

EXHIBIT J
TRIAL TRANSCRIPT

EXHIBIT 1
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DIRECT/MULERO/PEOPLE

1 was like hysterical, like he was mad, he was telling Chacal
2 that, who told you to do that? Why you did that? We not
3 suppose to do that. We just went there to make a phone call,
4 you're not supposed to do that, why did you do that?

5 He said that was accident I am sorry.

6 Q. He said that was a what?

7 A. Accident.

8 Q. That's what Chacal said?

9 A. Yeah.

10 Q. Okay. And what else was done in the hotel, what else
11 happened that night in the hotel?

12 A. Chacal is staying in the hotel that night and we went
13 to our house or to the our -- I don't remember where we went
14 that night. I don't believe that was the house.

15 Q. And what happened with Chacal the next day?

16 A. Cachie told him that it's better to go to the
17 Dominican Republic for a little while until everything calm
18 down. So he buy the ticket for him and he flew to the
19 Dominican Republic.

20 Q. Who bought the ticket?

21 A. Cachie bought the ticket.

22 Q. For Chacal to go back to the Dominican Republic?

23 A. Yeah.

24 Q. And what did you and the defendant do in the
25 following days?

1 Q. Did you see any of these gentlemen there on the board
2 or Miguel with any weapons on that day before they went into the
3 building?

4 A. No.

5 Q. Did Miguel have any weapons on him on that day at all?

6 A. No, he's not a violent person.

7 Q. As far as you know have you ever seen Miguel in
8 possession of a gun or a knife or any other type of weapon?

9 A. Never. Never.

10 Q. Now, you said that in 2000 you were arrested and
11 charged with kidnapping, right?

12 A. Yes.

13 Q. Were there any other charges other than kidnapping that
14 you were accused of?

15 A. No. Conspiracy.

16 THE COURT: I'm sorry?

17 THE WITNESS: No, they accused me of kidnapping. Just
18 kidnapping.

19 Q. Did you have any other codefendants in that case other
20 than Ellerman?

21 A. Yes.

22 Q. Who was with you on the day during the events that led
23 up to your arrest of kidnapping, who was with you?

24 A. It was Wanda. Wanda Tavarez.

25 THE COURT: Who is she?

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1 after.

2 Q. Before or after you went to the police?

3 A. That's what I don't remember.

4 Q. And did you speak to the police detectives in
5 Manhattan?

6 A. They went to get me in Connecticut.

7 Q. And did they tell you about what happened to Manuel,
8 your cousin Manuel?

9 A. Yes.

10 Q. And at any time before you went to the police were you
11 aware of the defendant trying to contact you either directly or
12 through people in your family?

13 MR. WILLIAMS: Objection. Asked and answered already,
14 your Honor.

15 THE COURT: I will allow it.

16 INTERPRETER: Could you repeat that last part, please.

17 Q. At any time before you went to the police were you
18 aware of the defendant trying to reach you?

19 A. No, because I didn't have a phone or anything.

20 Q. And you're not aware of any phone call to your brother
21 or to your father?

22 A. I don't remember. If I'm not mistaken I don't
23 remember. I was 20-years-old. That was 15 years ago.

24 Q. And, again, so it's clear, you first learned Manuel was
25 killed after you had gone, after you spoke to the police; is

1 that correct?

2 A. I don't remember. As I said, I can't remember.

3 Q. And soon after that did you leave the United States?

4 A. After I declared, I testified, I left the United
5 States. I went to Europe. Then I came back from Europe to
6 testify again. I testified again and here I am again
7 testifying.

8 Q. And you live in Europe now?

9 A. Yes.

10 Q. And you've been living there since 1999; is that
11 correct?

12 A. Yes, from '99.

13 MR. DRUCKER: No further questions.

14 CROSS-EXAMINATION

15 BY MR. WILLIAMS:

16 Q. Good afternoon, Mr. Gonzalez.

17 Have you ever been threatened by this man?

18 A. No.

19 Q. You testified earlier you said that he was never your
20 boss, correct?

21 A. No, he was never my boss.

22 Q. Now, he used to date your cousin Wendy, right?

23 A. Yes.

24 Q. Who met him first you or Wendy?

25 A. Wendy.

WILSON GONZALEZ / CROSS / MR. WILLIAMS

1 A. I don't understand, in what way?

2 Q. What do you do for work?

3 A. I had an accident. I fell from a fourth floor and I am
4 handicap now and I don't work.

5 Q. Before your unfortunate accident how were you
6 supporting yourself?

7 A. I worked in construction.

8 Q. Have you ever been involved in the drug business, Mr.
9 Gonzalez?

10 A. No.

11 MR. WILLIAMS: Thank you. Nothing further.

12 MR. DRUCKER: No questions.

13 THE COURT: Okay. Thank you.

14 (Witness is excused).

15 THE COURT: We're going to take just a five minute
16 break, jurors.

17 (Recess).

18 THE COURT: Mr. Drucker, who is your next witness?

19 MR. DRUCKER: Retired Detective Dimuro.

20 THE COURT: Jury in.

21 COURT OFFICER: Jurors entering.

22 THE COURT: Next witness.

23 MR. DRUCKER: People call retired Detective Gerard
24 Dimuro.

25 COURT OFFICER: Witness entering.

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JURY CHARGE

1 the furtherance of that kidnapping caused the death of
2 Manuel Gonzalez. And that Mr. Gonzalez was not a
3 participant in that crime.

4 If you find that the prosecution has proven both of
5 these elements beyond a reasonable doubt then you must find
6 Mr. Dellos Santos guilty of murder in the second-degree in
7 this count.

8 On the other hand, if you find that the prosecution has
9 not proven either one or both of these elements beyond a
10 reasonable doubt then you must find him not guilty.

11 Now, the third count charges Mr. Dellos Santos with
12 kidnapping in the first-degree.

13 Again, a person is guilty of kidnapping in the first
14 degree when he abducts another person with the intent to
15 compel another person to engage in a particular conduct.

16 In this case it is the prosecution's theory that Manuel
17 Gonzalez was kidnapped in order to compel Wilson Gonzalez
18 to pay money for drugs that were allegedly purchased from
19 Mr. Dellos Santos.

20 I have already given you all of the definitions that
21 pertain to the legal definitions of abduct. And that
22 applies here.

23 In order for you to find Mr. Dellos Santos guilty of
24 kidnapping in the first-degree the prosecution must prove
25 not only that acting in concert with others he abducted Mr.

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JURY CHARGE

1 Gonzalez but that he did so with the intent to compel a
2 third person to engage in certain conduct in this case in
3 order to compel Wilson Gonzalez to pay them.

4 In order for you to find Mr. Dellos Santos guilty of
5 kidnapping in the first-degree the prosecution is required
6 to prove from all the evidence in the case beyond a
7 reasonable doubt:

8 One, that on October 8, 1999 in New York Mr. Dellos
9 Santos acting in concert with others restricted the
10 movements of Manuel Gonzalez in such a manner as to
11 interfere substantially with his liberty by moving him from
12 one place to another or by confining him in the place where
13 the restriction began or to a place to which he had been
14 moved.

15 Two, that he did so without the consent of Mr.
16 Gonzalez.

17 Three, that he intended to do so.

18 Four, that the restriction of Mr. Gonzalez movements
19 were unlawful. And Mr. Dellos Santos knew that it was
20 unlawful.

21 Five, that Mr. Dellos Santos restrained Mr. Gonzalez
22 with the intent to prevent his liberation by using or
23 threatening to use deadly physical force. And that Mr.
24 Dellos Santos abducted Manuel Gonzalez with the intent to
25 compel Wilson Gonzalez to pay for drugs that were allegedly

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JURY CHARGE

1 purchased for Mr. Dellos Santos.

2 If you find that the prosecution has proven each of
3 these elements beyond a reasonable doubt then you must find
4 Mr. Dellos Santos guilty of this count of kidnapping.

5 On the other hand, if you find that the prosecution has
6 failed to prove one or more of these elements then you must
7 find him not guilty.

8 Count 4, unlawful imprisonment in the first-degree.

9 This is regarding Angelly Ortiz.

10 Count 4 charges Mr. Dellos Santos with unlawful
11 imprisonment in the first-degree on the theory that acting
12 in concert with others he unlawfully imprisoned Angelly
13 Ortiz.

14 Under our law a person is guilty of unlawful
15 imprisonment in the first-degree when he restrains another
16 person under circumstances which exposed that other person
17 to a risk of serious physical injury.

18 I remind you that restrain means to restrict a person's
19 movements intentionally and unlawfully in such a manner to
20 interfere substantially with her liberty by moving her from
21 one place to another or by confining her either to the
22 place where the restriction commenced or in a place to
23 which she had been moved without her consent and without
24 knowledge that the restriction is unlawful.

25 In order for you to find Mr. Dellos Santos guilty of
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