

1 and answered.

2 THE COURT: Sustained as to asked and answered.

3 MS. SCARDINO: Thank you, sir. I have no further
4 questions.

5 THE COURT: State's 62 will be admitted over
6 objection.

7 MR. REISS: I pass the witness, your Honor.

8 MS. SCARDINO: Again, your Honor, no questions.
9 Thank you.

10 THE COURT: Thank you.

11 MR. REISS: May this witness be excused?

12 THE COURT: You're excused. Thank you for coming in.

13 THE WITNESS: Thank you.

14 THE COURT: Call your next.

15 MS. FULLER: State calls Investigator Waters.
16 May I proceed?

17 THE COURT: You may.

18 MS. FULLER: Thank you, your Honor.

19 INVESTIGATOR M.F. WATERS, II,
20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. FULLER:

23 Q. Good morning.

24 Would you please state your name for the record.

25 A. Millard F. Waters, II.

1 Q. And who are you employed with?

2 A. The Houston Police Department.

3 Q. How long have you been in law enforcement?

4 A. I've been in law enforcement for approximately
5 29 years.

6 Q. Who have you worked for in those 29 years?

7 A. I worked for the Harris County Sheriff's Office for a
8 period of time, worked for the Montgomery County Sheriff's
9 Office, and then came to HPD.

10 Q. How long have you been with HPD?

11 A. 20 years.

12 Q. And in order to become a police officer, can you tell
13 us what you had to do 29 years ago to become a police officer?

14 A. 29 years ago -- had to go through a police academy,
15 and once I was successfully graduated from that academy then I
16 went to work as a certified peace officer in the state of
17 Texas.

18 Q. So you are a certified peace officer?

19 A. I am.

20 Q. When you got to HPD, I believe you said 20 years ago,
21 what did you start out doing, what were your duties when you
22 first started with HPD?

23 A. Started in patrol.

24 Q. And how long were you in patrol?

25 A. About 17 months.

1 Q. And where did you go after that?

2 A. Went to the homicide division.

3 Q. All right. Now, in order to go to homicide, did you
4 receive any specialized training in order to go to homicide?

5 A. There are some specialized classes that we go
6 through, basic investigators class that we're required to go
7 to. Then we go, through the course of our career, in homicide
8 or investigations, we go to a variety of classes,
9 interviewing -- interviewing classes. We go through DNA
10 classes, crime scene classes, and a variety of investigative
11 type courses.

12 Q. All right. So if I'm doing the math right, you've
13 been in homicide for about 18 1/2 years?

14 A. That's correct.

15 Q. Okay. Have you gone anywhere else during that time
16 period?

17 A. In terms of my job?

18 Q. Yes.

19 A. No, I have not.

20 Q. Okay. So tell us what your basic duties are as a
21 homicide investigator.

22 A. The homicide division at HPD, we have two types of
23 investigative squads. One is a major assault squad, which are
24 the not quite dead investigations, and then we have murder
25 squads, which conduct the homicide investigations in the city

1 of Houston.

2 Q. And which squad are you on?

3 A. I'm on squad 20.

4 Q. Which is which one of those two squads?

5 A. That is a murder squad.

6 Q. How long have you been with the murder squad?

7 A. I've been on murder squads for approximately
8 eleven -- eleven and a half years.

9 Q. Okay. So first you start out with the major assault,
10 you referred to it as the not quite dead squad?

11 A. Right. Well, I actually went to a murder squad
12 first, and then for some personal reasons I decided to get off
13 the call-out status, go to major assaults, and stayed there for
14 almost eight years, and then returned to the murder squad.

15 Q. Okay. Do you still have -- do you still go through
16 classes on a fairly regular basis with your job?

17 A. Yes.

18 Q. What kind of classes do you continue to go through?

19 A. Well, we have mandatory training every year that's
20 required by the state, and we also have mandatory training
21 that's required by the department, that's a variety of issues,
22 Homeland Security type classes we'll go to. We'll go to some
23 of the family violence classes, legislative updates. So it's a
24 variety of classes for all police officers that are mandatory
25 that we must attend every year.

1 Q. Okay. I want to turn your attention to June 19,
2 2010. Were you working that day?

3 A. Yes, I was.

4 Q. And were you on a call-out status that day?

5 A. I was.

6 Q. What does that mean, to be on a call-out status?

7 A. We have a call-out system in homicide, weeknight
8 call-outs, weekend call-outs, day shift scenes, and then we
9 have what's called a B car, which is kind of a back-up pair to
10 the call-out pair that's going to be making a scene, and each
11 squad has that type of a call-out system, and in this
12 particular case, I was on weekend call-out.

13 Q. All right. So on that day, June 19, 2010, were you
14 called out to a scene of a homicide?

15 A. Yes, I was.

16 Q. And where was that location?

17 A. That was going to be at the Land's End Drive, 10350
18 Land's End Drive.

19 Q. Is that located in Houston, Harris County, Texas?

20 A. It is.

21 Q. All right. Do you know approximately what time you
22 arrived on that scene?

23 A. I got there about 7:30 that morning.

24 Q. Okay. Generally speaking, when you arrive on a
25 scene, can you walk us through what your duties are?

1 A. We take the scenes and split them into two
2 responsibilities. We go out in pairs. One of the pair is
3 going to take care of the scene side, which is going to be the
4 physical side of the scene, and they will be working in concert
5 with the crime scene unit, gathering evidence and documenting
6 the scene itself.

7 The other side of it is going to be the witness side,
8 which obviously is what it implies, is we will be responsible
9 for talking to any witnesses, any suspects that come about and
10 any surviving complainants, and the people side of the
11 investigation.

12 Q. When you were dispatched out to this location at
13 Land's End, what were your responsibilities that day?

14 A. I was working the witness side of the investigation.

15 Q. And you said that there -- you would have had a
16 partner who was working the scene side?

17 A. The scene side; that's correct.

18 Q. What is his name?

19 A. At the time it was Sergeant Cegielski.

20 Q. Okay. And he would have been working with Officer
21 Duncan?

22 A. Yes.

23 Q. Okay. When you got out to the scene at 7:30 in the
24 morning, could you please describe to the jury what you saw.

25 A. Well, the first thing was the -- was Aidee Reyna, the

1 complainant, lying on the ground on the concrete on the
2 sidewalk, probably 20 feet, 25 feet from her front door.

3 Q. Okay. And are there other officers there at that
4 time?

5 A. There are.

6 Q. Did anybody brief you on the scene?

7 A. The primary officer, HPD patrol officer who actually
8 made the scene first, spoke with him for a while. He just
9 described to me what he had been told, that Aidee's sister had
10 actually come out on her way to work and had found Aidee on the
11 ground.

12 Q. Okay. In addition to seeing Aidee Reyna on the
13 ground, did you see any other evidence around her body?

14 A. Nothing that really stood out. In terms of evidence
15 or in terms of my observations at the scene was pretty much
16 regulated to the body itself.

17 Q. Okay. Did you speak with witnesses or residents at
18 the apartment complex?

19 A. Yes.

20 Q. And did you receive any useful information in terms
21 of your investigation?

22 A. Not that was particularly useful in terms of getting
23 to a suspect, but we did talk to -- I did talk to one child
24 that had heard a -- heard a gunshot and heard a car drive off.

25 Q. Okay. Now, at this point in your investigation

1 you've got a body and you don't really have a suspect; is that
2 fair to say?

3 A. That's correct.

4 Q. What did you do next in your investigation?

5 A. Well, we had to interview the family members and so
6 forth. Development of the investigation from that point
7 forward led us -- led me in a direction with Aidee's former
8 boyfriend.

9 Q. Okay. So at some point Aidee's former boyfriend
10 becomes a suspect?

11 A. Yes.

12 Q. What was his name?

13 A. Humberto Madrigal.

14 Q. Okay. Why in your mind was he a viable suspect in
15 this case?

16 A. Humberto, through my research, had some -- clearly
17 some conflict with Aidee, that there had been some indications
18 that he had assaulted her in the past, and that he had hidden
19 in her apartment at one point waiting for her to come home. So
20 at that point in time in the investigation it looked like a
21 direction that definitely needed to be sorted out.

22 Q. Okay. So once you developed him as a potential
23 suspect, him being the ex-boyfriend, what did you do next?

24 A. After that we -- I was able to make contact with him,
25 with Humberto, and invited him down to take part in an

1 interview.

2 Q. Okay. And did he agree to do that?

3 A. He did.

4 Q. And did he cooperate in your investigation?

5 A. Yes, he did.

6 Q. Did you speak with anyone else regarding Mr. Humberto
7 being the potential suspect?

8 A. I spoke -- yes.

9 Q. And who was that?

10 A. I spoke with Aracely, Aidee's sister.

11 Q. All right. Anyone else?

12 A. Spoke with his brother, and actually interviewed his
13 brother Omar, and also spoke with their mother.

14 Q. Okay. And Omar is whose brother?

15 A. Humberto's.

16 Q. Okay. And all of Omar and Humberto, they all
17 cooperated in your investigation?

18 A. Yes, they did.

19 Q. Okay. Now, after speaking with them, were they still
20 suspects in this case?

21 A. They were still suspects in the case at that point.

22 Q. Okay. So nothing at that point eliminated them as
23 being a suspect?

24 A. No. There was the -- no.

25 Q. Okay. Now, at some point do you get further

1 information from Aracely?

2 A. I do.

3 Q. And what information did you get from her?

4 A. She provides me with Aidee's birth certificate and
5 her debit card information.

6 Q. When you say debit card information, what information
7 specifically were you given?

8 A. The credit card number, her name on it, and the bank
9 that the credit card, debit card had been taken out of.

10 MS. FULLER: Your Honor, at this time State moves to
11 admit State's Exhibit 64, the accompanying business record
12 affidavit which has been on file for greater than 15 days,
13 tenders to Defense counsel for inspection.

14 MS. SCARDINO: I have reviewed this before, your
15 Honor. I have no objection.

16 THE COURT: It will be admitted. 64 is admitted
17 without objection.

18 Q. (By Ms. Fuller) After you obtained Aidee's credit
19 card information, did you --

20 MS. FULLER: May I approach the witness?

21 THE COURT: You may.

22 Q. (By Ms. Fuller) Did you receive information from the
23 bank regarding Aidee Reyna's credit card?

24 A. I did.

25 Q. Okay. Does State's Exhibit 64 look familiar to you?

1 A. Yes. These would be the statement records for
2 that -- for Aidee's debit credit card.

3 Q. Okay. So what did you learn about Aidee's credit
4 card on June 19, 2010?

5 A. I was able to determine that she had it with her at
6 the time that she was murdered, and that it was missing from
7 her property once the investigation got going.

8 Q. All right. Now, what time, approximately, was
9 estimated as Aidee's time of death?

10 A. Well, it's almost impossible to give an immediate --
11 a time of death, but I would say based on the time that Aracely
12 walked out of the apartment, the time that we knew that,
13 reasonably knew that Aidee had come home, that she had been
14 shot probably around 4:30 in the morning, 4:15, 4:30 in the
15 morning, somewhere around there.

16 Q. Okay. So by 4:15, 4:30 in the morning you believe
17 that she's been shot; is that correct?

18 A. Yes.

19 Q. And after you receive the bank records, did you find
20 that Aidee's credit card was used after that timeframe?

21 A. Yes.

22 Q. Okay. From the records that you received, where was
23 her credit card and when was it first used?

24 A. The credit card was first used at a RaceTrac gas
25 station on Bissonnet about -- I'm guessing here around

1 45 minutes or so after the -- after the killing, after the
2 murder.

3 Q. Okay. And did you research where that RaceTrac was
4 located?

5 A. Yes.

6 Q. Where was that located at?

7 A. I'm going to give you the address here. The address
8 was 10445 Bissonnet.

9 Q. Is that in close proximity to the location of 10350
10 Land's End?

11 A. It is.

12 Q. Okay. Where did you learn the credit card was used
13 next and at what time?

14 A. It was then used at a -- at a Texaco gas station,
15 just a few minutes later. And that was at 10841 Bissonnet.

16 Q. Okay. And is that also in close proximity to not
17 only the RaceTrac but also the Land's End address?

18 A. It is.

19 Q. Where did you learn the credit card was used next and
20 at what time?

21 A. Let's see here, I'm going to have to go through
22 the -- the maze of -- cards here.

23 Q. Let me ask a different question, maybe this will be
24 easier.

25 A. Okay.

1 Q. On June 19, 2010, starting with that RaceTrac
2 transaction --

3 A. Right.

4 Q. -- do you know approximately how many times that card
5 was used on that day, June 19, 2010?

6 A. Well, close to a half a dozen times. It went from
7 the RaceTrac to the Texaco, then it started showing up at
8 Walmart, at a couple of Walmarts. There was a use at one point
9 at an ATM machine at one of the malls, and there was a purchase
10 of gasoline at a Murphy gas station at one of the Walmarts. So
11 within several hours, probably six to seven hours, the card had
12 been used multiple times, and then later used to obtain access
13 to a porn website.

14 Q. And these are all transactions that are occurring
15 after Aidee Reyna has been killed?

16 A. That's correct.

17 Q. Okay. Now, first of all, when you start to see that
18 the credit card's in use, does that change your investigation
19 in terms of the ex-boyfriend?

20 A. Not at that time. After the -- after the use of the
21 cards and being able to determine that the use of the cards
22 were not by people associated with the ex-boyfriend and was
23 clearly not the ex-boyfriend, it was at that point that the
24 investigation started to lead me a different direction.

25 Q. Okay. So now you know where the card's been used,

1 what do you do next in your investigation?

2 A. Well, at that point I need to obtain these -- I'm
3 hopeful that there are going to be videos at these locations
4 where the cards are being used, make contact with RaceTrac,
5 contact with Texaco, contact with the Walmarts, and reach some
6 success with the Walmarts.

7 Q. Okay. Now, what day is it that you are starting to
8 contact these businesses?

9 A. July 12th was when I began my search for the variety
10 of videos.

11 Q. Okay. So this is approximately three weeks after
12 Aidee Reyna had been shot?

13 A. That's correct.

14 Q. Okay. So, were you able to obtain any video from the
15 RaceTrac or from the Texaco?

16 A. No. There were no videos there, and the -- but
17 fortunately at the Walmart, both Walmart locations there were
18 videos.

19 Q. Okay. So, there were videos at the Walmart
20 locations?

21 A. Yes.

22 Q. Were you able to obtain those videos?

23 A. Yes, I did.

24 MS. FULLER: May I approach the witness -- actually
25 Judy?

1 Permission to publish State's Exhibits 63 and 62?

2 THE COURT: All right.

3 Q. (By Ms. Fuller) Do you know which Walmart location
4 you went to first?

5 A. I went by the Murphy's gas station, which was in
6 front of Walmart 3302.

7 Q. Okay.

8 A. I don't know that I have the address for that
9 particular Walmart.

10 Q. Was that location -- did you find that that Walmart
11 was, comparing it to the bank records, was that Walmart located
12 at 3302, or No. 3302, was that the first time the credit -- the
13 first of the two Walmarts where the credit card was used?

14 A. No. I believe my recollection is that the first time
15 the Walmart use was at Walmart No. 3509.

16 (Video playing.)

17 Q. Okay. So this is State's Exhibit 62 that we're
18 viewing. What information do you get from State's Exhibit
19 No. 62?

20 A. This is Walmart 3509?

21 Q. Yes, sir.

22 A. This is going to show a black car pull up and a
23 person who's later identified steps out of that car, a black
24 male.

25 Q. Okay. Can you, if you would, just continue watching,

1 right --

2 A. I'm sorry, that's -- it just went by.

3 Q. Back that up a little bit.

4 A. That was it.

5 (Video playing.)

6 A. Right here.

7 Q. Right there?

8 A. Right there.

9 Q. All right. So from that surveillance video, were you
10 able to get any license plates or any information from that --
11 from that video?

12 A. No.

13 Q. Okay. And for the record, can you read up top the
14 date and the timestamp that Walmart had on this?

15 A. The time is 11:35 a.m. The date would be 6-19-2010.

16 (Video playing.)

17 Q. Did you receive further information from this Walmart
18 or further video from the Walmart?

19 A. No.

20 Q. Was this Walmart able to give you any video of
21 transactions that happened inside the store?

22 A. I believe there was, actually, on this -- this is the
23 first video, this is where the black male is using it, and I --
24 my recollection is that they actually provided the particular
25 register video where the credit card had been used, the debit

1 card had been used.

2 Q. So tell me, what information did you have that you
3 took to Walmart in order to get this video?

4 A. Well, I had the credit card debit card number that
5 had been used, and had a timeframe, of course, that had been
6 provided from the credit card and debit card provider, and was
7 able to narrow down a timeframe of which I asked them to look
8 through their videos.

9 (Video playing.)

10 Q. Is this the same individual that was seen getting out
11 of the black car?

12 A. Yes.

13 (Video playing.)

14 Q. This is the same individual seen getting out of the
15 car?

16 A. Yes.

17 Q. And for the record, what time is stamped at the top?

18 A. 11:39 a.m., 6-19-2010.

19 (Video playing.)

20 Q. Investigator Waters, for the record, did you see what
21 purchase he made, what he scanned when he walked up?

22 A. It's kind of hard to tell what it was he scanned. I
23 know I had a total dollar amount of what he scanned. Looked
24 like potato chips and other things.

25 (Video playing.)

1 Q. All right. I'm going to back this up just a moment.

2 (Complies.)

3 For the record, can you tell what it is he's
4 purchasing at this location?

5 A. Looks like a bag of chips and a bottle of soda.

6 MS. FULLER: Your Honor, permission to publish
7 State's Exhibit 64?

8 THE COURT: You may.

9 Q. (By Ms. Fuller) Now, this was Walmart location 3509;
10 is that correct?

11 A. Correct.

12 Q. Walmart 3509?

13 A. Correct.

14 Q. And it says card purchase with PIN?

15 A. That is correct.

16 Q. The location. And the amount was?

17 A. 102.58.

18 Q. Okay. Were you able to get any other information off
19 of this Walmart video?

20 A. No.

21 Q. Any -- when he leaves the store, were you able to get
22 any information?

23 A. No, just that he was actually in the store.

24 Q. Okay. So the next location of Walmart where he used
25 the debit card was where, the Walmart location?

1 A. That was Walmart 3302, and that was located at 9460
2 west Sam Houston Parkway south.

3 MS. FULLER: Your Honor, permission to publish
4 State's Exhibit 63?

5 THE COURT: Sure.

6 Q. (By Ms. Fuller) Tell us, if you would, as its
7 playing, what information you get off of this location, which
8 is?

9 A. At this location we were able to not only see people
10 getting out of a car but we were able to -- I was able to
11 obtain the license plate off of the car.

12 (Video playing.)

13 Q. I'm going to try to fast-forward through this
14 somewhat.

15 (Video playing.)

16 Q. And if you would let us know when -- what you found
17 from this camera angle. All right. I think I made it too
18 fast.

19 Okay. We just watched a car wait for a parking slot
20 and pull in and this group of people walking out?

21 A. It was a green Saturn that pulled through here and
22 parked up here and went up to the right of the screen, and
23 these four individuals get out and come walking toward the
24 Walmart.

25 Q. Okay.

1 (Video playing.)

2 Q. And are these the same four individuals walking into
3 the store?

4 A. Yes. You'll see them come in together. The one on
5 the left, on the right with the Texas jersey.

6 Q. Did the person in the red shirt and the khaki shorts
7 appear to be the same person in the first Walmart video that we
8 looked at?

9 A. Yes.

10 Q. Okay. And what day was this video taken?

11 A. Be the same -- the same day, be July -- I'm sorry --
12 June 19th.

13 (Video playing.)

14 Q. Is this still the same Walmart location?

15 A. Yes.

16 Q. Does this appear to be the same individual?

17 A. From the previous Walmart recording, yes.

18 Q. Can you tell what he's purchasing here?

19 A. I'm sorry?

20 Q. Can you tell what he is purchasing?

21 A. It looks like a flat item of some kind. I'm not sure
22 what he's --

23 (Video playing.)

24 A. Looks like a package of some kind.

25 (Video playing.)

1 Q. And again, what does it appear that he's doing after
2 the transaction?

3 A. Well, he's bagging up the -- he's having conversation
4 with the black female and the black male that walk up.

5 (Video playing.)

6 Q. What does it appear that he's taking out of the
7 machine?

8 A. He's making another -- it appears that he's making
9 another cash withdrawal.

10 (Video playing.)

11 Q. And do you have a time from the records of when that
12 transaction was taking place?

13 A. I don't have that noted in my records.

14 Q. This was Walmart location 3302; is that correct?

15 A. That's correct.

16 Q. And again, you have a credit card purchase with PIN?

17 A. With PIN, right.

18 Q. On 6-19?

19 A. Correct.

20 Q. At Walmart location 3302, in the amount of 122.19?

21 A. That's correct.

22 Q. Okay. And then there's another credit card purchase
23 with PIN on the same date, 6-19, Walmart, same location, 3302,
24 for 12.99?

25 A. Correct.

1 Q. Is that correct?

2 (Video playing.)

3 Q. Now, is this person who's just walked up one of the
4 four people that was seen entering into the Walmart?

5 A. Yes.

6 Q. And the female as well?

7 A. Yes.

8 Q. So both of these people were with the male in the red
9 shirt and the khaki shorts?

10 A. That's correct.

11 (Video playing.)

12 Q. Still State's Exhibit No. 63. And this appears to be
13 the outside of the Walmart; is that correct?

14 A. That's correct.

15 (Video playing.)

16 Q. Are these two people up here that we saw making the
17 last transaction?

18 A. Yes.

19 (Video playing.)

20 Q. And from this vantage point were you able to get any
21 information off of the car?

22 A. No, not from this vantage point. My recollection is
23 that there was a shot from the rear of the vehicle as it was
24 leaving the parking lot right here, just went by.

25 Q. Leaving the parking lot?

1 A. Yes, right -- there you go, it's there.

2 Q. Right --

3 A. There you go.

4 (Video playing.)

5 A. That's it.

6 Q. So from that vantage point you're able to get what?

7 A. The license plate off of the green Saturn that the
8 four individuals had shown up at the Walmart in.

9 Q. Okay. All right. So back to -- back to State's
10 Exhibit 64, we have a list of transactions starting on 6-19.
11 One of 'em was at 10445 Bissonnet?

12 A. Correct.

13 Q. And that is an ATM withdrawal?

14 A. Correct.

15 Q. Do you know what location 10445 Bissonnet is?

16 A. That should be the RaceTrac gas station.

17 Q. And the amount was?

18 A. The first withdrawal was 301.50.

19 Q. And then here's -- there's a second one on 6-19?

20 A. Correct.

21 Q. An ATM withdrawal, same location, 10445 Bissonnet
22 Street?

23 A. Correct.

24 Q. How much was the second?

25 A. 201.50.

1 Q. Okay. The next transaction we go to is the card
2 purchase with PIN also on 6-19 at Walmart 3509.

3 A. Correct.

4 Q. Which is on Beechnut; is that correct?

5 A. The one on Beechnut, yes, ma'am.

6 Q. And the amount?

7 A. 102.58.

8 Q. And then we have a credit card purchase with PIN on
9 6-19, it says Murphy 7237 at Walmart?

10 A. Correct.

11 Q. What location is that?

12 A. That was the -- excuse me -- that was the Walmart --
13 the Murphy's gas station there at the Walmart.

14 Q. At which Walmart location, do you know?

15 A. I want to say that's at 3509. It may have been at
16 3302 though.

17 Q. Okay. And that amount was for 28.31?

18 A. Correct.

19 Q. Next one we have is a credit card -- a credit card
20 purchase with PIN, 6-19, at Walmart 3302?

21 A. Correct.

22 Q. In Houston. And that amount was?

23 A. 122.19.

24 Q. And we have a credit card with purchase PIN, 6-19,
25 Walmart 3302, Houston, Texas, for?

1 A. 12.99.

2 Q. And the next one that we go to for 6-19 says credit
3 card, or card purchase on 6-19 for UR Epoch.com, and it appears
4 that there are two charges for that, 39.95 and 4.95.

5 A. Correct.

6 Q. Did you research what those charges were?

7 A. Yes.

8 Q. And what did you learn through your investigation?

9 A. Epoch.com was a porn website, and the card had been
10 used to access that website.

11 Q. When you got that information about the card being
12 used to access a pornography website, did you do further
13 investigation with that information?

14 A. I did.

15 Q. And what did you learn from your investigation?

16 A. It led me to an IP address which led me to an e-mail
17 address which led me to a location of the computer and the
18 network that was being used to access the porn site.

19 Q. All right. Did you learn the owner of the website?

20 A. The owner?

21 Q. Excuse me, the owner of the e-mail address?

22 A. Yes.

23 Q. And what was that person's name?

24 A. Kendrick Baldwin.

25 Q. Okay. All right. So at this point you have

1 somebody, a known person, a Kendrick Baldwin whose e-mail
2 address is using the credit card, and you've also got
3 information about the green Saturn that's leaving the Walmart
4 at the same time that the credit card is being -- around the
5 same time that the credit card transactions are being used.
6 Were you able to obtain any information about that green
7 Saturn?

8 A. Yes.

9 Q. And what information did you obtain?

10 A. Found out who the registered owner of the vehicle
11 was.

12 Q. And who was the registered owner?

13 A. Came back to Tierra Davis.

14 Q. Okay. Through the course of your investigation, did
15 you find any link between Tierra Davis and Kendrick Baldwin?

16 A. Yes.

17 Q. What was their -- what was their link?

18 A. There was a common group of folks that were -- some
19 were family members, some were associates of Kendrick Baldwin.
20 They had all been invited to a family reunion at one point and
21 were all associated with one another, either by family or by
22 friendship.

23 Q. Okay. Through the course of your investigation, did
24 you speak with Tierra Davis?

25 A. I did.

1 Q. And did you speak with Kendrick Baldwin?

2 A. I did.

3 Q. And did you speak with anybody else regarding this
4 investigation at that point?

5 A. Yes. Talked to Hughe, if I can remember his last
6 name. Talked to Kendrick. Talked to -- we developed a person
7 by the name of Tyrone Davis, which we later eliminated and did
8 not speak to. Ended up talking to Hughe Baldwin, and he was
9 the one that talked about the relationship between Tierra,
10 Kendrick, and a variety of other people.

11 Q. Okay. And who else did you speak with?

12 A. Spoke to Shajuana Pope as a part of the
13 investigation, and she, come to find out, was the driver of the
14 black vehicle that was in the first Walmart video.

15 Q. Now, when you spoke with all these people, did you
16 have the Walmart videos at that point?

17 A. Yes.

18 Q. Did you have still photographs of the Walmart video?

19 A. I did.

20 Q. Okay. So during the course of your investigation,
21 were you able to identify the person in the red shirt and khaki
22 shorts?

23 A. Yes.

24 Q. And what was his name?

25 A. Seitrich Deandre Buckner.

1 Q. All right. Now, through the course of your
2 investigation, did you learn that it would be -- that you
3 wanted to talk to Seित्रिच Deandre Buckner?

4 A. Yes, I did want to have a discussion with him.

5 Q. Okay. Now, before we get into your discussion with
6 him, you mentioned that you interviewed Tierra Davis. You
7 interviewed Hughe Baldwin.

8 A. Correct.

9 Q. Kendrick Baldwin, and Shajuana Pope.

10 A. Correct.

11 Q. During the course of those interviews, were any of
12 those four people developed as suspects in the murder of Aidee
13 Reyna?

14 A. No.

15 Q. All right. So you're now at a point where you know
16 that the person in the red shirt and khaki shorts is Seित्रिच
17 Deandre Buckner. Do you have an opportunity to find him?

18 A. Yes.

19 Q. Okay. Do you recall where he was when you found him?

20 A. He was staying at a -- at a girlfriend's house.

21 Q. All right. And did you go to that location?

22 A. I did.

23 Q. Tell me -- tell us what happened when you arrived at
24 that location?

25 A. Went to that location, and knocked on the door, spoke

1 with the -- was invited in, spoke with the homeowners, asked if
2 Seitrich Buckner was at the location, and I was directed to
3 a -- to a bedroom in the back of the house.

4 Q. All right. Were you able to make contact with
5 Seitrich Buckner at that time?

6 A. I did.

7 Q. Okay. Do you see Seitrich Deandre Buckner in the
8 courtroom today?

9 A. I do.

10 Q. Would you please point him out and identify him by an
11 article of clothing?

12 A. He is sitting to my right and wearing a white shirt
13 and multicolored striped tie.

14 MS. FULLER: Your Honor, at this time may the record
15 reflect that this witness has identified the defendant.

16 THE COURT: The record will so reflect.

17 Q. (By Ms. Fuller) Tell us what happened when you made
18 contact with Seitrich Buckner at his girlfriend's house.

19 A. He was -- he was laying down on the bed. The lights
20 were out. I walked in and introduced myself, and asked if he
21 would come down and speak with me, I had a matter I needed to
22 talk to him about.

23 Q. And do you recall what date this was that you made
24 contact with him?

25 A. That's going to be August 5th.

1 Q. All right. After asking him if he would come down
2 and speak with you, what did he say?

3 A. Something to the effect of let me put my shoes on.

4 Q. Okay. So he agreed to go with you?

5 A. Yes.

6 Q. At that time was Seित्रich Buckner under arrest?

7 A. No, he was not.

8 Q. Tell us what happens after he gets his shoes.

9 A. We take him down to our office, and Sergeant Bobby
10 Roberts was with me at the time, and brought the defendant down
11 to our office, put him in an interview room. I offered him
12 water, offered him the use of the restroom, and then we began
13 the interview.

14 Q. All right. I want to back up just a little bit when
15 you're still at the girlfriend's house. He's agreed to go with
16 you voluntarily?

17 A. Correct.

18 Q. Was he placed in handcuffs?

19 A. No, he was not.

20 Q. You said that you're there with one other officer; is
21 that correct?

22 A. Correct.

23 Q. What is your common practice for who would sit where
24 in the -- in your vehicle?

25 A. Typically my practice is to place the person to be

1 interviewed in the front seat with me. The partner, whoever
2 I'm with, will sit in the backseat.

3 Q. Okay. So he's not handcuffed, and per your practice
4 he's sitting in the front seat?

5 A. That's correct.

6 Q. And you gave him a ride down to where?

7 A. The Houston Police Department homicide division
8 office at 1200 Travis, sixth floor.

9 Q. Okay. Now, when you get him there, are there
10 procedures that you have to go through just walking in the
11 door?

12 A. To the extent that we offer them conveniences that we
13 would have available to ourselves, that being the offer of a
14 bottle of water, use of the restroom. We may sometimes ask if
15 they're hungry, but the -- the atmosphere is to be one of
16 welcoming them into the division.

17 Q. Now, once you got there and into the interview
18 room -- first of all, who all is in the interview room?

19 A. I'm sorry?

20 Q. Who all is in the interview room?

21 A. Just myself and the defendant.

22 Q. Okay.

23 A. In this particular interview.

24 Q. You said that you had a partner that was with you.
25 What was your partner doing at that time?

1 A. He was monitoring the recording equipment.

2 Q. Okay. And what is the purpose of that?

3 A. Well, in the event that anything were to occur inside
4 the room, regarding a security or safety problem, then he's
5 made aware of that obviously and can respond to it, plus he's
6 also a witness to the interview, and it's not done in a vacuum
7 with just the interviewer and the person being interviewed.

8 Q. You talked about security, what are the procedures
9 regarding your weapon when you do interviews?

10 A. My practice is, and I think typical practice is to
11 remove the weapon from the holster and secure it before
12 entering the interview room.

13 Q. Did you secure it outside the interview room?

14 A. Yes.

15 Q. And what is the purpose of doing that?

16 A. Part of it is safety reasons, probably the main part
17 is the safety reasons, but the other part is that it's been
18 brought up in previous trials about the intimidation factor of
19 a weapon being in the room.

20 Q. So on this day, and I believe you said it is --
21 actually what day is it that you interview him?

22 A. Well, I want to make sure that I give you the --
23 because that was a long day. (Looks in report) August 5th,
24 Thursday, 2010, and we arrived late to Travis, around 10:10
25 p.m.

1 Q. Okay. Now, you said that the defendant was not --
2 excuse me -- that Seitrich Buckner was not under arrest at this
3 time?

4 A. He was not.

5 Q. Did you explain that to him?

6 A. That was explained to him. In fact, when we brought
7 him into the building, he signed a visitor's log, was given a
8 sticker that designated him as a visitor, and that clearly not
9 in custody.

10 Q. Did you explain to Seitrich Buckner that he was free
11 to leave at any time?

12 A. The first thing I tell anyone in a non-custody
13 interview is that they are not under arrest, they are not in
14 custody, and they are free to leave. Then I will thank them,
15 appreciate the fact that they have voluntarily come down to
16 take part in the interview.

17 Q. If Seitrich Buckner had asked to leave at any point
18 during the interview, what would have happened?

19 A. I would have taken him home.

20 Q. If Seitrich Buckner would have asked for an attorney
21 at any point during the interview, what would have happened?

22 A. The interview would have ended.

23 Q. Did either of those things occur?

24 A. No, they did not.

25 Q. Did you state those things to the defendant, that he

1 was not under arrest and that it was a voluntary statement and
2 that he was free to leave on the video, or when the video was
3 being recorded?

4 A. Yes. The first thing I tell 'em.

5 Q. And did you ask Seित्रिच Buckner questions about the
6 case that you were investigating?

7 A. Yes.

8 Q. And did Seित्रिच Buckner answer those questions?

9 A. He did.

10 Q. In answering those questions, did Seित्रिच Buckner
11 admit to taking part in any of those -- into taking part of any
12 of the crime?

13 A. Yes.

14 Q. Was the entire interview with Seित्रिच Buckner
15 recorded?

16 A. Yes, it was.

17 Q. And was it recorded with audio, video, or both?

18 A. The video recording equipment was used.

19 Q. Okay. So we've got video and audio?

20 A. Correct.

21 MS. FULLER: May I approach the witness?

22 THE COURT: You may.

23 Q. (By Ms. Fuller) Let me show you what has been marked
24 as State's Exhibit 65. Do you recognize State's Exhibit 65?

25 A. Yes.

1 Q. What is State's Exhibit 65?

2 A. This would be the video audio recorded statement of
3 the defendant.

4 Q. Okay. That you took on August 5, 2010?

5 A. Correct.

6 Q. All right. And you've had a chance to review it?

7 A. Yes.

8 Q. It's a fair and accurate copy of -- of those -- of
9 the statement that you took of this defendant?

10 A. Yes, it is.

11 Q. Okay. You recognize all the voices and people on the
12 video?

13 A. Yes.

14 Q. Who are they on the video?

15 A. Myself and the defendant.

16 Q. Okay. Seitrich Buckner?

17 A. Yes.

18 Q. Anyone else on the video?

19 A. No.

20 Q. All right. And you stated that Officer Harris or
21 Roberts?

22 A. Sergeant Roberts was actually monitoring. There is
23 one other voice on the video that is later introduced.

24 Q. And who is that?

25 A. That is Kendrick Baldwin.

1 Q. Okay. Sergeant Roberts, so he's monitoring the
2 equipment?

3 A. Yes.

4 Q. Was he competent in doing so?

5 A. Yes.

6 Q. And is this a copy of the -- of his statement from
7 start to finish?

8 A. Yes, it is.

9 Q. Okay. Now, I'm going to hand you what's been marked
10 as State's Exhibit 65-A. Do you know what State's 65-A is?

11 A. Yes.

12 Q. What is 65-A?

13 A. This is going to be a copy of the original statement
14 with some redacting done in the video, in the interview.

15 Q. Okay. And to your knowledge was that redacting done
16 by agreement of both myself and Ms. Scardino?

17 A. Yes.

18 MS. FULLER: Your Honor, at this time State moves to
19 admit State's Exhibit 65-A, tenders to Defense counsel for
20 inspection.

21 MS. SCARDINO: Thank you, your Honor. I have no --
22 as previously stated, we have agreed to the redactions and
23 this -- I have no objection.

24 THE COURT: All right. 65-A is admitted.

25 MS. FULLER: May we approach?

1 THE COURT: Sure.

2 (The following proceedings were had at the bench:)

3 MS. FULLER: I didn't know if you wanted to break at
4 11:30.

5 THE COURT: Are you getting ready to play that bad
6 boy?

7 MS. FULLER: Yeah. I can start trying to ask more
8 questions.

9 THE COURT: No, no, I was just waiting for you to
10 publish it to take a break. They brought in Quizno's, so we
11 are going to take a pretty short lunch break so we can get the
12 whole thing in this afternoon.

13 MS. FULLER: We definitely could. I'm still
14 obviously going to have questions after.

15 MS. SCARDINO: I'll probably have Officer Waters for
16 a while.

17 THE COURT: Oh, yes, I'm sure.

18 All right. So let's take a break, then we'll come
19 back at, like, 12:05, 12:15.

20 MS. FULLER: That would be good.

21 Are they going to eat now or are you going to give
22 them a morning break?

23 THE COURT: Quizno's is here ready for them.

24 MS. SCARDINO: Oh, you were talking about the lunch,
25 Quizno's.

1 THE COURT: We've brought it in so it would be ready
2 for them.

3 MS. SCARDINO: Just to have time to run downstairs.
4 I haven't had anything this morning. I didn't eat yesterday
5 either, so I'm kind of hungry.

6 THE COURT: Can you do it by 12:15?

7 MS. SCARDINO: Yes.

8 (The following proceedings were had in open court:)

9 THE COURT: Ladies and gentlemen, we are discussing
10 the lunch break and how we're going to go with the length of
11 the video that we anticipate is next, so we're going to break
12 for lunch at this time. We're going to come back as close to
13 12:15 as we can, so that we might get through the entirety of
14 65-A. Please don't discuss the evidence you've heard so far
15 until the conclusion of the evidence.

16 All rise for the jury, please.

17 (Jury out.)

18 (Lunch recess.)

19 (Open court, defendant present.)

20 MR. REISS: Judge, before the jury comes out I'd like
21 to get something on the record, if we can.

22 THE COURT: All right.

23 MR. REISS: Thank you, your Honor. I just want to
24 briefly put something on the record. The State has prepared
25 transcripts to accompany what has been introduced into evidence

1 as State's Exhibit No. 65-A, the redacted audio and videotaped
2 statement of Mr. Buckner. It is an 85-page transcript, and it
3 contains redactions -- and by redactions, just literally just
4 black Sharpies cross over the relevant portions that have been
5 redacted -- on pages 7, 18, 25, 27, 54, 60, 61, and 62.

6 I provided a copy of the redaction, the redacted copy
7 to Ms. Scardino Friday. She's had an opportunity to review it.
8 I believe we're all on the same page with the redactions that
9 have been made on the transcript are the redactions that were
10 accompanied on the video. And I just want to introduce, not
11 for purposes of evidence in this hearing, but for appellate
12 purposes down the road, a copy of what I've marked as State's
13 Exhibit No. 63, which is the redacted transcript.

14 THE COURT: Okay. But you can't call it State's 63.

15 MR. REISS: 93 rather. I apologize.

16 MS. SCARDINO: 93?

17 MR. REISS: 93.

18 MS. SCARDINO: That is correct, your Honor. And I
19 have several times reviewed the redacted version as recently as
20 last evening, and I have no objection to the -- this exhibit
21 being introduced into evidence.

22 THE COURT: For appellate purposes.

23 MR. REISS: For appellate purposes only.

24 THE COURT: All right.

25 MR. REISS: Then I physically have a copy for the

1 Court and for the jury. I don't know how -- just give them to
2 the deputy?

3 THE COURT: That will be great, whichever deputy is
4 available to pass them out once that happens.

5 MS. SCARDINO: And of course that's just for their
6 review during the video and --

7 THE COURT: It won't go back there.

8 MS. SCARDINO: -- it will not go back to the jury
9 room.

10 THE COURT: All right.

11 I'm ready. Are we ready other than that?

12 (Jury in.)

13 THE COURT: All right. Please be seated.

14 Ms. Fuller, you want to proceed?

15 MS. FULLER: Thank you, your Honor.

16 DIRECT EXAMINATION (CON'T)

17 BY MS. FULLER:

18 Q. Before we left for the lunch break we were talking
19 about the voluntary statement that you took of the defendant,
20 Seitrich Buckner; is that correct?

21 A. Correct.

22 Q. Okay. Before we get into the video, would you please
23 tell the jury about the training that you've received in terms
24 of giving interviews.

25 A. I've received a lot of training in the course of my

1 career about interviewing. I've attended a couple of schools,
2 the Reid school, the Rhode school, and over the last five or
3 six years my partner and I in homicide have developed our own
4 training program regarding the art of interviewing, and I am an
5 instructor now at HPD for interviewing techniques.

6 Q. So when you go into an interview, you have -- is it
7 fair to say that you have a set plan of how you're going to
8 conduct that interview?

9 A. Yes.

10 Q. Have you developed a style over the years of what
11 works for you?

12 A. Depending on who I'm interviewing, yes.

13 Q. Specifically let's talk about younger defendants.
14 What is your style with younger defendants?

15 A. Typically with a younger defendant, particularly
16 males, I try to come off as a father figure to them.

17 Q. And how do you treat the people that you are
18 interviewing?

19 A. Well, our basic tenent in the classes that we teach
20 is to treat everyone with dignity and respect, because you're
21 building a relationship with someone in the beginning of the
22 interview, trying to establish a rapport with that person so
23 that they will trust you enough to talk to you about something
24 that they clearly at the beginning do not want to speak of.

25 Q. Do you develop themes while you're -- either before

1 or right when you start the interview?

2 A. Depending on who we're talking to, we develop a plan
3 of what kind of an approach we're going to take, and then once
4 we get into the interview room, we execute that plan. Now, the
5 plan can change through the course of the interview.

6 The days of the hot lights and smoke filled rooms are
7 over with, and we try to make the environment as nonadversarial
8 as possible during the course of the interview, because the
9 whole purpose of the interview is to find the right person
10 who's done the wrong thing to make sure there's a measure of
11 justice that's carried out for the victim.

12 MS. FULLER: Your Honor, at this time permission to
13 publish State's Exhibit 65-A?

14 THE COURT: You may.

15 And, folks, just as a point of order, we plan to take
16 a break at about the halfway point, should be about 2:30.

17 (Video played.)

18 THE COURT: Let's take a break. All rise for the
19 jurors, please.

20 (Jury out.)

21 (Break.)

22 (The following proceedings were had in open court:)

23 (Jury in.)

24 THE COURT: All right. Please be seated.

25 If in the future somebody else needs a break, please

1 do give us the wave and we'll take a quick break.

2 (Video played.)

3 THE COURT: Let's take a break, guys.

4 (Jury out.)

5 (Break.)

6 (Open court, defendant present.)

7 MR. REISS: Judge, put something on the record. Ms.
8 Fuller and I have just had a discussion with Ms. Scardino.
9 Just by way of background, when Mr. Buckner was brought in last
10 Friday, Ms. Fuller and I both noticed some tattoos on his body
11 that we had not seen before. In preparing for trial we wanted
12 to see if they were gang related tattoos. We had Mr. Buckner
13 photographed by the gang unit in the jail, and I believe he was
14 photographed literally Sunday afternoon.

15 At about 11:00 o'clock this morning we received
16 electronic copies of those photographs. There are no gang
17 related tattoos on his body. There are, however, one or two
18 photos that I'm not going to go into because if it came time
19 for punishment, your Honor would be considering them, but there
20 are one or two photographs in here that we believe might be
21 relevant to punishment if it comes up, and also might be
22 relevant to Ms. Scardino if she decides to put on a case for
23 cross-examination.

24 So under our 404(b) 609 notice requirements, we have
25 tendered to Ms. Scardino copies of all the photographs that we

1 got a couple hours ago. I've identified to Ms. Scardino the
2 two or three photos that I think would be relevant if it came
3 down to it. Anyway, I just wanted to get that on the record.

4 THE COURT: All right.

5 Ms. Scardino, are you in receipt of those photographs
6 taken Sunday afternoon?

7 MS. SCARDINO: I am.

8 THE COURT: All right. Let's bring out the jury.

9 (Jury in.)

10 THE COURT: All right. Let's proceed.

11 MR. REISS: We're at 1:55:04.

12 (Video played.)

13 THE COURT: Ladies and gentlemen, I appreciate
14 you-all's willingness to stay an hour past when I said I would
15 let you go yesterday. You are released for the evening.
16 Please don't talk about the case when you get home and don't
17 talk about it amongst yourselves until the evidence is closed.
18 We'll see you tomorrow at 10:00 a.m. please. Thank you-all.

19 (Jury out.)

20 THE COURT: All right. We'll see you at 10:00.

21 Anything we need to discuss before?

22 MR. REISS: I don't believe so, your Honor.

23 (Proceedings recessed until March 21, 2013.)
24
25

1 CAUSE NO. 1273331
2 THE STATE OF TEXAS IN THE 176TH DISTRICT
3 VS. COURT OF
4 SEITRICH DEANDRE BUCKNER HARRIS COUNTY, TEXAS
5

6 I, Judith Ann Fox, Official Court Reporter in and for
7 the 176th District Court of Harris County, State of Texas, do
8 hereby certify that the above and foregoing contains a true and
9 correct transcription of all portions of evidence and other
10 proceedings requested in writing by counsel for the parties to
11 be included in this volume of the Reporter's Record, in the
12 above-styled and numbered cause, all of which occurred in open
13 court or in chambers and were reported by me.

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

17 WITNESS MY OFFICIAL HAND this, the 13th day of May,
18 2013.
19
20
21

22 /s/ Judith Ann Fox
23 Judith Ann Fox
24 Official Court Reporter
25 176th District Court
Harris County, Texas
Certificate No. 3311
Certificate expires: 12-31-13