

1 **DECLARATION OF ALEX ALONSO**

2 I, Alex Alonso, declare:

3 1. I am a resident of the County of Los Angeles. I make this declaration on the basis
4 of my own personal knowledge after reviewing certain documents relating to this matter,
5 including the record of the original trial, witness statements, and police reports. These materials
6 are reasonably relied upon by experts in my field. If called upon as a witness, I could and would
7 testify competently to the facts and conclusions stated herein.

8 2. I am an expert on the subject of gangs, and more particularly on the subject of Los
9 Angeles area gangs. My expertise is based on the following:

10 A. I have recently testified as an expert on the subject of Los Angeles area
11 gangs in [REDACTED] and I
12 submitted a deposition in [REDACTED]
13 [REDACTED]).

14 B. I have conducted academic studies in the area of sociology, anthropology,
15 and most specifically urban and human geography.

16 C. I have spoken at numerous academic conferences regarding gangs in Los
17 Angeles during the last few years.

18 D. I have met with local law enforcement officers in the Los Angeles Police
19 Department and Los Angeles County Sheriff's Department about gangs
20 and my research in Los Angeles.

21 E. I have attended the California Gang Investigation Association's (CGIA)
22 conference, the Association of American Geographers (AAG), and the
23 California Geographical Society's conference. At those conferences I
24 presented papers and research on gangs in Los Angeles.

25 F. I have conducted ethnographic field work on the subject of gangs,
26 including interviews, surveys, and observations of gang behavior
27 throughout Los Angeles County, including South Los Angeles, the San
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Fernando Valley, Long Beach, Pomona, Pacoima, East Los Angeles, and West Covina.

G. I am currently a doctoral student at the University of Southern California in the Department of Geography. I have a Master of Arts degree in Geography, where I focused on the urban socio-geographic dynamics of gang territoriality, and where in 1999 I published a Master’s Thesis entitled Territoriality Among African American Street Gangs in Los Angeles. My current research focuses on the spatial distribution of homicides in Los Angeles County and the effectiveness of gang injunctions in Southern California that target mostly Hispanic gangs.

H. I attended high school in the Los Angeles area (Hollywood High, Susan Miller Dorsey High, and Los Angeles High Schools) and have lived in the Los Angeles area for more 10 years, including in areas where gangs have had an impact on the community.

I. My resume, attached as Exhibit 1 hereto and incorporated by this reference, sets forth my additional experience and qualifications in the field of gangs, gang activities, gang behavior and gang member identification.

3. It is my opinion, based on my review of the materials that have been made available to me, that as of February 16, 1999, Mario Rocha was not a member of the Highland Park Gang. My opinion is based on the following information, which is reasonably relied upon by experts in my field:

A. **Absence of gang tattooing:** Mario Rocha’s lack of gang tattoos is inconsistent with gang membership. Mario Rocha’s arrest report states that there were no physical oddities on Mario Rocha’s body, as indicated by the reference “NONE” on the report. According to Raymond Rivera’s arrest report, by contrast, Mr. Rivera had several tattoos including one on his left arm that said “HLP,” representing the Highland Park Gang and

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being consistent with Mr. Rivera’s alleged gang membership. Likewise, according to Richard Guzman’s arrest report, Mr. Guzman also had several tattoos, including one stating “HLP” on his left arm, likewise representing the Highland Park Gang and being consistent with Mr. Guzman’s gang membership. Mario Rocha does not have any gang tattoos or any markings on his body which would be consistent with membership in the Highland Park gangs, nor were there any indications that he had gang tattoos. Such gang tattoos, had they existed, would have been noted on the police report. In my opinion, it is highly unlikely that a gang member not have any tattoos on their body representing the gang if indeed he/she is a gang member. Detective Jose Carrillo, a CRASH officer for the Northeast Division of the LAPD, where the Highland Park Gang is located, likewise testified (at page 1473 of the Reporter’s Transcript of Mr. Rocha’s trial [“R.T.”]) that gang members often will tattoo themselves with their logo, and in this particular case the logo would be “HLP,” the tattoo borne by Mr. Guzman and Mr. Rivera. Gang logo tattooing is a cultural activity attached to gang membership and is almost a mandatory activity in the Hispanic gang culture. Because Mario Rocha did not have any Highland Park gang tattoos, it is clear to me that he was not a member of this gang nor would he have been a member of any other gang. I have been informed that Mr. Rocha does have a tattoo of three dots arranged in a triangle pattern in the area between the thumb and forefinger of one hand. This tattoo is a common tattoo in Hispanic culture and is not associated with the Highland Park Gang or with any other gang. Furthermore, the fact that Mr. Rocha has a tattoo of some kind but no gang-related tattoo provides further evidence that he was not a member of the Highland Park Gang. Information of this kind is reasonably relied

1 upon by experts who study gangs, as well as by law enforcement, in
2 determining whether an individual is or is not a gang member.

3 **B. Lack of any police record of gang affiliation prior to the February 16,**
4 **1996, incident.** Information provided in Los Angeles County Juvenile
5 Court records also supports my conclusion that Mario Rocha was not a
6 member of the Highland Park Gang. None of Mr. Rocha's previous
7 arrests have any indication of gang affiliation or membership. Had Mr.
8 Rocha been a gang member prior to February 16, 1996, that information
9 would have been contained in his juvenile court record. Mr. Rocha's
10 probation officer even wrote on November 2, 1995 (at page 17), only three
11 months prior to the incident of February 16, 1996, that "it is a credit that
12 the minor [Mario Rocha] that in the last six months there have been no
13 reported law violation and he does not have a history of gang
14 involvement." Based on his arrest record and the information of the
15 probation officer that knew Mr. Rocha, it is clear that he was not a gang
16 member. Adding further support to this conclusion is the fact that Jose
17 Carrillo, a C.R.A.S.H. detective assigned to the area where the Highland
18 Park Gang operates, did not testify that Mr. Rocha was a gang member,
19 but did testify that Mr. Guzman and Mr. Rivera were known Highland
20 Park Gang members. Information of this kind likewise is reasonably
21 relied upon by experts who study gangs, as well as by law enforcement, in
22 determining whether an individual is or is not a gang member.

23 **C. Testimony and witness statements.** The testimony and witness
24 statements of several individuals also supports my conclusion that Mario
25 Rocha was not a member of the Highland Park Gang. According to Nigel
26 Lobban, he never told the police that Mario Rocha was a Highland Park
27 gang member (R.T. 407). Rosie Bermudez stated in an interview with
28 Katie Trotter that Mario Rocha was not involved in a fight and she

1 differentiated between HLP gang members at the party and Mario Rocha,
2 who was characterized as a non-gang member in her interview. (See
3 interview statement dated March 23, 1996.) Additionally, Damian
4 Sanchez in an interview report dated December 4, 1996 stated that Mario
5 Rocha was not a gang member.

6 D. **Character statements.** My conclusion that Mario Rocha is not a gang
7 member also is supported by the dozens of character statements that were
8 written on Mr. Rocha's behalf by people that worked closely with him and
9 knew him well. After reviewing all of the character sentencing
10 statements, and only relying upon those not written by family members
11 and close personal friends, it is clear that Mario Rocha was not a member
12 of the Highland Park Gang or any other gang. Richard Ledesma, a 26
13 year veteran of the Los Angeles Police Department and Vietnam veteran
14 who knew Mario Rocha for three years prior to the incident of February of
15 1996, stated that on the basis of his experience and knowledge, "Mario
16 was not capable of this killing." Arthur L. McCoy, the principal of
17 Central Juvenile Hall School, stated that there was "no indication of gang
18 related activities, behavior is excellent, and he successfully completed
19 [his] course work." Denise Miranda, a teacher at Central Juvenile Hall
20 wrote that Mario Rocha "was never involved in any type of gang activity
21 or shown gang affiliation" while at this facility. Arlene Schoonhoven, the
22 assistant principal at Central Juvenile Hall stated that "Mario [Rocha]
23 passed GED test and does not associate with gangs, and is an outstanding
24 student." Also James Krebsbach, the Criminon Supervisor who worked
25 with Mario Rocha, revealed that he did conduct himself as someone who
26 was a gang member. Reverend Michael Kennedy, who worked at the
27 Central Juvenile Hall, wrote that Mr. Rocha was completely "detached
28 from gangs." It is my expert opinion that these professionals have been

1 exposed to a significant amount of youths that have been active gang
2 members and through their professional experience were able to determine
3 that Mario Rocha was not a gang member. Information of this kind
4 likewise is reasonably relied upon by experts who study gangs, as well as
5 by law enforcement, in determining whether an individual is or is not a
6 gang member.

7 4. The testimony of the prosecution's "gang expert," Detective Carrillo, is incorrect
8 and was likely to have misled the jury as to the following subjects:

9 A. **Misleading statement of frequency of spontaneous one-shoot-all-shoot**
10 **behavior.** Detective Carrillo testified (at R.T. 1457) that it is common
11 practice that gang members from the same gang will join in shooting
12 weapons, even if they have not had time to confer or meet on the subject.
13 This statement was incorrect and misleading because, although this event
14 conceivably could occur in extreme cases, it is not a common practice.
15 Most of the time, when weapons are involved in gang activity, there must
16 be pre-planning of an event like a shooting. Furthermore, if one gang
17 member starts shooting, it does not necessarily mean that other gang
18 members are going to automatically join in the shooting. The type of
19 spontaneous one-shoots-all-shoot behavior described by Detective Carrillo
20 is quite rare and not supported by any law enforcement data that I am
21 aware of or supported by the research on gang-related homicides in the
22 sociological literature.

23 B. **Misleading statement of frequency of weapons usage in gang**
24 **situations.** Detective Carrillo also testified that in the majority of
25 situations where gang members are involved in a fight, weapons are
26 involved. This statement is highly inaccurate. Gang conflicts involving
27 no weapons occur more often than shooting incidents or other incidents
28 involving weapons. Detective Carrillo's experience in this regard may be

1 biased because police officers are usually called out to a situation where
2 weapons are involved, but police officers have little knowledge of gang
3 confrontations that take place in public settings such as a bus, a park, the
4 mall, or a school where no weapons are involved and where no person is
5 killed or seriously injured.

6 C. **Misleading equation of association with gang membership.** Detective
7 Carrillo also testified that the mere association of an individual is enough
8 ground to identify a person as a gang member, whether that association is
9 a brief meeting or a conversation. If an officer makes a non-
10 confrontational contact with a person that does not live in the area and
11 who does not actively associate with gang members, it is extremely likely
12 that he or she can still be identified as a gang member by the police from
13 this brief observation even if this person was not a gang member. This
14 over-inclusive and extremely broad definition of what constitutes a gang
15 member, coupled with the fact that Mario Rocha was never identified as a
16 gang member by Carrillo is further evidence to validate that Rocha was
17 not a member of this gang. Had Detective Carrillo had any question as to
18 whether Mario Rocha been a member of the Highland Park gang,
19 Detective Carrillo's tendency would have been to identify him as a gang
20 member. Detective Carrillo's lack of identification further supports the
21 conclusion reached in Paragraph 3, above, that Mario Rocha was not a
22 Highland Park gang member.

23 D. **Misleading statement of correlation between "hitting up" incidents
24 and violence.** Detective Carrillo also testified that the "hitting-up" of an
25 individual usually results in a battery, a stabbing or a shooting, even when
26 the "hit up" individual denies gang affiliation. This statement also is
27 highly inaccurate. A "hitting up" is a gang practice that is intended to
28 identify if a particular person is a gang member. Most of the time when a

1 gang member approaches a non-gang member, the “hit-up” results in a
2 non-physical confrontation and the gang member will turn around and
3 continue on. Gang hit-ups are a frequent event throughout the Los
4 Angeles area, and most incidents are non-physical and do not result in a
5 fight.

6 E. **Failure to recognize de-escalating behavior.** Detective Carrillo’s
7 statements about hitting-up incidents were especially misleading in the
8 context of this case. The hitting up incident against Arturo Torres ended
9 without any violence. Although the Highland Park gang members
10 initiated the hitting up incident, they also attempted to de-escalate any
11 tension between them and the Cathedral High School students when
12 making reference to brown and Mexican pride. These comments were
13 made in an effort to reaffirm the brotherhood between all the people at the
14 party and to remind each other that they were there to have a good time.
15 Furthermore, the witnesses who testified about the Arturo Torres hitting
16 up incident said that the incident ended without violence when Mr. Torres
17 removed his hat, and respected the dominance of the Highland Park Gang
18 members who hit him up. Ordinarily, when there is a showing of respect
19 made, there is no later gang violence. It is my opinion, therefore, that the
20 fight that later broke out at the party was not directly related to the prior
21 hitting up incident nor started by the Highland Park gang members.
22 Accordingly, there would have been no gang need for the rare one-shoots-
23 all-shoot behavior described by Detective Carrillo. Contrary to Detective
24 Carrillo’s testimony, any shooting that occurred in connection with the
25 fight likely would not have been motivated by any desire to back up the
26 gang, nor would it likely have been a result of the prior hitting up incident.

27 5. I was not contacted before the trial by any investigators or attorneys regarding my
28 opinions on the case. No one asked me to testify at trial. If asked, I would have testified at the

1 trial. If any investigators or attorneys had contacted me before the trial I would have spoken
2 with them regarding my opinion of the case.

3 6. I have never met, and do not know Mario Rocha.

4 7. I have not been influenced by efforts to investigate the events of February 16,
5 1996. Nor have I been influenced by anything I have heard about those events. No one has
6 offered me anything or promised me anything in exchange for making this declaration. I am
7 contributing my expert services to this case on a pro bono basis. I make this declaration of my
8 own free will.

9 I declare under penalty of perjury under the laws of the State of California and the United
10 States that this document is true and correct.

11 Executed this 3 day of October, 2000, at Los Angeles, California.

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Alex Alonso