

1 witness, Judge.

2 *THE COURT:* May he be excused?

3 *MS. KNECHT:* That's fine with the State,
4 Judge.

5 *MS. CARROLL:* Yes, Your Honor.

6 *THE COURT:* Thank you so much, sir.

7 *THE WITNESS:* Thank you, Your Honor.

8 *THE COURT:* Thanks for coming down.

9 *MS. CARROLL:* Defense calls Corporal Henry
10 Garcia.

11 *THE BAILIFF:* This witness has previously been
12 sworn in, Your Honor.

13 *THE COURT:* Thank you. You may have a seat on
14 the witness stand, sir.

15 **HENRY GARCIA,**

16 having been first duly sworn, testified as follows:

17 **DIRECT EXAMINATION**

18 *Q. (BY MS. CARROLL)* Can you please state your name
19 for the record?

20 *A.* My name is Corporal Henry Garcia.

21 *Q.* How are you employed?

22 *A.* I'm employed with the City of Stafford Police
23 Department.

24 *Q.* Are you one of the officers that were present at
25 Stafford Police Department when Mr. Lopez turned himself in?

1 A. Yes, ma'am, I was.

2 Q. Did anyone ask Mr. Lopez to turn himself in?

3 A. No, ma'am, from my knowledge, no, ma'am.

4 Q. And he had not been identified yet, about who the
5 shooter was?

6 A. No, ma'am.

7 Q. And so Mr. Lopez turned himself in voluntarily?

8 A. Yes, ma'am.

9 Q. And how did Mr. Lopez appear when he came to the
10 office?

11 A. Appear as --

12 Q. Physically? Did you notice any injuries?

13 A. Physically? Yes, ma'am, I recall him turning
14 himself in that evening after 10:00 o'clock. It was -- he
15 had abrasions on his face, a bandage, I recall, as if he had
16 been involved in some physical altercation.

17 Q. I'm going to now show you what's been marked as
18 Defense Exhibit No. 1. Is this an accurate depiction?

19 A. Yes, ma'am.

20 Q. Did he become emotional when he talked to you?

21 A. Yes, ma'am, he was extremely emotional.

22 Q. Did he provide you a statement?

23 A. Yes, ma'am, unsolicited.

24 Q. So, he just wanted to tell you what happened?

25 A. Immediately when he came in contact with myself, he

1 immediately began telling his side of his -- of what
2 occurred.

3 Q. Did he cry?

4 A. Yes, ma'am.

5 Q. When you were taking his statement, did you find
6 him to be credible?

7 A. Yes, ma'am.

8 Q. Based on your investigation and your interview, and
9 also your experience as a police officer, do you believe
10 that John Lopez meant to kill Travone Ford?

11 MS. KNECHT: Judge, I'm going to object. This
12 calls for a legal conclusion.

13 THE COURT: Ms. Carroll, please. Sustained.

14 Q. (BY MS. CARROLL) Based on your investigation, was
15 Mr. Lopez remorseful about what happened?

16 A. Yes, ma'am.

17 Q. Based on your investigation and your experience as
18 a police officer, do you believe that John Lopez was acting
19 in sudden passion?

20 MS. KNECHT: Judge, again, I'm going to
21 object. This calls for a legal conclusion.

22 THE COURT: Sustained.

23 MS. CARROLL: Your Honor, I'm just going to
24 make an offer of proof at this point for the record.

25 THE COURT: All right.

1 MS. CARROLL: How would you answer that
2 question, based on your investigation and experience, that
3 he was acting out of sudden passion?

4 THE COURT: This is for the appellate court,
5 not for me.

6 THE WITNESS: Not for you?

7 THE COURT: Uh-huh.

8 A. I believe he was.

9 MS. CARROLL: No further questions, Your
10 Honor.

11 THE COURT: Thank you. Anything further?

12 MS. CARROLL: No, Your Honor.

13 MS. KNECHT: I have no questions for this
14 witness, Judge.

15 THE COURT: May this witness be excused?

16 MS. CARROLL: Yes, Your Honor.

17 MS. KNECHT: That's fine, Judge.

18 THE COURT: Thank you so much.

19 THE WITNESS: Thank you, Judge.

20 MS. CARROLL: Defense now calls John Lopez.

21 THE COURT: Mr. Lopez, I don't believe you
22 took the oath earlier, did you? Have you taken the oath
23 yet?

24 THE DEFENDANT: No, ma'am.

25 THE COURT: Can you raise your right hand?