

1 THE COURT: Please be seated.

2 State, call your next witness.

3 MS. JOHNSON: State calls Sergeant Robles.

4 THE COURT: Ladies and gentlemen, this
5 witness has previously been sworn.

6 Proceed, please.

7 **JASON ROBLES,**

8 having been first duly sworn, testified as follows:

9 **DIRECT EXAMINATION**

10 BY MS. JOHNSON:

11 Q. Sir, can you please introduce yourself to the
12 jury?

13 A. My name is Jason Robles.

14 Q. How are you currently employed?

15 A. I'm a sergeant with the Houston Police
16 Department homicide division.

17 Q. Are you a certified peace officer?

18 A. Yes.

19 Q. How long have you been a police officer?

20 A. About 22 years.

21 Q. Have you spent that entire time with HPD?

22 A. No.

23 Q. Where did you start?

24 A. I started at Belton Police Department then
25 Hearne Police Department and then we decided to stay in

1 Houston Precinct 5 and HPD.

2 Q. And how long have you been with HPD?

3 A. Almost 18 years.

4 Q. What assignments have you had while with the
5 Houston Police Department?

6 A. Just typical patrol, DWI, radar, motorcycles,
7 TranStar.

8 Q. At some point were you assigned to the homicide
9 division?

10 A. Yes.

11 Q. Can you explain to the jury what you do in the
12 homicide division?

13 A. I investigate murders, kidnappings, officer
14 involved shootings, murder for hire.

15 Q. When did you first go to the homicide division?

16 A. About eight years ago.

17 Q. And how long did you stay in the homicide
18 division?

19 A. I stayed four to five years till promoted.
20 When we promote we have to leave the division we're
21 assigned to until we meet one year out of that division,
22 and then I came back after a year.

23 Q. Okay. So, you made the rank of sergeant; is
24 that correct?

25 A. Correct.

1 Q. And you left per policy for one year?

2 A. Correct.

3 Q. And then came back to the homicide division?

4 A. Correct.

5 Q. Were you assigned to the homicide division back
6 on December 31st of 2010?

7 A. Yes.

8 Q. Did you receive an assignment to investigate a
9 capital murder that happened at 5699 Beechnut?

10 A. Yes.

11 Q. Can you tell the jurors how you came to be
12 involved in that case?

13 A. We're on a rotation basis for callouts. Myself
14 and my partner were next up for the next scene that came
15 in, and we were assigned this one.

16 Q. And lucky you, you got New Year's Eve?

17 A. Yes, ma'am.

18 Q. Did you get Christmas off, I hope?

19 A. I don't remember.

20 Q. Where were you when you got the call that you
21 needed to go to that address off of Beechnut?

22 A. I was working another scene on another location
23 non-related.

24 Q. Do you remember what time you got the call to
25 go out to Beechnut?

1 A. 8:53.

2 Q. Morning or evening?

3 A. P.m.

4 Q. How long did it take you to get there?

5 A. Six minutes.

6 Q. What was happening when you arrived at that
7 location?

8 A. When I arrived at the location, it was typical
9 crime scene, crime scene tape around, police officers
10 there.

11 Q. And what did you do when you arrived?

12 A. I met with the officer already on the scene.
13 There had been some robbery detectives there who had
14 initially been assigned to the investigation.

15 Q. Who is your partner?

16 A. Sergeant Blaine at the time.

17 Q. And is there a standard division of labor that
18 Houston Police Department homicide detectives use when
19 they are on a murder scene?

20 A. We commonly divide up the work so that each
21 case will rotate who has the burden of work. It's
22 called the witness side and scene side. Sergeant Blain
23 and I divided it up, witness side/scene side.

24 Q. And which one did you get?

25 A. Witness side.

1 Q. Did you speak with witnesses who were out at
2 that gas station that night?

3 A. Yes.

4 Q. Do you recall who they were?

5 A. I'd have to go through my list. The most
6 important one was the clerk at the scene.

7 Q. And do you recall interviewing some other
8 people who had been out there as well?

9 A. Yes.

10 Q. Did you also have a chance that evening to
11 review the surveillance video from the store?

12 A. Yes.

13 Q. And were you involved in recovering that video
14 the next day?

15 A. Yes.

16 Q. Can you describe that process for the jury?

17 A. All these convenient stores have different
18 surveillance equipment. Each and every single one of
19 them is different. We try and get it that night on USB
20 drives and such like that and sometimes they're locked
21 out, sometimes they have to call the manufacturer. We
22 had issues with trying to recover this one. So we had
23 our audio/visual guys come out and help us recover the
24 video.

25 Q. And were you and, at the time, Sergeant Blaine

1 both present when that happened?

2 A. Yes.

3 Q. When you went back out to that gas station on
4 January 1st of 2011, did you search to see if you had
5 missed anything the night before?

6 A. Just took a better look around, it was daylight
7 now.

8 Q. Did you find anything that you thought might be
9 of interest to your case?

10 A. I found a latex glove.

11 Q. Where was that glove located at?

12 A. In the parking lot.

13 Q. Do you recall where in the parking lot?

14 A. Not exactly; it was still within the crime
15 scene area.

16 Q. Why was that glove of interest to you?

17 A. Just stood out, just a white glove that stood
18 out. And when we watched the video, it looked like the
19 suspects had stuff on their hands.

20 Q. Did you pick up that glove?

21 A. Yes.

22 Q. What did you do with it once you picked it up?

23 A. We tagged it into evidence.

24 Q. What does that mean?

25 A. We took it to the property room; and it's

1 assigned a number, put into the property room.

2 Q. Now, do you just kind of stick it in the
3 property room; or is it put in some kind of protective
4 packaging?

5 A. No, it's put in an envelope or box and sealed.

6 Q. And did you personally do that with the latex
7 glove you recovered?

8 A. Yes.

9 Q. And I am going to show you what's been marked
10 as State's Exhibit 89. Do you recognize this envelope
11 and its contents?

12 A. Yes.

13 Q. And what is that?

14 A. The latex glove.

15 Q. Is that the same latex glove you recovered?

16 A. Yes.

17 Q. How can you tell?

18 A. It's sealed by my initials at the top.

19 Q. And does this glove appear to be in the same or
20 substantially similar condition as when you found it?

21 A. Yes.

22 MS. JOHNSON: At this time we'll offer
23 State's 89 and tender for objections.

24 (State's Exhibit No. 89 offered.)

25 MR. ORTIZ: Judge, it's the envelope that's

1 marked as State 89.

2 THE COURT: Is this 89 and contents?

3 MS. JOHNSON: Yes, sir.

4 MR. ORTIZ: We have no objections.

5 THE COURT: State's 89 and contents are
6 admitted.

7 (State's Exhibit No. 89 admitted.)

8 Q. (BY MS. JOHNSON) We actually have -- it's
9 tagged. Is that the glove you recovered from the
10 parking lot?

11 A. Yes, ma'am.

12 Q. Did you ask that that glove be analyzed for any
13 possible DNA that was on it?

14 A. That would be Sergeant Blain for submissions of
15 labs.

16 Q. What else did you do on January 1st of 2011?

17 A. We went across the street and tried to recover
18 additional video from an adjacent convenient store gas
19 station.

20 Q. Did you find anything that was helpful?

21 A. Some video but it wasn't that much helpful,
22 wasn't perfectly clear what we were looking at.

23 Q. What did it show?

24 A. It just showed the truck, I believe.

25 Q. Okay. Would it be fair to say that immediately

1 after this capital murder happened, you and your partner
2 did not have a lot of leads on who might be involved?

3 A. Yes.

4 Q. Can you tell the jury about the first major
5 lead that y'all got on the case?

6 A. We had been receiving tips here and there that
7 we ran down. I believe the first major tip we received
8 was on Friday, February 4th.

9 Q. And after you received that tip, what kind of
10 investigation did you and your partner begin to do?

11 A. The tip was about the truck that we were
12 looking for. We ran the plate, and it came back
13 registered to Rubicel Padron.

14 Q. And did you attempt to find that truck?

15 A. Yes.

16 Q. At what location?

17 A. The Conquistador Apartments.

18 Q. Were you able to find the truck back in
19 February of 2011?

20 A. No.

21 Q. Did something additional happen on
22 February 15th of 2011?

23 A. Yes, we received another tip.

24 Q. And after you received that tip, who did you
25 begin investigating?

1 A. Defendant, Ariel Donamaria.

2 Q. Now, during the course of your investigation,
3 did you become aware that Ariel Donamaria had been
4 arrested with a gun?

5 A. Yes.

6 Q. And did you become aware of what type of gun it
7 was?

8 A. Yes.

9 Q. What was it?

10 A. A 44-caliber revolver.

11 Q. And was that revolver actually in police
12 custody?

13 A. Yes.

14 Q. Was that gun asked to be tested as part of the
15 evidence in this case?

16 A. Yes.

17 Q. All right. What was the next thing that you
18 and your partner did in terms of your investigation?

19 A. Again, we continued to receive tips. We didn't
20 receive another tip until March 29th.

21 THE COURT: When?

22 THE WITNESS: March 29th.

23 THE COURT: Thank you.

24 Q. (BY MS. JOHNSON) And after you received that
25 tip, who or what did you begin investigating?

1 A. We began investigating Edgar Padron.

2 Q. And what specifically did you do on March 29th
3 of 2011, if you recall?

4 A. The 30th, I went up and I set up surveillance
5 at an address that we found in Stafford.

6 Q. And whose address did you believe that was?

7 A. We weren't sure. It was an address that came
8 back to where our Defendant may possibly be staying.

9 Q. Edgar Padron?

10 A. Correct.

11 Q. Did you eventually meet with some people who
12 lived at that address in Stafford?

13 A. Yes.

14 Q. Now, what -- do you recall what the address in
15 Stafford was that you were looking at?

16 A. No, there originally was a Missouri City
17 address. And then we found it was in Stafford. I'd
18 have to look it up.

19 Q. Do you remember what was at that location?

20 A. It was a trailer park.

21 Q. And was the trailer park on a main road?

22 A. I don't recall.

23 Q. Okay. Who did you speak with at the address in
24 Stafford?

25 A. With Rubice1 and Ruben Ayala.

1 Q. And were they cooperative with you?

2 A. Yes.

3 Q. In fact, did they give you consent to search
4 their home?

5 A. Yes.

6 Q. Did you threaten them in order to get their
7 consent?

8 A. No.

9 Q. After you spoke with Ruben and Rubicel Ayala,
10 were you able to obtain an arrest warrant for anyone?

11 A. I believe we got a pocket warrant for Padron.

12 Q. And what's a pocket warrant?

13 A. A pocket warrant is something that's used here,
14 mostly Houston, it's not an actual physical charge. It
15 goes into a national database. It allows us to keep it
16 private that we have a warrant for somebody's arrest, so
17 it's not sent out to the bonding companies and such.

18 Q. And is that an arrest warrant that's reviewed
19 by a Judge before it's issued?

20 A. Yes.

21 Q. On March 31st, did you and your partner attempt
22 to find Edgar Padron?

23 A. Yes.

24 Q. Where did you look for him?

25 A. At a shop off of Bauman Street.

1 Q. Why did you look there?

2 A. We had gotten the assistance of our central
3 intelligence division or criminal intelligence division,
4 and they helped us locate him there.

5 Q. Are you a little tired today?

6 A. Very tired.

7 Q. Why is that?

8 A. I had a murder last night that I worked.

9 Q. What time did you get off?

10 A. Probably 3ish.

11 Q. Okay. Did you have another scene the night
12 before that, actually?

13 A. Yes, I did.

14 Q. It's been a busy week for you?

15 A. It's been a very busy week for me.

16 Q. Okay. You said you found Edgar Padron at a
17 business that was called Iron Works?

18 A. Correct.

19 Q. Who was the owner of that residence or, I'm
20 sorry, that business?

21 A. I don't recall their name.

22 Q. But you did speak with the business owner?

23 A. Yes.

24 Q. Did she give you consent to search her
25 property?

1 A. Yes.

2 Q. Did you threaten her to get the consent?

3 A. No.

4 Q. Why did you want to search the business where
5 you found Edgar Padron?

6 A. Just part of the investigation. We're always
7 looking to search when we find a suspect on a murder.

8 Q. Did you search the whole business, or were you
9 directed to specific areas that might be of interest to
10 you?

11 A. No, I was directed to a specific area.

12 Q. Did you find some things that were of interest
13 to you in your investigation?

14 A. Yes.

15 Q. Where were those items located?

16 A. It's a house that's been converted to their
17 business. It was like a bathroom area close to, like, a
18 kitchen area; but it was an office setting.

19 Q. Now, were the items that you found just laying
20 out in the open?

21 A. No, they were covered up for the most part.

22 Q. And was that group of items identified to you
23 as belonging to Edgar Padron?

24 A. Yes.

25 MS. JOHNSON: Your Honor, may I have the

1 witness step down to examine these items?

2 THE COURT: You may.

3 Q. (BY MS. JOHNSON) Sergeant, if you could step
4 down for me. I first want to show you State's
5 Exhibit 90 here. Can you look at this item and tell me
6 if you recognize what this is?

7 A. Yes.

8 Q. What is this?

9 A. SKS rifle.

10 Q. And where did you find this rifle?

11 A. In that same area I was directed to.

12 Q. And does this rifle appear to be in the same or
13 substantially similar condition as to when you located
14 it?

15 A. Yes.

16 Q. And what about here in State's Exhibit 91, what
17 is this item?

18 A. It's an additional rifle.

19 Q. And where did you locate this rifle?

20 A. With this rifle, together.

21 Q. In that, wrapped in that same blanket?

22 A. Correct.

23 Q. And does this appear to be in the same or
24 substantially similar condition as to when you found it?

25 A. Yes.

1 Q. How about here in State's Exhibit No. 92, what
2 is this?

3 A. A 9-millimeter.

4 Q. And where did you find this item?

5 A. Again, with these guns.

6 Q. And is this in the same or substantially
7 similar condition as when you found it?

8 A. Yes.

9 Q. State's Exhibit 93 is an envelope and its
10 contents, do you recognize this item?

11 A. Yes.

12 Q. What is this?

13 A. A magazine for the SKS.

14 Q. And where did you find this item?

15 A. With all this stuff.

16 Q. And is it in the same or substantially similar
17 condition as when you found it?

18 A. Yes.

19 Q. What is State's Exhibit 94, an envelope and its
20 contents?

21 A. Another magazine.

22 Q. What kind?

23 A. It appears for the SKS.

24 Q. And where did you find this?

25 A. Again, with all the other stuff.

1 Q. And is this in the same or substantially
2 similar condition?

3 A. Yes.

4 Q. And finally here in State's Exhibit No. 95, an
5 envelope and its contents, what do you see here?

6 A. A magazine for the 9-millimeter.

7 Q. And did you find it with all these other items?

8 A. Yes.

9 Q. And is this in the same or substantially
10 similar condition?

11 A. Yes.

12 Q. Thank you.

13 MS. JOHNSON: At this time State would
14 offer 90, 91 and 92 as well as 93, 94 and 95, which are
15 envelopes and their contents and ask that they be
16 admitted.

17 (State's Exhibit Nos. 90 through 95
18 offered.)

19 MR. ORTIZ: May I take the witness on voir
20 dire, Judge?

21 THE COURT: You may.

22 **VOIR DIRE EXAMINATION**

23 BY MR. ORTIZ:

24 Q. Sergeant Robles, with regards to these firearms
25 that were just presented to you and questions asked of

1 you about them, these weapons were recovered from the
2 job location of Edgar Padron, correct?

3 A. Correct.

4 Q. And these guns were identified to you as his
5 property; is that correct?

6 A. Yes, sir.

7 Q. No connection between those -- well, these
8 firearms are not connected to Mr. Castillo; is that
9 correct?

10 A. I couldn't say.

11 Q. There's nothing in your investigation that link
12 these weapons to Mr. Castillo, correct?

13 A. No, not directly.

14 Q. Okay. You've got no, there's no ownership or
15 anything like that. Any indication that these weapons
16 belong to Mr. Castillo, any proof of any of that?

17 A. As an owner, no, sir.

18 MR. ORTIZ: Your Honor, at this time we'd
19 object to State's Exhibits 90 through 95 with regards to
20 Edgar Padron as to relevance to Mr. Castillo's case.

21 THE COURT: Do you wish to be heard?

22 MS. JOHNSON: Your Honor, I think the
23 relevance is that these are similar weapons to what's
24 used on the video.

25 THE COURT: State's Exhibits 90, 91 and 92,

1 I've got these right, the boxes and their contents, as
2 well as State's Exhibits 93, 94, 95, the envelope and
3 their contents are admitted.

4 (State's Exhibit Nos. 90 through 95
5 admitted.)

6 MS. JOHNSON: Thank you, Your Honor.

7 And may I have Sergeant Robles step down to
8 show these weapons to the jury?

9 THE COURT: You may.

10 Q. (BY MS. JOHNSON) First, we're showing you
11 State's Exhibit 90. And, please, of course, don't point
12 the gun at the jury.

13 (Laughter.)

14 Can you just tell us is this item that
15 we're holding a firearm?

16 A. Yes.

17 THE COURT: I'm sorry. Did you clear those
18 outside the presence of the jury?

19 MS. JOHNSON: Yes, sir, I'm so sorry. I
20 should have said that on the record. The bailiff
21 checked them this morning. They're all zip tied and
22 clear.

23 Q. (BY MS. JOHNSON) And what is State's Exhibit
24 No. 90?

25 A. SKS rifle.

1 Q. And is this a firearm?

2 A. Yes.

3 Q. Is this a deadly weapon?

4 A. Yes.

5 Q. How do you hold a firearm in order to use it?

6 A. The rifle?

7 Q. Correct.

8 A. Bear it on your shoulder, squeeze the trigger.

9 Q. Thank you very much.

10 How about this firearm that's here, that is
11 State's Exhibit 91?

12 A. A pump-action rifle.

13 Q. And is this a deadly weapon?

14 A. Yes.

15 Q. Is it a firearm?

16 A. Yes.

17 Q. Thank you. And State's Exhibit 92, what is
18 this?

19 A. A 9-millimeter.

20 Q. That's a very unique looking 9-millimeter.

21 A. Yes.

22 Q. What kind of gun is that?

23 A. It's an Intratec. Some people call these Tech
24 9s.

25 Q. And what is this on the top here?

1 A. I'm guessing it's a little laser scope, a
2 pointer.

3 Q. A sight of some kind?

4 A. Yes, ma'am.

5 Q. And this has actually what appears to be some
6 type of double grip on it?

7 A. Yeah, what's common is the magazine extends
8 from here lengthwise; and you'll see people holding it
9 with both hands.

10 Q. Thank you very much. And then just to show the
11 jury, along with these weapons you found State's
12 Exhibit No. 93, what is this?

13 A. A magazine.

14 Q. And would it fit any of these weapons here?

15 A. It would probably fit the SKS.

16 Q. And State's Exhibit No. 94?

17 A. Same thing.

18 Q. And finally State's Exhibit No. 95?

19 A. Correct, that should fit the 9-millimeter.

20 THE COURT: I can't hear you.

21 THE WITNESS: It should fit in the
22 9-millimeter, sir.

23 THE COURT: Thank you.

24 Q. (BY MS. JOHNSON) And this is a magazine as
25 well?

1 A. Yes.

2 Q. Thank you very much.

3 After you arrested Edgar Padron, what did
4 you do with him?

5 A. We took him down to the homicide division.

6 Q. Did you interview him?

7 A. Yes.

8 Q. After you interviewed him, did you file charges
9 on him?

10 A. Yes.

11 Q. What kind of charges?

12 A. Capital murder.

13 Q. What was the next thing that you did in your
14 investigation of this capital murder?

15 A. The next day we went to the Conquistador
16 Apartments.

17 Q. What was your purpose in going there?

18 A. To try and locate the Defendant here, Mr.
19 Castillo.

20 Q. What address did you go to?

21 A. The address is on Bellaire, I believe, I'd have
22 to look it up. I think it's 7555, something like that.

23 Q. Did you find him there?

24 A. No.

25 Q. Did you speak to anyone who resided at the

1 apartment you believed was his?

2 A. Yes.

3 Q. Who did you speak with?

4 A. His wife.

5 Q. Did his wife give you consent to search their
6 apartment?

7 A. Yes.

8 Q. Did you threaten her to get the consent?

9 A. No.

10 Q. What was your purpose in wanting to search Mr.
11 Castillo's apartment?

12 A. Again, looking for evidence of a robbery.

13 Q. Did you find anything that was of interest to
14 you?

15 A. Yes.

16 Q. What did you find?

17 A. Some false documents, 9-millimeter handgun, a
18 flak jacket and a ski mask.

19 Q. And did you take all of those items into
20 evidence?

21 A. Yes.

22 MS. JOHNSON: And may I approach the
23 witness?

24 THE COURT: You may.

25 Q. (BY MS. JOHNSON) Sergeant Robles, I'm showing

1 you State's Exhibit 96. Do you recognize this item?

2 A. Yes.

3 Q. What is it?

4 A. A 9-millimeter handgun.

5 Q. And where did you find that gun?

6 A. I believe that was found in the bedroom.

7 Q. Of?

8 A. Mr. Castillo.

9 Q. Okay. And does this item appear to be in the
10 same or substantially similar condition as to when you
11 found it?

12 A. Yes.

13 Q. I'm also showing you State's Exhibit 97 through
14 106. Do you recognize these photographs?

15 A. Yes.

16 Q. And what are those photographs of?

17 A. Some of the evidence we collected.

18 Q. And do these photographs fairly and accurately
19 represent the items you found in Mr. Castillo's
20 apartment?

21 A. Yes.

22 MS. JOHNSON: At this time, I'll offer
23 State's 96 through 106 into evidence and ask that they
24 be admitted into evidence.

25 (State's Exhibit Nos. 96 through 106

1 offered.)

2 MR. ORTIZ: May we approach, Judge?

3 THE COURT: You may.

4 (Bench conference.)

5 THE COURT: Can I see what we've got?

6 And you're handing me this one on top?

7 MR. ORTIZ: These two, Judge.

8 THE COURT: This one?

9 MR. ORTIZ: That one I'm not sure. I can't
10 tell.

11 THE COURT: Can you read the writing?

12 MS. MERIWETHER: This is a clip, a
13 magazine.

14 MR. ORTIZ: Okay. I see it.

15 THE COURT: Now, what were you saying; and
16 what am I looking at?

17 MR. ORTIZ: I don't know, either.

18 MS. JOHNSON: It's a metal pole that they
19 found, and they photographed.

20 THE COURT: Do you care?

21 MR. ORTIZ: No, I don't.

22 THE COURT: Do you want it in?

23 MS. JOHNSON: It was one of the pictures
24 that he took. I was trying to be complete.

25 THE COURT: No, nonresponsive. Do you want

1 it in?

2 MS. JOHNSON: I offered it, so --

3 THE COURT: You do. And help me out here,
4 why?

5 MS. JOHNSON: That's the bag, that's the
6 backside of it.

7 THE COURT: The backside?

8 MS. JOHNSON: Of that bag.

9 THE COURT: And in that is what this is?

10 MS. JOHNSON: Correct, yes.

11 THE COURT: Oh, is that what that is?

12 MS. JOHNSON: Yes, sir.

13 THE COURT: If you're tendering it all and
14 he's not objecting.

15 MR. ORTIZ: Now, it puts it all into
16 perspective. I wasn't sure what it was. This really
17 isn't anything, Judge.

18 MS. JOHNSON: If you're objecting.

19 MR. ORTIZ: Object to State's 101.

20 THE COURT: I'm sorry. You're objecting to
21 101?

22 MR. ORTIZ: 101.

23 (End of bench conference.)

24 THE COURT: All right. State's Exhibits 96
25 through 100 and 105 through 106 (sic) are admitted.

1 (State's Exhibit Nos. 96 through 100 and
2 102 through 106 admitted.)

3 MS. JOHNSON: And may I publish these items
4 to the jury, Your Honor?

5 THE COURT: You may.

6 MS. JOHNSON: So I'm clear this time, 96
7 was previously cleared by the bailiff.

8 Q. (BY MS. JOHNSON) Can you take State's Exhibit
9 No. 96 out and show it to the jury without pointing it
10 at them what it is?

11 A. It's a handgun.

12 Q. And what kind?

13 A. 9-millimeter.

14 Q. Is that a firearm?

15 A. Yes, it is.

16 Q. And you found that in the residence of Mr.
17 Castillo, the Defendant?

18 A. Correct.

19 Q. Thank you very much. I want to talk to you
20 about some of the other things that you found inside of
21 the residence. This is State's Exhibit No. 100; what is
22 this?

23 A. A gun case.

24 Q. Looks like a pretty long gun case?

25 A. Yes, ma'am.

1 Q. Is it designed, do you recall whether it's
2 designed for a specific type of gun?

3 A. For rifles, I believe.

4 Q. Do you recall where in the apartment you found
5 this?

6 A. It looks like the living room area.

7 Q. Now, did you also find this item pictured in
8 State's 97?

9 A. Yes.

10 Q. And what was of interest to you that's in this
11 picture?

12 A. The red bag.

13 Q. This item?

14 A. Correct.

15 Q. And State's Exhibit No. 98, a front view of
16 that same bag?

17 A. Yes.

18 Q. Did you look inside there?

19 A. Yes.

20 Q. What do we see is inside that bag here in
21 State's 99?

22 A. It looks like the gun and 9-millimeter rounds
23 and a magazine.

24 Q. Is this the magazine?

25 A. Yes, ma'am.

1 Q. And these are the 9-millimeter rounds you're
2 talking about?

3 A. Correct.

4 Q. Did you take all of these items into evidence?

5 A. I don't recall if they got tagged, the rounds
6 got tagged or not.

7 THE COURT: You don't recall if what was
8 tagged?

9 THE WITNESS: The bullets.

10 THE COURT: Okay.

11 Q. (BY MS. JOHNSON) Did you also find this black
12 bag that contained some items of interest to you?

13 A. Yes.

14 Q. And are all these items that we see laid out in
15 front of the bag, were they contained within that bag?

16 A. Yes.

17 THE COURT: Referring to exhibit?

18 MS. JOHNSON: 102.

19 Q. Was the flak jacket that we see here, was that
20 inside the bag?

21 A. I don't recall if the flak jacket was partially
22 in it or not.

23 Q. And when I say flak jacket, what is that
24 actually?

25 A. Those are heavy jackets issued by the military.

1 They're not really designed to stop bullets, but little
2 fragments from explosions.

3 Q. If I called this body armor, would that be
4 correct?

5 A. It could be used as body armor, yes.

6 Q. And in State's 102, we also see a group of
7 items down here on the left, were those items contained
8 within the black bag?

9 A. Yes.

10 Q. And State's 103 and 104, what are we seeing
11 pictured that you found in that black bag?

12 A. Gloves.

13 Q. What color are they?

14 A. Tan.

15 Q. Why were these items of interest to you?

16 A. Again, on the video we could see that they're
17 wearing gloves of some sort in the robbery.

18 Q. And did you find a third glove that we see in
19 State's 105?

20 A. Yes.

21 Q. And then finally in State's 106, what do we
22 see?

23 A. A stocking cap with the eyes cut out.

24 Q. Am I pointing to the right place for the eye
25 cutout on this?

1 A. Yes, it appears so.

2 Q. I'm also circling what appears to be another
3 hole below the eye cutouts?

4 A. Yes.

5 Q. Is that possibly for a mouth?

6 A. Mouth or nose, yes.

7 Q. On April 1st of 2011, when you went to Mr.
8 Castillo's apartment, he was not there, correct?

9 A. Correct.

10 Q. Did you find him somewhere else that same day?

11 A. Yes, at work.

12 Q. What did you do when you found him at work?

13 A. I made contact with him and spoke with him. He
14 volunteered to come to the homicide division.

15 Q. Did you take a statement from him at the
16 homicide division?

17 A. Yes.

18 Q. After you spoke with him, what was the next
19 thing that you did in your investigation?

20 A. During that search we'd found false
21 identification, fake --

22 MR. ORTIZ: I object at this point.

23 THE COURT: Sustained.

24 Q. (BY MS. JOHNSON) After you spoke with Mr.
25 Castillo, did you go and visit a different witness the

1 next day?

2 A. Yes.

3 Q. What was that person's name?

4 A. Victor Murillo.

5 Q. And where did you find him at?

6 A. At Napoleon Square Apartments on Rampart.

7 Q. Did he agree to come and talk to you?

8 A. Yes.

9 Q. Did you interview Mr. Murillo because he was a
10 suspect or a witness?

11 A. We were still looking for possible four
12 suspects, so he was somewhat a suspect but quickly
13 became a witness.

14 Q. Did Mr. Murillo provide you with information
15 that was useful to your investigation?

16 A. Yes.

17 Q. In fact, in your interview with Mr. Murillo,
18 did you press him pretty hard about whether or not he
19 was the get-away driver in this case?

20 A. Yes.

21 Q. Did he remain consistent that he had no
22 involvement with the case?

23 A. Yes.

24 Q. Did you ever try to file charges on Mr.
25 Murillo?

1 A. For murder, no.

2 Q. Based on your investigation, did you believe he
3 had anything to do with this case?

4 A. No, well, he was a witness to the initial part
5 of the case.

6 Q. But he was not a suspect?

7 A. That is correct.

8 Q. After speaking with Victor Murillo on April 2nd
9 of 2011, did you file capital murder charges on anyone
10 else?

11 A. Yes.

12 Q. Who did you file them on?

13 A. I believe on the Defendant, Castillo.

14 Q. Did you get another tip useful to your
15 investigation on April 4th of 2011?

16 A. Yes.

17 Q. And based on that tip, who did you and your
18 partner begin investigating?

19 A. Mark Deleon.

20 Q. Did you also at some time that day try to show
21 photo lineups to the store clerk?

22 A. Yes.

23 Q. Why did you do that?

24 A. When we watched the video, it looked like a
25 certain point the mask comes down of the Defendant, so

1 we showed a photo array just in hopes that maybe to pick
2 somebody out.

3 Q. Was he able to identify anyone?

4 A. No.

5 Q. Did you do some research to see if you could
6 connect Mark Deleon with the white truck that you
7 believed to be your get-away vehicle?

8 A. Yes.

9 Q. What did you learn as part of that
10 investigation?

11 A. I discovered that Deleon had been arrested on a
12 gun charge in a white truck that the officers did not
13 confirm the license plate with the VIN number. I found
14 the license plate that's on the truck to be stolen and
15 the truck itself to be stolen.

16 Q. Did you find out where the truck was in April
17 of 2011?

18 A. Yes.

19 Q. Where was it?

20 A. It was at a, like a recovery lot where they
21 auction vehicles off of Sweeny Drive.

22 Q. What did you do when you found out where the
23 truck was at?

24 A. I went and looked at the truck.

25 Q. And when you observed the truck, was the damage

1 on it consistent with the damage you could see on the
2 surveillance video?

3 A. Yes.

4 Q. What efforts did you and your partner make to
5 then find Mark Deleon?

6 A. Again, with our CID, we tracked Deleon to an
7 apartment complex.

8 Q. And did he come out to talk to you right away?

9 A. No.

10 Q. What did you have to do to get him to come out?

11 A. We had a SWAT situation.

12 Q. How did that go?

13 A. It went pretty well, considering.

14 Q. Did Mr. Deleon eventually surrender?

15 A. Yes.

16 Q. And was his residence searched to see if you
17 could find firearms in there?

18 A. Yes.

19 Q. Did you find any?

20 A. No.

21 Q. Once you had arrested Mr. Deleon, did he
22 provide you with a statement of what happened?

23 A. Yes.

24 Q. Did you file capital murder charges on him,
25 too?

1 A. Yes.

2 Q. At some point, did you and your partner file
3 capital murder charges on a fourth suspect?

4 A. Yes.

5 Q. Who was that?

6 A. Ariel Donamaria.

7 Q. Do you know when that happened?

8 A. No, I don't recall.

9 Q. During the course of your investigation, did
10 you become familiar with all four of the suspects that
11 you ended up charging in this case?

12 A. Yes.

13 Q. Did you become familiar with their physical
14 descriptors such as height and weight?

15 A. Yes.

16 Q. Do you recall how tall the Defendant is?

17 A. The Defendant Castillo, I believe he's
18 five-five.

19 Q. What about Ariel Donamaria?

20 A. He's about the same height.

21 Q. And what about Edgar Padron?

22 A. He's five-eleven.

23 MS. JOHNSON: Your Honor, at this time I
24 would ask that Edgar Padron be brought out from the
25 holdover cell for identification purposes?

1 THE COURT: All right.

2 Q. (BY MS. JOHNSON) Officer Robles, while we're
3 waiting, do you see the person you know as Jose Castillo
4 here in the courtroom today?

5 A. Yes.

6 Q. Can you, please, point to him and describe what
7 he's wearing?

8 A. The Defendant in the black sport coat and white
9 shirt, headphones on.

10 MS. JOHNSON: May the record reflect he's
11 identified the Defendant?

12 THE COURT: It will.

13 (Edgar Padron enters courtroom.)

14 Q. (BY MS. JOHNSON) Sergeant Robles, do you
15 recognize the man who just walked into the courtroom in
16 an orange jumpsuit?

17 A. Yes.

18 Q. Who is he?

19 A. Edgar Padron.

20 MS. JOHNSON: Your Honor, at this time I'd
21 ask that Defendant Castillo be asked to stand so their
22 height can be compared by the jury.

23 THE COURT: Just stand in place, sir.

24 MS. JOHNSON: Can we get him a little
25 closer?

1 MR. ORTIZ: Judge, I object to getting him
2 close.

3 THE COURT: There are people in between.

4 MS. JOHNSON: Thank you very much.

5 THE COURT: You done?

6 MS. JOHNSON: Yes.

7 THE COURT: Take him.

8 (Defendant Edgar Padron mumbling and
9 exiting courtroom.)

10 Q. (BY MS. JOHNSON) You mentioned that you had
11 observed the surveillance video in this case?

12 A. Yes.

13 Q. Did you become very familiar with it, in fact?

14 A. Yes.

15 Q. And were you also familiar with a series of
16 still shots that were taken from that video?

17 A. Yes.

18 MS. JOHNSON: May I approach the witness
19 again?

20 THE COURT: You may.

21 Q. (BY MS. JOHNSON) I'm going to show you what's
22 been marked as State's 117 and 118. Do you recognize
23 these photographs?

24 A. Yes.

25 Q. What are they?

1 A. Photographs from the murder that night.

2 Q. And are these fair and accurate still shots
3 from the video from the convenient store?

4 A. Yes.

5 MS. JOHNSON: At this time I'll tender
6 State's 117 and 118 to the Defense and ask that they be
7 admitted.

8 (State's Exhibit Nos. 117 and 118 offered.)

9 MR. ORTIZ: We have no objections to 117 or
10 118, Judge.

11 THE COURT: State's Exhibits 117 and 118
12 are admitted.

13 (State's Exhibit Nos. 117 and 118
14 admitted.)

15 Q. (BY MS. JOHNSON) Sergeant Robles, based on your
16 investigation, do you believe you know who is who in
17 this surveillance video?

18 A. Yes.

19 MR. ORTIZ: Judge, I'm going to object as
20 to speculation and hearsay.

21 THE COURT: Sustained until further
22 information before me.

23 Q. (BY MS. JOHNSON) How do you believe you can
24 tell that difference?

25 A. Based on the investigation up to this point,

1 the witness statements and the video itself, I believe I
2 can pick out who was who on the video.

3 Q. In State's Exhibit No. 8 here, how many robbers
4 are there?

5 A. Three.

6 Q. And that screen is a touch screen, can you
7 circle them for us?

8 A. (Indicating.)

9 Q. If we go from right to left, the robber who is
10 on the right, what is he wearing?

11 A. Dark clothing and a ski mask.

12 Q. Does he appear to be holding a specific type of
13 firearm?

14 A. Yes.

15 Q. And what is it?

16 A. Some type of rifle.

17 Q. And how can you tell that he's holding a rifle?

18 A. Just by its size.

19 Q. Does it appear he's using some type of
20 two-handed hold on that weapon?

21 A. Correct.

22 Q. What about this robber right here, the second
23 from the right, what is he wearing?

24 THE COURT: Are you making another mark on
25 there that I can't see yet? Did you make one mark, I

1 can see the one? Are you erasing it? Good.

2 MS. JOHNSON: Let me do a different color.
3 Can you see that better?

4 THE COURT: Yes, I can.

5 THE WITNESS: I lost the picture.

6 THE COURT: You lost yours?

7 THE WITNESS: Yes, sir.

8 THE COURT: Look over this way. There's a
9 bigger one behind you.

10 THE WITNESS: Let me try this, how about
11 that?

12 THE COURT: You're now referring to the
13 left of the person we were just looking at?

14 MS. JOHNSON: Yes, sir, second from the
15 right.

16 Q. (BY MS. JOHNSON) What is that robber wearing?

17 A. Tan-colored long shorts and a dark-colored
18 shirt and a ski mask.

19 Q. And in State's 117 and 118, do we actually get
20 a better look at the robber who's -- do we get a better
21 look at the robber and what he's wearing and the guy in
22 the khaki shorts?

23 A. Yes.

24 Q. And finally back to State's Exhibit 8, the
25 third robber, is he, let me use my pen, is he back here?

1 A. Yes.

2 Q. And what kind of clothing, as far as you can
3 tell, is this robber wearing?

4 A. Dark clothing.

5 Q. And what kind of weapon does he appear to be
6 holding?

7 A. It appears to be a handgun.

8 Q. Based on your entire investigation, actually,
9 did you meet with Padron in person?

10 A. Yes.

11 Q. Did you meet with Donamaria?

12 A. Yes.

13 Q. Did you meet Jose Castillo?

14 A. Yes.

15 Q. Did you meet Mark Deleon?

16 A. Yes.

17 Q. Were you able to observe their physical
18 appearance and their height?

19 A. Yes.

20 Q. Based on your personal observations plus your
21 entire investigation, were you able to figure out who
22 was who in this video?

23 MR. ORTIZ: Judge, I'm going to object,
24 that's speculation.

25 THE COURT: He can answer yes or no to this

1 question.

2 THE WITNESS: Yes.

3 Q. (BY MS. JOHNSON) Which one is Padron?

4 MR. ORTIZ: Judge, I'm going to object.

5 That's speculation.

6 THE COURT: Sustained. I'm not sure it's
7 not invading the province of the jury, either. I think
8 they've heard the same information that you elicited
9 from this witness.

10 MS. JOHNSON: I'll pass the witness.

11 **CROSS-EXAMINATION**

12 BY MR. ORTIZ:

13 Q. Sergeant Robles, I have some questions for you,
14 sir. Regarding the store clerk, you had a chance to
15 interview him the night of the incident; is that
16 correct?

17 A. Yes, sir.

18 Q. And when you spoke with him, at no time did he
19 ever tell you which person was the one that shot the
20 Complainant; is that correct?

21 A. That's correct.

22 Q. Never says anything about the last person
23 coming in the door is the one that shot him; or it was
24 the first person that came in the door, nothing like
25 that, correct?

1 A. That's correct.

2 Q. After -- and you interviewed him, that would
3 have been December 31st, 2010, correct?

4 A. Yes, sir.

5 Q. Since December 31st of 2010, did the clerk ever
6 call you or did the Prosecutor ever contact you about
7 that he had some additional or different information?

8 A. No.

9 Q. That's always been his story to you, correct?

10 A. Yes, sir.

11 Q. And in the investigation?

12 A. Correct.

13 Q. Now, I want to talk to you about Mr. Ayala.
14 When you spoke with Mr. Ayala with regards to clothing
15 descriptors, his closing descriptions to you about Mr.
16 Castillo, on December 31st, 2010, am I correct, he
17 indicated, told you that Mr. --

18 MS. JOHNSON: Objection to hearsay.

19 THE COURT: Sustained.

20 Q. (BY MR. ORTIZ) Clothing description --

21 MS. JOHNSON: Object to hearsay.

22 THE COURT: Wait a minute, I don't know
23 where we're going. You started with you interviewed Mr.
24 Ruben and talking about his clothing description. His,
25 Mr. Ayala's clothing description of the Defendant, and

1 now start a new sentence, please.

2 Q. (BY MR. ORTIZ) Clothing description, was that
3 something that you were -- that was important to you in
4 your investigation?

5 A. Yes.

6 Q. And as it relates to what the three suspects
7 that we have seen on video and photographs, correct?

8 A. Yes.

9 Q. Now, Mr. Ayala -- if Mr. Ayala indicated or
10 told this jury that Mr. Castillo got out of a white
11 truck at his home on December 31st, 2010, you would
12 agree that was something that he never told you? If you
13 need to review your --

14 A. I probably need to have a Spanish interpreter
15 watch the video. I can't testify to exact words that
16 were spoken by Mr. Ayala. It was translated in Spanish.

17 Q. We'll come back to that because that may take
18 some time. Now, with regards to Mr. Murillo, this was a
19 guy you were pressing pretty hard, correct?

20 A. Correct.

21 Q. At that time you were given information or
22 provided information that made you believe he was a
23 suspect, correct?

24 A. Somewhat, yes.

25 Q. And so you're grilling him pretty hard,

1 insisting that he was the driver involved in this case?

2 A. I was using a different tactic, correct.

3 Q. And when you talk about tactic, I mean, pretty
4 much to the point you're telling him stop lying to you,
5 you don't believe what's he's telling you, those type of
6 things, correct?

7 A. For him that's the technique I used, yes.

8 Q. And he indicated to you that he was working
9 that evening, correct?

10 A. Correct.

11 MS. JOHNSON: I object to hearsay.

12 THE COURT: Sustained.

13 Q. (BY MR. ORTIZ) Based on where -- were you
14 provided any work records --

15 A. No.

16 Q. -- by Mr. Murillo?

17 A. No.

18 Q. Were you, in questioning Mr. Murillo, were you,
19 did you -- did you have an opportunity to review his
20 cell phone records?

21 A. No.

22 Q. His cell phone itself?

23 A. No.

24 Q. Did you ask him to produce any type of cell
25 phone records as it relates back to December 31st, 2010?

1 A. I don't recall.

2 Q. Did you ever subpoena any records from his cell
3 phone company to see what the calls were for December
4 31st, 2010?

5 A. No.

6 Q. Did you check to see after December 31st, 2010,
7 in his cell phone record calls made and received call
8 log if there were any communications between him and
9 Edgar Padron or he and Mr. Deleon?

10 A. No.

11 Q. He could have been in contact with those two,
12 correct, and you wouldn't have known about it?

13 MS. JOHNSON: Objection, calls for
14 speculation.

15 THE COURT: Sustained.

16 Q. (BY MR. ORTIZ) Now, let's talk about the
17 search of Mr. Castillo's home. Did -- in your search,
18 you've shown some photographs and everything and at any
19 time did you find in his home any pairs of white tennis
20 shoes?

21 A. I don't recall.

22 Q. Was that something that would have been
23 important to you?

24 A. Not necessarily.

25 Q. Okay. Well, based on the investigation and the

1 video we've seen, isn't it true that one if not two of
2 the suspects in that robbery were wearing white tennis
3 shoes?

4 A. Yes.

5 Q. And if you found a pair of white tennis shoes
6 similar to what you saw in the video or in the
7 photographs, that would have been something important or
8 relevant to you?

9 A. When we've had these situations with shoes on
10 video, we find --

11 MR. ORTIZ: Objection, nonresponsive.

12 THE COURT: Sustained.

13 Q. (BY MR. ORTIZ) Would that have been important
14 to you, knowing what you were looking for clothingwise,
15 descriptionwise, if you had seen a pair of white shoes
16 in Mr. Castillo's home?

17 A. Maybe slightly, yes.

18 Q. When he was arrested, when you arrested him in
19 April of 2011, he wasn't wearing white tennis shoes
20 either, was he?

21 A. I don't recall.

22 MS. JOHNSON: Objection, relevance.

23 THE COURT: I'll allow the question. He's
24 already answered.

25 Q. (BY MR. ORTIZ) I'm sorry. What was your

1 response?

2 A. I don't recall.

3 Q. If he was, that would have been something you
4 might have noted?

5 A. Maybe, yes.

6 Q. Now, it's not illegal to have a gun in your
7 home; is that correct?

8 A. No.

9 Q. It's not illegal to have the type of jacket
10 that Mr. Castillo had in his home, correct?

11 A. I don't think so.

12 Q. Well, you told us that it's not the type that
13 stops bullets, like a bulletproof vest, which are
14 illegal, correct?

15 A. I would have to review the specific law when it
16 comes to body armor.

17 Q. And you would agree that --

18 MR. ORTIZ: May I approach the exhibits,
19 Judge?

20 MS. JOHNSON: Jimmy, do you want those
21 photographs we just --

22 MR. ORTIZ: Yes.

23 MS. JOHNSON: They're over here.

24 Q. (BY MR. ORTIZ) I'm putting up State's
25 Exhibit 102. What you testified to as a black bag, you

1 found in his home, correct?

2 A. Yes, sir.

3 Q. And were you aware that Mr. Castillo was a
4 construction worker?

5 A. I believe so.

6 Q. And this reflective vest that we see in State's
7 Exhibit 102, is that consistent with what a construction
8 worker or someone you see out on the streets would wear?

9 A. Yes, sir.

10 Q. The pairs of gloves that we see here as well in
11 this Exhibit, the photograph 102, consistent with what
12 someone who is a day laborer or construction worker
13 would wear?

14 A. Yes, sir.

15 Q. All right. And there's this blue knit cap here
16 in State's Exhibit 106, a close-up, that appears to have
17 some cuttings or is ripped in a couple of parts,
18 correct?

19 A. Correct.

20 Q. Now, this blue knit cap or these types of caps
21 are also consistent with someone who may work outside
22 during the wintertime, correct?

23 A. Correct.

24 Q. Or wear when it's cold out?

25 A. Correct.

1 Q. And you'd agree that there's nothing similar
2 between State's Exhibit 106 and what we see in State's
3 Exhibit 117, correct, of one of the suspects was
4 wearing?

5 A. Correct.

6 Q. They're not the same?

7 A. Correct.

8 Q. Now, so safe to say, Sergeant Robles, here in
9 State's Exhibit 102, this black bag, could just be a bag
10 that he would take to work, correct?

11 MS. JOHNSON: Objection, calls for
12 speculation.

13 THE COURT: Sustained.

14 Q. (BY MR. ORTIZ) Do the items that we see here
15 on the table are consistent with what someone would wear
16 if they're working outdoors either in cold weather or
17 just to avoid being hit?

18 MS. JOHNSON: Objection, calls for
19 speculation.

20 THE COURT: I'll allow, go ahead.

21 A. With the exception of the flak vest, yes.

22 Q. (BY MR. ORTIZ) And the flak vest as we can see
23 here in State's Exhibit 102 appears to be camouflage
24 color Army, camouflage color, correct?

25 A. Yes, sir.

1 Q. And nowhere at any time during your
2 investigation was that ever mentioned?

3 A. Correct.

4 Q. Nowhere in the video or photographs is there
5 ever any indication that this was worn by anyone?

6 A. Correct.

7 Q. And you'd agree that none of these items,
8 anything taken out of Mr. Castillo's home link him to
9 the robbery on December 31st, 2010?

10 MS. JOHNSON: Objection, calls for
11 speculation.

12 THE COURT: Sustained.

13 Q. (BY MR. ORTIZ) Now, you told us on direct
14 examination, the jury, that it appeared as though the
15 mask came down on one of the suspects, I believe who you
16 told us Mr. Castillo, correct?

17 A. Came down or came up.

18 Q. Or was always in that position?

19 A. Correct, it's possible, yes.

20 Q. Now, with regards to State's Exhibit 10 that I
21 have here, you're not telling the jury that you can tell
22 from this photograph facial features for identification
23 purposes that that is Mr. Castillo from these
24 photographs?

25 A. Based solely on facial features, no.

1 Q. Now, when you spoke with Ruben Ayala -- I'm
2 trying to frame the question correctly. In speaking
3 with Mr. Ayala, Ruben Ayala, did you have a conversation
4 with him about Edgar Padron?

5 A. Did I specifically have a conversation with
6 him? In part with an interpreter, yes.

7 Q. Okay. And were you interested or asked
8 questions about Mr. Padron or Edgar Padron returning to
9 his sister's home that evening?

10 A. Yes.

11 Q. And when he returned back to the home that
12 evening, did you discuss with Mr. Ayala if Padron had
13 indicated how he came into possession of the money?

14 A. Yes, I believe so.

15 Q. And did Mr. Ayala tell you --

16 MS. JOHNSON: Objection to hearsay and
17 improper impeachment.

18 THE COURT: Sustained.

19 Q. (BY MR. ORTIZ) If Mr. Ayala said that it was
20 from cashing a check --

21 MS. JOHNSON: Objection to improper
22 impeachment.

23 THE COURT: It sounds like it, but I've got
24 to hear the whole question.

25 Q. (BY MR. ORTIZ) I was going to ask if Mr.

1 Ayala, did Mr. Ayala tell or indicate that it was from
2 cashing a check?

3 MS. JOHNSON: Objection to improper
4 impeachment.

5 THE COURT: Sustained.

6 Q. (BY MR. ORTIZ) Did you go to any banks or
7 anything to see if a check had been cashed?

8 A. No, sir.

9 Q. Now, there were no weapons found when Mr.
10 Deleon was taken into custody in his -- by the SWAT
11 inside his apartment, correct?

12 A. That is correct.

13 Q. However, there were weapons recovered that were
14 his in a vehicle?

15 A. Correct.

16 Q. And were these few or many firearms?

17 A. I don't recall. I'd have to look at the list
18 that was taken.

19 Q. Could you check Supplement 43, please?

20 THE COURT: Is that his supplement?

21 THE WITNESS: Yes, I believe.

22 THE COURT: I was talking to him.

23 THE WITNESS: Supplement 43, yes, it
24 shouldn't be my supplement.

25 THE COURT: It should not, or it should be?

1 THE WITNESS: It should not. Sir, I think
2 my last supplement is 31; but I'll double check.

3 MS. JOHNSON: I show 43 being written by
4 Lieutenant Blain.

5 THE COURT: Did that change something?

6 MR. ORTIZ: Well, I'm not going to ask him
7 to, obviously, testify from that supplement but just if
8 it refreshes his memory as to whether there were few
9 guns.

10 A. I wasn't present during the searches of the
11 vehicles or the apartments, so I don't know even really
12 know off the top of my head what all was recovered.

13 Q. (BY MR. ORTIZ) Okay.

14 MR. ORTIZ: A minute, Judge?

15 At this point, Judge, we pass the witness.

16 **REDIRECT EXAMINATION**

17 BY MS. JOHNSON:

18 Q. I'd just like to clear up a few things. When
19 we're talking about a vehicle associated with Mark
20 Deleon that was searched for weapons, was he in that
21 vehicle when it was searched?

22 A. No.

23 Q. In fact, it was being driven by his girlfriend
24 and another woman, right?

25 A. That's correct.

1 Q. And when we're talking about an apartment that
2 was searched for weapons, are we talking about Mark
3 Deleon's apartment?

4 A. No, his girlfriend's.

5 Q. And, in fact, the search of her apartment
6 occurs sometime after he was arrested?

7 A. That's correct.

8 Q. Now, Defense counsel asked you a moment ago
9 about the robber in the surveillance video stills where
10 we can see that his mask may be a little lower than the
11 others, remember that?

12 A. Yes, ma'am.

13 Q. And he asked you are you saying that that
14 robber is Mr. Castillo based on his facial features
15 alone; is that correct?

16 A. Correct.

17 Q. And your answer to him was, no, I can't tell
18 based on facial features?

19 A. Alone, correct.

20 Q. What did you mean by that?

21 A. I can personally -- I believe it's him, and I
22 can tell from the totality of the investigation; but
23 just based on his facial features, no, I could not.

24 Q. And based on the totality of your
25 investigation, the robber in the video wearing the cap

1 and shorts, who is that?

2 A. Donamaria.

3 MR. ORTIZ: Your Honor, I'm going to object
4 to speculation.

5 MS. JOHNSON: He opened the door, Your
6 Honor.

7 THE COURT: Not exactly. I think you've
8 already gotten more out of this than you probably should
9 have. But the objection is sustained.

10 MS. JOHNSON: I'll pass the witness.

11 MR. ORTIZ: Just briefly, Your Honor.

12 **RECROSS-EXAMINATION**

13 BY MR. ORTIZ:

14 Q. Sergeant Robles, with regards to Deleon, did
15 you ever contact -- or you come to find that you
16 mentioned earlier he had been arrested on a gun charge,
17 correct?

18 A. Correct.

19 Q. And were you made aware that the truck that he
20 was driving during that arrest in November of 2010 was a
21 vehicle, the same vehicle seen on video December 31st,
22 2010?

23 A. I'm sorry, was I made aware?

24 Q. Or did you know? Did you compare?

25 A. I matched the truck to it, yes.

1 Q. And were you aware that in that November 2010
2 arrest --

3 MS. JOHNSON: Judge, I object to anything
4 about the facts of that case.

5 THE COURT: Hang on a second. I think we
6 all kind of understand what you're talking about. The
7 completed thought was that he matched the truck from
8 that previous arrest with the truck that was allegedly
9 used in the aggravated robbery/capital murder incident,
10 correct? That is what you're referring to, Mr. --

11 MR. ORTIZ: Yes, Your Honor.

12 Q. (BY MR. ORTIZ) You had matched the truck was
13 one in the same?

14 A. Yes, sir.

15 Q. And did you have an opportunity -- during your
16 investigation into Deleon as it related to this case
17 reviewing that offense report?

18 A. Yes, I believe I read it.

19 Q. And were you aware --

20 MS. JOHNSON: Objection to hearsay.

21 THE COURT: Sustained.

22 Q. (BY MR. ORTIZ) Did you follow up with any of
23 Deleon's family members?

24 A. No.

25 Q. Did you ever ask him about any of his family

1 members, cousins, brothers?

2 A. No, I don't believe so.

3 MR. ORTIZ: Pass the witness, Judge.

4 MS. JOHNSON: I have no further questions.

5 THE COURT: You may stand down.

6 Call your next, please.

7 MS. MERIWETHER: Judge, I'm going to do
8 some work today. I'd like to call Kim Downs.

9 THE COURT: Okay.

10 MS. MERIWETHER: Judge, may he be excused
11 subject to recall?

12 THE COURT: Any objection?

13 MR. ORTIZ: No, Your Honor.

14 THE COURT: You may be excused.

15 THE BAILIFF: Your Honor, this witness has
16 not been sworn in yet.

17 (Witness sworn.)

18 THE COURT: Have a seat, please.

19 Proceed, please.

20 MS. MERIWETHER: Thank you, Your Honor.

21 **KIM DOWNS,**

22 having been first duly sworn, testified as follows:

23 **DIRECT EXAMINATION**

24 BY MS. MERIWETHER:

25 Q. Can you please introduce yourself to our jury?