

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF FLORIDA  
3 CASE NO. NO. 20-CV-24294-KMM-LOUIS

4 RAQUEL CAMPS, in her capacity as the ) Pages 1-238  
5 personal representative of the )  
6 ESTATE OF ALBERTO CAMPS, )

7 EDUARDO CAPPELLO, in his individual ) Miami, Florida  
8 capacity, and in his capacity as the )  
9 personal representative of the ESTATE )  
10 OF EDUARDO CAPPELLO, ) June 29, 2022  
11 ) 8:45 A.M.

12 ALICIA KRUEGER, in her individual  
13 capacity, and in her capacity as the  
14 personal representative of the ESTATE  
15 OF RUBEN BONET,

16 and, MARCELA SANTUCHO, in her  
17 individual capacity, and in her  
18 capacity as the personal  
19 representative of the ESTATE OF ANA  
20 MARIA VILLARREAL DE SANTUCHO,

21 Plaintiffs,

22 vs.

23 ROBERTO GUILLERMO BRAVO,

24 Defendant.

25 TRANSCRIPT OF JURY TRIAL PROCEEDINGS  
BEFORE THE HONORABLE LAUREN FLEISCHER LOUIS  
U.S. MAGISTRATE JUDGE

APPEARANCES:

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08:45AM 1 THE COURTROOM DEPUTY: Calling case number 20-CV-24294,  
08:45AM 2 Raquel Camps v. Bravo.  
08:45AM 3 Counsel, please state your appearances beginning with the  
08:45AM 4 plaintiffs.  
08:45AM 5 MR. KRISHNAN: Good morning, Your Honor. Ajay Krishnan  
08:46AM 6 for the plaintiffs.  
08:46AM 7 MR. MUZZIO: Good morning, Your Honor. Franco Muzzio  
08:46AM 8 also for the plaintiffs.  
08:46AM 9 THE COURT: Good morning.  
08:46AM 10 MS. SABHARWAL: Good morning, Your Honor. Neha Sabharwal  
08:46AM 11 for the plaintiffs.  
08:46AM 12 THE COURT: Good morning.  
08:46AM 13 MR. DAVIS: Good morning, Your Honor. Steve Davis on  
08:46AM 14 behalf of the defendant, Roberto Bravo.  
08:46AM 15 MR. SLADE: Good morning, Your Honor. Roger Slade on  
08:46AM 16 behalf of the defendant.  
08:46AM 17 THE COURT: Good morning, Mr. Slade.  
08:46AM 18 Did you enjoy the later start?  
08:46AM 19 MR. SLADE: Not as much as I would have liked.  
08:46AM 20 MR. SONNETT: Neal Sonnett, Your Honor, on behalf of the  
08:46AM 21 defendant.  
08:46AM 22 THE COURT: Thank you, Mr. Sonnett. And I will note the  
08:46AM 23 defendant is present in the court, as are Ms. Camps -- is Mr.  
08:46AM 24 Cappello here as well?  
08:46AM 25 MR. KRISHNAN: He is, Your Honor.

08:46AM 1 THE COURT: All right. We agreed to an early start so  
08:46AM 2 that we could talk about the Lesgart autopsy. And, Mr. Krishnan,  
08:46AM 3 who is going to talk to me about that?

08:46AM 4 MR. MUZZIO: Mr. Muzzio.

08:46AM 5 THE COURT: Mr. Muzzio, I need you to be patient with me  
08:47AM 6 and repeat your explanation. I know we covered this on Monday.  
08:47AM 7 Much has happened since Monday, and I revisited your pretrial  
08:47AM 8 briefing on it -- and I should know when I see Mr. Krishnan giving  
08:47AM 9 me that look that no one can hear me.

08:47AM 10 THE INTERPRETER: Your Honor, can you move your  
08:47AM 11 microphones, please? Turn them around. Thank you.

08:47AM 12 MR. KRISHNAN: Your Honor, if I could just say, so you're  
08:47AM 13 aware, I need new contacts prescription, I'm sure. I can't see a  
08:47AM 14 thing. So if I'm squinting or whatever, part of what's going on  
08:47AM 15 is that.

08:47AM 16 THE COURT: Thank you very much for telling me that.  
08:47AM 17 Okay.

08:47AM 18 So, Mr. Muzzio, take it from the top, please, as though  
08:47AM 19 this is the first time we're discussing it. And with the benefit  
08:47AM 20 of me having looked at your response, it is my understanding that  
08:47AM 21 you are traveling on the following exception to the hearsay rule  
08:48AM 22 and for authentication.

08:48AM 23 The authentication comes through Ms. Krueger exclusively;  
08:48AM 24 is that right?

08:48AM 25 MR. MUZZIO: Not quite, Your Honor.

08:48AM 1 THE COURT: Okay. Tell me.

08:48AM 2 MR. MUZZIO: So I think it gets authenticated through the  
08:48AM 3 rule for authenticating ancient documents which is 901(B)(8). And  
08:48AM 4 there's three requirements for that rule. The first is that it's  
08:48AM 5 in a condition that doesn't create suspicion about its  
08:48AM 6 authenticity; the second is that it's in a place where if  
08:48AM 7 authentic it would likely be; and the third is that it's at least  
08:48AM 8 20 years old when authored.

08:48AM 9 THE COURT: That's why I mean we're depending on Ms.  
08:48AM 10 Krueger's testimony that it was in a place that it would be; that  
08:48AM 11 is, the Lesgart family. But her testimony was, first of all,  
08:48AM 12 limited to if I'm correct, saying that she got it from the sister.

08:49AM 13 MR. MUZZIO: I believe it may have been the brother but  
08:49AM 14 she got it from the family.

08:49AM 15 THE COURT: Oh, I thought --

08:49AM 16 MR. MUZZIO: You may be right.

08:49AM 17 THE COURT: But she got it from a family member?

08:49AM 18 MR. MUZZIO: Yes, yes.

08:49AM 19 THE COURT: There is no testimony about how they kept it?

08:49AM 20 MR. MUZZIO: No, Your Honor, there was no testimony about  
08:49AM 21 how they kept it.

08:49AM 22 THE COURT: And so for that prong of the ancient document  
08:49AM 23 exception, we would have to rely not on the express hearsay but on  
08:49AM 24 an implicit hearsay statement from Ms. or Mr. Lesgart in giving it  
08:49AM 25 to Ms. Krueger that this was maintained by the family and it is

08:49AM 1 that document; right?

08:49AM 2 MR. MUZZIO: Well, I think the act of the family giving  
08:49AM 3 it to Ms. Krueger is not hearsay, and so Ms. Krueger's testimony  
08:49AM 4 that she received it from the family is not hearsay, and it  
08:49AM 5 establishes that it was in the family's possession.

08:49AM 6 THE COURT: I agree with you on the act and that it was  
08:50AM 7 in the family's possession. But it tells us nothing about how it  
08:50AM 8 was maintained to get us to that prong of such that it should be  
08:50AM 9 reliable.

08:50AM 10 MR. MUZZIO: I understand Your Honor's reasoning, and I  
08:50AM 11 understand Your Honor's hesitancy with it. I think that if --  
08:50AM 12 it's an autopsy of a family member who was killed in an incident  
08:50AM 13 that clearly many family members that were involved in believed  
08:50AM 14 was tragic. So I think the fact that it was in the family's  
08:50AM 15 possession alone is sufficient to establish that it's in a place  
08:50AM 16 where if authentic it would likely be.

08:50AM 17 The other point that I would like to make is it was also  
08:50AM 18 accepted by the court in Argentina and Ms. Krueger testified that  
08:50AM 19 she was the one that presented it to the court. So it's a  
08:50AM 20 document that we know has been admitted in a foreign court as  
08:50AM 21 authentic and Ms. Krueger's testimony that she maintained the same  
08:50AM 22 document that was admitted in Argentina as authentic alone I think  
08:50AM 23 could establish that it was in a place where it would likely be.

08:51AM 24 THE COURT: I take two issues with that. The first is  
08:51AM 25 that there is not evidence on this record that the Argentine court

08:51AM 1 accepted it. There was an objection to that testimony that was  
08:51AM 2 sustained, and that evidence has not come in. So what we know is  
08:51AM 3 that Ms. Krueger testified that the Argentine court accepted it,  
08:51AM 4 but the defendant's objection to hearsay relevance and lack of  
08:51AM 5 personal knowledge were sustained. And I think meaningfully so  
08:51AM 6 because there was no predicate in the testimony, and so I am  
08:51AM 7 without the benefit of knowing how Ms. Krueger knows that. She is  
08:51AM 8 competent and the jury heard her say that she presented it, but  
08:51AM 9 what the Argentine court did with it is not before this jury.

08:51AM 10 MR. MUZZIO: Your Honor, I think authentication evidence  
08:52AM 11 doesn't necessarily need to go to the jury.

08:52AM 12 THE COURT: I agree. My bigger point is that for the  
08:52AM 13 reasons that that objection was sustained there are meaningful to  
08:52AM 14 me in this analysis; that is, the absence of my ability to find a  
08:52AM 15 basis for Ms. Krueger's personal knowledge.

08:52AM 16 MR. MUZZIO: For her personal knowledge that it was  
08:52AM 17 accepted by the court?

08:52AM 18 THE COURT: Yes, sir.

08:52AM 19 MR. MUZZIO: Well, two things I'll say about that, one is  
08:52AM 20 that we have citations to the court document itself that describes  
08:52AM 21 the autopsy, so we can corroborate her testimony in that way, and  
08:52AM 22 I think as to my prior point, I don't think her testimony about  
08:52AM 23 the authentication necessarily needs to be admissible.

08:52AM 24 THE COURT: I agree.

08:52AM 25 MR. MUZZIO: But it can go to the authentication.



08:52AM 1 THE COURT: No. I agree with you on that point. Again,  
08:52AM 2 I agree with the reasoning about why it wasn't admitted, and it is  
08:52AM 3 meaningful to me in my analysis of whether or not the testimony is  
08:52AM 4 sufficient to lay the predicate for authentication.

08:52AM 5 MR. MUZZIO: Yes.

08:53AM 6 THE COURT: Though your point about the citation to the  
08:53AM 7 record is news to me. Can you flesh that out?

08:53AM 8 MR. MUZZIO: We -- I thought it was in our briefing, and  
08:53AM 9 if it was not, I apologize to Your Honor. We can get it to you in  
08:53AM 10 the next five minutes, I'm sure.

08:53AM 11 We have a citation to the Argentine judgment that  
08:53AM 12 describes the findings of the autopsy with respect to the Lesgart  
08:53AM 13 body. And we are offering this document for a very narrow  
08:53AM 14 purpose. It's to establish the gun powder residue on the body,  
08:53AM 15 which is entirely consistent with the other medical evidence that  
08:53AM 16 we have in this case, which is admittedly narrow given the time  
08:53AM 17 that has passed which makes this type of document absolutely  
08:53AM 18 critical in this case, and I think the consistency between the  
08:53AM 19 findings of the limited medical evidence that we have establishes  
08:53AM 20 its reliability as well.

08:53AM 21 THE COURT: Okay. I understand your point.

08:53AM 22 MR. MUZZIO: I have the citation here, Your Honor, if it  
08:54AM 23 would be helpful.

08:54AM 24 THE COURT: It would be helpful.

08:54AM 25 MR. MUZZIO: Okay. Great. I don't have the ECF. I

08:54AM 1 believe it's Plaintiffs' Exhibit 18. Oh, it is in our briefing,  
08:54AM 2 so PX 18 at 183. And that's our briefing ECF 127 at page 5.

08:54AM 3 THE COURT: I was relying on 104, so what is the title of  
08:54AM 4 ECF 127?

08:54AM 5 MR. MUZZIO: 127, it's plaintiffs' evidentiary brief.  
08:54AM 6 It's the brief that, I think, we filed on Sunday evening right  
08:54AM 7 before trial started.

08:54AM 8 THE COURT: Okay. But it's Plaintiffs' Exhibit 18?

08:54AM 9 MR. MUZZIO: Yes.

08:54AM 10 MR. DAVIS: Which is not in evidence at this point, Your  
08:54AM 11 Honor.

08:54AM 12 MR. MUZZIO: Which I don't think it needs to, to  
08:54AM 13 establish authentication.

08:54AM 14 THE COURT: Where at Plaintiffs' Exhibit 18?

08:54AM 15 MR. MUZZIO: The third paragraph -- oh, I'm sorry. 183,  
08:55AM 16 I apologize. Page 183 the third paragraph.

08:55AM 17 THE COURT: Give me a second. Let me see if I have that  
08:55AM 18 binder. No. Do you have a copy of 183 for me?

08:55AM 19 MR. MUZZIO: I have a copy of the page which I can hand  
08:55AM 20 to you. I don't have a copy to give to opposing counsel, but I  
08:55AM 21 know they've seen this document before.

08:55AM 22 MR. DAVIS: I have a copy of that document.

08:55AM 23 MR. MUZZIO: May I approach, please?

08:55AM 24 THE COURT: Please.

08:55AM 25 MR. DAVIS: May I see the page first just a second?

08:55AM 1 Okay. Thank you.

08:55AM 2 THE COURT: In my courtroom, you can just hand it to me.

08:55AM 3 Okay. Now, Mr. Muzzio, this 183, how is that coming in?

08:56AM 4 Is this one of the documents for which there is an Apostille?

08:56AM 5 MR. MUZZIO: There is an Apostille. It was produced  
08:56AM 6 during Mr. Bravo's extradition proceedings, and he produced it to  
08:56AM 7 us through discovery in this case. This is -- the entire I think  
08:56AM 8 government submission in Mr. Bravo's extradition proceedings was  
08:56AM 9 produced by Mr. Bravo. We have included all of it as Exhibit  
08:56AM 10 PX201, but I don't think this document needs to come in for  
08:56AM 11 authentication.

08:56AM 12 THE COURT: I agree. I just want to have a sense of what  
08:56AM 13 this is.

08:56AM 14 MR. MUZZIO: Yes, yes. I just want to make clear we  
08:56AM 15 won't necessarily be moving for its admission on this page at this  
08:56AM 16 time.

08:56AM 17 THE COURT: Okay. So let me just tell you -- give you  
08:56AM 18 the benefit of what I was thinking about.

08:56AM 19 It seems to me that the Lesgart autopsy has one of two  
08:56AM 20 roots in; one is advanced simply as a document that Ms. Krueger  
08:56AM 21 says the family gave her.

08:56AM 22 What I was trying to evaluate and it seems to me it is  
08:57AM 23 not a document that you received through Argentina and are in a  
08:57AM 24 position to say: This is part of the case file that the  
08:57AM 25 government of Argentina gave me. Correct?

08:57AM 1 MR. MUZZIO: Correct, Your Honor.

08:57AM 2 THE COURT: What about 183? Does it fall in the category  
08:57AM 3 of things that: This is part of the case file that Argentina sent  
08:57AM 4 me?

08:57AM 5 MR. MUZZIO: The way that we establish that is through  
08:57AM 6 Ms. Krueger's testimony that she presented it to the court and  
08:57AM 7 they accepted it.

08:57AM 8 THE COURT: 183? I switched on you. Does 183 fall into  
08:57AM 9 the category of documents that you have because Argentina sent it  
08:57AM 10 to you and said this is the criminal case file? Mr. Krishnan is  
08:57AM 11 nodding.

08:57AM 12 MR. MUZZIO: Sorry, Your Honor. 183 falls into the  
08:57AM 13 category of documents that was provided to us by Mr. Bravo through  
08:57AM 14 discovery that we have an Apostille for because it was submitted  
08:57AM 15 in the extradition proceedings by the United States government,  
08:57AM 16 which came directly from the Argentine Ministry of Foreign  
08:58AM 17 Affairs.

08:58AM 18 THE COURT: Different than what I thought, but still I  
08:58AM 19 understand it now. And you're advancing 183 for the proposition  
08:58AM 20 to support that the Argentine court accepted the autopsy?

08:58AM 21 MR. MUZZIO: Correct, Your Honor.

08:58AM 22 THE COURT: Well, listen, you may know as a matter of  
08:58AM 23 fact that the reason the judgment describes Lesgart's body is  
08:58AM 24 because it accepted the autopsy, but it doesn't say that. It just  
08:58AM 25 describes the examination of Lesgart's body, which I, again,

08:58AM 1 understand that you as a matter of historical fact may know that  
08:58AM 2 the court only knew because it got the autopsy. But as I sit  
08:58AM 3 here, I don't know the manner in which the court learned that. So  
08:58AM 4 not determinative, but I'm not sure that I agree that 183 tells me  
08:58AM 5 that it was, in fact, accepted.

08:59AM 6 Let me be clear. The document does not satisfy the  
08:59AM 7 ancient document rule because there is not a showing that the  
08:59AM 8 document was maintained in a manner that would demonstrate that  
08:59AM 9 it's authentic. There is a piece of that chain that is not --  
08:59AM 10 there is no predicate for. That is the manner in which it was  
08:59AM 11 kept before it was given to Ms. Krueger. You can -- you're  
08:59AM 12 advancing it though, additionally as I understand, as a public  
08:59AM 13 record, and I know you tell me that that was also fleshed out in  
08:59AM 14 127, but your briefing 104 just said it's a public record, and it  
08:59AM 15 stopped there. Is your reasoning that because it was an autopsy  
08:59AM 16 ordered by the government that it's a public record?

08:59AM 17 MR. MUZZIO: Yes, Your Honor -- well, Your Honor, I  
08:59AM 18 believe that it is an autopsy that was required by the government,  
08:59AM 19 and you can tell from the description of the document itself that  
08:59AM 20 it was performed at a police station, and the way that that would  
09:00AM 21 have been possible is through a public order.

09:00AM 22 But I wanted to return to the initial point you just made  
09:00AM 23 just very briefly. The authentication requirements under  
09:00AM 24 901(B)(8) for an ancient document there is no chain of custody  
09:00AM 25 requirement.

09:00AM 1 THE COURT: I didn't mean chain of custody.

09:00AM 2 MR. MUZZIO: Oh.

09:00AM 3 THE COURT: I know I said chain, but what I'm referring  
09:00AM 4 to are the hearsay steps essentially. It's a complex matter, I  
09:00AM 5 admit, right? We're talking about authentication but looking to  
09:00AM 6 what record evidence there is to support the facts on which you  
09:00AM 7 rely for your authentication. I do not have evidence that I can  
09:00AM 8 rely on for me to make a finding that -- how this document was  
09:00AM 9 maintained for it to satisfy that prong of the ancient document  
09:00AM 10 test, because as I indicated, it implicitly relies on hearsay that  
09:01AM 11 has no exception to the rule, and I would otherwise find not  
09:01AM 12 reliable enough for me to make the finding that there is a basis  
09:01AM 13 to conclude that this document was maintained in any way, shape,  
09:01AM 14 or form.

09:01AM 15 I understand that it may as a matter of common sense be  
09:01AM 16 more likely than not that the Lesgart family maintained it. But I  
09:01AM 17 don't have something that I can here rely on to find that it  
09:01AM 18 satisfies that rule. So I am looking at your alternative avenues  
09:01AM 19 of public records and trying to understand that argument. It is  
09:01AM 20 that it was an autopsy ordered by the Argentine government.

09:01AM 21 MR. MUZZIO: I believe so, Your Honor, yes.

09:01AM 22 THE COURT: Okay. I continue though to struggle with  
09:01AM 23 the -- wait, let me just look at it. Where is 72 again? I am not  
09:02AM 24 sure from defense counsel that there is a response that I've seen  
09:02AM 25 to the public record aspect.

09:02AM 1 MR. DAVIS: There's been a lot of papers flying around,  
09:02AM 2 and we've responded to a lot of objections. I mean, we had the  
09:02AM 3 presentation Mr. Slade gave yesterday about the advocacy of the  
09:02AM 4 Apostille, and that's -- you know, we have that in the record. I  
09:02AM 5 don't have any -- I don't have a lot of significant additional  
09:02AM 6 legal arguments other than the questions that you raised other  
09:02AM 7 than the fact that one of the issues with this case, Judge, is  
09:02AM 8 it's 50 years old, and it has been very difficult for Mr. Bravo to  
09:02AM 9 get information to help defend himself in this case. And this is  
09:02AM 10 one of the reasons why the case should be barred by the statute of  
09:02AM 11 limitations and one of the reasons we have statutes of limitations  
09:02AM 12 because documents are stale.

09:02AM 13 The fact is we have documents from another country, a  
09:03AM 14 witness talking about something she got from not an official  
09:03AM 15 source but from an outside source, and there is no basis to  
09:03AM 16 establish, as you've correctly identified in your questioning to  
09:03AM 17 counsel, the reliability of any of that information. And we would  
09:03AM 18 believe -- we assert that it would be hearsay -- first of all,  
09:03AM 19 this is all hearsay, and they need to find an exception, and they  
09:03AM 20 have not given you an exception. It falls clearly within -- and I  
09:03AM 21 would say that separate and apart from this, there are significant  
09:03AM 22 objections to Exhibit 18 in and of itself which we raised, and  
09:03AM 23 Judge Moore had a pretty specific limiting --

09:03AM 24 THE COURT: Mr. Davis, just so that the record is  
09:03AM 25 friendly, you meant 183; not 18?

09:03AM 1 MR. DAVIS: I meant page 183 of PX18 that's what --  
09:03AM 2 page 183 is what he just handed you up, that's what -- and that  
09:03AM 3 comes from a document that's not admitted in evidence, which is  
09:04AM 4 PX18.

09:04AM 5 THE COURT: Thank you.

09:04AM 6 MR. DAVIS: I'm sorry, Judge.

09:04AM 7 THE COURT: No, no. I mean, someone is going to review  
09:04AM 8 this, and we want to make sure that they have the benefit of  
09:04AM 9 knowing what we're looking at in court. It occurs to me even --  
09:04AM 10 I'm sorry, Mr. Davis, to cut you off. But even traveling on the  
09:04AM 11 public record exception for authentication, Mr. Muzzio, don't you  
09:04AM 12 -- from the office where items of this kind are kept, we didn't  
09:04AM 13 get it from the office where the items of this type are kept. I  
09:04AM 14 do not think this document can be authenticated on the record that  
09:04AM 15 I have.

09:04AM 16 In this conversation, we have intermingled concepts of  
09:04AM 17 hearsay and authentication, I acknowledge. I am focused on  
09:04AM 18 authentication, even though I have described the hearsay  
09:05AM 19 statements from which Ms. Krueger would be able to lay a  
09:05AM 20 predicate. But just again so that the record is clear, I don't  
09:05AM 21 find that the plaintiffs have met their burden to authenticate  
09:05AM 22 this document.

09:05AM 23 MR. MUZZIO: I understand, Your Honor. Would it be  
09:05AM 24 helpful if we could provide a more specific citation within the  
09:05AM 25 trial court judgment? Would that at all weigh on Your Honor's



09:05AM 1 decision?

09:05AM 2 THE COURT: I don't know without seeing it.

09:05AM 3 MR. MUZZIO: Okay.

09:05AM 4 THE COURT: At the moment that you would go to revisit  
09:05AM 5 and offer it into evidence, if you have provided me with that cite  
09:05AM 6 and we've had a chance to look at it, then I would revisit my  
09:05AM 7 ruling as well. But on the proffer that's been advanced to me, I  
09:05AM 8 don't find it's been authenticated by the plaintiffs.

09:05AM 9 MR. MUZZIO: Thank you, Your Honor. That's all we'd ask  
09:05AM 10 for.

09:05AM 11 THE COURT: Okay. The jury is here, so can we get  
09:05AM 12 started? Wait a second. Sorry. Hold up. We need to take a  
09:06AM 13 five-minute break before we start.

09:14AM 14 All right. Good morning. And welcome back.

09:14AM 15 THE JURY: Good morning.

09:14AM 16 THE COURT: Mr. Bravo, have a seat. You remain under  
09:14AM 17 oath, sir.

09:14AM 18 Mr. Davis, are you ready?

09:14AM 19 MR. DAVIS: Yes, Your Honor. May I proceed?

09:14AM 20 THE COURT: Yes.

09:14AM 21 ROBERTO BRAVO, THE DEFENDANT, PREVIOUSLY SWORN

09:14AM 22 DIRECT EXAMINATION

09:14AM 23 BY MR. DAVIS:

09:14AM 24 Q. Good morning, Roberto.

09:14AM 25 A. Good morning, sir.

09:14AM 1 Q. I didn't get to -- first, I want you to understand I didn't  
09:14AM 2 get to talk to you last night, but I would like to start this  
09:14AM 3 morning saying that I have a request from our court reporter and  
09:14AM 4 probably everyone in this room and ask that today please slow down  
09:14AM 5 on your testimony and take your time giving your answer. There is  
09:14AM 6 not a rush here. We're going to get through your testimony, so  
09:14AM 7 I'm going to ask can you try to slow down a little bit in  
09:15AM 8 responding to questions today.

09:15AM 9 A. I will do my best, sir.

09:15AM 10 Q. Thank you very much. And I talk very fast myself, and I will  
09:15AM 11 try to make sure that I similarly follow suit.

09:15AM 12 We were talking yesterday when we left about the Saint  
09:15AM 13 Thomas University and you finished at Saint Thomas University.  
09:15AM 14 Was that -- you got your bachelor's degree in 1990?

09:15AM 15 A. Yes, sir.

09:15AM 16 Q. And was that your last formal education?

09:15AM 17 A. Yes, it is.

09:15AM 18 Q. I want to go forward with, you know, a lot of details that you  
09:15AM 19 did with your life after that. But I'd like to get -- to focus on  
09:15AM 20 your work at Trelew in 1972. We're going to need that in a  
09:15AM 21 moment. And so let's get back to 1972, and you're working at the  
09:15AM 22 naval base in Trelew.

09:15AM 23 When did you first start working at the Trelew naval base?

09:16AM 24 A. As soon as I was transferred to the unit, there was the Marine  
09:16AM 25 Battalion No. 4, inside the naval base, that was the date.

09:16AM 1 Q. What year would that have been? We know the incident happened  
09:16AM 2 on August 22, 1972. So when did you get to the naval base?  
09:16AM 3 A. In January, 1972.  
09:16AM 4 Q. And during those eight months, what were your specific duties?  
09:16AM 5 A. My specific duties were as a member of the commanding officer  
09:16AM 6 staff in the area of logistics, in charge of the area of logistics  
09:16AM 7 for the battalion.  
09:16AM 8 Q. We talked a little bit about that.  
09:16AM 9 So was that your full-time job during those eight months?  
09:16AM 10 A. It was.  
09:16AM 11 Q. Now, August 15, 1972, there's been testimony that that's when  
09:17AM 12 there was the escape from Rawson Prison. Where were you on  
09:17AM 13 August 15, 1972?  
09:17AM 14 A. I was in Buenos Aires city on vacation.  
09:17AM 15 Q. What were you doing in Buenos Aires?  
09:17AM 16 A. I was in vacation -- on vacation. Sorry.  
09:17AM 17 Q. And Buenos Aires is how far from Trelew, the Trelew naval  
09:17AM 18 base?  
09:17AM 19 A. Probably around 1,500 kilometers, 1,000 miles I would say.  
09:17AM 20 Q. Were you contacted about having to return off vacation?  
09:17AM 21 A. Yes. I received a phone call.  
09:17AM 22 Q. Who called you?  
09:17AM 23 A. A naval officer. I don't remember who, who told me that I had  
09:17AM 24 to report to the airport. There was an aircraft waiting for us --  
09:17AM 25 for me.

09:17AM 1 Q. Do you know why you were directed to come back from your  
09:17AM 2 vacation on that date?

09:17AM 3 A. The message stated there has been a disturbance -- a prison  
09:18AM 4 escape from the Rawson Prison and we need to come back.

09:18AM 5 Q. So when did you get to the -- back to the Trelew naval base?

09:18AM 6 A. Probably 4:00 in the morning, the next day on the --

09:18AM 7 Q. The 16th?

09:18AM 8 A. On the 16th.

09:18AM 9 Q. Insofar as the prisoners are concerned, and there's been  
09:18AM 10 testimony that there were 19 prisoners, had you ever had any  
09:18AM 11 experience guarding prisoners?

09:18AM 12 A. No, I did not, I had not.

09:18AM 13 Q. Had you ever spent any time in the area where the cells were?

09:18AM 14 A. Only after 48 hours they came and they asked -- they assigned  
09:18AM 15 me to oversee the guards. Then twice a day, I visited the  
09:18AM 16 cellblock.

09:18AM 17 Q. You were assigned to look at the -- to oversee the guards.  
09:19AM 18 What were your specific duties?

09:19AM 19 A. My specific duties was to verify that they -- at that time  
09:19AM 20 when I took over that particular assignment, there were two  
09:19AM 21 individuals that they had to be there at all times with specific  
09:19AM 22 instructions not to allow any type of movement, chatting,  
09:19AM 23 communications, they had to be completely silent, and the guard  
09:19AM 24 has to be always alert to that type of event.

09:19AM 25 Q. And during that time, did you have any -- what was your

09:19AM 1 personal interaction with the prisoners?

09:19AM 2 A. I didn't have any.

09:19AM 3 Q. You said you were supervising the guards. What did that

09:19AM 4 involve, your supervising the guards?

09:19AM 5 A. Well, normally I think it was only three days. I went --

09:20AM 6 after midnight, I went to cover a couple days to see that -- to

09:20AM 7 greet the guards, be sure that they are rested, alert, find that

09:20AM 8 they should walk the alley or the hallway to be sure that

09:20AM 9 everything is silent and not to stay in one single place, and be

09:20AM 10 sure that they have water, they have the calories and everything

09:20AM 11 that they need to remain in that place and in an alert attitude.

09:20AM 12 Q. If the prisoner -- just talk about the jail cells for a

09:20AM 13 moment. The jail cell does not have bars on it; correct?

09:20AM 14 A. They did not.

09:20AM 15 Q. What was the -- what was the door to the jail cell like?

09:20AM 16 A. It was a wooden door with a small window, about 100 -- I mean

09:21AM 17 one meter, one and a half meters high, by American standard, it

09:21AM 18 would be about one and a half by one and a half with opening.

09:21AM 19 Q. One and a half foot by one and a half foot?

09:21AM 20 A. Yes, I estimate. That's my estimate, and there was no -- I

09:21AM 21 don't recall if the window itself that let up and it has bar or

09:21AM 22 glass. I think it has bars, because if they talk, we can hear

09:21AM 23 they were. If there was glass, then we would not hear anything,

09:21AM 24 but that is my estimate, my recollection.

09:21AM 25 Q. But it was just a small opening?

09:21AM 1 A. Yes.

09:21AM 2 Q. So let's go to the night of August 21st going into  
09:21AM 3 August 22nd. You testified yesterday that you had dinner around  
09:22AM 4 9:30?

09:22AM 5 A. Yes.

09:22AM 6 Q. Once you finished your dinner, what did you do between  
09:22AM 7 10:00 o'clock and 3:00 in the morning?

09:22AM 8 A. Well, that night, I was assigned to stay from midnight to 6:00  
09:22AM 9 in the morning awake. So I stayed in the dinner area, and there  
09:22AM 10 is a living room on the side of the living area, so I was there.  
09:22AM 11 I took -- I had some paperwork to do regarding my main task, so I  
09:22AM 12 was concentrated on that.

09:22AM 13 Q. What were you doing insofar as concentrating on the -- what  
09:22AM 14 was the type of paperwork you were doing?

09:22AM 15 A. Well, we had an exercise on the fields in a couple of months,  
09:22AM 16 and we needed to have a specific supply for it because it's going  
09:22AM 17 to be in a specific area, colder, like water and certain types.  
09:23AM 18 So we had to be sure that we have all the fuel for the vehicles,  
09:23AM 19 and we had to have the proper meals with proper calories for the  
09:23AM 20 troops, for persons -- I'm sorry, for everyone, we had -- I had to  
09:23AM 21 calculate at the level of calories, also the proper ammunition, I  
09:23AM 22 had to be sure that all the aspects of supplying, transport,  
09:23AM 23 meals.

09:23AM 24 Q. So you were making calculations to make sure you had the  
09:23AM 25 proper supplies?

09:23AM 1 A. Yes, yes.

09:23AM 2 Q. Did there come a time that you were contacted about the

09:23AM 3 prisoners?

09:23AM 4 A. Yes, about that time --

09:23AM 5 Q. Tell us what contacts you had and what time was that?

09:23AM 6 A. I think it was after 3:00, 3:00 A.M. After 3:00 A.M., a

09:23AM 7 sailor came to the dining area, went to the living room area which

09:24AM 8 is very close to each other, and addressed me, and said Mr. Bravo

09:24AM 9 in the proper Spanish way to address an officer, the guards on

09:24AM 10 duty with the prisoners need to speak with you -- need you there.

09:24AM 11 They would like for you to go there, and I said why, oh, they told

09:24AM 12 me, I don't remember if I said why but --

09:24AM 13 Q. Were you sitting alone?

09:24AM 14 A. Yes, I was sitting alone. Alone but not very far away from

09:24AM 15 the dining area.

09:24AM 16 Q. So can you just kind of describe the area where you're in a

09:24AM 17 room that's adjoining the dining room?

09:24AM 18 A. That is correct.

09:24AM 19 Q. And it's an open area?

09:24AM 20 A. Open area, open area and there was no door that separates

09:24AM 21 rooms.

09:24AM 22 Q. And was there anybody in the dining area?

09:24AM 23 A. Yes. There were the executive officers of the battalion

09:25AM 24 Captain Sosa, our Lieutenant Commander Sosa, there was the officer

09:25AM 25 on duty of the aviation station Lieutenant DeI Real, and there was

09:25AM 1 an accountant. There was a lieutenant, now I recall a lieutenant  
09:25AM 2 commander, I don't remember, Lieutenant Commander Herrera, who was  
09:25AM 3 an accountant.

09:25AM 4 Q. When you say accountant, what -- why do you call him an  
09:25AM 5 accountant?

09:25AM 6 A. Accountant because there are -- in the school of officers,  
09:25AM 7 there is a branch where cadets in a very short course become  
09:25AM 8 officers in the finance and accounting area, and that's the only  
09:25AM 9 thing. For our professionals, I would call that they are not  
09:25AM 10 necessarily combat unit or combat personnel. There are doctors,  
09:26AM 11 lawyers, that come on board and come directly into the rank of  
09:26AM 12 first lieutenant without -- with just an examination, so he was  
09:26AM 13 only accountant.

09:26AM 14 Q. So then take us through your contact. You're in the sitting  
09:26AM 15 area. The three officers you described there are in the adjoining  
09:26AM 16 area?

09:26AM 17 A. Yes.

09:26AM 18 Q. Take us through what -- the sailor contacted you and told you,  
09:26AM 19 you needed to go see the prisoners?

09:26AM 20 A. Yes.

09:26AM 21 Q. So describe then once you get that information, what do you  
09:26AM 22 do?

09:26AM 23 A. Well, I quickly stand up, picked up my equipment, my holster,  
09:26AM 24 and I started walking, and Commander Sosa asked: What's going on?  
09:26AM 25 And I explained that the sailor -- or repeat what the sailor said



09:26AM 1 to me. I don't recall that particular. But he paid attention to  
09:26AM 2 that, and I started leaving -- asked permission to leave, and I  
09:26AM 3 left. And I noticed that the other three officers also, they  
09:27AM 4 stand up, and they started following me.

09:27AM 5 MR. DAVIS: Your Honor, I have a demonstrative I would  
09:27AM 6 like -- it's a blank demonstrative. I'm going to ask Mr. Bravo to  
09:27AM 7 point out where he was, and he's going to mark on a schematic. My  
09:27AM 8 question is: Do you want me to put this in the well? Where  
09:27AM 9 should I put it?

09:27AM 10 THE COURT: So that -- where he will be? Is that the  
09:27AM 11 question, where do you want Mr. Bravo?

09:27AM 12 MR. DAVIS: Yes, Your Honor.

09:27AM 13 THE COURT: He can -- you can move about in the well,  
09:27AM 14 whatever works from a technology standpoint is fine for me.

09:27AM 15 MR. DAVIS: I guess the only question is -- I have a  
09:27AM 16 pretty loud voice, but if everyone can hear me okay.

09:27AM 17 THE COURT: I think for Vernita you'll need the lapel  
09:27AM 18 microphone.

09:27AM 19 MR. DAVIS: Okay. I will need a lapel.

09:27AM 20 THE COURT: I think for Vernita -- she's nodding.

09:27AM 21 MR. DAVIS: Okay. Okay. Fair enough. Can you bring it  
09:27AM 22 up?

09:28AM 23 THE COURT: Plaintiffs' counsel is likewise welcome to  
09:28AM 24 get up if you need to change your perspective to see what Mr.  
09:28AM 25 Davis is doing.

09:28AM 1 MR. KRISHNAN: Thank you, Your Honor.

09:28AM 2 MR. DAVIS: Can you hear me? Yes? I would like the

09:28AM 3 court to see it as well.

09:28AM 4 THE COURT: That's fine. I can see it there.

09:28AM 5 MR. DAVIS: I'm sorry. Can everyone see? Okay.

09:28AM 6 Roberto, would you please come down?

09:28AM 7 THE COURT: He will likewise need a microphone.

09:28AM 8 MR. DAVIS: Okay.

09:28AM 9 THE COURT: It may be the case, Mr. Davis, that you --

09:28AM 10 there is a stationary one for you, but if Mr. Bravo is going to be

09:28AM 11 moving around, he needs to have a microphone or a handheld.

09:28AM 12 MR. DAVIS: Just please come up.

09:29AM 13 MR. SLADE: Do you mind if I come down here to have a

09:29AM 14 better view?

09:29AM 15 THE COURT: Anywhere in the well is fine with me, really.

09:29AM 16 (Brief pause.)

09:29AM 17 THE COURT: It's great there. The jury can see it?

09:29AM 18 JURY: (Nodding.)

09:29AM 19 THE COURT: All right.

09:29AM 20 BY MR. DAVIS:

09:29AM 21 Q. Okay. Sorry about all that. This is a demonstrative.

09:29AM 22 Sir, part of this was shown in your -- one of the exhibits

09:29AM 23 in evidence yesterday. But I want you to kind of take us through

09:30AM 24 your movements as you came into the building and go through the

09:30AM 25 incident.

09:30AM 1 Let's first start. Is this the end of the building? There  
09:30AM 2 is --  
09:30AM 3 Is the cellblock at the end of the building?  
09:30AM 4 A. Yes.  
09:30AM 5 Q. You can probably put this in here.  
09:30AM 6 (The interpreter helps the witness adjust the microphone.)  
09:30AM 7 THE WITNESS: Hello?  
09:30AM 8 MR. KRISHNAN: Your Honor, I apologize for making this  
09:30AM 9 request, but would it be possible, Mr. Davis, for you to just  
09:30AM 10 stand somewhere else? We have a good view of the demonstrative,  
09:30AM 11 but I just can't see it because you're in the way.  
09:30AM 12 MR. DAVIS: I will do the best I can.  
09:30AM 13 MR. KRISHNAN: Sorry. Thank you.  
09:30AM 14 BY MR. DAVIS:  
09:30AM 15 Q. When you -- would you show us -- where did you come in to  
09:30AM 16 enter the building -- I mean, enter the jail area?  
09:30AM 17 A. If I may, I'd like to point out that this is not a scale.  
09:30AM 18 Q. Yes, yes.  
09:31AM 19 A. If it were scale, this hallway would be a lot narrower and  
09:31AM 20 probably only three people shoulder to shoulder will fit that.  
09:31AM 21 Q. We'll talk about that. Where did you -- you entered into the  
09:31AM 22 jail area?  
09:31AM 23 A. I don't recall -- yeah, the entrance is this way. But I don't  
09:31AM 24 recall this partition. For me, it was a big opening, that's what  
09:31AM 25 I recall.

09:31AM 1 Q. How big an opening was it that you came through?

09:31AM 2 A. Like the opening to this courtroom.

09:31AM 3 Q. To the courtroom?

09:31AM 4 A. To this courtroom.

09:31AM 5 Q. So it would be approximately five feet? Six feet?

09:31AM 6 A. Yes, yes, something like that.

09:31AM 7 Q. When you first walk in, are you walking by yourself?

09:31AM 8 A. I was walking by myself, and I noticed it was a long distance,

09:31AM 9 probably 100 feet or more.

09:31AM 10 Q. It was 100 feet or more from where you were working on your

09:32AM 11 logistics job?

09:32AM 12 A. Yes. And when I was coming here, I noticed that the three

09:32AM 13 officers that were in the other room were following me probably

09:32AM 14 30 feet behind me.

09:32AM 15 Q. So Lieutenant Commander Sosa?

09:32AM 16 A. Lieutenant Del Real and Lieutenant Herrera.

09:32AM 17 Q. So when you walk into the room, tell us what you did?

09:32AM 18 A. As soon as I entered the room, there were here two corporals.

09:32AM 19 Q. Were the corporals standing up? Were they sitting down?

09:32AM 20 A. Standing up here in the center of this area.

09:32AM 21 Q. So what did you do to inquire what was going on?

09:32AM 22 A. As I approached, this corporal without further inquiry from me

09:32AM 23 said, Mr. Bravo, Lieutenant Bravo, I don't feel well. Please, I

09:33AM 24 need to leave.

09:33AM 25 Q. That is -- what is the name of that corporal?

09:33AM 1 A. That was Corporal Marchan. I didn't remember the name, but  
09:33AM 2 when I had the deposition, but reading the paperwork that has been  
09:33AM 3 in the proceedings, I recall that the last name was Marchan.  
09:33AM 4 Q. So Corporal Marchan was in the area of the cell. He was one  
09:33AM 5 of the two guards assigned to guard the prisoners?  
09:33AM 6 A. That is correct, and that was the corporal which is Marandino.  
09:33AM 7 Q. And Corporal Marandino? We'll take it slowly through here.  
09:33AM 8 Corporal Marchan, he tells you --  
09:33AM 9 What does Corporal Marchan ask you to do, and where does he  
09:33AM 10 go?  
09:33AM 11 A. He says: Sir, I don't feel well really. I have to leave.  
09:33AM 12 Q. Does he have to get permission from you to leave?  
09:33AM 13 A. Absolutely.  
09:33AM 14 Q. And where did he go?  
09:33AM 15 A. He left. I don't know.  
09:33AM 16 Q. So Corporal Marchan then leaves the -- and I'm going to erase  
09:33AM 17 this.  
09:34AM 18 A. Please.  
09:34AM 19 Q. He exits out the same --  
09:34AM 20 A. And disappears from the picture.  
09:34AM 21 Q. And did you see him at any other time over the next half hour?  
09:34AM 22 A. No. I saw him next day to see how he was or days after  
09:34AM 23 because I couldn't see anyone the next day.  
09:34AM 24 Q. All right. Then do the other three officers enter the room?  
09:34AM 25 A. Yes.

09:34AM 1 Q. How much time between the time you talked to Corporal Marchan  
09:34AM 2 and the other officers passed --

09:34AM 3 A. The time to travel 30 feet by walking.

09:34AM 4 Q. So it was a few -- 30 seconds?

09:34AM 5 A. Seconds, yes.

09:34AM 6 Q. What happened next then? You now have -- you're in the room.  
09:34AM 7 Where are you sitting? Just put a B right here where...

09:34AM 8 A. I was confronting Corporal Marandino asking questions.

09:34AM 9 Q. And where is the three officers?

09:34AM 10 A. The three officers came. I don't know the time, but what I  
09:35AM 11 recall.

09:35AM 12 Q. So then take us through. What instructions happened next?

09:35AM 13 A. So as I was asking Marandino and having a brief chat: What's  
09:35AM 14 going on? And he was telling me that they were trying to  
09:35AM 15 communicate: That we hear murmuring, murmuring, murmuring,  
09:35AM 16 chatting in very low voice, and there was a knock on the walls,  
09:35AM 17 so.

09:35AM 18 Q. This is Marandino?

09:35AM 19 A. Marandino told me that. But as Marandino was telling me that,  
09:35AM 20 they were approaching, and Sosa observed that.

09:35AM 21 Q. How do you know Lieutenant or Commander Sosa heard that?

09:35AM 22 A. Because we were chatting, I sensed his presence just coming  
09:35AM 23 here. And when he -- when Marandino was telling me that, he said:  
09:35AM 24 That is no, no. What you are doing? Why you didn't --  
09:36AM 25 He started lecturing, reprimanding Marandino.

09:36AM 1 Q. So Sosa comes up next to you and Marandino and gives these  
09:36AM 2 instructions?  
09:36AM 3 A. Yes, right here, Sosa.  
09:36AM 4 Q. All right. So this is -- so right now, Marandino was here and  
09:36AM 5 these --  
09:36AM 6 A. That's me.  
09:36AM 7 Q. This is you and Commander Sosa are next to Marandino?  
09:36AM 8 A. Yes.  
09:36AM 9 Q. And now we've moved Sosa. So I'm going to erase that. So we  
09:36AM 10 have the other two officers over here, Herrera and Del Real?  
09:36AM 11 A. Yes.  
09:36AM 12 Q. So we're going to go through this slowly just so we have it.  
09:36AM 13 A. Okay.  
09:36AM 14 Q. Now, when -- go back to -- did Corporal Marchan have a machine  
09:36AM 15 gun the corporal left? Did he have a machine gun?  
09:36AM 16 A. Yes. He had a machine gun, and before he left, there is a  
09:36AM 17 room here. This is a door, and there is a room here, a little  
09:36AM 18 room, a little room.  
09:36AM 19 Q. And we're talking -- what is this, 20 feet? It's all -- or  
09:37AM 20 15 feet in this area? We're talking about the area of the room  
09:37AM 21 adjoining the jail cell?  
09:37AM 22 A. Yes, about that from here to that desk, yes, or perhaps this  
09:37AM 23 distance.  
09:37AM 24 Q. So 15, 20 feet?  
09:37AM 25 A. Yes.

09:37AM 1 MR. KRISHNAN: Your Honor, may I make a request before  
09:37AM 2 the next question gets asked? Which is that: I note Mr. Davis as  
09:37AM 3 we are going on is erasing some of the items that have been drawn.  
09:37AM 4 I just note that there may be a point at which I might ask to take  
09:37AM 5 a photo of the demonstrative at a particular state, and so I would  
09:37AM 6 just like the opportunity before anything is erased once it's  
09:37AM 7 drawn to have the ability to do that.

09:37AM 8 THE COURT: I appreciate it, Mr. Krishnan. There is no  
09:37AM 9 photography permitted in the federal courthouse. We will not be  
09:37AM 10 able to do that. You will be able to recross him and revisit what  
09:37AM 11 was done or undone. Denied.

09:37AM 12 BY MR. DAVIS:

09:37AM 13 Q. That is a good point he raises. And this was a fluid  
09:38AM 14 situation. You were moving to different locations, correct?

09:38AM 15 A. That is correct.

09:38AM 16 Q. And so I am trying to show in real time as best I can in a  
09:38AM 17 recreation of something that happened 50 years ago what you were  
09:38AM 18 doing. So let's continue on. So did Corporal Marchan have a  
09:38AM 19 machine gun?

09:38AM 20 A. Yes.

09:38AM 21 Q. And what did he do with the machine gun?

09:38AM 22 A. As soon as I told him, yes, you can leave, he came to this  
09:38AM 23 room and left the machine gun here on the table. It was a very  
09:38AM 24 little room with sort of a very basic desk, and he left it there.

09:38AM 25 Q. And what happened -- go ahead, finish.



09:38AM 1 A. So when he -- he left the submachine gun there. I just went  
09:38AM 2 there and picked it up. I don't like to see it laying guns when  
09:38AM 3 we have prisoners close by so.

09:38AM 4 Q. So you kept the machine gun?

09:39AM 5 A. I kept the machine gun.

09:39AM 6 Q. So then so you go to the room. You get the machine gun. If  
09:39AM 7 you can -- we've already said that Sosa moved over here, what  
09:39AM 8 happens next? And you have the machine gun, Marandino makes the  
09:39AM 9 report to you about the prisoners, Sosa overhears it. Take us  
09:39AM 10 through what happens next.

09:39AM 11 A. I tried to make the responses short, but I could also make a  
09:39AM 12 narrative later on because I was asking --

09:39AM 13 Q. I get to ask the questions just clearly, but I'd like you in  
09:39AM 14 your own words to just tell the jury what you remember and what  
09:39AM 15 you did.

09:39AM 16 A. All the way?

09:39AM 17 Q. No, no. I'll break it up.

09:39AM 18 A. Okay. Okay. So when I picked up the submachine gun, Del Real  
09:39AM 19 came to me and said, give me your pistol. So I gave him my pistol  
09:39AM 20 to Lieutenant Del Real. So I left only with my machine gun and a  
09:40AM 21 combat knife.

09:40AM 22 Q. Why did you hand your pistol or handgun to him?

09:40AM 23 A. Because he was -- first of all, he was a senior of mine. So I  
09:40AM 24 sort of for respect, yes, I gave him my gun. I already had one.  
09:40AM 25 I thought I perceived -- I mean, I didn't reason, but it was a

09:40AM 1 quick thinking that probably he felt that he needed a gun too.

09:40AM 2 Q. Whatever.

09:40AM 3 He asked you for a gun, and you gave it to him?

09:40AM 4 A. Yes.

09:40AM 5 Q. So then -- so we go in here.

09:40AM 6 Marandino has a machine gun; correct?

09:40AM 7 A. Yes.

09:40AM 8 Q. You now have a machine gun?

09:40AM 9 A. Yes.

09:40AM 10 Q. And --

09:40AM 11 A. And Del Real has.

09:40AM 12 Q. Del Real has a pistol. Is --

09:40AM 13 Commander Sosa, does he have a weapon?

09:40AM 14 A. Yes.

09:40AM 15 Q. What does he have?

09:40AM 16 A. He has a pistol also. Wearing the marine fatigue uniform,

09:41AM 17 both of us had a pistol.

09:41AM 18 Q. So let's then go forward with the story.

09:41AM 19 What happened after you -- now you have the machine gun,

09:41AM 20 you've given the handgun. What happens next?

09:41AM 21 A. The accountant stayed in the same place. I always standing

09:41AM 22 over there. Del Real moved closer to pick up my pistol and came

09:41AM 23 to me and become in this position.

09:41AM 24 Q. So Herrera is over here?

09:41AM 25 A. Herrera is there, yes.

09:41AM 1 Q. Okay.

09:41AM 2 A. So you want to write this or do whatever?

09:41AM 3 Q. No, no. You can just mark it. I'm going to have to erase

09:41AM 4 because there is -- again, it's a fluid situation. So Herrera is

09:41AM 5 over here.

09:41AM 6 Now, are you in front of the opening into the hallway, or

09:41AM 7 you're on the side, or describe what you remember?

09:41AM 8 A. Yeah, I was here. I was here speaking with Marandino, so

09:42AM 9 probably Marandino went --

09:42AM 10 Q. We'll go through it.

09:42AM 11 A. Yes, they tried to advance.

09:42AM 12 Q. Commander --

09:42AM 13 A. I was here.

09:42AM 14 Q. Marandino tells the story about what's going on with the

09:42AM 15 prisoners. What happens next with Commander Sosa?

09:42AM 16 A. Commander Sosa became upset with Marandino, but remember this

09:42AM 17 is a very fluid situation, so he said something like, why are you

09:42AM 18 here? What are you supposed to do? That cannot happen,

09:42AM 19 Marandino. He said, Marandino, open the doors.

09:42AM 20 Q. So Commander Sosa gave that order to --

09:42AM 21 A. Commander Sosa gave the order, not me.

09:42AM 22 Q. What happened then next with Marandino? He has his --

09:43AM 23 He still has this machine gun; correct?

09:43AM 24 A. So after that, Marandino came to the same place and left his

09:43AM 25 submachine gun there. Okay. Then I don't know what happened

09:43AM 1 next. I mean, I don't know how the handing of gun or what was in  
09:43AM 2 possession of what guns later.

09:43AM 3 Q. We'll talk about it later.

09:43AM 4 A. Yes.

09:43AM 5 Q. But you know that Marandino had a machine gun, he was ordered  
09:43AM 6 to go to the prisoners; but before he did that, he put his machine  
09:43AM 7 gun down?

09:43AM 8 A. That is correct.

09:43AM 9 Q. Now, let's continue on with where we are. I want to kind of  
09:43AM 10 orient everybody to where.

09:43AM 11 So we have Marandino is now ordered to open or unlock the  
09:43AM 12 cells?

09:43AM 13 A. Yes.

09:43AM 14 Q. All right. Where does he go? Just mark here on this.

09:43AM 15 A. Now, he was unarmed.

09:43AM 16 Q. He doesn't have a handgun at that point?

09:43AM 17 A. He has nothing.

09:43AM 18 Q. Okay.

09:44AM 19 A. So he went one by one, unlocking not opening doors. And came  
09:44AM 20 back to somewhere here.

09:44AM 21 Q. Right. Hold on a second. At this point when he comes back  
09:44AM 22 after he has unlocked the doors, do you remember was there any  
09:44AM 23 conversation with you or Commander Sosa at that point?

09:44AM 24 A. Not with me, but Commander Sosa was lecturing the prisoners.

09:44AM 25 Q. So let's -- but when Marandino gets back, where are you? When

09:44AM 1 he finishes unlocking the doors before the doors are opened?

09:44AM 2 A. I was already in this position as I said. But when Marandino

09:44AM 3 was ordered to open the doors, I started feeling uncomfortable,

09:44AM 4 and I moved forward about one step.

09:44AM 5 Q. Why did you feel uncomfortable?

09:44AM 6 A. Because that was a very risky movement initiative that I

09:45AM 7 didn't understand what is happening, why this is what he's doing,

09:45AM 8 he could be doing that to soldiers, but these are prisoners, that

09:45AM 9 was an odd situation.

09:45AM 10 Q. I think you were asked a little bit about this on your direct

09:45AM 11 yesterday, but Commander Sosa was your superior; correct?

09:45AM 12 A. He was a captain of the battalion, yes.

09:45AM 13 Q. And this was not a situation where you could debate anything

09:45AM 14 with him?

09:45AM 15 A. Even if I wanted to, this went so fast that I didn't have

09:45AM 16 time. He was moving. What would happen here? No, no, no. Open

09:45AM 17 the doors. I was --

09:45AM 18 Q. So what does Sosa do after Marandino gets back?

09:45AM 19 And Sosa, what does he do? How do the prisoners get out

09:45AM 20 into the hallway?

09:45AM 21 A. Okay. By this time, Sosa around here, lecturing to open the

09:46AM 22 doors, he ordered the prisoners open the doors, come out and stay

09:46AM 23 in front of your door facing the opposite side.

09:46AM 24 Q. So there are -- and there were 19 prisoners; correct?

09:46AM 25 A. Yes.

09:46AM 1 Q. And all of the prisoners then come out, and they are facing  
09:46AM 2 each other?

09:46AM 3 A. Facing the prisoners on the cell in front of them.

09:46AM 4 Q. So they're not facing forward. They're facing to the side?

09:46AM 5 A. Yes.

09:46AM 6 Q. And what does Sosa then do?

09:46AM 7 A. I feel like I'm -- I'm failing my loyalty to the superior  
09:46AM 8 officer. I'm sorry that he is dead and everyone is dead. They  
09:46AM 9 cannot --

09:46AM 10 Q. But tell us what Commander Sosa did then, please?

09:46AM 11 A. Sosa -- this is a military unit. This is not a prison. Is  
09:46AM 12 there --

09:46AM 13 Q. Hold on one second. The prisoners are now all outside of the  
09:47AM 14 cells?

09:47AM 15 A. Yes.

09:47AM 16 Q. Go ahead. Continue.

09:47AM 17 A. So the prisoners were here. Various space in between them.

09:47AM 18 Q. Let's just kind of go through this. This you said -- I think  
09:47AM 19 there's been different --

09:47AM 20 But it's under five feet between the cells, one side to the  
09:47AM 21 other?

09:47AM 22 A. I think that three people shoulder to shoulder would fit  
09:47AM 23 tightly.

09:47AM 24 Q. Okay. So continue on. All of the prisoners are out. What  
09:47AM 25 does -- where does Sosa go?

09:47AM 1 A. Sosa was starting here, started telling them, I told you this  
09:47AM 2 is a military unit, we're -- here, we're guided by discipline, and  
09:47AM 3 when we say nobody can talk, nobody can talk, and blah, blah,  
09:47AM 4 blah. I'm sorry.

09:47AM 5 Q. Don't say blah, blah, blah.

09:47AM 6 A. So that type of speeches of lecturing.

09:48AM 7 Q. Is he saying this in a loud way?

09:48AM 8 A. Yes, yes, yes, yes, he was. And he was moving in between  
09:48AM 9 bodies.

09:48AM 10 Q. And do the -- and the prisoners are told to look up -- look  
09:48AM 11 down -- what are the prisoners instructed?

09:48AM 12 A. No, no. The prisoners were ordered initially to look -- to  
09:48AM 13 look close.

09:48AM 14 Q. To face?

09:48AM 15 A. To face the prisoner in front of them, but I don't know --  
09:48AM 16 later on, I didn't see that. It was facing different directions.  
09:48AM 17 But for me, they were facing.

09:48AM 18           However, when Sosa was coming down --

09:48AM 19 Q. So Sosa walked all the way down to the end?

09:48AM 20 A. Yes.

09:48AM 21 Q. And then he came all the way back?

09:48AM 22 A. Yes, once.

09:48AM 23 Q. Once. And you said it was a tight fit, or it's a very --

09:48AM 24 A. Yes, yes.

09:48AM 25 Q. Did he walk -- have to kind of do this?

09:49AM 1 A. Yes.

09:49AM 2 Q. I'm sorry. I gestured. Is he having to move his shoulders to

09:49AM 3 get through the prisoners?

09:49AM 4 A. Yes.

09:49AM 5 Q. Then tell us what happened as he comes back to the front of

09:49AM 6 the cells.

09:49AM 7 A. When he gets to this point.

09:49AM 8 Q. And you're talking -- this is at the last cell?

09:49AM 9 A. The last cell.

09:49AM 10 Q. Or the closest cell to where the other officers were sitting?

09:49AM 11 A. I must remind you.

09:49AM 12 Q. Okay.

09:49AM 13 A. I must tell you that this is not what has been seen or shown

09:49AM 14 in other documents where there is one more cell. This is my

09:49AM 15 perception.

09:49AM 16 Q. Fair enough. You're not sure of the exact number of cells?

09:49AM 17 A. That's what I remember. If everything comes out the way that

09:49AM 18 I was wrong, but this is what I remember.

09:49AM 19 Q. I understand. But the point here is though --

09:49AM 20 A. Yes.

09:49AM 21 Q. What happens when Commander Sosa gets to the last cell?

09:49AM 22 A. When he -- let's see. He moved a little bit above this line.

09:50AM 23 Can I write here?

09:50AM 24 Q. Yes. You can write anywhere you want to.

09:50AM 25 A. Erase this.



09:50AM 1 Q. All right. I'm going to erase this. I'm going to move Sosa  
09:50AM 2 since we have him. So put an S where Sosa was.

09:50AM 3 A. Okay. Just in the center here.

09:50AM 4 Q. So he's in the center of this?

09:50AM 5 A. Yes.

09:50AM 6 Q. And stop. Where are you standing at this point?

09:50AM 7 A. Here.

09:50AM 8 Q. Where -- and are you the closest one to the prisoners?

09:50AM 9 A. Yes.

09:50AM 10 Q. Who was -- where is Marandino, Herrera, and DeI Real at this  
09:50AM 11 moment?

09:50AM 12 A. They were behind me up -- some were on the left.

09:50AM 13 Q. Some were in this area right here?

09:50AM 14 A. Yes. At this time, I already lost sight of whatever was my  
09:50AM 15 surroundings.

09:50AM 16 Q. You're focused towards the prisoners?

09:51AM 17 A. I was in a very heightened state of alert. I must confess  
09:51AM 18 that I don't want to say that I was fearful or I was scared, but I  
09:51AM 19 was not scared, I was in very high alertness.

09:51AM 20 Q. All right. Then what happened?

09:51AM 21 A. Then this person, which in my mind was a prisoner called  
09:51AM 22 Pujadas.

09:51AM 23 Q. Mr. Pujadas was one of the prisoners that was detained?

09:51AM 24 A. Yes. But I say in my mind because I saw the reports that put  
09:51AM 25 Pujadas on the left side. I don't recall that.

09:51AM 1 Q. You testify about what you remember. That's what you're here  
09:51AM 2 for.

09:51AM 3 A. So as soon as Sosa arrived to this position, Pujadas bent the  
09:51AM 4 knee, pushed -- I think I described it yesterday.

09:51AM 5 Q. You went through it yesterday.

09:51AM 6 A. Did that action.

09:51AM 7 Q. Just a couple of questions to kind of go through that.

09:52AM 8 A. Yes.

09:52AM 9 Q. Did you see the physical movement that Pujadas took to make  
09:52AM 10 Sosa go down?

09:52AM 11 A. I saw the result of it coming down, and I didn't see --

09:52AM 12 Q. So let's walk through that just a little bit. You didn't see  
09:52AM 13 the physical motion of Sosa -- excuse me -- of Pujadas, but you  
09:52AM 14 saw Sosa go down. You said yesterday that it appeared he was hit  
09:52AM 15 at the knee level and buckled down?

09:52AM 16 A. That is correct.

09:52AM 17 Q. All right. Then what happened?

09:52AM 18 A. And at the same time that he was getting down, Pujadas was on  
09:52AM 19 his back with hand on his left shoulder of Sosa and picked up the  
09:52AM 20 .45 gun from Sosa. Let me clarify that at that time, we used a  
09:52AM 21 holster that was provided -- I mean, was donated or was taken from  
09:52AM 22 the United States air forces, so it's just a flap up, and easy to  
09:53AM 23 take a gun out, okay.

09:53AM 24 Q. So he takes the gun. What do you see next? I'm just -- to  
09:53AM 25 orient us. Sosa has now fallen down or moving down and?

09:53AM 1 A. Yes.

09:53AM 2 Q. And what do you see Pujadas doing?

09:53AM 3 A. I saw Pujadas having taken -- it was quickly (indicating) and

09:53AM 4 shot.

09:53AM 5 Q. So you just gestured. Would you say that took a second for

09:53AM 6 that to happen? Less than a second?

09:53AM 7 A. Yeah, a lot less, I think.

09:53AM 8 Q. Did you see any gunfire come from the gun that Pujadas had?

09:53AM 9 A. Yes. When that happened, I was looking at that, and then he

09:53AM 10 saw that, and then you see the flame from the pistol and the -- I

09:53AM 11 don't want to contradict my previous testimony. But I think that

09:53AM 12 he shot twice. I might have said once. But in my mind, there

09:54AM 13 were two shots, two flames so.

09:54AM 14 Q. But you saw the -- you saw gunfire coming towards you?

09:54AM 15 A. Yes, yes, in this direction, yes.

09:54AM 16 Q. And then what did you do?

09:54AM 17 A. Well, at the same time that that happened, it seemed like all

09:54AM 18 of these people that are together that were facing us here and

09:54AM 19 moved forward trying to -- I don't know. I don't know what the

09:54AM 20 people were trying to do, but they were advancing forward, and I

09:54AM 21 had to stop them.

09:54AM 22 Q. So you shot your machine gun?

09:54AM 23 A. I shot my machine gun. But I'd like to clarify that I had --

09:54AM 24 I didn't have time to think. The only thing I know that they

09:54AM 25 cannot move forward. I had to stop them. The only thing I also

09:55AM 1 know in an instant that I might hit Sosa, so however, I was  
09:55AM 2 trained in handguns. So I aimed properly to higher than Sosa, and  
09:55AM 3 I hit several times to Pujadas.

09:55AM 4 Q. Who else had a machine gun at that moment? Even if you didn't  
09:55AM 5 see them at the exact moment, but you know another machine gun was  
09:55AM 6 being fired?

09:55AM 7 A. But I learned that later.

09:55AM 8 Q. Okay. But there was another machine gun being fired. You  
09:55AM 9 were in the room. You know there was another machine gun?

09:55AM 10 A. Yes, yes.

09:55AM 11 Q. Where was the other machine gun?

09:55AM 12 A. Well, that, I learned later.

09:55AM 13 Q. Okay. Well, describe it. Where are you when the shooting  
09:55AM 14 starts? Put it on here.

09:55AM 15 A. I was here.

09:55AM 16 Q. And where was the other -- where were -- where did the other  
09:55AM 17 shooting come from?

09:55AM 18 A. From here.

09:55AM 19 Q. So it's a little bit on the right side?

09:55AM 20 A. Yes.

09:55AM 21 Q. This is not to scale, but it's inside the opening?

09:55AM 22 A. Yes. It came from here (indicating).

09:55AM 23 Q. Because I think you said earlier, you had hearing damage on  
09:55AM 24 your right ear?

09:56AM 25 A. Yes.

09:56AM 1 Q. So you know there was another machine gun being fired?

09:56AM 2 A. That's important because I felt alone when I was here, yes.

09:56AM 3 Q. Who did you -- who was shooting that machine gun?

09:56AM 4 A. De1 Real.

09:56AM 5 Q. Lieutenant De1 Real?

09:56AM 6 A. Lieutenant De1 Real. I'm sorry.

09:56AM 7 Q. I think you told us. You don't know how the machine gun went

09:56AM 8 from Marandino to De1 Real. You just know that it ended up with

09:56AM 9 De1 Real because he was shooting?

09:56AM 10 A. That is correct, that is correct.

09:56AM 11 Q. The shooting is over. The prisoners are down. What do you do

09:56AM 12 next?

09:56AM 13 A. I saw that crazy spectacle. I was overwhelmed by the stench

09:56AM 14 of powder and smoke, and De1 Real shot a couple more bursts than

09:57AM 15 me. That's how I realized he was -- so I didn't know what to do.

09:57AM 16 Sosa started standing at that time from getting down from the

09:57AM 17 bodies, and I had -- for a second, I had doubt that I am alone. I

09:57AM 18 mean, we don't have any more ammunition. So I called the guards.

09:57AM 19 I said: Guards. Guards, to the big --

09:57AM 20 I said: Guards, guards, and doctors or medics. I called

09:57AM 21 the medics. There were a couple minutes before someone appears,

09:57AM 22 so I would have to move a little further.

09:57AM 23 Q. So at this point, the bodies are down. Where do you go from

09:57AM 24 there?

09:57AM 25 A. I didn't want to get away from the sight of it, because I

09:57AM 1 didn't know if it was --

09:57AM 2 Q. So what did you do next?

09:57AM 3 A. So I moved here to see the passageway. From this position, I

09:57AM 4 shout: Guards, guards, to the main guards that used to be --

09:58AM 5 Q. Let's reorient.

09:58AM 6 This goes to the main entrance? This direction goes to the

09:58AM 7 main entrance?

09:58AM 8 A. To the base.

09:58AM 9 Q. To the base?

09:58AM 10 A. To the base, yes.

09:58AM 11 Q. You're yelling to guards to come?

09:58AM 12 A. Please, yes. Yes, I do.

09:58AM 13 Q. And so this is all in a pretty compressed period of time?

09:58AM 14 A. That is correct.

09:58AM 15 Q. What happens then next? Where do you go from there?

09:58AM 16 A. I went here, and I was moving back and forth looking at this

09:58AM 17 and seeing if there is some guards, and Sosa was -- I mean, he was

09:58AM 18 already in shock.

09:58AM 19 Q. Shock?

09:58AM 20 A. Was shocked by this.

09:58AM 21 Q. What does Commander Sosa say at that point?

09:58AM 22 A. Nothing.

09:58AM 23 Q. Continue.

09:58AM 24 A. He took my gun. That's what he did.

09:58AM 25 Q. He took your machine gun?

09:58AM 1 A. No, no. Sosa did it. He took my gun. So when I see a couple  
09:59AM 2 persons, a couple in --

09:59AM 3 Q. You mean Pujadas took his gun is what he said --

09:59AM 4 Or clarify what you mean by that. I'm sorry.

09:59AM 5 A. Yes, yes, yes.

09:59AM 6 Q. Then what happened?

09:59AM 7 A. He did that because the gun was laying on the floor.

09:59AM 8 Q. Okay.

09:59AM 9 A. He looked and said "he took my gun."

09:59AM 10 Q. So do you -- all right. So at any point after you  
09:59AM 11 discharged -- and you've testified earlier that you emptied your  
09:59AM 12 machine gun; correct?

09:59AM 13 A. Yes.

09:59AM 14 Q. So you had no bullets left after. Anytime after that  
09:59AM 15 happened, did you retrieve your pistol?

09:59AM 16 A. No, I did not.

09:59AM 17 Q. Did you ever have your pistol again for the rest of your life?

09:59AM 18 A. Never.

09:59AM 19 Q. Did you ever walk down the hallway with a handgun?

09:59AM 20 A. I did not.

09:59AM 21 Q. Did you see anyone walk down the hallway with a handgun?

09:59AM 22 A. No, I did not. The only thing is here I saw two legs off of  
09:59AM 23 some probably individuals that were lying --

09:59AM 24 Q. But the legs you saw would have been for prisoners who were at  
10:00AM 25 the end of the hall?

10:00AM 1 A. Yes.

10:00AM 2 Q. And so after that, so does help come eventually?

10:00AM 3 A. What?

10:00AM 4 Q. Help --

10:00AM 5 A. Yes.

10:00AM 6 Q. Other guards or other people come eventually?

10:00AM 7 A. Yes. After a couple minutes or an eternity for me, I saw two

10:00AM 8 guards in the distance, and I shouted, guards, come and get

10:00AM 9 medics, doctors.

10:00AM 10 Q. So then did you then leave the area?

10:00AM 11 A. No.

10:00AM 12 Q. How long did you stay in the area?

10:00AM 13 A. I stayed in the area until the guards came, the doctors

10:00AM 14 came -- the medics came, nurses -- I mean, male nurses, navy

10:00AM 15 nurses, and then another officer came, a duty officer that was --

10:00AM 16 that was an infantryman, but he was doing duty for the base.

10:01AM 17 MR. DAVIS: I think I'm finished with this, Your Honor,

10:01AM 18 so we can...

10:01AM 19 THE COURT: Okay. Return to your seat, Mr. Bravo, but

10:01AM 20 take the microphone out.

10:01AM 21 BY MR. DAVIS:

10:01AM 22 Q. All right. Sir, after that, you never were close to the

10:01AM 23 prisoners again? There were the other prisoners' bodies again;

10:01AM 24 right?

10:01AM 25 A. Correct.



10:01AM 1 Q. Take us through then your actions the rest of the next couple  
10:02AM 2 of days and what happened?

10:02AM 3 A. After -- when the people were coming into the area and the  
10:02AM 4 guards, the nurses, they also came other officers, that the  
10:02AM 5 commanding officer of the unit, and other officers just to see  
10:02AM 6 what was happening, and the commanding officer asked what  
10:02AM 7 happened. We told them that they were trying to escape, and he  
10:02AM 8 asked also to Sosa and to Del Real, and he told me, go have a  
10:02AM 9 cigarette. And so I moved to an area in the main hall or the  
10:02AM 10 passageway to the guards where there was some sort of bank.

10:02AM 11 THE INTERPRETER: Bench.

10:02AM 12 THE WITNESS: Bench, so where I sit. I have a cigarette.  
10:03AM 13 And then after a few minutes or I heard the commanding officer  
10:03AM 14 say, okay, well, leave the doctors and nurses do their job.  
10:03AM 15 Everyone else go. You need, Mr. Bravo, you need to take a cabin,  
10:03AM 16 take one of the officers' cabin. I stayed there. I didn't hear  
10:03AM 17 what else he said.

10:03AM 18 BY MR. DAVIS:

10:03AM 19 Q. You were isolated at the base?

10:03AM 20 A. He didn't use that word that night. That word was used by the  
10:03AM 21 judge that inspected -- that did the investigation the day after.

10:03AM 22 Q. Well, after the moment when you left the cell area, did you  
10:03AM 23 ever go back to the cell area again at any time the rest of your  
10:03AM 24 life?

10:03AM 25 A. No, no -- yes. The judge was a navy captain, and he ordered a

10:03AM 1 reenactment.

10:04AM 2 Q. Okay. I can orient everyone to what you're talking about.

10:04AM 3 A. Okay.

10:04AM 4 Q. There was an investigation that was started by the navy the

10:04AM 5 next day, correct?

10:04AM 6 A. Yes.

10:04AM 7 Q. And who was the officer in charge of that investigation?

10:04AM 8 A. He was a high rank captain navy, a marine, but with the rank

10:04AM 9 of equivalent to commander, colonel who was assigned to be ad hoc

10:04AM 10 judge in order to --

10:04AM 11 Q. You said ad hoc judge?

10:04AM 12 A. Yes, to proceed with the investigation.

10:04AM 13 Q. Did you at that point get to interact with anybody? What were

10:04AM 14 you doing during that time? And we're not talking the -- and

10:04AM 15 we're now talking the day after the incident or, you know, the

10:04AM 16 hours after the incident?

10:04AM 17 A. Well, I didn't have any interaction with anybody except for

10:05AM 18 the reenactment and for the occasion in the same day probably the

10:05AM 19 reenactment, that was the day after or the second day to test the

10:05AM 20 guns. So we were taken to the range where normally we practice

10:05AM 21 target practice, and they put officers in front of us, a door, a

10:05AM 22 wooden door, and I don't know what else, and we had to shoot at

10:05AM 23 them from the distance that we already said that we were, and then

10:05AM 24 they pulled the bullets from where we hit them.

10:05AM 25 Q. So this is another area on the base where you went to? Was it

10:05AM 1 like a gun range?

10:05AM 2 A. Yes, that is correct.

10:05AM 3 Q. And was that -- when was that done in relation to the

10:05AM 4 incident?

10:05AM 5 A. Well, the judge came the same -- not same, the 22 -- they came

10:06AM 6 out in the afternoon because he was flown from the main base of

10:06AM 7 Argentina naval base. So he arrived probably in the afternoon.

10:06AM 8 And at that time, he started an investigation. At that time, he

10:06AM 9 told me -- when he arrives, he visited my cabin, and told me that

10:06AM 10 I had to be isolated. I shouldn't leave the cabin. Meals are

10:06AM 11 going to be taken to me. I have a private restroom.

10:06AM 12 Q. You have a what?

10:06AM 13 A. A private restroom.

10:06AM 14 Q. Okay.

10:06AM 15 A. And they are going to notify my wife who was still in Buenos

10:06AM 16 Aires what is going on with me, but for now or for then, no

10:06AM 17 communication at all with anybody.

10:07AM 18 Q. Was there ever a -- as part of the investigation you just told

10:07AM 19 us about, the shooting the weapons at the gun range, was there

10:07AM 20 anything else that you had to do in connection with the

10:07AM 21 investigation at the jail cell?

10:07AM 22 A. No, only the range test and the reenactment on site.

10:07AM 23 Q. The reenactment is what I want to talk about.

10:07AM 24 A. Okay.

10:07AM 25 Q. What was the reenactment, and when did it happen?

10:07AM 1 A. The reenactment, the judge -- this is an estimate because the  
10:07AM 2 judge came on the afternoon of the 22nd, and I think they probably  
10:07AM 3 had to prepare -- I think it was on the 23rd, on the next day.

10:08AM 4 Q. So what -- tell us what happened at the reenactment. How was  
10:08AM 5 that done?

10:08AM 6 A. On the reenactment, the judge, investigator, investigating  
10:08AM 7 officer, officer asked us to go to the area, set ourselves in the  
10:08AM 8 position that we were. He asked us to repeat practically what I  
10:08AM 9 described now. You were there, you came, where you stood, even to  
10:08AM 10 the point of the Sosa coming, and Sosa had to do that.

10:08AM 11 Q. Reenact --

10:08AM 12 A. Yes.

10:08AM 13 Q. Let me ask the question.

10:08AM 14 Did Commander Sosa reenact his going all the way down to the  
10:08AM 15 hallway with the prisoners?

10:08AM 16 A. That is correct.

10:08AM 17 Q. Continue on. What else happened in the reenactment?

10:08AM 18 A. And then when Sosa -- Captain Sosa was coming down, we told  
10:09AM 19 him. We were trying to repeat what we told them. So we are just  
10:09AM 20 only the movements of Pujadas and Sosa to reflect the reality of  
10:09AM 21 what happened.

10:09AM 22 And they took pictures and took pictures of the wall, took  
10:09AM 23 pictures of where the bodies were -- oh, sorry -- took pictures of  
10:09AM 24 the blood.

10:09AM 25 Q. After you reflected on the incident, did you ever have -- when

10:09AM 1 you went into that room that night, did you have any intention of  
10:09AM 2 killing anyone?

10:09AM 3 A. My intention was to stop that movement. I didn't -- I don't  
10:09AM 4 have time to think. I had to be sure that they do not advance. I  
10:09AM 5 had to be sure that we cannot be overtaken. I must confess that I  
10:09AM 6 thought I was the only one there, I didn't realize -- that was  
10:10AM 7 behind me.

10:10AM 8 But I had to stop them. I -- just like boxing, someone  
10:10AM 9 throws you a punch, you react. That's what I did. I didn't have  
10:10AM 10 time to think.

10:10AM 11 Q. Had you had any discussion with anyone about anything in  
10:10AM 12 connection with shooting the prisoners before you went into the  
10:10AM 13 jail cell?

10:10AM 14 A. When?

10:10AM 15 Q. No, before. The night before, anytime before when you went  
10:10AM 16 into the jail area?

10:10AM 17 A. Oh, no, no, no, no. That was surprising, and I thought that  
10:10AM 18 they were crazy in doing that, but.

10:10AM 19 And then in reflecting what they had done before, where they  
10:10AM 20 were coming from, it was not difficult to accept their action.

10:10AM 21 Q. How long -- you told us after the incident you were in -- and  
10:10AM 22 you said in isolation. You had what you told us about at the gun  
10:10AM 23 range, what you told us about the reenactment.

10:11AM 24 How long was it before you rejoined your duties?

10:11AM 25 A. I think four -- four or five days. Really, I think it was

10:11AM 1 five days.

10:11AM 2 Q. Were you interviewed about the incident?

10:11AM 3 A. Only by the judge.

10:11AM 4 Q. By Commander Bautista?

10:11AM 5 A. Commander Bautista.

10:11AM 6 Q. Did he take notes?

10:11AM 7 A. He did.

10:11AM 8 Q. Did you ever get to look at his notes? Do you know what he

10:11AM 9 wrote?

10:11AM 10 A. No, I have not seen them.

10:11AM 11 Q. How long did you stay at the naval base at Trelew?

10:11AM 12 A. Until the next transfer period that would be in January --

10:11AM 13 December '72 it was.

10:11AM 14 Q. Where did you go then -- did you stay at Trelew, or were you

10:12AM 15 transferred?

10:12AM 16 A. I was transferred from -- for the infantry battalion 4,

10:12AM 17 marines battalion 4 to marine battalion 2. That was in the larger

10:12AM 18 naval base that Argentina has in the south of Buenos Aires.

10:12AM 19 MR. DAVIS: I'd like you to bring up Defense Exhibit 2.

10:12AM 20 Your Honor, just for the Court -- I will stop when you

10:12AM 21 instruct me. I have about 15 minutes with this exhibit I believe,

10:12AM 22 and then I will move on. So I can start now. Obviously, your

10:12AM 23 pleasure.

10:12AM 24 THE COURT: All right. Well, let me -- would you like to

10:12AM 25 take our midmorning break now? It's about ten minutes. I have at

10:12AM 1 least one juror nodding. We will go ahead and take our midmorning  
10:12AM 2 break, and I will ask you to be back just before 10:30 so we can  
10:12AM 3 bring the jury in on time.

10:13AM 4 (Jury out at 10:13 A.M.)

10:13AM 5 THE COURT: Mr. Davis, I know you estimated 15 minutes  
10:13AM 6 with this exhibit. But then do you -- sorry. I know you estimate  
10:13AM 7 15 minutes with this exhibit. But can you estimate for me how  
10:13AM 8 much longer you have in your examination?

10:13AM 9 MR. DAVIS: I'm hesitant to use the word max, but I think  
10:13AM 10 45 minutes.

10:13AM 11 THE COURT: Okay. No. That's very helpful. So  
10:13AM 12 approximately 11:15 then we should expect for the plaintiffs to  
10:13AM 13 resume, and we may finish then with Mr. Bravo before lunch. For  
10:13AM 14 planning purposes, our next witness though is a video; right?

10:14AM 15 MR. KRISHNAN: That's correct, Your Honor.

10:14AM 16 THE COURT: All right. See you in 15. Mr. Slade, you're  
10:14AM 17 on your feet looking purposefully at me. Do you need something?

10:14AM 18 MR. SLADE: I don't. And if I did, I would say  
10:14AM 19 something.

10:14AM 20 THE COURT: Okay.

10:30AM 21 (Recess.)

10:30AM 22 MR. DAVIS: I have something I want to raise before the  
10:30AM 23 jury comes in.

10:30AM 24 THE COURT: Mr. Krishnan?

10:30AM 25 MR. KRISHNAN: Apologies, Your Honor.

10:30AM 1 THE COURT: That's okay. Mr. Davis has something he  
10:30AM 2 wants to take up before the jury comes in.

10:30AM 3 MR. DAVIS: I am about to go into documents admitted  
10:30AM 4 today actually, Defendant's Exhibit 2, and I'm going to go through  
10:30AM 5 this document with the witness. And I'd like to point out what  
10:30AM 6 the first paragraph, the terrorist word is in the first paragraph  
10:30AM 7 of this document.

10:30AM 8 THE COURT: It was elicited yesterday.

10:30AM 9 MR. DAVIS: Yes. So I intend to go into that; just about  
10:30AM 10 the word and publish it to the jury. I am not going to make  
10:30AM 11 argument about it, but I am just going to go through it. And I do  
10:30AM 12 believe consistent with what Your Honor said at the end of the  
10:30AM 13 session yesterday, the door was open. That being said --

10:30AM 14 THE COURT: Whoa, whoa, whoa, no, no. I said that if  
10:30AM 15 they kept at it, the door would be opened. I did not say the door  
10:30AM 16 has been opened for any revisiting as of yet for the pretrial  
10:31AM 17 rulings with respect to the characterizations of these plaintiffs.  
10:31AM 18 The fact that the document characterizes them as terrorists, the  
10:31AM 19 jury already knows.

10:31AM 20 MR. KRISHNAN: Your Honor, can I just please address  
10:31AM 21 this? So a couple of things, I did not read the first paragraph  
10:31AM 22 to the jury.

10:31AM 23 THE COURT: You did not. I'm sorry to interrupt you.  
10:31AM 24 But the part that you highlighted did. It used the word  
10:31AM 25 terrorists.



10:31AM 1 MR. KRISHNAN: It said extremists. Let me start with  
10:31AM 2 that. But I'll also -- just so Your Honor knows about how this  
10:31AM 3 went yesterday, what happened during the questioning, and I went  
10:31AM 4 and re-reviewed the transcript for this, I was going to start  
10:31AM 5 later on down the paragraph, and Mr. Davis objected and said that  
10:31AM 6 I have to read the whole paragraph for completeness. It's in the  
10:31AM 7 transcript. It's what happened, and so I read the whole  
10:31AM 8 paragraph.

10:31AM 9 And for this to now somehow be an opening of the door,  
10:31AM 10 when I was planning to start lower on and did it only in response  
10:31AM 11 to Mr. Davis' objection that I needed to read the whole paragraph,  
10:31AM 12 seems like them forcing a door open here. I did say --

10:32AM 13 I read the part about extremists, but it was in response,  
10:32AM 14 directly in response to Mr. Davis saying that I needed to read the  
10:32AM 15 whole paragraph.

10:32AM 16 THE COURT: So to -- we have to be mindful of time, and  
10:32AM 17 so succinct.

10:32AM 18 First of all, whether or not it made the record, I  
10:32AM 19 overruled that objection and told them that they could deal with  
10:32AM 20 it on their aspect. I said, this is direct, and Mr. Krishnan can  
10:32AM 21 do what he wants with this document that's now in evidence for  
10:32AM 22 what that's worth. But where is the portion, remind me, that you  
10:32AM 23 highlighted and that was read?

10:32AM 24 MR. KRISHNAN: Okay. So I started --

10:32AM 25 MR. DAVIS: Do you have the document, Judge?

10:32AM 1 THE COURT: I have it in my hand.

10:32AM 2 MR. KRISHNAN: I started the second paragraph after

10:32AM 3 the --

10:32AM 4 THE COURT: Page number?

10:32AM 5 MR. KRISHNAN: Sorry. The bottom of the page is 2, but  
10:32AM 6 the pages aren't marked sequentially. There is a document within

10:32AM 7 the document. So at the bottom of the page is 2, but the Bates

10:32AM 8 number is 5196.

10:33AM 9 THE COURT: Got it.

10:33AM 10 MR. KRISHNAN: Okay. So second full paragraph, second  
10:33AM 11 line, there is a colon near the end after, circumstances, and  
10:33AM 12 that's where I started. On August 22nd of this year, and then a  
10:33AM 13 line down from there, it says, the extremists. The word  
10:33AM 14 terrorists which I had really wanted to avoid is in the prior  
10:33AM 15 paragraph.

10:33AM 16 THE COURT: The document is in evidence though you  
10:33AM 17 understand?

10:33AM 18 MR. KRISHNAN: The document was stipulated by both  
10:33AM 19 parties before -- at the time of pretrial.

10:33AM 20 THE COURT: Right.

10:33AM 21 MR. KRISHNAN: Yes.

10:33AM 22 THE COURT: So then perhaps I need to back up and figure  
10:33AM 23 out both what Mr. Davis is planning to do and why there would be  
10:33AM 24 an objection to him using the document.

10:33AM 25 MR. DAVIS: I would just -- I'm going to go through this

10:33AM 1 document, and that word is going to be read. I'm not going to  
10:33AM 2 make argument or have him characterize them. I am not going --  
10:33AM 3 because I think that is in the court order. But I'm just going to  
10:33AM 4 -- the terrorist word is going to be testified to in front of the  
10:33AM 5 jury based upon a document that's already in evidence.

10:33AM 6 THE COURT: When you say testified to, you're not going  
10:34AM 7 to elicit any testimony or ask Mr. Bravo to characterize them as  
10:34AM 8 anything other than prisoners, which is what we have said  
10:34AM 9 throughout the trial. It's an immutable fact that the document  
10:34AM 10 says terrorists. That can't be changed. That's here. But there  
10:34AM 11 is not -- you're not going to elicit any testimony to offer to  
10:34AM 12 explain that word or to ask him to adopt it; correct?

10:34AM 13 MR. DAVIS: That's why I raised it ahead of time, Judge.  
10:34AM 14 I wanted to make sure --

10:34AM 15 THE COURT: I appreciate it. Thank you.

10:34AM 16 MR. DAVIS: -- that I comply with the order, and because  
10:34AM 17 the last thing I want to do is to, A, violate; and/or, B, create  
10:34AM 18 some sort of other problem on the record.

10:34AM 19 THE COURT: More prompt objections that we've already now  
10:34AM 20 outside the presence of the jury dealt with.

10:34AM 21 So you understand where it's going, Mr. Krishnan, and the  
10:34AM 22 limits on it?

10:34AM 23 MR. KRISHNAN: Yes, Your Honor, and I -- yes. Thank you  
10:34AM 24 very much.

10:34AM 25 THE COURT: Okay. Perfect. All right.

10:34AM 1 And likewise, Mr. Bravo, you had a chance to hear my  
10:34AM 2 ruling.

10:34AM 3 We know the document uses the word terrorist. We have  
10:35AM 4 characterized the 19 persons as prisoners. It's my expectation  
10:35AM 5 that you continue to do so as you testify. And no question that  
10:35AM 6 Mr. Davis or Mr. Krishnan is going to ask you today should you  
10:35AM 7 interpret as a question that asks you to explain why that word was  
10:35AM 8 used in this document. Do you understand my ruling?

10:35AM 9 THE WITNESS: I understand it, Your Honor. Thank you  
10:35AM 10 very much.

10:35AM 11 THE COURT: Thank you, Mr. Bravo. Okay. Let's bring the  
10:35AM 12 jury in.

10:35AM 13 (Jury in at 10:35 A.M.)

10:36AM 14 THE COURT: Okay. Welcome back.

10:36AM 15 Counsel, please be seated.

10:36AM 16 Mr. Bravo, please be seated.

10:36AM 17 Mr. Davis?

10:36AM 18 MR. DAVIS: Thank you, Your Honor.

10:36AM 19 BY MR. DAVIS:

10:36AM 20 Q. Roberto, I'd like you to look at Defendant's Exhibit 2, which  
10:36AM 21 is a document that's in evidence, and you were asked questions  
10:36AM 22 about it yesterday.

10:36AM 23 MR. DAVIS: Can we bring it up on the screen, please?

10:36AM 24 This document -- and scroll to the last page, Dan,  
10:36AM 25 please.

10:36AM 1 BY MR. DAVIS:

10:36AM 2 Q. Do you see at the bottom, it says, Buenos Aires, December 5,  
10:36AM 3 1972? Do you see that?

10:36AM 4 A. Yes, sir. Yes.

10:37AM 5 Q. That was -- is that approximately the date on which this  
10:37AM 6 report was released?

10:37AM 7 A. I have to accept what is written.

10:37AM 8 Q. Do you know what -- let me just ask you: This report, which  
10:37AM 9 we're going to go through a little bit of it, allows you to  
10:37AM 10 stay -- to keep your job, and you just continued in the military;  
10:37AM 11 correct?

10:37AM 12 A. Yes.

10:37AM 13 MR. KRISHNAN: Objection. Foundation. It's not clear  
10:37AM 14 that this witness saw this document at the time.

10:37AM 15 THE COURT: Overruled.

10:37AM 16 BY MR. DAVIS:

10:37AM 17 Q. You knew in December of -- or did you know in December of 1972  
10:37AM 18 that this report was issued?

10:37AM 19 A. I don't know the exact date, but at the end of the year or  
10:37AM 20 pretty soon the next one, I did learn about this one.

10:37AM 21 Q. Did you ever get to see this document while you were in the  
10:37AM 22 military?

10:37AM 23 A. No. I saw it in the extradition proceedings in '19 -- in  
10:38AM 24 2009. 2009. I'm sorry.

10:38AM 25 Q. So you didn't write this document; correct?

10:38AM 1 A. Correct.

10:38AM 2 Q. This was prepared as a -- I'll withdraw that.

10:38AM 3 This document was the results of an investigation by the  
10:38AM 4 military?

10:38AM 5 A. That is my understanding.

10:38AM 6 Q. And what was the important part of this document to you  
10:38AM 7 personally in your military career?

10:38AM 8 A. The conclusion that I was -- I acted properly.

10:38AM 9 Q. I'd like to go to the front page of the document. I'm sorry.  
10:38AM 10 The second page actually.

10:38AM 11 The next page.

10:39AM 12 MR. DAVIS: Page 2, Dan.

10:39AM 13 BY MR. DAVIS:

10:39AM 14 Q. Do you see this document? It is addressed to Mr. Chairman of  
10:39AM 15 the Commanders in Chief Junta. Do you know who those -- who that  
10:39AM 16 person is or was?

10:39AM 17 A. I think it was the president of the nation. Because -- sorry.

10:39AM 18 Q. No. Go ahead, please. Because?

10:39AM 19 A. The government at that time was a military, a three-man  
10:39AM 20 executive, headed by the army. And the other two parties were the  
10:39AM 21 navy and air forces, and junta would mean team or something  
10:40AM 22 similar, and the chairman was the highest authority of them, that  
10:40AM 23 was the army, the army who was also the executive president, the  
10:40AM 24 president to the executive -- I'm sorry.

10:40AM 25 Q. Looking at the first paragraph, it describes what the -- it

10:40AM 1 says; this present legal proceedings was investigated as a result  
10:40AM 2 of the events that took place on 22, 1972 during an escape carried  
10:40AM 3 out by a group of terrorists who were being temporarily housed at  
10:40AM 4 the Almirante Zar Naval Base in Trelew. What did you know about  
10:40AM 5 whether the prisoners were going to be temporary housed?

10:40AM 6 A. As I say, I arrived at Trelew the next day or the same day  
10:41AM 7 later, discussions were made among the commander of the base, the  
10:41AM 8 commander of the battalion, and the commander of the air station  
10:41AM 9 because they were very uncomfortable, and they were told -- or  
10:41AM 10 that's what I heard in the discussion that they would be a matter  
10:41AM 11 of days because this place was not designed or was not equipped or  
10:41AM 12 designed to keep these types of prisoners.

10:41AM 13 Q. And because the prisoners, they had actually just escaped from  
10:41AM 14 a maximum security prison?

10:41AM 15 MR. KRISHNAN: Objection, leading.

10:41AM 16 THE COURT: Sustained.

10:41AM 17 BY MR. DAVIS:

10:41AM 18 Q. Did you -- did you know or were you told what the prisoners  
10:41AM 19 had done to get to be -- to end up at the Trelew naval base?

10:41AM 20 MR. KRISHNAN: Objection. Hearsay.

10:41AM 21 THE COURT: Response.

10:41AM 22 THE WITNESS: Um --

10:41AM 23 THE COURT: No, Mr. Bravo. That was ambiguous.

10:42AM 24 Mr. Davis, your response.

10:42AM 25 MR. DAVIS: Thank you, Judge. It's just going to go to

10:42AM 1 his state of mind about how he acted. I'm eliciting this for the  
10:42AM 2 information he knows about the prisoners as of August 16, 2022 --  
10:42AM 3 excuse me -- August 16, 1972.

10:42AM 4 THE COURT: And we have -- consistent with prior  
10:42AM 5 arguments and objections that have been sustained on this, can you  
10:42AM 6 proffer more specifically where you're heading that it's been  
10:42AM 7 found permissible for you to go?

10:42AM 8 MR. DAVIS: Just to know it would be in his state of mind  
10:42AM 9 because it goes to how he had acted if the prisoners had escaped  
10:42AM 10 from the prison the week before and the way that escape occurred  
10:42AM 11 in a violent way. So he knows that, he was given -- he understood  
10:42AM 12 that information from contemporaneous conversations back in 1972.

10:42AM 13 THE COURT: I don't -- Mr. Davis, let me ask you to  
10:42AM 14 please just put that to the side until we have a chance to talk  
10:42AM 15 about it. Do you have another line of examination you can go  
10:43AM 16 through?

10:43AM 17 MR. DAVIS: I will continue to go through this, and I'll  
10:43AM 18 come back to it.

10:43AM 19 THE COURT: Remind me at our next break to take that up.

10:43AM 20 MR. DAVIS: Okay.

10:43AM 21 BY MR. DAVIS:

10:43AM 22 Q. Go to the next paragraph, please. You were asked questions  
10:43AM 23 yesterday about this paragraph, about what was accurate, what  
10:43AM 24 wasn't accurate. And in this paragraph, it says; from the  
10:43AM 25 analysis of the evidence that took place of the evidence on



10:43AM 1 record, it appears that the attempted escape, previously  
10:43AM 2 mentioned, took place under the following circumstances; on  
10:43AM 3 August 22nd of this year -- that's 1972 -- at approximately  
10:43AM 4 3:00 A.M., Corvette Lieutenant Roberto Guillermo Bravo assumed  
10:43AM 5 guard duty over extremists in the cells in the naval air base,  
10:43AM 6 which contained members of that group with Marine Corporal Second  
10:44AM 7 Class Carlos Marandino and Juan -- I don't know -- I will let him  
10:44AM 8 -- Hipolito Marchan, both armed with several PAM machine guns.

10:44AM 9 Let's talk about that sentence first. Yesterday, you  
10:44AM 10 corrected that only Corporal Marandino and Corporal Marchan had  
10:44AM 11 the machine guns; correct?

10:44AM 12 A. Correct.

10:44AM 13 Q. And when you -- did you --

10:44AM 14 Would you agree that other than with that correction that  
10:44AM 15 this sentence is accurate?

10:44AM 16 A. Yes, I disagree. But it's my memory that this fight and -- in  
10:44AM 17 this statement where it is stated that Corvette Lieutenant Roberto  
10:44AM 18 Bravo assumed guard duty -- no, no, I'm disagreeing with the next  
10:45AM 19 paragraph. I'm sorry.

10:45AM 20 Q. Well, just right now the highlighted yellow, do you agree that  
10:45AM 21 with the exception of the correction regarding the machine guns  
10:45AM 22 that the sentence is substantially correct?

10:45AM 23 A. Yes.

10:45AM 24 Q. Let's go on to the next sentence in there. It says; said  
10:45AM 25 officer explained that he heard whispering and suspicious noises

10:45AM 1 coming from the cells and for that reason decided to order the  
10:45AM 2 detainees to come out of the cells where they were housed. Let's  
10:45AM 3 talk about that sentence. Did you order the detainees to come out  
10:45AM 4 of the cells?

10:45AM 5 A. No, I did not.

10:45AM 6 Q. And who did that?

10:45AM 7 A. Captain Sosa.

10:45AM 8 Q. Did you tell Bautista, the Commander Bautista that you had  
10:45AM 9 ordered the prisoners out of the cell?

10:45AM 10 A. I said that it was not me who opened it. I described -- I  
10:46AM 11 said -- may I add something else, please?

10:46AM 12 Q. Well, just respond to the question. What else did you tell  
10:46AM 13 him about the ordering of the prisoners out -- the detainees out  
10:46AM 14 of the cells?

10:46AM 15 A. This paragraph says; said officer explained that he had heard  
10:46AM 16 whispering and suspicious noises coming from the cells. That  
10:46AM 17 would be a misunderstanding, a very sudden misunderstanding from  
10:46AM 18 what I said in my deposition, because I was just conveying what I  
10:46AM 19 heard from the corporal, and he took it like it was from me.

10:46AM 20 Q. Okay. Continuing on down with the next sentence, it says;  
10:46AM 21 moreover, he ordered them to place their blankets and mats in the  
10:46AM 22 hall in front of the cells and to line up against the wall, facing  
10:46AM 23 the entrance, as shown in photographs exhibited on other pages.

10:46AM 24 Did you give that order to any prisoners?

10:47AM 25 A. No. As a matter of fact, I never participated when they had

10:47AM 1 to go in the morning when they had to do that task and later in  
10:47AM 2 the evening when they had to reverse it and get their blankets in.  
10:47AM 3 So I did not. I didn't know -- I don't recall that the blankets  
10:47AM 4 and all of that has been taken out of the cells prior to this  
10:47AM 5 tragedy.

10:47AM 6 Q. The next -- I'm just going to go through it. Before the  
10:47AM 7 detainees finished forming a line, Marine Corps Corvette Captain  
10:47AM 8 Luis Sosa, Second Commander of the Marine Corps Battalion No. 4,  
10:47AM 9 officer in charge of guarding the prisoners, had entered the  
10:47AM 10 premises followed by Navy Lieutenant Emilio Jorge Del Real, and a  
10:47AM 11 few moments later by Captain Corvette -- by Corvette Captain Juan  
10:47AM 12 Carlos Antonio Herrera. Is this sentence accurate?

10:47AM 13 A. No, it's not.

10:47AM 14 Q. What's wrong with that one?

10:48AM 15 A. Because it is stated before the detainees finished forming the  
10:48AM 16 line, and that is wrong. They finished forming the line after  
10:48AM 17 receiving the order from Sosa that -- after he arrived; not  
10:48AM 18 before.

10:48AM 19 Q. So your testimony is that it's accurate if you put Sosa as  
10:48AM 20 doing the ordering?

10:48AM 21 A. The word before -- before had entered the premises is wrong.

10:48AM 22 Q. Let's go down to the next -- under these circumstances,  
10:48AM 23 Lieutenant Bravo. Okay. Continuing on, it says: Under these  
10:48AM 24 circumstances, Lieutenant Bravo gave permission for Corporal  
10:48AM 25 Marchan to go to the bathroom, leaving Corporal Marandino as the

10:48AM 1 only auxiliary personnel. Did that happen, sir?

10:49AM 2 A. No. I gave permission to Corporal Marchan before everyone

10:49AM 3 came.

10:49AM 4 Q. You did give Corporal Marchan -- or did you give Corporal

10:49AM 5 Marchan permission to leave the area?

10:49AM 6 A. Yes, yes, but not under these circumstances.

10:49AM 7 Q. The next sentence says; for greater security, Bravo states

10:49AM 8 that he took one of the PAM machine gun and gave his handgun to

10:49AM 9 Marandino and the other machine gun to Lieutenant Del Real.

10:49AM 10 Captain Herrera was armed or unarmed. Is that sentence

10:49AM 11 inaccurate?

10:49AM 12 A. It is inaccurate.

10:49AM 13 Q. It is inaccurate or it's accurate?

10:49AM 14 A. It is inaccurate.

10:49AM 15 Q. What's wrong with it?

10:49AM 16 A. It says: Lieutenant Bravo states that he took one of the PAM

10:49AM 17 machine guns, is okay because it was laying down.

10:50AM 18 But I didn't give my 11.25 PAM gun to Marandino. I gave it

10:50AM 19 to Lieutenant Del Real, who asked me for the pistol when he saw

10:50AM 20 that I took the machine gun that Marchan left.

10:50AM 21 Q. Let's go to the next paragraph.

10:50AM 22 The next paragraph says: These were circumstances, as is

10:50AM 23 recorded in the legal proceeding, that at the time Captain Sosa

10:50AM 24 who was carrying a 11.25 millimeter handgun in his holster entered

10:50AM 25 between the two lines of detainees, walking back and forth down

10:50AM 1 the hallway, while at the same time addressing the detainees,  
10:50AM 2 exhorting them to strictly respect the orders that they were given  
10:50AM 3 and not to speak.

10:50AM 4 Is that sentence accurate, sir?

10:50AM 5 A. It is not accurate in the sense that it started with these  
10:50AM 6 were the circumstances. Because the circumstances previously  
10:51AM 7 described, described that I ordered them to leave, I ordered them  
10:51AM 8 to take the mattresses and everything out, and those were not the  
10:51AM 9 circumstances. The circumstances were he ordered the prisoners to  
10:51AM 10 get out, unlock the doors first, then to open the doors, face --  
10:51AM 11 stay in a particular position, and then started walking.

10:51AM 12 Q. So let's continue down then looking at the last sentence, the  
10:51AM 13 sentence beginning with, it was at that moment; it was at that  
10:51AM 14 moment, when he walked back -- he being Sosa -- walked back and  
10:51AM 15 stopped at the side of the terrorist standing first in line --  
10:52AM 16 Mario Pujadas, that he was attacked from behind using a karate  
10:52AM 17 move, and his weapon was taken from him.

10:52AM 18 Is that sentence accurate?

10:52AM 19 A. It is as it is described. It said the word karate. I'm  
10:52AM 20 knowledgeable a little bit of martial arts. I'm not familiar with  
10:52AM 21 the movement what kind of action for that effect to have so -- I  
10:52AM 22 think that was just probably bending the knees with some karate is  
10:52AM 23 probably not the right word. But it's effective.

10:52AM 24 Q. It was -- whatever happened was a sudden move?

10:52AM 25 A. Yes.

1 MR. DAVIS: Please continue on to the next page, please.

2 Go to the top -- highlight the top where it says, top secret, up  
3 there.

4 BY MR. DAVIS:

5 Q. This is an English translation of this document and produced  
6 in later proceedings, and it has a stamp, top secret. Do you know  
7 what that means in relation to this type of report?

8 A. It means that the access to this document was very strictly  
9 limited to only the people that need to have it.

10 Q. And I think you said you never saw this document until decades  
11 later?

12 A. That is correct.

13 Q. Going to the first paragraph, on the next page, it says; an  
14 immediate struggle ensued between the extremist Pujadas and  
15 Captain Sosa who was able to free himself and started to walk  
16 "crawl" to the place where the other officers were and corporal  
17 were. At the same time, Pujadas fired the weapon at the guard --  
18 the bullet hit the bathroom door -- and the other extremists began  
19 to advance together on the other three officers and Corporal  
20 Marandino.

21 Is this paragraph accurate?

22 A. I wouldn't have written it that way because struggle is not  
23 the proper word. Struggle is a fight between two parties. And in  
24 this case, the action was taken only by Pujadas. Sosa didn't do  
25 anything, just fell down without any type of reaction from him,

10:54AM 1 and he started crawling down after practically the shooting  
10:54AM 2 finished that took probably seven, eight seconds at the most.

10:54AM 3 MR. DAVIS: Skip down to the faced with the emergency  
10:54AM 4 paragraph, Dan. Do you see that? One up. One up.

10:54AM 5 BY MR. DAVIS:

10:54AM 6 Q. It then says; faced with this emergency, Lieutenant Bravo  
10:54AM 7 started firing his PAM machine gun, followed by Lieutenant De1  
10:54AM 8 Real with a similar weapon and Corporal Marandino with a  
10:54AM 9 11.25-caliber handgun.

10:54AM 10 Is this accurate from your knowledge?

10:54AM 11 A. My knowledge, from my knowledge, I don't have a perception of  
10:55AM 12 Marandino having shot the gun. I didn't know also that De1 Real  
10:55AM 13 had one. I realized that one after I started shooting and hearing  
10:55AM 14 the noises, but I don't recall Marandino having shot the gun.

10:55AM 15 Q. Next paragraph, it says -- and just the first sentence; as a  
10:55AM 16 result of the attempted escape and the consequent shootout, 16  
10:55AM 17 extremists died.

10:55AM 18 Is that consistent -- is that sentence accurate?

10:55AM 19 A. It's not accurate if we establish the timeline, because they  
10:55AM 20 went to the infirmary only six survivors three days later. So  
10:55AM 21 here died only 13.

10:55AM 22 MR. DAVIS: And go to the last sentence of that  
10:56AM 23 paragraph, please, Dan.

10:56AM 24 BY MR. DAVIS:

10:56AM 25 Q. It should be stated here that a few minutes after the events

10:56AM 1 took place, the entire health staff at the naval base went into  
10:56AM 2 action in order to treat all those who had been shot. Is that an  
10:56AM 3 accurate --

10:56AM 4 A. Yes. And it should be included that the conscript and  
10:56AM 5 noncommissioned officers and everyone was asked to provide blood,  
10:56AM 6 and they did, blood to help the survivors.

10:56AM 7 MR. DAVIS: Okay. Let's go to the next page, please.

10:56AM 8 BY MR. DAVIS:

10:56AM 9 Q. In the first sentence, it says; as far as analyzing the  
10:56AM 10 conduct of the military personnel that intervened in the events, I  
10:56AM 11 should stress that, after a thorough analysis of the exhaustive  
10:56AM 12 investigation that was carried out, the sworn statements -- and  
10:56AM 13 then it cites a number of pages -- medical reports, expert  
10:57AM 14 testimony on ballistics, expert testimony on the wounds, I draw  
10:57AM 15 the conclusion there is no convincing evidence, not even  
10:57AM 16 circumstantial evidence, which would allow criminal charges to be  
10:57AM 17 brought against the personnel who intervened in the suppression in  
10:57AM 18 order to prevent the escape and Pujadas's rash behavior.

10:57AM 19 You've never -- you never saw that sentence at the time;  
10:57AM 20 correct?

10:57AM 21 A. Correct.

10:57AM 22 Q. And looking at it now, did you agree with that sentence?

10:57AM 23 A. The sentence it could be perfect if I haven't argued against  
10:57AM 24 the previous objection that I had to other pages.

10:57AM 25 Q. And then the last sentence there says; in this sense, I agree



10:57AM 1 with the opinion of the investigative judge, that the grounds for  
10:57AM 2 exemption from responsibility set out in article 34, paragraphs 4,  
10:58AM 3 5, and 6 of the criminal code come into play here in relation to  
10:58AM 4 the military personnel's conduct.

10:58AM 5 This is obviously the -- go to the last page. The bottom,  
10:58AM 6 the signature page, this is signed by Brigadier -- it says Julio  
10:58AM 7 Arnaldo Gomez, General Auditor of the armed forces?

10:58AM 8 Do you know who Brigadier General Gomez was?

10:58AM 9 A. He was the equivalent to the Attorney General for the military  
10:58AM 10 forces.

10:58AM 11 MR. KRISHNAN: Objection, foundation.

10:58AM 12 THE COURT: Sustained.

10:58AM 13 BY MR. DAVIS:

10:58AM 14 Q. Well, if you know who he was. You don't have to say what it's  
10:58AM 15 equivalent to. Do you know who he was in Argentina in 1972  
10:58AM 16 talking about Brigadier General Auditor of the armed forces Julio  
10:59AM 17 Gomez?

10:59AM 18 A. Yes, I know.

10:59AM 19 Q. And he was reviewing the report that Bautista provided in  
10:59AM 20 connection with the investigation you told us about on the earlier  
10:59AM 21 part of your cross; correct?

10:59AM 22 A. Yes.

10:59AM 23 Q. The next paragraph starting with aside; aside from this, as  
10:59AM 24 far as Haidar's and Camps' affirmations are concerned, and Haidar  
11:00AM 25 and Camps are prisoners, the charges that they made in their

11:00AM 1 statements against the military personnel, that they had tried to  
11:00AM 2 kill them after the shoot-out had ended, the medical and  
11:00AM 3 ballistics expert testimonies completely disprove them and  
11:00AM 4 demonstrate their falseness.

11:00AM 5 Did you take -- did you have any idea what happened with  
11:00AM 6 respect to the statements taken from either prisoner Haidar or  
11:00AM 7 prisoner Camps?

11:00AM 8 A. I can only confirm my response as hearsay.

11:00AM 9 Q. And do you know what medical and ballistics expert testimony  
11:00AM 10 is being identified in this report? Do you have any knowledge of  
11:00AM 11 how that was done?

11:00AM 12 A. No, I don't.

11:00AM 13 MR. DAVIS: So going to the next sentence, Dan.

11:00AM 14 BY MR. DAVIS:

11:00AM 15 Q. In effect, all of them limited -- and it says [their] actions  
11:00AM 16 to comply with their obligations in guarding these extremely  
11:00AM 17 dangerous subjects acting appropriately.

11:01AM 18 Did you agree with that sentence, sir?

11:01AM 19 A. I didn't.

11:01AM 20 Q. And, again, you did not see this sentence back in 1972?

11:01AM 21 A. That is correct.

11:01AM 22 MR. DAVIS: A couple more spots. Going down to the next  
11:01AM 23 paragraph, Dan.

11:01AM 24 BY MR. DAVIS:

11:01AM 25 Q. On the other hand, it says -- on the next sentence; on the

11:01AM 1 other hand, I believe that the riot and escape from Rawson  
11:01AM 2 Penitentiary, which had taken place only days before, by the  
11:01AM 3 extremist group that was later housed at the naval base, should  
11:01AM 4 certainly have been irrefutable proof of the operative capacity  
11:01AM 5 and danger of their members.

11:01AM 6 MR. KRISHNAN: Your Honor, I'm going to object.

11:01AM 7 THE COURT: There is not a question pending, Mr.  
11:01AM 8 Krishnan. He's reading from the document.

11:01AM 9 MR. KRISHNAN: Okay.

11:01AM 10 THE COURT: Complete your question, Mr. Davis.

11:01AM 11 BY MR. DAVIS:

11:01AM 12 Q. Did you agree with that sentence, sir?

11:01AM 13 MR. KRISHNAN: Objection, foundation and Mill's.

11:01AM 14 THE COURT: Sustained.

11:01AM 15 BY MR. DAVIS:

11:01AM 16 Q. Did you know whether prisoners escaped from Rawson  
11:01AM 17 Penitentiary?

11:01AM 18 MR. KRISHNAN: Objection, foundation and Mill's.

11:02AM 19 THE COURT: Overruled. You can answer, Mr. Bravo.

11:02AM 20 THE WITNESS: Repeat the question, please.

11:02AM 21 BY MR. DAVIS:

11:02AM 22 Q. Did you know that the prisoners had escaped from Rawson  
11:02AM 23 Penitentiary?

11:02AM 24 A. Yes, I did.

11:02AM 25 Q. Continuing on with the sentence, it says; it is therefore

11:02AM 1 essential, in my understanding, faced with such history, to adopt  
11:02AM 2 exceptional security and custody measures in dealing with the  
11:02AM 3 detainees, to act with the necessary swiftness and vigor as did  
11:02AM 4 occur, so that none of these measures would be too fragile or weak  
11:02AM 5 in case the events repeated themselves, which would have been  
11:02AM 6 inconceivable when it is the armed forces who should be acting.

11:02AM 7 You did not see this sentence at the time; correct?

11:02AM 8 A. Correct.

11:02AM 9 Q. And you did not write this sentence?

11:02AM 10 A. I did not. I'd like to add something.

11:02AM 11 MR. KRISHNAN: Objection, Your Honor.

11:02AM 12 THE COURT: There is no question pending, Mr. Bravo.

11:03AM 13 MR. KRISHNAN: Sorry, Your Honor.

11:03AM 14 BY MR. DAVIS:

11:03AM 15 Q. Going to the next page, page 6 -- excuse me -- page 5, and  
11:03AM 16 here is a conclusion about you. It says; as far as Lieutenant  
11:03AM 17 Bravo, I agree with you -- excuse me. I'll start all over.

11:03AM 18 As far as Lieutenant Bravo, I agree with what was stated in  
11:03AM 19 pages 406, 407 by the chairman of the joint chiefs of staff who  
11:03AM 20 had determined that the previously named officer should not be  
11:03AM 21 sanctioned.

11:03AM 22 That information was conveyed to you; correct?

11:03AM 23 A. No, it was just -- I was told that there is nothing against me  
11:03AM 24 simply, but I didn't know the absence of sanction or anything.

11:04AM 25 Q. I should add that in my opinion Bravo acted appropriately when

11:04AM 1 faced with a very difficult circumstance in which he had to  
11:04AM 2 fulfill his task, as the leader of the guard responsible for  
11:04AM 3 guarding the fanatically dangerous detainees. It is evident that  
11:04AM 4 through his actions he not only saved the life of an officer, but  
11:04AM 5 also prevented the escape and the almost certain occurrence of  
11:04AM 6 other events with unforeseeable consequences.

11:04AM 7 Sir, did you -- you did not hear that sentence at the time;  
11:04AM 8 correct?

11:04AM 9 A. Correct.

11:04AM 10 Q. And you did not write that sentence?

11:04AM 11 A. I did not.

11:04AM 12 Q. Do you believe that sentence is accurate?

11:04AM 13 MR. KRISHNAN: Objection. Calls for an opinion.

11:04AM 14 THE COURT: Sustained.

11:04AM 15 BY MR. DAVIS:

11:04AM 16 Q. Do you have any factual disagreement with that sentence, sir?

11:04AM 17 MR. KRISHNAN: Objection. It's opinion.

11:04AM 18 THE COURT: Sustained.

11:04AM 19 BY MR. DAVIS:

11:05AM 20 Q. Do you believe your actions saved the life of Captain Sosa?

11:05AM 21 A. I do.

11:05AM 22 Q. Why is that?

11:05AM 23 A. Because I made a particular effort not to hit him but knowing  
11:05AM 24 that I have 50 percent chance of doing so.

11:05AM 25 Q. Then the next paragraph -- go to the next paragraph, please:

11:05AM 1 As far as Captain Sosa, I agree it should not be  
11:05AM 2 considered as prior appraisal the aggression he was subjected to,  
11:05AM 3 since all detainees were particularly covered by two officers with  
11:05AM 4 machine guns and one corporal with a standard issue handgun. It  
11:05AM 5 would not be too far fetched to maintain, on the other hand, that  
11:05AM 6 even had he been unarmed walking between the detainees, the  
11:05AM 7 extremist Pujadas would have overpowered him from behind, in order  
11:05AM 8 to take him hostage and attempt to escape with the others.

11:05AM 9 Sir, did you have any input about this paragraph or  
11:05AM 10 sentence?

11:06AM 11 A. No.

11:06AM 12 Q. You didn't write this conclusion?

11:06AM 13 A. No, sir.

11:06AM 14 Q. I'd like to move on to another area about this and kind of  
11:06AM 15 just to reorient us. We know that in 1973 -- this report was  
11:06AM 16 issued in December of 1973 -- excuse me -- December of 1972. How  
11:06AM 17 much more time did you stay in Argentina in the military?

11:06AM 18 A. Until March -- May 1973.

11:06AM 19 Q. So another five months or so you remained in Argentina on  
11:06AM 20 active service?

11:06AM 21 A. Yes, sir.

11:06AM 22 Q. And when you were transferred to the United States, were you  
11:06AM 23 still active with the navy of Argentina?

11:06AM 24 A. Yes.

11:06AM 25 Q. And you've already gone through the schooling that you had

11:06AM 1 in -- at Camp Lejeune and Fort Benning, Georgia. Did you have any  
11:07AM 2 other particular military duties other than going through the  
11:07AM 3 schooling with the United States military when you went to the  
11:07AM 4 United States?

11:07AM 5 A. No, I did not.

11:07AM 6 Q. I'm going to kind of go through -- I was on your background  
11:07AM 7 yesterday, and I had left off, and I'm going to take you through  
11:07AM 8 your life here in the United States. We last left off in -- when  
11:07AM 9 you finished your bachelor's degree at St. Thomas in 1990, just to  
11:07AM 10 orient you back to that time period.

11:07AM 11 I'd like you to tell us when you finished -- and you said  
11:07AM 12 you finished summa cum laude at St. Thomas University?

11:08AM 13 A. Finished what?

11:08AM 14 Q. When you graduated from St. Thomas University, you finished  
11:08AM 15 summa cum laude?

11:08AM 16 A. Finished school cum laude?

11:08AM 17 Q. Summa --?

11:08AM 18 A. I'm sorry. The pronunciation -- my Spanish is terrible -- my  
11:08AM 19 English.

11:08AM 20 Q. It's probably my English. But anyway, regardless, can you  
11:08AM 21 take us through -- what did you start doing from a business  
11:08AM 22 standpoint with your career?

11:08AM 23 A. I started a new company, RGB Group, I think my initials  
11:08AM 24 Roberto Guillermo Bravo, and I called it group, because I didn't  
11:08AM 25 want to be called a cold company. I wanted to be a conduit of

11:08AM 1 intelligent individuals that I was planning to mentor them, so --  
11:08AM 2 where they would become entrepreneurs themselves.

11:09AM 3 Q. Did you -- you mentioned RGB Group; correct?

11:09AM 4 A. Yes.

11:09AM 5 Q. RGB, those are your initials?

11:09AM 6 A. Yes.

11:09AM 7 Q. I'd like to show you what we've marked as Defendant's  
11:09AM 8 Exhibit 54 for identification. So I guess show it to the witness  
11:09AM 9 -- I'm sorry. I thought -- could you please talk into the mic. I  
11:09AM 10 thought they were telling me to talk into the mic. So my  
11:09AM 11 apologies. So just bring the mic a little closer to you.

11:09AM 12 I'd like to show you what we've marked as Defendant's  
11:09AM 13 Exhibit 54 for identification.

11:09AM 14 MR. DAVIS: It's not in evidence yet, Your Honor.

11:09AM 15 MR. KRISHNAN: Your Honor, I believe this was the subject  
11:09AM 16 of a prior order with respect to late produced documents.

11:09AM 17 MR. DAVIS: Judge --

11:09AM 18 THE COURT: Let me just ask: Are you moving to introduce  
11:09AM 19 it?

11:09AM 20 MR. DAVIS: Yes.

11:09AM 21 THE COURT: Um --

11:10AM 22 MR. DAVIS: And I have a whole series of documents that I  
11:10AM 23 may need to talk to you about the order. So you may not want to  
11:10AM 24 do that in front of the jury.

11:10AM 25 THE COURT: Understood. Okay. And is this the last line



11:10AM 1 of your examination?

11:10AM 2 MR. DAVIS: Pretty much, yes, I have a couple other  
11:10AM 3 little areas, but.

11:10AM 4 THE COURT: Then let me ask: This is unusual, but I  
11:10AM 5 can't have this oral argument in front of you. So you're going to  
11:10AM 6 get a bonus morning break. We're going to keep it as concise as  
11:10AM 7 we can, no more than ten minutes, hopefully five. But I'm going  
11:10AM 8 to send you into the jury room so that I can speak to the  
11:10AM 9 attorneys.

11:10AM 10 (Jury out at 11:10 A.M.)

11:10AM 11 THE COURT: Mr. Krishnan, what pretrial order number?

11:10AM 12 MR. KRISHNAN: Your Honor, if I may defer to Mr. Muzzio  
11:10AM 13 on this one who knows this issue better than I do.

11:11AM 14 THE COURT: Okay. But do you know the docket number so I  
11:11AM 15 can just get it up?

11:11AM 16 MR. MUZZIO: I'm looking it up right now, Your Honor.

11:11AM 17 THE COURT: Okay.

11:11AM 18 MR. KRISHNAN: And, Your Honor, just to -- I've been  
11:11AM 19 perhaps corrected. I've been perhaps corrected by Mr. Muzzio. So  
11:11AM 20 the order which we'll find for you.

11:11AM 21 THE COURT: It's 107, and I've got it up. And, Mr.  
11:11AM 22 Muzzio, that's okay.

11:11AM 23 MR. MUZZIO: Great. Thank you, Your Honor. I believe  
11:11AM 24 that this document has not -- well, if it hasn't been excluded  
11:11AM 25 yet, we preserved our right to object to it. This is a document

11:11AM 1 that was not disclosed to us during discovery. As Your Honor will  
11:11AM 2 recall, we moved to compel in advance of Mr. Bravo's deposition,  
11:11AM 3 and you heard that motion so that we could receive all documents  
11:11AM 4 in advance of his deposition to understand what he would be  
11:11AM 5 relying on for his defenses at trial.

11:11AM 6 We then deposed him. This document and many others on  
11:11AM 7 defendant's exhibit lists were not actually produced to us until  
11:11AM 8 they produced their exhibit list in April. We had no basis to  
11:12AM 9 understand that he would be pursuing any line of questioning at  
11:12AM 10 trial based on these documents. And these -- I'm not sure if  
11:12AM 11 they're publically available. We haven't had an opportunity to  
11:12AM 12 question Mr. Bravo about it. This one appears to be a lengthy  
11:12AM 13 exhibit with many types of different documents in it. And we just  
11:12AM 14 don't have any information about it, and we're being sprung with  
11:12AM 15 it on -- during trial.

11:12AM 16 THE COURT: So what is Exhibit 54?

11:12AM 17 MR. DAVIS: What is it, Your Honor?

11:12AM 18 THE COURT: Yes, sir.

11:12AM 19 MR. DAVIS: It is a Secretary of State filing for RGB  
11:12AM 20 Group, Inc., and it's a corporate filing by the company that was  
11:12AM 21 filed on behalf of his company, and it has his information. This  
11:12AM 22 is all publically available data. Judge Moore ruled in his  
11:12AM 23 pretrial ruling that there are certain things he did exclude,  
11:12AM 24 these were not that. He did say plaintiffs may renew objections  
11:12AM 25 at trial. And so, I mean, these have been disclosed as I said in

11:13AM 1 the pretrial conference with Judge Moore; that these are  
11:13AM 2 publically available documents that we took just straight off the  
11:13AM 3 Secretary of State website and would like to go through this with  
11:13AM 4 Mr. Bravo showing his public digital presence if you will as to  
11:13AM 5 all of these things.

11:13AM 6 So I have a whole series of these, Your Honor, from  
11:13AM 7 Exhibit 54 I think to 63 or 65. And I would like to -- you know,  
11:13AM 8 I'm going to -- I am going to attempt to go through those if you  
11:13AM 9 would allow me.

11:13AM 10 THE COURT: Can I just have context, please? You're  
11:13AM 11 going to be offering 54 through 63 and 65 through 71; is that  
11:13AM 12 right? Are those the numbers?

11:13AM 13 MR. DAVIS: No, no, no, no.

11:13AM 14 THE COURT: Okay.

11:13AM 15 MR. DAVIS: It would go to...

11:13AM 16 THE COURT: Can you just proffer for me which exhibits?

11:14AM 17 MR. DAVIS: Yes, correct. I'm just trying to find the  
11:14AM 18 number on my page. It's through 67, Your Honor.

11:14AM 19 THE COURT: Okay. So 54 through 63 and 65, 66, and 67?

11:14AM 20 MR. DAVIS: Yes. All the way to 67, yes, Your Honor.

11:14AM 21 THE COURT: Okay.

11:14AM 22 MR. DAVIS: Not 64. I'm sorry.

11:14AM 23 THE COURT: Right. Okay. And so then 54 -- I'm trying  
11:14AM 24 to remember if I even have a binder for your exhibits up here.

11:14AM 25 54 is the articles of incorporation of RGB.

11:14AM 1 What's the next one? Just succinctly so I can get my  
11:14AM 2 head around what we're talking about.

11:14AM 3 MR. DAVIS: Sure. I have a list. The next one is a  
11:14AM 4 company called Bragio, LLC. That's 55.

11:14AM 5 56 relates to a company called Massavo, LLC. I keep  
11:14AM 6 going the wrong way.

11:14AM 7 THE COURT: Oh, okay. All right. I see the descriptions  
11:14AM 8 on your exhibit list. Okay. So these are all Florida Secretary  
11:15AM 9 of State records for various entities, and they're being advanced  
11:15AM 10 because they are publically filed and bear Mr. Bravo's signature  
11:15AM 11 and name?

11:15AM 12 MR. DAVIS: They have his name, and some have his  
11:15AM 13 signature, but yes.

11:15AM 14 THE COURT: Okay. And then...

11:15AM 15 MR. DAVIS: This would be something that they would --  
11:15AM 16 they, the plaintiffs here, would have had equal access to these.  
11:15AM 17 These are public records of the state of Florida.

11:15AM 18 THE COURT: And then you're going to offer 65, 66, and  
11:15AM 19 67; correct?

11:15AM 20 MR. DAVIS: Yes, we are.

11:15AM 21 THE COURT: So these would be his deed and two  
11:15AM 22 complaints?

11:15AM 23 MR. DAVIS: Just to show again, the two complaints are  
11:15AM 24 against his companies that are litigated in court just to show  
11:15AM 25 that he is amenable to being sued in federal court.

11:15AM 1 THE COURT: And, Mr. Muzzio, your position is that you  
11:15AM 2 didn't know until this was filed on May 17th that he would seek to  
11:16AM 3 make use of these documents?

11:16AM 4 MR. MUZZIO: We didn't know until either the end of April  
11:16AM 5 or the beginning of May that these documents even existed. They  
11:16AM 6 were not produced to us in discovery. We didn't know that he  
11:16AM 7 would be advancing any arguments related to these documents  
11:16AM 8 because they weren't produced to us before his deposition. So we  
11:16AM 9 were unable to pursue any line of questioning. Mr. Bravo very  
11:16AM 10 likely did not print these documents out. He cannot authenticate  
11:16AM 11 them. It seems like someone from Mr. Davis' firm did this  
11:16AM 12 collection and created argument a year after Mr. Bravo's  
11:16AM 13 deposition.

11:16AM 14 THE COURT: I understand all of that. But, Mr. Muzzio, I  
11:16AM 15 mean, I don't know exactly where Mr. Davis is going. But based on  
11:16AM 16 the cross of your plaintiff, assume that the point is that all of  
11:16AM 17 these were publically available documents that show Roberto  
11:16AM 18 Bravo's name on them and that will be the extent of the value that  
11:16AM 19 they offer for the defense. My point there being; to assess for  
11:17AM 20 purposes of -- both of prejudice and of -- you know, really, I  
11:17AM 21 guess it's just prejudice, what more you would have, could have  
11:17AM 22 done with any of these things, whether that challenge to who  
11:17AM 23 printed it out matters at all because the point is just that  
11:17AM 24 they're publically available.

11:17AM 25 So go to the heart of what the prejudice is. I don't

11:17AM 1 think that it's that Mr. Davis printed it off the website.

11:17AM 2 MR. MUZZIO: Certainly, Your Honor. They inject new  
11:17AM 3 issues into the case. How someone could have located Mr. Bravo  
11:17AM 4 based on a Secretary of State search, appears to be specialized  
11:17AM 5 knowledge that would require expert opinion. We have had no  
11:17AM 6 opportunity to develop any line of evidence related to how Mr.  
11:17AM 7 Bravo could have been located on the Internet, much more  
11:17AM 8 specifically the Secretary of State website for Florida.

11:17AM 9 THE COURT: You say that as though you couldn't have  
11:18AM 10 anticipated that the plaintiffs didn't know they would have to  
11:18AM 11 show diligence in order to avail themselves of equitable tolling.

11:18AM 12 MR. MUZZIO: No. Your Honor, we anticipated that. I  
11:18AM 13 think there is a difference between that and anticipating that he  
11:18AM 14 would be making an argument based on availability of documents  
11:18AM 15 that require some sort of a specialized search on the Secretary of  
11:18AM 16 State for Florida's website.

11:18AM 17 THE COURT: I'm just having trouble with the argument  
11:18AM 18 that that requires specialized knowledge.

11:18AM 19 MR. KRISHNAN: Your Honor, may I take a crack, which is  
11:18AM 20 simply that the question of whether one of my clients could have  
11:18AM 21 found this through diligence, they would have had to have known to  
11:18AM 22 go to the state of Florida -- to the Secretary of State's website.  
11:18AM 23 They would have had to have known that Mr. Bravo was in Florida,  
11:18AM 24 that Florida was the right place to search. It would depend on  
11:18AM 25 how the portal interface operates for the Secretary of State's

11:19AM 1 website, what information you would have to know to perform this  
11:19AM 2 search.

11:19AM 3 THE COURT: Can I ask a question, Mr. Krishnan?

11:19AM 4 MR. KRISHNAN: Yes.

11:19AM 5 THE COURT: Will there be either a jury instruction  
11:19AM 6 advance from your side or argument made that the claims are  
11:19AM 7 equitably tolled because the defendant concealed himself?

11:19AM 8 MR. KRISHNAN: The issue is not so much concealed himself  
11:19AM 9 as -- so much as they didn't know where he was.

11:19AM 10 THE COURT: Do your best to just tell me yes or no; are  
11:19AM 11 you going to be making that argument either legally because you're  
11:19AM 12 going to advance it a jury instruction that says for example if  
11:19AM 13 the defendant concealed himself; or are you going to say to the  
11:19AM 14 jury because he concealed himself?

11:19AM 15 MR. KRISHNAN: We will refrain from doing so.

11:19AM 16 THE COURT: Either?

11:19AM 17 MR. KRISHNAN: Yes.

11:19AM 18 THE COURT: Because it does not seem to me that there has  
11:19AM 19 been any evidence of concealment. And the question is only one of  
11:19AM 20 diligence. If that is the case, it seems also to me that as you  
11:20AM 21 examined Mr. Cappello on his diligence, including the existence of  
11:20AM 22 these documents and his knowledge or efforts to make them, it  
11:20AM 23 seems to me that both the documents and the information may be  
11:20AM 24 fair impeachment fodder for the plaintiffs. But to bring them in  
11:20AM 25 for the truth of the matter that is that these things were filed,

11:20AM 1 when they were filed -- I'll give you a chance to respond, Mr.  
11:20AM 2 Davis -- but that is -- we've been down this path. You know that  
11:20AM 3 it's a violation of Rule 26 to have not disclosed your intention  
11:20AM 4 to rely on it for any claim or defense. So I'll give you last  
11:20AM 5 word here on why this one is different -- or these. They are  
11:21AM 6 different, they are quantitatively -- qualitatively different.  
11:21AM 7 That much I do understand -- but why they should be admitted  
11:21AM 8 notwithstanding the violation.

11:21AM 9 MR. DAVIS: Your Honor, these documents -- and similar  
11:21AM 10 questions were asked by Judge Moore at the pretrial conference.  
11:21AM 11 These are simply advanced for the purpose of showing that he  
11:21AM 12 formed these various companies they've been operating in Florida  
11:21AM 13 continuously during this time. You know, and certainly there is a  
11:21AM 14 pretty large digital and public record footprint by Roberto Bravo  
11:21AM 15 in the state of Florida that, frankly, defies any kind of belief  
11:21AM 16 that the claim of 2008 finding him for the first time.

11:21AM 17 And among the other documents, we would put in there  
11:21AM 18 would be the fact that there was -- his home, his homes were held  
11:21AM 19 in his own name here in Miami-Dade County on public records, and  
11:22AM 20 that's also on our -- in our group of documents that I wish to go  
11:22AM 21 through to show the jury. And I think it's important that Mr.  
11:22AM 22 Bravo be able to -- and these are not -- they shouldn't be  
11:22AM 23 seriously contested matters. If they're now saying they're not  
11:22AM 24 going to go on concealment, that may minimize a little bit of the  
11:22AM 25 problem. But we still need to show that this is what was



11:22AM 1 available out there for Roberto Bravo for 20 years before -- for  
11:22AM 2 the last 20 years since he was in Miami.

11:22AM 3 So I think that that's appropriate information. The jury  
11:22AM 4 should be able to understand what Mr. Bravo did. A lot of their  
11:22AM 5 arguments go to, I think, the weight of it versus the  
11:22AM 6 admissibility. And, of course, Your Honor identified the Rule 26  
11:22AM 7 issues. These are, as I said, publically gathered documents that  
11:23AM 8 are compiled looking at Roberto Bravo's name.

11:23AM 9 THE COURT: Okay. Let me just orient legally where I am.  
11:23AM 10 This is -- it's not meaningfully a question of relevance. I think  
11:23AM 11 the only challenge is the Rule 26 violation. And that for  
11:23AM 12 purposes of Rule 37 puts me in a posture of seeing if the  
11:23AM 13 proponent of the evidence is substantially justified in the  
11:23AM 14 untimely disclosure, or if -- and if that side has demonstrated  
11:23AM 15 the absence of prejudice, and that's why I'm so focused on  
11:23AM 16 prejudice.

11:23AM 17 It is the nature of these documents, the fact that they  
11:23AM 18 just report the existence of and public recording of properties by  
11:23AM 19 the defendant over the years, meaning there is no content. There  
11:24AM 20 is no aspect of the content of the document that either side would  
11:24AM 21 need to drill into.

11:24AM 22 MR. KRISHNAN: Your Honor, I think there is one point,  
11:24AM 23 which is that we're basing all of this on a massive assumption  
11:24AM 24 about when it was that these documents became publically  
11:24AM 25 available, when the Secretary of State made them searchable

11:24AM 1 online. That's something that's never been the topic of  
11:24AM 2 discovery.

11:25AM 3 THE COURT: I think that's an extremely valid observation  
11:25AM 4 for the Secretary of State. I'm not sure I agree with that  
11:25AM 5 observation for the complaint -- both of which are in federal  
11:25AM 6 courts.

11:25AM 7 MR. KRISHNAN: On the complaints in federal court, for  
11:25AM 8 instance, I think there is a significant question. Some of our  
11:25AM 9 witnesses have already talked about access to Pacer and things  
11:25AM 10 like that for -- you know, whether people in Argentina would  
11:25AM 11 reasonably do that. It just seems like this is a rabbit hole  
11:25AM 12 about how one does things on the Internet that just hasn't been  
11:25AM 13 explored.

11:25AM 14 THE COURT: I understand, Mr. Krishnan. And I think that  
11:25AM 15 part of the problem I have embracing that argument that you're  
11:25AM 16 making about specialized knowledge is knowing that the -- that the  
11:25AM 17 plaintiffs -- if I remember Mr. Cappello's testimony correctly,  
11:26AM 18 was contacted by an attorney and told about where -- that Mr.  
11:26AM 19 Bravo was in the United States, suggesting that there were, in  
11:26AM 20 fact, persons working with the plaintiff who had specialized  
11:26AM 21 knowledge. But it is not going to be the basis of any ruling.  
11:26AM 22 I'll just tell you that it's not landing well.

11:26AM 23 Mr. Krishnan's observation that there is no  
11:26AM 24 information about when this became publically available as opposed  
11:26AM 25 to when it was filed is a very good observation on the prejudice

11:26AM 1 prong.

11:26AM 2 MR. DAVIS: I believe it's known if you -- in Florida, as  
11:26AM 3 you know, public records state everything that is filed in the  
11:26AM 4 state of Florida is public record when it's filed on these kind of  
11:26AM 5 documents, so it's not -- I don't have a witness that says that.

11:26AM 6 THE COURT: No, I understand. All right. I know that  
11:27AM 7 Mr. Slade also wants to be heard.

11:27AM 8 MR. SLADE: I understand that they asked Mr. Bravo at his  
11:27AM 9 deposition about RGB Group. So this should not be a surprise to  
11:27AM 10 them that they had to know about it. And they have gone over all  
11:27AM 11 of his assets with him both at deposition and part here at trial;  
11:27AM 12 his home holdings, his businesses. I mean, I don't see the  
11:27AM 13 prejudice that they're identifying because obviously they knew  
11:27AM 14 about RGB Group at the time of the deposition because they asked  
11:27AM 15 him about it. Remember, part of this is about assets, about  
11:27AM 16 punitive damages, about his disclosures, what does he own,  
11:27AM 17 whatever his businesses are. So I think they were aware of it. I  
11:27AM 18 don't see the prejudice, frankly.

11:27AM 19 MR. KRISHNAN: I will say, Your Honor, that as to PX 58  
11:27AM 20 through 61, Mr. Bravo was asked at deposition and asked to produce  
11:27AM 21 information about all his businesses. Those businesses were never  
11:27AM 22 disclosed during discovery 58 through 61.

11:27AM 23 THE COURT: Can you dispute that, Mr. Slade?

11:28AM 24 MR. SLADE: I wasn't the lawyer involved in handling the  
11:28AM 25 discovery.

11:28AM 1 MR. DAVIS: I can't -- the answer to your question,  
11:28AM 2 Judge, we can't dispute it. But we were not counsel at the time.  
11:28AM 3 So I don't --

11:28AM 4 THE COURT: That's 58 through what?

11:28AM 5 MR. KRISHNAN: 61.

11:28AM 6 THE COURT: Okay. Those are low-hanging fruit. Those  
11:28AM 7 are excluded. The prejudice there adequately -- not overcome  
11:28AM 8 that's 58 through 61. So we can take those off the table for  
11:28AM 9 discussion.

11:28AM 10 MR. DAVIS: Your Honor, am I -- just to clarify one  
11:28AM 11 thing, can I at least -- I can ask the witness questions about  
11:28AM 12 those companies though?

11:28AM 13 MR. KRISHNAN: We don't object to him asking the  
11:28AM 14 witnesses questions about the companies -- this witness.

11:28AM 15 THE COURT: Thank you. Can I see a copy of any of the  
11:29AM 16 certificates?

11:29AM 17 MR. DAVIS: Yes. She wants a copy of the certificates.  
11:29AM 18 Yes, we'll give you what we have, Your Honor.

11:29AM 19 THE COURT: I am not --

11:29AM 20 MR. DAVIS: Excluding 58 through 61. You don't want to  
11:29AM 21 see those.

11:29AM 22 THE COURT: Yes. Just let me just see what content they  
11:29AM 23 actually have.

11:29AM 24 MR. DAVIS: 54 to 57.

11:29AM 25 THE COURT: Just any one of them.

11:29AM 1 MR. DAVIS: Oh, any one?

11:29AM 2 MR. KRISHNAN: Your Honor, we've now performed a search,  
11:29AM 3 and it looks like 56 and 57 also were not disclosed at deposition.  
11:29AM 4 Mr. Muzzio asked are there any other businesses, and we've  
11:29AM 5 searched for those names, and there is -- actually I think there  
11:29AM 6 is a question and answer. But we do not have either of those  
11:29AM 7 either, 56 or 57.

11:29AM 8 MR. DAVIS: Your Honor, here's one of the certificates.

11:29AM 9 THE COURT: Any of them -- with all due respect to the  
11:29AM 10 power of technology, I'm going to need something a little bit more  
11:29AM 11 certain than just a hit on a search to rely on the representation  
11:30AM 12 that he failed to disclose is it.

11:30AM 13 MR. KRISHNAN: Let me get you the -- I remember the  
11:30AM 14 question and answer. So let me find that for you.

11:30AM 15 MR. DAVIS: And I just would point out that a lot of  
11:30AM 16 these businesses were formed and were not active at the time of  
11:30AM 17 Mr. Bravo's deposition in 2021.

11:31AM 18 MR. MUZZIO: Your Honor, I believe I found the cite.

11:31AM 19 MR. DAVIS: I'm sorry. What?

11:31AM 20 MR. MUZZIO: To Mr. Bravo's disclosure at deposition  
11:31AM 21 related to businesses, I extensively questioned him on the  
11:31AM 22 businesses that we had notice of. And the only reason we had  
11:31AM 23 notice of those businesses was from his extradition filings; not  
11:31AM 24 documents he produced in discovery.

11:31AM 25 THE COURT: And which ones did he disclose at deposition?

11:31AM 1 MR. MUZZIO: At deposition, let's see -- from the list at  
11:31AM 2 least the ones that --

11:31AM 3 THE COURT: Just from the testimony, Mr. Muzzio.

11:31AM 4 MR. MUZZIO: Oh, from the testimony is lengthy. But from  
11:31AM 5 his exhibit list, RGB Group 54, Bragio, LLC, 55 were discussed  
11:31AM 6 during his deposition. Stafford Bookbinding, which is 62 was  
11:31AM 7 discussed. All of the rest appear not to have been discussed.  
11:31AM 8 And I have a cite when I asked him about additional businesses  
11:31AM 9 whenever you'd like me to provide it.

11:32AM 10 THE COURT: No. That's all. I just wanted your  
11:32AM 11 confirmation of which ones he did, in fact, disclose and the date  
11:32AM 12 of his deposition?

11:32AM 13 MR. MUZZIO: The date of his deposition is May 13, 2021.

11:32AM 14 THE COURT: Okay. Mr. Davis, I am not going to permit  
11:32AM 15 you to introduce most of these. Prejudice to the plaintiffs here  
11:32AM 16 is shown and not overcome by the proponent of the evidence -- that  
11:32AM 17 being the defendant -- with respect to most of these documents.

11:32AM 18 I am going to permit you to introduce 54, 55, and 62  
11:32AM 19 which relate to the three businesses that he described at  
11:32AM 20 deposition. I am also not going to --

11:32AM 21 MR. DAVIS: Sorry, Judge. 54, 55?

11:32AM 22 THE COURT: 54, 55, and 62. I'm also not going to permit  
11:33AM 23 you to introduce a copy of the complaint on the additional grounds  
11:33AM 24 that I would -- you can introduce the testimony. You can elicit  
11:33AM 25 the testimony that he has previously been sued and information

11:33AM 1 about it. But I don't want the complaint coming in.

11:33AM 2 MR. DAVIS: Fair enough.

11:33AM 3 THE COURT: It is not relevant, and there is nothing on  
11:33AM 4 that that they should be relying on. It doesn't as far as I can  
11:33AM 5 see from the exhibit list even bear his name. It's against his  
11:33AM 6 corporation.

11:33AM 7 MR. DAVIS: Yes, and exhibit -- one other I would ask  
11:33AM 8 about is Exhibit 67, which is -- and this was asked. They asked  
11:33AM 9 about the homes that he owned, so.

11:33AM 10 MR. KRISHNAN: Your Honor, on this one, we have a real  
11:33AM 11 question as to public availability. It's a warranty deed.  
11:33AM 12 Whether it was available at any time early or even publically  
11:33AM 13 available now, we are not sure how that would happen.

11:34AM 14 MR. MUZZIO: And this property was not mentioned at  
11:34AM 15 deposition.

11:34AM 16 MR. DAVIS: Well, because it was sold. But, anyway, he  
11:34AM 17 owns a new property.

11:34AM 18 THE COURT: I think Mr. Krishnan's objection -- I'm sorry  
11:34AM 19 -- or observation is that we have nothing here to show that in  
11:34AM 20 1998 that information was publically available. I didn't live in  
11:34AM 21 Florida at that time, Mr. Davis. I hear you when you say that  
11:34AM 22 everybody knew it. As I sit here, I don't even bring the real  
11:34AM 23 world experience to know that that is, in fact, true.

11:34AM 24 MR. DAVIS: I understand.

11:34AM 25 THE COURT: Or it is not. So those are the three that

11:34AM 1 you can bring in. That does not preclude you from eliciting  
11:34AM 2 testimony about the facts of them and having him agree that he had  
11:34AM 3 them filed or he had filed them as required but not the documents  
11:34AM 4 themselves.

11:35AM 5 MR. DAVIS: I understand your ruling, Your Honor. My  
11:35AM 6 handwriting is terrible. So 54, 55, and 56, and 62, I can't --

11:35AM 7 THE COURT: I think it was three. I want to say it was  
11:35AM 8 55 -- Mr. Muzzio knows.

11:35AM 9 MR. MUZZIO: I'm sorry, Your Honor. I didn't mean to  
11:35AM 10 interrupt you.

11:35AM 11 THE COURT: You didn't. I was truly just turning to you.

11:35AM 12 MR. MUZZIO: 54, 55 --

11:35AM 13 THE COURT: And 62.

11:35AM 14 MR. MUZZIO: -- and 62 were discussed at deposition.

11:35AM 15 THE COURT: Those are the three that the defendant may  
11:35AM 16 admit over the plaintiffs' objection to the untimely disclosure.

11:35AM 17 MR. DAVIS: One last -- on 63, they inquired about that  
11:35AM 18 company yesterday.

11:35AM 19 THE COURT: Yesterday was too recent, Mr. Davis, to  
11:35AM 20 overcome the Rule 37 prejudice that is the basis of my ruling. I  
11:35AM 21 appreciate that they asked about the property, but -- and as may  
11:35AM 22 you, but you may not introduce the document that wasn't produced  
11:36AM 23 in discovery.

11:36AM 24 MR. KRISHNAN: Your Honor, just to avoid another one of  
11:36AM 25 these, can I just ask if there are any other exhibits that



11:36AM 1 defendant intends to offer during --

11:36AM 2 THE COURT: Mr. Davis, does that conclude the list of  
11:36AM 3 exhibits that you intend to go through with Mr. Bravo?

11:36AM 4 MR. DAVIS: I believe so with the possible exception of  
11:36AM 5 the results -- one second. I would just observe that they asked  
11:36AM 6 about the company in Exhibit 63 in the deposition at page 209 when  
11:36AM 7 counsel took the deposition of Mr. Bravo.

11:36AM 8 MR. KRISHNAN: We just realized that that's correct, Your  
11:36AM 9 Honor.

11:36AM 10 THE COURT: 63 will be permitted as well. Thank you for  
11:36AM 11 bringing that to my attention. So to be clear, I am changing the  
11:36AM 12 ruling with respect to 63, which over plaintiffs' objection, you  
11:36AM 13 can bring in. Okay.

11:36AM 14 MR. DAVIS: And the only other possible document, and  
11:36AM 15 this may be one I would reserve to call him back on would be  
11:36AM 16 Exhibit 70, which is the order on the extradition file. I haven't  
11:37AM 17 made a decision to even seek to put that in yet, so I'm just  
11:37AM 18 saying --

11:37AM 19 THE COURT: So we are not going to take it up before  
11:37AM 20 lunch.

11:37AM 21 MR. DAVIS: No.

11:37AM 22 THE COURT: Okay, then. Let's get the jury in.

11:37AM 23 (Jury in at 11:37 A.M.)

11:37AM 24 THE COURT: Mr. Krishnan, I would expect that we will  
11:38AM 25 break for lunch after --

11:38AM 1 MR. KRISHNAN: Your Honor, just to finish your sentence,  
11:38AM 2 it was after the direct is complete?

11:38AM 3 THE COURT: (Nodding.)

11:38AM 4 MR. KRISHNAN: You were nodding like you could see me, so  
11:38AM 5 I thought --

11:38AM 6 (Laughing.)

11:38AM 7 MR. DAVIS: So, Judge, I use those famous words: I  
11:38AM 8 misspoke as to time.

11:38AM 9 THE COURT: Ladies and gentlemen, thank you for your  
11:38AM 10 patience. I admit that I used the time -- counsel, you may be  
11:38AM 11 seated -- to take up another very related matter that we thought  
11:38AM 12 would be most efficiently dealt with all together. So I missed  
11:38AM 13 the mark in guessing how long we would need. But we made good use  
11:39AM 14 of the time.

11:39AM 15 And back to you, Mr. Davis.

11:39AM 16 MR. DAVIS: May I proceed, Your Honor?

11:39AM 17 THE COURT: Yes, sir.

11:39AM 18 BY MR. DAVIS:

11:39AM 19 Q. Mr. Bravo, I'd like to show you what's been marked as exhibit  
11:39AM 20 Defense Exhibit 54.

11:39AM 21 MR. DAVIS: Your Honor, do I need to move it into  
11:39AM 22 evidence now? Your Honor, can I move 54, 55, 56, 62, and 63 into  
11:39AM 23 evidence at this time and then question the witness about those?

11:39AM 24 MR. MUZZIO: Your Honor, we object to 56.

11:39AM 25 THE COURT: All except 56 will be admitted.

1 (Defendant's Exhibits 54, 55, 62 and 63 received.)

2 MR. DAVIS: Okay. I'm sorry if I misspoke. Oh, I

3 apologize. My handwriting is worse than I thought.

4 BY MR. DAVIS:

5 Q. Mr. Bravo, please take a look at what we've marked as  
6 Defendant's Exhibit 54. And it talks about a company called RGB  
7 Group. What is that company, sir?

8 A. That was the first company that we created. And that was the  
9 annual report of 1996 for the company that was founded June 22,  
10 1990.

11 Q. And did you -- and that's reflected on sentence number 3, so  
12 on June 22, 1990, you formed RGB Group?

13 A. That is correct.

14 Q. Tell us then -- and this document is something -- a document  
15 you filed in 1996, but this was filed with the Florida Secretary  
16 of State?

17 A. That is correct.

18 Q. Did you -- tell us now a little bit about the business of RGB  
19 Group starting in 1990?

20 A. It started in 1990. RGB Group was involved in exporting  
21 material for the rebuilding of electric motors to clients in  
22 Central America and in Colombia and Venezuela initially.

23 Q. Did the business of RGB remain the same throughout the years?

24 A. No. About that date, 1996, I started to -- another line of  
25 business that was to provide medical services to the United States

11:41AM 1 government, different agencies of the United States government.

11:41AM 2 Q. Well, let's talk a little bit about that. What kind of  
11:41AM 3 services did your company RGB offer to the United States  
11:41AM 4 government?

11:41AM 5 A. It took several stages to get to that position, but we  
11:41AM 6 provided medical -- we called medical services rather than  
11:42AM 7 personnel because we had to fulfill bids to provide; for example,  
11:42AM 8 50 dental assistants and 50 dentists for several bases and that  
11:42AM 9 was one bid. So we are responsible for those individuals. We  
11:42AM 10 were the ones that provided salary, they wear our badge in the  
11:42AM 11 military base, and the similar services for other agencies.

11:42AM 12 Q. We'll break it up a little bit.

11:42AM 13 A. Yes.

11:42AM 14 Q. The firm was a staffing firm, so it provided employees to the  
11:42AM 15 United States government?

11:42AM 16 A. Well, I'm reluctant to say staffing, but it seems like more  
11:42AM 17 adequate for the common knowledge, yes.

11:42AM 18 Q. So describe how -- how did you get to do work with the United  
11:42AM 19 States government under RGB Group?

11:42AM 20 A. Well, I found out through an acquaintance that I really don't  
11:42AM 21 remember now, that there was a niche for a small business, small  
11:43AM 22 and disadvantaged business, the government actually really at the  
11:43AM 23 present, there is -- they have -- they had to assign 10 percent of  
11:43AM 24 whatever they purchased to small businesses.

11:43AM 25 Q. And RGB in 1996, was it considered a small business?

11:43AM 1 A. No. Well, previous to that in 1995, I had to start the  
11:43AM 2 qualification for that. It was difficult, it was lengthy, but  
11:43AM 3 after a year or so, we were qualified as a small disadvantaged  
11:43AM 4 business, and I was able to bid for those contracts.

11:43AM 5 Q. And what criteria did you have to meet to qualify as a small  
11:43AM 6 business?

11:43AM 7 A. The full name would be small and disadvantaged, so I had to  
11:43AM 8 prove that I was -- I came from another country, I had to provide  
11:43AM 9 family tree, I had to show that my -- that I was discriminated.

11:44AM 10 That's something that is really against my principles. But I had  
11:44AM 11 to recall when sometimes I went with -- that was the only thing I  
11:44AM 12 remember -- with my wife to a bar, and the owner of the bar came  
11:44AM 13 to us and asked us to leave because they are not serving Spanish  
11:44AM 14 people. So that's the type of information I had to give.

11:44AM 15 Q. So once you got that qualification, it was a disadvantaged  
11:44AM 16 small business, what did that allow you to do with the United  
11:44AM 17 States government as far as active selling the services of your  
11:44AM 18 company?

11:44AM 19 A. Well, that includes also proceedings in order to qualify --  
11:44AM 20 rather select areas of expertise or areas that I was aiming to  
11:44AM 21 fulfill, like medical service. I could have elected something  
11:45AM 22 like restoration or construction. I selected medical services.

11:45AM 23 Q. When you selected medical services, who did you hire in order  
11:45AM 24 to provide that service to the United States?

11:45AM 25 A. Well, I had to learn how to, and I learned it by doing it. So

11:45AM 1 I had to set up in my company another department that will do the  
11:45AM 2 advertising.

11:45AM 3 MR. KRISHNAN: Objection. Nonresponsive.

11:45AM 4 THE COURT: Mr. Davis?

11:45AM 5 MR. DAVIS: I can move on to another question.

11:45AM 6 THE COURT: Thank you.

11:45AM 7 MR. DAVIS: If you'd prefer that.

11:45AM 8 BY MR. DAVIS:

11:45AM 9 Q. So I'm again just asking, you know, what did you have to  
11:45AM 10 provide -- who did you have to hire to provide the services that  
11:45AM 11 you were trying to sell to the United States government? Explain  
11:45AM 12 to us what you had to physically do at the company.

11:46AM 13 A. All right. I had to hire -- recruit first. I selected them,  
11:46AM 14 and then I hired doctors, physicians in every speciality, nurses  
11:46AM 15 in every speciality, dentists in every speciality, dental  
11:46AM 16 assistant, dental hygienist, even emergency doctors, emergency  
11:46AM 17 nurses, medical clerks, the physicians in every speciality in the  
11:46AM 18 medical service.

11:46AM 19 Q. You said earlier that you were offering the services in the  
11:46AM 20 medical services field so that physicians and dentists and nurses  
11:46AM 21 and technicians -- and I'm covering all specialties and  
11:46AM 22 administrative people -- those were all in the medical field?

11:46AM 23 A. Yes.

11:46AM 24 Q. And what did you do then to find government contracts? Tell  
11:47AM 25 us about the customers that you used and sold to for RGB Group as

11:47AM 1 you were operating this business providing this service to the  
11:47AM 2 United States government?

11:47AM 3 A. I had to subscribe to a list of providers. And then I had to  
11:47AM 4 search and be alert for bids that the government was doing.

11:47AM 5 Q. Government puts the contracts out for bid?

11:47AM 6 A. Yes.

11:47AM 7 Q. And do you follow -- is there a publication or a website or  
11:47AM 8 something you had to look to?

11:47AM 9 A. That is correct.

11:47AM 10 Q. What did you have to look to in 1996?

11:47AM 11 A. In 1996, there was -- it was a booklet, but it was not a  
11:47AM 12 website. It was an electronic publication you had to look  
11:47AM 13 through. Like you look at a library book in the Internet what to  
11:48AM 14 find. Later on, it became now websites where to find.

11:48AM 15 Q. When you identified these opportunities, RGB did what in order  
11:48AM 16 to try and get the job?

11:48AM 17 A. Well, we found that when we found those opportunities, we have  
11:48AM 18 to not only state that we had personnel, but we had to prove that  
11:48AM 19 we can do the service. So we had to send proposals. So I -- by  
11:48AM 20 learning through the libraries and somebody that was close to that  
11:48AM 21 type of services, I learned how to write proposals, and through  
11:48AM 22 error and writings, I started writing proposals.

11:48AM 23 Q. Can you identify some of the -- I know you've said the United  
11:48AM 24 States government -- some of the specific entities that you did  
11:48AM 25 business with that you provided these medical services to?

11:48AM 1 A. My first contract was one nurse in the defense -- in the first  
11:49AM 2 agency in California. Then other agencies were the armed forces,  
11:49AM 3 the Army, the United States Navy, Marines, Homeland Security, at  
11:49AM 4 that time U.S. Coast Guard, Federal Occupational Health.

11:49AM 5 Q. Did you -- in the course of this, did you ever do any work for  
11:49AM 6 MacDill Air Force Base?

11:49AM 7 A. Yes.

11:49AM 8 Q. Give us that example. We won't go through all of the  
11:49AM 9 customers, but give us what you did for MacDill Air Force Base?

11:49AM 10 A. We have services of dental and dental assistants in all the  
11:49AM 11 Air Force bases in Florida. So I did one of them several nurses  
11:49AM 12 several doctors, several dentists, and we provide services for  
11:50AM 13 three, four years there.

11:50AM 14 Q. Did you ever provide any services to the United States courts?

11:50AM 15 A. Yes.

11:50AM 16 Q. What did you do? What did you provide? What did RGB provide?

11:50AM 17 A. As a matter of fact, I provided physician assistant to the  
11:50AM 18 Federal Bureau of Prisons. And if I can add an anecdote, I will  
11:50AM 19 do it.

11:50AM 20 MR. KRISHNAN: Objection to the anecdote.

11:50AM 21 BY MR. DAVIS:

11:50AM 22 Q. You don't have to give us stories. Just explain to the jury  
11:50AM 23 the types of customers you did. You said you worked for the  
11:50AM 24 federal prisons?

11:50AM 25 A. Federal Bureau of Prisons here in Miami.



11:50AM 1 Q. And you provided medical services to them?

11:50AM 2 A. Medical services, we provided one or two nurse practitioners.

11:50AM 3 Q. We have a translator if you need to ask.

11:51AM 4 MR. DAVIS: If that's okay, Your Honor.

11:51AM 5 THE WITNESS: A physician's assistant.

11:51AM 6 BY MR. DAVIS:

11:51AM 7 Q. Okay. Fair enough. So give us a time -- now, when RGB was

11:51AM 8 doing its business, you actually had to physically -- or you hired

11:51AM 9 -- RGB hired the individuals that you were providing to the United

11:51AM 10 States government; correct?

11:51AM 11 A. Yes.

11:51AM 12 Q. So give us a sense of the range. You went from -- what was

11:51AM 13 the low -- you started with one employee?

11:51AM 14 A. Yes.

11:51AM 15 Q. And give us the range of how RGB grew over the years?

11:51AM 16 A. 400, 450, 475, perhaps a little bit over 500.

11:51AM 17 Q. You got up to 500 employees at one time?

11:51AM 18 A. Yes. It was a fluctuation constantly on growing because there

11:51AM 19 are contracts starting and ending, people coming and going. So it

11:51AM 20 was not a constant flow of the same quantity of personnel.

11:52AM 21 Q. How long would a contract last? As an example, if you were

11:52AM 22 doing work with MacDill Air Force Base, for how long would the

11:52AM 23 contract last?

11:52AM 24 A. For one year to two years, and if we behaved, it could be

11:52AM 25 another couple of years. We have contracts that lasted two years

11:52AM 1 and a contract that lasted six years.

11:52AM 2 Q. And did you -- does RGB -- how long did RGB operate?

11:52AM 3 A. In 2014, because RGB Group rather suddenly acquired many  
11:52AM 4 contracts at the same time, let's say the first couple years, the  
11:52AM 5 expiration of those was also sudden, and I was --

11:52AM 6 At that time I was already sort of retired, and I was 70,  
11:52AM 7 later 70s.

11:53AM 8 Q. So did you decide to end the business of RGB?

11:53AM 9 A. I -- yeah, we couldn't get any more contracts, and I already  
11:53AM 10 accomplished my function, my mission of relocating my employees, I  
11:53AM 11 got them undergraduate degrees, their master's, I wanted my  
11:53AM 12 employees to be -- to have a career path, not just an employment.  
11:53AM 13 So when -- it was easy and sad for me to terminate and letting go;  
11:53AM 14 but even paid a year and a half after we have very little business  
11:53AM 15 to pay them until they found new jobs.

11:53AM 16 So that was also the -- technically loses, but moral gains  
11:53AM 17 that I have.

11:53AM 18 Q. Thank you. And RGB last did business what year?

11:53AM 19 A. I think the last contract forced by me because the government  
11:53AM 20 didn't accept it was October 1, '96 -- 2016 -- 2019, no, no, 2016,  
11:54AM 21 I'm sorry.

11:54AM 22 Q. So the last six years, RGB has not been an active company?

11:54AM 23 A. That is correct.

11:54AM 24 Q. I would like to show you what we've marked as Exhibit 55.

11:54AM 25 MR. DAVIS: Your Honor, I'd move Exhibit 55 into

11:54AM 1 evidence.

11:54AM 2 THE COURT: So admitted.

11:54AM 3 (Defendant's Exhibit 55 received.)

11:54AM 4 BY MR. DAVIS:

11:54AM 5 Q. Sir, do you know -- are you familiar with a company called  
11:54AM 6 Bragio, LLC?

11:54AM 7 A. Yes.

11:54AM 8 Q. What is Bragio, LLC?

11:54AM 9 A. Bragio, LLC, was a company founded be able to build a building  
11:54AM 10 in a lot that you have. So the purpose of that LLC was only that;  
11:55AM 11 build that building.

11:55AM 12 Q. And so how long did that company last?

11:55AM 13 A. Until the building was sold, after finished, two years later  
11:55AM 14 than expected, and a lot more expensive too.

11:55AM 15 Q. And did you file -- looking at Exhibit 55, is this the  
11:55AM 16 document you filed with the Florida Secretary of State?

11:55AM 17 A. As every one, yes, as all of them.

11:55AM 18 Q. I'd like you to take a look at Exhibit 62.

11:55AM 19 MR. DAVIS: Go back to Exhibit 55 for a moment. Go to  
11:55AM 20 the next page, Dan.

11:56AM 21 Dan, please go to page Bates stamped RGB000352.

11:56AM 22 BY MR. DAVIS:

11:56AM 23 Q. And on Exhibit 60 -- excuse me -- 55, sir, that lists your  
11:56AM 24 name as Roberto G. Bravo as managing member. You filed that with  
11:56AM 25 the Florida Secretary of State?

11:56AM 1 A. That is correct.

11:56AM 2 Q. And 4141 North Miami Avenue, Suite 304. What is that?

11:56AM 3 A. That was the address of RGB Group.

11:56AM 4 Q. What was?

11:56AM 5 A. The address of RGB Group.

11:56AM 6 Q. So that's where RGB Group did business is at 4141 North Miami

11:57AM 7 Avenue?

11:57AM 8 A. Yes.

11:57AM 9 Q. I'd like you now to look to Exhibit 62. Sir --

11:57AM 10 MR. DAVIS: Your Honor, I'd move Exhibit 62 into

11:57AM 11 evidence.

11:57AM 12 MR. KRISHNAN: I believe, Your Honor, it's already been

11:57AM 13 moved in. Right?

11:57AM 14 THE COURT: They are.

11:57AM 15 Mr. Davis, it's already in.

11:57AM 16 BY MR. DAVIS:

11:57AM 17 Q. Looking at Exhibit 62, there is a company listed called

11:57AM 18 Stafford Bookbinding, Inc. What was Stafford Bookbinding, Inc.?

11:57AM 19 A. Stafford Bookbinding, Inc., was originally a -- practically a

11:57AM 20 mom-and-pop shop owned by an individual that consists of a very

11:57AM 21 cramped building and very development bookbinding techniques by

11:57AM 22 hand, but not electronics, and very, very -- very manual -- a lot

11:58AM 23 of manual activities. It was really very -- a poor producer of

11:58AM 24 services.

11:58AM 25 However, I bought it because I like books, I like

11:58AM 1 reading, and I had an opportunity to be familiar with a lot of  
11:58AM 2 journals in all areas of arts and sciences, books, and my biggest  
11:58AM 3 customer was Miami-Dade Community College.

11:58AM 4 Q. What did you provide to Miami-Dade Community College?  
11:58AM 5 A. Miami-Dade Community College gave us old books and old  
11:58AM 6 magazines to bind or to rebind them.

11:58AM 7 Q. And, sir, looking at paragraph 3 of this exhibit, it shows a  
11:58AM 8 date of incorporation of September 22, 1992. Is that the date  
11:59AM 9 that you formed Stafford Bookbinding, Inc.?  
11:59AM 10 A. Yes. I'm sorry.

11:59AM 11 Q. And how long did that company do business?  
11:59AM 12 A. I think probably a couple of years only, two, three years.

11:59AM 13 Q. And this exhibit, 62, is a document that is filed with the  
11:59AM 14 Florida Secretary of State?  
11:59AM 15 A. Yes.

11:59AM 16 Q. I'd like to next show you Exhibit 63.

11:59AM 17 MR. DAVIS: Let's go back to 62 for just a second, Dan.  
11:59AM 18 I'm sorry. I'm sorry.

11:59AM 19 BY MR. DAVIS:  
11:59AM 20 Q. Looking on the first page of 62 at the bottom, your name is  
12:00PM 21 listed as Roberto G. Bravo, and it gives the address of 27101  
12:00PM 22 Southwest 143rd Court, Homestead, Florida. What address is that,  
12:00PM 23 sir?  
12:00PM 24 A. That was a house that I had in Homestead. I lived there, and  
12:00PM 25 it was destroyed by the Hurricane Andrew.

12:00PM 1 Q. And you're listed as PSD, which is president, I think,  
12:00PM 2 secretary and director.

12:00PM 3 But then right below you, it says Ana Maria G. de Bravo. Is  
12:00PM 4 that your wife?

12:00PM 5 A. Yes, she is. And 50 percent of the stock belongs to her.

12:00PM 6 Q. So the two of you ran that company?

12:00PM 7 A. Yes, sir.

12:00PM 8 Q. Let's go on to 63. Will you tell us what One Fountainhead  
12:01PM 9 Center, LLC, was?

12:01PM 10 A. One Fountainhead Center was a company that owns real estate  
12:01PM 11 that we -- we bought in 1998, I think, or -- oh, here it should  
12:01PM 12 be.

12:01PM 13 Q. What business did that company do?

12:01PM 14 A. It was a business building where we rented suites.

12:01PM 15 Q. What do you mean you rented suites?

12:01PM 16 A. It was a business that has partitions like for offices and  
12:02PM 17 we -- we rented spaces for businesses that needed spaces.

12:02PM 18 MR. DAVIS: And please turn to the next page, Dan. Go  
12:02PM 19 down.

12:02PM 20 BY MR. DAVIS:

12:02PM 21 Q. And, again, sir, this says the articles of organization for  
12:02PM 22 Fountainhead Center --

12:02PM 23 THE COURT REPORTER: I'm sorry. I can't hear when he's  
12:02PM 24 rubbing against the microphone, Judge.

12:02PM 25 THE WITNESS: Oh, I'm too close.

12:02PM 1 MR. DAVIS: I'll start again.

12:02PM 2 BY MR. DAVIS:

12:02PM 3 Q. Sir, looking at the second page of the -- of this, of  
12:02PM 4 Exhibit 63.

12:02PM 5 Was this also a document that you filed with the Florida  
12:02PM 6 Secretary of State?

12:02PM 7 A. Yes.

12:02PM 8 Q. And at the bottom of that, under management, it lists:  
12:02PM 9 Roberto G. Bravo, 2235 Arch Creek Drive, North Miami, Florida  
12:02PM 10 33181. What is that address, sir?

12:02PM 11 A. That's the house that we bought in North Miami.

12:03PM 12 Q. When did you buy that house?

12:03PM 13 A. In 1998. That was the question, the date?

12:03PM 14 Q. (Nodding.)

12:03PM 15 A. Yes, 1998.

12:03PM 16 Q. And how long did One Fountainhead Center, LLC, operate, and  
12:03PM 17 what did it do?

12:03PM 18 A. It offered suites, office space, office space for tenants.  
12:03PM 19 And the main tenant was a church that was in the bottom floor, and  
12:03PM 20 the second-best tenant, it was a surgery group.

12:03PM 21 Q. Sir, over time -- you can take that down -- did you operate  
12:04PM 22 other companies, or were you affiliated with other companies?

12:04PM 23 And so I'll start with this name. Do you know the name  
12:04PM 24 American Fiduciary Services, Inc.?

12:04PM 25 A. Yes. That was --

12:04PM 1 Q. Just yes or no for now, then I'll ask you.

12:04PM 2 A. Yes. Yes.

12:04PM 3 Q. What did you do with that company?

12:04PM 4 A. I pretended to be a school for entrepreneurs, but I failed in

12:04PM 5 the process.

12:04PM 6 Q. I'm sorry. You were trying to work with entrepreneurs?

12:04PM 7 A. I tried to be a project to create entrepreneurs, to educate

12:04PM 8 individuals to become entrepreneurs.

12:04PM 9 Q. And that company was active for two years?

12:04PM 10 A. I don't remember.

12:04PM 11 Q. Okay. Did you close down that company?

12:04PM 12 A. It never operated. Yes.

12:04PM 13 Q. And had it -- did --

12:04PM 14 Do you know what year it closed down?

12:04PM 15 A. No, I don't recall.

12:04PM 16 Q. Do you know -- but did you file records with the Florida

12:04PM 17 Secretary of State for American Fiduciary Services, Inc.?

12:05PM 18 A. I don't remember if I filed it as registered agent or as a

12:05PM 19 member of the controlling group.

12:05PM 20 Q. Sir, do you know another company called El Farolito Tico,

12:05PM 21 Inc.?

12:05PM 22 A. That was another of my --

12:05PM 23 Q. Yes or no?

12:05PM 24 A. Yes. I'm sorry.

12:05PM 25 Q. What did you do with that company?



12:05PM 1 A. That was part also of a cultivation of my search for a way to  
12:05PM 2 locate people. In this case was to promote the establishment of  
12:05PM 3 foreign individuals, foreign businesses in the United States. I  
12:05PM 4 wanted to --

12:05PM 5 Q. Was that company -- did that company operate more than one  
12:05PM 6 year?

12:05PM 7 A. I was registered only as the registered agent. The company  
12:05PM 8 belongs to a client of mine who hired me to teach him how to  
12:06PM 9 become an entrepreneur.

12:06PM 10 Q. So it wasn't really a company that you owned, but your name  
12:06PM 11 was on file as registered agent?

12:06PM 12 A. Yes.

12:06PM 13 Q. What does it mean to be registered agent?

12:06PM 14 A. Just a clerk to file it and register it with the Department of  
12:06PM 15 State.

12:06PM 16 Q. And you filed that with the Secretary of State?

12:06PM 17 A. Yes.

12:06PM 18 Q. Do you know a company called the Manas Group?

12:06PM 19 A. Again the same, yes, I know. I'm sorry.

12:06PM 20 Q. You were a registered agent for Manas Group?

12:06PM 21 A. Yes.

12:06PM 22 Q. And what was your relationship with Manas Group beyond serving  
12:06PM 23 as registered agent?

12:06PM 24 A. Nothing else.

12:06PM 25 Q. And did you file that with the Secretary of State?

12:06PM 1 A. Yes.

12:06PM 2 Q. And do you remember the name of the friend or client that you

12:06PM 3 worked with on that company?

12:06PM 4 A. No. I remember it was a Central American individual.

12:06PM 5 Q. And is that -- does that company still exist to your

12:06PM 6 knowledge?

12:06PM 7 A. No, I don't know. I think that -- no, I don't.

12:06PM 8 Q. There was another company listed as IQ Air Services, Inc. Do

12:07PM 9 you know that company, sir?

12:07PM 10 A. Yes. I also was only as a registered agent.

12:07PM 11 Q. And what did that -- does that company -- is that company

12:07PM 12 still in existence?

12:07PM 13 A. I don't know.

12:07PM 14 Q. Do you still serve as registered agent of that company?

12:07PM 15 A. If it exists, I might, but.

12:07PM 16 Q. Are you aware of whether you're listed as a current registered

12:07PM 17 agent of that company?

12:07PM 18 A. I -- I know that I was the registered agent. I don't know if

12:07PM 19 the company still exists. And I don't know if the company still

12:07PM 20 exists, and it hasn't changed me as the registered agent.

12:07PM 21 Q. Sir, do you know another company by the name of The Car

12:07PM 22 Warehouse, Inc.?

12:07PM 23 A. That was another of my philanthropic.

12:07PM 24 Q. First of all, what was your relationship with that company?

12:07PM 25 A. I was helping an acquaintance to set up a used car

12:08PM 1 salesmanship -- or dealership. I'm sorry. Dealership and also to  
12:08PM 2 help them to sell used cars at the same time.

12:08PM 3 Q. Sir, over the course of time, I am going to ask you some  
12:08PM 4 questions about the public presence that you had. You told us you  
12:08PM 5 became a U.S. citizen in 1987. Did you have a driver's license?  
12:08PM 6 A. I do.

12:08PM 7 Q. When did you get a Florida driver's license?  
12:08PM 8 A. As soon as I got in Florida in 1982.

12:08PM 9 Q. Did you register to vote?  
12:08PM 10 A. Yes, I have.

12:08PM 11 Q. Do you know what year you registered to vote?  
12:08PM 12 A. As soon as I became a United States citizen.

12:08PM 13 Q. Did you have a telephone number that was listed under your own  
12:08PM 14 name?  
12:08PM 15 A. Yes, I do.

12:08PM 16 Q. In the old days when we used to have telephone books?  
12:09PM 17 A. Yes, that's right.

12:09PM 18 Q. Did you have -- did you own houses in Miami or in Dade County  
12:09PM 19 from the time you moved here?  
12:09PM 20 A. I own presently one house.

12:09PM 21 Q. And that house you were asked about yesterday in your  
12:09PM 22 examination by counsel, where is that house located?  
12:09PM 23 A. It's in North Miami; in the city of North Miami.

12:09PM 24 Q. But did you -- did you own -- when did you buy that house?  
12:09PM 25 A. When?

12:09PM 1 Q. When.

12:09PM 2 A. 1916.

12:09PM 3 Q. You mean 2016?

12:09PM 4 A. 2016, I'm sorry.

12:09PM 5 Q. Okay. But take us through and starting -- what's the earlier

12:09PM 6 house that you remember buying? We saw an address in Homestead.

12:09PM 7 Was that house in --

12:09PM 8 A. That was of the first house that I bought in Florida.

12:09PM 9 Q. What year did you buy that house?

12:09PM 10 A. In 1983 or '84.

12:10PM 11 Q. Since that time, have you always owned a house or houses?

12:10PM 12 A. In about 1987, I wanted to -- I bought a more modern house --

12:10PM 13 also in Homestead in a location called -- subdivision called

12:10PM 14 Hartford Square. That was also destroyed by Andrew.

12:10PM 15 Q. Did you buy that house in your own name?

12:10PM 16 A. Yes, in our name; my wife and I always.

12:10PM 17 Q. Okay. Did you buy any other homes in the 1990s?

12:10PM 18 A. '90s? No. '90? No.

12:10PM 19 Q. You had a home on Arch Creek Drive. Do you remember that

12:10PM 20 address in one of our records that we looked at? When did you buy

12:10PM 21 that home?

12:10PM 22 A. I bought that house -- we bought that house in 1998.

12:11PM 23 Q. Sir, over the course of time, were you involved with the

12:11PM 24 Council for Educational Change?

12:11PM 25 A. Yes.

12:11PM 1 Q. Would you tell the jury what that is?

12:11PM 2 A. Yes, yes. Do you want me to explain?

12:11PM 3 Q. No. Tell the jury what the Council for Educational Change is?

12:11PM 4 A. It's an organization. I think it's part of -- I don't know if  
12:11PM 5 you're familiar with the department of education.

12:11PM 6 THE INTERPRETER: Stay at home.

12:11PM 7 THE WITNESS: But it is engaging in promoting closer  
12:11PM 8 relationship between principals in schools in the state of Florida  
12:12PM 9 with business persons, business leaders.

12:12PM 10 And that was one of my better experiences in Florida,  
12:12PM 11 because I was partnered with a beautiful school and an excellent  
12:12PM 12 principal. The school was North Miami -- Miami Beach North High,  
12:12PM 13 and the principal was the late --

12:12PM 14 BY MR. DAVIS:

12:12PM 15 Q. Well, just to break it up. What were you trying to do with  
12:12PM 16 the Council for Educational for Change? Was it a charity?

12:12PM 17 A. Yes.

12:12PM 18 Q. And what were you trying to do?

12:12PM 19 A. I had to cooperate. I had to find out how can I help the  
12:12PM 20 principal become and improve their mission in the school. So I'm  
12:13PM 21 glad that they were very happy with how we cooperated together.

12:13PM 22 Q. And did you enjoy doing that work helping high school kids?

12:13PM 23 A. That was terrific. I was always invited to give a couple  
12:13PM 24 speeches to a classroom full of students. And I was named  
12:13PM 25 principal for a day. And so for a day, I was enjoying the visitor

12:13PM 1 problems and everything.

12:13PM 2 MR. DAVIS: Thank you, sir.

12:13PM 3 Judge, I'm finished.

12:13PM 4 THE COURT: Okay. With that, ladies and gentlemen, we're  
12:13PM 5 going to go ahead and take our lunch break. And so how about if I  
12:13PM 6 see you back like we did yesterday, 1:30. Okay. Just over an  
12:13PM 7 hour. Okay.

12:13PM 8 (Jury out at 12:13 P.M.)

12:14PM 9 THE COURT: Actually, everyone can be seated. I was  
12:14PM 10 going to just tell Mr. Bravo, but everyone can be seated.

12:14PM 11 Mr. Krishnan, do you anticipate the use of exhibits on  
12:14PM 12 your redirect?

12:14PM 13 MR. KRISHNAN: I don't anticipate the use of any new  
12:14PM 14 exhibits, but I will use --

12:14PM 15 THE COURT: That's all. I just wanted to know if we  
12:14PM 16 should come back a little bit early to take up the admissibility  
12:14PM 17 of anything to keep it moving in front of the jury. But if not,  
12:14PM 18 then I will see everyone then just before 1:30. Okay.

12:14PM 19 MR. KRISHNAN: That sounds good, Your Honor. There is  
12:14PM 20 the issue for later on today -- I believe. I just don't know --  
12:14PM 21 but Dr. Anderson, the objection to him.

12:14PM 22 THE COURT: Do you think we're going to get to  
12:14PM 23 Mr. Anderson? How long do you estimate for your live?

12:14PM 24 MR. KRISHNAN: We have to apparently. He's here today  
12:15PM 25 and available only today.

12:15PM 1 THE COURT: So you might be switching things up. So we  
12:15PM 2 do have to come back a little bit early. So then let me just tell  
12:15PM 3 everybody this: Based on your two filings last night, it is not  
12:15PM 4 clear to me what is actually agreed and not agreed. So could I  
12:15PM 5 just quickly understand your positions very quickly, and then we  
12:15PM 6 will still come back, let's say, at 1:20. But let me just digest  
12:15PM 7 where it is.

12:15PM 8 Mr. Davis, for you, I understood that there are two  
12:15PM 9 exhibits that you don't object to him testifying about, but the  
12:15PM 10 motion concludes with a request to exclude him in the entirety,  
12:15PM 11 and that's why I'm confused.

12:15PM 12 MR. DAVIS: That was a mistake. My apologies.

12:15PM 13 THE COURT: That's okay. Which one was the mistake?

12:15PM 14 MR. DAVIS: That was the desire to make the 9:00 P.M.  
12:15PM 15 deadline. I didn't fix that. That's no excuse. That being said,  
12:15PM 16 Your Honor, one, I think you've ruled on because the Lesgart --

12:15PM 17 THE COURT: Sorry, Mr. Davis. I truly want to just know  
12:16PM 18 the position and then take the argument up at 1:20. But I hear  
12:16PM 19 you. You were headed for the Lesgart, and that changes your  
12:16PM 20 position?

12:16PM 21 MR. DAVIS: Yes. I don't think he can testify about a  
12:16PM 22 document that's not in evidence. This doctor is offered -- I can  
12:16PM 23 only -- he's giving opinions about other hearsay documents, some  
12:16PM 24 of which are in, some of which are not in, which I would object  
12:16PM 25 to. And he also didn't do any independent analysis, which is also

12:16PM 1 part of the problem with what Dr. Anderson provided. So he didn't  
12:16PM 2 do any tests. He didn't conduct any research. He just looked at  
12:16PM 3 stuff, and he now wants to just talk about it, which I don't think  
12:16PM 4 is the appropriate use of an expert.

12:16PM 5 THE COURT: But I still just want to know the position.  
12:16PM 6 You don't object to him testifying about the two exhibits  
12:16PM 7 that are indicated in your motion?

12:16PM 8 MR. DAVIS: Correct.

12:16PM 9 THE COURT: Okay. Good. All right. And then likewise  
12:16PM 10 and with the benefit of that, I'll look at the response again, but  
12:16PM 11 it didn't seem like it lined up exactly to what the defendant had  
12:17PM 12 argued. The plaintiffs do -- specifically there was a note in  
12:17PM 13 somebody's pleading that said because the plaintiffs have  
12:17PM 14 withdrawn certain exhibits, Anderson is not going to testify about  
12:17PM 15 those. And I don't understand if that was agreed or not agreed.  
12:17PM 16 So Anderson is anticipated obviously to testify about the pictures  
12:17PM 17 for which there is no objection. And plaintiffs will otherwise  
12:17PM 18 call him -- just identify for me, please, the scope of his  
12:17PM 19 intended direct will be with respect to Mr. Bonet?

12:17PM 20 MS. SABHARWAL: That's correct. We'd be seeking to admit  
12:17PM 21 and have him testify with respect to that exhibit as well as the  
12:17PM 22 Lesgart autopsy.

12:17PM 23 MR. KRISHNAN: On the Lesgart autopsy, Your Honor, we may  
12:17PM 24 try to take another crack at getting -- changing where you are.  
12:17PM 25 But if the Lesgart autopsy is out, he is not going to testify



12:17PM 1 about it.

12:17PM 2 THE COURT: You anticipated my next question was whether  
12:17PM 3 that was changed.

12:18PM 4 MS. SABHARWAL: Sorry, Your Honor. And one final exhibit  
12:18PM 5 is the death certificates of the victims, which we anticipate --

12:18PM 6 THE COURT: With respect to all of the victims or with  
12:18PM 7 respect to Bonet?

12:18PM 8 MS. SABHARWAL: With respect to all of the victims. They  
12:18PM 9 are all -- Exhibit PX38 consists of all of the death certificates  
12:18PM 10 for the victims.

12:18PM 11 THE COURT: Let's come back at 1:20. At least, now I  
12:18PM 12 understand what it is you're advancing and what they're objecting  
12:18PM 13 to, and I don't think we will take too long because I don't think  
12:18PM 14 you're as far apart as I thought you were last night.

12:18PM 15 Okay. See you all in exactly an hour. Thank you all.

12:18PM 16 MR. KRISHNAN: Thank you, Your Honor.

12:18PM 17 MR. DAVIS: Thank you, Your Honor.

01:22PM 18 (Lunch recess at 12:20 P.M.)

01:22PM 19 THE COURT: Welcome back. Please have a seat.

01:22PM 20 MR. DAVIS: Your Honor, do you want Mr. Bravo to sit up  
01:22PM 21 at the witness stand, or can he sit at counsel table?

01:22PM 22 THE COURT: We have ten minutes of arguments on Anderson  
01:22PM 23 before we call the jury. So he can sit wherever he is comfortable  
01:22PM 24 right now.

01:22PM 25 MR. DAVIS: Okay.

01:22PM 1 THE COURT: So on Anderson, Mr. Davis, is it accurate  
01:22PM 2 that -- are you handling it? You are. The challenge to  
01:23PM 3 Anderson's testimony with respect to the death certificates is  
01:23PM 4 limited to the inadmissibility of those death certificates, the  
01:23PM 5 authentication argument; is that correct?

01:23PM 6 MR. DAVIS: Part of it, and I just told counsel that I  
01:23PM 7 would agree that the death certificates of the three plaintiffs  
01:23PM 8 could come in. I think we have still in play the death  
01:23PM 9 certificate for Mr. Camps because he wasn't -- he wasn't killed as  
01:23PM 10 a result of the incident. His death certificate is three years  
01:23PM 11 later. But so I think the only issue right now would be those  
01:23PM 12 three death certificates in response to your question.

01:23PM 13 THE COURT: For purposes of Anderson?

01:23PM 14 MR. DAVIS: Yes, sir -- yes, ma'am.

01:23PM 15 THE COURT: Let me just -- I want to have Anderson --  
01:23PM 16 what he said about the death certificates. I thought it was a  
01:23PM 17 comparison.

01:24PM 18 What is the opinion that you intend to elicit from  
01:24PM 19 Anderson about the death certificates?

01:24PM 20 MS. SABHARWAL: We want to use Dr. Anderson's testimony  
01:24PM 21 to confirm that the manner of death was consistent across all 16  
01:24PM 22 victims.

01:24PM 23 THE COURT: That the death certificates describe a manner  
01:24PM 24 of death that's consistent across all 16?

01:24PM 25 MS. SABHARWAL: That's correct. The details contained

01:24PM 1 within the death certificates indicate a consistent manner of  
01:24PM 2 death across all victims; time, location, and manner of death.

01:24PM 3 THE COURT: Okay. So they all just indicate violent  
01:24PM 4 death?

01:24PM 5 MS. SABHARWAL: That's correct.

01:24PM 6 THE COURT: But that's all they say?

01:24PM 7 MS. SABHARWAL: That's correct.

01:24PM 8 THE COURT: And that's all you intend to elicit from him?

01:25PM 9 MS. SABHARWAL: That's correct.

01:25PM 10 THE COURT: So just taking this in pieces, is there an  
01:25PM 11 objection to him testifying that all 16 of the death certificates  
01:25PM 12 listed the same cause of death that is violent death?

01:25PM 13 MR. DAVIS: Yes; because that's not the subject of expert  
01:25PM 14 testimony. He would merely be reading a death certificate, and  
01:25PM 15 that's not -- he's a medical examiner. There is no expertise.  
01:25PM 16 There's no 702 benefit to him testifying about that.

01:25PM 17 THE COURT: Are all 16 of those death certificates coming  
01:25PM 18 in?

01:25PM 19 MR. DAVIS: I did say and I told counsel I would agree to  
01:25PM 20 the three plaintiffs' death certificates could come in. I'd  
01:25PM 21 object to the none -- you know, the non-plaintiff family members'  
01:25PM 22 coming in.

01:25PM 23 THE COURT: On what basis?

01:25PM 24 MR. DAVIS: Cumulative, 403, I mean, there is no dispute,  
01:25PM 25 Your Honor, that these witnesses -- not witnesses, sorry. These

01:25PM 1 individuals died, and we're not contesting that in this case. The  
01:25PM 2 only -- but the only issue in this case is the manner of death of  
01:26PM 3 the three plaintiffs, and Mr. Camps is separate, because he has  
01:26PM 4 extrajudicial torture. So he is not part of this discussion. So  
01:26PM 5 that's my objection would be that it's A, it would be 403, B, it  
01:26PM 6 would be irrelevant, and C, it's not a contested issue in the  
01:26PM 7 case, because we agree that these individuals were killed on the  
01:26PM 8 night in question.

01:26PM 9 THE COURT: Okay. I would not sustain that on either the  
01:26PM 10 cumulative or relevance bases. It is contested how they died, and  
01:26PM 11 I can appreciate the argument that the plaintiffs would make that  
01:26PM 12 the consistency in the death certificates in all 16 would tend to  
01:26PM 13 undermine the testimony of the defendant and the audit report.

01:26PM 14 So I can see both the relevance and that it's not  
01:26PM 15 cumulative because you need all 16 essentially to make that point,  
01:27PM 16 and that three doesn't make the point. So it's not cumulative.  
01:27PM 17 So if those were the objections to the death certificates, then I  
01:27PM 18 -- and you're going to be moving to admit those or not?

01:27PM 19 MS. SABHARWAL: Yes. We'd seek to admit those into  
01:27PM 20 evidence after this argument.

01:27PM 21 THE COURT: Okay. I agree with Mr. Davis that I struggle  
01:27PM 22 to figure out how that then is an expert opinion and that he's  
01:27PM 23 doing anything other than summarizing 16 documents that are coming  
01:27PM 24 into evidence.

01:27PM 25 MS. SABHARWAL: He will be opining on the patterns of

01:27PM 1 injury across all of the medical evidence that he's reviewed in  
01:27PM 2 this case.

01:27PM 3 THE COURT: So stay with me on a small piece, and that's  
01:27PM 4 the death certificates, which is not medical evidence. It doesn't  
01:27PM 5 describe anything other than violent death, right?

01:27PM 6 MS. SABHARWAL: That's correct.

01:27PM 7 THE COURT: Okay. So stay with me just on the opinion  
01:27PM 8 you would otherwise intend to elicit from him to tell the jury  
01:27PM 9 that all 16 persons' death certificate recite violent death and  
01:28PM 10 about the same time. Why is that an expert opinion? Why is that  
01:28PM 11 admissible under 702? If the death certificates themselves are  
01:28PM 12 coming in, I don't see either how that it's helpful or expert  
01:28PM 13 testimony.

01:28PM 14 MR. KRISHNAN: Your Honor, I think that -- you know, one  
01:28PM 15 point would just be that it might just be that he is our  
01:28PM 16 sponsoring witness for it. If the Court's concern is that it's  
01:28PM 17 not an expert opinion, he's simply a summarizing witness at least  
01:28PM 18 at some level. And so he has read them all. His report has made  
01:28PM 19 clear that he read them all. He summarized them all in his  
01:28PM 20 report. And so if the Court's concern is that -- to sort of  
01:28PM 21 address the first issue, he is not saying anything more.

01:28PM 22 THE COURT: Okay. I understand, and I fully appreciate  
01:28PM 23 both your ability and your desire to publish it through a witness.  
01:28PM 24 But he is going to have been identified as an expert. As you  
01:28PM 25 know, there is a special impromptu that can be attached to someone

01:29PM 1 who has been identified as an expert saying it. So if the purpose  
01:29PM 2 is just, you know, as though Mr. Booth who just read the statement  
01:29PM 3 for Mr. Camps, we're just publishing something that's otherwise  
01:29PM 4 in, I don't want that done through the expert.

01:29PM 5 MR. KRISHNAN: Well, I guess then that the opinion then  
01:29PM 6 would be -- and we're keeping it intentionally narrow in order to  
01:29PM 7 withdraw -- to resolve an objection. And while we're keeping it  
01:29PM 8 intentionally narrow, I don't want to then run into a problem  
01:29PM 9 where we can't use him at all on it because -- you know, we've  
01:29PM 10 narrowed the opinion just to resolve the objection. So I guess  
01:29PM 11 the opinion then would be that he is someone who has the  
01:29PM 12 capability, the technical expertise to review, and to actually  
01:29PM 13 summarize these competently as opposed to a layperson who may not  
01:29PM 14 be able to do so.

01:30PM 15 THE COURT: To summarize the death certificate?

01:30PM 16 MR. KRISHNAN: That would be if -- if the Court's asking  
01:30PM 17 what the expert opinion is, I think that would be the expert  
01:30PM 18 opinion. It would be that he is somebody who can be relied upon  
01:30PM 19 to competently summarize a medical document and that doing it  
01:30PM 20 through a lay witness wouldn't accomplish that.

01:30PM 21 THE COURT: Maybe if I saw a copy of the death  
01:30PM 22 certificate, it would persuade me. But these are usually  
01:30PM 23 single-page documents. Which exhibit number?

01:30PM 24 MS. SABHARWAL: 38.

01:31PM 25 THE COURT: Okay. Just so that we're moving efficiently,

01:31PM 1 I'm going to put that to the side for a second, and ask Mr. Davis:  
01:31PM 2 What, if any, other part of Mr. Anderson's opinion then will you  
01:31PM 3 be objecting to so that we can take them in pieces?

01:31PM 4 MR. DAVIS: I think he's going to make an opinion about  
01:31PM 5 Lesgart, as I understood it, basically interpreting documents not  
01:31PM 6 in. That's one of the things that I understood that that was  
01:31PM 7 being proffered for.

01:31PM 8 THE COURT: I understand that that's been withdrawn in  
01:31PM 9 light of the exclusion of the autopsy.

01:31PM 10 MR. MUZZIO: As suggested, Your Honor, I would like to  
01:31PM 11 take another shot at establishing the authentication portion. I  
01:31PM 12 have a case, which I would like to be able to present to the  
01:31PM 13 Court.

01:31PM 14 THE COURT: Okay. And if you are not successful there,  
01:32PM 15 you don't intend to elicit his testimony on that; right?

01:32PM 16 MR. MUZZIO: Yes, Your Honor.

01:32PM 17 THE COURT: Okay. So the objection if the autopsy comes  
01:32PM 18 in, Mr. Davis, would be?

01:32PM 19 Well, let me ask it differently if you don't mind. Why  
01:32PM 20 would the objection to Mr. Lesgart's autopsy be different than  
01:32PM 21 Mr. Bonet's?

01:32PM 22 MR. DAVIS: Well, Mr. Bonet's is in evidence, and it  
01:32PM 23 probably should have been the same way. In the interest of  
01:32PM 24 compromise, I said they could have it. But what I was doing as to  
01:32PM 25 Lesgart, Lesgart is not admissible. He is also not a plaintiff.

01:32PM 1 Bonet is a plaintiff.

01:32PM 2 THE COURT: Okay.

01:32PM 3 MR. DAVIS: A family member, and, again, this expert  
01:32PM 4 doesn't do anything other than just read, he doesn't -- he's not  
01:32PM 5 doing any testing, any analysis. He's just reading and  
01:32PM 6 interpreting what other people wrote. If the operative document  
01:32PM 7 -- well, that's our objection. But going back to the death  
01:33PM 8 certificates, if they came in, there's no reason to have someone  
01:33PM 9 explain them.

01:33PM 10 And the whole point of this is not expert testimony.  
01:33PM 11 It's just like having another advocate up there saying how bad  
01:33PM 12 this was.

01:33PM 13 THE COURT: Okay. All right. So the objection to his  
01:33PM 14 testimony about the autopsies -- I'm going to summarize this just  
01:33PM 15 for purposes of this argument. I don't mean to suggest that the  
01:33PM 16 way that I'm saying it replaces how the expert is going to say it.  
01:33PM 17 But to the extent his expert opinion is being offered for the  
01:33PM 18 conclusion that the injuries on the autopsy are consistent with  
01:33PM 19 close-range gunshots, I find it's admissible. That is an expert  
01:33PM 20 opinion.

01:33PM 21 I appreciate your position that he conducted no testing  
01:33PM 22 and that, as you know, Rule 702 and 703 and Daubert are not that  
01:33PM 23 limited. As the gatekeeper here, I do find that that is  
01:33PM 24 sufficiently within the expertise of this credentialed -- and his  
01:34PM 25 credentials aren't contested. It will be helpful to the jury. It



01:34PM 1 is a medical opinion. The scope of his ability to offer that  
01:34PM 2 opinion, whether it is limited to Bonet or includes Lesgart, will  
01:34PM 3 turn on the admissibility of the autopsy report. In part -- I  
01:34PM 4 understand that an expert can offer an opinion about something  
01:34PM 5 that doesn't come in. That's not the basis of the ruling.

01:34PM 6 The reason I have to this point -- and I will look at  
01:34PM 7 your case, Mr. Muzzio -- precluded the jury from seeing it is  
01:34PM 8 because it has not been authenticated. And if -- it is not  
01:34PM 9 helpful to the jury to know that if this is, in fact, Lesgart's  
01:34PM 10 autopsy, then it would be consistent with. That doesn't help  
01:34PM 11 anything. So unless there is enough indicia of authentication, he  
01:34PM 12 can't testify about that. But if it comes in, then he will be  
01:34PM 13 permitted to testify about both.

01:35PM 14 I'm happy to confess that I am not acquainted with what  
01:35PM 15 you've just advanced, Mr. Krishnan; that it would be appropriate  
01:35PM 16 for an expert to provide a summary in the manner that you're  
01:35PM 17 suggesting. If you have some authority you want to advance, but I  
01:35PM 18 agree with Mr. Davis on this point with respect to the death  
01:35PM 19 certificates, and having looked at the death certificates, these  
01:35PM 20 are not complex documents. It says, violent death, in the middle  
01:35PM 21 of each. This is something that in closing you could show them.  
01:35PM 22 I'm having trouble digesting either factually or legally your  
01:35PM 23 argument there.

01:35PM 24 MR. KRISHNAN: We understand your ruling on the death  
01:35PM 25 certificates, Your Honor.

01:35PM 1 THE COURT: All right. Then I would say less. Would you  
01:35PM 2 want to give me your case cite, Mr. Muzzio, and a copy I hope of  
01:35PM 3 the case to your opposing counsel?

01:35PM 4 MR. MUZZIO: Yes. I already provided opposing counsel  
01:35PM 5 with a copy.

01:35PM 6 THE COURT: Of course you did. I'm sorry.

01:36PM 7 MR. MUZZIO: The cite is In Re Intern Management  
01:36PM 8 Associates, LLC, and the reporter is 781 F.3d 1262, and it's a  
01:36PM 9 2015 Eleventh Circuit decision.

01:36PM 10 And I can explain why I think this decision may inform  
01:36PM 11 the authentication decision. May I proceed?

01:36PM 12 THE COURT: You may. I'll tell you that I don't have the  
01:36PM 13 case up yet, but go ahead.

01:36PM 14 MR. MUZZIO: I can bring up a copy for Your Honor if that  
01:36PM 15 would be helpful.

01:36PM 16 THE COURT: I prefer Westlaw, but thank you so much for  
01:36PM 17 offering.

01:36PM 18 MR. MUZZIO: As I understand Your Honor's concern -- do  
01:36PM 19 you have the case up at this point?

01:36PM 20 THE COURT: No. I have Newbold. So let me read the cite  
01:36PM 21 back to you.

01:36PM 22 I have 718 F.3d, 1262.

01:36PM 23 MR. MUZZIO: No. I'm sorry. It's 781 F.3d, 1262.

01:37PM 24 THE COURT: And that's better. Go ahead.

01:37PM 25 MR. MUZZIO: So the section that I'm focused on is the

01:37PM 1 eleventh note paragraph. So it's the number 11 at the start of  
01:37PM 2 that paragraph.

01:37PM 3 THE COURT: I'm with you.

01:37PM 4 MR. MUZZIO: The paragraph begins with: First, it  
01:37PM 5 misunderstands.

01:37PM 6 THE COURT: Okay.

01:37PM 7 MR. MUZZIO: So in this case, this is a hearsay business  
01:37PM 8 records case. But as Your Honor knows, the business records  
01:37PM 9 exception requires a showing that the documents were kept in the  
01:37PM 10 regular course of the business' practices. And the way that that  
01:37PM 11 was established in this case was through a trustee's testimony  
01:37PM 12 establishing that a foundation -- establishing the foundation for  
01:37PM 13 the business records exception was based on hearsay. For  
01:37PM 14 instance, and I'm reading from that paragraph, he had no personal  
01:38PM 15 knowledge of IMA's recordkeeping practices other than what he  
01:38PM 16 gleaned from his interview with one of IMA's principals.

01:38PM 17 And so we believe that Ms. Krueger's conversation with  
01:38PM 18 the Lesgart family about this being an autopsy that she received  
01:38PM 19 from the family would establish for authentication purposes that  
01:38PM 20 this is a document that if authentic is where it would have been,  
01:38PM 21 with the Lesgart family.

01:38PM 22 THE COURT: And the testimony from Ms. Krueger that  
01:38PM 23 you're relying on for that conversation?

01:38PM 24 MR. MUZZIO: It appears on page 47 of her deposition.  
01:38PM 25 And I can read it, Your Honor, if you would like.

01:38PM 1 THE COURT: The document was given to me by Susanna  
01:38PM 2 Lesgart's brother in the context of my testimony for the 2012  
01:38PM 3 trial?

01:38PM 4 MR. MUZZIO: Yes. And then she continues. This is the  
01:39PM 5 autopsy of Susanna Lesgart who was killed in Trelew alongside my  
01:39PM 6 husband, Ruben Bonet, and then on the next page, she continues to  
01:39PM 7 talk about the document. It's at page 48, line 17. Can you tell  
01:39PM 8 me how you received this document? Who gave it to you? Answer:  
01:39PM 9 It was given -- I was given this document by the brother of  
01:39PM 10 Susanna Lesgart to use when providing my testimony. This was to  
01:39PM 11 show that it was not only in the autopsy of Ruben Pedro Bonet who  
01:39PM 12 had this kind of death, but there were other individuals who  
01:39PM 13 suffered the same kind of death.

01:39PM 14 THE COURT: I appreciate it. But the difference there --  
01:39PM 15 remember this morning that I tried to clarify for you and for the  
01:39PM 16 record that hearsay was not the issue that I was focused on even  
01:39PM 17 though I had twice used the word.

01:39PM 18 The point I was trying to make though is that in the  
01:39PM 19 absence of Ms. Krueger even repeating to us what she had learned  
01:40PM 20 from the Lesgart family, we had to assume implicitly that she was  
01:40PM 21 told that they were -- that that's how it was kept and that we had  
01:40PM 22 nothing to appreciate how that piece would have even fit in here.

01:40PM 23 The IMA -- the case you've just advanced to me is  
01:40PM 24 different in that at least there the witness proffered how the  
01:40PM 25 company kept the document, which is -- remains the piece that is

01:40PM 1 missing here. So whether or not it would have been, you know,  
01:40PM 2 hearsay or reliable or otherwise sufficient, it's missing here.

01:40PM 3 MR. MUZZIO: Just one point I'll make that on that very  
01:40PM 4 briefly, Your Honor. I think in the context of the business  
01:40PM 5 records exception, it makes sense that recordkeeping practices are  
01:40PM 6 highly relevant to the Court's inquiry. But here, all we're  
01:40PM 7 advancing is an autopsy that was kept by a private family. So the  
01:41PM 8 manner in which the family kept the document, whether they put in  
01:41PM 9 a lockbox, whether the mother had it in a filing cabinet, or  
01:41PM 10 whether it was somewhere else in the family's home is not as  
01:41PM 11 relevant. What matters is that this, under the Rule, was in a  
01:41PM 12 place where if authentic it would likely be. And so I would offer  
01:41PM 13 to the Court that if my family member had died, the autopsy of  
01:41PM 14 that family member would likely be in my home and that -- or in my  
01:41PM 15 possession at least, and that is the testimony that we have from  
01:41PM 16 Ms. Krueger, which I think is sufficient to satisfy that portion  
01:41PM 17 of the ancient documents requirement for authenticity.

01:41PM 18 THE COURT: I know you do. I still disagree. Not for  
01:41PM 19 nothing, but I would further note that the deponent in this  
01:41PM 20 case -- when you say that those are the circumstances that we  
01:41PM 21 should expect, I just want to reorient us that the plaintiff who  
01:41PM 22 was then testifying hadn't kept a copy of her husband's autopsy  
01:42PM 23 for a very good reason. But I don't think that it is a fair  
01:42PM 24 assumption that we should make in the absence of any actual  
01:42PM 25 factual proffer. So I think it's very well argued and preserved

01:42PM 1 for appeal. But I don't think it's authenticated under the Rule.

01:42PM 2 MR. MUZZIO: Thank you, Your Honor, and I appreciate the  
01:42PM 3 second opportunity.

01:42PM 4 THE COURT: We want to get it right. We'll look at every  
01:42PM 5 case that we can. But I don't see how we overcome that part of  
01:42PM 6 the Rule's authentication process in this record.

01:42PM 7 So with that, I think, you know, where we stand on  
01:42PM 8 Anderson, and so we can finish Bravo, and then we have to slide  
01:42PM 9 into Anderson; right?

01:42PM 10 MR. KRISHNAN: Your Honor, before Anderson, there is Ulla  
01:42PM 11 by deposition, who is the witness who will put the photographs in  
01:42PM 12 by deposition, and then Anderson would testify right after that.

01:43PM 13 THE COURT: You did tell me that yesterday. Are they all  
01:43PM 14 ready?

01:43PM 15 (Jury in at 1:43 P.M.)

01:43PM 16 THE COURT: All right. And welcome back.

01:43PM 17 Okay. Mr. Davis having concluded his examination, Mr.  
01:43PM 18 Krishnan, are you ready to continue?

01:43PM 19 MR. KRISHNAN: Yes. Thank you, Your Honor.

01:44PM 20 THE COURT: Mr. Bravo, you remain under oath.

01:44PM 21 THE WITNESS: Yes, ma'am -- yes, Your Honor.

01:44PM 22 RE-CROSS EXAMINATION

01:44PM 23 BY MR. KRISHNAN:

01:44PM 24 Q. Good afternoon, Mr. Bravo.

01:44PM 25 A. Sir.

01:44PM 1 Q. Now, I want to talk very briefly about the time before you  
01:44PM 2 were called back to Trelew when the prisoners were brought there.  
01:44PM 3 You testified that you were in Buenos Aires at the time; correct?  
01:44PM 4 A. Yes, sir.  
01:44PM 5 Q. Okay. Now -- so between say January and August of 1972, you  
01:44PM 6 had been stationed at Trelew; correct?  
01:44PM 7 A. Yes.  
01:44PM 8 Q. And your testimony is that your work was on logistics?  
01:44PM 9 A. Yes.  
01:44PM 10 Q. And that means things like making sure there is enough fuel,  
01:44PM 11 making sure there is enough food for soldiers in other parts of  
01:44PM 12 the navy or marines?  
01:45PM 13 A. No. In that particular unit, you are battalion.  
01:45PM 14 Q. I'm sorry?  
01:45PM 15 A. No. Not everywhere. Only in my unit, the Marine Battalion  
01:45PM 16 No. 4.  
01:45PM 17 Q. I see. I understand. But your work was only in logistics at  
01:45PM 18 the time that you were in Trelew; is that correct?  
01:45PM 19 A. Yes.  
01:45PM 20 Q. So, and you had no experience guarding prisoners; right?  
01:45PM 21 A. Yes, that's correct.  
01:45PM 22 Q. And so even though you were somebody who only worked in  
01:45PM 23 logistics doing things like calculating whether there is enough  
01:45PM 24 fuel and calculating enough food and no experience with guarding  
01:45PM 25 prisoners, your testimony is that you were called back

01:45PM 1 specifically to come back to Trelew and to be responsible for the  
01:45PM 2 soldiers who would be guarding the prisoners; correct?

01:45PM 3 A. Not quite right. I was called to the unit because the unit  
01:45PM 4 was facing that circumstances. I was assigned to that particular  
01:45PM 5 post or that particular task a couple days later after they had  
01:46PM 6 decided how they are going to handle those prisoners.

01:46PM 7 Q. Okay. Now, let's go to the time of the shooting. And I am  
01:46PM 8 going to ask you to do -- because we don't have it in a persistent  
01:46PM 9 form, I'm going to ask you to do some version of what you did with  
01:46PM 10 your attorney with his examination in terms of drawing where the  
01:46PM 11 various people were at a particular time. What I'm going to do is  
01:46PM 12 put up a paper version of the same document -- of the same layout  
01:46PM 13 that you used with your attorney, and I'm going to put it on the  
01:46PM 14 ELMO up here.

01:46PM 15 MR. KRISHNAN: And with the Court's permission, I was  
01:46PM 16 going to ask the witness to come to the ELMO and draw where people  
01:46PM 17 were at the time of the shooting.

01:46PM 18 THE COURT: That's fine. Do you understand, Mr. Bravo?  
01:46PM 19 We're going to give you the microphone that you can walk around  
01:47PM 20 with again so that you can stand where that light is coming from,  
01:47PM 21 about where you were before.

01:47PM 22 THE WITNESS: Okay.

01:47PM 23 THE COURT: Do you have the little one that he can just  
01:47PM 24 put into his pocket? I think it's a little more consistent.

01:47PM 25 MR. KRISHNAN: And while we're setting up, Your Honor, we



01:47PM 1 would appreciate just getting the ELMO set up. I think we might  
01:47PM 2 have to make sure it's -- the horizontal versus vertical is  
01:47PM 3 working.

01:47PM 4 THE WITNESS: What should I do?

01:47PM 5 MR. MUZZIO: It's not showing up on the screen. We may  
01:48PM 6 need to switch the input.

01:48PM 7 MR. KRISHNAN: The input needs to be for the ELMO.

01:48PM 8 THE COURT: We might be technology limited right now.  
01:48PM 9 You might notice Alex is not here.

01:48PM 10 Eric has got it. Thank you.

01:48PM 11 MR. KRISHNAN: I'm just going to show to the Court and  
01:48PM 12 the jury that we have this marked as PDX9, and it looks -- let me  
01:48PM 13 see. Maybe if I do it this way, we can have the whole thing on.  
01:48PM 14 Okay. There we have the whole thing on. There we go.

01:48PM 15 May I approach the witness, Your Honor, to hand him a pen  
01:49PM 16 or at least to give one to his attorney?

01:49PM 17 THE WITNESS: Thank you.

01:49PM 18 BY MR. KRISHNAN:

01:49PM 19 Q. Now, Mr. Bravo, the time I really want to focus on is the  
01:49PM 20 exact time of the shooting. Do you understand that?

01:49PM 21 A. Yes.

01:49PM 22 Q. Okay. Thank you. Now, I'd like to ask you not to draw but  
01:49PM 23 just to first point to where the -- Mr. Pujadas was standing at  
01:49PM 24 the time of the shooting?

01:49PM 25 A. Only him?

01:49PM 1 Q. Yes; just Mr. Pujadas.

01:49PM 2 A. Here.

01:49PM 3 Q. And could you please draw something to indicate that that's

01:49PM 4 where Mr. Pujadas was at the time of the shooting?

01:49PM 5 A. (Complies.)

01:49PM 6 Q. Okay. Thank you. And the prisoners were in two lines down

01:50PM 7 this corridor; is that right?

01:50PM 8 A. Yes.

01:50PM 9 Q. And so to Mr. Pujadas's right side or I guess lower down on

01:50PM 10 the picture from where Mr. Pujadas was standing, there would have

01:50PM 11 been a different prisoner that was on -- that was at the front of

01:50PM 12 the other line; is that right?

01:50PM 13 A. Yes.

01:50PM 14 Q. I'm not -- I don't want to tell you where the person is. I

01:50PM 15 want to ask you where the person is. But I am asking who was the

01:50PM 16 front -- where is the front-most person in the line that wasn't

01:50PM 17 the Pujadas?

01:50PM 18 A. Opposite to Pujadas here.

01:50PM 19 Q. Okay. And let me ask before you draw anything: Do you know

01:50PM 20 who that person was?

01:50PM 21 A. No, I don't know.

01:50PM 22 Q. You don't remember that?

01:50PM 23 A. No, I don't remember.

01:50PM 24 Q. Okay. And do you remember whether it was a man or a woman?

01:50PM 25 A. No, I don't remember.

01:50PM 1 Q. Okay. Thank you.

01:50PM 2 A. I think it was a man.

01:50PM 3 Q. You think it was a man, okay. Thank you. And could you

01:50PM 4 please draw or indicate on PDX9 where that person who was at the

01:50PM 5 front of the line on the west side of the cellblock was standing?

01:51PM 6 A. This is north, south. West, here.

01:51PM 7 Q. I just mean -- so of the line of prisoners that wasn't the

01:51PM 8 Pujadas line, where was the front-most person standing? Okay.

01:51PM 9 Now, there was -- the line of prisoners went back towards

01:51PM 10 the north wall; right?

01:51PM 11 A. Uh-huh.

01:51PM 12 Q. And let me just orient the jury in the way that you just did.

01:51PM 13 To be clear, at the end of the corridor, there is a north

01:51PM 14 wall; is that fair? Yeah. You don't need to draw it yet.

01:51PM 15 A. I wanted to mark north and south.

01:51PM 16 Q. Oh, please, would you? That would be helpful.

01:51PM 17 A. So I would say this is north, and this is south.

01:51PM 18 Q. Okay. Thank you, Mr. Bravo. And so there was a line of

01:52PM 19 prisoners after Mr. Pujadas going towards the north wall, and

01:52PM 20 there was a line of prisoners next to the other person indicated

01:52PM 21 going towards the north wall; correct?

01:52PM 22 A. Yes.

01:52PM 23 Q. And could you just indicate with your hand before you draw how

01:52PM 24 far back that line of prisoners extended?

01:52PM 25 A. As far as I can see, they were all the way to the end.

01:52PM 1 Probably the last one was here.

01:52PM 2 Q. I'm sorry. Why don't you just draw where -- draw something to  
01:52PM 3 indicate the line of prisoners behind Mr. Pujadas and the line of  
01:52PM 4 prisoners behind the other person that you just drew?

01:52PM 5 A. I have to count them. Probably, my side -- I'm missing five.  
01:53PM 6 So I should have written the circle a little bit smaller.

01:53PM 7 Q. I understand. Let me just clarify that for the record, you've  
01:53PM 8 only drawn seven circles on each side, but your intention was to  
01:53PM 9 show up to nine or ten prisoners on each side so that there are 19  
01:53PM 10 total; is that correct?

01:53PM 11 A. 19 total, yes.

01:53PM 12 Q. Okay. Thank you. And now could you please first indicate  
01:53PM 13 with your hand before you draw where Mr. Bravo -- sorry -- where  
01:53PM 14 you were standing?

01:53PM 15 A. At the moment of the shooting?

01:53PM 16 Q. Yes, at the time of the shooting.

01:53PM 17 A. I was here.

01:53PM 18 Q. Could you please go ahead and draw it to indicate. Thank you.  
01:53PM 19 And perfect. Thank you so much. And you've drawn a B inside of a  
01:53PM 20 circle in PDX9 to --

01:54PM 21 A. To show my last name, Bravo.

01:54PM 22 Q. Right. Thank you. And I just want to be clear about one  
01:54PM 23 thing about the line of prisoners, even though there should be  
01:54PM 24 more people in each of the lines of prisoners, the positioning of  
01:54PM 25 the front prisoner is one that you have indicated correctly on

01:54PM 1 PDX9; is that fair?

01:54PM 2 A. Yes. I think that is the position of the first two

01:54PM 3 individuals.

01:54PM 4 Q. Okay. Thank you. Now, the other people that you had

01:54PM 5 mentioned that were in the room, there was at least Mr. Sosa; is

01:54PM 6 that right?

01:54PM 7 A. That is correct.

01:54PM 8 Q. And could you please just indicate with your hand before

01:54PM 9 drawing where Mr. Sosa was at the time of the shooting?

01:54PM 10 A. Here.

01:54PM 11 Q. And could you please go ahead and draw Mr. Sosa in. Thank

01:54PM 12 you. And you have indicated -- put an S in that circle in order

01:55PM 13 to indicate Mr. Sosa; is that correct?

01:55PM 14 A. That is correct.

01:55PM 15 Q. And then Mr. Del Real was there as well; is that right?

01:55PM 16 A. Yes.

01:55PM 17 Q. And could you first please just indicate with your hand before

01:55PM 18 drawing where he was. Thank you. And could you go ahead and draw

01:55PM 19 where Mr. Del Real was? Okay. And you drew an R to indicate

01:55PM 20 Mr. Del Real; correct?

01:55PM 21 A. Yes.

01:55PM 22 Q. And, again, this was at the time of the shooting; correct?

01:55PM 23 A. Yes.

01:55PM 24 Q. And then finally --

01:55PM 25 A. But -- I'm sorry, that's what my perception was.

01:55PM 1 Q. Thank you for that clarification. But at the time of the  
01:55PM 2 shooting?

01:55PM 3 A. At the time of the shooting.

01:55PM 4 Q. And then finally, Marandino, could you first just indicate  
01:55PM 5 with your hand where -- your recollection where he was?

01:55PM 6 A. He was still -- I mean, also my perception because as I  
01:55PM 7 advanced, I lose the sense of where everybody was behind me. So I  
01:56PM 8 assumed that Marandino that was on my right; but when I advanced,  
01:56PM 9 I didn't see anymore.

01:56PM 10 Q. Okay. So before you -- before you draw, could you just tell  
01:56PM 11 me -- so you're saying that there is -- is there a place where you  
01:56PM 12 couldn't see him but where you believed him to be? Is that fair  
01:56PM 13 to make it clear for the record?

01:56PM 14 A. Yes.

01:56PM 15 Q. And could you go ahead and draw in where you believed  
01:56PM 16 Mr. Marandino to be? Now, I want to just ask one last question.  
01:56PM 17 Was there anyone else? Have we left anyone out of the drawing at  
01:56PM 18 the time of the shooting, or is this --

01:56PM 19 A. There was a Lieutenant Herrera.

01:56PM 20 Q. Herrera. Thank you. And could you please go ahead and draw  
01:56PM 21 in where Mr. Herrera was at the time of the shooting? Thank you,  
01:56PM 22 Mr. Bravo.

01:56PM 23 Now, I want to just clarify a couple of things. First of  
01:56PM 24 all, how far would you estimate that you were from Mr. Pujadas at  
01:57PM 25 the time of the shooting?

01:57PM 1 A. In this particular moment?

01:57PM 2 Q. Yes.

01:57PM 3 A. About this distance.

01:57PM 4 Q. And the record can't -- doesn't have eyes as this Court has

01:57PM 5 said before.

01:57PM 6 A. Eight feet, ten feet, ten feet.

01:57PM 7 Q. Approximately ten feet?

01:57PM 8 A. Approximately, yes.

01:57PM 9 Q. And how far were you from Mr. Sosa?

01:57PM 10 A. Nine.

01:57PM 11 Q. Thank you. And how far were you from the prisoner who was

01:57PM 12 adjacent to Mr. Pujadas in the other line of prisoners?

01:57PM 13 A. Same, ten feet.

01:57PM 14 Q. Ten feet, okay. Thank you. And I take it that neither Mr. --

01:57PM 15 well, let me ask you to just do this: In some of the drawings

01:57PM 16 that have been made in this case -- and I don't know whether

01:58PM 17 you've seen them or not -- but in some of the drawings that have

01:58PM 18 been made -- well, let me --

01:58PM 19 THE COURT: Mr. Krishnan, are you going to have him draw

01:58PM 20 anymore, or should I have him sit back down?

01:58PM 21 MR. KRISHNAN: Let me just -- that's a very good

01:58PM 22 question, Your Honor. I believe, Your Honor, the witness can sit

01:58PM 23 back down. Thank you so much.

01:58PM 24 THE COURT: Mr. Bravo, do you want to take that

01:58PM 25 microphone, please, out of your pocket before you sit down?

01:58PM 1 THE WITNESS: Yes, Your Honor.

01:58PM 2 THE COURT: Thank you.

01:58PM 3 THE WITNESS: Can you help me?

01:58PM 4 BY MR. KRISHNAN:

01:58PM 5 Q. Mr. Bravo, do you see that I am -- am I -- I'll go up there --

01:59PM 6 actually, would it be possible -- let me go up there just so that

01:59PM 7 we're sure that it happens. Let me see.

01:59PM 8 Mr. Bravo, do you see that I have put an x in the cell that

01:59PM 9 is the closest cell, the southmost cell on the east side?

01:59PM 10 A. Yes.

01:59PM 11 Q. Okay. And I want to draw your attention to the south wall of

01:59PM 12 that cell. Do you see where I've indicated it?

01:59PM 13 A. Yes.

01:59PM 14 Q. Now, is it your recollection that Mr. Pujadas was no farther

01:59PM 15 forward than the south wall of that cell?

01:59PM 16 A. At the moment of the shooting?

02:00PM 17 Q. At the moment of the shooting. Thank you very much.

02:00PM 18 A. At the moment of the shooting, at the moment of shooting, he

02:00PM 19 was on top of Sosa. But I made a mistake in considering that in

02:00PM 20 drawing. At the moment of the shooting, he was practically in the

02:00PM 21 same position as Sosa.

02:00PM 22 Q. Okay. So --

02:00PM 23 A. I had to apologize, I apologize.

02:00PM 24 Q. I understand what you're saying. But let me just try to

02:00PM 25 clarify for the record what I believe you just said. I think you



02:00PM 1 just said that at the moment of the shooting, Mr. Pujadas and  
02:00PM 2 Mr. Sosa were located at about the same place; is that right?  
02:00PM 3 A. Almost, because one was behind the other, but yes, making a  
02:00PM 4 single -- yes, in the same position.  
02:00PM 5 Q. The point that I'm trying to get at is: Where was Mr. Pujadas  
02:00PM 6 with respect to the south wall of the southmost cell on the east  
02:01PM 7 side, the cell that I marked with an x?  
02:01PM 8 Was he north of that south wall? Was he south of that south  
02:01PM 9 wall, or was he right about where that south wall was?  
02:01PM 10 A. He was right where that south wall is.  
02:01PM 11 Q. Okay. I think the record is clear about that. So Mr. Pujadas  
02:01PM 12 at the time of the shooting was right about -- in terms of  
02:01PM 13 north/south, right about where that south wall was of the cell  
02:01PM 14 that I have indicated with an x; right?  
02:01PM 15 A. I -- I'm not sure I understand correctly what you said. But  
02:01PM 16 Pujadas was practically in the same position where Sosa is now  
02:01PM 17 there.  
02:01PM 18 Q. So let me just extend the line of the south wall.  
02:01PM 19 A. There you go.  
02:01PM 20 Q. And you see the line I've extended?  
02:01PM 21 A. Yes.  
02:01PM 22 Q. Now, with respect to that line, was Mr. Pujadas at the time of  
02:01PM 23 the shooting south of that line? North of that line? Or right at  
02:01PM 24 that line?  
02:01PM 25 A. Right on the line.

02:02PM 1 Q. Okay. Thank you. And does your testimony change at all with  
02:02PM 2 respect to being -- him being about ten feet away at the time of  
02:02PM 3 the shooting?

02:02PM 4 A. No, no.

02:02PM 5 Q. So Mr. Pujadas and Mr. Sosa were collectively nine to ten feet  
02:02PM 6 away?

02:02PM 7 A. Yes.

02:02PM 8 Q. Okay. Thank you. You -- I think this is clear from the  
02:02PM 9 drawing, but you were the closest of the soldiers who were  
02:02PM 10 shooting to the prisoners; correct?

02:02PM 11 A. Yes, I was.

02:02PM 12 Q. You had previously demonstrated the movement of Mr. Pujadas  
02:02PM 13 with respect to Mr. Sosa during the attack. Do you remember that?

02:03PM 14 A. Yes, I tried to do so, yes.

02:03PM 15 Q. Thank you. How high, approximately, was the gun that  
02:03PM 16 Mr. Pujadas used at the time that he shot?

02:03PM 17 A. May I rise for a second?

02:03PM 18 Q. Yes, please. Let me just ask you one question, Mr. Sosa  
02:03PM 19 (sic). Are you standing -- is the witness stand elevated from the  
02:03PM 20 ground out here?

02:03PM 21 A. I would say five feet, four feet, four and a half.

02:03PM 22 Q. That's clear. So the gun was approximately four feet off the  
02:03PM 23 ground?

02:03PM 24 A. Yes, or five -- no less -- no more than five.

02:03PM 25 Q. Between four to five feet off the ground?

02:03PM 1 A. Yes.

02:03PM 2 Q. Thank you. When the shooting ended, did you testify  
02:04PM 3 earlier -- and I may have misheard this. When the shooting ended,  
02:04PM 4 was Mr. Sosa, did he have any prisoners' bodies on top of him or  
02:04PM 5 anything like that?

02:04PM 6 A. Part of Pujadas was on top of him.

02:04PM 7 Q. And was Mr. Sosa covered with blood?

02:04PM 8 A. No. He was climbing -- as I saw, he was standing up pushing  
02:04PM 9 bodies. No, no, I don't remember.

02:04PM 10 Q. So you had just shot Mr. Pujadas with a machine gun many  
02:04PM 11 times, he landed on top of Mr. Sosa, and you don't remember  
02:04PM 12 whether he was covered with blood?

02:04PM 13 A. I don't remember seeing him with blood.

02:04PM 14 MR. KRISHNAN: Would it be possible to change the video  
02:05PM 15 back to Ms. Lind, who is at the far video at our table?

02:05PM 16 And, Ms. Lind, could we please pull up PX 3.

02:05PM 17 MR. MUZZIO: You're good.

02:05PM 18 MR. KRISHNAN: Now, I'll just note for the Court that  
02:05PM 19 this is PX3, which we saw yesterday during my initial examination  
02:05PM 20 of Mr. Sosa (sic), and I think for reasons related to -- I'm not  
02:06PM 21 sure why, it didn't display in the way that it displays when you  
02:06PM 22 look at it on a sheet of paper. It seems to be displaying  
02:06PM 23 properly now, which I'll just note. But PX3 the piece of paper is  
02:06PM 24 what will be in evidence. So I just wanted to state that to the  
02:06PM 25 Court and to the witness, Mr. Bravo.

02:06PM 1 BY MR. KRISHNAN:

02:06PM 2 Q. Now, Mr. Bravo, this was the -- Exhibit PX3, this was from  
02:06PM 3 your deposition; right?

02:06PM 4 A. I think so.

02:06PM 5 Q. And here you show in PX3 where you and Mr. Marandino and  
02:06PM 6 others were standing at the time of the shooting; right?

02:06PM 7 A. Yes. But we didn't draw the lines of the firing.

02:07PM 8 Q. I'm sorry?

02:07PM 9 A. We didn't draw the -- we didn't draw the green and red lines  
02:07PM 10 of the shooting.

02:07PM 11 Q. We didn't draw the green and the red lines?

02:07PM 12 A. Of the shooting of the trajectory of the bullets.

02:07PM 13 Q. When you say we didn't draw, what do you mean by that?

02:07PM 14 A. I don't remember having seen these lines in my deposition.

02:07PM 15 Q. Oh, I see. So you don't recall that during your deposition  
02:07PM 16 seeing these lines?

02:07PM 17 A. The green and red, no.

02:07PM 18 Q. Okay. Let me try to refresh your recollection on that.

02:07PM 19 A. Okay.

02:07PM 20 MR. KRISHNAN: Could we please hand up to Mr. Bravo a  
02:07PM 21 copy of his deposition?

02:07PM 22 MS. LIND: The transcript?

02:07PM 23 MR. KRISHNAN: Yes, the transcript. And I'm going to for  
02:07PM 24 the Court and for counsel, I'm going to direct first to page 86,  
02:07PM 25 lines 5 through 11.

02:08PM 1 THE WITNESS: What pages, please?

02:08PM 2 MR. KRISHNAN: Page 86, lines 5 through 11.

02:08PM 3 BY MR. KRISHNAN:

02:08PM 4 Q. And I just want to ask you, Mr. Bravo, to read that to  
02:08PM 5 yourself, page 86, lines 5 through 11?

02:08PM 6 Could you please let me know when you're done, Mr. Bravo?

02:09PM 7 A. Yes.

02:09PM 8 Q. I'm sorry. It's lines 5 through 12. Are you done, Mr. Bravo?

02:09PM 9 A. Okay. These are --

02:09PM 10 Q. I'm first just going to ask you: Does this refresh your  
02:09PM 11 recollection that at your deposition these red arrows were drawn?

02:09PM 12 A. No, it doesn't show. I'm reading something wrong then. I'm  
02:09PM 13 on page 87.

02:09PM 14 Q. 86, 86.

02:09PM 15 A. Oh, I'm sorry.

02:09PM 16 Q. Just let me know when you're done, and I'll ask a question.

02:09PM 17 A. Okay. 5 through 11.

02:10PM 18 Q. Are you finished reading?

02:10PM 19 A. Yes.

02:10PM 20 Q. So my question is: After having read that, does that refresh  
02:10PM 21 your recollection as to whether these lines, red lines, red arrows  
02:10PM 22 were drawn at the time of your deposition?

02:10PM 23 A. As I read now, there is no mention of any lines. You're only  
02:10PM 24 asking me for positions, my positions.

02:10PM 25 Q. The red arrows is what I'm talking about?

02:10PM 1 A. (He is reading to himself.)

02:10PM 2 THE COURT: Mr. Bravo? Mr. Bravo, counsel's only  
02:10PM 3 question is whether reading the deposition now refreshes your  
02:10PM 4 recollection about whether or not you drew the red arrows at your  
02:10PM 5 deposition. Does it refresh your recollection, Mr. Bravo?

02:11PM 6 THE WITNESS: It does refresh my recollection to a point,  
02:11PM 7 to a certain point.

02:11PM 8 THE COURT: Okay.

02:11PM 9 BY MR. KRISHNAN:

02:11PM 10 Q. And, Mr. Bravo --

02:11PM 11 THE COURT: You can put the deposition down now.

02:11PM 12 BY MR. KRISHNAN:

02:11PM 13 Q. You recall now that the red arrows were there at the time of  
02:11PM 14 your deposition; right?

02:11PM 15 A. Yes.

02:11PM 16 Q. And, likewise, do you recall that the green arrow for  
02:11PM 17 Mr. Marandino was there at the time of your deposition?

02:11PM 18 A. I -- I don't recall. But I assume that if it's already in my  
02:11PM 19 deposition that it is correct.

02:11PM 20 Q. Now, one last thing, which is, Mr. Bravo, you testified today  
02:11PM 21 that all of the prisoners were facing each other when they were  
02:11PM 22 standing in the lines; right?

02:11PM 23 A. That when -- that was the order, and that was the starting  
02:12PM 24 position, yes.

02:12PM 25 Q. Okay. And when you say the starting position, you mean up

02:12PM 1 until the time of the shooting; correct?

02:12PM 2 A. Correct.

02:12PM 3 Q. So at all times from the time that the line was formed until  
02:12PM 4 the shooting, the prisoners were facing each other; right, meaning  
02:12PM 5 that the prisoners on the east side were facing the west; and the  
02:12PM 6 prisoners from the west side were facing the east; right?

02:12PM 7 A. I understood the question. But I might clarify that when  
02:12PM 8 everyone was already in line, I can barely see what is behind  
02:12PM 9 after the second row because they were so close and so far behind  
02:12PM 10 that I couldn't see the position of the rest -- the remaining  
02:12PM 11 prisoners behind the first four.

02:12PM 12 Q. So now are you saying you don't know which way they were  
02:12PM 13 facing or -- or are you saying that you do have an understanding  
02:12PM 14 as to which way they were facing?

02:12PM 15 A. No. I'm saying that the starting position was facing the  
02:13PM 16 opposite cell. And at the shooting, I'm not sure what were the  
02:13PM 17 positions of the rest of them, the one behind the front line.

02:13PM 18 MR. KRISHNAN: Now, Your Honor, I'd like to draw the  
02:13PM 19 Court's attention to -- and also play page 73, line 23, to  
02:13PM 20 page 74, line 12, of Mr. Bravo's deposition.

02:13PM 21 Before I do that, may I just do one other thing, Your  
02:13PM 22 Honor, with the exhibit so it's clear?

02:13PM 23 BY MR. KRISHNAN:

02:13PM 24 Q. Mr. Bravo, the orientation that you're seeing here of  
02:13PM 25 Plaintiffs' Exhibit 3, is the same orientation it was when you

02:13PM 1 were at your deposition; right?

02:14PM 2 A. The orientation, yes.

02:14PM 3 Q. So the right of this picture was on the right when you were  
02:14PM 4 looking at it at your deposition; the left was on the left during  
02:14PM 5 your deposition?

02:14PM 6 A. Yes.

02:14PM 7 MR. KRISHNAN: And, Your Honor, the portion I'd like to  
02:14PM 8 play again was 73, line 23, to 74, line 12.

02:14PM 9 THE COURT: Okay. Go ahead.

02:14PM 10 MR. KRISHNAN: Thank you, Your Honor.

02:14PM 11 (Portion of Roberto Bravo deposition video played.)

02:15PM 12 BY MR. KRISHNAN:

02:15PM 13 Q. Did you give those -- were you asked those questions, and did  
02:15PM 14 you give those answers at your deposition, Mr. Bravo?

02:15PM 15 A. Yes, I did.

02:15PM 16 Q. Now, I want to ask you about the change in the drawings  
02:15PM 17 between the time of your deposition and today when we're looking  
02:16PM 18 at PDX9.

02:16PM 19 Didn't you devote yourself starting in 2008 to clearing your  
02:16PM 20 name of these charges relating to Trelew?

02:16PM 21 A. I had an attorney. I hired an attorney -- not 2008. Not yet.  
02:16PM 22 In 2009, I hired an attorney when I was threatened with  
02:16PM 23 extradition, and that's when I started to defend myself.

02:16PM 24 Q. Did you or did you not devote yourself starting in 2008 to  
02:16PM 25 clearing your name of these accusations relating to Trelew?



02:16PM 1 A. I think it was when I was threatened with extradition. I  
02:16PM 2 think it could be 2008. I thought 2009, okay. For you, 2008,  
02:17PM 3 could be.

02:17PM 4 Q. Okay. Now, as part of devoting yourself to clearing your  
02:17PM 5 name, wouldn't you have definitively figured out where everyone  
02:17PM 6 was standing at the time of the shooting?

02:17PM 7 MR. DAVIS: Objection, Judge, hypothetical.

02:17PM 8 MR. KRISHNAN: I will rephrase it.

02:17PM 9 BY MR. KRISHNAN:

02:17PM 10 Q. As part of devoting yourself to clearing your name, didn't you  
02:17PM 11 establish definitively in your own mind where everybody was  
02:17PM 12 standing at the time of the shooting?

02:17PM 13 A. The answer is, no.

02:17PM 14 Q. And so all the way up until your deposition of last year, in  
02:17PM 15 2021, 13 years later, you had not yet definitively determined for  
02:17PM 16 yourself where everyone was standing; correct?

02:18PM 17 A. That is correct, I did not.

02:18PM 18 Q. And even after your deposition, up till today, you haven't  
02:18PM 19 definitively determined for yourself where everyone was standing;  
02:18PM 20 correct?

02:18PM 21 A. Correct, definitively, no. I just brought my memory from  
02:18PM 22 memory that I provided and last year and now.

02:18PM 23 Q. Now, today you -- during questioning with your attorney, we  
02:18PM 24 were talking about how many times -- you were talking about with  
02:18PM 25 your attorney how many times Mr. Pujadas shot a gun. Do you

02:18PM 1 remember that?

02:18PM 2 A. Not today.

02:18PM 3 Q. Today, you don't remember saying on your examination with your

02:18PM 4 attorney that: I don't want to contradict my prior testimony.

02:18PM 5 I'm saying now that he got two shots off.

02:18PM 6 Did you say that during your testimony with your attorney?

02:18PM 7 A. I misunderstood. I thought in our -- in our leave and in

02:18PM 8 the --

02:18PM 9 No, you're absolutely right. Yes.

02:18PM 10 Q. And just to be clear about the contradiction between today and

02:19PM 11 your prior testimony, your prior testimony was that Mr. Pujadas

02:19PM 12 couldn't shoot more than once; right?

02:19PM 13 A. Yeah. That was what I had brought in my mind, because

02:19PM 14 suddenly I have a memory of that particular event, and I had to

02:19PM 15 act very rapidly, and I thought as soon as he shot, I shot -- I

02:19PM 16 returned the fire.

02:19PM 17 Q. So what changed between your deposition when you said he

02:19PM 18 couldn't shoot more than once and today here at trial when you

02:19PM 19 testified that he shot twice?

02:19PM 20 A. Because these proceedings brought into my mind memories that I

02:19PM 21 didn't have before and flashes of the tragic things, and then I

02:19PM 22 spoke my mind as the questions came about.

02:19PM 23 Q. When did you change your -- when did your recollection change?

02:20PM 24 A. Probably when you asked me today.

02:20PM 25 Q. I'm sorry. Today is when your recollection changed from one

02:20PM 1 shot to two shots?

02:20PM 2 A. When I -- yes, yes.

02:20PM 3 Q. Today? But yesterday you testified that Mr. Pujadas --

02:20PM 4 A. Yesterday. I mean, when you asked -- don't -- I think I'm

02:20PM 5 being played with my mind. Don't play with my mind. I don't

02:20PM 6 remember exactly.

02:20PM 7 Q. I'm trying to ask when -- you just testified about how your

02:20PM 8 mind -- you thought some more and your mind changed?

02:20PM 9 A. Yes.

02:20PM 10 Q. And it was no longer one shot; it was two shots?

02:20PM 11 A. Yes.

02:20PM 12 Q. And I'm asking you when your mind changed, and are you saying

02:20PM 13 it was yesterday when I asked you?

02:20PM 14 A. Every time that you ask me or my attorney asks me, I really

02:20PM 15 have to get from my memory somewhere back in my head exactly what

02:20PM 16 happened.

02:20PM 17 I didn't recreate the scenery during the period that we are

02:21PM 18 in these proceedings, so I must confess that always I've had the

02:21PM 19 feeling that there was two shots. But then when you -- in the

02:21PM 20 last year when you asked me and I was so concerned to show that

02:21PM 21 really it was instinct, that I probably said only one shot,

02:21PM 22 because that was as soon as I could react.

02:21PM 23 But if -- okay. If I am allowed, I will change my

02:21PM 24 testimony. There were two shots.

02:21PM 25 Q. Okay. So just to be clear, what you said is that you thought

02:21PM 1 there were two shots at all times. At your deposition, you -- in  
02:21PM 2 order to indicate that things happened very fast changed to one  
02:21PM 3 shot, and then every time after, you thought it was two shots?

02:21PM 4 A. Yes, yes.

02:21PM 5 Q. So the change that was in your mind and your recollection  
02:21PM 6 happened only at the time of your deposition?

02:21PM 7 A. Yes.

02:21PM 8 Q. Okay. I want to now go on to Mr. Bautista's investigation.  
02:22PM 9 You talked about that with your attorney; right?

02:22PM 10 A. When?

02:22PM 11 Q. Today with your attorney, you talked about Mr. Bautista's  
02:22PM 12 investigation?

02:22PM 13 A. He mentioned very lightly about Bautista.

02:22PM 14 Q. And Mr. Bautista was, I think, the ad hoc --

02:22PM 15 A. Ad hoc investigator. Ad hoc judge he was called.

02:22PM 16 Q. Ad hoc judge?

02:22PM 17 A. Yes.

02:22PM 18 Q. And he came to the day of or the day after the shootings to  
02:22PM 19 investigate; correct?

02:22PM 20 A. In the afternoon of the same day.

02:22PM 21 Q. Okay.

02:22PM 22 A. 22 -- 23 -- in the afternoon 22.

02:22PM 23 Q. The afternoon of the 22nd. Thank you.

02:22PM 24 And you testified that part of what happened with respect to  
02:22PM 25 the investigation is that you had to be isolated; right?

02:23PM 1 A. Yes, the first --

02:23PM 2 Q. It's just yes or no.

02:23PM 3 A. Yes.

02:23PM 4 Q. And your isolation was you were put in a room with your own

02:23PM 5 private bathroom, and you weren't allowed to leave; is that right?

02:23PM 6 A. Yes.

02:23PM 7 Q. Okay. And that was in order to make sure, for purposes of the

02:23PM 8 investigation, that the participants in the shooting couldn't talk

02:23PM 9 to each other and coordinate stories; right?

02:23PM 10 A. That was my assumption.

02:23PM 11 Q. And that was the protocol; right?

02:23PM 12 A. That was my assumption.

02:23PM 13 Q. I'm asking. So that's your assumption about what the protocol

02:23PM 14 was?

02:23PM 15 A. You mentioned the word protocol. I don't know that existed

02:23PM 16 protocol for that. I thought for every investigation, must be

02:23PM 17 confidential, and it shouldn't go beyond the people involved. So

02:23PM 18 if that you call protocol, yes.

02:23PM 19 Q. Okay. And yet even though you were isolated to make sure that

02:23PM 20 you couldn't coordinate stories, Mr. Bautista had you do a

02:24PM 21 reenactment with all the other soldiers, where you could tell in

02:24PM 22 front of each other your own version of events; correct?

02:24PM 23 A. Yeah. But we didn't.

02:24PM 24 Q. Well, you did -- everybody at the investigation did tell Mr.

02:24PM 25 Bautista in front of everybody else what their version of events

02:24PM 1 was; right?

02:24PM 2 A. Right. But we didn't talk to each other. We were brought:

02:24PM 3 Everyone, take your position. Take your position. You stay

02:24PM 4 there. Now, Mr. Bravo, what did you do?

02:24PM 5 We didn't exchange words with anyone else. We were

02:24PM 6 responding to the inquiry by the judge, by the investigator.

02:24PM 7 Q. But there was an event that involved all of the members of the

02:24PM 8 officers that were involved in the shootings --

02:24PM 9 A. Yes.

02:24PM 10 Q. -- where they were talking about what happened; right?

02:24PM 11 A. We were not talking. We were responding to the questions of

02:24PM 12 the investigator.

02:24PM 13 Q. Okay. Thank you.

02:24PM 14 Now, the survivors -- the prisoner survivors, they were not

02:25PM 15 there?

02:25PM 16 A. No. They were wounded. They were in hospitals, infirmary.

02:25PM 17 Q. And Mr. Marandino wasn't there either; right?

02:25PM 18 A. Yes, he was.

02:25PM 19 Q. You know that Marandino testified that he wasn't there? That

02:25PM 20 that event was only for officers?

02:25PM 21 A. I don't remember exactly, but I don't remember why not.

02:25PM 22 Q. Do you remember him there or not there?

02:25PM 23 A. I think that every one of us was there. I don't -- I cannot

02:25PM 24 visualize everyone there in what position. I can visualize only

02:25PM 25 if I start thinking what position they were at the shooting

02:25PM 1 moment, but --

02:25PM 2 Q. Thank you. I didn't mean to cut you off. Are you finished?

02:25PM 3 A. No. I wanted to add that I don't have a precise answer for  
02:25PM 4 the particular position of each, and so I had a perception that  
02:25PM 5 every one of us were called, and every one of us has to  
02:25PM 6 participate in that reenactment.

02:25PM 7 Q. But you don't have a specific recollection of Mr. Marandino?

02:26PM 8 A. No, but -- no, but I think he was there.

02:26PM 9 Q. Okay. Let's pull up DX2. And while that's happening, let me  
02:26PM 10 ask you a question, which is that: The auditor general's report  
02:26PM 11 that we looked at, which is DX2, that came after the Bautista  
02:26PM 12 investigation; right?

02:26PM 13 A. Yes.

02:26PM 14 Q. And so Bautista did his investigation, and this Auditor  
02:26PM 15 General, whose name was Julio Gomez, was the one that reviewed Mr.  
02:26PM 16 Bautista's investigation; right?

02:26PM 17 A. Yes, I think so.

02:26PM 18 Q. And as far as you're aware, we don't have the Bautista  
02:26PM 19 investigation in this case, we have only this Auditor General's  
02:26PM 20 Report; right?

02:26PM 21 A. Yes.

02:26PM 22 Q. Okay.

02:26PM 23 A. I never saw Bautista's.

02:27PM 24 Q. Okay. I just want to clarify some things with respect to this  
02:27PM 25 document.

02:27PM 1 The first page of the document, which is -- let's go back to  
02:27PM 2 the very first page. I just want to make this clear for the jury.

02:27PM 3 So the very first page of the document, it says: In the  
02:27PM 4 matter of extradition of Roberto Guillermo Bravo, Exhibit D. Do  
02:27PM 5 you see that?

02:27PM 6 A. Yes.

02:27PM 7 Q. But that's not what we're talking about. This is just how we  
02:27PM 8 happened to get the document.

02:27PM 9 The Auditor General's Report is actually a few pages later;  
02:27PM 10 right?

02:27PM 11 A. Understood.

02:27PM 12 Q. I'm just doing this so everyone understands how the document  
02:27PM 13 works. Okay. So let's flip forward to -- a few pages to the  
02:27PM 14 first page of the Auditor General's Report. Okay.

02:27PM 15 The Auditor General's Report begins: Mr. Chairman of the  
02:27PM 16 Commanders in Chief Junta. And I believe during your exam with  
02:27PM 17 your lawyer, you said that was the president of Argentina; right?

02:27PM 18 A. Yes.

02:27PM 19 Q. But you say, president, but it was -- actually, it was -- he  
02:28PM 20 was a military dictator, wasn't he?

02:28PM 21 A. He was a benevolent dictator, yes.

02:28PM 22 Q. A veteran?

02:28PM 23 A. A benevolent dictator.

02:28PM 24 Q. A benevolent dictator?

02:28PM 25 A. Yes. He was engaged in bringing democracy to the country.



02:28PM 1 Q. I'm just asking whether he was a dictator?

02:28PM 2 A. Yes -- no, I disagree with dictator name. He was dictator for

02:28PM 3 the opposition.

02:28PM 4 Q. You disagree with the dictator name? He was a dictator for

02:28PM 5 the position?

02:28PM 6 A. For the opposition.

02:28PM 7 Q. Oh. For the opposition he was a dictator. Okay.

02:28PM 8 Now, just so everyone is clear, we're talking about General

02:28PM 9 Lanusse; is that correct?

02:28PM 10 A. That is correct.

02:28PM 11 Q. He was never elected; right?

02:28PM 12 A. He was not.

02:28PM 13 Q. Now, this incident at Trelew was one that needed to be

02:29PM 14 addressed to the highest official in the land, General Lanusse;

02:29PM 15 correct?

02:29PM 16 A. Correct.

02:29PM 17 Q. And that's because there was a very significant public outrage

02:29PM 18 after this event; right?

02:29PM 19 A. No. It was not for that reason.

02:29PM 20 Q. Okay. Now, you walked through this document with Mr. Davis,

02:29PM 21 your attorney; right?

02:29PM 22 A. Yes, sometimes.

02:29PM 23 Q. I just meant earlier this morning.

02:29PM 24 A. No, not this morning.

02:29PM 25 Q. This morning when you testified, you walked through this

02:29PM 1 document together?

02:29PM 2 A. I'm sorry. Yes, yes.

02:29PM 3 Q. Okay. And during -- as you walked through it, you found about

02:29PM 4 seven different ways in which it contradicts your testimony;

02:29PM 5 right?

02:29PM 6 A. Yes.

02:29PM 7 Q. Let's go to page 3. Okay. Now, the -- I just want to read

02:30PM 8 the very first sentence: An immediate struggle ensued between the

02:30PM 9 extremist Pujadas and Captain Sosa, who was able to free himself

02:30PM 10 and started to walk "crawl" to the place where the other officers

02:30PM 11 and the corporal were. Do you see that?

02:30PM 12 A. I see that.

02:30PM 13 Q. And this is one of the things that you disagreed with today;

02:30PM 14 right?

02:30PM 15 A. Yes.

02:30PM 16 Q. And was Mr. Sosa actually walking or crawling at the time of

02:30PM 17 the shooting?

02:30PM 18 A. No.

02:30PM 19 Q. Because if Mr. Sosa was walking or crawling at the time of the

02:30PM 20 shooting, it would have been very difficult to miss him and hit

02:30PM 21 all the 19 people behind him; right?

02:30PM 22 A. Repeat the question.

02:30PM 23 Q. If Mr. --

02:30PM 24 A. Sosa, yes --

02:31PM 25 Q. -- Sosa was walking or crawling, it would have been very

02:31PM 1 difficult shooting with machine guns to miss him and hit all 19  
02:31PM 2 people behind him; right?

02:31PM 3 A. On the contrary, it would be easy because he would be out of  
02:31PM 4 the picture, and everyone else would be easy targets.

02:31PM 5 Q. So you're saying if he was walking or crawling somewhere else?

02:31PM 6 A. He was not walking or crawling. He was down in the position  
02:31PM 7 steady while the shooting went on.

02:31PM 8 Q. Now, let's go to page 5. And let's go to the second full  
02:31PM 9 paragraph that begins, as far as Lieutenant Bravo. I'm just going  
02:31PM 10 to read that first sentence in that paragraph. It says: As far  
02:31PM 11 as -- no. The prior paragraph, the second, that one.

02:32PM 12 The first sentence says: As far as Lieutenant Bravo, I  
02:32PM 13 agree with what was stated in pages 406-407 by the chairman of the  
02:32PM 14 joint chiefs of staff who had determined that the previously named  
02:32PM 15 officer should not be sanctioned.

02:32PM 16 So this is the Auditor General agreeing that you should not  
02:32PM 17 be sanctioned; right?

02:32PM 18 A. Yes.

02:32PM 19 Q. And he was agreeing with a prior determination by General  
02:32PM 20 Lanusse; right?

02:32PM 21 A. I don't know.

02:32PM 22 Q. Isn't that what it says? It says: I agree with what was  
02:32PM 23 stated in pages 406-407 by the chairman of the joint chiefs of  
02:32PM 24 staff. That's Lanusse; right?

02:32PM 25 A. He was -- who originated this document?

02:32PM 1 Q. Let me just ask the question -- withdraw that question and ask  
02:33PM 2 a simpler one. The chairman of the joint chiefs of staff, that's  
02:33PM 3 Lanusse; right?

02:33PM 4 A. He said that.

02:33PM 5 Q. Yes.

02:33PM 6 A. It says that I --

02:33PM 7 Q. I just need a yes or no. Is the chairman of the joint chiefs  
02:33PM 8 of staff Lanusse?

02:33PM 9 A. Yes.

02:33PM 10 Q. So this says that the Auditor General --

02:33PM 11 A. No, no, no, I'm sorry. I'm sorry. I have to -- I need to  
02:33PM 12 respond to that, please. The chairman -- I understand the  
02:33PM 13 chairman of the joint chiefs of staff is the chief of staff of the  
02:33PM 14 government or the three-party government. It's not the president.  
02:33PM 15 Now, I made a mistake on that. The translation to titles are --  
02:33PM 16 I'm missing my mind. The joint chiefs, the joint meaning, the  
02:33PM 17 junta, the three body, the three individuals who are the executive  
02:34PM 18 government.

02:34PM 19 Q. So --

02:34PM 20 A. The chief of staff is one individual who is like held beneath  
02:34PM 21 the prime minister, the minister of all the rest of the ministers.  
02:34PM 22 It's just the individual who coordinates all the assistants to the  
02:34PM 23 chief of the executive.

02:34PM 24 Q. Okay. But, in any event, before this Auditor General's  
02:34PM 25 Report --

02:34PM 1 A. Yes.

02:34PM 2 Q. -- the chairman of the joint chiefs of staff had already

02:34PM 3 determined that you should not be sanctioned; right?

02:34PM 4 A. Yeah, yeah.

02:34PM 5 Q. Okay.

02:34PM 6 MR. KRISHNAN: I don't have any further questions, Your

02:34PM 7 Honor.

02:34PM 8 THE WITNESS: May I please?

02:34PM 9 THE COURT: There is no pending question, Mr. Bravo, not

02:34PM 10 at this time. Okay.

02:34PM 11 Thank you, Mr. Krishnan.

02:34PM 12 Mr. Davis, did you have any redirect?

02:35PM 13 (Brief pause.)

02:35PM 14 REDIRECT EXAMINATION

02:35PM 15 BY MR. DAVIS:

02:35PM 16 Q. Just one question for you, Roberto.

02:35PM 17 You wanted to explain something about the joint chiefs and

02:35PM 18 the junta. Can you hear me?

02:35PM 19 A. Yes.

02:35PM 20 THE INTERPRETER: Could you say something?

02:35PM 21 MR. DAVIS: I was talking. All right. I'll start over.

02:35PM 22 BY MR. DAVIS:

02:35PM 23 Q. You were just saying something about the junta and the chief

02:35PM 24 of staff.

02:35PM 25 Could you please continue what you wanted to say.

02:35PM 1 A. The chairman or the chief of staff is a chairman of the  
02:35PM 2 individuals that constitute the -- what is called staff. Also  
02:35PM 3 included here in the United States called also staff are the  
02:35PM 4 individuals that are the representative of main sectors of the  
02:36PM 5 government like ministers to the executive powers to the leader  
02:36PM 6 who exercise the power the executive power. So this was one --  
02:36PM 7 they were the ones who present the final result to the president  
02:36PM 8 of the nation. That's what I wanted to say, so.

02:36PM 9 Q. And when Defendant's Exhibit 2 was originally prepared, no one  
02:36PM 10 talked to you about it. No one asked you any questions about the  
02:36PM 11 content; correct?

02:36PM 12 A. That is correct.

02:36PM 13 MR. DAVIS: I have no further questions, Judge.

02:36PM 14 THE COURT: Thank you, Mr. Bravo, you can return to  
02:36PM 15 counsel table.

02:36PM 16 THE WITNESS: Thank you, Your Honor.

02:36PM 17 THE COURT: Thank you.

02:36PM 18 (The witness is excused.)

02:36PM 19 MR. KRISHNAN: Your Honor, may I call our next witness?

02:36PM 20 THE COURT: Yes.

02:36PM 21 MR. KRISHNAN: Which will be --

02:36PM 22 THE COURT: Actually, let me just ask one quick favor,  
02:36PM 23 Eric. I touched a button. I just want to make sure we're okay.  
02:37PM 24 (Brief pause.)

02:37PM 25 THE COURT: We seem to be fine. I just didn't want to

02:37PM 1 interrupt your presentation. I did something to the control  
02:37PM 2 panel.

02:37PM 3 MR. KRISHNAN: No worries, Your Honor. The next witness  
02:37PM 4 we'll call is by video deposition. It is -- I need the first  
02:37PM 5 name. It is Julio Ulla who is brother of Jorge Ulla one of the  
02:37PM 6 prisoners.

02:37PM 7 THE COURT: Okay.

02:37PM 8 MR. KRISHNAN: Your Honor, before we begin -- sorry.  
02:37PM 9 Could we just please pause for one second. I just wanted to give  
02:37PM 10 a warning to everyone in the court that the -- this video will  
02:37PM 11 include an exhibit which is already in evidence that is -- it is  
02:37PM 12 in evidence; right?

02:37PM 13 MS. SABHARWAL: It is in evidence.

02:37PM 14 THE COURT: Which number?

02:37PM 15 MR. KRISHNAN: Do we need to move it in right now?  
02:37PM 16 What's the exhibit?

02:37PM 17 MS. SABHARWAL: Plaintiffs' Exhibits 11 through 15.

02:38PM 18 MR. DAVIS: I thought you were going to take some of them  
02:38PM 19 out. That's what you said.

02:38PM 20 MS. SABHARWAL: But we'd like to move to admit.

02:38PM 21 MR. DAVIS: No objection, Judge.

02:38PM 22 THE COURT: Okay. Plaintiffs' Exhibits 11 through 15 are  
02:38PM 23 now admitted. And they may be graphic in nature?

02:38PM 24 MR. KRISHNAN: Yes. And if -- should I give just a very  
02:38PM 25 slightly more specific warning?

02:38PM 1 Your Honor has seen the photos?

02:38PM 2 THE COURT: Ladies and gentlemen of the jury, I don't  
02:38PM 3 think it's any surprise to you that the allegations and evidence  
02:38PM 4 in this case have involved a shooting. The exhibits include  
02:38PM 5 autopsy reports, and that's -- and the contents thereof, and  
02:38PM 6 that's what you're about to see.

02:38PM 7 MR. KRISHNAN: Thank you, Your Honor.

02:38PM 8 (Jorge Cesar Ulla video deposition played.)

02:59PM 9 MS. SABHARWAL: Your Honor, I just now would like to move  
02:59PM 10 to admit Plaintiffs' Exhibit PX38 into evidence.

02:59PM 11 THE COURT: 38?

03:00PM 12 Defense position?

03:00PM 13 MR. DAVIS: I'm just looking for a copy of it, Your  
03:00PM 14 Honor.

03:00PM 15 Your Honor, we had an objection to this, and I think you  
03:00PM 16 have already ruled on it to the extent I need to make the  
03:00PM 17 objection and you overruled it.

03:00PM 18 THE COURT: Subject to the preserved objection, 38 is  
03:00PM 19 admitted.

03:00PM 20 (Plaintiffs' Exhibit PX38 received.)

03:00PM 21 MS. SABHARWAL: Plaintiffs now call their next witness,  
03:00PM 22 Dr. William Anderson.

03:01PM 23 Your Honor, could we set up an easel by the witness? He  
03:01PM 24 uses a visual aid?

03:01PM 25 THE COURT: Yes.



03:01PM 1 MS. SABHARWAL: Thank you.

03:01PM 2 THE COURTROOM DEPUTY: Sir, please raise your right hand.

03:01PM 3 (The witness is sworn.)

03:01PM 4 THE WITNESS: I so swear.

03:01PM 5 THE COURTROOM DEPUTY: Thank you, sir. Please be seated.

03:01PM 6 State your name. Can you spell your last name for the record.

03:01PM 7 THE WITNESS: It's William Robert Anderson,

03:02PM 8 A-N-D-E-R-S-O-N.

03:02PM 9 THE COURTROOM DEPUTY: Thank you, sir.

03:02PM 10 WILLIAM ANDERSON, PLAINTIFFS' WITNESS, SWORN

03:02PM 11 DIRECT EXAMINATION

03:02PM 12 BY MS. SABHARWAL:

03:02PM 13 Q. Dr. Anderson, what's your profession?

03:02PM 14 A. I am a physician, a medical doctor. I practice in the area of

03:02PM 15 pathology.

03:02PM 16 Q. Could you explain what a medical doctor does?

03:02PM 17 A. Well, a medical doctor as everybody knows is -- there are

03:02PM 18 several multiple divisions of being a medical doctor. My

03:02PM 19 particular division is pathology.

03:02PM 20 MR. KRISHNAN: Could I just ask if the jury is able to

03:02PM 21 see the witness. I know we've put the easel.

03:03PM 22 THE COURT: Can you all see the witness? Yes.

03:03PM 23 MR. KRISHNAN: I apologize, Your Honor.

03:03PM 24 THE COURT: You can slide a little closer to the podium.

03:03PM 25 Maybe that will work. One way or the other, let's get going.

03:03PM 1 MR. KRISHNAN: Let me take the easel back.

03:03PM 2 THE COURT: Or just take the piece of paper down, the  
03:03PM 3 pad. If we just put the pad down, then we can see right through  
03:03PM 4 the easel, and we should be good. Sorry about that.

03:03PM 5 Counsel?

03:03PM 6 BY MS. SABHARWAL:

03:03PM 7 Q. Thank you. You just explained that your main focus or primary  
03:03PM 8 focus is pathology. Could you please explain what pathology is?

03:03PM 9 A. Well, pathology is the area of medicine that basically deals  
03:04PM 10 with clinical laboratory work, autopsies, biopsies. If you have a  
03:04PM 11 biopsy done, a pathologist reads that biopsy and makes the  
03:04PM 12 diagnosis, tissue diagnosis specifically. So the anatomic  
03:04PM 13 pathologist, which means the tissue pathologist, we do autopsies,  
03:04PM 14 biopsies, and basically make diagnoses from those biopsies the  
03:04PM 15 tissue diagnoses. Pathologists also run laboratories. That's  
03:04PM 16 called clinical pathology, and a clinical pathologist basically --  
03:04PM 17 anytime you have a laboratory test done, a pathologist is in  
03:04PM 18 charge of making sure the test is accurate and interpreting it  
03:04PM 19 when necessary and so forth.

03:04PM 20 Q. And how long have you worked in this field?

03:04PM 21 A. I have been in pathology since about 1976.

03:04PM 22 Q. Do you hold any board certifications related to this field?

03:04PM 23 A. Yes. I am board certified in the two main areas of pathology,  
03:05PM 24 which are the anatomic tissue stuff, and the clinical or  
03:05PM 25 laboratory stuff. I am also board certified in doing an extra

03:05PM 1 year of training in what we call forensic pathology. Some of you  
03:05PM 2 may remember the Quincy Show. Quincy, that was a forensic  
03:05PM 3 pathologist, CSI-type work. And a forensic pathologist, which is  
03:05PM 4 my other board certification, we deal with looking at the cause  
03:05PM 5 and manner and mechanism of any death which is sudden, unusual,  
03:05PM 6 traumatic, unexplained, and so forth as medical examiner.

03:05PM 7 And also in my present private practice, we do the same as  
03:05PM 8 the a forensic pathologist.

03:05PM 9 Q. You mentioned earlier in this field you review autopsies could  
03:05PM 10 you explain to the jury generally what an autopsy is?

03:05PM 11 A. We don't review autopsies, but we do perform the autopsies.

03:05PM 12 Autopsy is essentially a diagnosis-based approach where the  
03:05PM 13 organs are studied to see what disease processes are present, what  
03:06PM 14 injuries may have occurred, and we look at the cause of death --  
03:06PM 15 heart attack, gunshot wound, brain aneurysm, whatever -- and then  
03:06PM 16 we determine the manner of death.

03:06PM 17 As a medical examiner, we interface with the legal system a  
03:06PM 18 lot, and we look at determining if a case is a homicide, an  
03:06PM 19 accident, a suicide, or a natural death. That's basically it.  
03:06PM 20 And the hospital pathologists don't generally do that, but that's  
03:06PM 21 what the forensic pathologists do, and that is our major concern.

03:06PM 22 Any death in most states -- and certainly in Florida -- any  
03:06PM 23 death that's sudden, unusual, trauma related, anything like that,  
03:06PM 24 the medical examiner by law looks at the case and analyzes it to  
03:06PM 25 determine what exactly the cause of death was; is it something

03:06PM 1 that was apparent or something that wasn't suspected; and then the  
03:06PM 2 manner of death, if it was natural or a homicide or suicide or  
03:07PM 3 whatever.

03:07PM 4 Q. And where do you work?

03:07PM 5 A. Presently in the Orlando area. I do private practice  
03:07PM 6 pathology.

03:07PM 7 THE COURT: Dr. Anderson? Dr. Anderson, I need you to  
03:07PM 8 slow down for the interpreters please.

03:07PM 9 THE WITNESS: I'm sorry.

03:07PM 10 THE INTERPRETER: Thank you, Judge. I'm sorry.

03:07PM 11 BY MS. SABHARWAL:

03:07PM 12 Q. You can continue explaining your answer. I asked you where do  
03:07PM 13 you work.

03:07PM 14 A. Okay. I am presently in the Orlando area. I practice  
03:07PM 15 anatomic pathology, forensic pathology. And I also do biopsies  
03:07PM 16 for a laboratory in Central Florida.

03:07PM 17 Q. Now, how many autopsies have you performed in your career,  
03:07PM 18 approximately?

03:07PM 19 A. Myself, I have performed about 7,000. I also was the deputy  
03:07PM 20 chief medical examiner in Orlando, and we had a training program  
03:08PM 21 where people who had finished theirs part of pathology could  
03:08PM 22 become eligible after a year of working with us to become -- to  
03:08PM 23 take their boards in forensic pathology.

03:08PM 24 So I supervised over about an eight- or nine-year period  
03:08PM 25 another 250, 300 autopsies per year so. That was when the

03:08PM 1 residents would do the autopsy, but I would be there supervising  
03:08PM 2 them.

03:08PM 3 So myself, I've done about 7,000, and that was probably  
03:08PM 4 another 2500 or so I've supervised.

03:08PM 5 Q. Now, you began to explain how your field interfaces with the  
03:08PM 6 legal field and legal cases.

03:08PM 7 Could you give us some examples of types of cases -- legal  
03:08PM 8 cases that your work has interfaced with specifically.

03:08PM 9 A. Well, essentially any traumatic or suspected traumatic,  
03:08PM 10 unusual, unexplained death, all sorts of trauma; automobile  
03:08PM 11 accidents, gunshot wounds, stab wounds, falls, heart attacks that  
03:09PM 12 nobody really knew what happened, but then we --

03:09PM 13 Actually a lot of times the autopsy is to prove something  
03:09PM 14 didn't happen -- it was traumatic and so forth, that it was  
03:09PM 15 something natural had occurred.

03:09PM 16 Q. Have you authored any publications in the field of forensic  
03:09PM 17 pathology?

03:09PM 18 A. I have written a few papers early on. But when I was with the  
03:09PM 19 office in Orlando when I was the deputy chief medical examiner, we  
03:09PM 20 interfaced with the trauma surgeons because we would get cases  
03:09PM 21 that didn't survive the trauma surgeon's cases. So it was very  
03:09PM 22 instructive for them to come and look at the autopsy, and we'd go  
03:09PM 23 over everything with them.

03:09PM 24 And as a consequence of this program, I was asked to write a  
03:09PM 25 textbook in clinical forensic medicine, and that was basically

03:09PM 1 giving the clinician some idea of what to look for in their  
03:10PM 2 clinical mostly trauma patients, so they could realize what the  
03:10PM 3 medical/legal and legal implications might be of in the patient  
03:10PM 4 they were treating, whether they survived or not.

03:10PM 5 And consequently, a lot of -- a number of cases I would deal  
03:10PM 6 with did not die; they were actually we analyzed the injuries for  
03:10PM 7 what had happened and how that -- those injuries actually  
03:10PM 8 contributed to the death.

03:10PM 9 Q. Now, earlier you also described the board certifications that  
03:10PM 10 you hold in the field.

03:10PM 11 Do you hold any affiliations or memberships relating to your  
03:10PM 12 work in forensic pathology?

03:10PM 13 A. Well, I belong to most of the major associations for  
03:10PM 14 pathologists; the US-Canadian Academy of Pathology, the American  
03:10PM 15 Academy of Forensic Sciences, the National Board of Medical  
03:10PM 16 Examiners, and few others. College of American Pathologists.

03:10PM 17 Q. Dr. Anderson, are you being paid to work as an expert in this  
03:11PM 18 case?

03:11PM 19 A. No, in this particular case I'm not. I'm doing this pro bono.

03:11PM 20 Q. Have you testified at trial as an expert in forensic pathology  
03:11PM 21 before?

03:11PM 22 A. Well multiple times obviously as medical examiner in Orlando  
03:11PM 23 we probably had about 30 or 40 homicides per pathologist per year,  
03:11PM 24 and those would always the state would always call us to give our  
03:11PM 25 testimony of what we found and so forth in the prosecution of

03:11PM 1 their cases. I've also been involved in civil cases both as  
03:11PM 2 medical examiner and in private practice, and I'm presently as a  
03:11PM 3 pathologist, I do consulting work, as well as actual autopsies,  
03:11PM 4 and sometimes those become medical/legal issues.

03:11PM 5 Q. And so over the course of your career, how many times would  
03:11PM 6 you say that you've testified at trial as an expert in forensic  
03:11PM 7 pathology?

03:12PM 8 A. Again primarily for the state but in depositions probably 4,  
03:12PM 9 500 times and then trials probably another 300 I don't really have  
03:12PM 10 an accurate record particularly of the medical examiner years and  
03:12PM 11 I was medical examiner about 12 years in Orlando and several  
03:12PM 12 places before that.

03:12PM 13 Q. Now, what were you asked to review and opine on in this case?

03:12PM 14 A. I was asked to review a series of photographs related to one  
03:12PM 15 of the victims, as well as several autopsy reports and a series of  
03:12PM 16 death certificates and to glean what information I could and give  
03:12PM 17 my opinions as to what could or could not be gleaned or  
03:12PM 18 ascertained from the information that we had.

03:12PM 19 Q. Did you arrive at any conclusions in reviewing those  
03:12PM 20 materials?

03:13PM 21 A. Yes.

03:13PM 22 Q. And could you describe at a high level of generality what  
03:13PM 23 those conclusions were --

03:13PM 24 THE COURT: Before you do that let me ask Dr. Anderson  
03:13PM 25 and counsel specifically if Dr. Anderson is aware of my recent

03:13PM 1 rulings?

03:13PM 2 MS. SABHARWAL: Yes, Your Honor.

03:13PM 3 THE COURT: Okay. You might want to focus that question  
03:13PM 4 a little bit more then.

03:13PM 5 MS. SABHARWAL: Your Honor, we'd like to offer Dr.  
03:13PM 6 Anderson as an expert in the field of forensic pathology.

03:13PM 7 THE COURT: Any position from the defense?

03:13PM 8 MR. DAVIS: There is no objection, Your Honor.

03:13PM 9 THE COURT: So recognized.

03:13PM 10 BY MS. SABHARWAL:

03:13PM 11 Q. Dr. Anderson, is it possible for a person to identify a bullet  
03:13PM 12 wound upon visual inspection?

03:13PM 13 A. Yes.

03:13PM 14 Q. And generally when observing bullet injuries in your work as a  
03:13PM 15 forensic pathologist is it possible to make findings about the  
03:14PM 16 proximity of a shooter to a victim?

03:14PM 17 MR. DAVIS: Objection Your Honor, there's been no  
03:14PM 18 foundation of what he's looking at right here.

03:14PM 19 A, it is a leading question. And, B, he's not saying --  
03:14PM 20 she's asking is it possible. It has to be within a reasonable  
03:14PM 21 degree of scientific probability.

03:14PM 22 THE COURT: Overruled on both bases.

03:14PM 23 THE WITNESS: Could you repeat, please.

03:14PM 24 BY MS. SABHARWAL:

03:14PM 25 Q. Absolutely. My question was: Generally when observing bullet



03:14PM 1 injuries, in your work as a forensic pathologist is it possible to  
03:14PM 2 make findings about the proximity of a shooter to a victim of  
03:14PM 3 those injuries?

03:14PM 4 A. Yes, essentially that's what we do as are trained to do as a  
03:14PM 5 pathologist we look at the characteristics of actually in any  
03:14PM 6 injury pattern whether it be any type of trauma gun shot wound as  
03:14PM 7 well we look at certain characteristics of the wound, related to  
03:15PM 8 where the wound is on the body, as well as the -- what happens  
03:15PM 9 when a bullet is fired from a gun.

03:15PM 10 Q. What are some examples of things that you would look for with  
03:15PM 11 bullet wounds that can indicate the proximity of a shooter to a  
03:15PM 12 victim of injuries?

03:15PM 13 A. Well, could we maybe use a diagram to show this?

03:15PM 14 Q. Absolutely.

03:15PM 15 MS. SABHARWAL: May we approach with the ease?

03:15PM 16 THE COURT: Sure, counsel.

03:16PM 17 BY MS. SABHARWAL:

03:16PM 18 Q. I'll repeat my prior question. So I asked before we broke to  
03:16PM 19 get the ease: What are some examples of things that you might  
03:16PM 20 look for when you're observing a bullet wound injury that would  
03:16PM 21 indicate the proximity of a shooter to the victim of those  
03:16PM 22 injuries?

03:16PM 23 A. When a firearm is discharged, the bullet comes out, also  
03:16PM 24 coming out is a certain amount of gunpowder, along with the  
03:16PM 25 bullet. The burning gunpowder will generally travel about

03:16PM 1 20 inches in the air and if the gun is back further than that,  
03:16PM 2 that burning powder does not reach the skin of an individual. If  
03:16PM 3 it does reach the skin, if it's closer, then you'll see what we  
03:16PM 4 call stippling, little areas of burning where that burning powder  
03:17PM 5 has hit the skin and looks like a whole bunch of dots I will draw  
03:17PM 6 it for you in a minute.

03:17PM 7 Also coming out is unburned powder and that's what we call  
03:17PM 8 soot, and those are grains, a cloud of essentially metallic  
03:17PM 9 grains, gunpowder grains, that had not ignited, but they come out  
03:17PM 10 as a cloud in the air. They're very light, so they don't travel  
03:17PM 11 very far. They usually go about six inches, and they go as an  
03:17PM 12 expanding cloud.

03:17PM 13 Now if the skin of the individual is close enough, that soot  
03:17PM 14 may reach the skin. Now it comes out as a pyramid, so if it's  
03:17PM 15 really close, you'll see a very dense amount of soot around the  
03:17PM 16 wound; and if it's really close, right against the skin, all that  
03:17PM 17 soot will be right at where the bullet goes in because it doesn't  
03:18PM 18 have anyplace to go the gun barrel is right against the skin so it  
03:18PM 19 doesn't have anywhere to go.

03:18PM 20 What that do you say is -- normally when a bullet goes into  
03:18PM 21 the skin, it pushes a part of the skin ahead of it. The bullet  
03:18PM 22 actually makes a hole but it also drags some skin with it and the  
03:18PM 23 bullet is hot, it's scrapping the skin, but the skin is very  
03:18PM 24 elastic so when the bullet goes through, the skin sort of bounces  
03:18PM 25 back to its original position except you've got the hole where the

03:18PM 1 bullet he went in because it that's been destroyed by the bullet  
03:18PM 2 entering.

03:18PM 3 Now if -- normally if you look -- that's how we tell what an  
03:18PM 4 entrance gunshot wound is. An exit wound is totally different  
03:18PM 5 because it comes from the other -- from inside the body going out,  
03:18PM 6 so it just blows a hole in the skin and that abrasion does not  
03:18PM 7 occur. So that's as a pathologist how we tell entrance from exit  
03:19PM 8 wounds.

03:19PM 9 The range, if it's right up against the skin, that pink  
03:19PM 10 area, which is the abrasion or the scrapping, isn't pink anymore  
03:19PM 11 because all that soot material has deposited right at that point;  
03:19PM 12 but the wound is so tight against the skin that everything else  
03:19PM 13 goes inside.

03:19PM 14 And one of the thing we do, at least in my practice, would  
03:19PM 15 be we will take sections of the skin under the microscope and you  
03:19PM 16 would see the soot material; some on the skin, many soot particles  
03:19PM 17 deep down in the skin. That's how we could tell what we call a  
03:19PM 18 contact or press contact wound.

03:19PM 19 If it's a little bit further back, you'll see more soot on  
03:19PM 20 the skin; but if it's real close, you'll just see a small amount.  
03:19PM 21 And you may see with that abrasion as time goes by and in somewhat  
03:19PM 22 of a couple of days have occurred since the wound has occurred,  
03:19PM 23 then you may get discoloration of that area, particularly if there  
03:20PM 24 is soot present. It may look like a black area with some drying  
03:20PM 25 artifact. But that's essentially how we tell the difference with

03:20PM 1 range.

03:20PM 2 So if we see -- when we see there's a lot of soot, we know  
03:20PM 3 it's six inches or closer. If we don't see any soot, it's back at  
03:20PM 4 least six inches. And if we see that burning powder, the  
03:20PM 5 stippling, then we know it's back probably 20 inches or more.

03:20PM 6 Now once it gets back 20 inches, it could be a half a mile  
03:20PM 7 because of however far the bullet will travel. So we can't tell  
03:20PM 8 how far it was away; but we can tell if it's -- if it's in  
03:20PM 9 proximity to the individual when the gun was fired.

03:20PM 10 Q. Dr. Anderson, I think I heard you mention both gunpowder and  
03:20PM 11 soot in your answer with respect to what kinds of things you might  
03:20PM 12 look for that would indicate the proximity of a -- of a weapon to  
03:21PM 13 a victim and I'm wondering if you could help us explain by using  
03:21PM 14 the easel over there a little bit about what you mean in  
03:21PM 15 particular you were explaining the relationship between gunpowder  
03:21PM 16 and soot, and the range. If you could help us by illustrating  
03:21PM 17 that on the easel. Specifically what is the further he is away  
03:21PM 18 from a victim that a weapon could be fired that would cause the  
03:21PM 19 presence, let's start with gunpowder or gunpowder on a victim?

03:21PM 20 A. That's just what I was covering. Six inches or closer you're  
03:21PM 21 going to see the powder will have been able to reach the skin it  
03:21PM 22 wouldn't have acquittal gone into the air closer you may see a  
03:21PM 23 small amount of soot or a large amount of soot and if it's press  
03:21PM 24 contact then you're going to see all the soot right around where  
03:21PM 25 the entry wound is.

03:22PM 1 Q. But gunpowder just I think you're confusing the terms a I will  
03:22PM 2 had bit. Gunpowder in general is just gunpowder what we're doing  
03:22PM 3 is we're saying un burned gunpowder which is the soon and the  
03:22PM 4 burning gunpowder which is the stippling it's all gunpowder it's  
03:22PM 5 just two different things and that's how we make the distinction.

03:22PM 6 Now, you mentioned -- you mentioned the use of an easel  
03:22PM 7 before.

03:22PM 8 Is there anything that you would like to use the easel  
03:22PM 9 for?

03:22PM 10 A. No, I think -- I think I can explain it pretty well just using  
03:22PM 11 my hands and a pretend gun.

03:22PM 12 Q. Now, if a firearm is further than 20 inches away, will you  
03:22PM 13 still see the gunpowder on a victim?

03:22PM 14 A. No, once it gets further away -- as I said, it could be a half  
03:22PM 15 mile, you have a high-velocity rifle, half mile you still wouldn't  
03:22PM 16 see it; or it could be 22, 24 inches, you can't tell that  
03:22PM 17 distance.

03:23PM 18 But what you can tell is when you get in close enough is  
03:23PM 19 that gunpowder gets to the skin, then you can tell.

03:23PM 20 Q. And are there any other explanations for the presence of  
03:23PM 21 gunpowder other than a gun being fired from -- within that 20-inch  
03:23PM 22 close range that you just described?

03:23PM 23 A. No that's pretty -- that's pretty standard I mean if you've  
03:23PM 24 got the powder it's going to be closer than six inches if you've  
03:23PM 25 got the powder down in the wound really the only way that can

03:23PM 1 happen because otherwise the cloud of dust soot would just go on  
03:23PM 2 to the skin. The only way to get it down in is to actually press  
03:23PM 3 it, so there's no room between the end of the barrel and the skin,  
03:23PM 4 so everything has to go in.

03:23PM 5 Q. Have you performed autopsies that involve multiple gunshot  
03:23PM 6 wounds on a victim?

03:23PM 7 A. Many, many. Unfortunately, that seems to be a pretty common  
03:23PM 8 occurrence of multiple gunshot wounds.

03:23PM 9 Q. Generally when -- generally what in your experience can you  
03:24PM 10 tell about the presence of multiple gunshot injuries on a victim,  
03:24PM 11 with one being or indicating from the gunpowder close range shot?

03:24PM 12 THE COURT: Counsel, can you rephrase that question.

03:24PM 13 BY MS. SABHARWAL:

03:24PM 14 Q. Generally -- you just testified that you have performed  
03:24PM 15 autopsies involving multiple gunshot injuries on victims.

03:24PM 16 I'm wondering generally in your experience what can you tell  
03:24PM 17 in such cases about the presence of multiple gunshot injuries on a  
03:24PM 18 victim with one suggesting close range or contact injury?

03:24PM 19 THE COURT: I still don't understand the question. I'm  
03:25PM 20 sorry, counsel, I don't understand what the question is.

03:25PM 21 THE WITNESS: I don't either.

03:25PM 22 MS. SABHARWAL: I'll skip the question.

03:25PM 23 BY MS. SABHARWAL:

03:25PM 24 Q. Let's turn to the materials that you reviewed in this case.

03:25PM 25 And I want to --

03:25PM 1 THE COURT: Let me just check in with my jury because I see  
03:25PM 2 some of you shifting.

03:25PM 3 Do need your afternoon break, or are you okay? I have at  
03:25PM 4 least one nodding head, so we're going to go ahead and give the  
03:25PM 5 jury their afternoon break.

03:25PM 6 Ladies and gentlemen, can I have you back at 3:40? Okay.  
03:25PM 7 Thank you.

03:25PM 8 (Jury out at 3:25 P.M.)

03:26PM 9 THE COURT: Counsel, I'm sorry to interfere with your  
03:26PM 10 questioning, but I could not follow what you were asking, and I am  
03:26PM 11 going to ask -- well, rather instruct counsel to stop rephrasing  
03:26PM 12 witnesses' testimony as a general proposition as part of their own  
03:26PM 13 question.

03:26PM 14 Please just ask your question, and I think that we'll get  
03:26PM 15 to witnesses' answers more efficiently and more accurately.  
03:26PM 16 Understood?

03:26PM 17 MS. SABHARWAL: Understood, Your Honor.

03:26PM 18 THE COURT: See you back at 3:40.

03:26PM 19 Dr. Anderson, you are welcome to take your break. We'll  
03:26PM 20 see you at 3:40.

03:26PM 21 THE WITNESS: Thank you, Your Honor.

03:26PM 22 (Recess at 3:26 P.M.)

03:44PM 23 THE COURT: Dr. Anderson, you are welcome to take your  
03:44PM 24 break. We'll see you at 3:40.

03:44PM 25 THE WITNESS: Thank you, Your Honor.

03:44PM 1 THE COURT: How much longer on direct?

03:44PM 2 MS. SABHARWAL: I'd give it approximately 20 minutes.

03:44PM 3 THE COURT: Okay.

03:44PM 4 MR. DAVIS: Your Honor, I would just note that under the

03:44PM 5 scope of Dr. Anderson's report, I only see two areas to talk

03:44PM 6 about. He can talk about the photos, which are in, and he can

03:44PM 7 opine on those, and he can talk about the Bonet autopsy.

03:44PM 8 MS. SABHARWAL: Your Honor, that's all we intend to

03:44PM 9 discuss.

03:44PM 10 THE COURT: All right.

03:44PM 11 (Jury in at 3:44 P.M.)

03:44PM 12 THE COURT: Welcome back. Thank you, Doctor.

03:44PM 13 MS. SABHARWAL: Your Honor, I'd like to show Plaintiffs'

03:44PM 14 Exhibit PX11 to the witness, which has been admitted into

03:44PM 15 evidence, and to publish it to the jury.

03:44PM 16 THE COURT: Okay.

03:45PM 17 MR. KRISHNAN: My apologies, Your Honor, it looks like we

03:45PM 18 have a tech issue.

03:45PM 19 BY MS. SABHARWAL:

03:45PM 20 Q. Dr. Anderson, I'm showing you a photograph of Alejandro Jorge

03:45PM 21 Ulla discussed in a video that the jury just saw. Have you

03:45PM 22 reviewed this photograph?

03:45PM 23 A. Yes.

03:45PM 24 Q. What did you observe when you reviewed this photograph?

03:45PM 25 A. Well, if you can observe, this is -- we see his chest and his



03:45PM 1 upper abdomen area. In the lower left chest, there is a circular  
03:45PM 2 area with a defect in the middle, and surrounded by a ring of  
03:46PM 3 black-colored material. This is characteristic of a gunshot wound  
03:46PM 4 in particular of an entrance gunshot wound making a hole in the  
03:46PM 5 middle and scraping the skin, and the black is the soot, that I  
03:46PM 6 pointed out that will be basically deposited on the area that's  
03:46PM 7 abraded or scraped, and the rest of it, the soot is down in the  
03:46PM 8 wound inside. So this is consistent with a press contact gunshot  
03:46PM 9 wound.

03:46PM 10 Q. Could you explain which part of this image is showing the  
03:46PM 11 soot?

03:46PM 12 A. Well, can I point on this?

03:46PM 13 Q. I think you can use a pointer on your screen.

03:46PM 14 A. I'm surrounding it now. I didn't surround it too well.

03:47PM 15 Sorry. Let me hit clear.

03:47PM 16 Okay. The green surrounded -- the green surrounds that  
03:47PM 17 gunshot wound, and that's where that is, the lower part of the  
03:47PM 18 chest.

03:47PM 19 Q. Sorry. Continue.

03:47PM 20 A. Okay. As I said, that's the gunshot wound. That's the entry  
03:47PM 21 gunshot wound. That's the characteristics of an entry wound and a  
03:47PM 22 press contact, close-range press contact wound.

03:47PM 23 Q. Can you see a bullet in this picture?

03:47PM 24 A. Of course not. The bullet is long gone, probably -- probably  
03:47PM 25 hit the heart and the lungs and everything by now. No, a bullet

03:47PM 1 fired from any weapon is not going to be --

03:47PM 2 MR. DAVIS: The question was: Could he see a bullet. He  
03:47PM 3 is giving a narrative.

03:47PM 4 THE COURT: Understood. Dr. Anderson, listen for the  
03:47PM 5 next question.

03:47PM 6 BY MS. SABHARWAL:

03:47PM 7 Q. Can you draw any conclusions about how close or far the  
03:48PM 8 firearm was to the victim that caused this injury?

03:48PM 9 A. Press contact gunshot wound, pressed against the skin, so none  
03:48PM 10 of the soot gets out onto the skin. It all goes into that area  
03:48PM 11 that's abraded, and the rest is down in the wound.

03:48PM 12 MS. SABHARWAL: Your Honor, I'd like to show the witness  
03:48PM 13 Plaintiffs' Exhibit PX12, which is also admitted into evidence,  
03:48PM 14 and to publish that to the jury.

03:48PM 15 THE COURT: Okay.

03:48PM 16 BY MS. SABHARWAL:

03:48PM 17 Q. Dr. Anderson, I'm showing you another picture of Mr. Ulla.  
03:48PM 18 Have you reviewed this photo?

03:48PM 19 A. Yes.

03:48PM 20 Q. And do you have any additional observations from reviewing  
03:48PM 21 this photograph?

03:48PM 22 A. No. Essentially, it's just a different view of the same  
03:48PM 23 thing. We see the same thing we saw in the first one. Right here  
03:48PM 24 -- I'm better at my circles, I think. Right there is the same  
03:48PM 25 gunshot wound, different angle.

03:48PM 1 Q. And can you point out where the soot is in this photograph?

03:49PM 2 A. Well, it's the black coloration. I should have brought my

03:49PM 3 stylus with me here. That black material all around the hole that

03:49PM 4 you see in the middle, that's the soot.

03:49PM 5 Q. And what's the significance of that soot?

03:49PM 6 A. Well, it's a press contact gunshot wound. It was right up

03:49PM 7 against the skin. That's why the soot's there coming out of the

03:49PM 8 barrel of the gun.

03:49PM 9 Q. Let's turn to an autopsy report that you reviewed.

03:49PM 10 MS. SABHARWAL: Your Honor, I'd like to show the witness

03:49PM 11 PX 71T, which has been admitted into evidence.

03:50PM 12 BY MS. SABHARWAL:

03:50PM 13 Q. Dr. Anderson, I am showing you a summary of the autopsy report

03:50PM 14 of Ruben Pedro Bonet. Did you review this document?

03:50PM 15 A. Yes, I did.

03:50PM 16 MR. DAVIS: Your Honor.

03:50PM 17 MR. SLADE: Your Honor -- I'm sorry.

03:50PM 18 BY MS. SABHARWAL:

03:50PM 19 Q. Does --

03:50PM 20 MS. SABHARWAL: I'm not publishing it.

03:50PM 21 BY MS. SABHARWAL:

03:50PM 22 Q. Does the report include any observations of bullet wounds on

03:51PM 23 the body of Ruben Bonet?

03:51PM 24 A. Yes, it does.

03:51PM 25 Q. Where?

03:51PM 1 A. The autopsy report indicates that there were multiple gunshot  
03:51PM 2 wounds, chest, right arm, abdomen, and in the area of the left  
03:51PM 3 ear.

03:51PM 4 MS. SABHARWAL: Your Honor, may I publish this exhibit to  
03:51PM 5 the jury?

03:51PM 6 THE COURT: I'm sorry. 71T?

03:51PM 7 MS. SABHARWAL: PX 71T.

03:51PM 8 THE COURT: Yes.

03:51PM 9 MS. SABHARWAL: And can we pull up page 4, please?

03:51PM 10 BY MS. SABHARWAL:

03:51PM 11 Q. Let's talk first about the bullet wound you described to the  
03:51PM 12 ear. I'm going to read from this document. Bullet point 5 on  
03:51PM 13 page 4 if we could zoom in, please?

03:52PM 14 A. Do you want me to read this?

03:52PM 15 Q. Go ahead. Bullet point 5 on page 4 if you could zoom in on  
03:52PM 16 that, please?

03:52PM 17 A. Wound in the head by bullet entering close to the left ear and  
03:52PM 18 exiting above the eyebrow on the same side.

03:52PM 19 Q. Dr. Anderson, when the autopsy says that a bullet entered  
03:52PM 20 close to the left ear and exited above the eyebrow on the same  
03:52PM 21 side, what does that mean?

03:52PM 22 A. Well, anatomically, it means that if you look at your -- the  
03:52PM 23 side of your head, if it were in -- actually in the ear, to hit  
03:52PM 24 the eyebrow, from -- either from the ear itself or in front of the  
03:52PM 25 ear, it would just simply skim along the skin to get to the

03:52PM 1 eyebrow and out like that. So the only anatomic way this wound  
03:52PM 2 can happen is if this wound is behind the ear at the mastoid area  
03:52PM 3 of the skull, because that allows it -- because the skull comes  
03:53PM 4 around like this, that allows it to come through the brain and  
03:53PM 5 exit to the outside. So although he describes this as close to  
03:53PM 6 the left ear, anatomically, we know that it has to actually be  
03:53PM 7 behind the left ear, because that's the only way the bullet will  
03:53PM 8 not just simply go under the skin and exit the eyebrow on this  
03:53PM 9 side.

03:53PM 10 Q. I'm going to continue reading from this document.

03:53PM 11 MS. SABHARWAL: The third bullet point on page 5 if we  
03:53PM 12 could zoom in, please. The next page, page 5, third bullet point,  
03:53PM 13 please. The third. Yes. Thank you.

03:53PM 14 BY MS. SABHARWAL:

03:53PM 15 Q. Dr. Anderson, if I could have you read that?

03:53PM 16 A. The conclusion -- the observation was -- not the conclusion.  
03:53PM 17 I'm sorry.

03:53PM 18 The observation was: The bullet went from behind forward,  
03:54PM 19 in other words back to front, bottom upwards and from left to  
03:54PM 20 right. So that means it's going -- this way a little bit to the  
03:54PM 21 right, so basically comes through the entire left hemisphere of  
03:54PM 22 the brain to exit the eyebrow area, frontal lobe, parietal lobe,  
03:54PM 23 and temporal lobe on the left side.

03:54PM 24 And could we zoom in on the paragraph after this bullet  
03:54PM 25 point on page 5, the paragraph after bullet point 3.

03:54PM 1 Dr. Anderson, could I have you read this paragraph?

03:54PM 2 A. With the same certainty, we can say that this -- now, this is  
03:54PM 3 the pathologist conclusion: With the same certainty, we can say  
03:54PM 4 that this last bullet was shot from a short distance to finish him  
03:54PM 5 off. This is fully demonstrated by the fact that only in the  
03:55PM 6 wound situated close to the left ear (entrance wound hole) can a  
03:55PM 7 scant amount of medium-size small, fine, blackish gunpowder grains  
03:55PM 8 be observed in the microscope.

03:55PM 9 Q. Dr. Anderson, what is the significance of the gunpowder, the  
03:55PM 10 observable gunpowder grains?

03:55PM 11 A. Well, the gunpowder grains, as I explained before, the soot  
03:55PM 12 gets to the skin. And what the pathologist did in this case was  
03:55PM 13 look at it under the microscope. So what you do is you scrape  
03:55PM 14 some of the powder off, put it on a slide, look under the  
03:55PM 15 microscope, and that's when he saw the microscopic grains. But,  
03:55PM 16 again, this is consistent with a close range, close contact  
03:55PM 17 gunshot wound, which took place behind the ear.

03:55PM 18 Q. What can you tell about the proximity of the shooter at the  
03:56PM 19 time this shot was administered to the victim's head?

03:56PM 20 MR. DAVIS: Objection, Judge. That's outside the scope  
03:56PM 21 of his disclosed expertise.

03:56PM 22 THE COURT: Sorry. I need you to repeat the question. I  
03:56PM 23 don't think I understood it.

03:56PM 24 BY MS. SABHARWAL:

03:56PM 25 Q. What can you tell about the proximity of the shooter at the

03:56PM 1 time the shot was administered to the victim's head?

03:56PM 2 THE COURT: Overruled.

03:56PM 3 THE WITNESS: Again, it is close range. The gun has to  
03:56PM 4 be within six inches or less to get that powder onto the skin that  
03:56PM 5 the pathologist then saw under the microscope. So it's got to be  
03:56PM 6 a close-range gunshot wound.

03:56PM 7 BY MS. SABHARWAL:

03:56PM 8 Q. Is there anything else to glean from a shot administered to  
03:56PM 9 the back of the head in this way?

03:56PM 10 MR. DAVIS: Objection. Not a proper question for opinion  
03:56PM 11 testimony.

03:56PM 12 THE COURT: Overruled.

03:56PM 13 THE WITNESS: Well, I think we can tell -- my screen went  
03:56PM 14 out.

03:56PM 15 I think we can tell from the proximity and the way it  
03:56PM 16 went through the brain that it essentially would be what I would  
03:57PM 17 consider immediately incapacitating. In other words, once that  
03:57PM 18 shot was fired, the victim basically would be incapacitated, fall  
03:57PM 19 to the ground. Wouldn't be walking or doing anything with that  
03:57PM 20 type of brain injury. That's related both to the actual tissue  
03:57PM 21 damage, and also to the shock effect of the bullet passing through  
03:57PM 22 the brain itself. So that will cause an immediate shutdown in the  
03:57PM 23 all the neurological systems. So that's basically an  
03:57PM 24 incapacitating wound.

03:57PM 25 MS. SABHARWAL: Your Honor, I have no further questions.

## CROSS-EXAMINATION

BY MR. DAVIS:

Q. Good afternoon, Dr. Anderson.

A. Good afternoon. It's still afternoon.

Q. Yes. We just we met in the hallway out there.

MR. DAVIS: Could you bring up 71T.

BY MR. DAVIS:

Q. Doctor, you were just shown Exhibit 71T, which is in evidence.

Are you aware that what you were reading from is material that came from a book?

A. Yes, I'm aware.

Q. And you know that the report you read is not the official -- the actual official document that was -- that was prepared 50 years ago?

A. That's correct. And I considered that when I was analyzing this, because I do review a lot of other documents, medical records and so forth, so one of the things I would look for would be: Does this sound like what a pathologist would do as they're actually doing the case.

Q. Doctor, thank you for that answer. And it really called for a yes or no answer, and I'd appreciate if you could answer yes or no to my questions.

I just asked whether or not you were aware it came from a book. It's yes, you are, or no, you're not?



03:59PM 1 A. Yes, as I said, I was aware.

03:59PM 2 Q. You were aware that it was not the official report; it was

03:59PM 3 prepared 50 years ago, yes or no?

03:59PM 4 A. Yes. As I was explaining, yes.

03:59PM 5 Q. I'd like you to take a look -- everything that was done in

03:59PM 6 connection with this autopsy was done by a doctor 50 years ago in

03:59PM 7 Argentina?

03:59PM 8 A. Correct.

03:59PM 9 Q. Or presumably by a doctor.

03:59PM 10 You don't even know the credentials of the person who was

03:59PM 11 doing the autopsy?

03:59PM 12 A. Correct. I would have to -- judging by the way the

03:59PM 13 terminology was used, I would say this was a doctor, and most

03:59PM 14 likely a pathologist.

03:59PM 15 Q. Again, it's -- I'm asking yes or no questions. I would

03:59PM 16 appreciate an answer. If you think you need to explain because

04:00PM 17 it's not clear -- but is that okay?

04:00PM 18 A. That's what I was doing. I was actually explaining why. You

04:00PM 19 asked me if I knew it was a doctor, and I said -- that's why I

04:00PM 20 explained why it was.

04:00PM 21 Q. It's either yes, you know it's a doctor. So you went and

04:00PM 22 looked at the credentials of this doctor in Argentina to make sure

04:00PM 23 he went to medical school?

04:00PM 24 A. No.

04:00PM 25 Q. Yes or no?

04:00PM 1 A. No.

04:00PM 2 Q. So you did not -- you have no idea the training of the person

04:00PM 3 who wrote this?

04:00PM 4 A. Well, not as far as what degrees they had.

04:00PM 5 Q. Sir, did you look at anything about the doctor's

04:00PM 6 credentials --

04:00PM 7 A. No.

04:00PM 8 Q. -- who did this autopsy, yes or no?

04:00PM 9 A. No.

04:00PM 10 Q. Now, if you can -- and so do you know when his autopsy was

04:00PM 11 performed relative to the time that the death occurred?

04:00PM 12 A. I know it was -- they indicated that it was done on the 26th.

04:01PM 13 I'm not sure when -- no, I don't know when it was done. It was an

04:01PM 14 exhumation, so obviously he had been buried.

04:01PM 15 Q. Wasn't this done three months after the death?

04:01PM 16 A. Well, as I indicated, I don't know for sure.

04:01PM 17 Q. Because you weren't there?

04:01PM 18 A. No, I don't have a record of when it actually was done.

04:01PM 19 Q. And there is no official record that has been produced to you

04:01PM 20 in connection with your review of materials in this case?

04:01PM 21 A. No. My understanding is the records were --

04:01PM 22 Q. And, again, it's a yes or no.

04:01PM 23 MR. DAVIS: Your Honor, I'd ask the witness be asked to

04:01PM 24 answer my question.

04:01PM 25 THE COURT: Go ahead, Dr. Anderson.

04:01PM 1 THE WITNESS: No. I did not receive any official  
04:01PM 2 records.

04:01PM 3 BY MR. DAVIS:

04:01PM 4 Q. Thank you. As part of your training as a forensic medical  
04:01PM 5 examiner, that always depends upon the actual physical inspection  
04:01PM 6 of the body; correct?

04:02PM 7 A. Well, not necessarily.

04:02PM 8 Q. Okay. When you testify in court in Osceola County and Orange  
04:02PM 9 County up in the Orlando area, you're giving opinions about bodies  
04:02PM 10 you actually saw?

04:02PM 11 A. No.

04:02PM 12 Q. Do the people in the medical examiner's office give opinions  
04:02PM 13 about bodies that they actually see and do tests on?

04:02PM 14 A. Sometimes.

04:02PM 15 Q. With respect to when you're testifying in a criminal case,  
04:02PM 16 regarding the murder of someone, was it your practice to testify  
04:02PM 17 without looking -- having been -- looked at this body or looked at  
04:02PM 18 the credentials of the person performing the autopsy?

04:02PM 19 A. In some cases.

04:02PM 20 THE COURT: Dr. Anderson, will you slide back just a  
04:02PM 21 little from your microphone, please.

04:02PM 22 THE WITNESS: I'm sorry, yes.

04:02PM 23 THE COURT: Perfect.

04:02PM 24 BY MR. DAVIS:

04:02PM 25 Q. On the pictures of Mr. -- I am going to butcher his name,

04:03PM 1 Ulla, U-L-L-A, that you saw, that picture is in a casket; correct?

04:03PM 2 A. Correct.

04:03PM 3 Q. And those pictures were taken, the body had already been

04:03PM 4 cleaned; isn't that correct? The body had been cleaned by the

04:03PM 5 family. It was prepared for -- it was at the wake. It was

04:03PM 6 prepared to bury him?

04:03PM 7 A. I don't know what state it was cleaned. There was still some

04:03PM 8 blood around the area. So it wasn't cleaned up completely.

04:03PM 9 Q. But this, do you understand that the body was being -- the

04:03PM 10 pictures were taken at a wake of --

04:03PM 11 MS. SABHARWAL: Objection. Foundation. Asked and

04:03PM 12 answered.

04:03PM 13 THE COURT: I don't think the question was finished. Mr.

04:03PM 14 Davis, were you finished with your question?

04:03PM 15 MR. DAVIS: Sure.

04:03PM 16 BY MR. DAVIS:

04:03PM 17 Q. Do you know that this picture was taken at a wake for

04:03PM 18 Mr. Ulla?

04:03PM 19 A. I don't know one way or another. He is in a casket.

04:03PM 20 Q. Okay. And do you know how much time passed between the time

04:03PM 21 that Mr. Ulla died and this picture was taken?

04:04PM 22 A. No.

04:04PM 23 Q. So you don't know the date of this picture?

04:04PM 24 A. No.

04:04PM 25 Q. Do you know what work or modifications were done, if any, to

04:04PM 1 Mr. Ulla's body between the time that he died and the time the  
04:04PM 2 picture was taken?

04:04PM 3 A. I don't understand what modifications you're referring to.

04:04PM 4 Q. Fair enough. That was a poor question.

04:04PM 5 Do you know whether the body had been cleaned?

04:04PM 6 A. I think we went through that a minute ago. There was still  
04:04PM 7 blood on the body, so it wasn't completely clean.

04:04PM 8 Q. Do you know -- so you have no idea what was done to the body  
04:04PM 9 between the time that Mr. Ulla died and the time that this picture  
04:04PM 10 was taken?

04:04PM 11 A. No; other than that the wound appears totally undisturbed.

04:04PM 12 Q. Again, yes or no. Do you know? Yes or no?

04:04PM 13 A. No, I don't.

04:04PM 14 Q. Do you know whether he was embalmed?

04:05PM 15 A. No.

04:05PM 16 Q. Do you see that in the photograph that Mr. Ulla is  
04:05PM 17 clean-shaven?

04:05PM 18 A. I'd have to look at it again.

04:05PM 19 Q. Do you have it, the picture in front of you?

04:05PM 20 A. No, it's not on the screen.

04:05PM 21 Q. It was on the screen. Okay.

04:05PM 22 MR. DAVIS: Actually, yes, go ahead and put up --  
04:05PM 23 All of 11 to 15 are all in evidence?

04:05PM 24 MS. SABHARWAL: All are in.

04:05PM 25 MR. DAVIS: Okay. Put up 12, please.

04:05PM 1 BY MR. DAVIS:

04:05PM 2 Q. Taking a look at the picture, do you see that Mr. Ulla is

04:05PM 3 clean-shaven?

04:05PM 4 A. He appears clean-shaven, yes.

04:05PM 5 Q. You can take it down. And so we know that that's done. You

04:06PM 6 already testified that you don't know what happened to the body as

04:06PM 7 far as cleaning or not cleaning; correct?

04:06PM 8 A. Other than what I said. It appears that there is blood on the

04:06PM 9 body on the chest area, flakes of blood.

04:06PM 10 Q. Is it important to you as a forensic pathologist to have --

04:06PM 11 when you're looking at a body, not when you're looking at a

04:06PM 12 picture, but when you're looking at a body to have it in the

04:06PM 13 condition it was at the time of death?

04:06PM 14 A. Repeat your question.

04:06PM 15 Q. Sure. As a forensic pathologist, when you're looking at a

04:06PM 16 body, examining a body, you as a medical professional, do you want

04:06PM 17 to look at the body in whatever state it was at the time of death,

04:06PM 18 or do you want it to be cleaned and presented to you in a pristine

04:06PM 19 manner?

04:06PM 20 A. Preferably at the time of death, in the same condition it was

04:07PM 21 at the time of death, but that --

04:07PM 22 Q. Go ahead. I'm sorry, sir. Were you finished?

04:07PM 23 A. I'm done, yes.

04:07PM 24 MR. DAVIS: That's all I have, Judge.

04:07PM 25 THE COURT: Any redirect?

04:07PM 1 MS. SABHARWAL: No questions, Your Honor.

04:07PM 2 THE COURT: Dr. Anderson, thank you for appearing here

04:07PM 3 with us. You are free to stay with us and attend trial, but

04:07PM 4 you're also excused to go.

04:07PM 5 THE WITNESS: Thank you, Your Honor.

04:07PM 6 (The witness is excused.)

04:07PM 7 THE COURT: Plaintiffs' next witness?

04:07PM 8 MR. MUZZIO: Your Honor, we will be presenting the

04:07PM 9 deposition testimony of Miguel Marileo.

04:07PM 10 THE COURT: Okay.

04:07PM 11 MR. MUZZIO: May we proceed with the video?

04:08PM 12 THE COURT: Yes.

04:08PM 13 (Video deposition of Miguel Marileo played.)

04:28PM 14 MR. MUZZIO: Next, Your Honor, we will be playing the

04:28PM 15 deposition video of Carlos Marandino. This video was taken

04:28PM 16 internationally through an Argentine judge, so it appears a little

04:28PM 17 different than the rest.

04:28PM 18 (Video deposition of Carlos Marandino played.)

04:42PM 19 MR. MUZZIO: To end the day, Your Honor, we will play the

04:42PM 20 deposition video of plaintiff Marcela Santucho. Her video would

04:42PM 21 take us a few minutes past 5:00, but we're happy to stop at 5:00

04:43PM 22 and finish the video was tomorrow.

04:43PM 23 THE COURT: I think the estimate was -- oh, Santucho.

04:43PM 24 What's the estimate for her?

04:43PM 25 MR. MUZZIO: She's about 20 minutes long I believe.

04:43PM 1 THE COURT: Okay. That's fine. Go ahead and get  
04:43PM 2 started. We will just get there.

04:54PM 3 (Video deposition of Marcela Santucho played.)

04:59PM 4 MR. MUZZIO: That's a good spot to stop this video.

04:59PM 5 THE COURT: All right. Well, that concludes our day.  
04:59PM 6 Ladies and gentlemen of the jury, I want you to sleep in a little  
04:59PM 7 bit. We're going to start a little bit later tomorrow so that I  
04:59PM 8 can take up a legal issue with the lawyers and not have you back  
04:59PM 9 there waiting. So if we could have you here at 9:30 in the hopes  
04:59PM 10 of starting at 9:40, then we could all start on time if you're  
04:59PM 11 here at that time. Okay. All right. So enjoy your late morning.  
04:59PM 12 We'll see you tomorrow.

04:59PM 13 (Jury out at 4:59 P.M.)

05:00PM 14 THE COURT: I figured we'll use the morning for a charge  
05:00PM 15 conference. And while we can't possibly know how long we will  
05:00PM 16 need in total, I figure that we can at least make use of the first  
05:00PM 17 hour of the day. So if we could start at 8:30 rather, then we  
05:00PM 18 could have a full hour to take up at least some of the issues. I  
05:00PM 19 know by now you both have advanced a form of verdict. And while I  
05:00PM 20 can't say that they're the same, I think there are some places in  
05:00PM 21 which you probably could agree if you were to look at them. I  
05:00PM 22 would not be offended if you advanced a proposed jury verdict that  
05:00PM 23 was different than what you previously had based on revisiting  
05:00PM 24 your position after seeing the other side's verdict form.

05:00PM 25 But my intention is to come in here with questions about



05:00PM 1 where I think having reviewed both your differences and the law --  
05:01PM 2 I think somebody's got the better side of something. So I'll  
05:01PM 3 probably ask you a bunch of very pointed questions. That is not  
05:01PM 4 to the detriment of you getting a fulsome opportunity to argue  
05:01PM 5 your position. That's just my style. You'll get used to it. So  
05:01PM 6 we'll try to make the first hour of the day used that way. It  
05:01PM 7 will give us some guidance on the rest of the day.

05:01PM 8 Mr. Krishnan, what is the lineup so that we can all  
05:01PM 9 prepare on who we're going to see next?

05:01PM 10 MR. KRISHNAN: Thank you, Your Honor. I think that -- so  
05:01PM 11 we will be finishing Ms. Santucho's video. I think it's less than  
05:01PM 12 five minutes that's left.

05:01PM 13 THE COURT: Oh, I thought it was over. I didn't realize  
05:01PM 14 you had cut it off. Okay.

05:01PM 15 MR. KRISHNAN: Yes. We didn't want to ask whether we  
05:01PM 16 should go past 5:00 o'clock.

05:01PM 17 THE COURT: No problem.

05:01PM 18 MR. KRISHNAN: So we have five minutes left, then Dr.  
05:01PM 19 Pregliasco, who is the forensics reconstruction expert, then Dr.  
05:02PM 20 Langer, who is the legal expert, Argentine legal expert, then  
05:02PM 21 there is the deposition of Celi, and we would be reading in parts  
05:02PM 22 of his -- there was a prior statement that's been admitted. We  
05:02PM 23 would be reading in parts of that. I think we've given  
05:02PM 24 highlighted portions to defense, and we're hoping to receive  
05:02PM 25 whatever portions they -- did we already receive that, what

05:02PM 1 portions they're going to read?

05:02PM 2 MR. DAVIS: No. We got it this afternoon.

05:02PM 3 MR. KRISHNAN: Yes, sorry. So we'd ideally do it the  
05:02PM 4 same way we did it with Marandino -- or with the Camps statement  
05:02PM 5 that we would just end up reading it. I don't think we have an  
05:02PM 6 actor this time. I may be the actor for the Celi statement.

05:02PM 7 Then we have our client Raquel Camps. And at some point,  
05:02PM 8 I think we would like to do the summary witness about the death  
05:02PM 9 certificates. Is it acceptable, Your Honor, to have a member of  
05:03PM 10 our legal team do that? It would be a minute or two.

05:03PM 11 THE COURT: You just want to publish the exhibits and  
05:03PM 12 just have someone read from them?

05:03PM 13 MR. KRISHNAN: (Nodding.)

05:03PM 14 THE COURT: It's fine. I will -- it seems to me that the  
05:03PM 15 plaintiffs' case should conclude tomorrow.

05:03PM 16 MR. KRISHNAN: Correct.

05:03PM 17 THE COURT: If we are making efficient use of the  
05:03PM 18 questioning process, this should be in, and so I just want you to  
05:03PM 19 bear that in mind as you get to the moment where you're publishing  
05:03PM 20 the death certificates.

05:03PM 21 MR. KRISHNAN: Okay.

05:03PM 22 THE COURT: Okay.

05:03PM 23 MR. KRISHNAN: And, Your Honor, on that point, I want to  
05:03PM 24 raise the issue of that's pending still from Docket 107  
05:03PM 25 evidentiary order with respect to Mr. Marandino 's video

05:03PM 1 deposition.

05:03PM 2 He had -- there was an exhibit with respect to  
05:03PM 3 Mr. Marandino, which was his prior statement. There is an  
05:03PM 4 objection from the defense as to whether his prior witness  
05:03PM 5 statement can come in. I believe that the Court left this  
05:04PM 6 pending, and I think our position on this is that if we are going  
05:04PM 7 to hear any claims that Mr. Marandino was fabricating or otherwise  
05:04PM 8 saying something incorrect or false in his testimony, then we  
05:04PM 9 would seek to introduce it during our case as a prior consistent  
05:04PM 10 statement.

05:04PM 11 What we -- what I'm worried about, and I haven't heard  
05:04PM 12 and I don't know what the lineup is for the defense case -- I  
05:04PM 13 would normally just do it in rebuttal. My concern is that the  
05:04PM 14 claim of recent fabrication will only come up in closings, and so  
05:04PM 15 we would not seek to introduce this exhibit, which I understand is  
05:04PM 16 subject to an objection, but I think we need to have some guidance  
05:04PM 17 from the defense as to what they intend to do, because its  
05:04PM 18 admissibility would turn on whether there is a claim of  
05:05PM 19 fabrication by Mr. Marandino during his testimony.

05:05PM 20 THE COURT: Okay. So where is the -- where is the  
05:05PM 21 statement in the record so that I can look at it?

05:05PM 22 MR. MUZZIO: We'll get you that exhibit number, Your  
05:05PM 23 Honor.

05:05PM 24 THE COURT: Okay. So I'm going to take a look at it.  
05:05PM 25 You're going to confer with Mr. Davis outside of the court session

05:05PM 1 and get clarity on that. I'm glad you -- well, I'll say less  
05:05PM 2 until I look at the statement.

05:05PM 3 Can you give me a proffer on the opinion you intend to  
05:05PM 4 elicit from the next expert? And everyone else is welcome to sit.  
05:05PM 5 The jury is gone.

05:05PM 6 MR. KRISHNAN: Dr. Pregliasco?

05:05PM 7 THE COURT: Yes.

05:05PM 8 MR. KRISHNAN: So.

05:05PM 9 THE COURT: I've read his report. But I'm still curious  
05:05PM 10 to know -- I'll be specific -- with respect to the category that  
05:05PM 11 he characterizes as like a comparison of other witnesses'  
05:05PM 12 statements. Can you proffer for me what it is that you intend to  
05:06PM 13 elicit from him?

05:06PM 14 MR. KRISHNAN: I think that as a practical matter the --  
05:06PM 15 he was going to testify as to the layout. And what the layout  
05:06PM 16 means, what, you know, prisoner placement and Mr. Bravo's  
05:06PM 17 placement. He's not really going to comment on what other people  
05:06PM 18 said, other than -- the one thing that I'm sure he'll do is to --  
05:06PM 19 it's in the report, and I can't -- I don't have it in front of me  
05:06PM 20 to cite, but at some point, he does mention that given the  
05:06PM 21 placement of the -- where the prisoners are.

05:06PM 22 THE COURT: That it's inconsistent with Bravo's  
05:06PM 23 statement?

05:06PM 24 MR. KRISHNAN: Yes.

05:06PM 25 THE COURT: Okay. So that's why I asked. I would invite

05:06PM 1 you to tell me why it would be proper for an expert to comment on  
05:07PM 2 whether or not somebody else's prior testimony is credible as  
05:07PM 3 opposed to, for example, if he was asked: Imagine that -- you  
05:07PM 4 know, if you were asked if the gun could have been fired from this  
05:07PM 5 perspective, is it your opinion that that occurred? And he could  
05:07PM 6 have answered no and answer why. But to have him -- that's what  
05:07PM 7 I'm trying to figure out if it is you're your intention to him  
05:07PM 8 have tell this jury that in his opinion somebody else's statement  
05:07PM 9 isn't credible. Is it the former or the latter?

05:07PM 10 MR. KRISHNAN: Your Honor, I think that what we could do  
05:07PM 11 is phrase the questions as hypotheticals in the way that you're  
05:07PM 12 suggesting so as to not specifically ask him, what do you think  
05:07PM 13 about when Mr. Bravo said X.

05:07PM 14 THE COURT: Or, more specifically -- and that's really  
05:07PM 15 what I'm trying to make sure he's not being called for. I am not  
05:07PM 16 going to have one witness comment on the plausibility or  
05:07PM 17 credibility of somebody else's testimony. That's the jury's job.

05:08PM 18 MR. KRISHNAN: Right. I am -- certainly I don't think on  
05:08PM 19 direct we would be doing anything like that. The only thing I'm  
05:08PM 20 wondering about is -- nothing is coming immediately to mind.

05:08PM 21 THE COURT: Okay.

05:08PM 22 MR. KRISHNAN: So -- but let me -- can I please take the  
05:08PM 23 evening and consider?

05:08PM 24 THE COURT: Absolutely. I was just about to say if  
05:08PM 25 there's any other questions, we have an hour together tomorrow

05:08PM 1 morning before the jury comes in and before he is called. That  
05:08PM 2 was just my concern having gone through his report. Okay.

05:08PM 3 MR. KRISHNAN: Thank you, Your Honor. I have one request  
05:08PM 4 mostly of opposing counsel, but I wanted to raise it in court,  
05:08PM 5 which is that we had provided our -- the depositions that we would  
05:08PM 6 play to counsel in advance so they could vet our video before it  
05:08PM 7 actually gets played in court. We haven't yet received the cut  
05:09PM 8 video from the defense case. And we just want to be able to  
05:09PM 9 actually watch it and raise any issues before it is played in  
05:09PM 10 court. So we just want the opportunity.

05:09PM 11 THE COURT: I understand. And, Mr. Davis, is it your  
05:09PM 12 estimate that they will have that tomorrow?

05:09PM 13 MR. DAVIS: Tonight.

05:09PM 14 THE COURT: Tonight? Perfect. Good.

05:09PM 15 MR. DAVIS: It's about an hour and a half.

05:09PM 16 THE COURT: Okay. So you have an hour and a half of  
05:09PM 17 depo, and it's my recollection at least that you're not calling  
05:09PM 18 any other live witnesses?

05:09PM 19 MR. DAVIS: I don't -- I don't think so. There may be  
05:09PM 20 some other documents that I may try and get in.

05:09PM 21 THE COURT: Okay. All right. So just for our  
05:09PM 22 scheduling, we'll use the hour in the morning for jury  
05:09PM 23 instructions. We may need to consider letting the -- well, we'll  
05:09PM 24 see how the evidence comes in. But, again, it is my intention to  
05:09PM 25 finished the plaintiffs' presentation of evidence tomorrow. And

05:09PM 1 we'll figure out where we need to complete any charge conference,  
05:09PM 2 because we're going to be clearly closing on Friday, and you'll  
05:10PM 3 need that. Okay.

05:10PM 4 MR. KRISHNAN: Your Honor, before you go, can I just  
05:10PM 5 raise one very minor housekeeping issue, which is that PDX9 which  
05:10PM 6 is what Mr. Bravo drew at the ELMO, I have it sitting here. What  
05:10PM 7 I would like -- I know it has to be in the Court's possession. I  
05:10PM 8 would really just like a photocopy, so I could use it tonight. I  
05:10PM 9 just -- it's sitting right here, and I assume that the defense may  
05:10PM 10 want a copy too.

05:10PM 11 THE COURT: All right. I'll ask my clerk if she can  
05:10PM 12 please make two copies of it to give you, and I appreciate you  
05:10PM 13 letting us know. Okay.

05:10PM 14 MR. KRISHNAN: Thank you, Your Honor.

05:10PM 15 THE COURT: Anything, Mr. Davis?

05:10PM 16 MR. DAVIS: I don't think so at this moment, Your Honor.

05:10PM 17 THE COURT: This is your last moment today.

05:10PM 18 MR. DAVIS: No, Your Honor.

05:10PM 19 THE COURT: See you at 8:30.

05:10PM 20 MR. MUZZIO: Your Honor, the Marandino prior statement is  
05:10PM 21 Plaintiffs' Exhibit 76.

05:10PM 22 THE COURT: Perfect. Thank you.

05:10PM 23 (Recess at 5:10 P.M.)  
24  
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## C E R T I F I C A T E

I certify that the foregoing is a correct transcript from  
the record of proceedings in the above-entitled matter.

June 30, 2022

/s/ Vernita Allen-Williams

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