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

VOLUME 36 OF 53 VOLUMES

TRIAL COURT CAUSE NO. 380-80047-01

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

---

JURY TRIAL

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COPY

On the 10th day of October, 2001, the following proceedings came on to be heard in the above-entitled and -numbered cause before the Honorable Charles F. Sandoval, Judge Presiding, held in McKinney, Collin County, Texas:

Proceedings reported by Computerized Machine Shorthand.

4 THE STATE OF TEXAS ) IN THE DISTRICT COURT  
 5 )  
 6 VS. ) COLLIN COUNTY, TEXAS  
 7 )  
 8 IVAN ABNER CANTU ) 380TH JUDICIAL DISTRICT

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 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

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13 VOLUME 36

14 CHRONOLOGICAL INDEX

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STATE'S WITNESSES	Direct	Cross	Redirect	Recross
AMY BOETTCHER	- -	5	- -	- -
MICHAEL GATCHALIAN	101	108	- -	- -
RICHARD J. KREMER	114	153	- -	- -
CARLOS R. GONZALEZ	179	- -	- -	- -

22  
23  
24  
25 Court Reporter's Certificate 274

2 ALPHABETICAL INDEX

3 WITNESSES

	Direct	Cross	Redirect	Recross
4 AMY BOETTCHER	- -	5	- -	- -
MICHAEL GATCHALIAN	101	108	- -	- -
5 CARLOS R. GONZALEZ	179	- -	- -	- -
RICHARD J. KREMER	114	153	- -	- -

9 EXHIBIT INDEX

10 STATE'S

NO.	DESCRIPTION	OFFERED	ADMITTED
12 110	Gold bracelet	150	150

1 PROCEEDINGS:

2 (Open court, defendant present, no jury.)

3 THE COURT: Back on the record in the  
 4 Cantu case. Cause No. 380-80047-01, and the attorney  
 5 for the defendant and the defendant's attorneys are  
 6 present, as well as the attorneys from the State.

7 I understand that Harlon Hill was on the  
 8 stand yesterday. His name has been called, and he  
 9 doesn't appear to be present. Does either side have a  
 10 request for Harlon Hill?

11 MR. SCHULTZ: Get him arrested and throw  
 12 him in jail, if you would. Seriously. I ask for a writ  
 13 of attachment issued and pick him up.

14 THE COURT: All right. A writ of  
 15 attachment to issue for Mr. Harlon Hill. Are both sides  
 16 ready to bring in the jury?

17 MS. FALCO: Yes, sir.

18 THE COURT: I suppose we're going to  
 19 cross-examine Ms. Boettcher this morning?

20 MS. FALCO: Yes.

21 THE COURT: All right. Let's bring the  
 22 jury in. Does either side want me to say anything with  
 23 regard to Harlon Hill? Just say we expect him later in  
 24 the day?

25 MR. SCHULTZ: No. I would like you to say

09:11 1 that he didn't show up, and we are going to try to get  
09:11 2 him arrested, is what I'd like you to say. I don't want  
09:11 3 the jury thinking we're being disorganized, and it's our  
09:11 4 fault.

(Open court, defendant and jury present.)

09:12 5 THE COURT: Please be seated. Ladies and  
09:12 6 gentlemen, you will recall that Harlon Hill was on the  
09:12 7 witness stand yesterday. And he was told to be here  
09:12 8 this morning at 9 o'clock. It is about 9:15 at this  
09:12 9 time. He hasn't appeared so far. So I've asked for and  
09:12 10 ordered a writ of attachment, which means that he'll be  
09:12 11 arrested and brought here. So I suppose he'll probably  
09:12 12 be testifying this afternoon.

09:13 13 In the meantime, you also will recall that  
09:13 14 Amy Boettcher was on the witness stand, but had not yet  
09:13 15 been cross-examined, and so she'll be the first witness  
09:13 16 today, as I understand. So let's bring Amy Boettcher  
09:13 17 in.

09:13 18 THE BAILIFF: Yes, Your Honor.

09:13 19 THE COURT: Ms. Boettcher, I want to just  
09:14 20 remind you that you are still under oath in this case.

09:14 21 THE WITNESS: Okay.

09:14 22 THE COURT: Mr. Goeller?

09:14 23 MR. GOELLER: Thank you, Your Honor.

09:14 24 CROSS-EXAMINATION  
09:14 25

09:14 1 BY MR. GOELLER:

09:14 2 Q. Good morning, ma'am. Would you please state  
09:14 3 your name again for the record.

09:14 4 A. Amy Boettcher.

09:14 5 Q. And B-O-E-T-T-C-H-E-R is the spelling of your  
09:14 6 last name?

09:14 7 A. Correct.

09:14 8 Q. And your date of birth is?

09:14 9 A. 8-23-76.

09:14 10 Q. Ms. Boettcher, you've been appointed a lawyer  
09:14 11 in this case, correct?

09:14 12 A. Yes.

09:14 13 Q. And that's Mr. Roger Dickey?

09:14 14 A. Yes.

09:14 15 Q. And he's sitting right there in the courtroom,  
09:14 16 second row, one, two, three, four, five, about six  
09:14 17 chairs from the left, correct?

09:14 18 A. Yes.

09:14 19 Q. Now, have you consulted with Mr. Dickey?

09:15 20 A. Yes.

09:15 21 Q. All right. Did you and Mr. Dickey -- my  
09:15 22 understanding you met this past Sunday with the  
09:15 23 prosecutors for about five hours, correct?

09:15 24 A. Yes.

09:15 25 Q. You have given at least three statements,

09:15 1 correct?

09:15 2 A. I believe it was three or four.

09:15 3 Q. Three or four, different statements?

09:15 4 A. The same.

09:15 5 Q. What do you mean the same?

09:15 6 A. The same statements. I'm sure things are  
09:15 7 misworded.

09:15 8 Q. Yeah. Do you recall when the first statement  
09:15 9 you gave was?

09:15 10 A. In Arkansas.

09:15 11 Q. Okay. And who was that to?

09:15 12 A. I wrote it myself.

09:16 13 Q. The very first statement you gave, you  
09:16 14 handwrote out?

09:16 15 A. Yes.

09:16 16 Q. Who is that to?

09:16 17 A. I don't know. It was to the Sheriff's  
09:16 18 Department in Arkansas.

09:16 19 Q. Is that Mr. Joe Martz, Sheriff of IZARD County?  
09:16 20 How do you pronounce that, by the way?

09:16 21 A. IZARD County.

09:16 22 Q. IZARD County Sheriff's Department, Melbourne,  
09:16 23 Arkansas 72556?

09:16 24 A. Yes.

09:16 25 Q. Was that the first statement you gave?

09:16 1 A. Yes.

09:16 2 Q. All right. When was the second statement that  
09:16 3 you gave?

09:16 4 A. Later on that day a State trooper came in.

09:16 5 Q. Okay. Did you write that out in your  
09:16 6 handwriting?

09:16 7 A. No.

09:16 8 Q. Who wrote that out?

09:16 9 A. A state trooper.

09:16 10 Q. State trooper, an Arkansas state trooper?

09:16 11 A. I believe so.

09:17 12 Q. You know what a Texas state trooper looks like,  
09:17 13 right?

09:17 14 A. No.

09:17 15 Q. No. You live right off the toll road, don't  
09:17 16 you? You used to?

09:17 17 A. Yes.

09:17 18 Q. You were probably on that tollway just about  
09:17 19 everyday, right?

09:17 20 A. Yes.

09:17 21 Q. See lots of Texas state troopers on the  
09:17 22 tollway?

09:17 23 A. I really don't pay attention.

09:17 24 Q. Okay. But anyhow you gave a statement to an  
09:17 25 Arkansas state trooper the same day you gave a statement

09:17 1 to the sheriff in Izard County, Arkansas; is that  
 09:17 2 correct?  
 09:17 3 A. Yes.  
 09:17 4 Q. When was the next statement that you gave?  
 09:17 5 A. To a Detective Winn.  
 09:17 6 Q. Okay. And do you recall when you gave that  
 09:17 7 statement?  
 09:17 8 A. I'm not sure on the approximate date.  
 09:17 9 Q. You can approximate. That's okay.  
 09:17 10 A. In November.  
 09:17 11 Q. Okay. And where was that statement taken?  
 09:17 12 A. In the Sheriff's Department in Arkansas.  
 09:18 13 Q. So do you know who Detective Winn is, right?  
 09:18 14 A. Yes.  
 09:18 15 Q. All right. Obviously he went up to Arkansas,  
 09:18 16 met you at a Sheriff's Department in Izard County, in  
 09:18 17 that statement and took a statement from you there?  
 09:18 18 A. Yes.  
 09:18 19 Q. What is the next statement that you gave?  
 09:18 20 A. To my stepfather.  
 09:18 21 Q. Okay. And when was that statement made?  
 09:18 22 A. After Mr. Winn's.  
 09:18 23 Q. I'm sorry?  
 09:18 24 A. After Mr. Winn.  
 09:18 25 Q. Okay. Would it be fair to say that the first

09:19 1 A. Yes.  
 09:19 2 Q. The sheriff. I mean, the guy on the  
 09:19 3 letterhead?  
 09:19 4 A. Yes.  
 09:19 5 Q. So you got to talk to the main man, I suppose.  
 09:20 6 And Izard County, does your stepdad live in Izard  
 09:20 7 County?  
 09:20 8 A. Yes.  
 09:20 9 Q. Is your stepdad a retired police officer?  
 09:20 10 A. Yes.  
 09:20 11 Q. Where was he a police officer in?  
 09:20 12 A. Minnesota.  
 09:20 13 Q. Okay. And you had mentioned something, when  
 09:20 14 the prosecutor was asking you questions, you mentioned  
 09:20 15 something that because you were all late getting up  
 09:20 16 there, your stepdad was able to put a kind of like an  
 09:20 17 all-points bulletin out for you, a BOLO?  
 09:20 18 A. When we were late, Ivan and I?  
 09:20 19 Q. Yeah.  
 09:20 20 A. Yes.  
 09:20 21 Q. How did he do that?  
 09:20 22 A. I'm not positive.  
 09:20 23 Q. Okay. How do you know he did that?  
 09:20 24 A. He told us when we arrived.  
 09:20 25 Q. So even though he's a retired police officer,

09:18 1 statement you gave was on November 10th of 2000?  
 09:18 2 A. I can't remember the exact date.  
 09:18 3 Q. Okay. Did you make a statement in your  
 09:18 4 statement that: You understand you are not implicated  
 09:19 5 or a suspect at this time?  
 09:19 6 A. I don't recall that.  
 09:19 7 Q. Okay.  
 09:19 8 MR. GOELLER: May I approach the witness,  
 09:19 9 Your Honor?  
 09:19 10 THE COURT: Yes.  
 09:19 11 Q. (BY MR. GOELLER) Ms. Butcher, let me ask  
 09:19 12 you --  
 09:19 13 A. It's Boettcher.  
 09:19 14 Q. I'm sorry, Boettcher. Let me ask you if you  
 09:19 15 could just look at that, and I've highlighted the  
 09:19 16 section I think you might want to refresh your memory  
 09:19 17 with. Okay?  
 09:19 18 A. Okay.  
 09:19 19 Q. Did you make the statement that you are not  
 09:19 20 implicated or a suspect?  
 09:19 21 A. Yes.  
 09:19 22 Q. Are those your words?  
 09:19 23 A. I asked my stepdad how to phrase it.  
 09:19 24 Q. Okay. And when you gave this statement to --  
 09:19 25 was it to Joe Martz, the sheriff?

09:20 1 he still knows how to get things done, apparently?  
 09:21 2 A. I don't know. I'm not him.  
 09:21 3 Q. I understand. And you stated that he told you  
 09:21 4 how to phrase it. Now, did you and him have a  
 09:21 5 conversation, you and your stepdad? And his name is  
 09:21 6 Mr. "Krem-er" or "Kray-mer"?  
 09:21 7 A. "Kray-mer."  
 09:21 8 Q. Mr. Richard -- he goes by Dick Kremer?  
 09:21 9 A. Yes.  
 09:21 10 Q. Did he drive you down to the sheriff's office  
 09:21 11 in Arkansas?  
 09:21 12 A. Yes.  
 09:21 13 Q. Did you have a conversation on the way down  
 09:21 14 there about all this?  
 09:21 15 A. No. I just told them I wanted to speak to  
 09:21 16 somebody.  
 09:21 17 Q. You must have had a conversation back at the  
 09:21 18 house, right?  
 09:21 19 A. Yes, when I stated what happened.  
 09:21 20 Q. So when you say your stepfather told you how to  
 09:21 21 phrase that, was he present with you when you wrote this  
 09:21 22 statement out?  
 09:21 23 A. Yes.  
 09:21 24 Q. And where were you within the sheriff's office?  
 09:22 25 A. In Mr. Martz -- is that how you pronounce it?

09:22 1 Martz?  
 09:22 2 Q. Yeah. M-A-R-T-Z, Joe Martz, Sheriff of Izard  
 09:22 3 County, SO, Sheriff's Office.  
 09:22 4 A. Yes. In Mr. Martz' office.  
 09:22 5 Q. Okay. Did they read you any rights?  
 09:22 6 A. Yes.  
 09:22 7 Q. They read you your Miranda warnings?  
 09:22 8 A. I'm not sure what those are.  
 09:22 9 Q. Okay.  
 09:22 10 A. I don't understand that word.  
 09:22 11 Q. You don't understand the word Miranda?  
 09:22 12 A. No, sir.  
 09:22 13 Q. Your rights?  
 09:22 14 A. I know the rights, but I don't understand  
 09:22 15 Miranda.  
 09:22 16 Q. What were your rights? Do you recall?  
 09:22 17 A. No, I don't.  
 09:22 18 Q. And you gave the statement about 4:24 p.m.?  
 09:22 19 Yeah, 4:23, 4:24 p.m. on November 10th of 2000?  
 09:23 20 A. If that's what it states there.  
 09:23 21 Q. Okay. Okay. Would it be fair to say that  
 09:23 22 approximately 12 days later -- not approximately; 12  
 09:23 23 days later on November 22nd is when you spoke with  
 09:23 24 Detective Winn?  
 09:23 25 A. If that's the date on there.

09:23 1 Q. Okay.  
 09:23 2 A. I would have to see it again, sorry.  
 09:23 3 Q. That's okay. That's okay.  
 09:23 4 (Approaching witness.)  
 09:23 5 THE COURT: Yes, sir.  
 09:23 6 THE WITNESS: Yes.  
 09:23 7 Q. (BY MR. GOELLER) Okay. By the way, and I  
 09:23 8 forgot a courtesy to you. I should have told you the  
 09:23 9 first thing. If any point in time you want to consult  
 09:23 10 with Mr. Dickey, you have that right. Do you understand  
 09:23 11 that? That's why he's in the courtroom. Okay?  
 09:23 12 A. Okay. Thank you.  
 09:23 13 Q. And no one's going to be upset with you if you  
 09:24 14 do. You just say, hang on a minute, and you talk to the  
 09:24 15 Judge. All right?  
 09:24 16 A. (Moving head up and down.) Thank you.  
 09:24 17 Q. Your welcome. And you say the third statement  
 09:24 18 you gave was to an Arkansas state trooper, and did you  
 09:24 19 say that was the same day?  
 09:24 20 A. That would be the second statement I gave.  
 09:24 21 Q. Second statement?  
 09:24 22 A. I wrote mine, and then I gave the state trooper  
 09:24 23 mine. Mr. Winn was my third.  
 09:24 24 Q. When you say you reviewed the state trooper  
 09:24 25 one, what does that mean?

09:24 1 A. I wrote. When I wrote -- wrote my statement,  
 09:24 2 the second one was with the state trooper. The third  
 09:24 3 one was with Mr. Winn.  
 09:24 4 Q. Okay. Who wrote out the second statement or  
 09:25 5 the -- well, let me call it the trooper, the Arkansas  
 09:25 6 trooper statement. Who actually wrote that?  
 09:25 7 A. He did.  
 09:25 8 Q. He wrote the statement. And did he give you an  
 09:25 9 opportunity to review it?  
 09:25 10 A. He read back to me just in case he forgot  
 09:25 11 something.  
 09:25 12 Q. Okay. And he gave you the opportunity to  
 09:25 13 initial any changes, any cross-outs, any additions, and  
 09:25 14 any deletions, correct?  
 09:25 15 A. I would have to look at it.  
 09:25 16 Q. Okay.  
 09:25 17 MR. GOELLER: May I approach, Your Honor?  
 09:25 18 THE COURT: Yes.  
 09:25 19 THE WITNESS: Sorry.  
 09:25 20 Q. (BY MR. GOELLER) That's okay. That's all  
 09:25 21 right.  
 09:26 22 A. Yes.  
 09:26 23 Q. Is that your signature?  
 09:26 24 A. Yes. What was that initial for? There's no  
 09:26 25 cross-out there.

09:26 1 Q. Right. But for some reason, did you initial  
 09:26 2 that last page?  
 09:26 3 A. Yeah. That's my initial.  
 09:26 4 Q. And then you signed it?  
 09:26 5 A. Yes.  
 09:26 6 Q. He may have just had you initial the end of it,  
 09:26 7 you know?  
 09:26 8 A. Okay.  
 09:26 9 Q. And then you signed it right underneath that.  
 09:26 10 But as he's writing this statement out, he's actually  
 09:26 11 physically writing it, but he's writing what you are  
 09:26 12 telling him?  
 09:26 13 A. Correct.  
 09:26 14 Q. Okay. And then he gives it to you, seven  
 09:26 15 pages? And you review it. You make some changes, some  
 09:26 16 cross-outs, and you initial where?  
 09:26 17 A. He --  
 09:26 18 Q. I'm sorry. Go ahead.  
 09:26 19 A. He read it back to me, and he did the  
 09:26 20 cross-outs.  
 09:26 21 Q. Okay.  
 09:26 22 A. And then he had me initial.  
 09:27 23 Q. Okay. Then the third statement was the  
 09:27 24 Detective Winn statement, correct?  
 09:27 25 A. Yes.

09:27 1 Q. Did you, in the third statement, did you put in  
 09:27 2 language that you weren't a suspect, and you weren't  
 09:27 3 implicated or anything like that?  
 09:27 4 A. I'm not positive.  
 09:27 5 Q. Okay. If you reviewed it, would you be able to  
 09:27 6 tell?  
 09:27 7 A. Yes. Is it supposed to be on this page here  
 09:28 8 or? (Reading) I did not put it on there.  
 09:28 9 Q. Okay. Did Detective Winn -- apparently he  
 09:28 10 didn't have you read any rights or initial any rights or  
 09:28 11 anything of that nature, did he?  
 09:29 12 A. I believe he did. I remember him reading my  
 09:29 13 rights. There should be a piece of paper in there.  
 09:29 14 Q. Okay. And then after you gave a third  
 09:29 15 statement to Winn, you gave a statement to your  
 09:29 16 stepfather?  
 09:29 17 A. Correct.  
 09:29 18 Q. Okay. And I know it seems like a silly  
 09:29 19 question, but I got to believe that statement was also  
 09:29 20 given up in Arkansas?  
 09:29 21 A. Correct.  
 09:29 22 Q. Where was that statement given? Was that the  
 09:29 23 one that your stepdad typed out single space?  
 09:29 24 A. Yes.  
 09:29 25 Q. Where was that statement given?

09:29 1 A. At our home.  
 09:29 2 Q. At your home?  
 09:29 3 A. Yes.  
 09:29 4 Q. And you and him signed that statement as well,  
 09:30 5 correct?  
 09:30 6 A. Yes.  
 09:30 7 Q. Do you have any idea when that statement was  
 09:30 8 made? I don't see a date?  
 09:30 9 A. I can't really. I can't remember.  
 09:30 10 Q. Okay.  
 09:30 11 A. It was maybe a day or two after, maybe. I'm  
 09:30 12 not positive on that.  
 09:30 13 Q. A day or two after what?  
 09:30 14 A. After Mr. Winn's statement.  
 09:30 15 Q. Okay. So sometime after November 22nd, maybe  
 09:30 16 the 24th or after?  
 09:30 17 A. Yeah.  
 09:30 18 Q. 23rd, 24th, 25th?  
 09:30 19 A. Around in there. I don't really want to say  
 09:30 20 because I can't recall.  
 09:31 21 Q. And was there a typewriter in the house?  
 09:31 22 A. A computer.  
 09:31 23 Q. A computer. And you and him sat down at the  
 09:31 24 computer?  
 09:31 25 A. Yes.

09:31 1 Q. Okay. And he did all the typing?  
 09:31 2 A. Correct.  
 09:31 3 Q. You didn't make any changes or additions or  
 09:31 4 deletions or cross-outs or any initialing as you did in  
 09:31 5 the other statements, correct?  
 09:31 6 A. I would have to look at it to make sure.  
 09:31 7 MR. GOELLER: May I approach, Judge?  
 09:31 8 THE COURT: Yes.  
 09:31 9 A. No, we did not.  
 09:32 10 Q. (BY MR. GOELLER) Okay. He typed it. You  
 09:32 11 signed it.  
 09:32 12 A. Correct.  
 09:32 13 Q. Have you ever been charged with any crime  
 09:32 14 arising out of this entire ordeal?  
 09:32 15 A. Out of this?  
 09:32 16 Q. Yeah.  
 09:32 17 A. No.  
 09:32 18 Q. Have you ever been brought before a Grand  
 09:32 19 Jury -- a case against you brought before a Grand Jury  
 09:32 20 to review whether or not you've committed a crime by  
 09:32 21 probable cause standards?  
 09:32 22 A. No.  
 09:32 23 Q. Have you ever been told by any of the law  
 09:32 24 enforcement officials involved here: Joe Martz, the  
 09:32 25 sheriff in Arkansas, I think his name was -- do you

09:33 1 remember the state trooper's name up there?  
 09:33 2 A. No, I do not.  
 09:33 3 Q. Sergeant Holtz, Haltz, something like that.  
 09:33 4 Either the sheriff, the state trooper, sergeant,  
 09:33 5 Detective Winn, or your father -- did anybody ever tell  
 09:33 6 you you were being investigated for any kind of offense?  
 09:33 7 A. No.  
 09:33 8 Q. And you've never been brought before a Grand  
 09:33 9 Jury, correct?  
 09:33 10 A. Correct.  
 09:33 11 Q. Do you know what a Grand Jury is?  
 09:33 12 A. Like now or?  
 09:33 13 Q. I'm sorry?  
 09:33 14 A. Like right now or?  
 09:33 15 Q. No. A Grand Jury, a body of folks who look  
 09:33 16 into whether or not somebody may have committed a crime?  
 09:34 17 A. No, I have not.  
 09:34 18 Q. In your five-hour meeting with the prosecutors  
 09:34 19 and your lawyer this past Sunday, did anybody indicate  
 09:34 20 to you that you were going to be prosecuted for any  
 09:34 21 crimes?  
 09:34 22 A. No.  
 09:34 23 Q. Okay. Now, your testimony, your sworn  
 09:34 24 testimony under oath to this point is that you had full  
 09:34 25 knowledge. I believe you testified that Ivan killed

09:34 1 some people, correct?  
 09:34 2 A. No, I did not. He said he was gonna.  
 09:35 3 I didn't believe him.  
 09:35 4 Q. Okay. Let's explore that a little bit. You  
 09:35 5 said you saw a gun, correct?  
 09:35 6 A. Not the day he left.  
 09:35 7 Q. Okay. Well, let's explore that a little bit,  
 09:35 8 too. I think you testified that Ivan said he's going to  
 09:35 9 go kill Amy and James, right?  
 09:35 10 A. Yeah.  
 09:35 11 Q. I think you testified that he came back with  
 09:35 12 blood on him?  
 09:35 13 A. Yeah.  
 09:35 14 Q. I think you testified that he had a gun when he  
 09:35 15 came back?  
 09:35 16 A. Yes.  
 09:35 17 Q. I think you testified that you were in the home  
 09:35 18 of the deceased?  
 09:35 19 A. Afterwards.  
 09:35 20 Q. Yeah. You were in the home of the deceased,  
 09:35 21 correct?  
 09:35 22 A. Yes.  
 09:35 23 Q. I think you testified you saw some dead bodies?  
 09:35 24 A. Yeah.  
 09:35 25 Q. I think you testified that Ivan told you he

09:35 1 killed them?  
 09:35 2 A. Yeah.  
 09:36 3 Q. Okay. You actually viewed two dead bodies,  
 09:36 4 correct?  
 09:36 5 A. Yeah.  
 09:36 6 Q. Okay. In fact, I think -- I think you put one  
 09:36 7 of your statements, or did you previously state that  
 09:36 8 after you saw that, you had the dry heaves or something  
 09:36 9 like that?  
 09:36 10 A. Yes.  
 09:36 11 Q. And I think you testified that with all that  
 09:36 12 knowledge, you never notified any authorities, correct?  
 09:36 13 A. When I got to Arkansas, I did.  
 09:36 14 Q. Okay. That was after you knew Mr. Cantu had  
 09:36 15 been arrested and was placed in jail, correct?  
 09:36 16 A. Yes.  
 09:36 17 Q. That's -- and even after that, not even that  
 09:36 18 day, it was after that that you decided to tell the  
 09:37 19 authorities, correct?  
 09:37 20 A. It was the day after, yes.  
 09:37 21 Q. Okay. And I think you testified that you went  
 09:37 22 out with him that night, correct?  
 09:37 23 A. Yes.  
 09:37 24 Q. You went to a club with him?  
 09:37 25 A. Yes.

09:37 1 Q. You bought drugs with him?  
 09:37 2 A. Yes.  
 09:37 3 Q. You, on at least two occasions, you went to  
 09:37 4 your friend's house, Mr. Metal. By the way, do we  
 09:37 5 have -- have we ever found out what Mr. Metal's name is?  
 09:37 6 A. No.  
 09:37 7 Q. You have no idea?  
 09:37 8 A. No, I don't.  
 09:37 9 Q. When we say metal, you know, depending on how  
 09:37 10 you pronounce things. There's like M-E-D-A-L, like, you  
 09:37 11 know, you get a medal in a spelling bee, or M-E-T-A-L.  
 09:38 12 What kind of metal is your Mr. Metal?  
 09:38 13 A. I just always called him metal.  
 09:38 14 Q. Metal?  
 09:38 15 THE COURT: Or M-E-D-D-L-E.  
 09:38 16 MR. GOELLER: Meddle. We know who got the  
 09:38 17 spelling bee.  
 09:38 18 THE COURT: I did win the -- that's one of  
 09:38 19 my primary things that I'm proud of.  
 09:38 20 Q. (BY MR. GOELLER) The way you are saying it,  
 09:38 21 it's like M-E-T-A-L. Like metal, like heavy metal, you  
 09:38 22 know, rock and roll, drugs and that kind of thing?  
 09:38 23 A. Yes.  
 09:38 24 Q. Is that probably what we're talking about?  
 09:38 25 Mr. Metal?

09:38 1 A. Yeah.  
 09:38 2 Q. Metal was your friend, correct?  
 09:38 3 A. Yes.  
 09:38 4 Q. Okay. And y'all went over to Metal's house,  
 09:38 5 you and Ivan -- you testified -- went over to Metal's  
 09:38 6 house to secure more narcotics, correct?  
 09:38 7 A. Yes.  
 09:38 8 Q. And you testified that you kept reminding Ivan  
 09:38 9 that y'all needed to go to Arkansas, correct?  
 09:39 10 A. Yes.  
 09:39 11 Q. And that, in fact, you needed to get going.  
 09:39 12 You needed to get going because you were going to be  
 09:39 13 late to Arkansas, correct?  
 09:39 14 A. Yes.  
 09:39 15 Q. You helped pack things up for the trip to  
 09:39 16 Arkansas, correct?  
 09:39 17 A. Yes.  
 09:39 18 Q. And you helped drive the car to Arkansas,  
 09:39 19 correct?  
 09:39 20 A. No.  
 09:39 21 Q. That's right. Because you don't have a  
 09:39 22 driver's license, right?  
 09:39 23 A. Correct.  
 09:39 24 Q. And you went to Arkansas?  
 09:39 25 A. Yes.

09:39 1 Q. And this is the, apparently the day, the next  
09:39 2 day. I think you testified that -- you testified that  
09:39 3 Ivan came back with blood on him about 11:00 or 12:18  
09:39 4 that morning. And about 12 hours later you start your  
09:39 5 trip to Arkansas?

09:39 6 A. Yes.

09:39 7 Q. Approximately, I think you said 11:00, 12:00,  
09:40 8 something like that?

09:40 9 A. Yes.

09:40 10 Q. And I talk fast, Ms. Boettcher. If you don't  
09:40 11 understand, you tell me to slow down or rephrase it or  
09:40 12 something. Okay?

09:40 13 A. Okay.

09:40 14 Q. And you go to Arkansas, correct?

09:40 15 A. Yes.

09:40 16 Q. How many nights do you stay in Arkansas?

09:40 17 A. We left on the 7th of November.

09:40 18 Q. Okay. Okay. That's when you came back?

09:40 19 A. Yes.

09:40 20 Q. And you went up there on what day?

09:40 21 A. November 4th.

09:40 22 Q. Okay. And you arrived there on the 4th?

09:40 23 A. Yes.

09:40 24 Q. That night. So you spent the night of the 4th  
09:40 25 in Arkansas at the home of your parents, correct?

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09:40 1 Mother, stepfather, right?

09:40 2 A. Yes.

09:40 3 Q. And all day the 5th?

09:41 4 A. Yes.

09:41 5 Q. And then you spent the night there the night of  
09:41 6 the 5th?

09:41 7 A. Yes.

09:41 8 Q. And got up or whatever. And all day on the  
09:41 9 6th, you spent the entire day there on the 6th of  
09:41 10 November, correct?

09:41 11 A. Yes.

09:41 12 Q. Slept at the same home in Arkansas of your  
09:41 13 parents, correct?

09:41 14 A. Yes.

09:41 15 Q. Got up the next day on the 7th?

09:41 16 A. Yes.

09:41 17 Q. Got in the car, packed up, and drove back to  
09:41 18 Dallas, Texas, on the 7th, correct?

09:41 19 A. Correct.

09:41 20 Q. Okay. At no point in time from 12:18 -- I  
09:41 21 guess that on the 4th or the night of the 3rd until you  
09:41 22 got back to Dallas, then flew back to Arkansas on what  
09:42 23 day?

09:42 24 A. I believe it was the 8th, I believe.

09:42 25 Q. The 8th. At any point in time there, did you

09:42 1 ever notify any authorities?

09:42 2 A. No, I did not.

09:42 3 Q. Okay. Ma'am, have you ever heard of the  
09:42 4 offense of misrepresenting of a felony?

09:42 5 A. No, I haven't.

09:42 6 Q. You know, you just judicially confessed to a  
09:42 7 federal felony offense. Did you know that?

09:42 8 A. No, I did not.

09:42 9 Q. Did the district attorney or Detective Winn or  
09:42 10 the Arkansas sergeant or your stepfather, the  
09:42 11 ex-policeman, or Joe Martz the sheriff, or any other  
09:42 12 person in law enforcement ever tell you that your matter  
09:42 13 would be referred to a federal Grand Jury?

09:42 14 A. No, they did not.

09:42 15 Q. Okay. Did any of the above individuals that I  
09:43 16 just stated ever tell you that you could be also, based  
09:43 17 on your testimony, prosecuted under Texas State law for  
09:43 18 hindering apprehension or prosecution? Anybody ever  
09:43 19 tell you that?

09:43 20 A. I don't understand any of those words you said.

09:43 21 Q. Okay. You don't have to understand what it  
09:43 22 means. But did anybody ever tell you they were looking  
09:43 23 at you for those crimes?

09:43 24 A. No, they did not.

09:43 25 Q. Okay. Did -- did they tell you they would

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09:43 1 go -- did anybody tell you they would go to the United  
09:43 2 States Attorney General, either for -- excuse me, United  
09:43 3 States Attorney, federal prosecutor, either in the State  
09:43 4 of Arkansas or the eastern or northern district of Texas  
09:43 5 and go to bat for you?

09:44 6 A. I don't understand your question.

09:44 7 Q. Tell me what you don't understand.

09:44 8 A. I just didn't understand those words you're --  
09:44 9 the bat and all that.

09:44 10 Q. Did anybody ever tell you that they would speak  
09:44 11 on your behalf with the federal prosecutors, either in  
09:44 12 the State of Arkansas or the State of Texas?

09:44 13 A. What do you mean, speak on my behalf?

09:44 14 Q. Help you out.

09:44 15 A. No.

09:44 16 Q. Okay. Did anybody tell you: Don't worry.  
09:44 17 We'll take care of you?

09:44 18 A. Like a lawyer or anything?

09:44 19 Q. No. Like the government.

09:44 20 A. No.

09:44 21 Q. Okay. But your stepfather, before you meet  
09:44 22 with Sheriff Joe in your words, told you how to phrase  
09:45 23 this whole thing, correct? "I'm not implicated. I'm  
09:45 24 not a suspect in anything," right?  
09:45 25 A. Yeah.



09:45 1 Q. I'm sorry?  
 09:45 2 A. Yeah.  
 09:45 3 Q. Okay. Okay. Did -- I believe you stated that  
 09:45 4 you don't have a driver's license, and why is that?  
 09:45 5 A. I had a DWI.  
 09:45 6 Q. I'm sorry?  
 09:45 7 A. A DWI.  
 09:45 8 Q. Driving while intoxicated?  
 09:45 9 A. Yes.  
 09:45 10 Q. In what state?  
 09:45 11 A. Texas.  
 09:45 12 Q. What county?  
 09:45 13 A. Tarrant.  
 09:45 14 Q. When was that?  
 09:45 15 A. In 1999.  
 09:45 16 Q. 1999?  
 09:45 17 A. Uh-huh.  
 09:45 18 Q. Was it your first DWI?  
 09:45 19 A. No.  
 09:45 20 Q. Was it your second DWI?  
 09:45 21 A. I had a DUI up in Minnesota.  
 09:45 22 Q. I'm sorry?  
 09:45 23 A. I had a DUI up in Minnesota.  
 09:46 24 Q. Is that kind of their equivalent of our DWI?  
 09:46 25 A. No. It's just under the influence.

09:46 1 Q. Drunk, but not real drunk?  
 09:46 2 A. Kinda.  
 09:46 3 Q. That's how they do it up in Minnesota?  
 09:46 4 A. I'm not sure.  
 09:46 5 Q. And so they took your license away down here,  
 09:46 6 when you got your DWI?  
 09:46 7 A. I didn't have one at the time.  
 09:46 8 Q. So they took your license away in Minnesota?  
 09:46 9 A. Yes.  
 09:46 10 Q. And when you came to Texas, did you ever have a  
 09:46 11 Texas driver's license?  
 09:46 12 A. No.  
 09:46 13 Q. So when you say your license is suspended, it's  
 09:46 14 really -- you just don't really even have one, right?  
 09:46 15 A. Right.  
 09:46 16 Q. You don't have any valid driver's license from  
 09:46 17 any state, period?  
 09:46 18 A. Not right now.  
 09:46 19 Q. And when you say not right now?  
 09:47 20 A. Well, I used to have one in Minnesota until  
 09:47 21 I --  
 09:47 22 Q. Did they actually take that away?  
 09:47 23 A. Yes.  
 09:47 24 Q. Like pull it? When you -- what happened with  
 09:47 25 your DWI case?

09:47 1 A. Here in Texas?  
 09:47 2 Q. Uh-huh.  
 09:47 3 A. I was put on probation.  
 09:47 4 Q. For how long?  
 09:47 5 A. To 2002.  
 09:47 6 Q. Are you on probation right now?  
 09:47 7 A. Yes.  
 09:47 8 Q. Are you reporting to a probation officer?  
 09:47 9 A. Yes.  
 09:47 10 Q. And who is that?  
 09:47 11 A. Mr. Gonzalez, I believe.  
 09:47 12 Q. A Tarrant County?  
 09:47 13 A. Yes. I believe his name is Gonzalez.  
 09:47 14 Q. But he's a government probation officer?  
 09:47 15 A. Yes.  
 09:47 16 Q. Do you actually report in Tarrant County, or do  
 09:47 17 you get to report in -- well, where are you living now?  
 09:47 18 A. Out of state.  
 09:47 19 Q. Where? Arkansas?  
 09:48 20 MS. FALCO: Your Honor, I object to the  
 09:48 21 relevance of where she's currently living.  
 09:48 22 THE COURT: Tell me where you are going.  
 09:48 23 What the relevance is.  
 09:48 24 MR. GOELLER: I'm trying to figure out if  
 09:48 25 any --

09:48 1 THE COURT: Motion to revoke?  
 09:48 2 MR. GOELLER: Yes. And deals cut and that  
 09:48 3 kind of thing, Judge.  
 09:48 4 THE COURT: Well, I'll let you inquire.  
 09:48 5 Q. (BY MR. GOELLER) What state are you reporting  
 09:48 6 in now?  
 09:48 7 A. I mail in from where I live.  
 09:48 8 Q. And where is that?  
 09:48 9 MS. FALCO: Your Honor, again, I'm going  
 09:48 10 to object to the relevance, specifically where she's  
 09:48 11 mailing in. If he wants to ask her about if she's being  
 09:48 12 revoked or has been revoked or if she's reporting, he  
 09:48 13 can do that without going into where she specifically  
 09:48 14 lives.  
 09:48 15 THE COURT: I'll overrule the objection.  
 09:48 16 But let's -- let's get to wherever we're going and see  
 09:48 17 where we are when we get there.  
 09:48 18 Q. (BY MR. GOELLER) But you don't live in Texas?  
 09:48 19 A. Correct.  
 09:48 20 Q. Okay. And part of the terms and conditions of  
 09:48 21 your probation is that you violate no laws against the  
 09:48 22 State of Texas, correct?  
 09:48 23 A. Correct.  
 09:48 24 Q. You got a big old long probation order, the  
 09:48 25 judge signs, maybe the D.A. signs, your probation

09:49 1 officer signs, you sign, and they give that to you. And  
 09:49 2 wherever you are living now, you report back, correct?  
 09:49 3 You mail back?  
 09:49 4 A. I fill out just the little form.  
 09:49 5 Q. What do you fill out?  
 09:49 6 A. It just states my name, address, phone number.  
 09:49 7 Q. Whether you have been arrested?  
 09:49 8 A. Yes.  
 09:49 9 Q. Whether you are violating any laws in the State  
 09:49 10 of Texas?  
 09:49 11 A. It just asks if you've ever been arrested and  
 09:49 12 your employment.  
 09:49 13 Q. Okay. When did you go on probation, Amy?  
 09:49 14 A. In 1999.  
 09:49 15 Q. Do you know when abouts?  
 09:49 16 A. I'm not positive on the month.  
 09:49 17 Q. Okay. And you said your probation was up in  
 09:49 18 2002?  
 09:50 19 A. Yes.  
 09:50 20 Q. Did you get a three-year probation?  
 09:50 21 A. I believe so.  
 09:50 22 Q. That's a little bit unusual. Okay? Normally  
 09:50 23 the longest you can get is two years in Texas for a  
 09:50 24 misdemeanor. So I'm trying to figure out how you got  
 09:50 25 three. Have you already had your probation extended one

09:50 1 time?  
 09:50 2 A. No, I have not.  
 09:50 3 Q. Okay. Okay. Are you on probation in any other  
 09:50 4 courts, in any other cases, in any other cities, in any  
 09:50 5 other states?  
 09:50 6 A. No.  
 09:50 7 Q. Have you ever been on any other kind of  
 09:50 8 probation?  
 09:50 9 A. No, I have not.  
 09:50 10 Q. So if my understanding is correct, the judge  
 09:50 11 that gave you probation said, you abide by these rules  
 09:50 12 of probation and then you won't go to jail, correct?  
 09:51 13 A. Correct.  
 09:51 14 Q. Now, you testified that you do drugs, illegal  
 09:51 15 drugs almost daily, correct?  
 09:51 16 A. I used to.  
 09:51 17 Q. Okay. And when would you say -- what month and  
 09:51 18 year did you come to Texas?  
 09:51 19 A. I'm not even correct. I was 21. I'm not even  
 09:51 20 sure on the month.  
 09:51 21 Q. Do you remember -- I think you said you joined  
 09:51 22 three gentlemen in Minnesota on a plane trip down here?  
 09:51 23 A. Correct.  
 09:51 24 Q. And that was with -- I think you call them  
 09:51 25 Reub?

09:51 1 A. Reubs.  
 09:51 2 Q. Reubs?  
 09:51 3 A. Yes.  
 09:51 4 Q. I'm trying to get all your friends' names  
 09:51 5 straight, Reubs and Lips and Metal. These guys kind of  
 09:51 6 have funny names, don't they?  
 09:52 7 A. Yes.  
 09:52 8 Q. Do you remember about what season it was when  
 09:52 9 the Reubs came down to live with the Lips?  
 09:52 10 A. It was --  
 09:52 11 Q. Was it spring, winter, fall, summer?  
 09:52 12 A. It was still snowing up in Minnesota.  
 09:52 13 Q. Well, that could be anytime of the year, right?  
 09:52 14 Except probably July. All right. Well, I guess we'll  
 09:52 15 say it was either late fall or early fall or, I mean,  
 09:52 16 was it after Christmas? Was it around New Year's? Was  
 09:52 17 it Easter?  
 09:52 18 A. I want to say it was before Christmas.  
 09:52 19 Q. Before Christmas? So maybe Novemberish of what  
 09:52 20 year about? November, December, October? What year do  
 09:52 21 you think?  
 09:52 22 A. I'm not sure what year. I just know I just  
 09:52 23 turned 21.  
 09:52 24 Q. About how long were you down here before you  
 09:52 25 got your DWI?

09:53 1 A. Maybe a year.  
 09:53 2 Q. Okay. And we know if your DWI was in '99,  
 09:53 3 maybe '98 is when you came down?  
 09:53 4 A. It could have been.  
 09:53 5 Q. Okay. 1998?  
 09:53 6 A. I know I was 21 at the time.  
 09:53 7 Q. Did you ever report in person before -- well,  
 09:53 8 up until November -- well, that's not a fair question.  
 09:53 9 Let me ask you this: When you flew back to Arkansas,  
 09:53 10 when Tawny Svihovec drove you to the airport and you  
 09:53 11 flew back to Arkansas, was that the last time you  
 09:53 12 resided in Texas?  
 09:53 13 A. No.  
 09:54 14 Q. Okay. Did you come back to Texas after that?  
 09:54 15 A. Yes.  
 09:54 16 Q. And when was that?  
 09:54 17 A. I'm not sure on the date.  
 09:54 18 Q. Approximately?  
 09:54 19 A. I can't give you approximate because I'm not  
 09:54 20 sure. I came back because I had to meet with my  
 09:54 21 probation officer, and it was Mr. Ratly at the time.  
 09:54 22 Q. Mr. Ratly?  
 09:54 23 A. Yes.  
 09:54 24 Q. Was he a Tarrant County probation officer?  
 09:54 25 A. Yes. And then when I went to mailing, it got

09:54 1 switched over to Mr. Gonzalez.  
 09:54 2 Q. All right. We'll get there. Be patient with  
 09:54 3 me. Up until -- up until November, let's see you flew  
 09:54 4 back on the 8th. Up until November 8th of 2000, were  
 09:54 5 you reporting in person to the probation officers in  
 09:54 6 Tarrant County?  
 09:54 7 A. Yes.  
 09:54 8 Q. Okay. Going in there monthly?  
 09:54 9 A. Yes.  
 09:54 10 Q. Once a month, or were you on a twice-a-month  
 09:54 11 report?  
 09:54 12 A. Once.  
 09:54 13 Q. Once a month, okay. And you probably had been  
 09:55 14 doing that for about a year, right?  
 09:55 15 A. Yes.  
 09:55 16 Q. Okay. And were they giving you urinalysis  
 09:55 17 tests?  
 09:55 18 A. No.  
 09:55 19 Q. Okay. And probably a good thing, right?  
 09:55 20 A. Yes.  
 09:55 21 Q. Because you were doing drugs. I think you told  
 09:55 22 the prosecutor you were doing drugs everyday?  
 09:55 23 A. Yes.  
 09:55 24 Q. Speed, a form of amphetamine. I mean, I know  
 09:55 25 speed is a street name. You know what speed is, right?

09:55 1 A. Yes.  
 09:55 2 Q. You were doing crank?  
 09:55 3 A. That's the same thing as speed.  
 09:55 4 Q. Okay. Speed, crank, the same thing?  
 09:55 5 A. Yeah.  
 09:55 6 Q. Cocaine?  
 09:55 7 A. Yes.  
 09:55 8 Q. Powder or rock? They call it rock. You've  
 09:55 9 heard of rock?  
 09:55 10 A. Powder.  
 09:55 11 Q. Powder cocaine?  
 09:55 12 A. Yeah.  
 09:55 13 Q. Ecstasy?  
 09:55 14 A. Yes.  
 09:56 15 Q. Pill, right?  
 09:56 16 A. Yes.  
 09:56 17 Q. Pill form?  
 09:56 18 A. Yes.  
 09:56 19 Q. Marijuana?  
 09:56 20 A. Not really.  
 09:56 21 Q. Not really. That's going to lead to another  
 09:56 22 question, you know, when I get the *not reallies*.  
 09:56 23 A. I really didn't smoke that much marijuana.  
 09:56 24 Once in a blue moon. That's why I say, not really.  
 09:56 25 Q. What else? I know I'm leaving something out.

09:56 1 A. I did mushrooms before.  
 09:56 2 Q. Mushrooms. Is that what they call psilocybin?  
 09:56 3 A. I have no idea.  
 09:56 4 Q. How -- what does that stuff look like?  
 09:56 5 A. Like a mushroom kinda. I don't even know how  
 09:56 6 to explain it.  
 09:56 7 Q. Do you know how they get it? Obviously, it's  
 09:56 8 organically grown. Is it a native thing? Like peyote  
 09:56 9 out in the West?  
 09:56 10 A. I'm not sure.  
 09:56 11 Q. What is -- so is it like dried, or is it like a  
 09:56 12 mushroom you get at Tom Thumb? What does it look like?  
 09:57 13 A. It's dried and kind of crun --  
 09:57 14 Q. Crunchy, dried out? And what, do you just chew  
 09:57 15 it and swallow it and eat it?  
 09:57 16 A. Chew it, or you can put it on your food and eat  
 09:57 17 it.  
 09:57 18 Q. Kind of like a topping. Instead of chives on  
 09:57 19 your baked potato, you put some mushrooms. All right.  
 09:57 20 And what does that do to you?  
 09:57 21 A. It makes you hallucinate.  
 09:57 22 Q. See things?  
 09:57 23 A. Yeah.  
 09:57 24 Q. You ever seen any of those documentaries where  
 09:57 25 Apaches or Comanches would want to have a vision, they

09:57 1 do the peyote? Have you ever seen any of that?  
 09:57 2 A. No.  
 09:57 3 Q. What would you do when you were hallucinating?  
 09:57 4 Like, tell the jury what kind of things happened.  
 09:57 5 A. I don't know. You would just see trails off  
 09:57 6 your hands or off of glow sticks.  
 09:58 7 Q. What's a glow stick?  
 09:58 8 A. Little sticks that you crack in half and lay  
 09:58 9 out like those necklaces that you can get at the fairs.  
 09:58 10 They come in sticks.  
 09:58 11 Q. Kind of like a trail marker. And the Marines  
 09:58 12 at night would throw these things out there and  
 09:58 13 hopefully nobody else would see them except you?  
 09:58 14 A. Well, I've never been in the Marines.  
 09:58 15 Q. Bust it. There's a chemical in there?  
 09:58 16 A. Yes.  
 09:58 17 Q. And hopefully you are back in time before it's  
 09:58 18 worn out, right?  
 09:58 19 A. Yes.  
 09:58 20 Q. And what, you do that to -- you do mushrooms  
 09:58 21 and then look at that? Watch that?  
 09:58 22 A. Yes.  
 09:58 23 Q. Would you see things that weren't there -- when  
 09:58 24 you say hallucinate?  
 09:58 25 A. No.

09:58 1 Q. Would it distort reality?  
 09:58 2 A. I don't understand.  
 09:58 3 Q. I mean, would things appear not as they are?  
 09:58 4 A. No.  
 09:59 5 Q. Would you ever mix these drugs?  
 09:59 6 A. I did with cocaine and ecstasy.  
 09:59 7 Q. Cocaine generally makes you what? What does  
 09:59 8 cocaine do to you?  
 09:59 9 A. Wakes me up. Either makes me be really quiet  
 09:59 10 or makes me talk a lot.  
 09:59 11 Q. Does it depend on what kind of mood you are in  
 09:59 12 when you did the coke? Do you know what I'm saying? Or  
 09:59 13 was it kind of a -- who knows what's going to happen  
 09:59 14 once you do the coke?  
 09:59 15 A. No. It was just -- I was either quiet or  
 09:59 16 talkative.  
 09:59 17 Q. Okay. So it could almost be like a downer or  
 09:59 18 an upper?  
 09:59 19 A. Yes.  
 09:59 20 Q. What was the effect you were trying to bring  
 09:59 21 about when you were doing cocaine? Why would you take  
 09:59 22 it? You want to feel what?  
 09:59 23 A. I don't even really know what I was trying to  
 10:00 24 feel.  
 10:00 25 Q. How about the speed? I mean, most people agree

10:00 1 that you take speed to stay up, be wired, go do parties  
 10:00 2 and stuff like that, right?  
 10:00 3 A. Yeah.  
 10:00 4 Q. So when you'd combine the two, what were you  
 10:00 5 trying to achieve?  
 10:00 6 A. When I combined?  
 10:00 7 Q. The cocaine and the speed.  
 10:00 8 A. I didn't really combine cocaine and speed. I  
 10:00 9 would do ecstasy and speed.  
 10:00 10 Q. I'm sorry, ecstasy and speed. Why do you do  
 10:00 11 ecstasy?  
 10:00 12 A. I just liked how it made me feel.  
 10:00 13 Q. And how did it make you feel?  
 10:00 14 A. Just relaxed.  
 10:00 15 Q. Relaxed? So if you are trying to feel relaxed  
 10:00 16 by taking the ecstasy, why do you do the speed with it?  
 10:00 17 A. I didn't do speed with it. I did coke with it.  
 10:00 18 Q. The coke and the ecstasy?  
 10:00 19 A. I don't know.  
 10:01 20 Q. Which two were you combining?  
 10:01 21 A. Ecstasy and coke.  
 10:01 22 Q. Ecstasy and coke. All right. And have you  
 10:01 23 ever thought about why you combined those two? What  
 10:01 24 type of mood change you were trying to achieve?  
 10:01 25 A. No.

10:01 1 Q. So you came to Texas in 1998 when you were 21,  
 10:01 2 were you doing drugs pretty much daily on a consistent  
 10:01 3 basis since you got here?  
 10:01 4 A. No.  
 10:01 5 Q. When the prosecutor -- when you tell the  
 10:01 6 prosecutor that you were doing drugs everyday, tell the  
 10:01 7 jury now what you meant by that. Over what period of  
 10:01 8 time?  
 10:01 9 A. After I left my ex-boyfriend Chris or Reubs.  
 10:01 10 Q. The Reubs?  
 10:01 11 A. Yeah.  
 10:01 12 Q. Okay. Okay. How often were you doing drugs  
 10:01 13 with Reubs?  
 10:01 14 A. I wouldn't do any drugs with Reubs.  
 10:02 15 Q. Never did any drugs?  
 10:02 16 A. No.  
 10:02 17 Q. Did you do a lot of drugs back in Minnesota?  
 10:02 18 A. Off and on.  
 10:02 19 Q. So these three guys you get on the plane with,  
 10:02 20 nobody is doing drugs over at the Reubs' house?  
 10:02 21 A. No.  
 10:02 22 Q. All stand-up, straight-laced kind of guys?  
 10:02 23 A. Well, they would drink alcohol.  
 10:02 24 Q. You are still on probation, right?  
 10:02 25 A. Yeah.

10:02 1 Q. How many times would you say you violated your  
 10:02 2 court-ordered probation in Tarrant County?  
 10:02 3 A. What do you mean violate them?  
 10:02 4 Q. Using dope, driving without a driver's license,  
 10:02 5 all the things that you've testified you've done that  
 10:02 6 are in violation of that judge's order.  
 10:03 7 A. Probably quite a few.  
 10:03 8 Q. Probably in the hundreds, right?  
 10:03 9 A. Probably.  
 10:03 10 Q. Okay. And you have never been served a motion  
 10:03 11 to revoke that probation, correct?  
 10:03 12 A. Served a motion to?  
 10:03 13 Q. Yeah. Where a constable or a sheriff, like  
 10:03 14 Sheriff Joe. Anybody says you violated your probation,  
 10:03 15 you might go to jail now. You need to go back to see  
 10:03 16 the judge in Fort Worth because you have been bad.  
 10:03 17 Anybody ever done that to you?  
 10:03 18 A. No.  
 10:03 19 Q. Anybody ever arrested you? Put you in jail and  
 10:03 20 said, you have violated your probation? It's alleged,  
 10:03 21 you'll get a hearing, but we find there's probable cause  
 10:03 22 to believe that you violated it, so you got to see the  
 10:03 23 judge and see if he's going to throw you in the  
 10:03 24 jailhouse now?  
 10:03 25 A. No.

10:03 1 Q. Nobody's ever done that?  
 10:03 2 A. No.  
 10:03 3 Q. Has anybody ever come by and said, we want you  
 10:04 4 to submit to a urinalysis?  
 10:04 5 A. No.  
 10:04 6 Q. Has anybody from wherever you are living now --  
 10:04 7 has a probation officer in that state ever come to you  
 10:04 8 and said, hmm, we're here on behalf -- well, you know  
 10:04 9 how it works. You are being supervised in another  
 10:04 10 state, and you get to mail in your reports back to Fort  
 10:04 11 Worth, Texas, right?  
 10:04 12 A. I'm not supervised in another state.  
 10:04 13 Q. Oh, they don't even come see you?  
 10:04 14 A. No.  
 10:04 15 Q. You are just --  
 10:04 16 A. I just mail in.  
 10:04 17 Q. You just mail it in?  
 10:04 18 A. Yes.  
 10:04 19 Q. To Texas, to Fort Worth?  
 10:04 20 A. Correct.  
 10:04 21 Q. Tarrant County, okay. So no probation officer  
 10:04 22 in any other state has ever come to you and said, we're  
 10:04 23 here on interstate compact or as a courtesy to the State  
 10:04 24 of Texas to check you out, take a body fluid sample, UA,  
 10:05 25 talk to you a little bit, make sure you are doing all

10:05 1 the things the judge wants you to do. Has that ever  
 10:05 2 happened?  
 10:05 3 A. No.  
 10:05 4 Q. Has it ever happened even up to this day?  
 10:05 5 A. No.  
 10:05 6 Q. Okay. You testified that you flew back to  
 10:05 7 Arkansas and, oh, I think -- I think you testified that  
 10:05 8 you took \$300 of the money and bought a plane ticket?  
 10:05 9 A. Yes.  
 10:05 10 Q. And then when you got to the airport, I guess  
 10:05 11 you had, what, \$700?  
 10:05 12 A. At the airport, yes.  
 10:05 13 Q. Okay. Just out of curiosity, have you ever  
 10:05 14 given that \$300 back to the Mosqueda family?  
 10:06 15 A. Excuse me?  
 10:06 16 Q. Did you hear my question?  
 10:06 17 A. I don't know the last name you --  
 10:06 18 Q. Mosqueda, James?  
 10:06 19 A. No. I gave --  
 10:06 20 Q. Did you, and you gave what? You gave Tawny 400  
 10:06 21 of it?  
 10:06 22 A. Yes.  
 10:06 23 Q. Okay. Did you just give it to her, or did she  
 10:06 24 ask for it?  
 10:06 25 A. I just gave it to her.

10:06 1 Q. Okay. So there was no mention of Ivan owed her  
 10:06 2 money or anything like that?  
 10:06 3 A. She told me earlier that Ivan owed her money.  
 10:06 4 Q. So you just took it upon yourself to give her  
 10:06 5 the 400 after you used the 300?  
 10:06 6 A. Yes.  
 10:06 7 Q. Why would you? Why would you give her James's  
 10:06 8 money?  
 10:06 9 A. I didn't know where the money came from.  
 10:07 10 Q. Okay. Did you ever put in any of your  
 10:07 11 statements that you took \$300 -- took \$700, used 300 and  
 10:07 12 gave Tawny 400?  
 10:07 13 A. I would have to look them over.  
 10:07 14 Q. Okay. I'm going to let you do that probably  
 10:07 15 when we take a break. Okay? Because I don't want to  
 10:07 16 put words in your mouth, and I don't want to delay  
 10:07 17 things right now. But I'll give you -- I'll give you  
 10:08 18 these statements.  
 10:08 19 Did you -- did you review your statements,  
 10:08 20 all one, two, three, four of them this past Sunday when  
 10:08 21 you spent five hours with the DA's office? Got to  
 10:08 22 believe they let you look at your statements?  
 10:08 23 A. Oh, they let me look at them.  
 10:08 24 Q. And this is pretty important stuff, right?  
 10:08 25 A. Right. I just can't remember everything that

10:08 1 was -- that I wrote or said down on there. It's been a  
 10:08 2 while.  
 10:08 3 Q. In your statement to Detective Winn, do you  
 10:08 4 recall under oath stating -- well, strike that. Did you  
 10:08 5 ever make a sworn statement, Tawny drove me to the  
 10:09 6 airport, and I told her before I left to look around?  
 10:09 7 A. I would have to see it.  
 10:09 8 Q. Okay.  
 10:09 9 A. Yes.  
 10:09 10 Q. Okay. As of -- as of right now -- what's  
 10:09 11 today? The 9th day of October, or whatever it is? Has  
 10:09 12 anybody from Tarrant County contacted you about wanting  
 10:09 13 to talk to you about your probation?  
 10:09 14 A. No.  
 10:09 15 Q. Okay. So like you have no fears of going to  
 10:10 16 jail, do you?  
 10:10 17 A. For my --  
 10:10 18 Q. You haven't been served a motion to revoke your  
 10:10 19 probation, right?  
 10:10 20 A. I'm not sure what you are trying to ask me.  
 10:10 21 Q. Nobody has served you a motion to revoke that  
 10:10 22 probation, have they?  
 10:10 23 A. You mean, saying I'm all done with it?  
 10:10 24 Q. No. Saying you were bad while you were on it.  
 10:10 25 A. Nobody has.

10:10 1 Q. Nobody has. Nobody has even called you?  
 10:10 2 Nobody has talked to you? Nobody sent you a letter?  
 10:10 3 Nobody from the government has told you you are going to  
 10:10 4 answer for how you've conducted yourself while on  
 10:10 5 probation, correct?  
 10:10 6 A. Correct.  
 10:10 7 Q. Not one soul has, correct?  
 10:10 8 A. Correct.  
 10:10 9 Q. So, therefore, you have no fears whatsoever  
 10:10 10 about doing jail time out of that case, correct?  
 10:10 11 A. Correct.  
 10:10 12 Q. Just like you have no fears of ever being  
 10:10 13 prosecuted or indicted or investigated or anything of  
 10:10 14 that nature out of this case, correct?  
 10:11 15 A. I didn't do anything.  
 10:11 16 Q. Okay. So you have -- you have had -- I mean,  
 10:11 17 has anybody talked to you about any kind of deals?  
 10:11 18 A. No.  
 10:11 19 Q. Okay. Because there's never been any charges  
 10:11 20 filed. No investigation or anything, correct?  
 10:11 21 A. Not to my knowledge.  
 10:11 22 Q. Okay. You mentioned something. I may have  
 10:11 23 wrote it down wrong. Did you say that your mother --  
 10:11 24 your mother lives in Arkansas, right?  
 10:11 25 A. Yes.

10:11 1 Q. Okay. In that IZARD County?  
 10:12 2 A. Yeah.  
 10:12 3 Q. And that's where your stepfather lives, right?  
 10:12 4 A. Yes.  
 10:12 5 Q. Did you say they are going through a divorce  
 10:12 6 right now?  
 10:12 7 A. Yes.  
 10:12 8 Q. Is that divorce final, or are they in the  
 10:12 9 middle of it or --  
 10:12 10 A. Pretty much in a battle.  
 10:12 11 Q. They are in a battle?  
 10:12 12 A. Yeah.  
 10:12 13 Q. Is your mother down here with you?  
 10:12 14 A. No.  
 10:12 15 Q. Is your stepfather down here with you?  
 10:12 16 A. Yes.  
 10:12 17 Q. Did you all come down together?  
 10:12 18 A. Yes.  
 10:12 19 Q. Did -- who is paying for that? Who paid to get  
 10:12 20 you down here?  
 10:12 21 A. The State, I guess.  
 10:12 22 Q. Okay. Okay.  
 10:12 23 A. I'm not sure. I didn't.  
 10:12 24 Q. Do you live with your stepfather or your  
 10:12 25 mother, or neither?

10:12 1 A. Neither.  
 10:13 2 Q. You testified that -- I think you said you  
 10:13 3 moved -- you moved out of your house when you were about  
 10:13 4 16 to 18?  
 10:13 5 A. Yes.  
 10:13 6 Q. Was that in Minnesota --  
 10:13 7 A. Yeah.  
 10:13 8 Q. -- Amy? We know you came to Texas when you  
 10:13 9 were 21. What did you do during those five years up  
 10:13 10 there?  
 10:13 11 A. Lived with friends.  
 10:13 12 Q. You and your brother were doing a lot of drugs  
 10:13 13 up there, weren't you?  
 10:13 14 A. I didn't really hang with my -- hang out with  
 10:13 15 my brother that much in Minnesota.  
 10:13 16 Q. Why was that?  
 10:13 17 A. I don't know. We just weren't that close.  
 10:13 18 Q. I don't mean to pry, but are you -- are you  
 10:13 19 detoxing right now?  
 10:14 20 A. I don't understand your question.  
 10:14 21 Q. Okay. Are you coming down off something?  
 10:14 22 A. No.  
 10:14 23 Q. Okay. When was the last time you used any  
 10:14 24 illegal drugs?  
 10:14 25 A. About a month ago.

10:14 1 Q. A month ago?  
 10:14 2 A. Uh-huh.  
 10:14 3 Q. What were you using, hon?  
 10:14 4 A. I did cocaine.  
 10:14 5 Q. Okay. Would you say that you've used cocaine  
 10:14 6 for -- and how old are you today?  
 10:14 7 A. 25.  
 10:14 8 Q. 25? So for at least seven years you've been  
 10:14 9 using cocaine, ecstasy, crank, and various other drugs,  
 10:14 10 correct?  
 10:14 11 A. Not for seven years.  
 10:14 12 Q. How many years?  
 10:14 13 A. I don't know, about five or six.  
 10:14 14 Q. Five or six years? Are you -- do you know what  
 10:14 15 detoxing means?  
 10:14 16 A. No.  
 10:14 17 Q. It means you are going through kind of a  
 10:14 18 withdrawal?  
 10:14 19 A. No.  
 10:14 20 Q. Okay. Yesterday when you were raising your  
 10:15 21 hand a lot, and you had to take a break. And about an  
 10:15 22 hour each time you testified, about an hour into it, you  
 10:15 23 start looking funny.  
 10:15 24 A. I just feel nauseous.  
 10:15 25 Q. And why -- is that because you are detoxing?

10:15 1 A. No.  
 10:15 2 Q. Do you need a hit of something, you feel?  
 10:15 3 A. No.  
 10:15 4 Q. You did cocaine last month?  
 10:15 5 A. Yes.  
 10:15 6 Q. Does your -- did you tell the prosecutors that?  
 10:15 7 A. Yes.  
 10:15 8 Q. Okay. When did you tell them that?  
 10:15 9 A. On Sunday.  
 10:15 10 Q. Okay. Did they ask you if you were feeling  
 10:15 11 okay or something was funny with you?  
 10:15 12 A. No.  
 10:15 13 Q. Okay. Okay. Where are you getting your  
 10:16 14 cocaine from?  
 10:16 15 A. I got it from a friend.  
 10:16 16 Q. A friend?  
 10:16 17 A. Yeah.  
 10:16 18 Q. A stranger just wouldn't give it to you, would  
 10:16 19 they?  
 10:16 20 A. No.  
 10:16 21 Q. Who is your friend?  
 10:16 22 A. Steve.  
 10:16 23 Q. Steve?  
 10:16 24 A. I don't know his last name.  
 10:16 25 Q. He's a friend, but you don't know his last

10:16 1 name?  
 10:16 2 A. Right.  
 10:16 3 Q. Is that his street name, Steve?  
 10:16 4 A. That's his real name.  
 10:16 5 Q. What's his -- I got to believe he's got another  
 10:16 6 name?  
 10:16 7 A. No.  
 10:16 8 Q. No? Lips or Metal or anything like that?  
 10:16 9 A. No.  
 10:16 10 Q. Okay. Have you done any cocaine? Did you do  
 10:16 11 any cocaine yesterday?  
 10:16 12 A. No.  
 10:16 13 Q. I'm sorry?  
 10:16 14 A. No.  
 10:16 15 Q. Did you do any today?  
 10:17 16 A. No.  
 10:17 17 Q. Do you have any cocaine with you in Texas?  
 10:17 18 A. No.  
 10:17 19 Q. All right. Do you feel nauseous right now?  
 10:17 20 A. Yes.  
 10:17 21 Q. Do you feel like you are going to be sick?  
 10:17 22 A. Kind of.  
 10:17 23 Q. Do you want to take a break?  
 10:17 24 A. A little bit.  
 10:17 25 Q. Because you look green, hon. Judge, can we

10:17 1 take a break? She looks awful. I don't mean it that  
 10:17 2 way. It's apparent she needs help.  
 10:17 3 THE COURT: She looks okay to me. But I  
 10:17 4 tell you what, we can take a 15-minute recess. Let's  
 10:17 5 come back at 10:35 and continue.  
 10:17 6 THE BAILIFF: All rise.  
 10:19 7 (Break.)  
 10:38 8 THE COURT: Let's bring the jury back in.  
 10:38 9 (Open court, defendant and jury present.)  
 10:40 10 THE COURT: Please be seated.  
 10:40 11 Mr. Goeller, go ahead.  
 10:40 12 MR. GOELLER: Thank you, Your Honor.  
 10:40 13 Q. (BY MR. GOELLER) Ms. Boettcher, are you on any  
 10:40 14 prescription medication?  
 10:40 15 A. No.  
 10:40 16 Q. I had asked you earlier about whether or not  
 10:40 17 you put in any of your statements, the bit about the  
 10:40 18 \$700, the \$300 for the ticket, \$400 for Tawny. Have you  
 10:41 19 put that in any of your statements?  
 10:41 20 A. So far I don't see any in here.  
 10:41 21 Q. Okay. You got one more to go?  
 10:41 22 A. Yeah.  
 10:41 23 Q. Go ahead. Take your time.  
 10:41 24 A. I don't see that I stated anything in here,  
 10:41 25 unless I'm looking it over.

10:42 1 Q. Not in any of your four statements?  
 10:42 2 A. I don't see it.  
 10:42 3 Q. Ms. Boettcher, the State could send a copy of  
 10:42 4 that court reporter's transcript over to Tarrant County,  
 10:42 5 and that might cause you some trouble. Do you know  
 10:42 6 that?  
 10:42 7 A. Yes.  
 10:42 8 Q. But that would be a decision that the State  
 10:42 9 gets to decide, whether or not they do that. They told  
 10:42 10 you? I mean, have they talked to you about what you  
 10:42 11 testified to yesterday when the State had you?  
 10:42 12 A. As in?  
 10:42 13 Q. What they are going to do?  
 10:42 14 A. Like as in my probation?  
 10:42 15 Q. Yeah.  
 10:42 16 A. No.  
 10:42 17 Q. Detective Jerry Johnson or the prosecutors or  
 10:42 18 anybody from law enforcement or the government?  
 10:42 19 A. No, they have not.  
 10:43 20 Q. Okay. Okay. Did you -- were you a dancer down  
 10:43 21 here in Texas?  
 10:43 22 A. Yes, sir, I was.  
 10:43 23 Q. Where did you dance?  
 10:43 24 A. Baby Dolls.  
 10:43 25 Q. A gentleman's club or a man's club or something

10:43 1 like that?  
 10:43 2 A. Yes.  
 10:43 3 Q. Anywhere else?  
 10:43 4 A. Not down here, no.  
 10:43 5 Q. Was there somewhere else? When you say not  
 10:43 6 down here, that kind of implies there was somewhere  
 10:43 7 else? Where was that?  
 10:43 8 A. Up in Minnesota I did when I was 18.  
 10:43 9 Q. I think you testified -- you testified  
 10:43 10 yesterday that when Ivan came back to your apartment on  
 10:43 11 the night of the 3rd or morning of the 4th, I guess, he  
 10:43 12 had a swollen face, correct?  
 10:43 13 A. Yes.  
 10:43 14 Q. And you testified that James had hit him in the  
 10:44 15 face with a baseball bat?  
 10:44 16 A. No.  
 10:44 17 Q. What did you say? What did you say? You said  
 10:44 18 something about a baseball bat.  
 10:44 19 A. I stated that Ivan said.  
 10:44 20 Q. Okay. That --  
 10:44 21 A. James had hit him.  
 10:44 22 Q. Hit him with --  
 10:44 23 A. A baseball bat.  
 10:44 24 Q. Okay. James hit him with a baseball bat. You  
 10:44 25 are saying, Ivan said, "James hit me with a baseball

10:44 1 bat"?  
 10:44 2 A. Yes.  
 10:44 3 Q. And in your statement to Detective Winn --  
 10:44 4 well, did you ever make a sworn statement that the left  
 10:44 5 side of his face was all swollen?  
 10:44 6 A. Left side of Ivan's face?  
 10:44 7 Q. Yeah.  
 10:44 8 A. Yes.  
 10:44 9 Q. Okay. And that's when he came back. I think  
 10:45 10 you said you looked at your VCR clock; it was 12:18 that  
 10:45 11 morning?  
 10:45 12 A. Correct.  
 10:45 13 Q. Okay. In -- in the statement that was taken by  
 10:45 14 your stepfather, is he retired -- am I using the right  
 10:45 15 word, retired peace officer, Dick Kremer?  
 10:45 16 A. He's disabled.  
 10:45 17 Q. Okay. How many years did he have in law  
 10:45 18 enforcement?  
 10:45 19 A. I'm not positive.  
 10:45 20 Q. I mean, was it his whole life, just a couple?  
 10:45 21 A. I'm not sure. I can't answer that.  
 10:45 22 Q. But you know he was a peace officer, right, or  
 10:45 23 a policeman?  
 10:45 24 A. Well, he was a Deputy Sheriff.  
 10:45 25 Q. Yeah. They are cops.

10:46 1 A. Oh, okay, yeah.  
 10:46 2 Q. In your statement to him you also said the side  
 10:46 3 of his face was swollen, correct?  
 10:46 4 A. Ivan's?  
 10:46 5 Q. Yeah.  
 10:46 6 A. Yes.  
 10:46 7 Q. Yeah. It wasn't swollen before he went over to  
 10:46 8 James'?  
 10:46 9 A. No.  
 10:46 10 Q. It was after he came back at 12:18, you noticed  
 10:46 11 his face -- I guess his left side of his face was  
 10:46 12 swollen, correct?  
 10:46 13 A. Correct.  
 10:46 14 Q. Okay. And in your sworn statement to the  
 10:46 15 Arkansas state trooper -- you've testified, I know  
 10:46 16 you've testified. You were interviewed and debriefed by  
 10:46 17 an Arkansas state trooper, and he took a statement from  
 10:47 18 you, correct?  
 10:47 19 A. Yeah.  
 10:47 20 Q. Did you testify -- not testify. Did you make a  
 10:47 21 statement to that individual, the Arkansas state  
 10:47 22 trooper, that James had hit him with something and that  
 10:47 23 it wasn't pretty?  
 10:47 24 A. I would have to see it.  
 10:47 25 Q. Okay.

10:47 1 MR. GOELLER: May I approach?  
 10:47 2 THE COURT: Yes.  
 10:47 3 A. I stated that Ivan said.  
 10:47 4 Q. (BY MR. GOELLER) Okay. What?  
 10:47 5 A. That James had hit him with something, and it  
 10:47 6 wasn't pretty.  
 10:47 7 Q. But you testified under oath yesterday, when  
 10:47 8 the prosecutor was asking you that and on at least three  
 10:47 9 prior occasions with three other law enforcement  
 10:47 10 personnel, you've given the same consistent statement,  
 10:47 11 correct?  
 10:47 12 A. Correct.  
 10:47 13 Q. Okay. All right. Now, when the prosecutor was  
 10:48 14 asking you questions yesterday, you didn't mention a  
 10:48 15 baseball bat, did you?  
 10:48 16 A. No, I did not.  
 10:48 17 Q. Okay. Was that little piece of information  
 10:48 18 discussed at the Sunday meeting?  
 10:48 19 A. Not that I recall.  
 10:48 20 Q. Okay. Okay. Did you ever make the sworn  
 10:48 21 statement: I looked through cupboards, the fridge, and  
 10:49 22 the desk drawers in an office in regards to when you  
 10:49 23 went over to James and -- James Mosqueda's house?  
 10:49 24 A. I would have to see it.  
 10:49 25 MR. GOELLER: May I approach again, Judge?



10:49 1 THE COURT: Yes.  
 10:49 2 A. Sorry.  
 10:49 3 Q. (BY MR. GOELLER) That's okay.  
 10:49 4 A. Yes, I did.  
 10:49 5 Q. Now, I think you testified -- correct me if I'm  
 10:49 6 wrong -- that you testified that sometime around 11:30  
 10:49 7 James talked to Ivan on the telephone?  
 10:49 8 A. I said I believed he was talking to James.  
 10:49 9 Q. Why did you believe that?  
 10:49 10 A. Because he said he had to come over and talk to  
 10:49 11 him, and I thought I heard James' name.  
 10:49 12 Q. You heard what?  
 10:49 13 A. I thought I heard -- excuse me, I thought I  
 10:49 14 heard him say James's name.  
 10:49 15 Q. Okay. And he left?  
 10:49 16 A. Correct.  
 10:49 17 Q. Okay. And you said that Ivan said, "I have to  
 10:50 18 go kill James and Amy," right?  
 10:50 19 A. Yes.  
 10:50 20 Q. Okay. Did you believe him?  
 10:50 21 A. No.  
 10:50 22 Q. Okay. And then I thought I heard you say, he  
 10:50 23 was gone from about 11:30 to 12:18 a.m., 11:30 p.m. to  
 10:50 24 12:18 a.m., correct?  
 10:50 25 A. Correct.

10:50 1 Q. And during that time did you actually speak  
 10:50 2 with Dick Kremer, your stepfather, the ex-deputy?  
 10:50 3 A. Yes.  
 10:50 4 Q. You spoke with him on the phone?  
 10:50 5 A. Yes.  
 10:50 6 Q. You testified about a fight y'all had, I guess,  
 10:50 7 the night before, correct?  
 10:50 8 A. Correct.  
 10:50 9 Q. Okay. Did you testify that Ivan got up and  
 10:50 10 went to work the next morning?  
 10:50 11 A. Correct.  
 10:50 12 Q. Okay. What time does he leave for work, or did  
 10:51 13 he leave for work that day?  
 10:51 14 A. I'm not positive. I was sleeping.  
 10:51 15 Q. What time does he normally go to work?  
 10:51 16 A. I'm not sure. All different times.  
 10:51 17 Q. All different times?  
 10:51 18 A. I can't remember.  
 10:51 19 Q. But he wasn't -- you testified he wasn't home  
 10:51 20 all day?  
 10:51 21 A. Correct.  
 10:51 22 Q. And then you testified he went to his second  
 10:51 23 job waiting tables at Soup or Salads?  
 10:51 24 A. That night, I believe he just went to Soup and  
 10:51 25 Salads.

10:51 1 Q. Okay. And then you testified you got home at,  
 10:51 2 what, 10:30 or something like that?  
 10:51 3 A. Around there. I'm not positive on the time.  
 10:51 4 Q. And you were living in that apartment complex,  
 10:51 5 right?  
 10:51 6 A. What one?  
 10:51 7 Q. 1004?  
 10:51 8 A. Pear Ridge?  
 10:51 9 Q. Yes. How many people do you think live in that  
 10:51 10 apartment complex?  
 10:51 11 A. I'm not sure.  
 10:51 12 Q. Lots?  
 10:51 13 A. Most likely.  
 10:51 14 Q. How far are you from the toll road?  
 10:51 15 A. Maybe a block or so.  
 10:51 16 Q. Okay. Since Mr. Cantu was arrested and you  
 10:52 17 went back to Arkansas, and you have been back to Texas  
 10:52 18 several times, correct?  
 10:52 19 A. Correct.  
 10:52 20 Q. And everybody knew where to get ahold of you in  
 10:52 21 Arkansas, right?  
 10:52 22 A. Right.  
 10:52 23 Q. Certainly Joe Martz, the sheriff, and the state  
 10:52 24 trooper up there and Detective Winn and everybody knew  
 10:52 25 how to get ahold of you, right?

10:52 1 A. Right.  
 10:52 2 Q. And you've kept in contact with the district  
 10:52 3 attorney's office?  
 10:52 4 A. Yes.  
 10:52 5 Q. How many times have you come down here and met  
 10:52 6 with the DA's office?  
 10:52 7 A. I came down one time and met with Mr. Winn.  
 10:53 8 Q. Okay.  
 10:53 9 A. And I came down, I want to say, two or three  
 10:53 10 times and met here.  
 10:53 11 Q. Has anyone -- you ever heard of the FBI?  
 10:53 12 A. Yes.  
 10:53 13 Q. You know the FBI, the Federal Bureau of  
 10:53 14 Investigation.  
 10:53 15 A. Yeah.  
 10:53 16 Q. Has anyone from the FBI or anyone from the  
 10:53 17 government law enforcement agency ever interviewed you  
 10:53 18 or debriefed you about organized crime activity or  
 10:53 19 connections?  
 10:53 20 A. No.  
 10:53 21 Q. Now, you testified that Ivan told you early on  
 10:53 22 that he was in the Mafia or the mob or something like  
 10:54 23 that, right?  
 10:54 24 A. Yes.  
 10:54 25 Q. And you didn't believe him. You knew he was

10:54 1 lying, right?  
 10:54 2 A. I wasn't sure what to believe.  
 10:54 3 Q. Okay. Because if you believed him or even if  
 10:54 4 you weren't sure, you certainly wouldn't be part of any  
 10:54 5 kind of that lifestyle? My God, you'd be ten counties  
 10:54 6 over in ten minutes, wouldn't you?  
 10:54 7 A. I'm not sure how the mob runs.  
 10:54 8 Q. Would Ivan boast and brag and say a lot of  
 10:54 9 stupid things that you just kind of blew off? Oh,  
 10:54 10 that's just Ivan. He's got a mouth?  
 10:54 11 A. What do you mean "boast"?  
 10:54 12 Q. You know, talk big.  
 10:54 13 A. Yeah.  
 10:55 14 Q. Were you enjoying the lifestyle that you had  
 10:55 15 going?  
 10:55 16 A. As in, what do you mean?  
 10:55 17 Q. Not having to work, sleeping all day, partying  
 10:55 18 all night?  
 10:55 19 A. Yes.  
 10:55 20 Q. Okay. And part of that -- well, I assume what  
 10:55 21 was especially good about that is that it didn't cost  
 10:55 22 you any money to have to do that either, right?  
 10:55 23 A. Right.  
 10:55 24 Q. Would you say you've always been able to kind  
 10:55 25 of manipulate your way into the lifestyle you chose to

10:56 1 live?  
 10:56 2 A. No.  
 10:56 3 Q. How did you get that way then?  
 10:56 4 A. I don't know.  
 10:56 5 Q. Okay. I think you testified that -- you said  
 10:56 6 that Ivan told you, "go move the Mercedes," when he  
 10:56 7 first came back?  
 10:56 8 A. Yeah.  
 10:56 9 Q. And you testified he was getting in the shower?  
 10:56 10 A. Yes.  
 10:56 11 Q. And he wasn't dressed, right?  
 10:56 12 A. I don't remember saying he wasn't dressed.  
 10:56 13 Q. Okay. Was he getting in the shower?  
 10:56 14 A. I believe so.  
 10:56 15 Q. Okay. And you know how to drive, right?  
 10:56 16 A. Yes.  
 10:56 17 Q. Okay. And did you go out and move or repair  
 10:56 18 the Mercedes?  
 10:57 19 A. Yeah.  
 10:57 20 Q. Never made a run for it?  
 10:57 21 A. No. I was scared.  
 10:57 22 Q. Never drove the block to the toll road?  
 10:57 23 A. No, I did not.  
 10:57 24 Q. Never floored that Mercedes and got out of Pear  
 10:57 25 Ridge Apartments?

10:57 1 A. No, I did not.  
 10:57 2 Q. Never lay on the horn and flash the high beams  
 10:57 3 and scream at the top of your lungs?  
 10:57 4 A. No, I did not.  
 10:57 5 Q. Never drive out in the street and hit the first  
 10:57 6 intersection and lock the brakes up and stay right in  
 10:57 7 the middle of the intersection with the horn blaring,  
 10:57 8 and nothing like that?  
 10:57 9 A. No.  
 10:57 10 Q. I thought I heard you say you guys kept  
 10:57 11 mushrooms in your refrigerator?  
 10:58 12 A. In the freezer.  
 10:58 13 Q. In the freezer. Okay. Did you like mushrooms?  
 10:58 14 A. No, I did not.  
 10:58 15 Q. Okay. You know there were mushrooms in the  
 10:58 16 freezer, right?  
 10:58 17 A. I seen Ivan grab them out of there.  
 10:58 18 Q. Yeah. So you knew they were in there?  
 10:58 19 A. I didn't know they were in there until Ivan  
 10:58 20 grabbed them out of there.  
 10:58 21 Q. Where would you keep your dope?  
 10:58 22 A. I wouldn't really keep it on me.  
 10:58 23 Q. Not on you? I mean, in the apartment. Where  
 10:58 24 would you keep your drugs in the apartment?  
 10:58 25 A. Wherever we would set them.

10:58 1 Q. For example?  
 10:58 2 A. I don't know. In the bathroom, in the cabinet.  
 10:58 3 Q. Where did you prefer to keep your drugs?  
 10:58 4 A. I really didn't have no control over them.  
 10:58 5 Ivan hung on to them.  
 10:58 6 Q. When you say you were doing drugs on a daily  
 10:59 7 basis, I assume that was in the home, correct, or the  
 10:59 8 apartment you lived in?  
 10:59 9 A. Yes.  
 10:59 10 Q. And you would know where to get the drugs,  
 10:59 11 right?  
 10:59 12 A. Yeah.  
 10:59 13 Q. Would you use them by yourself while you were  
 10:59 14 at the apartment?  
 10:59 15 A. No.  
 10:59 16 Q. You continued to use drugs on November 5th,  
 10:59 17 November 6th, November 7th, November 8th, and then after  
 10:59 18 that, well, we know just last month, correct?  
 10:59 19 A. No. I used it one time up in Arkansas at my  
 11:00 20 parents' when we were up there.  
 11:00 21 Q. Okay. And what were you using up there?  
 11:00 22 A. I went out and smoked some speed.  
 11:00 23 Q. Smoked speed. Tell me how that works.  
 11:00 24 A. You just put the speed in a glass pipe and  
 11:00 25 light the pipe and just smoke it.

11:00 1 Q. Were you at your parents' house when you did  
 11:00 2 that?  
 11:00 3 A. I was in the woods.  
 11:00 4 Q. In the woods?  
 11:00 5 A. Yes.  
 11:00 6 Q. Do they live in a wooded area or near a wooded  
 11:00 7 area?  
 11:00 8 A. They live in -- way out in the country like a  
 11:00 9 population of 205 people.  
 11:00 10 Q. So you just, did you have to drive to this  
 11:00 11 place or just walk to the woods?  
 11:00 12 A. We took the four-wheeler.  
 11:00 13 Q. The four-wheeler?  
 11:00 14 A. Yes.  
 11:00 15 Q. Were you afraid your parents would catch you?  
 11:00 16 A. No.  
 11:00 17 Q. Okay. In all the mail-in reports -- by the  
 11:01 18 way, who gave you -- somebody had to give you permission  
 11:01 19 to leave the state of Texas on probation. Who was that?  
 11:01 20 A. My probation officer, Mr. Ratly, contacted  
 11:01 21 Mr. Winn, and Mr. Ratly gave me permission.  
 11:01 22 Q. Oh, wait a minute, wait a minute. Your  
 11:01 23 probation officer talked to Detective Winn?  
 11:01 24 A. Uh-huh.  
 11:01 25 Q. Anthony Winn, the lead detective in this case?

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11:01 1 A. Yes.  
 11:01 2 Q. Were you there?  
 11:01 3 A. No.  
 11:01 4 Q. But you know that conversation took place?  
 11:01 5 A. I told Mr. Winn -- I mean, Mr. Ratly to call  
 11:01 6 Mr. Winn because I told him I would not live in Texas no  
 11:01 7 more.  
 11:01 8 Q. So Winn took care of that problem for you. He  
 11:01 9 got Ratly to let you leave the State of Texas?  
 11:01 10 A. I'm not positive if Mr. Winn did or not.  
 11:01 11 Q. Okay. But you know they spoke, apparently?  
 11:02 12 A. Yeah.  
 11:02 13 Q. Okay. All right. And you were allowed to  
 11:02 14 leave the state of Texas?  
 11:02 15 A. Correct.  
 11:02 16 Q. And when you left the state of Texas, were you  
 11:02 17 ~~ordered to report in person to a probation officer in~~  
 11:02 18 ~~your new state?~~  
 11:02 19 A. No.  
 11:02 20 Q. It was mail back these cards right from the  
 11:02 21 get-go, as soon as you left?  
 11:02 22 A. They just have me mail in the piece of paper.  
 11:02 23 And after, I think it's either two or three months, I  
 11:02 24 have to come and check in in person.  
 11:02 25 Q. Have you done that?

11:02 1 A. I've done it once.  
 11:02 2 Q. When was that?  
 11:02 3 A. I can't even recall. It was a while back.  
 11:02 4 Q. Was it last month?  
 11:02 5 A. No. It was -- it was during the summertime  
 11:02 6 because I remember it was super hot down here.  
 11:02 7 Q. This past summer?  
 11:02 8 A. Yeah.  
 11:02 9 Q. June, July, August?  
 11:03 10 A. Right in there somewhere. I'm not positive,  
 11:03 11 though, on that.  
 11:03 12 Q. And you came back to Tarrant County?  
 11:03 13 A. Yes.  
 11:03 14 Q. Did you submit to random urinalysis?  
 11:03 15 A. No.  
 11:03 16 Q. Did they question you at all?  
 11:03 17 A. No.  
 11:03 18 Q. Just, I'm here and okay and good-bye?  
 11:03 19 A. Yeah.  
 11:03 20 Q. Okay. All right. Did you tell the prosecutors  
 11:03 21 about that conversation between Winn and your probation  
 11:03 22 officer?  
 11:03 23 A. No, I did not.  
 11:03 24 Q. Okay. You testified that Ivan wanted you to  
 11:03 25 get a job, right?

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11:03 1 A. Yeah.  
 11:04 2 Q. And you'd worked in, let's see, the apartment  
 11:04 3 leasing business, the insurance business, the -- well,  
 11:04 4 I'm leaving something out.  
 11:04 5 A. Receptionist.  
 11:04 6 Q. Receptionist business. Was he trying to get  
 11:04 7 you to go out and get a job?  
 11:04 8 A. He really didn't like --  
 11:04 9 Q. Force you?  
 11:04 10 A. Right.  
 11:04 11 Q. But he encouraged you?  
 11:04 12 A. Right. Kind of, he wasn't. He was really  
 11:04 13 nice, you know. It's kinda --  
 11:04 14 Q. Did you ever do that?  
 11:04 15 A. I went and got applications and filled them  
 11:04 16 out, but I never returned them.  
 11:04 17 Q. Was -- you know Ivan's mother, Sylvia, right?  
 11:04 18 A. Yes.  
 11:04 19 Q. Was there kind of some friction about you just  
 11:04 20 kind of laying around all day and not working, not  
 11:04 21 trying to help out, just hanging?  
 11:05 22 A. Yeah.  
 11:05 23 Q. You testified that -- yeah, you said your  
 11:05 24 relationship with Ivan was fantastic. Do you remember  
 11:05 25 saying that?

11:05 1 A. Yes, I did.  
 11:05 2 Q. You've been with -- how many men would you say  
 11:05 3 you've dated? Several?  
 11:05 4 A. Yes.  
 11:05 5 Q. When you say fantastic, is that? Maybe go into  
 11:05 6 some detail for us. Tell us why it was fantastic.  
 11:05 7 A. He treated me like a queen.  
 11:06 8 Q. He treated you like a queen?  
 11:06 9 A. Yes.  
 11:06 10 Q. You said you fell in love with him, right?  
 11:06 11 A. Yes.  
 11:06 12 Q. What kind of Ivan did you fall in love with?  
 11:06 13 Obviously, you didn't fall in love with a guy that was  
 11:06 14 high or stoned or doped out, right?  
 11:06 15 A. Yeah. He was very polite. Always made sure I  
 11:06 16 was comfortable. Took -- I mean, he was really, he  
 11:06 17 really took good care of me.  
 11:06 18 Q. Almost to a fault, right?  
 11:06 19 A. Whatever a fault means.  
 11:06 20 Q. Probably should have got you out working a  
 11:06 21 little sooner. Or, well, you never did. But probably  
 11:06 22 should have pushed that a little more.  
 11:06 23 A. Yeah.  
 11:06 24 Q. You know, you need to get up in the morning and  
 11:06 25 do the grind like most people do, right? Was he caring?

11:06 1 A. Yes.  
 11:06 2 Q. And you said he was -- he took care of you, and  
 11:06 3 he was a gentleman?  
 11:06 4 A. Yeah. Always opened and closed my doors,  
 11:06 5 everything.  
 11:06 6 Q. Did he protect you?  
 11:07 7 A. As in, what do you mean?  
 11:07 8 Q. You know, how a man might protect a woman.  
 11:07 9 Care for you, make sure you are okay. All that kind of  
 11:07 10 thing?  
 11:07 11 A. If I was sick, he would take care of me.  
 11:07 12 Q. Tell me how.  
 11:07 13 A. Like, bring me soup or go get me medicine at  
 11:07 14 the store if I needed it.  
 11:07 15 Q. Okay. Were you accustomed to that kind of  
 11:07 16 treatment from men?  
 11:07 17 A. No.  
 11:07 18 Q. Was that why -- is that why you chose the word  
 11:07 19 fantastic?  
 11:07 20 A. Yes.  
 11:08 21 Q. When you got up that day, you said, Ivan wasn't  
 11:08 22 home when you got up, and I think you testified he was  
 11:08 23 either at Countrywide or Soup or Salads doing -- what,  
 11:08 24 did he wait tables there at Soup or Salads?  
 11:08 25 A. I believe so.

11:08 1 Q. What drugs had you done that day?  
 11:08 2 A. On what day?  
 11:08 3 Q. The day you got up in the afternoon before  
 11:08 4 Melanie got there. Melody or Melanie?  
 11:08 5 A. Melanie.  
 11:08 6 Q. Mel. I think you called her Mel, right?  
 11:08 7 A. Yes, I did.  
 11:08 8 Q. What drugs had you done that day?  
 11:08 9 A. None.  
 11:08 10 Q. Was that -- when you told the prosecutor that  
 11:08 11 you were doing drugs everyday, what -- what was  
 11:08 12 different about that day? Did you not have any?  
 11:08 13 A. No, I did not.  
 11:09 14 Q. You were out?  
 11:09 15 A. We didn't have none the night before or that  
 11:09 16 day.  
 11:09 17 Q. Were you kind of going through withdrawals?  
 11:09 18 Were you craving it?  
 11:09 19 A. No.  
 11:09 20 Q. And that night, you did -- you did what? I  
 11:09 21 can't recall, ecstasy?  
 11:09 22 A. Yeah.  
 11:09 23 Q. Crank?  
 11:09 24 A. Yes.  
 11:09 25 Q. Cocaine?

11:09 1 A. Yes.  
 11:09 2 Q. Mushrooms?  
 11:09 3 A. No.  
 11:09 4 Q. No mushrooms?  
 11:09 5 A. I did not take any mushrooms.  
 11:10 6 Q. You testified that one of the reasons you were  
 11:10 7 so afraid was that you thought the entire Dallas Police  
 11:10 8 Department worked for Ivan?  
 11:10 9 A. Correct.  
 11:10 10 Q. Okay. And would the FBI fall in that, too.  
 11:10 11 Were they all working for him, all those federal agents?  
 11:10 12 A. No.  
 11:10 13 Q. Okay. What about like the Texas Rangers? Not  
 11:10 14 the baseball guys, the other guys with guns. Were they  
 11:10 15 under his control, too?  
 11:10 16 A. He just said the Dallas police worked for him.  
 11:10 17 Q. Were the State troopers under his control, as  
 11:10 18 far as you knew?  
 11:10 19 A. Not that I knew of.  
 11:10 20 Q. How about the Dallas County Sheriff's Office or  
 11:10 21 the Collin County Sheriff's Office? Were they under his  
 11:11 22 control and guidance?  
 11:11 23 A. I didn't know there were so many different  
 11:11 24 groups of sheriffs and police and --  
 11:11 25 Q. Well, you worked at Baby Dolls, right?

11:11 1 A. Right.  
 11:11 2 Q. You saw all sorts of police in there, didn't  
 11:11 3 you?  
 11:11 4 A. No.  
 11:11 5 Q. No?  
 11:11 6 A. That was in Tarrant County.  
 11:11 7 Q. What county?  
 11:11 8 A. Tarrant, in Euless.  
 11:11 9 Q. Baby Dolls is?  
 11:11 10 A. Yes. Or in Irving, maybe, on the border there,  
 11:11 11 or Arlington.  
 11:11 12 Q. Okay.  
 11:11 13 A. Sorry. It wasn't in Dallas.  
 11:11 14 Q. Did you feel that he had law enforcement under  
 11:11 15 his spell in Arkansas, too?  
 11:11 16 A. No.  
 11:11 17 Q. Okay. You don't think he had your stepdad in  
 11:11 18 his back pocket, do you?  
 11:12 19 A. No.  
 11:12 20 Q. Okay. Now, you knew who Amy Kitchen was,  
 11:12 21 correct?  
 11:12 22 A. I didn't know her that well.  
 11:12 23 Q. You guys been to dinner?  
 11:12 24 A. Yeah.  
 11:12 25 Q. Been to clubs?

11:12 1 A. Once.  
 11:12 2 Q. Been to parties?  
 11:12 3 A. We met them at a Halloween party.  
 11:12 4 Q. Been up on a boat with them?  
 11:12 5 A. No.  
 11:12 6 Q. In response to one of Ms. Falco's questions, I  
 11:12 7 didn't know it was Amy -- Amy Kitchen's ring. Now I --  
 11:12 8 that wasn't exactly true now, was it --  
 11:12 9 A. Yes.  
 11:12 10 Q. -- Ms. Boettcher?  
 11:12 11 A. Yes, it was true.  
 11:13 12 Q. You -- you wanted a ring, so when you got to  
 11:13 13 Arkansas you could show your parents, right? You needed  
 11:13 14 a ring?  
 11:13 15 A. No.  
 11:13 16 Q. Could you all stay in the same room up there?  
 11:13 17 A. Ivan and I?  
 11:13 18 Q. Yes.  
 11:13 19 A. Yes.  
 11:13 20 Q. And to pull that off, you needed to show -- it  
 11:13 21 was your intent that you have a ring on your finger so  
 11:13 22 it kind of legitimized the cohabitation at your parents'  
 11:13 23 house?  
 11:13 24 A. No.  
 11:13 25 Q. Did you go -- you said you went to the grocery

11:13 1 store with your mother in Arkansas?  
 11:14 2 A. Yes.  
 11:14 3 Q. Who went with you, anybody else?  
 11:14 4 A. No.  
 11:14 5 Q. Was that before or after you smoked, yeah,  
 11:14 6 smoked the speed in the woods on the four-wheeler?  
 11:14 7 A. I can't remember exactly what day we went in  
 11:14 8 the woods.  
 11:14 9 Q. How far is it to, say, your parents' house to  
 11:14 10 the grocery store where you and your mom went?  
 11:14 11 A. Maybe a 10-, 15-minute drive.  
 11:14 12 Q. Was it like out in the country, so is it pretty  
 11:14 13 rural roads?  
 11:14 14 A. Very twisty.  
 11:14 15 Q. Twisty?  
 11:14 16 A. Yes.  
 11:14 17 Q. What 10, 15, 5, 6, 10 miles, something like  
 11:14 18 that?  
 11:14 19 A. Yeah, I'm not positive.  
 11:14 20 Q. After you found out, I think you said you were  
 11:14 21 at Tawny's, Ms. Tawny's apartment. You knew that Ivan  
 11:15 22 had been arrested and was in custody, correct?  
 11:15 23 A. Yes.  
 11:15 24 Q. You didn't have any tickets, airline tickets or  
 11:15 25 any transportation plans at that point, correct?

11:15 1 A. Correct.  
 11:15 2 Q. And you asked Tawny to take you to the nearest  
 11:15 3 airport?  
 11:15 4 A. Yes.  
 11:15 5 Q. Love Field or D/FW, do you recall?  
 11:15 6 A. We went to D/FW.  
 11:15 7 Q. And used the cash out of the 700. Did you just  
 11:15 8 buy a one-way ticket right there?  
 11:15 9 A. Yes.  
 11:15 10 Q. To what city?  
 11:15 11 A. Little Rock.  
 11:15 12 Q. Okay. Got on the plane, left Dallas, left  
 11:15 13 Texas?  
 11:15 14 A. Correct.  
 11:15 15 Q. Did you make any stops on the way to the  
 11:15 16 airport?  
 11:15 17 A. Yes. Tawny and I went to, I believe it was TGI  
 11:15 18 Friday's.  
 11:15 19 Q. What did you do there?  
 11:15 20 A. Just sat there.  
 11:15 21 Q. Did you have a drink?  
 11:16 22 A. Yeah.  
 11:16 23 Q. I'm sorry?  
 11:16 24 A. Yeah.  
 11:16 25 Q. What did you have, do you remember?

11:16 1 A. Red Bull and Vodka, I believe.  
 11:16 2 Q. I'm sorry, I didn't hear that?  
 11:16 3 A. Red Bull and Vodka.  
 11:16 4 Q. A Red Bull and Vodka, okay. Did you make any  
 11:16 5 phone calls?  
 11:16 6 A. I called my stepparents, and Tawny made a phone  
 11:16 7 call.  
 11:16 8 Q. What did you tell your parents, you were flying  
 11:16 9 in?  
 11:16 10 A. I told them I -- what time my flight was  
 11:16 11 getting there at Little Rock.  
 11:16 12 Q. Outside of the \$700 that you had, did you have  
 11:16 13 any of your own money?  
 11:16 14 A. No, I did not.  
 11:16 15 Q. Okay. Did you -- have you testified or given a  
 11:16 16 statement that you called your parents to find -- try to  
 11:17 17 get home or have them get you home or fly you home or  
 11:17 18 buy you a ticket or something like that?  
 11:17 19 A. No, I did not.  
 11:17 20 Q. Okay. Did you talk to anybody at the grocery  
 11:17 21 store in Arkansas when your mom went shopping by  
 11:17 22 yourselves?  
 11:17 23 A. No. Well, besides ~~my mom, nobody else.~~  
 11:17 24 Q. Okay. Did -- you testified at great length  
 11:17 25 about the Halloween party that apparently was kind of, I

11:17 1 don't know, really a drug party. Was it like a drug  
 11:17 2 costume party, from what I get?  
 11:18 3 A. It was called the Halloween Dragon. It was  
 11:18 4 kind of like a rave. It was in a warehouse.  
 11:18 5 Q. Is it dragon, you know, like the big medieval  
 11:18 6 animal, like a D-R-A-G-O-N?  
 11:18 7 A. Yes.  
 11:18 8 Q. Not a drag on, a dragon?  
 11:18 9 A. Yeah.  
 11:18 10 Q. I mean, was the primary purpose to go there and  
 11:18 11 do dope?  
 11:18 12 A. Went and did ecstasy.  
 11:18 13 Q. Okay. I mean, how many people were at this  
 11:18 14 party?  
 11:18 15 A. I couldn't tell you an exact count or --  
 11:18 16 Q. I don't need exact. I mean, lots or --  
 11:18 17 A. Medium.  
 11:18 18 Q. Fifty, a hundred, a thousand, ten?  
 11:18 19 A. Maybe, maybe a hundred.  
 11:18 20 Q. A hundred people?  
 11:18 21 A. Maybe.  
 11:18 22 Q. When you got there, do you recall -- do you  
 11:18 23 recall anything unusual about how James was to get into  
 11:18 24 the building or get into the party? Do you recall him  
 11:18 25 having to be escorted by Ivan or anything?

11:19 1 A. Ivan said that James was nervous to come in,  
 11:19 2 and we had to walk out and meet him.  
 11:19 3 Q. You had to go out and escort. Did you do that?  
 11:19 4 A. I walked with Ivan, yes.  
 11:19 5 Q. And you went and got James?  
 11:19 6 A. Well, we met him at the front gate.  
 11:19 7 Q. Okay. And then you had to walk him into the  
 11:19 8 joint?  
 11:19 9 A. Well, we walked with him. We didn't have to  
 11:19 10 walk him in.  
 11:19 11 Q. But he wouldn't go in unless Ivan came and got  
 11:19 12 him and brought him in; is that right?  
 11:19 13 A. That's what Ivan said.  
 11:19 14 Q. Okay. But it sure looked funny to you, didn't  
 11:19 15 it?  
 11:19 16 A. Not at the time.  
 11:19 17 Q. Why?  
 11:19 18 A. I don't know. I just didn't pick up on things  
 11:19 19 like that. Didn't really.  
 11:19 20 Q. Did you do any drugs over at Tawny's house?  
 11:19 21 A. Yeah.  
 11:20 22 Q. What did you do?  
 11:20 23 A. Smoked some speed.  
 11:20 24 Q. Who was doing that?  
 11:20 25 A. I was.

11:20 1 Q. Okay. Had Ivan called back yet saying, I'm  
 11:20 2 arrested and all that kind of thing?  
 11:20 3 A. I thought you were talking about the first  
 11:20 4 night we got there.  
 11:20 5 Q. Okay. Well, I'm sorry. That's my fault. The  
 11:20 6 first night you got there, you smoked some speed?  
 11:20 7 A. Yes.  
 11:20 8 Q. Who was all in the apartment the first night?  
 11:20 9 A. Just Tawny and Ivan and I.  
 11:20 10 Q. Okay. Did Ivan ever leave?  
 11:20 11 A. Yes.  
 11:20 12 Q. Where did he go?  
 11:20 13 A. To our apartment.  
 11:20 14 Q. How did he get there?  
 11:20 15 A. His car.  
 11:20 16 Q. His car?  
 11:20 17 A. Uh-huh.  
 11:20 18 Q. And that left who in the apartment?  
 11:20 19 A. Tawny and I.  
 11:20 20 Q. How long was he gone?  
 11:20 21 A. I don't know.  
 11:20 22 Q. Approximately?  
 11:20 23 A. Maybe 10, 20 minutes.  
 11:20 24 Q. Did you make any phone calls during that time?  
 11:21 25 A. Called my parents.

11:21 1 Q. You called your parents?  
 11:21 2 A. Uh-huh.  
 11:21 3 Q. Who did you speak with?  
 11:21 4 A. My stepdad. I just told him I was at a  
 11:21 5 friend's house.  
 11:21 6 Q. Okay. I mean, obviously you spoke to him when  
 11:21 7 you left Arkansas and drove back to Dallas, right?  
 11:21 8 A. Uh-huh.  
 11:21 9 Q. And was that the first time you contacted him,  
 11:21 10 once you got back to Dallas?  
 11:21 11 A. Uh-huh.  
 11:21 12 Q. Did you call them from Tawny's apartment?  
 11:21 13 A. Yes.  
 11:21 14 Q. Okay. And you spoke with Dick Kremer, right?  
 11:21 15 A. Yes.  
 11:21 16 Q. Now, when you get -- you get on the plane, you  
 11:21 17 pay with the \$300. Give Tawny \$400, get on the plane,  
 11:21 18 fly back to Arkansas. Your parents pick you up?  
 11:22 19 A. My stepdad did.  
 11:22 20 Q. Kremer, Mr. Dick Kremer, right?  
 11:22 21 A. Correct.  
 11:22 22 Q. And you still haven't told him anything at this  
 11:22 23 point?  
 11:22 24 A. No.  
 11:22 25 Q. Okay. You know Ivan's in jail back in Dallas,

11:22 1 Texas, right?  
 11:22 2 A. Uh-huh.  
 11:22 3 Q. You are in Arkansas. You are with stepdad,  
 11:22 4 ex-cop. How far is it from the airport to the -- the  
 11:22 5 Kremer homestead?  
 11:22 6 A. About three hours.  
 11:22 7 Q. Three-hour drive?  
 11:22 8 A. Uh-huh.  
 11:22 9 Q. Okay. And you drive that three hours to the --  
 11:22 10 to the house near the woods. You don't say a word,  
 11:22 11 right?  
 11:22 12 A. No.  
 11:22 13 Q. Okay. And then the next day what do you do?  
 11:22 14 A. I told them. I told my mom when she was in the  
 11:22 15 bathroom.  
 11:22 16 Q. Well, that's not exactly true, is it?  
 11:22 17 A. The first person I told was my mother.  
 11:22 18 Q. Yeah. But you didn't come out and just tell --  
 11:22 19 tell mom?  
 11:22 20 A. No. She asked me if there was any more to the  
 11:22 21 story.  
 11:22 22 Q. Yeah. She's questioning you, right?  
 11:22 23 A. Right.  
 11:22 24 Q. Okay. Now, would it be fair to say, had your  
 11:23 25 mom not questioned you, you may have never told anybody?

11:23 1 A. No.  
 11:23 2 Q. You would have -- you would have eventually  
 11:23 3 broke down and went to the authorities?  
 11:23 4 A. I would have told them.  
 11:23 5 Q. Uh-huh. When do you think that might have  
 11:23 6 happened?  
 11:23 7 A. I went into the bathroom to tell my mother.  
 11:23 8 Q. Is that what you said yesterday?  
 11:23 9 A. No. But when she asked me that, I wanted to  
 11:23 10 tell her.  
 11:23 11 Q. Oh, that's what I'm saying. If she hadn't  
 11:23 12 asked you that, how many days, weeks, months or years do  
 11:23 13 you think would have went by?  
 11:23 14 A. I don't think it would have been days, weeks or  
 11:23 15 months.  
 11:23 16 Q. How long you reckon it would have been?  
 11:23 17 A. I don't know. I can't answer that. I don't  
 11:23 18 know.  
 11:23 19 Q. Okay. Was any of your clothing ever  
 11:24 20 confiscated?  
 11:24 21 A. What do you mean my clothing?  
 11:24 22 Q. Any clothes that you had.  
 11:24 23 A. From my apartment?  
 11:24 24 Q. Your apartment. Anything you brought to or  
 11:24 25 from Arkansas.

11:24 1 A. Not to my knowledge.  
 11:24 2 Q. I mean, Detective Winn or the Arkansas state  
 11:24 3 patrolman or Sheriff Joe up in Izard County or your dad.  
 11:24 4 Did anybody say, we want these clothes, or we want this  
 11:24 5 or we want that? Or take hair samples or blood samples  
 11:24 6 or anything of that nature?  
 11:24 7 A. No.  
 11:25 8 Q. Are you employed now?  
 11:25 9 A. Yes.  
 11:25 10 Q. What do you do?  
 11:25 11 A. Wait tables.  
 11:25 12 Q. Okay. Are you in a relationship?  
 11:25 13 A. Yes.  
 11:25 14 Q. Okay. How would you categorize that  
 11:25 15 relationship?  
 11:25 16 A. Good.  
 11:25 17 Q. Good. Are drugs part of that relationship, as  
 11:25 18 well?  
 11:25 19 A. No.  
 11:25 20 Q. Okay. So are you hiding that from your  
 11:25 21 present -- I won't say, boyfriend? Boyfriend or fiancée?  
 11:25 22 What is it?  
 11:25 23 A. It's a boyfriend.  
 11:25 24 Q. Are you hiding drugs from him?  
 11:25 25 A. No.

11:25 1 Q. He knows about it?  
 11:25 2 A. Not a month ago. He doesn't know about it, no.  
 11:25 3 Q. Why doesn't he know about it?  
 11:25 4 A. Because he would probably walk away from me.  
 11:25 5 Q. Is it -- is it easier for you, or is it your  
 11:25 6 style to lie and misrepresent to achieve your ends?  
 11:26 7 A. No.  
 11:26 8 Q. It's a hard thing to do?  
 11:26 9 A. A hard thing to do? What do you mean?  
 11:26 10 Q. Lie and misrepresent and --  
 11:26 11 A. Yes.  
 11:26 12 Q. It's a difficult task to undertake?  
 11:26 13 A. Yeah.  
 11:26 14 Q. Since the age of 17 or 16, up until now, would  
 11:26 15 you agree with me that's all you've ever done?  
 11:26 16 A. All's I ever done is what?  
 11:26 17 Q. Lie, misrepresent, and hide to achieve your  
 11:26 18 personal goal, that being your lifestyle?  
 11:26 19 A. No.  
 11:26 20 Q. Okay. Okay.  
 11:26 21 MR. GOELLER: May I have just a moment,  
 11:26 22 Judge?  
 11:27 23 Q. (BY MR. GOELLER) Are you a drug addict?  
 11:27 24 A. No.  
 11:27 25 Q. Okay. You know Ivan -- well, you know the day

11:27 1 he got arrested. You are living out of state. You are  
 11:27 2 in a good relationship. Why are you lying and hiding  
 11:27 3 the dope in that relationship?  
 11:27 4 A. He does not use, and I've done it one time.  
 11:27 5 Q. And wherever you are, for the short amount of  
 11:27 6 time you have been there, you apparently figure out how  
 11:27 7 to get ahold of cocaine?  
 11:28 8 A. Yeah.  
 11:28 9 Q. I'm sorry?  
 11:28 10 A. Yeah.  
 11:28 11 Q. How do you go about -- how do you go about  
 11:28 12 figuring out, if you are the new person in town, how do  
 11:28 13 you go about figuring out how to score?  
 11:28 14 A. Somebody put it out in front of me.  
 11:28 15 Q. What?  
 11:28 16 A. He just laid it out in front of me.  
 11:28 17 Q. I guess he knew that you were the kind of  
 11:28 18 person that would partake, correct?  
 11:28 19 A. I don't know what he thought.  
 11:28 20 Q. Well, you really haven't changed your  
 11:28 21 lifestyle, have you?  
 11:28 22 A. What do you mean?  
 11:28 23 Q. The dope, the deceit, the lying?  
 11:28 24 A. I think I have.  
 11:28 25 Q. Okay. Well, you have been lying to your

11:28 1 probation officer since 1999, correct?  
 11:28 2 A. About my drinking. They didn't ask me about  
 11:28 3 drugs.  
 11:28 4 Q. You certainly haven't chosen to be truthful  
 11:28 5 with them about that, correct?  
 11:29 6 A. I guess you can say that.  
 11:29 7 Q. Okay. And the Judge told you, you will report  
 11:29 8 any crimes or wrongdoing within -- I don't know if it's  
 11:29 9 24 hours or immediately to your probation officer. You  
 11:29 10 haven't done any of that, have you?  
 11:29 11 A. Crimes, like if I was arrested I was supposed  
 11:29 12 to, and I haven't been arrested.  
 11:29 13 Q. Do you think possession of cocaine is a crime?  
 11:29 14 A. I haven't been arrested for possession.  
 11:29 15 Q. No. I didn't ask you if you had been arrested.  
 11:29 16 Do you think possession of cocaine is a crime?  
 11:29 17 A. Of using it?  
 11:29 18 Q. Yeah.  
 11:29 19 A. Is that what you are trying to say?  
 11:29 20 Q. Yeah.  
 11:29 21 A. Yes.  
 11:29 22 Q. Possession of marijuana, holding it, possessing  
 11:29 23 it, and then?  
 11:29 24 A. I don't smoke marijuana.  
 11:29 25 Q. Well, actually you said, it's not your

11:29 1 favorite. You don't do it a lot?  
 11:29 2 A. Well, I haven't smoked.  
 11:29 3 Q. Ecstasy, possessing it, taking the pill.  
 11:29 4 That's a crime, right?  
 11:29 5 A. I haven't been taking any ecstasy.  
 11:29 6 Q. Okay. But that's a crime, right?  
 11:30 7 A. Yes.  
 11:30 8 Q. So would you -- obviously your entire probation  
 11:30 9 has been founded upon fraud and deceit, on either the  
 11:30 10 Judge over there and the probation officer or wherever  
 11:30 11 they may be, correct?  
 11:30 12 A. I haven't spoke to a judge since I --  
 11:30 13 Q. His representative or her representative is the  
 11:30 14 probation officer, and you haven't been square with  
 11:30 15 them, have you?  
 11:30 16 A. No.  
 11:30 17 Q. And you were always lying and hiding your dope  
 11:30 18 use from your parents when you were young, right?  
 11:30 19 A. Nope.  
 11:30 20 Q. You were up front about it?  
 11:30 21 A. Yeah.  
 11:30 22 Q. How? Tell me how.  
 11:30 23 A. I told my mom I was using drugs.  
 11:30 24 Q. At what age?  
 11:30 25 A. When I was smoking mariiwana at 15.



11:30 1 Q. Okay.

11:30 2 A. I told her.

11:30 3 Q. You told her?

11:30 4 A. Yes.

11:30 5 Q. I mean, you've driven your brother's car around north Dallas, haven't you?

11:30 6 A. Yes.

11:30 7 Q. No driver's license, right?

11:30 8 A. Correct.

11:31 9 Q. And you personally didn't have any insurance, right?

11:31 10 A. Correct.

11:31 11 Q. Okay. I mean, are you catching my drift here? It's one lie, one deceit, one deception after another going back years and years and years, right?

11:31 12 A. I guess.

11:31 13 Q. Don't guess. I mean, it either is or it isn't.

11:31 14 A. Yeah.

11:31 15 Q. Okay. Including your current relationship?

11:31 16 A. Yes.

11:31 17 Q. Okay. Because this guy is not a dooper, is he?

11:31 18 A. No.

11:31 19 Q. Okay. All of these things combined, Amy, is really what Sylvia Cantu didn't like about you, right?

11:31 20 A. As in, what do you mean?

11:32 1 Q. You know, the not working, the doing the dope, the getting up whenever, you know, the sun is high and warm in the sky?

11:32 2 A. Right.

11:32 3 Q. Okay. All that nonsense about her having a gun and all that, that was a bunch of malarkey?

11:32 4 A. That's what I was told by Ivan.

11:32 5 Q. You didn't believe that, did you?

11:32 6 A. Yes, I did.

11:32 7 Q. So sometimes Ivan would tell you the truth and you'd believe it, and sometimes we know that he'd lie to you, and you'd know he was lying. And then sometimes I guess you just figured out which -- what to believe and what not to believe, right?

11:32 8 A. Sooner or later.

11:32 9 Q. Didn't she tell you to get a lawyer?

11:32 10 A. Ivan's mom?

11:32 11 Q. Uh-huh.

11:32 12 A. Yes, she did.

11:32 13 Q. I'm almost done. I want to know what else Detective Winn and you talked about regarding this Tarrant County judge and probation officer.

11:32 14 A. He said, if I had any problems with my probation officer about leaving the state, that my probation officer could contact him.

11:33 1 Q. Okay. But Winn wasn't a probation officer, was he?

11:33 2 A. No.

11:33 3 Q. He didn't even work in Tarrant County, did he?

11:33 4 A. No.

11:33 5 Q. What else was said?

11:33 6 A. That's, to my knowledge, all I know.

11:33 7 Q. Okay. Who -- who initiated that conversation regarding that arrangement?

11:33 8 A. I asked Mr. Winn if I had problems.

11:33 9 Q. When was that?

11:33 10 A. The first time I came down here to speak to him. It was after I met him in Arkansas.

11:33 11 Q. And then we know that was November 22nd, right?

11:33 12 A. Uh-huh. It was --

11:33 13 Q. Of 2000?

11:33 14 A. Yeah. It was after that.

11:33 15 Q. How long?

11:33 16 A. I can't remember. Like a week or two, maybe. It was --

11:33 17 Q. Was it before stepdad takes the -- oh, I need -- I forgot to ask you something. Out of these four statements, are there any others?

11:33 18 A. No.

11:33 19 Q. Did you give any statements directly to the

11:34 1 DA's office?

11:34 2 A. The DA's office?

11:34 3 Q. Yeah.

11:34 4 A. Here in Dallas?

11:34 5 Q. Yeah. McKinney.

11:34 6 A. No.

11:34 7 Q. Were there any other statements given to anybody else --

11:34 8 A. No.

11:34 9 Q. -- since the last one your father -- your stepfather took?

11:34 10 A. No.

11:34 11 Q. Was the conversation with Winn about working with your probation officer, did that take place before or after this statement taken by Richard Kremer?

11:34 12 A. I want to say, I think it was. I don't know. After I gave my statement to Mr. Winn, it was the day I came down to clean out my apartment. I talked to him. The day he removed the bullet hole from my apartment is when I talked to Mr. Winn about it, if that helps on a date or anything.

11:34 13 Q. Okay. That was the day you talked to him about your probation officer?

11:34 14 A. About being on probation.

11:34 15 Q. Okay. Okay.

11:35 1 A. I don't know if that helps any.  
 11:35 2 Q. It does, it does, it does.  
 11:36 3 MR. GOELLER: May I have just a moment,  
 11:36 4 Judge?  
 11:36 5 THE COURT: Yes. We'll take a five-  
 11:37 6 minute recess, and we'll come back in five minutes, and  
 11:37 7 we'll all work until noon.  
 11:37 8 (Break.)  
 11:44 9 THE COURT: All right. Let's call the  
 11:44 10 jury back in.  
 11:45 11 (Open court, defendant and jury present.)  
 11:45 12 THE COURT: Please be seated. All right.  
 11:45 13 Mr. Goeller, go ahead.  
 11:45 14 Q. (BY MR. GOELLER) Ma'am, based on the totality  
 11:45 15 of your knowledge of narcotics and the history you've  
 11:45 16 had with it and your relationship with the Reubs and the  
 11:45 17 Lips and the Metals and all of these players, have you  
 11:45 18 ever been debriefed by anybody in narcotics or the DEA  
 11:45 19 or anybody? Or say, look, we really want your  
 11:45 20 cooperation. We think you have the knowledge to really  
 11:45 21 put a dent in the dope business. Anybody ever done  
 11:46 22 that?  
 11:46 23 A. No.  
 11:46 24 Q. Anybody in Arkansas gotten ahold of you and  
 11:46 25 said, you know, we'd like some information or help us or

11:46 1 that kind of thing?  
 11:46 2 A. No.  
 11:46 3 Q. My last question to you, I suppose, is going  
 11:46 4 back to the day you fly back to Arkansas. You knew Ivan  
 11:46 5 was in jail. You talked to your folks on the phone and  
 11:46 6 told them you were coming home. You waited until you  
 11:46 7 got to the airport. And right before you got on the  
 11:47 8 airplane to call back to Tawny's apartment and say,  
 11:47 9 "look under the sofa cushion," correct?  
 11:47 10 A. No. Tawny waited for me to get on the plane.  
 11:47 11 She sat at the airport with me.  
 11:47 12 Q. Okay. Maybe I heard that wrong. Is right when  
 11:47 13 you board the plane you tell her that?  
 11:47 14 A. I told her to look around.  
 11:47 15 Q. But where were you? I mean, was that an in-  
 11:47 16 person conversation or were you on the telephone?  
 11:47 17 A. I can't recall if it was in person or on the  
 11:47 18 telephone.  
 11:47 19 Q. Because I thought you said you called her and  
 11:47 20 said, oh, by the way, when you get home, you might want  
 11:47 21 to do a little looking around.  
 11:47 22 A. I can't remember if I stated I called her or  
 11:48 23 told her at the airport, but I know she waited for me to  
 11:48 24 get on the plane.  
 11:48 25 Q. But in either event, you darn well made sure

11:48 1 you were out of here?  
 11:48 2 A. I was scared.  
 11:48 3 Q. Okay. Is there anything about your testimony  
 11:48 4 at this point in time that you would like to change?  
 11:48 5 A. Not that I can think of.  
 11:48 6 Q. Okay. All right. Thank you, ma'am.  
 11:48 7 THE COURT: Ms. Falco?  
 11:48 8 MS. FALCO: We have no further questions  
 11:48 9 of her at this time. And ask that she be allowed to go  
 11:48 10 back home, and I guess if they want to recall her, we  
 11:48 11 could get her back, but we ask that she be allowed to go  
 11:48 12 back home.  
 11:48 13 MR. GOELLER: Can I approach sidebar on  
 11:48 14 that one?  
 11:48 15 THE COURT: Yeah.  
 11:48 16 (Bench conference.)  
 11:50 17 THE COURT: All right. Ms. Boettcher, let  
 11:50 18 me tell you, you are going to be excused for now. But  
 11:50 19 you are subject to recall. And if the -- if you are  
 11:50 20 recalled, then you are going to have to get back on the  
 11:50 21 plane and fly back down. Do you understand that?  
 11:50 22 THE WITNESS: Yes.  
 11:50 23 THE COURT: And we'll give you whatever  
 11:50 24 time it takes to get to the airport, get a flight and  
 11:50 25 come back down. But it's conceivable that you'll be

11:50 1 back to testify, and perhaps you won't. But in any  
 11:50 2 event you have to be available. Do you understand?  
 11:50 3 MR. GOELLER: Your Honor, I would just ask  
 11:50 4 the Court to ask Ms. Boettcher -- I don't have to  
 11:51 5 know -- but if she would before she leaves, so that  
 11:51 6 their office knows exactly where she's been in case she  
 11:51 7 is not going to the same place she came from.  
 11:51 8 THE COURT: If you'd get with Mr. Johnson  
 11:51 9 and make sure he knows exactly how to get ahold of you  
 11:51 10 for the next week.  
 11:51 11 THE WITNESS: Yes, sir.  
 11:51 12 THE COURT: Okay. Perhaps we'll see you  
 11:51 13 again, and perhaps we won't. You may step down.  
 11:51 14 THE WITNESS: Thank you.  
 11:51 15 (Witness excused.)  
 11:51 16 THE COURT: And I'll tell you what. It's  
 11:51 17 a little bit early, but maybe not a bad time to break  
 11:51 18 for lunch. Let's be in recess until 1:20. And we'll  
 11:51 19 come back at 1:20 to begin the trial of this case.  
 11:53 20 (Lunch recess.)  
 13:27 21 THE COURT: All right. Let's bring the  
 13:27 22 jury in.  
 13:27 23 (Open court, defendant and jury present.)  
 13:29 24 THE COURT: Ms. Lowry.  
 13:29 25 MS. LOWRY: I was just waiting for you to

13:29 1 ask me to call my next witness.  
 13:29 2 THE COURT: Please call your next witness.  
 13:29 3 MS. LOWRY: State of Texas calls Michael  
 13:29 4 Gatchalian.  
 13:30 5 THE COURT: Raise your right hand, please.  
 13:30 6 MICHAEL GATCHALIAN,  
 13:30 7 being first duly sworn, testified as follows:  
 13:30 8 THE COURT: Put your hand down and have a  
 13:30 9 seat right here, please.  
 13:30 10 THE COURT: All right. Ms. Lowry?  
 13:30 11 MS. LOWRY: Thank you.  
 13:30 12 DIRECT EXAMINATION  
 13:30 13 BY MS. LOWRY:  
 13:30 14 Q. Please introduce yourself for the jury, and  
 13:30 15 spell your last name for the record.  
 13:30 16 A. My name is Michael Gatchalian,  
 13:30 17 G-A-T-C-H-A-L-I-A-N.  
 13:30 18 Q. And it's Gatchalian?  
 13:30 19 A. Gatchalian.  
 13:30 20 Q. Mr. Gatchalian, where do you live?  
 13:30 21 A. Presently?  
 13:30 22 Q. What city? Yes.  
 13:31 23 A. Grapevine.  
 13:31 24 Q. How long have you lived in Grapevine?  
 13:31 25 A. About six months.

13:31 1 Q. I want to direct your attention to when you  
 13:31 2 lived at 4753 Old Bent Tree Lane. When did you live  
 13:31 3 there?  
 13:31 4 A. I lived there from November of '96 through  
 13:31 5 April of 2001.  
 13:31 6 Q. And specifically to around October of 2000 --  
 13:31 7 well, what was your apartment number when you lived  
 13:31 8 there?  
 13:31 9 A. 1012.  
 13:31 10 Q. And do you know what the number on the  
 13:31 11 apartment was that was directly below you?  
 13:31 12 A. I don't remember.  
 13:31 13 Q. Do you recall a time in October of 2000 that  
 13:31 14 you got new neighbors?  
 13:31 15 A. Yes. I noticed that I had new neighbors.  
 13:31 16 Q. Did you ever meet those neighbors?  
 13:31 17 A. Not that I recall.  
 13:31 18 Q. Where were you around the end of October 2000?  
 13:31 19 A. I was in Japan for business.  
 13:31 20 Q. When did you get back from Japan?  
 13:32 21 A. I believe November 1st.  
 13:32 22 Q. And do you know what day of the week that was?  
 13:32 23 A. Wednesday, I believe.  
 13:32 24 Q. The next day, Thursday, November 2nd, were you  
 13:32 25 at home that day?

13:32 1 A. Yes, I was.  
 13:32 2 Q. And did you -- did you go anywhere, anything  
 13:32 3 like that, during the day?  
 13:32 4 A. Well, Thursday I went to work. I don't  
 13:32 5 remember what I did afterwards, but I came home as  
 13:32 6 usual.  
 13:32 7 Q. About what time did you get home that night?  
 13:32 8 A. I don't remember.  
 13:32 9 Q. Was it before midnight?  
 13:32 10 A. Yes.  
 13:32 11 Q. Where in your apartment did you sleep?  
 13:32 12 A. I slept in the living room.  
 13:32 13 Q. Why is that?  
 13:32 14 A. It was just more comfortable for my back.  
 13:32 15 Q. Around midnight, were you asleep around  
 13:32 16 midnight that Thursday night?  
 13:32 17 A. I believe I was.  
 13:32 18 Q. Did you sleep through the night?  
 13:32 19 A. No.  
 13:32 20 Q. Why is that?  
 13:32 21 A. I heard a loud noise, and it woke me up.  
 13:32 22 Q. Could you tell where it was coming from?  
 13:32 23 A. It sounded like it was coming from down below.  
 13:33 24 Q. After you heard that loud noise, do you  
 13:33 25 remember what happened next, or what you heard next?

13:33 1 A. I heard some arguing.  
 13:33 2 Q. Could you identify the voices?  
 13:33 3 A. Not specifically, but I can kind of tell it  
 13:33 4 sounded like there was at least one male and one female.  
 13:33 5 Q. Could you make out anything that they were  
 13:33 6 saying?  
 13:33 7 A. Not in general. I thought I heard the female  
 13:33 8 say, "I'm bleeding."  
 13:33 9 MR. HIGH: Objection, hearsay, and  
 13:33 10 nonresponsive, Your Honor.  
 13:33 11 MS. LOWRY: Your Honor, it's not being  
 13:33 12 offered for the truth of what was said. Just to show  
 13:33 13 that the statement was actually made.  
 13:33 14 THE COURT: Well, let me ask you the  
 13:33 15 question itself. What was the question?  
 13:33 16 MS. LOWRY: The question was: What did  
 13:33 17 you -- what did you hear?  
 13:33 18 THE COURT: What did you hear? Okay. I  
 13:33 19 overrule the objection.  
 13:33 20 MR. HIGH: Is that over our objection,  
 13:33 21 Your Honor?  
 13:33 22 THE COURT: Yes. Well, I understand the  
 13:33 23 witness is nonresponsive.  
 13:33 24 MR. HIGH: Hearsay and nonresponsive.  
 13:33 25 THE COURT: Yes. I'll overrule both

13:33 1 objections. But I will advise the jury that whatever  
13:34 2 words are spoken are not being offered for the truth of  
13:34 3 those words but just to show that they were -- that they  
13:34 4 were said. All right.

13:34 5 Q. (BY MS. LOWRY) And this was after you heard  
13:34 6 the loud noise?

13:34 7 A. Yes.

13:34 8 Q. What, if anything, did you hear? What  
13:34 9 statements did you hear that you could make out and  
13:34 10 understand what they were?

13:34 11 A. I thought I heard something -- the female say,  
13:34 12 "I'm bleeding."

13:34 13 Q. Do you recall hearing anything else?

13:34 14 A. Not specifically. Just raised voices. A  
13:34 15 little bit of -- I think the female was crying.

13:34 16 Q. Did it sound like an argument to you?

13:34 17 A. Yes.

13:34 18 Q. Did you hear anything else after this?

13:34 19 A. I'm pretty sure I heard a door slam.

13:34 20 MR. HIGH: I have to object as  
13:34 21 nonresponsive, Your Honor.

13:34 22 THE COURT: The question was: Did you  
13:34 23 hear anything else?

13:34 24 MS. LOWRY: Did you hear anything else?

13:34 25 THE COURT: Overruled.

13:35 1 Q. Did you call the police?

13:35 2 A. No.

13:36 3 Q. Why?

13:36 4 A. They were new neighbors. I didn't -- this was  
13:36 5 the first time that it had happened, and I wasn't for  
13:36 6 sure what was going on down below, and they deserve  
13:36 7 their privacy. There was just no track record of this  
13:36 8 being an ongoing thing.

13:36 9 Q. Did the -- what you thought was an argument,  
13:36 10 did it end a little while later?

13:36 11 A. At some point I either fell asleep or it just  
13:36 12 ended. I don't remember.

13:36 13 Q. Did you ever have an opportunity after this to  
13:36 14 meet your neighbors?

13:36 15 A. No.

13:36 16 MS. LOWRY: May I approach, Your Honor?

13:36 17 THE COURT: Yes.

13:37 18 Q. (BY MS. LOWRY) Mr. Gatchalian, I'm going to  
13:37 19 show you what's been marked as State's Exhibit 3. Do  
13:37 20 you recognize that?

13:37 21 A. Yes.

13:37 22 Q. And how do you recognize that?

13:37 23 A. That -- how do I recognize it?

13:37 24 Q. Or what do you recognize it to be?

13:37 25 A. The apartment below me.

13:34 1 MR. HIGH: I believe it calls for a yes or  
13:34 2 no answer, Judge.

13:35 3 THE COURT: Well, that's true. I'll  
13:35 4 sustain that objection.

13:35 5 Q. (BY MS. LOWRY) What else did you hear?

13:35 6 A. I thought I heard a door slamming.

13:35 7 Q. The loud sound that you heard, could you tell  
13:35 8 what kind of sound it was?

13:35 9 A. Not with any certainty.

13:35 10 Q. Did it sound like a gun shot?

13:35 11 MR. HIGH: Objection, leading.

13:35 12 THE WITNESS: Sustained.

13:35 13 MR. HIGH: Ask the jury to disregard the  
13:35 14 effect of that last question.

13:35 15 THE COURT: All right. I'll urge you  
13:35 16 folks to disregard the last question.

13:35 17 I suppose you just want to ask him what it  
13:35 18 sounded like, right?

13:35 19 MS. LOWRY: Yes, Your Honor.

13:35 20 Q. (BY MS. LOWRY) What did it sound like?

13:35 21 A. A couple of things crossed my mind. One was  
13:35 22 just, they just moved in. I thought maybe something  
13:35 23 fell over and just hit the floor in such a way. And  
13:35 24 another one that briefly crossed my mind, that it could  
13:35 25 have been a gun shot.

13:37 1 Q. And which apartment did you live above? Can  
13:37 2 you tell from that picture where your apartment was  
13:37 3 located?

13:37 4 A. The one on the left.

13:37 5 Q. And you are indicating apartment No. 1004?

13:37 6 A. Yes.

13:37 7 Q. So when you were sitting in your living room,  
13:37 8 you would have been directly above the living room, of  
13:37 9 apartment 1004?

13:37 10 A. Right.

13:38 11 MS. LOWRY: May I have a moment, Your  
13:38 12 Honor?

13:38 13 THE COURT: Yes.

13:38 14 MS. LOWRY: Pass the witness.

13:38 15 THE COURT: All right.

13:38 16 CROSS-EXAMINATION

13:38 17 BY MR. HIGH:

13:38 18 Q. Mr. Gatchalian?

13:38 19 A. Yes.

13:38 20 Q. Did you make out any kind of a written  
13:38 21 statement prior to testifying here today?

13:38 22 A. Did I make a written statement?

13:38 23 Q. Yes.

13:38 24 A. No.

13:38 25 Q. Did you write out a written statement?

13:38 1 A. Not that I recall.  
 13:38 2 Q. Okay. Did you ever give one to the police or  
 13:38 3 to the DA's office?  
 13:38 4 A. Not that I recall.  
 13:38 5 Q. Did you review anything prior to climbing the  
 13:38 6 witness stand today?  
 13:38 7 A. Not that I recall.  
 13:38 8 Q. Okay. Have you met with the district attorneys  
 13:38 9 before you testified here today?  
 13:38 10 A. Yes.  
 13:38 11 Q. When did you meet with them?  
 13:38 12 A. Maybe a couple months ago.  
 13:38 13 Q. All right. Did they have you review anything  
 13:38 14 when you met with them?  
 13:39 15 A. Not that I recall.  
 13:39 16 Q. Basically you just talked?  
 13:39 17 A. Yes.  
 13:39 18 Q. And is all this real clear to you, or is it  
 13:39 19 somewhat fuzzy? These events that you just testified  
 13:39 20 about. Is it real clear, or is it fuzzy or what?  
 13:39 21 A. Keep in mind it happened about a year ago. The  
 13:39 22 things I did say are the things that stuck in my mind,  
 13:39 23 so they are rather clear.  
 13:39 24 Q. Okay. How long had you been in bed that night?  
 13:39 25 A. Its kind of hard to say because it overlaps

13:39 1 because, since it was in my living room, once I'm home  
 13:39 2 that's basically where I was. So I'm trying to remember  
 13:39 3 when I got home. I'm estimating that I got home eight  
 13:39 4 or nine o'clock. So roughly, you know, from eight until  
 13:40 5 it happened or nine.  
 13:40 6 Q. You normally wind down some, you watch TV, read  
 13:40 7 the newspaper, something like that?  
 13:40 8 A. I watch TV, generally, listen to music.  
 13:40 9 Q. So you kind of relax enough to go to sleep?  
 13:40 10 A. Right.  
 13:40 11 Q. Do you ever have a cocktail or a beer or  
 13:40 12 anything like that to kind of help you wind down?  
 13:40 13 A. Not -- I mean, I have on occasion, but  
 13:40 14 generally, no.  
 13:40 15 Q. You might have that night, you just don't  
 13:40 16 recall?  
 13:40 17 A. There's a chance, but generally, no.  
 13:40 18 Q. And were you taking any kind of medication,  
 13:40 19 like sleeping pills or anything like that, kind of a  
 13:40 20 sleep aid?  
 13:40 21 A. No sleeping aids, no. Well, let me take that  
 13:40 22 back. When I was in Japan, to adjust to that, I believe  
 13:40 23 I was using Tylenol PM. And I'm trying to remember if I  
 13:41 24 used it when I got back because I was still adjusting.  
 13:41 25 Q. Sure.

13:41 1 A. And I can't say with full certainty whether I  
 13:41 2 did or did not that night.  
 13:41 3 Q. Okay. And sometimes when you are in a  
 13:41 4 different part of the world and you come back, you lose  
 13:41 5 eight, ten hours. Your clock's not right, and it's kind  
 13:41 6 of hard to predict your sleep patterns. That's fair to  
 13:41 7 say, isn't it?  
 13:41 8 A. Yes.  
 13:41 9 Q. And you try to sleep when you can. And  
 13:41 10 sometimes you stay up for long periods of time so that  
 13:41 11 you can ensure that you can sleep when it comes time to  
 13:41 12 sleep. That's jet lag, right?  
 13:41 13 A. Yes.  
 13:41 14 Q. We all know and love jet lag?  
 13:41 15 A. Yes.  
 13:41 16 Q. Did I understand it right? Did you wake up and  
 13:41 17 hear this sound? Were you asleep when you heard this  
 13:41 18 sound? Were you on the edge of sleep?  
 13:41 19 A. If I had to lean toward something, it would be  
 13:41 20 more towards the edge of sleep. I was not in a full  
 13:41 21 sleep yet.  
 13:41 22 Q. But you weren't fully awake, either?  
 13:41 23 A. That's probably true.  
 13:41 24 Q. Okay. So you are on the edge of sleep, and  
 13:42 25 then you hear something, and then -- and then you go,

13:42 1 what was that? I mean, is that fair to say?  
 13:42 2 A. Yes.  
 13:42 3 Q. It's not like you are sitting in the living  
 13:42 4 room watching TV or reading, and then you hear  
 13:42 5 something. You are really sensing; is that fair to say?  
 13:42 6 A. Yes. But once I heard that sound, I was awake.  
 13:42 7 Q. I understand. And you indicated that a couple  
 13:42 8 things ran through your mind. First thing is that  
 13:42 9 possibly something fell over, and then the second thing  
 13:42 10 is possibly a gun shot. Is that fair to say?  
 13:42 11 A. Yes.  
 13:42 12 Q. You are not sure which one it was; is that  
 13:42 13 right?  
 13:42 14 A. Well, both of them crossed my mind. Not  
 13:42 15 necessarily in that order, but both of them did cross my  
 13:42 16 mind.  
 13:42 17 Q. And with respect to the arguing downstairs, you  
 13:42 18 said just moments ago, you said, I thought I heard,  
 13:43 19 quote, I'm bleeding. Is that what you said on direct  
 13:43 20 examination just a second ago?  
 13:43 21 A. I believe I did.  
 13:43 22 Q. So you are not sure if you heard that; you just  
 13:43 23 think maybe you heard that?  
 13:43 24 A. Yes. That's one of the reasons I didn't call  
 13:43 25 the police right away. I mean, if it wasn't truly, "I'm

13:43 1 bleeding," then I'm calling the police on a big  
 13:43 2 assumption.  
 13:43 3 Q. Sure. And then after a while, I take it it  
 13:43 4 calmed down because you were able to go back to sleep,  
 13:43 5 fall back asleep?  
 13:43 6 A. Yes.  
 13:43 7 Q. Did you ever get up? What, did you sleep on  
 13:43 8 the sofa?  
 13:43 9 A. I'm trying -- I usually slept either on the  
 13:43 10 floor or on an air bed on the floor.  
 13:43 11 Q. Did you ever get up from the floor or from the  
 13:44 12 air bag?  
 13:44 13 A. Air bed.  
 13:44 14 Q. Air bed. Did you ever get up from that?  
 13:44 15 A. I believe I did. I believe I went to the  
 13:44 16 kitchen to get something to drink.  
 13:44 17 Q. And you never talked to anybody downstairs?  
 13:44 18 You didn't say, what was that last night?  
 13:44 19 A. No.  
 13:44 20 Q. You never did find out what had happened?  
 13:44 21 A. No. Now, when you say anybody -- with the  
 13:44 22 people directly below because I did call the apartment  
 13:44 23 complex after the fact.  
 13:44 24 Q. Okay.  
 13:44 25 A. To ask what had happened.

13:44 1 MR. HIGH: That's fine. I'll have to  
 13:44 2 object to that as being nonresponsive, Judge.  
 13:44 3 THE COURT: Sustained.  
 13:44 4 Q. (BY MR. HIGH) With respect to talking to the  
 13:44 5 people below, you never talked with the people below?  
 13:44 6 A. No.  
 13:44 7 MR. HIGH: Pass the witness, Judge.  
 13:44 8 THE COURT: All right.  
 13:44 9 MS. LOWRY: No more questions. May this  
 13:44 10 witness be released?  
 13:44 11 THE COURT: Yes. By both sides?  
 13:45 12 MR. HIGH: Yes.  
 13:45 13 THE COURT: You are finally excused, sir.  
 13:45 14 Thank you very much.  
 13:45 15 (Witness excused.)  
 13:45 16 MS. FALCO: We call Richard Kremer.  
 13:45 17 THE COURT: Richard Kremer. Raise your  
 13:45 18 right hand, please.  
 13:46 19 RICHARD JAMES KREMER,  
 13:46 20 being first duly sworn, testified as follows:  
 13:46 21 THE COURT: All right. Please have a  
 13:46 22 seat. Ms. Falco?  
 13:46 23 DIRECT EXAMINATION  
 13:46 24 BY MS. FALCO:  
 13:46 25 Q. Could you state your name for the jury.

13:46 1 A. Richard James Kremer.  
 13:46 2 Q. Spell your last name, please.  
 13:46 3 A. K-R-E-M-E-R.  
 13:46 4 Q. And what is your occupation, Mr. Kremer?  
 13:46 5 A. I'm disabled at this time. I'm an ex-police  
 13:46 6 officer with the city of St. Paul in Ramsey County, and  
 13:46 7 I'm also carried on two jobs. I'm also disabled from  
 13:46 8 the St. Paul Yacht Club, St. Paul, Minnesota.  
 13:46 9 Q. How long were you a police officer?  
 13:46 10 A. 16 years.  
 13:46 11 Q. When did you become disabled?  
 13:46 12 A. November 5th, 1995.  
 13:46 13 Q. And what happened then to cause you to become  
 13:46 14 disabled?  
 13:46 15 A. I was down underneath a 47-foot houseboat on a  
 13:46 16 hydraulic trailer. One of the pads that go and came  
 13:47 17 down on top of me.  
 13:47 18 Q. And you said since then you had two jobs? Are  
 13:47 19 you working two jobs?  
 13:47 20 A. No. I'm disabled at this time. I had two jobs  
 13:47 21 most of my life.  
 13:47 22 Q. And other than being a police officer, what was  
 13:47 23 your other job?  
 13:47 24 A. Harbor master, St. Paul Yacht Club.  
 13:47 25 Q. And that's when you were injured?

13:47 1 A. Yes.  
 13:47 2 Q. Mr. Kremer, do you know Amy Boettcher?  
 13:47 3 A. Yes, I do. It's my daughter, stepdaughter.  
 13:47 4 Q. And how long have you known Amy Boettcher?  
 13:47 5 A. Since she was -- three days before she turned  
 13:47 6 13 years old.  
 13:47 7 Q. And how do you know her?  
 13:47 8 A. Through her mother.  
 13:47 9 Q. And are you currently married to her mother?  
 13:47 10 A. I am, yes.  
 13:47 11 Q. Are you also going through a divorce?  
 13:47 12 A. Yes, I am.  
 13:47 13 Q. And that's not final yet?  
 13:47 14 A. No, it's not.  
 13:47 15 Q. Where do you live, Mr. Kremer?  
 13:47 16 A. We live in Franklin, Arkansas.  
 13:47 17 Q. How long have you lived in Arkansas?  
 13:47 18 A. We've lived in Arkansas since September of '98.  
 13:47 19 Q. Where did you move to Arkansas from?  
 13:47 20 A. From Minnesota.  
 13:47 21 Q. When you moved to Arkansas, who moved with you?  
 13:47 22 A. My wife, and that was pretty much it. Amy had  
 13:47 23 already moved to Texas.  
 13:48 24 Q. Do you recall when it was that Amy moved to  
 13:48 25 Texas?

13:48 1 A. No. It was before we moved. We moved down in  
 13:48 2 September of '98, and she was already down in Dallas. I  
 13:48 3 don't recall the exact time.  
 13:48 4 Q. Where did she move to Texas from?  
 13:48 5 A. From Minnesota.  
 13:48 6 Q. Do you know Jeff Boettcher?  
 13:48 7 A. Yes, I do. My son, my stepson.  
 13:48 8 Q. How old was Jeff Boettcher when you first met  
 13:48 9 him?  
 13:48 10 A. I believe he was 11.  
 13:48 11 Q. And when you moved to Arkansas, where was Jeff  
 13:48 12 living?  
 13:48 13 A. Jeff at that time was living with his dad.  
 13:48 14 Q. Where does his dad live?  
 13:48 15 A. His dad lives up -- it's northern Minnesota. I  
 13:48 16 can't -- McGregor, McGregor.  
 13:48 17 Q. At some point in time while you were in  
 13:48 18 Arkansas, did any of your wife's children come live with  
 13:48 19 you?  
 13:48 20 A. Yes.  
 13:48 21 Q. Who came to live with you?  
 13:48 22 A. Amy.  
 13:48 23 Q. When did she come to live with you?  
 13:48 24 A. Amy came to live with us shortly -- well, it  
 13:48 25 would have been right around November or 7th or 8th.

13:48 1 Q. Of last year?  
 13:48 2 A. That's correct.  
 13:49 3 Q. And prior to that, did Jeff or Amy live with  
 13:49 4 you in Arkansas?  
 13:49 5 A. Not prior to that, no. Jeff also moved in with  
 13:49 6 us, but that was after Amy.  
 13:49 7 Q. Now, I want to take your attention to October,  
 13:49 8 November of 2000. During that time period did you  
 13:49 9 become aware of who your daughter was dating?  
 13:49 10 A. Yes, I did.  
 13:49 11 Q. And who was your daughter dating?  
 13:49 12 A. Ivan Cantu.  
 13:49 13 Q. How did you become aware of that?  
 13:49 14 A. Originally, through some phone calls.  
 13:49 15 Q. Who told you that they were dating?  
 13:49 16 A. Amy did.  
 13:49 17 Q. And what was your understanding of the nature  
 13:49 18 of their relationship toward the end of October?  
 13:49 19 A. Toward the end of October it was going great.  
 13:49 20 I guess he's the only one that ever pinned her down.  
 13:49 21 She was doing great. She loved it.  
 13:49 22 Q. Was there any talk of marriage?  
 13:49 23 A. Yes.  
 13:49 24 Q. Who was talking about marriage?  
 13:49 25 A. Amy.

13:49 1 Q. In relationship to that talk, were there any  
 13:49 2 arrangements made to come to Arkansas?  
 13:50 3 A. Oh, yes, there were. We talked about that for  
 13:50 4 about four months. And then in the final, I think it  
 13:50 5 was about three to four weeks ahead of time, we actually  
 13:50 6 planned when it was going to be.  
 13:50 7 Q. And when did you plan for that to be?  
 13:50 8 A. They were supposed to come down on November  
 13:50 9 4th.  
 13:50 10 Q. Was that a Saturday?  
 13:50 11 A. That was a Saturday, correct.  
 13:50 12 Q. And how long had those plans been arranged?  
 13:50 13 A. Well, the final plans had actually been three  
 13:50 14 to four weeks.  
 13:50 15 Q. Did you talk to your daughter, Amy, on Friday,  
 13:50 16 November 3rd?  
 13:50 17 A. Yes, I did.  
 13:50 18 Q. Do you recall how many times you talked to her?  
 13:50 19 A. I talked to her a couple, three times. We were  
 13:50 20 trying to confirm what time they were leaving and a  
 13:50 21 number of things.  
 13:50 22 Q. And when was the last time you talked to her on  
 13:50 23 Friday, November 3rd?  
 13:50 24 A. It would have been about 11:30.  
 13:50 25 Q. P.m.?

13:50 1 A. Yes.  
 13:50 2 Q. And how long was that phone conversation?  
 13:50 3 A. It would have been about ten minutes.  
 13:50 4 Q. And what was the nature of that conversation?  
 13:50 5 A. To let me know that Ivan still wasn't there, so  
 13:50 6 she really didn't know what time they would be leaving.  
 13:51 7 But that if she wasn't sure if they were going to leave  
 13:51 8 then or if they were going to go with their original  
 13:51 9 plan of four o'clock in the morning.  
 13:51 10 Q. And what time was their original plan?  
 13:51 11 A. Four o'clock in the morning.  
 13:51 12 Q. In the morning?  
 13:51 13 A. Yes.  
 13:51 14 Q. How long a drive is that from Dallas to  
 13:51 15 Franklin, Arkansas?  
 13:51 16 A. It's about eight hours.  
 13:51 17 Q. And were you okay with them leaving at  
 13:51 18 four o'clock in the morning?  
 13:51 19 A. Yes, I was.  
 13:51 20 Q. When you talked to her at 11:30 that night, how  
 13:51 21 did she sound to you?  
 13:51 22 A. She -- she sounded okay. She sounded maybe a  
 13:51 23 little tired. She said she wasn't feeling real well.  
 13:51 24 Q. After that phone call, what was your  
 13:51 25 expectation of when they would arrive in Franklin.

13:51 1 Arkansas?

13:51 2 A. Well, assuming they left there at four o'clock  
13:51 3 in the morning, I was expecting them someplace about  
13:51 4 twelve, one o'clock in the afternoon.

13:51 5 Q. And when you hung up the phone on that Friday  
13:51 6 night, was that your understanding that she would leave  
13:51 7 at four o'clock in the morning?

13:51 8 A. That was the understanding I was kind of left  
13:51 9 with. That's maybe what it is. She wasn't sure what  
13:52 10 Ivan wanted to do. She wouldn't know until Ivan got  
13:52 11 home.

13:52 12 Q. What happened after twelve, one o'clock on  
13:52 13 Saturday came around and Amy and Ivan weren't in  
13:52 14 Franklin?

13:52 15 A. Got a little bit concerned. Tried to --  
13:52 16 attempted to phone them at their house, got no answer.  
13:52 17 Do you want me to go on?

13:52 18 Q. Continue.

13:52 19 A. Okay. We, at approximately 4:30 in the  
13:52 20 afternoon, they still were not there. I got a little  
13:52 21 concerned, and I ran a BOLO on them, which is basically  
13:52 22 a search and locate, you know, possible accidents, check  
13:52 23 out anything like that.

13:52 24 Q. Let me stop you there. How do you put a BOLO  
13:52 25 out for somebody?

13:52 1 A. Through the police department or sheriff's  
13:52 2 office.

13:52 3 Q. And how did you specifically do it on this  
13:52 4 particular occasion?

13:52 5 A. I called the sheriff's department and told them  
13:52 6 that they hadn't showed up yet. That they were supposed  
13:52 7 to leave about four o'clock in the morning. They should  
13:52 8 have already been here. They are not -- they have not  
13:52 9 arrived yet.

13:52 10 Q. What happens when you call the police  
13:52 11 department and you ask them to put a BOLO out, what  
13:52 12 happens?

13:52 13 A. Well, they go ahead and put it out over the  
13:52 14 air. They communicate with the various police  
13:53 15 departments, highway patrol, governing the possible  
13:53 16 route they might be traveling.

13:53 17 Q. Do you give them a description of the car?  
13:53 18 What they might be driving?

13:53 19 A. Normally you do. I did not have a description  
13:53 20 of the car.

13:53 21 Q. So what information did you relay to them to  
13:53 22 put out on the BOLO?

13:53 23 A. The names of Ivan and Amy.

13:53 24 Q. And you said that was approximately 4:30 p.m.?

13:53 25 A. That was about 4:30 p.m.

13:53 1 Q. Had you heard from Amy or Ivan at that point?

13:53 2 A. No.

13:53 3 Q. Did you ever hear from them prior to their  
13:53 4 arrival at your home?

13:53 5 A. No, we did not.

13:53 6 Q. About what time did they arrive at your house?

13:53 7 A. Approximately 8:30 at night.

13:53 8 Q. And when they arrived how -- what did Amy look  
13:53 9 like? What was her physical appearance?

13:53 10 A. Very red, flushed in the face. The  
13:53 11 understanding we got is she was sick.

13:53 12 Q. Why was that the understanding you got?

13:53 13 A. 'Cause I asked her, what's the matter?

13:53 14 Q. Why did you think something was wrong?

13:53 15 A. Because she was just terribly red in the face,  
13:54 16 very flushed.

13:54 17 Q. Did they say where they had been or why they  
13:54 18 were late?

13:54 19 A. Not at that time.

13:54 20 Q. What was Ivan Cantu's demeanor?

13:54 21 A. Oh, he was very pleasant, very calm.

13:54 22 Q. And we're talking about Ivan Cantu. Do you see  
13:54 23 him in the courtroom today?

13:54 24 A. Yes, I do.

13:54 25 Q. Could you point to him and identify something

13:54 1 he is wearing?

13:54 2 A. Sitting right there.

13:54 3 Q. What is he wearing?

13:54 4 A. He's wearing the red sweater.

13:54 5 MS. FALCO: Your Honor, may the record  
13:54 6 reflect that he has identified the defendant Ivan Abner  
13:54 7 Cantu.

13:54 8 THE COURT: It will so reflect.

13:54 9 Q. (BY MS. FALCO) And you said that was  
13:54 10 approximately 8:30, 9 o'clock when they arrived?

13:54 11 A. Yes, approximately 8:30. The reason I  
13:54 12 remembered that is I -- I immediately when they got  
13:54 13 there, before they even came in the house I told them,  
13:54 14 look, let me get inside and cancel the BOLO.

13:54 15 Q. Did you do that?

13:54 16 A. Yes, I did.

13:54 17 Q. And when they -- after they arrived, what did  
13:54 18 you do with Amy and Ivan?

13:54 19 A. Went in the house and talked until the wee  
13:54 20 hours of the morning.

13:54 21 Q. Was there any talk of their engagement?

13:54 22 A. Yes, there was.

13:55 23 Q. Who brought that up?

13:55 24 A. Ivan.

13:55 25 Q. How did he bring that up?



13:55 1 A. By telling Amy to show us the ring.  
 13:55 2 Q. What did he say?  
 13:55 3 A. He said, "Amy, show them the ring." He said  
 13:55 4 that to her approximately three times. The last time,  
 13:55 5 in fact, he said it, he said it rather angrily. And I  
 13:55 6 just kind of figured he was a little dominating. But  
 13:55 7 then at which time she -- I don't recall it seems to me,  
 13:55 8 I might have taken ahold -- or he might have taken ahold  
 13:55 9 of her arm to stick it out, at which time she removed  
 13:55 10 the ring and handed it to her mother.  
 13:55 11 Q. Prior to that had Amy tried to show you her  
 13:55 12 ring?  
 13:55 13 A. No, she had not.  
 13:55 14 Q. Did she make any comment about her ring?  
 13:55 15 A. No, she did not.  
 13:55 16 Q. How long were Amy and Ivan there before Ivan  
 13:55 17 started telling her to show you the ring?  
 13:55 18 A. Oh, a good hour. Almost an hour and a half, I  
 13:55 19 would say.  
 13:55 20 Q. Had you noticed the ring on Amy's finger up to  
 13:55 21 that point?  
 13:55 22 A. No, I hadn't.  
 13:55 23 Q. How were you all sitting, or where were you all  
 13:55 24 sitting?  
 13:55 25 A. Well, let's see. Ivan was sitting -- Ivan and

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13:55 1 Amy were sitting on the love seat. I believe my wife  
 13:55 2 was sitting, if I'm not mistaken, in the recliner, and I  
 13:56 3 was sitting over on the couch.  
 13:56 4 Q. And up to that point, did you even know Amy  
 13:56 5 even had a ring?  
 13:56 6 A. No, I didn't.  
 13:56 7 Q. So when the defendant first brought it up, that  
 13:56 8 was the first time you knew of a ring?  
 13:56 9 A. That's the first time we knew of the  
 13:56 10 engagement. We knew of the engagement, but I didn't  
 13:56 11 know she had a ring. And we didn't know that they had  
 13:56 12 confirmed officially on the engagement.  
 13:56 13 Q. Did Ivan -- what did Ivan tell you about the  
 13:56 14 ring, as far as where he got it?  
 13:56 15 A. He said that he had bought it. In fact, I  
 13:56 16 asked him, when I -- when I looked at it. My wife  
 13:56 17 handed it to me after she looked at it. So the first  
 13:56 18 thing, it's a gorgeous ring.  
 13:56 19 So the first thing I said to him, is how  
 13:56 20 long before her finger turns green? And I think he  
 13:56 21 responded with something like, give it an hour, you  
 13:56 22 know. And then I started to pick on him about it being  
 13:56 23 too big.  
 13:56 24 Q. How did you know it was too big?  
 13:56 25 A. Well, it had something wrapped around it to

13:56 1 take up size. And I was going to pick on him about that  
 13:56 2 and I -- I didn't want to embarrass him because the  
 13:57 3 conclusion at that time I came to is that he bought it  
 13:57 4 in a pawn shop.  
 13:57 5 Q. Did he tell you where he bought it?  
 13:57 6 A. No, he did not.  
 13:57 7 Q. Did he say anything about it being too big for  
 13:57 8 Amy?  
 13:57 9 A. Yes, he did. He said that he bought it. He  
 13:57 10 wanted her to have a ring when she showed up there. So  
 13:57 11 he said he just bought the ring and was supposed to  
 13:57 12 bring it back for sizing.  
 13:57 13 Q. Did he say what he wanted her to have the ring  
 13:57 14 for?  
 13:57 15 A. Just to show off to us that she was engaged.  
 13:57 16 Q. How long did you all talk that evening?  
 13:57 17 A. We must have talked until two, three o'clock in  
 13:57 18 the morning.  
 13:57 19 Q. At that point had anything come up about his  
 13:57 20 cousin being dead?  
 13:57 21 A. No, not at all.  
 13:57 22 Q. How was the defendant's demeanor as you were  
 13:57 23 talking to him that Saturday night, November 4th?  
 13:57 24 A. Still very calm.  
 13:57 25 Q. And how was Amy's demeanor?

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13:57 1 A. Sick. She tried to eat, but vomited it up.  
 13:58 2 Q. The next day on Sunday, November 5th, what did  
 13:58 3 you do with Amy and Ivan?  
 13:58 4 A. Well, I sat pretty much and visited with Amy --  
 13:58 5 with Ivan and Amy quite a bit, because on Saturday her  
 13:58 6 mother works. So while her mother is at work, we spent  
 13:58 7 most of the day together. So just visiting.  
 13:58 8 Q. How long were they at your house?  
 13:58 9 A. They came to our house -- they got there on  
 13:58 10 Saturday evening at about 8:30. They left my house and  
 13:58 11 went down to my wife's place of employment at about noon  
 13:58 12 on Tuesday.  
 13:58 13 Q. And from your wife's work noon on Tuesday,  
 13:58 14 where did they go?  
 13:58 15 A. En route back to Texas.  
 13:58 16 Q. While they were at your house in Franklin,  
 13:58 17 Arkansas, did you ever have any time alone with your  
 13:58 18 daughter, stepdaughter?  
 13:58 19 A. Absolutely not. Every time Amy would come near  
 13:58 20 me, Ivan would be right there.  
 13:58 21 Q. What did you think about that?  
 13:58 22 A. That he was very possessive of her, dominating.  
 13:58 23 Q. Did that concern you at that time?  
 13:58 24 A. Yes, it did. Yes, it did.  
 13:58 25 Q. Did you say anything?

13:59 1 A. No, I did not.  
 13:59 2 Q. Was there ever a time that Amy was alone with  
 13:59 3 her mother?  
 13:59 4 A. Yes, there was.  
 13:59 5 Q. When was that?  
 13:59 6 A. They went to the grocery store together.  
 13:59 7 Q. Do you know what day that was?  
 13:59 8 A. No. I really don't recall the day of that.  
 13:59 9 Q. How long were they gone at the grocery store?  
 13:59 10 A. About an hour.  
 13:59 11 Q. While they were at the grocery store, where was  
 13:59 12 Ivan Cantu?  
 13:59 13 A. With me.  
 13:59 14 Q. And what did you and Mr. Cantu do while they  
 13:59 15 were at the grocery store?  
 13:59 16 A. We visited.  
 13:59 17 Q. And what was his demeanor?  
 13:59 18 A. Calm.  
 13:59 19 Q. On that Sunday and Monday, while he was at your  
 13:59 20 house, did he receive any phone calls, Mr. Cantu?  
 13:59 21 A. Yes. He received several.  
 13:59 22 Q. And were they on your phone or whose phone were  
 13:59 23 they on?  
 13:59 24 A. They came in, a lot of them, on our phone. I  
 13:59 25 believe also some came in on Ivan's, on Mr. Cantu's.

13:59 1 Q. And the phone calls that came to your phone,  
 13:59 2 did you answer the phone, some of the time?  
 13:59 3 A. Yes, I did.  
 13:59 4 Q. Who was calling Ivan Cantu?  
 13:59 5 A. His mother, Sylvia.  
 13:59 6 Q. How often was he getting phone calls?  
 13:59 7 A. Very often.  
 14:00 8 Q. And what does *very often* mean?  
 14:00 9 A. Maybe once an hour.  
 14:00 10 Q. Did you have a conversation with him regarding  
 14:00 11 all these phone calls?  
 14:00 12 A. Yes, I did. I asked him if everything was all  
 14:00 13 right.  
 14:00 14 Q. And what did he say?  
 14:00 15 A. He stated, yes, a family problem. Nothing to  
 14:00 16 worry about.  
 14:00 17 Q. At some point in time, did you learn that his  
 14:00 18 cousin had been murdered?  
 14:00 19 A. Yes. As a matter of fact, I did. It was after  
 14:00 20 Amy and her mother returned from the grocery store.  
 14:00 21 Ivan was still getting the phone calls, and I'd asked  
 14:00 22 him a couple, three times already. "Are you sure  
 14:00 23 everything is okay?" And he said, "Yes. It was just a  
 14:00 24 family problem."  
 14:00 25 When my wife returned from the grocery

14:00 1 store, she called me into the bedroom and told me that  
 14:00 2 what the problem was is that somebody had killed Ivan's  
 14:00 3 cousin and Ivan's cousin's wife, and that's apparently  
 14:00 4 what Amy had told her.  
 14:00 5 Q. And up to that point, did you know that anyone  
 14:00 6 in Ivan's family had been murdered?  
 14:00 7 A. No, I did not.  
 14:00 8 Q. All Mr. Cantu described it as family problems?  
 14:00 9 A. Yes.  
 14:01 10 Q. Nothing to worry about?  
 14:01 11 A. Yes. That's correct, until Monday.  
 14:01 12 Q. And then what happened on Monday?  
 14:01 13 A. On Monday Ivan was getting phone calls again.  
 14:01 14 And at which time, again, I asked him. And Ivan very  
 14:01 15 calmly came in, sat down.  
 14:01 16 I was sitting on the couch, and he kind of  
 14:01 17 sat down on the floor in front of the couch and  
 14:01 18 stipulated to me that, "Look, I don't want you to think  
 14:01 19 I'm a bad person." He says, "Someone killed my cousin."  
 14:01 20 He says, "I don't think a lot of the man anyway. They  
 14:01 21 want me to come back and help take care of details."  
 14:01 22 And he says, "I really don't want any part of this, but  
 14:01 23 I don't want you to think I'm a bad person because of  
 14:01 24 it."  
 14:01 25 Q. Did he say anything about Amy Kitchen being

14:01 1 murdered?  
 14:01 2 A. Not a word.  
 14:01 3 Q. How did you respond when he said that?  
 14:01 4 A. I didn't really respond. I guess I told him  
 14:01 5 maybe I could understand that.  
 14:01 6 Q. What were you thinking when he told you that?  
 14:01 7 A. I was wondering why he didn't mention the wife,  
 14:01 8 who I thought Amy had told my wife, because that's what  
 14:01 9 my wife had told me.  
 14:01 10 Q. Did you ask him about it?  
 14:01 11 A. No.  
 14:01 12 Q. Why not?  
 14:01 13 A. None of my business.  
 14:01 14 Q. How was his demeanor the entire time that he  
 14:02 15 was visiting with you in Franklin?  
 14:02 16 A. Very calm.  
 14:02 17 Q. Did he seem concerned at all that his cousin  
 14:02 18 had been murdered?  
 14:02 19 A. Not at all. Well, no, let me rephrase that.  
 14:02 20 He did show some concern, but it wasn't what you call a  
 14:02 21 family-type concern.  
 14:02 22 Q. What do you mean by that?  
 14:02 23 A. It was like, yeah, I'm concerned, but I'm not  
 14:02 24 concerned.  
 14:02 25 Q. Did he say anything about having to get back,

14:02 1 or he was going to go back to go to the funeral or  
 14:02 2 anything like that?  
 14:02 3 A. No, he did not.  
 14:02 4 Q. Did any conversation ever come up about the  
 14:02 5 funeral or when it was?  
 14:02 6 A. No, not that I can recall. I believe he did go  
 14:02 7 back a little earlier, if I recall, than what they'd  
 14:02 8 originally planned on. Because when they left, I don't  
 14:02 9 recall the exact date they were planning on going back,  
 14:02 10 but they decided they wanted to get back on Tuesday,  
 14:02 11 so...  
 14:02 12 Q. While they were there at your home in Franklin,  
 14:02 13 what was Amy's demeanor on that Friday night?  
 14:03 14 A. Sick, sick. Couldn't keep anything down. She  
 14:03 15 just -- she just said she was not feeling good. She was  
 14:03 16 flushed. She was red. She was flushed all weekend.  
 14:03 17 When she would try to eat, she would vomit it up.  
 14:03 18 Q. Did you see her wearing the ring all weekend?  
 14:03 19 A. No. That's one of the things that bothered me.  
 14:03 20 I guess, after finding out I -- understand that you get  
 14:03 21 a suspicious nature after being a police officer for so  
 14:03 22 many years. And one of the things now that was  
 14:03 23 concerning me at this point in time is, understanding  
 14:03 24 there's this ring involved. A ring that most women  
 14:03 25 would be shoving under your nose constantly, and here

14:03 1 sat the ring on a night stand in their bedroom. And it  
 14:03 2 sat there. I don't recall seeing it on her finger at  
 14:03 3 any time after she once showed it to us.  
 14:03 4 Q. Did you or your wife say anything to Amy about  
 14:03 5 why she wasn't wearing her ring?  
 14:03 6 A. We did not.  
 14:03 7 Q. Why not?  
 14:03 8 A. We just didn't. Well, if her mother did -- I  
 14:03 9 want to correct that -- if her mother did, I'm not aware  
 14:03 10 of it. I did not.  
 14:04 11 Q. And what day did you say they left your house?  
 14:04 12 A. They left our house on Tuesday. Tuesday  
 14:04 13 afternoon about noon. That would have been, well, it  
 14:04 14 was the 4th when they got there, which was on a  
 14:04 15 Saturday. So it would have been what? The 7th?  
 14:04 16 Q. And when Amy left, how did she say good-bye to  
 14:04 17 you?  
 14:04 18 A. Amy's normal good-bye to me is a quick hug, a  
 14:04 19 peck on the cheek, an "I love you. Good-bye." This  
 14:04 20 particular day, Amy constantly -- well, first off, prior  
 14:04 21 to this, Amy was constantly trying to get up to me, and  
 14:04 22 I had the feeling she wanted to say something to me.  
 14:04 23 But Ivan just was hanging right with her.  
 14:04 24 When we got out to the car, as we were  
 14:04 25 leaving the house, when we got out to the car, Amy

14:04 1 hugged me prior to leaving the house. She hugged me on  
 14:04 2 the front porch. Gave me a peck on the cheek both  
 14:04 3 places.  
 14:04 4 We get down by the car, she hugged me  
 14:04 5 another six, eight times and kept giving me a peck on  
 14:05 6 the cheek. And that's how -- she told me something to  
 14:05 7 the effect of, I need you to know that I love you very  
 14:05 8 very much. I mean, I really love you.  
 14:05 9 Q. Did you think that was unusual?  
 14:05 10 A. Yes, I did. Yes, I did.  
 14:05 11 Q. Why?  
 14:05 12 A. Because that's not Amy's normal good-bye with  
 14:05 13 me.  
 14:05 14 Q. Did that cause you some concern?  
 14:05 15 A. Oh, yes.  
 14:05 16 Q. Did you do anything about that concern?  
 14:05 17 A. Yes, I did.  
 14:05 18 Q. What did you do?  
 14:05 19 A. After they left -- after they left I started  
 14:05 20 weighing out the circumstances. I waited for my wife to  
 14:05 21 get home. My wife arrived at home. I sat my wife down.  
 14:05 22 We talked. My wife told me basically the same story.  
 14:05 23 That Amy apparently had whispered in my wife's ear that,  
 14:05 24 "I don't want to go back to Dallas."  
 14:05 25 Taking that into consideration, my wife

14:05 1 went into the shower. I went and made a phone call to  
 14:05 2 the Dallas Sheriff's Department.  
 14:05 3 Q. Why did you call the Dallas Police Department?  
 14:05 4 A. To see if there's possibly any involvement.  
 14:05 5 Q. What do you mean by any involvement?  
 14:05 6 A. My wife tells me that Amy told her that there  
 14:05 7 was a -- this James and his wife were killed. And yet,  
 14:05 8 Ivan only told me about James. That gave me some reason  
 14:06 9 for concern. The fact that the ring sat on the bench  
 14:06 10 for all this period of time gave me other reason for  
 14:06 11 concern. And I -- I have a suspicious nature.  
 14:06 12 So I'm setting here just weighing this out  
 14:06 13 and then, like I told my wife, "Do you suppose that they  
 14:06 14 had a part in this in any shape or fashion?" I never  
 14:06 15 told my wife I made the phone call.  
 14:06 16 Q. What -- what was the reason for you calling  
 14:06 17 Dallas Police Department?  
 14:06 18 A. To find out if indeed it was a double homicide  
 14:06 19 and to see if there was some involvement.  
 14:06 20 Q. You were just wanting to know details and what  
 14:06 21 the Dallas Police Department knew?  
 14:06 22 A. Yes. Dallas Sheriff's Department at the time  
 14:06 23 of that first call, Dallas Sheriff's Department told me  
 14:06 24 that --  
 14:06 25 MR. GOELLER: Objection. That's got to be

14:06 1 hearsay, Your Honor, as to what a Dallas fire or police  
 14:06 2 department is telling him.  
 14:06 3 THE COURT: Overruled.  
 14:06 4 A. Dallas Sheriff's Department told me that they  
 14:06 5 were not handling this case. That in reality it was the  
 14:06 6 Dallas Homicide that was handling it.  
 14:06 7 Q. (BY MS. FALCO) And did you do anything based  
 14:07 8 on that phone conversation?  
 14:07 9 A. Yes, I did.  
 14:07 10 Q. What did you do?  
 14:07 11 A. Called Dallas Homicide.  
 14:07 12 Q. And were you able to get ahold of any  
 14:07 13 detectives?  
 14:07 14 A. Not at that time. I did -- I should correct  
 14:07 15 that. I talked to one detective who kind of gave me  
 14:07 16 some details, that there was a double homicide, but no  
 14:07 17 more details.  
 14:07 18 Q. And did you give him any information?  
 14:07 19 A. I believe my information that I originally gave  
 14:07 20 went to just Dallas Sheriff's Department at that time.  
 14:07 21 Q. Was your wife concerned about the situation, as  
 14:07 22 well?  
 14:07 23 A. Yes, she was.  
 14:07 24 Q. After you made those phone calls, when is the  
 14:07 25 next time you heard from your stepdaughter, Amy?

14:07 1 A. That would have been Wednesday morning. Well,  
 14:07 2 we heard from them. I stand corrected on that. We  
 14:07 3 heard from them on Tuesday night after they arrived.  
 14:07 4 They told me that she called me from some friend's house  
 14:07 5 and said that they had not arrived.  
 14:07 6 MR. GOELLER: Objection, Judge. That's  
 14:07 7 hearsay and it's nonresponsive. When did you hear from  
 14:07 8 them?  
 14:07 9 THE COURT: Sustained.  
 14:08 10 Q. (BY MS. FALCO) And was it the same evening  
 14:08 11 that they left?  
 14:08 12 A. Yes, it was the same evening.  
 14:08 13 Q. Did you know what time it was?  
 14:08 14 A. That was rather late. I suppose it would have  
 14:08 15 been 9:00, 9:30.  
 14:08 16 Q. And where was Amy calling you from?  
 14:08 17 A. From a friend's house.  
 14:08 18 MR. GOELLER: Objection, Judge, that's  
 14:08 19 hearsay. Speculation, no personal knowledge.  
 14:08 20 THE COURT: Overruled.  
 14:08 21 Q. (BY MS. FALCO) Where was she calling from?  
 14:08 22 A. She said she was calling from a friend's house.  
 14:08 23 Q. And what was the purpose of Amy's phone call?  
 14:08 24 A. Just to let us know they had arrived.  
 14:08 25 Q. Had you asked her to do that?

14:08 1 A. Yes, we had.  
 14:08 2 Q. When is the next time that you heard from Amy?  
 14:08 3 A. The next time we heard from Amy was the next  
 14:08 4 day when she called, and her mother answered the phone,  
 14:08 5 and her mom handed me the phone.  
 14:08 6 Q. Do you know approximately what time that was?  
 14:08 7 A. That would have been -- I'm guessing. It would  
 14:08 8 have been someplace about twelve to one o'clock, I  
 14:08 9 suspect.  
 14:08 10 Q. In the afternoon?  
 14:08 11 A. In the afternoon.  
 14:08 12 Q. And what was Amy's demeanor like on the phone?  
 14:09 13 A. "I'm scared to death they are going to kill me.  
 14:09 14 Get me out of here."  
 14:09 15 Q. Did she sound scared?  
 14:09 16 A. Yes, she did.  
 14:09 17 Q. Was she upset?  
 14:09 18 A. Oh, yes.  
 14:09 19 Q. And she thought someone was going to kill her?  
 14:09 20 A. Yes, she did.  
 14:09 21 Q. Why was she calling you? What did she want?  
 14:09 22 A. She wanted me to get her out of Texas.  
 14:09 23 Q. And did you do that?  
 14:09 24 A. Yes, I did.  
 14:09 25 Q. How did you do that?

14:09 1 A. She had a friend take her to the airport. I  
 14:09 2 met her at Little Rock Airport.  
 14:09 3 Q. What time did Amy get to the Little Rock  
 14:09 4 Airport?  
 14:09 5 A. She got to there actually during the middle of  
 14:09 6 the night, a little after. She was supposed to be in, I  
 14:09 7 believe, 11:15. She got in a little after 12:00.  
 14:09 8 Q. Midnight?  
 14:09 9 A. Yes.  
 14:09 10 Q. How long a drive is it from the Little Rock  
 14:09 11 airport to Franklin?  
 14:09 12 A. We arrived home at about 3:15.  
 14:09 13 Q. A.m.?  
 14:09 14 A. Yes.  
 14:09 15 Q. What did you do when you got to your home at  
 14:09 16 3:15 a.m.?  
 14:09 17 A. We tried to talk to Amy. Amy told us on the  
 14:09 18 way up there. I asked Amy what was going on. What is  
 14:09 19 happening. And Amy said, I just need to relax a while.  
 14:09 20 I'll tell you, but I have to have some time.  
 14:10 21 Q. What were your concerns at that time when she  
 14:10 22 called you and said, get me out of Texas?  
 14:10 23 A. Scared.  
 14:10 24 Q. At that point did you know what had happened to  
 14:10 25 Ivan Cantu?

14:10 1 A. She told me he was arrested.  
 14:10 2 Q. And when you picked her up at the airport that  
 14:10 3 night, did she tell you what happened at that time?  
 14:10 4 A. Not at that time.  
 14:10 5 Q. Did you eventually learn what happened?  
 14:10 6 A. A couple hours. We tried to get some sleep  
 14:10 7 that night. It was already late. We tried to get some  
 14:10 8 sleep that night. When she got up of course her mother  
 14:10 9 got up. Her mother went to the bathroom, and Amy went  
 14:10 10 in and sat down with her mother. Approximately five  
 14:10 11 minutes after she walked into the bathroom with her  
 14:10 12 mother, her mother yelled for me and told me, "You got  
 14:10 13 to hear this."  
 14:10 14 Q. And did you go into the bathroom?  
 14:10 15 A. Yes, I did.  
 14:10 16 Q. And is that when Amy told you everything that  
 14:10 17 happened?  
 14:10 18 A. Yes, it is.  
 14:10 19 Q. What was her demeanor as she was telling you  
 14:10 20 what happened?  
 14:10 21 A. Bawling her eyes out.  
 14:10 22 Q. And what did you do after she told you what  
 14:10 23 happened?  
 14:10 24 A. I immediately after it happened, and I should  
 14:10 25 mention also, prior to this, that I had --

14:11 1 MR. GOELLER: Objection, Judge. It's  
 14:11 2 nonresponsive.  
 14:11 3 THE COURT: Sustained.  
 14:11 4 Q. (BY MR. FALCO) What did you do prior to this?  
 14:11 5 A. Prior to this I already called Dallas Sheriff's  
 14:11 6 Department or Dallas Homicide, I correct myself, and  
 14:11 7 informed them as to where Amy was.  
 14:11 8 Q. When did you do that?  
 14:11 9 A. That was right after we got home.  
 14:11 10 Q. At 3:15 a.m.?  
 14:11 11 A. It was a little after 3:15, but it was early  
 14:11 12 morning.  
 14:11 13 Q. Why did you call Dallas Homicide to let them  
 14:11 14 know where Amy was?  
 14:11 15 A. Because she wasn't running from them, and they  
 14:11 16 needed to know her whereabouts.  
 14:11 17 Q. And the next morning after she told you what  
 14:11 18 happened, what did you do?  
 14:11 19 A. I immediately called a Dallas Homicide again  
 14:11 20 and asked for one of the detectives to call us.  
 14:11 21 Q. And did anyone call you back?  
 14:11 22 A. No, they did not.  
 14:11 23 Q. And after you waited for them to call you back,  
 14:11 24 what did you do?  
 14:11 25 A. I contacted Joe Martz, the sheriff of Izard

14:11 1 County.  
 14:11 2 Q. Is that where you live, Izard County?  
 14:11 3 A. That's correct.  
 14:11 4 Q. Why did you call him?  
 14:11 5 A. Amy -- Amy says, "I've got to tell somebody.  
 14:11 6 I've got to tell somebody."  
 14:12 7 Q. Meaning just beyond her parents?  
 14:12 8 A. Beyond her parents.  
 14:12 9 Q. Did you-all go to Sheriff Martz' office in  
 14:12 10 Izard County?  
 14:12 11 A. Not at that time, not at that time.  
 14:12 12 Q. Why?  
 14:12 13 A. Sheriff Martz says he thinks we should bring a  
 14:12 14 State investigator in and let him take the statement.  
 14:12 15 So he wanted us to come in the next day.  
 14:12 16 Q. Did you go in the next day?  
 14:12 17 A. Yes, we did.  
 14:12 18 Q. And did Amy cooperate with the police?  
 14:12 19 A. Yes, she did.  
 14:12 20 Q. Did she give a statement to Sheriff Martz?  
 14:12 21 A. She started giving one originally to sheriff  
 14:12 22 Martz, and then when the investigator got there, he kind  
 14:12 23 of took over and redid his own statement.  
 14:12 24 Q. Eventually, did you hear from a homicide  
 14:12 25 detective in Dallas?

14:12 1 A. Yes, we did.  
 14:12 2 Q. Who did you hear from?  
 14:12 3 A. Officer Winn.  
 14:12 4 Q. And do you know when it was that Detective Winn  
 14:12 5 contacted you?  
 14:12 6 A. Actually, Detective Winn didn't really contact  
 14:12 7 us until he showed up in Arkansas on the 22nd.  
 14:12 8 Q. What day did he show up?  
 14:12 9 A. The 22nd.  
 14:12 10 Q. The 22nd of November?  
 14:13 11 A. Yes.  
 14:13 12 Q. You had not heard from him prior to him showing  
 14:13 13 up?  
 14:13 14 A. I had had some discussion with him, but that  
 14:13 15 was the first that he actually came for any information.  
 14:13 16 He had, however, been in touch with the investigator  
 14:13 17 from the State, Mr. Hollingsworth, I believe his name  
 14:13 18 was, who had faxed him Amy's report.  
 14:13 19 Q. So he had already reviewed what Amy had  
 14:13 20 written?  
 14:13 21 A. That's correct.  
 14:13 22 Q. When he arrived?  
 14:13 23 A. Yes.  
 14:13 24 Q. And when he arrived in Franklin, where did you  
 14:13 25 meet him?

14:13 1 A. We met him at the Sheriff's Department.  
 14:13 2 Q. And did Amy voluntarily go talk to Detective  
 14:13 3 Winn?  
 14:13 4 A. Yes, she did.  
 14:13 5 Q. And did she cooperate with him and give him a  
 14:13 6 statement?  
 14:13 7 A. 100 percent.  
 14:13 8 Q. And after her statement to him, did you and her  
 14:13 9 sit down and do a statement?  
 14:13 10 A. Yes. Amy and I have sat down. I took her  
 14:13 11 first statement from her. I also took a statement  
 14:13 12 several weeks after the fact so I could kind of compare  
 14:13 13 the statements together.  
 14:13 14 Q. And did you write that out or did she write  
 14:13 15 that out?  
 14:13 16 A. I typed it out as to what she said.  
 14:13 17 Q. And do you recall when that was done?  
 14:14 18 A. The statement that I typed out would have been  
 14:14 19 approximately -- well, it was after Detective Winn was  
 14:14 20 there. He was there the 22nd. It was actually, I  
 14:14 21 suppose, a week later.  
 14:14 22 Q. Do you recall coming back to the Dallas area  
 14:14 23 with Amy to meet Detective Winn?  
 14:14 24 A. Yes, I do.  
 14:14 25 Q. And had you done that statement with Amy before

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14:14 1 or after that trip?  
 14:14 2 A. Before that trip.  
 14:14 3 Q. And what was the purpose of coming to Dallas to  
 14:14 4 meet with Detective Winn?  
 14:14 5 A. Amy had to check in with a probation officer  
 14:14 6 and also do a lie detector.  
 14:14 7 Q. And did she do that?  
 14:14 8 A. She went to do it, but apparently she was  
 14:14 9 having period problem, a woman problem, and couldn't  
 14:14 10 take the lie detector. She kept telling them, "I'll  
 14:14 11 take it. I'll take it." But they says no, they  
 14:14 12 couldn't do it.  
 14:14 13 Q. Did you ever go to the apartment where she used  
 14:14 14 to live?  
 14:14 15 A. Yes, I did.  
 14:14 16 Q. What was the purpose of going to that  
 14:14 17 apartment?  
 14:14 18 A. To pick up her furniture.  
 14:15 19 Q. And was there a request by Amy for the police  
 14:15 20 to be there?  
 14:15 21 A. Yes, there was.  
 14:15 22 Q. Why did she want the police to be there?  
 14:15 23 A. She wanted the bullet removed from the wall.  
 14:15 24 Q. And were you present when Detective Winn and  
 14:15 25 Amy were at the apartment manager's office?

14:15 1 A. Yes, I was.  
 14:15 2 Q. And did Amy Boettcher give Detective Winn  
 14:15 3 consent to go into her apartment?  
 14:15 4 A. Amy gave consent at the police station prior to  
 14:15 5 leaving the police station.  
 14:15 6 Q. That they could go into her apartment?  
 14:15 7 A. Yes. And then we agreed that we'd meet at the  
 14:15 8 manager's office.  
 14:15 9 Q. At some point in time, first of all, back when  
 14:15 10 Ivan and Amy were at your house in early November, where  
 14:15 11 did they sleep?  
 14:15 12 A. They slept in the spare bedroom.  
 14:15 13 Q. And at some point in time, did you have an  
 14:15 14 opportunity to go through that spare bedroom?  
 14:15 15 A. Yes. As a matter of fact, Ivan was very  
 14:15 16 insistent when they left that he was going to be back  
 14:15 17 the following weekend. And Amy said, there was no  
 14:16 18 reason to come back. And Ivan kept saying no, I'm  
 14:16 19 coming back.  
 14:16 20 Now, finding out what I had found out over  
 14:16 21 this period of time, I had to sit and wonder: Is  
 14:16 22 something stashed in that bedroom?  
 14:16 23 Q. And what did you do in response to that?  
 14:16 24 A. I ripped that bedroom apart. I -- I went  
 14:16 25 through clothes. I went through everything that was in

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14:16 1 there.  
 14:16 2 Q. What did you find?  
 14:16 3 A. Well, at the time I found it, I thought nothing  
 14:16 4 of it. I thought it was my son's. I found a gold  
 14:16 5 bracelet sitting between the bed post and the night  
 14:16 6 stand up against the wall. I just picked it up and  
 14:16 7 threw it in the dresser. I assumed it was my son's.  
 14:16 8 Q. Why did you assume it was your son's?  
 14:16 9 A. Because that used to be his room. There was  
 14:16 10 still a lot of his belongings in it.  
 14:16 11 Q. And at some point in time did you have a  
 14:16 12 conversation with your son?  
 14:16 13 A. Yes, I did. I found some drug paraphernalia  
 14:16 14 and a locked file cabinet in his or in the closet in his  
 14:16 15 room. A little hashish pipe and a couple other items  
 14:16 16 that I called my son to challenge him on.  
 14:16 17 Q. You confronted him about what you found?  
 14:17 18 A. Yes.  
 14:17 19 Q. During that same conversation, did you also ask  
 14:17 20 him about a bracelet?  
 14:17 21 A. Yes, I did. And he stated -- I asked him if he  
 14:17 22 had a bracelet that he left here. He said he owned  
 14:17 23 several. He says it's more than likely his.  
 14:17 24 Q. Were you holding a bracelet while you were  
 14:17 25 talking to him?

14:17 1 A. Yes, I was.  
 14:17 2 Q. Who else was in the room while you were talking  
 14:17 3 to your son?  
 14:17 4 A. At that time, just me.  
 14:17 5 Q. And what happened as a result of that gold  
 14:17 6 bracelet?  
 14:17 7 A. When Jeff -- the next time we had the  
 14:17 8 opportunity to see Jeff shortly after that, he came  
 14:17 9 down, and I showed him the bracelet. And he says,  
 14:17 10 "That's not mine," he says, "but I'll take it."  
 14:17 11 Q. And was there ever any other conversation that  
 14:17 12 made you think this gold bracelet might be important?  
 14:17 13 A. No. Just officer suspicion.  
 14:17 14 Q. What did you do with the gold bracelet?  
 14:17 15 A. I took a couple of faxes of it. I shipped them  
 14:17 16 down to Detective Winn. And then when Amy and I came  
 14:17 17 down for her lie detector test, I brought the bracelet  
 14:17 18 with me.  
 14:18 19 MS. FALCO: Your Honor, may I approach?  
 14:18 20 THE COURT: Yes.  
 14:18 21 Q. (BY MS. FALCO) Mr. Kramer, I show you what's  
 14:18 22 been marked as State's Exhibit 110.  
 14:18 23 A. The handwriting is mine. The only way I could  
 14:18 24 positively. It appears to be, if it is, on one side it  
 14:18 25 says, "Italy." And the other side is a 417 with a

14:18 1 circle around it.  
 14:18 2 Q. And is this the gold bracelet that --  
 14:18 3 A. It appears to be.  
 14:18 4 Q. -- you found in your son's bedroom? When you  
 14:18 5 say that's your handwriting, what is that note?  
 14:18 6 A. It says "contaminated."  
 14:18 7 Q. What do you mean by contaminated?  
 14:18 8 A. When I was talking to my son, I am sitting  
 14:18 9 there flipping it.  
 14:18 10 Q. So you --  
 14:18 11 A. I got my fingerprints all over it.  
 14:18 12 Q. So contaminated meaning, if you print it, you  
 14:18 13 might not find any prints?  
 14:18 14 A. You would get mine.  
 14:18 15 MS. FALCO: At this time we offer State's  
 14:18 16 Exhibit 110.  
 14:18 17 MR. GOELLER: I have no objection.  
 14:18 18 THE COURT: State's Exhibit 110 is  
 14:18 19 admitted.  
 14:18 20 (State's Exhibit No. 110 admitted.)  
 14:18 21 Q. (BY MS. FALCO) Where did you say you found  
 14:18 22 that gold bracelet?  
 14:18 23 A. That was laying up by the night stand, and the  
 14:18 24 headboard of the bed right up against the wall.  
 14:19 25 Q. Now, with regard, you said you found some drug

14:19 1 paraphernalia in your son's room?  
 14:19 2 A. Yes, I did.  
 14:19 3 Q. Did that really come as a surprise to you?  
 14:19 4 A. No, no, it really didn't. May I make a  
 14:19 5 statement?  
 14:19 6 Q. Yes.  
 14:19 7 MR. GOELLER: Objection, Your Honor.  
 14:19 8 THE COURT: Sustained.  
 14:19 9 Q. (BY MS. FALCO) Did it come as a surprise to  
 14:19 10 you?  
 14:19 11 A. No, it did not.  
 14:19 12 Q. Had you been aware that your son was probably  
 14:19 13 doing drugs?  
 14:19 14 A. Yes, it was.  
 14:19 15 Q. And with regard to Amy, you had known her most  
 14:19 16 of her teen-age years, did you know that she had been  
 14:19 17 doing drugs as well?  
 14:19 18 A. I knew that at times she had, yes.  
 14:19 19 Q. And had -- at times had you ever talked to her  
 14:19 20 and confronted her about it? Had she told you about the  
 14:19 21 drugs?  
 14:19 22 A. I had confronted her mother first, and  
 14:19 23 explained to her mother that she was on drugs. Her  
 14:19 24 mother and I had our first argument. I called Amy into  
 14:19 25 the room, and I says, "Amy, I need to talk to you," in

14:19 1 front of her mother. I sat her down and I says, "Amy, I  
 14:20 2 believe you are using drugs. Are you using drugs?" She  
 14:20 3 looked at her mother in the eyes --  
 14:20 4 MR. GOELLER: I don't mean to interrupt.  
 14:20 5 If I could have a time reference.  
 14:20 6 THE COURT: All right.  
 14:20 7 Q. (BY MS. FALCO) When was this conversation?  
 14:20 8 A. This is prior to our being married.  
 14:20 9 Q. How old was Amy at the time?  
 14:20 10 A. Amy, at the time I met her was 13, so she would  
 14:20 11 have been in the vicinity of 14 at this time.  
 14:20 12 Q. When you confronted Amy, did she admit she'd  
 14:20 13 been abusing drugs?  
 14:20 14 A. She looked her mother straight in the eyes, she  
 14:20 15 paused, and then she looked over at me and said yes.  
 14:20 16 Q. Did you try to get treatment for Amy?  
 14:20 17 A. Yes, I did.  
 14:20 18 Q. And you know her well enough that had she used  
 14:20 19 drugs since the treatment?  
 14:20 20 A. Yes, she has.  
 14:20 21 Q. Were you aware of how much she was using drugs  
 14:20 22 while she was in Texas?  
 14:20 23 A. No, I was not.  
 14:20 24 Q. Has she since she told you about that?  
 14:20 25 A. Yes, she has.

14:20 1 Q. When Ivan and Amy were at your house, in  
 14:21 2 Franklin that weekend in November, did you have a  
 14:21 3 suspicion whether or not Amy was on drugs?  
 14:21 4 A. I had a suspicion that at one time that they  
 14:21 5 were both on drugs.  
 14:21 6 Q. What made you think that?  
 14:21 7 A. Glossy eyes. You know, in fact, I kind of at  
 14:21 8 first was laying the blame of Amy's sickness on drugs.  
 14:21 9 Q. Did you ever confront them that weekend about  
 14:21 10 being on drugs?  
 14:21 11 A. No, I did not.  
 14:21 12 Q. And have you made sure, since you were aware of  
 14:21 13 the situation, that Amy was available and cooperative  
 14:21 14 with the police?  
 14:21 15 A. Yes. She has been 100 percent.  
 14:21 16 MS. FALCO: Thank you, Mr. Kremer. Pass  
 14:21 17 the witness.  
 14:21 18 THE COURT: All right. Mr. Goeller?  
 14:21 19 MR. GOELLER: Thank you, Your Honor.  
 14:21 20 CROSS-EXAMINATION  
 14:21 21 BY MR. GOELLER:  
 14:21 22 Q. Mr. Kremer, my name is Matthew Goeller. I have  
 14:21 23 a few questions for you, sir. You had mentioned that  
 14:21 24 you took two statements from your stepdaughter?  
 14:21 25 A. Yes.

14:22 1 Q. To, I guess, compare and see whether they were  
 14:22 2 consistent or the lack thereof?  
 14:22 3 A. That's correct.  
 14:22 4 Q. Okay.  
 14:22 5 MR. GOELLER: May I approach Mr. Kremer?  
 14:22 6 THE COURT: Yes.  
 14:22 7 Q. (BY MR. GOELLER) Let me show you a four-page  
 14:22 8 document that I've been given, and ask you if that's --  
 14:22 9 that's the document? I've marked it, but --  
 14:22 10 A. That's correct.  
 14:22 11 Q. And the second statement. That's the first  
 14:22 12 statement you took?  
 14:22 13 A. That is actually the second one. The first one  
 14:22 14 is a verbal.  
 14:22 15 Q. Is a what?  
 14:22 16 A. A verbal. It was given verbally. That's  
 14:22 17 actually the second statement I took. I also sat in  
 14:22 18 with statements that were given with the Sheriff's  
 14:22 19 Department and also the State investigator.  
 14:22 20 Q. Okay. The first statement you took was a  
 14:22 21 verbal statement?  
 14:22 22 A. That's correct.  
 14:22 23 Q. And when was that?  
 14:22 24 A. That was that day that she arrived back there  
 14:22 25 on Wednesday.

14:23 1 Q. Did you -- that had to be pretty important  
 14:23 2 stuff, correct?  
 14:23 3 A. Oh, you bet, you bet. It prompted me  
 14:23 4 immediately to call and try to make contact with an  
 14:23 5 officer.  
 14:23 6 Q. Did you make -- did you make any notes from  
 14:23 7 that statement?  
 14:23 8 A. I -- not at that time, not at that time.  
 14:23 9 Q. You testified that you went to the Izard  
 14:23 10 County?  
 14:23 11 A. Sheriff's Department.  
 14:23 12 Q. Sheriff's office. Now you spent, I think you  
 14:23 13 said about 16 years in law enforcement?  
 14:23 14 A. That's correct.  
 14:23 15 Q. I'm sure you took a lot of statements.  
 14:23 16 A. Yes, I did.  
 14:23 17 Q. Okay. And I'm sure you went to statement-  
 14:23 18 taking school?  
 14:23 19 A. That's correct.  
 14:23 20 Q. You never -- you never in any way coached or  
 14:23 21 advised your daughter on what to say or put in her  
 14:23 22 statement, did you?  
 14:23 23 A. No, sir, I did not.  
 14:23 24 Q. Because you wouldn't do that? That's --  
 14:23 25 A. If my -- if my daughter committed a crime, I

14:24 1 would arrest her myself.  
 14:24 2 Q. Uh-huh. Okay. Okay. All right. So you go  
 14:24 3 down to Izard County. You meet with Sheriff Joe Martz,  
 14:24 4 I guess, not the next day, but the day after?  
 14:24 5 A. We tried to get in there the one day he wanted  
 14:24 6 us to wait for an investigator. He was unable to get an  
 14:24 7 investigator. We kept calling him because Amy says, I  
 14:24 8 got to tell somebody. I've got to tell somebody.  
 14:24 9 Q. Is this the elected, like, the sheriff of the  
 14:24 10 county?  
 14:24 11 A. Yes, it is. Yes, it is.  
 14:24 12 Q. And he wouldn't take the statement by himself?  
 14:24 13 A. He -- not the first day. The second day when  
 14:24 14 we went in there, he says, "Well, I'll take the  
 14:24 15 statements." We went in the next day. And then as we  
 14:24 16 started giving the statement, he says, "Wait a minute."  
 14:24 17 He says, "I've got to get an investigator in here."  
 14:24 18 Q. Okay.  
 14:24 19 A. Once again. And at that time, what he got for  
 14:24 20 an investigator was the head patrol officer who used to  
 14:24 21 be the State investigator, Mr. Hollingsworth.  
 14:24 22 Q. Yeah, Mark Hollingsworth?  
 14:24 23 A. That's correct.  
 14:24 24 Q. He's kind of like --  
 14:24 25 A. Head honcho.



14:25 1 Q. I'm sorry?  
 14:25 2 A. Head honcho.  
 14:25 3 Q. Yeah, head honcho. Did you -- you said you  
 14:25 4 were kind of faxing back and forth between Detective  
 14:25 5 Winn and -- how about a Sergeant Mark? You heard of  
 14:25 6 him?  
 14:25 7 A. Sergeant Mark, no. I suspect that's  
 14:25 8 Mr. Hollingsworth. I think he just shortened his name.  
 14:25 9 Q. Yeah, you are right. Sergeant Mark, Mark  
 14:25 10 Hollingsworth. Isn't it true that you live really close  
 14:25 11 to police headquarters?  
 14:26 12 A. Well, we're -- the police and the sheriff's  
 14:26 13 department is in Melbourne, and we live in Franklin.  
 14:26 14 That's a distance of about 14 miles.  
 14:26 15 Q. Okay. Did you ever hear of this statement  
 14:26 16 before? Sergeant Mark -- and I guess that's Mark  
 14:26 17 Hollingsworth -- stated that Amy was currently staying  
 14:26 18 with her parents not far from police headquarters and  
 14:26 19 had no intentions of leaving.  
 14:26 20 A. That's correct.  
 14:26 21 Q. Okay. Okay. And police headquarters, what's  
 14:26 22 that like?  
 14:26 23 A. Well, the police headquarters is the sheriff's  
 14:26 24 office.  
 14:26 25 Q. Is that the elected sheriff?

14:26 1 A. Yeah. Keep in mind, in our area we live in a  
 14:26 2 town with a population of 205. Your neighbor may be 11  
 14:26 3 miles away.  
 14:26 4 Q. But it's the county-wide law enforcement?  
 14:26 5 A. That's correct.  
 14:26 6 Q. Jailhouse?  
 14:26 7 A. Yes.  
 14:26 8 Q. Patrol, road deputies we call them?  
 14:27 9 A. Yes.  
 14:27 10 Q. The elected deputy?  
 14:27 11 A. Yes.  
 14:27 12 Q. Investigators?  
 14:27 13 A. Yes.  
 14:27 14 Q. Okay. Okay. You mentioned that you thought  
 14:27 15 your daughter may have, your stepdaughter. If I say  
 14:27 16 daughter --  
 14:27 17 A. She is my daughter.  
 14:27 18 Q. She is your daughter?  
 14:27 19 A. She's my daughter.  
 14:27 20 Q. I don't want to say.  
 14:27 21 A. No, sir. That's my daughter. That's my son,  
 14:27 22 100 percent.  
 14:27 23 Q. I gotcha. Do you think her occasional  
 14:27 24 departure from law and order regarding illegal drugs was  
 14:27 25 just an isolated incident?

14:27 1 A. Could I make that statement to you without Gail  
 14:27 2 objecting?  
 14:27 3 Q. No, because then he'll be mad at me, and she'll  
 14:27 4 be mad at me. We got to do it in question-and-answer  
 14:27 5 form.  
 14:27 6 A. Okay.  
 14:28 7 Q. I don't need them both mad at me.  
 14:28 8 A. Let me state it this way. Let me state it this  
 14:28 9 way. It's not an occasional thing. It came about from  
 14:28 10 a father that didn't care and a mother that's more  
 14:28 11 concerned about her personal love life than her family.  
 14:28 12 I'm sorry.  
 14:28 13 Q. That's okay. You don't -- I mean, how often  
 14:28 14 would you have contact with your daughter, Amy?  
 14:28 15 A. Very often. Very often.  
 14:28 16 Q. Very often. You weren't under the impression  
 14:28 17 that she was a daily drug user?  
 14:28 18 A. No, no, I was not. I was not.  
 14:28 19 Q. She got back -- I guess you say you picked her  
 14:28 20 up at the airport after midnight, shortly after  
 14:28 21 midnight, something like that?  
 14:28 22 A. That's correct.  
 14:28 23 Q. Three-hour ride back to Franklin?  
 14:28 24 A. That's correct.  
 14:28 25 Q. Obviously, as a former police officer, were you

14:29 1 ever an investigator, too?  
 14:29 2 A. No. I was never an investigator.  
 14:29 3 Q. Okay. Minneapolis-St. Paul?  
 14:29 4 A. St. Paul, I was nine years with St. Paul.  
 14:29 5 Seven years with Ramsey County.  
 14:29 6 Q. Okay. She never never said anything about what  
 14:29 7 happened during that three-hour trip back?  
 14:29 8 A. When I confronted her on what's going on, she  
 14:29 9 just asked that I just leave her alone right now. She  
 14:29 10 says, "I'll tell you, but right now I just don't want to  
 14:29 11 talk."  
 14:29 12 Q. And then the next day, I mean, then you got  
 14:29 13 home and you talked some more that night, but she still  
 14:29 14 wasn't ready to tell you anything?  
 14:29 15 A. That's correct.  
 14:29 16 Q. Then the next morning, or was it the next  
 14:29 17 afternoon?  
 14:29 18 A. It was actually a little afternoon time, I'd  
 14:29 19 say, that we finally everybody got up and started doing  
 14:29 20 something.  
 14:29 21 Q. Okay. And is it -- is it your impression that  
 14:29 22 she just came out and finally told her mother, or her  
 14:30 23 mother was prodding her? Questioning her?  
 14:30 24 A. No. She -- she voluntarily went into the  
 14:30 25 bathroom. She was crying when she walked into the

14:30 1 bathroom. I knew something was wrong.  
 14:30 2 Q. So there was no questioning on the part of your  
 14:30 3 wife whatsoever? It's just, that was Amy's time to  
 14:30 4 tell?  
 14:30 5 A. I believe that.  
 14:30 6 Q. Okay. In the statement to Sheriff Joe and  
 14:30 7 Sergeant Mark, and then we've got about ten days later,  
 14:30 8 the statement to Detective Winn?  
 14:30 9 A. Yes. Detective Winn statement, my  
 14:30 10 recollection, if I can recall, that was the 22nd.  
 14:31 11 Q. Okay. Was she questioned alone?  
 14:31 12 A. Yes, she was by Detective Winn. Well, she  
 14:31 13 wasn't alone. His partner was there and also a state  
 14:31 14 trooper.  
 14:31 15 Q. Okay. But there was certainly no family  
 14:31 16 members present during any questioning, was there?  
 14:31 17 A. Not at that time.  
 14:31 18 Q. I'm sorry?  
 14:31 19 A. Not at that time.  
 14:31 20 Q. Earlier?  
 14:31 21 A. Earlier I had been present when she started  
 14:31 22 giving her statement to Joe Martz, and also in most of  
 14:31 23 the statement given to Officer Hollingsworth.  
 14:31 24 Q. Okay. Wasn't it more than you were present  
 14:31 25 that you insisted on being present?

14:31 1 A. Only if Amy was insisting that I be there.  
 14:31 2 Q. Okay. Well, you know from your law enforcement  
 14:31 3 background that that's clearly not proper to have a  
 14:31 4 civilian family member present when a witness statement  
 14:31 5 is taken?  
 14:31 6 A. I understand that.  
 14:31 7 Q. Okay. Now, do you believe your daughter -- do  
 14:32 8 you believe she told you the whole truth?  
 14:32 9 A. Yes, I do.  
 14:32 10 Q. In the -- in the last statement she gave you?  
 14:32 11 A. Yes, I do.  
 14:32 12 Q. Okay. You don't think there's any possibility  
 14:32 13 that she may have, oh, spun it a little bit?  
 14:32 14 A. No, I do not.  
 14:32 15 Q. Okay. Of course you don't know -- you don't  
 14:32 16 know any of the facts from personal knowledge, correct?  
 14:32 17 A. No, I do not.  
 14:32 18 Q. You haven't reviewed Detective Winn or  
 14:32 19 Detective Winn's two, three-ring binders, have you?  
 14:32 20 A. No, I have not.  
 14:32 21 Q. Has she ever lied to you before, anytime since  
 14:32 22 you met her at age 13 on through?  
 14:33 23 A. Yes. As a matter of fact she has. However,  
 14:33 24 about an hour later she came back and told me she had.  
 14:33 25 I know she has lied to her mother.

14:33 1 Q. Okay. But you felt -- the final, what I call  
 14:33 2 the final statement, the fourth statement we got. I  
 14:33 3 kind of break it down this way. I got Sheriff Joe,  
 14:33 4 Sergeant Mark, Detective Winn and --  
 14:33 5 A. And my own.  
 14:33 6 Q. And Mr. Kremer's statement. I kind of go that  
 14:33 7 four?  
 14:33 8 A. Yes.  
 14:33 9 Q. You took the fourth statement how long after  
 14:33 10 Winn, Detective Winn, when he's up in Arkansas on  
 14:33 11 November 22nd?  
 14:33 12 A. That I took that statement?  
 14:33 13 Q. Yeah, about the last of the series.  
 14:33 14 A. I suppose it would have been about a week.  
 14:33 15 Q. About a week later?  
 14:33 16 A. Yes.  
 14:33 17 Q. So sometime around the 1st of December?  
 14:34 18 A. That's correct.  
 14:34 19 Q. Do you feel she was generally consistent from  
 14:34 20 what you could tell the first set? Well, you witnessed  
 14:34 21 the first two statements, the deputy or Sheriff Joe and  
 14:34 22 the Sergeant Mark, correct?  
 14:34 23 A. That's correct.  
 14:34 24 Q. Was that pretty much consistent with your final  
 14:34 25 statement in around December 1st, I guess?

14:34 1 A. Yes. That's what I was actually taking that  
 14:34 2 statement for, is to verify to see that there was no  
 14:34 3 inconsistencies.  
 14:34 4 Q. Okay. And there was not, correct?  
 14:34 5 A. No. There weren't inconsistencies,  
 14:34 6 inconsistencies in the order given.  
 14:34 7 Q. Yeah. We'd agree that you and I can witness  
 14:34 8 something and write ten statements about it day after  
 14:34 9 day after day, and they may be a little different?  
 14:34 10 A. That's correct.  
 14:34 11 Q. But the overall theme and contents were  
 14:34 12 consistent?  
 14:35 13 A. She was telling the truth.  
 14:35 14 Q. Okay. She told you that Ivan said, "James hit  
 14:35 15 him with a baseball bat, and it wasn't pretty"?  
 14:35 16 A. That's correct.  
 14:35 17 Q. Did, in any of the statements -- in any of the  
 14:35 18 statements that you know about or that you witnessed or  
 14:35 19 personally took, did she ever tell you where she got the  
 14:35 20 money to get back to Arkansas?  
 14:35 21 A. Yes, she did.  
 14:35 22 Q. And was that kind of an important piece of  
 14:35 23 information?  
 14:35 24 A. Well, being as how she wasn't sure where the  
 14:35 25 money came from, she knew it was Ivan's. We didn't

14:35 1 really look at that as being that important.  
 14:35 2 Q. Okay. So you know it wasn't her money, right?  
 14:35 3 A. That's correct.  
 14:35 4 Q. You know two people ended up dead?  
 14:35 5 A. That's correct. At the initial time, though,  
 14:35 6 we didn't.  
 14:35 7 Q. And but by -- by December 1st, the fact that  
 14:36 8 you don't know where the money came from, you know it  
 14:36 9 wasn't hers. You know the boyfriend-fiancee is now in  
 14:36 10 jail for the murder. You didn't want to -- you didn't  
 14:36 11 see fit to put that in the fourth and final statement  
 14:36 12 about how -- how that money came about?  
 14:36 13 A. No, I did not because I was looking for  
 14:36 14 discrepancies in my statement rather than looking for  
 14:36 15 the things like that. Three police officers had already  
 14:36 16 taken a statement as the effect of where that money came  
 14:36 17 from.  
 14:36 18 Q. Did you know if there was even more money than  
 14:36 19 the 300 given to somebody?  
 14:36 20 A. Yes, there was.  
 14:36 21 Q. Okay. What do you know about that?  
 14:36 22 A. Just that it was left there.  
 14:36 23 Q. Left where?  
 14:36 24 A. Well, apparently the story I got from Amy, was  
 14:36 25 that she brought 700 originally. Apparently there was

14:36 1 1,500 that was left there. She brought 700 to the  
 14:36 2 airport with her. She bought her airplane ticket and  
 14:37 3 then gave the balance of the money to Tawny. I do not  
 14:37 4 know Tawny's last name.  
 14:37 5 Q. Is there anything in -- anything in any of the  
 14:37 6 statements, to your knowledge, about \$1,500?  
 14:37 7 A. Well, there should be. I know there should be  
 14:37 8 in Officer Winn's because he really probed it.  
 14:37 9 Q. He grilled her?  
 14:37 10 A. Oh, he drilled her on it.  
 14:37 11 Q. Okay. Do you know whether Winn was doing the  
 14:38 12 writing as he's drilling her, or is Amy doing the  
 14:38 13 writing as Winn is drilling her?  
 14:38 14 A. I saw -- I saw Officer Winn do some writing,  
 14:38 15 but keep in mind that I wasn't in the room at all times,  
 14:38 16 at the time of the statement.  
 14:38 17 Q. How did you see him do some writing?  
 14:38 18 A. Well, just at the end of it, he was doing some  
 14:38 19 writing. When I came into the room, he was doing some  
 14:38 20 writing for Amy to sign.  
 14:38 21 Q. Okay.  
 14:38 22 MR. GOELLER: May I have just a second,  
 14:38 23 Your Honor?  
 14:38 24 THE COURT: All right.  
 14:39 25 Q. (BY MR. GOELLER) So you think Winn really

14:39 1 drilled her about that money, huh?  
 14:39 2 A. Yes, I do. He drilled her about the money and  
 14:39 3 also about the ring.  
 14:39 4 Q. But I thought you weren't in the room?  
 14:39 5 A. I wasn't. I wasn't. Amy asked to take a  
 14:39 6 break, and when she stepped out the room for the  
 14:39 7 break --  
 14:39 8 Q. I'm sorry. Let me back up just a little bit.  
 14:39 9 She's in the room with who?  
 14:39 10 A. With Detective Winn, his partner, and the state  
 14:39 11 trooper.  
 14:39 12 Q. Okay. Are you in the room?  
 14:39 13 A. No.  
 14:39 14 Q. Can you hear what's going on?  
 14:39 15 A. No, I cannot.  
 14:39 16 Q. Okay. She -- is Winn drilling her about the  
 14:39 17 coin --  
 14:39 18 A. When she came out of the room --  
 14:39 19 Q. Listen to me. I know. Just kind of go with me  
 14:39 20 here. Do you know, if you are not in the room, you  
 14:40 21 don't know if Winn is drilling her at that time when the  
 14:40 22 state trooper -- Winn and the partner in the room?  
 14:40 23 A. That's correct.  
 14:40 24 Q. Okay. She comes out of the room because she  
 14:40 25 needs to take a break?

14:40 1 A. Correct.  
 14:40 2 Q. Okay. Is she allowed to talk to people during  
 14:40 3 that break in the middle of the interrogation?  
 14:40 4 A. She didn't say a word to me.  
 14:40 5 Q. Okay.  
 14:40 6 A. She didn't say a word to me, but the look on  
 14:40 7 her face told me something was wrong. So I entered the  
 14:40 8 room and asked what was going on, and Detective Winn  
 14:40 9 told me that they were drilling her about this ring and  
 14:40 10 this money.  
 14:40 11 Q. Well, as a 16-year veteran, boy, that is sure  
 14:40 12 stupid on Winn's part, isn't it?  
 14:40 13 A. Well --  
 14:40 14 Q. I don't mean to say stupid. But somebody comes  
 14:40 15 out, and you see that something ain't right. She needs  
 14:40 16 a break. And then the detective tells a family member  
 14:40 17 what the concern is?  
 14:40 18 A. Because I told him that if -- if she is a  
 14:40 19 suspect in this, you tell me right now, and I will  
 14:40 20 advise her to keep her mouth shut until we contact an  
 14:41 21 attorney.  
 14:41 22 Q. Okay.  
 14:41 23 A. And he explained to me that, no. They need  
 14:41 24 some clarification on this ring and on this money.  
 14:41 25 Q. Okay. And so do you have a conversation with

14:41 1 her?

14:41 2 A. No, I did not.

14:41 3 Q. She goes back in the room for some more -- for

14:41 4 some more interrogation, I suppose?

14:41 5 A. Well, I guess, I didn't. At the time she came

14:41 6 back into the room, I explained to her that you either

14:41 7 cooperate --

14:41 8 Q. Oh, they let you talk to her in the middle --

14:41 9 A. At that time. Just simply to tell her that you

14:41 10 can either cooperate or you can stop talking until you

14:41 11 get an attorney. You do what you want to do.

14:41 12 Q. Okay.

14:41 13 A. At which time she stated to me that I've done

14:41 14 nothing wrong. I want to go on and get this over with,

14:41 15 and I left the room.

14:41 16 Q. Okay. She wanted to get this over?

14:41 17 A. Her testimony.

14:41 18 Q. Okay. Okay. Did you get the impression she

14:41 19 wasn't shooting straight with Winn and Carollo, and then

14:41 20 was it Sergeant Mark or Deputy Joe?

14:42 21 A. Sergeant Mark Hollingsworth and Joe Martz?

14:42 22 Q. Yeah.

14:42 23 A. No. She was shooting straight with them. At

14:42 24 the same time she gave her statement to Hollingsworth,

14:42 25 she was pulling the wastebasket.

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14:42 1 Q. So if I got this straight, she needs a break.

14:42 2 She comes out. You can tell that things aren't going

14:42 3 well in the interrogation room. Then you go in and say,

14:42 4 if she has got anything to do with this, I want to know

14:42 5 because I'm going to tell her -- I suppose it will be

14:42 6 good advice to keep your mouth shut and go get you a

14:42 7 lawyer. She said, no, I want to get this over. Goes

14:42 8 back in, and -- have you seen Detective Winn's statement

14:42 9 that he took from your daughter?

14:42 10 A. No, I have not.

14:42 11 Q. Okay. But you are under the impression that

14:42 12 it's full of the drilling about money?

14:42 13 A. I'm not sure.

14:42 14 Q. Okay.

14:42 15 A. I'm not sure. But according to what he told

14:43 16 me.

14:43 17 Q. Okay.

14:43 18 A. You know, that's what it pertained to.

14:43 19 Q. Do you know where she went on her break during

14:43 20 the --

14:43 21 A. To the bathroom.

14:43 22 Q. I'm sorry?

14:43 23 A. Just to the bathroom.

14:43 24 Q. Okay.

14:43 25 A. Excuse me. That's the only place in that

14:43 1 building to go.

14:43 2 Q. There's probably not a whole lot there, huh?

14:43 3 All right. I think your testimony was your daughter was

14:43 4 100 percent cooperative?

14:43 5 A. That's correct, of everything I saw.

14:43 6 Q. You were in the room when Deputy Joe and

14:43 7 Sergeant Mark were taking her statement, right?

14:43 8 A. That's correct.

14:43 9 Q. She talked -- you probably know this -- she

14:43 10 didn't say a word about money, did she?

14:44 11 A. Yes, she did.

14:44 12 Q. She did?

14:44 13 A. She explained to each one of us, everybody she

14:44 14 talked to, how she got here and how she got the money to

14:44 15 get here.

14:45 16 Q. Would you recognize the statement that Deputy

14:45 17 Joe and Sergeant Mark took?

14:45 18 A. I believe I might.

14:45 19 Q. Okay. You'd recognize your daughter's

14:45 20 handwriting, wouldn't you?

14:45 21 A. That's a good question. I rather doubt it.

14:45 22 Q. Okay. So she's up there. And as you said, it

14:45 23 was a ring that most girls -- I think you said -- would

14:45 24 want to shove under your nose?

14:45 25 A. Oh, yes.

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14:45 1 Q. Meaning?

14:45 2 A. Oh, gorgeous ring.

14:45 3 Q. Very distinctive?

14:45 4 A. Yes, very distinctive.

14:45 5 Q. I mean, you can probably see that ring as you

14:46 6 sit there?

14:46 7 A. I sure can.

14:46 8 Q. Something you never forgot?

14:46 9 A. Yes.

14:46 10 Q. I mean, a real beaut?

14:46 11 A. And when you start wondering and putting two

14:46 12 and two together. I only had the ring in my hand for

14:46 13 about a minute, but, yeah, I can identify the ring.

14:46 14 Q. Okay. But she wanted nothing to do with that

14:46 15 ring all, it was Saturday, Sunday, Monday, Tuesday?

14:46 16 A. It bothered me that it just sat on the

14:46 17 nightstand.

14:46 18 Q. That had to be absolutely bizarre. Here the

14:46 19 whole family knows about the pending nuptials. And the

14:46 20 ring finally comes around, and it sits on the

14:46 21 nightstand, and she doesn't want anything to do with it?

14:46 22 A. Yeah.

14:46 23 Q. That had to be -- yeah.

14:46 24 A. It's reason for suspicion.

14:46 25 Q. Did you -- I don't mean to beat a dead horse --

14:46 1 back to the money bit and the statements, did you get a  
 14:47 2 chance to look at Sergeant Mark's statement?  
 14:47 3 A. I didn't even bother.  
 14:47 4 Q. Did -- you said something about a polygraph.  
 14:47 5 The police were wanting -- wanting your daughter to  
 14:47 6 submit to a lie detector test?  
 14:47 7 A. That's correct.  
 14:47 8 Q. But --  
 14:47 9 A. They asked her if she would. She said  
 14:47 10 certainly.  
 14:47 11 Q. But she was having her menstrual cycle?  
 14:47 12 A. Yes. She was having a female problem. I don't  
 14:47 13 recall what it was.  
 14:47 14 Q. Okay. When was that, Mr. Kremer?  
 14:47 15 A. I don't remember the exact date, but we came  
 14:47 16 down here to do that and also to meet with her probation  
 14:47 17 officer.  
 14:47 18 Q. Okay. And the polygraph, was that ever done?  
 14:47 19 A. No, it was not.  
 14:47 20 Q. Okay.  
 14:47 21 A. Not to my knowledge.  
 14:48 22 Q. What about the probation officer? Do you know  
 14:48 23 much about how those kind of things work, probation  
 14:48 24 officer's probation?  
 14:48 25 A. Somewhat.

14:48 1 Q. Where was she being supervised? First of all,  
 14:48 2 did you know about the probation prior to all this?  
 14:48 3 A. Yes, I did.  
 14:48 4 Q. Do you know where she was being supervised?  
 14:48 5 A. It was in this Dallas area, but I'm not sure of  
 14:48 6 the exact location.  
 14:48 7 Q. Okay. Do you know if -- if in any of the  
 14:48 8 statements, the series of four statements, was there any  
 14:48 9 mention of probation and a possible jail sentence  
 14:48 10 hanging over her head?  
 14:48 11 A. I don't know if it was in any of the  
 14:48 12 statements, you know, because I know it was all  
 14:48 13 discussed so that she was on probation with all the  
 14:48 14 officers.  
 14:48 15 Q. Do you know how her probation got transferred?  
 14:48 16 A. Well, it's not really transferred. She's on a  
 14:49 17 write-in.  
 14:49 18 Q. She doesn't live in Texas, right?  
 14:49 19 A. No. She's living with her -- right now with,  
 14:49 20 in Arkansas.  
 14:49 21 Q. How -- how did she get permission to leave the  
 14:49 22 State, do you know?  
 14:49 23 A. From her probation officer.  
 14:49 24 Q. And how did that come about?  
 14:49 25 A. They transferred officers to someone that

14:49 1 handles write-ins, and that's how it came about.  
 14:49 2 Q. Was that because she was doing pretty good on  
 14:49 3 probation?  
 14:49 4 A. I guess it was, yes. And they also understood  
 14:49 5 the need for her to get out of the State at the time.  
 14:50 6 Q. Did the -- the Saturday, the Sunday, the  
 14:50 7 Monday, and the Tuesday, did you ever see any weapons at  
 14:50 8 your house?  
 14:50 9 A. No, I did not.  
 14:50 10 Q. Did you ever see Ivan or Amy packing heat?  
 14:50 11 A. No, I did not. The only weapons I saw in my  
 14:50 12 house were my own.  
 14:50 13 Q. Your own weapons?  
 14:50 14 A. Yes.  
 14:50 15 Q. You probably -- 16 years on the force, I  
 14:50 16 imagine you got an eye for that kind of stuff. I mean,  
 14:50 17 as an officer, you are always worrying about those Terry  
 14:50 18 type pat-down searches. Do you know what I'm talking  
 14:50 19 about?  
 14:50 20 A. You tend to check everybody out.  
 14:50 21 Q. You bet, you bet. That's how you live if you  
 14:50 22 are out on patrol.  
 14:50 23 A. That's correct.  
 14:50 24 Q. Are you familiar with a Colt .380?  
 14:51 25 A. Yes, I am.

14:51 1 Q. Looks like a .45, is what it looks like.  
 14:51 2 A. Yes. It's a smaller gun.  
 14:51 3 Q. Do you know what's called an officer's model  
 14:51 4 .45?  
 14:51 5 A. Yes.  
 14:51 6 Q. Have you ever seen one of those?  
 14:51 7 A. Yes.  
 14:51 8 Q. It's a cut-down model 1911. It looks almost  
 14:51 9 identical, doesn't it?  
 14:51 10 A. Somewhat, somewhat. I believe the .380 is a  
 14:51 11 little smaller.  
 14:51 12 Q. Barrel probably, but still it's no cheap  
 14:51 13 Saturday night special?  
 14:51 14 A. It's going to be a gun about that long.  
 14:51 15 Q. If somebody had been packing that thing around  
 14:51 16 you for four days, you would have certainly picked up on  
 14:51 17 that after four days, nobody is going to get that by  
 14:51 18 you?  
 14:51 19 A. That's not true. That's not true. That  
 14:51 20 depends on how it's packed.  
 14:51 21 Q. Okay. Okay. Like if it was in somebody's  
 14:51 22 pocket?  
 14:51 23 A. It depends on how bulky the pocket is, and does  
 14:51 24 it show?  
 14:51 25 Q. Okay. Okay.

14:51 1 A. That's the reason police officers do pat downs.  
 14:52 2 Q. I take it that since age -- well, when you  
 14:52 3 first found out or suspected that she was doing dope, I  
 14:52 4 think you said it was 15, age 13?  
 14:52 5 A. No. It was about age 14 when I first.  
 14:52 6 Q. 14?  
 14:52 7 A. Because I dated her mother for two years, and  
 14:52 8 it was about a year before we got married.  
 14:52 9 Q. Have you -- how much time have you spent with  
 14:52 10 her in the, say, last five or six years?  
 14:52 11 A. In the last four years, not much.  
 14:52 12 Q. Okay.  
 14:52 13 A. Until she moved back to Arkansas.  
 14:52 14 Q. Did you ever -- did you have a feel for what  
 14:52 15 she was like when she was on drugs?  
 14:53 16 A. Yes, somewhat. When I had found her high, what  
 14:53 17 she was high on, I'm not sure. Whether it was alcohol  
 14:53 18 and drugs or if it was strictly drugs, I couldn't tell  
 14:53 19 you that. But, yes, I got a feeling of her, and I knew  
 14:53 20 what was going on.  
 14:53 21 Q. That was when she was 14?  
 14:53 22 A. That's when she was 14.  
 14:53 23 Q. Okay. Okay. You thought they were both doing  
 14:53 24 dope at your house?  
 14:53 25 A. I thought when they got there that they might

14:53 1 be a little high. But Ivan explained that he was tired.  
 14:53 2 I remembered that. I can't remember -- I think I told  
 14:53 3 them they looked like shit. He says that they were  
 14:53 4 tired from the long drive.  
 14:54 5 Q. Okay. Okay. All right, sir. Thank you,  
 14:54 6 Mr. Kremer.  
 14:54 7 MR. GOELLER: We pass the witness.  
 14:54 8 MS. FALCO: We have no further questions,  
 14:54 9 and ask that this witness also be allowed to return  
 14:54 10 home.  
 14:54 11 THE COURT: Any problem?  
 14:54 12 MR. GOELLER: No, Judge, with the same  
 14:54 13 agreement we had. That's fine.  
 14:54 14 THE WITNESS: Thank you, Your Honor.  
 14:54 15 THE COURT: Thank you. Mr. Johnson, do  
 14:54 16 you want to give him the details?  
 14:54 17 (Witness excused.)  
 14:54 18 THE COURT: All right. And call your next  
 14:54 19 witness, please.  
 14:54 20 MR. SCHULTZ: Carlos Gonzalez to the  
 14:54 21 stand, Judge.  
 14:55 22 THE COURT: All right. Raise your right  
 14:55 23 hand.  
 14:55 24 CARLOS RAY GONZALEZ,  
 14:55 25 being first duly sworn, testified as follows:

14:55 1 THE COURT: Please be seated right here.  
 14:55 2 All right, Mr. Schultz.  
 14:55 3 DIRECT EXAMINATION  
 14:55 4 BY MR. SCHULTZ:  
 14:55 5 Q. How are you doing?  
 14:55 6 A. Good. How are you?  
 14:55 7 Q. Fine, thanks. State your name, please.  
 14:55 8 A. Carlos Ray Gonzalez.  
 14:55 9 Q. How old a man are you?  
 14:55 10 A. Twenty -- 28.  
 14:55 11 Q. Do you know the defendant in this case, Ivan  
 14:55 12 Abner Cantu?  
 14:55 13 A. Yes, I do.  
 14:55 14 Q. And would you point him out for us all today?  
 14:56 15 A. Right here.  
 14:56 16 Q. Okay. I note, kind of, you are pointing in his  
 14:56 17 direction, but you need to identify an article of his  
 14:56 18 clothing so the record will know what you mean.  
 14:56 19 A. The burgundy sweater.  
 14:56 20 MR. SCHULTZ: Judge Sandoval, please let  
 14:56 21 the record reflect that he has identified the defendant  
 14:56 22 here in open court.  
 14:56 23 THE COURT: It will so reflect.  
 14:56 24 Q. (BY MR. SCHULTZ) You spent a fair amount of  
 14:56 25 time talking with our office or representatives of our

14:56 1 office, either attorneys, investigators or other  
 14:56 2 personnel; is that true?  
 14:56 3 A. Yes.  
 14:56 4 Q. And I think you'd agree with me that it's fair  
 14:56 5 to say that there are a whole lot of names that keep  
 14:56 6 surfacing on this. This person being a friend of that  
 14:56 7 person and parties and those -- you know what I'm  
 14:56 8 talking about?  
 14:56 9 A. Yes.  
 14:56 10 Q. So maybe we can understand the players, maybe  
 14:56 11 we can get a cast of characters, could you help me with  
 14:56 12 a little interactive exercise?  
 14:56 13 A. Sure.  
 14:56 14 MR. SCHULTZ: May I approach the drawing  
 14:56 15 board, Judge?  
 14:56 16 THE COURT: Sure.  
 14:56 17 Q. (BY MR. SCHULTZ) And kind of my idea, and you  
 14:56 18 may not know all of these people, but certainly some of  
 14:56 19 them you can help me with. We call this exercise Name  
 14:56 20 the Doper.  
 14:57 21 A. You call it the what?  
 14:57 22 Q. Name the Doper.  
 14:57 23 A. Oh, okay.  
 14:57 24 Q. All right?  
 14:57 25 THE COURT: Do you want to do that closer?

14:57 1 That's fine with me. Can everybody see it right there?  
 14:57 2 Q. (BY MR. SCHULTZ) We've been hearing a lot  
 14:57 3 about an individual by the name of -- perhaps it's  
 14:57 4 Metal, M-E-T-A-L, which is a carbon-like substance.  
 14:57 5 It's like you make cars out of, or it may be meddle. It  
 14:57 6 could be M-E-D-D-L-E. That kind of means to get  
 14:57 7 involved with something that doesn't concern you.  
 14:57 8 And I guess maybe like medal. That's kind  
 14:57 9 of like M-E-D-A-L, kind of like the thing that people  
 14:57 10 get awarded when they do something good. I guess it  
 14:57 11 could be M-E-T-T-L-E. That has to do with temperament  
 14:57 12 or disposition. Do you know anybody by that name?  
 14:57 13 A. No.  
 14:57 14 Q. So no one by Metal? Do you know the decedent  
 14:58 15 in this case, James Mosqueda?  
 14:58 16 A. Yes, sir.  
 14:58 17 Q. We'll call him James. Would it be fair to  
 14:58 18 characterize some of his activities as involving illegal  
 14:58 19 substances or drugs. Is that a fair statement?  
 14:58 20 A. Say it again. I'm sorry, I can't hear you real  
 14:58 21 well.  
 14:58 22 Q. Could he fairly be considered at least in some  
 14:58 23 of his activities to be a dooper?  
 14:58 24 A. To be a dooper?  
 14:58 25 Q. Uh-huh.

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14:58 1 A. Is this a yes or no question? I mean, what do  
 14:58 2 you want me --  
 14:58 3 Q. I hope --  
 14:58 4 A. A dooper? What do you mean? Like he does dope,  
 14:58 5 or what do you mean?  
 14:58 6 Q. Okay. Let's start with selling dope. Let's  
 14:58 7 deal with that. Is that a fair statement?  
 14:58 8 A. I mean, I used to know James to sell dope, yes,  
 14:58 9 sir.  
 14:58 10 Q. And why would you have trouble with the  
 14:58 11 question?  
 14:58 12 A. Oh, I didn't know if he did dope, or he sold  
 14:58 13 it. I didn't understand what you was trying to identify  
 14:58 14 here.  
 14:58 15 Q. So you are saying maybe -- you are saying that  
 14:58 16 he perhaps sold dope or didn't do dope?  
 14:58 17 A. Yeah. I got kind of confused on that question.  
 14:58 18 I'm sorry.  
 14:59 19 Q. That's probably my mistake. So, so he's a  
 14:59 20 dealer. And you don't know if he's a user, according to  
 14:59 21 you; is that right? Is that fair?  
 14:59 22 A. I thought he was a mortgage broker.  
 14:59 23 Q. Well, I understand. I understand that. Well,  
 14:59 how long -- let's do it this way. How long have you  
 known him? Let's try that way. You've known him since

14:59 1 Pleasant Grove?  
 14:59 2 A. Of course, yes, sir.  
 14:59 3 Q. And that's not just a casual acquaintance; you  
 14:59 4 met him a year ago. How long have you known him?  
 14:59 5 A. Multiple years.  
 14:59 6 Q. Well, give me an idea. About how many?  
 14:59 7 A. Ballpark? 15 to 17, 18, maybe, I guess. I  
 14:59 8 hadn't really tallied it up.  
 14:59 9 Q. Okay. And then you've known -- how long have  
 14:59 10 you known the defendant?  
 14:59 11 A. Ivan Cantu.  
 14:59 12 Q. Uh-huh.  
 14:59 13 A. Several years. It's his cousin, several years,  
 14:59 14 yeah.  
 14:59 15 Q. Did you know him from Pleasant Grove?  
 14:59 16 A. Well, no, he didn't live in Pleasant Grove.  
 14:59 17 I've kind of known him from -- just known him from  
 15:00 18 James, really.  
 15:00 19 Q. Okay. You know somebody by the name of Anthony  
 15:00 20 Fonseca?  
 15:00 21 A. Oh, very well.  
 15:00 22 Q. I've seen the name spelled several ways. Will  
 15:00 23 you tell me what you think the spelling of the last name  
 15:00 24 is. How do you spell his?  
 15:00 25 A. F-O-N-S-E-C-A?

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15:00 1 THE COURT: There's an N in there, Mr --  
 15:00 2 MR. GOELLER: F-O-N, right?  
 15:00 3 THE WITNESS: Yes.  
 15:00 4 MR. SCHULTZ: Thank you, Judge.  
 15:00 5 Q. (BY MR. SCHULTZ) Do I have that right?  
 15:00 6 A. Yeah.  
 15:00 7 Q. Is it fair to say he's a dooper?  
 15:00 8 A. Yeah. You could say that.  
 15:00 9 Q. I meant, I didn't want to be confusing to you.  
 15:00 10 And by being a dooper, I guess that means both a user and  
 15:00 11 a dealer; is that fair?  
 15:00 12 A. You could say that's fair.  
 15:00 13 Q. I'm not trying to -- it's you testifying. It's  
 15:00 14 not me. I just want to know what you'll agree with.  
 15:00 15 A. To say a dooper is fine with me.  
 15:00 16 Q. All right. He's a dooper. Not just a dealer,  
 15:01 17 but a dooper. Okay. How about Chris Head? Do you know  
 15:01 18 that name?  
 15:01 19 A. Yes.  
 15:01 20 Q. Where do you know Chris from?  
 15:01 21 A. From Pleasant Grove.  
 15:01 22 Q. Would it be fair to his character to call him a  
 15:01 23 dooper?  
 15:01 24 A. Oh, yeah, a dooper, yeah.  
 15:01 25 Q. Okay. Fair enough. Now, he's got a brother

15:01 1 that goes by the tender appellation of Buck, doesn't he?  
 15:01 2 A. Yeah.  
 15:01 3 MR. GOELLER: The what?  
 15:01 4 MR. SCHULTZ: The tender appellation.  
 15:01 5 MR. GOELLER: Of? Yeah, but of --  
 15:01 6 MR. SCHULTZ: Buck would be.  
 15:01 7 MR. GOELLER: Buck.  
 15:01 8 Q. (BY MR. SCHULTZ) Buck, yeah. Where do you  
 15:01 9 know Buck from?  
 15:01 10 A. From Chris Head.  
 15:01 11 Q. Which one is the older brother?  
 15:01 12 A. Chris is.  
 15:01 13 Q. What -- does Buck have a real name, or is that  
 15:01 14 just a nickname?  
 15:01 15 A. He's Jason Head.  
 15:01 16 Q. He's Jason "Buck" Head. I wouldn't be doing  
 15:01 17 him a discourtesy to suggest he's a dooper now, would I?  
 15:02 18 A. I really never had a lot of relations with  
 15:02 19 Chris Head too much, but you could call him a dooper.  
 15:02 20 Q. Well, only if it's true. Now, I'm trying to --  
 15:02 21 A. Well, yeah, I've known him doing dope. Yeah,  
 15:02 22 you can call him a dooper.  
 15:02 23 Q. All right. Well, does he use too because,  
 15:02 24 according to you, you are not a true dooper unless you  
 15:02 25 use and deal, right? So does he do both?

15:03 1 presently in?  
 15:03 2 A. Retail.  
 15:03 3 Q. Could you be a little more specific?  
 15:03 4 A. I have kiosks in the local malls, and we sell  
 15:03 5 sterling silver watches.  
 15:03 6 Q. About how many kiosks would you say you run  
 15:04 7 presently, Mr. Gonzalez?  
 15:04 8 A. I have three and one restaurant coming up that  
 15:04 9 should be open November 15th inside the mall.  
 15:04 10 Q. So it's a total of four then?  
 15:04 11 A. Yes.  
 15:04 12 Q. And I believe you say you sell watches?  
 15:04 13 A. Uh-huh.  
 15:04 14 Q. What --  
 15:04 15 A. We sell fashion watches. We sell high-end  
 15:04 16 watches. We sell knock-off watches. We sell all kinds  
 15:04 17 of watches.  
 15:04 18 Q. And I guess that means you got employees that  
 15:04 19 man those kiosks for you?  
 15:04 20 A. Yes, sir, and including myself.  
 15:04 21 Q. Do you work at any particular kiosk, or do you  
 15:04 22 move around where there's an opening or a need?  
 15:04 23 A. It just depends how many we have going that  
 15:04 24 year. Some we had in several malls. Now, we kind of  
 15:04 25 whittled it down to just one mall.

15:02 1 A. No. He's a -- a dooper is a guy that does  
 15:02 2 drugs, and a dealer is a guy that sells drugs.  
 15:02 3 Q. Okay. Okay. Well, then, I misunderstood your  
 15:02 4 distinctions. Let me go back up, if I could, to  
 15:02 5 Anthony. Is he also a dealer, in addition to being a  
 15:02 6 dooper then?  
 15:02 7 A. He could be both, yes, sir.  
 15:02 8 Q. Well, is he?  
 15:02 9 A. Yeah.  
 15:02 10 Q. I don't want to know what he could be. You  
 15:02 11 know him to be a dealer also?  
 15:02 12 A. Well, I can just tell you we all used to deal  
 15:02 13 dope, so you could probably put my name up there, too.  
 15:02 14 Q. I'm not there yet. Now, but you don't know  
 15:02 15 Metal?  
 15:03 16 A. I don't know any Metal.  
 15:03 17 Q. Do you know -- you knew Amy Kitchen, right?  
 15:03 18 A. Yes, sir.  
 15:03 19 Q. The deceased. Did you know her to be a dooper?  
 15:03 20 A. No.  
 15:03 21 Q. Were you around her when she was doing dope?  
 15:03 22 A. Never around her where she ever did dope.  
 15:03 23 Never knew that she did dope or nothing.  
 15:03 24 Q. All right. Let's take a break from that for a  
 moment, if we could. What line of work are you

15:04 1 Q. Prior to the time that you were in the kiosk  
 15:04 2 business, what was your business?  
 15:04 3 A. I was working for a company called Birch  
 15:04 4 Management.  
 15:04 5 Q. What would that have entailed?  
 15:04 6 A. It was a entertainment facilities.  
 15:04 7 Q. Could you be a little more specific?  
 15:04 8 A. Cabaret Royale, Million Dollar Saloon. This  
 15:05 9 guy, Duncan Birch, owns all these clubs, and I worked  
 15:05 10 for him.  
 15:05 11 Q. What kind of work was it that you do?  
 15:05 12 A. Supervise and manage the clubs. Did all the  
 15:05 13 ordering. Meet your payroll, and it was in the  
 15:05 14 straight. Made sure our staff was complete and stuff  
 15:05 15 like that.  
 15:05 16 Q. Okay. About how long were you in that line of  
 15:05 17 work?  
 15:05 18 A. About three years.  
 15:05 19 Q. Can you give me kind of just a time? This is  
 15:05 20 before the kiosk business?  
 15:05 21 A. Before the kiosk business.  
 15:05 22 Q. And so you worked for somebody; is that right?  
 15:05 23 A. I worked for somebody.  
 15:05 24 Q. Why did you leave that business and go into the  
 15:05 25 kiosk business?



15:05 1 A. Well, it starts a little bit before that. I  
15:05 2 used to be in business for myself, and then I went  
15:05 3 through my divorce. And then I needed a self-esteem  
15:05 4 builder, so I went to work for this club. And then once  
15:05 5 I got my act together, I wanted to make more money. You  
15:05 6 obviously go to work for yourself.

15:05 7 Q. What business were you in before you had your  
15:05 8 divorce?

15:05 9 A. I was in the tanning salon business.

15:06 10 Q. All right. And did you have any partners in  
15:06 11 that?

15:06 12 A. I had one partner in there.

15:06 13 Q. What was that partner's name?

15:06 14 A. His name was Jason Gross.

15:06 15 Q. Jason Gross, okay. And at one point was the  
15:06 16 decedent in the tanning bed business also?

15:06 17 A. Yeah. We got in pretty much -- I got in about  
15:06 18 nine months before he did. And we just kind of followed  
15:06 19 in each other footsteps a little bit. I got into the  
15:06 20 tanning business, and then he opened up his store. Then  
15:06 21 I opened up my second store, and he opened up his second  
15:06 22 store.

15:06 23 Me and James grew up together. We were  
15:06 24 always in competition with each other a little bit, you  
15:06 25 know?

15:06 1 Q. Were you the only two that were in competition  
15:06 2 with each other that way, in your mind? Would you say  
15:06 3 he was a competitive man?

15:06 4 A. With me? Yeah.

15:06 5 Q. How about with other people?

15:06 6 A. Football, yeah. He was real into athletic  
15:06 7 stuff that I really wasn't into athletic stuff, like  
15:06 8 boxing, running, football, stuff like that, that I  
15:06 9 wasn't in physical shape, as you could say, as he was  
15:07 10 always.

15:07 11 Q. Okay. Now, you mentioned that you thought he  
15:07 12 was in the mortgage business?

15:07 13 A. Oh, I know. I don't think. I know he's in the  
15:07 14 mortgage business.

15:07 15 Q. Well, I understand. And I wasn't implying that  
15:07 16 it's an either/or proposition. You would agree with me  
15:07 17 that a person can be in the narcotics business and have  
15:07 18 a legitimate business also. That's possible?

15:07 19 A. Anything is possible, yes, sir.

15:07 20 Q. There's nothing -- I mean, there's nothing  
15:07 21 necessarily that precludes having more than one  
15:07 22 occupation at a time; is that right?

07 23 A. Right.

Q. When he was in the mortgage business, did you  
ever go to his office or were you ever around him there?

15:07 1 A. Oh, yeah.

15:07 2 Q. Tell us a little bit about that. Tell us about  
15:07 3 some of the trips to his office.

15:07 4 A. Well, several other friends worked there. So  
15:07 5 when we went, you know, it was just hang out or we would  
15:07 6 see -- do lunch quite a bit. And you know he was always  
15:07 7 calling me and trying to get me involved in the  
15:07 8 business.

15:07 9 Q. In what business? The mortgage?

15:07 10 A. The mortgage business. A week prior to his  
15:07 11 death he called and just asked me, he wanted me to come  
15:08 12 work with him. He said that he -- he really would like  
15:08 13 for me to come work, and I told him that he was tired of  
15:08 14 me at the mall making pennies when I could come work in  
15:08 15 the mortgage business and make money, serious money, you  
15:08 16 know?

15:08 17 Q. And what would have been his incentive in such  
15:08 18 a proposition? Is it pure friendship?

15:08 19 A. He just thought I had a good talking game, and  
15:08 20 he just wanted me to come be with him at work. You  
15:08 21 know, he says, man, you got so much more to offer than  
15:08 22 just selling watches in the mall, you know. Not him,  
15:08 23 everybody called me and told me stuff like that, but  
15:08 24 that's what I was comfortable about doing, you know.

15:08 25 Q. Did you never think about trying --

15:08 1 A. Oh, yeah.

15:08 2 Q. -- the offer?

15:08 3 A. Of course.

15:08 4 Q. Were you the only friend of his that he ever  
15:08 5 tried to get into that business or tried to help get  
15:08 6 into the mortgage business?

15:08 7 A. Oh, no, uh-huh.

15:08 8 Q. Who else can you think of who he tried to help?

15:08 9 A. Chris Head, Anthony Fonseca, Ray Sanchez, Chris  
15:08 10 Head.

15:09 11 Q. Ran Sanchez, does he belong up here on this  
15:09 12 board.

15:09 13 A. Oh, no.

15:09 14 Q. You don't think so?

15:09 15 A. No, sir.

15:09 16 Q. Where do you know Ray from?

15:09 17 A. I know Ray from James's office.

15:09 18 Q. Did you know him at any time before he went to  
15:09 19 work there?

15:09 20 A. No. As far as I know, his history was, he  
15:09 21 worked at a bank as a loan officer.

15:09 22 Q. So certainly some of the -- not all the players  
15:09 23 are dopers then is what we're saying?

15:09 24 A. No, of course not.

15:09 25 Q. But on the other hand, we've got a couple hits

15:09 1 on Chris Head and Anthony Fonseca, right?  
 15:09 2 A. Yes.  
 15:09 3 Q. As a matter of fact, is it fair to say those  
 15:09 4 are current professionals in that business, that being  
 15:09 5 the narcotics business? Is that a fair statement?  
 15:09 6 A. Professionals? What do you define  
 15:09 7 professional?  
 15:09 8 Q. Doing it for money as opposed to prestige?  
 15:09 9 A. Yes, sir.  
 15:09 10 Q. So they are current dope. They are current  
 15:09 11 dealers and dopers; is that fair?  
 15:09 12 A. Yes, sir. Could I get some water?  
 15:09 13 THE COURT: Yeah. Billy, could you get  
 15:09 14 this gentleman a glass of water, please?  
 15:10 15 Q. (BY MR. SCHULTZ) Do you know whether or not  
 15:10 16 the decedent, Mr. Mosqueda, ever tried to get the  
 15:10 17 defendant Ivan Cantu into the mortgage business?  
 15:10 18 A. Did Ms. Kitchen ever ask --  
 15:10 19 Q. Mr. Mosqueda, the decedent. Did he ever try to  
 15:10 20 get the defendant Ivan Cantu into the mortgage business?  
 15:10 21 A. Ms. Mosqueda?  
 15:10 22 Q. No.  
 15:10 23 A. I'm sorry. I'm not hearing.  
 15:10 24 Q. The deceased?  
 15:10 25 A. Oh, James.

15:10 1 Q. James, uh-huh. Did he ever try to get Ivan  
 15:10 2 Cantu into the mortgage business?  
 15:10 3 A. I wouldn't say get him into the mortgage  
 15:10 4 business. I'd say to come work for him so he can make  
 15:10 5 some money.  
 15:10 6 Q. Wasn't that the same? Isn't that the same  
 15:10 7 thing?  
 15:10 8 A. Yeah. I mean, Ivan was in the business any  
 15:10 9 ways.  
 15:10 10 Q. Okay. So people were switching businesses in  
 15:10 11 this all the time. They are going from one mortgage  
 15:10 12 company to another?  
 15:10 13 A. Oh, yeah.  
 15:10 14 Q. By the way, is this a legitimate business or is  
 15:10 15 it some kind of underworld thing or something that's to  
 15:10 16 hide money? It's a legitimate business?  
 15:11 17 A. Oh, yes, sir.  
 15:11 18 Q. So, in your judgment, James had a legitimate  
 15:11 19 job where he would broker mortgages for people trying to  
 15:11 20 buy houses?  
 15:11 21 A. Yes, sir.  
 15:11 22 Q. And you indicated the defendant had been in  
 15:11 23 that business, and it's your impression that he was  
 5-44 24 doing the same thing. He was brokeraging legitimate  
 mortgages?

15:11 1 A. Yes, sir.  
 15:11 2 Q. And that's what you were being offered. It was  
 15:11 3 a real-live job?  
 15:11 4 A. Yes.  
 15:11 5 Q. That law abiding people actually participated  
 15:11 6 in?  
 15:11 7 A. Yes, sir.  
 15:11 8 Q. Is that right? How successful was James?  
 15:11 9 A. At the mortgage business?  
 15:11 10 Q. Uh-huh.  
 15:11 11 A. Very successful.  
 15:11 12 Q. I probably shouldn't assume, so I won't. But  
 15:11 13 did you ever see like his financial records, or would  
 15:11 14 you make impressions just from what you observed?  
 15:11 15 A. Yeah. He would show me things. He would be  
 15:11 16 proud of making -- maybe closing 20 loans that month.  
 15:11 17 Yeah, he would show me.  
 15:11 18 Q. Did you ever see anything like checks or check  
 15:11 19 stubs?  
 15:11 20 A. Oh, yeah.  
 15:11 21 Q. Any figures kind of stick in your mind,  
 15:11 22 something big and impressive?  
 15:11 23 A. 27,000 one month, bring home. Yeah, that's  
 15:12 24 pretty nice.  
 15:12 25 Q. Now, talk is cheap. Did you actually see

15:12 1 documentary evidence?  
 15:12 2 A. Checks. I mean, he would show me checks of,  
 15:12 3 this is what he made, and this is how much they grossed.  
 15:12 4 And this is how well they are doing, and this is why I  
 15:12 5 should come work for him.  
 15:12 6 Q. I guess my real question is, even if we adopt  
 15:12 7 the assumption -- you haven't adopted this assumption --  
 15:12 8 but even if we assume that James was a dope dealer at  
 15:12 9 the time of his death, he still had a significant  
 15:12 10 legitimate income stream also that could have supported  
 15:12 11 his lifestyle?  
 15:12 12 A. Yes. Yes, sir.  
 15:12 13 Q. In your judgment, was he a material kind of  
 15:12 14 person? Was he somebody that might find expensive  
 15:12 15 things?  
 15:12 16 A. Yes, sir.  
 15:12 17 Q. Let's talk about vehicles for a second. I'm  
 15:12 18 going -- I assume back in Pleasant Grove he didn't have  
 15:12 19 the same quality of vehicles he had at the time of his  
 15:12 20 death; is that fair?  
 15:12 21 A. We all had nice vehicles still in Pleasant  
 15:12 22 Grove. We didn't have Mercedes-Benz, but we had nice  
 15:13 23 vehicles.  
 15:13 24 Q. Was he generous or was he stingy?  
 15:13 25 A. Toward who?

15:13 1 Q. His friends?

15:13 2 A. Generous. I would say generous, helped. You

15:13 3 know, I mean, he didn't give us money. I don't think

15:13 4 that -- he's not giving money out or nothing like that.

15:13 5 But he's generous as in, how are you doing? and your

15:13 6 well-being.

15:13 7 Q. Okay. When you would go out to dinner with

15:13 8 him, for example, who would typically pay for dinner?

15:13 9 A. All of us.

15:13 10 Q. It wouldn't matter?

15:13 11 A. It wouldn't matter. Unless it was his birthday

15:13 12 or something, and Amy picked up the tab.

15:13 13 Q. How did you get along with Amy Kitchen, the

15:13 14 other decedent?

15:13 15 A. Very well.

15:13 16 Q. Give me examples of what you mean. Kind of

15:13 17 some ideas of how that all worked.

15:13 18 A. Well, we were shopping Tuesday before she got

15:13 19 deceased. I mean, I seen her at Target, and she was

15:13 20 buying candy for Halloween, and I was buying candy for

15:13 21 Halloween. And we had a long talk, and she helped me

15:13 22 pick out some stuff for one of my new stores that was

15:14 23 just coming up and, you know, a nice girl. Never --

15:14 24 I've never had any problems with Amy ever.

15:14 25 Q. And you are married man, and your wife's name

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15:14 1 is Michelle; is that correct?

15:14 2 A. Michelle, yes, sir.

15:14 3 Q. How long have you been married?

15:14 4 A. I have been married for a year. We've been

15:14 5 together for five years.

15:14 6 Q. Now, you and the defendant Ivan Cantu and James

15:14 7 Mosqueda, the decedent, were all long time friends; is

15:14 8 that fair?

15:14 9 A. Yeah. You could say that.

15:14 10 Q. Did you confide in each other?

15:14 11 A. Me and James or me and Ivan?

15:14 12 Q. Let's do it separate, if it's different. Did

15:14 13 you and James confide in each other?

15:14 14 A. Yes, sir.

15:14 15 Q. I mean, would you tell one another secrets that

15:14 16 you would not expect to go beyond the two of you?

15:14 17 A. Not really, no, sir.

15:14 18 Q. You just wouldn't do that?

15:14 19 A. I can't really recall at this moment in time

15:15 20 that stuff we had to hide. You know, so I really can't

15:15 21 tell you. He didn't ever say, don't say this to so and

15:15 22 so or anything like that, if that's what you are asking

me.

Q. What about you and the defendant Ivan Cantu?

Would you all confide in each other?

15:15 1 A. Oh, yeah.

15:15 2 Q. All right. Let's go back to November, early

15:15 3 November of 19 -- I'm sorry, the year 2000. Who would

15:15 4 you say you were closer to at that time, Ivan Cantu or

15:15 5 James?

15:15 6 A. Probably both pretty equal.

15:15 7 Q. For example, the house that you are living in

15:15 8 now.

15:15 9 A. I don't live in a house now, but go ahead.

15:15 10 Q. The house you were living in back in November

15:15 11 of 2000.

15:15 12 A. Correct, uh-huh.

15:15 13 Q. Where did you get that house?

15:15 14 A. I bought it from Ivan.

15:15 15 Q. Had that been his house?

15:15 16 A. That was his house.

15:15 17 Q. Well, of all the houses and all of the cities

15:15 18 in Texas, how did you happen to pick that particular

15:15 19 house that he had been living in?

15:16 20 A. Him and Anthony had came up to the mall, and I

15:16 21 was getting ready to look for a house. And he said he

15:16 22 had one, and he was getting ready to go on foreclosure,

15:16 23 and he could get me in. If I came out and I liked it,

15:16 24 we could get some paperwork started and go from there.

15:16 25 Q. So he had not been paying on the mortgage

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15:16 1 apparently because that's how a foreclosure works, is

15:16 2 when you don't pay the mortgage?

15:16 3 A. I was thinking it was what 10 months, 12 months

15:16 4 back, that he hadn't paid, I believe.

15:16 5 Q. Yeah, the mortgage company, that's a long time

15:16 6 for them?

15:16 7 A. Sure.

15:16 8 Q. And so he knows he's out anyway, right, because

15:16 9 he had not been paying?

15:16 10 A. Right, right.

15:16 11 Q. And so he calls his friend because it would be

15:16 12 a good deal for you?

15:16 13 A. Well, I mean, I was interested in buying a

15:16 14 house, and I was going to get one. And he said, why

15:16 15 don't you come look at this one? You know, you could

15:16 16 help me, and I could help you, and we could get you in.

15:16 17 And you and your wife, you could start your-all's

15:16 18 family, and that's that. And so that's what we did.

15:16 19 Q. So he got you in the house, and a good deal for

15:17 20 you?

15:17 21 A. Yes, sir.

15:17 22 Q. And I guess it got him off the hook somehow?

15:17 23 A. Well, it didn't have a foreclosure on his

15:17 24 credit, so he could buy another house.

15:17 25 Q. Well, he had all those not-paying months. That

15:17 1 would be on his credit, wouldn't it?  
 15:17 2 A. Yeah, but the late pay and no pay is a big  
 15:17 3 difference.  
 15:17 4 Q. Okay. Okay.  
 15:17 5 A. But they redeem their money at the end.  
 15:17 6 Q. Who did?  
 15:17 7 A. The bank. Even for the late fees. I paid  
 15:17 8 them.  
 15:17 9 Q. And then you sold that house since?  
 15:17 10 A. Yes.  
 15:17 11 Q. Any particular reason?  
 15:17 12 A. Well, my wife didn't feel too comfortable, you  
 15:17 13 know, knowing. Everyone knows where we live. Everyone  
 15:17 14 knows whose house it was. She didn't feel comfortable.  
 15:17 15 So she asked if we could get up and move and try to sell  
 15:17 16 the house.  
 15:17 17 Q. I mean, is it like a privacy thing? Like y'all  
 15:17 18 have become celebrities, and she didn't like it for that  
 15:17 19 reason?  
 15:17 20 A. That was one of them, you could say. And just  
 15:17 21 being, just not comfortable in the house.  
 15:17 22 Q. Just because you didn't like the house?  
 15:17 23 A. Well, yeah. I mean, we still have people that  
 15:17 24 come by and ask for Ivan and stuff like that. His uncle  
 15:18 25 lived across the canal from us. She didn't want to be

15:18 1 associated. So she asked me. And I said, okay. We'll  
 15:18 2 get rid of it.  
 15:18 3 Q. You-all used to be good social friends with the  
 15:18 4 defendant, right?  
 15:18 5 A. Yes.  
 15:18 6 Q. And now you don't want anything to do with him;  
 15:18 7 is that what you are saying?  
 15:18 8 A. Well, we hadn't had a chance to have anything  
 15:18 9 to do with him.  
 15:18 10 Q. Well, do you want to have something to do with  
 15:18 11 him now? I guess that is the next question.  
 15:18 12 A. Sure.  
 15:18 13 Q. Are you still friends with him?  
 15:18 14 A. I hadn't talked to him. So how can I answer  
 15:18 15 that question? I mean, I hadn't, you know? Do I still  
 15:18 16 consider him a friend now? Yeah.  
 15:18 17 Q. But you don't want to be in the house that you  
 15:18 18 got from him because people might come by looking for  
 15:18 19 him?  
 15:18 20 A. No. One thing is because my wife is up in my  
 15:18 21 ear, and I'm trying to run businesses. So, yeah, I'm  
 15:18 22 going to satisfy my wife and my daughter and move.  
 15:18 23 Q. Is she afraid?  
 15:18 24 A. She's afraid.  
 15:18 25 Q. Is she afraid of -- what is she afraid of?

15:19 1 A. I don't know. I've asked her. She said she's  
 15:19 2 uncomfortable living there. And my wife is real  
 15:19 3 cut-and-dry. I mean, she didn't -- she just, that's  
 15:19 4 what she told me. You know?  
 15:19 5 Q. Go ahead.  
 15:19 6 A. No. Go ahead. I'm waiting for you.  
 15:19 7 Q. Do you know a fellow named Harlon Hill?  
 15:19 8 A. No. I mean, I do now. I mean, I didn't know  
 15:19 9 him in the past.  
 15:19 10 Q. How do you know him now?  
 15:19 11 A. I just -- I have several, I had some, several  
 15:19 12 detectives ask me if I knew who this guy was, and we  
 15:19 13 just happened to pass each other in the hall.  
 15:19 14 Q. Did you know him before?  
 15:19 15 A. No, sir. No, sir.  
 15:19 16 Q. So you really don't know anything about him of  
 15:19 17 your own knowledge?  
 15:19 18 A. No.  
 15:19 19 Q. Do you know a fellow named Brad Bobbitt?  
 15:19 20 A. I know the name. I never met him, no, sir.  
 15:19 21 Q. Where do you know the name from?  
 15:19 22 A. Ivan used to be roommates with him.  
 15:19 23 Q. Do you know how he spells that?  
 15:20 24 A. No, I don't.  
 15:20 25 Q. I assume it's three B's, B-O-B-B-I-T. When

15:20 1 they were roommates, did you ever go over to their  
 15:20 2 residence?  
 15:20 3 A. Yes, sir.  
 15:20 4 Q. Where was that residence?  
 15:20 5 A. Man, I'm trying to think of a cross street.  
 15:20 6 It's Rosemeade and maybe Marsh Lane maybe. I don't even  
 15:20 7 remember the cross streets. It's been so long ago since  
 15:20 8 I've been over there.  
 15:20 9 Q. Not all that far from where James lived really  
 15:20 10 then?  
 15:20 11 A. No.  
 15:20 12 Q. Close right?  
 15:20 13 A. Yeah.  
 15:20 14 Q. How about Bobbitt? Would it be fair to call  
 15:20 15 him a dooper?  
 15:20 16 A. No. I couldn't say because I don't know the  
 15:20 17 guy, so I don't know.  
 15:20 18 Q. Okay. Have you ever seen any ecstasy?  
 15:21 19 A. Yes, sir.  
 15:21 20 Q. Where have you seen ecstasy?  
 15:21 21 A. Just all over Pleasant Grove, I guess you could  
 15:21 22 say.  
 15:21 23 Q. That's many years ago?  
 15:21 24 A. Years ago and recently.  
 15:21 25 Q. Like how recently?

15:21 1 A. I was on vacation and some friends brought some  
 15:21 2 ecstasy, and they did some ecstasy on vacation.  
 15:21 3 Q. Where were you on vacation?  
 15:21 4 A. In Rios Ochis.  
 15:21 5 Q. Where is that?  
 15:21 6 A. That's in Jamaica.  
 15:21 7 Q. Who all was there?  
 15:21 8 A. Me and my wife, Ivan, Tawny, Anthony, and Jason  
 15:21 9 King.  
 15:21 10 Q. Jason who?  
 15:21 11 A. King.  
 15:21 12 Q. We got Tawny. Who is Tawny?  
 15:21 13 A. Tawny is Ivan's exgirlfriend.  
 15:22 14 Q. We got Jason King?  
 15:22 15 A. Jason King.  
 15:22 16 Q. Who is he?  
 15:22 17 A. He's a friend, associate, a friend.  
 15:22 18 Q. Of who?  
 15:22 19 A. Of all of us.  
 15:22 20 Q. Just a friend. Where does he live?  
 15:22 21 A. Where does Jason live? He lives in Plano.  
 15:22 22 Q. And then we have, you and your wife are there?  
 15:22 23 A. Uh-huh.  
 15:22 24 Q. So I'm not protecting you or something, are you  
 15:22 25 a doper?

15:23 1 A. Am I a doper?  
 15:23 2 Q. Yeah.  
 15:23 3 A. Sure. You can call me a doper.  
 15:23 4 Q. Only if it's true.  
 15:23 5 A. Sure.  
 15:23 6 Q. Who else was down there?  
 15:23 7 A. Tawny, Jason King, myself, Anthony was there.  
 15:23 8 Q. Anthony?  
 15:23 9 A. Fonseca.  
 15:23 10 Q. Yes. We already decide he's a doper and a  
 15:23 11 dealer?  
 15:23 12 A. Yes, sir.  
 15:23 13 Q. I am missing somebody else. Who else?  
 15:23 14 A. You are missing my wife. You are missing  
 15:23 15 Tawny, Jason, Anthony. That's it.  
 15:23 16 Q. That's the only people that are in -- in  
 15:23 17 Jamaica?  
 15:23 18 A. In our party, yes.  
 15:23 19 Q. Was there like another party of people?  
 15:23 20 A. No. Just friends that I know down there that  
 15:23 21 hang out with us.  
 15:24 22 Q. What are some of their names?  
 15:24 23 A. John Wayne.  
 15:24 24 Q. Who else?  
 15:24 25 A. It's really about it, you know. You can say

15:24 1 that's about it.  
 15:24 2 Q. Okay.  
 15:24 3 THE COURT: Say, I tell you what, this is  
 15:24 4 probably a good time to take our afternoon recess, and  
 15:24 5 so it's about 3:25. Let's come back at 3:40. We'll be  
 15:24 6 back in 15 minutes, in other words.  
 15:24 7 (Break.)  
 15:52 8 THE COURT: Let's bring the jury in.  
 15:52 9 (Open court, defendant and jury present.)  
 15:53 10 THE COURT: Mr. Schultz, please continue.  
 15:53 11 MR. SCHULTZ: Judge, may I approach the  
 15:53 12 witness, please?  
 15:53 13 THE COURT: Yes.  
 15:53 14 Q. (BY MR. SCHULTZ) Let me show you an exhibit  
 15:53 15 previously marked and admitted into evidence as State's  
 15:53 16 Exhibit 52. I ask you to look at that. Tell me, can  
 15:53 17 you identify the corpse in that photograph?  
 15:53 18 A. Yes. It's Amy Kitchen.  
 15:53 19 Q. That would be Amy Kitchen; is that correct?  
 15:53 20 A. Yes.  
 15:53 21 Q. And let me show you State's Exhibit No. 54 for  
 15:54 22 record purposes. Can you identify that corpse?  
 15:54 23 A. James Mosqueda.  
 15:54 24 Q. Those are the two decedents in this case; is  
 15:54 25 that correct?

15:54 1 A. Yes, sir.  
 15:54 2 Q. You have been to their house. You had been to  
 15:54 3 their house before, right?  
 15:54 4 A. Yes, sir.  
 15:54 5 Q. You have been out to dinner with them before.  
 15:54 6 Let's talk a little bit about your relationship with the  
 15:54 7 defendant, if we might. You said you've known him  
 15:54 8 probably not for as long of a time as you've known  
 15:54 9 James?  
 15:54 10 A. Correct.  
 15:54 11 Q. Can you recall the first time you met him or  
 15:54 12 where you met him? Was there any significant event, or  
 15:54 13 just years ago?  
 15:54 14 A. I just can't remember.  
 15:54 15 Q. And I infer from some of your testimony that  
 15:54 16 there was a fairly significant social interaction  
 15:54 17 between you and the defendant; is that right?  
 15:54 18 A. Yes, sir.  
 15:54 19 Q. For example, did you ever lend him money?  
 15:54 20 A. Oh, yes, sir.  
 15:54 21 Q. On few or many occasions?  
 15:54 22 A. Few.  
 15:55 23 Q. Three, four, five, that kind of idea?  
 15:55 24 A. Yeah.  
 15:55 25 Q. Was that, by the way, something that your wife

15:55 1 approved of, or did you have to do that somewhat --

15:55 2 A. On the side, yes, sir.

15:55 3 Q. -- on the side, yeah. But you still did that

15:55 4 because he was your friend?

15:55 5 A. Yes, sir.

15:55 6 Q. As a matter of fact, you still consider him to

15:55 7 be a friend?

15:55 8 A. Yes, sir.

15:55 9 Q. You went to Jamaica with the defendant and

15:55 10 others. Is there any -- was James along on that Jamaica

15:55 11 trip?

15:55 12 A. Was James on it?

15:55 13 Q. Yes.

15:55 14 A. No.

15:55 15 Q. Any reason he wasn't? Was he invited, for

15:55 16 example?

15:55 17 A. We had already had it preplanned. He had

15:55 18 another vacation planned for him and Amy pretty close to

15:55 19 it, or they were going on one or something like that.

15:55 20 Q. I guess what I'm getting at is, there isn't any

15:56 21 reason that he would have been excluded or somehow he

15:56 22 didn't fit with the rest of you, in terms of the social

15:56 23 interaction, right?

15:56 24 A. Say that again.

15:56 25 Q. He could have been along if it would have fit

15:56 1 his schedule? It wasn't that no one wanted him along.

15:56 2 A. It wasn't like that. He didn't want to leave

15:56 3 for that period of time, plus he had already spent money

15:56 4 on prior obligations. That's what I understood, you

15:56 5 know?

15:56 6 Q. Did he seem to you to be an intelligent

15:56 7 businessman?

15:56 8 A. Oh, very much so.

15:56 9 Q. Now, I know you would have had conversations

15:56 10 with the defendant from time to time as part of your

15:56 11 friendship. Do you have any opinions on the subject of

15:56 12 whether or not the defendant was envious of James?

15:56 13 MR. GOELLER: Objection, Your Honor, as to

15:56 14 relevancy. Objection 404, improper method of character,

15:56 15 405.

15:56 16 MR. SCHULTZ: We're working on motive,

15:56 17 Judge.

15:56 18 THE COURT: All right. Overrule the

15:56 19 objection.

15:57 20 A. Can you tell me one more time?

15:57 21 Q. (BY MR. SCHULTZ) Sure. In your judgment, was

15:57 22 the defendant envious of James?

15:57 23 A. In my opinion, was he?

15:57 24 Q. Uh-huh.

15:57 25 A. To a certain degree.

15:57 1 Q. I mean, you've known these people for years?

15:57 2 A. Yeah. I would say, yeah.

15:57 3 Q. All right. Was the defendant -- that's Ivan

15:57 4 Cantu -- did he have large grandiose kind of stories

15:57 5 that he was always telling?

15:57 6 A. Yes, sir.

15:57 7 Q. Give me some examples of what you are talking

15:57 8 about or what you considered grandiose. Just give me

15:57 9 some ideas.

15:57 10 A. Just, you know, in trying to impress girls.

15:57 11 You know, calling us and telling them, get the Ferrari

15:57 12 ready. Or come by and pick up a watch from the stand

15:57 13 that was all diamonds, what we call a bling-bling watch.

15:57 14 Q. A what?

15:57 15 A. A bling-bling watch. All diamond embezzled all

15:57 16 the way around.

15:57 17 Q. Yeah.

15:57 18 A. To come get it. You know, take it out of the

15:57 19 safety deposit box. I'm going to take it for this

15:57 20 special show. We're going out to dinner, and I want to

15:58 21 impress some people. Little stuff like that.

15:58 22 Q. Probably a lot of guys would do stuff like

15:58 23 that.

15:58 24 A. Yeah.

15:58 25 Q. Maybe some people fall for it. Probably most

15:58 1 don't, right? Or do you think they do?

15:58 2 A. It depends on who you are telling. If you are

15:58 3 telling it to girls, I would say, yeah, 90 percent of

15:58 4 the time. Guys, bull sh -- I mean, bull.

15:58 5 Q. Wait a minute. Which ones don't -- which ones

15:58 6 don't fall for it, the women or the men?

15:58 7 A. The men.

15:58 8 Q. The women, they fall for stuff like that?

15:58 9 A. He would never say it to us because we know

15:58 10 it's flabbergasted. I mean, girls, naturally, that was

15:58 11 the only time that we heard it.

15:58 12 Q. So if, in your judgment, he could say stuff

15:58 13 like that and they would believe it?

15:58 14 A. Yeah.

15:58 15 Q. What about Mafia talk? Do you ever hear him

15:58 16 talk that Mafia talk, about how he's connected to

15:58 17 organized crime and all that?

15:58 18 A. He told me conversations where he would like to

15:58 19 be a godfather. He would like to get some organization

15:58 20 started and, you know, and get involved and be the main

15:58 21 man.

15:59 22 Q. Like gangsters, I guess.

15:59 23 A. Godfather, yeah, gangster, godfather, whatever

15:59 24 you want to call it.

15:59 25 Q. Did you think about starting a legitimate

15:59 1 business?  
 15:59 2 A. Oh, yeah. We've talked about several  
 15:59 3 legitimate businesses.  
 15:59 4 Q. Did he ever tell you he was connected to the  
 15:59 5 crime families or anything like that? Did he ever tell  
 15:59 6 you anything like that?  
 15:59 7 A. No.  
 15:59 8 Q. You never heard that?  
 15:59 9 A. No.  
 15:59 10 Q. What about money? Did you ever hear him get  
 15:59 11 grandiose about money or about his resources? What he  
 15:59 12 could do, those kinds of things?  
 15:59 13 A. Like, what do you mean?  
 15:59 14 Q. Did he ever have stories about how much money  
 15:59 15 he could make at a certain operation and things like  
 15:59 16 that?  
 15:59 17 A. Just stories behind his mortgage company. How  
 15:59 18 much money he was making.  
 15:59 19 Q. This would be Ivan?  
 15:59 20 A. Yes.  
 15:59 21 Q. How much money did he claim he was making?  
 15:59 22 A. Anywhere from 20 to 30 a month.  
 15:59 23 Q. 20 or 30 what?  
 15:59 24 A. Thousand.  
 15:59 25 Q. Well, did -- do you think that was true?

16:01 1 Q. So, I guess what I'm getting at, is looking at  
 16:01 2 his life, you can't very well say that whatever his  
 16:01 3 growing up years were, that he wasn't able to live  
 16:01 4 decently and successfully if that's what he chose to do.  
 16:01 5 Is that a fair statement?  
 16:01 6 A. Sure.  
 16:01 7 Q. In other words, if he wanted to be a legitimate  
 16:01 8 business person in our society, he had not only the  
 16:01 9 ability, but even the demonstrated track record of being  
 16:01 10 able to do that?  
 16:01 11 A. Yes. At the snap of his fingers if he wanted  
 16:01 12 to.  
 16:01 13 Q. What I'm getting at is, maybe some people would  
 16:01 14 have to commit crimes because they got no options.  
 16:01 15 Maybe they see no way out of their misery or situation?  
 16:01 16 A. I mean, that's -- that's the first thing that  
 16:01 17 comes to your mind, to my mind, you know.  
 16:01 18 Q. But that's not Ivan Cantu?  
 16:01 19 A. Oh, no. No, no, sir.  
 16:01 20 Q. And he is not only capable as a business  
 16:01 21 person, when he chooses to be, he has a personality  
 16:02 22 that's quite engaging, don't you think?  
 16:02 23 A. Oh, very much. Yes, sir.  
 16:02 24 Q. I mean, he has the kind of personality that can  
 16:02 25 get people to do the kinds of things he wants them to

15:59 1 A. Yeah, I mean, he had the stuff to show for it.  
 15:59 2 Q. So, I mean, we're not talking then about --  
 16:00 3 we're not talking about somebody poor, are we?  
 16:00 4 A. Oh, no, no, lived very well.  
 16:00 5 Q. Like, if you saw the documents and they were  
 16:00 6 true, is making more money than probably about anybody  
 16:00 7 in this room now, 20 or 30 thousand dollars a month,  
 16:00 8 right?  
 16:00 9 A. Yeah.  
 16:00 10 Q. So certainly he was not the kind of person that  
 16:00 11 needed to rob simply because he needed eating money or  
 16:00 12 something like that?  
 16:00 13 A. Oh, no. No, no, no.  
 16:00 14 Q. If he was making that kind of money, then why  
 16:00 15 would he have to be crashing with his mom?  
 16:00 16 A. He used to make that type of money.  
 16:00 17 Q. When was he making that kind of money?  
 16:00 18 A. When he was living at the house that I bought.  
 16:00 19 Q. Which was in foreclosure?  
 16:00 20 A. Yes. Prior to that, him and his wife were  
 16:00 21 living there, and they were doing really well.  
 16:00 22 Q. Especially if they weren't paying their  
 16:00 23 mortgage, right? That helped a lot?  
 16:00 24 A. Yeah, I'm sure. Multiple cars, multiple boats,  
 16:00 25 yeah, I mean. They lived good.

16:02 1 do?  
 16:02 2 A. Oh, yes, sir. Yes, sir.  
 16:02 3 Q. For example, if you are right, he can make  
 16:02 4 women believe he's got Ferraris and whatever kind of  
 16:02 5 watch you said that was supposed to look real fancy, and  
 16:02 6 they buy that?  
 16:02 7 A. Oh, yeah.  
 16:02 8 Q. Has he got the kind of personality that can  
 16:02 9 make people afraid of him and frighten them, if he wants  
 16:02 10 to do that?  
 16:02 11 A. Not that I know of.  
 16:02 12 Q. No.  
 16:02 13 A. I never seen that.  
 16:02 14 Q. Okay.  
 16:02 15 A. I mean, I've seen some actions that, you know,  
 16:02 16 from, you know. I mean, I've seen some things, yeah.  
 16:02 17 Q. I understand. You've seen some of his  
 16:02 18 ex-wives?  
 16:02 19 A. Right.  
 16:02 20 Q. You heard things from his ex-wives?  
 16:02 21 A. Right. I never physically seen it.  
 16:02 22 Q. I know. I'm just asking you, you understand a  
 16:02 23 lot about him?  
 16:02 24 A. Right, right.  
 16:02 25 Q. I guess what I'm saying is, if he wants to put

16:03 1 that personality of his to work and to sound, instead of  
 16:03 2 rich and Ferrari-like, mean and gangster-like, he has  
 16:03 3 the ability to do that, especially with people that are  
 16:03 4 gullible and vulnerable?

16:03 5 A. Oh, yes, sir.

16:03 6 Q. The same kind of women that you say would  
 16:03 7 believe the Ferrari story and the fancy watch might  
 16:03 8 believe he is some big gangster that could have him  
 16:03 9 rubbed out if they cross him?

16:03 10 MR. GOELLER: Judge, I object to this.  
 16:03 11 There's got to be no relevance, and it's all  
 16:03 12 speculation.

16:03 13 THE COURT: I'll tell you what. I'll  
 16:03 14 sustain the objection.

16:03 15 Q. (BY MR. SCHULTZ) Now, who was his first wife?

16:03 16 A. Michelle.

16:03 17 Q. And can you give me some time frame of when  
 16:03 18 they were married?

16:03 19 A. I didn't really associate a lot with Ivan at  
 16:03 20 that point in time, with his wife. When I came over to  
 16:03 21 see James, at the apartment, they were roommates. Him  
 16:03 22 and his wife, and James and Amy. So what else about her  
 16:03 23 now?

16:03 24 Q. Just about a point in time when they were  
 16:04 25 married just kind of an idea?

16:05 1 Q. Was that one of your clubs?

16:05 2 A. Yes.

16:05 3 Q. Or was that a club he was a manager at?

16:05 4 A. That was one of my clubs that I used to work  
 16:05 5 at.

16:05 6 Q. Did the defendant ever work at that club, to  
 16:05 7 the best of my knowledge?

16:05 8 A. Yes.

16:05 9 Q. What was his occupation?

16:05 10 A. He was in training to be a manager.

16:05 11 Q. So he was in management training at what, Baby  
 16:05 12 Dolls?

16:05 13 A. Yes.

16:05 14 Q. And that's a --

16:05 15 A. Entertainment facility.

16:05 16 Q. -- gentlemen's club. A sporting house kind of  
 16:05 17 thing, I suppose; is that right?

16:05 18 A. Sure. Yes, sir.

16:05 19 Q. And that's where he met Jennifer?

16:05 20 A. Yes, sir.

16:05 21 Q. Did he tell her any big time stories about  
 16:05 22 himself, do you recall?

16:05 23 MR. GOELLER: Judge, again, at this point  
 16:05 24 in time, it's hearsay. I object to the relevance. It's  
 16:05 25 405 material specific in instances of misconduct or it's

16:04 1 A. Yeah. I didn't see anything wrong with the  
 16:04 2 relationship by any reasons.

16:04 3 Q. No, no. Give me a time frame when you remember  
 16:04 4 they were married. Just to kind of get us on a time  
 16:04 5 line.

16:04 6 A. '96, maybe '97. I'm not for sure. It's been  
 16:04 7 years ago.

16:04 8 Q. Okay. Did you like Michelle?

16:04 9 A. Didn't have any problem with her. Yeah, I  
 16:04 10 liked her.

16:04 11 Q. And then at some point did he marry Jennifer,  
 16:04 12 his second wife?

16:04 13 A. Yes.

16:04 14 Q. And did you know Jennifer?

16:04 15 A. Yes.

16:04 16 Q. And did you like her?

16:04 17 A. Oh, yeah. I really liked her, yeah.

16:04 18 Q. I mean, did they seem like decent women to you,  
 16:04 19 as far as you could tell?

16:04 20 A. Yes, sir.

16:04 21 Q. Now, in fairness to everybody, and this isn't  
 16:04 22 my judgment, but I think some mention has been made of  
 16:04 23 perhaps somebody having danced topless at some point in  
 her life. Jennifer, is that where he met Jennifer?  
 A. Yes.

16:05 1 improper. No predicate. It's character assassination  
 16:05 2 in the guilt-innocence phase.

16:05 3 THE COURT: Sustained.

16:05 4 Q. (BY MR. SCHULTZ) Now, did you, since Jennifer  
 16:06 5 worked at that club, did you know her before she met the  
 16:06 6 defendant?

16:06 7 A. No.

16:06 8 Q. Who met her first, the defendant or you?

16:06 9 A. Ivan. The defendant, excuse me.

16:06 10 Q. Do you know how long they dated?

16:06 11 A. Before what?

16:06 12 Q. Before they got married.

16:06 13 A. A few weeks.

16:06 14 Q. About 22 days, that's like three weeks?

16:06 15 A. Yeah, sure a few weeks. I'd call it a few  
 16:06 16 weeks.

16:06 17 Q. How did he treat her?

16:06 18 MR. GOELLER: Judge, I'm going to renew  
 16:06 19 all my same objections.

16:06 20 THE COURT: Sustained.

16:06 21 Q. (BY MR. SCHULTZ) Did she appear to love him?

16:06 22 A. Did she appear to love him? Yes.

16:06 23 MR. GOELLER: Judge, I object, at this  
 16:06 24 point I object to relevance. At the guilt-innocence  
 16:06 25 stage, whether an ex-wife appeared to love him. What



16:06 1 could that possibly have to do with this indictment,  
 16:06 2 404, 404(b), 405.  
 16:07 3 MR. SCHULTZ: The personality trait  
 16:07 4 related to his ability to control and manipulate and  
 16:07 5 maneuver Amy Boettcher. That's actually a personality  
 16:07 6 trait of his.  
 16:07 7 MR. GOELLER: He is not on trial for that,  
 16:07 8 Your Honor.  
 16:07 9 THE COURT: Yeah. I'll sustain the  
 16:07 10 objection.  
 16:07 11 Q. (BY MR. SCHULTZ) What was the defendant's  
 16:07 12 relationship with Amy Kitchen?  
 16:07 13 A. Friends, as far as I knew.  
 16:07 14 Q. Did he seem to like her, in your judgment?  
 16:07 15 A. To a certain extent, yes, sir.  
 16:07 16 Q. Well, I guess that means to a certain extent he  
 16:07 17 didn't, the way you say it.  
 16:07 18 A. Sure.  
 16:07 19 Q. Did he ever refer to her, for example, as an  
 16:07 20 arm piece?  
 16:08 21 A. Oh, yes, sir, several times.  
 16:08 22 Q. I might not know the vernacular, but that  
 16:08 23 doesn't sound like a compliment. Am I missing  
 16:08 24 something?  
 16:08 25 A. That's what we refer to as a good-looking

16:08 1 arm -- a good-looking girl on your arm when you go out.  
 16:08 2 A good arm piece.  
 16:08 3 Q. That's all that was then?  
 16:08 4 A. That's, yeah.  
 16:08 5 Q. Did he like her?  
 16:08 6 A. I thought he liked her.  
 16:08 7 Q. Did he -- what kinds of things did he say about  
 16:08 8 her that you recall were negative?  
 16:08 9 A. Just --  
 16:08 10 MR. GOELLER: Objection, Your Honor. It's  
 16:08 11 hearsay.  
 16:08 12 MR. SCHULTZ: He said it. If the  
 16:08 13 defendant said it, it's not hearsay.  
 16:08 14 MR. GOELLER: That doesn't make it an  
 16:08 15 exception, Your Honor.  
 16:08 16 THE COURT: Yeah, overruled.  
 16:08 17 Q. (BY MR. SCHULTZ) What kind of negative things  
 16:08 18 would he say about her?  
 16:08 19 A. Just saying she's getting a free ride from  
 16:08 20 James. And she's smarts off to him, you know, when  
 16:08 21 we're at restaurants and things like that. You know and  
 16:08 22 they bicker toward each other a little bit. He just  
 16:08 23 smarts off to her, and she's smarts off to him. And  
 16:08 24 everyone is just used to the little show that goes on.  
 16:09 25 Q. In other words, they didn't care too much for

16:09 1 each other?  
 16:09 2 A. No.  
 16:09 3 Q. So when you said that he liked her, he really  
 16:09 4 didn't like her much apparently, did he?  
 16:09 5 A. To a certain extent, is what I'm telling you.  
 16:09 6 He liked her for James, I think.  
 16:09 7 Q. Well, the fact of the matter is, was he closer  
 16:09 8 to James before or after he hooked up with Amy?  
 16:09 9 A. I don't remember.  
 16:09 10 Q. You don't remember?  
 16:09 11 A. I don't really know.  
 16:09 12 Q. Was he jealous of her? Was he jealous of Amy?  
 16:09 13 A. Oh, yes, sir.  
 16:09 14 Q. The defendant's jealous of Amy for coming  
 16:09 15 between him and James?  
 16:09 16 A. Right. I mean, you know. The things that they  
 16:09 17 had. The things that she got. She didn't work. He  
 16:09 18 gave her money to go out and do things, you know. I  
 16:09 19 mean, it's just --  
 16:09 20 Q. What business is that of the defendant's? I'm  
 16:09 21 missing something.  
 16:09 22 A. It's just -- he's just jealous, you know. I  
 16:09 23 don't know why. He's just jealous.  
 16:09 24 Q. Okay.  
 16:09 25 A. That's my opinion.

16:09 1 Q. All right. That's not just your opinion.  
 16:09 2 Didn't he say things like that?  
 16:09 3 A. Oh, yeah, of course.  
 16:10 4 MR. SCHULTZ: A moment please, Judge.  
 16:10 5 THE COURT: Yes.  
 16:10 6 Q. (BY MR. SCHULTZ) Do you remember lending the  
 16:10 7 defendant \$400 right before this double murder?  
 16:10 8 A. Yes, sir.  
 16:10 9 Q. And is that a transaction you had to do without  
 16:10 10 your wife knowing about it?  
 16:10 11 A. Every transaction was without my wife.  
 16:10 12 Q. Why did the defendant say he needed 400 bucks?  
 16:10 13 A guy that makes 20 or 30 thousand dollars a month.  
 16:10 14 That doesn't seem like a lot of money.  
 16:10 15 MR. GOELLER: Objection, Your Honor.  
 16:10 16 Number one, it's hearsay. Number two, again, it's  
 16:10 17 specific instance and apparent misconduct. And that's  
 16:11 18 obviously the tone of the district attorney. 404,  
 16:11 19 404(b), 405, no predicate.  
 16:11 20 THE COURT: I'll overrule the objection.  
 16:11 21 Q. (BY MR. SCHULTZ) Why did he say he needed 400  
 16:11 22 bucks with that kind of income?  
 16:11 23 A. He needed to pay his car payment or insurance.  
 16:11 24 I can't remember which one it was.  
 16:11 25 Q. Did you believe he needed the money for that

16:11 1 purpose?

16:11 2 A. Yeah.

16:11 3 Q. Okay. And you gave it to him?

16:11 4 A. Yeah.

16:11 5 Q. Cash or check?

16:11 6 A. Cash.

16:11 7 Q. Approximately, when was that in relation to the

16:11 8 murder, just a ballpark idea?

16:11 9 A. I'm going to say a week, a week and a half.

16:11 10 Probably a week because he was supposed to start working

16:11 11 for me the next following weekend.

16:11 12 Q. Was the next following weekend, was that the

16:11 13 weekend of the murder or the weekend before the murder

16:11 14 that he was supposed to start working for you?

16:11 15 A. I thought it was going to be the week of the

16:11 16 murder. But when I had a phone conversation, he

16:11 17 reminded me that it was going to be the next week, and I

16:12 18 kind of forgot. And I said okay.

16:12 19 Q. So the weekend after the murders, he was

16:12 20 supposed to work for you?

16:12 21 A. Right.

16:12 22 Q. And were you just going to take it out of his

16:12 23 paycheck?

16:12 24 A. No. I was hoping he was going to pay me, but

16:12 25 if that's what it came to, yeah, I could do that.

16:12 1 That's why it wasn't that big of a deal. I knew he was

16:12 2 going to come to work, or he said he was.

16:12 3 Q. Okay. Okay. Had he tried to borrow the money

16:12 4 from anybody else before he tried to borrow it from you?

16:12 5 A. Not that I know of.

16:12 6 MR. GOELLER: Objection. It calls for

16:12 7 speculation. It calls for a hearsay response.

16:12 8 THE COURT: I believe he answered it

16:12 9 before you -- before you objected.

16:12 10 MR. GOELLER: I didn't even hear him.

16:12 11 THE COURT: The answer is no. Or, excuse

16:12 12 me, I believe it was, not that I know of.

16:12 13 THE WITNESS: Yes, sir.

16:12 14 Q. (BY MR. SCHULTZ) Had you and the defendant,

16:12 15 prior to the homicides, discussed the defendant trying

16:12 16 to borrow money from James?

16:12 17 A. Say that one more time. Sorry, I didn't hear

16:13 18 very well.

16:13 19 Q. Okay. Did you and the defendant Ivan Cantu

16:13 20 discuss his attempts to borrow money from James that

16:13 21 occurred prior to the murder?

16:13 22 A. Not that I can really remember too well.

16:13 23 Q. You don't remember that?

16:13 24 A. There's been so many times. I mean, I don't

16:13 25 know if it was that exact time or what. I mean, there's

16:13 1 been several times he's tried to borrow money from

16:13 2 James.

16:13 3 Q. And were those times successful?

16:13 4 A. Sometimes yes, sometimes no.

16:13 5 Q. Okay. Did the defendant have discussions with

16:13 6 you prior to the murders about receiving a large amount

16:13 7 of money that James had in his residence?

16:13 8 A. No.

16:13 9 Q. You never had any discussions about that?

16:13 10 A. No.

16:13 11 Q. Do you recall the weekend of the murders? Do

16:13 12 you recall that weekend?

16:13 13 A. Yes, sir.

16:13 14 Q. Were you in town? Were you in Frisco at that

16:13 15 time?

16:13 16 A. I was in Frisco Friday night.

16:14 17 Q. And did you go somewhere then the next day?

16:14 18 A. Yeah. My grandmother's house.

16:14 19 Q. And that would have been where?

16:14 20 A. That is in Waco, Texas.

16:14 21 Q. Do you recall about what time you left for

16:14 22 Waco?

16:14 23 A. Do I recall? About 2:30.

16:14 24 Q. In the afternoon?

16:14 25 A. In the afternoon. I went to work first.

16:14 1 Q. At a kiosk?

16:14 2 A. Yes.

16:14 3 Q. Then about 2:30 on a Saturday afternoon you

16:14 4 went to Waco?

16:14 5 A. I went to Waco.

16:14 6 Q. If I recall correctly, was someone dying at

16:14 7 that point there? Wasn't somebody dying?

16:14 8 A. Oh, my uncle was dying of cancer.

16:14 9 Q. Was that the reason for the trip?

16:14 10 A. Well, I'm with my grandmother every other

16:14 11 weekend any ways. But yes, I was going down there for

16:14 12 her wishes for him to die at my house down there because

16:14 13 they didn't want him to die at the hospital. So she

16:14 14 volunteered my house. So I was going down there to get

16:14 15 my house ready.

16:14 16 Q. All right. And did you take your wife with you

16:14 17 on that trip?

16:14 18 A. No.

16:14 19 Q. Do you recall where she stayed that Saturday

16:15 20 night?

16:15 21 A. At her mother's house in Highland Park.

16:15 22 Q. Was there any particular reason for that?

16:15 23 A. Well, she was -- she was just nervous and upset

16:15 24 and just didn't feel comfortable in the house.

16:15 25 Q. Was this after the murders had been --

16:15 1 A. Yes.  
 16:15 2 Q. -- made public?  
 16:15 3 A. Yes.  
 16:15 4 Q. Do you recall how it was that you first found  
 16:15 5 out that your 20-year friend and his fiance had been  
 16:15 6 murdered?  
 16:15 7 A. Yes.  
 16:15 8 Q. Tell me how you found that out.  
 16:15 9 A. I got a phone call from my wife telling me that  
 16:15 10 somebody was --  
 16:15 11 Q. Let me stop you a moment on that, please.  
 16:15 12 Approximately what time did you get this telephone call?  
 16:15 13 A. I'm going to say between, an estimated time  
 16:15 14 between 5:45 and 6:45 maybe.  
 16:15 15 Q. In the p.m.?  
 16:15 16 A. Yeah, in the p.m.  
 16:15 17 Q. So you would have been in Waco an hour or two  
 16:15 18 hours, maybe something like that, by that time?  
 16:15 19 A. Maybe a little longer.  
 16:15 20 Q. Three hours?  
 16:16 21 A. Yeah. You could say that.  
 16:16 22 Q. And she knew where to call you?  
 16:16 23 A. Right.  
 16:16 24 Q. And she did?  
 16:16 25 A. Yes.

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16:16 1 Q. And was she upset?  
 16:16 2 A. Yeah. She was pretty freaked out. We didn't  
 16:16 3 know if it was true yet at this point.  
 16:16 4 Q. Why didn't you know whether it was true or not?  
 16:16 5 A. She hadn't confirmed it on the news yet. She  
 16:16 6 heard from a friend of a friend. And then naturally I  
 16:16 7 called the house.  
 16:16 8 Q. You called what house?  
 16:16 9 A. I called James's house.  
 16:16 10 Q. All right. Did you get an answer?  
 16:16 11 A. Yes. Amy's mother answered.  
 16:16 12 Q. Had you ever met Amy's mother?  
 16:16 13 A. Never.  
 16:16 14 Q. So the only way you would know it was Amy's  
 16:16 15 mother was, I guess, she said she was Amy's mother?  
 16:16 16 A. Yes.  
 16:16 17 Q. Did she appear upset?  
 16:16 18 A. Not crying, but just totally in shock it seemed  
 16:16 19 like, you know.  
 16:16 20 Q. And you talked with her a bit?  
 16:16 21 A. No. Just for a second. I asked for  
 16:16 22 Ms. Mosqueda, Gladys.  
 16:16 23 Q. Who is Gladys?  
 16:16 24 A. James's mother.  
 16:17 25 Q. How long have you known her?

16:17 1 A. As long as I've known James.  
 16:17 2 Q. And did you get her on the phone?  
 16:17 3 A. Yes, I did.  
 16:17 4 Q. Having known her all those years, was she  
 16:17 5 upset?  
 16:17 6 A. Yes, sir.  
 16:17 7 Q. I know this sounds silly, but tell us how it is  
 16:17 8 that you know she was upset.  
 16:17 9 A. She was screaming and bawling and freaking out.  
 16:17 10 I mean, just -- somebody killed her baby and --  
 16:17 11 MR. GOELLER: Judge, I'm sorry --  
 16:17 12 Mr. Gonzalez. Judge, I object at this time. Previous  
 16:17 13 rulings of the Court regarding that type of testimony at  
 16:17 14 this phase of the trial.  
 16:17 15 THE COURT: Sustain the objection.  
 16:17 16 Q. (BY MR. SCHULTZ) As a result of those phone  
 16:17 17 conversations, did you believe that it was true that the  
 16:17 18 murders had occurred?  
 16:17 19 A. Yes. Once I talked to James's mother, then I  
 16:17 20 knew it was true. Told me that somebody had killed --  
 16:17 21 Q. Don't tell us what she said, but you knew it  
 16:17 22 was true?  
 16:17 23 A. Yeah.  
 16:17 24 Q. What did you do next?  
 16:18 25 A. Kind of fell to the floor.

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16:18 1 Q. Literally?  
 16:18 2 A. Yeah.  
 16:18 3 Q. All right. And were you planning on spending  
 16:18 4 Saturday night in Waco?  
 16:18 5 A. No. I mean, I was planning on spending  
 16:18 6 Saturday night. I mean, I thought you were talking  
 16:18 7 about Sunday. I'm sorry. Saturday night, yeah. I was  
 16:18 8 planning on spending the whole weekend there until  
 16:18 9 Monday.  
 16:18 10 Q. When did you come home?  
 16:18 11 A. The next following day.  
 16:18 12 Q. You did spend Saturday night?  
 16:18 13 A. I went ahead and stayed Saturday night.  
 16:18 14 Q. What time did you leave Sunday morning or  
 16:18 15 Sunday whenever it was?  
 16:18 16 A. First thing when I got up.  
 16:18 17 Q. Where did you go?  
 16:18 18 A. Straight to the house.  
 16:18 19 Q. In Frisco?  
 16:18 20 A. Frisco.  
 16:18 21 Q. Where was your wife?  
 16:18 22 A. She met me at the house.  
 16:18 23 Q. Like outside the house?  
 16:18 24 A. We just -- we coconspired on cell phones at the  
 16:18 25 time.

16:19 1 Q. Now, did you try to get ahold of Anthony  
 16:19 2 Fonseca and Jason King?  
 16:19 3 A. All night long, and Ivan Cantu.  
 16:19 4 Q. Now, wait a minute, all night long. Are you  
 16:19 5 talking about all Saturday night, Sunday morning long?  
 16:19 6 A. Yes.  
 16:19 7 Q. Why would you be calling Anthony Fonseca and  
 16:19 8 Jason King?  
 16:19 9 A. To let them know what happened to James and  
 16:19 10 Amy.  
 16:19 11 Q. Okay. And you never got ahold of them?  
 16:19 12 A. Didn't get ahold of anybody.  
 16:19 13 Q. And you are trying to call the defendant also?  
 16:19 14 A. Multiple, multiple, multiple times.  
 16:19 15 Q. Can you put a number with that, so I know what  
 16:19 16 you are talking about maybe?  
 16:19 17 A. Maybe close to 30.  
 16:19 18 Q. What phone were you calling him on?  
 16:19 19 A. Calling from grandmother's phone.  
 16:19 20 Q. What number were you dialing to?  
 16:19 21 A. His cell phone number.  
 16:19 22 Q. Never got an answer?  
 16:19 23 A. Never got an answer.  
 16:20 24 Q. Did you finally connect with Anthony and Jason?  
 16:20 25 A. No. I never connected with them. I left them

16:21 1 A. Right.  
 16:21 2 Q. Is that right?  
 16:21 3 A. Right. I take that back. You know what?  
 16:21 4 Q. What?  
 16:21 5 A. I could have swore they both came over.  
 16:21 6 Q. Okay. But we'll move on.  
 16:21 7 A. All right.  
 16:21 8 Q. When did you hear from the defendant Ivan  
 16:21 9 Cantu?  
 16:21 10 A. The first time?  
 16:21 11 Q. Uh-huh.  
 16:21 12 A. Right when I got in town Sunday.  
 16:21 13 Q. So that would have been before you heard from  
 16:21 14 Anthony and Jason; is that right?  
 16:21 15 A. I really don't remember to be honest with you.  
 16:22 16 Q. Would it have been that same night, that same  
 16:22 17 Sunday night that you came back?  
 16:22 18 A. Yes. I think so.  
 16:22 19 Q. Do you have caller ID at your house?  
 16:22 20 A. Sure.  
 16:22 21 Q. When you got that call from Ivan Cantu, was  
 16:22 22 there a number on the caller ID?  
 16:22 23 A. No number.  
 16:22 24 Q. What -- did you find out why that was from  
 16:22 25 talking to Ivan Cantu?

16:20 1 a note at their house, at Jason's house. And then I  
 16:20 2 left them a note. When they got home, they got the  
 16:20 3 note, and they called me.  
 16:20 4 Q. So the answer is, yes, you did finally get  
 16:20 5 ahold of them?  
 16:20 6 A. Yes.  
 16:20 7 Q. Did you see either of them that Sunday evening  
 16:20 8 after they called you?  
 16:20 9 A. Did I what now? Did I see them?  
 16:20 10 Q. Did you see either one of them?  
 16:20 11 A. After I talked to them?  
 16:20 12 Q. Uh-huh.  
 16:20 13 A. Oh, yeah, they came straight over.  
 16:20 14 Q. Did both come over or did only Anthony come  
 16:20 15 over?  
 16:20 16 A. Both came over.  
 16:20 17 MR. SCHULTZ: Approach the witness,  
 16:20 18 please?  
 16:20 19 THE COURT: Yes.  
 16:20 20 Q. (BY MR. SCHULTZ) It's been a long time. Go  
 16:20 21 ahead read this, not out loud. Read it to yourself  
 16:20 22 and --  
 16:20 23 A. I recall they both came over.  
 16:20 24 Q. So that doesn't refresh your memory on the  
 16:20 25 subject then?

16:22 1 A. He told me he was calling me from a pay phone.  
 16:22 2 Q. Okay. When you talked with him that first time  
 16:22 3 on Sunday, did he indicate to you that he had already  
 16:22 4 heard the news?  
 16:22 5 A. Yes.  
 16:22 6 Q. Did he come up? Did he have an initial  
 16:22 7 explanation for what might have happened that he offered  
 16:22 8 to you?  
 16:22 9 MR. GOELLER: Judge, I'm going to object  
 16:22 10 at this point in time. This is just rank hearsay.  
 16:22 11 THE COURT: Overruled.  
 16:22 12 A. Excuse me, again?  
 16:22 13 Q. (BY MR. SCHULTZ) I said, did Ivan Cantu --  
 16:22 14 A. I mean, repeat your question again.  
 16:22 15 Q. Did Ivan Cantu offer to you an initial  
 16:22 16 explanation for what he thought might have happened?  
 16:22 17 A. If I can recall, he was just -- I can't even  
 16:22 18 really remember too much what he said.  
 16:22 19 MR. SCHULTZ: Approach the witness, Judge?  
 16:22 20 THE COURT: Yes.  
 16:22 21 A. I think he told me he had it coming for the  
 16:22 22 drugs he was dealing.  
 16:22 23 Q. (BY MR. SCHULTZ) All right.  
 16:22 24 A. That's --  
 16:22 25 Q. Start where I'm pointing there. Don't read it

16:23 1 out loud. Read it to yourself and see if it refreshes  
 16:24 2 your memory.  
 16:24 3 A. Yeah. I mean, we had several conversations.  
 16:24 4 Q. Does that refresh your memory on the first  
 16:24 5 story he had to offer you?  
 16:24 6 A. Yes.  
 16:24 7 Q. What was the first story?  
 16:24 8 MR. GOELLER: Renew my objection to  
 16:24 9 hearsay, Your Honor.  
 16:24 10 THE COURT: Overruled.  
 16:24 11 A. Just told me he had it coming for the drugs and  
 16:24 12 stuff that he was dealing.  
 16:24 13 Q. (BY MR. SCHULTZ) Did he tell you about  
 16:24 14 asking -- did the defendant tell you that James had  
 16:24 15 asked his dad for some money?  
 16:24 16 MR. GOELLER: Objection as to the leading,  
 16:24 17 Your Honor.  
 16:24 18 THE COURT: Sustained.  
 16:24 19 THE WITNESS: The reason -- we're talking  
 16:24 20 about two different conversations.  
 16:24 21 MR. GOELLER: Wait, wait.  
 16:24 22 THE COURT: Sir, wait just a minute. You  
 16:24 23 got to wait for the question.  
 16:24 24 THE WITNESS: I apologize.  
 16:24 25 THE COURT: But I sustained it. If you

16:24 1 remember the last question, I sustained the objection.  
 16:24 2 So let's wait for the next question.  
 16:24 3 THE WITNESS: Okay.  
 16:25 4 Q. (BY MR. SCHULTZ) Okay. The first  
 16:25 5 conversation, you say that's when he said he had it  
 16:25 6 coming for the drugs he was dealing?  
 16:25 7 A. Well, yes. The first conversation I asked him  
 16:25 8 if he was coming home.  
 16:25 9 Q. Okay.  
 16:25 10 A. And then we went in to talk about that he  
 16:25 11 wasn't coming home.  
 16:25 12 Q. All right. When does he say he had it coming?  
 16:25 13 Which conversation, is that the second one?  
 16:25 14 A. That's the second conversation.  
 16:25 15 Q. Is the first -- what was the first conversation  
 16:25 16 about, other than: Are you coming home?  
 16:25 17 A. That what happened to James and Amy.  
 16:25 18 Q. Okay. Was there anything in there concerning  
 16:25 19 Ivan's father?  
 16:25 20 A. Nothing in the first conversation.  
 16:25 21 Q. When did that arise?  
 16:25 22 A. The second conversation.  
 16:25 23 Q. Okay.  
 16:25 24 A. It seemed like our phones kept on getting cut  
 16:25 25 off.

16:25 1 Q. Tell us about that conversation involving  
 16:25 2 Ivan's father.  
 16:25 3 A. He told me that James is in a bunch of trouble.  
 16:25 4 Q. Okay.  
 16:25 5 A. He owed a lot of money, and he came to his dad  
 16:25 6 prior to that to borrow the money.  
 16:25 7 Q. Ivan said James had come to Ivan's dad?  
 16:25 8 A. To Ivan's dad and asked him for the money.  
 16:25 9 Q. You mean, like money that his dad owed him?  
 16:26 10 A. No. He just said James is in a lot of trouble,  
 16:26 11 and that he had come to his dad to ask him for some  
 16:26 12 money.  
 16:26 13 Q. Okay. All right. Do you know -- do you know  
 16:26 14 the defendant's dad?  
 16:26 15 A. No.  
 16:26 16 Q. Have you ever talked to the defendant about his  
 16:26 17 dad?  
 16:26 18 A. Oh, yeah.  
 16:26 19 Q. Does the defendant claim his dad is a wealthy  
 16:26 20 man?  
 16:26 21 A. No, sir.  
 16:26 22 Q. Does he claim he's a poor man?  
 16:26 23 A. Yes, sir.  
 16:26 24 Q. Well, so if a fellow owes some other fellows a  
 16:26 25 lot of money, Mr. Cantu would not be the person you

16:26 1 would go to to get money from; is that fair?  
 16:26 2 A. That's what I told him.  
 16:26 3 Q. All right. So when that story -- when that  
 16:26 4 story didn't work, did he have another story?  
 16:26 5 A. Yeah. We kept on trying to figure out who we  
 16:26 6 thought might could have done this.  
 16:26 7 Q. Okay. At that time did you suspect the  
 16:26 8 defendant?  
 16:26 9 A. Did I think it was Ivan?  
 16:26 10 Q. Did you suspect him?  
 16:26 11 A. At that point in time? No.  
 16:26 12 Q. He is your friend?  
 16:27 13 A. Oh, yeah.  
 16:27 14 Q. Charming?  
 16:27 15 A. Oh, yeah.  
 16:27 16 Q. Fun?  
 16:27 17 A. Yeah.  
 16:27 18 Q. Okay. Now, so what's the next story he had as  
 16:27 19 an explanation?  
 16:27 20 MR. GOELLER: Judge, again, I'm going to  
 16:27 21 object to this continuing hearsay. Number one, it's  
 16:27 22 hearsay. Number two, I think Detective Winn has already  
 16:27 23 testified to all of this, and it's pretty much  
 16:27 24 cumulative.  
 16:27 25 THE COURT: Overruled

16:27 1 MR. GOELLER: May I have -- I think  
 16:27 2 Mr. Schultz would probably agree with me the next  
 16:27 3 several series of questions will be involving statements  
 16:27 4 my client made. I'd like a running objection on hearsay  
 16:27 5 at this time, Your Honor, 404(b) and 405.  
 16:27 6 THE COURT: Yeah. I tell you what, with  
 16:27 7 regard to conversations they had that day, you may have  
 16:27 8 a running objection.  
 16:27 9 MR. GOELLER: Thank you, Your Honor.  
 16:27 10 MR. SCHULTZ: Only for clarification, may  
 16:27 11 I address the Court?  
 16:27 12 THE COURT: Yes.  
 16:27 13 MR. SCHULTZ: The State's not conceding  
 16:28 14 that any of this material is embraced in any regard by  
 16:28 15 404(b). And so, we're not -- we're not conceding that,  
 16:28 16 and we'd hope that the Court's running objections would  
 16:28 17 not embrace that because we don't see how that applies.  
 16:28 18 THE COURT: Yeah, I agree, but I'm  
 16:28 19 assuming that the running objection is to the hearsay.  
 16:28 20 MR. GOELLER: Yes, Your Honor.  
 16:28 21 MR. SCHULTZ: If that's all it is, we  
 16:28 22 would have no problem then.  
 16:28 23 THE COURT: All right. Thank you.  
 16:28 24 MR. GOELLER: Well, I'm sorry. Actually,  
 16:28 25 Judge, it is 404(b). I mean, it's pretty obvious.

16:29 1 THE COURT: All right. Go ahead. So I'll  
 16:29 2 withdraw the running objection, and we'll just hear the  
 16:29 3 objection as it comes up.  
 16:29 4 Q. (BY MR. SCHULTZ) What was his next story for  
 16:29 5 what would have happened?  
 16:29 6 MR. GOELLER: Objection, Your Honor,  
 16:29 7 hearsay, 404, 404(b), 405, Rules of Evidence.  
 16:29 8 THE COURT: All right. Overruled.  
 16:29 9 MR. GOELLER: Thank you, sir.  
 16:29 10 A. Go on?  
 16:29 11 Q. (BY MR. SCHULTZ) Uh-huh.  
 16:29 12 A. We just talked about who we thought -- who had  
 16:30 13 the magnitude that could do this crime.  
 16:30 14 Q. Well, y'all thought there was one particular  
 16:30 15 person that it might be, right?  
 16:30 16 A. Yes.  
 16:30 17 Q. And that is Buck, right?  
 16:30 18 A. Yes.  
 16:30 19 Q. Why -- why would Buck be a likely candidate in  
 16:30 20 y'all -- in your judgment?  
 16:30 21 A. Just of the horror stories and stuff that we've  
 16:30 22 heard from his brother, you know, and everything. The  
 16:30 23 horror stories that, you know, robbing people at  
 16:30 24 gunpoint and taking them. Robbing their house and stuff  
 16:30 25 like that.

16:28 1 Mr. Schultz is soliciting this testimony to show these  
 16:28 2 were stories. He certainly is not soliciting them from  
 16:28 3 the witness for the truth of the matter asserted, for  
 16:28 4 the untruth. And therefore there are other crimes,  
 16:28 5 wrongs. It doesn't have to be a criminal act, Judge.  
 16:28 6 So I do request a running objection on 404(b).  
 16:28 7 THE COURT: So you are saying that the  
 16:28 8 State is offering it as proof of other crimes, wrongs or  
 16:29 9 acts?  
 16:29 10 MR. GOELLER: Yes, sir.  
 16:29 11 THE COURT: Okay.  
 16:29 12 MR. GOELLER: Because they absolutely  
 16:29 13 know -- Mr. Schultz would tell the Court he's not  
 16:29 14 offering any of these for the truth of the matter  
 16:29 15 asserted, but for the very opposite, the untruth.  
 16:29 16 MR. SCHULTZ: I'm just offering them  
 16:29 17 because the defendant said them. That's the only  
 16:29 18 predicate I need. That's simple enough.  
 16:29 19 THE COURT: Let me tell you, I don't see  
 16:29 20 any 404(b) connection at all. I tell you what, just to  
 16:29 21 cure the problem. Just make the objection every time  
 16:29 22 there's a question you don't like.  
 16:29 23 MR. GOELLER: Yes, sir.  
 16:29 24 THE COURT: Or that's objectionable.  
 16:29 25 MR. GOELLER: Yes, sir.

16:30 1 Q. I thought he was like a friend of y'all's?  
 16:30 2 A. Who? Jason Head or Chris head?  
 16:30 3 Q. Jason?  
 16:30 4 A. Jason is Chris's brother.  
 16:30 5 Q. I understand.  
 16:30 6 A. Yeah.  
 16:30 7 Q. I thought he was a friend of y'all's?  
 16:30 8 A. Yeah. He's a friend but, I mean, you can't --  
 16:30 9 he knew about their actions. You can't be around every  
 16:30 10 friend you got in every way.  
 16:30 11 Q. So you-all were friends with some guy that had  
 16:31 12 nothing but horror stories about robbing people and all  
 16:31 13 that stuff. He was your friend?  
 16:31 14 A. I didn't socialize with him a lot, but yeah.  
 16:31 15 Q. You know, I had another name. You know Eric  
 16:31 16 Cantu, don't you?  
 16:31 17 A. Yes.  
 16:31 18 Q. And I have been corrected, apparently I put  
 16:31 19 Mr. Fonseca twice. I'm going to scratch him off.  
 16:31 20 A. Okay.  
 16:31 21 Q. And put Eric Cantu. Y'all hung with him also;  
 16:31 22 is that right?  
 16:31 23 A. Once in a blue moon.  
 16:31 24 Q. Certainly by all accounts, he's a dooper?  
 16:31 25 A. Oh, yeah.

16:31 1 Q. Dealer?

16:31 2 A. Excuse me?

16:31 3 Q. Dealer also?

16:31 4 A. No.

16:31 5 Q. Just a dooper?

16:31 6 A. Yes.

16:31 7 Q. So you thought it might be Buck because of the horror stories?

16:32 8 A. Right. That's the only thing that we could figure that would come to mind.

16:32 9 Q. How is Buck connected to James that might have made sense that Buck would be the butcher?

16:32 10 A. He's Chris's brother.

16:32 11 Q. Well, I understand that. Then how does --

16:32 12 A. Well, Chris -- it seemed like Chris and James had a little bit of a falling out.

16:32 13 Q. They had a falling out?

16:32 14 A. Yeah.

16:32 15 Q. Okay. So because Chris and James seemed to have had a falling out, you and the defendant figured it might have been Buck that went down there to kill those two people?

16:32 16 A. Yes.

16:32 17 Q. Now, there's a pizza man story, too, right? Do you know about the pizza man?

16:33 1 might have been Buck. It -- it might have been people he owed a lot of money. This is a different one?

16:34 2 A. Different story.

16:34 3 Q. Now, tell me how this pizza man story goes.

16:34 4 A. He told me that a Domino's --

16:34 5 MR. GOELLER: Excuse me, Mr. Gonzalez.

16:34 6 I'm not sure if it was answered before, but since it's being asked again, I guess I have to object again. I object, Your Honor, 803 hearsay objection. Under 404, specifically, 404(b), object under 405.

16:34 7 THE COURT: All right. Overruled.

16:34 8 MR. GOELLER: Thank you, sir.

16:34 9 A. He told me that he -- he called me and gave me the story that he needed to talk to me about something that's been going on, or he just wished he would have called me.

16:34 10 I said, well, tell me what's going on.

16:34 11 Ivan, if you know, tell me what's going on. He said, basically, a Domino's pizza guy showed up to his house, dressed in a Domino's pizza -- with pizza in his hand, knocked on door. And Ivan said that he didn't order a pizza, but he was going to open the door and let the guy know what apartment to go to.

16:34 12 And when he opened the door, the guy bum rushed him. Came in, dropped him to his knees. Put a

16:32 1 A. John Travolta, Steven Seagal, *Pizza Man*?

16:32 2 Q. No, no. The Domino's pizza man.

16:32 3 A. Yeah.

16:32 4 Q. Do you know that one?

16:32 5 A. Yeah.

16:32 6 Q. Did you talk with the defendant about a pizza man causing the trouble?

16:33 7 A. Yes.

16:33 8 Q. What's that story?

16:33 9 MR. GOELLER: Objection, Your Honor. It's going to call for hearsay, 404, 404(b), 405. Objections on those Rules of Evidence, Your Honor.

16:33 10 THE COURT: Overruled.

16:33 11 Q. (BY MR. SCHULTZ) Domino's pizza man. What's that -- what's that story from the defendant?

16:33 12 A. This is another conversation that we had.

16:33 13 Q. I understand.

16:33 14 A. He called me and told me he had something he wanted to tell me, and he wished he would have come to me a long time ago. And he just wished he would have been truthful about everything.

16:33 15 Q. Let me stop you a minute now. When you had this conversation, was this before or after the murder?

16:33 16 A. This is after the murder.

16:33 17 Q. So this is a separate conversation from, it

16:35 1 gun to his head and told him, "Are you Ivan Cantu?" He said, "Yes, sir, I'm Ivan Cantu." And he said, "Are you James Mosqueda's cousin, the one that's fixing to start working back at the mortgage company and getting a lot of deals done to get my money?" And Ivan told me, you know, he said, "Yeah." And he didn't know what was going on. He said, "Yeah, I'm the guy."

16:35 2 And then he basically said he showed him a list of all these people that are fixing to start getting killed on this list if he didn't get his money. And basically he told Ivan that he owed \$50,000 for some kilos or something to that effect that he owed.

16:35 3 And basically, you know, he shot a bullet in the wall to let him know how serious he was. And that, and if he's going to be BSing him or whatever, he's going to come back for him and all that stuff. And that was pretty much it about the pizza guy.

16:35 4 Q. (BY MR. SCHULTZ) Okay. So that's -- that's how he's going to explain the hole in his wall, the bullet hole?

16:35 5 A. Right.

16:35 6 Q. Some pizza man comes in and wants huge money; plus he can somehow connect that to James, also?

16:35 7 A. Do you want to know the other question that I asked him at the time? I mean, I had asked him, we're

16:36 1 talking because I was asking him questions, too. Do you  
 16:36 2 want to know those questions or do you --  
 16:36 3 Q. I kind of want -- I might later on, but right  
 16:36 4 now I want --  
 16:36 5 A. Sure.  
 16:36 6 Q. -- that you gave. So that conversation  
 16:36 7 explains how come there's a bullet hole in his wall?  
 16:36 8 A. Right.  
 16:36 9 Q. And also is another theory for who it is that  
 16:36 10 killed James and Amy; is that right?  
 16:36 11 A. Right.  
 16:37 12 Q. Now, how much money did the defendant say the  
 16:37 13 pizza man said James owed him?  
 16:37 14 A. If I --  
 16:37 15 MR. GOELLER: Objection, Judge. Same  
 16:37 16 objection as hearsay, 404, 404(b), 405.  
 16:37 17 THE COURT: Overruled.  
 16:37 18 MR. GOELLER: Yes, sir.  
 16:37 19 THE WITNESS: If I were going to recall,  
 16:37 20 it was around 50,000.  
 16:37 21 MR. SCHULTZ: Approach the witness, Judge?  
 16:37 22 THE COURT: Yeah.  
 16:37 23 A. Maybe 150,000, 50,000.  
 16:37 24 Q. (BY MR. SCHULTZ) Hold on a second. Let me see  
 16:37 25 if I can help you out. Just read this to yourself here.

16:38 1 never, ever.  
 16:38 2 Q. Did you tell him that?  
 16:38 3 A. Did I tell him that? Yeah, I told him that.  
 16:38 4 Q. What was his response when you said that?  
 16:38 5 MR. GOELLER: Same objection, Your Honor.  
 16:38 6 THE COURT: Overruled.  
 16:38 7 A. He just said that's what he said he owed.  
 16:38 8 Q. (BY MR. SCHULTZ) Did you believe that story  
 16:38 9 about the pizza man and all? When you were hearing it,  
 16:38 10 did you believe it?  
 16:38 11 A. No.  
 16:38 12 Q. Well, that meant your friend of all those years  
 16:38 13 was just lying to you?  
 16:38 14 A. Exactly.  
 16:38 15 Q. Well, did you know that at the time?  
 16:39 16 A. Yes, sir. When I heard the story, then I knew.  
 16:39 17 Q. When you heard what story?  
 16:39 18 A. When I heard the Domino's pizza story.  
 16:39 19 Q. You knew what?  
 16:39 20 A. I knew what I knew, that story wasn't for real.  
 16:39 21 Q. Is it because of the amount or just the  
 16:39 22 absolute --  
 16:39 23 A. Just -- just the nonsense of it.  
 16:39 24 Q. All right. Now, did you tell him you didn't  
 16:39 25 believe him?

16:37 1 A. Okay.  
 16:37 2 Q. Are you refreshed?  
 16:37 3 A. Yeah.  
 16:37 4 Q. How much money are we talking about?  
 16:37 5 A. 250,000.  
 16:37 6 Q. Now, you know the defendant's all the time  
 16:37 7 inflating? That's his personality, right?  
 16:37 8 A. Say that again, sir.  
 16:37 9 Q. He boosts everything up and makes it much  
 16:38 10 bigger than it really is. That's his personality?  
 16:38 11 A. Right.  
 16:38 12 Q. Do you believe those amounts? That stuff make  
 16:38 13 any sense to you when you heard that's story?  
 16:38 14 A. When he told me 250,000?  
 16:38 15 Q. Yes.  
 16:38 16 A. I started laughing.  
 16:38 17 Q. Well, why?  
 16:38 18 A. Why?  
 16:38 19 Q. Yeah.  
 16:38 20 A. It's just absurd, you know.  
 16:38 21 Q. You understand we don't -- we only know bits  
 16:38 22 and pieces of all these people.  
 16:38 23 A. Right.  
 16:38 24 Q. So tell us why you think it's absurd.  
 16:38 25 A. Because James never owed anybody anything,

16:39 1 A. No.  
 16:39 2 Q. Why not?  
 16:39 3 A. Because I had the police in my house, and I was  
 16:39 4 trying to get him back to Dallas.  
 16:39 5 Q. Let's talk about that a little bit. Which  
 16:39 6 police were there?  
 16:39 7 A. Detective Winn and Detective Rodriguez. I  
 16:39 8 might be mistaken. That might be him, or Ramirez or  
 16:39 9 Rodriguez or --  
 16:39 10 Q. Then did you, by that time, know he was a  
 16:39 11 suspect?  
 16:39 12 A. Yes.  
 16:39 13 Q. How did you -- how did they get to your house?  
 16:39 14 How did that all happen?  
 16:39 15 A. Well, I had one phone call with Ivan on the  
 16:39 16 phone. And he said my phone might cut off, and I'll  
 16:40 17 call you from a land line, and I said okay. As soon as  
 16:40 18 his -- as soon as I heard the story, I knew right away.  
 16:40 19 So as soon as his phone died, I dialed  
 16:40 20 Detective Winn, and I told them they need to race over  
 16:40 21 here as fast as they can. And in the end when he got  
 16:40 22 there, I was still on the phone with Ivan.  
 16:40 23 Q. How did you know who to call at DPD?  
 16:40 24 A. Because I had already talked to them.  
 16:40 25 Q. Did he get there fast?



16:40 1 A. Right away. They were right up the street.  
 16:40 2 Q. Where was your wife at this time?  
 16:40 3 A. At work.  
 16:40 4 Q. Did she know what was going on?  
 16:40 5 A. About?  
 16:40 6 Q. About the police being there trying to lure  
 16:40 7 him?  
 16:40 8 A. No.  
 16:40 9 Q. And did the defendant show up?  
 16:40 10 A. No.  
 16:40 11 Q. Did you think he was going to show up?  
 16:40 12 A. No.  
 16:40 13 Q. Did you invite him to show up, come up and talk  
 16:40 14 to you?  
 16:40 15 A. Yes.  
 16:40 16 Q. What was his response?  
 16:41 17 A. He's scared.  
 16:41 18 Q. Okay. Did he say what he was scared of?  
 16:41 19 A. He's scared of the Domino's pizza guy.  
 16:41 20 Q. Did he appear to be in possession of his usual  
 16:41 21 faculties when you were talking with him on the phone?  
 16:41 22 A. To a certain extent I would say. Again, yes  
 16:41 23 and no.  
 16:41 24 Q. Explain both sides of that issue, then.  
 16:41 25 A. I asked him to come home. He told me, no. I

16:42 1 just coming up with nonsense stories?  
 16:42 2 A. I think he was just trying to come up with a  
 16:42 3 story that somebody would buy.  
 16:42 4 Q. Did it seem to you that he was the same Ivan  
 16:42 5 Cantu that you've known with all these years -- that you  
 16:42 6 are talking to on the phone -- did it sound like the  
 16:42 7 same personality you were used to?  
 16:42 8 A. No.  
 16:42 9 Q. How was it different?  
 16:43 10 A. He had no concern of the situation that was  
 16:43 11 going on. It wasn't Ivan. As far as I know, Ivan loved  
 16:43 12 his cousin. He didn't seem concerned like all of us  
 16:43 13 was.  
 16:43 14 Q. Okay. Did he ever refer to his cousin as a  
 16:43 15 greedy bastard to you?  
 16:43 16 A. I can't say.  
 16:43 17 Q. Sir?  
 16:43 18 A. I can't say. I mean, I kind of remember, but I  
 16:43 19 don't really remember. So I really can't say.  
 16:43 20 Q. Because if he talked about it in that way, that  
 16:43 21 wouldn't sound like he was necessarily in love with him  
 16:43 22 so much, would it?  
 16:43 23 A. Yeah.  
 16:43 24 Q. And you said you think he was jealous of him?  
 16:43 25 A. Oh, yeah.

16:41 1 asked him why. Do you want to hear the answer? Or  
 16:41 2 should I go on?  
 16:41 3 Q. Yeah. Why did he say he didn't want to come  
 16:41 4 home?  
 16:41 5 MR. GOELLER: Same objection, Your Honor.  
 16:41 6 THE COURT: Overruled.  
 16:41 7 A. He told me he is going to be horseback riding  
 16:41 8 and shopping with his new fiance.  
 16:42 9 Q. (BY MR. SCHULTZ) Horseback riding and shopping  
 16:42 10 with --  
 16:42 11 A. And spending time with his new in-laws.  
 16:42 12 Q. Okay. And did he tell you where he was at the  
 16:42 13 time?  
 16:42 14 A. Yes.  
 16:42 15 Q. Arkansas?  
 16:42 16 A. Yes.  
 16:42 17 Q. What I'm asking you, though, is: Did he sound  
 16:42 18 grief stricken that his cousin was dead? Did you get  
 16:42 19 that from him?  
 16:42 20 A. Not even this much (indicating.)  
 16:42 21 Q. Did he sound down and depressed and upset?  
 16:42 22 A. No.  
 16:42 23 Q. Understanding you've already said that you  
 16:42 24 thought his stories were nonsense, is that just -- is  
 16:42 25 that because you thought he was insane at the time or

16:43 1 Q. You've already told us that. And you met --  
 16:43 2 the face that you make, it indicates that's very clear  
 16:43 3 to you; is that right?  
 16:43 4 A. Crystal.  
 16:43 5 Q. That he was jealous?  
 16:43 6 A. Yes, sir.  
 16:43 7 Q. Did he talk about it a lot, about being jealous  
 16:43 8 of him and resenting those kinds of things?  
 16:43 9 A. Not everyday we was together or we talked. Not  
 16:43 10 every time, no.  
 16:43 11 Q. Just sometimes?  
 16:43 12 A. Yeah.  
 16:43 13 Q. And you already said he didn't care for Amy,  
 16:43 14 and that he resented Amy for coming between him and  
 16:43 15 James?  
 16:43 16 A. Right.  
 16:43 17 Q. And what you are describing of him and James,  
 16:43 18 does that sound real wonderful and loving to you, even  
 16:43 19 the way you are describing him? Not the killing, just  
 16:43 20 the jealousy and the envy and greedy bastard and those  
 16:43 21 kind of things.  
 16:43 22 A. Well, he wasn't directing it toward James. Do  
 16:43 23 you know what I mean?  
 16:43 24 Q. No.  
 16:43 25 A. He was directing it toward Amy more, you know?

16:44 1 He didn't -- it seemed like to me, he didn't hate James  
 16:44 2 for -- it seemed like he was upset at James for giving  
 16:44 3 her all the stuff that she has. She got a free ride.  
 16:44 4 He was more pissed about that than anything.  
 16:44 5 Q. Getting back to that again, what possible  
 16:44 6 business is that of his? What James does with his money  
 16:44 7 and who he gives it to?  
 16:44 8 A. Because Amy -- Amy flaunts it. Do you know  
 16:45 9 what I mean? Flaunts it like they got money, you know?  
 16:45 10 Nice cars, breasts, jewelry.  
 16:45 11 Q. Yeah.  
 16:45 12 A. I mean, she flaunts the stuff that -- she shows  
 16:45 13 off the stuff that James gives her, and he didn't like  
 16:45 14 that too well.  
 16:45 15 Q. So killing them is the only logical solution?  
 16:45 16 MR. GOELLER: Objection.  
 16:45 17 THE WITNESS: Yeah. If that's what you  
 16:45 18 say, I mean.  
 16:45 19 MR. GOELLER: That's just argumentative  
 16:45 20 with the witness.  
 16:45 21 THE COURT: Sustained.  
 16:45 22 MR. GOELLER: It's not relevant. I've got  
 16:45 23 to ask that the Court instruct the jury to disregard the  
 16:45 24 last question and the last comment or answer by the  
 16:45 25 witness.

16:46 1 A. Yes.  
 16:46 2 Q. Okay. I mean, those -- those were your words  
 16:46 3 and your statement?  
 16:46 4 A. Right.  
 16:46 5 Q. That you got from the defendant?  
 16:46 6 A. Right.  
 16:46 7 Q. Does that make sense to you that, even if  
 16:46 8 somebody owes somebody money for anything, they got  
 16:46 9 being murdered coming?  
 16:46 10 A. It didn't make sense to me, you know, with the  
 16:46 11 assets that he had and the type of capital that he was  
 16:47 12 making, I mean.  
 16:47 13 Q. No. That's not my question. I mean, the  
 16:47 14 mentality of somebody saying that --  
 16:47 15 A. Hey, you owe me \$250,000.  
 16:47 16 Q. No. That somebody has -- I'm talking about  
 16:47 17 that first conversation. He owed a lot of money, and he  
 16:47 18 was in some trouble. Do you remember that?  
 16:47 19 A. Yeah.  
 16:47 20 Q. And he had it coming?  
 16:47 21 A. Right.  
 16:47 22 Q. That's coming from the defendant?  
 16:47 23 A. Right. Do I think that should result in  
 16:47 24 murder?  
 16:47 25 Q. Yeah. Does that mentality of thinking that

16:45 1 THE COURT: I'll instruct the jury to  
 16:45 2 disregard the last comment and response.  
 16:45 3 MR. GOELLER: Based on that, I'm moving  
 16:45 4 for a mistrial.  
 16:45 5 THE COURT: Overruled.  
 16:45 6 Q. (BY MR. SCHULTZ) Now, you cared a lot about  
 16:45 7 James, didn't you?  
 16:45 8 A. Yes, sir.  
 16:45 9 Q. By the way, in your mind, if somebody is owing  
 16:46 10 people money, in your mind, do they have it coming to  
 16:46 11 get killed? Does that make sense to you?  
 16:46 12 A. If someone owes somebody that type of money?  
 16:46 13 Q. A bunch of money, yeah.  
 16:46 14 A. I guess it depends on what it was for.  
 16:46 15 Q. So, in your mind, sometimes they probably get  
 16:46 16 what's coming to them, by getting --  
 16:46 17 A. Like, for instance, if they owed a drug dealer  
 16:46 18 or something like that? Is that what you are saying?  
 16:46 19 Q. Yeah, for example.  
 16:46 20 A. In that circumstances, I would say, it could be  
 16:46 21 a possibility.  
 16:46 22 Q. I know it can happen. I know it works that  
 16:46 23 way. I'm just saying, you told me the defendant's  
 16:46 24 statement to you, the first one was, he owed a lot of  
 16:46 25 money, and he had it coming; is that right?

16:47 1 somebody would have it coming even if that story is  
 16:47 2 true? Is that unusual mentality in your mind?  
 16:47 3 MR. GOELLER: Well, Judge, I object to  
 16:47 4 that, in his mind, how he thinks about that because it  
 16:47 5 is certainly not relevant to this indictment.  
 16:47 6 THE COURT: Sustained.  
 16:47 7 Q. (BY MR. SCHULTZ) Those are his words. He had  
 16:47 8 it coming because he owed him a lot of money.  
 16:47 9 MR. GOELLER: Judge, asked and answered  
 16:47 10 four times removed.  
 16:47 11 THE COURT: Let's see. I suppose there's  
 16:47 12 a question to follow.  
 16:47 13 Q. (BY MR. SCHULTZ) Those were his words?  
 16:47 14 A. Right.  
 16:48 15 Q. How well did you know Amy Boettcher?  
 16:48 16 A. Well, considering it was only a month they were  
 16:48 17 together, I knew her from a couple times we met. What  
 16:48 18 was my opinion about her?  
 16:48 19 Q. I'll get there.  
 16:48 20 A. Okay.  
 16:48 21 Q. I'll get there. Say, how many times were you  
 16:48 22 around her total?  
 16:48 23 A. I'd say maybe four or five.  
 16:48 24 Q. Were they mostly social?  
 16:48 25 A. Yes, sir.

16:48 1 Q. You got any impressions of her personality-  
 16:48 2 wise, first of all, any impressions?  
 16:48 3 A. What was my impression of her?  
 16:48 4 Q. Yes.  
 16:48 5 A. Weak, shy, not very outspoken.  
 16:48 6 Q. Right.  
 16:48 7 A. I guess that's it.  
 16:48 8 Q. When we're talking about weak, are you meaning  
 16:48 9 physically weak or --  
 16:48 10 A. Mentally weak.  
 16:48 11 Q. Or spiritually, constitutionally weak?  
 16:48 12 A. Yeah, just mentally weak. Like, you know, no  
 16:48 13 control of the situation. You know, she never out spoke  
 16:48 14 or never said anything. You know, if we were going to  
 16:48 15 eat or something, she didn't tell us what she wanted or  
 16:48 16 anything like that. She never -- she was a very quiet  
 16:48 17 girl.  
 16:48 18 Q. Why I'm asking you that, is sometimes you see  
 16:48 19 people and in a courtroom setting you might think, well,  
 16:48 20 they are trying to project one kind of personality, you  
 16:48 21 know, to influence somebody or put on some kind of a  
 16:48 22 role. And none of us really know what they are like  
 16:48 23 outside of the courtroom when they are not under that  
 16:48 24 kind of pressure. Do you think she was weak and  
 16:48 25 retiring?

16:51 1 guy?  
 16:51 2 A. I didn't get that out of it.  
 16:51 3 Q. You didn't see that?  
 16:51 4 A. Well, such a short period of time, you know, I  
 16:51 5 really didn't observe or think, this girl is just  
 16:51 6 falling, you know?  
 16:51 7 Q. Fair enough, fair enough. If you had to pick  
 16:51 8 one or the other that seemed to be in control of that  
 16:51 9 relationship, which one would it be, the defendant or  
 16:51 10 her?  
 16:51 11 A. The defendant.  
 16:51 12 Q. Would that be a fair assessment of his  
 16:51 13 personality in terms of being able to do that?  
 16:51 14 A. Yeah, of course.  
 16:51 15 Q. Is he flexible in his ability to control  
 16:51 16 people, depending on the situation?  
 16:51 17 A. Yes, sir.  
 16:51 18 Q. I mean, can he be brash if brash is called for?  
 16:51 19 A. Oh, yeah.  
 16:51 20 Q. Can he be pitiful if pitiful is called for?  
 16:51 21 A. Sure.  
 16:51 22 Q. Can he be shy if shy is called for?  
 16:51 23 A. Sure.  
 16:51 24 Q. Have you ever seen him do all those kinds of  
 16:51 25 things, depending on what he's trying to work?

16:49 1 A. Very shy, very not outspoken at all. I mean,  
 16:49 2 I'm just tell you the times that I talked to her. I  
 16:49 3 might have got ten words every time, I mean, total.  
 16:49 4 Q. Well, I mean, was she a take-charge kind of a  
 16:49 5 person and a decisive kind of a person?  
 16:49 6 A. No, not in my eyes, no.  
 16:49 7 Q. How did she interact with the defendant when  
 16:49 8 you would see them together?  
 16:49 9 A. Lovey-dovey, you know, that was really it. I  
 16:49 10 never really heard them talk. I seen them holding hands  
 16:49 11 and kissing a little bit, and that's really about it.  
 16:49 12 Q. How often did you see her when she was on  
 16:49 13 drugs?  
 16:49 14 A. I can't even really recall. Maybe two times,  
 16:49 15 three times, maybe max.  
 16:49 16 Q. Was she mean when she was high on drugs, did  
 16:49 17 she have like a mean streak or vicious streak?  
 16:49 18 A. Oh, no.  
 16:49 19 Q. What was she like when she was high on drugs?  
 16:49 20 A. Quiet and still, no change. I mean, I really  
 16:49 21 couldn't tell if she was or wasn't, to be honest with  
 16:49 22 you. I'd see her dancing around a little bit, but  
 16:49 23 that's about as loose as I seen her get.  
 16:49 24 Q. Now, I suppose nobody knows what's in another  
 16:49 25 person's heart, but did it appear that she loved that

16:52 1 A. Several things, yes, sir.  
 16:52 2 Q. And he's certainly not stupid?  
 16:52 3 A. No, sir.  
 16:52 4 Q. And he's -- he's streetwise as can be, isn't  
 16:52 5 he?  
 16:52 6 A. I take him as very intelligent.  
 16:52 7 Q. You know the defendant's mom, Ms. Sylvia Cantu,  
 16:52 8 right?  
 16:52 9 A. Yes, sir.  
 16:52 10 Q. She's somehow connected in the real estate  
 16:52 11 business; is that right?  
 16:52 12 A. Yes, sir.  
 16:52 13 Q. Could you, if you know, could you kind of  
 16:52 14 explain to us what she does real estatewise?  
 16:52 15 A. She sells houses.  
 16:52 16 Q. Huh?  
 16:52 17 A. She sells houses.  
 16:52 18 Q. Is that for a tract developer? Is that who she  
 16:52 19 would work for?  
 16:52 20 A. Yeah, I guess you could say. I mean, last deal  
 16:52 21 that I know her to work on was a tract deal.  
 16:52 22 Q. And she has got a son who was in the mortgage  
 16:52 23 business, right?  
 16:52 24 A. Correct.  
 16:52 25 Q. But that's not who she used for the deals, is

16:53 1 it?

16:53 2 A. Correct.

16:53 3 Q. Why was that?

16:53 4 MR. GOELLER: Objection, Your Honor.

16:53 5 That's obviously going to call for a hearsay response.

16:53 6 THE COURT: I'll sustain the objection.

16:53 7 MR. GOELLER: Thank you.

16:53 8 Q. (BY MR. SCHULTZ) Did the defendant ever tell

16:53 9 you how he felt about that arrangement?

16:53 10 A. With his mother?

16:53 11 Q. With his mom sending the business to James?

16:53 12 A. Oh, yeah, he was upset.

16:53 13 MR. GOELLER: Objection, leading.

16:53 14 THE COURT: Overruled.

16:53 15 A. Upset. Yeah, we've had several conversations

16:53 16 about me and him taking other over.

16:53 17 Q. (BY MR. SCHULTZ) You and him taking over

16:54 18 James's business?

16:54 19 A. No. Taking over the business that his mom was

16:54 20 giving to James.

16:54 21 Q. Why did he say his mom was giving the business

16:54 22 to James instead of to her son?

16:54 23 MR. GOELLER: Objection, Your Honor, as to

16:54 24 hearsay.

16:54 25 THE COURT: Overruled.

16:54 1 A. Well, there's two things.

16:54 2 Q. Okay.

16:54 3 A. One, when it took place he was somewhere else.

16:54 4 He was in the Navy when it started the ball going.

16:54 5 Second of all, he didn't speak Spanish. It's all

16:54 6 Spanish people we're dealing with out there.

16:54 7 Q. So he couldn't do either one because of that?

16:54 8 A. Right.

16:54 9 Q. Well, then how was he going to be able to take

16:54 10 over and get in the business himself and get that

16:54 11 business himself? Were you going to be the Spanish

16:54 12 speaker?

16:54 13 A. My wife was.

16:54 14 Q. Okay. Did he resent James getting all that

16:54 15 business from his mom?

16:54 16 A. Yes.

16:54 17 Q. How strongly did he express his resentment over

16:54 18 that?

16:54 19 A. We've had a few inflamed, not arguments, but

16:54 20 conversations about, that business was supposed to be

16:55 21 his, not James.

16:55 22 Q. Did he resent it?

16:55 23 A. Oh, yeah.

16:55 24 Q. Told you so?

16:55 25 A. Yeah.

16:55 1 Q. Was that a big income stream coming from

16:55 2 Sylvia?

16:55 3 A. Yes, sir.

16:55 4 Q. We are not talking a couple hundred bucks a

16:55 5 month now, are we?

16:55 6 A. No. We're talking thousands.

16:55 7 Q. Is that certainly worth resenting over if

16:55 8 that's how you -- your bet?

16:55 9 A. Oh, yeah, yes, sir.

16:55 10 MR. SCHULTZ: A moment please, Judge?

16:55 11 THE COURT: Yes.

16:56 12 Q. (BY MR. SCHULTZ) Do you know a fellow by the

16:56 13 name of Smiley?

16:56 14 A. Smiley?

16:56 15 Q. Yeah.

16:56 16 A. No, sir.

16:56 17 Q. How about a fellow named Chris Golightly?

16:56 18 A. Man, I've heard the name. I'm trying to --

16:56 19 trying to think. I've heard the name. But not really

16:56 20 the person, Golightly. I know the name, but I just

16:56 21 don't know the person. I just can't picture it.

16:56 22 Q. How about Lance Teichelman?

16:56 23 A. Yes.

16:56 24 Q. Who is he?

16:56 25 A. He's an ex-football player. Denver Bronco

16:56 1 football player.

16:56 2 Q. Is he a dooper?

16:56 3 A. Doper and a dealer.

16:57 4 Q. Where do you know him from?

16:57 5 A. From Ivan.

16:57 6 Q. Do you remember how you got introduced to him?

16:57 7 A. Yes, sir.

16:57 8 Q. Listen carefully to my question, how I phrase

16:57 9 it.

16:57 10 A. Sure. Okay.

16:57 11 Q. Where were you when you got introduced to -- to

16:57 12 Lance Teichelman? Where were you?

16:57 13 A. At his house. I take that back. I had a phone

16:57 14 conversation with him first, and then I met him in

16:57 15 person at his house.

16:57 16 Q. Met Lance in person at his house?

16:57 17 A. Uh-huh.

16:57 18 Q. Who else was there at Lance's house when you

16:57 19 went there?

16:57 20 A. My wife came with me.

16:57 21 Q. Okay.

16:57 22 A. And Ivan.

16:57 23 Q. Pardon me?

16:57 24 A. No. Me and my wife came.

16:57 25 Q. Okay. When you went, did you go inside the

16:57 1 house?  
 16:57 2 A. Yes.  
 16:57 3 Q. And did you meet Lance?  
 16:57 4 A. Yes.  
 16:57 5 Q. Is he a big guy?  
 16:57 6 A. Big guy.  
 16:57 7 Q. Pro football player?  
 16:57 8 A. And his fiance or girlfriend or wife or whoever  
 16:57 9 she was.  
 16:57 10 Q. Was anybody else in there?  
 16:58 11 A. Not that I can recall.  
 16:58 12 Q. Was the defendant there?  
 16:58 13 A. I'm trying to think who was there that time.  
 16:58 14 No. He wasn't there that time, no.  
 16:58 15 Q. Okay. When you say you got introduced by the  
 16:58 16 defendant, do you mean like you got Lance's name from  
 16:58 17 the defendant?  
 16:58 18 A. Yeah. I mean, do you want me to tell you  
 16:58 19 how -- how it came about?  
 16:58 20 Q. No. I'm not asking you that.  
 16:58 21 A. Okay.  
 16:58 22 Q. But you told me you got introduced to Lance by  
 16:58 23 the defendant?  
 16:58 24 A. Right.  
 16:58 25 Q. But when I think of getting introduced, I think

16:58 1 of stuff like, "Carlos, this is Lance." "Lance, this is  
 16:58 2 Carlos." This is not what we're talking about, is it?  
 16:58 3 A. No.  
 16:58 4 Q. You know Kevin Partridge?  
 16:58 5 A. Kevin Partridge?  
 16:58 6 Q. Uh-huh.  
 16:58 7 A. No, sir.  
 16:58 8 Q. Have you kept up with Lance much lately?  
 16:59 9 A. No, sir.  
 16:59 10 Q. Do you know -- you say you don't know Smiley,  
 16:59 11 huh, Smiley Partridge?  
 16:59 12 A. No. No, sir.  
 16:59 13 Q. How about Lips? Do you know Lips?  
 16:59 14 A. Lips?  
 16:59 15 Q. That's the only name I've got. I apologize.  
 16:59 16 A. No, sir.  
 16:59 17 Q. No Lips. I'm having trouble understanding, and  
 16:59 18 maybe it's me. I'm having trouble understanding why you  
 16:59 19 consider yourself the defendant's friend still. Can you  
 16:59 20 explain that?  
 16:59 21 A. Everyone's innocent until proven guilty.  
 16:59 22 Q. Okay. But he lied to you three different times  
 16:59 23 on the phone, you say, at least?  
 17:00 24 A. You know, I didn't know. I just know somebody  
 17:00 25 had something to do with it at that time. I just don't

17:00 1 know to what magnitude.  
 17:00 2 Q. Do you remember a time when you -- this would  
 17:00 3 have been after the murders -- but before the defendant  
 17:00 4 was arrested, when you had him on a speakerphone.  
 17:00 5 A. Uh-huh.  
 17:00 6 Q. Do you remember him being concerned about that  
 17:00 7 and not appreciating you doing that?  
 17:00 8 A. Yes, sir.  
 17:00 9 Q. Why did you have him on speakerphone?  
 17:00 10 A. Because I knew he knew something about this  
 17:00 11 murder, and I wanted everyone to hear it besides me. So  
 17:00 12 if I were to forget something, someone would be there to  
 17:00 13 pick up the pieces.  
 17:00 14 Q. Who all was there, the person on the  
 17:00 15 speakerphone?  
 17:00 16 A. Myself, Sylvia Cantu, Penny, her sister.  
 17:00 17 Q. Uh-huh.  
 17:00 18 A. Detective Winn's, Detective Ramirez or Reyes,  
 17:01 19 or whatever this guy's name was, and Anthony Fonseca.  
 17:01 20 Q. Okay. And he was sharp enough, even in his  
 17:01 21 situation, to snap on the fact that there is some reason  
 17:01 22 a speakerphone is on, right?  
 17:01 23 A. No.  
 17:01 24 Q. He wasn't that smart?  
 17:01 25 A. No.

17:01 1 Q. How did he find out?  
 17:01 2 A. His mother told him.  
 17:01 3 Q. How did she tell him?  
 17:01 4 A. How did she tell him?  
 17:01 5 Q. Yeah.  
 17:01 6 A. I have no idea.  
 17:01 7 Q. I mean, did she like --  
 17:01 8 A. I didn't even know she told him until after he  
 17:01 9 called me.  
 17:01 10 Q. After the speakerphone?  
 17:01 11 A. Right.  
 17:01 12 Q. What did he have to say about you having him on  
 17:01 13 the speakerphone?  
 17:01 14 A. He was pretty pissed off.  
 17:01 15 Q. What did he say?  
 17:01 16 A. I didn't give him a lot to say. Well, he  
 17:01 17 called me first, and he asked me if -- he said, "Is this  
 17:01 18 Carlos?" I said, "Yeah." He said, "Do you love me?" I  
 17:01 19 said, "Yeah, Ivan, I love you." He goes, "Do you trust  
 17:01 20 me?" "Yeah, I trust you." He goes, "Then why in the F  
 17:01 21 something did you have me on the speakerphone with the  
 17:01 22 police there?"  
 17:01 23 And the -- at that point, he didn't say  
 17:02 24 anything else.  
 17:02 25 THE COURT: All right. I think we've had

17:02 1 about enough for today. And I'm going to instruct you  
17:02 2 folks that it is your duty not to converse among  
17:02 3 yourselves or with anyone else on any subject connected  
17:02 4 with the trial or to form or express any opinion thereon  
17:02 5 until the cause is finally submitted to you.

17:02 6 We're going to be in recess until nine  
17:02 7 o'clock tomorrow morning.

8 (Court adjourned.)

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1 REPORTER'S CERTIFICATE

2 THE STATE OF TEXAS  
3 COUNTY OF COLLIN

4 I, Barbara L. Tokuz, CSR, RMR, CRR, Deputy Official  
5 Court Reporter in and for the 380th Judicial District  
6 Court of Collin County, State of Texas, do hereby  
7 certify that the above and foregoing contains a true and  
8 correct transcription of all portions of evidence and  
9 other proceedings requested in writing by counsel for  
10 the parties to be included in this volume of the  
11 Reporter's Record, in the above-styled and -numbered  
12 cause, all of which occurred in open court or in  
13 chambers and were reported by me.

14 I further certify that this Reporter's Record of the  
15 proceedings truly and correctly reflects the exhibits,  
16 if any, offered by the respective parties.

17 WITNESS MY OFFICIAL HAND this the 11th day of  
18 February, 2002.

19 *Barbara Tokuz*

20 Barbara L. Tokuz, CSR #4615, RMR, CRR  
21 Deputy Official Court Reporter  
22 Expiration Date: 12/31/2002  
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