

1 Mr. Cornelius, did you wish to make an opening
2 statement?

3 MR. CORNELIUS: I don't. I'm going to go
4 straight to testimony.

5 THE COURT: All right. Call your first
6 witness.

7 MR. CORNELIUS: Eli Cisneros. I also don't
8 mind, if the dentist gets here, interrupting my case and let
9 him testify and then resume my case.

10 THE COURT: I'm not going to interrupt -- I
11 appreciate that. I'm not going to interrupt one of your
12 witnesses but whenever he gets here, he can be the next
13 witness, I suppose.

14 MR. CORNELIUS: That'd be great.

15 THE COURT: Since there was a little confusion
16 about that. Thank you so much for letting us do that.

17 Back up here, Sergeant. Great. Thank you.

18 Mr. Cornelius, whenever you're ready, you may
19 proceed.

20 **ELI CISNEROS,**
21 having been first duly sworn, testified as follows:

22 **DIRECT EXAMINATION**

23 Q. (BY MR. CORNELIUS) State your name to the jury,
24 please.

25 A. Eli Cisneros.

1 Q. And you're the same Eli Cisneros that testified
2 yesterday in this same trial, correct?

3 A. Yes, I am.

4 Q. A few questions. Going back to your investigation
5 at the scene at the time that the remains were found, you
6 talked with some people, you said, out there that you
7 thought were part of the homeless people that lived in the
8 woods, correct?

9 A. That's correct.

10 Q. And from them --

11 A. Well, let me -- I'm sorry. Let me clarify that. I
12 thought they were homeless individuals but not necessarily
13 individuals that lived in that area.

14 Q. Okay. All right. You don't know who lived in the
15 area, right?

16 A. That's correct.

17 Q. Nobody knows even if anybody lived there or it was
18 just a place where obviously people -- obviously people
19 congregated there but I guess no one's found out who
20 actually lived there.

21 A. That's correct.

22 Q. But these people that you talked to, I think you
23 called them panhandlers. Did you call them that or --

24 A. I didn't call them panhandlers. I said that they
25 were panhandling out there.

1 Q. Panhandling. They were panhandling.

2 A. Yes.

3 Q. Okay. And from them you found out information
4 about Linda, right?

5 A. I found out that a Linda was missing from the area.

6 Q. Okay. You found that out from these people?

7 A. Yes.

8 Q. Okay. I just want to go straight to the statement.

9 A. Okay.

10 Q. That you took from my client. My understanding is
11 somebody brought -- some other police officer brought him to
12 you; is that true?

13 A. That's correct.

14 Q. And you met with him shortly after he got there,
15 correct?

16 A. That's correct.

17 Q. Do you know what the time frame would be from the
18 time he was taken into custody and brought to you?

19 A. I don't have an exact time frame.

20 Q. There's actually no report ever been written on
21 that, is there?

22 A. From the time frame that he was arrested till the
23 time he was brought to --

24 Q. Yeah.

25 A. No.

1 Q. So, we don't know -- we wouldn't be able to tell,
2 based on that time frame, when his last opportunity to have
3 alcohol or drugs would be, right?

4 A. That's correct.

5 Q. What is your estimate as to the longest period of
6 time that could be, based on everything you know? I mean,
7 could it have been -- he wasn't, like, in custody a day or
8 two before you got to talk to him, right?

9 A. No.

10 Q. It all happened the same day, correct?

11 A. That's correct.

12 Q. Can you give us a ballpark of how long it was?

13 A. Sure, yeah. At around 4:40 on the same day he was
14 brought to me was when I actually received the phone call
15 and he was brought to me shortly after that.

16 Q. Okay. All right. And I've forgotten what the time
17 was but --

18 A. 4:40.

19 Q. And you started talking to him at what time?

20 A. I don't think I have the time listed here but of
21 course it was on the video.

22 Q. 5:21, isn't it?

23 A. Yeah, I think that's around the ballpark of what
24 the time was.

25 Q. So, maybe 40 minutes? And maybe your notification

1 that he was on his way to you and your time to talk to him
2 is maybe 40 minutes?

3 A. Somewhere around there.

4 Q. Somewhere around there?

5 A. Uh-huh.

6 Q. In your 19 years and three months in the police
7 department and all the experience that you have, chronic
8 alcoholics and drug addicts don't get sober in 40 minutes,
9 do they?

10 A. No. I don't think anyone does.

11 Q. All right. Now, tell us about your training that
12 you've had with respect to learning how to interrogate
13 suspects.

14 A. I've received -- well, I've attended various
15 classes in interview and interrogation. Is there something
16 specific that you're asking about, that training?

17 Q. Well, let's just stick with that for a second. How
18 many classes, roughly, have you been to?

19 A. About four.

20 Q. Four. When you say "a class," is that just part of
21 an overall training session or a whole training session on
22 interrogation?

23 A. A whole training session on interrogations.

24 Q. Okay. How long would that training session
25 typically be?

1 A. Some of them were one-day classes. Some of them
2 were three-day.

3 Q. Okay. In addition to that training, have you
4 observed other seasoned investigators interrogate suspects?

5 A. Yes.

6 Q. Okay. On few or many occasions?

7 A. Many.

8 Q. And in your experience, can you give us sort of an
9 estimate as to how many suspects -- I'm not just talking
10 about witnesses or individuals but actual suspects you
11 personally interrogated.

12 A. It's probably well over a hundred.

13 Q. Okay. So, you got a lot of experience at that?

14 A. I do.

15 Q. And some of the people that you've interrogated,
16 are some of them smart?

17 A. Yes.

18 Q. And are sometimes they not very smart at all?

19 A. That's a hard thing to say when you're defining
20 smart.

21 Q. Intelligent. Are some of them intelligent and some
22 of them are not very intelligent?

23 A. Sometimes.

24 Q. The ones that have had a drug history or alcohol
25 history, pretty rare that they're going to be very

1 intelligent, isn't it?

2 A. That's not true.

3 Q. Sometimes they can be intelligent?

4 A. Yes, sir.

5 Q. Just making really, really poor decisions?

6 A. Yes, sir.

7 Q. All right. That chronic history doesn't improve
8 their intelligence, though, does it?

9 A. No, it does not.

10 Q. Okay. Now, when you talk to these people, is it
11 permissible for you to tell them the truth?

12 A. Yes.

13 Q. I mean, you can be completely honest with them if
14 you want to be, right?

15 A. Yes.

16 Q. And you're not trained to not be honest with them,
17 right?

18 A. No.

19 Q. They don't train you and say, don't ever be honest
20 with these people you're interviewing.

21 A. That's correct.

22 Q. But you don't have to be honest with them if you
23 don't want to.

24 A. That is correct, too.

25 Q. So, but when you make a decision to tell them

1 something that's a lie, that's a decision you make.

2 A. Yes.

3 Q. You told a lot of lies to this defendant, didn't
4 you?

5 A. A lot of lies, no, I did not.

6 Q. Okay. Now, another thing: Who determines when the
7 recording equipment is turned on?

8 A. The person who is doing the interview.

9 Q. Okay. And in this case that'd be you?

10 A. That would be me.

11 Q. Now, the recording stuff works all the time, right?
12 I mean, it didn't just work when you want it to work. It
13 will work even when you don't want it to work. You just
14 have to turn it on?

15 A. Just have to turn it on.

16 Q. If you wanted the jury to see every part of it, of
17 your interaction with the defendant, you could just turn it
18 on before you interact with the defendant, right?

19 A. Yes.

20 Q. But you didn't do that in this case, did you?

21 A. No, I did not.

22 Q. So, we're never going to see what happened when you
23 first started talking to him, are we?

24 A. You're not.

25 Q. Now, when you first started talking to him, did you

1 lead him to believe that you were going to help him?

2 A. No.

3 Q. You didn't?

4 A. No.

5 Q. Well, what did you say to the jury yesterday when
6 you were asked that question, based on the defendant saying,
7 You told me you were going to help me?

8 A. Okay. What I explained was is that when I
9 initially went in, that the position that they saw him in,
10 which was hunched over, hands on his knees, he was already
11 beginning to whimper and cry. What I did was I explained to
12 him -- he said he was scared and I told him, listen, what
13 I'm going to do is I'm going to talk to you about this case,
14 Linda Hartsough, and what I need you to do is be honest with
15 me and relax and I'll help you through the process, meaning
16 the process of being interviewed. That's what I said.

17 Q. You will help him to nail himself if you possibly
18 can is really what you were thinking, right?

19 A. No.

20 Q. No? You weren't trying to get a confession out of
21 him, I take it?

22 A. I was trying to get to the truth.

23 Q. Sure. Now, you didn't mind, though, that he
24 interpreted that to be you were going to be his friend and
25 help him.

1 A. That's not what my intentions were and I don't know
2 how he took that.

3 Q. Your intentions were not to appear to befriend him
4 and to be helpful to him?

5 A. It was to be helpful.

6 Q. Helpful by getting him to confess to murder?

7 A. No, helpful as to getting him through the process
8 of being interviewed.

9 Q. And if that's all exactly the way it was, why
10 wouldn't you have recorded that?

11 A. When I --

12 Q. I mean, if that's what you really said to him and
13 what you were really doing, why wouldn't you want the jury
14 to see that? I mean, why wouldn't it be recorded?

15 A. It's not that I didn't want anyone to see anything.
16 It's that when I went in initially, it was to introduce
17 myself, make introductions and to let him know why he was
18 there in the homicide office.

19 Q. And to try to get him to trust you and tell you
20 things about this?

21 A. No.

22 Q. Okay. Well, I noticed that -- you have your report
23 there?

24 A. I do.

25 Q. Turn to page 2.044.

1 A. I'm on it.

2 Q. You're on it? What do you call that? You put a
3 bold heading on your first initial encounter with him. You
4 called it what?

5 A. Rapport building.

6 Q. Rapport building.

7 A. That's correct.

8 Q. So, what does that mean to you?

9 A. That means to me that, as I mentioned, I went in
10 there to make introductions. As I said yesterday, is to
11 allow the person the opportunity to meet me, to make him
12 comfortable speaking with me.

13 Q. Uh-huh. And to build rapport.

14 A. Well, that is building rapport, sir.

15 Q. Well, you could have just gone in and -- you went
16 in on the recorded interview and told him your name and why
17 you were there, correct?

18 A. That's for the official documentation of the
19 interview itself.

20 Q. Okay. So, if that's what you did beforehand, you
21 might as well have turned it on and done that from the
22 get-go.

23 A. Well, everybody has a process in how they do
24 things. This is how I do it.

25 Q. Okay. All right. When you said to him, Maybe this

1 was an accident, you didn't think it was an accident, did
2 you?

3 A. No, I did not.

4 Q. That was a absolute lie, wasn't it?

5 A. A lie?

6 Q. Yeah.

7 A. Well, I guess -- okay.

8 Q. You were leading him to believe that you thought it
9 was an accident.

10 A. Yes.

11 Q. Trying to get him to agree with you that it was an
12 accident?

13 A. Yes.

14 Q. Right?

15 A. Yes.

16 Q. And that was an absolute lie. You didn't think
17 that at all.

18 A. No, I did not.

19 Q. The reason you didn't think that is because there
20 was a crack in -- a severed hyoid bone that goes in the
21 neck, right?

22 A. No, not at that point.

23 Q. Okay. You didn't know that yet?

24 A. I did not know that yet.

25 Q. You know, this -- well, I'll come back to it. When

1 you suggested to him all this business about maybe it just
2 got a little rough, some women like rough sex and you
3 started telling him, giving him an avenue to talk about
4 this, you didn't believe that either, did you?

5 A. No.

6 Q. That was a lie also?

7 A. Yes.

8 Q. Just trying to get him to adopt that, right?

9 A. Trying to get him to adopt it?

10 Q. That's what he did, isn't it?

11 A. Well, I'm trying to answer your question. I'm not
12 following what you're asking.

13 Q. Well, when you went into that, right after you went
14 into that, then he said it was an accident.

15 A. At some point, yes.

16 Q. Okay. Well, so, he adopted that, didn't he?

17 A. Yes.

18 Q. Okay. Now, I don't know if it's true or not, you
19 know; I'm not indicating I know what happened because you
20 know I don't know what happened. But the truth is you don't
21 know either because you weren't there and I wasn't there.

22 A. I know after the interview, I know what happened.

23 Q. I know what happened in the interview, too, at
24 least the part that was recorded.

25 A. We're talking about after the interview. I know

1 what happened after the interview.

2 Q. Okay. Well, in the interview, speaking of the
3 interview, you're the one that suggested that this was an
4 accident, right? Right?

5 A. That is correct.

6 Q. You're the one that suggested it was rough sex,
7 right?

8 A. Yes.

9 Q. You're the one that suggested he put his hand on
10 her neck, right?

11 A. Yes.

12 Q. He didn't suggest that. You did.

13 A. That's correct.

14 Q. Do you know what a leading question is?

15 A. Yes.

16 Q. Okay. Is that a question where the lawyer says --
17 he wants to find out what color shirt somebody -- and he
18 said -- he had on a red shirt. That's a leading question,
19 isn't it?

20 A. Yes.

21 Q. And when the witness says, yeah, he had on a red
22 shirt, you don't really know if the witness knew he had on a
23 red shirt or the witness is just agreeing with you, right?

24 A. I disagree with that.

25 Q. Okay. Well, let me phrase it the other way. Do

1 you know that the reason that's not permissible on direct
2 examination is because it states the answer in the question
3 and the proper way is to say, What color shirt did he have
4 on?

5 A. Right.

6 Q. And then you find out if the witness actually knew
7 what color shirt he had on?

8 A. Right, that's correct.

9 Q. But if you tell him what color it is, you don't
10 know for sure if they knew, right?

11 A. I see what you're saying.

12 Q. So, when you're interrogating a suspect, not that
13 you can't -- I know you can ask leading questions. I know
14 you can do it exactly the way you did it, okay? But you
15 don't have to do it that way.

16 A. You don't have to but sometimes it leads to them
17 answering things such as the three minutes he offered
18 without being asked.

19 Q. I'm sure it leads to things. I'm sure it does.
20 But if you had him volunteer these things, don't you think
21 it would have a lot more credibility?

22 A. It does in this case right here with the three
23 minutes that he offered on his own.

24 Q. When you said -- well, three -- do you think a
25 crackhead knows how long three minutes -- you think that

1 means something? He's a crackhead, right?

2 MS. FULLER: Objection to argumentative, Your
3 Honor.

4 THE COURT: Sustained.

5 Q. (BY MR. CORNELIUS) Do you think he was timing
6 things out there and he would know how long three minutes
7 is?

8 MS. FULLER: Objection to argumentative, Your
9 Honor.

10 THE COURT: Maybe you can rephrase your
11 question.

12 Q. (BY MR. CORNELIUS) Then when you told him, I don't
13 think you're a bad guy, how many times did you tell him
14 that?

15 A. Probably a lot.

16 Q. And that's not true, either. You'd have to tell
17 the jury that was a lie, right?

18 A. That I don't think he's a good guy? No, I don't
19 think he's a good guy.

20 Q. Okay. And when you said you knew it wasn't
21 intentional, that's a lie, too.

22 A. Yes.

23 Q. I don't know if it's intentional or not but you
24 don't think it was. I mean, you do think it was
25 intentional, right?

1 A. Yes, yes, I do.

2 Q. So, when you told him that, you were trying to
3 deceive him into thinking you thought he was a good guy and
4 he really wasn't guilty of doing anything wrong. Why didn't
5 he just come on and admit that he had his hand on her
6 throat, right? That's why you said that?

7 A. As an interview technique, yes.

8 Q. You got a little bit out of hand, didn't you, is
9 what you said to him.

10 A. Yes.

11 Q. And that's not what you really thought.

12 A. No.

13 Q. That's a interview technique, okay. That's true,
14 but when you've got somebody in the room that's a crackhead,
15 don't you think that your so-called confession would have a
16 lot more meat to it if you let them explain what happened
17 rather than you telling them?

18 MS. FULLER: Objection to argumentative, Your
19 Honor.

20 THE COURT: Overruled.

21 A. When you have someone that's lying throughout an
22 interview, it forces you to ask questions that you're
23 referring to and at some point it will lead to them offering
24 up something, which, in this case, was the three minutes
25 that he held his hand around her neck.

1 Q. (BY MR. CORNELIUS) Uh-huh. So, you're the judge
2 and jury here. You know he's lying.

3 MS. FULLER: Objection, argumentative.

4 Q. (BY MR. CORNELIUS) Right?

5 THE COURT: Sustained.

6 MR. CORNELIUS: Well, actually he's arguing
7 with me. I'm just responding. That was a nonanswer he
8 gave.

9 THE COURT: Then you make an objection to that
10 but let's just ask him questions.

11 MR. CORNELIUS: I want to give him free rein,
12 Judge, but I would like to be able to respond to his
13 answers.

14 THE COURT: Ask your next question,
15 Mr. Cornelius.

16 Q. (BY MR. CORNELIUS) Then you told him, You had your
17 hand over her neck because some of them, some women like it
18 rough, right?

19 A. Yes.

20 Q. You said, Maybe it got out of hand. You're not a
21 bad guy. It just got a little out of hand. You had your
22 hand over her neck. Some women like it rough. You said all
23 that, right?

24 A. Yes.

25 Q. And then he adopted that, immediately says, It just

1 got out of hand. I had my neck -- had my hand a little over
2 her neck. Those were his words. He just adopted what you
3 said, didn't he?

4 A. He agreed.

5 Q. He agreed. That's okay. He agreed with what you
6 said.

7 A. Yes.

8 Q. And then he said, Just got a little crazy. It was
9 just a second and then he said, About three minutes, didn't
10 he? Didn't he first say, It was just a second; then he
11 said, About three minutes.

12 A. He said that, then he clarified. When I asked,
13 Well, how long?

14 Q. Uh-huh. And do you think that he actually knows
15 the difference between a second and three minutes when he
16 was talking to you in that room, crying and the shape he was
17 in?

18 A. I think he did.

19 Q. And then he says, You tricked me into saying
20 something that I didn't do, didn't he? Didn't he say that?
21 He said, You tricked me into saying something I didn't do.
22 He said that to you, didn't he?

23 A. Yes.

24 Q. You said you were going to help me. That's what he
25 said, right?

1 A. Yes.

2 Q. Now, on direct yesterday you said that what you
3 were doing is suggesting a theme, right?

4 A. Yes.

5 Q. And the theme is what you conclude the truth to be,
6 right?

7 A. Yes.

8 Q. Even though you weren't there.

9 A. That's correct.

10 Q. Okay. Even though -- not even the medical examiner
11 can testify that this woman was strangled. You know she was
12 strangled but the medical examiner doesn't. Is that what
13 you're telling the jury?

14 MS. FULLER: Objection, Your Honor,
15 speculation.

16 THE COURT: Sustained.

17 Q. (BY MR. CORNELIUS) Do you know she was strangled?

18 A. I'm sorry.

19 Q. Do you know she was strangled?

20 A. Yes.

21 Q. How do you know?

22 A. Because of the interview I conducted with your
23 client.

24 Q. Okay. So, you know she was strangled?

25 A. Yes.

1 Q. Even though the medical examiner cannot prove she
2 was strangled, you know she was strangled.

3 MS. FULLER: Objection, Your Honor, that is a
4 misstatement of what has been presented in this and it calls
5 for speculation with this witness.

6 THE COURT: Overruled.

7 A. Yes, I do know.

8 Q. (BY MR. CORNELIUS) Okay. Do you ever make a
9 mistake?

10 MS. FULLER: Objection to relevance.

11 THE COURT: Sustained.

12 Q. (BY MR. CORNELIUS) No DNA, right?

13 A. No DNA.

14 Q. No fingerprints?

15 A. No.

16 Q. No fibers?

17 A. No.

18 Q. No hair?

19 A. No.

20 Q. Nothing. You've got nothing other than that
21 interview, right?

22 A. That's correct.

23 Q. Not even a medical examiner's testimony to prove
24 the cause of death?

25 MS. FULLER: Objection, Your Honor, he has no

1 idea what the witnesses have testified to in this case.

2 *THE COURT:* Sustained.

3 *Q.* (*BY MR. CORNELIUS*) Well, excuse me. Have you not
4 read the autopsy report?

5 *A.* No.

6 *Q.* You've never read the autopsy report?

7 *A.* I did not read the autopsy report.

8 *MR. CORNELIUS:* Pass the witness.

9 *MS. FULLER:* Nothing further, Your Honor.

10 *THE COURT:* May this witness be excused?

11 *MR. CORNELIUS:* Yes.

12 *MS. FULLER:* Yes.

13 *THE COURT:* Is that okay? On call? Of
14 course, if you need him back, we'll get him back.

15 All right. Thank you, Sergeant. You're free
16 to go.

17 *MR. CORNELIUS:* We're going to rest at this
18 time and wait for the rest of the State's case.

19 *THE COURT:* Okay.

20 *MS. FULLER:* Can I have a few minutes to see
21 if he is here?

22 *THE COURT:* Yeah, you want to just check and
23 see if he's here and we'll figure out what to do? If not,
24 we'll just take a break.

25 (*Brief pause.*)

1 MS. FULLER: He's not.

2 THE COURT: Ladies and gentlemen, why don't I
3 have you step in the jury room. As soon as the witness gets
4 here, we'll bring you back.

5 *(Jury not present.)*

6 *(Recess.)*

7 *(Jury present.)*

8 THE COURT: All right. And State, back to
9 you. Please call your next witness.

10 MS. FULLER: State calls Dr. Paul Stimson.

11 THE COURT: Come on back up, Doctor. If you
12 would, come around here, please. If you would, please raise
13 your right hand to take the oath.

14 *(Witness sworn.)*

15 THE COURT: If you would, have your seat. And
16 if you would, please state and spell your name for my court
17 reporter.

18 THE WITNESS: My name is Dr. Paul G. Stimson,
19 S-T-I-M-S-O-N.

20 THE COURT: You may proceed.

21 MS. FULLER: Thank you, Your Honor.

22 **PAUL G. STIMSON,**
23 having been first duly sworn, testified as follows:

24 **DIRECT EXAMINATION**

25 Q. (BY MS. FULLER) Good afternoon, Dr. Stimson.