

1 the determination that it was too hot and they
2 called off any plan to go carry through with the
3 hit that night.

4 They went to a bowling alley, drank for a
5 while and then they went to Josh Guvara's
6 (phonetic) house, drank beer for several hours and
7 then probably about 3:30 Rico Garcia drove home,
8 the night was over.

9 Q. At this point why didn't law enforcement
10 make any arrests?

11 A. Well, we were -- we were working with our
12 attorney's office, the district attorney's office
13 and this was a huge conspiracy involving a number
14 of people and it was so fast and moving so
15 quickly, the -- to absorb what evidence we had and
16 what evidence we didn't have was a very difficult
17 task and it was decided to allow it to go on until
18 sufficient overt acts were completed that
19 prosecutors felt that convictions could be
20 obtained.

21 It was the more evidence that we could gather,
22 the stronger the case it was going to be for
23 prosecution.

24 Q. Okay.

25 A. This was a serious crime and it was

1 determined that we did not want to make simple
2 arrests for minor violations because these guys
3 would just get back out of jail within days and
4 carry on with it anyways. We needed something
5 that would keep them in.

6 Q. So what happened next?

7 A. The group had talked about doing it the
8 next night, which was Halloween night because they
9 thought it would be easy to wear Halloween
10 costumes and go door to door and take out their
11 targets; however, several of them had families and
12 they elected they'd rather go trick-or-treating
13 with their kids and they postponed it and didn't
14 go do anything on Halloween night.

15 Q. Did Vince Garcia actually come to -- was
16 it your house or somebody's house
17 trick-or-treating?

18 A. Yeah, he was in my neighborhood, went to
19 one of my neighbor's houses that was an officer
20 that was part of the gang team and he had his --
21 he was standing in the front yard listening to his
22 police scanner with his earpiece as he watched the
23 kids trick or treat.

24 Q. Was there -- I think you described to me
25 at some point a certain amount of arrogance that