

1 Q. And what area does 6B30 encompass?

2 A. Everything north of Tidwell and Antoine area
3 all the way over to Hollister up to Tidwell would be all
4 the way to the West Bank area.

5 Q. Back then were you familiar, since you patrol
6 that area, with an apartment complex called the Luxor
7 Apartments?

8 A. Yes.

9 Q. And was that, is that located at 5801 Sunforest
10 in Houston, Harris County, Texas?

11 A. Yes.

12 Q. At approximately 12:33 p.m. on June 3rd of
13 2011, were you dispatched to that location?

14 A. Yes.

15 Q. And what was the nature of the dispatch?

16 A. It was a Code 1 assist firefighters at the
17 location. And when we arrived, it was a small child
18 being tended to by HFD.

19 Q. So when you got there, was it at 12:48 p.m.?

20 A. I don't have my supplement in front of me, but
21 if that's what it says, yes.

22 Q. So, it took you maybe about eight or
23 nine minutes to get to the location; is that correct?

24 A. Correct.

25 Q. When you got there, was EMS and firefighters

1 already on the scene working on the child?

2 A. Yes.

3 Q. Were you initially dispatched when the
4 ambulance was dispatched?

5 A. I'm not sure who was dispatched first, but I
6 know they were there before us, so I think they were
7 dispatched first.

8 Q. And the nature of the call you had said was
9 assist the firefighters, correct?

10 A. Correct.

11 Q. So, when you got to the location, did you see
12 the child that they were working on? Was she still
13 present?

14 A. They were inside the apartment. I didn't
15 physically see the child, but they were inside working
16 in a big group around the child.

17 Q. Did you see her being transported at some point
18 thereafter?

19 A. Like right away, right afterwards.

20 Q. Now, who else was at the apartment besides the
21 child?

22 A. At the apartment was -- I don't have the names
23 in front of me but a caretaker and a son, her son or the
24 mother's son.

25 Q. Elida Herrera?

1 A. Yes, ma'am.

2 Q. And do you see Elida Herrera in the courtroom
3 today?

4 A. Yes, ma'am, she's right there.

5 Q. And she described herself as what?

6 A. The caretaker.

7 Q. And was the mother of the child present as
8 well?

9 A. No.

10 Q. All right. Did she -- could the mother of the
11 child been present and then gone with the ambulance to
12 the hospital?

13 MR. GONZALEZ: Objection.

14 A. Yes.

15 Q. (BY MS. SPENCE) You said the child was
16 transported to the hospital; is that correct?

17 A. Correct.

18 Q. After the child was transported to the
19 hospital, were there people still left at the apartment?

20 A. Yes.

21 Q. Okay. And one of those persons would be Elida
22 Herrera, correct?

23 A. Yes.

24 Q. And the other person was whom?

25 A. The son.

1 Q. And was his name Eric?

2 A. Yes.

3 Q. And what did you do with Elida Herrera and
4 Eric?

5 A. We basically removed them from the scene and
6 held on to them until we notified homicide and other
7 people that could make our scene.

8 Q. During that time that Ms. Herrera was at the
9 location, do you recall just personally seeing her
10 talking on her cell phone while you were there?

11 A. I don't remember.

12 Q. All right. And she was not, even though she
13 was placed in the backseat of your patrol car, she was
14 not in custody; is that correct?

15 A. No, ma'am, correct.

16 Q. She was being, I guess, detained so that y'all
17 could figure out what was going on?

18 A. Correct.

19 Q. June 3rd, 2011, was it kind of hot outside that
20 day?

21 A. It was very hot.

22 Q. And was your vehicle air conditioned?

23 A. Yes.

24 Q. And did you have it running while both Eric was
25 in the backseat of the patrol car and Ms. Herrera was in

1 the backseat?

2 A. Yes.

3 Q. They were in separate backseats; is that
4 correct?

5 A. That's true.

6 Q. Do you remember which patrol car Eric was in
7 the backseat of?

8 A. I don't recall. I don't recall.

9 Q. Do you remember an Officer Mata being --

10 A. Yes.

11 Q. -- at the scene?

12 A. Yes.

13 Q. Sergeant Hanslik of homicide, did he arrive
14 there at approximately 1:45 p.m.?

15 A. I was relieved from the scene. I would have
16 to -- he did arrive at that time if that's what's in the
17 report.

18 Q. Did you fill him in on what you knew at that
19 point in time?

20 A. Let me recall my memory. It was a very long
21 time ago, but I did tell him over the phone what was
22 going on at the scene. Go ahead.

23 Q. Did you tell him what was going on at the scene
24 as best you knew it?

25 A. Yes.

1 MS. SPENCE: Pass the witness.

2 THE COURT: Thank you, Ms. Spence.

3 Mr. Gonzalez.

4 MR. GONZALEZ: I'll pass the witness, Your
5 Honor.

6 THE COURT: All right. May this witness be
7 excused?

8 MR. GONZALEZ: Yes, Your Honor.

9 THE COURT: Any objection?

10 MS. THOMAS: No objection, Judge.

11 THE COURT: Thank you, Sergeant. You are
12 excused.

13 Call your next witness, please.

14 MS. SPENCE: Officer Mata.

15 Your Honor, can we approach?

16 THE COURT: Yes.

17 (Bench conference.)

18 MS. SPENCE: This is where we're going to
19 have to do this. This is where we're going to have to
20 do the kind of a weird interpretation and have Hanslik,
21 Mata and me reading this thing. So, basically, I'm
22 going to put him on the stand and so the jury knows who
23 the heck he is. And he'll testify what he did, and then
24 I will, I guess, pass him. And then we'll put Hanslik
25 on to complete what went on. And then I'm going to ask

1 that he come back in to read his part because it's
2 three-part conversations.

3 MR. GONZALEZ: And what I'd like to do
4 outside the presence of the jury, ask Hanslik some
5 questions regarding whether it was all done voluntarily.
6 He's going to say, yes, she wanted to cooperate. So, we
7 won't have to do the *Jackson v. Denno* Hearing.

8 THE COURT: So, should I send them out now?

9 MR. GONZALEZ: Might as well do it now.

10 MS. SPENCE: Yeah, I'm going to have to
11 show him his portion of the stuff.

12 MR. GONZALEZ: Is that okay with you?

13 THE COURT: Absolutely.

14 (End of bench conference.)

15 THE COURT: Ladies and gentlemen, please
16 step back to the jury room. We'll be back with you
17 shortly.

18 THE BAILIFF: Rise for the jury.

19 (Jury exits courtroom.)

20 THE COURT: Be seated, please.

21 We are on the record outside the presence
22 of the jury.

23 MR. GONZALEZ: Do you want to do it from
24 there, or can we stand here?

25 THE COURT: Wherever you would like to do

1 it, Mr. Gonzalez. Come on up, ma'am. Raise your right
2 hand to be sworn.

3 THE INTERPRETER: I'm sorry, Judge.

4 (Defendant sworn.)

5 THE COURT: Mr. Gonzalez, you may proceed.

6 MR. GONZALEZ: Yes, Your Honor. Just for
7 the purposes of this particular situation, we have, Your
8 Honor --

9 ELIDA HERRERA-GARCIA,
10 having been first duly sworn, testified through an
11 interpreter as follows:

12 MR. GONZALEZ: Could you state your name,
13 please?

14 THE DEFENDANT: Elida Marisol
15 Herrera-Garcia.

16 MR. GONZALEZ: And, Ms. Herrera, the reason
17 I'm asking you some questions is because of the
18 interviews that you gave to the police officers. And
19 there is a, I believe it was four police officers, maybe
20 five. But, nonetheless, you gave five interviews. And
21 those interviews you were not under arrest, and you
22 willingly and voluntarily cooperated with the police
23 officers; is that correct?

24 THE DEFENDANT: Yes.

25 MR. GONZALEZ: You were never coerced or