

Guilt Innocence Phase
August 17, 2017

1 MR. SECREST: Thank you, Your Honor.

2 **DIRECT EXAMINATION**

3 BY MR. SECREST:

4 Q. Will you please state your name for the record?

5 A. Yes, sir. Shawn Carrizal, S-h-a-w-n,
6 C-a-r-r-i-z-a-l.

7 Q. Back on December 23, 2012, Mr. Carrizal, how
8 were you employed?

9 A. With the Harris County Sheriff's Office.

10 Q. And who are you employed with presently?

11 A. North Shore, Galena Park, North Shore. I work
12 at North Shore high school.

13 Q. And what do you do at North Shore high school?

14 A. I'm a teacher.

15 Q. Okay. How long have you been a teacher?

16 A. About three weeks. I just started.

17 Q. Okay. Congratulations.

18 A. Thank you, sir.

19 Q. Were you the lead investigator in the
20 investigation of the murder of Jaime Melgar?

21 A. Yes, sir.

22 Q. And who assigned that task to you?

23 A. That would be my supervisor, Sergeant Spurgeon.

24 Q. Have you had a chance to review your offense
25 reports before you came to court today?

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1 A. Yes, sir.

2 Q. And have you been in contact with the
3 prosecutor, Ms. Barnett?

4 A. Yes, sir.

5 Q. Have you spoken to her about the case?

6 A. A while back.

7 Q. Do you have any idea why the State of Texas,
8 the prosecution is not calling the lead investigator in
9 a murder case as a witness?

10 MS. BARNETT: Which of course is not
11 relevant.

12 THE COURT: Sustained.

13 Q. (BY MR. SECREST) What time did you arrive at
14 the scene?

15 A. 6:56 p.m.

16 Q. And what does it mean to be designated lead
17 investigator?

18 A. Well, how it happens is we're pretty much on
19 teams together. One of us in the group will be assigned
20 as the lead investigator. Once we get to the scene we
21 kind of split up and everybody does their part of the
22 investigation.

23 Q. So, but as the lead investigator what's your
24 job? What's your task? What's your responsibility?

25 A. My task is to look over everybody, get all the

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1 evidence collected at the time. I had the role of
2 putting in place to interview witnesses, assign somebody
3 to the crime scene, and assign people to interview
4 witnesses.

5 Q. During the course of the investigation, do the
6 various members of the team look to you as the lead
7 investigator?

8 A. Yes.

9 Q. How do you record the existence of information
10 while at the scene? If you come across information
11 pertinent to the investigation, how do you record that
12 information?

13 A. You talking about witnesses or?

14 Q. Yes, sir. Well, let's start with that. If you
15 speak with a witness and they provide information that
16 is part and parcel to the investigation, how do you
17 document that?

18 A. Okay. We're assigned a little recorder, like a
19 little pocket recorder. That's what they record some
20 statements with at the scene. We also have -- in our
21 homicide office we have video and audio recorder there,
22 too, and we can also tape witness and record at that
23 location.

24 Q. So, let's say you're at the homicide scene and
25 there's a person that provides you information typically

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1 then are you going to record that information on a tape
2 recorder that has available for use later on, or is that
3 not the case?

4 A. Well, they -- yeah, they will record a witness.

5 Q. I mean would you record a witness if you spoke
6 to somebody at the scene?

7 A. Yeah. If I interview a witness on the scene,
8 yes.

9 Q. Okay. And then at some point do you then
10 prepare a formal written offense report?

11 A. Yes.

12 Q. What's the protocol for that? When do you
13 prepare that offense report?

14 A. I don't understand -- we don't have a protocol.

15 Q. You're not familiar with standard operating
16 procedures of the Harris County Sheriff's Department
17 homicide division with respect to preparing offense
18 reports?

19 A. I don't know -- no. I don't understand what
20 you're talking about.

21 Q. Would you agree or not that all investigative
22 and administrative reports will be properly completed
23 and submitted in a timely manner, right?

24 A. Like I said, I don't know what you're referring
25 to.

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1 Q. Okay.

2 MR. SECREST: May I approach the witness,
3 Your Honor?

4 THE COURT: You may.

5 Q. (BY MR. SECREST) I'm going to show you what is
6 entitled, Criminal Investigation Homicide Section,
7 Homicide Unit. Does that fairly identify this document?

8 A. Yes, sir.

9 Q. Criminal Investigation Bureau Homicide Section,
10 Homicide Unit Standard Operating procedure. Do you see
11 that?

12 A. Yes, sir.

13 Q. And then it says here -- just read this to
14 yourself.

15 A. Sure.

16 Q. About reports -- you just read -- read this to
17 yourself --

18 A. Yes, sir.

19 Q. -- about reports where I tabbed it. I think
20 it's Number 1 or A.

21 A. (Witness reading report.)

22 Q. Have you had a chance to look at that?

23 A. Yes, sir.

24 Q. Okay. So, did I fairly characterize the
25 standard operating procedure of the Harris County

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1 Sheriff's Department homicide division is to properly
2 complete and submit all your investigative and
3 administrative reports in a timely manner, right?

4 A. Yes, sir, I agree with what you're saying, but
5 that has no date on it; and what I'm reading, I guess,
6 what that says is what it says, yes, sir.

7 Q. I mean, are you saying this is not a standard
8 operating procedure that you're familiar with?

9 A. No, I don't know. I don't remember. I've
10 never seen that one.

11 Q. Okay. As a general course of action, though,
12 would you agree with me that it is the best practices
13 after you conduct an investigation to timely complete a
14 report while that information is fresh in your head so
15 then it can be put into the system and reviewed by your
16 supervisor?

17 A. Yes.

18 Q. Okay. Once a report is generated and put in
19 the system, do other members of your team rely upon it?

20 A. Part of the team that's investigating, yes.

21 Q. For example during the course of the
22 investigation, if you were interested in finding out
23 what, let's say, CSU investigator M.V. Carpenter had
24 done, you can pull up his report and then you would be
25 on notice as to the information in that report, right?

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1 A. Yes.

2 Q. And it works both ways, does it not,
3 Mr. Carrizal?

4 A. For me it would, but I can't speak for anybody
5 else, but yes.

6 Q. Well, it certainly would be -- common sense
7 would dictate that other members of the team would want
8 to have access to your reports because you're the lead
9 investigator, right?

10 A. I can only answer for myself.

11 Q. Okay. Okay. That's fair.

12 When you arrived at the scene, did you
13 notice anything about the garage door?

14 A. Yes.

15 Q. What did you notice?

16 A. That one door was open.

17 Q. And did you tell us which door was open in your
18 report?

19 A. No, sir.

20 Q. And for the record are you trying to refresh
21 your recollection from your supplement 21?

22 A. Oh, yes, sir.

23 Q. And is that -- basically that's your initial,
24 your first report that you prepared concerning the
25 investigation of the murder of Jaime Melgar?

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1 A. Yes, sir.

2 Q. Okay. I saw no reference in the report to the
3 fact that there's an inner door on the north side of the
4 garage that leads directly into the interior of the
5 residence. Is that a fair statement?

6 A. Yes. You're referring to the garage door or to
7 the house?

8 Q. The garage door.

9 You mentioned that there's a front door.
10 You mentioned there's a back door, but I never saw you
11 mention anything about an interior door in the garage.

12 A. Yes, sir.

13 Q. So did you -- did you mention anything about an
14 interior door?

15 A. Okay. Yes, sir. I observed no damage to the
16 windows and doors initially through my walk-through. I
17 observed no damage to the windows or doors would be
18 included into that.

19 Q. Okay. Did you ever check to see whether that
20 interior door actually locked or not?

21 A. No. At the time of my initial walk-through?

22 Q. Yes, sir.

23 A. I'm not going to pull on any doors or open them
24 at the time. That's going to be up to the crime scene
25 unit.

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1 Q. Okay. But it's fair to say that later on --
2 I'm going to jump ahead a little bit -- later on in the
3 course of your investigation, either late that evening
4 of December 23 or early in the morning hours of
5 December 24, Sandy Melgar had told you when you were
6 interrogating that her that the interior of the door of
7 the garage doesn't even lock, remember that?

8 A. I don't have the -- I have not seen the
9 interview in a while.

10 Q. Okay. I'll come back to that.

11 A. Yes, sir.

12 Q. Were there 911 calls made in this case?

13 A. Yes, sir.

14 Q. Okay. And did you preserve those 911 calls?

15 A. No, I did not --

16 Q. Okay.

17 A. -- at all.

18 Q. Would you agree with me again standard
19 operating procedures for the lead investigative officer
20 is to obtain copies of 911 calls and dispatch tapes,
21 that's part and parcel of the investigation, is it not?

22 A. No, not when I was working homicide, that was
23 not.

24 Q. So you're saying as the lead investigator
25 working a brutal murder, you didn't think obtaining 911

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1 calls should be part of your investigation?

2 A. We have officers arrive at the scene. We have
3 witnesses. That's why we -- that's why we interview the
4 witnesses, and those are the initial people that called
5 911.

6 Q. Let me ask you this: Do you know in fact
7 whether or not the 911 calls were ever preserved?

8 A. No.

9 Q. If I told you that I had never been given a
10 copy, would you disagree with me?

11 A. I don't know.

12 Q. In your report, and again for this next series
13 of questions, I'll try to make it easy on you as I can.
14 Look at again at your initial supplement. There's a
15 piece in there where you say that you examined the
16 wooden fence on the west side of the house. Do you
17 remember that part of your report?

18 A. Yes, sir.

19 Q. And you said that you determined that the wood
20 on top of the fence did not appear to have any wood
21 missing. That's a quote.

22 A. Can you allow me just a minute? I'm going to
23 go through the report.

24 Q. Absolutely.

25 Look at the bottom of page 3, Mr.

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1 Carrizal, the second paragraph from the bottom of the
2 page.

3 A. Yes, sir.

4 Q. I observed no damage to the perimeter of the
5 fence. The wood on top of the fence appeared to have no
6 pieces of wood missing on the edges.

7 A. Yes, sir.

8 Q. What were you trying to convey as to that
9 reference?

10 A. Oh, sure. When I do my walk-through, that's
11 one thing I do look at. I look at the edge of the top
12 of fence, like, does it appear that anybody would jump
13 over the fence, they would leave shavings or anything
14 like that on the very top of the fence. That's one
15 thing I take a really close look at. That's why I put
16 that in the report and at that time I didn't see
17 anything missing off the edges of the top of the fence.

18 Q. I'm trying to figure why would anybody climb
19 over the fence when you can go through the unlocked gate
20 of the fence?

21 MS. BARNETT: Of course that would be
22 speculation.

23 THE COURT: Sustained.

24 Q. (BY MR. SECREST) Well, did you check the gate?

25 A. Which side?

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1 Q. The gate to the fence, Mr. Carrizal. Isn't
2 that the only gate that you saw out there on the west
3 side of the garage?

4 A. Yes.

5 Q. Were you able to unlock the gate and go in the
6 backyard?

7 A. I don't recall if the gate was already open
8 when I entered back there because we had to have crime
9 scene processing the scene.

10 Q. I'm going to show you a photograph and ask you
11 a couple of questions.

12 MR. SECREST: And for the record, Gail,
13 this would be Defense Exhibit 1975.

14 Q. (BY MR. SECREST) Mr. Carrizal, would you please
15 look over here on the left side of the -- when I say
16 left that's the west side of the garage, isn't it?

17 A. Yes, if you're facing the house it's on the
18 left side, yes.

19 Q. But that's to the west, right? The left side
20 of the garage is to the west. The right side of the
21 garage is to the east?

22 A. Yes.

23 Q. Okay. So on the west side of the garage, we
24 can see there, at least I can see, it looks like a
25 couple of hinges. Is that where the gate was that led

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1 from the front yard, side yard into the backyard?

2 A. Yes. Can I circle it?

3 Q. Oh, sure.

4 A. I know exactly where it's at.

5 Q. So bottom line is that in that photograph the
6 gate is closed, right?

7 A. Yes, sir.

8 Q. So again at some point did you go in the
9 backyard?

10 A. Yes, sir.

11 Q. And were you able to get in the backyard
12 through an unlocked gate?

13 A. I don't recall. You're talking about -- our
14 crime scene unit arrived at the scene first and
15 photographed it as it is, and I don't know if the door
16 was open or not.

17 Q. Well, I'm not asking whether the door was open.
18 I'm asking you whether that garage door -- that gate to
19 the side of the fence was locked or unlocked?

20 A. I don't recall.

21 Q. Okay. And you certainly didn't make any
22 notation in your offense report, did you?

23 A. The only thing I have in my offense report, as
24 I said earlier, there was -- I observed no damage to the
25 perimeter of the fence, but that would be connected as

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1 the perimeter fence.

2 Q. Okay. So we agree there's no damage to the
3 perimeter fence, but your report doesn't indicate
4 whether you even -- whether that gate could even lock,
5 right?

6 A. Yes.

7 Q. Okay. Do you know -- do you remember a
8 gentleman by the name, Herman Melgar? Let me help you
9 while you're looking. Do you remember that Mr. Herman
10 Melgar was the brother of the deceased, Jaime Melgar and
11 he actually was the person who found Sandy Melgar in the
12 closet with the chair against the doorknob and
13 ultimately tried to untie her, but ultimately cut her
14 bindings off her wrists and her arms and then you might
15 recall that his wife, Maria Melgar assisted and
16 ultimately got the bindings off of Ms. Melgar's feet?
17 Does that ring a bell.

18 A. This is a person I interviewed is what -- is
19 that what you're asking?

20 Q. No, I'm not suggesting you interview them. I'm
21 asking are you aware who Herman Melgar is. Do you agree
22 with me that the person I described would be a pretty
23 central witness to investigation? He's the first person
24 that found Ms. Melgar tied up in the closet, right?

25 A. Yes.

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1 Q. So did you ever interview him at any time?

2 I'll help you by letting you know that
3 Deputy Garcia interviewed them, but I'm asking you, did
4 you at any time as lead investigator took it upon
5 yourself to do any kind of follow-up investigation and
6 ask either Herman Melgar or Maria Melgar any questions
7 concerning what they may know about this case?

8 A. If they were interviewed by Officer Garcia and
9 he took a statement from them, no.

10 Q. Okay. And once -- let's just -- just trust me
11 that Officer Garcia interviewed those folks and that
12 that interview was recorded, that's pretty standard
13 procedure, right?

14 A. Yes.

15 Q. Okay. So, when in all this investigation would
16 you have either listened to the recording or reviewed a
17 transcription of the recording since they spoke Spanish?
18 Did that ever happen?

19 A. What happens is if they do speak Spanish in a
20 case like this, once again we're working in teams. It's
21 not like there's gap in between them. We're always
22 communicating with each other and during an
23 investigation.

24 Q. Okay.

25 A. We're in a bay that we sit next to each other.

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1 Q. So, when was it during the course of your
2 involvement in this investigation that you actually read
3 the transcription of the interview that took place
4 between Deputy Garcia and Herman and Maria Melgar?

5 A. I don't have a copy of my report. That's all I
6 can --

7 Q. So your report doesn't even indicate that at
8 anytime you never even reviewed that transcription; is
9 that a fair statement?

10 A. Correct.

11 Q. And as you sit here under oath, can you tell
12 the jury that in fact at some point in your
13 investigation you actually did review it?

14 A. Review what?

15 Q. The transcription of the questioning of Herman
16 and Maria Melgar that was conducted by Deputy Garcia,
17 did you in fact actually review it?

18 A. The way it's set up in our report system and
19 no, it's not a fact that I did the transcribe. How it
20 works in the sheriff's department is once the
21 investigator completes the supplement, they do a little
22 summary, what information they received from the
23 witness. In addition we also communicate on what was
24 important, if there's anything else I need to do in the
25 investigation and that's --

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1 Q. So, do I take it by your answer that you do
2 some communication? You talk to somebody over a cup of
3 coffee or on the phone, you read a summary or a
4 synopsis, but it's very -- it's very possible that you
5 actually don't take the time to personally review the
6 transcription of exactly what was said, fair statement?

7 A. Well, the way you're presenting is that, like
8 we're relaxed, and going to sit back and read it over a
9 cup of coffee. I would say no, that's not right. We
10 take this very serious. We don't sit around and drink
11 coffee and just throw information out there. Everything
12 is closely manned. We communicate with each other. No,
13 I did not see the full transcribed information, but I
14 also do talk to somebody and get information from them
15 and see if there's anything important that I need to go
16 any further in the investigation.

17 Q. So if I understand your answer, the answer is
18 no, you didn't review the transcript?

19 A. Correct, yes.

20 Q. Did you make a notation in your offense report
21 that the Melgars' Infiniti, that gray, four-door sedan,
22 did you make an entry in your report that you saw that
23 vehicle parked in the garage?

24 A. Yes.

25 Q. What you did you say about the silver Infiniti

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1 car? What did you say regarding where it was? Look at
2 page 4 of supplement 21.

3 A. Yes, sir, I see this car, the Infiniti parked
4 in the garage, yes, sir.

5 Q. So what did you say about it in your report?

6 A. You want me to just read?

7 Q. Yeah, read that report.

8 A. Parked inside the garage on the east side --
9 I'll repeat it. Parked inside the garage on the east
10 side was a silver Infiniti car displaying Texas license
11 plate number 08, Lincoln, 7, Mary, v754. Sandra Melgar
12 told me that vehicle belonged to her.

13 Q. You said it was parked inside the garage on the
14 east side. Actually it's parked on the west side in the
15 garage, is it not? Because on the east side of the
16 garage was a bunch of crap, bunch of lawn clippings, a
17 bicycle, a paint sprayer, that kind of deal. You
18 remember that, do you not?

19 A. Yes, sir.

20 Q. So in fact it's on the west side, parked on the
21 west side, not the east side, right?

22 A. Yes, sir.

23 Q. Is that a fair statement? So that's maybe not
24 a big deal to you, but that's erroneous, right?

25 A. Yes, sir.

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1 Q. Now, you noted that the doors to Jaime's
2 vehicle, Mr. Melgar, the victim in this case, you noted
3 that they were locked when you checked them?

4 A. I didn't check the door. I looked at the doors
5 to see if they were locked.

6 Q. Okay. Do you know if they were locked the
7 night before?

8 A. No.

9 Q. Okay. Do you know if Jaime Melgar had a garage
10 door opener in his vehicle? I didn't see any
11 documentation in your report about that.

12 A. Correct.

13 Q. So I'm correct that there's no documentation in
14 your report as to whether or not there was a garage door
15 opener or clicker in his vehicle?

16 MS. BARNETT: Asked and answered.

17 MR. SECREST: I'm just trying to get
18 clarification, Judge.

19 THE COURT: Overruled.

20 Q. (BY MR. SECREST) You can answer that question.

21 A. Okay. Yeah. Like I said, we work in teams.
22 Our crime scene units are going to go into the vehicle
23 and take photographs and things like that. I'm not
24 going into any of the scene until it's processed. My
25 role as lead investigator, eventually I broke off to go

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1 interview. That's left up to Officer Fisher, which was
2 at the scene in addition with the crime scene units.

3 Q. Okay. Well, thank you for that --

4 A. Yes, sir.

5 Q. -- explanation, I mean that, but the question
6 still is, so you never went into the vehicle yourself, I
7 guess that's what you're saying?

8 A. Yes.

9 Q. Do you have any personal knowledge whether any
10 CSU officer actually went inside the vehicle?

11 A. No.

12 Q. I didn't see any documentation inside the
13 report that reflected that anybody ever inspected the
14 interior of either vehicle. That seems to be a fair
15 statement, isn't it? I don't see any documentation to
16 show that you all did that.

17 A. I can only speak for myself.

18 Q. Did you ever interview the EMS folks that
19 arrived at the scene to initially check on Jaime Melgar
20 and attend to Sandra Melgar? Did you ever interview
21 those folks?

22 A. No.

23 Q. Did you ever during the course of your
24 investigation review any kind of records that were
25 generated by them as to what they observed, what they

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1 learned while they were there at the scene?

2 A. No.

3 Q. Now, because of legal requirements, sometimes
4 it's necessarily to even get a search warrant from a
5 judge or permission from an owner in order to search and
6 ultimately take certain things from the scene, correct?

7 A. Yes.

8 Q. Okay. And so sometimes you go get a search
9 warrant. Other times if the person who owns the
10 property consents to law enforcement coming on board,
11 then you wouldn't have to go to a judge, right?

12 A. Correct, yeah.

13 Q. And in fact that's what happened here, that
14 being that Sandy Melgar provided consent to you all,
15 which allowed you to do a number of things while you
16 were out there; is that a fair statement?

17 MR. SECREST: May I approach the witness,
18 Your Honor?

19 THE COURT: You may.

20 Q. (BY MR. SECREST) I need to try to speed this
21 up. Let me show you Defense Exhibits 4 and 5,
22 Mr. Carrizal.

23 A. Yes, sir.

24 Q. Take a look at that. Does that refresh your
25 recollection that while CSU and homicide investigators

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1 were at the scene, Sandy Melgar voluntarily gave you
2 permission to search and to seize, to take whatever you
3 needed in the course of y'all's investigation?

4 A. Yes, sir.

5 Q. Okay. When you arrived at the scene, where was
6 the suspect when you first saw her?

7 A. She was sitting in the backseat of a patrol
8 vehicle.

9 Q. So it's fair to say that even before she ever
10 opened her mouth, or before you had a chance to speak
11 with her, you considered her to be a suspect, correct?

12 A. No.

13 Q. Well, I asked you where you first saw the
14 suspect and you told me that Sandy Melgar was seated in
15 the backseat of a patrol vehicle. We're talking about
16 this lady. Do you remember her?

17 A. Yes.

18 Q. And she's a suspect. Be fair with us. She was
19 a suspect to you when you're out there at the scene,
20 right?

21 A. Early in investigations like that, we're
22 receiving a bunch of information and we've got to get a
23 lot of facts together. I don't treat her as a suspect
24 at the time before I even talk to her. No, that's not
25 what I did with her. We've got to get the story and the

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1 facts of what had actually occurred at this point. This
2 is, you're talking still early in the investigation.

3 Q. Okay. So the fact that she was alive and that
4 her husband was dead and the fact that there was no
5 signs of breaking and entering, and the fact that she
6 didn't have much of a memory of what had happened, that
7 didn't turn her into a suspect to you?

8 A. No.

9 Q. And it would be fair to say you knew nothing
10 about her, Mr. Carrizal, isn't that true?

11 A. Just the initial information I received coming
12 to the scene.

13 Q. Right, but you never obviously met her?

14 A. No.

15 Q. And part of what your job responsibility is, is
16 to run some checks on the deceased and run some checks
17 on a possible suspect to kind of see, you know, what
18 their background is. That's something that is a
19 standard practice, is it not?

20 A. Yes.

21 Q. Okay. So you knew early on that Sandy Melgar
22 and Jaime Melgar had utterly no criminal history, right?

23 A. Well, you need to be more specific when you
24 say, early on.

25 Q. I would say, early on, part of what you guys do

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1 is you run the vehicle, you run the plates, do you not,
2 to see if there's any outstanding warrants, any kind of
3 activity. You have those mobile units in your vehicle.
4 You can do that, right? Somebody's going to do that?

5 A. I don't. I do not.

6 Q. Okay. But somebody, part of your team, part of
7 your investigators, if you're conducting a murder
8 investigation and you've got somebody in the house,
9 you're going to run them and find out if they have any
10 kind of history. That's standard practice so you know
11 who you're dealing, right?

12 A. No, that's not right.

13 Q. It's really not? So you're going to dig --
14 you're going to question someone who you believe may
15 very well have some responsibility for a murder and
16 you're not at all interested in finding out if they have
17 any prior convictions, if they're a violent person,
18 something like that?

19 A. Sandra Melgar, I did not, search her name
20 before I interviewed her, no, I did not.

21 Q. So when was it the first that you all did search
22 her name?

23 A. I don't recall.

24 Q. But you certainly searched her name at some
25 point?

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1 A. I would have to look in my report because I
2 don't recall searching her name.

3 Q. Really? So you interrogate her for a number of
4 hours, and you're telling the jury under oath that at no
5 time you all took upon yourself to see what her
6 background was?

7 A. I don't recall searching her name. I don't
8 recall doing that.

9 Q. Are you telling us under oath that at no time
10 during the investigation of this case as lead
11 investigator that no one searched her background?

12 MS. BARNETT: Objection, Your Honor, asked
13 and answered as to him and speculation as to anybody
14 else.

15 THE COURT: All right. As long as you ask
16 of this witness, if this witness knows.

17 Q. (BY MR. SECREST) But you are the lead
18 investigator, correct?

19 MS. BARNETT: And that question has been
20 asked and answered, and he answered it twice. He does
21 no recall searching her name.

22 THE COURT: Rephrase your question.

23 MR. SECREST: Sure.

24 Q. (BY MR. SECREST) As lead investigator are you
25 responsible in monitoring the other supplements that are

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1 generated by members of the team?

2 A. That's -- being the lead investigator you're
3 saying, monitor all, no, that's not -- I'm not
4 monitoring.

5 Q. Let me get away from M word, as lead
6 investigator -- let me ask this first: You remained the
7 lead investigator throughout the case, did you not?

8 A. Yes.

9 Q. Okay. So, part of the job of lead investigator
10 would be familiar with what other people are doing who's
11 on the team. So if you and I are working together, and
12 you're the lead investigator, and I conduct some part of
13 the investigation, you readily have access to my report,
14 and that would be something that you would read so you
15 can be fully apprized of what was to going on in the
16 course of the investigation.

17 MS. BARNETT: Objection. We covered that
18 a moment ago. I object to being asked and answered and
19 not relevant.

20 THE COURT: Sustained.

21 Q. (BY MR. SECREST) At any time did you check to
22 see whether there had ever been any calls to the house
23 regarding reports of domestic violence?

24 A. Yes.

25 Q. Why would you do that?

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1 A. Because the daughter gave us some information
2 on a --

3 Q. That's fine. We don't have to go to the name,
4 but we'll do that in a bit.

5 But I'm saying did you ever with respect
6 to the residence in question, with respect with Jaime
7 Melgar and Sandy Melgar, did you ever look for any
8 calls, any police calls that had come out to the
9 residence previously for any kind of domestic violence
10 issues?

11 A. Yes. When I searched in that automated report
12 system, it located back to the daughter and I believe it
13 was an ex-boyfriend.

14 Q. So we're clear you did in fact run that kind of
15 inquiry and nothing came back to Jaime Melgar or Sandy
16 Melgar; is that what you're telling me?

17 MS. BARNETT: Objection asked and
18 answered. He just answered that.

19 MR. SECREST: I'm trying to get some
20 clarification.

21 THE COURT: Overruled.

22 MR. SECREST: Thank you.

23 Q. (BY MR. SECREST) You can answer the question.

24 I'm just trying to get a clarification.
25 When you ran the report, when you looked for the

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1 information, as I understand what you're telling me,
2 tell me if I get it wrong, nothing came back to Sandy
3 Melgar, nothing came back to Jaime Melgar, right? Yes
4 or no? Did it come back to them or not?

5 A. I cannot answer that question because I don't
6 have the -- when you run a name in the A.R.S. which just
7 stands for automated report system, if I ran -- I'm just
8 using my name as an example, if I ran that address, I
9 could be a witness listed in the report, I could be a
10 anything, so the question you're asking me, they could
11 be in the system if they lived there. I don't know if
12 they were -- could be a witness to the incident with the
13 daughter and the boyfriend. I don't -- I don't have
14 that access.

15 Q. Let me clarify, did you -- I'm not talking
16 about whether or not they might be a witness to somebody
17 else's problem.

18 A. Right.

19 Q. But did you find any information concerning any
20 prior domestic violence calls specifically involving
21 them, Jaime Melgar and Sandy Melgar?

22 A. No.

23 Q. Okay. That's what I was trying to get out.

24 A. Yes, sir.

25 Q. And that's kind of important, is it not?

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1 A. Important, what?

2 Q. Well, you remember during your interrogation of
3 Sandy Melgar, a number of times you all talked about had
4 Jaime abused you, had he hit you, had you argued, you
5 remember that line of questioning? Are you really
6 telling us that --

7 A. Yes, sir.

8 Q. -- you participated in an interrogation of
9 Sandy Melgar for a number of hours in somewhat of a
10 unique case and you don't recall asking her those kinds
11 of questions, you and Sergeant Dousay?

12 A. Well, the first time you asked, you asked if I
13 asked that and --

14 Q. Okay.

15 A. -- I didn't want to say, yes, I asked that when
16 I had two people in the interview.

17 Q. My bad. Let me start over. While you and
18 Sergeant Dousay were interrogating Sandy Melgar is it a
19 fair statement to say time and time again you asked her
20 about, did -- has he hurt you, has he hit you, did you
21 all have a fight, did you all have an argument, did you
22 all have a disagreement, how did you get along, do you
23 remember that line of questioning?

24 A. Yes, sir.

25 Q. Okay. Because do you recall the fact it came

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1 out of your mouth where you broached the subject, went
2 something like this: There are two type of killers in
3 the world, one are cold-blooded killers on the street.
4 They'd kill you for anything and then there's another
5 kind of killer who basically for whatever reason they
6 just kind of lose it and then you again asked her over
7 and over again about whether she had been abused or not.
8 Do you remember that general line of questioning?

9 A. I would have to -- you're asking if I asked
10 that question?

11 Q. I am. You read your report over. Didn't you
12 read the transcript of your interrogation of Sandy
13 Melgar?

14 A. Yes, sir.

15 Q. Okay. And when did you read your report?

16 A. Last night.

17 Q. Okay. So you don't remember that?

18 A. No, sir.

19 Q. Okay. I can't find it at this moment, so I
20 won't take up your time.

21 Now, you actually went into the bedroom
22 closet area where you saw the body of the deceased Jaime
23 Melgar. Do you remember that?

24 A. Yes.

25 Q. And I think in your report you indicated that

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1 you saw both -- you saw multiple sharp force entries,
2 you remember putting that in your report?

3 A. Yes.

4 Q. Did you see some blunt trauma?

5 A. I don't recall seeing that in my report, but I
6 will review it at this time, if you'll give me a second.

7 Q. Sure.

8 A. I don't see anything in my report that says
9 blunt trauma.

10 Q. Do you recall in the interrogation talking
11 about DNA? That ring a bell?

12 A. Yes.

13 Q. And in fact you said, what was she going to do,
14 she being Sandy Melgar, when you all found her blood or
15 DNA in Jaime's blood. Do you remember that line of
16 questioning?

17 Go the page 51 of your report to save some
18 time.

19 A. Yes, sir.

20 Q. Please.

21 A. Yes, sir, I'm on 51.

22 Q. You said, you're talking about what she's going
23 to do when y'all find her blood and DNA in Jaime's
24 blood, quote, so you're blood will never be a mixture in
25 his blood. Do you remember saying that, page 51?

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1 A. Yes. I would like to read what's on here. I
2 don't know what you're --

3 Q. Well, read it to yourself.

4 A. Okay.

5 Q. That's not in evidence. And obviously I had
6 nothing to do with you preparing. This was prepared by
7 somebody with the sheriff's department, right?

8 A. Yes.

9 Q. So did you say, so your, your blood will never
10 be a mixture in his blood, that's what you said?

11 A. Yes.

12 Q. Third line?

13 A. Yes.

14 Q. And did you also say, what happens when we only
15 find your DNA at the scene and no stranger's? Do you
16 remember that? Look at the --

17 A. Can you --

18 Q. Sure. Look at the very first line top of page
19 51. Actually it's Sergeant Dousay?

20 A. Correct.

21 Q. What if we don't find any stranger's DNA there,
22 do you remember that being asked?

23 A. I'm looking at what he's asking, yes, on the
24 supplement.

25 Q. So that was asked of her?

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1 A. Like I said, you would have to ask that
2 question to Sergeant Dousay.

3 Q. Well, no. I'm going to ask it of you since you
4 were present. You were there, were you not? You're
5 sitting right next to Sergeant Dousay. You had Sandy
6 Melgar in a corner and then you guys flanked her,
7 Sergeant Dousay on the left, at least from the
8 perspective of the video camera and you're on the right,
9 correct?

10 A. I have not --

11 Q. Is that correct?

12 A. I have not seen the video. I have not reviewed
13 the video.

14 Q. So you can't even agree with me where you were
15 sitting in the room?

16 A. Correct.

17 Q. I'm going to show you a snippet later on to see
18 if that would refresh your recollection.

19 A. Okay.

20 MS. BARNETT: Judge, I object to there's
21 no relevance to which side of the room he's sitting on.
22 I object to that.

23 THE COURT: Overruled.

24 Q. (BY MR. SECREST) Did you all, in the course of
25 a homicide investigation, are you interested in scraping

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1 the fingernails of the deceased, not you personally, but
2 having that done as part of a comprehensive
3 investigation?

4 A. Yes.

5 Q. And then also the suspect or the person that
6 may have some involvement, you would do the same thing
7 as to that person, you would scrape their fingernails,
8 have that done?

9 A. That depends.

10 Q. Well, was it done in this case?

11 A. Like I said that would be the person in charge
12 of the scene.

13 Q. But I'm trying to understand, you're the lead
14 investigator and you have no knowledge of the basic
15 forensic analysis that was conducted in this case?

16 A. Yes.

17 Q. So you don't have basic knowledge or you do
18 have basic knowledge?

19 A. The knowledge I have is what is in my report
20 here.

21 Q. So you have --

22 A. I don't have a copy of everybody's report --

23 Q. I understand.

24 A. -- to review.

25 Q. Okay. And you're also telling us that in all

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1 probability, you haven't even read everyone's report,
2 right?

3 A. Correct.

4 Q. I saw in your report, if you look at page 56 of
5 your supplement 51. Are you there, sir?

6 A. Yes, sir.

7 Q. How did you describe any injury that you saw on
8 Sandy Melgar's hand? Did you say, cut on the right hand
9 by the thumb?

10 A. Yes, sir.

11 Q. And I assume that would be important to get
12 that kind of description and documentation accurately in
13 the report, would you agree? Yes or no, would you agree
14 to that?

15 A. Yes, sir.

16 Q. Okay. But what Sandy actually had was a small
17 cut on the back of her left thumb; isn't that true?

18 Look at Defense Exhibit for the record,
19 1965. That appears to be a small cut on the back of her
20 left thumb, isn't it? Isn't that correct?

21 A. That's what you're referring to by this circle?

22 Q. Yes, sir.

23 A. Yes, sir.

24 Q. But you put in your report that it was on the
25 right hand. Again look at your supplement 21, page

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1 2156. Do you see that line, and cut on the right hand
2 by her thumb. That's how you described it?

3 A. Yes, sir.

4 Q. So that's incorrect?

5 A. Well, you're saying this picture right here
6 appears to be taken at the crime scene.

7 Q. I don't know where --

8 A. And I don't -- I haven't seen all the pictures
9 of her hand, so I'm saying that there was a -- there was
10 already a cut on her left, number nine finger, which
11 would be the ring finger.

12 Q. And I'm talking about the cut on her thumb.
13 And you --

14 A. And a cut on the right hand by her thumb.

15 Q. Okay. So that is her left hand, is it not?

16 A. That's her left hand, yes.

17 Q. You noted bruises on Sandy's left upper arm
18 biceps, do you remember that?

19 A. Yes, sir.

20 Q. In fact you went so far as to say that you
21 supposedly observed, and I quote, outlined finger
22 impressions on Sandy Melgar's arms. Do you remember
23 that?

24 A. Which supplement number are you on, sir?

25 Q. Same supplement that we've been on, which is

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1 21. And look at page 55, please, sir, second paragraph
2 to the end.

3 Are you there, sir, page 55?

4 A. Yes, sir.

5 Q. During the interview I saw additional outlined
6 finger impressions on Sandra Melgar's arm. I requested
7 crime scene units on scene to photograph the impressions
8 on Sandra Melgar's arms upon returning her to her home,
9 right?

10 A. Yes, sir.

11 Q. Are you saying that in your view those bruises
12 are consistent, I'm talking about the bruises on her
13 upper arm bicep, that's consistent with Sandy being
14 grabbed by someone. Is that what you're saying?

15 A. What I'm saying is the impressions of Sandy
16 Melgar's arms --

17 Q. I'm sorry. I didn't hear that last response.

18 A. I'm sorry. Can you repeat the question again?

19 Q. I will. But let's look at Defense Exhibit
20 1964. Is this the finger impression, bruise that you're
21 referencing on her left bicep?

22 A. Yes, sir.

23 Q. So to be clear here, you're telling the jury
24 that you think that that demonstrates that she was
25 grabbed by someone? Is that what you're saying?

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1 A. No. I'm saying exactly what I wrote. It
2 appeared to be some kind of impression on her arm.
3 That's why I had crime scene take photos of it.

4 Q. Didn't you put in your report, outlined finger
5 impressions on Sandy Melgar's arm, that's a quote, isn't
6 it, from your report, page 55?

7 A. Yeah, that's what I'm saying I saw, yes, sir.

8 Q. Okay. So, I'm asking you based upon what you
9 saw, are you suggesting that since, in your view, what
10 you saw constituted outlined finger impressions on Sandy
11 Melgar's arm. Is that consistent with her being grabbed
12 by someone that left finger impressions on her arm? Is
13 that what we're talking about here?

14 A. You're saying, grabbed by someone. No. I'm
15 just telling you what I saw.

16 Q. Best you can recall --

17 MS. BARNETT: I would ask that the witness
18 be allowed to finish answering the question.

19 MR. SECREST: I didn't mean to cut him
20 off. That's fair. I agree.

21 Q. (BY MR. SECREST) Please continue. I don't want
22 to cut your answer off.

23 A. What I see, you know, if I see something like
24 that impression, yes, I have crime scene photograph it.
25 I'm not saying that somebody is grabbing somebody or

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1 anything like that. I'm just saying what I see. That's
2 why I would have crime scene take a photograph and for
3 later we can exam it.

4 Q. So, in your view, based upon your experience
5 what do you think caused that bruise, or do you have an
6 opinion? You don't have to have one.

7 A. I don't have an opinion on it. I'm just
8 telling you what I saw during the interview.

9 THE COURT: Sir, do you mind pressing the
10 bottom corner so that the jury can see the entire
11 photograph, bottom left corner. Thank you.

12 Q. (BY MR. SECREST) How long were you in the
13 homicide division before you left?

14 A. Around, I believe, five years.

15 Q. Okay. Have you seen folks during the course of
16 your investigation that you believe have bruises that
17 were caused by being grabbed? Have you seen that
18 before?

19 MS. BARNETT: I object to relevance.

20 THE COURT: Sustained.

21 Q. (BY MR. SECREST) So you're -- okay. I can't --
22 I'm not going there. Bottom line is, so you're not
23 saying that you believed she was grabbed?

24 MS. BARNETT: I object that that's not his
25 testimony, it's not relevant, and it's certainly an

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1 improper question for this witness. Already answered.

2 THE COURT: Rephrase your question,
3 Mr. Secrest.

4 Q. (BY MR. SECREST) You're conducting a murder
5 investigation, are you not?

6 A. Yes.

7 Q. You certainly, in fact you stated it during the
8 interrogation that you assumed that he was brutally
9 stabbed, he being Jaime Melgar, right?

10 A. That's -- you're talking about I'm assuming
11 that's what happened? No. That's a question.

12 Q. How about 31 stab wounds, that's brutal or not?

13 A. You're talking about during the interview?

14 Q. I'm talking about your investigation. You're
15 aware that Jaime Melgar was stabbed 31 times, right?

16 A. I know he was stabbed multiple times. I don't
17 have in my report how many.

18 Q. Did you bother at any point to read the autopsy
19 report as lead investigator?

20 A. Yes.

21 Q. Did you attend the autopsy as lead
22 investigator?

23 A. No.

24 Q. Isn't that part of the job function of lead
25 investigator, to actually physically be there at the

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1 autopsy?

2 A. No.

3 Q. Based upon your experience as a homicide
4 investigator and based upon the fact that Jaime Melgar
5 was stabbed 31 times and also suffered multiple blunt
6 force trauma injuries to his head and to his face, in
7 your experience does that indicate a pretty violent
8 altercation?

9 A. Yes.

10 Q. I mean if I --

11 MR. SECREST: May I approach the witness?

12 THE COURT: You may.

13 Q. (BY MR. SECREST) If I were going to stab you 31
14 times and strike you maybe a total of 50 times, 31 plus
15 another 20 by definition, since we're talking about the
16 use of a knife, it would mean that I would be quite
17 close to you, right? I'm not shooting you from across
18 the room, am I?

19 A. No.

20 Q. I'm not putting the poison in the Coca-Cola,
21 right?

22 A. Correct.

23 Q. So by definition you and I are going to be
24 closely engaged, are we not?

25 A. Yeah.

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1 Q. Okay. And then if I'm the killer and I stab or
2 slice you 31 times and, by definition, there's going to
3 be a lot of this kind of action, and for the record I'm
4 moving my arms, that would be fair, wouldn't it?

5 MS. BARNETT: Judge, I object that the
6 witness was not there. He can't speculate as to how the
7 complainant was stabbed.

8 THE COURT: He can make reasonable
9 deductions. Overruled.

10 Q. (BY MR. SECREST) And I am not suggesting -- you
11 obviously were not there, right?

12 A. Right.

13 Q. You don't have a clue. You don't have any
14 personal knowledge of who the killer is, right?

15 A. Correct.

16 Q. And I'm not suggesting you know exactly how
17 this happened, but you are a homicide detective or at
18 least you were at one point, right?

19 A. Correct.

20 Q. So again, I've got to get a little closer to
21 you, but I won't hurt you. Okay?

22 A. That's fine.

23 Q. If I'm stabbing you what are you probably
24 trying to do, defend yourself?

25 A. If you're asking a question that there's

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1 different circumstances from my experience.

2 Q. Sure.

3 A. If I'm turned like this, it could be different.
4 If I'm turned like this, it could be different. If I'm
5 turned any way, it could be different. You're facing me
6 at a 90-degree that --

7 Q. Okay. Fair enough.

8 A. -- it's not --

9 Q. Fair enough, but you know that in fact Jaime
10 Melgar was only stabbed in the front of his body. You
11 know that he doesn't have any stab wounds in his back.
12 That's a fair statement, isn't it?

13 A. He --

14 Q. Is that a fair statement?

15 A. I would have to -- I don't have that in my
16 report. That would have to be probably answered by the
17 medical examiner's office. The reason is we have a
18 trace team that would come out to the scene and document
19 every single thing like that and of course we
20 communicate with them, too, but that question you're
21 asking me would be more specifically answered by the
22 medical examiner that completed the autopsy.

23 Q. I agree. The medical examiner is the witness
24 for that, and I'm not trying to turn you into a medical
25 examiner. I'm just trying to see, and any question I

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1 ask you, you do not have agree with me. I'm just asking
2 you based upon your expertize and experience as a
3 homicide detective, if you have a victim that was
4 stabbed that many times and also received multiple blunt
5 force trauma to injuries to the head, to the face, we're
6 certainly assuming the assailant or assailants were
7 right on top of Jaime Melgar when this was happening,
8 not stabbing them from across the room, right?

9 MS. BARNETT: Which I think we covered. I
10 object to asked and answered.

11 THE COURT: Overruled.

12 Q. (BY MR. SECREST) Would you agree with me, is
13 that a fair statement?

14 A. You're asking multiple questions.

15 Q. Break it down.

16 A. Yes. So you're saying from my experience, now
17 the distance, yeah, you can't unless you threw the knife
18 and stabbed me from across the room, but I don't know if
19 you're behind some person and you went to stab them,
20 yeah, there could be a chance that they could have
21 multiple injuries, stabbed wounds, depends on the amount
22 of blood they lost and where the stab wounds were at.

23 Q. Okay. All right.

24 A. That's --

25 Q. Okay. All right. You mentioned the trace

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1 team. Why would we have the trace team go out there?

2 A. What happens is we can request the trace team
3 to come out. Also the forensic doctors can come out to
4 the scene. Basically what they'll do is process around
5 the body and what's on the body because eventually that
6 body is going to be transported to the autopsy, to the
7 medical examiner's office for an autopsy, for an
8 examination.

9 Q. Why is it important for the trace team to
10 examine the body and examine the area around the body?
11 What kind of things, based upon your experience as a
12 homicide detective, are they looking for?

13 A. Sure, like I side earlier, we don't touch the
14 body at that point. We know where the body is fixing to
15 go, so what we like to do is have the forensic team come
16 out and they will do trace lifts, lifting any type of
17 items on the body before it's moved because we don't
18 want to lose any type of evidence. Once it comes from A
19 to B, which A would be the scene and B would be the
20 medical examiner's office.

21 Q. In this case -- and were you finished?

22 A. Yes, sir, I'm finished.

23 Q. Okay. In this case as lead investigator,
24 you're aware the trace team came out?

25 A. Yes. Yes.

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1 Q. And in fact took what they call pickings from
2 the body and other type of pluckings, if you will, from
3 the body and then that information is put in an envelope
4 and that's sent off to be examined by a laboratory some
5 other date, and all that back happens outside your
6 presence?

7 A. Yes. The terminology is a little bit different
8 than I use. I use lifts. I don't know about plucking.
9 What you're explaining is the same thing I would say as
10 trace lifts.

11 Q. Okay. And so -- but that's part and parcel of
12 a investigation and then that evidence is going to be
13 taken to the laboratory for later analysis?

14 A. Yes, that's collected.

15 Q. Okay. And do you know whether or not in this
16 case in fact that kind of evidence was obtained and
17 later was examined?

18 A. I don't recall that. Like I said I just have
19 my report.

20 Q. Okay. Was any canvassing done of the
21 neighborhood?

22 A. That would be my, my scene investigators.

23 Q. Okay. As lead investigator would you have
24 directed scene investigators to, quote, unquote, canvas
25 the neighborhood?

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1 A. Yes.

2 Q. Pretty typical, is it not?

3 A. Yes, sir.

4 Q. So I'm not asking you very specifics there
5 because I don't think you're going to be able to
6 remember it. I don't mean that in critical way.

7 A. Yes, sir.

8 Q. But was some, quote, unquote effort made to
9 conduct a canvassing of the neighborhood?

10 A. Yes, sir.

11 Q. Okay. Do you know how many houses we're
12 talking about that, on that block; and for the record
13 let me be clear, we're talking about the 9500 block of
14 Kelsey Meadows, K-e-l-s-e-y, M-e-a-d-o-w-s, Court. Do
15 you know approximately how many houses are on that
16 block?

17 A. I do not.

18 Q. Do you know how many -- do you know whether or
19 not all those houses were canvassed?

20 A. Yes.

21 Q. And so were all the houses canvassed?

22 A. Yes.

23 Q. Okay. Do you know how many of those houses,
24 since all of them were canvassed, do you know how many
25 had surveillance cameras mounted either on the house or

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1 on the garage?

2 A. The one across the, I believe, across the
3 street had a surveillance camera; and if I recall the
4 one behind the house in one direction had some type of
5 camera.

6 Q. And do you recall we're talking now about the
7 Essman, E-s-s-m-a-n, the Essman home, do you know
8 whether or not that camera actually captured any image
9 of the Melgar residence?

10 A. Are you referring to the one across the street?

11 Q. Yes, sir.

12 A. No. It only got a certain amount of the front
13 of their house.

14 Q. Of course that didn't prevent you from lying to
15 Sandy Melgar during the interrogation and telling her
16 that in fact it captured a pretty good view of her
17 house. You told her that, didn't you?

18 A. Yes.

19 Q. And you lied to her, that's not true, right?
20 You can admit that.

21 A. Yes.

22 Q. Okay. And why did you lie to her?

23 A. Just to get a response, get information out of
24 her. At the time of the interview, you know, didn't see
25 any type of motion or anything like that out of her,

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1 yes, we will bring up questions like that to see what
2 her response is.

3 Q. So you say you didn't really get any emotion
4 out of her. You're saying that she never cried during
5 the entire time that you guys had her in your
6 interrogation room?

7 A. Yeah. I don't recall seeing any type of tears
8 coming out of her eyes during the interview.

9 Q. Are you that saying she was faking or are you
10 saying that she had tear duct problems? What are you
11 saying?

12 A. I'm saying exactly what I said. I didn't see
13 any tears coming out of her eyes.

14 Q. I kind of noticed when I looked at this video
15 that most of time she's got her head down and looking
16 down.

17 A. Okay.

18 Q. That's not your memory?

19 A. I don't know. I don't recall.

20 Q. Do you recall that actually the vast majority
21 of the interview she seems to be kind of holding her
22 head with her hand over here on the left side of her
23 face. Do you remember that?

24 A. No, sir.

25 Q. Okay. Now you recall as lead investigator

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1 being put on notice, in fact from the Essman family who
2 had the video camera would show their driveway but not
3 the Melgar home. Do you recall that in fact you all
4 were provided information that the garage door was open
5 a lot earlier than even when Herman and Maria Melgar and
6 their family arrived at their house for dinner, fair
7 statement?

8 A. Are you talking about -- the information I
9 received, I did not receive that information. I don't
10 recall seeing that.

11 Q. But you're -- again your investigators spoke --
12 you can't speak to everybody yourself, right?

13 A. Correct.

14 Q. So your investigators spoke to Mrs. Essman and
15 that information was given to them, correct?

16 A. Like I said --

17 Q. You don't even know.

18 A. Well, I don't have the report to review that
19 part.

20 MS. BARNETT: May I ask that counsel
21 provide what supplement it is that what investigator
22 asked Ms. Essman about the garage door being opened
23 earlier that day?

24 MR. SECREST: It's going to be a recorded
25 statement that was taken.

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1 MS. BARNETT: So it's not in the
2 supplement?

3 THE COURT: Mr. Secrest, do you have a
4 portion of the report to provide to the witness so that
5 he may refresh his memory?

6 MR. SECREST: I do not because as a --
7 excuse me, Your Honor -- I do not because it's part of
8 the tape recorded interview that was conducted.

9 THE COURT: All right.

10 Q. (BY MR. SECREST) Again your officers, when they
11 interviewed witnesses, they tape recorded them, did they
12 not?

13 MS. BARNETT: And may the record be clear
14 that it's not in a supplement in the offense report,
15 what counsel is stating. So it's a misstatement of the
16 evidence.

17 MR. SECREST: Well, no, it's not -- and I
18 object to the misstatement of the evidence. What I'm --

19 THE COURT: Can the lawyers approach,
20 please?

21 MR. SECREST: What I'm talking about is a
22 tape recording. They tape recorded everybody, Your
23 Honor and so I got a copy of the tape recording, and
24 that's what in it.

25 THE COURT: Specifically which witness are

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1 you talking about?

2 MR. SECREST: I'm talking about
3 Ms. Essman, across the street. That's where that
4 information comes from.

5 Now also there's Sloan Essman and he has
6 been quoted as saying that the garage door was open at
7 midnight.

8 THE COURT: All right. So let's send the
9 jury out so he may refresh his memory.

10 MR. SECREST: Sure.

11 THE COURT: Ladies and gentlemen, we're
12 going to excuse you for a few moments so that we may do
13 this procedural issue.

14 THE BAILIFF: All rise for the jury.

15 (Jury leaves courtroom)

16 THE COURT: Is that the statement?

17 MR. SECREST: That's the statement.

18 THE COURT: Bring in the jury.

19 MS. BARNETT: The defense counsel through
20 the course of this trial has been talking about, and I
21 forgot what witness it was, it was the garage door
22 around midnight. That's not going to be -- it's not in
23 any supplement. That's something somebody told the
24 Houston Chronicle or something and so I'm going to ask
25 that that not be allowed into testimony because it's

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1 hearsay.

2 MR. SECREST: I haven't gone into any
3 witness about that.

4 MS. BARNETT: You absolutely have.

5 MR. SECREST: I absolutely haven't.

6 MS. BARNETT: Which witness are you
7 talking about?

8 MR. SECREST: Which witness?

9 MS. BARNETT: I don't know. The last time
10 defense counsel went into it, I asked him after we had
11 left court and he told me that it was a something about
12 a statement to the Chronicle. I didn't think that we
13 would go into it again and now we're going into it and I
14 see that's where he's going and there's nothing on --
15 and he keeps calling it a supplement. It's not a
16 supplement. He called it a tape and it's not on tape.
17 So obviously what the tape says is they saw it as early
18 as 7:30 a.m. He has some kind of -- something about a
19 Houston Chronicle article that somebody said that
20 somebody told them that the door was open around
21 midnight. I haven't seen that article. I don't know
22 what it is, but it's quadruple hearsay. So I would
23 object and I ask that you keep that out.

24 MR. SECREST: Once again counsel is in
25 error and let's make sure the record is clear here.

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1 What I was attempting to ask the witness about is
2 investigative evidence or memoranda that the Harris
3 County Sheriff's Department prepared. In the course of
4 the discovery I was given not only supplements but I was
5 given several tape recorded interviews conducted by the
6 deputies and various witnesses. That is one of those.

7 And for the record that's, I believe her
8 name is Melanie Essman and as the tape reflects, she was
9 interview by, I believe Officer Garcia, and he tape
10 recorded her. That's what I've been referring to. I'm
11 also aware that her husband --

12 THE COURT: He being this witness, tape
13 recorded the statement that --

14 MR. SECREST: Not this witness. No. I
15 said that Deputy Garcia tape recorded Ms. Essman, who
16 lived across the street and has the camera. So they're
17 interested in the camera, of course, but she also told
18 them the door had been open all day, I think she said
19 and then she says, there's a neighbor who saw it open
20 this morning, I think he said 7:30. That's based upon
21 information that I got from the district attorney's
22 office that came to them via the Harris County Sheriff's
23 Department. That's their tape recording. I'm also
24 aware that her husband, Ms. Essman's husband, Sloan,
25 S-l-o-a-n, was quoted in the Houston Chronicle, saying

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1 the door had been up all night. I'm not going put that
2 out in front of the jury until Mr. Sloan Essman
3 testifies.

4 THE COURT: Essman.all right.

5 MS. BARNETT: While I don't think this is
6 going to refresh this witness' memory, because he's not
7 the one that taped the tape, I don't object to that part
8 coming in.

9 THE COURT: All right.

10 Mr. Secrest, you may proceed.

11 MR. SECREST: Thank you.

12 Q. (BY MR. SECREST) Mr. Carrizal, while the jury
13 had a brief break, were you able to listen to a tape
14 recorded interview conducted by one of the deputies at
15 the scene, I believe Deputy Garcia, who spoke with
16 Ms. Essman, who lives across the street and interviewed
17 her at that time and that was recorded. You aware of
18 that, are you not?

19 A. I listened to it, yes, sir.

20 MR. SECREST: Your Honor, at this time we
21 will play that snippet with respect to Ms. Essman's
22 answers as to the garage door.

23 THE COURT: Both sides approach, please.

24 I would ask Mr. Secrest, if you first ask the witnesses
25 if that refreshes his memory before you publish the

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1 statement.

2 MR. SECREST: Okay. That's fair.

3 Q. (BY MR. SECREST) Have you had the opportunity
4 to hear the tape recording? Does that refresh your
5 recollection of what took place during the course of
6 this investigation on the very day you guys were out
7 there on December 23, 2012?

8 A. No, it did not.

9 MS. BARNETT: We're not objecting.

10 THE COURT: All right.

11 MR. SECREST: So can we play it?

12 THE COURT: You may.

13 MR. SECREST: Thank you, Your Honor.

14 (Playing tape recording.)

15 Q. (BY MR. SECREST) Okay. So bottom line,
16 although you didn't personally conduct that interview,
17 you agree that one of the investigating deputies spoke
18 with the lady across the street about the surveillance
19 camera and at that time she told you all that the door
20 had been open all day and that she had apparently heard
21 from one of the neighbors that it was in fact opened
22 earlier in the morning, right? That's what she said.
23 It's pretty easy.

24 A. I don't recall exactly everything but all day.

25 Q. Well, how about 7:30 in the morning? That's

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1 what she said, didn't she?

2 A. Yes.

3 Q. And now she also mentioned a gentleman by the
4 name of Scott. You heard Scott? She said Scott but she
5 didn't remember the last name. You heard that at the
6 end of the interview?

7 A. I heard the name, yes.

8 Q. What effort did you all take to track down
9 Scott since he's the one that had personal knowledge
10 regarding the door being open?

11 A. Like I said that wasn't my interview. I don't
12 recall the name.

13 Q. So you don't -- I guess what I'm saying to be
14 fair to you, you don't personally have any information
15 about a Scott because you never spoke to Scott, right?

16 A. Let me -- can I review my supplement?

17 Q. Sure. And while you review it, let me ask you
18 this: If you had spoken to a gentleman by the name of
19 Scott, you would have put it in the report, because that
20 is what you're looking for, right?

21 A. Would I put it in my report?

22 Q. Yeah. If you spoke --

23 A. If I spoke to Scott.

24 Q. Yeah.

25 A. I'd probably put it in my report, yes.

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1 THE COURT: Ladies and gentlemen, we're
2 going to go ahead and take that morning break. I know
3 you were just out, but we do have some court dockets I
4 do have to take care of this morning. So we will take a
5 30-minute break and we will see you back at 11:45.

6 THE BAILIFF: All rise for the jury.

7 (Jury leaves courtroom)

8 Q. (BY MR. SECREST) Mr. Carrizal, just before the
9 break we listened to that snippet part of the interview
10 of Ms. Essman across the street and in that snippet we
11 learned that she says that she personally didn't know
12 whether the garage door was up at 7:30 in the morning
13 but she had heard that from a neighbor. Do you remember
14 that part of it? She mentioned the gentleman by the
15 name of Scott, but she wasn't able to give us a last
16 name.

17 A. Yes.

18 Q. And I think at the break you went through your
19 various supplements, and you don't have any notation of
20 ever speaking to a gentleman by the name of Scott?

21 A. Correct, yes.

22 Q. I'm not going tell you what happened, what the
23 testimony was, but we've done some stuff outside of your
24 presence so I don't want to spend the time doing it
25 again. One December 23, and the 24 -- let's break it

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1 down, December 23, 2012 you went to the scene, right?

2 A. Yes.

3 Q. And then December 23, you took Ms. Melgar to
4 the Lockwood facility for an interrogation, right?

5 A. Yes.

6 Q. And then you remained at Lockwood into the
7 early morning hours of December 24?

8 A. Yes.

9 Q. Okay. Now, did you work on Christmas day, or
10 do you remember?

11 A. I don't remember.

12 Q. Okay. You recall, though, on December 26 of
13 2012, you spoke with Sandy Melgar's daughter, Elizabeth
14 Melgar? Do you recall that?

15 A. Yes.

16 Q. And in fact you recall, I guess, there were
17 dueling tape recordings because she wanted to record you
18 all. You remember her bringing that up?

19 A. Yes.

20 Q. And you guys recorded the interview yourself?

21 A. Yes.

22 Q. Okay. And I know it's been some time, but
23 what's your best guesstimation as to how long that
24 interview lasted, do you think?

25 A. Several, several minutes.

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1 Q. Okay. I mean it wasn't like Sandy Melgar's
2 interrogation. It didn't go on for several hours, did
3 it?

4 A. No.

5 Q. Okay. Was it pretty apparent to you that
6 Elizabeth Melgar was concerned about the murder of her
7 daddy and she was trying to get information from you
8 about your investigation?

9 A. Yes.

10 Q. Is it also fair to say that she wasn't a happy
11 camper about the way that you all treated her mother?

12 A. Yes.

13 Q. And she wasn't there, so she didn't know how
14 her mother was treated, that's fair.

15 A. Yes.

16 Q. But she told you during the time that you spoke
17 with her, she told you about her mother's health
18 problems, right?

19 A. Yes.

20 Q. And you recall she mentioned that her momma had
21 seizure disorders, right?

22 A. Something, yes.

23 Q. Okay. Did you even bother to document that in
24 your offense report?

25 A. That part I would have to look at.

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1 Q. Okay. And do it and at the same time, it was
2 December 26 of 2012.

3 A. Yes, sir. I'm on supplement 22.

4 Q. So do you recall generally speaking, talking to
5 Elizabeth Melgar about her momma's health situation?

6 A. Yes.

7 Q. Okay. And did you note in your offense report
8 that Sandy Melgar had some seizure disorder? Do you see
9 that in your offense report relative to the work you did
10 on December 26?

11 A. Yes.

12 Q. Okay. So is it in the report?

13 A. She asked a question that her mother didn't
14 need -- didn't receive any medical attention, that was
15 one of the --

16 Q. Okay.

17 A. -- questions she asked.

18 Q. Okay. So she asked. She basically didn't
19 think that her momma got medical attention on the early
20 evening of December 23, 2012 when you guys were out at
21 the house, right?

22 A. Yes, that's what she asked.

23 Q. Okay. But I want to be clear here that the
24 question I'm asking you specifically is when you were
25 told by Elizabeth Melgar that Sandy Melgar had some

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1 seizure issues, seizure disorder, did you actually
2 document that in your police report? Is it there?

3 A. No.

4 Q. Okay. But you recall generally a discussion
5 about that, right?

6 A. Yes.

7 Q. And did you hear something about lupus? Does
8 that ring a bell?

9 A. Yes.

10 Q. Do you remember the phrase, Lupus fog, does
11 that ring a bell?

12 A. No, not Lupus fog.

13 Q. Okay. Do you remember anything mentioned about
14 momma having short term memory loss retrograde and
15 amnesia? Remember that?

16 A. No.

17 MR. SECREST: Your Honor, may we approach
18 the bench?

19 THE COURT: You may.

20 Q. (BY MR. SECREST) Again I'm talking about
21 another tape recording. This is a tape recording that
22 he and Dousay made with Melgar. Retire the jury so he
23 can hear it to refresh his recollection. I have a
24 transcript, but it's my transcript.

25 THE COURT: What exact statements you're

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1 saying he made?

2 MR. SECREST: That he was informed, both
3 he and Sergeant Dousay was informed by Elizabeth Melgar
4 that Momma had retrograde amnesia and had short term
5 memory loss and brought that to their attention. It's
6 in the tape. So I guess we need to retire the jury so
7 he can hear it since I don't have a transcript.

8 THE COURT: Further in respect to the
9 request you made earlier about treating him as a hostile
10 witness, have you had an opportunity to prepare him for
11 his testimony today as to refresh his memory?

12 MR. SECREST: No.

13 THE COURT: Then I'm granting your
14 request.

15 MR. SECREST: And Colleen hasn't really
16 been jumping me on questions and I appreciate that and
17 I'm trying not to abuse it, but I think we're going to
18 have to retire the jury six minutes or five minutes.

19 THE COURT: All right, ladies and
20 gentlemen. I've got to keep you moving. We're going to
21 send you back for a few minutes to handle another
22 matter.

23 THE BAILIFF: All rise for the jury.

24 (Jury leaves courtroom)

25 Q. (BY MR. SECREST) Mr. Carrizal, what we're going

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1 to do outside the jury present is play a portion of the
2 tape recording that you and Sergeant Dousay made of your
3 interview of Elizabeth Melgar on December 26, 2012 and
4 we're doing it in an effort to see if that refreshes
5 your memory as to what was discussed during that
6 interview.

7 A. Yes, sir.

8 Q. Thank you.

9 A. Thank you.

10 (Tape recording playing outside the
11 presence of the jury.)

12 MR. SECREST: Let me say this, that
13 there's going to be four or five of these. We're going
14 to knock them out all at once.

15 THE COURT: Four or five questions
16 regarding this interview?

17 MR. SECREST: Yes, ma'am. I'm just trying
18 to save the Court and the jury some time.

19 THE COURT: I appreciated that.

20 MR. SECREST: And it's all within about a
21 four-minute period.

22 Q. (BY MR. SECREST) Mr. Carrizal, just so we're
23 clear here, what I'm trying to do is play portions of
24 this tape pertaining to certain questions I'm going to
25 ask you in a moment, so they're not all in the same

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1 subject and so we don't have to do this three or four
2 times.

3 A. Okay.

4 (Tape recording playing outside the
5 presence of the jury.)

6 MS. BARNETT: I would ask that the whole
7 tape be played, instead of just segments. If they're
8 refreshing his recollection about the tape, I would ask
9 that the tape be played.

10 MR. SECREST: There's no requirement to
11 play the entire tape. He needs to refresh his
12 recollection with respect to the questions that we're
13 going to ask him. If Colleen wants to take the time to
14 listen to the tape and redirect him, that's her
15 prerogative.

16 THE COURT: All right. What subject
17 matter of the questions do you need to ask him so
18 that --

19 MR. SECREST: I'm going to ask about the
20 retrograde amnesia business, I'm going to ask about the
21 statement that the doctor at the scene checked her out,
22 and I'm going to ask questions concerning this next
23 segment.

24 This is an area -- and the Court may
25 recall that I tried to ask some of these questions of

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1 Sergeant Dousay, but I wasn't permitted to do it because
2 Mr. Carrizal was the one that asked the question, even
3 though he was present. That's why I'm coming back to
4 it.

5 MS. BARNETT: Well, I just think when
6 counsel picks out what he wants to ask questions on
7 there should be other parts of -- I just think it's in
8 fairness to let the witness refresh his memory about
9 this conversation.

10 THE COURT: But there's two ways we can do
11 it, either each time that he asks a question and if the
12 witness does not recall it, then we can send the jury
13 out. I think he's just trying to expedite it. There's
14 no requirement that the entire tape be played. It's in
15 regards to specific questions.

16 Do you want to ask a question out loud and
17 determine now if he knows it?

18 MR. SECREST: That would be fine.

19 Q. (BY MR. SECREST) Did you tell Elizabeth Melgar,
20 Mr. Carrizal, that you all were not pointing the fingers
21 at anybody? Do you remember making that statement? And
22 let me continue because it's basically all one or two
23 sentences that you all were not pointing your fingers at
24 anybody, but rather were trying to get as much
25 information as you could that you were looking at the

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1 possibility that suspects entered the home, you were
2 looking at any or every angle here in this
3 investigation. Do you remember saying that?

4 A. No.

5 Q. Okay.

6 (Tape recording playing outside the jury's
7 presence.)

8 A. Yes.

9 Q. Do you recall the subject coming up when
10 Elizabeth Melgar was explaining her mother's short term
11 memory issue of retrograde amnesia, do you remember
12 asking Elizabeth Melgar if it's possible that maybe her
13 memory might return some time in the future because that
14 would be the kind of information that you would want in
15 order to try to develop a suspect? Do you remember
16 that?

17 A. Yes.

18 Q. Okay. And do you also recall telling Elizabeth
19 Melgar that if Sandy, her mother started remembering
20 details to basically keep in contact with you guys?

21 A. Yes.

22 Q. That rings a bell?

23 A. Yes.

24 Q. All right. Also did you ask Elizabeth Melgar
25 as to whether she had been to the family home prior to

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1 the time that you spoke with her on December 26 but
2 after the murder, which occurred on December 23, 2012?

3 A. No.

4 Q. Do you recall actually asking her to take a pad
5 and pen to the house and trying to write down anything
6 that might be missing so you all would have an idea of
7 what possibly could have been taken from the home?

8 A. Yes.

9 Q. Does that ring a bell?

10 A. Yes.

11 Q. Okay.

12 (Tape playing outside the presence of the
13 jury.)

14 A. Yes.

15 Q. You remember that?

16 A. Yes.

17 Q. Okay.

18 MR. SECREST: That's all I have, Your
19 Honor.

20 THE COURT: Bring the jury in.

21 (Jury enters courtroom)

22 Q. (BY MR. SECREST) Do you recall just before our
23 short break that I was asking you about the fact that
24 Elizabeth Melgar wasn't particularly happy about the way
25 she believed you all treated her momma, right?

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1 A. Yes.

2 Q. Did you all -- and I think you explained to
3 Elizabeth Melgar that EMS folks at the scene had checked
4 out her momma.

5 A. Yes.

6 Q. Did you also tell them that -- or tell
7 Elizabeth that the doctor and them that saw her at the
8 scene had cleared everything before you all spoke to
9 her? Do you remember that comment?

10 A. Yes.

11 Q. Now that's -- let me just be charitable.
12 That's a lie, right?

13 A. It's an error on my behalf. I listened to the
14 video. It's an error.

15 Q. What kind of error is it?

16 A. I meant to say EMS, and she was saying, doctor
17 and I was just repeating. I've said this before that it
18 was an error.

19 Q. Well, whether it was an error or otherwise, we
20 can agree, of course, doctors don't go to the scene in
21 EMS vehicles, right?

22 A. Yes.

23 Q. So Sandy Melgar never saw a doctor at the
24 scene?

25 A. Correct.

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1 Q. Okay cool.

2 Do you remember saying that you all were
3 not pointing your fingers at anybody? Do you remember
4 making that comment?

5 A. Yes.

6 Q. Okay. And what were you trying to imply by
7 that when you're telling Elizabeth Melgar, hey, we're
8 not pointing fingers at nobody?

9 A. She was upset. She was coming from another
10 country down here and she didn't have a lot of
11 information thrown at her at a time. In an attempt to
12 kind of settle her down and get information and get the
13 information out, and find out information. Basically
14 what I was saying is we're not pointing the fingers at
15 anybody. We're looking at everything at this point. We
16 need help. If you can provide help, help us, that's
17 what I meant.

18 Q. So continuing with that you said, we're not
19 pointing fingers at anybody, rather we're trying to get
20 as much information as we can. We're looking at the
21 possibility that suspects entered the home. We're
22 talking about, like, home invaders, right?

23 A. Yes.

24 Q. Right?

25 A. Yes.

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1 Q. And you were looking at every angle in the
2 investigation. That's what you told her, right?

3 A. Yes.

4 Q. But that's rarely -- that's not true, is it?

5 A. It is true.

6 Q. It's true that you weren't pointing your
7 fingers at anybody at that time?

8 A. We -- like I said earlier, when I mentioned to
9 her, pointing fingers, we needed information from her.
10 That's the comment I was meaning from her.

11 Q. But I'm asking you, in fact, by December 26,
12 2012 you all were pointing your finger at somebody, were
13 you not, and that somebody is my client, Sandy Melgar,
14 right?

15 A. No.

16 Q. Under oath you're saying that you weren't
17 pointing your finger at Sandy Melgar on December 26?

18 A. There was an ongoing investigation.

19 Q. So why it then that on December 24 --

20 A. Uh-huh.

21 Q. -- at approximately 2:00 o'clock in the
22 morning, you're trying to get the Harris County district
23 attorney's office to file murder charges against Sandy
24 Melgar?

25 A. What happens is we always -- we have a special

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1 district attorney's office for major crimes. We like to
2 communicate any kind of information, anything we have on
3 the scenes, we like to give the information so we can
4 follow up as investigation is going. On my first
5 supplement at the end it says, ongoing, likely meaning
6 this investigation is ongoing.

7 To answer your question, yes, that's it.

8 Q. Well, how about this on your supplement, page
9 56 of supplement 21, I advised the Assistant District
10 Attorney Tammy Thomas of the facts behind the death of
11 Jaime Melgar. Advised murder charges would not be
12 accepted, right? Actually what you said, would not
13 accept, but you meant to say, would not be accepted.

14 Look at supplement 21, 56 at the top,
15 under the entry 2:15 a.m. and that will be 2:15 a.m. of
16 December 24, 2012.

17 A. Yes, but may I read the whole --

18 Q. How much would you like to read?

19 A. I would like to read the next two sentences.

20 Q. Read the whole thing starting at 2:15 a.m.

21 A. Yes, sir.

22 I advised District Attorney Tammy Thomas
23 of the facts behind the death of Jaime Melgar. She
24 advised murder charges would not be accept. Thomas
25 advised that I update her on status of the case as

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1 investigated and the conclusion of the evidence that was
2 submitted for all DNA processing.

3 Q. Okay. So let me ask you about that. According
4 to what you put in your offense report, Assistant
5 District Attorney Tammy Thomas, after she told you that
6 she would not accept murder charges, she advised that
7 you were to update her on the status of the case as it
8 was being investigated and at the conclusion of the
9 evidence that was submitted for DNA processing.

10 Tell me every time that you spoke with
11 Assistant District Attorney Tammy Thomas thereafter.

12 A. I don't recall how many more times I talked to
13 Tammy Thomas.

14 Q. Well, if I told you that I read your offense
15 report, that I see no other entry. Ms. Barnett can
16 correct me. I see no other entry in your offense report
17 where you ever again spoke with Tammy Thomas.

18 A. Okay. Well, would you like me to explain?

19 Q. Go for it.

20 A. Sure. So what happens is we have an on-call
21 district attorney, most likely at 2:00 would be Tammy
22 Thomas.

23 Once that is done, it would probably get
24 handed to I believe in this case was Connie Spence, then
25 we would follow up with another district attorney, once

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1 it was given to her, but at the time I believe Tammy
2 Thomas was on the call out.

3 Q. And to put in a perspective, you're calling the
4 district attorney's office at 2:15 a.m. trying to get
5 murder charges filed, which they decline and you know
6 that at 2:15 something else is going on in this case,
7 isn't that true?

8 A. I would have to have better information on what
9 you're referring to.

10 Q. Well, isn't it true that you know based on
11 being the lead investigator in this case that
12 M.V. Carpenter and his team were still at the residence
13 gathering possible forensic evidence. They didn't leave
14 the scene until, like, 4:00 o'clock in the morning.

15 A. Like I said earlier I'm calling her just
16 basically giving communication and to go over what we
17 have at the scene at that point.

18 Q. Well, what you're doing is you're calling her
19 up and you're trying to get her to authorize you to file
20 murder charges against Sandy Melgar and at 2:15 a.m. at
21 that time she declined to do it, fair statement?

22 A. No.

23 Q. Why is that not fair?

24 A. Because like I said earlier, I called her just
25 to give her the facts of the case on what she thinks and

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1 just to give her information on what have at the scene
2 at that point.

3 Q. And she did what? What was her response?

4 A. Her response was she advised to update her on
5 the status of the case as investigated and the
6 conclusion of the evidence that was submitted for DNA
7 processing.

8 Q. You left out one piece, did you not? She
9 advised that murder charges would not be accepted,
10 right?

11 A. And she advised murder charges would not be
12 accepted, correct.

13 Q. Is that fair, what I said?

14 A. Yes.

15 Q. All right. December 26, you go to CVS, do you
16 not?

17 A. Yes.

18 Q. You recall that?

19 A. Yes.

20 Q. Not going to spend a lot of time. The jury has
21 already heard about it, but you went over there in order
22 the see if there's a videotape because Sandy Melgar told
23 you that after they went to dinner from Los Cucos they
24 went to over CVS to get some mixers. You were trying to
25 verify whether that was true?

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1 A. Yes.

2 Q. And in fact that was true, right?

3 A. Yes.

4 Q. And then from there y'all went over to Los
5 Cucos restaurant, right? Remember that?

6 A. Yes.

7 Q. And why did you go the Los Cucos?

8 A. From a receipt.

9 Q. Okay. So, the jury will recall that I believe
10 in the bedroom on the bed there was a receipt showing
11 that a credit card been used, actually debit card been
12 used to purchase dinner at Los Cucos on December 22,
13 right?

14 A. Yes.

15 Q. Okay. And what time -- you're not going to
16 remember this. Let me see if I can save you some time.

17 Do you remember -- do you remember that
18 they went to have dinner somewhere around, like, 8:30,
19 8:45? Does that ring a bell?

20 A. 8:59 p.m.

21 Q. 8:59. You're on it. Thank you.

22 A. Yes, sir.

23 Q. And then --

24 A. 8:59 p.m.

25 Q. What are you looking at? Are you looking at

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1 the actual receipt?

2 A. I'm looking at my supplement.

3 Q. Okay. I need to find that. It's in evidence.

4 MR. SECREST: May I approach the witness?

5 THE COURT: You may.

6 Q. (BY MR. SECREST) State's Exhibit 419, I'm
7 showing you. That is a photocopy of the receipt you've
8 seen before.

9 A. Yes.

10 Q. Now, when I look at that receipt, that's check
11 267?

12 A. Yes.

13 Q. First of all who did you speak with at Los
14 Cucos when you went over there during the course of your
15 investigation?

16 A. It would have been the manager.

17 Q. Okay. Did you note his name or her name?

18 A. No.

19 Q. Okay. Did you ever speak to Antonez
20 {phonetic}? Do you see that name on the receipt?

21 A. No, I did not talk to them.

22 Q. Do you have a pretty good idea who Antonez
23 probably is?

24 A. No.

25 Q. You don't think that's the waiter?

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1 A. I don't know.

2 Q. Okay. Did you ever think that it might make
3 sense to try to find out who the waiter was to see
4 whether they might have any information concerning the
5 Melgars, who had dinner at their establishment a night
6 or so before?

7 A. No.

8 Q. You suggested repeatedly in the interrogation
9 that perhaps Sandy had been abused by her husband. Do
10 you remember that line of interrogation, have you been
11 hit, did he hurt you, did y'all have an argument, did
12 you have a disagreement? Do you remember that general
13 line of questioning?

14 A. Yes.

15 Q. So if in fact there had been some kind of
16 disagreement and for some inexplicable reason Sandy
17 snapped, wouldn't it make sense you might want to talk
18 to people that had been around the couple just a few
19 hours before Jaime Melgar's murder? That's not
20 important to you?

21 A. We went to that location to see if they
22 actually had video.

23 Q. So you're telling me then that when you spoke
24 with the manager, you didn't make any inquiry of whether
25 or not he recalled the Melgars or recalled anything

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1 unusual about that evening when they had dinner at the
2 restaurant?

3 A. No.

4 Q. Now, the same day, December 26, you went back
5 to the Melgar residence, Mr. Carrizal; is that true?

6 A. Yes.

7 Q. And in fact if my memory serves me, you went
8 back to the Melgar residence on two occasions on
9 December 26, fair statement?

10 A. Yes.

11 Q. One time y'all spoke with the next door
12 neighbor, Ms. Robertson. Do you remember interviewing
13 that lady?

14 A. No.

15 Q. Okay. Do you remember that you walked the
16 premises of the Melgar residence looking for footprints
17 or something like that, December 26?

18 A. Yes.

19 Q. And you didn't see any kind of footprints,
20 right?

21 A. Correct.

22 Q. And of course the ground was dry, was it not?

23 A. I don't recall.

24 Q. Well, you don't recall whether it was dry, but
25 you don't recall seeing any kind of footprints, right?

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1 A. Correct.

2 Q. Of course on the evening of December 23 and
3 early morning hours of December 24, the crime scene unit
4 folks had been in the backyard walking around the
5 perimeter of the house, walking up to each window,
6 walking up to each door to take photographs to
7 demonstrate there had not been any forcible entry into
8 the front door, the back door, or any of the windows,
9 right?

10 A. Yes.

11 Q. So and notwithstanding the fact that CSU
12 investigators had walked the entire perimeter of the
13 house, you didn't see their footprints, did you?

14 A. No.

15 Q. Then you came back to the scene later in the
16 day thinking maybe it's 5:30, 6:00 o'clock, give or
17 take, because having asked Elizabeth Melgar to go to the
18 house to see if anything might be missing or out of
19 place, you all got a phone call from her and that ended
20 up in you all going back to the Melgar residence.

21 A. Yes.

22 Q. In fact that's going to be the very last time
23 in the course of this investigation that you ever go
24 back to the residence, correct?

25 A. I don't recall.

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1 Q. Well, let's talk about, though, when you did go
2 there in the late afternoon of the 26th. Bottom line is
3 Elizabeth Melgar reported that there was a backpack in
4 the garage that appeared to have an Xbox or something in
5 it and she wanted you guys to come out and inspect it or
6 take it or do whatever you're going to do. You remember
7 that?

8 A. Yes.

9 Q. You also recall that when you went out there
10 and you had a crime scene unit, a Mr. Campos, Deputy
11 Campos went out there?

12 A. Yes.

13 Q. And I think he had trainee, Deputy Kirkley with
14 him. Does that ring a bell?

15 A. Yes.

16 Q. Okay. What happened to Elizabeth Melgar once
17 you guys got out there? Did y'all inspect the contents
18 of the backpack all jointly, or did you kind of have her
19 go elsewhere during the course of your investigation?
20 Do you remember?

21 A. Yes. I was talking to her quite a bit.

22 Q. Okay. Is that kind out typical, if you're
23 going inspect or pick up some evidence or whatever,
24 you're probably going to get people out of there so you
25 can photograph or do whatever you're going to do?

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1 A. Not necessarily.

2 Q. Okay. Okay. Do you remember her being with
3 you in the garage and do you remember her being kind of
4 taken away -- or not taken. I'm not suggesting
5 handcuffed or anything but asked to go into the house or
6 you don't remember that?

7 A. I -- I would like back up. When I first talked
8 to her, like you said earlier we asked her to write
9 things down. Of course I was talking to her the whole
10 time because she was trying to provide anything she
11 possibly could.

12 Q. Okay. That's cool. And so anyway she directs
13 you to the garage and there's a backpack that ultimately
14 Deputy Campos takes with him and then turns it into
15 evidence, right?

16 A. Yes.

17 Q. Okay. Do you know what kind of analysis, if
18 any, was done on the backpack and the contents of the
19 backpack?

20 A. I don't recall.

21 Q. Okay. And you don't have any recollection that
22 in fact the backpack and the contents thereof, which
23 included an Xbox 360 as well controllers and a game as
24 well as multiple pieces of jewelery were ultimately
25 tested for DNA? You don't have any memory of that? If

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1 you don't, you don't. That's fine.

2 A. No, I don't recall that.

3 Q. Okay. Do you recall -- well, okay.

4 Now, are you aware -- you wouldn't have
5 personal knowledge because you weren't there at the
6 time, but were you aware that crime scene investigator
7 Maurice Carpenter on the evening hours of December 23
8 and the morning of December 24, that he was out there at
9 the crime scene basically doing his thing, right?

10 A. Can you repeat that date again?

11 Q. Yes, sir, December 23, 2012, and going into the
12 early morning hours of December 24 of 2012.

13 A. Yes.

14 Q. And he's doing what a crime scene units do.
15 He's looking for latent fingerprints, right?

16 A. Yes.

17 Q. Sometimes you find them. Sometimes you don't,
18 but that's what he's -- that's part of what he's doing,
19 right?

20 A. Yes.

21 Q. And he's also doing that -- typically you do a
22 fluorescein kind of swabbing of sinks and that kind of
23 stuff?

24 A. Processing the scene, yes.

25 Q. Okay. And part of processing the scene would

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1 be also to take swabs to see if there's possible DNA
2 present, right?

3 A. Yes.

4 Q. And basically that comes in two flavors,
5 vanilla and chocolate. Vanilla being you take a swab of
6 an item and then you put that swab in a bag and later on
7 that swab is examined and maybe compared to something,
8 right?

9 A. Well, you can't put it in, like, a plastic bag.
10 It goes on a basic cardboard, but yes.

11 Q. That's fine. I'm not going to tussle with you
12 with respect to the container. My point is the
13 investigator will swab something with, like, a Q-tip --

14 A. Yes.

15 Q. -- right? And then have all kinds of gloves on
16 him to not have any contamination, right?

17 A. Yes.

18 Q. So they swab something and they take this swab
19 and put it in a box and then that box is sent over to a
20 laboratory at some point we're going to determine
21 whether or not there might be some DNA on that swab?

22 A. Yes.

23 Q. And assuming that maybe there's no DNA, right?

24 A. Yes.

25 Q. Sometimes there is DNA when we're going to try

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1 and maybe compare it to something else to see if we can
2 figure out who left the DNA, right?

3 A. Yes.

4 Q. Okay. Also sometimes -- here's the
5 chocolate -- sometimes we'll just take the item with us.
6 We'll take that out of the home, away from the crime
7 scene. We'll take it back to the laboratory and then at
8 some point we'll examine it and maybe take a swab at the
9 Harris County Sheriff's Department, right?

10 A. Yes.

11 Q. Are you aware as well that part of what is
12 going to take place in that process is that you're going
13 to take the swabs of everybody that's present for,
14 quote, unquote, elimination purposes. Do you know what
15 I'm talking about?

16 A. Yes.

17 Q. And so for instance in this case you know that
18 they would have taken the swab of Sandy Melgar and took
19 the swabs of Melgars' family that had come over to have
20 dinner that evening?

21 A. Yes.

22 Q. Okay. And then also at the morgue, at some
23 point the medical examiner or one of their staff would
24 have taken some type of swab or DNA sample from Jaime
25 Melgar, right?

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1 A. I do not know that answer.

2 Q. If you don't know it, don't go there.

3 All right. Go to your supplement 23.

4 A. Yes, sir.

5 Q. Okay. Are you there?

6 A. Yes, sir.

7 Q. What happens on December -- I've got it wrong,
8 supplement 23 but December 28, okay?

9 A. Yes, sir.

10 Q. So what happens on December 28?

11 A. We do a follow-up.

12 Q. Okay. But tell me what happened. Do you
13 receive some information?

14 A. Yes.

15 Q. And basically in a nutshell what are you doing
16 with that information on the 28th?

17 A. Sure. We received information from my
18 supervisor that advised that Channel 13 personnel on
19 scene saw a male identified as Chad Ryan Sullivan
20 arrived on scene. Sullivan told them he lived around
21 there. The news reporter stated that he acted strange.

22 Q. Acted strange, is that pretty much a direct
23 quote of whatever information y'all got from the Channel
24 13 news?

25 A. That's the information I got from my sergeant.

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1 Q. Acting strange, right?

2 A. Right.

3 Q. Do you have any idea what that means, acting
4 strange?

5 A. No.

6 Q. And you weren't there to see Chad Ryan Sullivan
7 acting strange, right?

8 A. No.

9 Q. Okay. Did you follow up with Channel 13 to try
10 to identify the newsperson who or newspersons who saw
11 this guy that apparently stood out at a crime scene and
12 was acting strange? Did y'all follow up on that?

13 A. No.

14 Q. Okay. And I asked, you didn't follow up with
15 Channel 13, right?

16 A. No.

17 Q. But you followed up a little bit, didn't you?

18 A. I followed up on Chad Sullivan.

19 Q. That's what I'm really talking about.

20 A. Yes.

21 Q. Okay. So according to your report, you
22 searched Chad Ryan Sullivan in NCIC and TCIC?

23 A. Yes.

24 Q. In English what does that mean?

25 A. Basically it's set up like a search engine, and

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1 we can search people's names and figure out if they've
2 been arrested for in the past.

3 Q. So what did you find out since you searched
4 Chad Ryan Sullivan in NCIC/TCIC? What did you find out
5 what about him?

6 A. What I recorded it did come back to a SPN
7 number and a S.O, number, S.O. meaning sheriff's office
8 number. If somebody's been in custody, they assign a
9 particular number. I don't have his criminal history
10 with me, but --

11 Q. But would you have taken the time since your
12 sergeant told you to follow this lead, if you will, from
13 Channel 13, concerning Chad Ryan Sullivan, would you
14 have followed the lead and actually gone into the
15 NCIC/TCIC at the time to figure out what kind of person
16 this lead might be?

17 A. Yes.

18 Q. Now, isn't the truth of the matter is when you
19 looked up his record you found out that he was an
20 accomplished thief and had a pretty extensive criminal
21 record? Do you recall that?

22 A. No.

23 Q. Are you saying that that's not true, or you
24 just don't recall?

25 A. I don't recall it. I want to add something to

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1 that.

2 Q. Sure.

3 A. You said we were searching for if he's been
4 arrested, too, but we also were looking for addresses of
5 where he used to possibly live and different things like
6 that. It's just not just directly for one deal. If
7 they're coming to jail, they give an address of where
8 they used to live and other things that we look at.

9 Q. Okay. Did you -- but did you -- you found out
10 he had a criminal history, but off the top of your head
11 you don't remember what that was?

12 A. Correct.

13 Q. Is that a fair statement?

14 A. Yes.

15 MR. SECREST: May I approach the witness?

16 THE COURT: You may.

17 Q. (BY MR. SECREST) Let me show you what I
18 represent to be a printout from the Harris County,
19 county clerk's office regarding this guy, Chad Ryan
20 Sullivan. Would you look here and see if that is a fair
21 representation of what you were looking at back in 2012?

22 A. I don't recall.

23 Q. But you certainly recall he had some type of
24 criminal history. You just don't recall if he was a
25 person that committed assaults or if he was a thief.

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1 You don't recall any detail?

2 A. Yes.

3 Q. Of course you had some idea that he was thief,
4 did you not, based upon the other investigation that you
5 did with him?

6 A. Yes.

7 Q. Okay. And you know what I'm specifically
8 referring to?

9 A. Theft, yes.

10 Q. Okay. So you kind of on notice this guy's a
11 thief. What did you do in that regard as part of your
12 comprehensive, objective investigation?

13 A. If you're saying that knowing he's a thief is
14 not the reason why I would run him. What we have is
15 we're able to do LeadsOnline databases with LeadsOnline.
16 If --

17 Q. Let me stop you. I don't mean to interrupt
18 you. The court reporter is going to want to know the
19 spelling. How do we spell that you, said Leads?

20 A. Leads, L-e-a-d-s.

21 Q. Okay.

22 A. Online.

23 Q. Okay.

24 A. Databases.

25 Q. And please tell the members of the jury what is

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1 the LeadsOnline database.

2 MS. BARNETT: I would ask that the witness
3 be allowed to finish his answer.

4 MR. SECREST: I'm not trying to cut him
5 off. Answer your question.

6 THE COURT: Answer the last question, sir.

7 A. Okay. Like I was saying that LeadsOnline gives
8 us the opportunity to search anything, if anybody pawns
9 any items. I'm not going off of his record at that
10 point. I'm basically searching to see if there was any
11 kind of link that if he had taken something out of the
12 home of the Melgars, did he go and pawn it. There's a
13 lot of things that I would -- that I'd do before I'm
14 looking at a person. That would be one of them.

15 Q. (BY MR. SECREST) Okay. So you looked at the
16 LeadsOnline database and you saw that this guy basically
17 pretty big utilization of pawnshops, right?

18 A. I have one.

19 Q. Well, that's the one you mentioned in the
20 report. You're trying to tell the jury that when you
21 went and looked at the Leads database you didn't find
22 more?

23 A. Now, what I'm trying to say is the last one I
24 put in the report was 2/11 of 2012.

25 Q. Did you note in your report that on December

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1 the 21, two days before the murder of Jaime Melgar that
2 this guy, Chad Ryan Sullivan had just bonded out of
3 jail? Did you put that in the report?

4 A. No.

5 Q. You had had access to that kind of information
6 when you went on the database, would you have not?

7 A. Yes.

8 Q. Were you interested in the type of things that
9 Chad Ryan Sullivan liked to pawn? Were you at all
10 interested in the that?

11 A. I was interested to see if any items from the
12 Melgar case would be on any kind of link between the
13 two.

14 Q. Okay. So it would be important to see whether
15 or not anything that was taken from the Melgar home
16 ended up being pawned, right?

17 A. Yes.

18 Q. So if I were the culprit and I went into their
19 home and stole something, I could pawn it the next day,
20 I could pawn it a week later. It might be pawned some
21 time in the future, right?

22 A. Yes.

23 Q. So tell the jury how many times did you go back
24 to the online leads search engine to see whether or not
25 this guy had pawned property?

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1 A. Don't have the LeadsOnline information on me.
2 I can't.

3 MR. SECREST: May I approach the witness?

4 THE COURT: You may.

5 Q. (BY MR. SECREST) Let me show you what I
6 represent to be a printout, 32 pages, going back to May
7 23 of 2012, all the way up until in July of 2014. Just
8 take a gander at that.

9 A. Yes, sir.

10 Q. Is that going to refresh your memory? I know
11 you probably looked at the online database for a lot of
12 folks a lot of times, right? You're not going to
13 memorize everything. I'm not suggesting that you would
14 but obviously this guy, Chad Ryan Sullivan pawns a whole
15 of stuff and he --

16 MS. BARNETT: I'm going to object and ask
17 if that does refresh his memory.

18 Q. (BY MR. SECREST) Well, okay. Does that refresh
19 you memory?

20 A. No.

21 Q. Did it at least kind of peak your curiosity?

22 MS. BARNETT: I object to relevance.

23 THE COURT: Sustained.

24 Q. (BY MR. SECREST) Well, let me put it this way:
25 Since your supervisor told you to investigate Chad Ryan

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1 Sullivan, part of that investigation no doubt would
2 entail of the online databases, right? You did that?

3 A. My supervisor passed on the information to me.

4 Q. Okay.

5 A. And then I continued from that point.

6 Q. Okay. He passed on information to you, but you
7 read between the lines and he's telling you investigate
8 this guy and see if there's any meat on the bone, right?

9 A. Yes.

10 Q. Are you going to get this and just throw it in
11 the trash can?

12 A. No.

13 Q. Okay. So what you did, you ran him on the
14 NCIC/TCIC and you found out he has criminal history,
15 right?

16 A. Yes.

17 Q. And he's a thief, right?

18 A. Well, that's what you showed me, yes.

19 Q. And he's engaged in assaultive behavior, right?

20 A. From the piece of paper you showed me, yes.

21 Q. Well, you -- that's the kind of information you
22 guys rely on all the time, isn't it?

23 A. Not rely on.

24 Q. You don't use that as a springboard to continue
25 an investigation to see what else you can find?

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1 A. You would have to describe what you mean by
2 springboard.

3 Q. Well, let me put it this way: Sergeant
4 Spurgeon tells you he received a phone call from Channel
5 13 or whatever, guy's out at the crime scene acting
6 strange. Isn't that kind of -- isn't that something you
7 would want to look into if somebody is at a crime scene
8 looking strange?

9 A. Yes.

10 Q. Isn't that something you would want to look at?

11 A. Yes, if I've received information, yes.

12 Q. And the reason is, it's well-known in law
13 enforcement that certain kinds of criminals like
14 arsonists and murderers like to come back to the crime
15 scene. They're kind of curious. They kind of want to
16 look at what you guys were doing. You've seen that
17 before, have you not?

18 A. No.

19 Q. How long have you been a homicide detective?

20 A. Five to six years.

21 Q. Okay. Okay. So did you find out in your
22 investigation that Chad Ryan Sullivan has been arrested
23 before carrying a knife? Did you find out that? Did
24 you look, dig deep enough to learn that?

25 A. No.

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1 Q. So what actually did you do besides going
2 online and looking at the database? What else did you
3 do?

4 A. Anytime we get any information like that, the
5 first question is do they actually live in the
6 neighborhood. At this point we wanted to figure out
7 what would be the reason he would be on that street,
8 which the address where we searched, yes, he does live
9 in that neighborhood.

10 Q. Let me stop you, and I appreciate your answer.
11 So first thing you want to do is see, is this -- is this
12 guy who's acting strange, is he -- does he live in the
13 neighborhood, right?

14 A. Yes.

15 Q. So how far away from the crime scene did you
16 find out that Chad Ryan Sullivan lived?

17 A. I don't recall the exact distance.

18 Q. How about, like, one block, that kind of
19 refresh your recollection?

20 A. 942 Laurel Glen.

21 Q. All right. So did you actually take it upon
22 yourself to go interview Chad Ryan Sullivan?

23 A. Yes.

24 Q. Tell the jury what did you do in that regard?

25 A. We went to his location at that home that was

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1 listed.

2 Q. Now, let me ask you when you went to that
3 location, how are you dressed, kind of like you are now?

4 A. Yes.

5 Q. What were you driving?

6 A. I don't recall.

7 Q. Was it some kind of county car?

8 A. Yes.

9 Q. Okay. And I don't mean this in any kind of
10 nasty, disparaging way, but do you think when you and
11 Dousay walk up a driveway, a known criminal could
12 probably figure out you're probably a couple of cops?

13 MS. BARNETT: Of course, Judge, that's
14 speculation.

15 THE COURT: Sustained.

16 Q. (BY MR. SECREST) All right. So did you at
17 least put the effort in to walk up to the front door?

18 A. Yes.

19 Q. Okay. So take it from there. What happened
20 when you walked up to the front door?

21 A. We basically knocked on the door.

22 Q. Okay. And what happened?

23 A. We received no response.

24 Q. Okay. So maybe he wasn't home?

25 A. Yes.

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1 Q. Or maybe he knew who you were and he wasn't
2 coming to the door?

3 A. I can't answer that. I don't know.

4 Q. And then you leave and go eat lunch?

5 A. I don't recall eating lunch.

6 Q. So probably about 2:00 o'clock when you do
7 that?

8 A. We're homicide investigators. It could be any
9 time. I don't know. I mean --

10 Q. Bad question, I'm not talking about when you're
11 going to go eat lunch. I'm saying about 2:00 o'clock
12 when you knock on the door?

13 A. Yes.

14 Q. Okay. So do you go back to that location?

15 A. Yes.

16 Q. And what time do you go back?

17 A. 4:00 p.m.

18 Q. What do you do at that time?

19 A. We do the same thing.

20 Q. Okay. What's the response?

21 A. No response.

22 Q. When's the next time you go try to talk to Chad
23 Ryan Sullivan?

24 A. That was the last time, 4:00 p.m.

25 Q. So you know he lives a block away from the

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1 murder scene. He's acting strange. He has a criminal
2 history. He likes to steal stuff and pawn stuff, and
3 you go knock on the door at 2:00 o'clock, knock on the
4 door at 4:00 o'clock and then that's the end of your
5 thorough, comprehensive investigation of this gentleman?

6 A. We leave our -- we also leave our contact
7 information there at the door.

8 Q. Do you think a lot of thieves and criminals are
9 going to be rushing to the telephone to call you?

10 A. I don't know how to answer that.

11 Q. I take it that one Chad Ryan Sullivan never
12 returned or never decided to get in contact with you,
13 right?

14 A. Right.

15 Q. Right. Now, tell the jury after that, though,
16 even though, for whatever reason you all didn't want to
17 go back there, did you go back online throughout the
18 next several months to see whether or not by chance
19 anything might have been pawned that came out of the
20 Melgar house?

21 A. I don't recall. I don't have that information
22 with me.

23 Q. Well, you have your report with you, do you
24 not?

25 A. Yes.

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1 Q. If I represent to you that I have found no
2 entry indicating that you ever went back online to the
3 Leads pawnshop information relative to Mr. Sullivan,
4 would you dispute that? I haven't seen anywhere in your
5 report?

6 A. What I have in the report we already read.

7 Q. That's it?

8 A. Yes.

9 Q. Now, would you ever receive via e-mail or any
10 other way, you ever receive information concerning a
11 list of items that had in fact been stolen from the
12 Melgar home that was reported to you?

13 A. Yes.

14 Q. And tell us about that. You might want to go
15 to supplement 28. That will save you a little time.

16 A. 28?

17 Q. Yes, sir.

18 A. Thank you. Okay. I'm on 28.

19 Q. Okay. Do you remember receiving any
20 information or list of items that were reported missing
21 from the Melgar home?

22 A. Yes.

23 Q. Okay. And approximately when was it that you
24 received that information, if it's in your offense
25 report?

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1 A. January the 29th.

2 Q. Okay. And so what was reported stolen?

3 A. Tools.

4 Q. Where are you reading from?

5 A. Supplement 28.

6 Q. And what page, please, sir?

7 A. Page two.

8 Q. This was a report that Jaime Melgar used to
9 sell tools and appliances on Craigslist. Is that what
10 you're referring to?

11 A. Yes.

12 Q. Okay. Let me ask you do you recall receiving
13 an e-mail on January 8 of 2013 from Elizabeth Rose, and
14 I'll represent to you that's Elizabeth Melgar, who
15 explained to you and brought to your attention a number
16 of items that were missing. Does that ring a bell?

17 A. She did -- you know, she did provide stuff,
18 yes.

19 MR. SECREST: May I approach the witness?

20 THE COURT: You may.

21 Q. (BY MR. SECREST) I'm going to show you an
22 e-mail that I just mentioned and it's dated January 8 of
23 2013, Tuesday at 9:50 p.m. and that is addressed from
24 Elizabeth Rose to whom, Mr. Carrizal?

25 A. To myself and Sergeant Dousay.

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1 Q. Okay. And does she bring to your attention
2 again a number of items that were missing from the
3 house?

4 A. Yes.

5 Q. Okay. Does that refresh your recollection? Do
6 you recall getting that?

7 A. I remember the information, yes.

8 Q. Okay. Let me show you what I'm going to mark
9 as Defense Exhibit Number 8.

10 MR. SECREST: Mark this as Defense Number
11 8. I'm out of whack here because I've got 6 and 7 on
12 another one that I'm offering into evidence in a few
13 minutes. I'll tender this to Ms. Barnett.

14 THE COURT: Any objections?

15 MS. BARNETT: Just a moment, Your Honor.

16 THE COURT: All right.

17 MS. BARNETT: No objections.

18 THE COURT: All right. Defense Exhibit
19 No. 8 is admitted and you may publish.

20 MR. SECREST: Thank you.

21 Q. (BY MR. SECREST) It said, my dad's friend
22 messaged me the details of the watches he had given him.
23 I quote the message as follows: Men's Victorian Notch
24 Chrono Classic XLS blue or silver face, I forgot. No, I
25 did not record the serial number, 45-millimeter diameter

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1 case all steel, stainless steel with safety clasp, with
2 Swiss movement analogue quartz chronograph water R.E.S.
3 to 100-meters, I guess resistant, Arabic numbers as
4 marker also Rolex replica Daytona with black face and
5 stick out markers, Japanese automatic movement stainless
6 steel case and bracelet with safety clasp, middle links,
7 bracelet polished steel, case also polished, bracelet
8 brushed steel. Again this is a replica copy that had
9 been mailed to him recently.

10 (Continues reading from Defense 8.)

11 Let me stop there. What is she talking
12 about, waiting on you to provide her an inventory list?

13 A. Right she's wanting the inventory list from the
14 scene, which we're not going to give it to her.

15 Q. Okay. But you're trying to see from her
16 perspective as she's trying to determine what might be
17 missing. She doesn't know what it is that you guys may
18 already have taken, right?

19 A. Do you want me explain that?

20 Q. Yeah, sure.

21 A. It's my job as a homicide investigator, you
22 know, I have to keep a lot of information to myself. I
23 don't want any of that information out there for
24 particular reasons. For example, I'm asking her to
25 provide me items, but I also need serial numbers. I

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1 need more specific information. If I was to, say, give
2 that information out, then, you know, then she can say,
3 well, yeah, we did have that item. So I don't --
4 there's a lot of information I don't put out there.

5 If you could go back to supplement 22,
6 this started way back before this point. I asked her
7 back at the house, where are -- do you have these
8 things' serial numbers? It would be a whole lot easier
9 to search anything in that type of --

10 Q. Right.

11 A. -- deal.

12 Q. I get it.

13 But you don't find that too unusual that
14 people a lot of times can't provide serial numbers.
15 They don't have that information, right?

16 A. Correct. And if I remember correctly she
17 hasn't been to the house in a long time either.

18 Q. Right. I understand. That's fair. Okay.

19 But anyway, she's saying it's hard to
20 figure out what's gone because I haven't received the
21 inventory, okay? And I understand your explanation for
22 why you wouldn't necessarily would want to give it up,
23 but that's what she's talking about here, right?

24 A. Yes.

25 Q. Says we're also waiting on the list of contacts

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1 from her phone, you or your associates told my mother
2 they would give her. It's important she gets these as
3 they contain the numbers of her doctors and specialists.
4 What is she talking about there?

5 A. That we recovered her phone. She -- I guess
6 she wanted numbers out of her phone.

7 Q. Okay. So when did you provide any numbers to
8 her? Did you ever do it?

9 A. I don't recall.

10 Q. Says, any updates would be greatly appreciated
11 as the entire family is on edge. My cousin, Jennifer
12 Melgar has tried to contact you several times in the
13 past week, providing you some information and has left
14 voice mails on your cell and with your office without
15 any reply. Do you remember that?

16 A. No, I don't remember that, no.

17 Q. This reference to a --

18 THE COURT: Mr. Secrest, we're going to go
19 ahead and take our lunch break.

20 MR. SECREST: Oh, sure.

21 THE COURT: Food is here. So we will take
22 a lunch break, and when you are finished eating, ring
23 that bell and I'll get started.

24 THE BAILIFF: All rise for the jury.

25 THE COURT: Come on up, ma'am. You are

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1 Vivian Carrera?

2 VENIREPERSON: Yes.

3 THE COURT: I am in receipt of your note.
4 I understand that you're going to Guatemala.

5 VENIREPERSON: I've been going for seven
6 months every week to go take care of my fiance.

7 THE COURT: Is 4:15 the absolute latest.

8 VENIREPERSON: Bad thing is they just
9 changed the time of the flight. It was leaving at 6:20.
10 Now it's leaving at 5:58, but I mean, whatever your
11 decision is.

12 THE COURT: Okay. I don't want you to not
13 be able to go. Is there a later -- is there a later
14 time that you can fly?

15 VENIREPERSON: No. That's that latest and
16 I come back Sunday morning, so just like one day that
17 I'm there, kind of to go fix everything.

18 THE COURT: 4:15 is the absolute latest?

19 VENIREPERSON: Yes.

20 THE COURT: Okay. That's all I needed to
21 know. That's all right. You can go on back there.

22 VENIREPERSON: Thank you.

23 THE COURT: And you can bring them all in.

24 THE BAILIFF: Yes, Judge.

25 THE COURT: Let's proceed, Mr. Secrest.

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1 Q. (BY MR. SECREST) Mr. Carrizal, I still want to
2 talk about things you did on January, in January based
3 upon your supplement 28. So if you'll go there, please,
4 sir?

5 A. Yes.

6 Q. Are you there?

7 A. Yes.

8 Q. I think we were talking about the fact that you
9 received information from a Mr. Qweyssi.

10 MR. SECREST: I'm going to spell that for
11 you, Gail, Q-w-e-y-s-s-i.

12 Q. (BY MR. SECREST) Do you remember Mr. Qweyssi?
13 He was a lawyer for Mr. Melgar?

14 A. Yes.

15 Q. And did he provide any information about a
16 possible suspect or suspects that he requested you look
17 into?

18 A. Yes.

19 Q. For the record we're talking about a Jared,
20 J-a-r-e-d, David Cox, C-o-x.

21 A. Yes.

22 Q. And a John Malbro, M-a-l-b-r-o. Does that ring
23 a bell?

24 A. Yes.

25 Q. Okay. So you got that information January 15

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1 of 2013, according to supplement 28, page two?

2 A. Yes.

3 Q. Okay. January 29 of 2013, any developments at
4 that point? Look at the same supplement 28, page 2
5 toward the bottom of the page.

6 A. Yes, the names you provided.

7 Q. Okay. Did you also receive information that
8 bits of Sandra Melgar's memory had returned?

9 A. Yes.

10 Q. Do you recall that?

11 A. Yes.

12 Q. And again to put it in context, back on
13 December the 26 of 2012, when you met with Elizabeth
14 Melgar, you had encouraged that if that kind of
15 information developed, that it be passed on to you guys,
16 right?

17 A. Yes.

18 Q. So what information was passed on to you on
19 January the 29?

20 A. Bits of Sandra Melgar's memory returned and she
21 remembered being tied up by a young Hispanic female.

22 Q. Can you slow down a little bit so we can hear
23 you?

24 A. Bits of Sandra Melgar's memory returned, and
25 she remembered being tied up and seeing a young Hispanic

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1 female in her early to mid 20s looking at the person
2 tying her up. The female had short hair, pulled back,
3 wearing a red blouse with black winter scarf around her
4 neck.

5 Q. Okay. And just to continue, it said the photo
6 of Claudia James were consistent, but Sandy Melgar could
7 not definitely confirm that it was her; is that fair?

8 A. Yes.

9 Q. Was it your understanding that Claudia James
10 was somehow related to these other two guys' names that
11 you had given, like, maybe Mr. Malbro?

12 A. Yes.

13 Q. Okay. So, what if anything did you guys, and
14 when I say, you guys, I mean you and Sergeant Dousay,
15 based on receiving information of bits of Sandra
16 Melgar's memory returned, remembered being tied up and
17 seeing a young Hispanic female in her early to mid 20s,
18 looking at the person tying her up, what did you all do
19 with that at that time, if anything?

20 A. Well, the names that provided, we started
21 searching for those names.

22 Q. Okay. I don't see any documentation in your
23 report that you started searching for those names
24 immediately after receiving that information. Can you
25 point me to anything to the contrary? In fact if you

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1 look at the next page. This may or may not assist you,
2 page 3 of that supplement shows that --

3 MS. BARNETT: Judge, I'm going to ask that
4 he just ask the questions.

5 MR. SECREST: Fair enough, fair enough.

6 THE COURT: Keep it question and answer.

7 MR. SECREST: Thank you, your Honor.

8 Q. (BY MR. SECREST) Look at the third page of
9 supplement 28. You have an entry for March 18, 2013?

10 A. Yes.

11 Q. And so basically what kind of information, if
12 any, did you receive then?

13 A. Attorney Nick Qweyssi provide the e-mail with
14 information on the Melgars' rent home located 8619
15 Kelsey Meadow Lane.

16 Q. And so any specific information provided along
17 with that is reflected in your report?

18 MS. BARNETT: Which of course would be
19 hearsay.

20 MR. SECREST: Okay. Let me rephrase it.

21 THE COURT: Sustained. Rephrase.

22 Q. (BY MR. SECREST) So based upon receiving that
23 additional information on March 18 of 2013, what did you
24 guys do?

25 A. Are you referring to another supplement number?

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1 Q. No. I'm not actually. I'm just asking you
2 based upon the investigation that you conducted after
3 receiving this information in March of 2013 about
4 Mr. Malbro, the gentlemen. Did you follow up with
5 anything that time?

6 A. Yes.

7 Q. So what did you do?

8 A. First tried to figure out who they are.

9 Q. And when did you do that? Which specific date
10 did you do that? Do you have a later supplement that
11 shows some activity regarding that?

12 A. Yes.

13 Q. And so what is the date of that supplement?

14 A. We went to the house on May 31 of 2013.

15 Q. Okay. You received information then and the
16 names were initially given to you in January, January
17 29, 2013?

18 MS. BARNETT: I think that's been asked
19 and answered.

20 THE COURT: Sustained.

21 Q. (BY MR. SECREST) So how long did it take you to
22 finally go over there and go to the house?

23 A. We received access to it on May 31 of 2013.

24 Q. Okay. Now, did you ever make any effort,
25 however, to try to interview those folks to see if they

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1 had any information pertinent to your investigation?

2 A. Yes.

3 Q. And did you do that on your own initiative, or
4 were you basically instructed to do it?

5 A. Both.

6 Q. Okay. And who instructed you to do it? Was
7 that Ms. Connie Spence that helped you?

8 A. Yes.

9 Q. She's the assistant district attorney or was?

10 A. Yes.

11 Q. All right. And so when did you then -- what
12 was the date that you went over and tried to talk to
13 these folks?

14 A. There are different times in between we were
15 trying to locate all three of them.

16 Q. Okay.

17 A. But we interviewed them at different times.

18 Q. Okay. So when did you ultimately interview
19 them? How about, like, June the 25th, 2014? Does that
20 ring a bell?

21 A. Yes, sir.

22 Q. So basically approximately 18 months after
23 receiving information about these folks, that's when you
24 attempt to interview them, fair statement?

25 A. Well, let me verify the date on the report.

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1 Q. Sure. Please do.

2 A. Yes.

3 Q. Okay. So that would be a fair statement, about
4 18 months later you attempt the interviews?

5 A. Yes.

6 Q. Thank you.

7 Look at supplement 28, please,
8 Mr. Carrizal, relative to an entry you made on February
9 the 8th, 2013. Do you see that, sir?

10 A. Yes.

11 Q. On that date did Mr. Nick Qweyssi provide you
12 images of the safe that had possible bloodstains on the
13 handle?

14 A. Yes.

15 Q. And what did you -- what did you -- what entry
16 did you make in your official offense report regarding
17 the bloody handle of the safe?

18 A. Attorney Nick Qweyssi provided image of the
19 safe that had possible bloodstain on the handle.

20 Q. What did you state after that?

21 A. I reviewed the handle, the crime scene
22 processed the handle, in addition Elizabeth Melgar
23 stated that crime scene -- cleaning company cleaned the
24 residence.

25 Q. Okay. Let's go through one at a time. So

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1 February 8, 2013, you were provided images of the safe
2 that had possible bloodstains on the handle. I read
3 that correctly?

4 A. Yes, sir.

5 Q. You know when you were in the premises of the
6 evening of December 23 and before you left to go to
7 Lockwood, that there was a safe in the closet right next
8 to the body of Jaime Melgar that had what appeared to be
9 blood on the handle. You knew about that, did you not?

10 A. I knew about the safe, yes.

11 Q. Did you know about the blood on the handle?

12 A. I don't recall blood on the handle.

13 Q. That wasn't important to you?

14 A. Which -- the information he gave me?

15 Q. Being at the crime scene on December 23, 2014,
16 being in the closet with the body of the deceased was
17 and seeing a bloody handle of a safe, that wasn't
18 important to you?

19 A. You asked me -- the first question was you
20 asked me, I did not enter the closet where the body was
21 at.

22 Q. So you never saw it?

23 A. No.

24 Q. Okay. And then you say, I reviewed the handle
25 and crime scene units --

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1 MS. BARNETT: Judge, I object to counsel
2 reading from the offense report.

3 THE COURT: Sustained.

4 MS. BARNETT: I'm going to ask that
5 counsel be admonished not to read from the offense
6 report.

7 Q. (BY MR. SECREST) What did you say --

8 THE COURT: Ask your next question.

9 Q. (BY MR. SECREST) What did you say next in your
10 report?

11 MS. BARNETT: Judge, I object to asking
12 the witness to read from the report.

13 THE COURT: If you will read silently to
14 yourself. What's the question, Mr. Secrest?

15 Q. (BY MR. SECREST) Read the next sentence to
16 yourself. And what did you do? Did you review anything
17 and then make an entry in your offense report?

18 A. I'm not clear on what you're asking.

19 Q. Well, you indicated you reviewed the handle.
20 What does that mean?

21 A. The handle of the safe.

22 Q. So where did you review it?

23 A. From the photo.

24 Q. The photo that Mr. Qweyssi sent you?

25 A. Yes.

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1 Q. And did you indicate whether the crime scene
2 unit had already processed that?

3 A. They had processed the scene, yes.

4 Q. They processed what?

5 A. The scene.

6 Q. No. Did they process the handle?

7 A. Yes.

8 Q. So where did you get that information from?

9 A. The picture I received was afterwards.

10 Q. Yes, sir.

11 A. Which was later. The problem is when I go back
12 and review the photos, I go back and see if they take
13 bloodstain samples from different areas. Once I
14 reviewed that handle, the issue we have here is they
15 have a cleaning team that comes and once you have a
16 cleaning team that comes in and starts cleaning and
17 mopping, moving blood all over the place, then no longer
18 I can use that as evidence at all. Once I review the
19 photos, I go back and I see if the size, shape
20 distribution of the bloodstains is consistent with what
21 I saw at the crime scene, which was not. I'm getting a
22 bunch of pictures after somebody cleans up; and no,
23 we're not going to go back in and reprocess something
24 that a cleaning company comes in and moves around and
25 clean, if that's what your question was.

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1 Q. Not even close, but thank you for that.

2 MS. BARNETT: Object to the side bar.

3 THE COURT: Sustained.

4 Q. (BY MR. SECREST) The question is, you stated
5 you reviewed the handle and crime scene units processed
6 the handle?

7 MS. BARNETT: Judge, I'm going to object
8 to counsel reading from the offense report.

9 MR. SECREST: He has not answered my
10 question, Your Honor. It's the only way I can direct
11 him to it is to go into exactly what he said.

12 THE COURT: Direct him to a location, but
13 please do not read from a document not in evidence.

14 MR. SECREST: May I approach the witness?

15 THE COURT: Yes, you may.

16 Q. (BY MR. SECREST) Look at the line right there.
17 Read that to yourself.

18 A. Okay.

19 Q. You got it?

20 A. Yeah.

21 Q. Okay. Did the crime scene unit process the
22 handle, that's the question?

23 A. Yes.

24 Q. And where did you get the information -- I'm
25 not asking about a cleaning company. I'm asking about

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1 did the crime scene unit process the handle. You just
2 said yes. The question is, where did you get that
3 information?

4 MS. BARNETT: Well, I object that this has
5 been and answered.

6 MR. SECREST: He has not answered it yet.

7 THE COURT: Just a minute, Mr. Secrest.

8 MR. SECREST: Yes, Your Honor.

9 THE COURT: I don't not believe he has
10 answered that question. Overruled.

11 Q. (BY MR. SECREST) So where did you get that
12 information from that the crime scene units processed
13 the handle?

14 A. What I'm looking at on the --

15 Q. No, sir. Please answer my question. Where did
16 you get the information from? You just acknowledged
17 that you stated in your report that crime scene units
18 processed the handle. Where does that information come
19 from, somebody else's supplement, you were there, how do
20 you know that?

21 A. Because I go back and review the case, and I go
22 back and look at the photos. You're asking -- you're
23 wanting a specific answer on did they actually process
24 the handle, based on what I tell you, once the crime
25 scene goes and processes the scene, that's exactly what

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1 I mean when I'm saying that.

2 Q. Are you aware of the fact that in reality the
3 crime scene unit did not process that handle?

4 A. Yes.

5 Q. You are aware of that?

6 A. Of the crime scene?

7 Q. Are you aware of the fact that the crime scene
8 unit did not process the handle, the bloody handle of
9 the safe?

10 A. Okay.

11 Q. Are you aware of that yes or no?

12 A. I mean --

13 Q. It's an easy question. Are you aware of that
14 or not?

15 A. Processed how? That's -- this isn't -- you're
16 saying it's an easy question. It's not an easy question
17 because there's other things that I'm looking at versus
18 you're just thinking one thing.

19 Q. You said in the report the crime scene unit
20 processed the handle.

21 MS. BARNETT: Objection to counsel reading
22 from the offense report.

23 THE COURT: Sustained.

24 MR. SECREST: He's already acknowledged,
25 Judge, that that's already in there.

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1 THE COURT: Ask your next question,
2 Mr. Secrest.

3 MR. SECREST: Okay.

4 Q. (BY MR. SECREST) Are you aware that the crime
5 scene unit in fact did not process the handle?

6 A. No.

7 Q. Do you know why it is that we wait over four
8 years from the time that you received this information
9 until the crime scene unit actually looks at the handle?
10 Can you explain that?

11 MS. BARNETT: That's a misstatement to of
12 the evidence. I object.

13 MR. SECREST: I think it's an absolutely
14 correct statement.

15 THE COURT: Rephrase your question.

16 MS. BARNETT: And I object to counsel's
17 sidebar.

18 THE COURT: Sustained. Rephrase the
19 question.

20 Q. (BY MR. SECREST) Have you ever discussed the
21 processing or the nonprocessing of the bloody handle of
22 the safe with the CSU officer assigned to this case,
23 Mr. M.V. Carpenter?

24 A. No.

25 Q. Were cell phones taken from the Melgar

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1 residence submitted for analysis?

2 A. Yes.

3 Q. That's an easy one, isn't it? That's something
4 you would typically do, right?

5 A. Yes.

6 Q. Why would you do that? Help the jury out. Why
7 would, in the course of a homicide investigation, would
8 you submit the cell phones of the deceased and the
9 suspect, if you will, for analysis?

10 A. Eventually if we need to get information from
11 them that --

12 Q. Based upon the review of that information, did
13 you learn anything that advanced your investigation?

14 A. No.

15 Q. How about the computers? There were a number
16 of computers taken from the crime scene, were there not?

17 A. Yes.

18 Q. And then the same thing, they were submitted
19 for analysis. You know about that. You were involved
20 in some of that to some extent, were you not?

21 A. Yes.

22 Q. So the computers were taken from the residence
23 on December 24 of 2012, and when were they submitted to
24 the greater Houston Regional computer forensic
25 laboratory, any idea?

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1 MR. SECREST: May I approach the witness?

2 THE COURT: You may.

3 Q. (BY MR. SECREST) Let me show you what's styled,
4 Report of Examination from the Greater Houston Regional
5 Forensic Laboratory. Did I read that right?

6 A. Yes.

7 Q. And there's service request dated what date?

8 A. January 10th of '14.

9 Q. Okay. That involves Sandra Melgar and Jaime
10 Melgar?

11 A. Yes.

12 Q. Okay. So the computers are taken from the
13 residence December 23 of 2012, yet the request is not
14 made until January the 10th of 2014? Is what it says,
15 right?

16 A. That's what the front -- yes.

17 Q. Okay. Did you provide any specific
18 instructions to the folks of the Greater Houston
19 Regional Computer Forensic Laboratory as to what to be
20 on the lookout for when they examined the hard drive of
21 the computers?

22 A. I don't recall that. That's submitted by a
23 different --

24 MR. SECREST: May I approach?

25 A. Officer.

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1 THE COURT: You may.

2 Q. (BY MR. SECREST) Well, they'd been submitted --

3 MS. BARNETT: I would object this is
4 hearsay as to this witness.

5 MR. SECREST: It's not hearsay.

6 MS. BARNETT: If this witness did not make
7 the inquiry or request, I object that this is irrelevant
8 to this witness.

9 THE COURT: Approach the bench, please.

10 MR. SECREST: He personally requested it,
11 Carrizal.

12 THE COURT: I'm not familiar with this
13 document you're asking me.

14 MR. SECREST: I'm asking if this gentleman
15 gave any instructions to the computer laboratory to what
16 to look for. In fact he personally did. What he didn't
17 do, he didn't -- he didn't take the computers to them in
18 January, but he sent them an e-mail where he requested
19 that they look for different word combinations,
20 Carrizal.

21 MS. BARNETT: Whatever the question was
22 that he asked and I don't remember the exact wording of
23 it, the witness said, I was not -- he said something
24 along the lines, that's not my request. I don't
25 remember what he said.

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1 MR. SECREST: Let me rephrase it and see
2 if you have an objection.

3 MS. BARNETT: Just be quiet.

4 MR. SECREST: I'm not going to be quiet.
5 No, I'm not going to do it.

6 MS. BARNETT: Right now, I'm asking you
7 to --

8 THE COURT: Rephrase as to what.

9 MR. SECREST: May I approach, Your Honor?

10 THE COURT: You may.

11 Q. (BY MR. SECREST) Read this first paragraph I'm
12 pointing to right here to yourself, okay, starting on,
13 on, down to that last word.

14 You read that to yourself?

15 A. Yes.

16 Q. Is it first to say then on March 27 of 2014,
17 you advised it the folks over at the Greater Houston
18 Regional Forensic Laboratory that there were certain
19 words that you wanted them to search for when they went
20 through the hard drive, fair statement?

21 A. I don't recall that.

22 Q. Well, let's see if this will refresh your
23 recollection.

24 Is that what you're going to do during
25 your testimony that if you don't want to answer a

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1 question, you just say I don't recall?

2 A. No.

3 MS. BARNETT: I object to that
4 argumentative question.

5 THE COURT: Sustained.

6 MS. BARNETT: Ask the jury be admonished
7 to not take that into consideration.

8 THE COURT: Ladies and gentlemen, please
9 disregard the last question by Mr. Secrest.

10 Please proceed.

11 Q. (BY MR. SECREST) During the course of this
12 investigation you wanted to see if there was any
13 potentially incriminating evidence on any computer in
14 the house, and you were looking for various words or
15 word combinations that might lead you to some plausible
16 evidence, fair statement?

17 A. Yes.

18 Q. And what kind of words did you instruct them to
19 look for?

20 A. Do you want me to read it?

21 Q. Please.

22 A. Rope knot, tie knot, crime scene murder stab.

23 Q. And what was the purpose?

24 A. Stab.

25 Q. And what was the purpose of having those folks

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1 go through the hard drive and do some kind of word
2 search and see if those phrases could possibly come up?

3 A. They asked for certain words to start the
4 search off at the beginning of a computer so we provided
5 whatever words we think that would be possible at the
6 start, start process forensically the computer. That's
7 why you give certain names that you would want to have
8 it start off looking up and searching and they can
9 narrow it down to whatever they need to.

10 Q. And you gave them those words being the lead
11 investigator because you thought those words were
12 pertinent to the information or the evidence that had
13 been generated so far in your case, right?

14 A. Yes.

15 Q. Did you get anything of any value out of that
16 analysis?

17 A. That was sent by Sergeant Garcia. I don't have
18 the results of that to review.

19 Q. Do you have any doubt that you got anything
20 that really helped the case, that we would be hearing
21 about it in court?

22 A. Yes.

23 Q. Go to supplement 35, if you would, sir. Are
24 you there? Am I ahead of you?

25 A. You're ahead of me.

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1 Q. Okay. I'll slow down.

2 A. Yes.

3 Q. Okay. So on October the 6th, 2013, did you
4 apply a bar code to any physical evidence?

5 A. Yes.

6 Q. And before we go there, tell the members of the
7 jury briefly, what is this bar code thing? Why do you
8 apply a bar code to a piece of evidence?

9 A. Sure. Any type of evidence we apply a bar code
10 to it for -- to be able to tell the location where it's
11 at.

12 Q. So on October 6, 2013, you applied bar code to
13 what?

14 A. Right and left sock of Sandra Melgar that was
15 collected on 12/24, 2014.

16 Q. So those socks -- well, first of all, there
17 would be no way they could be collected on 12, 24, 2014,
18 if you're putting the bar code on in October, 2013,
19 right?

20 A. Correct. That's a typo.

21 Q. We all do it. So basically what you're telling
22 us is that on 12/24, 2012, physical evidence was taken
23 in this case, but then you wait, give or take, about
24 eight months before it's even logged into the property
25 room?

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1 A. The --

2 Q. Yes or no? Is that what happened?

3 A. No.

4 Q. That didn't happen. Tell us what happened.

5 A. The -- when you have a bar code it basically
6 tells you what location it's at. By looking at our
7 report, the report I have on this, the socks, it shows
8 initial storage space Harris County Detectives 601
9 Lockwood, which would be in my evidence locker.

10 Q. That's what I'm trying to figure out. I mean,
11 normally speaking if you go to a crime scene and you
12 take this as piece of evidence, then it's going to be --
13 a bar code is going to be put on it and it's going to be
14 logged in so we have some accountability of taking this
15 piece of evidence and then it's going to go into the
16 property room, which is basically behind closed doors,
17 lock and key, and evidence will be preserved there until
18 used later on in court, right?

19 A. Yes.

20 Q. Is that the way it works?

21 A. Well, no, because the bar codes, it's not like
22 we're at the crime scene, we can print out bar codes.
23 We have to go to another station and print out bar
24 codes.

25 Q. So, but I'm trying to understand why it takes

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1 ten months from the time that socks are taken from a
2 crime scene until bar codes are applied to them and then
3 put in the property room.

4 A. On this deal her socks were taken after the
5 fact. When she was at the scene, she had left and she
6 went to EMS for medical treatment. Once she got to be
7 interviewed we noticed her socks were there. We weren't
8 going to submit the socks at any location. I stored it
9 in our evidence locker for that time. It had no really
10 significant evidence that we can do with at that point.
11 And that when she walks out of the house and goes to the
12 EMS and then goes to our substation, there was nothing
13 we could test that for. The only thing I was going to
14 hold onto it for, if there's any kind of pattern or
15 anything like that I didn't -- when I went back to
16 review the photos of the scene, I didn't see anything
17 like that and that would be why it would be in my
18 evidence locker.

19 Q. Can you at least admit that that's really was a
20 screw up, can you?

21 A. What?

22 Q. You take physical evidence from the scene of a
23 homicide investigation, but instead of it being
24 cataloged, instead of it being entered by inventory into
25 the property room, it goes basically back to your desk

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1 and sits over there for ten months before you properly
2 catalog it? Are you saying that's okay with crime scene
3 evidence?

4 A. Well, I mean, where the bar code goes, it shows
5 where it's at, the location is at. That's, to me, is
6 where the chain of custody order is at. It's not like
7 it was not documented where it was at, the item was at.

8 Q. Did supervisors approve of that protocol?

9 A. I don't know.

10 Q. Do you care?

11 A. Yeah.

12 Q. Isn't it true that during the conducting of
13 inventory in the homicide squad's workstation in a
14 locked file cabinet that you once used, they found that
15 evidence in that location. It was sealed and labeled
16 inside the cabinet; isn't that the truth?

17 A. I don't know.

18 Q. Who actually took possession of Sandra Melgar's
19 socks on December the 24th, 2012?

20 MS. BARNETT: Objection, relevance.

21 THE COURT: He can answer if he knows.

22 A. I don't know.

23 Q. (BY MR. SECREST) Well, you do know this: They
24 ultimately got in your possession, right?

25 A. Yes.

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1 Q. So who did you get them from?

2 A. They would be Sandra Melgar's socks, me.

3 Q. I understand who's socks they are. I'm asking
4 you from whom did you get them? Did you pluck them off
5 her feet?

6 A. No. She would have gave them to me.

7 Q. At what location?

8 A. At 601 Lockwood.

9 Q. So you're telling us that when she returned to
10 her home she was barefooted?

11 A. I don't recall.

12 Q. Have you ever made this statement on Sunday
13 December 23, 2012 --

14 MS. BARNETT: Judge, I object. That's
15 improper.

16 MR. SECREST: Not improper. I'm asking
17 him whether he made a statement. I'm going to read the
18 statement to him and have him tell me, yes or no, I made
19 the statement.

20 THE COURT: Ask your question. Do not
21 read from a document not in evidence, please.

22 Q. (BY MR. SECREST) Did you fill out any forms in
23 order to get charges filed in this case?

24 A. Forms?

25 MR. SECREST: May I approach?

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1 THE COURT: You may.

2 Q. (BY MR. SECREST) Read this document to
3 yourself.

4 Is that a statement that you made?

5 A. A typed summary of facts, yes.

6 Q. But is that your statement? You typed that up?

7 A. Yes.

8 Q. Okay. So the words on this document are your
9 you own words, correct?

10 A. Yes.

11 Q. And this is an accurate description of the
12 information that you presented to the district
13 attorney's office in order to get charges filed?

14 A. Along with the case file and --

15 Q. Oh, yes?

16 A. -- all other items, yes.

17 Q. Didn't mean to cut you off.

18 Not suggesting that you only submitted
19 this one paragraph, but this is the summary of the case,
20 at least from your perspective, right, along with all
21 the information that you submitted?

22 A. I believe that's probable cause.

23 Q. Okay. And tell the members of the jury what is
24 probable cause? What's that about?

25 A. Basically we just give a brief summary of the

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1 incident that we're going to continue to file charges.

2 Q. Okay. In order to give a brief summary,
3 though, the information has to be accurate, does it not?

4 A. Yes.

5 Q. Okay. And are you telling us that the
6 information that you read to yourself here is accurate?

7 A. Yes.

8 Q. Are you aware that this DIMS summary is often
9 the very piece of information and sometimes the only
10 piece of information provided to the grand jury that
11 returns an indictment?

12 MS. BARNETT: Judge, I object. That's not
13 relevant. There's going to no evidence of that in this
14 case and I object to this totally.

15 THE COURT: Sustained.

16 MR. SECREST: I'm asking, Judge, if he
17 knows. The question was if he knows.

18 THE COURT: I sustained it.

19 Please move on.

20 MR. SECREST: What's my next number, Your
21 Honor, please?

22 THE COURT: Your next number is 9. I
23 don't have a 6 or 7 either, though.

24 MR. SECREST: I haven't offered those yet.

25 THE COURT: The next one is 9.

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1 MS. BARNETT: May I take the witness on
2 voir dire?

3 THE COURT: You may.

4 **VOIR DIRE EXAMINATION**

5 BY MS. BARNETT:

6 Q. Regarding Defense Exhibit No. 9, and let me
7 know if you need to look at this: Can you tell us what
8 this is?

9 A. I would like to look at it again.

10 MS. BARNETT: May I approach the witness?

11 THE COURT: You may.

12 A. I don't know where -- there's nothing on it. I
13 don't know what it is.

14 Q. (BY MS. BARNETT) Did you write that?

15 A. I don't -- I don't recall because I don't know
16 what the actual -- what this is coming from.

17 Q. Okay. So are you saying then that you don't
18 recognize what is -- Defense Exhibit No. 9? Is it nine?

19 THE COURT: Nine.

20 MS. BARNETT: Defense Exhibit No. 9?

21 A. Yes.

22 Q. You're agreeing that you don't know who wrote
23 that or where it came from?

24 MR. SECREST: Object to leading nature of
25 the question.

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1 MS. BARNETT: And I would object to
2 defense counsel introducing Defense Exhibit No. 9.

3 THE COURT: Can I see what it is?
4 What's your objection, State?

5 MS. BARNETT: That the witness doesn't
6 recognize that.

7 THE COURT: All right. Sustained.

8 **DIRECT EXAMINATION (CONTINUED)**

9 BY MR. SECREST:

10 Q. I thought I heard you testify just a moment ago
11 that you actually typed this thing?

12 A. It has my name on it. It's entered in my name.

13 Q. Now, you had access to Sandy and Jaime's
14 phones -- call directory on the phone, right? You could
15 access their phones to get a call directory?

16 A. Yes.

17 Q. I mean, you could do that, but you obviously
18 you didn't do that, right?

19 A. Correct.

20 Q. And what I want to -- what I'm trying to get at
21 here and I don't want to take up too much time with
22 this, but tell the members of the jury what
23 investigation you all did into the relationship between
24 Jaime and Sandra Melgar?

25 MS. BARNETT: I believe that's been asked

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1 and answered.

2 MR. SECREST: I haven't asked him that
3 question at all, Judge.

4 THE COURT: Rephrase.

5 MS. BARNETT: There were a lot of
6 questions about domestic violence and that is the basis
7 of my objection.

8 MR. SECREST: I've asked a lot of
9 questions about domestic violence, that's true.

10 THE COURT: Rephrase your question.

11 Q. (BY MR. SECREST) Based upon those questions I
12 want to know what investigation you did to talk to the
13 members or friends or neighbors to truly try to
14 understand the relationship that Sandy Melgar and Jaime
15 Melgar had.

16 MS. BARNETT: And I object. We've already
17 gone through canvassing the neighborhood, we've already
18 talked about all the family members, we've talked about
19 domestic violence.

20 THE COURT: What's your legal objection?

21 MS. BARNETT: My legal objection is it's
22 been asked and answered and not relevant in light of the
23 other information that's already been given on this same
24 subject.

25 MR. SECREST: Totally relevant under

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1 38.36.

2 THE COURT: I understand that. Keep it
3 limited. You may proceed.

4 Q. (BY MR. SECREST) You can answer the question.
5 What investigation did you do into the relationship
6 between Jaime and Sandy Melgar?

7 A. I went out and talked to one of the employees,
8 which was Jaime Melgar's friend.

9 Q. Okay. And I recognize you did that, Mr. Carlos
10 Espinosa. Does that ring a bell?

11 A. Yes.

12 Q. So what evidence did you receive from any
13 source that they had a bad relationship, anything?

14 A. Let me get to the supplement real quick.

15 Q. Sure, go to it.

16 A. Do you happen to have the supplement number on
17 that?

18 Q. Let me get you one.

19 A. I can answer the question now. I found it.

20 Q. You beat me.

21 Did you learn anything from your -- for
22 Gail's benefit, let's spell the gentleman's name,
23 please.

24 A. Refer to Carlos.

25 Q. What's his last name, please?

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1 A. Espinosa.

2 Q. Spell that?

3 A. E-s-p-i-n-o-s-a.

4 Q. In interviewing Mr. Espinosa, and he's a
5 gentleman that used to work with Jaime Melgar at HISD,
6 if I remember?

7 A. Yes.

8 Q. Did you learn anything of that interview that
9 led you to believe that Jim and Sandy had a bad
10 relationship?

11 A. No.

12 Q. Did you learn anything in that interview that
13 led you to believe that there had been any kind of
14 violence between them, any kind of aggression, anything
15 like that?

16 A. No.

17 Q. Based upon the totality of your investigation
18 in this case, have you ever spoken to one human being
19 who has provided you information that established or
20 even led you to believe that they had a bad
21 relationship?

22 A. No.

23 Q. That they had a -- any kind of domestic
24 violence?

25 A. No.

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1 Q. That's not here, is it?

2 A. No.

3 Q. Your biggest, and I guess most, I guess,
4 important because it covered so much material, would be
5 your first supplement. Is that fair, it's supplement
6 number 21.

7 A. I would say all my supplements are important.
8 Don't leave it to one.

9 Q. So supplement 21 is 37 pages?

10 A. Yes.

11 Q. And the vast majority of that is basically a
12 transcript of the interrogation between you and Sergeant
13 Dousay and Sandy Melgar, right?

14 A. Yes.

15 Q. But this is, if I could use the word, you don't
16 have to agree with me, primary supplement because this
17 establishes you as lead investigator, puts you on the
18 scene, and documents what you did for the first several
19 days of this investigation, right?

20 A. Yes.

21 Q. Okay. Do you have that in front of you?

22 A. Yes.

23 Q. Look at that first line, says Harris County law
24 enforcement offense report number, supplement 21. Do
25 you see where I'm going there?

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1 A. Yes.

2 Q. It says, reported dates --

3 MS. BARNETT: Objection, Your Honor. I a
4 asked that counsel not read from the offense report.

5 MR. SECREST: That's fair.

6 THE COURT: Sustained.

7 Q. (BY MR. SECREST) Regarding a reported date,
8 what does that mean?

9 A. Reported date, is it the day that you found --

10 Q. I'm sorry?

11 A. Its says reported date.

12 Q. Yes, sir and you have a date there, do you not?

13 A. Yes.

14 Q. What is the date?

15 A. 7/1 of 2013.

16 Q. July 1 of 2013?

17 A. Yes.

18 Q. What is the reported date? You put July 1,
19 2013. What happened on July 1, 2013?

20 A. I don't understand what you're asking.

21 Q. Isn't that the date that you actually wrote
22 this offense report, July 1, 2013?

23 A. I don't know if that's -- let's see, reports
24 have to get approved, so I don't know if that date gets
25 pushed back. I don't know how that works.

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1 Q. Well, go down about six lines and see where it
2 says approving officer and then approval date.

3 A. Yes.

4 Q. What date was it approved?

5 A. 7/30 of 2013.

6 Q. Okay. So that tells us that this first
7 supplement that you prepared involving your
8 investigation of December 22, 23 of 2012, you prepared
9 the first supplement in July of 2013. That's what that
10 shows us and then your approving officer approved it and
11 at the end of month, July 30. That's what that shows,
12 right?

13 A. What?

14 Q. I want you to answer the question, isn't that
15 what that shows?

16 A. Yes, that's what this shows.

17 Q. All right. I'm going to show you part of
18 Sandy's interrogation, okay?

19 A. Okay.

20 MR. SECREST: And Ms. Barnett, for the
21 record what exhibit is that?

22 MS. BARNETT: I'm sorry. I don't know.

23 MR. SECREST: It's your -- I'm using your
24 exhibit, the interrogation.

25 MS. BARNETT: The statement?

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1 MR. SECREST: Yes, the videotaped
2 statement. I just want to make sure I call out the
3 right number.

4 MS. BARNETT: Of course.

5 Q. (BY MR. SECREST) So for the record I'm going to
6 show you a portion of 673 and make sure that you recall
7 the event.

8 (Playing video.)

9 Now, before you start, first point this
10 picture here, looks like three folks in the frame; and
11 who are they, for the record?

12 A. Start with me up here. This would be Sergeant
13 Dousay and then Sandra Melgar.

14 Q. Okay. That's the suspect, right?

15 A. No. We already -- we went through this
16 earlier.

17 Q. Is there any reason why you got her in the
18 corner and you two guys are flanking her?

19 A. You keep using the word flanking. We're not
20 flanking anybody. It's just the way the room is set up.
21 If there's a more comfortable chair there, which there
22 is, we give her the more comfortable chair.

23 Q. You don't put the suspect in the corner?

24 A. No. We put her here in the chair.

25 Q. Okay.

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1 A. And this room is pretty small so there's not,
2 like, a whole lot of room to move around.

3 Q. Pretty cold, too?

4 A. Depends.

5 THE COURT: Is there a question associated
6 with --

7 MR. SECREST: I want him to watch this and
8 I'll ask him a question.

9 Q. (BY MR. SECREST) That's you speaking right
10 there, isn't it?

11 A. Yes.

12 Q. How many times did you say help me, help me?

13 A. I don't know many times.

14 Q. You kind of enjoyed that part of it, didn't
15 you?

16 A. No.

17 Q. Taunting her?

18 A. Not taunting her at all.

19 Q. You know at that point that she was resolute
20 and she wasn't going to go down the path you were trying
21 to lead her, right?

22 A. No.

23 Q. So you kept it up and you kept it up and you
24 kept it up. That's a fair assessment of what we just
25 saw, isn't it?

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1 A. The assessment is she never answered the
2 question. I'm asking the question over over again to
3 see any kind of response. Once she puts her head down
4 to her knees is the answer I'm getting. If you notice
5 as the time went by, I'm repeating the question over and
6 over again to get some kind of response out of her,
7 other than her bending down and looking at the ground.

8 Q. You knew when you went through all that you're
9 not going to get a response out of her because in fact
10 you were trying to torment her. You were actually in a
11 way, as you said, you're trying to torture her?

12 A. No.

13 Q. What time did the interview end? Look at the
14 supplement 21, please, sir, at the bottom of page 55.

15 A. I'm on 55.

16 Q. Yes, sir, and then what time -- do you have an
17 entry at the bottom of the page, a time entry?

18 A. No, just interview stopped.

19 Q. Page 55, you see something about 1:10 a.m.?

20 A. Yes, 1:10 a.m.

21 Q. And so what happened at 1:10 a.m.?

22 A. The interview was completed and a patrol deputy
23 provided Sandra Melgar transportation back to her home.

24 Q. So the questioning is at an end and then at
25 1:10 she is provided transportation by a patrol deputy

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1 back to her home, right?

2 MS. BARNETT: Asked and answered.

3 THE COURT: Sustained.

4 MR. SECREST: Your Honor, at this time I
5 would offer into evidence Defendant's Exhibit 10,
6 business record affidavit of the audio records custodian
7 for the communications division of the Harris County
8 Sheriff's Office. These records have been on file 14
9 days prior to trial. I would offer them into evidence.

10 THE COURT: All right. Any objections?

11 MS. BARNETT: May I see them? No
12 objection.

13 MR. SECREST: Thank you.

14 THE COURT: Defense Exhibit No. 10 is
15 admitted, and you may publish.

16 MR. SECREST: Let me approach the witness
17 for just a second.

18 THE COURT: You may.

19 Q. (BY MR. SECREST) Mr. Carrizal, let me show you
20 Defense Exhibit No. 10. You know what call slips and
21 what call slip records look like? You seen something
22 like that before?

23 A. Yes.

24 Q. Basically at a scene you all are able to
25 capture all of the radio traffic and, if you will, the

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1 movement of the officers assigned to that scene over a
2 given period of time?

3 A. Yes.

4 Q. Okay. Is that what that is?

5 A. Yes.

6 Q. Thank you, sir.

7 Now, Sandy is taken from the scene to be
8 questioned about 9:00 o'clock because you all started
9 talking to her about 9:40. Do you remember that?

10 A. Yes, yes.

11 Q. Is that fair?

12 A. Yes.

13 Q. And so you remember -- it's a pretty good haul
14 from Kelsey Meadows Court over to Lockwood, close to
15 30-miles?

16 A. Yes.

17 Q. Okay. So if we look here, right here, y'all
18 use military time?

19 A. Yes, sir.

20 Q. I just hate that.

21 A. Yeah, me, too.

22 Q. 21:02:23, that's what? 9:02:23?

23 A. Yes.

24 Q. And that's -- you see that W.F. on board? That
25 means white female on board, does it not?

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1 A. Yes.

2 Q. And protocol is if law enforcement is going to
3 transfer a female in a car, the dispatcher needs to be
4 told, there's a white -- not necessarily white, but
5 there's a female on board?

6 A. Yes.

7 Q. And do you see down here where I'm pointing?

8 A. Yes.

9 Q. 9:29:56, location, 601 Lockwood. That would be
10 where you all interrogated her, right?

11 A. Interviewed, yes.

12 Q. And shows the mileage of 487. If go back up at
13 the beginning, mileage of 459, so give or take, it's
14 what, 28 miles, more or less?

15 A. I can't see the mileage on my screen.

16 Q. Let me pull it over for you.

17 A. Thank you. Yes.

18 Q. Okay. And then if you go farther down, it
19 shows 3:11:44, says, location 9583 Kelsey Meadows, white
20 female on board. Do you see that?

21 A. Can you point that out?

22 Q. Yes, sir. Right here. I'm not doing a very
23 good job.

24 A. I see it now.

25 Q. You see that?

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1 A. Yes.

2 Q. At 3:11:44, regarding the transportation, did I
3 read that correctly?

4 A. Yes.

5 Q. So I want to know if you finished interrogating
6 her at 1:10 and she left to go home where, was she for
7 two hours?

8 A. I don't know. Ask the patrolmen.

9 Q. The reality is that once you turn off the
10 audio/videotape, the games begin, don't they?

11 A. No.

12 Q. You threatened her with the death penalty off
13 the record, did you not?

14 A. No.

15 Q. Would you ever admit it?

16 A. Admit that -- I didn't do that. I don't do
17 that.

18 Q. So where was she for two hours?

19 MS. BARNETT: Counsel, witness has asked
20 and answered, that's my objection.

21 THE COURT: Sustained.

22 MR. SECREST: Pass the witness.

23 THE COURT: Cross-examination?

24 MS. BARNETT: Yes.

25 THE COURT: You may proceed.

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CROSS-EXAMINATION

BY MS. BARNETT:

Q. In the last part of the video, the statement with Sandra Melgar, are you trying to get a response from her in regards to what you're saying or how you're saying it?

A. What I'm saying is I'm trying to get a response out of what I'm saying.

Q. Okay. And so you are acting like in fact she's not the stabber, but the one listening to her husband being stabbed, right?

MR. SECREST: I object to the prosecutor leading this witness.

THE COURT: Sustained.

MS. BARNETT: May we approach?

THE COURT: Approach bench.

The rules are pretty clear he's a friendly witness.

MS. BARNETT: He's not a friendly witness to me. I have not even contacted him. I've not had a conversation with him nor discussed the case with him.

Well, let me back up. I have discussed the case with him with a group of people. I haven't had a one-on-one with him about his testimony.

THE COURT: All right. So are you

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1 considering him an adverse witness?

2 MS. BARNETT: I am in the sense that I did
3 not call him at all, and the defense called him. I have
4 not communicated with him about his subpoena.

5 MR. SECREST: That is fallacious. I'm not
6 disputing your representation.

7 THE COURT: Go ahead and take our break.

8 MR. SECREST: Sure.

9 THE COURT: Ladies and gentlemen, we're
10 going to go ahead and take our afternoon break. This
11 seems like a good time, and we'll see you in 20 minutes.

12 THE BAILIFF: All rise for the jury.

13 (Jury leaves courtroom)

14 THE COURT: Obviously I want to be fair.
15 I'm -- this is the first time it's come up here, so I
16 was reading this case. It said, the investigating
17 police officer who has been called by the criminal
18 defendant for impeachment purposes is also not -- here
19 read this.

20 (Off the record.)

21 THE COURT: Okay. After doing my own
22 research here, I'm going to make a finding. He is a
23 friendly witness until and if you establish him as a
24 hostile, reluctant, unwilling witness.

25 MS. BARNETT: Can I do that outside the

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1 presence of the jury?

2 THE COURT: You could, and also establish
3 he has been inconsistent.

4 Do you have any objections of her doing
5 this outside the presence of the jury?

6 MR. SECREST: No, I don't have any
7 objection to that. I can't fathom how the witness would
8 become adverse to her. He's a team player.

9 THE COURT: You can have the hearing
10 outside the presence.

11 MS. BARNETT: Thank you.

12 MR. SECREST: And Your Honor, before I
13 forget offer into evidence Defense Exhibit 6 and 7,
14 which are the flip charts based upon Sergeant Dousay's
15 testimony on my cross-examination.

16 THE COURT: Let me see which ones you're
17 talking about.

18 MR. SECREST: What I wrote during the
19 presence of the jury during his examination.

20 THE COURT: So 6 and 7 are charts?

21 MR. SECREST: Yes, ma'am.

22 THE COURT: So one page is one chart, 6 is
23 one chart, and 7 is another page.

24 MR. SECREST: Yes.

25 THE COURT: Okay.

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1 MR. SECREST: Just for the record, 6 is
2 kind of a chronology of events and 7 are statements
3 attributed to Sergeant Dousay, either during the course
4 of the interrogation of Ms. Melgar or during the
5 December 26, 2012 meeting with Elizabeth Melgar.

6 MS. BARNETT: It's not clear, though.
7 It's only one page that's marked. Only a couple of
8 pages not marked, and another page not marked.

9 THE COURT: If you have more than one
10 page, can you do it, like 6A and B?

11 MR. SECREST: Be glad to do that.

12 THE COURT: Okay. That way we know
13 exactly what goes back and what doesn't.

14 Ms. Barnett, do you mind moving that back
15 a little bit?

16 Actually you're going to do a set of
17 questions now?

18 MS. BARNETT: Yes, I am.

19 THE COURT: All right. You may proceed.

20 Q. (BY MS. BARNETT) Would you please state your
21 name for the record?

22 A. Shawn Carrizal.

23 Q. And how are you employed, Mr. Carrizal?

24 A. I'm employed with North Shore, Galena Park ISD.

25 Q. Okay. And there was a time when you were

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1 employed with the Harris County Sheriff's Office; is
2 that right?

3 A. Yes.

4 Q. And you got fired from that position; is that
5 true?

6 A. Yes.

7 Q. And you went to the -- I'm sorry. When you
8 were employed at the Harris County Sheriff's Office, you
9 left that job voluntarily and went to the district
10 attorney's office; is that right?

11 A. Yes.

12 Q. And due to some circumstances that happened
13 with you while you were at the sheriff's office, you got
14 fired from the district attorney's office; is that
15 right?

16 A. No.

17 Q. Okay. Let me just back up for a minute. While
18 you were employed with the sheriff's office, there was
19 an issue about a warrant; is that right?

20 A. Yes.

21 Q. Okay. And you were employed with the sheriff's
22 office when that happened; is that true?

23 A. Yes.

24 Q. Okay. When you were at the district attorney's
25 office there was an awareness of some allegations about

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1 the warrant and you were terminated from the district
2 attorney's office; is that true?

3 A. No.

4 Q. Okay. What happened?

5 A. I went back to my old job at the sheriff's
6 office. It was almost a year later, is where the
7 sheriff's office. I was fired at the sheriff's office.

8 Q. Okay. Were you ever terminated from the Harris
9 County district attorney's office?

10 A. No.

11 Q. Okay. Why did you leave the Harris County
12 district attorney's office?

13 A. I wanted to go back to my old job. I didn't
14 like it at the district attorney's office. That's why I
15 went back to the sheriff's office.

16 Q. Okay. And are you aware that the defense has
17 witnesses in place to testify that in their opinion you
18 do not have a character for truthfulness?

19 A. I'm not aware.

20 Q. All right. Do you know Brittany Cooper?

21 A. Yes.

22 Q. And do you know Jillian Ramirez?

23 A. Yes.

24 Q. And do you know whether either one of them --
25 are you surprised to think that they may have an opinion

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1 that you do not have a character for truthfulness?

2 A. Yes.

3 THE COURT: What was that answer?

4 A. Yes.

5 Q. (BY MS. BARNETT) That would be the basis --

6 MR. SECREST: I will object to any
7 argument until the witness leaves the courtroom.

8 THE COURT: Any other questions of this
9 witness?

10 Q. (BY MS. BARNETT) Well, and I subpoenaed you; is
11 that right?

12 A. Yes.

13 Q. And we had a meeting, you and me with several
14 other investigators from the Harris -- excuse me, from
15 the sheriff's department; is that right?

16 A. Yes.

17 Q. Have you and I had any other meeting between
18 ourselves other than that one meeting?

19 A. We were all together. No.

20 Q. And that was just that one meeting?

21 A. Yes.

22 Q. And do you recall when that was?

23 A. Right around three weeks ago.

24 Q. Or more?

25 A. Or more, yes. It's been a while.

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1 Q. Thank you.

2 MS. BARNETT: I pass the witness.

3 **REDIRECT EXAMINATION**

4 BY MR. SECREST:

5 Q. And the only reason you're here today is
6 because I compelled you to be here through a subpoena,
7 correct?

8 A. I got two subpoenas, yeah, both you.

9 Q. But obviously Ms. Barnett chose not to call you
10 as a witness. She didn't want to sponsor your
11 testimony, right?

12 A. I don't know.

13 Q. You don't know, okay, but I called you and
14 certainly you and I have never talked about the facts of
15 this case, have we?

16 A. No.

17 MR. SECREST: No further questions.

18 THE COURT: Anything further?

19 MS. BARNETT: No.

20 THE COURT: All right, Mr. Carrizal, if
21 you will step out, please.

22 MS. BARNETT: So my argument is of course
23 he is adverse to me. He got fired from his job and
24 there are two witnesses that are friends of mine, that
25 are going to testify, according to what defense is

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1 telling me, that they would testify that they don't
2 believe he has a character for truthfulness. So he's
3 certainly something that I think is adverse to me.
4 That's why I didn't call him.

5 MR. SECREST: Sheer sophistry. There's no
6 basis at all to that argument. That witness is
7 138-degrees adverse to the defense. She's going to now
8 examine him and what she's going to do is get evidence
9 from him that is going to be favorable to her side and I
10 bet you virtually every answer that he gives, all of the
11 sudden he'll have a better memory than he had with me,
12 Judge. It just can't be plausibly argued that he is
13 adverse to her and he doesn't have a clue as to who
14 Ms. Barnett's friends are. That hasn't been established
15 for the record.

16 MS. BARNETT: It doesn't need to be
17 established for the record. I work with them, and
18 certainly he got plenty of favorable answers from the
19 witness for his case, so I don't believe that argument
20 is valid as well.

21 MR. SECREST: That's because of excellent
22 cross-examination on my side. That's why I got that.
23 Bottom line he is not an adverse witness to Ms. Barnett.

24 THE COURT: All right. Well, based on
25 what I heard so far, I don't find on what he said, by

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1 the fact that another two witnesses that are your
2 friends will state that he has a reputation for
3 untruthfulness. I don't know how that makes him
4 uncooperative to the case. Once you establish that, and
5 if you do, you can reapproach on deeming him hostile.
6 Unless -- if you have some authority that can give me
7 direction otherwise, I'm just basing it on what I know
8 reading the law.

9 MS. BARNETT: I didn't think being un --
10 not, cooperative was the only issue.

11 THE COURT: Uncooperative, reluctant, or
12 unwilling to testify. You said that he came here in
13 response to both subpoenas and he was lead investigator
14 on a case to which the State is now prosecuting. So
15 until he becomes uncooperative or you give me authority
16 otherwise, he's not a hostile witness.

17 MS. BARNETT: Well, he certainly didn't
18 want to be brought in by the bailiff.

19 THE COURT: I understand he didn't want to
20 be.

21 MR. SECREST: Thank you, Your Honor.

22 THE COURT: Again you can certainly
23 reapproach if something changed.

24 You can bring in the jury.

25 Mr. Carrizal if you could come on up, sir.

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1 State, you may proceed.

2 MS. BARNETT: Thank you, Judge.

3 **CROSS-EXAMINATION**

4 **BY MS. BARNETT:**

5 Q. Mr. Carrizal, on your supplement, Defense
6 counsel pointed out that there was reported date and an
7 approval date. Does July 1st of 2013, does that mean
8 that's the date you wrote the report?

9 A. No.

10 Q. What does that mean?

11 A. That's the day that it's either reviewed or
12 it's been reviewed and the supervisor hasn't approved it
13 yet and it's when I start putting it into the A.R.
14 system.

15 Q. So if you first were called to the scene on
16 December 23 of 2012, when would you have first started
17 writing your report?

18 A. Sometime that following week. What we do is we
19 do it in Word before we put it into the system.

20 Q. I see. So is it misleading to believe that you
21 started writing your report on July 1st, 2013?

22 MR. SECREST: Objection to misleading,
23 sidebar.

24 THE COURT: Sustained. Rephrase.

25 Q. (BY MS. BARNETT) Second thing I want to talk

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1 you about is when you look at this scene and how it
2 happened, how important is it as to how someone makes
3 entry into that house on Kelsey Meadows?

4 A. Very important.

5 Q. Why?

6 A. Because we have, you know, we have the deceased
7 in house. That's one of the biggest things we're trying
8 figure out who would have probably got into the house,
9 was there any type of forced entry.

10 Q. Okay. Because you've got one dead person and
11 one alive person, correct?

12 A. Correct.

13 Q. And so -- so how it that you make a
14 determination of how entry is made?

15 A. We examine the scene.

16 Q. Okay. Now, the defense attorney talked to you
17 about whether or not you did this or that. How many
18 people do you have in your crew for lack of a better
19 word or your squad or your team that are investigating
20 this case?

21 A. With homicide it's roughly around five and you
22 also have the crime scene units, which vary from two to
23 three crime scene units.

24 Q. And do you have guys with you that you believe
25 are capable of doing the job that's assigned?

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1 A. Yes.

2 Q. When -- do you have somebody that's job is to
3 check to see if the windows and the doors are secured?

4 A. Yes.

5 Q. And do you go behind them and make sure that
6 they make sure that the doors are locked and the windows
7 are locked?

8 A. Yes.

9 Q. Did you do that in this case?

10 A. Yes.

11 Q. Why?

12 A. I like to see everything for myself when I walk
13 a scene. Just in case something else comes up or a
14 question is asked, I like to know what I actually saw
15 when I did my walk-through.

16 Q. Right. Are you confident that the back door
17 was locked that night?

18 A. Yes.

19 Q. Are you confident that the front door was
20 locked that night?

21 A. Yes.

22 Q. Are you confident that the windows were locked
23 that night?

24 A. Yes.

25 Q. Was there any indication of any type of forced

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1 entry anywhere in that house?

2 A. No.

3 Q. Anywhere? Did you look everywhere? Was there
4 any, any, any evidence that showed that there was any
5 forced entry at that house that night?

6 MR. SECREST: How many any's do we get? I
7 object to the leading and I object to the form of the
8 question. I don't think it's appropriate.

9 THE COURT: All right. No speaking
10 objections. That's sustained.

11 MR. SECREST: Very well.

12 Q. (BY MS. BARNETT) When we looked at the garage
13 door, what were your thoughts about the one garage door
14 being open and one being closed?

15 A. When I looked at that part of the garage, you
16 notice there's a lot of stuff all over the inside of the
17 garage. I did notice that there is a garage door opener
18 that has the, I say, like, a motion sensor in it. It
19 would come up if people crossed it, just really
20 tight-knit inside the garage.

21 Q. Okay. Let's say you're on the outside and both
22 garage doors are down, the front door is locked, back
23 door is locked, all the windows are locked. How do you
24 get in?

25 A. There's no way to get in. I didn't see

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1 anything other than that, what you just mentioned.

2 Q. And do you know whether or not you can manually
3 raise the garage door from the outside?

4 A. No.

5 Q. You don't know or you can't?

6 A. You can't, once it hits the bar it goes across
7 and you can't open it.

8 Q. Is there a keypad on the outside to allow you
9 access through the garage door?

10 A. I did not see a keypad, no.

11 Q. All right. So if we assume both garage doors
12 were down and nobody from the outside accessed the
13 house, what does that tell us about who killed Jaime
14 Melgar?

15 A. That we have one person that's alive in the
16 house with a person that is deceased.

17 Q. All right. Let's go to the second
18 circumstance.

19 Based on everything that you've done in
20 this case and listened to from Sandra Melgar, how is
21 there access to the house?

22 A. There's not, other than everything we've
23 mentioned.

24 Q. Okay. Let's talk about the garage door. You
25 and Sergeant Dousay talk about that on four separate

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1 occasions in your interview with her that.

2 A. Yes.

3 Q. Is that right? Was that -- even back then, in
4 the early hours of the interview, was that an important
5 point for you?

6 A. Yes.

7 Q. Why?

8 A. Because that would be the entrance of getting
9 into the home. Also we have --

10 MR. SECREST: Objection, narrative answer,
11 Your Honor. He's answered the question.

12 THE COURT: Sustained.

13 Q. (BY MS. BARNETT) That's an entrance to the
14 home. What else is important about it?

15 A. How did the door get opened.

16 Q. Okay. All right. Now, let me stop for a
17 second and change the subject.

18 How many people in your career have you
19 interviewed in regards to criminal behavior?

20 A. Many.

21 Q. And do you have a feeling or when someone, it
22 may be right or not, but do you have a feeling when
23 someone is telling you the truth or when they try to
24 evade your questions?

25 A. Yes.

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1 Q. And have you interviewed family members whose
2 loved ones have died?

3 A. Yes.

4 Q. When they're possible suspects in the
5 beginning, have you interviewed those people?

6 A. Yes.

7 Q. And do you -- do they have -- do they hide away
8 from questions or do they embrace questions?

9 A. They embrace.

10 Q. Why?

11 A. Because they're wanting to get the case solved.

12 Q. Okay. And do those -- in those instances are
13 those people, do they know if they're suspects or not?

14 A. No.

15 Q. Do you sometimes think that they are suspects?

16 A. Yes.

17 Q. Why is it that family members are considered
18 suspects?

19 A. They're the closest ones to the victim.

20 Q. All right. And what does that mean?

21 A. Well, if they're the last ones to actually know
22 the person that's closest to them, they usually know a
23 lot of information about them.

24 Q. And are they forthcoming with that information?

25 A. Yes.

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1 Q. All right. Let me ask you to compare that with
2 Sandra Melgar's behavior and her disposition in your
3 interview with her in December of 2012. Tell us about
4 that.

5 A. Sure. As you can see in parts of the video,
6 when asked questions she wasn't directly answering the
7 questions. Her head would go down. Didn't really see
8 that much emotion. She wasn't very -- giving a whole
9 lot of information at the time.

10 Q. Do you have an opinion as to whether or not the
11 photographs of Jaime Melgar seemed to be horrific?

12 A. Yes.

13 Q. And did it appear to you that he suffered a lot
14 or suffered a little?

15 A. Suffered a lot.

16 Q. Would you believe that someone that was not
17 guilty of stabbing Jaime Melgar and a wife, would be
18 really upset by seeing those photographs?

19 A. Yes.

20 MR. SECREST: Absolutely inappropriate.

21 THE COURT: Sustained.

22 MR. SECREST: And please instruct the jury
23 to disregard the witness' answer.

24 THE COURT: Ladies and gentlemen, please
25 disregard the witness' answer.

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1 MR. SECREST: Please instruct the
2 prosecutor not to ask those inappropriate questions
3 again.

4 THE COURT: Please proceed.

5 Q. (BY MS. BARNETT) In light of the crime that was
6 committed, did you believe that Sandra Melgar's
7 disposition and her attitude were appropriate?

8 A. No.

9 Q. Why?

10 A. Because she wouldn't answer a lot of the basic,
11 simple questions that were asked of her.

12 Q. Okay. I'm going to ask you to, on your
13 supplement 21, look at page 8 of 57.

14 A. Yes.

15 Q. And would you review the first half of that
16 page, please?

17 A. Yes.

18 Q. When she's first asked by Sergeant Dousay, if
19 she closed the garage, did she answer the question?

20 MR. SECREST: Objection. We use the best
21 evidence. If she's going to cross-examine him about
22 anything on the statement, that's what we had to do
23 yesterday.

24 THE COURT: All right. Rephrase your
25 question.

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1 Q. (BY MS. BARNETT) When she was asked the first
2 question, did she close the garage or was the garage
3 closed, did she answer that question?

4 MR. SECREST: Objection. I asked that we
5 use the best evidence.

6 THE COURT: Approach the bench, please.

7 Are you going to ask him a lot of
8 questions regarding what was on the video?

9 MS. BARNETT: I want to ask questions
10 about her responses to what he asked and what Sergeant
11 Dousay asked. The same thing that he's been doing all
12 day, but I'm just asking him generally, I'm referring
13 him to his supplement as the defense attorney has been
14 doing. I'm doing the same thing.

15 MR. SECREST: We didn't do that today. In
16 fact when I cross-examined Sergeant Dousay, you
17 compelled us to use the video. I couldn't cross-examine
18 him through my copy of your transcript.

19 MS. BARNETT: That was not today at all.
20 They chose to use the video.

21 MR. SECREST: Today, I didn't ask
22 questions off the transcript.

23 THE COURT: I think that was yesterday.
24 He was asking questions from the transcript and you
25 objected that the transcript was inaccurate and to use

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1 the video.

2 MS. BARNETT: Because that part was in
3 accurate. I'm sorry, Judge.

4 MR. SECREST: Come on, come on. The
5 ruling yesterday was use the best evidence. You're
6 going to actually rehash this. I want the jury be able
7 to hear the tape and not him talk about what's on the
8 transcript.

9 MS. BARNETT: That's fine.

10 MR. SECREST: That's what we had to do. I
11 don't know why we have to do this again, but let's do
12 it.

13 THE COURT: And as the crime scene
14 investigator, you can certainly ask him about his
15 impressions and for specific statements. Sounds like
16 you're going to have to use the video.

17 MS. BARNETT: I'll just move on to
18 something else. May I have a moment, Your Honor?

19 THE COURT: You may.

20 Q. (BY MS. BARNETT) All right. So I want to talk
21 to you about a couple of things that the defense left
22 out. In your supplement after supplement 21 -- let's
23 talk about your supplement number 22. You -- and the
24 defense attorney brought this up. You got a phone call
25 from Elizabeth Melgar; is that right?

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1 A. Yes.

2 Q. And that's on what day?

3 A. December 26.

4 Q. Okay. And what did she want you to do?

5 A. She would like to speak to us.

6 Q. Did you ask her to come to the office, to the
7 sheriff's office?

8 A. Yes.

9 Q. And what -- did she tell you that she didn't
10 want to do that?

11 A. Yes.

12 Q. Where did y'all end up meeting?

13 A. She gave us an address of a home.

14 Q. Okay. And you went there?

15 A. Yes.

16 Q. And was the defendant there as well? If you
17 don't recall --

18 A. I don't recall seeing her.

19 Q. So each side taped the conversation; is that
20 right?

21 A. Yes.

22 Q. Okay. And then after speaking with her, she
23 told you a little bit about herself, that she had been
24 living in England?

25 MR. SECREST: Objection to leading.

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1 THE COURT: Sustained.

2 Q. (BY MS. BARNETT) She also, I guess that you
3 have already gone into what she said about her mom's
4 history. What did she tell you the items that were
5 missing from the home were? Page 3 of 5.

6 A. Thank you.

7 Television, medication, computers.

8 Q. TV, medication.

9 A. Computers.

10 Q. Uh-huh.

11 A. A gun.

12 Q. Okay.

13 A. And a guitar.

14 Q. All right. Would -- did she call you and tell
15 you that or did she tell you that in person?

16 A. In person.

17 Q. Did you know at the time whether or not any of
18 those items were taken by the sheriff's office?

19 A. No.

20 Q. Okay. When did you -- when were you able to
21 figure that out?

22 A. After that, after that point I went back and
23 started looking for the items.

24 Q. Okay. Now, do you remember the photographs
25 from the crime scene that showed prescription bottles

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1 all over the place?

2 A. Yes.

3 Q. So when she told you medication was missing,
4 was she specific about what type of medication was
5 missing?

6 A. No.

7 Q. What -- did she give you any clues about what
8 type of medication was missing?

9 A. No.

10 Q. Did she just say that, medication?

11 A. Yes, medication.

12 Q. Okay. So when were you able to get back with
13 her about what some of the items were that were not in
14 fact missing?

15 A. I advised her -- I advised her that the gun,
16 cell phones, and computers were collected by the crime
17 scene unit.

18 Q. There weren't cell phones on here. Is that
19 another one?

20 A. Yes.

21 Q. Okay. So you told her while you were there --

22 A. Yes.

23 Q. -- that cell phones were collected by sheriff's
24 office?

25 A. Yes.

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1 Q. What else?

2 A. Computer.

3 Q. Okay. Anything else?

4 A. Gun.

5 Q. Okay.

6 So that leaves us with the TV and the
7 guitar and the medication?

8 A. Yes.

9 Q. Did she tell you anything about the TV?

10 A. No.

11 Q. Where it was?

12 A. No.

13 Q. What type it was?

14 A. No.

15 Q. How big it was?

16 A. No.

17 Q. What room it was in?

18 A. No.

19 Q. Just a TV?

20 A. Just a TV.

21 Q. And do you know how she knew a TV was missing?

22 A. No.

23 Q. And she had been in England for how long?

24 A. For -- she explained for a while, she's been
25 there.

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1 Q. And do you know whether or not she would come
2 back to see her mom every now and again or not?

3 A. I believe not.

4 Q. Okay. So at that point -- all right.

5 In addition to the guitar being missing,
6 let me show you 145. There's a guitar case.

7 A. Yes.

8 Q. Is that right? So in your experience in law
9 enforcement, have you -- have you ever seen home
10 invaders that brutally murder someone, take a guitar out
11 of the guitar case and then close the guitar case and
12 put it back up against the wall?

13 A. No.

14 Q. Does that seem likely?

15 A. No.

16 Q. Okay. And then after that, was there anything
17 besides that funky antenna in the bedroom that gave any
18 indication that there was a TV on the table in the
19 bedroom?

20 A. No.

21 Q. Are you -- do you have any information there
22 was ever a TV on table in the bedroom?

23 A. No.

24 Q. So the next thing that we talked about was
25 going to CVS and Los Cucos. You got those receipts?

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1 A. Yes.

2 Q. Then you spoke with neighbors. You went to
3 Texas Liquor and I guess went back to the office; is
4 that right?

5 A. Yes.

6 Q. And I think that defense attorney brought that
7 up, but then you got another call from Elizabeth, right?

8 A. Yes.

9 Q. And what did Elizabeth want this time?

10 A. To meet us at the house.

11 Q. I'm sorry?

12 A. To meet us at the house.

13 Q. Okay. And why?

14 A. She had additional items that she wanted us to
15 take a look at the house.

16 Q. That she wanted you to look at?

17 A. Right.

18 Q. And this is on the same day?

19 A. Yes.

20 Q. All right. So and how did she phrase it? What
21 did she say?

22 A. She wanted to meet us at the scene to collect a
23 bag that Elizabeth Melgar observed inside the residence.

24 Q. Okay. Are you talking about -- is this the
25 green and black backpack?

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1 A. Yes.

2 Q. Okay. So was there specifically an item in
3 there that she talked about in regards items in the
4 green and black backpack?

5 Was it an Xbox?

6 A. Yes.

7 Q. And did she call the green and black backpack a
8 strange bag?

9 A. Yes.

10 Q. What did she say about the Xbox?

11 A. That it wasn't their Xbox.

12 Q. So I guess the theory being that burglaries
13 brought the Xbox to them?

14 MR. SECREST: Objection to editorializing
15 on the part of the prosecutor.

16 THE COURT: Sustained as to leading.

17 Q. (BY MS. BARNETT) So what we're talking about is
18 State's Exhibit No. 501; is that right?

19 A. Yes.

20 Q. Okay. And the Xbox is found in 501?

21 A. Yes.

22 Q. And this black and green -- do you remember if
23 this black and green backpack was found on December the
24 23rd, when you guys were at the house?

25 A. No.

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1 Q. It wasn't found or you don't know?

2 A. I don't know.

3 Q. Okay. So inside this black and green backpack
4 was an Xbox, right?

5 A. Yes.

6 Q. Did you collect the Xbox?

7 A. Our crime scene unit did.

8 Q. And was there other things in the green and
9 black backpack as well?

10 A. Yes.

11 Q. Okay. And did -- was there a change of tune
12 about whose Xbox it was?

13 MR. SECREST: Objection to the
14 characterization of change her tune.

15 THE COURT: Rephrase.

16 Q. (BY MS. BARNETT) Elizabeth Melgar first said
17 the Xbox doesn't belong to us; you better come take a
18 look at it.

19 MR. SECREST: Objection. That
20 mischaracterizes what she said. She said, the
21 complainants.

22 THE COURT: Rephrase.

23 Q. (BY MS. BARNETT) Did Ms. Melgar say that the
24 complainants didn't own the Xbox; is that what she said?

25 A. Yes.

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1 Q. Well, okay. So did that change?

2 A. Yes.

3 Q. How so?

4 A. Let me catch up on my supplement.

5 Q. Okay.

6 A. Please repeat the question again.

7 Q. Did she change her mind about who, who the Xbox
8 belonged to?

9 A. Yes.

10 Q. And how so?

11 A. She said it could possibly be hers.

12 Q. Okay. And was there Xbox materials that were
13 found in the house?

14 A. Yes.

15 Q. What else -- and the jewelery, did she ever say
16 that that belonged to her mom?

17 A. Rings, yes.

18 Q. So the jewelery that was found in the green and
19 black backpack also belonged to the complainant?

20 MR. SECREST: Objection. That's not what
21 he said. He just said the wedding rings. The wedding
22 rings found in the kitchen. Please be more specific. I
23 would appreciate it.

24 THE COURT: Okay. Rephrase your question.

25 MS. BARNETT: And that's a good point.

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1 Q. (BY MS. BARNETT) She also claimed her mom's
2 wedding rings were missing; is that right?

3 A. Yes.

4 Q. Did that turn out to not be true?

5 A. Yes.

6 Q. What else -- what other information helpful --
7 what other helpful information did she ask you to help
8 her with or give you?

9 A. We went through some of the -- she advised us
10 there were some tools missing.

11 Q. Let's talk about that.

12 Was one of them a table saw?

13 A. Yes.

14 Q. Was she, as far as you know, she thinking that
15 a burglar had taken a table saw away?

16 MR. SECREST: Objection to this witness
17 testifying to what Elizabeth Melgar was thinking.

18 THE COURT: Sustained as to speculation.

19 Q. (BY MS. BARNETT) So let's talk about the
20 manuals, talking about some possible missing table saws
21 and other things. What were those things that she said
22 might be missing?

23 A. Yes. When I met with her, we were actually
24 going through the manual, seeing if they had any type of
25 serial number. She kept saying there could be some

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1 tools missing because her dad had some tools. She
2 wasn't certain on which tools were actually missing. We
3 have one receipt for a finisher, an L-finisher.

4 Q. Okay. All right.

5 A. I rigid miter saw.

6 Q. All right.

7 A. Table saw.

8 Q. Okay.

9 A. And Seiko quartz watch.

10 Q. And did you find the Seiko quartz watch?

11 A. Yes.

12 Q. Where did you find the Seiko quartz watch?

13 A. I observed one of the watches in the bedroom,
14 the master bedroom.

15 Q. Let me show you 247.

16 A. Yes.

17 MS. BARNETT: May I walk in front of the
18 jury?

19 THE COURT: You may.

20 Q. (BY MS. BARNETT) So it looks like that's maybe
21 where maybe Jaime Melgar placed it that night, if you
22 know?

23 A. I don't know.

24 Q. So the quartz, Seiko quartz watch, that's not
25 missing?

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1 A. Correct.

2 Q. Is it likely that the burglars took off with a
3 table saw?

4 A. I don't know.

5 Q. What else did she ask you to take a look at?

6 A. The medication.

7 Q. All right. And how would you be able to
8 determine what medication is missing?

9 A. We didn't have anything to go off of. We
10 didn't have the list of medications.

11 Q. Was -- did she provide the medication that was
12 strewn around the home?

13 A. I know we did locate medication --

14 Q. Of course.

15 A. -- in the kitchen.

16 Q. In the bedroom, in the bathroom. It was all
17 over the house?

18 A. Yes.

19 Q. Were you able to determine what -- did you
20 gather together all of Sandra Melgar's medication to
21 determine maybe if anything was missing regarding
22 medication?

23 A. We looked at it, but I did not. It would be
24 the crime scene unit.

25 Q. Did she point you to anything specific in the

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1 garage that she thought was there that shouldn't be
2 there?

3 A. No.

4 Q. Let's talk about the Corona bottle?

5 A. Okay.

6 Q. What about the Corona bottle?

7 A. Yeah, she told me first about The Corona
8 bottle.

9 Q. Okay. What did she say about the Corona
10 bottle?

11 A. They didn't drink that type of alcohol.

12 Q. So that's maybe a clue that a burglar came in
13 with a Corona bottle?

14 A. Yes.

15 Q. Did you take that seriously?

16 A. Yes.

17 Q. What, if anything, did you do about Corona
18 bottle?

19 A. The crime scene unit processed it.

20 Q. Okay. And what did they find when they
21 processed it?

22 A. They got fingerprints.

23 Q. And whose prints did the Corona bottle come
24 back to?

25 A. I recall the daughter and Sandra Melgar.

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1 Q. Would it be correct or would you remember if
2 the Corona bottle came back with Sandra Melgar's prints?

3 A. Sorry, ask that again.

4 Q. Yes. Would you -- would it refresh your memory
5 to -- if I told you that the Corona bottle prints came
6 back to Sandra Melgar?

7 A. Yes.

8 MS. BARNETT: Your Honor, may I approach
9 the witness?

10 THE COURT: You may.

11 Q. (BY MS. BARNETT) Let me show you 584. Do you
12 see the Corona bottle?

13 A. Yes.

14 Q. And do you see the Corona box?

15 A. Yes, already in there, yes.

16 Q. And state's Exhibit 586, (showing the jury.)

17 Did she give you any other helpful clues
18 about the burglars or the home invaders?

19 A. No.

20 Q. Okay. Was there a time that she took you out
21 to a rental house?

22 A. Yes.

23 Q. And did you have a crime scene unit come out
24 and take photographs of that?

25 A. Yeah, Shawn Guerra.

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1 Q. Did the crime scene investigator do anything
2 else besides take photographs of the house?

3 A. Yes.

4 Q. What did the crime scene investigator do?

5 A. Swab different areas in the house.

6 Q. And what was the reason for that?

7 A. The daughter was telling us that there was
8 possibly blood inside the -- in the house. The house
9 was damaged.

10 Q. Okay. And did you investigate that?

11 A. Yes.

12 Q. Did any of the swabs that the investigator
13 pulled turn out to be in blood or anything like that?

14 A. No.

15 Q. Okay. Where else did you go?

16 A. Inside the home?

17 Q. Yeah, I mean -- so she's given you names of
18 people that you investigated. Did you investigate them?

19 A. Yes.

20 Q. Did you -- one of the people that was
21 suspicious would have been Elizabeth's ex-husband; is
22 that right?

23 A. Yes.

24 Q. And was he investigated?

25 A. Yes.

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1 Q. And then she brought up a couple -- I'm sorry,
2 the defense attorney talked about a couple, Claudia
3 James?

4 A. Yes.

5 Q. And another person, who was supposedly her
6 boyfriend. Did you interview those people?

7 A. Yes.

8 Q. Did you feel like that you made a rash to
9 judgment in this case?

10 A. No.

11 Q. Why do you feel that way?

12 A. I checked everybody. I went through any list
13 that I had of people involved and I attempted to locate
14 them and got statements from them.

15 Q. Okay. Did you have numerous conversations with
16 the D.A.'s office about this case?

17 A. Yes.

18 Q. And who would you -- did you speak to different
19 people about the case?

20 A. Yes.

21 Q. When you made the original phone call on
22 December 23 of 2012, are you talking about you making a
23 call to intake?

24 A. No.

25 Q. All right. So how did that work, what did --

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1 when you talked to Tammy Thomas, how did that work?

2 A. Sure. We have on-call phone number for any
3 type of major crimes that we would call just to
4 communicate what kind of scene we have and run the
5 information by them.

6 Q. Okay. And so were you trying to actually get
7 charges?

8 A. No.

9 Q. What were you trying to do?

10 A. Just give her the information as of this
11 investigation starting off, just to let her know
12 everything that we were working at the time and to see
13 what she thought.

14 Q. And did she give you some things to think about
15 and to do?

16 A. Yes.

17 Q. And did you follow up on that stuff?

18 A. Yes.

19 Q. So --

20 MS. BARNETT: Your Honor, may I have -- I
21 just need to play this tape. I need a second to figure
22 this out.

23 THE COURT: All right. Meaning?

24 MS. BARNETT: Can I take some time to try
25 and get my disk to work.

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1 THE COURT: All right. Ladies and
2 gentlemen, let's take a ten-minute break in order to
3 figure this out.

4 You may proceed.

5 MS. BARNETT: May I approach the diagram?

6 THE COURT: You may.

7 Q. (BY MS. BARNETT) So I don't know if I closed
8 this hole, but the nail finisher, the miter saw, and the
9 table saw came to your attention because the manuals
10 were found?

11 A. Yes.

12 Q. And do you know whether or not these items were
13 found ever?

14 A. No.

15 Q. When you went to the rental house were there
16 articles, remodeling articles and things such as this at
17 that house?

18 A. Yeah, there were tools in the garage.

19 Q. Do you know whether or not Jaime Melgar sold
20 and bought items off of Craigslist?

21 A. No.

22 Q. Did Elizabeth tell you that in fact that's what
23 he did? Do you recall that?

24 A. Yes.

25 Q. Okay. I'm sorry. I didn't mean do you know

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1 that personally, but did Elizabeth tell you that he
2 would buy and sell items like this on Craigslist?

3 A. Yes.

4 Q. Did it appear that he was a do-it-yourselfer
5 type guy?

6 A. Yes.

7 Q. Do it like in his garage he had materials that
8 associated with do-it-yourself projects?

9 A. It was a rental home, so it was, like, they
10 moved their stuff in the garage and they were about to
11 get to work to clean up the house, it looked like to me.

12 Q. Okay. As well as the home that he had on
13 Kelsey Meadows. Did he have other types of equipment in
14 the garage at his home that lended itself to
15 do-it-yourselfer?

16 A. Yes.

17 Q. Okay. So as far as the medication, we don't
18 know about that, the guitar also.

19 The jewelery that was in the black and
20 green backpack, do you ever -- did you ever know or do
21 you know today whether or not the complainant -- I'm
22 sorry, the defendant identified that jewelery as
23 belonging to her, or did her daughter identify it as
24 belonging to them?

25 A. No.

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1 Q. So when the jewelery was discovered in the
2 black backpack, what did y'all do, just take custody of
3 it?

4 A. Yes.

5 Q. Okay. And that's something that the jury has
6 seen of those pieces of jewelery.

7 Now if the complainant -- excuse me, if
8 the defendant says that that's not her jewelery in the
9 black and green backpack, that means that the burglar, I
10 guess, has taken the jewelery from another place, put in
11 the black and green backpack, then put the defendant's
12 Xbox in the green and backpack and then left it at the
13 house.

14 MR. SECREST: Objection speculation.

15 THE COURT: Sustained.

16 Q. (BY MS. BARNETT) Do you know in a hypothetical
17 case --

18 MR. SECREST: Objection to hypothetical
19 about what it might mean to another person, Judge.

20 THE COURT: I haven't heard the question
21 yet.

22 MR. SECREST: Very well.

23 THE COURT: Overruled.

24 Q. (BY MS. BARNETT) What does it mean to you if a
25 black -- if the black and green backpack is found at the

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1 location of the Melgars' house and part of the items in
2 the backpack -- black and green backpack belong to the
3 defendant and part of the items don't belong to the
4 defendant? What would that suggest?

5 MR. SECREST: Objection for his opinion as
6 to what that may suggest.

7 THE COURT: Rephrase the question.

8 Q. (BY MS. BARNETT) If Sandra Melgar and Elizabeth
9 Melgar say that that jewelery doesn't belong to them, it
10 must belong to someone else?

11 MR. SECREST: I object to the question
12 because I haven't heard any evidence that establishes
13 that either one of them said it didn't belong to them.

14 THE COURT: Rephrase your question.

15 Q. (BY MS. BARNETT) If it does belong to them and
16 the Xbox belongs to them, burglar put all of that stuff
17 in the backpack and then left it with them, right?

18 A. Yes.

19 Q. Either way that's not how home invaders and
20 burglars usually operate, is it?

21 MR. SECREST: Objection to leading
22 question.

23 THE COURT: Sustained.

24 Q. (BY MS. BARNETT) Have you ever seen a situation
25 where a burglar loads up an Xbox and jewelery from a

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1 house and then leaves it in the garage?

2 A. No.

3 Q. Did you think that that was suspicious?

4 A. Yes.

5 MR. SECREST: Objection to his opinion as
6 to whether he thinks it's suspicious or not.

7 THE COURT: Sustained as to form.

8 MS. BARNETT: May I approach the chart?

9 THE COURT: Yes.

10 Q. (BY MS. BARNETT) And the Xbox and the jewelery
11 in the green and black backpack, that wasn't found on
12 the day that Jaime Melgar's was found, was it?

13 MR. SECREST: Objection to the constant
14 leading.

15 THE COURT: Sustained.

16 Q. (BY MS. BARNETT) Was the Xbox and the jewelery,
17 both of these items in the green and black backpack,
18 were those found on the day that Jaime Melgar was
19 murdered?

20 A. No.

21 Q. When were they found?

22 A. The day that she called us to come to the
23 house.

24 Q. And that would have been?

25 A. December 26.

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1 Q. So now as to the garage door, let me ask you to
2 take a look at page 8 of 57 under supplement 21.

3 A. Yes.

4 Q. All right. So the third line down, Sergeant
5 Dousay asked Sandra Melgar, did you close the garage?

6 A. Yes.

7 Q. And her response is what?

8 A. I went in the first.

9 Q. Is that an answer to whether or not she closed
10 the garage?

11 A. No.

12 Q. So let's go down a couple of lines, and Dousay
13 questions her again, it was closed tonight, right? Does
14 he say that?

15 A. Yes.

16 Q. But he you says the line before that, he said,
17 I mean, you'd to have closed the door behind the
18 Infiniti. It was closed tonight, right? And what did
19 she say?

20 A. Yeah.

21 Q. What did that mean to you?

22 MR. SECREST: Objection to what it means
23 to this witness. That's irrelevant.

24 THE COURT: Sustained.

25 Q. (BY MS. BARNETT) You're investigating this

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1 case, are you not?

2 MR. SECREST: Objection to the leading
3 question.

4 THE COURT: Rephrase, sustained.

5 Q. (BY MS. BARNETT) What are you doing in the
6 interview room with Sergeant Dousay and the defendant?

7 A. Interviewing.

8 Q. And why are you interviewing her?

9 A. To find out what happened.

10 Q. All right. And as we've discussed earlier in
11 front of the jury, the garage doors are they or are they
12 not important to this case?

13 A. Yes.

14 Q. So it's of some importance, I imagine or can
15 you tell us whether or not it's important whether or not
16 she tells you the garage doors are open or shut?

17 A. Yes, it's very important, the reason being --

18 MR. SECREST: Objection, asked and
19 answered.

20 THE COURT: Sustained.

21 Q. (BY MS. BARNETT) And what's the reason for it?

22 A. How would somebody possibly get in the home if
23 the garage door was closed and the rest of the house,
24 there's no sign of forced entry and everything else was
25 locked.

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1 Q. Okay. So you asked her about the garage. She
2 doesn't answer the question. She's asked about the
3 garage and she says yes, right?

4 A. Yes.

5 Q. Okay. So let's go on down and Dousay asked her
6 again, so was it closed when you got home last night?
7 Y'all had to open the one to get into the garage, right;
8 and what did she say?

9 A. Yeah.

10 Q. She says that one had to be open for them to
11 get in, she agrees with that.

12 A. Yeah.

13 Q. And the other one was closed, and what does she
14 say to that?

15 A. The next line down and you did not -- you're
16 talking about the question Dousay asked?

17 Q. Well, let me -- let's start right here. Do you
18 see Dousay say, so, was it closed when you got home last
19 night?

20 A. Yes.

21 Q. And then he goes on to say, but besides --

22 MR. SECREST: Objection. She did not say
23 yes. That's a mischaracterization of the transcript.

24 MS. BARNETT: He's saying yes, I see that
25 in the transcript.

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1 MR. SECREST: Okay.

2 THE COURT: Rephrase so it's clear.

3 Q. (BY MS. BARNETT) So Dousay asked her, so was it
4 closed when you got home last night. Do you see that,
5 you answering me, do you see that?

6 A. I see that.

7 Q. Besides when y'all had to open the one to get
8 the car in the garage? What did she say?

9 A. Right.

10 Q. So that means that the left one is the one
11 that's open to get into the garage. That's the only one
12 that's available?

13 A. Yes.

14 Q. Can you get a car into the right side of the
15 garage?

16 A. No.

17 Q. So she said, yes, we had to open the one to get
18 in, right?

19 A. Right.

20 Q. What's the next line?

21 A. The other one was closed.

22 Q. And what does she say?

23 A. Yeah.

24 Q. So that's the second or how many confirmations
25 is that that the right garage door is closed at that

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1 point?

2 A. At this point it's three times.

3 Q. Then you go on down to say, and you didn't know
4 of him opening it back up last night; and what does she
5 say?

6 A. No.

7 Q. All right. Now, through the course of the
8 conversation with her, does that subject come back
9 around, or do -- let me ask you this: When was the last
10 time you reviewed this, this interview of Sandra Melgar
11 on your own offense report? When did you last review
12 it?

13 A. My report?

14 Q. Yeah.

15 A. Last night.

16 Q. When was the last time you viewed -- you saw
17 the video of you and Sergeant Dousay and the defendant?

18 A. That year of the scene.

19 Q. Okay.

20 A. Back then.

21 Q. 2012?

22 A. Yes.

23 Q. So it's been a while?

24 A. Yes.

25 Q. Do you remember exactly how many times the

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1 garage door was addressed?

2 A. No.

3 Q. Let me ask you to turn to 15 of 57, please.

4 In the middle of the page, Sandy, when
5 y'all came in last night, what door did you come in at?
6 What did she say?

7 A. The garage door.

8 Q. Let me ask you to turn to 16 of 57, 3-quarters
9 down, you ask her, who else would be in the house? Do
10 you see that?

11 A. Yes.

12 Q. What does she say to that?

13 A. No one, but now I know of no one.

14 Q. No one would have been in there; is that right?

15 A. Yes.

16 Q. What does she say after that?

17 MR. SECREST: That is not a fair
18 characterization of what he just read. Let him read the
19 entire response, please.

20 MS. BARNETT: I thought I did.

21 MR. SECREST: What else is at the end of
22 that?

23 THE COURT: Re-ask that again and let's
24 hear the full answer again.

25 Q. (BY MS. BARNETT) Read it again what you just

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1 read.

2 A. No one with, but now I know of no one.

3 Q. Okay. And then you asked, no one would have
4 been there; and what does she say?

5 A. No, but we would not have left the garage door
6 open either.

7 Q. And you say, you would have closed the garage
8 door?

9 A. Yes.

10 Q. What did she say?

11 A. I never use hat side, I never use that side.

12 Q. Is that another indication of whether or not,
13 in your mind, is that another indication of whether or
14 not the right side garage door was open?

15 MR. SECREST: Objection. The exhibit
16 speaks for itself. I object the witness trying to
17 mischaracterize what is stated there. The instrument
18 speaks for itself.

19 THE COURT: All right. Sustained.

20 Q. (BY MS. BARNETT) In -- you haven't reviewed the
21 tape or, excuse me, yeah, the interview with you and
22 Sergeant Dousay and Sandra Melgar, but do you have a
23 memory of her disposition and how she was reacting to
24 you?

25 A. Yes.

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1 Q. And what is your memory of her disposition?

2 A. Like I said earlier, I can remember, not a
3 whole lot of emotion about it. When asked questions,
4 they weren't directly answered in giving any type of
5 clues to help us go further.

6 Q. Okay. All right. Let me change the subject
7 now to talk about Jaime Melgar. Did you have an
8 opportunity to talk to the people that he worked with at
9 HISD?

10 A. Yes.

11 Q. Why did you go talk to the people at HISD?

12 A. I wanted to find out a little more information.
13 I know one of his close friends worked at HISD, and I
14 wanted to see because he was -- I thought he was working
15 at that point or working that day, so I went to find out
16 if maybe he was talking to his friend, his close friend
17 about and see if I could get any information.

18 Q. Who was his close friend?

19 A. Carlos Espinosa.

20 Q. All right. And I believe you've already
21 testified to Carlos Espinosa and what he said.

22 Did you also talk to Pat Collins?

23 A. Yes.

24 Q. Supplement 30, who is Pat Collins?

25 A. You said Pat Collins?

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1 Q. Pat Collins, page 1 of 2 on supplement no. 30,
2 the bottom of the page.

3 A. Yes.

4 Q. All right. Who was Pat Collins?

5 A. That was Jaime Melgar's supervisor.

6 Q. All right. And did Pat -- does -- do you know
7 whether or not Jaime Melgar had taken off that week from
8 HISD?

9 A. He did not take off that week.

10 Q. He did not take off that week?

11 A. Right.

12 Q. All right. And did Pat Collins have good
13 things to say about Jaime?

14 A. Yes.

15 Q. And finally do you know whether or not there is
16 a potential 500,000 insurance policy?

17 MR. SECREST: Objection, to that. If she
18 wants to establish anything about insurance, go for it.

19 THE COURT: What's your legal objection
20 Mr. Secrest?

21 MR. SECREST: This witness would have no
22 personal knowledge, and they need to bring a witness who
23 has personal knowledge.

24 MS. BARNETT: May I respond to that?

25 THE COURT: Approach the bench.

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1 Both of you know speaking objections,
2 you're both doing it: Relevance, speculation. Keep it
3 to that, please.

4 If you have to respond, come to the bench.
5 What's your response?

6 MS. BARNETT: That he does -- he's spoken
7 with the insurance people about the policy.

8 MR. SECREST: Called hearsay and she knows
9 that she wants to get a half a million-dollar insurance
10 in front of the jury, she should do it.

11 MS. BARNETT: It's important.

12 MR. SECREST: Bring a witness. I can't
13 cross-examine numb nuts over here.

14 THE COURT: Object to hearsay, sustaining
15 it.

16 MS. BARNETT: Okay. I'm not going to ask
17 him. I think I can ask if he knows there's insurance.

18 MR. SECREST: And ask do you know about
19 500,000-dollar insurance, how would he know that? Bring
20 a witness because cross-examination still exist.

21 MS. BARNETT: I'm not asking him what
22 anybody said. I'm asking about specifics about does he
23 know about an insurance policy that's in place. I'm not
24 asking about any specifics about that or what anybody in
25 Minnesota told him. He's an investigator. It's part of

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1 what he does. I'm asking him a lot of things, did Jaime
2 sell things on Craigslist.

3 MR. SECREST: That's hearsay.

4 MS. BARNETT: Part of his investigation is
5 to do that.

6 THE COURT: All right. Does he was
7 personal knowledge as to that?

8 MS. BARNETT: Yes, in the sense that he's
9 talked to the insurance people, yes, he has. That's in
10 the supplement. They know about it.

11 MR. SECREST: Come on, colleen.

12 THE COURT: That's sustained.

13 MS. BARNETT: Well, can I ask if he did
14 any investigation on determining whether or not there
15 was insurance? That's certainly fair.

16 THE COURT: Yes.

17 Q. (BY MS. BARNETT) Did you do any investigation
18 in determining whether or not there were any insurance
19 policies that benefited the defendant if Jaime Melgar
20 were to die?

21 A. Yes.

22 Q. What kind -- don't tell us what anybody told
23 you, but what type of investigation did you do in order
24 to determine that?

25 A. I spoke with the benefits manager --

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1 Q. Okay.

2 A. -- at HISD.

3 Q. All right. And that lead you to any other
4 people, company, entity that you spoke to?

5 A. Yes.

6 Q. Who else did you speak to?

7 A. Minnesota Life Insurance Company.

8 Q. Right. Who did you speak to at Minnesota Life
9 Insurance Company?

10 A. The name is spelled B-i-s-h-u-i.

11 Q. Right. And what type of questions did you ask
12 at Minnesota Life Insurance Company?

13 A. The claims benefit, life insurance policy.

14 Q. All right. And in regards to who, were you
15 asking about the insurance, at Minnesota Life Insurance
16 Company?

17 A. The claims specialist.

18 Q. Okay. About a policy for who?

19 A. For Mr. Melgar, Jaime Melgar.

20 Q. All right. And did you speak with anybody else
21 in any other insurance company?

22 A. Yes, Brigman.

23 Q. And in regards to what policy was that?

24 A. Life insurance for Jaime Melgar.

25 Q. All right. And did you communicate with those

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1 people on more than one occasion?

2 A. Yes.

3 Q. Were there times that you called them?

4 A. Yes.

5 Q. Were there times that they called you?

6 A. Yes.

7 Q. And did they ask you specific questions
8 regarding your investigation?

9 A. Yes.

10 Q. Did you answer those questions?

11 A. Yes.

12 MS. BARNETT: Pass the witness.

13 THE COURT: Any redirect?

14 MR. SECREST: Okay. You bet you.

15 **REDIRECT EXAMINATION**

16 BY MR. SECREST:

17 Q. Of course the insurance company is looking for
18 any excuse not to have to pay on the life insurance
19 policy, right?

20 A. They ask questions, yes.

21 Q. They certainly have a self-interest in all of
22 this, do they not?

23 A. Yes.

24 Q. Did you find out how long that the Melgar's had
25 a life insurance in place?

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1 A. No.

2 Q. Do you know how many years it had sat there and
3 hadn't even been altered in any way? Did you look into
4 that and think that that might be important?

5 A. Yes.

6 Q. Are you trying to suggest now to our jury that
7 Sandy Melgar stabbed her husband 31 times so she could
8 get the filthy lucre; is that what you're trying to
9 suggest to the jury?

10 A. I don't understand.

11 Q. You're trying to say that she killed her
12 husband who she loved and you have no evidence to the
13 contrary, had a wonderful relationship, but she killed
14 him for the insurance money. Is that what you're trying
15 to tell the jury?

16 A. No. What I'm trying to tell the jury is that I
17 do a thorough job and that's one thing I would check in
18 a instant like this. That's what I'm trying to tell the
19 jury.

20 Q. Since you do want to do a thorough job, tell
21 the jury about the financial situation of the Melgars.
22 Tell us what your financial investigation revealed.

23 A. With the -- later went ahead --

24 Q. I'm talking about the financial investigation.
25 I want to know --

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1 MS. BARNETT: I would ask that the witness
2 be allowed to answer the question that was asked.

3 MR. SECREST: Let me rephrase it.

4 MS. BARNETT: I would ask that the witness
5 be allowed to answer the question that was asked.

6 MR. SECREST: Let me rephrase it because I
7 don't want to go into something that's not admissible.

8 THE COURT: Rephrase your question.

9 Q. (BY MR. SECREST) Did you look at bank accounts?

10 A. No.

11 Q. Did you consult any type of accountants?

12 A. No.

13 Q. Do you have any idea what their financial
14 situation is?

15 A. No.

16 Q. So did you conduct any financial investigation,
17 that's what I'm asking you.

18 A. Yes.

19 Q. In what way?

20 A. This where I started, with the insurance.

21 Q. No. I'm not asking about any insurance
22 investigation, a financial investigation?

23 A. Right.

24 Q. Do you know if they owed money?

25 A. No.

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1 Q. Do you know if they had any money in the bank
2 of significant sums?

3 A. No.

4 Q. Do you know what kind of investments they had?

5 A. No.

6 Q. Do you know whether there was any outstanding
7 bills?

8 A. No.

9 Q. Do you know if they had in debt?

10 A. No.

11 Q. Did you do any kind of investigation about
12 that?

13 A. No.

14 Q. What you did and what's done in every homicide
15 investigation, is you're going to see whether or not
16 some kind of life insurance policy exists, right?

17 A. Yes.

18 Q. Are you aware that employees of the Houston
19 Independent School District by definition are afforded
20 life insurance as part of their salary package?

21 A. No.

22 Q. You're saying it's not to, or you just don't
23 know?

24 A. I don't know.

25 Q. Let's talk about the garage doors again, okay?

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1 A. Yes.

2 Q. Let go to page 8.

3 Tell me when you're ready, please.

4 A. Ready.

5 Q. So Dousay says, so y'all pulled in there around
6 midnight, there being the garage, fair statement?

7 Third line from the top, Mr. Carrizal.

8 A. Yes.

9 Q. All right. So he says, and so y'all pulled in
10 there around midnight, let me stop here, Ms -- Sergeant
11 Dousay has a habit of asking, like, two questions at
12 once before you get an answer. You seeing that kind of
13 development in his questioning?

14 A. In this case, when not actually responding
15 quick enough, then, yes, he would repeat a question over
16 again.

17 Q. Did y'all ever cut her off when she was trying
18 to answer questions? Did you ever cut her off, yes or
19 no?

20 A. I don't remember.

21 Q. Did y'all actually lead her and suggest
22 answers? You did that, didn't you?

23 A. We asked her questions.

24 Q. Did you ask, ask leading questions, were you
25 suggested the answer to her, yes or no?

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1 A. Yes.

2 Q. So the question is, so you all pulled in there
3 around midnight, period. Did you close the door, right?
4 And her answer was I went in first, right?

5 A. Yes.

6 Q. So she's basically telling you that she wasn't
7 in the garage because she went in the house first.

8 MS. BARNETT: Objection. That calls for
9 speculation and he's asking the witness to speculate
10 about what the defendant is thinking or saying.

11 THE COURT: Sustained.

12 MS. BARNETT: Ask the jury to be
13 instructed to disregard.

14 THE COURT: Ladies and gentlemen, please
15 disregard the last answer and no speaking objections,
16 please.

17 Q. (BY MR. SECREST) So she says, I went in first,
18 right?

19 A. Yes.

20 Q. And then Dousay goes, uh-huh, right?

21 A. Yes.

22 Q. And then Sandra says, he had the couple -- a
23 couple of bags, well, our doggie bags and what we got at
24 CVS to get. So I think he made two trips.

25 What's the next thing he said?

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1 A. I don't remember him closing it.

2 Q. She doesn't remember him closing it because she
3 had already gone in the house, correct?

4 A. Doesn't say that.

5 Q. Right above it, she says, I went in first. I'm
6 not making that up. That's what's on the printed page,
7 isn't it?

8 A. Yeah, but you're asking -- you said, I went in
9 first to the house. There's no part of it that said,
10 house. I went in first. There's an area of that garage
11 if you can say, I went in first, that could mean she
12 went in front of the vehicle or walked toward that area.

13 Q. How come you can answer so crisply now? When I
14 was asking you questions on cross-examination, I had to
15 pull information from you.

16 MS. BARNETT: Objection. I object. It's
17 inappropriate.

18 THE COURT: Sustained.

19 Q. (BY MR. SECREST) So she says, I went in first
20 and then she says, I think he made to two trips, right?

21 A. Yes.

22 Q. And she says, I don't remember him closing it,
23 right?

24 A. Yes.

25 Q. And you don't have to believe her, but she's

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1 saying, I don't remember him closing it. That's what
2 she's telling you, right?

3 A. Yes.

4 Q. She says, I went -- I went and go, I grab the
5 drinks, and went to the tub; and then Dousay comes back,
6 first question among two, first question, I mean, he
7 would have to close the door behind Infiniti, period.
8 It was closed tonight, right? And then she says, yeah.
9 You see that?

10 A. Yes.

11 Q. Was she saying, yeah to, I mean, he'd have to
12 close the door behind the Infiniti or yeah, it was
13 closed tonight, right? Which one was she answering?

14 A. It was closed, tonight, right; and she says,
15 yeah.

16 Q. Well, let's be fair about it. He says, I mean,
17 he'd have to close the door behind the Infiniti, right?
18 That's the first one --

19 A. Right.

20 Q. -- and then it closed tonight, right? So she
21 says, yeah. My question is, is she saying, yeah to I
22 mean, he'd have to close the door behind the Infiniti;
23 or is she saying, yeah to it was closed tonight, right?
24 The honest answer is you don't really know, do you?

25 A. Right. Yes.

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1 Q. And that's honest, right?

2 A. Yes.

3 Q. And you didn't follow up with it. You didn't
4 try to clarify at all, did you, because the next thing
5 that happens is Dousay, says it was closed. It was
6 closed. Now, he doesn't have a clue whether it was
7 closed because he wasn't there. He's making a
8 declaration about facts that he has no personal
9 knowledge; isn't that what he's doing?

10 A. No.

11 Q. Okay. Now go to page -- let's go to 37.
12 Ms. Barnett didn't ask you about that page.

13 Are you there, kind of towards the bottom?

14 A. Yes, I'm at the bottom of page.

15 Q. Dousay, okay and he was driving and Sandra
16 says, uh-huh. You see that?

17 A. Yes.

18 Q. Dousay, so y'all have a garage door opener?

19 A. Uh-huh.

20 Q. And Dousay says, did he open the door on the
21 car to pull the car in the garage, and maybe he means
22 garage. I won't try to read his mind, but the way it's
23 on the transcript, did he open the door on the car to
24 pull the car in the garage? At least that's what there,
25 right?

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1 A. Yes.

2 Q. She says what?

3 A. Yeah.

4 Q. And then Dousay says, he did park in the
5 garage, right? And she says what?

6 A. Yeah.

7 Q. Then Dousay says, that door was open and he
8 closed it. That's what Dousay says?

9 A. Yes.

10 Q. And then what does she say? She says, well, I
11 went in. I'm sure he closed it, but I went in before he
12 closed it because he went back out to the car to get
13 the -- we had the stuff from CVS and we had some dinner
14 leftovers, okay?

15 A. Yes.

16 Q. Isn't that what she said?

17 A. Yes.

18 Q. But I went in before he closed it. She's
19 telling you all that she went in the house. You don't
20 to have believe her, but that's what she's telling you,
21 isn't she?

22 A. Yes.

23 Q. Now, let's go to 24. You remember any kind of
24 discussion with her about that interior door, or did
25 that just not happen? Y'all didn't talk to her about

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1 the interior door of the garage, did you?

2 A. Let me get to the page, 24?

3 Q. Sure, page 24.

4 A. Are you referring to any specific spot?

5 Q. Sure. Do you remember any kind of questioning
6 of Ms. Melgar about, not the front door, not the back
7 door, but the interior door to the garage? Doesn't
8 Dousay say, on the -- the kitchen door that leads to the
9 garage, do y'all keep that locked?

10 MS. BARNETT: I think this has been asked
11 and answered.

12 MR. SECREST: I haven't gone over this
13 with this witness at all.

14 THE COURT: Overruled, but the jury does
15 have this in evidence.

16 MR. SECREST: Exactly. I don't know why
17 the reason she went into it from the getgo.

18 MS. BARNETT: I object to the side bar.

19 MR. SECREST: Now --

20 MS. BARNETT: I object to the side bar.

21 MR. SECREST: Well, object all you choose.

22 THE COURT: All right. All right.

23 Sustained.

24 MS. BARNETT: I'd ask that the jury be
25 instructed to disregard that.

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1 THE COURT: Disregard the side bar.

2 Please continue.

3 Q. (BY MR. SECREST) So the question is on the
4 kitchen door that leads to the garage, do y'all keep
5 that locked? That was the question posed to Ms. Melgar,
6 correct? Right?

7 A. Can you tell me where you're at?

8 Q. Sure, I'd be glad to. Go down four, five
9 lines, sir.

10 A. Is that from the bottom or from the top?

11 Q. From the top, please page 24.

12 A. Yes.

13 Q. So on the kitchen door that leads to the
14 garage, do y'all keep that locked, and what does she
15 tell him?

16 A. No, we never keep that locked. I don't know
17 think it locks. I don't know if it locks.

18 Q. So tell us when you all specifically went back
19 and looked at the interior door to determine whether or
20 not it even locks or whether or not it locks or it was
21 locked at the time? Did you do any investigation
22 concerning the interior door lock?

23 A. That would be by crime scene units. I did not,
24 no.

25 Q. But once you were put on notice that Ms. Melgar

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1 is telling you all that we never keep that door locked,
2 in fact she said, I don't even think it locks, you of
3 course would have communicated that to the crime scene
4 folks to document it to see whether or not she's telling
5 you truth or to determine whether or not in fact that
6 door doesn't lock. Did do anything like that?

7 A. No.

8 Q. I mean, the crime scene unit doesn't have
9 access -- at the time the crime scene unit is doing
10 their thing. They don't have access to what you're
11 doing in the interrogation room, right?

12 A. Right.

13 Q. Unless you pick up the phone and you call back
14 out to the scene, and you did that on a couple of
15 occasions, did you not?

16 A. Yes.

17 Q. Okay. But you're telling the jury you didn't
18 think enough of this interior door issue to even bring
19 it to the attention of the CSU to see whether or not the
20 door locked?

21 A. Yes.

22 Q. Yes or no, did you do it?

23 A. No.

24 Q. I didn't understand this line of questioning
25 about, first of all did you ever talk to Sandy Melgar

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1 about anything, any missing property?

2 Because I've listened to the tape and I
3 read the transcript, and I don't see a peep out of you
4 or Sergeant Dousay concerning anything about missing
5 property from Sandy. Y'all never asked her that.

6 Let me make it easy on you, after
7 December 24, did you ever talk to Sandra Melgar again?

8 A. No.

9 Q. So whatever is found in the backpack on
10 December 26, in fact on December 26 you don't have a
11 clue what's in the backpack, do you?

12 A. No.

13 Q. Because you call Deputy Campos. He comes to
14 the scene and he takes that away, right?

15 A. Yes.

16 Q. So on the 26th you don't even know what's in
17 there?

18 A. Yes.

19 Q. Right? You know there's a backpack, looks like
20 there's a Xbox, but you don't know whether there's
21 anything else in there?

22 A. Correct.

23 Q. And at any time did you ever have a
24 conversation with Ms. Melgar concerning what was in the
25 backpack? That never happened, did it?

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1 A. No.

2 Q. Okay. Now, let's be clear about this, you're
3 not trying to tell our jury that that backpack wasn't in
4 the garage on December 23 and 24, are you?

5 A. Correct.

6 Q. You're saying it wasn't in there, or do you
7 know? Just let me know.

8 A. No, I don't know.

9 Q. You don't know?

10 A. Right.

11 Q. Let me --

12 MR. SECREST: May I approach the witness?

13 THE COURT: You may.

14 Q. (BY MR. SECREST) Let me show you what's been
15 marked and introduced into evidence as Defense Exhibit
16 No. 2.

17 A. Yes, sir.

18 Q. Can you get kind of that orientation here?
19 We're in the garage and that's the right side of the
20 Infiniti, okay? You look over here and you see that
21 green and black?

22 A. Yes, sir.

23 Q. That's in the same position where two days
24 later after the car is pulled out, that's where the
25 backpack's found, correct?

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1 A. Yes. I see the green.

2 Q. The reality is the backpack was in the garage
3 on December 23, 24 and you guys just didn't see, fair
4 statement?

5 A. There's not enough there to tell me that that
6 is the full backpack. I see something green on the
7 edge, but --

8 Q. All right. So what is it now? Is it now
9 Elizabeth Melgar is part of a conspiracy and she's
10 putting stuff in the backpack and then calling you up
11 and saying, oh, there's some stolen property in there.
12 Is that what you're trying to sell the jury?

13 A. No.

14 Q. And I thought, if I heard you correctly, you
15 said that there was -- she -- Elizabeth mentioned to you
16 that she thought some medications were taken but she
17 didn't get specific with you. Is that what you said?

18 A. Yes.

19 Q. Well, in fact she got specific with you, didn't
20 she?

21 A. Okay.

22 Q. Didn't she specifically tell you there
23 hydrocodone she thought might be missing. Tell the
24 jury, I'm sure some of them know, but what is
25 hydrocodone?

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1 A. I don't know.

2 Q. You would agree with me that a -- somebody that
3 was trying to take drugs at a house, there's certain
4 drugs that would be more useful than others, right?

5 A. Yes.

6 Q. If you're a druggie, you're not going take my
7 Lipitor, right?

8 A. Right.

9 Q. You can have it, but it's not going to do much
10 for you.

11 A. Right.

12 Q. But trust me, hydrocodone is something home
13 invasion folks and burglars and thieves like? You've
14 heard of hydrocodone, haven't you?

15 A. Yes.

16 Q. So do I need to play it, or do you have some
17 recollection now that she specifically --

18 A. Yes.

19 Q. -- told you that she thought hydrocodone was
20 missing.

21 A. Yes.

22 Q. Okay. So when you testified that she didn't
23 say anything about specific medications, you're in
24 inaccurate. Let's be charitable. You were in accurate,
25 right?

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1 A. Correct.

2 Q. Okay. Now, let me make sure we're on the same
3 page here. Tell me if I missed something. Your
4 understanding is Elizabeth Melgar lives in London,
5 right?

6 A. Yes.

7 Q. So, and your understanding is she hadn't been
8 to the house in some considerable period of time?

9 A. Correct.

10 Q. So she finds out that her daddy has been
11 murdered and then ultimately on the 26th of December she
12 goes into the house, right?

13 A. Yes.

14 Q. And she doesn't have a clue as to what you guys
15 have taken, and I'm not suggesting you did anything
16 wrong, but you took certain property out of the house
17 and she doesn't know what you took, right?

18 A. Correct.

19 Q. So she's trying to figure out what's is
20 missing, but some of what might be missing is in your
21 possession and you're not telling her what you got, but
22 that's actually not a fair statement. You ultimately do
23 tell her you have the gun?

24 A. Yes.

25 Q. Isn't your understanding that later on in fact

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1 she found the guitar, and it was under the bed?

2 A. No.

3 Q. Did you receive information about that?

4 A. I don't recall receiving that, no.

5 Q. So she's going into the garage; and there's a
6 lot of crap in the garage, right?

7 A. Yes.

8 Q. She's trying to figure out could something be
9 missing and the brutal reality is she really doesn't
10 really know what's missing. She's trying to help you
11 figure out whether there's something that maybe missing,
12 right?

13 A. Yes.

14 Q. But she does tell you ultimately that her
15 mother's wedding rings are gone, right?

16 A. Yes.

17 Q. And that would stand to reason, you know she's
18 been in the company of her mother and her mother doesn't
19 have her wedding rings. It doesn't take a lot of police
20 work to figure that one out, right?

21 A. Yes.

22 Q. So you all go into house and you're able to
23 find the wedding rings in the kitchen drawer next to
24 kitchen sink, right?

25 A. Yes.

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1 Q. She also, over time, after she's had the chance
2 to go through the property in the house; and I think I
3 established it earlier and I'm not going to go back in
4 it, but through lawyer Qweyssi, it was brought to your
5 attention that in fact there were other items that
6 cannot be accounted for and that information was
7 provided to you, right?

8 A. Yes.

9 Q. Oh, one other thing, you said, talked about the
10 motion sensor. Sometimes the garage door has a motion
11 sensor, where you walk through it and it will activate?

12 A. Yes.

13 Q. Yeah. Did you actually test the motion sensor
14 to see whether that one activates?

15 A. Yes, I did.

16 Q. Tell the jury what you found out.

17 A. It activated once you cross it.

18 Q. So once you cross it, it will activate, right?

19 A. Yes.

20 Q. And then you can open the garage door back up
21 using the buttons on the side panel?

22 A. Yes.

23 Q. And you recall there were two buttons, one on
24 the left and one on the right, right next to one other,
25 right?

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1 A. I don't recall. I recall where the buttons
2 were. I don't remember if it was one or two, but yes, I
3 know what you're talking about.

4 Q. You don't even remember whether there were two
5 separate buttons, right?

6 A. Yes.

7 Q. But you recall that the buttons were on this
8 side, this side being the left side of the door?

9 A. Yes, facing like you're going into the house?

10 Q. Yes, sir.

11 A. Yes.

12 Q. Facing the door, buttons rights are here,
13 right?

14 A. Yes.

15 Q. Have you ever hit the wrong button before,
16 going in the garage? Does that ever happen to you?

17 MS. BARNETT: Relevance.

18 THE COURT: Sustained.

19 MR. SECREST: No further questions.

20 THE COURT: Any re-cross?

21 MS. BARNETT: I have a lot of questions,
22 Judge.

23 Pass the witness.

24 THE COURT: May this witness be excused?

25 All right. Call your next witness.