

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 CENTRAL JUSTICE CENTER, COUNTY OF ORANGE

3 IN RE THE PROCEEDINGS OF:

4 THE PEOPLE OF THE STATE OF CALIFORNIA, )

5 PLAINTIFF, )

6 VS. ) NO. 12ZF0133

7 REZA MOHAMMEDI, )

8 DEFENDANT. )

9 \_\_\_\_\_ )

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11 TRANSCRIPT OF PROCEEDINGS

12 APRIL 23, 2012

13 VOLUME 1

14

15 APPEARANCES:

16 ANTHONY RACKAUKAS, DISTRICT ATTORNEY  
17 BY: SHADDI KAMIABIPOUR, DEPUTY DISTRICT ATTORNEY  
18 SCOTT ZIDBECK, ASSISTANT DISTRICT ATTORNEY  
19 DEBBIE JACKSON, DEPUTY DISTRICT ATTORNEY

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24 (ROBERT J. SULLIVAN, CERTIFIED SHORTHAND REPORTER,

25 WAS DULY SWORN BY THE FOREPERSON OF THE GRAND JURY, AFTER

26 WHICH THE FOLLOWING PROCEEDINGS WERE HAD:)

1                   (WHEREUPON RAFAEL MARTINEZ ENTERED THE GRAND JURY  
2 ROOM.)

3           THE GRAND JURY FOREPERSON:   PLEASE RAISE YOUR RIGHT  
4 HAND.

5           THE WITNESS:   (WITNESS COMPLIES) .

6                                 RAFAEL MARTINEZ,  
7 CALLED AS A WITNESS BEFORE THE GRAND JURY, HAVING BEEN FIRST  
8 DULY SWORN, WAS EXAMINED AND TESTIFIED THROUGH THE  
9 INTERPRETER AS FOLLOWS:

10          THE GRAND JURY FOREPERSON:   PLEASE STATE YOUR NAME AND  
11 SPELL IT, PLEASE.

12          THE WITNESS:   RAFAEL MARTINEZ.

13          THE INTERPRETER:   INTERPRETER SPELLING, R-A-F-U-E-L,  
14 M-A-R-T-I-N-E-Z.

15          THE REPORTER:   WOULD YOU PLEASE SPELL THE FIRST NAME  
16 AGAIN.

17          THE INTERPRETER:   IT IS R-A-F-A-E-L.

18          THE REPORTER:   THANK YOU.

19                                 EXAMINATION

20          Q.   BY MR. KAMIABIPOUR:   MR. MARTINEZ, BEFORE WE BEGIN  
21 I WOULD LIKE TO ADVISE YOU THAT YOU ARE NOW APPEARING BEFORE  
22 A DULY CONSTITUTED GRAND JURY WHICH IS INVESTIGATING  
23 POSSIBLE VIOLATIONS OF STATE CRIMINAL LAW.

24                   DO YOU UNDERSTAND THAT?

25          A.    YES.

26          Q.    YOU HAVE BEEN PLACED UNDER OATH.   THAT MEANS YOUR

1 TESTIMONY HERE TODAY HAS THE SAME FORCE AND EFFECT AS IF YOU  
2 WERE IN A COURT OF LAW.

3 DO YOU UNDERSTAND THAT?

4 A. YES.

5 Q. THAT MEANS YOU HAVE AN OBLIGATION TO TELL THE  
6 TRUTH AND NOTHING BUT THE TRUTH IN THIS PROCEEDING, OR YOU  
7 COULD SUBJECT YOURSELF TO A POSSIBLE PROSECUTION FOR  
8 PERJURY.

9 DO YOU UNDERSTAND THAT, SIR?

10 A. YES.

11 Q. GOOD AFTERNOON, MR. MARTINEZ.

12 A. GOOD AFTERNOON.

13 Q. MR. MARTINEZ, WHAT IS YOUR OCCUPATION?

14 A. CARPENTER.

15 Q. AND HAVE YOU EVER WORKED FOR A PERSON BY THE NAME  
16 OF REZA MOHAMMEDI?

17 A. YES.

18 Q. I AM SHOWING YOU WHAT HAS BEEN MARKED AS PEOPLE'S  
19 15 FOR IDENTIFICATION. I WANT YOU TO LOOK AT THAT  
20 PHOTOGRAPH AND TELL ME IF YOU RECOGNIZE THAT PERSON.

21 A. THAT'S REZA.

22 MS. KAMIABIPOUR: CAN THE RECORD REFLECT THE WITNESS  
23 HAS IDENTIFIED THE DEFENDANT.

24 Q. BY MR. KAMIABIPOUR: HOW LONG HAVE YOU WORKED FOR  
25 REZA MOHAMMEDI?

26 A. THREE MONTHS.

1 Q. AND ON WHAT PROJECTS DID YOU WORK FOR HIM?

2 A. HAWTHORNE HIGH SCHOOL. FULLERTON TOUR BIKE. AND  
3 ORANGE TOUR BIKE.

4 Q. DID YOU WORK FOR BREA?

5 A. NO.

6 Q. WHEN YOU -- HOW DID YOU COME TO WORK FOR  
7 MR. MOHAMMEDI?

8 A. A FRIEND OF MINE INVITED ME.

9 Q. WHO WAS YOUR FRIEND?

10 A. CANDIDO.

11 Q. THAT'S MR. CANDIDO DELGADO?

12 A. YES.

13 Q. OKAY. WHEN YOU CAME TO WORK FOR MR. MOHAMMEDI,  
14 DID HE HAVE YOU FILL OUT AN APPLICATION?

15 A. NO.

16 Q. HOW MUCH DID HE TELL YOU HE WOULD PAY YOU FOR  
17 YOUR WORK?

18 A. \$13 AN HOUR.

19 Q. SO THAT'S \$130 A DAY?

20 A. YES, FOR 10 HOURS.

21 Q. FOR 10 HOURS?

22 A. YES.

23 Q. OKAY. LET ME ASK YOU THIS.

24 WHAT DID YOU DO IN ORANGE AND, IT LOOKS LIKE  
25 FULLERTON AND HAWTHORNE, AS A CARPENTER; WHAT DID YOU DO?

26 A. IN HAWTHORNE I WOULD DO ONLY WHAT IS CALLED

1 LABOR.

2 Q. WHAT ABOUT IN FULLERTON AND ORANGE?

3 A. IN FULLERTON, WE DID WHATEVER LABOR WAS NEEDED,  
4 AND THEN WE WOULD BE WORKING WITH CEMENT. AND WE ALSO WOULD  
5 WORK WITH STONES IN BASKETS.

6 Q. HOW MANY HOURS A DAY DID YOU WORK?

7 A. 10.

8 Q. AND WAS THAT 10 CONSISTENTLY EVERY TIME?

9 A. ALMOST ALWAYS.

10 Q. AND WHAT TIME IN THE MORNING DID YOU START?

11 A. AT 7:00.

12 Q. AND WHAT TIME DID YOU FINISH THE DAY?

13 A. AT 5:00.

14 Q. DID YOU HAVE ANY BREAKS IN BETWEEN?

15 A. ONLY FOR LUNCH.

16 Q. AND HOW LONG WAS THE LUNCH BREAK?

17 A. ABOUT 30 MINUTES.

18 Q. OKAY. NOW, DURING THE TIME THAT YOU WORKED FOR  
19 MR. MOHAMMEDI, DID HE EVER TELL YOU THAT IF AN INSPECTOR  
20 COMES AROUND, TO TELL THEM YOU WERE GETTING PAID  
21 DIFFERENTLY?

22 A. YES.

23 Q. WHAT DID HE TELL YOU IN THAT REGARD?

24 A. HE TOLD US THAT FOR ANYBODY WHO COULD COME FROM  
25 ANYPLACE, WE SHOULD TELL THEM THAT HE WAS PAYING US 47.

26 Q. DID YOU EVER ASK HIM WHY?

1 A. YES.

2 Q. AND WHAT DID HE SAY?

3 A. HE SAID THAT WAS WHAT SUPPOSEDLY HE SHOULD BE  
4 PAYING US. BUT HE SAID TO ME, I OFFER \$13 AN HOUR TO YOU,  
5 TAKE IT OR LEAVE IT IF YOU WANT IT.

6 Q. OKAY. SO HE ADMITTED TO YOU THAT HE KNOWS THAT  
7 HE IS SUPPOSED TO PAY YOU 47, BUT HE IS NOT GOING TO PAY YOU  
8 THAT?

9 A. CORRECT.

10 Q. OKAY. AND YOU AGREED TO WORK FOR HIM FOR \$13 AN  
11 HOUR; IS THAT FAIR?

12 A. WELL, YES.

13 Q. NOW, DURING THE TIME THAT YOU WORKED FOR HIM, HOW  
14 DID HE TREAT YOU?

15 A. BAD WORDS. HE WOULD SAY BAD WORDS.

16 Q. LIKE WHAT?

17 A. DO I HAVE TO SAY IT?

18 Q. YES. IF IT IS THE EXACT WORDS, I DON'T WANT YOU  
19 TO JUST CUSS, ONLY USE THE WORD IF IT IS THE EXACT WORD.

20 A. DO I HAVE TO SAY IT?

21 Q. NO, YOU DON'T, IF IT IS UNCOMFORTABLE YOU DON'T  
22 HAVE TO SAY IT. OKAY. BUT IT WAS BAD ENOUGH WHERE YOU ARE  
23 EMBARRASSED TO SAY IT?

24 A. VERY BAD.

25 Q. OKAY. AND WAS IT DIRECTED AT YOU OR TO THE OTHER  
26 WORKERS?