

IN THE SUPREME COURT OF THE STATE OF NEVADA

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ERNESTO MANUEL GONZALEZ,

CASE NO. 64249

Appellant.

v.

THE STATE OF NEVADA,

Respondent.

_____ /

APPELLANT'S APPENDIX, VOLUME XVI

**APPEAL FROM JUDGMENT AFTER
JURY TRIAL AND SENTENCING**

Second Judicial District
State of Nevada

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1 A. A couple of our guys broke down on the freeway, and
2 a van of three or four -- there's different stories, but the
3 story we heard was there's a van of Hells Angels pulled up to
4 them and -- when they were broken down, told them to take off
5 their cuts when they come through the neighborhood.

6 Q. All right, and so that was something that would
7 aggravate or at least heighten tension between the two clubs?

8 A. Very much so.

9 Q. All right. So you heard about that, you got to
10 Reno, can you tell us what happened during the course of the
11 evening, from the time that you arrived? What time did you
12 get there?

13 A. I mean, I don't really recall, it was before -- I'd
14 say 5:00, 6:00.

15 Q. Okay, so walk us through the day, tell us what
16 happened.

17 A. From the beginning or from where we --

18 Q. Right from the beginning.

19 A. From when I woke up in the morning?

20 Q. No, from when you checked into the hotel.

21 A. There was some Hells Angels in lines and, you know,
22 we were all wondering why they're there. And then we started
23 to get phone calls of the situation that happened on the
24 freeway, so tensions started building up. And then we

1 checked in, we went up to our room, and then we had an OM.

2 Q. What time was the OM?

3 A. I think the OM was at 8 o'clock.

4 Q. And that was the officers meeting?

5 A. It was national OM, yes, everybody was there.

6 Q. So that would be all patch holders and officers, or
7 just officers?

8 A. All patch holders everywhere.

9 Q. So how many people was that?

10 A. How many people we had up there, I don't recall. I
11 didn't get a number count.

12 Q. Can you estimate?

13 A. 500, a thousand, maybe. I couldn't give you a
14 number count.

15 Q. A couple hundred would be fair to say?

16 A. Yes.

17 Q. At least?

18 A. At least.

19 Q. Okay. And you were staying at the hotel, right?

20 A. Yes.

21 Q. And who were you rooming with?

22 A. Candyman.

23 Q. So the meeting was at 8:00, what happened after
24 that?

1 A. There was a couple other meetings going on. There
2 was a little powwow meeting between Tata, Dragon, Jimbo, me,
3 Candyman, San Jose guys, and we were questioning on what's
4 going on here.

5 Q. So you were discussing what was going on, and what
6 specifically -- what specific issue were you addressing with
7 those individuals?

8 A. There was a lot of conversation about, you know, the
9 San Jose campout incident at Bakersfield, you know, the
10 incident that happened on 99. We were questioning why we
11 were looking like -- I mean, say it or --

12 Q. Yeah, you can say it.

13 A. Why we were looking like bitches.

14 Q. All right, and why did you feel as though you were
15 being dis -- would that be a form of disrespect?

16 A. Yes.

17 Q. So you felt as though you were being disrespected by
18 virtue of these other incidents, and the fact that they were
19 there at the hotel?

20 A. Yes.

21 Q. And it was your understanding that they were going
22 to stay at a different hotel, and that would have shown
23 respect to you by not coming to your hotel.

24 A. It was a mutual agreement, yes.

1 Q. So you have that discussion, and can you tell us
2 about that discussion, or at least your understanding?

3 A. To my recollection, is we were questioning on why
4 San Jose charter was there. San Jose wanted to know, you
5 know, what was going on. And at a certain point, you know,
6 Tata put a green light on Pettigrew.

7 Q. What's that mean?

8 A. That he's fair game to take out.

9 Q. Does that mean murder?

10 A. Or whatever way it is meant.

11 Q. Well, I want to be specific here, does that mean
12 beat up, beat down, or actually kill?

13 A. To kill.

14 Q. So that's pretty serious, right?

15 A. Very much so. Yes.

16 Q. So then what happened? Anybody say anything about
17 how they were going to accomplish this task?

18 A. There was a couple conversation, you know, little
19 bits and pieces, and Romey said he would do it.

20 Q. All right, that would be the defendant?

21 A. Yes.

22 Q. Mr. Gonzalez said he would do it?

23 A. Yes.

24 Q. And what happened after that, was there any

1 discussion about logistics or the plan?

2 A. Not to my recall, we just kind of broke up.

3 Q. All right, so you didn't know at that time if it was
4 going to happen then, or sometime later, it was just kind of
5 a general conversation that this guy needs to go?

6 A. Yes.

7 Q. All right. And so then what happened after that,
8 after that meeting broke up?

9 A. Time went by, and me and my wife went to go have
10 dinner at the Oyster Bar. It was almost closing time there,
11 and we ordered some food, quick food, and then we started
12 getting phone calls. I started to get phone calls. Saying
13 that San Jose charter Hells Angels were at the bar, drinking.

14 Q. All right, and you were at the Oyster Bar
15 restaurant?

16 A. Yes.

17 Q. With your wife?

18 A. Yes.

19 Q. And so you came out, I'm assuming that you came out
20 of the bar there?

21 A. Yes.

22 Q. And who was there when you came out -- of the
23 restaurant, I mean.

24 A. About 15 to 20 Hells Angels, and some prospects.

1 Q. All right. And did you see any of the Vagos in that
2 location?

3 A. Yes, we were told to -- at the meeting, at the OM,
4 we were told to make sure we had prospects, you know, guard
5 all the doors, to get -- to make sure we didn't see any Hells
6 Angel comes in, and to make phone calls if we notice
7 anything.

8 Q. And why would you do that?

9 A. Because of the tension that was going on. And we
10 had agreement that they would stay out of the hotel.

11 Q. But would you have prospects watch the door to see
12 if any Hells Angels were coming, is that the reason why you
13 have them there?

14 A. Yes.

15 Q. Because if you saw a bunch of Hells Angels coming,
16 would that put everybody on alert?

17 A. Very much so, yes.

18 Q. So then you might suspect that there was going to be
19 some kind of a fight? If you saw a bunch of Hells Angels
20 pull up?

21 A. There was just tension going on. Yes.

22 Q. All right. So then what happened? You come out of
23 the Oyster Bar restaurant, and about what time do you think
24 you finished dinner?

1 A. At that time the restaurant closed, so to my best
2 knowledge I'm saying 10:00, maybe 11:00, I don't recall
3 exactly the time.

4 Q. All right, so --

5 A. They were closed.

6 Q. And did you decide to stand around and hang out in
7 that area?

8 A. No, I got a 911 call.

9 Q. What's a 911 call?

10 A. Saying that we had a bunch of Hells Angels at the
11 bar.

12 Q. All right. So that 911 call wasn't generated by you
13 having a conversation with Pettigrew, you got that before you
14 talked to Pettigrew?

15 A. Can you -- can you re-ask that question?

16 Q. Sure. So you ended up talking to Pettigrew that
17 night, correct?

18 A. Yes.

19 Q. The San Jose president?

20 A. Yes.

21 Q. Of the Hells Angels?

22 A. Yes.

23 Q. Did you get the phone call, the 911 call, before you
24 talked to Pettigrew in the Oyster Bar?

1 A. Yes.

2 Q. So where were you when you received this call?

3 A. Having dinner at the Oyster Bar.

4 Q. Oh, okay. So the restaurant closed and you came
5 out, everybody was right there?

6 A. Yes.

7 Q. So what happened when you came out of the Oyster Bar
8 and pursuant to this 911 call? And can you -- what's a 911
9 call?

10 A. 911 call is the people start calling other patch
11 holders to let you know that there's going to be an incident
12 or there's an emergency, you start calling people for backup.

13 Q. So if you back up, you want support, you make a 911
14 call, everybody kind of rallies and goes to that area?

15 A. Yes.

16 Q. So you got the 911 call, and what happens when you
17 get to the Oyster Bar?

18 A. I see all the Hells Angels there.

19 Q. All right, so what do you do when you see those
20 guys?

21 A. Me and a couple other patch holders and some of the
22 San Jose guys decide to go have a beer in there.

23 Q. So did you walk into the bar?

24 A. Yes, I did.

1 Q. And why did you do that?

2 A. Have a beer.

3 Q. So would that be letting Hells Angels know that
4 you're not intimidated and they shouldn't be there, or were
5 you sending a message?

6 MR. HOUSTON: Excuse me, your Honor. Your Honor,
7 leading.

8 THE COURT: Sustained.

9 BY MR. HALL:

10 Q. What was your intent with respect to going in and
11 having a beer at the Oyster Bar?

12 A. Have a beer.

13 Q. Okay. Was there any -- did you have any intent to
14 intimidate them or send them a message that you weren't
15 intimidated by them?

16 MR. HOUSTON: Objection, leading, your Honor.

17 THE COURT: Sustained.

18 A. Can you repeat it?

19 BY MR. HALL:

20 Q. Sure. Did you have --

21 A. Sorry.

22 Q. -- any ulterior motive of going in and having a beer
23 at the Oyster Bar?

24 A. No.

1 Q. So what happened, did you go get a beer?

2 A. Yes, I did. And a tequila shot.

3 Q. And did you go with one of your Vago buddies to do
4 that?

5 A. Yes, a couple of them.

6 Q. Who was that?

7 A. Some of the guys from San Jose. And other patch
8 holders.

9 Q. So you guys went into the Oyster Bar and bought some
10 beers, bought some shots?

11 A. Yes.

12 Q. What happened after that?

13 A. At that time I didn't know who Pettigrew was, but
14 there was a Hells Angel that kept tapping me on the back of
15 my cut.

16 Q. What did you think about that?

17 A. I don't like it.

18 Q. Why not?

19 A. You just don't do that, you don't touch other
20 people's cuts.

21 Q. Why not?

22 A. It's disrespectful.

23 Q. What do you do if somebody disrespects you by
24 touching your cut?

1 A. It all depends on the individual.

2 Q. What did you do?

3 A. I got pissed off.

4 Q. What did you do as a result of being aggravated or
5 pissed off?

6 A. I told other members that I was pissed off. I
7 think -- and one of the comments he said to me was, "I just
8 do that to everybody. I'm a friendly guy." I said to him,
9 "If you're a friendly guy, then buy all my brothers a beer."

10 Q. Did he?

11 A. No.

12 Q. Then what happened?

13 A. And then the phone calls started happening, cause
14 there was a lot of us and less of them. Tensions started
15 rising. Then we were told to get out of that bar.

16 Q. By whom?

17 A. Dragon and I think Cocky Rocky.

18 Q. All right, well, Dragon was at that first meeting,
19 right?

20 A. Yes.

21 Q. Where they said Hells Angels were here?

22 A. Yes.

23 Q. All right, and then Dragon came down and Cocky Rocky
24 came down and they said get out of there?

1 A. Yes.

2 Q. And so did you do that?

3 A. I walked away.

4 Q. And then what happened?

5 A. I guess Pettigrew talked to them, and I don't know
6 the conversation because nothing was said to me about it, but
7 I guess he was apologizing to them, and never apologized to
8 me.

9 Q. All right, so did that aggravate you further?

10 A. Yes.

11 Q. So then what did you do?

12 A. I went up to him again and told him that he should
13 apologize to me, since I'm an officer.

14 Q. And he said?

15 A. No.

16 Q. And so now were you really mad?

17 A. Yes.

18 Q. All right, so did you tell everybody that you were
19 upset?

20 A. Yes.

21 Q. So then what happened after that?

22 A. We all left that area and went to go have another
23 beer.

24 Q. Why did you leave that area?

1 A. We were told to get out of there.

2 Q. Who said get out of there?

3 A. I think it was Cocky Rocky and Dragon.

4 Q. All right, and where did you go from there?

5 A. Around the corner towards the disco. I first went
6 and got another beer at that -- there's a bar between the
7 disco and the first Oyster Bar.

8 Q. Had a beer and you went down to the disco area?

9 A. Yes.

10 Q. And why were you hanging out there?

11 A. We were just hanging out there at the disco place.
12 The girls were dancing.

13 Q. All right, and who were the girls that were dancing
14 there?

15 A. My wife, two of the girls from San Jose's guys, and
16 other women from other guys.

17 Q. And who were you with down in that area? What group
18 of guys were down there with you?

19 A. Just some -- Candyman, a couple of the guys from
20 different charters, and the guys from San Jose.

21 Q. Was there any reason why you were standing at that
22 area?

23 A. No certain reason.

24 Q. Okay, so any plan in place at that time to do

1 anything to the Hells Angels?

2 A. Not at that time.

3 Q. So you got there, so after you were told to leave
4 the Oyster Bar you went over to that area, is that right?
5 Over to the Trader Dick's area?

6 A. Yes.

7 Q. And you're standing around, so what happens while
8 you're standing around there with the San Jose guys and some
9 of the other members?

10 A. And at that time Dragon Man sat there and said to
11 not let the Hells Angels get to the elevators.

12 Q. All right. So what did that mean to you?

13 A. That means they wasn't going to get past the
14 elevator.

15 Q. So does that mean you were going to stop them?

16 A. Whatever it took that -- to get there at that time.

17 Q. Well, what were you going to to?

18 A. I was going to stop Pettigrew and talk to him.

19 Q. And then what did you think everybody else was going
20 to do?

21 A. Probably surround everybody.

22 Q. And what do you think the result of that would have
23 been?

24 A. Not good.

1 Q. And what do you mean by not good?

2 A. It would turn into a fight.

3 Q. Right, so you were going to make sure they didn't
4 go -- make to it their elevator, and there was going to be a
5 fight.

6 A. Yes.

7 Q. So who else was in on this plan?

8 A. There was a bunch of other Vagos, and all the San
9 Jose guys.

10 Q. All right, and so we've talked about the San Jose
11 guys, so that would have been Rigoberto Garcia, Diego Garcia,
12 Cesar Morales, are those the main guys? Cesar Morales, Boo
13 Boo, Rigo?

14 A. Yeah, there was another one, but I don't see his
15 picture, but I don't recall his name.

16 Q. All right, anybody else?

17 A. Romey was there. I mean, everybody in the San Jose
18 charter.

19 Q. Okay. And Romey was associated or Cesar -- or
20 excuse me, Ernesto Gonzalez, he was associated with San Jose,
21 a San Jose guy?

22 A. Yeah, he's a San Jose -- Romey.

23 Q. Romey.

24 A. Yes.

1 Q. So he was there as well.

2 A. Yes.

3 Q. So all those guys kind of knew that the Hells Angels
4 were not going to get to the elevators or get past the
5 elevators?

6 A. Yes.

7 Q. So tell us what happened after you were informed not
8 to let them get to the elevators, what happened then?

9 A. Well, then the wrecking crew, which we call the
10 wrecking crew, needed to get in place. So we were waiting on
11 a bunch of other brothers coming down.

12 Q. All right, did some other brothers show up?

13 A. Yes.

14 Q. And where were those fellows from?

15 A. Various charters.

16 Q. Were you able to identify them on video?

17 A. Yeah.

18 Q. When you saw them?

19 A. Yes.

20 Q. Okay, so tell me what happened as Pettigrew walked
21 down the tile walkway there.

22 A. Pettigrew was walking down, I approached him, I
23 asked him if we were all cool. And he said, "I don't talk to
24 bitches." And that's -- I go, "I'm not a bitch, I'm just

1 asking if everything is cool." And then he took a swing at
2 me.

3 Q. All right. Now, was your intent at that point in
4 time to stop him and start a fight?

5 A. My intention was to talk to him. Asking him whether
6 everything was okay.

7 Q. And did you think that a fight was going to result
8 from that?

9 A. Most definitely.

10 Q. No doubt about it; that was the whole idea was to
11 start a fight, right?

12 A. Not to start, but to -- to talk to him and see --
13 yes.

14 Q. All right. So he took your -- obviously, he took
15 your question to him as a challenge to fight, right?

16 MR. HOUSTON: Objection, leading.

17 THE COURT: Sustained.

18 BY MR. HALL:

19 Q. Well, after you started talking to him did he do
20 anything to you?

21 A. I don't -- can you repeat the question? I'm sorry.

22 Q. Yeah, after you asked him how everything was going,
23 did he do anything?

24 A. Yeah, he had a comment to say, and then he punched

1 me.

2 Q. He called you a bitch and he punched you in the
3 face?

4 A. Yes.

5 Q. And what did you do after that?

6 A. Backed up a little bit.

7 Q. All right. Did you go punch him back?

8 A. No.

9 Q. What did you do after that?

10 A. He pulled out his gun.

11 Q. Did you see him get punched in between him punching
12 you and pulling out his gun?

13 A. No.

14 Q. You didn't see him get punched in the back of the
15 head by somebody else?

16 A. No.

17 Q. So after you saw him pull out his gun what did you
18 do?

19 A. I ran.

20 Q. Where did you go?

21 A. I ran behind some slot machines.

22 Q. All right. And showing you Exhibit 130. Can you
23 see this from your --

24 A. Yeah, I'm okay.

1 Q. -- viewpoint over there? I'll put it up here, it
2 might be a little easier. All right. So just to orient you,
3 the initial fight happens right about in this location, is
4 that fair to say? Right about here?

5 A. Yes.

6 Q. So here's the fish tank, right about here. So the
7 fight breaks out, Pettigrew pulls his gun, where do you go?

8 A. The fish tank -- I'm facing the fish tank.

9 Q. You're facing -- so you're looking this way.

10 A. Yeah, so here.

11 Q. I can turn it.

12 A. That would help me.

13 Q. This way?

14 A. No, one more time. Yes.

15 Q. This way.

16 A. The disco bar is there, right?

17 Q. Right, disco bar is there.

18 A. Yes.

19 Q. Okay, so can you tell me where you went?

20 A. I ran back this way.

21 Q. All right, and what did you see from that location?

22 A. I could see him pulling his gun out, and Romey was
23 over here by the bar over there.

24 Q. All right. And why were you keeping an eye on

1 Romey?

2 A. I didn't want to get shot.

3 Q. All right, so you -- you knew that there was going
4 to be some shooting?

5 A. Yes.

6 Q. All right, so what was your -- what did you think
7 was going to happen?

8 A. I didn't want to get shot.

9 Q. By who?

10 A. By either one of them.

11 Q. All right. When you say either one of them, who are
12 you talking about?

13 A. Romey and Pettigrew.

14 Q. All right. So did you think -- did you know that
15 Mr. Gonzalez, the defendant, had a gun?

16 A. Yes.

17 Q. All right. And did you think he was going to start
18 shooting?

19 A. Yes.

20 Q. All right, and you didn't want to be in the line of
21 fire?

22 A. Yes.

23 Q. So what did you see happen from your viewpoint?

24 A. From --

1 Q. What happened after you got behind the slot
2 machines, what happened?

3 A. Romey shot Pettigrew in the back.

4 Q. All right. Right then, or did some other things
5 happen in between?

6 A. Pettigrew hit a couple -- hit a Vago with his gun a
7 couple of times, and then he shot another person, and then
8 there was other gunfires going off, and then I seen Romey
9 shoot Pettigrew in the back.

10 Q. Where were you when you saw that?

11 A. I was behind the first row of slot machines.

12 Q. All right, and where did you go from that location?

13 A. There was another fight going on by that other bar.

14 Q. Did you get involved in that?

15 A. I did get involved in that fight.

16 Q. All right. And who were those guys that you were
17 fighting with?

18 A. Some of the Hells Angels either hang-around or
19 prospect.

20 Q. All right, and why were they attacked?

21 A. We assumed or we heard that in the ice chest that
22 they were carrying they had guns.

23 Q. So you wanted to check that out? Or did you want to
24 beat them up?

1 A. We were checking it out. The fight was already
2 going on.

3 Q. Did you see any other Hells Angels chased by anybody
4 over by the bathrooms?

5 A. No, I did not.

6 Q. Were you involved in that?

7 A. No, I was not.

8 Q. So you were just involved with the two guys carrying
9 the ice chest?

10 A. Yes.

11 Q. All right, and it looked like their vests were
12 getting pulled off?

13 A. Yes, we were ripping off their vests.

14 Q. Why were you doing that?

15 A. It's like a souvenir to us.

16 Q. All right, did you get the vest?

17 A. No, I did not.

18 Q. Do you have any other souvenirs?

19 A. I have a souvenir.

20 Q. What do you have?

21 A. I have a hat.

22 Q. Where did you get that?

23 A. San Jose. At the campout.

24 Q. Okay, was that that fight that you were talking

1 about?

2 A. Yes, at the bar.

3 Q. Okay. So where do you have that hat?

4 A. I had it hanging up in my garage.

5 Q. Okay. So that's kind of one of the things that you
6 would have to establish the rivalry between those two --
7 between you and the Hells Angels? The Vagos and the Hells
8 Angels?

9 A. It's -- it's a trophy symbol. It's just everyone
10 knows if you get in a fight, if you can get a souvenir, you
11 can get a trophy, it's like a memento.

12 Q. So now after -- you're over at the Horseshoe Bar,
13 right, and those two hang-arounds are getting beat up, the
14 Tyrell brothers?

15 A. Yes.

16 Q. What happened -- what happens at that time?

17 A. At what point, the fight?

18 Q. Yeah, when you're beating up the guys with the
19 coolers, who is involved in that?

20 A. I would say about 10 of us and two of them.

21 Q. All right, and do you know any of those fellows that
22 were beating up those guys?

23 A. Not to my recollection. I could see the video and I
24 could probably know who they were.

1 Q. So were you there when the police came in?

2 A. No, I was not.

3 Q. Where did you go?

4 A. They took me up to a room.

5 Q. Who is they?

6 A. Some brothers from Winchester.

7 Q. All right. And how long did you stay there?

8 A. I don't recall the time, but it was a long time.

9 Q. And so then did you reunite with your wife or did
10 you ever meet up with her?

11 A. Yes, I finally did, roughly about three or four
12 hours later.

13 Q. Did you talk to anybody in between?

14 A. There was phone calls going on, to make sure who was
15 safe, and we've heard there was a couple guys got shot.

16 Q. Who was that?

17 A. A couple of our guys.

18 Q. Do you remember who got shot?

19 A. Yeah, it was Crusher and it was Boo Boo.

20 Q. Now, did you have any conversation with Dragon Man
21 or Tata after this?

22 A. I talked to Dragon Man.

23 Q. And what was that conversation about?

24 A. He asked me if I was okay, and how many people in my

1 charter. If I had a headcount.

2 Q. And was there any direction given after this fight
3 to the Vagos in general?

4 A. Not at that time, no.

5 Q. So what happened -- so did you go to bed, or what
6 happened?

7 A. I went back up to the room, my other charters were
8 in the other -- my other members were in the room, and we
9 explained what happened. And then we kind of like just tried
10 to lock down for the night, and that was it.

11 Q. What happened next morning?

12 A. We had a road captain meeting at 8 o'clock in the
13 morning.

14 Q. What happened there?

15 A. We were told to go home by noon, we were all
16 supposed to be on our bikes, and then all the old ladies and
17 guests and friends or whatever was on the road by noon no
18 matter what. No cuts.

19 Q. And why was that?

20 A. Because of what happened. For retaliation.

21 Q. Now, earlier when we were talking about the 99, was
22 there a plan to ride down the 99 when you left Reno?

23 A. Yes, we were going to ride down the 99.

24 Q. Okay, so what was that plan, can you give me a

1 little detail on that?

2 A. That plan was that the whole charters, Southern
3 California, was going to ride through 99 in one big pack.

4 Q. And what was the purpose of that?

5 A. Tell the Hells Angels we can run through this
6 neighborhood.

7 Q. And who had organized that plan or made that plan?

8 A. It was Tata.

9 Q. All right, so the next day you're supposed to get
10 out of town. Did you see the defendant that day?

11 A. Yes, I did.

12 Q. And did you talk to him?

13 A. Yes, I did.

14 Q. And what did he say?

15 A. He goes, "I did it."

16 Q. And what was he talking about?

17 A. He was -- said, "I got to go, I got to get my wife
18 on an airplane. I'll talk to you when I get back in town."

19 Q. That's what you said?

20 A. Yeah.

21 Q. So then where did you go?

22 A. I went up to the room to try and get my wife on a
23 plane as quick as possible.

24 Q. And where did you -- where did you see the

1 defendant? When he said "I did it"?

2 A. He was walking through the doorway downstairs.
3 There was a circle, a parkway.

4 Q. Now, do you know what room he was staying in?

5 A. No, I do not.

6 Q. Do you know where Dragon was staying?

7 A. No, I do not.

8 Q. So you got your wife to the airport, then did you
9 take off?

10 A. Yeah, I left before my wife. She took a super
11 shuttle.

12 Q. Okay. So what happened after you get back to your
13 house? In California?

14 A. We were told to clean our house up, clean our -- you
15 know, clean out the house of our Vagos stuff.

16 Q. Why would you want to do that?

17 A. We expected a raid coming.

18 Q. So would you say you thought the police were going
19 to come?

20 A. Yes, we were told.

21 Q. All right, and why was that, as a result of this
22 fight?

23 A. Yes.

24 Q. So did you do that?

1 A. Yes.

2 Q. Then what happened? Anything after that?

3 A. Dragon sent 10 guys over to my house to try to pick
4 up my motorcycle.

5 Q. And why was that?

6 A. They said I was out bad.

7 Q. Why?

8 A. Because they said I started the whole incident.

9 Q. Did you?

10 A. No.

11 Q. Was that against the rules? I mean, I thought
12 Dragon Man told you to do that.

13 A. Yes.

14 Q. So why would they be now coming over to your house
15 trying to take your motorcycle?

16 A. I was still trying to figure that one out.

17 Q. You didn't understand why they'd tell you one thing
18 and then do something else?

19 MR. HOUSTON: Objection, leading, your Honor.

20 THE COURT: Sustained.

21 BY MR. HALL:

22 Q. Did they tell you one thing, in terms of don't let
23 them get to the elevators?

24 A. Yes, he said that.

1 Q. Did you do that?

2 A. Yes.

3 Q. All right. Then you got -- then they sent some
4 people over, right?

5 A. Yes.

6 Q. And can you describe what these people did, were you
7 concerned when these people came over?

8 A. Yeah, they disrespected my house, I had my kids
9 there.

10 Q. And how many people came over?

11 A. Ten.

12 Q. Were they armed?

13 A. Two of them were.

14 Q. And they wanted -- they wanted your motorcycle?

15 A. Yes.

16 Q. Did they take it?

17 A. No.

18 Q. Why not?

19 A. It wasn't there.

20 Q. So did you ask somebody what the heck was going on?

21 A. Yes, I asked Dragon.

22 Q. What did he say?

23 A. He said he had orders from Tata to take my bike, but
24 Tata never gave the order.

1 Q. All right, had you talked to Tata after the fight?

2 A. Yes, we had a meeting.

3 Q. All right, did you talk to him about what was
4 happening, did he say anything to you at that time?

5 A. No, he did not.

6 Q. Did you talk to anybody else about what had gone on
7 at the Nugget?

8 A. Yeah, I talked to a gentleman by the name of Paunch.

9 Q. Who is that?

10 A. He's a -- was my OP, and SGV, he's a Nomad Forever
11 rocker.

12 Q. And what did you talk to him about?

13 A. The incident about them coming over and taking my
14 bike.

15 Q. Now, the days following this, did you talk to
16 anybody like Mr. Garcia or Cesar Morales or any of these
17 people?

18 A. I talked to Romey.

19 Q. All right, and what did you tell him, or what did he
20 tell you?

21 A. I was at work one day and he wanted to know if I was
22 going to be home, and I said no, my wife was going to be
23 home. And he wanted to drop off something at my house.

24 Q. Okay. And did you ever have any text messages from

1 him?

2 A. Yes, I did.

3 Q. And what was the text message?

4 A. I don't recall offhand.

5 Q. If I showed you, do you think that would refresh
6 your recollection?

7 A. Yes.

8 Q. All right, I'm going to show you a text message in
9 65. Ms. Clerk, may I have these pages numbered?

10 THE CLERK: Sure. There's three pages to
11 Exhibit 65.

12 MR. HALL: Move for admission of 65.

13 THE COURT: Any objection?

14 MR. HOUSTON: No, your Honor.

15 THE COURT: Exhibit 65 pages 1 through 3 are
16 admitted.

17 (Exhibit No. 65 1-3 admitted.)

18 BY MR. HALL:

19 Q. Looking at page two, Exhibit 65. Directing your
20 attention right here to this line. So this is the text
21 message from Mr. Gonzalez to you, and it says, "My P had me
22 change plans. Do to our circumstances. Check with you
23 later. All is good."

24 Is that the text message that you got from

1 Mr. Gonzalez?

2 A. Yes.

3 Q. And the date of this would have been on September
4 27th, 2011?

5 A. I didn't see the date, but yes.

6 Q. Around that time frame?

7 A. Yes.

8 Q. We can check it out. Whoops. All is good. So what
9 I'd like to do is go through some of the video, all right,
10 and you can just kind of identify some of the people that
11 were at the Oyster Bar.

12 A. Yes.

13 THE COURT: Okay, before we do that we're going to
14 take our morning recess. Ladies and gentlemen of the jury --

15 MR. HALL: Oh, excuse me.

16 THE COURT: All ladies and gentlemen of the jury.
17 I want to remind you to follow the admonition that I give you
18 at all the breaks. Do not discuss the case among yourselves
19 or with any other person. Do not form or express any opinion
20 about the ultimate outcome of this matter. If any person
21 should attempt to influence you or speak to the case in your
22 presence. Let me know immediately. Do not make any
23 independent investigation or inquiry into any of the facts or
24 circumstances surrounding this case, and do not listen to,

1 view or read any news media or any other accounts regarding
2 this case. We'll take our morning recess now, court is in
3 recess.

4 (Recess.)

5 THE COURT: Counsel, are you ready for the jury?

6 MR. HALL: Yes, your Honor.

7 MR. LYON: Yes, your Honor.

8 MR. HOUSTON: Yes, your Honor.

9 THE COURT: Please bring the jury back in.

10 (Jury present.)

11 THE COURT: Counsel, will you stipulate to the
12 presence of the jury?

13 MR. LYON: Yes, your Honor.

14 MR. HOUSTON: Yes, your Honor.

15 THE COURT: Thank you, please be seated.

16 BY MR. HALL:

17 Q. What I'd like to do now, Mr. Rudnick, is look at the
18 Oyster Bar video and see if you can identify any individuals
19 there at the Oyster Bar. You can look at your monitor, and
20 there's a monitor to your right. Bigger, might be a little
21 more clear. Can you recognize where -- Oyster Bar number 1,
22 at looks like 21 -- I can't tell. Run it further so I can
23 see what time we're looking at here. 21, looks like 21:17.
24 Do you recognize anybody in the --

1 A. Kind of is a little blurry. it's a little blurry.

2 Yes, I do.

3 Q. So do you recognize this individual?

4 A. Yes.

5 Q. Who is that?

6 A. Boo Boo.

7 Q. He's a member of the San Jose?

8 A. Yes.

9 Q. Now, do you recall if you were at the Oyster Bar at
10 this time?

11 A. Yes.

12 Q. Now, is this in response to the 911 call, or is this
13 when you just went over there to get a beer?

14 A. After the 911 call.

15 Q. So you went over to get a beer after the 911 call?

16 A. Yes.

17 Q. All right, and there's -- do you recognize any of
18 these folks over here as being affiliated with any particular
19 group?

20 A. Vagos, by the back of the patches I can tell.

21 Q. Is that the bar you went to to get your beer over in
22 that area?

23 A. Yes.

24 Q. Do you see Jethro Pettigrew in the video at this

1 time?

2 A. A little blurry, but --

3 Q. Do you know Top Hat?

4 A. Yes.

5 Q. Do you see him?

6 A. Yes, right there.

7 Q. And who is this?

8 A. Romey.

9 Q. What's he doing over there?

10 A. Looks like walking around.

11 Q. Did you talk to him before going over there, or
12 while you were over there at the Oyster Bar?

13 A. I don't recall if I --

14 Q. But you knew him from before?

15 A. Yes.

16 Q. And he was there earlier when you -- at the meeting
17 earlier with Tata, Dragon, Bradley Campos, Candyman --
18 Bradley Campos, Candyman, the same guy -- when you were
19 discussing the Hells Angels being at the Nugget?

20 A. Yes.

21 Q. Do you remember these fellows?

22 A. Yes.

23 Q. Who are they?

24 A. Those are the Hells Angels that we were in the fight

1 with, too.

2 Q. So at 22:14, that would have been 10:14, had the
3 call already been made, the 911 call that you mentioned?

4 A. Yes. I didn't look at my watch, but.

5 Q. And so that's why we see all those people in the
6 video at the beginning of this video, Oyster Bar number 1?

7 A. Yes.

8 Q. All right, Oyster Bar number 2 is a little better
9 quality video, might be easier to identify people. And this
10 one starts at 22:13, so it's a little later. And you already
11 identified Romey, right?

12 A. Yes.

13 Q. And Pizel. And do you know why Mr. Gonzalez is
14 standing here?

15 A. No, I do not.

16 Q. Do you know where his P is?

17 A. Yes, I do.

18 Q. Where?

19 A. Talking to the Hells Angel.

20 Q. So that would be Cesar Morales right there?

21 A. Yes.

22 Q. That would be his P?

23 A. Yes.

24 Q. So would Gonzalez, according to the rules of the

1 Vagos, have to stand guard or at least protect his P?

2 A. Yes.

3 Q. Were you privy to any of the conversations that
4 Cesar Morales had with Jethro Pettigrew?

5 A. Can you repeat the question, I'm sorry.

6 Q. Were you present during any conversations between
7 Cesar Morales and Jethro Pettigrew?

8 A. One time I was.

9 Q. And did you hear what was being said?

10 A. Not clearly the whole --

11 Q. Now, this is you right here?

12 A. Yes.

13 Q. And do you recognize any other San Jose fellows
14 around at that time, at 22:15:56? Other than the defendant?

15 A. Richie is there, a Vago there, Boo Boo there.

16 Q. Now, at this time you're upset?

17 A. Yes.

18 Q. All right, and are you telling other people that
19 you're not happy with the situation, or what are you doing?

20 A. Yes.

21 Q. Now, you had already talked to Pettigrew once, is
22 that accurate?

23 A. At the bar.

24 Q. And you're going to go back and talk to him once

1 again? So who are you talking to there?

2 A. It looks like Cesar.

3 Q. That's Mr. Gonzalez right there? And who is this
4 lady?

5 A. Someone's old lady.

6 Q. All right, so now you're talking to Mr. Pizel,
7 what's he saying to you?

8 A. I was telling Top Hat what happened.

9 Q. I'm sorry, what did you say?

10 A. I was telling Top Hat what happened.

11 Q. Oh, okay. So you're telling him that you were
12 disrespected, essentially?

13 A. I was telling him what happened on him hitting me on
14 the cut, tapping me on my cut.

15 Q. Do you know who this fellow is?

16 A. I can't --

17 Q. All right, so you go over again.

18 A. Yes.

19 Q. So what's going on at this time? At 22:16 -- or
20 22:18:30?

21 A. Top Hat is asking what's happening, and he's telling
22 Top Hat, you know, that's what I do, I just tap people on the
23 back. Telling them that, you know, he says sorry to
24 everybody else, but not me.

1 Q. So when you walk away is there any -- what are the
2 parting words?

3 A. He never said sorry to me.

4 Q. Did he say anything else?

5 A. No.

6 Q. Did he say get out of here, I don't talk to you, I
7 don't talk to bitches, anything like that?

8 MR. HOUSTON: Objection, leading, your Honor.

9 MR. HALL: As an example?

10 THE COURT: Okay, we're going to take -- I need
11 counsel to approach, please.

12 (Unrecorded discussion at the bench.)

13 THE COURT: Okay, I'm sorry for that interruption.
14 Go ahead, Mr. Hall.

15 BY MR. HALL:

16 Q. So you go up and have that conversation. Can you
17 tell me about the conversation you had with Pettigrew there
18 at 22:18, or 19.

19 A. I told him that he needs to apologize to me, and not
20 to everyone else.

21 Q. And what did he say?

22 A. He said -- he goes that's what I do. I tap everyone
23 on the shoulder, I'm friendly.

24 Q. That was it?

1 A. I said, "If you're that friendly, buy all my
2 brothers a beer."

3 Q. And what did he say?

4 A. No.

5 Q. And that was it? You just went up there twice,
6 right?

7 A. Yes.

8 Q. So was there -- this conversation the same the both
9 times?

10 A. Somewhat.

11 Q. And so you left, walked away, and then what
12 happened?

13 A. I went to the bar to get another beer.

14 Q. All right, and when did you have a meeting with
15 Dragon regarding -- or a conversation with Dragon regarding
16 the Hells Angels not getting to the elevators?

17 A. When I went and got my other beer.

18 Q. All right, and where was that?

19 A. Down the -- the road, that other bar right there by
20 the bathroom.

21 Q. All right, so there's -- looking at Exhibit 130. So
22 the Oyster Bar is at the top right, there's the Broadway Bar
23 here, there's another bar here. Do you recall --

24 A. Yeah, the corner bar.

1 Q. The Broadway Bar?

2 A. Yes.

3 Q. So from there where do you go?

4 A. I had a meeting with Dragon.

5 Q. From there where do you go?

6 A. He said don't let them get past the elevator.

7 Q. Okay, and did you share that information with
8 anybody else?

9 A. I don't recall if I did or not.

10 Q. Did anybody else know not to let them get to the
11 elevator?

12 A. I think so, but I don't recall.

13 Q. Did you tell anybody we're not getting to let them
14 get to the elevator?

15 A. I think I might have told Candyman.

16 Q. What about Romey?

17 A. I don't recall if I did, but if San Jose knew. We
18 started texting and everything.

19 MR. HOUSTON: Your Honor, I'm going to object as to
20 speculation as to who knew or who didn't.

21 THE COURT: I will overrule that and allow you to
22 inquire what he meant by texting.

23 BY MR. HALL:

24 Q. Yeah, were you communicating with other --

1 A. Yes, by cell phone.

2 Q. And you would text or call?

3 A. Yes.

4 Q. And so when you texted or called did you share the
5 information that we're not going to let them get to the
6 elevators?

7 A. Yes.

8 Q. And who did you share that information with?

9 A. People I was calling.

10 Q. Who was that?

11 A. I don't recall offhand, but like some of the other
12 Vagos.

13 Q. All right, well, would it be the San Jose guys?

14 A. Yeah, they knew. Boo Boo knew, Cesar knew.

15 Q. All right, what about Mr. Gonzalez?

16 A. If his guys told him.

17 Q. You didn't tell him.

18 A. I didn't tell him.

19 Q. He just said earlier that he would take out
20 Pettigrew?

21 A. Yes.

22 Q. So you're assuming that he knew?

23 A. Yes.

24 MR. HOUSTON: Your Honor, I'm going to object to

1 the leading.

2 THE COURT: Sustained.

3 MR. HALL: That's already been established --

4 THE COURT: With regard to the assumption.

5 MR. HALL: It's already been established through --

6 THE COURT: With regard to the question, you
7 assumed. I sustained that objection.

8 MR. HALL: Oh, okay, I thought he was objecting to
9 my question about -- I understand. Okay.

10 BY MR. HALL:

11 Q. Well, monitor 45, if we go to 23:10. Who is present
12 in front of Trader Dick's at 23:10 hours, do you recognize
13 any of those individuals?

14 A. Yes.

15 Q. Who do you recognize?

16 A. San Jose guys and some other Vagos from different
17 charters.

18 Q. All right, can you identify the San Jose fellows?

19 A. I -- can you answer that again, I'm sorry -- ask
20 that question again?

21 Q. Sure. Can you identify any San Jose charter members
22 at 23:10:50?

23 A. Yeah, to the appearance of this video it looks like
24 Cesar and Boo Boo.

1 Q. And you can tap on the screen, too, to identify
2 their location.

3 A. Oh. I didn't mean to tap on it.

4 Q. The lower right-hand corner makes it go away. If
5 you tap on the lower right-hand corner of the screen.

6 A. Looks like over here is -- pretty light, but if you
7 back up I would have a better picture.

8 Q. Okay, I'll play it some more, but while we've got it
9 stopped at this point in time, 23:10:50 or so, you see
10 yourself?

11 A. Yes.

12 Q. All right, and who are you talking to there?

13 A. I and another brother.

14 Q. Is that Cocky Rocky?

15 A. Could you rewind it or go forward a little bit?

16 Q. Yes.

17 A. Yes.

18 Q. All right, and what's this discussion about?

19 A. What happened at the Oyster Bar.

20 Q. All right, what are you telling him?

21 A. How I got disrespected, and how Pettigrew was
22 tapping me on the back and was apologizing to Top Hat, but
23 didn't apologize to me, since I was an officer.

24 Q. All right. And what did Rocky say to you?

1 A. He said just let it go, everything is in place.

2 Q. All right. So what happened after that?

3 A. I said okay, fine.

4 Q. So are you going to let it go? He told you to let
5 it go, is that what you were supposed to do?

6 A. He said let it go, everything is in place.

7 Q. All right, and what did that mean to you?

8 A. That we already knew everything -- he wasn't going
9 to get -- he wasn't going to go past the elevator.

10 Q. Okay. Well, it's just it appears to be a little
11 inconsistent to say don't get too riled up about it,
12 everything is in place. Does it seem inconsistent to you?

13 A. Yeah, but I was still upset that he would apologize
14 to everyone else but not me, being an officer.

15 Q. Did he know you were going to not let him get to the
16 elevators?

17 MR. HOUSTON: Objection, speculation what somebody
18 else knew, your Honor.

19 THE COURT: Sustained, form of the question.
20 BY MR. HALL:

21 Q. Did you have any -- when he said everything is in
22 place, what did that mean to you?

23 A. To me, he already talked to Dragon, and Dragon
24 already talked to me.

1 Q. All right. Now, who is that at 23:11:15?

2 A. Who is what?

3 Q. Who is that?

4 A. That's Dragon.

5 Q. And you had met him earlier at the Broadway Bar?

6 A. Yes.

7 Q. All right, now I'm going to direct your attention to
8 23:15:45 and ask you to identify the individuals depicted
9 about that time. So I'll just let it play so you can
10 acquaint yourself with the individuals. Do you see it all
11 right?

12 A. Yeah, I mean, do you want me to point out the people
13 in the picture?

14 Q. Uh-huh, yes.

15 A. San Jose, San Jose, San Jose, that's me, that's
16 Tony. You've got some other --

17 Q. And Mr. Gonzalez is up here?

18 A. Yes. There was -- there was Bobby right there.

19 Q. Bobby?

20 A. Yes.

21 Q. Is he also known as Brian Marquez?

22 A. Yes. Or -- he goes by a couple of names.

23 Q. Go to 23:21. Still essentially the same group of
24 people?

1 A. Yes.

2 Q. So this group is essentially the San Jose people?

3 A. Um -- I don't know, two, three people.

4 Q. Do you recognize the other folks?

5 A. Yeah, one is from Winchester, and the other one is

6 from Fertoma (phonetic).

7 Q. And do you recognize this fellow here?

8 A. Yes.

9 Q. Who is that?

10 A. Jimbo.

11 Q. And he was at the earlier meeting when you were

12 discussing the problem with the Hells Angels being at your

13 hotel?

14 A. Yes.

15 Q. All right, now we're up to 23, and we'll go to

16 23:25. So there are other people arriving here just before

17 the Hells Angels walk by?

18 A. Yes.

19 Q. And why is that?

20 A. We had our wrecking crew coming down.

21 Q. Who is the wrecking crew?

22 A. It's Bam-Bam's groups.

23 Q. Where are they from?

24 A. San Gongorio Pass (phonetic).

1 Q. Is that in California?

2 A. Yes.

3 Q. You knew that they were going to come down, the
4 wrecking crew was coming?

5 A. Yes.

6 Q. Do you know why Boo Boo or Diego Garcia was putting
7 on his gloves right there at 22:24:50? -- 23:24:50?

8 A. No.

9 Q. Is he talking to you?

10 A. Yes.

11 Q. Do you know -- do you have any information as to
12 when the Hells Angels are going to walk by?

13 A. Yes.

14 Q. How do you know that?

15 A. We were told. We had a prospect let us know when
16 they were coming by.

17 Q. Where was that person?

18 A. Back at the Oyster Bar.

19 Q. All right, and he was going to communicate to you?

20 A. Just communicate, I don't know who he actually
21 communicate --

22 Q. And the communication was the HAs were on their way?

23 A. Yes.

24 Q. The Hells Angels were on their way?

1 A. Yes.

2 Q. Do you know if the Hells Angels are on their way at
3 this time?

4 A. Can you play it back a little bit?

5 Yes. To your answer earlier.

6 Q. So the Hells Angels were coming?

7 A. Yes.

8 Q. All right. Would that be consistent with
9 Mr. Gonzalez putting his gloves on -- Mr. Garcia putting his
10 gloves on?

11 A. Boo Boo?

12 Q. Yes.

13 A. Yes.

14 Q. Why would that be consistent?

15 A. He told me they were coming.

16 Q. Now, this individual puts his hand on your shoulder.
17 Is that a showing of disrespect?

18 A. No, he's my brother.

19 Q. Is that a showing of support?

20 A. Yeah, he's my brother, he's allowed to. He's a
21 patch holder.

22 Q. Okay. Did he pull you back?

23 A. No.

24 Q. Did anybody try and stop you from stopping

1 Pettigrew?

2 A. No.

3 Q. Now, would somebody have had the -- if you were this
4 drunken, out of control person just trying to start a fight
5 and nobody wanted to get in a fight, could somebody have
6 asked you to not start any problems?

7 A. Can you repeat that, I'm sorry.

8 Q. Let's say you wanted to start a fight with the Hells
9 Angels.

10 A. Okay.

11 Q. All right, could somebody from the Vagos come up to
12 you and say let's not do that tonight?

13 A. Yes.

14 Q. Gary, let's not fight the Hells Angels tonight,
15 let's just go have a beer and save this for another day?
16 Could somebody have done that?

17 A. Yes.

18 Q. Would that have been like a big production or would
19 somebody just say hey, we're not going to fight the Hells
20 Angels tonight, back off, go to your room, stop?

21 A. Yes.

22 Q. All right, tell me how that would have occurred, who
23 could have done that?

24 A. National.

1 Q. All right, what about Campos, your president?

2 A. My P could have done that.

3 Q. What about Cesar Morales, the P from San Jose?

4 A. He could have.

5 Q. What about the other members, do you think somebody
6 could have come up to you and said hey, man, this isn't a
7 good idea. Let's just relax, and not get into a fight with
8 the Hells Angels because it's probably going to turn bad?

9 A. If you're a higher rank than me I would have
10 listened to you.

11 Q. All right. Well, did you anticipate that this was
12 going to be a fight and was going to get ugly in terms of use
13 of deadly force?

14 A. Yes.

15 Q. And so why were you provoking this fight?

16 A. I was told to stop them, not let them get past the
17 elevator.

18 Q. That was what you said earlier, by Dragon?

19 A. Yes.

20 Q. So that's why you stopped him?

21 A. Yes.

22 Q. Now, did you have any weapons? On you that night,
23 at this time?

24 A. No.

1 Q. So at this time you were back behind the slot
2 machines already?

3 A. Yes.

4 Q. All right now, when -- going now to monitor 1. When
5 Pettigrew goes over to this area, you see, do you recognize
6 this fellow? Bobby Viera?

7 A. No.

8 Q. You don't know him? You don't know any of these
9 guys, right?

10 A. The Hells Angels?

11 Q. Right.

12 A. No.

13 Q. All right, I notice at 23:26:25 you can -- it's kind
14 of a blurry area, but you can see Mr. Pettigrew at the top
15 there, do you see that?

16 A. Right here?

17 Q. Yes.

18 A. Yes.

19 Q. Where were you at this time?

20 A. There was another -- I was by the casino right here,
21 by the slot machines at -- not this row, but the other row.

22 Q. So you were back a couple rows?

23 A. Yes.

24 Q. Now, Mr. Pettigrew's nose was cut really bad, did

1 you see what happened?

2 A. No.

3 Q. To him? Did you see him involved with any of the
4 Vagos in this area?

5 A. No.

6 Q. Were you involved with him at that area?

7 A. No.

8 Q. So you don't know how his nose got cut?

9 A. No.

10 Q. So then you're over at the Horseshoe Bar. Now the
11 time is 23:27. Do you recognize this individual?

12 A. Crusher.

13 Q. All right. That's Leo Ramirez, the fellow who got
14 shot in the belly?

15 A. Yes.

16 Q. And then is this Jimbo here?

17 A. Yes.

18 Q. Play it backwards. Do you recognize any of these
19 other fellows?

20 A. Yes, it's Jimbo's group.

21 Q. Is this you?

22 A. Yes.

23 Q. What are you doing?

24 A. I'm asking the guys what they had in their ice

1 chest.

2 Q. Then what do you do?

3 A. Then a fight broke out.

4 Q. What did you do in that fight?

5 A. I was involved in it.

6 Q. Did you do any of that kicking?

7 A. No, I'm right here.

8 Q. So who are all these other Vago people?

9 A. Other guys from a different charter.

10 Q. Why are they beating up these guys?

11 A. Those were the Hells Angels prospects.

12 Q. All right, so did you have the authority to tell
13 them to jump in and beat these guys up? Is that all at your
14 direction?

15 A. No.

16 Q. All right. Now, you get arrested on or about
17 November 15th of 2011?

18 A. If that was the day I got arrested. I don't recall
19 the date.

20 Q. Do you remember who arrested you?

21 A. Glendora PD.

22 Q. Would that have been Eric Bennett?

23 A. Yeah, he was in charge of all that.

24 Q. All right, and did you inform him about those other

1 Vagos coming over to your house?

2 A. He knew about it already.

3 Q. How did he know about it?

4 A. From some information he got from his informant.

5 MR. HOUSTON: Objection, this is speculation, your
6 Honor.

7 THE COURT: Sustained. Unless you lay a
8 foundation.

9 BY MR. HALL:

10 Q. Did you call the police after these Vagos came over
11 to your house and tried to get your motorcycle?

12 A. No, I did not.

13 Q. And did you tell them about that when they came over
14 and arrested you?

15 A. He -- he knew about it. He asked me when I --

16 Q. Did you discuss it with him? The fact that the
17 Vagos came over to your house and wanted to get your
18 motorcycle, did you discuss that with Eric Bennett?

19 A. Yes, I did.

20 Q. And so that would have been after he arrested you?

21 A. Yes.

22 Q. And at that time did you discuss any kind of witness
23 protection with him?

24 A. No.

1 Q. All right. So then you get arrested, and you know
2 what the charges were initially?

3 A. Yes.

4 Q. What were the charges?

5 A. There was something about murder, there was a
6 challenge to fight with the murder.

7 Q. Challenge to fight resulting in death?

8 A. In death.

9 Q. Which is murder, right?

10 A. Yes.

11 Q. That happens, a challenge to fight, and a fight,
12 somebody dies, it's murder.

13 A. Yes.

14 Q. Under Nevada law. You understood that, right?

15 A. Yes.

16 Q. And you were charged with conspiring with other
17 members of the Vagos to engage in a fight?

18 A. Yes.

19 Q. Did you do that?

20 A. Yes.

21 Q. And then so there were other charges related to the
22 shooting, right? Gonzalez shooting and Villagrana shooting,
23 right?

24 A. Yes.

1 Q. You weren't involved necessarily in those charges,
2 right?

3 A. Yes.

4 Q. All right, and so then when you got -- you were
5 brought up to Reno, is that right?

6 A. Yes.

7 Q. Did you get an attorney?

8 A. Yes.

9 Q. All right.

10 A. I'm sorry, yeah, public defender.

11 Q. Jennifer Lunt?

12 A. Yes.

13 Q. She's an attorney, right?

14 A. Yes, I'm sorry.

15 Q. Did you talk to her about your case?

16 A. Yes.

17 Q. Did you make a decision about what you thought the
18 best course would be for you to take in this case?

19 A. Yes.

20 Q. And what was that?

21 A. I took a less charge, I pleaded for a less charge.

22 Q. What did you plead to?

23 A. I forget the name of it, but it was a 4 to 10
24 sentence.

1 Q. All right, does conspiracy to commit murder sound
2 familiar?

3 A. Yes.

4 Q. All right. And is that what you -- did you have an
5 agreement with anybody to commit murder?

6 A. I -- I'm confused on your question.

7 Q. Did you discuss killing somebody with anybody?

8 A. No.

9 Q. No?

10 A. I'm kind of confused on your question. Did I
11 discuss it with my attorney?

12 Q. No. No, I'm kind of going back a little bit to when
13 you had that meeting, when you were talking about the Hells
14 Angels.

15 A. Okay.

16 Q. And you testified earlier that Mr. Gonzalez said,
17 "I'll shoot him"?

18 A. Okay, yes.

19 Q. Then there was that other conversation that you
20 talked about with respect to don't let them get to the
21 elevators.

22 A. Yes.

23 Q. Okay?

24 A. Okay.

1 Q. So I was talking about did you -- was there an
2 agreement there --

3 A. Okay.

4 Q. -- between you and other Vagos members to
5 essentially attack the Hells Angels?

6 A. Yes. I didn't understand, I'm sorry.

7 Q. No, that's fine. So what's the -- what's the deal,
8 what are you going to get out of this? What's going to
9 happen?

10 A. The most, 4 to 10, but she's hoping to get me
11 probation.

12 Q. All right. And have I made any promises to you?

13 A. No.

14 Q. Do you think I'm going to cut you any slack?

15 A. No.

16 Q. And do you know who is going to make the decision as
17 to whether or not you go to prison, and if you do, how much
18 time you're going to spend?

19 A. Yes.

20 Q. Who is going to make that decision?

21 A. The judge.

22 MR. HALL: Thank you, I have no further questions.

23 THE COURT: Cross-examination.

24 MR. HOUSTON: Thank you, your Honor. Your Honor,

1 if the Court will, I'd like to have Exhibit 152 moved for its
2 admission, I believe it's by stipulation.

3 THE COURT: Any objection?

4 MR. HALL: No.

5 THE COURT: 152 is admitted.

6 (Exhibit No. 152 admitted.)

7 MR. HALL: We have the transcript of it, correct?

8 MR. HOUSTON: No. I'm not using it.

9 MR. HALL: Do you have a transcript?

10 THE COURT: Counsel approach.

11 (Unrecorded discussion at the bench.)

12 CROSS-EXAMINATION

13 BY MR. HOUSTON:

14 Q. Good morning, Mr. Rudnick, my name is David Houston.

15 A. Good morning.

16 Q. How are you, sir?

17 A. Good morning.

18 Q. We stopped a moment ago in reference to Mr. Hall's
19 questions regarding your current position in the legal
20 system, meaning what you pled to. Do you recall that?

21 A. Yes.

22 Q. In fact, you indicated for Mr. Hall that you pled
23 guilty to conspiracy to commit murder, true?

24 A. Yes.

1 Q. And part of your plea negotiation is that you're not
2 going to be sentenced until after this trial, right?

3 A. Yes.

4 Q. And part of your plea negotiation is also that you
5 had to appear and testify at this trial, correct?

6 A. To come here and tell the truth.

7 Q. And as a matter of fact, if your truth, what you're
8 saying today, was not testified to, you don't get your deal,
9 right?

10 A. I don't have the final say-so on it.

11 Q. Well, let's put it this way. If you came in today
12 and said I'm sorry, I made this whole thing up, I was
13 panicked, it was really all me -- you don't get your deal, do
14 you?

15 A. No.

16 Q. Okay. In other words, you have to come in and you
17 have to say the Vagos met, there was a discussion, we decided
18 we were going to kill Mr. Pettigrew, and Ernesto Gonzalez was
19 going to be the guy who did it. That's what your testimony
20 has to be here today, right?

21 A. I'm testifying to tell the truth.

22 Q. To get your deal, right?

23 A. I pleaded for a lesser thing to tell the truth.

24 Q. And you don't think or you didn't think anybody had

1 promised you probation, right?

2 A. Nobody promised me nothing.

3 Q. You were at one point in time at the Washoe County
4 Detention Facility, were you not?

5 A. Yes.

6 Q. And you were there for some time?

7 A. Yes.

8 Q. Approximately how long?

9 A. Approximately about nine months, maybe.

10 Q. All right, so you're in the facility and you have
11 the capability of making calls to people, right?

12 A. Yes.

13 Q. And who is Crystal?

14 A. My wife.

15 Q. Was Crystal your wife at that time?

16 A. Yes.

17 Q. And you made a number of calls to her, did you not?

18 A. Yes.

19 Q. All right.

20 MR. HOUSTON: If you would, your Honor, I'd like to
21 play what's known as call number 23.

22 THE COURT: Okay, go ahead.

23 MR. HOUSTON: When you were arrested?

24 (Audio played.)

1 MR. HOUSTON: Your Honor, may we approach one more?

2 THE COURT: Yes.

3 (Unrecorded discussion at the bench.)

4 BY MR. HOUSTON:

5 Q. Mr. Rudnick, who is Eric?

6 A. He's a San Bernardino police officer.

7 Q. And you recall a moment ago we heard this phone call
8 where you were explaining to your wife what was going to
9 happen in this case, true?

10 A. Yes.

11 Q. And you told your wife that you had done everything
12 that Eric wanted you to do and Karl wanted you to do,
13 correct?

14 A. Yes.

15 Q. And Karl is who?

16 A. The DA.

17 Q. And in exchange for that, the judge is going to drop
18 everything to probation. That's what you told your wife,
19 true?

20 A. I told her that to calm her down.

21 Q. Right, and then you also said that he already agreed
22 on everything, right?

23 A. I was telling her whatever she needed to hear to
24 calm her down, because she was uptight about this whole

1 thing.

2 Q. So you're going to lie to her if you need to to
3 accomplish your goal?

4 A. I was telling her to relax her, because she was
5 upset.

6 Q. Were you lying?

7 A. Was I -- I was saying what I needed to say to make
8 my wife relax.

9 Q. Well, sir, it's a very simple question. Were you
10 telling the truth to your wife or not?

11 MR. HALL: He's already asked and answered that.

12 MR. HOUSTON: Well, he's not, really.

13 THE COURT: Well, I'll overrule. I'll let you
14 answer that.

15 BY MR. HOUSTON:

16 Q. Were you telling the truth or not?

17 A. No.

18 Q. All right.

19 A. I --

20 Q. And also you were explaining to your wife how the
21 sentencing of this case was tied into you getting probation,
22 right?

23 A. I was explaining to her to calm her down, because
24 she was having a hard time with this whole situation.

1 Q. Well, I'm going to ask you again. You also
2 explained to her that you don't go to sentencing, your
3 sentencing, until after this trial, correct?

4 A. Yes.

5 Q. And you also said to her that, "You know what I'm
6 saying?" What were you alluding to?

7 A. We were just talking.

8 Q. Weren't you alluding to the fact that you had to
9 come here and testify a certain way, and then you were going
10 to get probation?

11 A. I was coming here to testify to tell the truth.

12 Q. Right, but you don't say, all I've got to do,
13 Crystal, is tell the truth and things are going to be fine,
14 do you?

15 A. I told her what I needed to tell her to make her
16 relax and calm down.

17 Q. That's not the question, sir. You don't say,
18 Crystal, all that I have to do is tell the truth and
19 everything is going to be fine?

20 A. No, not at that moment.

21 Q. All right. Well, you did at some other moment?

22 A. I don't recall, I was -- I had many conversations
23 with her.

24 Q. Yes, about 103, right?

1 A. It's my wife.

2 Q. And this occurred sometime -- this call that we just
3 heard was around March of 2000 what, 2012?

4 A. I don't recall the date. I called her numerous
5 times.

6 Q. Well, you're talking to her repeatedly about, you
7 know, it's okay, contact Eric, tell him everything is safe,
8 get me out, push it, push it. Do you recall that?

9 A. Yes.

10 Q. And you're trying to get out of jail back in March,
11 true?

12 A. Yes.

13 Q. What was your bail?

14 A. Excuse me?

15 Q. What was your bail?

16 A. I don't recall at that time.

17 Q. Well, you got released on an own recognizance,
18 didn't you?

19 A. If that's the date I got release.

20 Q. No, own recognizance means you got released no bail.
21 Did that happen?

22 A. Yes, it did.

23 Q. So what was your bail when you started out, do you
24 know?

1 A. 300,000.

2 Q. So you went from \$300,000 to own recognizance,
3 meaning no bail fee whatsoever.

4 A. I had a bail at 100,000.

5 Q. Couldn't make that, could you.

6 A. No, we didn't try.

7 Q. Well, weren't you on the telephone talking to your
8 wife about trying to get her mother to put up her house in
9 order to allow you to get \$100,000 bond?

10 A. Yes, I did.

11 Q. And her mother wouldn't do it for you, right?

12 A. That's right.

13 Q. So you couldn't meet the \$100,000 bond, and so then
14 there was another agreement that you'd be reduced to
15 essentially nothing, correct?

16 A. Yes.

17 Q. And that's what happened.

18 A. Yes.

19 Q. Now, during the course of that time you were
20 interviewed a number of times by police, correct?

21 A. Yes.

22 Q. But things weren't really going quickly enough for
23 you as far as getting out of jail, were they?

24 A. It's jail, I don't know how fast you call fast or

1 quick.

2 Q. Well, you wanted out, as we know from the March 4th
3 call, pretty quickly, right?

4 A. Yes, I did.

5 Q. I want you if you would, sir, listen to another
6 call. We're going to refer to it as call number 38, okay?

7 JUROR: Judge, can we turn up the volume on this?

8 THE COURT: They're trying. They did ask, and
9 they're trying to figure out how to do that.

10 MR. HOUSTON: Your Honor, could the Court inquire
11 whether they were able to hear the last call, I think it's
12 important enough to replay.

13 THE COURT: Well, I could hear it, I don't think I
14 have any super hearing. I'm sure that it would be better if
15 it were louder.

16 MR. HOUSTON: Right.

17 THE COURT: Did anyone not be able to hear it at
18 all? You all heard it? Okay, we'll try to get the volume
19 up.

20 MR. HOUSTON: Hopefully it will be louder this
21 time.

22 (Audio played.)

23 BY MR. HOUSTON:

24 Q. Mr. Rudnick, throughout the course of that call

1 you're talking with your wife about getting out and moving
2 and going to a different place, correct?

3 A. Yes.

4 Q. And you're talking about how they're going to give
5 you a new name, things of that nature?

6 A. Yes.

7 Q. And they were going to pay for what, your rent for a
8 year?

9 A. That's what Eric said.

10 Q. And they were going to give you money on top of
11 that, correct?

12 A. That's what Eric said.

13 Q. Well, if you were thinking you might get sent to
14 prison, why are you talking about the fact you're going to
15 get established with a new place, new identity, and you're
16 going to get paid?

17 A. That's what Eric was telling me.

18 Q. Oh, so Eric the police officer was telling you this.

19 A. Yes.

20 MR. HALL: I object to vague. He ought to tell him
21 which police officer.

22 THE COURT: Okay, sustained.

23 BY MR. HOUSTON:

24 Q. Eric the police officer is the what, San Bernardino

1 police officer?

2 A. Yes.

3 Q. And he's the one that actually met with you first
4 after you were arrested, correct?

5 A. Yes.

6 Q. And when was that, do you remember?

7 A. I don't recall the date.

8 Q. When were you arrested?

9 A. I don't recall the date.

10 Q. Was it in October of 2011?

11 A. I don't remember, I mean offhand.

12 Q. Once you were arrested you were visited by Eric
13 Bennett, correct?

14 A. Yes.

15 Q. And Eric Bennett is the San Bernardino police
16 officer?

17 A. Yes.

18 Q. He's also the police officer that was investigating
19 the Vagos, true?

20 A. At that time I found out, yes.

21 Q. Did Mr. Bennett come and talk with you about the
22 fact that you had a pretty big problem up here in Sparks?

23 A. He didn't say anything like that.

24 Q. Did he tell you what you were charged with?

1 A. Yes.

2 Q. Well, you were charged with a crime that carried a
3 life sentence, correct?

4 A. Yes.

5 Q. And you knew that when you were speaking with
6 Detective Bennett, correct?

7 A. Yes.

8 Q. Did Detective Bennett advise you, "Gary, if this is
9 all your responsibility, you're going to prison for life.
10 But if somebody else was telling you to do this, I can help
11 you"?

12 A. No, he never said that to me.

13 Q. What did he say?

14 A. He just told me the facts on the case.

15 Q. The fact on the case, meaning that you were pretty
16 well toast.

17 A. He didn't say it that way, he just says these are my
18 charges.

19 Q. Were they his charges?

20 A. No.

21 Q. Well, as a matter of fact he's from California, so
22 he referred to the charges here --

23 MR. HALL: Objection, your Honor, this is vague.
24 It's taken out of context.

1 THE COURT: Sustained.

2 BY MR. HOUSTON:

3 Q. When he was speaking with you --

4 THE COURT: Don't use he and her and his charges.

5 MR. HOUSTON: When --

6 MR. HALL: I would ask that he talk about the
7 dates, because he's -- there was an arrest when he was
8 informed of the charges, and then there was an interview
9 subsequent. So --

10 THE COURT: Just clear up --

11 MR. HOUSTON: I'll be happy to, your Honor.

12 BY MR. HOUSTON:

13 Q. And do you know any dates, Mr. Rudnick?

14 A. I don't recall any dates.

15 Q. Okay, so we'll try to do it by chronology. Where
16 were you arrested?

17 A. I was arrested in Glendora, California.

18 Q. And where are you taken after you were arrested?

19 A. L.A. Central Jail.

20 Q. And while at L.A. Central Jail you were visited by
21 Detective Eric Bennett?

22 A. No.

23 Q. When did Detective Bennett see you?

24 A. The night I got arrested.

1 Q. And that was in Glendora?

2 A. Yes.

3 Q. And Detective Bennett saw you to tell you what the
4 charges were in reference to the Nevada case?

5 A. Yes.

6 Q. Because you didn't have charges at that time in
7 California, did you?

8 A. No.

9 Q. Did he discuss the charges with you in detail?

10 A. No.

11 Q. Once you were completed with that interview, did you
12 have other interviews with Detective Bennett?

13 A. Yes.

14 Q. And approximately how many?

15 A. I think there was only one that I can recall.

16 Q. So we know Detective Bennett saw you in Glendora,
17 and Detective Bennett also interviewed you on January 5th,
18 2012, correct?

19 A. If that's the date.

20 Q. Anything in between?

21 A. No. That I can remember.

22 Q. Anyone else from law enforcement talk with you from
23 the time you were arrested until your first interview on
24 January 5th, 2012?

1 A. My attorney did.

2 Q. Anyone other than your attorney?

3 A. Not that I can remember.

4 Q. Anybody from the district attorney's office?

5 A. No.

6 Q. So when you were interviewed on January 5th, 2012,
7 you're still in custody, right?

8 A. Yes.

9 Q. And you told them essentially some things about the
10 Vagos, true?

11 A. Yes.

12 Q. And you expected them to help you for that, didn't
13 you?

14 A. Eric was setting it up for me.

15 Q. Right, you're sure Karl didn't set that January 5th
16 meeting up for you?

17 A. No, Eric set up the meeting.

18 Q. Okay. So at any rate, you figured that you wanted
19 them to do something to help you in reference to your
20 willingness to talk with them, true?

21 A. Yeah, Eric approached me on it.

22 MR. HOUSTON: Your Honor, I'd like to play another
23 call, please.

24 THE COURT: Okay.

1 MR. HOUSTON: And this would be a jail call, I
2 believe it's 19, your Honor.

3 (Audio played.)

4 BY MR. HOUSTON:

5 Q. Mr. Rudnick, you told your wife we've done
6 everything he, Eric Bennett, wanted us to do, correct?

7 A. Yes.

8 Q. And you also said that you weren't waiting, there's
9 no way that you were going to wait, right?

10 A. Yes.

11 Q. And you were talking about waiting to get out of
12 jail, right?

13 A. Yes.

14 Q. And you said because he made a deal. Right?

15 A. Eric Bennett did.

16 Q. And the deal was if you say these things, you get
17 out of jail?

18 A. If I tell the truth, he'd help us.

19 Q. And in fact you're pretty adamant that you can't
20 stand it in jail, correct?

21 A. I made it clear.

22 Q. You're going whacko, right?

23 A. Yes, I did.

24 Q. Pretty much willing to do anything not to get locked

1 up in prison for the rest of your life, correct?

2 A. Tell the truth.

3 Q. I noted you didn't say in that phone call, Crystal,
4 I told the truth and he made a deal with us, did you?

5 A. I didn't say nothing like that to her.

6 Q. Because there's a little more to this than just
7 telling the truth, isn't there?

8 A. I'm here to tell the truth.

9 Q. Mr. Rudnick, when you were in the jail there were
10 also some other phone calls that you made using another
11 inmate's identification, correct?

12 A. Not that I recall. There was one incident.

13 Q. In fact, you got in trouble for it, right?

14 A. I used -- one of the guys gave me his calling card,
15 the minutes left over, to make a phone call for me.

16 Q. Well, you also advised the police that the reason
17 you were using that card is because you wanted to make some
18 calls to warn people, correct?

19 A. No, I never said that.

20 Q. You never said you wanted to warn Jeff Martin,
21 Lunchbox?

22 A. I don't recall saying that.

23 Q. So what we do know is at least at the time you were
24 initially advised of your charges in the indictment, you were

1 facing the challenge to fight causing the death of another
2 with a deadly weapon, true?

3 A. Yes.

4 Q. And you'd agree with me that on the video it's
5 pretty obvious who the main player is as far as this problem
6 with Jeffrey Pettigrew, true?

7 A. I wouldn't say that.

8 Q. Well, aren't you the one that stops him?

9 A. I stopped him, yes.

10 Q. Aren't you the one in the Oyster Bar that
11 continually goes back the him, demanding an apology?

12 A. I went back to him twice.

13 Q. He's a president of the Hells Angels, true?

14 A. Yes.

15 Q. You don't think that's a sign of disrespect for you
16 to continue to go back to him demanding an apology?

17 A. I went back to him twice.

18 Q. You don't think that's a sign of disrespect?

19 A. No.

20 Q. In fact, your own club was telling you to get out,
21 weren't they?

22 A. No, not that I can recall.

23 Q. Do you know a Mr. Evanson?

24 A. If I knew his nickname.

1 MR. HOUSTON: May I have one moment, your Honor?

2 THE COURT: Yes.

3 BY MR. HOUSTON:

4 Q. There was an individual there that had gray hair and
5 was wearing sunglasses that talked to you that night, right?

6 A. There was a lot of guys in the club that has gray
7 hair and wears sunglasses.

8 Q. Do you know an individual by the name of Jake?

9 A. Yes, I do.

10 Q. And Jake is pretty high up in the organization, is
11 he not?

12 A. No.

13 Q. Has he been around for a long time?

14 A. He's been around quite a long time.

15 Q. Jake actually came to you and told you to get out of
16 there, right?

17 A. Told me to leave the area.

18 Q. Okay, and told you to leave Pettigrew alone.

19 A. He didn't tell me to leave Pettigrew alone. He told
20 me to leave the Oyster Bar.

21 Q. Well, if you leave the Oyster Bar and Pettigrew is
22 in the Oyster Bar, you're leaving Pettigrew alone, correct?

23 A. I was told to leave the Oyster Bar.

24 Q. So if Jake testified here and told us he went back

1 to you repeatedly and told you to leave Pettigrew alone, that
2 to you is not the truth, right?

3 A. That's right.

4 Q. What about Rocky?

5 A. Cocky Rocky.

6 Q. The Nomad.

7 A. I know him.

8 Q. He told you to leave Pettigrew alone, as well,
9 correct?

10 A. No, he did not.

11 Q. He never told you to go up and rest your F'ing neck
12 and get out of here?

13 A. No.

14 Q. So if we had testimony to the effect from another
15 individual, Rocky, that he was telling you to leave
16 Mr. Pettigrew alone, that also wouldn't be accurate?

17 A. That's true.

18 Q. Your testimony is you simply went to Mr. Pettigrew
19 and became offended because he touched your patch?

20 A. Yes.

21 Q. Didn't he offer to buy you a drink?

22 A. No.

23 Q. When he touched your patch did you happen to notice
24 he was also touching other people's patches?

1 A. Maybe, I didn't notice that.

2 Q. Do you think it was worth getting in a fight with
3 him because he touched your patch?

4 A. He was disrespecting me.

5 Q. And to be disrespected kind of means you've got to
6 do something about that, right?

7 A. You don't have to.

8 Q. Well, you chose to, didn't you?

9 A. He didn't choose to say sorry.

10 Q. Right. If he had said he was sorry, different
11 story, correct?

12 A. Maybe.

13 Q. But he didn't say he was sorry, right?

14 A. That's true.

15 Q. And that made you mad, correct?

16 A. That's true.

17 Q. And as I think you said to the police that night you
18 were -- your head was really messed up. Do you remember
19 that?

20 A. I never talked to no police that night.

21 Q. No, I meant you said to the police later that on the
22 evening of September 23rd your head was really messed up.

23 A. No, I never said that.

24 Q. No, and you never said you drank a lot that night?

1 A. I drank a lot that night.

2 Q. Never said you were all jacked up?

3 A. I wasn't jacked up.

4 Q. Okay. Now, there were also occasions while you sat
5 in the jail that you were becoming very dissatisfied with law
6 enforcement for not letting you out more quickly, true?

7 A. True.

8 Q. And in fact, at one point you told your wife, "I
9 don't want you giving them any more information."

10 A. On Eric's end, yes.

11 Q. And in specific they actually wanted some additional
12 information from you about telephone numbers, correct?

13 A. Yes.

14 Q. And your comments were something to the effect of I
15 don't want you giving them no more information until they
16 honor their end of the deal. Right?

17 A. I recall those conversations.

18 Q. Well, their end of the deal would be to let you out
19 of jail, right?

20 A. Eric was working out the deal with all that
21 situation.

22 Q. Who was he working with, Karl?

23 A. No, he was working with some other protective
24 custody people.

1 MR. HOUSTON: All right, your Honor, I'd like to
2 play another jail call, please. This would be number 43, I
3 believe.

4 THE COURT: Ladies and gentlemen of the jury,
5 you're hearing fine? Okay, thank you.

6 (Audio played.)

7 BY MR. HOUSTON:

8 Q. The woman you were trying to squeeze the money out
9 of, the \$40, was your wife's mother, correct?

10 A. Yeah, it was a joke.

11 Q. Right. Mr. Rudnick, you indicated that your job was
12 simply to tell the truth as far as your plea negotiation,
13 right?

14 A. With Eric Bennett, he was working things out.

15 Q. Right. And as a matter of fact, though, that job of
16 simply telling the truth has you withholding information
17 unless you get something, true?

18 A. Yeah, because he wasn't working on nothing.

19 Q. Right, he wasn't getting you out, right?

20 A. Yeah, he said he was working on stuff, then he
21 turned around and told my attorney that he didn't do nothing.

22 Q. Well, if your job is to tell the truth, what
23 difference does it make what Eric Bennett is doing?

24 A. Because he was telling me stuff and telling my wife

1 stuff and telling my attorney things.

2 Q. Right, so it was a little more than just telling the
3 truth, it's telling the truth provided you get something that
4 you bargained for, true?

5 A. I was telling the truth to him.

6 Q. And you're going to withhold information unless they
7 do something for you, right?

8 A. I told my wife that.

9 Q. Well, it's true, isn't it?

10 A. That's what I'm here for.

11 Q. As a matter of fact, you actually at one point in
12 time started to get upset with Karl because he wasn't
13 upholding his end of the deal, true?

14 A. No, I never got upset at Karl.

15 Q. Never have. Mr. Rudnick, when you made your deal,
16 do you remember when you entered your plea?

17 A. I don't remember the exact date when I pleaded --

18 Q. Can you give me an approximate month?

19 A. It's been two years.

20 Q. Been two years since you entered your plea?

21 A. It's been two years since this whole thing, so I
22 don't recall the exact date. I don't keep a log book.

23 Q. So your entry of a plea to conspiracy to commit
24 murder is not something that's lodged in your brain?

1 A. No.

2 Q. Is that because you're pretty well assured that
3 people promised you you'd be getting probation?

4 A. No.

5 Q. Is that why we hear on the jail calls how you're
6 planning your life to be in witness protection?

7 A. Because Eric was helping us.

8 Q. Right, but you're planning to take advantage of it,
9 correct?

10 A. I was planning -- planning my life and being with my
11 family, yes.

12 Q. Which of course wouldn't happen if you went to
13 prison, right?

14 A. There was still a possibility of me going to prison.

15 Q. Right, and that possibility exists up until the
16 point that you tell your story in the court, and then you're
17 supposed to get probation, right?

18 A. Tell the truth.

19 Q. Okay. Tell the truth in court, then you're supposed
20 to get probation, right?

21 A. Possibility I could still go to jail.

22 Q. All right, but you've been told it's a pretty small
23 possibility?

24 A. There's nothing guaranteed.

1 Q. Is that why you feel comfortable with Crystal
2 planning your life in the witness protection?

3 A. We were talking about it.

4 Q. And you were going to get paid by them for a year,
5 right?

6 A. That's what Eric was telling us.

7 Q. And you're going to get your rent paid too, right?

8 A. That's what Eric was telling us.

9 Q. What else are they going to give you?

10 A. Whatever Eric was telling me.

11 Q. Well, what was that?

12 A. He was trying to help me out.

13 Q. Mr. Rudnick, how is he going to help you out, sir?

14 A. We don't know the whole details yet.

15 Q. I see. So you don't know really what your complete
16 benefit is going to be for telling the truth?

17 A. No, because he never came through with anything.

18 MR. HOUSTON: Okay. Your Honor, may we play call
19 number 43, please.

20 THE COURT: Yes.

21 MR. HOUSTON: I'm sorry, it's call 26.

22 (Audio played.)

23 BY MR. HOUSTON:

24 Q. That call, Mr. Rudnick, you're a little dissatisfied

1 with Detective Eric Bennett, are you not?

2 A. Yes, I am.

3 Q. Because he's not letting you out, right?

4 A. He's not doing nothing that he's saying he is.

5 Q. Because he promised he would do certain things in
6 exchange for what you promised you would do, right?

7 A. Yes.

8 Q. You also indicated you hope Karl holds up his end of
9 the deal?

10 A. Eric was supposed to talk to Karl, Eric told me.

11 Q. Well, what was Karl's -- and do you mean the
12 prosecutor?

13 A. The -- Karl Hall.

14 Q. Right. What was his end of this deal, Mr. Rudnick?

15 A. Nothing, he didn't say nothing to me.

16 Q. Why are you saying I hope he holds up his end of the
17 deal?

18 A. Because Eric says he was going to talk to him.

19 Q. But you say I hope Karl holds up his end of the
20 deal. What's his end of the deal?

21 A. I don't know, he never told me any deal.

22 Q. Then what are you hoping he holds up?

23 A. Because that's what Eric was telling me.

24 Q. You don't say I hope Eric holds up his end that he

1 told me about, do you?

2 A. He didn't hold up his end.

3 Q. Right, and did Karl?

4 A. There was no deal between me and Karl.

5 Q. So you just said that to lie to your wife to calm
6 her down?

7 A. No, I said that because that's was what Eric was
8 telling me.

9 Q. What did Eric tell you Karl's end of the deal was?

10 A. He never told me anything.

11 Q. Then how can you hope he upholds something when you
12 don't know what it is?

13 MR. HALL: Asked and answered, argumentative.

14 THE COURT: Sustained.

15 BY MR. HOUSTON:

16 Q. When we are talking with these folks -- we know that
17 you got ORed from jail, right?

18 MR. HALL: Objection, vague. What folks?

19 MR. HOUSTON: It's foundational, I haven't gotten
20 to the question yet.

21 THE COURT: All right, something about OR.

22 BY MR. HOUSTON:

23 Q. Right. We know you got ORed, correct?

24 A. Yes.

1 Q. Now, did you get ORed on the day you entered your
2 plea of guilty?

3 A. I don't recall. If that was the day.

4 Q. Was that part of the deal, that you would enter your
5 plea and you'd get OR?

6 A. Whatever my attorney worked out.

7 Q. Well, sir, you had to approve it, right?

8 A. Yes, I approved it.

9 Q. Okay, was that part of the deal?

10 A. Yes, between me and my attorney.

11 Q. Okay, so you got ORed in exchange for entering a
12 plea, correct?

13 A. Yes.

14 Q. And then you were released and able to go back home,
15 true?

16 A. Yes.

17 Q. And the house has been safe, right?

18 A. Yes.

19 Q. Never been a problem, right?

20 A. Yes.

21 Q. And now you're waiting your sentencing, correct?

22 A. Yes.

23 Q. But your sentencing has been moved a couple of
24 times, hasn't it?

1 A. Yes.

2 Q. And it's been moved a couple of times because this
3 trial was moved, continued, right?

4 A. Yes.

5 Q. So they wouldn't allow you --

6 MR. HALL: Asked and answered.

7 MR. HOUSTON: I haven't even asked the question.

8 MR. HALL: You've asked the same question three
9 times now.

10 MR. HOUSTON: Well, I'm just mirroring you.

11 THE COURT: Counsel, don't talk to each other,
12 please.

13 MR. HOUSTON: Sorry.

14 THE COURT: Address your comments to the Court.

15 MR. HOUSTON: Your Honor, I have not finished the
16 question.

17 THE COURT: Go ahead and finish your question.

18 BY MR. HOUSTON:

19 Q. So in other words, I think where I was
20 foundationally was that you hadn't been sentenced yet because
21 you hadn't had a chance to testify, true?

22 A. Yes.

23 Q. Okay. All right, Mr. Rudnick, let's go into some of
24 the questions that I think would be pertinent to what

1 happened in reference to September 23rd. As we know, you
2 gave a transcribed interview to Detectives Bennett and Neil
3 on January 5th, 2012, correct?

4 A. If that was the date that I did it, yes.

5 Q. All right, you recall being there.

6 A. Yes.

7 Q. And you were in the Washoe County's Sheriff's Office
8 when you gave that interview, correct?

9 A. Yes.

10 Q. Now, we also understand you gave yet another
11 interview, and that would have been on February 15th,
12 correct?

13 A. If that was the date that I did it, I don't recall
14 the date.

15 Q. Okay, and prior to both interviews, meaning prior to
16 the time they turned on a recorder, you had a chance to meet
17 and talk with law enforcement, right?

18 A. I always met with my attorney before I met with
19 anybody.

20 Q. Okay, well, on January 5th your attorney wasn't even
21 there, was she?

22 A. With what -- which meeting?

23 Q. The first one. With Detective Bennett and Neil.

24 A. No, she wasn't.

1 Q. Okay, so you didn't really meet with her in advance
2 and talk with her on the meeting day, did you?

3 A. No, I did not.

4 THE COURT: I think this is a good place to take
5 our next recess.

6 MR. HOUSTON: Yes, your Honor.

7 THE COURT: Ladies and gentlemen of the jury,
8 during this break remember the admonition I've given you at
9 all the other breaks. Do not discuss the case among
10 yourselves or with any other person. Do not form or express
11 any opinion about the ultimate outcome of this case. Do not
12 allow anyone to speak of the case to you or in any manner
13 attempt to influence you with regard to it. Should any
14 person make such an attempt, report it to the Court
15 immediately. Do not listen to, view, or read any news media
16 accounts regarding this case or any other accounts, and do
17 not make any independent investigation or inquiry into any of
18 the facts and circumstances surrounding this matter. We'll
19 see you after the next break. Court is in recess.

20 (Recess.)
21
22
23
24

1 STATE OF NEVADA,)
2)
3 COUNTY OF LYON.)
4
5

6 I, MARCIA L. FERRELL, Certified Court Reporter of the
7 Second Judicial District Court of the State of Nevada, in and
8 for the County of Washoe, do hereby certify:

9 That I was present in Department No. 4 of the
10 above-entitled Court and took stenotype notes of the
11 proceedings entitled herein, and thereafter transcribed the
12 same into typewriting as herein appears;

13 That the foregoing partial transcript is a full, true
14 and correct transcription of my stenotype notes of said
15 proceedings.

16 Dated at Fernley, Nevada, this 3rd day of August, 2013.
17
18

19 /s/ Marcia L. Ferrell

20 Marcia L. Ferrell, CSR #797
21
22
23
24

57

Code No. 4180

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE
THE HONORABLE CONNIE J. STEINHEIMER, DISTRICT JUDGE

-oOo-

STATE OF NEVADA,
Plaintiff,
vs.
ERNESTO MANUEL
GONZALEZ,
Defendant.

Case No. CR11-1718B
Dept. No. 4

TRANSCRIPT OF PROCEEDINGS

Testimony of Gary Rudnick

Afternoon Session

Wednesday, July 31, 2013

Reno, Nevada

COPY

Reported By: SUSAN CULP, CCR No. 343

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I N D E X

WITNESS

PAGE

GARY RUDNICK

CROSS-EXAMINATION CONTINUED BY MR. HOUSTON

REDIRECT EXAMINATION BY MR. HALL

4
140

1 RENO, NEVADA, WEDNESDAY, JULY 31, 2013, 12:18 P.M.

2 -oOo-

3
4 THE COURT: Thank you.

5 Counsel, do you have anything for the Court outside
6 the presence of the jury?

7 MR. HALL: Your Honor, I just want to make sure we
8 finish this witness today.

9 THE COURT: Two hours, we have two hours. I don't
10 know how much longer you're going to go. How much longer --

11 MR. HOUSTON: A little bit, Your Honor. I've got
12 two interviews to go through.

13 THE COURT: Okay. We'll see. Let's bring the jury
14 in.

15 (The jury entered the courtroom.)

16 THE COURT: Counsel, will you stipulate to the
17 presence of the jury?

18 MR. HOUSTON: Yes, Your Honor.

19 THE COURT: Thank you. Please be seated. Go ahead,
20 Mr. Houston.

21 MR. HOUSTON: Thank you, Your Honor.

22 CROSS-EXAMINATION CONTINUED

23 BY MR. HOUSTON:

24 Q Mr. Rudnick, when we took the recess, I was advising

1 I wanted to talk to you a little bit about your interview that
2 took place on January 5th, 2012. And that interview took
3 place in Washoe County Jail, correct?

4 A I guess, yes.

5 Q And Detective Bennett -- Eric Bennett is there?

6 A Yes.

7 Q And another fellow by the name of -- what is it,
8 Neal?

9 A I don't recall that officer's name.

10 Q Okay. So, the other fellow, did he introduce
11 himself to you as Matthew Neal from Homeland Security?

12 A Yes.

13 Q All right. And they interviewed you up here, as we
14 said, at Washoe County, and you now know it's January 5th,
15 correct?

16 A Yes.

17 Q And you'd been talked to by law enforcement prior to
18 that interview, correct?

19 A No.

20 Q So this is the first time?

21 A Yes.

22 Q All right. Now, when you met with the police, in
23 reference to the January 5th -- and all of these questions I'm
24 going to ask you are going to be in reference to your

1 January 5th interview, okay? So I'm not going to keep saying,
2 "January 5th interview," I want you to be clear.

3 A Yes.

4 Q When you met with them, they asked you a bunch of
5 questions, such as why you had joined the Vagos, true?

6 A Yes.

7 Q And you told them you had joined the Vagos for the
8 camaraderie and social aspect of the club, correct?

9 A Yes.

10 Q In fact, when you first joined the charter, it was a
11 clean-and-sober charter, right?

12 A Yes.

13 Q And does that mean none of the guys do drugs or
14 drink?

15 A Yes.

16 Q It was really more you just wanted to ride
17 motorcycles and hang out with a bunch of people, true?

18 A Yes.

19 Q You also advised the police that, yeah, there's some
20 crooked people there, but there's also some good people there?

21 A Yes.

22 Q And, in fact, there's professional who are in the
23 Vagos, true?

24 A Yes.

1 Q Lawyers, doctors?

2 A Yes.

3 Q Accountants?

4 A Yes.

5 Q You indicated that you were with the Vagos, at least
6 at that time, approximately nine years before you were thrown
7 out, true?

8 A Yes.

9 Q And you were thrown out approximately when, do you
10 know?

11 A I don't know the exact date, but when we came back
12 from Reno.

13 Q Right. So, in other words, after September 23rd,
14 2011, you were kicked out of the Vagos?

15 A Yes.

16 Q And there's a term it's called, "thrown out bad."
17 Are you familiar with that?

18 A Yes.

19 Q And that means you did something that created a
20 pretty bad problem for the club, try?

21 A It's very wide -- it's many things that you can get
22 "thrown out bad" for.

23 Q Right. And this case, September 23rd, 2011, we are
24 speaking about something very bad for the club, true?

1 A That's what they were saying.

2 Q All right. Do you recall your conversations with
3 the police in reference to wanting to know what you were going
4 to get in reference to or in exchange for your testimony?

5 A Well, what police are you talking about?

6 Q The January 5th --

7 A Eric Bennett?

8 Q Yeah.

9 A I don't have any remember of that. We were talking
10 about many things.

11 Q Do you remember asking him things like, "Can you
12 guys really help me? Can you really help me?"

13 A If that's what I said.

14 Q Okay. Well, I'm just asking. You remember you were
15 very concerned about wanting something -- wanting something in
16 reference to your help, right?

17 A He was trying to help me.

18 Q Right. And you wanted something for it, right?

19 A He was saying what he could do for me.

20 Q What could he do for you?

21 A There was a lot of things he was trying to do for
22 me.

23 Q Like what?

24 A He was trying to put me in the witness protection

1 plan.

2 Q Okay.

3 A He was trying to get me moved out. There was a lot
4 of things he was trying to work on.

5 Q Was he going to pay you money, too?

6 A He said that's part of the witness protection plan.

7 Q Now, when you met with Detective Bennett on
8 January 5th, do you recall telling him that that wasn't the
9 first time you've been in that interview room?

10 A No, that was the first time.

11 Q Okay. So do you remember saying something to the
12 effect of --

13 MR. HALL: What page are you referring to, Counsel?

14 MR. HOUSTON: 19.

15 BY MR. HOUSTON:

16 Q Do you remember advising him -- and I may have
17 misspoke -- that the last time we were in another room --

18 A I don't remember.

19 Q Okay. Would it refresh your recollection to see
20 your interview?

21 A Yes, it would.

22 Q All right.

23 MR. HOUSTON: Your Honor, may I approach?

24 THE COURT: You may.

1 BY MR. HOUSTON:

2 Q Would you look at page 19? You don't have to read
3 it, just from lines 13 to 20.

4 A Okay.

5 Q Okay. When you met with Detective Bennett, do you
6 recall telling him that that wasn't the first time you'd been
7 in those interview rooms?

8 A Yes. Now, I remember.

9 Q Okay. And, in fact, you indicated to him that the
10 last time you'd been in one of those rooms was with Karl?

11 A And my 14.

12 Q Okay. Do you remember what you spoke about with
13 Karl on that first meeting with him before January 5th, 2012?

14 A I don't remember.

15 Q Would have been about this case, right?

16 A Yes.

17 Q Would have been about trying to do something to help
18 you get out of the mess you were in, right?

19 A No. It wasn't about that.

20 Q Was it about you providing your testimony?

21 A It was about the case.

22 Q All right. What about the case?

23 A About me telling the truth.

24 Q And wanting to get out of jail?

1 A No.

2 Q Didn't mention that?

3 A Nope.

4 Q Mr. Rudnick, isn't it true, during the course of
5 your interview with Mr. Bennett, you advised, "My head was
6 just fucked up that night"?

7 A Probably said that. I don't remember.

8 Q Well, remember when I asked you a little while ago
9 whether you had told the police your head was messed up that
10 night or all jacked up, and you said, no, I never said that?

11 A I was drinking that night.

12 Q Actually, your wording was --

13 MR. HALL: What page, Counsel?

14 MR. HOUSTON: Page 23, line 3.

15 BY MR. HOUSTON:

16 Q You want to look at that, sir, just so you can
17 refresh your recollection?

18 A Okay.

19 Q All right. So how was your head that night?

20 A I was buzzed.

21 Q Well, it doesn't say, "buzzed," does it, sir? It
22 says, quite candidly, "My head was just fucked up that night,"
23 true?

24 A True. That's what it says.

1 Q And it also says that you agreed when they told you,
2 you were "all jacked up"?
3 A Where does it say that?
4 Q Take a look at line 9 through 11.
5 A Yeah.
6 Q You had also told police that night that you had a
7 lot to drink, true?
8 A True.
9 Q Coronas and shots of tequilas, right?
10 A True.
11 Q How long had you been drinking that day?
12 A When I was on vacation.
13 Q Well, that day, you were on vacation, right?
14 A Yes.
15 Q You kind of let loose when you're on vacation,
16 right?
17 A Yes.
18 Q And, in fact, you told police that?
19 A Yes.
20 Q You don't even keep count because you're on
21 vacation, as far as how much you're drinking, right?
22 A Yes.
23 Q But you classified yourself as being your mind was
24 pretty F'd up that night, right?

1 A Yeah.

2 MR. HALL: I'm going to object, Your Honor. It's
3 taken out of context.

4 THE COURT: Okay. Counsel, approach, please.

5 (Discussion at the bench.)

6 THE COURT: Wait just a moment, Mr. Houston.

7 (Discussion at the bench.)

8 MR. HOUSTON: Thank you, Your Honor.

9 THE COURT: Okay.

10 Ladies and gentlemen of the jury, I don't know what
11 they are looking at, so it's hard for me to rule on that
12 objection, so I've indicated that Mr. Hall can deal with it in
13 cross-examination.

14 BY MR. HOUSTON:

15 Q Mr. Rudnick, you remember a while ago, I had talked
16 to you about the idea of using the -- the pin card of another
17 inmate to call certain people?

18 A Yes.

19 Q Who did you call?

20 A My wife.

21 Q Who else?

22 A I think I made a call probably to -- if I remember
23 right, I made two other calls, maybe Jeff Vohl -- and I'm not
24 sure. Mostly, I called my wife.

1 Q All right. And I think I asked you this. You don't
2 recall calling Jeff Martin, "Lunchbox"?

3 A No.

4 Q All right. Do you remember advising the police that
5 you were calling four guys that you wanted to tell to get out
6 of the club before you brought it down?

7 A No.

8 THE COURT: Are we still on the same interview, the
9 January 5th interview?

10 MR. HOUSTON: Yes, Your Honor. Yes, Your Honor.

11 THE COURT: Okay. Thank you.

12 BY MR. HOUSTON:

13 Q Do you recall telling the police that --

14 A Oh.

15 Q You wanted to get a hold of four guys?

16 MR. HALL: What page are you referring to, Counsel?

17 MR. HOUSTON: I'm asking the question first. If he
18 doesn't know, then I'll go to the page, Your Honor.

19 MR. HALL: Well, I would like to know what page it
20 is.

21 MR. HOUSTON: It's question, Your Honor.

22 THE COURT: Okay. If you're using the transcript
23 from a prior interview, you should note it. If you have a
24 question to ask, you can ask that question.

1 MR. HOUSTON: I am.

2 THE COURT: Without reading from something -- if
3 you're going to read from something, you should note where
4 you're reading from.

5 MR. HOUSTON: I know. I was reading from my
6 question.

7 THE COURT: Okay. That's fine.

8 BY MR. HOUSTON:

9 Q Mr. Rudnick, the question was: Did you advise the
10 police that you had used the card with the inmate's pin
11 number, not yours, to contact four other people that were in
12 the club, the Vagos?

13 A I don't remember that.

14 Q Okay. Would you look on page 27, lines 4 through
15 10, please?

16 A Okay.

17 Q And the police had indicated to you that they
18 thought it was odd because you wanted to get out and go warn
19 these guys, right?

20 A Yes.

21 Q And you indicated to them that there were four guys
22 that you cared about, true?

23 A Yes.

24 Q And that you wanted to let them know what you were

1 going to do as far as giving information against the Vagos?

2 A No.

3 Q You didn't want them to lose everything? Didn't you
4 tell the police that?

5 A That's true.

6 Q Who were the four people that you called?

7 A I didn't call four people. I didn't even make a
8 phone call.

9 Q Who were the four people you wanted to warn?

10 A I don't remember at this time.

11 Q No idea these four people that you considered such
12 good friends that you had to get out and warn them?

13 A I don't remember.

14 Q Did Detective Bennett advise you, at any time that
15 night, that you were pretty much going to be held responsible
16 for what happened at the Nugget?

17 A No.

18 Q You never received any sort of an advisement that,
19 if it were somebody else's fault, that could help you out a
20 whole lot, if you were willing to talk about it?

21 A No, he never said that.

22 Q I noted, if you would with me, that the interview at
23 least on January 5th, 2012, seems to start out with an answer
24 at line 1, doesn't it? Doesn't it have "A" there? In other

1 words, it looks like somebody is just talking midstream,
2 right?

3 A Yeah.

4 Q So who were you talking to before the video or the
5 audio got turned on? Do you remember?

6 A I don't remember.

7 Q Okay. Wouldn't it be a correct statement you pretty
8 well expressed that you expected to be helped by law
9 enforcement and DA's office for talking with them?

10 A No.

11 Q And you never said anything like that?

12 A No.

13 Q Can you look at page 42 for me and check lines 5 and
14 6? You don't have to read it. Just take a look at it.

15 A Okay.

16 Q Isn't it true you told the police, "No bullshit, are
17 you going to be able to help me?"

18 A I told Eric Bennett.

19 Q Well, he's a police person, isn't it?

20 A You said police officer and the DA.

21 Q I said law enforcement, okay. So from now on, if I
22 say law enforcement, we can include Detective Bennett, okay?

23 A Yes.

24 Q So you let them know that, "Look, you guys gotta

1 help me if I'm going to talk to you," right?

2 A He asked if I wanted his help.

3 Q In fact, he told you, if you did, he would report

4 back to the DA's office, right?

5 A I don't recall that.

6 Q Do you want to look at page 42, lines 12 through 13?

7 A Okay.

8 Q That that's what you were told, right?

9 A If that's what Eric said.

10 Q Well, does that refresh your recollection?

11 A Yeah, I'm reading it.

12 Q All right. How many times do you think, during the

13 course of that interview, you asked Mr. Bennett about how

14 you've got to be helped during the course of the interview for

15 what you're giving up?

16 A Can you repeat your question?

17 Q Yeah, sure.

18 How many times do you think you told Eric Bennett

19 that they had to help you, if you were going to give something

20 up to them?

21 A I don't remember the count.

22 Q Do you remember asking them whether or not they

23 could get you out of jail?

24 A I don't remember asking them.

1 Q Would you take a look at page 44, line 6 through 10,
2 please?
3 A Okay.
4 Q Isn't it true you told them that, if they could get
5 you out of jail, get you back to your family, you were willing
6 to help them?
7 A That's what Eric was telling.
8 Q Isn't that what you said?
9 A Yeah, and Eric was telling me he could help me.
10 Q And he did, didn't he?
11 A No.
12 Q Well, somebody got you -- you got out of jail,
13 right?
14 A Yes.
15 Q On an OR release, on a conspiracy to commit murder
16 case?
17 A Yes.
18 Q You also advised the police, did you not, that you
19 didn't feel you were in any jeopardy at all from the Vagos?
20 A That's true.
21 Q And that was true story, right?
22 A That's true.
23 Q Because they are not the type of guys you would be
24 afraid of, are they?

1 A That's true.

2 Q When you had the opportunity to explain to them what
3 had happened, you really didn't do that in the January 5th
4 interview, correct, as far as what happened at the Nugget?

5 A No.

6 Q And, really, January 5th was more about you talking
7 about other things that you had involved in, correct?

8 A Are you talking about with Eric Bennett still?

9 Q Yeah. On January 5th?

10 A Yes.

11 Q And, in fact, you also advised them how many times
12 you had smuggled kilos of cocaine from Mexico to the U.S.,
13 true?

14 A Yes.

15 Q How many times you had smuggled kilos of
16 methamphetamine from Mexico to the U.S.?

17 A Yes.

18 Q How you bribed the border guards?

19 A How I was set up.

20 Q Right. In other words, you had to pay them \$500,
21 and it was attached to your driver's license or something?

22 A Yes.

23 Q And once you get the kilos of cocaine or
24 methamphetamine back here, then it would be parceled out to

1 street gangs, is that what you told them?

2 A Yes.

3 Q And that's something, of course, you were involved

4 in, correct?

5 A Yes.

6 Q Fair to say you were one of the criminals in the

7 Vagos organization, true?

8 A True.

9 Q And we've already established that not certainly

10 everybody in Vagos is a criminal, right?

11 A True.

12 Q In fact, when you first joined, for the first 2 or

13 3 years, you didn't even know anything about any sort of

14 criminal activity, correct?

15 A True.

16 Q Nobody came to you when you joined the Vagos as a

17 hang-around or prospect and said, okay, now you've got to go

18 out and commit crimes, right?

19 A True.

20 Q And I think you told the police the only people

21 involved in criminal activity, as it concerned the Vagos,

22 would be a small elite group?

23 A I don't remember saying that, but --

24 Q Do you remember advising them how many times you

1 would go over to Mexico to pick up drugs yourself?

2 A I don't recall the number, but I told them I've gone
3 across.

4 Q Couple times a month?

5 A Not a couple of times a month.

6 Q You don't remember telling them you usually go once
7 or twice and month to get a couple of kilos?

8 A I don't remember saying that.

9 Q All right. Would you look at page 161, lines 1
10 through 3, please?

11 A Line what?

12 Q Line -- or page 161, lines take it down, 1 through
13 7.

14 A Okay.

15 Q Do you see that?

16 A Yes.

17 Q Do you remember advising the police that you
18 would -- we would go down approximately twice a month?

19 A I say there's people that go there once or twice a
20 month.

21 Q Okay. Well, do you remember telling them we usually
22 go there twice a month?

23 A I imagine I said that.

24 Q All right. And that would include you, right?

1 A Okay.

2 Q And just on the idea of the amount of kilo --

3 THE COURT: Mr. Houston I want to stop you for a

4 second. Mr. Hall is handing me something.

5 You may proceed.

6 MR. HOUSTON: Thank you.

7 BY MR. HOUSTON:

8 Q How many kilos of methamphetamine and cocaine do you

9 think you smuggled into the country, sir. You?

10 A Me?

11 Q Yeah?

12 A I haven't kept track.

13 Q A lot?

14 A I would imagine.

15 Q Okay. And I think you told them that you were

16 smuggling methamphetamine and cocaine, literally, three

17 months, right up to September of 2011, right?

18 A No, I didn't say that.

19 Q Do you want to look at page 173 for me? Check out

20 lines 8 through 10 for me. Read that to yourself.

21 A Okay.

22 Q Have you had a chance to look at it?

23 A Yeah.

24 Q In fact, you would say probably about three months

1 before you came up to Reno, on your Street Vibrations trip,
2 right?

3 A Yes.

4 Q I want to talk to you a little bit about the -- the
5 issue concerning you're direct testimony referencing the
6 motorcycle that the guys came over to your house to get. Do
7 you remember that testimony when you spoke with Mr. Hall?

8 A Yes.

9 Q All right. What you testified to, I believe, is a
10 certain number much Vagos came to your house?

11 A Yes.

12 Q Actually, you had expected them, and, in fact, you
13 had invited them, true?

14 A No, I cannot.

15 Q You don't remember calling them when it got late and
16 talking to them about your son or your child needs to go to
17 bed, so you need to come over earlier?

18 A I remember talking to Allen.

19 Q Who's Allen?

20 A Allen is one of the -- Sergeant-Of-Arms.

21 Q Right?

22 A He says he's going to come over and talk to me.

23 Q Right.

24 A And I said what time. And it was getting late, so I

1 called him back, and I asked him what time.

2 Q Okay. So, in other words, they didn't just barge in
3 on you unannounced, right?

4 A No.

5 Q And, in fact, it was set up to the point you knew
6 they were coming?

7 A Yes.

8 Q And you indicated that how many came?

9 A Ten of them came.

10 Q And ten of them came, and they wanted you to allow
11 them to sell your bike to have money go to a defense fund for
12 Mr. Gonzalez, didn't they?

13 A No.

14 Q You had agreed to sell your -- to give them your
15 bike, hadn't you?

16 A No.

17 Q Do you recall telling Lake Tahoe police that you
18 would do it because you wanted to make things, right?

19 A No, I never said that.

20 Q You want to look at page 212 for me, lines 1 through
21 6?

22 A 212, what?

23 Q Lines 1 through 6, sir.

24 A Okay. I said that to my wife.

1 Q You told your wife, "I'm going to give them the bike
2 to make things right"?

3 A I didn't say those exact words.

4 Q Well, that's what's in the transcript, isn't it,
5 sir? If you want to check it out, look at lines 2 and 3.

6 A I read it.

7 Q Okay. It says, "Hey, I'd do it -- you know, to make
8 things right -- to make it right," correct?

9 A Yeah, but that's not what they came over for.

10 Q Right. But that's what you were going to do in
11 reference to turning over the bike?

12 A That's what I told my wife.

13 Q Right. And your wife said you're not giving up
14 anything, right?

15 A That's right.

16 Q What did you have to make right that you had to give
17 them your motorcycle?

18 A That's what I was trying to figure out with them.

19 Q Well, but that's what you told your wife,
20 Mr. Rudnick, so what did you have to make right?

21 A Still don't know because I don't know what they
22 wanted the bike for.

23 Q Well, how about the fact, sir, that you created a
24 huge problem up at Street Vibrations, by virtue of your

1 behavior?

2 A Oh, that's not it.

3 Q So you weren't making that right?

4 A No.

5 Q What were you then -- I'm going to ask for the last

6 time -- you were making it right?

7 A We are still trying to find that out.

8 Q Well, no, sir. You said it. That's what I'm asking

9 you.

10 A Exactly.

11 Q So you're trying to figure out why you're going to

12 give them your motorcycle?

13 A Why they wanted my bike.

14 Q To make things right, maybe?

15 A If that's what they wanted the bike for.

16 Q Okay. Well, do you remember talking about how you

17 said something to the effect of, again -- you know, "We need

18 to do the right thing," when you're talking to your wife?

19 A Maybe.

20 Q Okay. Well, if you look -- -- do you need to

21 refresh your recollection? Look at page 212, lines 16 and 17?

22 A Okay.

23 Q Right. You needed to -- I guess you said it a

24 second time, true?

1 A That was Dragon telling me that I needed to give up
2 the bike to do it right.

3 Q All right. You didn't disagree with that, with
4 Dragon, right?

5 A I wasn't giving my bike up.

6 Q Well, they came over to get it because you had said
7 you would give it up, right?

8 A No. They came over to get it.

9 Q Okay. And, even though you told your wife you told
10 them to come over and get it because you wanted to make things
11 right, you never intended to give it to them, is that what
12 you're saying?

13 A I never told them to come over to get my bike. I
14 thought there was 1 or 2 people coming over to talk to me, and
15 that's when they brought ten guys over to try to get my bike.

16 Q So you didn't know they were coming over to get your
17 bike?

18 A No.

19 Q When did you have the conversation where you told
20 them they could come and get it?

21 A Never had the conversation that they could come over
22 and get my bike.

23 Q So, when you told your wife that, are you just
24 making it up? You said, "That's what I told them. Before you

1 said, hey, you know, I'd do it to make it -- make it right."
2 A That's what Dragon was telling me, to give up my
3 bike, to make it right.
4 Q Do you not recall saying that's what I told them?
5 A What page?
6 Q Check out page 212, line 1.
7 A Okay.
8 Q And you say, "That's what I told them," right?
9 A That's what I told my wife.
10 Q Okay. Now, they obviously didn't take your bike,
11 right?
12 A No.
13 Q But you explained to the police that you were
14 troubled because nobody would sit down with you and hear your
15 side of the story, right?
16 A I didn't say that to her.
17 Q No. You explained to the police you were troubled
18 in reference to the Vagos because no one would sit down and
19 listen to your side of the story, correct?
20 A Yeah. Of what happened?
21 Q Yeah.
22 A Yes.
23 Q Your side of the story is Pettigrew disrespected
24 you, right?

1 A No, he had a green light on him.

2 Q Right. But your side of the story was that
3 Pettigrew disrespected you?

4 A No, he had a green light on him.

5 Q Well, Dragon knew he had a green light on him. Why
6 did you have to explain that to him?

7 A We are trying to find that out.

8 Q Sir, it's you I'm asking the question of. You say
9 you didn't get a chance to tell your side of the story. I'm
10 asking you what your side of the story is. That's simple.
11 What's your side?

12 A That Pettigrew had a green light on him.

13 Q So you needed to explain to Dragon that Dragon had
14 told you that Pettigrew had a green light?

15 A No, I was explaining my story of why they kicked me
16 out, I wanted to know why they ran me down the road.

17 Q Well, nowhere in you interview with the police on
18 January 5th do you say, "I can't understand why they kicked me
19 out, I was just doing what they asked me to do."

20 A It never got brought up.

21 Q Sir, you're the one being interviewed. Aren't you
22 the one that should bring it up?

23 A (The witness shakes his head.)

24 MR. HALL: At this point, I'm going to object. I

1 think, at the beginning of the interview, it says, "We were
2 not going to talk about the Reno case," and, now, we are
3 talking about the Reno case, so to infer that he should have
4 brought that up at that time is not accurate. It's not fair.
5 It's misleading.

6 MR. HOUSTON: Your Honor, they actually do go into
7 talking in certain detail about the Reno case, but I'll ask it
8 a different way.

9 THE COURT: Okay. I'll sustain the objection, then.

10 MR. HOUSTON: Thank you.

11 BY MR. HOUSTON:

12 Q Sir, you also had the chance to be interviewed on
13 February 15th, here in Reno, Nevada, regarding this case,
14 right?

15 A Yes.

16 Q How many times in this case do you say, "I don't
17 know why they were mad at me, I only did what they asked me to
18 do"?

19 A I don't remember.

20 Q You never said it, did you?

21 A I don't remember.

22 Q Well, those words, as far as you recall, haven't
23 come out in any given occasion, true?

24 A True.

1 Q Wouldn't that be important when you're defending
2 yourself with your club from being thrown out to talk about?
3 A I didn't get a chance to.
4 Q Right, because they wouldn't hear your side, right?
5 A Exactly.
6 Q Okay. That bothered you, didn't it?
7 A Exactly.
8 Q And it kind of made you angry?
9 A Yes.
10 Q The Vagos were kind of like your family, fair
11 statement?
12 A Yes.
13 Q I mean, you call each other brother, right?
14 A Yes.
15 Q When they throw you out bad, you wanted to get back
16 at them, to a degree, didn't you?
17 A No.
18 Q Well, you didn't care about them, did you?
19 A I cared about them.
20 Q Well, don't you say, "I don't care about those
21 people anymore, they are not shit to me"?
22 A I probably said that.
23 Q You don't remember whether you were angry at the
24 Vagos because you felt they had thrown you out without

1 listening to you?

2 A I was angry about it.

3 Q Isn't it true you wanted to meet with them to
4 explain, hey, guys, I lost my head that night. Pettigrew --
5 you know, was tapping me on the shoulder, and he disrespected
6 me. Didn't you want to get that point across?

7 A No.

8 Q On the video, at the Nugget, you can be seen talking
9 to a number of people. Are you not spreading the word of
10 Pettigrew's disrespect?

11 A Yes.

12 Q And you're telling those people because you think
13 it's wrong, what he did to you?

14 A Yes.

15 Q And you're telling those people because you want
16 them to agree with you that it was wrong, correct?

17 A No. It was disrespectful.

18 Q All right. And that means a lot to you, doesn't it?

19 A In the club, it did.

20 Q And that sort of means everything, right?

21 A It did.

22 Q If he disrespects you, you've got to do something
23 about that, don't you?

24 A No.

1 Q You can just say, "That's fine," and let it go?
2 A You don't -- you don't have to do.
3 Q You chose to, though, didn't you?
4 A Yes.
5 Q And, in fact, you can see yourself on a video go up
6 to Pettigrew, and you'll say things, and then you'll leave,
7 and then you'll go back up to Pettigrew and say things, and
8 then you'll leave. You were just trying to get an apology,
9 weren't you?
10 A Yes.
11 Q And what really bugged you was the fact that
12 Pettigrew was telling other people, hey, I'm sorry, that's
13 just the way I am, says Pettigrew, true?
14 A True.
15 Q Why did you think you had to have a personal
16 apology?
17 A I was a officer, and he was a officer.
18 Q If you're not shown respect and you do nothing about
19 that, that's kind of bad, isn't it?
20 A In certain people's eyes.
21 Q Well, in your eyes, right?
22 A Not always.
23 Q Well, didn't you say something to the effect that,
24 personally, you felt like a "bitch"?

1 A Yes.

2 Q And that's pretty bad, right?

3 A Yes.

4 Q And that's something you probably want to do
5 something about, right?

6 A Not necessarily, it's just my opinion.

7 Q Well, you -- that's who I'm talking to, you would
8 want to do something about that?

9 A Not necessarily.

10 Q Well, that night, you did though, right?

11 A That night, he had a green light on him.

12 Q Right. All right. What I would like to do is talk
13 to you a little bit about the other interview, Mr. Rudnick.
14 This would be the interview of February 15th.

15 MR. HOUSTON: Your Honor, may I approach and provide
16 Mr. Rudnick a copy?

17 THE COURT: Yes.

18 BY MR. HOUSTON:

19 Q Okay. By the time you get to this interview -- and
20 I'm just trying to set the stage a little, somebody has shown
21 you or given you a copy of the grand jury testimony, true?

22 A True.

23 Q So, before you give this recorded interview telling
24 the truth, you've already read the other witnesses testimony

1 from the grand jury, right?

2 A Yes.

3 Q All right. And you had a chance to look at

4 diagrams, right?

5 A No.

6 Q Well, not necessarily that one, but diagrams?

7 A No.

8 Q Okay. How about looking at video?

9 A I don't recall, at that time, when I got the

10 transcripts.

11 Q Okay. Well, not necessarily at the same time, sir.

12 I'm saying you had the transcripts, but you also had a chance

13 to review a video at some point before this interview, true?

14 A Maybe.

15 Q Okay. And you don't know or don't remember whether

16 you had a chance before this interview to review things like

17 diagrams?

18 A I don't recall.

19 Q Do you remember drawing any yourself?

20 A I think so.

21 Q All right. Had you ever been to the Nugget before?

22 A Yeah, many times.

23 Q Okay. So you're pretty familiar with it, right?

24 A Somewhat.

1 Q Okay. Now, do you remember asking either one of the
2 people in the room, is this the -- the last one of these
3 things I've got to do?

4 A I don't remember saying that.

5 Q Would you look at page two, check lines 4?

6 A Okay.

7 Q All right. Do you remember asking them, "Is this
8 one of the last things I've got to do?"

9 A Okay.

10 Q Is that true?

11 A Yes.

12 Q Okay. So we know you gave the one interview on
13 January 5th, right?

14 A Okay.

15 Q And then there's a period of time that goes by, and
16 you give another one, now, on February 15th, right?

17 A Yes.

18 Q How many times in-between had you talked to anybody
19 from law enforcement, between the two?

20 A I don't recall.

21 Q But you did talk to somebody, you just can't
22 remember how many times?

23 A I don't remember how many times. I talk to my
24 attorney all the time.

1 Q Okay. And anybody beside your lawyer?
2 A I don't recall.
3 Q Okay. Now, do you remember asking something to the
4 effect of, "Are we still on the same page for the 2nd, like a
5 date?"
6 A Yes.
7 Q What was that about?
8 A I think I was referring that to my attorney.
9 Q Right, because that's the day you were supposed to
10 get out?
11 A I don't recall exactly what that date was for,
12 but --
13 Q You think maybe it was?
14 A Maybe, I don't recall.
15 Q Well, on jury jail calls, you talk a lot about, "I
16 was supposed to get out here, and then they delayed it,"
17 things like that, right?
18 A Exactly.
19 Q And that's really what was causing you a lot of
20 frustration, right?
21 A Yes.
22 Q Because you felt you held up your end of the deal,
23 right?
24 A With Eric Bennett.

1 Q Right. And his end of the deal was to, obviously,
2 get you out of jail, right?

3 A True.

4 Q And that wasn't happening, true?

5 A Right.

6 Q And that wasn't happening, and you're getting
7 frustrated, and that's what we are hearing on the jail calls,
8 right?

9 A Yes.

10 Q And that was part of the agreement when you agreed
11 to talk to them, right, that they were going to get you out of
12 jail?

13 A He said he could help me.

14 Q Get you out of jail?

15 A Yes.

16 Q Okay. And do you remember being advised, don't
17 worry, we are all still on the same page?

18 A Yes.

19 Q And the same page, meaning the plan that's in effect
20 for what you --

21 MR. HALL: What page are you talking about, Counsel?

22 MR. HOUSTON: It's not a page number. It's the
23 word -- "We are on the same page," the expression.

24 MR. HALL: Okay. Where are you looking?

1 MR. HOUSTON: You can look on page 2 at line 10, and
2 you can also see it at line 9.

3 MR. HALL: That's where he's talking to his
4 attorney.

5 MR. HOUSTON: I don't know if that's his attorney or
6 not.

7 THE COURT: I think JL is.

8 MR. HALL: Is that his attorney?

9 MR. HOUSTON: We have got away -- we are all over
10 the place, Your Honor, and we can have a separate hearing, if
11 you like.

12 THE COURT: Okay. That sounds like a good idea.

13 Ladies and gentlemen, please go into the jury room.
14 We are going to take a short recess. Do not discuss the case
15 amongst yourselves or with any other person. Do not allow
16 anyone to speak about it in your presence or about it to you.

17 You are not allowed to speak to anyone about this
18 case in any manner, let anyone influence you with regard to
19 it, or speak about it. And do not listen to, view, or read
20 any news media accounts of the case, should there be any.

21 Go ahead and go into the jury room.

22 (The jury left the courtroom.)

23 THE COURT: Counsel, approach for a moment, please.

24 (Discussion at the bench.)

1 THE COURT: The staff and the attorneys are going to
2 step out for a few minutes. I ask that anyone interested in
3 staying in the courtroom during the remainder of the testimony
4 stay where they are and not go in and out through the
5 magnetometers.

6 (A break was taken.)

7 THE COURT: Thank you. Please be seated.
8 Please bring the jury in.

9 (The jury entered the courtroom.)

10 THE COURT: Counsel, will you stipulate to the
11 presence of the jury.

12 MR. HOUSTON: Yes, Your Honor.

13 MR. HALL: Yes, ma'am.

14 THE COURT: Thank you. Please be seated. Okay.
15 Mr. Houston, you will --

16 MR. HOUSTON: Thank you, Your Honor.

17 Your Honor, with the Court's permission, I would
18 like to go beyond the question I asked and go into a different
19 area.

20 THE COURT: Okay.

21 MR. HOUSTON: Thank you, Your Honor.

22 BY MR. HOUSTON:

23 Q Mr. Rudnick, you actually start the interview -- do
24 you remember starting the interview with Detective Patton --

1 do you know who that is?

2 A No.

3 Q Okay. Do you remember meeting a police officer from

4 Sparks Police Department by the name of John Patton?

5 A Yes.

6 Q All right. Do you remember being interviewed by

7 Mr. Patton -- Detective Patton?

8 A Yes.

9 Q On February 15th, right?

10 A Yes.

11 Q Do you remember when he comes to see you and

12 introduces himself, you also met another fellow by the name of

13 Rob Begby?

14 A Yes.

15 Q And Mr. Begby is also a Sparks Police Department

16 officer?

17 A Yes.

18 Q Now, do you remember indicating that you had already

19 met them, Begby?

20 A No.

21 Q You don't remember advising that it was good to meet

22 them again?

23 A I don't recall saying that.

24 Q Okay. You want to look on page 3, line 17 through

1 20?

2 A Okay.

3 Q All right. So you indicated -- do you remember
4 indicating to them that you already met them?

5 A Yes.

6 Q All right. When did you meet them before?

7 A I don't know the exact date.

8 Q Would it have been between January 5th, 2012, and
9 February 15th, 2012?

10 A It could have been with my attorney.

11 Q Okay. To talk about what your truthful version of
12 events was?

13 A Talked about the case.

14 Q Okay. Maybe to get the pages of the grand jury
15 witnesses?

16 A I don't recall.

17 Q All right. So you don't know how many times that
18 you met with police before you did this February 15th
19 interview?

20 A Exactly.

21 Q Okay.

22 MR. HALL: Would you read that back? Did he infer
23 that the police gave him a grand jury transcript? Is that the
24 question?

1 THE COURT: I'm sorry.
2 MR. HALL: May I have that read back, please?
3 THE COURT: The last question.
4 (Record read.)
5 MR. HOUSTON: Yeah, that's what I said.
6 MR. HALL: Okay. I would object to any foundation
7 with respect to the police officer providing him with any
8 grand jury transcript and the --
9 MR. HOUSTON: I'll lay the foundation.
10 THE COURT: Counsel, this is vague, but the
11 objection was a little late, so this will stand, but clear it
12 up.
13 MR. HOUSTON: Oh, I will, Your Honor. Thank you.
14 BY MR. HOUSTON:
15 Q Mr. Rudnick, do you remember asking Detective
16 Patton, in reference to the grand jury transcript, "Is that
17 the paper you gave me," speaking --
18 THE COURT: On what page?
19 MR. HALL: What page?
20 MR. HOUSTON: Page 155, lines 21 through 23.
21 THE WITNESS: Page 5, what lines?
22 BY MR. HOUSTON:
23 Q Page 155.
24 A Okay.

1 Q Lines 21 through 23.
2 A Okay.
3 Q All right. So Detective Patton is the one who gave
4 you the grand jury transcripts, right?
5 MR. HALL: Objection. It doesn't say, "grand jury
6 transcript," on page 155.
7 MR. HOUSTON: Page 155, line 21, Your Honor, says
8 specifically that, and maybe he's not looking at the right
9 transcript.
10 MR. HALL: It said, "Now, you had" --
11 MR. HOUSTON: -- "a chance to look at the grand jury
12 transcript."
13 MR. HALL: Okay. I got it.
14 THE WITNESS: Okay.
15 BY MR. HOUSTON:
16 Q Detective Patton gave you the grand jury transcript,
17 right?
18 A Yeah, because I took them with me.
19 Q Right. Okay.
20 THE COURT: I don't understand that answer.
21 BY MR. HOUSTON:
22 Q You took them with you where? Back to your cell?
23 A No. When I met with him, I had them.
24 Q Right?

1 A From my attorney.

2 Q Okay. But when he says, "the ones you gave me," who
3 are you talking to?

4 A He gave me the papers back because they were holding
5 them. I couldn't carry them.

6 Q Okay. So, on page 155 -- and I want to ask you
7 again, just to be clear -- so we can clear it up, he asked --
8 do you remember him asking you if you had a chance to look at
9 the grand jury transcript? Do you remember him asking you
10 that?

11 A Yes.

12 Q And do you remember him responding, "Is that the
13 paper you gave me?"

14 A Yeah, because he gave them back to me.

15 Q Okay. And then do you remember him asking you
16 whether, since you've had it, you've developed any other kind
17 of story to make yourself look better?

18 A That's him saying it, and I said no.

19 Q Okay.

20 Let's go back to the -- the -- September 23rd Nugget
21 issue, the meeting. That was the national run of the Vagos,
22 correct?

23 A Yes.

24 Q And what's a national run?

1 A That means everyone from all over -- all the
2 charters meet at that run.
3 Q And it's a chance to socialize, correct?
4 A Yes.
5 Q Meet other people?
6 A Yes.
7 Q Friends, family?
8 A Yes.
9 Q And there were a lot of family members at this
10 particular Street Vibration event, true?
11 A I imagine.
12 Q You had yours there, right?
13 A I had my wife there.
14 Q You wouldn't have brought your wife to a gang fight,
15 would you?
16 A I brought my wife to a lot of events.
17 Q Gang fights?
18 A Not gang fights.
19 Q Right?
20 A I brought my wife to a lot of events -- Vagos
21 events.
22 Q And you felt comfortable bringing your wife to Vagos
23 events, didn't you?
24 A Yes.

1 Q You wouldn't purposefully expose her to danger,
2 would you?
3 A No.
4 Q You indicated, on your direct examination, there was
5 discussion of what we call the "Code 99 incident," right?
6 A Yes.
7 Q And there were about 3 or 4 stories floating around,
8 right?
9 A Yes.
10 Q Nobody really knew what happened, right?
11 A Yes.
12 Q And I think you indicated that there was some
13 discussion as to what we would do, meaning the club as a
14 collective, true?
15 A It got brought up at the OM meeting.
16 Q What's the OM?
17 A Officer meeting.
18 Q How is that different from the other meeting?
19 A Other meetings, you have churches.
20 Q Okay. So when you say, "OM," and I'm thinking
21 officers only, am I wrong?
22 A There's officers and other patchholders.
23 Q Okay. You said there were a couple hundred people
24 there, right?

1 A Yes.

2 Q And so it's not all officers, right?

3 A No.

4 Q And, in fact, it's pretty much -- I'll call it the
5 organizational meeting?

6 A Yes.

7 Q It's not just -- I'm sorry. That's my confusion for
8 calling it officers meeting or whatever.

9 So the end result is -- you also indicated there was
10 some issue -- the fact the HAs were at the hotel?

11 A We all did.

12 Q Okay. And do you remember being asked by the
13 police, "Weren't you aware that they had been staying there
14 for the last 15 years"?

15 A I never was aware of that.

16 Q Okay. And do you remember being asked, "Would it
17 have made a difference to you, would you have picked a
18 different hotel," and you said no?

19 A We are not -- at a big meeting like that, it's the
20 National that picks the hotel, and we all stay at that hotel.

21 Q Right. But other Vagos were staying in other
22 hotels, weren't they?

23 A Yes.

24 Q Okay. So it's not a mandatory stay at the Nugget,

1 is it?

2 A No.

3 Q And, in fact, the Nugget just made it convenient
4 because they were giving everybody a pretty good discount,
5 right?

6 A I imagine.

7 Q Okay. Do you actually check in and pay for your
8 room, or does somebody check in for you, and the room is taken
9 care of -- payment?

10 A Someone checks in for me.

11 Q Okay. So you didn't have to pay for anything?

12 A I gave Candyman some money.

13 Q I and Candyman is Bradley Campos?

14 A Yes.

15 Q When there came a time for the officers to talk
16 about what the plan was, as it concerned the 99 incident, I
17 think the discussion was that the clubs going home that way
18 were to ride together and wear the colors?

19 A Yes.

20 Q But, of course, that didn't turn out that way,
21 right?

22 A No.

23 Q You did not have Vagos, after the death of Jeffrey
24 Pettigrew, leaving town in celebration, right?

1 A No.

2 Q And I think you said something to the effect of that
3 would be kind of like rubbing salt in a wound, right?

4 A When we were riding down the 99, I clarified on
5 that.

6 Q Right. But, no, I meant the purpose, when you guys
7 are leaving town on Saturday, the 24th, was not to rub salt in
8 the wound of the Hells Angels, as far as losing Pettigrew,
9 true?

10 A We didn't go down the 99.

11 MR. HALL: I'm going to object. If he can reference
12 a page number?

13 MR. HOUSTON: No. I wasn't.

14 MR. HALL: I don't think he said that. I think Rob
15 Begby said that in the transcript.

16 THE COURT: I think the witness indicated that he
17 wasn't on 99.

18 THE WITNESS: I apologize.

19 MR. HALL: Well, he was --

20 BY MR. HOUSTON:

21 Q Nobody wore their colors on the way home, true?

22 A Okay. Can you repeat the question?

23 Q Nobody wore their colors on the way home?

24 A True.

1 Q Okay. And do you agree that would be disrespectful
2 to the HAs?
3 A No. That was National's call.
4 Q Okay. But I'm asking you.
5 A It didn't bother me.
6 Q Okay. So, for you, it was okay?
7 A It didn't bother me.
8 Q Wasn't it agreed, at that meeting, at 8:00, that the
9 officers would pretty much handle it, meaning the issue
10 concerning the 99?
11 A Nothing was brought up like that.
12 Q There was nothing brought up about the officers
13 handling it?
14 A We were just told that we were going to leave down
15 the 99 as one big pack.
16 Q Right.
17 A And that National was working on it.
18 Q You don't recall indicating to the police that Tata
19 was going to be working on it, page 14 line 1 through 9? Do
20 you recall -- go ahead and take a look, sir.
21 A 1 through what?
22 Q 9. Well, go ahead and read 1 through 11.
23 A Okay.
24 Q Did you get a chance to do that?

1 A Yes.

2 Q All right. Isn't it correct you advised the police
3 that, that night, phone calls were going to be made and the
4 management would work something -- would work things out?

5 A National was working on it.

6 Q Okay. On talking to the other guys, right?

7 A Whoever they called.

8 Q All right. Isn't that kind of the common way to
9 resolve disputes, that the clubs who were having a problem
10 would talk to each other?

11 A Sometimes.

12 Q Not normal to go out and assassinate the president
13 of another club, is it?

14 A Sometimes.

15 Q Okay. Did you ever assassinate anybody else?

16 A No.

17 Q Do you remember advising the police that one of the
18 fellows there was a fellow by the name of Rude Rick?

19 A Yes.

20 Q Who is Rude Rick?

21 A He's in charge of the I.E. charter.

22 Q That's Inland Empire?

23 A Yes.

24 Q And you indicated that Rude Rick was at this

1 meeting -- we'll call it the secret meeting, after the 8:00
2 meeting, where you talked about the assassination of
3 Pettigrew?

4 A He was there for a couple of minutes.

5 Q Are you positive of that?

6 A Yes.

7 Q Would it surprise you if Rick was in Arizona and not
8 even in Reno for that meeting?

9 A No, I don't believe that.

10 Q All right. Now, do you remember you advised the
11 police that the Hells Angels were not supposed to be in the
12 Nugget? That was your understanding of things, right?

13 A True.

14 Q And who made that policy?

15 A I think it was through National.

16 Q So you don't know, no?

17 A No.

18 Q Okay. You weren't there, right?

19 A I didn't go to the meeting.

20 Q Okay. You certainly felt they shouldn't be there,
21 true?

22 A It's up to National.

23 Q All right. Well, National didn't have everybody
24 leave when they saw the Hells Angels there, right?

1 A Repeat the question?

2 Q Did National tell everybody, Pack your bags, we are
3 getting out of this hotel, the HAs are here?

4 A No.

5 Q Okay. And do you remember that's when the police
6 advised you, well, why would that be so strange because
7 they've been staying there for the last 15 years?

8 A It did go through my head.

9 Q Well, in fact, do you remember being asked whether
10 that would have made a difference to you, and you said, no, it
11 wouldn't?

12 A That's right.

13 Q Didn't bother you?

14 A It bothered me a little bit, but, if that's where
15 National wants us to stay, then we pretty much stay where
16 National wants us to stay.

17 Q Okay. So it wasn't that big of a insult, then, that
18 the HAs are there, to you?

19 A It wasn't that big, but it was big.

20 Q All right. So you got a not so big insult regarding
21 the HAs being there. And then some rumor as to something
22 happening on the 99, right?

23 A Exactly.

24 Q And those are the things that are kind of

1 percolating in your head?

2 A No. I mean, they are facts.

3 Q Right. But you're thinking about them, right?

4 A Yes.

5 MR. HOUSTON: Excuse me, Your Honor. I'm trying to
6 cut out some questions, so I can get through this more
7 quickly. Court's indulgence.

8 THE COURT: Yes.

9 BY MR. HOUSTON:

10 Q Okay. I would like to talk to you a little bit
11 about what we call "the management," my words.

12 The management of the Vagos would be considered -- I
13 guess the top of the heap is the international president?

14 A Yes.

15 Q And I think you've identified that individual as
16 being Pastor Palafax?

17 A Tata.

18 Q Tata?

19 A Yes.

20 Q How did he get that name?

21 A Since I've been in the club, that's what you called
22 him.

23 Q And who's -- I'm sorry, you said the international
24 VP was?

1 A Jimbo.

2 Q Jimbo is also known as?

3 A Jimbo.

4 Q Also known as Jimbo?

5 A That's right.

6 Q Okay. Is Jimbo up here?

7 A No.

8 Q Okay. Who is the sergeant-at-arms?

9 A It was Dragon.

10 Q Okay. And that's the person we've got as Dragon

11 Man?

12 A Yes.

13 Q Albert Perez?

14 A Yes.

15 Q Vagos is kind of an independent group, yeah?

16 A Yes.

17 Q Personality-wise, you join it because you want to be

18 who you are, true?

19 A The camaraderie and the pleasure of riding with a

20 big group.

21 Q Right. And the fact that you want to be able to

22 express yourself as a individual, true?

23 A Not necessarily.

24 Q Well, you didn't did join the Vagos so you can be

1 like the Marines and have people telling you what to do, did
2 you?

3 A You join it for the camaraderie and to have a good
4 time.

5 Q And, most of the time, you did have a good time,
6 didn't you?

7 A That's right.

8 Q When we look at the video, we can see -- well, in
9 fact, let's just show the video, as opposed to me talking
10 about it.

11 MR. HOUSTON: Your Honor, may Mr. Lyon assist me?

12 THE COURT: Yes.

13 MR. HOUSTON: Thank you.

14 BY MR. HOUSTON:

15 Q And, Mr. Rudnick, have you had a chance to see these
16 videos before?

17 A Yes, I have.

18 Q Approximately how many times?

19 A I don't recall.

20 Q A lot?

21 A A couple of times, half-a-dozen.

22 Q Okay. Was that to prepare you to testify?

23 A No.

24 Q Just so you like the video?

1 A My attorney showed them to me.

2 Q All right. So to help you get ready to testify,

3 right?

4 A If that's what you want to say.

5 Q It's not Sons of Anarchy, right?

6 A No.

7 Q All right. Okay. I want to talk a little bit about

8 this. This is the Oyster Bar, true?

9 A Yes.

10 Q Okay. Now, in the Oyster Bar is when its discovered

11 that the HAs are present, right?

12 A Yes.

13 Q Now, who is the one man talking to Mr. Pettigrew?

14 A Caesar.

15 Q And Caesar Morales is also from San Jose, correct?

16 A Yes.

17 Q Now, are you aware of whether or not San Jose had

18 been asked to go and -- meaning the Vagos -- had been asked to

19 go talk with the San Jose Angels because they had a

20 familiarity with one another?

21 A No.

22 Q So you don't even know why they were there, true?

23 A The Hells Angels or the Vagos?

24 Q Vagos.

1 A No.

2 Q Okay. And the HAs are in the restaurant simply
3 having a couple of beers, true?

4 A True.

5 Q And you can actually see an occasion where Vagos
6 members are talking to Hells Angels members, true?

7 A I see two people.

8 Q Okay. And you see two people talking to Pettigrew,
9 correct?

10 A Yeah.

11 Q Actually, three now, right? Who is the big fellow
12 that just shook hands with Pettigrew, coming out right here?

13 A I couldn't tell you.

14 Q Who are all those other people back in there? Do
15 you know?

16 A Bunch of Hells Angels supporters.

17 Q All right. So there's actually a few in there,
18 aren't they?

19 A Yes.

20 Q How many do you think, total?

21 A Probably 20, 30.

22 Q And then the regular Hells Angels had 12 to 15?

23 A I just gave you the total, maybe.

24 Q So you think, total, there may be 30 HAs and HA

1 supporters?

2 A Maybe 15, 20. I didn't do a number count.

3 Q Okay. This fellow right here, do you know this man

4 without saying his name? We call him Evenson.

5 A Who?

6 Q Evenson, that's not a real name, but do you know

7 this guy?

8 A Yes.

9 Q I'm going to refer to him as Evenson, okay?

10 A Okay.

11 Q Evenson was one of the individuals trying to broker

12 a peaceful night, true?

13 A It looks like it.

14 Q And, in fact, he's talking to Pettigrew, right?

15 A Yes.

16 Q Had you already talked to Pettigrew and expressed

17 your displeasure about him touching you?

18 A Yes.

19 Q And Evenson is actually telling the Vagos, get out

20 of there, isn't he?

21 A Yes.

22 Q And, again, the idea is Evenson is trying to keep

23 the peace, true?

24 A It looks like it.

1 Q Who is this fellow again, Caesar Morales?
2 A I guess. I don't know.
3 Q And Morales, as you said, is the P of the San Jose
4 Vagos, true?
5 A Excuse me.
6 Q He's the P of the San Jose Vagos?
7 A Which one?
8 Q This one.
9 A That's not him.
10 Q Do you know who that is?
11 A No.
12 Q Vagos or otherwise?
13 A It doesn't look like a Vagos.
14 Q Where are you located? You're right here, aren't
15 you?
16 A I'm right there.
17 Q That's you. Okay. Now -- and you're talking to
18 some folks from your club, right?
19 A Yes.
20 Q Nothing sinister going on, is there?
21 A What do you mean by that?
22 Q Nothing evil happening?
23 A No.
24 Q I mean, you guys are laughing, right?

1 A Um, yes.

2 Q Okay. Telling stories?

3 A Yes.

4 Q Now, you go back -- you've been told to stay out of

5 there -- or asked to stay out of there, correct?

6 A No. I wasn't told to stay out.

7 Q Right. I meant asked.

8 A I wasn't asked.

9 Q Okay. How is it you left, then?

10 A Just left.

11 Q You left on your own, nobody asked you?

12 A Yeah.

13 Q So the guy we call Evenson, he never asked you to

14 get out of there?

15 A No.

16 Q When you left, you're kind of lingering there by the

17 entryway. Are you planning on going back in?

18 A I wanted to see what he had to say to them.

19 Q What who had to say to who?

20 A That gentleman -- what was his name, Even- --

21 Q Evenson?

22 A Was talking to Pettigrew about it.

23 Q Now, Evenson leaves, and you're talking to someone

24 else. Is that Pizell?

1 A That's Top Hat.

2 Q Top Hat. What's Top Hat's real name, do you know?

3 A I don't know his real name.

4 Q So you're talking to Top Hat. And are you

5 explaining yourself to Top Hat, that you were upset, and then

6 you show him about patting you on the back, right?

7 A Yes.

8 Q And Top Hat kinds of waves you off to a degree,

9 right?

10 A Yes.

11 Q Like, no big deal, don't be upset over something

12 like that, right?

13 A I don't recall what he actually said.

14 Q Kind of like that?

15 A Kind of.

16 Q And, at that point, you have Top Hat appearing to

17 walk back in, but he stops and comes back to talk to you

18 again, right?

19 A Yes.

20 Q Do you know what you and he are talking about?

21 A Yeah, I told him he should apologize to me.

22 Q So you're kind of demanding a personal apology?

23 A Yes.

24 Q Now, you sort of start walking in after Top Hat,

1 right?

2 A Yes.

3 Q And what's your goal when you walk in there right

4 now?

5 A To listen to what Top Hat is going to say and to see

6 if he's going to say sorry to me.

7 Q So you don't want to hear from somebody else, you

8 want to hear it right to you, right?

9 A Exactly, yes.

10 Q Now, there comes a time when you actually pat him on

11 the back during this conversation, right?

12 A I told him I didn't like to get patted on the back.

13 Q Okay. Did you see other people that night kind of

14 patting people on the back?

15 A We do it.

16 Q Now, you pat him on the back, right?

17 A I told him I didn't like him doing that.

18 Q So are you trying to start something with him by

19 saying, hey, this is what I don't like?

20 A I explained to him I don't like him doing that to

21 me.

22 Q Okay. And that's because you think it's a sign of

23 disrespect, when somebody is doing it to you?

24 A Yeah.

1 THE COURT: Mr. Houston, back up, please.

2 MR. HOUSTON: Looks like the guy we call Evenson got
3 in front of you, and he's telling you to leave again. Does he
4 tell you to leave at that point?

5 THE WITNESS: He just says move out, let's go. He's
6 telling everybody.

7 BY MR. HOUSTON:

8 Q And the goal of having everybody move out was to
9 preserve the peace, correct?

10 A There was a lot of people showing up.

11 Q Right. Well, that wouldn't be unusual, wouldn't it?

12 A No.

13 Q Because there was a lot of talk going on, wasn't
14 there?

15 A A lot of phone calls going.

16 Q And, in fact, you were talking to a lot of people,
17 weren't you?

18 A Yes, I was.

19 Q And you were telling people that you felt
20 exceptionally disrespected by that guy; isn't that right?

21 A Yes, I did.

22 Q You indicated, on your direct examination, you
23 didn't know who the guy was?

24 A I did not know.

1 Q You did not know he was Jeffrey Pettigrew, the
2 president of the Hells Angels, right?

3 A I did -- exactly.

4 Q You talked about this meeting that went on upstairs
5 right after the 8:00 meeting, I guess you call it a pow-wow?

6 A Yes.

7 Q Where is the pow-wow taking place?

8 A Right outside the doors.

9 Q So outside the doors with everybody else around?

10 A Everybody was leaving.

11 Q Okay. But there were a lot of people up there,
12 right?

13 A Yes.

14 Q Cameras, perhaps?

15 A I don't recall. I wasn't worried about them.

16 Q Okay. But you're not worried about them because
17 you're only planning a murder, right?

18 A I wasn't.

19 Q Well, wait a minute. You were part of it, weren't
20 you?

21 A Yes.

22 Q So you're not worried about it, though?

23 A No.

24 Q Weren't you not worried about it because that didn't

1 happen?

2 A No.

3 Q Okay. So you're standing out there with -- was it

4 San Jose charter?

5 A Yes.

6 Q All of them?

7 A I'd say a good part of them.

8 Q Do you remember talking to the police and telling

9 them your charter was there?

10 A I said Candyman and Lunchbox were there.

11 Q You said your charter?

12 A My charter was at the meeting.

13 Q Okay. How many people are at your secret pow-wow

14 from your charter?

15 A 10, 20.

16 Q All right. So you have the Vagos charter. How many

17 are in that?

18 A What Vagos charter are you talking about?

19 Q San Jose. Sorry.

20 A How many members they have got.

21 Q Yeah.

22 A I don't exactly know the number count. It changes.

23 Q So you've got 10 or 20 from LA charter, you've got

24 whatever the total number may have been from the San Jose

1 charter, and you also said Rude Rick was there. Do you
2 remember that?

3 A Yes, I remember.

4 Q You said Lunchbox, Jeff Martin, was there you
5 remember that?

6 A Yes, I did.

7 Q Wasn't it true Jeff Martin was really up in his
8 room, sleeping?

9 A No, he wasn't.

10 Q And a decision was made, at that time, that
11 somebody, Ernesto Gonzalez, was going to kill Jeffrey
12 Pettigrew after this 8:00 meeting?

13 A He said he would shoot him -- or do it.

14 Q According to, I think, what you told the police, he
15 was going to shoot him because Ernesto Gonzalez was so angry
16 that Jeffrey Pettigrew had stopped charters from opening up in
17 San Jose?

18 A I recollect that I said that San Jose was not being
19 able to open up charters, and this guy was stopping them.

20 Q Okay. In fact, San Jose just opened a new charter
21 in Hyde Park at that time, didn't they?

22 A I don't recall.

23 Q So you don't know much about San Jose, what goes on
24 up there?

1 A I do know much.

2 Q Okay. Well, then, you know San Jose opened up a
3 Hyde Park charter right about the time this was going on,
4 September of 2011?

5 A I heard there was a charter open, but I didn't know
6 if it was broken off from San Jose.

7 Q All right. If we could, let's try to -- I'll try to
8 go through the videos now, so you don't have to do it again,
9 but page -- page -- excuse me -- video 45, whichever one was
10 the best example of that --

11 (Discussion between Mr. Houston and Mr. Lyon.)

12 BY MR. HOUSTON:

13 Q Just to kind of put things in perspective, this is
14 what -- this is some time before the fight, true? About a
15 half-hour?

16 A Yes.

17 Q Okay. And you see Mr. Gonzalez on there, correct?

18 A Yes.

19 Q And did you know that Mr. Gonzalez, after the Oyster
20 Bar, had left to go to In-N-Out Burger?

21 A No.

22 Q That's after he was supposed to be the gunman in a
23 assassination, right, after the agreement has been made?

24 A Repeat your question.

1 Q Well, if an agreement is made a little bit after
2 8:00 for Mr. Gonzalez to shoot Mr. Pettigrew --
3 A Okay.
4 Q Don't you think it's kind of unusual that he leaves
5 around 10:00, to go to In-N-Out Burger?
6 A I don't think so.
7 Q Well, when was the green light going to take effect?
8 A Whenever it took effect.
9 Q So how would he know if he's not there?
10 A I'm not the one that volunteered.
11 Q Right. But you are the one that was actually kind
12 of talking to us about it, right?
13 A I'm here.
14 Q Would you say you sort of spearheaded it?
15 A No.
16 Q You don't think going around talking to all the
17 people about how angry you were about him disrespecting you
18 was passing any information?
19 A No.
20 Q So your role, according to you, as far as this
21 assassination is -- what's your role?
22 A I was asked to stop him.
23 Q You were what?
24 A I was asked to stop Pettigrew.

1 Q Okay. And you were asked to stop Pettigrew, and
2 that's it, right?

3 A That's right.

4 Q And you indicated you were asked to stop Pettigrew.
5 How?

6 A He wasn't supposed to go be -- past the elevators.

7 Q How did you get that word?

8 A I got it from Dragon.

9 Q How did Dragon tell it?

10 A Dragon came out and told me, "Don't let him pass the
11 elevator."

12 Q Where were you when Dragon told you?

13 A On the dance -- on the floor.

14 Q So we should be able to see it on the video, right?

15 A Yes.

16 Q Do you know where you were and approximately what
17 time?

18 A I was at that other bar.

19 Q You mean that other bar, the Oyster Bar?

20 A No, the one from down this hall leaving the Oyster
21 Bar.

22 Q I see. Do we have -- have you ever seen yourself on
23 video meeting with Dragon?

24 A Yeah.

1 Q Maybe the prosecutor will be able to play it on
2 direct. I want to ask you some questions about it.

3 A Okay.

4 Q How long was Dragon talking to you?

5 A Didn't keep track of the time.

6 Q Okay. Long time. Little time?

7 A 5, 10, 20 minutes. I don't keep track.

8 Q Well, what's your backup plan?

9 A There is no backup plan.

10 Q What's your escape plan?

11 A There is no escape plan.

12 Q What's the organizational plan?

13 A There was a green light on Pettigrew.

14 Q Okay. And a green light on Pettigrew somehow
15 filters its way out to a number much people in the Vagos, and
16 everyone is supposed to know what to do?

17 A We didn't have no game plan.

18 Q Okay. And, in fact, the green light was, according
19 to you, supposed to be committed or carried out under video
20 cameras?

21 A I didn't volunteer it.

22 Q Does it sound like a good plan to you, to kill
23 somebody on video?

24 A I didn't make that call.

1 Q But you're part of it, true?
2 A True.
3 Q And you've indicated, as a Vagos, you can make your
4 choice whether to participate or not, correct?
5 A True.
6 Q But, really, this was more about how you felt that
7 night, wasn't it?
8 A No.
9 Q Well, you said you were very disrespected, didn't
10 you?
11 A Yes, I did.
12 Q And you were angry about that, right?
13 A Yes, I was.
14 Q As a consequence, you had the right to make a choice
15 to participate or not, and you're telling me you chose to
16 participate?
17 A Yes, I did.
18 Q And you chose to participate with full knowledge you
19 were being videotaped?
20 A Yes, I did.
21 Q In front of potentially dozens of witnesses?
22 A Yes.
23 Q And you think that was a good plan?
24 A It happened.

1 Q Was it a good plan?

2 A It happened.

3 Q Well, that doesn't answer the question, though. I
4 know it happened.

5 A I'm answering the question that you said. It
6 happened.

7 Q Well, to you, was that a good plan?

8 A It happened.

9 Q Okay. We do know, from that night, that you've
10 testified you were drinking a lot of Tequila and Corona,
11 correct?

12 A Yes.

13 Q If other people had come to court and testified and
14 said, no meeting like that concerning the assassination of
15 Pettigrew ever took place, are they not telling us the truth?

16 A No.

17 Q Meaning they are not telling us the truth?

18 A Yeah, they are not telling the truth.

19 Q Okay. And, if other people had come in and
20 testified that you were an out-of-control drunken fool, would
21 that also be untrue?

22 A That would be untrue.

23 Q If people had testified that they had pulled you out
24 from Pettigrew a number of times because you wouldn't leave

1 them alone, would that be untrue?

2 A I only went up to Pettigrew twice, besides the last
3 time. That would be three times.

4 Q If someone had testified that you were taunting,
5 taunting, taunting Pettigrew, would that be true?

6 A It would be true.

7 Q When you're in the Oyster Bar at 10:00, you don't
8 get the word to green light the hit until after the 10:00 time
9 frame, right?

10 A No, the green light was way before that.

11 Q What time was the green light?

12 A The green light was after the OM.

13 Q After the OM? Well, when you had your OM -- and
14 then you had your secret meeting, right?

15 A Yes.

16 Q In reality, you told the police that there was no
17 green light at that point?

18 A No, I did not.

19 Q Okay. Thank you.

20 Do you remember advising the police that the job
21 couldn't be done in the Oyster Bar earlier because there
22 weren't enough people?

23 A I might have said something like that.

24 Q And there were quite a few people in there, though,

1 weren't there?

2 A Could have been.

3 Q Why did you think you couldn't do the job?

4 A There wasn't enough people, I don't think.

5 Q Okay. How many people do you need to have one guy
6 shoot somebody?

7 A I don't know.

8 Q More than one?

9 A Most likely.

10 Q And the purpose that night, in exercising the green
11 light, wasn't to alert Mr. Pettigrew and Mr. Villagrana, so
12 they could draw guns and shoot people first, was it?

13 A Can you repeat that? I'm sorry.

14 Q Well, I mean, it wasn't your idea of a good idea on
15 a green light to alert Mr. Pettigrew in advance, so he could
16 draw guns and start shooting people, was it? You wouldn't
17 want to do that, right?

18 A Okay. Can you repeat it, like --

19 Q Okay. If you want to kill somebody, you usually
20 don't go up to them first and --

21 MR. HALL: Speculation, Your Honor, argumentative.

22 THE COURT: Sustained.

23 BY MR. HOUSTON:

24 Q That night, since you wanted to have Pettigrew dead,

1 it wouldn't be your purpose to alert Pettigrew in advance,
2 would it?

3 A I didn't want him dead. I didn't call the green
4 light.

5 Q But you participated?

6 A Yes.

7 Q And you have a right not to?

8 A Yes.

9 Q And you've chosen to participate?

10 A Yes.

11 Q Okay. Do you remember talking to the police --
12 talking about one of the reasons to take Pettigrew out was
13 because you were made to look like a bitch and something had
14 to be done about it?

15 A It was already discussed at the meeting.

16 Q Okay. And it wasn't just the Vagos, it was you,
17 personally, right?

18 A No.

19 Q You didn't say you were personally feeling that way?

20 A I never knew the guy.

21 Q Right. You didn't even know who he was, right?

22 A No.

23 Q So, when you're in there talking to somebody at the
24 bar, you have to idea that's a president, right?

1 A No, I did not know.

2 Q Nothing to give it away on the jacket, like

3 president?

4 A I didn't bother looking at his jacket.

5 Q When the issue first arose, where he patted you on

6 the back or the cut, was that when he was asking to buy you a

7 beer?

8 A I told him to buy me a beer if he was my friend.

9 Q Okay.

10 A I told him to buy all my friends a beer.

11 Q Were you being serious?

12 A Yeah.

13 Q So you thought, if he was your friend, he should buy

14 all of your friends beer?

15 A Sure. If he wanted to be a friend of mine, be a

16 friend of all my brothers.

17 Q Okay. Now, you're aware that, at some point during

18 the evening, I believe it's the National officers also come

19 down to try to keep piece, right?

20 A Some of them did.

21 Q Okay. Now, the first one we see -- we see

22 Mr. Evenson on the video, right -- the guy I call Evenson,

23 Jake.

24 A Oh, I guess. He's not National.

1 Q Right. No, I know that. The first video we see
2 concerning Jake standing there trying to broker peace, and
3 then National, after that, comes down, true?
4 A They were down on the floor.
5 Q Right. And they went and talked to Mr. Pettigrew,
6 didn't they?
7 A Yes. Cocky Rocky did, but he's not National.
8 Q No. He's a nomad?
9 A Exactly.
10 Q Are you aware Dragon came down and talked to
11 Mr. Pettigrew?
12 A Yes.
13 Q And Dragon Man is?
14 A National Sergeant-Of-Arms.
15 Q Okay. So that's a pretty high rank, isn't it?
16 A Yes.
17 Q So when Dragon Man comes down and talks to him,
18 that's in response to the fact that, after Jake had calmed
19 things down, you went back in again?
20 A He was talking to Top Hat.
21 Q All right. And is that when you went back in and
22 said -- this is the time now where you want your personal
23 apology?
24 A That was the second time.

1 Q Okay. Do you remember telling the police that there
2 really wasn't a plan to do it that night, that, if it didn't
3 happen that night, it would happen some other time?

4 A I might have said something like that.

5 Q Okay. Because the green light didn't really mean to
6 shoot him that night, then?

7 A Well, Tata gave the green light, and Romey accepted
8 it.

9 Q Yeah, but, when you talked to the police, don't you
10 remember telling them something to the effect of, if it didn't
11 happen that night, it would happen some other night, at some
12 other event?

13 A Could have.

14 Q Would you look at page 97, lines 16 through 17?
15 Have you had a chance to look at that?

16 A Yes.

17 Q All right. So do you remember you're telling the
18 police, well, if it didn't happen that night, it would have
19 happened some other -- sometime at some other event, whatever?

20 A Yes.

21 Q That didn't sound like a very definite green light
22 to stop Pettigrew and take him out before you got to the
23 elevators, was it?

24 A That would have happened after that. It was called,

1 the green light, Romey took the challenge, and then Dragon
2 made the decision to take him out -- stop him before the
3 elevator.

4 Q You're advising the police, if it didn't happen that
5 night, it would happen some other time?

6 A That's what I said.

7 Q Okay. Do you remember advising the police that you
8 were upset because Tata wouldn't do anything and Dragon
9 wouldn't do anything about the HAS showing disrespect?

10 A No, I don't recall that.

11 Q Can you do me a favor?

12 A Yes.

13 Q And look at page 27, lines 20 through 22?

14 A To what line?

15 Q Page 27.

16 A Got it.

17 Q Lines 20 through 22?

18 A Okay.

19 Q Do you remember telling the police that Tata wasn't
20 doing nothing and Dragon wasn't doing nothing?

21 A Yes.

22 Q Okay. And it's your testimony that they go from
23 doing nothing and working problems out by the telephone to
24 ordering a murder?

1 A Tata has that decision to make.

2 Q Right. And that's your truthful testimony, right?

3 A Yes.

4 Q Do you remember talking to the police that it was a

5 slap in the face that the HAs were in the bar drinking?

6 A Yes.

7 Q So it kind of was a big deal? It wasn't? Who

8 cares?

9 A Some people, it was. Some people, it wasn't.

10 Q Do you remember indicating that there was not a damn

11 thing they were going to do about it?

12 A Right. I said that.

13 Q Didn't you make the decision, Mr. Rudnick, that you

14 were going to do something about it?

15 A I didn't make that decision, Tata did.

16 Q Well, isn't it true that, on at least the disputes

17 we see on the video, you are kind of front and center on each

18 one?

19 A I was with -- I was with Pettigrew. Pettigrew

20 disrespected me.

21 Q Right.

22 A And I was getting an apology.

23 Q Okay. And then the fight starts with Pettigrew.

24 You wind up getting punched in the head, right?

1 A In the face.

2 Q All right. And then, after that, you sort of
3 disappear off camera, and you show up, again, up by the
4 bathroom, chasing a HA, right?

5 A I didn't chase no HA in the bathroom.

6 Q Not in the bathroom, outside the bathroom, up by
7 Rosie's.

8 A No.

9 MR. HALL: I'm going to ask he show him that portion
10 on the video.

11 THE COURT: Sustained.

12 MR. HALL: Where they claim Rudnick was.

13 MR. HOUSTON: We'll be happy to.

14 BY MR. HOUSTON:

15 Q Mr. Rudnick, what I would like to do is I'm going to
16 kind of take you through all what I consider three incidence,
17 where you're involved, and I'll ask you to kind of help me
18 out. Maybe I misidentified you on the second one up by the
19 bathroom, I'll call it up by Rosie's, so if you'll bear with
20 me a little bit?

21 And, Your Honor, may I approach a little bit and
22 walk up to the monitor? It's kind of angled a little bit.

23 MR. HALL: There's a monitor on the desk.

24 THE COURT: Why don't you go ahead and use that?

1 MR. HOUSTON: Okay.

2 BY MR. HOUSTON:

3 Q Mr. Rudnick, do you see the fellow with the long
4 gray ponytail?

5 A Can you point to him?

6 Q Right here?

7 A I see him.

8 Q You know him as who?

9 A I can't tell from the back.

10 Q Is that Greg Fearn?

11 A Could be. I can't tell from there.

12 Q If it is Greg Fearn. Do you know Greg Fearn?

13 A I know of him. He's a brother.

14 Q He's sort of standing in that group of people that
15 are going to commit this crime, isn't he?

16 A Okay.

17 Q So are you telling me that you've gotten the word to
18 him, too?

19 A Word travels through phones.

20 Q All right. So you didn't really talk to these guys,
21 to organize these guys, correct?

22 A Can you explain your question, please, for me?

23 Q Well, you've got these guys lined up on the side of
24 The Yellow Brick Road, right?

1 A I didn't have no one lined up.

2 Q So these guys were just sort of standing around,

3 right?

4 A We were all gathering around.

5 Q Okay. So they are not even part of a plan to do

6 anything to Pettigrew?

7 A Well, you have San Jose.

8 Q Okay. So what --

9 A San Jose.

10 Q Why is it important that they are San Jose?

11 A That's the problem. That's San Jose charter.

12 Q So your belief is there was that exceptional

13 difficulty between San Jose HAs and San Jose Vagos?

14 A There was difficulty between them.

15 Q And, if folks had testified there weren't any

16 problems between the San Jose Hells Angels and San Jose Vagos,

17 they are not telling the truth?

18 A No, they are not telling the truth.

19 Q Okay.

20 A There's incidents.

21 Q All right. So, anyway, who are these -- if it's too

22 difficult with backs to you, please let me know, but who would

23 this fellow be?

24 A One of the San Jose guys.

1 Q Do you know his name?
2 A Can't tell by his back.
3 Q Okay. That's what I was asking. How about that
4 guy?
5 A San Jose guy. Caesar, it looks like.
6 Q Caesar would be the P, right?
7 A Yes.
8 Q Do you know a fellow by the name of Anthony
9 Cumberland?
10 A Yep.
11 Q Would that be him right there, the blond-headed?
12 A Looks like it.
13 Q And how long have you known Mr. Cumberland?
14 A For a while.
15 Q Do you also know a guy by the name of Greg Smith?
16 Smitty?
17 A Not offhand. That name doesn't ring a bell.
18 Q Okay. All right. All right. Now, Mr. Rudnick, I'm
19 going to draw a circle, that's you right there, correct?
20 Right there, this guy?
21 A Yes.
22 Q And the fellow you're talking to is Diego Garcia,
23 Boo-Boo?
24 A Yes.

1 Q And you're talking to Diego while he's putting on
2 gloves, right?

3 A Yes.

4 Q And you indicated to Mr. Hall, at first, you didn't
5 know why he was putting on gloves, right?

6 A No, I didn't know that's his decision.

7 Q Aren't you telling him, right there, that you were
8 going to cause a problem with Pettigrew and to back you up?

9 A No, I did not. No, I did not.

10 Q You're a VP, right?

11 A Yes.

12 Q And, as VP, you're an officer in another charter,
13 right?

14 A Yes.

15 Q And an officer has a certain degree of respect
16 concerning an ordinary patchholder, true?

17 A Yes.

18 Q You're saying you didn't say anything to Garcia
19 there, such as, "I'm going to cause a problem with Pettigrew"?

20 A No.

21 Q Isn't it true, of that lineup, you and Garcia are
22 the only two that know what you're going to do?

23 A No.

24 Q Okay. Do you see where Mr. Gonzalez is?

1 A Yes.

2 Q All right. He's right here, correct?

3 A Yes.

4 Q Okay. Now, at this point, that's the first group of

5 HAs going by, and then, now, we are with Mr. Pettigrew and

6 Mr. Villagrana, correct?

7 A Yes.

8 Q And you're talking to Mr. Pettigrew, true?

9 A Yes.

10 Q And, according to you, you're saying something to

11 the affect of, "Are we good? Are we good?"

12 A Yes.

13 Q That doesn't sound like you challenged him to fight?

14 A True.

15 Q All right. Because you weren't, were you?

16 A I asked him if we were good.

17 Q Right. Because you want your apology, right?

18 A It was already set up that he wasn't going to go

19 past that elevator.

20 Q Well, then, why didn't you just start something, as

21 opposed to asking for apology?

22 A Because I was told to stop him by Dragon.

23 Q Okay. You could have stopped him a number of ways,

24 true?

1 A True.

2 Q But, to you, it was important to ask you for your
3 apology?

4 A Just asked him if we are good.

5 Q And by, "good," are we okay with one another?

6 A Yeah.

7 Q However, Mr. Pettigrew didn't really want to talk to
8 you anymore that night, right?

9 A Whatever his opinion was.

10 Q Well, he was kind of fed up with you, fair
11 statement?

12 A Yes.

13 Q All right. And, in fact, what happens next, as far
14 as conversation?

15 A Says, "I don't talk to bitches."

16 Q You didn't hit him, though?

17 A No.

18 Q What happens to then cause him to hit you?

19 A I go, "I'm not a bitch."

20 Q Then he hit you?

21 A Yep.

22 Q So what you're telling me is Mr. Pettigrew actually
23 caused the fight?

24 A Yes.

1 Q And you were there, at least as we understand from
2 your conversation, to only get an apology?
3 A Yes.
4 Q Okay. All right. So, now, we have Mr. Pettigrew
5 hitting you, in response to your request for an apology and
6 denial that you were a bitch and, at that point -- hold on a
7 second, do you see that guy reaching in and grabbing your
8 shoulder?
9 A Yeah.
10 Q What's that guy saying to you when he's doing that?
11 A I don't recall.
12 Q Isn't he saying, "Come on, back up, back up, let's
13 end this"?
14 A No, I don't think so.
15 Q Do you think he came up to pat you on the back for
16 no reason?
17 A I don't recall what he's saying to me.
18 Q Who is he?
19 A I don't recall who he is.
20 Q Isn't that the P of the Sacramento charter?
21 A P of what?
22 Q Sacramento.
23 A I couldn't tell from this video, right now.
24 Q Well, certainly, as P, if he was, that would be a

1 appropriate guy to come up and say, hey, let's knock this off,
2 right?

3 A If he was a P.

4 Q But you don't have to listen to him, do you?

5 A No.

6 Q And, in fact, what we see next is the thing evolve
7 into you getting hit, right?

8 A Yes.

9 Q Now, before all of that happens, Ernesto Gonzalez
10 has walked away from the line, true?

11 A Seems like it.

12 Q Right. Well, you don't know where he is, what he's
13 doing, or what's going on, right?

14 A No.

15 Q Because you've got no plan with Mr. Gonzalez to
16 shoot, right?

17 A True.

18 Q So what we do know is that you, however, don't
19 really get in a fight with anybody at this point, other than
20 getting hit the one time, true?

21 A True.

22 Q And you kind of back up and sort of get out of
23 there, right?

24 A He had -- he pulled his gun out.

1 Q Well, pretty smart move to get away from a guy with
2 a gun, right?
3 A True.
4 Q Because, if you had a gun, you would probably try to
5 protect yourself, wouldn't you?
6 A Probably.
7 Q You would probably try to protect your other Vagos
8 brothers, wouldn't you?
9 A Probably.
10 Q Because you wouldn't want to see them get hurt,
11 would you?
12 A Probably.
13 Q Okay. So, at this point, where do you go, if you
14 remember? You square off there, and you see yourself right
15 here, right?
16 A Yes.
17 Q Okay. And you kind of -- just watching now, you
18 walk away. Where do you remember going, sir?
19 A Around the corner to the slot machines.
20 Q All right. And what do you do at slot machines?
21 A Take cover.
22 Q And how long do you remember taking cover by the
23 slot machines?
24 A Until the gunfire start -- stopped.

1 Q Well, it kind of went on for a while, right?
2 A Yes, it did.
3 Q Did you know that two of your brothers had been
4 shot?
5 A No, not at that point.
6 Q Could you see Mr. Fearn getting pistol-whipped?
7 A Yes, I did.
8 Q Did you know his daughters were in close proximity?
9 A No, I did not.
10 Q Did you meet them that night?
11 A No.
12 Q And, when you leave, you indicate you're by the slot
13 machine for a period of time. Do you remember going up by
14 Rosie's --
15 A I went to that other bar over there. There was
16 another bar around by the slot machines.
17 Q Do you know where Rosie's is?
18 A Right there, by the bar.
19 Q Okay. If we could, I want to show some video that
20 will kind of give us an idea. By the bathrooms -- do you know
21 where the bathrooms are?
22 A By the Oyster Bar.
23 Q Okay. And we are going to run the video ahead a
24 little bit, to get to that point.

1 Now, do you recognize this area over in here and
2 what this may be -- the location?

3 A It looks like a bar.

4 Q Okay. And are you familiar with whether there are
5 bathrooms right over there?

6 A Could be. I don't recall.

7 Q Okay. All right. There was a problem there, as it
8 concerned a group of Vagos supposedly chasing an HA. Have you
9 heard about that?

10 A Didn't hear about that.

11 Q All right. And you don't recall being there in that
12 group, chasing an HA?

13 A No.

14 Q Let's have a look and maybe -- who is that pointing
15 that finger? Mr. Rudnick, isn't that you?

16 A I can't tell that clear. It's kind of fuzzy.

17 Q Okay. Kind of looks like you. How about there? Do
18 you see yourself now?

19 A No.

20 Q When you walked through the film -- the clip -- Ken,
21 can you back that up?

22 We'll back that up and maybe let you have another
23 look. See that guy, right there?

24 A I can't really tell. It's kind of blurry still.

1 Q Okay. So you don't remember if that was you right
2 there, pointing your finger, yelling at somebody?

3 A Don't recall. There was a lot of commotion going
4 on.

5 Q All right. So it could have been maybe?

6 A Maybe.

7 Q So, if it is you, then you would be involved in the
8 first altercation with Mr. Pettigrew?

9 A Yes.

10 Q Where you get punched, and then you've left that
11 altercation, and if there is another altercation and that's
12 you, you're part of that one, too, right?

13 A There was another altercation with two Hell's Angel
14 people.

15 Q I know. We'll talk about that in a moment. But the
16 fact is the HAs, at least on this clip, we've heard it
17 described, are being chased by a group of Vagos, okay?

18 A Okay.

19 Q And you don't remember being in that group, is what
20 you're testifying to, correct?

21 A I don't remember.

22 Q So let's watch. And I'll try to circle you, and
23 maybe you can get a better idea on this clip.

24 Those are the HAs coming now, correct?

1 A Yes.

2 Q That would be the first group before Pettigrew,

3 right?

4 A Yes.

5 Q Now, do you see that person stopping you?

6 A I see that Vagos.

7 Q Isn't that you?

8 A Can't tell.

9 Q Well, sir, you would remember, right?

10 A I can't tell by the video.

11 Q I know. But I'm asking you, under oath, isn't that

12 you, from your recollection, that night?

13 A There was a lot of commotion going on. I don't

14 recall if that was me.

15 Q Well, it seems as though whoever that may be is

16 stopping some Hells Angels at that point, right?

17 A Looks like it.

18 Q Had Dragon given you a green light on them?

19 A No.

20 Q Okay. Let's go to then this --

21 THE COURT: I think we'll take our next break now.

22 So we will -- ladies and gentlemen of the jury, we are going

23 to take a 20-minute break now.

24 During this break, remember the admonition I've

1 given you at the other breaks. Do not form or express any
2 opinion about the ultimate outcome of this case. Do not
3 discuss the case amongst yourselves or with any other person.

4 Do not allow anyone to speak about it in your
5 presence or about it to you. If anyone should attempt to do
6 such a thing or influence you, you will notify the Court.

7 You're not to read, listen, or view any news media
8 or any other accounts regarding this matter or any of the
9 parties involved and do not make any independent investigation
10 or inquiry into any of the facts and circumstances surrounding
11 the case.

12 We will be in recess.

13 (A break was taken.)

14 THE COURT: Has the jury had a snack?

15 THE BAILIFF: Yes, they have, Your Honor.

16 THE COURT: Okay. Go ahead and bring them back in.

17 (The jury entered the courtroom.)

18 THE COURT: Counsel, will you stipulate to the
19 presence of the jury?

20 MR. HOUSTON: Yes, Your Honor.

21 MR. HALL: Yes, Your Honor.

22 THE COURT: Please be seated.

23 MR. HOUSTON: Thank you. Thank you, Your Honor.

24 ///

1 BY MR. HOUSTON:

2 Q Mr. Rudnick, where we left off -- can you turn that
3 on? Where we left off in reference to the video --

4 A Yeah.

5 Q -- was that we had seen one event, of course, with
6 Mr. Pettigrew. Then we saw the other event up by the
7 Rosie's/bathroom area, where you were uncertain whether or not
8 that was you.

9 And, now, we have the third event, and it seems as
10 though you pop up as well, and this is the event involving
11 those two guys carrying that ice chest. Now, at least up to
12 this point, nobody is harassing them. Who is that right
13 there?

14 A Me.

15 Q Okay. So, up to that point, nobody is harassing
16 them. It looked like somebody was trying to block you. Was
17 he trying to stop you?

18 A No, he got in front of me.

19 Q Okay. Do you remember also telling the police about
20 this particular altercation, that you were pushed into the
21 fight?

22 A Don't recall that.

23 Q You don't recall it?

24 A No, I don't recall.

1 Q Hang on one second for me.

2 When this fight is going on, I think you said
3 something in your direct testimony about trying to get a
4 souvenir?

5 A Yes.

6 Q And your purpose in getting a souvenir, I think, as
7 you said, as a trophy?

8 A People consider that as a trophy or a souvenir.

9 Q Okay. So you considered it, at least that night,
10 appropriate to participate in the beating of these two people,
11 so you could get a souvenir; is that right?

12 A No.

13 Q Well, that's what's happening, isn't it?

14 A Well, a fight broke out.

15 Q Well, did a fight break out, or were those two guys
16 attacked, in part, by you?

17 A They were attacked by other Vagos, too.

18 Q That's correct, but you're there, correct?

19 A Yes.

20 Q Now, Dragon didn't tell you to green light those
21 guys, did he?

22 A No.

23 Q It seems, if you're at the bathroom as well, that,
24 every time there was a altercation involving the HAs that

1 night, you seemed to be the Where's Waldo of violence. You're
2 popping up, right?

3 A I don't recall being at the bathroom.

4 Q Okay. Well, if that's not you, then, certainly, at
5 least on these two events, nobody is attacking those guys
6 before you get there, right?

7 A There was people kicking them.

8 Q Before you get there?

9 A Yeah.

10 Q All right. Let's stop for a second.
11 Can we run that back, Ken?

12 I want you to show me who's kicking them. We'll go
13 back to the beginning, where they are walking through with
14 their ice chest. Need to go back a little. Okay. Now, this
15 is the area. Now, you see them coming through. Do you see
16 anybody kicking them?

17 A No.

18 Q Anybody hitting them?

19 A No.

20 Q Anybody grabbing them?

21 A No.

22 Q All right. Can you continue, Ken?
23 Anybody kicking them yet?

24 A No.

1 Q Who is that, that comes on the scene? You?
2 A Me, yes.
3 Q Now, what's happening at this point, these guys are
4 being attacked, right? Right?
5 A I can't tell at this point right here.
6 Q Well, they -- they weren't getting attacked, until
7 we see you come on camera, right? Right?
8 A Can you repeat? I'm sorry.
9 Q They weren't getting attacked, at least until we see
10 you coming in camera.
11 A Well, there is somebody kicking them.
12 Q Of course, it already started, hasn't it?
13 A Yes.
14 Q Were you screaming, "Get their cuts, get their
15 cuts"?
16 A No.
17 Q You seemed pretty intense on reaching in there.
18 That's you, isn't it?
19 A Yes, it is.
20 Q Now, you're not trying to break that fight up, are
21 you?
22 A No.
23 Q You're not trying to help those guys out, are you?
24 A No.

1 Q You're not trying to call the Vagos off and say,
2 "Leave them alone," are you?

3 A No.

4 Q Because your interest is to get a souvenir, right?

5 A Yes.

6 Q A trophy?

7 A If that's what you want to say.

8 Q What's a trophy stand for, that you were able to
9 beat down 2 guys to 6 or 7?

10 A It was taking a Hell's Angel cut.

11 Q That was important to you, wasn't it?

12 A No.

13 Q You were willing to beat up two guys to do it,
14 weren't you?

15 A Wasn't willing to beat up. I was willing to take
16 the cut.

17 Q Did you not see them getting kicked?

18 A Yes.

19 Q And that's less important than getting the cut?

20 A I wasn't kicking them.

21 Q All right. So I want to ask you a question about
22 some things you said about the shooting, as it concerned
23 Mr. Gonzalez. You --

24 THE COURT: Can we turn the lights back on?

1 MR. HOUSTON: Thank you. I'm sorry, Your Honor.

2 BY MR. HOUSTON:

3 Q Do you remember indicating to the police that you
4 continued to watch Ernesto Gonzalez, and that's how you knew
5 that he had fired the shots?

6 A Yes.

7 Q And, in fact, you continued to tell the police that
8 he shot from The Yellow Brick Road. Do you remember telling
9 him that?

10 A From the disco place.

11 Q Well, you didn't say that, though, did you. Didn't
12 you tell the police he shot from The Yellow Brick Road?

13 A That's where I was told. That's where it was. The
14 Yellow Brick Road, that's what its called.

15 Q Who called you to say he was shot from The Yellow
16 Brick Road?

17 A They called it The Yellow Brick Road.

18 Q So it's your opinion that The Yellow Brick Road is
19 called the disco?

20 A That's where we were standing, The Yellow Brick
21 Road.

22 Q Is the Oyster Bar called The Yellow Brick Road?

23 A No.

24 Q Well, the disco is off The Yellow Brick Road, too.

1 Why wouldn't you call that The Yellow Brick Road?

2 A That's where I was told that's where The Yellow
3 Brick Road was.

4 Q Who told you that sir?

5 A The two detectives.

6 Q Okay. So they told you that Gonzalez fired from The
7 Yellow Brick Road?

8 A That's what they called it, was The Yellow Brick
9 Road.

10 Q Okay. And, in fact, you indicated that you'd
11 watched him the whole time, right?

12 A Not the whole time.

13 Q Do you remember telling the police that you had eye
14 contact with him, when he fired those shots?

15 A Yes, I do.

16 Q And you, of course, know that he was wearing very
17 dark prescription sunglasses, right?

18 A I wasn't wearing no glasses.

19 Q He, Gonzalez, was wearing very dark prescription --

20 A He had his glasses on.

21 Q Right. And, somehow, you were able to see through
22 those to make eye contact?

23 A I seen where he was.

24 Q Right. So you didn't make eye contact. That was a

1 exaggeration?

2 A I never said I made eye contact.

3 Q Okay. Will you do me a favor? I want you to look
4 for me at page 59, line 13. I'll ask you, again, after you
5 get a chance to look at that.

6 A Okay.

7 Q Do you remember telling the officers --

8 A I remember that now.

9 Q "Because I made -- you know, we made eye contact."

10 A Okay.

11 Q So you do remember making eye contact?

12 A I looked at his face. That's considered, to me, I
13 made eye contact to you.

14 Q So the short version is you did say it, right?

15 A Yes.

16 Q So the fact remains, you're aware now, Mr. Gonzalez
17 did not shoot from The Yellow Brick Road, allegedly, but
18 inside the disco, right?

19 A I was told that it was called The Yellow Brick Road.

20 Q When do you have the time to be watching
21 Mr. Gonzalez between running around the casino, if you are at
22 the bathroom in that altercation or if you are with the Hells
23 Angels with the ice chest altercation?

24 A First, I wasn't at the bathroom.

1 Q Okay. What about the ice chest?

2 A The ice chest was right around the corner from the
3 other fight.

4 Q Okay. So if you're able to go to these -- go to
5 this one place, if it's the ice chest, and not lose eye
6 contact with Mr. Gonzalez, right?

7 A At that point, I didn't -- I didn't have eye contact
8 with Mr. Gonzalez, okay.

9 Q You didn't have contact with him the whole time?

10 A Not the whole time.

11 Q I see. Okay. So you weren't watching where he went
12 the whole time?

13 A Not the whole minute.

14 Q It's one minute from the time you start the fight?

15 A Not the whole time, I didn't see him.

16 Q Okay. And you don't know where he went?

17 A He was behind Pettigrew.

18 Q And you say he was behind Pettigrew because you saw
19 him in the line, walk away from where you were, across The
20 Yellow Brick Road?

21 A I see him get in position behind Pettigrew.

22 Q Let's talk about that. It's your testimony it was
23 important for Mr. Gonzalez to get in position?

24 A I assume.

1 Q Well, if the intention was to shoot Mr. Pettigrew
2 without regard to the video camera or witnesses, he could have
3 walked and stood up next to you and just gone like that and
4 fired, couldn't he?

5 A Could have.

6 Q Been a lot more effective then letting Mr. Pettigrew
7 pull a gun and shoot at Vagos, wouldn't it?

8 A Could have.

9 Q Maybe more effective than letting Mr. Villagrana
10 shoot Vagos, too, wouldn't it?

11 A Could have.

12 Q The red baseball cap you had put up in your garage,
13 I think you testified was also one that you were able to get
14 from a Hell's Angel?

15 A Yeah.

16 Q Who is Anthony Cumberland?

17 A Does he have a nickname?

18 Q Tony. Big Tone. Tony V.?

19 A There's big Tone and another Tony.

20 Q Let me ask you this: Do you remember talking to any
21 of the Tonys, telling him your purpose in going to Reno was to
22 get yourself another souvenir?

23 A I always make that comment on every run.

24 Q That is your purpose on every run?

1 A No, I get a T-shirt from every run I go to.

2 Q Do you normally get involved in a altercation to get
3 your trophy?

4 A No. I get a T-shirt from every run. When I sit
5 there and say, I got a souvenir, it means I get a T-shirt for
6 me and my wife.

7 Q Are you going to the Hells Angels' booth and buying
8 T-shirts?

9 A No.

10 Q That would be kind of silly, right?

11 A Yeah.

12 Q But you've got a Hells Angels baseball cap stuck up
13 in your garage, right?

14 A Yes.

15 Q And you wanted to get a Hells Angel cut off those
16 guys getting beaten on the ground, right?

17 A If you call it that, but that wasn't my purpose.

18 Q It wasn't your purpose to get the souvenir?

19 A If I got it, I got it. If I didn't, no big deal to
20 me.

21 Q Okay. You could live with it, if you didn't get
22 that cut, right then and there, right?

23 A Yes.

24 Q Because you had other HAs you could go to, to get a

1 souvenir from, right?

2 A I had one hat.

3 Q So, as far as Tony -- Anthony Cumberland, do you

4 remember talking to him about getting a souvenir and him

5 telling you to knock it off we weren't going up there for

6 that?

7 A I don't recall it.

8 Q Do you know who Greg Smith is?

9 A No, I don't.

10 Q Smitty?

11 A There's a couple of Smittys in our charter.

12 Q Do you recall talking specifically to a Smitty,

13 trying to recruit them to take some violent actions against

14 the HAs?

15 A Who?

16 Q Smitty. Did you ever talk to a guy named Smitty and

17 trying to tell him to get together with you and take violent

18 actions against the HAs?

19 A No, I don't.

20 Q Never happened?

21 A I don't recall.

22 Q It could have happened?

23 A I don't recall.

24 Q That's something you would do, right?

1 A Get another club or get another Vagos.
2 Q Not go after the HAs?
3 A No.
4 Q Because you like the HAs?
5 A It's not my call, to make that call.
6 Q I see. So your call is to listen to the people that
7 are higher officers than you?
8 A Yes.
9 Q Which would include Jake or no?
10 A Jake is not higher than me.
11 Q How about Rocky, the Nomad?
12 A He's Nomad. He doesn't consider -- he's retired.
13 Nomad.
14 Q How about Dragon?
15 A Dragon, I listen to him, but I don't -- don't need
16 to.
17 Q Well, in fact, Dragon, when you had your meeting
18 upstairs, actually, had indicated nothing is going to go on,
19 we are just going to adopt sort of a wait-and-see attitude,
20 right?
21 A On the 99?
22 Q Well, when you had your secret meeting, what you
23 called, I think, the pow-wow?
24 A Yes.

1 Q Wasn't it decided, at that secret meeting, that
2 there was not going to be any action taken around the HAs?
3 A No.
4 Q So, when you are downstairs -- and I'm going to
5 advance you in time, it's between -- let's say, 10:00 and
6 11:00?
7 A Okay.
8 Q And you indicate that Dragon gives you this
9 go-ahead, what you call a green light?
10 A Green light was already in place upstairs.
11 Q So the green light was upstairs, by virtue of the
12 secret pow-wow, right?
13 A There was no secret pow-wow. It was a meeting.
14 Q Okay. The meeting, the pow-wow?
15 A Yeah.
16 Q I think you called it a pow-wow, right?
17 A Yes.
18 Q And you don't remember telling the police that
19 Dragon simply said, Tata just wanted to wait it out and see
20 what happens?
21 A That's considered on the 99 incident.
22 Q Okay. Would you do me a favor and look at page 31?
23 A Okay.
24 Q And check out lines 5 to 8?

1 A Okay.

2 Q Do you remember telling him, no, he just said make
3 sure that -- you know, let's just see what happens. He was
4 like, let's just see what happens?

5 A About the 99.

6 Q Well, he doesn't say anything about -- in there
7 about the -- you don't say anything right there about the 99,
8 do you?

9 A That's what he was talking about.

10 Q Well, you don't say that, right?

11 A No, I didn't.

12 Q Okay. So, that night, there were a lot of
13 complaints, according to you, being given to Dragon and Tata,
14 right?

15 A Complaints on me?

16 Q No. Complaints about the 99, complaints about San
17 Jose, they won't let us start a charter there?

18 A That was already an issue going on.

19 Q Right. And, according to you, at the conclusion of
20 that meeting, you told the police, he was like, let's just see
21 what happens?

22 A Exactly.

23 Q Right. You don't say, right there, oh, at the
24 conclusion of that meetings, we are not going to wait and see

1 what happens, we are going to kill Pettigrew?

2 A I didn't give the green light.

3 Q Oh, I thought you said you got the green light,

4 upstairs at the meeting?

5 A Tata gave the green light. I didn't.

6 Q Right. But where did you get the green light going?

7 A From the meeting we had outside the OM.

8 Q So, in other words, the one where you say to the

9 police, he was just like, let's see what happens, that's where

10 he told you to do the hit?

11 A No.

12 Q Okay. Explaining --

13 A That was the conversation we had about the 99.

14 Q Okay. Even though it doesn't say that, right?

15 A True, but there's what it was.

16 Q Well, let's kind of take a look here and see what

17 you were talking about. You were kind of talking about

18 personally getting punked out, looking like a bitch, weren't

19 you?

20 A Okay. Where are you reading?

21 Q Let's start on the top of page 29, lines 1 through

22 2.

23 A Okay.

24 Q And do you recall telling them that, I mean,

1 personally, personally, we're looking just like bitches? Do
2 you remember telling the police that?

3 A Yeah, yeah, I do.

4 Q And do you remember talking to the police about how
5 disrespectful it was for them to treat you like a bitch?

6 A What page and line?

7 Q Page 30, lines 1 through 5?

8 A Okay. I read it.

9 Q And you weren't accustomed to looking like a bitch,
10 right?

11 A I get respect.

12 Q And that's what you guys are talking about, meaning
13 you and the police, and then you're asked what happens at the
14 conclusion of the pow-wow upstairs outside the OM, true?

15 A The whole conversation was about what was going on
16 with Pettigrew.

17 Q Okay. I'll buy that. But the whole conversation
18 about what's going on with Pettigrew terminates with, he was
19 just like, let's see what happens?

20 A There's a lot of issues going on.

21 Q Well, that's a huge difference from, okay, we are
22 going to kill this guy, versus, let's just see what happens
23 isn't it?

24 A Tata made that call.

1 Q Okay. And he made that call after he said, let's
2 just wait and see what happens, but I think I'll kill him
3 anyway?

4 A He has the right to make that call.

5 Q All right. And that's your testimony that's the way
6 it went down?

7 A That is right.

8 Q All right. You don't tell the police that, though,
9 at that point, do you?

10 A They didn't ask.

11 Q I see. But you're the one offering information
12 because you need the help so badly, right?

13 A No. Eric Bennett was trying to help me.

14 Q You need the help. They don't.

15 A They don't need the help.

16 Q They were in not sitting in jail, looking at doing
17 life in prison, are they?

18 A No.

19 Q And, now, neither are you, are you?

20 A Don't know.

21 Q You know you're not looking at life, don't you?

22 A Yeah, I know I'm not. Life.

23 Q In fact, you only have the one charge to contend
24 with, right?

1 A That is right.

2 Q And, if you listen to that phone call, you think

3 it's all greased, you're getting probation for this testimony,

4 right?

5 A Not necessarily.

6 Q But that's what you said, right?

7 A Not necessarily.

8 Q You didn't say it? We didn't hear it?

9 A I said it to calm my wife down.

10 Q I see. Were you trying to calm her down when you

11 keep bugging her to put money on the books?

12 A I see that --

13 Q Were you trying to calm her down when you were

14 squeezing your mom for 40 bucks?

15 A It's a thing between me and my mom. It's a personal

16 thing.

17 Q Right. Okay. So after -- you indicate you talked

18 to Dragon, it's down by what, the Broadway bar?

19 A I don't know the name of that, whatever you guys

20 call it. It was at one of the bars I was at, when we passed

21 the Oyster Bar.

22 Q Would it surprise you if there's no video of you

23 talking to Dragon?

24 A It wouldn't surprise me. I don't know.

1 Q Well, we've got a lot of video of you, don't we?
2 A There's video of me talking to Dragon.
3 Q Okay. And isn't there the one video of you talking
4 to Rocky, and Dragon walks up and talks to Rocky. Rocky says
5 something to you, walks away, and gives you a peace out?
6 A That's right.
7 Q And that's I think, as we discussed, Rocky is
8 telling you to knock it off, right?
9 A I don't recall exactly the words he was using.
10 Q Okay. But when they -- if Rocky testified to the
11 effect that that's when he was telling you to knock it off
12 and, essentially, go to bed, rest, you're not disagreeing with
13 that, are you?
14 A If that's his story.
15 Q That is his story.
16 A He has his opinion.
17 Q Okay. Now, at that point, you're just standing
18 there. Do you leave and sort of circle around and come back?
19 Or where do you go after Rocky talks to you and Dragon and
20 Rocky walk away?
21 A Probably talking to a couple of brothers.
22 Q When you're talking to a couple of brothers, do you
23 walk back over to that same area?
24 A I think I stayed over there, if I recall.

1 Q All right. And how is everybody -- now, now, Dragon
2 gives you have this okay, the hit is green lit?
3 A Yeah.
4 Q And do you know what time that was?
5 A Not really.
6 Q Approximately?
7 A I'm on vacation. I don't keep track of my time.
8 Q Right. And you're drinking a lot because you're on
9 vacation, right?
10 A True.
11 Q Okay. Maybe that might affect some of your memory
12 on this case?
13 A Could have, but I wasn't that drunk.
14 Q Okay. You drank a lot, but you weren't that drunk?
15 A I don't count how many beers I had.
16 Q How many shots?
17 A Don't recall.
18 Q Right. So what we do know is -- and timeframe wise,
19 we've got the Oyster Bar, where Jake kind of is soothing
20 things over, and then Dragon comes down, they talk to
21 Pettigrew. You're familiar with that, right?
22 A Okay.
23 Q They squash things at that point, right?
24 A I don't recall Dragon talking to Pettigrew, but --

1 Q Okay. Well, do you know who Richard Nickerson is?
2 A Not really. If I knew his nickname?
3 Q Richie?
4 A I mean -- most of the guys have nicknames.
5 Q Okay.
6 A You know most of the guys by --
7 Q You didn't even know Ernesto Gonzalez's last name,
8 did you?
9 A I knew him by his nickname.
10 Q Right. You didn't know anything, whether he has
11 kids or anything, right?
12 A I knew he had a daughter.
13 Q He has two?
14 A (The witness shakes his head.)
15 Q Didn't know where he lives?
16 A Not my concern.
17 Q You don't socialize with him, right?
18 A I do.
19 Q Oh, okay. Been to his house?
20 A No.
21 Q So, anyway, when you were more or less -- after the
22 10:00 events, Dragon meets you somewhere and gives you the
23 green light?
24 A At one of the bars there, he says, go ahead and stop

1 him.

2 Q So he says stop him, but he doesn't say kill him?

3 A I didn't volunteer to kill him.

4 Q Didn't you tell the police green light means kill

5 him?

6 A Tata gave the green light. Romey took the

7 challenge.

8 Q Green light means kill him?

9 A It just means green light.

10 Q All right. So you're told, not Romey, to stop

11 Pettigrew?

12 A I was told to stop Pettigrew because I had a

13 altercation with him at the Oyster Bar.

14 Q And when did they tell you this? Right after the

15 Oyster Bar, then, right?

16 A A little bit after.

17 Q Now, does he call you on the phone or meet you in

18 person?

19 A He was down on the floor.

20 Q He meet you in person?

21 A Yeah, we were all down on the floor.

22 Q Now, how do you get the word out to everybody?

23 A On what?

24 Q That there's going to be a green light hit?

1 A People call people. People text people.

2 Q Who did you call?

3 A I don't know if I called or texted. I don't recall.

4 I had guys on the floor. We were talking about it.

5 Q Okay. Would it surprise you that there was no

6 activity on your cell phone from 10:14 to 11:31?

7 A Probably not.

8 Q Well, you are the guy that Dragon is passing the

9 word to, right?

10 A Okay.

11 Q But you're not going to call anybody and let them

12 know, hey, the hit's on?

13 A Everybody was on the floor.

14 Q So, instead, you're going to walk around everybody,

15 hey, the hit's on, the hit's on, so we can see you do that on

16 the video, right?

17 A You can see me talking to brothers.

18 Q Wouldn't it be the norm, at a social occasion, for

19 you to be "talking to the brothers"?

20 A Yes.

21 Q And it's your recollection that your conversation

22 was, "The hit's on. The hit's on," right?

23 A Not all the time.

24 Q Well, how many did you tell?

1 A I don't recall.

2 Q Well, you had to get your wrecking crew there,

3 didn't you?

4 A It's not my wrecking crew. It's the club's wrecking

5 crew.

6 Q You're the one that said you had to get the wrecking

7 crew down there?

8 A Right, the wrecking crew of the club.

9 Q Right. But you were the one that said you had to

10 get the wrecking crew down there?

11 A The wrecking crew of the club.

12 Q But you told them to come, yeah?

13 A I didn't tell them come down.

14 Q They showed up on their own?

15 A They probably got a phone call.

16 Q Probable you? You don't know?

17 A Word travels through us.

18 Q Word was traveling through you that night, right?

19 A Could have been.

20 Q And you don't know of anybody else that was

21 travelling the word that night, do you?

22 A Everybody was making phone calls, everybody was

23 talking to people.

24 Q Well, you know you didn't make phone calls, so not

1 everybody, right?

2 A Not everybody.

3 Q And you're the guy that talked to Dragon, right?

4 A Yes.

5 Q And you are the guy that's carrying the message the

6 hit's green lit, right?

7 A Not all me, not all me.

8 Q So you indicated that you got a phone call that the

9 HAs were on the way, do you remember that?

10 A I don't know if I got a phone call. Someone told me

11 that the HAs are on the way.

12 Q Why don't you look at page 47, lines 14 through 16,

13 Mr. Rudnick?

14 A 47, what?

15 Q Page 47, lines 14 -- we'll say through 17.

16 A Okay.

17 Q I'm going to ask you again. You said you received a

18 phone call?

19 A Okay.

20 Q Right?

21 A Okay.

22 Q Who did you receive a phone call from?

23 A I don't recall.

24 Q Well, if your phone bill doesn't show that you made

1 or received any phone calls between 10:14 and 11:31, when are
2 you getting told the HAs are on the way?

3 A We were told everybody was telling us the HAs were
4 on the way.

5 Q I'm talking about you.

6 A I was told by Boo-Boo.

7 Q That's not what you told the police, is it?

8 A Said everybody was getting phone calls.

9 Q That's not what you told the police, is it?

10 A I said everybody is getting phone calls.

11 Q You said, yeah, I received a phone call, correct?

12 A Okay. Yeah, if that's what I said.

13 Q Well, was that a lie?

14 A No, I said it.

15 Q Well, you hadn't had a chance to go over your phone
16 bill yet, had you?

17 A Okay.

18 Q You didn't get a phone call, did you?

19 A I don't recall.

20 Q Supposedly, you get a phone call that the HAs are on
21 their way?

22 A Okay.

23 Q All right. And, at that point, what do you do?

24 A Get my old lady out of the way.

1 Q Wasn't part of the deal all the Vagos were supposed
2 to step back off The Yellow Brick Road, to let them pass?

3 A Not that I knew of.

4 Q So, if Greg Fearn testified that the whisper was for
5 all of the Vagos, Young Dom, to step off The Yellow Brick Road
6 to let the Hells Angels pass, he's not telling the truth?

7 A No.

8 Q Fair statement to say that you think you are
9 probably the only guy that's testified that's telling the
10 truth?

11 A I'm here to tell the truth.

12 Q Of course, you have the biggest benefit to receive,
13 don't you?

14 All right. You have Dragon supposedly passing the
15 message, right?

16 A Yes.

17 Q How is Dragon passing the message?

18 A Word of mouth, phone calls, maybe, I don't know how
19 he's doing it.

20 Q So it's your opinion that Dragon is on the casino
21 floor, walking around telling people, "Hey, the hit's on," is
22 that what you're saying?

23 A He's telling a couple people. He's National.

24 Q When the altercation starts and everything goes on

1 and we see where you go and maybe you're not at the bathroom,
2 at some point in time, you are taken off the casino floor?

3 A Yes.

4 Q Okay. Who takes you away?

5 A I don't recall the gentleman's name.

6 Q So you just go with somebody you don't know?

7 A One of my brothers.

8 Q All right. Could have been an HA in a Vagos cut,
9 couldn't it?

10 A No.

11 Q All right. And, from what I understand, the police
12 asked you who you got the telephone call from, to tell you the
13 HAs were on the way. And do you remember telling them you
14 didn't know the answer to that, too?

15 A I don't recall.

16 Q Do you want to look at page 47, lines 17 through 18,
17 sir?

18 A What lines again?

19 Q Page 47?

20 A Okay.

21 Q Line 16 -- we'll say through 17.

22 A Okay.

23 Q Okay. So you tell the police you get a phone call
24 from someone who doesn't show up on your phone bill to tell

1 you the HAs are coming, right?

2 A Yes.

3 Q But you don't know who that person is, either?

4 A I don't recall.

5 Q Would it be important to know that the person whose

6 calling you has got some credibility?

7 A If he's Vagos, he's got credibility.

8 Q It didn't matter if somebody called you on the phone

9 and said, "Hey, I'm Vagos, go do this," and you'll do it?

10 A Most of my phone numbers in the phone was all Vagos.

11 Q So you will take a phone call from someone you can't

12 even recall, and you will go do what they tell you to do?

13 A No.

14 Q You did that night, didn't you?

15 A I already got the information from Dragon.

16 Q Right. Okay. And so you get this call, and then,

17 of course, we know what happens. You're taken off the floor,

18 but you don't recall who took you off the floor?

19 A No, I don't.

20 Q You recall whose room you went to?

21 A No.

22 Q Do you recall who you were with?

23 A A brother.

24 Q Well, beyond that. How about an identifier?

1 A I don't recall his name.

2 Q So you mean to tell me, after this hugely dramatic
3 event, where you've been involved in at least two pretty good
4 fights and people are getting shot at, you don't remember who
5 helped you and put you in a room upstairs?

6 A It was a brother.

7 Q Isn't it true that you don't want to tell us because
8 it didn't happen?

9 A No.

10 Q And if you tell us, then we know a name and can go
11 out and talk to them?

12 A No.

13 Q And bring them here to testify?

14 A No, that's not it.

15 Q But you don't remember, right?

16 A I don't remember.

17 Q Okay. The next day, how long do you stay in the
18 room with the people you don't remember?

19 A The next day, I was in my room with the Candyman.

20 Q Wasn't it true that night, after this event, you're
21 wildly calling, certainly Crystal, your wife, right?

22 A Yes, I was.

23 Q Because you wanted to find out where she was?

24 A Yes, I did;

1 Q If you knew there was going to be a hit, why didn't
2 you put her up in the room, sir?

3 A She was on vacation with me.

4 Q So it's okay for her to be exposed to potential
5 gunfire because she's on vacation?

6 A She was okay with me.

7 Q How did that work out?

8 A I'm still with my wife.

9 Q Mr. Rudnick, when you're up in this room, you're
10 using your cell phone, correct?

11 A Yes, I was.

12 Q And calling people, correct?

13 A To my knowledge.

14 Q And what are you telling people?

15 A I don't remember, exactly, word-by-word.

16 Q Were you bragging about what you did?

17 A I don't think I was bragging.

18 Q Who is Kristina Gregg?

19 A Kristina Gregg?

20 Q Yeah, G-R-E-G-G.

21 A Doesn't ring a bell with me.

22 Q How about (702) 752-6752?

23 A A lot of the phone numbers I have in my phone are
24 Vagos numbers, and they are usually nicknames or people's

1 name, and that's how I scroll down through my phone.

2 Q So you don't know who Kristina Gregg is?

3 A I'd have to see the phone to see the name.

4 Q How about Debbie Hunter?

5 A That was, I think, Lunchbox's wife.

6 Q Jeff Martin?

7 A Yes.

8 Q And the reason you were calling Jeff Martin is

9 because Jeff was up in hills room when this went down, right?

10 A Yes, he was.

11 Q Do you remember telling me, no, he was downstairs?

12 A He was at the meeting.

13 Q Right. But then he went up to his room, right?

14 A When the altercation happened and the gunfire was

15 going off, he was up in his room.

16 Q You also said he was at the secret pow-wow, too?

17 A Yes, he was.

18 Q He was up in his room, wasn't he?

19 A No, he wasn't.

20 Q So, if Mr. Martin testified to the contrary, he

21 would be lying, too?

22 A Yes, he would.

23 Q Okay. Who is Steve Munizica? M-U-N-I-Z-I-C-A.

24 A I would have to recognize a phone number or see the

1 number on the phone.

2 Q Gerald Villanova?

3 A Who?

4 Q Gerald Villanova. Nueva.

5 A Doesn't ring a bell.

6 Q So, even though you called Debbie Hunter five
7 times -- well, Debbie Hunter, you called five, sometimes six
8 times, that was to talk to Lunchbox, right?

9 A Yes.

10 Q And he's the guy that wasn't even down there when it
11 happened, right?

12 A That is true.

13 Q Aren't you calling, saying, oh, man, I really
14 screwed up, I really screwed up?

15 A No.

16 Q And Kristina Gregg, you don't know, right?

17 A I don't remember.

18 Q How about Bradley Campos? Do you remember calling
19 him?

20 A He was in my room. He was on the floor with me, and
21 the cops took him away. I was trying to get a hold of him.

22 Q If he's in your room with you, why were you calling
23 him?

24 A He was in my room. When all this stuff calmed down,

1 he got arrested and finally got released, and we were checking
2 on him.

3 Q You're calling him to check on him at 11:38?

4 A Yeah, he got arrested.

5 Q So he got arrested and released between the time he
6 was arrested and released at 11:38?

7 A I don't know the timeframe.

8 Q Well, I'm telling you.

9 A We were trying to keep track of where he was.

10 Q Okay. But you saw the altercation and the timing,
11 kind of, of the altercation, right?

12 A Kind of.

13 Q That's sort of around, say, 11:25 and 11:30, right?

14 A Okay.

15 Q So what you're telling the jury is that, after that,
16 he somehow got arrested by the police and released, and you
17 called him at 11:38, to see how he's doing?

18 A We were getting number counts of my charter.

19 Q Because it was important to get a number count, and
20 that's why a lot of telephone calls were being made?

21 A Dragon wanted number counts.

22 Q Right. Everybody wanted to know who's been shot?

23 A Exactly.

24 Q Nobody was talking about anything other than that,

1 were they?

2 A That is true.

3 Q Everybody was concerned and worried as to what had
4 happened?

5 A That's true.

6 Q That all started with a fellow by the name of Gary
7 Rudnick, right?

8 A Not true.

9 Q Not true?

10 A Not true.

11 Q Fight didn't start with you?

12 A Didn't start. I stopped Pettigrew.

13 Q All right. And Pettigrew, because of your
14 conversation, wound up punching you, right?

15 A He punched me first.

16 Q What if you had just stood there and not said a
17 word? It wouldn't have happened, would it?

18 A We don't know that.

19 Q We know it wouldn't have happened the way it did,
20 right?

21 A We don't know that.

22 Q Okay. Sir, when you testified as to the next day,
23 you indicated you had a conversation with Mr. Gonzalez?

24 A I seen him downstairs.

1 Q Seen him downstairs where?

2 A Walking through the parking lot, through the front

3 door -- or the side door, whatever you call those doors.

4 Q Okay.

5 A At the casino.

6 Q So you're downstairs?

7 A We had a road captain meeting. We went downstairs.

8 Q So Mr. Gonzalez was at the road captain meeting?

9 A No, he wasn't at the road captain meeting.

10 Q So, after the road captain meeting, you indicate you

11 went downstairs, and there is Mr. Gonzalez?

12 A He was walking up the steps, and we seen him.

13 Q Didn't you tell the police you were looking outside,

14 and you saw him walking through the parking lot?

15 A That's true, before the meeting.

16 Q I see. So you go to the meeting that's actually

17 downstairs, you actually see him through the window of the

18 parking lot?

19 A Let me explain. Can I explain?

20 Q Please do.

21 A He was walking up through the casino door when the

22 meeting was starting. After the meeting, I walked downstairs,

23 and that's where I met him.

24 Q And he was in pretty much the same place when you

1 saw him from the upstairs window or wherever he was?

2 A No, he was in the casino.

3 Q What was he doing in the casino?

4 A I don't recall.

5 Q Playing craps?

6 A I don't recall.

7 Q Playing slots?

8 A He was walking up to where we were.

9 Q How do you know he was coming to where you were?

10 A He was walking up the same steps I was walking down

11 from.

12 Q All right. Did they lead any place else, other than

13 where you were?

14 A Excuse me?

15 Q Did they lead any place else, other than where you

16 were?

17 A Might have, but I was going downstairs.

18 Q You talked to Mr. Hall in reference to the fact that

19 you had received a text message, true?

20 A Yes.

21 Q And I think the content of the text message was, "My

22 P had me change plans." Period. "Due to our circumstances."

23 Period. "Check with you later. All is good." Period.

24 A Yes.

1 Q That was sent, looks like, on the 27th of September?
2 A Yes.
3 Q So that's, what, four days after this event, true?
4 A Yes.
5 Q And you were aware that a lot of the Vagos from San
6 Jose had gone down to the LA area to let things cool off in
7 San Jose?
8 A I was aware.
9 Q Because there was a big problem up there now, right?
10 A Yes, there was.
11 Q Because, now, the Hells Angels going to be looking
12 for retaliation, right?
13 A I guess.
14 Q Sure isn't going to do the San Jose guys much good,
15 is it?
16 A That's on them.
17 Q Is any of this your fault?
18 A I don't think so.
19 Q Okay. Why did you plead guilty? Why didn't you go
20 to trial like Mr. Gonzalez?
21 A My attorney advised me to plead for a lesser charge.
22 Q I see you made that choice, though, right?
23 A Me and my attorney did.
24 Q You're the one that sign the deal, right?

1 A Yes, I did.

2 Q So, anyway, this text, isn't it true, at that point,
3 the club was kicking you out bad?

4 A I became aware of the club -- I was kicked out bad,
5 until I got arrested.

6 Q Right. Well, they formalized it later, correct?

7 A Could be.

8 Q If you're a member who's being kicked out bad, the
9 other members are going to be told to stay away from you,
10 right?

11 A It depends on your representation.

12 Q Well, your representation, according to some, is as
13 a drunken fool?

14 A Some people think that.

15 Q That would be a person, if they are getting kicked
16 out bad, the president would tell the other members stay away
17 from, right?

18 A Could be.

19 Q And if that's what they felt about you, him telling
20 you there's been a change of circumstances would be completely
21 normal, wouldn't it?

22 A Can you repeat that question again? I'm sorry.

23 Q The change in circumstance would be completely
24 normal because of how you were regarded, correct?

1 A Could be.

2 Q Could be. All right.

3 A Could be.

4 Q What you do know is they then didn't want to deal
5 with you anymore?

6 A I don't know what they did.

7 Q Okay. But you know that -- I think you said a bunch
8 of the brothers were down in the LA area trying to meet,
9 right?

10 A Okay.

11 Q And they were trying to figure out what the heck to
12 do, right?

13 A Yes.

14 Q They were trying to figure out if they could get a
15 sit-down with the HAs to try to prevent other people from
16 being killed, right?

17 A I don't know what Tata was doing.

18 Q That's right; you weren't allowed there.

19 A I went to one of the meetings.

20 Q Oh, you did?

21 A Yes, I did.

22 Q What did they talk about?

23 A About raising money for San Jose.

24 Q Right. Because people had to move out of San Jose,

1 didn't they?

2 A Okay. That's part of our lifestyle.

3 Q Especially when you have one guy starting a problem,
4 the president of the Hells Angels?

5 A I wasn't calling the shots.

6 Q That wasn't everybody's lifestyle that night, was
7 it, Mr. Rudnick?

8 A I didn't call the shots.

9 Q No. But you sure followed them, didn't you?

10 A I was ordered.

11 MR. HOUSTON: Thank you. Nothing further.

12 THE COURT: Redirect?

13 THE WITNESS: You want this paper?

14 THE COURT: Just leave it there. They'll get it
15 from you.

16 REDIRECT EXAMINATION

17 BY MR. HALL:

18 Q Let's just start at 47, where they were talking
19 about your phone calls. And -- you know, before -- I guess I
20 got ahead of myself.

21 Let's talk about the timeframe here. So this
22 happened -- this fight was on September 23rd, 2011, correct?

23 A Yes.

24 Q All right. You go back to LA, and then you were

1 arrested on November 15th, correct?

2 A Yes.

3 Q All right. And there was an Indictment, so a case
4 was presented to the grand jury at that time, and you were
5 indicted on a number of charges, as was Mr. Gonzalez and
6 Mr. Villagrana, right?

7 A Yes.

8 Q The three of you, all right. And the charges
9 against Mr. Gonzalez were the same. So we had him charged
10 with challenge to fight resulting in death based upon a
11 conspiracy, that would be agreement with you and other Vagos
12 to engage in a deadly brawl with the Hells Angels, right?

13 A Yes.

14 Q All right. And you were a part of that?

15 A Yes.

16 Q Okay. And so that was the whole reason why you
17 stopped Pettigrew, right, so there could be a fight?

18 A Yes.

19 Q And there was a conspiracy there to fight in a
20 public place, right?

21 A Yes. Sorry.

22 Q And he was charged with carrying a concealed weapon
23 and murder -- open murder with the use of a deadly weapon.
24 That's what Gonzalez was charged with, murder with the use of

1 a deadly weapon before you ever were contacted, right?

2 A Yes.

3 Q Based upon the evidence of the eyewitnesses and the
4 video?

5 A Yes.

6 Q Right?

7 A Yes.

8 Q All right. And then you came forward and said,
9 well, there was actually a plan in place, since I had a
10 argument with Mr. Pettigrew earlier, I was told to stop him,
11 so that we could engage the Hells Angels in a fight, right?

12 A Yes.

13 Q Okay. So, after that, so you get arrested, and
14 there was a person mentioned by the name of Eric Bennett,
15 right?

16 MR. HOUSTON: Your Honor, excuse me. I'm going to
17 object and ask that the State be required to not lead or
18 testify.

19 THE COURT: I'm going to overrule. That was a
20 predicate question.

21 MR. HOUSTON: Okay.

22 BY MR. HALL:

23 Q Eric Bennett was mentioned, correct?

24 A Can you --

1 Q Do you remember Eric Bennett?

2 A Yes.

3 Q He was mentioned in cross-examination?

4 A Yes.

5 Q Okay. Who is Eric Bennett?

6 A He's a San Bernardino police officer.

7 Q And isn't he -- wasn't he one of the main detectives

8 involved in the investigation of the Vagos, with the use of a

9 confidential informant?

10 A Yes.

11 Q Mr. Emerson?

12 A Yes.

13 Q And that was when they were recording these hundred

14 thousand phone calls, and they executed 50 search warrants on

15 the Vagos?

16 A Yes.

17 Q And then he interviewed you in -- what was it, the

18 15th of January; is that right?

19 A Yes.

20 Q And he interviewed you to talk about the Vagos and

21 all the things -- all the criminal activity that they were

22 involved in, in southern California, correct?

23 A Correct.

24 Q And so you provided them with information -- or did

1 you provide him with information regarding criminal activity
2 the Vagos were involved in?

3 A Yes, I did.

4 Q And that's because you believed that they were a
5 outlaw criminal gang?

6 A Yes, we were.

7 Q Were they involved in a number of felonies?

8 A Yes.

9 Q And it wasn't just you running drugs back and forth
10 across the border. There were other Vagos involved in that;
11 is that right?

12 A Correct, correct.

13 Q And Mr. Gonzalez, the defendant here, he used to
14 stop at your house all the time; is that right?

15 MR. HOUSTON: I object. Leading, Your Honor.

16 THE COURT: Sustained.

17 MR. HALL: What's that?

18 THE COURT: Leading question. Sustained.

19 BY MR. HALL:

20 Q Oh, do you know Mr. Gonzalez?

21 A Romey?

22 Q Romey.

23 A Yes.

24 Q Did he ever stop at your house?

1 A Yes.

2 Q Did he do it often?

3 A Yes.

4 Q So you were interviewed by Mr. Bennett?

5 A Yes.

6 Q And, at that point in time, when you were

7 interviewed by Mr. Bennett, was there a concern about your

8 safety if you were to provide information to him about the

9 Vagos outlaw criminal gang?

10 A Yeah, Eric quite -- said that to me.

11 Q All right. And then did you discuss with him

12 whether or not there was a possibility that you and your

13 family would be placed in witness protection?

14 A Yes, we did.

15 Q You didn't have that conversation with me, did you?

16 A No, I did not.

17 Q All right. So that was something that you were

18 talking to?

19 MR. HOUSTON: Objection. Leading, Your Honor.

20 BY MR. HALL:

21 Q That was something that you were talking to

22 Mr. Bennett about?

23 MR. HOUSTON: Objection, Your Honor. Leading.

24 THE COURT: Sustained. It is leading.

1 BY MR. HALL:

2 Q Did you talk to me about witness protection?

3 A No.

4 Q Okay. Who did you talk to witness protection about?

5 A Eric Bennett and that Matt guy.

6 Q Matt Neal?

7 A Yes.

8 Q Okay. So, between the time you got arrested, right,

9 you had a attorney -- you got appointed an attorney. That

10 would be Jennifer Lunt?

11 A When I got here?

12 Q Right.

13 A Yeah, I'm sorry.

14 Q And so there was a question about you having met

15 Mr. Begby -- or Detective Begby and Detective Patton, do you

16 remember that?

17 A Yes, I do.

18 Q Were they the ones that picked you up from

19 California after you got arrested?

20 A No, it wasn't.

21 Q When did you meet those guys?

22 A When I came to Reno.

23 Q Okay. Did you have a meeting with them before the

24 interview?

1 A Before the interview with Eric Bennett?

2 Q No. Before the interview -- before the interview
3 you had with them?

4 A Did I have ever have an interview with them? I
5 don't recall. I just think we had an interview all the time
6 with my attorney.

7 Q Okay. There was some question with you being
8 familiar with Patton and Begby?

9 A It was conversations I think we had.

10 Q Was it, "Nice to meet you again," or something?

11 A Yeah, something like that.

12 Q Had you ever met them before?

13 A I don't recall if I met them once before that or one
14 day, or I had a couple of meetings with my attorney and those
15 guys.

16 Q All right. You were then appointed -- Jennifer Lunt
17 was appointed as your attorney, correct?

18 A Yes.

19 Q All right. And so did you get discovery pursuant to
20 you being a defendant?

21 A Yes.

22 Q All right. So you would have been given a copy of
23 the grand jury transcript?

24 MR. HOUSTON: Objection. Leading, Your Honor.

1 THE COURT: Sustained.

2 BY MR. HALL:

3 Q All right. How did you get a copy of the grand jury
4 transcript?

5 A From my attorney, Jennifer Lunt.

6 Q Did she give you any other discovery? Did you read
7 anything else?

8 A Not at that moment.

9 Q All right. Is that the only thing you had, was the
10 grand jury transcript?

11 A At that time, yes.

12 Q Hadn't looked at any video?

13 A I don't recall at that time.

14 Q All right. Jennifer Lunt's assistant; is that
15 right?

16 A Yes.

17 Q What's his name?

18 A Rocko Levitt.

19 Q And so did you meet with Rocko and talk with Rocko
20 and Jennifer about your case?

21 A Many times.

22 Q All right. And so did you look at the evidence?

23 A Yes, I did.

24 Q Okay. And so you made a decision with her that you

1 thought you should ask about a plea bargain; is that right?

2 A Yes, I did.

3 Q All right. And so did you meet with me and
4 Jennifer?

5 A Yes, we did.

6 Q All right. And what were you told by me that you
7 had to do before we did anything?

8 A Nothing.

9 Q You don't remember having to talk to the police and
10 giving the police a complete statement?

11 A Well, I --

12 MR. HOUSTON: Objection. Leading, Your Honor.

13 THE COURT: I'm going to sustain that.

14 BY MR. HALL:

15 Q Do you remember being required to give a statement
16 to the police?

17 A Yes.

18 Q All right. Was that one of the things that you had
19 to do before there was ever a plea bargain entered into?

20 A My attorney advised me of it.

21 Q All right. But were there any conditions on that?

22 A No.

23 Q You didn't -- you could lie? You could make stuff
24 up?

1 A I would tell the truth.

2 Q And that was a condition?

3 A I'm sorry. Yes. Tell the truth here.

4 Q All right. I understand that was kind of confusing.
5 I mean, there wasn't any other promises or any other thing,
6 other than you tell the police?

7 MR. HOUSTON: Objection. Leading, Your Honor.

8 BY MR. HALL:

9 Q Well, can you think of anything?

10 MR. HOUSTON: Leading, Your Honor.

11 BY MR. HALL:

12 Q Can you think of any other promise that was made to
13 you, at that time, about your statement?

14 A By who?

15 Q Anybody.

16 A No. Just we had a discussion with my attorney.

17 Q All right. So what was your understanding of what
18 was going to happen? What were you required to do?

19 A To tell the truth, like I am now.

20 Q Okay. So you gave a statement to the police?

21 A Yes.

22 Q And that was that statement to Begby and Patton,
23 correct?

24 A Yes.

1 Q All right. So -- and you're in jail at this time,
2 correct?

3 A Correct.

4 Q There was no agreement on bail, right?

5 A No agreement on bail.

6 MR. HOUSTON: Objection. Leading, Your Honor.

7 THE COURT: Overruled. It's not necessarily yes or
8 no.

9 BY MR. HALL:

10 Q What was your understanding with respect to bail?

11 A If I pleaded to a lesser charge, my bail could be
12 reduced.

13 Q All right. Was there some concern about your
14 safety, still?

15 A Eric Bennett had some concern about my safety.

16 Q All right. Did your attorney have concerns about
17 your safety?

18 A Most definitely.

19 Q All right. Did your wife have concerns about your
20 safety?

21 A Somewhat, but not -- you know, she felt safe.

22 Q All right. So you entered a plea of guilty to
23 conspiracy to commit murder; is that right?

24 A Yes, I did.

1 Q All right. Is that because this meeting that you
2 had where Romey said that he would accept the green light and
3 kill Pettigrew?

4 MR. HOUSTON: Objection. Leading, Your Honor.

5 THE COURT: I don't understand the question, so I'm
6 not sure what the question was.

7 MR. HALL: I'll rephrase.

8 THE COURT: If you'll rephrase, please?

9 BY MR. HALL:

10 Q All right. Why did you plead guilty to conspiracy
11 to commit murder?

12 A Get a lesser charge.

13 Q All right. And what did you do in this case that
14 makes you think that you need to plead guilty to a felony
15 charge that subjects you to a term of from 4 to 10 years in
16 prison?

17 A I was advised by my attorney to take a lesser charge
18 than I wanted to.

19 Q All right. Well, what did you do -- what was your
20 involvement in this case, that you thought -- you know --

21 A Tell the truth to the detectives.

22 Q And what did you do at the Nugget that made you
23 plead guilty?

24 A There was a fight that broke out.

1 Q All right. And what was your part in that?
2 A I was told to stop Pettigrew.
3 Q By whom?
4 A By Dragon.
5 Q All right. Did you tell the police that?
6 A I don't remember if I did or not, but --
7 Q All right. Well, we talked a lot about page 47, for
8 example, we might as well look at it.
9 A Okay.
10 Q All right. So the GR would be you, right?
11 A Yes.
12 Q So, if you look at page 47, you have that in front
13 of you? You can read it?
14 A Yes, yes.
15 Q So what are you talking about at page 47?
16 A Line 1? Or --
17 Q Are you familiar with what it says at page 47?
18 Let's read it, and then you can explain what is going on. So
19 you say, so we -- we knew to make sure that everybody was in
20 position. Well, let's start at line 1.
21 "So we had people lined up in different spots when
22 they left. We knew they were coming that way." Now, when
23 Mr. Houston was asking questions, he said, "Well, you knew
24 they were coming that way."

1 He kind of left out the "we" part.

2 A Exactly.

3 Q So you say, "We knew everybody was in position." So
4 then Begby asked you a question.

5 "Okay. How much -- how much notice did you have?"

6 "You know, the way, they were coming that way."

7 "They had to walk that way to get to their hotel. I
8 mean, let's face it, they are the Hells Angels, they are not
9 going to go out and around where the Vagos are."

10 You say, "Yeah."

11 "They are not -- they're going to walk right through
12 you."

13 "Which is exactly what happened."

14 "How much advance notice did you have before they
15 got there?"

16 "I mean, the phone calls were getting made, and
17 everybody was getting out of the room or wherever they were
18 at" --

19 MR. HOUSTON: I object. Is this a question?

20 MR. HALL: This is putting it back in context. You
21 talked about 47. There's a statute that I'm allowed to put it
22 back in context --

23 THE COURT: You are, but you're not allowed to read
24 the statement. You can ask the questions to put it in

1 context.

2 BY MR. HALL:

3 Q Okay. So, then, there was a question about the
4 phone call and whether or not you had talked to Dragon; is
5 that right?

6 A Yes.

7 Q All right. And so what does it say -- or what did
8 you tell the police at line 16 through 24?

9 A You want me to read it out loud or just read it?

10 Q Or you can tell the jury what you told the police.

11 A It says -- you want me to read it?

12 Q Yes, read it.

13 A Okay.

14 Q You can read it out loud.

15 A Oh, I'm sorry. From what line? I'm sorry. 16, you
16 said?

17 Q Yes.

18 A "Who did you get that phone call from?"

19 "Uh, I don't recall who it was, but I talked to
20 Dragon before the phone call."

21 "Uh-huh."

22 "I talked to Al -- excuse me, and they said, yeah,
23 go ahead and do it. Tata said okay, to do it."

24 "He told you, specifically, that?"

1 "No, just told Dragon, and Dragon passed on the
2 message over by."

3 "What did Dragon tell you when -- when you talked to
4 him?"

5 "That it -- it was a green light, go ahead, take him
6 out."

7 "Okay."

8 Keep going?

9 Q So is that what happened?

10 A Yeah. There was a green light on him.

11 Q All right. And what does that mean?

12 A Take him out -- take Pettigrew out.

13 Q All right. Now, other Hells Angels presidents have
14 been killed before; is that right?

15 MR. HOUSTON: Objection. Foundation, Your Honor.

16 MR. HALL: There was that question by defense
17 counsel where he said, "Oh, this is not what happens."

18 MR. HOUSTON: Relevance. He said, "Hells Angels
19 presidents." I don't think it's relevant to the Vagos, Your
20 Honor, number one.

21 Number two, foundation, if he knows.

22 THE COURT: Okay. I'm going to overrule with regard
23 to relevance because it is directly to your cross-examination,
24 but I don't know if he has any knowledge of that.

1 MR. HOUSTON: Okay. Thank you.

2 THE COURT: Part of the objection will be sustained
3 until you lay the foundation.

4 BY MR. HALL:

5 Q All right. Do you know a person by the name of Papa
6 Guardo?

7 A I know of him being a Hells Angels.

8 Q And were you aware he got killed by the Mongols?

9 A Yes.

10 Q So Hells Angels presidents do get killed from
11 time-to-time?

12 A Yes.

13 Q When did that happen?

14 A I don't know the exact date.

15 Q About 2008, something like that?

16 A Could have been.

17 Q Now, do you know a fellow by the name of Richard
18 Nickerson?

19 A Does he have a nickname?

20 Q He's Good Buddy.

21 A Oh, San Jose.

22 Q San Jose, you're correct. He's the one that was
23 calling you a drunken fool.

24 A Okay. I know of him.

1 MR. HOUSTON: That misstates the evidence.

2 Actually, that's Mr. Evenson and Mr. Nickerson.

3 THE COURT: Well, at least one of them, so overruled
4 with regard to misstates the evidence.

5 MR. HOUSTON: Thank you, Your Honor.

6 BY MR. HALL:

7 Q So do you know him?

8 A Yes.

9 Q And how well do you know him?

10 A Being a patchholder.

11 Q And are you friends with him?

12 A He's in the San Jose charter.

13 Q All right. So then he would stick up for a San Jose
14 buddy?

15 A Yes, he would.

16 Q So San Jose guys --

17 MR. HOUSTON: Objection. Leading, Your Honor.

18 THE COURT: As to San Jose guys stick up for --

19 MR. HOUSTON: Excuse me, Your Honor. But the idea
20 to me is that the prosecutor should be asking questions, as
21 opposed to giving the answers and then signifying a response.
22 And I think that's the leading objection in reference to his
23 questioning technique at this point.

24 THE COURT: Okay. But that particular question