

(Carmelo 302)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/23/2011

CARMELO NINO MARTINEZ, also known as CARMELO MARTINEZ, CARMELO SANTANA, CARMELO MARTINEZ SANTANA, CARMELO SANTANA MARTINEZ, CARMELO NINO SANTANA, and "RUDY", (Hereinafter referred to as MARTINEZ), (Hispanic; Male; Date of Birth: [REDACTED]; FEDERAL BUREAU OF PRISONS, [FBOP], Inmate Register Number 79574-079), was located at the MOSHANNON VALLEY CORRECTIONAL INSTITUTION, (MVC), 555 Geo Drive, Philipsburg, Pennsylvania on the date of investigation. After being brought to an interview room within the MVC, MARTINEZ was advised, in English, of the identity of the interviewing agents and the purpose of the interview. MARTINEZ sat in the appropriate location when directed by the investigating agents. Present during the contact were FEDERAL BUREAU OF INVESTIGATION, (FBI), Special Agent, (SA), WILLIAM E. EBERSOLE, Philadelphia Division, Williamsport Resident Agency; and FBI SA MICHAEL J. HOCHREIN, Pittsburgh Division, Laurel Highlands Resident Agency.

MARTINEZ was orally advised of his Miranda rights in English at approximately 9:56am. MARTINEZ advised that he understood and nodded his head up/down in a manner of affirmation. MARTINEZ was asked if he would like to read the Miranda rights form in English or Spanish. MARTINEZ advised that he can read and write in Spanish and was provided with a Miranda form in Spanish. MARTINEZ appeared to be reading the form and advised, in English, that he understood at approximately 9:57am. MARTINEZ did not sign the form at this time.

MARTINEZ was offered a cup of water and declined.

MARTINEZ was again asked if he understood English and moved his head up/down in a manner of affirmation. MARTINEZ then said in English "Yes, I understand".

MARTINEZ wanted to know why the investigators kept questioning him about the murder of ANGELO GARCIA. MARTINEZ was advised that he was identified as being the "right hand man" for CHICO, also known as OBEL JULIAN CRUZ-GARCIA.

MARTINEZ was asked if he was with CHICO on the night that the little boy was kidnaped. MARTINEZ initially told the investigating agents that he did not know. MARTINEZ was then asked

7A-HO-71062-45

Investigation on 05/23/2011 at Philipsburg, PA

File # 7A-HO-71062

Date dictated 05/23/2011

by SA William E. Ebersole/wee

EXHIBIT 101 Page 001

7A-HO-71062

Continuation of FD-302 of CARMELO MARTINEZ On 05/23/2011 Page 2

in Spanish if he was with CHICO on the night the little boy was kidnaped. MARTINEZ did not answer.

The interview then proceeded in English. MARTINEZ was asked if he was with CHICO on the day ANGELO was kidnaped. MARTINEZ admitted that he was with CHICO for some time on the day of the kidnaping. MARTINEZ advised that he "worked" for CHICO. MARTINEZ further stated that sometimes he would "work" for CHICO and sometimes he would "work" for other people. By "work" for CHICO and others, MARTINEZ clarified that he meant he trafficked drugs for CHICO and other individuals not specified.

MARTINEZ was advised that the interviewing agents were assisting in an investigation into CHICO and what happened in the apartment of DIANA and ARTURO. MARTINEZ was advised that based upon "DNA evidence" it was known that CHICO was at the apartment of ARTURO and DIANA. MARTINEZ was further told that CHICO has been charged and other investigative leads had been followed up on. MARTINEZ was told that his statement would not be the only source of information against CHICO.

MARTINEZ was asked to assist investigators. MARTINEZ was told that any cooperation he gave would be made known to the prosecutor and the presiding judge. MARTINEZ was further told that ANGELO and his family need to put this matter to rest.

MARTINEZ advised that he felt bad and that the parents of ANGELO picked their life but the little boy had not.

MARTINEZ was asked how ANGELO died. MARTINEZ responded by stating that he (MARTINEZ) has had nothing his whole life. MARTINEZ initially advised that CHICO told him nothing about the death of ANGELO. MARTINEZ then relayed that ANGELO paid for what the parents did. MARTINEZ was asked if he was told this by CHICO. MARTINEZ then advised that he only has two (2) more years in jail. MARTINEZ then stated that CHICO told him (MARTINEZ) nothing.

After stating that CHICO had told him nothing about the disappearance and death of ANGELO, MARTINEZ was questioned about why he, (MARTINEZ), would say that ANGELO paid for his parents actions or lifestyle. MARTINEZ's response was that he, (MARTINEZ), lost his whole life. He elaborated that he no longer saw his own sons, mother, or had a marriage. MARTINEZ concurred with the investigators' suggestions that it was CHICO who caused him to 'lose his life.'

7A-HO-71062

Continuation of FD-302 of CARMELO MARTINEZ On 05/23/2011 Page 3

MARTINEZ asked if the interviewing agents knew everything about the case. MARTINEZ was told that the various investigators have developed proof against CHICO but, the specifics could not be given to MARTINEZ in order to protect the case. MARTINEZ was advised that the interviewing agents wanted his assistance; and although there was scientific evidence to prove CHICO's involvement in the invasion of the GARCIA's home as well as the rape of DIANA GARCIA, there was a need to complete the picture of what happened to the little boy ANGELO.

MARTINEZ was asked who was with CHICO when CHICO left the apartment of DIANA and ARTURO on the day ANGELO was kidnaped. MARTINEZ initially did not provide an answer. He was then shown a image of ANGELO's remains as presented at autopsy in 1992 and an ante-mortem image of the boy which appeared to be a school photograph from an unspecified year. Both images were provided to the investigating agents prior to the interview by the Harris County, Texas, District Attorney's Office.

MARTINEZ was asked how ANGELO died. MARTINEZ was told that CHICO would go to trial for the murder of ANGELO with or without the assistance of MARTINEZ. MARTINEZ was told that his assistance would make for a better case against CHICO, who is not a good person. In response, MARTINEZ remarked that his mind is different now and that he has spent fourteen (14) years of real prison time. MARTINEZ repeated that he never sees his kids nor his mother.

MARTINEZ was again told that the interviewing agents could not disclose specifics. MARTINEZ was told that his version of the events leading to the murder of ANGELO was what counted.

MARTINEZ advised that he did not like to testify. MARTINEZ advised that he has a criminal conviction and that he was a "partner" (socio) with CHICO.

MARTINEZ was advised that the interviewing agents were not concerned with previous drug trafficking. MARTINEZ was told that the interviewing agents were interested in the murder of ANGELO and any cooperation MARTINEZ provided would be made known to the prosecutor and presiding judge. He was again asked to tell the interviewing agents about ANGELO. MARTINEZ asked if the government had enough to "get CHICO". MARTINEZ further asked about his safety on the compound. He did not want to move from the prison in which

FD-302a (Rev. 10-6-95)

7A-HC-71062

Continuation of FD-302 of CARMELO MARTINEZ On 05/23/2011 Page 4

he was incarcerated at the time of the interview. MARTINEZ advised that CHICO has hurt a lot of people. MARTINEZ further stated that in CHICO's head "it's crazy".

Again, MARTINEZ commented that he has spent fourteen (14) years in jail and does not care for his own life anymore. MARTINEZ lost his life and family. At this point in the interview MARTINEZ stated that he was not involved in the murder. MARTINEZ was advised that if he tells the truth and was not involved in the murder he could not be charged criminally just because he's a friend of CHICO.

MARTINEZ was again asked to provide details, if he knew, of how ANGELO died. MARTINEZ stated that he did not see the murder of ANGELO. MARTINEZ was asked if he heard CHICO or others talk about the murder of ANGELO. The investigating agents then explained that this murder investigation will continue and that, in the future, investigators would likely question him until the case was resolved. MARTINEZ was again asked for his assistance in providing details of what went on the night ANGELO was taken from his home. The investigating agent's asked MARTINEZ to consider how he might feel, as a father to two sons, if CHICO or someone else came into his home, took away one of his boys, and killed his child.

MARTINEZ then advised that he did not have a problem telling the truth and did not want an attorney present. MARTINEZ advised that he would tell the truth. At approximately 10:30am, MARTINEZ signed the Spanish version of the Advice of Rights form. This was the same form he previously appeared to read. At no time between the time he was presented with the form and signing the form, did MARTINEZ request legal counsel or imply that he wished to consult with same. Following MARTINEZ's signature of the Advice of Rights form, investigating agents EBERSOLE and HOCHREIN signed same as witnesses. That form is currently maintained as evidence by the Federal Bureau of Investigation.

MARTINEZ stated that he had come to Texas in approximately 1988 or 1989. At that time, MARTINEZ never used cocaine. MARTINEZ then "went down with cocaine". As mentioned earlier in the interview, MARTINEZ would go with various friends to "work". MARTINEZ "worked" for CHICO.

MARTINEZ first saw CHICO in Puerto Rico with ANGELITA (believed to be ANGELITA RODRIGUEZ). MARTINEZ had gone to Puerto

7A-HO-71062

Continuation of FD-302 of CARMELO MARTINEZ On 05/23/2011 Page 5

Rico to use the beach. CHICO was married to ANGELITA. MARTINEZ had gone to the Dominican Republic and then back to Puerto Rico. CHICO was working for VICTORIA RODRIGUEZ, the father of ANGELITA, at that time.

MARTINEZ made a second trip to Houston, Texas, and met CHICO. MARTINEZ was "working" in Houston which MARTINEZ explained meant selling drugs. MARTINEZ and CHICO began to sell drugs as partners. MARTINEZ began using cocaine more and more and was "going down hill". ANGELITA and CHICO were married and ANGELITA would help CHICO with food, apartment, health issues. MARTINEZ had no one to help him. MARTINEZ was also working with other dealers. MARTINEZ's life was deteriorating.

One evening, CHICO came to MARTINEZ and advised that he (CHICO) wanted to go see DIANA because she and ARTURO had cocaine. MARTINEZ advised that this was the night ANGELO was kidnaped.

MARTINEZ then stated that he would tell the truth to the interviewing agents. MARTINEZ stated that only three (3) people know what happened to ANGELO that evening: MARTINEZ, CHICO, and a Puerto Rican male named ROGELIO, also known as ROGER, also known as BORI. MARTINEZ described ROGELIO as a tall male. MARTINEZ then reiterated that he did not want to testify.

MARTINEZ was shown an image comprised of the photographs of nine (9) individuals believed associated with the Houston investigation. The image was provided to the investigating agents by Houston. Throughout the remainder of the interview, the image was on the table before MARTINEZ and he occasionally pointed to various photographs of individuals while recounting events. MARTINEZ continued by stating that CHICO ruined his (MARTINEZ's) life. CHICO was identified by the interviewee as the "boss". As detailed later in the interview by MARTINEZ, CHICO did not kill ANGELO, CHICO told someone to kill ANGELO.

MARTINEZ knew that CHICO had gone to DIANA's apartment in the past but never did anything crazy. MARTINEZ advised "this one was crazy". MARTINEZ then pointed to a photograph of ANGELO and again stated "crazy".

MARTINEZ advised that he stayed in the car while CHICO and ROGELIO went to DIANA's apartment.

FD-302a (Rev. 10-6-95)

7A-HC-71062

Continuation of FD-302 of CARMELO MARTINEZ, On 05/23/2011, Page 6

MARTINEZ was shown a photograph of a two (2) door vehicle, bronze in color, with "State's Exhibit 44" listed in the lower corner. MARTINEZ advised that this was not the vehicle that was driven to DIANA's apartment. CHICO was driving a, blue, four (4) door vehicle, ROGELIO was in the back seat, and MARTINEZ was in the front seat, passenger's side. MARTINEZ did not recall if ROGELIO was on the left side or right side.

MARTINEZ then asked for a paper and pen so that he could draw a picture of DIANA'S and ARTURO's apartment building. He used that representation to draw, or indicate, positions and movements of CHICO, ROGELIO, and himself on the night ANGELO was abducted. For example, MARTINEZ made a bold line to depict the position of the vehicle he, CHICO, and ROGELIO used as parked in a side street or alley next to the apartment building. On the side of the rectangle representing the building, and opposite the side on which MARTINEZ represented the vehicle was parked, he marked the position of DIANA's and ARTURO's apartment. MARTINEZ believed that the vehicle was parked in an alley since there was little traffic. MARTINEZ identified a street he believed to be Fairway Drive and then noted a football field that was in the area of DIANA's apartment as well. MARTINEZ also noted a gas station and stores in the area as well.

Field Note: The writer made the notations on MARTINEZ's diagram for "car", "Fairway Drive", "gas/stores, etc", and "football park".

MARTINEZ did not remember the name of the street he parked on. MARTINEZ advised that he arrived at this location during the evening hours.

MARTINEZ had lived in this neighborhood before but in a different apartment. Prior to moving to a new apartment, MARTINEZ had lived in this area with DIANA and ARTURO. MARTINEZ thought that he was in the vicinity of Winfred Street. MARTINEZ then lived with his wife and little boy.

MARTINEZ advised that CHICO and ROGELIO walked from the car, around the apartment building and to the front. MARTINEZ was shown a 2011 Mapquest aerial image of the 6705 Fairway Drive, Houston, Texas environs but did not recognize the area. Instead, he returned to his hand drawn diagram and thought that Fairway Drive outside of DIANA's apartment eventually lead to, or was in

7A-HO-71062

Continuation of FD-302 of CARMELO MARTINEZ On 05/23/2011 Page 7

the vicinity of an unspecified freeway. MARTINEZ recalled gas stations in the area.

MARTINEZ again stated that he was in the parked car on a little street with very little traffic. MARTINEZ was in a blue, four (4) door, Chevrolet. Later, he stated that he believed CHICO owned that vehicle. MARTINEZ was never told about any act of violence, to include rape, by CHICO or ROGELIO. MARTINEZ was told by CHICO that CHICO wanted to go to DIANA's for "lo mio" or my stuff. MARTINEZ advised that CHICO had a gun with him. MARTINEZ thought the gun was a .45 pistol.

While MARTINEZ remained in the car, ROGELIO and CHICO went to DIANA's apartment and apparently went inside. Because he stayed with the vehicle, MARTINEZ did not know what went on in the apartment. ROGELIO and CHICO returned approximately five (5) to ten (10) minutes later. CHICO was holding ANGELO. At this point in the interview, MARTINEZ stood up and held his hands across his chest, mimicking how CHICO allegedly held ANGELO when he returned to the car. When asked if the boy was crying, MARTINEZ stated that he was not. He explained that ANGELO was familiar with CHICO as a friend or associate of his parents. MARTINEZ was sitting in the driver's seat as CHICO and ROGELIO approached the car with ANGELO. MARTINEZ asked CHICO "what happened" and "what are you doing". CHICO responded with words to the effect "the little boy saw me".

Later, toward the end of the interview, MARTINEZ was asked if he recalled whether or not CHICO smoked cigars. He replied that he did. He did not recollect the brand of cigars but described them as being "big" and not the size of cigarettes. MARTINEZ further confirmed that on the night of ANGELO's abduction, CHICO was smoking a cigar and may have taken one into DIANA's apartment.

MARTINEZ then stated "to tell you the truth" he (MARTINEZ) never thought this would happen. MARTINEZ advised that he knew the interviewing agents thought MARTINEZ was a bad guy but he (MARTINEZ) never thought this would happen. MARTINEZ again looked at the photograph of ANGELO and advised that when he sees this photograph he (MARTINEZ) thinks of his own little boy. MARTINEZ advised that his little boy was similar to ANGELO. The interviewee's eyes appeared to redden and water. Later in the interview, as noted below, he began to weep while speaking of what had happened to ANGELO, and his situation with his own sons.

7A-HO-71062

Continuation of FD-302 of CARMELO MARTINEZ On 05/23/2011 Page 8

MARTINEZ advised that when CHICO came back with ANGELO, MARTINEZ asked what happened and became very scared. MARTINEZ then pointed to the post-mortem photographs of ANGELO set before him by the investigators and stated "this is a real problem".

MARTINEZ directed CHICO to go back to DIANA and say he was sorry or try something to end the situation. MARTINEZ wanted CHICO to "fix it". CHICO responded with words to the effect "hey man, I fucked Diana". MARTINEZ then advised that he did not care and maybe things could get fixed. MARTINEZ wanted to have CHICO say he was sorry. CHICO responded in the negative.

Ultimately, CHICO and ROGELIO did walk back toward the side of the building where DIANA's and ARTURO's apartment was located. MARTINEZ believed that CHICO handed ANGELO to ROGELIO. However, CHICO and ROGELIO quickly returned to the car a second time with ANGELO. This second trip to DIANA's apartment lasted five (5) minutes or less. MARTINEZ did not recall what CHICO said upon returning to the car the second time.

MARTINEZ again interjected in his responses that he did not want to go to trial. MARTINEZ was advised that his cooperation would be made known to the prosecutor and the presiding judge. MARTINEZ was further advised that the interviewing agents did not have the authority to decide who was charged or who testified.

Upon CHICO's second return to the car, MARTINEZ and the other man became very quiet. MARTINEZ then drew a picture of the car. He depicted CHICO as occupying its front seat. MARTINEZ was in the back seat positioned behind CHICO while ROGELIO was in the back seat, passenger's side. ANGELO sat in the middle of the rear seat. The front passenger seat was empty.

CHICO then pulled away from the Fairway Drive apartment building. MARTINEZ was not sure if CHICO drove straight or drove in reverse to get to a street. MARTINEZ recalled heading to a street near Route 225. MARTINEZ thought this would be Freeway 45.

MARTINEZ was shown a 2011 Mapquest street map which depicted Galena Park, Pasadena, Deer Park, and Baytown. MARTINEZ was not certain but thought that the group drove on 45 to 225 to Baytown. While inside the car, nobody talked. ANGELO did not cry because he did not know there was a problem. All three (3) adults in the car: MARTINEZ, CHICO, and ROGELIO, knew there was a problem.

7A-HC-71062

Continuation of FD-302 of CARMELO MARTINEZ On 05/23/2011 Page 9

MARTINEZ did not know what CHICO would do to the little boy. MARTINEZ again advised that no one was talking. CHICO made one (1) telephone call prior to going to DIANA's apartment that evening but MARTINEZ could not recall if CHICO made any calls with ANGELO in the car.

MARTINEZ advised that CHICO was intelligent. After driving on 225, CHICO drove into Baytown and went down a dead end street. Although MARTINEZ was familiar with the Baytown area, having sold drugs in that area, he did not recognize the dead end street, or recall its name. MARTINEZ advised that there was no one on the street when CHICO stopped at its end which he described as being rounded with wooded area(s) near it.

MARTINEZ advised that he had been to Baytown many times and had friends there for the purpose of dealing drugs. MARTINEZ would go to the Baytown Canteen Restaurant and would dance, drink, and engage in drug activity. MARTINEZ did not want to disclose the name of his friends in Baytown. MARTINEZ advised that these friends were involved with drugs but not the murder of ANGELO.

MARTINEZ advised that the road was not near the water. MARTINEZ then drew a picture of the road on the back of a MapQuest depiction of Baytown. MARTINEZ again advised that this was a real quiet neighborhood. MARTINEZ stated that the road they were on was a dead end and had some wooded area.

MARTINEZ advised that CHICO pulled over and told ROGELIO words to the effect "do it". MARTINEZ used the phrase "ya tu sabe lo que tiene que hacer" which is understood to mean "you know what you have to do". From this statement, MARTINEZ opined that ROGELIO knew all along that he (ROGELIO) would have to kill ANGELO.

MARTINEZ again stated that he did not know that ANGELO would be taken and then murdered when he (MARTINEZ) agreed to go to DIANA's apartment. MARTINEZ advised that there was no comparison between him and ROGELIO.

MARTINEZ then drew a depiction of an automobile as he recollected it was stopped at the end of the dead end street in Baytown. He represented himself to be exiting the vehicle from the passenger's side and walking in the direction towards the front of the vehicle. MARTINEZ could not see what was happening but was able to hear the following events unfold:

7A-HO-71062

Continuation of FD-302 of CARMELO MARTINEZ On 05/23/2011 Page 10

ROGELIO exited the vehicle and took ANGELO to the driver's side, rear, area of the vehicle. MARTINEZ opined that ROGELIO took ANGELO to that area of the vehicle in order to take advantage of a dome light inside the vehicle. MARTINEZ did not see ROGELIO stab or slash ANGELO but did hear ANGELO cry one (1) time. MARTINEZ heard ANGELO say "uggh" and then heard ANGELO hit the ground. MARTINEZ did not see the knife at this time.

At this time, CHICO was at the front of the car looking around for anyone watching. CHICO still had his pistol with him. The gun was not used to kill ANGELO or fired during the incident. MARTINEZ was very scared. MARTINEZ thought his life was over at this time.

MARTINEZ then walked back and CHICO instructed MARTINEZ to help ROGELIO. MARTINEZ saw ANGELO on the ground with his head towards the front end and his feet towards the trunk. MARTINEZ depicted this on a drawing on the same piece of paper as the drawing of the dead end street referenced above. MARTINEZ did not inspect ANGELO to determine the exact nature of the wound. He did describe the chest area of the boy's clothes as covered in blood. The interviewee motioned toward that area of his upper chest below his neck as the area bearing blood on ANGELO's clothing. When asked if he noticed blood on any other part of the boy's body or clothing, MARTINEZ stated he did not.

Field Noted: The investigating agents marked the diagram "Dead End in Baytown" with various identifiers to include the positions of MARTINEZ, CHICO, ROGELIO, and ANGELO, as MARTINEZ spoke and indicated same.

MARTINEZ observed a large amount of blood on the chest area of ANGELO. MARTINEZ and ROGELIO took ANGELO's body and put it in the back seat. MARTINEZ again stated that he was very scared and realized the consequences of ANGELO's murder for both himself and DIANA. MARTINEZ thought about the consequences for himself and DIANA and realized that he (MARTINEZ) would never see his own little boy again.

Field Note: At this point in the interview, MARTINEZ began to tear up.

MARTINEZ again stated that he was very scared. MARTINEZ knew that drugs were one thing but this (understood to mean the

FD-302a (Rev. 10-6-95)

7A-HC-71062

Continuation of FD-302 of CARMELO MARTINEZ On 05/23/2011 Page 11

murder of ANGELO) was "bull shit". MARTINEZ again stated that ANGELO's death was "bull shit".

MARTINEZ noted that CHICO still had a pistol at this time. MARTINEZ interjected that CHICO, on another occasion, had tied up MARTINEZ just to prove a point. MARTINEZ then added that he did not want the help of the interviewing agents, he only wanted to tell the truth.

MARTINEZ was scared of CHICO and complied with CHICO's order to help ROGELIO load ANGELO's body into the car. MARTINEZ advised "what CHICO said" MARTINEZ had to do. MARTINEZ had no choice. MARTINEZ held ANGELO by the feet while ROGELIO held the body by the head. The back doors to the car were open at this time so ANGELO was laid across the back seat. MARTINEZ was made to sit on the back seat with ANGELO. MARTINEZ stated that ANGELO was "stretched out" on the back seat.

ROGELIO then sat in the front passenger seat while CHICO took his position as driver of the car. CHICO drove away from the area. MARTINEZ recalled seeing a large amount of blood on the ground. MARTINEZ did not know where CHICO was driving to and remained very scared.

MARTINEZ did not see the murder weapon at this time. MARTINEZ advised that CHICO drove around and eventually drove into a more populated area of Baytown. MARTINEZ described the area as having more traffic, people, and lights. MARTINEZ advised that CHICO knew much more about Baytown than he (MARTINEZ) did.

MARTINEZ advised that they traveled to a location where the highway comes close to a river. MARTINEZ thought this location could be close to 225. MARTINEZ did not know the name of the river. MARTINEZ was shown a photograph of a beach/water area and could not recognize it. MARTINEZ was again shown a map which depicted Galena Park, Pasadena, Deer Park, and Baytown. MARTINEZ thought he could have traveled on Route 146 but was not sure. MARTINEZ was asked if he was on a large or small highway. MARTINEZ thought he was on a small highway with only one (1) or two (2) lanes. MARTINEZ again stated that he was very scared.

MARTINEZ noted that the car was still being driven by CHICO. CHICO pulled over and ordered MARTINEZ and ROGELIO to dump the body in the water. MARTINEZ recalled that the road they were

FD-302a (Rev. 10-6-95)

7A-HC-71062

Continuation of FD-302 of

CARMELO MARTINEZOn 05/23/2011 Page 12

on was very close to the water so they did not have to carry ANGELO's body too far.

ROGELIO and MARTINEZ threw ANGELO into the water but ANGELO's body floated. ROGELIO and MARTINEZ tried to push ANGELO under the water but his body still floated. MARTINEZ and ROGELIO looked around for items to weigh down ANGELO's body. MARTINEZ and ROGELIO found some rocks and used the rocks to weigh down ANGELO's body.

MARTINEZ was again asked for the name of the road or roads he traveled on to dispose of ANGELO's body. MARTINEZ advised that it was a long time but thought he might have been on 146.

MARTINEZ advised that he was covered in blood and sweating. He wore a khaki colored jump suit because he was working for a mechanic around that time. MARTINEZ advised that his khakis were covered in blood and dirt/mud. MARTINEZ took a short break while at the river location.

MARTINEZ again stated that he was willing to tell the interviewing agents the truth and was not looking for compassion. During the incident MARTINEZ was scared and did not say much.

MARTINEZ noted that ANGELO's body eventually went down under water due to the weight of the rocks.

MARTINEZ recalled that CHICO still had a pistol with him and was looking around the area. CHICO stayed at the car while MARTINEZ and ROGELIO carried ANGELO's body down to the water's edge.

Once ANGELO's body was submerged, all three (3) individuals got into the car with CHICO driving. MARTINEZ thought they might have been on 225 driving away from Baytown when a tire blew. MARTINEZ estimated that they were twenty (20) to twenty-five (25) minutes into the trip. A second tire then blew. MARTINEZ recalled thinking that the flat tires were a real problem. MARTINEZ advised that the car was off the side of the road near a hotel where MARTINEZ had stayed with ANGELITA in the past. MARTINEZ described the hotel as being big and near a traffic light. MARTINEZ noted that if one was traveling towards Baytown, the big hotel would be on the right. MARTINEZ, CHICO, and ANGELITA had rented a room at this hotel in the past to deal drugs.

7A-HO-71062

Continuation of FD-302 of

CARMELO MARTINEZOn 05/23/2011Page 13

MARTINEZ did not remember all three (3) individuals walking to the big hotel at once. MARTINEZ recalled that the hotel may have been closed. MARTINEZ thought that he might have had to push the car to the parking lot of the big hotel. MARTINEZ also thought that CHICO may have called a tow truck to put the car into the parking lot of the big hotel.

ROGELIO obtained a hotel room that night. MARTINEZ did not remember the name of the hotel that ROGELIO stayed at. MARTINEZ and CHICO went to an apartment used by ANGELITA. MARTINEZ advised that DIANA would know this apartment as well. MARTINEZ and CHICO arrived at approximately 1:00am. MARTINEZ did not speak with ANGELITA. CHICO went into sleep with ANGELITA.

MARTINEZ changed his clothes at the apartment. MARTINEZ threw out his sneakers but did not throw out his clothes. MARTINEZ did not wash his clothing. He did not recall what happened to the khaki jump suit.

MARTINEZ advised that the car now was in the parking lot of the big hotel and had blood all over the back seat. In the morning, MARTINEZ and CHICO obtained the help of a mechanic to get the two (2) tires replaced. MARTINEZ referred to the mechanic using the name "RENDON" and advised that the mechanic worked from his apartment and did not have an actual shop. MARTINEZ recalled that the mechanic lived in the Manolia (Phonetic) neighborhood. MARTINEZ noted that one could pay the mechanic with cash or drugs since the mechanic was a drug user. MARTINEZ advised that the mechanic put newer tires on the car and never looked inside the car. MARTINEZ advised that this four (4) door, Blue Chevrolet was CHICO's and not borrowed from anyone.

MARTINEZ and CHICO then went to a car wash in Manolia and tried to clean the car to clear evidence. MARTINEZ was not certain but thought that CHICO then sold the car. At this point, the investigating agents again showed MARTINEZ the above-mentioned picture of a bronze two (2) door car. MARTINEZ examined the image again and indicated he was not certain whether or not it was the vehicle he and CHICO picked up from CHARLIE. He said it was possible. MARTINEZ was certain that the car depicted in the image was not used in the abduction and murder of ANGELO GARCIA.

MARTINEZ was asked if he told this story to anyone. MARTINEZ advised that he has never told this story to anyone else and noted that there was no way he could confide in anyone to

7A-HQ-71062

Continuation of FD-302 of CARMELO MARTINEZ , On 05/23/2011 , Page 14

include his parents and/or other family members. While at the aforementioned hotel, CHICO, ROGELIO and MARTINEZ made a pact to never tell what had happened that night.

MARTINEZ then advised that he and CHICO picked up another car. MARTINEZ was not certain but thought the car was being used by one "CHARLIE" at the time. MARTINEZ advised that this was also CHICO's car. MARTINEZ noted that this car was not involved in the murder of ANGELO.

MARTINEZ was again asked when he saw the murder weapon. MARTINEZ advised that CHICO handed MARTINEZ the knife the night of the murder as they were driving away from Baytown. MARTINEZ did not see ROGELIO hand the knife to CHICO before he, (MARTINEZ) was given same. CHICO instructed MARTINEZ to throw the knife from the window of the moving car. MARTINEZ thought he might have been on 59, close to a church in an African American neighborhood. MARTINEZ advised that this neighborhood is now Hispanic. MARTINEZ advised that he may have thrown the knife out of the window prior to having the tire problems noted above. MARTINEZ described the church as a "Jesus" church.

MARTINEZ recalled being interviewed by a detective at a gas station some time after CHICO obtained the second vehicle. MARTINEZ was very scared at that time.

MARTINEZ recalled washing the first car and picking up the second car from CHARLIE, a large male, sometime in the morning after ANGELO was kidnaped and killed. MARTINEZ did not recall the order of the events.

After picking up the car from CHARLIE, MARTINEZ and CHICO went somewhere else but MARTINEZ could not remember. At this point, CHICO told MARTINEZ that he (CHICO) was going away which MARTINEZ understood to mean the Dominican Republic. MARTINEZ could not go away because he did not have any money.

MARTINEZ saw ROGELIO the morning after the murder of ANGELO. MARTINEZ saw ROGELIO at a public basketball court close to Broadway Street near an airport named "Hovey" (Phonetic). MARTINEZ last saw ROGELIO approximately two (2) days after the murder of ANGELO.

MARTINEZ was asked where ROGELIO lived. MARTINEZ advised that ROGELIO was selling cocaine for an unidentified third party

7A-HO-71062

Continuation of FD-302 of CARMELO MARTINEZ On 05/23/2011 Page 15

and separated from this third party to sell drugs for CHICO. MARTINEZ noted that ROGELIO was selling cocaine for CHICO for a short time before ANGELO was murdered. MARTINEZ repeated that ROGELIO was also known as "Bori".

MARTINEZ was asked if he discussed the murder of ANGELO with ROGELIO or CHICO. MARTINEZ responded in the negative. MARTINEZ further noted that at the hotel, the night of the murder, all three (3) agreed to not tell anyone regarding the murder of ANGELO.

When asked if he had any further details, MARTINEZ replied that he did not. MARTINEZ was then asked to write out a statement in his own words of what happened. MARTINEZ complied at 12:10p and prepared a two page, single spaced, hand-written statement. That written statement is currently maintained as evidence by the Federal Bureau of Investigation.

Field Note: MARTINEZ wrote the first page of his statement on the back of the diagram showing DIANA's apartment and the occupants of CHICO's vehicle on the night of ANGELO's kidnaping and murder.

MARTINEZ was then advised of the federal search warrant which authorized the interviewing agents to take DNA samples in the form of buccal swabs from MARTINEZ. MARTINEZ was advised that if he was not in DIANA's apartment when ANGELO was kidnaped, the swabs may help to corroborate his statement. MARTINEZ advised that he was not in DIANA's apartment on the night in question and was happy to provide the swabs.

Field Note: An original FD-302 was prepared by Special Agent Hochrein to document the service of the search warrant.

MARTINEZ was then provided with a cup of water but declined to drink it, indicating he was not thirsty.

MARTINEZ then initialed the images which he was shown by, and discussed with, the investigating agents. These photographs were also retained as evidence as were the drawings made by MARTINEZ.

MARTINEZ asked what would happen next. MARTINEZ was told that his information would be provided to the prosecutor in this matter who would review and attempt to corroborate the information

FD-302a (Rev. 10-6-95)

7A-HO-71062

Continuation of FD-302 of CARMELO MARTINEZ On 05/23/2011 Page 16

provided by MARTINEZ. MARTINEZ was further advised that he could be provided with the writer's contact information in the event MARTINEZ needed to contact the writer. MARTINEZ was then told that an additional meeting or meetings might occur. MARTINEZ responded that he did not want the writer's contact information. MARTINEZ also stated that if anyone provided information that was inconsistent with MARTINEZ's statement then that individual was lying. MARTINEZ explained that only three (3) people know what happened to ANGELO: himself, CHICO, and ROGELIO.

The interview ended and an MSCI guard escorted the inmate away from the interview room. At no time was MARTINEZ made any promises with regard to charges, plea agreements, sentencing, et cetera.