.

20 Q. And where is your office?

21 A. It's what we call STARS Center. It used to be a
22 high school that the sheriff's department runs several
23 offices, their academy, and several functions out of.
24 Mostly investigative functions out of Whittier STARS
25 Center.

1 Q. So when you say you -- and I don't want to
2 mischaracterize but you say you see Sgt. Luna quite often?

3 A. I wouldn't say quite often. I see him
4 occasionally. I saw -- I just happened to see him
5 yesterday. And he was telling me that he was teaching
6 this undercover class, and he was describing some pole
7 camera assignment that he is doing right now.

8 Q. And have you ever had a discussion with
9 Sgt. Luna reflecting the incident within the last five
10 years?

11 MR. CHOI: Objection. Asked and answered.

12 THE WITNESS: No.

13 BY MR. KAYE:

14 Q. Did you advise Sgt. Luna yesterday that you were
15 coming for this deposition?

16 A. I don't believe the subject ever came up.

17 Q. Have you -- do -- who do you know other than
18 your scheduling people know that you've discussed that
19 you're taking this deposition today?

20 A. Nobody but my captain and my sergeant so they
21 know that I'm not available for response or phone calls.

22 Q. Okay. All right. I wanted to -- well, let me
23 ask you this: Were you aware that Mr. Carrillo's habeas
24 petition was granted?

25 MR. CHOI: At any time?

1 BY MR. KAYE:

2 Q. At any time are you aware that Mr. Carrillo's
3 actual habeas petition was granted?

4 A. I believe I am aware of that, yes.

5 Q. And when were you first aware of that?

6 MR. CHOI: Without going into any attorney-client
7 communications.

8 THE WITNESS: I have no idea.

9 BY MR. KAYE:

10 Q. After you -- after you testified in the habeas
11 evidentiary hearing, did anyone advise you after that that
12 the petition was granted?

13 MR. CHOI: Anyone besides his attorney?

14 MR. KAYE: Well, okay.

15 THE WITNESS: Not that I recall.

16 BY MR. KAYE:

17 Q. So do you have any rough estimate of when you
18 knew the habeas petition was granted?

19 A. It was sometime after the habeas hearing, yes.

20 Q. And what was your response?

21 A. What was my response?

22 Q. Were you upset?

23 A. I -- I don't think I was upset. I -- I was more
24 upset at some of the allegations that came out in this
25 habeas corpus hearing process.

1 Q. So you don't think in your recollection that you
2 were upset about the fact that a petition was granted in
3 and of itself?

4 A. No.

5 Q. Do you have any personal opinion whether
6 Mr. Carrillo is, in fact, responsible, guilty for the
7 murder of Donald Sarpy on January 18th, 1991?

8 A. My personal feeling is he is, yes.

9 Q. But it didn't anger you or upset you that he was
10 released?

11 A. No. I don't remember being angry about it, no.
12 They can let them all out of jail. It just gives me job
13 security. I have no problem with that. If the system
14 thinks that he should be released, who am I to say?

15 Q. And did you have a similar sentiment when you
16 were an OSS investigator and Gang Enforcement Team deputy
17 at Lynwood, that if the system lets somebody out, it
18 wouldn't necessarily concern you?

19 A. There -- I couldn't tell you how many guys have
20 been let out from things that I've been involved in. This
21 was no different than any others. And, like I say, I look
22 at it as job security. I'll find them at another time and
23 another place doing the wrong thing, and they'll go to
24 jail.

25 Q. Okay. Do you know if Mr. Carrillo's case is

1 being investigated right now by the sheriff's department?

2 A. Not to my knowledge.

3 Q. I wanted to go back to your career history. So
4 we were at OSS investigation after the Gang Enforcement
5 Team. How long were you at OSS at Lynwood?

6 A. I promoted out of Century OSS in 1977.

7 Q. Now, why did you leave Lynwood OSS and go to
8 century OSS?

9 A. Lynwood station was shut down and was combined
10 with Firestone station to create Century station.

11 Q. And what year was that?

12 A. So I never left. It just evolved. 1994 was
13 Century station opening. I left there when I promoted in
14 19 -- I believe it was April of 1977.

15 Q. '77?

16 A. I mean '97. Sorry.

17 Q. So 1994 Lynwood station was shut down, and you,
18 as in many other deputies from Lynwood, transferred to
19 Century?

20 A. Yes.

21 Q. And were you still partners with Mr. Raimo?

22 A. For the most part.

23 Q. And tell me, after Century -- well, strike that.
24 Was there a different manner of conducting gang
25 investigation at Century versus Lynwood?

1 MR. CHOI: Can you repeat that question?

2 (Record read.)

3 THE WITNESS: I'm not sure what you mean by manner.

4 The only thing I would say was any different is I had

5 different supervisors. When I was at Lynwood, my

6 supervisor was Joe Holmes, and he actually assigned us

7 gangs that we were responsible for. Whether that gang was

8 a victim of a crime or a suspect a crime, we would handle

9 the investigation of that crime involving our assigned

10 gangs.

11 BY MR. KAYE:

12 Q. And at Century it wasn't like that?

13 A. I don't recall it being like that. Every

14 supervisor changes their ways. I don't recall actually

15 being assigned the same gangs then. So that supervisor

16 may not have necessarily held us responsible for those

17 gangs.

18 Q. And throughout your tenure at Lynwood as an OSS

19 investigator, Joe Holmes was your sergeant throughout that

20 time?

21 A. Yes, sir.

22 Q. And do you have any idea where Mr. Holmes is

23 now?

24 A. He's retired from homicide bureau and living in

25 Canyon Country.

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Q. Okay.

A. Fishing and camping.

Q. This is a hard summer for me. Don't get me jealous. Usually I do a lot of camping over the summer. But okay. And after -- did you stay at OSS at Century station the entire time you were at Century?

A. I'm not sure I understand the question.

Q. Century station you were an OSS investigator after being -- after Lynwood closed down; correct?

A. Yes. Nothing ever changed other than we moved to a different facility.

Q. And at Century station, did you remain as an OSS investigator?

A. Yes.

Q. And then where did you go after that?

A. I promoted in 1997 and went to Temple station.

Q. What was your rank?

A. Sergeant.

Q. And did you -- were you assigned to a particular law enforcement area or just a general patrol sergeant?

A. General patrol.

Q. So you're no longer focusing on gangs in 1997?

A. No.

Q. Is that --

A. No, sir. I'm sorry. No.

1 Q. You don't have to call me "sir." Where -- was
2 that -- was that a -- something you chose, to no longer be
3 involved in gangs, or was that just based on the decision
4 of the chain of command?

5 A. On the sheriff's department when you promote,
6 for the most part you either go to a custody facility or
7 you go to patrol, and you start all over as a supervisor.

8 Q. Was that something of a disappointment for you
9 that you were no longer focusing on gangs?

10 A. No. I looked forward to it.

11 Q. You had enough gangs?

12 A. I did.

13 Q. Okay. And then at Temple station how long were
14 you a sergeant?

15 A. I was at Temple station as a sergeant for two
16 years.

17 Q. And then where did you go?

18 A. I went to Lenox station assigned to their gang
19 team as a sergeant.

20 Q. Can't get away with it?

21 A. No.

22 Q. So we're talking about 1999. You're on gangs
23 again in Lenox?

24 A. Running my gang team, yes.

25 Q. Running the Gang Enforcement Team?

1 A. No. Running the gang investigators.

2 Q. The OSS?

3 A. Right.

4 Q. And how long were you at Lenox?

5 A. Four years.

6 Q. So we're looking at like 2003?

7 A. Correct.

8 Q. And you're still a sergeant?

9 A. Yes.

10 Q. And would you assign your deputies to -- excuse
11 me -- your investigators to particular gangs like
12 Sgt. Holmes did?

13 A. I don't recall that necessarily. I had some
14 investigators that were very good. I had some
15 investigators who were not so good. So I gave my
16 not-so-good cases to the not-so-good investigators and
17 gave the better cases to the better investigators.

18 There were guys that were more expert -- had more
19 expertise in certain areas, and for the most part they
20 were responsible for those gangs. So it was kind of a
21 combination.

22 Q. And were there multiple gangs that were in
23 existence in Lenox after 1999?

24 A. Certainly.

25 Q. And did you encourage your investigators to have

1 familiarity with all the gangs?

2 A. Yes.

3 Q. Why?

4 A. I guess so we could solve some of the crimes
5 that were going on.

6 Q. Right. But the point is that you wanted to have
7 them have familiarity with all the gangs versus
8 specializing exclusively in one or two gangs or something
9 to that effect?

10 A. I have mixed emotions about it. Personally I
11 think that is a good thing.

12 Q. What's a good thing?

13 A. To assign gangs to an investigator because he
14 gets to know those gangs much better, where if you take
15 the complete jurisdiction and have -- let's go back to the
16 Lynwood days. There were 30 or 40 targeted gangs. If I
17 had to assign and I picked up cases from all these 30 or
18 40 different gangs, I wouldn't know anybody worth a hoot
19 about anything. But if I get all the cases on four or
20 five gangs, I get to know those four or five gangs pretty
21 good.

22 And same thing when I was a supervisor running my
23 own gang squad. I remember assigning guys certain gangs,
24 but if I had a heavy-duty crime in a gang that was
25 assigned to one of my weaker investigators, I probably

1 wouldn't have that investigator investigate that case. I
2 would get the assistance of one of my better investigators
3 to assist him. You know what I'm saying?

4 Q. I understand. And it's fair to say, though,
5 that there were rivalries going on between gangs at the
6 Lenox station; correct?

7 A. Sure.

8 Q. And similarly rivalries at the Lynwood station
9 and the Century station?

10 A. Yes.

11 Q. So it would enhance the law enforcement
12 intelligence to have knowledge about other gangs other
13 than the one gang or two gangs that people were focusing
14 on; correct?

15 MR. CHOI: Just a little unclear about the question
16 there. When you say enhance the intelligence, are you
17 talking about enhance the intelligence of the station as a
18 whole or particular investigators?

19 MR. KAYE: Of the OSS group.

20 THE WITNESS: I'm not sure I understand your
21 question. If you're talking about the intelligence of our
22 unit as a whole, I think you have that intelligence
23 whether one person is assigned certain gangs or -- as long
24 as it's being investigated by your unit, you would have
25 that intelligence. So I'm not sure what --

1 BY MR. KAYE:

2 Q. Okay. And why would you have that intelligence?

3 A. Because this crime occurred and you're -- you
4 build intelligence off of every crime that occurs in your
5 area and who's fighting who and who's committing crimes
6 and who's driving what vehicles. I'm not sure I
7 understand your question.

8 As far as the expertise of my investigators, I think
9 they have better expertise built by concentrating on fewer
10 gangs.

11 Q. Right. And when you talk about the OSS group as
12 a whole, they share the information about different gangs'
13 individuals to enhance those that are -- the intelligence
14 of those that are specializing?

15 MR. CHOI: I'm going to object vague and ambiguous.
16 If you understand, you can answer.

17 THE WITNESS: I really don't understand your
18 question. Let me see if I can clarify it for you.

19 MR. KAYE: Uh-huh.

20 THE WITNESS: When I was assigned certain gangs and
21 my gang was a victim of a crime that was committed by
22 someone else's gang, I would go to them, "hey, I just had
23 this case. It looks like this fits the description of the
24 car. Here's the suspect description. Anything like that?
25 What's going on between the two" kind of thing, and we

1 would share intelligence and notes and maybe even go out
2 in the field together.

3 If I had a case that, say, was only my gang, either
4 as a suspect or as a victim, and I didn't know who the
5 suspect gang was -- say they were victims, I didn't know
6 who the suspect gang was, I probably wouldn't go
7 necessarily to anybody unless something showed up in
8 graffiti or some intelligence showed up where "oh, it
9 could be these guys and it could have been retaliation
10 from this crime." I wouldn't necessarily know what my
11 coworkers are investigating unless it involved something
12 with my gangs, they would come to me and share that
13 information. We'd talk about it. We might even work it
14 together.

15 I don't know if that clarifies your question.

16 MR. KAYE: That helps a lot. That helps a lot.

17 Q. So going to Lenox, you're a sergeant there
18 supervising the OSS investigators. What happened next in
19 your career?

20 A. I went to homicide in 2003 as a homicide
21 investigator as a sergeant.

22 Q. And so you had the dual rank of investigator and
23 sergeant? You didn't lose your rank as sergeant?

24 A. Investigator really isn't a rank.

25 Q. Right.

1 A. They -- as a -- as a first-level investigator,
2 they consider it a bonus 1. They call them bonus 1s. But
3 it's not a rank that's recognized by the sheriff's
4 department. You're still a deputy. You really don't
5 change rank until you become a sergeant. Once you become
6 a sergeant, you're a sergeant until you promote to
7 lieutenant. The investigator part didn't really mean
8 anything as far as rank or position or anything like that.

9 Q. And in homicide in 2003 as a sergeant, how long
10 were you there?

11 A. I promoted to lieutenant out of homicide in
12 2009.

13 Q. And where did you go?

14 A. I went to Century station as the early morning
15 watch commander.

16 Q. Meaning starting at --

17 A. Patrol.

18 Q. -- 12:00 a.m.?

19 A. I believe it was 9:00 or 10:00 at night.

20 Q. 9:00 or 10:00. So presumably at that shift back
21 at Century station, you're back in the gang world again?

22 A. In the area of it, yes.

23 Q. Right. And after -- how long did you stay there
24 at that position?

25 A. I was there for five months.

1 Q. And then what?

2 A. I was basically sent to the Gang Enforcement
3 Team.

4 Q. There's a centralized Gang Enforcement Team
5 or --

6 A. It was then. They called it the GET army, and I
7 had five sergeants and 40 guys, eight-man teams.

8 Q. And where was that located?

9 A. We had -- well, our office is out of Rancho
10 Dominguez, but we had a mobile command post that we would
11 set up throughout the communities. I would get shooting
12 reports from all of the station OSS sergeants, and I would
13 deploy teams in the areas where I saw perks of shootings
14 occur.

15 Q. And after two -- after going to the Gang
16 Enforcement Team in Rancho Dominguez, where did you go?

17 A. I was there for nine months, and I went to Major
18 Crimes Bureau.

19 Q. As a lieutenant?

20 A. Yes.

21 Q. And how long there?

22 A. I'm still there.

23 Q. Okay. In Monterey Park?

24 A. In Whittier.

25 Q. In Whittier. Sorry. Just out of curiosity do

1 you think there's anyone in the sheriff's department who
2 has -- to your knowledge as much gang law enforcement
3 experience as you do?

4 A. There are a couple, believe it or not, yes, sir.

5 Q. Who are they?

6 A. Bob Rifkin who's the captain there. I think
7 he's been there at every rank. I was there at deputy,
8 sergeant, lieutenant. He's been there as a captain now.
9 I don't think there's been anybody that has more than
10 that.

11 Q. Now, you were trained in the academy at
12 Rio Hondo in 1977. And you've been doing -- engaged in
13 training programs in the sheriff's department since you've
14 been there in 1985?

15 MR. CHOI: In or since?

16 BY MR. KAYE:

17 Q. I'm just asking after the academy in Rio Hondo
18 have you been engaged in training programs?

19 A. Sure.

20 Q. And can you describe in just general format what
21 would be the manner in which you were trained after the
22 academy? Would it be POST classes? Can you give me a
23 general description of that?

24 A. I think it was probably a combination of POST
25 classes and classes that the sheriff's department puts on,

1 classes that other agencies put on. I remember attending
2 a 40-hour gang class when I first started getting involved
3 in the gang thing. I don't remember if I was a GET at the
4 time or whether I was at OSS.

5 I remember OSS sending me to a homicide school up in
6 Los Gatos in -- I don't remember what year it was, but it
7 was shortly after I first went to OSS.

8 Q. And this 40-hour gang class you were at Lynwood
9 at the time; correct?

10 A. I believe I was, yes.

11 Q. And was it prior to January 18th, 1991?

12 A. I believe it was, yes.

13 Q. And did you take that class with any of your
14 other OSS investigators?

15 A. I don't remember anything about that class.
16 I -- most investigators go through that class.

17 Q. So it's possible that lieutenant -- excuse me --
18 Sgt. Luna, when he was a deputy, he took that class with
19 you?

20 A. He took that class I'll almost guarantee you,
21 but I couldn't tell you he was in my class. I went to
22 OSS --

23 MR. CHOI: You answered the question.

24 THE WITNESS: Yeah. I went to OSS before he did.
25 So I probably went before him.

1 BY MR. KAYE:

2 Q. Do you know when he went to OSS?

3 A. I went in '89. He probably -- I would say '90
4 or '91. It was shortly after me.

5 Q. And Commander Goran?

6 A. Probably about the same time that Luna went to
7 OSS.

8 Q. And your partner?

9 MR. CHOI: Raimo?

10 THE WITNESS: My partner in OSS?

11 BY MR. KAYE:

12 Q. Yeah. Did you go --

13 A. Dan Raimo?

14 Q. Did you go with him at the same time to the 40
15 hour gang class?

16 A. I couldn't tell you who I went to that class
17 with. I can tell you when we went to OSS. Dan Raimo went
18 to OSS before I did by I think a couple months.

19 Q. Have you ever been in work with a Federal gang
20 joint task force in any of your investigations?

21 MR. CHOI: During his entire tenure with the
22 department?

23 MR. KAYE: Yes.

24 THE WITNESS: Not that I recall.

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BY MR. KAYE:

Q. Have you ever testified in Federal court?

MR. CHOI: Related to criminal prosecution?

MR. KAYE: Anything. Anything.

THE WITNESS: Not that I recall off the top of my head, no.

BY MR. KAYE:

Q. Was your partner Mr. -- or Deputy McLeod, was he promoted to OSS as well?

A. No. After I left Gang Enforcement Team, he went back patrol.

Q. Do you know why by any chance?

A. By his own choice.

Q. Now at Rio Hondo you were trained about report writing; correct?

A. I'm sure that was part of our training, yes.

Q. And have you received follow-up training since you've been in the sheriff's department about report writing?

A. I'm sure I have.

Q. And you've actually as a -- as a training officer, a T.O., you've -- you've been advising, reviewing reports of your trainees; correct?

A. Correct.

Q. And it's important for reports to be as accurate

1 as possible; correct?

2 A. Correct.

3 Q. And to be as complete as possible; correct?

4 A. Correct.

5 Q. And it's also important for report writing to
6 write a report as soon as possible when the incident is
7 fresh in your mind; correct?

8 A. Unless you have awful good notes, yes.

9 Q. Right. And by being as complete as possible,
10 you write down the important facts that -- for instance or
11 example, of interviewing a witness. You write down the
12 important facts that a witness raises and you make sure
13 that they're in your report correct?

14 A. Try to, yes.

15 Q. And you put down in your report all the parties
16 that were present during the interview; correct?

17 A. If they're important.

18 Q. If they're important. And if you're engaged in
19 an interview with another officer, that -- of a witness,
20 that would be an individual, the other officer, that you
21 would reference in your report as being present?

22 A. I don't remember that being a standard thing,
23 but it should be.

24 Q. It should be?

25 A. Yes.

1 Q. And that would be your practice; correct?

2 A. If I'm on the ball, yes. It should be my
3 practice.

4 Q. And if I can -- I'm just going to check in with
5 the crowd now. Does anyone need a water or bathroom
6 break?

7 MR. CHOI: Yes.

8 MR. KAYE: Mr. Choi, I felt your vibe.

9 MR. CHOI: You never gave me the water I had asked
10 for.

11 MR. KAYE: You're -- we'll go off the record first.
12 Then we'll discuss it.

13 THE VIDEOGRAPHER: Off record 11:33.

14 (Whereupon a recess was taken.)

15 THE VIDEOGRAPHER: On record 11:42.

16 BY MR. KAYE:

17 Q. Now, Lt. Ditsch, you were talking about -- you
18 were talking about writing reports. Do you first write
19 notes prior to writing your report in general?

20 A. Generally.

21 Q. And what do you do with your notes after you
22 write your report?

23 A. Nothing.

24 Q. Do you keep them or you throw them away?

25 A. In homicide you keep them. In patrol generally

1 not.

2 Q. Were you trained that it was practice that you
3 could -- as long as you have the report, you no longer
4 have to keep the original notes?

5 A. That was the -- just a procedure. I mean that
6 was kind of the standard procedure from what I remember.
7 Once the report's written, the report contains everything
8 in your notes, so what are your notes good for?

9 Q. And once you finalize a report and you learn new
10 facts pertaining to a case, you write a supplemental
11 report; correct?

12 A. Usually, yes.

13 Q. You don't take your original report and add to
14 it once it's been provided to your supervisor; correct?

15 A. Correct. Once it's been submitted, yeah, you
16 wouldn't change that report. You would add another.

17 Q. And with regard to report writing, we've already
18 established you need to be accurate. It's important not
19 to interpret what a witness says; correct? It's important
20 to say what the actual witness says?

21 A. Yes.

22 Q. And if possible it's important to put the exact
23 wording that a witness says about an incident when -- in
24 your report itself; correct?

25 A. If possible, sure.

1 Q. And it's even more preferable -- it would be
2 better law enforcement practice to have the witness write,
3 if he could, a description of the events; correct?

4 A. You probably haven't dealt with many witnesses
5 in South Central Los Angeles.

6 Q. You know, you're wrong there but --

7 A. Really? Really? I don't remember too many
8 witnesses that I ever talked to -- victims, witnesses --
9 that could write much of a statement. I've seen several
10 statements written, and I certainly wouldn't want to count
11 on it. The spelling's terrible. The grammar's terrible.
12 And sometimes it doesn't even seem to be accurate as to
13 what they are trying to express.

14 Q. So in those situations where a witness is not
15 necessarily educated enough to write something down,
16 because you don't interpret what they say, you try to put
17 their exact language into the report of an interview;
18 correct?

19 A. As close as possible, sure.

20 Q. With their actual terminology which would
21 include South Central gang slang if you could?

22 A. I don't think I'd go that far. It would depend
23 on the situation.

24 Q. Okay. But it's preferable for you not to
25 characterize what they say. It's preferable to get the

1 exact evidence which is their actual language describing
2 events; correct?

3 A. As long as they got the point across, I think
4 I'd put it in my own words.

5 Q. So in a way I'm going back?

6 A. Again it depends on the situation. But as long
7 as the facts are in my writing, the facts that he's
8 expressing to me, or she, I would write that down, and it
9 may not be verbatim the language that they used.

10 Q. Okay. Having been in homicide, having been in
11 the sheriff's department for the length of time, you're
12 familiar with the mur -- the entity of the murder book;
13 correct?

14 A. Correct.

15 Q. Can you describe what a murder book is?

16 A. Murder book is a book that's put together by the
17 investigator at homicide with complete writings regarding
18 that case.

19 Q. And it's paginated?

20 A. I'm not sure what paginated is.

21 Q. Meaning there's numbers on the pages, 1, 2 --

22 A. Generally if the pages -- like that's in a
23 report -- generally all the pages are run together, so you
24 do have to number each one of the pages. Generally it's a
25 number with a circle around it.

1 Q. And when you say that it's complete, all reports
2 reflecting the case should be in the murder book; correct?

3 A. Correct.

4 Q. And that goes over to the prosecutor for -- to
5 their prosecution of a case?

6 A. They get distributed to several different
7 entities. I believe the defense also gets a copy of the
8 murder book.

9 Q. Okay. Now, you've also been trained on how to
10 handle evidence; correct?

11 A. Yes.

12 Q. And your training involved chain of custody
13 issues?

14 A. Sure.

15 Q. What do you know to be chain of custody issues?

16 MR. CHOI: Objection. Calls for a narrative. You
17 can answer if you understand.

18 THE WITNESS: I'm not sure what you're asking, but
19 generally the chain of custody is if you see a piece of
20 evidence and you collect it as the investigator, you walk
21 it all the way through to the end where it's booked into
22 evidence.

23 BY MR. KAYE:

24 Q. Correct. And that way you preserve the
25 integrity of the evidence showing that it hadn't been

1 tampered with?

2 A. Correct.

3 Q. You used the term booked into evidence. Can you
4 describe what that means?

5 A. Basically packaging it, tagging it, marking it,
6 and after packaging and completing it, then it's generally
7 put into some kind of evidence locker.

8 Q. And at the Lynwood station back in January of
9 1991, was there an evidence locker?

10 MR. CHOI: If you remember.

11 THE WITNESS: I remember there being a locker for
12 the narcotics. I remember there being a locked section
13 for large items. I don't remember off the top of my head
14 what just a normal piece of evidence -- where we put that.

15 BY MR. KAYE:

16 Q. Well, do you recall what your practice would be
17 back in January of 1991 for booking evidence in the
18 Lynwood station?

19 A. I don't remember there being an evidence locker
20 at Lynwood station that I remember other than narcotics
21 and a large storage area for larger items.

22 Q. What would you do?

23 A. I don't recall what I would do. That's what I'm
24 telling you. I don't remember.

25 Q. Okay. So if you found a murder weapon at this

1 juncture here in 2012, you don't know where you would put
2 it?

3 MR. CHOI: (Inaudible.)

4 THE WITNESS: I know at Century station because I
5 remember there were lockers there. I don't remember
6 lockers at Lynwood. I don't remember what I would do if I
7 had a gun on a crime and I took it to the station to book
8 it. I don't remember now today what I would do with that.

9 BY MR. KAYE:

10 Q. It's a long time ago.

11 A. Yeah.

12 Q. Okay. And would you book a photograph into
13 evidence that you used for an eyewitness identification?

14 A. Not generally.

15 Q. I want to draw your attention to what's the --
16 going to be marked 19.1. For the record, Mr. Choi, we're
17 going to have the actual transcripts of the first trial be
18 marked as 19, and we just have the excerpt of Lt. Ditsch's
19 testimony as 19.1. And that's going to be similar for the
20 other trial and the habeas, but I think this is the most
21 organized fashion rather than having this voluminous
22 transcript in front of me.

23 So I'm going to give you 19.1 which is your
24 testimony from the first trial of People vs. Francisco
25 Carrillo. And give me a second.

1 (Whereupon Plaintiff's Exhibit 19.1 was marked
2 for identification.)

3 BY MR. KAYE:

4 Q. Okay. If you look -- I'm going to read from --
5 well, first of all, as you can see on the first page,
6 PFC 3384, the numbers on the bottom right-hand corner --
7 you can see that this is the direct examination of you,
8 Lt. Ditsch, when you were a deputy. Do you see that?

9 A. Do I see the number?

10 Q. Well, okay. So here's the no. 3384, the first
11 page.

12 A. Right.

13 Q. And you see on the top it says "direct
14 examination" and it starts with "Deputy Ditsch, what is
15 your occupation?"

16 A. Yes.

17 Q. Okay. So I'm going to draw your attention to
18 page 3411. And I want to draw your attention to line 4,
19 and I'm going to read it into the record.

20 Question -- and this was the prosecutor to you --
21 "after he picked out defendant Carrillo in the photograph,
22 why did you then put a different photograph of defendant
23 Carrillo in this photograph?"

24 "Answer: Because I knew it was going to be booked
25 into evidence and, if I took the picture out of the book,

1 then that picture would be missing because it would have
2 to be booked into evidence."

3 So my question for you is, first, you were more
4 familiar, as we've established now, of the procedures of
5 booking evidence in the Lynwood station back when you
6 testified in January of 1992 than you are today; correct?

7 A. Certainly.

8 Q. And is it fair to say that now it is -- the
9 procedure that you used back in January of 1991 is that
10 you would book a particular photograph used in an
11 eyewitness identification into evidence?

12 A. If he picked out a picture in our book, I would
13 not remove that picture from the book because the book
14 would no longer have that picture and place that into a
15 six-pack because that six-pack becomes evidence.

16 Q. Right.

17 A. And it would be tied up in the court system.
18 I'm not sure I understand -- when you asked me the
19 question, I didn't -- I thought you were talking about any
20 picture of anything. Normally those are kept in the file.
21 As an investigator if I had a picture of something, I
22 would keep that in my file. I wouldn't necessarily book
23 that into evidence.

24 A picture that is -- he's picked out an individual
25 out of, let's say, the gang book, the gang book is our

1 intelligence source, especially then because the computer
2 systems weren't nearly as databased as they are now. I
3 wouldn't take a picture out of the gang book and use it in
4 a six-pack unless I absolutely had to because that picture
5 would be tied up in evidence as my six-pack.

6 Q. But what I'm understanding from this quote is
7 that -- I don't think it has anything to do with putting
8 it in a six-pack. But if he chose the photo from the gang
9 book, you would -- according to your testimony in 1991,
10 you'd take that photo and you'd book it into evidence?

11 A. No, I would not. I'm telling you we wouldn't
12 take pictures out of those books because those pictures
13 would come up missing and then we wouldn't have that
14 intelligence.

15 Q. So how do you explain your testimony back in
16 January of 1991?

17 A. My testimony is that I used a different
18 photograph of Mr. Carrillo for the six-pack because I
19 didn't want to take the book -- the picture out of the
20 book and put it in a six-pack that's going to be marked
21 into evidence.

22 Q. I understand that. But the first line on -- the
23 first sentence on line 7: "Because I knew it was going to
24 be booked into evidence and, if I took that picture out of
25 the book, then that picture would be missing because it

1 would have to be booked into evidence."

2 MR. CHOI: That's what he just said.

3 THE WITNESS: That's what I'm telling you. I didn't
4 want to take the picture out of the book and put it in a
5 six-pack that is going to be marked as evidence. That
6 six-pack is solid from the time I put it together.

7 BY MR. KAYE:

8 Q. Okay. So the six-pack is going to be booked
9 into evidence?

10 A. Yes.

11 Q. Okay. And where do you -- do you have any
12 better recollection where that goes?

13 A. It doesn't really -- it goes along with the
14 original report. I'm an investigator, it stays in my
15 file. It isn't actually booked into evidence, but it's
16 tied up in the process of the court system or whatever and
17 could be booked into evidence at court.

18 Q. Okay. And when you say it stays with the
19 process of the court system, what do you --

20 A. If there's a suspect in the case and suspect's
21 picked out and the case goes to trial, then it follows the
22 case throughout.

23 Q. What if it's just filed, not even if it goes to
24 trial? If the case is filed with the District Attorney's
25 office, the six-pack go to the district attorney and the

1 court?

2 A. A copy of it would be, yes.

3 Q. Where would --

4 A. The original would stay in the file of the
5 investigator.

6 Q. And where did you keep your files in January of
7 1991?

8 A. I'm sure there was a file cabinet in our office
9 where we kept our files.

10 Q. Do you have a recollection of that specifically?

11 A. Not specifically. I couldn't tell you what
12 color the file cabinet was or where it was located in our
13 office, but I'm sure there had to be one.

14 Q. And would that -- would each investigator have
15 their own file cabinet?

16 A. No.

17 Q. You shared a file cabinet?

18 A. We shared it, and it would be filed by the file
19 number.

20 Q. So going back to the gang book selection, not
21 necessarily in this case, but how would you preserve the
22 evidence that a witness picked a photograph out of a gang
23 book? What would you do procedurally with that?

24 A. Procedurally I would generally go make a
25 six-pack with -- we all had backup photos hopefully to

1 each individual who's in the book, and I would take one of
2 those backup photos, and I would put it in a six-pack.

3 Q. But I'm talking about the selection of the gang
4 book. Would there be anything procedurally that you would
5 do to preserve for the trial the fact that a selection was
6 made out of the gang book?

7 A. No. It would be the six-pack.

8 Q. Do you recall at your -- the duration of your
9 stay at Lynwood whether you had a different procedure with
10 regard to booking a six-pack than putting it in your file?

11 A. Not that I recall.

12 Q. Okay. Now -- and, you know, you spoke about my
13 experience interviewing people from South Central. Let's
14 just -- I'm perhaps not to your level, but I have quite a
15 lot of experience, and so I'm very familiar with evidence.

16 And I'm just -- I mentioned a weapon. Was there
17 any -- what would you do with fingerprint card that was
18 dusted and would reflect the original analysis of whether
19 a suspect touched a particular object? How would you book
20 that into evidence at Lynwood?

21 A. I'm telling you I don't remember.

22 Q. Okay. That's fair.

23 A. I don't understand why you don't understand
24 that. I don't remember. I don't remember. I don't
25 remember there being a locker where we went and booked our

1 evidence.

2 Q. Okay.

3 A. I don't remember that. There may have been.
4 I'm sure there were.

5 MR. CHOI: You've answered the question.

6 THE WITNESS: I don't remember.

7 BY MR. KAYE:

8 Q. My goal is to try to understand. Maybe this
9 opens up your memory somehow.

10 A. Okay.

11 Q. I'm not meant to be disrespectful at all.

12 A. Okay.

13 Q. With regard to eyewitness training, were you
14 trained on how to work with eyewitnesses when you were at
15 Rio Hondo?

16 A. I'm not sure I was trained necessarily. I don't
17 recall that being part of our training.

18 Q. Okay. How about in the sheriff's department?
19 Were you trained with how to work with eyewitnesses?

20 MR. CHOI: Objection. Vague and ambiguous.

21 THE WITNESS: I'm not sure what you mean if I was
22 trained. A lot of it comes just from experience, some of
23 it comes from picking up from others. If I was -- I was
24 on training when I first went to Lynwood. My training
25 officer, if he was interviewing somebody and I saw good

1 things from that, I would pick up things that he used.
2 I'm not sure --

3 MR. KAYE: Okay.

4 THE WITNESS: As far as official training in a
5 class, I don't remember any.

6 BY MR. KAYE:

7 Q. Okay. So that's exactly where I'm going. So
8 you don't recall when you were in Lynwood sheriff's
9 station any type of training on how to work with
10 eyewitnesses?

11 MR. CHOI: Objection. Vague and ambiguous.

12 THE WITNESS: I remember going to a witness
13 interrogation class.

14 MR. KAYE: Okay.

15 THE WITNESS: But I have no idea at what stage of my
16 career I went to that class. I couldn't tell you if it
17 was before '91 or after '91. I couldn't tell you. I
18 don't know.

19 BY MR. KAYE:

20 Q. Well, who was your training officer when you
21 first came to Lynwood?

22 A. A gentleman by the name of Bill Flannery.

23 Q. And do you know where he is now?

24 A. He's a sergeant working narcotics.

25 Q. And you made reference to a photo six-pack when

1 we were discussing booking into evidence. Now, can you
2 describe to me your practices back in January of 1991 in
3 working with a photo six-pack with an eyewitness?

4 MR. CHOI: Objection. Overbroad, calls for a
5 narrative, vague and ambiguous.

6 THE WITNESS: My general practice. We had a file
7 cabinet that was just inside the door of the OSS office.
8 That file cabinet had six-pack folders in it, and it had
9 extra photos. It had extra photos of individuals that
10 were identified as gang members and extra photos of just
11 people. I couldn't even tell you where these pictures
12 came from.

13 For the most part, if I had a suspect and I knew his
14 description or I had his picture or, let's say, he was
15 picked out of the gang book, I would go pull one of his
16 backup pictures. It could be the same one as the gang
17 book. It may be different. I would put that in a
18 six-pack. And then from the other photos of individuals I
19 don't know, I would pick five similar-appearing
20 individuals to put in that six-pack.

21 BY MR. KAYE:

22 Q. Uh-huh. And this extra photo file that was in
23 the file cabinet by the door, how was it organized?

24 A. I'm not sure what you mean.

25 Q. Every gang -- if I recall, you referenced 30 but

1 maybe there were more. Maybe there were less. Every gang
2 in the Lynwood jurisdiction, all the gang members, had
3 extra photos in that file cabinet?

4 A. We tried to keep extra photos for six-pack
5 purposes, yes.

6 Q. And how was it organized? By gang? By name of
7 gang member?

8 A. I don't recall. I know the extra photos were by
9 race.

10 Q. So -- and, you know, I'm not trying to -- I'm
11 just trying get your recollection as good as possible. So
12 the point is it wasn't necessarily separated by gang. It
13 was separated by race. So if you had a Latino suspect --

14 A. That's not what I said.

15 Q. I know. But I'm asking.

16 A. Okay. I said the extra photos that we used for
17 the six-pack are separated by race. So that if we had a
18 black suspect, I could go to the black file and get a --
19 similar-appearing individuals for my six-pack. If I knew
20 who the suspect was, I'm certain they were by gang because
21 that's how you would find the picture that you're looking
22 for unless it was a numbered system. I know our pictures
23 were numbered in the book.

24 Q. Right.

25 A. I know in the front of the book there was a

1 table of contents. It had the number and who the
2 individual was that had that picture.

3 Now, if the file system referred to those numbers or
4 whether they were by gang, I don't know.

5 Q. Okay.

6 A. I don't recall. Does that answer your question?

7 Q. Perfect. Okay. Now, the source for the photos
8 that would be in this extra photo file, do you know how
9 those were acquired meaning were they taken by deputies?
10 Were they from DMV? Do you know how people had these?

11 A. We didn't really have access to DMV photos back
12 in those days. You're asking me the extra photos that
13 were in the file?

14 Q. Yeah.

15 A. I don't know where they came from. I don't even
16 know who those individuals were.

17 Q. Did OSS have a -- is there -- is the extra
18 photos of suspects in the same location as the place -- as
19 the photos you would use for the filler photos?

20 A. I want to make sure I understand your question.
21 You're asking me were they in the same file cabinet?

22 Q. Yeah.

23 A. They were in the same file cabinet in a
24 different drawer.

25 Q. In a different drawer?

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A. Right.

Q. So you have a suspect drawer that's by race, and then you have an extra photo drawer reflecting you want to create a photo spread, look to see if these guys are -- have similar appearances to make a it a fair photo spread?

A. I don't remember your exact wording. I think you said suspect. I don't know if you're referring to the gang book suspect, the someone who was identified. Those individuals I don't remember how they were filed. I remember the extra photos being filed in a drawer for blacks and in a drawer for Hispanics.

Q. And so -- go ahead.

A. Go ahead. That answers the question.

Q. And the extra photos, they were separated from the filler photos that you would use to put in the other five slots for the photo spread?

A. I'm not sure I understand your question. But the photos of -- the extra photos for the gang books were in a drawer or two, and in a separate drawer were filler photos of Hispanics and blacks and all the different races.

Q. Okay. So when you say the extra photo for the gang book, meaning there would be other photos of an individual other than the one that was actually in the gang book?

1 A. Correct.

2 Q. Okay. And then there was a separate drawer of
3 filler that would be based on race?

4 A. For filler photos for the six-pack, correct.

5 Q. Okay. I think we're getting there. Does that
6 mean that in the filler photos were they only gang members
7 that were used for filler?

8 A. No. They were just pictures.

9 Q. And do you know how OSS acquired those pictures?

10 A. I think I answered that. No. I have no idea
11 where those pictures came from. I don't even know who
12 those individuals were in those pictures. We used them as
13 similar-appearing individuals. Some of them were gang
14 members. Some of them were not. But I -- even if they
15 were gang members, they were people, for the most part, I
16 didn't know who they were.

17 Q. Okay. And can you tell me what steps you would
18 take in your practice to maximize the reliability of a
19 photo six-pack identification? Meaning you show it to a
20 witness. How would you make sure that it's as reliable as
21 possible?

22 MR. CHOI: Objection. Calls for narrative, vague
23 and ambiguous.

24 THE WITNESS: I'm not sure I understand your
25 question. So maybe you should reword it. I'm not sure

1 what you're asking, whether you're asking me for the five
2 appearing -- similar-appearing individuals or -- I'm not
3 sure what you're asking me.

4 MR. KAYE: Okay.

5 Q. We can agree that showing a photo six-pack to a
6 witness of a crime could be a very important event in an
7 investigation; correct?

8 A. Sure.

9 Q. And if the witness is tipped off or persuaded in
10 some point, even unintentionally, by the officer, it would
11 destroy the integrity of his selection; correct? For
12 example, if by mistake an officer said "I knew the guy.
13 We have every reason to believe it's the guy with big
14 hair" and one guy had bigger hair than the others, that
15 would be improper; correct?

16 A. Yes.

17 Q. Okay. So what efforts did you take in your
18 practice with showing photo six-packs to make it as
19 reliable as possible?

20 A. I'm not sure I understand what you mean by
21 reliable.

22 Q. Okay. Let's talk about your procedures. You
23 went, you took a -- you went into the extra -- extra photo
24 file. You created the six-pack. You go back to your
25 witness. What do you do next?

1 A. I either read them or have them read the
2 admonition form so that they understand that the suspect
3 that they think did this or whoever did this may or may
4 not be in the six-pack and either explain the admonition
5 to them if they don't understand it. If they seem to have
6 knowledge and understanding of the six-pack, then I would
7 show them the six-pack. And we got into the habit of
8 having them sign underneath the photo that they picked and
9 circle the photo.

10 Q. And that was your habit in January of 1991?

11 A. I don't think that was my habit then. I don't
12 really recall when that became habit, but that's what we
13 started doing just --

14 Q. Why did you have that habit of having the
15 witness circle the photo?

16 A. I don't recall. I guess so there's no question
17 what picture he picked out.

18 Q. And you'd have him circle with their own
19 handwriting?

20 A. Yes, and even sign it.

21 Q. And sign the actual photo six-pack?

22 A. Yes, right below the picture.

23 Q. Because that would create no doubt that the
24 person had actually chosen that photograph in your
25 presence; correct?

1 A. Correct.

2 Q. And would you have another witness there when
3 you were doing the photo six-pack presentation?

4 A. That's a shot in the dark. Sometimes yes;
5 sometimes no. I would say probably most likely no.

6 Q. But it would be preferable to have another
7 witness; correct?

8 A. I'm sure it's all preferable if there's somebody
9 available to be there with you. And it's going to depend
10 on the circumstances. Am I out in the field with a
11 partner? Am I sitting down at the station with just me
12 one on one? Is there anybody else around? I mean you
13 could -- yeah, it would always be preferable to have
14 another witness in every case.

15 Q. And when the witness makes a statement
16 reflecting why he's doing the selection, you write down
17 that statement; correct?

18 A. Generally, yes, right on the admonition form.

19 Q. And when you say "generally," what do you mean?

20 A. That was a the general practice.

21 Q. It's preferable to -- as similar to circling the
22 photo, you want the witness' exact words to show that this
23 is what happened at that moment when a selection occurred;
24 correct?

25 A. Correct.

1 MR. CHOI: Objection. Vague and ambiguous,
2 incomplete hypothetical.

3 BY MR. KAYE:

4 Q. Now, this admonition form, when would you
5 present the admonition form? Right before the six-pack or
6 before -- as presented or before you created the six-pack?

7 A. Generally before showing the six-pack.

8 Q. And when you did a gang book show, would you do
9 an admonition as well?

10 A. Generally yes.

11 Q. And did you have them fill out a form as well?

12 A. Same form.

13 Q. And the reason for the gang book admonition form
14 is the same as the six-pack. You want to establish to the
15 witness that potentially this -- -- there may be no
16 suspect in this group; correct?

17 A. Correct.

18 Q. Now, when you suggested about having the witness
19 circle the photograph and write -- and sign on the
20 six-pack, is that the original six-pack that you filled in
21 the slots? Is that where it would occur?

22 A. I don't remember in that practice when we were
23 actually using those folder window -- I don't remember
24 doing it any time then. It was -- but it would be the
25 original. I remember doing it on flat pieces of paper. I

1 don't remember doing when -- in the folder window
2 six-packs.

3 Q. And the flat piece of paper you're talking about
4 a Xerox copy?

5 A. Generally yes. And usually it was after we got
6 good color copiers, you'd make a color copy of the
7 six-pack and you'd show it to each witness so that, once
8 they circle it, it's on a different copy than you're
9 showing the next witness. If that makes it clear.

10 Q. Do you know when you got good color copies in
11 Lynwood?

12 A. No, I do not.

13 Q. Do you think you had them in January of 1991?

14 A. Not that I recall.

15 Q. Now, after the admonition is read -- I'm just
16 trying to follow the procedure -- and then the photo
17 six-pack is presented to the witness and the witness makes
18 a choice and then you write down the words of the witness
19 on the admonition form; correct?

20 A. Correct.

21 Q. Do you attach the admonition form to the
22 six-pack?

23 A. Generally.

24 Q. So when it's in the file where you keep the
25 evidence, they are attached by a paper clip or a staple?

1 A. Generally that's kept in the file, and generally
2 my practice was to staple -- if I had a copy of the
3 original, I would staple it -- a copy that -- back in '91
4 I couldn't tell you. But once we started making copies
5 where there's a copier, I would have a copy and I would
6 show that to the witness. The witness would circle and
7 sign. I would take that along with their signed
8 admonition and I would staple that together, and I would
9 keep that in my file.

10 Q. And in '91 you would still want the admonition
11 form and the original slotted six-pack to be together?

12 A. Correct.

13 Q. And would you know if you would staple them
14 together or --

15 A. I wouldn't because I'm showing that six-pack to
16 other witnesses generally.

17 Q. I see. Now, when you interview a witness with
18 regard to an eyewitness description of a suspect, you're
19 trained to have the witness describe the
20 characteristics -- the physical characteristics of the
21 suspect; correct?

22 A. I'm not sure what you consider characteristics.
23 We always go into height, weight, hair, length of hair,
24 style of hair, clothing.

25 Q. Right. That's exactly what I meant.

1 A. Okay.

2 Q. And you would memorialize that in a report;
3 correct?

4 A. Generally.

5 Q. Why would you not memorialize that in a report?

6 A. If -- it would depend on the situation, but if
7 I'm the investigator, he's telling me that information, I
8 would do a supplemental report to the original file, and
9 that would be in my supplemental report. If he told that
10 to the original deputy, that deputy would put it in his
11 original report.

12 Q. Uh-huh. But when you interview an eyewitness,
13 you would try to get information on height, weight, hair
14 color, skin color, anything that would be descriptive of
15 what -- the potential suspect?

16 MR. CHOI: Objection. Incomplete hypothetical,
17 vague and ambiguous.

18 THE WITNESS: I'm not sure what you're asking me,
19 but if I'm an investigator and there isn't that
20 information in the original report, I would add that to my
21 supplemental report I'm almost certain.

22 MR. KAYE: Okay.

23 THE WITNESS: And if I didn't, I should have.

24 BY MR. KAYE:

25 Q. And would -- similarly clothing, would that be

1 added as well?

2 A. Generally, yes.

3 Q. And if the person had made a statement -- the
4 suspect potentially made a statement, would you ask them
5 to describe what the statement was and what the voice was
6 like?

7 A. Sure.

8 Q. Now, would the Lynwood station, particularly the
9 OSS group, would it have an access to video recording
10 equipment back in January of 1991?

11 MR. CHOI: For what purpose?

12 MR. KAYE: Period.

13 THE WITNESS: Not to my knowledge.

14 BY MR. KAYE:

15 Q. How about audio recording equipment?

16 A. I don't recall a lot of audio recording
17 equipment accessible to investigators at that time. I do
18 recall at some point in -- around that time we started
19 using video equipment for our search warrants for before
20 and after videos to show the location before we searched
21 it and to show this -- the location after we searched it.

22 Q. And do you know if that was used for purposes of
23 memorializing a confession of a suspect, video equipment?

24 A. I don't recall ever using it for witness or
25 suspect interviews at all ever.

1 Q. Do you know why it was never used if you know?

2 A. For the most part they weren't readily
3 accessible. Two, it's expensive for those big cassette
4 tapes back in those days. You also had the storage
5 problem of storing them. I mean there were a lot of
6 reasons for it. And I don't recall when we started using
7 video equipment for the search warrants. I don't recall
8 what year it was, so I couldn't tell you if it was before
9 this or after this.

10 Q. So just to be clear, for purposes of January of
11 1991, your recollection that you never used audio
12 recording equipment and the reasons you gave was that they
13 were not readily accessible, that they were expensive, and
14 you wouldn't -- you would have a potential problem with
15 storage?

16 A. The video cassettes?

17 Q. No. The audio. I'm on audio.

18 A. Oh, you're asking me audio. I still don't
19 recall the audio equipment being readily accessible. I
20 think we used the video equipment before we really got
21 into the audio equipment.

22 Q. And so do you have a recollection of during your
23 history at the Lynwood station of ever using an audio
24 cassette or any other audio taping device to -- when you
25 were interviewing a witness or a suspect?

1 A. I think we did on certain -- because I remember
2 assisting homicide on another case and we audio recorded
3 those witness statements.

4 Q. Do you know when that was?

5 A. It was about this time, '90, '91, '92, something
6 like that.

7 Q. Did you have an actual -- strike that. The OSS
8 team worked out of the trailer -- correct -- at the
9 Lynwood station?

10 A. Yes.

11 Q. And did you have an actual still picture camera
12 that was accessible to deputies and investigators at the
13 trailer?

14 A. We had Polaroids that we had access to then.

15 Q. So could you take them out in the field and take
16 a picture of events?

17 A. Sure.

18 Q. And did you also have an audio recorder
19 available to you at the trailer back in 1991?

20 A. I don't remember it specifically being 1991, but
21 around that time we did start using audio recording
22 equipment.

23 Q. Okay. Do you know what the term Brady evidence
24 means?

25 A. Vaguely.

1 Q. Can you --

2 MR. CHOI: Objection. Calls for a legal -- expert
3 legal opinion.

4 BY MR. KAYE:

5 Q. And I'm not talking about from a lawyer
6 perspective, but from a law enforcement officer
7 perspective, can you tell me what your understanding is of
8 Brady evidence?

9 MR. CHOI: Same objection.

10 THE WITNESS: My understanding of Brady evidence is
11 whatever pertains to the case is turned over to the
12 defense.

13 BY MR. KAYE:

14 Q. Everything that pertains to the case is Brady
15 that is given to the defense?

16 A. I think so.

17 Q. And did you receive any specific training about
18 that?

19 A. Not that I recall.

20 Q. Did you remember if you had any memoranda that
21 was ever sent to you about Brady responsibilities of law
22 enforcement officers?

23 A. Not that I recall. I thought Brady was more of
24 a prosecution issue. Prosecutors.

25 Q. Well, when we're off the record, I can tell you

1 a little more or your lawyer can.

2 A. Okay.

3 Q. But -- so but you don't have any recollection of
4 any particular training on what your obligation was to
5 turn over for Brady purposes?

6 A. No.

7 Q. Now, let me just check in with the crowd. It's
8 12:30. When do you guys want to have lunch?

9 MR. CHOI: I'll defer to the court reporter.

10 MR. KAYE: When are you looking at?

11 THE VIDEOGRAPHER: I have a disc change coming up in
12 ten minutes.

13 MR. CHOI: How about in 10?

14 MR. KAYE: We'll discuss it in ten minutes.

15 Q. Now, you made reference to coming to the
16 sheriff's department out of Azusa because of the interest
17 in working with gangs; correct?

18 A. Correct.

19 Q. And perhaps you said this before, but I didn't
20 get it as clear as -- my recollection --

21 MR. CHOI: Did you say Azusa to the sheriff's
22 department?

23 MR. KAYE: Well, Azusa to Alhambra.

24 Q. But ultimately you came to the sheriff's
25 department to work with gangs?

1 A. That was one of my interests, yes.

2 Q. And why was that your interest?

3 A. It was something that was my -- I don't
4 understand what you're asking me. It was my interest. It
5 was what I liked. That's what I -- that's what I liked.

6 Q. And why did you like that?

7 MR. CHOI: If you can answer.

8 THE WITNESS: I don't know why I liked it. I liked
9 it because -- I guess because they victimized innocent
10 people more than anybody else in our communities, and I
11 wanted to be a part of stopping that.

12 BY MR. KAYE:

13 Q. That's clear. So that's -- and you spoke about
14 leaving the Gang Enforcement Team after 11 months and
15 going to OSS. Can you describe the difference in your job
16 duties?

17 A. Yeah. As a gang enforcement officer I'm in a
18 black and white in uniform, and my job was to find people
19 violating the law and take them to jail.

20 Q. And --

21 A. Most of the time we con -- well, we concentrated
22 mostly on gang members, but they weren't all gang members
23 that we took to jail. When I was picked for the position
24 as investigator, now, with my sergeant, I was assigned
25 certain gangs. I was assigned Lynwood N-Hood Crips, Lime

1 Hood Piru, El Segundo 13 which is a Hispanic street gang
2 in Lynwood, and Compton Varrío Segundo which is a Compton
3 Hispanic street gang down in east Compton.

4 Q. And how did your law enforcement practices
5 differ when you became an OSS investigator?

6 A. Now I investigated cases with my targeted gangs
7 as victims or suspects, and those cases could be anywhere
8 from graffiti on the wall all the way through to attempt
9 murder. If it was a murder and my victim died, that case
10 is then handled by homicide.

11 Q. Uh-huh. And how would you get your cases in
12 OSS?

13 A. They're assigned to me by my sergeant.

14 Q. Did you get cases any other way?

15 A. No. They were -- they all came from patrol.
16 From patrol they went to my sergeant, and my sergeant
17 would assign them to the investigators.

18 Q. So similar to detectives, you're not the first
19 responders. You're getting an actual assignment from a
20 sergeant because of your higher expertise?

21 A. I don't know about any higher expertise. We
22 worked a certain assignment, and that was what we
23 investigated, gang crimes. We -- my sergeant would get
24 those gang crimes from patrol in reports and dish them out
25 to the detectives.

1 Q. Okay. And what were your -- if you recall your
2 hours, meaning what would be your shift back in January of
3 1991?

4 A. I really don't recall. I was there awful late
5 that night. I don't know if those were my assigned hours.
6 We weren't getting overtime, so I'm either there giving my
7 time or working a certain shift, and I don't recall what
8 those shift hours were. To be out there at 2:30 in the
9 morning I'd say I was probably well past my shift.

10 Q. Okay. But you don't have a recollection if you
11 were a day shift or a night shift employee?

12 A. Generally for the most part we were day shift.

13 Q. And what about the Gang Enforcement Team? Were
14 they day or night?

15 A. They were generally at night.

16 Q. Because they'd be patrolling in the
17 neighborhoods when the gangs were more active?

18 A. Right.

19 Q. And do you have any recollection of why you'd be
20 working night shift?

21 A. I don't but I remember --

22 MR. CHOI: Objection. Misstates his testimony.

23 THE WITNESS: I don't recall. But I do remember
24 going through certain phases throughout my gang experience
25 where they tried to get guys to cover all hours of the day

1 and night for those shootings like you know at 10:00,
2 11:00, 12:00, 1:00 in the morning.

3 BY MR. KAYE:

4 Q. So at the time in January of 1991 Sgt. Holmes
5 was your supervisor?

6 A. Yes.

7 Q. And so all your cases would come through him
8 saying "I want you" at that time "Investigator Ditsch to
9 follow up on patrol on this case"?

10 A. The only exception with that would be is if I'm
11 working at night and he's gone and there's a shooting that
12 happens like this one where my assigned gang is the victim
13 of a shooting, I would respond to that and I would
14 generally take that right away as my investigation knowing
15 that it's going to be assigned to me anyway.

16 Q. And how did you -- was Sgt. Holmes working that
17 night?

18 A. I don't know.

19 Q. And why would -- what -- why would if your
20 assigned gang was the victim in the shooting, would you be
21 the one to respond?

22 A. Well, anybody would respond. But it would
23 probably be my case because Lynwood N-Hood Crips were
24 known victims and possible suspects. Later came out that
25 it was Young Crowd. I probably would have already had

1 that case. I would then take that case, and I'd
2 communicate with my coworkers who were assigned Young
3 Crowd, and we would try and solve that.

4 Q. I see.

5 A. If the suspects were automatically known from
6 the get go that it was Young Crowd and there was a Young
7 Crowd OSS investigator in the field, he would probably
8 pick that case up.

9 Q. And how would you learn about whether there --
10 the victims were from one of your assigned gangs?

11 A. How would I learn? I would get a report usually
12 the day that I show up there was a shooting last night
13 unless it was something that I got called out on. I would
14 go to work the next day, my sergeant would give me that
15 case to investigate.

16 Q. I'm --

17 A. Is that what you're asking me?

18 Q. I'm talking about the situation where you're not
19 getting assigned by the sergeant.

20 A. Okay.

21 Q. How would you know that one of your assigned
22 gangs would be the victim?

23 A. I'm not sure what you're asking me. I go to the
24 scene of a shooting. I see N-Hood Crips just got shot up.
25 I know that they're my gang, they're the victims, and I'd

1 be getting that case.

2 Q. So now we're going -- you would go to the scene
3 of the shooting before you'd find out that it was N-Hood
4 Crips?

5 A. Oh, yeah. How would I know that before?

6 Q. So you're in the OSS trailer or you're in the
7 Lynwood station and there was a shooting, would you
8 respond to all shootings?

9 A. Yes.

10 Q. And any time there's a shooting you --

11 A. Absolutely.

12 Q. -- would go out?

13 A. Absolutely. I'm a gang investigator. Most
14 shootings are gang shootings. I would go and assist in
15 any way I could. If that was getting intelligence from
16 our office, going out in the field, knowing where these
17 guys hang out, go check those areas for possible suspects
18 or suspect vehicles, absolutely. It didn't matter that it
19 was my gang or not. I'd roll.

20 Q. And your colleagues would be the same? Whenever
21 there was --

22 A. Absolutely.

23 Q. Whenever there was a gang shooting, any OSS guys
24 that were in the station or heard about it would go out to
25 the scene?

1 A. Absolutely.

2 THE VIDEOGRAPHER: Four minutes, counsel.

3 BY MR. KAYE:

4 Q. And how would you learn that there was a
5 shooting if it's not being assigned from Sgt. Holmes?

6 A. By the radio.

7 Q. And where would the -- there would be a radio
8 that would be piped in throughout the entire station?

9 A. You have a portable radio. I carry it on me,
10 have it on all the time. And when that report of a
11 shooting goes out, I would respond.

12 Q. Now, in OSS and Gang Enforcement Team, to
13 develop your intelligence on gang members, you would try
14 to have understanding of the graffiti they use; correct?

15 A. Sure.

16 Q. Their territory; correct?

17 A. Sure.

18 Q. And particularly their monikers; correct?

19 A. Well, they had the tendency to lie about their
20 monikers and use other monikers. But, yeah, for the most
21 part we tried to find out what their true moniker was.

22 Q. And you'd want to know about their prior crimes
23 and keep records of that as well; correct?

24 A. I'm not sure what you mean by keep records of
25 it, but I didn't keep record of it, no.

1 Q. Did anyone in OSS keep record of the prior
2 crimes of the various gang members?

3 A. I don't think so.

4 Q. Was there a -- you know, you made reference to
5 the computer system not being quite what it is now of
6 course. Was there any data or information gathering
7 system at OSS about gang members?

8 MR. CHOI: Objection. Vague and ambiguous.

9 THE WITNESS: Yes.

10 BY MR. KAYE:

11 Q. And can you describe to me how that worked?

12 A. It was a GREAT system, similar to the -- those
13 were the letters. I couldn't tell you what they stand
14 for, but it was G-R-E-A-T. And it was a data system that
15 was used back in that era of time, and it was a data
16 system for the intelligence on gangs. It was a gang
17 tracking system.

18 MR. KAYE: We're going to take a stop because we're
19 going to change disks.

20 THE VIDEOGRAPHER: This is the end of disk 1. Off
21 record 1238.

22 (Whereupon a discussion was held off the record.)

23 THE VIDEOGRAPHER: We're back on record. We're
24 commencing disk no. 2 of the deposition of Craig Ditsch.
25 On record at 1240.

1 BY MR. KAYE:

2 Q. Lt. Ditsch, you were speaking about a data
3 system G-R-E-A-T. Please describe how that system worked.

4 MR. CHOI: Objection. Calls for a narrative.

5 THE WITNESS: I'm not sure what you mean by that
6 question.

7 BY MR. KAYE:

8 Q. Was it a computer data?

9 A. It was a computer data system, yes.

10 Q. So would you put in a name of a gang and
11 information would pop up or would you put in a name of a
12 particular gang member and information would come up?

13 A. There were certain people that had the ability
14 to enter data system. I did not have that ability. So I
15 didn't enter any information into that system.

16 Q. And did you have access to the system?

17 A. I'm sure I did. I don't recall. I do recall
18 getting into that system, so I'm sure I had access. I
19 don't know if I had access in this particular time, but at
20 some point in my career there at Lynwood, I did have
21 access to the GREAT system, yes.

22 Q. And can you tell me what information was in the
23 data of the GREAT system?

24 MR. CHOI: If you know.

25 THE WITNESS: I'd really just be guessing.

1 BY MR. KAYE:

2 Q. I don't want you to guess, but if you have an
3 estimate some educated assessment that you don't recall
4 specifically, I'm entitled to that.

5 A. There's nothing that I would recall. And it
6 would be a guess, but I'm certain that it was broken down
7 by gang and had gang members and their addresses and
8 their -- and I know that evolved into a system that
9 included prior arrests and F.I.s and all that stuff, but I
10 don't think that was in the GREAT system.

11 Q. How about monikers?

12 A. Monikers, yes. I believe monikers.

13 Q. Now, in January of 1991, you're not sure if the
14 GREAT system was active?

15 A. I think it was.

16 Q. Okay.

17 A. I think it was.

18 Q. So the question then is other than the GREAT
19 system, was there any other data system that was used by
20 OSS?

21 A. Computer data system, no.

22 Q. How about file systems?

23 A. Our file systems we had F.I. cards and the gang
24 books.

25 Q. So tell me what is an F.I. card?

1 A. An F.I. card is a field interview card that
2 sometimes is done by a patrol deputy, sometimes done by
3 GET deputies, sometimes it's even done by OSS
4 investigators.

5 Q. And what would be on the field information
6 cards?

7 A. General information of the gang member, his
8 name, his moniker, his address, height, weight, the
9 purpose for the contact, tattoos, that kind of thing.

10 Q. And the field information card, was it
11 particular to each deputy, or were they kept in one
12 location that all the deputies could share?

13 A. It was kept in one location that all deputies
14 could share.

15 Q. Okay. And where was that? In a file cabinet?

16 A. It was in a file cabinet. My first recollection
17 it was in the very back room of our office.

18 Q. Back room -- the trailer was separated into how
19 many rooms?

20 A. Two. It had a big front room that was our
21 office, all of our desks and everything. It was probably
22 40 feet long. The back room was a small room, was
23 probably 10 feet by maybe 10 feet. And it had like a desk
24 and a refrigerator and this file cabinet for F.I. cards.

25 Q. And the F.I. cards were divided by gang?

1 A. I think they were both by gang -- it was by
2 moniker -- I think it was suspect name. It wasn't by
3 gang. I think it was suspect name and then another file
4 for moniker.

5 Q. Was there any other documents in that file
6 cabinet?

7 A. Not that I recall.

8 Q. And the field information cards, they could be
9 updated with new information by OSS members?

10 A. Not those particular cards. Generally you made
11 out another card not even knowing if that one existed for
12 the most part.

13 Q. And would you file the other card behind this
14 card?

15 A. Generally they were stapled together, yeah.

16 Q. Okay. And you would initial that you were the
17 OSS investigator putting in the information?

18 A. The deputy or officer or whoever it was always
19 had their name on that F.I. card, yes.

20 Q. If you can look at -- I'll show you what's been
21 marked previously as Exhibit 1. We'll get -- that's
22 already been discussed. The court reporter will provide
23 that to us. And I'm going to draw your attention to
24 what's been marked PFC 267. If you look at page 267 --
25 and this is from the murder book of Frankie Carrillo. If

1 you can -- Francisco Carrillo.

2 MR. CHOI: Here.

3 MR. KAYE: Just this page.

4 THE WITNESS: Oh, this page. That's not --

5 MR. CHOI: Here.

6 THE WITNESS: I see 267. Okay.

7 BY MR. KAYE:

8 Q. So you see it has a circle page 38?

9 A. That would generally tell me that it came from a
10 murder book.

11 Q. Okay. Do you recognize not this particular
12 document but this form?

13 A. Not really.

14 Q. Would this be a -- from the GREAT system?

15 A. It's possible.

16 Q. And I draw your attention to the upper
17 right-hand corner. It says 1/19/91, Ditsch, if you see
18 that?

19 A. Yes.

20 Q. So --

21 A. I see that.

22 Q. That's -- that's your name; correct?

23 A. Correct.

24 Q. Okay. And so do you know if you inputted this
25 information into this?

1 A. I didn't input it, no.

2 Q. Did you give someone this information to be
3 inputted into a data system?

4 A. We did have a secretary who would input
5 information from reports. F.I. cards, that kind of thing,
6 arrest reports, booking slips. I didn't have that
7 ability. I didn't enter information.

8 Q. Does it look -- does it look familiar, this
9 format?

10 A. This could be me running it to get this
11 information off of GREAT. I don't recall that.

12 Q. Okay. All right.

13 A. That's what I would say.

14 MR. CHOI: Don't guess.

15 THE WITNESS: Yeah. Okay.

16 BY MR. KAYE:

17 Q. But you don't know of any other database that
18 the OSS group in Lynwood had in -- with regard to gang
19 members other than GREAT in January of 1991?

20 A. The F.I. cards I told you about and the gang
21 books.

22 Q. Okay. Now, with regard to the gang books, how
23 were they stored?

24 A. How were they stored? They were generally in a
25 huge file cabinet with drawers that pulled open and slid

1 back, and each gang book for the most part was marked with
2 that particular gang. The larger gangs had their own
3 individual books. Sometimes if they were smaller gangs,
4 they'd be combined with other smaller gangs in one book.

5 Q. And where were they kept?

6 A. In a huge file cabinet. I remember it being
7 just inside our -- our office door.

8 Q. And could any OSS investigator access the gang
9 books?

10 A. Sure.

11 Q. Did you have to do like a library, like write
12 that you were taking it out so people would know where it
13 was?

14 A. No. Not usually.

15 Q. Were you allowed to take it off of the premises
16 of the Lynwood station?

17 A. That usually wasn't a standard procedure, but
18 you could, yeah.

19 Q. And you said -- strike that. Going back to this
20 just for my -- maybe this is going to help us understand
21 information further. If you look on the back on the
22 bottom of this Exhibit 1, PFC 00267, you see where the
23 bottom it says modified or MDFD 3/9/90, Hewitt?

24 A. I see that, yes.

25 Q. First of all you know who Hewitt is?

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A. No.

Q. And then your -- underneath it says QRY 1/19/91
Ditsch?

A. Yes.

Q. So does this bring back your recollection that
this was part of the GREAT system where you would look and
find out information about a particular gang member?

A. No, but I would guess that the QRY is for query.
1/19 was the date that I queried it, and I'm sure that
I -- it's just a guess. I don't recall. But I must have
gotten into the GREAT system, I assume, and ran that.

Q. Okay. Very well. Thanks. Now, I'm sorry. I
don't recall whether you made reference to whether there
was -- you did make reference there was Polaroid cameras
that were accessible to the OSS members in the Lynwood
station?

A. In that particular time era I -- I don't recall
many 35 millimeters. So we did evolve to 35 millimeters,
but I'm not sure exactly when. Early on it was all
Polaroid or mostly Polaroid.

Q. And would you use those cameras to take pictures
of gang members?

A. Occasionally.

Q. And would you -- as a Gang Enforcement Team
deputy, would you try to create a rapport with gang

1 members that were in the city of Lynwood?

2 MR. CHOI: Objection. Vague and ambiguous.

3 THE WITNESS: I'm not sure what you mean by rapport.

4 But, yeah, the better rapport you have on them -- with

5 them, the better you're able to do your job.

6 BY MR. KAYE:

7 Q. Why is that?

8 A. I guess so you could contact them and talk to
9 them and they would -- you -- for the most part, back in
10 those days, if I was up front with them, they'd be up
11 front with me.

12 Q. You want to create a relationship to learn
13 intelligence?

14 A. Sure.

15 Q. You want to share that intelligence with your
16 fellow gang officers to stop crime?

17 A. One of them, yes.

18 Q. Now, you said the gang trailer was about 40 feet
19 long, the main room?

20 A. I would say 40 feet, yeah.

21 Q. And how wide was it?

22 A. 10 feet.

23 Q. Wow. And there was a back room that had this
24 file cabinet with the -- with the field information cards?

25 A. Yes.

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Q. And how big was the back room?

A. I believe it was about 10 feet.

Q. 10 feet by what?

A. 10 feet.

Q. Okay.

A. The trailer's 10 feet wide.

Q. Okay. And would you interview witnesses in the gang trailer?

A. Sometimes.

Q. And where would that occur?

A. Usually at your desk. Depending on the amount of activity, whether you could hear each other or you needed, you know, private time, sometimes we'd go in that back room. There was a desk set up back there.

Q. And would you interview suspects there as well?

A. At times.

Q. How many cases on average do you think you had in January of 1991?

A. I think the going rate was about 20 a month.

Q. Each month you would get an additional 20?

A. Yes.

Q. And you'd set -- solve some, and so do you have a sense at one time how many cases on average you would have?

A. I'm not sure what that -- I'm not sure I

1 understand your question.

2 Q. Well, we're coming from the same world. When I
3 have cases, you know, I keep getting new cases but some of
4 them get settled and --

5 A. Sure.

6 Q. -- so I don't have as many cases?

7 A. Right.

8 Q. So if you had to ask me today, how many cases I
9 had, I would give you a sense. If you want to ask me
10 average how many cases I have, I could give you a sense.
11 Do you have a sense about in 1991 what your average case
12 load would be?

13 A. 20 a month.

14 Q. Meaning you would solve all 20 and then get a
15 new 20?

16 A. Maybe if I was Superman. You would have a
17 closeout of cases that you couldn't follow up on. There
18 was no workable information. You would close those out
19 after 30 days and -- because more are coming. So in order
20 to keep up with the flow of things, you would close out
21 the ones you had no workable information on after about 30
22 days.

23 Q. And you couldn't refuse a case that was assigned
24 to you from Sgt. Holmes?

25 A. No.

1 Q. Okay. So it's fair to say in January of 1991
2 there was a lot of gang activity happening in the city of
3 Lynwood?

4 MR. CHOI: Objection. Vague and ambiguous.

5 THE WITNESS: Yes.

6 BY MR. KAYE:

7 Q. A lot of criminal gang activity happening?

8 A. Absolutely. It was out of control.

9 Q. It was out of control.

10 A. We probably had 35 murders plus a year.

11 Q. And how many OSS investigators were there?

12 A. Most of the time there was 10 if we had all the
13 positions filled.

14 Q. And how many Gang Enforcement Team patrol
15 people?

16 A. If they're all full, 10.

17 Q. So 20 guys are dealing with this massive
18 out-of-control gang problem?

19 A. Yes.

20 Q. Do you have a recollection of how many hours you
21 were working if you had to say on average January of 1991?

22 A. I would say anywhere from 50 to 60 hours.

23 Q. Per week?

24 A. Yes.

25 Q. And getting back with the organization of the

1 gang trailer, were your -- where did you keep your case
2 files?

3 A. My case files I kept in and on top of my desk.

4 Q. The desk had a drawer?

5 A. Yes.

6 Q. So you didn't keep it in a file cabinet?

7 A. We only kept them in file cabinets if they were
8 done. Then we would file them in a file cabinet.

9 Q. And they were listed by the case number?

10 A. Yes.

11 Q. And do you know -- let's do something. Like if
12 you think you could have a recollection about how the gang
13 trailer -- you could draw a picture of what it looked
14 like?

15 A. I'm not a good drawer, but I'll do whatever you
16 want.

17 Q. Can we go off the record for a second?

18 THE VIDEOGRAPHER: Off record 12:58.

19 (Whereupon a discussion was held off the record.)

20 THE VIDEOGRAPHER: On record 1259.

21 BY MR. KAYE:

22 Q. Okay. Lt. Ditsch, I'm clearly of the same world
23 you are about the quality of my handwriting. But let's
24 call this Exhibit 23.

25 (Whereupon Plaintiff's Exhibit 23 was marked

1 for identification.)

2 BY MR. KAYE:

3 Q. If you can draw a diagram of the gang trailer at
4 Lynwood station where OSS was in January of 1991?

5 A. And you just want the inside of the trailer?

6 Q. Yeah. If you can just draw like a rectangle and
7 then separate --

8 A. You don't want the whole compound of the
9 station?

10 Q. No, I just want the inside.

11 A. The inside of the trailer?

12 Q. Correct. Let me just stop you there. You
13 just -- next to the rectangle you've put a little box with
14 some lines. What's that?

15 A. The stairs going up to our door. And our door
16 is positioned right here.

17 Q. Okay. And then can you divide it between the
18 two rooms?

19 A. It was back here.

20 Q. So that would be where the gang -- the cards
21 were?

22 A. Yeah. The cards were back along this wall here
23 in a cabinet. There was a desk that sat right here, and
24 there was a refrigerator over here. And the door was
25 right in the middle of this wall. There was a wall here.

1 Q. Okay. So if you could like just write "cards,"
2 maybe put a little line next to that and then write
3 "cards." Okay. And put F.I. cards I guess. And that
4 small room is where the sometimes interviews of suspects
5 and witnesses would occur?

6 A. Occasionally.

7 Q. And when -- where were there -- you said you had
8 a desk. How were the desks located?

9 A. The desks were lined along each one of the
10 walls. Sergeant's desk came out this way.

11 Q. You can write "sergeant" right there, or SGT.
12 Great. And then were there other desks?

13 A. Yeah.

14 MR. CHOI: Does that depict the actual number of
15 desks or is that --

16 THE WITNESS: Oh, no. There's 10 of us, so there
17 were 10 desks. Usually five -- I believe it was five on
18 each side.

19 BY MR. KAYE:

20 Q. And I understand --

21 A. Size is all messed up.

22 Q. I understand this is not to scale.

23 A. Yeah. Here's one more desk in there.

24 Q. That's nine.

25 A. Yeah.

1 Q. And so the Gang Enforcement Team guys -- excuse
2 me -- deputies, they didn't have desks?

3 A. They didn't have individual desks. They would
4 generally take over our desks.

5 Q. Okay. And --

6 A. To do the work they needed to do.

7 Q. And where was the station if you could just
8 point?

9 A. The station was up front here.

10 Q. So if you could just put an arrow and say
11 "station." And do you recall where your desk was?

12 A. My desk was either the first or second one here.
13 Unless it was the third. It was one of the first three on
14 this side.

15 Q. Okay. Can you put your initials -- actually
16 maybe draw a triangle and say your desk would be one of
17 those three.

18 A. I think it was either this one or this one.

19 Q. Okay.

20 A. That would be my second choice, that one.

21 Q. Okay. So why don't you put no. 1 next to the
22 first choice. And do you know where Investigator Luna's
23 desk was?

24 A. Not really. I remember Kevin Goran had his desk
25 directly behind mine. I believe Raimo was either next to

1 me or one away from me.

2 Q. Why don't you put where you recall Goran's desk
3 was?

4 A. He was directly behind me whether I was in no. 1
5 or no. 2. Okay.

6 Q. And you don't recall where Luna's desk was?

7 MR. CHOI: Don't guess.

8 THE WITNESS: I don't recall.

9 BY MR. KAYE:

10 Q. Would you describe the OSS as a close-knit
11 group?

12 MR. CHOI: Objection. Vague and ambiguous.

13 THE WITNESS: Sure.

14 MR. KAYE: Okay.

15 THE WITNESS: The file cabinet where we had -- the
16 file cabinet that had all the books was right inside this
17 door, and the file cabinet that had all the pictures was
18 right next to that.

19 BY MR. KAYE:

20 Q. So if we can write "photos" and "books." Maybe
21 write "gang books." And were there pictures on the walls
22 reflecting victims of gang violence?

23 A. Not that I remember. I do remember a picture of
24 a kid that the gang culture, I believe his daddy, had
25 dressed up as a gang member, and he was probably two years

1 old. And I don't remember exactly how -- I don't know if
2 he was -- I don't think he was holding a weapon, but it
3 was -- it depicted a small child. I don't know if he was
4 holding a cigarette. He was holding something. I don't
5 remember what it was. He had a bandana on, and he was
6 dressed like a gang member, and he was probably two years
7 old.

8 Q. Do you have any estimate about what -- because
9 you're an investigator, not on patrol, what percentage of
10 your time would be spent in the gang trailer versus out in
11 the field in January of '91?

12 A. In January 1991 I think most of my time was out
13 in the field.

14 Q. Okay.

15 MR. CHOI: You've answered the question.

16 BY MR. KAYE:

17 Q. And why was that?

18 A. That's -- that's the way you solve your crimes.
19 You can't solve them sitting at your desk.

20 Q. Because was it a particularly hot time of gang
21 violence in Lynwood?

22 MR. CHOI: Objection. Vague and ambiguous.

23 THE WITNESS: Sure.

24 BY MR. KAYE:

25 Q. Okay. Would there be times when you and several

1 of the other OSS investigators would be in the gang
2 trailer together?

3 A. Not very often. Maybe during the day, you know,
4 when we were getting our cases and stuff. If we were
5 working during the day, yeah, there'd be several of us in
6 there. At night almost never. Occasionally you'd maybe
7 bring in either an arrest or a witness or a victim and
8 cross paths with someone else. But for the most part at
9 night unless the gang team -- the GET team guys were in
10 there doing their reports or whatever, I don't remember
11 any times when we all gathered there, no.

12 Q. Okay. Would Sgt. Holmes have meetings for the
13 team to discuss goals of gang enforcement?

14 A. I don't remember any meetings where we discussed
15 goals, no.

16 Q. Would you have meetings in general?

17 A. No, I don't remember any meetings.

18 Q. Did you guys socialize together?

19 A. Socialize?

20 Q. Meaning did the OSS guys go out for beers or,
21 you know, have -- was there a unity amongst them that
22 would be social?

23 MR. CHOI: Objection. Vague and ambiguous.

24 THE WITNESS: You're talking about away from the
25 job?

1 MR. KAYE: Yeah.

2 THE WITNESS: Not that I remember. I don't remember
3 ever going anywhere with -- I can't say that. If I went
4 anywhere social with anybody that I worked with in that
5 gang trailer, it was very, very, very rare. I didn't
6 socialize and barbecue and drink beer with them. I
7 didn't.

8 BY MR. KAYE:

9 Q. Was there any of the OSS investigators you
10 considered to be your friend at that time?

11 A. They were all my friends.

12 Q. Okay.

13 A. They're all my friends. They were my brothers.
14 I would have put my life on the line for any of them.

15 MR. KAYE: Right. If I could have a moment. How
16 are you doing, Leslie? I think we'll break at this time
17 so we can take a lunch and come back. How long would you
18 like for lunch, Mr. Choi?

19 THE VIDEOGRAPHER: Do you want to go off record?

20 MR. KAYE: Sure, we'll go off record.

21 THE VIDEOGRAPHER: Off record 1309.

22 (Whereupon the lunch recess was taken at 1:09 p.m.)
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PASADENA, CALIFORNIA; WEDNESDAY, JULY 18, 2012.

2:07 P.M.

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THE VIDEOGRAPHER: On record 1407.

BY MR. KAYE:

Q. Lt. Ditsch, before the break we were talking a little bit about the GREAT system and the field information cards. Would a secretary or someone else take information from the field information cards and put them in -- input into the GREAT system?

A. Yes.

Q. So everything in the field information cards should be inputted periodically into the GREAT system in an ideal world?

A. In an ideal world, yeah.

Q. Okay. Now, you were talking about gang books, and I think if I recall you made a reference that the larger gangs had their own gang books; correct?

A. Correct.

Q. Did Young Crowd have its own gang book to your recollection?

A. Yes, it did.

Q. And how was the gang book organized? Meaning who would be put in the earlier pictures, who would be put

1 in the latter pictures?

2 A. It started out no. 1 and as guys got identified
3 as a Young Crowd gang member, he was added to that list
4 photo wise, number wise, and in the index -- his name.

5 Q. And so someone who was discovered to be a gang
6 member in like, let's say, 1991, would have a later number
7 than someone who was known to be a gang member in 1990?

8 A. Correct.

9 Q. And you made some reference I think about an EE
10 number. Did you say anything about EE?

11 A. I think Young Crowd had an EE beginning. It was
12 EE and then a number, and the EE corresponded strictly to
13 the Young Crowd.

14 Q. And was there any significance to the EE?

15 A. I don't -- not that I know of, and I don't
16 believe it did, no.

17 Q. Do you recall if N-Hood had a letter that
18 preceded the numbers?

19 A. They all had letters. I couldn't tell what you
20 that letter is.

21 Q. Now, I want to take you to the events of
22 January 18th, 1991. How did you learn about the events
23 that happened on Lugo Avenue that night?

24 A. The actual shooting?

25 Q. Yes.

1 A. From I believe -- and it isn't recollection, but
2 I believe it was over the radio, a radio call of a
3 shooting and I responded.

4 Q. Okay. And do you know when the radio call came
5 out?

6 A. No. But I believe the shooting was sometime
7 after seven o'clock in the evening.

8 Q. Okay. And do you know how soon after the radio
9 call you came -- you went to the scene?

10 A. Just a matter of minutes. I would -- I'm
11 guessing probably four or five minutes maybe.

12 Q. How far was Lugo Avenue, the 4200 block, from
13 the Lynwood station?

14 A. From the station it's just a short distance.
15 But I don't know that I was rolling from the station.

16 Q. Okay.

17 A. I don't recall what I was doing before this --
18 this shooting, and I don't recall where I responded from.

19 Q. And did you go to the scene with a partner?

20 A. I don't believe so, no. I believe I was by
21 myself.

22 Q. So Mr. Raimo was not with you to your
23 recollection?

24 A. No. Generally we weren't in a two-man car. He
25 was my partner if we needed to do things in the field, and

1 any time if we were going to go out and arrest somebody,
2 me and Dan would hook up and go as a two-man car. But
3 generally when we're out in the field, we're usually out
4 in one-man cars.

5 Q. And you're out in a white car wearing your green
6 windbreaker jacket?

7 A. I don't recall that specific night, but that's
8 generally how I would be, in a white car with a green raid
9 jacket, yes.

10 Q. And it was -- you said approximately 7:00 p.m.?

11 A. I don't -- I know that at 7:00 p.m. -- it was
12 after 7:00 p.m.

13 Q. And so it was dark out? The sun had gone down?

14 A. It was dark out.

15 Q. Do you remember what the street lighting was
16 like?

17 A. Not really.

18 Q. Do you remember what side of the street the
19 street lighting was on?

20 MR. CHOI: On Lugo Avenue?

21 MR. KAYE: On Lugo Avenue.

22 MR. CHOI: If you remember.

23 THE WITNESS: I do not.

24 BY MR. KAYE:

25 Q. So when you arrived at the scene, what happened?

1 A. Arrived at the scene. There were two or three
2 young black males in the driveway or in the front yard
3 right adjacent to this -- the shooting. Ambulance was on
4 scene. Paramedics were working on the victim. I don't
5 recall if he was on the ground or on the gurney. But I
6 wasn't there long, and I think they loaded him into the
7 ambulance and left.

8 Two of the individuals, the young black guys, just
9 looked like average black guys. They didn't appear to be
10 gang members to me, and they weren't people I knew. The
11 other person I don't have recollection of ever contacting
12 him there, but from things I've reviewed, apparently I
13 contacted Scott Turner at the scene.

14 Q. So you have no recollection of contacting him at
15 the scene?

16 A. I don't. I don't even remember having any
17 conversation with him.

18 Q. Okay. And did you review all the paperwork in
19 this case reflecting the murder book?

20 MR. CHOI: Objection.

21 BY MR. KAYE:

22 Q. Well, did you review all your reports in this
23 case?

24 A. I only had a small sup report, and I did review
25 that --

1 Q. Okay.

2 A. -- along with -- I think I told you when we
3 first started this -- it was transcripts from the first
4 trial, the second trial, the habeas corpus hearing, my
5 declaration, and my sup report.

6 Q. So would you agree that you didn't write a
7 report reflecting an interview with Scott Turner at the
8 scene?

9 A. I don't recall getting any information from him
10 at the scene.

11 Q. Okay.

12 A. I don't even recall talking to him at the scene
13 or even seeing him at the scene. I -- just going from my
14 previous testimony, I would venture to say that from my
15 previous testimony, unless I was assuming I saw him at the
16 scene, I saw him at the scene.

17 Q. Okay. But as we sit here today, you have no
18 recollection of seeing him or talking to him at the scene?

19 A. I don't have independent recollection of that,
20 no.

21 Q. Now, you said that the ambulance was still
22 there. You have a recollection of that?

23 A. I'm trying to picture this stuff in my mind, and
24 I've run this through my mind a thousand times. And I
25 think the ambulance was still there. And I think from

1 what I picture in my mind, again I don't -- I don't know
2 if it's independent recollection or that's just the way I
3 picture it. I picture the ambulance there. And I picture
4 them working on the body just outside the ambulance. And
5 I'm not sure if the body was on the ground or on the
6 gurney. And just a matter of a short time they were
7 loading him and the ambulance was leaving.

8 Q. Okay. And I want to present to you what's going
9 to be marked as Exhibit 18.1 which is the transcript of
10 your testimony of the habeas evidentiary hearing. Okay.
11 And for the record, although it won't be attached to the
12 deposition, Exhibit 18 will be the entirety of the
13 transcript of the habeas proceeding.

14 (Whereupon Plaintiff's Exhibit 18.1 was marked
15 for identification.)

16 BY MR. KAYE:

17 Q. So you see on the bottom right-hand corner it's
18 page 1696?

19 A. Correct.

20 Q. And it says -- there's an introduction on line 8
21 of Craig Ditsch as the witness. Now I draw your attention
22 to page 1719 if you're looking at the right-hand corner.
23 We'll go to 1718.

24 And it says line 27, your answer: "I was trying to
25 recall. The report that I read said the body was in the

1 street. I don't remember that at all, so I would say the
2 body was already gone."

3 Question on page 1719: "And that means the
4 ambulance was also gone?"

5 "Answer: Yes."

6 So that was your testimony at the habeas proceeding
7 in March of 2011. And now you are stating you have a
8 recollection that the ambulance was there?

9 A. I picture it in my mind. I couldn't tell you if
10 that was coming from recollection or reviewing everything.
11 That's what I picture in my mind. I really couldn't tell
12 you.

13 Q. But as of this date in March of 2011, you
14 thought the ambulance was already gone?

15 A. I just didn't have recollection of the ambulance
16 being there or the body.

17 Q. Okay. Now, do you remember speaking to any
18 paramedics?

19 A. No.

20 Q. Okay. Now, you said that -- did you -- do you
21 have a recollection of speaking to any of the witnesses
22 there?

23 A. I believe I did talk to all three witnesses at
24 some point, but there was no information coming out other
25 than it being a brown or tan Buick Regal.

1 Q. Okay. And I show -- I draw your attention to
2 page 1718 which would be one page earlier. And line 22
3 you stated "I don't recall talking to any witnesses at the
4 scene, no."

5 So that was in March of 2011. What is the -- which
6 is correct, that you spoke to witnesses and they said
7 brown/tan Regal or you didn't speak to any witnesses?

8 A. The biggest reason for going there is to talk to
9 witnesses. I remember pulling up there and seeing two
10 kids that were just average black kids and not gang
11 members that I knew of and they didn't look like gang
12 members to me. I think Scott Turner was there, but I
13 don't have any recollection of Scott Turner being there.

14 Q. Okay.

15 A. My purpose of going there was to talk to the
16 witnesses.

17 Q. Okay. Do you recall how long you were there?

18 A. I wasn't there very long. I helped them put up
19 yellow tape to secure the scene. I think we searched for
20 a short time for casings or bullet fragments or anything.
21 And I took the information of the vehicle and I went and
22 cruised every street and every alley over in Young Crowd's
23 area.

24 Q. And so what were you doing when you say you were
25 cruising every alley, every street? Can you give more

1 specific? You were looking for what?

2 A. A brown or tan Regal.

3 Q. And about how long were you out on the -- in the
4 field looking for this brown or tan Regal?

5 A. I'd guess about 30 minutes probably. Maybe a
6 little over 30 minutes.

7 Q. And then what did you do?

8 A. I have no idea.

9 Q. Okay. Did you go back to Lynwood station do you
10 think?

11 A. I have no idea.

12 Q. And when you were looking for this brown or tan
13 Regal, did you speak to anybody in the field with regard
14 to that vehicle?

15 A. Somebody at the scene must have given me that
16 information. So I don't know if it was deputies that gave
17 it to me or whether I was able to get that out of the two
18 or three witnesses that I talked to.

19 MR. CHOI: I think he was asking about once you
20 started looking for it --

21 BY MR. KAYE:

22 Q. Once you're out in the field looking for this
23 car, did you talk to anybody out in the field if anyone
24 had seen that or did you --

25 A. No, not that I recall.

1 Q. Were you reporting back to dispatch that you
2 were doing this going out and searching for the Regal?

3 A. No.

4 Q. Why not?

5 A. Dispatch doesn't even know OSS exists. You know
6 what I mean? I mean we aren't in direct radio
7 communication back and forth like the radio cars. I could
8 give them my call sign and they wouldn't even know who I
9 was. If I was in trouble, yeah, I'd put it out over the
10 radio, but just to tell them that I'm checking the area
11 for the vehicle, no.

12 Q. Okay. Do you recall when you returned to the
13 station?

14 A. I do not.

15 Q. And if I can show you what's going to be marked
16 as Exhibit 20.1. And for purposes of the record,
17 Exhibit 20 is going to be the transcript of the second
18 trial in this case back in June of 1992. But for purposes
19 of this deposition we're going to attach 20.1.

20 (Whereupon Plaintiff's Exhibit 20.1 was marked
21 for identification.)

22 MR. KAYE:

23 Q. And if you look on 20.1 on the bottom right-hand
24 corner, there's the same PFC numbers. Do you see the
25 starting number is PFC 2515?

1 A. Yes.

2 Q. And you see that on line 12 it reflects Craig
3 Ditsch?

4 A. Yes.

5 Q. And if you go to page 2522, if you read on line
6 1 -- excuse me -- line 4, it says "question: And then
7 what did you do after you searched the Young Crowd area?
8 How long did you search Young Crowd area?"

9 "Answer: Quite some time."

10 "Was it more than an hour? More than an hour?"

11 "Definitely more than a half hour. Quite not" --
12 "maybe not quite over an hour."

13 "Question: And then what did you do?"

14 "Answer: I went back to the Lynwood station."

15 Now, do you recall that you went back to the Lynwood
16 station directly now?

17 A. No. And I'm not necessarily certain that that's
18 what I was testifying to. I went back to Lynwood station
19 sometime that night, yes.

20 Q. Okay. Well, if you look at the line 1, it
21 reflects that you were looking for any vehicles that
22 matched that description. So this is a -- you're
23 testifying back in June of 1992 about what you're
24 testifying to today, that you went out and started looking
25 for a car that met the description?

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A. Right.

Q. And then you are saying that you're out there for more than a half hour?

A. Right.

Q. And then you said you went back to Lynwood station.

A. I don't know if I went directly back to Lynwood station, but I did go back to Lynwood station, yes.

Q. Okay. But in this testimony you don't make reference to going anywhere else except directly back to Lynwood station; correct?

MR. CHOI: Objection. The transcript speaks for itself. You're asking him to add to the testimony he gave in 1992?

MR. KAYE: No. I'm asking if he agrees that that's what the testimony says.

MR. CHOI: Again it speaks for itself.

THE WITNESS: I don't think the question asked me what I did directly after and -- immediately after I looked through Lyn -- or Young Crowd's area for that car. I don't think that's what the question asked me.

BY MR. KAYE:

Q. Just to be clear for the record, the question states on line -- when you're asked about how long you did it, line 10, "definitely more than a half hour. Maybe not

1 quite over an hour."

2 "Question: And then what did you do?"

3 "I went back to Lynwood station."

4 So although it doesn't say "what did you do
5 immediately after, it does imply -- can't we agree -- that
6 you went to the Lynwood station right after?"

7 A. Okay. Let's imply that.

8 Q. Okay. Now, what happened when you returned to
9 the station?

10 A. I don't recall even going back to the station.
11 I don't know what happened when I got back there.

12 Q. Did you see Scott Turner at the station?

13 A. Eventually I did, yes.

14 Q. Okay. And what time was that?

15 A. Somewhere sometime after 2:00 in the morning.

16 Q. Did you see him earlier than that?

17 A. No.

18 Q. Let's talk about Scott Turner. Before this
19 incident on January 18th, 1991, how long have you known
20 Scott Turner?

21 A. To tell you the truth, I don't know. I'd guess
22 maybe a year. I don't know.

23 Q. And in what context did you know him?

24 A. In what context?

25 Q. Meaning what was the context you had that you

1 knew this person?

2 A. He was a gang member from Lynwood N-Hood.

3 Q. Okay. Anything else, other than him being a
4 gang member, that would be -- describe your relationship
5 with him?

6 A. Any contacts that I had with the guy he was
7 straight up with me I felt. I was always straight up with
8 him. I did have a case -- I don't remember if it was
9 before this case or after -- where a two-year-old little
10 boy was shot, Hispanic kid. And at the time it was over
11 in Lynwood N-Hood's area, and it was Lynwood N-Hoods
12 shooting at a moving car that they thought were Young
13 Crowders. And the shooter missed that car and hit a
14 two-year-old little boy.

15 Mr. Turner -- that was my first dealing with
16 Mr. Turner. So it had to be before this case. I believe
17 it was my first contact with Mr. Turner. And it was
18 actually someone that Dan Raimo knew and told me this
19 kid's in the middle of all the mix over in the
20 neighborhood. And we contacted him, and he was able to
21 give us information.

22 Q. And do you have any recollection of, first of
23 all, when that occurred?

24 A. If I knew him for a year before this case, I
25 would say -- from what I remember, that was my first

1 dealing with Mr. Turner. So if I knew him for a year, it
2 was -- had to be close to a year before this.

3 Q. So do you remember what information specifically
4 he gave you?

5 A. He gave me three guys from Lynwood N-Hood that
6 were involved in it, and I believe he even told me who the
7 shooter was. I found the shooter hiding at some halfway
8 house deep in L.A., and I believe that information came
9 from Turner also. I don't remember that specifically, but
10 we did end up finding -- within 36 -- we worked this case
11 for 36 hours straight and found this kid, the shooter,
12 hiding in a halfway way house deep in L.A.

13 Q. And your recollection is that Turner pointed you
14 to the shooter?

15 A. I know that for a fact, yes.

16 Q. And was Turner -- where was he in relation to
17 this incident?

18 A. You know, I don't remember. I don't remember
19 what he told me, whether he was in the area, got it from
20 talk, or whether he was there.

21 Q. I'm going to show you a newspaper article that
22 we're going to mark as Exhibit 15.

23 (Whereupon Plaintiff's Exhibit 15 was marked
24 for identification.)

25 ///

1 BY MR. KAYE:

2 Q. And if we can just -- what would be preferable?
3 Go off the record? You can review this. We'll just
4 remain quiet. And there's a second page?

5 A. I'm a slow reader. It will take me two days to
6 read this whole thing.

7 Q. Okay.

8 A. You want me to read this whole thing? We can go
9 off the record.

10 Q. We'll see how we do with the questions. Does
11 this refresh your recollection more about what happened in
12 that incident in which Scott Turner was a -- provided you
13 information?

14 A. No.

15 Q. Well, you said that there was a shooting at a
16 car, and here, if you see in the first line, it talks
17 about that he played with a push toy in front of his home.
18 So did the shooting come from the car at the street?

19 A. No. The N-Hood three were walking north on one
20 of the side streets. The car came across the
21 intersection, they yelled stuff at each other. As the car
22 proceeded eastbound, the kids ran up to the corner and the
23 shooter started shooting at the car. He missed the car
24 and hit this two-year-old little boy who was -- I want to
25 say he was on top of a car that he moves with his feet.

1 And I don't think it was one that you sit down inside and
2 pedal. I think he was on top of that car pushing it with
3 his feet.

4 Q. So the N-Hood shooters were shooting at the car.
5 They were on the street?

6 A. Yes. They were on foot on the street.

7 Q. And Mr. Turner was amongst one of them?

8 A. I want to say -- and I don't recall perfectly --
9 he was with them. But he certainly knew an awful lot
10 about the incident.

11 Q. And he provided you information, in your
12 recollection, in order to arrest the shooter who was at a
13 halfway house?

14 A. Yes.

15 Q. And is this -- does this appear to be the same
16 incident described the L.A. Times on September 13th, 1990
17 that you are discussing with regard to Scott Turner?

18 A. The two-year-old named Jonathan Fabian, yes.

19 Q. It's the same incident?

20 A. Yes.

21 Q. And with regard to that cooperation that Scott
22 Turner provided to you, do you know where he provided that
23 information?

24 A. Where?

25 Q. Where. Was it within the Lynwood station?

1 A. I don't recall. It would be a guess. I don't
2 recall.

3 Q. Okay. And did you give him any kind of benefit
4 for his cooperation with law enforcement?

5 A. No.

6 Q. Okay. When you first testified in the first
7 trial, you never made references that he was a witness,
8 Scott Turner, for you in the past. Do you recall that?

9 A. Was I asked that question?

10 Q. Well, I'm asking if you ever offered that
11 information.

12 A. I'm not supposed to offer any information except
13 answer questions. Right?

14 Q. Well --

15 MR. CHOI: You have the testimony from the first
16 trial.

17 BY MR. KAYE:

18 Q. If you look at -- if you look at Exhibit 19.1 --
19 if you look at -- this is the testimony from the first
20 trial. If you look at page 3397, and I draw your
21 attention to line 4.

22 Question to you: "Are you familiar with Scott
23 Turner?"

24 "Yes."

25 "Has he been an associate with N-Hood?" (Sic).

1 "Yes, he has relatives that are heavy into Lynwood
2 Crips. I wouldn't call Scott a heavy member, but he was
3 associated with N-Hood, N-Hood neighborhood Crips, yes"
4 (sic).

5 Is that your recollection today as well?

6 A. Sure.

7 Q. If you look at 3384 --

8 MR. CHOI: First page. First page.

9 THE WITNESS: Okay.

10 BY MR. KAYE:

11 Q. And you look at line 27 of your testimony,
12 "question: How do you know Scott Turner?"

13 "Answer: From prior contacts in other cases that
14 I've had. He used to hangout with the Lynwood
15 Neighborhood Crips."

16 Okay. If you look at 3385, it continues. Do you
17 know why you didn't make any reference that he was a
18 cooperating witness on another case?

19 MR. CHOI: Objection. Calls for speculation in the
20 event -- due to the fact that he gave this testimony over
21 20 years ago.

22 THE WITNESS: I was just answering the question.

23 BY MR. KAYE:

24 Q. So you didn't think it was important that you
25 reference the fact that he was actually a witness to a

1 case that helped you apprehend a suspect in a shooting?

2 MR. CHOI: Objection. Argumentative.

3 THE WITNESS: I answered the question by prior
4 contacts and other cases. What do you want?

5 BY MR. KAYE:

6 Q. I want you to ask the question -- answer the
7 question why you didn't put in the fact that he worked
8 with you just several months earlier on another case where
9 he was a witness to a shooting.

10 MR. CHOI: Same objection. Argumentative.

11 BY MR. KAYE:

12 Q. Do you know why you didn't include that?

13 A. No, I don't know.

14 Q. Okay.

15 A. I answered the question prior contacts and other
16 cases.

17 Q. Do you think it's important information that you
18 should have included reflecting that he was actually a
19 witness for you in another case?

20 MR. CHOI: Objection. Argumentative.

21 THE WITNESS: Maybe to you. It wasn't to me.

22 BY MR. KAYE:

23 Q. And did you arrest Scott Turner for this prior
24 to his helping you with the suspect of the shooting?

25 MR. CHOI: Objection. Which suspect are you talking

1 about?

2 MR. KAYE: The one that was at the halfway house.

3 THE WITNESS: I don't understand your question. Can
4 you repeat that?

5 BY MR. KAYE:

6 Q. Did you arrest Scott Turner --

7 A. Behind that case?

8 Q. Yes.

9 A. Not that I recall.

10 Q. Do you know if anyone else arrested Scott Turner
11 that was part of the Lynwood station for that case?

12 A. No. It was my case. I believe the shooter was
13 the only person arrested.

14 Q. Now, this article Exhibit 15 seems to reflect
15 this happened in September of 1990. Are you aware that
16 Scott Turner alleged to be a victim of a shooting right by
17 the Lugo address in October of 1990?

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

19 Q. Well --

20 A. One month after the little boy was shot?

21 Q. Correct.

22 A. I remember his house getting shot up.

23 Q. Okay.

24 A. Or a neighbor's house but --

25 Q. And that was prior to the drive-by on January

1 18th?

2 A. Yes, it -- I believe it was, yes.

3 Q. And what do you recall happened in that
4 incident?

5 A. I don't really recall anything other than it
6 happened.

7 Q. How did you find out about it?

8 A. I couldn't tell you. I have no idea.

9 Q. Was it -- would it be reported to you because he
10 was an N-Hood hip and his house was shot up?

11 A. Possibly.

12 Q. But you have no recollection?

13 A. No.

14 Q. But generally if there was an investigation of
15 an N-Hood Crip that was being victimized, you would be
16 advised as the OSS investigator assigned to N-Hood Crips?

17 A. Possibly, yes.

18 Q. Do you know if Turner ever testified in court
19 prior to the Sarpy case?

20 A. I have no idea.

21 Q. Do you have a sense about how many contacts you
22 had with Scott Turner prior to the Sarpy case? Numbers?

23 A. Including the Sarpy case?

24 Q. No, before the Sarpy case.

25 A. I have no idea. Half a dozen. A dozen. Maybe

1 a little bit more than a dozen. 12 to 15 probably.

2 Q. Okay. And you made some reference here that he
3 was a good witness.

4 A. He was a good witness.

5 Q. What do you mean by that?

6 A. From what I got -- any dealings I had with the
7 guy he was straight up with me, gave me honest answers.
8 He led me to a shooter that was from his own gang,
9 although he wasn't a hard-core gang member then. I think
10 later he became a more hard-core gang member. But at that
11 time he was just a kid, and he was always honest with me
12 that I knew of, and I was always straight up with him.

13 Q. His family was part of N-Hood?

14 A. I don't recall any family members. Obviously
15 there may have been. I'm not sure where the connection
16 was. I know that that's part of my testimony, but today I
17 have no recollection of his family members being part of
18 N-Hood.

19 Q. Okay. I may have asked you this, and I
20 apologize. Do you recall who the name of the individual
21 you arrested for shooting of the toddler?

22 A. I do not.

23 Q. And would there be a file reflecting this in the
24 sheriff's archives?

25 A. Absolutely.

1 Q. Now, did you testify in any kind of trial
2 reflecting this suspect who was arrested at the halfway
3 house for shooting of the toddler?

4 A. I don't recall.

5 Q. Do you know if Scott Turner testified in that
6 trial?

7 A. I don't recall me testifying. I certainly don't
8 recall him testifying.

9 Q. Do you recall taking him to court any time for
10 purposes of that case?

11 A. No.

12 Q. Do you know if the individual who was arrested
13 was an adult or a minor?

14 A. I believe he was an adult.

15 Q. And do you know if there was a preliminary
16 hearing?

17 A. I do not.

18 Q. And --

19 A. I don't recall.

20 Q. If --

21 A. He may have been a juvenile who came out of
22 juvenile court. I don't know. I don't remember.

23 Q. If there was a preliminary hearing on this case,
24 would you have been present?

25 A. I would have been, yes.

1 Q. Because you were the investigating officer?

2 A. Yes.

3 Q. Okay. I want to talk to you about Mr. Carrillo.
4 In January of 1991 did you know my client Francisco
5 Carrillo?

6 A. I didn't know him. The point when Scott Turner
7 picks him out of the -- out of the notebook, I had no idea
8 who he was. I couldn't put a name, a face -- a name to
9 the face. I remember looking up in the index to find out
10 who he was and walking back to our gang office, going
11 through -- standing at the file cabinet to make up a
12 six-pack of an additional picture of Mr. Carrillo.

13 I remember Kevin Goran walking in our office, and he
14 was shocked that I was making up a six-pack. I remember
15 Kevin Goran asked me "oh, is there a witness that can
16 identify the shooter in the drive by?"

17 And I said "yeah, he picked out Francisco Carrillo
18 from the Young Crowd book."

19 And he told me "I just had Carrillo on a case. I
20 have a six-pack if you want to use it." And I did. I
21 took his six-pack, and I used it to show to Mr. Turner.

22 Q. Okay. Now, going back first to my initial
23 question, you've stated now that you -- you looked at the
24 picture that Scott Turner supposedly picked out and you
25 didn't know who it was. So going back to my question in

1 January of 1991, did you know Francisco Carrillo?

2 A. Not the face. Not the name to the face, no.

3 Q. Did you know him as -- in any way?

4 A. After this incident, when I ran his stuff
5 through Cal Gangs or did whatever I could do to find out
6 information on him, I left Mr. Turner or whoever witnesses
7 there were, the homicide investigators, continued their
8 investigation. This was not my investigation. I'm
9 assisting them.

10 I went back out to where I knew Mr. Carrillo used to
11 live on Duncan. I drove around his house, through the
12 alley, looked to see if there was a brown Regal in his
13 backyard off the alley. And at that point I started
14 realizing that oh, Francisco lives here. This is
15 Francisco Carrillo, and then I started realizing who
16 Francisco was that was picked out of the gang book.

17 Q. Okay. So how --

18 A. Prior to that, I had no idea. When Scott
19 Turner -- and you said "supposedly." He picked out that
20 picture. I looked up in the index to find out who that
21 picture belonged to, and I went back into the gang office
22 to find more information on him and make up a six-pack of
23 him.

24 Q. Okay. So if I get your description correctly,
25 when Scott Turner supposedly picked out this --

1 A. Not supposedly. He picked out his picture.

2 Q. Okay.

3 A. Not supposedly.

4 Q. Okay. All right. All right. So when Scott
5 Turner picked out the picture --

6 A. Yes.

7 Q. -- and you went back to the gang trailer --
8 where did he pick out -- where was he located?

9 A. He was in the detective bureau up front in the
10 Lynwood station talking with Investigator Olmedo.

11 Q. So was Investigator Olmedo there when he picked
12 out the picture?

13 A. I'm not sure.

14 Q. Now, so just going back to how you know
15 Francisco Carrillo, you said you went by the Duncan house
16 after you run it on Cal Gangs and you go to the house and
17 that's when you start saying "oh, this is Francisco
18 Carrillo"?

19 A. Correct.

20 Q. Okay. So tell me how you knew him other than
21 the fact that this was a light bulb in your head?

22 MR. CHOI: Objection. Misstates his testimony.

23 THE WITNESS: I remember going by that house in the
24 past years. I couldn't tell you when. I remember gang
25 members hanging out there, and I believe at one point -- I

1 don't have specific recollection of it -- I believe I
2 contacted Mr. Carrillo at his house.

3 BY MR. KAYE:

4 Q. How many times?

5 A. I couldn't tell you.

6 Q. More than one?

7 A. I couldn't tell you. I know that -- well, I
8 don't have any recollection of the contacts I had with
9 him. Back in the day when I testified, I could recall a
10 few field contacts with him. Today I don't remember any.

11 Q. Do you recall what the house looked like on
12 Duncan?

13 A. I believe it was a fenced-in house. I
14 remember -- unless I have it confused with another house,
15 it was a high fence in the back. I had to -- if it's the
16 incident I'm thinking of -- get out and look in between
17 the poles in order to see the cars that were parked behind
18 the fence looking for the brown Regal. It was on the west
19 side of the -- of Duncan. And it was north of Sanborn and
20 I believe south of Elmwood.

21 Q. Was it near an alley?

22 A. There was an alley that ran behind the house if
23 it's the house I'm thinking of.

24 Q. Okay. Now, you've reviewed your habeas
25 testimony; correct?

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A. Yes.

Q. And in your habeas testimony, if you recall, there's no reference at all that you ever knew Francisco Carrillo; correct?

A. I don't believe that's the case. When --

MR. CHOI: Objection. The testimony states for -- speaks for itself. Are you asking him to know --

BY MR. KAYE:

Q. Well, before we talk about the testimony, is there any reference in the testimony about Francisco that you knew him before this incident with Scott Turner?

A. I don't recall.

Q. Okay.

MR. CHOI: You answered the question.

BY MR. KAYE:

Q. Well, if you look at Exhibit 18.1 and if you go to page 1709, it states on line 5 "Question: And at the time that Mr. Turner chose Carrillo from the book of 140 photos, you didn't even know who Mr. Carrillo was?" (Sic).

"Answer: I did not."

A. That's correct.

Q. And the question: "You didn't recognize his name?" (Sic).

"Answer: Not that I recall?"

A. No.

1 Q. "Question: And after Mr. Turner picked
2 Mr. Carrillo's photo out of the book, you didn't recognize
3 the face?"

4 "Answer: I did not."

5 Correct?

6 A. Correct.

7 Q. So there was no reference in -- if you recall,
8 that you ever had any prior dealings with Mr. Carrillo in
9 this habeas testimony; correct?

10 A. I did not know Mr. Carrillo when Scott Turner
11 picked his picture out of the book. I didn't recognize
12 his name. And I didn't know -- I'm not sure I really knew
13 when I was -- obviously I knew his address because I
14 remember checking his address after talking to Scott and
15 putting him in a six-pack and leaving him with the
16 homicide investigators to do their interviews.

17 I remember going back out in the field. I remember
18 driving down his alley. And I don't think it was until
19 then that I realized that oh, he lives at this house, this
20 house I've seen gang members hang out there. I believe
21 I -- I've contacted him there.

22 I don't know when I recalled that necessarily. I
23 know that I just -- I don't know. I tried to answer these
24 questions honestly from what I recall. When the habeas
25 corpus came out, it was a shock to me. And I -- I don't

1 recall those prior contacts with -- with Mr. Carrillo. I
2 don't remember them to this day. But I remember thinking
3 when I went to his house, "oh." Because it was a gang
4 house. They hang out there.

5 Q. So now your testimony, just to be clear, is to
6 this day you don't remember any prior contacts but it was
7 just the fact that you went to the gang house that
8 sparked -- meaning on Duncan that had sparked some
9 memories from for you?

10 A. Correct.

11 Q. How did you find out where Mr. Carrillo lived?

12 A. I'm not sure if it was in the Cal Gangs system
13 or other information, an F.I. card or something. I got
14 that information that night because I remember going out
15 and looking for the car after I found out that Scott
16 picked out Mr. Carrillo.

17 Q. And what is the Cal Gangs system?

18 A. I mean, well, it's Cal Gangs now. It was the
19 GREAT system back then.

20 Q. The GREAT system. And if we look at Exhibit 1
21 again, I think it's right there in that -- now, if you go
22 to -- this is page 267 of Exhibit 1. Okay. If you
23 recall, we were talking about this.

24 Now, if you see on this printout, if you look, it
25 does talk about 11322 Duncan Avenue and 11327 Duncan

1 Street. Do you see that toward the top third?

2 A. I do.

3 Q. So is this what you looked at which gave you the
4 information reflecting Mr. Carrillo's address?

5 MR. CHOI: This very particular printout?

6 MR. KAYE: Not this printout but this -- this image
7 that was on the GREAT system.

8 THE WITNESS: I don't know where I got that address.

9 BY MR. KAYE:

10 Q. Would it be on the field information cards?

11 A. It would be on a field information card if there
12 was one filled out on him.

13 Q. Do you know if there was one?

14 A. I don't recall one.

15 Q. Now, do you recall what his -- if I -- let me --
16 let me draw your attention to page 252 of that same
17 Exhibit 1. So you go forward a couple of pages. And do
18 you recognize 252 and 253?

19 A. Yes.

20 Q. And what is that?

21 A. It's a supplemental report that I prepared for
22 this case.

23 Q. Okay. So did you know Mr. Carrillo's moniker
24 when you went out to look for him in the --

25 A. I don't recall that specifically, but I'm sure

1 it was in the information that I gathered when I went back
2 to the office and got whatever information I could on him.

3 Q. And it would be in the index of the gang book;
4 correct?

5 A. It would be in an F.I. card, could be on the
6 GREAT printout. I believe it was even in the gang book.

7 Q. Okay. And do you remember what his moniker was?

8 A. I believe it was Spider or Lil Spider. Spid --

9 Q. Which was it?

10 A. I think it was interchangeable. I don't think
11 there was any other Spider that I know of.

12 Q. Okay. And did you know that by heart or did
13 you --

14 A. No, I did not know that by heart. It was I
15 believe laid out -- when I looked up his name, I know the
16 moniker's there. I don't think it had the address. His
17 name, moniker, date of birth. I'm just trying to think
18 what information we had in the index. I don't recall.

19 Q. But moniker would be there?

20 A. Moniker would be there, yes.

21 Q. And the index meaning the index of the gang
22 book; correct?

23 A. Correct.

24 Q. And the GREAT system would have the moniker?

25 A. Correct.

1 Q. And the field identification card would have the
2 moniker?

3 A. Correct.

4 Q. Now, if you look at Exhibit 3 --

5 MR. CHOI: Back in the binder?

6 MR. KAYE: Yes. Back in the binder.

7 Q. Now, do you recognize what this is?

8 A. It looks like the index to the Young Crowd gang
9 book.

10 Q. And this is similar to the index that you would
11 have in the N-Hood gang book except it would be different
12 people?

13 A. Correct.

14 Q. So you are familiar with these. And this would
15 be right in the front of the gang book; correct?

16 A. Correct.

17 Q. And if you look at no. 126 on page 281, do you
18 see that?

19 A. Yes.

20 Q. It says Francisco Carrillo Lil Spider?

21 A. It does.

22 Q. Okay. And if you look at no. 37 --

23 MR. CHOI: You mean EE 37?

24 MR. KAYE: EE 37 which is page 279.

25 Q. Do you see that?

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A. Yes.

Q. It says Juan Raphael Luis, Cheeto (phonetic spelling), Spider; correct?

A. Yes.

Q. Do you know who this man is, Mr. Juan Raphael Luis?

A. No.

Q. And so, in fact, Mr. Carrillo is not known in this gang book index as Spider. He's known as Lil Spider; correct?

A. The moniker next to his name is Lil Spider, yes.

Q. And there's another individual that's actually known as Spider; correct?

A. As a secondary moniker, yes.

Q. Okay. And if you look at page 267 again which is Exhibit 1 page 267 -- right? And if you look at this printout from the GREAT system, it says moniker for Francisco Carrillo Little Spiker, Lil Spider; correct?

A. Yes.

Q. There's no reference to him being Spider; correct?

A. No.

Q. And if you go to your report, the supplemental report --

MR. CHOI: Page?

1 MR. KAYE: Page 252.

2 Q. And you look at -- we can say this is your
3 report, supplemental report that you -- this is your
4 handwriting; correct?

5 A. Yes.

6 Q. And if you look at page 253, the second
7 paragraph, you wrote down that his name was Spider?

8 MR. CHOI: Moniker.

9 BY MR. KAYE:

10 Q. His moniker was Spider from the Young Crowd
11 street gang; correct?

12 A. Correct.

13 Q. But that's incorrect based on your -- the index
14 and the GREAT system; correct?

15 A. Correct.

16 Q. And based on your -- particularly now in 2011
17 after -- excuse me -- 2012 after many years of work as a
18 gang investigator then a supervisor, you under -- you know
19 the fact that when someone writes lil, l-i-l, next to a
20 moniker, that that means that usually they're sort of the
21 lil connection to somebody else who has the actual
22 moniker; correct?

23 A. Generally.

24 Q. Okay.

25 A. But I've also seen it where Lil Spider uses

1 Spider.

2 Q. Right.

3 A. And it's interchangeable.

4 Q. But --

5 A. Lil Spider is generally little brother to big
6 Spider. Generally. Or he's the little homeboy of big
7 Spider and they were inseparable. But that to me -- Lil
8 Spider and Spider are interchangeable. I mean you may
9 point out that it's only Lil Spider listed there, but I
10 wouldn't discount him ever using Spider.

11 Q. Okay. But in the actual gang book there was a
12 guy named Spider; correct?

13 A. I told you earlier that they like to lie about
14 their monikers. That is a secondary moniker. It sounds
15 like he lied later. I'm just guessing that he lied later
16 and used Spider as a moniker because that's not his
17 primary moniker listed on that -- on that book.

18 Q. And that's like --

19 A. Like an a.k.a. moniker. A.K.A moniker.

20 Q. And that's your guess. You don't know.

21 A. I don't know that guy so --

22 Q. Right.

23 A. -- I don't know that.

24 Q. And if you look back at Exhibit 3, this gang
25 book index that was in the front of the gang book, if you

1 look on page 281, there's all these handwritten
2 insertions. Do you have a -- an understanding of why they
3 would be -- have handwritten insertions?

4 A. Only because it's easier to handwrite it in
5 there than pull these pages out and go find a typewriter
6 and line it all up and type it onto the sheet.

7 Q. Was this on a database, or was it actually
8 typewritten each time?

9 A. They were loose pieces of paper that were typed
10 as an index to each one of the gang books.

11 Q. Okay. Did ever do any follow-up investigation
12 after Scott Turner's selection of the photo whether
13 Francisco Carrillo actually was Spider?

14 A. Not that I recall.

15 Q. Would that be your practice?

16 MR. CHOI: Objection. Incomplete hypothetical,
17 vague and ambiguous.

18 THE WITNESS: It wasn't my case. He picked out a
19 guy from the photo book after passing a hundred other
20 pictures. He told me that that individual he had seen
21 several times in and around Lynwood High School. He told
22 me that he remembered him getting in a fist fight with his
23 homeboy Peanut, and he picked him out of a six-pack after
24 that, and I was pretty certain he picked the right guy.

25 ///

1 BY MR. KAYE:

2 Q. Why were you pretty certain he picked the right
3 guy?

4 A. Because I couldn't tell you how few cases I have
5 where they go through a gang book and pass a hundred
6 pictures and still pick a guy out and then know him from
7 contacts or sightings around Lynwood High School, and to
8 know him from a fight, and then to pick him out of a
9 six-pack of five other similar-appearing individuals. It
10 doesn't happen.

11 Q. Okay. So did you follow up after he told you he
12 went to Lynwood High School and check out if he actually
13 went to Lynwood High School?

14 MR. CHOI: Objection. Misstates the testimony. He
15 didn't say he told him that he went to Lynwood High
16 School.

17 BY MR. KAYE:

18 Q. What did he tell you?

19 A. He said he saw him in and around Lynwood High
20 School.

21 Q. Okay. Did you follow up and find out whether he
22 had contacts with Lynwood High School?

23 A. No.

24 Q. Why not?

25 A. It was not my case.

1 MR. CHOI: Objection. Argumentative.

2 THE WITNESS: It was not my case. I assisted them
3 one night out of my whole entire career, and here we are.

4 BY MR. KAYE:

5 Q. Did you talk to the homicide detectives about
6 Lynwood High School?

7 A. Not that I recall.

8 Q. And you talked about a man named Peanut. Do you
9 remember what his name was?

10 A. Aaron Washington.

11 Q. And who is Aaron Washington?

12 A. He's a Lynwood N-Hood Crip.

13 Q. Do you know where he lived?

14 A. Not off the top of my head, but I'm sure he
15 lived in the Lynwood N-Hood Crip area, and I'm sure I have
16 a record of it somewhere in the Cal Gangs system or the
17 F.I. card.

18 Q. And Cal Gangs once again is the GREAT system?

19 A. GREAT system, yes. I'm sorry.

20 Q. Did you know Mr. Aaron Washington when
21 Mr. Turner mentioned his name as Peanut?

22 A. He didn't tell me Aaron Washington. He told me
23 Peanut, and I knew Peanut as Aaron Washington, yes.

24 Q. And how did you know him?

25 A. From contacts. I may have arrested himself.

1 Q. So you were pretty familiar with him?

2 A. I was.

3 Q. Did you go and talk to Mr. Washington and see if
4 he had a fight with Mr. Carrillo?

5 A. No, I did not.

6 Q. Why not?

7 MR. CHOI: Objection. Argumentative. He's already
8 answered the question. It was not his case.

9 BY MR. KAYE:

10 Q. But the question you were -- why did you get
11 involved in this case?

12 A. I don't know. I wish I hadn't have.

13 Q. Okay. But if you recall --

14 MR. CHOI: If you recall.

15 BY MR. KAYE:

16 Q. Back in January 18th of 1991, why did you get
17 involved in this case?

18 A. Because I was a gang investigator and there was
19 a drive-by shooting. Most drive-by shootings are gang
20 related. I responded to the scene figuring that it was a
21 gang-related drive-by shooting, and it evolved into a
22 gang-related drive-by shooting, and I got involved.

23 Q. Okay. And your expertise came as a gang
24 investigator -- right -- because you knew substantial
25 intelligence about the N-Hood Crips; correct?

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A. Sure.

Q. And Aaron Washington was an N-Hood Crip?

A. He was.

Q. And do you know if the homicide detectives, meaning Detective Olmedo, did he have a relationship with the N-Hood Crips to your knowledge?

A. Probably not.

Q. And what about the other investigator Mr. Berle Adams (phonetic spelling)?

A. I have no idea.

Q. So my question is you're the -- a gang investigator. You're going and you're basically meeting with Mr. Turner partly because of your -- or exclusively because of your role as a gang investigator, you know the guy Aaron Washington as being Peanut.

MR. CHOI: Is that a question?

BY MR. KAYE:

Q. That's why I'm saying why didn't you go and speak to him?

A. Probably --

MR. CHOI: Objection. Asked and answered, argumentative.

THE WITNESS: Probably because I get 20 cases a month of my own. I don't need to be out investigating his case. He needs to go investigate his case.

1 BY MR. KAYE:

2 Q. He mean --

3 A. If he wanted -- Mr. Whoever, Adams or Olmedo.
4 If they needed assistance, they come to me and I go with
5 them. I'll take them over to the guy's house. I'll sit
6 down, I'll bring him to the station, whatever it takes.
7 But I'm not going to go out and investigate their case
8 when I've got 20 of my own.

9 Q. Okay. Did you ever arrest Aaron Washington if
10 you recall?

11 A. I don't recall specifically, but I would venture
12 to say I probably did because I remember knowing him.

13 Q. Does he, Aaron Washington, have any -- or did he
14 have or does he have now any family members that are
15 linked to N-Hood Crips?

16 A. I have no idea.

17 Q. Now, we made reference to the fact that you were
18 a Gang Enforcement Team member for 11 months; correct?

19 A. Yes.

20 Q. And now you're in the -- at the time of this
21 incident, January 18th of 1991, you were in the OSS;
22 correct?

23 A. Yes.

24 Q. Did you know -- were you familiar with the Young
25 Crowd gang?

1 MR. CHOI: Objection. Vague and ambiguous.

2 THE WITNESS: I was not familiar -- depends on what
3 you call "familiar." Hell, yeah, I was familiar with
4 Young Crowd. I knew their boundaries. But as far as
5 knowing individual gang members, there were probably four
6 or five I might have known. But to know them well, I'd
7 say no, I did not know them well.

8 BY MR. KAYE:

9 Q. Did you talk to members of Young Crowd gang
10 about their rivalry with the N-Hood Crips?

11 A. I talked to everybody about -- everybody from
12 Lynwood N-Hood and any contact I with Young Crowd, sure,
13 I'd talk to them about it.

14 Q. Was there any investigator who was the primary
15 Young Crowd source out of the OSS?

16 A. I would -- from what I recollect, it was Kevin
17 Goran and Loy Luna.

18 Q. And who would you turn to for information about
19 Young Crowd if you were -- if it was relevant to your
20 investigation?

21 A. Either --

22 MR. CHOI: What time frame?

23 BY MR. KAYE:

24 Q. In January of 1991.

25 A. Either one of those two individuals.

1 Q. Now, when you got back to the station after the
2 shooting, you -- you said -- tell me where was Scott
3 Turner?

4 A. I have no idea.

5 Q. Okay. When did you first see Scott Turner at
6 the station?

7 A. I really don't recall.

8 Q. And do you recall interviewing Scott Turner?

9 A. I remember talking to him -- I remember sitting
10 in an interview with Olmedo, Olmeda, Olmedo. I remember
11 Mr. Turner saying he could identify somebody. I came up
12 front to -- or out back to the gang office, got the gang
13 book, and I went back up to the Lynwood detective bureau
14 up in the front part of the station and I sat down with
15 Mr. Turner and showed him that book.

16 Q. Okay. So it was in -- it was in the detective
17 bureau that you showed it to him?

18 A. That's my recollection. It could have been back
19 in the office. I really don't know.

20 Q. Okay. And --

21 A. I recall it being up front.

22 Q. Why did you get involved at that point?

23 MR. CHOI: Objection. Asked and answered.

24 THE WITNESS: I was assisting homicide detectives.

25 ///

1 BY MR. KAYE:

2 Q. Okay. So I know we said there was probably a
3 radio call. You went out to the scene. You come back to
4 the station. Why -- did they ask you to get involved?

5 A. I have access to the gang book. I have access
6 to the gang office. I have access to the GREAT system.
7 And I'm sure they needed that assistance. If they asked
8 me, I don't know. If I volunteered, I don't know. Does
9 matter?

10 MR. CHOI: You've answered the question.

11 BY MR. KAYE:

12 Q. I'm trying to learn. I'm just trying to learn
13 some information.

14 A. Yeah. Okay.

15 Q. So do you know if it was your initiative or
16 their initiative for you to interview Scott Turner?

17 MR. CHOI: Objection. Asked and answered.

18 THE WITNESS: I don't know.

19 BY MR. KAYE:

20 Q. Would it be your practice to know if you were
21 not asked by a homicide detective to engage in the
22 interview of a -- one of the gang members of the group
23 that you're focused on?

24 MR. CHOI: Objection. Incomplete hypothetical,
25 vague and ambiguous.

1 THE WITNESS: I don't understand your question.

2 MR. KAYE: Can you read it back?

3 (Record read.)

4 MR. CHOI: Same objections.

5 THE WITNESS: I still don't understand your
6 question.

7 MR. KAYE: Sorry.

8 Q. So a gang member from the N-Hood Crips is being
9 interviewed at the Lynwood station by homicide detectives.
10 Would it be your practice to intervene and involve
11 yourself in the interview on your own initiative?

12 MR. CHOI: Objection. Incomplete hypothetical,
13 vague and ambiguous.

14 THE WITNESS: If that was the total scenario, I
15 probably wouldn't get involved, no.

16 BY MR. KAYE:

17 Q. Well, why would you get involved in this case?

18 MR. CHOI: Asked and answered.

19 THE WITNESS: I don't know. I don't know if they
20 asked me.

21 MR. CHOI: You've asked this question five different
22 ways. I think he's done his best to answer the question.
23 Please move on.

24 BY MR. KAYE:

25 Q. Okay. Was it the first time you were ever

1 involved in interviewing a witness of a crime that was
2 being investigated by other deputies that wasn't your
3 case?

4 A. I still don't -- I'm not sure I understand your
5 question.

6 Q. I'm sorry. I'll try to make it as clear as
7 possible. Was this the first time -- well, strike that.
8 You've said repeatedly that this was not your case;
9 correct?

10 A. Correct.

11 Q. Now, it was homicide's case; correct?

12 A. Correct.

13 Q. Was this the first time you ever participated in
14 interviewing witnesses on a -- on a case that was a
15 homicide case?

16 A. I have no idea. We assisted homicide right and
17 left. Probably not. But from my recollection, I have no
18 idea. We assisted homicide all the time. We had
19 homicides happening every month.

20 MR. CHOI: You've answered the question.

21 THE WITNESS: Every week.

22 BY MR. KAYE:

23 Q. But the question is now, based on your practices
24 as an OSS investigator, why would you participate in the
25 interview of a gang member?

1 MR. CHOI: Objection. Incomplete hypothetical.

2 THE WITNESS: Only if I was asked by homicide if it
3 was a homicide case. I don't think I would take the
4 initiative to get involved unless they asked me. I don't
5 recall exactly how this happened and where my first
6 contact was with Mr. Turner that night. I don't recall if
7 I was the first one he contacted after coming from the
8 hospital or when I went up front because I got called up
9 front because he has this interview or witness that can
10 identify someone.

11 I don't recall all that. I recall sitting down with
12 Mr. Turner going through the gang book. He picked the
13 picture after looking at a hundred other guys, and he told
14 me that he recognized him from contacts and sightings
15 around -- in and around Lynwood High School. He told me
16 that -- and we've gone through this.

17 MR. CHOI: You --

18 THE WITNESS: Yeah, we've gone through this a
19 hundred times.

20 MR. CHOI: Mr. Kaye, I'd like to take a short break.

21 MR. KAYE: Oh, sure.

22 THE VIDEOGRAPHER: Off record at 1519. This is the
23 end of disk 2.

24 (Whereupon a recess was taken.)

25 THE VIDEOGRAPHER: We're back on record. We're

1 commencing disk no. 3 of the deposition of Craig Ditsch.
2 On the record at 1529.

3 MR. KAYE: For the record there's been references to
4 exhibits 18, 19, and 20 and 18.1, 19.1, and 20.1. For
5 purposes of this deposition Exhibits 18, 19 and 20 will
6 not be attached. Those are the entirety of the -- 18
7 being the habeas hearing transcript, 19 being the first
8 trial's transcript, and 20 being the second trial
9 transcript.

10 For purposes of this deposition, 18.1 is the excerpt
11 of the deposition -- excuse me -- of the habeas hearing
12 testimony of Lt. Craig Ditsch, 19.1 is the excerpt of the
13 first trial testimony of then OSS Investigator Craig
14 Ditsch, and 20.1 is the excerpt of the second trial
15 testimony of then OSS Investigator Craig Ditsch.

16 Q. As of January 18th, 1991, do you know if the
17 case reflecting the shooting of the toddler had been
18 resolved?

19 A. I'm sure it was, yeah.

20 MR. CHOI: When you say "resolved," do you mean --

21 MR. KAYE: Meaning there was a guilty plea.

22 MR. CHOI: -- with the D.A.'s office?

23 THE WITNESS: I don't know about that. I couldn't
24 tell you. I'm not sure. I know it's been filed and I --
25 it had to have been filed. I arrested the guy I think

1 within 36 hours. It would have been filed. Whether it
2 went to prelim or trial, I don't know.

3 BY MR. KAYE:

4 Q. And do you know the victims -- do you know that
5 the name of the victim of the drive by shooting on
6 January 18th, 1991 was Donald Sarpy?

7 A. Correct. Yes.

8 Q. Did you know Mr. Sarpy before that shooting?

9 A. No.

10 Q. Did you know his son Damian Sarpy?

11 A. No.

12 Q. Did you know any of the other eyewitnesses to
13 the case other than Scott Turner?

14 A. No.

15 Q. Did you know Detective Olmedo before
16 January 18th, 1991?

17 A. No.

18 Q. Did you know Detective Adams?

19 A. No.

20 Q. So they came from homicide?

21 A. Yes.

22 Q. And where is that located in 1991?

23 A. I believe in 1991 they were still out of the
24 Hall of Justice downtown on Temple Street.

25 Q. And you, in fact, worked in homicide during your

1 career; correct?

2 A. Yes.

3 Q. And is it fair to say that homicide detectives
4 are -- that they work quite often with eyewitnesses?
5 Correct?

6 A. Sure.

7 Q. Did you interview any other witnesses to this
8 case other than Scott Turner?

9 A. No. Other than being at the scene initially and
10 getting real quick information so I could get out and look
11 for the car or a suspect, I didn't interview anybody in
12 this case. I sat in on the interview.

13 MR. CHOI: You answered the question.

14 BY MR. KAYE:

15 Q. You sat in on what?

16 A. I sat in on the interview of Scott Turner.

17 Q. Did you interview Scott Turner or someone else
18 interview him?

19 A. I don't remember. I think I sat in while Olmedo
20 interviewed him.

21 Q. Okay. And did you do the eyewitness
22 identification or did Olmedo?

23 A. Show him the gang book?

24 Q. Okay. First showing the gang book.

25 A. I did.

1 Q. And what about showing the photo spread?

2 A. I did.

3 Q. Okay.

4 A. The six-pack.

5 Q. And the six-pack. I'm sorry.

6 A. Yes.

7 Q. And you're not aware, if I recall your prior
8 testimony today, whether Olmedo was there at the time of
9 the showing of the six-pack?

10 A. Yeah, I'm not sure.

11 Q. Prior to this incident, have you ever looked at
12 the Young Crowd gang book before?

13 A. I'm sure I have.

14 Q. I want you to look at what's been marked as
15 Exhibit 4. It should be there before you. If you could
16 take a second to look at that. Do you recognize what this
17 is?

18 A. It looks like numbers 11 through 20 of the Young
19 Crowd gang book.

20 Q. Well, there should be from pages 1986 to 2000.
21 Do you see that? There's many pages following the first.

22 MR. CHOI: Did you want him to look at the
23 subsequent pages?

24 BY MR. KAYE:

25 Q. Well, not to look, but the entirety it seems

1 like the Young Crowd gang book; correct?

2 A. I would say so, yes.

3 Q. And this is -- is this the Young Crowd gang book
4 you showed to Mr. Turner?

5 MR. CHOI: If you know.

6 THE WITNESS: If this is the gang book, yeah, this
7 is the gang book that I showed him.

8 BY MR. KAYE:

9 Q. Okay. And if you look at no. 3, Exhibit No. 3
10 again --

11 A. Exhibit 3 or picture 3 or --

12 Q. Exhibit No. 3. And if you look at no. 126, you
13 see that's Mr. Carrillo?

14 A. Right.

15 Q. And if you go 126 in the gang book -- and I'm
16 sorry. It's a very dark picture, but you have Mr.
17 Carrillo here.

18 MR. CHOI: What do you mean by "here"?

19 BY MR. KAYE:

20 Q. He's right here in this room. So if you look at
21 126, the very dark one on the bottom, that's Mr. Carrillo;
22 correct?

23 A. 126?

24 Q. Yes.

25 A. According to the book and the index, yes.

1 Q. And it looks like Mr. Carrillo. He's right here
2 before you at this table. It looks like him, doesn't it?

3 A. Sure.

4 Q. Okay. Thanks. And how many pictures were in
5 the gang book, if you know, January 18th, 1991?

6 A. I have no idea. 140. Just guessing.

7 Q. How long did it take Scott Turner to pick out
8 Mr. Carrillo in the gang book?

9 A. When he saw his picture, immediately. How long
10 it took him to get through 120 pictures I couldn't tell
11 you.

12 Q. Do you remember what he said when he saw his
13 picture?

14 A. Something to the effect "this is the shooter.
15 He's the guy that was in the right front seat. They shot
16 at us" or something to that effect.

17 Q. And did he say that he -- how he knew him at
18 that time from Lynwood High School and fight with Peanut?

19 A. That's what he indicated, yes.

20 Q. And did he say it at that time, when he showed
21 you the photo, or did he say it at any other time?

22 A. No. I think it was right then.

23 Q. Okay. And if you look at the Exhibit 1, the
24 murder book -- and the we've already established you wrote
25 the supplemental report which is on page 252; correct?

1 A. Correct.

2 Q. Did you write any other report for this case?

3 A. Not that I recall.

4 Q. And can I ask you why there's no reference in
5 this report to showing Mr. Carrillo -- excuse me --
6 Mr. Turner a gang book prior to any kind of photo spread?

7 A. I would -- I'm only guessing, but I would
8 imagine it was more important he picked him from a
9 six-pack of five individuals who look similar rather than
10 looking through a gang book and picking the guy out.

11 If I had a witness who looked through a gang book
12 and just picked a guy out of the gang book, I don't put a
13 lot of credence in that, especially if he knows -- we try
14 to not let them know that everybody in that book a Young
15 Crowd gang member because they might be a little more apt
16 to just pick anybody. That's one reason why we go to the
17 six-pack, to make sure that there's other people besides
18 Young Crowd gang members in the six-pack. And we try to
19 put more credence into their identification.

20 Q. Okay. And I know you probably don't have a
21 recollection of exact language, but based on your practice
22 in January of 1991, what would you tell Mr. Turner before
23 you were going to show him the six-pack? Excuse me. Not
24 the six-pack. The gang book.

25 A. The same admonishment of a photo line up.

1 Q. But do you make any reference that there's a
2 like 190 pictures here and --

3 A. No. I tell them basically that there's a book
4 of -- I used to refer to it as a book -- prior bookings so
5 that he wouldn't know that it was necessarily every Young
6 Crowd gang member that we have identified. So he looks --
7 he looks through the book thinking it is booking photos.

8 Q. Okay.

9 A. That's the way I refer to it.

10 Q. And booking photos by the Lynwood sheriff's
11 station?

12 A. Yeah, prior bookings.

13 Q. So going back to your description -- well,
14 strike that. I'm not sure, and I apologize if -- if I
15 asked you this. But when did you read the admonition for
16 the photo spread to Scott Turner?

17 A. It was -- the admonition before I showed him the
18 book. Same admonition. Nothing changed for the six-pack.

19 Q. And you had the six-pack in hand and that's when
20 you read him the admonition?

21 A. No. He had the admonition before I showed him
22 the book. He picks him out. I went back to my office to
23 make up a six-pack.

24 Q. And then when did you do the admonition for the
25 six-pack?

1 A. The admonition was the same admonition before I
2 showed him the book.

3 Q. Okay.

4 A. I don't think there was any different admonition
5 for the six-pack. It was the same admonition, same time.
6 All I did was went back to the office to make up a
7 six-pack.

8 Q. So my -- I'm trying to be clear. You only did
9 it once before the gang book you read him an admonition?

10 A. I believe so. That was before the gang book,
11 yes.

12 Q. And then that was it for admonitions. Then he
13 picked it out in the gang book, and then you got the
14 six-pack?

15 A. Correct.

16 Q. Okay. And if you go to Exhibit 1, page 263, is
17 this the admonition that you read to Scott Turner before
18 you had him pick anything out of the gang book?

19 A. Yes.

20 Q. And is this your handwriting?

21 A. Yes.

22 MR. CHOI: Wait.

23 BY MR. KAYE:

24 Q. This -- everything that's written except for the
25 signature point is your handwriting?

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A. Yes.

Q. Okay. So with Scott Turner do you remember how old he was at the time?

A. I believe he was 16.

Q. Okay. Did you read this admonition to him or did you allow him to read it to himself?

A. I don't recall because I'd often do it both ways. I don't know if he read it or I read it to him. I don't recall.

Q. And before -- after Turner picked Mr. Carrillo out of the photo spread, are these the exact words he said under the comments section on page 263?

MR. CHOI: Exact words?

MR. KAYE: Exact words.

THE WITNESS: Probably not.

BY MR. KAYE:

Q. Okay. Did he say "the person in photo no. 1 is the person I saw seated in the right front seat"?

A. Probably not.

Q. So that's your language?

A. Yes.

Q. And the next clause "shooting a semi-automatic pistol" -- did he say a semi-automatic pistol or did you say that?

A. I'm sure I said that.

1 Q. Why are you sure?

2 A. It's not the way I would think he would be
3 talking.

4 Q. Because?

5 A. I don't think he'd say semi-automatic pistol.

6 Q. Because he's not a law enforcement officer or --

7 A. It doesn't sound like something that he would
8 have said. It sounds more like something I would have
9 written.

10 Q. And out of -- "out the open front passenger
11 window." Did he -- did he say those words or is that
12 something that you -- that you actually phrased?

13 MR. CHOI: If you recall.

14 THE WITNESS: I don't recall.

15 BY MR. KAYE:

16 Q. What is your opinion?

17 A. What's my opinion? I don't really have an
18 opinion one way or the other. I was just trying to write
19 the facts.

20 Q. So just to be clear, at least up to the
21 semi-automatic pistol -- "the person in photo no. 1 is the
22 person I saw seated in the right front seat, shooting a
23 semi-automatic pistol," those are your words reflecting
24 your description of what Mr. Turner said; correct?

25 A. Correct.

1 Q. Okay. When did Mr. Turner sign this section
2 where it says "signed"?

3 A. I believe he signed it when he picked out photo
4 no. 1 out of the six-pack. Generally I don't have them
5 sign it unless they identify somebody, probably because
6 that would be wasting a piece of paper.

7 Q. And there's a limited number of these?

8 A. No, there's not a limited number of them. You
9 can always get them. I'm sure I had a copy, several
10 copies in my desk drawer.

11 Q. But it --

12 MR. CHOI: You've answered the question.

13 BY MR. KAYE:

14 Q. So why don't you have them sign it if they
15 don't -- if they fail to pick someone out?

16 A. I think I may have in the past. But to me it
17 doesn't have any evidentiary value if they don't pick
18 someone out.

19 Q. And do you produce those to the prosecutor if
20 they don't pick someone out?

21 A. If they don't pick anybody out, I probably never
22 get a suspect.

23 Q. But it -- if the case is referred to the
24 prosecutor for some suspect, do you produce the admonition
25 form where the person did not pick someone out?

1 MR. CHOI: Objection. Incomplete hypothetical.

2 THE WITNESS: If I had them sign it, of course.

3 BY MR. KAYE:

4 Q. But my -- but you stated that you wouldn't have
5 someone sign it?

6 A. Generally -- my general practice is I wouldn't
7 have someone sign it if they didn't pick someone out, no.

8 Q. And would you produce any kind of documentation
9 to reflect that failure to pick someone out to the
10 prosecutor?

11 A. Yeah, I'd put it in a supplemental report.

12 Q. Were you trained in the sheriff's department how
13 to fill out this admonition form?

14 MR. CHOI: Between what time frame?

15 MR. KAYE: Ever.

16 MR. CHOI: Ever?

17 THE WITNESS: Probably not. I don't know. I don't
18 know. I don't recall.

19 BY MR. KAYE:

20 Q. And why do you put yourself as the witness in --

21 A. Because --

22 Q. -- the witness section?

23 A. Because I'm showing him the six-pack. I am
24 witnessing his identification.

25 Q. And is that -- do you know that is the policy of

1 the sheriff's department that the individual that's
2 showing the six-pack becomes the witness to the event?

3 A. I don't know if you can find it in a policy
4 manual, but that is our standard working procedure.

5 Q. Okay. With regard to the photo spread and the
6 creation of the photo spread, your testimony now is that
7 you went to the gang trailer in order to get a photo
8 spread of six people, five of them similarly situated --
9 excuse me. Let's call it your terminology. A photo
10 six-pack. You went to the gang trailer. You were going
11 to put Mr. Carrillo in the suspect -- as a suspect and you
12 were going to find five other people to put -- who looked
13 similarly in the five other slots, the fillers; correct?

14 A. Correct.

15 Q. And when you were there in the gang trailer, you
16 ran into OSS Investigator Goran; correct?

17 A. Correct.

18 Q. And what did he say to you again?

19 A. I remember him being surprised that I was
20 putting a six-pack together, and he asked me did one of
21 the witnesses pick somebody out. He was surprised at
22 that. And I told him yes, that they had picked out
23 Francisco Carrillo. And that's when he told me that he'd
24 just had him on a case and had a six-pack already prepared
25 and asked me if I wanted to use it.

1 Q. So okay. So he said to you one of the
2 witnesses -- in a question "did one of the witnesses pick
3 somebody out?"

4 A. Yes.

5 Q. So he knew, if you're aware -- did you have a
6 conversation with him before you showed the gang book to
7 Scott Turner that you were showing Scott Turner photos of
8 Young Crowd gang members that would possibly be involved
9 in the shooting on Lugo Avenue? Did you have a
10 conversation with Goran reflecting that?

11 A. No.

12 Q. So how did he say "did one of the witnesses pick
13 somebody out?" I mean how did he know that you were
14 showing somebody?

15 A. His wording may have been that he was asking me
16 if someone could pick someone out. "Do we have a witness
17 who could identify the suspect?" I think that's how he
18 put it, and I said yes. He picked -- he didn't ask me who
19 they picked out yet. I told him that yes, they already
20 picked out Francisco Carrillo.

21 And that's what I was doing. He saw me making up a
22 six-pack. That told him, I'm sure, that by the question
23 that we had a witness that I was showing a six-pack to.
24 So his question is "we have a witness who can identify?"

25 I said "yeah, as a matter of fact. He's already

1 picked out Francisco Carrillo."

2 And his response to me was "I just had him in a
3 case. I have a six-pack. Would you like to use it?"

4 Q. Okay. So my question is -- so he was aware that
5 there was some -- that you were involved in the
6 investigation of the shooting on Lugo?

7 A. He was aware that I was standing in front of all
8 those photographs making up a six-pack because that's the
9 file cabinet that I was standing there with the doors open
10 putting pictures together and making up a six-pack. He
11 could see that when he came in.

12 He asked me if we had a witness who could identify.
13 I said yes, he's already picked out Francisco. He told me
14 that he had a case with him just prior to this and that he
15 had a six-pack and asked me if I wanted to use it.

16 Q. So the question is -- what I keep getting from
17 your answer is that he didn't know that there was any
18 selection of Francisco Carrillo but he knew that you were
19 working on the showing -- working on the investigation of
20 the Lugo shooting with the Sarpy case?

21 A. It was our most recent shooting. It just
22 happened earlier in the night, and I was making up a
23 six-pack. I'm sure he -- I can't speak for him, but I
24 think he was assuming that I was making up a six-pack to
25 show to a witness who could identify the shooting -- the

1 shooter of that shooting.

2 Q. In the first trial you testified multiple times
3 that you independently put together a six-pack; correct?

4 A. Yes, sir. That was always my belief.

5 Q. And that was incorrect?

6 A. Apparently it was, yes.

7 Q. Okay.

8 A. From what I recall now -- and I didn't recall
9 this through the first trial, through the second trial, or
10 even the habeas corpus. I was shocked when they showed me
11 two six-packs from the Sarpy -- Sarpy case one and the
12 Sarabia case and they were the same. I ran this through
13 my head a thousand times to figure out how -- how could
14 that six-pack make it into the murder book. There had to
15 be a mistake. And I've run this through my head so many
16 times.

17 But I recall now standing next to that file cabinet
18 putting together a six-pack to take back to Scott Turner
19 to show him up in the front part of the station, and
20 Mr. Goran walked in and asked me "oh, we have a witness
21 who can identify?"

22 I said "yes, as a matter of fact, he's already
23 picked out Mr." --

24 MR. CHOI: You already explained that part.

25 THE WITNESS: -- "Mr. Carrillo." I know.

1 BY MR. KAYE:

2 Q. Okay. And so when did you -- when did you
3 understand that this was the chain of events, that Goran
4 provided you with the Sarabia six-pack?

5 A. I ran this thing through my head a thousand
6 times trying to figure out how those two six-packs could
7 be the same. And I first thought there was a mistake,
8 that somehow the Sarabia six-pack got put into the murder
9 book. I thought it was a mistake.

10 But I kept going over it in my head and going over
11 it in my head. Where did I interview him? And then I
12 remembered. It jogged my memory after all these years
13 that I'm standing there and Kevin Goran walked in the
14 office.

15 Q. Okay. So, in fact, you -- now, realizing both
16 in the first and the second trial when you said that you
17 put together the six-pack, that that -- all your testimony
18 there was incorrect?

19 A. I was in --

20 MR. CHOI: Testimony as to that issue.

21 MR. KAYE: As to that issue.

22 THE WITNESS: I was incorrect, yes.

23 BY MR. KAYE:

24 Q. And my question was in the habeas you didn't
25 describe this event with interacting with Detective or

1 Investigator Goran; correct?

2 A. I was still under the assumption that I made up
3 that six-pack.

4 Q. So when after the habeas, if you give me a time,
5 if you have any --

6 A. I was shocked at the habeas that they were the
7 same. I ran it through my head a thousand times. How
8 long after that trial or hearing I realized this, I
9 couldn't tell you. I have no idea. It was in that
10 running over my mind a thousand times trying to figure out
11 how that six-pack was the same, and I remember now --

12 Q. Okay.

13 A. -- that he walked in the office.

14 Q. And have you had a discussion with Commander
15 Goran about this?

16 A. I have not.

17 Q. Did you have notes that reflect that you used
18 that six-pack?

19 A. No.

20 Q. Now, when you were interviewed by homicide
21 detective sergeants Biddle and Hall, did you advise
22 them -- excuse me. Go back. You'd stated that you spoke
23 to Sgt. Biddle about this case in preparation for the
24 habeas?

25 A. I don't believe I was ever interviewed if that's

1 what you're asking me. I spoke to him about it, yes.

2 Q. Spoke to him about the events of the underlying
3 case?

4 A. Sure.

5 Q. And did you tell Sgt. Biddle that six-pack that
6 you used with Scott Turner was the same six-pack that was
7 in the Sarabia case?

8 A. I didn't know that until after the habeas corpus
9 hearing. I'm telling you I was shocked.

10 MR. CHOI: You answered the question.

11 THE WITNESS: I know I have.

12 BY MR. KAYE:

13 Q. Why were you shocked?

14 A. Because I always -- I was always under the
15 belief that I made up the six-pack.

16 Q. And had you ever done this before the Sarpy
17 case, used a six-pack from another case?

18 A. Not that I recall.

19 Q. And --

20 A. But they acted like that was some scandal. It
21 was no scandal. They asked me --

22 MR. CHOI: You've answered the question.

23 MR. KAYE: I'm not asking if it's scandal or not.
24 I'm just saying --

25 THE WITNESS: No. They --

1 MR. CHOI: You've answered the question. Wait for
2 the next question. Are you okay?

3 THE WITNESS: I'm all right.

4 BY MR. KAYE:

5 Q. Okay. So you don't recall ever using a six-pack
6 before the Sarpy case that was also used in another case;
7 correct?

8 A. You know, I don't remember. But it couldn't be
9 impossible --

10 Q. Okay.

11 A. -- if that's what you're asking me.

12 Q. And what about after?

13 A. Generally my procedure is I go and make up my
14 own six-pack, and that's what I believed I did because
15 that was my standard procedure. To use someone else's
16 six-pack, nothing to it. Not happening often. Has it
17 happened other times? It may have. I couldn't tell you.
18 But --

19 Q. So as we sit here today, you have no
20 recollection of ever having done it before, but you say it
21 may have?

22 A. I didn't have a recollection of doing it this
23 time.

24 Q. Okay. So my question is you have no
25 recollection that you've ever done this before?

1 A. Other than this case, no.

2 Q. Is there any problem that you perceive as a --
3 with regard to a chain of evidence and practice of using
4 the same six-pack in two different cases?

5 A. No.

6 Q. And now that we're here after you've gone
7 through this recollection and you recall this event with
8 then Investigator Goran, now you are confident that the
9 Sarabia six-pack is the same as the Sarpy six-pack?

10 A. Absolutely.

11 Q. And what else did then OSS Investigator Goran
12 tell you about his other case with Mr. Carrillo?

13 A. I don't believe he told me anything about his
14 case. He gave me the six-pack, and I went up front to
15 show it to Mr. Turner.

16 Q. Did he tell you anything about Mr. Carrillo's
17 background in the Young Crowd gang?

18 A. No.

19 Q. So you have a specific recollection he didn't
20 tell you anything?

21 A. I don't have specific recollection of that, but
22 I don't believe we talked about it. I think I was -- had
23 a goal of my mind of getting this six-pack made up and
24 going to show it to the witness.

25 Q. Did you -- prior to speaking to miss -- to OSS

1 Investigator Goran, did you know about the Sarabia case?

2 A. No.

3 Q. Did you know that there was this shooting in
4 general at a party in -- on December 28th, 1990?

5 MR. CHOI: Objection.

6 MR. KAYE: With Young Crowd.

7 MR. CHOI: Assumes facts not in evidence.

8 THE WITNESS: No.

9 BY MR. KAYE:

10 Q. How long were you gone, if you know, from
11 Mr. Turner after you went back to get the six-pack?

12 A. Having a six-pack already made up, it was a
13 little quicker. Just a few minutes.

14 Q. And where did Investigator Goran take the
15 six-pack out of?

16 A. I don't recall. Some place at his desk out of
17 his file.

18 MR. CHOI: Don't guess.

19 THE WITNESS: And that is an assumption.

20 BY MR. KAYE:

21 Q. So explain what Mr. Turner did when you showed
22 him the six-pack?

23 A. He picked out Francisco's picture in position
24 no. 1.

25 Q. And how long did that take?

1 A. Immediately.

2 Q. And what did you do after he picked out the
3 photograph?

4 A. I had him sign the admonition, and I put down my
5 own words of what he told me happened at the scene and
6 what he remembered.

7 Q. And then what happened?

8 A. I think I left -- I don't recall. I left him
9 with Mr. Olmedo at some point. I went back to my office
10 to gather information on Mr. Francisco, and I found an
11 address of him.

12 And I went back out in the field to see if I could
13 find that brown or tan Regal near his house. I went down
14 the street, through the alley, and, if it's the case
15 remember or the incident I remember, I got out of the car
16 and even looked through -- between poles of his gate to
17 see if the car was parked in the back of his house.

18 Q. Did you see anything with regard to a car?

19 A. Not the brown Regal, no.

20 Q. How long were you out looking for Mr. Carrillo?

21 A. I have no idea.

22 Q. Now, you arrested Mr. Carrillo; correct?

23 A. I was present when we did a search warrant at
24 his house and he was arrested, yes.

25 Q. And who were you with?

1 A. Members of my OSS team.

2 Q. Do you recall anyone in particular?

3 A. I believe that Sgt. Holmes would have been
4 there. Kevin Goran would have been there. He was the
5 investigator on the case. He was actually arrested for
6 the Sarabia case.

7 Q. Uh-huh.

8 MR. CHOI: Do you actually remember them being there
9 or is this based on assumption?

10 THE WITNESS: I'm just -- I have no recollection of
11 that search warrant, that incident, or even arresting him.

12 BY MR. KAYE:

13 Q. So look at Exhibit 12. And look at in
14 particular page -- the first page. So it's page 1467.
15 Does this refresh your recollection that you were out on
16 the search warrant with Investigator Luna?

17 MR. CHOI: You mean does he actually remember?

18 MR. KAYE: Yeah.

19 THE WITNESS: No, I don't remember. I don't
20 remember this incident at all.

21 BY MR. KAYE:

22 Q. Okay. And tell me about if you recall any of
23 the -- I know you just said you don't remember the
24 incident at all, but do you remember anything about the
25 arrest of Mr. Carrillo?

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A. No.

Q. Do you know if you talked to him that night?

MR. CHOI: What night?

BY MR. KAYE:

Q. Or that morning? Six o'clock in the morning?

A. I don't believe I did. He wasn't arrested by any case that I was investigating.

Q. Okay. Was -- do you know if homicide was notified of the search?

A. I'm sure they knew that we were doing it and knew that the day we were doing it and knew that he was in custody afterward.

Q. Why are you so sure?

A. Because that would be standard procedure. If we knew that he was a named suspect in a murder and we had another case that he was listed as a suspect on and that's our investigation and that one was what the search warrant was written for and the purpose of the search warrant and he was arrested behind it, we would call homicide and say "hey, that guy that was named as the suspect in the murder, he's in custody." That would be standard procedure.

Q. Okay. I want to take you back to your supplemental report again which is at page 252 of Exhibit 1. Now, this is a handwritten report; correct?

1 A. Yes.

2 Q. And how does it work with regard to the stamp at
3 the bottom? It says -- I think it says C. Ditsch with
4 your badge number; correct?

5 A. Yes.

6 Q. And then it says "a-p-p-r" approved, presumably,
7 of J. Holmes?

8 A. Yes.

9 Q. And then it says J-O-B-O-S-S/Lynwood station.
10 Is this -- how does this come in? Does somebody stamp
11 your name?

12 A. I have no idea. I have no idea.

13 Q. But there wasn't like one stamp that would have
14 this information that --

15 A. I have no idea.

16 Q. Okay. But this was -- did you talk to
17 Sgt. Holmes about this at all?

18 MR. CHOI: About?

19 MR. KAYE: About this interview.

20 THE WITNESS: I don't recall specifically talking to
21 Sgt. Holmes about it. I mean he knew of the shooting. He
22 knew of the murder. I'm sure we did talk about it at some
23 point.

24 BY MR. KAYE:

25 Q. And your experience is that if -- if it says

1 approved by J. Holmes, he would have to review the report
2 prior to it being stamped approved; correct?

3 A. Correct.

4 Q. And that would be your practice when you were a
5 sergeant, that when some deputy gave you a report. Before
6 you approved it, you would read it?

7 A. Yes.

8 Q. Okay. And the practice -- well, first of all,
9 your practice as a sergeant, you'd read it as soon as
10 possible; correct?

11 MR. CHOI: Objection --

12 BY MR. KAYE:

13 Q. As soon as you had access to it, if you had some
14 time, you would read the report before you approved it;
15 correct?

16 MR. CHOI: Objection. Incomplete hypothetical.

17 THE WITNESS: Sure.

18 BY MR. KAYE:

19 Q. Do you know when Sgt. Holmes read this report?

20 A. I have no idea.

21 Q. Do you know when you had -- you said you likely
22 had a conversation about this. Do you know when that
23 happened?

24 A. Not that I recall.

25 Q. Okay. Is this a common practice, to use a stamp

1 to your recollection?

2 A. I have no idea. I don't -- I have no idea.

3 Q. Well, you've been on other cases -- have you
4 been on other murder cases before?

5 A. Yeah.

6 Q. And you were on other murder cases in Lynwood?

7 A. I'm sure I was.

8 Q. So you reviewed the murder book before. You
9 would see -- what the murder book was before it went to
10 the prosecutor?

11 A. No. As an investigator at Lynwood, I never saw
12 a murder book. I didn't even know what a murder book was
13 until I got to homicide.

14 Q. Okay. Did you ever see this type of stamped
15 approval before I presented it to you today?

16 A. I have no idea.

17 Q. Okay. I mean do you have any knowledge as to
18 whether this is a stamp or --

19 MR. CHOI: Asked and answered.

20 BY MR. KAYE:

21 Q. -- or typewritten?

22 A. I have no idea.

23 Q. Now, I want to show you a -- strike that. Now,
24 in the second trial of Mr. Carrillo, you discovered that
25 Scott Turner was recanting his identification; correct?

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A. Correct.

Q. And how did you learn that?

A. I believe I received a call from Marianne Escalante who was the hard core D.A. out of Compton who was handling the case.

Q. And what did she advise you?

A. That he was recanting his story.

Q. And she called you -- those days there was no cell phones. She called you at the Lynwood station?

A. Must have.

Q. And how did you respond?

A. How did I respond?

Q. To her advising you that he was recanting.

A. I don't recall.

Q. Did you tell her that that was nonsense, that he actually was clear as day that he could pick Carrillo?

A. He was positive about his identification. I don't recall.

MR. CHOI: The question is do you remember your response to the prosecutor when she told you that.

THE WITNESS: No, I don't recall.

BY MR. KAYE:

Q. Were you angry?

A. I don't -- I don't recall being angry. I'm not sure what you mean -- I don't recall being angry.

1 Q. Well, you were -- I'm just wondering because
2 here's a gang murder. Here's the lead witness and now --
3 and you're the person -- the law enforcement officer who
4 takes the identification to evidence, and now he's
5 recanting. It didn't anger you that he's recanting?

6 A. It happens all the time. It happens all the
7 time. How could you be angry about it? It happens all
8 the time.

9 Q. Okay.

10 A. Guys get away with murder all the time.

11 MR. CHOI: You've answered the question.

12 BY MR. KAYE:

13 Q. Guys get away with murder?

14 A. All the time.

15 Q. Guys --

16 A. How can I get angry about it?

17 Q. And guys --

18 A. I look at it as job security.

19 Q. And guys who don't do murders get falsely
20 imprisoned all the time?

21 MR. CHOI: Don't answer the question.

22 THE WITNESS: Okay.

23 MR. CHOI: Just answer the question the asked.

24 THE WITNESS: All right.

25 ///

1 BY MR. KAYE:

2 Q. Now, do you have any information of why
3 Escalante called you if it was a homicide case?

4 MR. CHOI: Objection. Calls for speculation.

5 THE WITNESS: I have no idea.

6 BY MR. KAYE:

7 Q. Did you talk to her about your identification
8 with Turner in that phone call?

9 A. I don't recall the phone call.

10 Q. But you know she called you?

11 A. I'm assuming she called me. I don't know that
12 for a fact. I don't recall that for a fact. I found out
13 somehow. Unless I found out when I went to court on that
14 hearing. I don't know.

15 Q. Okay. Now, did you go court after you were
16 advised by Deputy District Attorney Escalante that
17 Mr. Turner was recanting?

18 A. Did I go to court?

19 Q. Yes.

20 A. Yes.

21 Q. And why did you go to court?

22 A. Because this case was going to court.

23 Q. But were you going to court to testify or were
24 you in a court in some response to Mr. Turner recanting?

25 A. I think I went to court for the case.

1 Q. Okay. Did you go lockup to speak to Mr. Turner?

2 A. I did.

3 Q. And who did you go to lockup with?

4 A. Robin Yanes and Marianne Escalante. And he told
5 us -- I answered your question. Sorry.

6 Q. What did he tell you?

7 A. He told us that he doesn't believe he picked out
8 the right guy, that he got in a fight with the real guy at
9 Jack in the Box, and it seemed like a fabrication. We --
10 I remember being in a --

11 MR. CHOI: You've answered the question.

12 THE WITNESS: Correct.

13 BY MR. KAYE:

14 Q. What did it seem like to you?

15 A. It seemed like -- I remember being in a pow wow
16 with Robin Yanes, Marianne Escalante, and myself, and it
17 seemed to all of -- I don't believe any of us believed
18 what he had just told us. I don't recall any -- any of
19 the three of us believing what he told us.

20 We talked about him being in custody now which
21 changed the picture and that he was pointing out a
22 southern California Hispanic gang member who was
23 controlled by the Mexican Mafia and, if he goes to prison
24 with the Mexican Mafia snitch jacket, they would kill him.
25 And we felt that that was his fear and why he was

1 recanting.

2 BY MR. KAYE:

3 Q. And Robin Yanes was of the same agreement,
4 Mr. Carrillo's defense lawyer?

5 A. I'm not sure he was necessarily in the same
6 agreement but he -- he seemed like he did not believe the
7 Jack in the Box story.

8 Q. What do you mean like he seemed like it?

9 A. I remember all three of us talking about it was
10 an untrue, made-up story.

11 Q. Okay. So was this the only time you went to
12 lockup with Robin Yanes and Escalante?

13 A. I believe so, yes.

14 Q. Did you go back and meet with Mr. Turner with
15 the defense investigator?

16 A. Not that I remember, no.

17 Q. Was the defense investigator with you when you
18 went back with Robin Yanes and Marion Escalante?

19 A. No.

20 Q. And just to be clear, do you -- was this the
21 only interview you had with Mr. Turner in that lockup at
22 the second trial?

23 A. Can you repeat that question?

24 (Record read.)

25 THE WITNESS: The only one I recall, yes.

1 BY MR. KAYE:

2 Q. Now, you were told -- was this the only contact
3 you had with Scott Turner in lockup during the second
4 trial?

5 A. I believe so.

6 Q. Now, do you know who David Lynn is?

7 A. I know who David Lynn is, yes.

8 Q. Did you know who he was at the time?

9 A. Yes.

10 Q. And was David Lynn ever in the lockup with you
11 and Marianne Escalante and Robin Yanes?

12 A. I would never go anywhere with Mr. Lynn.

13 Q. And he was the investigator of the rep --
14 working with the defense in Mr. Carrillo's case; correct?

15 A. I have no idea.

16 Q. Now --

17 A. As far as I know, we --

18 MR. CHOI: You answered the question.

19 BY MR. KAYE:

20 Q. You were saying?

21 A. Sorry. I wasn't saying anything.

22 Q. Do you know who the investigator was at the
23 Carrillo second trial?

24 A. I don't know if there was an investigator.

25 Q. Okay.

1 MR. CHOI: You're talking about investigator for
2 the defense --

3 MR. KAYE: For the defense.

4 MR. CHOI: -- not a D.A. investigator.

5 MR. KAYE: For the defense.

6 THE WITNESS: I knew that David Lynn was an
7 investigator for George Denny.

8 BY MR. KAYE:

9 Q. Now, do you remember the habeas hearing you were
10 asked about whether a defense investigator was there with
11 you writing notes in lockup when you were interviewing
12 Mr. Turner?

13 MR. CHOI: Objection. The transcript speaks for
14 itself as to what he testified to.

15 BY MR. KAYE:

16 Q. Do you remember that?

17 A. I do not.

18 Q. Do you believe anybody took any notes back when
19 you were meeting with Scott Turner during the second trial
20 in lockup?

21 A. No.

22 Q. Now, I want you to -- and just to be clear, I
23 know we've gone over it. Your recollection there was no
24 defense investigator back there with you?

25 MR. CHOI: Asked and answered.

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BY MR. KAYE:

Q. Correct?

A. That's what I recall now.

Q. And there were no notes being taken; correct?

A. Correct.

Q. So I want you to look at what's being marked as 20.2 which is another excerpt of the second trial of Francisco Carrillo.

(Whereupon Plaintiff's Exhibit 20.2 was marked for identification.)

MR. CHOI: Doesn't have --

THE WITNESS: 18, 19, or 20 or --

MR. KAYE: Oh, 20.2. I have to give it to you. I'm sorry.

THE WITNESS: What is this of?

BY MR. KAYE:

Q. This is another excerpt from the second trial of Francisco Carrillo. And I'm going to draw your attention to the second page 2507. I'm going to read into the record starting on page 9.

A. Line 9.

Q. Right. Excuse me. Line 9. Thank you. This is from the Court. "Do you know -- if I order you to bring with you 2 or 3 photographs that Turner looked at in the book and picked out, do you know what ones I am talking

1 about?"

2 13, "Deputy Ditsch: I believe so, yes."

3 14, "Was there a defense investigator with you at
4 this time?"

5 16, "Yes."

6 17, "So there is some way you mark those?"

7 "Deputy Ditsch: I believe there were notes taken by
8 his investigator and the --"

9 So does this refresh your recollection that the
10 defense investigator went back into lockup with you to
11 speak with Scott Turner?

12 A. No.

13 Q. Do you think that you were mistaken when you
14 said this back in June of 1992?

15 A. Probably not.

16 Q. So you have no reason to believe this is
17 incorrect?

18 A. I do not.

19 Q. And --

20 A. I just don't recall it.

21 Q. And with regard to the notes -- does this
22 refresh your recollection that actual notes were taken of
23 your interview of Mr. Turner by the investigator?

24 A. No.

25 Q. And -- but you testified here that you believe

1 that the defense investigator had taken notes. Do you
2 have any reason to believe that your testimony in June of
3 1992 was incorrect?

4 A. No.

5 Q. So you believe it's correct that probably you
6 were telling the truth and a defense investigator did take
7 notes?

8 MR. CHOI: Asked and answered.

9 THE WITNESS: I always tell the truth, so obviously
10 I did believe that, yes.

11 BY MR. KAYE:

12 Q. Now, I want to present to you what's been
13 marked -- what's going to be marked as Exhibit 21. Now, I
14 will advise you that these are the notes that have been
15 authenticated at the habeas by investigator David Lynn of
16 your conversation with Mr. Turner in lockup.

17 (Whereupon Plaintiff's Exhibit 21 was marked
18 for identification.)

19 BY MR. KAYE:

20 Q. Now, if you see on the top, it states "do you
21 realize you caused an innocent man to be in jail one and a
22 half years?"

23 "Turner: Yes."

24 Do you recall making that statement to Turner in
25 lockup?

1 A. I do not.

2 Q. I draw your attention back to Exhibit 18.1 from
3 the habeas on page 1717, line 4, and this is your
4 testimony. The question is "isn't it true that you asked
5 him, after hearing what he had to say, 'do you realize you
6 caused an innocent man to be in jail for one and a half
7 years?' And he told you, 'yes,' he understood that?"

8 And your response on line 8 "again, I may have said
9 that. I don't recall."

10 So do you believe you might have said that now as we
11 sit here?

12 A. I may have said that.

13 Q. Okay. And if you look back on Exhibit 21, the
14 handwritten notes, if you look at page 384, the second
15 page, and it says -- we see on the left-hand side it says
16 "2:45 Ditsch" and it says "no more breaks for you if you
17 get arrested in Lynwood." And then parentheses "I have to
18 talk to these fools." Do you remember saying that?

19 A. I have to talk to what fools?

20 Q. Well, let's take it one statement at a time.
21 "No more breaks for you if you get arrested."

22 MR. CHOI: Do you remember saying that?

23 BY MR. KAYE:

24 Q. Do you remember saying that?

25 A. I don't, and I don't know why I'd say that

1 because I never gave the guy a break to begin with. No
2 more breaks?

3 MR. CHOI: You've answered the question.

4 BY MR. KAYE:

5 Q. And if you look at -- did you say to Mr. Turner
6 under the 2:45 on Exhibit 21, page 384 -- did you say
7 "I'll tune him up"?

8 A. That makes no sense. I don't know why I'd say
9 that.

10 MR. CHOI: The question is did you say that.

11 THE WITNESS: I have no idea, but it doesn't make
12 sense that I'd say that.

13 BY MR. KAYE:

14 Q. Okay. Why does it make no sense?

15 A. Who am I going to tune up? I don't understand.

16 Q. Well, first of all, what does tune up mean?

17 A. I don't know. I assume that it's -- I'm going
18 to kick somebody's butt.

19 Q. Okay. And why does it make no sense that you
20 would say to Mr. Turner or someone else that "I'll tune
21 him up"?

22 A. Tune who up?

23 Q. Well --

24 A. These notes make no sense.

25 Q. Okay.

1 MR. CHOI: You've answered the question.

2 THE WITNESS: All right.

3 BY MR. KAYE:

4 Q. So do you recall what Scott Turner said to you
5 in lockup other than the issue of -- about the actual
6 shooter being the guy from Jack in the Box?

7 A. Do I recall what he said other than that? Not
8 really.

9 Q. And you -- when you went with Yanes and
10 Escalante, you were the only investigator back there?

11 A. Yes.

12 Q. Why didn't you take any notes?

13 A. I didn't feel the need to. He was getting ready
14 to testify in this case. I was trying to figure out why
15 all of a sudden he's changing his story. I remember
16 talking to the D.A. about why I felt that he was changing
17 his story.

18 And his identification was solid the night of the
19 shooting. His testimony was solid from what I remember in
20 the first trial. And now all of a sudden he's locked up
21 and in custody and probably going to prison. I still
22 believe that that's why he suddenly recanted his story.

23 Q. Did you show him any photographs in lockup?

24 A. Not that I recall.

25 Q. Does the fact, if you look at Exhibit 384 where

1 it has the --

2 MR. CHOI: 384?

3 MR. KAYE: Excuse me. Exhibit 21, page 384 from the
4 notes.

5 Q. And if you look at the second page, 384 --

6 MR. CHOI: Next page.

7 THE WITNESS: It says right here "picked out two
8 others."

9 MR. KAYE: Okay.

10 THE WITNESS: EE 98 and EE 53.

11 BY MR. KAYE:

12 Q. Right. Does that refresh your recollection that
13 you showed him some photographs from the gang book?

14 A. Do I actually recall that? No.

15 Q. Does that --

16 A. But --

17 Q. Well, what does that mean to you, those
18 references those two EE numbers?

19 A. I'd say he picked out those two pictures as
20 possible suspects.

21 Q. And earlier on page 384 where it says "picked
22 out two others" on line 16 --

23 A. Yes.

24 Q. -- didn't he -- he state -- reflecting when he
25 was shown the gang book back on January 19th of 1991,

1 didn't he say "I picked out two others before I picked out
2 Francisco Carrillo"? Didn't he say that?

3 A. Excuse me?

4 Q. Can you restate that?

5 (Record read.)

6 THE WITNESS: No, he did not say that.

7 BY MR. KAYE:

8 Q. Okay. Do you remember why Turner was in
9 custody?

10 A. It was a kidnaping, extortion, robbery,
11 shooting case. I'm not sure -- I'm not familiar with the
12 case.

13 Q. But you remember the charges?

14 A. I do remember -- I don't remember who told me
15 that or where I came across that information, but I know
16 that he was in custody and was looking at going to prison.

17 Q. Do you know if he already had pled guilty or
18 went to trial?

19 A. I don't know what happened in his trial.

20 Q. Did you work on that case at all?

21 A. Not that I know of. I'm not familiar with that
22 case so apparently not.

23 Q. Okay. I think I'd like to take a break for a
24 couple minutes. And maybe you need a break. So go off
25 the record.

1 THE VIDEOGRAPHER: Off record 1630.

2 (Whereupon a recess was taken.)

3 THE VIDEOGRAPHER: On record 1644.

4 BY MR. KAYE:

5 Q. Okay. Lt. Ditsch, I want to go back to
6 Mr. Turner's review of the Young Crowd gang book. Now, we
7 established that Mr. Carrillo was no. 127 in the gang
8 book; correct?

9 A. 126.

10 Q. 126. Sorry. Thank you. And that reflected
11 that he was at a later page, not right in the beginning;
12 correct?

13 A. Yes.

14 Q. When Mr. Turner was looking through the gang
15 book, did he make any comments about any of the other
16 photographs?

17 A. On the night of the 18th?

18 Q. On the night of the 18th.

19 A. Or the morning of the 19th?

20 Q. Yeah.

21 A. No. Not that I recall.

22 Q. Did he pause at any other photographs like
23 wondering whether that individual might be his choice?

24 A. No.

25 Q. Did he spend any time looking carefully at any

1 other photograph except for Mr. Carrillo's?

2 A. I recall him looking carefully through the whole
3 book. I don't remember him pausing or making a comment
4 about anybody's picture.

5 Q. And what was his comment when he came to
6 Mr. Carrillo's --

7 MR. CHOI: Objection. (Inaudible) --

8 BY MR. KAYE:

9 Q. -- photo?

10 MR. CHOI: Same objection.

11 THE WITNESS: I believe I told you that.

12 BY MR. KAYE:

13 Q. Okay. And that was "that's him. I know him
14 from Lynwood High School"?

15 A. "That's the shooter."

16 Q. And did you ask him why he was sure?

17 A. That's when he went into his explanation that he
18 had seen him several sightings in and around Lynwood High
19 School and that he had been in a fight with Peanut.

20 Q. And then you went to make the photo spread;
21 correct?

22 A. The six-pack, yes.

23 Q. Sorry. I always call it a photo spread. Photo
24 six-pack. And before you met with Mr. Goran, you were
25 going to go to the file where there were photographs of

1 Young Crowd gang members to put that into the slot in the
2 photo spread; correct?

3 MR. CHOI: Objection. Misstates his testimony.

4 THE WITNESS: I didn't meet with Goran. I was
5 standing at the file with drawers open and in the process
6 of making up a six-pack when Goran walked into the office.

7 BY MR. KAYE:

8 Q. And my point being that the photos of
9 Mr. Carrillo that you were trying to access to create the
10 photo six-pack, was that the same photo that was within
11 the gang book or a different photo?

12 A. I don't recall if it was the same pose, but they
13 were additional pictures of Mr. Carrillo.

14 Q. And when you said the term that Mr. Turner's
15 identification was solid, can you describe to me what you
16 mean by solid?

17 A. No wavering, no "oh, this could be" or "that
18 could be." It was solid.

19 Q. And was there a photocopy machine at the Lynwood
20 station at that time?

21 A. Sure.

22 Q. And why did you not -- or did you make a
23 photocopy of the six-pack that was used which was the
24 Sarabia six-pack after Turner chose it?

25 MR. CHOI: I'm confused. Could you read back the

1 question?

2 (Record read.)

3 THE WITNESS: I -- I very seldom made copies back
4 then because the copy machine did not make photocopies
5 that were worth seeing.

6 BY MR. KAYE:

7 Q. Meaning it was very poor quality?

8 A. Very poor quality. And so -- and I left the
9 six-pack with Olmedo. I was -- I thought I was done with
10 this case when I left to go back out in the field and --

11 MR. CHOI: You've answered the question.

12 THE WITNESS: You're right.

13 BY MR. KAYE:

14 Q. That's my next question. You left the six-pack
15 that was part of the Sarabia file with Detective Olmedo?

16 A. I did.

17 Q. And do you know where -- what happened to that
18 six-pack?

19 A. I do not.

20 Q. Did you ever talk to Investigator Goran about
21 that six-pack?

22 A. Not that I recall.

23 Q. You made some reference early on that you would
24 not go anywhere with Mr. David Lynn. I may be misquoting
25 you but something to that effect.

1 A. Something to that effect.

2 Q. What did you mean by that?

3 A. He was a -- my opinion very scandalous, very
4 unworthy person. He was an investigator for an attorney,
5 and that attorney was retained by the Young Crowd. And
6 Mr. Lynn used to hang out with Young Crowd and drink with
7 them, and I had no use for the man.

8 Q. When you say -- I'm just trying to understand.
9 You said he was scandalous.

10 A. Yeah. He tried to frame Deputy Luna for the
11 murder of Lloyd Polk, and he conspired -- I wish he would
12 have gone to prison behind it because I think he should
13 have. He conspired with a female black in the
14 neighborhood claiming a bunch of crap and going to the FBI
15 with it and --

16 MR. CHOI: Calm down.

17 THE WITNESS: And it was all made up. It was all
18 fabricated. And he was part of that.

19 BY MR. KAYE:

20 Q. If what you're saying is true -- believe me I'm
21 not belittling that at all -- but other than that, is
22 there any other reason why you consider him scandalous?

23 A. Other than hanging around with Young Crowd and
24 drinking with them and hanging out like he's their buddy,
25 no, nothing else.

1 Q. And can you describe what the reputation of
2 Young Crowd was back in January of 1991?

3 MR. CHOI: Objection. Calls for a narrative.

4 THE WITNESS: Violent street gang.

5 BY MR. KAYE:

6 Q. Was it one of the more violent street gangs?

7 MR. CHOI: Vague and ambiguous.

8 THE WITNESS: Compared to what?

9 BY MR. KAYE:

10 Q. Compared to N-Hood.

11 A. I would say Young Crowd was probably more
12 violent.

13 Q. Would you say it was the most violent street
14 gang in the Lynwood area?

15 A. One of the most.

16 Q. And would you say that it was a mission of the
17 OSS group to stop the Young Crowd gang any way they could?

18 A. The mission?

19 Q. The mission to stop the Young Crowd --

20 MR. CHOI: Objection. Vague and ambiguous. What do
21 you mean by "stop"?

22 THE WITNESS: And what do you mean by any way we
23 could?

24 BY MR. KAYE:

25 Q. Forget the "any way we could." It's late too.

1 It's late for the attorney. Were Young Crowd known to
2 shoot at deputies in this time period in 1991?

3 MR. CHOI: If you know.

4 THE WITNESS: I can't recall any one specific toward
5 deputies.

6 MR. KAYE: Okay.

7 MR. CHOI: You've answered the question.

8 BY MR. KAYE:

9 Q. Are you familiar with the case of Darren Thomas
10 vs. The County of Los Angeles?

11 A. Am I familiar with it?

12 Q. Yes.

13 A. I know about it.

14 Q. How do you know about it?

15 A. I know about it because it was -- it was a big
16 ordeal out of Lynwood station. I know there were several
17 lawsuits that compiled and joined together with David Lynn
18 and George Denny, and that Thomas case was a case that
19 involved Gang Enforcement Team deputies, Guy Mato, two
20 other guys, Robert Delgadillo and Ruben Gracias. And --

21 MR. CHOI: You've answered the question.

22 THE WITNESS: That's pretty much all I know.

23 BY MR. KAYE:

24 Q. Were you a party to that lawsuit?

25 A. I was told that yesterday I was. News to me.

1 MR. CHOI: Don't reveal attorney-client --

2 THE WITNESS: Okay.

3 BY MR. KAYE:

4 Q. So were you a party to that lawsuit?

5 A. Not to my knowledge.

6 MR. CHOI: Wait. For the record I advised him that
7 he was one of the named parties in the Thomas lawsuit.

8 THE WITNESS: And for the record I was surprised
9 when he told me that.

10 BY MR. KAYE:

11 Q. So you don't recall ever being served with a
12 Complaint?

13 A. No.

14 Q. And if you look at Exhibit 14, this is the first
15 amended Complaint of the Thomas case. And, again, it's
16 missing the -- here it is. Does -- have you ever seen
17 this before?

18 A. Not to my knowledge.

19 Q. And if you look on -- it's sort of out of
20 sequence, but look at the third page.

21 MS. BEDNARSKI: It's his second page.

22 MR. KAYE: It's your second page. There's your name
23 around line 14, Craig Ditsch.

24 MR. CHOI: I don't think this page has that.

25 MR. KAYE: Okay. So she was wrong. Go to the 4th

1 page. There you go.

2 Q. Do you see where on line 14 it says Craig and
3 then it says Ditsch?

4 A. It sure does.

5 Q. And so --

6 A. Looks like they listed --

7 MR. CHOI: You've answered the question. Just
8 answer the question asked.

9 BY MR. KAYE:

10 Q. It looks like they listed everyone in the
11 whole --

12 A. In the history of Lynwood, yeah.

13 Q. If you go to -- excuse me one second -- page 25
14 which is on the bottom of the --

15 A. The same exhibit?

16 Q. Yeah. It's the actual page in the bottom middle
17 of the page. Do you see the 13th cause of action? Do you
18 see --

19 MR. CHOI: 13th line?

20 BY MR. KAYE:

21 Q. It says the 13th cause of action.

22 A. Oh, okay.

23 Q. And then on the 13th line it references you as
24 the last defendant, Ditsch. Okay?

25 A. Last on that line?

1 Q. Right. Do you see that?

2 A. I do see that.

3 Q. Recognize your name?

4 MR. CHOI: That's not the last -- it's not the last
5 defendant named in the cause of action.

6 BY MR. KAYE:

7 Q. Last defendant on the line of --

8 A. On that line --

9 Q. -- of 13?

10 A. -- correct.

11 Q. And you see that on the 14th line it says Goran;
12 correct? With -- in G, after Gonzalez comes Goran?

13 MR. CHOI: Mr. Kaye, the document speaks for itself.

14 MR. KAYE: Well, I'm asking him to identify it.

15 Q. Do you see that?

16 A. I do see that.

17 Q. So then on the 16th line it says March 1st,
18 1990. Do you see the date?

19 A. On or about?

20 Q. Yeah.

21 A. I do see that.

22 Q. So if you can read paragraph 58 to yourself.

23 I'm sorry. It's not that long, and I just want to ask you
24 some follow-up questions about that.

25 MR. CHOI: You want him to read to the second page?

1 MR. KAYE: Yes, if he's done.

2 MR. CHOI: Are you done with it?

3 THE WITNESS: No.

4 MR. CHOI: Sorry about that.

5 THE WITNESS: That's all right.

6 BY MR. KAYE:

7 Q. Okay. Does this -- do you remember this
8 incident on or about March 1st, 1990?

9 A. I do not, not the way that's described. I don't
10 remember anything -- I remember John Chapman.

11 Q. Do you remember --

12 A. John Chapman? Was it John Chapman? I don't
13 know.

14 Q. Do you remember performing this search?

15 A. I do not.

16 Q. And do you disagree to the characterization
17 that -- regarding the terrorizing and humiliation of the
18 people at the residence by gunpoint?

19 A. Absolutely.

20 Q. And the ransacking of the homes? Do you -- do
21 you --

22 A. I don't recall it, but that's not our practice,
23 and that's not the kind of police work we did.

24 Q. And when -- do you dispute that Kevin Goran was
25 on this search with you on March 1st, 1990?

1 A. I don't recall the search, so I can't say one
2 way or the other.

3 Q. But did you go on searches with Kevin Goran?

4 A. Kevin Goran was my fellow gang investigator, so,
5 yes, we went on a bunch of search warrants together and a
6 bunch of incidents.

7 Q. Now, were you aware of a report written by
8 retired Judge Kolts that was a report that was published
9 in the summer of 1992 reflecting the sheriff's department?
10 Do you recall that?

11 A. No.

12 Q. If you can look at exhibit -- I'll give you
13 exhibit -- we'll call it 22.1, and for the record I'm
14 going --

15 MR. CHOI: Is this being attached to the transcript?

16 MR. KAYE: Yes. For the record we're just attaching
17 one section which will be 22.1. For trial 22 will be the
18 entirety of the Kolts report. But this is the only
19 section that we'll have attached.

20 (Whereupon Plaintiff's Exhibit 22.1 was marked
21 for identification.)

22 BY MR. KAYE:

23 Q. Now, do you recall this report now that you have
24 this excerpt in your hands?

25 A. No.

1 Q. I want you to look at the page marked 324 which
2 is on the bottom left corner. Do you see that? And I'm
3 going to read to you from the top. There's a reference to
4 a Federal District Court Judge Hatter and that he found in
5 an order that many of the incidents which brought about
6 this motion involved a group of Lynwood area deputies who
7 were members of a neo-Nazi white supremacist gang, the
8 Vikings, which exists with the knowledge of departmental
9 policy makers.

10 First of all, did you ever hear before today of a
11 Federal district court judge issuing an order reflecting
12 the conduct of the Lynwood station?

13 A. An order?

14 Q. This is part of an order. Or any kind of
15 written document that a Federal district court issued.
16 Did you ever know about this?

17 A. I have heard of Judge Hatter's irresponsible and
18 irrational definition of the Vikings that is right here.
19 And I take offense to that. Totally.

20 Q. Why do you take offense to it?

21 A. Because I consider myself a Viking because I
22 trained at Lynwood station and I worked Lynwood station
23 and that -- I'm offended by that. And I think that's an
24 irrational, irresponsible definition of anything. What's
25 he base that on? What does he base that on? You know

1 what he bases that on? He bases that on the Thomas
2 decision, and that decision was three deputies from -- one
3 was from Firestone, one was from Pico Rivera, and one was
4 from Norwalk. They weren't Lynwood Vikings. They didn't
5 train at Lynwood. They weren't Lynwood Vikings. They
6 worked the Lynwood area attached to the Gang Enforcement
7 Team.

8 But yet this definition he places on the Vikings.
9 The Vikings were nothing scandalous. The Vikings were a
10 group of hard workin' proud deputies to work that area.

11 Q. And who was -- how did one become --

12 A. Sorry.

13 Q. How did one become a Viking?

14 A. By working Lynwood station.

15 Q. So everyone at Lynwood station was a Viking?

16 A. It was our station mascot. There were some
17 people that weren't readily accepted as hard working
18 individuals from Lynwood station, so they -- they were
19 kind of outcast. But yeah, I still considered them
20 Vikings. We were all Vikings.

21 Q. What do you mean by not "accepted"?

22 A. There were some deputies that just didn't have
23 the work ethic that most deputies had there.

24 Q. And was it established amongst your fellow
25 deputies that they were not accepted as members of the

1 Vikings?

2 A. No. No. They were Vikings. They just weren't
3 accepted, you know, as -- I don't know what you'd call it.
4 The brotherhood that's established of the hard working
5 guys. You know they -- they weren't -- they were Vikings
6 but they weren't accepted into the inner circle of Vikings
7 if you want to put it that way.

8 I don't know what you're referring to other than
9 they weren't readily accepted because they weren't hard
10 workers. They weren't -- they didn't have the pride that
11 most of the men and women had from that station. They
12 were hard workin' people. Most of the people I worked
13 with around that time didn't even stop for dinner. Most
14 of -- they'd stop for a cup of coffee and keep right on
15 going. It was just a work ethic pride thing within the
16 station.

17 Q. What percentage of the deputies at the Lynwood
18 station were Vikings?

19 A. We were all Vikings. I'm telling you we were
20 all Vikings.

21 Q. If I could state to you that, if you accept my
22 representation, that we've deposed Commander Goran and he
23 said he was not a Viking --

24 A. He did not train at Lynwood station. He was a
25 gang investigator. He came to the Gang Enforcement Team

1 from Lakewood station. So if they had a mascot, he would
2 be a Lakewood station mascot. He was not a Viking because
3 he didn't train at Lynwood. He didn't work Lynwood
4 patrol.

5 Q. Okay. And my understanding that some deputies
6 at the Lynwood station had tattoos; correct?

7 A. It was common for guys to put tattoos --

8 MR. CHOI: Any kind of tattoos?

9 BY MR. KAYE:

10 Q. Tattoos of the Vikings?

11 A. It was common for guys to put tattoos on them,
12 yeah.

13 Q. Where would they put them?

14 A. I don't recall. I think it was an ankle thing,
15 and I want to say it was the right ankle. I don't know.

16 Q. Now was there any rights that only certain type
17 of deputies were able to have tattoos, or was it anybody's
18 option to get a tattoo?

19 A. You know what? I didn't get into all that. I
20 wasn't into the tattooing myself. I never got a tattoo.
21 If there's something to the tattoo, I'm not aware of it.

22 Q. Do you know if Sgt. Luna has a tattoo?

23 A. I have no idea.

24 Q. Do you know if Undersheriff Tanaka has a tattoo?

25 A. I have heard, but I don't know.

1 Q. I'm talking of a Viking tattoo.

2 A. Yeah, I don't know.

3 Q. I want to draw your attention to page -- same
4 page. Do you know what the Association of Los Angeles
5 Deputy Sheriffs is?

6 A. The Association of Los Angeles Deputy Sheriffs?
7 Yes.

8 Q. Or ALADS?

9 A. ALADS, sure.

10 Q. What is that?

11 A. It's the association for deputies.

12 Q. It's like a union?

13 A. Yeah. It's a union.

14 Q. Did you belong to ALADS?

15 A. I did not.

16 Q. So is it like a dues-paying union?

17 A. Yes.

18 Q. And why did you not belong to that group?

19 A. Because as a deputy I was only responsible for
20 myself. They couldn't hold me responsible for someone
21 else. And I knew that I was -- my integrity and character
22 and work ethic was solid, and I never thought that I
23 needed to be a member of their association.

24 Q. Okay. Now, do you -- what's your opinion of
25 ALADS? Do you have -- was it a -- an honorable group?

1 MR. CHOI: Objection. Vague and ambiguous, calls
2 for a narrative.

3 THE WITNESS: As far as I know.

4 BY MR. KAYE:

5 Q. Okay. I want to show you in the same page it
6 says -- if you look at the paragraph that says "in support
7 of their case" like sort of the middle of the page --

8 A. Okay.

9 Q. So go down a couple lines. These are
10 declarations of ALADS deputies. It says "the declarations
11 state that in April of June of 1990, the captain of the
12 Lynwood station called a meeting attended by many
13 deputies. At this meeting he allegedly called the Vikings
14 a malignant and disruptive element within the station
15 whose members had engaged in off-duty criminal activity."

16 Okay. First of all, who is the -- do you know who
17 the captain was in April or June of 1990?

18 A. No.

19 Q. Was it Captain Bert Cueva?

20 A. It could be. I know he was captain of Lynwood
21 station probably about that time.

22 Q. And can you remember such a meeting?

23 A. I was not a Lynwood -- when I left to go to
24 gangs, I was now a -- they called it Juvenile Operations
25 Bureau member. I wasn't attached to the station. I

1 worked the station area. I really was only attached to
2 the station for two years.

3 Q. But my question is do you remember this meeting?

4 A. How I would know the meeting? I --

5 MR. CHOI: Just do you remember the --

6 THE WITNESS: No. No.

7 MR. CHOI: "Yes" or "no."

8 THE WITNESS: No. I don't.

9 BY MR. KAYE:

10 Q. Did you attend that meeting?

11 A. No.

12 Q. Did you hear anything about this meeting?

13 A. I did not.

14 Q. Do you have any doubt that this meeting
15 occurred?

16 MR. CHOI: Objection. Calls for speculation, lacks
17 foundation.

18 THE WITNESS: I have no idea. I have no idea.

19 BY MR. KAYE:

20 Q. Now, was there any like -- were you any more or
21 less a Viking if you had a tattoo or not --

22 MR. CHOI: Objection.

23 BY MR. KAYE:

24 Q. -- of the Viking symbol?

25 MR. CHOI: Vague and ambiguous.

1 THE WITNESS: Personally it was more of a -- and I
2 kind of compared it to guys in the armed forces that were
3 proud of the branch that they worked or enlisted in or
4 whatever from the armed forces and they'd have U.S.M.C.
5 tattooed on them or whatever.

6 There was a group of guys that were maybe a little
7 bit more proud of the station and were willing to put a
8 tattoo on them than others. But any more than that I have
9 no idea.

10 BY MR. KAYE:

11 Q. Was investigator -- did Investigator Raimo have
12 a tattoo?

13 A. Not to my knowledge.

14 Q. Do you know -- do you know any -- have personal
15 knowledge of anybody from the station --

16 A. Personal knowledge?

17 Q. -- that had a tattoo?

18 MR. CHOI: Let him ask the question.

19 THE WITNESS: I'm sorry. No.

20 BY MR. KAYE:

21 Q. Do you know from reputation, other than
22 Undersheriff Tanaka, of anybody having a tattoo?

23 A. Not really.

24 Q. If you go page 326, if you look at the top
25 paragraph or second paragraph, if you look at the second

1 sentence reflecting the captain, it states "he further
2 stated that the 'inner group' of Vikings had in the past
3 engaged in misbehavior, such as painting Viking graffiti
4 over street gang graffiti." Do you recall that happening?

5 A. No.

6 Q. Harassing supervisors. Do you recall that
7 happening?

8 A. I remember an incident where the Vikings got
9 blamed for some harassment, but I have no personal
10 knowledge of that, no.

11 Q. And what was the -- what did you hear about
12 that?

13 A. There was a supervisor that went crazy on a
14 pursuit, and I think his car got vandalized if I remember
15 correctly. And it was blamed on the inner circle of
16 Vikings, but everything got blamed on the Vikings, so I --
17 but then we were Vikings. So I'm sure one of the Vikings
18 did it. But whether it was a tattooed Viking or whether
19 it was a non-tattooed Viking or inner circle Viking or
20 outer circle Viking I couldn't tell you.

21 Q. Okay. And it says there's -- the next clause is
22 damaging their personal property. Do you -- damaging --
23 you're talking harassing supervisors and damaging, that's
24 the incident you knew about?

25 A. Yes. Yes.

1 Q. And then it said -- it says "he also
2 acknowledged that some deputies flashed Viking hand
3 signals in the presence of street gang members." Do you
4 recall that?

5 A. I do recall that.

6 Q. And did you do that as well?

7 A. Did I do what as well?

8 Q. Flash Viking hand signals.

9 A. There was one incident where a gang investigator
10 was driving through Young Crowd's area and he saw other
11 Young Crowders and they were flashing sign at out of
12 him -- at him and he threw back an "L." They happened to
13 flash a picture of him doing that. And, as far as I know,
14 that's the only incident that ever happened with anyone --

15 MR. CHOI: The question was whether you have flashed
16 any --

17 THE WITNESS: No. Hell, no.

18 MR. CHOI: Well, that was the question.

19 THE WITNESS: That was the question?

20 MR. CHOI: Yes.

21 THE WITNESS: No. No.

22 BY MR. KAYE:

23 Q. So who is this investigator that flashed an "L"?

24 A. It was a guy named Rob Townley, and he thought
25 it was funny as hell.

1 MR. CHOI: Were you there when he flashed the sign?

2 THE WITNESS: No, but he -- we met shortly after
3 that in the field, and he was in his car, and I was in my
4 car, and he was laughing about it.

5 BY MR. KAYE:

6 Q. So that was the only -- the only incident you
7 knew of of flashing a gang sign?

8 A. Yes.

9 Q. You stated something about you were attached to
10 juvenile something.

11 A. Juvenile Operations Bureau is what the gang unit
12 fell under then. Now it's under Operation Safe Streets
13 bureau.

14 Q. So Operation Safe Streets, although in existence
15 in January of 1991, was under the umbrella of Juvenile
16 Operations Bureau?

17 A. I believe that's what it was called then.

18 Q. Okay. Did you ever hear of there being racist
19 literature that was posted in the Lynwood station against
20 African Americans?

21 A. Not to my knowledge.

22 Q. It there was reference to a map of the city of
23 Lynwood that was drawn in sort of -- to resemble the
24 continent of Africa, did you ever hear of that?

25 A. No.

1 Q. Do you remember Captain Cueva?

2 A. I do.

3 Q. And was he a -- someone who was a responsible
4 law enforcement officer in your opinion?

5 A. I really don't have an opinion.

6 Q. Did you respect him?

7 A. I had to respect him. He was my captain.

8 Q. Did he ever --

9 A. Or a captain at Lynwood station. I don't
10 remember if he was ever my captain or not.

11 Q. Did he have problems with some of the deputies?

12 MR. CHOI: Objection. Vague and ambiguous, calls
13 for speculation.

14 BY MR. KAYE:

15 Q. If you recall.

16 MR. CHOI: Lacks foundation.

17 THE WITNESS: My opinion I think he was sent to
18 Lynwood because of all of this Viking stuff, and he was
19 there on a mission. And I think they were -- maybe there
20 were some guys that were out of control. I don't know. I
21 went about my business and did my own.

22 BY MR. KAYE:

23 Q. Do you have any recollection of who was out of
24 control?

25 A. No. I don't -- couldn't tell you any of them

1 were out of control. I thought they were doing a great
2 job. If you listen to that and -- apparently maybe there
3 was somebody out of control.

4 Q. Was --

5 A. I mean I'm not into damaging supervisor's cars
6 and stuff. I think that's out of control.

7 Q. Was, in your opinion, Investigator Luna ever out
8 of control?

9 A. No. Absolutely not.

10 Q. And Jason Mann?

11 A. I didn't really work much with Jason Mann. But
12 from my knowledge, no.

13 Q. And your partner Raimo?

14 A. Absolutely not. Stand-up guy.

15 Q. Did you ever socialize with Sgt. Luna before
16 when you were in OSS?

17 A. Socialize --

18 MR. CHOI: Asked and answered.

19 BY MR. KAYE:

20 Q. Meaning ever go out -- ever been to his home?

21 MR. CHOI: Asked and answered about socialization.

22 THE WITNESS: No.

23 BY MR. KAYE:

24 Q. Would you have lunch with him on -- while you
25 were in OSS?

1 A. We'd always team up and go to lunch. I don't
2 remember ever having lunch with him specifically. But
3 we'd always team up and go grab something to eat if we
4 were in the office together at lunchtime.

5 Q. And how about Investigator Goran? Would you
6 ever socialize with him at the time?

7 MR. CHOI: Same objection.

8 THE WITNESS: I socialized with all of them. He was
9 my brother, and I call him my brother from a different
10 mother. He's --

11 MR. CHOI: It's vague and ambiguous.

12 THE WITNESS: I'd put my life on the line for any of
13 those guys.

14 BY MR. KAYE:

15 Q. Right. Have you ever been to Goran's house?

16 MR. CHOI: Same objection. Asked and answered. He
17 answered this question already.

18 MR. KAYE: Here it comes.

19 Q. Have you?

20 A. I have because I used to deliver Christmas
21 trees, and his wife would always buy a Christmas tree. So
22 I would go to his house to deliver a Christmas tree.

23 Q. And has he ever been to your house?

24 A. No.

25 Q. And Luna, have you ever been to his house?

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A. No.

Q. Have you been going to Goran's house after you left Lynwood station?

A. Only to deliver a Christmas tree. If I left Lynwood station and still did the trees --

MR. CHOI: We covered this.

MR. KAYE: We didn't talk about Christmas trees before this ever.

MR. CHOI: We covered this.

MR. KAYE: Absolutely not.

MR. CHOI: Your question wasn't limited to any particular time period.

MR. KAYE: Okay.

Q. You remember a Deputy Andre Pinesett?

A. I do.

Q. And did you ever go on patrol with him?

A. I believe I was gone from Lynwood station back in OSS before he arrived. So I didn't work patrol with him if that's what you're asking, no.

Q. Did you ever collaborate with him on investigations?

MR. CHOI: If you remember.

THE WITNESS: Not that I remember.

BY MR. KAYE:

Q. Did you have any type of relationship with him

1 outside of the station?

2 A. No.

3 Q. Were you aware that he sued the sheriff's
4 department with regard to racial discrimination that was
5 inflicted on him at the Lynwood station?

6 A. No.

7 MR. CHOI: Objection. Assumes facts not in
8 evidence.

9 THE WITNESS: No. No.

10 BY MR. KAYE:

11 Q. And that he made representations that there were
12 racial epithets that were repeatedly used against him?

13 MR. CHOI: Same objection.

14 THE WITNESS: I had no idea that that even occurred.

15 BY MR. KAYE:

16 Q. Did you ever witness any African American
17 deputies being subjected to racist statements when you
18 were there?

19 A. No.

20 Q. How about Latino deputies?

21 A. No.

22 Q. Now, you made reference of a meeting in -- on
23 December -- I believe it was December of 2010 where there
24 was Chief McSweeney discussing Mr. Carrillo's habeas case.
25 Do you remember that?

1 MR. CHOI: Objection. Misstates his testimony.

2 THE WITNESS: I recall being at a meeting at
3 homicide. I couldn't tell what you month it was or what
4 day of the week it was. It was daylight out, and there
5 was a meeting with I believe four homicide investigators,
6 a lieutenant or two from homicide, the captain from
7 homicide. I believe Chief McSweeney was there, the habeas
8 corpus attorneys were there, and I attended that meeting.

9 MR. KAYE: I'm going to show you a document we'll
10 mark as Exhibit 24.

11 (Whereupon Plaintiff's Exhibit 24 was marked
12 for identification.)

13 BY MR. KAYE:

14 Q. And it's -- if you look on the second page of
15 Exhibit 24, you see the -- it states that "I have listed
16 the names below from our end who will be attending the
17 meeting on December 21st." And it references
18 approximately 10 different sheriff's employees or deputies
19 or people in the chain of command.

20 Can you confirm that these were the representatives
21 of the sheriff's department that was present at this
22 meeting?

23 A. I don't remember Thomas Martin being there, but
24 he could have been. I don't remember Jack Jordan being
25 there, but he could have been. I do remember Dave Smith.

1 I was there. I don't remember Wes Sutton being there, but
2 he could have been. I remember Richard Biddle being
3 there. I remember Barry Hall being there. I remember
4 Joseph Purcell and Steven Davis.

5 Q. Okay. Anyone else that's not on this list you
6 remember being there?

7 MR. CHOI: Aside from the habeas corpus attorneys?

8 MR. KAYE: Yes. I'm talking about from the
9 sheriff's department.

10 THE WITNESS: Not to my recollection.

11 BY MR. KAYE:

12 Q. Have you ever been to a meeting like this
13 discussing a petitioner/defendant's habeas corpus?

14 A. No.

15 Q. And who invited you to this meeting?

16 A. I have no idea.

17 Q. And did you have an idea what this meeting was
18 going to be about before you attended?

19 A. Not really.

20 Q. Did you know it was about the Francisco Carrillo
21 case?

22 A. I believe I knew that before I went to that
23 meeting, yes.

24 Q. And you don't know who told you that?

25 A. I do not.

1 Q. Did you know that it was reflecting a habeas
2 petition that was filed by him before you went to the
3 meeting?

4 A. I'm not sure if I knew that before the meeting
5 or during the meeting or when I actually was aware of
6 that.

7 Q. Okay. And did you review any materials before
8 you came to the meeting?

9 A. No.

10 Q. Did you have any knowledge that Scott Turner was
11 alleging that you influenced him in his photo six-pack
12 choice before you went to that meeting?

13 A. No. Not that I remember.

14 Q. And the meeting was run primarily by Deputy
15 District Attorney Juan Mejia; correct?

16 A. I believe so, yes.

17 Q. And he set out all the -- how long was the
18 meeting if you recall?

19 A. I have no idea.

20 Q. Was it more than two hours?

21 A. I certainly don't think so.

22 Q. And Mr. Mejia did a Power Point?

23 A. I don't recall.

24 Q. And he -- did he and other deputy district
25 attorneys and representatives of the District Attorney's

1 office, did they represent to you and the others that they
2 were looking to concede and allow Mr. Carrillo's habeas
3 petition to be granted without contesting it? Do you
4 remember that?

5 A. I do remember that, but I couldn't tell you if
6 that came out of the meeting or whether I heard that
7 before or after that meeting.

8 Q. Did you have any discussions with the -- your
9 fellow sheriff's department employees when you found out
10 that Mr. -- the D.A.'s office was looking to concede his
11 petition?

12 A. Not from specific recollection, no.

13 Q. When -- do you have a recollection that you were
14 against it?

15 A. I'm -- I would be against it, yeah.

16 Q. Why?

17 A. Because I think they let a guilty guy go, but
18 that's my opinion.

19 Q. And why do you think he's guilty?

20 A. Because I think the identification was solid. I
21 don't think he was trying to put a case on Mr. Carrillo.
22 I think he backed out with other things. I think he
23 looked past the hundred pictures before he picked him. He
24 picked him out of a six-pack of similar-appearing
25 individuals. He told me that he knew him from several

1 sightings at Lynwood station -- Lynwood High School. He
2 told me he remembered him from being in a fight. That
3 just added to his credibility of his identification to me.

4 Q. But now you are -- are you aware that
5 Mr. Washington, Peanut, that he testified under oath that
6 he didn't have a fight with Mr. Carrillo?

7 A. I have no idea.

8 Q. Well, if you knew that to be the fact -- and I
9 represent as an officer of the court that that is
10 Mr. Washington's testimony -- does that cause you to have
11 doubt in Mr. Carrillo's guilt?

12 MR. CHOI: Objection. Calls for speculation.

13 THE WITNESS: That would cause me to have doubt in
14 that portion of the identification, yes.

15 BY MR. KAYE:

16 Q. And did you know that the judge of the habeas,
17 superior court judge where you testified, made a finding,
18 after participating in a reenactment of the incident, that
19 it was virtually impossible for anyone to identify the
20 facial characteristics of the shooter that night? Did you
21 know that?

22 A. I heard of this reenactment but --

23 MR. CHOI: The question is did you know about the
24 judge's findings.

25 THE WITNESS: I heard about his findings, yeah.

1 BY MR. KAYE:

2 Q. That he found, as the finder of fact, that it
3 was impossible to recognize whose -- the facial
4 characteristics of the shooter?

5 MR. CHOI: You just asked him the same question.

6 MR. KAYE: Well, he said in general he heard about
7 the findings, but I'm asking about my question.

8 Q. You heard that finding in particular?

9 A. I heard that he said that it was virtually
10 impossible see the facial features of someone in a car
11 passing by in the same night darkness, that kind of stuff.

12 Q. And so you made reference to you heard about the
13 reenactment. What did you hear about the reenactment?

14 A. Just that he came to that conclusion.

15 Q. And do you doubt that that was an honest
16 conclusion by the superior court judge?

17 A. It was honest. I'm sure he believed himself to
18 be honest. But I don't think that was a good
19 representation of someone who is a gang member in the city
20 of Lynwood who lives and survives by powers of observation
21 and knowing what car belongs in what neighborhood, who's
22 in that car, and their life depends on it.

23 Their powers of observation -- not a bunch of
24 attorneys and judges that don't live on the streets going
25 out there at a certain time of night and seeing a car pass

1 by -- who knows if it was at the same speed? Who knows
2 about the lighting conditions? And to come to the
3 conclusion that it was impossible to see the facial
4 features of a guy who's hanging out the window shooting at
5 them. I don't see how that could be a representation of a
6 witness who was a gang member out on the streets living
7 the streets and his observations and a person who was
8 hanging out the window shooting at them. I don't believe
9 that could anywhere come close to a good reenactment.

10 Q. And if you were convinced that the judge's
11 findings were correct, if that was actually based on
12 scientific and powers of observation --

13 A. That would --

14 Q. -- would you have doubt in Mr. Carrillo's guilt?

15 A. If that was absolutely true, yes. I probably
16 would.

17 Q. And do you recall Chief McSweeney making any
18 comment about the potential exposure and liability of the
19 sheriff's department if Mr. Carrillo was released at that
20 meeting?

21 A. No.

22 Q. I want to present to you what we're going to
23 mark as Exhibit 5. I'm sorry. I only have two pages --
24 two copies.

25 (Whereupon Plaintiff's Exhibit 25 was marked

1 for identification.)

2 BY MR. KAYE:

3 Q. Now, do you remember who Brentford Ferreira is?

4 A. No.

5 Q. Do you remember the deputy district attorney who
6 was examining you during the habeas petition?

7 MR. CHOI: You mean does he remember --

8 BY MR. KAYE:

9 Q. He did the examination. Do you remember there
10 was a deputy district attorney who asked you questions
11 during the habeas petition?

12 A. Oh, okay.

13 Q. Do you remember him?

14 A. I remember a deputy district attorney other than
15 Mejia asking me questions. I didn't know his name.

16 Q. A shorter man?

17 A. Yes.

18 Q. And do you have -- did you have any relationship
19 with him or -- excuse me. Not relationship. Did you have
20 any conversations with him before the -- your testimony in
21 the habeas?

22 A. We were out in the hallway for about two or
23 three minutes before we went in there to take the stand.

24 Q. Okay. And did he seem forthright during the
25 two, three minutes of preparation?

1 MR. CHOI: Calls for speculation.

2 THE WITNESS: I -- forthright? I don't -- I had two
3 or three minutes with the guy. I couldn't tell you one
4 way or the other.

5 BY MR. KAYE:

6 Q. Did you talk to him during that meeting with
7 Chief McSweeney at all?

8 A. I didn't talk to anybody in that meeting. I
9 attended it.

10 Q. All right. I want to draw your attention to
11 page 9. And if you look at line 19, and this is the
12 deposition of Brentford Ferreira. It states "Chief
13 McSweeney at the end of the meeting stated that there had
14 been a previous case where a defendant had served six
15 months and the department was sued for I believe it was
16 18,000,000. And he was concerned about conceding this
17 case where Mr. Carrillo had served 20 years."

18 Do you --

19 A. I don't --

20 Q. -- recall that conversation being made at the
21 December 21st meeting?

22 A. I do not.

23 Q. Okay. If -- do you remember or are you aware of
24 a claim in Mr. Carrillo's petition that a man named Oscar
25 Rodriguez was the actual shooter on the night of

1 January 18th, 1991?

2 A. Not specifically, no.

3 Q. Do you remember there was a claim that they had
4 a -- Mr. Carrillo's petition that there was evidence of
5 another person being the shooter?

6 A. Evidence of it? I'm not aware of that, no.

7 MR. CHOI: The question is were you aware that that
8 contention was part of the habeas petition? Either you do
9 or you don't.

10 THE WITNESS: Right now I couldn't tell you, no.

11 BY MR. KAYE:

12 Q. But you read the habeas petition; correct?

13 A. I believe I did, yeah.

14 Q. Do you know as a -- a representative of the
15 Los Angeles sheriff's department, whether there's any
16 investigation going on with Mr. Carrillo's -- excuse me --
17 with the murder of Donald Sarpy at this point?

18 A. I have no idea.

19 Q. Just a question -- did you ever try to get a
20 position or apply for a position at the FBI after you
21 started working in local law enforcement?

22 A. No.

23 Q. Why not?

24 A. Because I liked law enforcement a lot more than
25 I thought I would. And my dealings with the FBI I wasn't

1 really impressed. I'm sorry, sir. But during my training
2 at the academy, we had a couple instructors that were FBI
3 agents. I wasn't impressed. I liked law enforcement. I
4 liked working the streets. And I had no interest of
5 following up with the FBI.

6 Q. Okay. I'm going to take a break. This could be
7 the end of the entirety of the deposition, so let's just
8 take a five-minute break, and there may be no more further
9 questions. But I want to consult with my colleagues.

10 THE VIDEOGRAPHER: Off record 1735.

11 (Whereupon a recess was taken.)

12 THE VIDEOGRAPHER: On record 1743.

13 BY MR. KAYE:

14 Q. Lt. Ditsch, with regard to Aaron Washington, do
15 you have any knowledge of where he is right now?

16 A. I have none.

17 Q. Do you have any knowledge whether he's alive or
18 not?

19 A. I have no idea.

20 Q. With -- did you ever know of a man named Oscar
21 Rodriguez during your time in law enforcement?

22 A. No.

23 Q. He lived in Lynwood. Do you know a man name
24 Jermaine Sembrano?

25 A. No.

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Q. Do you know a man named Roman Mercado?

A. No.

Q. When was the last time you saw Andre Pinesett?

A. Probably back in the '90s.

Q. Do you have any idea where he is right now?

A. I have none.

MR. KAYE: Okay. I have no further questions.

MR. CHOI: I have no questions.

MR. KAYE: So same stipulation as previously?

MR. CHOI: Yes.

MR. KAYE: So you're relieved of your duties pursuant to our stipulation and we -- because it's the same stipulation, we don't need to go any further.

THE VIDEOGRAPHER: Close the record?

MR. KAYE: We're complete.

THE VIDEOGRAPHER: This concludes this session of the deposition and disk 3. Off record 1744.

(Whereupon the following previously adopted stipulation was entered:

MR. KAYE: Okay. I have no further questions.

The court reporter is relieved of her responsibilities under the Federal Rules of Civil Procedure. There will be a transcript that will be produced of this deposition. This transcript will be sent to your attorney, Mr. Choi. You, Sergeant Duerr, will have 30 days to read the

1 transcript and make any corrections. Any corrections will
2 be sent back to me. Corrections will be made under the
3 penalty of perjury. The court reporter is instructed to
4 produce a certified copy of this transcript. If the
5 original is lost -- and as plaintiff's counsel, I
6 stipulate if the original is not available, a certified
7 copy can be used in its place.

8 MR. CHOI: So stipulated.)

9 (Ending time 5:44 p.m.)

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* * *

I do solemnly declare under penalty of perjury that the foregoing is my deposition under oath; that I have read same and have made the necessary corrections, additions or changes to my answers that I deem necessary.

In witness thereof, I hereby subscribe my name this _____ day of _____, 2012.

Craig Ditsch

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CERTIFICATE

OF

CERTIFIED SHORTHAND REPORTER

THE UNDERSIGNED CERTIFIED SHORTHAND REPORTER OF
THE STATE OF CALIFORNIA DOES HEREBY CERTIFY:

THAT THE FOREGOING DEPOSITION OF CRAIG DITSCH
WAS TAKEN BEFORE ME ON JULY 18, 2012, AT WHICH TIME THE
WITNESS WAS PLACED UNDER OATH BY ME;

THAT THE TESTIMONY OF THE WITNESS AND ALL
OBJECTIONS MADE AT THE TIME OF THE EXAMINATION WERE
RECORDED STENOGRAPHICALLY BY ME AND THEREAFTER
TRANSCRIBED, SAID TRANSCRIPT BEING A TRUE COPY OF MY
SHORTHAND NOTES THEREOF.

IN WITNESS WHEREOF I HAVE SUBSCRIBED MY NAME
THIS 3RD DAY OF AUGUST, 2012.

LESLIE L. CHISUM

CERTIFICATE NO. 9682