

Trial on the Merits  
July 28, 2015

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REPORTER'S RECORD  
 VOLUME 3 OF 7 VOLUMES  
 TRIAL COURT CAUSE NO. 1401543 FILED IN  
 1st COURT OF APPEALS  
 HOUSTON, TEXAS  
 THE STATE OF TEXAS ) IN THE DISTRICT COURT  
 ) 11/17/2015 12:29:59 PM  
 VS. ) HARRIS COUNTY, TEXAS  
 ) CHRISTOPHER S. PRINE  
 ) Clerk  
 MARIO PAREDES ) 339TH JUDICIAL DISTRICT

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**TRIAL ON THE MERITS**

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On the 28th day of July, 2015, the following  
 proceedings came on to be held in the above-titled and  
 numbered cause before the Honorable Frank Price, Judge  
 Presiding, held in Houston, Harris County, Texas.

Proceedings reported by computerized stenotype  
 machine.

Pamela Kay Knobloch, CSR  
 Official Court Reporter  
 339th District Court  
 Harris County, Texas

*Trial on the Merits*  
*July 28, 2015*

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J - Jury            R - Record Only      D - Demonstrative  
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1 (NOTE: Defendant has interpreter)

2 *THE COURT:* Let me ask you to retire now.  
3 She may have some instructions for you, and then we'll  
4 call you back out and get started until they bring your  
5 food. Okay.

6 (Outside jury's presence)

7 *THE COURT:* Will you please arraign the  
8 defendant?

9 *MS. COLLINS:* Thank you, Judge. In the  
10 name and by authority of the State of Texas, the duly  
11 organized Grand Jury of Harris County, Texas, presents  
12 in the District Court of Harris County, Texas, that in  
13 Harris County, Texas, Mario Ernesto Paredes, hereafter  
14 styled the defendant, heretofore on or about  
15 August 31st, 2013, did then and there unlawfully, while  
16 in the course of committing and attempting to commit the  
17 robbery of Jhon Bermudez-Gilces, intentionally cause the  
18 death of Jhon Bermudez-Gilces by shooting the  
19 complainant with a deadly weapon, namely, a firearm.

20 Against the peace and dignity of the  
21 State, and signed by the Foreman of the Grand Jury.

22 *THE COURT:* And, Mario Ernesto Paredes,  
23 how do you plead to that allegation of capital murder  
24 just presented to you by the Assistant District Attorney  
25 from the indictment, guilty or not guilty?

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1                    *THE DEFENDANT:* Not guilty.

2                    *THE COURT:* Okay. Very well. You can sit  
3 down and be at ease for a few minutes.

4                    Okay. We're ready for the jury.

5                    (*Jury enters courtroom*)

6                    *THE COURT:* Y'all be seated.

7                    Would you present the indictment to the  
8 jury, please?

9                    *MS. COLLINS:* Yes, Your Honor.

10                    In the name and by authority of the State  
11 of Texas, the duly organized Grand Jury of Harris  
12 County, Texas, presents in the District Court of Harris  
13 County, Texas, that in Harris County, Texas, Mario  
14 Ernesto Paredes, hereafter styled the defendant,  
15 heretofore on or about August 31st, 2013, did then and  
16 there unlawfully, while in the course of committing and  
17 attempting to commit the robbery of Jhon  
18 Bermudez-Gilces, intentionally cause the death of Jhon  
19 Bermudez-Gilces by shooting the complainant with a  
20 deadly weapon, namely, a firearm.

21                    Against the peace and dignity of the  
22 State. Signed by the Foreman of the Grand Jury.

23                    *THE COURT:* To which indictment, members  
24 of the jury, the defendant has entered his plea of not  
25 guilty.

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1                   Does either side want to make an opening  
2 statement at this time?

3                   *MS. HARTMAN:* Briefly from the State, Your  
4 Honor.

5   **OPENING STATEMENT**

6                   *MS. HARTMAN:* Good afternoon. Jhon Gilces  
7 was in his mid twenties. He also went by the nickname  
8 of Bicho. He worked for his uncle. You're going to  
9 hear that his uncle sold drugs, and Jhon sole drugs for  
10 his uncle. On Saturday night, August 31st, 2013, a  
11 little after 7:00 o'clock, Jhon was talking to his  
12 girlfriend, Daisy. And during their conversation, his  
13 phone is going to drop and it's going to go dead; and  
14 Daisy is not going to call back until later on.

15   During that time, Jhon has gotten a phone  
16 call from Osmin Hernandez. You're going to find out  
17 that Osmin Hernandez is a codefendant in this case.  
18 Osmin Hernandez is ordering some drugs from Jhon, and  
19 Jhon is going to go to the apartment complex where Osmin  
20 lives. And that is going to be over off Coventry  
21 Square; and that's on the southwest side of the Harris  
22 County, 59 South, kind of about the West Belfort/Dairy  
23 Ashford area.

24   So, when Jhon gets there -- he gets there  
25 a little after 7:00 o'clock. And when he gets there,

*Opening Statement by Ms. Hartman*  
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1 there is going to be -- in the parking lot there is  
2 going to be Gerardo Arredondo, who you're going to hear  
3 from. And there is also going to be the defendant,  
4 Mario Paredes, and Osmin Hernandez. And when Jhon gets  
5 there, he is going to park the car. And as soon as he  
6 parks the car, Osmin Hernandez is going to get to the  
7 passenger side and get in really fast. And, also, Mario  
8 Paredes is going to approach the driver's side door; and  
9 he's going to make Jhon get in the backseat.

10           And Jhon gets into the backseat by  
11 climbing over. And when he does, Gerardo Arredondo is  
12 going to be in the backseat. Osmin Hernandez is in the  
13 front seat. Mario Paredes is in the front seat driver's  
14 side. And Gerardo Arredondo is going to be in the  
15 backseat with Jhon.

16           Unbeknownst to Jhon, at this point in time  
17 his fate has already been sealed. There has already  
18 been a plan made. The plan is to rob and kill him for  
19 the drugs. They are going to drive Jhon on to a nearby  
20 neighborhood about ten minutes away. And when they get  
21 into that neighborhood, at some point in time Gerardo is  
22 going to try to hand the gun to Mario Paredes. And at  
23 that point in time, Jhon is going to make a break for it  
24 and try to run. And when he tries to run, Osmin  
25 Hernandez gets out of the car, briefly chases Jhon; and

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1 Mario, driving the car with Gerardo, are going to follow  
2 him for a bit.

3           At some point in time, Mario Paredes and  
4 Gerardo Arredondo are going to get out of the car. And  
5 when they get out of the car, they are going to chase  
6 after Jhon. And Osmin Hernandez is going to have called  
7 Nilson Alvarez (sic) to come pick him up. And you're  
8 going to hear that Nilson is going to be Osmin  
9 Hernandez's step -- his -- Nilson is Osmin Hernandez's  
10 stepbrother's stepson. So to make that clear, Nilson's  
11 stepfather is Osmin Hernandez's brother. And Nilson is  
12 also a good friend of Gerardo Arredondo.

13           So, Jhon makes the break for it. He's  
14 going to be chased by Mario Paredes and Gerardo  
15 Arredondo. Osmin Hernandez, who took the drugs, is  
16 going to leave with Nilson. Jhon is going to make it to  
17 the backyard. And at some point in time in the  
18 backyard, he's going to be shot in the abdomen and in  
19 the shoulder. He's going to keep running. And when he  
20 gets to the gate, he's going to fall to his knees; and  
21 he's going to be shot in the back of the head.

22           He's not going to be found until the next  
23 morning. And when the police arrive, they start  
24 canvassing the neighborhood. They're going to talk to  
25 the neighbors, and the neighbors are going to tell you

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1 that they heard two or three shots between 7:00 and  
2 7:30. And this is p.m. And then after Mario Paredes  
3 and Gerardo Arredondo shot Jhon, they're going to take  
4 his car; and they're going to take his car about ten  
5 minutes from that neighborhood to another neighborhood.

6 At that point they're going to attempt to  
7 burn his vehicle, and it's not going to completely burn.  
8 And there is going to be a 911 call from that, and an  
9 offense report was made through the arson investigator  
10 through Fort Bend County. And you're going to get a  
11 timeline that that was several minutes later. They are  
12 going to go -- after that, Nilson is going to get a call  
13 from Gerardo Arredondo to come pick up himself and Mario  
14 Paredes.

15 So, Nilson, in the car with Mario Paredes,  
16 Gerardo Arredondo and Osmin Hernandez, are going to go  
17 back to the apartment complex. Through the  
18 investigation, officers are going to find the suspects.  
19 They are going to be interviewed. They're going to give  
20 statements. Some are going to be more truthful, are  
21 going to be laced with self-serving statements.

22 But you're going to find that Gerardo  
23 Arredondo is going to give a statement to the police,  
24 and he is going to testify for you. And he is the one  
25 individual who brought the police to the gun that killed

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1 Jhon Gilces. And you're going to find through  
2 ballistics evidence that the gun that was recovered,  
3 matches the fragments that were recovered from Jhon.  
4 And by the end, the State will have proven to you that  
5 Mario Paredes is guilty of capital murder.

6 *THE COURT:* Any remarks?

7 *MR. MADRID:* Yes, Your Honor, just  
8 briefly.

9 **OPENING STATEMENT**

10 *MR. MADRID:* Good afternoon. You're going  
11 to meet a cast of characters in this case. And you've  
12 heard them, and they might be a little bit confusing.  
13 Hopefully, as the case goes on, you'll get this down.

14 There is a young man, Jhon Gilces. He's  
15 the complaining witness. And unfortunately, he was --  
16 he died. He was murdered in this case, and the evidence  
17 is going to be clear about that. He died the way a lot  
18 of people in his line of work die. He was shot and  
19 killed. He was a drug dealer. He worked with his  
20 uncle, who they're going to call Bicho or Profe, as in  
21 professor. He was known as Bicho, which is an El  
22 Salvadorian word for, like, little young one; because he  
23 was younger and worked for his uncle selling drugs.

24 He knew a few people, including Mario  
25 Paredes, my client. Mario had a friend named Osmin, who

Opening Statement by Mr. Madrid  
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1 was also charged in this case. Osmin had a step-nephew  
2 named Nilson, who wasn't charge in this case but was  
3 extremely involved in this case. And then Gerardo  
4 Arredondo, who is going to come and testify. So, these  
5 are the four players and the complaining witness.

6           There is not going to be any evidence  
7 other than the evidence of a self-serving murderer,  
8 Gerardo Arredondo, that my client did this or committed  
9 this crime. There is not going to be -- all the  
10 evidence is going to -- you'll certainly have evidence  
11 that he was there, that he bought drugs from Bicho, that  
12 he had known Profe for a number of years, that he had no  
13 reason to murder these people that he knew and he liked.

14           But you will hear that Gerardo Arredondo  
15 is the person that had the gun and brought the police to  
16 the gun, and he's going to claim that he was threatened.  
17 Yet, you will hear he's the one that had the gun, and he  
18 knew where it was. And you're going to hear he was also  
19 involved in another case where he was charged with  
20 capital murder that was later reduced to murder. And  
21 the State is going to use that testimony to try to  
22 convince you that Mario Paredes is guilty.

23           At the end of all that evidence, I'm  
24 certain that you'll find that they're not going to prove  
25 their case beyond a reasonable doubt. And I'll be



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1 asking for a not guilty. Thank you.

2           *THE COURT:* Members of the jury, I've been  
3 told that the lunch is here. So, I'm going to ask that  
4 you go back to the jury deliberation room. Just  
5 remember the instructions I've given you about not  
6 talking about the case. Okay.

7           *(Lunch recess)*

8           *(Jury enters courtroom)*

9           *THE COURT:* Call your first witness.

10          *MS. HARTMAN:* Daisy Alvarez.

11          *THE BAILIFF:* Your Honor, this witness has  
12 not previously sworn in.

13          *(Sworn)*

14          *THE COURT:* The Rule has been invoked,  
15 which means none of the other witnesses can hear your  
16 testimony; and you can't talk to any of the other  
17 witnesses about it, okay?

18          *THE WITNESS:* All right.

19          *THE COURT:* Okay. Keep your voice up loud  
20 and clear.

21          Go ahead.

22          *MS. HARTMAN:* Thank you, Your Honor.

23

24

25

DAISY ALVAREZ - July 28, 2015  
Direct Examination by Ms. Hartman

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**DAISY ALVAREZ,**

having been first duly sworn, testified as follows:

**DIRECT EXAMINATION**

*BY MS. HARTMAN:*

Q. Daisy, can you please introduce yourself to the jury?

A. My name is Daisy Alvarez.

Q. You might need to speak up just a little bit.

A. All right.

Q. Okay. And how old are you, Daisy?

A. Twenty-three.

Q. Maybe scoot up just a tad. There you go. And are you employed?

A. Yes, ma'am.

Q. And where do you work at?

A. At a law firm.

Q. And what part of town is your law firm at?

A. Galleria area.

Q. And how long have you been there?

A. Four months.

Q. And do you know Jhon Gilces?

A. Yes, ma'am.

Q. And how did you know Jhon?

A. I used to have a relationship with him.

Q. And how long did you know him?

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Direct Examination by Ms. Hartman

1 A. Probably like three years.

2 Q. What kind of relationship did you have with  
3 him?

4 A. We were friends. We were kind of dating  
5 towards the end.

6 Q. And how long were you dating?

7 A. About a year.

8 MS. HARTMAN: Your Honor, may I approach?

9 THE COURT: All right.

10 Q. (By Ms. Hartman) I'm going to show you State's  
11 Exhibit No. 1 and State's Exhibit No. 2. Can you please  
12 take a look at those? And do you recognize the  
13 individual in State's Exhibits Nos. 1 and 2?

14 A. Yes.

15 Q. Okay.

16 MS. HARTMAN: Your Honor, previously  
17 tendered to defense counsel, I'll go ahead and offer  
18 State's Exhibits Nos. 1 and 2.

19 MR. MADRID: No objection, Your Honor.

20 THE COURT: Admitted.

21 Q. (By Ms. Hartman) Can you tell the jury who  
22 this is in State's Exhibit No. 1?

23 A. Jhon Gilces.

24 Q. Can you recall about how old Jhon was in that  
25 picture?

DAISY ALVAREZ - July 28, 2015  
Direct Examination by Ms. Hartman

1 A. Twenty-three, twenty-four.

2 Q. And do you recall how old Jhon was back in  
3 2013?

4 A. Twenty-five.

5 Q. And did you speak to him on Saturday, August  
6 the 31st of 2013?

7 A. Yes, ma'am.

8 Q. And what were you talking to him about?

9 A. We were just normally texting towards the end  
10 of the day.

11 Q. Where were you when you were talking?

12 A. My grandma's house.

13 Q. Do you live with your grandma?

14 A. No, ma'am. I was visiting.

15 Q. About what time were you talking -- did you  
16 talk to him?

17 A. Probably about 7:00, and we talked about ten  
18 minutes or so.

19 Q. Did anything happen during that phone call?

20 A. He just finished getting a haircut. And then  
21 my grandma was talking to me, too. And I heard Jhon say  
22 something, but I'm not sure what he said. And the call  
23 just hanged up, and I just didn't call back.

24 Q. Was that 7:00 p.m. or a.m.?

25 A. P.m.

DAISY ALVAREZ - July 28, 2015  
Direct Examination by Ms. Hartman

1 Q. At any time, did you try to call him back after  
2 that?

3 A. Not during the time. I called him back, like,  
4 hours later.

5 Q. Was that unusual that the call would drop like  
6 that?

7 A. Not really.

8 Q. It didn't cause you any concern at that point  
9 in time?

10 A. No; because my grandma was bothering me, too.

11 Q. Did you have any other contact with Jhon after  
12 that telephone conversation?

13 A. No.

14 Q. Did you know where Jhon was going?

15 A. I believe he was going to see some friends.

16 Q. Do you recall their names?

17 A. Osmin.

18 Q. Was it just Osmin, or was there anybody else?

19 A. That's what he told me, but there was a bunch  
20 of guys in the apartment.

21 Q. Is Osmin the only name that you remember?

22 A. Right now, yes.

23 Q. Did you know that Jhon was selling drugs?

24 A. No, ma'am.

25 Q. What did you think he did?

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Direct Examination by Ms. Hartman

1           A.    He worked at a carpet company.  Carpet company,  
2 like you put carpet in.

3           Q.    Oh, carpet.  Okay.  Did you have any idea how  
4 he knew Osmin?

5           A.    They used to hang out at a park, I believe.

6           Q.    Do you recall how -- who Jhon lived with?

7           A.    His mother, his dad, and his brother and  
8 sister.

9           Q.    Did, at any time, he live with his uncle?

10          A.    No.

11          Q.    And how did -- did his immediate family live?

12          A.    They all lived in the one-bedroom apartment.

13          Q.    Did he show any signs of extravagant living  
14 with his immediate family?

15          A.    No.

16          Q.    Were you aware of what his uncle did?

17          A.    No.

18          Q.    Do you know any additional names that his uncle  
19 went by?

20          A.    No, ma'am.

21          Q.    Do you recall where Jhon was going to meet  
22 Osmin?

23          A.    I believe at his apartment, which is on  
24 Kirkwood.

25          Q.    And do you recall where on Kirkwood?

DAISY ALVAREZ - July 28, 2015  
Direct Examination by Ms. Hartman

1 A. On Bissonnet and Kirkwood.

2 Q. Okay. Is that in Harris County?

3 A. Yes.

4 MS. HARTMAN: Your Honor, may I approach?

5 Q. (By Ms. Hartman) Show you State's Exhibit 39  
6 and 98. Do you recognize the vehicle in these photos?

7 A. Yes.

8 Q. Does the vehicle look like it did back in 2013?

9 A. Yes.

10 MS. HARTMAN: We'll go ahead and offer  
11 State's Exhibit No. 39.

12 MR. MADRID: No objection, Your Honor.

13 MS. HARTMAN: And 98.

14 THE COURT: Admitted.

15 Q. (By Ms. Hartman) State's Exhibit 39. Is this  
16 a picture of John's car?

17 A. Yes, ma'am.

18 Q. And State's Exhibit No. 98, does that look like  
19 a picture of Jhon's car?

20 A. Yes.

21 Q. It looks like it's driving through an entrance  
22 ramp?

23 A. Correct.

24 Q. And, Daisy, I'm going to show you State's  
25 Exhibit -- show you what's been marked as State's

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1 Exhibit No. 2 and already admitted. Is that a picture  
2 of Jhon?

3 A. Yes, ma'am.

4 MS. HARTMAN: Pass the witness, Your  
5 Honor.

6 THE COURT: All right.

7 MR. MADRID: May I proceed, Your Honor?  
8 May we approach briefly?

9 (At the bench)

10 MR. MADRID: Just wanted to see if the  
11 State could advise their family not to be crying or  
12 making noise in the courtroom.

13 THE COURT: Well, I looked at them, and  
14 there was no visible outburst. But I know what you're  
15 saying. Come here. I know you guys got to move around  
16 the courtroom. Don't ask permission. Just get up and  
17 do it. Do what you need to do. Good Lord, quit asking  
18 permission.

19 (Continuing in jury's hearing)

20 MR. MADRID: May I proceed, Your Honor?

21 THE COURT: Yes.

22 **CROSS-EXAMINATION**

23 BY MR. MADRID:

24 Q. Good afternoon, Miss Alvarez. You knew Jhon a  
25 couple of years?



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1 A. Yes.

2 Q. And you dated for a year?

3 A. Correct.

4 Q. But you weren't at all aware that he was  
5 dealing drugs?

6 A. No, sir.

7 Q. You were asked about his uncle. What did you  
8 know of his uncle's name? Which uncle did you think the  
9 prosecutor was referring to?

10 A. John Carlos.

11 Q. John Carlos' uncle?

12 A. No. John Carlos is his name.

13 Q. And you didn't know him as Profe or Professor?

14 A. No.

15 Q. You weren't aware he was selling drugs?

16 A. No.

17 Q. Did you know -- you were asked a question about  
18 whether he had -- something to the effect that you know  
19 he lived in a one-bedroom apartment, right?

20 A. Correct.

21 Q. Is there any extravagance he had or anything  
22 like that?

23 A. He lives in, like, the basic Hispanic area when  
24 people first arrive. They don't ask for papers or  
25 anything to get an apartment type of complex.

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1 Q. He was from Ecuador, right?

2 A. Correct.

3 Q. He was wearing a Gucci hat. That's kind of  
4 extravagant, right, in that picture?

5 A. Well, from what I know or see, I believe there  
6 is a lot of, like, fake stuff sold in the foreign  
7 countries. So, that's why I never knew stuff like real.

8 Q. And when he was found -- unfortunately, when he  
9 was found dead, he was wearing True Religion jeans. I  
10 don't know if you know. Those are expensive jeans,  
11 right?

12 A. I believe so.

13 Q. And if you know, did you know that he was found  
14 with \$1,500 cash on him?

15 A. Not till after the fact.

16 Q. So you had heard that, that he still had --

17 A. Correct.

18 Q. -- he still had a lot of money on him?

19 A. He had just got paid. He had actually just got  
20 paid that same day. He picked up his check earlier.

21 Q. So, whoever committed this act didn't steal  
22 this. You know, they had an opportunity if they wanted  
23 to steal all this money from him, right?

24 A. Right.

25 Q. But they left \$1,500, right?

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1 A. Correct.

2 Q. And I think he had a Gucci belt, too. They  
3 didn't take that, either.

4 A. Like I said, I mean, in his country everybody  
5 has stuff like that. It's all the duplicates.

6 Q. You said that you had heard -- you had this  
7 conversation on that Saturday night. It was  
8 August 31st, 2013. So, it's just about two years ago  
9 now, right?

10 A. Correct.

11 Q. And he was getting his hair cut, right?

12 A. Uh-huh.

13 Q. And you exchanged texts?

14 A. Correct.

15 Q. I guess you also heard something, him saying he  
16 was going to Osmin?

17 A. We were texting, and he didn't text me back til  
18 about like thirty or forty minutes. So, that's when I  
19 called him. I was trying to text him back, but that's  
20 when he was getting a haircut. And he's just like going  
21 let it go, with Osmin or whatever. And I was just like,  
22 okay. So, we were on the phone; and he was driving.  
23 But then I got distracted, and I just I heard him say --  
24 well, I heard something. I'm not sure if he said  
25 something. It was just a noise. But after that, the

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1 call dropped. And my grandma was talking to me, so I  
2 didn't bother to call him back. I just text him.

3 Q. Did you know who this was, Osmin or Osmin?

4 A. I knew they would hang out sometimes.

5 Q. He was -- this person, Osmin, he's an older  
6 person, right?

7 A. Correct.

8 Q. Or older than -- not that much older, early to  
9 mid thirties?

10 A. Uh-huh.

11 Q. They didn't have any reason to hang out, did  
12 they?

13 A. I mean, they did, you know.

14 Q. What did they do?

15 A. They would smoke together. That's what I would  
16 know.

17 Q. They would smoke marijuana?

18 A. Correct.

19 Q. Does they smoke crack?

20 A. Not that I know of.

21 Q. Did you also know this person to my right,  
22 Mario Paredes?

23 A. I think I've seen him a couple of times.

24 Q. Where did you see him?

25 A. Whenever he would go to get some marijuana,

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1 they would go to their place.

2 Q. Can you be clear with it? When Jhon would go?

3 A. Like whenever -- like, sometimes I would drop  
4 him off whenever he would go smoke with them.

5 Q. And when you say drop him off, in that picture  
6 that you saw, it was in that apartment complex, right?

7 A. Uh-huh.

8 Q. So, they were friends?

9 A. They would hang out occasionally.

10 Q. And did you know anybody else? Did you know  
11 Gerardo, a younger guy named Gerardo Arredondo?

12 A. No.

13 Q. They call him Grande or something like that?

14 A. There was a whole bunch of guys in the  
15 apartment that would hang out. I wouldn't know all of  
16 them.

17 Q. Did you know another guy named Nilson?

18 A. No.

19 Q. Okay. Thank you.

20 MR. MADRID: Pass the witness, Your Honor.

21 MS. HARTMAN: Nothing further, Your Honor.

22 THE COURT: You may step aside.

23 MS. COLLINS: State calls Isidro

24 Villafuente (sic) to the stand. And he is

25 Spanish-speaking, Your Honor.

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1 (This witness is testifying through an  
2 interpreter)

3 MS. COLLINS: May I proceed, Your Honor?

4 ISIDRO VILLABERTA,  
5 having been first duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. COLLINS:

8 Q. Could you please state your full name for the  
9 Court, spelling your first and last name?

10 A. Isidro Villaberta.

11 Q. How do you spell that?

12 A. I-S-I-D-R-O, V-I-L-L-A-B-E-R-T-A.

13 Q. Sir, what do you do for a living?

14 A. Construction.

15 Q. Missing work today to be here?

16 A. Two days.

17 Q. We'll try to make it as quick as possible,  
18 okay?

19 A. Yes.

20 Q. Sir, can you tell us where you live?

21 A. It's 12427 Howard Drive in Stafford, Texas.

22 Q. Is that where you were living back in 2013?

23 A. Yes.

24 Q. And I think you already answered that; but is  
25 that in Harris County, Texas?

1 A. No. It's in Stafford.

2 Q. Is that an area of town that is right on the  
3 line of Harris County and Fort Bend?

4 A. Yes.

5 Q. So, some of the houses in your neighborhood are  
6 in Harris County and some are in Fort Bend?

7 A. Yes.

8 Q. Mr. Villafuente (sic), I want to show you some  
9 photos.

10 MS. COLLINS: Let the record reflect I'm  
11 showing him State's Exhibits Nos. 3, 4 and 5. Can you  
12 tell us if you recognize what we're looking at here?

13 A. Yes.

14 Q. And are these maps and photos of the area where  
15 you were living in 2013?

16 A. Uh-huh, yes.

17 Q. We're talking over each other. Sorry. Do  
18 these all look the way they did back in 2013, more or  
19 less?

20 A. Uh-huh, yes.

21 Q. Is that a yes?

22 A. Yes.

23 MS. COLLINS: State offers into evidence  
24 State's Exhibits Nos. 3, 4 and 5 and tender to opposing  
25 counsel.

1 MR. MADRID: No objection.

2 THE COURT: Admitted.

3 Q. (By Ms. Collins) Okay, sir, showing you  
4 State's Exhibit No. 3, is this the area of town that you  
5 live in?

6 A. Yes.

7 Q. I'm going to show you State's Exhibit No. 4.  
8 It might be a little easier to look at. Is this a  
9 bird's-eye view of that same area?

10 A. Yes.

11 Q. Could you point out to us where in this area  
12 you lived, where your house is?

13 A. It's this one.

14 Q. Okay. If you can, actually put your finger on  
15 there and leave a mark. Push real hard. Okay. I  
16 think -- is this -- is this your house right there?

17 A. Yes.

18 Q. Okay. Now, I want to talk to you about  
19 August 31st of 2013. Had you been at work that day?

20 A. Yes.

21 Q. And about what time would you have gotten home  
22 from work that day?

23 A. 6 -- between 6:30, 6:40.

24 Q. Is that about the normal time you get home?

25 A. Sometimes. Sometimes I'm home earlier or



1 later.

2 Q. On that particular evening, do you remember  
3 hearing some noises outside?

4 A. When I arrived in the driveway, in the parking,  
5 we heard two shots.

6 Q. And when you say we, who are you talking about?

7 A. Myself and my wife.

8 Q. Okay. Now, you said you heard what? What did  
9 you hear?

10 A. Two shots.

11 Q. Okay. When you say shots, what are you talking  
12 about?

13 A. Like gunshots.

14 Q. Gunshots. Are you familiar with weapons,  
15 Villafuente (sic)?

16 A. Yes.

17 Q. And how are you familiar with weapons?

18 A. I have a permit.

19 Q. And do you go to the firing range and shoot?

20 A. Yes.

21 Q. Have you done that actually pretty often?

22 A. Oh, yes.

23 Q. Okay. Because of that, when you heard those  
24 two shots that night, could you tell what kind of weapon  
25 was being fired?

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1 A. 9-millimeter.

2 Q. Now, when you heard those two shots, could you  
3 tell what direction they were coming from?

4 A. Behind my house, from the back.

5 Q. Okay. And so, you said that your house is  
6 right here?

7 A. Uh-huh.

8 Q. Could you use your finger and point in the  
9 direction where you heard the shots?

10 A. I live here, and I heard them around here, the  
11 back of the house, behind the house.

12 Q. Okay. So, you said you live here; and you  
13 heard them in this direction?

14 A. Yes. Because if you're on the street, you can  
15 hear from the back.

16 Q. I'm showing you State's Exhibit No. 5. Is this  
17 the type of fencing that you have in the neighborhood?

18 A. Yes.

19 Q. And is this the type of fencing that was  
20 separating your house from the house where you heard the  
21 gunshots?

22 A. Yes.

23 Q. Because of that -- well, let me ask you this:  
24 Did you go and look at the area where you heard the  
25 gunshots?

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1           A.    I went to the back of my yard.

2           Q.    Did you see anything?

3           A.    No.

4           Q.    Did you hear any voices when you went to the  
5 backyard?

6           A.    No.

7           Q.    Mr. Villafuente (sic), throughout the rest of  
8 the evening, did you hear any further gunshots that  
9 night?

10          A.    No, not anymore.

11          Q.    Mr. Villafuente (sic), did you eventually learn  
12 that someone had been killed?

13          A.    The following day when the detective arrived, I  
14 noticed that there was some people walking on the other  
15 side behind my yard.  And since the dogs were barking a  
16 lot, I went outside to find out what was going on.  
17 That's when I met with Officer Avila.

18          Q.    And the people that were walking around back  
19 there, were they officers, as well?

20          A.    Yes.  It was the Houston Police.

21          Q.    Did you eventually learn where they had found  
22 the person that had been killed?

23          A.    Yes.

24          Q.    And was that in the same area where you had  
25 heard the gunshots the night before?

1 A. Yes.

2 Q. And you said you got home from work that  
3 evening between 6:30 and 6:45?

4 A. Before 7:00, between.

5 Q. And you heard the gunshots after you got home?

6 A. When I arrived. I was outside in the car.

7 MS. COLLINS: Pass the witness.

8 MR. MADRID: Your Honor.

9 **CROSS-EXAMINATION**

10 BY MR. MADRID:

11 Q. Good afternoon, Mr. Villafuente (sic).

12 A. Good afternoon.

13 Q. This incident that we're talking about, it's  
14 two years ago; is that right?

15 A. Yes.

16 Q. And when you heard those gunshots -- you live  
17 on Jaguar, right?

18 A. Yes.

19 Q. And so, the street behind you is Tambourine?

20 A. Yes.

21 Q. And that's where the shots came from, right?

22 A. Yes.

23 Q. And when you looked back there, you didn't see  
24 anybody, did you?

25 A. No.

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1 Q. Did you see -- do you know this man to my right  
2 in the blue shirt?

3 A. No.

4 Q. And you've never seen him before?

5 A. No.

6 Q. And this area of the city where you live, that  
7 would be, I guess, out 59 and then outside the Beltway,  
8 right?

9 A. Yes.

10 Q. And if you go, say, outside the Beltway and the  
11 Westpark Tollway, that's not too far from you, is it?

12 A. It's a bit.

13 Q. But kind of the same general area?

14 A. No. Beltway and Westpark?

15 Q. Yeah, the Westpark Tollway.

16 A. No. It's further back.

17 Q. Okay. That's fine. You never saw -- did you  
18 ever see the victim in the case?

19 A. No.

20 Q. So, you don't know anything other than you  
21 heard some shots, right?

22 A. Exactly.

23 Q. Okay. Thank you.

24 MR. MADRID: Pass the witness.

25 MS. COLLINS: Nothing further, Your Honor.

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1                   THE COURT: You may step aside.

2                   MS. COLLINS: State would call Officer  
3 Villarreal to the stand.

4                   THE BAILIFF: Your Honor, this witness was  
5 not previously sworn in.

6                   THE COURT: Okay.

7                   (Sworn)

8                   MS. COLLINS: May I proceed, Your Honor?

9                   THE COURT: Uh-huh.

10                                   **J. VILLARREAL,**  
11 having been first duly sworn, testified as follows:

12                                   **DIRECT EXAMINATION**

13 BY MS. COLLINS:

14           Q.    Could you introduce yourself to the Court?

15           A.    My name is Investigator Villarreal. I'm with  
16 the Fort Bend County Fire Marshal's Office.

17           Q.    How long have you been with the Fire Marshal's  
18 Office?

19           A.    I've been with Fort Bend for four years in  
20 February.

21           Q.    And before that, what law enforcement  
22 experience do you have?

23           A.    I've been an investigator with Rosenberg Fire  
24 Marshal's Office for approximately eight years prior to  
25 that and a police officer for two years prior to that.

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Direct Examination by Ms. Collins*

1 Q. Specifically, with regard to being a fire  
2 marshal, can you tell us kind of day-to-day what you do  
3 as a fire marshal?

4 A. I work for the Fire Marshal's Office as an  
5 inspector/investigator. So, our job entails doing fire  
6 inspections, clearing views, and also fire  
7 investigations in the unincorporated areas of Fort Bend  
8 County.

9 Q. As part of the fire investigation, what are the  
10 steps you take? What do you investigate?

11 A. We investigate all fires that we're called to  
12 in the unincorporated Fort Bend County, as far as we  
13 work with several fire departments. We come when they  
14 call us out. We look into the cause and origin  
15 investigation of that fire, whether it be accidental or  
16 intentional.

17 Q. Can you tell us about the training that you've  
18 received in order to be able to hold that job?

19 A. As far as the job that I do, you have to have  
20 your -- your peace officer. You have to have your fire  
21 investigator and your fire inspector.

22 Q. I want to talk to you specifically about  
23 August 31st of 2013. Were you working in the -- with  
24 the Fire Marshal's Office at that time?

25 A. Yes, ma'am, I was.

*J. VILLARREAL - July 28, 2015*  
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1 Q. And did you hold the position you do now of an  
2 inspector within that office?

3 A. Yes, I did.

4 Q. On that particular evening, were you called out  
5 to a fire?

6 A. Yes, I was.

7 Q. Can you tell us what time that call went out?

8 A. I believe the call was dispatched at  
9 approximately 8:00 p.m. that night. I didn't arrive  
10 on-scene until approximately -- without having it in  
11 front of me, I think it was around 9:00 o'clock.

12 Q. Would it help -- did I take your only copy of  
13 your report? Would it help you if you had that with  
14 you?

15 A. Sure.

16 Q. Feel free to use that as we go along.

17 A. Okay.

18 Q. Okay. Can you tell us the exact time that the  
19 call went out?

20 A. I was dispatched at 20:01, 8:00 o'clock, 8:01  
21 p.m.

22 Q. And at that time, can you tell us, was it dark  
23 at that hour?

24 A. When I arrived on the scene, it was dark.

25 Q. Where were you dispatched out to?



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Direct Examination by Ms. Collins*

1           A.    I was dispatched to 14030 Panhandle Drive.

2           Q.    Is that in Fort Bend?

3           A.    Yes, ma'am.

4           Q.    Okay.  Now, when you were dispatched out,  
5 what's the area like where you were dispatched?

6           A.    It's a residential neighborhood.

7           Q.    Is this the typical type of place where you get  
8 dispatched out to?

9           A.    Depending on the circumstances, yes.

10          Q.    I'm going to show you what's been marked as  
11 State's Exhibit No. 37, 38 and 40 through 52, have you  
12 take a look at those, sir.  Can you tell us what you're  
13 looking at there?

14          A.    37 is the car that I was called to, the fire  
15 scene I was called to involving this vehicle.

16          Q.    Okay.  And are all of these photos the vehicle  
17 you were dispatched out to on August 31st, 2013?

18          A.    Yes.

19          Q.    And do they all depict the vehicle the way that  
20 you saw it in 2013?

21          A.    Yes.

22          Q.    Have you take a look at those.

23          A.    These are of the scene.

24          Q.    Okay.

25                    MS. COLLINS:  We offer into evidence

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Direct Examination by Ms. Collins*

1 State's Exhibits 37, 38 and 40 through 52.

2 MR. MADRID: No objection, Your Honor.

3 THE COURT: Admitted.

4 Q. (By Ms. Collins) Okay. Now, you said that you  
5 were called out to Panhandle Road. And I think you  
6 mentioned, at that point, what were you called out to?

7 A. To investigate a vehicle fire.

8 Q. Okay. Showing you State's Exhibit No. 37. Is  
9 this the vehicle you were dispatched out to?

10 A. Yes, ma'am.

11 Q. Now, when you arrived on-scene, was there a  
12 large crowd there, or who was there?

13 A. There were a couple of deputies from the  
14 sheriff's office on-scene, and the fire department was  
15 on-scene.

16 Q. Now, when you arrived, was there anybody inside  
17 of the vehicle?

18 A. No.

19 Q. Was there anybody around the vehicle claiming  
20 ownership of that vehicle?

21 A. No, there was not.

22 Q. Could you tell -- showing you State's Exhibit  
23 No. 38, the lower photo. Could you tell kind of,  
24 basically, what had happened once you got to the scene?

25 A. Yes, that there had been a fire that occurred

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Direct Examination by Ms. Collins*

1 in the passenger compartment of the vehicle.

2 Q. Could you tell whether it was started in the  
3 front of the vehicle, the back of the vehicle or the  
4 side?

5 A. We determined that it started on the floorboard  
6 of the passenger side of the vehicle.

7 Q. Is that what we're looking at here in State's  
8 Exhibit No. 38?

9 A. Yes.

10 Q. Now, upon arrival, could you tell -- well, was  
11 there any obvious cause for that fire?

12 A. We just know that there was a fire.

13 Q. Were you able to investigate and determine  
14 whether or not this was from some kind of mechanical  
15 problem with the car?

16 A. There was no mechanical problem.

17 Q. And how do we know that?

18 A. The engine compartment was intact, and the area  
19 where the dashboard and things of that nature are all  
20 intact. There was nothing in that area that could say  
21 electrical or anything of that nature.

22 Q. Because of that, were you suspicious that this  
23 fire had been intentionally started?

24 A. The fire was -- we just know there was a fire  
25 in that area, so everything leading up to that was not

*J. VILLARREAL - July 28, 2015  
Direct Examination by Ms. Collins*

1 normal.

2 Q. Not normal. Okay. Now, in this case, were you  
3 able to determine the specific cause of the fire?

4 A. No.

5 Q. And why not?

6 A. We were not able to -- we weren't able to find  
7 an owner. We didn't have any witnesses or anything of  
8 that nature at that time.

9 Q. Were you able to determine -- well, let me ask  
10 you this: What you found, would it have been consistent  
11 with someone sticking a lighter in the car and lighting  
12 it on fire?

13 A. It could have been.

14 Q. Any way to know one way or the other?

15 A. Not at that time.

16 Q. Okay. Were you able to determine who the owner  
17 of this vehicle was?

18 A. Through the vehicle, the return from the  
19 registration.

20 Q. Who was the vehicle registered to?

21 A. If I can look at my notes.

22 Q. Of course.

23 A. To Beatrice Gilces.

24 Q. Were you able to speak to the registered owner  
25 of the vehicle?



1 **CROSS-EXAMINATION**

2 BY MR. MADRID:

3 Q. Investigator Villarreal, good afternoon.

4 A. Good afternoon.

5 Q. Beyond what you've testified to, did you do any  
6 further investigation in the case?

7 A. Other than what's in our report.

8 Q. And in your report, when there is a fire like  
9 this, are you able to get prints or DNA or any other  
10 additional evidence?

11 A. Depending on the circumstances.

12 Q. Were you able to in this case?

13 A. No, we did not.

14 Q. Was there anything -- were there any witnesses  
15 that you spoke with?

16 A. There was none in the area. We did look.

17 Q. So, you didn't have any witnesses that said, I  
18 saw a Hispanic male that looked this high and was  
19 wearing this or anything like that?

20 A. No.

21 Q. Was there any witnesses or any kind of -- any  
22 kind of evidence, DNA prints or otherwise, that pointed  
23 to somebody named Mario Paredes?

24 A. We did not do that. That was another  
25 department that took care of that.

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Cross-Examination by Mr. Madrid*

1 Q. As far as you know?

2 A. No.

3 Q. And do you know the person sitting to the right  
4 of me?

5 A. No.

6 MR. MADRID: Pass the witness, Your Honor.

7 MS. COLLINS: Nothing further, Your Honor.

8 THE COURT: You may step aside.

9 MS. COLLINS: State calls Officer John  
10 (sic) Hughes to the stand.

11 (Witness sworn)

12 **JOE HUGHES,**

13 having been first duly sworn, testified as follows:

14 **DIRECT EXAMINATION**

15 BY MS. COLLINS:

16 Q. Good afternoon. Can you introduce yourself to  
17 us?

18 A. Yes. Hello. Officer Joe Hughes, Jr., Police  
19 Officer Joe Hughes, twelve years in the department.  
20 Just made twelve years actually today.

21 Q. Congratulations.

22 A. Thank you.

23 Q. And when you say the department, where do you  
24 work?

25 A. Houston Police Department.

JOE HUGHES - July 28, 2015  
Direct Examination by Ms. Collins

1 Q. How long have you been with HPD? Is it twelve  
2 years?

3 A. Twelve years today.

4 Q. During that time period, where have you worked?  
5 What would your responsibilities have been?

6 A. Normally in 19 District 19 40s beat, 20  
7 District, but mostly 19 District.

8 Q. Is that all in Harris County, Texas, your area?

9 A. Yes.

10 Q. Now, when you first become an officer, did it  
11 put you through some training?

12 A. Yes.

13 Q. Can you tell us about that?

14 A. Sure. It's six months of academy training, and  
15 also six months of on-the-job training. You work  
16 various shifts, and they try to get you into all the  
17 categories of the crime so you've been exposed to a lot  
18 during those six months of training.

19 Q. Along with that, are there a series of tests to  
20 be able to be a certified peace officer?

21 A. Yes.

22 Q. And did you pass those tests?

23 A. Yes, I did.

24 Q. And have you maintained your certification as a  
25 peace officer?



JOE HUGHES - July 28, 2015  
Direct Examination by Ms. Collins

1 A. Yes, ma'am.

2 Q. As part of that, do you receive ongoing  
3 training each year about different aspects of being a  
4 police officer?

5 A. Yes, we do. Receive forty hours every year.  
6 It's mandated.

7 Q. Now, I want to turn your attention specifically  
8 to August 31st of 2013. What area of town were you  
9 working at during that period of time?

10 A. I was working in the southwest side, Southwest  
11 Belfort -- yeah, Belfort -- in that area, 19 40s beat.

12 Q. Were you new to that area at that time?

13 A. That was my first day shift.

14 Q. Now, when you -- you say it was your first day,  
15 first day in that area?

16 A. Yes.

17 Q. Now, during that time period, were you riding  
18 alone, or did you have a partner with you?

19 A. I was riding solo.

20 Q. On August 31st, 2013, did you receive a call or  
21 dispatch out?

22 A. Yes, I did.

23 Q. And, actually, I said August 31st. Was it  
24 actually in the early morning hours of September 1st?

25 A. September 1st, that's correct.

JOE HUGHES - July 28, 2015  
Direct Examination by Ms. Collins

1 Q. About what time did you receive that call?

2 A. About 8:45 or 9:45.

3 Q. Is that in the morning?

4 A. Yes, early in the morning.

5 Q. Now, when you got dispatched out, what did you  
6 think you were going to?

7 A. I really didn't know, just that a shooting had  
8 occurred. So, I really didn't know.

9 Q. I'm showing you State's Exhibit No. 4. Is this  
10 the area that you were called out to?

11 A. Yes, ma'am.

12 Q. And, specifically, what was the address of  
13 where you were dispatched?

14 A. It was actually out -- it's like on Tambourine  
15 Street. I'm not sure of the correct address.

16 Q. Would it help if you had your report in front  
17 of you?

18 A. Yes, yes, yes.

19 Q. Can you tell the exact address you were called  
20 out to?

21 A. Yes. It's 12406 Tambourine Street.

22 Q. Now, when you arrived at that location, can you  
23 tell us what you found?

24 A. When I got there, several people were walking  
25 around. A gentleman was pointing this way, and the

JOE HUGHES - July 28, 2015  
Direct Examination by Ms. Collins

1 other gentleman was pointing the other way. And I  
2 turned my attention to Mr. Villafuente (sic). First I  
3 spoke to him.

4 Q. Why did you turn your attention to him first?

5 A. He walked up towards me and advised me that he  
6 observed -- well, he stated his neighbor observed a body  
7 laying on the ground, and I need to go to my right.

8 Q. Okay. I'm going to show you some photos marked  
9 as State's Exhibits Nos. 9, 10, 11, 12 and 13. If  
10 you'll take a look, are those all photos of the area you  
11 were called out to that day?

12 A. Yes. All the photos are correct.

13 Q. Were they in the same basic condition as when  
14 you got there that day?

15 A. Yes, ma'am.

16 MS. COLLINS: Offer into evidence State's  
17 Exhibits Nos. 9 through 13, tendering to opposing  
18 counsel.

19 MR. MADRID: No objection.

20 THE COURT: It's admitted.

21 Q. (By Ms. Collins) Officer, when you were called  
22 out to this area, can you tell us, is this a business  
23 area, residential?

24 A. This is a residential area.

25 Q. Now, I know that on September 1st, it was your

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1 first day; but have you become familiar with this area  
2 since then?

3 A. Yes. The major streets, yes.

4 Q. Now, is this the type of area that you would  
5 expect calls out for people finding bodies in their  
6 backyards?

7 A. No.

8 Q. Okay. Atypical for this area?

9 A. Yes.

10 Q. Now, when you got to the scene, you said  
11 Mr. Vega said that someone had been found; is that  
12 right?

13 A. Correct.

14 Q. Showing you State's Exhibit No. 9. Is this  
15 just a photo of the street where you were?

16 A. That is correct.

17 Q. Okay. Now, you said there was Mr. Vega and one  
18 other individual; is that correct?

19 A. Yes.

20 Q. Other than that, was there a big crowd of  
21 onlookers or people in that area?

22 A. No.

23 Q. Okay. Showing you State's Exhibit No. 10. Is  
24 this the home that Mr. Vega took you to?

25 A. Yes, it is.

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Direct Examination by Ms. Collins

1 Q. And when you got there, were you, in fact, able  
2 to determine that someone was in that yard?

3 A. Yes, ma'am.

4 Q. Were you able to identify at that time who that  
5 person was?

6 A. No, not at that time.

7 Q. I'm showing you State's Exhibit No. 12. Is  
8 this the location as you found it that day?

9 A. Yes, it is.

10 Q. And is this the individual that you found in  
11 the yard that day?

12 A. Yes, ma'am.

13 Q. Now, as a patrol officer, when you get to a  
14 scene like this and find someone, what do you do? What  
15 are your first steps that you take?

16 A. Immediately recover the scene, separate  
17 everybody that's involved with it and make sure I ask  
18 for backup units to help me out; because that's a pretty  
19 big scene right there.

20 Q. Now, let me ask you this: And, hopefully, this  
21 goes without saying. Do you check and make sure if this  
22 person is alive?

23 A. Yes.

24 Q. Was this individual alive?

25 A. No.

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Direct Examination by Ms. Collins

1 Q. Was it fairly obvious at that point that there  
2 was nothing more that could be done for him?

3 A. Yes, it was.

4 Q. Now, you said at that point you want to secure  
5 the scene; is that right?

6 A. Yes.

7 Q. How do you go about doing that?

8 A. Immediately we start sectioning off the area,  
9 getting crime scene tape, getting a perimeter to keep  
10 outsiders from coming in and tampering with the  
11 evidence.

12 Q. Now, obviously, we're seeing in State's Exhibit  
13 No. 10 here what looks to be some kind of a sheet  
14 between two houses. Can you tell us how that got there?

15 A. Yes. HFD Unit arrived, and the body was really  
16 exposed to the street side right there. So, they put  
17 this cover there to hide the view from small kids and  
18 other families in the area.

19 Q. When you got there, were you able to find  
20 anybody that could possibly be a suspect either in that  
21 alleyway or in the backyard to that house?

22 A. No, I didn't. I checked the entire perimeter  
23 of the house all the way around, did a 360. No one was  
24 present.

25 Q. After you secured the scene -- and were you

JOE HUGHES - July 28, 2015  
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1 able to do that?

2 A. Yes.

3 Q. You mentioned that you made calls for other  
4 officers. What was the purpose of that?

5 A. For backup units, like I say, to assist in that  
6 investigation. That's a pretty big scene there. I want  
7 to knock on doors and get all the information. I can't  
8 do that alone. It's a big task.

9 Q. Now, because there is a person that -- well,  
10 let me ask you this: Was there a fairly obvious cause  
11 of death when you got to the scene?

12 A. Yes, it was.

13 Q. I'm showing you State's Exhibit No. 13. Can  
14 you tell us what that obvious cause of death was?

15 A. It's a gunshot wound to the back of the head.

16 Q. When you have someone who clearly has not died  
17 of natural causes, is there a special division that gets  
18 involved at that point?

19 A. Yes, Homicide Division and Crime Scene Unit,  
20 also.

21 Q. Okay. Were those divisions contacted?

22 A. Yes. I contacted them.

23 Q. And did they arrive on the scene?

24 A. Yes.

25 Q. Did you stay there at that scene to make sure

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1 it was secure up until the point that CSU and Homicide  
2 officers arrived?

3 A. Yes, I did.

4 Q. Now, once they arrived, do you have any further  
5 duties at the scene at that point?

6 A. Just to continue the investigation, pass on all  
7 the information that I received, separate all the  
8 witnesses that were involved and just follow the steps  
9 from that point.

10 Q. Were there many witnesses that you were able to  
11 locate that day?

12 A. No.

13 Q. Other than you mentioned speaking to a Mr.  
14 Vega, did you learn who it was that was his neighbor  
15 that had found this individual?

16 A. Yes, I did.

17 Q. And do you remember his name?

18 A. Mr. Vasquez.

19 Q. And with the knowledge that Homicide Units are  
20 going to be arriving, do you make sure that Mr. Vega and  
21 Mr. Vasquez are available to be able to speak to the  
22 Homicide officers?

23 A. Yes, I do.

24 Q. And how long did you stay at the scene that  
25 day?



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1 A. All day. It was a long scene.

2 Q. After everything was complete and the  
3 investigation there at the scene was done, did you have  
4 any further involvement with the investigation of this  
5 case?

6 A. No.

7 Q. And is that normal?

8 A. Yes, ma'am.

9 Q. Why is that?

10 A. Well, once Homicide comes on, they take lead  
11 investigation. We pass all the information over there  
12 in doing a homicide case. Since it's so sensitive, they  
13 take over.

14 MS. COLLINS: Pass the witness, Your  
15 Honor.

16 MR. MADRID: Thank you, Your Honor.

17 **CROSS-EXAMINATION**

18 BY MR. MADRID:

19 Q. Officer Hughes, good afternoon.

20 A. Good afternoon, sir.

21 Q. So, you've been working with HPD for twelve  
22 years, right?

23 A. That's correct.

24 Q. And this was two years ago -- or I assume -- or  
25 you work an area?

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1 A. Yes.

2 Q. What you call your beat or your area?

3 A. Right.

4 Q. Do you still work the same area?

5 A. 19 District, but not the particular beat.

6 Q. So, how long did you work in this beat about  
7 the case we're talking about here?

8 A. First day.

9 Q. That was your very first day. And how long did  
10 you stay afterwards?

11 A. Possibly about three months.

12 Q. And where are you now?

13 A. 19D 20s Beat, Bellaire/Beltway area.

14 Q. I'm going to show you State's 4 on the overhead  
15 here. The picture of the house that you were showing,  
16 it was this blue dot here, right?

17 A. That's correct.

18 Q. And when you're saying the front, where you put  
19 the cover-up where nobody would see the body?

20 A. Yes.

21 Q. And Jaguar would be the street behind it,  
22 right?

23 A. Yes.

24 Q. And the area, I guess, where the blue dot is,  
25 that's an expanded view of Tambourine between Bissonnet

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1 and Belfort, right?

2 A. That's correct.

3 Q. Does that sound right to you?

4 A. Yes.

5 Q. I just want to get a general idea of where this  
6 occurred. So, it occurred outside the Beltway, right?

7 A. Yes.

8 Q. And between 59 and Westpark Tollway?

9 A. Correct.

10 Q. And if you continue towards Westpark Tollway,  
11 that's where Aldine Clodine is?

12 A. Correct. That's where I work now.

13 Q. And that area, that's where I think Harwin  
14 turns into that street, right?

15 A. Correct.

16 Q. And Bellaire is in between, right?

17 A. Right.

18 Q. Did you work any other murder? Did you work  
19 that other murder -- did you know any of the defendants  
20 in this case, who they were?

21 A. No.

22 Q. Okay. So, you wouldn't have any knowledge of  
23 anything about Gerardo Arredondo, would you?

24 A. No.

25 Q. Would you have any -- or where the murder

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1 weapon was found?

2 A. No, I didn't.

3 Q. But if the murder weapon was found on -- right  
4 there on Aldine -- how do you pronounce it, Clodine or  
5 Clodine?

6 A. Clodine.

7 Q. Aldine Clodine, that runs kind of along right  
8 by the tollway?

9 A. Westpark Tollway, that's correct.

10 Q. If you look on the top of that screen, it would  
11 kind of be parallel to the very top?

12 A. Correct.

13 Q. So, if the gun was found further up there, it  
14 would be two or three miles or so? Would that be right?

15 A. Yes, sir.

16 Q. Obviously, you had a body there. You had to  
17 talk to people; and you had to call in Homicide, right?

18 A. Correct.

19 Q. Did you handle the body at all?

20 A. No, I did not.

21 Q. Were you aware that there was money, \$1,500,  
22 found with the complaining witness in the case?

23 A. No, I did not.

24 Q. So, you didn't see -- or you didn't see the  
25 medical examiner come out or anybody search his pockets?

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1 A. No.

2 Q. Did you take any pictures?

3 A. No.

4 Q. The people you talked to out there -- because  
5 this was -- you were out there -- the shooting allegedly  
6 happened or did happen the 31st, right? So, you were  
7 there the next day, September the 1st?

8 A. Correct.

9 Q. And at the beginning, during the daylight  
10 hours, the people that you talked there, were they  
11 just -- you said you weren't able to find very many  
12 people. Were they asleep or --

13 A. No. When I got there, it was just those two  
14 guys that were outside.

15 Q. And they're the ones that saw the body and  
16 called the police, right?

17 A. Right.

18 Q. Did you see this man to my right, the man in  
19 blue here?

20 A. He looks familiar.

21 Q. Where did you see him before?

22 A. He looks like he may have been on the scene.

23 Q. You think he was on the scene?

24 A. I can't really say.

25 Q. But did you take any notes that he was on the

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1 scene?

2 A. I wrote down everybody's name.

3 Q. Did you write down the name, Mario Paredes?

4 A. No.

5 Q. So, the people you talked to, you had written  
6 down their names?

7 A. Yes.

8 Q. And then if Homicide, as they followed up, they  
9 would have been able to identify who was out there,  
10 right?

11 A. Correct.

12 Q. And it would be in their report --

13 A. Yes.

14 Q. -- if he was out there?

15 A. Yes.

16 Q. Or he might just look like somebody that's  
17 familiar that's out there?

18 A. Right.

19 Q. Is it a predominantly Hispanic community out  
20 there?

21 A. Yes, it is.

22 Q. An immigrant community?

23 A. Yes.

24 Q. Did -- did you see anybody else? Did anybody  
25 tell you, I saw -- for instance, I saw the shooter?

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1 A. No.

2 Q. So, nobody was able to identify the shooter?

3 A. No.

4 Q. Just -- and at that the point, nobody was able  
5 to identify who the complaining witness was?

6 A. Correct.

7 Q. And then after you were done, obviously, other  
8 people have the specialty of working the homicide; and  
9 that's what they did?

10 A. Right.

11 Q. Thank you.

12 MR. MADRID: Pass the witness.

13 THE COURT: Anything else?

14 MS. COLLINS: Nothing further. May we  
15 approach, Your Honor?

16 THE COURT: Sure.

17 (At the bench)

18 MS. COLLINS: Judge, we have two more  
19 witnesses here. Due to some work problems, our next  
20 witness can't be here until --

21 THE COURT: What.

22 MS. COLLINS: Work problems. She works in  
23 the J.P. courts handling certain dockets.

24 THE COURT: Wait, wait, wait. Who's got  
25 work problems?

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1                   MS. COLLINS: One of our witnesses. We  
2 had not -- our next witness, after the next two, we  
3 didn't plan on having here until the morning. She has  
4 some work issues.

5                   THE COURT: I'm just not hearing you.

6                   MS. COLLINS: Sorry. We have two  
7 witnesses that are left. Our witness after that, our  
8 third witness, can't be here until the morning.

9                   THE COURT: The third witness what?

10                  MS. COLLINS: Can't be here till the  
11 morning hours.

12                  THE COURT: Who is that?

13                  MS. COLLINS: Latasha Neal.

14                  THE COURT: Okay.

15                  MS. COLLINS: We just wanted to see if you  
16 wanted us to try to scoop somebody else up.

17                  THE COURT: Wanted you to do what?

18                  MS. COLLINS: To have somebody else here  
19 to keep going, or if two more witnesses would be  
20 sufficient.

21                  THE COURT: How long are these witnesses  
22 going to take?

23                  MS. COLLINS: The next two or all of them?

24                  THE COURT: Huh?

25                  MS. COLLINS: I'm sorry.



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1                   THE COURT: Well, you've got Taravella.

2                   MS. HARTMAN: CSU.

3                   THE COURT: Okay. How long is that  
4 witness going to take?

5                   MS. HARTMAN: Thirty minutes, about.

6                   THE COURT: How about Juan Vasquez?

7                   MS. COLLINS: Probably about the same,  
8 Judge.

9                   THE COURT: Okay. Latasha Tasha, who's  
10 next?

11                   MS. COLLINS: Uh-huh.

12                   THE COURT: So, what are you saying? You  
13 want to quit?

14                   MS. COLLINS: Well, we can try to get  
15 another individual here. I didn't know how late you  
16 wanted to go tonight.

17                   THE COURT: Who is Chavez?

18                   MS. COLLINS: He's one of the homicide  
19 officers.

20                   MS. HARTMAN: He's off today, though,  
21 Judge. And we plan on calling him tomorrow.

22                   MS. COLLINS: But we can call him and have  
23 him here.

24                   THE COURT: The only day they can take off  
25 this week is Thursday. So, what you're trying to tell

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1 me is you don't have much left?

2 MS. COLLINS: For today, correct. But we  
3 can make that happen if the Court wants us to.

4 THE COURT: I want -- I would like to  
5 finish the testimony tomorrow, if possible.

6 MS. COLLINS: We're hopeful that that will  
7 happen.

8 THE COURT: You've got several more  
9 witnesses on here for one day.

10 MS. COLLINS: We're moving pretty fast,  
11 though.

12 THE COURT: Do what?

13 MS. COLLINS: We're moving fast.

14 THE COURT: You're moving fast for now,  
15 yeah, I agree. But it's going to be -- it's possibly  
16 going to take --

17 *(Off-the-record discussion)*

18 THE COURT: Members of the Jury, let's  
19 take a short break; and we'll call you back in a few  
20 minutes.

21 *(Outside jury's hearing, off-the-record*  
22 *discussion)*

23 *(Jury enters courtroom)*

24 THE COURT: Court call your next, please.

25 MS. HARTMAN: Officer Taravella.

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Cross-Examination by Mr. Madrid

1 (Witness sworn)

2 **ANDREW TARAVELLA,**

3 having been first duly sworn, testified as follows:

4 **DIRECT EXAMINATION**

5 *BY MS. HARTMAN:*

6 Q. Sir, could you please introduce yourself to the  
7 jury?

8 A. My name is Andrew Taravella.

9 Q. And how are you employed, Officer Taravella?

10 A. I'm employed with the Houston Police  
11 Department, assigned to the Houston Forensic Science  
12 Center as a crime scene investigator.

13 Q. How long have you been with the Houston Police  
14 Department?

15 A. A little over twenty-three years.

16 Q. And did you have any specialized training to  
17 become a police officer?

18 A. I did. I went through the police academy it  
19 was a six-month long academy in 1992.

20 Q. Do you have to have any kind of certification  
21 to become a certified peace officer?

22 A. I am certified as a peace officer through the  
23 State of Texas after graduating the academy.

24 Q. And do you have to take any type of test and  
25 any additional training to maintain that certification?

ANDREW TARAVELLA - July 28, 2015  
Direct Examination by Ms. Hartman

1           A.    We take continuing education training  
2 throughout every year, annually, different classes,  
3 different tests.

4           Q.    And you have done that for your twenty-plus  
5 years as a peace officer?

6           A.    I have.

7           Q.    And you said you're assigned to the Crime Scene  
8 Unit?

9           A.    I am.

10          Q.    And how did you become assigned to the Crime  
11 Scene Unit?

12          A.    I've been assigned to the Crime Scene Unit a  
13 little over thirteen years. I joined the unit from the  
14 patrol division. I was on patrol out of the Westside  
15 Division before changing.

16          Q.    Did you have any specialized training or  
17 education to become a member of the Crime Scene Unit?

18          A.    I've had specialized training both before and  
19 after. I've taken lots of classes before I was a crime  
20 scene investigator. And since being assigned to the  
21 Crime Scene Unit, I've taken numerous classes. In fact,  
22 I teach a lot of those classes now in fingerprinting,  
23 photography, videography, bloodstain analysis. I  
24 maintain those requirements. And I'm certified through  
25 the International Association for Identification, which

ANDREW TARAVELLA - July 28, 2015  
Direct Examination by Ms. Hartman

1 is the largest forensic practitioner organization in the  
2 world. I'm certified as a forensic photographer and  
3 certified as a senior crime scene analyst.

4 Q. And what are the duties as a crime scene  
5 officer?

6 A. The primary duties is mainly to go to a scene  
7 and document what is there and then collect potential  
8 evidence for a case, preserve that evidence for trial.

9 Q. Do you take photos at the scene?

10 A. I do.

11 Q. Video?

12 A. I do.

13 Q. Swab for DNA if necessary?

14 A. Yes.

15 Q. Prints and collect any type of evidence?

16 A. I do.

17 Q. Were you on duty on September the 1st, 2013?

18 A. I was.

19 Q. What hours were you working that day?

20 A. I worked the day shift. I worked from 7:00 in  
21 the morning to, typically, 3:00 in the afternoon.

22 Q. How do up get assigned a call-out?

23 A. We have a rotational basis; so whoever is first  
24 out or whoever is out at the time just gets a phone call  
25 from our Homicide Division, who indicates to us that

ANDREW TARAVELLA - July 28, 2015  
Direct Examination by Ms. Hartman

1 there is a scene they'd like us to go to. We load up  
2 our gear from the headquarters building and drive out to  
3 the scene.

4 Q. So, you don't have a specific area of Harris  
5 County or Houston that you work?

6 A. I do not. We can go anywhere, typically,  
7 within the city limits. But we, on occasion, go outside  
8 the city limits, depending on where the evidence brings  
9 us.

10 Q. And how did you get called out on  
11 September 1st, 2013?

12 A. I received a phone call from the Homicide  
13 Division, as usual, at about 10:20 in the morning.

14 Q. And where did you go after the phone call?

15 A. The assignment was to go to 12406 Tambourine.

16 Q. Do you recall about what time you arrived on  
17 Tambourine?

18 A. About 11:20, almost an hour later.

19 Q. Is that in Harris County, Texas?

20 A. It is.

21 Q. What part of the city is that in?

22 A. Southwest Houston.

23 Q. And what is the first thing that you do once  
24 you get to a crime scene?

25 A. One of the first things I do is I meet up with

ANDREW TARAVELLA - July 28, 2015  
Direct Examination by Ms. Hartman

1 the Homicide investigators that are there and,  
2 typically, the primary patrol officer or other officers  
3 that may be present and just discuss how we're going to  
4 handle the scene, find out what they've observed, what  
5 they've noted for me to look at, and just kind of make a  
6 list of priorities of how I'm going to handle the scene,  
7 make sure there is nothing -- a satellite area I'm not  
8 aware of, a vehicle around the corner or a dumpster a  
9 couple blocks away, and just so we're all on the same  
10 page of what they expect me to do.

11 Q. Back on September 1st, did you do that at the  
12 crime scene at Tambourine?

13 A. I did.

14 Q. Do you remember who you talked with?

15 A. The investigators were Avila and Sosa -- those  
16 were the Homicide investigators -- as well as the  
17 primary patrol officer. I don't remember his name  
18 offhand.

19 Q. Officer Hughes?

20 A. I'm sorry?

21 Q. Is it Officer Hughes?

22 A. Officer Hughes may ring a bell. I don't have  
23 his name in my report. I have Gercheski (phonetic),  
24 which may have been a relief officer that relieved  
25 somebody there.

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1 Q. After you went to the crime scene and discussed  
2 the scene with those officers, did you get an idea of  
3 where you needed to look for evidence?

4 A. I did.

5 Q. What did you do after that?

6 A. One of the first things that I do is begin to  
7 photograph the scene, so I will -- that's one of the  
8 first forms of documentation that I perform. And I  
9 began taking photographs and, typically, don't stop  
10 taking photographs until I leave the scene. So, I'll  
11 take photographs of the scene originally and then the  
12 things that I do while I'm on the scene.

13 Q. How do you know where to make start taking  
14 photographs and where to end taking photographs?

15 A. Well, it's kind of a judgment call. It's --  
16 if -- typically, the patrolman has already cordoned off  
17 a certain amount of area that's considered to be the  
18 crime scene, according to his judgment. I will see if  
19 that is consistent with what I find. If evidence brings  
20 me further, I will have that expanded; or I will process  
21 an area outside that and then come back in.

22 Q. Okay. Officer Taravella, I'm going to show you  
23 State's Exhibit No. 14. Do you recognize that diagram?

24 A. I do.

25 Q. And did you make this diagram?



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1 A. I did.

2 Q. Is this of the scene at Tambourine as it was  
3 back in 2013?

4 A. It was.

5 Q. And does it document the evidence that you  
6 found at the scene?

7 A. This particular one does not.

8 Q. Okay. It shows the area and the houses of the  
9 scene that are depicted in the pictures?

10 A. Correct. It gives an overview, like a  
11 bird's-eye view of the scene and the surroundings.

12 Q. I'm going to show you State's Exhibits 15, 16,  
13 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,  
14 31, 32, 33 and 34. Did you get a chance to look through  
15 those?

16 A. I did.

17 Q. Did you take these pictures?

18 A. I did.

19 Q. Do these pictures pretty much show the scene  
20 out off of Tambourine as it did in 2013, on September  
21 1st?

22 A. They do.

23 MS. HARTMAN: Your Honor, at this time I  
24 would like to offer State's Exhibit No. 14, the diagram,  
25 and State's Exhibits Nos. 15 through 34, the pictures of

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1 the scene, tendering them to defense counsel and  
2 offering them into evidence.

3 MR. MADRID: No objection, Your Honor, to  
4 all but 16. I just have to confer with counsel for a  
5 quick second on 16.

6 (Off-the-record discussion)

7 MR. MADRID: No objection, Your Honor.

8 THE COURT: Admitted.

9 Q. (By Ms. Hartman) All right. Officer  
10 Taravella, State's Exhibit No. 14, is this the diagram  
11 that you drew?

12 A. It is.

13 Q. And 12410 Tambourine and 12406 Tambourine, are  
14 those the actual homes?

15 A. Correct. Those are just the outlines of where  
16 the home -- the footprint of the house.

17 Q. Is this the backyard between the house and the  
18 wooden fence?

19 A. It is.

20 Q. Now, do you recall where you started taking  
21 pictures of the front of the house on State's Exhibit  
22 No. 15?

23 A. Yeah. I won't say which ones I took first, but  
24 I do recall. Typically, I will stand on the street,  
25 take the houses the neighboring houses, the area.

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1 Q. And there is no rhyme or reason to what comes  
2 first and what comes last?

3 A. Sometimes there is. In this particular case of  
4 these overalls, I don't believe that's relevant.

5 Q. And looking at State's Exhibit No. 15, can you  
6 tell us which house it is in State's Exhibit No. 14, the  
7 diagram?

8 A. I believe the photograph that you're showing is  
9 of 12410 Tambourine, the house to the left.

10 Q. Okay. And looking at State's Exhibit No. 16,  
11 which house is that?

12 A. That, again, is the house to the left. What  
13 we're looking at here in the middle is the alleyway  
14 between 406 and 410.

15 Q. Okay. Do you recall if there was any type of  
16 back gate between those homes?

17 A. Between those two there was no gate. There was  
18 a straight fence.

19 Q. And State's Exhibit No. 17, can you tell the  
20 jury what that is?

21 A. That is the house at 12406 Tambourine.

22 Q. No. 18?

23 A. I believe that's the one at 12402 Tambourine,  
24 the one on the right side of the diagram.

25 Q. And you're talking about this one way out here?

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1 A. Correct.

2 Q. State's Exhibit No. 19, can you tell us what  
3 that is?

4 A. That's a picture of an open gate, the bricks on  
5 the left here. This is the house at 12406 Tambourine,  
6 and there is an open wooden gate that leads to its  
7 backyard.

8 Q. Are you talking about right here?

9 A. I am.

10 Q. Let me show you State's Exhibit No. 20. Can  
11 you tell us what State's Exhibit No. 20 is?

12 A. This is the same area, only I'm looking at it  
13 from a different direction. I'm actually standing  
14 inside the backyard at that open gate looking toward the  
15 street.

16 Q. And again, it's the one coming out of 12402  
17 Tambourine?

18 A. It's coming out of 406 Tambourine.

19 Q. Correct. Is that just an up-close picture?

20 A. Correct.

21 Q. Okay. And that was State's Exhibit No. 21.

22 And State's Exhibit No. 23, is that the way the body  
23 appeared?

24 A. That's the way the body appeared when I  
25 arrived, yes.

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1 Q. Do you move or touch anything on the body when  
2 you arrive?

3 A. When I arrive, typically not. If the body is  
4 covered when I get there, I leave it covered. If it's  
5 uncovered, I leave it uncovered. Technically, we don't  
6 have permission to touch until the medical examiner or  
7 their representative gives us permission. So, in this  
8 case, the body wasn't touched until the examiner  
9 arrived.

10 Q. And did the -- is the examiner the one who  
11 looks at the body and sees if there was any additional  
12 injuries?

13 A. Correct. They'll do a cursory or field exam on  
14 the scene before the body is removed, and a full exam  
15 and autopsy is performed later.

16 Q. Okay. And as part of your training and  
17 experience as a peace officer, have you had any training  
18 in firearms?

19 A. I have.

20 Q. And have you ever seen where a firearm can  
21 leave a mark on an individual's skin?

22 A. I have.

23 Q. And how does that happen?

24 A. That happens in a couple of different ways.  
25 There is one that's called stippling or tattooing, where

1 the gunpowder residue that precedes the bullet or comes  
2 out the barrel right after the bullet, a lot of that  
3 gunpowder isn't burned yet or is in the process of still  
4 being burned. So, that will leave marks, some telltale  
5 marks on the skin around the clothing.

6 And there is also what we call contact  
7 wounds, where the skin is actually scorched by the heat  
8 of the weapon. And when a weapon is fired, it gets  
9 very, very hot and can leave actually scorch marks or  
10 burn marks on the skin.

11 Q. Looking at that injury, what can you tell the  
12 jury on the injury on the back of the head?

13 A. Because this one actually has a pattern to it  
14 or looks -- it's very similar to a pattern, and the way  
15 that it's marked is an indication to me that it's a  
16 scorch mark and looks like this was a direct contact  
17 wound from the muzzle of a pistol.

18 Q. In looking at a little bit closer view of  
19 State's Exhibit No. 24, what is this round scorch mark  
20 right there? Can you tell?

21 A. Again, from my experience, this appears to be  
22 the muzzle of a weapon. That round mark is typically  
23 the spring, where the slide spring is on a weapon; and  
24 it protrudes through the front of the weapon as the  
25 slide comes back, and that will leave that type of

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1 pattern.

2 Q. And when you're collecting your evidence, do  
3 you do any additional searches of the body for any type  
4 of casings?

5 A. I search the body in case there is casings that  
6 could be caught up in the clothing. But again, I don't  
7 remove clothing; and that's just a field exam. Once the  
8 body is picked up, I'll do another search of the area.  
9 And then, of course, I'll search the surrounding areas.

10 Q. It's going to be picked up by the Medical  
11 Examiner's investigator?

12 A. Correct. So, from time to time there may be a  
13 cartridge casing or a fired bullet that's caught up in  
14 the complainant's clothing. And that will be found in  
15 the initial X-ray when they X-ray the complainant at the  
16 autopsy. Other times, when the body is rolled and  
17 removed, some of that evidence may fall out. And if I  
18 see it, we'll collect it at that time.

19 Q. Did you find any casings on the body in this  
20 scene?

21 A. I did not.

22 Q. Did you do a search around the body for  
23 casings?

24 A. I did.

25 Q. And how did you search around the body?

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1           A.    I searched with flashlights.  Even during the  
2 daytime we use flashlights to try and get a glint from  
3 some of the metal that may be there, the brass, and  
4 hands and knees, and in this case the assistance of a  
5 metal detector.

6           Q.    That's depicted in State's Exhibit No. 25?

7           A.    That is.

8           Q.    Were you able to find anything?

9           A.    I did.  We found one fired cartridge casing  
10 just a few feet from the head of the complainant.

11          Q.    Okay.  And looking at State's Exhibit No. 26,  
12 is that the marker, No. 5, that we saw in State's  
13 Exhibit No. 25?

14          A.    It is.

15          Q.    Okay.  Is that the way the casing laid in the  
16 ground?

17          A.    It is.

18          Q.    And you used a metal detector to find that?

19          A.    I did.

20          Q.    And looking at State's Exhibit No. 27, that's a  
21 close-up of it?

22          A.    Correct.  After it was recovered, that's the  
23 photograph I took of it.

24          Q.    And I'm going to show you State's Exhibit  
25 No. 28 and its contents, 28A.  Can you take a look at



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1 that?

2 A. Yes.

3 Q. Okay. And did you collect State's Exhibit No.  
4 28A?

5 A. I did.

6 Q. And how do you know that you collected State's  
7 Exhibit No. 28A?

8 A. It's labeled with my information; my name, my  
9 unit number, the address and case number. And it's  
10 labeled in the manner that I labeled it and then placed  
11 into an envelope, a plastic envelope. And this envelope  
12 has my signature and my unit number, as I typically do.  
13 That envelope is inside another envelope that is -- has  
14 the markings of the firearms lab.

15 Q. And when the firearms lab, when they test it,  
16 they will make additional markings on that, as well?

17 A. Correct. They will remove it from my original  
18 packaging, which is there. But they will not, or should  
19 not, discard the original packaging. Like they've done  
20 here, they include it with the cartridge case when they  
21 repackage it.

22 Q. And State's Exhibit No. 28, that's just the  
23 evidence envelope that you -- that it got packaged in?

24 A. Correct. This one is the submission envelope  
25 that has the property bar code and all the identifying

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1 information on it, as well as my signature and unit  
2 number on the back.

3 Q. The offense report number is also labeled on  
4 here?

5 A. Correct.

6 MS. HARTMAN: Your Honor, at this time I  
7 would like to tender State's Exhibit No. 28 and 28A to  
8 defense counsel and offer it into evidence.

9 MR. MADRID: No objection, Your Honor.

10 THE COURT: Admitted.

11 Q. (By Ms. Hartman) So 28 is the actual casing  
12 that was found at the scene; is that correct?

13 A. I think that's 28A.

14 Q. Excuse me. 28A.

15 A. Yes.

16 Q. And did you take any pictures of the backyard?

17 A. I did.

18 Q. And did you find any evidence in the backyard?

19 A. I found some items that I believe to be  
20 evidence, yes.

21 Q. And when you're looking for evidence and going  
22 over a scene, do you really know what could possibly be  
23 evidence or be pertinent to the investigation at that  
24 point in time?

25 A. It's a judgment call. I use my best judgment.

1 I try and take the scene into its context and see what's  
2 there. So there are some items that struck me as being  
3 unusual and could possibly be related. There were some  
4 other items there that I thought could possibly be  
5 related but I kind of discounted as I examined a little  
6 further, investigated further. For instance, there were  
7 some red and blue threads that looked like it was from a  
8 torn garment in the grass. Later we found an old  
9 shredded ball cap that looked like it had been run over  
10 by a mower. That, originally, was collected. I thought  
11 it was evidence until we found the ball cap and then  
12 realized it's possibly been a long time before this  
13 happened. So, we try -- we never really know what's  
14 evidence until we know.

15 Q. Better to collect it all and not need it is the  
16 philosophy?

17 A. Of course.

18 Q. Looking at State's Exhibit No. 29, can you tell  
19 the jury what that is?

20 A. This is the backyard fence. This is looking, I  
21 believe, toward the -- this would be looking toward the  
22 west in the backyard. This is a toppled-over  
23 clothesline that is on that part of the backyard.

24 Q. And going back to State's Exhibit No. 14, is  
25 that the clothesline at 12406 Tambourine?

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1           A.    Yes.  This is the clotheslining right there in  
2 the back.

3           Q.    And looking at State's Exhibit No. 30, can you  
4 tell the jury what that is?

5           A.    This is looking clear across the whole backyard  
6 now, back toward that clothesline.  So, this is the  
7 clothesline back here.  It's mounted with very dry,  
8 rotted wood.  It looked like it was ready to fall over  
9 any minute.  In fact, part of it was already leaning, as  
10 you saw.  And then there is a back patio.  This is a  
11 little concrete patio that's attached to the house, as  
12 well.

13          Q.    And State's Exhibit No. 31, can you tell us  
14 what this is?

15          A.    This is the same backyard, only now I'm  
16 standing in front of the clothesline looking the other  
17 direction.

18          Q.    And did you find something unusual in the  
19 backyard?

20          A.    I did.  I found some -- a piece of jewelry, and  
21 what you can see here is what looks like a man's belt.

22          Q.    State's Exhibits 32, is that just an up-close?

23          A.    It is.  That's an up-close view of the belt.

24          Q.    And looking at State's Exhibit No. 33, can you  
25 see?

1           A.    I can.  This is a -- it's a silver -- and I'm  
2 not -- I call it a square pattern.  It looks like a  
3 herringbone-type pattern of a necklace.  It was a  
4 22-inch-long necklace.

5           Q.    And looking at State's Exhibit No. 34, is that  
6 another picture of the necklace?

7           A.    It's another picture, just a little bit  
8 closer-up, yes.

9           Q.    And when you collected these items, what did  
10 you do, first of all, with the casing?

11          A.    The casing was collected and packaged and  
12 tagged in the property room for the intent to go to the  
13 firearms lab.

14          Q.    And then what did you do with the belt and the  
15 necklace?

16          A.    The belt was collected and tagged in the  
17 property room for comparison and maybe recognition by  
18 someone who might recognize the belt, and thinking it  
19 might have come from a suspect in a struggle.  It may  
20 have come from the complainant at some point in time.  
21 The necklace was collected and actually swabbed the  
22 necklace for contact DNA, thinking that because the  
23 necklace was broken, maybe during the struggle it was  
24 pulled off and wanted to try and identify a person who  
25 had handled it.

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1 Q. Did you collect anything else from the backyard  
2 at that point in time?

3 A. I collected those red and blue fibers that I  
4 mentioned earlier, and I believe that was it.

5 Q. At any time, did you do any kind of testing or  
6 bagging of the hands on Jhon, the complainant?

7 A. I assisted the medical examiner in collecting a  
8 gunshot residue kit. It's an SEM kit that tests for  
9 gunshot residue, or the kit will be examined for the  
10 presence of gunshot residue on the hands of Jhon.

11 Q. And do you test both hands?

12 A. I do. I test them separately with different  
13 swabs, the left and the right hand.

14 Q. And can that test prove or disprove that  
15 somebody has fired a firearm?

16 A. It cannot. What -- in fact, typically, someone  
17 who has been injured by a firearm or who has received a  
18 gunshot wound will be on the receiving end of not only  
19 the bullet from the gun, but also that gunshot residue  
20 as it comes out the weapon. So, typically, that will  
21 come back as a positive reading even on someone who has  
22 not fired the weapon.

23 Q. Would you say the closer a person is to the gun  
24 being fired, the more likely they might have some  
25 residue or some gunshot residue on them?

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1 A. That's fair to say, yes.

2 Q. And were you there when the Harris County  
3 Medical Examiner removed the body?

4 A. I was.

5 Q. At that time, did any other evidence -- did you  
6 find any other evidence after that --

7 A. I don't believe so.

8 Q. -- once the body was removed?

9 A. Correct.

10 Q. At that time, did you do any more investigation  
11 into this case?

12 A. There was some stains on the fence that we  
13 examined as possible bloodstains. At the time we  
14 weren't sure what they were. In fact, to this day, I  
15 don't know what they were, if they were tested or not.  
16 But I swabbed some of those stains and submitted them,  
17 as well. And that's the extent of my investigation.

18 MS. HARTMAN: Pass the witness, Your  
19 Honor.

20 MR. MADRID: Cross-examination, Your  
21 Honor?

22 THE COURT: Sure.  
23  
24  
25

1 **CROSS-EXAMINATION**

2 BY MR. MADRID:

3 Q. Good afternoon, Officer Taravella.

4 A. Good afternoon.

5 Q. You said that -- I just had a question. I  
6 guess my first question was, you were a senior crime  
7 scene analysis -- or analyst, and I wasn't familiar with  
8 that. So, that's crime scene analyst, right? But  
9 not -- because I think I got a little confused in my  
10 mind. A lab analyst, you don't do that part of it?

11 A. I don't do that part, no. The crime scene  
12 analyst is a specialist that is certified to process the  
13 crime scene itself.

14 Q. Okay. But in doing that, you did a number of  
15 things. For instance, the -- you looked for contact  
16 DNA, right?

17 A. I did.

18 Q. And then with the gunshot residue, right?

19 A. I did.

20 Q. And then you also have familiarity with  
21 stifling and contact wound, so you have kind of a broad  
22 range?

23 A. I do.

24 Q. I guess that comes with your years of  
25 experience and your training. You trained in different



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1 areas, right?

2 A. I did.

3 Q. But in this crime scene, when you got out  
4 there, Sosa and Avila are the lead investigators from  
5 Homicide, correct?

6 A. Correct.

7 Q. Your job is to take pictures, collect all the  
8 evidence?

9 A. Correct.

10 Q. So my question is, on some of these, you didn't  
11 deal with the bodies at all. That would just be the  
12 M.E.'s Office?

13 A. Correct. The only thing I dealt with the body  
14 was to collect the gunshot residue kit as a courtesy to  
15 them. Normally, they would do that, as well. I don't  
16 recall the exact reason why they asked me to do that.

17 Q. Did you happen to notice that the complaining  
18 witness, he left behind some valuable items, like the  
19 State's exhibit that you see on the overhead up there, a  
20 chain, some kind of necklace, right?

21 A. Okay. You said that the complainant left that  
22 behind?

23 Q. Or somebody did.

24 A. Somebody did.

25 Q. Could have been whoever shot him. It could

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1 have been the owner of the house, I guess?

2 A. Correct.

3 Q. But it seemed like a valuable item, so you took  
4 a picture?

5 A. Correct. It seemed out of place; so, I take a  
6 picture, but then collect it and swab it.

7 Q. And you swabbed it for DNA to see if somebody  
8 had pulled it off the complaining witness, right?

9 A. Correct.

10 Q. And that part, it goes to the lab. And that's  
11 up to the DNA analyst to determine -- taking swabs of  
12 other people to determine if they touched that or not,  
13 right?

14 A. Correct.

15 Q. You don't have anything to do with that?

16 A. I don't.

17 Q. But that was a valuable piece of -- possibly  
18 something of value to somebody, right?

19 A. I don't even -- it could have been a toy, for  
20 all I know. I don't know if it's real silver or what  
21 the value is. You're trying to say that is valuable.  
22 If you're trying to say it's this dollar value or if  
23 it's real jewelry or not, I don't know.

24 Q. We don't know that. It could be?

25 A. Could be.

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1 Q. Just like the Gucci belt that you took a  
2 picture of?

3 A. Correct.

4 Q. There was, I think -- and I'm not sure if you  
5 saw this or not, because you weren't dealing with the  
6 body -- a gold earring on the complaining witness that  
7 was left behind?

8 A. What do you mean by, left behind? It was in  
9 his left earlobe.

10 Q. Nobody tried to take it off his ear or  
11 anything?

12 A. I'm not sure if the medical examiner removed it  
13 or not. It's sometimes their policy to remove all  
14 jewelry from a complainant before they remove him.  
15 Sometimes, for one reason or another, they decide to  
16 leave it. So, I don't know if it was left on the  
17 complainant when it was removed or not.

18 Q. I'm just referring to maybe somebody that's  
19 shot -- when the body was found, he had an earring on,  
20 right?

21 A. He had an earring, yes.

22 Q. And he had a ring on, right?

23 A. I don't recall the ring --

24 Q. A kind of silver-type gold, if you saw it? You  
25 did or you didn't.

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1           A.    I didn't make note of a ring.

2           Q.    Did you see the clear plastic bags, the kind  
3 that crack dealers might use or drug dealers, in his  
4 pockets, anything in his pockets?

5           A.    The things in his pockets, I, typically,  
6 wouldn't make note of or observe. That's the medical  
7 examiner when they -- when they're -- when we're all  
8 done with our cursory inspection of the injuries and  
9 whatnot, I kind of move off and finish my thing. And  
10 that's theirs. So, an inventory of his personal  
11 possessions is not part of my investigation.

12          Q.    So, you wouldn't have had a chance to see the  
13 almost \$1,600 in cash that he had on him?

14          A.    I don't believe so, no.

15          Q.    And you didn't take any pictures of that, at  
16 least?

17          A.    No.

18          Q.    Because you didn't touch his body. And if  
19 somebody else saw that, then it's in their report? They  
20 can testify to it, right?

21          A.    Certainly.

22          Q.    Okay. But you did have a fired cartridge  
23 there, right?

24          A.    Yes, sir.

25          Q.    And now, again, that gets sent out, right?

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1 A. Yes.

2 Q. And the ballistics expert then will come and  
3 testify to that?

4 A. Correct.

5 Q. And what they would be able to testify to --  
6 and you have a little bit of background; so if you do or  
7 don't, you can tell me -- they would be able to compare  
8 that -- possibly that cartridge if there was a gun  
9 recovered and to see if there is a match?

10 A. Correct. They can make a determination or  
11 attempt to make a determination if that cartridge casing  
12 would have come from or been fired from a particular  
13 weapon.

14 Q. And they do what are called -- they may look  
15 for rifling?

16 A. Rifling is what's inside a barrel or on a fired  
17 bullet. They would look for striations, scratches,  
18 marks, different indentations of the firing pin and make  
19 comparisons along those regards.

20 Q. And so, would they be able to do -- the value  
21 of finding that, if -- that you collected -- if the gun  
22 is fired or found, then you can match the two together?

23 A. Yes.

24 Q. Or if there is anything -- anything left in the  
25 complaining witness' body, if that's recovered, those

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1 also could be used, right?

2 A. Correct. If there's fired projectiles that did  
3 not exit the complainant, they would find them during  
4 the autopsy and possibly be able to use those to -- for  
5 comparison, as well.

6 Q. And if, for instance, they made a match, it's  
7 also possible that, hypothetically, if the gun is found,  
8 you can make a match; and you could also make a match  
9 with that gun if the gun was used in any other cases and  
10 any other ballistics were recovered?

11 A. Correct, if there is evidence it can be  
12 compared to, yes.

13 Q. Thank you.

14 MR. MADRID: Pass the witness.

15 MS. HARTMAN: Just briefly, Your Honor.

16 **REDIRECT EXAMINATION**

17 BY MS. HARTMAN:

18 Q. Officer Taravella, you wouldn't be surprised  
19 that if somebody was selling drugs that they would have  
20 \$1,500 in their pocket, would you?

21 A. Not at all. That's actually small change for  
22 that profession.

23 Q. And you wouldn't be surprised that they had  
24 baggies that would be conducive of somebody who was  
25 selling crack cocaine, would it?

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1 A. Not at all.

2 Q. Or that they would have a gold necklace?

3 A. No.

4 Q. Or a potential Gucci belt?

5 A. Not at all.

6 Q. Would it surprise you if they've got a diamond  
7 earring?

8 A. No.

9 Q. That's just kind of the lifestyle that he might  
10 live?

11 A. Of a potential drug dealer? Is that what  
12 you're asking.

13 Q. Yes.

14 A. Yes.

15 Q. Now, going back to State's Exhibit No. 28A, can  
16 you take a look at that casing? Can you tell us what  
17 kind of casing that is?

18 A. The brand is PPU, and I'm not really sure  
19 exactly what manufacturer that is. And it's a  
20 9-millimeter Luger caliber.

21 Q. Now, I'm showing you what's been -- State's  
22 Exhibit No. 27. And again, that is a picture of State's  
23 Exhibit No. 28A that you're holding right now?

24 A. Yes, ma'am.

25 Q. And what kind of firearm would shoot that

1 9-millimeter Luger casing?

2 A. Actually, there is a whole host of firearms  
3 that can shoot this. But one it's chambered for?

4 Q. Sorry about that question. Correct. What  
5 caliber of firearm would shoot a bullet that's a  
6 9-millimeter?

7 A. Okay. It would be another 9-millimeter Luger,  
8 and a Luger is -- I believe the casing is 19 millimeters  
9 long so 9-by-19, or 9-millimeter Luger would -- is the  
10 type of firearm it would fire in.

11 Q. Does 9-millimeter come in a semiautomatic, or  
12 does it come in a revolver?

13 A. Typically, it comes in a semiautomatic only.

14 Q. And can you tell the jury, what is a  
15 semiautomatic pistol?

16 A. Semiautomatic pistol is a type of firearm,  
17 handheld, that has a magazine. The magazine is inserted  
18 usually in the grip of the weapon. And every time that  
19 you pull the trigger, a round fires, it re-chambers a  
20 round with the slide. And it takes a round from the  
21 magazine, places it in the chamber to where it's ready  
22 to fire another round.

23 Q. And what -- when one is fired from the weapon,  
24 does it usually fire out to the right or out to the  
25 left?



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1           A.     Most firearms that I'm familiar with and deal  
2 with fire either straight up in the air or slightly to  
3 the right.

4           Q.     Okay.   And looking at State's Exhibit No. 25,  
5 and keeping where you see Marker No. 5, and then looking  
6 at State's Exhibit No. 21, any way you can tell where  
7 somebody would be standing or positioned when they fired  
8 the semi weapon from the casing that you found at the  
9 scene?

10          A.     Judging from the indication on the scene, I can  
11 make assumptions; but typically, there is no way to  
12 really determine that.  If there was a cluster of fired  
13 cartridge casings, I can start to draw some conclusions  
14 of where someone was standing.  But with a single  
15 cartridge case, it's very difficult to make that  
16 determination; because there is so many things that  
17 could affect how it lands and where it lands, especially  
18 being close to having the brick of the house, the wood  
19 fence, the people, it could bounce off.  It could have  
20 hit the soffit of the roof and come down.  There is  
21 really no way to make a conclusion from that.

22          Q.     Was the casing hard to find at the scene?

23          A.     It was difficult to find.  In fact, you can see  
24 the picture and how it could easily get lost in the  
25 grass.  It's the same color as that dry grass, so it is

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1 difficult. And that's why I brought out the metal  
2 detector to try and find that one and did find that one.  
3 I didn't find any others.

4 Q. Did you use the metal detector throughout the  
5 backyard to look for any additional casings?

6 A. I did.

7 Q. And is it kind of like finding a needle in a  
8 haystack on something like that?

9 A. It's pretty tough. The number of times where I  
10 don't find cartridge casings visually and break out the  
11 metal detector, it's still very rare that I find them  
12 even with that.

13 Q. And do you know if there had been any  
14 additional testing on that besides ballistics?

15 A. I'm not even aware that the ballistics testing  
16 or the result that was done.

17 Q. And it's not your duty to go and talk to any  
18 additional witnesses or do any of the other  
19 investigations that are done in this case?

20 A. It's not.

21 Q. And are you following protocol when you're not  
22 searching the victim's body looking for any  
23 identification or for seeing what's in his pockets?

24 A. That's correct. Strictly, the medical examiner  
25 does that. If on rare occasion they may ask for our

1 assistance, we'll help out.

2 Q. And that's protocol for every scene in the City  
3 of Houston?

4 A. It is.

5 MS. HARTMAN: Pass the witness, Your  
6 Honor.

7 MR. MADRID: Just very briefly, Your  
8 Honor.

9 **CROSS-EXAMINATION**

10 BY MR. MADRID:

11 Q. Officer Taravella, you've worked for  
12 twenty-three years with HPD, correct?

13 A. Correct.

14 Q. And in your -- not all in CSU, has it been?

15 A. Thirteen-plus in CSU.

16 Q. So, I mean, varied experience. Would it  
17 surprise you if somebody was committing an aggravated  
18 robbery that they would leave behind \$1,600, as a police  
19 officer?

20 MS. HARTMAN: I'm going to have to object  
21 to speculation, Your Honor.

22 THE COURT: Sustained as to the form of  
23 the question.

24 Q. (By Mr. Madrid) In your experience as a police  
25 officer, have you worked any aggravated robberies or

ANDREW TARAVELLA - July 28, 2015  
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1 robberies? Not as just Crime Scene, but before you were  
2 in Crime Scene?

3 A. Combined, probably hundreds.

4 Q. And normally the goal of that, if you know, is  
5 if somebody is robbing someone at gunpoint and possibly  
6 killing them is to take items from them of value, right?

7 A. Correct.

8 Q. Things like money and jewelry. So it would be  
9 unusual to leave behind \$1,600 if you're robbing  
10 someone?

11 A. Are you asking me if --

12 Q. Yeah, just if you know, your opinion.

13 A. My opinion, there's all kind of reasons people  
14 leave money behind. And I've found -- I mean, it's  
15 probably 50/50 that I would find money left behind on a  
16 robbery victim.

17 Q. It's possible that this is simply not a  
18 robbery, but a straight murder, just an execution  
19 murder, for instance?

20 A. Sure. I have no way of knowing what the  
21 motivation was.

22 Q. Could be, though, right?

23 A. Of course.

24 Q. Obviously, if nothing is taken, there is no  
25 robbery; it's just a murder?



1                   THE COURT: Sure.

2                                 **JUAN VASQUEZ,**

3 having been first duly sworn, testified as follows:

4                                 **DIRECT EXAMINATION**

5 BY MS. HARTMAN:

6           Q.     Sir, could you please introduce yourself to the  
7 jury?

8           A.     My name is the Juan Carlos Vasquez.

9           Q.     And how are you employed, Mr. Vasquez?

10          A.     I work as a groundskeeper.

11          Q.     And how long have you been working as a  
12 groundskeeper?

13          A.     For twenty years.

14          Q.     And do you understand English and Spanish?

15          A.     Little.

16          Q.     Do you feel more comfortable --

17          A.     In Spanish.

18          Q.     And she's taking down everything we say; and  
19 so, we have to be really careful about not talking over  
20 each other. And she won't be able to take down head  
21 nods, okay?

22          A.     Okay.

23          Q.     And so, I'm sorry, how long did you say you had  
24 been a groundskeeper?

25          A.     Twenty years.

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1 Q. Is that for the same company?

2 A. Yes.

3 Q. And were you at work today?

4 A. Yes, from 7:00 to 3:30.

5 Q. And is that the hours you work every day?

6 A. Yes, from Monday through Friday.

7 Q. Did you take yesterday off?

8 A. Yes, because I came here to the court. It was  
9 closed. It had been canceled.

10 Q. And if you don't work, you don't get paid?

11 A. Yes, because I'm salaried.

12 Q. Now, where do you live?

13 A. 12402 Tambourine, Stafford, Texas.

14 Q. I'm going to show you Exhibit 14 that's already  
15 been admitted into evidence. Is this your house, 124 --

16 A. Yes.

17 Q. I'm going to show you State's Exhibits Nos. 6,  
18 7 and 8.

19 How about since she's interpreting --

20 A. Okay.

21 Q. -- for you let her interpret all to Spanish.  
22 And when you tell your answers in Spanish, she'll  
23 interpret them to me in English? I think it will be  
24 more simplistic for her. I know you understand; but  
25 that way, she will know what you don't understand and

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1 she can just do her job.

2 A. Okay.

3 Q. All right. So did you get a chance to look at  
4 State's Exhibits 6, 7 and 8?

5 A. Yes.

6 Q. Did you -- do you recognize State's Exhibits 6,  
7 7 and 8?

8 A. Yes.

9 Q. Do the pictures in these exhibits -- is this  
10 how everything looked back in 2013 --

11 A. Yes.

12 Q. -- on September the 1st?

13 A. Yes, yes.

14 MS. HARTMAN: I'd like to tender 6, 7 and  
15 8 to defense counsel and offer them into evidence.

16 MR. MADRID: No objection, Your Honor.

17 THE COURT: Admitted.

18 Q. (By Ms. Hartman) Looking at State's Exhibit  
19 No. 6, Mr. Vasquez, can you tell the jury what this is?

20 A. That's in front of my house.

21 Q. Who lives in that house with you?

22 A. My wife and four children.

23 Q. And how old are your four kids?

24 A. The oldest is nineteen, other one is sixteen,  
25 twelve and ten.



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1 Q. Back in 2013, were you living there with your  
2 wife and your four kids?

3 A. Yes.

4 Q. Do you recall when you got home on August 31st  
5 of 2013?

6 A. I arrived on Saturday, on Saturday afternoon.  
7 I arrived from work at 4:30 in the afternoon.

8 Q. And what did you do when you got home?

9 A. When I arrived at home, my wife and I went out  
10 to eat. And we returned around 10:00 at night.

11 Q. So, you didn't hear any type of gunshots, did  
12 you?

13 A. No.

14 Q. Did -- did you know if anything unusual  
15 happened at night on Saturday?

16 A. No. In fact, my wife and children, we were  
17 watching a movie until 2:00 in the morning.

18 Q. Did anything wake you up the next morning?

19 A. The following day -- I have a dog and I have a  
20 little hen. The dog was barking, and the hen was  
21 clucking.

22 Q. And that was Sunday, the 1st?

23 A. Uh-huh.

24 Q. And what kind of dog is it?

25 A. A Chihuahua.

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1 Q. And what did you do once the dog was barking?

2 A. I opened the back doors, and I looked over to  
3 my neighbor's house. I put the fence (sic). And when I  
4 looked over, I saw the body lying there.

5 Q. And about what time was that in the morning?

6 A. Around 9:30 in the morning.

7 Q. Looking at State's Exhibit No. 7, is that what  
8 you saw when you looked over the fence?

9 A. Yes.

10 Q. And you can touch the screen. And can you tell  
11 the jury where you were standing or where you were  
12 looking over the fence at?

13 A. I placed the ladder here, and I saw that. And  
14 I thought that he was drunk; because there had been a  
15 party at that house, at the third house.

16 Q. At any time, did you go check to see if he was  
17 indeed drunk and just passed out?

18 A. At first I saw him. And then I went to notify  
19 the neighbors, because I thought they might know him.

20 Q. And what was your neighbor's name that you went  
21 and notified?

22 A. I don't know his name. I don't remember his  
23 name.

24 Q. What did you do after you notified your  
25 neighbor?

*JUAN VASQUEZ - July 28, 2015*  
*Direct Examination by Ms. Hartman*

1           A.     After I went to notify the neighbor, he  
2 accompanied me.  And then that's when we got closer, and  
3 that's when we saw that the young man had a gunshot  
4 wound here.

5           Q.     And could you actually see the gunshot wound?

6           A.     Yes.

7           Q.     And after you realized that he was dead, did  
8 you call 911?

9           A.     No.

10          Q.     Who called 911?

11          A.     The other neighbor.

12          Q.     At any time, did you go and walk into the  
13 backyard to see if there was anything else or anybody  
14 else back there?

15          A.     When we saw that, we both went into the back.  
16 And we didn't see anything.  We went to see if we could  
17 see anything, but we didn't see anything.

18          Q.     Did you happen to mow your neighbor's grass the  
19 day before?

20          A.     Yes.

21          Q.     Okay.  So, looking at State's Exhibit No. 31,  
22 is that your neighbor's backyard?

23          A.     Yes.

24          Q.     Is that the grass you mowed the day before?

25          A.     Yes.

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Direct Examination by Ms. Hartman*

1 Q. And was that on Friday, or was that on  
2 Saturday?

3 A. Friday.

4 Q. And when you mowed your neighbor's backyard,  
5 was that belt lying in the backyard?

6 A. No.

7 Q. Okay. I'm looking at State's Exhibit No. 33.  
8 Do you see that chain right there?

9 A. No.

10 Q. Was that chain in your neighbor's yard?

11 A. No.

12 Q. And did you see those items when you went into  
13 your neighbor's backyard after you found the body?

14 A. Yes.

15 Q. At any time, did you find anything else in your  
16 neighbor's backyard?

17 A. After the detectives went there, I found a  
18 spent bullet casing by a little bench that's there.

19 Q. Looking at State's Exhibit No. 8, is this the  
20 area that you found the casing?

21 A. It was around here.

22 Q. Is that the bench you're talking about right  
23 there?

24 A. Yes.

25 Q. And does it look like that's a hose on the

*JUAN VASQUEZ - July 28, 2015*  
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1 ground?

2 A. Yes.

3 Q. Let me zoom in. Is that the casing that you  
4 found?

5 A. Yes.

6 Q. Did you touch that casing?

7 A. No.

8 Q. Did you move it in any way?

9 A. No.

10 Q. Well, what did you do once you found it?

11 A. I left it there.

12 Q. Did you call anybody to let them know that you  
13 found a casing?

14 A. Two days later the detective went, and I told  
15 him that it was there.

16 Q. And while you were home, you did not see or  
17 hear anything?

18 A. No.

19 MS. HARTMAN: Pass the witness, Your  
20 Honor.

21 THE COURT: All right.

22 MR. MADRID: Briefly, Your Honor.

23 **CROSS-EXAMINATION**

24 BY MR. MADRID:

25 Q. Good afternoon, Mr. Vasquez. So, you found

*JUAN VASQUEZ - July 28, 2015  
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1 this body there in the yard, correct?

2 A. Yes.

3 Q. And the night before you had worked, so you  
4 didn't hear any gunshots?

5 A. No.

6 Q. But there was a party, so you just assumed that  
7 was somebody from the party?

8 A. At the third house.

9 Q. Three houses down, right. But you didn't see  
10 anybody shoot that -- the person that you found, did  
11 you?

12 A. No.

13 Q. And you've never seen the man to my right, have  
14 you?

15 A. No.

16 MR. MADRID: Pass the witness, Your Honor.

17 MS. HARTMAN: Nothing further, Your Honor.

18 THE COURT: You may step aside.

19 Is that it?

20 MS. HARTMAN: Yes, Your Honor, for today.

21 THE COURT: Members of the jury, we're  
22 going to go ahead and adjourn for the evening. It's a  
23 little bit earlier than when I like to adjourn; but this  
24 is probably a good place to break. So, let me just ask  
25 you. I want you to come back to this courtroom actually

*JUAN VASQUEZ - July 28, 2015*  
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1 before 9:00 o'clock in the morning. I like to get  
2 started at 9:00 o'clock. Let me just suggest to you,  
3 when you come into the courthouse, if you're not  
4 familiar with it, sometimes you can see people outside.  
5 There is a serpentine group that goes all the way around  
6 the courthouse. These are people that have to come  
7 through the metal detector before they enter the  
8 courthouse. I don't want you to get caught in that  
9 morass of people, so you might want to get here a little  
10 bit early.

11                   But, also, in case there are a lot of  
12 people in front of you, if you will go up to one of  
13 the -- there should be a deputy somewhere seated close  
14 by -- and show them your jury badge, and just tell them  
15 you're supposed to be up in court, say, by 8:45. I want  
16 to get started no later than 9:00 o'clock in the  
17 morning.

18                   So, please make an effort to be here on  
19 time, okay? I would appreciate it if you would.  
20 Remember the instructions I've given you about not  
21 discussing the matter with anybody.

22                   I'm told that there is a good possibility  
23 we can conclude the evidence tomorrow. I don't know if  
24 that will be happen or not, but I'm certainly going to  
25 make an effort to do that. There is a good chance that

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1 we will, which means we could argue the case Friday  
2 morning. Okay. So, you may now be excused. Thank you.  
3 We'll see you in the morning.

4 (Court adjourned at 4:20 p.m.)

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*Trial on the Merits*  
*July 28, 2015*

1 STATE OF TEXAS  
2 COUNTY OF HARRIS

3

4 I, Pamela Kay Knobloch, Official Court Reporter in  
5 and for the 339th District Court of Harris County, State  
6 of Texas, do hereby certify that the above and foregoing  
7 contains a true and correct transcription of all  
8 portions of evidence and other proceedings requested in  
9 writing by counsel for the parties to be included in  
10 this volume of the Reporter's Record in the above-styled  
11 and numbered cause, all of which occurred in open court  
12 or in chambers and were reported by me.

13 I further certify that this Reporter's Record of the  
14 proceedings truly and correctly reflects the exhibits,  
15 if any, offered by the respective parties.

16 Signed this 10th day of November, 2015.

17

18 /s/Pamela Kay Knobloch

19

Pamela Kay Knobloch/CSR, #1650  
Official Court Reporter  
339th District Court  
Harris County, Texas  
1201 Franklin - 14th Floor  
Houston, Texas 77002  
Telephone: 713-755-7784  
Expiration: 12/31/16

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<b>\$1,500 [4]</b> 26/14 26/25 60/21 94/20	<b>30 [2]</b> 73/13 84/3	<b>above [3]</b> 1/13 113/6 113/10
<b>\$1,600 [3]</b> 92/13 99/18 100/9	<b>31 [3]</b> 73/14 84/13 107/21	<b>above-styled [1]</b> 113/10
<b>/</b>	<b>31st [13]</b> 9/15 10/15 11/10 20/6 27/8 32/19 39/23 41/17 49/8 49/20 49/23 61/6 105/4	<b>above-titled [1]</b> 1/13
<b>/s/Pamela [1]</b> 113/18	<b>32 [2]</b> 73/14 84/22	<b>academy [4]</b> 48/14 67/18 67/19 67/23
<b>0</b>	<b>33 [3]</b> 73/14 84/24 108/7	<b>accidental [1]</b> 39/15
<b>00792733 [1]</b> 2/3	<b>339TH [4]</b> 1/5 1/22 113/5 113/20	<b>accompanied [1]</b> 107/2
<b>00797777 [1]</b> 2/9	<b>34 [3]</b> 73/14 73/25 85/5	<b>according [1]</b> 72/18
<b>1</b>	<b>360 [1]</b> 54/23	<b>across [1]</b> 84/5
<b>10 [3]</b> 51/9 52/23 54/13	<b>37 [4]</b> 41/11 41/14 42/1 42/8	<b>act [2]</b> 26/21 101/2
<b>10:00 [1]</b> 105/10	<b>38 [4]</b> 41/11 42/1 42/23 43/8	<b>actual [2]</b> 74/14 82/11
<b>10:20 [1]</b> 70/13	<b>39 [3]</b> 23/5 23/11 23/15	<b>actually [16]</b> 26/19 32/14 33/21 47/20 49/23 49/24 50/14 76/13 78/7 78/9 78/13 85/21 94/21 96/2 107/5 110/25
<b>10th [1]</b> 113/16	<b>3:00 [1]</b> 69/21	<b>additional [9]</b> 22/18 46/10 67/25 77/11 79/3 81/16 98/5 98/14 98/18
<b>11 [1]</b> 51/9	<b>3:30 [1]</b> 103/4	<b>address [6]</b> 45/3 45/6 50/12 50/15 50/19 81/9
<b>11:20 [1]</b> 70/18	<b>4</b>	<b>adjourn [2]</b> 110/22 110/23
<b>12 [2]</b> 51/9 53/7	<b>40 [2]</b> 41/11 42/1	<b>adjourned [1]</b> 112/4
<b>12/31/16 [1]</b> 113/22	<b>406 [2]</b> 75/14 76/18	<b>admitted [11]</b> 5/5 19/20 23/14 24/1 32/2 42/3 51/20 74/8 82/10 103/15 104/17
<b>1201 [2]</b> 2/5 113/21	<b>40s [2]</b> 48/6 49/11	<b>advise [1]</b> 24/11
<b>124 [1]</b> 103/15	<b>410 [1]</b> 75/14	<b>advised [1]</b> 51/5
<b>12402 [3]</b> 75/23 76/16 103/13	<b>4:20 [1]</b> 112/4	<b>affect [1]</b> 97/17
<b>12406 [6]</b> 50/21 70/15 74/13 75/21 76/5 83/25	<b>4:30 [1]</b> 105/7	<b>after [28]</b> 11/11 11/25 13/6 14/2 14/12 21/1 21/11 26/15 27/25 36/5 54/25 57/2 63/7 64/2 64/7 67/23 68/19 70/14 72/1 72/5 78/2 80/22 87/6 106/24 107/1 107/7 108/13 108/17
<b>12410 [2]</b> 74/13 75/9	<b>5</b>	<b>afternoon [16]</b> 11/6 15/10 24/24 36/11 36/12 46/3 46/4 47/16 57/19 57/20 69/21 88/3 88/4 105/6 105/7 109/25
<b>12427 [1]</b> 30/21	<b>50 [1]</b> 100/15	<b>afterwards [1]</b> 58/10
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