

1 Honor. She can be excused.

2 **THE COURT:** You're released as a  
3 witness. Thank you so much.

4 **THE WITNESS:** Thank you. Uh-huh  
5 (affirmative.)

6 **(Witness released)**

7 **THE COURT:** Thank you. The next  
8 witness?

9 **MS. JOHNSON:** State would call Officer  
10 Danny Do.

11 **THE COURT:** Thank you. Officer Do.

12 **THE BAILIFF:** Judge, this witness has  
13 not been sworn.

14 **THE COURT:** Hello, Officer. Come on  
15 up, please, sir. If you would go around that side of  
16 the court reporter. And if you will stop and face  
17 the jury, I will give you the oath. Raise your right  
18 hand, please.

19 **(Witness Duly Sworn)**

20 **THE COURT:** Thank you, sir. You may  
21 have a seat there.

22 **DANNY DO,**  
23 having been first duly sworn, testified as follows:

24 **DIRECT EXAMINATION**

25 **Q. (BY MS. JOHNSON)** Good afternoon, Officer.

1           **A.**     Yes, ma'am.

2           **Q.**     Would you please introduce yourself to the  
3 jury?

4           **A.**     I'm Officer Do, Houston Police Missing  
5 Persons Unit.

6           **Q.**     Will you state and spell your first and  
7 last name?

8           **A.**     First name is P-H-O-N-G, but I go by Danny.  
9 And last name is Do, D-O.

10          **Q.**     You work for the Houston Police Department?

11          **A.**     Yes, ma'am.

12          **Q.**     What do you do for the Houston Police  
13 Department?

14          **A.**     I'm in the Missing Persons Unit. We go in  
15 and find missing children, teenagers, adults, anybody  
16 that's missing.

17          **Q.**     How long have you been with HPD?

18          **A.**     Nineteen years.

19          **Q.**     And how long have you been in Missing  
20 Persons?

21          **A.**     A little bit over 16.

22          **Q.**     So, in that 16 years, is it fair to say you  
23 have investigated a lot of missing person cases?

24          **A.**     Yes, ma'am.

25          **Q.**     Let me have you explain to the jury how do

1 people make a missing person's report, or what are  
2 the rules associated with actually reporting someone  
3 missing?

4 **A.** You just -- if you have someone that is  
5 a -- anyone that -- you know, that's supposed to be  
6 somewhere and they are not, you can file a missing  
7 person's report.

8 **Q.** Is there any kind of time limit? Like you  
9 have to wait so many hours before you can report a  
10 person missing?

11 **A.** No, ma'am.

12 **Q.** So, when someone makes a report, then what  
13 does the unit do?

14 **A.** The patrol unit makes the report. They  
15 will call over to intake, and from there they place  
16 them into the National Crime Information Center.  
17 From there we take the case and do an investigation  
18 on it.

19 **Q.** So, how many officers are assigned to  
20 investigate missing persons?

21 **A.** We have eight.

22 **Q.** How big is your caseload?

23 **A.** It depends. Right now it's probably about  
24 80 to 100.

25 **Q.** For just yourself?

1           **A.**     Yes.

2           **Q.**     So, a report is made about a missing  
3 person, as an investigator with that unit for 16  
4 years, right?

5           **A.**     Yes.

6           **Q.**     Kind of -- what is the basic investigation  
7 that you start doing to look for the person?

8           **A.**     You gather informations. Depends on if  
9 it's a person or if it's a child or a juvenile.  
10 Juveniles, you know that they are probably with  
11 friends and such. With an adult, you go and check  
12 records. You run their history, see what they are  
13 doing, the basic things, and gathering information.

14          **Q.**     And how are cases assigned to the  
15 investigators?

16          **A.**     By districts.

17          **Q.**     And what district are you working?

18          **A.**     I work 19 and 20 district.

19          **Q.**     What area of town is that?

20          **A.**     Westside area. That's over 610, just past  
21 610 on the Beltway going south of I-10 and north of  
22 59.

23          **Q.**     Are you probably the most experienced  
24 investigator in that unit?

25          **A.**     I'm probably third.

1           **Q.**     So, there is more with more experience than  
2 you?

3           **A.**     There is one more for about a month, and  
4 the other one is about two years.

5           **Q.**     So, let me take you back to September of  
6 2012, specifically September 25, 2012. You were  
7 working in Missing Persons at that time?

8           **A.**     Yes, ma'am.

9           **Q.**     And was there a case referred by the patrol  
10 unit to the Missing Persons Unit of a Michelle Warner  
11 being missing?

12          **A.**     Yes, ma'am.

13          **Q.**     And, initially, were you assigned that  
14 investigation?

15          **A.**     No, ma'am.

16          **Q.**     And why not?

17          **A.**     Because that wasn't my district.

18          **Q.**     Who was that case assigned to initially?

19          **A.**     Officer Flores.

20          **Q.**     And so, when -- as an officer, how do you  
21 start the investigation? What is one of the first  
22 things you want to do?

23          **A.**     You want to do what we call an F6, which is  
24 a criminal background check or reports that you make  
25 here in Houston. So, you would look at all the

1 possible reports that you have made, see where you  
2 lived, see what you have done, what kind of reports  
3 are -- that you have done, accidents or anything  
4 else, that may help us in finding you.

5 Q. Do you also talk to the family members or  
6 friends that last saw the missing person or had  
7 anything to do with the missing person?

8 A. Yes, definitely.

9 Q. And did Officer Flores do that in this  
10 case?

11 A. Officer Flores, I don't believe, was there.  
12 So, another person, which is I think Officer Chavez,  
13 took the case on that first day. The second day that  
14 it was there, I was there in the office at that time.  
15 So, I did help her, also.

16 Q. So, you assisted Officer Chavez in doing  
17 that?

18 A. Yes.

19 Q. And why did you do that?

20 A. Because I'm a little bit more experienced  
21 than she is.

22 Q. So, you're helping out?

23 A. Yes.

24 Q. At some point did you take over the whole  
25 missing persons investigation?

1           **A.**     Yes, I did.

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

3           **A.**     Because I was more experienced.

4           **Q.**     Now, with Officer Chavez, did she speak to  
5 a Veronica Aguirre?

6           **A.**     Yes, she did.

7           **Q.**     And when getting information from Veronica  
8 Aguirre, did y'all want to find out who else had last  
9 seen Michelle Warner alive?

10          **A.**     Yes.

11          **Q.**     Who else did y'all speak with in trying to  
12 locate Michelle Warner?

13          **A.**     I believe it was actually two cases made.  
14 One was from the workplace, and one was from the  
15 parents afterwards.  So --

16          **Q.**     So, two reports came in to Missing Persons  
17 for the same person?

18          **A.**     Yes.

19          **Q.**     Was that report from Veronica Aguirre?

20          **A.**     Yes.

21          **Q.**     Was there also a Walter Chaffin?

22          **A.**     Yes.

23          **Q.**     Was that the father of the victim?

24          **A.**     Yes.

25          **Q.**     Missing person?

1           **A.**     The missing person, yes.

2           **Q.**     So, with a -- in this situation, did you  
3 learn, based on the investigation, that it was a  
4 female who had children?

5           **A.**     Yes.

6           **Q.**     And did you speak with friends that knew  
7 the missing person, Michelle Warner?

8           **A.**     Yes.

9           **Q.**     How many people did y'all speak with in  
10 total, do you think?

11          **A.**     As a unit, probably 10 or so, plus the  
12 people in the apartment complex.

13          **Q.**     Now, when you're looking for someone, do  
14 you put out any kind of news reports or fliers or  
15 anything like that?

16          **A.**     We do make fliers, and we do try to put it  
17 out in the area that she was last seen just in case  
18 people may have seen her go somewhere, maybe go with  
19 some other people, maybe get into a car, a bus.

20          **Q.**     In this case, who made the flier?

21          **A.**     I actually made the flier, and our unit  
22 passed it out in that area.

23          **Q.**     And what do you call it?

24          **A.**     Critical reach flier.

25          **Q.**     And why do you call it that?



1           **A.**     It's a flier to hopefully help people  
2 recognize the person that's missing, and hopefully  
3 they will give us a call in regards to their  
4 whereabouts. Because we don't know if they are  
5 injured or if they are not.

6           **Q.**     And what information do you put on that  
7 flier?

8           **A.**     We put the case number, the photo, their  
9 information, the last known location, hopefully if we  
10 had a last description of what they are wearing, and  
11 how they would look closest to where they were at the  
12 time they left.

13          **Q.**     Did other officers in your unit go to the  
14 apartment complex where she lived?

15          **A.**     Yes.

16          **Q.**     Do you know when they went to that  
17 apartment complex?

18          **A.**     I believe it was on the 26th or 27<sup>th</sup>. I  
19 forget.

20          **Q.**     The reports that were made to Missing  
21 Persons about Michelle Warner being missing, did  
22 those reports happen on September 24th and 25th or on  
23 September 25th?

24          **A.**     The report was made on the 25th.

25          **Q.**     And then after that, did officers go to the

1 apartment and pass out or put up those critical reach  
2 fliers?

3 **A.** Yes. After we were able to get a picture  
4 of her, yes.

5 **Q.** Now, once you took over the investigation,  
6 what did you do? Who did you talk to first?

7 **A.** I spoke with the investigators that were  
8 there, of course, Officer Chavez and such. And then  
9 I ran a background check on her, also ran a  
10 background check on him.

11 **Q.** Who is "him"?

12 **A.** As in Mark.

13 **Q.** Full name?

14 **A.** Mark --

15 **Q.** Castellano?

16 **A.** Castellano, yes.

17 **Q.** And how did you become aware of Mark  
18 Castellano even being a part of this?

19 **A.** He was the father of Cayden, which is their  
20 child.

21 **Q.** Based on the investigation, did you become  
22 aware that he was the last person to see the missing  
23 person?

24 **A.** Yes.

25 **Q.** And as an investigator, do you want to talk

1 to that person?

2 **A.** Yes.

3 **Q.** Why?

4 **A.** Because he was the last person to see her.

5 **Q.** So, going back to when you're starting to  
6 do your part of the investigation, did Missing  
7 Persons meet as a unit to discuss the case?

8 **A.** Yes, we did.

9 **Q.** And why did that happen?

10 **A.** It depends on the profile of the case.

11 This was catching the news, and it was becoming a big  
12 profile. It also was clear in regards to what needed  
13 to be done. So, we split up the actual investigation  
14 and pointed people to do certain tasks.

15 **Q.** Were there officers assigned to talk to or  
16 interview specific people?

17 **A.** Yes.

18 **Q.** Who did you actually speak to in your  
19 investigation?

20 **A.** I spoke with -- I did speak with the father  
21 because, actually, he made the initial report and --  
22 I spoke with the father of the missing person.

23 **Q.** Did you speak with the patrol unit who put  
24 in the report for the father?

25 **A.** Yes. I spoke with the Officer Chavez who

1 spoke with the patrol unit.

2 Q. Okay. You, yourself, did not talk to the  
3 patrol unit?

4 A. No, I did not.

5 Q. And then who did you talk to?

6 A. I also spoke with Mark, and I think I'm  
7 missing another person that I did speak to. But  
8 Mark, also.

9 Q. How many times did you speak with Mark  
10 Castellano concerning the disappearance of Michelle?

11 A. I spoke to him once in regards to her  
12 disappearance -- or spoke to him over the phone when  
13 he was -- he told me he was in Odessa.

14 Q. So, on -- how many times did you try to  
15 contact him to speak with him?

16 A. Oh, from the very beginning, Officer Chavez  
17 had tried to contact him after we discussed it. I  
18 did also try to contact him that morning a couple of  
19 times, and then I believe I was able to finally reach  
20 him or he reached me back.

21 Q. So, you had called him a couple of times.  
22 Did you leave a message for him to call you?

23 A. Yes.

24 Q. Did you identify yourself and who you were  
25 with?

1           **A.**     Yes.

2           **Q.**     And so, when you finally did speak to him,  
3 when did that happen?

4           **A.**     That was, I believe, the 27<sup>th</sup>.

5           **Q.**     And did he call you, or did you call him?

6           **A.**     A lot of things were going on. I think I  
7 called him a couple of times that morning, and I  
8 think he may have called me back or else I caught him  
9 trying to dial on -- dial him.

10          **Q.**     Did you record that conversation?

11          **A.**     I did record that conversation.

12          **Q.**     And why did you record it?

13          **A.**     I recorded it for my investigation because  
14 we don't know what people would say. Just depends on  
15 the investigation. And I think this was very  
16 important that we spoke with Mark because he was the  
17 last person seeing her.

18          **Q.**     At that time you received reports -- after  
19 talking to her family members and witnesses and  
20 coworkers, were you suspicious of him?

21          **A.**     A little bit. We are always suspicious of  
22 a person who has last seen the person. Because of  
23 the outside information that we got from family  
24 members and friends, it was a little suspicious, yes.

25          **Q.**     Showing you what's been marked as State's

1 Exhibit No. 6. Have you seen this before?

2 A. Yes.

3 Q. And on State's Exhibit 6, is this the  
4 recording of that conversation between you and the  
5 defendant, Mark Castellano?

6 A. Yes, ma'am.

7 Q. And was this recording made on a device  
8 capable of making an accurate recording?

9 A. Yes, ma'am.

10 Q. And have you listened to this?

11 A. Yes.

12 Q. And who are the voices on this?

13 A. Myself and Mark.

14 Q. And at the time it's who you believed to be  
15 Mark Castellano?

16 A. Yes.

17 Q. In other words, you didn't know him or see  
18 him in person?

19 A. No.

20 Q. And has this recording been altered in any  
21 way?

22 A. No, ma'am.

23 **MS. JOHNSON:** At this time I offer  
24 State's Exhibit No. 6 into evidence. Counsel has  
25 their own copy of it.

1                   **MR. DAVIS:** And there is no objection,  
2 Your Honor.

3                   **THE COURT:** Admitted.

4           **Q.**       **(BY MS. JOHNSON)** Now, at the time that --  
5 at the time that you spoke with the defendant, HPD  
6 Homicide had been involved in the investigation?

7           **A.**       Yes, ma'am.

8           **Q.**       How did they become involved?

9           **A.**       When we get a case that hits the media and  
10 this was a high profile case, and a concern in  
11 regards to this, we do contact Homicide; and we let  
12 them know what our concerns are.

13           **Q.**       And what were your concerns?

14           **A.**       That she may not be on her freewill out and  
15 about.

16           **Q.**       In other words, did you think she went  
17 missing by her own choice at that time?

18           **A.**       We were -- we did not know, but we were on  
19 the safe side in regards to calling them and letting  
20 them know, hey, this is what we have. This is what  
21 we found out from family and friends.

22           **Q.**       Do you do that in every missing person's  
23 case?

24           **A.**       To call Homicide? No.

25           **Q.**       So, in this case, because of the

1 information, you contacted Homicide to get involved  
2 in the investigation?

3 A. Yes.

4 Q. And what Homicide investigators were  
5 assigned to this case?

6 A. Brian Harris -- Sergeant Brian Harris and  
7 Fil Waters.

8 Q. And did you meet with them before you had  
9 this conversation with the defendant?

10 A. No.

11 Q. So, after the conversation with the  
12 defendant, did you -- let me back up.

13 Was that the only conversation that  
14 you actually had with him?

15 A. With Mark?

16 Q. Yes. Sorry.

17 A. I saw him on the following Sunday at the  
18 1200 Travis.

19 Q. In that conversation that you had with the  
20 defendant, did you want him to come back to Houston  
21 to interview with y'all in person?

22 A. Yes.

23 Q. Was he agreeable to that?

24 A. Yes.

25 Q. And when did you -- when did he actually



1 come back to Houston?

2 **A.** He was telling me he was going to give me a  
3 call. Fil actually called him on Friday and set up  
4 an appointment with him. He said he was coming back  
5 on Sunday.

6 **Q.** And when he came back that Sunday, were you  
7 there in Homicide when he was brought in?

8 **A.** Yes, I was.

9 **Q.** And why were you there?

10 **A.** I was also the investigator in regards to  
11 the missing person. So, I still am a lead  
12 investigator. Fil and Brian was helping out in  
13 regards to the interview.

14 **Q.** So, when the defendant was being  
15 interviewed by Investigator Waters, did you watch?

16 **A.** Yes, I did.

17 **Q.** Did you watch the whole thing?

18 **A.** Yes, I did.

19 **Q.** So, at the point where the defendant told  
20 what happened and lead officers to the complainant's  
21 body, what happens with missing persons at that point  
22 in your investigation?

23 **A.** I'm sorry. Say that again.

24 **Q.** Once she is found --

25 **A.** Uh-huh (affirmative.)

1           **Q.**     -- what happens with the missing person's  
2 investigation?

3           **A.**     Once a body is found in regards to a  
4 missing person's investigation, if there is a  
5 homicide in regards to it, it goes to Homicide.

6           **Q.**     And does Homicide then take over the  
7 investigation completely?

8           **A.**     Yes, ma'am.

9                   **MS. JOHNSON:** At this time I would  
10 publish State's Exhibit No. 6.

11                   **THE COURT:** Again, may we have an  
12 agreement that the court reporter need not write down  
13 what is on the recording?

14                   **MS. JOHNSON:** Yes, Your Honor.

15                   **MR. DAVIS:** That's agreeable.

16                   **THE COURT:** Thank you.

17           **Q.**     **(BY MS. JOHNSON)** I'm sorry. Before we  
18 start the recording, Officer Do, if you could kind of  
19 set up to the jury what they are about to hear. Was  
20 this at the beginning of your conversation when the  
21 recording starts?

22           **A.**     No, ma'am. It was -- he caught me by  
23 surprise in either the getting the conversation with  
24 me and him, so I did not state my name in regards to  
25 the recording. I pressed it once I knew it was Mark

1 that was on the phone with me.

2 Q. So --

3 A. To record.

4 Q. So, the recording starts kind of after the  
5 conversation has begun?

6 A. Yes. Not much after; but, yes, after.

7 (Exhibit Published)

8 THE COURT: Excuse me. Is the tape  
9 much longer?

10 MS. JOHNSON: Maybe five more minutes,  
11 Judge.

12 THE COURT: Okay.

13 (Exhibit Published)

14 THE COURT: Thank you. We will go  
15 ahead and recess at this time. I try to quit a  
16 little early if it's a voting day so you can make it  
17 back home. I have received an e-mail from the court  
18 administrator who has been in contact with the  
19 emergency people, and they have asked us to kind of  
20 start a little later tomorrow because there's some  
21 concern it's going to rain overnight and some jurors  
22 might have trouble coming in.

23 It's also supposed to rain tomorrow  
24 afternoon. And, of course, we're going to keep  
25 moving with the trial because it's probably -- may

1 have thunderstorms all week. We will start at 10:30  
2 instead of 10:00, give everybody an extra 30 minutes.

3 Obviously, we want to keep moving with  
4 the trial, and if you can be here on time, that's  
5 really great. I don't expect anybody to endanger  
6 themselves. So, if the water is too high to go  
7 through, don't flood your car. You know, just call;  
8 and we will work with you on that. So, be here  
9 unless it's just a problem. If it is a problem, we  
10 will understand.

11 And so, everyone should have our phone  
12 number; and if you will go over that again. Make  
13 sure you have our card or our number somewhere. And,  
14 of course, the staff comes in very early; but a lot  
15 of times the bailiffs are with the inmates in the  
16 holdover, so they don't answer the phone. The court  
17 coordinator is here by 8:00 or 8:30, but sometimes  
18 she steps out to the xerox and that sort of thing.  
19 If you cannot get ahold of a live person, just leave  
20 a message on the recorder.

21 Please remember all of the  
22 instructions I gave you earlier today. And I'm going  
23 to instruct you again not to look at the media.  
24 Don't look at the Houston Chronicle at all. Somebody  
25 can hand you the sports section or entertainment

1 section. Somebody else will have to read you the  
2 weather because that's on a news section.

3 And I'm going to instruct you not to  
4 watch any TV news. Somebody can call you when sports  
5 and weather comes on. That's about it. So -- also,  
6 no radio news. And don't communicate in any way  
7 about the case to anybody.

8 And then we will see you tomorrow at  
9 what time?

10 **A JUROR:** 10:30.

11 **THE COURT:** All right. Have a great  
12 evening. Nice to see you-all again.

13 All rise, please.

14 **THE BAILIFF:** All rise, please, for  
15 the jury.

16 **(Jury released)**

17 **(END OF TODAY'S PROCEEDINGS)**

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