

1 Morning Session  
 2 January 14, 1993  
 3 9:15 o'clock a.m.  
 4 (Appearances as noted; defendant present;  
 5 jury present.)  
 6 -----  
 7 THE COURT: Mr. Faulkner?  
 8 MR. FAULKNER: Thank you, Your Honor. We would call  
 9 Jim Hessel.  
 10 JAMES HESSEL,  
 11 called as a witness by the Defendant, being first duly sworn,  
 12 testified as follows:  
 13 DIRECT EXAMINATION  
 14 BY MR. FAULKNER:  
 15 Q. Good morning, sir.  
 16 A. Good morning.  
 17 Q. Where are you employed, sir?  
 18 A. I'm a special agent with the Minnesota Bureau of Criminal  
 19 Apprehension.  
 20 Q. How long have you been so employed?  
 21 A. Approximately 20 years.  
 22 Q. And with the same agency the whole time?  
 23 A. No. Part of that I was a policeman with the city of  
 24 Bloomington for six years.  
 25 Q. Agent Hessel, at some point during the course of this  
 investigation, you were involved in working on a case

1 involving Larry Pebbles?  
 2 A. No, sir, I was not.  
 3 Q. Did you work on the case involving John Lambros?  
 4 A. Yes, I did.  
 5 Q. And the case involving John Lambros -- can you give us  
 6 the time span of the time you were involved?  
 7 A. Yes. I'm going to have to go strictly by memory. I was  
 8 involved strictly in the fugitive process with Mr. Lambros.  
 9 It would have been the summer of 1990, '91.  
 10 Q. Were you involved as soon as there was an indictment  
 11 against Mr. Lambros?  
 12 A. No, I was not.  
 13 Q. Okay. So you became involved in the summer of 1990, is  
 14 that right?  
 15 A. I believe that's correct, yes.  
 16 Q. How was it that you came to be involved?  
 17 A. I had information from a source that they knew where Mr.  
 18 Lambros was, and I knew that at that time Mr. Lambros was a  
 19 fugitive.  
 20 Q. And the source, would that be Roger or Rebecca Lewis?  
 21 A. That is correct.  
 22 Q. Now, are Roger or Rebecca Lewis persons you've had  
 23 contact with before, before this investigation?  
 24 A. No, sir.  
 25 Q. How did you come to get information from them, then?

1 A. Originally, I was contacted by a deputy from Winona  
 2 County, who informed me that Roger and Rebecca Lewis had been  
 3 charged with some controlled substances in Winona, Minnesota.  
 4 This deputy told me that Roger Lewis wished to cooperate and  
 5 had information on some people, one of those people being John  
 6 Lambros.  
 7 Q. And do you know what the date of this first contact was,  
 8 sir?  
 9 A. No, I don't.  
 10 Q. Did you, in fact, after that initial contact with this  
 11 Winona deputy sheriff, meet with Roger or Rebecca Lewis?  
 12 A. Yes, I did.  
 13 Q. When was that, sir?  
 14 A. Again, I can't give you the specific date. It was  
 15 probably within a month of the time that I had received that  
 16 information.  
 17 Q. Sir, I'm going to show you a copy of a letter marked and  
 18 accepted as Government's Exhibit 66. Note the postmark on the  
 19 exhibit.  
 20 A. March 25, '91.  
 21 Q. Did you meet with the Lewises before or after the date  
 22 that this letter was mailed?  
 23 A. Before.  
 24 Q. Okay. So when was the first time you saw this letter?  
 25 A. When it was mailed to me.

1 Q. Tell us about, then, your first meeting with the Lewises.  
 2 Where did that take place?  
 3 A. It took place in the city of Bloomington.  
 4 Q. And where in the city of Bloomington, sir?  
 5 A. At a -- it was a restaurant on the corner of 494 and  
 6 Nicollet. I believe it's Mark's Big Boy Restaurant.  
 7 Q. And what did the Lewises present to you in the way of  
 8 information regarding Mr. Lambros?  
 9 A. Regarding Mr. Lambros, the Lewises told me that they had  
 10 had contact with him, had known him from the past, knew that  
 11 he was living in Brazil, and thought they could assist me in  
 12 locating him in Brazil.  
 13 Q. Now, I presume that before your meeting with the Lewises,  
 14 you did some background on them?  
 15 A. On the Lewises?  
 16 Q. Yes.  
 17 A. Yes.  
 18 Q. Did you determine whether either of the persons that you  
 19 met with had a criminal record?  
 20 A. Yes, I did.  
 21 Q. And what did you find out?  
 22 A. I found out that Mr. Lewis did have a criminal record.  
 23 Q. What did he have a criminal record for, sir?  
 24 A. It was controlled substances, narcotics.  
 25 Q. Did you also determine whether Mr. Lewis had ever at any



1 point received any kind of treatment or counseling for some  
2 kind of psychological difficulties?  
3 A. Yes. He told me that he had been in treatment for a  
4 post-traumatic stress syndrome.  
5 Q. And did he tell you where he had been in treatment at,  
6 sir?  
7 A. He told me that he had been in treatment at Minneapolis  
8 VA and possibly one other VA.  
9 Q. Tomah, Wisconsin, sir?  
10 A. Well, I believe that was later. At the initial meeting,  
11 I don't think he had been at Tomah yet. I know he was there  
12 later, but at this initial meeting, I don't think he had been  
13 there yet.  
14 Q. Did you determine whether Mr. Lewis had any employment  
15 with any law enforcement agencies at the time that you met  
16 him?  
17 A. Well, his first contact would have been with Winona  
18 County, or the city of Winona. That's how I first met him.  
19 So, yes, he did have contact with them prior to talking to me.  
20 Q. Did you determine where he was living in 1990?  
21 A. I had an address and a telephone number for him, and I  
22 did call him on a couple of occasions at that telephone  
23 number.  
24 Q. Do you know where that address was, sir?  
25 A. It was in Wabasha County. I can't give you the address

1 right off; I don't recall the address. I remember it was a  
2 rural area in Wabasha County.  
3 Q. Now, as a result -- well, tell us what you learned. Was  
4 there anything else you learned at that first meeting other  
5 than what you've already told us regarding John Lambros?  
6 A. Well, they knew that John was a fugitive, that the  
7 federal government was looking for him, and wanted to know if  
8 I or my colleagues would be interested in that. And I  
9 informed them that, yes, we would.  
10 Q. And, of course, what they were looking for is some kind  
11 of favorable treatment in regard to their drug charges in  
12 Winona County, is that correct?  
13 A. Of course.  
14 Q. Now, after this meeting, did you take any particular  
15 action regarding John Lambros?  
16 A. I think I probably went to the U. S. Marshals or to DEA  
17 and substantiated the fact that, yes, there was an active  
18 warrant and that he was a fugitive.  
19 Q. In the course of doing that, did you determine whether  
20 there was any other information available showing where Mr.  
21 Lambros was in 1990?  
22 A. No, sir.  
23 Q. Now, did you have another meeting with the Lewises?  
24 A. Yes.  
25 Q. When was that?

1 A. Well, I probably, in total, had perhaps seven meetings  
 2 with them.

3 Q. All right. Well, instead of going meeting by meeting,  
 4 then, let's focus on the information that you got from them  
 5 regarding John Lambros. Specifically, I'd like to know what  
 6 information you got from Roger Lewis and what information you  
 7 got from Rebecca Lewis.

8 Could we start with Roger Lewis? What information did  
 9 you get between the first meeting and the time you received  
 10 this letter from them regarding John Lambros?

11 MR. PETERSON: Your Honor, may we approach the  
 12 bench?

13 THE COURT: Yes.

14

15 (At the Bench)

16 MR. PETERSON: I was provided with a much more  
 17 shortened synopsis of what Mr. Faulkner wanted to do through  
 18 this witness. If we're going meeting by meeting to provide  
 19 detailed hearsay information by these witnesses, it seems as  
 20 if it's appropriate for me to object on the grounds of  
 21 hearsay.

22 MR. FAULKNER: I just wanted him to synopsise the  
 23 information to get to the letter.

24 THE COURT: Well, I would say that it does appear  
 25 that some hearsay has already come in. There may be good

4.

1 reasons to let some of it come in, but at this point there's  
 2 nothing for the Court to act on.

3 (To Mr. Peterson) You're sort of giving a warning  
 4 that you're going to make trouble. (To Mr. Faulkner) And  
 5 you're saying you're going to be good.

6 MR. FAULKNER: I've always been a good kid.

7

8 (In open Court)

9 BY MR. FAULKNER:

10 Q. Agent Hessel, who did you have the primary contact with,  
 11 Roger Lewis or Rebecca Lewis?

12 A. I guess primarily I would have to say Roger Lewis.

13 Q. And you told us you had a number of meetings between this  
 14 first meeting and the time you got the letter?

15 A. That is correct.

16 Q. Synopsise for us, will you, the information that you  
 17 received from Roger Lewis between the time of the first  
 18 meeting and the time you received the letter?

19 A. Roger Lewis told me that he and his wife had been in  
 20 contact telephonically with Mr. Lambros in Brazil. Mr.  
 21 Lambros was looking for, among other things, clothes,  
 22 specifically jeans, and he was also looking for a new  
 23 passport.

24 In our meetings, mine and Roger Lewis' meetings; I said  
 25 if Mr. Lambros is looking for a new passport and he wants you

1 to provide that to him, which he did, I said, why don't you  
2 have him send you a current picture of himself, which he did,  
3 along with this letter.  
4 Q. Now, at some point Roger Lewis called you or wrote you  
5 with this letter that's in front of you today, didn't he?  
6 A. That is correct.  
7 Q. And the letter is directed to Rebecca Lewis?  
8 A. Well, I don't know. It starts out, "Hello, Baby." So  
9 I'm not sure who it's directed at.  
10 Q. The letter refers to a person by the name of Debby. Do  
11 you know who the Debby is?  
12 A. No, sir, I don't.  
13 Q. Have you ever met a Debby in association with the  
14 Lewises?  
15 A. I have not.  
16 Q. Do you know why the person Debby is referred to in the  
17 letter?  
18 A. I do not.  
19 Q. Have you ever asked the Lewises about that?  
20 A. I did not.  
21 Q. Did the letter contain a photograph of Mr. Lambros?  
22 A. Yes, it did.  
23 Q. Tell me about the circumstances under which you received  
24 the letter from the Lewises.  
25 A. Well, as I stated earlier, the plan had been formulated

1 for Roger Lewis to supply John Lambros with a phony passport.  
2 I told Roger Lewis to get a current picture of John Lambros,  
3 have him send it to him, so that we could use this picture for  
4 identification when we went to apprehend John Lambros.  
5 Q. And so at some point, I think in April of 1991, you  
6 received a letter with this letter enclosed in it and the  
7 picture?  
8 A. Again, I can't give you the specific date, but I would  
9 guess that would be about accurate.  
10 Q. Let me just show you the copy of the envelope addressed  
11 to you, and maybe that will help.  
12 A. Okay.  
13 (Document handed to witness.)  
14 A. April 3, 1991.  
15 Q. Does that appear to be the letter you received?  
16 A. Yes, sir, it does.  
17 Q. Certified letter?  
18 A. That is correct.  
19 Q. Now, did you instruct Mr. Lewis or Mrs. Lewis to  
20 formulate any other kind of agreement with Mr. Lambros as part  
21 of the information you gave to them? And this is prior to  
22 this letter.  
23 A. Maybe you could be a little more specific.  
24 Q. It's a bad question. Let me try it again, okay? At any  
25 point, did you tell them to send anybody down to talk to Mr.

1 Lambros or to go visit him, or anything like that?

2 A. No. What I did say during our meeting was that Roger  
3 Lewis was going to -- our plan was that Roger Lewis was going  
4 to fly to Brazil and meet with John Lambros. However, that  
5 was never going to happen. That was just what Roger Lewis was  
6 going to tell John Lambros.

7 And when John Lambros went to meet Roger Lewis at the  
8 plane, authorities would be there with this current picture to  
9 arrest John Lambros.

10 Q. And, in fact, that's what happened?

11 A. That is correct.

12 Q. And that was set up through Roger Lewis?

13 A. You mean as far as someone talking to John Lambros? Yes.

14 Q. Did Roger Lewis provide you at any point with an address  
15 for John Lambros in Brazil?

16 A. As I recall, he did not have an address. He explained to  
17 me, kind of gave me a description of where he thought he  
18 lived, but he never gave me an address that I recall.

19 Q. Now, sir, did you ever at any time enter John Lambros'  
20 house on Bass Lake?

21 A. No, sir.

22 Q. Have you ever conducted any kind of an investigation of  
23 Mr. Lambros other than what you've described here today?

24 A. Yes, sir.

25 Q. And when was that, sir?

1 A. 1975.

2 Q. Well, in relation to these charges, have you ever --

3 A. Not in relation to these charges, no.

4 Q. Now, Rebecca Lewis also provided information, is that  
5 correct?

6 A. Well, she substantiated information that Roger Lewis  
7 would tell me. I mean, they were together. It was a team  
8 effort, if you will.

9 Q. Was there anything Rebecca Lewis told you that Roger  
10 Lewis hadn't told you?

11 A. Not really, no.

12 Q. Did the name Debby ever come up in any of your  
13 conversations?

14 A. No, sir.

15 Q. As far as you know, was Roger Lewis or Rebecca Lewis  
16 working for any other government agency as an informant, as an  
17 agent, as anything else?

18 A. Well, as I stated previously, I was introduced to them  
19 through Deputy Al Mueller from the Winona County Sheriff's  
20 Department. That's the only agency I know they had contact  
21 with other than myself.

22 Q. Did you ever see Roger Lewis in the VA facility at Tomah?

23 A. No, I did not.

24 Q. Was he in there during some period during 1990?

25 A. Well, it's my understanding he was. I mean, it's all

1 hearsay, as far as I'm concerned. I don't know that. I never  
2 checked.

3 Q. Did you ever learn what kind of favorable treatment the  
4 Lewises got for their cooperation on this matter?

5 A. I know what was suggested. I never did hear what they  
6 got.

7 Q. What was suggested?

8 A. That the charges against Rebecca Lewis be dropped and  
9 that Roger be able to plead to a misdemeanor, I believe. And  
10 I'm not sure if that's what happened.

11 MR. FAULKNER: Thank you, sir. I have no additional  
12 questions.

13 THE COURT: Mr. Peterson?

14 MR. PETERSON: No questions, Your Honor.

15 THE COURT: You're excused, Mr. Hessel.

16 (Witness excused)

17

18 MR. FAULKNER: Your Honor, as our next witness we  
19 would call Barry Shiff.