

1 MR. MULDROW: At this time, the
2 State calls Officer Sosa.

3 THE BAILIFF: This witness has not
4 been sworn.

5 THE COURT: Raise your right hand,
6 please.

7 (Witness sworn.)

8 THE COURT: Let's proceed.

9 **JESUS SOSA,**

10 having been first duly sworn, testified as follows:

11 **DIRECT EXAMINATION**

12 **BY MR. MULDROW:**

13 Q. Can you please introduce yourself to the
14 ladies and gentlemen of the jury?

15 A. My name is Jesus, J-E-S-U-S, last name
16 Sosa, S-O-S-A.

17 Q. How are you employed?

18 A. I'm a police officer with the Houston
19 Police Department.

20 Q. How long have you been with the Houston
21 Police Department?

22 A. 18 years.

23 Q. What kind of training did you go through
24 to become a Houston Police Department officer?

25 A. I went through a six-month academy and

1 after that I went through a training phase and an
2 evaluation phase as a rookie officer.

3 Q. How long does the training phase and
4 evaluation phase last?

5 A. 12 weeks roughly.

6 Q. What division of the Houston Police
7 Department were you assigned to initially?

8 A. Patrol, North Patrol Division.

9 Q. And how long were you in Patrol?

10 A. Four years on night shirt.

11 Q. And then where did you go after that?

12 A. In 1998 I transferred over to the
13 Homicide Division. I've been there ever since.

14 Q. So that would be how many years?

15 A. 14.

16 Q. Okay. As part of your duties as a
17 Homicide officer, what kind of duties do you have?

18 A. I investigate different types of crimes
19 against persons, capital murders, murders,
20 kidnappings, assaults, coyote kidnappings, anything
21 that's involving a crime against a person.

22 Q. Do you have any particular training as
23 part of being a Homicide officer?

24 A. It's pretty much on-the-job training
25 really. You can go to some classes, but you're

1 trained as you're going.

2 Q. Are classes provided as part of being a
3 certified peace officer?

4 A. Yes, sir. Yes, sir.

5 Q. And you've kept up with the required
6 continuing education?

7 A. Yes, that's correct. I have.

8 Q. During the 14 years that you've been a
9 Homicide investigator, have you investigated few or
10 many homicides?

11 A. Many, sir. I can't even remember how
12 many.

13 Q. Can you describe for us how cases get
14 assigned to you to investigate?

15 A. Well, in this situation I was on call,
16 and particularly we're on call with a partner. If a
17 scene drops during anytime that you're on call, the
18 Homicide Division will notify you, call you at home
19 or on your cell phone and wake you up and then you
20 get the information and you report to the scene.
21 And then as soon as you report to the scene, you and
22 your partner start figuring out what it is you're
23 going to do. And in this situation, I handled the
24 witness side of the investigation and my partner
25 handled the scene side of the investigation.

1 Q. And who was your partner for this case?

2 A. His name is Emilio Castaneda.

3 Q. Other than being on call, are there
4 other ways that cases are assigned to you?

5 A. Yes, sir. We're -- all of our cases are
6 assigned on a rotation basis.

7 Q. When you say on a rotating basis, what
8 does that mean?

9 A. Let's say, for instance, you and I are
10 partners and we just got a scene today. And your
11 co-counsel next to you, he's up for the next one
12 with his partner. Or if a scene drops later on this
13 afternoon, then he'll get the next assigned case.

14 Q. Are there particular times that people
15 are on call for homicides?

16 A. Yes, sir. We handle all the homicide
17 call-outs on a 24-hour basis. We have investigators
18 assigned to day scenes, evening scenes and night
19 scenes. And if need be, they'll call in day scene
20 officers to investigate homicides.

21 Q. Okay. On May 26th, 2011, were you with
22 the Homicide Division?

23 A. Yes, sir, I was.

24 Q. Were you on call that day?

25 A. Yes, sir.

1 Q. Did you receive a call-out in regards to
2 a homicide at 12909 Orleans?

3 A. Yes, sir.

4 Q. Where were you at when you received that
5 call?

6 A. I was at home asleep.

7 Q. About what time was it?

8 A. I know it was after midnight, I believe.
9 I'm sorry. I received the call at about 11:30 p.m.
10 and I arrived at the scene at about 12:40 midnight.

11 Q. And are you referring to the offense
12 report that you created?

13 A. Yes, sir.

14 Q. And that's created during and shortly
15 after your investigation?

16 A. That's correct, sir.

17 Q. Did you arrive at the scene alone or
18 were you with a partner?

19 A. My partner. He was called at his house,
20 also, and we arrived at the scene in separate
21 vehicles.

22 Q. Can you describe -- when you arrived at
23 the scene, can you describe it for us?

24 A. I believe it was a one-story wood-framed
25 home, front door facing, of course, towards the

1 front yard, a long driveway that extends to the back
2 of the house. There was a shop, I believe, in the
3 back or the side of the house and there was a back
4 door. We initially walked in through the back to
5 familiarize ourselves with the scene and then we
6 came in through the front to get a good vantage
7 point from the front end of the scene.

8 Q. Were there people standing outside?

9 A. No, sir. When I arrived, there were --
10 of course, there were the patrol officers there.
11 The fire department personnel had already left, and
12 the witnesses or the family members were at the
13 residence next door.

14 Q. When you went inside the residence, was
15 there anyone there? Any witnesses there inside the
16 residence when you got there?

17 A. No, sir, not that I can recall. Just,
18 of course, you had the complainant. Her body was in
19 the bedroom; but if I'm not mistaken, the
20 complainant's -- well, Ms. Saldana -- I'm sorry --
21 Ms. Alicia Gonzalez, her mother and her three
22 children were next door and the defendant was in the
23 backseat of the patrol car.

24 Q. When you arrived on the scene, did you
25 talk to any of the other officers to find out what

1 was going on?

2 A. Yes, sir. The primary officer and the
3 backup officers, they gave my partner and I a
4 brief -- a briefing of what was involved in the
5 crime scene. We -- like I said, we did the initial
6 walk-through to familiarize ourselves with the scene
7 and, you know, that's when we observed the body.

8 Q. After kind of walking through the scene
9 and talking to the other police officers, what was
10 the next step in the investigation?

11 A. Well, my partner -- that's when we
12 spoke. We met to decide who was going to conduct
13 the scene investigation and then who's going to talk
14 to the witnesses and the defendant. And my partner
15 and I at that time were taking turns. You know, one
16 scene I would do the front for the investigation.
17 The next one he would do the investigation or the
18 scene investigation.

19 And once we decided what we were going
20 to do, I went ahead and -- well, we both did a
21 walk-through of the house and then I went ahead and
22 went next door and met with the family members. I
23 introduced myself to them, told them what we were
24 looking at, advising that I needed to take
25 statements from all of them and photographs as well

1 and then I stayed with the -- with my partner at the
2 scene. We were making sure that -- we were trying
3 to not miss anything.

4 And then from there, I conducted a
5 canvass of the area, the immediate area, the
6 neighbors, spoke to, I believe, two or three
7 neighbors and then after I completed the canvass, we
8 went ahead and went to the Homicide Division.

9 Q. Okay. So -- there was a couple of steps
10 there. First thing, you walked through the
11 location?

12 A. Yes, sir.

13 Q. And then you said you went over and
14 introduced yourself to the mother of the complainant
15 and the children; is that correct?

16 A. Yes, sir.

17 Q. Did you take a statement from them at
18 that time?

19 A. No, sir. We just spoke briefly, nothing
20 formal. All of our recorded statements were
21 obtained at the Homicide Division.

22 Q. Can you describe their demeanor for us?

23 A. They were going through a rough period.

24 Q. After you spoke to them at the
25 neighbor's house, you stated you did a canvass of

1 some of the other people in the area?

2 A. Yes, sir.

3 Q. Had anybody told you that they observed
4 anything or heard anything?

5 A. No, sir. The -- I believe the two
6 people that I spoke to -- it was the neighbor that
7 had the children and then I believe it was the
8 neighbor across the street -- they said they only
9 heard the sirens.

10 Q. Did you learn anything as part of
11 canvassing the neighborhood that was relevant to
12 your investigation?

13 A. No, sir.

14 Q. You said that your partner was going to
15 conduct the scene side of the investigation?

16 A. Yes, sir.

17 Q. And you were going to conduct the
18 witness side of the investigation?

19 A. That's correct.

20 Q. As part of doing that, what did you do?

21 A. For the witness side?

22 Q. Yes, sir.

23 A. Well, you -- first you conduct a
24 canvass, see if you could locate other potential
25 witnesses. Once you finish with the canvass, then

1 you meet with the witnesses that you already have,
2 advise them that you need to get their statements
3 and then you arrange for transportation of the
4 witness to the Homicide Division.

5 You interview the witnesses separately
6 to get each one's statement so no one can benefit
7 or -- how should I say -- prejudice their statements
8 when you're trying to get, you know, their side of
9 the story.

10 Q. Did you take statements from the
11 witnesses there at the scene --

12 A. No, sir.

13 Q. -- at the neighbor's house?

14 A. No, sir.

15 Q. Where did you take them?

16 A. At the Homicide Division.

17 Q. Okay. Do you have a witness room set up
18 there for that purpose?

19 A. Yes, sir.

20 Q. Who did you interview there at the
21 Homicide Division?

22 A. I met with -- well, I escorted the
23 family upstairs to the sixth floor, went back
24 downstairs and escorted the defendant back to the
25 sixth floor. I placed him in Interview Room No. 4,

1 and then the family was in the family room. It's
2 just a small room that we have for -- we call it the
3 crying room, and from there, I took the -- the
4 mother-in-law, the victim's mom, to one of the
5 interview rooms and I started interviewing her.

6 By that time, my partner had already
7 arrived at the Homicide Division and he assisted
8 with the interview of the children. So once I
9 finished with my one-witness interview, I began
10 speaking with the defendant.

11 Q. Okay. During your interview with the
12 mother-in-law, the complainant's mother, could you
13 describe her demeanor for us?

14 A. She was very upset. She practically
15 witnessed the incident. She walked in -- I'm not
16 sure how much she saw, but she walked in on the tail
17 end of it. You know, she was going through a rough
18 period. She just saw her daughter get killed.

19 Q. Was she distraught and crying at that
20 time?

21 A. She was off and on.

22 Q. Was that -- that interview you said was
23 conducted in a witness room?

24 A. Yes, sir.

25 Q. Was it recorded?

1 A. Yes, sir.

2 Q. You say that she was distraught and
3 crying. What did she tell you had happened?

4 A. She told me that she heard her daughter
5 crying or yelling for help, yelling, you know,
6 saying mom in Spanish and she immediately gets out
7 of her bedroom and runs towards the -- their
8 bedroom, her daughter and her son-in-law's bedroom,
9 and she sees her son-in-law attacking her daughter.
10 She jumps on his back to pull him off of her and
11 that's when he sliced or tries to slice one of her
12 arms and she showed me the wounds to her arms to --
13 I believe it was her left forearm.

14 Q. Did she describe for you how the
15 defendant was attacking his wife?

16 A. She said that he was stabbing her
17 multiple times.

18 Q. You say that she tried to pull him off
19 of her?

20 A. Yes.

21 Q. How did she try and do that?

22 A. The way she described it, she made it
23 seem like she jumped on his back to pull him off.

24 MR. MULDROW: May I approach the
25 witness?

1 THE COURT: You may.

2 Q. (By Mr. Muldrow) You say that she
3 received a cut on her arm; is that correct?

4 A. Yes, sir.

5 Q. Did you observe a cut on her arm?

6 A. Yes, sir. To me it appeared that it was
7 a knife with a serrated edge because you could see
8 the jagged edges or the wounds. It wasn't a
9 straight cut or a straight scrape. Imagine a knife
10 slicing against something at an angle. You would
11 have the skin peeling off. It wasn't like that. It
12 was like there is -- it was jagged edges.

13 Q. And that's State's Exhibit No. 122?

14 A. Yes, sir.

15 Q. And that's the injury that you saw on
16 the mother of the complainant?

17 A. Yes, sir.

18 Q. And how did she say that she received
19 that injury?

20 A. He -- he tried to slice her arm to get
21 her off of him.

22 Q. What did she tell you happened after
23 that?

24 A. I believe at some point -- and I'm
25 theorizing this. I believe at some point --

1 Q. Well --

2 A. -- he listens to her.

3 Q. -- did she tell you what had happened
4 next?

5 A. Yes, sir.

6 Q. Okay. What did she say happened next?

7 A. He -- he drops the knife, I guess, the
8 knives and she gets them and puts them in the top
9 dresser drawer there in the bedroom and she closes
10 it. At that point she says that he walks out of the
11 bedroom and that's when -- when he confronts the
12 children.

13 Q. Okay. Did you look in that top dresser
14 drawer to see if the knives were located there?

15 A. Yes, sir. They were.

16 Q. I'm going to show you State's Exhibit
17 No. 1 -- or excuse me. I'm sorry. No. 1 on the
18 scene but State's Exhibit No. 64 and 66.

19 A. Yes, sir.

20 Q. Is that the location where the knives
21 were recovered?

22 A. That's correct, sir.

23 Q. Is that where the mother-in-law -- or
24 excuse me -- the mother of the complainant told you
25 they were?

1 A. Yes, sir.

2 Q. And again that's 64 and 66?

3 A. Yes, sir.

4 Q. What did she tell you happened next?

5 A. He confronts the children and he tells
6 the children that it's their fault and he's walking
7 around in the house and then one of the children --
8 I believe it was Franco -- calls 911 and by the time
9 the police and ambulance are arriving, he walks out
10 and gives up.

11 Q. And when you arrived on the scene, was
12 the defendant in custody?

13 A. Yes, sir, he was.

14 Q. After talking to the grandmother, the
15 mother of the complainant, what did you do after
16 that?

17 A. Like I said, my partner was already
18 interviewing the children. He had already started
19 developing a rapport with them. I didn't want to,
20 you know, interfere with that. So I told my partner
21 I was going to go ahead and start talking to the
22 defendant, and I did.

23 Q. And to be clear, do you speak Spanish?

24 A. Yes, sir. I'm a fluent Spanish speaker.

25 Q. And did the mother of the complainant

1 speak Spanish?

2 A. Yes, sir, she did.

3 Q. Since that time, have you learned that
4 she passed away?

5 A. Yes, sir.

6 MR. MULDROW: May I approach the
7 witness?

8 THE COURT: You may.

9 Q. (By Mr. Muldrow) When you interviewed
10 the defendant, was that interview recorded?

11 A. Yes, sir.

12 Q. And are you familiar with the recording
13 equipment in the Homicide office?

14 A. Yes, sir.

15 Q. And are you competent to work that
16 equipment?

17 A. Yes, sir.

18 Q. I'm showing you what's been marked as
19 State's Exhibit No. 2. Is that the recording of the
20 defendant that you created and marked?

21 A. Yes, sir. It's a DVD of the recording,
22 of the video.

23 Q. Has it been altered or changed in any
24 way?

25 A. No, sir, it hasn't.

1 Q. Okay. Before you began that
2 recording -- or before you interviewed the defendant
3 and still on the recording, did you give the
4 defendant his Miranda warnings?

5 A. Yes, sir, I did. Before when I
6 initially started talking to him, he was willing to
7 talk to me. He wanted to give me his side of the
8 story and I read him his rights, told him that I
9 wanted to get his statement, but I needed to get it
10 recorded. He was aware that I was going to do that.

11 And I use a backup digital recorder
12 also. So I took that into the interview room with
13 me also and I asked him if he was ready to start the
14 interview and he said he was. I mentioned the
15 formalities at the beginning of the recording,
16 showed him my digital recorder, asked him what color
17 it was, the brand, and if there was a light on. He
18 said it was a red recorder, that the brand was
19 Olympus and the red light was turned on and --

20 Q. Did you -- when you gave him his Miranda
21 warnings, did you do each of them individually?

22 A. Yes, sir, I did.

23 Q. Did he tell you that he understood each
24 of them?

25 A. Yes, sir, he did.

1 jury.

2 (Jury retired.)

3 THE COURT: All right. We'll be in
4 recess for an hour, 1:15.

5 Before we stop, let me -- let me
6 get this on the record. It's my understanding that
7 State's Exhibit No. 2, which is the -- it's an
8 audio? Video?

9 MR. MULDROW: It's a video and
10 audio recording.

11 THE COURT: Of the defendant?

12 MR. MULDROW: Yes, sir.

13 THE COURT: And it's conducted in
14 Spanish?

15 MR. MULDROW: Yes, sir.

16 THE COURT: And it's your intention
17 to play the exhibit to the jury in Spanish?

18 MR. MULDROW: Yes, sir.

19 THE COURT: And at the same time
20 you have prepared and created a document that
21 translates the Spanish into English?

22 MR. MULDROW: Yes, sir.

23 THE COURT: And, Mr. Decuir, you
24 have been provided that translation?

25 MR. DECUIR: Yes, Your Honor. Also

1 my secretary who is fluent in Spanish listened to
2 the audio and compared it to the translation and it
3 was fine.

4 THE COURT: Okay. So there is no
5 objection --

6 MR. DECUIR: No objection.

7 THE COURT: -- from either side in
8 regards to the translation itself. It will -- the
9 jury will be -- you have, like, 13 copies?

10 MR. MULDROW: I do.

11 THE COURT: Okay. So they're each
12 going to be provided a copy of that translation as
13 they are listening to the audio. Okay.

14 MR. NIELSEN: And then one will be
15 introduced into evidence.

16 THE COURT: Right.

17 MR. MULDROW: And I can introduce
18 that at this time.

19 THE COURT: Introduce what?

20 MR. MULDROW: A copy of the
21 translation.

22 THE COURT: Well, now, wait a
23 minute. Is that -- are y'all going to object to
24 that going back there or not?

25 MR. DECUIR: No, Your Honor.

1 THE COURT: Okay.

2 MR. DECUIR: No, Your Honor.

3 THE COURT: I guess that's probably
4 how it has to work.

5 MR. DECUIR: We would also ask the
6 Court to instruct the jurors who are fluent in
7 Spanish not to make their own interpretation.

8 THE COURT: I'll be glad to do
9 that.

10 MR. DECUIR: Thank you, Your Honor.

11 THE COURT: So there's going to be
12 a document marked as --

13 MR. MULDROW: State's Exhibit No.
14 5.

15 THE COURT: -- No. 5 that will be
16 the translation of the defendant's statement?

17 MR. MULDROW: Yes, Your Honor.

18 THE COURT: All right. Do you have
19 any objection?

20 MR. DECUIR: No objection.

21 THE COURT: All right. State's
22 Exhibit No. 5 will be admitted.

23 (State's Exhibit No. 5 offered and
24 admitted.)

25 (Lunch recess.)