

1 MS. BURTON: Judge, I don't see him. May  
2 I have a minute to call him?

3 THE COURT: Sure.

4 *(Brief break.)*

5 THE COURT: State, you may proceed.

6 MS. BURTON: Thank you, Judge.

7 **MICHAEL SQUYRES,**

8 having been first duly sworn, testified as follows:

9 **DIRECT EXAMINATION**

10 BY MS. BURTON:

11 Q Good morning, Deputy Squyres. Could you tell  
12 us about how you're employed.

13 A I'm a deputy investigator with the Harris  
14 County Sheriff's Department.

15 Q And what division are you assigned to?

16 A I'm currently assigned to the gang intelligence  
17 unit in the Homeland Security Bureau.

18 Q And what are your typical duties associated  
19 with that?

20 A It's our job to interview and identify people  
21 that are members of gangs and to put their information  
22 into databases, as well as testify in court and any  
23 other assignments that we have during the -- during the  
24 week.

25 Q Do you work in documenting all types of gang

1 members or are there specific types of gangs that you  
2 have expertise or knowledge of more than others?

3 A I've worked with all street and prison,  
4 motorcycle; most the gangs that are out there, I've  
5 dealt with.

6 Q And have you done that on few or many  
7 occasions?

8 A Many.

9 Q Have you had a chance to document and converse  
10 with the defendant in this case?

11 A I have.

12 Q And do you see him in the courtroom here today?

13 A I do.

14 Q Can you identify him by an article of clothing?

15 A He's in the orange top.

16 MS. BURTON: Your Honor, may the record  
17 reflect that the witness has identified the defendant?

18 THE COURT: The record will so reflect.

19 Q (BY MS. BURTON) When did you have a chance to a  
20 speak with Mr. Van-Cleave?

21 A I spoke with him last week.

22 Q Where did you conduct that interview?

23 A In my office located at the 1200 Baker Street  
24 jail facility.

25 Q What would be the first kind of thing that you

1 do when you're doing a gang documentation of an  
2 individual?

3 A Typically I would just explain why they're down  
4 there and then we would proceed to look at any tattoos  
5 that the person has and first thing I would ask them  
6 would be, are you a member of a gang.

7 Q Do you -- and you said you do photograph the  
8 tattoos as a part of your investigation or interview  
9 with the defendant?

10 A Yes, ma'am.

11 Q In this case, who is or who was the defendant  
12 affiliated with regard to gangs?

13 A That would be the Aryan Circle prison gang.

14 Q Were you able to discuss his affiliation or  
15 prior affiliation with this gang?

16 A Yes.

17 Q When did he tell you that he was first  
18 affiliated with them?

19 A Back around '94, '95.

20 Q And what does the Aryan Circle gang do in  
21 prison? Is it strictly -- or tell us how you even get  
22 in that gang to be begin with.

23 A You would get into the gang -- back in the  
24 beginning when these gangs started in the '80s and '90s,  
25 you had to do some kind of action for the gang to get

1 into it. You would be brought in because other people  
2 would vouch for you, things like that. If you showed an  
3 interest, you would be brought in.

4 Q So would that be something you do outside of  
5 jail to get into the Aryan Circle?

6 A Typically to get in is going to be when you're  
7 in prison, but all of the prison gangs that we deal with  
8 today and back then were active on the street as well.

9 Q Did he tell you what he did to get into the  
10 Aryan Circle?

11 A No.

12 Q What are, I guess, the general characteristics  
13 of the Aryan Circle, just as a gang in general?

14 A The Aryan Circle is a prison gang that was  
15 started by white inmates in the Texas Department of  
16 Criminal Justice. Typically the members are male; and  
17 the Aryan Circle itself, in its documents and its  
18 constitutions, proclaims itself as a white supremest  
19 organization.

20 Q What are their, I guess, beliefs in violence or  
21 acts of violence or levels of violence within this  
22 group?

23 A They've been tied to many different types of  
24 crimes in the Texas Department of Corrections and in  
25 the -- and in the free world, as we would call it, as

1 well, everything from murder of a police officer to  
2 selling narcotics.

3 Q Do you know about how big the Aryan Circle is,  
4 members-wise?

5 A I can't give you an exact number.

6 Q In a gang like the Aryan Circle, how do you  
7 distance yourself or become unaffiliated with a gang  
8 like that?

9 A Well, for the Texas Department of Criminal  
10 Justice the only way to become unaffiliated now is going  
11 through the GRAD program, which is a gang renunciation  
12 and -- gang renunciation and -- I can't think of the --  
13 I apologize. It's their program they allows you to go  
14 in, they debrief you, you go through a very detailed  
15 debrief so the belief is you've given up so much  
16 information and so much secrets that you're now at risk  
17 from your own people. So therefore, they feel it's a  
18 legitimate way to try to get you out of the  
19 organization.

20 Q So becoming unaffiliated at least in the eyes  
21 of T.D.C. is, you know, doing these classes or programs  
22 and giving up information. Does that still preclude a  
23 person from being involved in the Aryan Circle just  
24 because they go through this class?

25 A I wouldn't say it precludes you from it. It

1 changes your status as far as you are documented as a  
2 gang member.

3 Q And did Mr. Van-Cleave tell you that he, in  
4 fact, was not affiliated with the Aryan Circle now?

5 A He did.

6 Q Did he tell you when it was that he decided  
7 that he did not want to be affiliated with that anymore?

8 A He said it was between '96 and '97.

9 Q Were you able to confirm that with T.D.C.?

10 A Yes.

11 Q Okay. Were you able to confirm the date that  
12 he told you that he did not affiliate -- or that he  
13 disaffiliated?

14 A They gave me the same time frame because GRAD  
15 was not actually implemented at that time. It became  
16 online in 2000, but sometime between '96 and '97 as part  
17 of their investigation at T.D.C.J., they changed the  
18 status from being an active member to being an  
19 ex-member.

20 Q You were able to photograph Mr. Van-Cleave in  
21 this case, right?

22 A Yes, ma'am.

23 MS. BURTON: Your Honor, may I approach?

24 THE COURT: Yes, you may.

25 Q (BY MS. BURTON) State's Exhibit No. 43 through

1 72, you want to just flip through those real quick, take  
2 a look at them.

3 A Sure.

4 Q In State's Exhibit No. 43 through 72, are those  
5 photographs taken by you of Mr. Van-Cleave's tattoos?

6 A Yes, ma'am.

7 Q And do they fairly and accurately depict the  
8 tattoos that you saw on his body?

9 A Yes, ma'am.

10 MS. BURTON: State offers State's 43  
11 through 72 and tendering to opposing counsel for review.

12 MS. MASELLI: No objection.

13 THE COURT: State's 43 through 72 are  
14 admitted.

15 Q (BY MS. BURTON) Based on your recollection of  
16 your photographing of Mr. Van-Cleave, what -- did he  
17 have tattoos that would associate him with Aryan Circle  
18 or their beliefs?

19 A Yes.

20 Q Do you recall specifically where on his body  
21 those would be?

22 A On the upper left chest he has what we refer to  
23 as a diamond, which is a patch, a symbol for the Aryan  
24 Circle. He has covered that one up. Below that on the  
25 torso, there is a circle with the letters "A" and "C"

1 and I think it has "SS" bolts in it.

2 Q So, in State's Exhibit 43, 44, and 45, some  
3 neck shots and back shots of Mr. Van-Cleave, are any of  
4 those significant to you in any way?

5 A No.

6 Q State's Exhibit No. 46, this is a shot of his  
7 right neck. Is that significant to you for purposes of  
8 gang documentation?

9 A Yes, ma'am. It's a stylized swastika with a --  
10 two sig runes, "SS" bolts.

11 Q And what does that represent?

12 A The SS, the Schutzstaffel was a special group  
13 in Nazi Germany. They were elite. It's a very common  
14 symbol used by white supremacists.

15 Q State's Exhibit 47, is this the tattoo that you  
16 said was covered up?

17 A Yes, ma'am. That appears to be a Aryan Circle  
18 diamond, and he's gone back and covered it up.

19 Q Was that the only tattoo you've seen in which  
20 he's tried to cover up or remove?

21 A That's the only one I remember as being a  
22 cover-up, yes.

23 Q State's Exhibit No. 48, below his chest, does  
24 that have any significance for purposes of gang  
25 documentation?



1           A       Yes. We have the letters "A" and "C" within a  
2 circle; you also have sig runes again, the SS bolts; and  
3 then it looks like a rounded swastika inside the circle.

4           Q       State's 49, we see a back view of the  
5 defendant. Does this "Downboys Waco, Texas" have any  
6 significance to you? Do you know of anything associated  
7 with that?

8           A       I don't individually, no.

9           Q       And same with State's 50, this tattoo as well?

10          A       It's not gang specific, I don't believe.

11          Q       And quite a few of these shots that you have,  
12 which I'm using all of them, he's pretty heavily inked.  
13 As far as his left arm, though, do you see anything here  
14 that would suggest to you Aryan Circle affiliation?

15          A       Well, the red swastika would be affiliated with  
16 white supremacy.

17          Q       Is that the only area on his body in which you  
18 could tell had colored ink or fresh ink?

19          A       That's the only colored ink that I remember.

20          Q       Some of this ink is obviously old, correct?

21          A       Yes.

22          Q       And just stop me as I'm going through these  
23 exhibits here if you see one that you believe to be on  
24 his arm at least.

25          A       Okay, well --

1 Q Back up?

2 A You have the swastika and you have a skull that  
3 has "SS" bolts on it.

4 Q Okay. Does this have any meaning to you, the  
5 initials on the back of his arms?

6 A It's the word "SURD," I don't know the meaning  
7 of it.

8 Q Okay. And then again 57 through 59, on his  
9 left hand, these initials, does that have any meaning to  
10 you?

11 A Not to me specifically as far as white  
12 supremacy or Aryan Circle.

13 Q Sure. And then looking at pictures of his  
14 right arm, would you document anything on these photos  
15 that you would be able to tell shows his Aryan Circle  
16 affiliation?

17 A No, ma'am.

18 Q And this would be the one that matches his  
19 other arm, right?

20 A Right, the word "WOOD" which is a common word  
21 to identify a white inmate.

22 Q State's 6 -- and that was State's Exhibit  
23 Number -- sorry -- 68. State's 69, on his left leg, did  
24 you see any tattoos of significance?

25 A I think on the lower leg.

1 Q Okay. So State's 70?

2 A Yes.

3 Q What do we see here?

4 A We see a swastika and appears to be Adolf  
5 Hitler.

6 Q Okay. And on his right leg, anything that  
7 would be of importance to you?

8 A No.

9 Q Do you know if there is tattoo removal programs  
10 within T.D.C.?

11 A I don't know if there are.

12 Q Okay. Is it possible to, like he did here,  
13 either cover up or conceal these tattoos that show his  
14 Aryan Circle affiliation?

15 A Yes. I mean, people do tattoo within T.D.C.

16 Q Okay. Did he tell you anything else, describe  
17 anything else with regard to his affiliations?

18 A No.

19 MS. BURTON: Pass the witness.

20 THE COURT: Defense.

21 MS. MASELLI: Thank you.

22 **CROSS-EXAMINATION**

23 BY MS. MASELLI:

24 Q Hi, Deputy Squyres. I'm Jani Maselli; we've  
25 never met. I just have a few questions. You have

1 worked at Harris County Sheriff's Office your entire  
2 career?

3 A Yes, ma'am.

4 Q Have you much experience with the security  
5 threat management office at T.D.C.J.?

6 A Yes, ma'am.

7 Q Are they the ones that run the GRAD program?

8 A Yes, they are.

9 Q Are you familiar with GRAD program other than  
10 knowing that it's the Gang Renunciation and  
11 Disassociation Process?

12 A There you go. Yes, I mean, I've visited the  
13 program before. I've done tours with it, and I've dealt  
14 with inmates that have gone into it and gotten out and  
15 inmates who have gone through it and completed it.

16 Q Is that something that you think should be  
17 encouraged at the prison?

18 A Most definitely.

19 Q And why is that?

20 A Because we want to get these people out of  
21 these organizations and into doing something productive.

22 MS. MASELLI: I pass the witness.

23 THE COURT: Anything further?

24 MS. BURTON: Nothing further from the  
25 State.

1 THE COURT: May the witness be excused?

2 MS. MASELLI: Yes, Your Honor.

3 THE COURT: Thank you, sir. You may step  
4 down.

5 Call your next.

6 MS. BURTON: The State rests, Your Honor.

7 THE COURT: Defense, are your witnesses  
8 here? You want to have a lunch break?

9 MS. MASELLI: Could we take a break? I  
10 told my witnesses, they're coming -- the ones today, the  
11 family, are coming from Waco. They should be here at  
12 1:00 o'clock.

13 THE COURT: Let's just take a break until  
14 1:15, give everyone an opportunity to eat.

15 *(Lunch break.)*

16 THE COURT: Defense, call your first  
17 witness.

18 MS. MASELLI: The defense calls Wanda  
19 Ray.

20 THE COURT: Ms. Ray, would you raise your  
21 right hand for me?

22 *(Witness sworn.)*

23 THE COURT: You may proceed, defense.  
24  
25