

J. Gehel

FILED
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1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF FRESNO

3 CENTRAL DIVISION

FRESNO SUPERIOR COURT

4 Before the Honorable Wayne R. Ellison, Judge

By _____ DEPUTY

5 Department Fifty-Four

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7 THE PEOPLE OF THE STATE) No. F06905411
8 OF CALIFORNIA,)

9 Plaintiff,)

10 vs.)

PC 12031(a)(1)*

11 RAY HEFFINGTON, JOEL DIAZ,)
12 RONALD MONAHAN, MARK KOHN,)
13 GENE MENDOZA and VINCENT)
14 GIANNOTTA,)

Defendants.)

Fresno, California

May 23, 2007

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18 PRELIMINARY EXAMINATION
19 REPORTER'S TRANSCRIPT

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24 HELD TO ANSWER:
25 May 23, 2007

REPORTED BY:
KRISTI GARCIA, CSR, RPR
LICENSE NO. 9111

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I N D E X

WITNESSES IN CHRONOLOGICAL ORDER

FOR THE PEOPLE:

PAGE NO.

JORGE GIL-BLANCO

CROSS EXAMINATION (CONTINUED) BY MR. GOHEL	349
CROSS-EXAMINATION BY MR. LINDAHL	366
CROSS-EXAMINATION BY MR. SMITH	380
CROSS-EXAMINATION BY MS. MAROUSEK	397
CROSS-EXAMINATION BY MR. WOPNER	408
CROSS-EXAMINATION BY MR. HERMAN	414
REDIRECT EXAMINATION BY MR. WELLS	420
RE-CROSS-EXAMINATION BY MR. GOHEL	428
RE-CROSS-EXAMINATION BY MR. LINDAHL	428
RE-CROSS-EXAMINATION BY MR. SMITH	431
RE-CROSS-EXAMINATION BY MR. WOPNER	433
RE-CROSS-EXAMINATION BY MR. HERMAN	434

1
2
3
4
5
6
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8
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14
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1 Q I'll ask a foundational question. Are you aware,
2 based on your professed expertise in the Hells Angels
3 Motorcycle Club, whether any state gang abatement statutes
4 have ever been applied to the Hells Angels Motorcycle Club?

5 A No.

6 Q And the gang abatement statute is a statute where
7 gang members are not even allowed to congregate together in
8 certain locations because of the consistent and repeated
9 criminal offenses that occur when they congregate, correct?

0 A Usually in particular neighborhoods, yes.

1 Q So that has never been applied to the Hells Angels
2 in the State of California, correct?

3 A That's correct.

4 Q Now, I want to get to the issue of your opinion
5 that you professed with respect to how the guns that were
6 allegedly found on the four defendants were found -- or were
7 possessed for some purpose to benefit the Hells Angels
8 Motorcycle Club. Do you remember some opinion you gave with
9 respect to that?

0 A Yes.

1 Q Okay. Now, your testimony, and tell me if I'm
2 correct, was that -- the reason that these individuals may
3 have carried these guns was that they may need it to protect
4 themselves against Vagos or Mongols or they may need it in an
5 offensive capacity against these rival gang members, correct?

6 A Yes. That's correct.

Q Okay. Now, was there any evidence that you saw, any documentation, anything that you've reviewed in the minutes of the Oakland Chapter that you've seized that specifically talks about members carrying guns -- Hells Angels members carrying guns to protect themselves against rival gang members?

A Not in the minutes. But in interviews that I conducted with some of the former members, yes.

Q I think that might be Mr. Haas -- was it Mr. Haas that talked about one time he went to the East Coast and he was afraid there may be Outlaws so he took a gun?

A That was Mr. Kaminski I believe.

Q Mr. Kaminski. Okay. Other than that can you recall any other individual member or ex-member that told you that they carry guns to fight rivals?

A Not specific in those words, but there are other indications, yes.

Q There are other indications. But not in those specific words other than Mr. Kaminski, correct?

A Correct.

Q And Mr. Kaminski's interview was in 1997, I believe, where he said that to you, or something like that?

A Approximately around that time, yes.

Q Now, you said that -- now, these individuals -- your testimony has been that these individuals were going to a San Bernardino West Coast meeting, correct?

A West Coast officer meeting, yes, sir.

Q I'm not exactly familiar with the routes in this part of the state, but there is a various different ways you could get from what is Chowchilla to San Bernardino, correct?

A That's correct.

Q Most of them would probably require you to go down Highway 99 for some period of time, correct?

A Correct.

Q Through Fresno, right?

A Correct.

Q You could go down all the way up and over the Grapevine, connect with Highway 5 up over the Grapevine and go east on Highway 10 or something like that, correct?

A Correct.

Q And that's a pretty populated area, correct?
Meaning down in the LA basin?

A Yes.

Q And are there a lot of -- from your training and experience are there a lot of Mongols and Vagos in that area?

A Southern California area, yes.

Q But there is another route that could be taken to get to San Bernardino and that would be over Highway 58 over Tahachapi through Victorville right through the desert, correct?

A Correct.

Q Do you have any information in this case about what

route that these six individuals were going to take to get to San Bernardino?

A No.

Q And in fact, it was 1:00 in the morning, right?

A Approximately, yes.

Q So -- and, you know, it might take a few hours to get down to San Bernardino either route that was taken, correct?

A Correct.

Q Is it your testimony that there's going to be Vagos and Mongols just patrolling the highways of the State of California at one, two, three, four in the morning?

A It depends on what your definition of patrolling. Not patrolling. Do they take the highways around that time? Yes.

Q Okay.

A Same reason these gentlemen were on the highway, the Mongols could be on the highway also.

Q In the middle of the desert? Let's say, it was down through Tahachapi and Victorville?

A Absolutely.

Q Now, do you recall that some discovery materials, that I believe you prepared and gave to the prosecutor who gave them to us, talked about what is an M/C. And I think that stands for what is a motorcycle club?

A Correct.

Q I was a little confused. Is that something you prepared?

A That is something I typed up, that particular document, but it's based on the original documents which was seized at the Fresno clubhouse during the search warrants that were done on the case out of Hanford.

Q Okay.

A It was also located in at least two other Hells Angel members from the Fresno Chapter's residence.

Q I read that document closely. And just tell me if I'm correct. It talks about what -- seems like it's sort of like an instructional guide or so -- how to become a prospect, and what it is to be a prospect, and how to earn the right to become a patched member. I know that's paraphrasing, but that's sort of the gist of it, right?

A That's part of it, yes, sir.

Q Is there anything in there that talks about carrying guns to protect your fellow brothers?

A Not specifically, no.

Q Is there something in there that talks about dealing dope?

A No.

Q Is there anything in there that talks about committing assault with deadly weapons?

A No.

Q How about murdering people?

A No.

Q How about burglarizing things?

A No.

Q How about committing robberies?

A No.

Q And this is something that was seized in the clubhouse itself, right?

A Yes, sir.

Q Okay. So it was unvarnished, meaning it was not something that was necessarily -- that anyone would expect would be for the public's view. It was in private clubhouses, correct?

A Yes.

Q Nothing in there, written down, about committing any of the primary activities that you testified about that are involved in being -- the primary activities that you testified were the primary activities of the Hells Angels, correct?

A That's correct.

Q Now, what I understand and I think that the evidence may show that these individuals may have had -- some of the defendants may have had guns on their persons when they were stopped. That's your understanding of the evidence, correct?

A Yes, sir.

Q But do you have any evidence of any -- any other

felonious conduct that was planned or that was -- any intelligence of any actual felonious conduct, assaults, murder, anything like that, that that was planned to be carried out other than possessing the weapon?

MR. WELLS: Objection relevance.

THE COURT: Overruled. You can answer, sir.

THE WITNESS: In this specific incident?

MR. GOHEL: Q Yes.

A No.

Q Now, I believe you've testified in other proceedings under oath that for some period of time in your -- in your professional experience, I think it was about a six or seven year period, you spent 100 percent of your professional time investigating the Hells Angels; is that correct?

A Yes.

Q Okay. So for six or seven years of your career all you did as a professional was investigate this motorcycle club, correct?

A I did other duties also, but that was -- the majority of the time was spent on that. When I say 100 percent that was the primary duties.

Q You did testify -- I'm sorry. You did testify under oath in previous proceedings that you spent 100 -- literally, you said, 100 percent of your time investigating the Hells Angels for about a six or seven year period, correct?