

Guilt Innocence Phase
August 9, 2017

1 complainant, and did cause the death of the complainant
2 by intentionally and knowingly committing an act clearly
3 dangerous to human life, namely by stabbing the
4 complainant with a deadly weapon, namely a knife.

5 Against the peace and dignity of the
6 State. Signed by the foreman of the grand jury.

7 THE COURT: To which the defendant pleads
8 guilty or not guilty?

9 THE DEFENDANT: I am not guilty.

10 THE COURT: State wish to make an opening
11 statement?

12 MS. BARNETT: I would, Your Honor.

13 THE COURT: You may proceed.

14 **OPENING STATEMENT BY THE STATE/MS. BARNETT**

15 MS. BARNETT: On December 23, of 2012, was
16 a Sunday. At 4:30 that afternoon, the family members of
17 Jaime Melgar came over to the Melgars' house to have
18 dinner. They had been invited the day before, or a
19 couple of days before to come over and have a meal with
20 Sandra and Jaime Melgar.

21 When they got to the residence at 4:30
22 p.m. -- they were supposed to be there at 4:00. They
23 were running late and came at 4:30 p.m. There were five
24 of them, they were all in one car. They saw Jaime
25 Melgar's truck parked on the right side of the driveway

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1 with that garage door up, which is unusual. It was two
2 independent garage doors that they have at their
3 residence in Harris County, Texas.

4 You're going to hear testimony that
5 Jaime's brother went to the front door and knocked on
6 the front door and didn't get an answer. The door was
7 locked. The brother went around to the back of the
8 house to make access to the back door; it was locked.
9 He came around to the front, and he just went through
10 the open garage door into the house and called out and
11 heard some screaming in the back.

12 You're going to hear testimony that when
13 he went into the house, he found his brother's body in
14 his brother's closet, brutally stabbed to death,
15 multiple stab wounds on his chest and his neck. He went
16 into another part of the house where he found Sandra
17 Melgar in her closet with her hands tied behind her
18 back, and her ankles wrapped. She was in her closet in
19 the bathroom, and there was a chair on the outside of
20 the bathroom door wedged up against the door.
21 Ostensibly, or believing that she would not be able to
22 get out. He took her out of the room, tried to untie
23 her ties. She said, there's some scissors over in the
24 bathroom, use the scissors and cut it. So the family
25 members cut the back of her ties, cut her ankles, and

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1 freed her. The police were called immediately.

2 Police officers arrived within 10 minutes.
3 First of all, EMS came first. They were the first ones
4 that came. And EMS is not, as you probably know, an
5 investigative agency. They're there to take care of the
6 persons that are hurt and find out if they're hurt, find
7 out what they need, do they need to go to the hospital?

8 What you're going to hear is when Sandra
9 Melgar got free, she raced over to the closet and put
10 her hand to her dead husband's neck to see if he had a
11 pulse. Now, when you see the pictures of Jaime Melgar
12 covered with blood with a laceration across his neck and
13 multiple stab wounds to the chest, you may have to
14 wonder why she went over there to put her DNA on his
15 neck, to see if he had a pulse. Because it's very clear
16 that Jaime Melgar didn't have a pulse and hadn't had a
17 pulse for multiple hours.

18 Everything of importance to this case
19 happens in the bedroom and in the bathroom. And we have
20 a diagram that will make it a little bit easier for you
21 to understand. I'm going to show it to you.

22 This is going to be State's Exhibit No. 1.
23 This is the house -- or excuse me -- this is just the
24 bedroom scene, bedroom and bathroom of the Melgar house.
25 It was a one-story house off of 290. So what you have

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1 here is the entrance into the master bedroom. There's
2 the bed, there's the closet; they had a treadmill, a
3 dresser. You go forward, and this is the master bath.
4 Over to the right, a toilet, and then this is the closet
5 right here.

6 What you're going to hear is that Jaime
7 was found here in his personal closet. Next -- in
8 between the bed and the closet is a dining room chair
9 and some kind of little bench here, both of which had
10 blood on them. A lot of blood in the closet here.

11 You're going to hear testimony that there
12 was a tub here, a pillow sham and a chair, and in her
13 closet was where she says that she was found in here.
14 And she was found there; she was found there.

15 So what you're going to hear is the first
16 story -- her first story is to an EMS tech about what
17 happened. The EMS tech is there to see if she is hurt,
18 if she needs to go to the hospital, what is happening to
19 her. And the story she tells EMS, and this is within
20 probably 30 minutes of her being rescued by her family,
21 even probably less time than that, is that she says that
22 she is not hurt in anyway, she doesn't need to go to the
23 hospital, she doesn't have any tie marks on her ankles
24 or her wrists, she has a headache. And the EMS tech
25 feels her head to see if she has any bumps, bruises, or

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1 lacerations, any deformities at all. The EMS writes in
2 her report that she does not. The EMT tech makes sure
3 that she also writes that the patient had no markings on
4 her wrists, and no markings on her ankles. That's story
5 No. 1.

6 Story No. 1 is that she and her husband
7 were in the tub, and he got out to take care of the
8 barking dogs, and she blacked out, she blacked out. And
9 then hours later, she came to, and she was in the
10 bathroom tied up. Doesn't have an explanation for what
11 happened, she just blacked out. Maybe she had a
12 seizure. She doesn't know.

13 Story No. 2, the homicide detectives come
14 over. And they also investigate because they need to
15 know what happened here. There were only two people in
16 the house. There's Jaime, who's been stabbed to death,
17 and there's the wife, who's been tied up, with no marks,
18 and doesn't know what happened because she blacked out.

19 So she tells the detectives Story No. 2,
20 and puts a little more detail into it. That she and her
21 husband were in the tub, that he got out to take care of
22 the dogs, that she waited for him for a bit, he didn't
23 come out. She tried to get out of the tub, and then she
24 blacked out, and then she came to in her closet with her
25 hands tied behind her back, and stuff around her legs,

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1 and she didn't know what happened.

2 The officers take her downtown and take a
3 statement from her, which you will hear, where the story
4 evolves even more. She gives a two-hour statement to
5 the police officers. It's very long and something
6 you're going to see. But you have to listen very
7 carefully to it because things change within the story.

8 At one point, she says when her husband
9 gets out to take care of the dogs, she waits in the tub
10 for 15 minutes, like, she waits for him for 15 minutes.
11 The detective says, well, did you hear your husband
12 screaming for his life, begging for his life, did you
13 hear a fight, did you hear anything? No, no, didn't
14 hear anything.

15 She changes that to make the time less.
16 Well, I was only there for 5 minutes, for 5 minutes.
17 And I didn't hear anything because the Jacuzzi was
18 going. And that's broken, by the way, and I can't turn
19 it off if I wanted to because it's broken. And the
20 noise was so loud from the Jacuzzi that I couldn't hear
21 my husband getting stabbed, couldn't hear it.

22 What I want to show you is anybody
23 entering into the bedroom, 13 feet -- or almost 14 feet
24 from the entry of the bedroom to the bathroom, and
25 another 3 or 4 feet to the tub. She's -- she told the

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1 detective that she was sitting on the left side of the
2 tub, which she would have been able to see, and it's
3 only 20 feet away from where the complete death of Jaime
4 Melgar happened. The only blood that they see in the
5 crime scene is on this chair and in the bathroom --
6 excuse me, the closet.

7 One thing that's not going to be explained
8 to you by her is why a dining room chair is between the
9 bed and the closet and why there's a little bench behind
10 it and why there's so much blood there.

11 We're going to show you that there were
12 some sex toys under her pillow. We're going to show you
13 that what we believe happened is that she enticed Jaime
14 into some type of -- maybe some sexual liaison or
15 something that she was going to do, made him sit in the
16 chair. You're going to see that the stab wounds are on
17 the front, and there's a laceration from the chest that
18 matches the right side of his neck, and multiple stab
19 wounds.

20 You're going to see that the murder weapon
21 was found in the tub, along with the white blouse and
22 two wash cloths. You're going to find out that nothing
23 was stolen from the house. You're going to find out
24 that there was no forced entry into the house. What the
25 Defense is going to try to tell you is that there was a

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1 burglar there -- there was a burglar there.

2 We believe that we're going to be able to
3 prove through her complete change of stories about what
4 happened. Her story that she and husband that Saturday
5 night were supposedly, she says, celebrating their
6 anniversary. They went to a Mexican restaurant, Los
7 Cucos, to eat. And then they went to CVS, and they
8 bought a Coke and a Sprite. And they got home, she
9 said, around midnight. The CVS receipt shows that they
10 were there at 9:30. It's about a three-minute drive
11 from CVS to her home. That puts them back at the house
12 at 9:45 or so.

13 She tells the story that they got into the
14 tub, the bathtub, and spent about two hours in the
15 bathtub talking about how much they loved each other and
16 how much future they had and what they were going to do
17 with their lives.

18 You're going to hear testimony, as from
19 her statement, that she says that her husband, Jaime,
20 got out of the tub to go get some ice and brought back
21 some strawberries and cream -- whipped cream.

22 You're going to hear testimony that she
23 says the dogs were barking. She talked about that. In
24 fact, they have four dogs, four dogs that were barking.
25 She said that the dogs were barking really loudly

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1 outside, and that Jaime went outside to get the dogs to
2 come back in, brought them back in. And that's when she
3 says she's waiting, waiting, waiting. This is around
4 midnight. And that's when the various stories about
5 when she blacked out, and what happened. So she says
6 this is at midnight, midnight on Saturday night. The
7 family doesn't come over until 4:00 o'clock or 4:30 that
8 next day. So she's -- according to her story, she would
9 have been locked in her bathroom for about 12 or 14
10 hours. Now, that is with no marks to her face, no
11 showing of any signs of being bound on her wrists or her
12 ankles. And nothing else to indicate that she would
13 have been there for 12 to 14 hours.

14 When the officers interview the next-door
15 neighbor, who apparently always complained about the
16 dogs barking, the next-door neighbor said, no, I didn't
17 hear any dogs that night. Usually, my bedroom is right
18 next to where the dogs are, and I didn't hear them
19 barking at all.

20 What we're going to be able to show you is
21 that it would have been -- there was no way for any
22 burglar to enter that house. There was no reason for
23 anybody to have anything to do against Jaime; he was a
24 loved person at his work and in the neighborhood. There
25 was no vendetta from anybody. The officers asked her

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1 that. Can you think of anybody who would have anything
2 to do with this? No.

3 The knife that was found in the tub
4 matches the kitchen knife that she has. They're the
5 same, same set she has. So the burglar not only cannot
6 make forced entry -- doesn't have forced entry, didn't
7 come with a weapon.

8 There's no explanation. We're not going
9 to be able to provide any explanation as to why Jaime
10 Melgar would be so brutally murdered. And yet, she
11 being blacked out, this burglar would take time to bind
12 her ankles, bind her wrists, when she's out
13 conveniently, and then wedge her up against the door.

14 The Sheriff's Department did a video
15 showing -- or we'll show, and you'll see it -- you can
16 be on the inside of the bathroom and pull the rug so the
17 chair wedges up against the door. They can show you
18 that that can happen, that she could have done that, and
19 that is what she did.

20 We believe that we're going to be able to
21 prove this case to you beyond a reasonable doubt. Don't
22 know that I have motive here, but there's no other way
23 any other thing could have happened other than she just
24 brutally murdered her husband.

25 Thank you.

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1 THE COURT: Thank you, Ms. Barnett.
2 Mr. Secrest, do you wish to make an
3 opening statement?

4 MR. SECREST: I do, Your Honor.

5 THE COURT: You may proceed.

6 **OPENING STATEMENT BY DEFENSE/MR. SECREST**

7 MR. SECREST: Good morning, members of the
8 jury.

9 Guess what? I've got a different story to
10 tell you. On the evening of December 22, 2012, it had
11 all the markings of being a wonderful, memorable
12 occasion. Because on that evening, Sandy -- and not
13 "Jaime," it's Jaime Melgar. And we call Jaime, we call
14 him Jimmy, as well. They were allegedly celebrating
15 their 32 wedding anniversary. And belatedly
16 celebrating it because Sandy had not felt well for some
17 time. Sandy didn't feel like making pork chops, so Jim
18 said, let's go to dinner and celebrate our anniversary,
19 so they did.

20 They got into Sandy's Infiniti, and they
21 drove to Los Cucos. They had a lovely dinner. And
22 afterwards, they stopped at CVS, get some mixers,
23 continue the celebration in the Jacuzzi when they got
24 home.

25 And by the way, the young lady in the