

Opening Statement by Mr. Phanco  
January 15, 2014

1 her sister's boyfriend that she didn't even want and was  
2 confused about.

3 We can't even talk about our last sexual  
4 contact, much less the first one that was unwanted; but  
5 she's going to go do it, because she wants justice. And  
6 at the end I'm going to ask that you return a verdict of  
7 guilty, because that would be justice. Thank you.

8 *THE COURT:* Does the defense wish to make  
9 an opening statement?

10 *MR. HENDERSON:* Waive and defer, Judge.

11 *THE COURT:* State, would you please call  
12 your first witness.

13 *MR. PHANCO:* State calls Officer Delacruz.

14 *THE COURT:* Please have a seat in the  
15 witness stand.

16 You may proceed, Counsel.

17 *MR. PHANCO:* Thank you, Your Honor.

18 **RAY DELCRUZ,**  
19 having been first duly sworn, testified as follows:

20 **DIRECT EXAMINATION**

21 *BY MR. PHANCO:*

22 Q. Good morning.

23 A. Morning, sir.

24 Q. I just want you to tell the jury your name and  
25 how you're employed.

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1           A.    My name is Officer R., Ray, Jay Delacruz.  I  
2 work for HPD.

3           Q.    How long have you worked for HPD?

4           A.    Twenty-plus, twenty-one.

5           Q.    So tell us what has happened in that  
6 twenty-year career when you -- did you go to college  
7 first?

8           A.    No.  I was in the military.  I got in.

9           Q.    What branch?

10          A.    Marine Corps.

11          Q.    Okay.  How long were you in the Marines?

12          A.    Four years.

13          Q.    Okay.  Once you leave the Marines, you go to  
14 HPD, do you go through some sort of training?

15          A.    Yes.

16          Q.    How long was your training?

17          A.    Academy, six months.  Academy plus field  
18 training, another six months.  So about a year before  
19 you --

20          Q.    Now in your twenty-year career, have you been  
21 doing patrol mostly, or have you been in other  
22 divisions?

23          A.    Traffic enforcement for one year, dispatcher  
24 for another year and the rest eighteen years as patrol.

25          Q.    Do you like patrol?

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1 A. I love patrol.

2 Q. Why?

3 A. You get to do a lot of stuff. You get to see  
4 different things every day.

5 Q. Yeah. So tell the jury kind of how patrol  
6 works. You know what I mean? What's the day in the  
7 life of Officer Delacruz?

8 A. You sign on in the morning, and you wait for  
9 your call for service. You never know what you're going  
10 to get.

11 Q. And when you say call for service, what is  
12 that?

13 A. Calls for service are calls that people call in  
14 that we have to be dispatched to.

15 Q. Okay. So I have it right, we all, as citizens,  
16 call 911, we talk to a dispatcher?

17 A. 911 or just simply non-emergency calls,  
18 accidents, all calls related to police presence.

19 Q. Okay. And so, once we call the dispatcher,  
20 right, they call you, patrol, to go out and do the  
21 investigation?

22 A. Correct. They'll call us on the radio or on  
23 the computer about a call in my area, my beat.

24 Q. Okay. Tell me about where your beat is.

25 A. My beat is going to be in the east end. 20s

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1 beat is east of the Gulf Freeway towards Manchester, all  
2 the way to Broadway, all the way to the loop, and that  
3 includes the Willow Creek Apartments.

4 Q. Okay. So now let's direct your attention to  
5 the Willow Creek Apartments.

6 A. Okay.

7 Q. When -- do you remember March 7th of 2011?

8 A. I sure do.

9 Q. Okay. So tell us, you know, how you got  
10 dispatched out to Willow Creek Apartments on that day.

11 A. Okay. That day I got dispatched to a sexual  
12 assault delay report --

13 Q. Okay.

14 A. -- to the 7575 Office City Drive to the guard  
15 shed.

16 Q. Now let me ask you this: Is 7575 -- is that in  
17 Harris County, Texas?

18 A. That's correct.

19 Q. And you said you got dispatched out to the  
20 guard shack?

21 A. Yes.

22 Q. What is that?

23 A. That's the entrance of the apartments. There  
24 is a guard shack where they got security officers there  
25 that monitor people going in and out.

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1 Q. Okay. And who did you meet there?

2 A. I met Mr. Hipolito --

3 Q. Okay.

4 A. -- along with his daughter.

5 Q. Do you remember Mr. Hipolito's name?

6 A. That is his name. I think Hipolito is his  
7 first name.

8 Q. His last name?

9 A. I don't recall right now.

10 Q. Okay. Did, on that day, in close proximity --  
11 did you make a report with full names and things like  
12 that?

13 A. Yes.

14 Q. Does that help refresh your memory if you look  
15 at the report?

16 A. Sure.

17 Q. Do you have it with you? Great. Okay. What  
18 was Hipolito's last name?

19 A. Anaya.

20 Q. Okay. So you say you meet with Hipolito Anaya  
21 and his daughter?

22 A. Yes.

23 Q. What's his daughter's name?

24 A. The daughter's name is Viviana Rios.

25 Q. Okay. Now, tell me kind of where they are when

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1 you get there.

2 A. When I get there, they're waiting by their  
3 truck, by Mr. Hipolito's truck. They were waiting for  
4 me to show up so they could direct me to the general  
5 area where -- where we were to meet.

6 Q. Okay. Are they outside of the truck? Were  
7 they in the truck?

8 A. They were outside the truck.

9 Q. And who spoke to you first when you drove up?

10 A. Mr. Hipolito did.

11 Q. Now was the security officers -- you said there  
12 was a security shack. Were there security officers  
13 there, as well?

14 A. They were there, but they were just staying  
15 back.

16 Q. Okay. And when you say they're staying back,  
17 is there a gate before you can get in?

18 A. No.

19 Q. So if Hipolito and Viviana wanted to, they can  
20 drive on through all the way to the apartments?

21 A. Sure.

22 Q. Okay. And if there was something going on in  
23 the apartments, they can just go on up and take care of  
24 it?

25 A. They could have just gone up, yes.

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1 Q. And so, they stop and you're there, and  
2 Hipolito speaks to you first. What happens? Not about  
3 what he said, but what happens?

4 A. Briefly, he just said that there was an issue  
5 with his daughter having --

6 Q. Sure. And okay. So you said that you spoke to  
7 Hipolito first, right?

8 A. Yes.

9 Q. He said there was issues?

10 A. There was issues.

11 Q. All right. Did Viviana Rios speak to you at  
12 this point in time?

13 A. She stayed back. She just -- real briefly, she  
14 wanted to tell me more stuff; but they wanted to take me  
15 to the general area so they can tell me the rest so that  
16 we could either apprehend or arrest the suspect before  
17 he left.

18 Q. So when you say that Hipolito and Viviana  
19 wanted to continue, they wanted to go to the apartment  
20 they were directing you to?

21 A. Sure.

22 Q. Describe Hipolito and Viviana. Describe their  
23 demeanor. Let's start with Hipolito.

24 A. Hipolito was very upset. He was angry. He  
25 wanted to take actions in his own hands. He wanted

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1 to -- he was -- he was telling me that if I don't do  
2 anything about it, that he was going to go out there and  
3 take care of business himself.

4 Q. And while this is going on, while he's doing  
5 this, is Viviana getting up there and getting  
6 aggressive, as well?

7 A. No. Viviana was trying to tell me what  
8 happened and the cause of the -- the nature of the call.  
9 And she was crying. She was telling me her side of the  
10 story, what happened.

11 Q. Now, you said that the offense report that  
12 refreshed your memory, you made that report back in  
13 2011, when this incident first occurred, right?

14 A. Correct.

15 Q. Do you recall if you marked in that report that  
16 you recall her crying and being upset?

17 A. That's correct.

18 Q. Okay. And so, once you've talked to the  
19 victim, Viviana Rios, were you able to get her to calm  
20 down a little bit?

21 A. Yes. She calmed down some; but nevertheless,  
22 though, every time we talked about this, she talked  
23 about what had happened, she was -- she had teary eyes  
24 and she was -- she was definitely crying.

25 Q. Okay. Sure. What do you do next?



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1           A.     The next is I talked to Mr. Hipolito, and I  
2 told him -- I explained to him that we were to go to the  
3 house or the apartment and knock and talk to get  
4 information so that I could further make my contacts  
5 with the concerned division to direct me to what next  
6 step to take.

7           Q.     Now when you say with the concerned division,  
8 if a case is going to be investigated further, you don't  
9 do it yourself?

10          A.     No.

11          Q.     You refer to a division, you say?

12          A.     It's a concerned division, which is the Sex  
13 Crimes Division. They're the experts on this case.

14          Q.     All right. When you were speaking to Viviana,  
15 did you get how old she was?

16          A.     Yes.

17          Q.     Do you recall how old she was?

18          A.     She said she was fourteen, I believe.

19          Q.     Okay. She was fourteen years old on March 7th,  
20 2001, when you met her?

21          A.     Sure.

22          Q.     Do you remember what her birthday was?

23          A.     I don't recall.

24          Q.     Okay. Do you have it marked in your offense  
25 report?

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1 A. I've got it here.

2 Q. When is her birthday?

3 A. December 20, 1996.

4 Q. All right. So she would have been thirteen  
5 before December 20th; and then she turned fourteen  
6 December 20th, right?

7 A. Correct.

8 Q. And then in March you find her at fourteen  
9 years old?

10 A. Correct.

11 Q. All right. So you said that you had notified  
12 Sex Crimes, and you went and did a knock and talk?

13 A. A knock and talk.

14 Q. Tell me what happened.

15 A. We knock and talk, and we had -- first -- he  
16 wouldn't open the door at first, but later the door was  
17 opened and we took him outside.

18 Q. When you say him, who are you referring to?

19 A. To the defendant.

20 Q. Okay. I notice you're gesturing. Let me just  
21 ask this:

22 A. Okay.

23 Q. Do you recognize the defendant?

24 A. Yes.

25 Q. Okay. Is he in the courtroom today?

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1 A. Yes.

2 Q. All right. I'd like you to just point at him  
3 and identify him using an article of clothing that he's  
4 wearing.

5 A. Wearing that gray shirt back here with the  
6 mustache.

7 MR. PHANCO: And, Your Honor, I'd have the  
8 record reflect that the witness identified the  
9 defendant, Gonzalo Molina.

10 THE COURT: The record will so reflect.

11 Q. (By Mr. Phanco) All right. So the defendant  
12 now comes out of his apartment, and what happens?

13 A. What happens is I explained to him that he was  
14 detained for further questioning.

15 Q. Okay. And after you detain him, what do you  
16 do?

17 A. I contacted the concernedconcerned division.

18 Q. Which is?

19 A. The Sex Crimes Division.

20 Q. Okay. Now, tell me kind of how the scene is  
21 once you take him into custody.

22 A. Okay. When I took him into custody, somehow  
23 the family members arrived.

24 Q. Real quick, you say family members. And I just  
25 want to be clear about this. Are you saying Viviana

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1 Rios, the victim, and her father or other family  
2 members?

3 A. Other family members.

4 Q. Okay. Whose family members?

5 A. The defendant's family members showed up.

6 Q. Now, do you know how they showed up?

7 A. They showed up. They were very upset. They  
8 were very angry. They were combative. They wanted to  
9 confront --

10 MR. HENDERSON: Objection, Judge, to  
11 relevance.

12 THE COURT: Sustained.

13 Q. (By Mr. Phanco) Do you recall how they came  
14 up? Did they drive up, or did -- how did they get  
15 there?

16 MR. HENDERSON: Again, objection to  
17 relevance.

18 MR. PHANCO: Judge, I think it's relevant  
19 to talk about how the scene is and whether the victim's  
20 credibility is going to be an issue in this trial, I'm  
21 sure, and the fact that the defendant's family and the  
22 behavior that they had is going to have an impact on all  
23 of that.

24 MR. HENDERSON: Not her credibility. Her  
25 credibility belongs to the complainant. If her family

1 drives up, how does that determine whether the  
2 complainant is lying or not?

3 MR. PHANCO: I believe that the behavior  
4 of the defendant, the defendant's family, people who may  
5 testify in this trial, their behavior at that scene is  
6 going to matter, Judge.

7 THE COURT: Overruled. The witness may  
8 answer.

9 Q. (By Mr. Phanco) All right. So do you remember  
10 how they got there?

11 A. I don't remember how they got there. The  
12 apartment complex is a large complex with a bunch of  
13 vehicles all over the parking lot when I had my  
14 attention towards making a phone call to the concerned  
15 division. And the defendant and my peers, the other  
16 officers that were there, the family members were  
17 already there, they might have parked vehicles around in  
18 the general area; but they were -- like, they were  
19 popping up.

20 Q. And you're not sure?

21 A. I'm not sure.

22 Q. So when you say they're combative, are they  
23 combative towards you or were they combative towards the  
24 victim?

25 A. They were combative towards the victim.

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1 Q. Now, did they try to get the victim's side; or  
2 when they came, were they instantly combative and  
3 favoring the defendant?

4 A. They were instantly favoring the defendant.

5 Q. And so, what did you have to do to get ahold of  
6 the scene?

7 A. We had to step in. And other officers and I,  
8 we had to separate them; and, like, you stay on this  
9 side and you stay on this side and away from their --  
10 from their view or from their -- close to their view, I  
11 guess.

12 Q. So what did you do with the victim and her  
13 father?

14 A. I placed them away from them, separately; and I  
15 told them to wait while we take care of this other  
16 defendant's family.

17 Q. How were they reacting to the defendant's  
18 family aggressively coming at them?

19 A. Who, the --

20 Q. The victim, Viviana Rios, and her father.

21 MR. HENDERSON: Objection to relevance  
22 again, Judge.

23 MR. PHANCO: Hold on.

24 THE COURT: Overruled.

25 Q. (By Mr. Phanco) Go ahead.

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1           A.    They were acting -- they were just waiting for  
2 us to take action, because they didn't want to get  
3 involved with -- they didn't want to hear their side.

4           Q.    Okay.  So, safe to say that you were able to  
5 secure the scene and take the defendant into custody?

6           A.    That's correct.

7           Q.    Okay.  And then the next day do you continue  
8 the investigation, or does someone else?

9           A.    Somebody else takes over the investigation.

10          Q.    What division took over the investigation?

11          A.    Sex Crimes.

12          Q.    Now do you know whether or not they continue  
13 the investigation?

14          A.    They would have to take -- I know they have to  
15 take the investigation seriously, and they took it over.

16          Q.    And when they did the investigation, what kinds  
17 of things did they do?

18          A.    They interviewed the complainant back again  
19 and --

20          Q.    So they interview the complainant that you met  
21 that night?

22          A.    Yes.

23          Q.    Do they video record her?

24          A.    Yes.

25          Q.    And who else do they interview?

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1 A. The father, Mr. Hipolito.

2 Q. And did they interview anybody else?

3 A. To my knowledge, they have to interview  
4 everybody, all parties involved.

5 Q. So when you say all parties involved, before  
6 the charges were filed, during the investigation, did  
7 they give the defendant a chance to interview?

8 A. That's correct.

9 Q. They did do that?

10 A. Yes.

11 Q. And you have knowledge of that?

12 A. Yes.

13 Q. And at the end of the investigation, were  
14 charges filed against Gonzalo Molina?

15 A. Yes.

16 MR. PHANCO: I pass the witness, Your  
17 Honor.

18 THE COURT: Okay. Your cross, Counsel.

19 MR. HENDERSON: Yes, Judge.

20 **CROSS-EXAMINATION**

21 BY MR. HENDERSON:

22 Q. How are you doing, Officer Delacruz?

23 A. Fine, sir.

24 Q. My name is a Chad Henderson. I represent Mr.  
25 Molina. If I ask you a question you don't understand,



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Cross-Examination by MR. HENDERSON

1 please ask me to repeat it, okay?

2 A. That's correct.

3 Q. First thing you stated, you was called out that  
4 night because of a complaint; is that correct? You were  
5 called out for a complaint by Viviana's father?

6 A. I got called there, yes.

7 Q. And when you arrived, where were they located?  
8 Where was the -- Viviana and her father when you arrived  
9 at the scene?

10 A. They were located at the guard shack.

11 Q. Guard shack for apartments for Mr. Molina?

12 A. Yes.

13 Q. Okay. Now they could have stayed at home,  
14 correct, and made a report?

15 A. That's correct.

16 Q. Okay. They didn't have to go over there,  
17 correct?

18 A. That's correct.

19 Q. They went over there because the father was  
20 angry, correct?

21 A. Correct.

22 Q. He wanted to do something to Mr. Molina,  
23 correct?

24 A. Possible, correct.

25 Q. Okay. Now looking at your report, you spoke to

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Cross-Examination by MR. HENDERSON

1 the complainant, correct?

2 A. I sure did, yes.

3 Q. And you wrote down what she told you, correct?

4 A. Correct.

5 Q. In your report you stated that --

6 MR. PHANCO: I'd object to reading from a  
7 document not in evidence and hearsay, Your Honor.

8 THE COURT: Sustained.

9 Q. (By Mr. Henderson) All right. Now, when --  
10 and you described how Viviana was acting. You said she  
11 was crying and upset?

12 A. That's correct.

13 Q. But you don't -- you don't know the actual  
14 reason why she was crying and upset, correct?

15 A. At the time, no.

16 Q. Okay. And you testified that you arrested Mr.  
17 Molina, correct?

18 A. That's correct.

19 Q. And I want to clear up something. He wasn't  
20 arrested for this sexual assault allegation, correct?

21 A. That's correct.

22 Q. In fact, you was told not to arrest him,  
23 correct?

24 A. That's correct.

25 Q. He was arrested for traffic tickets?

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Cross-Examination by MR. HENDERSON

1           A.     That is correct.

2           Q.     And you wasn't present when these alleged  
3 assaults occurred, correct?

4           A.     That is correct, yes.

5           Q.     So you have no actual knowledge this actually  
6 happened, correct?

7           A.     Correct.

8           Q.     Now you mentioned that individuals showed up at  
9 the scene when you was there arresting Mr. Molina for  
10 traffic tickets, correct?

11          A.     Can you repeat that again?

12          Q.     I'm sorry. You testified that family members  
13 showed up when you was in the process of arresting Mr.  
14 Molina, correct?

15          A.     Correct.

16          Q.     Did you interview any of these people?

17          A.     I did not.

18          Q.     So you don't know if they were his family  
19 members or not, correct?

20          A.     They were pointing out that we questioned the  
21 other officers, saying that's their family members  
22 and --

23                   MR. HENDERSON: Objection, nonresponsive,  
24 Judge.

25                   THE WITNESS: -- one of them was the wife.

1                   THE COURT: I thought he was answering  
2 your question.

3                   MR. HENDERSON: Well, my question --

4           Q.    (By Mr. Henderson) All right. Let me ask my  
5 question. You don't have any actual knowledge those  
6 were his family members, correct?

7           A.    At the time I assumed it was family members  
8 because of their demeanor towards the complainant.

9           Q.    And they could have been family members of  
10 Viviana Rios, too, correct?

11          A.    That's correct.

12          Q.    Now, as a patrol officer, it's not your job to  
13 investigate these type of cases, correct?

14          A.    That's correct.

15          Q.    So it's not your job to make decisions whether  
16 or not to file charges on Mr. Molina, correct?

17          A.    That is correct.

18          Q.    Is it your job to investigate witnesses in this  
19 type of allegation?

20          A.    That's correct.

21          Q.    It's your job to interview the witnesses?

22          A.    If there is witnesses present, yes.

23          Q.    Did you interview Mr. Molina's wife?

24          A.    No, I didn't.

25          Q.    Did you interview Viviana's brother?

1           A.     Viviana's brother?  No, I did not.

2           Q.     And did you do an investigation to determine  
3 what witnesses -- did you do an investigation to  
4 determine any other witnesses that were present that you  
5 could have interviewed that night concerning these  
6 allegations?

7           A.     I didn't have any witnesses come present.  I  
8 didn't think I had any witnesses.  The only thing I had  
9 was the complainant and the father, which is the  
10 reportee.

11                   MR. HENDERSON:  I have no other questions,  
12 Judge.  I pass the witness.

13                   THE COURT:  Okay.

14                   MR. PHANCO:  Just a couple, Judge.

15                   THE COURT:  All right.

16                                   **REDIRECT EXAMINATION**

17 BY MR. PHANCO:

18           Q.     You said you didn't arrest him that night for  
19 the offense of sexual assault or indecency with a child,  
20 correct?

21           A.     Correct.

22           Q.     On sex crime cases, that's pretty typical that  
23 you forward it for an investigation before someone can  
24 be charged?

25           A.     That's correct.

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1 Q. All right, sir. And in keeping in line with  
2 that, you called Sex Crimes. And they said, let us do  
3 an investigation; is that right?

4 A. That's correct.

5 Q. Before he's arrested?

6 A. Before he's arrested.

7 Q. But if someone has warrants, not much you can  
8 do?

9 A. That was -- other than the investigation, the  
10 warrants are separate. I took him in for the warrants.

11 Q. All right. Do you have to do that, take him in  
12 for warrants?

13 A. It's policy we have to. It's pretty much --

14 Q. So, in fairness, in most Sex Crimes cases,  
15 you'll go out there and you'll release the defendant if  
16 they're separated from the victim in order to  
17 investigate further?

18 A. That's correct.

19 Q. And that investigation is done by who?

20 A. By the concerned division.

21 Q. Which is Sex Crimes?

22 A. Sex Crimes.

23 Q. And which goes into whether you interviewed his  
24 wife and sister and the sister of the victim, Elizabeth.  
25 Do you recall her being at the scene?

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1 A. The wife?

2 Q. Elizabeth, yes.

3 A. I saw her. She came with the family members  
4 when they all showed up, so --

5 Q. And when you called the concerned division, Sex  
6 Crimes, did they tell you that they wanted to do the  
7 interviews?

8 A. Yes.

9 Q. And did they do the interviews of the wife,  
10 Elizabeth, and brother, Hipolito, once the investigation  
11 was --

12 A. That's correct.

13 Q. -- once it was referred to them?

14 A. Yes.

15 Q. You also said that you assumed that the family  
16 members that were being aggressive, you assumed they  
17 were the defendant's family because of how they were  
18 acting?

19 A. Because of how they were acting, yes.

20 Q. And you said you assumed that at the scene?

21 A. Yes.

22 Q. Later did you learn that they were, in fact,  
23 the defendant's family?

24 A. Yes.

25 MR. PHANCO: Nothing further, Your Honor.

1                   THE COURT: Okay. Any recross?

2                   MR. HENDERSON: Yes, Your Honor.

3                   **RECROSS-EXAMINATION**

4 BY MR. HENDERSON:

5           Q. You said later you found out they were the  
6 defendant's family?

7           A. That's correct.

8           Q. Do you conduct another investigation?

9           A. No, sir.

10          Q. So you have no actual knowledge actually who  
11 the people were that was there that night, correct?

12          A. They were family members. When we were still  
13 there at the scene, they were saying, that's my sister.  
14 My complainant is -- was telling us that the defendant's  
15 wife was her sister and the others were his family  
16 members, the defendant's family members. That's how I  
17 know that it was the family members.

18          Q. And let me ask you this, Officer Delecruz: The  
19 warrants were for traffic tickets, correct?

20          A. Correct.

21          Q. Okay. Now you testified again that this type  
22 of case is turned over to the Sexual Assault Division,  
23 correct?

24          A. Correct.

25          Q. So you met Viviana and her father at the guard



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1 shack. There was no reason for you to go to Mr.  
2 Molina's apartment, correct?

3 A. Correct.

4 Q. So you could have just told them then, we're  
5 going to go to your apartment and file the report,  
6 correct?

7 A. Correct.

8 Q. So it would be turned over to the Sex Assault  
9 Unit, correct?

10 A. Correct.

11 Q. And that would have prevented this whole big  
12 dispute that night, correct?

13 A. That's correct.

14 MR. HENDERSON: I have no other questions,  
15 Judge. I pass the witness.

16 MR. PHANCO: Just one, Your Honor.

17 **FURTHER REDIRECT EXAMINATION**

18 BY MR. PHANCO:

19 Q. How many warrants did the defendant have?

20 A. He had nine warrants.

21 Q. Pretty hard to just let nine warrants go?

22 A. Correct.

23 MR. PHANCO: Nothing further, Your Honor.

24

25



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1 remembers.

2 A. If it's in our district, if it's in the general  
3 area, we would. But because I was directed to that  
4 nearby apartment, I took that step.

5 MR. HENDERSON: No other questions, Your  
6 Honor.

7 MR. PHANCO: No other questions, Your  
8 Honor.

9 THE COURT: All right. May this witness  
10 be excused?

11 MR. PHANCO: He may, Your Honor.

12 MR. HENDERSON: Yes, Your Honor.

13 THE COURT: All right. You are excused.  
14 State, you may call your next witness.

15 MR. PHANCO: State calls Hipolito Anaya.  
16 (This witness has an interpreter)

17 THE COURT: State, you may proceed.

18 MR. PHANCO: Thank you, Your Honor.

19 **HIPOLITO ANAYA,**  
20 having been first duly sworn, testified as follows:

21 **DIRECT EXAMINATION**

22 BY MR. PHANCO:

23 Q. Good morning.

24 A. Good morning.

25 Q. Now you're going to be using a translator, so

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1 wait for the translator to translate between the two of  
2 us.

3 A. That's fine.

4 Q. Now I know you understand some English; but  
5 since this is a legal proceeding, we're going to make  
6 sure that you understand all the questions that are  
7 being asked, okay?

8 A. That's fine.

9 Q. So don't answer any questions until the full  
10 translation has been given to you.

11 A. That's fine.

12 Q. Tell the jury your name and what you do for a  
13 living.

14 A. My name is Hipolito Anaya, and I work in  
15 construction. I work for myself. And I am Viviana  
16 Rios' father.

17 Q. Now how long have you lived here in the United  
18 States?

19 A. Twenty-two years.

20 Q. Okay. And what is your current residency  
21 status here in the United States?

22 A. A legal resident.

23 Q. So you have filled out the appropriate  
24 paperwork to be a legal resident?

25 A. Yes, sir.