

1 (Witness sworn)

2 THE COURT: You may proceed.

3 MS. HARVEY: Thank you, Your Honor.

4 **MARIO QUINTANILLA,**

5 having been first duly sworn, testified as follows:

6 **DIRECT EXAMINATION**

7 **BY MS. HARVEY:**

8 Q. Would you tell the jury what your name is?

9 A. Mario Quintanilla.

10 Q. How are you currently employed?

11 A. I'm a deputy investigator with the Harris
12 County Sheriff's Department.

13 Q. How long have you been a deputy investigator
14 with the Harris County Sheriff's Department?

15 A. I've been an investigator with them eight
16 years. I've been with the department twenty-two.

17 Q. Are you assigned to a particular division?

18 A. I'm currently assigned to the Homicide
19 Division.

20 Q. And do you have any training with respect to
21 investigating homicide investigations?

22 A. Yes, ma'am. They send us to a number of
23 classes, homicide, practical homicide, some advanced
24 homicide, blood spatter classes, some crime scene
25 classes, and any other class that we want to take on our

1 own.

2 Q. And do you take advantage of any of those
3 classes that you want to take on your own when they are
4 offered?

5 A. Yes, ma'am.

6 Q. Were you working with the sheriff's department
7 back on March 20th of 2011?

8 A. Yes, ma'am.

9 Q. And were you assigned to the case where Henry
10 Joseph Breaux was the victim?

11 A. Yes, ma'am.

12 Q. At what point were you notified that there was
13 a crime scene?

14 A. I was advised at approximately 3:40 p.m.

15 Q. And at the time you were advised, what did you
16 do?

17 A. Well, I was actually working an extra job at
18 the rodeo. I remember it was rodeo time. So, I just --
19 I already had all of my uniform with me. So, I just got
20 dressed and went straight to the scene.

21 Q. What time did you arrive at the scene?

22 A. Approximately 5:00 p.m.

23 Q. Where was that scene located?

24 A. 12911 New Cypress in Cypress, Texas.

25 Q. Is that a location here inside of Harris

1 County, Texas?

2 A. Yes, ma'am.

3 Q. When you arrived, describe for us what the
4 scene was like.

5 A. When I initially got there, I noticed it was a
6 one-story brick home. Patrol had already been out
7 there, had put crime scene tape up. Since I was the
8 lead investigator, I immediately went and talked to the
9 patrol deputy who was the primary, which I believe was
10 Deputy Bair.

11 Q. So, after you made contact with Deputy Bair,
12 what kinds of information did you get from him?

13 A. Well, he briefed me on what was going on prior
14 to my arrival. He said he was called there to an
15 in-progress call where a male had been shot and killed.
16 He said he arrived at the scene, knocked on the front
17 door, didn't get an answer immediately, and then saw a
18 white female come to the door from the south side of the
19 residence, answered the door in a towel and panties, I
20 believe, and completely wet.

21 Q. Did you -- did you see the victim in the house?

22 A. Yes, I did.

23 Q. And where was he located at?

24 A. He was located in the rear bedroom in the
25 bathroom.

1 Q. And was his body still physically present when
2 you arrived?

3 A. Yes, ma'am.

4 Q. Was the defendant physically present when you
5 arrived?

6 A. No, ma'am.

7 Q. And do you know where she had gone?

8 A. She was taken to Memorial Hermann Hospital to
9 have a rape kit done on her.

10 Q. So, when you arrive on a homicide scene, what
11 is your first order of business? What's the first thing
12 you want to do out there?

13 A. Like I said, I first talked to the deputies
14 that were there. I made sure I knew the facts that they
15 had gathered prior to me getting there. Like I said,
16 Deputy Bair informed me of -- that he was on the radio
17 with dispatch, the female had stated that she was in the
18 bathroom with her husband, yet he indicated that she
19 came and answered the door from the opposite area.

20 I also talked to some of the other deputies
21 that were there and they indicated that upon arrival
22 they checked some of the fence doors and they were
23 locked and secured. Didn't see any signs of an
24 intruder. And that the dogs, once they noticed their
25 presence, began to bark.

1 Q. So, you knew that there was -- that her
2 allegation was that an intruder had gone into the house
3 and shot her husband?

4 A. Yes, ma'am.

5 Q. So, knowing that, that's the story that's been
6 thrown out there, do you then begin to look for signs of
7 an intruder?

8 A. Yes, ma'am. I -- at that point, I entered the
9 scene and I began to look at all the doors, the windows
10 for any signs of a forced entry. None were found. I
11 also briefly went outside and checked the surroundings,
12 the gate, the fence, see if anything was disturbed.
13 Didn't find any signs of anything being disturbed
14 outside. I went to the back bedroom. I did locate that
15 the rear door was slightly ajar, except it was being
16 blocked by a dog kennel.

17 Q. Let me ask you one at a time. So, the front
18 door, you know, had been opened by the defendant; is
19 that right?

20 A. Yes, ma'am.

21 Q. Did you check the windows for any signs of
22 forced entry?

23 A. Yes, ma'am.

24 Q. Could you find any signs of forced entry on any
25 of the windows?

1 A. No, ma'am.

2 Q. How about any of the doors? Apart from the
3 door that was ajar in the master bedroom, were there any
4 other doors that were unlocked?

5 A. No, ma'am.

6 Q. The door that was open in the master bedroom
7 with it hanging slightly ajar, were there any signs of
8 forced entry either to the doorjamb or to the door
9 itself?

10 A. No, ma'am.

11 Q. The door that was ajar, could you open it all
12 the way?

13 A. Not without removing the dog kennel.

14 Q. And was that something like if you pulled hard
15 enough on the door, you could make it move or did you
16 physically have to move the dog kennel in order to make
17 the door move?

18 A. It probably would have been easier to
19 physically move them and then open the door, but I guess
20 if you really tried, yes, you probably could open the
21 door, but you'd probably overturn the kennels and stuff.

22 Q. Were there any other signs of forced entry in
23 the house?

24 A. No, ma'am.

25 Q. Did you, at any point, check the house to see

1 if there was any sort of a robbery?

2 A. Yes, ma'am. I began looking around the house.
3 I noticed that the house was actually kept up fairly
4 well. I mean, everything looked organized. Didn't find
5 any signs of a struggle anywhere in any of the rooms.
6 The only place that we knew something had happened was
7 in the closet, in the bathroom, of course, with the
8 blood and the victim's body being there, but there was
9 no signs that there was any rummaging or anybody had
10 went throughout the house to do anything.

11 Q. As you're walking through the house and you say
12 that it seemed fairly kept up, was there anything
13 notable about the dining room table?

14 A. Yes. When I entered the dining room area in
15 the kitchen, it looked like there was a dinner. It
16 immediately looked like it was staged. It just didn't
17 look normal. Everything was organized, in order, and
18 looked like somebody was going to cook but hadn't
19 started to cook.

20 Q. And when you say that it's staged, do you mean
21 that someone just -- that that was just their daily
22 routine and that's how it was when you found it, or it
23 looked like it was deliberately set up so that when
24 investigators come, they would see it?

25 A. To me, I believed it was deliberately set up.

1 Q. So, you've got this staged dinner on the table.
2 And what was present on the table?

3 A. I believe there was some candles, a wine bottle
4 on the table. There was two plates on the kitchen
5 counter near the stove with some silverware on it. It
6 looked like there was a pan with some rice and some
7 butter, or something, in there, but it hadn't -- didn't
8 look like it was ever warmed up or cooked. Then there
9 was some -- by the sink, there was some shrimp.

10 Q. The shrimp that was by the sink, was that --
11 was it raw shrimp or cooked shrimp?

12 A. I do not recall. I do not recall if it was
13 cooked or raw.

14 Q. So, as we're continuing through the house,
15 you've got this staged setup in the dining room and
16 kitchen. As you went in to -- did you come to learn
17 that the victim and the defendant slept in different
18 bedrooms?

19 A. Yes, ma'am.

20 Q. And the defendant's bedroom, was there anything
21 notable found inside her bedroom?

22 A. Inside her bedroom when I went in there, I saw
23 some clothes belonging to a female, which I learned were
24 from Ms. Dinanno, but she had stated that the intruder
25 had thrown the clothes --

1 MR. VARELA: Objection. Nonresponsive to
2 the question.

3 THE COURT: Sustained.

4 Q. (By Ms. Harvey) Let me ask you. The way that
5 the clothing was laying, what did it appear to you to
6 look like?

7 A. It looked like somebody undressed and just
8 stepped out of the clothes.

9 Q. So, you've got this pile of stepped-out-of
10 clothing. What about in her nightstand dresser, was
11 there anything in there?

12 A. I believe there was a small handgun.

13 Q. And in terms of going to check out an intruder,
14 if a person was in that back bedroom and was going to go
15 check out something odd that seemed to be happening on
16 the other side of the house, would that handgun have
17 been readily available for them?

18 A. Yes, ma'am.

19 Q. And was it loaded and was there extra
20 ammunition right there?

21 A. Yes, ma'am.

22 Q. As we move across the house over to the scene
23 where the body actually was, and as you're learning --
24 how is it that you're learning about the story that the
25 defendant is telling? How are you learning that

1 information?

2 A. Well, Sergeant Reynolds was at the hospital and
3 he was relaying information to me as he spoke to
4 Ms. Dinanno.

5 Q. So, you then came to learn that the defendant
6 was thrown into the bathtub according to her story. Is
7 that right?

8 A. Yes, ma'am.

9 Q. Was there anything notable to you about the
10 bathtub, and specifically with respect to whether water
11 had been running there recently or not?

12 A. The bathtub was dry. It didn't appear as
13 anybody had been in the tub.

14 Q. Now, also in that bathroom is a stand-up shower
15 stall. Is that right?

16 A. Yes, ma'am.

17 Q. And was that -- did that have a door on it or
18 was it an opened area sort of just enclosed by glass
19 block?

20 A. I believe it was an opened -- opened -- it
21 didn't have a door. It was open.

22 Q. So, back in that shower area, was there
23 anything notable about that area with respect to whether
24 or not water had recently been run in there?

25 A. Yeah. The shower area was wet.

1 Q. So, we've got a dry tub and a wet shower. Our
2 victim's body is laying on the floor. And near his
3 feet, was there a handgun?

4 A. Yes, there was a handgun.

5 Q. And the revolver that was laying there, do you
6 know or do you recall the position that the -- in terms
7 of ready to be fired?

8 A. The hammer was -- was cocked to the back.

9 Q. And when the hammer is cocked to the back like
10 that, does that make that handgun easier or harder to
11 fire than if it weren't cocked back like that?

12 A. It would make it easier.

13 Q. Also near that handgun was a pair of slippers.
14 Was there anything to you notable about those slippers?

15 A. There was some dripped blood on one of the
16 slippers.

17 Q. Did you do any -- I guess any -- any
18 investigation? Did it look to you like these could be
19 the victim's slippers? Did they look like they belonged
20 there, not belonged there?

21 A. Well, I could tell they're not the victim's
22 slippers because it was a smaller size. It looked like
23 possibly a female's or a very small male. And they just
24 seemed out of place because it seemed like he kept his
25 area pretty clean.

1 Q. So, in addition to the slippers, there was also
2 a knife found on the bed; is that right?

3 A. Yes, ma'am.

4 Q. Did you come to discover the original location
5 of that knife?

6 A. Yes, ma'am.

7 Q. And where did that knife come from?

8 A. There was a set matching that knife in one of
9 the kitchen drawers, bottom kitchen drawers. Well, it
10 wasn't a drawer. It was a cabinet. What would you call
11 it? A cabinet, I guess.

12 Q. A cabinet?

13 A. Yeah. Not a drawer.

14 Q. Oh, all right. So -- and so, is that an upper
15 cabinet or lower cabinet?

16 A. Lower cabinet.

17 Q. So, we've got the rest of the knife set in that
18 lower cabinet in the kitchen. Was there anything
19 notable to you about the floor in the kitchen?

20 A. Well, when I first was looking around and
21 noticed the way the kitchen was set up, I noticed it was
22 like a wooden floor. I don't know if it was real wood
23 or the fake wood, but you could see some small
24 footprints. Looked like somebody was walking in wet
25 socks in the kitchen area.

1 Q. So, we've got the wet footprints in the kitchen
2 area. Back in -- headed back to the bedroom, the bed,
3 talk to us about the condition of the bed in the master
4 bedroom. Was it well made, was it messy?

5 A. Oh, the bed was made. It didn't look as if
6 anybody had been lying on the bed at the time. There
7 was that big -- the large kitchen knife laying on top of
8 the bed. I believe the remote was on the bed and the
9 house phone.

10 Q. In addition, did you -- did you feel the bed or
11 the bed cover or was there anything notable about it in
12 terms of being wet or dry?

13 A. Yes. The bed was dry.

14 Q. Now, there were some personal items of the
15 victim's located in his room, were there not?

16 A. Yes, ma'am.

17 Q. And what personal items of note did you see in
18 the victim's bedroom?

19 A. On one of the nightstands, the victim's cell
20 phone was still being charged. His wallet was still in
21 his TV like armoire -- I guess that's what you would
22 call it -- armoire. It was still housed in the armoire.
23 And there was some -- his car keys were still on the
24 countertop inside of an ashtray, truck keys.

25 Q. And I'm going to show you what I've marked as

1 State's Exhibit 121 and 122. Would you take a look at
2 those photographs (indicating)?

3 A. This is the truck keys.

4 Q. And is that a fair and accurate representation
5 of where the keys were upon your arrival?

6 A. Yes, ma'am.

7 MS. HARVEY: State offers State's Exhibits
8 121 and 122 and tenders to opposing counsel.

9 **(State's Exhibit No. 121 and 122 Offered)**

10 MR. VARELA: No objection to 121 or 122.

11 THE COURT: State's Exhibits 121 and 122
12 are admitted.

13 **(State's Exhibit No. 121 and 122 Admitted)**

14 Q. (By Ms. Harvey) And what room of the house is
15 this?

16 A. That's the kitchen.

17 Q. And can you point -- on your screen, you can
18 point. Can you show the jury where the keys are
19 located?

20 A. Yes. Here (indicating).

21 Q. And if we look at State's Exhibit 122, is that
22 just a close-up of those keys?

23 A. Yes, ma'am.

24 Q. Back in the victim's bathroom, was there
25 anything -- were there shampoos and general bathroom

1 items in that area?

2 A. Yes, ma'am.

3 Q. Was -- were any of those items knocked over or
4 out of place?

5 A. No, ma'am.

6 Q. Specifically on the -- was there -- was there a
7 bottle of body wash on the tub?

8 A. Yes, ma'am.

9 Q. And was there anything abnormal about that
10 bottle of body wash?

11 A. No, ma'am.

12 Q. Was it standing upright?

13 A. Yes, ma'am.

14 Q. Was the cap open or closed?

15 A. I don't remember. I don't recall.

16 Q. Was there soap -- was it clean or was there
17 soap like running out down --

18 A. No. I believe it was fairly clean.

19 Q. In addition to that tub basin being dry, were
20 there any signs of soap either in the bottom or up the
21 sides?

22 A. No, ma'am.

23 Q. Around the back of the house, what kind of a
24 fence encloses the back of that house?

25 A. A six-foot wooden fence.

1 Q. And was there any disturbance to that fence at
2 all?

3 A. No, ma'am.

4 Q. Was the gate to that fence opened or closed?

5 A. It's closed.

6 Q. Was there leaves or debris on either side of
7 that gate?

8 A. Yes, ma'am.

9 Q. Did the gate swing open outwards or open
10 inwards?

11 A. I couldn't tell you because I don't think we
12 ever were able to get it open.

13 Q. Did it look like, in terms of was there debris
14 on either side of it, debris --

15 A. Undisturbed debris on either side, yes, ma'am.

16 Q. Did the gate, did it touch the ground?

17 A. Yes, ma'am.

18 Q. If you could have gotten it open, would it have
19 swept along the ground as it was opened?

20 A. Yes, ma'am.

21 Q. Was there any evidence that that had happened
22 recently?

23 A. No, ma'am.

24 Q. The fence along the back, did you pay special
25 attention to the tops of the fence where the top of the

1 fence line was?

2 A. Yes, ma'am.

3 Q. For what purpose were you paying special
4 attention to the top of that fence line?

5 A. To see if there was anything disturbed. There
6 was some vines growing, some weeds. We went all along
7 the fence line to see if anything had been disturbed.
8 And we didn't find anything that had been disturbed.

9 Q. Now, there's a second bathroom in the house; is
10 that correct?

11 A. Yes, ma'am.

12 Q. In that second bathroom, were there also
13 general toiletries that you would find in a person's
14 bathroom?

15 A. Yes, ma'am.

16 Q. Was there anything there that was out of place,
17 tipped over, seemed messy?

18 A. No, ma'am.

19 Q. How do we make sure that scenes are documented?

20 A. We photograph them and we also video the crime
21 scenes.

22 Q. And in this case, was the crime scene
23 videotaped at your direction?

24 A. Yes, ma'am.

25 Q. And who did you have do that?

1 A. Deputy Vu.

2 Q. Have you since -- since the date of the murder,
3 have you reviewed the crime scene video?

4 A. I believe once I did view the video and -- to
5 make sure that everything was properly documented and
6 functioning right.

7 Q. And does the video fairly and accurately depict
8 the scene as you saw it on March 20th of 2011?

9 A. Yes, ma'am.

10 MS. HARVEY: At this time, State offers
11 into evidence State's Exhibit 129 and tenders to
12 opposing counsel. It is the same as the copy that I
13 tendered to you or that you already have.

14 **(State's Exhibit No. 129 Offered)**

15 MR. VARELA: I've seen it, Your Honor.
16 With that understanding, no objections to 129.

17 THE COURT: State's Exhibit 129 is
18 admitted.

19 **(State's Exhibit No. 129 Admitted)**

20 Q. (By Ms. Harvey) Now, that crime scene video, is
21 it a long thing to sit through and watch?

22 A. Yes, ma'am.

23 Q. And do we do our best to also document the
24 crime scene in pictures?

25 A. Yes, ma'am.

1 Q. So, after you go through and do the
2 investigation of the house and the scene, what was the
3 next step in your investigation?

4 A. I went back to the office and that's where I
5 first met the defendant.

6 Q. And where was she at?

7 A. Interview Room No. 1 at the homicide office.

8 Q. And at that time, was she being detained?

9 A. Yes, ma'am.

10 Q. Was she free to leave?

11 A. No, ma'am.

12 Q. And why wasn't she free to leave?

13 A. I believe Sergeant Reynolds arrested her at the
14 hospital.

15 Q. And what was she arrested for at that point?

16 A. I believe Deputy Welford had contacted the D.A.
17 and they had accepted charges on her for murder.

18 Q. At that point, when a person has been either
19 detained or charged, are there -- is there now a
20 different way you must take a statement?

21 A. Yes, ma'am.

22 Q. And what are the rules, so to speak, with
23 respect to taking a statement of a person in custody?

24 A. Well, we read them their Texas statutory
25 warning.

1 Q. And is that done on the videotape itself?

2 A. Yes, ma'am.

3 Q. Do you make sure that they understand those
4 warnings?

5 A. Yes, ma'am.

6 Q. And must they affirmatively waive those
7 warnings in order for a statement to be proper?

8 A. Yes, ma'am.

9 Q. And did you do all of those things with this
10 defendant in this case?

11 A. Yes, ma'am.

12 Q. Where was the statement taken?

13 A. At 601 Lockwood at the homicide office.

14 Q. Is there a particular room --

15 A. Yes, ma'am. It's going to be Interview Room
16 No. 1.

17 Q. Are those rooms equipped with some sort of
18 recording equipment?

19 A. Yes, ma'am. It's equipped with a DVR and it
20 records -- it records audio and visual within the room.

21 Q. Was both audio and video taken of this
22 statement?

23 A. Yes, ma'am.

24 Q. Did you take this statement alone or with
25 someone else?

1 A. Deputy Brown was with me.

2 Q. And does he also appear on the video?

3 A. Yes, ma'am.

4 Q. When you submitted the video into -- when you
5 submitted the video into evidence to me, whatever, did
6 you change it or alter it in any way?

7 A. No, ma'am.

8 MS. HARVEY: Your Honor, at this time,
9 State offers into evidence State's Exhibit 127. A copy
10 was tendered to opposing counsel.

11 **(State's Exhibit No. 127 Offered)**

12 MR. VARELA: No objection to 127.

13 THE COURT: It's admitted.

14 **(State's Exhibit No. 127 Admitted)**

15 Q. (By Ms. Harvey) Now, you have not done anything
16 to change this video in any way; is that right?

17 A. Correct, ma'am.

18 Q. But I have informed you that by agreement there
19 have been some small pieces of the video taken out,
20 correct?

21 A. Yes. Yes, ma'am.

22 Q. That was just by agreement of the parties?

23 A. Yes, ma'am.

24 Q. There was also -- is it fair to say there's a
25 period where she goes to the restroom?

1 A. Yes, ma'am.

2 Q. And that's just dead air on the video?

3 A. Yes, ma'am.

4 Q. And that -- those periods of dead air have been
5 redacted out as well?

6 A. Yeah. I believe it's a three hour and 50
7 minute interview, but I think we only spoke for maybe an
8 hour, 50 minutes.

9 THE COURT: So, how long is the --

10 MS. HARVEY: It is an hour and 50 minutes.

11 THE COURT: An hour and how many?

12 MS. HARVEY: One hour and five-zero
13 minutes.

14 THE COURT: That would put us to almost six
15 o'clock, right?

16 MS. HARVEY: Oh, goodness, Judge. I did
17 not realize what time it was. Yes, ma'am.

18 THE COURT: And I promised the jury that we
19 would stop every day at 5:00. So, is there other
20 evidence that we can put on from 4:00 to 5:00? Or we
21 can start it and stop it and continue it on in the
22 morning.

23 MS. HARVEY: Your Honor, I suspect there is
24 probably a good place to stop it as it -- as it
25 progresses.

1 THE COURT: I think we will stop it right
2 around five o'clock.

3 MS. HARVEY: Yes, ma'am.

4 THE COURT: Okay?

5 MS. HARVEY: With that understanding, may I
6 publish it to the jury, Your Honor?

7 THE COURT: You may. I'm sorry. Can you
8 pause it for just one second? Does anybody need to take
9 a break? Because we are going to be sitting here for a
10 full hour. Everybody okay? All right. Just checking.

11 (State's Exhibit No. 127 published)

12 Q. (By Ms. Harvey) Right there, Investigator, when
13 she says, "Whatever you can do to get this guy," at this
14 point did you and other officers feel like she had done
15 all she could to assist you in getting this guy?

16 A. Yes, ma'am.

17 Q. Was she cooperative with the sexual assault
18 exam at the -- at the hospital?

19 A. No, ma'am.

20 Q. Did you-all feel like if she had submitted to
21 that, perhaps, it would have helped you gather
22 additional evidence?

23 A. Yes, ma'am.

24 (State's Exhibit No. 127 published)

25 Q. (By Ms. Harvey) Let me ask you this. The scene

1 that she describes there getting out of the tub, soaking
2 wet, wringing out a shirt and placing it on her
3 husband's head, did that seem to you to be consistent
4 with the physical blood evidence that was there at the
5 scene?

6 A. No, ma'am.

7 (State's Exhibit No. 127 published)

8 Q. (By Ms. Harvey) She says that she ran out and
9 she got the phone. Was there a phone in the house that
10 would have been closer to the scene where the -- where
11 the murder occurred?

12 A. I believe there was one on the kitchen counter.

13 Q. Where was the victim's cell phone?

14 A. On the nightstand being charged.

15 Q. Would that have been actually closer to the
16 scene than where the kitchen was?

17 A. Yes, ma'am.

18 (State's Exhibit No. 127 published)

19 Q. (By Ms. Harvey) Now, here when we're talking
20 about the brown moccasins, the moccasins that you're
21 referring to, are they the ones that were previously
22 entered into evidence as State's Exhibit 73?

23 A. Yes, ma'am, those are the shoes.

24 Q. Now, had you shown her any sort of crime scene
25 photographs at the time that you're questioning her?

1 A. No, ma'am.

2 Q. And the brown slippers, did they have notable
3 staining on them?

4 A. Yes, ma'am.

5 (State's Exhibit No. 127 published)

6 Q. (By Ms. Harvey) She's given this version of
7 events a couple of different times now. When she says
8 immediately upon being grabbed she tells the intruder
9 that she couldn't have sex, up until this point, has she
10 ever mentioned what would make her think that he
11 intended to have sex with her in the first place?

12 A. No, ma'am.

13 (State's Exhibit No. 127 published)

14 Q. (By Ms. Harvey) What assessment, if any, did
15 you make of an intruder who apparently breaks into
16 someone else's house holding only one three-inch knife
17 and then fortuitously finds both a gun and a butcher
18 knife once at the location?

19 MR. VARELA: Object to speculation, Your
20 Honor.

21 THE COURT: Sustained.

22 Q. (By Ms. Harvey) Did you find anything odd about
23 the fact that the intruder would break in only with a
24 three-inch knife?

25 A. Yes, ma'am.

1 (State's Exhibit No. 127 published)

2 Q. (By Ms. Harvey) Investigator Quintanilla, her
3 statement, "At first I thought my husband was stabbed,"
4 was that consistent with her version of events of what
5 she had heard immediately preceding going into the
6 bedroom?

7 A. No, ma'am.

8 Q. What was it that she said she had heard
9 immediately preceding going into that bedroom?

10 A. Some gunshots or something that had sounded
11 like firecrackers.

12 (State's Exhibit No. 127 published)

13 Q. (By Ms. Harvey) Investigator Quintanilla, let
14 me ask you this. If that side gate doesn't open and
15 someone goes out the door of the master bedroom, how
16 would you have to get out of the backyard?

17 A. You would have to jump the fence.

18 Q. And how tall is that fence?

19 A. Six foot.

20 (State's Exhibit No. 127 published)

21 Q. (By Ms. Harvey) Investigator Quintanilla, let
22 me ask this. She says that the dog scared off the
23 intruder. If the intruder had escaped out that master
24 bedroom door over the dog kennel, where would that have
25 put him in relationship to the house?

1 A. In the backyard with the dogs.

2 Q. And is that where the dogs were?

3 A. Yes.

4 Q. Investigator Quintanilla, had she ever
5 mentioned before this point the intruder exposing
6 himself to her?

7 A. No, ma'am.

8 (State's Exhibit No. 127 published)

9 THE COURT: Okay. Ms. Harvey, I think
10 that's a good point to pause it. We'll recess for the
11 evening.

12 Ladies and gentlemen, we'll have pretty
13 much the same schedule tomorrow. So, please be back at
14 10:00. We'll arrange for your lunch again. We'll take
15 a mid-afternoon and mid-morning break. If there's
16 anything that you need, please don't hesitate to tell
17 the bailiff there. And I don't know if I can
18 accommodate you, but I'll try. I do want you to be
19 comfortable and I'm trying to inconvenience you as
20 little as possible.

21 Please keep in mind my earlier
22 admonishments about not discussing the case, not doing
23 any independent investigation. Okay. See you tomorrow.

24 (Proceedings recessed)

25