

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

VOLUME 38 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

---

COPY

On the 12th 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.

2003  
*Clay*  
 34

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

APPEARANCES

Mr. Bill Schultz  
SBOT NO. 17841800  
Ms. Gail T. Falco  
SBOT NO. 00787450  
Ms. Jami Lowry  
SBOT NO. 24012724  
Assistant Criminal District Attorneys  
Collin County Courthouse  
210 S. McDonald, Suite 324  
McKinney, Texas 75069  
Telephone: (972) 548-4323  
ATTORNEYS FOR THE STATE OF TEXAS

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

VOLUME 38

CHRONOLOGICAL INDEX

OCTOBER 12, 2001	
	PAGE
State rests .....	3
Defense rests .....	4

## P R O C E E D I N G S :

1  
2 THE COURT: Are both sides ready to bring  
3 in the jury?

4 MS. FALCO: Yes, sir.

10:44 5 MR. GOELLER: Yes, sir.

6 (Open court, defendant present.)

7 THE COURT: For the record, the defendant,  
8 the attorney and the attorneys for the State are here,  
9 and we're ready to bring in the jury.

10:45 10 (Open court, defendant and jury present.)

11 THE COURT: Please be seated. Ms. Falco?

12 MS. FALCO: Your Honor, we just ask at  
13 this time the Court take judicial notice of the date of  
14 the indictment and the date it was filed, that being  
10:45 15 January 23rd of 2001.

16 THE COURT: That is correct, and I will do  
17 so.

18 MS. FALCO: We also ask you to take  
19 judicial notice that there is no statute of limitation  
10:46 20 for murder.

21 THE COURT: I will do so. You are  
22 correct.

23 MS. LOWRY: Your Honor, ladies and  
24 gentlemen of the jury, the State of Texas rests.

10:46 25 THE COURT: Mr. Goeller?

10:46 1 MR. GOELLER: Your Honor, Ladies and  
2 gentlemen of the jury, the defense rests.

3 THE COURT: All right. Ladies and  
4 gentlemen, at this point you have heard all the evidence  
10:46 5 you are going to hear in this case, but you haven't yet  
6 heard the charge of the Court or the arguments of the  
7 attorneys. We're going to spend some time today, the  
8 attorneys and I, looking at the charge that we're going  
9 to read to you on Monday. And so when you come in on  
10:46 10 Monday, I'll charge you and give you your final  
11 instruction in the case. You'll hear the arguments of  
12 the attorneys, and then you'll have an opportunity to  
13 deliberate. It's about 10 minutes to 11.

14 Is there anything else from either side  
10:46 15 before I dismiss the jury?

16 MR. GOELLER: No, Your Honor.

17 MS. LOWRY: No, Your Honor.

18 THE COURT: All right. Ladies and  
19 gentlemen, I want to instruct you that it is your duty  
10:46 20 not to converse among yourselves or with anyone else on  
21 any subject connected with the trial or to form or  
22 express any opinion thereon until the cause is finally  
23 submitted to you. And I will see you at nine o'clock on  
24 Monday morning.

25 (Court adjourned.)

REPORTER'S CERTIFICATE

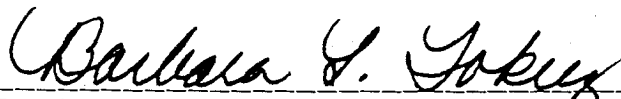
1 THE STATE OF TEXAS

2 COUNTY OF COLLIN

3 I, Barbara L. Tokuz, CSR, RMR, CRR, Deputy Official  
4 Court Reporter in and for the 380th Judicial District  
5 Court of Collin County, State of Texas, do hereby  
6 certify that the above and foregoing contains a true and  
7 correct transcription of all portions of evidence and  
8 other proceedings requested in writing by counsel for  
9 the parties to be included in this volume of the  
10 Reporter's Record, in the above-styled and -numbered  
11 cause, all of which occurred in open court or in  
12 chambers and were reported by me.  
13

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 

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