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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

UNITED STATES OF AMERICA ) Docket No. A 12-CR-210 SS  
)  
vs. ) Austin, Texas  
)  
JOSE TREVINO-MORALES (3) )  
FRANCISCO ANTONIO )  
COLORADO-CESSA (6) )  
FERNANDO SOLIS-GARCIA (7) )  
EUSEVIO MALDONADO-HUITRON(11) )  
JESUS MALDONADO-HUITRON (18) ) April 22, 2013

TRANSCRIPT OF TRIAL TESTIMONY OF ALFONSO DEL RAYO-MORA  
BEFORE THE HONORABLE SAM SPARKS  
Volume 6 of 15

APPEARANCES:

For the United States: Ms. Michelle E. Fernald  
Mr. Douglas W. Gardner  
Assistant U.S. Attorneys  
816 Congress Avenue, Suite 1000  
Austin, Texas 78701

For Defendant Trevino-  
Morales: Mr. David M. Finn  
Milner & Finn  
2828 North Harwood Street  
Suite 1950, LB9  
Dallas, Texas 75201

Ms. Christie Williams  
Mills & Williams  
1112 South Rock Street  
Georgetown, Texas 78626

For Defendant Colorado-  
Cessa: Mr. Mike DeGeurin  
Mr. M. Andres Sanchez-Ross  
Foreman, DeGeurin & DeGeurin  
300 Main Street  
Houston, Texas 77002

Mr. John Parras  
Republic Bank Building  
1018 Preston, Floor 2  
Houston, Texas 77002

1 **(Appearances Continued:)**

2 For Defendant Solis-Garcia: Mr. Guy L. Womack  
Guy L. Womack & Associates  
3 402 Main Street, Suite 6 North  
Houston, Texas 77002

4 For Defendant Eusevio Maldonado-Huitron: Mr. Richard D. Esper  
5 Esper Law Office  
801 North El Paso Street, 2nd Floor  
6 El Paso, Texas 79902

7 For Defendant Jesus Maldonado-Huitron: Mr. Thomas Brent Mayr  
Law Office of Brent Mayr  
8 4101 Washington Avenue, 2nd Floor  
Houston, Texas 77007

9  
10 Interpreters: Mr. Peter Heide  
Ms. Cristina Helmerichs  
11 Mr. Steve Mines

12 Court Reporter: Ms. Lily Iva Reznik, CRR, RMR  
501 West 5th Street, Suite 4153  
13 Austin, Texas 78701  
(512) 391-8792

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25 Proceedings reported by computerized stenography, transcript  
produced by computer.

14:03:16 1 MR. GARDNER: Thank you, your Honor. The government  
14:03:17 2 calls Mr. Alfonso Del Rayo-Mora.

14:04:01 3 (Witness sworn.)

14:04:30 4 THE COURT: If you will, sir, I'd like for you to tell  
14:04:33 5 me your full name and spell your last, please.

14:04:35 6 THE WITNESS: Alfonso Del Rayo-Mora, D-E-L, R-A-Y-O.

14:04:53 7 ALFONSO DEL RAYO-MORA, called by the Government, duly sworn.

14:04:53 8 DIRECT EXAMINATION

14:04:53 9 BY MR. GARDNER:

14:04:55 10 Q. Good afternoon, Mr. Del Rayo. You and I have met before,  
14:04:57 11 correct?

14:04:57 12 A. Yes.

14:04:57 13 Q. Could you please introduce yourself to the jury? Tell them  
14:04:59 14 what you do for a living, how old you are, and where you are  
14:05:01 15 from.

14:05:02 16 A. Yes. My name is Alfonso Javier Del Rayo-Mora. I'm from  
14:05:07 17 Veracruz, Veracruz in Mexico. I do -- I've been doing real  
14:05:13 18 estate business and it's about 15, 16 years ago. I'm 46 years  
14:05:20 19 old. I'm also a father with family.

14:05:28 20 Q. Sir, your English is much better than my Spanish, but you  
14:05:30 21 requested the interpreter back there in case you need --

14:05:32 22 A. Yes, sir.

14:05:33 23 Q. -- need a word interpreted, correct?

14:05:35 24 A. Yes, sir.

14:05:35 25 Q. Please feel free to take advantage of that.

14:05:37 1 A. Thank you.

14:05:38 2 Q. Mr. Del Rayo, how much would you estimate your net worth to  
14:05:46 3 be?

14:05:46 4 A. Between 20 and 25 million.

14:05:50 5 Q. And that's U.S. dollars, correct?

14:05:51 6 A. Yes.

14:05:52 7 Q. Is that based on your real estate investments?

14:05:54 8 A. Yes.

14:05:56 9 Q. You were originally indicted in this case; is that correct?

14:06:00 10 A. Yes, sir.

14:06:02 11 Q. You were charged as a criminal defendant?

14:06:05 12 A. Yes.

14:06:05 13 Q. So when the government made arrests in June 2012, where were  
14:06:10 14 you?

14:06:10 15 A. I was in Veracruz City.

14:06:13 16 Q. And how did you come to learn of the indictment?

14:06:16 17 A. I was called by one of the agents and he explained me what's  
14:06:22 18 my situation, and I told him that I didn't have anything to do  
14:06:26 19 with that. I told him what happened to me. And I decided to  
14:06:32 20 come over to the states of any own will, try to clear everything.

14:06:40 21 Q. And when you came to the United States, had you already or  
14:06:44 22 previously contacted a lawyer in the United States?

14:06:46 23 A. No.

14:06:47 24 Q. And so, did you turn yourself in and did Special Agent  
14:06:50 25 Lawson meet you at the airport?

14:06:51 1 A. Yes. He called me, like, around the first day of July,  
14:06:59 2 within a week I was here at San Antonio airport, and they took me  
14:07:06 3 over here to Austin.

14:07:10 4 Q. And why, having protections of the country in Mexico, did  
14:07:14 5 you make the decision to come to the United States?

14:07:16 6 A. Can you repeat that, please?

14:07:19 7 Q. Sure. Why did you make the decision, knowing you were under  
14:07:22 8 indictment in the United States, to come and turn yourself in?

14:07:26 9 A. Because I wanted to clear my whole situation because I know  
14:07:33 10 that I never been in a criminal action of any way.

14:07:42 11 Q. When you came to the United States, you told me what had  
14:07:45 12 happened to you. So I want to turn your attention to December of  
14:07:50 13 2010. Could you please tell the jury what happened to you in  
14:07:53 14 December 2010?

14:07:54 15 A. On December 10, 2010, I was kidnapped. I was kidnapped by a  
14:08:01 16 group of between 12 and 15 people coming out of the restroom bar  
14:08:08 17 at 4:30 in the morning, and they took me to a security -- to a  
14:08:16 18 safe house and they told me that they were Zetas and they wanted  
14:08:24 19 me -- they wanted from me 15 million pesos, which is about  
14:08:29 20 four-and-a-half-million dollars.

14:08:31 21 Q. And when they took you or kidnapped you, did they inflict  
14:08:35 22 any injuries upon you?

14:08:37 23 A. Yeah. They beat me up. They beat me up pretty bad. I  
14:08:42 24 thought I was going to be killed.

14:08:46 25 Q. Showing you Government's Exhibit 324A through J. Did you

14:08:53 1 provide me with those pictures, sir?

14:08:55 2 A. Yes, sir.

14:08:55 3 Q. If you could look through them just to make sure that they  
14:08:58 4 are true and accurate.

14:09:16 5 A. Yes, sir.

14:09:18 6 Q. Your Honor, I'd offer Government's Exhibits 324A through J.  
14:09:51 7 THE COURT: Hearing no objection, 324A through J are  
14:09:57 8 received.

14:10:02 9 MR. GARDNER: 324A.

14:10:04 10 THE COURT: 324A through J. Thank you.

14:10:07 11 Q. (BY MR. GARDNER) Now, there's a little bit of a glare on the  
14:10:09 12 screen, Mr. Del Rayo, but what did they do to your hand here?

14:10:14 13 A. I was hit by -- I was hit, all of my body, with the end of,  
14:10:22 14 I don't know, AK-47, AR-15, you know, with the end. I was hit  
14:10:29 15 all my body like that.

14:10:30 16 Q. We're talking that's commonly referred to as the buttstock  
14:10:34 17 of the weapon?

14:10:34 18 A. Yeah. And they broke two of my fingers.

14:10:38 19 Q. Two of your fingers?

14:10:39 20 A. Yeah.

14:10:40 21 Q. Showing you Government's Exhibit 34B. And what happened  
14:10:46 22 there, sir?

14:10:47 23 A. I was hit in the face, too, and I was also hit in like my --  
14:10:53 24 in my head. I needed surgery.

14:11:45 25 Q. There's a large bruise under your eye. And your eye is red,

14:11:50 1 a number of burst blood vessels in your eye?

14:11:52 2 A. Yes.

14:11:57 3 Q. I'm showing you 324G. What is this round mark up here on

14:12:02 4 the top of your head?

14:12:03 5 A. Hits with, you know, with the point of the AK-47, you know,

14:12:09 6 the whole -- I don't know.

14:12:11 7 Q. The muzzle, the rifle barrel?

14:12:12 8 A. Yeah.

14:12:15 9 Q. And, again, another view of the other and what did they hit

14:12:20 10 you with here?

14:12:21 11 A. Same.

14:12:21 12 Q. Same thing? And, sir, it's hard to tell here on 324I, but

14:12:31 13 where did this injury come from?

14:12:33 14 A. Same thing.

14:12:38 15 Q. Let me show you, this is you in the hospital. Again, is

14:12:42 16 this your broken hand?

14:12:43 17 A. Yes.

14:12:43 18 Q. And you mentioned something earlier about surgery. What

14:12:45 19 kind of surgery did you have to have?

14:12:47 20 A. They had to --

14:13:04 21 THE INTERPRETER: Had a plastic surgeon come in and

14:13:06 22 have all the circular scarring removed.

14:13:11 23 A. And they had to re-break my fingers so they can put them in

14:13:16 24 its place.

14:13:21 25 Q. (BY MR. GARDNER) 324A. They had to re-break these fingers?

14:13:24 1 A. Yes.

14:13:25 2 Q. And that was the subsequent picture of the cast, correct?

14:13:27 3 A. Yes.

14:13:29 4 Q. And also, as the defense attorneys have been provided, you

14:13:34 5 provided me with a number of hospital bills along that date to

14:13:38 6 show me the --

14:13:39 7 A. Yes.

14:13:39 8 Q. To verify you being in the hospital, correct?

14:13:42 9 A. Yes, sir.

14:13:42 10 Q. And how long, again, were you in captivity?

14:13:46 11 A. Nine days.

14:13:48 12 Q. And you mentioned earlier, something about a 50-million-peso

14:13:51 13 ransom?

14:13:52 14 A. Yes.

14:13:52 15 Q. And could you pay that ransom?

14:13:55 16 A. No.

14:13:55 17 Q. And why not?

14:13:56 18 A. I didn't have the cash. I mean, all the money that -- well,

14:14:01 19 all of my assets are in properties and real estate properties.

14:14:08 20 Q. And how did you come to be released?

14:14:12 21 A. For some reason, they found out that they were not going to

14:14:16 22 get the money from me. And the other side, this is something

14:14:22 23 that I knew after I was released. My wife called people in the

14:14:26 24 government of the state, for some reason, they got people helping

14:14:31 25 her try to contact where I was, with whom; and for some reason,



14:14:41 1 after nine days, they let me free with no pay at all.

14:14:47 2 Q. And, sir, after you were released, were you approached by  
14:14:51 3 someone?

14:14:52 4 A. Yeah, but not right away. It passed about -- I was released  
14:15:00 5 the 18th of December, and I believe a week, a week and a half  
14:15:08 6 after that, I was called by a person called Jose Guillermo  
14:15:15 7 Herrera-Mendoza, which at the time was Secretary of  
14:15:18 8 Communications of the state in the government of Veracruz. He  
14:15:22 9 told me that he needed to talk to me. He needed to go to my  
14:15:27 10 house. He needed to get someone to my house that needed to talk  
14:15:33 11 to me about my kidnapping.

14:15:37 12 I told him, yeah, just let me know what day and I'll  
14:15:43 13 wait for you here. So that date came, you know, after two or  
14:15:48 14 three days, and when he got home, he got home with Carlos Nayen.

14:15:54 15 Q. And let me show you a picture, sir, see if you recognize  
14:15:57 16 that. Is that the person you recognize as Carlos Nayen?

14:16:07 17 A. Yes, sir.

14:16:08 18 Q. Your Honor, for the record, that's 335E.

14:16:10 19 Now, I want to talk a little bit about Mr. Guillermo  
14:16:13 20 Herrera. What did you say his role was?

14:16:17 21 A. Yeah. He was at the time Secretary of Communications, which  
14:16:22 22 is one of the secretary -- one of the top positions in the  
14:16:29 23 government of the state of Veracruz.

14:16:31 24 Q. And who was the governor at that time?

14:16:35 25 A. At that time, it was a -- he had like a week or two weeks

14:16:42 1 the new governor, which is now governor -- his name is Javier  
14:16:47 2 Duarte. But he used to be Secretary of Communications since the  
14:16:53 3 other administration with Fidel Herrera.

14:16:56 4 Q. Fidel Herrera was the previous governor?

14:16:59 5 A. Yeah. He was the one that put Guillermo Herrera as a  
14:17:03 6 Secretary of Communications.

14:17:05 7 Q. So would I be correct in saying that Guillermo Herrera,  
14:17:08 8 Secretary of Communications, that's a political position?

14:17:12 9 A. Yes, sir.

14:17:13 10 Q. And so, could you refresh the jury, again, on the date that  
14:17:17 11 he and this individual Carlos Nayen came to your house?

14:17:21 12 A. It was between a week, a week and a half after I was  
14:17:25 13 released.

14:17:27 14 Q. And were you introduced to Carlos Nayen?

14:17:30 15 A. Yeah.

14:17:31 16 Q. And what did Guillermo Herrera say Mr. Nayen's position was?

14:17:36 17 A. Well, Guillermo had told me that this guy wanted to talk to  
14:17:40 18 me about my kidnap. Okay. So I said, well, I'm here, you know,  
14:17:48 19 I don't know what you want to talk about. So he tried explaining  
14:17:52 20 me -- he started explaining me that I was saved by his boss, you  
14:18:02 21 know, and because of that, I had to do -- as a payback, I had to  
14:18:10 22 come over to Oklahoma City between the 13 and 15 of January and  
14:18:17 23 buy a horse.

14:18:18 24 Q. And what did you tell him with respect to your injuries?

14:18:22 25 A. Yeah. I told him that I had to have surgery during those

14:18:29 1 days. He told me that I had to do the best to be on time to  
14:18:36 2 Oklahoma City in case of I wouldn't show, I will be in problems  
14:18:44 3 again.

14:18:44 4 Q. And did he say anything with regards to the safety of not  
14:18:47 5 only you but your family?

14:18:48 6 A. About my family, my wife, my kids.

14:18:51 7 Q. And when he said bosses, did he say any names, specifically?

14:18:57 8 A. No.

14:19:00 9 Q. And so, did you go ahead and have the surgery as scheduled?

14:19:03 10 A. Yeah. I did move my surgery so I could be on time to fly to  
14:19:11 11 Oklahoma and be on the 13 of January at Oklahoma, which I did.

14:19:16 12 Q. And when were you released from the hospital?

14:19:18 13 A. I was released from the hospital like around 10 or 11. I  
14:19:24 14 don't recall.

14:19:25 15 Q. Tenth or 11th of January?

14:19:26 16 A. Yeah. I just had time to go and pick up my kids to Mexico  
14:19:31 17 City because they were there by -- because of security, and we  
14:19:38 18 went back to Veracruz and took an airplane to San Antonio, then  
14:19:43 19 to Oklahoma.

14:19:44 20 Q. And so, when you got to Oklahoma, did anybody meet you when  
14:19:48 21 you got off the plane?

14:19:49 22 A. No. I got to Oklahoma and I wait like -- I waited like two  
14:19:54 23 hours, no one showed. So Carlos Nayen with two other persons  
14:20:01 24 showed, and then, we left the airport.

14:20:04 25 Q. Do you recall the names of the two other persons?

14:20:06 1 A. Yeah. One is Fernando Solis and the other guy is Carlos'  
14:20:14 2 brothers, Antonio, Antonio Nayen.  
14:20:16 3 Q. Okay. Now, when you were told you have to come to buy a  
14:20:20 4 horse in the United States, had you ever bought any horses  
14:20:23 5 before?  
14:20:23 6 A. No. I never had anything to do with any horses.  
14:20:27 7 Q. Okay. Do you know anything about the quarter-horse racing?  
14:20:30 8 A. Nothing. No.  
14:20:33 9 Q. When you get to Oklahoma, what time of the day is that,  
14:20:36 10 morning or night?  
14:20:37 11 A. Early in the morning. Like the first flight.  
14:20:40 12 Q. And so, after Carlos Nayen and Fernando Garcia and Carlos'  
14:20:46 13 brother meet you, what do you do then?  
14:20:48 14 A. We went to -- we went right to the hotel. We left a stop  
14:20:58 15 there and then, we take to the auction place, to the Heritage  
14:21:02 16 Place.  
14:21:02 17 Q. Heritage Place in Oklahoma City?  
14:21:04 18 A. Heritage Place, yeah.  
14:21:06 19 Q. When you went to the hotel, did they provide you your own  
14:21:10 20 room?  
14:21:10 21 A. No. We stayed at the same room, which was a suite. It had  
14:21:15 22 two rooms together.  
14:21:17 23 Q. So you, Carlos?  
14:21:20 24 A. Antonio.  
14:21:21 25 Q. And Fernando and Antonio were all together?

14:21:25 1 A. Yes.

14:21:26 2 Q. So you go to the auction place at Heritage Place and what

14:21:31 3 did you do that first day?

14:21:33 4 A. Not much. Just stay, you know, stay around. Not much.

14:21:41 5 Q. Did they explain to you what your role was going to be?

14:21:44 6 A. Excuse me?

14:21:44 7 Q. Did they explain to you what you were going to be doing?

14:21:47 8 A. Not that day. They started explaining me until Saturday.

14:21:54 9 Q. And so, what did they explain to you with regard to buying a

14:21:57 10 horse?

14:21:57 11 A. They explained me -- they showed me a book, a pretty big

14:22:03 12 book with all the horses that they were selling, and they told

14:22:09 13 me, you know, the horse I had to buy, it's almost at the end. So

14:22:14 14 that is going to be tomorrow, which is Sunday. And they tried --

14:22:20 15 they start explaining me, you know, taking me to the place where

14:22:26 16 the auction take place, you know, how was I supposed to buy the

14:22:33 17 horse, you know. They started explaining me, you're going to

14:22:38 18 have to raise your hand, letting them know that you're interested

14:22:44 19 in that horse, and then, someone is going to push, and then, you

14:22:49 20 have to go and push again until it's yours. Whatever reason, you

14:22:58 21 gotta buy it.

14:22:59 22 Q. And when you say push, does that mean raise your hand and

14:23:02 23 bid?

14:23:02 24 A. Yeah. Keep raising my hand until the horse is mine.

14:23:05 25 Q. Now, when you were at the auctions on Friday and Saturday,

14:23:10 1 were Carlos Nayen and Fernando Garcia with you all the time?

14:23:14 2 A. No. They were doing their business. I mean, they were on

14:23:19 3 their own things and I was in different places, and I was taken

14:23:26 4 care of by his brother, which is Antonio Nayen.

14:23:29 5 Q. All right. So, for example, when you went outside to smoke?

14:23:32 6 A. Yeah.

14:23:33 7 Q. Did Antonio go with you?

14:23:34 8 A. Yeah. Antonio. And Carlos and Fernando spent the whole day

14:23:41 9 doing other things.

14:23:42 10 Q. Did Antonio ever leave your side?

14:23:44 11 A. No.

14:23:49 12 Q. Now, at this time are your injuries still visible? Can you

14:23:54 13 still see your wounds and your injuries?

14:23:56 14 A. Me? Right now?

14:23:58 15 Q. No. When you -- I'm sorry.

14:24:00 16 A. Oh, yeah. At that time?

14:24:01 17 Q. Yes.

14:24:01 18 A. Yeah. I was pretty hurt. I had to do some -- I had to do

14:24:12 19 treatments. Take medicines for the inflammations, antibiotics

14:24:19 20 and things like that.

14:24:19 21 Q. And did Fernando Garcia see your injuries?

14:24:22 22 A. Yes.

14:24:23 23 Q. Did he see you take your medications?

14:24:25 24 A. Yes.

14:24:25 25 Q. And did he see you apply the treatments to your hand?

14:24:28 1 A. Yes. I had to take showers with a band -- with a bag in my  
14:24:33 2 hand, you know, take those kind of cares.

14:24:38 3 Q. Did Fernando Garcia ever ask you how you got hurt?

14:24:41 4 A. No.

14:24:42 5 Q. And so, you're going Sunday and is that the day that you  
14:24:47 6 actually bought the horse?

14:24:48 7 A. Yes.

14:24:48 8 Q. And do you remember the name of the horse?

14:24:50 9 A. Yeah. It was called Blues Ferrari. Yeah, Blues Ferrari.

14:24:56 10 Q. Did you ever know anything about that horse before?

14:24:59 11 A. No.

14:24:59 12 Q. Were you aware that Tremor Enterprises owned that horse?

14:25:02 13 A. No.

14:25:02 14 THE COURT: What was the name of the horse again?

14:25:04 15 THE WITNESS: Blues Ferrari.

14:25:09 16 Q. (BY MR. GARDNER) And tell us -- tell the jury about the  
14:25:14 17 bids. How did the bidding go? If you could just describe that  
14:25:17 18 physically for the jury.

14:25:18 19 A. They started, you know, like around \$5,000. Is that what  
14:25:24 20 you're talking about?

14:25:25 21 Q. Correct. Yes, sir.

14:25:27 22 A. So I went to, I don't know, I remember 7, \$8,000. Then they  
14:25:34 23 went to 10. I went to 12. They went to 15. I went to 20. They  
14:25:44 24 went like, suddenly, from 20 to 30. I went to 35. It kept going  
14:25:52 25 that way. Suddenly, we were between 100,000, 200,000. Then all

14:25:58 1 the way to \$150,000, to \$175,000. When they get to -- I got to  
14:26:08 2 around 280 or 290, and someone called 300, and then, I went to  
14:26:14 3 310,000, and then, no one kept going.

14:26:22 4 Q. Where was Carlos Nayen and Fernando Garcia while you were  
14:26:24 5 raising your hand?

14:26:26 6 A. I don't know, but they weren't there. The only person with  
14:26:31 7 me was his brother. They didn't want to be with me.

14:26:35 8 Q. Why do you say that?

14:26:37 9 A. That's what they said. They said they couldn't be with me.  
14:26:40 10 They didn't want people to know that they were like involved in  
14:26:47 11 that transaction.

14:26:50 12 Q. So after the auction, did you pay for the horse?

14:26:53 13 A. Yeah. I was called to go to the office, and I gave some  
14:27:01 14 checks. Two checks to pay for the horse.

14:27:10 15 Q. I want to show you Government's Exhibit 272A. 272B, while  
14:27:22 16 I'm up here, can you go through that, tell me what those are?

14:27:26 17 A. These are two checks, one for \$150,000 and the second one  
14:27:32 18 for \$160,000, that makes \$310,000 for the cost of the horse.

14:27:39 19 Q. Okay. And just while I'm up here, these other documents,  
14:27:43 20 are they also your banking records?

14:27:44 21 A. Yes.

14:27:44 22 Q. Your Honor, I offer Government's Exhibit 272A and 272B.

14:27:53 23 MR. WOMACK: No objection.

14:28:06 24 THE COURT: 272A and B are admitted.

14:28:09 25 Q. (BY MR. GARDNER) This is what we just talked about, correct?



14:28:21 1 Mr. Del Rayo, this check here in your wife's account for  
14:28:27 2 \$150,000?

14:28:29 3 A. Uh-huh. Yes.

14:28:30 4 Q. And this next one over here for \$160,000?

14:28:33 5 A. Yes, sir.

14:28:34 6 Q. Why two checks?

14:28:37 7 A. Because I told them that I didn't have the whole amount with  
14:28:41 8 me at the moment. So they said no problem. Give us two checks.  
14:28:49 9 Tell us when we can cash the next check.

14:28:54 10 Q. So you asked them to hold one until you let them know?

14:28:57 11 A. Yes.

14:28:58 12 Q. I'm showing you Government's Exhibit 359B. I'm sorry, 359A  
14:29:03 13 and 359B. Do you recognize those two photos?

14:29:08 14 A. Yes, sir.

14:29:08 15 Q. Okay. Is that you in 359B?

14:29:11 16 A. Yes, sir.

14:29:12 17 Q. And can you identify the individuals in 359A?

14:29:15 18 A. Yes. Fernando Garcia and Antonio Nayen.

14:29:20 19 Q. Your Honor, I offer 359A and 359B for relevance objections.

14:29:36 20 THE COURT: 359A and B are admitted.

14:29:50 21 Q. (BY MR. GARDNER) I'm showing you 359A, Mr. Del Rayo. Where  
14:29:53 22 is this? Where are you in this picture?

14:29:55 23 A. That's the office of, I guess, the manager of the place, the  
14:30:02 24 auction place.

14:30:02 25 Q. Is this where you went to?

14:30:05 1 A. To give the checks. Yes.

14:30:08 2 Q. And, again, you talked -- when you and I were up there at

14:30:11 3 the witness stand, who was that individual?

14:30:12 4 A. That's Antonio Nayen, Carlos' brother.

14:30:15 5 Q. And that individual?

14:30:16 6 A. That's Fernando Garcia.

14:30:17 7 Q. Okay. Did they -- obviously, did they accompany you to the

14:30:22 8 sales office after the auction?

14:30:24 9 A. They took me there.

14:30:25 10 Q. They took you there?

14:30:26 11 A. Yes.

14:30:26 12 Q. Do you have any indication from either Mr. Nayen or Mr.

14:30:29 13 Garcia that horse would go for \$310,000?

14:30:31 14 A. No. But they told me that I had to buy it at any price.

14:30:37 15 Q. I'm showing you 359B. And is this in the same location,

14:30:46 16 sir?

14:30:46 17 A. Yes, sir.

14:30:47 18 Q. All right. Is that when you're filling out the check?

14:30:51 19 A. Yes.

14:30:52 20 Q. At least from my photo here, seems like your finger's

14:30:56 21 sticking out there. Is that the hand that was injured?

14:30:58 22 A. Yes, sir.

14:30:59 23 Q. After the auction, what happened?

14:31:09 24 A. After the auction, we went back to San Antonio the next day.

14:31:15 25 Q. When you say "we," who?

14:31:18 1 A. We took -- we all together.

14:31:21 2 Q. So yourself?

14:31:22 3 A. Carlos, Fernando and Antonio and me.

14:31:25 4 Q. And so, when you got off the airplane -- let me back up a  
14:31:31 5 second. You have a residence in San Antonio?

14:31:33 6 A. I do own a house in San Antonio.

14:31:36 7 Q. So when you got back to San Antonio, was it your thought to  
14:31:40 8 go to your home?

14:31:41 9 A. Yes.

14:31:42 10 Q. And when you told -- let me back up.

14:31:46 11 Did you let Carlos Nayan or Fernando Garcia know you  
14:31:49 12 were going to the house?

14:31:50 13 A. Yes.

14:31:50 14 Q. And what was their response?

14:31:52 15 A. They wanted to take me and because they know that I had a  
14:31:59 16 minivan that I rented, and they wanted to take me to my house to  
14:32:04 17 see where I live. And then, they wanted -- they asked me to take  
14:32:09 18 them to a place, I guess, Retama Park, a place that looks like a  
14:32:18 19 race place, horse place.

14:32:23 20 Q. When they took you to your house, did you get the sense that  
14:32:26 21 they were verifying where you live in the United States?

14:32:28 22 A. Yes.

14:32:33 23 Q. So you went to your house and then, you got in your car from  
14:32:35 24 your house?

14:32:37 25 A. Yes.

14:32:37 1 Q. And then, you took everyone?

14:32:38 2 A. I took them.

14:32:40 3 Q. To Retama?

14:32:41 4 A. I drove and I took them to this horse place.

14:32:44 5 Q. And when you got to Retama Park, did you meet anyone else?

14:32:49 6 A. Well, there was like five or six people waiting for Carlos,  
14:32:59 7 and I just left and that was all.

14:33:02 8 Q. When you met these five or six people waiting for Carlos,  
14:33:05 9 how did they treat him?

14:33:07 10 A. Like -- well, like he was their boss.

14:33:12 11 Q. How old is Carlos?

14:33:15 12 A. Middle 20s.

14:33:20 13 Q. So after that, you went home and did you go back to Mexico?

14:33:25 14 A. After I went home -- after I stayed, you know, three or four  
14:33:30 15 days in San Antonio, and then, I go back to Veracruz.

14:33:34 16 Q. Were you ever contacted by Carlos again?

14:33:38 17 A. Yes.

14:33:39 18 Q. And when was that?

14:33:40 19 A. He called me back, like, three months later. Like around  
14:33:55 20 March, at the end of March, beginning of April.

14:34:00 21 Q. And what did he tell you?

14:34:02 22 A. He told me, in other words, that the things were pretty bad  
14:34:08 23 and they needed me to get more money. I asked him how much. He  
14:34:16 24 told me that he needed -- that they need -- that they told him  
14:34:20 25 that they needed to ask me for 10 million pesos.

14:34:26 1 Q. And, again, based on the exchange rate, about how much U.S.  
14:34:29 2 dollars is that?

14:34:30 3 A. About 7, 600 -- between 650, \$700,000.

14:34:40 4 Q. And did you have that money available in your bank account?

14:34:45 5 A. No.

14:34:45 6 Q. So how did you -- first question, did you get that money for  
14:34:48 7 them?

14:34:48 8 A. Well, first of all, I told him that I didn't have the money,  
14:34:54 9 that I would have to look around to have to get it. I had to  
14:35:00 10 look for what to sell to get the money, and he told me that I had  
14:35:05 11 to do it fastest I could.

14:35:09 12 Q. Did you felt you had the option of saying no to Carlos  
14:35:13 13 Nayen?

14:35:14 14 A. No, because in the other side, I started receiving calls  
14:35:19 15 from on my radio with death threats about if I didn't get that  
14:35:27 16 money, I will get killed or my family.

14:35:30 17 Q. Did you report these to Carlos?

14:35:33 18 A. Yeah. I told Carlos that that was happening, and he told  
14:35:36 19 me, don't worry, nothing's going to happen to you, just get the  
14:35:39 20 money.

14:35:41 21 Q. And so, this 10 million pesos or approximately \$600,000, did  
14:35:47 22 you eventually sell property to obtain those funds?

14:35:49 23 A. Yeah. I had to sell some properties to get the money. And  
14:35:52 24 when I had the money, I told Carlos I already had it. He told me  
14:36:00 25 that he wanted it in cash. I had it in cash in about a week.

14:36:07 1 And when I told him that it was ready, he changed the whole thing  
14:36:12 2 and told me, we don't need the cash anymore. We need to put it  
14:36:17 3 back in the bank because you're going to have to make wires to  
14:36:20 4 where we're going to tell you to.

14:36:22 5 Q. And where did they tell you to send it?

14:36:24 6 A. They gave me a list of accounts in the states, the name of  
14:36:32 7 the company, Southwest Stallion, and that's where I had to  
14:36:38 8 deposit all that money. But it took me like a week, week and a  
14:36:43 9 half to put the money back in the bank.

14:36:45 10 Q. I'm showing you page 2 of Government's Exhibit 272A. This  
14:36:50 11 is the cashier's check from Chase with your name to Southwest  
14:36:55 12 Stallion Station for \$250,000?

14:36:58 13 A. Yes.

14:36:58 14 Q. Dated July 28, 2011. And here's a check from Southwest  
14:37:03 15 Stallion Station, dated the same day, for \$300,000?

14:37:07 16 A. Yes.

14:37:08 17 Q. Were you ever told what those payments were for?

14:37:13 18 A. I was told those payments were needed for the company which  
14:37:21 19 uses to take care of the horses.

14:37:26 20 Q. Do you know anything about Southwest Stallion Station?

14:37:28 21 A. Excuse me?

14:37:29 22 Q. Did you know anything about Southwest Stallion Station?

14:37:31 23 A. No. Just -- I just knew this guy which I met when I paid  
14:37:39 24 for the horse telegram.

14:37:43 25 Q. You met him when --

14:37:45 1 THE COURT: He keeps saying Southwest.

14:37:47 2 MR. GARDNER: Stallion Station, your Honor.

14:37:53 3 Q. (BY MR. GARDNER) So you've never been to that particular  
14:37:56 4 facility in the U.S.?

14:37:57 5 A. Never.

14:37:59 6 Q. Now, for the \$310,000 that you paid for Blues Ferrari or the  
14:38:05 7 \$550,000 you paid for horse expenses, did the Zetas ever  
14:38:10 8 reimburse you for that?

14:38:11 9 A. No. Not at all.

14:38:14 10 Q. Now I'm going to show you what's been marked as Government's  
14:38:17 11 Exhibit 272B. Here's a check for \$50,000 to Southwest Stallion  
14:38:24 12 Station on August 8, 2011, check No. 1009, August 12, check 10010  
14:38:30 13 for \$50,000 to the same, and August 15, 2011, check No. 1011 for  
14:38:39 14 \$50,000 to Southwest Stallion Station.

14:38:40 15 Could you explain to the jury what these are for?

14:38:42 16 A. Yeah. Those are also part of the money from the 10 million  
14:38:48 17 pesos that they asked me. Had a lot of trouble transferring the  
14:38:51 18 money from Mexico to the states for obvious reason, you know,  
14:38:56 19 that was a lot of money. And it took some time to get the wire  
14:39:00 20 through because the first wires were sent back. The bank in  
14:39:06 21 Mexico, they didn't accept it.

14:39:11 22 So there was money left to pay to this company. So I  
14:39:16 23 had to come over myself and give him those checks to this guy  
14:39:23 24 Tyler Graham. And I told him, you can cash one and I'll let you  
14:39:26 25 know when can you cash the next one and, you know, keep that way.

14:39:30 1 Q. And did you actually talk to Tyler Graham over the phone?

14:39:33 2 A. Yes. I did talk to -- I did talk to him on the phone, and I  
14:39:37 3 did see him in person, also, because I give him the checks  
14:39:41 4 personally.

14:39:43 5 Q. I want to turn your attention to the winter of 2011. I'm  
14:39:51 6 sorry. Yes. 2011. Did you attend a wedding of Carlos Nayan?

14:39:56 7 A. On winter 2011. December 3rd, 2011, yes, I did.

14:40:01 8 Q. Can you tell the jury how that came about?

14:40:04 9 A. Yeah. I was asked for -- I was asked for Carlos to be  
14:40:12 10 there. I just went. I just went. I got there between 9:30 at  
14:40:18 11 night -- about 9:30, 10:00 at night, and I came back two hours  
14:40:23 12 later. I spent like two hours there.

14:40:27 13 Q. And did you see an individual there that you knew by the  
14:40:31 14 name of "Pancho" Colorado?

14:40:34 15 A. Well, I saw him. I didn't know him, you know. I knew who  
14:40:41 16 was him, you know, but I was present -- I was introduced to him  
14:40:45 17 by Carlos and by Jose Guillermo Herrera-Mendoza.

14:40:49 18 Q. And it's the same Guillermo Herrera who came with you?

14:40:52 19 A. And Carlos.

14:40:53 20 Q. And Carlos to your house?

14:40:54 21 A. Yes.

14:40:57 22 Q. Showing you Government's Exhibit 361. Do you recognize  
14:41:02 23 that, sir?

14:41:03 24 A. Yes.

14:41:04 25 Q. Did you obtain that for the government at our request?



14:41:07 1 A. Yes.

14:41:08 2 Q. All right. And were you present when this document was

14:41:10 3 filled out?

14:41:12 4 A. Yes.

14:41:12 5 Q. And what is that document?

14:41:14 6 A. It's a marriage certificate.

14:41:16 7 Q. Okay. Of Carlos Nayen?

14:41:17 8 A. Carlos Nayen marriage certificate.

14:41:20 9 Q. Your Honor, we offer Government's Exhibit 361.

14:41:34 10 THE COURT: Hearing no objection, 361 is admitted.

14:41:39 11 Q. (BY MR. GARDNER) Now, Mr. Del Rayo, it's in Spanish, but

14:41:53 12 could you explain to the jury in English what testigos de los

14:41:58 13 contrayentes means?

14:41:59 14 A. Witnesses.

14:42:00 15 Q. Witnesses?

14:42:01 16 A. Yes.

14:42:01 17 Q. And Francisco Antonio Colorado-Cessa was a witness?

14:42:06 18 A. Yes.

14:42:06 19 Q. Now, in the Mexican culture, what is the significance of

14:42:09 20 having witnesses at one's wedding?

14:42:13 21 A. It's like grandfather.

14:42:14 22 Q. Like a godfather?

14:42:15 23 A. Yeah.

14:42:16 24 Q. Is there any significance to the order such that the person

14:42:20 25 on top is more important than anyone else?

14:42:22 1 A. Not really. The order doesn't.

14:42:26 2 Q. And below here, the actual signatures of the witnesses,  
14:42:29 3 correct?

14:42:30 4 A. Yes.

14:42:33 5 Q. And where was "Pancho" Colorado sitting at that wedding in  
14:42:40 6 relation to the head table?

14:42:42 7 A. You know, I didn't see him seated at all. He was kind of  
14:42:46 8 taking care of the whole thing. He was like the one in charge of  
14:42:50 9 the whole wedding. That was my -- that's what I could -- that I  
14:42:55 10 could see.

14:42:57 11 Q. Now, following your arrest and you coming into the United  
14:43:02 12 States, have you been contacted by members of Carlos Nayan's  
14:43:06 13 family?

14:43:06 14 A. Before. Before I came here, yeah.

14:43:09 15 Q. And what did they ask you when they contacted you?

14:43:12 16 A. First of all, they asked me for the keys of the house in San  
14:43:17 17 Antonio, which I gave it to them. And then, I was asked for more  
14:43:23 18 money to pay expenses for his lawyer.

14:43:27 19 Q. And do you know why they asked you for the keys to your  
14:43:30 20 house?

14:43:30 21 A. Yeah. They told me that they needed the house so his wife  
14:43:35 22 and his son could go and live there.

14:43:39 23 Q. During the pendency of his criminal case, correct?

14:43:41 24 A. Excuse me?

14:43:42 25 Q. During the pendency or during his criminal matter.

14:43:45 1 A. They didn't tell me how long, but they told me they needed  
14:43:49 2 the house for that.

14:43:50 3 Q. And based on the government's representation, we asked you  
14:43:55 4 not to contact her?

14:43:56 5 A. Yes, sir.

14:44:00 6 Q. Did you feel you had the ability to ever say no to Carlos  
14:44:03 7 Nayen or any of the Zetas during this whole ordeal?

14:44:08 8 A. No.

14:44:09 9 Q. What do you think would happen if you had said no?

14:44:12 10 A. I get punished.

14:44:21 11 Q. Your Honor, I'll pass the witness.

14:44:30 12 MS. WILLIAMS: I don't have any questions.

14:44:35 13 CROSS-EXAMINATION

14:44:39 14 BY MR. SANCHEZ:

14:44:39 15 Q. Mr. Del Rayo.

14:45:02 16 A. Yes.

14:45:03 17 Q. My name's Andres Sanchez. We haven't met, have we?

14:45:06 18 A. No.

14:45:09 19 Q. I want to get just to make sure I understand the amounts of  
14:45:17 20 money and the times when you were paying these amounts of moneys  
14:45:23 21 so I have that clear.

14:45:24 22 A. Uh-huh. Yes.

14:45:25 23 Q. And I guess, before, you said you were kidnapped sometime in  
14:45:31 24 December of 2010?

14:45:33 25 A. The 10 of December.

14:45:35 1 Q. Okay. So December 10, 2010?

14:45:38 2 A. Yes.

14:45:39 3 Q. And lasted nine days?

14:45:41 4 A. Yeah. Until the 18.

14:45:43 5 Q. Until the 18th. And then, on the 18th, you're released and  
14:45:47 6 then, sometime a week or so later, Carlos Nayen comes to visit  
14:45:51 7 you?

14:45:51 8 A. Yes. Not to visit me, just he came with Jose Guillermo  
14:45:58 9 Herrera to talk to me about what he wanted.

14:46:03 10 Q. Right. And maybe there's some issue in the translation. I  
14:46:06 11 don't mean visit you as in how are you doing, nice to meet you,  
14:46:09 12 but he came to your house?

14:46:10 13 A. Yes.

14:46:11 14 Q. And your house is -- you said you're from Veracruz,  
14:46:16 15 Veracruz. The house you were living in when you were living in  
14:46:18 16 Mexico, is that in Veracruz, Veracruz?

14:46:20 17 A. Yes, sir.

14:46:20 18 Q. And Veracruz is a city within the state of Veracruz?

14:46:25 19 A. Well, it's a city within the state of Veracruz, but there  
14:46:29 20 are three cities together. Veracruz, Boca del Rio and Alvarado.  
14:46:36 21 We call it Veracruz but, you know, there are differences, though.  
14:46:40 22 Mine is in Alvarado.

14:46:42 23 Q. Okay. Do you know where Nayen lives?

14:46:44 24 A. Where who?

14:46:45 25 Q. Carlos Nayen? Do you know where he lives?

14:46:47 1 A. No.

14:46:48 2 Q. The Boca del Rio is one of those three cities?

14:46:53 3 A. Yes.

14:46:54 4 Q. That you consider Veracruz?

14:46:56 5 A. Yes.

14:46:57 6 Q. How far away is Tuxpan?

14:47:00 7 A. How far away is Tuxpan from that area, I don't know, three,

14:47:06 8 three-and-a-half hours.

14:47:08 9 Q. What about Pozo Rica?

14:47:11 10 A. Four -- yeah, between same time. About the same time.

14:47:16 11 Q. Okay. Sorry. I got a little off track.

14:47:19 12 But so, in January of 2011, in that time period, Carlos

14:47:25 13 Nayen came to your home; is that correct?

14:47:26 14 A. No. It was in January.

14:47:29 15 Q. It was still in December?

14:47:31 16 A. Yes.

14:47:31 17 Q. December, he comes to your home and tells you that he would

14:47:35 18 like for you to attend an auction where you're going to be paying

14:47:41 19 some money for a horse.

14:47:43 20 A. No. That I had to buy a horse as a payback for my release.

14:47:49 21 Q. Okay. And I guess what's important to me is I want to try

14:47:52 22 to get the details right. Did he tell you, you're going to be

14:47:55 23 having to write a check for a horse at that particular time?

14:48:00 24 A. No. He just told me that I had to buy the horse.

14:48:06 25 Q. What I'm trying to figure out is, how did you know to show

14:48:09 1 up with your checkbook from the San Antonio account that you  
14:48:12 2 have?

14:48:14 3 A. Can you say that again?

14:48:15 4 Q. Sure. When you got to the auction in January, you showed up  
14:48:22 5 and you were ready to write the check. You had an account or a  
14:48:25 6 checkbook from Chase?

14:48:26 7 A. Uh-huh. Yes.

14:48:29 8 Q. Right? And at least \$150,000 in that account as a portion  
14:48:34 9 of the \$310,000 to pay for it, right?

14:48:38 10 A. Yes.

14:48:38 11 Q. So that \$150,000 in that account, how did you know to show  
14:48:42 12 up with that particular checkbook and pay in that particular  
14:48:45 13 manner with that checkbook?

14:48:47 14 A. Well, I didn't know how much money to take. I just had that  
14:48:51 15 money at that time, and that's what I paid that time.

14:48:56 16 Q. So you had \$150,000 in that particular account, and you  
14:49:02 17 wrote out a check for \$150,000, then another 170?

14:49:05 18 A. 160.

14:49:06 19 Q. 160?

14:49:07 20 A. Yes.

14:49:07 21 Q. Okay. So there was already \$150,000 in your U.S. Chase  
14:49:11 22 account. Is that what you're telling us?

14:49:13 23 A. Yes. They couldn't get that check paid right away.

14:49:21 24 Q. You told them, go ahead and cash that check but wait for the  
14:49:24 25 160?

14:49:24 1 A. Yes.

14:49:25 2 Q. And I see a date -- I don't know exactly what date it is.

14:49:36 3 Looks like January 26. Is that what date that was on?

14:49:40 4 A. January -- yeah, January 20-something. Can I see that 161?

14:49:49 5 It's about the same.

14:49:51 6 Q. In one? Wait, what do you want to see?

14:49:54 7 A. January 20-something. Yeah.

14:49:56 8 Q. Okay. All right. So what I'm trying to figure out is the

14:50:00 9 remaining 160, how did you get that money into that particular

14:50:05 10 account?

14:50:05 11 A. I had to send money from Mexico.

14:50:10 12 Q. And I want the details of that, if you could, please.

14:50:13 13 A. To go back to Mexico to Veracruz, I had to get some money on

14:50:18 14 my own, you know, and send it back -- and send it to my account

14:50:22 15 in Chase.

14:50:23 16 Q. Okay. And so, you gave instruction -- what was the -- money

14:50:27 17 in pesos?

14:50:28 18 A. I went myself. I went back to Veracruz, you know, I get the

14:50:33 19 money, and then, I sent it and I make a wire to that account to

14:50:39 20 have the other part of the money.

14:50:43 21 Q. Did you sell property to get that 160?

14:50:45 22 A. Well, I had some money over there from other things.

14:50:50 23 Q. Was it in pesos?

14:50:51 24 A. Yes.

14:50:52 25 Q. So it was in pesos?

14:50:53 1 A. All the money in Veracruz was in pesos.

14:50:57 2 Q. All the money in your account in Veracruz was in pesos?

14:50:59 3 A. Yeah. There's no dollars -- there's no dollars accounts in  
14:51:03 4 Veracruz.

14:51:04 5 Q. So --

14:51:05 6 A. As far as I know.

14:51:06 7 Q. So you converted the money from pesos to wire it to dollars  
14:51:10 8 to that account?

14:51:10 9 A. The bank does it itself, you know. I just say, I want to  
14:51:14 10 send a million pesos and they take, you know, the rate, the  
14:51:20 11 exchange rate at that day, and they put it in whatever --  
14:51:26 12 wherever account it's sent.

14:51:29 13 Q. Okay. So in January -- do you know how long it took before  
14:51:33 14 you had the money to -- for this check?

14:51:37 15 A. It took me more than that date. I can't recall.

14:51:42 16 Q. I won't hold you to it. Was it a week? Was it a month? Do  
14:51:45 17 you know how long roughly?

14:51:46 18 A. Less than a month.

14:51:47 19 Q. So by February, you'd already spent \$310,000?

14:51:52 20 A. Yes.

14:51:54 21 Q. And then, you talked about in April -- so in April is when  
14:52:21 22 this occurred?

14:52:22 23 A. No. That occurred until June -- July.

14:52:27 24 Q. All right. I'm sorry. In April is when Nayen approached  
14:52:30 25 you again?



14:52:31 1 A. Uh-huh. Yes.

14:52:33 2 Q. And asked you to collect the money that ultimately turned  
14:52:36 3 out to be these checks?

14:52:37 4 A. Uh-huh. Yes.

14:52:39 5 Q. And you collected in cash but then, had to redeposit it?

14:52:44 6 A. I had it in bags but they -- but he wanted it in cash.

14:52:51 7 Q. In pesos?

14:52:52 8 A. In pesos. Yes.

14:52:54 9 Q. And then, you deposited it back into the bank?

14:52:57 10 A. I had to deposit it back in cash to my accounts and then,  
14:53:03 11 make the wires.

14:53:05 12 Q. All right. So what I'm trying to figure out was that cash  
14:53:08 13 that you got, was that from selling land or?

14:53:11 14 A. Yeah. I did sell like two or three properties to have the  
14:53:16 15 money.

14:53:17 16 Q. And people brought you cash for those properties?

14:53:19 17 A. No. Not all the money was cash. Some of it, yeah.

14:53:27 18 Q. Okay. So then, when they're saying -- when you're being  
14:53:31 19 told by Nayen or -- I think it was Nayen, correct?

14:53:34 20 A. Yes.

14:53:35 21 Q. By the way, everything, all the contacts that you had about  
14:53:38 22 these checks and all the money was through Nayen?

14:53:40 23 A. Yes.

14:53:41 24 Q. Nayen was telling you what to do?

14:53:43 25 A. Yes, sir.

14:53:44 1 Q. When Nayen tells you, never mind, we want this wired or  
14:53:51 2 ultimately in a check, how do you get that cash to the U.S.?

14:53:56 3 A. No. I didn't get any cash. I had to put it back everything  
14:54:00 4 in my accounts. I got several accounts in Veracruz from  
14:54:07 5 companies that I have. I have to put various deposits -- you  
14:54:18 6 know, it took me like two weeks to get all the money inside the  
14:54:24 7 accounts. When I had the money inside the accounts, I collect --  
14:54:29 8 I collect all the money in the accounts, and I put in one account  
14:54:33 9 so I can transfer the money from one account.

14:54:35 10 Q. Gotcha. So you have several accounts. You started putting  
14:54:40 11 in money in those several accounts, and those several accounts  
14:54:43 12 sent money to Chase to get the cashier's check?

14:54:46 13 A. Yes.

14:54:46 14 Q. Okay. And that was in June?

14:54:48 15 A. But before that -- but before that, I tried to do the wires  
14:54:51 16 directly to that account of the Southwest Stallion company, and  
14:54:57 17 that's when I had trouble because they sent it back to me. They  
14:55:02 18 didn't went through for -- how do you call it, for security  
14:55:10 19 reasons. That's what they explained to me in Mexico.

14:55:17 20 Q. By the way, how many accounts do you have in Veracruz? I  
14:55:19 21 know a Santander account. What other accounts do you have?

14:55:25 22 A. All of my accounts are Santander. I have a Banco Norte  
14:55:30 23 account. I had a BBVA account.

14:55:37 24 Q. What about Banamex?

14:55:42 25 A. No.

14:55:43 1 Q. Never?

14:55:44 2 A. Later, I had a Banamex.

14:55:46 3 Q. What year did you open that account?

14:55:48 4 A. In 2012.

14:55:57 5 Q. So now we're up to -- with the 310 plus this 550, you're at

14:56:07 6 a total of 860,000 that you've paid?

14:56:12 7 A. Yeah, plus the \$150,000 in checks that I gave to Tyler

14:56:18 8 Graham.

14:56:18 9 Q. All right. So we'll jump right to that. Those 150,000 in

14:56:23 10 checks, that came in August?

14:56:29 11 A. Yes.

14:56:30 12 Q. So the same thing. This time, you know you don't need it in

14:56:34 13 cash. How did you get the money to that particular account, do

14:56:37 14 you remember?

14:56:37 15 A. Yeah. I get deposit in Mexico so I could transfer that

14:56:45 16 money to this accounts in the United States. I get the money.

14:56:49 17 Q. And, again, this money was from?

14:56:55 18 A. Sales.

14:56:56 19 Q. Sales.

14:56:56 20 A. Yes.

14:56:58 21 Q. Of property?

14:56:58 22 A. Property sales.

14:56:59 23 Q. And the Zetas never paid you back and Carlos Nayan never

14:57:04 24 paid you back?

14:57:04 25 A. Excuse me?

14:57:05 1 Q. The Zetas never paid you back and Carlos Nayen never paid  
14:57:08 2 you back?  
14:57:08 3 A. Never.  
14:57:09 4 Q. We talked a second about this. That top name is Francisco  
14:57:44 5 Antonio Colorado-Cessa. That's who you know to be Francisco  
14:57:52 6 Antonio Colorado-Cessa?  
14:57:53 7 A. Excuse me?  
14:57:54 8 Q. Is that who you know to be Francisco --  
14:57:56 9 A. Yes. Yes, sir.  
14:57:58 10 Q. You said that the witness would be the godfather?  
14:58:04 11 A. Well, that's -- that's what I heard Carlos call him.  
14:58:11 12 Q. But you're not saying that this particular document  
14:58:13 13 indicates that he's a godfather?  
14:58:15 14 A. No.  
14:58:16 15 Q. Okay. Because here, the third and fourth witnesses are 21  
14:58:20 16 and 22 years old, right?  
14:58:22 17 A. Yeah. But I don't know.  
14:58:24 18 Q. They're not godparents of Carlos, are they?  
14:58:27 19 A. I don't know.  
14:58:31 20 Q. One thing we missed out on about the wedding. Do you know  
14:58:40 21 who Anali Faces is? I may be mispronouncing the name.  
14:58:45 22 A. Yes. It's his wife.  
14:58:46 23 Q. Whose wife?  
14:58:48 24 A. Carlos Nayen's wife.  
14:58:50 25 Q. Carlos Nayen's wife and that's the wedding you went to was

14:58:56 1 for Anali and Carlos?

14:58:58 2 A. Yes.

14:59:38 3 Q. Do you recognize that photo?

14:59:39 4 A. Yes. Well, that's his wedding.

14:59:43 5 Q. That's his wedding?

14:59:44 6 A. Their wedding.

14:59:44 7 Q. And that's Ana?

14:59:47 8 A. I believe so.

14:59:49 9 Q. And that's Carlos?

14:59:51 10 A. Yeah. That's Carlos.

14:59:55 11 Q. We offer Colorado 3, your Honor.

14:59:58 12 MR. GARDNER: No objection, your Honor.

15:00:02 13 THE COURT: Colorado 3 is received.

15:00:05 14 Q. (BY MR. SANCHEZ) So when you talked about getting invited to  
15:00:21 15 this wedding, you mentioned on direct that Carlos Nayen asked you  
15:00:30 16 directly to go to the wedding?

15:00:31 17 A. Yeah. He called me and told me that he wanted me -- he  
15:00:35 18 wanted me to be there.

15:00:36 19 Q. Have you ever told agents, or anyone else, that Ana's father  
15:00:43 20 asked you to go to the wedding?

15:00:45 21 A. No. That's another -- I told them, yeah. I told them also  
15:00:49 22 that, that they called me and invited me to.

15:00:53 23 Q. Ana's father called you?

15:00:55 24 A. Yeah, because I know Ana's father from a long time ago.

15:00:58 25 Q. Okay. And were you in any way afraid of telling Ana's

15:01:03 1 father, no, you didn't want to go to the wedding?

15:01:05 2 A. No. He doesn't know or he didn't know anything about my  
15:01:13 3 situation.

15:01:17 4 Q. And you have no reason to believe that he knew about your  
15:01:22 5 situation or knew anything about Carlos and the son who his  
15:01:28 6 daughter -- or the man his daughter was marrying, right?

15:01:30 7 A. I had no idea.

15:01:36 8 Q. This wedding, where was the wedding?

15:01:39 9 A. That was in Jalapa, the capital of the state of Veracruz.

15:01:46 10 Q. And was it a open event or was it by invitation only?

15:01:52 11 A. Well, it was an invitation.

15:01:56 12 Q. Was it something where there were armed men walking around  
15:02:00 13 with the AK-47s that they had where they held you?

15:02:04 14 A. Not that I noticed.

15:02:06 15 Q. Were there a lot of people at this wedding?

15:02:09 16 A. Yes.

15:02:09 17 Q. Were there any other people, well-known, respected people  
15:02:14 18 from Veracruz at the wedding?

15:02:16 19 A. Not that I noticed.

15:02:18 20 Q. Not that you noticed?

15:02:19 21 A. No.

15:02:20 22 Q. Just you and Francisco Colorado, nobody else from the  
15:02:23 23 community of Veracruz?

15:02:24 24 A. Well, it was Guillermo Herrera, too. He was there.

15:02:28 25 Q. And those are the only three people at the wedding that

15:02:30 1 were --

15:02:30 2 A. I saw a lot of people, but I cannot tell you they're, you

15:02:34 3 know, highly recognized in, you know, in Veracruz society or not.

15:02:39 4 Q. Did you recognize them?

15:02:41 5 A. Not many. Probably a couple.

15:02:44 6 Q. How many people total were at this wedding?

15:02:46 7 A. A lot. Like, I don't know, tell between 500, 700 people.

15:03:06 8 Q. Did you ever receive a 1 million peso payment from Miguel

15:03:57 9 Nayen -- I'm sorry, from Carlos Nayen to your Banamex account?

15:04:02 10 A. I received 2 million pesos.

15:04:05 11 Q. Two-million pesos?

15:04:06 12 A. Yes.

15:04:07 13 Q. From Nayen?

15:04:08 14 A. Yes.

15:04:08 15 Q. When was that?

15:04:08 16 A. That was 2012.

15:04:10 17 Q. Do you know what month?

15:04:12 18 A. Probably about February or March.

15:04:24 19 Q. But that wasn't anything to do with this particular -- the

15:04:27 20 payments we discussed?

15:04:28 21 A. No.

15:04:35 22 Q. What was it for?

15:04:36 23 A. He asked me again for money. I told him that I didn't have

15:04:41 24 the money. He told me or asked me to look for it because, I

15:04:50 25 don't know, three or four weeks before I told him, you know,

15:04:52 1 there's no way I can get any money flat. He got to the point and  
15:04:59 2 said, okay, I'm going to lend it to you, but you're going to owe  
15:05:02 3 it to me. So that's why he sent money.

15:05:06 4 Q. He asked you for money but, in the end, ended up giving you  
15:05:09 5 money?

15:05:10 6 A. He asked me for money. When he found out that I didn't have  
15:05:16 7 the money, that I had no way to get the money, he told me, I'm  
15:05:23 8 going to lend it to you and you'll owe it to me.

15:05:33 9 Q. I'll pass the witness.

15:05:43 10 THE COURT: Members of the jury, I'll give you your  
15:05:45 11 afternoon break. Time to use the facilities, stretch. Be ready  
15:05:50 12 to come back in about 15 minutes.

15:06:25 13 (Jury not present.)

15:06:29 14 THE COURT: Fifteen-minute recess.

15:06:31 15 (Recess.)

15:22:33 16 THE COURT: I'll have counsel up here.

15:22:52 17 (At the bench, on the record.)

15:23:00 18 THE COURT: When you asked me if we were going to go on  
15:23:02 19 Friday, I forgot, we have somebody that needs medical attention  
15:23:08 20 on Friday. So we will not go on Friday.

15:23:13 21 MR. ESPER: Judge, in that vein -- thank you very much.  
15:23:15 22 In that vein, I took the liberty of making a flight at 7:15. I  
15:23:22 23 know we've been working till 6:00. Do you think maybe on  
15:23:24 24 Thursday, maybe we could stop at 5:30?

15:23:27 25 THE COURT: For you? If you would stop cross-examining



15:23:35 1 when you shouldn't be up there. As long as you'll let me play  
15:23:38 2 with your windshield --

15:23:39 3 MR. ESPER: I tell you what, you can do the latter, but  
15:23:41 4 the former, I think I --

15:23:43 5 THE COURT: Remind me Thursday.

15:23:45 6 MR. ESPER: I will.

15:23:46 7 MR. GARDNER: Your Honor, I'm sorry. Just one other  
15:23:49 8 thing. We made a number of calls to Ernest Gonzalez, at 1:28,  
15:23:53 9 at 1:30. Can I release this witness for today, have him subject  
15:23:57 10 to recall? And once we get the information, we can provide it.

15:24:00 11 THE COURT: Sure. Just as long as he's available.

15:24:06 12 (Jury present.)

15:24:36 13 THE COURT: Let's have our witness. You understand,  
15:25:23 14 sir, you're still under oath?

15:25:24 15 THE WITNESS: Yes.

15:25:25 16 THE COURT: You may proceed.

15:25:26 17 CROSS-EXAMINATION

15:25:27 18 BY MR. WOMACK:

15:25:27 19 Q. Thank you, sir.

15:25:28 20 Good afternoon, Mr. Del Rayo.

15:25:29 21 A. Good afternoon.

15:25:30 22 Q. I'm Guy Womack. I'm from Houston. I represent Fernando  
15:25:35 23 Garcia-Solis. Fernando, would you stand up? You know Fernando?

15:25:40 24 A. Yes.

15:25:40 25 Q. Okay. Thank you. You may have a seat.

15:25:42 1 And first time you met him or when you met him was at  
15:25:46 2 this auto auction that you've told us about.

15:25:49 3 A. I met him at the Oklahoma City Airport.

15:25:53 4 Q. Right. And that was at a horse sale?

15:25:56 5 A. Yes.

15:25:57 6 Q. Okay. And when you met Fernando Garcia, he told you that  
15:26:02 7 what he does is he trains horses and, also, he helps people  
15:26:06 8 identify horses to buy when they're fast. Remember that?

15:26:10 9 A. No. He didn't tell me that. He didn't tell me much about  
15:26:14 10 what he does.

15:26:16 11 Q. Don't you recall that he gave you some ideas on things to  
15:26:20 12 look for when you look at horses?

15:26:21 13 A. No.

15:26:21 14 Q. Do you ever recall that he told you you should always have  
15:26:24 15 the horse X-rayed?

15:26:25 16 A. Excuse me?

15:26:26 17 Q. Do you recall him telling you that you should always have a  
15:26:29 18 horse X-rayed? Do you recall that?

15:26:33 19 A. No. I can't recall that.

15:26:35 20 Q. You don't remember that conversation?

15:26:37 21 A. No.

15:26:37 22 Q. At Oklahoma City?

15:26:39 23 A. To what?

15:26:40 24 Q. You don't remember that conversation?

15:26:41 25 A. No.

15:26:41 1 Q. In Oklahoma City?

15:26:42 2 A. No.

15:26:42 3 Q. Okay. You never told Fernando Garcia about being kidnapped.

15:26:51 4 A. No.

15:26:51 5 Q. Or about being threatened by this Nayen character?

15:26:54 6 A. No.

15:26:59 7 Q. During the day of the auction, you told us that there were

15:27:03 8 times that Fernando was gone. Remember that?

15:27:07 9 A. I don't understand.

15:27:08 10 Q. During the day of the auction, there are times that you were

15:27:11 11 there with these other people and Fernando Garcia was gone?

15:27:14 12 A. Yeah.

15:27:15 13 Q. Working at the auction or looking at horses?

15:27:17 14 A. Yes.

15:27:17 15 Q. Okay. Now, you told us that you and Fernando and Nayen and

15:27:32 16 Nayen's brother all stayed in a suite, a large hotel room with

15:27:36 17 different bedrooms?

15:27:37 18 A. Yes. Different -- yeah, different beds, not bedrooms.

15:27:45 19 Q. Okay. And it had beds for everybody?

15:27:51 20 A. No. It has like, you know, like a lovey?

15:27:55 21 Q. A couch that extends out into a bed?

15:27:57 22 A. Yeah. That's where Fernando stayed at the front. At the

15:28:01 23 end, there were two beds. In one bed stayed Carlos and his

15:28:06 24 brother. On the other bed was for me.

15:28:07 25 Q. Okay. Now, there was never a time at the sale where you

15:28:16 1 were alone with Fernando Garcia where you could tell him about  
15:28:20 2 what had happened, was there?

15:28:22 3 A. Probably we spent three days, you know, together.

15:28:26 4 Q. Okay.

15:28:27 5 A. But I never told him or he never asked me what happened to  
15:28:31 6 me.

15:28:31 7 Q. You never bother -- you didn't tell anyone what Nayen had  
15:28:34 8 been doing to you?

15:28:35 9 A. No.

15:28:37 10 Q. Fernando Garcia never told you to buy a horse, did he?

15:28:56 11 A. No.

15:28:56 12 Q. Fernando Garcia, never told you to buy a house. He never  
15:29:00 13 told you that you should buy Blues Ferrari? He never recommended  
15:29:07 14 that, did he?

15:29:07 15 A. No. He never told me to buy Blues Ferrari, but he showed me  
15:29:13 16 the way to be in the, you know, in the auction.

15:29:16 17 Q. Right.

15:29:17 18 A. And how to, you know, work it out to get the horse.

15:29:25 19 Q. But it was only Nayen that was telling you, you've got to  
15:29:28 20 buy a particular horse and you've got to keep paying till I tell  
15:29:31 21 you to stop?

15:29:32 22 A. Yeah.

15:29:34 23 Q. And Fernando was not a part of that at all. He never gave  
15:29:37 24 you any instructions like that.

15:29:38 25 A. No. He only showed me, you know, you gotta do there, this

15:29:41 1 is going to happen, you gotta do this. This might happen, but  
15:29:46 2 you gotta do this, and be careful with this or be careful with  
15:29:49 3 that.

15:29:49 4 Q. Okay.

15:29:50 5 A. Things like that.

15:29:50 6 Q. And, again, I was asking you earlier about him, Fernando  
15:29:53 7 giving you advice on how you buy horses. He did have a  
15:29:56 8 conversation with you where he said, this is how you auction  
15:29:59 9 horses. You'll raise your hand or you'll signal a bid if you  
15:30:02 10 want to make one. He was telling you that kind of stuff?

15:30:04 11 A. Yes.

15:30:05 12 Q. But he never told you how to buy a particular horse. He  
15:30:09 13 never said anything like that, did he?

15:30:10 14 A. They both told me that at any cost, I had to get the horse.

15:30:15 15 Q. Okay. And it was very obvious to you that the only  
15:30:21 16 instructions you were getting about you had to do something, that  
15:30:24 17 was coming from Carlos Nayen, right?

15:30:27 18 A. That was the first instruction, yeah, since I met Carlos  
15:30:30 19 Nayen.

15:30:30 20 Q. Yeah. And as you told us just a little bit ago on the  
15:30:43 21 cross-examination by Mr. Sanchez, the only person that knew about  
15:30:47 22 your situation and what you were having to do was Carlos Nayen?

15:30:52 23 A. Well.

15:30:53 24 Q. As far as you know.

15:30:54 25 A. That's what I know.

15:30:55 1 Q. Thank you. No further questions.

15:31:00 2 THE COURT: Mr. Esper.

15:31:02 3 MR. ESPER: No cross, your Honor.

15:31:03 4 THE COURT: Mr. Mayr?

15:31:03 5 MR. MAYR: No questions either, your Honor.

15:31:05 6 THE COURT: Any redirect?

15:31:05 7 MR. GARDNER: Yes, your Honor.

15:31:07 8 RE-DIRECT EXAMINATION

15:31:07 9 BY MR. GARDNER:

15:31:09 10 Q. So was Fernando Garcia with Carlos Nayen when you were told  
15:31:13 11 to buy Blues Ferrari at any cost?

15:31:15 12 A. Yes.

15:31:17 13 Q. And was Fernando Garcia next to you when you were raising  
15:31:21 14 your hand for the bid on Blues Ferrari?

15:31:24 15 A. No. He wasn't with me.

15:31:25 16 Q. Was he with Carlos Nayen?

15:31:27 17 A. Yes.

15:31:28 18 Q. Why didn't you tell Garcia you were kidnapped?

15:31:40 19 A. I believed that that was something that I had to keep for  
15:31:46 20 myself. I mean, something that I couldn't be, you know, telling  
15:31:49 21 anyone. Even if they ask me, those people asked me what happened  
15:31:56 22 to me, I had to say it was an accident, that I went to an  
15:32:01 23 accident.

15:32:01 24 Q. And, again, I'm showing you 324B. Ms. Sims, would you lower  
15:32:08 25 the lights for me, please?

15:32:27 1 Your Honor, may I do the old school route, publish  
15:32:30 2 these directly to the jury, since the glare's on the screen for  
15:32:34 3 them to look at?

15:32:36 4 THE COURT: No. I'm not going to take the time for  
15:32:38 5 that. They'll have the pictures.

15:32:43 6 Q. (BY MR. GARDNER) 324B, Mr. Del Rayo, were these injuries  
15:32:47 7 visible during the time that you were bidding on Blues Ferrari?

15:32:51 8 A. Yes.

15:32:58 9 Q. And 324 -- or, sorry, 359B, was your hand injury, the  
15:33:05 10 surgery from your hand still visible when you were filling out  
15:33:07 11 that check?

15:33:07 12 A. Yes, sir.

15:33:10 13 Q. When Mr. Sanchez asked you before the break about this  
15:33:14 14 payment to you from Nayen. Do you recall that?

15:33:20 15 A. Yes.

15:33:21 16 Q. How does Guillermo Herrera relate to that loan as Nayen  
15:33:26 17 called it?

15:33:26 18 A. At the end, when I got the money from him, he asked me to  
15:33:30 19 get that money in cash for Guillermo Herrera.

15:33:35 20 Q. So the loan that you got from Nayen was for?

15:33:39 21 A. Was for Guillermo Herrera.

15:33:41 22 Q. Guillermo Herrera.

15:33:47 23 THE COURT: Tell me that again. Went to where?

15:33:50 24 THE WITNESS: Excuse me?

15:33:51 25 THE COURT: Where did the money go to?

15:33:52 1 THE WITNESS: To Guillermo Herrera. Guillermo Herrera  
15:33:57 2 was the person that introduced Carlos Nayen.

15:33:59 3 Q. (BY MR. GARDNER) He was the politician?

15:34:00 4 A. Yes. Is.

15:34:01 5 Q. Is a politician. Do you know who this woman is, Maria Emma  
15:34:08 6 Salman-Rocha?

15:34:09 7 A. No, sir.

15:34:13 8 Q. Pass the witness, your Honor.

15:34:15 9 THE COURT: Any further questions?

15:34:16 10 MS. WILLIAMS: No, your Honor.

15:34:18 11 MR. SANCHEZ: No, your Honor.

15:34:20 12 MR. ESPER: No, your Honor.

15:34:21 13 THE COURT: May this witness be excused? You may be  
15:34:26 14 excused, sir. You may call your next witness.

15 (End of requested portion.)

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UNITED STATES DISTRICT COURT)  
WESTERN DISTRICT OF TEXAS )

I, LILY I. REZNIK, Official Court Reporter, United States District Court, Western District of Texas, do certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

I certify that the transcript fees and format comply with those prescribed by the Court and Judicial Conference of the United States.

WITNESS MY OFFICIAL HAND this the 7th day of January, 2014.

/s/Lily I. Reznik  
LILY I. REZNIK, CRR, RMR  
Official Court Reporter  
United States District Court  
Austin Division  
501 W. 5th Street, Suite 4153  
Austin, Texas 78701  
(512) 391-8792  
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