

BRIAN HEINTZ - October 4, 2011  
Cross-Examination by Mr. Barrow

1 possibly have found it present.

2 Q. Did you review the arson reports before you did  
3 your investigation?

4 A. We reviewed the Houston Fire Department, the  
5 incident run report. But the Houston Arson report, by  
6 the time our report went out in, I believe, November of  
7 that year, the arson report was not complete.

8 MR. BARROW: Pass the witness.

9 MR. BALDASSANO: Nothing further, Judge.

10 THE COURT: All right.

11 State, would you call your next witness.

12 MR. BALDASSANO: Juan Garcia.

13 THE COURT: You may proceed, Counsel.

14 **JUAN GARCIA,**

15 having been first duly sworn, testified as follows:

16 **DIRECT EXAMINATION**

17 BY MR. BALDASSANO:

18 Q. Please state your name, sir.

19 A. My name Juan Garcia.

20 Q. And how are you employed?

21 A. City of Houston, City of Houston Fire  
22 Department.

23 Q. All right. And what title do you have there?

24 A. Arson investigator.

25 Q. How long have you been an arson investigator?

JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1 A. Approximately eight years.

2 Q. Before that, did you still work with the City  
3 of Houston Fire Department?

4 A. Yes, sir. My total time with the City of  
5 Houston Fire Department is approximately twenty-eight  
6 years.

7 Q. Were you a firefighter before an arson  
8 investigator?

9 A. Yes, sir.

10 Q. And as an arson investigator, do you have the  
11 responsibility to determine, if you can, the origin and  
12 cause of the fire?

13 A. Yes, sir.

14 Q. I'm going to call your attention back to  
15 October 19th of 2007. And did you have an occasion to  
16 work follow-up to a fire that occurred that day?

17 A. Yes, sir.

18 Q. And what was your role as a follow-up  
19 investigator?

20 A. Follow-up investigator is collect any  
21 information that had been previously submitted on the  
22 incident, which includes photographs, the photographed  
23 documentation, and review it, go to the scene, observe  
24 the scene and start my documentation as far as trying to  
25 conclude if there was -- that fire was incendiary or

JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1 accidental.

2 Q. And when you do follow-up, do you work during  
3 the day?

4 A. Yes, sir.

5 Q. And do you remember on this fire if you started  
6 doing the follow-up the same day as the fire or sometime  
7 after?

8 A. It happens after.

9 Q. Well, I mean, is it after that day? I know  
10 it's after the fire; but is it after the day or the same  
11 day, October 19th, or another day?

12 A. October 19th is a Friday. I started -- I was  
13 assigned a case on that following Monday, which is  
14 October 22nd.

15 Q. Okay. So is anybody working on the case from  
16 the time that the -- Investigator Hicks leaves the scene  
17 and starts to do his report and all -- is there any  
18 follow-up person working the weekend, or is it just kind  
19 of sit tight until the weekend is over?

20 A. It's -- since it was a night case for  
21 Investigator Hicks, it's assigned on the following week,  
22 which would be follow-up investigator, which is my  
23 shift.

24 Q. So the question is, if he finishes his work on  
25 Friday morning, is anybody doing anything on the case

JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1 Friday afternoon, Friday night, Saturday or Sunday?

2 A. No, sir.

3 Q. And so, you first get it on, say, Monday  
4 morning?

5 A. Yes, correct.

6 Q. Do you get a bunch of cases on Monday morning  
7 or just one?

8 A. Usually it's going to be just one.

9 Q. And do you work with somebody as a follow-up  
10 investigator on the one case, or do you work alone, or  
11 do you have a partner?

12 A. Most of the time it's my responsibility, my  
13 case; but I will occasionally take a partner.

14 Q. Do you remember if you had a partner in this  
15 case?

16 A. I remember I did not have an assigned partner,  
17 correct.

18 Q. Okay. So about two or three days later, you  
19 pick up the case for the first time and you're by  
20 yourself?

21 A. Yes.

22 Q. And what's the first thing you do when  
23 you're -- I guess, do you find the case in, like, a bin  
24 somewhere, somebody put the offense report in a folder?

25 A. Investigator Hicks, or whoever did it, were

JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1 calling it a 1024, a night case. The report will be  
2 submitted into the computer. And then the way I receive  
3 the case is a senior supervisor assigns incidents to an  
4 investigator.

5 And in this case, that particular case --  
6 Rampart incident was assigned to me. I put -- like I  
7 said, I printed up the case and any documentation that's  
8 available, requested to see the photos from the photo  
9 lab and got started in that direction.

10 Q. All right. And when you printed up the case,  
11 do you remember if there were printed up written  
12 statements from people?

13 A. No, sir, I did not receive any written  
14 statements.

15 Q. Now, have you had that happen before in other  
16 cases where you picked up as a follow-up and there were  
17 actual written statements from people?

18 A. Yes, sir.

19 Q. Is that a relatively common tool for your  
20 office is to take written statements?

21 A. Yes.

22 Q. And why would you take a written statement?

23 A. That would -- if there is a witness or someone  
24 that has viable information, that would lock that in,  
25 that information in --

JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1 Q. All right.

2 A. -- the written statement.

3 Q. And do you sometimes do audio statements? Do  
4 you sometimes find those in the file?

5 A. Yes, sir.

6 Q. Were there any audio statements in this case?

7 A. No, sir, there was not.

8 Q. All right. So you do a printout and do -- you  
9 just get the police or the incident report from  
10 Officer -- or Investigator Hicks; is that right?

11 A. Correct, yes.

12 Q. Do you run the Houston Fire Department incident  
13 report from the actual firefighters?

14 A. Not -- not in most cases, not initially.

15 Q. Okay. Did you do it in this case?

16 A. Yes.

17 Q. All right. So you have the incident report and  
18 you have the offense report, right?

19 A. Yes, correct.

20 Q. And do you get the 911 tape?

21 A. It depends on the seriousness of the case.

22 Q. Keep talking about this case. Do you get the  
23 911 report in this case?

24 A. No, sir.

25 Q. You have no statements, no 911; but you have

JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1 the incident report and the offense report?

2 A. And the photographs, yes, sir.

3 Q. And those are photos taken by Matt Milam  
4 (phonetic) with the Houston Arson?

5 A. Yes, sir.

6 Q. And he was out there on that scene?

7 A. Yes.

8 Q. And do you have anything else to start your  
9 investigation? Do you gather anything else?

10 A. No.

11 Q. Did you have the hospital pictures?

12 A. No, sir -- well, that's part of the  
13 photographs, yes.

14 Q. And did you have the hospital report; that is,  
15 medical records?

16 A. No, sir. That hasn't been requested.

17 Q. So what do you do next now that you have this  
18 stuff?

19 A. I go through the report. And what I like to do  
20 is go to the fire scene and walk through the fire scene  
21 and observe the fire scene and make contact with the  
22 individual or individuals that are involved in the fire  
23 and any witnesses or the individuals where the  
24 statements were obtained from.

25 Q. Now three days after the fact, did you

JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1 sometimes find it hard to, like, you know, find the  
2 people that were involved in the fire since three days  
3 have gone by?

4 A. Yes, sir.

5 Q. All right. So do you go to the fire scene, I  
6 guess, that Monday morning?

7 A. Monday midday, after the photographs were  
8 collected, yes.

9 Q. And what did you see at the fire scene,  
10 generally? Are the cars still there?

11 A. No, sir, the vehicles were not there.

12 Q. Do you see the burn damage and take a look  
13 around?

14 A. Yes. I observed that it was a shopping strip  
15 center and made my way around the perimeter and made  
16 my -- introduced myself to the -- I would say the  
17 individual that was in custody of the vehicles that were  
18 involved.

19 Q. What was his name?

20 A. Efrain Mendoza.

21 Q. And how many people did you talk to that first  
22 Monday afternoon?

23 A. Two individuals.

24 Q. Who were they?

25 A. Efrain Mendoza and John Morin.



JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1 Q. Okay. And is John Morin the same person on  
2 trial here today?

3 A. Yes, sir.

4 Q. And what was he doing when you went out there?

5 A. He was at a different location, and I asked him  
6 what was he doing. He was detailing a vehicle when I --  
7 at another location.

8 Q. Okay. And -- well, let me go back to the first  
9 location. So you go back to 7200 Rampart, or you go  
10 there for the first time and you talk to Efrain Mendoza?

11 A. Correct, yes, sir.

12 Q. And do you take a written statement from him,  
13 like where you type it up, or a recorded statement?

14 A. Those were notes on the scene. And yes,  
15 eventually they turned into a written statement.

16 Q. Well, I guess my question is this: Did you  
17 take Efrain Mendoza back to Houston Arson to get a  
18 statement from him, a written statement?

19 A. No, sir.

20 Q. Okay. And do you take an audio-taped statement  
21 at the scene or take him back for any kind of an  
22 audio-taped statement?

23 A. No, sir, I did not.

24 Q. So he tells you things, and you take notes; is  
25 that right?

JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1 A. Yes, sir.

2 Q. And then your notes become part of your report  
3 later?

4 A. Correct.

5 Q. And were there some cases where you go further  
6 and you actually do take a written statement from  
7 somebody or an audio-taped statement in a situation like  
8 that?

9 A. Yes, sir.

10 Q. Do you talk to anybody else at the 7200 Rampart  
11 scene?

12 A. No, sir, not that day, no.

13 Q. And you said you dealt with the defendant. How  
14 did you know where to go, and where did you go?

15 A. Mr. Mendoza directed me to where he was.

16 Q. And where was he?

17 A. He was at -- he didn't know the address, but it  
18 was M & M Auto Detail. I believe that's --

19 Q. Okay. And where was that compared to Rampart?  
20 How far away?

21 A. Approximately half a mile.

22 Q. Half a mile?

23 A. Half a mile away, correct.

24 Q. And while -- when you went there, can you  
25 describe his physical condition when you saw him?

JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1           A.    He was outside standing, like I said, doing  
2 detail work on a vehicle.  He seemed to be in good  
3 physical health.  Not very talkative.

4           Q.    Were you trying to interview him?

5           A.    Yes.

6           Q.    And at that point, were you seeing him as a  
7 suspect or just somebody of -- you know, that you want  
8 to talk to?

9           A.    Someone I wanted to talk to.

10          Q.    And did you understand that he was at the fire  
11 when it occurred?

12          A.    Right.  That was the reason for me to make  
13 contact with him.

14          Q.    Did you know whether or not he had gone to the  
15 hospital that night?

16          A.    I did know that, yes.

17          Q.    And did you have any kind of conversation with  
18 him about the fire?

19          A.    Yes, we did.

20          Q.    Did you notice -- did he complain of any kind  
21 of injury or tell you anything about, you know, I was in  
22 a coma yesterday, or I was out cold yesterday, or did he  
23 tell you anything like that about his physical shape?

24          A.    No, sir, nothing like that.

25          Q.    How long did you spend with the defendant?

JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1           A.    I would say approximately fifteen to seventeen  
2 minutes.

3           Q.    All right, sir.  And did you take him down for  
4 any kind of written statement?

5           A.    No, sir.

6           Q.    All right.  What did you do next after visiting  
7 with the defendant as he was working on cars?

8           A.    For that particular case, that was the -- I'd  
9 say, the end of that investigation for this day.

10          Q.    All right.  And, so, did you pick it up on a  
11 Tuesday?

12          A.    No, sir.

13          Q.    When is the next time you did something on the  
14 case?

15          A.    It would be October.  Monday, October 29th, the  
16 following Monday.

17          Q.    And what did you do on October 29th?

18          A.    That morning at the office, I received a call  
19 from a private investigator with information about the  
20 case.

21          Q.    Was that the guy who just testified here, Brian  
22 Heintz?

23          A.    Yes, sir.

24          Q.    And was the discussion about the areas of  
25 origin in the cars?

JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1           A.    Yes, sir.

2           Q.    And after speaking to Brian Heintz, did you  
3 have an occasion to then go and investigate for  
4 yourself?

5           A.    Yes, sir.

6           Q.    What did you do?

7           A.    He faxed me some information that he had that  
8 he had drawn out the plat, so to speak, of the vehicle  
9 placements.  So I felt it needed to be looked at  
10 immediately.  So I went to 7200 Rampart and spoke to  
11 Efrain to see where the vehicles were located.  And he  
12 gave me directions to get to the location, and I went to  
13 the location where the vehicles were located.

14          Q.    All right.  And did you see the cars there,  
15 including a Camaro?

16          A.    Yes, sir.

17          Q.    And did you have an occasion to take a close  
18 look at the Camaro?

19          A.    Yes, sir.

20                   MR. BALDASSANO:  May I approach the  
21 witness, Judge?

22                   THE COURT:  You may.

23          Q.    (By Mr. Baldassano)  I'm going to show you  
24 what's been labeled as State's Exhibit No. 25 and ask  
25 you to take a look at this.  Do you recognize that disk

JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1 as some PowerPoint that you worked on using photographs  
2 in this case?

3 A. Yes, sir.

4 Q. And would this help a jury understand your  
5 testimony?

6 A. Yes, sir.

7 MR. BALDASSANO: Judge, we'd offer State's  
8 25 into evidence and tender same to defense.

9 THE COURT: Okay.

10 MR. BALDASSANO: These are -- well, I  
11 could ask the witness.

12 Q. (By Mr. Baldassano) What is on State's Exhibit  
13 No. 25 regarding photographs?

14 A. Those are photos of the -- what I saw at the  
15 location of the vehicles.

16 MR. BALDASSANO: That's what's on there.

17 MR. BARROW: Just for clarification, the  
18 vehicles had been moved?

19 THE WITNESS: Yes, sir.

20 MR. BARROW: Okay. I have no objections,  
21 Judge.

22 THE COURT: Okay. State's 25 is admitted.

23 Q. (By Mr. Baldassano) Let me back up for a  
24 second. Did you ever get a telephone number from the  
25 defendant as a way of contacting him or talking to him?

JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1           A.    Yes, sir, I did obtain identifiers and a  
2 contact phone number where he could be reached and if I  
3 had any additional questions for him.

4           Q.    And can you tell -- did you note that in your  
5 report?

6           A.    The phone number?

7           Q.    Yes.

8           A.    Yes, sir.

9           Q.    Can you tell the jurors the phone number that  
10 you got from the defendant?

11          A.    May I reference my notes?

12          Q.    Yes.

13          A.    The phone number that he gave me was  
14 832-630-9363.

15          Q.    Okay. And did you ever use that number?

16          A.    Did I ever call him back?

17          Q.    Yeah.

18          A.    No, sir.

19          Q.    Okay. Okay. If you look to your right, there  
20 is a little screen there. If you press on the screen,  
21 you could actually make things happen on the screen,  
22 like circle things and stuff.

23                        Okay. These are the pictures. What's  
24 this a picture of?

25          A.    That's the alley at the 7200 block of Rampart

JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1 on Jessamine Street looking south into the alley.

2 Q. And were these pictures provided to you as  
3 photographs taken at the scene right after the fire?

4 A. Yes, sir.

5 Q. And did you use these pictures to help come to  
6 your origin and cause determination?

7 A. Yes, sir.

8 Q. Okay. And are these more pictures of the same  
9 thing?

10 A. Yes, sir.

11 Q. We've kind of seen these already. And I'm  
12 going to show you the picture, this picture, No. 5. Can  
13 you tell the jurors if you were actually out here and  
14 looking at this scene?

15 A. Yes, sir, I was at that location.

16 Q. Okay. And did you look at the Camaro?

17 A. Yes. That's the vehicle that Brian and I had a  
18 discussion about.

19 Q. Okay. And did you make a determination, based  
20 on your own analysis of the Camaro, whether or not a  
21 fire had started in the Camaro?

22 A. Yes, sir.

23 Q. And what did you see and -- well, what did you  
24 see?

25 A. What we're looking at, right there where the



JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1 arrows are, that's what I would call an exposure fire  
2 radiating from other vehicles.

3 Q. So from the outside heat?

4 A. Correct.

5 Q. All right. And did any of this outside heat  
6 communicate to the inside of the car, causing damage  
7 inside?

8 A. No, sir.

9 Q. Tell us about that. What are we looking at?

10 A. That's the rear cargo hatch keyhole of the  
11 Camaro.

12 Q. What, if anything, is significant about this?

13 A. The center portion where the key -- there is a  
14 flap there that moves to the side when the key is  
15 inserted, and the entire section is missing.

16 Q. So how could you open this Camaro hatchback?

17 A. From what I understand, like a screwdriver or  
18 something flat. Flathead-type instrument could be  
19 inserted in there and turned counterclockwise, or  
20 clockwise.

21 Q. Is this the back hatch of the Camaro?

22 A. Correct, yes, sir.

23 Q. Now if a person had the key to the Camaro --  
24 well, let me back up. Have you ever seen a car  
25 burglarized before where somebody tried to punch out a

JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1 lock like this?

2 A. Yes, sir.

3 Q. Can you then enter the car without a key?

4 A. From this area, yes, sir.

5 Q. And if you had a key, would you need to do  
6 this?

7 A. No, sir, not to enter through the rear hatch.

8 Q. Okay. And where was the fire in the Camaro in  
9 reference to that rear hatch?

10 A. It's in the center of the rear seat. Oh, from  
11 the rear hatch, of course, it would be towards the  
12 forward section, which is the rear seat passenger  
13 compartment area.

14 Q. Then could somebody open the hatch and start  
15 the fire where you saw it in the back of the Camaro?

16 A. Yes, sir.

17 Q. And was there any fire in front of the Camaro?

18 A. In the interior?

19 Q. In the interior.

20 A. No, sir, not to the extent that we see here.

21 Q. Did you consider the damage that you saw to the  
22 Camaro as independent and separate than the damage to  
23 the Sienna?

24 A. Yes, sir.

25 Q. And did you agree with the insurance

JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1 investigator that there were two separate and  
2 independent areas of origin of this fire?

3 A. Yes, sir.

4 Q. And is this a red flag as to whether or not  
5 it's an intentional fire?

6 A. Yes, it is.

7 Q. When did you end your investigation? That is,  
8 going back to 2007, did you at any time stop working on  
9 the case?

10 A. No, sir.

11 Q. Okay. Well, so did you work on the case  
12 throughout the years?

13 A. Throughout the years, yes, as we have a -- when  
14 you quit working a case, it's called an RTF, return to  
15 file. This case was never returned to file by me.

16 Q. Okay. Was it returned to file by anybody else?

17 A. No, sir.

18 Q. And after you took a look at the Camaro, did  
19 you visit -- or did you end up doing an origin and cause  
20 report of the fire and come to a determination?

21 A. Yes. I determined that it was incendiary, two  
22 separate distinct fires to that location.

23 Q. Was it your opinion that a person intentionally  
24 ignited an ignitable substance inside the car?

25 A. Yes.

JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1 Q. And after you looked at the Camaro, what's the  
2 next thing you did on the case?

3 A. That day, again, went to the office and made  
4 documentation of what had just occurred, which included  
5 the -- I believe it was a fax that I received from  
6 Mr. Heintz.

7 Q. And after all the documentation and all the  
8 report writing, what's the next thing you did?

9 A. That case stayed inactive for quite sometime.

10 Q. That's what I'm getting at. The case was  
11 inactive?

12 A. Yes, sir.

13 Q. When you say for quite sometime, how long is  
14 that?

15 A. I believe it was till March 30th, 2009.

16 Q. Okay. And who started up with the reactivation  
17 of the case, or actively working on the case? Who  
18 prompted that?

19 A. At that time I had a conversation with a  
20 coworker, Investigator Hernandez.

21 MR. BARROW: Your Honor, I'm going to  
22 object to any hearsay at this point.

23 THE COURT: Sustained.

24 Q. (By Mr. Baldassano) Can't talk about what he  
25 told you, but did that conversation prompt the

JUAN GARCIA - October 4, 2011  
Direct Examination by Mr. Baldassano

1 reactivation of the case?

2 A. Yes, sir.

3 Q. And then since the case was reactivated, has  
4 Investigator Hernandez worked on the case along with you  
5 and the other investigators?

6 A. Yes, sir.

7 Q. When the case went inactive, had you had any  
8 benefit of the hospital records --

9 A. No.

10 Q. -- of the defendant? Did you have any benefit  
11 of any telephone records?

12 A. No, sir.

13 Q. Had you, when inactive, had the benefit of any  
14 kind of taped or formal written statements by the  
15 witnesses?

16 A. No, sir.

17 MR. BALDASSANO: I'll pass the witness,  
18 Judge.

19 THE COURT: Your cross.

20 MR. BARROW: Thank you, Judge. May I  
21 approach?

22 THE COURT: You may.

23 **CROSS-EXAMINATION**

24 BY MR. BARROW:

25 Q. Investigator Garcia, is this a copy of your

JUAN GARCIA - October 4, 2011  
Cross-Examination by Mr. Barrow

1 report?

2 A. Yes, sir.

3 Q. Okay. And the date and time indicated there is  
4 the date and time of the fire, correct?

5 A. Yes, sir.

6 Q. And then the date of report time, that's when  
7 you actually typed this up?

8 A. No, sir.

9 Q. Well, what is the date of the report?

10 A. That's the date it was submitted.

11 Q. What do you mean, submitted?

12 A. We type our reports up. And then some people,  
13 at the same time, submit the report to the computer --  
14 into the computer system. That's when I submitted my  
15 report.

16 Q. Okay. Well -- and I guess my question is, was  
17 your report prepared before that date?

18 A. Yes, sir.

19 Q. And is there any indication anywhere on the  
20 date that the report was actually prepared?

21 A. No, sir, not on the report.

22 Q. So the fire date would be 10-19-07, correct?

23 A. Yes, sir.

24 Q. And the date you submitted this report would be  
25 April the 9th of '09, correct?

JUAN GARCIA - October 4, 2011  
Cross-Examination by Mr. Barrow

1 A. Yes, sir.

2 Q. And so when you tell Mr. Baldasano that the  
3 case was inactive from October the 19th of 2007, until  
4 March the 30th of 2009, is that correct?

5 A. Yes.

6 Q. And that's approximately a year-and-a-half,  
7 right?

8 A. Yes.

9 Q. And you're telling this jury that in a  
10 year-and-a-half, you couldn't get hospital records for  
11 Mr. Morin?

12 A. Correct.

13 Q. And you're telling this jury that in a  
14 year-and-a-half, you didn't get phone records for  
15 Mr. Morin?

16 A. That's correct.

17 Q. So when you say inactive, you mean inactive,  
18 don't you?

19 A. Yes, sir.

20 Q. How many times did you talk to Efrain Mendoza?

21 A. Twice.

22 Q. Twice. Would that be the first time on Monday,  
23 October the 25th of 2007?

24 A. I believe it was, yes, whatever Monday date  
25 that was, yes.

JUAN GARCIA - October 4, 2011  
Cross-Examination by Mr. Barrow

1 Q. Okay. And then you indicated on direct  
2 examination that you spoke to him again October the  
3 29th, 2007; is that correct?

4 A. Yes, sir.

5 Q. And then you've got notes that indicate on  
6 Tuesday, March the 30th of 2009, you spoke to him again;  
7 is that correct?

8 A. That's -- I'm sorry. Could you repeat that?

9 Q. On Tuesday, March the 30th, 2009, did you speak  
10 to him again?

11 A. Yes, sir.

12 Q. So that's three times?

13 A. Correct.

14 Q. So how many times did you actually talk to  
15 Mr. Mendoza, two or three or four or five? How many  
16 times, Investigator Garcia?

17 A. I talked to him twice when we -- when I  
18 submitted my supplements.

19 Q. Well, that's back in October of 2007, correct?

20 A. Yes.

21 Q. And you just told the jury that you talked to  
22 him on March the 30th of 2009, so that's number three.  
23 How many more times did you talk to Mr. Efrain Mendoza?

24 A. Throughout the investigation?

25 Q. Yes, sir.



JUAN GARCIA - October 4, 2011  
Cross-Examination by Mr. Barrow

1 A. I don't recollect.

2 Q. So it was more than twice?

3 A. Throughout the investigation, yes, sir.

4 Q. Okay. You don't have any idea what that back  
5 latch of that Camaro was removed, do you (sic)? You  
6 weren't there at the scene of the fire when the fire  
7 actually happened. You weren't there, correct?

8 A. Correct.

9 Q. And the first time you saw that Camaro was  
10 approximately ten days after the fire, on October the  
11 29th, correct?

12 A. Yes, sir.

13 Q. So you have no idea what the condition of that  
14 back latch on that Camaro was, do you?

15 A. No, sir.

16 Q. Did you take a sample from the Camaro to find  
17 out if an accelerant was used?

18 A. No, sir.

19 Q. Why not?

20 A. It had been some time since the fire occurred.

21 Q. It had been a week to ten days; is that  
22 correct, Investigator Garcia?

23 A. A week, yes, sir.

24 Q. Is that too long a time to try to take a sample  
25 for an accelerant?

*JUAN GARCIA - October 4, 2011  
Cross-Examination by Mr. Barrow*

1           A.    In my opinion, yes, sir.

2           Q.    So all this information that you received from  
3 the Camaro, none of that was done by Houston Arson  
4 Bureau, was it? That was all done by a private  
5 investigator for an insurance company that told you  
6 about it, and then you went out and checked it; is that  
7 correct?

8           A.    Yes, sir.

9           Q.    No initiative on your own to go find that  
10 Camaro, was there?

11                   MR. BALDASSANO: I'm going to object to  
12 him arguing with the witness and basically yelling at  
13 him.

14                   THE COURT: Sustained.

15           Q.    (By Mr. Barrow) You didn't do anything about  
16 that Camaro till the insurance investigator called you,  
17 did you, Investigator Garcia?

18           A.    Correct.

19                   MR. BARROW: Pass the witness.

20                   MR. BALDASSANO: Nothing further, Judge.

21                   THE COURT: Okay. May this witness be  
22 excused?

23                   All right. Let's take a two-minute  
24 recess. And I'll tell you this. I know everybody  
25 smiles about my two-minute recesses. Sometimes they