

## Proceeding

1 your own home?" And the witness said "No". You can't say  
2 to yourself "Oh, she must own her own home because she was  
3 asked that question". This doesn't work that way. It's  
4 the question and the answer that's the evidence.

5 Now, during the course of the questioning any lawyer  
6 may make objections. They make their objections based on  
7 their understanding of the law and I make my rulings based  
8 on my understanding of the law and since I am the sole  
9 judge of the law in this case what I say goes.

10 So, if I sustain the objection that means I believe the  
11 question or the answer is improper. You may not consider  
12 it. If I overruled the objection that means I believe the  
13 question or the answer is proper. You may consider it.

14 Please don't resent the fact that these lawyers object  
15 because I don't.

16 Please don't think that I like one lawyer better than  
17 the other or that I have an opinion about this case, I  
18 don't. I know as much about this case as you do. I will  
19 hear it unfold with you.

20 I make my rulings solely on my understanding of the law  
21 and I am the sole Judge of the law in this room.

22 But, you are the most important judges in this room  
23 because you are the sole judges of what did or did not  
24 happen in this case. You will decide the facts here, not  
25 me.

Lourdes Torres-Fuster, Senior Court Reporter

## OPENING / MR. DRUCKER

1 were doing that for one reason, as crazy as this may sound,  
2 they were kidnapping him because they thought his cousin  
3 had cheated them out of a large cocaine deal. This case  
4 will be about that kidnapping, about that senseless murder  
5 and about the drug deal that led up to it. It will be  
6 about what happened. It will be about why it happened.

7 And because most importantly it will be about who did  
8 it. Five men you'll learn committed this crime.

9 As you know only one man is on trial before you at this  
10 time. But, you will learn at the trial the names of all  
11 five of those men. And you'll learn that this defendant  
12 Miguel Dellos Santos was not the shooter, was not the man  
13 that pulled the trigger that actually killed Manuel  
14 Gonzalez. He was not even one of the two men that came  
15 into the apartment for the kidnapping armed with guns.

16 But, you will learn that he was the driving force  
17 behind the kidnapping. He was the boss. It was his  
18 drugs that were involved. It was his money that was owed  
19 and it was a lot.

20 This involved five kilo grams of cocaine which was  
21 worth back then about a hundred thousand dollars. A lot  
22 of money. And they were his drugs that were stolen. It  
23 was his drugs that were not paid for. He was the one who  
24 was out the hundred thousand dollars and the other four  
25 were really doing it for him. Their boss. Their

Lourdes Torres-Fuster, Senior Court Reporter

1 children, I ask your Honor to consider that those very same  
2 goals of sentencing could be achieved with a sentence of  
3 15 years to life.

4 Thank you.

5 THE COURT: Does your client wish to be heard?

6 THE DEFENDANT: Yes. I've always asked for God to  
7 take Manuel in his reigns and that God protect his family,  
8 take care of them, bless them forever and the same way as  
9 every one who is present here, but I also want to say that  
10 my trial was unconstitutional and illegal.

11 When one has trust in one's lawyer and one's lawyer  
12 does not try to bring into light the facts, the facts that  
13 he has, the facts that he has and the duty that he has to  
14 bring into light so that the jury and you, your Honor, can  
15 take and make the correct decisions based on the  
16 constitution and of God, that is fraud and a lack of  
17 representation on the part of the defense attorney.

18 That is all.

19 MR. SAPONE: So, your Honor, as a result of his  
20 first lawyer's representation at trial, there will be an  
21 appeal and a 440, but that in no way suggests that Mr. Delos  
22 Santos wants to rectify his affidavit. He withdraws that  
23 voluntarily. He now has me representing him. We are going  
24 to move forward and file the appeal on the 440 and we  
25 withdraw the affidavit and we don't want you to consider

Denise Y. Taylor,

# EXHIBIT A

CITY OF NEW YORK  
COUNTY OF NEW YORK  
CRIMINAL TERM: SPECIAL NARCOTICS PARTS  
THE PEOPLE OF THE STATE OF NEW YORK

-against-

[REDACTED]  
a/k/a CACHIE,  
RAFAEL DE LOS SANTOS,  
JUAN PILNE a/k/a PUNALADA,  
and  
ELLERMAN VALVERDE,

Defendants.

THE GRAND JURY OF THE SPECIAL NARCOTICS COURTS OF THE CITY  
OF NEW YORK, by this indictment, accuses the defendants [REDACTED]

[REDACTED], RAFAEL DE LOS SANTOS,  
JUAN PILNE a/k/a PUNALADA and ELLERMAN VALVERDE of the crime of  
MURDER IN THE SECOND DEGREE, P.L. §125.25(3), committed as  
follows:

The defendants, in the County of New York, City of New  
York, on or about October 8, 1999, engaged in the attempted  
commission and commission of the crime of burglary, and, in the  
course of such crime, and in furtherance thereof, and of the  
immediate flight therefrom, a participant in the crime caused  
the death of Manuel Gonzalez, not a participant in the crime.

SECOND COUNT

AND THE GRAND JURY AFORESAID, by this indictment, accuses  
the defendants [REDACTED]

VALVERDE of the crime of MURDER IN THE SECOND DEGREE, P.L.  
§125.25(3), committed as follows:

The defendants, in the County of New York, City of New York, on or about October 8, 1999, engaged in the attempted commission and commission of the crime of kidnapping, and, in the course of such crime, and in furtherance thereof, and of the immediate flight therefrom, a participant in the crime caused the death of Manuel Gonzalez, not a participant in the crime.

#### THIRD COUNT

AND THE GRAND JURY AFORESAID, by this indictment, accuses the defendants ~~\_\_\_\_\_~~

RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA and ELLERMAN VALVERDE of the crime of KIDNAPPING IN THE FIRST DEGREE, P.L. §135.25(1) in that:

The defendants, in the County of New York, City of New York, on or about October 8, 1999, abducted Manuel Gonzalez with the intent to compel a third person to engage in particular conduct.

#### FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants ~~\_\_\_\_\_~~

~~\_\_\_\_\_~~ RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA and

FIRST DEGREE, P.L. §135.10, committed as follows:

Said defendants, in the County of New York, City of New York, on or about October 8, 1999, restrained Angelly Ortiz under circumstances which exposed the latter to a risk of serious physical injury.

**FIFTH COUNT**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants [REDACTED]

[REDACTED] RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA and ELLERMAN VALVERDE of the crime of UNLAWFUL IMPRISONMENT IN THE FIRST DEGREE, P.L. §135.10, committed as follows:

Said defendants, in the County of New York, City of New York, on or about October 8, 1999, restrained Carlos Ortiz under circumstances which exposed the latter to a risk of serious physical injury.

SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants [REDACTED]

[REDACTED], RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA and ELLERMAN VALVERDE of the crime of BURGLARY IN THE FIRST DEGREE, P.L. §140.30(1), an armed felony, committed as follows:

Said defendants, in the County of New York, City of New York, on or about October 8, 1999, knowingly entered or remained

unlawfully  
145th Street, New York, New York, with intent to commit a crime therein, and when effecting entry and while in the dwelling and in immediate flight therefrom, while in the building, a participant in the crime was armed with a deadly weapon, to wit, a pistol.

SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant [REDACTED]

[REDACTED] of the crime of CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE, P.L. §220.43(1), committed as follows:

Said defendant, in the City of New York, on or about September 20, 1999, knowingly and unlawfully sold to Wilson Gonzalez and J.D. Rafael, one or more preparations, compounds, mixtures or substances containing a narcotic drug, to wit, cocaine, and the preparations, compounds, mixtures or substances were of an aggregate weight of two ounces or more.

EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this indictment, accuses the defendants [REDACTED],

RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA and ELLERMAN VALVERDE of the crime of CONSPIRACY IN THE SECOND DEGREE, P.L. §105.15, committed as follows:

The defendants, in the Counties of New York, Queens, Kings,



1999 to on or about October 8, 1999, with intent that conduct constituting the crimes of CRIMINAL SALE and POSSESSION OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE, said crimes being class A felonies, be performed, did knowingly and intentionally agree with each other and others, including J.D. Chacal, to engage in and cause the performance of such conduct as would constitute the above-mentioned class A felonies.

PREAMBLE

It was part of the conspiracy for [REDACTED] to direct the activities of a narcotics-trafficking organization operating in the New York City metropolitan area (the "DE LOS SANTOS Organization").

It was also part of the conspiracy for the DE LOS SANTOS Organization to receive and distribute kilograms of cocaine, and to collect, store, transmit, deliver and transport proceeds generated from such distribution or narcotics.

It was also part of the conspiracy for [REDACTED] to obtain kilograms of cocaine and give them to RAFAEL DE LOS SANTOS, who in turn would remit the proceeds of the sale of the kilograms of cocaine to MIGUEL DE LOS SANTOS.

It was also part of the conspiracy for RAFAEL DE LOS SANTOS to give amounts of cocaine to ELLERMAN VALVERDE, JUAN PILNE a/k/a PUNALADA, and others, including J.D. Chacal, to sell to customers.

DE LOS

SANTOS, ELLERMAN VALVERDE, and JUAN PILNE a/k/a PUNALADA to assist [REDACTED] in the collection of narcotics debts.

OVERT ACTS

In furtherance of said conspiracy, and to achieve the objects thereof, the following overt acts, among others, were committed:

1. On or about September 20, 1999, [REDACTED] [REDACTED], drove to a grocery in Kings County to meet Wilson Gonzalez and J.D. Rafael.
2. On or about September 20, 1999, [REDACTED] [REDACTED] negotiated the sale of five kilograms of cocaine to Wilson Gonzalez and J.D. Rafael.
3. On or about September 20, 1999, in the City of New York, [REDACTED] [REDACTED] delivered five kilograms of cocaine to Wilson Gonzalez.
4. On or about October 1, 1999, [REDACTED] [REDACTED] telephoned Wilson Gonzalez's brother in order to locate Wilson Gonzalez.
5. On or about October 5, 1999, [REDACTED] [REDACTED] asked RAFAEL DE LOS SANTOS to assist him in finding Wilson Gonzalez in order to collect payment for five

6. On or about October 6, 1999, [REDACTED] [REDACTED] went to 478 W. 145<sup>th</sup> Street, New York, New York, to meet Manuel Gonzalez.

7. On or about October 6, 1999, [REDACTED] [REDACTED] asked Manuel Gonzalez if he knew the whereabouts of Wilson Gonzalez.

8. On or about October 7, 1999, [REDACTED] [REDACTED] DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal met at an apartment at 514 West 135<sup>th</sup> Street, basement apartment.

9. On or about October 7, 1999, [REDACTED] [REDACTED], RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal agreed to abduct Manuel Gonzalez.

10. On or about October 7, 1999, [REDACTED] [REDACTED], RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal went to 478 W. 145<sup>th</sup> Street.

NINTH COUNT

AND THE GRAND JURY AFORESAID, by this indictment, accuses the defendants [REDACTED] RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA and ELLERMAN VALVERDE of the crime of CONSPIRACY IN THE SECOND DEGREE, P.L. §105.15, committed as follows:

from on or about October 7, 1999 to on or about October 8, 1999, with intent that conduct constituting the crimes of KIDNAPPING IN THE FIRST DEGREE, said crime being a class A felony, be performed, did knowingly and intentionally agree with each other and others, including J.D. Chacal, to engage in and cause the performance of such conduct as would constitute the above-mentioned class A felony.

OVERT ACTS

In furtherance of said conspiracy, and to achieve the objects thereof, the following overt acts, among others, were committed:

1. On or about October 7, 1999, [REDACTED] a [REDACTED] RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal discussed the logistics surrounding the abduction of Manuel Gonzalez.
2. On or about October 7, 1999, [REDACTED] a [REDACTED] RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal went to 478 W. 145<sup>th</sup> Street.
3. On or about October 7, 1999, [REDACTED] a [REDACTED], entered apartment 33 inside 478 W. 145<sup>th</sup> Street, New York County.
4. On or about October 7, 1999, RAFAEL DE LOS SANTOS, entered apartment 33 inside 478 W. 145<sup>th</sup> Street.
5. On or about October 7, 1999, JUAN PILNE a/k/a PUNALADA

6. On or about October 7, 1999, ELLERMAN VALVERDE entered apartment 33 inside 478 W. 145<sup>th</sup> Street.
7. On or about October 7, 1999, J.D. Chacal entered apartment 33 inside 478 W. 145<sup>th</sup> Street.
8. On or about October 8, 1999, [REDACTED] a [REDACTED], [REDACTED], RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal directed Manuel Gonzalez to make telephone calls to locate Wilson Gonzalez.
9. On or about October 8, 1999, [REDACTED] a [REDACTED], [REDACTED], RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal directed Manuel Gonzalez to dress in order to leave the apartment with them.
10. On or about October 8, 1999, J.D. Chacal struck Manuel Gonzalez in the face.

BRIDGET G. BRENNAN  
Special Assistant District Attorney

3444-02

Counsel FEDERAL NARCOTICS GRAND JURY  
DATE SIGNED - FILED JUN 13 2002  
PART 70

PM-1 #10  
No. N/A

Filed day of , 2002

Pleads

Adjourn Date  
THE PEOPLE OF THE STATE OF NEW YORK

-against-

Bail

[REDACTED],<sup>2</sup> RAFAEL DE LOS SANTOS, <sup>3</sup> JUAN PILNE  
a/k/a PUNALADA and <sup>4</sup> ELLERMAN VALVERDE,

Defendants.

INDICTMENT

MURDER IN THE SECOND DEGREE (2 counts)  
KIDNAPPING IN THE FIRST DEGREE  
UNLAWFUL IMPRISONMENT IN THE FIRST DEGREE  
(2 counts)  
BURGLARY IN THE FIRST DEGREE (armed  
felony)  
CONSPIRACY IN THE SECOND DEGREE (2 counts)  
CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN  
THE FIRST DEGREE (1 COUNT  
MIGUEL DE LOS SANTOS)

P.L. \$125.25(3), P.L. \$135.25(1), P.L.  
\$135.10, P.L. \$140.30(1), P.L. \$105.15,  
P.L. \$220.43(1)

BRIDGET G. BRENNAN  
Special Assistant District Attorney

A TRUE BILL

ADA SCHELLHAMMER/PART SIB  
15/02

# EXHIBIT B

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 45

THE PEOPLE OF THE STATE OF NEW YORK

-against-

MIGUEL DELLOSSANTOS,

Defendant.

PEOPLE'S  
VOLUNTARY  
DISCLOSURE FORM

Ind. No. 3334/2002

The People of the State of New York hereby voluntarily disclose to the defendant the following factual information pertaining to the above-captioned case:

A. BILL OF PARTICULARS

1. OCCURRENCE

Date: October 8, 1999  
App. Time: 12:25 am  
Place: 478 West 145th St., Apt 33

2. ARREST

Date: May 30, 2013  
App. Time:  
Place: 30th pct

B. NOTICES

1. STATEMENTS

If checked, notice is hereby served, pursuant to CPL §710.30(1)(a), that the People intend to offer at trial evidence of a statement made by defendant to a public servant. (Where a statement has been recorded on video, counsel should contact the assigned assistant district attorney to arrange a mutually convenient time for viewing the recording or should provide a blank DVD for copying.)

Statement Number: 1  
Date: May 30, 2013  
Approximate Time:  
Location: Laguardia Airport  
Individual Made To: Det Hall and Det Morales



Substance of Statement:

At Laguardia airport, after having been transported from North Carolina, defendant said, in substance, that in the past he had been thinking of turning himself in, but his friends talked him out of it. He said he was relieved, that now he could sleep at night, and that he could now use his true name. He also asked if he would be allowed to put his son Christian's name on his list of prison visitors, that he wanted to start relations with him.

2. IDENTIFICATION

If checked, notice is hereby served, pursuant to CPL §710.30(1)(b), that the People intend to offer at trial testimony regarding an observation of defendant either at the time or place of the commission of the offense or upon some other occasion relevant to the indictment, to be given by a witness who has previously identified defendant.

Identification Number: 1  
Type of ID: photo array  
Date: October 12, 1999  
Approximate Time:  
Location: 30th pct  
Number of Identifying Witnesses: 1

Although section 710.30(1)(b) notice has been given above, the People submit that the 'identification' was confirmatory and therefore a *Wade* hearing should be unnecessary.

Identification Number: 2  
Type of ID: photo array  
Date: March 29, 2002  
Approximate Time:  
Location: 80 Centre St.  
Number of Identifying Witnesses: 1

Although section 710.30(1)(b) notice has been given above, the People submit that the 'identification' was confirmatory and therefore a *Wade* hearing should be unnecessary.

Identification Number: 3  
Type of ID: photo array  
Date: May 30, 2002  
Approximate Time:  
Location: 80 Centre St.  
Number of Identifying Witnesses: 1

Although section 710.30(1)(b) notice has been given above, the People submit that the 'identification' was confirmatory and therefore a *Wade* hearing should be unnecessary.

C. DISCOVERY

1. ADDITIONAL STATEMENTS

If checked, the People hereby disclose written, oral or recorded statements of a defendant or of a co-defendant to be jointly tried, made, other than in the course of the criminal transaction, to a public servant engaged in law enforcement activity or to a person then acting under his direction or in cooperation with him, and which statements are not given in section B(1) above. CPL §240.20(1)(a).

2. GRAND JURY TESTIMONY

If checked, defendant or a co-defendant to be tried jointly testified before the Grand Jury relating to this criminal action. CPL §240.20(1)(b). *Such testimony is available upon payment of a stenographic fee.*

3. SCIENTIFIC AND MEDICAL REPORTS

If checked, the People hereby disclose written reports or documents or portions thereof, concerning a physical or mental examination or scientific test or experiment, relating to this criminal action, which were made by, or at the request or direction of a public servant engaged in law enforcement, or by a person whom the People intend to call as a witness of a trial, or which the People intend to introduce at trial. CPL §240.20(1)(c).

	Already Served	Attached	Will Be Provided
Autopsy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ballistic reports	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. PHOTOGRAPHS AND DRAWINGS

If checked, there exist photographs or drawings relating to this criminal action which were made or completed by a public servant engaged in law enforcement, or which were made by a person whom the People intend to call as a witness at trial, or which the People intend to introduce at trial. CPL §240.20(1)(d). *(Counsel should contact the assigned assistant district attorney to arrange a mutually convenient time to examine this material.)*

5. INSPECTION OF PROPERTY

If checked, there exist photographs, photocopies or other reproductions made by or at the direction of a police officer, peace officer or prosecutor of property prior to its release pursuant to the provisions of Penal Law Section 450.10, irrespective of whether the People intend to introduce at trial the property or the photograph, photocopy or other reproduction. CPL §240.20(1)(e). *(Counsel should contact the assigned assistant district attorney to arrange a mutually convenient time to examine this property.)*

6.

OTHER PROPERTY

If checked, there exist other property obtained from the defendant, or a co-defendant to be tried jointly, CPL §240.20(1)(f), or from another source. (Counsel should contact the assigned assistant district attorney to arrange a mutually convenient time to examine this property.)

7.

TAPES AND ELECTRONIC RECORDINGS

If checked, there exist tapes or other electronic recordings which the People intend to introduce at trial, irrespective of whether any such recording was made during the course of the criminal transaction. CPL §240.20(1)(g). (Counsel should contact the assigned assistant district attorney to arrange a mutually convenient time to listen to the tapes or provide a blank tape for copying.)

8.

BRADY MATERIAL

If checked, there is material appended which the People are required to turn over pursuant to the United States or the New York State Constitution. The People are aware of their continuing obligation to disclose material exculpatory information to defendant and intend to satisfy that obligation as required by law. CPL §240.20(1)(h).

9.

COMPUTER OFFENSES

If checked, discovery is hereby served pursuant to CPL §240.20(1)(j) of the time, place and manner of notice given pursuant to Penal Law §156.00(6), which governs offenses for Unauthorized Use of a Computer (Penal Law §156.05) and Computer Trespass (Penal Law §156.10).

10.

VEHICLE AND TRAFFIC LAW OFFENSES

If checked, the People hereby disclose written reports or documents or portions thereof, concerning a physical examination, a scientific test or experiment, including the most recent record of inspection, or calibration or repair of machines or instruments utilized to perform such scientific tests or experiments and the certification certificate, if any, held by the operator of the machine or instrument, which tests or examinations were made by or at the request or direction of a public servant engaged in law enforcement activity, or which was made by a person whom the People intend to call as a witness at trial, or which the People intend to introduce at trial. CPL §240.20(1)(k).

11.

SEARCH WARRANTS

If checked, a search warrant was executed during the investigation of this case.

**D. DEMAND FOR NOTICE OF ALIBI**

Pursuant to CPL §250.20, the People hereby demand that defendant supply the District Attorney with (a) the place or places where the defendant claims to have been at the time of the commission of the crime(s) and (b) the names, residential addresses, places of employment and addresses thereof of every alibi witness upon whom defendant intends to rely to establish his presence elsewhere than at the scene of the crime at the time of its commission, and of every witness in support of such defense. Within a reasonable time after the receipt of the information specified above, the District Attorney will submit a list of any rebuttal witnesses, their addresses, and employers.

**E. RECIPROCAL DISCOVERY**

Pursuant to CPL §240.30(1), the People hereby demand that defendant supply the District Attorney with (a) any written report or document, or portion thereof, concerning a physical or mental examination, or scientific test, experiment, or comparisons, made by or at the request or direction of the defendant, if the defendant intends to introduce such report or document at trial, or if defendant has filed a notice of intent to proffer psychiatric evidence and such report or document which relates thereto or if such report or document was made by a person other than defendant, whom defendant intends to call as a witness at trial; and (b) any photograph, drawing, tape, or other electronic recording which the defendant intends to introduce at trial.

**NOTE:** Any defense motion or request addressed to the above-captioned case should be directed to the attention of the assistant district attorney named below, who is assigned to this case.

Dated: New York, New York  
June 26, 2013

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David Drucker  
Assistant District Attorney  
(212) 335-9224

# EXHIBIT C

Supreme Court  
of the  
State of New York



100 CENTRE STREET  
New York, N.Y. 10013

Mr. Miguel de los Santos 14A5516  
Auburn Correctional Facility  
P.O. Box 618  
Auburn, New York 13024

October 6, 2017

Re: Court Documents  
Ind.# 03444-2002

Dear Mr. De los Santos:

I strongly suggest that you seek legal advise at the facility where you are housed so that if I have not been clear with you, they can better answer your questions. I have tried several times to explain to you and your family members that there is only one file in existence related to your case. Your family members already copied **ALL** the public documents in that file. I have also many times explained to you and your family that your case was not heard in Criminal Court. Your case started directly in Supreme Court. **There are no Criminal Court papers.** In your latest letter you refer to the "sealing" of your indictment. **Your Indictment is not sealed.** As far as different copies of the Indictment: we did not provide you with copies, your family members made the copies themselves. There is only one Indictment. **We have no other documents to provide you with.**

Respectfully yours,

A handwritten signature in black ink that reads "F. Parra".

Fernando Parra, SCC  
Court Action Processing Unit  
Supreme Court, Criminal Term

Encl.

# EXHIBIT D

1 SUPREME COURT OF THE STATE OF NEW YORK  
2 COUNTY OF NEW YORK : CRIMINAL TERM : PART 45  
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3 THE PEOPLE OF THE STATE OF NEW YORK

4 -against- Indictment

5 MIGUEL DE LOS SANTOS, 3444/02

6 Defendant.  
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8 111 Centre Street  
9 New York, New York

10 June 3, 2013

11 BEFORE:

12 HONORABLE JUSTICE BRUCE ALLEN

13 A P P E A R A N C E S :

14 BRIDGET BRENNAN, ESQ.  
15 Special Narcotics Prosecutor  
16 New York County  
BY: WESLEY CHENG, ESQ.  
For the People

18 NORMAN WILLIAMS, ESQ.  
19 For the Defendant

20 DIANA DAVILA-MONGE  
21 Sr. Court Reporter

22  
23  
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25



## Proceedings

1 COURT CLERK: Calling number two on the  
2 calendar Indictment Number 3444 of 2002 the People  
3 of the State of New York against Miguel De Los  
4 Santos.

5 The defendant, his attorney and the  
6 assistant district attorney are present in the  
7 courtroom.

8 Counsel, please state your appearance for  
9 the record.

10 MR. CHENG: Wesley Cheng on behalf of the  
11 Special Narcotics Prosecutor.

12 MR. WILLIAMS: Norman Williams appearing  
13 on behalf of the defendant.

14 MR. CHENG: I would request a short  
15 adjournment.

16 We just need to be able to pull the file  
17 and get the voluntary disclosure form and the  
18 indictment so we can arraign him properly on the  
19 next date.

20 THE COURT: Has he been printed?

21 Do we have prints?

22 MR. CHENG: We don't have prints yet.

23 THE COURT: Are you going to take him to  
24 do that?

25 When can we do this arraignment?

## Proceedings

1 MR. CHENG: How long does it generally  
2 take for prints?

3 THE COURT: One day, the same day.

4 MR. CHENG: I request two weeks, Judge,  
5 to get it done in that time.

6 THE COURT: Two weeks.

7 MR. CHENG: That's also to get the  
8 voluntary disclosure form and the indictment.

9 THE COURT: Mr. Williams.

10 MR. CHENG: Should we request a shorter  
11 adjournment, Judge?

12 THE COURT: It's a very old case.

13 MR. CHENG: I can request a week, Judge.

14 THE COURT: I'd like to find out what's  
15 going on.

16 MR. WILLIAMS: Depending on how quickly  
17 you get the information together, I will probably  
18 make a bail application.

19 THE COURT: Does he have a hold?

20 COURT OFFICER: There is no hold.

21 THE COURT: All right.

22 MR. CHENG: June 10th, Judge.

23 I will inform everyone.

24 THE COURT: 6/10 for a possible bail  
25 application and arraignment.

Proceedings


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The defendant will be held until then.

The warrant is vacated.

-0-

CERTIFIED TO BE A TRUE AND ACCURATE TRANSCRIPTION OF  
THE MINUTES TAKEN BY ME.

  
\_\_\_\_\_  
DIANA DAVILA MONGE  
Sr. Court Reporter

# EXHIBIT E

910 WAKE  
DISPOSED  
WARRANT

ICA INQUIRY 01 13CR 208560 FILM:  
R S DOB/AGE CR FILING DATE: 041413  
H M 11101957 DL#:

DELOSSANTOS, MIGUEL  
LAKE WOODARD DR

CIT#:

TRIAL DATE: 051513

RALEIGH

NC 27604

DEF ATTY: STROMBOTNE, ALEXIS

AM

TYP: P VRA:

CHG/ARRN OFFN: F EXTRADITION/FUGITIVE OTH STATE

15A-727;733;734

COMPLAINANT: MARK, R

CPD ISSUED: 041413 SERVED: 041413

OFFN DATE: 041413

ARRN DATE:

MOTIONS DATE:

DISP DATE: 051513

CONT. D: 00 S: 00 C: 00 NR: 00 INT?:

FRM: RSONCO:

GANG REL: DV CV: N

PLEA	VER	MOD	FINE	COSTS	WCC	REST	JUDGE	PAID	TO-BE-PAID
	WE	\$	\$	\$	\$		MB		

CONV OFFN:

CAB:

SENT LEN: -

SENT TYPE:

CONS F/JGMT:

PROB:

WITHDRAWN:

APPEALED TO SUPERIOR:

AREA CD: ACCD: HWY:

V LIC:

TRANS TO SUPERIOR:

CDL: N CMV: N HAZ: N TRP/DIST: V ST:

V TYP:

APPELLATE:

PER JAIL DEF PICKUP BY NEW YORK ON 053013

ARREST DATE: 041413 CHECK DIGIT: 7697HLA SID: NC0703417A LID:

NEXT#:

PF2 - NAME INQUIRY

ADDL CHARGES:

File No. 13CR 208560

**WARRANT FOR ARREST  
FOR FUGITIVE**

*Crime(s) In Demanding State*  
**MURDER**

*Date Of Offense*  
04/14/2013

*Name Of Demanding State And County Of Offense*  
NEW YORK NEW YORK

*Name And Address Of Defendant*  
**THE STATE OF NORTH CAROLINA VS.  
MIGUEL DELOSSANTOS**

LAKE WOODARD DR  
RALEIGH NC 27604  
WAKE COUNTY

<i>Race</i> W	<i>Sex</i> M	<i>Date Of Birth</i> 11/10/1957	<i>Age</i>
<i>Social Security No.</i>		<i>Drivers License No. &amp; State</i>	

*Name Of Defendant's Employer*

<i>Offense Code(s)</i> 9901	<i>Arrest Under G.S.</i> 15A-733
--------------------------------	-------------------------------------

*Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)*

*Arresting Officer (Name, Department, Phone No.)*  
**RE MARK  
RALEIGH POLICE DEPARTMENT  
6716 SIX FORKS ROAD  
RALEIGH NC 27615**

*Date Issued*  
04/14/2013

**STATE OF NORTH CAROLINA**  
In The General Court Of Justice  
District Court Division  
WAKE County

To any officer with authority and jurisdiction to execute a warrant for arrest:

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the demanding state and county named above the crime named above was committed and the defendant named above is now in the State of North Carolina and

- has been charged with the commission of that crime and has fled from justice.
- has been convicted of that crime and has escaped from confinement.
- has broken the terms of his/her bail, probation and parole.

This Warrant is issued pursuant to Section 15A-733 of the North Carolina General Statutes upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay, to answer the charge above.

*Signature*

M P SMITH

- Magistrate
- Superior Court Judge
- District Court Judge

*Location Of Court*

Wake County Courthouse: 004D  
316 FAYETTEVILLE STREET  
RALEIGH, NC 27601

*Court Date*  
04/15/2013

*Court Time*  
09:00  AM  PM

# EXHIBIT F

1 case.

2 First the events leading up to the burglary and  
3 kidnapping.

4 And, secondly, the events that occurred in the  
5 apartment on the night of October 7th into the morning of  
6 October 8, 1999.

7 Let's first discuss the players. The people you will  
8 hear about.

9 The first person you will hear about is the defendant's  
10 name is Miguel Dellos Santos. He was born in 1957. He  
11 was 41-years-old at the time of this crime. And he was  
12 known by two nicknames names. He was known by Pedro and  
13 was known as Cachie. C-a-c-h-i-e. Some people called him  
14 Pedro. Some people called him Cachie. Those names are  
15 used interchangeably. Nobody called him Miguel.

16 You will hear the names from the witnesses of Pedro and  
17 Cachie throughout the trial.

18 In 1999 he lived in two places. He lived in North  
19 Carolina and he lived in New York City. He lived with a  
20 woman. Her name was Luz Mulero. Luz, L-u-z. Mulero,  
21 M-u-l-e-r-o. And she was also known as Lucy.

22 And the defendant was at this time, and there won't be  
23 much doubt about this, he was a drug dealer. A pretty big  
24 time drug dealer. Dealing in multi kilo grams of cocaine.

25 As I mentioned before kilo gram by the way is two point  
Lourdes Torres-Fuster, Senior Court Reporter



## OPENING / MR. DRUCKER

1 two pounds and back at this time a kilo gram would sell for  
2 approximately in the neighborhood of 20 thousand dollars.

3 So large amounts of drugs. Large amounts of money.  
4 This is not some local junkie selling dime bags on the  
5 corner to support his habit. He is a business man. In his  
6 own way a successful businessman and the business was  
7 cocaine.

8 And, of course, like most businesses you can't do it by  
9 yourself. His number one help, his partner, was his  
10 brother Rafael Dellos Santos. A few years younger than  
11 him. And their basic arrangement was the defendant had a  
12 supplier. He had a Columbia supplier he would get the  
13 drugs and for the most part Rafael would sell them. Sell  
14 them for him.

15 The other names you heard in the indictment, the name  
16 Ellerman Valverde. Ellerman the first. Valverde the last  
17 name. Spelled E-l-l-e-r-m-a-n. Pronounced Ellerman.  
18 Also known as German or Germane. You will hear him called  
19 by those names. Ellerman. He really worked for Rafael.

20 Rafael did most of the selling of the defendant's  
21 drugs. Ellerman worked for Rafael primarily and he had  
22 access to the apartment, basement apartment on 135th Street  
23 where they used to sell drugs from and on occasion to store  
24 drugs and just to hang out at times.

25 The other person's name in the indictment is named Juan  
Lourdes Torres-Fuster, Senior Court Reporter

## PROCEEDING

1 THE COURT: Anything?

2 MR. WILLIAMS: No.

3 THE COURT: Okay. You're excused, ma'am.

4 (Witness is excused).

5 THE COURT: All right.

6 MR. DRUCKER: You want argument now, your Honor?

7 THE COURT: Yes.

8 MR. DRUCKER: We argue that there is truly an  
9 independent source for the Court to allow the witness to  
10 identify the defendant in court untainted by the photo  
11 arrays she was shown.

12 Again, I know it is very difficult for the Court since  
13 you were not there for the Wade hearing and what I will say  
14 about it will not be contested and the minutes are  
15 available if the Court--

16 THE COURT: I looked at them.

17 MR. DRUCKER: Okay. Great. Initially, the witness knew  
18 the defendant prior to the incident. She saw him for an  
19 extended time during the incident. She clearly knew of the  
20 people during the crime which one was Pedro and in terms of  
21 how much she was tainted by the photo arrays she viewed  
22 photographs, the lineups from many years ago, and I think  
23 it is common sense that she remembers today the incident  
24 where her husband was killed over an extended period of  
25 time, not one or two, among many photos, she was shown 12,

1 A. A few minutes.

2 Q. Were you still in the bedroom when the conversation  
3 ended?

4 A. Yes.

5 Q. Where did Manuel go after the conversation ended?

6 A. He came to the bedroom where I was.

7 Q. How did he appear when he came into the bedroom?

8 A. Worried.

9 Q. Did he speak to you at that time?

10 A. Yes.

11 Q. How did he sound when he spoke to you?

12 A. Very worried.

13 Q. What did he tell you?

14 MR. WILLIAMS: Objection.

15 THE COURT: I will allow it. It is part of the  
16 narrative.

17 A. He said that Pedro had come to tell him that his cousin  
18 was missing. That his cousin was going around with some devices  
19 and that they didn't know if he had been arrested and they  
20 didn't know if they had taken the devices away from him.

21 Q. When you say devices is that a slang term?

22 A. Yes.

23 Q. What did you understand that term to mean?

24 A. Manuel told me that it was drugs.

25 Q. Did Pedro say where Wilson was at that time?

Lourdes Torres-Fuster, Senior Court Reporter

1 A. Manuel told me that he was thinking about going to look  
2 for him in several places.

3 Q. And during this conversation did Manuel tell you what  
4 he planned to do the following day?

5 A. Yes.

6 Q. What did Manuel plan to do the next day?

7 A. He was going to wait for Pedro's call and then go out  
8 and look for his cousin.

9 Q. Was he going to look alone or was he going to look with  
10 someone?

11 A. Manuel and Pedro.

12 Q. And he formed those plans as a result of that  
13 conversation he just had?

14 COURT INTERPRETER: I'm sorry, counsel.

15 Q. He formed those plans as a result of the conversation  
16 he had just had?

17 A. Yes.

18 Q. Now, I'm going to direct your attention to the next  
19 morning October 7th, 1999.

20 What happened that morning?

21 A. Manuel called an uncle that he and Wilson had in  
22 common.

23 Q. So, he was the uncle of both Manuel and of Wilson?

24 A. Yes.

25 Q. What was that uncle's name?

## DIRECT/ANGELLY ORTIZ/PEOPLE

1 A. I don't understand.

2 Q. What was Pedro doing?

3 A. He was sitting.

4 Q. Was he saying anything at that time?

5 A. Manual said Pedro why you doing this to me.

6 Q. And how did Pedro respond?

7 A. He said, kind of like he was crying, oh well, they're  
8 doing the same thing to my family.

9 Q. Was there anything noticeable about the way Pedro  
10 said that?

11 MR. WILLIAMS: Objection.

12 THE COURT: I will allow it.

13 A. It didn't sound sincere.

14 Q. When you said in addition to Pedro there were four  
15 other men inside the apartment?

16 A. Yes.

17 THE COURT: Any problem with these coming into  
18 evidence?

19 MR. WILLIAMS: No, Your Honor.

20 THE COURT: All right. Just show them.

21 MR. KRATVILLE: Thank you, Judge.

22 For the record, these are 6, 7 and 8 now in evidence.

23 Q. Looking at the screen do you recognize that man?

24 A. Yes.

25 Q. Who is that man?

1 A. I can't tell you exactly what amount it is, but I  
2 remember one time was like 50.

3 THE COURT: 50 what?

4 THE WITNESS: Kilos.

5 THE COURT: 5-0 kilos?

6 THE WITNESS: Yes.

7 A. So, but it's really hard for me to remember exactly the  
8 amount.

9 Q. Okay. And again this is always cocaine?

10 A. Yes.

11 Q. And describe how the defendant would go about selling  
12 drugs, who else he was working with?

13 A. Oh, his brother Rafael. They very close. And they  
14 help each other and that way he give to Rafael and Rafael bring  
15 the money back like two, three days and just like that.

16 Q. Would he sell most of the drugs through Rafael?

17 A. Yeah.

18 Q. And did the defendant also have his own customers that  
19 he would sell drugs to?

20 A. Yes, not that much but a few.

21 Q. Mostly through Rafael?

22 A. In New York.

23 Q. I said mostly through Rafael?

24 A. No.

25 Q. No what?

1 time, certain amount of cocaine?

2 THE WITNESS: Yes.

3 THE COURT: How much of it?

4 THE WITNESS: I think it was -- I don't remember exactly  
5 the amount.

6 Q. Let me ask you a different way. Did you know a person  
7 named Wilson?

8 A. Yes.

9 Q. And who was Wilson?

10 A. Wilson was a guy that was a cousin or one of Cachie's  
11 girlfriend.

12 THE COURT: He was the cousin of?

13 THE WITNESS: Of Cachie's girlfriend.

14 Q. And what was that girlfriend's name?

15 A. Wendy.

16 Q. And did you meet Wilson?

17 A. Yes.

18 Q. Where did you meet Wilson?

19 A. I don't remember exactly where I met Wilson.

20 Q. Where did you see Wilson?

21 A. I don't remember where was the first time I saw Wilson.

22 Q. Not the first time. In general where would you see  
23 Wilson?

24 A. Okay. I see him in North Carolina. I saw him a few  
25 times.

Lourdes Torres-Fuster, Senior Court Reporter

## LUZ MULERO / DIRECT / MR. DRUCKER

1 THE COURT: No. Where were they in the bodega?

2 THE WITNESS: Yes. This was inside the bodega, sorry.

3 Q. And at some point did the defendant come out of the  
4 bodega?

5 A. Yes.

6 Q. What happened then?

7 A. He told me that the guy wants five kilos and he say  
8 that he's going to pay in two days and I just tell him like do  
9 whatever you want to do.

10 Q. And did the defendant have the five kilos with him at  
11 that time?

12 A. Yes. No, no, not in the bodega.

13 Q. What happened then?

14 A. The next day he give the five kilos to Wilson.

15 THE COURT: "He" being?

16 THE WITNESS: Miguel.

17 Q. And how do you know that?

18 A. Miguel told me.

19 Q. So, tell us what happened the next day?

20 A. Wilson went there to Cachie's house and Cachie went  
21 with him to the apartment where the merchandise is and give him  
22 the five kilos.

23 Q. How did you learn that?

24 A. He told me. Cachie told me.

25 Q. Who told you?

Lourdes Torres-Fuster, Senior Court Reporter



## DIRECT/MULERO/PEOPLE

1 the only thing I remember is that the guy escape from them, he  
2 run, he start running.

3 THE COURT: Were you present?

4 THE WITNESS: Yes, I was there.

5 THE COURT: You were present and you saw him  
6 run?

7 THE WITNESS: Yes.

8 THE COURT: What did the other guys do?

9 THE WITNESS: They try to run to get him or  
10 something but he escape.

11 THE COURT: When they first saw him, though,  
12 what did they do?

13 THE WITNESS: They just tried to grab him and he  
14 start running.

15 BY MR. DRUCKER:

16 Q. And do you know who the people were that came on your  
17 behalf?

18 A. It was Rafael, Rafael's friends.

19 Q. And do you know who his friends were?

20 A. At that moment no but I met them later, was Punalata,  
21 they call him Punalata, Chacal and Ellerman.

22 Q. Okay. We'll discuss them in a few minutes, okay?

23 A. Okay.

24 Q. And after that happened what else did the defendant  
25 do to try to contact Wilson?

## DIRECT/MULERO/PEOPLE

1 A. Okay. In the car that I was, Cachie was driving,  
2 Ellerman and Marisol.

3 Q. Ellerman came into your car?

4 A. Yes.

5 THE COURT: And who else?

6 THE WITNESS: And Marisol, the girl, and me.

7 Q. And the other three?

8 A. And the other three in the other car. I don't  
9 remember who was driving, if it was Rafael. Yeah, I guess it  
10 was Rafael.

11 Q. Did any of them know where the cousin's apartment  
12 was?

13 A. No.

14 Q. Who knew where the cousin's apartment was?

15 A. Cachie.

16 Q. And did he drive there?

17 A. Yeah.

18 Q. And how did the other car know where to go?

19 A. They was following him.

20 Q. And where did you guys go at that time?

21 A. We going to Washington Heights to Wilson's cousin's  
22 apartment.

23 Q. At that point was there any problem that the  
24 defendant had mentioned to you?

25 A. No.

## DIRECT/MULERO/PEOPLE

1 A. I just tell them that I want to cooperate.

2 THE COURT: You met with the DA?

3 THE WITNESS: Yes. I met with the DA.

4 THE COURT: Where?

5 THE WITNESS: In his office.

6 THE COURT: Okay.

7 THE COURT: And what did you tell the DA?

8 THE WITNESS: I tell him that I need to tell him  
9 something that I know about a murder and that I was involved to  
10 because i was there with him most the time and I explain  
11 everything to him what happened.

12 BY MR. DRUCKER:

13 Q. Was your lawyer there at this time?

14 A. Yes.

15 Q. Was there an investigator there?

16 A. Yes.

17 Q. And who was that?

18 A. John Hall.

19 Q. John Hall?

20 A. Yes.

21 Q. And did you tell them all about the murder of  
22 Wilson's cousin?

23 A. Yes.

24 Q. The same thing you told us today basically?

25 A. Yes.

## DIRECT/MULERO/PEOPLE

1 THE WITNESS: Like I say they going to need me  
2 for any trial or something am I going to do it. I said yes.

3 THE COURT: So you promised to testify?

4 THE WITNESS: Yes.

5 THE COURT: And what promises did they make to  
6 you?

7 THE WITNESS: They did not make any promises.  
8 Just they going to help me with my son's court and I get  
9 another charge for that.

10 BY MR. DRUCKER:

11 Q. First of all, did they say anything to you about  
12 telling the truth?

13 A. Yes.

14 Q. What did they say about that?

15 A. That just tell the truth and only the truth.

16 Q. And did they say what happened if you told, let's say  
17 nine-tenths of the truth or one-tenth you lied about  
18 deliberately, what would happen then?

19 A. That I have to go back to jail.

20 Q. So most of the truth wasn't enough, is that correct?

21 A. Yeah.

22 Q. And did you sign what's known as cooperation  
23 agreement?

24 A. Yes.

25 Q. And now this was all after you had already pleaded

1           guy by force because he don't want to pay the 20 thousand.

2           THE COURT: The guy doesn't want to pay the 20 thousand  
3           so Lucho takes him by force?

4           THE WITNESS: Yes.

5           THE COURT: What do you do?

6           THE WITNESS: And he ask Cachie a favor to find a place  
7           where to put the guy.

8           THE COURT: You mean to hold him?

9           THE WITNESS: Yes, to hold him. And Cachie doesn't have  
10          any place.

11          So then he remember Ellerman and he said I can talk  
12          with my friend. And he said, yes, just do it.

13          But, actually it wasn't our problem.

14          THE COURT: What was your involvement?

15          THE WITNESS: The thing was the police get to the  
16          basement.

17          THE COURT: They bring the man to Ellerman's place?

18          THE WITNESS: Yes, but the police get there because they  
19          have a search warrant because they were told there was drug  
20          or something in there. They found a gun.

21          THE COURT: They found a gun?

22          THE WITNESS: Yes. And that's why they arrest us.

23          THE COURT: You?

24          THE WITNESS: They arrest me.

25          THE COURT: Why, what did the gun have to do with you?

1 THE WITNESS: No, nothing, because I was there the  
2 moment that they find it.

3 THE COURT: You were in the apartment?

4 THE WITNESS: Yes.

5 THE COURT: You were in the basement?

6 THE WITNESS: Yes.

7 THE COURT: Why were you in the basement?

8 THE WITNESS: Because I was waiting for Miguel that he  
9 went out to make a phone call and I was with my sister. My  
10 sister was pregnant at the time.

11 THE COURT: Were you all in that apartment to take the  
12 man?

13 THE WITNESS: Not to take the man. Just I was waiting  
14 for him because I was sitting in the car and he made me go  
15 inside. Like, "Wait for me here".

16 THE COURT: Who made you wait?

17 THE WITNESS: Cachie. He told me "wait for me here".

18 THE COURT: And had they brought the man against his  
19 will?

20 THE WITNESS: Yes.

21 THE COURT: Who brought him in?

22 THE WITNESS: Lucho.

23 THE COURT: Was the man in the car with you and  
24 Lucho?

25 THE WITNESS: No, in his own car.

1 A. Even if I tell the truth.

2 Q. Yes or no?

3 THE COURT: When you said you were guilty of  
4 kidnapping that wasn't true because you told the Judge I am  
5 guilty, right?

6 THE WITNESS: Yes.

7 THE COURT: That was not true, right?

8 THE WITNESS: A-hun.

9 THE COURT: Yes or no?

10 THE WITNESS: Yes.

11 THE COURT: Was it true?

12 THE WITNESS: No.

13 Q. So, when you spoke to the District Attorney you lied to  
14 him and said that you were guilty of kidnapping, correct?

15 MR. DRUCKER: Objection.

16 THE COURT: Well, I don't know, did she speak to the  
17 District Attorney? She spoke to a judge when she pled  
18 guilty.

19 MR. WILLIAMS: Well, she testified about her interview  
20 with the District Attorney's office.

21 THE COURT: Right.

22 THE WITNESS: I'm a little confuse.

23 Q. No problem. I'll slow down. I'll slow down.

24 You told your lawyer that you wanted to speak to the

25 DA?

1 A. Yes.

2 THE COURT: Yes?

3 THE WITNESS: Yes.

4 Q. After you sat in jail for a few months, correct?

5 A. For a few years.

6 THE COURT: For a few years you were in jail?

7 THE WITNESS: Yes. When I decide to talk with the DA  
8 that was in 2002.

9 THE COURT: How long had you been in jail?

10 THE WITNESS: Thirty-eight months.

11 Q. Had you already pled guilty to the kidnapping case at  
12 that time?

13 A. Yes.

14 Q. So, you were serving your five year sentence at that  
15 time?

16 A. Yes.

17 Q. And, you contacted your attorney, right, and you said  
18 you wanted to speak with the DA?

19 A. Yes.

20 Q. Did you ever speak with the DA and give that DA details  
21 about that kidnapping incident?

22 A. Yes.

23 Q. And did you tell that DA that you were guilty that you  
24 participated in the incident?

25 A. Yes.



1 Q. What did you say to him? What did you tell him your  
2 role was in that kidnapping?

3 A. I just tell him the truth what I did.

4 THE COURT: Okay. What did you tell him your role was  
5 in the kidnapping?

6 THE WITNESS: Okay.

7 THE COURT: How did you help? How did you tell him  
8 you helped in the kidnapping?

9 THE WITNESS: Okay. Actually, I don't help nobody in  
10 the kidnapping. I just went there with Cachie because  
11 Cachie supplied the place where the guy is going to be.

12 THE COURT: Where the guy is going to be kidnapped?

13 THE WITNESS: Yes. Yes.

14 Q. And that's what you told the DA?

15 A. Yes.

16 Q. When you were charged with kidnapping that wasn't the  
17 first time in your life you had been arrested, correct?

18 A. Yes.

19 Q. What else have you been arrested for in your life?

20 MR. DRUCKER: Objection.

21 THE COURT: I will allow it.

22 MR. DRUCKER: Arrested?

23 THE COURT: Have you had other interaction with the  
24 criminal justice system?

25 THE WITNESS: Yes.

1 Judge that I'm outside. That I'm free and I not show up in  
2 court.

3 THE COURT: So they were going to betray you?

4 THE WITNESS: Yes.

5 THE COURT: So you went to court?

6 THE WITNESS: I went to court and when the Judge call  
7 the case Mulero Dellos Santos I step out and I say I'm  
8 Christian Mulero's mother and I represent myself because at  
9 that time I can't find a lawyer.

10 THE COURT: Okay.

11 THE WITNESS: So, they give me my son back.

12 THE COURT: The Judge?

13 THE WITNESS: The Judge.

14 I ask them like, "What you want to do, you want to fight  
15 with me for my son?" They say "No, that's your son". I say  
16 "Okay". So the judge give me my son back.

17 THE COURT: And that was the end of the case?

18 THE WITNESS: Yes, that was the end of the case.

19 That's not fair.

20 Q. Now, other than pleading to kidnapping you also pled  
21 guilty to conspiracy?

22 A. Yes.

23 Q. And were you guilty of conspiracy?

24 A. Yes.

25 THE COURT: You were guilty?

1 THE WITNESS: Yes.

2 THE COURT: What did you do?

3 What did you do to make you guilty of that?

4 THE WITNESS: Because of the murder case I was involved  
5 in that case too because if I'm with Cachie I'm involved.

6 Q. What did you do other than being with Cachie?

7 A. Nothing.

8 MR. DRUCKER: Objection, your Honor.

9 To clarify, may we approach?

10 THE COURT: Okay.

11 MR. WILLIAMS: I guess, we're talking about this case.

12 MR. DRUCKER: Very vague terms.

13 THE COURT: Yes I know, but she did plead guilty to  
14 that.

15 MR. DRUCKER: But, there's -- I'll wait for redirect  
16 then.

17 THE COURT: Okay.

18 MR. WILLIAMS: I understand what you're saying.

19 I'll clean up the record, your Honor.

20 Q. You pled guilty to conspiracy.

21 THE COURT: We're talking about this case?

22 Q. In this case that we're talking about now, right, all  
23 of the events that led up to Chacal laying an egg?

24 A. Yes.

25 MR. DRUCKER: Objection, your Honor.

1 THE COURT: You were in the drug business. You knew  
2 about the drug business. What happens if you don't pay?

3 THE WITNESS: Nothing because he's friend with Carolina  
4 so maybe they make arrangement to get paid or something but  
5 nothing is going to happen.

6 Q. But, in general what happens to people in the drug  
7 business if they don't pay their debts?

8 A. I don't know what happen here but in Columbia you get  
9 killed if people don't pay.

10 Q. Did you ever hear any of the discussions or  
11 negotiations between Cachie and Carolina?

12 A. Yes.

13 Q. Earlier Mr. Drucker asked you how much cocaine was  
14 Cachie selling when you first met him and you said that he was  
15 only selling a little bit at that time.

16 Do you remember that?

17 A. Yes.

18 Q. And, when you were asked what was a small amount you  
19 said one kilo.

20 THE COURT: Yes?

21 THE WITNESS: Yes.

22 Q. So, in your opinion one kilo of cocaine is not a lot of  
23 drugs?

24 A. Compare what we was doing later, yes.

25 Q. How much money -- what's the largest amount of money

1 Q. And you currently live outside of the country?

2 A. Yes.

3 Q. Okay. I want to call your attention now to 1998,  
4 1999, where were you living during that time?

5 A. What time?

6 Q. 1998, 1999, around there?

7 A. Here.

8 Q. Do you know the defendant in this case?

9 A. Yes.

10 Q. And by what name do you know him?

11 A. Cachie or Pedro.

12 Q. Do you know his true first name?

13 MR. WILLIAMS: Objection.

14 THE COURT: I will allow it.

15 A. No.

16 Q. Do you know his last name?

17 A. No.

18 Q. And how did you meet him?

19 A. Through my cousin because they were together.

20 Q. And what's your cousin's name?

21 A. Wendy.

22 Q. And what was Wendy's relationship with the defendant?

23 A. They were dating for a month and a half.

24 Q. And where was it that you first met the defendant?

25 A. Here in New York.

1 Q. And where was that bodega located?

2 A. If I don't remember wrongly it was in Brooklyn.

3 Q. And who was your boss at that bodega?

4 A. Manuel.

5 Q. You remember his last name?

6 A. No.

7 Q. That was not Manuel, your cousin Manuel Gonzalez?

8 A. No, no.

9 Q. And did you know any people at other nearby bodega  
10 right near where the one you were working at?

11 A. Yes.

12 Q. And did you know a particular person that became part  
13 of this case?

14 A. What do you mean? I don't understand the question.

15 Q. Is there a particular person that you knew at a nearby  
16 bodega that's relevant to the facts of this case?

17 MR. WILLIAMS: Objection as to form, your Honor.

18 THE COURT: I will allow it. If he understands it.

19 A. Yes.

20 Q. What was that person's name as best you remember?

21 A. If I'm not wrong I think his name was Alfredo.

22 Q. And did Alfredo -- what was Alfredo's position at his  
23 bodega?

24 A. He was the owner of the bodega with his wife.

25 Q. And where was that in relationship to the bodega of  
Lourdes Torres-Fuster, Senior Court Reporter

1 Q. We're talking now about the defendant and Alfredo,  
2 nobody else.

3 A. Okay.

4 Q. The conversation we're talking about is just yourself,  
5 Alfredo and the defendant; is that correct?

6 A. Okay.

7 Q. So, had you told the defendant that your friend Alfredo  
8 was looking to buy drugs?

9 MR. WILLIAMS: Objection. Asked and answered, your  
10 Honor.

11 THE COURT: I will let him ask again.

12 INTERPRETER: I'm sorry, could you repeat.

13 Q. Did you tell the defendant that your friend Alfredo was  
14 looking to buy drugs?

15 A. That I always heard the friends that they were always  
16 looking to buy drugs.

17 Q. Listen to my question carefully, Mr. Gonzalez.

18 THE COURT: Look, listen.

19 Did you tell Pedro that Alfredo wanted to buy drugs?

20 THE WITNESS: No, no, not that.

21 THE COURT: Okay.

22 Q. So, any conversation that Alfredo and the defendant had  
23 about drugs had nothing to do with you?

24 MR. WILLIAMS: Objection.

25 Q. Is that correct?

1 who "he" was in that sentence. She interpreted what he  
2 said and he used the word "he" and I want to clarify who  
3 "he" was.

4 THE COURT: All right.

5 MR. DRUCKER: If the reporter can make read back the  
6 last answer.

7 (Court reporter read back the last answer).

8 Q. When you said that he said, Alfredo said if you call  
9 Cachie he's going to kill you, to who was he saying was going to  
10 kill you too?

11 A. He told me that if I talked that he would kill me.

12 THE COURT: Who would kill you? Give us the name.

13 THE WITNESS: Alfredo from the bodega.

14 THE COURT: Alfredo will kill you?

15 THE WITNESS: If I spoke. If I talked.

16 Q. And then what else did he say about that?

17 A. Alfredo, that if I called Cachie that he was going to  
18 kill me also because he stole five kilos of cocaine because he  
19 told Cachie that I was in jail.

20 Q. And is it your testimony that was the first you knew  
21 about any actual cocaine deal?

22 MR. WILLIAMS: Objection.

23 THE COURT: I will allow it.

24 A. That's when I found out.

25 Q. And that's the first you knew about the amount of five



1 kilo grams?

2 MR. WILLIAMS: Objection.

3 A. Yes.

4 Q. And up until that time had you heard anything about  
5 Cachie trying to contact you or call any of your family?

6 A. No, I did not.

7 Q. And where did you go then with Alfredo?

8 A. At that time I started crying. I was nervous. At that  
9 time I was 20-years-old. And I told him, please, I was not  
10 going to talk, to take me to Connecticut. And then he left me  
11 about half an hour away from my aunt. And then I went walking  
12 towards my aunt. When I got to my aunt's I told her that they  
13 had threatened me and that they wanted to kill me and she tried  
14 to ease me, to tranquilize me. And I don't know how long it  
15 took, if it was that next day or later, but she took me to the  
16 police.

17 Q. And what did you learn when you went to the police?

18 A. When I went to the police?

19 Q. What did you learn when you went to the police?

20 A. I remember that I went to the police with my aunt but  
21 I don't remember anything else. I just don't remember.

22 Q. When did you learn that Manuel Gonzalez was murdered?

23 MR. WILLIAMS: Objection.

24 THE COURT: I will allow it.

25 A. I don't remember right now if they killed him before or  
Lourdes Torres-Fuster, Senior Court Reporter

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.

1 Q. Did you ever introduce him to your cousin Manuel?

2 A. No.

3 Q. Did you ever introduce him to Manuel's wife Angelly?

4 A. No.

5 Q. Mr. Drucker asked you some questions about a day that  
6 Cachie met with you and Alfredo in front of your job?

7 A. Yes.

8 Q. Had you met his girlfriend Lucy at that point?

9 A. Whose girlfriend?

10 Q. Cachie's?

11 A. Well, the one who lives in North Carolina I met a  
12 girlfriend of his who lived there but I don't know her name.

13 Q. On the day that he was with you and Alfredo was any  
14 other person with Cachie?

15 A. No.

16 Q. Was there a woman with him?

17 A. That I remember, no.

18 Q. Okay.

19 INTERPRETER: Counselor, there was a question that you  
20 asked that I didn't answer because he was answering at the  
21 same time that you were asking it.

22 MR. WILLIAMS: He answered it.

23 INTERPRETER: Okay.

24 MR. WILLIAMS: Thank you.

25 Q. How do you support yourself, Mr. Gonzalez, presently?

## 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.

Lourdes Torres-Fuster, Senior Court Reporter

1 Q. "key" meaning kilo of cocaine?

2 A. Kilo of cocaine.

3 Q. Okay.

4 A. So he tell me "Rafael says I'm good money".

5 MR. WILLIAMS: Objection. Hearsay.

6 THE COURT: I will allow it. Go ahead.

7 Q. Go ahead.

8 A. He give me -- Rafael give me the first key  
9 consignment. I sell it. Go back to him. He give me two. And  
10 I keep selling. He keep giving me more than ten key.

11 Q. I'd like to show you a few pictures now.

12 I would like to show you first what's in evidence as  
13 People's 8.

14 THE COURT: Who's that?

15 THE WITNESS: That's Chacal.

16 Q. You see that picture there?

17 THE COURT: On the screen, sir.

18 Q. Can you see it?

19 A. Yes.

20 Q. Who is that Chacal?

21 A. Chacal.

22 Q. Okay. I'm going to show you what's in evidence as  
23 People's 12. Do you recognize that man?

24 A. Germane.

25 Q. I show you now what's in evidence as People's 7.

## DIRECT/BRITO/PEOPLE

1 A. He called me and he said they found passports.

2 Q. What happened then?

3 A. And so I went into the bedroom and I started to look  
4 through the passports with him.

5 Q. Let met stop you for one second. Do you remember any  
6 conversation in which the wife, the woman, was asked to get the  
7 passport and papers?

8 MR. WILLIAMS: Objection.

9 THE COURT: I'll allow. Was there any  
10 conversation about that?

11 A. I don't remember anything about her being sent to  
12 look for the passports. What I remember is that while I was in  
13 the living room he called me and he had found the passports.

14 Q. He is Cachie?

15 A. Yes.

16 Q. And what happened then?

17 A. And then while we were looking at those passports we  
18 heard the shot. Boom!

19 Q. And where were you when you heard the shot?

20 A. Cachie and I were in the bedroom looking through the  
21 passports.

22 Q. And do you recall where the woman was at that time?

23 A. Sitting on a chair.

24 Q. In the living room?

25 A. In the living room.

## Proceeding

1 Talking was for day one. October 6, the first visit.  
2 One-on-one. Pleasant people. They happened to be  
3 pleasant. But, the idea that somehow four of the men on  
4 October 7th went there with one violent criminal purpose  
5 was but one male, only the boss, the guy this is all  
6 about. The man who brought them there. That he alone  
7 went for some nonviolent purpose it's just not  
8 reasonable. It's not reasonable. It's not the basis for  
9 reasonable doubt. Makes no sense. Just didn't happen.

10 Now, October 6 was the talking. This was October  
11 7th. This was no more Mr. Nice Guy. No more fooling  
12 around. This was to do what drug dealers do when they  
13 don't get paid.

14 Now, I don't mean every time you're a little bit late,  
15 they can't sell their drugs, few days late getting paid,  
16 but I mean when they know they've been cheated and ripped  
17 off that is what drug dealers do. They don't sue you.  
18 They don't go higher a lawyer and bring you to court. They  
19 don't call the police and say "They stole my five key  
20 grams. Come help me". No.

21 What you do, you threaten. You bully. You intimidate.  
22 You terrorize. You take control over the situation. You  
23 take control of the people you kidnapped. You take  
24 physical possession to whoever is most likely to lead you  
25 to the money or to the people who have the money and you



## SUMMATION/DRUCKER

1 guy, he's a street guy, he's a get your hands kind of dirty  
2 guy, you can't believe him.

3 Kind of ironic. You use the man when he serves your  
4 purposes, when you don't need him anymore discard him, bad  
5 mouth him. It's an expression in our business that's true.  
6 We don't choose the witnesses. More often than not the  
7 defendant chooses the witnesses. So true here.

8 Who chose the witnesses in this case? Who chose Lucy  
9 Mulero, his girlfriend? Who chose Wilson? The guy he was  
10 friends with who he used to make the five kilogram cocaine  
11 deal. Who chose Brito? He called Brito to help him. Did I  
12 call him? He called him. Time and time again he got them  
13 involved in the case.

14 He's why they are the witnesses in the case. He's  
15 the gentleman drug dealer. He has a problem he calls the dirty  
16 work guys. But you shouldn't believe them. Brito, Chacal,  
17 were involved in this case for exactly that reason and he knew  
18 who he was calling everytime he called for them.

19 Any way, it's October 7th and now it's -- he's  
20 getting desperate, very little options how to get his hundred  
21 thousand dollars. So it's time for action. Time to bring the  
22 crew out. Time to call Rafael, get your guys, we're going to  
23 Manuel's, we're going to that cousin's house, we're going to  
24 make things happen now.

25 Are they going to kill anybody? Of course not. They

## SUMMATION/DRUCKER

1 the whole thing was all about. Getting the money that is owed  
2 to the defendant selling five kilograms of cocaine.

3 Again, the law requires two ounces or more, kilogram  
4 is over two ounces. So it's way, way more than that. So  
5 there's no question backward and forward. And whether it was,  
6 to what extent Wilson was involved, is meaningless. And that's  
7 pretty easy count.

8 And the final count is conspiracy. Actually it was  
9 mentioned two conspiracy counts early on. One will be  
10 submitted to you. Conspiracy to sell drugs.

11 Which is really not much more than the actual drug  
12 sale plus the attempt to get the money for it afterward. It's  
13 kind of complicated charge the judge has to give you for  
14 conspiracy, bear with her, but you will see they agreed to  
15 certainly take steps to collect the money and took, obviously,  
16 overt acts to do that, the defendant and the others.

17 That's the indictment, the elements of the crime,  
18 that's pretty much it.

19 Again, I ask you to, just to, again, sift through the  
20 evidence, use your common sense, you do that and this  
21 defendant, Miguel Dellos Santos, can have no complaint. He's  
22 got what every defendant should have, and is entitled to have  
23 and has had in this system, he's had his day in court. He's  
24 had his right to a fair trial.

25 We brought the charges, we got to bring the witnesses

## SUMMATION/DRUCKER

1 to open court to show you the evidence and what the facts are.  
2 You have the right to have the witnesses in open court to cross  
3 examine. You have the right to counsel. Mr. Williams, a good  
4 experienced lawyer, advocated for his client very well.

5 And defense had the biggest right, which is the 16 of  
6 you, 12 who will be deliberating tomorrow, the right to a fair  
7 and impartial jury. I am quite sure he's had that.

8 The jury sticks to the evidence they won't convict  
9 him out of prejudice, bias, or sympathy, or something that's  
10 heard outside the courtroom, but they will stick to what they  
11 heard in the courtroom.

12 You know your rights are not absolute, there is no  
13 right to have a jury ignore the evidence, ignore the obvious  
14 facts, and he has no right to have a jury just ignore every day  
15 life experiences, common sense, no right to have a jury call a  
16 duck anything other than a duck.

17 And, you know, he can't blame anybody else for his  
18 current situation. Not any other adult is responsible for his  
19 actions. He's responsible. He can't blame Lucy. He can't  
20 blame Wilson. Can't blame Punalata or anyone else. Only has  
21 himself to blame.

22 He's the one who made the five kilogram cocaine  
23 deal. He's the one that did all the efforts to try to get his  
24 money. He's the one that brought everybody deliberately to  
25 Manuel Gonzalez' home to break-in, terrorize him at gunpoint.

## SUMMATION/DRUCKER

1 He's the one who did that. He didn't do it alone but he did  
2 it. For that he should be held accountable.

3 So, I ask you, finally, based on the clear and  
4 convincing evidence in the case, find this defendant, Pedro  
5 Cachie, Miguel Dellos Santos, guilty of all these very serious  
6 crimes which he did commit.

7 Thank you very much.

8 THE COURT: Okay. So the case is not over until  
9 you hear my instructions. That's the only time that you can  
10 form an opinion on this case after I give you my instructions  
11 which I will do for you tomorrow.

12 So, tomorrow I am going to have you here at 10:00.  
13 We'll take your lunch order because you won't be going out to  
14 lunch if you are still deliberating, we'll give you a good  
15 lunch, and I will instruct you.

16 My instructions should take about an hour. There are  
17 eight counts and, of course, you will be able to ask me to  
18 reclarify any instructions that's not clear to you. But I will  
19 instruct you tomorrow morning.

20 What you can't do tonight is discuss this case. You  
21 will discuss it tomorrow after you are instructed and then and  
22 only then can you form an opinion on this case.

23 So, have a good evening, tomorrow morning at 10:00,  
24 when you are all here we'll take your lunch order and we'll get  
25 to the charge. Okay?

## SUMMATION/DRUCKER

1 (The jury was excused and exits the courtroom.)

2 MR. DRUCKER: One legal point on your charge.

3 THE COURT: Of course.

4 MR. DRUCKER: The first count is Kidnapping in  
5 the First Degree. The second count is the Felony Murder for  
6 Kidnapping. Kidnapping first degree involves abduction with  
7 other elements.

8 (Continued on next page.)

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## Proceeding

1 CONTINUED BY

2 MR. DRUCKER:

3 Which I believe we've fully proven.

4 But, the Count 2, the felony murder kidnapping would  
5 not require.

6 THE COURT: I know.

7 MR. DRUCKER: Kidnapping first-degree.

8 THE COURT: We handled that.

9 MR. DRUCKER: Okay. Then I'll shut up.

10 THE COURT: Thank you.

11 Anything else anybody wants to tell me that's obvious?

12 MR. WILLIAMS: No, your Honor.

13 THE COURT: Thank you.

14 \*\*\*\*\*

15 (Proceedings were concluded until July 10, 2014)

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## JURY CHARGE

1 THE COURT: Jury in.

2 COURT OFFICER: Jury entering.

3 COURT CLERK: Would the parties stipulate the jury is  
4 present and properly seated?

5 MR. WILLIAMS: Yes.

6 MR. DRUCKER: Yes.

7 THE COURT: All right. Good morning. It's my turn  
8 to talk. First I want to thank you. This trial was not  
9 that long. But it's very important. You were here every  
10 day. You were listening. You were concentrating. You  
11 were doing your duties as citizens and I thank you for  
12 that.

13 Trial by jury in criminal cases forms the very basis of  
14 justice in our system. You as jurors have been selected  
15 for one of the most important duties of citizenship and  
16 that is to determine the guilt or the non-guilt of another  
17 individual. In this case Miguel Dellos Santos. It is a  
18 duty requiring you to use the same care, the same  
19 consideration, the same integrity that you would use in  
20 making the most important decisions in your own lives.

21 Now, I know this case will not affect your lives  
22 directly but I instruct you to consider it as if it would.

23 You will find my charge divided into two parts. The  
24 first part will discuss the law as it applies to this  
25 criminal case and the second part will focus on the

Lourdes Torres-Fuster, Senior Court Reporter

## 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  
Lourdes Torres-Fuster, Senior Court Reporter

## JURY CHARGE

1 this count the prosecution is required to prove beyond a  
2 reasonable doubt:

3 **One,** that on October 8, 1999 in New York Mr. Dellos  
4 Santos acting in concert with others restricted the  
5 movements of Angelly Ortiz in such a manner as to interfere  
6 substantially with her liberty by moving her from one place  
7 to another or by confining her either in the place where  
8 the restriction began or in a place to which she had been  
9 moved.

10 **Two,** that the movements of Ms. Ortiz were restricted  
11 without her consent.

12 **Three,** that Mr. Dellos Santos acted intentionally.

13 **Four,** that the restriction of Ms. Ortiz movements was  
14 unlawful. And that Mr. Dellos Santos knew that.

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15 **Five,** that Mr. Dellos Santos or one or more people  
16 acting with him restrained Ms. Ortiz under circumstances  
17 which exposed her to a risk of serious physical injury.

18 If you find that the prosecution has proven all of  
19 these elements to your satisfaction beyond a reasonable  
20 doubt then you must find Mr. Dellos Santos guilty of this  
21 count.

22 On the other hand, if you find that the prosecution has  
23 failed to prove one or more of these elements beyond a  
24 reasonable doubt then you must find him not guilty.

25 Count 5 charges Mr. Dellos Santos with unlawful

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## JURY CHARGE

1 imprisonment in the first-degree on the theory that acting  
2 in concert with others he unlawfully imprisoned Carlos  
3 Ortiz. It is the same as the last one. The same  
4 elements but this time you look at the action vis-a-vis  
5 Carlos Ortiz.

6 So, in order for you to find Mr. Dellos Santos guilty  
7 of Count 5 the prosecution is required to prove beyond a  
8 reasonable doubt that on October 8, 1999 in New York Mr.  
9 Dellos Santos acting in concert with others restricted the  
10 movements of Carlos Ortiz in such a manner as to interfere  
11 substantially with his liberty by moving him from one place  
12 to another or by confining him either in a place where the  
13 restriction began or in a place to which he had been moved.

14 **Two,** that his movements were restricted without his  
15 consent. That Mr. Dellos Santos acted intentionally.  
16 That the restriction was unlawful. And Mr. Dellos Santos  
17 knew that. And that Mr. Dellos Santos or one or more  
18 people acting in concert with him restrained Mr. Ortiz  
19 under circumstances which exposed him to risk of serious  
20 physical injury.

21 If you find that the prosecution has proven all of  
22 these elements beyond a reasonable doubt then you must find  
23 Mr. Dellos Santos guilty of this count of unlawful  
24 imprisonment.

25 On the other hand, if you find that the prosecution has  
Lourdes Torres-Fuster, Senior Court Reporter

## JURY CHARGE

1 failed to prove one or more of these elements beyond a  
2 reasonable doubt then you must find him not guilty.

3 Count 6 charges Mr. Dellos Santos with burglary in the  
4 first-degree on the theory that he or someone acting in  
5 concert with him was armed with a deadly weapon while  
6 burglarizing Apartment 33 at 478 West 145 Street.

7 The penal law states a person is guilty of burglary in  
8 the first-degree when he knowingly enters unlawfully a  
9 dwelling with the intent to commit a crime. And when he  
10 uses or threatens the immediate use of a dangerous  
11 instrument. In this case a gun.

12 The term dwelling means a building which is usually  
13 occupied by a person who sleeps there at night.

14 Where a building consist of two or more units  
15 separately secured or occupied each unit is considered both  
16 a separate building in itself and part of the main  
17 building.

18 According to the law a person unlawfully enters a  
19 dwelling when he has no permission to do so. And he  
20 knowingly enters the dwelling unlawfully when he is aware  
21 that he doesn't have permission.

22 A person also enters a dwelling unlawfully when he  
23 enters by means of a trick or deception.

24 In addition, the prosecution must prove that at the  
25 time that Mr. Dellos Santos entered the building he

## PROCEEDING

1 comes in.

2 \*\*\* (DELIBERATIONS) \*\*\*

3 THE COURT: We have a note. I'm going to read to them  
4 the charge on murder in the second-degree and kidnapping.

5 MR. DRUCKER: Yes, your Honor.

6 COURT OFFICER: Jury entering.

7 MR. WILLIAMS: Your Honor, may we approach briefly?

8 THE COURT: Yes.

9 (Discussion at the bench was held off the record).

10 THE COURT: Okay. So you asked me for the instructions  
11 on the law regarding felony murder. Regarding the  
12 kidnapping. And I will do that.

13 The penal law states a person is guilty of murder in  
14 the second-degree when acting either alone or with one or  
15 more other persons he commits or attempts to commit a  
16 kidnapping and in the course of and in furtherance of the  
17 crime or of the immediate flight from the crime he or  
18 another participant causes the death of a person other than  
19 one of the participants.

20 Under our law a person is guilty of kidnapping in the  
21 second-degree when he abducts another person. To abduct  
22 means to restrain a person with the intent to prevent the  
23 person's liberation either by secreting or holding him in a  
24 place where he is not likely to be found or by using or  
25 threatening to use deadly physical force.

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## PROCEEDING

1           Restrain means to restrict a person's movements  
2 intentionally and unlawfully in such a manner as to  
3 interfere substantially with his liberty by moving him from  
4 one place to another or by confining him either in a place  
5 where the restriction began or in a place to which he has  
6 been moved without consent and with knowledge that the  
7 restriction is unlawful.

8           A person restricts another's movements intentionally  
9 when his goal, his conscious objective is to restrict that  
10 person's movement.

11           A person restricts another's movement unlawfully when  
12 he is not authorized by law to do so and when he is aware  
13 that the restriction is not authorized by law.

14           A person is moved or confined without consent when such  
15 is accomplished by physical force, intimidation or  
16 deception.

17           Intent means conscious objective or purpose.

18           Thus, a person acts with intent to prevent another's  
19 liberation either by secreting or holding him in a place  
20 where he is not likely to be found or by using or  
21 threatening to use deadly physical force when that person's  
22 goal or purpose is to do so.

23           Deadly physical force means physical force which under  
24 the circumstances in which it is used is readily capable of  
25 causing death or other serious physical injury.

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## PROCEEDING

1           In order for you to find Mr. Dellos Santos guilty of  
2 murder in the second-degree the prosecution is required to  
3 prove from all the evidence in this case beyond a  
4 reasonable doubt:

5           One, that on October 8, 1999 in New York Mr. Dellos  
6 Santos acting in concert with others committed a  
7 kidnapping.

8           And, two, that in the course of and in furtherance of  
9 the commission of that kidnapping Mr. Dellos Santos or  
10 another participant in the kidnapping caused the death of  
11 Manuel Gonzalez and Mr. Gonzalez was not a participant in  
12 the crime.

13           If you find that the prosecution has proven beyond a  
14 reasonable doubt both of these elements then you must find  
15 him guilty of murder in the second-degree as charged in  
16 this count.

17           On the other hand, if you find that the prosecution has  
18 not proven one or both of those elements beyond a  
19 reasonable doubt then you must find him not guilty.

20           I hope that helped you.

21           So bring the jury in to deliberate.

22           COURT OFFICER: Jurors.

23           THE COURT: Please, I want them to stay.

24           COURT OFFICERS: Yes.

25           (Jurors exit the courtroom).

          Lourdes Torres-Fuster, Senior Court Reporter



## VERDICT

1 JUROR 7: Yes.

2 COURT CLERK: Juror Number 8, is that your verdict?

3 JUROR 8: Yes.

4 COURT CLERK: Juror Number 9, is that your verdict?

5 JUROR 9: Yes.

6 COURT CLERK: Juror Number 10, is that your verdict?

7 JUROR 10: Yes.

8 COURT CLERK: Juror Number 11, is that your verdict?

9 JUROR 11: Yes.

10 COURT CLERK: And, Juror Number 12, is that your  
11 verdict?

12 JUROR 12: Yes.

13 COURT CLERK: The jury has been polled.

14 THE COURT: Before I say good-bye to you I do want to  
15 thank you. You have seen firsthand how this system work.

16 We would crumble to our knees without you who take time  
17 from your lives, your work schedules to serve. And you  
18 seen firsthand how much we need you.

19 You've done your duty. I thank you. You are excused  
20 from this case and from jury duty for many years.

21 You can talk to whomever you want to now.

22 (Jurors are excused).

23 THE COURT: Date for sentence.

24 MR. WILLIAMS: Before a date for sentence at this time I  
25 would make a motion.

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## PROCEEDING

1           The verdict in this matter was repugnant, somewhat odd.  
2           Kind of strange that they would find him not guilty of  
3 burglary but guilty--

4           THE COURT: I don't think it is strange at all.  
5           I don't think it is repugnant at all.

6           MR. WILLIAMS: As well as not guilty of the drugs.

7           THE COURT: It is not repugnant at all.

8           You can make any motion you want, but I do not see any  
9 repugnancy here.

10          MR. WILLIAMS: In light of that I guess I'd like a  
11 little bit more than the standard two weeks.

12          THE COURT: He's remanded until.

13          MR. WILLIAMS: Of course.

14          What's your schedule like in the month of August?

15          THE COURT: Beginning of August I'm here, first two  
16 weeks.

17          COURT CLERK: Till the 15th.

18          MR. WILLIAMS: August 11.

19          THE COURT: That's fine.

20          MR. DRUCKER: That's for sentencing?

21          THE COURT: Yes, and for any motions.

22          MR. DRUCKER: I'd ask any motion be made give us a  
23 little bit of time to respond.

24          THE COURT: Are you going to have that, are you going  
25 to have it before August 11 so I can have a decision by

Lourdes Torres-Fuster, Senior Court Reporter

# EXHIBIT G

SUPERIOR COURT

# Warrant of Arrest

SUPREME COURT OF THE CITY OF NEW YORK

Part:	Return Part:	County:	SUPREME COURT NUMBER/YEAR:
70	70	NEW YORK	03444-2002

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK:

To any Police Officer of the City of New York.

An Accusatory instrument having been filed with this Court charging

**DELOSSANTOS, MIGUEL**

the defendant in the criminal action herein, with the commission of the offense of

**PL12525F**

AND

The defendant not having been arraigned upon the accusatory instrument by which this criminal action against the defendant was commenced and this Court requiring the defendant's appearance before it for the purpose of arraignment.

The defendant having been arraigned upon the accusatory instrument by which this criminal action against the defendant was commenced and this criminal action being pending in the Court and this Court requiring the defendant's appearance before it.

The defendant having been convicted of and having been sentenced to and this Court requiring the defendant's appearance before it.

You are, therefore, commanded forthwith to arrest the defendant named above and bring him before this Court without unnecessary delay.

By Order of the Court:

**FLORA DUFFY**  
JUSTICE OF THE SUPREME COURT

Bail Condition Violated:

Date of Warrant

6/13/2002

NCIC No:	DCJS No:	OCA No:
Defendant Name	DELOSSANTOS, MIGUEL	Sex: M
AKA:	Ht: 507	Wt: 165
Race: W	DOB:	Age: 55
Eyes: BRO	Hair: BLK	Skin Tone: UNK
Driver Lic No:	Yr Lic Exp:	Lic St:
SSN:		NYSID #
ADDRESS:		
Arrest Date:	1/1/0001	Precinct:
Charge	PL	Penal Law 12525
Dept/Agency	Command:	Arrest ID
Officer Name:		Crime Class F
		Tax Reg #
		Shield #

# EXHIBIT H

Supreme Court  
of the  
State of New York  
Encl.



100 CENTRE STREET  
New York, N.Y. 10013

August 9, 2017

Mr. Miguel de Los Santos 14A5516  
Shawangunk Correctional Facility  
P.O. Box 700  
Wallkill, NY 12589

Re: Court Documents  
Ind.# 03444-2002

Dear Mr. De Los Santos:

In response to your request, we apologize that our response to your last letter went to Auburn by mistake. I am enclosing a copy of that letter.

Also, since we sent that letter, your relatives have been to the Clerk's Office in a couple of occasions and ordered the file and copied everything that was public in your file. One thing that we tried to make them understand and possibly you need to understand as well is that there is only one file in this court pertaining to your case. Your relatives were looking for documents from Criminal Court but your case never went to Criminal Court, therefore there are no Criminal Court documents.

We also explained to them that any document in your list that is not found among the documents that they copied in the Clerk's Office will have to be obtained from other agencies. Warrants and information on warrants can only be obtained from the District Attorney's Office at One Hogan Place Room 732, New York, NY 10013. Your relatives were given the phone numbers for the Clerk's Office should they have any additional questions (646-386-4000), as well as the Reporter's Office (stenographer in your letter) (646-385-4400).

Respectfully yours,

A handwritten signature in black ink, appearing to read "F. Parra".

Fernando Parra, SCC  
Court Action Processing Unit  
Supreme Court, Criminal Term

encl.

# EXHIBIT I



NEW YORK STATE  
Unified Court System

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS  
CHIEF ADMINISTRATIVE JUDGE

JOHN W. McCONNELL  
COUNSEL

January 16, 2018

Mr. Miguel de los Santos  
14A5516  
Shawangunk Correctional Facility  
P.O. Box 700  
Wallkill, New York 12589

Dear Mr. de los Santos:

In response to your correspondence, please be advised that Flora Duffy was employed as an Associate Court Clerk in 2002.

In the event you seek copies of official court records, including an arrest warrant regarding the presiding judge who ordered the warrant, please be advised that access to court records is governed by section 255 of the Judiciary Law. The clerk of the court where the matter was handled typically is the custodian of records, and as such, you should direct the section 255 request to the clerk, identifying the case name and indictment number, as well as the specific court record sought, to permit the clerk to conduct a search for any responsive existing record and assess the search, copy, and certification fees consistent with the fee schedules set forth in CPLR Article 80.

The Chief Clerk of the Supreme Court, New York County, Criminal Term is located at 100 Centre Street, New York, New York 10013.

You also may wish to contact the attorney who represented you in the 2002 criminal matter.

Very truly yours,

Shawn Kerby  
Assistant Deputy Counsel



# EXHIBIT J

10<sup>30</sup> Tue. 5/21/02 @ Usher, B.A. <sup>12m</sup> Eddie  
I worked @ Manuel Lodge 5/5<sup>th</sup> + 5<sup>th</sup>  
I was work in Lodge in N.C. + 5<sup>th</sup>  
I was near Happy Grocery  
I met Alfie the owner  
" sold the lodge -

Cachi came to grocery store (Manuel)  
I met Cachi through Wendy

Cachi wife was Luz (Colombia)  
Luz was in Columbia - Wendy saw Luz  
Wendy + Cachi went to live in North Carolina @ Alan  
" in my cousin.

son Gonzalez  
interview  
I met Wendy  
went Luz was in  
Colombia and Wendy  
introduced me to  
Wilson in 1999,  
in 1998 when Angela  
Ortiz came for her  
vacation, I did not  
know Wendy and  
Wilson.

I first met Cachi in a lodge in Jamaica

1996 came to US for DR.  
Lived @ Usher in Jamaica Quis  
Usher was having problems @ Aral +  
after 5 men moved out + went to her  
with Manuel (deceased) for 1 week.

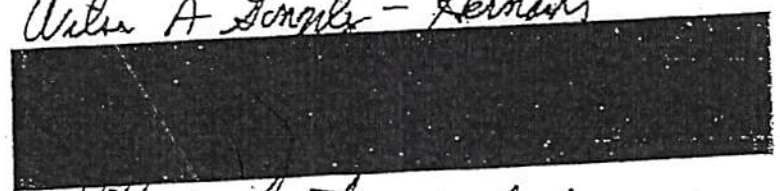
Cachi sold drugs + women in North Car.

" would transport drugs  
I would transport prostitutes  
one time with police, pro. Gordin, Alex Oke  
retiree + her for under hood.

none.

Cachi, Pedro  
His bottle ~~of~~  
" " Rafael to get it for Cachi

Cachi Uncle A Gonzales - Hernandez



Saw 5 Usher in location in N.C