

R E P O R T E R ' S R E C O R D

VOLUME 35 OF 53 VOLUMES

TRIAL COURT CAUSE NO. 380-80047-01

6	THE STATE OF TEXAS)	IN THE DISTRICT COURT
7	VS.)	COLLIN COUNTY, TEXAS
8	IVAN ABNER CANTU)	380TH JUDICIAL DISTRICT

JURY TRIAL

COPY

19 On the 9th day of October, 2001, the
 20 following proceedings came on to be heard in the
 21 above-entitled and -numbered cause before the
 22 Honorable Charles F. Sandoval, Judge Presiding,
 23 held in McKinney, Collin County, Texas:

24 Proceedings reported by Computerized Machine
 25 Shorthand.

1 R E P O R T E R ' S R E C O R D
 2 VOLUME 35 OF 53 VOLUMES
 3
 4 TRIAL COURT CAUSE NO. 380-80047-01
 5
 6 THE STATE OF TEXAS) IN THE DISTRICT COURT
 7 VS.) COLLIN COUNTY, TEXAS
 8 IVAN ABNER CANTU) 380TH JUDICIAL DISTRICT

9
 10
 11
 12
 13 JURY TRIAL
 14
 15
 16
 17
 18

19 On the 9th day of October, 2001, the
 20 following proceedings came on to be heard in the
 21 above-entitled and -numbered cause before the
 22 Honorable Charles F. Sandoval, Judge Presiding,
 23 held in McKinney, Collin County, Texas:
 24 Proceedings reported by Computerized Machine
 25 Shorthand.

1 APPEARANCES

2 Mr. Bill Schultz
 3 SBOT NO. 17841800
 4 Ms. Gail T. Falco
 5 SBOT NO. 00787450
 6 Ms. Jami Lowry
 7 SBOT NO. 24012724
 8 Assistant Criminal District Attorneys
 9 Collin County Courthouse
 10 210 S. McDonald, Suite 324
 11 McKinney, Texas 75069
 12 Telephone: (972) 548-4323
 13 ATTORNEYS FOR THE STATE OF TEXAS

14 Mr. Matthew Goeller
 15 SBOT NO. 08059260
 16 Mr. Don N. High
 17 SBOT NO. 09605050
 18 GRUBBS, HIGH, GOELLER & ASSOCIATES
 19 400 Chisholm Place, Suite 400
 20 Plano, Texas 75075
 21 Telephone: (972) 423-4518
 22 ATTORNEYS FOR THE DEFENDANT

23 ALSO PRESENT:
 24 Mr. Roger Dickey
 25 ATTORNEY FOR AMY BOETTCHER

VOLUME 35

CHRONOLOGICAL INDEX

OCTOBER 9, 2001	Direct	Cross	Redirect	Recross	Voir Dire
STATE'S WITNESSES					
GLADYS TAMEZ	- -	4	- -	- -	- -
J. D. BURKE	23	- -	- -	- -	- -
MELANIE LIIKALA	25	47	69/78	77	- -
Examination of Mr. Roger Dickey					75
AMY BOETTCHER	80	- -	- -	- -	- -
STEPHEN MULLINS	207	212	220	- -	- -
FERNANDO LONGORIA	221/233	238	242/266	252	232
HARLON HILL	269	- -	- -	- -	- -
Court Reporter's Certificate					300

ALPHABETICAL INDEX

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
AMY BOETTCHER	80	- -	- -	- -
J. D. BURKE	23	- -	- -	- -
HARLON HILL	269	- -	- -	- -
MELANIE LIIKALA	25	47	69/78	77
FERNANDO LONGORIA	221/233	238	242/266	252 232
STEPHEN MULLINS	207	212	220	- -
GLADYS TAMEZ	- -	4	- -	- -

EXHIBIT INDEX

STATE'S NO.	DESCRIPTION	OFFERED	ADMITTED
114	Photo	200	201
115	Photo	200	201
116	Photo	200	201

PROCEEDINGS:

09:02 The COURT: All right. And after we get
 09:02 the witness, let's get the jury in.
 09:02 (Open court, defendant and jury present.)
 09:05 THE COURT: Please be seated. Ms. Tamez,
 09:05 you are still under oath, ma'am. And, Mr. Goeller, are
 09:05 you ready to proceed?
 09:05 MR. GOELLER: Thank you.
 09:05 CROSS-EXAMINATION (CONT'D)
 09:05 BY MR. GOELLER:
 09:05 Q. Ma'am, would you state your name again for the
 09:05 record.
 09:05 A. Gladys Kelly Tamez.
 09:05 Q. Ms. Tamez, you are one and the same Gladys
 09:05 Tamez that was sworn yesterday and has given testimony?
 09:05 A. Yes.
 09:05 Q. We all know that, but I have to do it for the
 09:05 court reporter. I think we left off -- you had talked
 09:05 about, after the divorce of Ivan's parents, you didn't
 09:05 have much contact with Ivan or Eric after that point,
 09:05 correct?
 09:05 A. Correct.
 09:05 Q. Did your folks go through a divorce around the
 09:05 same period of time?
 09:05 A. My parents divorced also before them, I think.

09:05 1 I believe.
 09:05 2 Q. Okay. There was -- there was a lot of
 09:06 3 struggling going on in both families, correct?
 09:06 4 A. No struggling in my family.
 09:06 5 Q. None at all?
 09:06 6 A. No.
 09:06 7 Q. Okay. Okay. How old -- how old were you when
 09:06 8 your parents divorced?
 09:06 9 A. Five. I believe five years old.
 09:06 10 Q. Okay. Now, you had mentioned that Sylvia,
 09:06 11 Ivan's mother, I guess kept -- kept the kids away from
 09:06 12 their father and your side of the family?
 09:06 13 A. Sylvia didn't keep Ivan and Eric away from
 09:06 14 their father.
 09:06 15 Q. Okay. Maybe I misunderstood you. Was there --
 09:06 16 was Sylvia -- well, who is Uncle Lico?
 09:06 17 A. He is an uncle.
 09:06 18 Q. Okay. Were many people on both sides of the
 09:06 19 family weary in trying to keep kids away from that man?
 09:07 20 A. No.
 09:07 21 Q. Not at all?
 09:07 22 A. I was around him when I was young.
 09:07 23 Q. Okay. Did the family have reservations about
 09:07 24 him?
 09:07 25 A. Not that I know of. I was young.

09:07 1 Q. Okay. Was he involved in a lot of criminal
 09:07 2 activity?
 09:07 3 A. Not that I know of.
 09:07 4 Q. Okay. Do you know he took his life?
 09:07 5 A. Yes, I do.
 09:07 6 Q. Would you say that Sylvia Cantu was -- was
 09:07 7 worried about exposing Ivan and Eric to Uncle Lico?
 09:07 8 A. No.
 09:07 9 Q. Well, it turns out he was kind of a dangerous
 09:07 10 fellow, wasn't he?
 09:08 11 A. I don't know.
 09:08 12 Q. Were you there for Thanksgiving when he pulled
 09:08 13 out a gun and --
 09:08 14 A. No.
 09:08 15 Q. You weren't there for that?
 09:08 16 A. What year are you talking about? No. I don't
 09:08 17 know what you are talking about. I think you are being
 09:08 18 misled by your defendant. I don't know what you are
 09:08 19 talking about.
 09:08 20 Q. Okay. Well, let's -- let's explore that. You
 09:08 21 know he blew his brains out, right?
 09:08 22 A. I know that he committed suicide because he was
 09:08 23 in deep depression, and he drank alcohol. And alcohol
 09:08 24 and depression don't mix.
 09:08 25 Q. And cocaine?

09:08 1 A. I don't know about anything else. I was 14, 15
 09:08 2 years old.
 09:08 3 Q. Okay. So you do know a little bit about it
 09:08 4 then?
 09:08 5 A. I learned as I was -- as I grew up and got
 09:08 6 older. I knew what happened to him. I didn't know at
 09:08 7 the time.
 09:08 8 Q. Your brother, James, kind of grew up without a
 09:08 9 father figure, correct?
 09:08 10 A. No. That's not correct.
 09:08 11 Q. Because your father turned out to be, what, a
 09:09 12 homosexual?
 09:09 13 A. Not that I know of. No, he has a wife. He's
 09:09 14 been married twice.
 09:09 15 Q. Okay. So you are denying that under oath, that
 09:09 16 your father and your brother had no relationship?
 09:09 17 A. They had a relationship.
 09:09 18 Q. Okay.
 09:09 19 A. And my brother had a father figure because he
 09:09 20 lived with his grandfather.
 09:09 21 Q. Was your brother close to the Uncle Lico?
 09:09 22 A. Maybe when -- he was his godfather, I believe,
 09:09 23 when he was a small child. You got to remember James
 09:09 24 was probably 10 years old when he passed away.
 09:09 25 Q. Was the divorce pretty -- pretty hard on your

09:09 1 brother?
 09:09 2 A. No. He was too young.
 09:10 3 Q. When did James and Ivan start to become very
 09:10 4 close?
 09:10 5 A. After they graduated high school.
 09:10 6 Q. Would you say that their -- their lives were
 09:10 7 somewhat similar up to that point? Divorce early on,
 09:10 8 growing up pretty much without their father, maybe
 09:10 9 visitations or whatever? Then after divorce, or after
 09:10 10 high school, they came back into each other's lives on a
 09:10 11 more frequent basis?
 09:10 12 A. Yes, that's correct.
 09:10 13 Q. Okay.
 09:10 14 A. It's correct that they came back into each
 09:10 15 other's lives after high school, but neither one of them
 09:10 16 grew up without a father.
 09:10 17 Q. Okay. Well, James certainly spent more time
 09:11 18 with Lico than he did with his own father?
 09:11 19 A. That's not correct.
 09:11 20 Q. Okay. He spent a lot of time with Lico?
 09:11 21 A. I don't think so. Only when he would visit
 09:11 22 him.
 09:11 23 Q. Okay. Did the family know that there was a lot
 09:11 24 of substance abuse going on with Lico?
 09:11 25 A. No. This is the first I hear of it.

09:11 1 Q. Okay. You only knew about the alcohol and the
09:11 2 depression?
09:11 3 A. Correct.
09:11 4 Q. Okay. Tell me after high school, what did they
09:11 5 start doing together?
09:12 6 A. I wasn't around them. I don't know. They
09:12 7 worked together.
09:12 8 Q. Okay. Where were you living at the time?
09:12 9 A. I lived in Mesquite. I was married.
09:12 10 Q. Where was your brother living?
09:12 11 A. He lived with my grandparents. Same house he
09:12 12 lived in since he was two or three years old.
09:12 13 Q. Was that significant for you that, you know,
09:12 14 your brother and Ivan, the cousins, are spending a lot
09:12 15 more time with each other? Did you ever think about
09:12 16 that or --
09:12 17 A. No. But maybe Sylvia, Ivan's mother, had asked
09:12 18 James to call Ivan to maybe get him a job or something.
09:12 19 Q. Okay. Does he think it was more employment
09:12 20 oriented?
09:12 21 A. Yes.
09:12 22 Q. Money oriented?
09:12 23 A. Employment.
09:12 24 Q. Okay. Which means money, right?
09:12 25 A. Right, correct.

10

09:12 1 Q. Yeah. So was it more of a, say, a business
09:12 2 relationship between James and Ivan, or were they kind
09:13 3 of cousins getting -- getting to know each other again?
09:13 4 A. They were cousins.
09:13 5 Q. Do you think they -- they had a lot in common,
09:13 6 James and Ivan, by that point in their lives?
09:13 7 A. No, not that I know of. I don't think so.
09:13 8 Other than being the same age, both being male. I --
09:13 9 you know, each having one sibling. I don't know really
09:13 10 what else they could have in common.
09:14 11 Q. Do you recall -- I think I had asked you, did
09:14 12 you know James's central core of friends, Anthony
09:14 13 Fonseca, and Chris Head and --
09:14 14 A. I heard their names only. I have met Anthony
09:14 15 Fonseca. I've seen him a couple of times before. Chris
09:14 16 Head, I met him at the funeral. I met him as, I guess,
09:14 17 when he was younger, but I hadn't seen him in a very
09:14 18 long time.
09:14 19 Q. When your brother was in high school, did
09:14 20 you -- were you generally familiar with his core of
09:14 21 friends?
09:14 22 A. No. We were only in the same high school for
09:14 23 one year.
09:14 24 Q. Okay.
09:14 25 A. I was older than he was.

09:14 1 Q. Were you living in the same home?
09:14 2 A. I lived in the same home until I was married,
09:15 3 yes.
09:15 4 Q. What age did you leave?
09:15 5 A. 19.
09:15 6 Q. Did you used to go to Lake Lewisville a lot
09:15 7 with these people?
09:15 8 A. To where?
09:15 9 Q. Lake Lewisville. There was a house over there
09:15 10 or a home?
09:15 11 A. No.
09:15 12 Q. You have never been over there?
09:15 13 A. No. I didn't hang around those people or go
09:15 14 anywhere with them.
09:15 15 Q. Why is that?
09:15 16 A. I didn't know them. They weren't my age. I
09:15 17 had my own friends.
09:15 18 Q. Didn't your brother have a boat?
09:15 19 A. My father owned a boat.
09:15 20 Q. Did you not go to the lake with those people?
09:15 21 A. We went to Lake Grapevine.
09:15 22 Q. Lake Grapevine? Tell me about that. Who would
09:15 23 be there?
09:16 24 A. Sylvia would be there. I do think that Ivan
09:16 25 would go. My father, me, my brother, and my mother.

12

09:16 1 Q. You never went with -- when was this? When was
09:16 2 this period of time?
09:16 3 A. Again, when we were young.
09:16 4 Q. Before --
09:16 5 A. Under 10 years old.
09:16 6 Q. Before the divorce?
09:16 7 A. No. They were divorced, but my parents were
09:16 8 still friends. They still spoke. They still saw each
09:16 9 other.
09:16 10 Q. Do you recall when -- when James was busted or
09:16 11 arrested for some kind of stealing campers or something
09:16 12 like that?
09:16 13 A. Do I what?
09:16 14 Q. Do you remember when your brother was arrested
09:16 15 for theft of some type of campers or vehicles, back in
09:16 16 Mesquite?
09:16 17 A. I do remember.
09:16 18 Q. Did you -- do you know who he was involved with
09:16 19 in those?
09:16 20 A. No.
09:16 21 Q. That wasn't a concern for the family or a topic
09:16 22 of conversation?
09:16 23 A. No. They didn't talk about it.
09:17 24 Q. Okay. It was like a taboo subject?
09:17 25 A. I just know he was arrested for a camper. He

09:17 1 was very young, under probably 16 years old. Made a
 09:17 2 mistake.
 09:17 3 Q. And you were -- you were how old then when he
 09:17 4 was arrested for that?
 09:17 5 A. Probably about 19.
 09:17 6 Q. Okay. So you were an adult. Did you and the
 09:17 7 family get together and talk about, you know, this is
 09:17 8 not a good sign, or we need to find out who his running
 09:17 9 friends are, and what's all that about?
 09:17 10 A. I was married and didn't live in the home. So
 09:17 11 I wasn't aware of the conversation.
 09:17 12 Q. Okay. You and your parents didn't kind of
 09:17 13 crisis manage that situation or discuss it? Or I guess
 09:17 14 it was just taboo just?
 09:17 15 A. My mother took care of it, I guess. Her and my
 09:18 16 grandfather.
 09:18 17 Q. How did you receive Ivan when James and him
 09:18 18 kind of, not renewed, but started seeing each other on a
 09:18 19 more frequent basis? Maybe there was some type of
 09:18 20 financial arrangement or jobs or what did you think
 09:18 21 about all that?
 09:18 22 A. I didn't have anything to do with it. I -- if
 09:18 23 I saw Ivan, I said "hello" to him. "How are you doing?"
 09:18 24 And that's -- that's it.
 09:18 25 Q. Did you like Ivan?

14

09:18 1 A. I didn't dislike him. I mean, I didn't like --
 09:18 2 I mean, I liked him. I had no reason to dislike him.
 09:18 3 Q. Yeah. That's what I was getting at. You seem
 09:18 4 to -- I mean, during high school and you talked about I
 09:19 5 think it was Christmas of 1999, you said -- you told the
 09:19 6 jury, you walked in and said to yourself, you know, why
 09:19 7 is he here? What's he doing here? I'm trying to figure
 09:19 8 out, how come you didn't like Ivan?
 09:19 9 A. It was Christmas '98. I didn't know Ivan. I
 09:19 10 don't know Ivan. So if you don't know someone, you
 09:19 11 really can't like someone.
 09:19 12 Q. Yeah.
 09:19 13 A. He was a cousin.
 09:19 14 Q. You've known him since you were about, what, 10
 09:19 15 years old?
 09:19 16 A. I'm sorry, what?
 09:19 17 Q. You've known him since you can remember?
 09:19 18 A. I've known him all my life.
 09:19 19 Q. And you knew he was your cousin?
 09:19 20 A. Right.
 09:19 21 Q. And you kept in some contact with him. I mean,
 09:19 22 you testified that even after the divorce you would be
 09:19 23 on a boat, and you'd see him from time to time. And you
 09:19 24 testified and told this jury that you had no reason to
 09:19 25 dislike him. But then in 1998, at Christmas, you told

09:19 1 the jury: What's he doing here?
 09:20 2 A. I was surprised that he was there because --
 09:20 3 Q. You didn't know him, right?
 09:20 4 A. I didn't really know him, and he was not really
 09:20 5 a part of our family.
 09:20 6 Q. Okay. Okay. How much contact have you had
 09:20 7 with the Kitchen family or Amy Kitchen's family?
 09:20 8 A. From what time period?
 09:20 9 Q. After November 4th, last year.
 09:20 10 A. We spoke for the first -- I talked -- we talked
 09:20 11 with them and kept in contact with them the first couple
 09:20 12 of months after this happened.
 09:20 13 Q. Has there been quite a falling out between
 09:20 14 those two families?
 09:20 15 A. No.
 09:20 16 Q. Okay. You all are just happy with each other?
 09:21 17 A. We're not happy with each other. There's no
 09:21 18 falling out. There was some discussions about some
 09:21 19 people getting some things from James and Amy's house,
 09:21 20 but that's it.
 09:21 21 Q. Tell me about that.
 09:21 22 MS. FALCO: Your Honor, I'm going to
 09:21 23 object to the relevance at this point. He's doing
 09:21 24 nothing other than slandering the victims and what
 09:21 25 relevance it has at this point.

16

09:21 1 THE COURT: Tell me the relevance.
 09:21 2 MR. GOELLER: This may get into removal of
 09:21 3 some of the financial records, Your Honor.
 09:21 4 THE COURT: Okay.
 09:21 5 MR. GOELLER: May tie into that witness
 09:21 6 yesterday.
 09:21 7 THE COURT: Let's go to that.
 09:21 8 Q. (BY MR. GOELLER) How well did you know your
 09:21 9 brother's new business partner, Frank Perez, I think it
 09:21 10 was?
 09:21 11 A. Didn't know him. I met him at the funeral.
 09:21 12 Q. Okay. Did he remove some documents out of your
 09:21 13 brother's house?
 09:21 14 A. I wasn't at my brother's house.
 09:21 15 Q. After. I mean after.
 09:21 16 A. I haven't seen Frank Perez at my brother's
 09:22 17 house. I only went to my brother's house after the
 09:22 18 funeral, and I never saw Frank there before.
 09:22 19 Q. Was that -- do you know about him removing
 09:22 20 documents from the home?
 09:22 21 A. No.
 09:22 22 Q. Okay. So that's not -- Frank Perez and some
 09:22 23 financial documents or receipts or -- that's not what
 09:22 24 you are talking about, removal of things from the home?
 09:22 25 A. I don't know what Frank removed. He lived

09:22 1 there. I imagine he got his things that belonged to
 09:22 2 him.
 09:22 3 Q. Okay. Who told you that?
 09:22 4 A. I'm saying he lived there. So if he removed
 09:22 5 something, it was probably his belongings.
 09:22 6 Q. Okay.
 09:22 7 A. But I haven't been in the same house with him
 09:22 8 before.
 09:22 9 Q. Okay. And there's been no discussions about
 09:22 10 him removing documents?
 09:22 11 A. To me? No.
 09:22 12 Q. Okay. Have you been part of any or heard
 09:22 13 people talking about that?
 09:22 14 A. No.
 09:22 15 Q. Okay. I'm trying to figure out, when you said
 09:23 16 there were discussions about things getting removed from
 09:23 17 the home, what are you referring to?
 09:23 18 A. No. I didn't say there were discussions.
 09:23 19 MS. FALCO: I'm going to object. If he
 09:23 20 just wants to talk about how this family was torn apart
 09:23 21 by this crime and slandering the victims.
 09:23 22 MR. GOELLER: I'm not slandering the
 09:23 23 victims, Judge.
 09:23 24 THE COURT: Yeah. I suppose the objection
 09:23 25 is relevance.

09:23 1 MS. FALCO: Relevance, Your Honor.
 09:23 2 THE COURT: Tell me the relevance.
 09:23 3 MR. GOELLER: I don't -- there's been
 09:23 4 testimony that there was contraband. I'm trying to
 09:23 5 figure out if that's what was removed, or if there was
 09:23 6 discussions about that.
 09:23 7 THE COURT: Okay. Let's go to that.
 09:23 8 Q. (BY MR. GOELLER) What specific things are you
 09:23 9 talking about?
 09:23 10 A. I assume, if you are going to live with
 09:23 11 someone, you will remove your clothes that you have with
 09:23 12 you. Maybe his shaving cream, his hair brush, things
 09:23 13 like that. I don't know. I wasn't in the same house
 09:23 14 with this person.
 09:23 15 Q. I'm talking about the things you mentioned, or
 09:23 16 I'm trying to find out what those things are. You said
 09:23 17 there were discussions about things being removed out of
 09:24 18 the home. What -- what things?
 09:24 19 A. Are you talking about the Kitchens?
 09:24 20 Q. Yeah.
 09:24 21 A. We were there. So certain people got a
 09:24 22 bedroom. Certain people got a living room. That kind
 09:24 23 of discussions.
 09:24 24 Q. Okay.
 09:24 25 A. The tanning bed went to Amy's mother. Those

09:24 1 are the discussions I'm talking about.
 09:24 2 Q. Did you know anything about a safe that was
 09:24 3 built into the floor in that home?
 09:24 4 A. I only heard about it afterwards.
 09:24 5 Q. Okay. And tell me when you heard about that.
 09:24 6 A. I heard about it when we were wondering why he
 09:24 7 committed this crime. And my mother said because they
 09:24 8 had a safe and had money in the safe, and Ivan knew
 09:24 9 that.
 09:24 10 Q. Did you know about the safe?
 09:24 11 A. No. I didn't know until afterwards.
 09:24 12 Q. Did you see the safe?
 09:24 13 A. I've never seen it. I didn't know about it.
 09:24 14 Q. Where was it supposed to be?
 09:24 15 A. I don't know because I've never seen it before.
 09:25 16 Q. Okay. Where were the people talking about it?
 09:25 17 A. My mother thought he kept it in his master
 09:25 18 bedroom in the closet.
 09:25 19 Q. Okay. Built into the slab?
 09:25 20 A. She was acting like it was a small box, a
 09:25 21 fireproof box.
 09:25 22 Q. You never heard about a -- in the slab, hidden,
 09:25 23 secure?
 09:25 24 A. No.
 09:25 25 Q. Okay. Was there discussions of large amounts

09:25 1 of cash and other things that were kept in that safe
 09:25 2 that nobody would ever be able to find?
 09:25 3 A. I only heard about it after the crime.
 09:25 4 Q. Okay. Do you know after the -- the funeral,
 09:25 5 the -- we have the house there. Did the family go into
 09:25 6 the safe? Was anything done? Were the police called,
 09:25 7 anything like that?
 09:25 8 A. We've never seen the safe. We believe the safe
 09:25 9 was stolen.
 09:25 10 Q. Okay. Out of the slab?
 09:25 11 A. Correct.
 09:25 12 Q. Okay.
 09:25 13 A. Or wherever it was kept. I imagine that's why
 09:25 14 this happened.
 09:25 15 Q. Do you -- well, what happened with the house?
 09:25 16 A. The house went to foreclosure. It didn't have
 09:25 17 any kind of insurance on it. No one could afford it.
 09:25 18 Everyone had their own home already.
 09:25 19 Q. I'm talking about the Gibbons Drive house?
 09:25 20 A. The Gibbons Drive house. Someone else lives
 09:25 21 there now.
 09:25 22 Q. Okay. How long had your brother lived in that
 09:25 23 house?
 09:25 24 A. He moved into the house in August of 1998.
 09:25 25 Q. Okay. Did --

09:26 1 A. So they lived there two years.
 09:26 2 Q. Did anybody from the family attempt to sell it
 09:26 3 or try to get the equity out of it?
 09:26 4 A. No.
 09:26 5 Q. Or just --
 09:26 6 A. They just got their personal belongings out and
 09:26 7 left it.
 09:26 8 Q. Who made that decision?
 09:27 9 A. My mother.
 09:27 10 Q. Okay. Since you've received your subpoena to
 09:28 11 come down here and testify and spoke with -- I imagine
 09:28 12 you spoke with the prosecutors prior to yesterday,
 09:28 13 correct?
 09:28 14 A. Prior to yesterday? I had spoke to them, yes.
 09:28 15 Q. Yeah. How many times do you think, ma'am?
 09:28 16 A. Overall?
 09:28 17 Q. Yeah.
 09:28 18 A. In the last 11 months?
 09:28 19 Q. Yeah.
 09:28 20 A. Six.
 09:28 21 Q. Okay. Six times with the prosecutors. How
 09:28 22 many times with the Dallas Police Department?
 09:28 23 A. I've only talked to them the weekend that this
 09:28 24 happened. Over the phone probably about six times.
 09:28 25 Q. Okay. So you've had about 12 conversations

09:28 1 with law enforcement in general?
 09:28 2 A. Correct.
 09:28 3 Q. Okay. And obviously you've spoken about this
 09:28 4 with members of the family and all that kind of thing?
 09:28 5 A. We spoke about this for the past 11 months,
 09:28 6 yes, every day.
 09:29 7 Q. And your position here today, and I'm not
 09:29 8 trying to joust with you. I just want to try to get an
 09:29 9 understanding of your frame of reference for all of
 09:29 10 this. Your position here today is your late brother was
 09:29 11 a -- was nothing but a law abiding, honest, outstanding
 09:29 12 businessman?
 09:29 13 A. Yes, as far as I know.
 09:29 14 Q. Thank you, ma'am. That's all I have.
 09:29 15 THE COURT: All right.
 09:29 16 MS. FALCO: No further questions, Your
 09:29 17 Honor.
 09:29 18 THE COURT: You may step down.
 09:29 19 (Witness excused.)
 09:29 20 THE COURT: Call your next witness,
 09:29 21 please.
 09:29 22 MS. LOWRY: Your Honor, the State of Texas
 09:29 23 calls Officer J. D. Burke.
 09:30 24 THE COURT: Has he been sworn, or do you
 09:30 25 remember?

09:30 1 MS. LOWRY: I believe he has.
 09:30 2 THE COURT: Thank you. Raise your right
 09:30 3 hand, please.
 09:30 4 J. D. BURKE,
 09:30 5 being first duly sworn, testified as follows:
 09:30 6 THE COURT: Please be seated right here.
 09:31 7 Ms. Lowry?
 09:31 8 MS. LOWRY: Yes.
 09:31 9 DIRECT EXAMINATION
 09:31 10 BY MS. LOWRY:
 09:31 11 Q. Please introduce yourself to the jury.
 09:31 12 A. My name is John David Burke. I'm a Dallas
 09:31 13 police officer, Dallas Police Department.
 09:31 14 Q. How long have you been employed by the Dallas
 09:31 15 Police Department?
 09:31 16 A. Approximately 14 years.
 09:31 17 Q. What is your current job assignment?
 09:31 18 A. My job assignment is a patrol, FTO in North
 09:31 19 Central Substation.
 09:31 20 Q. How long have you been employed in that
 09:31 21 capacity or assigned in that capacity?
 09:31 22 A. Up at North Central for the past five years.
 09:31 23 Q. I want to take you specifically back to
 09:31 24 November of 2000, specifically to the arrest of Ivan
 09:31 25 Abner Cantu. Can you tell me the specific date and time

09:31 1 that he was arrested?
 09:31 2 A. I believe it was November the 8th, and I think
 09:31 3 it was around 12 o'clock.
 09:31 4 Q. Was that 12 o'clock noon or midnight?
 09:31 5 A. Yeah. 12 noon, I'm sorry.
 09:32 6 Q. And do you see Mr. Cantu in the courtroom
 09:32 7 today?
 09:32 8 A. Yes, I do.
 09:32 9 Q. Can you identify him by where he's sitting and
 09:32 10 what he's wearing?
 09:32 11 A. Yes. He's the young gentleman over here in the
 09:32 12 gray sweater.
 09:32 13 MS. LOWRY: May the record reflect he's
 09:32 14 identified the defendant.
 09:32 15 THE COURT: All right.
 09:32 16 MS. LOWRY: Pass the witness.
 09:32 17 MR. GOELLER: No questions, Your Honor.
 09:32 18 THE COURT: You may step down. Call your
 09:32 19 next witness.
 09:32 20 MS. LOWRY: Your Honor, may this officer
 09:32 21 be excused?
 09:32 22 MR. GOELLER: Yes, Your Honor.
 09:32 23 THE COURT: You are finally excused.
 09:32 24 THE WITNESS: Thank you, sir.
 09:32 25 (Witness excused.)

09:32 1 MS. LOWRY: Your Honor, the State of Texas
 09:32 2 calls Melanie Liikala.
 09:33 3 THE COURT: Is the name spelled correctly
 09:33 4 on the list?
 09:33 5 MS. LOWRY: I don't know.
 09:33 6 THE COURT: Has she been sworn?
 09:33 7 MS. LOWRY: No, Your Honor, she has not.
 09:38 8 THE COURT: Raise your right hand, please.
 09:38 9 MELANIE LIIKALA,
 09:38 10 being first duly sworn, testified as follows:
 09:38 11 THE COURT: Put your hand down and have a
 09:38 12 seat right here. Ms. Lowry?
 09:38 13 DIRECT EXAMINATION
 09:38 14 BY MS. LOWRY:
 09:38 15 Q. Please introduce yourself to the jury and spell
 09:38 16 your last name for the record.
 09:38 17 A. Melanie Liikala, L-I-I-K-A-L-A.
 09:38 18 Q. And Ms. Liikala, how are you employed?
 09:39 19 A. I'm a legal assistant facilities coordinator
 09:39 20 for Markone Wireless.
 09:39 21 Q. Now, I'm going to ask you just to speak up a
 09:39 22 little bit. This room kind of drowns out your voice a
 09:39 23 little bit.
 09:39 24 A. I just ran down the hall.
 09:39 25 Q. Just remember that the court reporter is taking

09:39 1 down everything, and we need everything loud enough to
 09:39 2 where she can hear it and the jury can hear it. Okay?
 09:39 3 A. Yes, ma'am.
 09:39 4 Q. How long have you been employed in that
 09:39 5 capacity?
 09:39 6 A. About two and a half, three weeks.
 09:39 7 Q. Where did you work before that?
 09:39 8 A. I worked for a company called Unistar Financial
 09:39 9 Service Corp.
 09:39 10 Q. What city do you live in?
 09:39 11 A. Euless.
 09:39 12 Q. How long have you lived in Euless?
 09:39 13 A. Since June.
 09:39 14 Q. And are you married?
 09:39 15 A. Yes.
 09:39 16 Q. And what's your husband's name?
 09:39 17 A. Craig Liikala.
 09:39 18 Q. How long have you been married?
 09:39 19 A. It will be two years in October.
 09:39 20 Q. Ms. Liikala, I want to take you back to the end
 09:39 21 part of last year of 2000, around Labor Day weekend?
 09:39 22 A. Uh-huh.
 09:39 23 Q. Do you know Amy Boettcher?
 09:39 24 A. Yes, ma'am.
 09:39 25 Q. And when did you -- when did you meet her?

09:40 1 A. I met her Labor Day weekend.
 09:40 2 Q. Do you also know Ivan Cantu?
 09:40 3 A. Yes, I do.
 09:40 4 Q. When did you meet him?
 09:40 5 A. Labor Day weekend.
 09:40 6 Q. Where -- where did you meet him?
 09:40 7 A. Lake Lewisville.
 09:40 8 Q. And had you all gone out there just to spend
 09:40 9 the weekend?
 09:40 10 A. I went -- we went for my birthday, actually,
 09:40 11 with some friends of my husband's from his office. And
 09:40 12 he was there with some friends of his also, and we ran
 09:40 13 into them out at the lake. Some mutual friends worked
 09:40 14 with Craig.
 09:40 15 Q. Do you know Brad Bobbitt?
 09:40 16 A. Met him that weekend also.
 09:40 17 Q. And is that how y'all kind of met Ivan Cantu
 09:40 18 and --
 09:40 19 A. Yeah.
 09:40 20 Q. -- Amy Boettcher is through Brad?
 09:40 21 A. Yes.
 09:40 22 Q. How did you meet Brad?
 09:40 23 A. Brad was a friend of one of Craig's coworkers,
 09:40 24 and so that's how we met.
 09:40 25 Q. Did you have a chance to get to know Amy and

09:40 1 Ivan on that weekend?
 09:40 2 A. No, not really. I just met them briefly that
 09:40 3 weekend. I mean, we exchanged greetings and small talk
 09:41 4 mainly, but...
 09:41 5 Q. When is the next time that you saw either one
 09:41 6 of them?
 09:41 7 A. The Dragons Ball Halloween party.
 09:41 8 Q. Can you say that again.
 09:41 9 A. The Dragons Ball Halloween party.
 09:41 10 Q. And where was that Halloween party?
 09:41 11 A. Well, I saw them at a friend of ours' house.
 09:41 12 We met there and then we went to the party, and that was
 09:41 13 at some big warehouse place in Dallas.
 09:41 14 Q. Who all went to this party?
 09:41 15 A. Our group was my husband and myself, John and
 09:41 16 his girlfriend, Valerie. Kathy, who is my husband's
 09:41 17 boss, and her boyfriend, Brent, and some other people, a
 09:41 18 couple other couples that I hadn't met before. And then
 09:41 19 Ivan and Amy were there also.
 09:41 20 Q. Did you all invite Ivan and Amy to go there
 09:41 21 with you, or had someone else invited them?
 09:41 22 A. Someone else invited them. They were there
 09:41 23 when we got to Kathy's house.
 09:42 24 Q. At the Halloween party -- well, I guess, let me
 09:42 25 take -- on Labor Day weekend, were Ivan and Amy

09:42 1 Boettcher a couple?
 09:42 2 A. No. They were just friends.
 09:42 3 Q. Do you know when they became a couple?
 09:42 4 A. Sometime between then and the Halloween party
 09:42 5 because the Halloween party -- that Amy told me that
 09:42 6 they had gotten engaged.
 09:42 7 Q. And at that time did she have an engagement
 09:42 8 ring or --
 09:42 9 A. No.
 09:42 10 Q. Did she describe what the situation was? Just
 09:42 11 maybe that they had talked about getting engaged?
 09:42 12 A. Well, she said they were engaged, and they were
 09:42 13 going to buy a ring together soon.
 09:42 14 Q. Did you talk to Ivan about this at all?
 09:42 15 A. I think he was sitting there, but I mean, it's
 09:42 16 kind of girl talk, so...
 09:42 17 Q. At the Halloween party, did -- did you and your
 09:42 18 husband visit with the defendant?
 09:42 19 A. Yeah.
 09:42 20 Q. And what were -- what was the main topic of
 09:42 21 your conversations?
 09:42 22 A. Just casual conversation for the most part.
 09:42 23 Ivan gave me a business card for -- he was working for a
 09:42 24 mortgage company. And we were looking to buy a house.
 09:42 25 And so, you know, he told us that he could help us out

30

09:43 1 with that and gave us his business card, and we talked
 09:43 2 about that for a little bit.
 09:43 3 Q. Is it safe to say, as far as this Halloween
 09:43 4 party goes, that y'all were using drugs?
 09:43 5 A. Yeah, I would say.
 09:43 6 Q. Was Amy Boettcher using drugs?
 09:43 7 A. I'm assuming so, yeah.
 09:43 8 Q. The other friends of your husband, the
 09:43 9 apartment where you met, were those people using drugs?
 09:43 10 A. Pretty much everybody was recreationally using
 09:43 11 drugs, yeah.
 09:43 12 Q. In your discussions about getting a house, I
 09:43 13 guess, what was the next time that you were going to see
 09:43 14 either the defendant or Amy Boettcher in regards to
 09:43 15 that?
 09:43 16 A. We didn't actually set a date on that evening.
 09:43 17 I guess probably the following Thursday we ended up
 09:43 18 getting together and having dinner. We kind of the four
 09:43 19 of us, my husband and I and Ivan and Amy went and had
 09:43 20 dinner at Mi Cocina and went back to their house, had
 09:43 21 some glasses of wine, and just had a conversation and
 09:44 22 talked about it.
 09:44 23 And he got on his computer and put some
 09:44 24 numbers in. And you know told us how much we could
 09:44 25 qualify for based on our income and stuff like that.

09:44 1 And then he mentioned that the next night perhaps I
 09:44 2 should bring over some of my W-2s and tax information
 09:44 3 and stuff like that.
 09:44 4 Q. To kind of put a more solid time frame on this,
 09:44 5 when you say the following Thursday, do you recall what
 09:44 6 date that was?
 09:44 7 A. It was the -- November 2nd?
 09:44 8 Q. And that's of the year 2000?
 09:44 9 A. Yeah, uh-huh.
 09:44 10 Q. And this is the night that you-all went to Mi
 09:44 11 Cocina?
 09:44 12 A. Uh-huh.
 09:44 13 Q. How were Amy and the defendant acting toward
 09:44 14 each other at that time?
 09:44 15 A. Very affectionate. Very lovey-dovey and in
 09:44 16 love, like any engaged kids.
 09:44 17 Q. Did you feel like or could you tell by the way
 09:44 18 they were acting that maybe one was more affectionate
 09:44 19 towards the other than the other one was? Does that
 09:45 20 make sense?
 09:45 21 MR. HIGH: I'm going to have to object,
 09:45 22 Your Honor. That calls for pure speculation. It's just
 09:45 23 pure speculation on her part.
 09:45 24 THE COURT: I'll overrule the objection.
 09:45 25 You can.

32

09:45 1 Q. (BY MS. LOWRY) Just by the way that they were
 09:45 2 acting, watching them, did it look like maybe one was
 09:45 3 more happy than the other?
 09:45 4 A. Not really. I mean, at the time they seemed
 09:45 5 both pretty happy about the whole idea, you know. I
 09:45 6 mean, they looked pretty smitten with each other.
 09:45 7 Q. Did it seem like to you that maybe this was all
 09:45 8 Amy's idea to get engaged, and the defendant didn't
 09:45 9 really have --
 09:45 10 A. No. Absolutely not, no.
 09:45 11 Q. After you left Mi Cocina, did you all go back
 09:45 12 to the apartment where the defendant and Amy Boettcher
 09:45 13 lived?
 09:45 14 A. Yes.
 09:45 15 Q. And did you talk more business there?
 09:45 16 A. Uh-huh.
 09:45 17 Q. Were you using drugs that night?
 09:46 18 A. No.
 09:46 19 MR. HIGH: I'm sorry. I didn't hear the
 09:46 20 answer.
 09:46 21 THE WITNESS: No.
 09:46 22 MR. HIGH: No?
 09:46 23 Q. (BY MS. LOWRY) Was Amy Boettcher using drugs
 09:46 24 that night?
 09:46 25 A. To my knowledge, nobody was. I mean, I know I

09:46 1 wasn't.
 09:46 2 Q. Approximately what time did you leave on
 09:46 3 Thursday night, November 2nd?
 09:46 4 A. I want to guess maybe probably about 10:30 or
 09:46 5 11:00.
 09:46 6 Q. And when you left how were they acting?
 09:46 7 A. Just as sweet as they could be.
 09:46 8 Q. Had you all made any plans for the following
 09:46 9 day to get together?
 09:46 10 A. They had invited us to go out with them Friday
 09:46 11 evening to a club and, you know, hang out and stuff.
 09:46 12 And then I was going to come over and also drop off the
 09:46 13 tax papers before we went out.
 09:46 14 Q. The next day, which would have been Friday,
 09:46 15 November 3rd, 2000, did you talk to Amy Boettcher on the
 09:46 16 phone that day?
 09:46 17 A. Uh-huh.
 09:46 18 Q. And was she at the apartment, or do you know
 09:47 19 where she was?
 09:47 20 A. I believe she was at the apartment. Every time
 09:47 21 I talked to her that's where she was usually.
 09:47 22 Q. Do you recall about what time that was?
 09:47 23 A. Well, I talked to her a couple of times during
 09:47 24 the day, and then probably in the evening before I --
 09:47 25 excuse me, before I went over there, so...

09:47 1 Q. Had her demeanor changed from the night before?
 09:47 2 A. On the phone or once I arrived?
 09:47 3 Q. On the phone.
 09:47 4 A. Yeah. She was a little bit reserved.
 09:47 5 Q. Do you recall what time you got to their
 09:47 6 apartment on Friday?
 09:47 7 A. About eight or eight o'clock or so. It was
 09:47 8 dark. I know that. So it was probably about eight, but
 09:47 9 it was early dark, so...
 09:47 10 Q. What was Amy Boettcher's demeanor when you got
 09:47 11 there?
 09:47 12 A. Well, Amy was in the shower when I got there,
 09:47 13 or they were both in the shower when I got there. And
 09:47 14 Ivan greeted me at the door in a towel and then went and
 09:47 15 changed into a pair of shorts. I didn't talk to Amy for
 09:47 16 about 15 minutes, but when I did, she was -- I would
 09:48 17 categorize her as very nervous.
 09:48 18 Q. Did that seem strange to you?
 09:48 19 A. Yeah. I mean, she was real jumpy, and she was
 09:48 20 shaken. At first I thought maybe she was just cold from
 09:48 21 getting out of the shower, but she didn't stop, so...
 09:48 22 Q. And how different is that from the way she was
 09:48 23 acting the night before?
 09:48 24 A. The night before she was bouncing off the
 09:48 25 walls, just as happy as she could be. She had pictures

09:48 1 of a catalog, looking at engagement rings, and she was
 09:48 2 totally different than the night before.
 09:48 3 Q. How was the defendant acting?
 09:48 4 A. He seemed to be in a really, really good mood.
 09:48 5 Q. Was he acting basically the same way that he
 09:48 6 had been the night before?
 09:48 7 A. He was probably a little bit more exuberant
 09:48 8 than he was the night before, actually. It seemed like
 09:48 9 he was really looking forward to going out.
 09:49 10 Q. At some time during your -- or while you were
 09:49 11 there, were you going to leave to go get cigarettes?
 09:49 12 A. We had talked about it. We were all out of
 09:49 13 cigarettes, and it was kind of actually a debate as to
 09:49 14 who was going to go.
 09:49 15 Q. At this time were you using drugs?
 09:49 16 A. No.
 09:49 17 Q. When you went over there?
 09:49 18 A. Huh-uh.
 09:49 19 Q. Did you use drugs once you got there?
 09:49 20 A. No.
 09:49 21 Q. Was Amy Boettcher using drugs when you got
 09:49 22 there?
 09:49 23 A. No.
 09:49 24 Q. When you were discussing who was going to go
 09:49 25 get cigarettes, who wanted to go?

09:49 1 A. Amy was going to go with me to get cigarettes.
 09:49 2 Q. Did she end up going with you?
 09:49 3 A. No.
 09:49 4 Q. Why?
 09:49 5 A. Ivan said she needed to get ready and didn't
 09:49 6 want her to leave.
 09:49 7 Q. Was there anything unusual in the exchange when
 09:49 8 you were trying to decide who was going to go and who
 09:49 9 was not?
 09:49 10 A. Not really. I mean, Ivan was always -- every
 09:49 11 time Amy had to clear everything with Ivan. So to me
 09:49 12 that didn't strike me as odd.
 09:49 13 MR. HIGH: Object to nonresponsive.
 09:49 14 THE COURT: Sustained.
 09:49 15 Q. (BY MS. LOWRY) Did she, on this evening, have
 09:49 16 to clear it with Ivan before she was allowed to go get
 09:50 17 cigarettes?
 09:50 18 A. Yes.
 09:50 19 Q. And did it clear with him?
 09:50 20 A. No.
 09:50 21 Q. Did you go get cigarettes by yourself?
 09:50 22 A. Yes.
 09:50 23 Q. When you came back, or about what time did you
 09:50 24 come back?
 09:50 25 A. Ten minutes, five minutes, maybe. It was just

09:50 1 right around the corner.
 09:50 2 Q. Do you recall about what time it was when you
 09:50 3 got back?
 09:50 4 A. Maybe 9:00, 9:30. I had been there maybe like
 09:50 5 a half hour or an hour before I left, so -- I think.
 09:50 6 Q. Now, you had said a few moments ago that they
 09:50 7 were both in the shower when you got there?
 09:50 8 A. Uh-huh.
 09:50 9 Q. Do you know why?
 09:50 10 A. Yeah. Amy told me Ivan had to wash her hair
 09:50 11 because she couldn't because her hand was hurt.
 09:50 12 Q. Did you see her hand that evening?
 09:50 13 A. Yes, ma'am.
 09:50 14 Q. Describe for the jury what her hand looked
 09:50 15 like, which hand it was and what it looked like.
 09:50 16 MR. HIGH: Judge, I'm going to have to
 09:50 17 object to relevance at this point.
 09:50 18 THE COURT: I tell you what. I'll
 09:51 19 overrule the objection, and we'll see where it goes.
 09:51 20 A. I couldn't honestly be sure what hand it was.
 09:51 21 I mean, I was looking at her. I want to say it was
 09:51 22 probably her right hand, but her knuckles were cut up
 09:51 23 pretty bad, and it was real red and swollen, and she
 09:51 24 couldn't flex it.
 09:51 25 Q. (BY MS. LOWRY) Had it been like that the night

09:51 1 before on Thursday when you all went to dinner?
 09:51 2 A. No, it hadn't.
 09:51 3 Q. Had she complained of any pain in her hands or
 09:51 4 anything like that while you all were out Thursday
 09:51 5 night?
 09:51 6 A. No.
 09:51 7 Q. Did the defendant ever leave while you were at
 09:51 8 the apartment?
 09:51 9 A. Not that I recall, no.
 09:52 10 Q. Had you talked to Amy Boettcher about an
 09:52 11 argument on Thursday night after y'all left to go home?
 09:52 12 A. Did I talk to her Thursday night?
 09:52 13 Q. No. On Friday. Did you talk to her about an
 09:52 14 argument that occurred on Friday night?
 09:52 15 A. She mentioned that they --
 09:52 16 MR. HIGH: Objection. That calls for
 09:52 17 hearsay, and that's nonresponsive, Judge.
 09:52 18 THE COURT: Sustained.
 09:52 19 Q. (BY MS. LOWRY) Did you ever ask her any
 09:52 20 questions about her hand?
 09:52 21 A. No.
 09:52 22 Q. Did you ever make any comments in front of the
 09:52 23 defendant about her hand?
 09:52 24 A. Um -- sorta.
 09:52 25 Q. And what was the reaction that you got from Amy

09:52 1 Boettcher when you began to make comments like that?
 09:52 2 A. She stood behind him and waived her hands like
 09:52 3 this, to tell me to shut up.
 09:53 4 Q. When you left, how was the defendant dressed?
 09:53 5 A. Jeans and a T-shirt.
 09:53 6 Q. Do you recall what the T-shirt looked like?
 09:53 7 A. I have a vague recollection that it was black.
 09:53 8 Q. Do you recall what the jeans looked like?
 09:53 9 A. They were your standard blue jeans. Kind of
 09:53 10 baggy, very trendy.
 09:53 11 Q. Were they a dark denim, a light denim, a white,
 09:53 12 black?
 09:53 13 A. Medium dark, probably, medium.
 09:53 14 Q. And y'all had made plans to go out with the
 09:53 15 defendant and Amy Boettcher later that evening. Is that
 09:53 16 what you-all talked about the night before?
 09:53 17 A. We talked about that the night before, yes.
 09:53 18 Q. Was that still your plan?
 09:53 19 A. No. My husband didn't want to go.
 09:53 20 Q. Why did he not want to go?
 09:53 21 A. He just didn't really like hanging out with
 09:53 22 them that much.
 09:53 23 Q. Did he dislike Amy Boettcher?
 09:54 24 A. He thought Amy was boring.
 09:54 25 Q. After you left their apartment that evening,

09:54 1 was the defendant still there? When you left their
 09:54 2 apartment, was the defendant still there?
 09:54 3 A. Yes.
 09:54 4 Q. Do you recall about what time you left?
 09:54 5 A. Maybe 10 o'clock. I mean, it was -- I'd been
 09:54 6 there for probably an hour or two. So probably
 09:54 7 10 o'clock.
 09:54 8 Q. Had Amy discussed with you y'all going out with
 09:54 9 him later that evening?
 09:54 10 A. Yes.
 09:54 11 Q. And what was her demeanor when she was
 09:54 12 discussing whether or not you were going to go?
 09:54 13 A. She was pretty adamant that we go.
 09:54 14 Q. Did that seem unusual to you?
 09:54 15 A. A little bit, yeah.
 09:54 16 Q. Can you tell me why?
 09:54 17 A. She seemed kind of clingy for Amy. She's --
 09:54 18 she was always a lot of fun to hang out with. And she
 09:54 19 was really easygoing for the most part. And I had never
 09:54 20 seen her be quite so adamant about us going with her
 09:54 21 anywhere.
 09:54 22 Q. Did you talk to her again after you left the
 09:54 23 apartment?
 09:54 24 A. She called on my cell phone.
 09:55 25 Q. About what time?

09:55 1 A. Probably midnightish. Something along those
 09:55 2 lines. It was pretty late.
 09:55 3 Q. What was her demeanor during that conversation?
 09:55 4 A. Kind of the same way. She was real -- very
 09:55 5 withdrawn. She wasn't real forthcoming. She asked
 09:55 6 again, a number of times, during the conversation for us
 09:55 7 to go with them, and she seemed kind of nervous.
 09:55 8 Q. And was her demeanor during that phone
 09:55 9 conversation -- how different was it from her demeanor
 09:55 10 at dinner the night before?
 09:55 11 A. Totally different.
 09:55 12 Q. When you -- when you say she was talking to you
 09:55 13 about engagement rings --
 09:55 14 A. Uh-huh.
 09:55 15 Q. -- how do you know she was looking at
 09:55 16 engagement rings?
 09:55 17 A. She had a catalog from, I think from a
 09:55 18 department store, something like that.
 09:55 19 Q. And when was it that you saw that catalog?
 09:56 20 A. Probably both -- well, probably Thursday. I
 09:56 21 mean, I can't really remember. I'm pretty sure it was
 09:56 22 Thursday, though.
 09:56 23 Q. Did you ever hear the defendant talk about
 09:56 24 engagement rings for Amy?
 09:56 25 A. Yeah. He said he wanted to get her something

09:56 1 nice and big.
 09:56 2 MR. HIGH: Objection. Nonresponsive after
 09:56 3 the yes.
 09:56 4 THE COURT: Sustained.
 09:56 5 Q. (BY MS. LOWRY) What were the defendant's
 09:56 6 comments about getting an engagement ring?
 09:56 7 A. He said he was going to get her something
 09:56 8 nice --
 09:56 9 MR. HIGH: Objection. That's hearsay,
 09:56 10 Judge.
 09:56 11 THE COURT: Overruled.
 09:56 12 Q. (BY MS. LOWRY) Okay.
 09:56 13 A. He said he was going to get her something nice
 09:56 14 and big.
 09:56 15 THE COURT: Nice and what?
 09:56 16 THE WITNESS: Big. Big ring, big rock.
 09:56 17 THE COURT: All right.
 09:56 18 Q. (BY MS. LOWRY) Who talked more about the
 09:56 19 engagement ring and what it was going to look like? Amy
 09:56 20 or Ivan?
 09:56 21 A. I mean, Amy was pretty giddy like any girl
 09:56 22 would be getting an engagement ring. And she, you know,
 09:56 23 talked about -- she just looked at the catalog and
 09:56 24 pointed at stuff. And she'd show it to Ivan and asked
 09:56 25 what he thought. And you know, and he -- he would say

09:57 1 whether he liked it or not and, you know. I mean, it
 09:57 2 was probably pretty equal.
 09:57 3 Q. Did he seem to be pretty involved in that
 09:57 4 process?
 09:57 5 A. Oh, yeah.
 09:57 6 Q. He wasn't acting like, she would show him
 09:57 7 something and he would say, "Okay. Whatever"?
 09:57 8 A. No. No. No. I wouldn't say, no, not at all.
 09:57 9 Q. Did he seem to be, by the way he talked about
 09:57 10 it and acted about it, just as excited about getting an
 09:57 11 engagement ring as she was?
 09:57 12 A. Easily, yes.
 09:57 13 Q. Did you ever feel like she was pressuring him
 09:57 14 to buy her an engagement ring?
 09:57 15 A. No, not at all.
 09:57 16 Q. After you spoke with her at midnight on
 09:57 17 Friday -- or I tell you what, on Friday when you got to
 09:57 18 their apartment, did you all look at engagement rings
 09:57 19 again that night?
 09:57 20 A. No. I don't think so.
 09:57 21 Q. Was the subject even brought up?
 09:57 22 A. Huh-uh.
 09:57 23 Q. After you spoke with her at midnight that
 09:57 24 evening, did you talk to them again?
 09:58 25 A. No.

09:58 1 Q. Did you go out with them?
 09:58 2 A. No.
 09:58 3 Q. When's the next time that you heard from the
 09:58 4 defendant and Amy Boettcher?
 09:58 5 A. Amy called me from their car -- excuse me, from
 09:58 6 the car phone on their way back from Arkansas Tuesday
 09:58 7 evening, I believe.
 09:58 8 Q. What was her demeanor at that time?
 09:58 9 A. She sounded kind of normal. I mean, she was --
 09:58 10 you know, they were in the car on the way home. I asked
 09:58 11 about the trip and how everything went. She said it
 09:58 12 went well. You know, family liked him and all that good
 09:58 13 stuff, so...
 09:58 14 Q. On Tuesday. Do you know what that date was?
 09:58 15 A. Let me see. I guess it would have been the
 09:58 16 7th?
 09:58 17 Q. And that's the 7th of November?
 09:58 18 A. Yes, ma'am.
 09:58 19 Q. In the year 2000?
 09:58 20 A. Uh-huh.
 09:58 21 Q. At this time, at the time that you talked to
 09:58 22 her, did you know James Mosqueda and Amy Kitchen?
 09:58 23 A. No.
 09:58 24 Q. Did you know of them?
 09:59 25 A. Not really. I mean, I think they might have

09:59 1 been at the party once we got to the warehouse in
 09:59 2 Dallas. But I don't recall ever meeting them or -- I
 09:59 3 mean, I couldn't tell you who they were in a crowd or
 09:59 4 anything.
 09:59 5 Q. On Tuesday, when you spoke with Amy Boettcher,
 09:59 6 did you know that they had been murdered?
 09:59 7 A. No.
 09:59 8 Q. When you talked to Amy Boettcher when she was
 09:59 9 on her way home from Arkansas, did you try to make plans
 09:59 10 to see her later in the week?
 09:59 11 A. Yeah. I asked her if she wanted to get
 09:59 12 together and have lunch.
 09:59 13 Q. And what did she tell you?
 09:59 14 A. She said she would have to ask Ivan.
 09:59 15 Q. Did she ever get together with you and have
 09:59 16 lunch?
 09:59 17 A. No, ma'am.
 09:59 18 Q. Were her phone calls pretty guarded when she
 09:59 19 talked to you on the phone?
 09:59 20 A. Yes.
 09:59 21 MR. HIGH: That -- Judge, I'm going to
 09:59 22 have to object to speculation at this point. And I'm
 10:00 23 going to have to object to vagueness of the question as
 10:00 24 well, Judge.
 10:00 25 THE COURT: Sustained.

10:00 1 Q. (BY MS. LOWRY) Did she or did she not talk
 10:00 2 freely with you when she was on the phone?
 10:00 3 MR. HIGH: Same objection, Judge.
 10:00 4 Speculation and vagueness.
 10:00 5 THE COURT: Overruled.
 10:00 6 A. No, she didn't.
 10:00 7 Q. (BY MS. LOWRY) Did you ever know why she
 10:00 8 didn't talk freely with you on the phone?
 10:00 9 A. She had told me --
 10:00 10 MR. HIGH: Objection. That calls for
 10:00 11 hearsay.
 10:00 12 THE COURT: Sustained.
 10:00 13 Q. (BY MS. LOWRY) Was there a reason that she
 10:00 14 felt she could not talk freely with you on the phone?
 10:00 15 A. She told me when --
 10:00 16 MR. HIGH: Objection. Hearsay.
 10:00 17 THE COURT: Sustained.
 10:00 18 Q. (BY MS. LOWRY) Without saying what she said,
 10:00 19 was there a reason that she --
 10:00 20 A. Yes. She gave a reason.
 10:01 21 Q. Was that consistent with being able to go to
 10:01 22 lunch or being able to go get cigarettes with you?
 10:01 23 A. Yes, to an extent.
 10:01 24 MS. LOWRY: Pass the witness.
 10:01 25 THE COURT: All right. Mr. High?

10:01 1 MR. HIGH: Yes. Judge, may I have just a
 10:01 2 moment?
 10:01 3 THE COURT: Yes. Let me ask you: Do we
 10:02 4 need a minute?
 10:02 5 MS. LOWRY: Just a brief moment.
 10:02 6 THE COURT: Okay. All right.
 10:03 7 MR. HIGH: Judge, I'll go ahead and start,
 10:03 8 and I'll review the report here if you don't mind.
 10:03 9 THE COURT: That sounds good.
 10:03 10 CROSS-EXAMINATION
 10:03 11 BY MR. HIGH:
 10:03 12 Q. Ma'am, if you don't mind, could you move your
 10:03 13 chair up just a little bit. That piece of wood is
 10:03 14 blocking you, and I would like to see your pretty face.
 10:03 15 And your name is Melanie Liikala?
 10:03 16 A. Uh-huh.
 10:03 17 Q. Am I pronouncing your name right?
 10:03 18 A. Astoundingly, yes.
 10:03 19 Q. Okay. And you are a legal assistant?
 10:03 20 A. Uh-huh.
 10:03 21 Q. Which firm do you work for?
 10:03 22 A. I work for the corporate legal department of
 10:03 23 Markone Wireless.
 10:03 24 Q. For who?
 10:03 25 A. I don't work for a firm. I work for Markone

10:03 1 Wireless.
 10:03 2 Q. Okay. Okay. So that's a corporation?
 10:03 3 A. Yeah.
 10:03 4 Q. And you have been working there for two and a
 10:03 5 half to three weeks?
 10:03 6 A. Uh-huh.
 10:03 7 Q. And before that you were with Unistar Financial
 10:03 8 Services?
 10:03 9 A. Uh-huh.
 10:03 10 Q. And what kind of business was that?
 10:03 11 A. It was an insurance and financial holdings
 10:03 12 corporation.
 10:03 13 Q. And where is that located?
 10:03 14 A. It's in Addison.
 10:03 15 Q. And how long did you work for them?
 10:03 16 A. Two years.
 10:03 17 Q. And how old a woman are you? I know I'm not
 10:04 18 supposed to do that, but --
 10:04 19 A. 28.
 10:04 20 Q. 28. Okay. And you have been married for two
 10:04 21 years. Where are you from originally?
 10:04 22 A. Dallas.
 10:04 23 Q. Okay. You went to high school in Dallas?
 10:04 24 A. Yes, sir.
 10:04 25 Q. Did you go to college in Dallas?

10:04 1 A. Arlington. D/FW, I guess. I grew up in
 10:04 2 Arlington.
 10:04 3 Q. Did you graduate college?
 10:04 4 A. I'm about a junior in college. I never did
 10:04 5 graduate.
 10:04 6 Q. So you are still working at that?
 10:04 7 A. Not right now, no.
 10:04 8 Q. So you are not working at that?
 10:04 9 A. No.
 10:04 10 Q. Are you working at your marriage?
 10:04 11 A. Yeah.
 10:04 12 Q. And your job?
 10:04 13 A. Exactly.
 10:04 14 Q. Okay. And I take it that you've had some fun
 10:04 15 in your youth. You've dated and you've married, and
 10:04 16 you've done a little drugs, I take it?
 10:04 17 A. Uh-huh.
 10:04 18 Q. Because you talked about that. Have you done a
 10:04 19 lot of drugs?
 10:04 20 A. In my opinion, no.
 10:04 21 Q. What all have you done?
 10:05 22 A. Smoked pot, done some "X," cocaine.
 10:05 23 Q. Okay. What's your drug of choice? Which one
 10:05 24 is your favorite?
 10:05 25 A. I don't do them anymore. But at the time,

50

10:05 1 probably, honestly, probably pot.
 10:05 2 Q. Okay. Still do a little pot?
 10:05 3 A. Huh?
 10:05 4 Q. Do you still do a little pot with your husband?
 10:05 5 A. No. We're expecting.
 10:05 6 Q. Okay. That's a good idea. Have you ever been
 10:05 7 busted for possession of pot?
 10:05 8 A. No.
 10:05 9 Q. Ecstasy, none of those drugs?
 10:05 10 A. No.
 10:05 11 Q. And I don't suppose you've ever sold any, have
 10:05 12 you?
 10:05 13 A. No.
 10:05 14 Q. You know better than that?
 10:05 15 A. Yeah.
 10:05 16 Q. And I suppose in your -- in your youth you ran
 10:05 17 with folks that did drugs? I guess that's how you come
 10:05 18 to do drugs, right? Because of your friends?
 10:05 19 A. Yeah.
 10:05 20 Q. Okay. And --
 10:05 21 THE COURT: Ma'am, excuse me. You are
 10:06 22 going to have to answer.

THE WITNESS: Oh, yes, yes.

10:06 24 Q. (BY MR. HIGH) And I suppose your husband,
 10:06 25 Craig he knows about drugs, right? Because you've done

10:06 1 them with him?
 10:06 2 A. Sure, I suppose.
 10:06 3 Q. Okay. And I suppose that's part of your
 10:06 4 relationship before you married, right? Doing drugs?
 10:06 5 A. Well, I wouldn't categorize it as part of our
 10:06 6 relationship, no.
 10:06 7 Q. Well, I mean, you did them together, right?
 10:06 8 A. I'm not real comfortable with how you phrased
 10:06 9 that question, honestly. We were not heavy drug users.
 10:06 10 We were recreational drug users, at the most, on
 10:06 11 occasion.
 10:06 12 Q. Okay. With respect to alcohol, do you drink?
 10:06 13 A. No, I don't.
 10:06 14 Q. Have you drunk over the years?
 10:06 15 A. Very, very moderately. I don't have a real
 10:06 16 high tolerance for alcohol.
 10:06 17 Q. But you have drunk a little bit, right?
 10:06 18 A. I'm of age. I've had a glass of wine or two.
 10:06 19 MS. LOWRY: Your Honor, at this point I'm
 10:07 20 going to object to relevance.
 10:07 21 THE COURT: Overruled. Let's see where it
 10:07 22 goes.
 10:07 23 MR. HIGH: I'm almost there, Judge.
 10:07 24 Q. (BY MR. HIGH) Do you sometimes drink and do
 10:07 25 drugs together?

52

10:07 1 A. No.
 10:07 2 Q. When you went to dinner that night with Amy and
 10:07 3 Ivan, that Thursday night, y'all had a little bit to
 10:07 4 drink, didn't you?
 10:07 5 A. I brought a bottle of wine over with me, yeah.
 10:07 6 Q. Okay. And y'all were doing a little marijuana
 10:07 7 that night, weren't you?
 10:07 8 A. No.
 10:07 9 Q. Oh, you don't? You weren't doing any?
 10:07 10 A. Huh-uh.
 10:07 11 Q. So, if somebody were to say otherwise, they'd
 10:07 12 be wrong, right?
 10:07 13 A. Not to my recollection. I didn't do any, no.
 10:07 14 I don't remember that.
 10:07 15 Q. But it's fair to say that you all got pretty
 10:07 16 smashed that night, right, that Thursday night?
 10:07 17 A. I wouldn't say that either, no.
 10:07 18 Q. That didn't happen?
 10:07 19 A. No. We had a nice dinner. We had a couple
 10:07 20 glasses of wine. We were there for a few hours. We
 10:07 21 went home.
 10:07 22 Q. Didn't have a hangover at work on Friday?
 10:07 23 A. No.
 10:07 24 Q. Did you work that Friday?
 10:07 25 A. Yes, I did work that Friday.

53

10:07 1 Q. And you talked with Amy Boettcher on the phone
 10:07 2 a couple of times?
 10:08 3 A. Yeah.
 10:08 4 Q. When you called her she was home, right?
 10:08 5 A. Uh-huh.
 10:08 6 Q. She didn't work, did she?
 10:08 7 A. No.
 10:08 8 Q. The way I understand it, at least by your
 10:08 9 testimony, I mean, y'all were new friends. I mean,
 10:08 10 you -- you really hadn't gotten to know each other that
 10:08 11 well --
 10:08 12 A. No, not really.
 10:08 13 Q. -- at this point?
 10:08 14 A. I mean, Amy was -- she's a real, real sweet
 10:08 15 girl. There wasn't a whole lot to get to know.
 10:08 16 Q. When you met them at the lake at Labor Day, you
 10:08 17 didn't have a chance to get to know them. At least you
 10:08 18 said that, right?
 10:08 19 A. No. I mean, it was very superficial.
 10:08 20 Q. There was a lot of people out there?
 10:08 21 A. Yeah.
 10:08 22 Q. And you kind of wondered about her because she
 10:08 23 took her top off that day, right? Kind of -- kind of
 10:08 24 made a fool of herself at the lake?
 10:08 25 A. I wouldn't say that. She wasn't the only one

10:09 1 A. Yeah.
 10:09 2 Q. Were you doing drugs?
 10:09 3 A. Yes.
 10:10 4 Q. And I suppose that was the night that you got a
 10:10 5 little better feel for her and Ivan, the Halloween
 10:10 6 party?
 10:10 7 A. Uh-huh.
 10:10 8 Q. Because you guys discussed the possibility of
 10:10 9 going to dinner, right?
 10:10 10 A. Well, he gave me a business card. We actually
 10:10 11 discussed him -- how to get a mortgage to buy a house.
 10:10 12 Q. And so you discussed it with your then-husband,
 10:10 13 Craig, and decided, hey, let's -- let's pursue this, and
 10:10 14 let's meet them for dinner at Mi Cocina?
 10:10 15 A. Uh-huh.
 10:10 16 Q. And still, I mean, this is like the second time
 10:10 17 that you are getting to know them, right?
 10:10 18 A. Uh-huh.
 10:10 19 Q. Because you really got to know them at the
 10:10 20 Halloween party. And now you are going to sit down and
 10:10 21 have dinner with them and get to know them a little bit
 10:10 22 better?
 10:10 23 A. Yeah.
 10:10 24 Q. And you brought a bottle of wine?
 10:10 25 A. Uh-huh.

54

10:08 1 that was topless.
 10:08 2 Q. But she did that, right?
 10:08 3 A. Uh-huh.
 10:08 4 Q. And so you kind of wondered, gee, who -- what
 10:09 5 kind of girl is this, right? I'm sure you wondered
 10:09 6 that?
 10:09 7 A. She seemed nice enough to me.
 10:09 8 Q. Okay. But you knew that she was free to take
 10:09 9 her top off, and she was free to do drugs. And I'm sure
 10:09 10 there was some alcohol out there at the lake that day,
 10:09 11 right?
 10:09 12 A. I suppose, sure.
 10:09 13 Q. Okay. And I mean, everybody is partying,
 10:09 14 right?
 10:09 15 A. Well, it was Labor Day weekend.
 10:09 16 Q. Okay. And then when you went to the Halloween
 10:09 17 party, again, you mentioned that everybody was doing
 10:09 18 drugs, right?
 10:09 19 A. I wouldn't say everybody was doing drugs;
 10:09 20 everybody was partying.
 10:09 21 Q. Which kind of infers that that was the norm,
 10:09 22 right? Most people were?
 10:09 23 A. Probably the majority of the people that we
 10:09 24 went with were

56

10:10 1 Q. And you guys had dinner?
 10:10 2 A. Uh-huh.
 10:10 3 Q. And I suppose you finished off that bottle of
 10:11 4 wine?
 10:11 5 A. I honestly can't remember if we did or not.
 10:11 6 Four people, a bottle of wine doesn't go that far, so...
 10:11 7 Q. Right. Did you get anything else to drink?
 10:11 8 A. I think we got some beer, a 12-pack of beer,
 10:11 9 something like that.
 10:11 10 Q. A 12-pack of beer?
 10:11 11 A. I think so. We left it over there.
 10:11 12 Q. Among the four of you?
 10:11 13 A. Yeah. We didn't finish it, though.
 10:11 14 Q. Okay. How tall are you?
 10:11 15 A. Five foot two and a half.
 10:11 16 Q. You are a fairly small person, aren't you?
 10:11 17 A. Uh-huh.
 10:11 18 Q. And you mentioned you don't have a very high
 10:11 19 tolerance for alcohol?
 10:11 20 A. Huh-uh.
 10:11 21 Q. I see. And I don't suppose that you were
 10:11 22 watching anybody too closely that night. I mean, you
 10:11 23 were just hanging out having a good time with your two
 10:11 24 new friends, right?

10:11 1 Q. Doing some drinking, talking about your dreams
 10:11 2 for the future, talking about maybe getting a house,
 10:11 3 that sort of thing?
 10:11 4 A. Uh-huh.
 10:11 5 Q. You didn't suspect anything? You weren't --
 10:12 6 you weren't -- you didn't set your mind on watching any
 10:12 7 particular person, did you?
 10:12 8 A. No.
 10:12 9 Q. Okay. Just having a good time?
 10:12 10 A. Yeah.
 10:12 11 Q. And you had such a good time that you wanted to
 10:12 12 continue it on into the next night. Hey, let's get
 10:12 13 together. Let's go out, and let's have a good time
 10:12 14 tomorrow night?
 10:12 15 A. They invited us, and we tentatively accepted.
 10:12 16 Q. Sure. Because they were friendly and likable,
 10:12 17 and you wanted to be with them some more?
 10:12 18 A. They were nice. Yeah, they were a nice couple.
 10:12 19 Q. Okay. And Ivan was friendly, wasn't he?
 10:12 20 A. Oh, yeah. Ivan was very friendly.
 10:12 21 Q. And a very engaging type of guy, wasn't he?
 10:12 22 A. Uh-huh.
 10:12 23 Q. And he was very good to -- to -- I can't think
 10:12 24 of her name right now -- Amy. I'm sorry. It just went
 10:13 25 out of my head. He was very good and friendly and kind

10:13 1 to Amy?
 10:13 2 A. He doted on her; absolutely.
 10:13 3 Q. Okay. And did he act like a gentleman towards
 10:13 4 you?
 10:13 5 A. Yes.
 10:13 6 Q. And was he engaging and friendly to your
 10:13 7 husband?
 10:13 8 A. Yes.
 10:13 9 Q. And because if he hadn't been that way, if she
 10:13 10 hadn't been that way, you guys wouldn't have wanted to
 10:13 11 get together the next night. It probably would have
 10:13 12 been a bad idea, right?
 10:13 13 A. Well, we didn't end up getting together with
 10:13 14 them the next night.
 10:13 15 Q. That's not my question. We'll get to that.
 10:13 16 You liked them?
 10:13 17 A. They were nice. They were very nice, yes.
 10:13 18 Q. Right. Do you recall what time you got home
 10:13 19 that night?
 10:13 20 A. Probably about 10:30 or 11:00. I mean, it was
 10:13 21 relatively early. It was a work night.
 10:13 22 Q. And where do you live?
 10:13 23 A. Now I live in Euless. At the time I lived in
 10:13 24 Carrollton.
 10:13 25 Q. So you had to go from north Dallas to

10:14 1 Carrollton?
 10:14 2 A. Oh, it was maybe a ten-minute drive.
 10:14 3 Q. Sure. And where were you working then?
 10:14 4 A. That was when I worked at Unistar.
 10:14 5 Q. Had you learned by this time what kind of work
 10:14 6 Amy did?
 10:14 7 A. Amy was not employed, to my knowledge.
 10:14 8 Q. Had you learned by this time what kind of work
 10:14 9 Ivan did?
 10:14 10 A. Yes.
 10:14 11 Q. And was anybody else living at that apartment?
 10:14 12 A. Besides the two of them?
 10:14 13 Q. Right.
 10:14 14 A. Not to my knowledge, no.
 10:14 15 Q. Okay. They didn't mention anything about that?
 10:14 16 A. No.
 10:14 17 Q. I'm not -- I'm not testing you. I'm just
 10:14 18 asking you.
 10:14 19 A. No.
 10:14 20 Q. And so I take it you called her several times
 10:14 21 during the day at home on Friday. And then you got off
 10:15 22 work, and you went home. I take it you cleaned up and
 10:15 23 got ready to go out?
 10:15 24 A. No. I went home and got my -- I was still
 10:15 25 wearing my work clothes. Friday is casual day. I think

10:15 1 I was wearing khakis. And I went home and got some tax
 10:15 2 papers, my W-2 forms from '99, and brought those over.
 10:15 3 Q. Sure. And when you got home, you met your
 10:15 4 husband, Craig. How did that work?
 10:15 5 A. We had talked earlier about whether or not we
 10:15 6 were going to go out with Amy and Ivan. And he wasn't
 10:15 7 really feeling up to it. He didn't really want to go
 10:15 8 out.
 10:15 9 Q. Okay. He was kind of tired?
 10:15 10 A. Uh-huh.
 10:15 11 Q. Friday is a tough day. You are tired from the
 10:15 12 week, right?
 10:15 13 A. Yeah.
 10:15 14 Q. And yet you said, Look, we've been talking. I
 10:15 15 want to go. Get in the gang. Let's go. Is that kind
 10:15 16 of how that worked?
 10:15 17 A. Not really. I mean, I said, "Are you sure?
 10:15 18 You know, sounds like fun, whatever." And he was like,
 10:15 19 "No. I don't really want to go." And I said, "Okay."
 10:15 20 Q. Okay. So then what happened?
 10:15 21 A. So then I left.
 10:15 22 Q. So you left by yourself?
 10:15 23 A. Yes.
 10:16 24 Q. And Craig didn't go with you?
 10:16 25 A. Craig didn't go with me where?

10:16 1 Q. Over to Amy and Ivan's house?
 10:16 2 A. No. I went home and picked up the tax papers
 10:16 3 and went over there. I don't think Craig was even home
 10:16 4 when I got my tax papers.
 10:16 5 Q. And so Craig wasn't -- he didn't go over at all
 10:16 6 to Amy and Ivan's house that night?
 10:16 7 A. On Friday? No.
 10:16 8 Q. So I take it you were entertaining the idea of
 10:16 9 going out with them by yourself that night?
 10:16 10 A. No.
 10:17 11 Q. Well, you went over to the apartment. They
 10:17 12 were both in the shower.
 10:17 13 A. Uh-huh.
 10:17 14 Q. And then you went and got cigarettes by
 10:17 15 yourself. And then around 9:00 or 9:30 you got back to
 10:17 16 the apartment. What were you -- what were you planning
 10:17 17 at that point? What were you thinking about doing?
 10:17 18 A. Talking to them about getting a mortgage,
 10:17 19 dropping off tax papers, hanging out, talking to them.
 10:17 20 I mean --
 10:17 21 Q. When was this decision made that you weren't
 10:17 22 going out?
 10:17 23 A. When I talked to my husband on the phone
 10:17 24 earlier, probably an hour before I left.
 10:17 25 Q. So the purpose of your visit was to go over and

10:17 1 drop off the papers?
 10:17 2 A. Uh-huh.
 10:17 3 Q. But not to go out?
 10:17 4 A. Well, we had talked about it. And if we had
 10:17 5 decided we were going to go out, I would have had to go
 10:17 6 home and change and all that good stuff. So the purpose
 10:17 7 of my initial visit over was, no, not to go out.
 10:17 8 Q. Okay. Had you had anything to drink yourself
 10:18 9 that night before you went over?
 10:18 10 A. No.
 10:18 11 Q. You didn't have a beer or glass of wine or
 10:18 12 anything?
 10:18 13 A. No.
 10:18 14 Q. When you got over to their house, did you have
 10:18 15 anything to drink?
 10:18 16 A. Honestly, I don't remember.
 10:18 17 Q. You could have. You just don't remember?
 10:18 18 A. Yeah. I might have had a beer or glass of wine
 10:18 19 or something like that. I honestly don't remember,
 10:18 20 though. It would have been one.
 10:18 21 Q. And with respect to the clothes that Ivan was
 10:18 22 wearing when he finally dressed, you used the word
 10:18 23 vaguely, didn't you?
 10:18 24 A. I wasn't examining him. If I would have known
 10:18 25 I was going to remember -- needed to remember, I

10:18 1 probably would have.
 10:18 2 Q. I understand that.
 10:18 3 A. Uh-huh.
 10:18 4 Q. So it's vague in your memory, what he had on?
 10:18 5 A. The exact color. It was dark. I know that.
 10:18 6 Q. So you don't know if it was black, blue?
 10:18 7 A. I know he was wearing jeans and a T-shirt.
 10:18 8 Q. And you can be sure about that?
 10:18 9 A. Yes.
 10:18 10 Q. Jeans and a T-shirt?
 10:18 11 A. Uh-huh.
 10:18 12 Q. Other than that, you are really not sure
 10:18 13 whether it was black, blue?
 10:18 14 A. It was a dark color.
 10:19 15 Q. Okay. Fair enough. You had told -- when did
 10:19 16 you first tell Amy that y'all weren't going out that
 10:19 17 night?
 10:19 18 A. While I was there.
 10:19 19 Q. When you brought the papers over?
 10:19 20 A. Uh-huh. I called my husband on the phone, and
 10:19 21 he said he wasn't up to it. He said we probably weren't
 10:19 22 going to go.
 10:19 23 Q. So you checked with him again to try to get him
 10:19 24 to --
 10:19 25 A. No. I called him once, and Ivan talked to him

10:19 1 on the phone, too.
 10:19 2 Q. So the first you learned that you weren't going
 10:19 3 to go out was when you called your husband from their
 10:19 4 apartment?
 10:19 5 A. I called from my cell phone, I think.
 10:19 6 Q. Okay. But you were in -- where were you? Were
 10:19 7 you in their apartment?
 10:19 8 A. I was in their apartment, yes.
 10:19 9 Q. Okay. So you are making the decision as you
 10:19 10 are in their apartment not to go out, by talking to your
 10:19 11 husband?
 10:19 12 A. Yeah, I guess so. I mean, just one of those
 10:20 13 things, you know.
 10:20 14 Q. I understand. And it seems huge now, but it
 10:20 15 wasn't huge then?
 10:20 16 A. Yeah. It was just -- "Are we going to go out?
 10:20 17 Honey, do you feel like it?" "Nah, not really," you
 10:20 18 know.
 10:20 19 Q. And I take it at that point Amy and Ivan were
 10:20 20 under the impression that you were going to go out. And
 10:20 21 you said, no, we aren't going to go out because I talked
 10:20 22 with Craig?
 10:20 23 A. We hadn't -- we hadn't decided whether or not
 10:20 24 we were going to. I mean, they wanted us to go out.
 10:20 25 But I mean we hadn't, you know, formally accepted the

10:20 1 invitation. We hadn't RSVP'd or anything like that.
 10:20 2 Q. But they were both in the shower?
 10:20 3 A. They were going out regardless.
 10:20 4 Q. How do you know that?
 10:20 5 A. Because they told us they were.
 10:20 6 Q. Okay. They had plans to go out then?
 10:20 7 A. Uh-huh. They said, if we changed our mind, we
 10:20 8 could meet them there.
 10:20 9 Q. But they wanted you to go with them?
 10:20 10 A. Uh-huh.
 10:20 11 Q. Now, at this point you had had dinner with the
 10:21 12 two of them the night before. And other than that, you
 10:21 13 had hung out with them with a group of folks at the
 10:21 14 Halloween party?
 10:21 15 A. Uh-huh.
 10:21 16 Q. And so you still -- I mean, you didn't know Amy
 10:21 17 that well, did you?
 10:21 18 A. No, not really. Like I said, there wasn't a
 10:21 19 whole lot to know.
 10:21 20 Q. Well, but you didn't know her. It's not like
 10:21 21 she had been a friend for years, correct?
 10:21 22 A. No.
 10:21 23 Q. And it's kind of hard to tell about a person
 10:21 24 unless you are around them a while. Is that fair to
 10:21 25 say?

10:21 1 A. I think it depends on the person. But, yeah,
 10:21 2 for the most part.
 10:21 3 Q. Okay. And they were still talking about being
 10:21 4 engaged, and that was exciting to them?
 10:22 5 A. When was this?
 10:22 6 Q. That night.
 10:22 7 A. Friday? It didn't come up on Friday much.
 10:22 8 Q. Oh, it wasn't discussed that Friday night?
 10:22 9 A. Not -- not the way it was on Thursday. I mean,
 10:22 10 no, not really.
 10:22 11 Q. Now, you didn't spend any time with her during
 10:22 12 the day on Friday, did you?
 10:22 13 A. Huh-uh. I was at work.
 10:22 14 Q. And with respect to how her hand got to be the
 10:22 15 way it was on Friday, you don't know? You don't have
 10:22 16 any personal knowledge, do you?
 10:22 17 A. I don't have any personal knowledge, no. I
 10:22 18 didn't see it happen if that's what you are asking
 10:22 19 basically.
 10:22 20 Q. And then you left. You say you left about
 10:22 21 10 o'clock that night?
 10:22 22 A. I'm estimating. But yeah, I mean, I had
 10:22 23 probably been there a couple hours.
 10:23 24 Q. You didn't have anything more to do with them
 10:23 25 other than calling her on the cell phone later at

10:23 1 midnight?
 10:23 2 A. She called me.
 10:23 3 Q. And then with respect to the phone call the
 10:23 4 following Tuesday, Amy called you from a cell phone; is
 10:23 5 that correct?
 10:23 6 A. Uh-huh. She and Ivan were in the car driving
 10:23 7 back.
 10:23 8 Q. And, in fact, she told you that she had been up
 10:23 9 visiting her parents in Arkansas, correct?
 10:23 10 A. They told me beforehand that's where they were
 10:23 11 going, so yeah.
 10:23 12 Q. And she told you they had a great trip?
 10:23 13 A. She said it was a success, yes.
 10:23 14 Q. And you got no indication about anything that
 10:23 15 had happened with James Mosqueda or Amy Kitchen?
 10:23 16 A. None.
 10:24 17 Q. Just a couple more questions for you. Did you
 10:24 18 give any kind of a statement to the police or to the
 10:24 19 District Attorney's office?
 10:24 20 A. It -- not -- well, sorta. I guess it was a
 10:24 21 statement. I mean, they subpoenaed me.
 10:24 22 Q. Well, that's not a statement.
 10:25 23 A. Okay. Well, I came -- I guess before they
 10:25 24 decided that I was going to testify, they asked me some
 10:25 25 questions, yeah.

10:25 1 Q. Okay. But you didn't write down a statement
 10:25 2 like this is what I know?
 10:25 3 A. No, huh-uh.
 10:25 4 Q. Okay. And how many times did you talk with the
 10:25 5 District Attorney's office?
 10:25 6 A. Once.
 10:25 7 Q. Just once?
 10:25 8 A. Uh-huh.
 10:25 9 Q. When was that?
 10:25 10 A. Maybe, oh, gosh, I'm trying to think. Maybe
 10:25 11 July or, I mean, it was recently like within the last
 10:25 12 few months.
 10:25 13 Q. And who contacted you?
 10:25 14 A. The -- Jerry Johnson.
 10:25 15 Q. All right. That same gentleman that was in
 10:25 16 here earlier this morning?
 10:25 17 A. Uh-huh.
 10:25 18 Q. And you spoke with Jerry Johnson again this
 10:25 19 morning, did you not?
 10:25 20 A. Well, he told me where to go and where to sit
 10:25 21 and, yeah. I mean, yeah.
 10:25 22 Q. And you were downstairs in the District
 10:25 23 Attorney's office just a few minutes ago?
 10:25 24 A. I don't understand.
 10:25 25 Q. You don't know?

10:25 1 A. I mean, I was in a room, in a witness room.
 10:25 2 Q. Anybody else in there with you?
 10:25 3 A. I was in there briefly with a young lady whose
 10:26 4 name I can't remember. I think she was James's sister
 10:26 5 and then with a couple of police officers.
 10:26 6 Q. Did you talk to them about the case?
 10:26 7 A. No.
 10:26 8 Q. Okay.
 10:26 9 A. We were instructed not to.
 10:26 10 Q. All right. Did you talk with any other
 10:26 11 witnesses in this case this morning about this case?
 10:26 12 A. I talked to Amy briefly this morning, yes.
 10:26 13 Q. Amy Boettcher?
 10:26 14 A. Yes.
 10:26 15 Q. Okay. Where was she?
 10:26 16 A. She was in another witness room.
 10:26 17 Q. Okay. Did you discuss this case with Amy?
 10:26 18 A. No, we didn't.
 10:26 19 MR. HIGH: That's all I have. Pass the
 10:26 20 witness, Judge.
 10:26 21 MS. LOWRY: Just briefly, Your Honor.
 10:26 22 REDIRECT EXAMINATION
 10:26 23 BY MS. LOWRY:
 10:26 24 Q. Going back to that conversation that you had
 10:26 25 with Amy, when they were on the way home from Arkansas,

10:26 1 she had talked with you quite extensively about getting
 10:26 2 an engagement ring, and they were looking?
 10:26 3 A. Yes, ma'am.
 10:26 4 Q. During this conversation on her way home from
 10:26 5 Arkansas, did she tell you she had gotten a ring yet?
 10:26 6 A. She did not mention a ring, no.
 10:27 7 Q. Had she talked about getting an engagement ring
 10:27 8 and looking for one enough that you feel like she would
 10:27 9 have told you if she had gotten one?
 10:27 10 MR. HIGH: Objection, speculation.
 10:27 11 THE COURT: Sustained.
 10:27 12 Q. (BY MS. LOWRY) Did she seem excited and giddy
 10:27 13 during her conversation with you when she was on her way
 10:27 14 home from Arkansas?
 10:27 15 A. Not particularly.
 10:27 16 Q. Was her demeanor such that she had just gotten
 10:27 17 engaged, and she was very excited?
 10:27 18 A. I wouldn't characterize her that way. She
 10:27 19 sounded -- I mean, she didn't sound upset or any -- she
 10:27 20 sounded very normal. I mean, just --
 10:27 21 Q. Was Ivan in the car with her when she was
 10:27 22 talking with you?
 10:27 23 A. Yes.
 10:27 24 Q. Now, in talking about the defendant and how
 10:27 25 engaging and friendly he is, did he talk a lot?

10:27 1 A. Yes.
 10:27 2 Q. And did he have a lot of stories?
 10:27 3 A. Yes.
 10:27 4 Q. About all the wonderful things he was going to
 10:27 5 do?
 10:27 6 A. Yes.
 10:27 7 Q. Did you believe anything he said?
 10:27 8 A. Do you want a percentage? Maybe 10 percent.
 10:27 9 Q. He was also, like you said, good and friendly
 10:28 10 to Amy?
 10:28 11 A. Uh-huh.
 10:28 12 Q. Was he also very protective?
 10:28 13 A. Yes. I would say so.
 10:28 14 Q. And during a couple of times that you were
 10:28 15 around them, did you observe him being extremely
 10:28 16 protective of her?
 10:28 17 A. Well, yes, I think so.
 10:28 18 Q. And when was that?
 10:28 19 A. At Mi Cocina.
 10:28 20 Q. And can you -- and when you were talking about
 10:28 21 Craig didn't really want to go out with him because he
 10:28 22 was tired?
 10:28 23 A. Uh-huh.
 10:28 24 Q. Is that the only reason he didn't want to go
 10:28 25 out with them?

10:28 1 A. Yeah. I mean, I guess he liked them all right
 10:28 2 in small doses, but it wasn't like, you know, best
 10:28 3 buddies and wanted to hang out with them every day. I
 10:28 4 mean, there was -- the way he put it, there was only so
 10:28 5 much of them he could take.
 10:28 6 Q. I'm sorry, again?
 10:28 7 A. There was only so much of them he could take.
 10:28 8 Q. What were his specific thoughts on the
 10:28 9 defendant?
 10:28 10 A. On the defendant?
 10:28 11 MR. HIGH: Judge, I'm going to have to
 10:28 12 object. This calls for hearsay.
 10:28 13 THE COURT: Sustained.
 10:28 14 MS. LOWRY: Your Honor, if I may briefly
 10:28 15 respond.
 10:28 16 THE COURT: All right.
 10:29 17 MS. LOWRY: He's asked her what her
 10:29 18 husband thought. If he thought he was friendly and
 10:29 19 engaging. If he thought that he liked them enough to go
 10:29 20 out with them again, and I thought that opened the door
 10:29 21 to what he thought about him and what his real opinion
 10:29 22 was of him.
 10:29 23 THE COURT: Objection sustained.
 10:29 24 Q. (BY MS. LOWRY) Did you tell Amy that you would
 10:29 25 try to talk Craig into going out with them?

10:29 1 A. Probably.
 10:29 2 Q. Was it a possibility that you were going to be
 10:29 3 able to talk him into going out with them?
 10:29 4 A. He made it abundantly clear to me that there
 10:29 5 wasn't, but I mean, I didn't want to hurt their feelings
 10:29 6 or anything.
 10:29 7 MS. LOWRY: Pass the witness.
 10:29 8 THE COURT: Anything else?
 10:29 9 MR. HIGH: I just have a few questions.
 10:29 10 THE COURT: We're going to step down, and
 10:29 11 you can ask a few questions when we get back.
 10:29 12 Ladies and gentlemen, please don't discuss
 10:29 13 the case among yourselves or anyone else until it's
 10:29 14 finally submitted to you. Let's step down for 15
 10:29 15 minutes.
 10:31 16 (Break)
 10:31 17 (Open court, defendant present, no jury or
 10:53 18 witness.)
 10:53 19 THE COURT: The jury is not present. No
 10:53 20 witnesses present. Mr. Dickey, I understand that you
 10:53 21 have spoken to Amy Boettcher; is that correct?
 10:53 22 MR. DICKEY: That is correct, Your Honor.
 10:53 23 THE COURT: And what do you want to tell
 10:53 24 me, if anything?
 10:53 25 MR. DICKEY: We had an extensive meeting

10:53 1 Sunday afternoon from two o'clock to seven o'clock. The
 10:53 2 prosecutors were there. I had a personal meeting with
 10:53 3 her by myself. We went over her statements and talked
 10:53 4 to her about how she would be a party to this or
 10:53 5 possibly stolen property.
 10:53 6 I believe that there's no way that she's
 10:53 7 involved in this capital murder, Your Honor, and I
 10:53 8 talked to her. She wants to be cooperative. She's
 10:53 9 given several statements to the police already. She's
 10:53 10 cooperated with the District Attorney's office, and she
 10:53 11 wants to testify in this matter.
 10:53 12 THE COURT: You gather the impression she
 10:53 13 has no exposure?
 10:53 14 MR. DICKEY: I believe she has no
 10:53 15 exposure, Your Honor.
 10:53 16 THE COURT: And you office --
 10:53 17 MR. DICKEY: Here in McKinney and would be
 10:54 18 available to the Court at a moment's notice.
 10:54 19 THE COURT: Does either side have anything
 10:54 20 they want to say? Anything to Mr. Dickey?
 10:54 21 MR. GOELLER: Yes, Judge. I have a few
 10:54 22 questions for Mr. Dickey, if I could. I know Mr. Roger
 10:54 23 Dickey. You are an attorney and licensed in Texas. I
 10:54 24 will waive the oath. Mr. Dickey, can I ask you a few
 10:54 25 questions?

10:54 1 MR. DICKEY: Yes, sir.
 10:54 2 EXAMINATION
 10:54 3 BY MR. GOELLER:
 10:54 4 Q. When were you initially contacted about your --
 10:54 5 I don't know if I want to call it an appointment, but a
 10:54 6 request to give legal advice and counseling to Ms. Amy
 10:54 7 Boettcher?
 10:54 8 A. I was contacted Thursday by Janie. Janie told
 10:54 9 me I was going to be appointed to speak with her, and
 10:54 10 she was supposed to be here Friday morning. I came up
 10:54 11 here Friday morning. She was not here. I was contacted
 10:54 12 by Ms. Gail Falco. They told me she would be available
 10:54 13 Sunday afternoon for a meeting. And Sunday afternoon at
 10:54 14 two o'clock I met with her and spoke with her. And then
 10:54 15 later Mr. Schultz and Ms. Falco were there present.
 10:54 16 Q. When you say Janie, just for the record, that's
 10:55 17 Janie Wilcox, the court coordinator, correct?
 10:55 18 A. That's correct.
 10:55 19 Q. And you met this past Sunday. That would have
 10:55 20 been October what?
 10:55 21 A. 7th.
 10:55 22 Q. I'm sorry?
 10:55 23 A. October 7th.
 10:55 24 Q. 7th. And you met for what, how many hours?
 10:55 25 About four?

10:55 1 A. From two o'clock to seven o'clock. The
 10:55 2 district attorneys wanted to go over her testimony,
 10:55 3 wanted to go over her statements and talk with her.
 10:55 4 Q. Did you review her statements?
 10:55 5 A. Yes, sir.
 10:55 6 Q. All right. And did you form any opinion as to
 10:55 7 whether or not there was any complicity under state or
 10:55 8 federal --
 10:55 9 MR. SCHULTZ: Excuse me just a moment,
 10:55 10 Judge. I'm going to object to that question. First of
 10:55 11 all, I think it probably, based on this witness -- more
 10:55 12 importantly, I can't imagine what possible relevance it
 10:55 13 has to any issue before the Court, which is whether or
 10:55 14 not he has discharged his duties in representation of
 10:55 15 his client. And what he thinks or what his impressions
 10:56 16 of invite not only speculation --
 10:56 17 THE COURT: Sustained.
 10:56 18 MR. SCHULTZ: Thanks.
 10:56 19 Q. (BY MR. GOELLER) Did you discuss the facts of
 10:56 20 the case with the district attorney?
 10:56 21 A. I talked with her first. Talked with her. I
 10:56 22 met with her. Mr. Schultz said he was going to be there
 10:56 23 at two o'clock. Mr. Schultz was there at two o'clock.
 10:56 24 THE COURT: Hey, listen, I'm going to cut
 10:56 25 this short. When Amy Boettcher gets called, we'll just

10:56 1 call you in, and you can represent her. Okay. Let's
 10:56 2 bring this next witness back in, and we'll bring the
 10:56 3 jury back in, and we'll just get started. All right.
 10:56 4 THE COURT: And will Ms. Boettcher be
 10:56 5 called anytime soon?
 10:56 6 MS. FALCO: She'll be the next witness
 10:57 7 after this witness is done.
 10:57 8 THE COURT: Stick around and we'll see
 10:57 9 what goes down.
 10:57 10 (Open court, defendant and jury present.)
 10:58 11 THE COURT: Please be seated. I just want
 10:58 12 to remind you that you are still under oath. All right.
 10:58 13 Mr. High, go ahead.
 10:58 14 RECCROSS EXAMINATION
 10:58 15 BY MR. HIGH:
 10:58 16 Q. Ms. Liikala?
 10:58 17 A. Close enough.
 10:58 18 Q. Okay. Are you the same woman that was
 10:59 19 testifying before we took a break in this case?
 10:59 20 A. Yes, sir.
 10:59 21 Q. And you are still under oath?
 10:59 22 A. Uh-huh.
 10:59 23 Q. And I just have a few questions left. Just
 10:59 24 real short. When -- when you were together with Amy --
 10:59 25 Amy Boettcher and Ivan --

10:59 1 A. Uh-huh.
 10:59 2 Q. -- you noticed that Ivan was friendly?
 10:59 3 A. Uh-huh.
 10:59 4 Q. And he was talkative?
 10:59 5 A. Uh-huh.
 10:59 6 Q. And your husband didn't take to him too much,
 10:59 7 correct?
 10:59 8 A. He thought he was all right, I guess. Like I
 10:59 9 said, in small amounts.
 10:59 10 Q. Yeah. Ivan was kind of a talkative, immature
 10:59 11 BSer. Was that fair to say?
 10:59 12 A. Probably. That's a fairly good assessment,
 10:59 13 yes.
 10:59 14 Q. Okay. But still he was fun, right?
 10:59 15 A. I would categorize him as a nice kid. And he
 11:00 16 is the same age I am. That's just how he struck me.
 11:00 17 Q. Okay. Fair enough.
 11:00 18 MR. HIGH: That's all I have, Judge. Pass
 11:00 19 the witness.
 11:00 20 THE COURT: Anything else of this witness?
 11:00 21 MS. LOWRY: Your Honor, I have just one
 11:00 22 question.

REDIRECT EXAMINATION

11:00 24 BY MS. LOWRY:
 11:00 25 Q. Did your husband also have bad feelings about

11:00 1 Ivan?
 11:00 2 MR. HIGH: Objection, speculation.
 11:00 3 THE COURT: Sustained.
 11:00 4 MR. HIGH: Ask the jury to be instructed
 11:00 5 to disregard the effect of the comment that's been
 11:00 6 lodged by the district attorney in that question.
 11:00 7 THE COURT: Overruled. Anything else from
 11:00 8 the State?
 11:00 9 MS. LOWRY: May I just briefly respond?
 11:00 10 THE COURT: No.
 11:00 11 Q. (BY MS. LOWRY) Did you have a bad feeling
 11:00 12 about Ivan?
 11:00 13 A. When somebody tells you stories like that, you
 11:00 14 have a tendency not to trust them that much, but...
 11:00 15 MS. LOWRY: Pass the witness.
 11:00 16 MR. HIGH: No further questions.
 11:00 17 THE COURT: All right. You may step down.
 11:00 18 (Witness excused.)
 11:00 19 THE COURT: Call your next witness,
 11:00 20 please.
 11:00 21 MS. FALCO: Amy Boettcher.
 11:02 22 THE BAILIFF: Judge, she has not been
 11:02 23 sworn.
 11:02 24 THE COURT: Come up to the Bench, please.
 11:02 25 Raise your right hand.

11:02 1 AMY BOETTCHER,
 11:02 2 being first duly sworn, testified as follows:
 11:02 3 THE COURT: All right. Put your hand
 11:02 4 down. Have a seat right here, please. Ms. Falco?
 11:02 5 MS. FALCO: Yes.
 11:02 6 DIRECT EXAMINATION
 11:02 7 BY MS. FALCO:
 11:02 8 Q. Would you state your name for the jury.
 11:02 9 A. Amy Boettcher.
 11:02 10 Q. And spell your last name, please.
 11:02 11 A. B-O-E-T-T-C-H-E-R.
 11:02 12 Q. Ms. Boettcher, how old are you?
 11:02 13 A. 25.
 11:02 14 Q. Where did you grow up, Ms. Boettcher?
 11:02 15 A. Minnesota.
 11:02 16 Q. How many brothers and sisters do you have?
 11:02 17 A. One, and a stepbrother and a stepsister.
 11:02 18 Q. And who is your -- the one, is that a brother
 11:03 19 or a sister?
 11:03 20 A. A brother.
 11:03 21 Q. And who is your brother?
 11:03 22 A. Jeffrey Boettcher.
 11:03 23 Q. And how old is he?
 11:03 24 A. 20.
 11:03 25 Q. Are your parents divorced?

11:03 1 A. Yes.
 11:03 2 Q. When did they get divorced?
 11:03 3 A. When I was around eight.
 11:03 4 Q. Was your brother living with you and your mom
 11:03 5 and dad up until you were eight years old?
 11:03 6 A. Yes.
 11:03 7 Q. What was your household like during that time?
 11:03 8 A. At first it was great, but then it started
 11:03 9 getting pretty bad when they started getting a divorce.
 11:03 10 Q. What happened when they started getting a
 11:03 11 divorce?
 11:03 12 A. My dad would beat my mom pretty bad.
 11:03 13 Q. Did you see that?
 11:03 14 A. Yes.
 11:03 15 Q. Did your dad have a problem with drinking?
 11:03 16 A. Yes.
 11:03 17 Q. Was that the whole time that you were living
 11:03 18 with them, or did that become more frequent with the
 11:03 19 divorce?
 11:03 20 A. The abusive part became more frequent at the
 11:03 21 divorce, but the drinking was all the time.
 11:04 22 Q. Did your dad ever hit you or your brother?
 11:04 23 A. Yes.
 11:04 24 Q. On a frequent basis or how often?
 11:04 25 A. He hit me once.

11:04 1 Q. How about your brother?
 11:04 2 A. I'm not sure about.
 11:04 3 Q. How old were you when your dad hit you?
 11:04 4 A. I was in 6th grade.
 11:04 5 Q. Why did he hit you?
 11:04 6 A. For a spelling test and being sassy.
 11:04 7 Q. What did he hit you with?
 11:04 8 A. His hand.
 11:04 9 Q. Where did he hit you?
 11:04 10 A. On the butt and across the face, and he
 11:04 11 strangled me on the kitchen floor.
 11:04 12 Q. Because of the spelling test and the attitude?
 11:04 13 A. (Moving head up and down.)
 11:04 14 Q. Was this while your mom and dad were still
 11:04 15 married?
 11:04 16 A. No.
 11:04 17 Q. This was afterwards?
 11:04 18 A. Uh-huh.
 11:04 19 Q. After your mom and dad got divorced, where did
 11:04 20 you live?
 11:04 21 A. I stayed with my mom and her new husband.
 11:04 22 Q. What state was that?
 11:04 23 A. Minnesota.
 11:04 24 Q. Where did your dad live?
 11:04 25 A. In Minnesota still.

11:04 1 Q. Where was your brother living?
 11:04 2 A. With us for a while.
 11:05 3 Q. When did your mom remarry? How soon after she
 11:05 4 divorced your dad?
 11:05 5 A. I was about 12 years old.
 11:05 6 Q. And how long was she married to that stepdad?
 11:05 7 A. Not that long, probably a year.
 11:05 8 Q. And you were living with them while they were
 11:05 9 married?
 11:05 10 A. Yes.
 11:05 11 Q. And how was that?
 11:05 12 A. It was okay for a while, and then the abuse
 11:05 13 started happening.
 11:05 14 Q. What type of abuse?
 11:05 15 A. He would verbally be rude to my mom.
 11:05 16 Q. Ms. Boettcher, I need you to speak up as loud
 11:05 17 as I can so I can hear you. What did you see him do to
 11:05 18 your mom?
 11:05 19 A. He would just be mean to her. Call her bad
 11:05 20 names.
 11:05 21 Q. Did he ever hit her?
 11:05 22 A. I'm not sure of that.
 11:05 23 Q. How did he treat you?
 11:05 24 A. He hit me.
 11:05 25 Q. How often did he hit you?

11:05 1 A. He hit me one time, and then my mom left him.
 11:05 2 Q. Where did you and your mom go after that?
 11:05 3 A. We moved to Embergrove Heights. That's still
 11:06 4 in Minnesota.
 11:06 5 Q. In Minnesota?
 11:06 6 MR. GOELLER: Judge, I'm sorry. I know
 11:06 7 she's soft-spoken, Judge, but I'm having a real hard
 11:06 8 time picking it up.
 11:06 9 THE COURT: Yes, ma'am. Listen, the last
 11:06 10 juror there has to hear you, and the attorneys on both
 11:06 11 sides have to hear you. If they can't hear you, we
 11:06 12 can't have a lawsuit. So I'm going to ask you to
 11:06 13 project your voice all the way back to that back wall.
 11:06 14 Okay?
 11:06 15 THE WITNESS: Okay.
 11:06 16 THE COURT: All right. Thank you. Go
 11:06 17 ahead.
 11:06 18 Q. (BY MS. FALCO) When your mom left him, where
 11:06 19 did you and your mom go?
 11:06 20 A. We moved to Embergrove Heights.
 11:06 21 Q. Who did you move there with?
 11:06 22 A. My mother.
 11:06 23 Q. Was your brother living with you?
 11:06 24 A. Yes, for a little while.
 11:06 25 Q. And did your mom remarry again?

11:06 1 A. Yes.
 11:06 2 Q. And who did she remarry?
 11:06 3 A. Richard Kremer.
 11:06 4 Q. And how old were you when she married Richard
 11:06 5 Kremer?
 11:06 6 A. About 14.
 11:06 7 Q. Did you live with your mom and Richard Kremer?
 11:06 8 A. Yes.
 11:06 9 Q. Where did you live with them?
 11:07 10 A. In Embergrove Heights.
 11:07 11 Q. And how long did you live in Embergrove
 11:07 12 Heights?
 11:07 13 A. For about a year.
 11:07 14 Q. Did you eventually move from Minnesota?
 11:07 15 A. Yes. When I was 21.
 11:07 16 Q. Where did you move to?
 11:07 17 A. Dallas, Texas, in the Euless area.
 11:07 18 Q. And when you moved to Dallas, was your mom and
 11:07 19 your stepdad, Mr. Kremer, still living in Minnesota?
 11:07 20 A. Yes.
 11:07 21 Q. How long did your brother live with you and
 11:07 22 Mr. Kremer and your mom?
 11:07 23 A. Maybe for two years, maybe.
 11:07 24 Q. And then where did he go?
 11:07 25 A. To live with my father.

11:07 1 Q. Did your father remarry?
 11:07 2 A. Yes.
 11:07 3 Q. How many times has he been married?
 11:07 4 A. Twice.
 11:07 5 Q. Is he currently going through another divorce?
 11:07 6 A. Yes.
 11:07 7 Q. And your mom is currently going through a
 11:08 8 divorce?
 11:08 9 A. Yes.
 11:08 10 Q. And how long did your brother live with your
 11:08 11 dad, do you know?
 11:08 12 A. He was kicked out of the house quite often by
 11:08 13 my stepmom. I'm not really positive on that.
 11:08 14 Q. Did you ever live with your dad?
 11:08 15 A. For a little bit.
 11:08 16 Q. When was that?
 11:08 17 A. When I was in ninth grade.
 11:08 18 Q. Was he remarried at the time?
 11:08 19 A. Yes.
 11:08 20 Q. And how was that, living with him and your
 11:08 21 stepmom?
 11:08 22 A. It was okay. At times -- they would fight at
 11:08 23 times.
 11:08 24 Q. Did your dad ever hit you again?
 11:08 25 A. No.

11:08 1 Q. After the ninth grade, did you move back in
 11:08 2 with your mom and Mr. Kremer?
 11:08 3 A. Yes.
 11:08 4 Q. You said you stayed there until you were 21?
 11:08 5 A. Well, I stayed in Minnesota until I was 21.
 11:08 6 Q. And at some point in time did you move out on
 11:08 7 your own?
 11:08 8 A. Yes. Around 16 or 18 years old.
 11:08 9 Q. Where did you live?
 11:09 10 A. With friends.
 11:09 11 Q. How did you end up from Minnesota to Dallas?
 11:09 12 A. I met three guys at a bar that already lived
 11:09 13 down here and hopped on a plane with them.
 11:09 14 Q. What were those guys' names?
 11:09 15 A. Brad, Chris, and Aaron.
 11:09 16 Q. Did you start dating one of those guys?
 11:09 17 A. Yes.
 11:09 18 Q. Who did you start dating?
 11:09 19 A. Chris.
 11:09 20 Q. How long had you known these guys before you
 11:09 21 hopped on the plane?
 11:09 22 A. Maybe 24 hours.
 11:09 23 Q. What made you decide to get on a plane and move
 11:09 24 to Texas?
 11:09 25 A. Just something spontaneous to do.

11:09 1 Q. Did anyone else go with you?
 11:09 2 A. No.
 11:09 3 Q. And when you moved to Dallas, who did you live
 11:09 4 with?
 11:09 5 A. Chris.
 11:09 6 Q. And how long did you and Chris date?
 11:09 7 A. Probably for three years.
 11:09 8 Q. And were you living with him for the whole
 11:09 9 three years?
 11:09 10 A. No. I moved out towards the end of our
 11:10 11 relationship.
 11:10 12 Q. And how was that relationship?
 11:10 13 A. It was good at first, but then he started
 11:10 14 getting abusive.
 11:10 15 Q. How was he abusive?
 11:10 16 A. He hit me, stepped on my neck.
 11:10 17 Q. Where did that happen?
 11:10 18 A. Out on Lewisville Lake.
 11:10 19 Q. When you said he stepped on your neck, how does
 11:10 20 that --
 11:10 21 MR. GOELLER: I'm sorry. I couldn't get
 11:10 22 the last answer, on the lake.
 11:10 23 THE WITNESS: Lewisville Lake.
 11:10 24 MR. GOELLER: Okay.
 11:10 25 Q. (BY MS. FALCO) What happened that led up to

11:10 1 him stepping on your neck?
 11:10 2 A. We were out on the lake, and we just started
 11:10 3 arguing. And he brought me down to the bow of his boat,
 11:10 4 underneath the bow there and threw me around.
 11:10 5 Q. After he did that, were you still living with
 11:10 6 him?
 11:10 7 A. No.
 11:10 8 Q. Is that when you moved out?
 11:10 9 A. Yes.
 11:10 10 Q. Did you still continue to see him?
 11:10 11 A. Yes.
 11:10 12 Q. Did you try to work things out with him?
 11:10 13 A. Yes.
 11:10 14 Q. Even though he beat you up?
 11:10 15 A. (Moving head up and down.)
 11:10 16 Q. And would you answer out loud.
 11:11 17 A. Yes.
 11:11 18 Q. Did any of your family ever come down and live
 11:11 19 with you when you were with Chris?
 11:11 20 A. No.
 11:11 21 Q. And prior to Chris, had you dated some other
 11:11 22 men that weren't so nice to you?
 11:11 23 A. I would see people, but they didn't do
 11:11 24 anything.
 11:11 25 Q. Did you ever have anyone assault you or hit you

11:11 1 that you were dating?
 11:11 2 A. No.
 11:11 3 Q. Did they verbally abuse you?
 11:11 4 A. No.
 11:11 5 Q. How old were you when you and Chris finally
 11:11 6 stopped seeing each other?
 11:11 7 A. 23.
 11:11 8 Q. And when -- what time period was that? When
 11:11 9 was that?
 11:11 10 A. Excuse me. I didn't hear.
 11:11 11 Q. When was that that you stopped seeing Chris?
 11:11 12 A. It was in August sometime.
 11:11 13 Q. August when?
 11:11 14 A. 5th.
 11:11 15 Q. Of which year?
 11:11 16 A. I can't even think. When I was 23.
 11:11 17 Q. Was that last year?
 11:12 18 A. No. I'm 25 now, the year before.
 11:12 19 Q. Two years ago?
 11:12 20 A. Uh-huh.
 11:12 21 Q. When you moved out of Chris's house, where did
 11:12 22 you move?
 11:12 23 A. With Julie and Dennis.
 11:12 24 Q. And who is Julie and Dennis?
 11:12 25 A. Some friends of mine that I met down here.

11:12 1 Q. And where did you meet Julie and Dennis?
 11:12 2 A. I met them at the old complex where Chris and I
 11:12 3 used to live.
 11:12 4 Q. How long did you live with Julie and Dennis?
 11:12 5 A. For almost a year.
 11:12 6 Q. While you were living with Julie and Dennis,
 11:12 7 were you working?
 11:12 8 A. Yes.
 11:12 9 Q. What were you doing?
 11:12 10 A. I was leasing out apartments.
 11:12 11 Q. What apartment complex?
 11:12 12 A. Wildwood.
 11:12 13 Q. Where is that?
 11:12 14 A. In Euless.
 11:12 15 Q. How long did you do that?
 11:12 16 A. I don't even know.
 11:12 17 Q. Was it months, weeks, years? Do you know?
 11:12 18 A. Months.
 11:12 19 Q. What happened with that job?
 11:12 20 A. I got fired.
 11:13 21 Q. Why did you get fired?
 11:13 22 A. Talking back to my boss.
 11:13 23 Q. When was that that you got fired?
 11:13 24 A. It was before September.
 11:13 25 Q. Of what year?

11:13 1 A. Last year.
 11:13 2 Q. So September of 2000?
 11:13 3 A. Uh-huh.
 11:13 4 Q. Had you been working prior to the apartment
 11:13 5 job?
 11:13 6 A. Yeah. I was leasing at a different place.
 11:13 7 Q. And how long were you in the apartment
 11:13 8 business, were you acting as a leasing manager?
 11:13 9 A. Not even for a year. I'm not even positive on
 11:13 10 that.
 11:13 11 MR. GOELLER: I'm sorry. I just can't
 11:13 12 hear the end.
 11:13 13 THE WITNESS: I said I wasn't even
 11:13 14 positive.
 11:13 15 MR. GOELLER: Okay.
 11:13 16 Q. (BY MS. FALCO) About how long you had been
 11:13 17 working?
 11:13 18 A. Yeah.
 11:13 19 Q. When you were living with Chris, were you
 11:13 20 working?
 11:13 21 A. Off and on.
 11:13 22 Q. And who was taking care of most of the bills?
 11:14 23 A. Chris.
 11:14 24 Q. And when you would work off and on, where were
 11:14 25 you working?

11:14 1 A. I would sell insurance, lease out apartments,
 11:14 2 answer phones at places.
 11:14 3 Q. And you relied on Chris mostly to take care of
 11:14 4 things?
 11:14 5 A. Yes.
 11:14 6 Q. Did he ever tell you or make you go get a job?
 11:14 7 A. Yeah.
 11:14 8 Q. Would you go get one?
 11:14 9 A. Sometimes.
 11:14 10 Q. What would happen when you'd get those jobs?
 11:14 11 A. I was always late, never on time.
 11:14 12 Q. Did you end up getting fired? Did you quit?
 11:14 13 A. Some I quit. Some I got fired.
 11:14 14 Q. In September of 2000, when you got fired from
 11:14 15 the apartment job, were you still living with Julie and
 11:14 16 Dennis?
 11:14 17 A. Yes.
 11:14 18 Q. Was it around that time? Did you meet a person
 11:14 19 named Ivan Cantu?
 11:14 20 A. Yes.
 11:14 21 Q. Where did you meet Ivan Cantu?
 11:15 22 A. At Club Seven.
 11:15 23 Q. When was that, do you remember?
 11:15 24 A. It was about August 17th.
 11:15 25 Q. Of 2000?

11:15 1 A. Uh-huh.
 11:15 2 Q. How do you remember that day?
 11:15 3 A. Because it was a week before my birthday.
 11:15 4 Q. When is your birthday?
 11:15 5 A. August 23rd.
 11:15 6 Q. And you just turned 25 this past August?
 11:15 7 A. Correct.
 11:15 8 Q. Who were you at Club Seven with?
 11:15 9 A. A girlfriend named Rana.
 11:15 10 Q. How did you end up meeting Ivan Cantu?
 11:15 11 A. Ivan walked up to our table, and he told me
 11:15 12 that this was his table. And I asked him what his name
 11:15 13 was. And I told him, I'm sorry. I don't see his name
 11:15 14 anywhere, but he was more than welcome to join us.
 11:15 15 Q. And did he join you?
 11:15 16 A. Yes.
 11:15 17 Q. And this person that we were talking about,
 11:15 18 Ivan Cantu, do you see him in the courtroom today?
 11:15 19 A. Yes.
 11:15 20 Q. Point to him and identify something he's
 11:15 21 wearing.
 11:15 22 A. His sweater, green sweater, white collar.
 11:15 23 MS. FALCO: Your Honor, may the record
 11:15 24 reflect she identified the defendant Ivan Abner Cantu.
 11:15 25 THE COURT: All right. It will so

11:16 1 reflect.
 11:16 2 Q. (BY MS. FALCO) What do you think of Ivan when
 11:16 3 you first met him?
 11:16 4 A. Great guy.
 11:16 5 Q. Did you start hanging out with him after that?
 11:16 6 A. Yes.
 11:16 7 Q. How frequently were you hanging out with him?
 11:16 8 A. Pretty much almost every day.
 11:16 9 Q. Were you -- were you dating anyone else at the
 11:16 10 time?
 11:16 11 A. No.
 11:16 12 Q. Was he dating other people at the time?
 11:16 13 A. I'm not positive on that.
 11:16 14 Q. And when you-all would hang out together, where
 11:16 15 would you go?
 11:16 16 A. I would go out to the lake, Lake Lewisville.
 11:16 17 Go to clubs, mostly Club Seven.
 11:16 18 Q. And when you went out to Lake Lewisville, did
 11:16 19 anyone have a boat that you knew?
 11:16 20 A. Yes.
 11:16 21 Q. Who had a boat?
 11:16 22 A. Brad Bobbitt.
 11:16 23 Q. Who was Brad Bobbitt?
 11:16 24 A. It was Ivan's roommate.
 11:16 25 Q. When did you meet Brad Bobbitt?

11:16 1 A. The same night I met Ivan.
 11:16 2 Q. Was he with him at Club Seven?
 11:16 3 A. Yes.
 11:17 4 Q. And is that whose boat you'd go on when you
 11:17 5 went to Lake Lewisville?
 11:17 6 A. Yes, or another friend, Chris. I'm not sure of
 11:17 7 his last name.
 11:17 8 Q. Different Chris than the one you dated?
 11:17 9 A. Yes.
 11:17 10 Q. What would you do when you would go out to the
 11:17 11 lake with Ivan Cantu and Brad Bobbitt?
 11:17 12 A. Basically just go out, hang out, use drugs.
 11:17 13 Q. What type of drugs?
 11:17 14 A. Cocaine and ecstasy.
 11:17 15 Q. Was everybody using the cocaine and the
 11:17 16 ecstasy?
 11:17 17 A. Yes.
 11:17 18 Q. How frequently would you go out to the lake?
 11:17 19 A. A lot.
 11:17 20 Q. When you say "a lot," is it daily, on the
 11:17 21 weekends?
 11:17 22 A. On the weekends.
 11:17 23 Q. So you'd also go to Club Seven?
 11:17 24 A. Uh-huh.
 11:17 25 Q. What type of club is Club Seven?

11:17 1 A. Kind of a ritual club, techno music.
 11:18 2 Q. Is it open late?
 11:18 3 A. Yes. It's open until four in the morning.
 11:18 4 Q. Is it pretty easy to get drugs there?
 11:18 5 A. Yes.
 11:18 6 Q. If you want drugs, you can get them there?
 11:18 7 A. Yes.
 11:18 8 Q. How often would you go there with Ivan Cantu?
 11:18 9 A. Almost every Friday.
 11:18 10 Q. During this time how was your relationship with
 11:18 11 Ivan Cantu?
 11:18 12 A. Great.
 11:18 13 Q. How did he treat you?
 11:18 14 A. Wonderful.
 11:18 15 Q. At some point in time did your brother, Jeff
 11:18 16 Boettcher, move down?
 11:18 17 A. The day of my birthday.
 11:18 18 Q. Why did he come down?
 11:18 19 A. Because my mother and my stepfather and him got
 11:18 20 into a bad fight.
 11:18 21 Q. And did you know he was coming?
 11:18 22 A. Yes, I did.
 11:18 23 Q. And where did you-all live when he came down?
 11:18 24 A. At Julie's.
 11:18 25 Q. And how long did you stay at Julie and Dennis's

11:19 1 house after your brother came down?
 11:19 2 A. Probably a month or two.
 11:19 3 Q. And did you eventually move out from Julie and
 11:19 4 Dennis's house?
 11:19 5 A. Yes.
 11:19 6 Q. Why?
 11:19 7 A. Jeff felt uncomfortable, and I started dating
 11:19 8 Ivan more often.
 11:19 9 Q. Had you dated Julie and Dennis's son?
 11:19 10 A. Yes.
 11:19 11 Q. Did Julie and Dennis stay in the house where
 11:19 12 y'all were living, or did they move, too?
 11:19 13 A. They stayed.
 11:19 14 Q. Where did you and your brother go?
 11:19 15 A. To Brad Bobbitt's and Ivan's.
 11:19 16 Q. Who was living at Brad Bobbitt's house?
 11:19 17 A. Brad would be there. Ivan was there and
 11:19 18 Kadine.
 11:19 19 Q. Who is Kadine?
 11:19 20 A. She was basically just somebody they all met.
 11:19 21 Q. Was she dating Bobbitt or was she dating
 11:19 22 anybody?
 11:19 23 A. She was really in love with Bobbitt. I don't
 11:19 24 know if they started dating or not.
 11:19 25 Q. And then you and your brother moved in?

11:19 1 A. Correct.
 11:19 2 Q. This is an apartment or a house?
 11:20 3 A. It was like a town house.
 11:20 4 Q. How many bedrooms?
 11:20 5 A. Two.
 11:20 6 Q. And who slept where in the bedroom?
 11:20 7 A. I would sleep with Ivan, and Kadine would sleep
 11:20 8 in Bobbitt's room because he was mostly out of town, and
 11:20 9 my brother would kind of just sleep wherever.
 11:20 10 Q. And with regard to Bobbitt, did he work out of
 11:20 11 town --
 11:20 12 A. Yes.
 11:20 13 Q. -- and come home on the weekends?
 11:20 14 A. Yes.
 11:20 15 Q. Were you working?
 11:20 16 A. No.
 11:20 17 Q. Had you gotten a job since you got fired from
 11:20 18 the apartment?
 11:20 19 A. I was supposed to get hired at one, but I never
 11:20 20 went and took the drug test.
 11:20 21 Q. Why not?
 11:20 22 A. Because I was on drugs all the time.
 11:20 23 Q. Who was paying for your stuff when you were
 11:20 24 living at Bobbitt's?
 11:20 25 A. Ivan.

11:20 1 Q. Did Ivan try to get you to go get a job?
 11:20 2 A. He asked me to a couple of times, but he didn't
 11:20 3 really enforce it that hard.
 11:21 4 Q. And he paid for everything you needed?
 11:21 5 A. Yes.
 11:21 6 Q. How often would you say you were doing drugs
 11:21 7 during this time?
 11:21 8 A. Almost every day.
 11:21 9 Q. What kind of drugs were you doing?
 11:21 10 A. Cocaine, speed, ecstasy.
 11:21 11 Q. Were you paying for any of it?
 11:21 12 A. No.
 11:21 13 Q. How long did you live there at Bobbitt's house?
 11:21 14 A. Maybe for a month.
 11:21 15 Q. And what happened after a month?
 11:21 16 A. We moved into Ivan's mother's house for a
 11:21 17 while.
 11:21 18 Q. Why did you move out of Bobbitt's house?
 11:21 19 A. Ivan just told us to pack our stuff, and we
 11:21 20 were moving.
 11:21 21 Q. And who else moved with you to Ivan's mother's
 11:21 22 house?
 11:21 23 A. My brother.
 11:21 24 Q. And her name is Sylvia Cantu?
 11:21 25 A. Correct.

11:21 1 Q. So you and Jeff and Ivan went to Sylvia's
 11:21 2 house?
 11:21 3 A. Uh-huh.
 11:21 4 Q. How long did you live there?
 11:21 5 A. I'm not even sure.
 11:22 6 Q. What was that like living there?
 11:22 7 A. Different.
 11:22 8 Q. How was it different?
 11:22 9 A. Just uncomfortable.
 11:22 10 Q. Did you get the feeling that Sylvia Cantu liked
 11:22 11 you or didn't like you?
 11:22 12 A. Sometimes I had the feeling that she didn't
 11:22 13 like me.
 11:22 14 Q. Why is that?
 11:22 15 A. Just her vibes.
 11:22 16 Q. Do you remember how long it was that you stayed
 11:22 17 there?
 11:22 18 A. Maybe a week or two.
 11:22 19 Q. Why did you move out of there?
 11:22 20 A. Ivan said he had to leave.
 11:22 21 Q. So again, it was Ivan's decision to pick up and
 11:22 22 move?
 11:22 23 A. (Moving head up and down.)
 11:22 24 Q. Would you answer out loud.
 11:22 25 A. Yes.

11:22 1 Q. Where did you move to?
 11:22 2 A. We'd stay one night at his brother's house, and
 11:22 3 then we stayed in a hotel.
 11:22 4 Q. And who is his brother?
 11:22 5 A. Eric.
 11:22 6 Q. Eric Cantu?
 11:22 7 A. Yes.
 11:22 8 Q. And why did you only stay there one night?
 11:22 9 A. Because Eric was unhappy with us staying there.
 11:23 10 Q. Did he want his brother there?
 11:23 11 A. He didn't want none of us there.
 11:23 12 Q. Where did you go after Eric Cantu's house?
 11:23 13 A. We stayed in a hotel for a little bit.
 11:23 14 Q. Where was the hotel, do you remember?
 11:23 15 A. I believe it was in the Plano area. I'm not
 11:23 16 positive.
 11:23 17 Q. How long did you stay at the hotel?
 11:23 18 A. I believe for a weekend.
 11:23 19 Q. And then where did you go?
 11:23 20 A. We got our own apartment.
 11:23 21 Q. Where was your apartment?
 11:23 22 A. It was in the Dallas area, Pear Ridge.
 11:23 23 Q. Is that the one on Old Bent Tree Lane?
 11:23 24 A. Yeah.
 11:23 25 Q. Did the defendant try to get an apartment in

11:23 1 his name?
 11:23 2 A. Yes.
 11:23 3 Q. Was he able to?
 11:23 4 A. No.
 11:23 5 Q. Who's name was the apartment at Pear Ridge in?
 11:23 6 A. My name.
 11:23 7 Q. How big was the apartment?
 11:23 8 A. It was a one bedroom with a den study. I'm not
 11:23 9 sure of the square feet of it.
 11:24 10 Q. Do you remember approximately what day it was
 11:24 11 that you moved in there?
 11:24 12 A. October 15th.
 11:24 13 Q. And that's of last year?
 11:24 14 A. Yes.
 11:24 15 Q. And how long did Jeff live there with you in
 11:24 16 those apartments?
 11:24 17 A. Probably a couple of weeks.
 11:24 18 Q. Were you -- were you working?
 11:24 19 A. No.
 11:24 20 Q. Would Jeff work?
 11:24 21 A. Off and on. He got a job at a gas station.
 11:24 22 Q. What about Ivan? Was Ivan working?
 11:24 23 A. Yes.
 11:24 24 Q. Where did he work?
 11:24 25 A. Countrywide.

11:24 1 Q. Did he have any other jobs that you knew of?
 11:24 2 A. Towards the -- later on he got another job at
 11:24 3 Soup and Salad.
 11:24 4 Q. What was he doing at Soup and Salad?
 11:24 5 A. Waiting tables.
 11:24 6 Q. Was that in addition to the Countrywide job?
 11:24 7 A. Yes, I believe so.
 11:24 8 Q. Do you remember going to a Halloween party last
 11:25 9 Halloween?
 11:25 10 A. Yes.
 11:25 11 Q. Do you remember what kind of party it was?
 11:25 12 What the name of the party was?
 11:25 13 A. Dragons Halloween.
 11:25 14 Q. And where was it?
 11:25 15 A. It was downtown Dallas in a warehouse.
 11:25 16 Q. Was it a costume party?
 11:25 17 A. Yes.
 11:25 18 Q. Who did you go to that party with?
 11:25 19 A. Ivan.
 11:25 20 Q. How were you all dressed up?
 11:25 21 A. I was dressed as a French maid for a little
 11:25 22 bit, and he had kind of like a prince outfit on with a
 11:25 23 cape.
 11:25 24 Q. Who did you go to that party with, other than
 11:25 25 Ivan? Did you go as a group, or did you go just as a

11:25 1 couple?
 11:25 2 A. We went with a group.
 11:25 3 Q. Do you remember who was all with that group?
 11:25 4 A. Melanie, Craig, Kathy, John, Valerie, Peter,
 11:25 5 Eric. I can't remember everybody else.
 11:26 6 Q. Did you know James Mosqueda or Amy Kitchen?
 11:26 7 A. I've met them a couple of times.
 11:26 8 Q. Did you see them at that party?
 11:26 9 A. Yes.
 11:26 10 Q. And did you and Ivan talk to them at the party?
 11:26 11 A. Yes.
 11:26 12 Q. And did things seem friendly at that time?
 11:26 13 A. Yes.
 11:26 14 Q. Have you ever met anyone named Carlos Gonzalez?
 11:26 15 A. Yes.
 11:26 16 Q. And who is Carlos?
 11:26 17 A. A friend of Ivan's.
 11:26 18 Q. Do you remember where he lived?
 11:26 19 A. In Frisco.
 11:26 20 Q. Did you ever go to his house?
 11:26 21 A. Yes.
 11:26 22 Q. Who did you go to his house with?
 11:26 23 A. Ivan.
 11:26 24 Q. Why would you go to Carlos's house?
 11:26 25 A. We went over there a couple of times to do some

11:26 1 ecstasy.
 11:26 2 Q. Whose idea was that?
 11:26 3 A. Ivan's and mine.
 11:26 4 Q. What about Anthony Fonseca? Do you know
 11:26 5 Anthony Fonseca?
 11:26 6 A. Does he go by Sonny?
 11:26 7 Q. Is that how you know him?
 11:27 8 A. Yes.
 11:27 9 MR. GOELLER: I'm sorry. I just can't
 11:27 10 hear you. Judge, could you have her speak up just a
 11:27 11 little.
 11:27 12 THE COURT: Please speak up.
 11:27 13 Q. (BY MS. FALCO) Do you know him as Sonny?
 11:27 14 A. Yes.
 11:27 15 Q. How did you meet him?
 11:27 16 A. Through Ivan.
 11:27 17 Q. Did you see him a lot or a few times or do you
 11:27 18 know?
 11:27 19 A. A couple of times.
 11:27 20 Q. Where would you see him?
 11:27 21 A. In the Frisco house.
 11:27 22 Q. At Carlos's house?
 11:27 23 A. Yes.
 11:27 24 Q. When you would go over to Carlos's house to do
 11:27 25 ecstasy, who was there, do you remember?

11:27 1 A. Carlos, Michelle, Anthony, or Sonny. Anthony's
 11:27 2 girlfriend, and my brother came over one time.
 11:27 3 Q. How were you around Carlos and Sonny? Were you
 11:27 4 talkative? Did you talk a lot?
 11:27 5 A. No, not really.
 11:27 6 Q. Why not?
 11:27 7 A. Just didn't really know them that well.
 11:28 8 Q. Going back to when you were living in the --
 11:28 9 the Pear Ridge apartment, do you know why Jeff Boettcher
 11:28 10 moved out?
 11:28 11 A. No. One day he just got up and left.
 11:28 12 Q. Did he tell you he was going?
 11:28 13 A. Yeah.
 11:28 14 Q. When did he tell you?
 11:28 15 A. The night before my dad got there to drop off
 11:28 16 some furniture for us.
 11:28 17 Q. And why was your dad coming down there?
 11:28 18 A. Drop off furniture.
 11:28 19 Q. And where was he coming from?
 11:28 20 A. Minnesota.
 11:28 21 Q. And was that for the apartment that you and
 11:28 22 Jeff are supposed to be living in?
 11:28 23 A. Yes.
 11:28 24 Q. And Jeff said he was going, moving back?
 11:28 25 A. Yes.

11:28 1 Q. And where did he go back to?
 11:28 2 A. Minnesota.
 11:28 3 Q. Was that a surprise to you?
 11:28 4 A. Yes.
 11:28 5 Q. After he moved back to Minnesota, was it just
 11:28 6 you and Ivan Cantu in that apartment?
 11:28 7 A. Yes.
 11:29 8 Q. Do you remember your apartment being 1004?
 11:29 9 A. Yes.
 11:29 10 Q. Was it a downstairs apartment?
 11:29 11 A. Yes.
 11:29 12 Q. What type of car did Ivan Cantu drive?
 11:29 13 A. A Honda.
 11:29 14 Q. At some point in time did his mom take the car?
 11:29 15 A. Yes. The night we were over at his brother's
 11:29 16 house.
 11:29 17 Q. She came and took it?
 11:29 18 A. Yes.
 11:29 19 Q. How long did she keep it?
 11:29 20 A. For quite a while.
 11:29 21 Q. How did Ivan get around?
 11:29 22 A. My brother's car.
 11:29 23 Q. Did he eventually get the Honda back from his
 11:29 24 mom?
 11:29 25 A. Yes.

11:29 1 Q. Do you -- have you ever met a lady named or a
 11:29 2 couple named Melanie and Craig Liikala?
 11:29 3 A. Yes.
 11:29 4 Q. Where did you meet them?
 11:29 5 A. Over at Kathy's house.
 11:29 6 Q. And who is Kathy?
 11:29 7 A. Where we met to go to the Halloween party, and
 11:29 8 I also met them out on Lewisville Lake.
 11:30 9 Q. When you saw them at the Halloween party, was
 11:30 10 there conversation between Ivan and them regarding them
 11:30 11 buying a home?
 11:30 12 A. Yes.
 11:30 13 Q. And were they asking Ivan to help them get a
 11:30 14 mortgage for a home?
 11:30 15 A. Yes.
 11:30 16 Q. And as a result of that conversation, did you
 11:30 17 go to dinner with Melanie and Craig?
 11:30 18 MR. GOELLER: Judge, I'm going to object
 11:30 19 to the repetitive nature of the leading questions now,
 11:30 20 and that the answer suggested the witness just say yes.
 11:30 21 THE COURT: Sustained.
 11:30 22 MR. GOELLER: Thank you.
 11:30 23 Q. (BY MS. FALCO) After your conversation on
 11:30 24 Halloween, did you see Melanie and Craig again?
 11:30 25 A. Yes.

11:30 1 Q. And when was that?
 11:30 2 A. November 3rd.
 11:30 3 Q. Was that Friday?
 11:30 4 A. It was Thursday, November 2nd.
 11:30 5 Q. On Thursday?
 11:30 6 A. Yes.
 11:30 7 Q. Why did you see them on Thursday, November 2nd?
 11:30 8 A. We had plans to go to dinner with them, and
 11:30 9 they had to bring over some stuff for Ivan, due to the
 11:30 10 loan that he was going to help them get.
 11:30 11 Q. Where did you go to dinner?
 11:31 12 A. Mi Cocina's.
 11:31 13 Q. Where did you meet them?
 11:31 14 A. At my apartment or our apartment.
 11:31 15 Q. How close did you live to Mi Cocina's?
 11:31 16 A. Maybe a block away.
 11:31 17 Q. And prior to going to Mi Cocina's, when they
 11:31 18 met you at their apartment, did you all have any
 11:31 19 cocktails or drinks?
 11:31 20 A. Yes.
 11:31 21 Q. What did you drink?
 11:31 22 A. We had some champagne and a beer.
 11:31 23 Q. Was anyone doing drugs?
 11:31 24 A. No.
 11:31 25 Q. How long were you at dinner?

11:31 1 A. I'm not even sure.
 11:31 2 Q. Did Melanie and Craig bring the paperwork for
 11:31 3 Ivan that was necessary for the home?
 11:31 4 A. Not all of it.
 11:31 5 Q. How long were you with Melanie and Craig that
 11:31 6 night?
 11:31 7 A. For a long time. She came over, and she got
 11:31 8 ready at my place after work. And I think we got home
 11:32 9 about 10:30, quarter to 11.
 11:32 10 Q. And up to that point, or at that point how
 11:32 11 would you describe your relationship with Ivan?
 11:32 12 A. It was fantastic.
 11:32 13 Q. Did you talk about marriage?
 11:32 14 A. (Moving head up and down.)
 11:32 15 Q. Would you answer out loud.
 11:32 16 A. Yeah.
 11:32 17 Q. When did you start talking about marriage?
 11:32 18 A. When we were still staying at Bobbitt's house.
 11:32 19 Q. And had you done anything regarding that
 11:32 20 discussion about marriage?
 11:32 21 A. We went to look at rings one time.
 11:32 22 Q. And do you remember when that was when you went
 11:32 23 to look at rings?
 11:32 24 A. It was when we -- I believe when we were
 11:32 25 staying at his mom's house.

11:32 1 Q. And who all went to go look at rings?
 11:32 2 A. Ivan and my brother and I.
 11:32 3 Q. Did you ever get any catalogs regarding rings?
 11:32 4 A. No.
 11:32 5 Q. You don't remember having any?
 11:33 6 A. No. I don't remember getting any.
 11:33 7 Q. Did you start telling people that you were
 11:33 8 engaged?
 11:33 9 A. Yes.
 11:33 10 Q. You and Ivan told people that?
 11:33 11 A. Yes.
 11:33 12 Q. Who did you tell that you were engaged?
 11:33 13 A. Valerie and John, Melanie and Craig, all our
 11:33 14 main friends that we would bump into.
 11:33 15 Q. When did you start telling them you were
 11:33 16 engaged?
 11:33 17 A. When we were still living at Bobbitt's house.
 11:33 18 Q. Would Ivan tell people that you-all were
 11:33 19 engaged?
 11:33 20 A. Yes.
 11:33 21 Q. Was there any conversation from Ivan about your
 11:33 22 ring, if you were going to get a ring?
 11:33 23 A. No, not really.
 11:33 24 Q. With regard to that, the fact that you-all
 11:33 25 considered yourself engaged, did you make arrangements

11:33 1 to go to Arkansas?
 11:33 2 A. Yes.
 11:33 3 Q. When was that?
 11:33 4 A. When we were staying -- we were still at
 11:33 5 Bobbitt's house when we made those arrangements.
 11:34 6 Q. And why did you make the arrangements?
 11:34 7 A. So my parents could meet Ivan.
 11:34 8 Q. When did you plan on going to Arkansas?
 11:34 9 A. November 3rd.
 11:34 10 Q. So the trip was planned for a couple of weeks?
 11:34 11 A. At least a month.
 11:34 12 Q. Getting back to that Thursday, you went to
 11:34 13 dinner with Melanie and Craig. What time did they
 11:34 14 leave?
 11:34 15 A. As soon as they dropped us off. They just
 11:34 16 dropped us off and left.
 11:34 17 Q. And did you and Ivan go back in the apartment?
 11:34 18 A. Yes.
 11:34 19 Q. That night did you and Ivan have a fight?
 11:34 20 A. Yes, we did.
 11:34 21 Q. What was the fight about?
 11:34 22 A. I'm not even really sure.
 11:34 23 Q. What did he say to you?
 11:35 24 MR. GOELLER: Objection as to hearsay.
 11:35 25 Objection, number one; she is not competent if she

11:35 1 doesn't even know what the fight was about. "What did
 11:35 2 he say to you?" It's hearsay, and it's obviously
 11:35 3 speculation.
 11:35 4 THE COURT: Overruled.
 11:35 5 Q. (BY MS. FALCO) What did he say to you?
 11:35 6 A. He got angry later on in the night and just
 11:35 7 said that he wasn't messing around about things and
 11:35 8 wasn't joking.
 11:35 9 Q. What were you talking about that led him to
 11:35 10 getting angry?
 11:35 11 A. I was talking about if he was serious about
 11:35 12 getting married and about this money he's supposed to be
 11:35 13 getting back.
 11:35 14 Q. When you said -- when I asked you what was --
 11:35 15 what the fight was about, you indicated you don't really
 11:35 16 know. What did you mean by that?
 11:35 17 A. I just don't really know why he got so angry.
 11:35 18 I didn't think we were really fighting because we were
 11:35 19 just sitting there talking.
 11:35 20 Q. Did he start yelling at you?
 11:35 21 A. Yes.
 11:36 22 Q. I'm going to take you to the next day, Friday,
 11:36 23 November 3rd. What did you do that day?
 11:36 24 A. I slept most of the day.
 11:36 25 Q. Why did you sleep most of the day?

11:36 1 A. I didn't get much sleep the night before.
 11:36 2 Q. Where was Ivan during the day?
 11:36 3 A. I believe he was at work.
 11:36 4 Q. And do you know which workplace he was at?
 11:36 5 A. Soup and Salads.
 11:36 6 Q. What time did Ivan come home, do you remember,
 11:36 7 from work?
 11:36 8 A. No, I don't.
 11:36 9 Q. After your dinner -- or your dinner with
 11:36 10 Melanie and Craig, did you talk to Melanie after that
 11:36 11 dinner conversation, after you had dinner with her on
 11:36 12 Thursday?
 11:36 13 A. Yes, I did.
 11:36 14 Q. When did you talk to her again?
 11:36 15 A. I talked to her Friday.
 11:37 16 Q. During the day or at night?
 11:37 17 A. During the day and at the nighttime.
 11:37 18 Q. And what were the plans for Melanie?
 11:37 19 A. Her and Craig were going to come over, and we
 11:37 20 were all going to go out to Club Seven.
 11:37 21 Q. And did Melanie come over to your house on
 11:37 22 Friday, November 3rd?
 11:37 23 A. Yes.
 11:37 24 Q. About what time did she get there?
 11:37 25 A. I'm not sure.

11:37 1 Q. Was it daytime, nighttime?
 11:37 2 A. It was nighttime.
 11:37 3 Q. And did she bring anything with her when she
 11:37 4 came over?
 11:37 5 A. Yes.
 11:37 6 Q. What did she have with her?
 11:37 7 A. Some papers for Ivan.
 11:37 8 Q. When she got there, do you remember whether
 11:37 9 Ivan was home yet or not?
 11:37 10 A. I believe she got there before Ivan got home.
 11:37 11 Q. Do you know for sure?
 11:37 12 A. No, I don't.
 11:37 13 Q. That night had you and Ivan planned on going
 11:37 14 out?
 11:37 15 A. Yes.
 11:38 16 Q. Where were you-all planning on going out?
 11:38 17 A. Club Seven.
 11:38 18 Q. Were you able to shower yourself?
 11:38 19 A. No.
 11:38 20 Q. Why not?
 11:38 21 A. My hand was messed up.
 11:38 22 Q. Did Ivan help you get ready?
 11:38 23 A. Yes.
 11:38 24 Q. Was your hand messed up Thursday at dinner?
 11:38 25 A. No.

11:38 1 Q. What happened after Ivan came home from dinner
11:38 2 and Melanie was at your house?
11:38 3 A. They just --
11:38 4 Q. I'm sorry. When Ivan came home from work and
11:38 5 Melanie was at your house.
11:38 6 A. Nothing, they just talked.
11:38 7 Q. Was there a conversation about cigarettes?
11:38 8 A. Yes.
11:38 9 Q. What was the conversation?
11:38 10 A. I told Ivan that I needed cigarettes, and he
11:38 11 said, well, he had to go to the store anyways, and he
11:38 12 would get them. And Melanie said that she would go get
11:39 13 them, and I asked to go with and Ivan said no.
11:39 14 Q. He wouldn't let you go get cigarettes?
11:39 15 A. No.
11:39 16 Q. Who went and got the cigarettes?
11:39 17 A. Melanie did.
11:39 18 Q. With regard -- first of all, did you have a
11:39 19 car?
11:39 20 A. No, I did not.
11:39 21 Q. And why don't you have a car?
11:39 22 A. DWI.
11:39 23 Q. Currently on probation for that?
11:39 24 A. Yes.
11:39 25 Q. And you are not allowed to drive?

11:39 1 A. Correct.
11:39 2 Q. With regard to your apartment, who had a key to
11:39 3 your apartment?
11:39 4 A. Ivan.
11:39 5 Q. Did you?
11:39 6 A. No.
11:39 7 Q. Why not?
11:39 8 A. 'Cause every time I would leave, I would
11:39 9 basically leave with him.
11:39 10 Q. And so when you wanted to go get cigarettes, he
11:39 11 told you you could not go?
11:39 12 A. Correct.
11:39 13 Q. Did Melanie go get cigarettes?
11:39 14 A. Yes.
11:39 15 Q. How long was she gone?
11:39 16 A. Maybe ten minutes.
11:39 17 Q. And what happened after she went to get
11:39 18 cigarettes?
11:39 19 A. She just honked her horn, dropped them off, and
11:40 20 left.
11:40 21 Q. Do you know about what time that was?
11:40 22 A. It was about 11:00.
11:40 23 Q. Did the defendant go to the grocery store that
11:40 24 night?
11:40 25 A. I believe so, yes.

11:40 1 Q. Do you remember when he went?
11:40 2 A. No, I don't.
11:40 3 Q. What was Ivan wearing when Melanie came and
11:40 4 dropped the cigarettes off?
11:40 5 A. I believe he still had his work clothes on, a
11:40 6 pair of shorts.
11:40 7 Q. And did he eventually change?
11:40 8 A. Yes.
11:40 9 Q. What did he change into?
11:40 10 A. A pair of jeans and a black and white striped
11:40 11 shirt.
11:40 12 Q. Was it a button-down or T-shirt? What kind of
11:40 13 shirt?
11:40 14 A. Just a pullover shirt.
11:40 15 Q. After Melanie dropped the cigarettes off, what
11:41 16 happened at your and Ivan's apartment?
11:41 17 A. Nothing really.
11:41 18 Q. Did Ivan make a phone call?
11:41 19 A. Yes.
11:41 20 MR. GOELLER: Objection, Judge. I object
11:41 21 to this type of leading. She said nothing, and then the
11:41 22 State suggests the answer. I object to that.
11:41 23 THE COURT: Sustained.
11:41 24 Q. (BY MS. FALCO) How long were you in your
11:41 25 apartment before someone left?

11:41 1 A. For at least 30 minutes.
11:41 2 Q. Who left?
11:41 3 A. Ivan left.
11:41 4 Q. Did he do anything before he left?
11:41 5 A. Yes, he did.
11:41 6 Q. What did he do?
11:41 7 A. He made a phone call.
11:41 8 Q. Who did he call?
11:41 9 A. I believe James.
11:41 10 Q. Could you hear Ivan's end of the conversation?
11:41 11 A. Yes.
11:41 12 Q. And what did you hear Ivan say?
11:41 13 A. That he needed to go -- go over to their house
11:41 14 to talk to them.
11:41 15 Q. Did you think that was unusual?
11:41 16 A. No.
11:41 17 Q. And why not?
11:41 18 A. Because it was his cousin.
11:41 19 Q. How close did they live to you?
11:42 20 A. Very close, maybe three blocks.
11:42 21 Q. When were you-all supposed to leave for
11:42 22 Arkansas?
11:42 23 A. We had planned either to leave after Club Seven
11:42 24 or in the early morning because I wanted to go to Seven
11:42 25 that night.

11:42 1 Q. What time was it approximately when Ivan called
 11:42 2 James' home?
 11:42 3 A. About 11:20.
 11:42 4 Q. What happened after Ivan hung up the phone?
 11:42 5 A. He went to the room, and then he came back to
 11:42 6 the door, and he was getting ready to walk out the door.
 11:42 7 Q. Did you see what he did in this room?
 11:42 8 A. No, I did not.
 11:42 9 Q. When he got to the door, what did he do?
 11:42 10 A. He stated that he --
 11:42 11 MR. GOELLER: Objection as to hearsay,
 11:42 12 Your Honor.
 11:42 13 THE COURT: Overruled.
 11:42 14 Q. (BY MS. FALCO) What did he say?
 11:42 15 A. He said that he was going to go kill Amy and
 11:42 16 James.
 11:42 17 Q. How did he say it?
 11:42 18 A. Just calm.
 11:43 19 Q. Did he say anything else?
 11:43 20 A. No.
 11:43 21 Q. What did he do after he said that?
 11:43 22 A. Left.
 11:43 23 Q. Did you believe him?
 11:43 24 A. No.
 11:43 25 Q. Why not?

11:43 1 A. Because he's tested me before on a watch.
 11:43 2 Just -- he didn't seem like the type to go do something
 11:43 3 like that.
 11:43 4 Q. When you say he has tested you before, what do
 11:43 5 you mean by that?
 11:43 6 A. He gave me a Nevada watch, and I went to have
 11:43 7 it appraised to see if it was real. And he said he gave
 11:43 8 it to me to test me on it.
 11:43 9 Q. Did you call the police?
 11:43 10 A. No.
 11:43 11 Q. Why not?
 11:43 12 A. Because I was scared.
 11:43 13 Q. Did you call James and Amy?
 11:43 14 A. No. I didn't know their number.
 11:43 15 MR. GOELLER: I'm sorry. I can't hear
 11:43 16 you.
 11:43 17 THE WITNESS: I said, no. I didn't know
 11:43 18 their number.
 11:43 19 MR. GOELLER: Okay.
 11:43 20 Q. (BY MS. FALCO) When he left did you see
 11:43 21 anything in his hands?
 11:43 22 A. No.
 11:44 23 Q. Did you really think he was going over there to
 11:44 24 kill them?
 11:44 25 A. No.

11:44 1 Q. What did you do while Ivan was gone?
 11:44 2 A. I called my stepfather to tell him that we'd be
 11:44 3 on our way up later on, and I also made a phone call to
 11:44 4 Melanie, and I finished getting ready.
 11:44 5 Q. Why did you call Melanie?
 11:44 6 A. Because to see if they were going to go to
 11:44 7 Club Seven and to see if she got ahold of Craig.
 11:44 8 Q. And your stepfather, you called him? He lives
 11:44 9 in Arkansas?
 11:44 10 A. Correct.
 11:44 11 Q. How long was Ivan gone?
 11:44 12 A. It was 11:30 when he left, and when he returned
 11:44 13 it was 12:18.
 11:44 14 Q. How do you know that time?
 11:44 15 A. Because I had looked at my VCR clock in the
 11:44 16 living room.
 11:44 17 Q. And describe what Ivan looked like when he came
 11:44 18 home.
 11:45 19 A. His face was swollen on the side of his face.
 11:45 20 He had blood on his jeans, a couple specks of blood in
 11:45 21 his hair. He had a different shirt on and different
 11:45 22 shoes on.
 11:45 23 Q. What kind of shirt did he have on?
 11:45 24 A. It was a black button-up shirt with red in it.
 11:45 25 Q. Had you ever seen that shirt before?

11:45 1 A. Yes.
 11:45 2 Q. Where did you see that shirt?
 11:45 3 A. James wore it.
 11:45 4 Q. What kind of shoes did he have on?
 11:45 5 A. Black dress shoes.
 11:45 6 Q. Were those the shoes he left in?
 11:45 7 A. No.
 11:45 8 Q. What kind of shoes was he wearing when he left
 11:45 9 your apartment?
 11:45 10 A. He was wearing boots, like hiking boots.
 11:45 11 Q. Do you remember what he said when he came in
 11:45 12 the door?
 11:45 13 A. He said, "It wasn't pretty." And it's about
 11:45 14 time he walked some marble floors again, and he was
 11:46 15 upset because his gun was jammed.
 11:46 16 Q. He was upset because why?
 11:46 17 A. His gun was jammed.
 11:46 18 Q. Did you see him messing with the gun?
 11:46 19 A. Yes.
 11:46 20 Q. Where was he messing with the gun?
 11:46 21 A. In the kitchen.
 11:46 22 Q. Could you see what he was doing with it?
 11:46 23 A. It looked like he was unloading bullets.
 11:46 24 Q. What did he say about his gun jamming?
 11:46 25 MR. GOELLER: Objection as to hearsay,

11:46 1 Your Honor.
 11:46 2 THE COURT: Overruled.
 11:46 3 A. He said this is my favorite F'ing gun, and he
 11:46 4 was upset about it.
 11:46 5 Q. (BY MS. FALCO) What else did you do besides
 11:46 6 seeing him mess with the gun in the kitchen?
 11:46 7 A. He had ID's and he just kind of wiped off his
 11:46 8 gun a little and went in the shower. He said he had to
 11:46 9 go take a shower.
 11:46 10 Q. Whose ID's did he have?
 11:46 11 A. Amy and James's.
 11:46 12 Q. How did you see them?
 11:46 13 A. Because they were on the counter.
 11:46 14 Q. Did you ask him about them?
 11:47 15 A. Yes, I did.
 11:47 16 Q. What did he say?
 11:47 17 A. He said he had to keep those.
 11:47 18 Q. And you said he had keys?
 11:47 19 A. Yes.
 11:47 20 Q. What kind of keys?
 11:47 21 A. Car keys, house keys. That are on like a
 11:47 22 golden ring-type.
 11:47 23 Q. And then he said he had to take a shower?
 11:47 24 A. Yes.
 11:47 25 Q. What did you do when he went to take a shower?

11:47 1 A. He told me to go repark the car because it was
 11:47 2 parked crooked, so I did.
 11:47 3 Q. What kind of car was it?
 11:47 4 A. A Mercedes.
 11:47 5 Q. Whose car was it?
 11:47 6 A. Amy Kitchen's.
 11:47 7 Q. And why did you repark it?
 11:47 8 A. Because he told me to.
 11:47 9 Q. Why didn't you call the police while he was in
 11:47 10 the shower?
 11:47 11 A. I was scared. I didn't know what to do.
 11:47 12 Q. What happened after Ivan took the shower?
 11:48 13 A. He told me to throw -- get a bag for his pants.
 11:48 14 But I threw them in the kitchen garbage can.
 11:48 15 Q. You threw his jeans in the garbage can?
 11:48 16 A. Yes.
 11:48 17 Q. Did you throw anything else in the garbage can?
 11:48 18 A. A cup.
 11:48 19 Q. And where was the garbage can?
 11:48 20 A. In our kitchen.
 11:48 21 Q. What else did you do while you were still there
 11:48 22 at the apartment, or did you see the defendant do?
 11:48 23 A. Eat some mushrooms.
 11:48 24 Q. When you say eat some mushrooms, what do you
 11:48 25 mean?

11:48 1 A. It's a drug that makes you hallucinate.
 11:48 2 Q. And who ate them?
 11:48 3 A. Ivan.
 11:48 4 Q. Where did he get them from?
 11:48 5 A. Out of our freezer.
 11:48 6 Q. After he took his shower, did he say anything
 11:48 7 about going out?
 11:48 8 A. Yeah. He said, "And you look like money,
 11:48 9 Honey. Let's go kick it at Seven."
 11:48 10 Q. Let's go what?
 11:48 11 A. "Kick it at Seven."
 11:49 12 Q. That means Club Seven?
 11:49 13 A. Yes.
 11:49 14 Q. Did you-all leave?
 11:49 15 A. Yes.
 11:49 16 Q. And where was the first place you left after --
 11:49 17 the first place you went after you left your apartment?
 11:49 18 A. Went to Smiley's.
 11:49 19 Q. Whose car were you in?
 11:49 20 A. Amy's.
 11:49 21 Q. Who is Smiley?
 11:49 22 A. A friend of ours.
 11:49 23 Q. Why did you go to Smiley's house?
 11:49 24 A. We stopped there. They exchanged money and got
 11:49 25 some ecstasy, and I asked Smiley if he had any cocaine.

11:49 1 Q. Where did Smiley live?
 11:49 2 A. I believe in Plano.
 11:49 3 Q. And to get to Smiley's house what roads did you
 11:49 4 go on?
 11:49 5 A. The new tollway.
 11:49 6 Q. George Bush Tollway?
 11:49 7 A. Yes.
 11:49 8 Q. To what road?
 11:49 9 A. I'm not even sure. I think it's Legacy or
 11:50 10 something that it was off of.
 11:50 11 Q. George Bush to 75 to Legacy?
 11:50 12 A. Yeah.
 11:50 13 Q. How long were you at Smiley's house?
 11:50 14 A. Maybe about 20 minutes.
 11:50 15 MR. GOELLER: I'm sorry.
 11:50 16 THE WITNESS: About 20 minutes.
 11:50 17 MR. GOELLER: 20 minutes, okay.
 11:50 18 Q. (BY MS. FALCO) What did you do after you left
 11:50 19 Smiley's house?
 11:50 20 A. Ivan said we had to --
 11:50 21 MR. GOELLER: Objection as to hearsay.
 11:50 22 Objection; nonresponsive, Your Honor.
 11:50 23 THE COURT: Sustained.
 11:50 24 Q. (BY MS. FALCO) What did Ivan say as you left
 11:50 25 Smiley's house?

MR. GOELLER: Objection as to hearsay,

Your Honor.

THE COURT: Overruled.

A. That we had to go back to Amy and James's house because he left his boots and his cell phone there.

Q. (BY MS. FALCO) What did you say in response to that?

A. I didn't want to go. I asked him to please bring me home.

Q. What did he say?

A. No. He wanted to show me what he did.

Q. And from Smiley's house where did you go?

A. Back to Amy and James's house.

Q. Did you get back on the George Bush Tollway?

A. Yes.

Q. What happened when you got -- do you need a break?

A. Yes.

MS. FALCO: Your Honor, if we can have a brief recess.

THE COURT: Yeah. I tell you what. It's almost time for lunch. So let's take a break for lunch. And let's be back about -- let's be back about 1:15.

And, ladies and gentlemen, I want to admonish you, once again, not to discuss the case or

among yourselves or with anybody else until you finally start deliberating here. All right. We'll see you back at 1:15.

THE BAILIFF: All rise.

(Open court, defendant present, no jury.)

THE COURT: Ms. Falco, do I understand you are going to give the other side some documents?

MS. FALCO: Yes, sir.

(Lunch recess.)

THE BAILIFF: All rise.

THE COURT: Please be seated. All right.

Let's bring the jury in.

(Open court, defendant and jury present.)

THE COURT: Please be seated. Ms. Falco?

MS. FALCO: Thank you, Your Honor.

DIRECT EXAMINATION (CONT'D)

BY MS. FALCO:

Q. Ms. Boettcher, I want to back up a little bit. Going back to that Friday night, November 3rd, after Ivan left, after he said he was going to go kill James and Amy, you said you called your stepfather?

A. Yes.

Q. What type of business is your stepfather in?

13:23 1 before he was disabled?

13:23 2 A. He was a Ramsey County sheriff.

13:24 3 Q. Was he in law enforcement?

13:24 4 A. Yes.

13:24 5 Q. When you were talking to your stepdad that night, why didn't you tell him about Ivan and what he just said?

13:24 6 A. I didn't know if Ivan had the phones tapped or if Ivan was standing outside.

13:24 7 Q. Why would you think Ivan had the phone tapped?

13:24 8 A. Because before, he knew my conversations without me telling him.

13:24 9 Q. And was that while you were living at that apartment?

13:24 10 A. Yes.

13:24 11 Q. After Ivan came home when he was bloody and you said you put a pair of jeans in the trash can --

13:24 12 A. Yes.

13:24 13 Q. -- was it the same pair of jeans he had been wearing?

13:24 14 A. Yes.

13:24 15 Q. What brand of jeans were they?

13:24 16 A. Arizona.

13:24 17 Q. What color were they?

13:24 18 A. Like a stonewash.

13:24 1 MS. FALCO: Your Honor, may I approach?

13:24 2 THE COURT: Yes.

13:24 3 Q. (BY MS. FALCO) Ms. Boettcher, you said you threw them away in a trash can in the kitchen?

13:24 4 A. Yes.

13:25 5 Q. I show you State's Exhibit 62.

13:25 6 A. Okay.

13:25 7 Q. Do you recognize that picture?

13:25 8 A. Yes.

13:25 9 Q. Is that where you threw them away?

13:25 10 A. Yes.

13:25 11 Q. Is that how you placed them in the trash can?

13:25 12 A. I'm not positive on that.

13:25 13 Q. Is that the same trash can?

13:25 14 A. Yes.

13:25 15 Q. And when you talked about a blue cup, do you recognize the blue cup?

13:25 16 A. Yes.

13:25 17 Q. There is also some latex gloves in that picture; is that right?

13:25 18 A. Yes.

13:25 19 Q. Had you seen those latex gloves before they went in the trash can?

13:25 1 the gloves?
 13:25 2 A. I'm not sure.
 13:25 3 Q. Who put the latex gloves in the trash can, do
 13:25 4 you know?
 13:25 5 A. No, I don't.
 13:25 6 Q. I'll also show you what's marked as State's
 13:25 7 Exhibit No. 71A. Are these the kind of jeans that he
 13:25 8 was wearing?
 13:25 9 A. Yes.
 13:25 10 Q. And in color and in label do these appear to be
 13:25 11 the same jeans you threw away?
 13:25 12 A. Yes.
 13:25 13 Q. Same jeans he was wearing that night?
 13:25 14 A. Yes.
 13:26 15 Q. When you went to Smiley's house, that was the
 13:26 16 first place you went after you left the apartment,
 13:26 17 correct?
 13:26 18 A. Yes.
 13:26 19 Q. When you went to Smiley's house, did you take
 13:26 20 any drugs?
 13:26 21 A. Yes.
 13:26 22 Q. What did you take?
 13:26 23 A. Ecstasy.
 13:26 24 Q. How long does it take before that takes effect
 13:26 25 on you?

13:26 1 A. About 30 minutes.
 13:26 2 MR. GOELLER: I'm sorry, how many minutes?
 13:26 3 THE WITNESS: 30.
 13:26 4 Q. (BY MS. FALCO) When you got to James and Amy's
 13:26 5 house, were you feeling the effects of the ecstasy?
 13:26 6 A. No.
 13:26 7 Q. When you pulled up to James and Amy's house --
 13:26 8 first of all, on the outside, did you see anything?
 13:26 9 A. The Honda.
 13:26 10 Q. Where was the Honda parked?
 13:26 11 A. Like on -- their house is here. And their
 13:27 12 driveway was here, and it was parked right here in front
 13:27 13 of some grass.
 13:27 14 Q. In front of the house?
 13:27 15 A. Kinda, but more on the side.
 13:27 16 Q. Is that the same Honda that the defendant
 13:27 17 drove?
 13:27 18 A. Yes.
 13:27 19 Q. Where did y'all pull up to when you got to the
 13:27 20 house?
 13:27 21 A. In the driveway.
 13:27 22 Q. What happened once you pulled into the
 13:27 23 driveway?

13:27 1 A. That he wanted to show me what he did so I knew
 13:27 2 he wasn't messing around and that he was serious.
 13:27 3 Q. Serious about what?
 13:27 4 A. About what happens to people that F him over.
 13:27 5 Q. When you say "F him over," what do you mean?
 13:27 6 A. Fuck him over.
 13:27 7 Q. Were those his words?
 13:27 8 A. Yes.
 13:27 9 Q. When you told him you didn't want to go and he
 13:27 10 said he wanted to show you, what happened after that
 13:28 11 conversation?
 13:28 12 A. He went up to the front door and unlocked the
 13:28 13 door.
 13:28 14 Q. How did he unlock the door?
 13:28 15 A. With a key.
 13:28 16 Q. Which door?
 13:28 17 A. The front door.
 13:28 18 Q. And where were you?
 13:28 19 A. Standing by his side.
 13:28 20 Q. Why did you get out of the car?
 13:28 21 A. Because he still had his gun. I didn't know if
 13:28 22 he was going to kill me or not.
 13:28 23 Q. Had you seen that gun before?
 13:28 24 A. Yes.
 13:28 25 Q. What did it look like?

13:28 1 A. It was small and it was like a goldish silver.
 13:28 2 Q. Do you know what color the handle was?
 13:28 3 A. Like a blackish color.
 13:28 4 MS. FALCO: Your Honor, may I approach?
 13:28 5 THE COURT: Yes.
 13:28 6 Q. (BY MS. FALCO) I show you State's Exhibit 80.
 13:28 7 Do you recognize the gun in that photograph?
 13:28 8 A. Yes.
 13:28 9 Q. Is that the gun he had that night?
 13:28 10 A. Yes.
 13:28 11 Q. Is that the same gun he had when he was
 13:28 12 standing at the kitchen when he came home from James and
 13:29 13 Amy?
 13:29 14 A. Yes.
 13:29 15 THE COURT: Say, did you say 80?
 13:29 16 MS. FALCO: Yes, sir.
 13:29 17 THE COURT: That's not 76B, is it? Oh,
 13:29 18 you showed a picture.
 13:29 19 MS. FALCO: I showed a picture, Your
 13:29 20 Honor.
 13:29 21 THE COURT: I'm sorry. I wasn't looking
 13:29 22 up. All right. Sorry about that.
 13:29 23 Q. (BY MS. FALCO) Where did the defendant have

13:29 1 Q. What happened after he unlocked the door?
 13:29 2 A. He told me to come in, and I asked him if I
 13:29 3 could please wait outside.
 13:29 4 Q. And what did he say?
 13:29 5 A. No.
 13:29 6 Q. Did you go inside the house?
 13:29 7 A. Yes.
 13:29 8 Q. And what happened once you went inside the
 13:29 9 house?
 13:29 10 A. I stood by the front door there.
 13:29 11 Q. And where did the defendant go?
 13:29 12 A. Towards the bedroom.
 13:29 13 Q. Which bedroom?
 13:30 14 A. The master bedroom.
 13:30 15 Q. And what did he do as he went toward the master
 13:30 16 bedroom?
 13:30 17 A. He told me to come in and follow him to see
 13:30 18 what he did.
 13:30 19 Q. And did you follow him?
 13:30 20 A. Not at first.
 13:30 21 Q. What happened at first?
 13:30 22 A. I told him I didn't feel good and that I was
 13:30 23 going to throw up.
 13:30 24 Q. And did you?
 13:30 25 A. No. I had dry heaves.

13:30 1 Q. You did what?
 13:30 2 A. Just dry heaves.
 13:30 3 Q. And where did you do that?
 13:30 4 A. In the guest bedroom.
 13:30 5 Q. Were you in the bathroom, or were you in the
 13:30 6 bedroom?
 13:30 7 A. Guest bathroom.
 13:30 8 Q. What happened after you went into the bathroom?
 13:30 9 A. I came out and I stood in the living room. And
 13:30 10 he told me to come in the room, the master bedroom, and
 13:30 11 I said no.
 13:30 12 Q. What happened after you said no?
 13:30 13 A. I peeked around the corner.
 13:30 14 Q. Which corner?
 13:30 15 A. Of the living room and the bedroom.
 13:30 16 Q. What did you see?
 13:30 17 A. I seen James laying there on the bed, and then
 13:31 18 I just seen Amy's like hair.
 13:31 19 Q. How was James in the bed? Was he face up or
 13:31 20 facedown?
 13:31 21 A. He was faceup, laying on his back.
 13:31 22 Q. And where did you see Amy's hair?
 13:31 23 A. On the floor, on the other side of the bed.
 13:31 24 Q. Could you see anything more than her hair?
 13:31 25 A. No.

13:31 1 Q. Could you tell if she was faceup or facedown?
 13:31 2 A. No, I could not.
 13:31 3 Q. Where was the defendant when you saw that?
 13:31 4 A. In the bedroom.
 13:31 5 Q. What was he doing in there?
 13:31 6 A. I'm not sure.
 13:31 7 Q. Did he ask you to do anything, or did he tell
 13:31 8 you what he was doing?
 13:31 9 A. He told me to help him look for two kilos of
 13:31 10 cocaine and some money.
 13:31 11 Q. And did you do it?
 13:31 12 A. I opened and closed cupboards.
 13:31 13 Q. Where at?
 13:31 14 A. In the kitchen.
 13:31 15 Q. Were you looking for the two kilos and the
 13:31 16 money?
 13:31 17 A. I was just acting like I was looking for things
 13:32 18 because I didn't know what he was going to do to me.
 13:32 19 Q. Did you find anything?
 13:32 20 A. No.
 13:32 21 Q. Did you look very hard?
 13:32 22 A. No.
 13:32 23 Q. How long was he back there in the master
 13:32 24 bedroom?
 13:32 25 A. Probably for like 10, 20 minutes, maybe.

13:32 1 Q. Did you see the shoes he had worn when you left
 13:32 2 your apartment? Did you see them at James and Amy's?
 13:32 3 A. Yes.
 13:32 4 Q. Where were they?
 13:32 5 A. They were like where their tile ended and the
 13:32 6 carpet started in the living room.
 13:32 7 Q. What happened with those boots?
 13:32 8 A. He told me to pick them up.
 13:32 9 Q. Did you?
 13:32 10 A. Yes.
 13:32 11 Q. Did you notice if he picked anything else up?
 13:32 12 A. No.
 13:32 13 Q. Did you ever go in that master bedroom?
 13:32 14 A. No.
 13:32 15 Q. How close did you get to it?
 13:32 16 A. Just in the living room there. I don't know
 13:32 17 how -- exactly how many feet or --
 13:33 18 MS. FALCO: Your Honor, may I approach?
 13:33 19 THE COURT: Yes.
 13:33 20 Q. (BY MS. FALCO) Ms. Boettcher, I'm showing you
 13:33 21 a diagram of the home of James and Amy's home, with this
 13:33 22 being the front door. Can you orient yourself to this
 13:33 23 photo?
 13:33 24 A. It was probably like right in there.
 13:33 25 Q. With this being the master bedroom?

13:33 1 A. Yes.
 13:33 2 Q. And where were Ivan's -- defendant's boots?
 13:33 3 A. They were -- like the linoleum stopped right
 13:33 4 there. So they are about there on the carpet.
 13:33 5 Q. Did you ever get any further than the living
 13:33 6 room toward the master bedroom?
 13:33 7 A. No.
 13:33 8 Q. Was the defendant able to find the two kilos
 13:33 9 and the money that he was looking for?
 13:34 10 A. No.
 13:34 11 Q. Did he make a comment regarding the fact
 13:34 12 that --
 13:34 13 MR. GOELLER: Objection as to the
 13:34 14 repetitive leading, Your Honor.
 13:34 15 THE COURT: Overruled.
 13:34 16 Q. (BY MS. FALCO) Did he make a comment regarding
 13:34 17 the fact that he couldn't find the kilos and the money?
 13:34 18 A. Yes.
 13:34 19 Q. What did he say?
 13:34 20 A. He said that he should --
 13:34 21 MR. GOELLER: Objection as to hearsay,
 13:34 22 Your Honor. Object as to leading.
 13:34 23 THE COURT: Overruled.
 13:34 24 Q. (BY MS. FALCO) What did he say?
 13:34 25 A. He said he should kill -- should shoot them

13:34 1 again because he can't find what he's looking for.
 13:34 2 Q. Where did he have his gun when he was making
 13:34 3 statements like that?
 13:34 4 A. In his hand, waiving it around.
 13:34 5 Q. And you said he had seen the gun before?
 13:34 6 A. Yes.
 13:34 7 Q. How did the defendant describe the bullets he
 13:34 8 used for that gun?
 13:34 9 A. He said they are cop killers.
 13:34 10 Q. Back when you were at the apartment, when he
 13:35 11 first came home from James and Amy's, did Ivan say
 13:35 12 anything regarding Amy Kitchen?
 13:35 13 A. He said that he thought twice about shooting
 13:35 14 Amy because she told him what he needed to know.
 13:35 15 Q. Did he tell you what it was he needed to know?
 13:35 16 A. No.
 13:35 17 Q. Did you ask him?
 13:35 18 A. No.
 13:35 19 Q. How long did the defendant spend looking for
 13:35 20 money or drugs?
 13:35 21 A. Maybe about ten minutes.
 13:35 22 Q. From where you were standing in the living
 13:35 23 room, at any point could you see the defendant in the
 13:35 24 master bedroom?
 13:35 25 A. He was walking back and forth to the bedroom

13:35 1 Like to the kitchen, back to the bedroom, into the
 13:35 2 master bath.
 13:35 3 Q. And when you saw him in the master bedroom, did
 13:36 4 you ever see him near the bodies?
 13:36 5 A. No.
 13:36 6 Q. How long did you say y'all were in that house?
 13:36 7 A. Maybe about 20, 30 minutes.
 13:36 8 Q. What did the defendant do the last time he left
 13:36 9 the master bedroom?
 13:36 10 A. He turned off the light and said good night.
 13:36 11 Q. He turned off the light and said good night?
 13:36 12 A. Yes.
 13:36 13 Q. Did he have anything in his hand?
 13:36 14 A. His cell phone and a white trash bag.
 13:36 15 Q. Could you see what was in the white trash bag?
 13:36 16 A. No, no.
 13:36 17 Q. At any time were you able to see into the white
 13:36 18 trash bag?
 13:36 19 A. Yes.
 13:36 20 Q. And when was that?
 13:36 21 A. When we got back to our apartment.
 13:36 22 Q. What did you see in the white trash bag?
 13:37 23 A. His shirt that he wore earlier and a pair of
 13:37 24 jeans.
 13:37 25 Q. Whose jeans were they?

13:37 1 A. I believe they are James's jeans.
 13:37 2 Q. What happened to the boots you picked up in the
 13:37 3 kitchen area?
 13:37 4 A. He grabbed -- we grabbed them.
 13:37 5 Q. And when did you grab those?
 13:37 6 A. When we were leaving.
 13:37 7 Q. What else did you take, or what else did you
 13:37 8 see Ivan take out of the house on Gibbons?
 13:37 9 A. His cell phone.
 13:37 10 Q. And the trash bag?
 13:37 11 A. Yes.
 13:37 12 Q. With the clothes?
 13:37 13 A. Yes.
 13:37 14 Q. And the boots?
 13:37 15 A. Yes.
 13:37 16 Q. And anything else?
 13:37 17 A. Not to my knowledge.
 13:37 18 Q. What door did you go out of the house?
 13:37 19 A. The front door.
 13:37 20 Q. Did the defendant lock the front door?
 13:37 21 A. I'm not sure.
 13:37 22 Q. When you got outside, where did you go?
 13:37 23 A. To the Honda.
 13:38 24 Q. Why did you go to the Honda?
 13:38 25 A. 'Cause he told me to drive it back to the

13:38 1 apartment.
 13:38 2 Q. What did he do when you got in the Honda?
 13:38 3 A. He pulled the Mercedes into the garage and then
 13:38 4 took -- pulled the Corvette out of the garage.
 13:38 5 Q. Did you know where you were going once you got
 13:38 6 in that Honda?
 13:38 7 A. Back to our apartment.
 13:38 8 Q. And is that where you went?
 13:38 9 A. Yes.
 13:38 10 Q. Why didn't you just drive to the police
 13:38 11 station?
 13:38 12 A. I don't know. I was scared. I didn't know
 13:38 13 where the police station was.
 13:38 14 Q. Did the defendant ever say anything to you
 13:38 15 about the police?
 13:38 16 A. Yes. He told me that all the cops work for
 13:38 17 him, and he has dirty cops and a cleanup crew coming in.
 13:38 18 Q. A cleanup crew for what?
 13:38 19 A. To cleanup the stuff at James and Amy's house.
 13:38 20 Q. When did he say that?
 13:38 21 A. When he was inside the house.
 13:39 22 Q. Did you drive the Honda back to the apartment?
 13:39 23 A. Yes.
 13:39 24 Q. Where did the defendant go in the Corvette?
 13:39 25 A. Back to the apartment.

13:39 1 Q. Did y'all get there at the same time?
 13:39 2 A. Yes.
 13:39 3 Q. What happened when you got back to your
 13:39 4 apartment?
 13:39 5 A. We went back in. He ate some more mushrooms,
 13:39 6 offered me some. I said no. He put on a necklace, a
 13:39 7 bracelet, and then he proposed to me.
 13:39 8 Q. When you say he proposed to you, what did he
 13:39 9 say?
 13:39 10 A. He said, "Will you marry me?"
 13:39 11 Q. What did he do after he said that?
 13:39 12 A. He put a ring on my finger.
 13:39 13 Q. What kind of ring?
 13:39 14 A. It was like a platinum ring, a diamond ring.
 13:39 15 Q. An engagement ring?
 13:39 16 A. Yes.
 13:39 17 Q. What did you say when he asked you that?
 13:39 18 A. I said yes.
 13:39 19 Q. Why did you say yes?
 13:39 20 A. He had a gun. I wasn't going to say anything
 13:40 21 that's going to get me killed.
 13:40 22 Q. Did he put the ring on your finger?
 13:40 23 A. Yes.
 13:40 24 Q. And you said he put on a necklace and what
 13:40 25 else?

13:40 1 A. A bracelet.
 13:40 2 Q. And anything else?
 13:40 3 A. A watch.
 13:40 4 MS. FALCO: Your Honor, may I approach?
 13:40 5 THE COURT: Yes.
 13:40 6 Q. (BY MS. FALCO) Amy, I show you State's Exhibit
 13:40 7 110. Do you recognize that?
 13:40 8 A. Yes.
 13:40 9 Q. What is that?
 13:40 10 A. The bracelet he put on.
 13:40 11 Q. When Ivan was talking to you about the cleanup
 13:40 12 crew and the crooked cops, did he say where this cleanup
 13:40 13 crew was coming from? Who they were?
 13:40 14 A. He said they were with the mob.
 13:40 15 Q. With who?
 13:40 16 A. The mob and worked for him.
 13:41 17 Q. Did Ivan talk about being in the mob?
 13:41 18 A. Yes.
 13:41 19 Q. What did he say?
 13:41 20 A. That he -- he just told me he was with the
 13:41 21 Mafia.
 13:41 22 Q. Did you believe him?
 13:41 23 A. Yes.
 13:41 24 Q. Why did you believe him?
 13:41 25 A. Because I trusted him at the time.

13:41 1 Q. Was he telling you those things before he
 13:41 2 killed James and Amy?
 13:41 3 A. Yes.
 13:41 4 Q. Would he -- ever heard of Anthony Gambino?
 13:41 5 A. Yes.
 13:41 6 Q. Who did he tell you Anthony Gambino was?
 13:41 7 A. This gentleman we met.
 13:41 8 Q. He actually introduced you to someone and
 13:41 9 called him that?
 13:41 10 A. Correct.
 13:41 11 Q. And what was your understanding of who this
 13:41 12 person was to Ivan?
 13:41 13 A. He told me that it was his real father.
 13:41 14 Q. And was there any Mafia or mob connections with
 13:41 15 Anthony Gambino?
 13:41 16 A. Yes.
 13:41 17 Q. Do you know what they were?
 13:41 18 A. No, I don't.
 13:41 19 Q. That's what he told you, though?
 13:41 20 A. Yes. He said he was with the mob.
 13:42 21 Q. Had you heard him make references on few or
 13:42 22 many occasions to the mob or the Mafia?
 13:42 23 A. Quite a bit.
 13:42 24 Q. After he puts the ring on your finger, what
 13:42 25 happens?

13:42 1 A. He said, "It's time to go kick it at Seven."
 13:42 2 Q. What does he mean by "kick it at Seven?"
 13:42 3 A. Pretty much go hang out.
 13:42 4 Q. When he was at Smiley's, did he take any drugs?
 13:42 5 A. Not that I seen. So I used the rest room
 13:42 6 there.
 13:42 7 Q. And when you leave your apartment, where do you
 13:42 8 go?
 13:42 9 A. Club Seven.
 13:42 10 Q. What car are you in?
 13:42 11 A. The Corvette.
 13:42 12 Q. Do you know about what time it was?
 13:42 13 A. It was pretty close to 3:00.
 13:42 14 Q. And how would you go from your apartment to
 13:43 15 Club Seven?
 13:43 16 A. The tollway.
 13:43 17 Q. And on the way down the tollway, what did you
 13:43 18 and defendant talk about?
 13:43 19 A. Not much. The only thing I recall him really
 13:43 20 saying is that he needed a bump.
 13:43 21 Q. He needed a what?
 13:43 22 A. A bump.
 13:43 23 Q. What does a bump mean?
 13:43 24 A. Like a line of cocaine. And he said that he
 13:43 25 didn't want the shitty Rolex and threw it out the

13:43 1 window.
 13:43 2 Q. And which watch had that been?
 13:43 3 A. The one he put on at the apartment.
 13:43 4 Q. And he just threw that out the window?
 13:43 5 A. Yes.
 13:43 6 Q. Where were you when he threw it out the window?
 13:43 7 A. Probably not even a full block from the
 13:43 8 tollway.
 13:43 9 Q. Did you go to Club Seven?
 13:43 10 A. Yes.
 13:43 11 Q. How long were you at Club Seven?
 13:43 12 A. From 3:15 to about quarter to four.
 13:43 13 Q. And what did you and Ivan do at Club Seven?
 13:45 14 A. Talked to some people. Looked for some
 13:44 15 cocaine.
 13:44 16 Q. Did you find any?
 13:44 17 A. No.
 13:44 18 Q. When you were at Club Seven, did you or Ivan
 13:44 19 tell anybody y'all were engaged?
 13:44 20 A. Yes.
 13:44 21 Q. Who said it?
 13:44 22 A. We both did.
 13:44 23 Q. And who did you tell?
 13:44 24 A. People.
 13:44 25 Q. Did you show people the engagement ring?

13:44 1 A. Yes.
 13:44 2 Q. Did you know whose engagement ring that was at
 13:44 3 the time?
 13:44 4 A. No.
 13:44 5 Q. Did you later learn that was Amy Kitchen's
 13:44 6 engagement ring?
 13:44 7 A. Yes.
 13:44 8 Q. Why didn't you think it was her ring at the
 13:44 9 time he gave it to you?
 13:44 10 A. He told me it wasn't.
 13:44 11 Q. Where did he tell you he got it?
 13:44 12 A. He said he got it a couple weeks ago and just
 13:44 13 been keeping it over there to surprise me.
 13:44 14 Q. Did it have any blood on it?
 13:44 15 A. No.
 13:44 16 Q. Did you show people the ring?
 13:44 17 A. Yes.
 13:45 18 Q. By this time had the drugs kicked in that you
 13:45 19 took?
 13:45 20 A. Yes.
 13:45 21 Q. And how are you when you are on ecstasy?
 13:45 22 A. Just relaxed, happy.
 13:45 23 Q. Does the drug make you happy?
 13:45 24 A. Yes.
 13:45 25 Q. Regardless of your circumstances?

13:45 1 A. Pretty much.
 13:45 2 Q. How long did you stay at Club Seven?
 13:45 3 A. From 3:15 to like quarter to four.
 13:45 4 Q. Did you ever try to get away from the defendant
 13:45 5 then?
 13:45 6 A. No.
 13:45 7 Q. Why not?
 13:45 8 A. I didn't know what to do, where to go.
 13:45 9 Q. Did you have any friends there that you could
 13:45 10 go with or leave with?
 13:45 11 A. No.
 13:45 12 Q. Why not?
 13:45 13 A. They were -- one person that I seen was friends
 13:45 14 of Ivan and ours.
 13:45 15 Q. Why were you afraid to just leave him and walk
 13:45 16 away?
 13:45 17 A. I didn't know what he would do, and I didn't
 13:45 18 know if he would do something to the person that I
 13:45 19 walked away with.
 13:46 20 Q. Ivan still had the gun when you were at Club
 13:46 21 Seven?
 13:46 22 A. Yes.
 13:46 23 Q. Where did he have it?
 13:46 24 A. In his pocket of his dress pants.
 13:46 25 Q. Where did you go when you left Club Seven?

13:46 1 A. To Harlon's house.
 13:46 2 Q. Who is Harlon?
 13:46 3 A. A friend of Ivan's.
 13:46 4 Q. Is his last name Hill?
 13:46 5 A. I'm not sure what his last name is.
 13:46 6 Q. Where does -- how close does he live to Club
 13:46 7 Seven?
 13:46 8 A. Pretty close.
 13:46 9 Q. Why did you go to Harlon's house?
 13:46 10 A. Ivan said we were going to go over there to see
 13:46 11 if he had any coke or speed.
 13:46 12 Q. And did Ivan get coke or speed at Harlon's
 13:46 13 house?
 13:46 14 A. No.
 13:46 15 Q. What did you-all do at Harlon's house?
 13:46 16 A. Sat around for a little bit, talked to people,
 13:46 17 met somebody, and then we were getting ready to leave.
 13:46 18 Q. And how long were you at Harlon's house?
 13:46 19 A. Maybe an hour.
 13:46 20 Q. Were you still in the Corvette?
 13:46 21 A. Yes.
 13:47 22 Q. And where did you go from Harlon's house?
 13:47 23 A. To this gentleman's house.
 13:47 24 Q. Do you know who this gentleman was?
 13:47 25 A. No.

13:47 1 Q. Had you ever been to this place before?
 13:47 2 A. No.
 13:47 3 Q. Where was it located in relationship to
 13:47 4 Harlon's house?
 13:47 5 A. Down the road by Club Seven.
 13:47 6 Q. And approximately what area of town is Club
 13:47 7 Seven?
 13:47 8 A. Downtown Dallas, like by Deep Ellum.
 13:47 9 Q. Is that where Harlon lived?
 13:47 10 A. Yes.
 13:47 11 Q. And that's where this other gentleman lived?
 13:47 12 A. Yes.
 13:47 13 Q. And who went to this other gentleman's house?
 13:47 14 A. Ivan and I and we followed some gentleman over
 13:47 15 there.
 13:47 16 Q. Do you know the name of the person you followed
 13:47 17 over there?
 13:47 18 A. No.
 13:47 19 Q. What did you do when you got to this
 13:47 20 gentleman's house?
 13:47 21 A. Sat there, talked to people and asked anybody
 13:47 22 if they could find us any cocaine.
 13:47 23 Q. And did you-all find cocaine there?
 13:47 24 A. Yes.
 13:47 25 Q. Did you use the cocaine?

13:47 1 A. Yes.
 13:47 2 Q. Did Ivan use the cocaine?
 13:47 3 A. Yes.
 13:47 4 Q. How long were you there?
 13:48 5 A. I'm not positive.
 13:48 6 Q. And after you left there, where did you go?
 13:48 7 A. Back to Smiley's.
 13:48 8 Q. Why did you go back to Smiley's?
 13:48 9 A. Ivan said we had to stop there.
 13:48 10 Q. Do you know what time it was when you got to
 13:48 11 Smiley's?
 13:48 12 A. It was getting pretty late. Well, pretty early
 13:48 13 in the morning, I should say.
 13:48 14 Q. Was the sun coming up yet?
 13:48 15 A. Not yet.
 13:48 16 Q. What did you do when you got to Smiley's?
 13:48 17 A. Sat there and talked, and Ivan gave Smiley some
 13:48 18 money back.
 13:48 19 Q. Did you see any drugs change hands at that
 13:48 20 time?
 13:48 21 A. We offered Smiley some, but he said he didn't
 13:48 22 want none.
 13:48 23 Q. What did you offer him?
 13:48 24 A. Cocaine.
 13:48 25 Q. How much cocaine did you have?

13:48 1 A. I'm not positive.
 13:48 2 Q. More than enough for you and Ivan to use at
 13:48 3 that one time?
 13:48 4 A. Yes.
 13:49 5 Q. How long were you at Smiley's house?
 13:49 6 A. Maybe 20 minutes.
 13:49 7 Q. And where did you go from Smiley's house?
 13:49 8 A. To a friend of mine's in Irving.
 13:49 9 Q. And what's that friend's name?
 13:49 10 A. Metal.
 13:49 11 Q. Metal?
 13:49 12 A. Yes.
 13:49 13 Q. Is that just how you know him?
 13:49 14 A. Yes.
 13:49 15 Q. Do you know what Metal's real name is?
 13:49 16 A. No.
 13:49 17 Q. You've always known him as Metal?
 13:49 18 A. Yes.
 13:49 19 Q. How do you know Metal?
 13:49 20 A. I met him through friends in Euless.
 13:49 21 Q. And for what purpose did you meet Metal?
 13:49 22 A. That's where I used to get my speed from.
 13:49 23 Q. So he's a dope dealer?
 13:49 24 A. Yes.
 13:49 25 Q. Why did you go from Smiley's house to Metal's

13:49 1 house?
 13:49 2 A. Ivan was supposed to meet Metal.
 13:49 3 Q. And where does Metal live?
 13:49 4 A. In Irving.
 13:49 5 Q. What did you do when you got to Metal's house?
 13:49 6 A. We sat there and talked and smoked some speed,
 13:49 7 and we switched Metal a couple hits of ecstasy for some
 13:50 8 speed.
 13:50 9 Q. And when you say "we smoked some speed," who is
 13:50 10 we?
 13:50 11 A. Metal, Ivan, and I.
 13:50 12 Q. And speed is methamphetamine; is that right?
 13:50 13 A. Yes.
 13:50 14 Q. And you swapped ecstasy for speed?
 13:50 15 A. Yes.
 13:50 16 Q. How long were you at Metal's house?
 13:50 17 A. I'm not even sure. Maybe an hour or two.
 13:50 18 Q. And is Metal more your friend than Ivan's
 13:50 19 friend?
 13:50 20 A. Yes.
 13:50 21 Q. And how come you didn't tell Metal about what
 13:50 22 you just saw and what the defendant just said?
 13:50 23 A. Because Ivan still had the gun, and I didn't
 13:50 24 want to get anybody killed. I was scared.
 13:50 25 Q. Where did you go when you left Metal's house?

13:50 1 A. We went back to our apartment.
 13:50 2 Q. And why did you go back to the apartment?
 13:50 3 A. To grab our bags to go to Arkansas.
 13:50 4 Q. About what time was it when you left for
 13:51 5 Arkansas?
 13:51 6 A. Noon.
 13:51 7 Q. This would have been Saturday, the 4th?
 13:51 8 A. Yes.
 13:51 9 Q. And how long did it take for you to drive to
 13:51 10 Arkansas?
 13:51 11 A. About eight hours.
 13:51 12 Q. What car did you take?
 13:51 13 A. The Honda.
 13:51 14 Q. Did you ever see that trash bag with the bloody
 13:51 15 shirt and the boots and the cell phone that Ivan removed
 13:51 16 from the -- James and Amy's house?
 13:51 17 A. Yes. We threw it away before we went into
 13:51 18 Seven.
 13:51 19 Q. So he took it with him when you-all went to
 13:51 20 Club Seven?
 13:51 21 A. Yes.
 13:51 22 Q. Where did he throw it away?
 13:51 23 A. In a Dumpster like a block away from Seven.
 13:51 24 Q. When y'all left -- when you-all got home from
 13:51 25 Metal's house before you went to Arkansas, where did

13:51 1 Ivan park the Corvette?
 13:51 2 A. Our apartment's here and there's like a parking
 13:51 3 lot across that way, and he parked it like two spaces
 13:52 4 from the Dumpster.
 13:52 5 MS. FALCO: Your Honor, may I approach?
 13:52 6 THE COURT: Yes.
 13:53 7 Q. (BY MS. FALCO) I can't find the pictures right
 13:53 8 now. Ms. Boettcher, right outside your apartment door
 13:53 9 are the parking spots?
 13:53 10 A. Yes.
 13:53 11 Q. Is that where he parked it?
 13:53 12 A. No.
 13:53 13 Q. Did he park it a little bit away from the front
 13:53 14 door?
 13:53 15 A. Yes.
 13:53 16 Q. Why didn't you take the Corvette to Arkansas?
 13:53 17 A. He said it would look bad showing up in a
 13:53 18 Corvette at my parents' house.
 13:53 19 Q. What time were you expected in Arkansas?
 13:53 20 A. Pretty early because I told my mom to take a
 13:53 21 half of a day off of work.
 13:53 22 Q. When you say pretty early, around what time?
 13:53 23 A. Around noonish or threeish, in that area.
 13:54 24 Q. And you didn't even leave until noon?
 13:54 25 A. Right.

13:54 1 Q. What time did you get to Arkansas?
 13:54 2 A. Later on that night. I believe it was eight
 13:54 3 o'clock or so.
 13:54 4 Q. And when you got to Arkansas, did you just
 13:54 5 drive straight to your mother's house?
 13:54 6 A. No. We would stop to use the rest room.
 13:54 7 Q. When you stopped and used the rest room, did
 13:54 8 you try to get away from Ivan?
 13:54 9 A. He would follow me in and stand right outside
 13:54 10 of the rest room door.
 13:54 11 Q. And where was the gun?
 13:54 12 A. On him, in his pocket.
 13:54 13 Q. Did he still have his cell phone?
 13:54 14 A. Yes.
 13:54 15 Q. Did you ever try to go in and tell a gas
 13:54 16 station attendant, "I need to get away from this guy.
 13:54 17 He just killed somebody"?
 13:54 18 A. No.
 13:54 19 Q. Why not?
 13:54 20 A. I didn't know if I could get away. I didn't
 13:54 21 know what would happen. I was scared.
 13:55 22 Q. When you got to Arkansas, were your parents
 13:55 23 concerned?
 13:55 24 A. Yes. My stepdad told me they put a BOLO out on
 13:55 25 us.

13:55 1 Q. What's a BOLO?

13:55 2 A. He told me it was to have people watch for us

13:55 3 because they were worried about us.

13:55 4 Q. When you got to your parents' house, what did

13:55 5 you do?

13:55 6 A. Sat on the couch.

13:55 7 Q. What did you do while you were sitting on the

13:55 8 couch?

13:55 9 A. Talked to my parents.

13:55 10 Q. How long did you stay up talking to your

13:55 11 parents?

13:55 12 A. Probably until midnight or so.

13:55 13 Q. When you got to your parents' house and you

13:55 14 were talking to them, did you show them your ring?

13:55 15 A. Not right away. Ivan told me like three or

13:55 16 four times to show them and finally grabbed my hand to

13:56 17 show them.

13:56 18 Q. How did that conversation play out?

13:56 19 A. We were just in there talking, and Ivan just

13:56 20 said, "Show them the ring."

13:56 21 Q. And did you do it the first time he asked you

13:56 22 to?

13:56 23 A. No.

13:56 24 Q. What did you do?

13:56 25 A. Just sat there and kept talking about what we

13:56 1 were talking about.

13:56 2 Q. And did he say it again?

13:56 3 A. Yes.

13:56 4 Q. And what did you do?

13:56 5 A. Just kept on with my mom and our conversation.

13:56 6 Q. And how many times did he ask you to show them

13:56 7 your ring?

13:56 8 A. Like three or four times.

13:56 9 Q. And after the third or fourth time, what did

13:56 10 you do?

13:56 11 A. I just kept talking, and then he grabbed my

13:56 12 hand and showed my mother.

13:56 13 Q. And where were you-all when this happened?

13:56 14 A. In the living room at their house.

13:56 15 Q. Was your stepfather there?

13:56 16 A. Yes.

13:56 17 Q. What did -- how long were you-all in Arkansas?

13:57 18 A. We came -- drove back November 7th.

13:57 19 Q. On Tuesday?

13:57 20 A. Yes.

13:57 21 Q. While you were in Arkansas, did you ever tell

13:57 22 your mom or your stepdad about what Ivan just did?

13:57 23 A. No. Every time I would try to get close to my

13:57 24 stepdad, Ivan was right there. And I couldn't tell my

13:57 25 mom because she would probably end up getting us all

13:57 1 killed.

13:57 2 Q. Why did you think your mom would get y'all

13:57 3 killed?

13:57 4 A. Because she panics. She's a nervous wreck.

13:57 5 Q. Were you ever alone with your stepdad?

13:57 6 A. No.

13:57 7 Q. Why not?

13:57 8 A. Ivan was always there.

13:57 9 Q. Did you ever try to be alone with your stepdad?

13:57 10 A. A couple of times.

13:57 11 Q. What would happen?

13:57 12 A. Ivan would come running over.

13:57 13 Q. On the way to Arkansas, what did you and Ivan

13:57 14 talk about regarding the murders?

13:57 15 A. Nothing really.

13:57 16 Q. Did anything come up regarding how you were to

13:58 17 behave in Arkansas?

13:58 18 A. He just -- I can't recall.

13:58 19 Q. How were you behaving or acting while you were

13:58 20 in Arkansas?

13:58 21 A. Nervous, scared. I told my parents I was sick,

13:58 22 and I didn't feel well.

13:58 23 Q. Did they ask you what was wrong?

13:58 24 A. Yes. I just told them I didn't feel good.

13:58 25 Q. Did your parents find out about the murders?

13:58 1 A. Not right away.

13:58 2 Q. When did they find out?

13:58 3 A. One morning I told my mom about Ivan, and

13:58 4 Ivan's cousin and his fiance got killed.

13:58 5 Q. Was this on the same trip while you were still

13:58 6 there?

13:58 7 A. Yes.

13:58 8 Q. What did you tell your mom?

13:58 9 A. That they got killed.

13:58 10 Q. Did you tell them how or who did it?

13:58 11 A. No.

13:58 12 Q. Why not?

13:59 13 A. I didn't know what to say to her. I didn't

13:59 14 know what she would do.

13:59 15 Q. Was Ivan getting a lot of phone calls?

13:59 16 A. Yes.

13:59 17 Q. On which phone?

13:59 18 A. On my phone at the house, at my parents' house.

13:59 19 Q. What about his cell phone?

13:59 20 A. His cell phone really didn't work in certain

13:59 21 places up there. It was out of range.

13:59 22 Q. Who was calling Ivan at your parents' house?

13:59 23 A. His mother.

13:59 24 Q. When did your stepdad find out about the

13:59 25 murders?

13:59 1 A. Ivan sat down and told them why he was getting
 13:59 2 so many phone calls.
 13:59 3 Q. What did Ivan tell him? Do you remember?
 13:59 4 A. That James, his cousin, was killed, and he
 13:59 5 didn't want no part of it.
 13:59 6 Q. Did he tell them that Amy Kitchen was killed,
 13:59 7 too?
 13:59 8 A. No.
 13:59 9 Q. He just said there was one person dead?
 13:59 10 A. Yes.
 13:59 11 Q. And he didn't want any part of it?
 13:59 12 A. Yes.
 13:59 13 Q. While you were in Arkansas, what did you do
 14:00 14 during the day?
 14:00 15 A. One day we went and seen my mom at work. Just
 14:00 16 kind of hung out. Went out, petted the horses.
 14:00 17 Q. Were you still doing drugs while you were in
 14:00 18 Arkansas?
 14:00 19 A. Yes.
 14:00 20 Q. What drugs were you doing?
 14:00 21 A. One time I went out and smoked some speed.
 14:00 22 MR. GOELLER: I'm sorry. I can't hear the
 14:00 23 last part.
 14:00 24 THE WITNESS: I said, one time I went out
 14:00 25 and smoked some speed.

14:00 1 MS. FALCO: Speed.
 14:00 2 MR. GOELLER: Smoked?
 14:00 3 THE WITNESS: Yeah.
 14:00 4 MR. GOELLER: Okay.
 14:00 5 Q. (BY MS. FALCO) Who were you with?
 14:00 6 A. Ivan.
 14:00 7 Q. And when you say you were smoking speed, what
 14:00 8 do you mean by that?
 14:00 9 A. You just put speed in a -- like a glass pipe
 14:00 10 and smoke it through there.
 14:00 11 Q. What other drugs were you doing while you were
 14:00 12 in Arkansas?
 14:00 13 A. That was it.
 14:00 14 Q. Was there ever a time when you were away from
 14:00 15 Ivan?
 14:01 16 A. Yes.
 14:01 17 Q. When was that?
 14:01 18 A. My mom and I went to the grocery store.
 14:01 19 Q. Do you remember what day it was?
 14:01 20 A. No, I don't.
 14:01 21 Q. How long were you and your mom at the grocery
 14:01 22 store?
 14:01 23 A. For a while. And then we left and we went --
 14:01 24 she went to show me where her work was at.
 14:01 25 Q. While you were alone with your mom, why didn't

14:01 1 you tell her that Ivan was a killer?
 14:01 2 A. 'Cause I didn't know what to do. I didn't know
 14:01 3 what to say to her.
 14:01 4 Q. Where was Ivan when you were with your mom?
 14:01 5 A. At my parents' house with my stepdad.
 14:01 6 Q. When you were with -- alone with your mom, did
 14:01 7 you even think about telling her?
 14:01 8 A. Well, we seen a cop, and I told her I should go
 14:01 9 stop the cop, and she asked why. And I said, "never
 14:01 10 mind."
 14:01 11 Q. Why didn't you go talk to the cop?
 14:01 12 A. Because I didn't want my stepdad to get killed.
 14:01 13 Q. Why did you think your stepdad could get
 14:01 14 killed?
 14:01 15 A. Because Ivan was still there.
 14:02 16 Q. Was there any other time that you were away
 14:02 17 from Ivan during that Arkansas trip?
 14:02 18 A. One time I was in the shower, and I asked my
 14:02 19 mom to bring me the Noxema, and Ivan insisted really bad
 14:02 20 that he would bring it to me.
 14:02 21 Q. So he wouldn't even let you be alone or just
 14:02 22 you and your mom in the bathroom?
 14:02 23 A. Right.
 14:02 24 Q. How was Ivan acting in Arkansas?
 14:02 25 A. Calm, normal.

14:02 1 Q. Did that concern you based on what had
 14:02 2 happened?
 14:02 3 A. Yes.
 14:02 4 Q. Did it seem like the killing had bothered him
 14:02 5 at all?
 14:02 6 A. No.
 14:02 7 Q. When did y'all leave Arkansas?
 14:02 8 A. November 7th.
 14:02 9 Q. Do you know what time it was?
 14:02 10 A. Probably about 11:30, 12 o'clock in the
 14:03 11 afternoon.
 14:03 12 Q. And where did you go?
 14:03 13 A. We went to Tawny's.
 14:03 14 Q. Who is Tawny?
 14:03 15 A. Ivan's ex-girlfriend.
 14:03 16 Q. So you drove straight from Arkansas back to
 14:03 17 Dallas?
 14:03 18 A. Uh-huh.
 14:03 19 Q. On the way back to Dallas, was anybody talking
 14:03 20 on the phone?
 14:03 21 A. Ivan was.
 14:03 22 Q. Who was he talking to?
 14:03 23 A. He talked to his dad. He talked to Carlos. He
 14:03 24 talked to his mother.
 14:03 25 Q. What did you hear him telling them?

14:03 1 A. He was just talking about Amy and James.
 14:03 2 Q. What did he say about Amy and James?
 14:03 3 A. That some guy went and shot them, and he didn't
 14:03 4 know what to do or say about it.
 14:03 5 Q. Some guy went and shot who?
 14:03 6 A. Amy and James.
 14:03 7 Q. Did he say who it was?
 14:03 8 A. Some guy dressed up as a pizza man.
 14:03 9 Q. Who did you hear him tell this pizza man story
 14:03 10 to?
 14:03 11 A. To Carlos, to his mother.
 14:04 12 Q. Did he make any other references regarding the
 14:04 13 pizza man? Did he make any references to himself and
 14:04 14 the pizza man?
 14:04 15 A. I don't understand what you are saying.
 14:04 16 Q. Did he ever say he knew who the pizza man was,
 14:04 17 or he had seen the pizza man?
 14:04 18 A. He said that he seen the pizza man.
 14:04 19 Q. When did he say he saw the pizza man?
 14:04 20 A. November 2nd, Thursday night.
 14:04 21 Q. Were you at home with Ivan at the apartment all
 14:04 22 of Thursday night, November 2nd?
 14:04 23 A. Yes.
 14:04 24 Q. Did the pizza man ever show up?
 14:04 25 A. No.

14:04 1 Q. On the way back from Arkansas to Dallas, did
 14:04 2 you see Ivan throw anything else away?
 14:04 3 A. Our shoes.
 14:04 4 Q. Which shoes?
 14:04 5 A. The ones that we wore at Amy and James's house.
 14:04 6 Q. Why did he throw those away?
 14:04 7 A. He said we couldn't have them no more because
 14:04 8 the bottoms of them.
 14:05 9 Q. What was wrong with the bottoms of them?
 14:05 10 A. The -- like the shoe prints that they make.
 14:05 11 Q. He was afraid it somehow would link y'all to
 14:05 12 being in the house?
 14:05 13 A. Yes.
 14:05 14 Q. Did they have any blood on the bottom of them?
 14:05 15 A. No.
 14:05 16 Q. And that was his hiking boots?
 14:05 17 A. Yes.
 14:05 18 Q. And what shoes of yours?
 14:05 19 A. A pair of black ones.
 14:05 20 Q. Are they shoes or boots or --
 14:05 21 A. They are like half boots that came to like
 14:05 22 here.
 14:05 23 Q. Where did he throw those away at?
 14:05 24 A. At a Dumpster, at a food place.
 14:05 25 Q. Do you remember what city or state?

14:05 1 A. I think we were still in Arkansas, in Little
 14:05 2 Rock.
 14:05 3 Q. How often was the defendant on the phone on the
 14:05 4 way home from Arkansas?
 14:05 5 A. Off and on.
 14:05 6 Q. Did he ever talk to you about the pizza man
 14:05 7 story?
 14:06 8 A. On the way home, on the way back to Tawny's,
 14:06 9 later on.
 14:06 10 Q. What did he say?
 14:06 11 A. He just said that if I get asked any questions,
 14:06 12 I'm supposed to tell them that a pizza man came knocking
 14:06 13 at the door and took a shot at him Thursday night. And
 14:06 14 that the pizza man told him that if he didn't get his
 14:06 15 money, that he was going to kill more people.
 14:06 16 Q. Was that just a story?
 14:06 17 A. Yes.
 14:06 18 Q. Do you still have the ring that Ivan gave you?
 14:06 19 A. No.
 14:06 20 Q. What happened to it?
 14:06 21 A. As soon as we hit Dallas County line, he asked
 14:06 22 for it back. He said he had to get it sized.
 14:06 23 Q. Did you give it back to him?
 14:06 24 A. Yes.
 14:06 25 Q. Have you seen the ring since then?

14:06 1 A. No.
 14:06 2 Q. When you got to Dallas on the way to Tawny's
 14:07 3 house, did you see the defendant throw anything else
 14:07 4 away?
 14:07 5 A. Later on that morning when we came back to
 14:07 6 Tawny's the second time.
 14:07 7 Q. What did you see him throw away?
 14:07 8 A. The ID's, necklace, and some other things in a
 14:07 9 little Burger King bag.
 14:07 10 Q. And whose ID's did he throw away?
 14:07 11 A. Amy and James's.
 14:07 12 Q. Where did he throw them away at?
 14:07 13 A. In the complex next to Tawny's.
 14:07 14 Q. On your way back in, initially, before you went
 14:07 15 to Tawny's the first time, did you make any other stops
 14:07 16 in the Dallas area?
 14:07 17 A. No.
 14:07 18 Q. Why did you-all decide to go to Tawny's house?
 14:07 19 A. I asked him if we could please go over there.
 14:07 20 Q. Why did you want to go to Tawny's?
 14:07 21 A. I didn't want to be alone with him.
 14:07 22 Q. Why not?
 14:07 23 A. I didn't think I was going to make it back to
 14:07 24 Dallas.
 14:07 25 Q. Why did you not think you'd make it back to

14:08 1 Dallas?
 14:08 2 A. I thought he was going to kill me.
 14:08 3 Q. When you were in Arkansas, why didn't you just
 14:08 4 stay there with your parents?
 14:08 5 A. I asked him if I could, and he said that I had
 14:08 6 to come with him back to Dallas because it would look
 14:08 7 funny if I didn't come back with him.
 14:08 8 Q. Did you tell your parents you didn't want to go
 14:08 9 back to Dallas?
 14:08 10 A. Yes. I told my mother that I didn't want to go
 14:08 11 back to Dallas and that I loved her very very much.
 14:08 12 Q. And when you told the defendant you wanted to
 14:08 13 go to Tawny's, did you-all go there?
 14:08 14 A. Yes.
 14:08 15 Q. Do you know what time it was when you got to
 14:08 16 Tawny's?
 14:08 17 A. No, I don't.
 14:08 18 Q. Was it nighttime?
 14:08 19 A. Yes.
 14:08 20 Q. What happened when you got to Tawny's?
 14:08 21 A. We just sat there and talked, and then Ivan
 14:08 22 left and went back to our apartment.
 14:09 23 Q. How long was he gone?
 14:09 24 A. I'm not even sure.
 14:09 25 Q. Was it a long time or a short time?

14:09 1 A. Short.
 14:09 2 Q. When he came back, did he have anything?
 14:09 3 A. Yes. He had a -- it's an inventory list.
 14:09 4 Q. Who was that from?
 14:09 5 A. I'm not sure. I didn't see no names on it.
 14:09 6 MS. FALCO: Your Honor, may I approach?
 14:09 7 THE COURT: Yes.
 14:10 8 Q. (BY MS. FALCO) Ms. Boettcher, I show you
 14:10 9 what's been marked as State's Exhibit No. 105. The last
 14:10 10 sheet, does that look familiar to you?
 14:10 11 A. Yes.
 14:10 12 Q. Was that what he had in his hand?
 14:10 13 A. Yes.
 14:10 14 Q. What did he think about that sheet of paper?
 14:10 15 A. He thought somebody was trying to set him up.
 14:10 16 Q. Why did he think that?
 14:10 17 A. Because --
 14:10 18 MR. GOELLER: Objection, Your Honor. "Why
 14:10 19 did he think?" That's speculation.
 14:10 20 THE COURT: Sustained.
 14:10 21 MR. GOELLER: Calls for hearsay response.
 14:10 22 Q. (BY MS. FALCO) What did he say?
 14:10 23 MR. GOELLER: Objection as to hearsay.
 14:11 24 THE COURT: Overruled.
 14:11 25 Q. (BY MS. FALCO) What did he say?

14:11 1 A. He called his mom and he said, "I thought we
 14:11 2 were being honest with each other." And then Tawny
 14:11 3 looked at it, and we all thought it was fake.
 14:11 4 Q. Why did you think it was fake?
 14:11 5 A. Because we thought it had to have a stamp from
 14:11 6 the State or be signed from the State.
 14:11 7 Q. What happened after he came home with the
 14:11 8 inventory?
 14:11 9 A. When he came back to Tawny's?
 14:11 10 Q. Yes.
 14:11 11 A. He got on the phone, talked to his mom and told
 14:11 12 me to get my stuff because, excuse me, because we were
 14:11 13 going over to Metal's house.
 14:11 14 Q. And what -- do you know what time this was?
 14:11 15 A. No, I don't. I can't recall.
 14:11 16 Q. Was it late at night or early in the morning?
 14:11 17 A. It was getting pretty close to early morning.
 14:12 18 Q. And did you leave Tawny's house?
 14:12 19 A. Yes.
 14:12 20 Q. Where did you go?
 14:12 21 A. To I-HOP.
 14:12 22 Q. Where was the I-HOP?
 14:12 23 A. In Irving.
 14:12 24 Q. And who was at the I-HOP?
 14:12 25 A. His Aunt Penny and his mother.

14:12 1 Q. Why did you go meet his mom and his aunt at the
 14:12 2 I-HOP?
 14:12 3 A. Ivan said he needed to talk to them, and we
 14:12 4 showed them this.
 14:12 5 Q. The inventory?
 14:12 6 A. Yes.
 14:12 7 Q. What did Ivan talk about at the I-HOP with his
 14:12 8 mother?
 14:12 9 A. About the pizza man.
 14:12 10 Q. He kept up the pizza man story with her?
 14:12 11 A. Yes.
 14:12 12 Q. Did Ivan give his mom any keys?
 14:12 13 A. Yes. The apartment to my key. I mean, the key
 14:12 14 to my apartment. Sorry.
 14:12 15 Q. Why did he give her the key to your apartment?
 14:12 16 A. He said to have her go remove our stuff from
 14:12 17 there.
 14:12 18 Q. Did he say why?
 14:12 19 A. He said we were going to move.
 14:13 20 Q. Where were you going to move to?
 14:13 21 A. Mexico, California.
 14:13 22 Q. Did he say when you were going to go to Mexico
 14:13 23 or California?
 14:13 24 A. After he talked to Mr. Winn.
 14:13 25 Q. Had he already talked to Mr. Winn a couple of

14:13 1 times?
 14:13 2 A. On the phone.
 14:13 3 Q. That would be the detective at Dallas Police
 14:13 4 Department?
 14:13 5 A. Yes.
 14:13 6 Q. Did he ever talk to you about Mr. Winn?
 14:13 7 A. He said Mr. Winn was dirty and worked for him.
 14:13 8 Q. And worked for Ivan?
 14:13 9 A. Yes.
 14:13 10 Q. Prior to that trip back from Arkansas, had
 14:13 11 defendant talked about moving to Mexico or California
 14:13 12 before?
 14:13 13 A. He was on the phone with somebody and said we
 14:13 14 might go down to Mexico.
 14:13 15 Q. On -- when was that?
 14:13 16 A. On our way back from Arkansas.
 14:13 17 Q. Was that the first time you'd heard of it?
 14:13 18 A. Yes.
 14:13 19 Q. How long did that meeting at I-HOP take place?
 14:14 20 A. We were there for quite a while.
 14:14 21 Q. How were you feeling at that point?
 14:14 22 A. Scared. I just wanted to go home.
 14:14 23 Q. Did you tell Ivan's mother that Ivan was a
 14:14 24 killer?
 14:14 25 A. No.

14:14 1 Q. Why not?
 14:14 2 A. Because I didn't trust her.
 14:14 3 Q. Why didn't you trust her?
 14:14 4 A. Because Ivan told me a long time ago that he --
 14:14 5 his mom carries a gun.
 14:14 6 Q. What about Aunt Penny? Why didn't you tell
 14:14 7 her?
 14:14 8 A. Because he said that Penny's put a gun to his
 14:14 9 head before, the night we spent at Eric's house, and
 14:14 10 that she always carries a gun with her.
 14:14 11 Q. Where did you go after you left the I-Hop?
 14:14 12 A. Went to a gas station to get gas and then to
 14:14 13 Metal's.
 14:14 14 Q. You went back to Metal's house?
 14:14 15 A. Yes.
 14:14 16 Q. Why did you go back to Metal's house?
 14:14 17 A. Ivan said because there are cameras there and
 14:14 18 people there to protect us.
 14:15 19 Q. To protect who?
 14:15 20 A. Ivan and I.
 14:15 21 Q. From who?
 14:15 22 A. The pizza guy.
 14:15 23 Q. Why was Ivan still talking about the pizza guy?
 14:15 24 A. Because he was telling Metal that people set
 14:15 25 him up.

14:15 1 Q. Is that true?
 14:15 2 A. No.
 14:15 3 Q. Did you-all get any drugs at Metal's house?
 14:15 4 A. No. We left Metal's and went to like his
 14:15 5 aunt's house, or whatever, and sat in a room.
 14:15 6 Q. Whose aunt's?
 14:15 7 A. Metal's or cousin or something, friend.
 14:15 8 Q. And how long were you there?
 14:15 9 A. For a little bit. The sun was almost coming
 14:15 10 up.
 14:15 11 Q. Where did you go after you left Metal's house?
 14:15 12 A. We stopped at a hotel.
 14:15 13 Q. Why did you stop at a hotel?
 14:15 14 A. Because we were going to get a room. I was
 14:15 15 tired.
 14:15 16 Q. And what happened when you stopped at the
 14:16 17 hotel?
 14:16 18 A. He told me to please wait in the car, and he
 14:16 19 went in.
 14:16 20 Q. What were you thinking at that time?
 14:16 21 A. That he was going to kill me at the hotel room.
 14:16 22 Q. Why did you think that?
 14:16 23 A. I was just scared.
 14:16 24 Q. Why didn't you go in with him to get the hotel
 14:16 25 room?

14:16 1 A. He told me not to.
 14:16 2 Q. Did he tell you why you had to stay in the car?
 14:16 3 A. No.
 14:16 4 Q. Did he get a hotel room?
 14:16 5 A. No.
 14:16 6 Q. What happened after he came back to the car?
 14:16 7 A. I asked him if we could please go back to
 14:16 8 Tawny's.
 14:16 9 Q. Why did you want to go back to Tawny's?
 14:16 10 A. So I wasn't alone with him.
 14:16 11 Q. Did you-all go back to Tawny's?
 14:16 12 A. Yes.
 14:16 13 Q. And was it on the way back then that he threw
 14:16 14 away the things in the Burger King bag?
 14:16 15 A. Yes.
 14:16 16 Q. About what time was it when you got back to
 14:16 17 Tawny's?
 14:16 18 A. Close to 7:30, 8 o'clock in the morning.
 14:16 19 Q. What happened when you got back to Tawny's?
 14:17 20 A. We laid down on the couch and both ate a Xanax.
 14:17 21 Q. You both ate a Xanax?
 14:17 22 A. Yeah.
 14:17 23 Q. Where did the Xanax come from?
 14:17 24 A. Ivan.
 14:17 25 Q. Did Ivan lay down and go to sleep, too?

14:17 1 A. For a couple minutes.
 14:17 2 Q. Where was Tawny?
 14:17 3 A. In her bedroom.
 14:17 4 Q. What happened after a couple minutes?
 14:17 5 A. Ivan's cell phone rang.
 14:17 6 Q. Who was on the phone?
 14:17 7 A. I believe it was Mr. Winn.
 14:17 8 Q. And did Ivan talk to Mr. Winn?
 14:17 9 A. He said that he was going to go meet Mr. Winn.
 14:17 10 Q. Did he leave?
 14:17 11 A. Yes.
 14:17 12 Q. Do you know what time it was when he left?
 14:17 13 A. Maybe 8:30, 9 o'clock. I didn't really look.
 14:17 14 I was still kind of sleeping.
 14:17 15 Q. What did you do when he left?
 14:17 16 A. I stayed at Tawny's.
 14:18 17 Q. At that point were you and Tawny alone?
 14:18 18 A. Tawny was gone.
 14:18 19 Q. Where did Tawny go?
 14:18 20 A. To work.
 14:18 21 Q. So you were by yourself in Tawny's apartment?
 14:18 22 A. Yes.
 14:18 23 Q. Did you call the police?
 14:18 24 A. No.
 14:18 25 Q. Why not?

14:18 1 A. Because Ivan told me the cops worked for him.
 14:18 2 Q. Did you call your parents?
 14:18 3 A. No.
 14:18 4 Q. Why not?
 14:18 5 A. Just scared. I didn't know what to do.
 14:18 6 Q. How long did you stay there at Tawny's house?
 14:18 7 A. For a while and I got up and I called Ivan's
 14:18 8 cell phone, and his mother answered and said that Ivan
 14:18 9 was still talking to the detective.
 14:18 10 Q. Do you know what time that was?
 14:18 11 A. Maybe three or four.
 14:18 12 Q. In the afternoon?
 14:18 13 A. Uh-huh.
 14:18 14 Q. Did you try calling anyone else other than the
 14:19 15 defendant while you were at Tawny's house?
 14:19 16 A. Yes.
 14:19 17 Q. Who else did you try to call?
 14:19 18 A. After I hung up with Sylvia, I called Tawny,
 14:19 19 and I asked her to please come home.
 14:19 20 Q. Why did you want Tawny to come home?
 14:19 21 A. To get me out of there. Because Ivan said -- I
 14:19 22 mean, Sylvia said that she was going to come and pick me
 14:19 23 up.
 14:19 24 Q. Why were you afraid for Sylvia to come pick you
 14:19 25 up?

14:19 1 A. Because I thought she carried a gun and she
 14:19 2 would probably kill me.
 14:19 3 Q. And did Tawny come home?
 14:19 4 A. Yes.
 14:19 5 Q. How long did it take for Tawny to come home?
 14:19 6 A. Maybe about three minutes.
 14:19 7 Q. What happened after Tawny got home?
 14:19 8 A. We got a phone call from Ivan.
 14:19 9 Q. What did Ivan say?
 14:19 10 A. That he was being arrested for the murder of
 14:19 11 Amy and James, and that he left me money underneath the
 14:19 12 couch cushion and to take it and go, and don't talk to
 14:19 13 anybody, and don't leave with his mother.
 14:20 14 Q. He told you not to leave with his mother?
 14:20 15 A. Yes.
 14:20 16 Q. Did he say why?
 14:20 17 A. No. And then he started talking to Tawny.
 14:20 18 Q. Did he say how much money he left you?
 14:20 19 A. No.
 14:20 20 Q. He just told you where it was?
 14:20 21 A. Yes.
 14:20 22 Q. Did you look under the cushion?
 14:20 23 A. Yes.
 14:20 24 Q. What did you see?
 14:20 25 A. Money and drugs.

14:20 1 Q. Did you see the gun under the cushion?
 14:20 2 MR. GOELLER: Objection, leading.
 14:20 3 THE COURT: Sustained.
 14:20 4 Q. (BY MS. FALCO) How much money?
 14:20 5 A. There was \$1,400.
 14:20 6 Q. And what kind of drugs?
 14:20 7 A. Mushrooms, Xanaxes, ecstasy, and a glass pipe.
 14:20 8 Q. And what did you do with that stuff?
 14:20 9 A. I left all that stuff at Tawny's house except
 14:20 10 for \$700.
 14:20 11 Q. Why did you take \$700?
 14:20 12 A. Because I was leaving. I called my
 14:20 13 stepparents, my stepdad and my mother.
 14:20 14 Q. When did you call your mother and your stepdad?
 14:21 15 A. After I found out Ivan was arrested.
 14:21 16 Q. Why did you call them?
 14:21 17 A. So I could leave.
 14:21 18 Q. And go where?
 14:21 19 A. To their house.
 14:21 20 Q. And did you do that?
 14:21 21 A. Yes.
 14:21 22 Q. Who took you to the airport?
 14:21 23 A. Tawny.
 14:21 24 Q. And did you immediately get on the plane?
 14:21 25 A. No. We sat at the bar there, and then I gave

14:21 1 her \$400 back, and I only left with 300.
 14:21 2 Q. How did you pay for the plane ticket?
 14:21 3 A. Out of that money.
 14:21 4 Q. Why did you give 400 back to Tawny?
 14:21 5 A. Because she told me Ivan owed her money from
 14:21 6 when they used to date.
 14:21 7 Q. Did you eventually get on that plane to
 14:21 8 Arkansas?
 14:21 9 A. Yes.
 14:21 10 Q. What time did you get back to Arkansas?
 14:21 11 A. I'm not sure.
 14:21 12 Q. Was it late night, early morning?
 14:21 13 A. Late night.
 14:21 14 Q. Who met you in Arkansas?
 14:21 15 A. My stepfather.
 14:21 16 Q. How long did it -- does it take for you to get
 14:22 17 from the airport home?
 14:22 18 A. Three hours.
 14:22 19 Q. Did y'all go home?
 14:22 20 A. Yes.
 14:22 21 Q. That night did you tell your stepdad and your
 14:22 22 mom that Ivan was a killer?
 14:22 23 A. No.
 14:22 24 Q. Did you ever tell them?
 14:22 25 A. Yes, I did.

14:22 1 Q. When did you tell them?
 14:22 2 A. My mom was in the bathroom, and I went and sat
 14:22 3 at the end of her tub, and I told her the next day.
 14:22 4 Q. What did you tell her?
 14:22 5 A. What happened.
 14:22 6 Q. With regard to the pizza guy story that Ivan
 14:22 7 kept talking about, and you heard him tell Carlos and
 14:22 8 his mom?
 14:22 9 A. Yes.
 14:22 10 Q. Is that the same story where he says the pizza
 14:22 11 guy is the one that shot the bullet hole in his wall?
 14:22 12 A. Yes.
 14:22 13 Q. What did he say about the pizza guy shooting
 14:22 14 the bullet in the wall?
 14:22 15 A. He said that was a warning.
 14:22 16 Q. And the pizza man is the one that fired a gun
 14:22 17 into the wall?
 14:22 18 A. Yes.
 14:23 19 Q. And that was supposedly on Thursday, November
 14:23 20 2nd?
 14:23 21 A. Yes.
 14:23 22 Q. And was that a lie?
 14:23 23 A. Yes.

14:23 24 MR. SCHULTZ: Can we have just a moment,
 14:23 25 please, Judge?

14:23 1 THE COURT: Yes.
 14:24 2 Q. (BY MS. FALCO) Amy, let's talk about that
 14:24 3 night, Thursday, November 2nd. You said you got in a
 14:24 4 fight with Ivan?
 14:24 5 A. Yes.
 14:24 6 Q. And he started yelling at you saying he wasn't
 14:24 7 messing around?
 14:24 8 A. Yes.
 14:24 9 Q. What happened after he started yelling at you?
 14:24 10 A. He went into our bedroom.
 14:24 11 Q. What happened when he went to the bedroom?
 14:24 12 A. He came out.
 14:24 13 Q. What did he come out with?
 14:24 14 A. His gun.
 14:24 15 Q. And what did he do with the gun?
 14:24 16 A. Fired it.
 14:24 17 MR. GOELLER: Judge, I'm sorry. I'm going
 14:24 18 to object under 404(b) at this time. This is clearly
 14:24 19 extraneous material under 404(b).
 14:24 20 THE COURT: Overruled.
 14:24 21 MR. GOELLER: Thank you, sir.
 14:24 22 Q. (BY MS. FALCO) What did he do with the gun?
 14:24 23 A. He fired a shot.
 14:24 24 Q. Fired it where?
 14:24 25 A. Like two inches from my head.

14:24 1 Q. Where were you standing when he fired the shot?
 14:24 2 A. By the front door.
 14:25 3 Q. And you said it went two inches from your head?
 14:25 4 A. About an inch, about that far.
 14:25 5 Q. How do you know how close it was to your head?
 14:25 6 A. Because my ear was ringing afterwards.
 14:25 7 Q. Did you see a bullet hole in the wall
 14:25 8 afterwards?
 14:25 9 A. Yes.
 14:25 10 Q. Was that close to where your head was?
 14:25 11 A. Yes.
 14:25 12 Q. What happened after he fired a shot at your
 14:25 13 head?
 14:25 14 A. I tried to get out of the apartment.
 14:25 15 Q. How did you try to get out?
 14:25 16 A. I tried running out the door.
 14:25 17 Q. What happened when you got to the door?
 14:25 18 A. He slammed my hand and --
 14:25 19 MR. GOELLER: Objection. Your Honor,
 14:25 20 again, this is extraneous 404(b) material. At this
 14:25 21 point in time I'd ask the Court to conduct a 403
 14:25 22 analysis sub rosa.
 14:25 23 THE COURT: Overruled.
 14:25 24 MR. GOELLER: Is my request for a 403
 14:25 25 analysis denied, Your Honor?

14:25 1 THE COURT: Yes.
 14:25 2 MR. GOELLER: Thank you, sir.
 14:26 3 Q. (BY MS. FALCO) What happened when you got to
 14:26 4 the door?
 14:26 5 A. He slammed the door on my hand.
 14:26 6 Q. How were you standing when he slammed the door
 14:26 7 on your hand?
 14:26 8 A. Like this.
 14:26 9 Q. What part of your body was inside? What part
 14:26 10 of your body was outside?
 14:26 11 A. My left hand was the only thing outside that
 14:26 12 door.
 14:26 13 Q. And how did he -- did he come up from behind
 14:26 14 you?
 14:26 15 A. Yes.
 14:26 16 Q. How did he slam the door on your hand?
 14:26 17 A. He pushed it shut.
 14:26 18 Q. What happened after he slammed the door on your
 14:26 19 hand?
 14:26 20 A. He smacked me across the face.
 14:26 21 MR. GOELLER: Objection, Your Honor. Same
 14:26 22 objection, 404(b). Again, apparently there's going to
 14:26 23 be a series of questions here. I'd ask for a running
 14:26 24 objection as to this material based on 404(b), and a
 14:26 25 continued request for a 403 analysis.

14:26 1 THE COURT: Overruled.
 14:26 2 MR. GOELLER: Thank you, sir. May I have
 14:26 3 a running objection?
 14:26 4 THE COURT: No.
 14:26 5 MR. GOELLER: Yes, sir.
 14:26 6 THE COURT: Let's just hear the question,
 14:27 7 and then if it's objectionable, let's hear the
 14:27 8 objection.
 14:27 9 MR. GOELLER: Yes, sir.
 14:27 10 THE COURT: All right.
 14:27 11 Q. (BY MS. FALCO) What happened after he slammed
 14:27 12 your hand in the door?
 14:27 13 A. He smacked me across the face.
 14:27 14 MR. GOELLER: Objection, Your Honor.
 14:27 15 Again, I object to 404(b). At this time I'd ask the
 14:27 16 Judge, the Court, sorry, the Court for a sub rosa
 14:27 17 hearing and ask the Court to conduct a 403 balancing
 14:27 18 test.
 14:27 19 THE COURT: Okay. That request is denied,
 14:27 20 and the objection is overruled.
 14:27 21 MR. GOELLER: Yes, Your Honor. Thank you.
 14:27 22 Q. (BY MS. FALCO) What happened after he slammed
 14:27 23 your hand in the door?
 14:27 24 A. He smacked me across the face and put the gun
 14:27 25 to my head.

14:27 1 Q. What did he say when he put the gun to your
 14:27 2 head?
 14:27 3 A. Do you --
 14:27 4 MR. GOELLER: Same -- excuse me. I'm
 14:27 5 sorry, ma'am. Same objection, Your Honor, 404(b).
 14:27 6 THE COURT: Overruled.
 14:27 7 MR. GOELLER: Request the Court to conduct
 14:27 8 a 403 analysis at this time.
 14:27 9 THE COURT: All right. Your request is
 14:27 10 denied.
 14:27 11 MR. GOELLER: Thank you, Your Honor.
 14:27 12 Q. (BY MS. FALCO) What did he say to you when he
 14:27 13 put the gun to your head?
 14:27 14 A. That he asked me if I thought he was full of
 14:27 15 shit, and it was to show me that he wasn't full of shit
 14:28 16 or F'ing around, and that he was serious.
 14:28 17 Q. And how were you positioned when he had the gun
 14:28 18 to your head?
 14:28 19 A. I dropped down to my hands and knees and
 14:28 20 started screaming.
 14:28 21 Q. What were you screaming?
 14:28 22 A. That my hand was bleeding and that it hurt.
 14:28 23 Q. How long did he stand there with the gun to
 14:28 24 your head?
 14:28 25 A. For a little bit, and then he got up and went

14:28 1 to the other room and grabbed a file.
 14:28 2 Q. What -- what was in the file?
 14:28 3 A. At the time I didn't know. He was just
 14:28 4 pointing to like dollar figures.
 14:28 5 MR. HIGH: Judge, I can't hear the
 14:28 6 witness. I can't see the witness. She's leaning back
 14:28 7 on --
 14:28 8 THE COURT: All right. Ma'am, I'm going
 14:28 9 to ask you to scoot up a little bit so that they can see
 14:28 10 your face. All right. Go ahead.
 14:28 11 Q. (BY MS. FALCO) What did he say about the
 14:28 12 dollar figures?
 14:28 13 A. He said that's the money he's supposed to be
 14:29 14 getting back.
 14:29 15 Q. Did he say who he was supposed to be getting
 14:29 16 the money back from?
 14:29 17 A. No.
 14:29 18 Q. What happened after he showed you the file?
 14:29 19 A. He got up and went and sat on the couch.
 14:29 20 Q. What did you do?
 14:29 21 A. Sat on the floor for a little bit and then went
 14:29 22 to the other end of the couch.
 14:29 23 Q. Did you try to leave?
 14:29 24 A. No. He said I could try to leave or go call
 14:29 25 the cops, but they all worked for him, and they wouldn't

14:29 1 help me.
 14:29 2 Q. So what did you do after he laid down on the
 14:29 3 couch?
 14:29 4 A. Watched him sleep.
 14:29 5 Q. Did you sleep that night?
 14:29 6 A. No.
 14:29 7 Q. Why not?
 14:29 8 A. I didn't know what he was going to do.
 14:29 9 Q. And this was Thursday, November 2nd, correct?
 14:29 10 A. Yes.
 14:29 11 Q. And when the defendant is telling people about
 14:29 12 this pizza guy shooting at him, it was actually Ivan
 14:29 13 shooting at you?
 14:29 14 A. Yes.
 14:30 15 Q. And when he went to work the next day on
 14:30 16 Friday, November --
 14:30 17 A. I have to go to the rest room really bad.
 14:30 18 MS. FALCO: Your Honor, may we have a
 14:30 19 brief recess so the witness can use the rest room.
 14:30 20 THE COURT: Yeah. In fact, I'll tell you
 14:30 21 what. We'll take our afternoon break right now, and
 14:30 22 then we'll continue on until we finish.
 14:30 23 THE COURT: Let's take a 15-minute recess.
 14:30 24 THE BAILIFF: All rise.
 14:31 25 THE COURT: All right. Jury's out. A 15-

14:31 1 minute recess.
 14:31 2 (Break.)
 14:53 3 (Open court, defendant and jury present.)
 14:53 4 THE COURT: Please be seated. Ms. Falco,
 14:54 5 go ahead, please. Excuse me, just a minute.
 14:54 6 Ms. Boettcher, you are still under oath, ma'am.
 14:54 7 THE WITNESS: Yes.
 14:54 8 MS. FALCO: Thank you. May I approach?
 14:54 9 THE COURT: Yes.
 14:54 10 Q. (BY MS. FALCO) Ms. Boettcher, I show you
 14:54 11 what's been marked as State's Exhibit 74.
 14:54 12 A. Yes.
 14:54 13 Q. Do you recognize the photograph?
 14:54 14 A. Yes, I do.
 14:54 15 Q. What is that a picture of?
 14:54 16 A. Of my front door and like the dining area.
 14:54 17 Q. And in that picture -- and I need you to keep
 14:54 18 your voice up even though I'm standing next to you -- in
 14:54 19 that picture, do you see a bullet hole?
 14:54 20 A. Yes, I do.
 14:54 21 Q. And is that the bullet hole from when the
 14:54 22 defendant shot at you on Thursday, November 2nd?
 14:54 23 A. Yes.
 14:54 24 Q. And in regard to this picture, where were you
 14:54 25 standing when he shot at you?

14:54 1 A. Right here.
 14:54 2 Q. And you are indicating between the door and the
 14:54 3 bullet hole?
 14:54 4 A. Yes.
 14:55 5 Q. So the whole time that the defendant was
 14:55 6 telling people this pizza-guy story and a pizza guy shot
 14:55 7 at him on Thursday, you knew that was a lie?
 14:55 8 A. Yes.
 14:55 9 Q. Did he ask you to lie for him?
 14:55 10 A. Yes.
 14:55 11 Q. What did he ask you to say?
 14:55 12 A. He said if anybody asked me to talk to him, to
 14:55 13 say the pizza story.
 14:55 14 Q. With regard to the Corvette --
 14:55 15 MS. FALCO: Your Honor, may I approach
 14:55 16 again?
 14:55 17 THE COURT: Yes.
 14:55 18 Q. (BY MS. FALCO) I show you State's Exhibit
 14:55 19 No. 5. Do you recognize that photograph?
 14:55 20 A. Yes.
 14:55 21 Q. What is that a picture of?
 14:55 22 A. James's Corvette.
 14:55 23 Q. Is that the Corvette you were riding in
 14:55 24 Saturday, November 4th, the early morning hours?
 14:55 25 A. Yes.

14:55 1 Q. Is that the same one the defendant was driving
 14:55 2 when he left James and Amy's house?
 14:55 3 A. Yes.
 14:55 4 Q. And based on this picture of State's Exhibit
 14:55 5 No. 5, can you orient yourself to where your apartment
 14:55 6 was?
 14:55 7 A. Yes. It's right around that like beamer thing
 14:56 8 or staircase right there.
 14:56 9 Q. So where the staircase is, that would be your
 14:56 10 front door?
 14:56 11 A. Yes. On this side of it.
 14:56 12 Q. And is that where the defendant parked the
 14:56 13 Corvette before you went to Arkansas?
 14:56 14 A. Yes.
 14:56 15 Q. Now, Amy, let's get back to when you are in
 14:56 16 Arkansas after the defendant is arrested. You said you
 14:56 17 didn't tell your stepdad and your mom that night when
 14:56 18 you got home that?
 14:56 19 A. Yes.
 14:56 20 Q. When the next day did you tell your mom?
 14:56 21 A. Early morning.
 14:56 22 Q. And how did you tell her?
 14:56 23 A. I -- she was going to the bathroom, and my
 14:56 24 mother asked me if there was more to the story.
 14:56 25 Q. And what did you say?

14:56 1 A. I said, yes.
 14:56 2 Q. And did you tell her the truth?
 14:56 3 A. Yes.
 14:56 4 Q. What did you do after you told your mom the
 14:56 5 story?
 14:56 6 A. She called my stepfather into the bathroom.
 14:56 7 Q. What happened when your stepfather came into
 14:57 8 the bathroom?
 14:57 9 A. He told me to tell him what was going on.
 14:57 10 Q. Did you tell him?
 14:57 11 A. Yes.
 14:57 12 Q. Did you tell him everything?
 14:57 13 A. Yes.
 14:57 14 Q. What did your stepfather do after you told him
 14:57 15 everything?
 14:57 16 A. We contacted Mr. Winn's office to let him know
 14:57 17 where I was at.
 14:57 18 Q. Contacted the Dallas Police Department?
 14:57 19 A. Yes.
 14:57 20 Q. Why did you do that?
 14:57 21 A. So they would know where I was at if they had
 14:57 22 any questions for me.
 14:57 23 Q. When you went to Arkansas, were you trying to
 14:57 24 run away?
 14:57 25 A. No.

14:57 1 Q. Were you hiding from the police?
 14:57 2 A. No.
 14:57 3 Q. Were you willing to cooperate with them?
 14:57 4 A. Yes.
 14:57 5 Q. Did you go to the Arkansas police?
 14:57 6 A. Yes, I did.
 14:57 7 Q. When did you go to them?
 14:57 8 A. As soon as we could get a state trooper to come
 14:57 9 in, and it was probably like a week or two.
 14:57 10 Q. Were you willing to talk?
 14:57 11 MR. GOELLER: I'm sorry. What was the
 14:57 12 last answer.
 14:57 13 THE WITNESS: A week or two, a week or
 14:57 14 two.
 14:57 15 Q. (BY MS. FALCO) Were you willing to talk to the
 14:57 16 police sooner than that?
 14:57 17 A. Yes.
 14:57 18 Q. And why didn't -- why didn't that happen?
 14:57 19 A. There was not a state trooper. And a Joe, I
 14:58 20 believe his last name was Martz, the sheriff down there,
 14:58 21 wanted a state trooper there.
 14:58 22 Q. And did you let Detective Winn know you were
 14:58 23 available for a statement if he wanted one?
 14:58 24 A. Yes.
 14:58 25 Q. Did you know when it was when you actually went

14:58 1 and gave a statement to the police?
 14:58 2 A. No. I don't remember the date.
 14:58 3 Q. But did you give a written statement to the
 14:58 4 police?
 14:58 5 A. Yes, I did.
 14:58 6 Q. Have you given a couple of different written
 14:58 7 statements to the police?
 14:58 8 A. Yes, I have.
 14:58 9 Q. Whenever any police officer asked you for a
 14:58 10 statement, did you give him one?
 14:58 11 A. Yes, I did.
 14:58 12 MS. FALCO: Your Honor, may I approach?
 14:58 13 THE COURT: Yes.
 14:58 14 Q. (BY MS. FALCO) May I show you what's been
 14:58 15 marked as State's Exhibit 114, 115, and 116. Do you
 14:58 16 recognize those photographs?
 14:58 17 A. Yes.
 14:58 18 Q. What were those pictures of?
 14:58 19 A. My hand.
 14:58 20 Q. And when were those pictures taken?
 14:58 21 A. The day I went and gave the state trooper my
 14:58 22 statement.
 14:58 23 Q. And this would have been over a week after the
 14:58 24 incident happened with your hand?
 14:58 25 A. Yes.

14:59 1 Q. Are these pictures a fair and accurate
 14:59 2 depiction of what your hand looked like when those
 14:59 3 pictures were taken?
 14:59 4 A. No.
 14:59 5 Q. Is that what it looked like at the time they
 14:59 6 were taken?
 14:59 7 A. Yes.
 14:59 8 Q. Had your hand gotten better since the time of
 14:59 9 the injury?
 14:59 10 A. Yes.
 14:59 11 Q. But this is what it looked like at the time
 14:59 12 they took the photographs?
 14:59 13 A. Yes.
 14:59 14 Q. Why did you have them take pictures of your
 14:59 15 hand?
 14:59 16 A. So they could use them if they needed to.
 14:59 17 MS. FALCO: We offer State's Exhibit
 14:59 18 No. 114, 115, and 116.
 15:01 19 MR. GOELLER: Judge, we'd object to 114,
 15:01 20 115 and 116 based on 404(b), rule 404, and admissible
 15:01 21 character evidence. That's the real purpose of it. We
 15:01 22 offer these photographs.
 15:01 23 THE COURT: The objection is overruled.
 15:01 24 MR. GOELLER: We ask the Court to conduct
 15:01 25 a 403 balancing test to determine whether any, based on

15:01 1 the testimony so far, whether the probative value
 15:01 2 outweighs any prejudicial effect.
 15:01 3 THE COURT: Anything else?
 15:01 4 MR. GOELLER: No, Your Honor.
 15:01 5 THE COURT: All right. State's Exhibits
 15:01 6 114, 115, and 116 are admitted. And your request is
 15:01 7 denied.
 15:01 8 (State's Exhibit Nos. 114, 115, and 116
 15:01 9 admitted.)
 15:01 10 MR. GOELLER: Thank you, Your Honor.
 15:01 11 THE COURT: And the objection is
 15:01 12 overruled.
 15:01 13 MR. GOELLER: Yes, sir.
 15:01 14 Q. (BY MS. FALCO) Ms. Boettcher, with regard to
 15:01 15 your hand in those three photographs, your hand looked
 15:01 16 better there than it did on November 2nd of 2000?
 15:01 17 A. Yes.
 15:01 18 Q. But there is still injury observable when you
 15:02 19 had those photographs taken?
 15:02 20 A. Yes.
 15:02 21 Q. At some point in time did Detective Winn visit
 15:02 22 you?
 15:02 23 A. Yes.
 15:02 24 Q. Did he come to Arkansas?
 15:02 25 A. Yes.

15:02 1 Q. Do you remember when that was?
 15:02 2 A. I'm not sure on the exact date. I know it was
 15:02 3 still in November.
 15:02 4 Q. And what happened when he came to contact you?
 15:02 5 A. I sat in a room with him and talked to him.
 15:02 6 Q. Did you give him a written statement as well?
 15:02 7 A. Yes.
 15:02 8 Q. Did you cooperate with him?
 15:02 9 A. Yes.
 15:02 10 Q. During that contact with Detective Winn, did
 15:02 11 you become aware of whether or not they were going to go
 15:02 12 back into your apartment?
 15:02 13 A. Yes.
 15:02 14 Q. What was your understanding?
 15:02 15 A. I asked them.
 15:02 16 Q. Why did you ask them to go back in the
 15:02 17 apartment?
 15:02 18 A. I asked them if they were going to go get the
 15:02 19 bullet out of the wall.
 15:02 20 Q. Did they indicate that they were?
 15:02 21 A. Yes.
 15:02 22 Q. And what -- why was that important to you? Why
 15:02 23 did you ask them?
 15:02 24 A. Because I asked if I could press charges
 15:03 25 against Ivan.

15:03 1 Q. For shooting at you?
 15:03 2 A. Yes.
 15:03 3 Q. What did you do with regard to the -- to
 15:03 4 knowing that they were going back into the apartment?
 15:03 5 Did you make any arrangements?
 15:03 6 A. Yes, I did.
 15:03 7 Q. What arrangements did you make?
 15:03 8 A. I arranged to meet them at the office of the
 15:03 9 apartment complex.
 15:03 10 Q. And why did you do that?
 15:03 11 A. To let them in.
 15:03 12 Q. And do you remember what date that was?
 15:03 13 A. No, I don't.
 15:03 14 Q. It would have been the day they retrieved the
 15:03 15 bullet?
 15:03 16 A. Yes.
 15:03 17 Q. Did you want the police there when you went
 15:03 18 back to your apartment?
 15:03 19 A. Yes, I did.
 15:03 20 Q. Why?
 15:03 21 A. I was scared.
 15:03 22 Q. Why were you scared?
 15:03 23 A. I didn't know what Ivan was involved in because
 15:03 24 of all the stuff he told me.
 15:03 25 Q. Did you still fear, even though he was

15:03 1 arrested, that he might somehow hurt you?
 15:03 2 A. Yes.
 15:03 3 Q. What happened when you met Detective Winn and
 15:04 4 the other police officers at your apartment?
 15:04 5 A. They went -- they came into the office place
 15:04 6 there, and they went down there, and we stayed up at the
 15:04 7 office place.
 15:04 8 Q. Did you give them permission to go into your
 15:04 9 apartment?
 15:04 10 A. Yes, I did.
 15:04 11 Q. Did you know why they were going in there?
 15:04 12 A. Yes, I did.
 15:04 13 Q. What was your understanding of why they went in
 15:04 14 your apartment?
 15:04 15 A. To get the bullet hole -- the bullet out of the
 15:04 16 wall.
 15:04 17 Q. What happened after they got the bullet out of
 15:04 18 the wall?
 15:04 19 A. He pulled up to my stepdad and I and said that
 15:04 20 we could go get my stuff out of the apartment.
 15:04 21 Q. And did you?
 15:04 22 A. Yes.
 15:04 23 Q. Was that the last time that you were at your
 15:04 24 apartment on Old Bent Tree Lane?
 15:04 25 A. No.

15:04 1 Q. Why did you go back?
 15:04 2 A. I had to come back and get like my table and
 15:04 3 little things that I couldn't fit in the car. So we
 15:05 4 only drove a car down.
 15:05 5 Q. So you had to make more than one trip to get
 15:05 6 your stuff out?
 15:05 7 A. Yeah. They -- the apartment complex put it up
 15:05 8 in storage for me at the complex there. I didn't go
 15:05 9 inside my apartment. They had it in a little storage
 15:05 10 room for me.
 15:05 11 Q. When you met Detective Winn that day that he
 15:05 12 was going to get the bullet out of your wall, did you
 15:05 13 have the key to let him in?
 15:05 14 A. No, I did not.
 15:05 15 Q. How did they have to get in?
 15:05 16 A. Through the rental office.
 15:05 17 Q. Who had a key to the apartment, do you know?
 15:05 18 A. The manager.
 15:05 19 Q. Who had the key that Ivan had to the apartment?
 15:05 20 A. He gave it to his mother the day we were at
 15:05 21 I-HOP.
 15:05 22 Q. Did you do anything in response to that fact
 15:05 23 that he gave the key to the apartment to his mother?
 15:05 24 A. Yes, I did.
 15:05 25 Q. What did you do?

206

15:06 1 A. Before I got -- as soon as I found out Ivan was
 15:06 2 arrested and before I got on the plane, I called the
 15:06 3 complex and told them that it was an emergency, and they
 15:06 4 needed to change my locks.
 15:06 5 Q. And did they do so?
 15:06 6 A. Yes.
 15:06 7 Q. Why did you do that?
 15:06 8 A. Because I didn't want none of his family or him
 15:06 9 in my apartment.
 15:06 10 Q. Were you able to get all of your stuff out of
 15:06 11 that apartment?
 15:06 12 A. Yes.
 15:06 13 Q. And did Ms. Cantu eventually get Ivan's stuff
 15:06 14 out of the apartment?
 15:06 15 A. I'm not sure.
 15:06 16 Q. Did you leave Ivan's stuff there?
 15:06 17 A. Yes, I did.
 15:06 18 MS. FALCO: One moment, Your Honor. Thank
 15:07 19 you, Ms. Boettcher. I pass the witness.
 15:07 20 THE COURT: Mr. Goeller?
 15:07 21 MR. GOELLER: May I approach sidebar?
 15:07 22 THE COURT: Yes.
 15:07 23 (Bench conference.)
 15:10 24 THE COURT: All right. Ms. Boettcher, I
 15:10 25 tell you what. I'm going to ask you to step down at

15:10 1 this time. The other side has an opportunity to
 15:10 2 cross-examine you, but we're going to wait a while
 15:10 3 before we do that. So I'm going to ask you to step down
 15:10 4 at this time, and we'll have another witness come up.
 15:10 5 Would you call your next witness, please.
 15:10 6 MS. FALCO: Ms. Lowry's witness.
 15:11 7 MS. LOWRY: Your Honor, the State of Texas
 15:11 8 calls Stephen Mullins.
 15:11 9 THE COURT: All right. Raise your hand.
 15:11 10 STEPHEN T. MULLINS,
 15:12 11 being first duly sworn, testified as follows:
 15:12 12 THE COURT: Put your hand down and have a
 15:12 13 seat right here, please. Is it Ms. Lowry?
 15:12 14 MS. LOWRY: Yes, Your Honor.
 15:12 15 THE COURT: Go ahead.
 15:12 16 DIRECT EXAMINATION
 15:12 17 BY MS. LOWRY:
 15:12 18 Q. Would you introduce yourself to the jury?
 15:12 19 A. Yes. My name is Stephen Thomas Mullins.
 15:12 20 Q. Mr. Mullins, how are you employed?
 15:12 21 A. I'm a registered nurse.
 15:12 22 Q. And how long have you been a registered nurse?
 15:12 23 A. Since 1994.
 15:12 24 Q. What city do you currently live in?
 15:12 25 A. I live in the city of Frisco.

208

15:12 1 Q. I want to take your attention back to when you
 15:12 2 lived at 4753 Old Bent Tree Lane. When was that
 15:12 3 approximately?
 15:12 4 A. I moved in there roughly August of last year.
 15:13 5 Q. Specifically, I'd like to go to October of
 15:13 6 2000. Do you recall during October meeting Ivan Cantu?
 15:13 7 A. Yes, I do.
 15:13 8 Q. And how did you meet him?
 15:13 9 A. He and Amy were moving in the apartment
 15:13 10 kitty-corner below me.
 15:13 11 Q. And what were the circumstances surrounding
 15:13 12 your actually meeting him?
 15:13 13 A. Just being a friendly neighbor. I greeted
 15:13 14 them. We introduced ourselves, and that was the extent
 15:13 15 of our exchange.
 15:13 16 Q. Did you see them very often?
 15:13 17 A. No. Rarely did I see them.
 15:13 18 Q. What was your work schedule like at that time?
 15:13 19 A. At that time I was doing home infusion. I
 15:13 20 pretty much worked all hours of the day. So I was home
 15:13 21 during the day a lot and didn't see either of them
 15:13 22 during the day.
 15:13 23 Q. Do you know what vehicle they drove?
 15:13 24 A. At that time I believe it was a -- I want to
 15:13 25 say a Nissan or a Honda.

15:13 1 Q. Do you remember what color it was?
 15:14 2 A. My guess would be black, but I'm not sure.
 15:14 3 Q. Did you ever see them in a car different from
 15:14 4 the Nissan or Honda that you normally saw them in?
 15:14 5 A. Yes, ma'am, I did.
 15:14 6 Q. And do you recall about when that was?
 15:14 7 A. It was probably roughly between 2:30 and 3:30
 15:14 8 in the morning.
 15:14 9 Q. And was that the couple weeks after you had
 15:14 10 seen them move in?
 15:14 11 A. Yes, ma'am, it was.
 15:14 12 Q. And sometime around the beginning of November?
 15:14 13 A. Yes, ma'am.
 15:14 14 Q. Do you recall the specific date?
 15:14 15 A. No, I do not.
 15:14 16 Q. Was it a week night or a weekend night?
 15:14 17 A. It was either a Friday or Saturday night.
 15:14 18 Q. What were the circumstances surrounding you
 15:14 19 seeing them on this evening?
 15:14 20 A. I had been working at a club, and it closed at
 15:14 21 two o'clock, and I had gone and got something to eat on
 15:14 22 the way home. So I arrived back at my apartment, like I
 15:14 23 said, between 2:30 and 3:30 where I saw Mr. Cantu and
 15:15 24 Amy with a different car that night.
 15:15 25 Q. Describe that car that you saw them in that

210

15:15 1 night.
 15:15 2 A. It was a -- it was a newer model Corvette, and
 15:15 3 it was dark in color. I believe it was black.
 15:15 4 Mr. Cantu was at the rear of the vehicle with the trunk
 15:15 5 lid open, and it looked like he was perhaps putting some
 15:15 6 CD's in a CD player, like one of those that goes in the
 15:15 7 trunk.
 15:15 8 Q. How were they dressed?
 15:15 9 A. They looked like they were going out.
 15:15 10 Q. Did he say anything to you when you saw him?
 15:15 11 A. He greeted me. He said, "Hello, Steve."
 15:15 12 Q. Was there anything unusual about his demeanor
 15:15 13 this evening?
 15:15 14 A. No. Nothing remarkable other than it appeared
 15:15 15 that they were just getting ready to go out for an
 15:15 16 evening.
 15:15 17 Q. Did he seem very calm, very normal?
 15:15 18 A. Very much so.
 15:16 19 Q. Is there anything about him that seemed
 15:16 20 panicked or edgy or nervous?
 15:16 21 A. Not at all.
 15:16 22 Q. Do you recall seeing the Honda there at that
 15:16 23 time?
 15:16 24 A. No, ma'am, I do not.
 15:16 25 Q. Do you remember seeing that car at the

15:16 1 apartment complex anytime after that evening?
 15:16 2 A. Yes, ma'am. It was parked in the side lot the
 15:16 3 next day.
 15:16 4 MS. LOWRY: May I approach, Your Honor?
 15:16 5 THE COURT: Yes.
 15:16 6 Q. (BY MS. LOWRY) Mr. Mullins, I'm going to show
 15:16 7 you what's been marked as State's Exhibit 4 and 5. Do
 15:16 8 you recognize that vehicle?
 15:16 9 A. Yes, ma'am, I do.
 15:16 10 Q. And how do you recognize that vehicle?
 15:16 11 A. I believe that to be the car that they were in
 15:16 12 that evening.
 15:16 13 Q. And is that the same one that you saw parked
 15:16 14 where it is right now or in that picture?
 15:16 15 A. Yes, ma'am, that was on the side lot.
 15:16 16 Q. Now, you said you had been at a club working.
 15:17 17 What kind of work were you doing at the club?
 15:17 18 A. I'm also a part-time musician, and I was
 15:17 19 playing at a club that evening.
 15:17 20 Q. Had you been drinking?
 15:17 21 A. No.
 15:17 22 Q. Had you been doing anything that would cause
 15:17 23 you not to remember clearly what you saw that night or
 15:17 24 seeing the defendant with that car?
 15:17 25 A. No, ma'am.

212

15:17 1 Q. Do you see Mr. Cantu in the courtroom today?
 15:17 2 A. Yes, ma'am.
 15:17 3 Q. Can you identify him by where he's sitting and
 15:17 4 what he's wearing?
 15:17 5 A. In the gray sweater.
 15:17 6 MS. LOWRY: Your Honor, may the record
 15:17 7 reflect he's identified the defendant.
 15:17 8 THE COURT: All right.
 15:17 9 MS. LOWRY: Pass the witness.
 15:17 10 THE COURT: Say, home infusions that you
 15:17 11 do, I suppose for chemotherapy patients?
 15:17 12 THE WITNESS: Chemotherapy, pain
 15:17 13 medication, antibiotics. People that would normally be
 15:17 14 kept in the hospital for -- for instance, for I.V.
 15:17 15 antibiotics. They send them home now.
 15:18 16 I go out and start an I.V. on them and
 15:18 17 teach them how to give themselves the medications. So I
 15:18 18 can be called at two in the morning if they are having
 15:18 19 problems, and I have to see them. So I don't work
 15:18 20 traditional business hours.
 15:18 21 THE COURT: Thank you, sir. Is it
 15:18 22 Mr. Goeller or Mr. High?
 15:18 23 MR. HIGH: Thank you, Judge.
 15:18 24 CROSS-EXAMINATION
 15:18 25 BY MR. HIGH:

15:18 1 Q. Mr. Mullins, my name is Don High. I represent
15:18 2 Mr. Cantu here, along with Mr. Goeller. I think I
15:18 3 understand a little bit about what you do. Are you --
15:18 4 are you kind of a hospice nurse?

15:18 5 A. It's -- it's kind of a mix between that and
15:18 6 traditional home health. It's just a specialty of home
15:18 7 health where all I deal is with I.V.'s. Anything that
15:18 8 has to do with an I.V. or implanted ports, things like
15:18 9 that.

15:18 10 Q. I used to know the name for that, that port
15:18 11 that you put in. What's that called?

15:18 12 A. A brand is called a Mediport.

15:18 13 Q. And it's implanted where you can inject the
15:18 14 needle in there and run -- and you can service it a
15:19 15 whole lot easier?

15:19 16 A. Yes, sir.

15:19 17 Q. And do you -- do you do those implants
15:19 18 yourself, or does a doctor do that?

15:19 19 A. Those are surgically implanted.

15:19 20 Q. Okay. And do you sometimes administer pain
15:19 21 medication?

15:19 22 A. Quite frequently.

15:19 23 Q. Okay. Like what types of medications?

15:19 24 A. Dilaudid, Morphine, Demerol, things of those
15:19 25 natures.

15:19 1 Q. All right. And do you sometimes administer
15:19 2 sedatives?

15:19 3 A. Infrequently. Generally those things are in
15:19 4 pill form and prescribed by their physician, and they
15:19 5 manage that medication.

15:19 6 Q. But you are aware of them, though? Things like
15:19 7 Xanax?

15:19 8 A. Oh, sure.

15:19 9 Q. Valium. What about amphetamines? Are you
15:19 10 familiar with types of amphetamines, uppers?

15:19 11 A. Yeah.

15:19 12 Q. Okay. And I'm sure that you took some classes
15:19 13 in medication?

15:19 14 A. Pharmacology classes.

15:19 15 Q. Pharmacology, absolutely. Okay. And did you
15:20 16 have one class in that, several classes?

15:20 17 A. We had several.

15:20 18 Q. Okay. And how long have you been working in
15:20 19 this field?

15:20 20 A. Well, I got my RN license here in Texas in
15:20 21 1994. I worked at Parkland Hospital for two years and
15:20 22 then went to home infusion. So it would be '96.

15:20 23 Q. So you got a whole lot of experience at
15:20 24 Parkland, I'm sure?

15:20 25 A. Yes, sir.

15:20 1 Q. You can pack a punch in two years at Parkland,
15:20 2 I'm sure.

15:20 3 A. Yes, sir.

15:20 4 Q. And I take it -- and you say you are a
15:20 5 part-time musician?

15:20 6 A. Uh-huh.

15:20 7 Q. So that's an interesting combination with your
15:20 8 knowledge and medications. I'm sure you get a different
15:20 9 perspective in your job as a part-time musician. And
15:20 10 you run across folks that use drugs, abuse drugs, that
15:20 11 sort of thing in your career as a musician?

15:20 12 A. Not to my knowledge. Because most of the
15:20 13 people that I play with are people just like me that
15:20 14 hold down regular jobs, and they play for the love of
15:21 15 the music.

15:21 16 Q. I understand that. Some of the patrons don't
15:21 17 though, right? Some of the patrons at the clubs hanging
15:21 18 out doing drugs. You've seen that, haven't you?

15:21 19 A. Not personally, no, but your guess would be as
15:21 20 good as mine.

15:21 21 Q. That wouldn't surprise you?

15:21 22 A. No, it wouldn't.

15:21 23 Q. Any idea about, you knew -- you knew Ivan. I
15:21 24 guess you are somewhat familiar with them, and you knew
15:21 25 this young lady. Do you recall her name?

15:21 1 A. I remember her first name is Amy.

15:21 2 Q. Okay. And were you aware that either he or she
15:21 3 were abusing drugs. Were you aware of that at all?

15:21 4 A. No, sir, I was not.

15:21 5 Q. So you weren't suspicious that there was any
15:21 6 drug activity going on or anything like that?

15:21 7 A. No, sir.

15:21 8 Q. And how long were you their upstairs neighbor?

15:22 9 A. I moved in in August. They moved in October.
15:22 10 So just a short time.

15:22 11 Q. Okay. You didn't hear any noise in their
15:22 12 apartment particularly, did you? Like folks aren't
15:22 13 getting along, squabbling, scuffling, fighting, that
15:22 14 sort of thing?

15:22 15 A. No, sir.

15:22 16 Q. You never heard any noise like that?

15:22 17 A. No, sir.

15:22 18 Q. And that night they appeared to be getting
15:22 19 along just fine, I take it?

15:22 20 A. From all appearances. Amy was seated in the
15:22 21 passenger side of the car.

15:22 22 Q. Okay.

15:22 23 A. And Mr. Cantu was at the rear of the vehicle,
15:22 24 so I didn't observe any interaction between the two of
15:22 25 them.

15:22 1 Q. All right. Are you familiar with the drug
15:22 2 cocaine?
15:22 3 A. Yes, sir.
15:22 4 Q. Have you been around cocaine when it's
15:22 5 administered to patients or other folks?
15:22 6 A. No.
15:22 7 Q. What did you learn in pharmacology school about
15:23 8 cocaine?
15:23 9 A. That's an amphetamine. It's a street drug. It
15:23 10 can be used in clinical situations as an anesthetic, a
15:23 11 topical anesthetic.
15:23 12 Q. And why do folks use it as a street drug, any
15:23 13 idea?
15:23 14 A. To get high.
15:23 15 Q. Okay. To have more energy?
15:23 16 A. Yes, sir.
15:23 17 Q. Go longer?
15:23 18 A. Perhaps.
15:23 19 Q. What about amphetamine? What did you learn in
15:23 20 pharmacology about amphetamines?
15:23 21 A. That it's a similar drug class. You know, it
15:23 22 gives you energy and boosts you.
15:23 23 Q. Okay. Did you ever study mushrooms in
15:23 24 pharmacology school?
15:23 25 A. No, sir.

218

15:23 1 Q. Did you study any hallucinogens? I'm sure you
15:23 2 studied LSD?
15:23 3 A. They breezed over it because they were street
15:23 4 drugs, and our emphasis was on clinical use.
15:23 5 Q. And I'm sure that you are aware that a
15:23 6 hallucinogen makes you sometimes see things that aren't
15:23 7 there?
15:23 8 A. Yes, sir.
15:23 9 Q. Believe things that aren't true. It's kind of
15:24 10 a picture drug?
15:24 11 A. Yes.
15:24 12 Q. Colors and things like that?
15:24 13 A. Okay.
15:24 14 Q. And takes you on a trip, right?
15:24 15 A. Yes. That's a hallucinogen.
15:24 16 Q. Okay. And you would agree that that's pretty
15:24 17 generally recognized with respect to a hallucinogen,
15:24 18 that folks take it so they take a trip and experience
15:24 19 something totally fictional, something that isn't real?
15:24 20 A. That would be reasonable, yeah.
15:24 21 Q. Okay. That night Mr. Cantu acknowledged you
15:24 22 and called you by name?
15:24 23 A. Yes, sir.
15:24 24 Q. And was friendly to you?
15:24 25 A. Yes, sir.

15:25 1 MR. HIGH: Approach the witness, Your
15:25 2 Honor?
15:25 3 THE COURT: Yes.
15:25 4 Q. (BY MR. HIGH) Take a look at these pictures.
15:25 5 And you are sure that's the same car?
15:25 6 A. Yes, sir.
15:25 7 Q. And is this the same -- are both of these
15:25 8 pictures, do they represent that car parked in the exact
15:25 9 same location? Just the front view and the back view?
15:25 10 A. Yes, sir.
15:25 11 Q. Okay.
15:25 12 A. That's the side lot that I referred to. I saw
15:25 13 the car the following day.
15:25 14 Q. Was it in this position when you saw it?
15:25 15 A. I can't tell because there's actually -- there
15:25 16 was a couple spaces to the right, and then there was
15:25 17 like a little grassy area that is a continuation of
15:25 18 this, kind of a T-shaped.
15:26 19 Q. Okay. Does that look like it, the way you saw
15:26 20 it, or are you -- do you know?
15:26 21 A. I know it was parked in that direction.
15:26 22 Whether it was within the lines, I don't recall.
15:26 23 Q. Okay. So we don't know for sure, based upon
15:26 24 your testimony, whether that's in the same position in
15:26 25 that picture as when you saw it the next day? Is that

220

15:26 1 fair to say? You just don't know for sure?
15:26 2 A. It appears to be in this picture to be where I
15:26 3 saw it. My patio overlooked the side lot. And looking
15:26 4 from the picture, this looks to be towards the end of
15:26 5 that row of parking spaces.
15:27 6 Q. Okay.
15:27 7 A. And am I hundred percent? No, sir, I'm not
15:27 8 because there's not enough picture for me to see here.
15:27 9 MR. HIGH: Okay. Thank you. I pass the
15:27 10 witness, Judge.
15:27 11 MS. LOWRY: Just briefly, Your Honor.
15:27 12 THE COURT: All right.
15:27 13 REDIRECT EXAMINATION
15:27 14 BY MS. LOWRY:
15:27 15 Q. Now, you said your apartment was kind of
15:27 16 kitty-corner to the defendant's apartment?
15:27 17 A. Yes, ma'am. I was -- they were low, and I was
15:27 18 basically kitty-corner and above.
15:27 19 Q. So you-all don't share any common walls, and
15:27 20 you are not exactly above them?
15:27 21 A. No, ma'am.
15:27 22 MS. LOWRY: Pass the witness.
15:27 23 MR. HIGH: No questions.
15:27 24 THE COURT: Is this witness finally
15:27 25 excused?

15:27 1 MS. LOWRY: Yes.
 15:27 2 THE COURT: Thank you. And you are
 15:27 3 finally excused.
 15:27 4 (Witness excused.)
 15:27 5 THE COURT: Call your next witness.
 15:27 6 MS. LOWRY: Your Honor, the State of Texas
 15:27 7 calls Fernando Longoria.
 15:29 8 THE COURT: Raise your right hand.
 15:29 9 FERNANDO LONGORIA,
 15:29 10 being first duly sworn, testified as follows:
 15:29 11 THE COURT: Have a seat right here. All
 15:29 12 right. Ms. Lowry?
 15:29 13 MS. LOWRY: Thank you, Your Honor
 15:29 14 DIRECT EXAMINATION
 15:29 15 BY MS. LOWRY:
 15:29 16 Q. Would you introduce yourself to the jury,
 15:29 17 please.
 15:29 18 A. I'm Fernando Longoria.
 15:29 19 Q. And, Mr. Longoria, how are you employed?
 15:29 20 A. How I'm employed?
 15:29 21 Q. Yeah.
 15:29 22 A. I work for a company called Telvi-stuck.
 15:29 23 Q. What do you do for them?
 15:29 24 A. I'm a technical support rep.
 15:29 25 Q. How long have you done that?

15:29 1 A. Actually, I'm starting training this week.
 15:29 2 Q. How were you employed before that?
 15:29 3 A. A title company. Certified information
 15:29 4 resources, titled abstract work.
 15:29 5 Q. Mr. Longoria, I want to take you back to
 15:29 6 November of last year. Do you know a person by the name
 15:29 7 of Harlon Hill?
 15:29 8 A. I do.
 15:29 9 Q. How do you know him?
 15:29 10 A. He's an acquaintance of mine.
 15:29 11 Q. Do you hang out with Harlon Hill?
 15:29 12 A. No.
 15:30 13 Q. Have you ever been to his house?
 15:30 14 A. Yes.
 15:30 15 Q. In early November did you have an occasion to
 15:30 16 go over to his house one Friday night, early Saturday
 15:30 17 morning?
 15:30 18 A. Yes.
 15:30 19 Q. Do you recall that visit to Mr. Hill's house?
 15:30 20 A. Yes.
 15:30 21 Q. About what time did you get there?
 15:30 22 A. Oh, about two o'clock.
 15:30 23 Q. Do you remember the exact date?
 15:30 24 A. The 4th? November.
 15:30 25 Q. Would that have been early Saturday morning?

15:30 1 A. Early Saturday morning.
 15:30 2 Q. Why did you go to Mr. Hill's house that night?
 15:30 3 A. He had called me over to -- they were planning
 15:30 4 a party. I DJ on the side. They were planning a party.
 15:30 5 He wanted me to come over and look at the place and see
 15:30 6 where I could set up at and see when it was a good time
 15:30 7 to go over the party itself.
 15:30 8 Q. Were you going to be DJing the party that he
 15:30 9 was planning?
 15:30 10 A. Yes.
 15:30 11 Q. Prior to this night did you know a person by
 15:30 12 the name of Ivan Cantu?
 15:30 13 A. No.
 15:30 14 Q. Did you meet Ivan Cantu that early morning?
 15:30 15 A. Yes.
 15:30 16 Q. Can you tell me the circumstances surrounding
 15:31 17 how you met him?
 15:31 18 A. I was about to leave Harlon Hill's house. I
 15:31 19 was going out the door, and a black Corvette had pulled
 15:31 20 up. And I asked Harlon if he knew anyone that drove a
 15:31 21 black Corvette. He goes no. So I stayed around to
 15:31 22 welcome him inside the house, and he introduced himself
 15:31 23 when he got to the door.
 15:31 24 Q. Had you ever seen him before this night?
 15:31 25 A. No.

15:31 1 Q. Have you ever seen him since this night?
 15:31 2 A. No.
 15:31 3 Q. Can you describe the black Corvette for me?
 15:31 4 A. A new model. I guess '99 with a new body
 15:31 5 style, black chrome rims, convertible.
 15:31 6 Q. Laying in front of you should be State's
 15:31 7 Exhibit 4 and 5. Do you see those pictures?
 15:31 8 A. Yes.
 15:31 9 Q. Do you recognize that vehicle?
 15:31 10 A. Same model, yes.
 15:31 11 Q. Does that look like the car that he was in that
 15:31 12 night?
 15:31 13 A. Yes.
 15:31 14 Q. Who was with the defendant when he got to
 15:32 15 Harlon Hill's house?
 15:32 16 A. At the time I just saw a couple. So I believe
 15:32 17 it was his girlfriend. And when they got to the door,
 15:32 18 he introduced her as his fiance that he had just
 15:32 19 proposed to that night.
 15:32 20 Q. What was the defendant's demeanor when you
 15:32 21 first saw him?
 15:32 22 A. A little excited. A little, um, I wouldn't say
 15:32 23 edgy. I guess excited.
 15:32 24 Q. Was he nervous?
 15:32 25 A. I really couldn't tell. I know he had

15:32 1 mentioned that he had proposed to his girlfriend. So I
 15:32 2 just thought, in my mind, that he was excited from that.
 15:32 3 Q. Did he actually bring up having proposed to
 15:32 4 her?
 15:32 5 A. Yes.
 15:32 6 Q. Did he seem panicked?
 15:32 7 A. No.
 15:32 8 Q. Did he seem preoccupied?
 15:33 9 MR. HIGH: Objection. She's leading the
 15:33 10 witness, suggesting the answer, Judge.
 15:33 11 THE COURT: Sustained.
 15:33 12 MR. HIGH: And ask the jury to be
 15:33 13 instructed to disregard her comments by way of those
 15:33 14 questions.
 15:33 15 THE COURT: Well, I'll just ask you not to
 15:33 16 lead the witness, please.
 15:33 17 MS. LOWRY: Yes.
 15:33 18 Q. (BY MS. LOWRY) Was there or was there not
 15:33 19 anything about them that made you think he was
 15:33 20 preoccupied?
 15:33 21 A. No.
 15:33 22 Q. Was there anything unusual at all about the way
 15:33 23 he was acting?
 15:33 24 A. No.
 15:33 25 Q. Was there or was there not anything about the

15:33 1 way he was acting that made you suspicious?
 15:33 2 MR. HIGH: Judge, that's asked and
 15:33 3 answered.
 15:33 4 THE COURT: Overruled.
 15:33 5 A. No.
 15:33 6 Q. (BY MS. LOWRY) Basically just a normal guy,
 15:33 7 normal night, acting normal?
 15:33 8 A. Exactly. I just -- you know, like I said, he
 15:33 9 had proposed to his girlfriend, and that's what I
 15:33 10 thought his emotions at the time were revolving around.
 15:33 11 Q. Did you actually see the engagement ring that
 15:33 12 he was talking about?
 15:33 13 A. I caught a glance, yes.
 15:34 14 Q. Who showed you that engagement ring?
 15:34 15 A. He had grabbed Amy's hand and, you know, "Hey,
 15:34 16 look. Look at the ring I got my girlfriend." That was
 15:34 17 basically how it was introduced to me.
 15:34 18 Q. You are kind of indicating that he kind of
 15:34 19 picked her hand up?
 15:34 20 A. Yes.
 15:34 21 Q. Did you ever go out and look at the Corvette?
 15:34 22 A. On the way out. When we had -- when we were
 15:34 23 leaving.
 15:34 24 Q. Did you ask who the Corvette belonged to?
 15:34 25 A. No.

15:34 1 Q. Was he acting like it belonged to him?
 15:34 2 A. I believe so. He had the keys so, I mean, I
 15:34 3 assumed.
 15:34 4 Q. Did he leave before you left Harlon Hill's
 15:34 5 house?
 15:34 6 A. No. We had left together to go to another
 15:34 7 friend's house.
 15:34 8 Q. And was he following you to that house?
 15:34 9 A. Yes.
 15:34 10 Q. What was the purpose of him following you to
 15:35 11 that house?
 15:35 12 A. They were going to have somewhere else to go
 15:35 13 hang out.
 15:35 14 Q. Where did you go?
 15:35 15 A. A buddy of mine named Chris Kaywood's
 15:35 16 apartment.
 15:35 17 Q. What did you do once you got to Chris Kaywood's
 15:35 18 house?
 15:35 19 A. Got there. He introduced them to whoever was
 15:35 20 there, and they were just hanging out. And I was
 15:35 21 getting my gear, my DJ gear from a past party I had
 15:35 22 thrown over there.
 15:35 23 Q. Was there anything about the way they acted or
 15:35 24 anything about you seeing them in the Corvette that
 15:35 25 seemed odd to you?

15:35 1 A. No.
 15:35 2 Q. When did you first realize that the Corvette
 15:35 3 was not Mr. Cantu's?
 15:35 4 A. When I had gone to the dentist, and I was
 15:35 5 speaking to -- turns out his -- my hygienist is his
 15:35 6 aunt. And they had brought up that --
 15:35 7 MR. HIGH: I'm going to have to object at
 15:35 8 this point, Your Honor. This is based on hearsay.
 15:36 9 THE COURT: Sustained.
 15:36 10 MS. LOWRY: Your Honor, may I respond?
 15:36 11 THE COURT: Yes, ma'am.
 15:36 12 MS. LOWRY: I'm using it just to show what
 15:36 13 he did next and how he realized that this was not what
 15:36 14 he thought it was. Just to show what he did next.
 15:36 15 THE COURT: Come on up here for a second.
 15:36 16 (Bench conference.)
 15:37 17 THE COURT: I tell you what. I'll set
 15:37 18 aside my ruling and overrule the objection, and you may
 15:37 19 answer if you remember the question. If you don't, I'll
 15:37 20 ask you to ask it again.
 15:37 21 A. I'd gone to the dentist, and it turns out
 15:37 22 Mr. Cantu's aunt is my hygienist. She brought it up by
 15:37 23 saying, "Did you hear about my nephew?" And I go, "No.
 15:37 24 What happened?" "Well, he was murdered."
 15:37 25 And so we started the conversation. I

15:37 1 said -- well, I said, "Who are they holding for the
15:38 2 murder?" And she says, "My other nephew." And she got
15:38 3 the paper and was going through the paper with me, and
15:38 4 they mentioned something about a black Corvette. And
15:38 5 before it even got to who it was --

15:38 6 MR. HIGH: Judge, I'm going to have to
15:38 7 object now to hearsay within hearsay.

15:38 8 THE COURT: Overruled.

15:38 9 A. Um, before she even mentioned his name, I
15:38 10 asked -- I go, "Well, does your other nephew's name just
15:38 11 happen to be Ivan?"

15:38 12 Q. (BY MS. LOWRY) And is what brought back to
15:38 13 your attention that you had met Ivan on the evening or
15:38 14 the early morning of Saturday, November 4, 2000?

15:38 15 A. Yes.

15:38 16 Q. Because he had been in a black Corvette like
15:38 17 the one that was taken?

15:38 18 A. Yes.

15:38 19 Q. Did you ever see the defendant again after
15:38 20 that?

15:38 21 A. No.

15:39 22 Q. Mr. Longoria, are you familiar with the drug
15:39 23 ecstasy?

15:39 24 A. Yes.

15:39 25 Q. Are you familiar with the people who are taking

230

15:39 1 ecstasy, or have you ever seen anybody who has taken
15:39 2 ecstasy?

15:39 3 A. Yes.

15:39 4 Q. And how it affects them?

15:39 5 A. Yes.

15:39 6 Q. How would you say it generally affects people?

15:39 7 A. Some people are -- I guess, really can't say.
15:39 8 But I guess what I have seen is a little
15:39 9 hypersensitivity. Some are happy, some are -- I don't
15:39 10 know. I guess just depending on the mood.

15:39 11 Q. When you saw Amy Boettcher that evening, how
15:39 12 was she acting?

15:39 13 A. Happy.

15:39 14 Q. Was there anything about her demeanor that you
15:40 15 can -- that you found unusual or anything like that?

15:40 16 A. No.

15:40 17 Q. Do you know if she was on drugs that night?

15:40 18 A. I really couldn't tell you because --

15:40 19 Q. Is her behavior consistent with somebody who is
15:40 20 taking ecstasy?

15:40 21 MR. GOELLER: I object to that. That's
15:40 22 three times she's not getting the answer she wants so
15:40 23 she suggests it to him. I object to the leading.

15:40 24 A. I really couldn't tell.

15:40 25 MR. GOELLER: Excuse me, sir. I'm not

15:40 1 raising my voice to the Court. I'm just frustrated.

15:40 2 THE COURT: Okay. Here, if you have an
15:40 3 objection, tell me the objection.

15:40 4 MR. GOELLER: Objection, leading. Yes,
15:40 5 sir.

15:40 6 THE COURT: All right. I'll sustain the
15:40 7 objection. Go ahead.

15:40 8 Q. (BY MS. LOWRY) Is there anything else about
15:40 9 that evening that was unusual?

15:40 10 A. No.

15:40 11 Q. Do you know if either -- or if Amy was taking
15:40 12 drugs that night?

15:40 13 A. No.

15:41 14 Q. Did you see any ecstasy at Harlon Hill's house?

15:41 15 A. On the --

15:41 16 Q. That early Saturday morning.

15:41 17 A. Mr. Cantu had had, I assumed --

15:41 18 MR. GOELLER: Objection.

15:41 19 THE COURT: Yeah.

15:41 20 MR. HIGH: Objection, speculation.

15:41 21 THE COURT: Hey, look. Let's figure this
15:41 22 out. Who is going to?

15:41 23 MR. HIGH: I'm going to do the objection.

15:41 24 THE COURT: Are you going to do it? Okay.

15:41 25 MR. HIGH: I think I'm going to do it.

232

15:41 1 THE COURT: Then there's only going to be
15:41 2 one person doing the objections.

15:41 3 MR. HIGH: I'll do the objections, Judge.

15:41 4 THE COURT: The objection was to
15:41 5 speculation. And tell me the question again.

15:41 6 MS. LOWRY: If he saw any ecstasy at
15:41 7 Harlon Hill's house that evening.

15:41 8 THE COURT: Well, that objection to
15:41 9 speculation is overruled.

15:41 10 Q. (BY MS. LOWRY) Did you see any ecstasy at
15:41 11 Harlon Hill's house that evening?

15:41 12 MR. HIGH: Judge, object. Improper
15:41 13 foundation. May I take the witness on voir dire?

15:41 14 THE COURT: Yeah.

15:41 15 VOIR DIRE EXAMINATION

15:42 16 BY MR. HIGH:

15:42 17 Q. Did you see drugs flowing freely at Harlon
15:42 18 Hill's house that night?

15:42 19 A. No.

15:42 20 Q. Okay. So anything that you would say about
15:42 21 seeing ecstasy would be an assumption on your part,
15:42 22 right?

15:42 23 A. Correct.

15:42 24 Q. In other words, sometimes there's drugs there;
15:42 25 sometimes there's not. Usually there is and I assume

15:42 1 that there was. Kind of that sort of thing?
 15:42 2 A. I couldn't make the assumption because what I
 15:42 3 had saw, quote, unquote, was in a bag and they were
 15:42 4 pills. It could have been Sweetarts for all I know.

15:42 5 MR. HIGH: Fair enough. Object to
 15:42 6 improper foundation, Judge.

15:42 7 THE COURT: Say, I'll sustain the
 15:42 8 objection.

15:42 9 DIRECT EXAMINATION (CONT'D)

15:42 10 BY MS. LOWRY:

15:42 11 Q. Who was talking when the pills that you saw
 15:42 12 were pulled out?

15:42 13 A. There was a lot of people talking.

15:42 14 Q. Who pulled those pills out?

15:42 15 A. Ivan Cantu.

15:42 16 Q. And what were they in when he pulled them out?

15:42 17 A. A plastic bag.

15:42 18 Q. Did he say what it was?

15:43 19 A. No.

15:43 20 MR. HIGH: Judge, I'm going to have to
 15:43 21 object at this point under 404(b), possession of a
 15:43 22 controlled substance. That's an extraneous offense. It
 15:43 23 hasn't been pled, and they are attempting to prove it.
 15:43 24 It's not in any charging instrument.

15:43 25 In addition, we don't believe there was

234

15:43 1 any need that the prosecutor has for this particular
 15:43 2 evidence other than to make the jury angry. So we
 15:43 3 object under 404(b), and we ask that the Court now
 15:43 4 request that the prosecutor -- what the need is for
 15:43 5 waving this evidence in front of the jury.

15:43 6 THE COURT: All right. Would you tell us
 15:43 7 the need?

15:43 8 MS. LOWRY: Your Honor, just to
 15:43 9 corroborate prior testimony that ecstasy had been taken
 15:43 10 by both Ms. Boettcher and the defendant. And it's all
 15:43 11 just, I mean, in connection with the offense because
 15:43 12 it's all occurring right after the offense, just to
 15:43 13 corroborate earlier testimony and the state of mind of
 15:43 14 the people involved.

15:43 15 THE COURT: And you are offering it for
 15:43 16 that purpose alone?

15:43 17 MS. LOWRY: Yes, Your Honor.

15:43 18 THE COURT: All right.

15:44 19 MR. HIGH: May I respond to that, Judge?

15:44 20 THE COURT: Yes.

15:44 21 MR. HIGH: Our position is that that is
 15:44 22 cumulative because that's already been testified to, and
 15:44 23 it also has the legal effect of bolstering the prior
 15:44 24 testimony. That's improper under the rules.

15:44 25 THE COURT: Yeah. I tell you what: I'll

15:44 1 overrule the objection.

15:44 2 MR. HIGH: Okay. At this point, since it
 15:44 3 is extraneous evidence, it's extremely prejudicial to
 15:44 4 us. We ask -- and maybe the Court's found it
 15:44 5 probative -- but we believe that the probative effect is
 15:44 6 severely outweighed by the extreme prejudice that it
 15:44 7 demonstrates towards us. We'd ask the Court to conduct
 15:44 8 a 403 balancing analysis.

15:44 9 THE COURT: Ladies and gentlemen, I'm
 15:44 10 going to ask you to step down for about ten minutes, and
 15:44 11 then I'll have you back in in a minute.

15:44 12 THE BAILIFF: All rise.

15:45 13 (Open court, defendant present, no jury.)

15:45 14 THE COURT: Please be seated. I didn't
 15:45 15 want to say any more in front of the jury. But I
 15:45 16 believe the pre-trial hearing was that, if we had any
 15:45 17 extraneous offenses, that we would conduct a hearing.
 15:45 18 That's what we agreed pre-trial prior to this, right, or
 15:45 19 did we?

15:45 20 MR. GOELLER: Yeah. I think that was the
 15:45 21 understanding. We'd try to take it outside the presence
 15:45 22 of the jury.

15:45 23 THE COURT: So go ahead and put on
 15:45 24 whatever you want to put on, and then I'll let him
 15:45 25 cross-examine with regard to everything he testified to

236

15:45 1 with regard to any extraneous offenses.

15:45 2 MS. LOWRY: Just for clarification, are we
 15:46 3 proceeding on this if it's an extraneous offense?

15:46 4 THE COURT: Well, you know, possession of
 15:46 5 a controlled substance is an offense, right? That
 15:46 6 hasn't been charged?

15:46 7 MS. LOWRY: Yes, Your Honor.

15:46 8 THE COURT: So it is another act.

15:46 9 MS. LOWRY: Because we were proceeding
 15:46 10 just as it is still part of the same offense and that
 15:46 11 he's still in possession of the stolen property from the
 15:46 12 burglary and robbery.

15:46 13 THE COURT: You are saying that the drugs
 15:46 14 were stolen? Is that what you are saying?

15:46 15 MR. GOELLER: We'll stipulate to that.

15:46 16 MS. LOWRY: Just that he's still in the
 15:46 17 course of committing the robbery because he's still in
 15:46 18 possession of the property that he has stolen, that
 15:46 19 being the Corvette, that being the ring. And these are
 15:46 20 just things that are going on.

15:46 21 THE COURT: Kind of res gestae?

15:46 22 MS. LOWRY: Yes.

15:46 23 THE COURT: Just ask him whatever
 15:46 24 questions you want to ask him.

15:46 25 Q. (BY MS. LOWRY) Mr. Longoria, did the defendant

15:46 1 have what you would term "a stash of X"?

15:47 2 A. It's purely assumption. Like I said, it could

15:47 3 have been something else.

15:47 4 MR. GOELLER: Sweetarts. I'm sorry.

15:47 5 Q. (BY MS. LOWRY) What facts did you use to come

15:47 6 to that conclusion?

15:47 7 A. I just -- you see a bag of pills, and you don't

15:47 8 know what it is unless you consume it. I mean,

15:47 9 there's -- I mean, I'm not a lab or a physician. I

15:47 10 wouldn't -- I wouldn't know.

15:47 11 Q. Did it look like the pills that you've seen

15:47 12 that are ecstasy in the past?

15:47 13 A. I've seen -- there's different. I mean,

15:47 14 there's different. I've seen in magazines. There's

15:47 15 different shapes and colors. It could be but there's

15:47 16 really no way to tell unless it's consumed or a test is

15:47 17 run on it. There's --

15:47 18 Q. Well, I guess, just for clarification, if you

15:47 19 had stated that the defendant pulled out a stash of X,

15:47 20 why would you have said X rather than a stash of drugs?

15:48 21 A. Because basically when it -- what it looks like

15:48 22 is usually in pill form.

15:48 23 Q. Okay.

15:48 24 A. I made the assumption that it was --

15:48 25 Q. But you didn't see either the defendant or Amy

238

15:48 1 Boettcher take those drugs?

15:48 2 A. No.

15:48 3 MS. LOWRY: Pass the witness.

15:48 4 MR. HIGH: I guess I'll ask a few.

15:48 5 THE COURT: You don't have to, but you can

15:48 6 if you want to.

15:48 7 CROSS-EXAMINATION

15:48 8 BY MR. HIGH:

15:48 9 Q. Is your name Longora or Longoria?

15:48 10 A. Longoria.

15:48 11 Q. Did you give any type of statement, affidavit

15:48 12 or anything like that to the police or D.A.?

15:48 13 A. Dallas Police.

15:48 14 Q. And did you write it out?

15:49 15 A. No. They typed it up for me.

15:49 16 Q. Okay. And you reviewed it and signed it?

15:49 17 A. Yes.

15:49 18 MR. HIGH: I want to see that, Judge.

15:49 19 THE COURT: Okay. See if they can find

15:49 20 it.

15:49 21 MS. LOWRY: Do you have your copy up there

15:49 22 with you?

15:49 23 THE WITNESS: Yeah. It's (indicating.)

15:49 24 THE COURT: Hey, let me just ask you while

15:49 25 he's looking at that, did you see Ivan do anything else

15:49 1 that was bad that night?

15:49 2 THE WITNESS: No.

15:49 3 THE COURT: All right. Go ahead.

15:49 4 Q. (BY MR. HIGH) All right. So it's about a page

15:49 5 and an eighth, single spaced; is that right? Have you

15:50 6 seen it?

15:50 7 A. Yes, I've seen it.

15:50 8 Q. Give me just a second. Okay. Mr. Longoria,

15:51 9 have you read your statement before testifying here

15:51 10 today?

15:51 11 A. Yes.

15:51 12 Q. And there's not anything mentioned in your

15:51 13 statement about Ivan possessing any pills; is that

15:51 14 correct?

15:51 15 A. Correct.

15:51 16 Q. And when did you recall you saw him with these

15:51 17 pills or Sweetarts or whatever they were?

15:51 18 A. I had come in, and they -- here to Collin

15:51 19 County. And they asked me if there was anything else.

15:52 20 Dallas didn't ask me anything, really. Just stated

15:52 21 facts. And then they asked me if there was any drugs

15:52 22 involved?

15:52 23 Q. Okay. And you just told the D.A. that you

15:52 24 assumed there were drugs, but you weren't for sure?

15:52 25 A. Correct.

240

15:52 1 Q. And you made it real clear to the D.A. that you

15:52 2 weren't real sure they were drugs; you just assumed they

15:52 3 were drugs. Is that what you did?

15:52 4 MS. LOWRY: Your Honor, I'm going to

15:52 5 object to him assuming facts not in evidence.

15:52 6 THE COURT: All right. I tell you what,

15:52 7 we're outside the presence of the jury. I'll let him

15:52 8 ask anything he wants.

15:52 9 Q. (BY MR. HIGH) Did you understand my question?

15:52 10 A. Yes.

15:52 11 Q. You have been real careful in front of this

15:52 12 jury and in front of this Court. And I applaud you for

15:52 13 that, for telling us that you assumed it was drugs.

15:52 14 That you didn't know it was drugs. I mean, that's what

15:52 15 you've done, right?

15:52 16 A. (Moving head up and down.)

15:52 17 Q. Did you do the same thing with the D.A.? Did

15:52 18 you tell the D.A., "I'm not sure they were drugs. I

15:52 19 assumed they were"?

15:52 20 A. Appeared to be, yes.

15:53 21 Q. Okay. In other words, they could have not been

15:53 22 drugs. They could have not been drugs?

15:53 23 A. I assumed that -- well, more or less stated

15:53 24 that. But I also assumed that, too, because there's no

15:53 25 way to tell.

15:53 1 Q. You told the D.A. just like you told us right
 15:53 2 here and now?
 15:53 3 A. Yes.
 15:53 4 Q. And I assume, because you want to be fair and
 15:53 5 you want to be honest, you've told the Court, you've
 15:53 6 told the jury, and you've told everybody here that you
 15:53 7 don't know that they were drugs. You just assumed maybe
 15:53 8 they were?
 15:53 9 A. That's all I can do.
 15:53 10 Q. You didn't want to leave the wrong impression
 15:53 11 with the jury?
 15:53 12 A. You cannot -- you cannot. Like I said, I'm not
 15:53 13 a lab physician. There's no way to tell.
 15:53 14 Q. I understand. And in the interest of fairness,
 15:53 15 you wanted the jury to understand that?
 15:53 16 A. Yes.
 15:54 17 Q. Okay. One more thing. And I realize we
 15:54 18 haven't had a chance to meet, and I don't want to hurt
 15:54 19 your feelings or anything. I'm sure you are a great
 15:54 20 guy, but I've got to ask you a just a couple questions.
 15:54 21 Have you ever been arrested or charged with anything?
 15:54 22 THE COURT: That's -- well, I'll go ahead
 15:54 23 and let you ask that. Let's get this out of the way.
 15:54 24 Go ahead.
 15:54 25 Q. (BY MR. HIGH) Do you have any busts or --

15:54 1 A. No priors? No.
 15:54 2 Q. Could you hear Mr. Goeller? They think that
 15:54 3 you've had a couple of arrests for misdemeanors. Do you
 15:55 4 know anything about that?
 15:55 5 A. No. I've never been arrested.
 15:55 6 Q. Fair enough.
 15:55 7 MR. HIGH: That's all I have, Judge. I'll
 15:55 8 pass the witness.
 15:55 9 THE COURT: Do you have any questions?
 15:55 10 MS. LOWRY: Yes, Your Honor, just briefly.
 15:55 11 REDIRECT EXAMINATION
 15:55 12 BY MS. LOWRY:
 15:55 13 Q. Mr. Longoria, just to clarify this. When we
 15:55 14 talked about if there were any drugs at Harlon Hill's
 15:55 15 house, did we actually go into a discussion about was
 15:55 16 this for sure ecstasy or was it for sure not ecstasy?
 15:55 17 A. No.
 15:55 18 Q. And basically all we talked about, if you
 15:55 19 recall, was the question: "Were there any drugs there?"
 15:55 20 And your reply was, "The defendant had a stash of X. He
 15:55 21 pulled it out, and I don't know why."
 15:55 22 Do you remember our conversation as far as
 15:55 23 any drugs about the ecstasy being any more than that?
 15:55 24 A. That's it.
 15:55 25 Q. And at that meeting you stated to me that it

15:55 1 was a stash of X. Is that true or not true?
 15:55 2 A. That is true.
 15:55 3 MS. LOWRY: Pass the witness.
 15:55 4 THE COURT: Hey, let me just ask you: As
 15:55 5 I understand it, your testimony is that the defendant
 15:56 6 pulled out a plastic baggy.
 15:56 7 THE WITNESS: (Moving head up and down.)
 15:56 8 THE COURT: How many pills were in it if
 15:56 9 you could tell?
 15:56 10 THE WITNESS: I couldn't. I couldn't tell
 15:56 11 you. A guess, it could have been 30 or 40. I really
 15:56 12 can't remember. I wasn't that close. I was -- I was --
 15:56 13 I was back off the wall standing up. They were around a
 15:56 14 table.
 15:56 15 THE COURT: Did he do anything with the
 15:56 16 baggy?
 15:56 17 THE WITNESS: Not that I recall. I just
 15:56 18 sat back. I was watching everything that was going
 15:56 19 around, but I did -- I did see that.
 15:56 20 THE COURT: But you saw him pull them out?
 15:56 21 THE WITNESS: Yes.
 15:56 22 THE COURT: And you didn't see him do
 15:56 23 anything with the baggy full of pills?
 15:56 24 THE WITNESS: No.
 15:56 25 THE COURT: Do you remember what color the

15:56 1 pills were?
 15:56 2 THE WITNESS: No.
 15:56 3 THE COURT: Were they capsules or were
 15:56 4 they --
 15:56 5 THE WITNESS: They were pressed pills.
 15:56 6 THE COURT: But you don't know what he did
 15:57 7 with the bag?
 15:57 8 THE WITNESS: No.
 15:57 9 THE COURT: All right. Did you have some
 15:57 10 more?
 15:57 11 MR. HIGH: No, Your Honor.
 15:57 12 THE COURT: Anybody else?
 15:57 13 MS. LOWRY: No, Your Honor.
 15:57 14 THE COURT: Now, tell me the objection.
 15:57 15 MR. HIGH: The objection again, Judge, is,
 15:57 16 first of all, I object that that is an extraneous
 15:57 17 offense. It's uncharged misconduct. They are trying to
 15:57 18 leave the impression with the jury that he had a
 15:57 19 controlled substance in his possession that night. It's
 15:57 20 not charged in the indictment. It's purely an
 15:57 21 extraneous offense. And it's -- they are trying to make
 15:57 22 the jury think that this guy walks around with drugs.
 15:57 23 And, secondly, I believe there's evidence
 15:57 24 before the Court that even when they asked the question,
 15:57 25 they didn't have a good faith reason for asking the

15:57 1 question because this young man didn't know what -- what
15:57 2 that was, what those pills were.

15:57 3 In fact, he's attempted in this courtroom
15:57 4 to correct the false impression by telling us it was
15:58 5 merely an assumption on his part. He doesn't know if
15:58 6 they were aspirin or Sweetarts. And so with respect to
15:58 7 just --

15:58 8 THE COURT: Come to think about it, it was
15:58 9 right around Halloween, too, wasn't it? It could have
15:58 10 been Halloween candy.

15:58 11 MR. GOELLER: Chiclets, Sweetarts.

15:58 12 THE COURT: All right. Anything else?

15:58 13 MR. HIGH: We also have not been provided
15:58 14 any notice of this particular extraneous offense. And I
15:58 15 believe the Court has ruled in the pre-trial motions to
15:58 16 provide under 404(b) advanced written notice of any
15:58 17 extraneous offenses that they plan to offer.

15:58 18 MS. FALCO: And, Your Honor, if you look
15:58 19 at our State's Response to Discovery on page one, the
15:58 20 State's Intention to Use Evidence of Extraneous Offenses
15:58 21 at Trial.

15:58 22 First of all, No. 2 says, in Dallas and
15:58 23 Collin County on a frequent basis in the 1980s and
15:58 24 1990s, with increasing frequency in 2000, the defendant
15:59 25 used and sold cocaine, methamphetamine, mushrooms,

15:59 1 ecstasy, marijuana, Valium, crank, amphetamine, and
15:59 2 Xanax.

15:59 3 No. 3 states, immediately after the
15:59 4 murders on November 4th, 2000, in Collin and Dallas
15:59 5 Counties, the defendant used and sold ecstasy,
15:59 6 mushrooms, cocaine, methamphetamine, and alcohol.

15:59 7 MR. HIGH: Well, then our position is,
15:59 8 Judge, that they've just admitted that it is an
15:59 9 extraneous offense. And, therefore, under 404(b) we
15:59 10 object. It hasn't been proven.

15:59 11 THE COURT: Here's what I ask you: Tell
15:59 12 me your objection.

15:59 13 MR. HIGH: Yeah. It's an extraneous
15:59 14 offense. It tends to show character conformity. It
15:59 15 tends to show that this is a bad actor. That he goes
15:59 16 around committing crimes. That he possesses controlled
15:59 17 substances. They cannot do that. And we ask the
15:59 18 prosecutor to articulate the need. Why they need this
16:00 19 evidence to show anything other than character
16:00 20 conformity?

16:00 21 THE COURT: All right.

16:00 22 MS. LOWRY: Your Honor, initially, as I
16:00 23 said, the State's position is that this is still a part
16:00 24 of the ongoing crime. He's still in the commission of
16:00 25 the robbery. He's still in commission because he is in

16:00 1 possession of the stolen property.

16:00 2 Second of all, this is already established
16:00 3 testimony that they had controlled substances in their
16:00 4 possession. The previous witness testified that they
16:00 5 had been to Smiley's house. They got ecstasy. He had
16:00 6 been taking mushrooms all night.

16:00 7 All this testimony has already come in
16:00 8 unobjected to because it is part of the continuing
16:00 9 crime. And it's the events that they do, right after he
16:00 10 commits the crime. It goes towards his state of mind
16:00 11 and her state of mind and the witness's state of mind.
16:00 12 And it's corroboration to show that it is still in their
16:00 13 possession and what her state of mind was.

16:00 14 THE COURT: Amy Boettcher has testified
16:00 15 with regard to taking ecstasy that night. And I'm
16:01 16 assuming that you-all don't concede that drugs were
16:01 17 taken by Amy and by the defendant that night, right?

16:01 18 MR. HIGH: I don't know that that's really
16:01 19 going to be an issue. I expect that both sides have
16:01 20 been talking about drugs pretty extensively. And I
16:01 21 think we cross-examined most of the witnesses.

16:01 22 THE COURT: All I'm asking is this -- if
16:01 23 you just listen to what I said.

16:01 24 MR. HIGH: All right, sir.

16:01 25 THE COURT: Do you concede that it's clear

16:01 1 that Amy and your client were taking ecstasy that night?

16:01 2 MR. HIGH: I think that's clear. I think
16:01 3 that's clear. Although, my clients -- I don't know
16:01 4 whether or not my client is going to testify yet. I
16:01 5 don't -- I can't exactly know what he will say. I'm not
16:01 6 going to commit him to that position, but with respect
16:01 7 to Amy Boettcher, I'm sure I can see that, yeah.

16:01 8 THE COURT: But here's what I'm getting
16:01 9 at, I guess, if there's no need to corroborate Amy's
16:01 10 testimony with regard to your client and her taking
16:01 11 ecstasy that night. Is that what you are saying?

16:02 12 MR. HIGH: I think that's a fair
16:02 13 assessment, absolutely.

16:02 14 THE COURT: Well, actually come to think
16:02 15 of it, that being the case, there's no prejudice, right?

16:02 16 MR. HIGH: I disagree, Judge, because the
16:02 17 implication is that he's walking around with a full bag
16:02 18 of ecstasy right after a murder. And they are also
16:02 19 trying to pin that ecstasy on a robbery out of James's
16:02 20 house. She said so herself.

16:02 21 Now, there's no proof before this court
16:02 22 that these -- this bag of ecstasy came out of that
16:02 23 house. And there's no proof before this Court, through
16:02 24 this witness, that it was even ecstasy, but they are
16:02 25 going to leave that impression with the jury. And

16:02 1 that's prejudicial to us. That's what -- that's what
16:02 2 makes it prejudicial.

16:02 3 THE COURT: So what you are saying, the
16:02 4 prejudice is the inference to be drawn that these drugs
16:02 5 were stolen that night?

16:02 6 MR. HIGH: Yes.

16:02 7 THE COURT: I never heard any evidence.

16:02 8 MR. HIGH: And the way it makes our client
16:02 9 look.

16:02 10 THE COURT: But I never heard any evidence
16:02 11 that they were stolen.

16:03 12 MR. HIGH: Exactly, but the prosecutor
16:03 13 just told you that.

16:03 14 THE COURT: Okay.

16:03 15 MS. LOWRY: Your Honor, just for
16:03 16 clarification, it's not my position that they were
16:03 17 stolen from the house. It's my position that he is
16:03 18 still in the commission of a robbery because he is in
16:03 19 the possession of the Corvette and the ring. Not that
16:03 20 he stole the ecstasy from the house.

16:03 21 My position is that the ecstasy came from
16:03 22 Smiley's house, as Amy Boettcher testified to earlier.
16:03 23 She's already testified that the defendant was in
16:03 24 possession of that controlled substance. That she took
16:03 25 that controlled substance. And also to show that all of

16:03 1 that is part of his ongoing control of her.

16:03 2 THE COURT: All right. And so far the
16:03 3 only testimony from this witness is that there was a bag
16:03 4 of pills that could have been drugs.

16:03 5 MS. LOWRY: Yes, sir.

16:03 6 THE COURT: And certainly are suspicious
16:03 7 of being drugs, but they were never analyzed, so we'll
16:03 8 never know.

16:03 9 MS. LOWRY: Yes, Your Honor.

16:03 10 THE COURT: I'll overrule the objection,
16:03 11 and I'll find the probative value far outweighs the
16:03 12 prejudicial effect. And also that the evidence is being
16:04 13 offered for evidence other than as to the defendant's
16:04 14 character.

16:04 15 MR. HIGH: And could I ask the Court --

16:04 16 THE COURT: Which means it doesn't fall
16:04 17 under 404.

16:04 18 MR. HIGH: -- to determine under 404(b),
16:04 19 because obviously I didn't hear the prosecutor
16:04 20 articulate any of those delineated items in 404(b):
16:04 21 Motive, plan, opportunity, intent, preparation, this
16:04 22 absence of mistake or accident. I didn't hear any of
16:04 23 those delineated items in 404(b) from the prosecutor.

16:04 24 Can I ask the Court to determine what it
16:04 25 is the Court finds this evidence fits within to make it

16:04 1 fall within the ambit of 404(b)?

16:04 2 THE COURT: For one thing I find that it's
16:04 3 not being offered for his character. So I think that
16:04 4 takes it outside of 404.

16:04 5 MR. HIGH: I understand that, but it must
16:04 6 fall within 404(b) to fall outside of 404 and in
16:05 7 character conformity.

16:05 8 THE COURT: Well, I tell you what, it's
16:05 9 been found to corroborate the testimony of Amy
16:05 10 Boettcher, and also to show the absence of mistake or
16:05 11 accident. All right. Let's bring the jury back in.

16:05 12 THE BAILIFF: Yes, Your Honor.

16:06 13 (Open court, defendant and jury present.)

16:06 14 THE COURT: All right. Ms. Lowry, go
16:06 15 ahead, please.

16:06 16 MS. LOWRY: Thank you, Your Honor.

16:06 17 REDIRECT EXAMINATION (CONT'D)

16:06 18 BY MS. LOWRY:

16:06 19 Q. Mr. Longoria, just to remind you where we are,
16:06 20 we're talking about while you are at Harlon Hill's
16:07 21 house, and the defendant and Amy Boettcher are there.
16:07 22 Did you see what you would term as a stash of X in a
16:07 23 baggy pulled out of the pocket by the defendant?

16:07 24 A. Yes.

16:07 25 Q. And you didn't test those drugs, did you?

16:07 1 A. No.

16:07 2 Q. And you didn't take those drugs, did you?

16:07 3 MR. HIGH: Objection, leading.

16:07 4 THE COURT: Sustained.

16:07 5 Q. (BY MS. LOWRY) Did you or did you not test
16:07 6 those drugs?

16:07 7 A. No.

16:07 8 Q. Did you or did you not take those drugs?

16:07 9 A. I did not take those drugs.

16:07 10 Q. But you -- was your first assumption that it
16:07 11 was ecstasy?

16:07 12 A. Yes.

16:07 13 Q. Did you see anyone take those drugs?

16:07 14 A. No.

16:07 15 MS. LOWRY: Pass the witness.

16:07 16 THE COURT: All right.

16:07 17 RECROSS EXAMINATION

16:07 18 BY MR. HIGH:

16:07 19 Q. Mr. Longoria, this -- this ecstasy or this
16:07 20 stash of ecstasy that you are talking about, you -- you
16:08 21 didn't know it was ecstasy, did you?

16:08 22 A. No.

16:08 23 Q. Okay. And you didn't have a chance to look at
16:08 24 it, hold it, smell it, feel it? You didn't do any of
16:08 25 those things, did you?

16:08 1 A. No.
 16:08 2 Q. You didn't even take it, put it in your mouth,
 16:08 3 did you?
 16:08 4 A. No.
 16:08 5 Q. And nobody told you that it was ecstasy, did
 16:08 6 they?
 16:08 7 A. No.
 16:08 8 Q. And have you ever taken ecstasy before?
 16:08 9 A. Yes, I have.
 16:08 10 Q. Have you ever handled it before?
 16:08 11 A. Yes.
 16:08 12 Q. So you know what it looks like?
 16:08 13 A. Yes.
 16:08 14 Q. But you weren't sure about this ecstasy that
 16:08 15 night?
 16:08 16 A. Correct.
 16:08 17 Q. In fact --
 16:08 18 A. It was an assumption.
 16:08 19 Q. -- you told us earlier it could have been
 16:08 20 Sweetarts, for all you know?
 16:08 21 A. Correct.
 16:08 22 Q. It might have been Advil or some other kind of
 16:08 23 pain reliever, maybe?
 16:08 24 A. Possibly.
 16:08 25 Q. So you are not really sure what kind of drug

16:08 1 that was? Is that fair to say?
 16:08 2 A. Yes.
 16:09 3 Q. And you gave an affidavit to the Dallas Police
 16:09 4 Department on November the 17th of 2000, in front of a
 16:09 5 John A. Palmer. I suppose he's a notary or something
 16:09 6 that works for the Dallas Police Department, do you
 16:09 7 recall?
 16:09 8 A. No. He's a detective.
 16:09 9 Q. He's a detective?
 16:09 10 A. For Crimes Against Persons Division.
 16:09 11 Q. Okay. I take it you went down and you -- you
 16:09 12 talked with the police department. And you gave them a
 16:09 13 written statement of everything that you testified to
 16:09 14 today?
 16:09 15 A. Yes.
 16:09 16 Q. And you've reviewed that statement before you
 16:09 17 testified here today?
 16:09 18 A. Yes.
 16:09 19 Q. And that statement is fairly consistent with
 16:09 20 what you've said so far on the witness stand?
 16:09 21 A. Correct.
 16:09 22 Q. However, it does not mention anything about
 16:09 23 that bag of assumed ecstasy, correct?
 16:09 24 A. Correct.
 16:09 25 Q. Okay. And I suppose when you were asked to

16:10 1 give the statement, you tried to be as complete and as
 16:10 2 thorough as you could possibly be?
 16:10 3 A. Yes. He asked me questions, and I just
 16:10 4 followed the questions.
 16:10 5 Q. And somehow, some way, you just forgot to tell
 16:10 6 the officer what it was that you allegedly saw about the
 16:10 7 bag or whatever?
 16:10 8 A. He asked me questions, and I answered his
 16:10 9 questions.
 16:10 10 Q. I see. So he didn't ask you about seeing
 16:10 11 anything like the prosecutor just talked to you about?
 16:10 12 A. No.
 16:10 13 Q. Now, it wasn't until you got to talking with
 16:10 14 the District Attorney's office that the district
 16:10 15 attorney then uncovered this other issue of what it is
 16:10 16 you saw; is that right?
 16:10 17 A. Yes.
 16:10 18 Q. So that was in addition to what is contained in
 16:10 19 this affidavit?
 16:10 20 A. Correct.
 16:11 21 Q. You are approximately 27 years old?
 16:11 22 A. Yes.
 16:11 23 Q. And you are originally from this area?
 16:11 24 A. Dallas.
 16:11 25 Q. Okay. And your new job is a technical support

16:12 1 rep?
 16:12 2 A. Correct.
 16:12 3 Q. And how long have you been doing that job?
 16:12 4 A. I just started yesterday.
 16:12 5 Q. And prior to that, where did you work?
 16:12 6 A. Certified Information Resources.
 16:12 7 Q. How long did you work there?
 16:12 8 A. Like five months.
 16:12 9 Q. And where did you work before that?
 16:12 10 A. A company called At Link Networks.
 16:12 11 Q. And how long did you work there?
 16:12 12 A. I was a contractor for about two months.
 16:12 13 Q. And where did you work before that?
 16:12 14 A. XO Communications.
 16:12 15 Q. And how long did you work there?
 16:12 16 A. September through January.
 16:12 17 Q. Why are you leaving all these jobs?
 16:12 18 A. I'm a contractor.
 16:12 19 MS. LOWRY: Your Honor, I'm going to
 16:12 20 object to the relevance.
 16:12 21 THE COURT: Overruled.
 16:12 22 Q. (BY MR. HIGH) Go ahead.
 16:12 23 A. I'm a contractor. When the contract's
 16:12 24 complete, we leave the job and go to the next.
 16:12 25 Q. Is drug problems been part of your having to

16:12 1 leave jobs?
 16:12 2 A. No.
 16:12 3 Q. But you've used drugs, right?
 16:13 4 A. I have before, yes.
 16:13 5 Q. You've used ecstasy before?
 16:13 6 A. Yes, I have.
 16:13 7 Q. How do you know Harlon Hill?
 16:13 8 A. I met him a while -- about three or four years
 16:13 9 at a company he was working for called Bandero Webworks,
 16:13 10 and I was getting into computers back then. And a buddy
 16:13 11 of mine had gone over to his company he was at, and he
 16:13 12 was working on computers.
 16:13 13 Q. And I take it you somehow figured out from him
 16:13 14 that he liked to recreationally use drugs?
 16:13 15 A. How -- I mean.
 16:13 16 Q. Was he known to be a recreational drug user?
 16:13 17 A. At the time I met him or during this time?
 16:13 18 Q. Or shortly after that. After you met him.
 16:13 19 A. Yes. I kind of had known he had a problem. He
 16:14 20 had been, I guess, arrested or something before.
 16:14 21 Q. Okay. And so, I suppose, you've learned over a
 16:14 22 period of time that if you wanted to party, you could go
 16:14 23 to Harlon's house?
 16:14 24 A. I guess you could say that.
 16:14 25 Q. You've partied over there, haven't you?

258

16:14 1 A. Yes.
 16:14 2 Q. Have you ever partied over there with a James
 16:14 3 Mosqueda?
 16:14 4 A. No.
 16:14 5 Q. Or an Amy Kitchen?
 16:14 6 A. No.
 16:14 7 Q. Have you ever partied over there with an
 16:14 8 Anthony Fonseca or Chris Head?
 16:14 9 A. No.
 16:14 10 Q. What about this young lady, Amy Boettcher? Had
 16:15 11 you ever met her before? Had you ever partied with her
 16:15 12 before?
 16:15 13 A. No.
 16:15 14 Q. What about an Amy McCullough?
 16:15 15 A. No.
 16:15 16 Q. When people party and they do X, they are happy
 16:15 17 and friendly. Is that fair to say?
 16:15 18 A. I believe it's a mood enhancement. So
 16:15 19 depending on the mood they are in. It could be happy.
 16:15 20 It could be mellow. It could be --
 16:15 21 Q. Now, this Amy, that night that Ivan was with,
 16:15 22 indicated to you that her name was Amy Logdon; is that
 16:15 23 correct?
 16:15 24 A. I had overheard her speaking to someone else,
 16:15 25 so that's what I had heard.

16:15 1 Q. Okay.
 16:15 2 A. That's what I assumed that her name was.
 16:15 3 Q. So you didn't hear something strong like
 16:15 4 Boettcher? You didn't hear that?
 16:15 5 A. No. I wasn't really paying attention.
 16:15 6 Q. And you didn't hear Cantu? What you thought
 16:15 7 you heard was Logdon?
 16:16 8 A. Lagdon or something to that effect.
 16:16 9 Q. And I take it, when you are there at the house,
 16:16 10 there are other folks there too, right?
 16:16 11 A. Yes. There were several people there I didn't
 16:16 12 know.
 16:16 13 Q. A lot of people?
 16:16 14 A. Eight or ten, maybe.
 16:16 15 Q. Okay.
 16:16 16 A. I don't remember.
 16:16 17 Q. Not sure, but there was more than two or three?
 16:16 18 A. Yes.
 16:16 19 Q. More than five or six?
 16:16 20 A. Yes.
 16:16 21 Q. Okay. And folks listen to music, having a good
 16:16 22 time, listen to music, partying, maybe doing drugs,
 16:16 23 maybe not. You don't know?
 16:16 24 A. Correct.
 16:16 25 Q. Harlon has a phone, right?

260

16:16 1 A. Yes.
 16:16 2 Q. Okay. Have you ever used his phone before?
 16:16 3 A. Have I ever used his phone before?
 16:16 4 Q. (Moving head up and down.)
 16:16 5 A. No.
 16:16 6 Q. No. But you know he's got one?
 16:16 7 A. Yeah. He has a DSL line, so a telephone.
 16:17 8 Q. To work his computer. And you can work on the
 16:17 9 computer and talk on the phone at the same time?
 16:17 10 A. Uh-huh.
 16:17 11 Q. Is that a large house?
 16:17 12 A. It's fairly large. It's an old -- probably
 16:17 13 built back in the 1900s or something, 1920s, 1930s.
 16:17 14 Q. It's down on Powhattan in Dallas?
 16:17 15 A. Yes.
 16:17 16 Q. Is that in east Dallas?
 16:17 17 A. South of, like, the mix master right there,
 16:17 18 south of downtown.
 16:17 19 Q. All right. Do you know where the Sears
 16:17 20 building used to be that they've converted into lofts?
 16:17 21 A. Yes.
 16:17 22 Q. Is that in that area?
 16:17 23 A. Yes.
 16:17 24 Q. And is it a one-story or two-story house?
 16:17 25 A. It's a one story.

16:17 1 Q. How many bedrooms? Any idea?
 16:17 2 A. Two.
 16:18 3 Q. Okay. Were folks just hanging around in the
 16:18 4 living room, or were they going in the kitchen, going in
 16:18 5 the bedrooms?
 16:18 6 A. They are all over. The place is sectioned off
 16:18 7 like a parlor. It's an old house. Like a parlor and an
 16:18 8 entertainment area.
 16:18 9 Q. Sure. Okay. And so folks are just kind of
 16:18 10 hanging out in all the rooms?
 16:18 11 A. Safe to say, yes.
 16:18 12 Q. And did you notice -- I mean, you went inside
 16:18 13 the house when the defendant and Amy were there,
 16:18 14 correct?
 16:18 15 A. Yeah. I was about to leave. And I asked who,
 16:18 16 you know, who he knew that had a new 'vette? So I was
 16:18 17 at the door already. So I was the first one to greet.
 16:18 18 Q. Okay. And you went inside the house, and he
 16:18 19 was in there, and this Amy was in there hanging out,
 16:18 20 right?
 16:18 21 A. (Moving head up and down.)
 16:18 22 Q. Was there other men in there, in the house, in
 16:18 23 addition to Harlon Hill?
 16:18 24 A. I believe so.
 16:18 25 Q. Okay. Several of them then, some women, too?

16:20 1 "Look, I need to talk to you." Did that ever happen?
 16:20 2 A. Not that I can recall.
 16:20 3 Q. I mean, if she had, you would have talked to
 16:20 4 her, right?
 16:20 5 A. Sure.
 16:20 6 Q. And she didn't appear to be overly upset,
 16:20 7 nervous or anything like that, did she?
 16:20 8 A. No. She was happy. She had just gotten
 16:20 9 proposed to, and that's what I felt that her feelings at
 16:20 10 the time were --
 16:20 11 Q. Certainly.
 16:20 12 A. -- due to, yes.
 16:20 13 Q. Certainly. Now, when you-all left Mr. Hill's
 16:20 14 house, you went together to Mr. Kaywood's house, Chris
 16:20 15 Kaywood?
 16:20 16 A. Yes.
 16:20 17 Q. And you stayed there for about an hour; is that
 16:20 18 right?
 16:20 19 A. Yes.
 16:20 20 Q. And were there other folks at Mr. Kaywood's
 16:20 21 house?
 16:20 22 A. Yes.
 16:20 23 Q. Were -- how many people were at Mr. Kaywood's
 16:21 24 house?
 16:21 25 A. Maybe six.

16:19 1 A. Could have been, yes.
 16:19 2 Q. And do you recall the two of them separating at
 16:19 3 any point in time?
 16:19 4 A. No.
 16:19 5 Q. I mean, they just hung right together?
 16:19 6 A. (Moving head up and down.)
 16:19 7 Q. Okay. But they could have if they wanted to,
 16:19 8 correct? I mean, one could have gone into the kitchen?
 16:19 9 One could have stayed in the living room?
 16:19 10 A. One could have gone to the bathroom.
 16:19 11 Q. Do you recall either one of them going to the
 16:19 12 bathroom?
 16:19 13 A. Not that I can recall, no.
 16:19 14 Q. Do you recall either one of them going back to
 16:19 15 the bedroom or any other room in the house?
 16:19 16 A. No.
 16:19 17 Q. They just stayed right together?
 16:19 18 A. I don't recall.
 16:19 19 Q. So they might have split up?
 16:19 20 A. They could have during that time period, yes.
 16:19 21 Q. You didn't think you'd have to be testifying
 16:19 22 about it a year later?
 16:19 23 A. Well, yeah.
 16:19 24 Q. Okay. You don't recall if this Amy tugged at

16:21 1 Q. Folks sitting around relaxing, partying,
 16:21 2 listening to music?
 16:21 3 A. There were people out on the balcony. People
 16:21 4 inside his apartment.
 16:21 5 Q. Okay.
 16:21 6 A. Just hanging out.
 16:21 7 Q. So it was an apartment?
 16:21 8 A. Yes.
 16:21 9 Q. And a one-bedroom, two-bedroom?
 16:21 10 A. Two-bedroom.
 16:21 11 Q. You and Mr. Cantu exchanged phone numbers there
 16:21 12 at the Kaywood house?
 16:21 13 A. Correct.
 16:21 14 Q. What else did you-all do at the Kaywood house?
 16:21 15 Did you have anything to drink?
 16:21 16 A. Not that I can recall.
 16:21 17 Q. Just talked and listened to music?
 16:21 18 A. I was there to go get my DJ gear. I had a DJ
 16:21 19 party over there previously, and I was going to go by
 16:21 20 there.
 16:21 21 Q. And do you recall if Amy went to the rest room?
 16:21 22 A. I can't recall.
 16:21 23 Q. And Mr. Kaywood has a phone there at his house,
 16:21 24 does he not?

16:22 1 has a phone there. It's not out for, like, in the
 16:22 2 living room. It's in his bedroom.
 16:22 3 Q. Sure. Okay. Did she ever tug -- this young
 16:22 4 lady, this Amy, did she ever tug on your shoulder and
 16:22 5 say, "Look, I got something I need to tell you"?
 16:22 6 A. No.
 16:22 7 Q. Did she ever talk to any of the other folks
 16:22 8 there at Mr. Kaywood's house, and say, "Look, I got
 16:22 9 something I got to tell you? I got to get something off
 16:22 10 my chest"?
 16:22 11 A. No.
 16:22 12 Q. That never happened?
 16:22 13 A. Not that I recall.
 16:22 14 Q. Again, she seemed happy and having a great
 16:22 15 time?
 16:22 16 A. Yeah, same demeanor.
 16:23 17 Q. After you stay in there at Chris Kaywood's
 16:24 18 house, did you guys separate? Did you have any more
 16:24 19 contact with Amy Boettcher or Ivan Cantu?
 16:24 20 A. No. We had exchanged numbers, and I think
 16:24 21 about an hour later they had left. And we exchanged
 16:24 22 numbers in case he was going to stay, you know, wanted
 16:24 23 to come back out and hang out at Chris's at that time.
 16:24 24 Q. Okay.
 16:24 25 A. He had called, and I was already on my way

16:25 1 much. Pass the witness, Judge.
 16:25 2 THE COURT: Anything else?
 16:25 3 MS. LOWRY: Yes, Your Honor.
 16:25 4 REDIRECT EXAMINATION
 16:25 5 BY MS. LOWRY:
 16:25 6 Q. Mr. Longoria, did you say that Harlon Hill was
 16:25 7 known to be a drug user? Was that your testimony?
 16:25 8 A. No. It was known to me that he had gotten in
 16:25 9 trouble in the past or prior.
 16:25 10 Q. Did you know if there were drugs accessible at
 16:25 11 Harlon Hill's house?
 16:25 12 A. Not that I can recall, no.
 16:25 13 Q. Was it known to be certainly a place where
 16:25 14 people go to party late in the evening?
 16:25 15 A. They are always having people over there just
 16:25 16 hanging out and drinking or just to hang out.
 16:25 17 Q. And basically this is the man that the
 16:26 18 defendant chose to come over and share his grief with
 16:26 19 after two people have been killed?
 16:26 20 MR. HIGH: Objection, argumentative.
 16:26 21 THE COURT: Sustained.
 16:26 22 MR. HIGH: Ask the jury to be instructed
 16:26 23 to disregard that comment of counsel.
 16:26 24 THE COURT: All right. I'll instruct the
 16:26 25 jury to disregard the last comment of counsel.

16:24 1 home.
 16:24 2 Q. Did you also give that phone number to Amy
 16:24 3 Boettcher? Did she have that phone number?
 16:24 4 A. No.
 16:24 5 Q. Just Ivan?
 16:24 6 A. Just Ivan.
 16:24 7 Q. And I noticed on this personal information
 16:24 8 sheet that you have a brother named Chris Montemayer?
 16:24 9 A. Montemayer.
 16:24 10 Q. Yes?
 16:24 11 A. Yes.
 16:24 12 Q. And he's 30 years old?
 16:24 13 A. Yes.
 16:24 14 Q. And how -- where is he employed?
 16:24 15 A. Right now he's at the academy with the Dallas
 16:24 16 Police Department.
 16:24 17 Q. Okay. So he's a police officer?
 16:24 18 A. Yes.
 16:25 19 Q. And your father, Reuben, does he work for the
 16:25 20 Dallas Fire Department?
 16:25 21 A. Yes.
 16:25 22 Q. How long has he been doing that?
 16:25 23 A. Over 20 years.
 16:25 24 Q. Okay.

16:26 1 MR. HIGH: Move for mistrial, Your Honor.
 16:26 2 THE COURT: Denied.
 16:26 3 Q. (BY MS. LOWRY) And who was the defendant
 16:26 4 coming to see whenever he was coming to Harlon Hill's
 16:26 5 house?
 16:26 6 A. He asked for a -- when he got to the door, he
 16:26 7 asked for Harlon.
 16:26 8 MS. LOWRY: Pass the witness.
 16:26 9 MR. HIGH: No questions, Your Honor.
 16:26 10 THE COURT: You may step down.
 16:26 11 (Witness excused.)
 16:26 12 THE COURT: Call your next witness,
 16:26 13 please.
 16:26 14 MS. LOWRY: Your Honor, the State calls
 16:26 15 Harlon Hill.
 16:26 16 THE COURT: All right.
 16:26 17 MR. SCHULTZ: I'll question this witness
 16:26 18 for the State, Judge.
 16:26 19 THE COURT: All right.
 16:27 20 MS. LOWRY: Your Honor, may Mr. Longoria
 16:27 21 be released?
 16:27 22 THE COURT: Is that okay?
 16:27 23 MR. GOELLER: No, sir.
 16:27 24 MS. LOWRY: May he be put on a three-hour

16:27 1 MR. GOELLER: Can we approach sidebar?
 16:27 2 THE COURT: Yes.
 16:27 3 (Bench conference.)
 16:29 4 THE COURT: All right. Mr. Johnson and
 16:29 5 sidebar, both sides agreed with regard to Mr. Longoria.
 16:29 6 He can be subject to a three-hour recall. And have we
 16:29 7 got Harlon Hill handy?
 16:29 8 THE BAILIFF: Yes, Your Honor.
 16:29 9 THE COURT: Raise your right hand, please.
 16:29 10 HARLON HILL,
 16:29 11 being first duly sworn, testified as follows:
 16:29 12 THE COURT: Put your hand down and have a
 16:29 13 seat right here, please.
 16:29 14 THE COURT: All right. Mr. Schultz?
 16:29 15 MR. SCHULTZ: Thank you, Judge.
 16:29 16 DIRECT EXAMINATION
 16:29 17 BY MR. SCHULTZ:
 16:29 18 Q. State your name, sir.
 16:29 19 A. Harlon Hill.
 16:29 20 Q. How old a man are you?
 16:29 21 A. I'm 42.
 16:29 22 Q. And where do you presently reside?
 16:29 23 A. 1300 Powhattan Drive, Dallas, Texas.
 16:29 24 Q. And you are here today under a subpoena; is
 16:29 25 that correct?

270

16:29 1 A. Yes, I am.
 16:29 2 Q. Okay. You don't object to being here, do you?
 16:29 3 A. Not at all.
 16:29 4 Q. Okay. Now, first of all, let me ask you: Do
 16:29 5 you know the defendant in this case, Ivan Abner Cantu?
 16:30 6 A. Yes, I do.
 16:30 7 Q. And if you saw him again, could you point him
 16:30 8 out for us, please.
 16:30 9 A. Sure. Mr. Cantu.
 16:30 10 Q. I know who you are pointing to. But the record
 16:30 11 has to reflect something about him. Can you like tell
 16:30 12 me how he's dressed, for example, or --
 16:30 13 A. Mr. Cantu has on a sweater.
 16:30 14 MR. SCHULTZ: I ask the record to reflect
 16:30 15 that he has identified the defendant here in open court.
 16:30 16 THE COURT: All right.
 16:30 17 Q. (BY MR. SCHULTZ) How long have you known him?
 16:30 18 A. Since July. About a year and a half, about a
 16:30 19 year and a half. Fourth of July last year.
 16:30 20 Q. Okay. Well, where did you meet him on the
 16:30 21 Fourth of July last year?
 16:30 22 A. What's the big lake over here? Lake Texhoma.
 16:30 23 Q. At the lake?
 16:30 24 A. Uh-huh.
 16:30 25 Q. Were you on a boat or on the shore?

16:30 1 A. We were on boats.
 16:30 2 Q. Whose boat would that have been?
 16:30 3 A. I'm not sure which one he was on. He was
 16:30 4 either on, I'm going to say Chris Golightly. Another
 16:30 5 friend of ours named Chris.
 16:30 6 MR. GOELLER: What was the last name?
 16:30 7 THE WITNESS: Golightly. Bobbitt's, I'm
 16:31 8 not sure.
 16:31 9 MR. GOELLER: Golightly?
 16:31 10 THE WITNESS: Golightly? For real.
 16:31 11 THE COURT: Did you ever see *Barefoot in*
 16:31 12 *the Park*? The main character was Holly Golightly.
 16:31 13 MR. SCHULTZ: I thought that was *Breakfast*
 16:31 14 *at Tiffany's*.
 16:31 15 THE COURT: You know what? It is. Why
 16:31 16 did I say that?
 16:31 17 MR. SCHULTZ: I'm not sure, Your Honor.
 16:31 18 THE COURT: I've gotten my plays mixed up.
 16:31 19 I'm sorry. I'll make no more comments for the rest of
 16:31 20 the day. All right. Go ahead, Mr. Schultz.
 16:31 21 Q. (BY MR. SCHULTZ) Yes, sir. How would you
 16:31 22 describe your relationship with the defendant?
 16:31 23 A. Friends.
 16:31 24 Q. Okay. What -- tell me some things about him
 16:31 25 that you admire or you like that make you call him your

272

16:31 1 friend?
 16:31 2 A. I wouldn't say we were friends in the sense
 16:31 3 that we grew up all our lives, and I've known him all my
 16:31 4 life. He's a nice guy. Well mannered.
 16:31 5 Q. All right. What kinds of things would you-all
 16:31 6 do together as friends? Tell us some of those events?
 16:31 7 A. Mainly go out.
 16:32 8 Q. Go out where?
 16:32 9 A. Nightclubs.
 16:32 10 Q. Name some nightclubs, for example.
 16:32 11 A. Well, let's see, Seven. I don't go out much at
 16:32 12 all. But if I did go out, it would be like Seven or Red
 16:32 13 Jacket, something like that.
 16:32 14 Q. Let's talk about Seven. We've heard a lot
 16:32 15 about that now. You and I talked a while ago, and you
 16:32 16 were trying to explain to me what a rave means. Do you
 16:32 17 remember that conversation?
 16:32 18 A. Yeah.
 16:32 19 Q. I didn't understand that. Would you try it
 16:32 20 again? Tell me what a rave is.
 16:32 21 A. A rave is basically an underground party given
 16:32 22 by usually DJ's that are not known, and that's how they
 16:32 23 make a name for themselves.
 16:32 24 Q. Are they legal or illegal? You were trying to
 16:32 25 tell me they were illegal somehow.

16:32 1 A. A lot of times they are unsanctioned, I should
16:32 2 say. You have to have noise permits, dance permits,
16:32 3 things like this that they wouldn't have. So basically
16:32 4 you'd go down -- you would go to a rave to listen to new
16:32 5 music, fresh music, and that's about it.

16:32 6 Q. Anything else about what they do at these clubs
16:32 7 that might be unsanctioned, as you call it?

16:33 8 A. The raves or just any club?

16:33 9 Q. Well, these rave clubs that you are talking
16:33 10 about like, for example, Club Seven, is that a rave
16:33 11 club?

16:33 12 A. No, it's not.

16:33 13 Q. How is that different than a rave club?

16:33 14 A. This is a physical location. Raves usually
16:33 15 move place to place. This is a physical location, bar
16:33 16 license, dance permit. So the whole nine yards.

16:33 17 Q. What about drugs? Is that prevalent in raves,
16:33 18 too?

16:33 19 A. Yeah. They are everywhere, pretty much.

16:33 20 Q. Now, Club Seven, I'm unfamiliar with this. And
16:33 21 I understand that's near Deep Ellum down in Dallas; is
16:33 22 that right?

16:33 23 A. Right. It's just where Gaskin turns into
16:33 24 Pacific, about I-75.

16:33 25 Q. So it's usually like a line to get into it? Is

16:33 1 it kind of one of those kind of clubs?

16:33 2 A. Yeah.

16:33 3 Q. And then, I mean, is it open to the public?
16:33 4 Anybody that wants to go there, they let them in?

16:33 5 A. Yeah. Ten bucks, you can get in.

16:33 6 Q. What's it like? What's a night at Club Seven
16:33 7 like? Give me an idea of what it would be like?

16:33 8 A. I'm going to give it kind of a bad description.
16:33 9 It's not one of my favorite places. It's mainly packed,
16:34 10 over crowded, loud music, drunk people.

16:34 11 Q. Okay. Is it the kind of place you'd want to go
16:34 12 to if you were in a somber mood, maybe like in the
16:34 13 throes of grief or a loss of a friend or relative? Is
16:34 14 that the kind of place where you cheer yourself up, or
16:34 15 would that be appropriate in your mind?

16:34 16 A. Grief, no, no. Like I say, you are talking to
16:34 17 the wrong person. I don't like clubs, so...

16:34 18 Q. What about drugs? Are drugs prevalent there at
16:34 19 Club Seven?

16:34 20 A. I imagine so.

16:34 21 Q. You imagine or do you know?

16:34 22 A. I would imagine so. I mean, I don't go to
16:34 23 clubs and do drugs, but I imagine they are there. They
16:34 24 are pretty much at every club. I've bartended at quite
16:34 25 a few.

16:34 1 Q. Now, when we talk about an after-hours club,
16:34 2 what does that mean?

16:34 3 A. After-hours club, anything open after two
16:34 4 o'clock.

16:34 5 Q. Why would you go to a club that's open after
16:34 6 two o'clock? Just because you want to stay up later?

16:34 7 A. Dance.

16:35 8 Q. Now, say you'd gone out to some nightclubs with
16:35 9 the defendant, but not Club Seven because you don't like
16:35 10 Club Seven?

16:35 11 A. Not particularly. I mean, it's just not one of
16:35 12 my favorite places. It's kind of tight. The music is
16:35 13 really loud. I mean, real loud. Can't-hear-yourself-
16:35 14 think loud.

16:35 15 Q. What are some of the other nightclubs you've
16:35 16 gone to?

16:35 17 A. I'd say Mix would have to be one of my
16:35 18 favorites. It's more of a little watering hole. It's a
16:35 19 bar. At my age I'm just kind of tired of loud music and
16:35 20 drunk people.

16:35 21 Q. They got drugs there?

16:35 22 A. I've never seen anybody do any drugs at Mix,
16:35 23 no.

16:35 24 Q. Well, let's talk about some of the defendant's
16:35 25 friends, other than yourself. Do you know Carlos

16:35 1 Gonzalez?

16:35 2 A. No, I do not.

16:35 3 Q. Do you know Chris Head?

16:35 4 A. I can't say that I do, no. Chris Head?

16:35 5 Q. Uh-huh.

16:36 6 A. No.

16:36 7 Q. Does that ring a bell?

16:36 8 A. No.

16:36 9 Q. How about Anthony Fonseca?

16:36 10 A. No.

16:36 11 Q. Is it true that at your house people show up
16:36 12 there all hours of the night?

16:36 13 A. Where is this?

16:36 14 Q. At your house, at your home?

16:36 15 A. Pretty much. I usually get home after
16:36 16 midnight. So pretty much on the weekends, it's pretty
16:36 17 much open but --

16:36 18 Q. Is it pretty much unusual for people to show up
16:36 19 at three o'clock in the morning?

16:36 20 A. Not at all. On the weekends, no.

16:36 21 Q. How about strangers? Did strangers ever show
16:36 22 up there at your house?

16:36 23 A. No.

16:36 24 Q. All right.

16:36 25 A. I mean, unless they come there with a guest.

16:36 1 If it's somebody that I know, and he's got a person with
 16:36 2 him.
 16:36 3 Q. Do you recall a situation in which the
 16:36 4 defendant and Amy Boettcher came to visit you one
 16:36 5 evening in a black Corvette?
 16:36 6 A. Never saw the Corvette, but yeah, they've been
 16:36 7 by my house.
 16:36 8 Q. You never saw the Corvette?
 16:36 9 A. Not once.
 16:36 10 Q. You never had a conversation with anyone
 16:36 11 concerning, look at that Corvette? Or who is in that
 16:37 12 Corvette?
 16:37 13 A. No. It was kind of -- the night in question,
 16:37 14 it was a really bad night for me, and I really didn't
 16:37 15 have a lot of conversation with too much of anybody.
 16:37 16 But, yeah, I heard, as they were leaving, there was a
 16:37 17 Corvette, kind of a Corvette. Just kind of a -- it's a
 16:37 18 head turner. So, yeah.
 16:37 19 Q. Well, did you see it?
 16:37 20 A. No, I didn't.
 16:37 21 Q. You just heard about it?
 16:37 22 A. Just heard about it.
 16:37 23 Q. Did the defendant come to your front door then?
 16:37 24 A. Yeah. Well, he came through the front door.
 16:37 25 You don't really go through the back door.

16:37 1 Q. Where were you at the time?
 16:37 2 A. I was at my computer.
 16:37 3 Q. How many people were in the house at the time?
 16:37 4 A. Actually it was kind of a busy night. So it
 16:37 5 was maybe about six there.
 16:37 6 Q. What do you mean a busy night? What does that
 16:37 7 mean?
 16:37 8 A. A lot of people through the house. There was a
 16:37 9 couple birthday parties going on. Different people.
 16:37 10 Since we live so close to downtown, people usually stop
 16:37 11 by to sober up or whatever. They stop by the house.
 16:37 12 Three o'clock Tina is painting, and I'm on the computer
 16:37 13 usually fixing something.
 16:37 14 Q. Let me get this right. People -- among other
 16:38 15 things, people come to your house to sober up? Is that
 16:38 16 what you are telling us?
 16:38 17 A. That's right. I can't stand drunk.
 16:38 18 MR. GOELLER: I'm sorry?
 16:38 19 THE WITNESS: I said, I don't like drunk.
 16:38 20 People who get drunk.
 16:38 21 MR. GOELLER: You don't like drunk?
 16:38 22 THE WITNESS: No, I don't.
 16:38 23 MR. GOELLER: Okay. I'm sorry.
 16:38 24 Q. (BY MR. SCHULTZ) Why do you let drunks come to
 16:38 25 your house to sober up then?

16:38 1 A. I would rather they come to my house and sober
 16:38 2 up than somebody have a wreck on the street.
 16:38 3 Q. Could they sober up where they got drunk
 16:38 4 instead of coming to your house?
 16:38 5 A. Generally, clubs are not in the business of
 16:38 6 sobering people up.
 16:38 7 Q. So you are kind of like the halfway house
 16:38 8 between the clubs and these people's homes? Is that
 16:38 9 kind of what we're talking about?
 16:38 10 A. Yeah. Most of the people that I know, they are
 16:38 11 living in Arlington. They got a long way to go. I live
 16:38 12 two minutes from downtown.
 16:38 13 Q. So they drive all the way over to Dallas to go
 16:38 14 to clubbing, and then for some reason they come by your
 16:38 15 house to sober up?
 16:38 16 A. Sometimes.
 16:38 17 Q. Any other reason they come by your house you
 16:38 18 can think of?
 16:38 19 A. My charming personality. That's about it.
 16:38 20 Q. So three o'clock in the morning, drunk, they'll
 16:39 21 come over for your charm and personality?
 16:39 22 A. I mean, it's not an exception. But yeah,
 16:39 23 people do that.
 16:39 24 Q. Okay. You ever seen any drugs in your home?
 16:39 25 People bringing in any illegal drugs?

16:39 1 A. Bringing to my house?
 16:39 2 Q. Yes.
 16:39 3 A. No. I'm on parole.
 16:39 4 Q. I beg your pardon?
 16:39 5 A. I'm on parole.
 16:39 6 Q. I don't guess I asked you that.
 16:39 7 A. I'm just saying it's kind of like they don't go
 16:39 8 together.
 16:39 9 MR. GOELLER: I'm sorry? They --
 16:39 10 THE WITNESS: They don't go together. I
 16:39 11 cannot have them on my premise, to my knowledge.
 16:39 12 MR. GOELLER: Premises. All right.
 16:39 13 Q. (BY MR. SCHULTZ) But you are not telling us
 16:39 14 that being on parole is necessarily preventing you from
 16:39 15 committing crimes. You just don't want to get caught
 16:39 16 committing crimes; is that fair?
 16:39 17 A. Fair assessment.
 16:39 18 Q. For example, if we want to get technical about
 16:39 19 it, I suspect there is something in the parole
 16:39 20 regulations about you having unsavory people hanging
 16:39 21 around your premises if you get right down to it, don't
 16:39 22 you think?
 16:39 23 A. Convicted felonies, yeah.
 16:39 24 Q. Yeah. But nevertheless, these people that come
 16:39 25 there to sober up -- and you don't know who is in there

16:39 1 because there's birthday parties -- I mean, you don't
 16:39 2 know anything about who all these people are, do you?
 16:39 3 A. Well, I mean, they don't bring the whole party
 16:40 4 to my house. It's people that I know.
 16:40 5 Q. Okay. But you don't know who all was in your
 16:40 6 house that evening when you were at the computer, do
 16:40 7 you?
 16:40 8 A. Not particularly, no.
 16:40 9 Q. Well, I'm confused. A minute -- one sentence
 16:40 10 earlier you know all the people in your house. And now
 16:40 11 you don't know who they are. Which is it?
 16:40 12 A. I never said I knew everybody at the house that
 16:40 13 night. It was a bad night for me.
 16:40 14 Q. Okay. I guess I've got to ask. Why was it a
 16:40 15 bad night for you?
 16:40 16 A. My girlfriend had gotten into a little bit of
 16:40 17 trouble. She had gone to the store and had got arrested
 16:40 18 for parking tickets or something. But so I was trying
 16:40 19 to get my attorney on the phone and get her out of jail.
 16:40 20 She was freaking out bad.
 16:40 21 Q. Okay. Okay. Do you know Fernando Longoria?
 16:40 22 A. Yes, I do.
 16:40 23 Q. How do you know him?
 16:40 24 A. Oh, I've known Fernando. Fernando is a friend
 16:40 25 of -- of another. We're all friends of friends.

16:40 1 Q. I see.
 16:40 2 A. We used to kind of -- we both do computer work.
 16:41 3 I've known Fernando, man, since Club Octopus days.
 16:41 4 Q. Excuse me?
 16:41 5 A. Club Octopus. It's a fund-raiser organization.
 16:41 6 Q. Fund?
 16:41 7 A. Fund-raiser, yes.
 16:41 8 Q. It's a club?
 16:41 9 A. Well, it's not a club. It's a fund-raiser. We
 16:41 10 raise money for the AIDS Resource Foundation. We used
 16:41 11 to do this every year. And I met him through there
 16:41 12 because he spins. He's a DJ part-time.
 16:41 13 Q. Well, did he have some of his DJ equipment over
 16:41 14 at your house? Is that why he was over there at three
 16:41 15 o'clock in the morning, or whenever this was?
 16:41 16 A. I don't think he was. He might have had some
 16:41 17 equipment. He wasn't spinning at my house that night, I
 16:41 18 don't think. It's been about a year ago. I don't think
 16:41 19 he was.
 16:41 20 Q. Now, he claimed -- well, let me ask you this:
 16:41 21 Did you see the defendant with any ecstasy that night?
 16:41 22 A. No.
 16:41 23 Q. Did the defendant offer you an explanation for
 16:41 24 why he and his girlfriend came to you that night? I
 16:42 25 mean, did he say, I'm here for this or that reason?

16:42 1 A. I think the first words out of his mouth was,
 16:42 2 "Why haven't you called me back?" He had been trying to
 16:42 3 call me for a couple of days. They were getting
 16:42 4 engaged. I knew that.
 16:42 5 Q. What?
 16:42 6 A. They were getting engaged.
 16:42 7 Q. Yeah.
 16:42 8 A. I knew that. And they just got back in town, I
 16:42 9 thought. Yeah, they just got back. Words to me.
 16:42 10 Q. Okay. Well, let me see if I got this right.
 16:42 11 About what time was this that they arrived?
 16:42 12 A. I would say about three in the morning because
 16:42 13 it was after two. The clubs were out. It was after. I
 16:42 14 would say about three in the morning.
 16:42 15 Q. Okay. Well, did it appear to you that they
 16:42 16 were here to sober up like a lot of these folks that
 16:42 17 stop over at your house at three o'clock in the morning?
 16:42 18 A. They were happy and in a good mood, pretty
 16:42 19 much.
 16:42 20 Q. In a good mood?
 16:42 21 A. Yeah. He was in a pretty good mood.
 16:42 22 Q. Were you glad to see him?
 16:43 23 A. He's a nice guy.
 16:43 24 Q. So that must be a yes?
 16:43 25 A. Uh-huh.

16:43 1 Q. But you were at the computer anyway? You
 16:43 2 weren't paying attention to his car, and you didn't see
 16:43 3 it?
 16:43 4 A. Yeah. I have kind of a bad habit of zoning out
 16:43 5 on computers kind of. That's what I do. I fix
 16:43 6 computers.
 16:43 7 Q. You know, it's none of my business, but a felon
 16:43 8 on parole with a bunch of people like this that are
 16:43 9 unsupervised while you are at the computer could get you
 16:43 10 into some trouble, don't you think?
 16:43 11 A. Probably could.
 16:43 12 Q. But I guess that doesn't really bother you now,
 16:43 13 does it?
 16:43 14 A. I'm pretty good. I like to think I'm a pretty
 16:43 15 good judge of character. Six people in my house in
 16:43 16 about 3,500 square-foot house, pretty much keeping to
 16:43 17 themselves and being quiet really doesn't bother me.
 16:43 18 Q. For example, when people come in your house and
 16:43 19 they are known substance abusers, known dopers, known
 16:43 20 controlled-substance law violators, you can tell those
 16:43 21 kind of people when they walk in, now, can't you?
 16:43 22 A. I think most people are not qualified to tell a
 16:43 23 doper or a drug user by sight, no.
 16:44 24 Q. So you can't judge people that way, for
 16:44 25 example?

16:44 1 A. No. By sight, no.
 16:44 2 Q. Well --
 16:44 3 A. Drunk is a little bit different.
 16:44 4 Q. Okay. How about high on drugs, as opposed to
 16:44 5 drunk on alcohol? Are you pretty good at that?
 16:44 6 A. I can spot it away, yeah. Different habits,
 16:44 7 technically.
 16:44 8 Q. So anybody over there at three o'clock in the
 16:44 9 morning high at your house?
 16:44 10 A. I imagine so. I mean, these are not angels.
 16:44 11 They are not saints but they are good people.
 16:44 12 Q. Oh, I'm not -- I'm not going to debate that
 16:44 13 point with you. But I'm trying to get the proposition
 16:44 14 that there is a lot of drugs that go on in your house.
 16:44 15 Isn't that so?
 16:44 16 A. No.
 16:44 17 Q. What about the *not angels* that are there? What
 16:44 18 are they doing?
 16:44 19 A. I would be one of those. Nobody is perfect.
 16:44 20 They ought to have fun. It's a Saturday night, Friday
 16:44 21 night. They are out getting drunk, doing whatever, what
 16:44 22 they call clean fun.
 16:45 23 Q. Well, whatever their character or their --
 16:45 24 their goals in life, they choose your house to come hang
 16:45 25 out at; is that right?

16:45 1 A. Uh-huh.
 16:45 2 Q. I mean, 3 million people in Dallas, I guess,
 16:45 3 but they choose your house, coming from Deep Ellum to
 16:45 4 either sober up or be there with their drugs or do these
 16:45 5 other things; is that so?
 16:45 6 A. Yeah.
 16:45 7 Q. Is that fair?
 16:45 8 A. Six people that I know come to my house after
 16:45 9 hours, sometimes, to sober up.
 16:45 10 Q. Okay. And some of them are high on drugs?
 16:45 11 A. I wouldn't know.
 16:45 12 Q. What is it about your house or your environment
 16:45 13 that makes people feel comfortable coming in no matter
 16:45 14 what?
 16:45 15 A. In reality, I don't know. I'm a friendly guy.
 16:45 16 My girlfriend is very friendly. She's into crafts and
 16:45 17 painting and all that kind of stuff. I fix computers,
 16:45 18 and I'm an excellent conversationalist. And, for us,
 16:46 19 the day is just beginning.
 16:46 20 Q. Have you ever seen anybody with any drugs at
 16:46 21 your house. Any illegal narcotics?
 16:46 22 A. Let's see, a couple people, yeah. I've asked
 16:46 23 them to leave.
 16:46 24 Q. Who were they?
 16:46 25 A. That's friends of other friends. Let's see,

16:46 1 the last time I asked somebody to leave was some people
 16:46 2 from Royce City. I didn't know them very well.
 16:46 3 Q. From where?
 16:46 4 A. Royce City.
 16:46 5 Q. Where is that?
 16:46 6 A. Out I-30.
 16:46 7 Q. Okay. They come all the way from Royce City to
 16:46 8 come to your house?
 16:46 9 A. Oh, well, yeah. They were with a really good
 16:46 10 friend of mine. As a matter of fact, my ex-roommate.
 16:46 11 They were with him.
 16:46 12 Q. He brought some people in with drugs from Royce
 16:46 13 City?
 16:46 14 A. And drunk.
 16:46 15 Q. Well, there are a lot of drunk people in
 16:46 16 Dallas. Do they all come to your place or what?
 16:46 17 A. No.
 16:46 18 Q. Just some. Sometimes you don't even know who
 16:47 19 they are?
 16:47 20 A. Let's see. If you came with my ex-roommate, he
 16:47 21 pretty much would have carte blanche. He's my
 16:47 22 ex-roommate. I pretty much trust him. It would be his
 16:47 23 responsibility, but yeah.
 16:47 24 Q. Well, you trusted him but then you had to give
 16:47 25 him the boot, according to you, because they had drugs,

16:47 1 right?
 16:47 2 A. I never said I trusted him. I don't know him.
 16:47 3 He was with a friend of mine.
 16:47 4 Q. No. I'm talking about the ex-roommate. You
 16:47 5 said you got to trust him?
 16:47 6 A. Yeah, pretty much.
 16:47 7 Q. They are good people.
 16:47 8 A. Pretty much, yeah. You pretty much have to
 16:47 9 trust him.
 16:47 10 Q. Well, all right. How many times had the
 16:47 11 defendant been to your house prior to this evening in
 16:47 12 November?
 16:47 13 A. Oh, I couldn't count them. More than five. I
 16:47 14 mean, for about a year now, you are talking about.
 16:47 15 Q. Well, that's only --
 16:47 16 A. In a year's time.
 16:47 17 Q. That's only every two or three months, five
 16:47 18 times, you know?
 16:47 19 A. I really couldn't count. I wasn't keeping
 16:47 20 score. But I would say he's been by my house every
 16:48 21 month since I've met him.
 16:48 22 Q. And you met him --
 16:48 23 A. Fourth of July.
 16:48 24 Q. -- on the Fourth of July, where?
 16:48 25 A. Where?

16:48 1 Q. Uh-huh.
 16:48 2 A. Lake Texhoma.
 16:48 3 Q. And you were up there with some other people,
 16:48 4 and you just bumped into each other?
 16:48 5 A. No. It was planned actually.
 16:48 6 Q. Huh?
 16:48 7 A. We all planned to meet out on Lake Texhoma.
 16:48 8 Q. But you didn't know him before, so somebody
 16:48 9 else had to have made plans, and then you-all connected
 16:48 10 up there?
 16:48 11 A. I mean, we're all friends of, you know, six
 16:48 12 degrees of separation. We're all friends of somebody
 16:48 13 else. He was very good friends with Bobbitt and Chris
 16:48 14 Golightly. And Chris Golightly is good friends of ours
 16:48 15 from other days. I met him that day.
 16:48 16 Q. Are they all known dopers, by the way, Bob
 16:48 17 Golightly?
 16:48 18 A. No. As a matter of fact, they are very
 16:48 19 respectable citizens, very respectable.
 16:48 20 Q. They are?
 16:48 21 A. Very respectable.
 16:48 22 Q. Does that mean that they are not known dopers?
 16:48 23 A. I wouldn't say known dopers, no.
 16:48 24 Q. Are they secret dopers that you know about?
 16:48 25 A. I have no idea.

290

16:49 1 Q. Either you are friends and you have had them
 16:49 2 forever, and you are the guy that runs the crash house
 16:49 3 down in Dallas, but you wouldn't know if they were known
 16:49 4 dopers or not?
 16:49 5 A. Crash down? No.
 16:49 6 Q. Okay. So you have never seen any of them with
 16:49 7 any drugs?
 16:49 8 A. Maybe some pot, yeah.
 16:49 9 Q. Which ones have you seen with pot?
 16:49 10 A. Kind of like I stay away from pot. You can
 16:49 11 smell pot, so you know it's going on, but other than
 16:49 12 that, I mean.
 16:49 13 Q. So we don't know. It might have been them but
 16:49 14 it might not, according to you?
 16:49 15 A. I mean, who, particular? No.
 16:49 16 Q. Okay. So we're back to, you don't know
 16:49 17 anything about any of these people; is that right?
 16:49 18 A. Chris Golightly; I've known him for about seven
 16:49 19 years. A very good friend. Chris Gulling; I've know
 16:49 20 him about ten years. Great guy.
 16:49 21 Q. I mean, are you -- it's the kind of friendship
 16:49 22 where, if they were fairly regular substance abusers, do
 16:49 23 you think you'd know about that?
 16:49 24 A. Yeah. I'd be concerned about it, sure.
 16:49 25 Q. But you don't know anything about that?

16:50 1 A. About?
 16:50 2 Q. About them and their drug use. Like Bobbitt,
 16:50 3 like Golightly, those people?
 16:50 4 A. Hey, it's not my business to police their
 16:50 5 habits. I'm friends of theirs. If they fall to pieces,
 16:50 6 I'd be there to help them get back up. Just like I
 16:50 7 would hope they would be there for me. Loose -- maybe
 16:50 8 that's a loose association of friends. I don't know,
 16:50 9 but we work pretty well like that.
 16:50 10 Q. Okay. Did the defendant that you've known
 16:50 11 since the Fourth of July, and that was a year -- that
 16:50 12 was -- that was the Fourth of July of 1999 that you met
 16:50 13 him, would that have been?
 16:50 14 A. Yes.
 16:50 15 Q. So you -- at that time you'd known him a year
 16:50 16 and three months, something like that, perhaps?
 16:50 17 A. At which time?
 16:50 18 Q. In November. By November you'd known the
 16:50 19 defendant for a year and three months?
 16:50 20 A. In November it would have been like six months.
 16:50 21 Q. So it was the same year? It was 2000 then?
 16:50 22 A. Yeah.
 16:50 23 Q. That you met him?
 16:51 24 A. Yeah. That would be about right.
 16:51 25 Q. So when you say you've been with him five

292

16:51 1 times, that was in a matter of about four or five months
 16:51 2 then?
 16:51 3 A. Right.
 16:51 4 Q. And he was your friend?
 16:51 5 A. I like him.
 16:51 6 Q. And you'd gone to clubs with him?
 16:51 7 A. I've been to one club with him.
 16:51 8 Q. And he felt comfortable enough just to show up
 16:51 9 at your house at three o'clock in the morning?
 16:51 10 A. We'd have great conversations. He's a pretty
 16:51 11 sharp guy.
 16:51 12 Q. I understand. But that's a yes, isn't it? You
 16:51 13 felt comfortable enough to show up?
 16:51 14 A. You'd have problems if you came over to my
 16:51 15 house at 2 p.m. in the afternoon. I'm a day sleeper. I
 16:51 16 sleep during the day. Work at night.
 16:51 17 Q. Did he seem upset to you?
 16:51 18 A. Actually, he -- I was upset. My girlfriend was
 16:51 19 in trouble.
 16:51 20 Q. I know.
 16:51 21 A. He kind of fell right into that.
 16:51 22 Q. I'm not trying to quarrel with you, but I
 16:51 23 didn't ask you that.
 16:51 24 A. I understand. I was trying to give you the
 16:51 25 mood of the night. You asked me if he was upset

16:51 1 Q. Thank you for that. But was he upset?
 16:52 2 A. I don't think so, no. I can't say that he was.
 16:52 3 Q. Did he seem the same way he always seemed to
 16:52 4 you?
 16:52 5 A. No. He got very concerned about my girlfriend
 16:52 6 being in trouble.
 16:52 7 Q. Okay. So that was his focus of concern,
 16:52 8 apparently? He was worried about your girlfriend being
 16:52 9 in trouble because she got arrested at the grocery store
 16:52 10 on some type of traffic warrants?
 16:52 11 A. It was -- at that time it was very gray. I had
 16:52 12 no information. If you knew my girlfriend, this would
 16:52 13 be a very big ordeal.
 16:52 14 Q. So he shows up happy, right? As near as you
 16:52 15 can tell?
 16:52 16 A. Yes.
 16:52 17 Q. Three o'clock in the morning. He's engaged and
 16:52 18 everything is fine?
 16:52 19 A. Uh-huh.
 16:52 20 Q. And then he finds out about your girlfriend,
 16:52 21 and that becomes a matter of concern with him?
 16:52 22 A. He found it out almost immediately because I
 16:52 23 pretty much found out. He was joking with me when he
 16:52 24 first came in because I hadn't returned his phone calls
 16:52 25 for a couple of days. So we are guys. We are kind of

16:52 1 like in-your-face kind of guys.
 16:52 2 Q. So he shows up and he's okay?
 16:52 3 A. Yeah.
 16:53 4 Q. He's like the regular old Ivan?
 16:53 5 A. Right.
 16:53 6 Q. Yeah.
 16:53 7 A. He wasn't in a bad mood, I wouldn't say.
 16:53 8 Q. And then he finds out about your girlfriend,
 16:53 9 and that becomes a matter of concern. So he has the
 16:53 10 ability to become concerned about stuff that concerns
 16:53 11 him; is that right?
 16:53 12 A. I think so.
 16:53 13 Q. Do you mind telling us what you are on parole
 16:53 14 for?
 16:53 15 A. Possession of a controlled substance. I'm not
 16:53 16 on parole anymore.
 16:53 17 Q. Okay. Do you mind telling us why you were on
 16:53 18 parole and why you are so careful about your social --
 16:53 19 A. Possession of a controlled substance, half a
 16:53 20 gram.
 16:53 21 Q. Of what?
 16:53 22 A. Cocaine.
 16:53 23 Q. Okay. How did you get caught?
 16:53 24 A. It was a really silent police car just kind of
 16:53 25 crept up on me. He was there. One minute he wasn't

16:53 1 there, and the next minute he was there. I got caught.
 16:54 2 Q. The nerve of him.
 16:54 3 A. Yeah.
 16:54 4 MR. SCHULTZ: I'll pass the witness.
 16:54 5 CROSS-EXAMINATION
 16:54 6 BY MR. GOELLER:
 16:54 7 Q. Is it Mr. Hill, H-I-L-L?
 16:54 8 A. Harlon.
 16:54 9 Q. Harlon, did you give a statement?
 16:54 10 A. Do what? Did I give a statement?
 16:54 11 Q. Yeah.
 16:54 12 A. Yes.
 16:54 13 Q. Did you talk to the police?
 16:54 14 A. No.
 16:54 15 Q. The Dallas Police Department?
 16:54 16 A. No. I talked to the DA's office.
 16:54 17 Q. When was that?
 16:54 18 A. Last week.
 16:54 19 Q. For?
 16:54 20 A. I talked to them on the phone several times.
 16:54 21 Q. But, I mean, had anybody, either a detective or
 16:54 22 investigator or any police types come talk to you and
 16:54 23 say, you know, we'd like you to fill out a witness
 16:54 24 statement or tell us what you know?
 16:54 25 A. No.

16:54 1 Q. Okay. Okay. Was anybody taking down your
 16:54 2 statement, do you know?
 16:54 3 A. If on the phone, I couldn't tell you. But --
 16:54 4 Q. Who were you talking to on the phone?
 16:54 5 A. For the most part, Mr. Johnson, Jerry Johnson.
 16:54 6 MR. GOELLER: Judge, if there was a
 16:55 7 statement that was taken down, I'd ask for a production
 16:55 8 of that at this time.
 16:55 9 MR. SCHULTZ: We got nothing, Your Honor.
 16:55 10 THE COURT: All right.
 16:55 11 MR. GOELLER: Okay. All right.
 16:55 12 Q. (BY MR. GOELLER) Tell me how your house is
 16:55 13 laid out. Is it a big house? 3,500 square feet?
 16:55 14 A. Yeah. Built in 1907. It's huge. 12-foot
 16:55 15 ceilings. It's a parlor, formal den, formal dining
 16:55 16 room, and we're remodeling it.
 16:56 17 Q. Okay. And you said -- you talked about the
 16:56 18 night in question. How many folks were in your house
 16:56 19 that night?
 16:56 20 A. I guess by the time he got there, maybe about
 16:56 21 six people. That would be my girlfriend and I plus four
 16:56 22 other people. Then Ivan came by with Amy.
 16:56 23 Q. Okay. But your girlfriend wasn't there, was
 16:56 24 she?
 16:56 25 A. No, she was not. Yeah. She was not there.

16:56 1 Q. You got a computer in there?
 16:56 2 A. I've got several computers.
 16:56 3 Q. Okay. You got telephones?
 16:56 4 A. One telephone. I don't like phones too much.
 16:56 5 Q. Were there -- these six people, do you remember
 16:56 6 who else was there? We know the guy -- he just
 16:56 7 testified, Longoria?
 16:56 8 A. Fernando.
 16:56 9 Q. Francisco Longoria?
 16:56 10 A. He was there. He was there, I believe. I
 16:56 11 think Cary was there, another friend of ours. We've
 16:56 12 known him for about ten years. Oh, Monica Lawler,
 16:57 13 Michael Smith. That's all I can remember. It's been a
 16:57 14 while.
 16:57 15 Q. Your girlfriend's name is Tina?
 16:57 16 A. Tina Louise.
 16:57 17 Q. Tina Louise. All right.
 16:57 18 MR. GOELLER: Can I have just a second?
 16:57 19 THE COURT: Yes, sir.
 16:57 20 Q. (BY MR. GOELLER) Where were you pretty much
 16:57 21 during this get-together? Were you -- I think you
 16:57 22 testified that you were at your computer?
 16:57 23 A. Pretty much stayed right there.
 16:57 24 Q. Where was that?
 16:57 25 A. That's in the center of the house.

16:57 1 Q. Right in the middle of the house?
 16:57 2 A. Right in the middle of the house.
 16:57 3 Q. Where were the other folks?
 16:57 4 A. The house is kind of -- okay. When you walk in
 16:57 5 the door, there's one long hallway and you can see all
 16:57 6 the way to the end. There's two bedrooms on either side
 16:57 7 closed off, parlor when you first walk in, formal dining
 16:57 8 room, and formal den. All those doors are usually
 16:57 9 closed off, especially in the winter. Keeps each room
 16:57 10 warm.
 16:57 11 Q. Okay.
 16:57 12 A. So there were other people in the front room.
 16:57 13 That's where all the art stuff goes on. I don't go
 16:57 14 there too much. Then people were back there talking to
 16:57 15 me on the computer, very concerned about Tina.
 16:57 16 Q. Did -- did Amy ever tug on your shoulder or
 16:57 17 want to talk to you about something?
 16:57 18 A. Oh, yes. She was happy to be engaged. It was
 16:57 19 a bad night for me. And any other night I would have
 16:57 20 totally talked to her for a while anyway. But, yeah,
 16:57 21 she was happy.
 16:57 22 Q. She was happy?
 16:57 23 A. She seemed like it.
 16:57 24 THE COURT: All right. I tell you what,
 16:57 25 we're going to break for the evening. And I'm going to

16:58 1 instruct the jury that it is your duty not to converse
 16:58 2 among yourselves or with anyone else on any subject
 16:58 3 connected with the trial or to form or express any
 16:58 4 opinion thereon until the cause is finally submitted to
 16:58 5 you.
 16:58 6 And we'll see you at nine o'clock tomorrow
 16:58 7 morning.
 16:58 8 THE BAILIFF: All rise.
 16:58 9 (Court adjourned.)

REPORTER'S CERTIFICATE

1 THE STATE OF TEXAS
 2 COUNTY OF COLLIN
 3 I, Barbara L. Tokuz, CSR, RMR, CRR, Deputy Official
 4 Court Reporter in and for the 380th Judicial District
 5 Court of Collin County, State of Texas, do hereby
 6 certify that the above and foregoing contains a true and
 7 correct transcription of all portions of evidence and
 8 other proceedings requested in writing by counsel for
 9 the parties to be included in this volume of the
 10 Reporter's Record, in the above-styled and -numbered
 11 cause, all of which occurred in open court or in
 12 chambers and were reported by me.
 13 I further certify that this Reporter's Record of the
 14 proceedings truly and correctly reflects the exhibits,
 15 if any, offered by the respective parties.
 16 WITNESS MY OFFICIAL HAND this the 11th day of
 17 February, 2002.

18
 19 *Barbara Tokuz*
 20 Barbara L. Tokuz, CSR #4615, RMR, CRR
 21 Deputy Official Court Reporter
 22 Expiration Date: 12/31/2002
 23 1855 Wind Hill Road
 24 Rockwall, Texas 75087
 25 Telephone: 972-771-2312