

**P R O C E E D I N G S**

**August 26, 2015**

(Open court, Defendant present.)

THE COURT: Raise your right hand to be sworn.

(Witness sworn.)

THE COURT: Bring them in.

THE BAILIFF: Rise for the jury.

(Jury enters courtroom.)

THE COURT: Please be seated.

State, please call your next witness.

MS. JOHNSON: State calls Lieutenant Blaine.

THE COURT: Ladies and gentlemen, this witness has previously been sworn.

Proceed, please.

**ROBERT BLAIN,**

having been first duly sworn, testified as follows:

**DIRECT EXAMINATION**

BY MS. JOHNSON:

Q. Sir, could you please state your name for the jury?

A. Robert Blain.

Q. How are you currently employed?

A. I'm a lieutenant with the Houston Police

1 Department homicide division.

2 Q. How long have you been with HPD?

3 A. It will be 18 years next month.

4 Q. And what did you do before you were a police  
5 officer?

6 A. Before that for a little over seven years, I  
7 was a paramedic.

8 Q. Is HPD the only law enforcement agency you've  
9 been with?

10 A. Yes.

11 Q. Can you describe for us the training that you  
12 had to become a police officer?

13 A. Basically, I had the training that starting off  
14 that all the police officers in HPD have. There's a  
15 six-month academy. Then after you go, if you pass the  
16 academy, you go on to the field training where you have,  
17 you're riding with a field trainer. First, they train  
18 you, then you go through an evaluation period and you  
19 have, basically, until the end of the first year, you  
20 have your probationary period.

21 Q. What assignments have you had within the  
22 Houston Police Department?

23 A. Initially, I was trained in the south central  
24 division of Houston. After I got off probation, I went  
25 to patrol in the northeast sector of town. I worked

1 there as a patrol officer, became a field trainer and  
2 evaluator there. Then after about nine years being  
3 patrol, I went into juvenile division. I was only in  
4 juvenile division for about three months until I  
5 promoted to sergeant. Once you promote, you have to  
6 wind up going back into patrol again and do at least  
7 one year of your first three years after promotion in a  
8 uniform assignment, so I went back to northeast as a  
9 sergeant. I was a patrol sergeant there for a short  
10 time, then became the sergeant for the differential  
11 response team. And then after about a year and a half  
12 there, I then went over into the homicide division.

13 Q. Do you recall what year you started in the  
14 homicide division?

15 A. Yes, it was in 2007.

16 Q. And have you been in homicide continuously  
17 since then?

18 A. No, I came over, it's been about eight years  
19 total; but I came over as a sergeant, worked as an  
20 investigative sergeant there, then I wound up taking the  
21 lieutenant exam and promoting to lieutenant. And,  
22 again, since I promoted, unless you have a waiver, you  
23 have to go back to a uniform assignment, so I went and  
24 started working in the jail and I did that for about  
25 eight months before I wound up getting a waiver because

1 a position opened up for lieutenant in homicide and they  
2 brought me back to homicide.

3 Q. So, you're currently a lieutenant in the  
4 homicide division?

5 A. Yes, ma'am.

6 Q. Back in 2010, were you a sergeant in the  
7 homicide division?

8 A. Yes, I was.

9 Q. And at that time, who was your regular partner?

10 A. Jason Robles.

11 Q. And was he also a sergeant?

12 A. No, at that point he was an officer; but since  
13 then he has also promoted to sergeant and has done his  
14 time in patrol and come back to homicide division.

15 Q. Lieutenant, I want to talk to you about a case  
16 that happened on December 31st of 2010. And it was in  
17 the southwest part of Houston. Do you know the case  
18 that I'm talking about?

19 A. Yes.

20 Q. And that was New Year's Eve?

21 A. Yes, it was.

22 Q. How are you lucky enough to have to make a  
23 homicide scene on New Year's Eve?

24 A. Basically, we were both assigned to day shift  
25 at that point. On the holidays you have different

1 people who are on call there. I tend to take Christmas  
2 off on vacation, so, generally, I make the swaps and  
3 arrange so I get Christmas off but then I'll work New  
4 Year's Eve.

5 Q. And when you say that you were on call, do you  
6 mean that you were on call at the station; or you were  
7 on call at home?

8 A. I was on call at home.

9 Q. And at some point that evening did you get  
10 notified that you needed to go to a homicide scene?

11 A. Yes.

12 Q. Do you recall what time you were notified of  
13 that?

14 A. That was, let me check my notes here, it was  
15 8:52 p.m. that I received the phone call.

16 Q. And what location did you have to go to?

17 A. I had to go over to the Conoco over at Beechnut  
18 and Hillcroft.

19 Q. Is that location in Harris County, Texas?

20 A. Yes.

21 Q. When you arrived at that location, was your  
22 partner, Officer Robles, already there?

23 A. Yes.

24 Q. And what was going on when you arrived?

25 A. Basically, the scene had already been secured.

1 Initially robbery division was called out to the scene.  
2 So, Sergeant Jenkins from the robbery division was  
3 already there. But once it was determined that the  
4 Complainant, Saturnino Argueta, had died, the case got  
5 passed from robbery to homicide so that's why we got  
6 called out there. Patrol was out there. The yellow  
7 crime scene tape marking off everything. The crime  
8 scene unit was already out there by the time I got out  
9 there. And, basically, we were passed -- the  
10 investigation was getting passed from robbery over to us  
11 and we started investigating the crime.

12 Q. Now, when HPD homicide detectives make a crime  
13 scene, is there a standard division of labor of the  
14 crime scene?

15 A. Yes, basically, the way that it's organized you  
16 have a pair with a sergeant and an officer who are  
17 working the investigation. Generally, so to speed up  
18 the processing of the initial scene, we'll divide what  
19 we call the scene side and the witness side. One person  
20 will work and document the scene, the evidence on the  
21 scene, while the other person works on locating any  
22 witnesses there, interviewing them, getting the  
23 information from them. And then after we divide that  
24 up, then the follow-up we work together.

25 Q. So, at that initial crime scene, were you

1 scene; or were you witnesses?

2 A. I was working the scene side at that time.

3 Q. Did you always work the scene side, or did  
4 y'all trade off?

5 A. We just traded off. What we did is we went  
6 back and forth. If I worked the witness side last time,  
7 then I worked the scene side the next time.

8 Q. So, fair to say it was just your turn to work  
9 the scene side?

10 A. Yes.

11 Q. Can you describe for us what you did as far as  
12 your scene investigation that night?

13 A. Well, as part of the scene investigation, you  
14 make sure that the scene is secured. The patrol has all  
15 the crime scene tape up there so that no one goes and  
16 messes with the scene while you're getting, coordinate  
17 with the crime scene unit to make sure their  
18 documentation of it, taking their photographs, what  
19 evidence needs to be collected. Basically, looking to  
20 see, to document what the location is like and what  
21 evidence there is on the scene and making sure it's  
22 properly collected.

23 Q. And you did that in this case?

24 A. Yes.

25 Q. Did you also go to the hospital where Mr.

1 Argueta had been taken to?

2 A. Yes, I did.

3 Q. And what did you do there?

4 A. When I went to the hospital basically, that  
5 point, talked to the medical staff, get the medical  
6 record number, find out what injuries he has and for  
7 documentation, also.

8 Q. Now, would it be fair of me to say that when  
9 you and Officer Robles finished your investigation that  
10 night, you didn't really have any leads as to who had  
11 committed this crime?

12 A. That's correct. We had a video of it, but we  
13 had no idea who was involved in the crime.

14 Q. And why was that?

15 A. Basically, it was a robbery where no one knew  
16 the suspects. They just -- we had witnesses who saw  
17 people, they had no idea who it was, come and commit it  
18 and then leave.

19 Q. Did you watch the surveillance video?

20 A. Yes.

21 Q. Could you tell whether or not the robbers were  
22 wearing coverings on their face?

23 A. Yes.

24 Q. Were they?

25 A. Yes, they were wearing ski masks over their



1 face; and they also had gloves or bags covering their  
2 hands.

3 Q. Do you recall how many suspects were in the  
4 video?

5 A. The video showed three, three people.

6 Q. And do you recall from watching the video how  
7 many of those three people had guns?

8 A. Yes, all three did.

9 Q. All right. When you watched the video, could  
10 you tell anything about what types of guns or the size  
11 of the guns being used?

12 A. Yes.

13 Q. What did you observe?

14 A. Two people had long guns some sort of rifles,  
15 and then one person had some sort of pistol.

16 Q. And when you watched the video, were you able  
17 to determine which -- whether you thought a long gun or  
18 a short gun had been used to kill Mr. Argueta?

19 A. Yes.

20 Q. And what was your opinion?

21 A. The short gun, the pistol.

22 Q. All right. Now, you and Officer Robles did  
23 some follow-up on January 1st of 2011; is that correct?

24 A. Yes.

25 Q. What did you do on that date?

1           A.    On that date we returned to the scene and began  
2 working on trying to recover any surveillance video from  
3 the location.

4           Q.    And is that the date that you had your video  
5 guy come out to the scene and help you get the  
6 surveillance video from that Conoco station?

7           A.    Yes.

8           Q.    Did you and Officer Robles also try and get  
9 video from any other places that day?

10          A.    Yes, while the video technician was working on  
11 getting the video from the Conoco, we went across the  
12 street to the gas station over there and also retrieved  
13 a video that showed the view from that gas station  
14 across the street to the Conoco.

15          Q.    Did it show anything of interest to your  
16 investigation?

17          A.    It showed a little bit.  You could wind up  
18 seeing the suspect vehicle pull into the parking lot,  
19 but the view wasn't very clear other than just seeing  
20 that there was a white truck parked there and then  
21 leaving.  You couldn't make out any of the people in  
22 that video.

23          Q.    What was the next significant point in your  
24 investigation of this case?

25          A.    Basically, at that point, with the things that

1 we followed up on, it didn't really lead to much; so the  
2 next significant thing was Crime Stoppers tip that we  
3 received.

4 Q. And what date was that?

5 A. The one that was significant was on  
6 February 4th.

7 Q. And did you have some other tips that came in  
8 about this case between January 1st and February 4th?

9 A. Yes, we had received other ones; but when we  
10 followed up on the tips, we were able to determine that  
11 the vehicles that the people were talking in the tips  
12 didn't match the vehicle that we had in the video.

13 Q. Okay. So, on February 4th of 2011, you get a  
14 tip?

15 A. Yes.

16 Q. How does that tip come in to you?

17 A. When someone calls into Crime Stoppers, Crime  
18 Stoppers winds up e-mailing whoever the investigator is  
19 and in the e-mail is the information that they have in  
20 the tip.

21 Q. Okay. And so when you got that tip on  
22 February 4th of 2011, did you review the contents?

23 A. Yes.

24 Q. And after reviewing the contents, what did you  
25 begin to investigate?

1           A.    At that point, that one was about the  
2 Conquistador Apartments at 7575 Bellaire, and also  
3 someone that lived there and a license plate for the  
4 vehicle.  So, I checked the license plate to see who the  
5 registration came back to; and then I went over to the  
6 apartment to try to find out about that person.

7           Q.    Did you have a nickname of a specific person  
8 that you were looking for at the Conquistador  
9 Apartments?

10          A.    Yes, it was Ricky.

11          Q.    Later during your investigation, did you learn  
12 that Ricky is a nickname for one of the four men charged  
13 in this case?

14          A.    Yes.

15          Q.    And who is Ricky a nickname for?

16          A.    Edgar Padron.

17          Q.    All right.  The Conquistador Apartments, I  
18 think you said are at 7575 Bellaire?

19          A.    Yes.

20          Q.    And you were also investigating a vehicle with  
21 a specific license plate?

22          A.    Yes.

23          Q.    Did you check that license plate to see who the  
24 vehicle belonged to?

25          A.    Yes.

1 Q. Who did the vehicle belong to?

2 A. Rubicel Padron.

3 Q. And who is she in relation to this case?

4 THE COURT: I'm sorry, the first name?

5 THE WITNESS: Rubicel.

6 THE COURT: R-U-B-I.

7 MS. JOHNSON: C-E-L.

8 THE WITNESS: C-E-L, yes.

9 Q. (BY MS. JOHNSON) Who is she in relation to  
10 this case?

11 A. She is the sister of Edgar Padron.

12 Q. All right. Did you actually go out to the  
13 Conquistador Apartments after you got that tip?

14 A. Yes.

15 Q. What date did you go out?

16 A. The first date that I went out was, let's see,  
17 on February 4th, but on that date there was a ice storm  
18 that was going on in town so basically most of the  
19 businesses were closed. I was able to go there and  
20 check the parking lot, but didn't see the vehicle of the  
21 license plate from the tip, but when I went to the  
22 office to talk to the manager to see if they knew  
23 anything about the person I was looking for, the office  
24 was closed because of that and I had to come back on a  
25 later date to talk to them.

1 Q. What date did you go back to the apartments?

2 A. That was on February 7th.

3 Q. And on that date did you go by yourself?

4 A. No, I went with Officer Robles.

5 Q. And on that date were you able to speak to  
6 someone in the office?

7 A. Yes.

8 Q. Did you learn whether or not your suspect,  
9 Edgar Padron, nickname Ricky, lives there?

10 A. We learned that he used to live there, but that  
11 he had moved out.

12 Q. Did you learn information about any people that  
13 Edgar Padron possibly knew that might help you find him?

14 A. Yes.

15 Q. Who were you looking for that might help you  
16 find Edgar Padron?

17 A. At that point we were told that Carlos  
18 Castillo, who lived at the location, was a friend of his  
19 and also worked at the same location.

20 Q. And during the course of your investigation,  
21 did you learn that Carlos Castillo is a name used by one  
22 of the suspects in this case?

23 A. Yes.

24 Q. And who uses the name Carlos Castillo?

25 A. Jose Adolpho Castillo.

1 Q. And did you later meet and identify Jose  
2 Adolpho Castillo?

3 A. Yes.

4 Q. Is he here in the courtroom today?

5 A. Yes, he is.

6 Q. Can you point to him and identify him by an  
7 article of clothing he's wearing?

8 A. He's wearing the dark jacket over there with  
9 the headphones on.

10 MS. JOHNSON: May the record reflect that  
11 he's identified the Defendant?

12 THE COURT: It will.

13 Q. (BY MS. JOHNSON) Based on your investigative  
14 work at the Conquistador Apartments, did you try and  
15 find Edgar Padron at some locations he might work?

16 A. Yes.

17 Q. Were you successful in February of 2011?

18 A. No.

19 Q. Okay. All right. I next want to talk about  
20 the date of February 15th of 2011, did something  
21 significant in your investigation happen that day?

22 A. Yes.

23 Q. What was that?

24 A. I received another Crime Stoppers tip.

25 Q. And did you review that tip?

1 A. Yes.

2 Q. After you did that, who did you begin  
3 investigating?

4 A. Ariel Donamaria.

5 Q. And who is he in relation to this case?

6 A. He is also charged in this case.

7 Q. One of the suspects?

8 A. Yes.

9 Q. And during the course of your investigation,  
10 did you learn about whether or not he has a nickname?

11 A. Yes.

12 Q. And what is his nickname?

13 A. Lil Dro.

14 Q. After you get the tip that Ariel Donamaria is  
15 involved, are you able to do anything with, are you able  
16 to connect him to the case immediately, I should say?

17 A. Well, I began doing -- working investigating  
18 follow-up to figure out who he is and determine that,  
19 but there's not a -- at that point, there wasn't a solid  
20 link to this case.

21 Q. I want to next turn to the date of March 3rd of  
22 2011, can you tell us what you and Officer Robles did on  
23 that date?

24 A. Yes, let's see. At that date we're still  
25 trying to track down Ariel Donamaria, and we went to the



1 Elsik High School where we had determined that he had  
2 used to go to to try to find out any contact information  
3 for him.

4 Q. But he was no longer there?

5 A. Yes.

6 Q. Did you also, on that date, talk to some other  
7 witnesses who had been at the Conoco on the day of the  
8 shooting?

9 A. Yes.

10 Q. Did any of them have any significant  
11 information that added to your investigation?

12 A. Not really, no.

13 Q. All right. I'd like to talk again about -- I'm  
14 sorry, the next date I want to talk about is March 29th  
15 of 2011, so also almost a month after you get the tip  
16 about Ariel Donamaria and those guys. Did you receive  
17 some further information on March 29th of 2011 about  
18 your investigation?

19 A. Yes.

20 Q. And how did that information come to you?

21 A. Again, I got another e-mail with a Crime  
22 Stoppers tip.

23 Q. And you reviewed that tip as well?

24 A. Yes.

25 Q. And once you reviewed that tip, what further

1 investigation did you begin to do?

2 A. At that point, I began to investigate the  
3 connection between Edgar Padron and Ariel Donamaria.

4 Q. Now, during the course of your investigation,  
5 did you learn what kind of connection existed between  
6 Edgar Padron and Ariel Donamaria?

7 A. Yes.

8 Q. And what is that connection?

9 A. It's basically in-law sort of familiar  
10 relationship. He was referred to -- Ariel was referred  
11 to as his nephew, but, basically, it was more of a  
12 cousin-in-law that someone, one cousin was married to  
13 someone else and with the relationship that way.

14 Q. So, it's some sort of family by marriage  
15 connection?

16 A. Yes.

17 Q. Was it ever totally clear to you what the exact  
18 connection was?

19 A. Again, not the exact how it was, just that  
20 there was some sort of in-law relationship, and that  
21 they considered each other family.

22 Q. Fair for me to say that this is the second time  
23 now that you have heard the names Edgar Padron and Ariel  
24 Donamaria?

25 A. Yes.

1 Q. And you had previously done some work in  
2 February where you identified Edgar's sister, Rubicel,  
3 right?

4 A. Yes.

5 Q. After you received this tip naming these guys  
6 as suspects again, do you and Officer Robles do some  
7 further investigation into these men?

8 A. Yes.

9 Q. Now does that happen on March 29th or the next  
10 day?

11 A. Well, we began to do the research on the  
12 computer looking at reports and things like that, on the  
13 29th; but on the 30th is when we're actually going out  
14 into the field doing the work.

15 Q. And where out in the field do you go on  
16 March 30th of 2011?

17 A. Initially, Officer Robles goes and then I meet  
18 up with him there later; but we wind up going to the  
19 address that the license plate in the tip was registered  
20 in Stafford, Texas.

21 Q. And who resides at that address in Stafford,  
22 Texas?

23 A. It's Rubicel Padron and her husband, Ruben  
24 Ayala.

25 Q. And did you determine that those people were

1 family members of Edgar Padron?

2 A. Yes.

3 Q. And did you and Officer Robles speak with them  
4 about what they knew about the case?

5 A. Yes.

6 Q. Were they cooperative with you?

7 A. Yes, they were.

8 Q. Did they give you interviews?

9 A. Yes.

10 Q. After you spoke with Edgar's sister, Rubicel,  
11 and her husband, Ruben, were you able to obtain an  
12 arrest warrant for Edgar Padron on capital murder?

13 A. Yes.

14 Q. And once you got the arrest warrant for him,  
15 did you change his status in the law enforcement  
16 database somehow to show he was wanted?

17 A. Yes, we wound up flagging him in the system so  
18 if someone ran him, that would flash up that we're  
19 looking for him.

20 Q. Okay. So on March 30th of 2011, you get the  
21 arrest warrant for Edgar Padron, correct?

22 A. Yes.

23 Q. And I imagine it's you and your partner begin  
24 searching for him; am I correct in that assumption?

25 A. Yes.

1 Q. Tell me how you looked for Edgar Padron?

2 A. Basically, we got with our criminal  
3 investigation division, got all the background  
4 information that we had on him, gave it to them for them  
5 to start doing their searches for possible locations and  
6 through that, we wound up getting a location to go check  
7 for him.

8 Q. Were you also attempting to make contact with  
9 the Defendant, Mr. Castillo, that day?

10 A. Yes.

11 Q. At that point was Mr. Castillo a suspect?

12 A. No, he was just someone that we knew knew Edgar  
13 Padron.

14 Q. Would it be fair for me to say that at that  
15 point you believed he was an associate of Padron's and  
16 thought you might be able to find Padron through him?

17 A. Yes.

18 Q. Where did you end up locating Edgar Padron on  
19 March 31st of 2011?

20 A. It was at his work address, which was 9661  
21 Bauman Street.

22 Q. And what kind of business is at that location?

23 A. It was iron works location.

24 Q. Was the owner of the business present?

25 A. Yes.

1 Q. What was that person's name?

2 A. Her name, let's see, I'm going to have to look  
3 in here to find that. I don't recall if I have it in  
4 the report. Martha Hernandez.

5 Q. And did Ms. Hernandez give you consent to  
6 search her business?

7 A. Yes.

8 THE COURT: Are you saying Marta M-A-R-T-A?

9 THE WITNESS: No, it's M-A-R-T-H-A.

10 THE COURT: Thank you.

11 Q. (BY MS. JOHNSON) What was your purpose in  
12 wanting to search Ms. Hernandez' business?

13 A. Because we had been told that Edgar Padron had  
14 been staying there, sleeping there at night to wind up  
15 seeing if there was any evidence that he had left there.

16 Q. Now, did you search the whole business; or did  
17 Ms. Hernandez point you to some areas that might be of  
18 interest to you?

19 A. Well, we did a general search of the whole  
20 business; but she also pointed out some areas where  
21 Padron was keeping his items.

22 Q. And were you involved in that search, or was  
23 that more Officer Robles?

24 A. That was more Officer Robles.

25 Q. Are you aware of what he found at that work

1 location?

2 A. Yes.

3 Q. What did he find?

4 A. He found some firearms wrapped up in a blanket.

5 Q. And to your knowledge, were those firearms  
6 taken into police custody?

7 A. Yes.

8 Q. Now, did Mr. Padron have a vehicle at his  
9 workplace?

10 A. Yes.

11 Q. And what happened to his vehicle?

12 A. The vehicle, we towed it over to our vehicle  
13 examination building; and then I had Officer Harvey  
14 obtain a search warrant for the vehicle.

15 Q. What was the purpose in taking Padron's vehicle  
16 to be searched?

17 A. Again, to see if there was any evidence of the  
18 crime inside of it.

19 Q. Do you recall the make and model of Padron's  
20 vehicle?

21 A. It was a pickup truck. I'd have to look in the  
22 notes to see exactly what it was.

23 MS. JOHNSON: May I approach the witness?

24 THE COURT: You may.

25 Q. (BY MS. JOHNSON) Officer, I'm going to show

1 you State's Exhibit 55. Do you recognize this document?

2 A. Yes.

3 Q. And what is State's Exhibit 55?

4 A. It's a search warrant for Padron's vehicle.

5 Q. And does the search warrant indicate what type

6 of vehicle you want to search that is Mr. Padron's?

7 A. Yes.

8 Q. And what is that vehicle?

9 A. 2002 Ford Excursion.

10 Q. Does it say what color it is?

11 A. Gray.

12 Q. And you said that Officer Harvey got this

13 warrant?

14 A. Yes.

15 Q. Who is he?

16 A. He was another investigator that worked in the

17 homicide division.

18 Q. Is that a common practice at HPD to have other

19 homicide investigators help you out and go get warrants

20 and things like that?

21 A. Yes, even though you have the two main

22 investigators who are the main case agents, whenever

23 things are happening and you have quite a few things to

24 do at once, you get the other investigators to help you

25 out.



1 Q. Okay. And this search warrant says that the  
2 location to be searched is 1305 Dart Street. Are you  
3 familiar with that address?

4 A. Yes.

5 Q. What is that address?

6 A. That's the vehicle examination storage lot for  
7 the Houston Police Department.

8 Q. And is that where Mr. Padron's vehicle was  
9 located when you wanted to search it?

10 A. Yes.

11 MS. JOHNSON: At this time I'm going to  
12 offer State's Exhibit 55, which is a certified copy of a  
13 search warrant, excluding the affidavit and ask that it  
14 be admitted into evidence.

15 (State's Exhibit No. 55 offered.)

16 MR. ORTIZ: We have no objections to  
17 State's 55, Your Honor.

18 THE COURT: State's 55 is admitted.

19 (State's Exhibit No. 55 admitted.)

20 Q. (BY MS. JOHNSON) Now, were you involved in  
21 searching Mr. Padron's vehicle?

22 A. Yes.

23 Q. Was there another officer who helped you with  
24 that?

25 A. Yes.

1 Q. Who is that?

2 A. That was a crime scene unit, Palatino.

3 Q. And she is actually assigned to work at that  
4 vehicle examination building; is that correct?

5 A. Yes.

6 Q. It's pretty much what she does all day?

7 A. Pretty much, yes.

8 Q. Did you find anything of interest in Mr.  
9 Padron's vehicle?

10 A. Yes.

11 Q. What did you find?

12 A. I found some ski masks.

13 Q. Why was that significant to you?

14 A. Because the video of the crime showed the  
15 suspects wearing ski masks.

16 Q. And do you recall the date that you and Officer  
17 Palatino searched Edgar Padron's vehicle?

18 A. See, that was April 1st, 2011.

19 Q. And on that date, was Officer Robles doing some  
20 follow-up work with other witnesses on the case?

21 A. Yes.

22 Q. Do you know who he was speaking with that day?

23 A. At that day, he was speaking with Marta Cordova  
24 Olivia.

25 Q. And how is she related to the Defendant?

1 A. She's his wife.

2 Q. Did Marta come to the homicide division in  
3 order to give y'all a statement?

4 A. Yes.

5 Q. Was she cooperative with you?

6 A. Yes, I'd say she was.

7 Q. On that date did you also learn of a person  
8 named Victor Murillo?

9 A. Yes.

10 Q. And was he a suspect or a witness, or how was  
11 he related to the case?

12 A. At that point, we were told that he was a  
13 possible suspect although from -- after our interviews  
14 of him and the investigation, we determined that he was  
15 a witness.

16 Q. Now, did you talk, pardon me, let me rephrase  
17 that. What date did you talk to Victor Murillo?

18 A. Let's see, that was on April 2nd.

19 Q. And did he volunteer to come to the police  
20 station in order to give y'all a statement?

21 A. Yes.

22 Q. And was he cooperative with y'all?

23 A. Yes.

24 Q. Did he provide you with valuable information  
25 regarding your investigation?

1 A. Yes.

2 Q. Specifically, did he provide you information  
3 that made you think that this Defendant was a suspect?

4 A. Yes, he did.

5 Q. All right. After you spoke with Victor  
6 Murillo, were you able to get an arrest warrant for this  
7 Defendant, Jose Castillo?

8 A. Yes, we did.

9 Q. And that was all on April 2nd of 2011?

10 A. Yes.

11 Q. How did Mark Deleon come to be identified as a  
12 suspect in this case?

13 A. Again, we got another Crime Stoppers tip.

14 Q. And what date was that?

15 A. That was on April 4th.

16 Q. Of 2011?

17 A. Yes, 2011.

18 Q. And after you reviewed that tip, did you begin  
19 looking for Mr. Deleon?

20 A. Yes.

21 Q. Were you able to find him that same day?

22 A. Not that same day, no.

23 Q. What day did you find him?

24 A. That was, let's see, on April 7th.

25 Q. Now, when you first located Mr. Deleon, did you

1 locate him; or did you locate a vehicle you knew to  
2 belong to him?

3 A. We first located a vehicle that belonged to  
4 him.

5 Q. And where was that vehicle located at?

6 A. That was at the Stoneridge Apartments at 10615  
7 Beechnut.

8 Q. And, in fact, you first observed his vehicle  
9 there on April 6th of 2011, correct?

10 A. Yes.

11 Q. Did you and Officer Robles watch that vehicle  
12 to see if you could see Mr. Deleon getting into it?

13 A. Yes.

14 Q. Did you find him that first day of April 6th?

15 A. No.

16 Q. What happened with that vehicle on April 7th?

17 A. On April 7th, two females got into the vehicle  
18 and drove away from the location.

19 Q. And were you and Officer Robles watching Mark  
20 Deleon's vehicle when that happened?

21 A. Yes.

22 Q. Now at this point, what kind of vehicle was  
23 Mark Deleon associated with?

24 A. Let me see.

25 Q. Let me ask it a different way. At this point

1 was he still driving the white truck that was used in  
2 the capital murder?

3 A. No, he wasn't.

4 Q. Was he driving a different vehicle?

5 A. Yes.

6 Q. Did those two females get into that different  
7 vehicle? I think it was a Tahoe, does that sound right?

8 A. That sounds correct, yes.

9 Q. And once those two females got into Mark  
10 Deleon's Tahoe and began driving it, what did y'all do?

11 A. We called and had a marked unit follow the  
12 females that were driving and then initiate a traffic  
13 stop on it.

14 Q. Once you got Mark's vehicle stopped that was  
15 being driven by those two females, did they provide you  
16 information with where Mark Deleon was?

17 A. Yes.

18 Q. And where was he?

19 A. He was inside the apartment that they had just  
20 left.

21 Q. And how did you get Mr. Deleon to come out of  
22 his apartment?

23 A. At that point since we believed that he had a  
24 firearm with him, we called the -- Robles and I returned  
25 immediately from the traffic stop to the apartment, set

1 up surveillance on there to make sure that he didn't  
2 come out of there, then we called for SWAT to come to  
3 the location and get him to come out.

4 Q. And did he eventually surrender peacefully?

5 A. Yes.

6 Q. Were you able to locate any firearms in his  
7 possession after he surrendered?

8 A. No.

9 Q. Did you look?

10 A. Yes.

11 Q. Once Mr. Deleon was arrested, did he agree to  
12 speak with you and Officer Robles?

13 A. Yes.

14 Q. Did he, in fact, confess to you about his  
15 role --

16 MR. ORTIZ: Judge, I'm going to object at  
17 this point as to hearsay.

18 THE COURT: Sustained.

19 Q. (BY MS. JOHNSON) Did he provide you with  
20 useful information regarding your investigation?

21 A. Yes.

22 Q. After you spoke with him, was he charged with a  
23 crime?

24 A. Yes, he was.

25 Q. What was he charged with?

1 A. He was also charged with capital murder.

2 Q. Now, once you, at this point you had Mr.  
3 Padron, the Defendant and Mark Deleon all arrested and  
4 charged with capital murder, correct?

5 A. Yes.

6 Q. Does your investigation still continue at that  
7 point?

8 A. Yes.

9 Q. What happens on April 18th of 2011?

10 A. On April 18th, Marta Cordova called one of the  
11 homicide investigators, Jesse Sosa, who we had utilized  
12 for translation during interviews; and from him I was  
13 told --

14 MR. ORTIZ: Judge, I'm going to object to  
15 hearsay.

16 THE COURT: Sustained.

17 Q. (BY MS. JOHNSON) Did she relate some  
18 information to you, the homicide detectives?

19 A. Yes.

20 Q. Based on that information, what did y'all do?

21 A. We went and interviewed Mr. Castillo again.

22 Q. Was that at his request?

23 A. Yes.

24 Q. Did he provide you with any information useful  
25 to your investigation?



1 A. No.

2 Q. Did you continue following up with trying to  
3 locate our fourth suspect, Ariel Donamaria?

4 A. Yes.

5 Q. And did you interview his mother?

6 A. Yes.

7 Q. What date did you do that?

8 A. That was on April 19th, 2011.

9 Q. And after you interviewed his mother, did you  
10 get charges filed on Ariel Donamaria?

11 A. Yes.

12 Q. What charge?

13 A. Again, capital murder.

14 Q. Was he charged as a juvenile or as an adult?

15 A. Initially as a juvenile.

16 Q. How old was he at the time that this offense  
17 was committed?

18 A. I believe he was 16.

19 Q. Now, subsequent to filing charges on Ariel  
20 Donamaria, there were a few other things you and Officer  
21 Robles did to follow up on some leads that you got,  
22 correct?

23 A. Yes.

24 Q. Would it be fair for me to say that none of the  
25 rest of that really turned out to provide useful

1 information for your case?

2 A. That's correct.

3 Q. Okay. Now, I want to talk finally about  
4 April 1st of 2013. I want to skip ahead two years?

5 A. Okay.

6 Q. What happened on April 1st of 2013?

7 A. I got a search warrant for DNA samples from the  
8 four suspects that were charged in this case.

9 Q. Now, originally you had not taken any DNA  
10 samples from any of your four suspects, correct?

11 A. Correct.

12 Q. And why did you and Officer Robles make that  
13 initial decision?

14 A. Basically, from the video, we knew that the  
15 suspects were wearing gloves or had their hands covered  
16 and basically it wasn't a case where there was any DNA  
17 evidence from -- that was recovered on the scene that  
18 would be relevant to the case. Any DNA evidence that  
19 was recovered was recovered in areas that were, where  
20 the suspects lived or were under their control at the  
21 time. So, we felt that their DNA showing up there  
22 wouldn't be relevant to the case.

23 Q. Nevertheless, at some point, a request was made  
24 that DNA testing be done on the case, correct?

25 A. Correct.

1 Q. Now, in order for the lab to compare DNA  
2 profiles obtained from evidence to a suspect in the  
3 case, do they need a sample that's taken from the  
4 suspects themselves?

5 A. Yes.

6 Q. Okay. And in order to do that in this case,  
7 you got a search warrant for the Defendant, Padron,  
8 Donamaria, and Deleon, correct?

9 A. Correct.

10 Q. And each of those search warrants allowed you  
11 to do what?

12 A. They allowed me to go and get what we call a  
13 buccal swab from them so that I could submit that to the  
14 lab for testing. Basically, the buccal swab is taking a  
15 sterile cotton Q-tip and rubbing it on the inside of  
16 their cheeks to get a DNA sample.

17 Q. Was there another officer with you when those  
18 buccal swabs were taken from each of the four  
19 Defendants?

20 A. Yes.

21 Q. Who is that officer?

22 A. Mark Condon.

23 Q. And did you personally observe the buccal swabs  
24 being taken from this Defendant, Jose Castillo?

25 A. Yes, I did.

1 Q. Can you describe for us the process that you  
2 and Officer Condon went through to take that DNA sample?

3 A. Basically, we went to him in the jail, informed  
4 him that we had the search warrant. Officer Condon put  
5 gloves on, took out the sealed container that has the  
6 long Q-tip that's got the long wooden shaft with one  
7 cotton swab on the end, opened it up with the gloved  
8 hand, take it out, rub it on the inside, have him open  
9 up his mouth, rub it on the inside of his cheek. Then  
10 there's a cardboard sleeve that we have, stick it inside  
11 there, close that up. Then that's, individually that is  
12 stuck into another small manila envelope. And after  
13 that's done, it's taken over to our HPD property room  
14 where the evidence tape is placed on it, sealed up and  
15 then submitted.

16 Q. Were Mr. Castillo's samples of his DNA sealed  
17 in their own boxes?

18 A. Yes.

19 Q. And were each suspect's DNA samples sealed in  
20 their own separate box?

21 A. Yes.

22 Q. Now, you said that these items were taken to  
23 the property room, what is that?

24 A. It's the location that we have on Washington  
25 Street where HPD stores all of our evidence. The

1 officer fills out paperwork, documenting what they're  
2 doing. There's a chain, and a chain of custody is  
3 documented from that point on to wherever the evidence  
4 winds up going.

5 Q. Sounds like a secure location?

6 A. Yes.

7 MS. JOHNSON: May I approach?

8 THE COURT: You may.

9 Q. (BY MS. JOHNSON) Lieutenant Blain, I'm going  
10 to show you State's Exhibits No. 51, 52, 53 and 54.  
11 First, with regards to State's Exhibit No. 1, do you  
12 recognize the person in this photograph?

13 A. Yes.

14 Q. Who is this person?

15 A. Edgar Padron.

16 Q. Can you please write his name on the bottom of  
17 that photograph for me?

18 A. (Witness complies.)

19 Q. And during the course of your investigation,  
20 did you learn whether or not Mr. Padron had a nickname  
21 that he commonly went by?

22 A. Yes.

23 Q. What was that nickname?

24 A. Ricky.

25 Q. Could you also write that on the picture for

1 me?

2 A. (Witness complies.)

3 THE COURT: Is that on 51?

4 MS. JOHNSON: Yes, sir.

5 THE COURT: Which is already in evidence?

6 MS. JOHNSON: I did not offer it yesterday.

7 THE COURT: With Martha Hernandez.

8 MS. JOHNSON: Yes, sir. I had her identify  
9 the photo, but I did not offer it.

10 THE COURT: Okay. Thank you.

11 Q. (BY MS. JOHNSON) And does State's 51 fairly  
12 and accurately represent how Mr. Padron looked when he  
13 was arrested on this capital murder charge?

14 A. Yes.

15 Q. I'm going to show you State's Exhibit 52. Who  
16 is in this photograph?

17 A. Jose Castillo.

18 Q. Is that the same Defendant that you identified  
19 here in the courtroom earlier?

20 A. Yes.

21 Q. Could you please write his name on that piece  
22 of paper?

23 A. (Witness complies.)

24 Q. And I believe you said earlier that you learned  
25 that he also went by the name Carlos Castillo?

1 A. Yes.

2 Q. Could you write that on there as well?

3 A. (Witness complies.)

4 Q. And during the course of your investigation,  
5 did you learn that Mr. Castillo had a nickname that he  
6 sometimes went by?

7 A. Yes.

8 Q. What was his nickname?

9 A. Chapparo.

10 Q. Can you also write that on there?

11 THE COURT: Spell it.

12 THE WITNESS: C-H-A-P, I think, whether  
13 there's one P or two Ps. I think it's P-P-A-R-O.

14 Q. (BY MS. JOHNSON) And does State's 52 fairly  
15 and accurately represent how Mr. Castillo looked on the  
16 date of his arrest?

17 A. Yes.

18 Q. Who is in the photograph in State's Exhibit 53?

19 A. That's Ariel Donamaria.

20 Q. Could you please write his name on that page?

21 A. (Witness complies.)

22 Q. And what is Mr. Donamaria's nickname?

23 A. Lil Dro.

24 Q. Can you write that on there as well, please?

25 A. (Witness complies.)

1 Q. And does State's 53 fairly and accurately  
2 represent how he looked when he was arrested?

3 A. Yes.

4 Q. And finally who is in State's Exhibit 54?

5 A. Mark Deleon.

6 Q. And can you please write his name on that  
7 paper?

8 A. (Witness complies.)

9 Q. And does that fairly and accurately show how  
10 Mr. Deleon looked on the date of his arrest?

11 A. Yes.

12 MS. JOHNSON: At this time I'm going to  
13 tender State's 51, 52, 53 and 54 to Defense for  
14 objections and ask that they be admitted into evidence.

15 (State's Exhibit Nos. 51 through 54  
16 offered.)

17 MR. ORTIZ: I have no objections to 51  
18 through 54, Judge.

19 THE COURT: State's Exhibits 51 through 54  
20 are admitted.

21 (State's Exhibit Nos. 51 through 54  
22 admitted.)

23 MS. JOHNSON: May I publish?

24 THE COURT: You may.

25 Q. (BY MS. JOHNSON) And just so the jurors can



1 see who we're talking about, who is here in State's 51?

2 A. That's Edgar Padron.

3 Q. And his nickname is Ricky?

4 A. Yes.

5 Q. And in State's 52, who is this?

6 A. Jose Castillo.

7 Q. And we know he sometimes uses the name Carlos?

8 A. Yes.

9 Q. And his nickname is Chapparo?

10 A. Yes.

11 Q. And here in State's 53, who is this?

12 A. Ariel Donamaria.

13 Q. Nickname?

14 A. Lil Dro, yes.

15 Q. And this was the person who was a juvenile at  
16 the time of the offense?

17 A. Yes.

18 Q. And finally here in State's 54, who do we have?

19 A. Mark Deleon.

20 Q. Once you and Officer Condon collected those DNA  
21 samples from the four suspects, did that complete the  
22 last major part of your investigation?

23 A. Yes.

24 MS. JOHNSON: I'll pass the witness.

25 **CROSS-EXAMINATION**

1 BY MR. ORTIZ:

2 Q. Lieutenant Blain, the name of the Complainant  
3 in this case, the store clerk, you remember his name; or  
4 is it referenced in your offense report?

5 A. Yeah, it's referenced here. It's Sarfracj  
6 Maknojia. I'm not sure if I'm pronouncing it correctly.

7 Q. It's all right, we won't hold you to the  
8 pronunciation. Do you recall as part of the  
9 investigation you and Officer Robles interviewing him at  
10 the store?

11 A. Yes.

12 Q. After the robbery occurred, correct?

13 A. Yes.

14 Q. And he was able to provide you with a statement  
15 about what he remembered seeing, what happened inside  
16 the store, correct?

17 A. Yes.

18 Q. And it pretty much lined up with what's on  
19 video, correct?

20 A. Correct.

21 MR. ORTIZ: May I approach the witness,  
22 Judge?

23 THE COURT: You may.

24 MR. ORTIZ: Or just grab an exhibit.

25 Q. (BY MR. ORTIZ) Now, have you reviewed or had a

1 chance to review the statement that the store clerk  
2 provided to y'all, Sergeant or Lieutenant Blain, sorry?

3 A. The actual recorded statement I haven't  
4 reviewed that. Robles was the one that --

5 Q. Or the information that he provided to you  
6 guys, did you review the section of the offense report  
7 where it's noted?

8 A. Yes.

9 Q. And for the ladies and gentlemen of the jury,  
10 obviously, the police report is not evidence. It's not  
11 something that can be introduced, correct?

12 A. Correct.

13 Q. These are notes and things that y'all put in  
14 there to either reference later, refer back to in the  
15 future, kind of refresh your memory, those type of  
16 things, correct?

17 A. Correct.

18 Q. And you make sure in your training, obviously,  
19 you got many years with HPD, so you're very familiar  
20 with this to document the offense report or to include  
21 information that obviously is very pertinent and  
22 important to the investigation, correct?

23 A. Correct.

24 Q. And I want to draw your attention, if you  
25 could, I believe it's Supplement No. 13 that contains

1 the store clerk notes or notes from the store clerk's  
2 interview.

3 MS. JOHNSON: Judge, I'm going to object to  
4 this officer testifying to anything in Supplement 13.  
5 It indicates it was written by Officer Robles.

6 THE COURT: Sustained.

7 Q. (BY MR. ORTIZ) Have you had a chance to review  
8 the --

9 MR. ORTIZ: May I take the witness on voir  
10 dire then, Judge?

11 THE COURT: He's your witness.

12 MR. ORTIZ: Let me ask him some more  
13 questions then.

14 Q. (BY MR. ORTIZ) Lieutenant Blain, this  
15 investigation you and Officer Robles worked together,  
16 correct?

17 A. Correct.

18 Q. What you did, you told him about. What he did,  
19 he told you about so that y'all would be on the same  
20 page, correct?

21 A. Correct.

22 Q. And so in preparing for trial and your work in  
23 this case, you were made aware that he had spoken to the  
24 store clerk, correct?

25 A. Correct.

1 Q. And depending on what was told to Officer  
2 Robles about what the clerk said happened inside the  
3 store or what he remembers could be significant or  
4 important to the investigation, correct?

5 A. Correct.

6 Q. Like, for example, if the clerk told Officer  
7 Robles, hey, the guy with the blue knit cap is the one  
8 that shot the Complainant, that would be something  
9 that's important or y'all would document, correct?

10 A. Correct.

11 MS. JOHNSON: I'm going to object to this  
12 officer being asked questions about anything Officer  
13 Robles --

14 THE COURT: You cannot be cross-examined on  
15 the offense report written by Robles, who, I believe, is  
16 available and scheduled to testify, correct?

17 MR. ORTIZ: I understand, Judge. Just  
18 trying to get a premise with this officer, his  
19 involvement in the investigation, that's all.

20 Q. (BY MR. ORTIZ) Lieutenant Blain, at any time  
21 in your investigation in this case, did you ever speak  
22 to the store clerk; or was it ever made known to you  
23 that he said which one of the suspects did the shooting?

24 A. No.

25 Q. And you've reviewed the entire police report,

1 correct?

2 A. Yes.

3 Q. You've reviewed all the communications between  
4 you and your partner. I mean, y'all worked pretty  
5 closely on this case, right, as you do every case?

6 A. Yes.

7 Q. And at no time did that ever come up that the  
8 store clerk told you --

9 MS. JOHNSON: I'm going to object to  
10 anything that the store clerk told Officer Robles.

11 THE COURT: Sustained.

12 Q. (BY MR. ORTIZ) Lieutenant Blaine, did the  
13 store clerk ever tell you --

14 MS. JOHNSON: I'm going object to asked and  
15 answered. He already said --

16 THE COURT: No, he's asking whether or not  
17 the store -- he's changed it a little bit now, I think.

18 MR. ORTIZ: So, I can ask the question?

19 Q. (BY MR. ORTIZ) Lieutenant Blaine.

20 MS. JOHNSON: I object to that sidebar.

21 THE COURT: Sustained.

22 Q. (BY MR. ORTIZ) Lieutenant Blain, did the store  
23 clerk ever tell you during your investigation in this  
24 case, you became aware that he ever said which person  
25 did the shooting?

1 THE COURT: That's different from what you  
2 started out to ask. You originally were going to ask  
3 him whether or not it was ever made known to this  
4 witness at any time by the clerk to this witness.

5 MR. ORTIZ: I'll rephrase the question,  
6 Your Honor.

7 THE COURT: I was allowing that one.

8 Q. (BY MR. ORTIZ) Lieutenant Blain, at any time  
9 did the store clerk ever tell you in this investigation  
10 that he saw which suspect shot the Complainant?

11 A. No.

12 Q. Now, you testified earlier that there were  
13 three suspects, correct?

14 A. Yes.

15 Q. And I believe you said two had long guns; and  
16 one had a pistol, correct?

17 A. Yes.

18 Q. Can you tell us what you meant by long guns?

19 A. Something that had a long barrel in it so some  
20 sort of rifle.

21 Q. I'm sorry. You said with regards to long guns,  
22 what did you mean by that?

23 A. That it had a long barrel on it, so it would be  
24 something like a rifle.

25 Q. So, from what you recall, two of them had

1 rifle-type weapons; and one had a handgun?

2 A. Yes.

3 Q. Have you had a chance to review the  
4 surveillance video or the photographs that were taken  
5 from the store surveillance system?

6 A. Yes.

7 Q. I'm going to put up State's Exhibit 6 first.  
8 This suspect here who we see in State's Exhibit 6 that's  
9 standing in front what appears to be in front of the  
10 clerk's window there, dressed all in black, looks like  
11 he has some type of black tennis shoes with white  
12 markings, can you see or can you identify what type of  
13 weapon this person is holding?

14 A. Yes, that appears what we were calling a long  
15 gun.

16 Q. Some type of rifle?

17 A. Rifle, yes.

18 Q. Now, I'm going to show you State's Exhibit  
19 No. 10; and I believe in this photograph we can see all  
20 three suspects here standing in front of the clerk. To  
21 the right of the person you've identified as holding the  
22 long rifle, it appears to be a suspect with a blue-type  
23 knit cap or facial cover, correct?

24 A. Yes.

25 Q. And does he appear to be holding any type of



1 rifle or long gun?

2 A. In that one it's a little difficult to see.

3 Q. You think it would be better if you saw the  
4 video?

5 A. That one actually does appear to be a handgun.

6 Q. Okay. And I believe so at this point, with  
7 regards to the three suspects in this photograph,  
8 State's Exhibit 10, at this point it appears that the  
9 person in the middle, obviously, had some type of rifle,  
10 correct?

11 A. Yes.

12 Q. And you've indicated that the one with the blue  
13 knit cap appears to be holding a handgun or pistol,  
14 correct?

15 A. Yes.

16 Q. Which would be a small gun?

17 A. Yes.

18 Q. And I'm going to put up State's Exhibit No. 9,  
19 I believe, which may show the other, third suspect here.  
20 It appears to -- the one with white tennis shoes, pants  
21 and some type of jacket, correct?

22 A. Yes.

23 Q. And in this photograph can you tell, or do you  
24 recall from watching the video that this suspect had a  
25 long gun or a handgun?

1           A.    From that view it's a little too fuzzy for me  
2 to tell.

3           Q.    Okay.  Could it be, Lieutenant Blain, that  
4 there was one long gun and two handguns, actually?

5           A.    It's possible, yes.

6                   MR. ORTIZ:  Judge, may I play a portion of  
7 the video?

8                   THE COURT:  If it's been admitted, sure.

9           Q.    (BY MR. ORTIZ)  Lieutenant Blain, what I want  
10 to show is just the portion of the video where you can  
11 see the suspects, their hands so that we're clear on  
12 what type of weapons.

13                   (Publishing State's Exhibit 1.)

14          Q.    (BY MR. ORTIZ)  Could you tell at that point?

15          A.    Yes.

16          Q.    What type of gun the suspect on the far left is  
17 holding?

18          A.    Yes, that was a handgun, also.

19          Q.    And so, and so just to be clear, then, there  
20 was one rifle and two handguns, correct?

21          A.    Correct.

22          Q.    Now, you talked about Crime Stoppers tips.  And  
23 those are things, obviously, that's a form of  
24 information or source of information that is helpful  
25 during investigations, correct?

1 A. Yes.

2 Q. And obviously Crime Stoppers there is some  
3 financial incentive, I mean, obviously, to get people to  
4 come forward or to say certain things or to get them to  
5 call in with information?

6 A. Yes.

7 Q. And then, obviously, y'all would follow up with  
8 that information, sometimes it pans out, sometimes it  
9 doesn't, correct?

10 A. Correct.

11 Q. And you'd agree that at no time during -- I  
12 believe there are four Crime Stopper tips. One was  
13 February 4th, one was February 15th, one was March 29th,  
14 and one was April 4th. Would you agree there were at  
15 least four Crime Stopper tips about the suspect in this  
16 case? February 4th, February 15th, March 29th and  
17 April 4th?

18 A. Yes, there were four for that, regarding the  
19 suspects and two other tips that --

20 Q. That had nothing to do or turned out it did not  
21 involve this case?

22 A. Yes.

23 Q. So a total of six. But out of the four that  
24 had something to do with this case, at no time was there  
25 ever any mention of Jose Castillo being involved in this

1 case?

2 A. That's correct.

3 Q. In other words, no one ever calls in and says I  
4 have some information, one of the possible suspects is  
5 Jose Castillo or Chapparo or Carlos?

6 A. Correct.

7 Q. Now, when you talked about the juvenile in this  
8 case that was charged, Ariel?

9 A. Yes.

10 Q. Okay. You had mentioned, you had mentioned  
11 that you received some information, Crime Stoppers,  
12 about him; and that's kind of what sparked interest in  
13 looking for him; is that correct?

14 A. Yes.

15 Q. And isn't it true that the Crime Stoppers  
16 information also indicated that he was arrested in  
17 possession of the murder weapon, a revolver?

18 A. Let me double check here.

19 Q. I believe Supplement 28?

20 THE COURT: Would you ask that question one  
21 more time? Mr. Ortiz, would you ask the question again?

22 MR. ORTIZ: Sorry, I'm just trying to find  
23 the spot.

24 THE COURT: Information was that Donamaria  
25 was arrested with what?

1 Q. (BY MR. ORTIZ) That as part of the  
2 investigation, obviously, weapons that may have been  
3 used in the robbery would be important, correct?

4 A. Oh, I'm sorry.

5 Q. That's all right. I was letting you finish  
6 reading.

7 Lieutenant Blain, in this case, obviously,  
8 recovery or finding, locating possible weapons used in  
9 this case would be important to y'all's investigation,  
10 correct?

11 A. Correct.

12 Q. And as part of one of the Crime Stopper tips  
13 that mentioned Ariel, the juvenile, being a suspect that  
14 he had also been arrested with the murder weapon or  
15 possible murder weapon involved in this case?

16 A. I believe it didn't say it was the murder  
17 weapon just that it was a gun used in the murder.

18 Q. And when -- and there was an offense report  
19 that documented that arrest and recovery of that weapon,  
20 correct?

21 A. Yes.

22 Q. And testing was done, I believe nothing came  
23 back linking that to this offense, correct?

24 A. We tested the gun and determined that it wasn't  
25 used, it wasn't the -- didn't match the bullet that was

1 recovered.

2 Q. And I'm putting up State's Exhibit 53, a  
3 photograph of Ariel. And you noticed under his left eye  
4 there, the three dots, you're familiar with that?

5 A. Yes.

6 Q. Sometimes indicating possible murders or have  
7 killed before?

8 A. That particular formation, I've never heard as  
9 saying as possible murder. Teardrops are what I'm aware  
10 of as indicating possible murders.

11 Q. And with regards to Padron, let's talk about  
12 him. During the investigation when the Crime Stoppers  
13 tips were coming out regarding Padron, there was also  
14 information about him being involved in another capital  
15 murder, correct?

16 A. Yes.

17 Q. And, in fact, y'all were able to link Padron to  
18 another capital murder; is that correct?

19 A. Yes.

20 Q. That involved --

21 MS. JOHNSON: Judge, I'm going to object to  
22 going into any specifics of any other capital murder  
23 that Padron was charged with or linked to. It's not  
24 relevant in this case.

25 THE COURT: Well, I believe he's already

1 been linked to another capital murder case, that's what  
2 you said, involved in. I'm allowing that.

3 Q. (BY MR. ORTIZ) And when Padron was  
4 interviewed, he provided names of possible suspects; is  
5 that correct? Or let me ask you this, were you part of  
6 the interview with Padron or was that Officer Robles?

7 A. Yes, I was part of it.

8 Q. Did he basically deny involvement but provide  
9 names of other suspects?

10 A. Yes.

11 Q. And was one of those suspects Ariel?

12 THE COURT: Gave names of other suspects in  
13 this case?

14 Q. (BY MR. ORTIZ) In this case.

15 A. In this case?

16 Q. Right.

17 A. I don't recall him mentioning Ariel.

18 Q. All right. You recall him mentioning Flacco?

19 A. Yes.

20 Q. Did you determine in your investigation who  
21 Flacco was?

22 A. Yes.

23 Q. Who was Flacco?

24 A. That was Victor Murillo.

25 Q. And so Padron was indicating that Victor

1 Murillo was a suspect or was one of the ones that robbed  
2 the store?

3 THE COURT: Are you saying F-L-A-C-C-O?

4 MR. ORTIZ: Or F-A-L-A-C-O, however you  
5 want to spell it?

6 THE COURT: How are you spelling it?

7 MR. ORTIZ: I would say F-L-A-C-O.

8 THE COURT: Okay.

9 Q. (BY MR. ORTIZ) And so Padron was indicating  
10 that this Flacco person was one of the ones that  
11 committed the robbery, correct?

12 A. I believe he just indicated Flacco as a  
13 potential one.

14 Q. And he also mentioned some Gordo; but he didn't  
15 know the person's name, correct?

16 A. I don't, I don't recall a Gordo.

17 Q. Let me draw you to your Supplement No. 33.  
18 It's going to be, looks like page 2.074, second  
19 paragraph.

20 A. Yes.

21 Q. Okay. And does he provide, I guess, a list of  
22 names of people, I guess, other than himself that, I  
23 guess, he wanted y'all to follow up with and not him?

24 A. I think that those were more the list of names  
25 of the people that he was trying to alibi and say that



1 he was with during the time.

2 Q. Well, let me draw your attention then to the  
3 next bottom, last sentence of the next paragraph and  
4 more specifically the last one, two, three, four, five,  
5 six, seven, maybe seven words?

6 A. Okay. I'm not --

7 MR. ORTIZ: May I approach the witness,  
8 Judge?

9 THE COURT: You may.

10 A. The numbering system on the new printout is  
11 different now.

12 Q. (BY MR. ORTIZ) Oh, I have the old copy. Would  
13 it be maybe the next page that you have there? They're  
14 lined up different. Here we go.

15 A. Oh.

16 Q. And.

17 A. Yeah.

18 Q. Okay?

19 A. Okay.

20 Q. So, he throws out some names that he thinks,  
21 correct?

22 A. Yes.

23 Q. And the names that he mentions are Ariel,  
24 Chapparo and Flacco, correct?

25 A. Correct.

1 Q. And we've already said that Flacco --

2 MR. ORTIZ: And, Judge, for the record in  
3 the offense report, they used two Cs.

4 THE COURT: Okay. You said that he  
5 mentioned the names Ariel, that's his own name, right,  
6 isn't that who we're talking about?

7 MR. ORTIZ: No, we're talking about Padron.

8 THE COURT: We're talking about Padron now.  
9 Thank you.

10 Q. (BY MR. ORTIZ) When Padron is interviewed, he  
11 throws out some other names. In other words, he's not  
12 involved, but these guys might have been, correct?

13 A. Correct.

14 Q. And he mentions Ariel, which is the juvenile we  
15 know about, Chapparo, which is you indicated is another  
16 name for Jose Castillo, correct?

17 A. Correct.

18 Q. And Flacco, correct?

19 A. Correct.

20 Q. Who you've identified as Victor Murillo?

21 A. Yes.

22 Q. Who you said that through y'all's interviews  
23 was just a witness and not involved at all, correct?

24 A. Correct.

25 Q. And you mentioned or the Prosecutor asked you

1 if something happened on April 18, 2011, and you  
2 indicated that y'all went to the jail to talk to Mr.  
3 Castillo; is that correct?

4 A. Yes.

5 Q. And she asked you if there was any useful  
6 information that came out of that interview with Mr.  
7 Castillo, correct?

8 A. Correct.

9 Q. And basically you said you interviewed him  
10 again, meaning this was the second time, correct?

11 A. Yes.

12 Q. And, again, he indicated he had nothing to do  
13 with it?

14 MS. JOHNSON: I'm going to object to  
15 hearsay, that statement.

16 THE COURT: Sustained.

17 Q. (BY MR. ORTIZ) Based on what you were told,  
18 towards you or Officer Robles, you indicated nothing  
19 came out of that interview with Mr. Castillo that was  
20 useful for you guys, correct?

21 A. Yes, although Robles wasn't the other officer,  
22 it was Jesse Sosa was the other officer.

23 Q. But basically nothing useful, meaning got  
24 nothing that helped your case, correct?

25 A. Correct.

1 Q. Now, you talked about a search of Padron's  
2 vehicle that there was some ski masks located; and  
3 actually there were several, correct?

4 A. I have to double check to make sure exactly  
5 what was there.

6 Q. I believe it's Supplement 34, should be one  
7 right after what we talked about.

8 A. I've located two of them.

9 Q. And so after the search of Padron's vehicle,  
10 two black ski masks were located, correct?

11 A. Yes.

12 Q. And those were tagged into evidence?

13 A. Yes.

14 Q. And during the investigation there was, there  
15 was some mention by, I believe, the crime scene unit  
16 officer, Officer Smith, that a black baseball cap was  
17 recovered from the parking lot as well?

18 A. Yes.

19 Q. That y'all believed might have been dropped by  
20 one of the suspects, correct?

21 A. Yes.

22 Q. And that was tagged into evidence, correct?

23 A. Yes.

24 Q. And also during the investigation, either you  
25 or Officer Robles went out to the convenient store the

1 following day after the robbery and located, do you  
2 recall, a latex glove in the parking lot?

3 A. Yes.

4 Q. And that was believed possibly to have been  
5 dropped by one of the suspects?

6 A. We collected it. I didn't see it there the  
7 night of the incident. So, I believe that it showed up  
8 there afterwards; but we collected it just in case that  
9 it was.

10 Q. Okay. And as far as you know in this  
11 investigation, your investigation in this case,  
12 everything you know about it, no DNA linking Mr.  
13 Castillo to any of the ski masks?

14 MS. JOHNSON: I'm going to object to  
15 hearsay.

16 THE COURT: Sustained.

17 Q. (BY MR. ORTIZ) Are you aware of any DNA  
18 linking Mr. Castillo to this case?

19 MS. JOHNSON: Objection to hearsay.

20 THE COURT: Sustained, same.

21 MR. ORTIZ: Pass the witness, Judge.

22 **REDIRECT EXAMINATION**

23 BY MS. JOHNSON:

24 Q. Lieutenant Blain, since Mr. Ortiz asked about  
25 it, when you talked to Mr. Padron, he said that some of

1 the people that you ought to look at as suspects in this  
2 case are Ariel, correct?

3 A. Yes.

4 Q. And said you should look at Chapparo?

5 A. Yes.

6 Q. And he named some other people, right?

7 A. Yes.

8 Q. In your experience in homicide over the last  
9 10 years, is it unusual for people who are suspected of  
10 capital murder to try and pin the blame on somebody  
11 besides themselves?

12 A. No, it's not unusual.

13 Q. In fact, is it very common?

14 A. Yes.

15 Q. Now, when Mr. Ortiz was talking to you about  
16 the types of guns used at the robbery location, you  
17 indicated that we can tell that there's different types  
18 of guns being used, short guns and long guns, right?

19 A. Yes.

20 Q. When we're talking about a short gun, are we  
21 referring to what we would commonly think of as a  
22 handgun?

23 A. Yes.

24 Q. A handgun is typically held with how many of  
25 your hands?

1 A. One or sometimes you hold it with two, but a  
2 lot of times people hold it with one.

3 Q. So, it's what we normally think of as a pistol,  
4 right?

5 A. Yes.

6 Q. And sometimes people put another hand  
7 underneath the handle to stabilize it, right?

8 A. Yes.

9 Q. But you don't ever see a handgun being held  
10 like this, do you?

11 A. No.

12 Q. In fact, there's no place for two hands to grip  
13 the bottom of the handgun, is there?

14 A. No.

15 Q. If we look at State's Exhibit No. 1 again, I  
16 think this is the same thing we played just a moment  
17 ago.

18 (Publishing State's Exhibit No. 1.)

19 Q. (BY MS. JOHNSON) Actually, we can kind of see  
20 this guy in the blue mask up here appear to be holding  
21 something up. It's hard to see with the guy in front of  
22 him, though, right?

23 A. Correct.

24 Q. And he's got something in here again, right?

25 A. Yes.

1 Q. And we see he's got both of his hands right  
2 here, being held up next to each other, right?

3 A. Yes.

4 Q. Could that be a two-handed grip of a weapon?

5 A. No, if you -- well, it could be a two-handed  
6 grip like this, but not a two-handed grip for a pistol.

7 Q. Right. So, he's holding one hand directly in  
8 front of another like this, right?

9 A. Yes.

10 Q. And that is not the way that you hold a handgun  
11 or a pistol designed to be held with one hand, correct?

12 A. Correct.

13 Q. Did you ever see the weapons that were  
14 recovered from Edgar Padron's workplace?

15 A. Yes.

16 Q. Are you familiar with the Intratec 9-millimeter  
17 handgun that was recovered from that location?

18 A. Yes.

19 Q. And is it a pistol or a handgun that's designed  
20 to be held like this?

21 A. It's, it depends exactly how you describe it.  
22 It's sometimes called a pistol, but it's not designed to  
23 be held with one hand. It's designed -- it's longer  
24 than what you normally think of as a pistol but shorter  
25 than a rifle.



1 Q. In fact, doesn't it have a piece of equipment  
2 on the bottom of the gun so that you hold it like this?

3 A. Yes.

4 MS. JOHNSON: I'll pass the witness.

5 THE COURT: Anything else?

6 MR. ORTIZ: Yes, Judge, one thing.

7 **RECROSS-EXAMINATION**

8 BY MR. ORTIZ:

9 Q. Now, Lieutenant Blain, you've watched the  
10 surveillance video, correct?

11 A. Yes.

12 Q. I know the Prosecutor showed you toward the  
13 tail end of that video there, she paused where it looks  
14 like the person in the blue knit cap is at the counter,  
15 which she says, holding a rifle?

16 MS. JOHNSON: I object. That is not what I  
17 said.

18 THE COURT: Sustained.

19 Q. (BY MR. ORTIZ) Did it appear -- appear as  
20 though that she was indicating that that could be a  
21 position of hands that it could be a long rifle or  
22 something other than a handgun?

23 A. Yes.

24 Q. Is that kind of the insinuation you got from  
25 the -- interpretation you got from the question?

1 MS. JOHNSON: I'm going to object to that  
2 as argumentative.

3 THE COURT: Sustained, rephrase it.

4 Q. (BY MR. ORTIZ) So, the person with the blue  
5 knit cap, when they come up to the counter, and she  
6 paused that scene, do you believe in watching the video,  
7 the whole thing from all different angles, the person  
8 with that blue knit cap that had the khaki shorts on, is  
9 that person ever holding any type of rifle in their  
10 hands during the robbery?

11 A. Again, it depends on what you're defining  
12 versus a rifle, long gun, or handgun.

13 Q. And earlier I thought you testified to the  
14 ladies and gentlemen of the jury that one had a rifle, a  
15 long gun, the other two had handguns, pistols?

16 A. Yes.

17 Q. So, you're not saying that the person in the  
18 blue knit cap had something other than a pistol,  
19 correct?

20 A. What I'm saying is that the, what I refer to as  
21 a pistol could be what other people refer to as a long  
22 gun, that the Intratec 9, some people refer to that as a  
23 handgun, other people don't.

24 Q. So like the movie Dirty Harry when Clint  
25 Eastwood has that big ol' .357 Desert Eagle, that would

1 be a big gun or long gun in your opinion versus a  
2 handgun?

3 A. No, because of the way that it's held.

4 Q. I just want to make sure you're indicating one  
5 rifle and two handguns. Thank you.

6 MR. ORTIZ: Pass the witness, Judge.

7 MS. JOHNSON: No further questions.

8 THE COURT: You may stand down. We're  
9 going to take a short break. Ladies and gentlemen, if  
10 you would please go with the bailiff back to the jury  
11 room. This is just a restroom break.

12 MS. JOHNSON: Judge, may this witness be  
13 excused?

14 THE COURT: Any objection to this witness  
15 being excused?

16 MR. ORTIZ: That's fine subject to recall,  
17 Judge.

18 THE COURT: Then you are not excused. You  
19 remain on call.

20 Be seated in the courtroom, please.

21 (A recess was taken.)

22 (Open court, Defendant present.)

23 THE BAILIFF: All rise for the jury.

24 (Jury enters courtroom.)

25 THE COURT: Please be seated.

1 State, call your next witness.

2 MS. JOHNSON: State calls Officer Palatino.

3 THE COURT: Ladies and gentlemen, this  
4 witness has previously been sworn.

5 Proceed.

6 **APRIL PALATINO,**  
7 having been first duly sworn, testified as follows:

8 **DIRECT EXAMINATION**

9 BY MS. JOHNSON:

10 Q. Could you please introduce yourself to the  
11 jury?

12 A. My name is April Palatino.

13 Q. And how are you employed?

14 A. I work for the Houston Police Department in the  
15 crime scene unit.

16 Q. And can you tell us about the training and  
17 background you have to do that work?

18 A. I trained on the job for about four months with  
19 the crime scene unit with senior police officers already  
20 assigned to the unit, learning how to do the job every  
21 day side by side with them. In addition to that, I've  
22 had in excess of 400 hours of classroom training on  
23 various crime scene topics.

24 Q. And are you a licensed peace officer for the  
25 State of Texas?