

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 _____)

10

11 TRANSCRIPT OF PROCEEDINGS

12 APRIL 24, 2012

13 VOLUME 2

14

15 APPEARANCES:

16 ANTHONY RACKAUKAS, DISTRICT ATTORNEY
17 BY: SHADDI KAMIABIPOUR, DEPUTY DISTRICT ATTORNEY
18 DEBBIE JACKSON, DEPUTY DISTRICT ATTORNEY

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23 (ROBERT J. SULLIVAN, CERTIFIED SHORTHAND REPORTER,

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

25 WHICH THE FOLLOWING PROCEEDINGS WERE HAD:)

26

1 I JUST TAKE 30 SECONDS? I JUST WANT TO CHECK ON SOMETHING
2 OUTSIDE.

3 THE GRAND JURY FOREPERSON: SURE.

4 MS. KAMIABIPOUR: THANK YOU.

5 IF WE CAN HAVE ALFREDO BANOS, PLEASE. AND
6 MR. BANOS WILL REQUIRE AN INTERPRETER.

7 (WHEREUPON ALFREDO BANOS ENTERED THE GRAND JURY
8 ROOM ACCOMPANIED BY THE CERTIFIED COURT INTERPRETER.)

9 THE GRAND JURY FOREPERSON: RAISE YOUR RIGHT HAND,
10 PLEASE.

11 JOSE ALFREDO BANOS,
12 CALLED AS A WITNESS BEFORE THE GRAND JURY, HAVING BEEN FIRST
13 DULY SWORN, WAS EXAMINED AND TESTIFIED THROUGH THE
14 INTERPRETER AS FOLLOWS:

15 THE GRAND JURY FOREPERSON: PLEASE STATE YOUR NAME AND
16 SPELL IT FOR THE RECORD.

17 THE WITNESS: JOSE ALFREDO BANOS.

18 THE INTERPRETER: INTERPRETER SPELLING, FIRST NAME
19 J-O-S-E, SECOND FIRST NAME A-L-F-R-E-D-O, LAST NAME
20 B-A-N-O-S.

21 THE GRAND JURY FOREPERSON: PLEASE BE SEATED, AND SPEAK
22 INTO THE MICROPHONE.

23 THE WITNESS: (WITNESS COMPLIES).

24 THE GRAND JURY FOREPERSON: MADAM DISTRICT ATTORNEY, DO
25 WE NEED TO SWEAR IN THE INTERPRETER AGAIN?

26 MS. KAMIABIPOUR: I THINK GIVEN IT IS THE SAME

1 THE GENTLEMAN WHOSE NAME IS DUNCAN, AND HE IS AN INSPECTOR.
2 WE WERE STAYING TO WORK OVERTIME ALL THE TIME, AND THE
3 INSPECTOR WOULD STAY WITH US. THEY WERE ALSO THE SAME IN
4 NOVEMBER --

5 MS. KAMIABIPOUR: LET ME STOP YOU RIGHT THERE.

6 I NOTICE WE HAVE GONE QUITE A WHILE AND WE HAVE A
7 LITTLE MORE WITH THIS WITNESS, DID YOU WISH TO TAKE A SHORT
8 RECESS?

9 THE GRAND JURY FOREPERSON: YES. WE ARE GOING TO TAKE
10 A SHORT RECESS UNTIL 10 AFTER 2:00. EVERYTHING THAT IS SAID
11 HERE STAYS IN HERE. CAN'T TALK ABOUT IT AMONGST YOURSELVES
12 INSIDE OR OUTSIDE OF THIS ROOM. YOU ARE STILL UNDER OATH.
13 YOU WILL RETURN IN 15 MINUTES.

14 MS. KAMIABIPOUR: THANK YOU.

15 (RECESS TAKEN.)

16 (THE FOLLOWING PROCEEDINGS WERE HELD IN THE GRAND
17 JURY ROOM:)

18 THE GRAND JURY FOREPERSON: WE ARE AGAIN IN SESSION ON
19 THE STATE VERSUS MOHAMMEDI.

20 LET THE RECORD REFLECT THE SAME 15 JURORS ARE
21 HERE FOR THE CONTINUATION.

22 THE WITNESS IS YOURS.

23 MS. KAMIABIPOUR: THANK YOU, SIR.

24 Q. BY MS. KAMIABIPOUR: MR. BANOS, WHEN WE LEFT OFF WE
25 WERE TALKING ABOUT YOUR TESTIMONY IN LOS ANGELES FOR
26 MR. MOHAMMEDI.

1 A. YES.

2 Q. I DON'T WANT TO GET INTO TOO MUCH DETAIL, BUT
3 WHAT I WANT TO ASK YOU IS DID HE ASK YOU TO TELL THE HEARING
4 OFFICER THAT HE WAS PAYING YOU PREVAILING WAGES?

5 A. YES.

6 Q. AND DID YOU TESTIFY TO THAT?

7 A. YES.

8 Q. DID YOU KNOW AT THE TIME THAT WHEN YOU TESTIFIED
9 YOUR TESTIMONY WAS IMPORTANT, JUST LIKE IT IS TODAY?

10 A. WELL, ACTUALLY NOT QUITE REALLY.

11 Q. WHY; WHY DIDN'T YOU KNOW THAT?

12 A. HE SAID THAT WHATEVER WAS GOING TO HAPPEN OVER
13 THERE WAS NOT REALLY THAT IMPORTANT, HE SAID NO PROBLEM,
14 DON'T WORRY ABOUT ANYTHING.

15 Q. WHEN YOU CAME INTO THE HEARING, DID SOMEONE ASK
16 YOU TO SWEAR YOU ARE GOING TO TELL THE TRUTH?

17 A. YES, AND THAT GOT ME WORRIED.

18 Q. OKAY. AND YOU STILL TOLD THE HEARING OFFICER,
19 YOU LIED FOR MR. MOHAMMEDI; IS THAT TRUE?

20 A. YES.

21 Q. OKAY. NOW, WHEN DID YOU REALIZE THAT THAT WAS A
22 PROBLEM, THAT WHEN YOU SAID HE PAID YOU PREVAILING WAGES IN
23 L.A., AND YOU LIED, THAT IT WAS A SERIOUS PROBLEM?

24 A. WHEN I LEFT THE COURTHOUSE.

25 Q. OKAY. WAS THAT THE SAME TIME?

26 A. (NO RESPONSE).

1 Q. BACK THE SAME DAY?

2 A. THE SAME DAY.

3 Q. OKAY. AND DID YOUR BROTHER ALSO TESTIFY FOR
4 MR. MOHAMMEDI?

5 A. YES, HE DID, BUT MR. MOHAMMEDI WAS NEVER HAPPY
6 WITH HIM.

7 Q. OKAY.

8 A. THAT HIS TESTIMONY WAS WORTHLESS.

9 Q. DID HE GIVE YOU HAND SIGNALS AS TO HOW TO ANSWER
10 QUESTIONS THAT WERE BEING ASKED YOU BY THE OTHER ATTORNEY?

11 A. YES, YES, HE WOULD PUT HIS HAND ON THE TABLE OR
12 HERE ON MY LEG.

13 Q. TO SAY WHAT?

14 A. TO SAY YES OR NO.

15 Q. OKAY. AND THIS WAS TO THE ANSWERS TO THE
16 QUESTIONS THAT THE OTHER LAWYER ASKED YOU?

17 A. YES.

18 Q. OKAY. NOW, BEFORE YOU TESTIFIED HERE TODAY WITH
19 YOUR LAWYER, DID YOU FILL OUT SOME PAPERWORK THAT GAVE YOU
20 IMMUNITY ABOUT THE TESTIMONY THAT YOU GAVE IN LOS ANGELES?

21 A. YES.

22 Q. OKAY. DID YOU UNDERSTAND WHEN YOU FILLED OUT
23 THAT PAPERWORK THAT IT DID NOT GIVE YOU IMMUNITY FROM LYING
24 TODAY?

25 A. I UNDERSTAND THAT. I UNDERSTAND THAT PERFECTLY.

26 Q. OKAY. SO TODAY AS YOU ARE TESTIFYING BEFORE THE