

1 that is fine.

2 No mutual understanding in terms of where they were  
3 heading. Miguel Perez thought, ah-ha -- what was in Mr. Dean's  
4 mind? The Government has to prove to you beyond and to the  
5 exclusion of every reasonable doubt that he didn't have in his  
6 mind that this is what he wanted. This is a proper one  
7 authorized by the Government that he could engage in. He is a  
8 confidential informant. He may have been deactivated. No one  
9 told him. How can he in his mind think, I am doing this for my  
10 own. I am not doing this for the Government. I am not doing  
11 for the Government, but I am a CI -- the Government should not  
12 be allowed.

13 That is outrageous conduct, ladies and gentlemen, for  
14 the Government to have a person deactivated as a CI, and go  
15 into harms way, to not have the decency to inform the person,  
16 you are no longer a CI, when he first suspected him, you are no  
17 longer a CI, continue to have him go, meet, tell him that that  
18 is wrong. Whatever the law is, it is wrong. You don't have a  
19 person risking his life as they knew he was doing. That is  
20 wrong, and then to have the gall to say, oh, but now -- we are  
21 going to try and prosecute you, too, because you went ahead and  
22 try to do those things. You went to try to do those things  
23 that we know you could do because you were a CI and we didn't  
24 tell you that. It is wrong.

25 If anyone is double crossing in this case, it is Agent

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1 Shelton. I say the Government, it is a jungle term, the  
2 Government is judiciary, legislature. We are talking about the  
3 DEA. It is wrong for them to do what he did and try to get the  
4 benefit of it. You can't do that. His motivation disclosed  
5 beforehand.

6 Reason number three, he says I want to make money.  
7 Most significantly, his conduct in seizures, similar to conduct  
8 here, the Government has to prove beyond a reasonable doubt  
9 that he did not act for the Government, when he acted in the  
10 way he did, by not disclosing information. Time and time  
11 again, now, what did he do in previous seizures? One way we  
12 submit to you, no one ever, ever really knows what is in  
13 someone's mind. You have to go in conduct. I tend to be kind  
14 of late. And for example, so when I show up late, it is hard  
15 for me to say, well, you know, I for -- I am usually tardy. If  
16 a person is always on time, it is easy, you expect them to, but  
17 if something happens, you say it is out of the ordinary. Any  
18 kind of behavior that a person engages in in a similar  
19 circumstances, that could be indicative of what the person  
20 intended in another circumstance. It may not be wise, correct,  
21 or the best thing but that is reasonable. That is acceptable,  
22 that is perfectly acceptable.

23 So, how did he conduct himself in the two previous  
24 seizures? He made seizures with the Government. Seizure  
25 number one, what did Agent Shelton say, Jesse didn't keep me

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1 informed. I knew about it in January '92, and he told me, one  
2 week before. Now, this is the Government's witness saying  
3 this. When everything is ready and started to go, he arranged  
4 it all, and said here is the goods and it was successful.

5 Second operation, still in Nassau, told him one time,  
6 earlier, you know, these guys in North Andros and, again, three  
7 days before and put it off again, and what happened? Bingo, on  
8 the money. So, Mr. Dean arranging these things on his own,  
9 working with folks, causing a successful seizure for the  
10 Government, why should not Mr. Dean, why should he not believe  
11 that his fine, to work it until I could get it right.

12 Remember, what he testified to made sense. We weren't there.  
13 It does make sense. If you are a CI and continue working as a  
14 CI, first of all, you have to gain confidence of people. We  
15 can't disclose it to anybody, and when it is successful, you  
16 want it to be successful in a way that you are removed from  
17 suspicion. You want to be successful in a way you are removed  
18 from suspicion, and you don't want to give bad information,  
19 either, to the controlling agent. You want to make sure it is  
20 eminent. Very pregnant. So you give it up.

21 One way of telling what was his intent when he was  
22 going back and forth and talking and trying to arrange these  
23 things, what was his intent? What did he do in prior  
24 circumstances with the Government's knowledge, and if you take  
25 that alone by itself, he is not guilty.

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