

1 THE WITNESS: Okay.

2 THE COURT: Call your next witness, please.

3 MS. FULLER: Sergeant Cisneros.

4 THE COURT: Right up here, please, Sergeant.

5 Have your seat, please, sir.

6 Ladies and gentlemen, this witness has already
7 been sworn.

8 You may proceed.

9 MS. FULLER: May I approach the witness, Your
10 Honor?

11 THE COURT: You may.

12 MS. FULLER: Just need to get my -- excuse me.

13 **ELI CISNEROS,**

14 having been first duly sworn, testified as follows:

15 **DIRECT EXAMINATION**

16 Q. (BY MS. FULLER) Would you please state your name
17 for the record?

18 A. My name is Eli Cisneros.

19 Q. And who are you employed by?

20 A. Houston Police Department.

21 Q. How long have you been with the Houston Police
22 Department?

23 A. 19 years and 3 months.

24 Q. All right. In your 19 years with the police
25 department, can you kind of start from the beginning and

1 tell us what kind of jobs you've had?

2 A. Sure. I started out patrolling various parts of
3 Houston, worked the north side, the northeast side,
4 southeast side. From there I promoted to sergeant back
5 in '06 and I did a year as a patrol sergeant on the east end
6 of Houston and from there went to the homicide division.

7 Q. Okay. And how long have you been with homicide?

8 A. For about four and a half years.

9 Q. Do you receive any special type of training when
10 you go to homicide?

11 A. Go to various types of schools, some of which
12 include your basic dead-man courses, interviewing,
13 interrogation schools, things like that.

14 Q. Okay. And before you became a police officer, what
15 did you do?

16 A. I was in the Marine Corps.

17 Q. How long were you there?

18 A. Four years. I did four years in the Marine Corps
19 and got out and joined the police department almost right
20 away.

21 Q. I want to turn your attention to a case that you
22 worked off of 6100 Frisco, back in June of 2010. Were you
23 called out to that scene?

24 A. Yes, I was.

25 Q. And that location is in Harris County, Texas?

1 A. Yes, it is.

2 Q. Do you recall the day that you were called out to
3 the scene?

4 A. It was Friday, June 25th of 2010.

5 Q. When you got to the scene, can you tell us --
6 describe to the jury what you saw.

7 A. Sure. By the time I got there, the area was a
8 small grassy area along the feeder of 610 and Frisco. The
9 area was already taped off and within the little grassy area
10 was a small -- what appeared to be like a homeless type camp
11 littered with trash, bottles, beer bottles, cans, things of
12 that nature. And within that grassy area were the remains,
13 skeletal remains of the victim.

14 Q. Okay. When you got out there, were there quite a
15 few other officers or units out on the scene?

16 A. Yes.

17 Q. Did you notice any people, bystanders, watching?

18 A. Outside the area of the crime scene tape, there
19 were some spectators that were out there.

20 Q. Okay. Do you recall approximately what time of the
21 day it was that you were out there?

22 A. I arrived out there at about 7:40 PM.

23 Q. Okay. So, when you arrive on the scene, what is
24 the first thing that you do?

25 A. First thing I did was I met with the reportee in

1 this case, and that is the individual who reported walking
2 up upon the remains.

3 Q. Uh-huh.

4 A. And I took a audiotape interview with him inside my
5 car.

6 Q. Okay. And did you determine at that point whether
7 or not he had anything to do with the case?

8 A. Yes, I did, and he did not.

9 Q. Okay. After you spoke with that witness, I believe
10 Kenneth Davis?

11 A. Yes.

12 Q. Okay. After you spoke with Kenneth Davis, what did
13 you do next?

14 A. At that point I conducted a walk-through through
15 the area. I wanted to kind of get a visual for myself to
16 see exactly what was going on within the little wooded area
17 that was corded off.

18 Q. Did you do the walk-through with anyone, with the
19 CSU officer or did you do that by yourself?

20 A. I did that by myself.

21 Q. After the walk-through, what did you do?

22 A. Well, after the walk-through, I came to the opinion
23 that this area was probably going to be a location that was
24 frequented by the homeless community. As I walked out near
25 the service road of 610, in the distance, near a U-turn

1 underneath the freeway, I saw two individuals who were --
2 appeared to be panhandling in that area and I instructed a
3 couple of patrol officers to go over there and inform them
4 that I wanted to speak to them and he did so.

5 Q. Okay. Did you -- without saying what they said,
6 did you speak with those individuals?

7 A. Yes, I did.

8 Q. And did they give you information that was useful
9 in your investigation?

10 A. Yes, they did.

11 Q. Okay. What did you do next?

12 A. From that interview right there that I conducted, I
13 was able to determine that there was a female from the area
14 by the name of Linda who was missing. I was also able to
15 determine that a missing persons flier had been posted at a
16 nearby Shell gas station, which was right there at Irvington
17 and 610, and I drove to that location in search of that
18 flier.

19 MS. FULLER: May I approach the witness?

20 THE COURT: You may.

21 Q. (BY MS. FULLER) Let me show you what's been marked
22 as State's Exhibits 99 through 104. Would you take a look
23 at those, tell me if you recognize them.

24 A. Yes, I do.

25 Q. Okay. State's Exhibits 99 through 103, what are we

1 looking at here?

2 A. We're looking at the Shell gas station, the Chevron
3 gas station, the Amigo Food Mart and the intersection of
4 Irvington at Reid Road.

5 Q. Okay. Are those a fair and accurate depiction of
6 the area near the scene where the remains were found?

7 A. Yes.

8 Q. Okay. And State's Exhibit 104, what is that?

9 A. This is a map of the area, general area.

10 Q. Okay. And is that a fair and accurate depiction of
11 the map?

12 A. Yes, it is.

13 Q. Of the area?

14 A. Yes.

15 Q. Is it drawn to scale?

16 A. It appears to be.

17 Q. Would that aid the jury in understanding the area
18 that you were at?

19 A. Yes.

20 *MS. FULLER:* Your Honor, at this time State
21 moves to admit State's Exhibits 99 through 104 and tenders
22 to defense counsel for inspection.

23 *MR. CORNELIUS:* No objection, Judge.

24 *THE COURT:* 99 through 104 will be admitted.

25 *MS. FULLER:* May I publish, Your Honor?

1 THE COURT: You may.

2 Q. (BY MS. FULLER) All right. So, you said the first
3 place that you went to was the Shell gas station?

4 A. Yes.

5 Q. And this is State's Exhibit 99. Tell us again the
6 intersection that this is located at?

7 A. Irvington at 610.

8 Q. Okay. So, you go to the Shell gas station because
9 you think that a flier's been posted.

10 A. Yes.

11 Q. Okay. Do you find the flier when you go to that
12 Shell station?

13 A. No. I met with the store clerk and learned that
14 the flier had been thrown away a week prior to me actually
15 going and checking.

16 Q. Okay. When you were at that Shell gas station, did
17 you notice if there were any camera equipment in the parking
18 lot, any video equipment?

19 A. There was some cameras -- actually, no, there was
20 not. There was no cameras in the Shell gas station.

21 Q. Okay. What did you do after you visited the Shell
22 station?

23 A. I learned that there was a second location on
24 Kelley, at 920 Kelley, that supposedly Linda had frequented
25 at some point; so, I went to that location.

1 Q. Okay. Were you able to meet with anybody there?

2 A. It was a gentleman in the driveway, he was walking
3 up; and so I approached him, introduced myself and asked him
4 if Linda -- if he knew Linda, a female by the name of Linda
5 and he said that he did not.

6 MR. CORNELIUS: Objection to the hearsay,
7 Judge.

8 THE COURT: Sustained.

9 Q. (BY MS. FULLER) At that point did you meet anybody
10 at that location who knew Linda?

11 A. Yes, I did.

12 Q. Okay. And what was the name of the person that you
13 met there that did, in fact, know Linda?

14 A. Ronnie Gomez.

15 Q. Okay. And did they give you information about
16 where Linda lived?

17 MR. CORNELIUS: Well, that's just pure
18 hearsay, Judge.

19 THE COURT: Just yes or no.

20 A. No.

21 Q. (BY MS. FULLER) Okay. So, what did you do next?

22 A. I left a business card with Ronnie and I asked when
23 the home owner returned home if he would give her my
24 business card and asked her to call -- asked her to call me.

25 Q. As your investigation proceeded, did you determine

1 where this missing person named Linda lived?

2 A. Later in the investigation, I did.

3 Q. Okay. And where was the location that she lived?

4 A. That was 507 Kelley.

5 Q. Okay. Now, backing back up, after you got down at
6 920 Kelley Street, where did you go next?

7 A. I received a phone call from Roger -- an individual
8 by the name of Roger Rowland and he -- well, I learned that
9 this was the husband of the female, Linda, who I was looking
10 for.

11 Q. Who was missing?

12 A. Yes.

13 Q. Okay. At this point did you meet with Roger?

14 A. I did.

15 Q. Where did you meet with Roger at?

16 A. At the Shell gas station at the intersection of
17 Irvington and 610.

18 Q. Where we're looking in State's Exhibit 99?

19 A. Yes.

20 Q. Okay. At that point did you also obtain a
21 statement from Roger?

22 A. I did.

23 Q. And did you get any information or did you get any
24 evidence, collect any evidence from Roger at that point?

25 A. I did later, after the interview.

1 Q. Okay. And what did you collect?

2 A. Back at his house I collected Linda's toothbrush.

3 Q. Okay. And while you were investigating at that
4 point did you also learn the location of Linda's dentist?

5 A. Yes.

6 Q. Now, after you met with Roger, what did you do
7 next?

8 A. I actually ran the name that I learned during that
9 investigation, which was Ruben Escobedo Juarez and I pulled
10 a photograph in the system and I actually presented that
11 photograph to Roger, just to ensure that we were talking
12 about the same individual.

13 Q. You pulled a photograph -- I'm sorry -- of Ruben
14 Escobedo Juarez?

15 A. Yes.

16 Q. And showed that to Roger?

17 A. Yes.

18 Q. And Roger was able to identify him as the person he
19 was talking about?

20 A. Yes.

21 Q. Okay. Once you got -- what did you do next in your
22 investigation?

23 A. From that point I took Roger home back to his house
24 and dropped him off. That's where I obtained the
25 toothbrush. The following day, which would have been

1 Saturday, June 26 of 2010, I actually drove to West 43rd and
2 Ella in search of the dentist for Linda, Linda's dentist.

3 Q. Okay. And were you able to find the dentist?

4 A. Yes, I was.

5 Q. And were you able to obtain her dental records?

6 A. On that particular day the dentist office was
7 closed.

8 Q. Okay. Did you go back and get them on another day?

9 A. Yes, I did.

10 Q. And what did you do with them once you received
11 them?

12 A. I got the dental records and I drove them straight
13 to the Harris County Medical Examiner's Office and presented
14 them with the dental records.

15 Q. Okay. Now, as you're investigating, speaking with
16 Roger and trying to determine whether or not his Linda is
17 the possible remains that you found, did you learn the date
18 that she was last seen?

19 A. Yes, I did.

20 Q. And what was that date?

21 A. May 15th of 2010.

22 Q. Now, you said that you -- on the following day,
23 June 26th, 2010, you drove out to the dentist office; they
24 were closed. What did you do next in your investigation?

25 A. The following day, on June 27th of 2010, I drove

1 out to the Chevron gas station, which is located at 6121
2 North Loop East, and what I was doing was looking for
3 surveillance cameras at that location.

4 Q. Okay. And were you able to find any surveillance?

5 A. There were surveillance cameras; however, they were
6 broken on that particular date.

7 Q. And tell me, what was that location again?

8 A. The actual address, physical address is 6121 North
9 Loop East.

10 Q. Is that the Chevron or the Shell?

11 A. That is the Chevron gas station.

12 Q. The Chevron. Okay. What did you do next?

13 A. I drove across the street to the Amigo Mart, which
14 is directly across the street from the Chevron, and I was
15 looking for cameras as well and there were none on the
16 building, no exterior cameras.

17 Q. Let me show you State's Exhibit No. 102. What is
18 that?

19 A. That is the Amigo Mart that I went to looking for
20 cameras.

21 Q. Okay. And State's Exhibit 101, would that be the
22 Chevron that you were speaking about?

23 A. That is a Chevron gas station that I was referring
24 to.

25 Q. And that Chevron is at the corner of State's

1 Exhibit 103. Can you read that?

2 A. Reid at Irvington.

3 Q. Okay. And the Amigo Mart is located just across
4 the street from the Chevron?

5 A. That's correct.

6 Q. Okay. Were you able to obtain any surveillance
7 video or security video from either of those locations?

8 A. No.

9 Q. Okay. What did you do next?

10 A. At around 10:00 o'clock on the same date, I
11 received a phone call from the individual who lived at the
12 920 address on Kelley Street and she received the business
13 card from the male that I met in the driveway and agreed to
14 meet with me.

15 Q. Okay. And what was her name?

16 A. Anna Kahn.

17 Q. Okay. And did anyone else speak with you with
18 Anna?

19 A. That was her roommate. Her roommate met with us as
20 well, Angela Griffith.

21 Q. And did they both give you a statement?

22 A. Yes.

23 Q. Did you learn through your investigation if they
24 knew Linda?

25 A. Yes.

1 Q. And did you learn through your investigation if
2 they knew Ruben?

3 A. Yes.

4 Q. The defendant, Ruben Juarez?

5 A. Yes.

6 Q. Okay. After you received statements from Anna and
7 Angel, what did you do next?

8 A. I received a phone call from Investigator Doyle at
9 the Harris County Medical Examiner's Office who informed me
10 that there was a positive identification made from the
11 dental records that I provided them, with Linda Hartsough.

12 Q. Okay. And once you received that information, what
13 did you do next?

14 A. I passed on some information to one of our warrant
15 execution team officers in southeast from some information
16 that I had discovered on Ruben.

17 Q. Let me stop you there. At some point do you think
18 in your investigation that you could possibly want to talk
19 to Ruben Juarez?

20 A. Yes.

21 Q. Okay. Were you able to -- were you able to talk to
22 Ruben?

23 A. Yes.

24 Q. Okay. Was Ruben Juarez given a ride to the
25 homicide office from Officer Brooks?

1 A. Yes.

2 Q. Okay. When you got to the homicide office, did you
3 meet with Ruben Juarez?

4 A. I did.

5 Q. Okay. Do you remember what day that was?

6 A. That was Monday, June 28th, 2010.

7 Q. Okay. And you met with him at the homicide office.
8 Tell me what kind of room you met Ruben in.

9 A. It was one of our interview rooms, which is simply
10 a small room that's big enough to accommodate a table,
11 couple of chairs, that's equipped with soundproofing on the
12 walls as well as a camera that records audio and video as
13 well.

14 Q. Okay.

15 MS. FULLER: May we approach, Your Honor?

16 THE COURT: Sure.

17 (At the bench, on the record.)

18 MS. FULLER: Can I have a few minutes with
19 him, with the jury out? I've gone over it before, not to
20 bring up the blue warrant. I'm a little bit nervous at the
21 way this is going. So, can I have a few minutes with him?

22 THE COURT: I actually think he's doing a good
23 job, but if you want to do that, that's okay.

24 MS. FULLER: (Nods head affirmatively.)

25 (End of discussion at the bench.)

1 *THE COURT:* Ladies and gentlemen, can I have
2 you step in the jury room for just a few minutes, please.

3 (*Jury not present.*)

4 (*Recess.*)

5 (*Jury present.*)

6 *THE COURT:* Be seated, please. And you may
7 proceed.

8 *MS. FULLER:* Thank you, Your Honor.

9 *Q.* (*BY MS. FULLER*) Okay. So, Ruben Juarez is given a
10 ride to the homicide office because you want to speak with
11 him regarding Linda Hartsough?

12 *A.* Yes.

13 *Q.* Okay. When he got to the homicide office, did you
14 introduce yourself?

15 *A.* Yes, I did.

16 *Q.* And tell me what you did after you introduced
17 yourself.

18 *A.* First thing I did was, again, I walked in and I
19 introduced myself and I offered him, or asked him, rather,
20 if he was hungry or thirsty and offered him food and drink.

21 *Q.* Okay. Did he take any?

22 *A.* He accepted a bottle of water.

23 *Q.* And why did you do that?

24 *A.* Well, what we try and do is initially upon meeting
25 the person is what I like to do is make them as comfortable

1 as possible with me, give -- maybe take a few minutes, get
2 them to meet with me, meet and greet, make them as
3 comfortable as possible.

4 Q. Okay. Did you ask him if he needed to use the rest
5 room or go smoke a cigarette?

6 A. Not a cigarette but the rest room. I asked him if
7 he needed a rest room break.

8 Q. Okay. Did he say if he needed a rest room break?

9 A. He did not.

10 Q. Okay. Now, you've made your initial contact with
11 him and you're conversing with him; is that fair to say?

12 A. Yes.

13 Q. At this point can you tell if he is intoxicated or
14 under the influence of any drugs?

15 A. I didn't pick up on anything that would lead me to
16 believe that he was intoxicated or high.

17 Q. Okay. You're in a small room with him, right?

18 A. Yes.

19 Q. Would you have been able to smell the odor of
20 alcohol on his breath if he had been drinking?

21 A. With the size of that particular room, the
22 interview rooms are pretty small, yes, I would have smelled
23 it and I did not.

24 Q. And you did not in this case?

25 A. No.

1 Q. You said you've been a police officer for 19 years
2 and you were in patrol for many years. During that time did
3 you have an occasion to interact with people who are under
4 the influence of drugs?

5 A. Yes.

6 Q. And so, in your experience as a police officer for
7 that many years, could you determine whether or not somebody
8 that you were talking to was under the influence of drugs?

9 A. One more time. I didn't understand your question.

10 Q. Okay. Based on all your years of experience as a
11 police officer, can you tell when you're speaking with
12 somebody who's high, who's under the influence?

13 A. Yes.

14 Q. And in this case did you feel Ruben Juarez was
15 under the influence of any type of drug?

16 A. I felt that he was not.

17 Q. Okay. So, you're in the room with him. Is there
18 anyone else in the room with you?

19 A. No.

20 Q. And you're a police officer. So, you normally have
21 a gun; is that right?

22 A. Yes.

23 Q. Do you take your gun in with you to the interview
24 room?

25 A. No, I do not.

1 Q. Why would you not do that?

2 A. For a couple reasons. One, it's a major safety
3 issue and against our departmental policy in homicide to
4 actually take a weapon inside of this room when you're
5 one-on-one with anyone you're speaking to. The second
6 reason, which is equally important is, again, like I said,
7 what I'm trying to do is make the individual I'm speaking to
8 comfortable with me. If I'm armed with my sidearm,
9 obviously he will not.

10 Q. So, you're in the room alone with him and you're
11 not armed?

12 A. That's correct.

13 Q. Okay. Is there a lock on the door?

14 A. There is no lock on the door.

15 Q. Okay. When you get in there and you start to build
16 a rapport with him, what happens next?

17 A. I explain to him why I wanted to talk to him and
18 after doing so, I walked out, activated our recording
19 equipment and then walked back in.

20 Q. Okay. So, the initial time when you meet with him
21 and you offer him to use the rest room, offer him food or
22 drink, that was not recorded?

23 A. That's correct.

24 Q. You walk out of the room, you come back in, you
25 turn the recording device on?

1 A. That's correct.

2 Q. And do you notify him that you're turning the
3 device on?

4 A. Yes.

5 Q. Okay. So, he's fully aware that he's now being
6 recorded?

7 A. Yes.

8 Q. Okay. What happens next?

9 A. What I did to begin the interview is I read him his
10 Texas Statutory Warnings, which are his rights.

11 Q. Okay. What did you read those from?

12 A. We have the Harris County District Attorney's blue
13 card, which is -- has all the rights listed on it and it's
14 standard. That's what we read the statutory warning from.

15 Q. Okay. Did you bring one with you today?

16 A. I did.

17 Q. Okay. Can you read to the jury what you read to
18 Ruben Juarez on that day?

19 A. Sure. First of all, this is a Texas Statutory
20 Warning card that we read the rights from. And it has -- it
21 has the rights listed by number and I'll start with No. 1.
22 No. 1, you have the right to remain silent and not make any
23 statement at all and any statement you make may be used
24 against you at your trial. That's No. 1.

25 And No. 2, any statement you make may be used

1 as evidence against you in court.

2 No. 3, you have the right to have a lawyer
3 present to advise you prior to and during any questioning.

4 And No. 4, if you are unable to employ a
5 lawyer, you have the right to have a lawyer appointed to
6 advise you prior to and during any questioning.

7 And No. 5, you have the right to terminate the
8 interview at any time, which at this point I let them know
9 that at any point in the interview you choose not to speak
10 to me, you say so and the interview is at that point done.

11 Q. Okay. When you read him his warnings, did you read
12 them one at a time or did you read them all at once?

13 A. One at a time.

14 Q. Okay. And after you would read him a right, did
15 you ask him if he understood?

16 A. Yes.

17 Q. And did he verbally respond to you whether or not
18 he understood?

19 A. Yes, he did.

20 Q. Okay. And then at the very end of reading the
21 warnings, do you ask him anything?

22 A. Yes, I do.

23 Q. What do you ask?

24 A. In order for my statement or the interview to be a
25 valid interview, to take a valid statement from the person,

1 he has to voluntarily waive each of these rights, waive
2 these rights in order for me to obtain a statement from him.

3 Q. Okay. And in this case, did Ruben verbally
4 agree -- let me back up. Let me strike that.

5 If somebody says that they don't want to waive
6 their rights, what would happen?

7 A. Right at that very moment, the interview is done
8 before it even begins. I don't proceed any further. We
9 cannot proceed any further. At that point it's done.

10 Q. In this case did Ruben waive those rights to speak
11 with you?

12 A. Yes, he did.

13 Q. Okay.

14 *MS. FULLER:* May I approach the witness?

15 *THE COURT:* You may.

16 Q. (*BY MS. FULLER*) Let me show you what's been marked
17 as State's Exhibit 98. Do you recognize that?

18 A. Yes, I do.

19 Q. And what is State's Exhibit 98?

20 A. This is the interview I conducted with Ruben.

21 Q. On that day?

22 A. Yes.

23 Q. Okay. Have you had an opportunity to listen to
24 this recently?

25 A. Yes, I have.

1 Q. And is this a fair and accurate copy of Ruben's
2 statement?

3 A. Yes.

4 Q. Do you recognize all of the voices on the video?

5 A. Yes.

6 Q. Who are the voices on the video?

7 A. They're Ruben's voice and my voice.

8 Q. Again, was anybody else present inside the room
9 while you took this statement?

10 A. No.

11 MS. FULLER: Your Honor, at this time State
12 moves to admit State's Exhibit No. 98, tenders to defense
13 counsel for inspection.

14 MR. CORNELIUS: There's no objections.

15 THE COURT: Other than the previous
16 objections. Sorry. I was talking over you.

17 MR. CORNELIUS: Right.

18 THE COURT: Any other objections?

19 MR. CORNELIUS: No, no other objections.

20 THE COURT: All right. State's Exhibit 98
21 will be admitted.

22 MS. FULLER: Thank you, Your Honor.
23 Permission to publish?

24 THE COURT: You may.

25 Q. (BY MS. FULLER) Before I publish, Sergeant

1 Cisneros, do you see Ruben Juarez here in the courtroom
2 today?

3 A. Yes, I do.

4 Q. Can you point him out and identify him by an
5 article of clothing?

6 A. This is Ruben sitting right here next to his
7 attorney wearing the blue button-up shirt.

8 MS. FULLER: Your Honor, may the record
9 reflect this witness has identified the defendant?

10 THE COURT: The record will so reflect.

11 MS. FULLER: And may I publish State's Exhibit
12 98?

13 THE COURT: You may.

14 MS. FULLER: Judge, this is going to be kind
15 of loud.

16 THE COURT: I know.

17 (State's Exhibit No. 98, the videotaped
18 statement, was played.)

19 MS. FULLER: May I proceed?

20 THE COURT: You may proceed.

21 Q. (BY MS. FULLER) At the end of Ruben's statement,
22 he said, You said you were going to help me. What was he
23 referring to, in your mind?

24 A. When I -- excuse me. When I first walked in the
25 room initially, when I made my introductions, the position

1 that you saw him in while sitting on the chair, which was
2 head slumped over, he was already whimpering and starting to
3 cry at that point. Once I notified him of what I wanted to
4 speak to him about, to calm him down again because that was
5 my objective, to get him calm to talk to me, I let him know,
6 look, I just need you to relax, tell me the truth, what
7 we're going to talk about and I'll help you through this,
8 meaning the process of the interview itself, and nothing
9 more.

10 Q. Okay. When you were speaking with him before
11 turning on the equipment when you first met him or at any
12 time, did you ever threaten him into giving you a statement?

13 A. No.

14 Q. Did you ever coerce him into giving you a
15 statement?

16 A. No.

17 Q. Did you ever promise him anything in return for his
18 statement?

19 A. No.

20 Q. Did you ever physically harm or touch him as a
21 threat to give his statement?

22 A. No.

23 Q. You also stated in -- strike that.

24 Why did you say in the interview that it was
25 an accident?

1 A. What we do is part of the process of interviewing
2 is I will put what we call themes out there to suggest
3 things to give -- help get the truth, help extract the
4 truth. If he believes it's an accident or wants to provide
5 that initially, I will expand upon that once I get him to
6 admit, number one, that it did occur, the incident did
7 occur, and just build upon that, just to get to the bottom
8 of the truth.

9 Q. Okay. Did you believe that it was an accidental
10 death?

11 A. No, I did not.

12 *MS. FULLER:* May I approach the witness?

13 *THE COURT:* You may.

14 Q. (*BY MS. FULLER*) In this statement you also showed
15 him a photograph of Linda Hartsough; is that correct?

16 A. Yes.

17 Q. I'm going to show you what's been marked as State's
18 Exhibit No. 14. Do you recognize that?

19 A. Yes, I do.

20 Q. What is that?

21 A. This is the Texas driver's license photograph of
22 Linda Hartsough that I pulled up.

23 Q. Okay. And this is the photograph, State's Exhibit
24 4, that you showed Ruben Juarez in the statement that we
25 just saw?

1 A. Yes.

2 Q. And he identified that woman as being Linda
3 Hartsough?

4 A. Yes.

5 Q. In the video, in his statement, he talks about how
6 he got a two for 10, referring to drugs.

7 A. Yes.

8 Q. Is that lingo familiar to you, having worked
9 patrol?

10 A. Yes, it is.

11 Q. What does that mean? What is two for 10?

12 A. Typically in purchasing a crack rock, what your
13 drug dealers will normally sell is what they call a \$10
14 rock, which is probably about the size of the tip of my
15 thumb. In this case right here, two for 10 simply means a
16 \$10 rock that's split in two.

17 Q. Okay.

18 A. It's a very small amount of crack cocaine. It's
19 small.

20 Q. Okay. He said he hustled \$15 and he used some of
21 that money to buy beer; is that right?

22 A. Yes.

23 Q. And that the other \$10 went towards buying the two
24 for 10, the crack rock that was split.

25 A. Yes.

1 Q. In your experience as a patrol officer, is that a
2 lot of crack cocaine?

3 A. No, it's not.

4 Q. And if you have two people sharing it, does that
5 make it even less?

6 A. Yes.

7 Q. Okay. In your opinion is that something that's
8 going to give you -- is that a lot of cocaine entering your
9 system?

10 A. No, it's not.

11 Q. Okay. When -- at some point while you were
12 interviewing Ruben, you brought up whether or not he put his
13 hand on her neck. What about what Ruben was saying to you
14 tipped you off to ask him that question?

15 A. It's been my experience in working -- while in
16 homicide, I've worked some strangulation-type murders to
17 where the victim was strangled and as a result of the act
18 itself of being strangled, what I've learned is that
19 sometimes they will convulse, their bodies will convulse.
20 So, when this was said in the statement, I cued in on that
21 and I picked up on that and that's why I suggested that
22 while I was interviewing him.

23 Q. Okay. And in your experience as a homicide
24 detective handling strangulation cases, is it your opinion
25 that a hand can be a deadly weapon?

1 A. Yes.

2 Q. And how is that?

3 A. Well, strangulation-type murders can occur many
4 different ways, one of them by which could be just simply
5 your hands around an individual's neck and applying pressure
6 to that. That can cause the death of another individual.

7 Q. And in that regard a hand is a deadly weapon?

8 A. Yes.

9 Q. There was a lot of evidence collected on the scene;
10 is that correct?

11 A. Yes.

12 Q. Okay. And some of that evidence that was collected
13 by Officer Rowe were some bottles. When you found that
14 evidence such as bottles, plastic bags, glass bottles,
15 plastic bottles were submitted for evidence, what did you
16 request be done with those items?

17 A. We're looking for latent prints, fingerprints, as
18 well as DNA evidence.

19 Q. Okay. And to your knowledge were any latent prints
20 uncovered or discovered on any of those items?

21 A. No.

22 Q. Some of the items that were taken were clothing
23 items. When you find out that things like clothing are
24 tagged in as evidence, is it your determination whether to
25 request what kind of evidence to test for? For example,

1 contact DNA or fibers or hair, would that be your decision
2 to request those things be tested on a particular piece of
3 evidence?

4 A. Yes.

5 Q. In this case did you request contact DNA or any
6 hair or fiber evidence be tested?

7 A. I believe they were checked for contact DNA and
8 I -- not a hundred percent but I believe trace -- it was
9 checked for trace as well.

10 Q. Okay. If no evidence of fiber or hair or contact
11 DNA was requested, would there have been a thought process
12 in your mind for why you didn't do it?

13 A. Yes.

14 Q. And what would that be?

15 A. Well, maybe I misunderstood your question. One
16 more time?

17 Q. Okay. The evidence that was tagged into this case
18 was not request -- they did not request -- you did not
19 request contact or fiber or hair evidence.

20 MR. CORNELIUS: Object to the form of the
21 question because it's leading and suggestive. He hadn't
22 said whether he requested it or not.

23 THE COURT: You want to reask your question.

24 MS. FULLER: Yes, Your Honor.

25 Q. (BY MS. FULLER) In this case did you request for

1 contact DNA, fiber or hair tests be done on the clothing
2 that were submitted?

3 A. I think my partner requested just DNA, just contact
4 DNA.

5 Q. Okay.

6 A. I have to double-check on that but it's been
7 awhile.

8 Q. Okay. Would you have that in your report?

9 A. I would. If you give me a second, I'll look at
10 that.

11 Q. Yes, please.

12 *THE COURT:* Ladies and gentlemen, why don't we
13 go ahead and break for the day. That way he can take time
14 and look at the report and see what there is.

15 We're going to start in the morning once again
16 at 10:00 o'clock. Please, tonight when you go home, do not
17 discuss any of the testimony that you've heard with anybody
18 at home. Remember all the Court's admonishments. Don't do
19 any of your own independent investigation. Don't go to any
20 locations that have been mentioned or look up anything on
21 the Internet or anything of that sort. So, y'all are
22 excused. I'll see everybody in the morning at 10:00
23 o'clock.

24 *(Jury not present.)*

25 *(Court in recess for the day.)*

Jury Trial
September 19, 2011


1 STATE OF TEXAS
2 COUNTY OF HARRIS

3 I, Carrie Logan, Official Court Reporter in and for the
4 185th District Court of Harris County, State of Texas, do
5 hereby certify that the above and foregoing contains a true
6 and correct transcription of all portions of evidence and
7 other proceedings requested in writing by counsel for the
8 parties to be included in this volume of the Reporter's
9 Record in the above-styled and numbered cause, all of which
10 occurred in open court or in chambers and were reported by
11 me.

12 I further certify that this Reporter's Record of the
13 proceedings truly and correctly reflects the exhibits, if
14 any, offered by the respective parties.

15 WITNESS MY OFFICIAL HAND on this, the 13th day
16 of February, 2012.

17 Carrie Logan
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