

1 THE BAILIFF: All rise for the jury.

2 (Jury enters courtroom.)

3 THE COURT: Be seated, please.

4 Ms. Spence, you may proceed.

5 MS. SPENCE: Thank you, Your Honor.

6 **FERNANDO MATA,**

7 having been first duly sworn, testified as follows:

8 **DIRECT EXAMINATION**

9 BY MS. SPENCE:

10 Q. Good morning, sir. Please introduce yourself  
11 to the jury?

12 A. Officer F. Mata, Houston Police Department.

13 THE COURT: Hold on. I apologize. Let me  
14 fix it. Is your microphone working?

15 A. Officer F. Mata, Houston Police Department.

16 Q. How long have you been a police officer,  
17 Officer Mata?

18 A. Almost 18 years.

19 Q. And back in June of 2011, were you a police  
20 officer?

21 A. Yes, ma'am.

22 Q. Were you patrolling the same area that you're  
23 still in patrol now, or have you changed?

24 A. I have changed.

25 Q. So back then what area did you patrol?

1 A. 3B10's beat.

2 Q. So let me take your attention back to June 3rd  
3 of 2011, were you -- did you go by the Luxor Apartments  
4 at 5801 Sunforest at approximately 1:00, 1:15 p.m.?

5 A. Yes, ma'am.

6 Q. And what was the reason for you checking by  
7 with that location?

8 A. To relieve another unit that was already at the  
9 scene.

10 Q. And when you got there, were there multiple  
11 police officers already there?

12 A. Yes.

13 Q. Now, Officer Mata, what languages do you speak  
14 fluently?

15 A. English and Spanish.

16 Q. Are you a certified Spanish interpreter?

17 A. No.

18 Q. But did you grow up speaking Spanish and --

19 A. Yes.

20 Q. I don't know, can you read Spanish as well?

21 A. No, very little.

22 Q. So, you can speak Spanish; and you can  
23 understand Spanish?

24 A. Yes, ma'am.

25 Q. Have you had any formal training in Spanish, or

1 is this all just learned from growing up --

2 A. Yes.

3 Q. -- and living life?

4 A. Yes.

5 Q. Are you called to scenes on a frequent basis to  
6 help translate because maybe the responding officers  
7 can't speak or understand English or Spanish, and then  
8 you do some interpreting?

9 A. Yes, ma'am.

10 Q. All right. So on that day, did a Sergeant  
11 Hanslik of the homicide division ask you to do some  
12 interpreting out there on his behalf?

13 A. Yes, ma'am.

14 Q. When -- who did he want you to interpret for?

15 A. The woman at the scene.

16 Q. And is her name Elida Herrera?

17 A. Yes, ma'am.

18 Q. And do you see Ms. Herrera in the courtroom  
19 today?

20 A. Yes, I do.

21 Q. Can you point to her and describe what she's  
22 wearing?

23 A. (Pointing) The female sitting to my left with  
24 the black jacket on.

25 Q. Now, had you met Ms. Herrera prior to that day?

1 A. No.

2 Q. So what did Sergeant Hanslik want you to do?

3 A. To interpret what he wanted to ask her.

4 Q. So he wanted to ask questions and then you

5 would ask those questions in Spanish and then Ms.

6 Herrera would answer you in Spanish and then you would

7 tell Sergeant Hanslik what she said; is that correct?

8 A. Yes, ma'am.

9 Q. And do you know whether that conversation was  
10 recorded?

11 A. Yes, it was.

12 Q. How many, I guess, incidences of interpreting  
13 did you do out there that day at the scene?

14 A. Three.

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

16 THE COURT: You may.

17 Q. (BY MS. THOMAS) Let me show you what's been  
18 marked as State's Exhibit Nos. 234, 235 and 236. Do you  
19 recognize those disks?

20 A. Yes.

21 Q. And have you had an opportunity, Officer Mata,  
22 to listen to the content on these three exhibits to  
23 determine whether they are true and accurate recordings  
24 of what your conversations were on that particular day?

25 A. Yes.

1 MS. SPENCE: Offer into evidence at this  
2 time, Your Honor, State's Exhibits No. 234, 235 and 236?

3 (State's Exhibit Nos. 234 through 236  
4 offered.)

5 MR. GONZALEZ: No objection, Your Honor.

6 THE COURT: All right. 234, 235 and 236  
7 are admitted without objection.

8 (State's Exhibit Nos. 234 through 236  
9 admitted.)

10 Q. (BY MS. SPENCE) So 234, is that the first  
11 conversation?

12 A. Yes.

13 Q. And then 235 is the second conversation?

14 A. Yes.

15 Q. And 236 is the third, correct?

16 A. Yes.

17 Q. Now, I'm showing you what's been marked as  
18 State's Exhibit No. 239. Have you had an opportunity to  
19 review the written words on a portion of State's Exhibit  
20 No. 239, Statement No. 1, part of it says Statement No.  
21 2 and the portion that says Statement No. 3?

22 A. Yes.

23 Q. And is that a true and correct, I guess,  
24 translation of what is contained on State's Exhibits  
25 234, 235 and 236?

1 A. Yes.

2 MS. SPENCE: At this time I offer into  
3 evidence State's Exhibit No. 239.

4 (State's Exhibit No. 239 offered.)

5 MR. GONZALEZ: And I've read them, Your  
6 Honor, and had plenty of time to look them over. No  
7 objections.

8 THE COURT: All right. State's Exhibit  
9 No. 239 is admitted without objection.

10 (State's Exhibit No. 239 admitted.)

11 Q. (BY MS. SPENCE) Now, when you did the  
12 interpreting for Sergeant Hanslik, were you inside of  
13 the apartment or outside of the apartment?

14 A. Outside.

15 Q. And the apartment we're talking about is  
16 Apartment 3011 at the Luxor Apartment complex, correct?

17 A. Yes, ma'am.

18 Q. Now referring to State's Exhibit No. 234, which  
19 is your first conversation with Ms. Herrera and Sergeant  
20 Hanslik, was that conversation, I guess, conducted prior  
21 to you and Sergeant Hanslik actually walking inside of  
22 Apartment 3011?

23 A. No.

24 Q. No.

25 A. Repeat the question, again?

1 Q. Okay. State's Exhibit No. 234, which is the  
2 very first conversation you had with Ms. Herrera?

3 A. Okay.

4 Q. Did that conversation take place before you and  
5 Sergeant Hanslik had an opportunity to actually go  
6 inside of Apartment 3011?

7 A. Yes.

8 Q. And then State's Exhibit No. 235, which is the  
9 second conversation you had with Ms. Herrera, was that  
10 after you and Sergeant Hanslik had an opportunity to go  
11 into Apartment 3011?

12 A. Yes.

13 Q. And then State's Exhibit No. 236, which is the  
14 third conversation you had with Ms. Herrera, that also  
15 is after you had been inside of Apartment 3011?

16 A. Yes.

17 Q. When you went inside of Apartment 3011, who did  
18 you go inside with?

19 A. Sergeant Hanslik.

20 Q. Did y'all kind of just walk together throughout  
21 the apartment?

22 A. Yeah, he was in front. I was behind.

23 Q. Was that the first time that you had ever been  
24 into Apartment 3011?

25 A. Yes.

1 Q. Just very generally tell the jury how many  
2 bedrooms, what was the layout of this apartment?

3 A. The layout was when you walked into the  
4 apartment, it was a living room, and the kitchen was  
5 further back, and to the left was a hallway, one room as  
6 you proceed down the hall. And then, I guess, it would  
7 be like the master bedroom, it's in the back with the  
8 restroom.

9 Q. So two bedrooms, correct?

10 A. Yes.

11 Q. Living room, two bathrooms?

12 A. Yes.

13 Q. Okay. And other than interpreting on behalf of  
14 Sergeant Hanslik, did you have any other role in this  
15 particular case?

16 A. No.

17 MS. SPENCE: Pass the witness.

18 THE COURT: All right. Thank you, Ms.  
19 Spence.

20 Mr. Gonzalez.

21 MR. GONZALEZ: Thank you, Your Honor.

22 **CROSS-EXAMINATION**

23 BY MR. GONZALEZ:

24 Q. Now, Officer Mata, you were basically there as  
25 an interpreter for Sergeant Hanslik?



1 A. Yes.

2 Q. And when you interviewed Ms. Herrera, where was  
3 she when you first saw her?

4 A. When I was -- when I arrived at the scene or  
5 when I was there?

6 Q. No, no. Okay. You talked to her three  
7 separate times; is that correct?

8 A. Yes.

9 Q. The first time that you talked to her, where  
10 was she?

11 A. She was in back of another officer's vehicle.

12 Q. Okay. And then when you had -- so, she's  
13 sitting in the backseat of the patrol car when you're  
14 actually having the interview with her?

15 A. No.

16 Q. Where did you take her?

17 A. We got her out the police car because it was  
18 very, very, very hot that day. It was like over a  
19 hundred.

20 Q. Yes, sir.

21 A. And we -- there was a vacant apartment that had  
22 been boarded up that had a porch with shade, and we, we  
23 walked her right there approximately about 15 feet from  
24 the patrol car so she wouldn't be in the sun because it  
25 was really hot that day.

1 Q. Now, well, you said it was a very, very hot  
2 day. Was the AC on inside the patrol car?

3 A. Yes.

4 Q. Now, and then you interviewed her the first  
5 time; is that correct?

6 A. Sergeant Hanslik interviewed her.

7 Q. And you translated for him?

8 A. Yes.

9 Q. Because Sergeant Hanslik does not speak  
10 Spanish?

11 A. Yes.

12 Q. And then what did you do after you interviewed  
13 her the first time?

14 A. I just stayed there while Hanslik handled his  
15 investigation, whatever he needed to do. I just stood  
16 by.

17 Q. I think you testified that you went into the  
18 apartment with Sergeant Hanslik?

19 A. Yes.

20 Q. Where was Elida Herrera, right there under the  
21 porch?

22 A. No, we placed her right back in the backseat of  
23 the patrol car.

24 Q. So, you went into the apartment; and then you  
25 and Sergeant Hanslik came back out to interview her a

1 second time?

2 A. Yes, sir.

3 Q. And did you interview her while she was in the  
4 backseat?

5 A. No, we pulled her out again to the same area.

6 Q. Okay. All right. And then you had occasion to  
7 interview her a third time; is that correct?

8 A. Yes.

9 Q. And the same procedure, you took her out of the  
10 police car and took her to the porch?

11 A. Yes.

12 Q. Now, would you agree with me, Officer Mata,  
13 that she was pretty distressed?

14 A. I don't know about that. I don't know she was  
15 distressed or nothing like that.

16 Q. Well, have you heard the CDs that have been  
17 introduced into evidence?

18 A. Yes.

19 Q. Would you agree that she sounded pretty  
20 distressed?

21 A. No, because I don't know her. I don't know  
22 when she'll be stressed or not.

23 Q. Okay. Maybe I'm using the wrong word. You  
24 testified that you've already listened to those disks,  
25 right?

1 A. Yes.

2 Q. In those interviews, would you agree with me  
3 that she seemed sad?

4 A. Yeah, she seemed a little sad.

5 Q. And so when those disks are heard, I guess the  
6 real -- whoever listens to those tapes will be able to  
7 form their own opinion as to the demeanor of Ms.  
8 Herrera, wouldn't you agree?

9 A. Perhaps.

10 Q. Now, would you agree with me that Ms. Herrera  
11 cooperated with y'all?

12 A. Yes.

13 Q. Nobody was hitting her, forcing her to have a  
14 talk with y'all, right?

15 A. No.

16 Q. She did it voluntarily?

17 A. Yes, sir.

18 Q. Willingly?

19 A. Yes, sir.

20 Q. Cooperating?

21 A. Yes, sir.

22 Q. And that applies to all three interviews you  
23 had with her; is that correct?

24 A. Yes, sir.

25 MR. GONZALEZ: I'll pass the witness, Your

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.