

1 Honor.

2 THE COURT: Thank you, Mr. Gonzalez.

3 Anything further?

4 MS. SPENCE: I would just ask that this
5 witness be excused just momentarily and then with the
6 Court's permission bring him back.

7 THE COURT: Officer Mata, please step down
8 and remain available.

9 Call your next witness, please.

10 MS. THOMAS: Sergeant Hanslik.

11 THE WITNESS: Good morning, Judge.

12 THE COURT: Good morning, sir.

13 MS. SPENCE: May I proceed?

14 THE COURT: You may.

15 **TOM HANSLIK,**

16 having been first duly sworn, testified as follows:

17 **DIRECT EXAMINATION**

18 BY MS. SPENCE:

19 Q. Good morning, sir. Please introduce yourself
20 to the jury?

21 A. Good morning. My name is Tom Hanslik. I'm a
22 sergeant with the Houston Police Department. I've been
23 employed by the Houston Police Department for
24 approximately 32 years, and I'm currently assigned to
25 the gang division.

1 Q. The gang division, is that part of the homicide
2 division; or is it completely separate?

3 A. No, ma'am, it's a complete separate division.

4 Q. So 32 years, what different divisions have you
5 been in during those 32 years?

6 A. I've been in numerous patrol divisions,
7 narcotics division, homicide division and now gangs
8 division.

9 Q. How long were you assigned to the homicide
10 division?

11 A. Approximately two and a half years.

12 Q. And so you've been in gangs now for about a
13 year or so?

14 A. A little over a year, yes, ma'am.

15 Q. Let me direct your attention back to June 3rd
16 of 2011. You were in homicide division at that point in
17 time, correct?

18 A. Yes, ma'am.

19 Q. And did you have a partner assigned to you?

20 A. Yes, I did.

21 Q. And who was that?

22 A. Officer Roy Swainson.

23 Q. Now explain to the jury how it is that you and
24 your partner are assigned cases in homicide?

25 A. It's on a rotation basis. We're on call.

1 There's several callout rotations. I believe this was
2 just a dayshift callout. Our squad was next up. Me and
3 Roy Swainson were the next team up, and we caught the
4 case.

5 Q. So, it's not like you and your partner have any
6 choice in what case you are assigned, you get what you
7 are assigned whatever happens, correct?

8 A. Yes, ma'am.

9 Q. And on this particular case, where were you
10 actually physically located when you and Officer
11 Swainson got this case?

12 A. We were in the homicide division offices.

13 Q. And at approximately what time of the day of
14 June 3rd, 2011, did you receive this assignment?

15 A. Approximately 1:20 in the afternoon.

16 Q. And do you recall what you were told initially
17 as to, you know, generally what this case was about as
18 far as you knew at that point in time?

19 A. There was a unresponsive child who had been
20 transported from an apartment to, I believe it was
21 Northwest Memorial Hospital by ambulance.

22 Q. So, what decision was made at the homicide
23 division as to how you and Officer Swainson were going
24 to split up this case?

25 A. It was decided that Officer Swainson would go

1 to the hospital and start his investigation at that
2 point. I would go to the original scene of the
3 apartment complex and start there.

4 Q. So, when you made your trip to the original
5 scene, did you have any idea other than what you have
6 just told us about, unresponsive child?

7 A. No.

8 Q. And prior to this case, had you had other child
9 death cases that you had investigated?

10 A. Yes, ma'am.

11 Q. Now, when you went to the location, what time
12 did you arrive?

13 A. Approximately 1:45 in the afternoon.

14 Q. And do you recall that day being a very warm
15 Houston humid, muggy day?

16 A. Yes, it was very hot.

17 Q. And that location, 5801 West Sunforest Drive,
18 is that the Luxor Apartments?

19 A. Yes, it is.

20 Q. Do you recall ever having been assigned to that
21 particular apartment before?

22 A. The complex?

23 Q. Yes.

24 A. I had been there on other calls when I was in
25 patrol, I worked that patrol station, but not while I

1 was in homicide I hadn't been there.

2 Q. When you got there, what patrol officers do you
3 recall already being present?

4 A. There was Officer Vidal and Officer Mata were
5 there.

6 Q. So 1:45 p.m., that's a good hour after the
7 primary officers arrived, correct?

8 A. That's correct.

9 Q. When you got there, the unresponsive child that
10 you had been told about, was she still there or what?

11 A. No, I learned that the child had been
12 transported to the hospital by HFD ambulance.

13 Q. When you got there, who did you speak with to
14 get up to speed on what y'all knew at that point?

15 A. Officer Vidal.

16 Q. And were -- did Officer Vidal point out some
17 people that could possibly be witnesses in that case?

18 A. Yes, he did.

19 Q. And where were those persons?

20 A. They were seated in the back of patrol cars, in
21 separate patrol cars, so one in each car.

22 Q. All right. Did Officer Vidal kind of give you
23 a rundown of what he knew up to that point?

24 A. Yes, he did.

25 Q. So as far as witnesses to that case at that

1 point, how many did you know about?

2 A. Two potential and one at the hospital that went
3 with the ambulance.

4 Q. Okay. So, who did you speak to first?

5 A. After speaking with Officer Vidal, I talked to
6 a female that was in the back of one of the patrol cars
7 who I'd learned was the caregiver of the child that was
8 at the hospital.

9 Q. And do you see her in the courtroom today?

10 A. Yes, I do.

11 Q. Had you ever met her before that day?

12 A. No, I had not.

13 Q. Know anything about her background, where she
14 came from, anything at all about this lady that you're
15 looking at in the backseat of the patrol car?

16 A. No.

17 Q. Do you see her in the courtroom?

18 A. Yes, I do.

19 Q. And can you identify her, please?

20 A. Yes, (pointing) it's the female here with the
21 blue, I guess, it's a blazer on and glasses with the
22 headphones.

23 MS. SPENCE: Your Honor, may the record
24 reflect that this witness has identified the Defendant?

25 THE COURT: It will.

1 Q. (BY MS. SPENCE) Okay. So, what else did you
2 know about the lady in the backseat in terms of her
3 ability to communicate?

4 A. She spoke only Spanish.

5 Q. And do you speak Spanish?

6 A. No, I do not.

7 Q. So what did you do to try to be able to
8 communicate with her?

9 A. I listed the help of Officer Mata to translate
10 for me.

11 Q. And did he agree to do that?

12 A. Yes, he did.

13 Q. How many separate conversations did you have
14 with Ms. Herrera out there at that scene?

15 A. Three.

16 Q. And for each of those conversations, did
17 Officer Mata translate for you?

18 A. Yes, he did.

19 Q. And were they all done outside, kind of near
20 the patrol car?

21 A. Yes, they were done under the shade of one of
22 the buildings because of the heat.

23 Q. Now Ms. Herrera, was she cooperative? At least
24 physically and outwardly, was she cooperative in
25 agreeing to speak with you?

1 A. Yes.

2 Q. Did -- can you describe her demeanor?

3 Distraught? Crying? Tearful? Happy, what?

4 A. At some point she would cry, tearful. I
5 wouldn't call it distraught. It depended on what she
6 was talking about as to what her emotion was. But she
7 did cry at certain points talking about the baby.

8 Q. All right. So, your first conversation, which
9 is contained -- well, let me ask you this, for all three
10 of your conversations, did you record those, the content
11 of those conversations?

12 A. Yes, I did.

13 Q. They've already been entered into evidence, so
14 State's Exhibit No. 234 represents your first
15 conversation with Ms. Herrera. Was that conducted prior
16 to you actually walking into Apartment 3011?

17 A. Yes.

18 Q. What was the extent of your knowledge at that
19 point when you conducted that first interview with Ms.
20 Herrera?

21 A. The extent of it was that the baby was at the
22 hospital unresponsive. It was transported via HFD and
23 that HFD had called HPD because of circumstances that
24 they believed were not right with the child when they
25 arrived.

1 Q. And, of course, you knew the baby was at
2 Memorial Hermann Northwest?

3 A. Yes.

4 Q. And do you know who was with the baby at the
5 hospital?

6 A. Yes.

7 Q. And who was that?

8 A. The mother, Maciel Sandoval.

9 Q. Ever met her before?

10 A. No.

11 Q. At the time you started this conversation with
12 Ms. Herrera, did you know the nature of the relationship
13 between Ms. Herrera and the mother of the child?

14 A. No, I did not.

15 Q. At that point in time when you actually got out
16 at the scene here whether Officer Swainson had even
17 spoken to Maciel Sandoval at the hospital?

18 A. No, I don't know that.

19 Q. Had you had any contact with him when you first
20 got out to the Sunforest scene?

21 A. No, not at this point.

22 Q. Okay. So, what was the reason why you had this
23 initial little interview with Ms. Herrera?

24 A. Just general conversation to find out what
25 happened, if she knew. Like I said, I was told she was

1 a potential witness and to see what exactly she had
2 observed or knew about the circumstances.

3 Q. Okay. Now, have you had the opportunity to
4 listen to these tapes, -- well, they're in Spanish so
5 you can't really understand them, but have you had an
6 opportunity to review some transcripts of translations
7 of these interviews?

8 A. Yes, ma'am.

9 Q. I'm showing you what's been marked as State's
10 Exhibit No. 239, that's what you've had an opportunity
11 to review, correct?

12 A. That's correct.

13 MS. SPENCE: Your Honor, at this time I'd
14 like to publish State's Exhibit No. 239 to the jury.

15 THE COURT: All right. You've got copies
16 of the transcript?

17 MS. SPENCE: Yes.

18 THE COURT: Deputy Kaminski can pass out
19 the transcript?

20 MR. GONZALEZ: No objection.

21 THE COURT: There's no objection from the
22 Defense.

23 MS. SPENCE: And with the Court's
24 permission, I asked that Officer Mata be allowed to come
25 back in here so that we may read the transcript.

1 THE COURT: Is there any objection, Mr.
2 Gonzalez?

3 MR. GONZALEZ: No, Your Honor.

4 THE COURT: All right. I think that was
5 our agreement.

6 Where would you like Officer Mata?

7 MS. SPENCE: How about just in this chair?

8 THE COURT: All right. If you just want to
9 sit in this chair, Officer Mata. Keep your voice up so
10 the jurors can hear you. Maybe you can turn the chair
11 around. All right.

12 Q. (BY MS. SPENCE) Sergeant Hanslik, at this time
13 we're going to read Statement No. 1. You will be
14 Sergeant Hanslik. Officer Mata will be the interpreter,
15 and I will read the words of Elida Herrera.

16 A. Yes, ma'am.

17 MS. SPENCE: Go ahead and begin.

18 (Publishing State's Exhibit No. 239.)

19 Q. (BY MS. SPENCE) Okay. So, Sergeant Hanslik,
20 you testified that conversation took place before you
21 even had a chance to go into there, correct?

22 A. That's correct.

23 Q. So, based upon your conversation, what was your
24 thoughts about the relationship between this Defendant
25 and the mother of the child who had gone to the

1 hospital?

2 A. At that time, I wasn't sure if they lived
3 together and there was separate rooms that they stayed
4 in or this was just a caretaker that came on when the
5 mother was at work to watch the child or what.

6 Q. So no clue, right?

7 A. No.

8 Q. So, what did you go do?

9 A. We placed her back in, asked her to sit back
10 down in the patrol car; and then me and Officer Mata
11 went into the apartment and did a cursory look around.

12 Q. Did you do any searching at that point in time?

13 A. No.

14 Q. Why not?

15 A. It hadn't been established yet whether Officer
16 Swainson had talked to the mother. We knew the mother
17 was at the hospital. I was confused from the
18 conversation that I had with Ms. Herrera on the scene as
19 to what the bedroom situation was even like. And whose
20 child was whose. Of course, we got that worked out.
21 And I wanted to take Officer Mata with me so while he's
22 communicating with her, he could have seen what I saw.

23 Q. Okay. So, you had asked her whether she was on
24 the lease; or who was on the lease, correct?

25 A. That's correct.

1 Q. What's the purpose of asking that?

2 A. To get consent to go into the apartment to
3 search it.

4 Q. So, when you say you made a cursory search, is
5 that because at that point you don't have a search
6 warrant and you don't have consent so you have to worry
7 about whether evidence, what you see is evidence and
8 whether you can seize it, correct?

9 A. That's correct.

10 Q. So, when you say "cursory," what does that
11 mean?

12 A. We walked into the apartment, turned to the
13 left, went down the hallway, looked in the bedroom. I
14 didn't look specifically at anything, I just looked at
15 the general layout of the apartment to figure out where
16 the bedrooms were and where this living room was where
17 the baby had supposedly fallen.

18 Q. So, there are two bedrooms, one obviously a
19 master bedroom, correct?

20 A. That's correct.

21 Q. And what was in that bedroom in terms of
22 furniture?

23 A. There was a larger bed possibly a queen bed.
24 There was a small child's bed. There was also a night
25 stand and a TV stand.

1 Q. Now did you see some items on the wall of the
2 master bedroom?

3 A. Yes, I did.

4 Q. And what were those items, describe them for
5 the jury?

6 A. There was a large heart on the wall; and there
7 was also what looked like a -- some sort of letter taped
8 to the wall.

9 Q. Was there anything that you had to move to look
10 at that, or were they pretty obvious on the wall?

11 A. No, there was nothing in front of it.

12 Q. All right. So, let me show you what's been
13 marked as State's Exhibit No. 55. Does that fairly and
14 accurately show what you saw on the wall when you made
15 that cursory look see?

16 A. Yes, it does.

17 MS. SPENCE: Offer into evidence State's
18 Exhibit No. 55.

19 (State's Exhibit No. 55 offered.)

20 MR. GONZALEZ: No objection, Your Honor.

21 THE COURT: State's Exhibit No. 55 is
22 admitted without objection.

23 (State's Exhibit No. 55 admitted.)

24 MS. SPENCE: May I publish, Your Honor?

25 THE COURT: You may.

1 Q. (BY MS. SPENCE) So, when you're in there, this
2 is the picture of the bedroom. Right there on the wall
3 you see what I'm pointing at right now?

4 A. Yes, ma'am.

5 Q. The love fluffy pillow and some writings below
6 it, correct?

7 A. Yes, ma'am.

8 Q. So, are those writings in English or Spanish?

9 A. Spanish.

10 Q. And so did Officer Mata help you translate that
11 while you're in there doing your look see?

12 A. No, ma'am.

13 Q. Did you take the writings from the wall, or did
14 you just look at it?

15 A. Just looked at it from like I said, we walked
16 into the bedroom, it was noticeable on the wall.

17 Q. Okay. Based upon what you had seen in that
18 room, did something go through your mind as to the
19 relationship between Ms. Herrera and Ms. Maciel that
20 just was a little different than what she was
21 indicating?

22 A. Yes.

23 Q. Let me show you what's been marked State's
24 Exhibit 59 and 60. Do you recognize those two
25 photographs?

1 A. Yes, I do.

2 Q. And do these photographs fairly and accurately
3 show what you saw in that master bedroom?

4 A. Yes, it does.

5 MS. SPENCE: Offer into evidence State's
6 Exhibit No. 59 and 60.

7 (State's Exhibit No. 59 and 60 offered.)

8 MR. GONZALEZ: No objection.

9 THE COURT: State's Exhibit No. 59 and 60
10 are admitted without objection.

11 (State's Exhibit No. 59 and 60 admitted.)

12 Q. (BY MS. SPENCE) You said there was a TV stand
13 that was in there that's right here, right?

14 A. That's correct.

15 Q. And this picture, is this a close-up picture of
16 that?

17 A. Yes, it is.

18 Q. Now seeing that, seeing those items on the
19 wall, what's going through your head at that point?

20 A. I'm trying to figure out, No. 1, where
21 everybody sleeps if it's a regular kind of relationship
22 thing with girlfriends, or if they are together as a
23 couple.

24 Q. So, as you walk through the apartment, you're
25 looking at various things, correct?

1 A. That's correct.

2 Q. So, then what do you do?

3 THE COURT: Let me interrupt you here.

4 Officer Mata is still here. Is it your intention to go
5 through the transcripts?

6 MS. SPENCE: We're about to do that.

7 THE COURT: All right. If we can just move
8 back to that and then I can excuse Officer Mata for some
9 additional questions with the Sergeant.

10 Q. (BY MS. SPENCE) Okay. So after you do your
11 look through, do you go back outside with Officer Mata?

12 A. Yes.

13 Q. And what do you do at that point?

14 A. I interview Ms. Herrera again.

15 Q. And why is it that you want to interview her a
16 second time after doing a look through the apartment?

17 A. Still not sure of what the relationship is, who
18 sleeps where to get that clarified, attempt to get it
19 clarified.

20 Q. And so Statement No. 2, is that the content of
21 your second interview with Ms. Herrera using Officer
22 Mata?

23 A. Correct, yes, it is.

24 Q. Okay. Would you begin, please, page 9?

25 (Publishing State's Exhibit No. 239.)

1 Q. (BY MS. SPENCE) Okay. So, then what did you
2 do?

3 A. At that point I received a phone call from my
4 partner, Officer Swainson.

5 Q. And did he tell you some things that he was
6 discovering at the hospital?

7 A. Yes, he did.

8 Q. So, based upon what you're hearing from Officer
9 Swainson, what do you want to do with Ms. Herrera for
10 the third time?

11 A. I'm going to interview her again.

12 Q. And so let's pick up with page 10?

13 (Publishing State's Exhibit No. 239.)

14 THE COURT: All right. May Officer Mata be
15 excused?

16 MR. GONZALEZ: Yes, Your Honor.

17 THE COURT: All right. Thank you, Officer.
18 You may step outside.

19 Ladies and gentlemen, I need to take a
20 recess at this time. Please step back to the jury room.
21 We're not going to recess for lunch until the pizza
22 arrives. So, we'll resume testimony shortly.

23 THE BAILIFF: Rise for the jury.

24 THE COURT: Just leave those in your
25 chairs, please. Thank you.

1 (Jury exits courtroom.)

2 (A recess was taken.)

3 (Open court, Defendant present.)

4 THE COURT: Okay. Bring in the jury.

5 THE BAILIFF: Rise for the jury.

6 (Jury enters courtroom.)

7 THE COURT: Be seated, please.

8 Ms. Spence, you may continue.

9 Q. (BY MS. SPENCE) Okay. Now, Sergeant Hanslik,
10 after you obtained these three statements from the
11 Defendant out at the scene, I know you had testified
12 that you had received that phone call from Officer
13 Swainson at the hospital. Do you receive several more
14 phone calls from Officer Swainson and what he is
15 discovering on his part of the investigation?

16 A. Yes, I do.

17 Q. So, y'all are communicating, letting each other
18 know what each side is finding out, right?

19 A. Yes, ma'am.

20 Q. After you learned that Maciel had given written
21 consent to search, is that why you asked her for consent
22 to search?

23 A. Yes.

24 Q. And she verbally gives it to you, and is that
25 when y'all go in and actually process the scene?

1 A. No.

2 Q. Okay. Tell me what happened?

3 A. Not at that time. The crime scene unit had
4 went to the hospital first.

5 Q. Okay.

6 A. So, there was a couple of hours of stuff they
7 had to do there. The crime scene unit didn't get to the
8 scene on Sunforest until about 4:20, 4:21 in the
9 afternoon.

10 Q. Okay. So, when you say the "crime scene unit,"
11 that's like an officer who takes pictures and collects
12 evidence, correct?

13 A. That's correct.

14 Q. And he did that at the hospital?

15 A. Correct.

16 Q. And did you stay out at the scene while all
17 that's going on at the hospital?

18 A. Yes.

19 Q. What about Elida and Eric, what do you do with
20 them?

21 A. They were transported down to the homicide
22 division. I contacted a Spanish-speaking homicide
23 detective who had agreed to interview them down there in
24 the homicide division.

25 Q. And who did you actually speak to to do that?

1 A. Sergeant Jeff Rohling.

2 Q. White guy but speaks Spanish, correct?

3 A. Yes, ma'am.

4 Q. And did you later learn that an interview, a
5 fairly lengthy interview was taken by Sergeant Rohling
6 and Officer Richard Rodriguez at the homicide division
7 while you were still out at the scene?

8 A. Yes.

9 Q. All right. So, while you're out at the scene
10 for the next what, three hours or two and a half hours,
11 what are you doing?

12 A. I began canvassing the immediate area there,
13 which is basically knocking on people's doors asking if
14 anybody witnessed or heard or saw anything.

15 Q. And who did you speak to in terms of neighbors?
16 You don't have to tell me their names but just their
17 locations?

18 A. Right, the next-door neighbors, the upstairs
19 neighbors. There were several of them around this area
20 on both sides of the apartment.

21 Q. Okay. Was there anything productive gained
22 from talking to those persons?

23 A. No.

24 Q. While you were still out on the scene, were you
25 approached by another person?

1 A. Yes, I was.

2 Q. Who were you approached by?

3 A. It was an off-duty port police officer who was
4 working an extra job providing security for the
5 apartment complex.

6 Q. And did he give you some information regarding
7 CPS?

8 A. Yes, he did.

9 Q. Based upon what he told you, who did you go
10 speak to?

11 A. I spoke to the apartment manager, Debbie
12 German.

13 Q. And was she cooperative and very helpful to
14 you?

15 A. Yes, she was.

16 Q. What did she give you a physical copy of?

17 A. The lease to the Apartment 3011.

18 Q. And the lease for Apartment 3011 was in the
19 name of who?

20 A. Maciel Sandoval.

21 Q. Based upon that lease, were you able to obtain
22 another name, a relative of Maciel Sandoval's?

23 A. Yes.

24 Q. And who was that?

25 A. I believe it was one of her sisters, and I

1 don't recall the first name.

2 Q. Could it have been Gloria?

3 A. Yes, I believe that's it.

4 Q. And was there a phone number associated with
5 Gloria Sandoval's name?

6 A. Yes, there was.

7 Q. So you're learning this information as you're
8 just going with the investigation, correct?

9 A. Correct.

10 Q. Did you also obtain some other information from
11 the apartment manager in terms of an HPD incident report
12 number?

13 A. Yes, I did.

14 Q. Tell the jury what is an HPD incident report
15 number?

16 A. The incident number is basically the case
17 number. It's assigned to every call for service that we
18 do.

19 Q. And so did you document that number that you
20 were given by Debbie German, the apartment manager?

21 A. Yes, I did.

22 Q. Is that very valuable information?

23 A. Yes, ma'am.

24 Q. All right. So after -- what other information
25 did you obtain from Debbie German?

1 A. Another potential witness that lived on
2 property.

3 Q. Okay. And were you able to obtain the
4 apartment number of that other potential witness?

5 A. Yes, I was.

6 Q. And who was that?

7 A. It was Angel Hernandez.

8 Q. Now as far as what the off-duty officer had
9 told you about CPS, did you speak to Debbie German about
10 CPS coming out to the location on an earlier date?

11 A. Yes, I did.

12 Q. Was that in relation to this particular
13 apartment that we're talking about, 3011?

14 A. Yes, it was.

15 Q. So, are you documenting all of this for further
16 follow-up at a later time?

17 A. Yes, ma'am.

18 Q. Gathering information, correct?

19 A. Yes, ma'am.

20 Q. So, do you attempt to speak to Angel Hernandez
21 that day?

22 A. I personally do not, Officer Swainson does. He
23 comes to the scene and briefly looks at it. Again,
24 we're communicating with each other and passing on the
25 pertinent information. I was staying at the scene with

1 the crime scene unit who was going to be collecting the
2 evidence. Officer Swainson decided to try and go see if
3 he could locate Angel Hernandez.

4 Q. But Officer Swainson did come to your scene and
5 actually himself look inside the apartment; is that
6 correct?

7 A. Yes.

8 Q. Now, the crime scene unit, when he finally does
9 get out there about 4:00 in the afternoon, are you still
10 there?

11 A. Yes, ma'am.

12 Q. And do you accompany the crime scene unit,
13 who's Officer Smith, around the apartment and point out
14 the things that you want collected?

15 A. Yes.

16 MS. SPENCE: Your Honor, may I approach?

17 THE COURT: You may.

18 Q. (BY MS. SPENCE) Does he make a diagram of the
19 apartment?

20 A. Yes, he does.

21 Q. Showing you what's been marked as State's
22 Exhibit 1. Is this an accurate depiction of the diagram
23 of the Apartment 3011?

24 A. Yes.

25 Q. And then I'm showing you a bunch of pictures

1 here, State's Exhibit Nos. 5, 9, 10, 11, 12, 16, 17, 18,
2 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32,
3 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43, 44, 45,
4 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 57, 58, 61, 62,
5 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76,
6 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87 and 88. Do
7 you recognize all of those photographs; and do they
8 fairly and accurately show Apartment 3011, on June 3rd,
9 2011?

10 A. Yes, they do.

11 MS. SPENCE: I offer into evidence State's
12 Exhibit No. 1 and its previously articulated exhibits.

13 (State's Exhibit Nos. 1, 5, 9, 10, 11, 12,
14 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,
15 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and
16 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 57,
17 58, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73,
18 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87
19 and 88 offered.)

20 MR. GONZALEZ: No objections, Your Honor.

21 THE COURT: All right. For the record,
22 State's Exhibit No. 1, 5, 9 through 12, 16 through 54,
23 56 through 58 and 61 through 88 are admitted without
24 objection.

25 (State's Exhibit Nos. 1, 5, 9, 10, 11, 12,

1 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,
2 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and
3 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 57,
4 58, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73,
5 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87
6 and 88 admitted.)

7 Q. (BY MS. SPENCE) And, Sergeant Hanslik, let me
8 show you what's been marked as State's Exhibit No. 216,
9 did you recover that from the apartment that day?

10 A. Yes, ma'am.

11 Q. And this is just a blowed-up version?

12 A. Yes, ma'am.

13 Q. And State's Exhibit No. 217, that is a Spanish
14 to English translation of the contents of 216?

15 A. Yes, ma'am.

16 MS. SPENCE: Offer into evidence State's
17 Exhibits 216 and 217.

18 (State's Exhibit Nos. 216 and 217 offered.)

19 MR. GONZALEZ: No objection.

20 THE COURT: 216 and 217 are admitted
21 without objection.

22 (State's Exhibit Nos. 216 and 217
23 admitted.)

24 Q. (BY MS. SPENCE) All right. Let me show you
25 what's in evidence as State's Exhibit No. 1, which is

1 the diagram. As you walk into the apartment right here,
2 this is the front door, correct?

3 A. Yes, ma'am.

4 Q. And can you see?

5 A. Would you like me to get up? Would that be
6 easier?

7 Q. Sure. Just keep your voice up.

8 A. Yes, ma'am.

9 Q. Here's your pointer, and we'll try to do this
10 as efficiently as possible. Okay. As you, first of
11 all, this is the Luxor Apartments, correct?

12 A. That's correct.

13 Q. So, as you walk into the front door, show what
14 you're walking into?

15 A. The front door you walk into the living area of
16 the apartment.

17 Q. What we're looking at is the sofa. Where would
18 that be on the diagram?

19 A. The No. 1 here correlates with the bloodstain
20 on the carpet or the stain.

21 Q. Okay. And that's State's Exhibit No. 9.
22 State's Exhibit No. 10, that's that bloodstain that you
23 just pointed out, correct? I'm sorry. It looks like
24 blood, but it's red.

25 A. Correct.

1 Q. Later does it turn out it's not blood after
2 all?

3 A. Correct.

4 Q. But at the time did you know that?

5 A. No, I did not.

6 Q. Okay. State's Exhibit No. 11, show them what
7 you're looking at?

8 A. Looking this way from the couch to the kitchen
9 area.

10 Q. And would you say that this apartment was
11 fairly neat and tidy?

12 A. Yes, I would.

13 Q. Clean?

14 A. Yes.

15 Q. State's Exhibit No. 12, where is that?

16 A. It would be looking from here to this wall,
17 that's the TV stand in the corner.

18 Q. So, a nice flat screen TV. It looks like a
19 stereo, perhaps some movies that kind of thing?

20 A. Yes, ma'am.

21 Q. And then State's Exhibit 16, what we're looking
22 at or what's being shown, would that be this kind of red
23 stain right there?

24 A. Yes, that's in the area along the wall here on
25 the carpet.

1 Q. State's Exhibit 17, that's right behind that
2 couch that we saw earlier, correct?

3 A. Correct.

4 Q. So, this is on a small breakfast table?

5 A. Yes.

6 Q. I guess, it would be a little dining room table
7 sort of thing?

8 A. Correct.

9 Q. And right there on the table, right there, what
10 is that?

11 A. That is a plate with some sort of cake or bread
12 on it.

13 Q. Some sort of bread, uneaten bread. It appears
14 there was somebody perhaps eating there but did not
15 finish, correct?

16 A. Correct.

17 Q. This is another shot of that same uneaten bread
18 and then items over here, correct?

19 A. Correct.

20 Q. And what is that?

21 A. An Ibuprofen bottle and a towel.

22 Q. Like a paper towel, correct?

23 A. Yes.

24 Q. State's Exhibit 19, in the corner there, what
25 is that?

1 A. A chair in the corner with a ball and a
2 floatie.

3 Q. Okay. Now we go to the kitchen area. Point
4 out where the kitchen is on that diagram?

5 A. Looking this way, down here.

6 Q. Fairly neat and tidy kitchen?

7 A. Yes.

8 Q. You've been in a lot worse, would that be
9 accurate?

10 A. A lot worse, yes, ma'am.

11 Q. View of what?

12 A. The sink.

13 Q. So, we're looking at State's Exhibit No. 22,
14 what are we focusing in on that?

15 A. This is the trash can in this portion of the
16 kitchen right here, looking down into the trash can.

17 Q. What are you focusing in on?

18 A. It's a juice jug. After the statements that I
19 had talked to Ms. Herrera about, I thought it might be
20 important.

21 Q. She mentioned juice on a couple of occasions,
22 correct?

23 A. Yes.

24 Q. So at that point other than what you've
25 testified about, you had no other knowledge of whether

1 any of this stuff is important or not, correct?

2 A. That's correct.

3 Q. How many chances do you have to get the crime
4 scene as is?

5 A. One.

6 Q. That's State's Exhibit No. 23, just a close-up
7 of what?

8 A. That's the juice jug that was in the trash on
9 the previous.

10 Q. So State's Exhibit No. 24, what is that?

11 A. That's the sink and counter area, again, right
12 here.

13 Q. State's Exhibit No. 25?

14 A. Microwave.

15 Q. What's inside of there?

16 A. It's a plate with some sort of food on it.

17 Q. State's Exhibit 26?

18 A. It's going to be the pantry with food in it.

19 Q. Is that mostly spices, that sort of thing,
20 correct?

21 A. Yes.

22 Q. So now, we're looking down the hallway in
23 State's Exhibit 27. Point out on the diagram where
24 that's located?

25 A. Pointing this way down this hallway here.

1 Q. And you said this apartment had how many rooms?

2 A. Two bedrooms.

3 Q. State's Exhibit No. 28, it's kind of hard to
4 tell; but if you look very closely in here, does that
5 appear to be like a bathroom?

6 A. Right. It's looking down the hallway would be
7 this wall right here, looking where the door opens,
8 front door opens.

9 Q. Now, State's Exhibit No. 29?

10 A. That's the hallway wall right here, past the
11 second bath.

12 Q. And right back here at the end of this hallway,
13 what is this that you can sort of see?

14 A. Those are a couple of laundry baskets that are
15 stacked on top of each other.

16 Q. So, we go to State's Exhibit No. 30. Are those
17 those same laundry baskets?

18 A. Yes, at the end of the hallway, yes.

19 Q. And State's Exhibit No. 31, is that a close-up
20 of those same laundry baskets?

21 A. Yes, it is.

22 Q. So in these laundry baskets, there appear to be
23 how many?

24 A. Three.

25 Q. Three. The top one is somewhat empty; is that

1 correct?

2 A. That's correct.

3 Q. The blue one is somewhat empty as well; is that
4 right?

5 A. Correct.

6 Q. And then the bottom one here, what does that
7 appear?

8 A. It appears to be full.

9 Q. Did you obtain some items of evidence from the
10 bottom laundry basket that day?

11 A. Yes.

12 Q. And let me show you what's been marked as, be
13 State's Exhibit No. 90 -- 195 and, okay, State's Exhibit
14 No. 195. Are those items -- do you recognize those
15 items?

16 A. Yes, I do.

17 Q. And what are those items?

18 A. Those were clothes that were found in that
19 bottom --

20 Q. Hamper?

21 A. Hamper, yes.

22 Q. Offer into evidence State's Exhibit No. 195
23 contained inside a plastic bag?

24 (State's Exhibit No. 195 offered.)

25 MR. GONZALEZ: No objection, Your Honor.

1 THE COURT: State's Exhibit No. 195 is
2 admitted without objection.

3 (State's Exhibit No. 195 admitted.)

4 Q. (BY MS. SPENCE) Okay. You said those items
5 were taken from the very bottom part. So you had to
6 actually lift out the blue and the other basket,
7 correct?

8 A. That's correct.

9 Q. And what was significant about these two items
10 that you actually tagged into evidence from the bottom?

11 A. They were wet. They were damp when we found
12 them.

13 Q. It was wet, you said?

14 A. Yes.

15 Q. All right. You can't really see it, but these
16 shorts is State's Exhibit No. 191?

17 A. Okay.

18 Q. Which are the shorts.

19 MS. SPENCE: I offer into evidence State's
20 Exhibit 191.

21 (State's Exhibit No. 191 offered.)

22 MR. GONZALEZ: No objection.

23 THE COURT: Just so the record is clear,
24 State's Exhibit No. 191 is contained within State's
25 Exhibit No. 195?

1 MS. SPENCE: Well, it's contained in the
2 same bag as 195.

3 THE COURT: Okay.

4 (State's Exhibit No. 191 admitted.)

5 Q. (BY MS. SPENCE) 191 are shorts, 191 is a shirt
6 (sic) and both of these items were damp versus the other
7 items that were contained in the white hamper, were they
8 dry?

9 A. Yes.

10 Q. And are those 191 and 195, are those adult
11 clothing items or children clothing items?

12 A. Children.

13 Q. So, let's go to State's Exhibit No. 32, what's
14 that?

15 A. That's a flower shirt that was on top of one of
16 the previous hampers, in the top hamper.

17 Q. So, this shirt is the same as what's contained
18 in State's Exhibit No. 33, correct?

19 A. That's correct.

20 Q. It looks like a little flower shirt on that top
21 hamper, correct?

22 A. Correct.

23 Q. Let me show you what's been marked as State's
24 Exhibit 189 contained in a bag, is that that same bag?

25 A. It is.

1 MS. SPENCE: Offer into evidence, State's
2 Exhibit No. 189.

3 MR. GONZALEZ: No objection.

4 THE COURT: State's Exhibit No. 189 is
5 admitted.

6 Q. (BY MS. SPENCE) Why was it tagged?

7 A. It had stains on it that appeared to be blood.

8 Q. Okay. And was that an adult shirt?

9 A. Yes.

10 Q. Now, we go to State's Exhibit No. 34, what area
11 of the house is that on the diagram?

12 A. It's marked as storage here on the diagram. It
13 actually looked like a place where a washer/dryer would
14 go.

15 Q. With connections, correct?

16 A. Correct.

17 Q. But it was being used as kind of a large
18 closet; is that right?

19 A. Correct.

20 Q. And within that room, what was in there?

21 A. It was toys and clothes and a bunch of shoes.

22 Q. And then right over here is what?

23 A. That's a bicycle.

24 Q. Small, like, girl's, child bicycle?

25 A. Yes.

1 Q. Do you remember did you tag anything in this
2 dirty clothes hamper or in this hamper?

3 A. I don't believe so.

4 Q. So, now we go on to State's Exhibit 35. Where
5 is that on the diagram?

6 A. That is going to be the second bathroom here.

7 Q. The hall bathroom?

8 A. Hall bath.

9 Q. Fairly neat and tidy?

10 A. Yes.

11 Q. And in the next series of pictures starting
12 with State's Exhibit 36, that's what?

13 A. That's a picture looking down at the toilet and
14 the trash can in that same bathroom.

15 Q. State's Exhibit No. 37?

16 A. That's a close-up of the same trash can.

17 Q. State's Exhibit No. 38?

18 A. That's a picture of the CSU officer holding
19 portions of what was in that trash can.

20 Q. And so what is he focusing in on when he's
21 taking this photograph?

22 A. Toilet paper with what appears to be blood on
23 it.

24 Q. Due to the nature of this offense, anything
25 that looked like blood could be important?

1 A. Yes.

2 Q. Let me show you what's been marked as State's
3 Exhibit No. 203, is that that piece of trash out of that
4 bathroom?

5 A. Yes.

6 MS. SPENCE: Offer into evidence State's
7 Exhibit No. 203.

8 (State's Exhibit No. 203 offered.)

9 MR. GONZALEZ: No objection.

10 THE COURT: State's Exhibit 203 is admitted
11 without objection.

12 (State's Exhibit No. 203 admitted.)

13 Q. (BY MS. SPENCE) State's Exhibit 39, picture of
14 the bathtub in that same bathroom?

15 A. I can't --

16 Q. Oh, you can't tell.

17 A. Yes.

18 Q. Okay. State's Exhibit No. 40 of the drain area
19 of that bathtub?

20 A. Yes, that's what it appears to be.

21 Q. Do you recall this bathtub being dry?

22 A. Yes.

23 Q. No moisture in it at all?

24 A. No.

25 Q. State's Exhibit No. 41, what is this showing

1 us?

2 A. This is looking from the hallway into the
3 secondary bedroom.

4 Q. So the spare bedroom?

5 A. Spare bedroom, right.

6 Q. State's Exhibit No. 42?

7 A. Same picture of that same bedroom.

8 Q. All right. So, what's in there on June 3rd
9 didn't necessarily have been there on March 21st,
10 correct?

11 A. Correct.

12 Q. All you know is that's what was in there on
13 June 3rd, correct?

14 A. That's correct.

15 Q. And, again, this is a photograph of -- in the
16 same second spare bedroom, correct?

17 A. Correct.

18 Q. So, it appears that -- what size bed is that?

19 A. Twin size, I believe.

20 Q. This may be a double?

21 A. Double.

22 Q. And then this appears to be, this appears to be
23 used as a, like, a headboard, correct?

24 A. That's correct.

25 Q. But that looks like perhaps either a twin

1 mattress or a crib mattress?

2 A. Correct.

3 Q. Bottom line, a spare mattress in the home?

4 A. Yes.

5 Q. State's Exhibit No. 44, are we in the same room
6 or in a different room?

7 A. Same room.

8 Q. Closet, several pairs of boys shoes, boys
9 clothing?

10 A. That's correct.

11 Q. State's Exhibit No. 45?

12 A. That's the same bedroom.

13 Q. Okay.

14 A. On the other side of the bed.

15 Q. State's Exhibit No. 46?

16 A. Those are a pair of pajamas that were on the
17 floor in the previous photograph.

18 Q. Used to be that pile?

19 A. Yes.

20 Q. Now it's that, right? And looks like Eric, the
21 kid that you talked to in the backseat of the patrol
22 car, did you talk to Eric?

23 A. Briefly, I asked him if he was in school that
24 day.

25 Q. Does he speak English?

1 A. He spoke that -- he answered that question. He
2 knew that, yes.

3 Q. This would appear to fit a boy that age,
4 correct?

5 A. That's correct.

6 Q. So, now we go to State's Exhibit No. 47, are we
7 looking at a doorway to another bedroom?

8 A. That's correct.

9 Q. And what bedroom is this?

10 A. Master bedroom, I'm sorry, right here.

11 Q. Okay. And is this a photograph in State's
12 Exhibit No. 48 from the doorway looking into the master
13 bedroom?

14 A. Yes, it is.

15 Q. This is the bedroom you saw the hearts and the
16 love letters, correct?

17 A. That's correct.

18 Q. And then that picture of Maciel and Elida?

19 A. That's correct.

20 Q. State's Exhibit No. 49?

21 A. Same bedroom.

22 Q. Okay. Now, I see some markers, evidence
23 markers, on the bed itself. What is this? Let's look
24 at No. 5, first. What is that?

25 A. That's a maroon or red towel that was on the

1 bed that was damp.

2 Q. So, let me show you a bag containing State's
3 Exhibit No. 200. Is that that maroon towel that you
4 recovered from the bed that's shown in the picture?

5 A. Yes, it is.

6 MS. SPENCE: Offer into evidence State's
7 Exhibit No. 200.

8 (State's Exhibit No. 200 offered.)

9 MR. GONZALEZ: No objection, Your Honor.

10 THE COURT: State's Exhibit No. 200 is
11 admitted without objection.

12 (State's Exhibit No. 200 admitted.)

13 Q. (BY MS. SPENCE) Do you recall whether that
14 towel was damp somewhat?

15 A. Yes, it was damp.

16 Q. And was that somewhat consistent with what Ms.
17 Herrera had told you as to taking a shower that morning?

18 A. Yes.

19 Q. Now, looking at State's Exhibit -- I'm sorry,
20 on State's Exhibit No. 49, Evidence Marker 4, what is
21 that?

22 A. That is a blue shirt, and there is a black
23 wooden pole or piece of wood.

24 Q. (BY MS. SPENCE) So, the blue shirt has been
25 marked as State's Exhibit 198, is that the shirt?

1 A. Yes, it is.

2 MS. SPENCE: I offer into evidence State's
3 Exhibit 198.

4 (State's Exhibit No. 198 offered.)

5 MR. GONZALEZ: No objection.

6 THE COURT: State's Exhibit 198 is
7 admitted.

8 (State's Exhibit No. 109 admitted.)

9 Q. (BY MS. SPENCE) Was this a child shirt or an
10 adult?

11 A. An adult.

12 Q. What size?

13 A. Large.

14 Q. And you said that underneath it was what I'm
15 showing you as State's Exhibit No. 201; is that correct?

16 A. That's correct.

17 Q. All right. So, let me show you what's marked
18 as State's Exhibit No. 50. This is kind of another view
19 of this, the blue shirt and the stick, 201?

20 A. Yes.

21 Q. Well, first of all, I'd like to offer into
22 evidence State's Exhibit No. 201?

23 (State's Exhibit No. 201 offered.)

24 MR. GONZALEZ: No objection.

25 THE COURT: State's Exhibit No. 201 is

1 admitted.

2 (State's Exhibit No. 201 admitted.)

3 Q. (BY MS. SPENCE) Now, tell the jury how it is
4 that you found State's Exhibit 198, the blue shirt in
5 relation to 201, the stick? Was it just laying next to
6 each other, or was it loosely wrapped or what?

7 A. It was on top just as it is in the photo there.

8 Q. Okay. The way you documented it was that it
9 was somewhat wrapped around the stick. Can you explain
10 that?

11 A. Right, the stick is underneath it. Portions of
12 the shirt are around the stick underneath on the bed. I
13 guess because I've seen it before, I know what it looks
14 like; but it is partially wrapped around that stick.

15 Q. Do you recall the shirt being somewhat damp?

16 A. Yes, the shoulder areas of the shirt were damp.
17 That was the only portion that were damp on it.

18 Q. And let me show you State's Exhibit No. 151,
19 this is after you removed the stick from being somewhat
20 intertwined with the blue shirt; is that correct?

21 A. That's correct.

22 Q. State's Exhibit No. 52, what is that showing?

23 A. That is one end of the black stick.

24 Q. State's Exhibit No. 53?

25 A. That's the same stick and the blue shirt.

1 Q. Now, Sergeant Hanslik, you were in homicide for
2 two and a half years, been a police officer for
3 32 years. State's Exhibit No. 201, could that be a
4 deadly weapon if used in such a manner?

5 A. Yes.

6 Q. Could that broken broom stick handle or handle
7 of some type, could that inflict injury if used in that
8 manner?

9 A. Yes.

10 Q. State's Exhibit No. 54, what's that?

11 A. That's the -- it's going to be this wall over
12 here along here, I'm sorry, right here.

13 Q. All right. And, again, what you see here in
14 terms of curtains that's what was there on June 3rd.
15 Have no idea what was there on March 21st, 2011,
16 correct?

17 A. Correct.

18 Q. State's Exhibit No. 56, what are we looking at;
19 and where are we looking at that?

20 A. We're looking right here in this area. This is
21 a small child's bed, and this is the master bed.

22 Q. And right here at the base of the little, small
23 child's bed, what is that?

24 A. A fan.

25 Q. What kind of fan?

1 A. Electric fan.

2 Q. Like a box fan?

3 A. Box fan, yes, ma'am.

4 Q. Is that shown better here in State's Exhibit
5 No. 57?

6 A. Yes, it is.

7 Q. So is -- how would you characterize how this
8 child's bed is placed in this particular area of the
9 bedroom?

10 A. It's wedged in there almost.

11 Q. If a person were to sleep in this bed, how
12 would a person get out of that bed to like, let's say,
13 go to the bathroom or something?

14 A. They would have to climb out the other bed or
15 climb over the end with the fan on it?

16 Q. Okay. And do you remember the smell, the odor
17 that was emanating from this little child's bed?

18 A. Yes.

19 Q. And what was that?

20 A. I don't know how to describe it, maybe urine, I
21 guess, for lack of a better word.

22 Q. I mean, you were there. Your nose smelled it.
23 What did it smell like to you?

24 A. Like urine, like somebody had peed in the bed.

25 Q. Was that odor strong?

1 A. Strong.

2 Q. Did it appear to be clean or dirty?

3 A. Dirty.

4 Q. And then State's Exhibit No. 61, is that what's
5 on the wall there right over the little bed?

6 A. Yes, yes, ma'am.

7 Q. State's Exhibit No. 62, what's that?

8 A. Close-up of that letter that was on the wall.

9 Q. And what's already been offered into evidence
10 and accepted into evidence, State's Exhibit No. 216, is
11 that a kind of a blowed up, dark version of that letter?

12 A. Yes.

13 Q. And can you read to the jury the English
14 translation of this letter right there in State's
15 Exhibit No. 217?

16 A. Yes. "Judith Herrera, love, happy anniversary.
17 Love the time we shared. It's very important to me
18 because you complete my soul and give me a smile every
19 day. To tell you the truth, I am so attached to you
20 that although I may be sleepy, I cannot sleep without
21 you. Do you feel me. I also feel you inside of me with
22 every kiss you give me. You had me so trapped in your
23 love that I never want it to end. I love you. My heart
24 misses you. My love. Maciel 5/8/11."

25 Q. Let's than a month before June 3rd, correct?

1 A. That's correct.

2 Q. State's Exhibit No. 63, what are we looking at?

3 A. Looking at this wall here with the bathroom
4 door, master bathroom door and the closet.

5 Q. State's Exhibit No. 64, a close-up of what?

6 A. That's a close-up of this ottoman in the
7 bedroom.

8 Q. Looks like it matches the couch out in the
9 living room, correct?

10 A. Correct.

11 Q. State's Exhibit No. 65?

12 A. That's the -- this wall here with the closet
13 here and the night stand here.

14 Q. State's Exhibit No. 66?

15 A. I think that's the bathroom.

16 Q. The connecting master bathroom?

17 A. Right.

18 Q. State's Exhibit No. 67?

19 A. It's the sink in the master bath.

20 Q. Again, fairly tidy, fairly clean?

21 A. Yes.

22 Q. State's Exhibit No. 68?

23 A. That's the sink again.

24 Q. With some cosmetic items over here, correct?

25 A. Yes.

1 Q. Closer up of State's Exhibit No. 69?

2 A. Close-up of the sink in the same bathroom.

3 Q. The 6, what is that referring to?

4 A. I can't see it there, but it's a bottle of --
5 it's a bottle of baby oil.

6 Q. Did y'all tag that into evidence?

7 A. Yes.

8 Q. As far as you know, did that have any
9 significance? State's Exhibit No. 7, what are we
10 looking at? I'm sorry, State's Exhibit No. 71 with
11 Evidence Marker 7?

12 A. It's a picture of what appears to be a drop of
13 blood on the floor of the master bathroom.

14 Q. This is a real close-up of the same drop of
15 blood?

16 A. That's correct.

17 Q. State's Exhibit No. 8?

18 A. That's showing the commode and the trash can
19 next to it here in the master bath.

20 Q. State's Exhibit No. 75 next to the Evidence
21 Marker 8, what does that look like?

22 A. That's a close-up of some of the items in this
23 trash can that appeared to have bloodstains on them.

24 Q. And did this blood that was recovered from this
25 particular item of trash appear to be fairly fresh and

1 almost kind of tacky wet?

2 A. Yes, ma'am.

3 MS. SPENCE: Offer into evidence at this
4 time, Your Honor, State's Exhibit No. 202, just the
5 trash; and it's depicted in that photograph.

6 (State's Exhibit No. 202 offered.)

7 MR. GONZALEZ: No objection.

8 THE COURT: State's Exhibit No. 202 is
9 admitted.

10 (State's Exhibit No. 202 admitted.)

11 Q. (BY MS. SPENCE) Now, let me show you State's
12 Exhibit No. 76. Is that the bathtub associated with the
13 master bathroom?

14 A. Yes, it is.

15 Q. And there is an Evidence Marker 9 within the
16 bathtub. What is that marking?

17 A. It's marking a pair of children's blue panties
18 that were stuffed in the drain along with numerous hairs
19 coming out of it.

20 Q. Did you recover that pair of panties?

21 A. Yes.

22 Q. Let me show you what's been marked as State's
23 Exhibit 78. Tell us what that is?

24 A. That's a close-up of those panties that were
25 stuffed down the drain in the tub.

1 Q. Looks like it had some stains on it. What does
2 that look like to you?

3 A. They appear to be bloodstains.

4 Q. And I'm showing you what's been marked as
5 State's Exhibit No. 199. Is that the actual pair of
6 panties recovered from that photograph?

7 A. Yes, ma'am.

8 MS. SPENCE: Offer into evidence State's
9 Exhibit No. 199.

10 (State's Exhibit No. 199 offered.)

11 MR. GONZALEZ: No objection, Your Honor.

12 THE COURT: State's Exhibit No. 199 is
13 admitted.

14 (State's Exhibit No. 199 admitted.)

15 Q. (BY MS. SPENCE) All right. Now, I'm going to
16 show you a series of pictures starting with State's
17 Exhibit No. 79, and it's got some notations within it.
18 Show the jury where that is on the diagram?

19 A. It's on this wall right here where the number
20 is.

21 Q. And what are we looking at?

22 A. A blood splatter that's on the wall going down
23 the hallway.

24 Q. And was that blood spatter wet or dry?

25 A. Dry.

1 Q. And by eyeballing it, did it appear to be fresh
2 blood or older blood, based upon its color?

3 A. Older blood.

4 Q. Now, were these words written on the wall; or
5 did someone with your agency write that?

6 A. Yes, someone with my agency wrote that.

7 Q. Okay. State's Exhibit No. 80, where is that on
8 the diagram?

9 A. That's going to be this No. B, right here on
10 the hallway wall.

11 Q. Again?

12 A. Blood spatter.

13 Q. Same type of condition as in the other
14 photograph?

15 A. Yes, ma'am.

16 Q. State's Exhibit No. 81, right there. State's
17 Exhibit No. 82?

18 A. It would be right here.

19 Q. State's Exhibit No. 83, does that appear to be
20 a different type of blood contact, I guess?

21 A. It looks like a different, yes. It may be a
22 smear as compared to a splatter.

23 Q. But, again, the age of the blood to you, what
24 did it appear?

25 A. Older.

1 Q. State's Exhibit No. 84?

2 A. It's right here.

3 Q. Okay. Right above those dirty clothes hampers
4 at the end of the hallway?

5 A. Yes, ma'am.

6 Q. And State's Exhibit No. 85, it says, "West wall
7 south door frame of master bedroom."

8 A. It's a letter associated with it.

9 Q. "G."

10 A. That's right here.

11 Q. And then this one is "H." State's Exhibit 86,
12 State's Exhibit 87, far away view of "H"?

13 A. Right here.

14 Q. And then State's Exhibit No. 88, judging from
15 the wall decoration, what bedroom is this?

16 A. I believe it's the master.

17 Q. Master bedroom. So this is "K," "J," and "I"?

18 A. They're all right here.

19 Q. Now, what is the reason -- and you can go ahead
20 and have your seat.

21 A. Thanks.

22 Q. What is the reason you collected all these
23 blood samples, took photographs of them? Did they
24 actually take swabbing?

25 A. Yes, they did.

1 Q. And what did you cause to happen with all of
2 those samples?

3 A. They were sent to the lab and tested.

4 Q. And why did y'all do that?

5 A. To find out whose blood it was, if we could,
6 that had put them on the wall.

7 Q. And was there anything related to the death of
8 Betsabeth Sandoval that had anything to do with any of
9 that blood on the walls that you found?

10 A. Not to my knowledge.

11 Q. Okay. All right. What about the panties and
12 all of the little trash from the trash cans, what was
13 done with those items?

14 A. Those were tagged and then sent to the lab,
15 also.

16 Q. The stick?

17 A. Yes.

18 Q. The blue shirt?

19 A. Yes.

20 Q. Any physical piece of items like that shirt
21 with the flowers on it from the top hamper that look
22 like it had bloodstains on that, was that sent to the
23 crime lab as well?

24 A. Yes, it was.

25 Q. And as far as you know, was there anything

1 significant about those findings?

2 A. I believe that some of the blood did come back
3 to the Complainant, Betsabeth Sandoval.

4 Q. Okay. All right. Now, how long did it take to
5 collect all this stuff out at the scene that day?

6 A. We left at either 9 o'clock or shortly before
7 9:00 p.m.

8 Q. Wow, so you were out there for a good maybe
9 eight hours or so?

10 A. Yes, ma'am.

11 Q. So, where do you go after you leave the scene?

12 A. I went downtown to the homicide division.

13 Q. And who was still there, if anybody, related to
14 this case?

15 A. Yes, Ms. Herrera was there, her son was there
16 and also the mother of the dead child.

17 Q. So, Maciel Sandoval?

18 A. Maciel, yes.

19 Q. What about Officer Swainson, do you see him
20 there as well?

21 A. Yes, I do.

22 Q. Do y'all speak about what you know about your
23 side of the case and what he knows about his side of the
24 case?

25 A. Yes, we do.

1 Q. Y'all communicated and exchanged information?

2 A. Yes.

3 Q. At that point in time, had Ms. Herrera already
4 been interviewed by Officer Rodriguez and Sergeant
5 Rohling?

6 A. Yes, I believe so.

7 Q. And how about Eric, was he interviewed as well?

8 A. Yes, he was.

9 Q. And do you speak with Officer Rodriguez and
10 Sergeant Rohling and learn what was said, you know,
11 summary form by Ms. Herrera and by Eric?

12 A. Yes, ma'am.

13 Q. At that point in time after hearing what
14 everybody has gathered so far, is there any
15 responsibility; or is there any explanation of how this
16 child died at that point?

17 A. None.

18 Q. So, this is at the end of June 3rd, 2011,
19 correct?

20 A. That's correct.

21 Q. And June 3rd is what day of the week?

22 A. Friday.

23 Q. So, the next day do you and Officer Swainson
24 work on this case?

25 A. Yes, we do.

1 Q. What do y'all do?

2 A. We went to the autopsy of Betsabeth Sandoval.

3 Q. Now you had --

4 THE COURT: I hate to interrupt. I
5 understand that lunch has arrived. Is this a good point
6 to break, Ms. Spence?

7 MS. SPENCE: Yes.

8 THE COURT: Ladies and gentlemen, go ahead
9 and step back to the jury room. Enjoy your lunch.

10 THE BAILIFF: Rise for the jury.

11 (Jury exits courtroom.)

12 THE COURT: Be seated, please. We'll be in
13 recess until 2:00.

14 (A lunch recess was taken.)

15 (Open court, Defendant present.)

16 THE COURT: All right. We are on the
17 record outside the presence of the jury. I have before
18 me what's been marked as State's Exhibit No. 240. It
19 appears to be a Stipulation of Evidence. Is this your
20 agreement, Ms. Thomas?

21 MS. THOMAS: Yes, ma'am.

22 THE COURT: Mr. Gonzalez?

23 MR. GONZALEZ: Yes, Your Honor.

24 THE COURT: And, Ms. Herrera?

25 THE DEFENDANT: Yes.

1 THE COURT: All right. I'm approving the
2 stipulation.

3 Bring in the jury.

4 THE BAILIFF: Rise for the jury.

5 (Jury enters courtroom.)

6 THE COURT: Be seated, please.

7 How was lunch?

8 JURORS: Good.

9 THE COURT: Well, I hear tomorrow is
10 supposed to be a beautiful day, so we'll see. Are both
11 sides ready to proceed?

12 MS. THOMAS: Yes, Your Honor.

13 MR. GONZALEZ: Defense is ready, Your
14 Honor.

15 THE COURT: Ms. Spence, you may continue.

16 Q. (BY MS. SPENCE) All right. Sergeant Hanslik,
17 I think we're on June 4th, Saturday. You and Officer
18 Swainson --

19 THE INTERPRETER: Just a minute.

20 THE COURT: Okay.

21 THE INTERPRETER: Sorry, Your Honor.

22 THE COURT: Are we fine, Mr. Dodson? Okay.

23 Ms. Spence, you may proceed.

24 Q. (BY MS. SPENCE) June 4th, 2011, Saturday,
25 where did you and Officer Swainson go?

1 A. We went to the autopsy of Betsabeth Sandoval.

2 Q. At the autopsy, who did you meet with?

3 A. There was a representative of CPS there as well
4 as the Medical Examiner's Office.

5 Q. Did y'all observe the autopsy being performed?

6 A. Portions of it, yes, ma'am.

7 Q. And then were you able to speak to the medical
8 examiner?

9 A. Briefly, I believe Officer Swainson talked to
10 him.

11 Q. And eventually was that ruled, Betsabeth
12 Sandoval's death ruled a homicide?

13 A. Yes, it was.

14 Q. The two representatives from CPS, were you able
15 to get some information from them?

16 A. Yes, I was.

17 Q. Specifically, were you able to obtain some
18 information regarding dates of when a referral was made
19 to CPS concerning Betsabeth Sandoval?

20 A. Yes.

21 Q. And was that made on March 25th, 2011?

22 A. Yes, it was.

23 Q. By a Jessica Kimble?

24 A. Yes, ma'am.

25 Q. And was that particular case ruled out by CPS

1 after a very minimal investigation by CPS?

2 A. Yes, ma'am.

3 Q. After learning the extent of Betsabeth
4 Sandoval's injuries, where did you and Officer Swainson
5 then go?

6 A. We went to a place of employment for Maciel
7 Sandoval, and then we also went to attempt again to
8 locate Angel Hernandez.

9 Q. Okay.

10 MS. SPENCE: Your Honor, may I approach?

11 THE COURT: You may.

12 Q. (BY MS. SPENCE) Let me show you what's been
13 marked as State's Exhibit No. 182. Where did Maciel
14 Sandoval work at the time that this offense came out in
15 June 3rd, 2011?

16 A. She worked for AutoZone.

17 Q. Did we obtain those records, which is what
18 you're looking at?

19 A. Yes, we did.

20 Q. I offer into evidence State's Exhibit No. 182,
21 the records of AutoZone with the business records
22 affidavit?

23 (State's Exhibit No. 182 offered.)

24 THE COURT: Is there any objection?

25 MR. GONZALEZ: No objections, Your Honor.

1 THE COURT: State's Exhibit No. 182 is
2 admitted without objection.

3 (State's Exhibit No. 182 admitted.)

4 Q. (BY MS. SPENCE) Based upon the records of
5 AutoZone, did it appear that Ms. Sandoval started
6 working there just recently prior to June 3rd?

7 A. Yes, ma'am.

8 Q. May 15th of 2011?

9 A. That's correct.

10 Q. Did you also obtain more information from
11 AutoZone regarding a woman named Laura Lopez?

12 A. Yes, we did.

13 Q. And what did you do with that information
14 from -- that you obtained from the AutoZone records
15 about Laura Lopez?

16 A. We conducted a search through our local Houston
17 Police Department records database found the phone
18 number and date.

19 Q. What in the records told you about auto -- what
20 kind of information did you get from the AutoZone
21 records regarding Laura Lopez?

22 A. That Maciel Sandoval had used her as a
23 reference to get the job on her application, and she
24 also had a phone number with her.

25 Q. And was -- did it indicate on these records

1 that she used to actually work for Laura Lopez in Los
2 Angeles, California?

3 A. Yes, used her as a reference with that, with
4 the company.

5 Q. And what did you do with that phone number that
6 was contained in these AutoZone records?

7 A. I ran it through one of our local HPD
8 databases.

9 Q. And what result did you obtain?

10 A. I got the name of Laura Lopez as a Complainant
11 in an HPD case. I believe it was on February 2nd, 2011.

12 Q. And did you obtain that HPD report, you viewed
13 it and read what was contained in that report?

14 A. Yes, I did.

15 Q. Was that at the call Location 3, Apartment 3011
16 on Sunforest Drive?

17 A. Yes, it was.

18 Q. And what was that date again?

19 A. February 2nd, 2011.

20 Q. All right. Now earlier you testified that the
21 apartment manager had given you another HPD incident
22 report number, correct?

23 A. Yes, ma'am.

24 Q. And did you run that report number in your HPD
25 database?

1 A. Yes, ma'am.

2 Q. And did you actually get the offense report
3 relating to that incident?

4 A. Yes, ma'am.

5 Q. And what date did that incident occur on?

6 A. March 25th, I believe.

7 Q. Could you look at your -- the offense report
8 right there?

9 A. Oh, I'm sorry, March 21st, 2011.

10 Q. And was that involving a Angel Hernandez at
11 that address on Sunforest Drive?

12 A. Yes.

13 Q. So, the two offense reports that you got for
14 February 2nd, 2011, and March 21st, 2011, correct?

15 A. Yes, ma'am.

16 Q. Okay. Couldn't find Angel Hernandez that
17 particular day. What did you leave on his door, though?

18 A. It was Officer Swainson's card.

19 Q. And if you know, did Angel Hernandez contact
20 Officer Swainson?

21 A. Yes.

22 Q. All right. When did Officer Swainson meet with
23 Angel Hernandez, if you know?

24 A. I believe it was Monday morning, that would
25 have been the --

1 Q. 6th?

2 A. 6th, yes.

3 Q. Did you meet with him?

4 A. No, ma'am.

5 Q. Who did you meet with on June 6th of 2011?

6 A. I was meeting with the -- or the biological
7 father of Betsabeth Sandoval.

8 Q. And how was it that you came into contact with
9 Betsabeth Sandoval's biological father?

10 A. I received a call Sunday night from an officer,
11 HPD officer, who worked at the Fondren station, who said
12 that an individual, a wrecker driver, had come into the
13 station inquiring about his child and this girl, Maciel
14 Sandoval. They were able to look up and see where they
15 were, his daughter was a Complainant, and the officer
16 called me.

17 Q. Okay. So, did you meet with Horacio Ramos on
18 June 6th and take an audio statement from him?

19 A. I did.

20 Q. What was his demeanor when he came to visit
21 with you?

22 A. Well, he was very upset once he learned
23 officially, he had heard that his child had died, but he
24 hadn't heard from anybody official. He got upset about
25 that.

1 Q. And was he cooperative with you?

2 A. Very much so.

3 Q. But for him contacting you, would you have even
4 known who he was?

5 A. No, all we had was a first name Horacio, no
6 last name.

7 Q. On that particular day, did you also speak to a
8 Christie Swann, who is a representative of CPS?

9 A. Yes, I did.

10 Q. And did she give you some further information
11 that she learned regarding Maciel's contact with CPS?

12 A. Yes, ma'am.

13 Q. Did you obtain a phone number to a CPS
14 caseworker that was significant to you?

15 A. Yes, ma'am.

16 Q. And what was that phone number?

17 A. If you don't mind, I'll look in my report. I
18 can't remember what it was. I'm sorry. It was
19 (713) 943-5405.

20 Q. And who is the caseworker?

21 A. Brian Victorian.

22 Q. All right. Obviously, you documented that?

23 A. Yes.

24 Q. So on June 7th of 2011, a Tuesday, what
25 happened on this case?

1 A. Maciel Sandoval, Elida Herrera, Eric Herrera
2 all came to the homicide office and gave voluntary
3 statements.

4 Q. And if you know did Elida Herrera or Judith
5 Herrera give a statement in Spanish to a Sergeant
6 Padilla?

7 A. Yes, she did.

8 Q. And Maciel and Eric also gave oral statements,
9 correct?

10 A. Correct.

11 Q. And that would be to Officer Swainson?

12 A. Correct.

13 Q. Did you have any role in either one of those
14 statements?

15 A. No, ma'am.

16 Q. So, let's go to June 8th of 2011, which is a
17 Wednesday. Did you actually speak to that Brian
18 Victorian, who is the CPS caseworker?

19 A. No, I did not. I left him a voicemail on that
20 day. He called me the following day.

21 Q. So, what day did you actually speak to him?

22 A. June 9th.

23 Q. And did you obtain information from him?

24 A. Yes, I did.

25 Q. Did he tell you that Maciel had tried to

1 contact him on numerous occasions the week of
2 Betsabeth's death?

3 A. Yes.

4 Q. So let's go to June 13th of 2011, which is the
5 Monday, one week later from Betsabeth's death. What
6 happened on that day?

7 A. Myself and Officer Swainson met with an
8 Assistant District Attorney, Beth Shipley, and reviewed
9 the case with her and were authorized to file charges on
10 both.

11 Q. All right. And were they arrested on that
12 particular day?

13 A. Yes, they were.

14 Q. Was that after Betsabeth Sandoval's funeral?

15 A. Yes, it was.

16 Q. Now, on June 14th of 2011, what did you obtain
17 in regards to this investigation?

18 A. I've got -- we got the HFD run sheets and the
19 9-1-1 calls.

20 Q. In the days following that, June 15th -- June,
21 did you serve several grand jury subpoenas for these
22 various records that has been entered into evidence in
23 this particular case?

24 A. Yes, ma'am.

25 Q. Leases, medical records, other things that

1 would be helpful in determining a timeline for this
2 case?

3 A. Yes, ma'am.

4 Q. Okay. Let's go to June 22nd of 2011. Who did
5 you speak to on that day?

6 A. That day I received a call from the homicide
7 desk from the officer working there saying that a female
8 was attempting to contact me regarding this case.

9 Q. And did you eventually speak to that female?

10 A. Yes, a couple days later.

11 Q. And who is that?

12 A. That was Nellie Torres.

13 Q. And where did Nellie Torres fit in in this
14 picture?

15 A. She worked at the school that Eric Herrera went
16 to. She was an interpreter there, I believe.

17 Q. And did she have some information regarding
18 Betsabeth Sandoval?

19 A. Yes.

20 Q. Did you go and speak with her on June 24th of
21 2011?

22 A. Yes, I did.

23 Q. And what type of statement did you obtain from
24 her?

25 A. An audio-recorded statement.

1 Q. And what was her demeanor when she spoke with
2 you?

3 A. She was very upset about the child's death,
4 felt responsible in a way.

5 Q. Where had she seen that Betsabeth had died?

6 A. She didn't see that she had died, but she saw
7 the arrest of the mother and did some inquiry and
8 learned that the child had died and then went to the
9 cemetery and left some flowers there.

10 Q. She saw the arrest of the mother on what?

11 A. On TV.

12 Q. So, based upon that, she put two and two
13 together, correct?

14 A. Yes.

15 Q. And on June 23rd and some subsequent dates, did
16 you interview some other people at Clifton Middle School
17 where Eric Hernandez (sic) had gone?

18 A. Yes, I did.

19 Q. So, this doesn't start and end on June 3rd,
20 there are many days of investigation --

21 A. Yes, ma'am.

22 Q. -- to this type of case, correct?

23 A. Yes, ma'am.

24 Q. Now, let's go even further to November 1st of
25 2011. What did you guys do then?

1 A. Give me a second. I believe that was when we
2 were trying to interview the last sister, Maciel's
3 sister.

4 Q. Sylvia?

5 A. Sylvia, yes.

6 Q. And she's a Spanish speaker. Did you take a
7 Spanish-speaking officer with you?

8 A. Yes, I did.

9 Q. And who is that?

10 A. Sergeant Padilla.

11 Q. Now, Sergeant Hanslik, you had talked about
12 some phone calls that were made to CPS; is that correct?

13 A. Yes, I did.

14 Q. Based upon that, did you obtain some further
15 records to try to clarify some timing on phone calls?

16 A. Yes, I did.

17 Q. And whose records did you obtain?

18 A. I obtained Maciel Sandoval and Elida Herrera's
19 cell phone records.

20 Q. Maciel Sandoval's cell phone record or
21 telephone number was (281) 780-8055; is that correct?

22 A. That's correct.

23 Q. And Elida Herrera's cell phone number was
24 (832) 675-5909; is that correct?

25 A. That's correct.

1 MS. SPENCE: At this time, Your Honor, I
2 offer into evidence State's Exhibits No. 187 and 188,
3 have been on file for many months.

4 (State's Exhibit No. 187 and 188 offered.)

5 MR. GONZALEZ: I've seen them, Your Honor.
6 No objection.

7 THE COURT: State's Exhibits 187 and 188
8 are admitted without objection.

9 (State's Exhibit No. 187 and 188 admitted.)

10 Q. (BY MS. SPENCE) I'm going to show you State's
11 Exhibits No. 187 and 188. Let's go to Maciel Sandoval's
12 cell phone records.

13 A. Yes, ma'am.

14 Q. Now, pursuant to the information that you had
15 received from CPS, did you look within those records to
16 determine phone calls, if any, made to Brian Victorian,
17 a CPS caseworker?

18 A. Yes.

19 Q. And on what dates were there, was there phone
20 contact or, at least, a phone call from Maciel
21 Sandoval's cell phone to that phone number that you gave
22 of Brian Victorian?

23 A. I believe it was May 31st; there was June 1st,
24 June 2nd and twice on June 3rd.

25 Q. Okay. So, she died on June 3rd. So within

1 three days prior, she is calling every day; is that
2 correct?

3 A. That's correct.

4 Q. On June 3rd at what time did she place her
5 first call?

6 A. 7:25 a.m.

7 Q. And did she place another call on June 3rd to
8 Brian Victorian at CPS?

9 A. Yes.

10 Q. What time?

11 A. 3:49 p.m.

12 Q. 3:49 p.m.; is that right?

13 A. Yes.

14 Q. Now, looking at those records and knowing Elida
15 Herrera's phone number, do you see contact between Elida
16 Herrera and Maciel Sandoval just prior to Maciel
17 Sandoval calling CPS?

18 A. Yes.

19 Q. If the call was made to CPS on 3:49 or at 3:49
20 p.m. on June 3rd, what time was the phone call between
21 Elida Herrera and Maciel Sandoval on that date?

22 A. There was one at 3:43 and one at 3:45.

23 Q. Okay. And were, was the time of that second
24 conversation at 3:45 a period of time which there
25 appeared to be some sort of conversation between those

1 two?

2 A. Yes, ma'am.

3 Q. Now, 3:45 p.m. on June 3rd, that is well after
4 Abigail was found deceased, correct?

5 A. That's correct.

6 Q. Was that the day that Officer Swainson was also
7 interviewing Maciel Sandoval at the hospital?

8 A. Yes, it was.

9 Q. At around that time?

10 A. Yes.

11 Q. Now going to Elida Herrera's phone records, on
12 June 3rd of 2011, at what time do the 9-1-1 calls start?

13 A. Looks like the first one is at 12:10 p.m.

14 Q. 12:10:55?

15 A. Yes.

16 Q. And then is there a subsequent one?

17 A. 12:11:32.

18 Q. An then what?

19 A. 12:14:19.

20 Q. And then does she call Maciel at 12:20 that
21 day?

22 A. Yes.

23 Q. Okay. And then Maciel calls 9-1-1 from her
24 phone, correct, at 12:20?

25 A. That's correct.

1 Q. Now knowing what we know that HFD got there at
2 approximately 12:27 p.m. that day, it appears that she
3 started calling at 12:10 and finally successful at 12:20
4 with Maciel, correct?

5 A. Correct.

6 Q. At 12:14, p.m., so that would have been after
7 Betsabeth is down, discovered unresponsive, who was
8 Elida Herrera communicating with per her cell phone
9 records?

10 A. The Laura Lopez girl that we had previously
11 talked about.

12 Q. And that second phone call was that at
13 12:14:54, was that a fairly long conversation?

14 A. Yes, it was.

15 Q. And there's actually a phone call made from
16 Elida to her and then from Laura Lopez to her, correct?

17 A. That's correct.

18 Q. And that would have been the time that
19 Betsabeth is laying there in the living room, correct?

20 A. That's correct.

21 Q. Over the course of the next few pages in the
22 phone records for Elida Herrera's phone, how many calls
23 did she make to Maciel Sandoval between 2:10 p.m. to
24 3:45 p.m.? Can you count them?

25 A. You said between 2:10 and what?

1 Q. So, there's one at 2:10 p.m., 35 seconds,
2 correct?

3 A. Correct.

4 Q. And there's one at 2:34 p.m., correct?

5 A. Correct.

6 Q. So that's two. And then between 2:34 and 3:39,
7 there are seven calls, correct?

8 A. That's correct.

9 Q. So there would be nine. And then there's a
10 fairly long call at 3:45 p.m. just before the call that
11 Maciel made to CPS at 3:45 p.m.?

12 A. That's correct.

13 Q. So, ten phone calls between -- that Elida
14 Herrera is having with -- attempting and connecting with
15 Maciel Sandoval's phone, and that would be where Maciel
16 Sandoval is at the hospital with her dead child,
17 correct?

18 A. That's correct.

19 Q. Now, as far as you know, Sergeant Hanslik, CPS
20 formally closed their case with -- that Jessica Kimble
21 had called in June 2nd of 2011, the day before she died.
22 That's when they sent out their letters, correct?

23 A. Correct.

24 Q. Well, that's when they sent out their letter to
25 Jessica Kimble. Do you know whether Maciel Sandoval

1 ever got a letter, or you do not?

2 A. No, I do not if she ever did or not.

3 MS. SPENCE: Pass the witness.

4 THE COURT: All right. Thank you, Ms.
5 Spence.

6 Mr. Gonzalez.

7 MR. GONZALEZ: Thank you, Your Honor.

8 **CROSS-EXAMINATION**

9 BY MR. GONZALEZ:

10 Q. Sergeant Hanslik, I guess you would be
11 considered the lead investigator in this case, correct?

12 A. I wouldn't say that; me and Officer Swainson
13 shared the responsibility on it. It was just because it
14 was two scenes at the beginning that they were split up.
15 Typically, we'd go together to one scene and then go to
16 the other; but because of the unknowns we decided to
17 split up at that time.

18 Q. Okay. And would it be fair to say that your
19 scene was the apartment and officer -- is he officer or
20 sergeant?

21 A. Officer.

22 Q. Officer Swainson was at the hospital?

23 A. That's correct.

24 Q. Now, whenever you -- by the time you got there,
25 was Ms. Herrera already in the back of a patrol car?

1 A. Yes.

2 Q. And then only times that she was allowed to
3 come out of the patrol car was when you would take her
4 to that shaded area to talk to her?

5 A. It was easier to talk to her; but, yes, that's
6 when she came out.

7 Q. Now, you would agree with me that she had the
8 option of not talking to you, right?

9 A. That's correct.

10 Q. Because she wasn't under arrest?

11 A. No, she was not.

12 Q. It was the initial stages of the investigation?

13 A. That's correct.

14 Q. And then you testified that -- that was on June
15 the 3rd; is that correct?

16 A. That's correct.

17 Q. And you testified you arrested her on June
18 the --

19 A. 13th.

20 Q. 13th was a Monday?

21 A. Yes.

22 Q. After the funeral?

23 A. Yes.

24 Q. Now, and at no time between June the 3rd and
25 that Monday when she was arrested was Ms. Herrera ever

1 under arrest, right?

2 A. That's correct.

3 Q. She was free to go and come as she pleased; is
4 that correct?

5 A. That's correct.

6 Q. She could have left town if she wanted to; is
7 that correct?

8 A. Correct.

9 Q. But she didn't?

10 A. No.

11 Q. Now, Sergeant Hanslik, a little while ago when
12 you were standing up, you were asked what kind of odor
13 or smell you smelled in the bedroom?

14 A. Uh-huh.

15 Q. Is that correct?

16 A. Yes.

17 Q. Okay. And I believe you testified that you
18 could smell a strong odor of urine?

19 A. Yes.

20 Q. Now, you -- well, let me back up a little bit.
21 I'll try to be pretty short. You put together an
22 offense report regarding this case; is that correct?

23 A. That's correct.

24 Q. And part of the offense report is, I guess,
25 written by your partner; is that correct?

1 A. Yes.

2 Q. But basically you're very familiar with the
3 whole offense report because you're part of the
4 investigation team?

5 A. Yes.

6 MR. GONZALEZ: Now, may I approach the
7 witness, Your Honor?

8 THE COURT: You may.

9 Q. (BY MR. GONZALEZ) Now, Sergeant Hanslik, if
10 you could look through the offense report; or do you
11 have a copy already?

12 A. I have a copy, yes.

13 Q. And it's probably a better copy than mine.
14 Could you point out where you made a notation of the
15 strong urine smell inside the bedroom?

16 A. I don't believe I did in my report.

17 Q. You can look if you want?

18 A. I mean, it's a long report. But I don't think
19 so. I mean, that was a question that I was asked if I
20 smelled something there, and I answered it from
21 smelling.

22 Q. Now, in your many years of investigating
23 crimes, you would put something important like that in
24 an offense report, wouldn't you?

25 A. The scene was being worked by myself and the

1 crime scene unit. Typically the crime scene unit does
2 the report on the scene of the evidence collected at the
3 scene.

4 Q. Right. But basically the crime scene unit
5 takes pictures, they do measurements, they put exhibit
6 markers and things of that nature, right?

7 A. Yes.

8 Q. The detail stuff is done by the investigators?

9 A. Actually, I can show you in my report where I
10 read his report and I agreed with everything that his
11 report said with the exception of there was the piece of
12 bread he didn't notate in his report that was on the
13 table and that the closet area was painted like for a
14 child.

15 Q. But you would agree with me that the strong
16 odor of urine is not notated, not noted in the offense
17 report?

18 A. No, I've read it several times, I don't believe
19 it is.

20 Q. Now, Sergeant Hanslik, when you entered the
21 apartment, were you one of the first people, one of the
22 first people to go into the apartment?

23 A. No.

24 Q. By that time, I guess, the two paramedics had
25 already been in and out of the apartment?

1 A. Correct, with the police officers.

2 Q. And then when you showed up, that's when you
3 needed Officer Mata's assistance; is that correct?

4 A. To talk to Ms. Herrera, yes, I did.

5 Q. But did he go inside the apartment with you?

6 A. Yes, after the first interview that we did with
7 Ms. Herrera, I took him in there because he's translated
8 for me; and I wanted him to be able to see what I was
9 trying to ask her.

10 Q. Yes, sir. Now, after the first interview
11 something you said a little earlier, now -- now, somehow
12 a reference was made to some kind of you were in the
13 dark or you didn't know the relationship between Abby's
14 mother and Elida Herrera; is that correct?

15 A. At what point?

16 Q. Well, after the first interview, then you
17 decided to go inside the apartment to get a better feel
18 as to what was inside; is that correct?

19 A. The room layout, yes. She was talking about
20 bedroom doors being locked and her son being in there
21 and the child wasn't being watched by him. I wanted to
22 look and see how the setup was of the apartment from
23 what she was telling me.

24 Q. Right, but at some point you answered that
25 somehow you weren't told about the specific relationship

1 between Abby's mother and Ms. Herrera, an answer as to
2 that form. Do you recall saying that?

3 A. I recall saying that she didn't, she was
4 evasive as far as telling me that she slept in the same
5 bed with her, they were girlfriend and girlfriend at
6 that point, yeah. It wasn't known by me; but when I
7 went in and looked at the wall in the bedroom, I had an
8 idea that's what it was, yes.

9 Q. Okay. But we've already read to the jury
10 Interview No. 1?

11 A. Correct.

12 Q. From start to finish; is that correct?

13 A. Correct.

14 Q. Well, is there -- well, do you have Interview
15 No. 1 already?

16 A. Yes.

17 Q. Okay. Could you point me out your line of
18 questioning when you're talking to Ms. Elida Herrera as
19 to when you're asking her what relationship her and
20 Abby's mother have to one another?

21 A. Well, I never asked her that because I never
22 had a clue that there was anything but that she was the
23 caretaker for the child during the day at that point.

24 Q. Exactly. And so if you never asked her and she
25 never volunteered, how could that be some kind of

1 evasiveness?

2 A. Well, it's in the preceding interviews where
3 she's not telling me that she watched the child every
4 day while the mother was at work, you know. She said
5 she never bathed the child. If she's watching the child
6 all the time, obviously, she would have seen the child,
7 I think, without clothes on at some point.

8 Q. No, no, I understand what you're saying; and
9 I'm trying to be short.

10 A. Okay.

11 Q. Somehow you indicated in your testimony that
12 between the first interview and the second interview,
13 you were kind of left in a daze as to what kind of
14 relationship Maciel and Elida had to one another. But
15 when you go into the apartment, then in your mind, you
16 know, you see the picture of them next to each other.
17 And then you already form in your mind what kind of
18 relationship they have; is that true?

19 A. That's correct.

20 Q. But when you're interviewing her during
21 Interview No. 1, at that point in time, there was no
22 need for you to know what kind of relationship Elida and
23 Maciel had to one another at that point?

24 A. No, there was not.

25 Q. So, would you agree with me that she wasn't

1 misleading you in any way?

2 A. No, not in that interview, no, I don't think so
3 at all.

4 Q. Okay. Now, the panties that were found
5 clogging up the bathtub --

6 A. Yes, sir.

7 Q. You recall those?

8 A. Yes.

9 Q. And lab analysis were already done. It looked
10 like they were stains, but I believe you already
11 testified that you didn't find any blood on those
12 panties, right?

13 A. I'd have to look at the lab reports. I don't
14 recall exactly, but I know it looked like blood. There
15 was a lot of stuff in that apartment that looked like
16 blood that turned out not to be blood.

17 Q. Okay. Now, you testified that because of the
18 cell phone records of Elida and Maciel, you found quite
19 a few calls between -- well, let me just see if we can
20 clarify this real quick. You got there to the crime
21 scene at what time?

22 A. 1:45 p.m.

23 Q. And you didn't leave the crime scene until
24 about 9 o'clock p.m.?

25 A. Yes.

1 Q. So, you were there for quite a while?

2 A. Yes, sir.

3 Q. And Elida and her son, Eric, stayed there at
4 your location the whole time?

5 A. No.

6 Q. At one point they were taken to homicide?

7 A. Yes.

8 Q. About what time was that?

9 A. 3:00, 3:30.

10 Q. Okay. And after they left, you still stayed
11 working?

12 A. Yes.

13 Q. And I believe you testified already that there
14 was quite a few calls between Elida's cell phone number
15 and Maciel's cell phone number, right, that afternoon of
16 June the 3rd?

17 A. Yes, sir.

18 Q. Could it be that maybe she was calling to see
19 what the status of the baby was at the hospital?

20 A. I'm sure she could have been. Some of these
21 were calls while the baby was still at the house.

22 Q. Well, sure, you're right. No, I'm referring to
23 the calls when Maciel was already at the hospital with
24 Abby?

25 A. Yes.

1 MR. GONZALEZ: I'll pass the witness.

2 THE COURT: All right. Thank you, Mr.
3 Gonzalez.

4 Anything further?

5 MS. SPENCE: No, Your Honor.

6 THE COURT: May Sergeant Hanslik be
7 excused?

8 MS. SPENCE: Yes, Your Honor.

9 MR. GONZALEZ: Yes, Your Honor.

10 THE COURT: Thank you, Sergeant. You are
11 excused.

12 Call your next witness, please.

13 MS. THOMAS: Dr. Popek.

14 Just for the record, Judge. We're calling
15 her out of order. Normally, we would call her after the
16 autopsy from the doctor from the Medical Examiner's
17 Office, but she has a scheduling problem.

18 THE COURT: All right. Has Dr. Popek been
19 sworn?

20 MS. THOMAS: I don't think you've been
21 sworn, have you?

22 THE WITNESS: No.

23 THE COURT: All right. Come on up, ma'am.
24 Please raise your right hand to be sworn.

25 (Witness sworn.)

1 THE COURT: Ms. Thomas, hold on one second.
2 You may proceed.

3 EDWINA POPEK,
4 having been first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. THOMAS:

7 Q. Will you state your name for the jury and the
8 record, please?

9 A. Edwina Popek.

10 Q. Ma'am, what do you do for a living?

11 A. I'm a pathologist.

12 Q. Any particular kind of specialty?

13 A. I'm a pediatric pathologist at Texas Children's
14 Hospital.

15 Q. What does a pediatric pathologist actually do?

16 A. Well, a pathologist studies disease. And the
17 pediatric pathologist studies disease from the time of
18 conception until 18 years of life. And by disease, I
19 mean, we study laboratory tests. If you have your
20 appendix taken out, I'm the person who is going to look
21 at your appendix. If you have some other type of
22 surgery, I'm the person who's going to look at that
23 tissue to make a diagnosis; and I also perform
24 autopsies.

25 Q. Is there a difference between clinical