

Guilt Innocence Phase  
August 21, 2017

1 MR. SECREST: Defense calls Thomas  
2 Armstrong.

3 THE BAILIFF: This witness has not been  
4 sworn.

5 THOMAS ARMSTRONG,  
6 having been first duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. SECREST:

9 Q. Good afternoon, Tom. How are you?

10 A. Good.

11 Q. Where are you from?

12 A. Pennsylvania.

13 Q. How long have you lived in Houston?

14 A. Thirty-six years, I think.

15 Q. Are you married?

16 A. Yes.

17 Q. Who are you married to?

18 A. Tammy Armstrong.

19 Q. Do y'all have any children?

20 A. Two.

21 Q. How old are your kids?

22 A. Daughter is 29 -- 30, somewhere around there.

23 Son is 36.

24 Q. What do you do for a living, Thomas?

25 A. I work for myself. I do cosmetic repairs on

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1 car interiors.

2 Q. Do you know Sandra Melgar?

3 A. Yes, I do.

4 Q. How long have you known Sandy?

5 A. Probably 32, 33, 34 years.

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

7 A. Yes, I did.

8 Q. How did y'all first meet?

9 A. I think I first met Sandy, there was a friend  
10 of mine that was a Bible teacher, and Sandy had  
11 requested some information. And so he was going by to  
12 visit her, and he asked me to go along -- and he asked  
13 me to go along and visit with her. And they requested a  
14 Bible study, so my friend invited me to go with him. So  
15 that's where we met Jim and Sandy.

16 Q. Over the 30 years that you knew the Melgars,  
17 did you and your family become quite close with them?

18 A. Yeah. It started well. Jim and I hit it off.  
19 We have the same weird sense of humor. It started off  
20 there, and we did things before we had kids. And then  
21 when the kids come along, we did family things.

22 Q. What kind of things did y'all do before you had  
23 kids?

24 A. We did -- we would go out to eat and things  
25 like that. Have them over, have us over, and things

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1 with friends. We attended the same congregation as  
2 well.

3 Q. And when y'all had children, did y'all travel  
4 together as well?

5 A. Yeah. We did a lot of road trips, and some  
6 local and West Texas and Orlando and Corpus, and other  
7 things. Went on a couple of cruises.

8 Q. Let's talk a little bit about Jim. What kind  
9 of person was he?

10 A. Sorry. He was a wonderful guy. Everybody got  
11 along with him.

12 He -- he was like me, kind of mechanically  
13 inclined, but smarter than me. He would help me with  
14 things, and we just got along great. We hit it off, and  
15 he had a very good sense of humor. At least, I thought  
16 so. And, you know, wonderful guy. He would help  
17 people. And like I said, I don't think I knew anybody  
18 that would have a negative word to say about him.

19 Q. What kind of woman is Sandy?

20 A. Well, she's one of my wife and my best friends;  
21 very kind and patient and mild mannered. Always has  
22 been. And I don't know if I've ever seen her in a  
23 uncomfortable way deal with anybody. And like I said,  
24 I've been around with kids and in the car going to  
25 Orlando for hours and never got on anybody's nerves. It

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1 was good.

2 Q. Did you ever see her get angry with anybody?

3 A. No.

4 Q. Do you have an opinion whether she is a  
5 peaceable person?

6 A. Yes, absolutely.

7 Q. And how is she?

8 A. Well, she is peaceful. And I think peaceable,  
9 which means to me someone who promotes peace. So if  
10 there's a hint of conflict, I think she would be the one  
11 in a friendly relationship to be the one to make peace.

12 Q. You've seen her mediate when her daughter was a  
13 teenager, that kind of thing?

14 A. Yeah. I don't remember anything dramatic ever.  
15 But, yeah, there was nothing that I can think of with  
16 that family and ours that there was anything that would  
17 raise a flag to me that there was -- yeah, no drama that  
18 I can ever remember.

19 Q. Let's talk about Jim and Sandy as a couple.  
20 What were they like together?

21 A. Very good. I think out of all the couples we  
22 know -- and we used to get together like on  
23 anniversaries, us and another couple, and we would  
24 celebrate each other's anniversaries. But out of all  
25 the couples that we know -- that -- well, I think they

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1 were the most, like, two peas in a pod. Just so much  
2 together.

3 Q. Were they good together?

4 A. Yeah, very good.

5 Q. Describe their relationship. Was it loving,  
6 was it affectionate?

7 A. Yeah, very much so, yeah. We had them over  
8 several times. And, I mean, not overtly affectionate.  
9 A hug, and very friendly with each other.

10 Q. Did you ever know them to get into a physical  
11 argument or verbal arguments.

12 A. Absolutely not.

13 Q. Do you know if they were making plans for their  
14 future?

15 A. Yeah.

16 Q. What did you know, if anything, about their  
17 plans for retirement?

18 A. Well, I remember, it was an issue awhile back  
19 because Jim -- I think there was an issue with  
20 employment with the school district and he had got laid  
21 off, or a position was nullified or something. And so  
22 there was some concern there. But, you know, Jim was  
23 smart with real estate, and he had backup plans there.  
24 And then he got rehired back to the school district, so  
25 I think it was better than before.

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1                   We all liked the beach, too, and there was  
2 some discussion -- he and I would talk about negative  
3 effects of the coast on homes and the problems it  
4 causes. So he was thinking of buying a beach house  
5 mainly because Sandy wanted to have one.

6           Q.     Did he take pretty good care of Sandy?

7           A.     Yes.

8           Q.     Tom, are you aware of some of Sandy's health  
9 issues?

10          A.     Yes.

11          Q.     Tell us little bit about that?

12                   MS. BARNETT: Judge, that calls for  
13 hearsay.

14                   THE COURT: Sustained.

15          Q.     (BY MS. SECREST) Do you personally know about  
16 some of Sandy's health issues?

17                   MS. BARNETT: Asked and answered.

18                   THE COURT: Overruled.

19          Q.     (BY MS. SECREST) Tom, you can answer what you  
20 know about Sandy's health issues?

21                   MS. BARNETT: I would object that this has  
22 got to come in from somebody else. It's hearsay.

23                   THE COURT: Only what you personally  
24 observed, not what someone else told you, or only what  
25 you personally observed, can you testify to.

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1 THE WITNESS: Yes.

2 A. I know we were in the hospital one time when  
3 she had a hip replaced.

4 MS. BARNETT: That was 15 years ago. I  
5 object and ask that this be more towards the date that  
6 we're talking about.

7 THE COURT: And your legal objection is?

8 MS. BARNETT: Relevance.

9 THE COURT: Sustained.

10 Q. (BY MS. SECREST) Let's talk about some of  
11 Sandy's health issues that you are personally aware of  
12 closer to 2012. Were you aware she had lupus?

13 A. Yes.

14 Q. Were you aware she has a seizure disorder?

15 A. Yes.

16 Q. Were you aware that she wasn't feeling well in  
17 the fall of 2012?

18 A. Yes.

19 Q. And how did you know that?

20 A. Well, we were going to have a get-together with  
21 them, and I don't think she could come. And there was a  
22 time not -- very close to the time of the tragedy that  
23 Jim had come over to my house. I asked to borrow a  
24 piece of equipment, and he said Sandy wasn't feeling  
25 well.

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1 MS. BARNETT: Judge, that's hearsay.

2 THE COURT: Sustained.

3 Q. (BY MS. SECREST) Tom, unfortunately because of  
4 rules, you're not allowed to talk about what anyone else  
5 told you. But did you have a conversation with Jim  
6 about Sandy, without going into details of what he told  
7 you?

8 A. Yes.

9 Q. And based on that conversation, was it your  
10 understanding that she wasn't feeling well?

11 A. Yes.

12 Q. Did you see Sandy in the November time frame at  
13 a party?

14 A. Yes.

15 Q. And how did she appear at the party?

16 A. She was having what looked like pain in her  
17 hip, and she had a cane at our house. She didn't like  
18 it. We usually took pictures of everybody there,  
19 different little groups and stuff. She didn't like to  
20 have the cane in pictures, so she set it aside. She was  
21 struggling with moving a little bit.

22 Q. Was that pretty common for Sandy when her lupus  
23 was flaring up?

24 A. I just know there were times where it was more  
25 prevalent than others.



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1 Q. Had you seen Sandy use a cane on more than one  
2 occasion?

3 A. Oh, yes.

4 Q. Did she seem particularly fatigued in the fall  
5 of 2012?

6 A. Yeah, that's good word for it. I think -- I  
7 don't know what all the factors were, but seemed like  
8 pain and fatigue.

9 Q. Let's turn our attention to this tragedy. So  
10 sorry for your loss, as well.

11 Were you and your family having a party on  
12 December 24, 2012?

13 A. Yes.

14 Q. And when did you first receive word that  
15 something horrible had happened?

16 A. It was -- I don't know -- probably after  
17 11:00 o'clock. There was still a few people in the  
18 house. We were trying to get rid of them, but there  
19 were some there. And my son-in-law texted me and  
20 that's -- and he didn't tell me, he just said, what's  
21 going on with the Melgars.

22 MS. BARNETT: Object to the hearsay.

23 THE COURT: Sustained.

24 Q. (BY MS. SECREST) Based on what you learned  
25 about what had happened, what did you and your wife do?

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1           A.     We didn't know what had happened. We just  
2 received a text. And so, by that time, I don't think  
3 there was -- I don't think there was any -- there was no  
4 news on. We couldn't find any news. And so I looked  
5 online and saw some reports about their home.

6           Q.     Okay. And we're not going to talk about the  
7 reports. But did you and your wife do anything in an  
8 effort to try to find Sandy?

9           A.     Yes. First thing we did when I saw their name  
10 at home on the TV is we both tried to call and text  
11 them. And I don't know how many times we tried that,  
12 and there was no response there. And then we tried  
13 to -- and I think my wife called the hospital, and I  
14 called the police station to see if there was something  
15 or where Sandy was. We were desperately looking for  
16 her.

17          Q.     Some time later in early morning hours, did you  
18 receive phone calls, Tom?

19          A.     Yes. It woke me up. We were awake most of the  
20 night. We had gone to bed. I think we went to bed with  
21 our clothes on, just waiting. And I got a call on my  
22 cell phone, and it was Sandy.

23          Q.     And without going into what she told you, how  
24 did she sound on the phone?

25          A.     She sounded horrible; very, very weak. And I

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1 gave the phone to Tammy to talk to her.

2 Q. And what did your wife do immediately  
3 thereafter?

4 A. Left immediately and went over to their house.

5 Q. And when you got to the house, what did you do  
6 first?

7 A. I had to work my way around the news vans out  
8 front parked in the driveway. And there was a reporter  
9 there trying to ask me questions, and I didn't want to  
10 deal with it. I didn't know anything. I quickly went  
11 inside, so both of us went in immediately. It was a  
12 cold, dark house.

13 Q. Where was Sandy when you first saw her?

14 A. She was -- the front door leads to, like, a  
15 main living room area. She was on the couch there.

16 Q. And how did she appear to you? What was her  
17 demeanor?

18 A. Never seen her like that. I mean, I don't know  
19 exactly what shock looks like, but to me, that's what it  
20 was -- cold, scared, not real responsive.

21 Q. Were you and your wife concerned about her  
22 seizure disorder?

23 A. Yes -- yeah. She -- just from my personal  
24 thinking, yeah, she -- my mother had a seizure  
25 disorder.

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1 MS. BARNETT: Object to relevance.

2 Non-responsive.

3 THE COURT: Sustained.

4 A. Yes. She looked bad, and we were concerned for  
5 her going through this and where she was for that long.  
6 And my wife had told me that --

7 MS. BARNETT: Objection. Hearsay.

8 THE COURT: Sustained.

9 Q. (BY MR. SECREST) Tom, unfortunately because of  
10 the rules of evidence, we can't talk about what other  
11 people have told you.

12 A. I understand.

13 Q. Tom, did your wife go looking for Sandy's  
14 medications?

15 A. Yes, practically the first thing she did.

16 Q. Were you asked to find something for Sandy as  
17 well?

18 A. Yes, her rings, wedding ring.

19 Q. Were you able to locate them?

20 A. No.

21 Q. Did you take Sandy out of the house and back to  
22 your home?

23 A. Yes.

24 Q. When you left the house -- well, before you  
25 left the house, rather, what did you do?

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1           A.     We gathered some of her things and clothing and  
2     some other articles that she may need.  And we gathered  
3     up her little dogs that were all over the place.  And  
4     I -- I remember -- I was concerned about the house being  
5     left, so I tried to secure it, lock it up, and make sure  
6     the doors were locked.

7           Q.     Did you go to the interior garage door that  
8     leads to the outside part of the garage?

9           A.     Yes, I did.

10          Q.     Did you notice anything about that door?

11          A.     The knob was loose.  I couldn't lock it.  Yeah,  
12     I couldn't lock it.

13          Q.     When you got back to your house -- what was  
14     Sandy's condition when you got back to the house?

15                   MS. BARNETT:  Object to Sandy's condition  
16     when they got back to the house.  Not relevant.

17                   THE COURT:  Rephrase.

18          Q.     (BY MS. SECREST) What was Sandy's demeanor when  
19     she returned to your house?

20                   MS. BARNETT:  Judge, I just think this  
21     line -- I object that that isn't relevant to the case.

22                   THE COURT:  Overruled.

23          Q.     (BY MS. SECREST) You can answer that, Tom.  How  
24     was she when you got back to your house?

25          A.     Just stunned, she was just stunned, very

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1 stunned, very upset. And Tammy tried to comfort her.  
2 And I let them have the back of the house, and I stayed  
3 in the other room. Very distraught, very distraught.

4 Q. On December 26, 2012, did a couple of  
5 detectives come over to your home?

6 A. Yes.

7 Q. Did any of these detectives at any time ask to  
8 speak to you?

9 A. No.

10 Q. Did you find that surprising?

11 A. Yes, I did. And I let them in the house, and I  
12 thought it was strange they didn't even ask who I was at  
13 the door. And they came, and then they left, and they  
14 still didn't talk to me. I thought it was weird that  
15 someone comes into my house and didn't even know who I  
16 was.

17 MS. SECREST: Pass the witness.

18 MS. BARNETT: No questions.

19 THE COURT: May this witness be excused?

20 MS. SECREST: Yes.

21 THE COURT: Ladies and gentlemen, we're  
22 going to recess for the day; I know Judge said about  
23 5:30. We're in recess for today.

24 In the morning we'll start at 9:30. If  
25 y'all will please go to the jury room. Please remember