

1 42 to 48
penalty phase

REPORTER'S RECORD

VOLUME 42 OF 53

Trial Court Cause No. 380-80047-01

THE STATE OF TEXAS

*

IN THE 380TH DISTRICT COURT

*

V.

*

*

IVAN ABNER CANTU

*

OF COLLIN COUNTY, TEXAS

REPORTER'S RECORD

VOLUME 42 - PUNISHMENT

CAPITAL MURDER JURY TRIAL

COPY

On the 17th day of October, 2001, from 9:05 a.m. to 5:00 p.m. the Capital Murder - Trial on the Merits proceedings came on to be heard in the presence of a jury, in the above-entitled and -numbered cause; and the following proceedings were had before the Honorable Charles F. Sandoval, Judge Presiding, held in McKinney, Collin County, Texas:

Proceedings reported by Computerized Stenotype Machine; Reporter's Record produced by Computer-Assisted Transcription.

LISA M. RENFRO, Texas CSR #4534

Official Court Reporter - 380th Judicial District Court

210 S. McDonald Street, McKinney, Texas 75069

(972) 548-4661

2001 OCT 17 AM 5:13
JUDICIAL DISTRICT COURT
COLLIN COUNTY TEXAS
[Signature]

APPEARANCES

1
 2 ATTORNEYS FOR THE STATE OF TEXAS
 3 MR. BILL SCHULTZ
 SBOT NO. 17841800
 4 MS. GAIL T. FALCO
 SBOT NO. 00787450
 5 MS. JAMI LOWRY
 SBOT NO. 24012724
 6
 7 Assistant Criminal District Attorneys
 Collin County Courthouse
 8 210 S. McDonald, Suite 324
 McKinney, Texas 75069
 9 Telephone: (972) 548-4323
 10
 11 ATTORNEYS FOR THE DEFENDANT
 12 MR. MATTHEW GOELLER
 SBOT NO. 08059260
 13 MR. DON N. HIGH
 SBOT NO. 09605050
 14
 15 GRUBBS, HIGH, GOELLER & ASSOCIATES
 400 Chisholm Place, Suite 400
 16 Plano, Texas 75075
 Telephone: (972) 423-4518
 17
 18
 19
 20
 21
 22
 23
 24
 25

CHRONOLOGICAL INDEX

1
 2 October 17, 2001
 Punishment
 3 Volume 42
 4 STATE'S
 WITNESSES Direct Voir Dire Cross Redirect Recross
 5 ANDREE, DAVID 9 19
 6 HAY, ROBERT 23 34
 7 WHEATLEY, KYLE 39 44 47
 8 GONZALES, 49 79
 MICHELLE
 9
 JONES, CHRIS 89 99 120
 10
 GARCIA, 127, 134 133 136
 11 ALFREDO
 12 DELLA, 139, 143 143, 145 153
 FRANK 146, 150
 13
 DODDS, 154, 175 157 178
 14 KEVIN
 15 EATON, BILLY 174 186 191
 16 KUNTZ, 193, 199 197, 202 221
 MICHAEL 205, 211 210
 17 PAGE
 18 Sub Rosa Hearing 57
 19 Sub Rosa Hearing 160
 20 Reporter's Certificate 225
 21 End of Volume 32.
 22
 23
 24
 25

CHRONOLOGICAL EXHIBITS INDEX

1
 2 STATE'S
 3 EXHIBITS Description Offered/Admitted V.
 4 SX-172 Statement of Defendant NA
 on PSI
 5 SX-173 Print card of Defendant 204/205
 SX-174 J&S - Collin County 207/207
 6 SX-174B Fingerprints - CCSO 210/201
 SX-175 J&S - Certified packet 212/213
 7 SX-175B Excerpt from 175 212/213
 SX-176 J&S - DWI Offense 215/216
 8 SX-176B Packet out of 176 218/220
 SX-177 J&S - Deferred Adj. 218/220
 9 SX-177B Packet out of 177 218/220
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

PROCEEDINGS

1
 2 (The jury enters the courtroom at 9:05 a.m.)
 3 THE COURT: Please be seated.
 4 Ms. Falco, would you like to make an opening
 5 statement?
 6 MS. FALCO: Yes, Your Honor.
 7 THE COURT: All right.
 8 MS. FALCO: May it please the Court, defense
 9 counsel.
 10 MR. GOELLER: Ma'am.
 11 MS. FALCO: Ladies and Gentlemen of the Jury,
 12 in addition to the two horrific murders you've already heard
 13 this defendant committed and his lack of remorse, in addition
 14 to the assault that you heard in which he shot at Amy
 15 Boettcher, put a gun to her and slammed her head in the
 16 door -- slammed her hand in door, you'll also hear the rest of
 17 his criminal history. You'll hear that in 1992, he was
 18 arrested and convicted and did jail time for theft. You'll
 19 hear that in 1995 he was arrested for wreckless driving and
 20 possession of cocaine. You'll hear from the officer who
 21 arrested the Defendant, and he'll tell you that when he first
 22 saw the Defendant, the Defendant was leaving a club, Eden
 23 2000, and began driving 40 to 50 miles per hour in the parking
 24 lot and driving in such a wreckless manner that people were
 25 literally having to dive to get out of his way. If those

1 people hadn't dived to get out of his way, they would have
2 been hit by the Defendant driving in that wreckless manner
3 showing the Defendant's lack of regard for human life.

4 He'll show that once he was stopped by the police
5 officer, he had no regard, and he didn't follow orders. He
6 was arrogant. He was eventually arrested, and once he was
7 arrested and booked into jail, they found cocaine in his
8 wallet. He was placed on probation for the possession of
9 cocaine and the wreckless driving.

10 While he was on probation in 1997, he was arrested
11 and convicted for DWI and evading arrest. Again, he was
12 running from the police, evading arrest, and once the police
13 finally got him to stop, after going 70 to 80 miles an hour
14 in a 35-mile-an-hour zone, he was arrested for DWI. He did
15 jail time for the DWI and the evading arrest.

16 You'll also hear from his probation officer. He'll
17 tell you that while the Defendant was on probation, he had no
18 regard for the law, no regard for Court directives, no regard
19 for the probation department.

20 You'll also hear that in 1999 -- February of 1999,
21 the Defendant enlisted in the United States Navy, that he was
22 only in the Navy for about two months before he went AWOL for
23 which he was eventually arrested. You'll also hear that in
24 January of 2000, the Defendant was at a restaurant and began
25 causing a scene and a disruption with the management, that the

1 police were called. The Defendant was arrested for public
2 intoxication.

3 You'll hear that in the summer of 2000, the
4 Defendant was at a club with Lance Tackleman and Lance's wife,
5 and that a man named Paul Maggio began to hit on Lance's wife.
6 And the Defendant went up to Lance and offered to have Paul
7 Maggio knocked off for hitting on his wife.

8 You'll also hear that the Defendant's own mother was
9 afraid of the Defendant. Sylvia Cantu, in September or
10 October of 2000, took the Defendant's car away from him, but
11 the Defendant wanted his property out of his car. Sylvia
12 Cantu was afraid to meet her son alone to return the property,
13 so she solicited the help of James Mosqueda to be the
14 peacemaker to go with her to give the Defendant his property
15 back. You'll hear that while they were on their way to meet
16 the Defendant, they were driving down the street, James
17 Mosqueda and (inaudible) behind Sylvia Cantu. The Defendant
18 began driving in a wreckless manner at his mother trying to
19 cut her off, trying to run her off the road.

20 You'll hear that when they finally got stopped, and
21 they were in a parking lot to exchange the property, the
22 Defendant became very hostile, very angry, started
23 aggressively going towards his mother, and James Mosqueda had
24 to step in between to calm things down. The Defendant went
25 over and kicked the door in of his mother's car.

1 And you'll hear about the Defendant's two
2 marriages. He was married to two women, both of which he
3 beat. He was married to Michelle Traster for two years, from
4 1996 to 1998, and he was married to Jennifer Schneider for
5 only a couple of months before she left. You'll hear with
6 regards to Jennifer, they were only together about four or
7 five months, and in that four or five months she called the
8 police four or five times because the Defendant was beating
9 her so badly. You'll hear from Michelle Traster, who was
10 married to this man for two years, and suffered numerous
11 beatings at his hand. One particular vicious beating in which
12 they were living with James Mosqueda and Amy Kitchen. The
13 Defendant and Michelle had gone out that night. They were on
14 their way home, got to the garage. As soon as he parked the
15 car, he got out. He yanked his wife out of the car and began
16 punching her and hitting her and knocking her to the ground,
17 and when she hit that cement concrete floor in the garage, he
18 began to strangle her and slam her head against the concrete.
19 He had her pinned down with his knees. The last thing she
20 remembers before she passed out was the Defendant saying, I
21 could kill you and nobody would know and nobody would care.
22 That's the kind of man he is. That's the kind of man you'll
23 hear about, and the evidence will show beyond a reasonable
24 doubt that that -- this man, Ivan Cantu, is dangerous; that
25 there is a probability he will be a continuing threat to

1 society. And you will hear that there is no mitigating
2 evidence sufficient to warrant a life sentence. Thank you.

3 THE COURT: Thank you, Ms. Falco. Would you
4 like to call your first witness?

5 MS. FALCO: Officer Andree.
6 (Witness enters the courtroom.)

7 THE COURT: Raise your right hand, please.
8 (Witness sworn by the Court.)

9 THE COURT: Put your hand down and have a seat
10 right here, please.

11 Whereby,

12 DAVID ANDREE,
13 a witness called by the State, sworn to testify to the truth,
14 testified under oath as follows:

15 DIRECT EXAMINATION

16 BY MS. FALCO:

17 Q. Could you state your name for the jury?

18 A. David Andree.

19 Q. Spell your last name, please.

20 A. A-N-D-R-E-E.

21 Q. What is your occupation?

22 A. Police officer for the City of Dallas.

23 Q. How long have you been a police officer?

24 A. Nine years.

25 Q. What is your position with the police department?

1 A. Patrol.
 2 Q. How long have you been with the Dallas Police
 3 Department?
 4 A. Nine years.
 5 Q. Were you working back in September of 1995?
 6 A. Yes, ma'am.
 7 Q. In what position were you working?
 8 A. Patrol, deep nights.
 9 Q. And what is your duties working patrol deep nights?
 10 A. Patrolling northeast division of Dallas, answering
 11 calls, investigating accidents, just a wide variety of things
 12 I guess.
 13 Q. And when you say you worked deep nights, what hours
 14 are those?
 15 A. It was 11 p.m. to 7 a.m.
 16 Q. And were you working on September 8th, 1995?
 17 A. Yes, ma'am.
 18 Q. On that date did you have occasion to come in
 19 contact with the Defendant, Ivan Cantu?
 20 A. Yes, ma'am.
 21 Q. Where were you parked or working when you first
 22 noticed the Defendant, Ivan Cantu?
 23 A. I was parked in the parking lot of a bar called Eden
 24 2000 located at 5500 Greenville Avenue.
 25 Q. And what type of bar is that?

1 A. I guess you call it a retro bar.
 2 Q. And what first drew your attention to the Defendant?
 3 A. Me and my partner were sitting in the squad car, and
 4 the Defendant had pulled up directly in front of us and
 5 accelerated to a speed of approximately 45 to 50 miles per
 6 hour, leaving about a 20, 25-foot skid mark in the parking lot
 7 directly in front of us.
 8 Q. How close were you to his vehicle?
 9 A. About two car lengths. We were parked -- all the
 10 cars were parked, and we were just kind of behind some other
 11 cars just directly in front of the bar.
 12 Q. And as you saw him pull out and go 45 to 50 miles
 13 an hour, what else did you see him do in the car?
 14 A. He was going out towards Greenville Avenue. There
 15 was several groups of individuals on the left side and the
 16 right side that were walking to the bar. I remember vividly
 17 the ones on the left-hand side had to dive onto the pavement
 18 to get out of his way to avoid being hit.
 19 Q. How many people are we talking about?
 20 A. There was approximately a couple of groups of,
 21 like -- between 7 to 8 people. It was shortly after midnight,
 22 and these bar people normally come from midnight to 3:00 in
 23 the morning. It's a late bar, as we call it. People come
 24 late, so all the people were starting to filter into this bar
 25 at that time.

1 Q. And this happened so many years ago, how do you
 2 remember it so vividly?
 3 A. It's just kind of a different act. I come across a
 4 lot of different fatalities, and I remember those vividly.
 5 This one here, just because of the circumstances, directly in
 6 front of us it happened. People, when they're all dressed up,
 7 I guess I've never seen them dive for the pavement, you know,
 8 and so forth. I mean, people normally step out of the way or
 9 jump out of the way or something like that. These people went
 10 airborne and dove to get out of his way.
 11 Q. Had these people not dove to get out of his way,
 12 would they have been hit by him?
 13 A. Yes, ma'am.
 14 Q. And how fast was he going when these people had to
 15 dive to get out of his way?
 16 A. I'm estimating 45 to 50. I mean, it was a Mustang
 17 that had a lot of power and accelerated leaving the smoke and
 18 stuff, you know, the tires burning up in the air.
 19 Q. Did he have -- did he appear to have any regard for
 20 these people that were diving to get out of his way?
 21 A. No, ma'am.
 22 Q. Did he stop to see if any of them were okay?
 23 A. No, ma'am.
 24 Q. What happened as you watched these people dive to
 25 get out of the way? What did you see the Defendant do?

1 A. He drove out onto Greenville and proceeded
 2 northbound on Greenville Avenue.
 3 Q. And what did you do as he proceeded northbound on
 4 Greenville?
 5 A. Took a few seconds to comprehend just what had
 6 happened in front of us, and then put on my red lights and got
 7 out to right where we enter onto Greenville and flicked on the
 8 siren and went after the Defendant.
 9 Q. And how fast did you have to travel to catch up to
 10 the Defendant?
 11 A. Between 70 and 80 miles per hour.
 12 Q. What is the speed limit on Greenville?
 13 A. 35 miles per hour.
 14 Q. How many blocks did you chase the Defendant before
 15 he finally stopped?
 16 A. I believe it was 13. We stopped him at 6800 --
 17 roughly the 6800 block of Greenville Avenue at the Million
 18 Dollar Saloon.
 19 Q. Once you finally had the Defendant stopped, how did
 20 you approach the traffic stop?
 21 A. Walked up to the driver's side, asked him to step
 22 out, asked him for his driver's license, or any form of
 23 identification.
 24 Q. And what happened when you asked the Defendant for
 25 his driver's license?

1 A. He became very abusive asking why, why do I need to
2 show you? Why am I being stopped? Being very evasive just
3 towards general questioning. At that time -- working
4 Greenville Avenue, at that time I had been working a lot of
5 DWI's. At that time of the morning I get a lot of DWI's.
6 That's what I first assumed I had was someone that had too
7 much to drink, so I was just trying to get standardized
8 questions going as far as his driver's license, and then
9 asking him questions to get the conversation going. Once the
10 conversation is going, you know -- and usually talking to a
11 person close up, you can start smelling the alcohol. You can
12 see if they slur their speech. I was kind of proceeding as
13 if I had a DWI in my hands.

14 Q. And how would you describe his attitude towards you
15 while you were questioning him?

16 A. He was very abusive to that respect. He wouldn't
17 answer any questions. He would not hand me his driver's
18 license. He just kept repeating, why did you stop me? What
19 did I do? Why do I have to show you my driver's license, and
20 so forth.

21 Q. What did you do in response to that behavior?

22 A. Eventually I told -- just because of his demeanor, I
23 told him to put his hands on top of the squad car -- or on his
24 car, and I was going to pat him down for officer safety.
25 Generally, I don't come across too many people with that kind

1 because of the way things had gone and just how I felt, I
2 handcuffed him for my safety.

3 Q. Did you ever make a determination of whether or not
4 he was intoxicated?

5 A. No -- Yes, I did made the determination that he was
6 not intoxicated. The more I talked to him, I could not even
7 smell a hint of any alcohol on his breath. He didn't have
8 any, like, circular sway or anything like that. So I knew at
9 that point in time, he was not intoxicated due to the
10 introduction of alcohol into his body.

11 Q. And you say alcohol, did you determine whether or
12 not he might have been on drugs?

13 A. No, ma'am. I was not certified to perform any of
14 the more advanced tests for drugs and so forth like that. I
15 would be able to see some -- for some certain drugs, you can
16 be able to see with their eyes being dilated or anything like
17 that. Or other things on a person, perhaps I could be able to
18 tell, but with just the demeanor and everything like that,
19 there was no way for me to be able to do a nystagmus or
20 anything like that on him. He would not -- I assumed to
21 myself he would not comply.

22 Q. And why did you assume he would not comply?

23 A. He wouldn't perform the simplest of things, just to
24 show me identification. I was not rude. I just said, sir, I
25 need to see identification from you, and that he took as

1 of demeanor without possibly something else being up, other
2 than just a person being intoxicated. There's something more
3 to that. So for my own safety, I told him to put his hands --
4 ordered him to put his hands on top of his car, in which he
5 refused.

6 Q. And when you say "he refused," what do you mean by
7 that?

8 A. He just said, why? He just kept looking at me, and
9 at that time point in time, for my own safety, I forcefully
10 made him put his hands on there using a pain compliance on the
11 side of his ear.

12 Q. What does that mean?

13 A. It's a touch pressure point. Usually if you can use
14 pressure points on a person, it's a non -- it doesn't
15 permanently hurt anyone. It's just kind of like if someone, I
16 guess, squeezed your hand or something like that. It makes a
17 person comply to your lawful orders versus doing other
18 techniques.

19 Q. And did you feel that it was necessary to perform
20 that act to get this Defendant to comply with your orders?

21 A. Yes, ma'am.

22 Q. Once you performed the pressure point, what did you
23 do to the Defendant?

24 A. I patted him down on the back seeing if he had any
25 weapons or anything like that, and at that point in time just

1 hostility, I guess. He would not even comply to show that. I
2 felt he would not stand there with his feet together and
3 follow my pen as I checked him for nystagmus.

4 Q. Did you eventually arrest the Defendant?

5 A. Yes, ma'am.

6 Q. What did you arrest him for?

7 A. Wreckless driving.

8 Q. And in your opinion, the driving you observed this
9 Defendant do, was that endangering human lives?

10 A. Yes, ma'am.

11 Q. Once the Defendant was arrested for the wreckless
12 driving, where was he taken?

13 A. Lew Sterett Jail.

14 Q. And at Lew Sterett Jail, do they go through a
15 person's property at that point?

16 A. Yes, ma'am.

17 Q. And was the Defendant's property gone through?

18 A. Yes, ma'am.

19 Q. And what was found in the Defendant's property?

20 A. A piece of paper folded over that contained, I
21 believe it was 7/10ths of a gram of cocaine.

22 Q. And was he also eventually arrested for the
23 possession of cocaine as well?

24 A. Yes, ma'am.

25 Q. Officer, do you feel that even though you were

1 immediately present and in viewing this Defendant driving,
2 that had those people not dived -- dove out of the way of the
3 Defendant that night there might have been people seriously
4 injured?

5 A. Yes, ma'am.

6 Q. In your presence being a police officer -- were you
7 in a marked patrol car?

8 A. Yes, ma'am.

9 Q. That didn't stop this Defendant from driving that
10 way?

11 A. No, ma'am.

12 Q. And even when you were behind him on Greenville
13 going 70 to 80 miles per hour, you still had to chase him 13
14 blocks before he stopped?

15 A. Yes, ma'am.

16 Q. In your opinion, did this Defendant have a lack of
17 regard for your authority?

18 A. Yes, ma'am.

19 Q. Do you see that man in the courtroom today that you
20 arrested back in 1995?

21 A. Yes, ma'am.

22 Q. Could you point to him and identify something he's
23 wearing?

24 A. He's wearing the burgundy sweater sitting in the
25 first of three chairs.

1 MS. FALCO: Your Honor, may the record reflect
2 he's identified the Defendant, Ivan Abner Cantu?

3 THE COURT: All right.

4 Q. BY MS. FALCO: Officer, do you remember what type of
5 vehicle it was that the Defendant was driving?

6 A. It was a '95 black Mustang, Ford Mustang.

7 Q. And you arrested him in 1995, so it would have been
8 a new Mustang at that time?

9 A. Yes, ma'am.

10 Q. And do you recall how the Defendant was dressed,
11 whether he was dressed for a club or if he was just in sweats
12 type --

13 A. No. He was dressed for the club. He had just come
14 out of the club. His car was parked up in the -- backed in
15 right in front of the club.

16 Q. So it appeared he had nice clothing and a nice car?

17 A. Yes, ma'am.

18 Q. Not lacking for any material wealth at that point?

19 A. No, ma'am.

20 MS. FALCO: Thank you, Officer. Pass the
21 witness.

22 THE COURT: All right.

23 CROSS-EXAMINATION

24 BY MR. GOELLER:

25 Q. Officer, did you review an old statement, or any

1 type of notes or statements on anything from this '95 arrest?

2 A. I reviewed the arrest report.

3 MR. GOELLER: I would ask for a copy of that,
4 Judge.

5 THE COURT: All right.

6 MR. GOELLER: May I have just a moment, Judge?

7 THE COURT: Yes, sir.

8 (Brief pause in proceedings.)

9 Q. BY MR. GOELLER: Officer, you testified that you
10 arrested him for wreckless driving?

11 A. Yes, sir.

12 Q. Would that be a misdemeanor?

13 A. Yes, sir.

14 Q. Okay. You obviously made a determination that he
15 had no intent to harm anybody. You could have arrested him
16 for attempted murder. You could have arrested him for
17 aggravated assault with a deadly weapon, being the motor
18 vehicle in which he was driving, or any other charges. You
19 elected, based on all the information you had and your
20 personal observation, that it was a wreckless driving charge,
21 correct?

22 A. The other charges do not fit the criteria, sir, so
23 wreckless driving was the correct charge.

24 Q. So, you -- again, based on everything you had, you
25 made the decision to charge him with the Class, what, B

1 misdemeanor of wreckless driving?

2 A. That's all we had, sir, yes.

3 Q. Any weapons?

4 A. No, sir.

5 Q. Either on his person or in the vehicle?

6 A. No, sir.

7 Q. Cocaine in his wallet you've testified to?

8 A. Yes, sir.

9 Q. Did he ever fight you?

10 A. No, sir.

11 Q. Did he ever make a move for your weapon, ever try to
12 strike you, kick you, punch you, tackle you, physically harm
13 you in any way?

14 A. No, sir.

15 Q. All right.

16 MR. GOELLER: That's all I have, Your Honor.

17 MS. FALCO: No further questions and ask that
18 this witness be excused.

19 THE COURT: Is he excused by both sides? You
20 are finally excused.

21 MR. GOELLER: Judge, can I just verify
22 something?

23 THE COURT: Sure.

24 Q. BY MR. GOELLER: How old was he at the time, per
25 your report; do you recall?

1 A. I'm not sure, sir. I'd have to see.
 2 Q. Did you eventually get his ID, his Wallet out there
 3 at the scene?
 4 A. Yes, I believe so, sir.
 5 Q. Do you confirm off information that you obtain from
 6 them their age?
 7 A. Yes, sir.
 8 Q. How old was he?
 9 A. 22.
 10 Q. All right. Did you follow-up that wreckless
 11 driving/possession case? I mean, did you testify in court or
 12 anything?
 13 A. No, sir. It goes to a District Attorney's office,
 14 and from there I don't know what they do.
 15 Q. Apparently there was no trial? You didn't have to
 16 go testify or anything like that?
 17 A. I recall never going to trial on it.
 18 Q. Okay. Did you have any problems with him at the
 19 jailhouse booking him in or getting him into the jail in
 20 Dallas or anything like that?
 21 A. No, sir.
 22 Q. Was he compliant with you?
 23 A. Yes, sir.
 24 Q. Okay. Once he was in custody and under arrest, he
 25 caused you no problems, did as he was told?

1 A. That's correct, yes.
 2 MR. GOELLER: Thank you, sir. That's all I
 3 have, Judge.
 4 MS. FALCO: No further questions.
 5 THE COURT: Is this officer finally excused?
 6 MR. GOELLER: Yes, sir.
 7 MS. FALCO: Yes.
 8 THE COURT: All right. You are finally
 9 excused. Thank you.
 10 THE WITNESS: Thank you.
 11 THE COURT: All right. Call your next witness,
 12 please.
 13 MS. LOWRY: Your Honor, the State calls
 14 Officer Robert Hay.
 15 THE COURT: Hague?
 16 MS. LOWRY: Hay.
 17 THE COURT: Raise your right hand, please.
 18 (Witness sworn by the Court.)
 19 THE COURT: Please have a seat. All right.
 20 Ms. Lowry.
 21 DIRECT EXAMINATION
 22 BY MS. LOWRY:
 23 Q. Please introduce yourself to the jury.
 24 A. My name is Robert Hay, a police officer with the
 25 City of Carrollton.

1 Q. And, Officer Hay, how long have you been a police
 2 officer for the City of Carrollton?
 3 A. Be ten years January 13th.
 4 Q. And how long have you been a certified peace
 5 officer?
 6 A. Ten years. Well, I guess nine and a half years.
 7 Q. And as an officer for the City of Carrollton, what
 8 are your duties?
 9 A. Right now I'm assigned to the K-9 unit, and I work
 10 my dog on different cases, fleeing suspects and narcotic work
 11 with the K-9.
 12 Q. How long have you been assigned to the K-9 unit?
 13 A. Just about a year.
 14 Q. Where were you assigned prior to the K-9 unit?
 15 A. Prior to that, I was in narcotics for a year and a
 16 half, and then before that I was in patrol. I'd been in
 17 patrol for about eight years before I got promoted, or moved
 18 to narcotics.
 19 Q. I want to take you back to April 23rd, 1997. Were
 20 you in patrol at that time?
 21 A. Yes, I was.
 22 Q. As a patrol officer, what was your job or your
 23 duties?
 24 A. Patrol the streets, respond to calls. When someone
 25 calls for police services, a patrol officer responds, and just

1 look for any criminal activity, suspicious people, traffic.
 2 Q. Do you recall what shift you were working back on
 3 April 23rd, 1997?
 4 A. I'm sorry?
 5 Q. Do you recall what shift you were working?
 6 A. It would be the night shift, 11 to -- 10:30 to 7, I
 7 believe is what it was.
 8 Q. Were you working right around midnight, right after
 9 midnight?
 10 A. Yes, I was.
 11 Q. At approximately 12:28 a.m., did you see something,
 12 or where were you at that time?
 13 A. I was in approximately the 1100 block of South Josey
 14 in Carrollton, Dallas County, Texas.
 15 Q. And, Officer, just for the jury's benefit, you have
 16 in front of you your report?
 17 A. Yes, I do.
 18 Q. When did you make that report?
 19 A. April 23rd of 1997.
 20 Q. Is that a report that you routinely make after you
 21 have contact with a person or after --
 22 A. It's an arrest report that we make after we make
 23 arrests.
 24 Q. And do you make it at that time with the details of
 25 the offense so that you can remember later if you're called

1 upon to testify about it?
 2 A. Yes, I do.
 3 Q. Is that what you're using to refresh your memory?
 4 A. Yes, it is.
 5 Q. Now, when you're at Josey Lane, did you see
 6 something that caught your attention?
 7 A. Yes, I did.
 8 Q. Can you describe for the jury what kind of street
 9 the 1100 block of Josey Lane is?
 10 A. At the time, it was a six-lane divided roadway, had
 11 a median in the middle. When I say "divided," it wasn't a
 12 big -- just a little concrete median. On the east side is a
 13 business shopping center, bank, several stores, and on the
 14 west side is a neighborhood where the neighborhood streets
 15 actually empty out onto South Josey Lane.
 16 Q. What is the traffic like at around 12:30 a.m.?
 17 A. 12:30, it would be considered light, but Josey and
 18 Beltline, that's basically the intersection in the area we're
 19 talking about, is a major intersection in Carrollton. So by
 20 light -- there's traffic moving through there all hours of the
 21 night. Beltline is always crowded, and Josey -- there's
 22 just -- called light traffic, but there is traffic through
 23 there pretty much 24 hours a day.
 24 Q. What's the speed limit on that section of the
 25 highway?

1 A. Josey Lane is -- at the time was 35 miles per hour.
 2 I believe it still is.
 3 Q. Did you see a vehicle that caught your attention?
 4 A. Yes, I did.
 5 Q. Can you tell me why it caught your attention?
 6 A. It was traveling 65 miles per hour.
 7 Q. And I guess explain for the jury why that caused you
 8 concern, why that caught your attention?
 9 A. Well, it was a 30-mile-per-hour speed limit. Like I
 10 said, there's a neighborhood to the west of the roadway, and a
 11 shopping center to the east. In the shopping center there's a
 12 grocery store, which stays open 24 hours, or there's workers
 13 there anyway all the time. You see them out in the parking
 14 lot, and coming up on a major intersection at Beltline Road,
 15 30-miles-per-hour speed limit, that's approaching it pretty
 16 quick.
 17 Q. Is there, like, a traffic light at that
 18 intersection, or how is that controlled?
 19 A. Yes. There's 14 lanes entering into that
 20 intersection. It's six lanes either direction with each
 21 direction having a turn lane as well, which I believe makes it
 22 14 lanes enter into an intersection.
 23 Q. Do you recall what kind of car this person was in?
 24 A. A sports car. I think it was a Mustang or a Camaro.
 25 I'm not sure.

1 Q. Was it an old car or a new car?
 2 A. I'm not sure. Just a sports car is all I remember.
 3 Q. When you saw this vehicle going by at about 65 miles
 4 per hour, did you pull out behind it?
 5 A. Yes, I did.
 6 Q. When did you first turn on your lights and sirens?
 7 A. I believe going northbound on Josey. As we were
 8 turning onto westbound Beltline, is when I -- like, right in
 9 the turn, I believe, is when I -- again, I was trying to read
 10 my report and try to remember back. It was somewhere right in
 11 there. I know I initiated the traffic stop within the 1800
 12 block of West Beltline, which would be just west of Josey.
 13 Q. Describe for the jury what this car did as far as
 14 from the time you pulled out behind him and turned your lights
 15 on until you actually got this vehicle stopped.
 16 A. He sped up and turned south on Perry, which would be
 17 several blocks to the west of Josey, which is where I
 18 initially saw him. And when he turned south on Perry, he sped
 19 back up to 70 miles per hour -- 70, 80 estimated speed. I
 20 didn't want to stare at my speedometer too long.
 21 Perry is a neighborhood street. It's like the
 22 old-style neighborhood where it's actually blocked off. You
 23 actually have squares, you know, with your roads crisscrossing,
 24 and it's like a two-lane roadway with houses all around it,
 25 and it runs down south through -- to another neighborhood.

1 And he was going about -- well, he took off and left me, and I
 2 estimated the speed at 70, 80 miles per hour.
 3 After he passed Ross Avenue, he attempted to stop,
 4 applying his brakes, locking up his tires and turning sideways
 5 in the road. He then reversed, and as he did so, his tires
 6 were spinning and his car started bouncing backwards. He
 7 turned west on to Ross Avenue, went down to 1716 Ross. I
 8 believe it was only, like, two, maybe four driveways down. It
 9 wasn't very far. Turned south into the driveway and stopped.
 10 Q. Once you had this vehicle stopped, what did you do?
 11 A. We did a -- what we call a felony stop, which was
 12 brought the suspect out of the vehicle at gunpoint. This time
 13 he was running from us. We didn't know what was going on. We
 14 didn't know what the scene -- what he had in his vehicle or
 15 anything else, so we conducted what we call a felony stop,
 16 bringing him out and placing him in cuffs at gunpoint.
 17 Q. And why do you do that? Why do you bring them out
 18 at gunpoint?
 19 A. It's an officer safety issue. At this point he's
 20 running from us. We don't know what he's going to do at the
 21 end, you know, whether he's going to jump out with a gun or
 22 jump out and run or what the situation is, so we take control
 23 of the scene as best we can, and that's what we felt we needed
 24 to do at that time.
 25 Q. Once you get the person out of the vehicle, do you

1 then investigate further?

2 **A. Yes. We give them orders, step them through, bring**
3 **them out with their hands where we can see them, spin them**
4 **around, put them on their knees. All this is through verbal**
5 **commands while we stand back behind our vehicles, and then we**
6 **handcuff them. And at that time when I got him handcuffed and**
7 **started speaking with him, I observed an odor of an alcoholic**
8 **beverage on his person.**

9 Q. Did you identify him at that time by his driver's
10 license?

11 **A. At some point, I did. I don't remember if it was**
12 **right then or a little bit later. I don't know when I**
13 **actually learned his name.**

14 Q. Did you identify him later as Ivan Abner Cantu?

15 **A. Yes.**

16 Q. Do you see that person in the courtroom today?

17 **A. Yes.**

18 Q. Can you identify him by where he's sitting and
19 something that he's wearing?

20 **A. He's wearing a maroon shirt sitting to the left of a**
21 **gentleman in a dark-colored suit.**

22 MS. LOWRY: May the record reflect he's
23 identified the Defendant?

24 THE COURT: All right.

25 Q. BY MS. LOWRY: Once you smelled the odor of

1 taught to officers to help them detect whether or not a person
2 is under the influence of alcohol?

3 **A. Yes, it is.**

4 Q. And this Horizontal Gaze Nystagmus, the nystagmus
5 that you're seeing, is that something a person can control?

6 **A. No.**

7 Q. And is it, I guess, enhanced by alcohol to where it
8 can be visible just by you looking into someone's eyes?

9 **A. Yes, it is.**

10 Q. And you were able to detect that on this Defendant
11 on that night?

12 **A. Six points, which would be the three indicators in**
13 **each eye.**

14 Q. Did you detect other signs of intoxication?

15 **A. There was — he had unsteady balance. His speech**
16 **was thick-tongued, or slurred. He had red, watery eyes, and**
17 **those are only the tests I gave at the time because he was**
18 **still handcuffed, so I didn't do any balance tests.**

19 Q. Why at this time is he still handcuffed?

20 **A. Again, because he ran from us, and for our safety we**
21 **weren't going to unhandcuff him.**

22 Q. So I mean, he's not, like, trying to fight y'all or
23 anything like that once you have him in handcuffs, that you
24 recall?

25 **A. No, no.**

1 alcoholic beverage, what did you do?

2 **A. I conducted the Horizontal Gaze Nystagmus test.**

3 Q. Can you describe for the jury briefly what the
4 Horizontal Gaze Nystagmus test is?

5 **A. That's a test which we give for people we suspect of**
6 **being intoxicated, Driving While Intoxicated, and it works**
7 **with the muscles in your eyes. And basically the easiest way**
8 **to explain it would be if you roll a ball across a smooth**
9 **floor, it should roll smoothly. That's how your eyes should**
10 **track back and forth. If you're intoxicated, your muscles**
11 **aren't able to function smoothly anymore, and so it would be**
12 **like rolling a ball across a rough floor. Your eyes would be**
13 **bouncing back and forth. Instead of smooth tracking, it would**
14 **be rough tracking.**

15 **And there's six points that you can have. There's**
16 **three in each eye. There's lack of smooth pursuit, there's**
17 **onset of nystagmus, which is the bouncing of the eyeball at**
18 **maximum deviation out the far corner of the eye, and then**
19 **there's onset of nystagmus prior to 45-degree angle in a**
20 **person.**

21 Q. And this evaluation, the Horizontal Gaze Nystagmus
22 evaluation, is that something you were trained in to become a
23 patrol officer?

24 **A. Yes, it is.**

25 Q. Is this a standardized test that is developed and

1 Q. Was he cooperative with you?

2 **A. As far as I can remember. I don't remember having**
3 **to fight him or scuffle. I don't remember. I have in the**
4 **report that he asked several times why he was arrested, but I**
5 **think that was more the intoxication than anything else. I**
6 **don't recall him fighting us once we got him stopped.**

7 Q. Did he ever at any point throughout this, whether at
8 the scene or once he got to the jail, become argumentative or
9 just more difficult?

10 **A. Again, the only thing I can recall was he kept**
11 **asking why he was arrested, and I don't remember if that was**
12 **an argumentative state, or if he just didn't have the memory**
13 **due to his intoxication.**

14 Q. Do you recall how he was dressed?

15 **A. No.**

16 Q. During the time that you're following him and he's
17 driving the way that you described, what regard, if any, did
18 you see that he had for other human life around him?

19 **A. I think it's dangerous to drive 30 miles over the**
20 **speed limit inside a city anywhere, probably even dangerous on**
21 **the highway. And when he went down Perry, that's a**
22 **neighborhood street. That would be, like, the street you live**
23 **on, the neighborhood, someone going 70 to 80 miles per hour.**
24 **Obviously, he didn't have control of his vehicle when he tried**
25 **to stop. He slid past the street he was trying to turn down,**

1 and turned his vehicle almost sideways in the street. I mean,
2 it's just unsafe.

3 MS. LOWRY: Thank you. Pass the witness.

4 THE COURT: All right.

5 CROSS-EXAMINATION

6 BY MR. GOELLER:

7 Q. Officer, I think you've been reading -- referring
8 to some paperwork in front of you --

9 A. Yes, sir.

10 Q. -- is that your case report and all that?

11 A. It's just arrest reports. There's two of them.

12 MR. GOELLER: May I approach?

13 THE COURT: Yes.

14 MR. GOELLER: May I have just a couple of
15 moments, Judge? It's about four pages, single-spaced.

16 THE COURT: Take your time.

17 A. I think the narratives on both of them are the same.
18 That might help you out. I'm not for sure, but I think they
19 are.

20 Q. BY MR. GOELLER: Officer, that address, 1617 Ross,
21 did he pull in the driveway there?

22 A. Yes, sir.

23 Q. Do you recall whose residence that was, or what the
24 connection was or anything?

25 A. No. There's -- several people came out of the

1 house. We pulled in behind him with our lights and siren.

2 Q. Right.

3 A. I don't know if it was his wife or his sister or
4 girlfriend. Seemed like there was -- two women came out; one
5 was younger and one was older, maybe his mother. I don't know
6 if they were related to him, but it was someone who knew him
7 because I remember we talked about the vehicle and stuff with
8 them.

9 Q. Okay, all right. So there was a connection between
10 him and the house, other than just a random pull in this
11 driveway?

12 A. Yes, sir.

13 Q. Okay. As you told him to -- I guess you're
14 using -- are you using a bullhorn or your speaker, or how are
15 you telling him to get out of the car?

16 A. I don't think I ever -- I think we yelled. I don't
17 think we used a bullhorn because our bullhorns -- they're
18 worse than yelling. I mean, they're -- it's like speaking
19 over a loud speaker. You can't hear.

20 Q. Right. Did he exit the car? In other words, from
21 the time you command him out of the car --

22 A. Yes, he did come out of the vehicle.

23 Q. -- to his knees, did he ever make a move for you?

24 A. No. The only thing I think is that we had to remind
25 him to keep his hands up several times.

1 Q. Okay. Was he pretty drunk? Well, let me ask you
2 this. I know some officers can get pretty darn close off the
3 HGN, or that Horizontal Gaze Nystagmus. Based on your
4 training you can get pretty close within plus or minus .02.

5 A. There's a lot of DWI's that I don't take if they're
6 close --

7 Q. Yeah.

8 A. -- that probably would be. So, he was
9 well-intoxicated, I guess. It wasn't borderline, I guess, if
10 that's what you're asking. If I arrest them for DWI --

11 Q. Oh, I'm not -- I'm not going there. I'm not trying
12 to say he wasn't intoxicated.

13 A. No, I understand that. I can't specifically answer
14 your question. All I can go by is my history, and I try not
15 to arrest someone that barely seems intoxicated.

16 Q. Okay. But you confirmed all that, I guess, he had,
17 what -- well, when you're doing the Horizontal Gaze Nystagmus,
18 you asked them to keep their head perfectly still and to just
19 track either the pen, flashlight, or finger with just the
20 eyeballs?

21 A. Right.

22 Q. Was he having a hard time -- probably the more drunk
23 they get, they want to do their head with you and stuff.

24 A. Follow with their head and stuff.

25 Q. Yeah. Okay. Any weapons on him?

1 A. Not that I recall.

2 Q. Any aggressive behavior, jumping at you, trying to
3 take your gun, trying to tackle you, trying to strike you,
4 trying to kick, bite, punch, injure you or your partner or
5 anybody there?

6 A. No, not that I recall.

7 Q. Okay. But as intoxicated as he was, he couldn't
8 figure out why he was being arrested or why you stopped him?

9 A. I don't know if he couldn't figure it out, or if he
10 couldn't remember.

11 Q. Okay.

12 A. He just kept asking the question is what I had in
13 the report. He kept asking why he was being arrested, and I
14 would tell him, and then a few minutes later he would ask me
15 again why am I being arrested, and I would tell him.

16 Q. Did that seem a bit odd to you?

17 A. Not for an intoxicated person.

18 Q. Okay. Is that pretty common?

19 A. Well, maybe not that specific line of question, but
20 incoherence or the lack of understanding.

21 Q. Okay. Was he arrested for any other offenses at
22 that time?

23 A. Evading, or fleeing with a vehicle.

24 Q. Right. Anything else?

25 A. No, not that I recall.

1 Q. Okay. Did -- do you know what the outcome of those
 2 arrests were? Did you have to go to court and testify?
 3 A. **I don't think I ever went to trial on them, so --**
 4 Q. Okay. Did you have much conversation with the folks
 5 at that address, I guess, 1716 Ross?
 6 A. **I'm going by my memory, but it seems like I spoke**
 7 **with a younger female that came out, and by younger, I mean**
 8 **maybe mid-20s, younger than the other woman that came out, and**
 9 **I think we explained to her why he was going with us, and we**
 10 **talked about the vehicle being left there, I think. I don't**
 11 **recall if we actually impounded the vehicle or left it there.**
 12 **But I remember discussing the vehicle with her more than**
 13 **anything, and what he was being charged with.**
 14 Q. Okay. Let me return this to you, sir. Thank you.
 15 MR. GOELLER: That's all I have, Judge.
 16 THE COURT: All right. Ms. Lowry?
 17 MS. LOWRY: Nothing further from the State.
 18 THE COURT: May this witness be released?
 19 MR. GOELLER: Yes, sir.
 20 THE COURT: All right. You are finally
 21 released.
 22 THE WITNESS: Thank you.
 23 THE COURT: Call your next witness, please.
 24 (Witness exits the courtroom.)
 25 MS. LOWRY: Your Honor, the State calls Officer

1 Kyle Wheatley.
 2 THE COURT: All right.
 3 (Witness enters the courtroom.)
 4 THE COURT: Raise your right hand, please.
 5 (Witness sworn by the Court.)
 6 THE COURT: Put your hand down and have a seat
 7 right here. Ms. Lowry.
 8 MS. LOWRY: Thank you.
 9 Whereby,
 10 KYLE WHEATLEY,
 11 a witness called by the State, sworn to testify to the truth,
 12 testified under oath as follows:
 13 DIRECT EXAMINATION
 14 BY MS. LOWRY:
 15 Q. Please introduce yourself to the jury.
 16 A. **Officer Kyle Wheatley with Addison Police**
 17 **Department.**
 18 Q. Officer Wheatley, how long have you been employed by
 19 Addison Police Department?
 20 A. **A little over four years.**
 21 Q. How long have you been a certified peace officer?
 22 A. **Seven years.**
 23 Q. Where were you employed prior to being at Addison?
 24 A. **The City of Lancaster.**
 25 Q. And as a police officer with the City of Addison,

1 what are your job duties?
 2 A. **I'm a patrol officer with Addison.**
 3 Q. What are the general duties of a patrol officer?
 4 A. **Patrol the city, respond to calls, make arrests,**
 5 **take reports, that type stuff.**
 6 Q. I want to direct your attention back to January 16th
 7 of 2000. Were you working for Addison Police Department at
 8 that time?
 9 A. **Yes, ma'am.**
 10 Q. Do you recall what shift you were working?
 11 A. **I was working the night shift.**
 12 Q. About what hours does that run?
 13 A. **8 p.m. to 6 a.m.**
 14 Q. Specifically at approximately 12:15 a.m., did you
 15 receive a dispatch call to go to a certain location?
 16 A. **Yes, ma'am, I did.**
 17 Q. Do you recall what that call was regarding?
 18 A. **It was a disturbance call at a restaurant.**
 19 Q. Is that something that's part of your job duties to
 20 respond to calls of that nature?
 21 A. **Yes, ma'am.**
 22 Q. What kinds of calls do you typically receive as far
 23 as disturbances from management of restaurants, things of that
 24 nature?
 25 A. **We respond to anywhere from domestic disturbances**

1 **inside the restaurant to intoxicated persons causing**
 2 **disturbances.**
 3 Q. The 5100 -- or 5100 Beltline Road, can you describe
 4 for the jury what that area is?
 5 A. **It's a retail business area with 50 to 60**
 6 **businesses. Shops and restaurants are located at that -- in**
 7 **that shopping center.**
 8 Q. And in that shopping center, do they, I guess to
 9 identify them one by one, have specific suite numbers?
 10 A. **Yes, ma'am.**
 11 Q. When you responded to this dispatch call, what did
 12 you find?
 13 A. **We arrived at the location, and I believe management**
 14 **pointed out the subjects causing the disturbance. Pointed out**
 15 **the Defendant.**
 16 Q. Do you recall the particular type of disturbance?
 17 A. **Not off -- no, ma'am, I sure don't.**
 18 Q. Did you then contact that person?
 19 A. **Yes. We made contact with the Defendant.**
 20 Q. The person that you contacted, did you later find
 21 out that his name was Ivan Abner Cantu?
 22 A. **Yes, ma'am. After we identified him, yes.**
 23 Q. Explain for the jury what you did when you first
 24 contacted him?
 25 A. **We made contact with the subject and could smell a**

1 strong odor of alcohol on his person, noticed that his balance
2 was unsteady, bloodshot eyes, indicators that he was
3 intoxicated.

4 Q. In a situation like this, what are your options as
5 far as how to resolve the situation?

6 A. **By departmental policy we're not allowed to release
7 an intoxicated individual on their own unless there is a
8 person there that's -- will take custody and control of that
9 person. Otherwise, we make an arrest and take them to jail.**

10 Q. In this particular situation, did you have a person
11 there that could take custody of this person, or did you have
12 to arrest him?

13 A. **We made the arrest.**

14 Q. Describe for the jury the process that you -- or the
15 things that you did prior to arresting him?

16 A. **We offer the subject field sobriety tests to
17 determine their level of intoxication.**

18 Q. Now, these field sobriety tests that you're talking
19 about are generally done when you pull someone over for
20 suspected driving while intoxicated?

21 A. **Yes, ma'am.**

22 Q. Why do you also perform those on a person, such as
23 this?

24 A. **To determine if they are intoxicated to the point
25 that they're a danger to themselves or others.**

1 Q. When you say to the point that they're a danger to
2 themselves or others, why do you use that language?

3 A. **If a person is intoxicated to the level that they're
4 a danger to themselves and others, then they're -- they can't
5 make a decision to take -- you know, take care of themselves
6 or -- they shouldn't be out there by themselves basically.**

7 Q. And at that point, they're basically committing the
8 offense of public intoxication?

9 A. **Yes, ma'am, they are.**

10 Q. Did you determine about this defendant whether or
11 not he was a danger to himself or others?

12 A. **We offered him field sobriety tests, and he
13 performed one test, then refused to take any more.**

14 Q. What was his reaction at the time he was refusing to
15 take any more tests?

16 A. **He repeatedly questioned as to why he was being
17 asked to perform the tests and would not refuse -- or would
18 refuse to take any further tests.**

19 Q. Did you then place him under arrest?

20 A. **Yes, ma'am, we did.**

21 Q. And what was he charged with?

22 A. **Public intoxication, and we also made a computer
23 check on him by name and date of birth and found an active
24 warrant out of Dallas PD.**

25 Q. Was that warrant later confirmed?

1 A. **Yes, ma'am, it was.**

2 Q. Do you know what that warrant was for?

3 A. **I believe it was for failure to maintain financial
4 responsibility, no insurance.**

5 Q. Do you know if he had his own vehicle at the scene?

6 A. **Yes, ma'am. He did have a vehicle at the location?**

7 Q. And what did you do with the vehicle?

8 A. **We impounded the vehicle.**

9 Q. Do you know who the call was from as far as for
10 y'all to respond to that location?

11 A. **I'm not sure who the -- I'm assuming it came from
12 management. I'm not really aware of who made the call.**

13 Q. Did you make a report in this case, or is there a
14 report in this case that you've been referring to?

15 A. **Yes, ma'am.**

16 Q. Is there anything in that report that refreshes your
17 memory as to who called dispatch?

18 A. **I don't recall who called dispatch.**

19 MS. LOWRY: Pass the witness.

20 MR. GOELLER: May I proceed, Judge?

21 THE COURT: Yes.

22 CROSS-EXAMINATION

23 BY MR. GOELLER:

24 Q. Officer, in your hand, is that your report?

25 A. **Yes, sir, it is.**

1 MR. GOELLER: May I approach, Judge, and
2 retrieve that report?

3 THE COURT: Yes.

4 MR. GOELLER: And I'd ask the State if all they
5 have is this? I'll give that back to you, Officer. May I
6 have just a moment, Judge?

7 THE COURT: Yes. Take your time.

8 (Brief pause in proceedings.)

9 Q. BY MR. GOELLER: Officer, was it pretty obvious to
10 you the person was intoxicated?

11 A. **Yes, sir.**

12 Q. Do you take them -- do you do your work in the
13 restaurant, or do you go outside when you deal with these
14 kinds of situations?

15 A. **We try to get them out of the restaurant.**

16 Q. Okay. Did you get him out?

17 A. **Yes, sir.**

18 Q. Okay. Did he cause you any problems doing that,
19 fight you, anything like that?

20 A. **Not that I remember, no, sir.**

21 Q. Okay. Had that happened, it certainly -- he would
22 have gotten more than a ticket -- a Class C ticket for PI if
23 he would have gone at you or tried to get your gun, or kicked
24 you --

25 A. **Yes, sir.**

1 Q. -- punch you, hurt you, tackle you?
 2 A. Yes, sir.
 3 Q. There would have been a lot more to this than a
 4 ticket or citation for public intox, right?
 5 A. Yes, sir.
 6 Q. Did you actually -- did you make the arrest
 7 yourself?
 8 A. No, sir. **Officer Tom Olverra.**
 9 Q. Officer who?
 10 A. **Thomas Olverra.**
 11 Q. Were you there when he did that?
 12 A. Yes, sir, I was.
 13 Q. Anything you observed that was aggressive in Ivan's
 14 demeanor towards him?
 15 A. **Not that I recall. Just uncooperative with the**
 16 **field sobriety tests is all I can recall.**
 17 Q. Is that pretty common when you've got a drunk?
 18 A. **Occasionally it is, yes, sir.**
 19 Q. Yeah. Was that the last involvement you had with
 20 him on this matter?
 21 A. **Yes, sir. I helped Officer Olverra escort him into**
 22 **the vehicle and secured him in the back seat, and then Officer**
 23 **Olverra transported him to the city jail.**
 24 Q. All right. Was there any problem in the actual
 25 handcuffing and putting him into the patrol car, any fighting?

1 A. **Not that I recall, no, sir.**
 2 Q. Okay. Was he confused as to why he was being
 3 arrested and why y'all were doing field sobriety tests?
 4 A. **He -- from what I remember, he continually**
 5 **questioned as to why we were asking him to perform field**
 6 **sobriety tests because he wasn't driving. And we tried to**
 7 **explain to him that he was not being given a field sobriety**
 8 **test for the purpose of DWI. He was being given field**
 9 **sobriety tests for public --**
 10 Q. PI.
 11 A. -- **intoxication. Yes, sir.**
 12 Q. Okay.
 13 MR. GOELLER: Thank you, sir. That's all I
 14 have, Judge.
 15 MS. LOWRY: Just briefly, Your Honor.
 16 THE COURT: All right.
 17 **REDIRECT EXAMINATION**
 18 **BY MS. LOWRY:**
 19 Q. Officer Wheatly, although you said Officer Olverra
 20 is the one that actually made the arrest, you're the one that
 21 contacted the Defendant when you first got there, spoke with
 22 him and observed the signs of intoxication; is that right?
 23 A. **Yes, ma'am.**
 24 Q. You're also the one that actually performed the
 25 field sobriety evaluations on the Defendant?

1 A. **Yes, ma'am.**
 2 Q. You're also the one that ran the computer check?
 3 A. **Yes, ma'am.**
 4 Q. And you're the one that actually contacted the
 5 towing people to come and tow his vehicle?
 6 A. **Yes, ma'am.**
 7 Q. Do you see the person that you contacted, Ivan
 8 Cantu, in the courtroom today?
 9 A. **Yes, ma'am.**
 10 Q. And can you identify him by where he's sitting and
 11 what he's wearing?
 12 A. **He's wearing the maroon sweater at the end of the**
 13 **table there.**
 14 MS. LOWRY: May the record reflect he's
 15 identified the Defendant?
 16 THE COURT: All right.
 17 MS. LOWRY: No further questions.
 18 MR. GOELLER: Nothing further, Judge.
 19 THE COURT: Is he excused by both sides?
 20 MS. LOWRY: Yes, sir.
 21 MR. GOELLER: Yes, Your Honor.
 22 THE COURT: All right. You are finally
 23 excused. Thank you.
 24 THE WITNESS: Thank you, sir.
 25 (Witness exits the courtroom.)

1 THE COURT: Call your next witness, please.
 2 MR. SCHULTZ: Michelle Gonzales to the stand,
 3 Judge.
 4 (Witness enters the courtroom.)
 5 THE COURT: Raise your right hand, please.
 6 (Witness sworn by the Court.)
 7 THE COURT: Put your hand down and have a seat
 8 right here, please. Mr. Schultz.
 9 MR. SCHULTZ: Thank you, Judge.
 10 Whereby,
 11 MICHELLE GONZALES,
 12 a witness called by the State, sworn to testify to the truth,
 13 testified under oath as follows:
 14 **DIRECT EXAMINATION**
 15 **BY MR. SCHULTZ:**
 16 Q. Ma'am, state your name, please, for the jury.
 17 A. **Michelle Gonzales.**
 18 Q. Ma'am, how old a person are you?
 19 A. **I'm 23.**
 20 Q. And you're a married person?
 21 A. **Yes.**
 22 Q. Who are you married to?
 23 A. **Carlos Gonzales.**
 24 Q. He's a witness who, apparently, has previously
 25 testified in this case, and he's still around as a potential

1 witness; is that true?

2 A. Yes.

3 Q. Do you know someone by the name of Ivan Abner Cantu?

4 A. Yes, I do.

5 Q. If you saw him again, could you point him out for
6 the Court and for the jury?

7 A. Yes.

8 Q. Is he here today?

9 A. Yes, he is.

10 Q. Where is he and what is he wearing?

11 A. He's in a burgundy sweater.

12 MR. SCHULTZ: Judge Sandoval, please let the
13 record reflect she's identified the Defendant in open court.

14 THE COURT: All right.

15 Q. BY MR. SCHULTZ: How long have you known the
16 Defendant?

17 A. Couple of years.

18 Q. Can you remember the first time you met him?

19 A. I met him through my husband. I honestly don't know
20 how long it's been. They've been friends before that, but it
21 was -- I don't know the first time.

22 Q. During the couple of years that you've known the
23 Defendant, how much time would you say you've spent with him?

24 A. We used to spend a lot of time together. There's a
25 group of friends that we'd always be together, but when we did

1 meet Ivan, then my husband and I would see him on occasion.

2 Usually weekly.

3 Q. Would you -- for example, would you be connected
4 with any of his other friends or the women in his life? Would
5 you have occasion to have those kinds of connections, also?

6 A. Yes.

7 Q. At the time that you first met the Defendant, do you
8 recall whether he was married?

9 A. He was when I first met him. I believe he had
10 gotten a divorce from his ex-wife, Michelle, but he was
11 seeing -- in the process of seeing Jennifer.

12 Q. Now, did you ever meet Michelle?

13 A. No, I did not.

14 Q. Did you ever talk with the Defendant about Michelle?

15 A. No.

16 Q. So that was never a topic of discussion?

17 A. No.

18 Q. Did you ever know Tawny?

19 A. Yes.

20 Q. Tell us who Tawny is.

21 A. Tawny, I -- from what I know, they dated in the
22 past. She went on vacation with us. She was a friend. I
23 mean, we considered her a friend. We still do. What the guys
24 used to say is she would be the girl that Ivan would always go
25 back to.

1 MR. GOELLER: Objection. That's nonresponsive
2 and it's hearsay.

3 THE COURT: Sustained.

4 Q. BY MR. SCHULTZ: Did you ever hear the Defendant
5 talk about her?

6 A. About Tawny?

7 Q. Uh-huh.

8 A. Just if we were going out, if we were having dinner,
9 and she was coming along. She did visit our house several
10 times.

11 Q. Well, you indicated there was some trip to the
12 islands, some kind of a groupe vacation; is that right?

13 A. Yes.

14 Q. And you indicated -- who all was on that besides
15 yourself?

16 A. My husband, Ivan, Tawny, Jason and Anthony.

17 Q. And did Jason and Anthony have female companionship
18 when they were there?

19 A. No, they did not.

20 Q. Obviously, you and your husband were together as a
21 couple. From your observations, were the Defendant and Tawny
22 together as a couple?

23 A. They were together as a couple on the trip, I guess
24 almost as friends as well, too, so...

25 Q. And is this a relationship that's been going on for

1 a number of years?

2 A. Yes.

3 MR. HIGH: Excuse me, Your Honor. I can't see
4 the witness. If she could move forward.

5 THE COURT: Yes, ma'am. If you could scoot up
6 just a little bit.

7 Q. BY MR. SCHULTZ: You mentioned someone named
8 Jennifer. Tell us how Jennifer fits into the Defendant's life
9 from your observations.

10 A. She -- they met at the club that Ivan was working
11 at, and --

12 Q. What was the name of that club?

13 A. Baby Dolls in Dallas.

14 Q. If I crassly call that a strip club, would that be a
15 fair statement?

16 A. Yes.

17 Q. Approximately when did they meet in terms of the
18 couple of years that you've known the Defendant?

19 A. Towards the end of last year is when they met. I
20 believe that's around the time she started coming around.

21 Q. And what was her occupation at the time that he met
22 her, if you know?

23 A. She was a waitress. One of the bar girls is what
24 she was.

25 Q. Was she ever a dancer, to the best of your

1 knowledge?

2 A. No.

3 Q. Was there any discussions had between yourself and
4 the Defendant, or discussions by the Defendant in your
5 presence relating to whether she would be a dancer?

6 A. Yes. She did bring it to my attention, but she had
7 said that it wasn't --

8 MR. GOELLER: Objection as to hearsay, Your
9 Honor, as to what she said.

10 Q. BY MR. SCHULTZ: Okay. Was the Defendant there
11 while these discussions were going on? Was it just you and --

12 A. It was just Jennifer and I.

13 Q. All right. Now, let's talk about the Defendant and
14 women in general, if we could. Do you have some knowledge, or
15 some observations about his interaction with women and how he
16 deals with women?

17 A. The women that he chooses are very to themselves.
18 They're very shy. They don't talk a lot until they open up to
19 you, which takes them a while.

20 Q. Okay.

21 A. They've all been the same, though.

22 Q. Okay. How about Jennifer? Would you classify
23 Jennifer that way as passive or shy?

24 A. She was.

25 Q. By the way, did you like her, as far as you knew

1 her?

2 A. I did. I did.

3 Q. When other people would be present, how would the
4 Defendant treat her?

5 MR. GOELLER: Objection. That's just so vague,
6 Judge, time, place, relevance.

7 THE COURT: Sustained.

8 Q. BY MR. SCHULTZ: How many times would you say that
9 you -- well, first of all, did the Defendant and Jennifer get
10 married?

11 A. Yes, they did.

12 Q. And how long were they married?

13 A. Maybe a month. I'm not for sure of the date. They
14 just went to Vegas, got married and came back.

15 Q. Okay. When you would see them together as a couple
16 during this period of time that you knew them as a couple, was
17 the Defendant affectionate, apparently, toward her?

18 A. Very much so.

19 Q. Describe what you're talking about, about the --
20 what you would call affection. Describe what you saw.

21 A. They were very loving on each other. They were
22 always hugging. Ivan would always approach her and just kiss
23 her on the cheek, and I mean -- just those names they call
24 each other. It was -- they were very affectionate.

25 Q. Okay. How adjustable is the Defendant's personality

1 in terms of how he wants to be, or how he wants to present
2 himself? How flexible is his personality?

3 MR. GOELLER: Objection, Your Honor. That
4 obviously calls for speculation. She's obviously not a
5 qualified witness to discuss what apparently is a psychiatric
6 question from the State.

7 THE COURT: I'll sustain the objection.

8 MR. SCHULTZ: May I briefly address the Court,
9 Judge?

10 THE COURT: Yes.

11 MR. SCHULTZ: Okay. We're certainly not asking
12 her to be a psychiatrist, but a person's personality, or
13 ability to manipulate situations is something that's within
14 the common knowledge of anyone who knows someone. We're not
15 asking for anything requiring specialized training, but rather
16 human observation of a personality we believe this witness
17 has, and we believe it's aiding the Trier of Fact because she
18 has experiences unavailable otherwise to the Trier of Fact.
19 It's certainly not an attempt to analyze or diagnose some
20 medical condition of the Defendant.

21 THE COURT: I tell you what, let me ask y'all
22 to step down for about five minutes.

23 THE BAILIFF: All rise.

24 THE COURT: Say, in fact, you know what, Ladies
25 and Gentlemen, let's make this a 15-minute recess.

1 (Jury exits the courtroom at 10:15.)

2 THE COURT: Please be seated. With regard to
3 that, why don't you ask her and let me hear her responses and
4 see what it looks like.

5 SUB ROSA EXAMINATION

6 BY MR. SCHULTZ:

7 Q. How flexible, how adjustable is the Defendant's
8 personality, in your opinion, to suit a situation?

9 A. He can -- I guess however you want to see a person,
10 he can make you see him that way. He's -- if you want him to
11 be just outgoing, and I mean a great businessman -- he has the
12 ability to make you see him the way you (sic) want him to see
13 him.

14 Q. Can he do that with women?

15 A. Oh, yeah, definitely.

16 Q. Have you seen him do that with women?

17 A. Yes.

18 Q. In your presence was he charming to Jennifer?

19 A. Yes.

20 Q. In your presence, was he charming to Amy?

21 A. Yes.

22 Q. Have you seen him be charming with other women,
23 other than those two?

24 A. He was charming with Tawny. He was -- I mean, just
25 being around any -- any female, he would put on -- that was

1 the personality he would have.

2 MR. SCHULTZ: That's our line of questioning.

3 MR. GOELLER: And I would renew my objection as
4 to her testifying as to what was he trying to do, his state of
5 mind. It's pure speculation. Now, she could probably answer
6 questions, was he charming around somebody, yes. But I
7 strenuously object to the witness -- Mr. Schultz attempting to
8 get this witness to testify what was in his mind that is pure
9 speculation.

10 THE COURT: And I tell you what, I didn't hear
11 any question in response with regard to that. So, he's
12 charming. I suppose you are, too, right?

13 MR. GOELLER: Well, (laughter), we'll have to
14 ask Mr. Schultz that one.

15 THE COURT: So far I haven't heard anything
16 that -- I haven't heard anything bad yet.

17 MR. GOELLER: Well, his first question, in his
18 mind what was -- did he have the ability in his mind to make
19 people conform to, I guess, how he wanted them to view him?

20 THE COURT: Well, he didn't ask that question.

21 MR. GOELLER: I'm pretty sure he did.

22 THE COURT: Maybe I missed the question and the
23 answer.

24 MR. SCHULTZ: No. I'm just offering this. We
25 think it's relevant to his personality. We think it's a

1 relevant question for a layperson under Rule 701. It's
2 certainly nothing that calls for any type of expertise, and we
3 think it will aid the jury in understanding his personality,
4 which is really what's on trial here.

5 THE COURT: Well, I tell you what, if -- so
6 far with regard to the questions you've asked and the answers,
7 I would allow them into evidence.

8 MR. SCHULTZ: Yes, sir.

9 THE COURT: So, anyway, let's take a 15-minute
10 recess.

11 THE BAILIFF: All rise.

12 (Court exits the courtroom at 10:20 a.m.)

13 (Recess taken.)

14 (Jury not present.)

15 MR. SCHULTZ: Could you give us your date of
16 birth?

17 THE WITNESS: 7-6-78.

18 MR. SCHULTZ: We're under order to disclose
19 any criminal history. Do you have a criminal history?

20 THE WITNESS: No.

21 MR. SCHULTZ: Have you ever been arrested for
22 anything?

23 THE WITNESS: No.

24 THE BAILIFF: All rise.

25 (Jury enters the courtroom at 10:50 a.m.)

1 THE COURT: Please be seated.

2 Ms. Gonzales, you're still under oath, ma'am.

3 THE WITNESS: Okay.

4 THE COURT: Mr. Schultz, go ahead.

5 Q. BY MR. SCHULTZ: I want to talk with you again about
6 the Defendant's personality with regard to women that you
7 observed. How would you describe the personality that he
8 would use when he was with women, at least in your presence?

9 A. He was very charming. He was kind of a womanizer,
10 basically however a girl would like to see the guy they're
11 with.

12 Q. Now, did I interrupt you?

13 A. No, no, no.

14 Q. You know, when someone listens to that type of
15 testimony, one could, depending upon your point of view or
16 your orientation, I suppose, you could say that might be a
17 good thing to be charming. Did you observe that as good
18 trait, what you're talking about?

19 A. As how he was with women at first?

20 Q. Yes.

21 A. Yes. I guess it was a good thing. I mean, for me
22 being -- that's how I would want to see the guy I was with.

23 Q. Okay, okay. Now, you got to know Jennifer, his
24 second wife some; is that right?

25 A. Yes.

1 Q. And I want to make sure that we're clear on the time
2 sequence, not for any other reason, just keeping it clear. Do
3 you recall New Year's Eve of a year that you were with
4 Jennifer?

5 A. Yes.

6 Q. Now, that would not have been the immediate past New
7 Year's Eve of 2000. It would have been 1999; is that correct?

8 A. Yes.

9 Q. Now, where was the Defendant that -- at that time
10 in this new marriage of his, where was he on New Year's Eve of
11 1999?

12 A. In Colorado skiing.

13 Q. Did the -- did Jennifer know that's where he was?

14 A. No.

15 MR. GOELLER: Objection, Judge. That's
16 speculation, and it's hearsay.

17 THE COURT: Sustained.

18 Q. BY MR. SCHULTZ: Well, do you know whether she knew
19 where he was or not?

20 MR. GOELLER: Same objection.

21 THE COURT: Sustained.

22 Q. BY MR. SCHULTZ: Did you inform her where he was?

23 A. Yes.

24 Q. When you informed her where he was, did she show a
25 reaction? Don't tell me what she said. Did she show a

1 reaction emotionally to that disclosure?

2 A. Yes.

3 Q. Was it a happy disclosure or otherwise?

4 A. Otherwise.

5 Q. Now, did she invite herself to your house, or did
6 you invite her?

7 MR. GOELLER: Objection as to the leading, Your
8 Honor.

9 THE COURT: Overruled.

10 A. I invited her over.

11 Q. BY MR. SCHULTZ: Did you do that -- how did you
12 invite her? Did you call her on the phone, write her a
13 letter, e-mail?

14 A. On the phone.

15 Q. How was her mood when you were talking with her on
16 the phone?

17 A. She was upset because she was alone on New Year's
18 Eve.

19 Q. And you invited her over?

20 A. Yes.

21 Q. Did you see anything on her body that caused you
22 concern?

23 A. Yes.

24 Q. Tell us what that was.

25 A. We began talking. She rolled up her sleeves, and

1 she had bruising all over her arms and her wrists. She had
2 blue jeans on, and she had pulled up one of her pant legs, and
3 she also had bruising on one of her legs. Her ankle was
4 sprained.

5 Q. Did she appear to have any pain in her body?

6 A. She was just sore where her bruises were.

7 Q. Did she describe that to you? Did she describe
8 about the pain?

9 A. She just -- the only thing she really said was
10 that --

11 MR. GOELLER: Objection as to hearsay, Your
12 Honor.

13 THE COURT: Sustained.

14 Q. BY MR. SCHULTZ: When she was -- when she was
15 rolling up her sleeves and showing you her bruises, was that a
16 happy time? Was she happy, was she excited, was she down?
17 How was she doing (sic) to you?

18 A. She wasn't -- she was very upset.

19 Q. Did she appear to be emotional?

20 A. Yes.

21 Q. What things was she doing that may -- make you state
22 that she was emotional?

23 A. She began crying. She was very shaken. She
24 couldn't sit still when we were talking.

25 Q. Did she make a statement of her then existing

1 emotion and state of mind?

2 A. I'm sorry. Can you repeat that?

3 Q. Did she tell you about her emotions and what she was
4 feeling in the context of those bruises and those marks?

5 A. She just -- I could tell she was upset. I mean, she
6 didn't have to say anything.

7 Q. Well, I know she didn't have to, but did she make
8 statements relating to why she was upset?

9 A. Yes.

10 Q. All right. Was she excited?

11 A. No.

12 Q. Not in the sense of emotions being present -- not
13 excited, like happy excitedness?

14 A. As far as, like, how she was talking to me, she did
15 seem kind of -- she wanted to get things out.

16 Q. Was she upset?

17 A. Yes.

18 Q. Did you have discussions with her about how those
19 bruises ended up on her body?

20 A. Yes, we did.

21 Q. What did she tell you had caused those bruises?

22 MR. GOELLER: Objection as to hearsay, Your
23 Honor.

24 THE COURT: Sustained.

25 Q. BY MR. SCHULTZ: After having had your conversations

1 with her, after having perceived her emotional condition, and
2 after her telling you the things that she told you, did you
3 make a recommendation to her?

4 A. Yes.

5 Q. What did you recommend?

6 A. I recommended that she --

7 MR. GOELLER: Objection, Judge. That answer is
8 based on hearsay.

9 THE COURT: Overruled.

10 A. I recommended that she separate from Ivan. I even
11 offered for her to stay in one of our extra rooms until she
12 decided whether she was going to go back with her family.

13 Q. Well, now, you understood that Ivan and your husband
14 were old friends, that even that friendship predated your
15 marriage by a lot; is that right?

16 A. Yes.

17 Q. Were you concerned about the advice you were giving
18 somehow affecting your relationship with your husband or his
19 relationship with the Defendant?

20 A. No.

21 Q. Why weren't you concerned about that?

22 A. I felt like I was making the correct decision, and
23 Carlos and Ivan were friends, but Carlos and James were better
24 friends. And once I would tell him -- if I were to tell him
25 what was going on, I knew he would stand beside whatever

1 **decisions I made.**

2 Q. And did Jennifer follow your advice?

3 **A. She did.**

4 Q. Did she do it immediately after your advice or later
5 on?

6 **A. Just a little bit later on.**

7 Q. Did you have any more talks with her or any more
8 observations of her body in the same way that we're talking
9 about now?

10 **A. No.**

11 Q. And did she move to the Marshal Islands?

12 **A. Yes.**

13 Q. Have you kept up with her at all since that time?

14 **A. I haven't seen her since then.**

15 Q. Did you ever talk with the Defendant about those
16 bruises and how they got there?

17 **A. No.**

18 Q. Did you ever see them together as a couple after New
19 Year's Eve?

20 **A. I don't recall if I do (sic) or not. The timing is
21 just -- it's been so -- I don't know when the exact time she
22 left, because I know after that talk, I really didn't see her
23 much.**

24 Q. Do you think the Defendant has the tools to be a
25 law-abiding citizen and a contributor to our society as

1 **A. Yes.**

2 Q. Did the Defendant -- did the Defendant appear to be
3 physically healthy to you?

4 **A. Yes.**

5 Q. There weren't any, for example, disabilities of body
6 or mind that would interfere with being productive, if that
7 were the choice that he made; is that right?

8 MR. GOELLER: Objection as to speculation and
9 the lack of personal knowledge, Your Honor. No predicate has
10 been laid.

11 THE COURT: I tell you what, I'll sustain the
12 objection.

13 Q. BY MR. SCHULTZ: Well, you never saw him limp around
14 with any type of neurological condition? You never saw him
15 limping or hobbling --

16 MR. GOELLER: Objection as to the leading, Your
17 Honor.

18 THE COURT: Sustain the objection.

19 Q. BY MR. SCHULTZ: Why couldn't he -- in your opinion
20 then, why couldn't the Defendant have been successful if he
21 had put his mind to doing that?

22 **A. If he put his mind to it, he could be successful,
23 but -- I don't know. I just don't -- I just don't see it.**

24 Q. Did you ever discuss his, now dead cousin, James,
25 with the Defendant?

1 opposed to a threat to our society?

2 MR. GOELLER: Objection, Your Honor, relevance;
3 objection, speculation. She's not an expert witness and --

4 THE COURT: Sustained.

5 MR. GOELLER: Thank you.

6 Q. BY MR. SCHULTZ: Do you think he has the capability
7 to be a law-abiding and successful citizen in our society, if
8 that were his choice?

9 **A. No.**

10 Q. Well, why not?

11 **A. I guess because of the -- the things I know from the
12 past and the things that I know that have gone on, I just
13 don't -- I can't see it.**

14 Q. Well, let's talk. You've indicated he's charming
15 when he wants to be; is that correct?

16 **A. Yes.**

17 Q. Isn't being charming something that could lead to
18 success if you use it the right way?

19 **A. If it was used the right way, but the way that I saw
20 it used, it was more to manipulate people.**

21 Q. Well, for example, if you want to get a job, usually
22 you have to have an interview for the job; is that right?

23 **A. Yes.**

24 Q. And if you're charming, you've got a much better
25 chance of getting a job than otherwise, don't you agree?

1 **A. No.**

2 Q. Were those discussions ever had?

3 **A. After -- I mean --**

4 Q. I'm sorry. Before his death, were there ever
5 discussions with -- by the Defendant and you about his
6 feelings towards James, his cousin?

7 **A. Yes.**

8 Q. Tell us about those. Tell us about the things the
9 Defendant, prior to murdering him, used to say about James
10 Mosqueda.

11 MR. GOELLER: Objection, Judge. There's no
12 predicate as to time or place. I think there's such a span of
13 years.

14 THE COURT: Can you narrow it down in terms of
15 time?

16 MR. SCHULTZ: Within two years is about the
17 best I probably can do for that type of question.

18 MR. GOELLER: Then I've got to object to that,
19 Judge. I have no way --

20 THE COURT: I'll overrule the objection.

21 Q. BY MR. SCHULTZ: Have you heard the Defendant talk
22 about how he felt about the man he murdered?

23 **A. Yes.**

24 Q. What did he say about that?

25 **A. They were cousins, but he was upset. James had**

1 everything going for him. After Ivan's first divorce, it
 2 seemed like everything was going downhill.
 3 Q. Would that have been from Michelle?
 4 A. Yes.
 5 Q. Keep going.
 6 A. He was -- he just seemed very, very jealous of him
 7 for having his own business, the new house, cars, money. It
 8 was more of a jealousy towards --
 9 THE COURT: Ma'am, here's what I'm going to ask
 10 you to do, just answer the question. I believe the question
 11 was with regard to the discussions, right, what did he say?
 12 And that's the question that's been asked of you. What did he
 13 say, all right. If he said anything, tell them. If he didn't
 14 say anything, say he didn't say anything. But the question is
 15 what did he say with regard to James, and if that's the
 16 question you need to answer, that's what you should be doing.
 17 THE WITNESS: Okay.
 18 Q. BY MR. SCHULTZ: Do you understand this is very
 19 technical, what we're doing, and the Judge is trying to get
 20 you to be responsive to the question. It's not bad of you.
 21 It's just not the way we can do this, okay?
 22 A. Okay.
 23 Q. Did he make statements to you evidencing the fact
 24 that he was jealous?
 25 A. He at one point was saying he wanted to begin a

1 business that involved my husband and I so we could take all
 2 the business away from James. Since I am bilingual, I could
 3 deal with the Spanish-speaking customers.
 4 Q. Okay. Did the Defendant make any statements to you
 5 about how he felt -- or make any statements around you about
 6 how he felt of that young woman that he murdered?
 7 A. There was times --
 8 MR. GOELLER: Objection; nonresponsive.
 9 THE COURT: Sustained.
 10 Q. BY MR. SCHULTZ: Did he make statements related to
 11 how he felt about the woman he murdered?
 12 A. Yes.
 13 Q. What statements did he make?
 14 A. I don't like her. She's using James. She's just
 15 after money. It was -- everything was negative.
 16 Q. After you found out about the murders and the
 17 Defendant's involvement in those murders, did you change
 18 residences?
 19 A. Yes.
 20 Q. Can you tell us why you changed residences?
 21 MR. GOELLER: Objection. That's just not
 22 relevant, Judge, to anything.
 23 THE COURT: I'll overrule the objection, but
 24 let's -- wherever you're going, let's get there.
 25 MR. SCHULTZ: Yes, sir.

1 A. I was scared, that was the main thing.
 2 Q. BY MR. SCHULTZ: What were you scared of?
 3 A. The house that we were living in belonged to Ivan.
 4 I was -- my husband travels a lot, and so I was there alone a
 5 lot. I have an eight-year old, and how am I to know that he
 6 still doesn't have a key to get in?
 7 MR. GOELLER: Judge, I object that is
 8 improper. Kid's been in jail for a year. It's not relevant.
 9 THE COURT: Well, I tell you, you can
 10 cross-examine.
 11 Q. BY MR. SCHULTZ: Well, at the time when the
 12 Defendant was arrested, you understood he was in the
 13 jailhouse?
 14 A. Yes.
 15 Q. And I guess the objection really raises a good
 16 point. How would you be afraid of him having a key if he's
 17 locked up?
 18 A. Family members.
 19 Q. Do you know that family?
 20 A. Yes.
 21 Q. Okay. That's just a yes or no.
 22 A. (Nods head.)
 23 Q. Now, you indicated that the Defendant would also
 24 mention the fact that he'd had a divorce as part of his
 25 discussions or conversations; is that right? You mentioned --

1 you had talked with the Defendant about divorcing Michelle?
 2 A. Yes.
 3 Q. Who did he blame for the divorce?
 4 MR. GOELLER: Objection as to leading, Your
 5 Honor. Objection as to hearsay.
 6 MR. SCHULTZ: I'm not leading. The answer just
 7 calls for whatever the answer is. I just said who.
 8 THE COURT: Yeah, overrule the objection.
 9 Q. BY MR. SCHULTZ: Who did he blame?
 10 A. Michelle.
 11 Q. Did he say how he thought she was to blame for the
 12 divorce?
 13 A. No. We never got into details, so...
 14 Q. Did you know him when he was in the Navy?
 15 A. No.
 16 Q. Did you ever have any discussions with him about
 17 being in the Navy?
 18 A. No.
 19 MR. SCHULTZ: A moment, please, Judge?
 20 THE COURT: Yes.
 21 Q. BY MR. SCHULTZ: I want to ask you about -- go back
 22 to that trip again. I believe you said it was Jamaica; is
 23 that right?
 24 A. Yes.
 25 Q. Are you okay talking with me about that and what all

1 went on there?

2 **A. Yes.**

3 **Q. Okay. Were there drugs that -- I don't know**
4 **anything about Jamaican law -- but were there drugs that if**
5 **they had been in the United States would have been illegal?**

6 **A. Yes.**

7 **Q. What kind of drugs were involved?**

8 **A. Marijuana, cocaine and ecstasy.**

9 **Q. I guess security might not have been as good at the**
10 **airports as it used to be, but did you take that with you on**
11 **the plane?**

12 **A. No.**

13 **Q. Why not?**

14 **A. You can buy it there. You can get everything there.**

15 **Q. I mean, I've never been there so I don't know, but**
16 **how would somebody know that? If I had never been to Jamaica,**
17 **how would I know I could --**

18 **A. You can --**

19 **MR. GOELLER: Judge, I would object. It's just**
20 **not relevant how Mr. Schultz would get drugs in Jamaica.**

21 **MR. SCHULTZ: Well, it might be.**

22 (Laughter in the courtroom.)

23 **THE COURT: I tell you what, let me ask y'all**
24 **to step down for about five minutes.**

25 **THE BAILIFF: All rise.**

1 (Jury exits the courtroom at 11:10 a.m.)

2 **THE COURT: Please be seated. Tell me the**
3 **relevance.**

4 **MR. GOELLER: I don't know if he's going to**
5 **Jamaica or not, but he has rights, Judge.**

6 **THE COURT: It was clear from the earlier**
7 **testimony that there was tons of drugs on the trip to Jamaica,**
8 **or a bunch of drugs, so tell me where we're going on the**
9 **relevance.**

10 **MR. SCHULTZ: On this?**

11 **THE COURT: Yes.**

12 **MR. SCHULTZ: Just the generalized lawlessness**
13 **of the group, and particularly how it relates to the**
14 **Defendant, and that's all.**

15 **THE COURT: And her witnessing of it?**

16 **MR. SCHULTZ: (Nods head.)**

17 **THE COURT: All right.**

18 **MR. GOELLER: And if there are going to be any**
19 **kind of questions -- I don't care about her if she used or**
20 **not, but regarding my client, we've been given no notice under**
21 **this -- certainly no notice with -- no sufficient notice under**
22 **our request for 404(b) about anything in Jamaica, unless I'm**
23 **wrong.**

24 **THE COURT: Well, it's already come up and**
25 **come in, so I'll --**

1 **MR. GOELLER: Well, it's come up about the**
2 **Jamaica trip when Mr. Schultz had his wall of shame up, but**
3 **any specific misconduct on the part of my client --**

4 **THE COURT: I'll overrule the objection.**

5 **So -- all right. Let's just give them three minutes**
6 **and we'll have them back in. Is there anything else from**
7 **either side that we need to bring up before we bring the jury**
8 **back in?**

9 **MR. SCHULTZ: No, sir.**

10 **THE COURT: All right. All right.**

11 (Pause in proceedings. Jury out.)

12 **THE BAILIFF: All rise.**

13 (Jury enters the courtroom at 11:15 a.m.)

14 **THE COURT: Please be seated. All right.**

15 **Mr. Schultz.**

16 **MR. SCHULTZ: Yes, sir.**

17 **Q. BY MR. SCHULTZ: Let me get this right. Do you just**
18 **go over to the airport. It's like renting a car or something**
19 **and go get drugs there?**

20 **A. They're inside the airports selling, all the locals.**

21 **Everywhere you go in Jamaica you can buy drugs.**

22 **Q. That have anything to do with why y'all selected**
23 **that place to go?**

24 **A. No. My husband and Jason have been going 13 years.**

25 **They go every year just to get away.**

1 **Q. So, do you buy it before you rent the car or after?**

2 **A. Usually after.**

3 **Q. And where did you go? I mean, how do you do that?**

4 **A. My husband has some local friends that usually watch**
5 **over us when we're there, and they -- they're the ones that**
6 **take them to go buy everything.**

7 **Q. Let me ask you something: Y'all were doing -- this**
8 **whole party was doing these drugs, right? Is that a fair**
9 **statement?**

10 **A. No.**

11 **Q. That's not a fair statement?**

12 **A. No. The guys were doing this.**

13 **Q. Did you do any there?**

14 **A. I never have.**

15 **Q. Who was driving the car?**

16 **A. My husband and Jason would switch turns driving.**

17 **Q. Does anybody ever think about the innocent people**
18 **that get endangered when you take those drugs and start**
19 **driving around those streets, or Jamaican streets, or wherever**
20 **we are? Anybody ever --**

21 **MR. GOELLER: Judge --**

22 **Q. -- think about that?**

23 **MR. GOELLER: I'm sorry to interrupt. I object**
24 **to relevancy about driving in Jamaica as far as this phase of**
25 **the trial or any trial goes for that matter. It's certainly**

1 not relevant.

2 THE COURT: I'll overrule the objection. You

3 can cross-examine.

4 Q. BY MR. SCHULTZ: Does anybody ever think, you know,

5 when we take these things -- you know, forget what it does to

6 us. What about innocent people that are going to be

7 victimized by these choices? Anybody ever talk like that?

8 A. No.

9 Q. You seem intelligent. Do you ever think about that?

10 A. **If I did, it doesn't mean they do. They're there to**

11 **party, have a good time. I'm sure it doesn't ever cross**

12 **anybody's mind, especially when you're -- I mean, if we're**

13 **driving down and you look next to you and the locals are doing**

14 **the same thing. I mean, drugs in Jamaica are no big deal.**

15 Q. Did it appear to you the Defendant had any trouble

16 getting the money necessary for this trip?

17 A. **For this trip, I believe Tawny was the one that paid**

18 **for it.**

19 Q. Who paid for it?

20 A. **Tawny.**

21 Q. That's his friend --

22 A. **Girlfriend --**

23 Q. -- girlfriend?

24 A. **-- at the time, yes.**

25 Q. So the answer to the question is, he didn't have any

1 trouble getting the money?

2 A. **Yes.**

3 Q. He just worked it so he had the money?

4 A. **Uh-huh.**

5 Q. Do you think she loves him?

6 A. **I'm sure a part of her does.**

7 Q. Did you ever write out a statement for the police or

8 for us, or anybody asked you to write a written statement

9 about what all you've been testifying about?

10 A. **No, I haven't written anything.**

11 MR. SCHULTZ: State passes the witness, Judge.

12 THE COURT: All right.

13 MR. GOELLER: Thank you, Judge.

14 CROSS-EXAMINATION

15 BY MR. GOELLER:

16 Q. Ma'am, who has interviewed you in this case?

17 A. **The three lawyers.**

18 Q. And that's it?

19 A. **Yes.**

20 Q. Nobody from the police department or --

21 A. **No.**

22 Q. Okay. Were you -- were you a dancer in one of those

23 clubs?

24 A. **Yes.**

25 Q. Which one?

1 A. **Baby Dolls.**

2 Q. Is that how you met your husband?

3 A. **Yes.**

4 Q. Okay. Was he kind of your boss or your manager?

5 A. **He was at another club.**

6 Q. Okay. Did you ever work for him?

7 A. **I think towards the end when I was going to quit,**

8 **yes.**

9 Q. Okay. Was he your direct supervisor? Was he

10 somehow in management over you?

11 A. **He was in management, but he wasn't my supervisor.**

12 Q. How long did you do that?

13 A. **Two years.**

14 Q. How did you make your money? When you're dancing,

15 what's -- the goal is to get as much money as you possibly

16 can, correct?

17 A. **Uh-huh.**

18 Q. That's how you make your money?

19 A. **Yes.**

20 Q. How do you go about doing that?

21 A. **Stage -- being on stage, dances for individuals.**

22 **The main thing is the dancers -- I mean, the dances you**

23 **perform. I had customers that would come in, and all I had to**

24 **do was sit and talk with them, and they would give me money.**

25 Q. All you had to do was just sit and talk?

1 A. **Uh-huh.**

2 Q. Didn't even have to dance?

3 A. **No.**

4 Q. Did you have clothes on when you talked to these

5 guys?

6 A. **Yes.**

7 Q. Okay. Is that -- did you find that odd that people

8 would give you money for nothing?

9 A. **Not really. When you get into that business, that's**

10 **what the majority of the men that come in there are looking**

11 **for, a companion to just sit and talk with them.**

12 Q. Okay. So it's not so much the sex thing?

13 A. **No.**

14 Q. Although, I imagine you made a lot of money actually

15 performing dances?

16 A. **Uh-huh, yes.**

17 Q. Okay. What kind of men would come into those kind

18 of places?

19 A. **There's -- everyone. Everyone would come in. We**

20 **had lawyers, we had doctors. We had -- just -- I mean, you**

21 **can't narrow it down. We had so many different types of guys**

22 **that would come in.**

23 Q. What was a common thread amongst them, they're

24 looking for some kind of companionship, somebody to talk to?

25 Do you know what I'm saying? Like the guys that would pay you

- 1 money for not even -- for just talking, what was the common
2 thread among those guys?
3 **A. They were just in there -- I mean, I guess they were**
4 **lonely, and they were just looking for somebody. I don't**
5 **know.**
6 Q. What did you think about them?
7 **A. I was there to make money. I -- I mean, I would**
8 **basically if they wanted to hear that -- whatever they wanted**
9 **to hear, whatever they wanted to talk about, I was there for**
10 **that.**
11 Q. Okay. You were talking a little bit about Jennifer.
12 Where did you meet her?
13 **A. I met her when Ivan brought her over to our house.**
14 Q. Did you ever meet her at Baby Dolls?
15 **A. No. I danced when I was 18 and 19. I quit before I**
16 **was 20. This was a year -- year and a half after is when she**
17 **began working there.**
18 Q. I think you testified you're 23 now?
19 **A. Yes.**
20 Q. Did she ever work there or work at another club?
21 **A. Jennifer?**
22 Q. Yes.
23 **A. She worked at Baby Dolls.**
24 Q. Okay. Did she ever work with you at -- what was
25 that other club you worked at?

- 1 **A. That's the one I worked at.**
2 Q. You never worked at The Fare?
3 **A. I worked at Fare West before -- that's where I**
4 **began, but then when I ended my career dancing I was in -- at**
5 **Baby Dolls is where I ended up.**
6 Q. You testified that at one point in time you and your
7 husband actually lived in Ivan's house?
8 **A. Yes.**
9 Q. What did y'all pay for that house; do you remember?
10 **A. Too -- like the total amount --**
11 Q. Yeah.
12 **A. -- or how much were we paying a month.**
13 Q. What was the purchase price?
14 **A. 280 is what we paid for it.**
15 Q. Pretty nice house?
16 **A. Yes.**
17 Q. Gorgeous house, right?
18 **A. Yes.**
19 Q. Did you know Ivan when he lived in that house?
20 **A. When I met him, he was trying to sell the house, is**
21 **when I met him.**
22 Q. Okay. So you met him while he was still in the
23 house, right?
24 **A. Yes.**
25 Q. And you and your husband went up there apparently

- 1 and looked at the house and decided to purchase it?
2 **A. Yes.**
3 Q. So when you testified that Ivan has the ability to
4 do good things, you saw the product of good channeled
5 direction and energy in that house?
6 **A. Yes.**
7 Q. You knew -- obviously you knew James and you knew
8 Anthony, and you knew what some folks kind of refer to it as
9 the "Pleasant Grove crowd"?
10 **A. Yes.**
11 Q. Okay. Was your husband ever a drug dealer?
12 **A. Yes.**
13 Q. Is he still a drug dealer?
14 **A. No.**
15 Q. Was he a drug dealer when you met him?
16 **A. No.**
17 Q. Okay. So as far as you know, or it's your belief
18 that as long as you've known your husband he's never been
19 involved in trafficking drugs or anything like that?
20 **A. Never.**
21 Q. I'm sorry?
22 **A. That's correct, he hasn't.**
23 Q. He doesn't keep anything from you, and you have a
24 very -- you have the type of marriage where you basically know
25 what's going on with him, and he knows what's going on with

- 1 you, and there's a lot of open communication wherein you just
2 know what he's up to and that kind of thing?
3 **A. Most of the time, yes.**
4 Q. Certainly no drug use, nothing he'd ever have to
5 hide from you as far as drug use or trafficking narcotics?
6 **A. No.**
7 Q. And while you've been married to him you would
8 certainly believe that he was never a drug-dealing competitor
9 of James Mosqueda?
10 **A. No.**
11 Q. You talked about when you went to Jamaica, was
12 there anything about when he got there, some of the locals had
13 a big sign, "Welcome home, Carlos," or something like that?
14 **A. Yes.**
15 Q. How often would he be in Jamaica?
16 **A. Once a year.**
17 Q. Once a year?
18 **A. Uh-huh.**
19 Q. For just that weekend getaway?
20 **A. Yes.**
21 Q. You met Carlos when? Can you tell us what month
22 and year?
23 **A. November 3rd -- it's -- this year, it will be five**
24 **years.**
25 Q. Five years?

- 1 A. Uh-huh.
- 2 Q. Did he ever leave for an extended period of time?
- 3 Instead of just the one-year-get-away-from-it, did he ever
- 4 seem to be interested in locating to Jamaica for longer
- 5 periods of time?
- 6 A. We were considering buying a summer home there. We
- 7 also were going to start a business there, a jet ski rental,
- 8 but it was just -- there was too much involved in getting it
- 9 set up, so we decided not to.
- 10 Q. Okay. Having been in the entertainment business for
- 11 however long you were -- whatever period of time, would you --
- 12 would it be fair to say that the amount of money -- you know,
- 13 when you look at the dancers and the entertainers -- is it
- 14 okay to say "dancer"?
- 15 A. That's fine.
- 16 Q. I don't know what to say, entertainer. I don't want
- 17 to offend you.
- 18 A. That's fine. Either one is fine.
- 19 Q. Your ability to succeed and make money, as you said,
- 20 you were in it to make money, was -- as opposed to other
- 21 people in the business, was who could manipulate the most, the
- 22 clientele, the customer to generate cash?
- 23 A. Uh-huh, yes.
- 24 Q. Were you pretty good at that?
- 25 A. I wasn't the best.

- 1 Q. Okay. Were you pretty close with Amy Kitchen?
- 2 A. Not really.
- 3 Q. Okay. Did you know about the series of breast
- 4 augmentations she had underwent?
- 5 A. Yes.
- 6 Q. Okay. First one, and then I hate to say it, they
- 7 weren't big enough, and the second one?
- 8 A. Uh-huh.
- 9 Q. Was the plan eventually to get her into one of those
- 10 clubs?
- 11 A. No.
- 12 Q. Okay, okay. All right. I didn't -- I didn't
- 13 understand -- maybe I wasn't listening -- when Mr. Schultz was
- 14 asking you about the drugs in Jamaica, just so I understand
- 15 it, you say your husband has local friends who -- and I didn't
- 16 catch the rest of it.
- 17 A. He has local friends. There's one in particular
- 18 that usually -- he's kind of our guard. He takes us
- 19 everywhere. That way the other locals don't mess with us.
- 20 They don't hound us about things, but he is the one that would
- 21 show -- he knows everybody that lives there. It's a small
- 22 island, and he would just give them the connections of who
- 23 they needed to talk with.
- 24 Q. When you say "guard," like protection or body guard
- 25 or --

- 1 A. He's not even -- I mean, he's smaller than me, so it
- 2 wasn't for protection.
- 3 Q. Info?
- 4 A. Yes. He would show us how to get to places. He
- 5 would work deals with locals on getting us better rates to get
- 6 into different touring facilities.
- 7 Q. Okay.
- 8 MR. GOELLER: Thank you, ma'am. That's all I
- 9 have, Judge.
- 10 MR. SCHULTZ: That's all we have, Judge. She's
- 11 excused by the State.
- 12 MR. GOELLER: Still under the rule subject to
- 13 three-hour recall, Judge.
- 14 THE COURT: All right. Perhaps you'll be
- 15 recalled, ma'am. You may step down. Call your next witness,
- 16 please.
- 17 (Witness exits the courtroom.)
- 18 MS. FALCO: Chris Jones.
- 19 (Witness enters the courtroom.)
- 20 THE COURT: Raise your right hand, please.
- 21 (Witness sworn by the Court.)
- 22 THE COURT: Put your hand down and have a seat
- 23 right here, please, sir. Ms. Falco.
- 24 Whereby,
- 25 CHRIS JONES,

- 1 a witness called by the State, sworn to testify to the truth,
- 2 testified under oath as follows:
- 3 DIRECT EXAMINATION
- 4 BY MS. FALCO:
- 5 Q. Could you state your name for the jury?
- 6 A. Chris Jones.
- 7 Q. What is your occupation?
- 8 A. Probation officer, Dallas County.
- 9 Q. How long have you been a probation officer?
- 10 A. Total of ten years; nine years in Dallas County.
- 11 Q. What type of education and training have you had to
- 12 become a probation officer?
- 13 A. Four years degree criminal justice.
- 14 Q. What are your duties as a probation officer?
- 15 A. Oversee offenders that have been returned to the
- 16 community, provide resources for them for counseling,
- 17 education, certain other specialized programs that the Court
- 18 has imposed, collect urine specimens, try to maintain public
- 19 safety and watching what these offenders are doing in the
- 20 community.
- 21 Q. And as a probation officer, did you have the
- 22 occasion to be a probation officer for the Defendant, Ivan
- 23 Cantu?
- 24 A. I did.
- 25 Q. Do you see Mr. Cantu here in the courtroom?

1 **A. I do.**
 2 Q. Can you point to him and identify something he's
 3 wearing?
 4 **A. Mr. Cantu is sitting just right directly in front**
 5 **of me, has on sort of a burgundyish-colored sweater.**
 6 MS. FALCO: Your Honor, may the record reflect
 7 he's identified the Defendant, Ivan Abner Cantu?
 8 THE COURT: All right.
 9 Q. BY MS. FALCO: Approximately when did you supervise
 10 Mr. Cantu?
 11 **A. Probably somewhere between February '97 through four**
 12 **to five months of supervision.**
 13 Q. How long was the Defendant on probation?
 14 **A. For the misdemeanor probation, I believe for a year.**
 15 Q. What was the misdemeanor offense?
 16 **A. Misdemeanor offense? Wreckless conduct -- I'm not**
 17 **quite sure at this point.**
 18 Q. Wreckless driving?
 19 **A. Probably, yes.**
 20 Q. Was he also on probation for a felony?
 21 **A. He did also have a couple of felony probations.**
 22 Q. Was that for possession of cocaine?
 23 **A. Controlled -- yes.**
 24 Q. Were you supervising him for both offenses or just
 25 one?

1 **A. I was supervising him basically for the misdemeanor**
 2 **offense.**
 3 Q. And how does it work with probation departments? I
 4 mean, do you handle from the beginning to the end, or was
 5 there other officers that handled Mr. Cantu?
 6 **A. Depending on if cases were shifted because of a high**
 7 **case number, a high count that one officer may have, cases are**
 8 **shifted from different -- to different officers, and I did**
 9 **receive Mr. Cantu from another officer that did have him**
 10 **before me.**
 11 Q. And when someone is on probation, are what we call
 12 "chronos," or records kept of the probation activity with that
 13 particular defendant?
 14 **A. Correct.**
 15 Q. And do you also use those to refresh your memory and
 16 keep updated with what goes on with a defendant while he's on
 17 probation?
 18 **A. That's correct.**
 19 Q. With regards to Mr. Cantu, how would you describe
 20 him as a probationer?
 21 **A. His probation was quite unsuccessful. His attitude**
 22 **concerning the probation was negativistic (sic).**
 23 MR. HIGH: I'm sorry, Judge. I couldn't hear.
 24 Could you say that again?
 25 **A. His attitude was negativistic (sic), defiant, he was**

1 **not in compliance with his conditions of probation. His**
 2 **probation was eventually revoked.**
 3 Q. BY MS. FALCO: When you say it was negativistic,
 4 what do you mean by that?
 5 **A. Not making appointments as he should, appointments**
 6 **with the probation officer and with the Court, continuing drug**
 7 **use while on probation, garnered two additional misdemeanor**
 8 **offenses while under supervision.**
 9 Q. Which two misdemeanor offenses did he pick up while
 10 he was on probation?
 11 **A. DWI and evading arrest.**
 12 Q. And was that the reason that his probation got
 13 revoked?
 14 **A. That, in addition with positive urine specimen that**
 15 **was collected when I began supervising Mr. Cantu.**
 16 Q. With regard to a person that's on probation, are
 17 urinalysis samples done every single time they come in to
 18 report?
 19 **A. They're randomly taken.**
 20 Q. And with regard to Mr. Cantu, was he randomly given
 21 a urine sample and he tested positive?
 22 **A. Correct.**
 23 Q. What did he test positive for?
 24 **A. When I collected a urine specimen, it was**
 25 **amphetamines and benzodiazepam.**

1 Q. Benzodiazepam?
 2 **A. Yes.**
 3 Q. And based on the dirty UA's and the new offenses you
 4 filed a motion to revoke his probation?
 5 **A. Correct.**
 6 Q. And that misdemeanor probation was revoked?
 7 **A. Correct.**
 8 Q. What happened as a result of his probation being
 9 revoked?
 10 **A. County jail time.**
 11 Q. Did he continue to be on probation for the felony
 12 offense?
 13 **A. The felony offense, as I understand, terminated**
 14 **successfully. They choose not to address the violations.**
 15 Q. And when you say terminate successfully, you just
 16 talked about somebody who got dirty UA's and picked up two new
 17 offenses. In your opinion, is that successful?
 18 MR. HIGH: Objection, that's leading.
 19 Q. BY MS. FALCO: In your opinion, is that successful?
 20 **A. That's not successful.**
 21 Q. How did that happen that the felony continued on
 22 probation and that was not revoked?
 23 **A. Judge's decision. For whatever reason he just chose**
 24 **not to pursue the matter.**
 25 Q. Now, with regard to the Defendant's attitude, you

1 described as negativistic, and what else did you say about his
2 attitude?

3 **A. Defiant.**

4 Q. How would you say he was defiant?

5 **A. Not following directives of the Court, not being in
6 compliance with his conditions of probation.**

7 Q. And how would he not follow directives of the Court?

8 **A. Told to be in court on separate occasions and not
9 being there, told to be reporting to his probation officers at
10 certain times and not being there, the continued drug use,
11 the arrests. Those were all violations that would, in my
12 opinion, be defying what the Court has given him probation
13 for.**

14 Q. In your opinion, did he have any respect for the
15 Court and the orders that they placed on him?

16 **A. No.**

17 Q. In your opinion, did he have respect for you or the
18 other probation officers that handled him?

19 **A. No.**

20 Q. In your opinion, did he have any respect for the
21 law, or did he continue to break it even when he was on
22 probation?

23 MR. HIGH: I'd have to object as overbroad,
24 Your Honor.

25 THE COURT: Overruled.

1 **A. No respect, no.**

2 Q. BY MS. FALCO: Now, with regard to the Defendant's
3 drug usage, did you have conversations with him regarding his
4 drug usage?

5 **A. Yes.**

6 Q. What did he tell you?

7 **A. Denied using drugs.**

8 Q. Even after he tested positive on his urinalysis?

9 **A. That is correct.**

10 Q. Did that happen on more than one occasion?

11 **A. Correct, yes.**

12 Q. And both the testing positive, as well as the
13 denial?

14 **A. Correct.**

15 Q. In looking at the chronos, or the records kept by
16 the probation department, throughout his probation did he
17 continue to deny drug usage?

18 **A. That is correct. There's no admission of using
19 drugs.**

20 Q. Did he test positive for drugs on more than one
21 occasion?

22 **A. As I understand, two different occasions he tested
23 positive for drugs.**

24 MS. FALCO: One moment, Your Honor.

25 Q. BY MS. FALCO: Mr. Jones, as a probation officer,

1 you obviously supervised many defendants; is that correct?

2 **A. That's correct.**

3 Q. Both for misdemeanor offenses, as well as felony?

4 **A. Yes.**

5 Q. And do you have some defendants who can successfully
6 complete probation?

7 **A. That's true.**

8 Q. Do you have some defendants who benefit from being
9 on probation?

10 **A. Quite a few, yes.**

11 Q. Do you have programs in place for people who might
12 be on probation for drug offenses?

13 **A. That's true, yes, we do.**

14 Q. What type of programs do you have?

15 **A. We have programs in the community where we refer
16 them out to outside providers. They have to assume the
17 costs. They can complete an evaluation, and from that
18 evaluation recommendations are made by the counselor, who is a
19 licensed professional, and they can comply with those
20 recommendations and receive the treatment that they need.**

21 **We also have in-house programs for those that are
22 indigent, basically the same thing, and we also have
23 sanctioning facilities that are basically in-house. The
24 probationer is kept there at the facility.**

25 Q. And is help available for a defendant who

1 acknowledges they have a drug problem?

2 **A. Yes, it is.**

3 Q. And, in fact, any type of problem, whether it be
4 rage and anger, self-control issues, if they come to the
5 probation department and say they have a problem with that, do
6 you try to get them help?

7 **A. Yes, we do.**

8 Q. Do you work with probationers in that regard?

9 **A. I do.**

10 Q. With regard to the Defendant being on probation for
11 a drug offense, did he receive drug treatment programs?

12 **A. Assuming that these referrals were made, I'm quite
13 sure they were, they are regular --**

14 MR. HIGH: Objection; speculation and
15 nonresponsive.

16 THE COURT: Sustained.

17 Q. BY MS. FALCO: Did you have a chance to review that
18 in the chronos?

19 **A. I did not supervise the felony case where they --
20 excuse me. I did not supervise the felony case where those
21 items were to be part of his probation.**

22 Q. But had he let anyone know he had a problem with
23 drugs or wanted to stop using drugs, that would have been
24 addressed?

25 **A. We would have readily --**

1 MR. HIGH: Excuse me. Objection, Judge.
 2 That's speculation and also assumes facts not in evidence
 3 before the Court.
 4 THE COURT: I'll overrule the objection.
 5 **A. We would have readily helped him if he wished to**
 6 **have help.**
 7 MR. HIGH: And I have to object to that as
 8 nonresponsive, Your Honor.
 9 THE COURT: I'll sustain the objection.
 10 Listen, just listen to the question and only answer
 11 the question that's asked, okay?
 12 THE WITNESS: Yes, sir.
 13 THE COURT: All right. Go ahead.
 14 Q. BY MS. FALCO: If the Defendant would have come to
 15 you and said I have a drug problem, can you help me with it,
 16 would you have given him help?
 17 **A. Yes.**
 18 MR. HIGH: Same objection as I previously
 19 lodged, all three.
 20 THE COURT: Overruled.
 21 Q. BY MS. FALCO: I'm sorry?
 22 **A. Yes.**
 23 Q. And have you seen defendants be successful that are
 24 on probation and go through drug programs?
 25 MR. HIGH: Objection; relevance.

1 **A. Yes, I have.**
 2 Q. BY MS. FALCO: But this Defendant, Mr. Cantu, after
 3 being on probation was not successful, in your opinion?
 4 MR. HIGH: Objection; that's been asked and
 5 answered.
 6 THE COURT: Sustain the objection.
 7 MS. FALCO: Thank you, Mr. Jones. Pass the
 8 witness.
 9 THE COURT: All right.
 10 MR. HIGH: Have just a moment, Your Honor?
 11 THE COURT: All right.
 12 (No omissions.)
 13
 14 CROSS-EXAMINATION
 15 BY MR. HIGH:
 16 Q. Well, first of all, have you reviewed anything prior
 17 to testifying here today, Mr. Jones?
 18 **A. Yes, I have.**
 19 Q. And I take it those would be those chronos that
 20 you've talked about?
 21 **A. Correct.**
 22 Q. Anything else you've looked at prior to testifying?
 23 **A. Just the chronos and the disposition page from what**
 24 **we have that tells what happened with the Defendant after his**
 25 **supervision.**

1 Q. All right.
 2 MR. HIGH: Judge, I'd request that I be
 3 provided those at this time.
 4 THE COURT: All right.
 5 MS. FALCO: Your Honor, may I approach the
 6 witness?
 7 THE COURT: Yes.
 8 MR. HIGH: Judge, I have in front of me
 9 approximately 30 pages of documents, and I'd like some time to
 10 review these prior to cross-examining him.
 11 THE COURT: All right. I tell you what, let's
 12 take an early lunch, and let's come back at 1:15, and we'll
 13 continue with the cross-examination of this witness. So we'll
 14 see you folks at 1:15.
 15 THE BAILIFF: All rise.
 16 (Jury exits the courtroom at 11:45 a.m.)
 17 (Lunch recess taken.)
 18 THE BAILIFF: All rise.
 19 (Jury enters the courtroom at 1:30 p.m.)
 20 THE COURT: Please be seated. Mr. High, are
 21 you going to take this witness?
 22 MR. HIGH: Yes, Your Honor.
 23 THE COURT: All right. Go ahead.
 24 Q. BY MR. HIGH: Good afternoon, Mr. Jones.
 25 **A. Good afternoon.**

1 Q. Are you the same Chris Jones that was testifying
 2 before we took our lunch break?
 3 **A. That's correct.**
 4 Q. All right, sir. I've been handed your -- I don't
 5 know if this is yours or not. It's a narrative listing. I
 6 believe it's some probation records that you reviewed prior to
 7 testifying. Are these the things that you reviewed?
 8 MR. HIGH: May I approach the witness, Your
 9 Honor?
 10 THE COURT: Yes.
 11 Q. BY MR. HIGH: Take a look and make sure that's what
 12 you looked at.
 13 **A. These items here, sir, are the ones that I've**
 14 **reviewed.**
 15 Q. I'm sorry? I didn't hear you.
 16 **A. These items are the ones that I've reviewed. This**
 17 **segment here.**
 18 Q. All right. And the rest of it, from page 18 and
 19 beyond, you didn't review that?
 20 **A. Correct.**
 21 Q. Okay. But you've reviewed page 1 through 18?
 22 **A. No. It is probably where you have your index**
 23 **finger.**
 24 Q. Okay, page 8 through 18?
 25 **A. Probably, yes. I believe so.**

1 Q. All right. Well, that's fine. At least we're
2 talking about the same stuff that you looked at partially,
3 right?
4 A. Yes.
5 Q. All right, great. I took it from your testimony
6 that you were not the original, supervising probation officer?
7 A. That's correct.
8 Q. And I've been to Dallas County a few times.
9 Sometimes y'all pass files from one probation officer to the
10 next. Sometimes it will be from a court officer to a field
11 officer, and then amongst field officers. Am I getting that
12 kind of right?
13 A. That's correct.
14 Q. And do you recall who it was that you inherited the
15 file from?
16 A. Mr. Williams.
17 Q. All right. Do you recall approximately when it was
18 that you inherited the file?
19 A. I began seeing Mr. Cantu in April of '97.
20 Q. Excellent. Do you recall if it was at the first
21 part of the month, latter part, middle part of the month?
22 A. Not total recollection, but I believe around the
23 first portion of the month.
24 MR. HIGH: Let me approach the witness, Your
25 Honor?

1 Q. BY MR. HIGH: If you want to look at the records to
2 refresh your memory. I've been looking for it, and I cannot
3 find it. Maybe you can help me with it.
4 A. All right. Take a look back here. Okay. Actually,
5 it appears it was March, the first time that I saw him.
6 That's what it looks like, in March. That's the first office
7 visit.
8 Q. In March of '97?
9 A. Correct.
10 Q. And where does it say that you received the file?
11 I'm not real clear on that.
12 A. Right here, where it says "peer accepts case for
13 supervision."
14 Q. Okay. Excellent. So there's an entry here, page 9.
15 Looks like it's -- is that February 17th, '97?
16 A. February 17th, '97. That's where it appears that I
17 accepted the case. March 11, '97 is the first time, looks
18 like, that I saw him in the office.
19 Q. Excellent. Okay. So you were just getting
20 acquainted with him for the very first time in March of '97?
21 A. Correct.
22 Q. And you had accepted supervision. It was for a
23 felony offense, correct, possession of cocaine?
24 A. I actually was supervising him basically on the
25 misdemeanor charge. For a brief period, I dealt with just a

1 little bit of his felony probation, I believe.
2 Q. How long had he been on probation for the
3 misdemeanor, if you recall? I know -- let me let you look at
4 the records. That's unfair. I'll let you look at the
5 records. I wouldn't be able to do that, either.
6 A. Looks like misdemeanor offense -- let me take a
7 look. It appears that when the case was transferred to me,
8 also the misdemeanor case came. And that again, would fall on
9 the same date.
10 Q. Okay. Do you recall when he went on probation for
11 the misdemeanor; does it say that?
12 Mr. Jones, I don't need to be all that specific with
13 my question. Let me ask you this: From looking at the
14 records, does it appear that he was on probation for the
15 felony offense of possession of cocaine first, and then when
16 he went on probation for the misdemeanor offense of reckless
17 driving, that that's when he was transferred to you? Is that
18 fair to say from looking at the records?
19 A. Looks like he was already on the felony case, and
20 then he received a misdemeanor case. He got the probation
21 date on the misdemeanor case, yes.
22 Q. Okay. And those -- for the jurors that don't live
23 in our world and they don't go to courthouses every day, you
24 get arrested, you post bond, and if it's a felony offense, you
25 have to go to a district court for a felony offense. And if

1 you get a misdemeanor, you have to go to a county court for a
2 misdemeanor offense, and those may happen at different times;
3 is that fair to say?
4 A. That's fair to say.
5 Q. And you may go on probation for a felony offense and
6 be on probation before the misdemeanor offense is adjudicated
7 in court; is that fair to say?
8 A. Yes, sir.
9 Q. And that's what happened in this case. The felony
10 case was adjudicated, and he went on probation. At some later
11 time the misdemeanor case, he went on probation for that. At
12 that point you supervised him on both cases; is that fair to
13 say?
14 A. Correct.
15 Q. Okay. Fair enough. At the time -- have you seen a
16 copy of the judgment placing him on deferred adjudication
17 probation for the cocaine charge?
18 A. Not since I had the case under supervision.
19 Q. But you were aware he was on deferred adjudication
20 probation?
21 A. Yes.
22 Q. And what is your understanding of deferred
23 adjudication probation?
24 A. Deferred adjudication means that the judge defers
25 the finding of guilt, and a defendant either enters a plea of

1 no contest or guilty. The judge defers the finding of guilt
2 and places the probationer under supervision, in which if he
3 completes his probation successfully, there's no conviction
4 lodged on the defendant's record.

5 Q. Fair enough. It's kind of a wait-and-see type
6 thing, right?

7 A. Correct.

8 Q. A defendant goes in front of the judge and admits
9 his guilt and goes on probation, and if he does good, he lives
10 it out, no conviction, fair enough?

11 A. Fair enough.

12 Q. If he does bad, then the judge can throw the book at
13 him. Is that your understanding of how deferred adjudication
14 works?

15 A. That's correct.

16 Q. There's two side of the sword; the good side is no
17 conviction, and the bad side can really hurt you bad. The
18 judge can really throw the book at you. Is that your
19 understanding of how it works?

20 A. Yes.

21 Q. Okay. And most of us who do this kind of work,
22 we're very familiar with that, aren't we?

23 A. Yes.

24 Q. Okay. With respect to being on probation -- the
25 deferred adjudication probation, that's what he was on when

1 long time. How many years?

2 A. Nine years.

3 Q. Does this appears to be one of the orders that
4 Dallas County routinely uses when it dismisses proceedings,
5 grants a discharge and sets aside deferred adjudication
6 probation?

7 A. That's correct.

8 Q. Okay. And you're familiar with Judge Janice
9 Whorter? She's a Criminal District Judge in Dallas County,
10 Texas?

11 A. Not very familiar with her, sir.

12 Q. You know her name?

13 A. Yes, I do.

14 Q. And you see her name on that document?

15 A. That is correct.

16 Q. You're aware that Mr. Cantu's indictment was set
17 aside, and the case was dismissed for all purposes. You're
18 aware of that?

19 A. Correct.

20 Q. In a legal sense, that's as if the possession of
21 cocaine offense never happened; is that right? There's no
22 finding of guilt.

23 A. Correct.

24 Q. Okay. And I suppose that in order to accomplish
25 that result -- and that's a good thing for a defendant to get

1 his probation was transferred to you, and you began
2 supervising him on the misdemeanor and the deferred
3 adjudication; is that fair enough?

4 A. Yes.

5 Q. And you testified earlier that he was revoked on the
6 misdemeanor charge; is that correct?

7 A. That's correct.

8 Q. And the misdemeanor charge was reckless driving, and
9 he, in fact, did jail time on that; is that correct?

10 A. Correct.

11 Q. And when you do jail time, that's what we
12 understand -- you and I understand is a final conviction, and
13 that's a conviction on your record for all time; is that -- do
14 you agree with me on that?

15 A. Yes.

16 Q. You're also aware that with respect -- and you
17 testified earlier that the district judge didn't take any
18 action -- a criminal district judge never took any action on
19 the cocaine case, and he successfully completed the possession
20 of cocaine case on deferred adjudication probation; is that
21 fair to say?

22 A. Yes.

23 MR. HIGH: Approach the witness, Your Honor?

24 THE COURT: Yes.

25 Q. BY MR. HIGH: And you've worked for Dallas County a

1 from the beginning of probation all the way to the end and get
2 the order setting aside the indictment and dismissing the
3 indictment. That's a good thing, you would agree with that,
4 for a defendant, right?

5 A. Yes.

6 Q. And you would turn that as being successful while on
7 probation, correct?

8 A. Yes. If the Court sets it aside, yes.

9 Q. And someone that succeeds on felony probation, that
10 person obviously complied, or did what he could to comply with
11 the orders of the Court. You would agree with that, wouldn't
12 you?

13 A. Yes.

14 Q. So with respect to that particular probation if he's
15 successful, obviously he must have respect for the orders of
16 the Court?

17 A. That's a question, sir?

18 Q. Yeah. Is that fair to say? He successfully
19 completed it, case was dismissed, did everything that the
20 district judge ordered him to do.

21 A. If he did everything the district judge ordered him
22 to do, yes.

23 Q. So he had respect for the orders of the court?

24 A. For that court, yes.

25 Q. And he had to deal with some probation officers

1 along the way, so -- and you-all play a part in that, correct?
 2 **A. Correct.**
 3 Q. You indicated that while he was under control that
 4 help was available to him, you know, community programs for
 5 drug, rage and anger, et cetera?
 6 **A. Yes.**
 7 Q. Okay. And if he'd have asked for it, you would have
 8 helped him?
 9 **A. Correct.**
 10 Q. And I'm sure you're fully familiar with his
 11 probation file?
 12 **A. As familiar as a person can be that supervised him**
 13 **three or four years ago.**
 14 Q. Okay. Who is Probation Officer Taylor?
 15 **A. She's a probation officer with Dallas County -- or**
 16 **used to be.**
 17 Q. I want to show you this letter from your file dated
 18 September 19th, 1996, which is addressed to Probation Officer
 19 Taylor. Is that part of Mr. Cantu's probation file?
 20 **A. Yes, sir.**
 21 Q. Okay. And it appears to be a letter reflecting
 22 successful completion of a drug program, does it not?
 23 **A. Correct.**
 24 Q. Okay. Essentially, Dana DeWitt, who's a licensed
 25 counselor indicates that the client, Ivan Cantu, successfully

1 completed a drug offender education program and abuse
 2 counseling.
 3 MS. FALCO: Your Honor, at this time we'd
 4 object to the reading of a document not admitted into
 5 evidence. If he wants to offer the entire document into
 6 evidence, we have no objection to him offering the probation
 7 files into evidence at this time.
 8 THE COURT: Overruled.
 9 Q. BY MR. HIGH: So, you've seen the letter, right?
 10 **A. Correct.**
 11 Q. And it has to do with -- well, did you have a chance
 12 to read it all? Let me make sure you've had a chance to read
 13 it.
 14 THE COURT: Say, Mr. High, I do think it would
 15 be a good idea -- for what purpose are you offering it?
 16 MR. HIGH: It's just cross-examination with
 17 respect to -- he did not avail himself of drug treatment
 18 programs that were available to him while on probation.
 19 THE COURT: So you're offering it for the
 20 purpose of impeachment?
 21 MR. HIGH: That's correct.
 22 THE COURT: All right.
 23 Q. BY MR. HIGH: Have you had a chance to read that?
 24 **A. I've looked at it, sir, yes.**
 25 Q. And it has a page back here, another page,

1 certificate of completion. Did you see that, also?
 2 **A. Yes, sir.**
 3 Q. Okay. Basically this document indicates that in
 4 September of '96 while on probation Ivan Cantu successfully
 5 completed the Texas Drug Offender Education Program.
 6 MS. FALCO: Again, Your Honor, we object to
 7 him reading from a document not admitted into evidence. We
 8 have no objection if he wants to offer the entire probation
 9 file into evidence.
 10 THE COURT: Overruled.
 11 Q. BY MR. HIGH: Is that correct?
 12 **A. That is correct.**
 13 Q. So, it's quite apparent that he did at least
 14 complete this program, and there's some documentation to show
 15 that; is that correct?
 16 **A. That's correct.**
 17 Q. Are you familiar with presentence reports?
 18 **A. Yes, I am.**
 19 Q. And presentence reports are routinely used prior to
 20 sentencing in a felony case?
 21 **A. That's correct.**
 22 Q. Are they sometimes used in a misdemeanor case? I
 23 don't know if they do that in Dallas County or not?
 24 **A. No.**
 25 Q. In Collin County we typically use them on felony

1 cases, too. So I think we're consistent that way.
 2 Obviously, with respect to a presentence report for
 3 a drug offense, you're going to want to find out if there's
 4 drug problems, any kind of an addiction, and with respect to
 5 counseling or assistance you want to find out about that so
 6 you can get them into the right program; is that fair to say?
 7 **A. Yes, sir.**
 8 Q. And have you reviewed the presentence report that
 9 was prepared in Cause Number F95, hyphen, 50626, hyphen, H;
 10 possession of controlled substance, cocaine, involving Ivan
 11 Abner Cantu?
 12 **A. Not since I had the file at least four years ago.**
 13 Q. Okay. I want you to take a look at the presentence
 14 report.
 15 **A. I'm finished.**
 16 Q. Okay. In all fairness this is not your report, is
 17 it?
 18 **A. No, it's not.**
 19 Q. Okay. It appears it was completed by someone named
 20 G. Compton. Are you familiar with --
 21 **A. I am not.**
 22 Q. -- G. Compton?
 23 **A. No.**
 24 Q. No. Big -- it's a big office that you work in?
 25 **A. Yes.**

1 Q. I don't suppose you know all the probation officers,
2 do you?

3 A. No.

4 Q. All right, sir. And I believe you testified that in
5 your opinion he was negativistic. Are those the words that
6 you used?

7 A. Yes.

8 Q. You also indicated that he was defiant?

9 A. Correct.

10 Q. And your supervision contact with him was in
11 February of '97, is that correct, and on after that?

12 A. I believe March of '97 until July of '97.

13 Q. That's correct. Now, is it fair to say that at
14 least some other probation officers didn't feel that way, at
15 least Ms. Compton didn't feel that way?

16 A. From the presentence investigation it speaks for
17 itself, no.

18 Q. Okay. In fact, she talks about the Defendant's
19 attitude in her report, does she not?

20 A. Correct.

21 Q. And she also indicates that he was cooperative
22 throughout the interview?

23 A. Correct.

24 Q. And that he admitted guilt?

25 A. Uh-huh.

1 Q. And that he expressed remorse for his actions?

2 A. That's correct.

3 Q. In summary it says, "He admitted he has used
4 cocaine in the past." Does it say that?

5 A. That, it does.

6 Q. With respect to his substance abuse, it says that
7 "He drinks alcohol approximately two times per month consuming
8 1 to 4 drinks on each occasion," and he was forthcoming about
9 that with Ms. Compton?

10 A. Yes.

11 Q. And when asked about cocaine use, evidently he told
12 Ms. Compton that he stated he had been using for approximately
13 one month prior to the offense date?

14 A. It does state that, yes.

15 Q. Okay. And evidently Ms. Compton didn't get the same
16 impression that you did, that he was defiant?

17 A. No.

18 Q. On the other hand, she didn't have to deal with him
19 every month like you did; is that fair to say?

20 A. That's fair to say.

21 Q. In all fairness, so...

22 A. Yes.

23 Q. And also in all fairness, you know of cases in
24 Dallas County that sometimes have gotten lost in the system,
25 haven't you?

1 A. I can't say that I do.

2 Q. Okay. But it happens, right?

3 A. You can make that assumption.

4 Q. A lot of times guys at the court -- the court
5 liaison has a different idea what should happened to the
6 probation officer as opposed to the field officer. You've run
7 across that, haven't you?

8 A. There's been differences in opinion, yes.

9 Q. Okay. And then even the judge will have a different
10 opinion as to what should happen as opposed to the court
11 liaison. The court liaison doesn't -- he doesn't make the
12 call. The judge makes the call; isn't that fair to say?

13 A. Correct.

14 Q. Okay. Now, the standard condition of probation is
15 to avoid persons of disreputable -- well, let me read it to
16 you. I'll make sure I get this right. "Avoid injurious or
17 vicious habits, do not use marijuana, narcotics, dangerous
18 drugs, inhalants, or prescription medication without first
19 obtaining a prescription for said substance from a licensed
20 physician."

21 MR. HIGH: Am I going too fast, Lisa?

22 Q. BY MR. HIGH: And the next paragraph here says,
23 "Avoid persons or places of disreputable or harmful character,
24 and do not associate with individuals who commit offenses
25 against the laws of this or any other state in the United

1 States."

2 Obviously using drugs while you're on probation is
3 a violation of your probation, correct?

4 A. Yes.

5 Q. And obviously hanging out with people of
6 disreputable and harmful character, that's a violation of your
7 probation, is it not?

8 A. Yes.

9 Q. And some probation officers might get crossways with
10 a probationer who was working at a club -- a nightclub,
11 topless nightclub, something like that?

12 A. It's not the best place for a person with a drug
13 charge to hang out, no.

14 Q. Okay. And I'm not sure this is true in your county,
15 but using drugs and hanging out in places like that can be
16 enough to draw a Motion to Revoke Probation from a probation
17 officer. It can be enough?

18 A. Yes.

19 Q. Not always. A new offense will certainly get you
20 there?

21 A. That's correct.

22 Q. It also requires you to pay fines and fees and work
23 at community service, and it also says "support your
24 dependents." Looks like it's Paragraph I; is that correct?

25 A. I'm not sure which paragraph, but I'm familiar with

1 it, yes.

2 Q. And it also -- typically a probation order -- has a
3 requirement that a person work faithfully at suitable
4 employment as far as possible and seek the assistance of the
5 probation officer in your efforts to secure employment when
6 unemployed. You're familiar with that provision?

7 A. Yes.

8 Q. And the rest of us, we don't need a probation order
9 to do that. I mean, we do that, anyway. But apparently
10 probationers need this, right, in their order?

11 A. Yeah.

12 Q. And so if a person didn't work while they're on
13 probation, if they didn't get the money, if they didn't pay
14 their fine, didn't pay their fee and court costs, continued to
15 do drugs daily, I mean, that would probably get your probation
16 revoked, wouldn't you say?

17 A. Yes.

18 Q. Certainly not a good thing not to work while you're
19 on probation?

20 A. No.

21 MR. HIGH: May I have just a moment, Your
22 Honor?

23 THE COURT: All right.

24 (Brief pause in proceedings.)

25 Q. BY MR. HIGH: Okay. Lastly, do you -- do you have

1 any personal recollection of Ivan Abner Cantu? Do you
2 remember this probationer?

3 A. I remember him after seeing his face, yes.

4 Q. Okay. How many probationers do you supervise --
5 what's your normal caseload?

6 A. Normal caseload would be around 130 people or more.

7 Q. Wow.

8 A. Between 130, 140.

9 Q. And that's at any one time?

10 A. That's at any one time, yes.

11 Q. Have you ever determined how many probationers you
12 might supervise in a year?

13 A. Never.

14 Q. Okay. Probably don't want to know that. Probably
15 be staggering, wouldn't it?

16 A. It would be large, yes.

17 Q. And the last contact you had with Mr. Cantu, can you
18 tell that looking at your records?

19 A. July of 1997.

20 Q. So that's been over four years ago?

21 A. Correct.

22 Q. Do your records reflect that he finished his GED
23 while he was on probation with you?

24 A. I never got proof of the completion of the GED, no.

25 Q. But you're aware that he might have done that?

1 You're somewhat aware of that?

2 A. No.

3 Q. No?

4 Do you know whether or not he went back to high
5 school and got his diploma?

6 A. No.

7 Q. You don't know that?

8 A. No.

9 Q. Okay.

10 MR. HIGH: All right. I'll pass the witness,
11 Judge. Thank you, Mr. Jones.

12 THE COURT: All right. Redirect?

13 (No omissions.)

14

15 REDIRECT EXAMINATION

16 BY MS. FALCO:

17 Q. Mr. Jones, Mr. High showed you a document showing
18 the Defendant to successfully have completed drug rehab in
19 September '96, correct?

20 A. It's drug offender education course.

21 Q. And what does that include? What type of things
22 does a defendant learn there?

23 A. It's an education course concerning drugs, effects.

24 It's purely education, not counseling.

25 Q. And after the Defendant completed that program, he

1 turned around and got the dirty UA that you tested him for in
2 March or April of '97 for methamphetamine and Valium, as well
3 as picked up the DWI?

4 MR. HIGH: I have to object, Judge. She's
5 leading, and she's also testifying.

6 THE COURT: Overruled.

7 Q. BY MS. FALCO: Isn't that correct?

8 A. Correct.

9 Q. Now, with regard to -- with regard to the felony
10 case -- first of all, if you had been his probation officer
11 handling the felony case, would you have handled it
12 differently than the way it was handled?

13 A. I couldn't have said I would have handled it
14 differently. It was the judge's decision, purely the judge.
15 He was made aware of all the violations, and the court officer
16 did make the judge aware of the violations.

17 Q. And is it fair to say that you disagree with the
18 fact that he successfully completed?

19 MR. HIGH: Judge, I'm going to have to object
20 to her leading the witness.

21 THE COURT: Overruled.

22 A. Yes.

23 Q. BY MS. FALCO: And in your opinion, what made him
24 unsuccessful?

25 MR. HIGH: Judge, I'd have to object. That's

1 mischaracterizing his testimony because he said that he was
2 successful, at least with respect to this probation.

3 THE COURT: Well, I tell you what, this is the
4 second go-round, but anyway let's go ahead and let's finish it
5 up. I'll overrule the objection and let her ask.

6 Q. BY MS. FALCO: When you say you disagree with the
7 judge's opinion that it was a successful completion, in your
8 opinion what made it unsuccessful?

9 A. The continued violations of probation.

10 Q. And what would that include?

11 A. The drug use --

12 MR. HIGH: Judge, I have to object. It's
13 repetitive.

14 THE COURT: Sustain the objection.

15 Q. BY MS. FALCO: Now, Mr. High showed you portions of
16 a PSI; is that correct?

17 A. Correct.

18 Q. And a PSI is something that's standardly done prior
19 to placing someone on probation, correct?

20 A. That's correct.

21 Q. And I'll show you this page. Does that appear to be
22 out of the same PSI with the same cause number and the
23 Defendant's name?

24 A. Yes, it does.

25 Q. And with regard to drug use, does it also ask him

1 about marijuana, methamphetamine, heroine, crack, ask him
2 about every kind of drug there is?

3 A. Yes.

4 Q. Did he admit to using any of those drugs; marijuana,
5 methamphetamine, amphetamine, crack?

6 A. Not here, no.

7 Q. And with regard also to the Defendant's PSI, is
8 there a portion on the PSI for the defendant to write their
9 version of what happened leading up to their arrest?

10 A. That's correct.

11 Q. And the piece of paper I just handed you, does that
12 appear to be the Defendant's version of what happened leading
13 to his arrest?

14 A. Yes, it has a signature.

15 Q. And does that form look familiar to you to be the
16 one contained in the PSI?

17 A. It looks familiar, yes.

18 Q. And in this form regarding the Defendant's version,
19 does it state that on the evening of September 8th, 19 --

20 MR. HIGH: Judge, I'm going to have to object.
21 I don't believe that's relevant. At least trying to prove up
22 what exactly happened in that prior offense is not relevant.
23 Secondly, I didn't cross-examine him with respect to the facts
24 of that prior offense. I merely crossed him on his opinions
25 with respect to his performance while he was on probation.

1 THE COURT: I'll sustain the objection.

2 Q. BY MS. FALCO: Does this relate to the facts of
3 September 8th of 1995?

4 A. Yes.

5 Q. For the offense of possession of cocaine and
6 reckless driving, the offense you were supervising him for?

7 A. Correct.

8 Q. And again with regard to this, does it state that on
9 the evening of September 8th, 1995 --

10 MR. HIGH: I have to object, Judge. She's
11 doing same the thing.

12 THE COURT: Sustained.

13 MS. FALCO: Your Honor, at this time we'd offer
14 State's Exhibit 172 under the rules of optional completeness,
15 107, and also as a party opponent admission of the Defendant.

16 MR. HIGH: May I have just a moment, Judge?

17 THE COURT: Sure.

18 MR. HIGH: Judge, if I may address the rule of
19 optional completeness. State's Exhibit 172 is a handwritten
20 version by the Defendant of what happened in the offense which
21 he had been charged. I believe we can agree with that. I
22 simply asked this witness about a Presentence Investigation
23 Report, which is part of the probation file. It had nothing
24 to do with the facts of the offense.

25 Rule 107 contemplates the rule of optional

1 completeness when any part of an act, declaration,
2 conversation, writing, recording, or statement is given in
3 evidence by one party, which was not done by this side. The
4 whole -- or the rest of it is available to be offered into
5 evidence, and so the rule of optional completeness, by its own
6 definition, does not apply.

7 With respect to an admission by a party opponent,
8 first of all, they're admitting that it's hearsay, and now
9 they're trying to get it in as an exception to the hearsay
10 rule. And with respect to who's the party opponent, we're
11 talking about somebody who committed an offense six years ago,
12 an offense that's not even on trial, but has been judicially
13 established by records already proven up by the State, doesn't
14 apply under the exception to the hearsay rule. It's still
15 hearsay, and it's also not relevant to any issue. It doesn't
16 prove the truth of these matters asserted within this
17 document.

18 It's -- you know, if they want to impeach him with
19 this, or if they want to try to -- it doesn't come in as
20 substantive evidence. If they want to prop him up with this
21 evidence, I assume they can try. But it does not come in on
22 the merits.

23 THE COURT: Sustained.

24 MS. FALCO: Your Honor, may I respond?

25 THE COURT: Yes.

1 MS. FALCO: With regard to the rule of optional
2 completeness, they read several documents from the PSI into
3 evidence by offering them by way of reading them into the
4 record. I thereby want to offer this document by reading it,
5 which is part of the same document he previously read into the
6 record. With regard to a party opponent admission, we're not
7 admitting it's hearsay. Specifically under the rules of
8 evidence 801, a party opponent admission is not hearsay. It's
9 just not hearsay. So, it's not hearsay. It's not an
10 exception. The Defendant, Ivan Cantu, is a party opponent,
11 and any statement he makes, whether it's now or six years ago,
12 is admissible as a party opponent admission.

13 THE COURT: All right. Sustain the objection.

14 Q. BY MS. FALCO: With regard to the drug education
15 program that Mr. High asked you about, is that something a
16 defendant volunteers for, or is that something he ordered to
17 do if he's on drug probation?

18 A. Court ordered.

19 Q. So the Defendant had to go to that?

20 A. Correct.

21 Q. And obviously it had no impact upon him, because
22 right after he completed it, he had dirty UA's and a DWI?

23 MR. HIGH: Judge, I have to object. She's
24 just been over that just moments ago. It's repetitive.

25 THE COURT: Sustained.

1 MS. FALCO: Pass the witness.

2 MR. HIGH: No further questions, Your Honor.

3 THE COURT: Is he excused by both sides?

4 MS. FALCO: Yes.

5 MR. HIGH: Judge, we're going to keep him on a
6 three-hour reserve. He's not finally excused, but he can
7 leave subject to a three-hour recall.

8 THE COURT: All right.

9 (Witness exits the courtroom.)

10 THE COURT: Call your next witness, please.

11 MS. FALCO: Officer Alfredo Garcia.

12 (Witness enters the courtroom.)

13 (Witness sworn by the Court.)

14 THE COURT: Put your hand down and have a seat
15 over here. Ms. Falco.

16 Whereby,

17 ALFREDO GARCIA,

18 a witness called by the State, sworn to testify to the truth,
19 testified under oath as follows:

20 DIRECT EXAMINATION

21 BY MS. FALCO:

22 Q. Could you state your name for the jury?

23 A. It's Alfredo Garcia, Jr.

24 Q. What is your occupation?

25 A. Currently a police officer for the City of Plano.

1 Q. How long have you been a police officer?

2 A. For the City of Plano, I've been a police officer
3 for a year.

4 Q. And prior to that, how long were you a police
5 officer?

6 A. Spent four years in the City of Dallas.

7 Q. And what type of education and training have you had
8 to become a police officer?

9 A. Within the City of Dallas, I attended a 32-month
10 police academy.

11 Q. And what is your position with the Plano Police
12 Department?

13 A. Currently serving as a police officer.

14 Q. When you were working with the Dallas Police
15 Department, what was your position?

16 A. I was a patrol officer.

17 Q. Specifically, I want to take your attention to
18 October 17th, 1999. Were you on duty with the Dallas Police
19 Department at that time?

20 A. Yes, ma'am, I was.

21 Q. What was your position at that time?

22 A. I was a patrol officer working late nights.

23 Q. When you were working late nights, what time periods
24 did you work?

25 A. Generally between 10 at night to 6:00 in the

1 morning.

2 Q. And specifically regarding the time frame
3 at 11:00 p.m., did you respond to a call on Haverwood?

4 A. Yes, ma'am, I did.

5 Q. What was the nature of that call?

6 A. It was a disturbance call.

7 Q. What do you mean by "disturbance"?

8 A. Family disturbance, two people arguing and
9 fighting. It varies, but that particular night it was a
10 disturbance between a man and a woman.

11 Q. And when you responded to the -- was it a home or an
12 apartment?

13 A. An apartment.

14 Q. And when you got to the apartment, who was there?

15 A. A single, white female.

16 Q. And what was her name?

17 A. Jennifer, if I remember correctly.

18 Q. I'm sorry?

19 A. I don't have my report with me, but I think it was
20 Jennifer.

21 Q. Jennifer Schneider Cantu?

22 A. Yes, ma'am.

23 Q. When you arrived on the scene, what did you do?

24 A. I arrived on the scene. I knocked on the door and
25 identified myself as a police officer. She opened the door,

1 I stepped inside and spoke with her. Upon initial
2 observation, she was still crying, kind of shaking. I
3 remember this because I had to talk to her about her little
4 dog in order to help calm her down. And once we got past
5 that point, did the initial interview with her, in which she
6 told me that her -- Ivan had --

7 MR. GOELLER: Objection as to hearsay at this
8 point, Your Honor.

9 Q. BY MS. FALCO: Officer, let's take this step by
10 step. You said when she first opened the door, describe --
11 when you said she was shaking, crying, did she appear to be
12 upset?

13 A. Very much so.

14 Q. Initially was she even able to communicate with you?

15 A. She wasn't -- she couldn't communicate. She was too
16 busy crying.

17 Q. She was too upset to even communicate?

18 A. Yes, ma'am.

19 Q. How did you get her, at least calmed down enough to
20 where she could communicate with you?

21 A. She had a little dog. I think it was, like, a Jack
22 Russell Terrier. It was a real cute little dog, made a
23 comment about the dog, and just started talking to her about
24 the dog, because I was in the market of buying one. I wanted
25 to know, was it a good pet, did she recommend this dog as a

1 Q. BY MS. FALCO: Did she then describe her physical
2 condition to you?

3 A. Yes, ma'am.

4 Q. Did she tell you she was in pain?

5 MR. GOELLER: Objection as to the obvious rank,
6 leading hearsay based on the prior Court's ruling.

7 THE COURT: Sustained.

8 MS. FALCO: Your Honor, if I may be heard?

9 THE COURT: Yes.

10 MS. FALCO: Under excited utterance, a
11 statement relating to a startling event or condition made
12 while the declarant was under distress of the excitement
13 caused by the event or the condition, I offer it as that. And
14 a statement of the declarant's then exiting state of mind
15 regarding pain or bodily health under the rules -- exceptions
16 to hearsay.

17 MR. GOELLER: Judge, we would simply submit
18 that if she's had a prior conversation with the officer about
19 what dog to buy, that certainly doesn't fit under any
20 predicate they've just laid out.

21 THE COURT: Hold on a second. How long did it
22 take you to get there?

23 THE WITNESS: If I remember correctly, it's
24 about 17 minutes from the time the call was made to the time I
25 arrived.

1 pet, and she did. And we kind of broke the ice by talking
2 about the dog.

3 Q. And as you began talking about things other than the
4 dog, was she still visibly upset?

5 A. Yes, ma'am.

6 Q. Still shaking, still crying?

7 A. Yes, ma'am.

8 Q. Did you observe any injuries to her person?

9 A. Yes, ma'am, I did. She had a bruise on her
10 forehead. She also had a bruise on, I believe, a right elbow.

11 Q. And without telling me what she told you, did it
12 appear those had happened immediately prior to your arrival?

13 A. They were fresh.

14 Q. Did she tell you how she received those injuries?

15 A. Yes, ma'am, she did.

16 Q. And what did she tell you?

17 A. She told me that --

18 MR. GOELLER: Objection as to hearsay.

19 MS. FALCO: Your Honor, we offer this as
20 excited utterance, present sense and impression and then
21 existing physical condition.

22 MR. GOELLER: Let them put her on the witness
23 stand so I at least have a chance to cross-examine her, Your
24 Honor. That's hearsay.

25 THE COURT: Sustain the objection.

1 THE COURT: All right. I'll overrule the
2 objection and admit it as excited utterance.

3 Q. BY MS. FALCO: What did she tell you regarding --

4 THE COURT: Say, let me -- hold on just a
5 second. I have nothing else. Go ahead.

6 MR. GOELLER: Judge, if I could just -- a
7 follow-up question for the Court. When he says the call was
8 made --

9 THE COURT: Do you want to take him on voir
10 dire?

11 VOIR DIRE EXAMINATION

12 BY MR. GOELLER:

13 Q. Do you know who made any -- Officer, if you could
14 scoot up just a little bit for me.

15 THE COURT: Yeah, it's hard to see.

16 THE WITNESS: I'm sorry.

17 Q. BY MR. GOELLER: Just so you know I'm talking to you
18 because when you're behind there...

19 Do you know who made the call or who actually placed
20 the call?

21 A. I don't remember, no, sir.

22 Q. Do you know what time that call was placed?

23 A. If I looked at the paperwork, I remember seeing, I
24 think 11:00 the call was made, and the second time that's
25 indicated on the call sheet that I saw was 11:17. So, the

1 call must have been made at 11:00, and I arrived at 11:17.

2 Q. You said you don't have your paperwork, or you do
3 have your paperwork?

4 A. The paperwork is in the room next door, the report
5 itself.

6 Q. In the courthouse here?

7 A. Yes, sir.

8 Q. Okay. Just out of curiosity, I wonder why you
9 wouldn't bring that into the courtroom?

10 A. Didn't see a need to.

11 Q. I'm sorry?

12 A. I didn't see a need to.

13 MR. GOELLER: Oh, okay. That's all I have,
14 Judge. Renew my objection.

15 THE COURT: All right. I'll overrule the
16 objection.

17 Q. BY MS. FALCO: What did she tell you regarding her
18 injuries and how she received them?

19 A. She told me that she had been involved in a fight
20 with Ivan, who was her husband at the time. He had hit her
21 with a closed fist on or about the head and the face, and had
22 thrown her to the ground several times. She complained about
23 injuries -- bumps on the back of her head, and, of course, I
24 could see the bruising that was already starting to form on
25 her forehead.

1 Q. Did she tell you what -- when she was talking about
2 Ivan, who is Ivan?

3 A. Ivan was her husband of about a month, if I'm not
4 mistaken.

5 Q. Ivan Cantu?

6 A. Yes, ma'am -- I'm sorry, yes.

7 Q. Did she tell you what Ivan Cantu said as he was
8 beating her?

9 A. Stated that he wanted to kill her while he was
10 beating her, and he also stated that he wanted to really knock
11 her out when he was punching her.

12 Q. Did you stay there at the scene?

13 A. Long enough to get the report, yes, ma'am.

14 Q. And when you were done taking the report, what is
15 the protocol as far as whether you stay or leave or look for
16 somebody to arrest?

17 A. Well, I asked if she knew where he had -- Mr. Cantu
18 had left to. She didn't. I asked her if she would feel safe
19 going to a different place? She said she felt safe in the
20 apartment because of the fact that she was able to get
21 Mr. Cantu's apartment keys from him, so there was no way he'd
22 be able to gain access to the apartment without breaking the
23 door down.

24 Q. Did you ever see Ivan Cantu there at the scene while
25 you were speaking to Jennifer?

1 A. No, ma'am.

2 Q. With regard to her right elbow, did she tell you
3 specifically how she received that injury to her elbow?

4 A. From being thrown to the floor.

5 Q. And with regard to the bruise on her forehead, did
6 she specifically say how she received the bruise on her
7 forehead?

8 A. While he was punching her in the face -- or on the
9 head with a closed fist.

10 Q. Once you had completed your report, what is the
11 procedure or the protocol for the Dallas Police Department?

12 A. As far as -- I would file the initial report, and it
13 would be followed up by a detective. Since she felt that she
14 was safe in her own apartment, I went ahead and left the
15 location and cleared the call.

16 MS. FALCO: Thank you, Officer. Pass the
17 witness.

18 THE COURT: All right.

19 CROSS-EXAMINATION

20 BY MR. GOELLER:

21 Q. Sir, did you seek emergency treatment for her?

22 A. I asked; she refused.

23 Q. So the answer to that is "no"?

24 A. Yes, sir.

25 Q. And you have no personal knowledge of how anything

1 was inflicted on her, correct?

2 A. Personal knowledge, other than what she told me,
3 sir, that he had punched her on the head and thrown her to the
4 ground.

5 Q. So the answer is no?

6 A. No, sir.

7 Q. Okay. Did she appear under the influence of any
8 narcotics?

9 A. No, sir.

10 Q. Okay. Did you immediately call out a detective to
11 the scene?

12 A. No, sir.

13 Q. Did you immediately call out somebody from
14 protective services, or did you contact anybody within the
15 DA's office or anything to take immediate action right then
16 and there based on all the information you had?

17 A. No, sir.

18 Q. Okay. Did you take any kind of history from her?

19 A. I'm sorry, what kind of history?

20 Q. Well, did you take any kind of history from her?

21 A. You'll have to clarify that. I don't understand
22 what you mean by that.

23 Q. Well, you don't have to understand. Just did you
24 take any history, and then we'll figure out what kind you
25 took. Did you take any history from her?

1 **A. Other than her vital information, no, sir.**
 2 Q. Okay. Did you request any information from your
 3 department or anything on her history or background to try to
 4 verify whether or not she was being truthful with you?
 5 **A. No. I wasn't concerned with the history. I was**
 6 **concerned with the "right then and there," sir.**
 7 Q. Yeah. But I'm saying in your follow-up and after
 8 your conversation with buying a dog and all that, did you try
 9 to ascertain whether the person was being truthful with you.
 10 Did you check all your sources, your computers, your CID
 11 department, your prosecutors? Did you do anything to try to
 12 figure out whether or not she was telling the truth?
 13 **A. No, sir. That goes beyond --**
 14 Q. The answer is no?
 15 **A. -- my responsibilities.**
 16 Q. I'm sorry?
 17 **A. That goes beyond my responsibilities at the**
 18 **time.**
 19 Q. Ah.
 20 **A. I do the initial call.**
 21 Q. Not your job?
 22 **A. That's up to a detective to do the follow-up.**
 23 Q. Not your job?
 24 **A. Correct.**
 25 MR. GOELLER: All right. That's all I have,

1 Judge.
 2 MS. FALCO: No further questions.
 3 THE COURT: Is he excused by both sides?
 4 MR. SCHULTZ: Yes, sir.
 5 MR. GOELLER: Three-hour recall, Your Honor.
 6 THE COURT: All right. Call your next
 7 witness, please.
 8 (Witness exits the courtroom.)
 9 MS. FALCO: Officer Frank Della.
 10 (Witness enters the courtroom.)
 11 THE COURT: Sir, you've been sworn in in this
 12 case?
 13 THE WITNESS: Yes, sir.
 14 THE COURT: You're still under that same oath.
 15 Please be seated. All right, Ms. Falco.
 16 Whereby,
 17 FRANK DELLA,
 18 a witness called by the State, previously sworn to testify to
 19 the truth, testified further under oath as follows:
 20 DIRECT EXAMINATION
 21 BY MS. FALCO:
 22 Q. Could you state your name for the jury?
 23 **A. Frank Della.**
 24 Q. And are you the same officer that testified
 25 previously during the guilt-innocence phase of this trial?

1 **A. Yes, ma'am.**
 2 Q. And again, what is your occupation?
 3 **A. I'm a police officer with the City of Dallas.**
 4 Q. What is your position with Dallas Police Department?
 5 **A. Senior corporal at Southwest Patrol.**
 6 Q. I want to take your attention back to December 11th
 7 of 1999. Where were you working at that time?
 8 **A. I was working at North Central Patrol, far North**
 9 **Dallas.**
 10 Q. And what were your duties at that time?
 11 **A. Patrol officer, answering calls for emergencies,**
 12 **traffic control, things of that nature, standard patrol**
 13 **duties.**
 14 Q. What shift were you working?
 15 **A. Third watch.**
 16 Q. What is third watch?
 17 **A. I believe my hours at the time were 3 to 11.**
 18 Q. 3 p.m. to 11 p.m.?
 19 **A. Yes, ma'am.**
 20 Q. Take your attention to specifically to approximately
 21 5:00 p.m. on December 11th, 1999. Did you respond to a call
 22 on Haverwood Lane?
 23 **A. Yes, ma'am.**
 24 Q. What was the nature of the call?
 25 **A. It was a disturbance. Young woman there said that**

1 **she had been --**
 2 MR. GOELLER: Objection as to hearsay, Your
 3 Honor. Objection; nonresponsive.
 4 THE COURT: Sustained.
 5 Q. BY MS. FALCO: When you say it was a disturbance
 6 call, what did you mean by that?
 7 **A. It was a call between a live-in situation, domestic**
 8 **disturbance.**
 9 Q. When you arrived at the apartment, who was there?
 10 **A. Ms. Cantu -- Mrs. Cantu.**
 11 Q. Do you recall her first name?
 12 **A. No, I don't recall it.**
 13 Q. Does Jennifer sound familiar?
 14 **A. Yes. Yes, ma'am.**
 15 Q. Was she the only one there at that time?
 16 **A. Yes, ma'am.**
 17 Q. And did you speak with Mrs. Cantu?
 18 **A. Yes.**
 19 Q. What was her demeanor?
 20 **A. She was pretty upset.**
 21 Q. Was she crying?
 22 **A. No, not at the time I was there.**
 23 Q. When you say "she was upset," what do you mean by
 24 that?
 25 **A. She was upset because she told me that --**

1 MR. GOELLER: Objection, Judge. This is just
2 rank hearsay, and it's leading.
3 THE COURT: Sustained.
4 MR. GOELLER: I can't cross-examine these
5 people.
6 Q. BY MS. FALCO: When you say she was upset, was it
7 visible to you that she was upset?
8 A. Yes.
9 MR. GOELLER: Objection; asked and answered.
10 You just said -- you just asked if she was crying, and he says
11 no, then I don't know where she's trying to go now. She's
12 obviously not upset --
13 THE COURT: Overruled.
14 MR. GOELLER: -- asked and answered.
15 Q. BY MS. FALCO: Did it appear she had been crying?
16 A. I don't recall.
17 Q. When you say she was upset, what do you mean by
18 that?
19 A. Like she was scared.
20 Q. How long did it take for you to respond to the
21 apartment from the time you got the phone call; do you know?
22 A. Approximately 40 minutes.
23 Q. When you arrived and were speaking with Mrs. Cantu,
24 did you observe any injuries on her?
25 A. I noticed her left hand was swollen. She -- also,

1 it wasn't an injury, but she showed me her head, that she had
2 gum stuck in her hair.
3 Q. And did the injury to her hand appear to be a fresh
4 injury?
5 MR. GOELLER: Objection. Take him on voir
6 dire, Judge?
7 THE COURT: All right.
8 VOIR DIRE EXAMINATION
9 BY MR. GOELLER:
10 Q. Officer, very briefly. You testified it's at least
11 40 minutes before you arrived at the scene?
12 A. Yes, sir.
13 Q. And you have no expertise or training in how old a
14 wound is or a bruise or the medical issues that go along with
15 injuries, do you?
16 A. No, I don't.
17 Q. So you have no idea basically, correct?
18 A. No.
19 MR. GOELLER: Thank you, sir. Renew my
20 objection.
21 THE COURT: What was the last question?
22 MS. FALCO: I'll move on.
23 THE COURT: All right.
24 Q. BY MS. FALCO: When you were speaking with
25 Mrs. Cantu, did it appear she was still under the stress of

1 the events that caused the condition of her hand?
2 A. Yes.
3 Q. Did she tell you about any pain that she was feeling
4 at that --
5 MR. GOELLER: Judge, I'm going to reject (sic)
6 to the absolute repetitive leading nature of all of these
7 questions, and objecting to the hearsay.
8 MS. FALCO: Your Honor, I'm establishing the
9 predicate for excited utterance and then existing physical
10 conditions.
11 MR. GOELLER: And my objection on both those
12 would be, we know it's at least 40 minutes. We don't know
13 anything other than that. It's not an excited utterance. She
14 wasn't crying, and it's still hearsay.
15 MS. FALCO: Your Honor, with regard to excited
16 utterance, there's not a time frame that makes it excited
17 utterance or not. It just says as long as she's still under
18 the stress of the excitement caused by the event or the
19 condition without parameter to time. Then existing physical
20 condition, it also does not relate specifically to time, just
21 if she is giving a statement regarding any pain or bodily
22 health.
23 THE COURT: I agree. I think it could be a
24 factor, but it's not a litmus test.
25 MR. GOELLER: Yes, sir.

1 THE COURT: I tell you what let's do, why don't
2 you step down for about five minutes, and I'll hear whatever
3 I'm going to hear, and then we'll invite you back.
4 (Jury exits the courtroom at 2:30 p.m.)
5 THE COURT: All right. Please be seated. I
6 tell you what, there's been a little bit of leading. If you
7 want to take him on voir dire, do it now.
8 MR. GOELLER: Yes, sir.
9 VOIR DIRE EXAMINATION
10 BY MR. GOELLER:
11 Q. Officer, do you have any documentation or anything
12 with you that actually shows what time somebody made a call to
13 the police department?
14 A. I have a report that I made that I left in the jury
15 room.
16 Q. Okay. What does the report show as far as calls?
17 A. It shows the location that the call was dispatched
18 to and the time that the offense was -- allegedly occurred,
19 the time the call started from when I received it to the point
20 where I ended it, or I cleared it.
21 Q. Okay. But you don't have any paperwork that shows
22 what time some third party or civilian calls the police
23 department, do you?
24 A. I don't.
25 Q. Okay. So you don't know whether -- and all you know

1 is from the time your people call you, it's 40 minutes to the
2 time you arrived at where you're dispatched to?

3 **A. Correct.**

4 Q. Okay, sir. You're -- any statements that you're
5 going to testify to about what some other person said was in
6 response to your getting information or your -- I don't mean
7 questioning, like in the sense you'd question a suspect, but
8 you were trying to elicit information from the individual,
9 correct?

10 **A. Correct.**

11 MR. GOELLER: Okay. Thank you, sir. That's
12 all I have for voir dire, Judge.

13 THE COURT: All right. Do you want to take him?

14 MS. FALCO: Yes, sir.

15 THE COURT: Okay.

16 Q. BY MS. FALCO: Did Mrs. Cantu tell you how she
17 received her injuries?

18 **A. She told me she fell down -- she was pushed down --
19 excuse me -- pushed down a stairway by Mr. Cantu.**

20 Q. And --

21 **A. As a result of falling, she injured her hand.**

22 Q. Did she explain to you how she ended up with gum in
23 her hair?

24 **A. Yes.**

25 Q. What did she tell you?

1 **A. She said that Mr. Cantu somehow wrapped his legs
2 around her neck, and she couldn't breathe, and she spit out
3 the gum. She said that he took the gum and placed it in her
4 hair, rubbed it into her hair.**

5 Q. As she was describing these events to you, did she
6 still seem to be upset?

7 **A. Yes.**

8 Q. Did she still seem to be scared?

9 **A. Yes.**

10 Q. Did she still seem to be under the stress caused by
11 the event or condition that caused her to have gum in her hair
12 and swollen hand?

13 **A. Yes.**

14 Q. Did someone arrive at the apartment while you were
15 there speaking with Mrs. Cantu?

16 **A. Yes. A woman, who claimed to be the mother of Ivan
17 Cantu, also introduced to me from the complainant as
18 Mr. Cantu's mother.**

19 MS. FALCO: Your Honor, that would conclude
20 our offer at this time.

21 THE COURT: All right. Say, is this Jennifer
22 the one that's in the Marshal Islands?

23 MS. FALCO: Yes, sir.

24 THE COURT: Say, what indicated to you that
25 she was still under the stress of this event? What showed you

1 that she was under stress?

2 THE WITNESS: The concern she had that he was
3 going to hurt her again.

4 THE COURT: Okay.

5 THE WITNESS: Just that she had been hurt. I
6 really don't know how to verbalize it.

7 THE COURT: Was she calm?

8 THE WITNESS: Yes. She was calm as in not
9 ranting and raving, but it wasn't calm as, oh, well, my
10 husband just beat me up, and he choked me and put gum in my
11 hair and hurt my wrist. It wasn't calm like that. It was a
12 voice of concern and fear. Shaky, if you want to call it.

13 THE COURT: It was shaky. Was she shaky?

14 THE WITNESS: It was a shaky tone of voice, as
15 in afraid. That's how I'm trying to say afraid would be, as
16 somebody that's kind of shaky about what they're saying.

17 THE COURT: Okay. Anything else?

18 THE WITNESS: That's all I can recall. I
19 don't recall her crying.

20 THE COURT: All right. Any questions from you?

21 MR. GOELLER: No, sir.

22 When you're in a position to hear from me.

23 THE COURT: Is there any other questions?

24 MS. FALCO: No, Your Honor.

25 THE COURT: All right. Then I'll hear from

1 you.

2 MR. GOELLER: Judge, again I renew my objection
3 because we really have to have spontaneity. The case law
4 talks about spontaneity. We know there's at least 40 minutes
5 that's gone by. During that 40 minutes -- what the rules
6 don't want to happen is somebody to be in a position of
7 fabrication or have sufficient time for reflection about what
8 they're going to say. That's my first argument. Second
9 argument is we don't know how much longer than 40 minutes
10 we're talking about. All this officer can tell you, and I
11 think the Court can glean something from that, from the time
12 he's dispatched until the time he arrives, 40 minutes goes by.
13 I think you can read something in that. There's not too much
14 of an emergency here, apparently. I mean, I can't say that
15 for a fact, but that seems awfully odd, you know, a 40-minute
16 time span goes by, and then after -- if they're not too
17 interested in getting there that quickly, then how can there
18 be any spontaneity? I think that statements need
19 to be made while in the grip of violent emotion, and further
20 that one factor the trial court must consider on the issue of
21 admissibility is the spontaneity; the time elapsed between the
22 statement and the supposed shocking event. For those reasons,
23 it's just not an exception, Judge. Is it -- was it an hour?
24 Was it an hour and a half before the call came in? I don't
25 know. Was it two hours?

1 She's not crying. She's calm, the officer says, but
 2 she's not physically shaking. Her voice was shaky. Of
 3 course, if he doesn't know her, we can't glean anything from
 4 that unless he's able to testify I know this person. I've sat
 5 down and conversed with them before. It's just inherently
 6 unreliable at this point, Your Honor. I think the trial
 7 court -- this court has to make that threshold determination
 8 as to the -- and along those lines, because it's, in my
 9 opinion, not admissible under the rules for the reasons I
 10 stated, whatever the potential prejudice from this.

11 And I think it's become obvious now I'll never get
 12 to cross-examine this witness, or this alleged victim, this
 13 Schneider. I don't know if she's coming or not, but without
 14 my ability to do that, the prejudicial value substantially
 15 outweighs any probative effect at this point.

16 THE COURT: Let me tell you, I don't know how
 17 unreliable it is. The thing is it's clearly hearsay, and the
 18 only question to me is, is it an exception? I tell you what,
 19 I'll sustain the objection. All right. Let's bring the jury
 20 back in.

21 THE BAILIFF: All rise.

22 (Jury enters the courtroom at 2:40 p.m.)

23 THE COURT: Please be seated. Ms. Falco, go
 24 ahead.

25 Q. BY MS. FALCO: Officer, when you spoke with

1 Mrs. Cantu as Ivan Cantu's mother. She -- the lady also told
 2 me she was Ivan Cantu's mother.

3 Q. And do you know why she showed up there?

4 A. I don't know exactly if she received a telephone
 5 call from the complainant or Mr. Cantu, but it was a phone
 6 call to her, and at that point she was going -- she arrived
 7 there to take Mrs. Cantu to the doctor or the hospital.

8 Q. After you got done speaking with Jennifer Cantu,
 9 and I suppose you spoke briefly with Sylvia Cantu?

10 A. Nothing more than a hello, just -- that was it.

11 Q. Did you leave Jennifer Cantu there at the apartment?

12 A. Yes.

13 Q. Did you leave her there with Sylvia Cantu?

14 A. Yes.

15 Q. Did you take Jennifer Cantu to the emergency room or
 16 call an ambulance for her?

17 A. I asked if she wanted medical attention, and she
 18 said, no, she was going to go with her mother-in-law.

19 Q. What is the protocol after you're done conducting
 20 your interview there of the complainant? What is the protocol
 21 as a patrol officer?

22 A. Well, what I would like to do is find the person.

23 Since this is reported to me as a family violence situation,
 24 an assault on a live-in roommate as such, I would want to know
 25 if I could find that person in an area, and then to detain him

1 Mrs. Cantu, what injuries -- you said you saw her hand was
 2 swollen. Could you describe that for the jury?

3 A. It was puffy right in the webbing area, the back of
 4 the hand, and she was kind of guarding, like as not to let it
 5 hit or touch anything, indicating to me that she was hurt in
 6 her hand.

7 Q. And did she show you the gum in her hair?

8 A. Yes.

9 Q. Where was the gum in her hair?

10 A. She lifted up the back of her hair and showed me it
 11 was stuck in there, in the back side of her head.

12 Q. Did she seem upset about how the gum got there?

13 A. Yes.

14 Q. Was she upset by how her hand was injured?

15 A. Yes.

16 Q. And how was her tone of voice as she was describing
 17 these events to you?

18 A. Her voice was shaky, as in fearful, in fear of the
 19 person who did this.

20 Q. Do you recall whether or not Ms. Schneider was a
 21 big lady or a little lady?

22 A. She was small, petite.

23 Q. While you were talking to Mrs. Cantu, did anyone
 24 else show up at the apartment?

25 A. Yes. A Hispanic lady that was introduced to me by

1 to prevent it from happening again soon after I leave. I was
 2 unable to do that so I went and wrote up my report.

3 Q. And what happens to your report after it's written
 4 up?

5 A. It gets forwarded to a detective, family assault
 6 detective.

7 MS. FALCO: Thank you, Officer. Pass the
 8 witness.

9 THE COURT: All right.

10 CROSS-EXAMINATION

11 BY MR. GOELLER:

12 Q. What steps did you take right then and there to
 13 detain somebody?

14 A. I drove around the apartment complex.

15 Q. Okay.

16 A. Got a description --

17 Q. Anything else?

18 A. -- what he was wearing to look for.

19 Q. Outside of driving around the apartment complex, did
 20 you do anything else?

21 A. No, sir.

22 MR. GOELLER: That's all I have.

23 THE COURT: All right. Do you have anything
 24 else?

25 MS. FALCO: Nothing further, Your Honor, and

1 ask that he be released.

2 MR. GOELLER: I don't see a problem, Judge.

3 Sure.

4 THE COURT: All right. You are finally

5 excused. Call your next witness, please.

6 (Witness exits the courtroom.)

7 MS. FALCO: Officer Kevin Dodds.

8 (Witness enters the courtroom.)

9 THE COURT: Raise your right hand, please.

10 (Witness sworn by the Court.)

11 Whereby,

12 KEVIN DODDS,

13 a witness called by the State, sworn to testify to the truth,

14 testified under oath as follows:

15 (No omissions.)

16 DIRECT EXAMINATION

17 BY MS. FALCO:

18 Q. Could you state your name for the jury?

19 A. **Kevin Dodds.**

20 Q. What is your occupation?

21 A. **I'm a police officer with the City of Dallas.**

22 Q. How long have you been a police officer?

23 A. **Be seventeen years in January.**

24 Q. What type of training and education have you had to

25 become a police officer?

1 **voluntary decision of mine to go back to patrol.**

2 Q. Once you went back out on patrol, you said that was

3 January 12th of 2000?

4 A. **Yes.**

5 Q. What area did you patrol?

6 A. **North Dallas, North Central Patrol Division.**

7 Q. I notice you have ribbons on your uniform. What do

8 those stand for?

9 A. **Yes. Which ones, these ones?**

10 Q. All of them. If you could describe those for the

11 jury.

12 A. **The epaulets are patrol division. These awards are**

13 **lifesaving award, shooting award, safe driving, sick time and**

14 **field training officer.**

15 Q. With regard to being a patrol officer, what shift

16 did you work?

17 A. **I worked -- when I first went back, I worked for two**

18 **months on the day shift and volunteered to go to the**

19 **deep-night shift.**

20 Q. Were you working the day shift patrol on January

21 14th of 2000?

22 A. **Yes.**

23 Q. And on that date at approximately 11:30 a.m., did

24 you respond to a call on Haverwood Lane?

25 A. **Yes, I did.**

1 A. **Well, besides college education, 720 hours basic**
2 **police officer training, and additional training thereafter**
3 **for the whole 17 years.**

4 Q. And currently what is your position with Dallas
5 Police Department?

6 A. **I am a deployment detective in the North Central**
7 **Patrol Division.**

8 Q. And what position did you occupy previous to that?

9 A. **Patrol officer.**

10 Q. And prior to being patrol officer, what did you do
11 with Dallas Police Department?

12 A. **I was a narcotics officer for eight and a half**
13 **years.**

14 Q. As a narcotics officer, what were your duties?

15 A. **To purchase narcotics from drug dealers, make drug**
16 **cases. Most of the stuff that we did were federal cases.**

17 Q. And when did you go from narcotics to patrol?

18 A. **January 12th, 2000.**

19 Q. What were your duties as a patrol officer?

20 A. **Answer calls for service, traffic violations, stuff**
21 **like that.**

22 Q. And is that common procedure with police departments
23 to circulate out officers that work narcotics and just put
24 them back in patrol?

25 A. **Well, in Dallas you can stay there, but it was a**

1 Q. Is that a house or apartment?

2 A. **It was an apartment.**

3 Q. What was the nature of the call to that apartment?

4 A. **A domestic disturbance.**

5 Q. When you arrived at the apartment, who was there?

6 A. **Just the complainant, Mrs. Cantu.**

7 Q. Is that Jennifer Cantu?

8 A. **Yes.**

9 Q. Did she open the door initially for you?

10 A. **No. When we first knocked on the door, she was real**
11 **hesitant because she thought it was her husband coming back**
12 **again.**

13 Q. In your conversation with her, without telling me
14 what she said, did it become apparent to you that he had just
15 left prior to your arrival?

16 MR. GOELLER: Objection, that calls for hearsay
17 whether it was apparent to him. It's inferential hearsay.

18 Now they're going to play that game without telling us what
19 she said, was it apparent to you, or take him on voir dire
20 or --

21 THE COURT: All right.

22 VOIR DIRE EXAMINATION

23 BY MR. GOELLER:

24 Q. Do you have any personal knowledge that you

25 personally observed as to when anybody came or left from that

1 residence?

2 A. No.

3 MR. GOELLER: Thank you, sir. Appreciate it.

4 Renew my objection.

5 THE COURT: Ask some more questions. I'll

6 sustain the objection to the last question.

7 Q. BY MS. FALCO: When Mrs. Cantu opened the door, did
8 you observe her demeanor?

9 A. Yes.

10 Q. What was her demeanor?

11 A. **She was scared and visibly shaken.**

12 Q. When you say visibly shaking, as in her body?

13 A. Yes.

14 Q. Did she appear upset to you?

15 A. Yes.

16 Q. And when you say she was scared, what made you think
17 she was scared?

18 A. **Well, she was crying at the time, and like I said,
19 she was just visibly upset.**

20 Q. Did you observe any injuries on her?

21 A. **Yes. She had a knot on her head, on the side of
22 her -- believe it was the left side of her head.**

23 Q. You say a knot?

24 A. **A lump.**

25 Q. And where on her head approximately?

1 A. **I guess about right in here (indicating).**

2 Q. Did she show that to you?

3 A. Yes.

4 Q. Did she tell you what -- how she received that
5 injury?

6 A. **Yes, she did.**

7 Q. And as she was telling you how she received that
8 injury, was she still visibly shaking, upset and scared?

9 A. Yes.

10 Q. What did she tell you in regards to how she received
11 that injury?

12 MR. GOELLER: Objection as to hearsay. There's
13 no predicate laid. For the same reasons I've dictated on the
14 other witnesses, Your Honor; spontaneity contemporaneous with
15 a lapse of a period of time for fabrication or reflection.
16 None of that has been established at this point in time.

17 THE COURT: Sustain the objection for now. If
18 you want to ask some more questions.

19 Q. BY MS. FALCO: With regard to when she first opened
20 the door and she had that demeanor of being visibly shaken,
21 upset and crying, did it -- was it your understanding that the
22 offense had just occurred?

23 MR. GOELLER: Objection, Judge, same
24 objection. They can't prove it up that way because that's the
25 hearsay, his understanding. It's got to be something

1 independent of this hearsay to corroborate, or at least prove

2 the predicate up such as dispatch records, things of that
3 nature.

4 THE COURT: Sustained.

5 Q. BY MS. FALCO: You said she hesitated to open the
6 door?

7 A. **Yes.**

8 Q. And when she finally opened the door, did she tell
9 you why she hesitated in opening the door?

10 MR. GOELLER: Objection as to leading;
11 objection as to hearsay.

12 THE COURT: I tell you what, I better hear
13 this, also. So I'll ask you to step down for a few minutes.

14 THE BAILIFF: All rise.

15 (Jury exits the courtroom at 2:55 p.m.)

16 THE COURT: I tell you what we ought to do, why
17 don't we make this our afternoon break. Let's take 20
18 minutes, and we'll come back at about a quarter after.

19 Please be seated. All right. Ms. Falco.

20 Q. BY MS. FALCO: When she finally opened the door, did
21 she tell you why she hesitated in opening the door?

22 A. **Yes.**

23 Q. What did she tell you?

24 A. **She stated that she was afraid it was her husband
25 coming back to the apartment.**

1 Q. And did she ask you anything with regard to her
2 husband in the parking lot?

3 A. **Yes. She asked me if we had seen him leaving the
4 parking lot, or seen his car leaving the parking lot when we
5 came in -- when we drove up.**

6 Q. And did you take that to mean that he had just
7 left?

8 A. **Yes.**

9 Q. And with regard to her hesitation to open the door,
10 did that comport with her demeanor and her still being under
11 the influence and being scared because of what just happened
12 to her?

13 A. **Yes. And we were -- we kind of thought that the --**

14 MR. GOELLER: Objection. It's just -- it's
15 nonresponsive; asked and answered. Yes or no. Ask the Court
16 to instruct the witness to answer the question yes or no and
17 not be a volunteer here today.

18 THE COURT: Yeah. Just answer the question
19 that's asked. All right.

20 Q. BY MS. FALCO: And what were your thoughts after she
21 told that to you?

22 A. **That we had just missed him, that he had just left
23 the location.**

24 Q. Did she eventually let you into the apartment?

25 A. **Yes.**

- 1 Q. And at that point were you aware of her injuries?
- 2 A. **Yes. We could actually see the injuries.**
- 3 Q. And what did she tell you regarding how she received
- 4 her injuries?
- 5 A. **That the suspect, or her husband had grabbed her and**
- 6 **was slamming her head against a door.**
- 7 Q. Did you see anything else in the apartment that
- 8 appeared as though a disturbance had occurred?
- 9 A. **Yes.**
- 10 Q. What did you see?
- 11 A. **There was a broken glass picture frame scattered all**
- 12 **over the floor and her glasses were broke.**
- 13 Q. And with regard to the picture frame, did Mrs. Cantu
- 14 tell you how the picture frame was broken?
- 15 A. **Yes.**
- 16 Q. What did she tell you?
- 17 A. **She said that her husband, or the Defendant threw it**
- 18 **at her.**
- 19 Q. And with regard to her glasses, you said they were
- 20 broken as well?
- 21 A. **Yes.**
- 22 Q. And did Mrs. Cantu tell you how her glasses were
- 23 broken?
- 24 A. **Yes.**
- 25 Q. What did she tell you?

- 1 A. **She said that the Defendant took -- smashed her**
- 2 **glasses off her face and broke them in half.**
- 3 Q. With regard to the injury on her head, did she
- 4 indicate how many times he slammed her head to the floor?
- 5 A. **She just stated several times.**
- 6 Q. While she was explaining how she received the injury
- 7 to her head, the broken picture frame, and the broken glasses,
- 8 was she still visibly shaking?
- 9 A. **Yes.**
- 10 Q. Was she still upset?
- 11 A. **Yes.**
- 12 Q. Did she still appear to be under the stress or the
- 13 excitement of the events that led to her injuries?
- 14 A. **Yes.**
- 15 Q. Did Mrs. Cantu make any statements regarding her
- 16 demeanor and whether or not the Defendant was going to return?
- 17 A. **Yes. She made a statement that she thought that he**
- 18 **would come back, and I told her that, you know, with us there,**
- 19 **she didn't have to worry about it.**
- 20 Q. And with regard to you being there, did you intend
- 21 on staying?
- 22 A. **Yes. She said her -- I believe it was her father**
- 23 **was coming from, I believe, it was Tyler or somewhere -- you**
- 24 **know, not close, but was coming to pick her up, and he was**
- 25 **already on his way there.**

- 1 Q. Did she tell you if there's anyone else, other than
- 2 the Defendant, that she was worried about arriving at her
- 3 apartment?
- 4 A. **She had made a comment that the Defendant's -- last**
- 5 **time the Defendant and her had got into an altercation that**
- 6 **the Defendant's mother had called her and tried to get her to**
- 7 **not press charges.**
- 8 Q. And did anything occur as she was telling you this
- 9 about the Defendant's mother?
- 10 A. **Yes. The Defendant's mother called the apartment.**
- 11 Q. Did you actually speak with the Defendant's mother?
- 12 A. **Yes.**
- 13 Q. For what purpose did you speak with her?
- 14 A. **Just to ask her if the Defendant was, in fact, over**
- 15 **at her residence.**
- 16 Q. And what did she respond?
- 17 A. **She stated, no, he wasn't there.**
- 18 Q. Did you leave Mrs. Cantu there in the apartment
- 19 alone?
- 20 A. **I believe as we were leaving, I don't know if it was**
- 21 **her sister or another relative came over.**
- 22 Q. And once another relative came over, did you feel
- 23 comfortable in leaving her there?
- 24 A. **Yes, because she said her -- whoever was picking her**
- 25 **up, was just about there, so...**

- 1 Q. Did you take her to an emergency room or call an
- 2 ambulance for her?
- 3 A. **No. She refused medical treatment at the time.**
- 4 MS. FALCO: Your Honor, that concludes our
- 5 offer.
- 6 Q. BY MR. GOELLER: Corporal, what time -- how was the
- 7 Dallas Police Department notified of the situation?
- 8 A. **Through a 911 call.**
- 9 Q. And when was that?
- 10 A. **The time of --**
- 11 Q. Do you have personal knowledge of when the call was
- 12 made?
- 13 A. **No. I can just tell you when I was dispatched**
- 14 **there.**
- 15 Q. And how long did it take you -- what time were you
- 16 dispatched?
- 17 A. **About 11:30.**
- 18 Q. What time did you arrive?
- 19 A. **I'd say roughly seven to ten minutes.**
- 20 Q. Do you have the documentation to --
- 21 A. **No.**
- 22 Q. -- show what time you arrived?
- 23 A. **No. I'd have to get the call sheet that tells me**
- 24 **what time I was dispatched, arrival time?**
- 25 Q. So you don't -- whatever you would testify to today

1 would just be speculation?
 2 **A. Right.**
 3 Q. Okay, all right. Did you gather from your contact
 4 that the two were mutual combatants?
 5 **A. Well, it's hard to say with not having seen him.**
 6 Q. Right.
 7 **A. And not having spoke to him. From what I gathered,**
 8 **she was the recipient of it all.**
 9 Q. She was the recipient?
 10 **A. She was the recipient of all the physical abuse**
 11 **because I didn't see him at all.**
 12 Q. Okay. Did you have any other indication -- whether
 13 or not you saw him or not, did you have any indication that
 14 they were mutual combatants, as we say?
 15 **A. No.**
 16 Q. Do you know what that means?
 17 **A. Uh-huh.**
 18 Q. What does it mean to you?
 19 **A. That they were -- it's kind of like two people**
 20 **getting in a fist fight.**
 21 Q. Got you. You're there.
 22 Did you make a report, or do you have a report with
 23 you?
 24 **A. I don't have the report with me, no.**
 25 Q. Where is it?

1 **A. Well, I have a copy of it in my car.**
 2 Q. Okay, okay. You mentioned that when she opened up
 3 the door she asked you if he was leaving?
 4 **A. Yeah, if we had seen --**
 5 Q. Seen him leaving?
 6 **A. The car. Yeah, his -- the car leaving.**
 7 Q. Okay. Not did you see him coming back, but did you
 8 see him leaving?
 9 **A. Yes.**
 10 Q. Okay, all right.
 11 MR. GOELLER: Thank you, sir.
 12 THE COURT: Do you have anything else?
 13 MS. FALCO: No further questions.
 14 THE COURT: Say, it's a dispatch sheet that you
 15 would have to get?
 16 THE WITNESS: Yes.
 17 THE COURT: How hard is it to get?
 18 THE WITNESS: It's not hard.
 19 THE COURT: See, the thing is, it matters to
 20 me. It's not the only factor, but it's a factor that matters
 21 to me, and I kind of want to know. So, anyway I'll sustain
 22 the objection, and maybe I'll see you again, or -- well, I'm
 23 sure we'll have some more questions, but maybe I'll see you
 24 again on that issue.
 25 MR. GOELLER: I have just one more question for

1 him, Judge.
 2 Q. BY MR. GOELLER: You mentioned one of those badges
 3 was a sick what?
 4 **A. Pardon me?**
 5 Q. You said one of your awards was a sick something?
 6 **A. Oh, it's for no sick leave. You get an award for --**
 7 Q. What did you call it before?
 8 **A. Well, they call it a sick bar, no sick leave.**
 9 Q. I thought I heard you say something else.
 10 THE COURT: Hey, also, you do have your report?
 11 THE WITNESS: I have a copy out in my car.
 12 THE COURT: Out in the car. And would that --
 13 what would that reflect with regard to -- it would just
 14 reflect the time you were dispatched and the time you got
 15 there?
 16 THE WITNESS: It would reflect the time that I
 17 got the call.
 18 THE COURT: All right. I'm going to ask you to
 19 step down, and we'll come back in at 3:15.
 20 THE BAILIFF: All rise.
 21 THE COURT: Just with the understanding the
 22 objection is sustained for now with regard to the hearsay
 23 statements.
 24 THE WITNESS: Do you want me to get that sheet?
 25 THE COURT: It's up to them.

1 (Recess taken.)
 2 THE COURT: Are both sides ready?
 3 MS. FALCO: Yes, sir.
 4 THE COURT: Let's bring the jury in.
 5 MR. GOELLER: Judge, before you bring the jury
 6 in I want to address the Court on these type matters. What
 7 the State is attempting to do is prove up extraneous offenses
 8 by use of pure hearsay and witnesses who have not observed any
 9 extraneous offense. Now, normally when we talk about these
 10 hearsay exceptions, as in the case of when these offenses were
 11 prosecuted, Officer, what did she say and they get out the
 12 excited utterances, oftentimes maybe to buttress a
 13 noncooperative witness at that point in trial. But in this
 14 case, they're trying to prove up these offenses, and I think
 15 it's fair to say, because they will not bring that witness
 16 forward.
 17 So at this time I'm going to object to this type of
 18 testimony because it isn't being offered for the truth of the
 19 matter asserted, apparently, and I think that needs to be made
 20 clear. But my client is denied his 6th Amendment right to
 21 effective assistance of counsel and his rights to
 22 cross-examine the witnesses under the U.S. Constitution, the
 23 Texas Constitution and Code of Criminal Procedure because I
 24 cannot cross-examine anybody. I can't cross examine the
 25 officer as to --

1 THE COURT: See, Mr. Goeller, I understand
2 everything you're telling me, but here's the deal, we've got
3 to wait until we have a question until we have an objection.
4 If you're telling me, as a general proposition, you're
5 objecting to this kind of thing, I get the picture. Is that
6 it?

7 MR. GOELLER: Yes, sir.

8 MR. SCHULTZ: Your Honor, before we bring the
9 jury in can we do a couple of questions and answers with this
10 witness to see if that might change your ruling.

11 MR. GOELLER: I'm sorry. I forget we were
12 there. I'm sorry, Judge.

13 THE COURT: All right.

14 Q. BY MS. FALCO: Officer, over the course of the
15 break were you able to get the dispatch records?

16 A. Yes, I was.

17 Q. And with regard to this particular offense what time
18 did the 911 call come into dispatch?

19 A. It was received at --

20 MR. GOELLER: Objection as to hearsay, Judge.

21 THE COURT: Overruled.

22 A. It was received at 11:37:59 a.m.

23 Q. BY MS. FALCO: And what time were you dispatched?

24 A. At 11:38:43 a.m.

25 Q. Less than a minute later?

1 A. Yes.

2 Q. And what time did you arrive at the apartment?

3 A. At 11:57:07 a.m.

4 Q. Twenty minutes after the call was made?

5 A. Yeah, thereabouts.

6 MS. FALCO: Your Honor, at this time we reurge
7 our offer of proof.

8 MR. GOELLER: Same objections, lack of
9 spontaneity, all the objections I've previously dictated into
10 the record, Your Honor. And I think also this -- the Court
11 needs to make a determination whether this type of evidence is
12 even reliable at this point, and to make that determination I
13 think the Court would have to be able to hear me cross-examine
14 the witness out of the presence of the jury, whoever this
15 affiant ability apparently is that's making these statements.

16 Again, I know that -- I know you probably want me to
17 object to that stuff later, but I don't think -- I think
18 there's a time span of 20 minutes here that we don't know what
19 happened. You know, if you were able to hear testimony from
20 somebody that would be able to say, during this 20 minutes
21 this was said, or this person called somebody, or here's what
22 happened with the apartment manager or a neighbor or friends
23 or relatives or something like that, then I think you could
24 make a determination of whether or not there's true
25 spontaneity as this hearsay exception contemplates. But

1 again, we have -- they are attempting to prove up these
2 offenses by an officer who has no personal knowledge
3 whatsoever.

4 THE COURT: This indicates the time of the
5 offense was 11:30, right?

6 THE WITNESS: Well, it gives a time that the
7 actual call came into 911.

8 THE COURT: There's an entry here for offense
9 time 11:30?

10 THE WITNESS: Yeah.

11 THE COURT: Is that accurate or not?

12 THE WITNESS: More or less.

13 THE COURT: Okay.

14 THE WITNESS: I mean, when we say 11:30,
15 especially in a report, it's on or about 11:30.

16 THE COURT: Oh, so this -- who created this
17 document?

18 THE WITNESS: That is what dispatch creates
19 whenever the 911 call comes in.

20 THE COURT: So if they got 11:30 on here, it
21 must have been something they got from her, right? See
22 offense time? Do you see where it says right under the time
23 that you're talking about? See here, see that?

24 THE WITNESS: Well, see that's the time that --
25 time the report was received. That's what time I called in

1 the report, and this is the time that actually come off the
2 report.

3 THE COURT: So that's what you put on your
4 reports, is the time of the offense?

5 THE WITNESS: Right, on or about.

6 THE COURT: So this document was created from
7 information you gave them, too?

8 THE WITNESS: Just that part. It tells us what
9 time the report was received. I called the report in, and
10 then what type offense it was that I put on the offense
11 report. But these are the actual times here that the call
12 received from 911 was, this time.

13 THE COURT: Right 11:37 and 59 seconds.

14 THE WITNESS: And that's what time they
15 dispatched it to us.

16 THE COURT: 11:38 and 43 seconds, and you
17 arrived at 11:57 and 7 seconds, and you cleared at 13:05:55.
18 You were there for an hour and eight minutes, I suppose?

19 THE WITNESS: Yeah.

20 THE COURT: Then you called in at 13:29.

21 THE WITNESS: Right.

22 THE COURT: But you indicated that the time of
23 the offense was 11:30?

24 THE WITNESS: Right, which we use on or about.
25 We don't actually use --

1 THE COURT: You kind of extrapolate from that
 2 given the time that she called?
 3 THE WITNESS: Right.
 4 THE COURT: And so that would not have come
 5 from her?
 6 THE WITNESS: Well, I would have asked her how
 7 long ago did this happen? Five, ten minutes ago, and that's
 8 where we come up with 11:30.
 9 THE COURT: Okay. So you arrived 27 minutes
 10 after, and I know this is not perfect, but according to this,
 11 you arrived 27 minutes after the event?
 12 THE WITNESS: Correct.
 13 THE COURT: Is this the dispatch sheet?
 14 THE WITNESS: Uh-huh.
 15 THE COURT: Where did you get it?
 16 THE WITNESS: I had our communications
 17 supervisor pull it up off --
 18 THE COURT: Fax it to me?
 19 THE DEFENDANT: Fax it to me.
 20 THE COURT: Do you have your report?
 21 THE WITNESS: No, I didn't go down to the car.
 22 It would be the same report that the prosecutor has.
 23 THE COURT: Okay. Could I take a look?
 24 MS. FALCO: Yes, sir.
 25 (Discussion off the record.)

1 THE COURT: I tell you what, I'll sustain the
 2 objection.
 3 All right. Let's bring the jury in.
 4 THE BAILIFF: All rise.
 5 (Jury enters the courtroom at 3:40 p.m.)
 6 THE COURT: Please be seated. Ms. Falco.
 7 MS. FALCO: Thank you, Your Honor.
 8 Q. BY MS. FALCO: Officer, after Mrs. Jennifer Cantu
 9 opened the door, did she let you come inside the apartment?
 10 A. Yes, she did.
 11 Q. And what -- when you went inside the apartment and
 12 you were speaking with her, did you notice any injuries on
 13 her?
 14 A. Yes.
 15 Q. What did you notice on her?
 16 A. She had a lump, or a knot on the left side of her
 17 head.
 18 Q. And was it big, was it small?
 19 A. No. It was a large lump. It was just a little bit
 20 above the temple area.
 21 Q. With regard to the apartment, did it look like a
 22 struggle had occurred there?
 23 A. Yes.
 24 Q. What did you notice about the apartment that had the
 25 appearance of a struggle?

1 A. There was a glass picture frame that was broken on
 2 the floor. The complainant's eyeglasses were broke in half.
 3 Q. Did you see her broken eyeglasses?
 4 A. Yes.
 5 Q. How long did you stay there at Jennifer Cantu's
 6 apartment?
 7 A. A little over an hour.
 8 Q. And during the entire hour you were with Jennifer
 9 Cantu, did her demeanor remain the same?
 10 A. Yes.
 11 Q. She was still visibly shaking, visibly upset?
 12 A. Yes.
 13 Q. While you were speaking with Jennifer Cantu, did she
 14 receive a phone call?
 15 A. Yes, she did.
 16 Q. Did you eventually speak with a person on the other
 17 end of the phone?
 18 A. Yes.
 19 Q. And who was the person on the other end of the
 20 phone?
 21 A. The Defendant's mother.
 22 Q. And for what purpose did you speak with the
 23 Defendant's mother?
 24 A. To ask her if she knew the whereabouts of the
 25 Defendant.

1 Q. And was she able to tell you?
 2 A. No.
 3 Q. After you had been there for an hour, did you then
 4 leave the apartment?
 5 A. Yes.
 6 Q. Did you leave Mrs. Jennifer Cantu alone?
 7 A. No. She had a relative who came over to the
 8 location.
 9 Q. And do you recall who the relative was?
 10 A. I don't.
 11 Q. At that point did you feel comfortable leaving her
 12 with the relative?
 13 A. Yes.
 14 Q. Prior to that, did you feel comfortable leaving her
 15 alone?
 16 A. No.
 17 Q. Did you take Mrs. Jennifer Cantu to the emergency
 18 room or call an ambulance for her?
 19 A. No, I did not.
 20 Q. Why not?
 21 A. She refused medical treatment at the time, said she
 22 would seek her own medical treatment.
 23 Q. Did you then leave the apartment?
 24 A. Yes.
 25 Q. Did you remain in the parking lot for a short period

1 of time?

2 **A. Yes. That's where I called the offense report in**
3 **from the parking lot of the apartment.**

4 Q. Did you ever see anyone matching the Defendant's
5 description while you were there?

6 **A. No, I did not.**

7 MS. FALCO: Thank you, Officer. Pass the
8 witness.

9 CROSS-EXAMINATION

10 BY MR. GOELLER:

11 Q. Officer, would it be safe to assume that you have no
12 personal knowledge of anything whatsoever that went on inside
13 that apartment?

14 **A. Correct.**

15 MR. GOELLER: Thank you, sir. Pass the witness.

16 MS. FALCO: No further questions. Ask that he
17 be released, Your Honor.

18 MR. GOELLER: Yes, sir.

19 THE COURT: All right, sir, you are finally
20 excused. Thank you.

21 THE WITNESS: Thank you.

22 (Witness exits the courtroom.)

23 THE COURT: All right. Call your next
24 witness, please.

25 MS. LOWRY: Your Honor, the State calls Officer

1 THE COURT: All right. Go ahead.

2 Q. BY MS. LOWRY: Can you go ahead and describe your
3 training that you went through to become a certified peace
4 officer?

5 **A. That's been a long time ago, but I went through a**
6 **police academy for several months and road observation with**
7 **training officers for at least six months.**

8 Q. And that's on top of, or before the 23 years
9 experience?

10 **A. Yes.**

11 Q. What is your current job assignment?

12 **A. I'm a patrol officer in Oak Cliff or Dallas.**

13 Q. How long have you been assigned that particular
14 section?

15 **A. Twenty-two years.**

16 Q. I'm going to take you back specifically to August of
17 2000 -- August 29th of 2000. Were you working on that date?

18 **A. Yes, ma'am, I was.**

19 Q. Do you recall which shift you were working?

20 **A. Second shift, which is 8 a.m. to 4 p.m.**

21 Q. Specifically around 10:30 a.m., did you receive a
22 dispatch call?

23 **A. Yes, I did.**

24 Q. What was the nature of that call?

25 **A. The call was concerning a person at the location**

1 Billy Eaton.

2 (Witness enters the courtroom.)

3 (Witness sworn by the court.)

4 THE COURT: Put your hand down and have a seat
5 right here, please. All right, Ms. Lowry.

6 Whereby,

7 **BILLY EATON,**

8 a witness called by the State, sworn to testify to the truth,
9 testified under oath as follows:

10 DIRECT EXAMINATION

11 BY MS. LOWRY:

12 Q. Please introduce yourself to the jury.

13 **A. I'm Officer Billy Eaton with the Dallas Police**
14 **Department.**

15 Q. And how long have you been employed with the Dallas
16 Police Department?

17 **A. For 23 years.**

18 Q. And is that how long you've been a certified peace
19 officer?

20 **A. Yes, ma'am.**

21 Q. Can you describe for them the training that you had
22 to go through to become a certified peace officer.

23 MR. GOELLER: I'll stipulate, Judge. I'll
24 stipulate to all that, that he's a real peace officer. He's
25 been certified and trained.

1 **that was considering suicide.**

2 Q. And did you respond to that location?

3 **A. Yes, I did.**

4 Q. Do you recall what the location was?

5 **A. It's on the report, if I may?**

6 Q. This report that you're referring to, is that a
7 report that you made?

8 **A. Yes, it is, a report that I made.**

9 Q. And when was it made?

10 **A. On 8-29 of 2000.**

11 Q. Do you need to use to that refresh your memory --

12 **A. Yes, I do.**

13 Q. -- for events that happened?

14 **A. The location was 5242 Brice Canyon.**

15 Q. And upon arriving at 5242 Brice Canyon, who did you
16 contact?

17 **A. I contacted a Sylvia Cantu.**

18 Q. And what did Mrs. Cantu express to you as far as
19 what her concerns were?

20 **A. She was concerned about her son.**

21 MR. GOELLER: Objection, Your Honor, as to
22 hearsay.

23 MS. LOWRY: Your Honor, we're offering it to
24 show why he was there and why he took the next actions that he
25 took.

1 THE COURT: Overrule the objection.
 2 Q. BY MS. LOWRY: What did she explain to you was her
 3 concern?
 4 A. She was afraid her son was going to kill himself
 5 because he had told her that he was going to do so.
 6 Q. Did she seem worried about that?
 7 A. Yes, she was.
 8 Q. In response to that, what did you do next?
 9 A. I got some information from her, and then I went and
 10 talked to her son.
 11 Q. What was her son's name?
 12 A. Ivan.
 13 Q. Do you see Ivan in the courtroom today?
 14 A. Yes, I do.
 15 Q. Can you identify him by where he's sitting and what
 16 he's wearing?
 17 A. He's the man to my right with a maroon sweater on.
 18 MS. LOWRY: May the record reflect he's
 19 identified the Defendant, Ivan Cantu?
 20 THE COURT: All right.
 21 Q. BY MS. LOWRY: What were your initial observations
 22 as to what Mr. Cantu was doing as you were approaching the
 23 house?
 24 A. He was agitated.
 25 Q. Describe for the jury what you mean by --

1 A. A little bit excited. He was angry at his mother,
 2 apparently, for calling the police.
 3 Q. How could you tell that's what he was agitated
 4 about?
 5 A. Well, he was yelling at her, and his anger was not
 6 directed at me but at her, and he was -- he wouldn't stay
 7 still. He was walking all over the house.
 8 Q. Do you recall what kinds of things he was yelling at
 9 her?
 10 A. Not exactly just that he really didn't want the
 11 police there.
 12 Q. Did you at this time attempt to contact him in
 13 person and talk to him about the situation?
 14 A. Yes, I did.
 15 Q. And describe for the jury how that transpired.
 16 A. Well, I asked if he was thinking about killing
 17 himself. I do not remember him saying exactly that he was
 18 wanting to kill himself, but he did say he was very depressed,
 19 and he said he was having a lot of financial problems.
 20 Q. Is there anything about your contact with him that
 21 led you to believe that he was actually attempting to commit
 22 suicide or had attempted to commit suicide?
 23 A. Only on the testimony of what his mother said.
 24 Q. There certainly weren't any visible wounds of any
 25 type, anything of that nature, that he ever tried to do

1 something?
 2 A. No, they weren't.
 3 Q. Have you ever heard of the idea of suicide by cop,
 4 or suicide by police officer?
 5 A. Yes, I have.
 6 Q. Describe for the jury what that is, please.
 7 A. That's where a person that wants to kill himself
 8 would prefer to have the police do it and act in a manner
 9 accordingly.
 10 Q. Have you ever been in that position?
 11 A. No, I haven't.
 12 Q. As you observed this situation and encountered this
 13 Defendant, did you feel like you were in that situation in
 14 this instance?
 15 A. No, ma'am.
 16 Q. Can you describe for the jury why you felt it was
 17 different?
 18 A. Why I felt it was different?
 19 Q. Yes.
 20 A. Well, other than -- and not a suicide by cop?
 21 Q. Yes, sir.
 22 A. Well, his anger was not toward me. I was aware of
 23 his state, but it did not seem -- and I was very cautious, but
 24 I didn't see anything that was directed toward me as far as
 25 hostility.

1 Q. Did this Defendant seem depressed at all, or what
 2 was his state regarding any type of depression that you may
 3 have observed?
 4 A. Well, that's what he said. He was down.
 5 Q. Did he seem down?
 6 A. Yes, did he.
 7 Q. How was acting exactly?
 8 A. Well, he was just constantly moving throughout the
 9 house, and most of the conversation was directed at his
 10 mother, and he was just visibly upset.
 11 Q. What did you do next?
 12 A. I waited for my cover element, or another officer to
 13 arrive. And once that person arrived, I finished interviewing
 14 the mother, and upon her statement placed him under arrest,
 15 and took him to Parkland for psychological evaluation.
 16 Q. As far as waiting for another cover unit, if none of
 17 his aggression was directed at you, why did you feel it
 18 necessary to wait for someone else to arrive before you took
 19 him into custody?
 20 A. His movements and the way he was talking to his
 21 mother told me he had the potential to not want to be
 22 arrested.
 23 Q. And as you were evaluating this situation, these
 24 circumstances, what was your opinion as to how you needed to
 25 be ready to react?

1 A. **Just extra caution.**
 2 Q. I guess along with waiting for a cover unit, was
 3 there, if any, concern in your mind that he might resist if
 4 you tried to take him into custody?
 5 A. **Yes, there was.**
 6 Q. And what lead you to that conclusion?
 7 A. **But I always try to play it as safe as I can, and**
 8 **just wait for another officer to come.**
 9 MS. LOWRY: Pass the witness.
 10 THE COURT: Mr. High, Mr. Goeller?
 11 MR. HIGH: May we have just a moment, Judge?
 12 THE COURT: All right.
 13 (Brief pause in proceedings.)
 14 CROSS-EXAMINATION
 15 BY MR. GOELLER:
 16 Q. Was it Eaton, Officer Eaton?
 17 A. **Yes, sir.**
 18 Q. You've been on the job, did you say, 23 years?
 19 A. **Twenty-three years.**
 20 Q. How do you prefer to be addressed, Officer Eaton, or
 21 do you have rank or anything?
 22 A. **That's fine.**
 23 Q. In those 23 years, have you spent most of that on
 24 the street?
 25 A. **Yes, sir.**

1 Q. And have you had the occasion to be trained by
 2 police departments or experts in the area dealing with --
 3 well, I guess we call this case, what, a psychological call?
 4 What would you call this situation when you take somebody to
 5 the mental institution?
 6 A. **For evaluation?**
 7 Q. Yeah. What is this called in your business?
 8 A. **Just -- a possible suicide, a potential suicide.**
 9 Q. Was he placed in protective custody or --
 10 A. **It's an arrest without warrant where we take someone**
 11 **to the Parkland Psychiatric Unit if we have reason to believe**
 12 **that he will hurt himself or someone else.**
 13 Q. Have you had training in dealing with people in that
 14 state of mind?
 15 A. **Yes, I have.**
 16 Q. Okay. You talked about his movements around the
 17 house. Was it, like, pacing?
 18 A. **Yes.**
 19 Q. When I think of -- I don't know --
 20 A. **Walking around, talking, moving his arms, not in a**
 21 **gesture that would say I'm going to hit you or anything, but I**
 22 **was always keeping -- I was never -- I was always a little bit**
 23 **nervous about having my back turned to him.**
 24 Q. Because at that point in time you don't know what
 25 you have?

1 A. **No, sir.**
 2 Q. You --
 3 A. **Only what his mother told me.**
 4 Q. Okay. So you weren't -- you didn't have a weapon
 5 drawn or --
 6 A. **Oh, no, sir.**
 7 Q. -- stop and sit down or get on your knees or
 8 anything like that. You're watching what you believe is a
 9 mental patient maybe?
 10 A. **Yes.**
 11 Q. Somebody that's not quite banging on all eight
 12 cylinders?
 13 A. **No weapons drawn.**
 14 Q. Did you actually do the transport?
 15 A. **Yes, I did.**
 16 Q. Okay. Did anything transpire between the time you
 17 left that residence and the Parkland Psychiatric Unit that
 18 would have caused you to turn around and take him back or take
 19 him wherever he wanted to go, that he wasn't a mental patient?
 20 A. **Oh, no.**
 21 Q. Was there confirmation of something wrong?
 22 A. **No. He was a model prisoner. I mean, once we were**
 23 **hand -- once he was handcuffed, he didn't give us any hard**
 24 **time or anything. He didn't give me a hard time or the other**
 25 **officer a hard time while we were arresting him.**

1 Q. Was he making much sense in his speech and his
 2 ramblings?
 3 A. **Well, from what I remember, yes, he made sense.**
 4 Q. Okay. You were able --
 5 A. **I did not get any details, other than he said he was**
 6 **down and depressed, and he had financial problems.**
 7 Q. Okay. Once you got him to Parkland Psyche Unit, is
 8 that pretty much the end of your involvement?
 9 A. **Yes, sir.**
 10 Q. Okay. Do you have to -- I don't know what I'm
 11 trying to say. Do you have to check him in, so to speak, like
 12 bring him up into the psychiatric ward, and got one for you?
 13 There must be some log notation or something you have to fill
 14 out.
 15 A. **There is. We talk to the psychiatrist, and they do**
 16 **a short interview while we're there. We make out a very short**
 17 **report called APOWW, A-P-O-W-W.**
 18 Q. What's that?
 19 A. **It's just a form that you fill out that lists your**
 20 **reason for why you think he might hurt himself or someone**
 21 **else.**
 22 Q. Okay. At no point in time was his anger directed
 23 either at you, your backup or your cover, or his mother as far
 24 as physical, trying to hurt you, correct?
 25 A. **Physically, no.**

1 Q. Okay. Did he threaten you?

2 A. **By speech, he seemed to be real aggressive toward**
3 **his mother.**

4 Q. Okay, okay. Have you ever done mental -- those kind
5 of emergency mental arrests, or mental pickups on few or many
6 occasions?

7 A. **Many.**

8 Q. Guesstimate over your 23 years?

9 A. **A hundred, 150.**

10 Q. Okay, lots. Did -- was there anything really out of
11 the ordinary about this one, as compared to the other 100,
12 150?

13 A. **Every individual is different.**

14 Q. Have you gotten to the point where you can kind of
15 figure out what's wrong with somebody in all these mental
16 pickups and talking to psychiatrists and taking them to
17 Parkland, or wherever you take them? Have you gotten to the
18 point where, as a nonexpert, you can almost call it, or you're
19 not there yet?

20 A. **No, sir.**

21 Q. Okay.

22 A. **I would not claim to be an expert in mental**
23 **disorders.**

24 Q. Okay. Okay. All right, sir.

25 MR. GOELLER: Thank you very much, Officer.

1 calls for speculation. They've already established through
2 this officer he's a mental commitment, and now they want him
3 to turn State's evidence when his job was to take him to
4 Parkland. So I'd object to speculation, no proper predicate
5 has been laid. He tells you he's not an expert.

6 THE COURT: Sustained.

7 Q. BY MS. LOWRY: But you're certainly not testifying
8 that he was actually attempting to commit suicide in
9 opposition to maybe just saying the words? You don't know
10 either way?

11 A. **Well, he never said the words to me, that he was**
12 **going to hurt himself.**

13 Q. And the aggression that he was showing by yelling
14 at his mom, the way he was yelling at his mom, were you also
15 concerned for her safety?

16 A. **Yes, ma'am.**

17 MS. LOWRY: Pass the witness.

18 THE COURT: Anything else?

19 MR. GOELLER: No, sir.

20 THE COURT: All right. Is he excused by both
21 sides?

22 MR. GOELLER: Yes, sir.

23 MS. LOWRY: Yes, Your Honor.

24 THE COURT: Sir, you are finally excused.

25 Thank you.

1 MS. LOWRY: Just briefly, Your Honor.

2 REDIRECT EXAMINATION

3 BY MS. LOWRY:

4 Q. Officer Eaton, once you get them to Parkland, is it
5 up to them to do an evaluation of the person and determine
6 whether or not they need to stay for further treatment or
7 leave?

8 A. **That is correct.**

9 Q. Do you recall what day of the week August 29th, 2000
10 was on?

11 A. **Not right offhand. It's Tuesday, according to this**
12 **report.**

13 Q. Would that have been the Tuesday just prior to Labor
14 Day weekend, which usually falls around the 1st of September?

15 A. **Yes.**

16 Q. So if you had taken a person in on Tuesday, August
17 29th, 2000, and they were not still there on, say, Labor Day
18 weekend, that would have been up to Parkland?

19 A. **Yes, it would.**

20 Q. You spoke earlier of his aggression and the yelling
21 and stuff was more directed at his mom in that situation. Is
22 it possible that he was just trying to manipulate a situation,
23 rather than he was actually contemplating suicide? Did you
24 see any evidence that he was actually contemplating suicide?

25 MR. GOELLER: Objection, Your Honor. That

1 THE WITNESS: Thank you, sir.

2 (Witness exits the courtroom.)

3 THE COURT: Call your next witness, please.

4 MS. LOWRY: Your Honor, the State calls Mike
5 Kuntz.

6 (Witness enters the courtroom.)

7 THE COURT: Raise your right hand, please.

8 (Witness sworn by the Court.)

9 THE COURT: All right. Please be seated right
10 over here. Ms. Lowry.

11 MS. LOWRY: Thank you, Your Honor.

12 Whereby,

13 MIKE KUNTZ,

14 a witness called by the State, sworn to testify to the truth,
15 testified under oath as follows:

16 DIRECT EXAMINATION

17 BY MS. LOWRY:

18 Q. Please introduce yourself to the jury.

19 A. **My name is Michael Kuntz.**

20 Q. How are you employed?

21 A. **Investigator with the Collin County District**
22 **Attorney's office.**

23 Q. What are your duties, what's your assignment as far
24 as being an investigator for the Collin County DA's office?

25 A. **General summarization is that I work cases, prep**

1 them for trial, also testify when needed in certain areas.

2 Q. In the specific field of fingerprints, what is your
3 training, your background as far as being able to identify and
4 compare fingerprints?

5 A. Training started off with the Regional Academy in
6 San Antonio back in the -- like '83, or so, the first class.
7 I've had classes through there, Department of Public Safety
8 and DPS -- excuse me -- San Antonio Police Department
9 sponsored by the FBI, different training courses.

10 Q. And through those training courses and because of
11 those training courses, are you a fingerprint expert?

12 A. I've testified as such.

13 MR. GOELLER: Objection; nonresponsive. It
14 isn't whether he's testified to such. It's is he certified?

15 THE COURT: All right. Sustain the objection.

16 Q. BY MS. LOWRY: Do you have the adequate knowledge
17 and --

18 MR. GOELLER: Objection. I'd like the witness
19 to answer the question on the floor. My (sic) question was
20 nonresponsive. I'd ask the Court to instruct the witness to
21 answer the question posed.

22 THE COURT: I sustained the objection. He
23 doesn't have to answer it.

24 MR. GOELLER: Okay.

25 THE COURT: All right. Ask your next question,

1 that?

2 A. Yes, ma'am.

3 Q. And what is that?

4 A. This is a set of inked fingerprint impressions taken
5 from the Defendant in this cause.

6 Q. And did you actually take those?

7 A. Yes.

8 Q. Just earlier today?

9 A. Yes.

10 Q. And is it possible to take the known prints of a
11 person and compare those to other prints to determine whether
12 or not they're one and the same person?

13 A. Yes.

14 Q. Did you have the opportunity to do that on a number
15 of exhibits that I presented to you?

16 A. Yes.

17 Q. After having the known prints of this Defendant,
18 were you able to compare prints with the exhibits that I gave
19 you in your office earlier?

20 A. Yes.

21 Q. First, I'm going to hand you what's been marked as
22 State's Exhibit Number 174. Have you seen that before?

23 A. Yes, ma'am.

24 Q. And does State's Exhibit 174 contain a fingerprint
25 of a person?

1 please.

2 Q. BY MS. LOWRY: Does the training that you have, the
3 experience that you have, the classes that you've been to, do
4 they teach you how to look at fingerprints and identify those?

5 A. Yes.

6 Q. Do they also teach you -- or what do they teach you
7 about comparing those fingerprints?

8 A. On how to make a comparison between different types
9 of fingerprints.

10 Q. As far as your duties for the Collin County
11 District Attorney's office, is one of your duties also to be a
12 fingerprint identification expert when needed and testify?

13 A. Yes.

14 Q. Have you testified as a fingerprint identification
15 expert on prior occasions?

16 A. Yes.

17 Q. Now, this jury has heard about fingerprints and what
18 latent fingerprints are. Did you have an opportunity earlier
19 today to fingerprint this Defendant, Ivan Cantu?

20 A. Yes.

21 MS. LOWRY: May I approach the witness, Your
22 Honor?

23 THE COURT: Yes.

24 Q. BY MS. LOWRY: Mr. Kuntz, I'm going to show you
25 what's been marked as State's Exhibit 173. Can you identify

1 A. Yes, it does.

2 Q. And were you able to compare that fingerprint to the
3 known fingerprints of the Defendant, Ivan Abner Cantu?

4 A. I --

5 MR. GOELLER: Objection. Take the witness on
6 voir dire.

7 THE COURT: All right.

8 VOIR DIRE EXAMINATION

9 BY MR. GOELLER:

10 Q. Mr. Kuntz, earlier on the prosecutor asked you a
11 question. She asked you were you certified? You didn't quite
12 answer that question. Are you certified?

13 A. There is no certification, no.

14 Q. When was the last time -- well, do you know -- were
15 you in charge in the investigation of this case?

16 A. No.

17 Q. Okay. When was the last time you attended any
18 formal training?

19 A. In fingerprint science?

20 Q. Uh-huh.

21 A. In the '90s, early '90s.

22 Q. Ten years ago?

23 A. Yeah.

24 Q. And you mean to tell me in fingerprint science,
25 there's no body or organization out there that keeps up on

1 your proficiency and your peers evaluating you or subjecting
 2 you to periodic either testing or scrutiny in that field?
 3 **A. There are different associations that one can pay a**
 4 **membership to and become a member, but there's nobody that**
 5 **double-checks my testimony or my work.**
 6 Q. Do you know why the prosecutor started asking if
 7 you were certified?
 8 **A. No.**
 9 Q. Do you know the -- is this your primary job
 10 function, testifying in court on fingerprints?
 11 **A. No.**
 12 Q. You don't do that on a regular basis?
 13 **A. It is not my primary job function. I do it on a**
 14 **regular basis, when needed.**
 15 Q. But again, your testimony is within your field, in
 16 the professional, I suppose -- well, what associations are out
 17 there in your field? What's the top association, first we'll
 18 start globally in the world, about fingerprint science?
 19 **A. Have no idea.**
 20 Q. How about nationally?
 21 **A. No idea.**
 22 Q. Can you name that organization?
 23 **A. No.**
 24 MR. GOELLER: Judge, I'm going to object. I
 25 don't think he's a qualified expert in this field. Obviously,

1 he's not a member of any association, hasn't done anything by
 2 way of legal training in ten years. I mean, he couldn't even
 3 name two organizations that I would think somebody that is an
 4 expert might be able to name?
 5 MS. LOWRY: I'll ask a few more questions.
 6 THE COURT: All right.
 7 Q. BY MS. LOWRY: Mr. Kuntz --
 8 THE COURT: For now, the objection is
 9 sustained.
 10 Q. BY MS. LOWRY: -- let's talk in detail about every
 11 class that you've taken, every piece of training that you've
 12 gone through to become or to be able to compare and identify
 13 fingerprints?
 14 **A. Like I said, the first class was through the**
 15 **Regional Academy at San Antonio College, Identification**
 16 **Science; and I've taken a class through DPS. Each one of**
 17 **these are approximately 40 hours long, and then another course**
 18 **sponsored by the San Antonio Police Departments at their**
 19 **academy, that was instructed by the FBI. Before I ever --**
 20 **plus in-house training before I ever testified.**
 21 Q. Describe your in-house training.
 22 **A. I was with the Kerville Police Department at the**
 23 **time, and after my different training we had an ID tech and I**
 24 **worked with him, and numerous times I would make a comparison.**
 25 **It would be a latent print from a crime scene or something**

1 **like this, and he verified my comparison.**
 2 Q. Describe for us in detail how you compare two
 3 fingerprints; one known, one not known, and come up with
 4 whether or not they match.
 5 **A. What you do is you look at each fingerprint. If**
 6 **you -- on, let's say, this judgment you have the impression of**
 7 **the right thumbprint, you take the right thumbprint from your**
 8 **known and compare them. Within each print you're looking for**
 9 **certain points of identification, be it through a bifurcation,**
 10 **an ending ridge, type of pattern, anything like that. Once**
 11 **you start -- and then you start counting. Okay, here's one**
 12 **that matches, and everything has to be -- it's -- easiest way**
 13 **to describe it is putting together a jigsaw puzzle.**
 14 **You get one piece to fit, and then you go and you find your**
 15 **next point of identification. Once I reached ten points of**
 16 **identification, I'll make the call is it them or is it not.**
 17 **If you have ten points of identification, that is a**
 18 **positive -- I will make a positive identification that that's**
 19 **the same person. There are those who will do it with much**
 20 **less as far as matching points of ID.**
 21 Q. And how many years have you been comparing
 22 fingerprints and testifying as an expert on those comparisons
 23 in courtroom settings just like this one?
 24 **A. In courtroom settings, make (sic) the testimony for**
 25 **the past eight years.**

1 Q. And let's talk specifically about the field of
 2 fingerprint identification. Is the field of expertise in
 3 fingerprint identification a legitimate field?
 4 **A. Yes.**
 5 Q. Can you -- I mean, can you have enough training,
 6 do -- you know, have enough experience to where you can take a
 7 known print and compare them and it be accurate?
 8 **A. Yes.**
 9 Q. And the subject matter that you're being asked to
 10 testify here to is within the field of training and being a
 11 fingerprint identification expert?
 12 **A. Yes.**
 13 Q. And that all goes back to the training that you've
 14 received, the classes that you've gone to, as well as your
 15 experience that you've done just working at this?
 16 **A. Yes.**
 17 Q. And your testimony and your techniques as far as
 18 comparing fingerprints and identifying those fingerprints, do
 19 your techniques properly rely upon and use the principles
 20 involved in the field of fingerprint identification?
 21 **A. Yes.**
 22 MS. LOWRY: Your Honor, at this time we would
 23 ask that he be allowed to testify in his field of expertise.
 24 MR. GOELLER: Couple of more questions on voir
 25 dire?

1 THE COURT: All right.

2 VOIR DIRE EXAMINATION

3 BY MR. GOELLER:

4 Q. Name me the top two people at the FBI in their
5 fingerprint lab.

6 A. I have no idea.

7 Q. If you don't belong to any professional
8 associations, would it be fair to say you don't receive or
9 take any professional journals in your field of expertise?

10 A. That is correct.

11 Q. And, therefore, you haven't read one paragraph
12 probably in the last ten years in this, quote, unquote, field
13 of expertise?

14 A. I've read a couple of little-bitty articles.

15 Q. Little-bitty articles?

16 A. Yeah. It's not a 12-page thesis or something like
17 that, but just small articles on new methods of latent print
18 development and stuff like that.

19 Q. How many years ago was the last little-bitty article
20 that you read?

21 A. Last year.

22 Q. Okay. Anything -- anything in the last year?

23 A. No.

24 Q. Okay. Can you -- if you've done nothing in ten
25 years by way of education or keeping up with your field, you

1 can't name me two top experts in the field, you belong to no
2 professional associations, and the extent of your involvement
3 in this field in last decade has been two little-bitty
4 articles, as you quote. You can honestly sit there and tell
5 me you're not really an expert anymore, are you?

6 A. Let me understand this.

7 Q. Is there something you don't understand about my
8 question?

9 A. That's correct.

10 Q. Okay. You consider yourself still an expert in this
11 field?

12 A. In the comparison?

13 Q. In fingerprint science. I assume that's why you're
14 being called here today.

15 A. In the comparison, yes.

16 Q. Okay. How about Texas? Who's the top fingerprint
17 person in our state?

18 A. The top man?

19 Q. I'll give you a hint, Houston?

20 A. Houston? I was going to say Ron Urbanowski in
21 Austin.

22 Q. When was the last time you attended -- well, you
23 haven't attended anything he's done in at least ten years,
24 right?

25 A. Uh-huh.

1 Q. You've got to answer out loud for the court
2 reporter. You can't say uh-huh. She gets mad at me if I let
3 you do that. Say yes.

4 A. Yes.

5 MR. GOELLER: Thank you, sir. That's all I
6 have, Judge. Renew my objection, Your Honor.

7 THE COURT: Do you have any other questions?

8 MS. LOWRY: No, Your Honor.

9 THE COURT: I tell you what, I'm going to find
10 that he's qualified by education and training to state an
11 opinion with regard to the comparison of fingerprints, and so
12 I'll overrule the objection.

13 MR. GOELLER: Yes, Your Honor.

14 THE COURT: All right. Go ahead.

15 MS. LOWRY: Your Honor, at this time the State
16 would offer State's Exhibit Number 173.

17 THE COURT: I should say education, training
18 and experience.

19 MR. GOELLER: I'm sorry, Judge, there's an
20 offer.

21 THE COURT: Yeah, there's an offer of Number
22 173, which I understand are the prints.

23 MR. GOELLER: Fingerprint card of Ivan. I have
24 no objection.

25 THE COURT: Do you need to see it?

1 MR. GOELLER: No, sir. She walked it to me.

2 THE COURT: Okay, no objection?

3 MR. GOELLER: Yes, sir.

4 THE COURT: Number 173 is admitted.

5 Q. BY MS. LOWRY: Now, Investigatory Kuntz, did you
6 have an opportunity to review State's Exhibit Number 174 to
7 determine if there were any comparable fingerprints on there?

8 A. There is a fingerprint on the last page of this
9 packet.

10 Q. And what is that packet, State's Exhibit Number
11 174?

12 A. It is a certified packet containing the information
13 and several other sheets and an affidavit and a plea --
14 basically a certified packet of a Judgment and Sentence.

15 Q. Explain for the jury what a Judgment and Sentence
16 is.

17 A. A Judgment and Sentence -- we refer to it as
18 packet of paperwork that comes from the different clerk's
19 offices, be it County Clerk, District Clerk, or whatever,
20 showing information containing the charge, who was charged
21 with a certain offense, and what the outcome of that charge
22 was, what the final arrangements were. Was it a plea
23 bargain, was it a plea of guilty, you know, on the case?

24 Q. As an investigator for the Collin County District
25 Attorney's office are you often required to get certified

1 copies of different judgments and sentences from all over?
 2 A. Yes.
 3 Q. So you've had experience in dealing with different
 4 judgments and sentences before?
 5 A. Yes.
 6 Q. And is that a certified copy of a Judgment and
 7 Sentence?
 8 A. Yes.
 9 Q. And from what county is that? ✓
 10 A. This is from Collin County.
 11 Q. And there's a comparable fingerprint on that. Did
 12 you have an opportunity to compare the fingerprint on State's
 13 Exhibit 174 with the known fingerprints of the Defendant, Ivan
 14 Abner Cantu, State's Exhibit 173?
 15 A. Yes. There is a fingerprint in this packet, and I
 16 did compare it to State's Exhibit 173.
 17 Q. And after that comparison, what is your opinion as
 18 to whether or not -- what is your opinion as to who the person
 19 is that gave the fingerprint that is on State's Exhibit Number
 20 173.
 21 MR. GOELLER: Renew my objection, Your Honor,
 22 not qualified, not competent in his field. Also object under
 23 Dahbert, Cumo Tire, and Nano versus State.
 24 THE COURT: Say, are you offering 174?
 25 MS. LOWRY: Not at this time. I just asked him

1 was he able to compare.
 2 MR. GOELLER: That's why I was objecting,
 3 because it's the ultimate question. I think she -- she
 4 already asked him, was he able to compare? He said, yes, and
 5 then her ultimate question was -- her opinion as to --
 6 obviously what she's getting at --
 7 THE COURT: I'll overrule the objection.
 8 MR. GOELLER: Yes, sir.
 9 MS. LOWRY: Your Honor, at this time we would
 10 offer State's Exhibit Number 174, just as a certified copy of
 11 a public document.
 12 MR. GOELLER: If I could just --
 13 THE COURT: All right.
 14 MR. GOELLER: Thank you. Object for my same
 15 reasons Your, Honor.
 16 THE COURT: All right. Overrule the objection,
 17 and admit State's Exhibit 174.
 18 Q. BY MS. LOWRY: In State's Exhibit 174, what offense
 19 does that reflect that the Defendant in that exhibit
 20 committed?
 21 A. Theft over 20, under 200 dollars.
 22 Q. And from the fingerprint contained in that
 23 document, State's Exhibit Number 174, what is your opinion
 24 after having compared that to the known fingerprints of the
 25 Defendant?

1 ✓ A. I could not match them.
 2 Q. Did you further obtain other evidence, or other
 3 prints related to that offense?
 4 A. Yes, ma'am.
 5 Q. And where did you obtain those from?
 6 A. From the Sheriff's department, their book-in
 7 fingerprints on that date.
 8 Q. And did you personally pick those up?
 9 A. Yes, this morning.
 10 Q. From whom did you pick those up?
 11 A. Her name is on it. I can't remember. It's Tanya
 12 Smith's office, but the lady who notarized it, I can't
 13 remember her name offhand, but it's on the document.
 14 Q. And as part of your duties, also, as an investigator
 15 for the Collin County District Attorney's Office, did you have
 16 occasion to get certified records of public documents from the
 17 custodian of records that keeps the jail records?
 18 A. Yes.
 19 Q. And those records contain things like book-in
 20 prints, book-in photos, things that she can certify that were
 21 taken from a person when they were arrested?
 22 A. Yes.
 23 Q. Is that what you obtained from her today?
 24 A. Yes.
 25 Q. What was her name?

1 A. Tanya Smith is the one in charge of the department
 2 at the Sheriff's Department. Darla Potter is the lady I
 3 worked with today, also.
 4 Q. And these prints that are taken at a time a person
 5 is booked in, are they taken -- when are they taken?
 6 A. The actual date on the fingerprints were taken on
 7 10-19 of 1993.
 8 MS. LOWRY: Your Honor, may I have just one
 9 moment, please?
 10 THE COURT: Yes.
 11 (Brief pause in proceedings.)
 12 Q. BY MS. LOWRY: Now, you said that the date on these
 13 book-in prints was what date again?
 14 A. Second page of State's Exhibit 174-B, as in boy,
 15 date shows that these fingerprints were taken 10-19 of '93.
 16 Q. And State's Exhibit Number 174, the Judgment and
 17 Sentence, does it reflect the date of the conviction in that
 18 case?
 19 A. Yes.
 20 Q. And what is the date that the judgment was signed?
 21 A. Second page from the back, it states Judgment of
 22 Misdemeanor Conviction by Nonjury Trial. Date judgment
 23 rendered, October 19th, 1993.
 24 Q. And that's the same date that those -- that the
 25 fingerprints in 174-B were taken?

1 **A. Yes, ma'am.**
 2 MS. LOWRY: Your Honor, at this time we'd offer
 3 State's Exhibit 174-B as a copy of a public document,
 4 certified copy.
 5 MR. GOELLER: Take the witness on voir dire?
 6 THE COURT: Yes, sir.
 7 VOIR DIRE EXAMINATION
 8 BY MR. GOELLER:
 9 Q. Sir, you don't work for Terry G. Box, do you?
 10 A. No, sir.
 11 Q. Your name is not Tanya Smith, is it?
 12 A. No.
 13 Q. You're not a notary public for the State of Texas,
 14 are you?
 15 A. Yes.
 16 Q. You didn't notarize this, did you?
 17 A. No.
 18 Q. You're not Darla K. Potter, are you?
 19 A. No.
 20 Q. You didn't generate this document, did you --
 21 A. No.
 22 Q. -- any of these documents?
 23 MR. GOELLER: Objection, Your Honor, hearsay.
 24 THE COURT: Overruled. 174-B is admitted.
 25 Could I take a quick look, please?

1 Q. BY MS. LOWRY: Investigator Kuntz, when you were
 2 talking about State's Exhibit 174 and the print on that
 3 exhibit, explain to the jury why you were unable to compare
 4 that print.
 5 **A. The print on -- in this packet is of such poor**
 6 **quality, I was not able to locate ten positive points of**
 7 **identification to make the call to say this is his**
 8 **fingerprint.**
 9 Q. And what was your reasoning behind going to the jail
 10 and actually obtaining a copy of the book-in prints that the
 11 person convicted in State's Exhibit 174 gave on the date that
 12 they were convicted?
 13 **A. To get a better quality print.**
 14 Q. And what is your opinion regarding the known
 15 fingerprints of the Defendant, Ivan Cantu, in regards to
 16 whether or not he is the same person that was convicted of the
 17 offense in State's Exhibit 174?
 18 MR. GOELLER: Renew all my prior objections,
 19 Your Honor; Nano, Cumo Tire, Dahbert and his own personal
 20 testimony that he's -- I'd submit -- not an expert in his
 21 field.
 22 THE COURT: Overruled.
 23 Q. BY MS. LOWRY: What is your opinion?
 24 **A. The fingerprints match. It is the same person.**
 25 Q. I'm also going to show you what's been marked as

1 State's Exhibit Number 175. Can you identify that?
 2 **A. Yes, ma'am.**
 3 Q. What is that?
 4 **A. Again, this is another certified packet of a**
 5 **Judgment and Sentence.**
 6 Q. And who does that packet reflect is the defendant in
 7 that case?
 8 **A. First page, top right-hand corner, if you hold it on**
 9 **its side is Cantu, Ivan Abner.**
 10 Q. And was there a print in that packet that you were
 11 able to compare?
 12 **A. Yes, ma'am.**
 13 Q. And did you compare the print in that packet to the
 14 known prints of the Defendant, Ivan Abner Cantu?
 15 **A. Yes.**
 16 Q. Is that a certified copy of a public document, also?
 17 **A. Yes.**
 18 MS. LOWRY: State would offer State's Exhibit
 19 175.
 20 (Brief pause in proceedings.)
 21 MR. GOELLER: Approach sidebar, Judge?
 22 THE COURT: Yes.
 23 (Sidebar discussion had outside the hearing of the
 24 jury and court reporter.)
 25 THE COURT: So you're offering 175, which is, I

1 believe, a two-page document, or how many pages is it?
 2 MS. LOWRY: State's Exhibit 175 is a ten-page
 3 document. We are removing the last five pages, which contains
 4 the certification and actual seal because it's on the last
 5 page. We're going to offer the last five pages as an exhibit
 6 for record purposes only, and the first five pages for all
 7 purposes.
 8 THE COURT: All right. No objection?
 9 MR. GOELLER: No objection for the record
 10 offering, whatever pages those are. Renew my objections on
 11 Dahbert, Cumo Tire and Nano, and this witness' own testimony
 12 that -- and I would submit he's still not an expert, and,
 13 therefore, I'd object to those based on the link between the
 14 nonexpert and those documents.
 15 THE COURT: All right. 175 then, or at least
 16 five pages of 175, are admitted for all purposes.
 17 MS. LOWRY: And, Your Honor, I've marked the
 18 last five pages. I'm stapling those together and marking them
 19 as 175-B and that will be for record purposes.
 20 THE COURT: All right.
 21 Q. BY MS. LOWRY: And, Investigator Kuntz, were you
 22 able to compare the print contained in State's Exhibit 175
 23 with the known fingerprints of the Defendant?
 24 **A. Yes.**
 25 Q. What is your opinion based on that comparison?

1 MR. GOELLER: Renew my same objections, Your
2 Honor; Nano, Cumo Tire, Dahbert, and my other objections as to
3 his qualifications and his competence to testify as an expert
4 in this area.

5 THE COURT: Overruled.

6 MR. GOELLER: Yes, sir.

7 Q. BY MS. LOWRY: What is your opinion based on that
8 comparison?

9 **A. The fingerprint is that of the Defendant in this
10 cause. The fingerprints match.**

11 Q. State's Exhibit 175, what is the offense that that
12 exhibit reflects?

13 **A. DWI.**

14 Q. And based on your fingerprint comparison, is the
15 person that committed that offense the same person as the
16 Defendant in this case, Ivan Abner Cantu?

17 **A. Yes.**

18 Q. I'm also showing you State's Exhibit 176. Is that
19 also a certified copy of a Judgment and Sentence?

20 **A. Yes, ma'am.**

21 Q. And what offense is reflected in that copy, or that
22 exhibit?

23 **A. Evading arrest, detention.**

24 Q. And who is the defendant that is listed as the
25 offender?

1 **A. Last name Cantu, first name Ivan Abner.**

2 Q. And does State's Exhibit 176 also contain a print
3 that you were able to compare to the known prints of the
4 Defendant in this case?

5 **A. Yes.**

6 MS. LOWRY: Your Honor, at this time we'd offer
7 State's Exhibit 176.

8 MR. GOELLER: Judge, my same objections as to
9 this. I anticipate the State will offer an actual J and S and
10 a print page. My objection is the rest of it is not relevant,
11 and I don't think --

12 THE COURT: Let me take a look.

13 MR. GOELLER: Yes, sir.

14 THE COURT: Do you-all want to come over here
15 sidebar for a second?

16 (Sidebar discussion had outside the hearing of the
17 jury and court reporter.)

18 Q. BY MS. LOWRY: Investigator Kuntz, you've got before
19 you what's been marked as 176-B.

20 MS. LOWRY: Your Honor, at this time we would
21 offer State's Exhibit 176 for record purposes. We'd also like
22 the record to reflect that the two pages marked 176-B were
23 taken out of the packet, 176, which came, all stapled together
24 and that you removed those, just for the record. They all
25 came stapled together and had the seal from the clerk's office

1 of Dallas County.

2 THE COURT: Just so I understand, 176 is the
3 Judgment and Sentence that you're offering? 176-B is all the
4 other stuff. Am I right --

5 MS. LOWRY: Yes, sir.

6 THE COURT: -- or do I have it backwards?

7 So 176-B is being offered for record purposes --

8 MR. GOELLER: I don't have any
9 objection --

10 MS. LOWRY: No, Your Honor. No. 176-B is
11 being offered for all purposes. 176 is everything else that's
12 for record purposes.

13 THE COURT: So 176-B is the Judgment and
14 Sentence?

15 MS. LOWRY: Yes, Your Honor.

16 THE COURT: All right. I got it. So you don't
17 object to 176, as I understand it?

18 MR. GOELLER: Whatever is being offered for the
19 record, I don't object to. Whatever is being offered as
20 substantive evidence, I object under Dahbert, Cumo Tire, Nano,
21 the fact he's not been proved up a proper expert and doesn't
22 pass the muster for a Dahbert expert.

23 THE COURT: The objection is overruled, and 176
24 is admitted for record purposes, and 176-B is admitted for all
25 purposes.

1 Q. BY MS. LOWRY: And, Investigator Kuntz, did you
2 compare the print in 176-B to the known prints of the
3 Defendant?

4 **A. Yes.**

5 Q. And are they one and the same person?

6 MR. GOELLER: Make the same objection for the
7 record.

8 THE COURT: All right. Overruled.

9 MR. GOELLER: Yes, sir.

10 **A. The prints in the two different articles that you
11 just spoke of, the prints match and it is the same person.**

12 Q. I'm now going to hand you what's been marked as
13 State's Exhibit 177. Have you seen that before?

14 **A. Yes.**

15 Q. What is that?

16 **A. It's, again, a packet of different legal papers,
17 including that of a Judgment and Sentence.**

18 Q. For what offense is that Judgment and Sentence for?

19 **A. On the second page of this packet under Cause Number
20 F-95-50626-H, unlawful possession of a controlled substance;
21 to wit, cocaine.**

22 Q. And who is the defendant reflected in State's
23 Exhibit 177?

24 **A. The second page is styled the State of Texas versus
25 Ivan Abner Cantu.**

1 Q. Does it also contain a print that you were able to
2 compare to the known prints of the Defendant in this case?

3 A. Yes, ma'am.

4 Q. What is your opinion after having compared those
5 prints?

6 A. **On the second-from-the-back page is a fingerprint.**
7 **The fingerprint was compared. It matches that of the**
8 **Defendant in this cause.**

9 MS. LOWRY: Your Honor, at this time the State
10 would offer State's Exhibit 177.

11 MR. GOELLER: Judge, I object to 177 in that
12 there's been no -- there's evidence before this court through
13 a probation officer that this indictment has been dismissed
14 and has been set aside by a criminal district judge in the
15 County of Dallas. Therefore, I'd object to its offer at this
16 point. Certainly not relevant to anything if another judge
17 has set it aside.

18 THE COURT: Can I see it? Let me ask you this,
19 with regard to 177, is there any portion that you don't object
20 to?

21 MR. GOELLER: Is that 177, Judge?

22 THE COURT: Yes.

23 MR. GOELLER: I haven't gone through page by
24 page.

25 THE COURT: Why don't you go through it, and

1 tell me what you don't object to, and then whatever you don't
2 object to, naturally that's admitted without objection, or
3 subject to perhaps other objections, but we can make a
4 separate exhibit for record purposes, if that's where we go.

5 (Brief pause in proceedings.)

6 THE COURT: Say, could I -- let me ask y'all to
7 step over here for a second, please?

8 (Sidebar discussion had outside the hearing of the
9 court reporter and jury.)

10 THE COURT: All right.

11 MS. LOWRY: Your Honor, the State would like
12 for the record to reflect State's Exhibit 177 is one -- 13
13 pages total, each with a stamp on the back certifying they are
14 certified copies of public documents. They each have their
15 own seal on them it appears, except for the first page, which
16 is just a fax cover sheet which was a request from our office
17 for these records. We would offer State's Exhibit 177 for
18 record purposes only.

19 THE COURT: All right.

20 MS. LOWRY: We're taken out -- so you want just
21 the order and fingerprints, or Conditions of Probation, as
22 well?

23 THE COURT: I believe the order and
24 fingerprints, and when I say order, I'm talking about the
25 Deferred Adjudication Order.

1 MS. LOWRY: That comes to four pages total that
2 we will mark as 177-B, and I'll offer them.

3 THE COURT: I thought there was going to be
4 three pages, but perhaps I'm wrong. I'll take a look.

5 MS. FALCO: One page just has signatures, Your
6 Honor.

7 THE COURT: All right. So objections?

8 MR. GOELLER: Yes, sir.

9 (Laughter.)

10 MR. GOELLER: Funny you ask.

11 THE COURT: All right.

12 MR. GOELLER: Judge, I renew all my previous
13 objections; Dahbert, Cumo Tire, Nano versus State, not
14 qualified as a competent expert in this area. That's all I
15 have, Judge.

16 THE COURT: All right, sir. 177 is admitted
17 for record purposes, and 177-B is admitted for all purposes.

18 Q. BY MS. LOWRY: Investigator Kuntz, the person who
19 was placed -- the person that is reflected in 177-B, offense
20 of possession of a controlled substance; to wit, cocaine, is
21 that one and the same person as the Defendant, Ivan Abner
22 Cantu?

23 A. **The fingerprint in the -- in 177-B matches the**
24 **fingerprints -- or fingerprint in 173. Same person.**

25 MS. LOWRY: Pass the witness.

1 THE COURT: All right.

2 MR. GOELLER: May I briefly approach?

3 THE COURT: Yes.

4 CROSS-EXAMINATION

5 BY MR. GOELLER:

6 Q. Do you know whether or not, sir, that -- in some of
7 these documents, I guess we've got a -- an evading arrest,
8 cocaine possession, DWI and a theft. Are they one and the
9 same offenses that have been testified here today by peace
10 officers?

11 A. **I do not know what your earlier testimony was.**

12 Q. This State's Exhibit 174, apparently, Ivan bounced a
13 check to Brookshire's grocery store and paid the restitution
14 back and got a 25 dollar fine, right?

15 A. **It was for a bad check. I don't know the specifics**
16 **of the sentence.**

17 Q. Okay. All right.

18 MR. GOELLER: That's all I have, Judge.

19 MS. LOWRY: May this witness be released?

20 MR. GOELLER: Yes.

21 THE COURT: All right.

22 MR. GOELLER: Still subject to -- released, but
23 subject to the rule.

24 THE COURT: Subject to the rule, but not to
25 recall?

1 MR. GOELLER: Yes, sir.
 2 THE COURT: All right. You are finally
 3 excused.
 4 THE WITNESS: Thank you, Your Honor.
 5 THE COURT: I tell you what, it's 5:00, and I'm
 6 going to admonish you not to discuss anything about this case
 7 with anybody until the case is finally submitted to you. If
 8 you see anything that might be in the press or news or
 9 anything like that, I'm going to order you to avoid it, not to
 10 listen to it, not to listen to anything else anybody might
 11 have to say about anything that might come out of the press.
 12 This hasn't been a high publicity case, and so there's not a
 13 great danger of that.
 14 But anyway, avoid that sort of stuff and talking
 15 with anybody else. And with that -- let's see, tomorrow is
 16 Thursday. We'll see you at 9:00 tomorrow morning.
 17 THE BAILIFF: All rise.
 18 (Jury exits the courtroom at 5:00 p.m.)
 19 THE COURT: Please be seated everybody. Say,
 20 you know, I want to make the record clear because we kind of
 21 changed the pattern. Just so it's clear, 177-B is a judgment
 22 and sentence that was admitted for all persons, 176-B was a
 23 Judgment and Sentence admitted for all purposes. Now, 175 was
 24 the Judgment and Sentence, and 175-B was admitted for record
 25 purposes alone. And, you know, if you want to -- I've got a

1 highlighter here. If you want to put something yellow --
 2 (Discussion off the record.)
 3 THE COURT: I want to make sure we don't get
 4 mixed up on that. Do we have any other business to take up
 5 before we --
 6 MR. GOELLER: I don't think so. As long as
 7 Lisa is clear on what's in the record for the jury and what's
 8 for record purposes, I'm all squared away.
 9 (Discussion off the record.)
 10 MR. GOELLER: There was some confusion. I
 11 maybe didn't make myself clear. This, I object to, before it
 12 gets published to the jury.
 13 THE COURT: Which one is that?
 14 MR. GOELLER: That's 175, period, just 175.
 15 And my objection is to the first three pages. I think these
 16 last two ought to be going to the jury. I think Jami knows
 17 that.
 18 THE COURT: Then let's make -- we're talking
 19 about three pages that we're going to make --
 20 MS. LOWRY: May I make a suggestion?
 21 THE COURT: 175. Yes.
 22 MS. LOWRY: May I just take the front pages off
 23 that are already marked 175, put a B on them, staple them
 24 together with the one that's already marked 175-B, put a
 25 separate sticker on here? Make it 175, which is already in

1 the record for --
 2 THE COURT: That will straighten everything
 3 out?
 4 MR. GOELLER: How do you like them apples?
 5 (End of Volume 42.)
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 REPORTER'S CERTIFICATE
 2 THE STATE OF TEXAS *
 3 COUNTY OF COLLIN *
 4
 5 I, Lisa M. Renfro, Official Court Reporter in and
 6 for the 380th District Court of Collin County, State of Texas,
 7 do hereby certify that the above and foregoing contains a true
 8 and correct transcription of all portions of evidence and
 9 other proceedings requested in writing by counsel for the
 10 parties to be included in this volume of the Reporter's
 11 Record, in the above-styled and -numbered cause, all of which
 12 occurred in open court or in 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, if any,
 16 offered by the respective parties.
 17
 18 I further certify that the total cost for the
 19 preparation of this Reporter's Record is contained in
 20 Volume 53 and was paid by Collin County.
 21
 22 WITNESS MY OFFICIAL HAND this the 11 day of
 23 January, 2003.
 24
 25
 Lisa M. Renfro, Texas CSR #4534
 Official Court Reporter, 380th District Court
 Collin County, Texas
 Collin County Courthouse
 210 S. McDonald Street
 McKinney, Texas 75069
 Tel. Number: 972/424-1460, ext. 4661
 CSR Cert. No. 4534
 Expires: December 31, 2002

0	1617 34:20	2:30 145:4	40 5:23 142:22	9	69:5,8,8,9,16,22
00787450 2:4	16th 40:6	2:40 150:22	143:11 144:12	9 3:5 103:14	69:22,24 71:5,5
02 36:4	17 3:2 132:24	2:55 160:15	146:1 149:4,5,9	9:00 222:16	71:11,16 73:1
08059260 2:12	155:3	20 11:6 82:16	149:12 199:17	9:05 1:11 5:2	73:16,21,25
09605050 2:13	1716 29:7 38:5	160:17 171:18	40-minute 149:15	90s 197:21,21	74:4,24 75:19
	172 124:14,19	171:20 207:21	400 2:15,15	911 165:8 170:18	75:22 76:1
	173 195:25	200 207:21	404(b) 75:22	172:7,19 173:12	77:17,22,24
1	204:16,22 205:4	2000 5:23 6:24	42 1:1,8 3:3 224:5	93 209:15	78:6,9 79:9,9
1 101:21 115:8	206:14,16,20	7:3,10 10:24	423-4518 2:16	95 19:6 20:1	80:20 82:6,9,11
1:15 100:12,14	220:24	40:7 61:7	43 173:16	96 112:4 120:19	85:11,12 87:3
1:30 100:19	174 3:15 196:22	155:18 156:3,21	44 3:7	97 90:11 102:19	87:14,20 93:16
10 128:25	196:24 205:6,11	180:17,17	45 11:5,12 12:16	103:8,15,16,17	94:1 99:20
10-19 209:7,15	206:13,24	181:10 191:9,17	45-degree 31:19	103:20 114:11	102:2 113:5
10:15 57:1	207:10,17,18,23	2001 1:11 3:2	4534 1:17 225:17	114:12,12 121:2	114:18 115:8,11
10:20 59:12	209:16 211:2,11	2002 225:15,22	225:22	972 1:18 2:9,16	123:1,2 124:22
10:30 25:6 180:21	211:17 221:12	202 3:16	4661 225:20	972/424-1460	125:11 126:15
10:50 59:25	174-B 209:14,25	204/205 4:5	47 3:7	225:20	130:3,23,23
100 190:11	210:3,24	205 3:16	49 3:8	99 3:9	131:2,3 132:18
107 124:15,25	175 3:13 4:7	207/207 4:5			132:24 134:21
11 10:15 25:6	212:1,19,25	210 1:18 2:8 3:16	5	A	134:22 135:1,3
103:17 140:17	213:2,15,16,22	225:19	5:00 1:11 140:21	A-N-D-R-E-E	144:3 145:2
140:18	214:11 222:23	210/201 4:6	222:5,18	9:20	146:5 148:16
11:00 129:3	223:14,14,21,23	211 3:16	50 1:1 5:23 11:5	A-P-O-W-W	149:4,7,10
133:24 134:1	223:25	212/213 4:6,7	11:12 12:16	189:17	151:12 159:1
11:10 75:1	175-B 213:19	215/216 4:7	41:5 225:12	a.m 1:11 5:2	160:18 163:19
11:15 76:13	222:24 223:24	218/220 4:8,8,9	50626 113:9	10:15 25:11	164:2,9,25
11:17 133:25	176 4:8 214:18	22 22:9	5100 41:3,3	26:16 40:13,14	165:17 169:9
134:1	215:2,7,21,23	221 3:16	5242 181:14,15	59:12,25 75:1	172:15,23 173:5
11:30 156:23	216:2,11,17,23	225 3:20	548-4323 2:9	76:13 100:16	173:24 175:24
165:17 172:5,9	176-B 215:19,22	23 3:6 49:19	548-4661 1:18	156:23 170:22	181:20 182:6
172:14,15,20	216:3,7,10,13	82:18 179:17	5500 10:24	170:24 171:3	183:4,13,16,20
173:23 174:8	216:24 217:2	180:8 186:18,23	57 3:18	180:20,21	187:16,23
11:37 173:13	222:22	190:8	59 173:13	ability 56:13	190:11 195:7,17
11:37:59 170:22	177 4:9 217:13,23	23rd 24:19 25:3		57:12 58:18	198:18,20
11:38 173:16	218:10,11,19,21	25:19	6	84:3 86:19	199:10 201:1
11:38:43 170:24	219:12,17	24 26:23 27:12	6 40:13	150:14 171:15	203:7,16 211:2
11:45 100:16	220:16	24012724 2:5	6:00 128:25	able 16:15,16,17	219:24 222:6,11
11:57 173:17	177-B 220:2,17	25 221:14	60 41:5	16:19 31:11	223:19
11:57:07 171:3	220:19,23	25-foot 11:6	65 27:6 28:3	32:10 104:5	above 175:20
1100 25:13 26:9	222:21	27 174:9,11	6800 13:16,17	130:14 135:20	225:6
11th 140:6,21	178 3:13	280 83:14	6th 169:20	135:22 150:4	above-entitled
12-page 202:16	17841800 2:3	29th 180:17 191:9		170:15 171:13	1:12
12:15 40:14	17th 1:11 103:15	191:17	7	171:19,20 177:1	above-styled
12:28 25:11	103:16 128:18		7 10:15 11:21	189:4 194:3	225:8
12:30 26:16,17	18 82:15 101:18	3	25:6 173:17	196:18 197:2	absolute 144:6
120 3:9	101:21,24	3 140:17,18	7-6-78 59:17	199:4,12 207:1	abuse 111:1
127 3:10	1800 28:11	3:00 11:22	7/10ths 17:21	207:4 211:6	115:6 166:10
12th 155:18 156:3	186 3:15	3:15 168:19	70 6:13 13:11	212:11 213:22	abusive 14:1,16
13 13:16 18:13	19 3:5 82:15	3:40 175:5	18:13 28:19,19	215:3 218:1	academy 128:10
76:24 219:12	123:19	30 33:19 100:9	29:2 33:23	abner 1:5 19:2	180:6 194:5
13:05:55 173:17	191 3:15	30-mile-per-hour	701 59:1	30:14 41:21	199:15,19
13:29 173:20	193 3:16	27:9	720 155:1	50:3 90:7	accelerated 11:5
130 119:6,8	197 3:16	30-miles-per-hour	75069 1:18 2:8	113:11 119:1	12:17
133 3:10	199 3:16	27:15	225:20	197:3 206:14	accepted 103:17
134 3:10	1992 5:17	31 225:22	75075 2:16	212:9,14 214:16	103:22
136 3:10	1993 209:7,23	32 3:21	79 3:8	215:1 217:25	accepts 103:12
139 3:12	1995 5:19 10:5,16	32-month 128:9		220:21	access 135:22
13th 24:3	18:20 19:7	324 2:8	8	about 6:22 8:1,6	accidents 10:11
14 27:19,22	124:3,9	34 3:6	8 11:21 40:13	8:23 11:6,9,19	accomplish
140 119:8	1996 8:4 110:18	35 13:13 27:1	101:24 180:20	24:13,17 26:1	108:24
143 3:12,12	1997 6:10 24:19	35-mile-an-hour	8-29 181:10	26:19 28:3 29:1	according 174:10
145 3:12	25:3,19 119:19	6:14	80 6:13 13:11	34:15 35:7	191:11
146 3:12	1998 8:4	380-80047-01 1:2	18:13 28:19	38:10 40:12	accordingly
14th 156:21	1999 6:20,20 61:7	380th 1:3,17	29:2 33:23	42:19 43:10	184:9
15-minute 56:25	61:11 128:18	225:5,18		51:14 52:5,6	accurate 172:11
59:9	140:7,21	39 3:7	801 126:8	54:13,15,22	201:7
150 3:12 190:9,12	19th 110:18	3rd 85:23	83 194:6	55:19,19 56:22	acknowledges
153 3:12	209:23		89 3:9	60:5,18 63:8	97:1
154 3:13	1st 191:14		8th 10:16 123:19	64:3,18 65:17	acquainted
157 3:13		4	124:3,9	65:21 66:9,15	103:20
160 3:19		4 115:8 180:20			across 12:3 14:25
	2				

31:8,12 116:7 act 12:3 15:20 125:1 184:8 acting 185:7 action 107:18,18 137:15 actions 115:1 181:24 active 43:23 activity 25:1 91:12 actual 46:24 172:7 173:11 209:6 213:4 215:9 actually 26:15 28:15,22,23 30:13 38:11 46:6 47:20,24 48:4 81:14 83:7 103:4,24 133:19 145:12 162:2 164:11 173:1,25 183:21 188:14 191:23,24 192:8 196:6 211:10 addiction 113:4 Addison 39:16,19 39:23,25 40:2,7 addition 5:12,13 92:14 additional 92:7 155:2 address 34:20 38:5 56:8 93:14 124:18 169:6 addressed 97:24 110:18 186:20 adequate 194:16 Adj 4:8 adjudicated 105:6,10 adjudication 105:16,19,23,24 106:13,25 107:3 107:20 108:5 219:25 adjustable 55:25 57:7 admissibility 149:21 admissible 126:12 150:9 admission 95:18 124:15 125:7 126:6,8,12 admit 123:4 133:2 207:17 admits 106:8 admitted 111:4 112:7 114:24 115:3 205:4 210:24 213:16 216:24,24 219:2 220:16,17 222:22,23,24 admitting 125:8 126:7 admonish 222:6 advanced 16:14 advice 65:17 66:2	66:4 affecting 65:18 affection 55:20 affectionate 55:17,24 affiant 171:15 affidavit 205:13 afraid 7:9,12 72:16 148:15,15 160:24 182:4 after 6:13 11:21 13:8 25:8,20,21 25:22 29:3 41:22 64:25 65:1,2 66:4,18 66:22 69:3 70:1 71:15,16 77:1,2 82:16 95:8 99:2 99:24 114:11 119:3 120:25 126:22 138:7 149:16 152:8,19 153:1,3 160:18 161:20 171:4 174:10,11 175:8 177:3 196:17 199:23 206:17 207:24 218:4 afternoon 100:24 100:25 160:17 again 6:11 20:24 28:9 32:20 33:10 37:15 50:5 60:5 73:22 91:24 104:8 112:6 124:8 140:2 148:3 149:2 153:1 157:12 167:22 167:24 171:16 172:1 198:15 209:13 212:4 217:16 against 8:18 116:25 162:6 age 22:6 aggravated 20:17 aggression 185:17 191:20 192:13 aggressive 37:2 46:13 190:2 aggressively 7:23 agitated 182:24 183:3 ago 12:1 110:13 113:12 119:20 125:11 126:11 126:24 174:7,7 180:5 197:22 202:19 agree 67:25 107:14 109:3,11 124:21 144:23 Ah 138:19 ahead 60:4 98:13 100:23 122:4 133:5 136:14 150:24 180:1,2 204:14 aid 59:3	aiding 56:17 air 12:18 airborne 12:10 airport 76:18 airports 74:10 76:20 alcohol 14:11 16:7,10,11 32:2 32:7 42:1 115:7 alcoholic 30:7 31:1 alfredo 3:11 127:11,17,23 alleged 150:12 allegedly 145:18 allow 59:7 allowed 42:6 201:23 almost 34:1 52:24 190:18 alone 7:12 62:17 72:4 164:19 177:6,15 222:25 along 52:9 110:1 143:14 150:8 186:2 already 5:12 75:24 104:19 125:13 134:24 163:25 192:1 207:4 223:23,24 223:25 altercation 164:5 although 47:19 81:14 always 26:21 50:25 51:24 55:22,22 117:19 186:7 187:22,22 ambulance 152:16 165:2 177:18 Amendment 169:20 among 82:2 amongst 81:23 102:11 amount 83:10 86:12 amphetamine 123:5 amphetamines 92:25 Amy 5:14 8:12 57:20 87:1 analyze 56:19 andree 3:5 9:5,12 9:18 anger 97:4 110:5 183:5 184:22 189:22 angle 31:19 angry 7:22 183:1 ankle 63:3 another 28:25 80:5 82:20 91:9 111:25 164:21 164:22 185:12 185:16 186:8 199:17 212:4 218:16	answer 14:17 36:13 58:5,23 65:7 70:10,16 73:6,7 78:25 98:10 136:23 137:5 138:14 155:20 161:16 161:18 194:19 194:21,23 197:12 204:1 answered 99:5 142:9,14 161:15 answering 10:10 140:11 answers 59:6 170:9 Anthony 52:16 52:17 84:8 anticipate 215:9 Antonio 194:6,8 199:15,18 anybody 20:15 37:5 77:17,20 78:4,7 79:8 137:14 157:25 169:24 222:7,10 222:15 anybody's 78:12 anymore 31:11 203:5 anyone 15:15 56:14 97:22 151:23 164:1 178:4 anything 15:25 16:8,16,20 20:1 22:12,16,20 29:15 32:23 33:5 34:24 37:24 38:13 44:16 45:19 46:13 56:15 58:15,16 59:22 62:21 64:6 70:13,14,14 71:22 74:4 75:22 76:6,22 79:10 84:19,23 85:12 99:16,22 136:25 137:15 138:3,11 144:13 145:11 148:17 150:3 151:5 153:17,20,23 161:1 162:7 164:8 167:12 178:12 183:20 183:25 184:24 186:21 187:21 188:8,16,24 190:10 192:18 199:1 200:10 202:22,22 203:23 218:16 222:6,8,9,10,11 anyway 27:13 59:9 118:9 122:4 167:21 222:14 anywhere 33:20 40:25	apartment 129:12,13,14 135:20,21,22 136:14 141:9 142:21 147:14 151:24 152:11 153:14,19 157:1 157:2,3,5 160:25 161:24 162:7 164:3,10 164:18 171:2,22 175:9,11,21,24 176:6 177:4,23 178:3,13 APOWW 189:17 apparent 112:13 157:14,17,19 apparently 22:15 49:24 55:17 56:5 83:25 118:9 149:14 169:19 171:15 183:2 221:12 appear 12:19 63:5,19 68:2 78:15 104:14 122:21 123:12 130:11 131:12 137:7 142:15 143:3,25 158:14 163:12 appearance 175:25 appeared 19:16 162:8 appears 103:5,16 104:7 108:3 110:21 113:19 219:15 apples 224:4 apply 125:6,14 applying 29:4 appointments 92:5,5 Appreciate 158:3 approach 13:20 34:12 45:1 55:22 100:5 101:8 102:24 107:23 195:21 212:21 221:2 approaching 27:15 182:22 approximately 11:5,20 25:11 25:13 40:14 53:17 90:9 100:9 102:17 115:7,12 140:20 142:22 156:23 158:25 199:17 April 24:19 25:3 25:19 102:19 121:2 area 26:18 41:4,5 151:3 152:25 156:5 175:20 187:2 214:4 220:14 areas 194:1 aren't 31:11	106:22 arguing 129:8 argument 149:8,9 argumentative 33:8,12 arms 63:1 187:20 around 25:8 26:16 28:24 30:4 33:18 49:25 53:20,20 57:25 58:6 68:13 71:5 77:19 102:22 119:6 121:1 147:2 153:14,19 180:21 187:16 187:20 188:18 191:14 arrangements 205:22 arrest 6:11,12,15 17:4,6 20:1,2 22:24 25:22 34:11 36:10,15 42:9,12,13 43:19 46:6 47:20 92:11 123:9,13 135:16 185:14 187:10 214:23 221:7 arrested 5:18,19 5:21 6:6,7,10,14 6:23 7:1 17:11 17:22 18:20 19:7 20:10,15 20:16 33:4,11 37:8,13,15,21 47:3 59:21 72:12 104:24 185:22 208:21 arresting 42:15 188:25 arrests 25:23 38:2 40:4 94:11 190:5 arrival 131:12 157:15 165:24 arrive 147:14 165:18 171:2 185:13,18 arrived 41:13 129:23,24 132:25 134:1 141:9 142:23 143:11 146:2 152:6 157:5 165:22 173:17 174:9,11 185:13 arrives 149:12 arriving 164:2 181:15 arrogant 6:6 article 202:19 articles 202:14,15 202:17 203:4 217:10 ascertain 138:9 aside 108:5,17 109:2,8 218:14 218:17 asked 13:21,22
---	--	--	--	--	---

13:24 33:4 36:18 43:17 59:6 70:12 79:8 98:11 99:4 110:7 115:11 124:22 126:15 135:17,18 136:22 142:9,10 142:14 152:17 161:3,15,19 167:3 174:6 183:16 197:10 197:11 201:9 206:25 207:4 asking 14:1,9 33:11 36:10 37:12,13 47:5 56:11,15 87:14 198:6 assault 5:14 20:17 152:24 153:5 asserted 125:16 169:19 assigned 24:9,12 24:14 180:13 assignment 180:11 193:23 assistance 113:5 118:4 169:21 Assistant 2:7 associate 116:24 ASSOCIATES 2:15 association 198:17 199:1 associations 198:3,16 202:8 203:2 assume 16:22 96:16 125:21 178:11 203:13 assumed 14:6 16:20 assumes 98:2 assuming 44:11 97:12 assumption 116:3 attempt 56:19 183:12 attempted 20:16 29:3 183:22 attempting 58:7 169:7 172:1 183:21 192:8 attended 128:9 197:17 203:22 203:23 attention 11:2 26:6 27:3,5,8 40:6 54:6 128:17 140:6,20 152:17 attitude 14:14 91:21,25 93:25 94:2 114:19 Attorney's 22:13 193:22 195:11 205:25 208:15 attorneys 2:2,7 2:11	augmentations 87:4 August 180:16,17 191:9,16 Austin 203:21 authority 18:17 avail 111:17 available 96:25 110:4 111:18 125:4 Avenue 10:24 11:14 13:2,17 14:4 29:3,7 avoid 11:18 116:15,16,23 222:9,14 award 156:13,13 168:6 awards 156:12 168:5 aware 44:12 105:19 107:16 108:16,18 119:25 120:1 121:15,16 162:1 184:22 away 7:10 71:2 76:25 223:8 awfully 149:15 AWOL 6:22 B B 20:25 223:23 Baby 53:13 80:1 82:14,23 83:5 back 7:15 10:5 15:24 18:20 24:19 25:2 28:10,19 30:5 31:10,13 40:6 45:5 46:22 51:25 55:14 65:12 73:21 76:6,8 100:12 103:4 111:25 120:4 134:23 140:6 145:3 150:20 151:3,10 151:11 155:24 156:1,2,17 157:11 160:18 160:25 163:18 167:7 168:19 180:16 187:23 188:18 194:6 201:13 209:21 219:13 221:14 backed 19:14 background 138:3 194:3 backup 189:23 backwards 29:6 216:6 bad 58:16 70:20 106:12,17,17 221:15 badges 168:2 badly 8:9 BAILIFF 56:23 59:11,24 74:25 76:12 100:15,18	150:21 160:14 168:20 175:4 222:17 balance 32:15,18 42:1 ball 31:8,12 banging 188:11 bank 26:13 bar 10:23,25 11:1 11:11,16,22,23 11:24 53:23 168:8 barely 36:15 bargain 205:23 based 20:19,24 36:3 65:8 93:3 132:6 137:16 213:13,25 214:7 214:14 basic 155:1 basically 26:18 31:7 43:6,7 60:10 82:8 84:24 91:1 96:22,23 103:24 112:3 143:17 205:14 basis 198:12,14 beat 8:3 148:10 beating 8:8,11 135:8,10 beatings 8:11 became 7:22 14:1 become 31:22 33:8 89:12 128:8 150:11 154:25 157:14 179:22 180:3 198:4 199:12 before 1:13 6:22 8:5,20 13:14 18:14 24:16,17 50:20 69:4 76:7 77:1 82:15 83:3 91:10 98:3 101:2 105:6 143:11 149:24 150:5 168:7 169:5 170:8 180:8 185:18 196:22 199:19 199:20 206:4 215:18 217:13 218:12 223:5,11 began 5:23 6:24 7:5,18 8:15,18 62:25 63:23 82:17 83:4 92:15 102:19 107:1 131:3 begin 70:25 beginning 91:4 109:1 behavior 14:21 37:2 behind 7:17 11:10 18:12 28:4,14 30:5 35:1 133:18 211:9 being 11:18 14:2	14:2 15:1,2 16:16 18:6 20:17 31:6 37:8 37:13,15 38:10 38:13 39:23 43:16 47:2,7,8 57:25 60:22 64:12 67:17 68:6 73:17 80:21 93:8 94:5 94:9,10 96:8 97:10 99:3 106:24 109:6 136:4 138:4,9 155:10 156:15 159:20 161:10 161:11 163:20 169:18 193:24 194:3 201:9,10 203:14 216:7,11 216:18,19 belief 84:17 believe 13:16 17:21 22:4 25:7 27:2,21 28:7,9 29:8 41:13 44:3 51:9 53:20 56:16,17 70:10 73:22 78:17 85:8 90:14 101:6,25 102:22 104:1 114:4,12 123:21 124:21 131:10 140:17 158:22 163:22 163:23 164:20 183:21 187:11 188:8 213:1 219:23 belong 202:7 203:1 belonged 72:3 Beltline 26:18,21 27:14 28:8,12 41:3 benefit 25:15 96:8 benzodiazepam 92:25 93:1 beside 65:25 besides 52:14 155:1 best 29:23 53:25 69:17 86:25 117:12 better 65:23 67:24 88:5 160:12 211:13 between 7:24 11:21 13:11 35:9 54:3 90:11 119:8 128:25 129:10 141:7 149:21 188:16 195:8 213:13 beverage 30:8 31:1 beyond 8:23 101:19 138:13 138:17 bifurcation 200:9	big 26:12 78:14 85:13 87:7 113:24,24 151:21 175:18 bilingual 71:2 BILL 2:3 billy 3:15 179:1,7 179:13 birth 43:23 59:16 bit 30:12 37:16 53:6 66:6 82:11 104:1 133:14 145:6 175:19 183:1 187:22 bite 37:4 black 19:6 blame 73:3,9,11 block 13:17 25:13 26:9 28:12 blocked 28:22 blocks 13:14 18:14 28:17 bloodshot 42:2 blue 63:2 bodily 132:15 144:21 body 16:10 62:21 63:5 64:19 66:8 68:5 87:24 158:12 197:25 Boettcher 5:15 bond 104:24 book 106:12,18 book-in 208:6,19 208:20 209:13 211:10 booked 6:7 209:5 booking 22:19 borderline 36:9 boss 80:4 both 8:2 21:19 34:17 48:19 90:24 95:12 96:3 105:12 127:3 139:3 144:11 169:2 192:20 bounced 221:12 bouncing 29:6 31:13,17 Box 210:9 boy 209:14 brakes 29:4 break 94:21 101:2 160:17 170:15 breaking 135:22 breast 87:3 breath 16:7 breathe 147:2 Brice 181:14,15 brief 20:8 45:8 103:25 118:24 186:13 209:11 212:20 219:5 briefly 31:3 47:15 56:8 143:10 152:9 191:1 221:2 bring 29:17 30:2 54:6 76:7,7	134:9 150:19 169:4,5,15 170:8 175:3 189:12 bringing 29:16 broke 131:1 162:12 163:2 176:2 broken 162:11,14 162:20,23 163:7 163:7 176:1,3 Brookshire's 221:13 brought 29:12 82:13 bruise 131:9,10 136:5,6 143:14 bruises 63:6,15 64:4,19,21 66:16 bruising 63:1,3 134:24 bullhorn 35:14 35:17 bullhorns 35:17 bumps 134:23 bunch 75:8 burgundy 18:24 50:11 burgundyish-col... 90:5 burning 12:18 business 26:13 41:5 70:7 71:1,2 81:9 86:7,10,21 187:7 223:4 businesses 41:6 businessman 57:11 busy 130:16 butress 169:12 buy 74:14 76:21 77:1,6 132:19 buying 86:6 130:24 138:8 C C 1:1 2:1 5:1 45:22 call 9:4 11:1,23 23:11 29:11,15 38:23 40:15,17 40:18 41:11 44:9,12 49:1 53:14 55:20,23 62:12 88:15 91:11 116:12,12 127:10 129:3,5 129:6 132:24 133:7,19,20,22 133:24,25 134:1 136:15 137:10 137:13 138:20 139:6 140:21,24 141:6,7 142:21 145:12,17,19 146:1 148:12 149:24 152:5,6 152:16 154:5 156:24 157:3 165:1,8,11,23
--	---	---	---	--	--

168:7,8,17 170:18 171:4 172:7,19 173:11 176:14 177:18 178:23 180:22 180:24,25 187:3 187:3,4 190:18 193:3 200:16 211:7 called 7:1 8:7 9:13 10:23 25:25 26:22 39:11 44:17,18 49:12 89:1 127:18 139:18 154:13 164:6,10 171:21 172:25 173:9,20 174:2 178:2 179:8 187:7 189:17 193:14 203:14 calling 183:2 calls 10:11 23:13 24:24,25 38:25 40:4,20,22 56:4 59:2 73:7 140:11 145:16 145:22 155:20 157:16 178:25 192:1 193:4 calm 7:24 130:4 148:7,8,9,11 150:1 calmed 130:19 Camaro 27:24 came 1:12 34:25 35:4 38:7,8 44:11 55:14 104:8 149:24 157:25 161:5 164:21,22 172:7 177:7 215:23,25 cantu 1:5 7:9,12 7:17 8:24 10:19 10:22 19:2 30:14 41:21 48:8 50:3 89:23 89:25 90:4,7,10 91:5,9,19 92:15 92:20 99:2 102:19 110:25 112:4 113:11 119:1,17 126:10 129:21 135:5,7 135:17,24 141:10,10,17 142:23 143:25 146:16,19 147:1 147:15,17 151:1 151:23 152:1,5 152:7,8,9,11,13 152:15 157:6,7 158:7 162:13,22 163:15 164:18 175:8 176:9,13 177:6,17 181:17 181:18 182:19 182:22 195:19 197:3 206:14 211:15 212:9,14 214:16 215:1	217:25 220:22 Cantu's 108:16 110:19 135:21 147:18 152:1,2 176:5 Canyon 181:14 181:15 capability 67:6 capital 1:8,11 car 7:10,11,25 8:15,15 11:3,9 11:13 14:23,24 15:4 18:7 19:14 19:16 27:23,24 28:1,1,2,13 29:6 35:15,20,21 46:25 76:18 77:1,15 161:4 167:1,6,6 168:11,12 174:21 card 4:5 204:23 care 8:21 43:5 75:19 career 83:4 Carlos 49:23 65:23,23 85:13 85:21 Carrollton 23:25 24:2,7 25:14 26:19 cars 11:10,11 70:7 case 22:11 34:10 44:13,14 49:25 79:16 91:7 97:19,20 103:12 103:17 104:7,8 104:19,20,21 105:9,10,11,18 107:19,20 108:17 109:19 112:20,22 121:10,11 139:12 149:3 169:10,14 187:3 197:15 205:23 209:18 212:7 214:16 215:4 218:2 222:6,7 222:12 caseload 119:5,6 cases 24:10 91:6 91:7 105:12 113:1 115:23 155:16,16 193:25 cash 86:22 catch 13:9 87:16 caught 26:6 27:3 27:5,8 cause 1:2,12 45:18 113:9 122:22 196:5 214:10 217:19 218:8 225:8 caused 22:25 27:7 62:21 64:21 132:13 144:1,18 147:10,11 188:18	causing 6:25 41:1 41:14 caution 186:1 cautious 184:23 CCSO 4:6 cement 8:17 center 26:13 27:11,11 41:7,8 Central 140:8 155:6 156:6 Cert 225:22 certain 16:15 40:15 89:17 94:10 194:1 200:9 205:21 certainly 45:21 56:11,19 59:2 75:21 77:25 85:4,8 117:19 118:18 132:19 183:24 192:7 218:16 certificate 3:20 112:1 225:1 certification 197:13 213:4 certified 4:6 16:13 24:4 39:21 179:18,22 179:25 180:3 194:14 197:11 197:12 198:7 205:12,14,25 206:6 207:10 208:16 210:4 212:4,16 214:19 219:14 certify 208:20 225:6,9,11 certifying 219:13 cetera 110:5 chairs 18:25 chambers 225:8 chance 67:25 97:17 111:11,12 111:23 131:23 change 71:17 170:10 changed 71:20 222:21 channeled 84:4 character 116:23 117:6 charge 20:20,23 20:25 103:25 105:17 107:6,8 117:13 197:15 205:20,21 209:1 charged 38:13 43:21 124:21 205:20 charges 20:18,22 164:7 Charles 1:13 charming 57:18 57:20,22,24 58:6,12 60:9,17 67:14,17,24 chase 13:14 18:13 check 43:23 48:2 138:10 189:11	221:13,15 checked 17:3 cheek 55:23 Chisholm 2:15 choice 67:8 68:7 choices 78:7 choked 148:10 choose 93:14 chooses 54:17 chose 93:23 chris 3:9 88:18,25 89:6 101:1 CHRONOLOGI... 3:1 4:1 chronos 91:12 95:15 97:18 99:19,23 CID 138:10 circular 16:8 circulate 155:23 circumstances 12:5 185:24 citation 46:4 citizen 66:25 67:7 city 9:22 23:25 24:2,7 33:20 39:24,25 40:4 46:23 127:25 128:2,6,9 140:3 154:21 civilian 145:22 claim 190:22 claimed 147:16 clarify 137:21 class 20:25 45:22 194:6 199:11,14 199:16 classes 194:7 195:3 201:14 classify 54:22 clear 61:1,2 75:6 103:11 169:20 222:20,21 223:7 223:11 cleared 136:15 145:20 173:17 clearly 150:17 Clerk 205:19,19 clerk's 205:18 215:25 client 75:20 76:3 110:25 169:20 clientele 86:22 Cliff 180:12 close 11:8 14:11 36:2,4,6 87:1 163:24 closed 134:21 136:9 clothes 81:4 clothing 19:16 club 5:22 7:4 19:11,13,14,15 53:10,12,14 80:5 82:20,25 117:10 clubs 79:23 87:10 cocaine 5:20 6:7 6:9 17:21,23 21:7 74:8 90:22 103:23 104:15	105:17 107:19 107:20 108:21 113:10 115:4,11 124:5 217:21 220:20 221:8 Code 169:23 collect 89:18 collected 92:15 92:24 college 155:1 199:15 collin 1:5,13 2:7 4:5 112:25 193:21,24 195:10 205:24 206:10 208:15 225:3,5,12,18 225:19 Colorado 61:12 combatants 166:4 166:14 come 10:18 11:22 11:23 12:3 14:25 19:13 35:22 48:5 75:24,25 76:1 80:23 81:10,17 81:19,22 92:17 97:4 98:14 100:12 125:19 125:21 160:18 163:18 168:19 170:18 173:1 174:4,8 175:9 186:8 200:3 215:14 222:11 comes 172:19 205:18 220:1 comfortable 164:23 177:11 177:14 coming 27:14 52:9 53:20 150:13 157:11 160:25 163:23 163:24 167:7 command 35:21 commands 30:5 comment 130:23 164:4 commit 116:24 183:21,22 192:8 commitment 192:2 committed 5:13 125:11 207:20 214:15 committing 43:7 common 37:18 46:17 56:14 81:23 82:1 155:22 communicate 130:14,15,17,20 communication 85:1 communications 174:16 community 89:16 89:20 96:15 110:4 117:23	companion 81:11 companionship 52:17 81:24 comparable 205:7 206:11 compare 194:4 196:11,18 197:2 199:12 200:2,8 201:7 206:12,16 207:1,4 211:3 212:11,13 213:22 215:3 217:2 218:2 compared 190:11 207:24 218:4,7 comparing 195:7 200:21 201:18 comparison 195:8 199:24 200:1 203:12,15 204:11 206:17 213:25 214:8,14 comparisons 200:22 competence 214:3 competent 206:22 220:14 competitor 85:8 complainant 147:17 152:5,20 157:6 complainant's 176:2 complained 134:22 complete 96:6,17 112:14 completed 107:19 109:19 111:1 112:5 113:19 120:18,25 121:18 126:22 136:10 completeness 124:14,19 125:1 125:5 126:2 completes 106:3 completion 110:22 112:1 119:24 122:7 complex 153:14 153:19 compliance 15:10 92:1 94:6 compliant 22:22 complied 109:10 comply 15:17,20 16:21,22 17:1 96:19 109:10 comport 161:10 comprehend 13:5 Compton 113:20 113:22 114:15 115:9,12,15 computer 43:22 48:2 Computer-Assisted 1:15 Computerized 1:14
---	--	--	--	---	---

computers 138:10 concern 27:8 62:22 148:2,12 182:3 186:3 concerned 65:17 65:21 138:5,6 181:20 192:15 concerning 91:22 120:23 180:25 concerns 181:19 conclude 147:19 concludes 165:4 conclusion 186:6 concrete 8:17,18 26:12 condition 56:20 65:1 68:14 116:14 131:21 132:2,11,13 144:1,19,20 147:11 conditions 92:1 94:6 144:10 219:21 conduct 90:16 conducted 29:15 31:2 conducting 152:19 confirm 22:5 confirmation 188:21 confirmed 36:16 43:25 conform 58:19 confused 47:2 confusion 223:10 connected 51:3 connection 34:24 35:9 connections 51:5 87:22 consider 149:20 203:10 considered 26:17 51:23 considering 86:6 181:1 consistent 113:1 constantly 185:8 Constitution 169:22,23 consuming 115:7 contact 10:19 25:21 41:18,19 41:25 114:10 119:17 137:14 166:3 181:16 183:12,20 contacted 41:20 41:24 47:21 48:4,7 181:17 contain 196:24 208:19 215:2 218:1 contained 17:20 123:16 207:22 213:22 225:12 containing 205:12,20	contains 213:3 225:6 contemplates 124:25 171:25 contemplating 191:23,24 contemporaneous 159:14 contest 106:1 context 64:4 continually 47:4 continue 93:11 94:21 95:17 100:13 continued 93:21 94:10 118:14 122:9 continuing 8:25 92:6 contributor 66:25 control 29:22 32:5 33:24 42:8 110:3 140:12 controlled 27:18 90:23 113:10 217:20 220:20 conversation 14:9 14:10 38:4 125:2 132:18 138:8 157:13 185:9 conversations 64:25 72:25 95:3 conversed 150:5 convicted 5:18 6:11 211:11,12 211:16 conviction 106:3 106:10,17 107:12,13 209:17,22 cooperative 33:1 114:21 cop 184:3,20 copies 206:1 219:14 copy 20:3 105:16 167:1 168:11 206:6 207:10 210:3,4 211:10 212:16 214:19 214:21 corner 31:18 212:8 corporal 140:5 165:6 correct 20:21,23 23:1 61:7 65:22 67:15 80:16 84:22 91:14,18 92:22 93:5,7 95:9,11,14,18 96:1,2 99:21 101:3,20 102:7 102:13 103:9,21 103:23 105:14 106:7,15 107:6 107:7,9,10 108:7,15,19,23 109:7 110:1,2,9	110:23 111:10 111:21 112:11 112:12,15,16,21 114:9,11,13,20 114:23 115:2 116:13 117:3,21 117:24 119:21 120:19 121:7,8 122:16,17,19,20 123:10 124:7 126:20 137:1 138:24 143:17 146:3,9,10 174:12 178:14 189:24 191:8 202:10 203:9 225:6 correctly 129:17 132:23 225:10 corroborate 160:1 cost 225:11 costs 96:17 118:14 counsel 5:9 169:21 225:7 counseling 89:16 111:2 113:5 120:24 counselor 96:18 110:25 count 91:7 counting 200:11 county 1:5,13 2:7 4:5 25:14 89:8 89:10 93:10 102:8 105:1 107:25 108:4,9 110:15 112:23 112:25 115:24 117:14 193:21 193:24 195:10 205:19,24 206:9 206:10 208:15 216:1 218:15 225:3,5,12,18 225:19 couple 8:5 11:20 34:14 50:17,22 52:21,22,23 53:18 55:15,16 66:18 90:21 170:9 201:24 202:14 course 120:20,23 134:23 150:3 170:14 199:17 courses 194:9,10 194:11 court 1:2,3,17,17 5:3,7,8 6:18 9:3 9:7,8,9 19:3,22 20:5,7 21:19,23 22:11 23:5,8,11 23:15,17,18,19 30:24 34:4,13 34:16 38:2,16 38:18,20,23 39:2,4,5,6 44:21 45:3,7 47:16 48:16,19,22	49:1,5,6,7 50:6 50:13,14 52:3 53:5 55:7 56:7,8 56:10,21,24 57:2 58:10,15 58:20,22 59:5,9 59:12 60:1,4 61:17,21 62:9 63:13 64:24 65:9 67:4 68:11 68:18 69:14,20 70:9 71:9,23 72:9 73:8,20 74:23 75:2,6,11 75:15,17,24 76:4,10,14 78:2 79:12 88:14,20 88:21,22 89:17 90:8 92:6 94:5,7 94:8,12,15,25 97:16 98:3,4,9 98:13,20 99:6,9 99:11 100:4,7 100:11,20,23 101:10 102:10 104:25 105:1,7 107:24 109:8,11 109:16,23,24 111:8,14,19,22 112:10 116:4,4 116:10,11 118:14,23 120:12 121:6,15 121:21 122:3,14 124:1,12,17 125:23,25 126:13,18,25 127:3,8,10,13 127:14 131:25 132:7,9,21 133:1,4,7,9,15 134:15 136:18 139:3,6,11,14 141:4 142:3,13 143:7,21,23 144:23 145:1,5 146:13,15 147:21,24 148:4 148:7,13,17,20 148:23,25 149:11,20 150:7 150:7,16,23 153:9,23 154:4 154:9,10 157:21 158:5 159:17 160:4,12,16 161:15,18 167:12,14,17,19 168:10,12,18,21 168:25 169:2,4 169:6 170:1,13 170:21 171:10 171:13 172:4,8 172:11,13,16,20 173:3,6,13,16 173:20,22 174:1 174:4,9,13,15 174:18,20,23 175:1,6 178:19 178:23 179:3,4 180:1 182:1,20	186:10,12 192:6 192:18,20,24 193:3,7,8,9 194:15,20,22,25 195:23 197:7 198:10 199:6,8 202:1 204:1,7,9 204:14,17,21,25 205:2,4 206:24 207:7,13,16 209:10 210:6,24 211:22 212:22 212:24,25 213:8 213:15,20 214:5 215:12,14,17 216:2,6,13,16 216:23 217:8 218:12,18,22,25 219:6,9,10,19 219:23 220:3,7 220:11,16 221:1 221:3,21,24 222:2,5,19 223:3,13,18,21 224:2 225:5,5,8 225:18,18 Court's 132:6 courthouse 2:7 134:6 225:19 courthouses 104:23 courtroom 5:2 9:6 18:19 30:16 38:24 39:3 48:8 48:25 49:4 57:1 59:12,25 74:22 75:1 76:13 88:17,19 89:25 100:16,19 127:9 127:12 134:9 139:8,10 145:4 150:22 154:6,8 160:15 175:5 178:22 179:2 182:13 193:2,6 200:23,24 222:18 cousin 68:24 69:6 cousins 69:25 cover 185:12,16 186:2 189:23 219:16 crack 123:1,5 crassly 53:14 created 172:16 173:6 creates 172:18 crime 199:25 criminal 2:7 5:17 25:1 59:19,19 89:13 107:18 108:9 169:23 218:14 criscrossing 28:23 criteria 20:22 cross 3:4 78:11 169:24 cross-examination 19:23 34:5 44:22 79:14	99:14 100:13 111:16 136:19 153:10 178:9 186:14 221:4 cross-examine 72:10 78:3 123:23 131:23 142:4 150:12 169:22,24 171:13 cross-examining 100:10 crossed 123:24 crossways 117:9 crowd 84:9 crowded 26:21 crying 63:23 130:2,11,16 131:6 141:21 142:10,15 144:14 148:19 150:1 158:18 159:21 CSR 1:17 225:17 225:22 cuffs 29:16 Cumo 206:23 211:19 213:11 214:2 216:20 220:13 curiosity 134:8 current 180:11 currently 127:25 128:13 155:4 custodian 208:17 custody 22:24 42:8,11 185:19 186:4 187:9 customer 86:22 customers 71:3 80:23 cut 7:19 cute 130:22 cylinders 188:12
					D
					D 1:1 5:1
					DA's 137:15 193:24
					Dahbert 206:23 211:19 213:11 214:2 216:20,22 220:13
					daily 118:15
					Dallas 9:22 10:2 10:10 22:20 25:14 43:24 53:13 89:8,10 102:8 107:25 108:4,9 110:15 112:23 115:24 128:6,9,14,18 136:11 140:3,4 140:9 154:21 155:4,11,25 156:6 165:7 179:13,15 180:12 216:1 218:15
					Dana 110:24
					dance 81:2

danced 82:15	8:20 10:19,22	demeanor 15:1	determined	dismissing 109:2	77:12 78:13
dancer 53:25	11:2,4 12:25	16:18 46:14	119:11	disorders 190:23	80:20 89:19
54:5 79:22	13:8,10,14,19	141:19 158:8,10	developed 31:25	dispatch 40:15	124:11 182:22
86:14	13:24 15:20,23	159:20 161:10	development	41:11 44:17,18	dollar 13:18
dancers 80:22	17:4,9,11 18:1,3	163:16 176:9	202:18	160:2 167:14	221:14
86:13	18:9,16 19:2,5	denial 95:13	deviation 31:18	170:15,18	dollars 207:21
dances 80:21,22	19:10 30:23	denied 95:7	DeWitt 110:24	172:18 174:13	Dolls 53:13 80:1
81:15	32:10 41:15,19	169:20	diagnose 56:19	180:22	82:14,23 83:5
dancing 80:14	43:10 47:21,25	deny 95:17	dictated 159:13	dispatched	domestic 40:25
83:4	48:15 50:13,16	department 6:19	171:9	145:17 146:2	141:7 157:4
danger 42:25	50:23 51:7,14	9:25 10:3 39:17	differences 116:8	149:12 165:13	DON 2:13
43:1,4,11	52:4,21 53:18	39:19 40:7	different 12:3,4	165:16,24	done 42:19 92:17
222:13	54:4,4,10,13	79:20 95:16	24:10 81:21	168:14 170:23	119:25 122:18
dangerous 8:24	55:4,9,17 56:20	97:5 128:12,15	88:6 91:8,8	173:15	125:3 135:14
33:19,20 116:17	61:9 65:19	128:19 136:11	95:22 105:2	disposition 99:23	152:8,19 190:4
dark-colored	66:15,24 68:2,2	138:3,11 140:4	116:5,9 135:19	disreputable	199:1 201:15
30:21	68:20,25 69:5,9	145:13,23 155:5	184:17,18	116:15,23 117:6	202:24 203:23
Darla 209:2	69:21 71:4	155:11 165:7	190:13 194:9	disruption 6:25	door 5:16,16 7:25
210:18	72:12,23 73:1	179:14,16 194:7	195:8 198:3	distress 132:12	129:24,25
darn 36:2	75:14 78:15	194:8 199:22	199:23 205:18	district 1:3,17 2:7	130:10 134:4
date 10:18 43:23	89:22 90:7,13	208:6 209:1,2	206:1,3 217:10	22:13 104:25	135:23 157:9,10
55:13 59:15	91:13,16 96:25	departmental	217:16	107:17,18 108:9	158:7 159:20
104:9,21 115:13	97:10 98:14	42:6	differently	109:20,21	160:6,8,9,20,21
156:23 180:17	99:2,24 105:25	departments 91:3	121:12,14	193:21 195:11	161:9 162:6
208:7 209:6,12	106:8 108:25	155:22 187:2	difficult 33:9	205:19,24	167:3 175:9
209:13,15,17,20	109:4 120:18,22	199:18	dilated 16:16	208:15 218:14	double-checks
209:22,24	120:25 123:8	dependents	dinner 52:8	225:5,18	198:5
211:11	124:15,20	117:24	diploma 120:5	disturbance	doubt 8:24
dated 51:21	126:10,16,19	depending 60:15	dire 3:4 133:10	40:18 41:14,16	dove 12:10,11
110:17	162:17 163:1,16	91:6	133:11 143:6,8	129:6,7,8,10	18:2
david 3:5 9:12,18	164:2,5,14	deployment	145:7,9 146:12	140:25 141:5,8	down 7:16,24
day 1:11 26:23	174:19 176:25	155:6	157:19,22 197:6	157:4 162:8	8:19 9:9 14:24
104:23 156:18	182:19 184:13	depressed 183:18	197:8 201:25	disturbances	15:24 28:25
156:20 191:9,14	185:1 195:19	185:1 189:6	202:2 210:5,7	40:23,25 41:2	29:7,8 33:21,25
191:17 225:14	196:5,17 197:3	depression 185:2	direct 3:4 9:15	dive 5:25 11:17	39:6 49:7 56:22
dead 68:24	206:13 207:19	describe 14:14	23:21 39:13	12:7,15,24	63:16 69:14
deadly 20:17	207:25 211:15	26:8 28:13 31:3	40:6 49:14 80:9	dived 6:1 18:2	74:24 78:13
deal 45:13 71:3	212:6,14 213:23	41:3 42:14	89:3 127:20	divided 26:10,11	81:21 88:15,22
78:14 109:25	214:9,16,24	55:19,20 60:7	139:20 154:16	diving 12:20	127:14 130:4,19
115:18 170:2	215:4 217:3,22	63:7,7 91:19	179:10 193:16	division 10:10	135:23 145:2
dealer 84:11,13	218:2,8 220:21	130:10 132:1	directed 183:6	155:7 156:6,12	146:18,18,19
84:15	defendant's 6:3	151:2 156:10	184:24 185:9,17	divorce 51:10	150:5 160:13
dealers 155:15	7:8,10 8:1 17:17	179:21 180:2	189:22 191:21	70:1 72:24 73:3	168:19 174:21
dealing 187:2,13	17:19 53:8	182:25 183:15	direction 27:20	73:12	179:4 185:4,5
206:3	55:25 57:7 60:6	184:6,16 199:21	27:21 84:5	divorcing 73:1	188:7 189:6
deals 54:16 88:5	71:17 93:25	200:2,13	directives 6:18	doctor 152:7	downhill 70:2
dealt 103:25	95:2 106:4	described 33:17	94:5,7	doctors 81:20	DPS 194:8 199:16
death 69:4	114:18 122:23	94:1	directly 11:4,7,11	document 108:14	draw 117:16
decade 203:3	123:7,12,18	describing 147:5	12:5 90:4	111:4,5 112:3,7	drawn 188:5,13
December 140:6	164:4,6,9,10,11	151:16	dirty 93:3,16	120:17 125:17	dressed 12:6
140:21 225:22	176:21,23 178:4	description 4:3	121:1 126:22	126:4,5 172:17	19:10,11,13
decided 65:12	defendants 96:1,5	153:16 178:5	disabilities 68:5	173:6 207:11,23	33:14
84:1 86:9	96:8 98:23	detail 199:10	disagree 121:17	208:13 210:3,20	drew 11:2
decision 20:25	defense 5:8	200:2	122:6	212:16 213:1,3	drink 14:7
43:5 65:22	deferred 4:8	details 25:24	discharge 108:5	documentation	drinks 115:7,8
93:23 121:14	105:16,19,22,24	73:13 189:5	disclose 59:18	112:14 145:11	drive 33:19
156:1	106:13,25 107:2	detain 152:25	disclosure 62:1,3	165:20	driver's 13:21,22
decisions 66:1	107:20 108:5	153:13	discuss 56:5	documents 100:9	13:25 14:8,17
declarant 132:12	219:25	detect 32:1,10,14	68:24 222:6	126:2 208:16	14:19 30:9
declarant's	defers 105:24	detective 136:13	discussing 38:12	210:22 213:14	driveway 29:9
132:14	106:1	137:10 138:22	discussion 51:16	219:14 221:7	34:21 35:11
declaration 125:1	defiant 91:25	153:5,6 155:6	174:25 212:23	dodds 3:13 154:7	driveways 29:8
deep 10:8,9,13	94:3,4 114:8	detention 214:23	215:16 219:8	154:12,19	driving 5:19,23
deep-night	115:16	determination	223:2,9	dog 24:10 130:4	5:24 6:2,9 7:16
156:19	definitely 57:15	16:3,5 20:14	discussions 54:3,4	130:21,22,23,24	7:18 17:7,8,12
defendant 2:11	definition 125:6	150:7 171:11,12	54:11 64:18	130:25 131:2,4	18:1,9 19:5
4:4,5 5:13,21,22	defining 94:12	171:24	69:2,5 70:11	132:19 138:8	20:10,18,20,23
5:22 6:2,17,21	degree 89:13	determine 16:11	72:25 73:16	doing 15:17 36:17	21:1 31:6 33:17
6:24 7:1,4,6,9	della 3:12 139:9	42:17,24 43:10	dismissed 108:17	45:18 47:3	42:20 47:6
7:11,14,16,17	139:17,23	191:5 196:11	109:19 218:13	63:17,21 68:21	77:15,16,19,24
7:22,24 8:8,13	demeaner 14:22	205:7	dismisses 108:4	70:16,19 77:7,8	78:13 90:18

104:17 107:8 124:6 153:19 156:13 driving/possession 22:11 drove 13:1 153:14 161:5 drug 84:11,13,15 85:4,5 92:6 94:10 95:3,4,17 96:12 97:1,11 97:11 98:15,24 110:5,22 111:1 111:17 112:5 113:3,4 117:12 120:18,20 122:11,25 123:2 126:14,17 155:15,15 drug-dealing 85:8 drugs 16:12,14 16:15 74:3,4,7 74:20 75:7,8 76:19,21 77:8 77:18 78:14 84:19 87:14 95:7,19,20,23 97:23,23 116:18 117:2,15 118:15 120:23 123:4 drunk 36:1,22 46:17 due 16:9 33:13 during 33:16 50:22 55:16 139:25 149:5 171:20 176:8 duties 10:9 24:8 24:23 40:1,3,19 89:14 140:10,13 155:14,19 193:23 195:10 195:11 208:14 duty 128:18 DWI 4:7 6:11,14 6:15 14:13 36:10 47:8 92:11 121:3 126:22 214:13 221:8 DWI's 14:5,5 36:5	200:12 east 26:12 27:11 eaton 3:15 179:1 179:7,13 186:16 186:16,20 191:4 ecstasy 74:8 Eden 5:22 10:23 education 89:11 89:17 111:1 112:5 120:20,23 120:24 126:14 128:7 154:24 155:1 202:25 204:10,17 effect 150:15 effective 169:21 effects 120:23 efforts 118:5 eight 24:17 155:12 173:18 188:11 200:25 eight-year 72:5 either 21:5 27:20 36:19 76:7 86:18 104:5 105:25 189:23 192:10 198:2 elapsed 149:21 elbow 131:10 136:2,3 elected 20:19 element 185:12 elicit 146:8 emergencies 140:11 emergency 136:21 149:14 152:15 165:1 177:17 190:5 emotion 64:1 149:19 emotional 63:19 63:22 65:1 emotionally 62:1 emotions 64:3,12 employed 39:18 39:23 179:15 193:20 employment 118:4,5 empty 26:15 encountered 184:12 end 3:21 29:21 48:12 53:19 80:7 91:4 109:1 176:17,19 189:8 224:5 endangered 77:18 endangering 17:9 ended 64:19 83:4 83:5 145:20 146:22 ending 200:10 energy 84:5 enhanced 32:7 enlisted 6:21 enough 87:7 105:15 106:5,10 106:11 107:3	117:16,17 130:19 135:13 201:5,6 enter 13:7 27:22 entering 27:19 enters 5:2 9:6 39:3 49:4 59:25 76:13 88:19 100:19 105:25 127:12 139:10 150:22 154:8 175:5 179:2 193:6 entertainer 86:16 entertainers 86:13 entertainment 86:10 entire 111:5 112:8 176:8 entry 103:14 172:8 epaulets 156:12 escort 46:21 especially 78:12 172:15 Essentially 110:24 established 125:13 159:16 192:1 establishing 144:8 estimated 28:19 29:2 estimating 12:16 et 110:5 evading 6:11,12 6:15 37:23 92:11 214:23 221:7 evaluating 185:23 198:1 evaluation 31:21 31:22 96:17,18 185:15 187:6 191:5 evaluations 47:25 evasive 14:2 Eve 61:3,7,10 62:18 66:19 even 16:6 17:1,25 18:12 33:20 65:10,14 81:2 82:1 88:1 94:21 95:8 116:9 125:12 130:14 130:17 171:12 199:2 evening 123:19 124:9 event 132:11,13 144:18 147:11 147:25 149:22 174:11 events 144:1 147:5 151:17 163:13 181:13 eventually 6:6,23 14:22 17:4,22 22:2 87:9 92:2	161:24 176:16 ever 16:3 21:9,11 21:11 33:7 35:16,23 38:3 51:12,14,18 52:4 53:25 59:21 66:15,18 68:24 69:2,4 73:16 77:17,20 78:4,7,9,11 79:7 80:6 82:14,20 82:24 84:11 85:4 86:2,3 119:11 135:24 178:4 183:25 184:3,10 190:4 199:19,20 every 76:25 92:17 104:23 115:19 123:2 190:13 199:10,11 everybody 87:21 222:19 everyone 81:19 81:19 everything 16:18 20:24 70:1,2 71:15 74:14 77:6 109:19,21 170:2 200:12 216:11 224:2 everywhere 76:21 87:19 evidence 8:23 9:2 59:7 98:2 111:5 111:6,7 112:7,9 125:3,5,20,21 126:3,8 171:11 191:24 192:3 208:2 216:20 218:12 225:6 evidencing 70:23 evidently 115:11 115:15 ex-wife 51:10 exact 66:21 exactly 123:22 152:4 183:10,17 185:7 EXAMINATION 9:15 23:21 39:13 47:17 49:14 57:5 89:3 120:15 127:20 133:11 139:20 143:8 145:9 154:16 157:22 179:10 191:2 193:16 197:8 202:2 210:7 examine 169:24 example 51:3 67:21 68:5 Excellent 102:20 103:14,19 except 219:15 exception 125:9 125:14 126:10 149:23 150:18 171:25 exceptions 132:15	169:10 Excerpt 4:7 exchange 7:21 excited 63:16 64:10,13 131:20 132:10 133:2 144:9,13,15,16 169:12 183:1 excitedness 64:13 excitement 132:12 144:18 163:13 excuse 53:3 97:20 98:1 146:19 194:8 excused 21:18,19 21:20 23:5,9 48:19,23 88:11 127:3,6 139:3 154:5 178:20 192:20,24 222:3 EXHIBITS 4:1 exhibit 124:14,19 195:25 196:22 196:24 204:16 205:6,10 206:13 206:14,16,19 207:10,17,18,19 207:23 209:14 209:16 210:3 211:2,3,11,17 212:1,18 213:2 213:5,22 214:11 214:12,18,22 215:2,7,21 217:13,23 218:10 219:4,12 219:17 221:12 exhibits 4:3 196:15,18 225:10 existing 63:25 131:21 144:9,19 exit 35:20 exiting 132:14 exits 38:24 48:25 57:1 59:12 75:1 88:17 100:16 127:9 139:8 145:4 154:6 160:15 178:22 193:2 222:18 experience 180:9 195:3 201:6,15 204:18 206:3 experiences 56:18 expert 67:3 190:22 192:5 194:11 195:12 195:15 198:25 199:4 200:22 201:11 203:5,10 211:20 213:12 214:3 216:21,22 220:14 expertise 59:2 143:13 201:2,23 202:9,13 experts 187:2 203:1 Expires 225:22	explain 27:7 31:8 41:23 47:7 146:22 182:2 205:15 211:3 explained 38:9 explaining 163:6 express 181:18 expressed 115:1 ext 225:20 extended 86:2 extent 203:2 extra 65:11 186:1 extraneous 169:7 169:9 extrapolate 174:1 eye 31:16,18 32:13 eyeball 31:17 eyeballs 36:20 eyeglasses 176:2 176:3 eyes 16:16 31:7,9 31:12 32:8,16 42:2	
					F	
					F 1:13 F-95-50626-H 217:20 F95 113:9 fabrication 149:7 159:15 face 119:3 134:21 136:8 163:2 facilities 88:6 96:23 facility 96:24 fact 56:17,18,24 70:23 72:24 97:3 107:9 114:18 121:18 135:20 149:15 164:14 216:21 factor 144:24 149:20 167:20 167:20 facts 98:2 123:23 124:2,24 failure 44:3 fair 53:15 77:8,11 86:12 104:18 105:3,4,7,12,15 106:5,10,11 107:3,21 109:18 113:6 114:13 115:19,20 116:12 121:17 169:15 202:8 fairness 113:16 115:21,23 faithfully 118:3 falco 2:4 5:4,6,8 5:11 9:3,5,16 19:1,4,20 21:17 23:4,7 88:18,23 89:4 90:6,9 92:3 93:19 95:2,24 95:25 97:17 98:14,21 99:2,7 100:5 111:3 112:6 120:16	

121:7,23 122:6 122:15 124:2,13 125:24 126:1,14 127:1,4,11,15 127:21 130:9 131:19 132:1,8 132:10 133:3 134:17 136:16 139:2,9,15,21 141:5 142:6,15 143:22,24 144:8 144:15 146:14 146:16 147:19 147:23 148:24 150:23,25 153:7 153:25 154:7,17 158:7 159:19 160:5,19,20 161:20 165:4 167:13 169:3 170:14,23 171:6 174:24 175:6,7 175:8 178:7,16 220:5 fall 104:8 falling 146:21 falls 191:14 familiar 106:22 108:8,11 110:10 110:12 112:17 113:20 117:25 118:6 123:15,17 141:13 family 65:12 72:18,19 129:8 152:23 153:5 far 14:8 28:13 29:9 31:18 33:2 40:22 42:5 44:9 54:25 58:15 59:6 64:14 77:24 84:17 85:5 118:4 135:15 136:12 140:8 145:16 181:18 184:24 185:16 189:23 193:23 194:3 195:10 200:20 201:17 fare 83:2,3 fast 12:14 13:9 116:21 fatalities 12:4 father 163:22 fax 174:18,19 219:16 FBI 194:9 199:19 202:4 fear 148:12 151:18 fearful 151:18 February 6:20 90:11 103:15,16 114:11 federal 155:16 fee 118:14 feel 15:19 17:25 114:14,15 135:18 164:22 177:11,14	184:13 185:17 feeling 64:4 144:3 feelings 69:6 fees 117:22 feet 17:2 fell 146:18 felony 29:11,15 90:20,21 93:11 93:13,21 96:3 97:19,20 103:23 104:1,15,19,24 104:25 105:5,9 109:9 112:20,25 121:9,11 felt 16:1 17:2 29:23 65:22 69:22 71:5,6,11 135:19 136:13 184:16,18 female 38:7 52:17 57:25 129:15 few 13:5 37:14 96:10 102:8 160:13 190:5 199:5 field 42:16,18 43:12 46:16 47:3,5,7,8,25 102:10,11 116:6 156:14 194:2 198:2,15,17,25 201:1,2,3,10,20 201:23 202:9,12 202:25 203:1,3 203:11 206:22 211:21 fight 21:9 32:22 33:3 45:19 134:19 166:20 fighting 33:6 46:25 129:9 figure 37:8,9 137:24 138:12 190:15 file 102:15,18 103:10 110:11 110:17,19 112:9 113:12 124:23 136:12 filed 93:4 files 102:9 111:7 fill 189:13,19 filter 11:24 final 107:12 205:22 finally 6:13 7:20 13:15,19 21:20 23:5,8 38:20 48:22 127:6 154:4 160:8,20 178:19 192:24 222:2,7 financial 44:3 183:19 189:6 find 41:12,20 81:7 103:3 113:3,5 152:22 152:25 200:14 204:9 finding 105:25 106:1 108:22	fine 86:15,18,18 102:1 118:14 186:22 221:14 fines 117:22 finger 36:19 101:23 fingerprint 194:11 195:12 195:14,19 196:4 196:24 197:2,19 197:24 198:18 200:5 201:2,3 201:11,20 202:5 203:13,16 204:23 205:8 206:11,12,15,19 207:22 211:8 214:9,14 218:6 218:7 220:23,24 fingerprints 4:6 194:2,4 195:4,7 195:9,17,18 197:3 198:10 199:13 200:3,22 201:18,18 204:11 205:7 206:13 207:24 208:7 209:6,15 209:25 211:15 211:24 213:23 214:10 219:21 219:24 220:24 finish 122:4 finished 113:15 119:22 185:13 first 5:21 9:4 10:21 11:2 14:6 18:25 28:6 41:23 47:21 50:18,21 51:7,9 55:9 58:17 60:19 70:1 87:6 99:16 102:20,23 103:5,6,17,20 104:15 116:18 121:10 125:8 130:10 141:11 149:8 156:17 157:10 159:19 194:6 196:21 198:17 199:14 212:8 213:6 215:1 219:15 223:15 fist 134:21 136:9 166:20 fit 20:22 132:19 200:14 fits 53:8 five 8:7,7,8 56:22 74:24 85:23,25 90:12 145:2 174:7 213:3,5,6 213:16,18 flashlight 36:19 fleeing 24:10 37:23 flexible 56:2 57:7 flicked 13:7 floor 8:17 31:9,12 136:4 162:12	163:4 176:2 194:19 folded 17:20 folks 38:4 84:8 100:14 follow 6:5 17:3 36:24 66:2 94:7 follow-up 22:10 133:7 138:7,22 followed 136:13 following 1:12 33:16 94:5 follows 9:14 39:12 49:13 89:2 127:19 139:19 154:14 179:9 193:15 forcefully 15:9 Ford 19:6 foregoing 225:6 forehead 131:10 134:25 136:5,7 forget 78:5 170:11 form 13:22 123:15,18 134:24 189:19 formal 197:18 forth 12:8 14:20 16:14 31:10,13 forthcoming 115:8 forward 53:4 169:16 forwarded 153:5 found 6:7 17:19 43:23 71:16 four 8:6,7,8 29:8 34:15 39:20 89:13 90:11 110:13 113:12 119:20 128:6 220:1 frame 129:2 144:16 162:11 162:13,14 163:7 176:1 frank 3:12 139:9 139:17,23 fresh 131:13 143:3 friend 51:22,23 78:21 friends 50:20,25 51:4 52:24 65:14,23,24 77:4 87:15,17 171:22 friendship 65:14 from 1:11 4:7 5:20 6:12,16 7:10 8:3,9 11:22 16:25 18:9 20:1 22:5,14 28:14 29:13,20 32:20 35:20 38:17 40:23,25 44:9 44:11 47:4 51:10,21 52:21 53:9 56:6 65:10 67:11 70:3 71:2	75:6 76:6 79:20 84:23 85:5 91:4 91:8,9 96:8,17 99:23 101:18 102:5,9,10,15 104:13,18 109:1 110:17 112:7 114:16 116:19 117:16 126:2 132:24 135:21 136:4 137:13,18 137:20,25 138:2 142:21 145:19 146:1,8 147:17 148:20,22,25 149:11,11 150:3 150:10 152:5 153:1 155:15,17 157:25 163:23 166:3,7 171:19 172:21 173:6,12 174:1,5 178:3 182:9 189:3 196:5 199:25 200:7 205:18 206:1,9,10 207:22 208:5,6 208:10,16,21,23 209:21 215:25 219:16 front 11:4,7,11 12:6 13:6 19:15 25:16 34:8 90:4 100:8 106:8 223:22 fully 110:10 function 31:11 198:10,13 Funny 220:10 further 21:17 23:4 30:1 38:17 43:18 48:17,18 127:2 139:2,19 149:19 153:25 167:13 178:16 191:6 208:2 225:9,11	42:19 128:25 generate 86:22 210:20 gentleman 30:21 Gentlemen 5:11 56:25 gesture 187:21 getaway 85:19 gets 153:5 204:2 223:12 getting 22:19 67:25 78:16 79:1 86:8 88:5 102:11 103:19 146:6 149:17 166:20 207:6 girl 51:24 60:10 girlfriend 35:4 78:22,23 girls 53:23 give 7:14 30:2 31:5 45:5 59:15 76:5 80:24 81:8 87:22 188:23,24 203:19 given 47:7,8 75:20 92:20 94:12 98:16 125:2 174:2 gives 172:6 giving 65:17 144:21 glass 162:11 176:1 glasses 162:12,19 162:22 163:2,7 glean 149:11 150:3 globally 198:18 go 7:14 11:12 17:14 22:16 36:14 38:2 40:15 45:13 51:24 60:4 65:12 73:21 76:18,19,21,23 76:25 77:3,6 80:20 98:13,24 100:23 104:23 104:25 105:1,5 122:4 126:19 133:5 142:11 143:14 150:23 152:18 155:17 156:1,18 174:21 179:22 180:1,2 188:19 200:14 204:14 218:25 219:4 go-round 122:4 goal 80:15 goeller 2:12,15 5:10 19:24 20:3 20:6,9 21:16,21 21:24 23:2,6 34:6,12,14,20 38:15,19 44:20 44:23 45:1,4,9 47:13 48:18,21 52:1 54:8 55:5 56:3 58:3,13,17
---	--	--	--	---	---

G

G 5:1 113:20,22
210:9
GAIL 2:4
gain 135:22
game 157:18
garage 8:14,17
garcia 3:10
127:11,17,23
garnered 92:7
gather 166:3
gathered 166:7
gave 32:17 173:7
196:18 206:19
211:11
Gaze 31:2,4,21
32:4 36:3,17
GED 119:22,24
general 14:3 40:3
54:14 170:4
193:25
generalized 75:12
generally 14:25

58:21 61:15,20 62:7 63:11 64:22 65:7 67:2 67:5 68:8,16 69:11,18 71:8 71:21 72:7 73:4 74:19 75:4,18 76:1 77:21,23 79:13,15 88:8 88:12 130:7 131:18,22 132:5 132:17 133:6,12 133:17 134:13 136:20 138:25 139:5 141:2 142:1,4,9,14 143:5,9,19 144:5,11,25 145:8,10 146:11 148:21 149:2 153:11,22 154:2 157:16,23 158:3 159:12,23 160:10 161:14 165:6 167:11,25 168:2 169:5 170:1,7,11,20 171:8 178:10,15 178:18 179:23 181:21 186:10 186:15 190:25 191:25 192:19 192:22 194:13 194:18,24 197:5 197:9 198:24 201:24 202:3 204:5,13,19,23 205:1,3 206:21 207:2,8,12,14 210:5,8,23 211:18 212:21 213:9 214:1,6 215:8,13 216:8 216:18 217:6,9 218:11,21,23 220:8,10,12 221:2,5,18,20 221:22 222:1 223:6,10,14 224:4 goes 22:13 77:25 91:16 106:8,9 138:13,17 149:12,16 201:13 going 6:13 7:23 11:14 12:14 14:8,9,10,24 18:13 22:17 28:3,7 29:1,13 29:20,21 32:21 33:23 36:11 38:6,9 52:8,25 54:11 65:12,25 70:1,2,5,9 71:24 75:4,8,18 76:24 78:6 80:7 84:25 84:25 86:7 100:21 113:3 116:21 121:19 123:20 127:5	135:19 144:5 145:3 146:5 148:3 149:8 152:6,18 157:18 163:16 168:18 169:17 180:16 182:4,5 187:21 192:12 195:24 196:21 198:24 203:20 204:9 211:9,25 213:5 217:12 220:3 222:6,9 223:16 223:19 gone 8:13 16:1 17:17 45:23 67:12 149:5 199:12 201:14 218:23 gonzales 3:8 49:2 49:11,17,23 60:2 good 60:17,17,21 72:15 74:9 78:11 84:4,4 86:24 100:24,25 106:9,16 108:25 109:3 111:15 118:18 130:25 Gorgeous 83:17 gotten 45:22 51:10 115:24 190:14,17 grabbed 162:5 gram 17:21 grants 108:5 great 57:11 102:5 222:13 Greenville 10:24 11:14 13:1,2,4,7 13:12,17 14:4 18:12 grip 149:19 grocery 27:12 221:13 ground 8:16 134:22 137:4 group 50:25 75:13 groupe 52:12 groups 11:15,20 Grove 84:9 GRUBBS 2:15 guard 87:18,24 87:24 guarding 151:4 guess 10:12 11:1 12:7 15:16 17:1 24:6 27:7 32:7 35:13 36:9,9,16 38:5 41:8 52:23 57:9 58:19 60:21 67:11 72:15 74:9 82:3 159:1 186:2 187:3 221:7 Guesstimate 190:8 guilt 105:25 106:1,9 108:22 114:24	guilt-innocence 139:25 guilty 106:1 205:23 gum 143:2 146:22 147:3,3,11 148:10 151:7,9 151:12 gun 5:15 29:21 37:3 45:23 gunpoint 29:12 29:16,18 guy 60:10,22 guys 51:23 77:12 81:5,21,25 82:2 116:4 <hr/> H <hr/> H 113:9 habits 116:17 Hague 23:15 hair 143:2 146:23 147:4,4,11 148:11 151:7,9 151:10 half 24:6,16 82:16 149:24 155:12 163:2 176:2 hand 5:16 8:11 9:7,9 14:17 15:16 23:17 39:4,6 44:24 49:5,7 88:20,22 115:18 127:14 142:25 143:3 144:1 146:21 147:12 151:1,4 151:6,14 154:9 179:4 188:23 193:7 196:21 217:12 225:14 handcuff 30:6 handcuffed 16:2 30:6 32:18,19 188:23 handcuffing 46:25 handcuffs 32:23 handed 101:4 123:11 handle 91:4 handled 91:5 94:18 121:11,12 121:13 handling 121:11 hands 14:13,23 15:3,4,10 30:3 35:25 handwritten 124:19 hang 117:13 hanging 117:5,15 happen 93:21 95:10 105:2 116:10 149:6 174:7 happened 12:1,6 12:24 13:6,24 45:21 93:8 99:24 105:9	108:21 116:5 123:9,12,22 124:20 131:12 161:11 171:19 171:22 181:13 happening 153:1 happens 116:2 153:3 happy 62:3 63:16 63:16 64:13 hard 36:22 133:15 166:5 167:17,18 188:23,24,25 harm 20:15 21:12 harmful 116:23 117:6 hate 87:6 Haverwood 129:3 140:22 156:24 having 5:25 27:21 33:2 36:22 52:8 64:25 65:1 70:7 72:16 86:10 166:5,7 183:19 187:23 196:17 207:24 218:4 hay 3:6 23:14,16 23:24 24:1 he'll 5:21 6:4,16 head 5:15 8:18 36:18,23,24 72:22 75:16 134:21,23 136:9 137:3 143:1 151:11 158:21 158:22,25 162:6 163:3,4,7 175:17 health 132:15 144:22 healthy 68:3 hear 5:16,17,19 5:20 6:16,20,23 7:3,8,15,20 8:1 8:5,9,23 9:1 35:19 52:4 57:3 58:10 82:8,9 91:23 101:15 145:2,3 148:22 148:25 160:12 171:13,19 heard 1:12 5:12 5:14 58:15,16 69:21 132:8 168:9 184:3 195:17 hearing 3:18,19 212:23 215:16 219:8 hearsay 52:2 54:8 61:16 63:11 64:22 65:8 73:5 125:8,9,14,15 126:7,8,9,9 130:7 131:18,24 132:6,16 141:2 142:2 144:7,14 150:17 157:16 157:17 159:12	159:25 160:1,11 168:22 169:8,10 170:20 171:25 181:22 210:23 held 1:13 hello 152:10 help 7:13 32:1 34:18 96:25 97:6 98:6,15,16 103:3 110:4 130:4 helped 46:21 98:5 110:8 her 5:15,15,16 7:12,14,19,19 8:9,16,16,16,18 8:18,19 38:9,12 51:23 52:5 53:21,22 54:25 55:1,4,17,22,23 56:12 57:3,3 58:4 61:22,24 62:6,10,12,12 62:12,15,15,19 62:21,25 63:1,1 63:2,3,3,5,6,15 63:15,25 64:3 64:18,19 65:1,1 65:2,3,11,12 66:7,8,13,14,22 71:14 75:15,19 79:6 82:12,13 82:13,14 87:9 108:11,12,14 114:19 121:20 122:5 129:16 130:1,3,3,4,5,6 130:19,23 131:8 131:9,22,23 132:1 134:17,20 134:20,22,23,25 135:3,8,9,10,11 135:11,18 136:2 136:3,5,6,8,14 136:21 137:1,3 137:3,18,20,25 138:1,3 141:11 141:19 142:24 142:25 143:1,2 143:3 144:1 146:17,21,23 147:2,3,4,11,11 148:3,19 150:2 150:3 151:1,6,7 151:9,10,11,14 151:16,18 152:6 152:13,16,18 157:11,13 158:8 158:10,12,20,21 158:22,22,25 160:24 161:1,9 161:10,10,12 162:1,4,5,5,6,12 162:17,18,19,22 163:1,2,3,4,7,13 163:15,18,22,22 163:24 164:2,5 164:6,6,13,14 164:15,21,23,24 164:24 165:1,2 172:21 174:5,6	175:12,13,15,16 176:3,9,24 177:11,14,18,22 181:19,20 182:2 182:4,5,9,10,11 183:5,6,9 185:14 192:15 207:5,5 208:11 208:13,23,25 heroine 123:1 herself 62:5 hesitant 157:11 hesitated 160:5,9 160:21 hesitation 161:9 Hey 168:10 HGN 36:3 hide 85:5 high 2:13,15 53:3 91:6,7,23 93:18 94:23 97:14 98:1,7,18,25 99:4,10,15 100:2,8,20,22 100:24 101:8,11 102:24 103:1 107:23,25 111:9 111:14,16,21,23 112:11 116:21 116:22 118:21 118:25 120:4,10 120:17 121:4,19 121:25 122:12 122:15 123:20 124:10,16,18 126:15,23 127:2 127:5 186:10,11 222:12 highlighter 223:1 highway 26:25 33:21 him 6:13 7:10 11:12,13 12:12 13:16,21,22 14:9,15,23,24 15:3,4,10,24 16:2,6,20 17:3,6 18:12,13,22 19:7 20:10,15 20:16,25 22:18 22:19,19 28:14 28:18 29:16,16 30:6,7,9,14,18 32:21,23 33:3,6 33:6,16,18 35:1 35:6,6,10,13,15 35:21,25 36:25 37:8,14,15 41:22,24 42:12 42:15 43:12,19 43:23 45:16 46:14,20,21,22 46:23,25 47:5,7 47:22 48:10 50:5,5,18,19,23 51:1,9 57:10,10 57:12,12,13,16 57:22 58:19 65:24,24 68:13 68:14 69:9 70:1 70:6 72:16
---	---	---	---	---	---

73:14,16 79:5	130:8 131:19,24	157:11 160:24	112:3 114:21	interested 86:4	51:24 52:16
80:6 83:20,21	132:8 139:5	161:2 162:5,17	172:4	149:17	53:10 55:22
83:22 84:15,25	141:3 144:8,15	hyphen 113:9,9	indicating 151:5	interfere 68:6	65:10,13,23
85:7 90:2,24	147:19 148:24		159:1	interrupt 60:12	72:3 82:13
91:1,9,20 94:12	150:6 153:25	I	indication 166:12	77:23	83:19 84:3
94:15,18 95:3	159:14 165:4	ice 131:1	166:13	intersection	89:22 90:7
98:5,16 100:10	170:8 171:6,10	ID 22:2 199:23	indicators 32:12	26:18,19 27:14	110:25 112:4
103:5,18,20,24	175:7 178:17,25	200:20	42:2	27:18,20,22	113:10 119:1
105:12,16	181:21,23 191:1	idea 111:15 116:5	indictment	interview 67:22	126:10 130:6
106:13 107:2	191:25 192:23	143:17 184:3	108:16 109:2,3	114:22 130:5	134:20 135:2,2
109:20,21 110:4	193:4,11 195:22	198:19,21 202:6	218:13	152:20 189:16	135:3,5,7,24
110:8,12 111:6	201:22 204:6,8	identification	indigent 96:22	interviewed	147:16 152:1,2
111:18 112:7	204:13,15	13:23 16:24,25	individual 42:7	79:16	182:12,13,19
114:10 115:18	206:21 207:9,15	195:12,14	146:8 190:13	interviewing	195:19 197:3
119:3 121:1,23	209:8 210:2,23	199:15 200:9,15	individuals 11:15	185:13	204:23 206:13
122:25 123:1,23	211:19 213:17	200:16,17,18	80:21 116:24	intox 46:4	211:15 212:9,14
123:24 124:6	214:2 215:6,20	201:2,3,11,20	inferential 157:17	intoxicated 15:2	214:16 215:1
125:18,20	216:10,15 218:9	211:7	inflicted 137:1	16:4,6,9 31:6,6	217:25 220:21
126:21 127:5	219:11 220:6	identified 19:2	influence 32:2	31:10 36:12,15	221:12
133:9 135:21	222:4	30:23 41:22	137:7 161:11	37:7,17 41:1	Ivan's 46:13 70:1
143:5 145:7	Honorable 1:13	48:15 50:13	Info 88:3	42:3,7,20,24	83:7
146:13 152:25	Horizontal 31:2,4	90:7 129:25	inform 61:22	43:3 45:10	
157:17,19 161:3	31:21 32:4 36:3	182:19	information	intoxication 7:2	J
161:22 166:5,7	36:17	identify 18:22	20:19 22:5	32:14 33:5,13	J 215:9
166:11,13 167:5	horrific 5:12	30:9,14,18 41:9	137:16 138:1,2	42:17 43:8,22	J&S 4:5,6,7,8
167:7,8 168:1	hospital 152:7	48:10 90:2	146:6,8 173:7	47:11,22	Jack 130:21
182:15 183:12	hostile 7:22	182:15 194:3	182:9 205:12,20	introduce 23:23	jail 5:18 6:7,15
183:13,17,20	hostility 17:1	195:4,25 199:12	informed 61:24	39:15 179:12	17:13,14 22:19
185:14,15,19	184:25	212:1	inhalants 116:18	193:18	33:8 42:9 46:23
186:4 187:23	hound 87:20	identifying	inherently 150:5	introduced	72:8 93:10
188:18,19,25	hour 5:23 6:13	201:18	inherited 102:14	147:17 151:25	107:9,11 208:17
189:7,11,12	11:6,13 13:11	illegal 74:5	102:18	introduction	211:9
192:2,3 199:24	13:13 18:13	imagine 81:14	initial 130:1,5	16:10	jailhouse 22:19
206:25 207:4	27:1,6 28:4,19	immediate 61:6	136:12 138:20	investigate 30:1	72:13
himself 43:11	29:2 33:23	137:15	182:21	investigating	Jamaica 73:22
56:2 111:17	149:23,24	immediately 18:1	initially 28:18	10:11	74:16,20 75:5,7
182:4 183:17,18	173:18 176:7,8	66:4 131:12	130:14 157:9	investigation	75:22 76:2,21
184:7 187:12	177:3	137:10,13	initiated 28:11	114:16 124:22	77:24 78:14
189:20 192:12	hours 10:13	impact 126:21	injure 37:4	197:15	85:11,15 86:4
hint 16:7 203:19	26:20,23 27:12	impeach 125:18	injured 18:4	investigator	87:14
Hispanic 151:25	40:12 140:17	impeachment	146:21 151:14	193:21,24	Jamaican 74:4
history 5:17	149:25 155:1	111:20	injuries 131:8,14	205:24 208:14	77:19
36:14 59:19,19	199:17	imposed 89:18	134:18,23	211:1 213:21	James 7:13,16,23
137:18,19,20,24	house 35:1,10	impounded 38:11	142:24 143:15	215:18 217:1	8:12 65:23
137:25 138:3,5	52:9 62:5 70:7	44:8	146:17 151:1	220:18	68:24 69:6,9,25
hit 6:2 7:5 8:17	72:3 82:13 83:7	impression	158:20 162:1,2	Investigatory	70:15 71:2,14
11:18 12:12	83:9,15,17,19	115:16 131:20	162:4 163:13	205:5	84:7 85:9
134:20 151:5	83:20,23 84:1,5	200:6	175:12	invite 62:5,6,12	jami 2:5 223:16
187:21	157:1 182:23	impressions	injurious 116:16	145:3	Janice 108:8
hitting 7:7 8:16	183:7 185:9	196:4	injury 136:3	invited 62:10,19	January 6:24
hobbling 68:15	187:17	improper 72:8	143:1,3,4 159:5	involved 71:1	24:3 40:6
hold 132:21 133:4	houses 28:24	in-house 96:21,23	159:8,11 163:3	74:7 84:19 86:8	154:23 155:18
212:8	Houston 203:19	199:20,21	163:6	134:19 201:20	156:3,20
home 8:14 85:13	203:20	inaudible 7:17	inked 196:4	involvement	Jason 52:16,17
86:6 129:11	hugging 55:22	include 120:21	innocent 77:17	46:19 71:17	76:24 77:16
honestly 50:19	human 6:3 17:9	122:10	78:6	189:8 203:2	jealous 70:6,24
203:4	33:18 56:16	included 225:7	inside 33:20 41:1	involving 113:10	jealousy 70:8
Honor 5:6 19:1	hundred 190:9	including 217:17	76:20 130:1	island 87:22	jeans 63:2
21:16 23:13	hurt 15:15 46:1	incoherence	175:9,11 178:12	islands 52:12	Jennifer 8:4,6
38:25 47:15	106:17 148:3,5	37:20	instance 184:14	66:11 147:22	51:11 53:8,8
48:21 53:3 54:9	148:11 151:5	independent	Instead 31:13	issue 29:19	54:12,22,23
56:3 62:8 63:12	187:12 189:20	160:1	86:3	125:15 149:20	55:9 57:18
64:23 67:2 68:9	189:24 192:12	index 3:1 4:1	institution 187:5	167:24	60:23 61:4,13
68:17 73:5 90:6	husband 50:19	101:22	instruct 161:16	issues 97:4	66:2 82:11,21
94:24 95:24	51:1 52:16,20	indicate 163:4	194:20	143:14	129:17,20,21
98:8 99:10	65:13,18 71:1	indicated 52:11	instructed 199:19	items 97:21	135:25 141:13
100:5,22 101:9	72:4 76:24 77:4	52:14 67:14	insurance 44:4	101:13,16	147:21 152:8,11
102:25 107:23	77:16 80:2 83:7	72:23 110:3	intelligent 78:9	ivan 1:5 8:24	152:15 157:7
111:3 112:6	83:25 84:11,18	114:8 133:25	intend 163:20	10:19,22 19:2	175:8 176:5,8
118:22 124:13	87:15 134:20	147:24 173:22	intent 20:15	30:14 41:21	176:13 177:6,17
125:24 127:2	135:3 148:10	indicates 110:25	interaction 54:15	48:7 50:3 51:1	jet 86:7

jigsaw 200:13	29:22	159:22 161:6,11	35:23 188:7	84:25 87:21	68:16 73:4,6
job 24:22 40:1,19	jumping 37:2	161:14,18,22,22	knew 16:8 35:6	223:16	93:18 121:5,20
67:21,22,25	jurors 104:22	163:5 164:14,25	54:25 55:16	kuntz 3:16 193:5	123:9,12 132:6
138:21,23	jury 1:8,12 5:2,11	165:13 166:1	61:18 65:25	193:13,19	142:2 144:6
180:11 186:18	9:17 23:23 26:8	167:25 168:13	84:7,7,7,8	195:24 197:10	145:6 160:10
192:3 198:9,13	27:7 28:13 31:3	168:21 173:8	135:17 176:24	199:7 205:5	learn 120:22
jones 3:9 88:18	39:15 41:4,23	175:19 183:10	knock 135:10	211:1 213:21	learned 30:13
88:25 89:6	42:14 49:16	185:8,10 186:1	knocked 7:7	215:18 217:1	least 60:8 102:1
95:25 99:7,17	50:6 57:1 59:3	186:8,11 187:8	129:24 157:10	220:18	112:13 113:12
100:24 101:1	59:14,25 75:1	189:19 191:1,13	knocking 8:16	kyle 3:7 39:1,10	114:14,15 122:2
104:12 120:11	76:7,11,13 89:5	191:22 192:9	knot 158:21,23	39:16	123:21 130:19
120:17	100:16,19	196:8 200:23	175:16		131:23 143:10
Josey 25:13 26:5	127:22 139:22	201:15 202:17	know 8:21 12:7	L	144:12 149:4
26:9,15,17,21	145:4,14 150:19	206:25 207:10	12:18 14:10	lab 202:5	160:1 180:7
27:1 28:7,12,17	150:22 151:2	207:12 209:8	22:14 28:11,23	Labor 191:13,17	203:23 213:15
journals 202:9	154:18 156:11	215:24 216:2	29:13,14,20,21	lack 5:13 6:3	leave 86:2 127:7
Jr 127:23	160:15 169:4,5	217:11 219:16	30:12 35:3,5	18:16 31:16	135:15 152:11
judge 1:13 20:4,6	170:9 171:14	219:20 220:5	36:2 37:9 38:1	37:20 68:9	152:13 153:1
21:21 23:3	175:3,5 179:12	222:21 223:14	43:5 44:2,5,9	171:8	164:18 168:6,8
34:15 38:15	182:25 183:15	223:22	50:3,19,21	lacking 19:18	177:4,6,23
44:20 45:1,6	184:6,16 193:18	justice 89:13	51:18,21 53:22	Ladies 5:11 56:24	191:7
47:14 48:18	195:17 205:15		56:24 60:14,23	lady 151:21,21,25	leaving 5:22 11:6
49:3,9 50:12	211:3 212:24		61:13,18 64:7	152:1 208:12	12:17 161:3,4
55:6 56:9 61:15	215:17 219:9	K	66:21,22 67:11	209:2	164:20,23 167:3
65:7 69:11,19	222:18 223:7,12	K 210:18	67:12 68:23	laid 68:10 132:20	177:5,6,8
70:19 71:22	223:16	K-9 24:9,11,12,14	72:5,19 73:14	159:13 192:5	177:11,14
72:7 73:19	jury's 25:15	keep 35:25 36:18	74:3,15,16,17	Lancaster 39:24	led 163:13 183:21
74:19 75:5	just 10:11 11:10	70:5 84:23	75:4 78:4,5	Lance 7:4,6	left 8:5 11:15
77:21 79:11,13	11:11 12:3,5	91:16 127:5	81:25 82:5	Lance's 7:4,5	29:1 30:20
88:9,10,13	13:5 14:2,7,18	keeping 61:2	83:19 84:17,24	lane 26:5,9,15	38:10,11 66:22
91:23 98:1	14:22 15:2,8,8	187:22 202:25	85:2 86:12,16	27:1,21 140:22	135:18 136:14
100:2,8 105:24	15:15,25 16:1	keeps 197:25	87:3 97:22	156:24	142:25 145:14
106:1,8,12,18	16:18,23,24	208:17	101:5 104:3	lanes 27:19,20,22	157:15,25
107:17,18 108:8	19:11,13 20:6	kept 14:18 15:8	108:12 110:4	language 43:2	158:22 161:7,22
108:9 109:20,21	21:21 24:13,25	33:10 37:12,13	112:23 114:1	lapse 159:15	175:16 188:17
116:9,12 120:11	25:15 26:12,22	66:13 91:12	115:23 119:14	large 119:16	left-hand 11:17
121:4,14,16,19	28:2 12 32:8	95:15 96:24	120:4,7 125:18	175:19	legal 108:20
121:25 122:12	33:9,12 34:2,11	Kerville 199:22	130:25 133:13	last 8:19 9:19	199:2 217:16
123:20 124:10	34:14 35:10	kevin 3:14 154:7	133:17,19,22	46:19 53:19	legitimate 201:3
124:16,18	36:18,19 37:12	154:12,19	142:11,21	119:17 143:21	legs 63:2,3 147:1
126:23 127:5	45:6 46:15	key 72:6,16	144:12,12	158:6 164:4	lengths 11:9
132:17 133:6	47:15 52:8 53:6	keys 135:21	145:25,25 148:6	197:14,17	less 170:25
134:14 139:1	54:11,12 55:5	kick 21:12 37:4	149:4,9,15,25	202:12,19,21,22	172:12 200:20
142:1 143:6	55:14,22,23	kicked 7:25 45:23	150:3,4,13,16	203:3,22 205:8	let 36:1 38:14
144:5 146:12	57:11,24 58:24	Kid's 72:8	152:3,4,24	213:3,4,5,18	50:12 56:21
149:2,23 154:2	61:2 63:6,9 64:5	kill 8:21 135:9	163:18,24	215:1 223:16	57:3 74:23
159:23 168:1	66:6,21 67:12	182:4 183:18	164:20 166:16	Lastly 118:25	76:17 77:7
169:5 170:12,20	68:23,23 70:6	184:7	167:21 171:16	late 11:23,24	97:22 102:24
179:23 186:11	70:10,21 71:14	killing 183:16	171:16,18,19	128:22,23	104:3,3,4,6,13
198:24 204:6,19	71:21 72:21	kind 8:22,22	174:10 187:19	199:25 202:17	111:12 116:15
212:21 215:8	73:6,7 74:19	11:10 12:3	187:24 189:10	later 25:25 30:12	122:5 131:22
218:11,14,16,21	75:12 76:5,17	14:12,25 15:15	192:9 197:14	30:14 37:14	133:4 150:16
220:12,15	76:25 79:3	26:8 27:23	198:6,9 201:6	41:20 43:25	151:4 161:24
221:18	80:25 81:11,20	52:12 60:9	205:23 221:6,11	66:4,6 105:10	175:9 203:6
judge's 93:23	82:1,3,4 85:1,19	64:15 74:7	221:15 222:20	170:25 171:17	204:2 215:12
121:14 122:7	86:3,8 87:14,22	75:19 80:4	222:25	latter 102:21	218:18 219:6
judgment 105:16	90:4,24 93:15	81:17,17,24	knowledge 54:1	laughter 102:21	let's 54:13 56:25
200:6 205:14,15	93:23 98:10	84:8 85:2 87:18	54:14 56:14	74:22 220:9	59:9 67:14
205:17 206:6	99:10,23 103:19	102:12 106:5,21	68:9 136:25	law 6:18 74:4	71:24,24 76:5
209:16,20,21,22	103:25 111:16	113:4 123:2	137:2 157:24	94:21 149:3	100:11,12 122:4
212:5 214:19	118:21 123:11	130:2 131:1	165:11 172:2	law-abiding	122:4 130:9
216:3,13 217:17	124:16 126:9,24	137:18,19,20,24	178:12 194:16	66:25 67:7	145:1 150:19
217:18 222:21	126:24 130:23	148:16 151:4	known 50:15,22	lawful 15:17	160:17 169:4
222:23,24	132:20 133:4,6	161:13 166:19	53:18 84:18	lawlessness 75:12	175:3 199:10
judgments 206:1	133:14,17 134:8	167:21 170:5	196:10,17 197:3	laws 116:25	200:6 201:1
206:4	137:23 142:1,10	174:1 190:4,14	200:3,3,8 201:7	lawyers 79:17	222:15 223:18
Judicial 1:17	142:10 144:17	222:20	206:13 207:24	81:20	letter 62:13
judicially 125:12	144:20 148:5,10	kinds 40:22 45:14	211:14 212:14	layperson 59:1	110:17,21 111:9
July 114:12	149:23 150:5	51:5 183:8	213:23 215:3	lead 67:17 186:6	level 42:17 43:3
119:19	152:10 155:23	kiss 55:22	217:2 218:2	leading 62:7	Lew 17:13,14
jump 12:9 29:21	157:6,14 158:19	Kitchen 8:12 87:1	knows 56:14		liaison 116:5,11
		knees 8:19 30:4			

116:11 license 13:22,25 14:8,18,19 30:10 licensed 96:19 110:24 116:19 life 6:3 9:2 33:18 51:4 53:8 lifesaving 156:13 lifted 151:10 light 26:17,20,22 27:17 lights 13:6 28:6 28:14 35:1 like 5:4 9:4 11:21 12:9 15:15,16 15:25 16:8,8,14 16:16,18,20 22:16,20 26:16 27:9,17 28:8,21 28:24 29:8 31:12 32:22,23 33:22 35:4,18 38:6 42:4 45:19 54:25 57:4 60:10 64:13,14 65:22 70:2 71:14 76:18 78:7 81:25 83:10 84:19 85:13 87:24 100:9 103:6,15 103:18 104:6,19 115:19 117:11 117:15,24 130:21 142:19 146:7 148:11 151:4 152:22 155:21 158:18 166:19 171:23 175:21 184:13 187:17 188:8 189:11 194:6,18 199:14 200:1,10 200:23 202:16 202:18 208:19 215:21 219:11 222:9 224:4 limit 13:12 26:24 27:9,15 33:20 limp 68:13 limping 68:15 line 37:19 58:2 lines 150:8 link 213:13 lisa 1:17 116:21 223:7 225:5,17 listed 214:24 listen 98:10,10 222:10,10 listening 87:13 listens 60:14 listing 101:5 lists 189:19 literally 5:25 litmus 144:24 little 26:12 30:12 39:20 53:6 66:6 82:11 104:1 130:3,21,22 133:14 145:6	151:21 175:19 176:7 183:1 187:22 little-bitty 202:14 202:15,19 203:3 live 33:22 104:22 live-in 141:7 152:24 lived 83:7,19 lives 17:9 87:21 106:9 living 8:12 72:3 local 77:4 87:15 87:17 locals 76:20 78:13 85:12 87:19 88:5 locate 211:6 located 10:24 41:6 locating 86:4 location 40:15 41:13 44:6,10 136:15 145:17 161:23 177:8 180:25 181:2,4 181:14 locked 72:17 locking 29:4 lodged 98:19 106:4 log 189:13 lonely 82:4 long 9:23 10:2 24:1,4,12 28:20 39:18,21 50:15 50:20 55:12 80:12 84:18 86:11 89:9 90:13 104:2 108:1 128:1,4 132:21 135:13 142:20 144:17 154:22 165:15 174:7 176:5 179:15,18 180:5 180:13 199:17 223:6 longer 86:4 149:9 look 25:1 78:13 86:13 101:11 103:1,4 104:3,4 104:7 113:13 123:15 135:15 153:18 174:23 175:21 195:4 200:5 210:25 215:12 220:4 looked 84:1 99:22 101:12 102:2 111:24 133:23 looking 15:8 32:8 81:10,24 82:4 95:15 103:2 104:13,18 119:18 200:8 looks 57:4 103:6 103:15,17 104:6 104:19 117:24 123:17 lost 115:24	lot 5:24 7:21 10:23 11:6 12:4 12:17 14:4,5 27:14 36:5 46:3 50:24 54:18 65:15 72:4,5 81:14 85:1 116:4 161:2,4,4 177:25 178:3 183:19 lots 190:10 loud 35:19 204:1 loves 79:5 loving 55:21 lowry 2:5 23:13 23:16,20,22 30:22,25 34:3 38:16,17,25 39:7,8,14 44:19 47:15,18 48:14 48:17,20 178:25 179:5,11 180:2 181:23 182:2,18 182:21 186:9 191:1,3 192:7 192:17,23 193:4 193:10,11,17 194:16 195:2,21 195:24 199:5,7 199:10 201:22 204:8,15 205:5 206:25 207:9,18 209:8,12 210:2 211:1,23 212:18 213:2,17,21 214:7 215:6,18 215:20 216:5,10 216:15 217:1 218:9 219:11,20 220:1,18,25 221:19 223:20 223:22 lump 158:24 175:16,19 lunch 100:12,17 101:2 M M 1:17 225:5,17 ma'am 5:10 10:6 10:17,20 12:13 12:21,23 15:21 16:13 17:5,10 17:16,18,24 18:5,8,11,15,18 18:21 19:9,17 19:19 40:9,16 40:21 41:10,17 41:22 42:21 43:9,20 44:1,6 44:15 47:23 48:1,3,6,9 49:16 49:18 53:5 60:2 70:9 79:16 88:8 88:15 128:20 129:4,22 130:18 131:5,7,9,15 132:3 135:6,13 136:1 140:1,19 140:23 141:14 141:16 179:20	180:18 184:15 192:16 196:2,23 208:4 210:1 212:2,12 214:20 218:3 Machine 1:15 mad 204:2 made 15:10 16:5 20:14,25 41:19 41:25 42:13 43:22 44:12 47:20 66:1 68:7 81:14 96:18 97:12 121:15,23 122:8 130:22 132:11,24 133:8 133:13,19,24 134:1 145:12,14 149:19 158:16 163:17 164:4 165:12 169:19 171:4 181:7,8,9 189:3 Maggio 7:5,7 main 72:1 80:22 maintain 44:3 89:18 major 26:19 27:14 majority 81:10 make 5:4 16:3 21:11 25:18,20 25:22,22,24 35:23 40:4 42:9 43:5 44:13 46:6 56:25 57:10,12 58:18 61:1 63:21,25 64:7 65:3 70:23 71:4 71:5,10,13 80:14,18 82:7 86:19,20 101:11 111:12 116:3,11 116:16 121:16 150:7 155:15 160:17 163:15 166:22 171:11 171:12,24 189:16 195:8 199:24 200:16 200:18,24 211:7 217:6 219:3 222:20 223:3,11 223:18,19,20,25 makes 15:16 27:21 116:12 126:11 144:16 making 65:22 92:5 171:15 189:1 man 7:5 8:10,22 8:22,24 18:19 69:22 129:10 182:17 203:18 management 6:25 40:23 41:13 44:12 80:10,11 manager 80:4 171:22 manipulate 56:13	67:20 86:21 191:22 manner 5:24 6:2 7:18 184:8 many 11:19 12:1 13:14 14:25 55:8 81:21 96:1 108:1 119:4,11 163:4 190:5,7 200:21 202:19 213:1 March 103:5,6,8 103:17,20 114:12 121:2 marijuana 74:8 116:17 123:1,4 mark 11:6 220:2 marked 18:7 195:25 196:21 211:25 213:17 215:19,22 217:12 223:23 223:24 market 130:24 marking 213:18 marks 64:4 maroon 30:20 48:12 182:17 marriage 61:10 65:15 84:24 marriages 8:2 married 8:2,3,4 8:10 49:20,22 51:8 55:10,12 55:14 85:7 Marshal 66:11 147:22 match 200:4 208:1 211:24 214:10 217:11 matches 200:12 218:7 220:23 matching 178:4 200:20 material 19:18 matter 46:20 77:25 93:24 169:19 201:9 matters 125:16 167:19,20 169:6 MATTHEW 2:12 maximum 31:18 may 5:8 19:1 20:6 30:22 34:12,14 38:18 44:20 45:1,5 48:14 56:8 63:21 88:15 90:6 91:7 100:5 101:8 105:2,5 118:21 124:16,18 125:24 132:8 181:5 182:18 185:2 186:11 195:21 209:8 221:2,19 223:20 223:22 maybe 29:8 35:5 37:19 38:8 55:13 58:22 87:13 103:3	167:22,23 169:12 188:9 192:9 223:11 McDonald 1:18 2:8 225:19 McKinney 1:13 1:18 2:8 225:20 mean 12:8,16 15:6,12 22:11 32:22 34:1 35:18 38:7 51:23 55:23 57:11,24 60:21 64:5 69:3 74:15 77:3 78:10,12 78:14 80:22 81:20 82:3,7 88:1 91:4 92:4 118:9,15 129:7 137:22 141:6,23 142:17 146:6 149:14 161:6 166:18 172:14 182:25 188:22 197:24 199:2 201:5 means 105:24 166:16 median 26:11,12 medical 56:20 143:14 152:17 165:3 177:21,22 medication 116:18 meet 7:12,15 51:1 51:12 53:17 82:12,14 member 198:4 199:1 members 72:18 membership 198:4 memory 26:3 33:12 38:6 44:17 91:15 103:2 181:11 men 81:10,17 mental 187:5 188:9,19 190:4 190:5,5,15,22 192:2 mention 72:24 mentioned 53:7 72:25 167:2 168:2 merely 123:24 merits 1:11 125:22 mess 87:19 met 50:18,19 51:7 51:9 53:10,19 53:21 80:2 82:13 83:20,21 83:22 84:15 85:21 methamphetamine 121:2 123:1,5 methods 202:17 michael 3:16 193:19 michelle 3:8 8:3,9
---	--	---	---	---	---

8:13 49:2,11,17 51:10,12,14 70:3 73:1,10 mid-20s 38:8 middle 26:11 102:21 midnight 11:21 11:22 25:8,9 might 16:12 18:3 34:18 60:16 74:9,21 96:11 117:9 119:12,25 170:10 186:3 189:20 199:4 222:8,10,11 mike 193:4,13 miles 5:23 6:13 11:5,12 13:11 13:13 18:13 27:1,6 28:3,19 29:2 33:19,23 Million 13:17 mind 58:5,8,18 58:18 64:1 68:6 68:21,22 78:12 132:14 186:3 187:14 mine 156:1 minus 36:4 minute 170:25 minutes 37:14 56:22 74:24 76:5 132:24 142:22 143:11 144:12 145:2 146:1 149:4,5,9 149:12 160:13 160:18 165:19 171:4,18,20 173:18 174:7,9 174:11 mischaracterizing 122:1 misconduct 76:3 misdemeanor 20:12 21:1 90:14,15,16 91:1 92:7,9 93:6 96:3 103:25 104:3,6,8,11,16 104:20,21 105:1 105:2,6,11 107:2,6,8 112:22 209:22 missed 58:22 161:22 mistaken 135:4 mitigating 9:1 mixed 223:4 model 188:22 mom 191:21 192:14,14 moment 20:6 45:6 73:19 95:24 99:10 118:21 124:16 186:11 209:9 moments 34:15 126:24 money 70:7 71:15 78:16 79:1,3	80:14,15,18,24 81:8,14 82:1,7 86:12,19,20 118:13 month 55:13 83:12 85:21 102:21,21,23 115:7,13,19 135:3 months 6:22 8:5,7 8:7 90:12 156:18 180:6,7 mood 62:15 more 15:2 16:6 16:14 33:5,9 36:22 38:12 43:13,15 45:22 46:3 66:7,7 67:20 70:8 95:10,20 119:6 152:10 158:5 159:18 167:23 167:25 172:12 191:21 199:5 201:24 morning 11:23 14:5 129:1 208:9 222:16 Mosqueda 7:13 7:17,23 8:12 69:10 85:9 most 85:3 86:21 106:21 155:16 185:9 186:23 mother 7:8,18,23 35:5 147:16,18 152:1,2 164:6,9 164:10,11 176:21,23 183:1 183:23 185:10 185:14,21 188:3 189:23 190:3 mother's 7:25 mother-in-law 152:18 motion 93:4 117:16 motor 20:17 move 21:11 35:23 53:4 66:11 143:22 moved 24:17 movements 185:20 187:16 moving 26:20 185:8 187:20 much 14:7 26:23 38:4 50:23 55:18 66:23 67:24 80:15 81:12 83:12 86:8 130:13 149:9,13 189:1 189:8 190:25 200:19 murder 1:8,11 20:16 murdered 69:22 71:6,11 murdering 69:9 murders 5:12	71:16,17 muscles 31:7,10 must 109:15 134:1 149:20 172:21 189:13 Mustang 12:16 19:6,6,8 27:24 muster 216:22 mutual 166:4,14 myself 16:21 129:25 223:11 N N 2:1,13 5:1 name 9:17,19 23:24 30:13 41:21 43:23 49:16 50:3 53:12 89:5 108:12,14 122:23 127:22 129:16 139:22 141:11 154:18 182:11 193:19 198:22 199:3,4 202:4 203:1 208:11,13,25 210:11 215:1,1 named 7:5 53:7 113:19 names 55:23 Nano 206:23 211:19 213:11 214:2 216:20 220:13 narcotic 24:10 narcotics 24:15 24:18 85:5 116:17 137:8 155:12,14,15,17 155:23 narrative 101:5 narratives 34:17 narrow 69:14 81:21 nationally 198:20 naturally 219:2 nature 40:20,24 129:5 140:12,24 144:6 157:3 160:3 180:24 183:25 Navy 6:21,22 73:14,17 necessary 15:19 78:16 185:18 neck 147:2 need 14:1 16:25 70:16 76:7 96:20 104:12 118:8,10 134:10 134:12 149:18 181:11 191:6 204:25 needed 29:23 87:23 185:24 194:1 195:12 198:14 needs 169:19 171:11 negative 71:15	negativistic 91:22 91:25 92:3 94:1 114:5 neighbor 171:22 neighborhood 26:14,14 27:10 28:21,22,25 33:22,23 nervous 187:23 neurological 68:14 never 12:7 22:17 51:16 68:13,14 73:13 74:15,16 77:14 83:2 84:18,20 85:8 107:18 108:21 119:13,24 150:11 187:22 192:11 new 19:8 28:1 61:3,6,10,10 62:17 66:18 70:7 93:3,16 117:19 202:17 news 222:8 next 23:11 38:23 49:1 78:13 88:15 102:10 116:22 127:10 134:4 139:6 154:5 178:23 181:24 182:8 185:11 193:3 194:25 200:15 nice 19:16,16 83:15 night 8:13 18:3 25:6 26:21 32:11 40:11 128:25 129:9 nightclub 117:10 117:11 nights 10:8,9,13 128:22,23 nine 9:24 10:4 24:6 89:10 108:2 nobody 8:21,21 79:20 198:4 Nods 72:22 75:16 non 15:14 noncooperative 169:13 none 159:16 185:16 nonexpert 190:18 213:14 Nonjury 209:22 nonresponsive 52:1 71:8 97:15 98:8 141:3 161:15 194:13 194:20 normal 119:5,6 normally 11:22 12:8 169:9 North 140:8,8 155:6 156:6,6 northbound 13:2 13:3 28:7	northeast 10:10 notarize 210:16 notarized 208:12 notary 210:13 notation 189:13 notes 20:1 nothing 38:17 48:18 59:2 81:8 85:4 124:23 133:5 152:10 153:25 202:24 notice 75:20,21 75:21 156:7 175:12,15,24 noticed 10:22 42:1 142:25 notified 165:7 November 85:23 225:15 number 53:1 91:7 113:9 122:22 196:14,22 204:16,21 205:4 205:6,10 206:19 207:10,23 209:16 212:1 217:19 225:20 numbered 1:12 225:8 numbers 41:9 numerous 8:10 199:24 nystagmus 16:19 17:3 31:2,4,17 31:19,21 32:4,4 36:3,17 O O 1:1,1 5:1 Oak 180:12 oath 9:14 39:12 49:13 60:2 89:2 127:19 139:14 139:19 154:14 179:9 193:15 object 58:7 69:18 72:7 74:19 77:23 94:23 98:7 111:4 112:6 121:4,19 121:25 122:12 123:20 124:10 126:23 169:17 171:17 192:4 198:24 206:22 207:14 213:13 216:17,19,20 218:11,15,19 219:1,2 223:11 objecting 144:7 170:5 207:2 objection 52:1 54:8 55:5 56:3,7 58:3 61:15,20 62:7 63:11 64:22 65:7 67:2 67:3 68:8,12,16 68:18 69:11,20 71:8,21,23 72:15 73:4,5,8 76:4 78:2 93:18	97:14 98:1,4,9 98:18,25 99:4,6 111:6 112:8 122:5,14 124:1 126:13 130:7 131:18,25 132:5 133:2 134:14,16 141:2,3 142:1,9 143:5,20 144:11 149:2 150:19 157:16 158:4,6 159:12,17,23,24 160:10,11 161:14 167:22 168:22 170:3,20 175:2 181:21 182:1 191:25 194:13,15,18,22 197:5 199:8 204:6,12,24 205:2 206:21 207:7,16 210:23 213:8,9 215:10 216:9,23 217:6 219:2 223:15 objections 171:8 171:9 211:18 213:10 214:1,2 215:8 219:3 220:7,13 observation 20:20 56:16 130:2 180:6 observations 52:21 53:9 54:15 66:8 182:21 observe 60:17 131:8 142:24 158:8,20 observed 17:8 30:7 46:13 47:22 60:7 157:25 169:8 184:12 185:3 obtain 22:5 208:2 208:5 obtained 208:23 obtaining 116:19 211:10 obvious 45:9 132:5 150:11 obviously 20:14 33:24 52:20 56:4,4 84:7 96:1 109:10,15 113:2 117:2,5 126:21 142:12 198:25 207:6 occasion 10:18 51:1,5 89:22 95:10,21 115:8 187:1 208:16 Occasionally 46:18 occasions 94:8 95:22 190:6 195:15 occupation 9:21 53:21 89:7 127:24 140:2
--	---	--	---	--	---

154:20 occupy 155:8 occur 164:8 occurred 145:18 159:22 162:8 175:22 225:8 October 1:11 3:2 7:10 128:18 209:23 odd 37:16 81:7 149:15 odor 30:7,25 42:1 off 7:7,19,19 22:5 28:22 29:1 36:2 41:17 163:2 173:1 174:17,25 194:5 223:2,9 223:22 offend 86:17 offender 111:1 112:5 120:20 214:25 offenders 89:15 89:19 offense 4:7 25:25 43:8 90:15,16 91:2 93:12,13 97:11 103:23 104:6,15,16,24 104:25 105:2,5 105:6 108:21 113:3 115:13 117:19 123:22 123:24 124:5,6 124:20,24 125:11,12 145:18 159:22 169:9 170:17 172:5,8,22 173:4,10,10,23 178:2 205:21 207:18 208:3 211:17 214:11 214:15,21 217:18 220:19 offenses 37:21 90:24 92:8,9 93:3,17 96:3,12 116:24 169:7,10 169:14 172:2 221:9 offer 42:16 111:5 112:8 124:13 126:4 131:19 132:13 147:20 165:5 171:7 204:16,20,21 207:10 210:2 212:18 213:5 215:6,9,21 218:10,15 219:17 220:2 offered 7:6 43:12 65:11 125:4 169:18 216:7,11 216:18,19 225:10 Offered/Admitted 4:3 offering 58:24 111:6,15,19	126:3 181:23 206:24 212:25 213:10 216:3 offhand 191:11 208:13 office 22:13 103:6 103:18 113:24 137:15 193:22 193:24 195:11 196:19 205:25 208:12,15 215:25 219:16 officer 5:20 6:5 6:16 9:5,22,23 14:24 17:25 18:6 19:4,20,25 20:9 23:5,14,24 24:1,2,5,7,22,25 25:15 29:19 31:23 34:7,20 38:25 39:16,18 39:21,25 40:2,3 44:24 45:5,9 46:8,9,21,22 47:19,19 89:8,9 89:12,14,21,22 91:7,9 92:6 95:25 102:6,9 102:10,11 110:14,15,18 116:6,6 117:17 118:5 121:10,15 127:11,25 128:1 128:2,5,8,13,16 128:22 129:25 130:9 132:18 133:13 136:16 139:9,24 140:3 140:11 143:10 145:11 149:10 150:1,25 152:21 153:7 154:7,21 154:22,25 155:2 155:9,10,12,14 155:19 156:14 156:15 169:11 169:25 170:14 172:2 175:8 178:7,11,25 179:13,19,22,24 180:4,12 184:4 185:12 186:8,16 186:20 188:25 190:25 191:4 192:2 218:13 officers 32:1 36:2 91:5,8 94:9,18 102:11 109:25 114:1,14 117:9 155:23 180:7 221:10 offices 205:19 official 1:17 225:5,14,18 often 85:15 205:25 oftentimes 169:12 oh 36:11 57:15 134:13 148:9 168:6 172:16 188:6,20	okay 12:22 20:14 22:18,24 35:9 35:13 36:1,16 36:25 37:7,11 37:18,21 38:1,4 38:14 45:16,18 45:21 47:2,12 54:10,20,22 55:15,25 56:11 60:3,23,23 70:17,21,22 71:4 72:21 73:25 74:3 79:22 80:4,6,9 81:7,12,17 82:11,24 83:22 84:11,17 86:10 86:14 87:1,3,6 87:12,12 88:7 98:11 101:21,24 103:4,14,19 104:10,22 105:15 106:21 106:24 108:8,24 110:7,14,21,24 112:3 113:13,16 113:19 114:18 115:15 116:2,9 116:14 117:14 118:25 119:4,14 120:9 134:8,13 137:7,10,18 138:2 145:16,21 145:25 146:4,11 146:15 148:4,17 153:15 166:3,12 167:2,2,7,10 172:13 174:9,23 187:16 188:4,16 189:4,7,10,22 190:1,4,4,10,21 190:24,24 194:24 197:17 200:11 202:22 202:24 203:10 203:16 205:2 221:17 old 19:25 21:24 22:8 28:1 49:18 65:14 72:5 143:13 old-style 28:22 older 35:5 Olverra 46:8,10 46:21,23 47:19 omissions 99:12 120:13 154:15 once 6:4,6,12 13:19 14:9 15:22 17:11 22:24 29:10,25 30:25 32:23 33:6,8 65:24 85:16,17 130:4 136:10 156:2 164:22 185:13 188:22,23 189:7 191:4 200:10,15 one 8:11 12:5 35:4,5 41:9,9 43:13 47:20,20	47:24 48:2,4 53:23 58:14 60:15 63:2,3 65:11 70:25 78:17 79:22,25 83:1,6 86:18 87:6,7,9,17,20 90:25 91:7 95:10,20,24 102:9 108:3 115:13 119:9,10 123:16 125:3 130:24 141:15 147:22 149:20 167:25 168:2,5 189:12 190:11 195:11 196:12 198:3 199:16 200:3,3,11,14 200:23 202:11 209:1,8 217:5 219:12 220:5,21 221:8 223:13,24 one-year-get-awa... 86:3 ones 11:17 77:5 101:13,16 156:9 156:9 only 6:22 8:5,6 29:8 32:17 33:10 35:24 63:9 98:10 141:15 150:18 167:20 183:23 188:3 213:6 219:18 onset 31:17,19 onto 11:17 13:1,7 26:15 28:8 open 27:12 50:13 54:18 85:1 157:9 160:5 161:9 225:8 opened 129:25 130:10 158:7 159:19 160:8,20 167:2 175:9 opening 5:4 160:9 160:21 opinion 17:8 18:16 57:8 68:19 93:17,19 94:12,14,17,20 99:3 114:5 116:8,10 121:23 122:7,8 150:9 185:24 204:11 206:17,18 207:5 207:23 211:14 211:23 213:25 214:7 218:4 opinions 123:24 opponent 124:15 125:7,10 126:6 126:8,10,12 opportunity 195:18 196:14 205:6 206:12 opposed 67:1 86:20 116:6,10 opposition 192:9	optional 124:14 124:19,25 125:5 126:1 options 42:4 order 59:18 108:24 109:2 118:2,8,10 130:4 219:21,23 219:24,25 222:9 ordered 15:4 109:20,21 126:16,18 orders 6:5 15:17 15:20 30:2 94:15 108:3 109:11,15,23 ordinary 190:11 organization 197:25 198:22 organizations 199:3 orientation 60:16 original 102:6 other 11:10 15:1 15:17 16:17 20:18,22 32:14 33:18 35:10,20 37:21 38:8 51:4 55:3,21,24 57:22,23 61:2 82:25 86:20 87:19 89:17 91:5 94:18 114:14 115:18 116:25 131:3 137:2 138:1 144:13 146:5 148:23 159:14 164:1 166:12 176:16,19 184:20 188:24 189:5 190:11 196:11 204:7 205:13 208:2,2 214:2 216:4 219:3 223:4 225:7 others 42:25 43:2 43:4,11 otherwise 42:9 56:18 62:3,4 67:25 ought 160:16 223:16 out 4:8,9 5:25 6:1 7:11 8:13,15,15 8:20 11:12,14 11:18 12:8,9,10 12:11,15,20,25 13:1,7,22 18:2 19:14 22:2 26:15 27:13 28:4,14 29:12 29:16,17,21,22 29:25 30:3 31:18 34:18,25 35:4,15,21,22 37:8,9 38:7,8 41:14,14,21 43:6,24 45:15 45:16 50:5 52:8	64:15 71:16 76:11 79:7 96:16 106:10 113:3,5 117:5 117:13,15 122:22 132:20 134:8 135:11 137:10,13,24 138:12 147:2 155:23 156:2 168:11,12 169:11 171:14 189:14,16,19 190:10,15 197:25 198:16 204:1 215:23 219:20 222:11 224:3 outcome 38:1 205:21 outgoing 57:11 outside 45:13 96:16 153:19 212:23 215:16 219:8 outweighs 150:15 over 7:25 17:20 33:19 35:19 39:20 42:19 62:10,19 63:1 76:18 77:5 80:10 82:13 119:20 126:24 127:15 162:12 164:14,21,22 170:14 176:7 177:7 183:7 190:8 193:10 206:1 207:21 215:14 219:7 overbroad 94:23 overrule 69:20 71:23 73:8 76:4 78:2 98:4 122:5 133:1 134:15 182:1 204:12 207:7,16 overruled 62:9 65:9 94:25 98:20 111:8 112:10 121:6,21 142:13 170:21 210:24 211:22 214:5 216:23 217:8 Oversee 89:15 own 7:8 15:3,9 42:7 44:5 70:7 125:5 136:14 177:22 211:19 213:11 219:15
---	---	--	--	--	--

P

P 1:1 2:1,1 5:1
p.m 1:11 10:15
40:13 100:19
129:3 140:18,18
140:21 145:4
150:22 160:15
175:5 180:20
222:18

<p>pacing 187:17 packet 4:6,8,9 205:9,10,12,14 205:18 206:15 211:5 212:4,6 212:10,13 215:23 217:16 217:19 page 3:17 99:23 101:18,21,24 103:14 111:25 111:25 122:21 205:8 209:14,21 212:8 213:5 215:10 217:19 217:24 218:6,23 218:24 219:15 220:5 pages 34:15 100:9 213:1,3,5,6,10 213:16,18 215:22 219:13 220:1,4 223:15 223:19,22 paid 78:17,19 83:14 221:13 225:12 pain 15:10 63:5,8 132:4,15 144:3 144:21 pant 63:2 paper 17:20 123:11 papers 217:16 paperwork 34:8 133:23 134:2,3 134:4 145:21 205:18 paragraph 116:22 117:24 117:25 202:11 parameter 144:19 Pardon 168:4 parked 8:14 10:21,23 11:9 11:10 19:14 parking 5:23 7:21 10:23 11:6 27:13 161:2,4,4 177:25 178:3 Parkland 185:15 187:11 188:17 189:7 190:17 191:4,18 192:4 part 40:19 72:24 76:3 79:6 97:21 102:21,21,21 110:1,19 124:23 125:1 126:5 173:8 208:14 partially 102:2 particular 8:11 41:16 42:10 87:17 91:13 109:14 129:9 170:17 180:13 particularly 75:13 parties 225:7,10- partner 11:3 37:4</p>	<p>party 77:8 78:11 124:15 125:3,7 125:10 126:6,8 126:10,12 145:22 pass 19:20 34:3 44:19 99:7 102:9 120:10 127:1 136:16 153:7 178:7,15 186:9 192:17 216:22 220:25 passed 8:20 29:3 passes 79:11 passive 54:23 past 33:25 51:22 61:6 67:12 115:4 130:4 200:25 pat 14:24 patient 188:9,19 patrol 10:1,8,9 18:7 24:16,17 24:20,22,24,25 31:23 40:2,3,4 46:25 128:16,22 140:5,8,11,12 152:21 155:7,9 155:10,17,19,24 156:1,2,5,6,12 156:15,20 180:12 Patrolling 10:10 patted 15:24 pattern 200:10 222:21 Paul 7:5,6 pause 20:8 45:8 76:11 118:24 186:13 209:11 212:20 219:5 pavement 11:17 12:7 pay 81:25 83:9 117:22 118:13 118:14 198:3 paying 83:12 PD 43:24 peace 24:4 39:21 179:18,22,24 180:3 221:9 peacemaker 7:14 peer 103:12 pen 17:3 36:19 people 5:24 6:1 11:19,21,22,23 11:24 12:6,8,9 12:11,14,20,24 14:25 18:2,3 25:1 31:5 34:25 48:5 55:3 58:19 67:20 77:17 78:6 81:7 86:21 96:11 117:5 119:6 129:8 142:5 146:1 166:19 187:13 202:4 per 5:23 11:5 13:11,13 18:13 21:24 27:1,6</p>	<p>28:4,19 29:2 33:23 115:7 perceived 65:1 perfect 174:10 perfectly 36:18 perform 15:19 16:13,23 42:22 43:17 47:5 80:23 performance 123:25 performed 15:22 43:13 47:24 performing 81:15 perhaps 16:17 88:14 219:3 220:4 period 55:16 86:2 86:11 103:25 159:15 177:25 223:14 periodic 198:2 periods 86:5 128:23 permanently 15:15 Perry 28:16,18 28:21 33:21 person 14:11 15:2 15:14,17 16:17 21:5 25:21 27:23 29:25 30:8,16 31:20 32:1,5 37:17 41:18,20 42:1,8 42:9,10,11,22 43:3 45:10 48:7 49:18,20 57:9 92:16 109:10 110:12 117:12 118:3,12 131:8 138:9 146:5 150:4 151:19 152:22,25 171:21 176:16 176:19 180:25 183:13 184:7 185:13 191:5,16 196:11,12,25 200:19 203:17 206:18 208:21 209:4 211:11,16 211:24 214:15 214:15 217:5,11 220:18,19,21,24 person's 17:15 56:12 personal 20:20 68:9 119:1 136:25 137:2 157:24 165:11 172:2 178:12 211:19 personality 55:25 56:2,12,16 57:8 58:1,25 59:3 60:6,7 personally 157:25 208:8 persons 41:1 116:15,23</p>	<p>222:22 pet 130:25 131:1 petite 151:22 phase 77:24 139:25 phone 62:12,14 62:16 142:21 152:5 176:14,17 176:20 photos 208:20 physical 131:21 132:1 144:9,19 166:10 189:24 physically 21:12 68:3 150:2 189:25 physician 116:20 PI 45:22 47:10 pick 92:9 163:24 208:8,10 picked 93:16 121:3 picking 164:24 pickups 190:5,16 picture 162:11,13 162:14 163:7 170:5 176:1 piece 17:20 123:11 199:11 200:14 piers 198:1 pinned 8:19 place 2:15 43:19 55:6 69:12 76:23 96:11 117:12 135:19 placed 6:8 94:15 133:19,22 147:3 185:14 187:9 220:19 places 81:18 88:4 106:2 116:23 117:15 placing 29:16 105:16 122:19 plan 87:9 plane 74:11 Plano 2:16 127:25 128:2,11 play 110:1 157:18 186:7 plea 105:25 205:13,22,23 Pleasant 84:9 please 5:3,8 9:7 9:10,19 23:12 23:17,19,23 38:23 39:4,15 49:1,5,8,16 50:12 57:2 60:1 73:19 75:2 76:14 88:16,20 88:23 100:20 127:10 139:7,15 145:5 150:23 154:5,9 160:19 175:6 178:24 179:5,12 184:6 193:3,7,9,18 195:1 209:9 210:25 219:7</p>	<p>222:19 plus 36:4 199:20 point 15:9,13,22 15:25 16:9 17:15 18:22 19:18 29:19 30:11 33:7 42:24 43:1,7 50:5 60:15 70:25 72:16 83:6 90:2,17 105:12 130:5,8 145:19 150:6,15 152:6 159:16 162:1 169:13 171:12 177:11 187:24 189:22 190:14,18 200:15 218:16 pointed 41:14,14 points 15:14 31:15 32:12 200:9,15,17,20 211:6 police 6:4,12,12 7:1 8:8 9:22,23 9:25 10:2 18:6 23:24 24:1,25 39:16,19,25 40:7 79:7,20 127:25 128:1,2 128:4,8,10,11 128:13,14,18 129:25 136:11 140:3,4 145:13 145:22 154:21 154:22,25 155:2 155:5,11,22 165:7 179:13,16 180:6 183:2,11 184:4,8 187:2 194:8 199:18,22 policy 42:6 poor 211:5 portion 102:23 123:8 218:19 portions 122:15 225:6 posed 194:21 position 9:25 10:7 128:11,15,21 140:4 148:22 149:6 155:4,8 184:10 positive 92:14,21 92:23 95:8,12 95:20,23 200:18 200:18 211:6 possession 5:20 6:8 17:23 90:22 103:23 104:15 107:19 108:20 113:10 124:5 217:20 220:20 221:8 possible 118:4 187:8 191:22 196:10 possibly 15:1 80:15 post 104:24</p>	<p>potential 49:25 150:10 185:21 187:8 Potter 209:2 210:18 power 12:17 predated 65:14 predicate 68:9 69:12 132:20 144:9 159:13 160:2 192:4 prefer 184:8 186:20 prejudice 150:10 prejudicial 150:14 prep 193:25 preparation 225:12 prepared 113:9 prescription 116:18,19 presence 1:12 18:6 54:5 57:18 57:20 60:8 171:14 present 18:1 55:3 56:1 59:14 64:12 131:20 presented 196:15 presentation 112:17,19 113:2 113:8,13 114:16 124:22 Presiding 1:13 press 164:7 222:8 222:11 pressure 15:13,14 15:22 pretty 26:23 27:15 36:1,2,4 37:18 45:9 46:17 58:21 83:15 86:24 87:1 141:20 189:8 prevent 153:1 previous 155:8 220:12 previously 49:24 98:18 126:5 139:18,25 171:9 price 83:13 primary 198:9,13 principles 201:19 print 4:5 199:25 200:8 201:7 202:17 211:2,4 211:5,13 212:10 212:13 213:22 215:2,10 217:2 218:1 prints 196:10,11 196:17,18 204:22 208:3,20 209:4,13 211:10 212:14 215:3 217:2,10,11 218:2,5 prior 24:14,15 31:19 39:23</p>
--	--	---	--	--	--

42:15 69:9	proceeding 14:12	psychological	161:16,18	63:9 66:22	215:22,24 216:7
99:16,22 100:10	proceedings 1:11	185:15 187:3	167:25 170:3	72:15 81:9 87:2	216:12,19,24
101:6 112:19	1:13,14 20:8	public 7:1 43:8,22	194:19,19,21,25	106:17,18	217:7 219:4,12
115:13 122:18	45:8 76:11	46:4 47:9 89:18	197:11,12 203:8	135:10 148:6	219:18 220:17
123:22,24 128:4	108:4 118:24	194:7 207:11	207:3,5	149:3 183:10	222:20,24 223:2
131:12 132:6,18	186:13 209:11	208:16 210:3,13	questioned 43:16	190:10 203:5	223:7,8,9 224:1
155:10 157:15	212:20 219:5	212:16 219:14	47:5	reason 61:2 92:12	225:8,9,12
177:14 191:13	225:7,10	publicity 222:12	questioning 14:3	93:23 187:11	recording 125:2
195:15 211:18	process 42:14	published 223:12	14:15 58:2	189:20	records 91:12
prisoner 188:22	51:11	puffy 151:3	146:7	reasonable 8:23	95:15 101:6
probability 8:25	produced 1:15	pull 11:12 28:4	questions 14:8,9	reasoning 211:9	103:1 104:4,5
probably 33:20	product 84:4	34:21 35:10	14:17 21:17	reasons 149:22	104:14,18
36:8,22 58:5	productive 68:6	42:19 174:17	23:4 48:17 58:6	150:9 159:13	119:18,22
69:17 90:11,19	professional	pulled 11:4 28:14	59:6 75:19	207:15	125:13 160:2
101:22,25	96:19 198:16	35:1 63:2	127:2 139:2	recall 19:10 21:25	170:15 208:16
118:15 119:14	202:7,9 203:2	punch 21:12 37:4	144:7 148:20,23	22:17 25:2,5	208:17,17,19
119:14 171:16	proficiency 198:1	46:1	158:5 159:18	27:23 32:24	219:17
202:12	program 110:22	punched 137:3	167:13,23 170:9	33:6,10,14	Recross 3:4
probation 6:8,10	111:1 112:5,14	punching 8:16	178:16 199:5	34:23 37:1,6,25	red 13:6 32:16
6:16,17,19 89:8	113:6 120:25	135:11 136:8	201:24 204:7	38:11 40:10,17	redirect 3:4 47:17
89:9,12,14,21	126:15	punishment 1:8	quick 27:16	41:16 44:18	120:12,15 191:2
89:22 90:13,14	programs 89:17	3:2	210:25	46:15,16 47:1	refer 84:8 96:15
90:20 91:3,11	96:11,14,15,21	purchase 83:13	quickly 149:17	51:8 61:3 66:20	205:17
91:12,17,21,22	97:11 98:24	84:1 155:15	quit 80:7 82:15	88:13 102:14,17	referrals 97:12
92:1,2,6,7,10,12	110:4 111:18	pure 58:5,8 169:8	quite 90:17 91:21	102:20 104:3,10	referring 34:7
92:16 93:4,6,8	promoted 24:17	purely 120:24	96:10 97:12	127:7 139:5	44:14 181:6
93:11,22 94:6,9	proof 119:24	121:14	112:13 188:11	141:11,12	reflect 19:1 30:22
94:12,18,22	171:7	purpose 47:8	197:11	142:16 148:18	48:14 50:13
95:16,16,25	prop 125:20	111:15,20	quote 202:12	148:19 151:20	90:6 119:22
96:6,9,12 97:5	proper 192:4	164:13 176:22	203:4	177:9 180:19	168:13,14,16
97:10,21 98:24	216:21	purposes 108:17	<hr/> R <hr/>	181:4 183:8	182:18 207:19
99:3 101:6	properly 201:19	213:6,7,16,19	R 1:1,1,1,1,1 2:1	191:9 221:25	209:17 212:6
102:6,9 104:1,2	property 7:11,12	215:21 216:7,11	5:1	recalled 88:15	215:22 219:12
104:10,14,16,20	7:14,21 17:15	216:12,24,25	rage 97:4 110:5	receive 40:15,22	reflected 214:21
105:5,6,10,11	17:17,19	219:4,18 220:17	Raise 9:7 23:17	91:9 96:20	217:22 220:19
105:17,20,23	proposition 170:4	220:17 222:23	39:4 49:5 88:20	97:11 176:14	reflecting 110:21
106:3,9,24,25	prosecuted	222:25 223:8	154:9 193:7	180:21 202:8	reflection 149:7
107:1,20 108:6	169:11	pursue 93:24	raises 72:15	received 103:10	159:15
109:1,7,9,14,25	prosecutor	pursuit 31:16	ramblings 189:2	104:20 131:14	reflects 214:12
110:11,14,15,18	174:22 197:10	pushed 146:18,19	ran 32:20 48:2	134:18 136:3,6	225:10
110:19 111:6,18	198:6	put 5:15 9:9 13:6	random 35:10	145:19 146:17	refresh 26:3
112:4,8 114:1	prosecutors	14:23 15:3,4,10	randomly 92:19	152:4 159:4,7	91:15 103:2
114:14 116:6,14	138:11	30:4 39:6 49:7	92:20	159:10 162:3	181:11
117:2,3,7,9,16	protection 87:24	57:25 68:21,22	rank 132:5 142:2	163:6 170:19,22	refreshes 44:16
117:16 118:2,5	88:2	88:22 127:14	186:21	172:25 173:9,12	refuse 43:17,18
118:8,13,15,19	protective 137:14	131:22 148:10	ranting 148:9	201:14	refused 15:5,6
119:23 121:10	187:9	155:23 173:3,10	rates 88:5	recess 56:25	43:13 136:22
122:2,9,19	protocol 135:15	179:4 223:1,23	rather 56:15	59:10,13 100:17	165:3 177:21
123:25 124:23	136:11 152:19	223:24	191:23	169:1	refusing 43:14
126:17 218:13	152:20	putting 46:25	raving 148:9	recipient 166:8,9	regard 6:3,5,18
219:21	prove 123:21	200:13	reached 200:15	166:10	6:18,18 12:19
probationer	125:16 159:24	puzzle 200:13	react 185:25	reckless 104:16	18:17 33:17
91:20 96:24	160:1 169:7,14	<hr/> Q <hr/>	reaction 43:14	107:8 124:6	57:2 58:11 59:6
106:2 117:10	172:1	qualifications	61:25 62:1	recollection	60:6 70:11,15
119:2	proved 216:21	214:3	read 28:9 111:12	102:22 119:1	92:16,20 93:25
probationers	proven 125:13	qualified 56:5	111:12,23	recommend 65:5	95:2 97:8,10
97:8 118:10	provide 89:16	198:25 204:10	116:15 126:2,5	130:25	121:9,9 122:25
119:4,11	provided 100:3	206:22 220:14	149:13 202:11	recommendation	123:7 124:8
probations 90:21	providers 96:16	quality 211:6,13	202:14,20	65:3	126:1,6,14
probative 150:15	provision 118:6	quarter 160:18	readily 97:25	recommendations	136:2,5 144:15
problem 46:24	PSI 4:4 122:16,18	question 36:14	98:5	96:18,20	156:15 159:19
97:1,3,5,22	122:22 123:7,8	37:12,19 56:6	reading 34:7	recommended	161:1,9 162:13
98:15 154:2	123:16 126:2	58:11,17,20,22	111:4 112:7	65:6,10	162:19 163:3,20
problems 22:18	Psyche 189:7	59:1 69:17	126:3,4	record 1:7,15	168:13,22
22:25 45:18	psychiatric 56:5	70:10,10,12,14	ready 169:2	19:1 30:22	170:17 175:21
113:4 183:19	187:11 188:17	70:16,20 78:25	185:25	48:14 50:13	204:11 218:19
189:6	189:12	98:10,11 104:13	real 103:11	90:6 106:4	regarding 40:17
procedure 136:11	psychiatrist	109:17 133:7	130:22 157:10	107:13 126:4,6	75:20 95:3
155:22 169:23	56:12 189:15	143:21 146:7	179:24 190:2	171:10 174:25	123:18 129:2
proceed 44:20	psychiatrists	150:18 158:6	really 44:12 59:4	182:18 213:6,9	132:15 133:3
proceeded 13:1,3	190:16			213:19 215:21	134:17 144:21

162:3 163:15 185:2 211:14 regards 8:6 91:19 159:10 211:15 Regional 194:5 199:15 regular 97:13 198:12,14 rehab 120:18 reject 144:5 relate 124:2 144:20 related 35:6 71:10 208:3 relates 75:13 relating 54:5 64:8 132:11 relationship 52:25 65:18,19 relative 164:21 164:22 177:7,9 177:12 relatives 171:23 release 42:6 released 38:18,21 154:1 178:17 221:19,22 relevance 55:6 67:2 75:3,9 98:25 relevancy 77:24 relevant 58:25 59:1 71:22 72:8 74:20 78:1 123:21,22 125:15 215:10 218:16 reliable 171:12 rely 201:19 remain 176:9 177:25 remember 11:16 12:2,4 19:4 25:25 28:2,10 30:11 33:2,2,3 33:11 35:7 37:10 38:12 45:20 47:4 50:18 83:9 119:2,3 129:17 130:3 132:23 133:21,23 183:17 189:3 208:11,13 remembers 8:20 remind 35:24 remorse 5:13 115:1 removed 215:24 removing 213:3 rendered 209:23 renew 58:3 134:14 143:19 149:2 158:4 204:6 206:21 211:18 213:10 214:1 220:12 renfro 1:17 225:5 225:17 rent 77:1 rental 86:7	renting 76:18 repeat 64:2 repeatedly 43:16 repeating 14:18 repetitive 122:13 126:24 144:6 report 20:2 21:25 25:16,18,20,22 28:10 33:4 34:10 37:13 44:13,14,16,24 45:2 92:18 113:2,8,14,16 114:19 124:23 129:19 134:4 135:13,14 136:10,12 145:14,16 153:2 153:3 166:22,22 166:24 168:10 172:15,25 173:1 173:2,9,9,11 174:20,22 178:2 181:5,6,7,8 189:17 191:12 reported 1:14 152:23 225:8 reporter 1:17 204:2 212:24 215:17 219:9 225:5,18 reporter's 1:7,15 3:20 225:1,7,9 225:12 reporting 94:9 reports 34:11 40:5 112:17,19 173:4 request 75:22 100:2 138:2 219:16 requested 225:7 required 205:25 requirement 118:3 requires 117:22 requiring 56:15 reserve 127:6 residence 34:23 158:1 164:15 188:17 residences 71:18 71:20 resist 186:3 resolve 42:5 resources 89:16 respect 14:16 94:14,17,20 95:1 106:24 107:16 109:14 109:15,23 111:17 113:2,4 115:6 122:2 123:23,25 125:7 125:10 respective 225:10 respond 24:24 40:4,20,25 44:10 125:24 129:3 140:21 142:20 156:24	164:16 181:2 responded 41:11 129:11 responds 24:25 response 14:21 58:11 146:6 182:8 responses 57:3 responsibilities 138:15,17 responsibility 44:4 responsive 70:20 rest 5:16 87:16 101:18 118:8 125:4 215:10 restaurant 6:24 40:18 41:1 45:13,15 restaurants 40:23 41:6 restitution 221:13 result 93:8 108:25 146:21 retail 41:5 retrieve 45:2 retro 11:1 return 7:12 38:14 163:16 returned 89:15 reurge 171:6 reversed 29:5 review 19:25 97:17 100:10 101:19 205:6 reviewed 20:2 99:16 101:6,7 101:14,16,21 113:8 revoke 93:4 117:16 revoked 92:2,13 93:6,9,22 107:5 118:16 ribbons 156:7 ridge 200:10 right 5:7 9:7,10 11:16 13:7 19:3 19:15,22 20:5 21:15 22:10 23:8,11,17,19 24:9 25:8,8 28:8 28:10 30:12,24 34:4 35:2,9,20 36:21 37:24 38:16,20 39:2,4 39:7 46:4,24 47:16,22 48:16 48:22 49:5,8 50:14 52:12 54:13 58:12 60:24 64:10 65:15 67:18,19 67:22 68:7 70:11,13 72:25 73:23 75:17 76:5,10,10,14 76:17 77:8 79:12 83:17,23 87:12 88:14,20 88:23 90:4,8	98:13 99:9,11 100:1,4,11,23 101:4,18 102:1 102:3,5,12,17 103:4,12 106:6 108:21 109:4 111:9,22 113:6 114:4 116:2,16 118:10,23 120:10,12 126:13,22 127:8 131:10 133:1 134:15 136:2,18 137:15 138:6,25 139:6,15 143:7 143:23 145:5 146:13 147:21 148:20,25 150:19 151:3 153:9,12,23 154:4,9 157:21 159:1 160:19 161:19 166:2,3 166:6 167:10 168:18 169:20 170:13 172:5,21 172:22 173:5,13 173:21,24 174:3 175:3 178:19,23 179:5,5 180:1 182:17,20 186:12 190:24 191:11 192:20 193:7,9,9 194:15,25 197:7 199:6 200:7,7 202:1 203:24 204:14 207:13 207:16 213:8,15 213:20 216:4,16 217:8 219:10,19 220:7,11,16 221:1,14,17,21 222:2 right-hand 212:8 rights 75:5 169:21 rise 56:23 59:11 59:24 74:25 76:12 100:15,18 150:21 160:14 168:20 175:4 222:17 road 7:19 27:14 29:5 41:3 180:6 roads 28:23 roadway 26:10 27:10 28:24 robert 3:6 23:14 23:24 roll 31:8,9 rolled 62:25 rolling 31:12 63:15 Ron 203:20 room 134:4 145:15 152:15 165:1 177:18 roommate 152:24 rooms 65:11 rosa 3:18,19 57:5	Ross 29:3,7,7 34:20 38:5 rough 31:12,14 roughly 13:17 165:19 routinely 25:20 108:4 112:19 rubbed 147:4 rude 16:24 rule 59:1 88:12 124:18,25,25 125:5,10,14 126:1 221:23,24 rules 124:14 126:7 132:15 149:5 150:9 ruling 132:6 170:10 run 7:19 29:22 40:12 116:6 running 6:12 29:13,20 runs 28:25 Russell 130:22	S S 1:1,18 2:1,8 5:1 215:9 225:19 safe 135:18,19 136:14 156:13 178:11 186:7 safety 14:24 15:3 15:9 16:2 29:19 32:20 89:19 192:15 194:7 Saloon 13:18 same 34:17 54:21 61:20 66:8 78:14 96:22 98:18 101:1 102:2 104:9 115:15 122:22 122:22 124:11 126:5 139:14,24 159:13,23 171:8 174:22 176:9 196:12 200:19 207:14 209:24 211:16,24 214:1 214:15 215:8 217:5,6,11 220:21,24 221:9 sample 92:21 samples 92:17 San 194:6,8 199:15,18 sanctioning 96:23 Sandoval 1:13 50:12 sat 150:4 saw 5:22 11:12 28:3,18 50:5 55:20 67:19 68:13,14 84:4 103:5,18 133:25 151:1 166:13 saying 8:20 70:25 81:25 138:7 148:16 183:17 192:9 says 103:12 115:3	115:6 116:22 117:23 133:7 142:10 144:17 150:1 172:22 SBOT 2:3,4,5,12 2:13 scared 72:1,2 142:19 147:8 158:11,16,17 159:8 161:11 scattered 162:11 scene 6:25 22:3 29:14,23 33:8 44:5 129:23,24 135:12,24 137:11 143:11 199:25 Schneider 8:4 129:21 150:13 151:20 school 120:5 schultz 2:3 49:2,8 49:9,15 50:12 50:15 52:4 53:7 54:10 55:8 56:8 56:11 57:6 58:2 58:7,14,24 59:8 59:15,18,21 60:4,5 61:18,22 62:11 63:14 64:25 67:6 68:13,19 69:16 69:21 70:18 71:10,25 72:2 72:11 73:6,9,19 73:21 74:20,21 75:10 12,16 76:2,9,15,16,17 78:4 79:11 87:13 88:10 139:4 170:8 science 197:19,24 198:18 199:16 203:13 scoot 53:5 133:14 scrutiny 198:2 scuffle 33:3 seal 213:4 215:25 219:15 seat 9:9 23:19 39:6 46:22 49:7 88:22 127:14 179:4 seated 5:3 57:2 60:1 75:2 76:14 100:20 139:15 145:5 150:23 160:19 175:6 193:9 222:19 second 60:24 87:7 122:4 132:21 133:5,24 149:8 180:20 209:14 209:21 215:15 217:19,24 219:7 second-from-the... 218:6 Secondly 123:23 seconds 13:5 173:13,16,17 section 26:24
--	--	---	--	--	---	--

180:14	223:25	195:24 211:25	143:12,19	47:3,6,9,25	69:4 77:23
secure 118:5	September 7:9	showed 120:17	144:25 145:8	society 9:1 66:25	84:21 91:23
secured 46:22	10:5,16 110:18	122:15 143:1	146:4,11,14	67:1,7	98:21 101:15
security 74:9	112:4 120:19	147:25 151:10	147:23 148:21	solicited 7:13	129:18 133:16
see 11:13 12:22	123:19 124:3,9	152:3	153:21 158:3	some 11:10 16:15	134:11 135:6
12:25 14:12	191:14	showing 6:3	167:11 169:3	16:15 30:11	137:19 138:16
16:15,16,25	sequence 61:2	63:15 120:17	170:7 174:24	34:8 36:2 52:11	170:11,12
18:19 22:1	series 87:3	192:13 205:20	178:15,18,19	52:12 54:14,15	204:19
25:11 26:5 27:3	seriously 18:3	214:18	184:21 186:17	56:19 60:24	sort 90:5 222:14
27:13 30:3,16	service 117:23	shows 145:12,17	186:25 188:1,6	77:4 81:24 84:8	sound 141:13
33:18 48:7 51:1	155:20	145:21 209:15	189:9 190:20,24	85:12 96:5,8	sources 138:10
53:3 55:15 57:4	services 24:25	shy 54:18,23	192:19,22,24	100:9 101:6	south 25:13 26:15
57:9,10,12,12	137:14	sic 57:12 63:17	193:1 204:5	105:10 109:25	28:16,18,25
60:10,22 62:21	serving 128:13	66:20 91:22,25	205:1,3 207:8	112:14 114:14	29:9
66:18,22 67:13	set 86:9 108:16	144:5 194:19	210:6,9,10	117:9 145:22	Southwest 140:5
68:23 89:25	196:4 218:14,17	200:24	214:6 215:13	146:5 158:5	span 69:12
100:14 108:14	sets 108:5 109:8	sick 156:13 168:3	216:5 217:9	159:18 167:23	149:16 171:18
112:1 133:15	setting 109:2	168:5,6,8,8	220:8,16 221:6	182:9 189:13	Spanish-speaking
134:10,12,24	settings 200:23	side 11:15,16,17	222:1	221:6 223:10	71:3
135:24 154:2	200:24	13:21 15:11	siren 13:8 35:1	somebody 58:6	speak 141:17
162:2,7,10	seven 39:22	26:12,14 76:7	sirens 28:6	74:16 81:24	164:11,13
166:11 167:7,8	165:19	106:16,16,17	sister 35:3 164:21	82:4 93:16	176:16,22
167:19,22,23	seventeen 154:23	125:3 151:11	sit 63:24 80:24,25	125:11 135:16	189:11
170:1,10 172:21	several 11:15	158:21,22	81:11 188:7	137:13 145:12	speaker 35:14,19
172:22,23,23,24	26:13 28:17	175:16 212:9	203:4	148:16 149:6	speaking 30:7
176:3 178:4	33:4 34:25	sidebar 212:21,23	sitting 11:3 18:24	153:13 171:20	35:18 135:25
182:13 184:24	35:25 52:9	215:15,16 219:8	30:18,20 48:10	171:21 187:4	142:23 143:24
191:24 204:25	126:2 134:22	sides 21:19 48:19	90:4 182:15	188:11 190:15	147:15 152:8
218:18 222:8,15	163:5 180:6	127:3 139:3	situation 29:22	199:3	175:12 176:13
222:16	205:13	169:2 192:21	42:4,5,10 57:8	somehow 65:18	speaks 114:16
seeing 15:24 32:5	sex 81:12	sideways 29:4	141:7 152:23	80:10 147:1	specialized 56:15
51:11,11 102:19	shaken 63:23	34:1	165:7 183:13	someone 14:6	89:17
119:3 133:23	158:11 159:20	sign 85:13	184:12,13	15:15 24:24	specific 37:19
seek 118:4 136:21	shaking 130:2,11	signature 123:14	185:23 187:4	33:23 35:6	41:9 76:3
177:22	131:6 150:2	signatures 220:5	191:21,22	36:15 42:19	104:12 194:2
seem 37:16 64:15	158:12 159:8	signed 209:20	situations 45:14	50:3 53:7 56:14	specifically 36:13
78:9 86:4 147:6	163:8 176:11	signs 32:14 47:22	56:13	60:14 91:11	40:14 126:7
147:8,10 151:12	shaky 148:12,13	simplest 16:23	six 27:20 31:15	109:9 113:19	128:17 129:2
182:6 184:23	148:13,14,16	simply 124:22	32:12 125:11	122:19 147:14	136:3,6 140:20
185:1,5	150:2 151:18	132:17	126:11 180:7	185:18 187:10	144:20 180:16
seemed 35:4 70:2	shame 76:2	since 66:13,14	six-lane 26:10	187:12 189:20	180:21 201:1
70:6 190:2	sheet 133:25	71:2 105:18	ski 86:7	someone's 32:8	specifics 221:15
seems 36:15 38:6	165:23 167:14	113:12 136:13	skid 11:6	something 12:9	specimen 92:14
149:15	168:24 174:13	152:23	skiing 61:12	15:1,2,16 18:22	92:24
seen 12:7 57:16	219:16	single 92:17	slam 8:18	21:22 25:11	specimens 89:18
57:22 66:14	sheets 205:13	129:15	slammed 5:15,16	26:6 30:19	speculation 56:4
98:23 105:15	Sheriff's 208:6	single-spaced	163:4	31:22 32:5	58:5,9 61:16
111:9 161:3,4	209:2	34:15	slamming 162:6	40:19 56:13	67:3 68:8 97:14
166:5 167:4,5	shift 25:2,5,6	sir 16:24 20:7,11	sleeves 62:25	67:17 76:18	98:2 166:1
196:22 217:13	40:10,11 140:14	20:13,22 21:2,4	63:15	77:7 85:13 90:2	192:1,4
segment 101:17	156:15,18,19,20	21:6,8,10,14	slid 33:25	117:11 122:18	sped 28:16,18
selected 76:22	180:19,20	22:1,4,7,13,21	slur 14:12	126:15,16	speech 14:12
self-control 97:4	shifted 91:6,8	22:23 23:2,6	slurred 32:16	149:11,13	32:15 189:1
sell 83:20	shirt 30:20	34:9,22 35:12	small 87:21	159:25 168:5,9	190:2
selling 76:20	shocking 149:22	38:14,19 44:25	151:22 175:18	171:23 172:21	speed 11:5 13:12
Senior 140:5	shooting 156:13	45:11,17,20,25	202:17	184:1 188:21	26:24 27:9,15
sense 64:12	shopping 26:13	46:2,5,8,12,18	smaller 88:1	189:13 199:25	28:19 29:2
108:20 131:20	27:11,11 41:7,8	46:21 47:1,11	smashed 163:1	202:16 203:7	33:20
146:7 189:1,3	Shops 41:6	47:13 48:20,24	smell 16:7 41:25	223:1	speedometer
sentence 9:2	short 177:25	59:8 71:25 76:9	smelled 30:25	sometimes 102:9	28:20
205:14,15,17	189:16,16	76:16 88:23	smelling 14:11	102:10 112:22	Spell 9:19
206:7 209:17	shortly 11:21	98:12 101:4,13	Smith 209:1	115:24	spend 50:24
212:5 214:19	shot 5:14	105:8 108:11	210:11	somewhat 120:1	spent 50:23 128:6
216:3,14 217:17	show 6:4 8:23	109:17 110:20	Smith's 208:12	somewhere 28:10	186:23
217:18 221:16	14:2,19 16:24	111:24 112:2	smoke 12:17	90:11 163:23	spin 30:3
222:22,23,24	17:1 61:24,25	113:7 114:4	smooth 31:8,13	son 7:12 181:20	spinning 29:6
sentences 206:1,4	87:21 88:4	133:21 134:7	31:16	182:4,10	spit 147:2
sentencing	110:17 112:14	136:21,24 137:3	smoothly 31:9,11	son's 182:11	spoke 38:6 47:21
112:20	122:21 145:16	137:6,9,12,17	sobriety 47:7	soon 8:14 153:1	130:1 150:25
separate 65:10	151:7,24 159:2	138:1,6,13	sobriety 42:16,18	sore 63:6	152:9 166:7
94:8 219:4	165:22 181:24	139:4,11,13	43:12 46:16	sorry 25:4 64:2	191:20 217:11

sponsored 194:9 199:18	212:1,18 213:2 213:22 214:11	store 27:12 221:13	192:8	switch 77:16	54:13,18 60:5
spontaneity 149:3 149:4,18,21 159:14 171:9,25	214:18 215:2,7 215:21 217:13 217:22 218:10 219:12,17 221:12	stores 26:13 straighten 224:2 strangle 8:18 street 1:18 7:16 26:8 28:21 33:22,22,25 34:1 186:24 225:19	suit 30:21 57:8 suitable 118:3 suite 2:8,15 41:9 summarization 193:25 summary 115:3 summer 7:3 86:6 supervise 90:9 97:19,20 119:4 119:12	swollen 142:25 147:12 151:2 sword 106:16 sworn 9:8,13 23:18 39:5,11 49:6,12 88:21 89:1 127:13,18 139:11,18 154:10,13 179:3 179:8 193:8,14	66:15,22 67:14 69:21 78:7 80:24,25 81:11 81:24 82:9 87:23 130:3 169:9 183:13 189:15 199:10 201:1
sports 27:24 28:2 sprained 63:4 squad 11:3 14:23 squared 223:8 squares 28:23 squeezed 15:16 stage 80:21,21 staggering 119:15	stated 115:12 135:9,10 150:10 160:24 163:5 164:17 statement 4:4 5:5 19:25 53:15 63:25 77:9,11 79:7,8 125:2 126:11 132:11 132:14 144:21 149:22 163:17 185:14	streets 24:24 26:14 77:19,19 strenuously 58:7 stress 143:25 144:18 147:10 147:25 148:1 163:12 strike 21:12 37:3 strip 53:14 strong 42:1 struggle 175:22 175:25 stuck 143:2 151:11 stuff 12:18 35:7 36:23,24 40:5 102:2 155:16,20 171:17 191:21 202:18 216:4 222:14	supervision 90:12 92:8 99:25 103:13,22 105:18 106:2 114:10 supervisor 80:9 80:11 174:17 support 117:23 suppose 58:12 60:16 108:24 114:1 152:9 173:18 198:16 supposed 149:22 sure 21:23 22:1 27:25 28:2 34:18 41:17 44:11 55:13 58:21 61:1 78:11 79:6 90:17 97:13 101:11 110:10 111:12 116:16 117:14,25 124:17 154:3 167:23 223:3	154:10,13 179:3 179:8 193:8,14 SX-172 4:4 SX-173 4:5 SX-174 4:5 SX-174B 4:6 SX-175 4:6 SX-175B 4:7 SX-176 4:7 SX-176B 4:8 SX-177 4:8 SX-177B 4:9 Sylvia 7:9,11,17 152:9,13 181:17 system 115:24	talked 16:6 35:7 38:10 73:1 81:4 85:11 93:16 99:20 182:10 187:16
stairway 146:19 stamp 219:13 stand 17:2 30:5 49:2 65:25 131:23 156:8 standard 116:14 140:12 standardized 14:7 31:25 standardly 122:18 staple 223:23 stapled 215:23,25 stapling 213:18 stare 28:20 start 14:11 77:18 86:7 198:18 200:11,11 started 7:22 29:6 30:7 53:20 130:23 145:19 194:5 198:6 starting 11:24 134:24 startling 132:11 state 1:3 2:2 9:13 9:17 23:13 33:12 38:17,25 39:11 45:4 49:12,16 56:6 58:4 63:21 64:1 79:11 88:11 89:1,5 115:14 116:25 123:19 124:8 125:13 127:18,22 132:14 139:18 139:22 154:13 154:18 169:7 178:25 179:8 184:23 185:2 187:14 193:4,14 203:17 204:10 204:15 206:23 210:13 212:18 215:9 217:24 218:9 219:11 220:13 225:2,5	statements 20:1 64:8 70:23 71:4 71:5,10,13 146:4 149:18 163:15 168:23 171:15 states 6:21 74:5 117:1 209:21 stay 65:11 135:12 135:15 155:25 176:5 183:6 191:6 staying 163:21 stays 27:12 Stenotype 1:14 step 7:24 12:8 13:21 30:2 56:22 74:24 88:15 130:9,10 145:2 160:13 168:19 219:7 stepped 130:1 steps 153:12 Sterett 17:13,14 sticker 223:25 still 18:13 27:2 32:18,19 36:18 49:25 51:23 60:2 63:24 72:6 83:22 84:13 88:12 125:14 130:2 131:4,6,6 139:14 143:25 144:14,17 147:6 147:8,10,25 159:8 161:10 163:8,10,12 176:11 183:7 191:17 203:10 213:12 221:22 stipulate 179:23 179:24 stop 6:13 12:22 13:20 14:18 18:9 28:11 29:3 29:11,15 33:25 97:23 188:7	struggle 175:22 175:25 stuck 143:2 151:11 stuff 12:18 35:7 36:23,24 40:5 102:2 155:16,20 171:17 191:21 202:18 216:4 222:14 styled 217:24 sub 3:18,19 57:5 subject 41:25 42:16 88:12 127:7 201:9 219:3 221:22,23 221:24 subjecting 198:1 subjects 41:14 submit 132:17 211:20 213:12 submitted 222:7 substance 113:10 115:6 116:19 217:20 220:20 substantially 150:14 substantive 125:20 216:20 succeed 86:19 succeeds 109:9 success 67:18 successful 67:7 68:20,22 93:17 93:19,20 98:23 99:3 109:6,15 110:22 122:2,7 successfully 93:14,15 96:5 106:3 107:19 109:18 110:25 112:4 120:18 121:18 suffered 8:10 sufficient 9:2 75:21 149:7 suggestion 223:20 suicide 181:1 183:22,22 184:3 184:4,20 187:8 187:8 191:23,24	supervised 96:1 105:12 110:12 supervising 90:24 91:1 92:15 102:6 103:24 107:2 124:6 supervision 90:12 92:8 99:25 103:13,22 105:18 106:2 114:10 supervisor 80:9 80:11 174:17 support 117:23 suppose 58:12 60:16 108:24 114:1 152:9 173:18 198:16 supposed 149:22 sure 21:23 22:1 27:25 28:2 34:18 41:17 44:11 55:13 58:21 61:1 78:11 79:6 90:17 97:13 101:11 110:10 111:12 116:16 117:14,25 124:17 154:3 167:23 223:3 suspect 29:12 31:5 146:7 162:5 suspected 42:20 suspects 24:10 suspicious 25:1 sustain 56:7 68:11,18 98:9 99:6 122:14 124:1 126:13 131:25 150:19 158:6 159:17 167:21 175:1 194:15 sustained 52:3 55:7 61:17,21 63:13 64:24 67:4 71:9 97:16 124:12 125:23 126:25 132:7 141:4 142:3 160:4 168:22 192:6 194:22 199:9 sway 16:8 sweater 18:24 48:12 50:11 90:5 182:17 sweats 19:11	T T 1:1 2:4 table 48:13 tackle 21:12 37:3 46:1 Tacklemans 7:4 take 24:19 29:22 34:16 36:5 37:3 40:5 42:8,9,11 43:5,5,13,15,18 45:7,12 59:9 71:1 74:10 77:6 77:18 78:5 99:19 100:12,21 101:11 103:4 104:6 107:17 113:13 128:17 130:9 132:22 133:9 137:15,18 137:20,24,25 140:6,20 142:20 143:5 145:7 146:13 152:7,15 153:12 157:19 160:17 161:6 165:1,15 174:23 177:17 180:16 186:4 187:4,10 188:18,18 190:17 192:3 196:6,10 197:5 200:7 201:6 202:9 210:5,25 215:12 220:4 223:4,22 taken 17:12 59:13 92:19 100:17 169:1 191:16 196:4 199:11,16 208:21 209:4,5 209:5,6,15,25 215:23 219:20 takes 54:19 87:18 taking 135:14 190:16 talk 51:14 52:5	54:13,18 60:5 66:15,22 67:14 69:21 78:7 80:24,25 81:11 81:24 82:9 87:23 130:3 169:9 183:13 189:15 199:10 201:1 talked 16:6 35:7 38:10 73:1 81:4 85:11 93:16 99:20 182:10 187:16 talking 11:19 14:10 26:19 42:18 55:19 60:18 62:15,25 63:24 64:14 66:8 73:25 82:1 82:11 102:2 125:11 130:23 131:1,3 133:17 135:1 149:10 151:23 172:23 185:20 187:20 190:16 211:2 219:24 222:14 223:18 talks 66:7 114:18 149:4 Tanya 208:11 209:1 210:11 taught 32:1 Tawny 51:18,20 51:21 52:6,16 52:21 57:24 78:17,20 Taylor 110:14,19 teach 195:4,6,6 tech 199:23 technical 70:19 techniques 15:18 201:17,19 Tel 225:20 telephone 2:9,16 152:4 tell 5:21 6:17 16:18 27:5 37:14,15 51:20 53:8 56:21 58:10 59:5 61:25 62:24 64:3,5,21 65:24 65:24 68:11 69:8,8 70:13 71:20 72:9 74:23 75:2,8 85:21 95:6 100:11 119:18 122:3 131:14,16 132:4 133:3 134:17 135:1,7 136:2 144:3 145:1,6 146:16 146:25 149:10 150:16,18 159:4 159:10 160:8,12 160:16,21,23 162:3,14,16,22 162:25 164:1

165:13 175:1	1:18 2:2,8,16	150:11 158:16	92:17 93:10	94:9 115:11	treatment 96:20
177:1 183:3	25:14 108:10	169:14,19	100:3,9 103:5	130:6 131:11,17	97:11 111:17
197:24 203:4	112:5 169:23	171:10,13,17,17	103:17,20	134:19 137:2	136:21 165:3
204:9 219:1	203:16 210:13	171:23 187:19	105:11,15 107:9	141:25 146:18	177:21,22 191:6
222:5	217:24 225:2,5	189:20 198:25	107:11,13 108:1	152:1 161:21	trial 1:2,8,11
telling 35:15 65:2	225:17,18,20	199:3 207:3	111:3,7 119:9	163:18 182:5	22:15,17 38:3
131:11 138:12	Thank 9:2,3	215:11 223:6,15	119:10 124:13	185:21 188:3	59:4 77:25,25
157:13,18 159:7	19:20 23:2,9,10	223:16	128:19,21,23	Tom 46:8	125:12 139:25
164:8 170:2,4	34:3 38:14,22	thinking 183:16	129:2 132:24,24	tomorrow 222:15	149:20 150:6
tells 99:24 165:23	39:8 47:13	third 140:15,16	133:22,24	222:16	169:13 194:1
173:8 192:5	48:23,24 49:9	145:22	134:20 138:18	tone 148:14	209:22
temple 175:20	67:5 79:13 88:8	Thomas 46:10	140:7,10,17	151:16	tried 33:24 45:23
ten 24:3,6 89:10	99:7 120:11	though 17:25	141:15,22	tons 75:7	47:6 164:6
165:19 174:7	136:16 143:19	54:21 162:8	142:21 144:16	tools 66:24	183:25 186:4
197:22 199:2	146:11 153:7	thought 73:11	144:19,20	top 14:23 15:4	Trier 56:17,18
200:15,17	158:3 167:11	157:11 161:13	145:12,18,19,22	180:8 198:17	trip 52:11,23
202:12,24	175:7 178:7,15	163:17 168:9	146:1,2 147:20	202:4 203:1,16	73:22 75:7 76:2
203:23 211:6	178:20,21	220:3	149:7,11,12,16	203:18 212:8	78:16,17
ten-page 213:2	190:25 192:25	thoughts 161:20	149:21 156:13	topic 51:16	trouble 78:15
terminate 93:15	193:1,11 204:5	thread 81:23 82:2	158:18 159:15	topless 117:11	79:1
terminated 93:13	207:14 222:4	threat 8:25 67:1	159:16 164:5	total 83:10 89:10	true 50:1 96:7,13
terms 53:17 56:1	theft 5:18 207:21	threaten 190:1	165:3,6,10,15	102:22 219:13	117:14 171:24
69:14	221:8	three 18:25 31:16	165:18,22,24,24	220:1 225:11	225:6
Terrier 130:22	their 7:15 8:14	32:12 76:5	168:14,14,16	touch 15:13 151:5	truly 225:10
Terry 210:9	14:12 16:16	79:17 98:19	169:17 170:17	touring 88:6	truth 9:13 39:11
test 31:2,4,5,25	22:6 30:3,4	110:13 220:4	170:23 171:2,6	tow 48:5	49:12 89:1
43:13 47:8	36:18,23,24	223:15,19	171:18 172:4,6	toward 55:17	125:16 127:18
92:23 95:20	42:7,17 118:10	three-hour 88:13	172:9,22,22,24	184:22,24 190:2	138:12 139:19
144:24	118:14,14 123:8	127:6,7 139:5	172:25,25 173:1	towards 7:23	154:13 169:18
tested 92:21 95:8	123:9 199:18	threshold 150:7	173:4,9,12,14	11:14 14:3,14	179:8 193:14
95:22 121:1	202:4 208:6	threw 162:17	173:22 174:2	46:14 53:19	truthful 138:4,9
testified 9:14 20:9	219:14	through 17:14,17	177:21 178:1	69:6 70:8 80:7	try 21:11 28:10
21:7 39:12	themselves 42:25	26:20 22 28:25	180:5 183:12	towing 48:5	36:14 45:15
49:13,25 82:18	43:2,4,5,6 54:17	30:2,4 50:19	187:24 188:16	track 31:10 36:19	89:18 97:6
83:6 84:3 89:2	thereabouts	90:11 98:24	188:24,24,25	tracking 31:13,14	125:19,21 138:3
107:5,17 114:4	171:5	101:21,24 165:8	189:22 197:14	traffic 13:20 25:1	138:8,11 186:7
127:19 139:19	thesis 202:16	179:22 180:3,5	197:17 199:23	26:16,20,22,22	trying 7:18,19
139:24 143:10	thick-tongued	192:1 194:7,10	201:22 203:22	27:17 28:11	14:7 28:9 32:22
154:14 179:9	32:16	199:12,14,16	204:15 206:25	140:12 155:20	33:25 36:11
193:15 194:12	thing 8:19 33:10	200:9 218:12,23	207:9 209:4	trafficking 84:19	37:2,3,3,4 58:4
194:14 195:14	35:24 60:17,21	218:25	210:2 215:6,20	85:5	70:19 83:20
199:20 221:9	63:9 72:1 78:14	throughout 33:7	218:9	trained 31:22	123:21 125:9
testify 9:13 22:11	80:22 81:12	95:16 114:22	times 8:8 33:4	179:25 187:1	142:11 146:8
22:16 26:1 38:2	85:2 96:22	185:8	35:25 52:10	training 36:4	148:15 169:14
39:11 49:12	106:6 108:25	throw 106:12,18	55:8 71:7 94:10	56:15 89:11	189:11,24
58:8 89:1	109:3 118:18	thrown 134:22	102:8 105:2	128:7 143:13	191:22
127:18 139:18	124:11 150:17	136:4 137:3	115:7 116:4	154:24 155:2,2	Tuesday 191:11
146:5 150:4	167:19 170:5	thumbprint	134:22 163:4,5	156:14 179:21	191:13,16
154:13 165:25	things 7:24 10:11	200:7,7	173:11 199:24	180:3,7 187:13	turn 27:21 28:6,9
179:8 193:14	16:1,17,23	Thursday 222:16	timing 66:20	194:3,5,9,10,11	33:25 109:6
194:1 195:12	40:23 42:15	ticket 45:22,22	Tire 206:23	195:2 197:18	188:18 192:3
201:10,23 214:3	63:21 64:15	46:4	211:19 213:11	199:2,11,20,21	turned 28:14,16
testifying 58:4	65:2 67:11,12	time 5:18 6:15	214:2 216:20	199:23 201:5,10	28:18 29:7,9
79:9 99:17,22	69:8 78:5 84:4	11:25 14:3,4,5	220:13	201:13 204:10	34:1 121:1
101:1,7 121:5	87:20 101:7	15:9,9,25 16:9	tires 12:18 29:4,5	204:17	187:23
192:7 198:10	120:21 131:3	19:8 21:24	today 18:19 30:16	trait 60:18	turning 28:8 29:4
200:22	140:12 160:2	24:20 25:12,24	48:8 50:8 99:17	transcription	turns 77:16
testimony 60:15	183:8 208:19,20	26:10 27:1,13	161:17 165:25	1:15 225:6	Twenty 171:4
75:7 102:5	think 27:24 33:5	28:14 29:12,24	182:13 195:19	transferred 104:7	Twenty-three
122:1 169:18	33:19 34:7,17	30:6,9 32:17,19	196:8 203:14	104:17 107:1	186:19
171:19 183:23	34:18 35:16,16	33:16 34:16	208:23 209:3	transpire 188:16	Twenty-two
198:5,15 200:24	35:17,24 38:3,9	35:21 36:22	221:9	transpired	180:15
201:17 211:20	38:10 58:25,25	37:22 40:8	together 8:6 17:2	183:15	two 5:12 6:22 8:1
213:11 221:11	59:3 66:24 67:6	43:14 45:7	50:24,25 52:20	transport 188:14	8:2,3,10 11:9
testing 95:12	69:12 77:17,22	50:18,21,23,24	52:22,23 55:15	transported	29:8 34:11 35:4
198:2	78:4,9 79:5 80:7	51:7 53:20,21	66:18 200:13	46:23	57:23 69:16
tests 16:14 32:17	82:6,18 111:14	55:6,16 61:1,9	213:18 215:23	Traster 8:3,9	80:13 92:7,9
32:18 42:16,18	113:1 129:19	63:16 66:13,21	215:25 223:24	travel 13:9	93:16 95:22
43:12,15,17,18	130:21 133:24	69:12,15 72:11	told 14:22,23	traveling 27:6	106:16 115:7
46:16 47:3,6,9	144:23 149:11	78:11,24 83:6	15:3 22:25	travels 72:4	129:8 149:25
texas 1:3,5,13,17	149:13,18 150:6	85:3 86:2,5,11	35:13 65:2 94:8	treat 55:4	156:17 166:4,19

199:3 200:2 202:4 203:1,3 215:22 217:10 223:16 two-lane 28:24 two-page 213:1 Tyler 163:23 type 10:25 19:4 19:12 20:1 40:5 41:16 59:2 60:14 68:14 69:17 84:24 89:11 96:14 97:3 106:5 120:21 128:7 154:24 169:6,17 171:11 173:10 183:25 185:2 200:10 types 81:21 195:8 typically 40:22 112:25 118:2	105:22 106:13 106:19 159:21 159:25 168:21 understood 65:13 72:12 underwent 87:4 unemployed 118:6 unfair 104:4 unhandcuff 32:21 uniform 156:7 unit 24:9,12,14 185:16 186:2 187:11 188:17 189:7 United 6:21 74:5 116:25 unlawful 217:20 unless 42:7 75:22 150:4 unquote 202:12 unreliable 150:6 150:17 unsafe 34:2 unsteady 32:15 42:2 unsuccessful 91:21 121:24 122:8 until 28:15 54:18 65:11 114:12 149:12 170:3,3 222:7 updated 91:16 upset 62:17 63:18 64:5,8,16 69:25 130:12,17 131:4 141:20,23,25 142:6,7,12,17 147:6 151:12,14 158:14,19 159:8 159:21 163:10 176:11 185:10 Urbanowski 203:20 urinalysis 92:17 95:8 urine 89:18 92:14 92:21,24 usage 95:3,4,17 use 15:13 43:2 60:8 67:18 85:4 85:5 91:15 92:7 94:10 112:25 115:11 116:17 122:11,25 169:8 173:24,25 181:11 201:19 used 35:17 50:24 51:24 67:19,20 69:9 74:10 75:19 110:16 112:19,22 114:6 115:3 uses 108:4 using 15:10 26:3 35:14,14 71:14 95:7,18 97:23 115:12 117:2,15 123:4 usually 14:10	15:13 51:2 67:21 77:2,4 87:18 191:14 utterance 131:20 132:10 133:2 144:9,13,16,17 utterances 169:12	V V 1:4 4:3 vacation 51:22 52:12 vague 55:5 Valium 121:2 value 150:14 varies 129:9 variety 10:11 Vegas 55:14 vehicle 11:8 19:5 20:18 21:5 27:3 28:3,15 29:10 29:12,14,25 33:24 34:1 35:7 35:22 37:23 38:10,11,12 44:5,6,7,8 46:22 48:5 vehicles 30:5 verbal 30:4 verbalize 148:6 verified 200:1 verify 21:21 138:4 version 123:9,12 123:18 124:20 versus 15:17 206:23 217:24 220:13 very 7:22,22 14:1 14:2,16 29:9 54:17,18 55:18 55:21,24 60:9 63:18,23 70:6,6 70:18 84:24 103:20 106:22 108:11 130:13 143:10 183:18 184:23 189:16 190:25 vicious 8:11 116:17 victim 150:12 victimized 78:7 view 58:19 60:15 viewing 18:1 violation 117:3,6 violations 93:14 94:11 121:15,16 122:9 155:20 violence 152:23 violent 149:19 visible 32:8 142:7 183:24 visibly 131:4 158:11,12,19 159:8,20 163:8 176:11,11 185:10 visit 52:9 103:7 vital 138:1 vividly 11:16 12:2	12:4 voice 148:12,14 150:2 151:16,18 voir 3:4 133:9,11 143:5,8 145:7,9 146:12 157:19 157:22 197:6,8 201:24 202:2 210:5,7 volume 1:1,8 3:3 3:21 224:5 225:7,12 voluntary 156:1 volunteer 161:17 volunteered 156:18 volunteers 126:16	W wait 170:3 185:18 186:8 wait-and-see 106:5 waited 185:12 waiting 185:16 186:2 waitress 53:23 walked 13:21 205:1 walking 11:16 183:7 187:20 wall 76:2 wallet 6:8 21:7 22:2 want 24:19 28:20 36:23 40:6 57:9 57:10,12 60:5 60:22 61:1 67:21 73:21 86:16 103:1 110:17 113:3,5 113:13 119:14 125:18,19,20 126:4 128:17 133:9 140:6 145:7 146:13 148:12 149:6 152:24 159:18 167:21 168:24 169:6 171:16 183:10 185:21 192:2 215:14 219:20 222:20 222:25 223:1,3 wanted 7:11 58:19 64:15 70:25 82:8,9 97:23 130:24 135:9,10 152:17 188:19 wanting 183:18 wants 56:1,1 67:15 111:5 112:8 184:7 ward 189:12 warrant 9:2 43:24,25 44:2 187:10 wasn't 26:11 29:9 36:9,12 47:6 54:7 63:18	80:11 86:25 87:13 88:2 130:15 138:5 143:1 144:14 148:9,11 164:17 188:19 watch 77:4 140:15,16 watched 12:24 watching 89:19 188:8 watery 32:16 way 5:25 6:1 7:15 8:14 11:18 12:8 12:9,10,11,15 12:20,25 16:1 16:19 18:2,10 21:13 31:7 33:17 54:23,25 57:10,12 66:8 67:18,19,19 69:19 70:21 87:19 109:1 110:1 113:1 114:14,15 121:12 126:3 135:21 159:24 163:25 185:20 192:10,14 199:2 200:12 202:25 we'll 58:13 76:6 100:12,13 137:24 145:3 160:18 167:23 168:19 198:17 222:16 we're 26:18 42:6 56:11,14 59:18 61:1 66:8 70:19 75:8 77:5 78:12 102:1 106:22 113:1 125:10 126:6 127:5 149:10 181:23 189:16 213:5 219:20 223:18 223:19 we've 75:20 170:2 221:7 wealth 19:18 weapon 20:17 21:11 188:4 weapons 15:25 21:3 36:25 188:13 wearing 18:23,24 30:19,20 48:11 48:12 50:10 90:3 153:18 182:16 webbing 151:3 week 191:9 weekend 85:19 191:14,18 weekly 51:2 Welcome 85:13 well 17:23 24:6 27:9,21 29:1 36:1,17 37:19 52:11,24 55:9 58:13,17,20	59:5 61:18 64:7 65:13 67:10,14 67:21 68:13 72:9,11 74:21 75:24 76:1 95:12 96:3 99:16 102:1 111:11 116:15 121:2 122:3 135:17 137:20 137:23 148:9 152:22 155:1,25 158:18 162:20 166:5 167:1,22 168:8 172:6,24 174:6 183:5,16 184:20,22 185:4 185:8 187:3 189:3 192:11 197:14 198:16 201:14 203:22 219:22 well-intoxicated 36:9 went 6:22 7:6,24 12:9 13:8 29:7 33:21 38:3 51:22 55:14 74:1 83:25 85:11 104:10,16 105:10,11 120:4 136:14 153:2 156:2,17 175:11 178:12 180:3,5 182:9 were 1:13 5:24 7:1,15,16,21 8:6 8:12,13 10:5,7 10:16,21 11:3,8 11:9,10,10,16 11:24 12:20,22 14:15 17:25 18:6,12 24:14 24:19 25:2,5,8 25:12 28:7 29:6 31:22 32:10 35:6 38:2 39:23 40:7,10 46:11 47:3,5 52:8,8,18 52:20,21,23 54:11 55:12,21 55:21,24 61:3 62:15 63:6,24 65:14,17,17,23 65:23,24 67:8 68:7 69:2,4,25 72:2,3 74:3,4,7 77:7,12 79:22 79:22 82:3,3,4 82:11 83:12 86:6,7,11,20,24 87:1 90:24 91:6 94:11 97:12,13 97:21 102:6 103:19 105:19 111:18 124:6 128:4,14,18,23 131:13 135:14 135:25 140:7,10 140:14,17 142:23 143:24
--	--	---	--	--	--	---	--

