

1 witness.

2 MR. MARTINEZ: The government rests, Your Honor.

3 THE COURT: All right. Mr. Robert, rebuttal?

4 MR. ROBERT: I'd like to have Agent Zarate.

5 THE COURT: Agent Zarate, come forward, please.

6 IVAN ZARATE

7 after having been first duly sworn under oath,  
8 was questioned and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. ROBERT:

11 Q. Good morning, Agent?

12 A. Good morning.

13 Q. You're the case agent; right?

14 A. Yes, sir.

15 Q. So you are familiar with the file and all the  
16 evidence that's been seized and processed, and that sort of  
17 thing?

18 A. Pretty much.

19 Q. And you were also present for the debrief of Mr.  
20 Kripner on July 13?

21 A. Yes, I was.

22 Q. And you wrote a report, which apparently is a  
23 glomeration of your and agent Hernandez's notes?

24 A. Yes.

25 Q. Okay. Mr. Kripner, according to -- you're familiar

1 with your report?

2 A. Uh-huh.

3 Q. In your report you reflect that Mr. Kripner alleges  
4 that Mary Quaintance was addicted to cocaine and used cocaine  
5 with him?

6 A. Yes, I did.

7 Q. And your report doesn't say anything about any  
8 similar allegations about Danuel Quaintance?

9 A. No.

10 Q. Mr. Kripner didn't say at that time that Danuel  
11 Quaintance used cocaine?

12 A. It's my recollection, no.

13 Q. Okay. In his testimony yesterday Mr. Kripner said  
14 that there was to be \$100,000 left in a car in California;  
15 right?

16 A. Yes.

17 Q. He didn't say anything about that to you when he  
18 talked to you on July 13?

19 A. He stated it, and he also stated it at the time of  
20 the arrest back in February.

21 Q. What, that there was \$100,000 that was going to be  
22 left in a car in California?

23 A. The first time he didn't state the exact amount, he  
24 said he was going to bring money. The second time he  
25 mentioned an amount; it's not in my report.

1 Q. It's not in your report, is it?

2 A. No.

3 Q. We've done this before, you're trained to write  
4 reports; right?

5 A. We all make mistakes.

6 Q. When you first became -- are you a task force officer  
7 or Drug Enforcement Administration agent?

8 A. Task force officer.

9 Q. And where did you receive training with respect to  
10 the service that you now provide to the DEA?

11 A. The same place. Task force officers.

12 Q. And then you also received some training before that  
13 to be a police officer?

14 A. Yes, sir.

15 Q. And in those trainings, among the other things you  
16 were taught to do was to write reports?

17 A. Yes, sir.

18 Q. And one of the things that they tell you is that some  
19 day you're going to be sitting in a chair like that, answering  
20 questions from a guy just like me?

21 A. Exactly.

22 Q. And so you don't want to put a transcript in your  
23 report but you want to put everything important; right?

24 A. Right.

25 Q. And \$100,000 sitting in a car, in this context,

1 that's pretty important; isn't it?

2 A. Not really.

3 Q. Okay. Did you prepare notes in connection with this  
4 interview?

5 A. This interview, me and you?

6 Q. Of the July 13, 2006 debrief of Mr. Kripner?

7 A. Actually, I did.

8 Q. All right. And would you please provide those to Mr.  
9 Martinez?

10 A. As soon as I get back to the office.

11 Q. Mr. Kripner talked about three trips, not two, two to  
12 California and one to Arizona in his testimony yesterday; do  
13 you remember that?

14 A. That's what Kripner stated.

15 Q. In his report, in his statements to you on July 13th,  
16 though, he only talked about two trips, one to California, one  
17 to Arizona; is that correct?

18 A. That's what I understood.

19 Q. That's what's in your report?

20 A. That's what's in the report.

21 Q. All right. There was a thorough search done of both  
22 the Kripner and the Quaintance vehicle on February 22nd of  
23 this year; right?

24 A. Yes.

25 Q. There was no evidence of any kind found relating to

1 cocaine use or the presence of cocaine; correct?

2 A. No.

3 Q. Everything that was in the car and everything that  
4 was in the possession of both Mr. and Mrs. Kripner, I'm sorry,  
5 I did it again, Mr. and Mrs. Quaintance, was examined  
6 carefully; right?

7 A. Yes.

8 Q. And no residue?

9 A. Of cocaine, no.

10 Q. No paraphernalia? Or that's attributed to cocaine  
11 use?

12 A. No.

13 Q. Nothing that suggested cocaine use?

14 A. No.

15 Q. Following the arrest on February 22nd, agents, or I  
16 guess sheriff's deputies in Grant County, Arizona, searched  
17 the Quaintance house in Pima, Arizona; correct?

18 A. Going back to your previous question, nothing was  
19 found, no evidence was found of either narcotics or  
20 paraphernalia, although lead vehicles do not carry, usually  
21 don't carry anything.

22 Q. I didn't ask you what your opinion about what lead  
23 vehicles generally carry, I asked you what you found.

24 A. It's not an opinion, it's a fact.

25 Q. What you think happens is not responsive to my

1 question. I asked you what you found in those two vehicles,  
2 and you found nothing?

3 A. Nothing was not found.

4 Q. When they searched the house they found nothing  
5 connected to cocaine use?

6 A. They found scales, they found a small general scale  
7 usually for cocaine.

8 Q. And there was cocaine residue on the scale?

9 A. No.

10 Q. There were little baggies found in the house with  
11 cocaine in them?

12 A. No baggies were found.

13 Q. There were mirrors in the house on which cocaine  
14 residue was found?

15 A. No, there was a lot of paraphernalia that could be  
16 used for marijuana and cocaine.

17 Q. Is there anything in the house on which cocaine  
18 residue was found?

19 A. Not by the time we got there, there wasn't.

20 Q. Do you have any evidence that that evidence was --  
21 well, let me back up. The search of the house was done  
22 following the arrest of Mr. and Ms. Quaintance?

23 A. Yes.

24 Q. And at the time in which that search was done, Mr.  
25 and Ms. Quaintance were in custody?

1 A. Yes.

2 Q. And at that time those officers found no cocaine?

3 A. No.

4 Q. No residue?

5 A. Not of cocaine.

6 Q. How many scales were found?

7 A. If I recall correctly, it's two.

8 Q. And one of them was a big one to weigh larger  
9 quantities, larger things?

10 A. Exactly.

11 Q. And the other one was what?

12 A. A small, digital, gray cutter scale.

13 Q. Where was that scale found?

14 A. The exact location I'm not sure, it was found within  
15 the, their property.

16 Q. Well, what you're calling their property also  
17 includes the house of their kids; right, or their daughter and  
18 son-in-law?

19 A. Yes.

20 Q. Okay. And you don't know if that scale was found in  
21 one place or the other?

22 A. If I go back and look at the search warrant and  
23 report I could probably tell you.

24 Q. It's on the report?

25 A. I'm pretty sure it is.

1 Q. It's correctly identified as to the residence in  
2 which it was found?

3 A. I'm pretty sure it is.

4 Q. Is there one report showing an inventory return on  
5 the search of the whole thing or is there a separate inventory

6 --

7 A. I don't recall.

8 Q. -- for each residence?

9 A. There's a separate, it's like a property sheet, an  
10 intake, it tells you exactly what room it came from.

11 Q. Okay. Good. All right.

12 MR. ROBERT: Pass the witness, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. ALMANZA:

15 Q. Agent Zarate, in your report essentially summarizing  
16 the interview that you had with Mr. Kripner, you state that  
17 Mr. Kripner refers to my client, Mary Quaintance, as a cocaine  
18 addict?

19 A. Yes, sir.

20 Q. Do you remember writing that?

21 A. Yes.

22 Q. How was it that Mr. Kripner was able to substantiate  
23 that?

24 A. He stated that he was also an addict and they would  
25 both consume cocaine at the same time.



1 Q. Okay. And how many times did Mr. Kripner say that he  
2 had consumed or ingested cocaine with my client?

3 A. I don't recall at this time.

4 Q. When you arrested, or came into contact with Mary  
5 Quaintance for the first time, Agent Zarate, did you notice  
6 anything that would lead you to conclude that she was on  
7 cocaine?

8 A. If it makes her feel better, she looks a lot better  
9 now.

10 Q. That's not the question that I asked you. I mean, as  
11 a police officer you're trained to observe certain use?

12 A. Yes.

13 Q. For example, like an alcohol, you're trained to  
14 observe the person consuming alcohol; is that correct?

15 A. Correct.

16 Q. And you also are trained in certain cues or  
17 indicators of a person ingesting cocaine; is that correct?

18 A. Yes, sir.

19 Q. And did you notice any of those cues on my client,  
20 Mary Quaintance?

21 A. Actually her, just by her body weight, her belt, she  
22 was a lot thinner. Her skin was a lot more, I want to say  
23 dried out more, she looks, I mean her color was she -- looks a  
24 lot better now.

25 Q. And so based on those observations you were able to