

1 (Witness sworn.)

2 THE COURT: Let's proceed.

3 **EMILIO CASTANEDA,**

4 having been first duly sworn, testified as follows:

5 **DIRECT EXAMINATION**

6 **BY MR. MULDROW:**

7 Q. Can you introduce yourself to the ladies
8 and gentlemen of the jury?

9 A. My name is Emilio Castaneda.

10 Q. Can you spell your first name for the
11 record?

12 A. E-M-I-L-I-O, Castaneda,
13 C-A-S-T-A-N-E-D-A.

14 Q. And how are you employed?

15 A. I'm a Houston police officer.

16 Q. How long have you been with the Houston
17 Police Department?

18 A. I've been in the police department for
19 20 years.

20 Q. What division of the police department
21 are you currently assigned to?

22 A. I'm assigned to the Homicide Division.

23 Q. How long have you been with Homicide?

24 A. For about three years.

25 Q. What other divisions were you assigned

1 to before you went to Homicide?

2 A. I worked at East Side Division for
3 about -- Patrol for 13 years and also the Robbery
4 Division for about four years.

5 Q. And during that time, have you had
6 training as part of the academy and then on-the-job
7 training?

8 A. Yes.

9 Q. And as part of your three years in
10 Homicide, have you investigated many or few
11 homicides?

12 A. I've investigated a few homicides.

13 Q. Were you working with Officer Sosa on
14 May 26th, 2011?

15 A. Yes, I was.

16 Q. Were you on call that day?

17 A. Yes.

18 Q. And what does that mean?

19 A. To be on call is if a homicide occurs in
20 the middle of the night, they'll call us and we
21 would have to leave from our -- wherever we're at to
22 go to the scene.

23 Q. Did you receive a call that night about
24 a homicide?

25 A. Yes.

1 Q. Was it at 12909 Orleans?

2 A. Yes.

3 Q. Is that address in Harris County, Texas?

4 A. Yes, it is.

5 Q. When you arrived on the location, who
6 was there?

7 A. When I arrived at the location, the
8 primary, secondary units were there and the CSU
9 officer was also. Tompkins was there also.

10 Q. And were you able to locate any
11 witnesses?

12 A. Yes, they were in the front of the house
13 and I spoke to two of them.

14 Q. Okay. And who were they?

15 A. One of them was the middle son, Jesus,
16 and he kind of told me what had happened and I told
17 him that we'll speak to him later about what
18 happened inside the house.

19 Q. Did y'all have a suspect at that point
20 in the case?

21 A. Yes, he was in the officers' -- when I
22 spoke to the primary, secondary officers, they told
23 me he was in the patrol car. So I went to go see
24 where he was at in the car and he appeared that he
25 was sleeping at the time.

1 Q. When you and your partner arrive at the
2 scene of a homicide, what is your procedure that
3 y'all go through?

4 A. First thing is sort of assess the scene,
5 what's going on, what do we have there at the scene,
6 and we break the investigation into two parts. One
7 investigator's going to do the scene side and one is
8 going to do the witness side.

9 Q. And in this case, which side did you do?

10 A. I was going to do the scene side.

11 Q. Okay. What does doing the scene side
12 entail?

13 A. Basically describing what we have there
14 at the scene, everything that entails that part of
15 the investigation. So we had the victim inside the
16 house. We had the suspect was caught outside the
17 house. We had the witnesses give a description and
18 describe everything that was there at the scene.

19 Q. Can you describe the scene as you found
20 it on that day for the jury?

21 A. Yes. When we first arrived there, it
22 occurred at night. We went inside. Tompkins went
23 to show me inside where the victim was at; and as we
24 walked into the house, I could see that there was
25 blood on the tile. There was a hole in the

1 Sheetrock. We walked toward the back bedroom where
2 the victim was at, and we could see that she was
3 deceased there in the back bedroom.

4 Q. Can you describe the condition of the
5 bedroom?

6 A. You could tell that there was a struggle
7 there in the bedroom. The victim was laying on
8 the -- sitting on the floor with her back up against
9 the bed. There was just a large amount of blood on
10 the floor, a large amount of blood on the bed. You
11 could tell there was a lot of blood splatter against
12 the wall, against the back wall. It was a very
13 violent scene.

14 Q. What was the condition of the home as a
15 whole?

16 A. It seemed to be in -- just, like, a
17 normal home. It wasn't -- it was neat but, you
18 know, there was -- just, like, in a normal home. A
19 little bit of disarray but nothing compared to what
20 was we found in the back bedroom.

21 Q. As part of doing the scene, you did a
22 walk-through. What else did you do?

23 A. We also went to -- they had mentioned
24 that they -- the officers had arrested the defendant
25 in the backyard. So we went to go check that area

1 and there's a detached garage in the back of the
2 house where the door was open and we went to check
3 that area to see if there was any evidence about
4 what had happened inside the house.

5 Q. Did you find anything in the backyard in
6 that back garage area?

7 A. In the garage -- inside the garage,
8 there was sort of, like, a room inside the garage,
9 sort of like a bedroom. It had a T.V. It had a
10 stereo. Sort of like, you know, just its own
11 separate bedroom and, like, when we talked to the
12 family, they said that sometimes he would stay in
13 the back bedroom. And apparently that's where he
14 was coming from when the HFD and the police officers
15 had arrived.

16 Q. Okay. After you walked through the
17 backyard and the garage area, what did you do next?

18 A. Then we went back to the house and just
19 started to documenting -- well, we wanted to -- we
20 found out that the kids had moved over to the
21 neighbor's house and we learned that they had washed
22 their hands inside the house. So we were going to
23 deal with that issue later on. We just dealt with
24 documenting what we found inside the house.

25 Q. Okay. What in particular did you find

1 inside the house that you needed to document?

2 A. Obviously the victim. We noticed that
3 there was just -- she was just completely covered in
4 blood. A large amount of blood was coming from the
5 left side of her body. There was a large pooling of
6 blood to her right on the ground where apparently
7 she was resting on her right side. You could see
8 where there's impressions where the side of her face
9 was on the side of the floor.

10 We learned later on that her kids had
11 tried to pick her up, and so that's why there was a
12 pooling of blood on the carpet area.

13 Q. Did you locate the weapon that caused
14 those injuries?

15 A. Yes. Speaking to the officers, they --
16 the grandmother had said that she had taken the
17 weapons from the defendant; and to try to keep him
18 from getting -- having access again, she put them in
19 the drawer in the dresser.

20 Q. Did y'all locate the weapons in the
21 drawer in the dresser?

22 A. Yes.

23 Q. Other than documenting the body, the
24 condition of the body and locating the weapons, what
25 else did you find at the scene?

1 A. We also found -- one of the kids had
2 mentioned that he saw his father sharpening the
3 knife earlier that evening. So we thought that
4 there might be some evidence. So we found a
5 sharpener in the kitchen near the sink. And also
6 since this kid had mentioned that he was drinking a
7 lot, we found a bottle inside the trash can, an
8 empty bottle of tequila and also there was a glass
9 resting on the bumper on the vehicle inside the
10 garage.

11 Q. Was that knife sharpener out like it had
12 been recently used?

13 A. Yes, it was just on the counter.

14 Q. And there was -- you mentioned a tequila
15 bottle and a glass sitting on the truck bumper?

16 A. Yes.

17 Q. Was it like someone had been drinking
18 recently?

19 A. Yes.

20 Q. Did you locate anything else there at
21 the scene?

22 A. There was damage on the wall inside the
23 bedroom and we weren't sure if that was part of
24 the -- part of the violence or -- but there was some
25 holes punched in the Sheetrock inside the back

1 bedroom.

2 Q. Okay. About how much time did you spend
3 there at the scene?

4 A. We were there for about -- almost about
5 two and a half hours, three hours there.

6 Q. Did you have a chance to talk to the
7 children that were there and the mother of the
8 complainant while you were there at the scene?

9 A. Yes. We told them that we were going to
10 interview them away from there at the Homicide
11 Division so we could get their statements.

12 Q. Were they later interviewed at Homicide?

13 A. Yes.

14 Q. Were you the one who interviewed them?

15 A. I interviewed the children.

16 Q. Okay. And why was that?

17 A. Because the grandmother and the brother
18 spoke Spanish and Chuy speaks very good -- my
19 partner, Sosa, we call him Chuy -- speaks Spanish
20 very well and my Spanish is not as good as his and
21 the kids spoke English. So I spoke to the kids to
22 help him out.

23 Q. And when you spoke to the kids at
24 Homicide, had you completed the scene side of the
25 investigation?

1 A. Yes, we went to -- before we went back
2 to Homicide, we went back to HFD because we wanted
3 to speak to the fire fighters and apparently he had
4 made a statement to the fire fighters but when we
5 got there, the fire fighters were apparently on
6 another run. So we were going to meet with them
7 later. So from HFD we went to Travis.

8 Q. Were you later able to make contact with
9 the fire fighters --

10 A. Yes.

11 Q. -- and get a statement from them?

12 A. Yes. We got a statement from them, but
13 as we were talking to them, they had another call.
14 So they left, but we got the main -- the main
15 statement that -- from the fire fighter.

16 Q. Can you describe the process that you
17 went through as part of interviewing the children
18 that were taken from the scene to Homicide?

19 A. The uncle had transported -- had drove
20 the family over to Travis, and we had them in a
21 room. It's what was called the crying room. And
22 one by one we'll go ahead and interview them apart
23 from each other so that we can get a recorded
24 statement from each one.

25 Q. And is that statement recorded?

1 A. Yes.

2 Q. Audio and video recorded?

3 A. Yes.

4 Q. And did you take a statement from each
5 of the three of them on audio and video recording?

6 A. Yes.

7 Q. After you completed the scene side of
8 the investigation and taking the statement from each
9 of the three kids, what was the next step in your
10 investigation?

11 A. The next step was I was coordinating
12 with my partner about letting him know what the
13 children had told me, and he was telling me what he
14 was getting from the uncle and from the grandmother.

15 Q. Okay. How were y'all communicating that
16 back and forth?

17 A. Whenever he would come outside of the
18 room, I would just tell him -- give him a synopsis
19 of what happened on each interview.

20 Q. After the interviews were completed,
21 what was the next step that you took?

22 A. Sosa called and spoke with the District
23 Attorney's Office and let them know what evidence we
24 had from the statements we gathered from the
25 witnesses, and the District Attorney said we could

1 file the murder charges.

2 Q. And were murder charges filed at that
3 point?

4 A. Yes. My partner filed them.

5 Q. After charges were filed, was there any
6 more investigation that was done?

7 A. Yes. At that time I went to go -- there
8 was an autopsy done on the victim and so we needed
9 to get the cause and manner of death from the --
10 from the coroner, the medical examiner, and she
11 spoke to us and told us that the -- they told us
12 that the cause of death was homicide and the manner
13 of death was by -- I can't think of the word right
14 now, but by stabbing.

15 Q. As part of examining the scene and then
16 part of the autopsy, were you able to take a look at
17 the complainant, Alicia Gonzalez's, hands?

18 A. Yes.

19 Q. Are you familiar with the term
20 "defensive wounds"?

21 A. Yes.

22 Q. What does that mean?

23 A. Defensive wounds means that there are
24 cuts, scrapes, abrasions on the outside of the
25 hands, inside the hands when someone is trying to

1 defend themselves from the -- from a blunt force, a
2 gunshot, a knife, mostly like on the knuckles,
3 inside the -- inside the hands.

4 Q. Did Alicia Gonzalez have wounds
5 consistent with defensive wounds?

6 A. Yes.

7 Q. Have you seen wounds like that in other
8 cases?

9 A. Yes.

10 Q. And is that consistent with a person
11 trying to defend themselves or block some type of
12 object?

13 A. Yes.

14 MR. MULDROW: No further questions.

15 THE COURT: Mr. Decuir.

16 **CROSS-EXAMINATION**

17 **BY MR. DECUIR:**

18 Q. Officer Castaneda.

19 A. Yes, sir.

20 Q. You spoke to the grandmother?

21 A. I didn't speak to the grandmother. My
22 partner spoke to her.

23 Q. Well, in your report it says that you
24 looked into a -- you looked into a dresser drawer
25 that was partially opened?

1 A. Yes.

2 Q. And you saw two knives in there?

3 A. Yes.

4 Q. There was blood on one knife?

5 A. Yes. From what I could tell from the --
6 the drawer was partially open and you could tell
7 through the opening that there was blood on the
8 knife.

9 Q. Did anyone take those knives and try to
10 get fingerprints off of them?

11 A. At the scene, no.

12 Q. Do you know if they ever tried to get
13 fingerprints off the knives?

14 A. No. Just based on the information
15 gathered from the witnesses and from the
16 grandmother, we know that she grabbed the knives and
17 put them in there. She took them away from the
18 defendant and put them inside the drawer.

19 Q. Well, it says here that she told -- she
20 told you that she took one knife from the defendant
21 but she found the other knife laying on the bed?

22 A. That might have been -- that might have
23 occurred. I know -- like I said, there's many
24 people there and so I may not have recorded it in my
25 report but basically everybody was telling me that's

1 what her statement was.

2 Q. Okay. But nobody bothered to lift any
3 fingerprints or do anything with regard to the knife
4 that was on the bed?

5 A. No.

6 Q. What about the glass that you recovered
7 and the bottle -- the bottle of tequila? Did y'all
8 attempt to lift fingerprints from those items?

9 A. Not that I'm aware of.

10 Q. So you don't know who handled those
11 items?

12 A. From what we were told, the father was
13 the one that was drinking.

14 Q. But you were also told that there were
15 three other individuals who were there with the
16 father when he was drinking tequila?

17 A. Yes, but they weren't there when the --
18 when the incident occurred, when the stabbing
19 occurred.

20 Q. Did you ever determine who made the
21 holes in the Sheetrock walls of the living room and,
22 I think, the hallway and the bedroom?

23 A. Enrique said that his brother Franco
24 made the holes in the bedroom and that his uncle
25 made the holes that were in the living room and that

1 they did that out of anger, you know, because of
2 what had happened.

3 Q. You observed blood on the living room
4 tile floor?

5 A. Yes, sir.

6 Q. Did you take samples of blood drops to
7 see whose blood they were?

8 A. No, because the only blood that we could
9 see was the blood of the victim's.

10 Q. Okay.

11 A. We determined -- we determined that
12 might have been just transfer from one of the kids
13 that was trying to do CPR on their mom.

14 Q. But you didn't determine whose blood
15 that was?

16 A. I don't know. If -- I'm trying to
17 remember if Officer Tompkins had picked up a sample
18 of that blood. No.

19 Q. Okay. How far was the living room from
20 the bedroom where the crime occurred?

21 A. I would say probably about 20 to 30
22 feet.

23 Q. Well, is it unusual to have blood
24 transfer on the doorway trim from the living room
25 through the hallway area?

1 A. I'm not sure what you are trying to say.

2 Q. Well, wouldn't it be proper
3 investigation to take a sample of that blood to see
4 whose blood that was?

5 A. The majority of the blood at the scene
6 was the victim's blood. I mean, if you could see
7 how much blood was there at the scene, I mean, that
8 was -- I don't see anybody else that had any type of
9 injuries that was anywhere close to what the victim
10 had.

11 Q. Were either of the knives identified as
12 the knife that the defendant was seen sharpening
13 prior to him going into the house?

14 A. No, we didn't determine what knife he
15 was sharpening. Just one of the kids mentioned he
16 had saw his dad sharpening the knife.

17 Q. Well, was that knife sharpener on the
18 cabinet the same knife sharpener that his dad was
19 using outside?

20 A. I didn't ask -- the information I got
21 was from the kids and he said that he saw his father
22 sharpening the knife.

23 Q. But not necessarily the knife used in --
24 by the defendant in the stabbing and the knife
25 sharpener may have not even been that same knife

1 sharpened; is that correct?

2 A. Well, I can't determine that. I mean,
3 we were just going by what information we had at the
4 time.

5 Q. Did you find a knife outside?

6 A. Which knife are you talking about? The
7 one used in the murder?

8 Q. No, no. Did you find a knife outside
9 that had been sharpened?

10 A. No, no, I don't remember seeing a knife
11 outside.

12 Q. Now, where was the defendant when you
13 arrived at the scene?

14 A. He was in one of the patrol cars.

15 Q. And do you know from your own personal
16 knowledge where they found the defendant?

17 A. I was told by the patrol officers that
18 when HFD had arrived at the scene that the defendant
19 was in the back -- in the back driveway raising his
20 hands up in the air saying, "I'm so sorry. I'm
21 sorry. I'm sorry." And when he approached HFD,
22 that's when the police department came behind HFD
23 and took him into custody.

24 Q. He was told to lay on the ground by
25 somebody?

1 A. Yes.

2 Q. Either HFD or the police?

3 A. Well, I don't think the fire department
4 did that. The police department did according to
5 the officers that supplemented this.

6 Q. He wasn't coming out of the back door?

7 A. Well, he was coming -- he was in the
8 back driveway.

9 Q. Were there two driveways?

10 A. No, one large driveway coming from the
11 street, coming from the west side of the house and
12 it would curve to the detached garage, large metal
13 building in the back.

14 Q. Did you search that metal building?

15 A. It was a large building. It's not your
16 normal garage. It was, like, a large metal
17 building, like a metal shop. I mean, it had large
18 two-car doors and I didn't measure the garage, but
19 it's very large, several -- probably fit about four
20 or five vehicles inside that garage.

21 Q. Would y'all have -- y'all knew where the
22 murder weapon was and y'all don't bother to look out
23 and go through the garage and see if that --
24 possibly that knife and that sharpener that the
25 child saw him sharpening was located in the garage?

1 A. That would be kind of hard to do. I
2 mean, just like a garage has tools and jacks. It's
3 like trying to find, you know -- you had shelving
4 units, you had boxes, you had everything around
5 there. So it was like a garage.

6 MR. DECUIR: Pass the witness, Your
7 Honor.

8 THE COURT: Anything further?

9 MR. MULDROW: May I approach the
10 witness?

11 THE COURT: Yes.

12 **REDIRECT EXAMINATION**

13 **BY MR. MULDROW:**

14 Q. I'm going to show you what's been marked
15 as State's Exhibit No. 147. Is that a photograph of
16 the garage that was in the back?

17 A. Yes, it is.

18 Q. Does it fairly and accurately depict the
19 garage as you observed it on that day?

20 A. Yes.

21 MR. MULDROW: Your Honor, at this
22 time I'd offer State's Exhibit No. 147 into evidence
23 and tender to opposing counsel.

24 MR. DECUIR: No objection, Your
25 Honor.

1 THE COURT: It will be admitted.

2 (State's Exhibit No. 147 offered
3 and admitted.)

4 MR. MULDROW: I would ask
5 permission to publish it to the jury.

6 THE COURT: You can show it to
7 them.

8 (State's Exhibit No. 147
9 published.)

10 Q. (By Mr. Muldrow) Did you observe any
11 other knives in the bedroom?

12 A. I didn't see any knives in the bedroom.

13 Q. Did you observe any other knives other
14 than the kitchen in the residence?

15 A. There were knives in the kitchen; but,
16 you know, they weren't the ones that were used in
17 the crime.

18 MR. MULDROW: No further questions.

19 THE COURT: Anything further?

20 **RECROSS-EXAMINATION**

21 **BY MR. DECUIR:**

22 Q. The picture that was just introduced
23 into evidence shows a neat and orderly garage. It
24 would not have taken much to search it, would it?

25 A. It would have taken a while because

1 there's a lot of tools. There was a safe there that
2 had bottles inside there. You had the vehicles
3 parked in there. It had a vehicle that was jacked
4 up. He had tools underneath there. I mean, it
5 was -- it was just -- I wouldn't say it was
6 cluttered, but you could see it was -- it could very
7 easily -- someone could toss something into a box in
8 the top, I mean, but that was -- that was the
9 information that we obtained from the witnesses or
10 from the first officers and HFD.

11 Q. It would have just taken too much time
12 to search that?

13 A. No. We were just going by what
14 information we had at the time.

15 Q. Well, you had the information that he
16 was outside sharpening a knife?

17 A. Well, what the son -- from -- if I
18 remember, the son said that he saw his dad
19 sharpening the knife. Whether he was doing it
20 inside or outside, that wasn't clear. I didn't ask
21 him.

22 Q. Did the son tell you what time of day he
23 saw the father sharpening the knife or was it that
24 day or the day before?

25 A. It was earlier that evening.

1 MR. DECUIR: Pass the witness, Your
2 Honor.

3 THE COURT: All right. You may
4 stand down. Wait out in the hallway.

5 Call your next witness.

6 THE WITNESS: Thank you.

7 MR. MULDROW: At this time the
8 State calls Franco Gonzalez.

9 THE BAILIFF: This witness has not
10 been sworn.

11 THE COURT: Raise your right hand,
12 please.

13 (Witness sworn.)

14 THE COURT: All right. Let's
15 proceed.

16 **FRANCO GONZALEZ,**
17 having been first duly sworn, testified as follows:

18 **DIRECT EXAMINATION**

19 **BY MR. MULDROW:**

20 Q. Can you please state your name?

21 A. Franco Gonzalez.

22 Q. How old are you?

23 A. 16.

24 Q. Where do you live, Franco?

25 A. On Orleans, 12909 Orleans Street.