

1 **P U N I S H M E N T P R O C E E D I N G S**

2 **June 29, 2012**

3 (Open court, Defendant present.)

4 THE BAILIFF: Rise for the jury.

5 (Jury enters courtroom.)

6 THE COURT: Be seated, please.

7 Good morning.

8 JURORS: Good morning.

9 THE COURT: Are both sides ready to
10 proceed?

11 MS. ALLEN: State's ready, Your Honor.

12 MR. DAVIS: Defense is ready, Your Honor.

13 THE COURT: Ms. Gonzales, you may proceed.

14 MS. GONZALES: Thank you, Your Honor.

15 **CHRIS CEGIELSKI,**

16 having been previously sworn, testified as follows:

17 **CROSS-EXAMINATION**

18 BY MS. GONZALES:

19 Q. Good morning, Sergeant Cegielski.

20 A. Good morning, ma'am.

21 Q. My name is Monica Gonzales. I'm one of the
22 attorneys representing Mr. Flores.

23 A. Yes, ma'am.

24 Q. You testified yesterday that in 2010 that
25 Damian Flores was living at 4203 Dragonwick, correct?

1 A. Yes, ma'am, that's what I believe.

2 Q. 4203 is close to the Meritage Apartments in the
3 same general area, approximately about five miles; is
4 that correct?

5 A. Yes, ma'am, I'd probably agree with that
6 five miles.

7 Q. You saw the home at Dragonwick; is it a lavish
8 home?

9 A. It's a modest home.

10 Q. Would you say about \$80,000 in value?

11 A. That I don't know, maybe.

12 Q. Were you ever able to determine who was buying
13 that home?

14 A. No, ma'am, I never checked into that.

15 Q. Did you ever visit Ms. Stern at her Bellaire
16 home?

17 A. Yes, ma'am, I did.

18 Q. And would you say that's a million-dollar home
19 that she lived in?

20 A. That would be a guess, yes, ma'am.

21 Q. Were you aware that Ms. Stern claimed to have
22 been wearing \$140,000 worth of jewelry on May 5th, 2010?

23 A. I knew she had some jewelry. I don't know the
24 value.

25 Q. Were you ever aware that she claimed that

1 jewelry came up missing?

2 A. Yes, ma'am.

3 Q. Would you characterize the Sterns as
4 millionaires?

5 A. Yes, ma'am, I guess so.

6 Q. You testified yesterday that Mrs. Stern's
7 assailant demanded money, that he was attempting to rob
8 her; is that correct?

9 A. That was her statement to us that he asked or
10 demanded money.

11 Q. Did she ever tell you that her assailant shot
12 her after she honked her horn?

13 A. Yes, ma'am.

14 Q. If someone is being robbed at gunpoint, would
15 you advise them to give their money; or would you advise
16 them to scream and holler and honk?

17 MS. ALLEN: I object. It's irrelevant.

18 THE COURT: Sustained.

19 Q. (BY MS. GONZALES) According to Ms. Stern, she
20 didn't make any attempts to give the assailant her purse
21 or her jewelry; is that correct?

22 A. Yes, ma'am, that's correct.

23 Q. Did you ever consider that this could have been
24 a random robbery?

25 A. Yes, ma'am, I looked into that.

1 Q. The Meritage Apartments, would you consider
2 those relatively upscale apartments?

3 A. Yes, ma'am, I would.

4 Q. And even though there is a security gate,
5 they're pretty easy to access if you follow someone in?

6 A. Yes, ma'am, if you follow someone in.

7 Q. In your investigation were you able to track
8 information on cars that actually entered the garage
9 using a security card?

10 A. Not actual cars. We were able to talk to a few
11 people that -- each resident is given a security code.
12 However, the management didn't have all the security
13 codes necessarily identified as to who had those codes.

14 Q. Did you locate someone who had entered the
15 apartments around the time of the shooting?

16 A. Yes, ma'am, we talked to several different
17 residents.

18 Q. Did you locate anyone who was able to give you
19 information on seeing what happened that day?

20 A. No, ma'am.

21 Q. Were you able to speak to someone who had seen
22 any mysterious cars?

23 A. I wouldn't say mysterious cars.

24 Q. Did they describe to you what kind of car
25 they'd seen?

1 A. Yes, ma'am, one lady told us she had saw a dark
2 colored or green-colored car. I don't remember the
3 exact description.

4 Q. Were you able to develop any leads from that?

5 A. No, ma'am.

6 Q. You testified yesterday that you went to see
7 Ms. Stern in the hospital on both May 5th and May 6th;
8 is that correct?

9 A. Yes, ma'am.

10 Q. And you tape recorded which of those
11 conversations?

12 A. Both.

13 Q. And you produced a copy of that recording to
14 the Prosecutor; is that correct?

15 A. Yes, ma'am.

16 Q. In all your initial conversations there in the
17 hospital with her, was she telling you that Tino had
18 shot her?

19 A. Yes, ma'am.

20 Q. And when you interviewed people at Citgo gas
21 station, did the people at the Citgo gas station as well
22 tell you that she said Tino had shot her?

23 A. Yes, ma'am.

24 Q. And at some point she indicated to you that she
25 was 99 percent sure that Faustino Posada was her

1 assailant?

2 A. Tino, yes, ma'am.

3 Q. You were able to find out that Tino was
4 actually named Faustino Posada, correct?

5 A. Yes, ma'am.

6 Q. And you went out and investigated him, correct?

7 A. Yes, ma'am.

8 Q. And through your investigation you were able to
9 determine that Mr. Posada was not the man that had shot
10 her?

11 A. Yes, ma'am, that's correct.

12 Q. Now, if Faustino Posada did not have an alibi,
13 and Ms. Stern was 99 percent sure that he was the one
14 that shot her, could you have called in and gotten
15 charges against Mr. Posada at that point?

16 MS. ALLEN: Object to relevance.

17 THE COURT: Sustained.

18 Q. (BY MS. GONZALES) Is it fair to say now that
19 she was very wrong in her identification of Mr. Posada?

20 A. A hundred percent wrong.

21 Q. She gets other things wrong as well, like what
22 color and the type of shirt her assailant was wearing,
23 doesn't she?

24 MS. ALLEN: I object.

25 THE COURT: Sustained.

1 MS. GONZALES: I'll rephrase that.

2 Q. (BY MS. GONZALES) At one point did she tell
3 you that her assailant was wearing a white T-shirt?

4 A. I believe so.

5 Q. And at another point did she tell you that her
6 assailant was wearing a black T-shirt?

7 A. Yes, ma'am.

8 Q. Did she ever tell you that her assailant was
9 wearing a turtleneck?

10 A. No, ma'am.

11 Q. In all the times that you spoke to Ms. Stern,
12 did she ever mention her assailant having any tattoos?

13 A. No, ma'am.

14 Q. When you arrested Mr. Flores, he had tattoos on
15 his fingers, correct?

16 A. Yes, ma'am.

17 Q. And he had tattoos on his neck as well?

18 A. I believe so.

19 Q. You showed Mrs. Stern the video of this vehicle
20 at the Citgo station, correct?

21 A. Yes, ma'am.

22 Q. And you asked Ms. Stern if any of those cars
23 were the cars that the guy shot her left in; is that
24 correct?

25 A. Yes, ma'am. I asked her if any of them looked

1 like the car.

2 Q. And she said, no, I don't recognize that car,
3 correct?

4 A. Yes, correct.

5 Q. You showed her still photos as well?

6 A. Yes, ma'am.

7 Q. And she didn't recognize any of the cars in
8 those still photos as well?

9 A. No, ma'am, she did not.

10 Q. When she initially told you the color of the
11 vehicle, she described it as a bright yellow or muted
12 yellow; is that correct?

13 A. No, she never really could give us a -- she
14 said it was yellow. She couldn't describe the color.
15 It wasn't canary yellow, meaning bright. It wasn't
16 necessary gold. She couldn't describe the color, but
17 she said it had a yellow tint to it or a yellow look to
18 it.

19 Q. Did she also tell you it had a custom paint
20 job?

21 A. I think she mentioned that one time that it
22 could have been custom.

23 Q. Did she also at one point say it could have
24 been a red car?

25 A. Yes, ma'am.

1 Q. Would you agree with me that the person who
2 witnesses an event is in a better position to say
3 whether a car was involved than someone who wasn't
4 there, like yourself?

5 A. Can you ask that again?

6 Q. Well, I'll rephrase it a little. Would you
7 agree with me that Mrs. Stern was in a better position
8 than any of us to say what car it was that the assailant
9 left in?

10 A. I don't know if that's necessarily true.

11 Q. Well, were any of us there when this took
12 place?

13 A. No, ma'am.

14 Q. When Mrs. Stern describes her assailant to you,
15 she says he's approximately 35 to 37 years old, correct?

16 A. Yes, ma'am.

17 Q. If you recall, Damian Flores was only about
18 26 years old in 2010; is that correct?

19 A. I believe so, yes, ma'am.

20 Q. When Mrs. Stern was in the garage waiting for
21 her assailant to leave, she told you that she waited for
22 him to clear the gate, correct?

23 A. She said she waited for him to get through the
24 gate. I didn't ask her further, whether the gate closed
25 behind him or how long she waited particularly. I don't

1 know if she really knew.

2 Q. Did she also tell you that the gate takes
3 forever to open?

4 A. Yes, ma'am.

5 Q. Did she tell you that she started her car only
6 after he left?

7 A. I don't recall.

8 Q. When you turned right onto Braeswood from
9 Meritage Apartments, there is a side street before you
10 get to the feeder; is that correct?

11 A. Yes, ma'am.

12 Q. That side street is Meyer Park Drive, correct?

13 A. I'm not sure. I don't remember.

14 Q. But you have notice that there is a side
15 street?

16 A. Yes, ma'am, there is a side street.

17 Q. And if you took that side street, would it
18 eventually lead you back to the freeway?

19 A. Yes, ma'am.

20 Q. So, if you wanted to avoid lights or if you
21 wanted to avoid attention in any way, you could have
22 taken the side street after leaving the Meritage
23 Apartments, correct?

24 A. You could.

25 Q. And you didn't find any surveillance camera

1 footage for that area, did you?

2 A. No, ma'am.

3 Q. If she had watched her assailant go through the
4 gate before turning on her vehicle, she would have
5 possibly had to wait for the gate to open by the time
6 she got to the gate?

7 MS. ALLEN: Object to speculative.

8 THE COURT: Sustained.

9 Q. (BY MS. GONZALES) Braeswood is a busy street,
10 isn't it, during the day?

11 A. I don't know, ma'am. Fairly, I guess, it can
12 be.

13 Q. Well, you can see from the Citgo surveillance
14 that there were several cars on Braeswood?

15 A. It's got active traffic, I would say.

16 Q. What color would you describe the vehicle
17 that's in the surveillance?

18 A. I have a problem with describing that color
19 myself. Kind of a gold or soft gold maybe, in between
20 the tan and the gold.

21 Q. And would you say that's a common color for
22 cars?

23 A. No, ma'am.

24 Q. Well, in the city of 2 million people, you
25 would imagine that there are several cars that color in

1 the city?

2 A. Of that make maybe, but --

3 Q. In fact, in the surveillance at Citgo, there's
4 two cars that are very similar; is that correct?

5 A. Yes, ma'am, there are.

6 Q. During your investigation of the May 5th
7 shooting, you developed leads that led you to assailants
8 that have been convicted for other acts against Ms.
9 Stern, correct?

10 A. Yes, ma'am.

11 Q. And we've already established that Mr. Flores
12 was not involved in the April 15th, 2010, shooting,
13 correct?

14 A. That's correct.

15 MS. GONZALES: Your Honor, may I approach
16 the witness?

17 THE COURT: You may.

18 Q. (BY MS. GONZALES) I'd like to show you what
19 I've marked as Defendant's Exhibit 1. Do you recognize
20 this individual?

21 A. Yes, ma'am.

22 Q. And who is this individual in this picture?

23 A. That's Richard Gutierrez.

24 Q. And was Richard Gutierrez convicted April 15th,
25 2010, for his part in trying to have Ms. Stern killed?

1 A. He was convicted for that, yes, ma'am.

2 MS. GONZALES: Your Honor --

3 Q. (BY MS. GONZALES) Does it fairly and
4 accurately depict him as he looked in 2010?

5 A. No, ma'am.

6 Q. What's different about him?

7 A. He had, at the time I spoke with him, he had
8 his hair in braids; and I think it was a little bit
9 longer. It's hard to tell because I didn't see the
10 back.

11 Q. When did you speak to him?

12 A. June of 2010, I believe.

13 Q. Okay. At some point --

14 A. Or end of May.

15 Q. At some point did he ever look like this to
16 you?

17 A. I don't remember seeing him without his hair in
18 braids in the interviews I did. I could be wrong.

19 Q. Have you seen this picture of him?

20 A. Yes, ma'am, it's a driver's license picture.

21 Q. Okay.

22 MS. GONZALES: Your Honor, I'd like to show
23 this --

24 THE COURT: First, you need to offer it
25 into evidence.

1 MS. GONZALES: I'm sorry. I'd like to show
2 this to opposing Counsel and offer it into evidence.

3 (Defense Exhibit No. 1 offered.)

4 MS. ALLEN: She has shown it to me before.
5 I object because it's irrelevant because we don't have
6 any testimony that he looked like that at or near the
7 time of the offense.

8 THE COURT: Your objection is sustained.

9 Q. (BY MS. GONZALES) Is Richard Gutierrez a
10 Hispanic male?

11 A. Yes, ma'am, he is.

12 Q. Is he, was he in his 30s in 2010?

13 A. I don't remember his age. I could refer to my
14 report and tell you.

15 Q. Okay.

16 A. You want me to?

17 Q. Yes, please.

18 A. 32.

19 Q. Did you at any time place Richard Gutierrez in
20 a lineup for Mrs. Stern to identify?

21 A. No, ma'am.

22 Q. Can you describe the type of glasses that you
23 used in the lineup conducted with Mr. Flores?

24 A. Yes, ma'am. They're just cheap sunglasses,
25 silver framed, mirror tint. I bought them from, I

1 think, Walgreens.

2 Q. How large were they?

3 A. Just average-sized aviator style.

4 Q. And you purchased those, not Mrs. Stern?

5 A. Yes, ma'am, I did.

6 Q. So they're not the same glasses that were worn
7 by the person that shot her?

8 A. No, ma'am, they're not.

9 Q. Now, were they large-framed glasses?

10 A. No, ma'am. They were fairly simple, basic
11 sunglasses.

12 Q. How much of the face would you say they
13 covered?

14 A. Like the old-styled sunglasses.

15 Q. From what you remember Richard Gutierrez
16 looking like, do you think that he looks like Damian
17 Flores in any way?

18 A. Slightly, maybe.

19 Q. Do a lot of Hispanic males have short hair?
20 Is this a style that's common among Hispanic males?

21 A. Yes, ma'am.

22 Q. Did you also develop a lead on a gentleman by
23 the name of Juan Machado?

24 A. I wouldn't say a lead. His name had been
25 mentioned.

1 Q. And who mentioned his name to you?

2 A. A man named Braulio Lopez.

3 Q. At the time was Juan Machado a Hispanic male,
4 5 feet 5, possibly 35 to 36 years old?

5 A. Yes, ma'am.

6 Q. Did you ever follow up on that lead?

7 A. Yeah, going back to the age, we researched Juan
8 Machado, never located him.

9 Q. Did you ever find a picture of Juan Machado?

10 A. We found a picture of a Juan Machado. I don't
11 know if it's the same one that Braulio was speaking
12 about.

13 Q. Did you ever show that picture to anyone?

14 A. No, ma'am.

15 Q. Did you ever have information that Juan Machado
16 had been contacted about doing a hit through Braulio
17 Lopez?

18 MS. ALLEN: I object. It's hearsay.

19 THE COURT: Sustained.

20 Q. (BY MS. GONZALES) Did you also develop the
21 name Roy Ramos?

22 A. Yes, ma'am.

23 Q. Did you pull a picture of Roy Ramos?

24 A. Yes, I did.

25 Q. Did you put him in a lineup with anybody?

1 A. No, ma'am.

2 Q. Did you ever make that picture of Roy Ramos
3 available to the Prosecution or the Defense?

4 A. I don't recall.

5 Q. Did you ever show Ms. Stern a picture of Roy
6 Ramos?

7 A. No, ma'am.

8 Q. During your visitation of the May 5th, 2010,
9 shooting, you developed and made, I'm sorry, I take it
10 back. I'm going to refer to June 7th, 2010, at that
11 time -- and June 8th, 2010, at that time you had
12 developed leads on a woman by the name of Michelle
13 Gaiser; is that correct?

14 A. Yes, ma'am.

15 Q. And Richard Gutierrez cooperated with you in
16 attempting to speak to Michelle Gaiser, did he not?

17 A. He is how we found the lead.

18 Q. And did y'all manage to secretly record
19 Michelle Gaiser?

20 A. Yes, ma'am.

21 Q. And during those conversations with Michelle
22 Gaiser and Richard Gutierrez, they actually discussed --

23 MS. ALLEN: Your Honor, I object. It's
24 hearsay.

25 THE COURT: Sustained.

1 Q. (BY MS. GONZALES) During the conversations did
2 the name Damian Flores ever come up?

3 A. No, ma'am.

4 Q. And June 6th, 7th and June 8th was
5 approximately a month after Ms. Stern had been shot,
6 right?

7 A. Yes, ma'am.

8 Q. So, those same two people, Richard Gutierrez
9 and Michelle Gaiser, were linked to the April 15th
10 shooting, correct?

11 A. Yes, ma'am.

12 MS. GONZALES: I'll pass the witness.

13 THE COURT: All right. Is there anything
14 further?

15 MS. ALLEN: Yes, Your Honor.

16 THE COURT: All right.

17 MS. ALLEN: At this time I would offer
18 State's Exhibit 91 and State's Exhibit No. 112 into
19 evidence.

20 (State's Exhibit Nos. 91 and 112 offered.)

21 MS. GONZALES: I'm sorry. I've had
22 opportunity to review them, Your Honor, and I have no
23 objections.

24 THE COURT: All right. State's Exhibit 91
25 and 112 are admitted without objection.

1 (State's Exhibit Nos. 91 and 112 admitted.)

2 MS. ALLEN: And permission to publish 112
3 to the jury?

4 THE COURT: Granted.

5 (Publishing State's Exhibit 112.)

6 **REDIRECT EXAMINATION**

7 BY MS. ALLEN:

8 Q. And, Sergeant Cegielski, is this the redacted
9 portion of the video surveillance that you recovered
10 from the Citgo on the corner of Braeswood and the West
11 Loop?

12 A. I believe it is, yes, ma'am.

13 Q. And is the vehicle that is pulling behind the
14 bus the vehicle you believe was described by Ms. Stern?

15 A. Yes, ma'am.

16 Q. And is the black vehicle that just drove
17 through the picture the vehicle driven by Ms. Stern?

18 A. Yes, ma'am.

19 Q. And is the activity that was on the, that the
20 kind of gold-colored vehicle took, was that what Ms.
21 Stern described the vehicle that was being driven by her
22 shooter as doing?

23 A. Yes, ma'am.

24 Q. I don't think I asked you yesterday, what was
25 the exact address of the Dragonwick location?

1 A. It's 4203 Dragonwick.

2 Q. Now, back in May of 2010, you had the
3 opportunity to interview or see Faustino Posada and
4 interview him through an interpreter; is that correct?

5 A. Yes, ma'am.

6 Q. And is he here today?

7 A. He may be.

8 Q. Has his appearance changed from 2010 until now?

9 A. He looks older to me than he did then.

10 Q. Back when you saw him in May of 2010, and then
11 you saw Mr. Flores, the Defendant, in August of 2010,
12 how would you describe their resemblance?

13 A. They resembled each other.

14 Q. Now, Ms. Gonzales asked you about people or
15 describing cars. Has it been your experience that some
16 people are just bad with cars?

17 A. Yes, ma'am.

18 Q. Clearly when Ms. Stern identified Faustino
19 Posada, you did more than just take her identification
20 at face value; is that correct?

21 A. Yes, ma'am.

22 Q. And is it your job not only to investigate to
23 prove that somebody did commit an offense equally as
24 much if we need to prove that --

25 MS. GONZALES: Objection, Your Honor,

1 relevance.

2 THE COURT: Overruled.

3 Q. (BY MS. ALLEN) To prove that they didn't
4 commit an offense?

5 A. Yes, ma'am, that's correct.

6 Q. And when you were led to Richard Gutierrez and
7 you first interviewed him, did he cooperate with you?

8 A. Yes, ma'am.

9 Q. And, in fact, his cooperation led to Michelle
10 Gaiser and everybody else?

11 A. The whole case.

12 Q. And you talked, you never were able to locate a
13 Juan Machado?

14 A. No, ma'am.

15 Q. And were you ever able to question Michelle
16 Gaiser about whether or not Juan was involved?

17 A. Yes, ma'am.

18 Q. Was -- did she --

19 MS. GONZALES: Objection, Your Honor,
20 hearsay.

21 THE COURT: Sustained.

22 Q. (BY MS. ALLEN) Now, you talk about Roy Ramos.

23 A. Yes, ma'am.

24 Q. Did you have an opportunity to interview Roy
25 Ramos?

1 A. Yes, ma'am.

2 Q. Was there any particular physical trait of Roy
3 Ramos that led you to conclude that he was not the
4 person who shot Yvonne Stern?

5 A. Yes, ma'am.

6 Q. And what was that?

7 A. He has a speech impediment, stutter, very
8 severe.

9 Q. So, could he have said what she said he said?

10 A. No, ma'am. He could have, but it would have
11 taken some time.

12 MS. ALLEN: May I approach the witness,
13 Your Honor?

14 THE COURT: You may.

15 Q. (BY MS. ALLEN) I'd like to show you what I've
16 marked as State's Exhibit 109. Is this an accurate
17 aerial photograph as far as you know regarding the
18 street layout around the Meritage Apartments?

19 A. Yes, ma'am.

20 MS. ALLEN: Your Honor, at this time I'll
21 tender State's Exhibit 109 to Defense counsel and ask
22 that it be admitted into evidence.

23 (State's Exhibit No. 109 offered.)

24 MS. GONZALES: No objection, Your Honor.

25 THE COURT: State's Exhibit No. 109 is

1 admitted without objection.

2 (State's Exhibit No. 109 admitted.)

3 Q. (BY MS. ALLEN) And is this layout as shown in
4 State's 109 accurate of what Yvonne said happened or the
5 track taken by the shooter in the case? Let's me re-ask
6 that question better. When she said that the shooter
7 took a left and went onto the feeder road of 610, is
8 that accurate that he did, could have done that?

9 A. Yes, ma'am.

10 Q. And when you went to the Dragonwick location,
11 is it consistent if something was going -- if someone
12 was going from the Meritage Apartments to the Dragonwick
13 location that they would go west on Braeswood and then
14 turn left and go south on the loop?

15 A. Yes, ma'am, that would be a direct route, I
16 would think.

17 Q. Yesterday, approximately what time did you get
18 here?

19 A. 11:00 a.m., 10:30 maybe.

20 Q. And were you here until we adjourned at 5:30?

21 A. Yes, ma'am.

22 Q. What did you do after that?

23 A. I went back to work.

24 Q. And what time did you get off work?

25 A. 4:00 this morning.

1 Q. So, you're a little tired today?

2 A. Yes, ma'am.

3 Q. Your demeanor is a little different on the
4 stand?

5 A. I apologize.

6 Q. I just wanted them to know why.

7 Thank you.

8 MS. ALLEN: I have no further questions,
9 Your Honor.

10 THE COURT: All right. Is there anything
11 further?

12 **RECROSS-EXAMINATION**

13 BY MS. GONZALES:

14 Q. Just one more question. I'm having trouble
15 with your name.

16 A. Most people do.

17 Q. I'll call you Sergeant?

18 A. That's fine.

19 Q. Sergeant, did Michelle Gaiser tell you that
20 Richie and Richie was the only one that she'd ever tried
21 to perform a hit with?

22 A. At the time I interviewed her, yes, ma'am. I
23 think that was her words.

24 MS. GONZALES: I have no further questions.

25 THE COURT: All right. May Sergeant

1 Cegielski be excused to go home and get some sleep?

2 MS. ALLEN: I just have one question.

3 THE COURT: All right, one question.

4 **FURTHER REDIRECT EXAMINATION**

5 BY MS. ALLEN:

6 Q. After August of 2010, have you had
7 conversations with Michelle Gaiser where she told you
8 that Damian Flores --

9 MS. GONZALES: Object, Your Honor, hearsay.

10 A. Yes, ma'am.

11 MS. ALLEN: No further questions.

12 THE COURT: All right. Thank you,

13 Sergeant. You may be excused.

14 Call your next witness.

15 MS. ALLEN: Your Honor, my next witness is
16 Faustino Posada. And I've asked the coordinator to get
17 the interpreter.

18 THE COURT: I believe he was here. If
19 you-all want to stand up between witnesses, you're more
20 than free to do that, more than welcome to do that.
21 That's perfectly fine. I probably should have told you
22 that yesterday afternoon.

23 MS. ALLEN: He has not been sworn.

24 THE COURT: All right.

25 And, ladies and gentlemen, our interpreter,