

# EXHIBIT C

1 THE WITNESS: I do.

2 THE CLERK: Please be seated. Please state your  
3 full name and spell your last name for the record.

4 THE WITNESS: Michelle Bouchard, B-o-u-c-h-a-r-d.

5 **MICHELLE BOUCHARD,**

6 called as a witness by counsel for the Government,

7 being first duly sworn, testified as follows:

8 **DIRECT EXAMINATION**

9 BY MR. MCGAHAN:

10 Q. Good morning, Ms. Bouchard.

11 A. Good morning.

12 Q. What do you do for a living?

13 A. I'm an interpreter and translator.

14 Q. Who do you work for?

15 A. Language Liaisons.

16 Q. Is that your business?

17 A. Yes, it is.

18 Q. About how long have you had that business?

19 A. I've had it between 10 and 15 years approximately.

20 Q. And I'm not sure if I heard you. You said you're a  
21 transcriber/interpreter?

22 A. I'm an interpreter/translator/transcriber, yes.

23 Q. When you say "transcriber," could you describe what that  
24 means.

25 A. It means to listen to something, an audio, and put it in

1 writing verbatim.

2 Q. Okay. What languages do you speak, ma'am?

3 A. English and Spanish.

4 Q. And where were you born?

5 A. I was born in San Diego, California.

6 Q. Where did you grow up?

7 A. In Mexico.

8 Q. About how long did you live in Mexico?

9 A. Until I graduated from college. So 20-some years.

10 Q. Spanish is your native language?

11 A. Yes, it is.

12 Q. What is the highest level of education that you've  
13 received?

14 A. I have a degree in business.

15 Q. And have you received any specialized training to learn  
16 how to be an interpreter?

17 A. Besides the practical knowledge, yes. I graduated from  
18 the Southern California School of Interpretation.

19 Q. Do you provide interpretation services for any courts?

20 A. Yes, I do.

21 Q. Could you tell us which ones.

22 A. The immigration court.

23 Q. Okay. Any others?

24 A. Not at the moment, no.

25 Q. Are you certified by other courts, though, to provide

1 interpretation services?

2 A. No. I'm certified by the State.

3 Q. Okay. In the 15 years that you've owned Language  
4 Liaisons, have you been called to transcribe recorded  
5 conversations and then interpret those from Spanish into  
6 English?

7 A. Yes, I have.

8 Q. About how many occasions?

9 A. Thousands of tapes I have transcribed.

10 Q. Have you done that for the Drug Enforcement  
11 Administration?

12 A. Yes, I have.

13 Q. And were several of those -- were many of those tapes  
14 conversations of individuals engaged in drug deals?

15 A. Yes.

16 MR. MCGAHAN: Your Honor, if the Court could place  
17 before the witness Government's Exhibit 5 and Government's  
18 Exhibit 6.

19 Your Honor, if Agent Wong could approach the  
20 witness and give the witness Government's Exhibit 6.

21 THE COURT: Yes, that's fine.

22 BY MR. MCGAHAN:

23 Q. Do you recognize Government's Exhibit 5?

24 A. Yes, I do.

25 Q. And what is Government's Exhibit 5?

1 A. It's a transcription of an audiotape.

2 Q. Okay. Of an audiotape, ma'am?

3 A. Yes.

4 Q. Okay. Could you look at Government's Exhibit Number 6.

5 Ma'am, I believe that's the package that Agent Wong  
6 just gave you.

7 A. Oh, I'm sorry. Yes. Yes.

8 Q. And do you recognize that?

9 A. Yes, I do.

10 Q. And what is Government's Exhibit Number 6?

11 A. It's an audio recording of exhibit -- it's the audio  
12 source of Exhibit 5.

13 Q. Okay. Could you explain to the ladies and gentlemen of  
14 the jury what you -- did you prepare Government's Exhibit  
15 Number 5?

16 A. No, I did not prepare it. I reviewed it.

17 Q. Okay. Could you tell us how that all came about. Did  
18 there come a time when you were asked to listen to certain  
19 audiotapes, your company, Language Liaisons, and then you  
20 prepared transcriptions?

21 A. Correct.

22 Q. Okay.

23 A. We are contacted by whatever agency, because we haven't  
24 just done it for the Drug Enforcement Administration. We  
25 have done it for other federal and local law enforcement

1 agencies as well. And we are notified to see of our  
2 availability to transcribe a certain amount of tapes, as we  
3 call them. And they will bring the tapes to us numbered with  
4 a case number and a tape number, and usually they were --  
5 they will identify the voices for us. Okay?

6 Q. Government's --

7 MR. GUNN: Your Honor, I'm sorry. May I consult  
8 with counsel. I want to make sure I understand what this  
9 exhibit is.

10 THE WITNESS: Certainly.

11 THE COURT: All right.

12 MR. GUNN: Thank you, Your Honor. Clarified.

13 BY MR. MCGAHAN:

14 Q. I'm sorry. Could you repeat your answer.

15 A. Certainly.

16 When we receive the tapes, usually the voices are  
17 identified for us, and that's why on all our transcriptions  
18 we put that we did not identify the voices, because we don't  
19 know who the participants are. And we listen to the tapes  
20 and transcribe them verbatim. What we hear, we put on there  
21 and include activities we might hear in the background.

22 Q. And if you can't hear something -- if you can't -- if  
23 you can't accurately transcribe what is being heard, how is  
24 that reflected on the transcript?

25 A. We put "unintelligible" or "inaudible." Only -- we only

1 transcribe if we can clearly hear what is being said.

2 Q. Okay. Did there come a time when you were asked to  
3 transcribe certain tapes in this case?

4 A. I'm sorry. I did not --

5 Q. Did there come a time when Language Liaisons was asked  
6 to provide transcription services for tapes in this case?

7 A. In 0194, yes.

8 Q. Okay. And if the Court could place before the witness  
9 Government's Exhibit Number 8, 10, 12, 14, and 16.

10 THE CLERK: Counsel, there is nothing in 16.

11 MR. MCGAHAN: Did it fall out, Mr. Reddick?

12 THE CLERK: It fell out.

13 THE WITNESS: Yes.

14 BY MR. MCGAHAN:

15 Q. Do you recognize those exhibits?

16 A. Yes, I do.

17 Q. And could you describe what they are.

18 A. These are audio recordings that we transcribed and  
19 translated.

20 Q. When you say "we," Ms. Bouchard, who else are you  
21 referring to?

22 A. To Ms. Nancy Delarosa.

23 Q. Is she an employee of yours?

24 A. Yes, she is.

25 Q. And did she prepare some of the original transcripts of

1 these recordings?

2 A. Yes, she did.

3 Q. Ms. Bouchard, at the time that you were originally asked  
4 to prepare transcripts, were you told that these transcripts  
5 would be the final trial certified transcripts?

6 A. No.

7 Q. Okay. Could you explain for us the difference  
8 between -- could you explain for us when you get tapes, what  
9 you do, and if you do anything else once you realize the  
10 transcripts are going to be used in a trial.

11 A. Okay. Depends on the amount of time we have. I don't  
12 recall very clearly, but I believe this was a rush request to  
13 get these tapes done. And usually what we do if it's a rush  
14 request is we prepare a draft and just submit it to our  
15 client, and when they are going to be used as exhibits in  
16 trials, they are again reviewed before they are submitted as  
17 exhibits.

18 Q. When that first set of transcripts was originally  
19 prepared, Ms. Bouchard, did you go back and review it at that  
20 time and compare it against the audio recordings? In other  
21 words, did you review Ms. Delarosa's work at that time?

22 A. No, I did not.

23 Q. Did there come a time when you went back and reviewed  
24 all of the transcripts?

25 A. Yes, I did.



1 Q. Okay. Did you go back and listen to the audio  
2 recordings?

3 A. Yes, I did.

4 Q. Now, ma'am, at the time that Ms. Delarosa prepared the  
5 original of Government's Exhibit Number 5, was that prepared  
6 from an audiotape?

7 A. Yes, it was.

8 Q. Okay. Did there come a time when you reviewed that  
9 exhibit and compared it against Government's Exhibit  
10 Number 6?

11 A. Yes.

12 Q. When you -- when you reviewed Government's Exhibit  
13 Number 5, were you able to hear things that Ms. Delarosa had  
14 originally not been able to hear?

15 A. Yes.

16 Q. And when you went back and reviewed Government's Exhibit  
17 Number 6, the compact disc, did you hear additional  
18 materials?

19 A. Yes, I did.

20 Q. These were materials that you originally could not hear?

21 A. Correct.

22 Q. Now, did you receive any input from anyone else in  
23 connection with the preparation of these transcripts?

24 A. I don't understand.

25 Q. Did you receive -- did you receive any paper or any

1 suggestions from others who might have been involved in  
2 those -- in the conversations as to what was being said and  
3 heard?

4 A. Well, I did receive some suggested changes on the pages.  
5 What I did at that time was again listened to the tape to see  
6 if, in fact, they might have heard something I did not. And  
7 in some instances they were correct, and in others I could  
8 not accept the changes.

9 MR. McGAHAN: Could the clerk place before the  
10 witness Government's Exhibit Number 66.

11 BY MR. McGAHAN:

12 Q. Do you recognize that, ma'am?

13 A. Yes, I do.

14 Q. And what is that?

15 A. A suggested change.

16 Q. Did you receive -- in addition to Government -- is that  
17 a fair and accurate -- when you say "suggested change," what  
18 do you mean by that? Could you explain that more fully.

19 A. Well, somebody obviously reviewed it and they thought  
20 that these were things that they were hearing that I did not.

21 Q. Okay. Did you receive -- is that a fair and accurate  
22 copy of the suggested changes to Government's Exhibit  
23 Number 5?

24 A. Yes.

25 MR. McGAHAN: Move to admit Government's Exhibit

1 66.

2 THE COURT: Any objection?

3 MR. GUNN: Your Honor, I do have an objection, if  
4 we could be heard at sidebar on this.

5 THE COURT: All right.

6 (The following was held at sidebar:)

7 MR. GUNN: Your Honor, these are changes -- well,  
8 these are alternative transcripts of portions that I sent to  
9 Mr. McGahan. I am concerned that the implication of the  
10 testimony that's brought out, which I think Mr. McGahan  
11 intends to try to bring out, is that we agree with everything  
12 else in the transcript, and that's not the case. I mean, all  
13 this shows is these are the things we chose to bring up.  
14 And --

15 THE COURT: What's your objection?

16 MR. GUNN: My objection is it's irrelevant, and the  
17 prejudicial effect and confusion under Rule 403 outweighs  
18 whatever little evidence it has, because it's going to create  
19 this implication that nothing else in the transcripts is  
20 disagreed with by the defense. Plus the fact that this is in  
21 response --

22 THE COURT: Keep your voice down.

23 MR. GUNN: Plus the fact that this is in response  
24 to the first version, not any of the later versions.

25 THE COURT: What is this being offered for?

1 MR. MCGAHAN: Your Honor, it's being offered to  
2 show that Ms. Bouchard considered many things when she was  
3 preparing these transcripts for trial certification, and if  
4 there's going to be a suggestion that somehow others were not  
5 able to make a contribution, I want to make a record --

6 THE COURT: A --

7 MR. MCGAHAN: Other parties who were participants  
8 in this conversation, I want to make a record that there was  
9 a full and free opportunity for the defense to make  
10 suggestions that would have been considered by Ms. Bouchard.

11 MR. GUNN: I don't think that's totally true,  
12 Your Honor. We got the first version. We had an  
13 opportunity -- we weren't asked to make comments on that. We  
14 were asked to propose alternative transcripts. I said,  
15 "These are the alternatives we might introduce." We never  
16 had an opportunity because we got them so late to respond to  
17 the second and third versions.

18 THE COURT: Listen. This is argument. Other than  
19 offering this in at this point, what are you going to ask  
20 her?

21 MR. MCGAHAN: Well, I'm -- I want to move the  
22 transcripts into evidence at this point. I'm just creating a  
23 record, Your Honor.

24 THE COURT: Okay. I'm going to overrule the  
25 objection subject to -- before you comment on it --

1 MR. MCGAHAN: Yes, sir.

2 THE COURT: -- where they came from and what --  
3 before you make any comment on this, I want to hear from  
4 counsel.

5 MR. MCGAHAN: Very well, Your Honor.

6 THE COURT: So provisionally I'm overruling the  
7 objection, but no inference is to be made of what  
8 significance there is to this particular transcript.

9 MR. MCGAHAN: Very well, Your Honor --

10 MR. GUNN: And, Your Honor, with respect to the  
11 transcripts being moved in, I'm sure Mr. McGahan is going to  
12 tie them in eventually with the agent and informant. For the  
13 record, can I reserve an objection in the event there's some  
14 problem with the tying in?

15 THE COURT: Well, I assume -- of course, yes.

16 MR. GUNN: Okay.

17 THE COURT: I assume -- well, the transcript --  
18 okay. You're going to move the transcripts in through her?

19 MR. MCGAHAN: Yes.

20 THE COURT: Okay. And then you're going to  
21 connect -- I assume at some point you're going to -- the  
22 tapes themselves, you're going to have them authenticated  
23 that's their voices on the tapes?

24 MR. MCGAHAN: Absolutely, Your Honor.

25 THE COURT: Okay.

1 MR. GUNN: Just as long as I have -- if there's  
2 some problem, I can reserve that.

3 THE COURT: Okay.

4 (The following was held in the presence of the jury:)

5 BY MR. MCGAHAN:

6 Q. Ms. Bouchard, drawing your attention back to  
7 Government's Exhibit Number 5, I believe you said it had been  
8 prepared originally by Nancy Delarosa.

9 A. Correct.

10 Q. And you reviewed that?

11 A. Yes, I did.

12 Q. Did you hear additional materials?

13 A. Yes, I did.

14 Q. Are those now reflected in Government's Exhibit  
15 Number 5?

16 A. Yes, they are.

17 Q. Is Government's Exhibit Number 5 an accurate reflection  
18 of what you heard from Government's Exhibit Number 6?

19 A. Yes, it is.

20 Q. And did you write down what you heard on Government's  
21 Exhibit Number 6 to Government's Exhibit Number 5? In other  
22 words, from the compact disc to the paper?

23 A. Yes.

24 Q. Did you then translate from Spanish into English?

25 A. Correct.

1 MR. McGAHAN: Your Honor, request permission to  
2 move into evidence Government's Exhibit Number 5.

3 MR. GUNN: Subject to the reservation I indicated  
4 at sidebar, Your Honor.

5 THE COURT: All right. It will be received.

6 (Exhibit 5 was received.)

7 MR. McGAHAN: And at this time could the clerk  
8 place before the witness Government's Exhibit Number 7, 9,  
9 11, 13, and 15.

10 THE WITNESS: Yes.

11 BY MR. McGAHAN:

12 Q. And can you go through each exhibit and identify what it  
13 is, starting with Government's Exhibit Number 7.

14 A. This is a transcription and translation of Tape Number 2  
15 in Case R103.

16 MR. GUNN: Your Honor, I'm sorry. I did not hear  
17 that answer.

18 THE COURT: You have to keep your voice up.

19 THE WITNESS: I'm sorry. It's transcription and  
20 translation of Tape Number N-2 in Case 0194.

21 BY MR. McGAHAN:

22 Q. And did you originally prepare Government's Exhibit  
23 Number 7?

24 A. Yes, I did.

25 Q. Okay. And what is Government's Exhibit Number 7? It's

1 a transcription of --

2 A. Translation of an audiotape.

3 Q. Is that both a transcription and interpretation?

4 A. And a translation, yes.

5 Q. From which language into which?

6 A. From Spanish into English.

7 Q. And Government's Exhibit Number 9, what is that?

8 A. Again, it's transcription of an audiotape, and it is  
9 from Spanish into English.

10 Q. Okay. Did you prepare that?

11 A. Yes, I did.

12 Q. By the way, I meant to ask you this before, but on  
13 Government's Exhibits Number 5 and 7, are your initials on  
14 those exhibits?

15 A. Yes, they are.

16 Q. Is Government's Exhibit Number -- excuse me. Could you  
17 identify Government's Exhibit Number 11.

18 A. Yes. Also a transcription and translation of an  
19 audiotape.

20 Q. Okay. Did you prepare that?

21 A. Yes, I did.

22 Q. Okay. Are your initials on Government's Exhibit Number  
23 11?

24 A. Yes.

25 Q. And Government's Exhibit Number 13. Could you identify



1 that.

2 A. Yes. Again, a transcription and translation of an  
3 audiotape.

4 Q. And did you prepare that?

5 A. No, I did not.

6 Q. Who originally prepared that?

7 A. Nancy Delarosa.

8 Q. In connection with preparing those transcripts for trial  
9 certification, did you review it?

10 A. Yes, I did.

11 Q. Did you make any -- did you make any changes to it,  
12 ma'am?

13 A. I do not recall.

14 Q. And Government's Exhibit Number 15, ma'am, if you could  
15 identify that.

16 A. Yes. Transcription and translation of an audiotape.

17 Q. Did you prepare that?

18 A. No, I did not.

19 Q. Who originally prepared that?

20 A. Nancy Delarosa.

21 Q. Did you review it?

22 A. Yes, I did.

23 Q. And, ma'am, when I'm asking you if you reviewed it, did  
24 you go back and listen to the original tape --

25 A. Correct.

1 Q. -- and then review the transcription?

2 A. Correct.

3 Q. And in certain circumstances you heard things that  
4 Ms. Delarosa didn't hear?

5 A. Correct.

6 Q. Okay. I'm not sure if I asked you about Government's  
7 Exhibit Number 13.

8 A. Yes.

9 Q. I did ask you?

10 A. Yes.

11 Q. Ma'am, all the transcripts that you prepared --  
12 Government's Exhibit 7, 9, 11, 13, and 15 -- are those fair  
13 and accurate reflections of what you heard on those  
14 audiotapes?

15 A. Yes.

16 Q. And is the translation from Spanish into English, is  
17 that a fair -- is that a fair translation from Spanish into  
18 English?

19 A. Yes.

20 MR. MCGAHAN: At this time, Your Honor, I'd move  
21 into evidence Government's Exhibit 7, 9, 11, 13, and 15.

22 MR. GUNN: No objection, Your Honor, subject to the  
23 reservation noted.

24 THE COURT: That's fine. They'll be received.

25 MR. MCGAHAN: No further questions at this time.

1 MR. GUNN: Can I have one minute, Your Honor.

2 THE COURT: Yes.

3 CROSS-EXAMINATION

4 BY MR. GUNN:

5 Q. Ms. Bouchard -- actually, strike that.

6 The transcripts you've testified about that were  
7 just introduced into evidence were not the first transcripts  
8 you've provided to the Government for these tapes; correct?

9 A. These are the same ones, but they have been reviewed,  
10 yes.

11 Q. Well, they haven't just been reviewed. They've been  
12 changed, have they not?

13 A. Yes.

14 Q. So these transcripts are different than the ones you  
15 originally provided to the Government; correct?

16 A. Yes.

17 Q. In particular, the ones you originally provided to the  
18 DEA; correct?

19 A. Yes.

20 Q. The transcripts you've testified about you provided just  
21 last week; correct?

22 A. I'm -- not all of them, I don't think so.

23 Q. Many of them you provided just last week; correct?

24 A. Correct.

25 Q. And you provided other transcripts, what I might refer

1 to as original transcripts, back in June, did you not?

2 A. Yes.

3 Q. And those transcripts were prepared by your business,  
4 Language Liaisons; correct?

5 A. Correct.

6 Q. They were prepared in accord with your business's  
7 ordinary business practice and procedure; correct?

8 A. Correct.

9 Q. They were prepared in accordance with your usual  
10 standards; correct?

11 A. For a draft, correct.

12 Q. Well, you testified at a previous hearing in this matter  
13 about drafts, did you not?

14 A. Yes.

15 Q. And you testified -- that was under oath; correct?

16 A. Correct.

17 Q. It was in a prior hearing in this matter; correct?

18 A. Correct.

19 Q. And you testified about -- you were asked questions  
20 about these transcripts, the original transcripts; correct?

21 A. Yes.

22 Q. And you were asked questions about whether -- for  
23 example, you were asked, "Is it fair to say that you don't  
24 put out transcripts from your organization unless you're  
25 convinced they rise to the level of completeness and accuracy

1 that you believe you demand from your product?"

2 You were asked that question; correct?

3 A. Yes.

4 Q. And you said, "In general, yes"; correct?

5 A. Yes.

6 Q. And then you were asked if that was true with the first  
7 set of transcripts in this case; correct?

8 A. Yes.

9 Q. And you testified that you can't recall if there was a  
10 rush; correct?

11 A. Correct.

12 Q. And then you were asked, "But even if there was a rush,  
13 you wouldn't put out something that didn't come up to your  
14 standards." Correct?

15 A. Correct.

16 Q. And you testified, "No. Usually those are delivered as  
17 drafts." Correct?

18 A. Correct.

19 Q. You said, "They are delivered as drafts if there's not  
20 enough time"; correct?

21 A. Correct.

22 Q. And you were asked, "If there is something on them that  
23 indicates 'Drafts.'" Correct?

24 A. Correct.

25 Q. And you said, "Usually that's correct"?

1 A. Yes.

2 Q. Then were you asked, "These weren't delivered as  
3 drafts," weren't you?

4 A. I believe so.

5 Q. And you said you didn't recall; correct?

6 A. Correct.

7 Q. So when you testified last week, you didn't recall  
8 whether these were delivered as drafts; correct?

9 A. Correct.

10 Q. And you testified that generally something that's  
11 delivered as a draft has "Draft" stamped on it; correct?

12 A. Correct.

13 MR. GUNN: Your Honor, could I have some exhibits  
14 marked.

15 THE COURT: Yeah, they'll be marked next in order.

16 MR. GUNN: Actually, I have them premarked,  
17 Your Honor.

18 THE COURT: I'm sure you do.

19 MR. GUNN: If I could step over and get my other  
20 file.

21 If I can hand a set to the Government, Your Honor.  
22 These are marked as 101, 102, and 103.

23 If I could approach the clerk.

24 THE COURT: You may approach the clerk.

25 BY MR. McGAHAN:

1 Q. Would you look at Government Exhibits 101, 102, and 103,  
2 Ms. Bouchard.

3 THE COURT: First of all, I don't think they're the  
4 Government's exhibits.

5 MR. GUNN: I'm sorry. I misspoke.

6 THE COURT: And, secondly, they're going to be  
7 marked next in order. So whatever your last exhibit number  
8 was, these will be marked consecutively in order.

9 MR. GUNN: All right. I'm sorry. Then I guess it  
10 would be 176, 177, and 178.

11 THE COURT: That's fine.

12 BY MR. GUNN:

13 Q. Would you cross out the numbers on those exhibit tags,  
14 Ms. Bouchard, and put 176, 177, and 178. I believe they each  
15 have an exhibit tag on the back.

16 THE COURT: That's all right. We'll take care of  
17 it.

18 MR. GUNN: Thank you, Your Honor.

19 THE WITNESS: Do you want me to do it?

20 THE COURT: That's all right. We'll take care of  
21 it.

22 BY MR. GUNN:

23 Q. I think the Judge has said they'll take care of it.

24 170 -- 101, Ms. Bouchard, is the original  
25 transcript you provided in June, or your office provided in

1 June, what is Government Exhibit 5. Correct?

2 A. Yes.

3 Q. And it's not stamped "Draft," is it?

4 A. No, it is not.

5 Q. Defense Exhibit 177, which on your copy is marked as  
6 102, is the original copy provided in June of what's marked  
7 as Government Exhibit 11; is that correct?

8 A. Yes.

9 Q. And it's not marked as "Draft," is it?

10 A. No, it is not.

11 Q. Defense Exhibit 178, which you have in front of you  
12 marked as Defense Exhibit 103, is the original transcript of  
13 what's marked as Government Exhibit 15; is that correct?

14 A. Correct.

15 Q. And it's also not stamped as "Draft," is it?

16 A. No.

17 MR. GUNN: Your Honor, I'd offer defense exhibits  
18 176, 177, and 178 into evidence.

19 MR. McGAHAN: Request a sidebar, Your Honor.

20 THE COURT: Do you have an objection?

21 MR. McGAHAN: Yes, Your Honor. I object.

22 THE COURT: What's the objection?

23 MR. McGAHAN: Prior notice, Your Honor.

24 MR. GUNN: Actually -- well, sorry.

25 THE COURT: We'll take it up outside the presence



1 of the jury; so we'll defer the ruling on these until the  
2 next recess.

3 BY MR. GUNN:

4 Q. Now, the transcripts in front of you, the original  
5 transcripts that are marked as Defense Exhibits 176, 177, and  
6 178, you used those as sort of a base when you prepared the  
7 modified transcripts that are marked as the Government  
8 exhibits; correct?

9 A. Correct.

10 Q. You basically followed along on these original  
11 transcripts as you listened to the tapes, sort of checked  
12 whether you thought they were still accurate, and made  
13 changes where you thought they were necessary.

14 A. Correct.

15 Q. So these weren't -- these original transcripts weren't  
16 the complete information you relied on, but they were part of  
17 the information you relied on in creating your final  
18 transcripts.

19 A. Yes.

20 Q. Now, did you testify on direct that the original  
21 transcripts were all prepared by Nancy Delarosa?

22 A. Not all of them, no.

23 Q. In fact, they weren't; isn't that correct?

24 A. Not all of them, no.

25 Q. In fact, one of these three original transcripts --

1 Defense Exhibits 176, 177, and 178, one of those was actually  
2 prepared by you back in June; correct?

3 A. Correct.

4 Q. And it's not stamped as "Draft," is it?

5 A. No, it is not.

6 Q. You consider Ms. Delarosa one of your best employees;  
7 correct?

8 A. Yes, I do.

9 Q. She's the one employee whose opinion you'll rely on when  
10 transcribing and translating yourself; correct?

11 A. Correct.

12 Q. Now, going back to Government's exhibits that you've  
13 testified about, the Government exhibit transcripts --

14 A. Yes.

15 Q. -- those have been modified or had changes made from the  
16 original transcripts; correct?

17 A. Correct.

18 Q. And you made those changes or at least a number of them  
19 in response to handwritten changes that were on copies of the  
20 original transcripts that the DEA sent back to you; isn't  
21 that correct?

22 A. It was prompted by those; that I go back and relisten.

23 Q. All right. The DEA sent copies of the transcripts back  
24 to you; right?

25 A. Yes.

1 Q. And they had little handwritten notes about things they  
2 thought should be changed; right?

3 A. Correct.

4 Q. And they wanted you to consider those changes; correct?

5 A. Yes, they wanted me to relisten to the tapes.

6 Q. Now, this isn't the first time you've done transcripts  
7 for the DEA, is it?

8 A. No, it is not.

9 Q. How long have you been doing transcripts for them?

10 A. For approximately ten years.

11 Q. And I assume they pay you for your work?

12 A. Yes, they do.

13 Q. What percentage of your transcribing business in, say,  
14 the last year is from the DEA?

15 A. In the last year, I would say 5 percent.

16 Q. And what income have you earned from your DEA work?

17 A. In the last year?

18 Q. Yes.

19 A. Maybe \$7,000.

20 Q. What about the last five years? What's the average been  
21 over the last five years?

22 A. Last five years, very little as well.

23 Q. Well, what's "very little"? Is \$7,000 very little?

24 A. For a whole year? Yes.

25 Q. You also have a DEA clearance, don't you?

1 A. Yes.

2 Q. You have what is called a, quote, "DEA," quote,  
3 "national security clearance"; correct?

4 A. Correct.

5 Q. That's significant enough to you that you actually list  
6 it in your resume, isn't it?

7 A. Yes.

8 Q. So when you got these changes from the DEA, you said you  
9 considered them; correct?

10 A. Yes, I did consider them.

11 Q. And you made many of the changes they requested, didn't  
12 you?

13 A. I made several.

14 Q. You made quite a few, didn't you?

15 A. I don't recall how many of them, but when I heard it and  
16 I agreed with it, I made it. If I did not hear it, I did not  
17 agree with it, I rejected it.

18 Q. And you made quite a few, did you not?

19 A. I don't know what you would quantify as "quite a few."

20 Q. All right. Some of them made the tapes arguably -- at  
21 least look significantly worse for Mr. Beltran, didn't they?

22 A. I have no idea.

23 Q. You have no idea whether any of the changes made the  
24 tapes look worse?

25 A. No, I don't.

1 Q. Well, a number of those changes inserted either indirect  
2 or direct references to drugs that weren't there before;  
3 isn't that correct?

4 A. A couple of them, I believe, did.

5 MR. GUNN: Your Honor, I am at a point in my  
6 cross-examination now where I'd be using the exhibits I've  
7 offered into evidence, 101 -- I'm sorry. 176, 177, and 178.

8 THE COURT: All right. Let me see counsel at  
9 sidebar.

10 As matter of fact, ladies and gentlemen, why don't  
11 we take our final break, and we'll come back here at 11:45.

12 (The following was held out the presence of the jury:)

13 THE COURT: You may step down.

14 MR. GUNN: Maybe that's implicit, but if the  
15 witness could be excused during our argument.

16 THE COURT: I'm not sure there's going to be much  
17 argument.

18 MR. GUNN: Well --

19 THE COURT: That's fine. Excuse me for one minute.  
20 All right.

21 MR. GUNN: Your Honor, what I was going to do at  
22 this point was proceed to cross-examine her about some of the  
23 specific changes she made. I think these transcripts are  
24 admissible for at least three reasons: First of all, I did  
25 indicate to Mr. McGahan when we spoke last week at some point

1 that I might offer -- that I would be offering the original  
2 transcripts, as I call them, into evidence. So as far as any  
3 notice issue, he has notice.

4 And I think the Government's not in any real  
5 strongly founded position, in light of the fact I'm getting a  
6 late-modified transcript even last weekend.

7 With respect to why they're admissible, they're  
8 admissible in light of Ms. Bouchard's testimony for at least  
9 three reasons: First of all, I believe they're admissible --  
10 Rule 705 of the Federal Rules of Evidence as data or  
11 information she relied on in creating her final opinion, the  
12 final transcript. She basically admitted that she went along  
13 with these, listening to the tape, and used them as a guide.

14 Second, Your Honor, I think they're admissible as  
15 prior inconsistent statements. She may claim there was a  
16 draft. I think there is at least evidence from which the  
17 jury could find that's not true, in light of her prior  
18 testimony and her normal procedure of putting "Draft" on  
19 them. Frankly, even if it is a draft, I think it's a prior  
20 inconsistent statement.

21 Third, Your Honor, I think they're admissible as  
22 substantive evidence under the case law on when and why  
23 foreign language transcripts can be admitted as opposed to  
24 just the tapes. The case law says that because jurors can't  
25 understand foreign language tapes, you don't put the tapes