

1 there with that, so that's what you have.

2 Now, there were certain items recovered
3 from the autopsy, which we've stipulated to. They
4 performed, you know, a test on Betsabeth; and vaginal
5 swabs and rectal swabs were negative for semen or any
6 other foreign substance and no lubricants or anything of
7 that nature. We did recover a pair of pants and a pair
8 of underpants from the autopsy, and those were
9 transferred and those are here with us, which will be
10 forthcoming into evidence. And that's all I have on
11 that.

12 Judge, we call Richard Rodriguez.

13 THE COURT: All right.

14 THE BAILIFF: Previously sworn in.

15 THE COURT: Right.

16 Ms. Thomas, you may proceed.

17 **RICHARD RODRIGUEZ,**

18 having been first duly sworn, testified as follows:

19 **DIRECT EXAMINATION**

20 BY MS. THOMAS:

21 Q. Hello, would you please state your name for the
22 jury?

23 A. Sergeant Richard Rodriguez.

24 Q. Where do you work, sir?

25 A. HPD homicide or Houston Police Department

1 homicide division.

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

3 A. Just under 15 years.

4 Q. And how much of that was spent in the homicide
5 division?

6 A. Next month will be three years exactly.

7 Q. I want to take you back to June 3rd, 2011, do
8 you recall being at work on that day?

9 A. Yes, ma'am.

10 Q. And on that occasion did you receive a request
11 either from Roy Swainson or Tom Hanslik in regards to a
12 homicide case?

13 A. Yes, I did.

14 Q. And do you remember were you at the homicide
15 division when that happened?

16 A. Yes.

17 Q. Okay. About what time of day was it?

18 A. I was working evening shift so it would have
19 been after 3:00 p.m.

20 Q. And what is it that you were to do for these
21 two homicide investigators?

22 A. They asked me to help Sergeant Rohling with a
23 Spanish-speaking interview.

24 Q. Who is Sergeant Rohling?

25 A. Sergeant Rohling was another dayshift

1 investigator.

2 Q. Does he also speak Spanish?

3 A. Yes, he does.

4 Q. Are either one of you certified by the State of
5 Texas as Spanish -- a English to Spanish translator?

6 A. No, we're certified with the police department.

7 Q. Okay. Right. I mean, have you spoken Spanish
8 all your life?

9 A. Actually, no.

10 Q. You haven't?

11 A. No.

12 Q. I never knew that about you in all these years.

13 (Laughter.)

14 Well, you do a good job. Here you are,
15 you're at 1200 Travis and do you actually at some point
16 see Roy and Tom at HPD?

17 A. I actually spoke to them via phone, I spoke to
18 Sergeant Hanslik. And he communicated with me a little
19 bit, told me a little bit about it, then I spoke to Jeff
20 as well, Sergeant Rohling.

21 Q. Did they give you a little background as much
22 as they knew at that point regarding the investigation
23 of a child by the name of Betsabeth Sandoval?

24 A. Yes, they did.

25 Q. And were you asked to help interview some of

1 the parties involved in the matter?

2 A. Yes, ma'am.

3 Q. Who exactly did you help interview?

4 A. Elida Herrera.

5 Q. Do you see that person here in court today?

6 A. Yes, she's sitting right over there with the
7 glasses on.

8 Q. Tell me what color her shirt is?

9 A. Blue shirt with a black jacket.

10 MS. THOMAS: Your Honor, may the record
11 reflect this witness has identified the Defendant?

12 THE COURT: It will.

13 Q. (BY MS. THOMAS) And do you remember about what
14 time it was?

15 A. Like I said, I got to work about 3:00, so it
16 had to have been after 3 o'clock, maybe around 4:00.

17 Q. What time is 16:55?

18 A. That's 4:55 p.m.

19 Q. And so this conversation that you and Sergeant
20 Rohling had with the Defendant, where did this take
21 place?

22 A. It took place in one of our interview rooms
23 there at the homicide division.

24 Q. Now, was she under arrest at this time?

25 A. No.

1 Q. And the room that you used, is it wired for
2 recording?

3 A. Yes, it is.

4 Q. And is it audio only or audio and video?

5 A. It's audio and visual.

6 Q. Okay. Now, was this conversation recorded
7 audio and video?

8 A. Yes.

9 Q. And let me show you what has been marked
10 State's 237. For identification purposes, it's got a
11 unique HPD case number?

12 A. Uh-huh.

13 Q. Does that appear to be a copy of the video
14 interview that you're testifying about right now?

15 A. Yes, yes.

16 MS. THOMAS: Your Honor, at this time I'll
17 offer State's 237 into evidence.

18 (State's Exhibit No. 237 offered.)

19 MR. GONZALEZ: No objection, Your Honor.

20 THE COURT: State's Exhibit No. 237 is
21 admitted without objection.

22 (State's Exhibit No. 237 admitted.)

23 MS. THOMAS: And just for the record,
24 Judge, this is what we're calling a redacted version of
25 this tape, which means by agreement of both sides, some

1 matters that are being discussed that really don't have
2 anything to do with the case have been removed just to
3 be more efficient for you. That's why it's called
4 redacted, all right?

5 Q. (BY MS. THOMAS) And so, Officer Rodriguez or
6 Sergeant Rodriguez, tell us how you went about talking
7 or interviewing with Elida Herrera?

8 A. Sergeant Rohling and I came in, made our
9 introductions, I asked her if she wanted some more water
10 to drink, got her basic information, name, date of
11 birth, where she lives, stuff like that.

12 Q. And can you tell us what her demeanor was, or
13 how was she behaving at that time?

14 A. She was kind of flat, just a glare.

15 Q. No crying?

16 A. No.

17 Q. And was she alone, or did somebody else come
18 with her?

19 A. Patrol brought her up with her son.

20 Q. Now, was he in the room with her while she was
21 speaking to you?

22 A. No, she was by herself.

23 Q. Was somebody else interviewing him
24 simultaneously?

25 A. No.

1 Q. How did that happen?

2 A. Sergeant Rohling and I interviewed him after we
3 interviewed her.

4 Q. So what's on this Exhibit 273 represents her
5 interview only, which occurred prior to Eric Herrera's
6 interview?

7 A. Correct.

8 Q. And so in the room on the video, is it just
9 yourself, Sergeant Rohling and the Defendant?

10 A. Correct.

11 Q. Is this, I mean, as interviews go, this is a
12 fairly lengthy one, isn't it?

13 A. It's about an hour and a half, I believe.

14 Q. And, again, is this interview happening all in
15 Spanish?

16 A. Correct.

17 Q. Okay. And you're aware that we've prepared a
18 transcript from Spanish to English for purposes of use
19 in this courtroom?

20 A. Yes.

21 MS. THOMAS: Judge, I'd like to publish
22 State's Exhibit 237, which is Interview 4 of Elida
23 Herrera?

24 THE COURT: Any objection?

25 MR. GONZALEZ: No, Your Honor.

1 THE COURT: Deputy Kaminski will hand out
2 the transcripts.

3 MR. GONZALEZ: They're right here on the
4 table.

5 THE COURT: I understand.

6 MS. THOMAS: And also with Mr. Gonzalez'
7 agreement, we have redacted, you're going to see spaces
8 in the transcript which correlate with the tape.

9 MS. SPENCE: With the Court's permission, I
10 will be playing the role of Rohling.

11 THE COURT: All right.

12 MS. THOMAS: And I'll read for the
13 Defendant; and you can pick up for yourself there, okay?

14 A. I don't have one.

15 MS. THOMAS: Sergeant, whenever you're
16 ready, page 15.

17 A. Okay. You want me to start reading?

18 Q. Yes, word for word.

19 (Publishing State's Exhibit 239.)

20 THE COURT: Ladies and gentlemen, I was
21 going to finish with direct examination of this witness;
22 and then we'll conclude the proceedings for the day.
23 Are you okay? Anybody need a break?

24 Ms. Thomas, you may continue.

25 Q. (BY MS. THOMAS) After this interview was

1 completed, what did you do next?

2 A. After that we spoke to the other investigators,
3 Swainson and Hanslik, just to give them a feed of what
4 we found.

5 Q. And then what did you do?

6 A. After that we interviewed Eric.

7 Q. Did you interview him in a different room?

8 A. Yes.

9 Q. Was it yourself and Sergeant Rohling?

10 A. Correct.

11 Q. And did you ask him, and you can't say what he
12 said, but yes or no, did you ask him questions about
13 what he knew about what happened that morning?

14 A. Yes.

15 Q. About how she got the cut on her chin?

16 A. Yes.

17 Q. And did he tell you the same thing that his
18 mother, Elida Herrera, did?

19 A. No, he didn't.

20 Q. Was it a completely different story?

21 A. Yes.

22 Q. And then after you completed your interview
23 with him, where -- what happened to both Elida Herrera
24 and Eric?

25 A. Well, after I completed with that interview, I

1 went back to my regular side and left him in the custody
2 of Sergeant Rohling.

3 Q. Because they're not under arrest at this point,
4 is it safe to say somebody transported them back?

5 A. Yeah, a patrol unit came and picked them up and
6 transported them home.

7 Q. After the scene was processed?

8 A. Correct.

9 Q. Thank you.

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

11 THE COURT: All right. Ladies and
12 gentlemen, we are going to recess for today.

13 Do we have some good news, Mr. Gonzalez?

14 MR. GONZALEZ: Yes, Your Honor.

15 THE COURT: I just wanted to share with the
16 group, while this is a serious proceeding, we do have
17 some good news and that is that Mr. Gonzalez has passed
18 the bar exam. So, we are very proud of him.

19 (Applause.)

20 Congratulations. Happen Halloween. I hope
21 this gets you home in time to hand out plenty of tricker
22 treaters. Please continue to abide by the instructions
23 that I have given you all week. We will see you back
24 here tomorrow morning at 9:30. For scheduling purposes,
25 I believe that we are back on schedule. It is my