

RUBEN HERNANDEZ - October 5, 2011  
Direct Examination by Mr. Baldassano

1 (Jury enters courtroom)

2 THE COURT: All right. Please be seated.  
3 You're ready to proceed, Counsel.

4 JUAN GARCIA,

5 having been first duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. BALDASSANO:

8 Q. You're not Ruben Garcia, are you?

9 A. Juan Garcia.

10 Q. Are you the same Juan Garcia that testified  
11 earlier?

12 A. Yes, sir.

13 Q. All right. I'm going to ask you some questions  
14 that I didn't ask you before. I'm going to bring you  
15 back to a day after the fire, talking to the defendant.  
16 Do you remember telling us about talking to the  
17 defendant?

18 A. Yes, sir.

19 Q. All right. And what did you -- first of all,  
20 was the defendant in custody or under arrest or anything  
21 when you dealt with him the next day?

22 A. No, sir.

23 Q. Where was he?

24 A. He was at M & M Auto Detail Shop, just in the  
25 open area out in the yard.

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1 Q. And did you ask him about the fire and about  
2 his knowledge of the fire?

3 A. Yes, sir. Once he was identified, I asked him  
4 what his part was of the fire, the fire incident.

5 Q. And did he tell you where he was during the  
6 fire?

7 A. I'm sorry?

8 Q. Did he tell you where he was when the fire was  
9 going on?

10 A. Yes, sir.

11 Q. What did he tell you?

12 A. He told me that he -- of course, we understand  
13 that he lives there at the -- I'm going to say at the  
14 detail shop -- that he was asleep in the garage area.

15 Q. What did he tell you?

16 A. He told me that he went to bed and he woke up,  
17 the area was full of smoke, and that he tried to open  
18 the roll-up garage door but there was a lot of fire. He  
19 continued on and said -- I'd have to refresh from the  
20 report, but --

21 Q. Well, why don't you look at the report so you  
22 get it right. Do you have that with you?

23 A. Yes, sir.

24 Q. Is this report that you wrote based on what the  
25 defendant told you?

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1       A.    Yes, sir.  Is it okay to read it?

2       Q.    No.  Just look at it.  If it refreshes your  
3 memory, then I'm going to ask you the same thing, what  
4 he told you.

5       A.    Okay.

6       Q.    What else did he tell you after he said there  
7 was too much fire to open the door?

8       A.    He said that he made his way to the front area,  
9 which is the office area of the shop, looking for his  
10 dog.

11      Q.    And did he talk about anything else about the  
12 fire?  Did he tell you anything more?  Did you ask him  
13 anything else?

14      A.    No, not about the fire, no, sir.

15                   MR. BALDASSANO:  I pass the witness,  
16 Judge.

17                   THE COURT:  Okay.  Your cross.

18                   MR. BARROW:  Thank you, Judge.

19                                   **CROSS-EXAMINATION**

20 *BY MR. BARROW:*

21      Q.    Mr. Garcia, when exactly did you talk to the  
22 defendant?

23      A.    That was the Monday when I was assigned the  
24 case.

25      Q.    Okay.  So it wasn't the next day after the

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1 fire, was it?

2 A. Not actually the next day, no, sir. The day  
3 that I was assigned.

4 Q. So when you told the jury that you interviewed  
5 Mr. Morin the day after the fire, that's not true, is  
6 it?

7 A. It wasn't the day -- correct, it wasn't the day  
8 after the fire. It was the day I received the  
9 assignment.

10 Q. And this is a report that -- I believe -- that  
11 you and I discussed when you initially testified about  
12 submission dates, correct?

13 A. Correct.

14 Q. And the submission date on this report was  
15 August the 5th of 2010, correct?

16 A. Excuse me? No, sir.

17 MR. BARROW: May I approach, Your Honor?

18 THE COURT: You may.

19 Q. (By Mr. Barrow) Is that a copy of the report?

20 A. That's a summary of the report, yes, sir.

21 Q. Okay. And the date of report is August the  
22 5th, 2010?

23 A. That's a summary, yes. That's the date on  
24 there, yes, sir.

25 Q. Okay.

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1           A.     That's the date the summary of the entire  
2 report was written.  What Mr. Baldassano asked about is  
3 the report of the day that I spoke to --

4           Q.     What was the submission date of that report?

5           A.     6/30/10.

6           Q.     June the 30th of 2010?

7           A.     Yes, sir.

8           Q.     Okay.

9           A.     The notes were written --

10          Q.     Excuse me.  June the 30th, 2010, that was the  
11 submission date?

12          A.     Yes, sir.

13                   MR. BARROW:  Pass the witness.

14                           **REDIRECT EXAMINATION**

15 BY MR. BALDASSANO:

16          Q.     And the notes were written when?

17          A.     The Monday of the day when I received the  
18 assignment, when Mr. Morin was interviewed.

19                   MR. BALDASSANO:  I pass the witness.

20                   MR. BARROW:  I have no further questions.

21                   THE COURT:  All right, sir.  You are  
22 excused.  Thank you.  You may step down.

23                   MR. BALDASSANO:  State would recall Ruben  
24 Hernandez.

25                   THE COURT:  You may proceed, Counsel.