

1 A. I'm referring --

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

4 *THE COURT:* All right. Sustained. Ask the
5 question. Let's answer it.

6 *MR. CORNELIUS:* I'd like to play the video
7 over.

8 *THE COURT:* Go right ahead. Mr. Cornelius, do
9 you need to stop and start it or are we going to run it
10 straight through?

11 *MR. CORNELIUS:* No, we're going to run it
12 straight through.

13 *THE COURT:* I just wanted to make sure you
14 didn't need to work that out, stopping and starting it.

15 *MR. CORNELIUS:* Okay.

16 *(State's Exhibit No. 98, the videotaped
17 statement of the defendant, was played.)*

18 *THE COURT:* Mr. Cornelius, before you start,
19 let's go ahead and break for lunch.

20 *MR. CORNELIUS:* Yes, ma'am.

21 *THE COURT:* Since it's 12:30. Ladies and
22 gentlemen, if y'all will step in the jury room, the bailiff
23 will be with you in just a few moments to take you to lunch.

24 *(Jury not present.)*

25 *(Lunch recess.)*

1 *(Jury present.)*

2 *THE COURT:* We're waiting on Sergeant
3 Cisneros. He ran outside very quickly.

4 *(Brief pause.)*

5 *THE COURT:* Sergeant, right back up here.
6 Sorry about that. The bailiff didn't realize I let you run
7 outside.

8 *THE WITNESS:* That's okay.

9 *THE BAILIFF:* Blame the bailiff.

10 *THE COURT:* He's too good. That's right.
11 All right. And Mr. Cornelius, you may
12 proceed.

13 *Q. (BY MR. CORNELIUS)* Sergeant Cisneros, before we
14 broke for lunch, you had told the jury that you thought you
15 told the defendant when you interviewed him two lies. Now
16 that you watched the video, how many lies do you think you
17 told him?

18 A. I don't know.

19 *Q.* Pretty hard to count them, wouldn't it be?

20 A. What's that?

21 *Q.* It would be pretty hard to count them, wouldn't it?

22 A. Right. Just to clarify when you asked how many, I
23 actually took -- misinterpreted that and was counting each
24 individually as an -- not in one particular lie how many
25 times but I didn't know you were asking the total number.

1 Q. Okay. Well, maybe the question was confusing.
2 Yesterday you told the jury that during the rapport part of
3 your interview you told the defendant what you wanted to
4 talk to him about.

5 A. Yes.

6 Q. And I noticed in your report you were even more
7 specific and said that you told him that you were
8 investigating the death of Linda Hartsough, right?

9 A. Yes.

10 Q. Okay. So, when he's sitting in that room, he knows
11 that's what you're going to come talk to him about.

12 A. Yes.

13 Q. Now, how did you phrase that since we don't have a
14 video of what you actually said? How did you phrase that to
15 him?

16 A. I don't remember my exact words but I'm here --
17 when I told him what he was going to be investigated --
18 well, talked to about, rather. Said this is in regards to
19 Linda Hartsough.

20 Q. Okay. Even that and what you've already talked
21 about wouldn't take five to ten minutes. So, what else did
22 you say to him?

23 A. Well, I took that time to, like I said, try and
24 make attempts to bring down his anxiety level.

25 Q. Okay. At the end of the -- right when you turned

1 off the tape, remember when you turned off the tape?

2 A. Yes.

3 Q. The last thing that we could hear was the defendant
4 saying, You said you were going to help me and he said about
5 three words after that and then it was turned off. Did he
6 say, If I said, and then it was turned off?

7 A. I don't know what he said.

8 Q. You didn't tell him what to say, though, did you?

9 A. No, I did not.

10 Q. You just suggested everything you wanted him to
11 say, right?

12 A. No.

13 Q. Okay. Well, the word "convulsing," for example,
14 that was your word, right? He never used the word
15 "convulsing"?

16 A. No, I believe he did.

17 Q. Okay. All right. I guess I didn't know for sure
18 because I couldn't understand what all he was saying. But
19 convulsing could mean a lot of different things. I mean,
20 you think everybody knows exactly what convulsing is?

21 A. That's a hard question to answer. I'm not --

22 Q. When you use the word "convulsing," are you using
23 it in a medical standpoint or just your common understanding
24 of what that might mean?

25 A. My common understanding.

1 Q. Kicking legs, something like that?

2 A. Yes.

3 Q. Shaking?

4 A. Yes.

5 Q. Well, let's go through some of the things that you
6 introduced. You're the one who introduced that this was
7 probably an accident, right?

8 A. Yes.

9 Q. You introduced this may have just gotten a little
10 rough?

11 A. Yes.

12 Q. You've introduced there was nothing done on
13 purpose.

14 A. I don't believe I said nothing done on purpose.

15 Q. Okay. Well, it's on the tape.

16 A. Okay.

17 Q. If the jury wants to hear it again, they can play
18 it back.

19 A. Okay. That could be.

20 Q. He never said that, though, right?

21 A. No.

22 Q. He never said I did something but it wasn't on
23 purpose?

24 A. Right.

25 Q. Okay. And again, you suggested maybe it was just

1 rough, correct?

2 A. Yes.

3 Q. You suggested that his hand was on her neck, right?

4 A. Yes.

5 Q. You suggested that he got out of hand, correct?

6 A. Yes.

7 Q. You suggested he was not a killer or that wouldn't
8 make him a killer, right?

9 A. Yes.

10 Q. You suggested again that it got out of hand?

11 A. Yes.

12 Q. Correct? You suggested that he wasn't a bad guy.
13 Several times you suggested that.

14 A. Yes.

15 Q. And wanted to be very clear on that, didn't you?

16 A. Yes.

17 Q. Again, you suggested it got out of hand, correct?

18 A. Yes.

19 Q. You suggested it was not intentional, correct?

20 A. Yes.

21 Q. And you suggested several times that you had
22 evidence, which I'll come back to that, right?

23 A. Yes.

24 Q. You suggested he didn't mean to do it, right?

25 A. Yes.

1 Q. Again, you talked about your evidence. Then you,
2 again, said or suggested to him he had his hand on her neck,
3 right?

4 A. Yes.

5 Q. You suggested that maybe that some women like it
6 rough, right?

7 A. Yes.

8 Q. You suggested again that he had a hand on the neck.

9 A. Yes.

10 Q. And then he said, Well, just a little. Remember
11 that?

12 A. Yes.

13 Q. And then you started talking about your evidence
14 again, what strong evidence you have to prove that's not
15 true, right?

16 A. Yes.

17 Q. And then you suggested that it just got a little
18 crazy?

19 A. Actually that was him that said that, not I.

20 Q. Okay. Well, maybe you're right. You're the one
21 that said he's not being believable. He needs to say it the
22 way you're suggesting; that would be believable, but what he
23 was saying was not believable. You said that, right?

24 A. Not in those words.

25 Q. You said it's not believable what he's saying,

1 right?

2 A. Yes.

3 Q. Now, you don't have any other evidence, do you?

4 A. No.

5 Q. There is no other evidence in this case?

6 A. No.

7 Q. So, whatever you told him about what all evidence
8 that you've got really doesn't exist.

9 A. That's correct.

10 Q. There's no witnesses, there are no fingerprints,
11 there's not a knife, not a gun, not a rope, there's no DNA
12 of any kind of anybody, not the victim's DNA or Mr. Juarez's
13 DNA, right?

14 A. That's right.

15 Q. And you're thinking that the identification in this
16 case or you're told is by dental records, correct?

17 A. That's correct.

18 Q. Not by DNA.

19 A. That's correct.

20 Q. Now, did you hear him clearly say on the tape the
21 second time that you heard it -- I don't know, you probably
22 heard it many times, haven't you?

23 A. Not the -- about three.

24 Q. You tricked me into saying something I didn't do.
25 Those were his words, right?

1 A. Yes.

2 Q. Did you have him take you, physically take you or
3 show you where this occurred?

4 A. No.

5 Q. Okay. And I didn't see you show him any -- any
6 photographs of the area where this allegedly occurred,
7 correct?

8 A. That's correct.

9 Q. So, he didn't identify any photographs.

10 A. That's right.

11 Q. Also didn't hear anything about a homeless camp.
12 He didn't say anything about a homeless camp and you didn't
13 say anything about a homeless camp, right?

14 A. That's correct.

15 Q. And how did he describe the area? Bushes?

16 A. An area by the feeder is what I remember.

17 Q. Okay. Because there's a lot of overgrown area in
18 that -- out there in that area, general area, isn't there?

19 A. Actually there's not. I recall just that corner
20 area. A lot of it is --

21 Q. Well, just --

22 A. A lot of it is neighborhood.

23 Q. Just in that one corner, though, there's a lot
24 of -- it's a pretty large, overgrown area, right?

25 A. It is.

1 Q. And you're saying there's no other wooded area or
2 overgrown area at all other than the one we've seen on the
3 photographs?

4 A. No, not saying that.

5 Q. Because I think we can see more on the photographs.

6 A. Right. Just in that immediate area along the
7 feeder I guess is what I'm referring to.

8 Q. So, you really never had the defendant or gave him
9 an opportunity to tell you really where this happened,
10 right?

11 A. Right.

12 MR. CORNELIUS: I'll pass the witness.

13 THE COURT: Ms. Fuller?

14 MS. FULLER: One moment, please, Your Honor.

15 Nothing further, Your Honor.

16 THE COURT: May this witness be excused on
17 call?

18 MR. CORNELIUS: Yes, Your Honor.

19 MS. FULLER: Yes, Your Honor.

20 THE COURT: Thank you, Sergeant. You are free
21 to go. Please don't discuss your testimony with anyone else
22 because the Rule has been invoked.

23 THE WITNESS: Yes, ma'am.

24 THE COURT: And please call your next witness.

25 MS. FULLER: State calls Dr. Stimson.