

ARIZONA SANCTUARY DEFENSE FUND

WEEKLY UPDATE FOR THE SANCTUARY TRIAL, DECEMBER 17-19, 1985

Tuesday

Robert Hirsh, the first of several defense attorneys slated to cross-examine government informant, Jesus Cruz, drew near to completing his line of questioning during Sanctuary Trial proceedings Tuesday.

During the day, Hirsh continued demonstrating to the jury weakpoints of Cruz' credibility as a witness by focusing once again on discrepancies in his story, improprieties concerning the payments he received, and the government witness' inability to remember important details.

Following testimony by Cruz last week indicating that the government had not disclosed all of the payments Cruz received during the investigation, defense attorney Michael Piccareta requested the Court to examine all documents held by the government pertaining to such matters. On Monday in his chambers, District Judge Earl H. Carroll looked at the documents produced by the government and later called them "nothing new" before turning most of them over to the defense team.

Also last week, defense attorneys subpoenaed Cruz' income tax returns to determine whether or not he had reported all moneys paid to him by the INS, and whether the payments were for expenses or fees. However, over the weekend, Sanctuary attorneys learned that prosecutor Donald M. Reno, acting on behalf of Cruz, had filed a counter motion to prevent the release of the tax records.

Defense attorneys questioned the ethics of such a move, arguing that it is hardly proper for the government to represent Cruz, a private citizen, in this matter. Such an act, they said, would jeopardize what little independence remains in Cruz' testimony. The defense team maintained that Cruz should either hire an attorney, or if indigent, be assigned court appointed counsel to represent him in the matter. Judge Carroll did not rule on the issue, but instead tabled it until the first thing Wednesday morning.

During the morning, U.S. Attorney Reno told that court that he had become aware that the defense team had subpoenaed the Department of Alcohol, Tobacco, and Firearms for files it has pertaining to Jesus Cruz. Reno said he did not know the reason for the subpoena, but wished to make the Court aware of the matter.

Tucson Media Office
120 West Broadway, Suite 050
Tucson, Arizona 85701
(602) 624-8887

Phoenix Media Office
650 North Second Avenue
Phoenix, Arizona 85003
(602) 256-0089