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1 received \$10,000 from me to work well over 200 hours?

2 A. No, sir, not at all.

3 Q. Would you in any way come up with an opinion or
4 expressive view of money?

5 A. Absolutely not.

6 MR. SECREST: Pass the witness.

7 THE COURT: All right. Any re-cross?

8 MS. BARNETT: I don't have any more
9 questions for this witness.

10 THE COURT: May this witness be excused?

11 MR. SECREST: He may, Your Honor.

12 THE COURT: Defense, call your next
13 witness.

14 MS. SECREST: Your Honor, Defense calls
15 Ms. Rocio Rieb

16 **DIRECT EXAMINATION**

17 **BY MS. SECREST:**

18 Q. Good afternoon, Rocio, how are you?

19 A. Good. Thank you.

20 Q. Will you please state your name for the record;
21 and for the court reporter, spell your last name?

22 A. Yes. My name is Rocio, and my last name is
23 Rieb, R-i-e-b, B as in boy.

24 Q. Rocio, where are you from?

25 A. I'm from Mexico City.

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1 Q. And how long have you lived in Houston?

2 A. Around 35 years because we lived in other
3 places for a few years.

4 Q. How are you presently employed?

5 A. I'm unemployed. I used to be a teacher, but I
6 retired.

7 Q. Are you married?

8 A. Yes.

9 Q. Tell me a little bit about your family?

10 A. I'm married to a chemical engineer; his name
11 Charles Reib. We have one child, Kyle Reib. He is a
12 Computer Science graduate. He lives in California. I
13 have a grandchild who is now 19 months. My family --
14 most of my family lives in Mexico City, but my
15 brother -- I have one brother that lives here in Katy,
16 Texas, and is married with two children.

17 Q. Rocio, how do you know Sandra Melgar?

18 A. I was introduced to Sandy through another
19 mutual friend, Tammy Armstrong, and I know her since
20 1984, so about 30 years.

21 Q. And are you, Sandy, and Tammy Armstrong very
22 good friends?

23 A. Yes.

24 Q. How long have the three of you been good
25 friends?

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1 A. Oh, my goodness, we've known each other for
2 maybe years. And when our children were younger, I
3 guess, since 33 years or so -- since 30 years we've been
4 close, doing things together.

5 Q. Did you ever travel together?

6 A. No, Sandy and Jim, no.

7 Q. Did you know her husband, Jaime Melgar?

8 A. Yes.

9 Q. When did y'all first meet?

10 A. With Jaime, I don't remember the date, I don't
11 remember. Must have been an anniversary party or some
12 gathering for our congregation, but I don't remember the
13 contact date. It's been a long time.

14 Q. Were the Melgars spiritual people?

15 A. Very much so.

16 Q. Tell us a little bit about that?

17 A. Jim was an elder in their congregation. Sandy,
18 due to her lupus and her condition, she could not be
19 moving for many hours out preaching from door-to-door.
20 Yeah, I would say very, very spiritual.

21 Q. And we're going to talk a little more about
22 them as we go through this. How would you characterize
23 Jaime as a person?

24 A. He was also very mild -- very mild person, very
25 smart, extremely smart, very funny. Because he was from

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1 Guatemala and I'm from Mexico City, our conversations
2 pretty much stayed within the differences of the
3 languages --

4 MS. BARNETT: Objection. Non-responsive.

5 THE COURT: Sustained.

6 Q. (BY MS. SECREST) What kind of gentlemen was he?

7 A. He was very much a gentlemen. I'm thinking in
8 Spanish, I apologize. He was kind and always open the
9 doors for the ladies. So he was very courteous, very
10 aware of everything, helpful, really helpful.

11 Q. And what kind of person is Sandy Melgar?

12 A. Oh, she's very, very nice, very smart, too,
13 very kind. She will do anything for you. She's a hard
14 worker. She would never complain about anything even if
15 she is in tremendous pain or suffering, she would not
16 complain. She always looked for the good in others
17 before she does for herself.

18 Q. Are you aware if Sandy has any health issues?

19 A. Yes.

20 Q. Can you tell us a little bit about that?

21 A. I'm aware she has lupus. And my mother had
22 rheumatoid arthritis, and it's the same symptoms. And
23 she had lupus and seizures and epilepsy. And she also
24 had circulation problems. Her hands are always cold,
25 her feet are always cold. Hard for her to move. She

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1 gets stiff. She had many abrasions {sic} for her hips.
2 I went to visit her twice to see her hips -- I mean,
3 visit with her. Those were the issues I was aware of.

4 Q. Were there times she wasn't feeling very well?

5 A. Oh, yeah, many, many times. We would try to
6 make plans to get together for service, or for coffee,
7 or whatever, and she would cancel because the lupus was
8 acting up, and her joints were very inflamed, and she
9 couldn't move very well, and she would stay in bed. She
10 was extremely tired, and she would take long naps.

11 Q. Do you know if she had to take a lot of
12 medications?

13 A. I know she had to take medications, yes.

14 Q. Do you know if it's because she had rheumatoid
15 arthritis pain medications?

16 A. Yes.

17 Q. Have you seen Sandy have to take medications?

18 A. Yes.

19 Q. In fact, have you ever had to give her Tylenol,
20 Advil, or other pain medications?

21 A. Yes.

22 Q. Do you know if she was prescribed prescription
23 pain medications?

24 A. Yes.

25 Q. Have you ever seen Sandy have a seizure?

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1 A. No.

2 Q. Did you ever hear about Sandy having had
3 seizures?

4 A. Yes.

5 MS. BARNETT: Which, of course, would be
6 hearsay.

7 THE COURT: Sustained.

8 Q. (BY MS. SECREST) Have you ever been around
9 Sandy when she was complaining of having auras?

10 A. Yes.

11 Q. What is that?

12 A. Well, she was beginning to start feeling really
13 dizzy, lightheaded, and very confused. Her speech
14 patterns began to change, her voice slows down. And at
15 that time, she'll either -- if we're on the phone,
16 she'll say, I have to go, I don't feel well, I can't --
17 she can't make a sentence. And I knew that -- she said,
18 I feel it's an aura, and I hung up and called Jim, and
19 Jim will come over.

20 Q. And would that affect her memory?

21 A. Yes.

22 Q. And how so?

23 MS. BARNETT: That would call for hearsay,
24 Judge, how this witness knows.

25 THE COURT: Sustained.

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1 Q. (BY MS. SECREST) Have you personally seen Sandy
2 have any problems with forgetfulness or lack of memory?

3 A. Yes.

4 Q. How so?

5 A. For example, if we make plans for something,
6 and I will ask her, remember to bring whatever to the
7 party, she said, oh, I completely forgot, I'm so sorry.
8 I forgot, I'll go get it, I just forgot, or --

9 MS. BARNETT: Anything that calls for a
10 statement from the defendant is hearsay, and I object to
11 that.

12 THE COURT: Sustained.

13 Q. (BY MS. SECREST) Were you aware of times where
14 she would forget things?

15 A. Yes.

16 Q. Can you give us another example of times when
17 she would forget things?

18 A. Sometimes she would forget -- one time I think
19 she forgot her wallet. Another time, her jacket.
20 She'll forget -- one time she left her jacket and
21 umbrella, swimming suit.

22 Q. And when she wasn't feeling well and
23 experiencing an aura, are you aware of what she would
24 do?

25 A. No.

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1 Q. You brought up Sandy forgetting her wallet.
2 Was she the type of person to keep money in her billfold
3 or her purse?

4 A. Yeah, the only time I see her, she pay with
5 cash for small purchases. One time we went out to
6 purchase a dress for a wedding, and the dress was
7 expensive -- not that expensive -- but she paid with a
8 credit card. But the rest was done with cash for small
9 purchases.

10 Q. In the years that you've known Sandy, have you
11 ever known her to be a material person?

12 A. No.

13 Q. Why do you say that?

14 A. Well, because she never really cared to go
15 shopping for dresses or jewelry, or she never spoke
16 about doing such things. She never wear anything on her
17 person extravagant. Her house, she had a beautiful
18 home, but she never looked for extravagant things in her
19 house. Her cars were regular cars. She made sure she
20 had a car to get there, and that was it. And I say,
21 "Let's go shopping, let's go get this." And she would
22 say, not really, I really don't have the desire.

23 Q. She's really a pretty modest person?

24 A. Very much so.

25 Q. And do you love Sandy?

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1 A. I love her dearly.

2 Q. And do you trust her?

3 A. Absolutely.

4 Q. And do you find her to be a truthful person?

5 A. Yes.

6 Q. And do you have an opinion as to whether she's
7 a peaceful and non-violent person?

8 A. Oh, very much so. She is very peaceful and not
9 violent at all. We have a ministry where we encounter
10 people in the streets who can be very rough and can be
11 angry, and she was always very calm and collected,
12 quiet.

13 Q. And in fact, she's really a pretty laid-back
14 person, is she not?

15 A. Oh, yeah, she is.

16 Q. Have you ever seen her just get mad and be
17 explosive and violent or aggressive?

18 A. Never.

19 Q. Have you ever heard of that happening from
20 anybody?

21 A. No.

22 Q. Tell us a little bit about Jim and Sandy's
23 marriage?

24 A. When I was around them, he -- I will always
25 remember how much Jim would look at Sandy with admiring

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1 eyes. And I even pointed that out to my husband. It's
2 such a beautiful sight to see a man who won't take his
3 eyes off of his wife.

4 One time she told me --

5 MS. BARNETT: Objection. Hearsay.

6 THE COURT: Sustained.

7 Q. (BY MS. SECREST) Unfortunately, you're unable
8 to talk about what other people have talked about. That
9 elicits hearsay, and we've got to be respectful of the
10 rules of evidence and the Court.

11 But what were some of the things that you
12 observed between Jim and Sandy that left you with the
13 impression that they had a very loving relationship?

14 A. They will in a gathering or places they go
15 together, they will sometimes hold hands. Jim was
16 always -- well, Jim was always paying attention to her,
17 seeing if she needed anything, if she was cold or if she
18 needed -- how she felt, if she was too tired, to go
19 home. I also observed her smiling at him. She always
20 laughed at his jokes. One time she was very excited
21 about making a special dish for him. He loved her
22 cooking, her chicken soup, the rice. I was there
23 when -- one time I was there when he came home and was
24 excited about her cooking, he could smell it. He --
25 when I saw them together, he also would put his hand

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1 around her shoulder plenty of times. They looked at
2 each other, laughed at each other, they paid attention
3 to each other even though they were around other people.

4 Q. Was it very obvious to you that they enjoyed
5 spending time together?

6 A. Yes, very, yes.

7 Q. And was it very obvious to you that they were
8 very close?

9 A. Yes.

10 Q. And in fact, they were best friends, were they
11 not?

12 A. Yes.

13 MS. BARNETT: I'm going to object to the
14 speculation to these questions about what she observed
15 and her interpretation of what they felt or did or saw
16 or had.

17 THE COURT: Sustained as to the last
18 question.

19 Q. (BY MS. SECREST) Do you know if they were very
20 close?

21 A. Yes.

22 Q. Do you know if, in fact, they were best
23 friends?

24 A. Yes.

25 Q. Do you know if this has been particularly very

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1 difficult for Sandy?

2 A. Yes.

3 Q. Do you know if this has been particularly very
4 difficult for their daughter, Liz?

5 A. Oh, yeah.

6 Q. Let's talk a little bit about their
7 anniversary. And I'm so sorry for your loss.

8 A. Thank you.

9 Q. Did they particularly celebrate their
10 anniversary?

11 A. Not all the time.

12 Q. Why was that?

13 A. It depended upon how she felt.

14 MS. BARNETT: Of course that calls for
15 hearsay as to how this witness knows --

16 THE COURT: Sustained.

17 Q. (BY MS. SECREST) Do you know of anniversaries
18 where you would be at parties in celebration of Jim and
19 Sandy's marriage?

20 A. Yes.

21 MS. SECREST: Your Honor, may I approach
22 the witness?

23 THE COURT: You may.

24 MS. SECREST: Your Honor, what number are
25 we on, 13 or 14?

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1 THE COURT: Fourteen.

2 Q. (BY MS. SECREST) Rocio, I'm going to show you
3 what's marked as Defense Exhibit 14. Will you have a
4 look at this photograph?

5 A. Yes.

6 Q. Do you recognize it?

7 A. Yes.

8 Q. What is it depicting?

9 A. Anniversary -- wedding anniversary.

10 Q. In fact, is that Jim and Sandy in the
11 photograph?

12 A. Yes, they were together, and Jim is holding
13 Sandy, and they're smiling.

14 Q. Rocio, are you also in the photograph?

15 A. Yes.

16 Q. Does this fairly and accurately depict the
17 party that you were all with?

18 A. Yes.

19 MS. SECREST: Your Honor, at this time I
20 tender to opposing counsel for objection?

21 VOIR DIRE EXAMINATION

22 BY MS. BARNETT:

23 Q. Do you remember when this was, ma'am?

24 A. In November.

25 Q. November --

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1 A. I'm trying to remember. I don't remember the
2 year. It's been -- it's been a while. Probably
3 November, 2012.

4 MS. BARNETT: No objection.

5 THE COURT: Defense Exhibit No. 14 is
6 admitted, and you may publish.

7 MS. SECREST: Thank you, Your Honor.

8 Q. (BY MS. SECREST) Rocio, tell us a little bit
9 about this party in November of 2012?

10 MS. BARNETT: Judge, I'm going to object
11 to the relevance of the party in 2012.

12 THE COURT: Overruled.

13 Q. (BY MS. SECREST) Rocio, do you see the little
14 screen to your left?

15 A. Yes, I see.

16 Q. Press the bottom corner to the left.

17 Tell us what we see here in the
18 photograph, please?

19 A. Okay. It was the wedding anniversary of Jack
20 and Trish. I'll point them out; that's Trish, and
21 that's --

22 THE COURT: If you actually touch the
23 screen, you can make a mark.

24 A. And that's Jack and that's Trish, and that was
25 their wedding anniversary. And we were celebrating in

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1 the house of Tammy and Tom.

2 Q. And is that Tammy and Tom Armstrong?

3 A. Correct.

4 Q. Why are wedding anniversaries particularly
5 important to you and your friends and to Sandy and Jim?

6 A. Particularly important because we believe it's
7 a commitment for life, and it's a very important
8 commitment to each other. And we believe in a God, and
9 that he created marriage to stay forever, to be
10 together, stay forever, to love each other.
11 Anniversaries are very happy moments for us, so that's
12 something we celebrate very much. So the love of each
13 other and the love that we have for our friends.

14 Q. Do you have any doubt whatsoever that Jim and
15 Sandy loved each other very much?

16 A. No, I never doubted it.

17 Q. Did you ever know them to be physically violent
18 towards one another?

19 A. No.

20 Q. Get involved in any type of domestic abuse
21 situations?

22 A. No.

23 Q. Do you know if they were making plans for their
24 future?

25 A. Yes.

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1 Q. What were you aware of? Without saying what
2 people told you, were you aware of any plans they made?

3 MS. BARNETT: Well, that has to be hearsay
4 unless she just has ESP and knows what they're thinking.

5 THE COURT: That's sustained if it's based
6 on hearsay.

7 Q. (BY MS. SECREST) Do you know if they made any
8 plans for the future?

9 A. Yes.

10 Q. Do you know if they were looking forward to
11 their retirement?

12 A. Yes.

13 Q. Do you know if they were looking forward to
14 traveling?

15 A. Yes.

16 Q. Let's talk a bit about Sandy's health issues.
17 Was there a point to where her lupus was literally life
18 threatening?

19 A. Yes.

20 Q. Can you explain what was going on there?

21 A. She started to have very bad circulation.

22 MS. BARNETT: May I know what time frame
23 this is?

24 THE COURT: Point of clarification.

25 Q. (BY MS. SECREST) Around when was Sandy's lupus

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1 bad and life threatening, some time ago, was it not?

2 A. Yes, I believe -- I want to say she was about
3 3 -- I don't know exactly -- I don't know exactly the
4 year that she was very tired, very bad.

5 MS. BARNETT: I don't understand: It was
6 3?

7 THE WITNESS: Elizabeth, her daughter, was
8 3 years old. I can't remember the exact year.

9 MS. BARNETT: Oh, so that had to be 25
10 years ago or so. So I object to relevance.

11 THE COURT: Sustained.

12 Q. (BY MS. SECREST) Were you aware that there were
13 times when Sandy's lupus was worse than other times?

14 MS. BARNETT: Objection to leading.

15 THE COURT: Sustained.

16 Q. (BY MS. SECREST) Are you aware of times when
17 Sandy's lupus was particularly bad, and other times it
18 was particularly better than others?

19 A. During the cold season, during the winter, it
20 was -- it's hard for somebody with lupus, and she -- the
21 winters are very hard for her. Her joints hurt more.
22 Her joints hurt more with the change of weather. When
23 she was very active, when she was on -- when we were
24 together, I observed her stay away from the sun because
25 if she would get too much sun her joints start to hurt,

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1 she would start getting tired.

2 Q. Have you ever seen Sandy use a cane before?

3 A. Yes.

4 Q. And were there times, like as in this
5 photograph, that you don't see a cane?

6 A. No, you don't see a cane, but she had a cane
7 during that time.

8 Q. Like a lot of ladies, would she be embarrassed
9 by using a cane?

10 MS. BARNETT: Object to relevance.

11 THE COURT: Sustained.

12 Q. (BY MS. SECREST) Let's talk a little bit about
13 her seizure disorder. And circling back to her auras,
14 do you know if she would see a Neurologist for her
15 seizure disorders?

16 A. Yes.

17 Q. And in fact, did you take her to the doctor
18 from time to time?

19 A. Yes.

20 Q. Were you able to take Sandy to the doctor in
21 December of 2012?

22 A. Yes.

23 Q. Where did you take her?

24 A. I took her to see Dr. Granda.

25 THE COURT: Ms. Secrest, we're going to go

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1 ahead and stop for today. Somebody's got a flight in a
2 little while. We're going to break for the day. Sorry,
3 ma'am.

4 And I did receive a note early in regards
5 to a specific lunch time around the eclipse on Monday,
6 and we'll make sure that happens. So everyone have a
7 great weekend, and no talking about the case with anyone
8 or doing any independent research.

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