

1 right hand?

2 (Witness Duly Sworn)

3 THE COURT: Thank you. You may have a  
4 seat right there.

5 DAVID VINTON,

6 having been first duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 Q. (BY MS. JOHNSON) Good afternoon, Officer.  
9 Would you please introduce yourself to the jury?

10 A. My name is Officer David Vinton.

11 Q. And can you spell your first and last name  
12 for the record?

13 A. First name is spelled D, David, A-V-I-D.  
14 Last name is V, Victor, I-N-T-O-N.

15 Q. Officer, what do you do for a living?

16 A. I'm a police officer with the City of  
17 Houston.

18 Q. And how long have you been an HPD officer?

19 A. Been a police officer for seven and a half  
20 years now.

21 Q. And what area or division are you assigned  
22 to?

23 A. Midwest patrol. Pretty much southwest  
24 division. Southwest area of town.

25 Q. Have you ever testified before?

1           **A.**     No, ma'am.

2                         **MR. DAVIS:**   Objection, relevance.

3                         **THE COURT:**   Overruled.

4           **Q.**     **(BY MS. JOHNSON)** So, in seven and a half  
5 years, this is your first time?

6           **A.**     Correct.

7           **Q.**     As a patrol officer, briefly explain to the  
8 jury what you do.

9           **A.**     Basically, we initiate -- you know, we're  
10 the first contact between the, you know, citizens  
11 and -- you know, and the police. We pretty much, you  
12 know, get their comments or whatnot and basically  
13 initiate, you know, initial contact and then to --  
14 you know, investigations, we pretty much generate  
15 police reports; and they go on further to their -- to  
16 the concerned division that's appropriate.

17           **Q.**     Let me take you to September 25, 2012, a  
18 Tuesday. Were you on duty that day?

19           **A.**     Yes, ma'am.

20           **Q.**     What shift were you working?

21           **A.**     Evening shift.

22           **Q.**     Which is?

23           **A.**     2:00 p.m. to 10:00 p.m.

24           **Q.**     And were you with a partner?

25           **A.**     Correct.

1 Q. And what was your partner's name?

2 A. Officer Kevin Dawson.

3 Q. And were y'all in uniform and in a patrol  
4 car?

5 A. Yes, ma'am.

6 Q. At some point during your shift, were you  
7 flagged down by a gentleman?

8 A. Yes, ma'am.

9 Q. Where were y'all going when you were  
10 flagged down? And I guess --

11 A. We were en route to another call, to -- we  
12 were already dispatched, I believe; and a gentleman  
13 flagged us down.

14 Q. What does that mean, flag down, I guess?

15 A. Basically, we're in a patrol car, driving  
16 down the street; and somebody, you know -- hey, you  
17 know (indicating.) You know, usually that's what,  
18 you know, a lot of people do when they need the  
19 police. They will see you driving by and flag you  
20 down.

21 Q. And --

22 A. You can't ignore them. You got -- that's  
23 your job to make contact with the citizens.

24 Q. So, even though you were going to one call,  
25 you couldn't ignore the person flagging you down?

1           **A.**     Correct.

2           **Q.**     So, when you pulled over and were flagged  
3 down, what was the gentleman's name that stopped  
4 y'all?

5           **A.**     I cannot recall the gentleman's name at  
6 this time. It has been a while.

7           **Q.**     Do you know what address you were pulled  
8 over at?

9           **A.**     I was at 7222 Bellerive.

10          **Q.**     Bellerive?

11          **A.**     Correct.

12          **Q.**     And is that address in Harris County,  
13 Texas?

14          **A.**     Yes, ma'am.

15          **Q.**     Is that the Regency Square Apartments?

16          **A.**     Correct.

17          **Q.**     So, you get flagged down by this gentleman.  
18 Of course, without going into what he said to you,  
19 what did you and your partner then do?

20          **A.**     Basically, you know, he told --

21          **Q.**     Don't go into what he said to you.

22          **A.**     Okay.

23          **Q.**     What did you and your partner do after  
24 talking to him?

25          **A.**     Basically, we conducted an investigation

1 about a missing person.

2 Q. Did you go and talk to the apartment  
3 complex manager?

4 A. Yes, ma'am.

5 Q. And was there also like a maintenance  
6 person there?

7 A. Yes, ma'am.

8 Q. Did you get a key to the apartment?

9 A. I did not get the key. My partner got the  
10 key, and at that time --

11 Q. And where did you go, you and your partner?

12 A. We went to the apartment where the daughter  
13 supposedly lived at.

14 Q. And was that apartment No. 16 -- 1602?

15 A. I believe so.

16 Q. Showing what's been marked as State's  
17 Exhibit Nos. 51, 11, 12, 13, 14, 15, 16. Take a look  
18 at those.

19 A. (Witness complies.)

20 Q. Do you recognize those photos?

21 A. Yes, ma'am.

22 Q. And do those photos fairly and accurately  
23 depict the way the scene looked back on September 25,  
24 2012?

25 A. Yes, ma'am.

1                   **MS. JOHNSON:** At this time I offer  
2 State's Exhibit -- let me get this straight -- 11,  
3 12, 13, 14, 15, 16, and 51 into evidence and tender  
4 to opposing counsel.

5                   **MS. CARPENTER:** Your Honor, may I take  
6 the witness on voir dire?

7                   **THE COURT:** Approach, please.

8                   **(At the Bench)**

9                   **THE COURT:** For what purpose?

10                  **MS. CARPENTER:** On State's Exhibit 11,  
11 12, and 14, there is a poster here --

12                  **THE COURT:** What?

13                  **MS. CARPENTER:** -- poster there that  
14 says "missing person"; and that missing person has a  
15 picture of Michelle Warner, the complainant.

16                  **THE COURT:** Okay.

17                  **MS. CARPENTER:** And --

18                  **THE COURT:** You just want to establish  
19 that that was not there at the time?

20                  **MS. JOHNSON:** I can ask him that.

21                  **MS. CARPENTER:** I want to establish  
22 that that was not there on that date; and if it isn't  
23 there on that day, I object to those, as you know,  
24 not being -- as being prejudicial for these purposes,  
25 because that means that on that date when he went --

1           **THE COURT:** Well, I mean, they are --  
2 they are being offered to show the layout of the  
3 complex and that sort of thing. So, there is nothing  
4 that really -- there is no physical evidence that  
5 would have changed over time.

6           **MS. JOHNSON:** No, Your Honor. And I'm  
7 not even doing the inside. I'll just do the outside.

8           **THE COURT:** All these pictures are  
9 exterior?

10          **MS. JOHNSON:** Not all. I will do the  
11 rest of the pictures through the officers who  
12 actually went and did more investigation on the  
13 inside.

14          **THE COURT:** I don't see how it could  
15 be prejudicial, other than the poster. So, I will  
16 let you clear that up then. Thank you.

17                   **(End of Bench Discussion)**

18          **MS. CARPENTER:** Your Honor, for  
19 purposes of the record, the Defense has no objections  
20 to State's Exhibits 13, 15, 16, or 51.

21          **THE COURT:** Thank you. Those four are  
22 admitted.

23          **Q. (BY MS. JOHNSON)** Officer Vinton, showing  
24 you State's 11, 12, and 14. There is a poster that's  
25 put on the fence here in each of these pictures. If

1 you remember, was that poster there back on  
2 September 25, 2012?

3 **A.** I can't -- you know, I can't.

4 **Q.** Can you take a closer look? Was that  
5 little poster there when you were there?

6 **A.** I cannot recall. Not -- I can't remember  
7 that.

8 **Q.** At that point in time, had you entered --  
9 had you made an official missing person's report? At  
10 the time that you did the welfare check on the  
11 apartment, had you made an official missing person's  
12 report yet?

13 **A.** No, ma'am. We were still collecting  
14 information.

15 **MS. JOHNSON:** Offer State's 11, 12,  
16 14.

17 **MS. CARPENTER:** Renew the objection.  
18 I believe that is prejudicial; and it leads to  
19 confusion of the issues, as well.

20 **THE COURT:** Thank you. That's  
21 sustained at this time.

22 **Q.** *(BY MS. JOHNSON)* Showing you State's  
23 Exhibit 51. And if you look at the screen next to  
24 you, you can actually draw on it with your fingers  
25 like they do on football games.

1           **A.**     Okay.

2           **Q.**     If you could circle what -- where you went  
3 or what apartment you went to on September 25th?

4           **A.**     (Indicating.)

5           **Q.**     Is that apartment 1602?

6           **A.**     Yes.

7           **Q.**     And is that the front door of the  
8 apartment?

9           **A.**     That's actually the rear door of the  
10 apartment. Faces the parking lot.

11          **Q.**     What about in State's Exhibit 15 and 13?  
12 What door is that, if you remember?

13          **A.**     I believe it's the front door.

14          **Q.**     And so, when you were going to the  
15 apartment, you have received information from the  
16 gentleman there, what were you going to do in the  
17 apartment, you and your partner?

18          **A.**     Basically, it was a welfare check of -- you  
19 know, it was a welfare check. So, anytime you get a  
20 welfare check, we try to make entry with the  
21 permission of the apartment management. Or if, you  
22 know, there is a relative at the scene, you know, we  
23 try to make, you know, entry.

24          **Q.**     And what is a welfare check?

25          **A.**     Basically, you know -- you know, a report

1 basically of somebody in -- you know, that needs  
2 help, and they -- you know, basically, just checking  
3 welfare of a person basically.

4 Q. So, when you and your partner go inside  
5 that apartment, what are you looking for?

6 A. Anything, you know -- you know, suspicious,  
7 out of the ordinary, foul play, stuff like that.

8 Q. Dead body?

9 A. Correct.

10 Q. So, you went to the apartment. What area  
11 of the apartment did you go into first?

12 A. My partner went into the rear door of the  
13 apartment. He was the one that actually made entry  
14 first. Came in through the back door, and he opened  
15 the front door for me. And we both proceeded to  
16 just, you know, check the area.

17 Q. And what did you check inside the  
18 apartment?

19 A. Just like I said earlier, just made, you  
20 know, any foul play, signs of, you know -- you know,  
21 anything out of the ordinary.

22 Q. Did you find anything out of the ordinary  
23 or foul play or a dead body?

24 A. No, ma'am.

25 Q. So, after checking the apartment, what did

1 you and your partner do?

2 **A.** We just collected information and, you  
3 know, got the person that flagged us down's  
4 information and made a missing person's report.

5 **Q.** And so, at that time, were patrol officers  
6 allowed to make missing person's reports?

7 **A.** I believe at that time they had just  
8 changed it, and we were allowed to make missing  
9 person's reports.

10 **Q.** And so, when you make a report, where does  
11 that report then go to?

12 **A.** It goes to our missing person's juvenile  
13 division.

14 **Q.** And they then pick up the investigation?

15 **A.** Correct. It's assigned to an investigator  
16 at that point.

17 **Q.** Do you, yourself, and your partner actually  
18 go out looking for the missing person?

19 **A.** No, ma'am.

20 **Q.** Who does that?

21 **A.** Missing person's.

22 **Q.** About how long would you say y'all spent  
23 looking through that apartment?

24 **A.** About total, approximately about five  
25 minutes.

1 Q. Wasn't a big apartment, was it?

2 A. No, ma'am.

3 Q. Now, in your report you list -- did you get  
4 a name of the missing person?

5 A. Correct.

6 Q. Was that Michelle Warner?

7 A. Yes, ma'am.

8 Q. And in the report you list her as the  
9 suspect. Why is that?

10 A. Because in a missing person's report, they  
11 make contact with law enforcement. You know, whether  
12 it's with us or any other department, they run it  
13 through the system; and the only way it's going to  
14 list as wanted or, you know, somebody is missing is  
15 going to flash -- basically, you know, their name is  
16 going to flash saying it's a missing person, wanted  
17 person.

18 Q. And is that why you list them as a suspect?

19 A. Correct.

20 Q. Even though they are not a suspect?

21 A. Right. Right.

22 Q. When you were inside the apartment, did you  
23 notice any bleach stains or smell of bleach or  
24 anything like that?

25 A. No, ma'am, we didn't.

1           **Q.**     And did you notice anything out of the  
2 ordinary about the computers inside the apartment?

3           **A.**     No, ma'am.

4           **Q.**     Based on your knowledge of that area, have  
5 you and your partner been in those apartment complex  
6 numerous times?

7           **A.**     We have, yes. We get numerous calls at  
8 that complex.

9           **Q.**     Have you been inside many other apartments  
10 inside that area?

11          **A.**     Yes, ma'am.

12          **Q.**     And based on your knowledge of that, how  
13 would you compare this apartment to the other  
14 apartments?

15          **A.**     It was very well --

16                   **MS. CARPENTER:** Objection, Your Honor,  
17 relevance.

18                   **THE COURT:** Overruled.

19          **A.**     It was very well cleaned compared to other  
20 apartments, you know, in the same complex.

21          **Q.**     **(BY MS. JOHNSON)** Later on after you made  
22 your missing person's report, did you actually talk  
23 to a missing person's investigator?

24          **A.**     I believe an investigator called me. It  
25 was -- I think it was a couple of days after that.

1 I'm not too sure. But they did make contact with me,  
2 and they wanted a followup on the case.

3 **Q.** Did you give them the information that had  
4 been put into your offense report?

5 **A.** Correct.

6 **MS. JOHNSON:** I pass the witness.

7 **THE COURT:** Thank you. We will take  
8 the afternoon recess at this time. Jurors, if you  
9 want to walk around the courthouse, you may, if you  
10 want to step outside for a moment. And so, we will  
11 try and start back up about 10 after. So, if you  
12 would be back in the jury room by 10 minutes after  
13 3:00.

14 **MS. CARPENTER:** Your Honor, if I may.

15 **THE COURT:** Yes.

16 **MR. DAVIS:** We have no questions for  
17 this witness. We are passing him.

18 **THE COURT:** Okay. Is he excused then?

19 **MS. JOHNSON:** Yes, Your Honor.

20 **THE COURT:** For all purposes?

21 **MS. JOHNSON:** Yes, Your Honor.

22 **THE COURT:** You are released as a  
23 witness. Thank you so much, Officer.

24 **THE WITNESS:** Thank you.

25 **THE COURT:** All right. Thank you.

1 Thank you for letting us know that,  
2 Ms. Carpenter.

3 All rise, please, for the jury.

4 *(Witness released)*

5 *(Jury released)*

6 **THE COURT:** Thank you. Court stands  
7 in recess until 10 after.

8 *(Recess taken)*

9 *(Jury enters the courtroom)*

10 **THE COURT:** Thank you. Please have a  
11 seat.

12 Who will be your next witness?

13 **MS. REYNA:** State calls Veronica  
14 Aguirre.

15 **THE COURT:** Thank you.

16 **THE BAILIFF:** Judge, this witness has  
17 not been sworn.

18 **THE COURT:** Thank you.

19 Come on up, please, ma'am. You can  
20 just go around the court reporter by the jury box.

21 **THE WITNESS:** Okay.

22 **THE COURT:** And you can either stand  
23 there or have a seat, and I will give you the oath.

24 **THE WITNESS:** Okay.

25 **THE COURT:** Would you turn and face

1 the jury? Because they are the judges of the facts,  
2 I want them to see you rather than me.

3 **THE WITNESS:** Okay.

4 **(Witness Duly Sworn)**

5 **THE COURT:** Thank you. You can have a  
6 seat right there. Thank you, ma'am.

7 **VERONICA AGUIRRE,**

8 having been first duly sworn, testified as follows:

9 **DIRECT EXAMINATION**

10 **Q. (BY MS. REYNA)** Good afternoon, Veronica.  
11 Please introduce yourself to the jury.

12 **A.** Sure. My name is Veronica Aguirre.

13 **Q.** And where are you from, Veronica?

14 **A.** Channelview, Texas.

15 **Q.** And how long have you -- do you live in  
16 Houston now?

17 **A.** I do live in Houston.

18 **Q.** How long have you lived in Houston?

19 **A.** For about 10 years.

20 **Q.** And are you married?

21 **A.** I am.

22 **Q.** How long have you been married?

23 **A.** Almost 10 years.

24 **Q.** And do you have any children?

25 **A.** I have one.