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

VOLUME 43 OF 53 VOLUMES

TRIAL COURT CAUSE NO. 380-80047-01

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

---

JURY TRIAL

---

COPY

On the 18th day of October, 2001, the following proceedings came on to be heard in the above-entitled and -numbered cause before the Honorable Charles F. Sandoval, Judge Presiding, held in McKinney, Collin County, Texas:

Proceedings reported by Computerized Machine Shorthand.

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2 ALPHABETICAL INDEX

Table with columns: WITNESSES, Direct, Cross, Redirect, Recross, and Voir Dire. Rows include RICK ALCALA, PATRICK SWANN, LANCE TEICHELMAN, and MICHELLE TRAISTER.

9 EXHIBIT INDEX

Table with columns: STATE'S NO., DESCRIPTION, OFFERED, and ADMITTED. Row 11: 178 Naval military records on Ivan Cantu, 95, 96.

1 APPEARANCES 2

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19 VOLUME 43

20 CHRONOLOGICAL INDEX

Table with columns: STATE'S WITNESSES, Direct, Cross, Redirect, Recross, and Voir Dire. Rows include PATRICK SWANN, LANCE TEICHELMAN, RICK ALCALA, MICHELLE TRAISTER, and Court Reporter's Certificate.

1 PROCEEDINGS: 4

09:32 2 THE COURT: All right. Are both sides
09:32 3 ready to bring in the jury?
09:32 4 MS. FALCO: Yes, sir.
09:32 5 MR. GOELLER: Yes, Your Honor.
09:32 6 (Open court, defendant and jury present.)
09:32 7 THE COURT: Okay. Please be seated.
09:34 8 Ms. Falco?
09:34 9 MS. FALCO: Your Honor, Ms. Lowry will be
09:34 10 doing the first witness.
09:34 11 THE COURT: All right.
09:34 12 MS. LOWRY: The State calls Patrick Swann.
09:35 13 THE COURT: Raise your right hand.
09:35 14 PATRICK SWANN,
09:35 15 being first duly sworn, testified as follows:
09:35 16 THE COURT: Put your hand down and have a
09:35 17 seat right here. Ms. Lowry?
09:35 18 MS. LOWRY: Thank you.
09:35 19 DIRECT EXAMINATION
09:35 20 BY MS. LOWRY:
09:35 21 Q. Please introduce yourself to the jury.
09:35 22 A. Good morning, my name is Patrick Swann.
09:35 23 Q. And Mr. Swann, are you employed?
09:35 24 A. I'm a home builder in Dallas County.
09:35 25 Q. Describe for the jury just a little bit as far

09:35 1 as what you do as a home builder.

09:35 2 A. Basically we develop raw land and sell and  
09:35 3 construct homes in the Dallas County area.

09:35 4 Q. I want to take your attention back to September  
09:35 5 or October of 2000. Were you in that line of work at  
09:35 6 that time?

09:35 7 A. Yes, ma'am.

09:35 8 Q. And what development were you working on at  
09:35 9 that time?

09:35 10 A. Vista Real Properties in southwest Dallas.

09:35 11 Q. How does your business work as far as, do y'all  
09:36 12 go set up a model home? And just explain to the jury  
09:36 13 kind of how that part of it works.

09:36 14 A. Basically what we do is we -- we find a piece  
09:36 15 of property and develop the land, and then we set up  
09:36 16 model homes there. Have a sales staff there,  
09:36 17 construction staff, and they market the homes and,  
09:36 18 basically, we build them, and that's how it works.

09:36 19 Q. And at this time back in 2000, were you  
09:36 20 actually working out of the model home that was located  
09:36 21 on the Vista Real property?

09:36 22 A. Yes, ma'am.

09:36 23 Q. And who was the sales person that was also  
09:36 24 working there?

09:36 25 A. Sylvia Cantu was our sales associate there.

09:36 1 Q. How long have you known Sylvia?

09:36 2 A. I've known Sylvia for quite a while. She was  
09:36 3 basically -- her mother and my grandmother lived a  
09:36 4 relatively short distance from one another in Dallas.

09:36 5 Q. And as far as getting a person to do the  
09:36 6 mortgages, do the loans, things of that nature for that  
09:36 7 property, who did she suggest would be a person to use?

09:37 8 A. She made no suggestion to me. My father had --  
09:37 9 was basically the -- in charge of the whole operation.  
09:37 10 And he was in charge of -- whatever communication they  
09:37 11 had, I'm not really aware of. I knew that she knew the  
09:37 12 mortgage company that we had hired or were using to  
09:37 13 facilitate sales for us.

09:37 14 Q. And who was the person that y'all worked with  
09:37 15 as far as doing the mortgages?

09:37 16 A. Two people basically, Ray Sanchez and James  
09:37 17 Mosqueda.

09:37 18 Q. Now, around September or October 2000, was  
09:37 19 there an event that occurred at the model home that was  
09:37 20 rather unusual?

09:37 21 A. Yes, ma'am.

09:37 22 Q. Can you describe for the jury just kind of what  
09:37 23 was going on that day?

09:37 24 A. Sure. Basically I was sitting in my office and  
09:38 25 doing some paperwork and scheduling, and I heard a

09:38 1 conversation with -- it was with Sylvia in the front  
09:38 2 office. And basically what happened is, it seemed to me  
09:38 3 when I became aware of it, maybe a minute or a minute  
09:38 4 and a half, I heard these two people -- voice raising  
09:38 5 and some yelling took place. And I was like thinking to  
09:38 6 myself, well, that's a very unhappy customer because  
09:38 7 conversation was such that -- said something like,  
09:38 8 well --

09:38 9 MR. GOELLER: Objection as to hearsay,  
09:38 10 Your Honor.

09:38 11 THE COURT: Sustained.

09:38 12 A. Basically --

09:38 13 Q. (BY MS. LOWRY) Mr. Swann, let me stop you  
09:38 14 right there. At the point that you first hear the  
09:38 15 voices raised, your thought was basically that maybe it  
09:38 16 was a customer?

09:38 17 A. Customer. I thought it was a customer asking.

09:38 18 Q. Did you ever find out that it wasn't a  
09:38 19 customer?

09:38 20 A. Yes.

09:38 21 Q. And who was it?

09:38 22 A. It was Ivan Cantu, Sylvia's son, basically.

09:38 23 Q. And had you ever met Ivan before?

09:39 24 A. No, ma'am.

09:39 25 Q. This is the first time, as far as you know,

09:39 1 that he had ever been on the property?

09:39 2 A. Yes, ma'am.

09:39 3 Q. What is it -- were there any other voices that  
09:39 4 you heard coming from the front room other than Sylvia's  
09:39 5 and the one that you learned was Ivan Cantu's?

09:39 6 A. No, ma'am.

09:39 7 Q. And what was it that he was saying that  
09:39 8 prompted you to go into the front room?

09:39 9 MR. GOELLER: Objection as to hearsay,  
09:39 10 Your Honor.

09:39 11 THE COURT: Sustained.

09:39 12 MS. LOWRY: Your Honor, it's the  
09:39 13 defendant's statements. It's an admission by party  
09:39 14 opponent. It also just goes to show what caused him to  
09:39 15 go from his desk to go see what the situation was and  
09:39 16 why it was so hostile.

09:39 17 THE COURT: You are asking about the  
09:39 18 defendant's statements?

09:39 19 MS. LOWRY: Yes, Your Honor.

09:39 20 THE COURT: All right. Yeah. Then I'll  
09:39 21 overrule the objection.

09:39 22 MR. GOELLER: Yes, Your Honor. I'd ask  
09:39 23 for a limiting instruction at this time if they are not  
09:39 24 being offered for the truth of the matter asserted.  
09:39 25 Obviously they are being offered for some limited

09:39 1 purpose.

09:39 2 THE COURT: Well, I would assume they are

09:39 3 being offered to -- just to show that they were made.

09:39 4 MS. LOWRY: Yes, sir.

09:39 5 THE COURT: And so I'll -- presumably

09:40 6 there won't be a factual content, but we'll have to wait

09:40 7 and see. But if there is, it's -- these statements are

09:40 8 just being offered to show that they were made, not for

09:40 9 the statements actually saying. Kind of a fine

09:40 10 distinction that not everyone can grasp. Go ahead.

09:40 11 Q. (BY MS. LOWRY) And the male voice that was up

09:40 12 front was the one making these statements?

09:40 13 A. Yes, ma'am.

09:40 14 Q. And as you went to the front of the office, you

09:40 15 found out who was making those statements?

09:40 16 A. Yes, ma'am.

09:40 17 Q. And can you tell me what he was saying?

09:40 18 A. It was something along the lines of, you know,

09:40 19 I want my goddamn money. I need my money. Something to

09:40 20 that effect.

09:40 21 Q. And was he using that type of language towards

09:40 22 his mother?

09:40 23 A. Yes, ma'am.

09:40 24 Q. I guess, what were you thinking at this time?

09:40 25 A. My basic concern was for my business. There

09:40 1 was other people in our model home, and I thought that

09:40 2 was inappropriate language to be going on in the front

09:40 3 of my office.

09:40 4 Q. So what did you do?

09:41 5 A. I directed -- I just basically said, excuse me,

09:41 6 sir. I don't know what your business is here, but you

09:41 7 need to leave my premises. I don't know what, you know,

09:41 8 is going on, but I don't need this going on in front of

09:41 9 my model. And that's basically what I said.

09:41 10 Q. At any point did Sylvia try to step in and say,

09:41 11 "This is my son. It's okay"? Anything to give you the

09:41 12 indication that you didn't need to intervene?

09:41 13 A. No, ma'am.

09:41 14 Q. What was his response to you telling him he

09:41 15 needed to leave?

09:41 16 A. Basically got up in my face and said, you know,

09:41 17 you don't know who I am. You don't know who you are

09:41 18 dealing with. And I said, "Really, sir. It doesn't

09:41 19 matter to me. I'm asking you to please leave my

09:41 20 property."

09:41 21 Q. Would it have made a difference if it had been

09:41 22 the owner of the property that was talking to an

09:41 23 employee of yours like that?

09:41 24 A. No, ma'am.

09:41 25 Q. What was your main concern as far as him

09:41 1 leaving the property?

09:41 2 A. Just kind of defuse the situation because it

09:41 3 was rather heated, and I just didn't want it to continue

09:41 4 in front of our offices.

09:41 5 Q. What happened next?

09:42 6 A. Basically I asked him to leave in a fairly

09:42 7 polite fashion, and it didn't seem like I was getting my

09:42 8 point across. Basically he was in my face about like

09:42 9 this. And, you know, when I saw it wasn't going to

09:42 10 change any, I basically grabbed the guy, folded him up,

09:42 11 and put him out my front door.

09:42 12 Q. So you had to physically remove him from the

09:42 13 property?

09:42 14 A. Yes, ma'am.

09:42 15 Q. What was Sylvia's response this whole time?

09:42 16 A. She just kind of backed out of her office and

09:42 17 was standing there kind of quietly.

09:42 18 Q. Never tried to intervene?

09:42 19 A. No, ma'am.

09:42 20 Q. On her son's behalf, on your behalf, on

09:42 21 anybody's behalf?

09:42 22 A. No, ma'am. She actually thanked me after the

09:42 23 incident was over with.

09:42 24 Q. What happened next?

09:42 25 A. I went out to my office to kind of calm down

09:42 1 because I was shaking a little bit. And shortly after

09:42 2 that he came back around to my garage door and told me

09:42 3 that he was going to call the police on me. That I had

09:42 4 hit him. And I said, "Sir, you do whatever you feel is

09:43 5 necessary, but I don't want you on my property anymore.

09:43 6 Period."

09:43 7 And at that time I -- he was coming in my

09:43 8 garage door towards me. And I just put my hand out on

09:43 9 his chest and said, "Listen. You need to leave our

09:43 10 property."

09:43 11 And it was at that point in time that one

09:43 12 of the other superintendents, excuse me, came up and

09:43 13 said, "What's going on?" And some people that he was

09:43 14 with said, "Hey, you need to get out of here. Let's

09:43 15 go." And they left.

09:43 16 Q. When you say some people that he was with, who

09:43 17 was in the car with him?

09:43 18 A. I believe they were on foot, as I recall. And

09:43 19 it was a female, blond-haired female and another guy,

09:43 20 younger guy. And he just said, "Let's go." And there

09:43 21 was somebody in a green truck, and they went down

09:43 22 towards, just off our property and down the street a

09:44 23 ways, and that was it.

09:44 24 Q. Now, at this time where was Sylvia living?

09:44 25 A. Sylvia -- actually, we had built a home for her

09:44 1 at Brice Canyon, which is just down the street from our  
09:44 2 offices and model home.

09:44 3 Q. Did you have an opportunity to visit that home  
09:44 4 that day?

09:44 5 A. Sylvia asked me to go down there while some  
09:44 6 stuff was being moved out of her -- out of her place.  
09:44 7 She said, would you please come -- help me. I want him  
09:44 8 to get some stuff out of my place, and I'd feel better  
09:44 9 if you would come help me, so...

09:44 10 Q. When you say *him* who is she talking about?

09:44 11 A. Ivan.

09:44 12 Q. Do you see Ivan in the courtroom today?

09:44 13 A. Yes.

09:44 14 Q. Can you identify him by where he's sitting and  
09:44 15 what he's wearing?

09:44 16 A. Yes. Right here.

09:44 17 Q. What is he wearing?

09:44 18 A. Sweater, maroon sweater.

09:44 19 MS. LOWRY: May the record reflect that  
09:44 20 he's identified the defendant, Ivan Cantu.

09:44 21 THE COURT: All right.

09:44 22 Q. (BY MS. LOWRY) Did you accompany her back to  
09:44 23 her house that day?

09:44 24 A. Yes, ma'am.

09:44 25 Q. And when you got there, was the defendant

09:44 1 there?

09:44 2 A. Yes, ma'am.

09:44 3 Q. What was his demeanor? How was he acting at  
09:44 4 the time that y'all got there?

09:45 5 A. Basically they were arguing about property in  
09:45 6 the garage and kind of yelling obscenities back and  
09:45 7 forth at one another.

09:45 8 Q. Okay. Explain to the jury who you are talking  
09:45 9 about is screaming at each other?

09:45 10 A. Sylvia Cantu was there and Ivan was there. And  
09:45 11 I guess, I think they had some personal property, some  
09:45 12 stereos and that sort of thing in a garage. And he was  
09:45 13 trying to get his -- Ivan was trying to get his  
09:45 14 belongings from Sylvia's house. And she was saying get  
09:45 15 this, get this. And they were basically just kind of  
09:45 16 yelling and screaming at each other.

09:45 17 Q. What was your -- what were you thinking as they  
09:45 18 were yelling back and forth at each other?

09:45 19 A. I just kind of wanted the whole scene to  
09:45 20 dissipate, you know.

09:45 21 Q. When you say they were yelling at each other,  
09:45 22 were they just talking to each other in a raised tone or  
09:45 23 what kind of language were they using?

09:45 24 A. Basically, it was like -- no, they were cussing  
09:46 25 at one another like, just get your shit and get out of

09:46 1 here. You know, give me my fucking property, and that  
09:46 2 sort of thing. And I just wanted it to end, you know.

09:46 3 Q. Is this something, as far as from what you've  
09:46 4 known of Sylvia, was this something that came as a  
09:46 5 surprise to you?

09:46 6 A. Her behavior shocked me a bit.

09:46 7 Q. Why is that?

09:46 8 A. I never seen her behave other than, you know,  
09:46 9 business like and fairly professional, easy going.

09:46 10 Q. Has she always been a very spiritual person?

09:46 11 A. To my knowledge, yes.

09:46 12 MR. GOELLER: Objection as to leading.

09:46 13 Objection. Take him on voir dire, Judge.

09:46 14 THE COURT: The objection is sustained.

09:46 15 No voir dire. Go ahead.

09:46 16 MR. GOELLER: All right.

09:46 17 THE COURT: Go ahead.

09:46 18 Q. (BY MS. LOWRY) What, if any, spirituality or  
09:46 19 religious faith has she exhibited in front of you  
09:46 20 before?

09:46 21 A. She would have, like, on her screen, on her  
09:46 22 computer she would have Christian things. She had  
09:46 23 Christian, like Psalms or something of that nature.  
09:47 24 Basically just uplifting things, that sort of thing.

09:47 25 Q. And what, if at all, was her behavior on this

09:47 1 date with her son different from the way you had seen  
09:47 2 and the things that she had exhibited to you before?

09:47 3 MR. GOELLER: Objection as to relevance,  
09:47 4 Your Honor. Further objection as to time and place,  
09:47 5 specific instances.

09:47 6 THE COURT: Sustained.

09:47 7 Q. (BY MS. LOWRY) Did the defendant get, I guess,  
09:47 8 the things that she wanted him to get from her house  
09:47 9 that day?

09:47 10 A. I believe so.

09:47 11 Q. Did the cursing and yelling back and forth at  
09:47 12 one another continue until he left?

09:47 13 A. Yes, ma'am.

09:47 14 Q. The girl that you were talking about that was  
09:47 15 with him, can you kind of describe what she looks like?

09:47 16 A. She's a white female. She had blond hair,  
09:47 17 maybe a bit beyond shoulder length, a pair of blue  
09:47 18 jeans, T-shirt.

09:47 19 Q. Was she talking?

09:47 20 A. Yes, ma'am. She did say something like she  
09:47 21 wanted her stuff, also.

09:47 22 Q. Was she involved in the screaming and yelling  
09:47 23 with them?

09:48 24 A. Not to my knowledge. I mean, I don't really  
09:48 25 remember. I just remember her saying, I need my things

09:48 1 or I want my stuff out of the garage.  
 09:48 2 Q. Was the defendant at all responsive, or did he  
 09:48 3 seem to exhibit any type of respect for you asking him  
 09:48 4 to leave your property because of the way that he was  
 09:48 5 acting?  
 09:48 6 A. No, ma'am, none whatsoever.  
 09:48 7 MS. LOWRY: Pass the witness, Your Honor.  
 09:48 8 THE COURT: All right.  
 09:48 9 CROSS-EXAMINATION  
 09:48 10 BY MR. GOELLER:  
 09:48 11 Q. Sir, could you spell your last name for me?  
 09:48 12 A. Sure. S-W-A-N-N, Swann.  
 09:48 13 Q. And what is your date of birth?  
 09:48 14 A. 11-28-64.  
 09:48 15 Q. This kind of behavior shocked you, I believe  
 09:48 16 you testified to, correct?  
 09:48 17 A. Sylvia's behavior is what I said shocked me.  
 09:48 18 Q. But this whole -- this whole unfolding of  
 09:48 19 events to you must have been very disturbing and very  
 09:49 20 unsettling, correct?  
 09:49 21 A. Disturbing because somebody was in a place of  
 09:49 22 business where I make my living and they were acting in  
 09:49 23 a manner which nobody should act, in my opinion.  
 09:49 24 Q. You bet, you bet. And was it as shocking to  
 09:49 25 you when you were convicted for beating and strangling

09:49 1 your wife?  
 09:49 2 MS. LOWRY: Your Honor, I'm going to  
 09:49 3 object. Excuse me, Mr. Goeller. I'm going to object to  
 09:49 4 improper impeachment, lack of foundation.  
 09:49 5 THE COURT: Sustained.  
 09:49 6 Q. (BY MR. GOELLER) Are you one and the same  
 09:49 7 Patrick Swann that was placed on -- or pled guilty and  
 09:49 8 was found guilty --  
 09:49 9 MS. LOWRY: Your Honor.  
 09:49 10 MR. GOELLER: -- for assault on your wife.  
 09:49 11 MS. LOWRY: Your Honor, I'm going to  
 09:49 12 object to improper impeachment. He was not found  
 09:49 13 guilty. That is an improper statement.  
 09:49 14 THE COURT: Well, come over for a side  
 09:49 15 bar.  
 09:50 16 (Bench conference.)  
 09:52 17 THE COURT: All right.  
 09:52 18 Q. (BY MR. GOELLER) Mr. Swann, were you as  
 09:52 19 shocked at that as you were shocked at yourself about  
 09:52 20 what you did to your wife?  
 09:52 21 A. I was no more shocked in either occasion.  
 09:52 22 Q. Okay. Equally shocked?  
 09:52 23 A. No.  
 09:52 24 Q. Which was more shocking to you, when you put  
 09:52 25 your foot on your wife's throat and tried to stamp her?

09:52 1 MS. LOWRY: Your Honor, I'm going to  
 09:52 2 object to argumentative.  
 09:52 3 THE COURT: Sustained.  
 09:52 4 Q. (BY MR. GOELLER) Which was more shocking, your  
 09:52 5 assault upon your wife, which you went to court for, or  
 09:52 6 this cussing incident at the place of business?  
 09:52 7 A. Two totally, entirely different situations.  
 09:52 8 Q. Absolutely agree with you. Which one was more  
 09:52 9 shocking to you personally?  
 09:52 10 A. I mean, I think they were equal to me, to be  
 09:52 11 honest with you.  
 09:52 12 Q. Equally shocking. Thank you, sir.  
 09:53 13 MR. GOELLER: Pass the witness.  
 09:53 14 THE COURT: All right.  
 09:53 15 REDIRECT EXAMINATION  
 09:53 16 BY MS. LOWRY:  
 09:53 17 Q. Mr. Swann?  
 09:53 18 A. Yes, ma'am.  
 09:53 19 Q. What about this, as far as Sylvia's concern and  
 09:53 20 the way that she had acted in the past, made it to you  
 09:53 21 something that shocked you because of her behavior?  
 09:53 22 MR. GOELLER: Objection. That's been  
 09:53 23 asked and answered.  
 09:53 24 THE COURT: Overruled.  
 09:53 25 A. I just never seen Sylvia behave that way. And

09:53 1 it, to me, when I saw her acting that way, it was a bit  
 09:53 2 out of character for Sylvia to behave in that fashion.  
 09:53 3 Q. (BY MS. LOWRY) When you say "a bit out of  
 09:53 4 character," please explain that.  
 09:53 5 A. It was not like her to use the language that  
 09:53 6 she used, or I've never seen her that angry anywhere.  
 09:53 7 She was cussing and yelling, visibly ill at ease.  
 09:53 8 Q. How, if at all, is this incident inconsistent  
 09:53 9 with the faith and spirituality that she tried to  
 09:54 10 portray on every other day that you had seen here?  
 09:54 11 MR. GOELLER: Objection as to relevance,  
 09:54 12 Your Honor.  
 09:54 13 THE COURT: Yeah. I'll sustain the  
 09:54 14 objection.  
 09:54 15 MS. LOWRY: Pass the witness.  
 09:54 16 MR. GOELLER: That's all I have.  
 09:54 17 THE COURT: Is he excused by both sides?  
 09:54 18 MS. LOWRY: Yes, Your Honor.  
 09:54 19 MR. GOELLER: Still under the rule of  
 09:54 20 three-hour reserve, Your Honor.  
 09:54 21 THE COURT: All right. Then I suppose we  
 09:54 22 can reach you if we need you. Thank you, Mr. Swann.  
 09:54 23 THE WITNESS: Thank you, Your Honor.  
 09:54 24 (Witness excused.)  
 09:54 25 THE COURT: Call your next witness,

09:54 1 please.  
 09:54 2 MR. SCHULTZ: Lance Teichelman to the  
 09:54 3 stand.  
 09:55 4 THE COURT: Raise your right hand, please.  
 09:55 5 LANCE TEICHELMAN,  
 09:55 6 being first duly sworn, testified as follows:  
 09:55 7 THE COURT: Have a seat right here,  
 09:55 8 please. Mr. Schultz?  
 09:55 9 DIRECT EXAMINATION  
 09:55 10 BY MR. SCHULTZ:  
 09:55 11 Q. How are you doing?  
 09:55 12 A. Good.  
 09:55 13 Q. What's your name?  
 09:55 14 A. Lance Teichelman.  
 09:56 15 Q. How old a man are you?  
 09:56 16 A. 31 on Sunday.  
 09:56 17 Q. Are you a married man?  
 09:56 18 A. Yes, sir.  
 09:56 19 Q. Are you a college grad?  
 09:56 20 A. Yes, sir.  
 09:56 21 Q. Where did you go to college?  
 09:56 22 A. Texas A&M University.  
 09:56 23 Q. Play football there?  
 09:56 24 A. Yes, sir.  
 09:56 25 Q. How many years?

09:56 1 A. Five years.  
 09:56 2 Q. Did you play in the NFL any?  
 09:56 3 A. Yes, sir.  
 09:56 4 Q. Tell us a little about that briefly.  
 09:56 5 A. Was drafted in the Indianapolis Colts in 1994.  
 09:56 6 Played with the Colts in '94, the Saints in '95, the  
 09:56 7 Bears in '96, and finished with the Broncos in '97.  
 09:56 8 Q. Were you there long enough to get a pension?  
 09:56 9 A. You have to be three years of active roster. I  
 09:56 10 was two years practice squad, two and a half years  
 09:56 11 active roster. I actually missed it by half a year.  
 09:56 12 Q. What position did you play?  
 09:56 13 A. I was a defensive tackle, nose guard.  
 09:56 14 Q. So you liked to play right over the center?  
 09:56 15 A. Yes, sir.  
 09:56 16 Q. What's the trick to that? Try to bust the  
 09:56 17 center into the dirt and make a hole for somebody to  
 09:56 18 come in?  
 09:56 19 A. Pretty much. Keep the lineman off the  
 09:56 20 linebackers.  
 09:56 21 Q. Do you say a lot of mean things to the center  
 09:57 22 to try to make him nervous and stuff?  
 09:57 23 A. If you have the mind to, yes.  
 09:57 24 Q. Was that your style, or did you have a  
 09:57 25 different style?

09:57 1 A. I would say that in college that was my style.  
 09:57 2 Q. Now, getting right to it, you have got a  
 09:57 3 pending felony case here in Collin County now; is that  
 09:57 4 correct?  
 09:57 5 A. Yes, sir.  
 09:57 6 Q. And you've got a lawyer that's representing you  
 09:57 7 on that case; is that right?  
 09:57 8 A. Yes, sir.  
 09:57 9 Q. And could you tell us what her name is?  
 09:57 10 A. Julie Jones.  
 09:57 11 Q. All right. And after -- after receiving the  
 09:57 12 subpoena for this case, have you had opportunities to  
 09:57 13 talk with your lawyer about testifying and how you would  
 09:57 14 approach it?  
 09:57 15 A. Yes, sir.  
 09:57 16 Q. And you understand I -- doubtless, the Court  
 09:57 17 would, if you wanted your lawyer here while you were  
 09:57 18 being asked questions about this Cantu matter, you could  
 09:57 19 have the lawyer here to advise you, if that's something  
 09:57 20 you wanted? Do you understand that?  
 09:57 21 A. Yes, sir.  
 09:57 22 Q. And you have talked with your lawyer recently  
 09:57 23 about testifying here; is that correct?  
 09:57 24 A. Yes, sir.  
 09:57 25 Q. And do you have a problem with testifying?

09:58 1 A. I have no problem with testifying.  
 09:58 2 Q. Now, has anybody in the district attorney's  
 09:58 3 office or with the police department made any kind of  
 09:58 4 deal with you concerning the disposition of your felony  
 09:58 5 case that's now pending, depending upon how you  
 09:58 6 testified or whether you testified or anything like  
 09:58 7 that?  
 09:58 8 A. None whatsoever.  
 09:58 9 Q. You've not talked to anybody even about that  
 09:58 10 subject?  
 09:58 11 A. Not at all.  
 09:58 12 Q. What is it that you've been accused of? What  
 09:58 13 is the actual indictment that you've been charged with?  
 09:58 14 What did they say you did?  
 09:58 15 A. Something with a controlled substance. I'm  
 09:58 16 really not sure exactly what. I'm not --  
 09:58 17 Q. It's some kind of controlled substance that's  
 09:58 18 apparently a felony because it's an indictment?  
 09:58 19 A. Yes, yes.  
 09:58 20 Q. Do you know the defendant in this case, Ivan  
 09:58 21 Cantu?  
 09:58 22 A. Yes, I do.  
 09:58 23 Q. And could you point him out for us all, just so  
 09:58 24 we know that you known him?  
 09:58 25 A. Yes, that's Ivan.

09:58 1 Q. What's he wearing?  
 09:58 2 A. He's wearing a maroon sweater.  
 09:58 3 MR. SCHULTZ: Judge Sandoval, please let  
 09:58 4 the record reflect that he's identified the defendant  
 09:59 5 here in open court.  
 09:59 6 THE COURT: All right.  
 09:59 7 Q. (BY MR. SCHULTZ) How long have you known him?  
 09:59 8 A. To this date?  
 09:59 9 Q. Uh-huh.  
 09:59 10 A. I would say two years.  
 09:59 11 Q. Do you recall where you met him?  
 09:59 12 A. Yes, I do.  
 09:59 13 Q. Where did you meet him?  
 09:59 14 A. Outside of Club Seven.  
 09:59 15 Q. Okay. And is that -- is that an after-hours  
 09:59 16 bar and club down near the Deep Ellum?  
 09:59 17 A. That's correct.  
 09:59 18 Q. Was that a place that you often went to, or was  
 09:59 19 that just an occasional episode?  
 09:59 20 A. I would say for a short term of my life I  
 09:59 21 was -- I would often go there. But that was only maybe  
 09:59 22 a couple-month period, and then I did not frequent there  
 09:59 23 much after that.  
 09:59 24 Q. Did that place ever close, or was it like a  
 09:59 25 24-hour kind of thing?

09:59 1 A. They closed at four in the morning.  
 09:59 2 Q. Were you ever there that late to see what it  
 09:59 3 was like at four in the morning?  
 09:59 4 A. Pretty much. Whenever I went there, I was  
 10:00 5 there until four in the morning.  
 10:00 6 Q. I guess we probably all have images of what  
 10:00 7 everybody looked like at four in the morning. But kind  
 10:00 8 of tell us about that.  
 10:00 9 A. Well, it's actually a little more upbeat than  
 10:00 10 you might think it would be. You know, you would think  
 10:00 11 that it was a seedy hangout, but it actually had a  
 10:00 12 pretty strict dress code, and you did have to be  
 10:00 13 somewhat, you know, dressy. But it was an after-hours  
 10:00 14 bar, so people would go there once they got pretty well  
 10:00 15 tanked up or whatever it might be.  
 10:00 16 Q. Okay. Was it crowded at four in the morning?  
 10:00 17 A. Very crowded.  
 10:00 18 Q. And then all those people, I guess, had to  
 10:00 19 drive home or, I mean, they had to go home by some kind  
 10:00 20 of conveyance?  
 10:00 21 A. Right. It did have a large taxi outlet from  
 10:00 22 there. But, yeah, obviously some people drove home  
 10:00 23 also.  
 10:00 24 Q. Now, during the two years that you -- that  
 10:00 25 you've known the defendant--I guess really we ought to

10:00 1 be thinking more in terms of prior to his arrest--have  
 10:01 2 you ever -- have you ever visited him, by the way, in  
 10:01 3 the jailhouse since he got arrested?  
 10:01 4 A. No, I have not.  
 10:01 5 Q. So you haven't seen him at least since November  
 10:01 6 of last year; is that right?  
 10:01 7 A. I wouldn't be able to recall the date, but I  
 10:01 8 have not seen him in a long time.  
 10:01 9 Q. Okay. All right. When you used to see him,  
 10:01 10 what was the nature of y'all's relationship in terms of  
 10:01 11 social stuff? What would you all do together?  
 10:01 12 A. No. We were just -- just socially friends,  
 10:01 13 not, not anything else.  
 10:01 14 Q. Like, for example, how often in a given week  
 10:01 15 might you see him in a social setting?  
 10:01 16 A. Maybe once, twice possibly.  
 10:01 17 Q. Were you married at the time?  
 10:01 18 A. Yes.  
 10:01 19 Q. All right. And did he have a significant other  
 10:01 20 at the time that you were -- that you were knowing him?  
 10:01 21 A. He did. When I did see him, he usually had a  
 10:01 22 woman with him. I can't recall her name or probably  
 10:01 23 wouldn't be able to pick her out of a lineup, but he  
 10:02 24 usually was with a female.  
 10:02 25 Q. Okay. Okay. Do you know a fellow by the name

10:02 1 of Paul Maggio?  
 10:02 2 A. Yes.  
 10:02 3 Q. How old a man is Paul Maggio?  
 10:02 4 A. I'm sorry. Repeat the question?  
 10:02 5 Q. How old is Paul?  
 10:02 6 A. How old is Paul?  
 10:02 7 Q. Yes.  
 10:02 8 A. I believe he's 26ish, mid-20s.  
 10:02 9 Q. Where did you first meet Paul?  
 10:02 10 A. In that same setting that I had met Ivan.  
 10:02 11 Q. Okay. Was it the same time? Was it the same  
 10:02 12 event?  
 10:02 13 A. No. I knew Paul earlier.  
 10:02 14 Q. How long had you known Paul before you met Ivan  
 10:02 15 at Club Seven?  
 10:02 16 A. I would guess probably close to a year.  
 10:02 17 Q. Okay. Was he ever a friend of yours?  
 10:02 18 A. Paul Maggio?  
 10:02 19 Q. Yes.  
 10:02 20 A. Yes, he was.  
 10:02 21 Q. Did anything occur later on that strained or  
 10:02 22 tested your friendship with Paul Maggio?  
 10:02 23 A. Yes. He interfered with my marriage by testing  
 10:02 24 my wife sexually, I guess would be the --  
 10:03 25 Q. I know you know what you mean by that, but I



10:03 1 don't and probably nobody else does. Could you be a  
10:03 2 little more specific?

10:03 3 A. Yes. He hit on my wife and made advances  
10:03 4 toward her and, you know, did that kind of thing.

10:03 5 Q. All right. Where was it that he made these  
10:03 6 advances?

10:03 7 A. At a nightclub.

10:03 8 Q. Do you remember the name of that club?

10:03 9 A. I believe actually it wasn't at a nightclub.  
10:03 10 It was after a four in the morning, at an after party.  
10:03 11 Area 51 is a very similar club to Club Seven, and I  
10:03 12 believe Paul was at that nightclub that night.

10:03 13 And me and my wife got into a fight. And  
10:03 14 he was -- Paul Maggio was pretty much accepted as one of  
10:03 15 my family. I mean, he was such close friends. While  
10:03 16 the whole time he was plotting on my wife, and he went  
10:04 17 to -- she -- after me and her got into a verbal  
10:04 18 argument, she left the house and met him at an after  
10:04 19 party to -- and then he made advances toward her.

10:04 20 Q. How do you know that? Is that something you  
10:04 21 got from her?

10:04 22 A. From her.

10:04 23 Q. Is he as big as you?

10:04 24 A. No, not at all. He's a runt -- ah, he's small.

10:04 25 Q. I guess what I'm getting at, unless he's plenty

10:04 1 drunk, that's not wise behavior to be doing what you are  
10:04 2 describing. Do you know?

10:04 3 A. Yeah. He was kind of head over heels for her,  
10:04 4 kind of crazy for her.

10:04 5 Q. If you can handle like centers and guards and  
10:04 6 all those guys, couldn't you handle that situation, too?

10:04 7 A. Yes, it was no problem. I handled it.

10:04 8 Q. I understand. Why didn't you do that?

10:04 9 A. I did.

10:04 10 Q. You handled him?

10:04 11 A. Yes.

10:04 12 Q. Did you -- did you like grind him into the turf  
10:05 13 or that kind of thing?

10:05 14 A. Yes.

10:05 15 Q. Now, at some point did you get some phone calls  
10:05 16 from him, I guess, after he woke up or whatever?

10:05 17 A. Right. Actually, before, you know, he knew  
10:05 18 that I was going to find him eventually. And he had  
10:05 19 people call me that were Mafia, Italian-speaking Mafia  
10:05 20 and would say, "Hey, don't touch this guy. He's with  
10:05 21 our organization, and if you touch him, then we're going  
10:05 22 to kill you or something."

10:05 23 Q. Okay. Well, let's stop a minute. So you find  
10:05 24 out about this. And the word gets out, I guess, in your  
10:05 25 circles that Lance is looking for Paul; is that right?

10:05 1 A. That's correct.

10:05 2 Q. And from what you are telling me, he's got  
10:05 3 reason to be concerned?

10:05 4 A. Yes.

10:05 5 Q. And eventually his concerns turn into reality  
10:05 6 because you took care of him; is that right?

10:05 7 A. Yes, sir.

10:06 8 Q. So to try to defend himself apparently -- well,  
10:06 9 you are getting calls from people claiming to be mob  
10:06 10 connected, and they are going to rub you out if you  
10:06 11 don't leave him alone, that kind of thing?

10:06 12 A. That's correct.

10:06 13 Q. Of course, you don't know if they were really  
10:06 14 mob or not, right?

10:06 15 A. Like I said, he was pretty much almost a member  
10:06 16 of my family. I mean, I knew his connections. I knew  
10:06 17 he had no mob connections. I mean, I was pretty sure  
10:06 18 unless he had gotten into something after we had stopped  
10:06 19 talking, but I wasn't really that worried about it.

10:06 20 Q. Okay. Were you concerned about these mobsters  
10:06 21 calling you then?

10:06 22 A. No, I was not.

10:06 23 Q. Did you ever have occasion to have a  
10:06 24 conversation with the defendant Ivan Cantu about these  
10:06 25 pretend mobsters calling you to try to protect Paul from

10:06 1 what was on its way?

10:06 2 A. I did. I discussed it with Ivan. He mentioned  
10:06 3 that he --

10:06 4 MR. GOELLER: Objection as to hearsay.  
10:06 5 Objection as nonresponsive to the question asked.

10:07 6 THE COURT: Nonresponsive is sustained.

10:07 7 Q. (BY MR. SCHULTZ) Did you tell him the story  
10:07 8 and why you were after Paul Maggio?

10:07 9 A. Yes, I did.

10:07 10 Q. Did you tell him about these guys calling up  
10:07 11 and saying they were mobsters and going to give you the  
10:07 12 concrete pajamas, that kind of thing?

10:07 13 A. Yes, sir.

10:07 14 Q. And what was his response when you told him  
10:07 15 that?

10:07 16 A. What was his response when I told him?

10:07 17 Q. What did he say in response to you telling him  
10:07 18 about the gangs?

10:07 19 MR. GOELLER: Objection as to hearsay,  
10:07 20 Your Honor.

10:07 21 THE COURT: Are we talking about the  
10:07 22 defendant's statements, right?

10:07 23 MR. SCHULTZ: Yes.

10:07 24 THE COURT: Yes. Overruled.

10:07 25 A. His response was: Do you want me to find out

10:07 1 if they are really Mafia people calling you because he  
 10:07 2 had connections.  
 10:07 3 Q. (BY MR. SCHULTZ) All right. And did you tell  
 10:07 4 him whether you wanted him to find that out or not?  
 10:07 5 A. No. I told him I wasn't really concerned about  
 10:07 6 it.  
 10:08 7 Q. Did he make any offers to you then?  
 10:08 8 A. Yes, he did.  
 10:08 9 Q. What did he offer to do for you?  
 10:08 10 MR. GOELLER: Same objection, Your Honor;  
 10:08 11 it's hearsay.  
 10:08 12 THE COURT: Overruled.  
 10:08 13 MR. GOELLER: Yes, sir. Judge, I  
 10:08 14 anticipate -- I don't know how many questions. It will  
 10:08 15 be kind of a running objection as to what my client told  
 10:08 16 him.  
 10:08 17 Q. (BY MR. SCHULTZ) It means you can answer.  
 10:08 18 A. Could you repeat the question, sir?  
 10:08 19 Q. Uh-huh. What did he offer to do to help? What  
 10:08 20 did he offer to do to help you with your situation?  
 10:08 21 A. He asked me if I would like to have Paul Maggio  
 10:08 22 knocked off.  
 10:08 23 Q. Was he laughing when he was saying it?  
 10:08 24 A. No.  
 10:08 25 Q. Was it on the telephone, or were you in person?

10:08 1 A. It was in person.  
 10:08 2 Q. Where was it that you had this conversation?  
 10:08 3 A. In my house.  
 10:08 4 Q. Did he have somebody he said could do it for  
 10:08 5 him?  
 10:08 6 A. He said that he was friends with a Gambino,  
 10:09 7 Gambina, Anthony Gambino. I can't pronounce the name.  
 10:09 8 Q. Of course, you don't know whether that was true  
 10:09 9 or not?  
 10:09 10 A. No. I do not know if it was true or not.  
 10:09 11 Q. But that's the way he was talking. And  
 10:09 12 that's -- that's the kind of stuff he was thinking  
 10:09 13 about. Was that typical of him a lot of times, that  
 10:09 14 kind of talk?  
 10:09 15 A. No. No, he never -- he never about knocking  
 10:09 16 off people and stuff like that? Besides that one  
 10:09 17 occasion, that was the only time that that was ever  
 10:09 18 mentioned to me.  
 10:09 19 Q. Okay. He could be personable when he wants to,  
 10:09 20 can't he?  
 10:09 21 A. Sure.  
 10:09 22 Q. Be charming when he wants to be?  
 10:09 23 A. Yeah, I guess. I don't know, depending on who.  
 10:09 24 To me?  
 10:09 25 Q. Well.

10:09 1 A. I'm sorry. I don't find him charming. Maybe  
 10:09 2 to a woman, maybe so.  
 10:09 3 Q. To people that he wants to impress or  
 10:09 4 influence, he's got those capabilities?  
 10:09 5 A. Sure. He's a nice guy, yes.  
 10:09 6 Q. I mean, you've known people in your life that  
 10:10 7 surely, try as they might, they just are not going to be  
 10:10 8 very influential to folks. You know that kind?  
 10:10 9 A. Correct.  
 10:10 10 Q. He was able to do that?  
 10:10 11 A. Yes, sir.  
 10:10 12 Q. When you go to these kind of clubs like you are  
 10:10 13 describing, are they -- I know this is a relative  
 10:10 14 question, but is that an expensive night on the town to  
 10:10 15 go to one of them?  
 10:10 16 A. Usually it is, yes, sir.  
 10:10 17 Q. If you take 10 or 15 bucks with you, you  
 10:10 18 probably couldn't do?  
 10:10 19 A. You couldn't even get in the door.  
 10:10 20 Q. You have to give them some money to get in the  
 10:10 21 door?  
 10:10 22 A. Yes, sir.  
 10:10 23 Q. So what's that cost?  
 10:10 24 A. Usually there's a line wrapped around the  
 10:10 25 building. To even get into the line, you would have to

10:10 1 tip the front person to even get to pay at the front  
 10:10 2 door. So I would say on average at least \$20 to even  
 10:10 3 get in the door.  
 10:10 4 Q. Can you get further along in the line if you  
 10:10 5 come up with more money?  
 10:10 6 A. Right. You can pretty much -- a 20-dollar bill  
 10:10 7 will cut you in line.  
 10:10 8 Q. 50 would get you right in, probably, right? If  
 10:10 9 you want to do that?  
 10:11 10 A. Definitely.  
 10:11 11 Q. And then I gather that that doesn't buy you  
 10:11 12 anything once you are inside. That's just kind of  
 10:11 13 greasing the wheels of the front door kind of thing,  
 10:11 14 right?  
 10:11 15 A. Right.  
 10:11 16 Q. So once you are inside, then you got -- what do  
 10:11 17 you got to do, buy drinks and whatever they got there?  
 10:11 18 A. Yes.  
 10:11 19 Q. And there's no cover charge. I mean, you don't  
 10:11 20 have to pay to get in other than the tips, right?  
 10:11 21 A. You have to pay to get in, too.  
 10:11 22 Q. So the Club Seven gets a cut also?  
 10:11 23 A. Yes.  
 10:11 24 Q. What's it cost to get in?  
 10:11 25 A. Depending on what night, 10 or 20 dollars.

10:11 1 Q. Is that per person?  
 10:11 2 A. Per person.  
 10:11 3 Q. So if you got a date, it's 40 bucks plus a \$20  
 10:11 4 tip and then --  
 10:11 5 A. Usually \$50 will probably get you in the door,  
 10:11 6 roughly.  
 10:11 7 Q. -- what about drinks? Do they have the same  
 10:11 8 price as anywhere else or are they more?  
 10:11 9 A. I don't drink. So I don't, I never really  
 10:11 10 bought drinks there. Water is a dollar.  
 10:11 11 Q. Like bottled water or just a glass of water?  
 10:12 12 A. Bottled water.  
 10:12 13 Q. How many times were you with the defendant  
 10:12 14 either at that club or a club like it?  
 10:12 15 A. Not that much. We never went out together. I  
 10:12 16 have saw him several occasions at these clubs, but me  
 10:12 17 and him never -- I can't recall at least going with him  
 10:12 18 to the club.  
 10:12 19 Q. Well, the point I'm making is, certainly if a  
 10:12 20 person were in financial straits, that might not --  
 10:12 21 going to one of those places might go a long way toward  
 10:12 22 those financial situations?  
 10:12 23 A. Yes. If you have financial problems, you would  
 10:12 24 not want to hang out at one of these clubs.  
 10:12 25 Q. Police -- did the police ever show up at those

10:12 1 places?  
 10:12 2 A. There was always police out in the outside.  
 10:12 3 They -- I guess the clubs would hire policemen to stand  
 10:12 4 outside and make sure everything flowed pretty well.  
 10:12 5 Q. You didn't have to tip them, did you?  
 10:12 6 A. No, no.  
 10:13 7 MR. SCHULTZ: We'll pass the witness,  
 10:13 8 Judge.  
 10:13 9 THE COURT: All right.  
 10:13 10 MR. GOELLER: Thank you, Your Honor.  
 10:13 11 CROSS-EXAMINATION  
 10:13 12 BY MR. GOELLER:  
 10:13 13 Q. Am I pronouncing it right, Teichelman?  
 10:13 14 A. Teichelman.  
 10:13 15 Q. Mr. Teichelman, you were originally introduced  
 10:13 16 to Ivan through Amy Boettcher, correct?  
 10:13 17 A. No.  
 10:13 18 Q. Are you sure about that?  
 10:13 19 A. I -- I originally met Ivan outside Club Seven  
 10:13 20 walking across the street, and -- I wasn't sure. I  
 10:13 21 don't know. I can't say for sure if it was. So, no to  
 10:13 22 your question. I'm not sure. It could have been.  
 10:13 23 Q. Do you know who Amy Boettcher was?  
 10:13 24 A. I do not. That's why I don't think it was.  
 10:13 25 Q. Just Amy? Does the word Amy ring a bell?

10:13 1 A. Possibly, yes, but I couldn't --  
 10:13 2 Q. Okay. You -- you had been going to -- what  
 10:13 3 were some of the other clubs you were attending on a  
 10:14 4 regular basis prior to, well, in the summer of last  
 10:14 5 year, the year 2000?  
 10:14 6 A. Area 51 and Club Seven are pretty much the only  
 10:14 7 two clubs that I go to.  
 10:14 8 Q. You don't recall Amy? You don't recall Amy  
 10:14 9 tracking you down or saying, hey, Lance, I want you to  
 10:14 10 meet Ivan. Do you recall the blond, kind of a pretty  
 10:14 11 little blond?  
 10:14 12 A. Would that be the woman that he hung out with a  
 10:14 13 lot? You have to excuse me. You don't know me. I'm  
 10:14 14 not very good with names, so I'm not trying to be  
 10:14 15 difficult by any means.  
 10:14 16 Q. I know, I know.  
 10:14 17 A. I really just don't.  
 10:14 18 Q. I imagine as a pro football player you come  
 10:14 19 into contact with a lot of people?  
 10:14 20 A. Yeah.  
 10:14 21 Q. If we say, yeah, it was somebody -- somebody  
 10:15 22 that you would associate with Ivan, do you recall that?  
 10:15 23 Her making the introduction?  
 10:15 24 A. I could probably, yeah. Was there a female  
 10:15 25 that made our introduction? Yes.

10:15 1 Q. Yes.  
 10:15 2 A. Yes, that's very possible.  
 10:15 3 Q. Okay. I don't know of any way other than just  
 10:15 4 to come out and ask you, Lance, Mr. Teichelman. Amy  
 10:15 5 Boettcher was buying ecstasy from you, correct?  
 10:15 6 A. No. That's not correct.  
 10:15 7 Q. Okay. What was she buying from you?  
 10:15 8 A. Nothing.  
 10:15 9 Q. Okay. Now, you've never made any false  
 10:15 10 statements under oath or in connection with any official  
 10:15 11 proceedings before, have you?  
 10:16 12 A. I hope not.  
 10:16 13 Q. Okay. Brazos County? Did you ever make any  
 10:16 14 false reports?  
 10:16 15 A. Brazos County.  
 10:16 16 Q. Lying, lying, basically to police?  
 10:16 17 A. No, never.  
 10:16 18 Q. Never?  
 10:16 19 A. Never.  
 10:16 20 Q. That's kind of funny because the D.A. tells me  
 10:16 21 you have.  
 10:16 22 MR. SCHULTZ: Objection, Judge. That's --  
 10:16 23 I've not told him that.  
 10:16 24 Q. (BY MR. GOELLER) You weren't convicted of a  
 10:16 25 false report and assault in Brazos County?

10:16 1 A. Never a false report.  
 10:16 2 Q. What was it?  
 10:16 3 A. Not a false report.  
 10:16 4 Q. Okay. How about the assault? Does that sound  
 10:16 5 familiar?  
 10:17 6 A. Have I ever been convicted of assault? No,  
 10:17 7 sir.  
 10:17 8 Q. What were you arrested for in Brazos County?  
 10:17 9 A. I was -- I was tried for assault, but I never  
 10:17 10 was convicted of assault.  
 10:17 11 Q. What happened? You were found not guilty?  
 10:17 12 A. That's correct. Well, no, I -- right.  
 10:17 13 Q. That's not true. You were not -- you were not  
 10:17 14 found not guilty. That's not true.  
 10:17 15 A. I was never convicted of assault.  
 10:17 16 Q. Okay. What did you get? Some kind of  
 10:17 17 probation?  
 10:17 18 A. I -- I have a deferred, I believe.  
 10:17 19 Q. Okay.  
 10:17 20 A. I believe it was.  
 10:17 21 Q. And --  
 10:17 22 A. Once again, I'm not trying to be difficult. I  
 10:17 23 just know how the law is.  
 10:17 24 Q. I'm trying to figure out this false report  
 10:17 25 information.

10:17 1 A. Do you want me to take a look at it for you?  
 10:17 2 Q. Huh?  
 10:17 3 A. Do you want me to take a look at it?  
 10:17 4 MR. GOELLER: Yeah. Can I approach?  
 10:17 5 THE COURT: Yes.  
 10:17 6 Q. (BY MR. GOELLER) You know Gail Falco, right,  
 10:17 7 the prosecutor?  
 10:17 8 A. Yes.  
 10:17 9 Q. Did she talk to you about any of this?  
 10:18 10 A. No.  
 10:18 11 Q. Kind of look at that highlighted.  
 10:18 12 MR. SCHULTZ: Mr. Goeller.  
 10:18 13 A. Oh, oh. That's -- this is not. Convicted of  
 10:18 14 assault? I was never convicted.  
 10:18 15 Q. (BY MR. GOELLER) Okay. Mr. Schultz was kind  
 10:18 16 enough to give me kind of a five-page updated criminal  
 10:18 17 history on you. Let me direct your attention down here.  
 10:18 18 This is from DPS Austin, I assume. Let me see if you  
 10:18 19 might read that, and that might refresh your memory just  
 10:18 20 a bit?  
 10:19 21 A. Making false report. It doesn't say anything  
 10:19 22 about a conviction. It says a fact unadjudicated. I  
 10:19 23 don't know what that means, but..  
 10:19 24 Q. That means you either pled guilty, or were  
 10:19 25 found guilty. Well, not --

10:19 1 A. Would it say convicted if it was guilty?  
 10:19 2 Q. Well, I don't know. I don't know. That's why  
 10:19 3 I'm asking.  
 10:19 4 A. No. I've never been convicted, and I've never  
 10:19 5 made a false report.  
 10:19 6 Q. You never made a false report?  
 10:19 7 A. No.  
 10:19 8 Q. So if you were given one of those deferreds you  
 10:19 9 were talking about, would that clear it up a little bit?  
 10:19 10 A. A deferred on assault?  
 10:19 11 Q. No. Deferred on making a false report. In  
 10:19 12 other words, lying.  
 10:19 13 A. No, never on a false report. I was getting a  
 10:19 14 deferred on assault.  
 10:19 15 Q. How about assault with bodily injury? Is your  
 10:19 16 full name Lance Theodore Teichelman?  
 10:20 17 A. Yes, sir.  
 10:20 18 Q. Social security 452-33-5656?  
 10:20 19 A. That's incorrect.  
 10:20 20 Q. What is it?  
 10:20 21 A. It's 462.  
 10:20 22 Q. I'm sorry, 462. Yeah, 462-33-5656. Born on  
 10:20 23 October 21, 1970?  
 10:20 24 A. Yes, sir.  
 10:20 25 Q. Male; white; place of birth, Texas; citizen,

10:20 1 U.S.; height, 6 foot 5; 295 pounds; blue eyes; blond  
 10:20 2 hair, right?  
 10:20 3 A. That's me.  
 10:20 4 Q. That's you. So what you are testifying to  
 10:20 5 under oath here today is that you have never entered a  
 10:20 6 plea or been placed on some type of probationary status  
 10:20 7 for a false report or any other type of lying to  
 10:20 8 authorities?  
 10:21 9 A. To the best of my knowledge, I have never done  
 10:21 10 that.  
 10:21 11 Q. Okay. Now, you are one and the same Lance  
 10:21 12 Theodore Teichelman who stands charged by way of  
 10:21 13 indictment in Cause No. 219-8127-01, right?  
 10:21 14 A. I'm not sure what that means.  
 10:21 15 Q. You were presently under felony indictment in  
 10:21 16 this county?  
 10:21 17 A. Yes.  
 10:21 18 Q. This courthouse for aggravated delivery, over  
 10:21 19 400 grams of gamma hydroxybutyrate?  
 10:21 20 A. Yes.  
 10:21 21 Q. You understand that if you are convicted of  
 10:21 22 that, it carries a minimum of 15 years in the  
 10:21 23 penitentiary. Do you know that?  
 10:21 24 A. Yes, sir.  
 10:21 25 Q. And in return for your testimony here today,

10:21 1 what favorable treatment are you seeking from the Collin  
 10:21 2 County District Attorney's office?  
 10:21 3 A. Absolutely none.  
 10:21 4 Q. Okay.  
 10:22 5 MR. GOELLER: That's all I have.  
 10:22 6 THE COURT: Mr. Schultz?  
 10:22 7 REDIRECT EXAMINATION  
 10:22 8 BY MR. SCHULTZ:  
 10:22 9 Q. Brazos County, is that where A&M is?  
 10:22 10 A. Yes, sir.  
 10:22 11 Q. Is that connected to like when you were in  
 10:22 12 college?  
 10:22 13 A. Yes, sir.  
 10:22 14 Q. Okay. Was the guy hurt real bad?  
 10:22 15 A. Yes.  
 10:22 16 Q. He didn't die though?  
 10:22 17 A. No.  
 10:22 18 MR. SCHULTZ: Pass the witness.  
 10:22 19 RECROSS EXAMINATION  
 10:22 20 BY MR. GOELLER:  
 10:22 21 Q. By the way, GHB, that's a date rape drug,  
 10:22 22 right?  
 10:22 23 A. I'm not aware of that.  
 10:22 24 Q. Okay. You've never heard of GHB?  
 10:22 25 A. Yes. I have heard of GHB.

10:22 1 Q. And you know it's a date rape drug?  
 10:22 2 A. I do not know that.  
 10:22 3 Q. You never heard that?  
 10:23 4 A. No.  
 10:23 5 Q. Okay. You ever heard of date rape drugs?  
 10:23 6 A. Yes.  
 10:23 7 Q. And what's your understanding of those type of  
 10:23 8 drugs?  
 10:23 9 A. I'm actually not very aware of what they do.  
 10:23 10 Q. Not the foggiest, huh?  
 10:23 11 A. Maybe the foggiest, but not something where I  
 10:23 12 would testify that I know what they do.  
 10:23 13 Q. I don't need you to be an expert, but give me  
 10:23 14 what your best foggiest is.  
 10:23 15 A. A drug that somebody would take that would make  
 10:23 16 them want to have sex with somebody else without -- that  
 10:23 17 normally wouldn't want to.  
 10:23 18 Q. Or flat knocking them out cold to rape them,  
 10:23 19 right?  
 10:23 20 A. Well, I guess that would make alcohol a date  
 10:23 21 rape drug, too, then.  
 10:23 22 MR. GOELLER: That's all I have.  
 10:23 23 MR. SCHULTZ: Nothing further, Judge.  
 10:23 24 THE COURT: Is he excused by both sides?  
 10:24 25 MR. SCHULTZ: By the State.

10:24 1 MR. GOELLER: Still under the Rule,  
 10:24 2 subject to three-hour recall.  
 10:24 3 THE COURT: Do you understand that?  
 10:24 4 THE WITNESS: Yes.  
 10:24 5 THE COURT: You are excused for now.  
 10:24 6 THE WITNESS: Thank you, sir.  
 10:24 7 (Witness excused.)  
 10:24 8 THE COURT: Call your next witness.  
 10:24 9 MS. LOWRY: The State calls Rick Alcala.  
 10:25 10 THE COURT: Stand and be sworn.  
 10:25 11 RICK ALCALA,  
 10:25 12 being first duly sworn, testified as follows:  
 10:25 13 THE COURT: Is it Ms. Lowry?  
 10:25 14 MS. LOWRY: Yes, Your Honor.  
 10:25 15 DIRECT EXAMINATION  
 10:25 16 BY MS. LOWRY:  
 10:25 17 Q. Please introduce yourself to the jury.  
 10:25 18 A. My name is Rick Alcala.  
 10:25 19 Q. And, Mr. Alcala, how are you employed?  
 10:25 20 A. I am a loan officer with SPIC Mortgage.  
 10:25 21 Q. And how long have you been employed in that  
 10:25 22 capacity?  
 10:25 23 A. For doing mortgages, about a year.  
 10:25 24 Q. Where did you work prior to being with the  
 10:25 25 company you are with right now?

10:25 1 A. I work with Advantage Investment Mortgage.  
 10:25 2 Q. Who was the owner of that business?  
 10:25 3 A. James Mosqueda.  
 10:25 4 Q. Is that who you worked for?  
 10:25 5 A. That's who I worked for.  
 10:25 6 Q. When did you begin working there?  
 10:25 7 A. I approximately began working there sometime --  
 10:25 8 officially? Signed on in July. But I started working  
 10:25 9 there sometime around in May, May or June.  
 10:25 10 Q. I guess, just because you brought it up, can  
 10:25 11 you kind of explain for the jury what you mean by  
 10:25 12 officially, and what happened before that, that kind of  
 10:26 13 thing.  
 10:26 14 A. I was originally doing real estate. I was a --  
 10:26 15 I'm a real estate agent and in financing by trade. I  
 10:26 16 met James through Ray Sanchez. Ray Sanchez was the  
 10:26 17 other gentleman that had been working with James for  
 10:26 18 approximately about a year. I met Ray through -- he's a  
 10:26 19 loan officer, and he approached me about doing some  
 10:26 20 business together. And in the process I was interested  
 10:26 21 in getting into the mortgage side, doing the financing  
 10:26 22 side.  
 10:26 23 So that's how, when I say sometime in May  
 10:26 24 because I started meeting with Ray and with James.  
 10:26 25 Sometime in May about coming onboard with them, but at

10:26 1 the time I still had business in real estate that I had  
 10:26 2 to take care of. So until I got that finalized, I was  
 10:26 3 officially able to get into the mortgage side before, in  
 10:26 4 July.

10:26 5 MR. HIGH: Excuse me, Your Honor. I can't  
 10:26 6 see the witness. Can the witness --

10:26 7 THE COURT: Scoot up just a little bit.

10:26 8 Q. (BY MS. LOWRY) Now, you began working there in  
 10:26 9 July of 2000. Anything unusual about your working  
 10:26 10 there? Anything unusual going on while you were working  
 10:26 11 there?

10:27 12 A. Not that I could see, no.

10:27 13 Q. Everything you saw, just strictly mortgage  
 10:27 14 business?

10:27 15 A. Correct.

10:27 16 Q. I want to direct your attention specifically to  
 10:27 17 around September or October 2000.

10:27 18 A. Okay.

10:27 19 Q. Were you still working there at that time?

10:27 20 A. Yes, I was.

10:27 21 Q. Did you have an opportunity -- one afternoon  
 10:27 22 you were going to the bank with James?

10:27 23 A. Correct.

10:27 24 Q. Do you recall that day?

10:27 25 A. Yes, I do. I recall.

10:27 1 Q. Do you recall something unusual happening while  
 10:27 2 you were all on your trip to the bank?

10:27 3 A. Yes, I do. We received a call.

10:27 4 MR. HIGH: Objection, nonresponsive.

10:27 5 THE COURT: Sustained.

10:27 6 Q. (BY MS. LOWRY) Can you tell me what that was?

10:27 7 A. I'm sorry?

10:27 8 Q. Can you tell me what that unusual thing was  
 10:27 9 that happened?

10:27 10 A. We got sidetracked. James received a call from  
 10:27 11 Sylvia.

10:27 12 Q. Who do you know Sylvia to be?

10:27 13 A. The mother of Isaac.

10:27 14 Q. Of Ivan?

10:27 15 A. Ivan, I'm sorry.

10:27 16 Q. Have you ever met Ivan Cantu?

10:27 17 A. No.

10:27 18 Q. Have you ever to this day ever met him?

10:27 19 A. No.

10:27 20 Q. Have you ever seen him?

10:28 21 A. Yes.

10:28 22 Q. And this day that we're talking about that you  
 10:28 23 were running to the bank with James, is that the first  
 10:28 24 day that you recall seeing him?

10:28 25 A. I believe so.

10:28 1 Q. When Sylvia -- what was your understanding of  
 10:28 2 why you-all were being sidetracked on the way to the  
 10:28 3 bank?

10:28 4 A. She was scared. She called and she said that  
 10:28 5 she --

10:28 6 MR. HIGH: Objection, Judge, hearsay.

10:28 7 THE COURT: Sustained.

10:28 8 Q. (BY MS. LOWRY) As far as you knew, where were  
 10:28 9 you-all going?

10:28 10 A. We were going to meet Sylvia.

10:28 11 Q. And what was the purpose of meeting her?

10:28 12 A. She wanted us to be there while she --

10:28 13 MR. HIGH: Objection. Take the witness on  
 10:28 14 voir dire.

10:28 15 THE COURT: Yes.

10:28 16 VOIR DIRE EXAMINATION

10:28 17 BY MR. HIGH:

10:28 18 Q. Mr. Alcalá, the reason you know that is because  
 10:28 19 somebody told you that, right?

10:28 20 A. Correct.

10:28 21 Q. You don't know that personally. You don't know  
 10:28 22 that because you talked to Sylvia, yourself, do you?

10:28 23 A. I did not talk to Sylvia myself.

10:28 24 Q. And she didn't tell you that, did she? Someone  
 10:28 25 else told you that, her state of mind?

10:29 1 A. James Mosqueda did.

10:29 2 MR. HIGH: Objection. Renew my objection  
 10:29 3 to hearsay.

10:29 4 THE COURT: Sustained.

10:29 5 DIRECT EXAMINATION (CONT'D)

10:29 6 BY MS. LOWRY:

10:29 7 Q. Who was driving the car?

10:29 8 A. I was.

10:29 9 Q. And at the time that you-all left the office,  
 10:29 10 you were driving to the bank?

10:29 11 A. Correct.

10:29 12 Q. And at some time that you were driving, going  
 10:29 13 to the bank, were you instructed to go somewhere else?

10:29 14 MR. HIGH: Excuse me, Your Honor. She's  
 10:29 15 got to not lead this witness. This is her witness.  
 10:29 16 She's leading this witness.

10:29 17 THE COURT: Your objection is leading?

10:29 18 MR. HIGH: Yes.

10:29 19 THE COURT: Sustained.

10:29 20 Q. (BY MS. LOWRY) What, if any, directions were  
 10:29 21 you given to change your course from going to the bank?

10:29 22 A. I was -- I was asked by James to go meet  
 10:29 23 Sylvia.

10:29 24 Q. And did you do that?

10:29 25 A. Yes, I did.

10:29 1 Q. Where do you remember meeting her?

10:29 2 A. We eventually got to the back of some  
10:29 3 apartments.

10:29 4 Q. When you say eventually, can you explain what  
10:29 5 you mean by that?

10:29 6 A. During the course, as I was driving, we were  
10:30 7 getting -- I was getting directions from James. And  
10:30 8 James was taking directions from a person he was on the  
10:30 9 phone with.

10:30 10 Q. Let me stop you right there. I guess as you  
10:30 11 are driving to the bank, is there some point that you  
10:30 12 can see a vehicle that you think that Ivan Cantu is  
10:30 13 driving?

10:30 14 A. After we got to the -- we went to the bank.

10:30 15 MR. HIGH: We have to object as  
10:30 16 nonresponsive.

10:30 17 THE COURT: Sustained.

10:30 18 Q. (MS. LOWRY) So you go to the bank before you  
10:30 19 change direction and go somewhere else?

10:30 20 A. Correct.

10:30 21 Q. After you go to the bank do you then see a  
10:30 22 vehicle that you think is being driven by Ivan Cantu?

10:30 23 A. Yes.

10:30 24 Q. And describe for me what the circumstance was  
10:30 25 surrounding the first time you saw that vehicle?

10:30 1 A. I was driving. James was on the phone at this  
10:30 2 time. He had been hanging up and calling different  
10:30 3 people. In that time, as we were driving, we eventually  
10:31 4 met up with Sylvia's car.

10:31 5 Q. Did you know at the time what Sylvia drove?

10:31 6 A. I believe it was a light-colored Accord, Honda  
10:31 7 Accord, white.

10:31 8 Q. Did you recognize the car as being the car that  
10:31 9 Sylvia drove when you saw it?

10:31 10 A. Oh, yeah.

10:31 11 Q. Go ahead.

10:31 12 A. And then at that moment, too, we ran up at  
10:31 13 another car. I believe it was like a black car, Grand  
10:31 14 Am, I believe. The car was being driven by Isaac, but  
10:31 15 there was also a passenger, a woman.

10:31 16 THE COURT: Sir, let me ask you to do  
10:31 17 something. Would you speak up a little bit more because  
10:31 18 I'm having a little bit of trouble hearing, and you are  
10:31 19 five feet from me. So the last juror back there has to  
10:31 20 hear you. So just project your voice, please.

10:31 21 THE WITNESS: Sure. There was two --  
10:31 22 where do you want me to start? I'm sorry.

10:31 23 THE COURT: Let's start with another  
10:31 24 question.

10:31 25 Q. (BY MS. LOWRY) Okay. I guess you've gotten --

10:31 1 you see a car that you recognize to be Sylvia's car, and  
10:31 2 then you see another car that you think is being driven  
10:32 3 by Ivan?

10:32 4 A. Correct.

10:32 5 Q. What is your first contact with the black car  
10:32 6 that you think is being driven by Ivan?

10:32 7 A. The first contact was -- there was a white car,  
10:32 8 the black car, and myself driving. And the black car  
10:32 9 went and cut off the white car.

10:32 10 Q. Describe in detail what you mean by when you  
10:32 11 say, "cut off the other car"?

10:32 12 A. The black car that was in front of me pulled up  
10:32 13 to the left and drove off and pulled up in front of the  
10:32 14 white car.

10:32 15 Q. And the white car is the one that Sylvia is  
10:32 16 driving?

10:32 17 A. Correct, and stopped it. At that point there  
10:32 18 was a conversation between James and, I believe, Ivan,  
10:32 19 as well.

10:32 20 Q. A conversation outside the car or is this on  
10:32 21 the cell phone?

10:32 22 A. No. It's still on the cell phone. There's the  
10:32 23 conversation going on the whole time we're in the car.

10:32 24 Q. So basically the whole time this is going on,  
10:33 25 James is either talking to Sylvia on the phone or to

10:33 1 Ivan on the phone trying to resolve this situation?

10:33 2 MR. HIGH: I have to object as leading,  
10:33 3 Judge.

10:33 4 THE COURT: Sustained.

10:33 5 Q. (BY MS. LOWRY) What is your understanding as  
10:33 6 to who James is talking to trying to resolve this  
10:33 7 situation?

10:33 8 A. I hear the name Ivan and Sylvia. As far as to  
10:33 9 my knowledge, that's who he was talking to.

10:33 10 Q. And he would hang up. Would he hang up with  
10:33 11 one and then talk to the other? How was that working?

10:33 12 A. That was working, and I can hear him where he  
10:33 13 was clicking onto the other phone. So there was ongoing  
10:33 14 and incoming calls.

10:33 15 Q. And the directions that were given to you, were  
10:33 16 they to drive to a place to meet Sylvia so that there  
10:33 17 could be some exchange of property made? Is that your  
10:33 18 understanding or is it not?

10:33 19 A. Correct.

10:33 20 Q. When you say that you saw the defendant cut the  
10:33 21 car that his mother was driving off, was he trying to  
10:33 22 hit her?

10:33 23 MR. HIGH: Object as to rendering an  
10:33 24 opinion as to what the defendant was trying to do. It  
10:33 25 calls for state of mind, speculation.

10:34 1 THE COURT: Sustained.  
 10:34 2 Q. (BY MS. LOWRY) In your opinion, from what you  
 10:34 3 observed, did he appear to be trying to hit her?  
 10:34 4 MR. HIGH: Same objection, Judge. It's  
 10:34 5 clearly speculation.  
 10:34 6 THE COURT: Sustain the objection. Just  
 10:34 7 ask what he did.  
 10:34 8 Q. (BY MS. LOWRY) Did he hit the car?  
 10:34 9 A. He did not hit the car.  
 10:34 10 Q. Did he just pull in front of the car?  
 10:34 11 A. He pulled in front of the car, yes.  
 10:34 12 Q. What did he do when he pulled in front of the  
 10:34 13 car?  
 10:34 14 A. He pulled in front of the car, and at that time  
 10:34 15 there was conversation going on from what I believed to  
 10:34 16 be James and Ivan. At that time he reversed and then he  
 10:34 17 came and pulled up next to me. And in that time there  
 10:34 18 was a conversation between Ivan and between James.  
 10:34 19 Q. Prior to this, as James was talking on the  
 10:34 20 phone with Ivan, was he making statements to you about  
 10:34 21 how he was perceiving the defendant on the other end of  
 10:35 22 the line?  
 10:35 23 A. Yes.  
 10:35 24 Q. And what were his statements regarding what he  
 10:35 25 thought the defendant was doing?

10:35 1 MR. HIGH: Judge, I'm going to have to  
 10:35 2 object as to hearsay.  
 10:35 3 MS. LOWRY: Your Honor, the statements are  
 10:35 4 present sense of impression while the person making  
 10:35 5 those statements was perceiving the situation.  
 10:35 6 THE COURT: Let me take a look. Yeah.  
 10:35 7 I'll overrule the objection and allow him to testify.  
 10:35 8 Q. (BY MS. LOWRY) What statement did James make  
 10:35 9 about his opinion about what the defendant was doing?  
 10:35 10 A. The repeated comment that he was making was  
 10:35 11 like, man, this guy is acting crazy. He's out of his  
 10:35 12 mind. He's probably high.  
 10:35 13 Q. Now, what did Sylvia do whenever he cut her car  
 10:35 14 off and stopped it in the road?  
 10:35 15 MR. HIGH: Objection. That  
 10:35 16 mischaracterizes his testimony, mischaracterizes the  
 10:36 17 evidence, and it assumes facts not in evidence.  
 10:36 18 THE COURT: Sustained.  
 10:36 19 Q. (BY MS. LOWRY) Did you testify earlier that  
 10:36 20 the car the defendant was driving cut Sylvia's car off?  
 10:36 21 A. Correct.  
 10:36 22 Q. And did you also say that he stopped her car in  
 10:36 23 the middle of the road when he did that?  
 10:36 24 A. Correct.  
 10:36 25 Q. What did she do after he did that?

10:36 1 A. She stayed -- she didn't do -- she just stayed  
 10:36 2 in the car.  
 10:36 3 Q. Describe this roadway.  
 10:36 4 A. It was -- it was just an -- we were on a normal  
 10:36 5 street. It was just on a regular road, so there was  
 10:36 6 other traffic passing along, too.  
 10:36 7 Q. How many lanes were going in the same direction  
 10:36 8 that you-all were traveling?  
 10:36 9 A. It was just one going each way.  
 10:36 10 Q. And so he's doing all of this just on basically  
 10:36 11 a two-lane highway?  
 10:36 12 A. Correct.  
 10:36 13 Q. Were there other vehicles approaching y'all as  
 10:36 14 this was going on?  
 10:37 15 A. Yes, there was.  
 10:37 16 Q. Okay. Let's go back to now when he had her cut  
 10:37 17 off. How did she get away from him? Did she get away  
 10:37 18 from him?  
 10:37 19 A. No, she did not.  
 10:37 20 Q. What did she do?  
 10:37 21 A. She stayed in the car.  
 10:37 22 Q. What happened next?  
 10:37 23 A. He backed away and then he came and pulled up  
 10:37 24 next to us.  
 10:37 25 Q. What happened when he pulled up next to y'all?

10:37 1 A. There was a conversation between himself and  
 10:37 2 James.  
 10:37 3 Q. And could you hear this conversation?  
 10:37 4 A. Oh, yes.  
 10:37 5 Q. And what was he saying?  
 10:37 6 A. He was basically very upset, a very loud voice.  
 10:37 7 He was yelling a lot of obscenities. James was in the  
 10:37 8 car basically, calm down, calm down. You'll get your  
 10:37 9 stuff.  
 10:37 10 Q. Was he screaming these obscenities at James?  
 10:37 11 A. He was making remarks towards Sylvia.  
 10:37 12 Q. What kind of remarks was he making about her?  
 10:37 13 A. Vulgarities. The word "bitch" was used a lot.  
 10:38 14 Q. And using that, was he referencing his mother?  
 10:38 15 A. Correct.  
 10:38 16 Q. What happened next?  
 10:38 17 A. What happened next? He -- he took off, waited.  
 10:38 18 And then we eventually, once we could, that traffic  
 10:38 19 was -- it wasn't a heavy traffic road, but there were  
 10:38 20 cars coming. We turned around, and we basically  
 10:38 21 followed him into some -- into backroom apartments.  
 10:38 22 I'm not very familiar with that north  
 10:38 23 Dallas area. So I was basically just following. As far  
 10:38 24 as the name of streets and things like that, I do not  
 10:38 25 recall.



10:38 1 Q. When he is sitting there talking to y'all, as  
10:38 2 you are observing him, what's his demeanor, the  
10:38 3 defendant's?

10:38 4 A. Talking very fast, very upset, a lot of  
10:38 5 obscenities, you know, eyes were wide open. In my  
10:39 6 opinion, it seemed like he was high.

10:39 7 Q. And those are also the statements that James  
10:39 8 was making as he was perceiving him on the phone?

10:39 9 A. Yes.

10:39 10 Q. After you get to the apartment complex,  
10:39 11 describe how everybody parks once they get there?

10:39 12 A. He pulled into an apartment complex. He parked  
10:39 13 his car. And when we pulled into an apartment, we just  
10:39 14 went off to the left. He parked, and Sylvia had her car  
10:39 15 parked, not in an actual parking spot, where she kind of  
10:39 16 parked this way. And he pulled in there, and I pulled  
10:39 17 about three parking spots away. I pulled in and that's  
10:39 18 where I was parked.

10:39 19 Q. Who all was in the car with the defendant?

10:39 20 A. It was himself and another woman.

10:39 21 Q. What did the woman look like?

10:39 22 A. From what I could tell she was blond,  
10:40 23 average -- thin to average build.

10:40 24 Q. Once you got -- everybody got parked, what  
10:40 25 happened next?

10:40 1 A. James basically said, "Hey, I'll be right  
10:40 2 back." I just got to make sure he gets his stuff and  
10:40 3 that everything's calm, real cool. So he basically put  
10:40 4 his keys down, and then he stepped outside. I stayed in  
10:40 5 my car. And I stayed in my car, and just shortly after  
10:40 6 there was another vehicle that pulled up. I believe --  
10:40 7 I cannot remember exactly who he said he was. It was a  
10:40 8 family member, though. It was a lady or a woman.

10:40 9 Q. Were you watching the whole time that this  
10:40 10 exchange of property was taking place?

10:40 11 A. I was not watching the whole time. At the very  
10:40 12 beginning, I can't say that I was. It's not till I  
10:40 13 heard some -- some loud noises or some -- what appeared  
10:41 14 to be some banging and some very little voices starting  
10:41 15 getting louder. The obscenities started coming through  
10:41 16 that I started paying more attention to. A couple times  
10:41 17 I turned around, and I saw him kicking the car, Sylvia's  
10:41 18 car.

10:41 19 Q. Where was she in relationship to where he was  
10:41 20 kicking the car?

10:41 21 A. She was standing approximately somewhere in the  
10:41 22 front, by the front door or the hood. James was  
10:41 23 standing right there in front of her.

10:41 24 Q. Describe how James -- what his demeanor was as  
10:41 25 he was over there in the middle of the situation?

10:41 1 A. His demeanor was mostly he had -- I can  
10:41 2 remember him. He had his hands in his pocket kind of  
10:41 3 with his head down and just kind of standing in the  
10:41 4 middle between the -- between him and his mom.

10:41 5 Q. When you say him, you mean the defendant Ivan  
10:42 6 Cantu?

10:42 7 A. Correct.

10:42 8 Q. Do you see the person that you saw kicking the  
10:42 9 door of the mother's car that day in this courtroom?

10:42 10 A. Yeah.

10:42 11 Q. Can you identify him by where he's sitting and  
10:42 12 what he's wearing?

10:42 13 A. The gentleman right there.

10:42 14 Q. And what does he have on today?

10:42 15 A. A sweater. That violet -- I don't know,  
10:42 16 reddish sweater, some sort.

10:42 17 MS. LOWRY: May the record reflect that  
10:42 18 he's identified the defendant Ivan Cantu.

10:42 19 THE COURT: All right.

10:42 20 Q. (BY MS. LOWRY) Now, you said James was kind of  
10:42 21 stepping in between. Describe for the jury and explain  
10:42 22 to them what was going on between the defendant and his  
10:42 23 mother that James was having to do that?

10:42 24 A. He was being very loud. He seemed to be  
10:42 25 very -- I perceived to be pretty violent. He kept

10:42 1 coming on like he was going to jump on top of her. He  
10:42 2 had to be stepping in. I can hear the obscenities. I  
10:42 3 can hear him pointing directly at her. Again, he kicked  
10:43 4 the car a couple of times.

10:43 5 Q. When you say you can hear the obscenities, is  
10:43 6 he still calling her the same words you were saying he  
10:43 7 was using earlier?

10:43 8 A. Correct.

10:43 9 Q. How many times did he kick her car?

10:43 10 A. I heard one time. I saw it twice at least.  
10:43 11 And when I say that, I mean, because that's what caught  
10:43 12 my attention. When I heard a bang, and I turned around,  
10:43 13 and that's when I saw. And the noise that I heard was  
10:43 14 the exact same. I mean, kicking the car. That's what  
10:43 15 it was. And a couple times, too, I would see James. He  
10:43 16 had to get his hand up and kind of stand to the middle.

10:43 17 MR HIGH: Object to the narrative answer  
10:43 18 at this point.

10:43 19 THE COURT: Overrule the objection, but I  
10:43 20 suppose it's just about over.

10:44 21 Q. (BY MS. LOWRY) Was there ever a time when  
10:44 22 James took his hands out of his pocket? And if he did,  
10:44 23 for what?

10:44 24 A. He took his hands out of his pocket to what I  
10:44 25 perceived to be holding him back from getting to his

10:44 1 mother.  
 10:44 2 Q. When you say him, you mean the defendant, Ivan  
 10:44 3 Cantu?  
 10:44 4 A. Correct.  
 10:44 5 Q. Did it look like he was trying to get to her,  
 10:44 6 like he was trying to hurt her?  
 10:44 7 MR. HIGH: Objection. That calls for  
 10:44 8 speculation, Judge.  
 10:44 9 THE COURT: Overruled.  
 10:44 10 Q. (BY MS. LOWRY) Is that what it looked like to  
 10:44 11 you as you were watching it?  
 10:44 12 MR. HIGH: I'll have to object to leading.  
 10:44 13 That question is leading.  
 10:44 14 THE COURT: Overruled.  
 10:44 15 A. Yes.  
 10:44 16 THE COURT: I tell you what. It's about  
 10:44 17 quarter till and probably time for a break. Let's take  
 10:44 18 a 15-minute recess.  
 10:44 19 THE BAILIFF: All rise.  
 10:44 20 (Open court, defendant present, no jury.)  
 10:45 21 MR. SCHULTZ: We have some stuff. Can he  
 10:45 22 leave?  
 10:45 23 THE COURT: You may step down, and we'll  
 10:45 24 see you in a few minutes.  
 10:45 25 (Witness not present.)

10:45 1 MR. SCHULTZ: Nothing big. I'm kind of  
 10:45 2 thinking scheduling. We're near the end. We're  
 10:45 3 probably -- after this witness, we may only have one  
 10:45 4 more. And that's going to be the defendant's ex-wife  
 10:45 5 Michelle, and I don't have a strong feeling, but I don't  
 10:45 6 see that as being a super lengthy witness.  
 10:45 7 Maybe, I don't know, unless I'm missing  
 10:45 8 it, I'm just thinking: If the defense has witnesses, to  
 10:45 9 get going, maybe we can still do something this  
 10:46 10 afternoon once we're out. I'm not telling them how to  
 10:46 11 do their business or the Court, but I want to announce  
 10:46 12 kind of where we are and see if we can plow on ahead.  
 10:46 13 MR. GOELLER: We were going to  
 10:46 14 respectfully and actually talk to the Court ex parte on  
 10:46 15 scheduling. We're going to ask the Judge to give us  
 10:46 16 about a day until Monday to crank up our case.  
 10:46 17 THE COURT: Yeah. I tell you what. I'm  
 10:46 18 going to let them do it, and there's a guy with a  
 10:46 19 doctor's appointment tomorrow morning at 8:45, so we  
 10:46 20 aren't really planning on getting started until 11:00.  
 10:46 21 He is the only one that has asked for  
 10:46 22 anything, and it doesn't look like a trend, so I'll let  
 10:46 23 him go to the doctor. And then they asked me for more  
 10:46 24 time, so we'll give them, everybody in a sense, about a  
 10:46 25 day and a half.

10:46 1 MR. SCHULTZ: That's fine. I wonder then,  
 10:46 2 when we come back, once we finish with this witness,  
 10:46 3 could we just do our last witness after lunch? And it  
 10:46 4 seems like it will be cleaner for us, and we won't be  
 10:46 5 butting up against the lunch hour that way.  
 10:47 6 THE COURT: That sounds good. Okay. All  
 10:47 7 right. Sounds good. See you in about 15 minutes.  
 10:47 8 THE BAILIFF: All rise.  
 10:47 9 (Break.)  
 11:12 10 THE COURT: Shall we bring the witness and  
 11:12 11 the jury back in? Please be seated.  
 11:14 12 (Open court, defendant and jury present.)  
 11:14 13 THE COURT: Ms. Lowry?  
 11:14 14 MS. LOWRY: Thank you, Your Honor.  
 11:14 15 Q. (BY MS. LOWRY) Mr. Alcala, you are the same  
 11:14 16 Rick Alcala that was testifying just prior to this  
 11:14 17 break; is that correct?  
 11:14 18 A. Yes.  
 11:14 19 Q. During the time that you are watching all of  
 11:14 20 this go on at the car, explain to the jury what Sylvia's  
 11:14 21 demeanor was like.  
 11:14 22 A. She was scared. She was scared. She was in a  
 11:14 23 very defensive posture.  
 11:14 24 Q. When you say defensive posture, what do you  
 11:14 25 mean?

11:14 1 A. She was leaning back against the car.  
 11:15 2 Q. Would it be more beneficial, could you show the  
 11:15 3 jury?  
 11:15 4 A. Sure.  
 11:15 5 Q. Would it be a little bit easier if you stepped  
 11:15 6 down from the witness stand?  
 11:15 7 A. Sure.  
 11:15 8 MS. LOWRY: Your Honor, may the witness  
 11:15 9 step down?  
 11:15 10 THE COURT: Yes.  
 11:15 11 Q. (BY MS. LOWRY) First I'm going to ask you to  
 11:15 12 just kind of draw the parking lot where y'all were so  
 11:15 13 the jury can have an understanding to where you were  
 11:15 14 parked in relationship to the defendant's car and  
 11:15 15 Sylvia's car. And if you will be sure and speak up  
 11:15 16 because you are going to kind of have your back to the  
 11:15 17 court reporter and jury so that they can hear you.  
 11:15 18 A. Sure. We pulled up to an apartment complex  
 11:15 19 entrance right here. Apartments are right in here. The  
 11:15 20 parking lot is right here. I pulled up probably to the  
 11:15 21 last parking spot, and that's where my car was. He  
 11:15 22 pulled up about two to three, about three parking spots  
 11:15 23 over. That's where he pulled his car, was right here.  
 11:15 24 Q. When you say he, do you mean the defendant?  
 11:16 25 A. Yes, I do. I mean Ivan. Excuse my drawing.

11:16 1 Sylvia's car was parked in this manner right there. She  
 11:16 2 pulled in right behind him. Okay? So that's how we  
 11:16 3 were. I was right in here. A couple parking spots  
 11:16 4 there, and he was in here.

11:16 5 And again, there was another car that  
 11:16 6 pulled -- pulled up in here, as well, right in this  
 11:16 7 area. But Sylvia's car was right in here, so I could  
 11:16 8 definitely see what was going on right in here.

11:16 9 Q. Now, Mr. Alcala, if you could show me for the  
 11:16 10 jury, if this -- if the counsel table here were the car  
 11:16 11 that you are talking about, Sylvia's car, the  
 11:16 12 defendant's car is going to be in front of me if I'm  
 11:16 13 standing here facing this way?

11:16 14 A. Right.

11:16 15 Q. Where was Sylvia in relationship to the car?

11:16 16 A. Do you want me to show you?

11:16 17 Q. Yes.

11:16 18 A. The car is right here. The front of her car is  
 11:16 19 right here so the defendant is right here. She was  
 11:16 20 basically like this.

11:16 21 Q. And you could see her leaning up?

11:17 22 A. I could see her leaning back up against the car  
 11:17 23 and James was right -- basically right here the whole  
 11:17 24 time and moving, moving around.

11:17 25 Q. So if I'm Sylvia, show the jury exactly where

11:17 1 James was during this time that this was going on.

11:17 2 A. James basically the whole time was like this,  
 11:17 3 and he was --

11:17 4 Q. Be sure and speak up so they can hear you.  
 11:17 5 Sorry.

11:17 6 A. I'm sorry. James was basically, had his hands  
 11:17 7 in his pocket the whole time, and he was very close to  
 11:17 8 her. He was just like this, and he just kept going  
 11:17 9 around like this. And eventually he would get his hand  
 11:17 10 up like this. But as far as personal space, he was  
 11:17 11 right up on her.

11:17 12 Q. Why was he having to be this close to her?

11:17 13 A. Because Ivan was right behind him trying to get  
 11:17 14 to her.

11:17 15 MS. LOWRY: Your Honor, may Ms. Falco  
 11:17 16 assist me further in this?

11:17 17 THE COURT: I think we get the picture,  
 11:17 18 but, yeah, sure, let's make it quick.

11:17 19 MS. LOWRY: I'd like to demonstrate for  
 11:17 20 the jury how the defendant was standing.

11:17 21 THE COURT: All right.

11:17 22 Q. (BY MS. LOWRY) If she's James and she's in  
 11:17 23 front of Sylvia, show the jury what you saw the  
 11:18 24 defendant doing as far as what you were describing as  
 11:18 25 trying to get to her mother?

11:18 1 A. I heard yelling a couple times. The door was  
 11:18 2 kicked, and he was basically coming over here yelling  
 11:18 3 obscenities. Just basically, I couldn't hear the exact  
 11:18 4 conversation, but I could definitely see him trying to  
 11:18 5 come over, trying to come over, trying to come around.  
 11:18 6 And James was basically moving just around. He lifted  
 11:18 7 up his arm just to get in the way. The proximity was  
 11:18 8 very close.

11:18 9 Q. Thank you, Mr. Alcala. So the way you are  
 11:18 10 describing this, they are not all standing spread out  
 11:18 11 just kind of out there in the parking lot?

11:18 12 A. No, they are not.

11:18 13 Q. And at this time is this when you can see  
 11:18 14 Sylvia's face, and it's when she looks the way you  
 11:18 15 described her earlier?

11:18 16 A. Oh, yes, yes.

11:18 17 Q. How did all of this end? Let me back up. What  
 11:19 18 is the girl that's with the defendant doing this whole  
 11:19 19 time?

11:19 20 A. She's taking stuff from Sylvia's car and  
 11:19 21 putting it into Ivan's car.

11:19 22 Q. Was it your understanding, or what was your  
 11:19 23 understanding regarding what this whole meeting was  
 11:19 24 about?

11:19 25 A. My understanding was that --

11:19 1 MR. HIGH: Objection based on hearsay,  
 11:19 2 Judge. Take the witness on voir dire.

11:19 3 THE COURT: All right.

11:19 4 VOIR DIRE EXAMINATION

11:19 5 BY MR. HIGH:

11:19 6 Q. Do you have any personal knowledge of what this  
 11:19 7 meeting was about?

11:19 8 A. What I know is what James told me and what I  
 11:19 9 was -- from what James told me.

11:19 10 Q. Okay.

11:19 11 MR. HIGH: Object as hearsay.

11:19 12 THE COURT: Yeah. I'll sustain the  
 11:19 13 objection. Just have him testify to what he saw and  
 11:19 14 what he heard.

11:19 15 Q. (BY MS. LOWRY) The time that Ivan was pulled  
 11:19 16 up beside your-all's car and standing and screaming, was  
 11:19 17 there anything that he was saying as to why he wanted to  
 11:19 18 get to the mom and to get to the car?

11:19 19 A. He wanted his stuff.

11:19 20 Q. And from what you saw, the girl that was with  
 11:19 21 him during, did it appear that he was getting stuff out  
 11:20 22 of the car that Sylvia was in?

11:20 23 A. Oh, yeah. There was stuff being taken from  
 11:20 24 Sylvia's car into his car.

11:20 25 Q. So none of this time was he being denied the

11:20 1 right to get whatever he thought was his out of Sylvia's  
11:20 2 car?

11:20 3 A. No.

11:20 4 Q. How did all of this end?

11:20 5 A. We were there for about, I would say, at least  
11:20 6 half an hour, 45 minutes. The way it ended, he got his  
11:20 7 stuff, jumped in his car, and he just basically kind of  
11:20 8 took off. And there was still conversation between  
11:20 9 James and Sylvia and so on. I stayed in my car. I  
11:20 10 wanted to make sure I could get away if I needed to.

11:20 11 Q. Were you a little concerned for your safety as  
11:20 12 well as everyone else's safety?

11:20 13 A. Yes, definitely.

11:20 14 Q. Why is that?

11:20 15 A. His demeanor. My feelings were, I had my car  
11:20 16 door open. I have one foot outside my car door in case  
11:21 17 I needed to get out and run.

11:21 18 Q. And are these things that you are thinking,  
11:21 19 this plan to kind of get away from the situation, is  
11:21 20 this, all of this developing at the time that you are  
11:21 21 watching what the defendant is doing with his mom?

11:21 22 A. Yes.

11:21 23 MR. HIGH: Object. The rest of it is  
11:21 24 nonresponsive. He answered the question.

11:21 25 THE COURT: All right.

11:21 1 Q. (BY MS. LOWRY) Explain that.

11:21 2 A. I felt that my safety was in jeopardy. That if  
11:21 3 his demeanor and the words and his manner were to the  
11:21 4 point where I believed it that he may have had something  
11:21 5 with him, a weapon, that he would have used it. And I  
11:21 6 wanted to make sure that I could get away. So my door  
11:21 7 was open, my foot. And I was -- had my eyes after a  
11:21 8 while strictly over there to where, if I had to run, I  
11:21 9 was running.

11:22 10 Q. Was James's demeanor about this whole  
11:22 11 situation, did it seem to you to be one of surprise or  
11:22 12 not really surprised?

11:22 13 A. Not surprised.

11:22 14 MR. HIGH: I'm going to have to object to  
11:22 15 that, Judge. I don't mind him testifying as to  
11:22 16 demeanor, but she's really talking about state of mind.  
11:22 17 Basically she's asking the state of mind. That's  
11:22 18 speculative on the part of this witness.

11:22 19 THE COURT: I'll sustain the objection.

11:22 20 Q. (BY MS. LOWRY) Have you ever been around  
11:22 21 people who have been in situations that they were  
11:22 22 surprised about or that they appeared to be surprised  
11:22 23 about?

11:22 24 A. Oh, yeah.

11:22 25 Q. Did this appear to be that type of situation

11:22 1 for James?

11:22 2 A. No.

11:22 3 Q. When he comes back to the car, after going  
11:22 4 through this situation with the defendant, with his  
11:22 5 mother, does he make any statements about his perception  
11:22 6 of the defendant while all of this is going on?

11:22 7 A. The word he used repeatedly was, man, this guy  
11:23 8 is just going crazy.

11:23 9 Q. When you are talking about the defendant was  
11:23 10 kicking the car, as we were standing here earlier, was  
11:23 11 it the driver's side door that was just to the left of  
11:23 12 Sylvia?

11:23 13 A. Yes.

11:23 14 Q. And where exactly on the car was the defendant  
11:23 15 kicking?

11:23 16 A. I'm sorry?

11:23 17 Q. Where was he kicking the car at?

11:23 18 A. Oh, the bottom part like where the doors were.  
11:23 19 I mean, to be exact, as far as saying it was just in  
11:23 20 that one door, it was in that, between the passenger and  
11:23 21 the back door.

11:23 22 Q. Did it damage her car, or could you tell from  
11:23 23 where you were sitting?

11:23 24 A. I couldn't tell from where I was sitting.

11:23 25 Q. Did it appear to be a light kick or -- what did

11:23 1 the kick appear to have looked like?

11:23 2 A. It was a kick. You know, he kicked it. I  
11:23 3 could definitely hear it. It wasn't a tap by any means.

11:24 4 Q. Did there appear to be any hostility between  
11:24 5 Sylvia and James?

11:24 6 A. No.

11:24 7 Q. After the defendant was gone, was there any  
11:24 8 hostility between Sylvia and James?

11:24 9 A. No.

11:24 10 Q. What was her demeanor towards James after the  
11:24 11 defendant was gone?

11:24 12 A. I think she was -- she was thankful, grateful  
11:24 13 he was there.

11:24 14 MS. LOWRY: Pass the witness, Your Honor.

11:24 15 THE COURT: All right.

11:24 16 CROSS-EXAMINATION

11:24 17 BY MR. HIGH:

11:24 18 Q. Mr. Alcalá?

11:24 19 A. Alcalá, yes.

11:24 20 Q. Alcalá. Did you give any kind of a written  
11:24 21 statement in this case?

11:24 22 A. Did I write anything personally?

11:24 23 Q. Yeah.

11:24 24 A. No, I did not.

11:24 25 Q. Did you review anything prior to getting up on

11:24 1 the witness stand today?  
 11:24 2 A. Did I review?  
 11:24 3 Q. Right. Did you look at anything, read  
 11:24 4 anything, review anything before you got up on the  
 11:24 5 witness stand today?  
 11:24 6 A. No.  
 11:24 7 Q. All right. And who all have you talked to  
 11:25 8 about this case before you testified here today?  
 11:25 9 A. Who have I talked to?  
 11:25 10 Q. Uh-huh.  
 11:25 11 A. Nobody really, just maybe my girlfriend.  
 11:25 12 Q. Who is your girlfriend?  
 11:25 13 A. Jillian Rutherton.  
 11:25 14 Q. Did you talk with the DA's office before you  
 11:25 15 testified here today?  
 11:25 16 A. Yes.  
 11:25 17 Q. When did you talk with them?  
 11:25 18 A. I don't know, a few months ago, maybe.  
 11:25 19 Q. Okay.  
 11:25 20 A. I really -- it's been a while.  
 11:25 21 Q. Did you have an appointment to come in and meet  
 11:25 22 with them?  
 11:25 23 A. Yes.  
 11:25 24 Q. Who did you meet with?  
 11:25 25 A. I met with right here. I'm sorry, I can't

11:25 1 remember names.  
 11:25 2 Q. Which ones are you pointing at?  
 11:25 3 A. I'm sorry, the two ladies right here.  
 11:25 4 Q. Okay.  
 11:25 5 A. Jamie and Gail, I'm sorry.  
 11:25 6 Q. Okay. And I suppose you had never met them  
 11:25 7 before you met with them?  
 11:25 8 A. No.  
 11:25 9 Q. And basically you told them what you'd  
 11:25 10 observed?  
 11:25 11 A. Correct.  
 11:26 12 Q. Did you meet with them any other occasion? Did  
 11:26 13 you meet with them this week?  
 11:26 14 A. Yes.  
 11:26 15 Q. Okay. And was that in their office, as well?  
 11:26 16 A. Yesterday we met, yes.  
 11:26 17 Q. Okay. And did they give you any suggestions as  
 11:26 18 to the type of words you should use up on the witness  
 11:26 19 stand?  
 11:26 20 A. No.  
 11:26 21 Q. Never supplied you with any words or adjectives  
 11:26 22 or anything like that?  
 11:26 23 A. They asked me to be honest.  
 11:26 24 Q. I noticed that you used the word -- defendant  
 11:26 25 was being very loud, and he was pretty violent. Did

11:26 1 they -- did they suggest that you should use the word  
 11:26 2 violent?  
 11:26 3 A. No.  
 11:26 4 Q. Do you normally use the word violent in your  
 11:26 5 normal vocabulary?  
 11:26 6 A. No. I'm pretty laid back, no.  
 11:26 7 Q. Okay. So that's not the kind of word you would  
 11:26 8 use every day?  
 11:26 9 A. Correct.  
 11:26 10 Q. And as you were talking with them, did they  
 11:26 11 suggest to you, you know, how did you see his conduct?  
 11:27 12 Was it violent, in your opinion? And I assume you said,  
 11:27 13 yeah, it was violent; is that correct?  
 11:27 14 A. No. They asked me what my account was, and I  
 11:27 15 simply stated what I saw.  
 11:27 16 Q. Okay. But you didn't use the word violent, did  
 11:27 17 you?  
 11:27 18 A. Yes, I did.  
 11:27 19 Q. You did use the word violent?  
 11:27 20 A. Yes, I did.  
 11:27 21 Q. Okay. You may have to think about that for  
 11:27 22 just a second. When you initially related your account  
 11:27 23 to them, do you recall using the word violent, or was  
 11:27 24 that word suggested to you?  
 11:27 25 A. The word -- I used it. I normally do not use

11:27 1 that word. I did use it to describe that incident, and  
 11:27 2 it was a word that I used.  
 11:27 3 Q. Do you recall that for a fact?  
 11:27 4 A. Yes.  
 11:28 5 Q. You testified that Ivan's demeanor -- and  
 11:28 6 incidentally, you didn't know who Ivan was, right?  
 11:28 7 A. I'm sorry?  
 11:28 8 Q. You didn't know really who Ivan was, right, at  
 11:28 9 that time?  
 11:28 10 A. At what time?  
 11:28 11 Q. At the time that this occurred, when you saw  
 11:28 12 this go on?  
 11:28 13 A. I heard the name mentioned in the office quite  
 11:28 14 a few times. I never met him at the time. I knew  
 11:28 15 that's who we were going to go see.  
 11:28 16 Q. Okay. You called him Isaac earlier today. So  
 11:28 17 you've never really known him. You've never really  
 11:28 18 known his name really, have you?  
 11:28 19 A. Just around the office.  
 11:28 20 Q. And so this was the first time, the very first  
 11:28 21 time that you had ever laid eyes on this person; is that  
 11:28 22 correct?  
 11:28 23 A. It might have been. I saw him walking in and  
 11:28 24 out of the office one time. And I could not -- it was  
 11:28 25 around the same time. It might have been just -- I may

11:28 1 have seen him walk in and out of the office either just  
 11:28 2 prior to that or just after that.  
 11:29 3 Q. But you don't know, right?  
 11:29 4 A. I don't remember.  
 11:29 5 Q. Okay. You sure hadn't seen him much, had you?  
 11:29 6 A. No, I had not.  
 11:29 7 Q. And then this is the first real encounter with  
 11:29 8 him of any substance, right?  
 11:29 9 A. Correct.  
 11:29 10 Q. And you indicated that his demeanor was that he  
 11:29 11 was talking fast. He was upset. He was using  
 11:29 12 obscenities. His eyes were wide open. And then you  
 11:29 13 said, "He seemed like he was high"; is that correct?  
 11:29 14 A. Correct.  
 11:29 15 Q. And I'm sure you've seen folks high before,  
 11:29 16 have you not?  
 11:29 17 A. Correct.  
 11:29 18 Q. And it looks different, right?  
 11:29 19 A. Correct.  
 11:29 20 Q. And I guess you are fairly confident in your  
 11:29 21 opinion that he was high?  
 11:29 22 A. I have a criminal justice degree, and part of  
 11:29 23 my studies were in school; again, I graduated, were to  
 11:29 24 be doing studies like that and to recognize when people  
 11:29 25 are on drugs. That's where my background comes from.

11:30 1 Q. Fair enough. So that adds to your confidence  
 11:30 2 in -- when you observed him and from your studies and  
 11:30 3 your observation.  
 11:30 4 A. Yes.  
 11:30 5 Q. You knew -- you were pretty sure he was high?  
 11:30 6 A. My opinion, yes.  
 11:30 7 Q. Okay. And so -- and that's the only contact  
 11:30 8 you had with him, right, was that particular day and  
 11:30 9 unless you just met him in passing in the office?  
 11:30 10 A. If anything, yes.  
 11:30 11 Q. You've never -- you've never talked to him, had  
 11:30 12 a conversation with him, been around him?  
 11:30 13 A. No.  
 11:30 14 Q. In a neutral setting?  
 11:30 15 A. No.  
 11:30 16 Q. Perhaps when he wasn't high?  
 11:30 17 A. No, never have.  
 11:30 18 Q. And if someone were to say he was a nice guy,  
 11:30 19 you sure don't know that because you didn't have an  
 11:30 20 opportunity to experience that. Is that fair to say?  
 11:30 21 A. Correct.  
 11:31 22 Q. You worked in the office with James?  
 11:31 23 A. Correct.  
 11:31 24 Q. How long did you work for James?  
 11:31 25 A. I started there in the summer of 2000. And I

11:31 1 worked with him again sometime in May, starting meeting  
 11:31 2 with him and Ray about going to work with him. I  
 11:31 3 started going into the office on a little more regular  
 11:31 4 basis sometime around June. And I believe I officially  
 11:31 5 signed on sometime in July. So up until the date when  
 11:31 6 he was deceased.  
 11:31 7 Q. Okay. Were you seeing him regularly?  
 11:31 8 A. Every day.  
 11:31 9 Q. Okay. And --  
 11:31 10 A. Well, working day.  
 11:31 11 Q. Every working day?  
 11:31 12 A. Monday through Friday.  
 11:31 13 Q. Do you have any awareness of his drug dealing  
 11:32 14 activities?  
 11:32 15 A. No.  
 11:32 16 Q. Okay. So that's -- you had no idea that was  
 11:32 17 going on?  
 11:32 18 A. No.  
 11:32 19 Q. Have you since learned about it?  
 11:32 20 A. From what I've heard.  
 11:32 21 Q. Okay.  
 11:32 22 A. I personally do not know. I've heard that  
 11:32 23 there may have been some involvement.  
 11:32 24 Q. Okay. So that's a surprise to you?  
 11:32 25 A. Yeah.

11:32 1 Q. And who is Ray Sanchez?  
 11:32 2 A. Ray Sanchez is a gentleman through which I met  
 11:32 3 James. He was the one that was working with James there  
 11:32 4 about a year before I even got there.  
 11:32 5 Q. And how did you know Ray Sanchez?  
 11:32 6 A. I met him. He was on the mortgage side. He  
 11:32 7 was the loan officer, and I do real estate. He  
 11:32 8 approached. He walked into my office one day and  
 11:33 9 approached me, basically. And that's how I met him.  
 11:33 10 Just strictly to do some business.  
 11:33 11 Q. And so he was just a business acquaintance, not  
 11:33 12 a personal friend?  
 11:33 13 A. At the time we were just a business  
 11:33 14 acquaintance. Yeah, we became friends. We're friends  
 11:33 15 now.  
 11:33 16 Q. Okay. And he recruited you basically?  
 11:33 17 A. So to speak.  
 11:33 18 Q. To go work with James?  
 11:33 19 A. So to speak, yes.  
 11:33 20 Q. And you are aware that Ray and James had a  
 11:33 21 falling out?  
 11:33 22 A. No.  
 11:33 23 Q. You are not aware of that?  
 11:33 24 A. They -- they had a relationship like brothers.  
 11:33 25 So they get along and they -- they let each other know

11:33 1 how they feel. So I was in there where they would get  
 11:33 2 along just fine. I knew they were like brothers.  
 11:33 3 Q. Okay. Did they -- they ever argue in front of  
 11:33 4 you?  
 11:33 5 A. Yeah.  
 11:33 6 Q. So you saw that?  
 11:33 7 A. Yeah.  
 11:33 8 Q. And would it get heated?  
 11:34 9 A. Sometimes.  
 11:34 10 Q. Okay. Use obscenities with each other?  
 11:34 11 A. No, not really. Not that I could tell.  
 11:34 12 Q. Did it ever come to blows to each other?  
 11:34 13 A. Oh, no.  
 11:34 14 Q. You don't know whether or not they were  
 11:34 15 discussing large amounts of cash, do you?  
 11:34 16 A. Just with what, the business.  
 11:34 17 Q. Okay. Cash in the business, the mortgage  
 11:34 18 business?  
 11:34 19 A. Paychecks, how much, what the commission was on  
 11:34 20 a certain loan.  
 11:34 21 Q. Okay. You ever see large amounts of cash  
 11:34 22 coming into the business and then being turned into  
 11:34 23 checks or --  
 11:34 24 A. I never seen.  
 11:34 25 Q. -- or some other monetary denomination?

11:34 1 A. I never saw cash. The only thing I would see  
 11:34 2 was either the pay stubs or the actual paychecks. Cash,  
 11:34 3 no.  
 11:34 4 Q. But you'd see large amounts of checks, large  
 11:34 5 checks coming in?  
 11:34 6 A. They would come from Advantage Investors  
 11:34 7 Mortgage.  
 11:35 8 Q. Okay. And then it would be converted into  
 11:35 9 another check form?  
 11:35 10 A. I do not know what they did with it afterwards.  
 11:35 11 I assume they deposited it. I don't know.  
 11:35 12 Q. Okay. But the discussions between Ray and  
 11:35 13 James was about this money, right? I mean, the  
 11:35 14 arguments they had, it was about money, wasn't it?  
 11:35 15 A. No.  
 11:35 16 Q. No?  
 11:35 17 A. No. No, not really.  
 11:35 18 Q. What were their arguments about?  
 11:35 19 MS. LOWRY: Your Honor, I'm going to  
 11:35 20 object just based on hearsay.  
 11:35 21 THE COURT: Overruled.  
 11:35 22 Q. (BY MR. HIGH) What were their arguments about?  
 11:35 23 A. Oh, just common stuff. Like, hey, you messed  
 11:35 24 up on this file. You shouldn't have. You overlooked  
 11:35 25 this. How could you overlook this? You should know

11:35 1 better than this. Well, I thought we could do this.  
 11:35 2 Well, we can't do this on a file. The guy's ratios are  
 11:35 3 too high, too low. You didn't see this collection  
 11:35 4 account. It needs to be taken care of, business stuff.  
 11:35 5 Q. In your studies in your criminal justice major,  
 11:36 6 did you ever study money laundering?  
 11:36 7 A. No, I did not.  
 11:36 8 Q. But you are aware of the term, aren't you?  
 11:36 9 A. I'm familiar with it.  
 11:36 10 Q. And I don't suppose you saw any indication of  
 11:36 11 laundering of money going on in James's business, did  
 11:36 12 you?  
 11:36 13 A. I didn't see anything like that.  
 11:36 14 Q. Okay. And you didn't hear Ray making comments  
 11:36 15 about that, about what James was doing, did you?  
 11:36 16 A. No.  
 11:36 17 Q. Did Ray eventually leave?  
 11:36 18 A. We left, yes. We eventually -- we had talked  
 11:36 19 about leaving. Ray is one of the straightest people I  
 11:36 20 know.  
 11:36 21 Q. Right. So why did you leave?  
 11:36 22 A. Well, we eventually left -- he died.  
 11:36 23 Q. Huh?  
 11:36 24 A. He died.  
 11:36 25 Q. So you left after James passed away?

11:36 1 A. Yes. We had talked about it before then,  
 11:36 2 though.  
 11:36 3 Q. Why did you talk about it beforehand?  
 11:36 4 A. Again, it was just hearsay, you know. We  
 11:36 5 thought maybe he might have been involved, and it was  
 11:37 6 just basically going on, stuff that we had heard.  
 11:37 7 Q. You strike me as the kind of guy that you are  
 11:37 8 going to be fair, and you are going to be -- give people  
 11:37 9 the benefit of the doubt. And I take it you didn't just  
 11:37 10 want to go on hearsay. Am I incorrect in that  
 11:37 11 impression?  
 11:37 12 A. No, that's correct.  
 11:37 13 Q. You are the kind of guy that if you wanted --  
 11:37 14 if you knew it was a fact then --  
 11:37 15 A. I would --  
 11:37 16 Q. -- you would act on that?  
 11:37 17 A. Oh, yeah.  
 11:37 18 Q. But you, but personally you didn't know that?  
 11:37 19 You personally didn't know about the drug dealing and  
 11:37 20 drug business?  
 11:37 21 A. No.  
 11:37 22 Q. Okay. Fair enough. Let me ask you this: This  
 11:37 23 incident that occurred that you detailed in great  
 11:37 24 detail, you saw Ivan, you saw his mom, you saw James.  
 11:37 25 You saw what was going on in the parking lot. Did you

11:37 1 get a good look at Ivan that day?  
 11:38 2 A. (Moving head up and down.)  
 11:38 3 Q. Okay. And the answer is yes?  
 11:38 4 A. Yes, I did. Sorry.  
 11:38 5 Q. Yeah. We've got to answer out loud for the  
 11:38 6 court reporter.  
 11:38 7 A. Yes, I did.  
 11:38 8 Q. Did he have a gun?  
 11:38 9 A. I did not see one.  
 11:38 10 Q. But you got a good look at him?  
 11:38 11 A. At his person, yes.  
 11:38 12 Q. Okay. Did you see his hands?  
 11:38 13 A. Oh, yeah.  
 11:38 14 Q. Okay. So you didn't see a gun?  
 11:38 15 A. I did not see a gun.  
 11:38 16 Q. And saw both hands, the left hand and the right  
 11:38 17 hand?  
 11:38 18 A. Yes, I did.  
 11:38 19 Q. And you indicated that: I felt my safety was  
 11:38 20 in jeopardy, and if he had a gun, he would have used it.  
 11:38 21 So basically you've already told us that he didn't have  
 11:38 22 a gun?  
 11:38 23 A. He did not have one. I never saw one.  
 11:38 24 Q. Okay. You've also told us that James said,  
 11:39 25 "Man, this guy is just going crazy" or words to that

11:39 1 effect; is that correct?  
 11:39 2 A. That's correct.  
 11:39 3 Q. And crazy is kind of a loose term. I mean,  
 11:39 4 that can mean a lot. It can mean high. It can mean  
 11:39 5 mentally deranged. It can be overjoyous, I guess, or  
 11:39 6 mad or irritated. I mean, crazy is kind of a loose  
 11:39 7 term?  
 11:39 8 A. Sure.  
 11:39 9 Q. But when James told you that, what did you take  
 11:39 10 that to mean? I mean, you had seen Ivan in that  
 11:39 11 condition. What did you take that to mean when James  
 11:39 12 said that to you?  
 11:39 13 A. He was very upset, very angry.  
 11:39 14 Q. And high?  
 11:39 15 A. Yeah.  
 11:39 16 Q. Okay. Now, I'm sure in your studies you've  
 11:39 17 learned that people on drugs, people on alcohol are  
 11:40 18 sometimes not the same as they are when they are sober.  
 11:40 19 You've learned that, haven't you?  
 11:40 20 A. Correct.  
 11:40 21 Q. And I'm sure you've learned they are going to  
 11:40 22 be a happy drunk, and there can be a mad and angry  
 11:40 23 drunk. You've learned that?  
 11:40 24 A. Correct.  
 11:40 25 Q. And yet you take away the alcohol, you take

11:40 1 away the drugs, and they may be the nicest guy you ever  
 11:40 2 met?  
 11:40 3 A. Possibility.  
 11:40 4 Q. With respect to the relationship between Sylvia  
 11:40 5 and James, you really don't have any opinion or any idea  
 11:40 6 as to the nature of their relationship whether it was  
 11:40 7 good, bad?  
 11:40 8 A. When I first started working there, I hadn't  
 11:40 9 been there very long. She walked in along with  
 11:40 10 somebody, another lady. I don't know who it was. They  
 11:41 11 walked in with a suitcase. In that suitcase was  
 11:41 12 basically, she brought a gift to him. And in that gift  
 11:41 13 was just like a bunch of silverware and things for his  
 11:41 14 home. She was very appreciative of the business we were  
 11:41 15 doing together. In my opinion, they had a pretty good  
 11:41 16 relationship.  
 11:41 17 Q. All right. That's fair enough.  
 11:41 18 MR. HIGH: That's all I have, Judge. I  
 11:41 19 pass the witness.  
 11:41 20 THE COURT: Ms. Lowry?  
 11:41 21 REDIRECT EXAMINATION  
 11:41 22 BY MS. LOWRY:  
 11:41 23 Q. Now, Mr. Alcala, the people you saw coming in  
 11:41 24 and out of the James's business, what were they there  
 11:41 25 for?

11:41 1 A. For loan applications.  
 11:41 2 Q. Do you see anybody that came in that was doing  
 11:41 3 anything other than looking for a loan application?  
 11:41 4 A. No.  
 11:41 5 Q. What did James tell you about the situation  
 11:41 6 that was about to occur between the defendant and Sylvia  
 11:42 7 in regards to him meeting to go over there before the  
 11:42 8 defendant does something stupid?  
 11:42 9 A. I'm sorry. Could you repeat that again?  
 11:42 10 Q. What did the defendant, or I'm sorry, what did  
 11:42 11 James tell you about what his thoughts were on the  
 11:42 12 situation that he needed to go resolve between Sylvia  
 11:42 13 and the defendant?  
 11:42 14 MR. HIGH: Excuse me, Your Honor. Just a  
 11:42 15 moment. Judge, I'm going to object, first of all, on  
 11:42 16 hearsay.  
 11:42 17 THE COURT: Sustained.  
 11:42 18 Q. (BY MS. LOWRY) While James or shortly after  
 11:42 19 James had talked to Sylvia on the phone when she  
 11:42 20 explained to him what the situation was and apparently  
 11:42 21 what she wanted him to do, did he make any statements to  
 11:42 22 you about what he thought he needed to do to resolve the  
 11:42 23 situation?  
 11:42 24 A. He told me he needed --  
 11:42 25 MR. HIGH: I'm going to have to object to



11:42 1 the answer. It calls for a yes-or-no answer.  
 11:42 2 THE COURT: Sustained.  
 11:43 3 Q. (BY MS. LOWRY) You also said you hadn't seen  
 11:43 4 the defendant very much or before this. You were asked  
 11:43 5 why you hadn't seen him very much. Do you know why he  
 11:43 6 wasn't around the office?  
 11:43 7 A. He wasn't working there?  
 11:43 8 Q. Would that be a good reason why you hadn't seen  
 11:43 9 him?  
 11:43 10 A. Yes.  
 11:43 11 MS. LOWRY: Pass the witness.  
 11:43 12 MR. HIGH: Can I have just a moment, Your  
 11:43 13 Honor?  
 11:43 14 THE COURT: All right.  
 11:43 15 RE CROSS EXAMINATION  
 11:43 16 BY MR. HIGH:  
 11:43 17 Q. With respect to people coming in the office for  
 11:43 18 legitimate purposes, you didn't talk to all of those  
 11:44 19 people, did you, Mr. Alcala?  
 11:44 20 A. No, I did not.  
 11:44 21 Q. So you really can't testify to every single  
 11:44 22 person coming into the office for a legitimate purpose,  
 11:44 23 can you?  
 11:44 24 A. To every single person? No.  
 11:44 25 Q. Okay. I mean, they could have been coming in

11:44 1 for a legitimate purpose or to launder money. They  
 11:44 2 could have been coming in for either one, correct? You  
 11:44 3 just don't know?  
 11:44 4 A. I do not. I can't speculate on that. I don't  
 11:44 5 know.  
 11:44 6 Q. And you certainly hadn't been there long enough  
 11:44 7 to know who all the players were in the business, had  
 11:44 8 you?  
 11:44 9 A. No. I knew who was --  
 11:44 10 Q. My question is nonspecific. What I mean to ask  
 11:44 11 is about customers. You certainly didn't know who all  
 11:44 12 the customers were and what their dealings were with  
 11:44 13 James, did you?  
 11:44 14 A. Normally in -- from the time you take a loan  
 11:45 15 application to somebody who buys a house, on average,  
 11:45 16 say, about two to three months.  
 11:45 17 Q. But you didn't know who all the customers were?  
 11:45 18 A. Oh, no.  
 11:45 19 Q. And who all the patrons were that were coming  
 11:45 20 into James's business, you didn't know them all, did  
 11:45 21 you?  
 11:45 22 A. No, I did not.  
 11:45 23 Q. Because that takes a while, doesn't it?  
 11:45 24 A. Sure.  
 11:45 25 MR. HIGH: That's all I have. Pass the

11:45 1 witness.  
 11:45 2 MS. LOWRY: May this witness be released?  
 11:45 3 MR. HIGH: Subject to the three-hour  
 11:45 4 recall, that's fine, Judge.  
 11:45 5 THE COURT: You are excused for now.  
 11:45 6 Thank you, sir.  
 11:45 7 (Witness excused.)  
 11:45 8 THE COURT: Yeah, I tell you what. It's a  
 11:45 9 little less than a quarter till. So let's be in recess  
 11:45 10 for lunch, and let's come back at about 1:20.  
 11:45 11 THE BAILIFF: All rise.  
 11:46 12 (Lunch recess.)  
 13:26 13 MS. FALCO: I have an exhibit I want to  
 13:26 14 offer prior to calling my next witness in front of the  
 13:26 15 jury.  
 13:26 16 THE COURT: Let's bring the jury in.  
 13:26 17 (Open court, defendant and jury present.)  
 13:29 18 THE COURT: Ms. Falco?  
 13:29 19 MS. FALCO: Your Honor, at this time we'd  
 13:29 20 like to offer State's Exhibit 178 as a certified copy of  
 13:29 21 the public document, also a document under seal, that  
 13:29 22 being the Department of Navy military records on Ivan  
 13:29 23 Abner Cantu.  
 13:29 24 MR. HIGH: Judge, I'm going to need a  
 13:29 25 little bit. It's about 35 pages long.

13:29 1 MS. FALCO: Your Honor, these documents  
 13:29 2 have been turned over previously in discovery.  
 13:29 3 THE COURT: Do you have the impression  
 13:29 4 that Mr. Goeller looked at them?  
 13:29 5 MR. HIGH: I do.  
 13:29 6 THE COURT: Let's get him in here and get  
 13:29 7 him to take another look.  
 13:31 8 MR. HIGH: We have no objection, Your  
 13:31 9 Honor.  
 13:31 10 THE COURT: State's Exhibit No. 178 is  
 13:31 11 admitted.  
 13:31 12 (State's Exhibit No. 178 admitted.)  
 13:31 13 MS. FALCO: Your Honor, I'd ask -- I'd  
 13:31 14 like to be able to read portions of State's Exhibit 178  
 13:31 15 to the jury.  
 13:31 16 THE COURT: All right.  
 13:31 17 MS. FALCO: With regard to a memo dated  
 13:31 18 July 26th, 1999, to Commander of the Naval Training  
 13:31 19 Center, Great Lakes, from Commanding Officer Recruit  
 13:31 20 Training Command. "Summary of Military Offense for Ivan  
 13:31 21 Abner Cantu: Unauthorized absence from 28 March 1999  
 13:31 22 until on or about 12 July 1999.  
 13:31 23 "Comments of the commanding officer.  
 13:31 24 Cantu is an administrative and discipline burden. His  
 13:31 25 conduct represents a significant departure from the

13:31 1 conduct expected from members of the naval service.  
 13:31 2 Cantu has no potential for further useful naval service.  
 13:32 3 I recommend separation from the naval service with an  
 13:32 4 other-than-honorable discharge."

13:32 5 THE COURT: All right. Do you want to  
 13:32 6 call your next witness?

13:32 7 MS. FALCO: Yes, sir. We call Michelle  
 13:32 8 Traister.

13:32 9 THE COURT: All right.

13:32 10 MICHELLE TRAISTER,  
 13:33 11 being first duly sworn, testified as follows:

13:33 12 THE COURT: Have a seat right here,  
 13:33 13 please.

13:33 14 MR. SCHULTZ: I'll speak for the State,  
 13:33 15 Judge.

13:33 16 THE COURT: All right. Mr. Schultz?

13:33 17 DIRECT EXAMINATION

13:33 18 BY MR. SCHULTZ:

13:33 19 Q. Good afternoon, ma'am.

13:33 20 A. Hi.

13:33 21 Q. All right. Tell us, please, your name.

13:33 22 A. Michelle Traister.

13:33 23 Q. Would you spell your last name.

13:33 24 A. T-R-A-I-S-T-E-R.

13:33 25 Q. I know you've probably never done this before,

13:34 1 record please point him out and tell us what he's  
 13:34 2 wearing.

13:34 3 A. He's right there wearing a maroon sweater, red  
 13:34 4 sweater.

13:34 5 MR. SCHULTZ: Judge Sandoval, would you  
 13:34 6 let the record reflect that she's identified the  
 13:34 7 defendant in open court.

13:34 8 THE COURT: All right.

13:34 9 Q. (BY MR. SCHULTZ) Do you recall when you first  
 13:34 10 met the defendant?

13:34 11 A. In 1996, somewhere around April, a little,  
 13:34 12 March maybe of '96.

13:34 13 Q. What were you doing workwise when you met him?

13:34 14 A. I was a project manager of a credit marketing  
 13:34 15 company.

13:34 16 Q. What was the name of that company?

13:34 17 A. Greet America.

13:34 18 Q. And when you talk about a credit marketing  
 13:34 19 company, exactly what is that?

13:34 20 A. We did different credit promotions for Sears,  
 13:34 21 you know, Discover. We actually staffed events that  
 13:35 22 the -- that they sponsored to have people solicit credit  
 13:35 23 card applications.

13:35 24 Q. How did you get into that line of work?

13:35 25 A. My sister had worked there, and there was an

13:33 1 but this courtroom has a tendency to absorb sounds, so  
 13:33 2 we may need to speak a little more loudly so everyone  
 13:33 3 can hear you.

13:33 4 A. That's fine.

13:33 5 Q. How old a person are you?

13:33 6 A. I'm 25.

13:33 7 Q. And in what city do you currently reside?

13:33 8 A. Seagoville.

13:33 9 Q. Pardon me?

13:33 10 A. Seagoville.

13:33 11 Q. Seagoville, Texas?

13:33 12 A. Uh-huh.

13:33 13 Q. And what does your family consist of at this  
 13:33 14 time?

13:33 15 A. My personal family or?

13:33 16 Q. Uh-huh.

13:33 17 A. I have a son.

13:33 18 Q. How old is your son?

13:34 19 A. 16 months.

13:34 20 Q. What's his name?

13:34 21 A. Hunter Blake Bowers.

13:34 22 Q. Let me ask you whether you know the defendant  
 13:34 23 in this case, Ivan Abner Cantu?

13:34 24 A. Yes.

13:34 25 Q. And I know you can, but would you for the

13:35 1 opening that came up, and that's how I started there.

13:35 2 Q. Now, just very briefly, give us kind of an idea  
 13:35 3 of your background and your growing up years, what your  
 13:35 4 family was like, where you grew up, just kind of a quick  
 13:35 5 biography so we know you better.

13:35 6 A. I grew up in Seagoville mostly most of my life.  
 13:35 7 I moved out there when I was about ten. Had a good  
 13:35 8 family. I have -- my mother and father are very loving,  
 13:35 9 very caring people. I have an older sister and a  
 13:35 10 younger brother. We are all very close. So I have a  
 13:35 11 pretty close-knit family.

13:35 12 Q. I'm sorry. If you were going to describe your  
 13:35 13 adolescence and how you grew up, would you say you grew  
 13:35 14 up wild maybe, sheltered maybe, or somewhere in between?

13:35 15 A. A little, a little --

13:35 16 Q. A little what?

13:35 17 A. A little sheltered. Because there wasn't a  
 13:36 18 whole lot of bad things that happened where we lived  
 13:36 19 so -- so somewhat sheltered in a sense of knowing what  
 13:36 20 actually existed in the real world when I actually got  
 13:36 21 out there.

13:36 22 Q. Where was the defendant working at the time you  
 13:36 23 met him, if you know?

13:36 24 A. He worked in the same building, on the first  
 13:36 25 floor. He worked for Show Biz.

13:36 1 Q. What?

13:36 2 A. Show Biz Talent. It was a dance competition

13:36 3 company.

13:36 4 Q. And tell me, if you would, do you remember the

13:36 5 time when you met him?

13:36 6 A. Not the exact date.

13:36 7 Q. I know that. But do you remember the event

13:36 8 even if you can't associate that with a date?

13:36 9 A. I actually met him at his apartment. I was

13:36 10 with a friend of his.

13:36 11 Q. And do you remember that name, the name of the

13:36 12 friend?

13:36 13 A. Keith Carpenter.

13:36 14 Q. And how did you happen to be with Keith

13:36 15 Carpenter to be meeting the defendant at his apartment?

13:36 16 A. He worked at the same company that he did.

13:36 17 Q. Were you dating Keith Carpenter at the time?

13:36 18 A. Yes.

13:36 19 Q. And what was your purpose in going over to the

13:37 20 defendant's apartment?

13:37 21 A. We had went out that night, and I don't

13:37 22 remember exactly why we went back, went over there.

13:37 23 They were friends. We just went over there to hang out,

13:37 24 I guess.

13:37 25 Q. What do you remember about that meeting with

13:37 1 the defendant?

13:37 2 A. Not a whole lot. I had actually went to the

13:37 3 bathroom, and Ivan had kissed me at that time when we

13:37 4 were there.

13:37 5 Q. I'm sorry. Tell me again?

13:37 6 A. Ivan -- Ivan actually kissed me when I was

13:37 7 there with Keith, at his apartment, and at that time

13:37 8 then I stopped dating Keith. And a short period of time

13:37 9 later, I started dating Ivan.

13:37 10 Q. Was that like part of -- that night were you

13:37 11 with -- with Keith? Was that sort of a date that you

13:37 12 had been out with him on?

13:37 13 A. Yes.

13:37 14 Q. And then where was Keith when Ivan was kissing

13:37 15 you?

13:37 16 A. In the living room. I had went to the

13:37 17 bathroom.

13:37 18 Q. And then does Ivan come to the bathroom and

13:38 19 kiss you in the bathroom?

13:38 20 A. Yes. We had all been drinking.

13:38 21 Q. Yeah.

13:38 22 A. Okay.

13:38 23 Q. Okay. All right. And you are not saying that

13:38 24 that was -- I mean, did that annoy you, or it wasn't

13:38 25 like that, right?

13:38 1 A. At the time I had been drinking a little bit,

13:38 2 so it didn't really bother me at the time, no.

13:38 3 Q. What about later? Did it ever bother you?

13:38 4 A. Well, I felt bad because Keith was a really

13:38 5 sweet person, and he was really nice to me. So I did

13:38 6 feel bad after the fact for what had happened.

13:38 7 Q. You may have said, or I may have misunderstood

13:38 8 you. Was that your last date with Keith then?

13:38 9 A. Right. I never dated him again after that.

13:38 10 Q. Was there any relationship between that kiss

13:38 11 and not dating Keith anymore?

13:38 12 A. Right. Yes. Because I felt bad for kissing

13:38 13 his friend and then still dating him at the same time.

13:38 14 Q. And were you planning on continuing to be

13:38 15 kissing his friend? Was that part of it, also?

13:38 16 A. No. No, not really. I didn't have any

13:38 17 intentions of, you know, getting into a serious

13:39 18 relationship with him at the time.

13:39 19 Q. So then you broke up. Did you tell Keith you

13:39 20 were all broken up, or did it just sort of happen that

13:39 21 way?

13:39 22 A. I didn't tell him. I told him that we were

13:39 23 broken up, but I didn't tell him the reason until a few

13:39 24 weeks after it happened.

13:39 25 Q. Okay.

13:39 1 A. And actually I believe Ivan was the one that

13:39 2 told him what happened. I told him I didn't want to see

13:39 3 him anymore, but I didn't give him the reason why.

13:39 4 Q. And then did you at some point start going out

13:39 5 with Ivan Cantu, the defendant?

13:39 6 A. Yes. About one to two weeks later.

13:39 7 Q. Okay. Do you remember when you got asked out,

13:39 8 kind of how that was?

13:39 9 A. Honestly, no, I don't.

13:39 10 Q. And then did you -- did you and the defendant

13:39 11 continue to date for a period of time?

13:39 12 A. We only dated for about two weeks before we

13:40 13 went on vacation to Cancun.

13:40 14 Q. Right.

13:40 15 A. And then after returning from Cancun, we got

13:40 16 married about two weeks later. So we didn't date for a

13:40 17 long period of time before getting married.

13:40 18 Q. So about a month maybe, is that total dating?

13:40 19 A. Total, uh-huh.

13:40 20 Q. Some people perhaps could say that you-all

13:40 21 didn't know each other well enough to be getting

13:40 22 married. What do you think about that?

13:40 23 A. We didn't.

13:40 24 Q. I shouldn't assume anything, so I won't. I'll

13:40 25 just ask this: Did you like him a lot when you were

13:40 1 dating him?  
 13:40 2 A. Yes.  
 13:40 3 Q. What was it about him that you liked or found  
 13:40 4 attractive?  
 13:40 5 A. He was very sweet. He was a gentleman.  
 13:40 6 Q. Okay.  
 13:40 7 A. He was fun to be around.  
 13:40 8 Q. Did he know how to make you feel special?  
 13:40 9 A. Yeah. He was a good talker.  
 13:40 10 Q. And did you feel good about yourself and the  
 13:41 11 way he was treating you when you were dating?  
 13:41 12 A. At that time, yes.  
 13:41 13 Q. If you were to pick one word to describe your  
 13:41 14 personality during that period of time, what one word  
 13:41 15 would be yours?  
 13:41 16 A. Sensitive, maybe.  
 13:41 17 Q. Okay. Were you -- did you consider yourself  
 13:41 18 sophisticated at that time?  
 13:41 19 A. I still had some growing up to do.  
 13:41 20 Q. Were you outgoing during that time? Were you  
 13:41 21 like a take-charge kind of person, life-of-the-party  
 13:41 22 sort of person?  
 13:41 23 A. Not really.  
 13:41 24 Q. How were you -- how were you in regard to those  
 13:41 25 kinds of things?

13:41 1 A. At that time I was probably what you would  
 13:41 2 consider more of a follower than a leader. I mean, I  
 13:41 3 was outgoing in the sense that I had friends, and we --  
 13:41 4 you know, we'd hang out and have a good time, but I  
 13:42 5 wasn't really a take-charge kind of person in that  
 13:42 6 sense.  
 13:42 7 Q. Okay. Where I'm coming from is -- and I don't  
 13:42 8 know you -- but you seem to be the kind of person who  
 13:42 9 would have friends and would be attractive to people.  
 13:42 10 It seems like that to me. And I'm wondering what about  
 13:42 11 it, about this defendant was so special that you married  
 13:42 12 him after a month?  
 13:42 13 A. He just made it seem like the right thing to  
 13:42 14 do. When we were in Cancun, we actually tried to get  
 13:42 15 married while we were there. However, you couldn't do  
 13:42 16 it at the last minute there in Mexico. It had to be  
 13:42 17 something that was planned. And he just made it seem  
 13:42 18 like it was a good opportunity. Kind of a good, a good  
 13:42 19 thing for us to get married, and we'd have this happy,  
 13:42 20 blissful life if I married him.  
 13:42 21 Q. I may be drawing the wrong interpretation; who  
 13:42 22 do you think was in charge? Not in charge of the  
 13:42 23 relationship, but if you had to pick the leader of the  
 13:43 24 relationship or the dominant force in your relationship,  
 13:43 25 who would that have been?

13:43 1 A. Ivan.  
 13:43 2 Q. Is there any doubt in your mind about that,  
 13:43 3 looking back on that?  
 13:43 4 A. No. No doubt.  
 13:43 5 Q. So where did you get married?  
 13:43 6 A. We actually -- once we got back from Cancun,  
 13:43 7 about two weeks after that, we went to a Justice of the  
 13:43 8 Peace in Dallas County and got married by the Justice of  
 13:43 9 the Peace.  
 13:43 10 Q. And then after you got married, where did you  
 13:43 11 live?  
 13:43 12 A. He was currently living with a roommate, and I  
 13:43 13 just moved in with him. His roommate was Chris Pence.  
 13:43 14 Q. Chris who?  
 13:43 15 A. Chris Pence.  
 13:43 16 Q. And how long -- let me ask you this: What year  
 13:43 17 did you get married?  
 13:43 18 A. 1996.  
 13:43 19 Q. And how long did you remain married?  
 13:43 20 A. Until 1998.  
 13:43 21 Q. During that period of time, between 1996 and  
 13:43 22 1998, were there any separations?  
 13:43 23 A. Many.  
 13:43 24 Q. Tell us a little bit about that, how that would  
 13:43 25 work.

13:44 1 A. He would just get angry or jealous, or I really  
 13:44 2 don't know exactly why we would fight. But he would  
 13:44 3 just pick fights with me, and then just kick me out and  
 13:44 4 tell me to leave.  
 13:44 5 And then a few days after the fact, then  
 13:44 6 he would call and tell me how much he loved me and ask  
 13:44 7 me to come back. So it was just a roller coaster in  
 13:44 8 that sense of getting back together and separating and  
 13:44 9 getting back together.  
 13:44 10 Q. Did you have any friends that you would talk  
 13:44 11 with about this?  
 13:44 12 A. My coworkers, but not in extreme detail. I  
 13:44 13 mean, there was a lot of stuff that I would leave out.  
 13:44 14 Q. Okay. Well, I guess any relationship probably  
 13:44 15 has its strengths and weaknesses. People fight, people  
 13:44 16 make up, but that's not all that uncommon. Was there  
 13:44 17 anything that you, looking back on this, think wasn't  
 13:44 18 uncommon about your relationship, your marriage with the  
 13:44 19 defendant?  
 13:45 20 A. That was uncommon?  
 13:45 21 Q. Yeah.  
 13:45 22 A. We were -- just seemed miserable all the time.  
 13:45 23 Q. I mean, a lot of that?  
 13:45 24 A. Right. It shouldn't be so hard to be happy  
 13:45 25 with each other. I mean, everybody is going to have

13:45 1 ordinary disputes, but I don't think --

13:45 2 MR. HIGH: Judge, I'm going to have to  
13:45 3 object to the narrative at this time. It's not  
13:45 4 responsive.

13:45 5 THE COURT: What was the last question, if  
13:45 6 you remember?

13:45 7 MR. SCHULTZ: To describe what was  
13:45 8 uncommon or not ordinary about her marriage.

13:45 9 THE COURT: Well, I tell you what. Let's  
13:45 10 ask another question and see what the answer is.

13:45 11 Q. (BY MR. SCHULTZ) Sure. Let's talk about  
13:45 12 violence, if we can. Did your marriage become violent?

13:45 13 A. Physically violent?

13:45 14 Q. Yes.

13:45 15 A. In around 1997, in October of '97 was the first  
13:45 16 time that it was really serious. There was an  
13:45 17 occasional push here and there prior to --

13:46 18 MR. HIGH: Object as nonresponsive to the  
13:46 19 question asked, Judge.

13:46 20 THE COURT: All right. Sustained.

13:46 21 Q. (BY MR. SCHULTZ) Can you describe 1997? Is  
13:46 22 there -- is there an event in your mind or a pattern in  
13:46 23 your mind that started to emerge?

13:46 24 A. Yes. We had -- it was about the middle of  
13:46 25 October. We had went to a company --

13:47 1 calling me names and putting me down and degraded me.

13:47 2 Then he continued to throw me on the floor of the  
13:47 3 garage, and he sat on top of my chest and pinned my arms  
13:47 4 with his legs, and that's when he started hitting my  
13:47 5 head, beating me with his fists, and my head.

13:47 6 Q. Are you okay?

13:47 7 A. Yeah, I'm fine. And slamming my head into the  
13:48 8 floor of the garage, the concrete of the garage, and  
13:48 9 then he began choking me and telling me that he could  
13:48 10 kill me, and that no one would ever know, and nobody  
13:48 11 would ever care.

13:48 12 And that was the point that I got really  
13:48 13 scared, and I don't know if I blacked out. The last  
13:48 14 thing I remember is being in the apartment.

13:48 15 Q. Okay. This started at a Halloween party that  
13:48 16 you wanted to leave; is that right?

13:48 17 A. No. He -- he was -- right. We went to a bar  
13:48 18 after the Halloween party. And at this time he went out  
13:48 19 all the time with his friends, and I was never allowed  
13:48 20 to go anywhere. So I wasn't ready to leave when we were  
13:48 21 out.

13:48 22 I was having a good time, and I wanted to  
13:48 23 stay because it was really the first time I had been out  
13:48 24 in a very long time, and he was ready to go. And when  
13:48 25 he told me that he was ready to go, I told him, I said,

13:46 1 MR. HIGH: Excuse me, Judge. It's not  
13:46 2 responsive to the question asked.

13:46 3 THE COURT: Sustained.

13:46 4 Q. (BY MR. SCHULTZ) Tell us -- tell us when the  
13:46 5 violence started to emerge.

13:46 6 A. In October of 1997.

13:46 7 Q. All right. Tell us what happened.

13:46 8 A. We had went to a company Halloween party. And  
13:46 9 after the party we had decided to go with a couple of  
13:46 10 people from that party to a bar and hang out and have a  
13:46 11 few drinks.

13:46 12 He had made the statement to me, while we  
13:46 13 were there, that he was ready to leave and go home. And  
13:46 14 I told him that I wasn't ready to leave. And so that is  
13:46 15 what upset him at first. And we went -- went ahead and  
13:47 16 left. Went home.

13:47 17 And while I was getting out of the car, he  
13:47 18 proceeded to push the garage door, you know, push the  
13:47 19 button on the garage door, and the garage door shut me  
13:47 20 in the garage. And I asked him what was going on.

13:47 21 And at that time he grabbed me by my arms  
13:47 22 and threw me up against the wall of the garage and was  
13:47 23 pressing my hands into the wall of the garage. And he  
13:47 24 actually head butted me a couple of times.

13:47 25 At that time he was also continuously

13:48 1 "I'm not ready. I'm having a good time. I want to  
13:49 2 stay." That's when he got upset, and we ended up  
13:49 3 leaving and --

13:49 4 MR. HIGH: Judge, I'm going to have to  
13:49 5 object. This is repetitive at this point.

13:49 6 THE COURT: Overruled.

13:49 7 Q. (BY MR. SCHULTZ) Now, where were you living at  
13:49 8 the time?

13:49 9 A. We were living at Buena Vista with James and  
13:49 10 Amy.

13:49 11 Q. Would that be the James and Amy that are the  
13:49 12 deceased in this murder prosecution?

13:49 13 A. Correct.

13:49 14 Q. Had you known them prior to meeting the  
13:49 15 defendant?

13:49 16 A. No, huh-uh. I knew them through him.

13:49 17 Q. Well, how did it happen that you moved in with  
13:49 18 them?

13:49 19 A. One of the times when we had separated, he had  
13:49 20 gotten in an apartment with James, and we ended up  
13:49 21 getting back together, so I then moved into that  
13:49 22 apartment with them.

13:49 23 Q. Okay. How did James treat you, by the way?

13:49 24 A. He was very sweet. I didn't have any problems  
13:49 25 with him.

13:49 1 Q. Okay. How about Amy?  
 13:49 2 A. She was very nice. I didn't have any problems  
 13:49 3 with her.  
 13:50 4 Q. Was it crowded, the four of you being there?  
 13:50 5 A. A little, but not too bad. It was a  
 13:50 6 two-bedroom, two-bath. So we each had our own bedroom  
 13:50 7 and bathroom, but it was what you would consider a  
 13:50 8 little crowded if everybody was trying to gather in the  
 13:50 9 living room or something like that but not too bad.  
 13:50 10 Q. Is that where you were living at the time of  
 13:50 11 the Halloween party and the time that you got beaten?  
 13:50 12 A. Yes.  
 13:50 13 Q. Was that -- which garage? How would an  
 13:50 14 apartment have a garage?  
 13:50 15 A. It's a detached garage. It was separate from  
 13:50 16 the actual apartment building. So once you left the  
 13:50 17 garage, then you had to walk over to your apartment and  
 13:50 18 go up the stairs to get into your apartment.  
 13:50 19 Q. Okay. You say you think you blacked out when  
 13:50 20 this was happening?  
 13:50 21 A. Right. I don't remember what happened in  
 13:50 22 between the point of him choking me and being upstairs  
 13:50 23 in the apartment.  
 13:50 24 Q. Okay. Do you even -- do you know whether you  
 13:51 25 walked up the stairs or were carried up?

13:51 1 A. I don't remember.  
 13:51 2 Q. When you did -- when you did regain awareness,  
 13:51 3 how were you feeling?  
 13:51 4 A. Not good. I was in a lot of pain. I was  
 13:51 5 scared.  
 13:51 6 Q. Where were you hurting?  
 13:51 7 A. Just all over my body. My head mostly.  
 13:51 8 Q. What do you remember about what was happening  
 13:51 9 to your head?  
 13:51 10 A. He punched me in the head several times and  
 13:51 11 then also banged -- grabbed my head and would bang it  
 13:51 12 into the floor of the garage which was concrete.  
 13:51 13 Q. Okay. Were you on your -- were you on your  
 13:51 14 back at the time this was happening?  
 13:51 15 A. Yes. He was -- I was on my back, and he was  
 13:51 16 sitting on my chest, pinning my arms down with his legs.  
 13:51 17 Q. And then he's actually moving your head,  
 13:51 18 actually hitting your head on the concrete?  
 13:51 19 A. Right. He would lift it up and just bang my  
 13:51 20 head into the concrete.  
 13:51 21 Q. And then you woke up, and said you were  
 13:52 22 upstairs in the apartment?  
 13:52 23 A. Right.  
 13:52 24 Q. Was anyone else in the apartment other than the  
 13:52 25 defendant?

13:52 1 A. I don't recall seeing anybody else there. I  
 13:52 2 don't know if they might have been in their bedroom or  
 13:52 3 what, but I don't recall seeing anybody else that night.  
 13:52 4 Q. All right. What do you remember that night  
 13:52 5 when you were in the apartment?  
 13:52 6 A. When we were in the bedroom, he then proceeded  
 13:52 7 to rip the rest of my costume off and forced me to have  
 13:52 8 sex with him.  
 13:52 9 Q. What kind of costume were you wearing?  
 13:52 10 A. I think it was like a genie costume. It had  
 13:52 11 like --  
 13:52 12 Q. A what?  
 13:52 13 A. A genie. It had a jacket and a skirt.  
 13:52 14 Q. Was he intoxicated?  
 13:52 15 A. Yes.  
 13:52 16 Q. How do you know that?  
 13:52 17 A. Because we were drinking at the party and then  
 13:52 18 also at the bar.  
 13:52 19 Q. Okay.  
 13:52 20 A. So...  
 13:52 21 Q. Who -- who drove home?  
 13:52 22 A. He did.  
 13:53 23 Q. By the way, did you -- did you have a car when  
 13:53 24 you met the defendant?  
 13:53 25 A. Yes.

13:53 1 Q. And then did you still have that car by the  
 13:53 2 time these events happened?  
 13:53 3 A. Not that car.  
 13:53 4 Q. Okay. What happened to the car you had?  
 13:53 5 A. We had gotten rid of it. We worked at the same  
 13:53 6 building, and so he said it would be a good idea. We  
 13:53 7 could just drive back and forth to work together. So I  
 13:53 8 was kind of depending on him to get back and forth from  
 13:53 9 work.  
 13:53 10 Q. Whose idea was it to sell your car?  
 13:53 11 A. Ivan's.  
 13:53 12 Q. And then what was done with the money, the  
 13:53 13 proceeds?  
 13:53 14 A. We just took it back to the dealership. We  
 13:53 15 didn't get any money out of it.  
 13:53 16 Q. Right after you and the defendant got married,  
 13:53 17 did his personality change toward you?  
 13:53 18 A. A little bit after we had gotten married.  
 13:53 19 Q. Tell us about that.  
 13:53 20 A. He had a really bad temper. He would get mad  
 13:54 21 really easy. Would yell and call me names and put me  
 13:54 22 down. Any little thing kind of would set him off, and  
 13:54 23 then he would be a totally different person after that.  
 13:54 24 Q. You indicated -- you indicated that you were,  
 13:54 25 that you were choked as part of that incident in the

13:54 1 garage?  
 13:54 2 A. Yes.  
 13:54 3 Q. Were there -- was there any actual indication,  
 13:54 4 any physical marks or something concerning that would  
 13:54 5 evidence that?  
 13:54 6 A. I mean, my head was swollen, and I had just  
 13:54 7 red -- my neck was just red from that.  
 13:54 8 Q. Did you see James and Amy that night, the night  
 13:54 9 that this happened to you in the garage?  
 13:54 10 A. Not that night. I didn't see them until, I  
 13:54 11 believe, it was the next day.  
 13:54 12 Q. All right. What was going through your mind  
 13:54 13 the next day after this happened?  
 13:54 14 A. I was embarrassed, humiliated.  
 13:55 15 Q. Tell us more about what you mean.  
 13:55 16 A. I had to go to work because this was on a  
 13:55 17 Thursday. I had to go to work that next day because I  
 13:55 18 had a lot of things going on. I couldn't miss work.  
 13:55 19 And, you know, people would make comments to me, and I  
 13:55 20 guess I felt like I had done something to cause it. So  
 13:55 21 I -- you know, I was embarrassed.  
 13:55 22 Q. Well, were there bruises on you when you went  
 13:55 23 to work that next day?  
 13:55 24 A. At the beginning, that morning my head --  
 13:55 25 MR. HIGH: Object, Judge. It's

13:55 1 nonresponsive to the question asked.  
 13:55 2 THE COURT: Sustained.  
 13:55 3 Q. (BY MR. SCHULTZ) Kind of let's do this in  
 13:55 4 stages. Were there bruises on you the next morning?  
 13:55 5 Kind of a yes or no?  
 13:55 6 A. Yes.  
 13:55 7 Q. And you had to go to work with those bruises?  
 13:55 8 A. Yes.  
 13:55 9 Q. Were they the kind of bruises that anybody  
 13:55 10 would notice if they were near you?  
 13:55 11 A. Yes.  
 13:55 12 Q. Were they the kind of bruises people would say:  
 13:55 13 What happened to you?  
 13:55 14 A. Yes.  
 13:56 15 Q. Did people say: What happened to you?  
 13:56 16 A. Yes.  
 13:56 17 Q. What did you tell them?  
 13:56 18 A. The first time? I told the truth.  
 13:56 19 Q. What do you mean? I'm sorry, "the first time."  
 13:56 20 A. That time I told the truth. My vice president  
 13:56 21 had called me into her office and asked me what  
 13:56 22 happened, and I told her what happened.  
 13:56 23 Q. All right. Without telling us what she said,  
 13:56 24 did you tell anyone else in an official capacity at that  
 13:56 25 time?

13:56 1 A. No.  
 13:56 2 Q. You know what I'm talking about? I'm talking  
 13:56 3 about going to the police about it.  
 13:56 4 A. Right. No.  
 13:56 5 Q. Explain -- make us understand why you didn't  
 13:56 6 call the police over that incident?  
 13:56 7 A. Because I loved him and I believed that he  
 13:56 8 wasn't going to do it again. And he was on probation at  
 13:56 9 the time, and I didn't want him to get in anymore  
 13:56 10 trouble than he was currently in.  
 13:56 11 Q. Okay. Now, did the defendant apologize to you  
 13:56 12 for all that?  
 13:56 13 A. Yes.  
 13:56 14 Q. About what time did he do that?  
 13:56 15 A. That next morning.  
 13:57 16 Q. Tell us, kind of describe the way he approached  
 13:57 17 apologizing?  
 13:57 18 A. He just told me that he was so sorry, and that  
 13:57 19 he loved me, and that he would never do it again.  
 13:57 20 Q. Did he discuss being on probation and what  
 13:57 21 effects that could have as part of that conversation?  
 13:57 22 A. No.  
 13:57 23 Q. And you believed him. Did you believe him when  
 13:57 24 he was saying all that?  
 13:57 25 A. Of course.

13:57 1 Q. Was he charming and did he appear sincere to  
 13:57 2 you?  
 13:57 3 A. Yes.  
 13:57 4 Q. Tender?  
 13:57 5 A. Yeah.  
 13:57 6 Q. Sweet, soft spoken?  
 13:57 7 A. Uh-huh, yes.  
 13:57 8 Q. And so you told your vice president who said:  
 13:57 9 What happened to you?  
 13:57 10 A. Right.  
 13:57 11 Q. By the way, how was she toward you? Was she --  
 13:57 12 was she compassionate or was she irritated that one of  
 13:57 13 her employees looked bad?  
 13:57 14 A. Concerned. She was concerned.  
 13:57 15 Q. Even at your age, you had to have been exposed  
 13:57 16 to stuff on TV or in the newspaper about domestic  
 13:58 17 violence and how that all was. Even then you had been  
 13:58 18 exposed to it. You understood it, didn't you?  
 13:58 19 A. Right.  
 13:58 20 Q. Well, then make us understand why you stayed.  
 13:58 21 A. I don't know if I can really make you  
 13:58 22 understand. I just -- I didn't want to hurt him. I  
 13:58 23 didn't want to cause him any trouble.  
 13:58 24 Q. Yeah.  
 13:58 25 A. And in a way I kind of looked at it as being my

13:58 1 fault.  
 13:58 2 Q. How is that?  
 13:58 3 A. Because he would, you know, he would say that  
 13:58 4 if I would have just left when he said to leave, he  
 13:58 5 wouldn't have done it. Or if I would have done this or  
 13:58 6 that, then it wouldn't have happened.  
 13:58 7 Q. Okay. And --  
 13:58 8 A. And I believed him.  
 13:58 9 Q. So then he straightened out and quit beating on  
 13:58 10 you after that. That never happened again; is that  
 13:58 11 right?  
 13:58 12 A. No. Only for about a month.  
 13:58 13 Q. Okay. During that month how was he behaving?  
 13:58 14 A. Very sweet and caring. Didn't have any  
 13:59 15 problems.  
 13:59 16 Q. How did that sweetness change? How did that  
 13:59 17 end?  
 13:59 18 A. We were at a party of one of his friend's  
 13:59 19 birthday party.  
 13:59 20 Q. Do you remember the name?  
 13:59 21 A. Skip Mull --  
 13:59 22 Q. Okay.  
 13:59 23 A. -- I believe was his name. His wife was  
 13:59 24 throwing him a 30s party, and we were all over there.  
 13:59 25 And he had gotten upset with me because I danced with

13:59 1 Skip. And we went into the -- I went into the bathroom,  
 13:59 2 and he slapped me in the bathroom. And then at that  
 13:59 3 time I went out to the garage where Skip and Robin and  
 13:59 4 everybody was at.  
 13:59 5 And Skip saw the red mark on my face and  
 13:59 6 got very angry with him. And they had gotten into a  
 13:59 7 verbal argument, but I don't know what he said to calm  
 13:59 8 Skip down because then Skip wasn't mad at him anymore,  
 13:59 9 and then we left after that. And it started in the car.  
 14:00 10 Q. Let me do this in sequence. You are at a  
 14:00 11 party. And you danced with somebody else?  
 14:00 12 A. Skip. Whose birthday party it was. He didn't  
 14:00 13 like the way I was dancing with him. I think, I believe  
 14:00 14 he had come up to Robin, who was his wife. We were all  
 14:00 15 standing there. And Robin didn't want to dance.  
 14:00 16 And she said, "Go dance with Michelle."  
 14:00 17 It was something totally innocent, but he didn't -- he  
 14:00 18 didn't like it. So that's when -- I think that's what  
 14:00 19 set him off.  
 14:00 20 Q. What do you mean he didn't like it. How were  
 14:00 21 you dancing? Was there something dirty about the  
 14:00 22 dancing or something?  
 14:00 23 A. No. I was just -- and there was, you know, a  
 14:00 24 ton of people around. There was a good 40 or 50 people  
 14:00 25 at this party, so it wasn't anything bad.

14:00 1 Q. It wasn't like provocative or seductive or  
 14:00 2 anything like that?  
 14:00 3 A. I didn't see it as being like that.  
 14:00 4 Q. And Skip's wife is right there?  
 14:00 5 A. Right.  
 14:00 6 Q. And she said, "Go dance with him, Michelle"?  
 14:00 7 A. Right.  
 14:00 8 Q. And so where were you? In the bathroom?  
 14:01 9 A. Went to the bathroom and I don't remember what  
 14:01 10 exactly was said, but he had slapped me.  
 14:01 11 MR. HIGH: Judge, this has already been  
 14:01 12 testified to. This is repetitive.  
 14:01 13 THE COURT: I don't know that it is.  
 14:01 14 Let's go a little further. I understand this is a  
 14:01 15 different event, but if it isn't...  
 14:01 16 MR. SCHULTZ: I'm just trying to make the  
 14:01 17 sequence clear. If it is repetitive, it's not  
 14:01 18 purposefully repetitive.  
 14:01 19 MR. HIGH: Judge, she testified that she  
 14:01 20 was in the bathroom, and my client slapped her. Now  
 14:01 21 she's going through it all over again. It's the same  
 14:01 22 event.  
 14:01 23 THE COURT: Okay. Well, then let's go  
 14:01 24 ahead and hit it, but let's go through it.  
 14:01 25 MR. SCHULTZ: Yes, sir.

14:01 1 Q. (BY MR. SCHULTZ) You went to the bathroom.  
 14:01 2 Does he follow you to the bathroom, or how did that  
 14:01 3 work?  
 14:01 4 A. I don't remember how we both ended up there  
 14:01 5 together.  
 14:01 6 Q. Were you actually inside the bathroom?  
 14:01 7 A. Right.  
 14:01 8 Q. Door open or closed?  
 14:01 9 A. It was closed.  
 14:01 10 Q. Do you remember who closed the door?  
 14:02 11 A. No.  
 14:02 12 Q. Was there a discussion before you got slapped?  
 14:02 13 A. I believe he just called me like a whore and a  
 14:02 14 slut and just expressed his dislike in me dancing with  
 14:02 15 Skip.  
 14:02 16 Q. When you were slapped, how did it feel?  
 14:02 17 A. Not good. I was a little scared at that time  
 14:02 18 because I could see the anger building up in him. And  
 14:02 19 from the previous incident the night before I was a  
 14:02 20 little scared.  
 14:02 21 Q. Then there is some type of disagreement between  
 14:02 22 the defendant and Skip over you getting slapped?  
 14:02 23 A. Right.  
 14:02 24 Q. And then somehow that seemed to have calmed  
 14:02 25 down, but you don't know how or what was said?



14:02 1 A. Right. They were out in the front. I don't  
 14:02 2 know what happened between them two.  
 14:02 3 Q. Approximately what time did you leave the  
 14:02 4 birthday party?  
 14:03 5 A. I don't remember. I think it was probably  
 14:03 6 around 11:00 or 12:00.  
 14:03 7 Q. Was there alcohol at the party?  
 14:03 8 A. Yes.  
 14:03 9 Q. Were you drinking?  
 14:03 10 A. Yes.  
 14:03 11 Q. All right. And was the defendant drinking?  
 14:03 12 A. Yes.  
 14:03 13 Q. By the time you left, were you intoxicated, in  
 14:03 14 your mind?  
 14:03 15 A. A little, yes.  
 14:03 16 Q. How about the defendant?  
 14:03 17 A. Yes.  
 14:03 18 Q. Okay. Who drove?  
 14:03 19 A. He did.  
 14:03 20 Q. You know, I'll ask this same question I ask all  
 14:03 21 the time. Does anybody ever worry about killing  
 14:03 22 innocent people when you are just driving on highways  
 14:03 23 intoxicated? Does that ever enter your-all's minds  
 14:03 24 ever?  
 14:03 25 A. Well, we were supposed to stay the night over

14:03 1 there.  
 14:03 2 MR. HIGH: I'll have to object. It's  
 14:03 3 nonresponsive, Judge.  
 14:03 4 THE COURT: Sustained. Just answer the  
 14:03 5 question. Did you recall the question?  
 14:03 6 Q. (BY MR. SCHULTZ) Did you-all ever think  
 14:03 7 about --  
 14:03 8 A. Yes, yes.  
 14:03 9 Q. -- your fun could kill us?  
 14:03 10 A. Yes. The plan wasn't to drink and drive.  
 14:03 11 Q. But you still did?  
 14:04 12 A. Right. He -- we were supposed to stay the  
 14:04 13 night.  
 14:04 14 MR. HIGH: I'm going to object as  
 14:04 15 nonresponsive, Judge.  
 14:04 16 THE COURT: Sustained.  
 14:04 17 Q. (BY MR. SCHULTZ) Okay. What changed the plan  
 14:04 18 to stay the night?  
 14:04 19 A. That incident.  
 14:04 20 Q. How did that change the plan?  
 14:04 21 A. Because he thought I told Skip that he hit me,  
 14:04 22 and he was mad that -- because he thought that I told  
 14:04 23 somebody. And really Skip just saw the mark on my face.  
 14:04 24 Q. So the defendant decides, we're leaving?  
 14:04 25 A. Right.

14:04 1 Q. Drunk or not, we're leaving?  
 14:04 2 A. Right.  
 14:04 3 Q. And you left?  
 14:04 4 A. Right.  
 14:04 5 Q. How far did you have to drive to get back to  
 14:04 6 where you were living?  
 14:04 7 A. Maybe 20 minutes. Their home was out in  
 14:04 8 Frisco. We lived, I believe, in north Dallas. So it  
 14:04 9 was maybe 15 or 20 minutes --  
 14:04 10 Q. Okay.  
 14:04 11 A. -- to get there.  
 14:04 12 Q. Did you-all have discussions about being real  
 14:04 13 careful along the way? Was that part of your  
 14:04 14 discussions?  
 14:04 15 A. No. As soon as we got in the car, he grabbed  
 14:04 16 me by the hair and proceeded to --  
 14:05 17 MR. HIGH: Again, Judge, she is not  
 14:05 18 responsive to the question that's asked.  
 14:05 19 THE COURT: Sustained.  
 14:05 20 Q. (BY MR. SCHULTZ) So nobody is worrying about  
 14:05 21 the innocent citizens that might be run over by a drunk?  
 14:05 22 A. Well, he was beating me at the time.  
 14:05 23 Q. No. I mean, that was not part of the  
 14:05 24 discussion, right?  
 14:05 25 A. No. Sorry.

14:05 1 Q. You get in the car. Are you still in Frisco  
 14:05 2 when this happens?  
 14:05 3 A. Yes. Before we even pull out of the driveway.  
 14:05 4 Q. So you are in the driveway of a friend's  
 14:05 5 birthday party house?  
 14:05 6 A. Well, kind of in front of the driveway. They  
 14:05 7 lived in a cul-de-sac, and we parked along the, you  
 14:05 8 know, the street in the cul-de-sac.  
 14:05 9 Q. What did he do?  
 14:05 10 A. He grabbed me by the hair and proceeded to bang  
 14:05 11 my head into the window. And then we -- once we got on  
 14:05 12 the tollway, then he tried opening the door and pushing  
 14:05 13 me out of the car.  
 14:05 14 Q. Let me stop you a moment. He was in the  
 14:05 15 driver's seat, and you were in what seat?  
 14:05 16 A. In the passenger seat.  
 14:05 17 Q. So, before you drive off, he grabs you by the  
 14:06 18 hair. And what window is he hitting your head into?  
 14:06 19 A. Into the passenger window.  
 14:06 20 Q. So he's reaching over and --  
 14:06 21 A. Right.  
 14:06 22 Q. -- pushing you this way?  
 14:06 23 A. Right.  
 14:06 24 Q. What did you do to defend or protect yourself?  
 14:06 25 A. I just kind of curled up in the seat, kind of

14:06 1 in a little ball.  
 14:06 2 Q. Why don't you get out of the car?  
 14:06 3 A. Well, because at the time, I mean, he was -- we  
 14:06 4 were pulling out when he started.  
 14:06 5 Q. All right. And then how long did it take you  
 14:06 6 to get on the tollway?  
 14:06 7 A. Maybe five minutes.  
 14:06 8 Q. And this was the extent of part of the tollway  
 14:06 9 all the way up to Frisco at that time?  
 14:06 10 A. I believe so.  
 14:06 11 Q. Do you remember whether you were driving fast  
 14:06 12 or slow?  
 14:06 13 A. On the tollway?  
 14:06 14 Q. Yes.  
 14:06 15 A. I believe we were driving fast. I don't  
 14:06 16 remember seeing the speedometer, but I remember feeling  
 14:07 17 like we were going pretty fast.  
 14:07 18 Q. By fast I'm talking about -- I'm not talking  
 14:07 19 the speed limit might seem fast compared to a  
 14:07 20 residential.  
 14:07 21 A. Maybe 80, 90 miles an hour.  
 14:07 22 Q. All right.  
 14:07 23 A. He was in his Corvette. So he usually drove  
 14:07 24 pretty fast in that.  
 14:07 25 Q. He had a -- how could he afford a Corvette if

14:07 1 he's having to crash with James and Amy to live? How  
 14:07 2 was he doing that?  
 14:07 3 A. Well, they weren't crashing together. When we  
 14:07 4 separated, him and James went and got an apartment  
 14:07 5 together. And then we were going to continue out the  
 14:07 6 lease. When I ended up moving back in with him, we were  
 14:07 7 going to continue out the lease until it was over so  
 14:07 8 they wouldn't break the lease.  
 14:07 9 Q. Did he have enough money to be driving a  
 14:07 10 Corvette?  
 14:07 11 A. At that time, yes.  
 14:07 12 Q. All right. Tell me about trying to push you  
 14:07 13 out onto the tollway?  
 14:07 14 A. He just had reached over and opened the door  
 14:07 15 and was trying to push me out. And I just kind of  
 14:08 16 grabbed onto the door and was just kind of holding on.  
 14:08 17 Q. Did you go through any toll booths on the  
 14:08 18 tollway?  
 14:08 19 A. I don't remember.  
 14:08 20 Q. Did you get home that night?  
 14:08 21 A. Yes.  
 14:08 22 Q. All right. What were you like? I mean,  
 14:08 23 describe how you were while you were on this ride to  
 14:08 24 your home?  
 14:08 25 A. I was scared.

14:08 1 Q. All right.  
 14:08 2 A. But, I mean, I was scared but --  
 14:08 3 MR. HIGH: Object to nonresponsive.  
 14:08 4 Q. (BY MR. SCHULTZ) That's how you felt. What  
 14:08 5 were you doing?  
 14:08 6 A. Just crying and begging him to stop.  
 14:08 7 Q. What's he saying about your crying and begging?  
 14:08 8 A. Nothing. He just continues to call me names  
 14:08 9 and continues doing what he's doing.  
 14:08 10 Q. When you got home, where were you living then?  
 14:08 11 The same place?  
 14:08 12 A. Yes.  
 14:08 13 Q. That's -- did James and Amy still live there?  
 14:08 14 A. No. They had moved out at the end of October.  
 14:08 15 Q. All right. Was this a nice apartment that you  
 14:09 16 were in?  
 14:09 17 A. Yes.  
 14:09 18 Q. How many bedrooms?  
 14:09 19 A. Two bedrooms.  
 14:09 20 Q. How many bathrooms?  
 14:09 21 A. Two.  
 14:09 22 Q. Kitchen?  
 14:09 23 A. Yes.  
 14:09 24 Q. Living area?  
 14:09 25 A. Uh-huh.

14:09 1 Q. And a garage?  
 14:09 2 A. Correct. It was a detached garage.  
 14:09 3 Q. Did you pull into the garage again?  
 14:09 4 A. Yes.  
 14:09 5 Q. All right. And what happened in the garage?  
 14:09 6 Anything?  
 14:09 7 A. No.  
 14:09 8 Q. All right. What -- do you remember going up to  
 14:09 9 the apartment then?  
 14:09 10 A. Yes.  
 14:09 11 Q. Anything happen in the apartment?  
 14:09 12 A. Yes. I --  
 14:09 13 Q. We got to do this in stages.  
 14:09 14 A. Right.  
 14:09 15 Q. Just something happened in the garage. Did you  
 14:09 16 try to get away?  
 14:09 17 A. I ran out of the car to get out of the garage.  
 14:09 18 His brother was upstairs in the apartment. He was  
 14:09 19 staying with us, and so I just kept telling myself, if I  
 14:09 20 can make it to the apartment, I'll be okay because his  
 14:09 21 brother was up there. So I was just trying to get from  
 14:09 22 the garage to the apartment.  
 14:09 23 Q. So you had to run up the stairs?  
 14:09 24 A. Right.  
 14:09 25 Q. All right. You were drunk. Were you still

14:10 1 able to do that all right?  
 14:10 2 A. Right.  
 14:10 3 Q. All right. And did you get up there?  
 14:10 4 A. Yes. I got to the door.  
 14:10 5 Q. What happened then?  
 14:10 6 A. As I was opening the door, he caught my leg.  
 14:10 7 Q. Who caught your leg?  
 14:10 8 A. Ivan.  
 14:10 9 Q. Okay.  
 14:10 10 A. I don't know if it was by his hands or by his  
 14:10 11 legs, but I fell down. And I was just trying to crawl  
 14:10 12 into the apartment, and that's when he began kicking me  
 14:10 13 and hitting me.  
 14:10 14 Q. Where in the apartment were you when he was  
 14:10 15 hitting you and kicking you?  
 14:10 16 A. At first we were in the hallway, and then --  
 14:10 17 Q. Now, you had told us you thought you would have  
 14:10 18 safety from Eric, his brother?  
 14:10 19 A. Right.  
 14:10 20 Q. Where was Eric?  
 14:10 21 A. He was in the living room.  
 14:10 22 Q. Did he come to your assistance?  
 14:10 23 A. Not physically. He just told him to "please  
 14:10 24 stop, Ivan." That's all he would -- he just kept saying  
 14:10 25 that to him. He didn't physically try to remove him

14:10 1 from me.  
 14:10 2 Q. How old was Eric then?  
 14:10 3 A. 16, 17, maybe. I don't know exactly.  
 14:11 4 Q. All right. And how long did this kicking  
 14:11 5 and -- how long did this violence go on there in the  
 14:11 6 living room?  
 14:11 7 A. Quite some time because it started in the  
 14:11 8 hallway, and then it works into the living room. And  
 14:11 9 then for -- I don't know exactly how long, but for a  
 14:11 10 period of time.  
 14:11 11 Q. Do you remember what parts of your body got  
 14:11 12 kicked?  
 14:11 13 A. My head, my ribs. I mean, just -- I was on the  
 14:11 14 ground. So wherever his feet could go, I guess. I  
 14:11 15 mean, he was kicking me all over.  
 14:11 16 Q. Was he saying anything when this was happening?  
 14:11 17 A. Just the usual, calling me names, that type of  
 14:11 18 thing.  
 14:11 19 Q. Did you receive any other type of injuries?  
 14:11 20 A. After he kicked me, then he proceeded to sit on  
 14:11 21 my chest again and began punching me in the face.  
 14:12 22 Q. Punching you with what?  
 14:12 23 A. His fists.  
 14:12 24 Q. Did you have any idea how many times he punched  
 14:12 25 you in the face?

14:12 1 A. Quite a few. I don't know exactly.  
 14:12 2 Q. Was it -- was this a noisy situation, in your  
 14:12 3 opinion?  
 14:12 4 A. I really don't know. I was -- I can't really  
 14:12 5 say if I was really paying attention to the noise that  
 14:12 6 was going on. So I don't know if it was really loud. I  
 14:12 7 know I was crying and, you know, begging him to stop.  
 14:12 8 But I don't know like voice level, that type of thing,  
 14:12 9 how loud it would have been to somebody not in the  
 14:12 10 apartment.  
 14:12 11 Q. All right. How -- how did that situation  
 14:12 12 finally end?  
 14:12 13 A. He just stopped.  
 14:12 14 Q. I mean, I guess it's always sort of hard if you  
 14:13 15 don't have a mirror. But how do you think you looked  
 14:13 16 after all that?  
 14:13 17 A. Bad, real bad.  
 14:13 18 Q. Can you remember getting up off the floor?  
 14:13 19 A. Yes.  
 14:13 20 Q. And --  
 14:13 21 A. My back was hurting really bad. I was having  
 14:13 22 problems walking. I don't know if the nerve was pinched  
 14:13 23 in my back from the kicking. I couldn't really walk  
 14:13 24 real well.  
 14:13 25 Q. Did you seek medical attention for that?

14:13 1 A. No. I stayed off of work for a couple days.  
 14:13 2 Q. I understand. Did you call the police?  
 14:13 3 A. No.  
 14:13 4 Q. Did you stay in the house?  
 14:13 5 A. Yes.  
 14:13 6 Q. Can you explain that to us?  
 14:14 7 A. I mean, I believed him. I loved him. I didn't  
 14:14 8 want to -- I mean, I wanted our marriage to work. I  
 14:14 9 thought, you know, there was maybe something else I  
 14:14 10 could do or say to, you know, change things.  
 14:14 11 Q. Well, after this incident did you have any  
 14:14 12 discussions with him about the incident and how he felt  
 14:14 13 about it?  
 14:14 14 A. Yes.  
 14:14 15 Q. And what did he have to say about that beating?  
 14:14 16 A. That he was really sorry, and that it wouldn't  
 14:14 17 happen again.  
 14:14 18 Q. He tried to do better next time, right? He  
 14:14 19 loved you?  
 14:14 20 A. He loved me.  
 14:14 21 Q. And you meant the world to him?  
 14:14 22 A. Right.  
 14:14 23 MR. HIGH: Objection. He's leading. He  
 14:14 24 is also testifying.  
 14:14 25 THE COURT: Sustained.

14:14 1 Q. (BY MR. SCHULTZ) How did he explain his  
 14:14 2 emotions when he saw you dancing with somebody else?  
 14:14 3 How did he explain that, that it sounded tender and  
 14:15 4 sensitive?  
 14:15 5 A. He really didn't explain that, but that's when  
 14:15 6 all the problems started. And he never -- he only said  
 14:15 7 something at that time about it. He didn't -- after the  
 14:15 8 beating the next day he didn't, you know, try to defend  
 14:15 9 himself --  
 14:15 10 Q. Okay.  
 14:15 11 A. -- by saying anything else about it.  
 14:15 12 Q. When he would be apologizing to you and being  
 14:15 13 tender after these beatings, how would he explain  
 14:15 14 himself? What was -- what would he say about himself  
 14:15 15 doing that that seemed to make sense to you?  
 14:15 16 A. He really didn't blame it on himself. He  
 14:15 17 really blamed it on me. I mean, in a sense.  
 14:15 18 Q. What do you mean?  
 14:15 19 A. I don't know if I can -- I don't know like  
 14:16 20 exact words, but just the way he would talk to me would  
 14:16 21 kind of lead me to believe and convince myself that if,  
 14:16 22 you know, I did something better or, you know, acted a  
 14:16 23 certain way then, you know, that type of thing wouldn't  
 14:16 24 happen.  
 14:16 25 Q. Okay. Why didn't you go to work the next day?

14:16 1 A. That was on a Saturday. I didn't go to work, I  
 14:16 2 believe, on Monday and Tuesday because my head was  
 14:16 3 extremely swollen, and I had bruising under my eyes and  
 14:16 4 nose and --  
 14:16 5 Q. Okay.  
 14:16 6 A. -- looked pretty bad.  
 14:16 7 Q. When you got to work, people asked about them  
 14:16 8 again, these bruises?  
 14:16 9 A. Yes.  
 14:16 10 Q. Did you tell them Ivan's at it again?  
 14:16 11 A. No. No.  
 14:16 12 Q. Did you tell them that?  
 14:16 13 A. No.  
 14:16 14 Q. What did you tell them this time?  
 14:16 15 A. I told them that we were at a party, and two  
 14:16 16 guys were fighting. And I tried to break them up, and  
 14:16 17 one of the guys had a shovel, and I got hit a few times  
 14:16 18 with a shovel.  
 14:16 19 Q. Why did you -- why that story?  
 14:16 20 A. Because I was kind of embarrassed. Because it  
 14:17 21 had already happened once, and I stayed with him and  
 14:17 22 told everybody, you know, that it wasn't going to happen  
 14:17 23 again, and it did so... And so I was kind of  
 14:17 24 embarrassed for, you know, letting it happen again.  
 14:17 25 Q. So then -- then you left the defendant after

14:17 1 that?  
 14:17 2 A. No.  
 14:17 3 Q. It's not my place to be judgmental. But can  
 14:17 4 you explain -- can you explain to us why you didn't?  
 14:17 5 A. Because he kind of convinced me that without  
 14:17 6 him, I was nobody.  
 14:17 7 Q. You said you had a mom and dad that loved you  
 14:17 8 and a sister that loved you. How is that?  
 14:17 9 A. Yeah. But after a while you start getting torn  
 14:18 10 down.  
 14:18 11 MR. HIGH: Judge, I'm going to have to  
 14:18 12 object at this point. This is the type of victim-impact  
 14:18 13 testimony which is not relevant at this point in the  
 14:18 14 proceeding.  
 14:18 15 THE COURT: I'll overrule the objection.  
 14:18 16 Let's get where we're going.  
 14:18 17 Q. (BY MR. SCHULTZ) Let's talk some more about  
 14:18 18 the impact. Was that the last time that you had any  
 14:18 19 physical violence from this defendant?  
 14:18 20 A. No. There was one more occasion, but it was  
 14:18 21 not on such an extreme level.  
 14:18 22 Q. Well, tell us about that.  
 14:18 23 A. We were living at Frisco and -- in Frisco at  
 14:18 24 the time, and he was wanting to go to the lake with one  
 14:18 25 of his friends. And he was wanting to take my car

14:18 1 instead of taking the 4Runner, but the 4Runner was  
 14:18 2 attached to the boat. So I didn't want him --  
 14:18 3 Q. Let me stop you. What's a 4Runner?  
 14:18 4 A. It's a truck. I mean, kind of a sport utility  
 14:19 5 vehicle.  
 14:19 6 Q. Okay. Was it a newer model, do you know?  
 14:19 7 A. I don't remember what year model it was.  
 14:19 8 Q. Whose boat was it?  
 14:19 9 A. It was our boat.  
 14:19 10 Q. Can you describe the boat a little bit?  
 14:19 11 A. It was a Master Craft ski boat.  
 14:19 12 Q. That still doesn't mean anything to me. It  
 14:19 13 might to other people.  
 14:19 14 A. It's just a ski boat. I mean, it's kind of a  
 14:19 15 smaller boat. It's used mostly for skiing and wake  
 14:19 16 boarding and tubing, and that type of thing.  
 14:19 17 Q. Did you-all buy it together?  
 14:19 18 A. Yes.  
 14:19 19 Q. I mean, what are those things? Give me an idea  
 14:19 20 of what they cost.  
 14:19 21 A. I think it was about \$30,000.  
 14:19 22 Q. A \$30,000 ski boat and you were living in a  
 14:19 23 house in Frisco?  
 14:19 24 A. Yes.  
 14:19 25 Q. Other people described it as maybe a \$280,000

14:19 1 house. Does that sound ballpark to you?  
 14:19 2 A. Yes.  
 14:19 3 Q. Nice house?  
 14:19 4 A. Uh-huh.  
 14:19 5 Q. Right?  
 14:19 6 A. Uh-huh.  
 14:19 7 Q. And then the 4Runner, that was one of your  
 14:19 8 vehicles; is that right?  
 14:19 9 A. It was not actually ours.  
 14:19 10 Q. Okay.  
 14:19 11 A. His friend had his vet. He was going to be  
 14:20 12 selling his vet to his friend. And the 4Runner, I don't  
 14:20 13 remember who we had gotten it from, but we just used it  
 14:20 14 to haul the boat back and forth to the lake before we  
 14:20 15 ended up getting our Tahoe.  
 14:20 16 Q. So he wanted to use your car to go to the lake?  
 14:20 17 A. Right. He was going to be meeting one of his  
 14:20 18 friends. And he didn't want to take the boat, and he  
 14:20 19 didn't want to take the truck. So he wanted to take my  
 14:20 20 car.  
 14:20 21 Q. Okay. And that's okay. I mean, you were going  
 14:20 22 to the lake too, right?  
 14:20 23 A. No. I wasn't invited to go.  
 14:20 24 Q. What does that -- I don't understand. What do  
 14:20 25 you mean?

14:20 1 A. He didn't want me to go.  
 14:20 2 Q. How do you know that?  
 14:20 3 A. Because he said I wasn't going. Why? I don't  
 14:20 4 know. He just didn't want me to go.  
 14:20 5 Q. Okay. Well, did you-all -- did he take you out  
 14:20 6 a lot on -- going places?  
 14:20 7 A. On our boat? We did, but when he was out with  
 14:20 8 his friends, very rarely was I invited to come along.  
 14:21 9 Q. Okay. So you -- you didn't, you told him you  
 14:21 10 didn't want him taking your car?  
 14:21 11 A. Right. Because I didn't want to be stranded.  
 14:21 12 Q. And what was his response?  
 14:21 13 A. He got very angry, and I hid the keys. And he  
 14:21 14 couldn't find the keys, and that's why he got mad.  
 14:21 15 Q. What happened then?  
 14:21 16 A. Well, when he couldn't find the keys and I  
 14:21 17 wouldn't give them to him, then we were downstairs. And  
 14:21 18 the downstairs of our house was ceramic tile. And he  
 14:21 19 had just got on top of me and banged my head into the  
 14:21 20 floor a couple times, not really that many. And then he  
 14:21 21 put me on the couch, and I was kind of hanging half on  
 14:21 22 the couch and half off. And he choked me and then I  
 14:21 23 reached up and grabbed him and scratched his face  
 14:21 24 because he didn't have my arms pinned, and he stopped.  
 14:21 25 Q. Anybody else there in the -- in the house at

14:22 1 that time?  
 14:22 2 A. Not -- not at that time. I don't believe so.  
 14:22 3 Q. Because there were some other people that from  
 14:22 4 time to time would come live there with you; is that  
 14:22 5 right?  
 14:22 6 A. Right.  
 14:22 7 Q. For example, your brother?  
 14:22 8 A. Yes. Towards the end.  
 14:22 9 Q. What's your brother's name?  
 14:22 10 A. Jason.  
 14:22 11 Q. Jason?  
 14:22 12 A. Traister.  
 14:22 13 Q. Okay. And how did he come to live with you and  
 14:22 14 the defendant in Frisco?  
 14:22 15 A. It was probably like the last couple of months  
 14:22 16 that I was there. And we had invited him to come over  
 14:22 17 there to help us out doing a little bit of work. And I  
 14:22 18 just kind of wanted him there to feel a little bit  
 14:22 19 safer.  
 14:22 20 Q. Did you tell him that, your brother?  
 14:22 21 A. No.  
 14:22 22 Q. Why didn't you go talk to your dad and tell him  
 14:22 23 what was going on and say, "Can you help me, Daddy? Can  
 14:22 24 you help me with this?"  
 14:22 25 A. Because my dad already didn't like him, and I

14:22 1 didn't want to fail at my marriage. I looked at it like  
 14:22 2 it was my fault.  
 14:23 3 Q. Do you think your dad would have helped you if  
 14:23 4 you would have asked?  
 14:23 5 A. Yeah.  
 14:23 6 Q. Do you think the police would have helped you  
 14:23 7 if you had asked?  
 14:23 8 A. Yeah.  
 14:23 9 Q. Do you think people at work that were concerned  
 14:23 10 about you would have helped you if you asked?  
 14:23 11 A. Yes.  
 14:23 12 Q. Now, you indicated the defendant was making  
 14:23 13 good money in this mortgage business during these parts  
 14:23 14 of your marriage; is that right?  
 14:23 15 A. Correct. In 1997 he started working for the  
 14:23 16 mortgage company. I believe it was '97.  
 14:23 17 Q. Okay. Can you give us some kind of idea  
 14:23 18 what -- what the income level was that you are talking  
 14:23 19 about when he was working?  
 14:23 20 A. I believe at any point, I mean, he was making  
 14:23 21 anywhere from 12,000 to maybe 15,000 a month. I don't  
 14:23 22 know exactly. I didn't have access to our checking  
 14:23 23 account. So I don't know exactly what was deposited.  
 14:24 24 Q. But obviously, no matter how it was done,  
 14:24 25 expensive boats, houses and a lifestyle was -- was being

14:24 1 lived at that time; is that correct?  
 14:24 2 A. Correct.  
 14:24 3 Q. And in fairness, was that attractive to you,  
 14:24 4 just being able to enjoy that kind of lifestyle?  
 14:24 5 A. The money really wasn't important to me.  
 14:24 6 Q. Well.  
 14:24 7 A. You know, because there was points in our  
 14:24 8 marriage where we didn't have a lot of money. So I  
 14:24 9 wasn't with him for the money.  
 14:24 10 Q. Because a cynical person might say that that  
 14:24 11 was a fancy house and a fancy lifestyle and that you  
 14:24 12 enjoyed going out with him partying all the time.  
 14:24 13 A. But we didn't go out and party all the time. I  
 14:24 14 mean, he did. I didn't.  
 14:24 15 Q. What did you do when he was out partying?  
 14:24 16 A. I stayed at home.  
 14:24 17 Q. Was that because you didn't like to party?  
 14:24 18 A. Because I knew if I went out, he wouldn't like  
 14:25 19 it. He was very jealous.  
 14:25 20 Q. When he left the mortgage business, did he go  
 14:25 21 into business for himself at some time?  
 14:25 22 A. Yes.  
 14:25 23 Q. How comfortable were you with that business?  
 14:25 24 A. Not real comfortable.  
 14:25 25 Q. Why?

14:25 1 A. Because he -- you know, there was a lot of work  
 14:25 2 involved in it. And I didn't know a whole lot about it  
 14:25 3 and, you know, kept making promises to these people that  
 14:25 4 we weren't able to fulfill, so...  
 14:25 5 Q. What kind of business are we talking about?  
 14:25 6 A. A mortgage business.  
 14:25 7 Q. What kind of promises that couldn't be  
 14:25 8 fulfilled were being made?  
 14:25 9 A. Closing dates.  
 14:25 10 MR. HIGH: Judge, I'm going to have to  
 14:25 11 object at this point. I believe it's hearsay. May I  
 14:25 12 take the witness on voir dire.  
 14:25 13 THE COURT: Not yet. Overrule the  
 14:25 14 objection.  
 14:25 15 MR. HIGH: I'm also going to object to an  
 14:25 16 inadequate foundation. Knowledge, on the part of this  
 14:26 17 witness, to be offering opinions with respect to this  
 14:26 18 defendant's business and promises that cannot be  
 14:26 19 fulfilled. That's my objection specifically.  
 14:26 20 THE COURT: All right. You can  
 14:26 21 cross-examine. Go ahead.  
 14:26 22 Q. (BY MR. SCHULTZ) What kind of promises were  
 14:26 23 being made that couldn't be kept?  
 14:26 24 A. Well, that they would be closing. I was trying  
 14:26 25 to process loans, and I had never done it before. And

14:26 1 there was, you know, maybe 20 files. And I couldn't get  
 14:26 2 it done. And he, instead of just being honest with  
 14:26 3 them, would tell them -- keep putting it off and putting  
 14:26 4 it off and kind of stringing them along.  
 14:26 5 Q. I'm confused. Is it because you didn't know  
 14:26 6 how to do the paperwork that it couldn't be done?  
 14:26 7 A. It was just so much involved in it, and I  
 14:26 8 hadn't really done it before.  
 14:26 9 Q. Yeah.  
 14:26 10 A. And he had never done it before. He was just a  
 14:26 11 loan officer. So, I mean, there was some things that we  
 14:26 12 didn't know. And we also didn't have the capital to  
 14:27 13 start a mortgage company.  
 14:27 14 Q. Was it some kind of scam then?  
 14:27 15 A. I mean, it's a legitimate business, but --  
 14:27 16 MR. HIGH: I'm going to have to object as  
 14:27 17 nonresponsive. Is it some sort of scam?  
 14:27 18 THE COURT: Okay. I'll sustain the  
 14:27 19 objection.  
 14:27 20 Q. (BY MR. SCHULTZ) Well, in addition to just  
 14:27 21 such things as -- consumers run into that stuff all the  
 14:27 22 time. People are going to do something for them, and  
 14:27 23 then they don't. I mean, that's pretty common. Would  
 14:27 24 you agree?  
 14:27 25 A. Yeah.

14:27 1 Q. You go to a lawyer. You are going to get a  
 14:27 2 will, and it will be done today, and they don't get it  
 14:27 3 done. Those kinds of things are not all that uncommon.  
 14:27 4 Do you agree?  
 14:27 5 A. Right.  
 14:28 6 Q. Is that what you are talking about? Just the  
 14:28 7 fact that you were taking in more business than you can  
 14:28 8 handle? Was that your concern?  
 14:28 9 A. I don't think we had the capabilities to get it  
 14:28 10 done. You know, the whole time we closed maybe one loan  
 14:28 11 and there was, you know, 20 or 30 files there. So I  
 14:28 12 think, you know, we knew that it wasn't going to get  
 14:28 13 done, but we just still kept telling the people, you  
 14:28 14 know, that one week, two weeks, or whatever.  
 14:28 15 Q. Okay. Did they pay you money at the beginning  
 14:28 16 of this operation? The people, when they came in for  
 14:28 17 your services, would they pay you money and a loan  
 14:28 18 origination fee or anything like that?  
 14:28 19 A. No. Not until closing.  
 14:28 20 Q. So all you were doing was just -- you weren't  
 14:28 21 getting to them for any money then?  
 14:28 22 A. Right. Just kind of getting their hopes up.  
 14:28 23 Q. Okay.  
 14:28 24 A. In a sense.  
 14:28 25 Q. Plus you weren't making any money, either,

14:28 1 right?

14:28 2 A. Right.

14:29 3 Q. What was it that caused you to finally leave?

14:29 4 A. One afternoon he had told me that he was going

14:29 5 to lunch and that he was going to be back in a couple

14:29 6 hours. And we had a lot of loans scheduled to be

14:29 7 closed. And we had tons of people calling wanting to

14:29 8 know what was going on. And at like 11 o'clock that

14:29 9 night he still had not gotten back home. And I just --

14:29 10 it just kind of hit me, you know, that nothing was going

14:29 11 to change, and I deserved a better life than that.

14:29 12 Q. But here's my question: You take these

14:29 13 beatings and the degradation, right?

14:29 14 MR. HIGH: Object to leading.

14:29 15 THE COURT: Sustained.

14:29 16 MR. HIGH: Ask the jury to be instructed

14:29 17 to disregard that last question which is really a speech

14:30 18 to the jury.

14:30 19 THE COURT: Overruled. But let's just ask

14:30 20 the next question.

14:30 21 MR. SCHULTZ: All right.

14:30 22 Q. (BY MR. SCHULTZ) What ran you off? Was it the

14:30 23 beatings or the business failings?

14:30 24 A. The lies. I couldn't trust him.

14:30 25 MR. HIGH: Judge, I'm going to have to

14:30 1 object. That's nonresponsive.

14:30 2 THE COURT: Sustained.

14:30 3 Q. (BY MR. SCHULTZ) All right. What -- what ran

14:30 4 you off?

14:30 5 A. The lies.

14:30 6 Q. Which lies?

14:30 7 A. The lies that he told to me. The lies that he

14:30 8 told to the people that we were doing work for.

14:30 9 Q. What lies that he told to you?

14:30 10 A. I mean, he always told me that, you know, he

14:30 11 was going to be back in an hour, and he never would be.

14:30 12 Or he was -- he always would leave and not come home.

14:30 13 And that he would always say that, you know, he wasn't

14:30 14 doing anything wrong but, you know, I just didn't

14:31 15 believe that he loved me. And that no matter what I did

14:31 16 he was never going to love me.

14:31 17 Q. Was he seeing other people during your

14:31 18 marriage?

14:31 19 A. At the time, yes, but I didn't know until after

14:31 20 the fact.

14:31 21 Q. Did he ever talk about that like in front of

14:31 22 your mom?

14:31 23 A. Oh, yeah. He did -- one time we were living at

14:31 24 my parent's house. And we were going to be staying

14:31 25 there for a short period of time before we moved to

14:31 1 Frisco. And he had went out one night and didn't come

14:31 2 home.

14:31 3 And the next afternoon -- he waits until

14:31 4 late afternoon that next day to call me. And I -- when

14:31 5 he called, I told him to come pick up his stuff, that he

14:31 6 needed to move out. And when he got there to pick up

14:31 7 his stuff, he was really angry. And he started

14:31 8 saying -- talking about his girlfriend that he had, and

14:31 9 that he was with his girlfriend who was an aerobics

14:31 10 instructor and had a great body, and she wasn't fat like

14:32 11 me and things like that. But then after that he told me

14:32 12 that he was just trying to make me feel bad. That it

14:32 13 wasn't true.

14:32 14 Q. Now, let's talk about drugs. Okay? For

14:32 15 starters, during this period of time, were you using

14:32 16 illegal drugs?

14:32 17 A. Yes.

14:32 18 Q. What kind of drugs were you using during this

14:32 19 time?

14:32 20 A. Marijuana at first and then speed at the end.

14:32 21 Q. What about ecstasy?

14:32 22 A. No.

14:32 23 Q. How about cocaine?

14:32 24 A. I believe we probably would have done -- we did

14:32 25 cocaine. But mostly speed.

14:32 1 Q. How old were you when you started doing -- how

14:32 2 old were you when you first started using illegal drugs?

14:32 3 A. 18.

14:32 4 Q. All right. Is that over in Seagoville, or were

14:32 5 you in Dallas by that time?

14:33 6 A. Seagoville.

14:33 7 Q. And that's before you met the defendant?

14:33 8 A. Correct.

14:33 9 Q. So it's not -- I mean, you are not representing

14:33 10 to the jury that the defendant's your introduction to

14:33 11 illegal substances?

14:33 12 A. Right. No.

14:33 13 Q. And then what kinds of drugs were you using at

14:33 14 the time when you met the defendant that night when you

14:33 15 were with, I think, Chris was his name. Chris Pence?

14:33 16 A. I don't know if we used any drugs that night.

14:33 17 Q. Okay.

14:33 18 A. I don't remember.

14:33 19 Q. Were drugs a part of your life by that time?

14:33 20 A. I mean, not a big part of my life, but I did

14:33 21 occasionally smoke marijuana.

14:33 22 Q. Okay. Did you ever have -- did you ever enjoy

14:33 23 the pleasures of illegal drugs with the defendant?

14:33 24 A. Yes.

14:33 25 Q. Would you say you did that on few or many

14:33 1 occasions during the marriage?  
 14:33 2 A. Many occasions.  
 14:33 3 Q. And who were some of the other people that  
 14:33 4 would join you in this celebration?  
 14:34 5 A. I mean, we would smoke marijuana with his  
 14:34 6 friend, Chris.  
 14:34 7 Q. Chris who?  
 14:34 8 A. Chris Pence, who we were roommates with at the  
 14:34 9 time.  
 14:34 10 Q. Okay.  
 14:34 11 A. Some of his friends that would come over to the  
 14:34 12 apartment. And then at the end of the marriage, when we  
 14:34 13 started doing speed, actually did it with my brother,  
 14:34 14 kind of got him into it.  
 14:34 15 Q. Nobody can make somebody else do drugs. Do you  
 14:34 16 agree with me on that?  
 14:34 17 A. Right.  
 14:34 18 Q. It doesn't matter who gets you on it, you did  
 14:34 19 it because you wanted to?  
 14:34 20 A. Correct.  
 14:34 21 Q. And whatever your motives or whatever your  
 14:34 22 sadness might have been, that was a choice you made?  
 14:34 23 A. Correct.  
 14:34 24 Q. Now, I want to make sure. I don't want to be  
 14:34 25 in the position of blaming -- us blaming somebody else

14:34 1 for your choice to violate our laws and be a doper?  
 14:34 2 A. Right.  
 14:35 3 Q. Is that fair with you?  
 14:35 4 A. Correct.  
 14:35 5 Q. What about the defendant? Was he there with  
 14:35 6 you doing drugs when you would be doing them?  
 14:35 7 A. Yes.  
 14:35 8 Q. What kind of drugs would he do?  
 14:35 9 A. The same thing. That's who I got them from  
 14:35 10 after we got married.  
 14:35 11 Q. Did he ever do any ecstasy in your presence?  
 14:35 12 A. I don't believe so.  
 14:35 13 Q. Did you-all do any drugs in Cancun?  
 14:35 14 A. No, huh-uh.  
 14:35 15 Q. Any reason you didn't?  
 14:35 16 A. Not particularly.  
 14:35 17 Q. What I'm getting at, ma'am, is that if a couple  
 14:35 18 people were drug addicts, it seems like wherever they go  
 14:35 19 or whatever they do, they got to have drugs. You know  
 14:35 20 what I'm saying?  
 14:35 21 A. It was more of a social thing at first.  
 14:35 22 Q. Okay. What I'm -- what I'm -- what I'm trying  
 14:35 23 to get at is there's, I suppose, a school of thought  
 14:35 24 that if somebody is a drug addict, they are not  
 14:35 25 responsible for what they do when they are in the throes

14:36 1 of their addiction. Do you know what I'm saying about  
 14:36 2 that theory? Were you-all drug addicts?  
 14:36 3 A. No.  
 14:36 4 Q. All right. I mean, the fact of the matter is,  
 14:36 5 you are just a couple of -- or a group of people that  
 14:36 6 wanted to do drugs when you wanted to do drugs, so you  
 14:36 7 would do them. Is that a fair statement?  
 14:36 8 A. Correct.  
 14:36 9 MR. HIGH: I'd have to object to the  
 14:36 10 prosecutor testifying at this point.  
 14:36 11 THE COURT: Sustained.  
 14:36 12 MR. HIGH: Ask the jury to be asked to  
 14:36 13 disregard the comment of counsel.  
 14:36 14 THE COURT: Instruct the jury to disregard  
 14:36 15 the comment of counsel to the last question.  
 14:36 16 MR. HIGH: At this time we'd ask for a  
 14:36 17 mistrial.  
 14:36 18 THE COURT: Overruled.  
 14:36 19 Q. (BY MR. SCHULTZ) Let's talk about you for a  
 14:36 20 minute. When you would choose to light up your speed or  
 14:36 21 smoke your dope, is that because you were an addict and  
 14:36 22 didn't have any choice over what you were doing?  
 14:36 23 A. No.  
 14:36 24 Q. All right. And you knew the defendant in many  
 14:36 25 situations, both tender and savage, right?

14:36 1 A. Right.  
 14:36 2 Q. And was he an addict?  
 14:37 3 A. I didn't consider him to be one.  
 14:37 4 Q. All right. Well, for example, you did great in  
 14:37 5 Cancun with no drugs, right?  
 14:37 6 A. Right, right.  
 14:37 7 Q. Well, where was -- where was -- who would  
 14:37 8 purchase the drugs that y'all would use for your  
 14:37 9 rituals? Who would do that? Was it you or the  
 14:37 10 defendant?  
 14:37 11 A. Ivan.  
 14:37 12 Q. Okay. And where would he go to purchase the  
 14:37 13 drugs?  
 14:37 14 A. Which -- which -- which drugs?  
 14:37 15 Q. Let's talk about marijuana for starters. Where  
 14:37 16 did he get his grass from?  
 14:37 17 A. I don't know. I don't know who he got it from.  
 14:37 18 I don't remember.  
 14:37 19 Q. Okay. All right. How about speed? Where was  
 14:37 20 he getting the speed?  
 14:37 21 A. James mostly.  
 14:37 22 Q. James Mosqueda?  
 14:37 23 A. Correct.  
 14:37 24 Q. By the way, was James an addict?  
 14:37 25 A. No. He never did drugs.



14:37 1 Q. Okay. So he was a businessman as opposed to a  
 14:37 2 partaker; is that right?  
 14:37 3 A. Correct.  
 14:37 4 Q. Did your husband, the defendant, seem to admire  
 14:38 5 James?  
 14:38 6 A. They got along really well. I don't know if he  
 14:38 7 necessarily admired him. I mean --  
 14:38 8 Q. Did you ever do any illegal drugs with James?  
 14:38 9 A. No. We just got them from him.  
 14:38 10 Q. And was this a purchase? I mean, was this a  
 14:38 11 commercial operation?  
 14:38 12 A. Correct.  
 14:38 13 Q. And not only did your husband and you have  
 14:38 14 enough money for the lifestyle of the -- that you were  
 14:38 15 living, but you had enough money to be buying drugs,  
 14:38 16 too?  
 14:38 17 A. Correct.  
 14:38 18 Q. And would you go with the defendant when he'd  
 14:38 19 go purchase his drugs from James?  
 14:38 20 A. Sometimes.  
 14:38 21 Q. And that -- and where was that? Was that  
 14:38 22 pretty close to where y'all lived?  
 14:38 23 A. Yeah. We usually would just meet him  
 14:38 24 somewhere. Very rarely -- I think I can only remember  
 14:38 25 one time actually going to his house to get them.

14:39 1 Q. Okay. When you say you'd meet him somewhere,  
 14:39 2 what --  
 14:39 3 A. A convenience store or, you know, somewhere in  
 14:39 4 the car.  
 14:39 5 Q. And that's where you'd get them?  
 14:39 6 A. Correct.  
 14:39 7 Q. And you knew what was going on at the time?  
 14:39 8 A. Correct.  
 14:39 9 Q. And that was okay with you because you wanted  
 14:39 10 some -- some of this stuff also?  
 14:39 11 A. Correct.  
 14:39 12 Q. Then where would you -- where would you use  
 14:39 13 these drugs? Would you like do it in the car? In the  
 14:39 14 7-Eleven? Where would you do this?  
 14:39 15 A. We had done it in the car before. But mostly  
 14:39 16 at home, mostly at the house.  
 14:39 17 Q. Did you--all ever worry about the rest of us  
 14:39 18 when you were doing it in the car and then driving  
 14:39 19 around with all that stuff in you? Is that something  
 14:39 20 that mattered to y'all?  
 14:39 21 A. No.  
 14:40 22 Q. The times you got beat up by the defendant, was  
 14:40 23 he doing speed or what was he doing?  
 14:40 24 A. Drinking.  
 14:40 25 Q. I mean, is that an original concept that

14:40 1 getting drunk can make people violent? That happens,  
 14:40 2 doesn't it?  
 14:40 3 A. I guess it depends on the person's personality.  
 14:40 4 Q. I mean, it's possible for somebody to get  
 14:40 5 drunk, but not have to resort to being a beast and  
 14:40 6 beating on somebody defenseless?  
 14:40 7 A. Right. I've seen many people.  
 14:40 8 Q. That's what I'm getting at.  
 14:40 9 A. Right.  
 14:40 10 Q. Maybe for those people that are not familiar  
 14:40 11 with the effects of spirits, they might think that, get  
 14:40 12 drunk, you necessarily have to turn into some kind of  
 14:40 13 animal, and it's not your fault?  
 14:40 14 MR. HIGH: Judge, I'm going to have to  
 14:40 15 object to leading, and also it's a jury speech.  
 14:41 16 THE COURT: Sustained.  
 14:41 17 MR. HIGH: And ask the jury be instructed  
 14:41 18 to disregard the comment of counsel.  
 14:41 19 THE COURT: I'll instruct the jury to  
 14:41 20 disregard the comment of counsel.  
 14:41 21 MR. HIGH: And move for a mistrial.  
 14:41 22 THE COURT: Denied.  
 14:41 23 Q. (BY MR. SCHULTZ) Did you see the defendant  
 14:41 24 when he would be drunk but not violent?  
 14:41 25 A. Yes.

14:41 1 Q. So I guess what I'm asking is, that's not some  
 14:41 2 automatic body response to being drunk. He -- depending  
 14:41 3 on his mood?  
 14:41 4 A. Correct.  
 14:41 5 Q. As to what he did?  
 14:41 6 A. Right.  
 14:41 7 MR. SCHULTZ: A moment please, Judge.  
 14:41 8 THE COURT: Yes.  
 14:42 9 Q. (BY MR. SCHULTZ) Now, did you know your  
 14:42 10 husband was on probation for a felonious violation of  
 14:42 11 our controlled substance act?  
 14:42 12 A. Yes.  
 14:42 13 Q. And did that impress him greatly? Did he take  
 14:42 14 that very seriously?  
 14:42 15 A. Not really.  
 14:42 16 Q. Well, we know it didn't impress him enough to  
 14:42 17 stop violating our laws, right?  
 14:42 18 A. Correct.  
 14:42 19 Q. But was he -- was he a clever fellow and buy  
 14:42 20 some substances to try to fool --  
 14:42 21 A. Right.  
 14:42 22 Q. -- the probation officers?  
 14:42 23 A. Before his probation meetings each month --  
 14:42 24 MR. HIGH: Excuse me, Judge. I'm going to  
 14:42 25 have to object to the leading and have to object to the

14:42 1 nonresponsive answers at this point.  
 14:42 2 THE COURT: Sustained.  
 14:42 3 Q. (BY MR. SCHULTZ) Well, did he ever purchase  
 14:42 4 any substances designed to help him rig a urine test?  
 14:42 5 A. Yes.  
 14:42 6 Q. Tell us about that.  
 14:42 7 A. Before his -- a few days before his probation  
 14:43 8 meeting each month he would purchase--I don't remember  
 14:43 9 what it's called--but you get it at like GNC, a  
 14:43 10 nutritional store. And he would take that for a couple  
 14:43 11 days, and it would clear out his system.  
 14:43 12 Q. So the criminal justice system gives you a  
 14:43 13 second chance and says, just don't violate our laws.  
 14:43 14 That's what probation is, among other things, right?  
 14:43 15 MR. HIGH: Judge, I'm going to have to  
 14:43 16 object. She is not qualified to testify with respect to  
 14:43 17 probation. It's also not relevant.  
 14:43 18 THE COURT: Sustained.  
 14:43 19 Q. (BY MR. SCHULTZ) Why would he say he wouldn't  
 14:43 20 quit doing drugs while he was on probation? Did you  
 14:43 21 ever talk with him about that?  
 14:43 22 A. He just wasn't real concerned about it. He  
 14:43 23 wanted to do it, so he did it.  
 14:43 24 Q. Do you know whether that stuff he got at GNC  
 14:44 25 worked or not to fool the drug test?

14:44 1 A. Yes. He passed them.  
 14:44 2 Q. Did you ever have occasion to meet his old  
 14:44 3 girlfriend, Tawny?  
 14:44 4 A. One time.  
 14:44 5 Q. Tell us about that.  
 14:44 6 A. We were living at Buena Vista with James. Amy  
 14:44 7 hadn't moved in technically by that time. And he  
 14:44 8 invited her over to get some Valiums from her. He  
 14:44 9 wanted some Valiums. And so he invited her up to the  
 14:44 10 apartment, and she came over and hung out at our  
 14:44 11 apartment.  
 14:44 12 Q. Was that a problem with you that she was there?  
 14:44 13 A. I was upset. I didn't feel it was appropriate  
 14:44 14 for his ex-girlfriend to be at our apartment. I would  
 14:44 15 have never done that to him. So I didn't feel it was  
 14:44 16 fair.  
 14:44 17 MR. HIGH: Judge, I'm going to object to  
 14:44 18 victim-impact testimony. And I'm also going to object  
 14:44 19 to relevancy.  
 14:44 20 THE COURT: Sustained.  
 14:45 21 MR. HIGH: Ask the jury to be instructed  
 14:45 22 to disregard those comments of this witness.  
 14:45 23 THE COURT: I'll deny that.  
 14:45 24 MR. SCHULTZ: Will the Court give me  
 14:45 25 guidance on which of his two objections you sustained?

14:45 1 THE COURT: If you tell me the relevance,  
 14:45 2 maybe you can go on. Tell me what's relevant about his  
 14:45 3 girlfriend being over there.  
 14:45 4 MR. SCHULTZ: The constant pattern of  
 14:45 5 abuse and degradation of this defendant toward his wife.  
 14:45 6 THE COURT: All right.  
 14:45 7 MR. SCHULTZ: May I proceed?  
 14:45 8 THE COURT: With the girlfriend being over  
 14:45 9 there?  
 14:45 10 MR. SCHULTZ: Yes, sir.  
 14:45 11 THE COURT: Yes.  
 14:45 12 Q. (BY MR. SCHULTZ) Well, what was inappropriate  
 14:45 13 about it, in your mind?  
 14:45 14 MR. HIGH: Judge, that's -- that's victim-  
 14:45 15 impact testimony. I object, and I move for a sub rosa  
 14:45 16 hearing.  
 14:45 17 THE COURT: No. I'll deny it. But I'll  
 14:45 18 sustain the objection, assuming that the answer is  
 14:45 19 apparent on its face. Go ahead.  
 14:45 20 Q. (BY MR. SCHULTZ) Was James there?  
 14:45 21 A. Yes.  
 14:46 22 Q. How did James treat you when this was going on?  
 14:46 23 A. I would ask him what was going on --  
 14:46 24 Q. Let me stop you. It's got to be like in  
 14:46 25 responsive format. In other words, "how did he treat

14:46 1 you?" would be "good, bad, neither one, wonderful,  
 14:46 2 terrible."  
 14:46 3 A. Good.  
 14:46 4 Q. All right. What did he do that you considered  
 14:46 5 good treatment?  
 14:46 6 A. I mean, he told me not to worry about it. That  
 14:46 7 he didn't like her, either.  
 14:46 8 Q. Did you, at least, have some decent holiday  
 14:46 9 celebrations as a couple?  
 14:46 10 A. We were usually separated for the holidays. We  
 14:46 11 spent one Christmas together. And then he left before  
 14:46 12 New Year's of that year. We spent Christmas of '97  
 14:47 13 together. The other holidays, especially before  
 14:47 14 Christmas or like New Year's we'd usually separate.  
 14:47 15 Q. Was that because of the holidays?  
 14:47 16 A. I think it was because he just wanted to party  
 14:47 17 and wanted to do his own thing. And when it was over,  
 14:47 18 like New Year's or his birthday was over, then he would  
 14:47 19 call me and want to get back together.  
 14:47 20 Q. How skilled is the defendant verbally, in your  
 14:47 21 opinion?  
 14:47 22 A. Very good.  
 14:47 23 Q. Tell us about that ability.  
 14:47 24 A. He's a very good talker. I mean, he can talk  
 14:47 25 anybody into anything. He's a good salesman.

14:47 1 Q. Can he change his moods when he wants to?  
 14:47 2 A. Yes.  
 14:47 3 Q. Can he be anything he needs to be in order to  
 14:47 4 advantage himself with other people?  
 14:47 5 A. Yes.  
 14:48 6 Q. Did his mother, your then mother-in-law, Sylvia  
 14:48 7 Cantu, live with you during any portion of your  
 14:48 8 marriage?  
 14:48 9 A. Yes. In '98.  
 14:48 10 Q. How did that occur?  
 14:48 11 A. She was having problems -- she had gotten  
 14:48 12 kicked out of her apartment because of some things that  
 14:48 13 his brother did, who lived there, as well.  
 14:48 14 Q. That would be Eric?  
 14:48 15 A. Correct. And she just ended up moving in with  
 14:48 16 us.  
 14:48 17 Q. How long did she stay with you?  
 14:48 18 A. A couple months at the most.  
 14:48 19 Q. Why did she leave?  
 14:48 20 A. Because she said Ivan had a horrible temper,  
 14:48 21 and she couldn't handle his temper.  
 14:48 22 Q. Did you see any evidence of his temper toward  
 14:48 23 her?  
 14:48 24 A. Yes. They would argue quite often.  
 14:48 25 Q. Okay. People argue. Probably everybody in

14:48 1 this room argues sometimes, I bet. What do you mean?  
 14:49 2 A. Yeah, but just very disrespectful, considering  
 14:49 3 it was his mother. I don't think that you should be in  
 14:49 4 your mother's face screaming and yelling at her.  
 14:49 5 Q. Tell us the best you can about what you are  
 14:49 6 talking about because I want to --  
 14:49 7 A. Well, one of the things they argued mostly  
 14:49 8 about is religion because she was very religious, and he  
 14:49 9 didn't believe in God. And so she would try and preach,  
 14:49 10 you know, on a constant basis, and it would upset him.  
 14:49 11 And he would start screaming and yelling at her.  
 14:49 12 Q. Well, I mean, yeah, but if you can read the  
 14:49 13 Bible, people can get killed by people all the time  
 14:49 14 preaching to people who don't want to hear, right?  
 14:49 15 A. Yes.  
 14:49 16 Q. Nobody likes to be preached to if they are not  
 14:49 17 interested. Why are you blaming him for that?  
 14:49 18 A. Well, you can handle the situation differently.  
 14:49 19 I mean, you don't have to get up in your mother's face  
 14:49 20 and start yelling and cussing at her. There's an  
 14:49 21 appropriate way to behave.  
 14:50 22 Q. I've heard -- I don't know whether it's true or  
 14:50 23 not so I'm just going to ask you whether it's true. Is  
 14:50 24 it true that sometime during the defendant's  
 14:50 25 incarceration over at our jailhouse you went over there

14:50 1 to visit him?  
 14:50 2 A. Yeah. About four or six weeks ago.  
 14:50 3 Q. All right.  
 14:50 4 A. I don't remember the exact date.  
 14:50 5 Q. Okay. Maybe I'm the only one -- but could  
 14:50 6 you -- that wants to know -- but could you explain how  
 14:50 7 that could be?  
 14:50 8 A. Just kind of a sense of closure. And I also,  
 14:50 9 really, just kind of wanted to show him that he didn't  
 14:51 10 destroy me because I think that was what his intention  
 14:51 11 was, was to tear me down as a person, and he didn't  
 14:51 12 succeed.  
 14:51 13 Q. Okay. Well, when you were over there, where  
 14:51 14 did you get the idea to do that. What?  
 14:51 15 A. His mother actually called me and asked me to  
 14:51 16 go over there.  
 14:51 17 Q. All right. When did she call you?  
 14:51 18 A. It was a couple days before I actually went. I  
 14:51 19 don't remember the exact date.  
 14:51 20 Q. Okay. And what was -- what was her reason for  
 14:51 21 wanting you to go over there?  
 14:51 22 A. She just asked me if I would go, and I had  
 14:51 23 wanted to. I mean, so I didn't question her as to why  
 14:51 24 she wanted me to.  
 14:51 25 Q. So what did you have to do to get over into a

14:51 1 place where you could see the defendant? What's the  
 14:51 2 procedure? How did you have to do that?  
 14:51 3 A. Well, I just went to the jail and then went to  
 14:52 4 the visitation room.  
 14:52 5 Q. Did they have to check your name to see if you  
 14:52 6 were on a visitation list?  
 14:52 7 A. Yes, yes.  
 14:52 8 Q. How would your name -- how would you have known  
 14:52 9 that your name was on a visitation list?  
 14:52 10 A. Because his mother told me.  
 14:52 11 Q. Told you that your name was on the visitation  
 14:52 12 list?  
 14:52 13 A. Yes. That he put it on there.  
 14:52 14 Q. So somehow, between his mom and him, your name  
 14:52 15 is on the visitation list?  
 14:52 16 A. Correct.  
 14:52 17 Q. And then you get a call from his mom saying, go  
 14:52 18 see Ivan?  
 14:52 19 A. Right.  
 14:52 20 Q. All right. And so you do?  
 14:52 21 A. Right. She asked.  
 14:52 22 Q. Okay.  
 14:52 23 A. Yeah.  
 14:52 24 Q. Is she a nice lady, by the way?  
 14:52 25 A. Yeah.

14:52 1 Q. So you said, all right. And you go over there  
 14:52 2 to see him?  
 14:52 3 A. Uh-huh.  
 14:52 4 Q. And did you see him?  
 14:52 5 A. Yes.  
 14:52 6 Q. Where did you see him?  
 14:52 7 A. In the visitation room of the jail.  
 14:52 8 Q. Is that kind of like on TV where you got a  
 14:52 9 glass between you?  
 14:52 10 A. Correct. And you talk through a phone.  
 14:52 11 Q. How was he, by the way, when you talked with  
 14:53 12 him? Was he -- was he -- was he rude and hostile and  
 14:53 13 degrading?  
 14:53 14 A. No.  
 14:53 15 Q. How was he?  
 14:53 16 A. He was acting normal.  
 14:53 17 Q. What's that mean?  
 14:53 18 A. Just acted like he was concerned about what was  
 14:53 19 going on in my life, and asked how I was doing and how  
 14:53 20 my son was.  
 14:53 21 Q. Okay. Was he -- what was his mood when he was  
 14:53 22 talking with you that way?  
 14:53 23 A. Nice. I mean, he was in a good mood.  
 14:53 24 Q. Okay. Pleasant?  
 14:53 25 A. Correct.

14:53 1 Q. Interactive?  
 14:53 2 A. Right.  
 14:53 3 Q. Did you find yourself still liking him?  
 14:53 4 A. Still liking him?  
 14:53 5 Q. Uh-huh.  
 14:53 6 A. I really don't have any feelings toward him,  
 14:53 7 negative or good.  
 14:53 8 Q. When you said you were seeking closure, do you  
 14:53 9 feel like you got closure?  
 14:53 10 A. Yeah. I just wanted to see him one last time,  
 14:54 11 you know.  
 14:54 12 Q. About how long did you stay there?  
 14:54 13 A. I think it was, the visitation, maybe 20  
 14:54 14 minutes.  
 14:54 15 Q. Well, you had: asking how you were doing; how  
 14:54 16 your son was doing. That wouldn't have taken much of  
 14:54 17 that 20 minutes, right?  
 14:54 18 A. Right.  
 14:54 19 Q. What other kind of stuff were you talking  
 14:54 20 about?  
 14:54 21 A. Just small talk, really. Just asking what was  
 14:54 22 going on. I mean, nothing really significant.  
 14:54 23 Q. And he just seemed pretty much like he always  
 14:54 24 did, to you?  
 14:54 25 A. At times, yeah.

14:54 1 Q. What do you mean?  
 14:54 2 A. When he was nice, yeah, I mean, that's how he  
 14:54 3 seemed.  
 14:54 4 Q. That's what I mean. He was -- you were seeing  
 14:54 5 the nice Ivan there in the jail when you went to visit  
 14:54 6 him?  
 14:54 7 A. Right, right.  
 14:54 8 Q. About the same as he's always been when he is  
 14:55 9 nice?  
 14:55 10 A. Right.  
 14:55 11 MR. SCHULTZ: Pass the witness, Judge.  
 14:55 12 THE COURT: Tell you what. Let me ask  
 14:55 13 you, if you would, to give the other side whatever  
 14:55 14 papers they probably ought to have. And let's take a  
 14:55 15 15-minute recess and come back and wrap this up.  
 14:55 16 THE BAILIFF: All rise.  
 14:55 17 THE COURT: You may step down.  
 14:55 18 (Break.)  
 14:55 19 (Open court, defendant and jury present.)  
 14:56 20 THE COURT: Please be seated. Mr. High,  
 15:18 21 go ahead.  
 15:18 22 MR. HIGH: Thank you, Your Honor.  
 15:18 23 CROSS-EXAMINATION  
 15:18 24 BY MR. HIGH:  
 15:18 25 Q. Michelle Traister?

15:18 1 A. Yes.  
 15:18 2 Q. Are you the same Michelle Traister that was  
 15:18 3 testifying before we took our afternoon break?  
 15:19 4 A. Yes.  
 15:19 5 Q. And are you Miss Traister or Mrs. Traister?  
 15:19 6 A. Miss Traister.  
 15:19 7 Q. Okay. So you are not married?  
 15:19 8 A. No.  
 15:19 9 Q. I see. And where do you live now? You live  
 15:19 10 alone or do you live with -- where do you live?  
 15:19 11 A. At the time being, with my parents.  
 15:19 12 Q. So you live back home with your parents?  
 15:19 13 A. Right.  
 15:19 14 Q. In Seagoville?  
 15:19 15 A. Correct.  
 15:19 16 Q. And you have a son. He's 16 months?  
 15:19 17 A. Correct.  
 15:19 18 Q. And who did you have the son with?  
 15:19 19 A. Michael Bowers.  
 15:19 20 Q. Michael Bowers?  
 15:19 21 A. Uh-huh.  
 15:19 22 Q. Ever married to Michael Bowers?  
 15:19 23 A. Just engaged.  
 15:19 24 Q. And so I take it you didn't get married?  
 15:19 25 A. Right.

15:19 1 Q. And so you never got divorced. You just never  
 15:19 2 got married?  
 15:19 3 A. Correct.  
 15:19 4 Q. And you still had the child. And your son's  
 15:19 5 name is -- what's his name?  
 15:20 6 A. Hunter.  
 15:20 7 Q. Huh?  
 15:20 8 A. Hunter Bowers.  
 15:20 9 Q. Any plans to marry Mr. Michael Bowers?  
 15:20 10 A. No.  
 15:20 11 Q. Is he paying you child support now?  
 15:20 12 A. Yes.  
 15:20 13 Q. And you are living at home?  
 15:20 14 A. Yes. Until Saturday, right.  
 15:20 15 Q. And what, you are moving out then?  
 15:20 16 A. On Saturday the 20th.  
 15:20 17 Q. To an apartment or something?  
 15:20 18 A. Right. A town house.  
 15:20 19 Q. Are you working?  
 15:20 20 A. Yes.  
 15:20 21 Q. Where do you work?  
 15:20 22 A. I work for a bond company.  
 15:20 23 Q. What's that?  
 15:20 24 A. A bail bond company.  
 15:20 25 Q. Like jail bail bonds?

15:20 1 A. Uh-huh.  
 15:20 2 Q. Is that in Dallas?  
 15:20 3 A. Yes.  
 15:20 4 Q. Which one is that?  
 15:20 5 A. Fast Action Bonding.  
 15:20 6 Q. Is that one of the bail bond companies down on  
 15:20 7 Industrial in Dallas?  
 15:20 8 A. No. We're off of Young Street. The bonds we  
 15:20 9 do are for attorneys, so we're not by the jail.  
 15:21 10 Q. And you work with folks who are incarcerated  
 15:21 11 that are trying to make bail?  
 15:21 12 A. The attorneys of people who are incarcerated.  
 15:21 13 Q. And if a call comes in from an attorney trying  
 15:21 14 to make arrangements for bond or bail, you are the one  
 15:21 15 that answers the call?  
 15:21 16 A. Well, depending on if it's my day that I work.  
 15:21 17 Q. Okay. If you are working, then that's what you  
 15:21 18 do?  
 15:21 19 A. Correct.  
 15:21 20 Q. Now, did you graduate high school?  
 15:21 21 A. Yes.  
 15:21 22 Q. Which high school did you go to?  
 15:21 23 A. Seagoville High School.  
 15:21 24 Q. And did you go to college after that?  
 15:21 25 A. Yes, a community college.

15:21 1 Q. Which one?  
 15:21 2 A. Eastfield.  
 15:21 3 Q. How long did you go to Eastfield?  
 15:21 4 A. Off and on for about a year.  
 15:21 5 Q. Did you get an associate's degree?  
 15:21 6 A. No.  
 15:21 7 Q. Didn't finish the program?  
 15:21 8 A. No.  
 15:21 9 Q. And when did you move out on your own?  
 15:21 10 A. The first time I moved out on my own was when I  
 15:21 11 got married to the defendant.  
 15:21 12 Q. And so you left home in Seagoville having gone  
 15:22 13 to high school and gone to Eastfield College?  
 15:22 14 A. Right. I stayed at home while I was going to  
 15:22 15 school. Then when I got married I quit school and ended  
 15:22 16 up living with him.  
 15:22 17 Q. All right. And you indicated that you are from  
 15:22 18 a good family?  
 15:22 19 A. Yes.  
 15:22 20 Q. You use the term a little sheltered, that your  
 15:22 21 family was a little sheltered?  
 15:22 22 A. Right, growing up.  
 15:22 23 Q. What is it; a church-going family?  
 15:22 24 A. My mother, not my father.  
 15:22 25 Q. What church did she attend?

15:22 1 A. Bethel.  
 15:22 2 Q. Baptist Church?  
 15:22 3 A. Uh-huh.  
 15:22 4 Q. Did she take you to church?  
 15:22 5 A. Yes. I actually ended up attending Robinwood.  
 15:22 6 That was the church that me and my sister preferred.  
 15:22 7 Q. Did she believe in drinking?  
 15:22 8 A. No. I mean --  
 15:22 9 Q. Didn't believe in drinking?  
 15:22 10 A. I mean, I'm sure she's drank before in her  
 15:22 11 life. I don't understand what you are trying to ask me.  
 15:22 12 Q. Was she a teetotaler?  
 15:23 13 A. A what?  
 15:23 14 Q. Meaning she didn't drink.  
 15:23 15 A. No. She doesn't drink.  
 15:23 16 Q. What about doing drugs? I'm sure she doesn't  
 15:23 17 agree with doing drugs, does she?  
 15:23 18 A. No.  
 15:23 19 Q. And what about hanging out in nightclubs? Is  
 15:23 20 she big on hanging out at nightclubs?  
 15:23 21 A. No.  
 15:23 22 Q. She is not. Doesn't hang out at nightclubs and  
 15:23 23 do a lot of dancing?  
 15:23 24 A. My mother? No, no.  
 15:23 25 Q. In fact, that's ridiculous to even consider,

15:23 1 isn't it?  
 15:23 2 A. That my mother would do that?  
 15:23 3 Q. Right.  
 15:23 4 A. Right.  
 15:23 5 Q. Okay. But I take it you wanted to; is that  
 15:23 6 right?  
 15:23 7 A. Wanted to what?  
 15:23 8 Q. I take it you wanted to get away from this  
 15:23 9 sheltered family and start doing some drinking and start  
 15:23 10 doing some drugs and start hanging out in some  
 15:23 11 nightclubs. Is that fair to say?  
 15:23 12 A. That wasn't my goal, no.  
 15:23 13 Q. I mean, that's what you did, right? I mean --  
 15:23 14 A. Eventually, yes. But that wasn't my goal, no.  
 15:23 15 Q. Now, you indicated that at this point in time  
 15:23 16 when you met Ivan, you were how old?  
 15:24 17 A. I was 19.  
 15:24 18 Q. And you indicated that your personality was  
 15:24 19 somewhat sensitive?  
 15:24 20 A. In a sense.  
 15:24 21 Q. That's -- if you had to think of one word to  
 15:24 22 describe your personality, the word you thought of in  
 15:24 23 front of this jury was sensitive?  
 15:24 24 A. Right. It's hard to put it in just one word.  
 15:24 25 Q. But that's the word you chose?

15:24 1 A. Right, correct.  
 15:24 2 Q. Now, you testified that when you met Ivan, it  
 15:24 3 was through Keith Carpenter, and that Ivan came up and  
 15:24 4 kissed you, right?  
 15:24 5 A. Correct.  
 15:24 6 Q. Now, isn't it true that you had -- you grabbed  
 15:24 7 him on the crotch first?  
 15:24 8 A. No.  
 15:24 9 Q. You didn't do that?  
 15:24 10 A. No.  
 15:24 11 Q. I see.  
 15:24 12 A. I went to the bathroom, and he came in the  
 15:24 13 bathroom and kissed me.  
 15:24 14 Q. So he made the first move?  
 15:24 15 A. Right.  
 15:24 16 Q. Okay. And anything about grabbing him on the  
 15:25 17 crotch, that just wouldn't be true, right?  
 15:25 18 A. Right.  
 15:25 19 Q. And you indicated that you were more of a  
 15:25 20 follower than a leader. And that you were not a take-  
 15:25 21 charge person. That's what you testified to, correct?  
 15:25 22 A. Right, at that time.  
 15:25 23 Q. And that, in fact, Ivan was dominant at the  
 15:25 24 time?  
 15:25 25 A. Yes.

15:25 1 Q. And he was older, right?  
 15:25 2 A. Yes.  
 15:25 3 Q. How much older was he?  
 15:25 4 A. I believe he is two or three years older than  
 15:25 5 me.  
 15:25 6 Q. And this was the first time to be on your own,  
 15:25 7 and you chose to leave your family and move in with him,  
 15:25 8 correct?  
 15:25 9 A. Right.  
 15:25 10 Q. Okay. And he decided where you would live?  
 15:25 11 A. Right. He already had an apartment with a  
 15:25 12 roommate that he had a lease on.  
 15:25 13 Q. You didn't have a job at that time, did you?  
 15:25 14 A. Yes, I did.  
 15:25 15 Q. Where was your job?  
 15:25 16 A. I worked for Greet America.  
 15:25 17 Q. What kind of money were you making?  
 15:25 18 A. Maybe 20 a year.  
 15:25 19 Q. 20,000?  
 15:25 20 A. Uh-huh.  
 15:26 21 Q. Did you have any money saved?  
 15:26 22 A. I don't -- I don't think so. I don't remember.  
 15:26 23 Q. You didn't have any kind of a credit history at  
 15:26 24 that time, did you?  
 15:26 25 A. I had credit cards and I had a car.

15:26 1 Q. But you hadn't rented an apartment. You had  
 15:26 2 never taken a lease on a place before, had you?  
 15:26 3 A. No.  
 15:26 4 Q. So you would admit, it would have been  
 15:26 5 difficult at that time to have gone out and gotten an  
 15:26 6 apartment unless you had some sort of track history.  
 15:26 7 Some sort of credit history?  
 15:26 8 A. No. Because I had good credit.  
 15:26 9 Q. Oh, you had good credit?  
 15:26 10 A. Right. I mean, I had credit cards. I had  
 15:26 11 established credit. Maybe not an apartment already, but  
 15:26 12 I had, you know, as long as the place I was trying to  
 15:26 13 buy fit within the income that I made, I wouldn't have  
 15:26 14 had any problems doing that.  
 15:26 15 Q. But you decided to move in with Ivan?  
 15:26 16 A. We got married, right.  
 15:26 17 Q. And at that time you liked him a lot because he  
 15:27 18 was sweet. He was a gentleman. He was fun to be  
 15:27 19 around, and he knew how to make you feel special. Is  
 15:27 20 that what you testified to?  
 15:27 21 A. Right.  
 15:27 22 Q. And in essence he was charming --  
 15:27 23 A. Right.  
 15:27 24 Q. -- wasn't he? He had a lot of charisma, didn't  
 15:27 25 he?

15:27 1 A. Uh-huh.  
 15:27 2 Q. And you indicated that he was kind of a take-  
 15:27 3 charge person when you weren't?  
 15:27 4 A. Right.  
 15:27 5 Q. So he was a type of leader in your life, wasn't  
 15:27 6 he?  
 15:27 7 A. Yes.  
 15:27 8 Q. And those are the kinds of things you look for  
 15:27 9 in a leader, don't you? Somebody who has charisma and  
 15:27 10 is sweet and kind and nice and gentle and charming and  
 15:27 11 has charisma?  
 15:27 12 A. If it's genuine.  
 15:27 13 Q. Excuse me. Those are leadership qualities,  
 15:27 14 aren't they?  
 15:27 15 A. If it's genuine, right.  
 15:27 16 Q. Okay. And there was nothing at that time that  
 15:27 17 caused you to think it wasn't genuine, correct?  
 15:27 18 A. Not for the first month, no.  
 15:28 19 MR. HIGH: Object as nonresponsive, Your  
 15:28 20 Honor.  
 15:28 21 THE COURT: Sustained.  
 15:28 22 Q. (BY MR. HIGH) Now, married in '96. And you  
 15:28 23 stayed married until '98, which is right at -- right at  
 15:28 24 two years? Was it a full two years?  
 15:28 25 A. Yes.

15:28 1 Q. So you were married from age 18 to age 20?  
 15:28 2 A. Well, I was about to turn 19 -- no, I was 19  
 15:28 3 when I met him. And I was 21 when we separated the last  
 15:28 4 time.  
 15:28 5 Q. All right. And you were very, very young,  
 15:28 6 correct?  
 15:28 7 A. Right.  
 15:28 8 Q. And you were on your own for the first time?  
 15:28 9 A. At what point? Right.  
 15:28 10 Q. You were out living somewhere other than home,  
 15:28 11 correct?  
 15:28 12 A. When I was with him?  
 15:29 13 Q. Right.  
 15:29 14 A. Yes.  
 15:29 15 Q. And you were doing drugs with him?  
 15:29 16 A. At certain times, yes.  
 15:29 17 Q. And you were drinking with him?  
 15:29 18 A. Yes.  
 15:29 19 Q. And this was a continuation of activities that  
 15:29 20 you had done before you hooked up with him, correct? I  
 15:29 21 mean, you testified on direct that he didn't introduce  
 15:29 22 you to those things, right?  
 15:29 23 A. Right.  
 15:29 24 Q. So that implies that you had been doing drugs  
 15:29 25 and drinking?

15:29 1 A. Smoking marijuana.  
 15:29 2 Q. And, excuse me, let me finish my question.  
 15:29 3 A. I'm sorry.  
 15:29 4 Q. And you were doing drugs and drinking while you  
 15:29 5 were living at home in Seagoville; is that correct?  
 15:29 6 A. I didn't do them at home, but while I was  
 15:29 7 living there, yes.  
 15:29 8 Q. And I'm sure that -- were you open and honest  
 15:29 9 about doing drugs and drinking with your parents?  
 15:29 10 A. To my parents?  
 15:29 11 Q. Uh-huh.  
 15:30 12 A. To my parents? No. Drinking, yes. Drugs, no.  
 15:30 13 Q. Did they ever confront you about your drug use?  
 15:30 14 A. I was never around them when I was doing it, so  
 15:30 15 they didn't know.  
 15:30 16 Q. But you sure didn't want them to know about it,  
 15:30 17 did you?  
 15:30 18 A. Well, no.  
 15:30 19 Q. You hid it from them, didn't you?  
 15:30 20 A. Yes.  
 15:30 21 Q. And when you do drugs, I'm sure you've done  
 15:30 22 drugs enough to know whether -- whether you become  
 15:30 23 violent, whether you become angry, whether you become  
 15:30 24 happy. I'm sure you have an idea how you are like when  
 15:30 25 you are on drugs, don't you?

15:30 1 A. Right.  
 15:30 2 Q. Okay. And I'm sure one drug may affect you  
 15:30 3 differently than another drug might?  
 15:30 4 A. Right.  
 15:30 5 Q. Is that fair to say?  
 15:30 6 A. Yes.  
 15:30 7 Q. How does marijuana affect you?  
 15:30 8 A. Made me a little silly. That was about it.  
 15:30 9 Made me hungry.  
 15:30 10 Q. Okay. Some people get so ravenous they can eat  
 15:30 11 a big meal. They just got to eat. That's not uncommon,  
 15:31 12 is it?  
 15:31 13 A. Right.  
 15:31 14 Q. And do you still do marijuana?  
 15:31 15 A. No.  
 15:31 16 Q. Did you quit smoking marijuana?  
 15:31 17 A. Yes.  
 15:31 18 Q. When did you quit smoking?  
 15:31 19 A. It had to be a while ago. My son is already  
 15:31 20 almost 16 months. I was pregnant for nine months. So a  
 15:31 21 period of time even before I got pregnant.  
 15:31 22 Q. Okay.  
 15:31 23 A. So a couple of years.  
 15:31 24 Q. At least a couple of years?  
 15:31 25 A. At least two years, at least.

15:31 1 Q. And you sure don't smoke it anymore?  
 15:31 2 A. Oh, no.  
 15:31 3 Q. Okay. And how did you do when you were on  
 15:31 4 amphetamine?  
 15:31 5 A. Speed?  
 15:31 6 Q. Right.  
 15:31 7 A. It just kept me awake.  
 15:31 8 Q. Gave you lots of energy?  
 15:31 9 A. Yeah.  
 15:31 10 Q. And you could stay up for days?  
 15:31 11 A. Right. And that's what we used it for.  
 15:31 12 Q. Give you more energy so you work harder, work  
 15:31 13 longer?  
 15:31 14 A. Right.  
 15:32 15 Q. And I notice that you are a fairly thin woman.  
 15:32 16 Did it cause you to lose weight when you were on  
 15:32 17 amphetamine?  
 15:32 18 A. I've always been thin. So I don't remember  
 15:32 19 being extremely smaller than what I was. I've always  
 15:32 20 been thin my whole life.  
 15:32 21 Q. Are you still doing it?  
 15:32 22 A. Speed?  
 15:32 23 Q. Right.  
 15:32 24 A. I breast-feed my son, so no.  
 15:32 25 Q. So you are not doing it?

15:32 1 A. No.  
 15:32 2 Q. So you don't recall losing weight while using  
 15:32 3 speed or amphetamine?  
 15:32 4 A. It's possible that I may have lost a few  
 15:32 5 pounds. But like I said, I've always been thin, usually  
 15:32 6 extremely thin. So a few pounds wouldn't be real  
 15:32 7 noticeable. And we tried to always make it a point to  
 15:32 8 eat something and not starve ourself.  
 15:32 9 Q. And you indicated that you didn't use any  
 15:32 10 ecstasy?  
 15:32 11 A. I never used ecstasy with him, no.  
 15:32 12 Q. Just a question.  
 15:32 13 A. No.  
 15:32 14 Q. You didn't use any?  
 15:32 15 A. No.  
 15:32 16 Q. What other drugs did you use?  
 15:33 17 A. We used -- smoked marijuana, did speed. We  
 15:33 18 might have had cocaine. I mean, I don't really remember  
 15:33 19 exactly what all.  
 15:33 20 Q. What were you like when you were on cocaine?  
 15:33 21 A. Same thing. Kept me awake.  
 15:33 22 Q. Gave you energy?  
 15:33 23 A. Right. Had the same effect to me. I think  
 15:33 24 speed lasted longer.  
 15:33 25 Q. Did you snort the cocaine?

15:33 1 A. Right.  
 15:33 2 Q. Didn't mainline it, did you?  
 15:33 3 A. Oh, no, no.  
 15:33 4 Q. You didn't do any injectable drugs, did you?  
 15:33 5 A. Never.  
 15:33 6 Q. Any crack?  
 15:33 7 A. No.  
 15:33 8 Q. Any hashish?  
 15:33 9 A. What's that?  
 15:33 10 Q. Okay. Obviously, you didn't do it. How about  
 15:33 11 LSD?  
 15:33 12 A. No.  
 15:33 13 Q. Okay. And you drank?  
 15:33 14 A. Right.  
 15:33 15 Q. What did you like to drink? Beer, liquor?  
 15:33 16 A. I think it was Vodka. It's been a while since  
 15:33 17 I drank. I think that's what it was.  
 15:33 18 Q. What, did you quit drinking, yourself?  
 15:33 19 A. Right. A couple years ago.  
 15:34 20 Q. All right. So, I take it from your testimony,  
 15:34 21 since you've had a child you've -- you've quit using  
 15:34 22 marijuana?  
 15:34 23 A. Right.  
 15:34 24 Q. And you quit using cocaine?  
 15:34 25 A. Uh-huh.

15:34 1 Q. And you quit using amphetamine or speed?  
 15:34 2 A. Uh-huh.  
 15:34 3 Q. And you quit drinking?  
 15:34 4 A. Correct.  
 15:34 5 Q. So you've made a change in your life?  
 15:34 6 A. Right.  
 15:34 7 Q. And I take it that that's been a conscious  
 15:34 8 decision on your part?  
 15:34 9 A. Right. It was actually before the period of  
 15:34 10 actually being pregnant with my child when that  
 15:34 11 happened.  
 15:34 12 Q. And you are here -- I suppose it's made your  
 15:34 13 life better, hasn't it?  
 15:34 14 A. What has?  
 15:34 15 Q. Not doing the speed, the marijuana, the  
 15:34 16 cocaine, the alcohol?  
 15:34 17 A. Of course.  
 15:34 18 Q. Has it improved the quality of your life?  
 15:34 19 A. Right.  
 15:34 20 Q. Has it also improved your behavior?  
 15:34 21 A. Yes.  
 15:34 22 Q. Okay. There's been some questions by the  
 15:34 23 prosecutor that you folks -- you know, getting in those  
 15:35 24 cars and driving up and down the tollway drinking and  
 15:35 25 doing drugs. Kind of dangerous, wasn't it?



15:35 1 A. Yes.  
 15:35 2 Q. Looking back on it, I'm sure that you probably  
 15:35 3 wondered how you got through some of those days, don't  
 15:35 4 you?  
 15:35 5 A. Right.  
 15:35 6 Q. And I'm sure you are not proud of it, are you?  
 15:35 7 A. No.  
 15:35 8 Q. And most of us are like that. You are not  
 15:35 9 alone. Okay? Most of us go through a period in our  
 15:35 10 life, our youth where we do things we're not proud of.  
 15:35 11 So you are not alone in that.  
 15:35 12 MR. SCHULTZ: Excuse me, just a minute,  
 15:35 13 Judge. We're going to object to him testifying from  
 15:35 14 over there.  
 15:35 15 THE COURT: Sustained.  
 15:35 16 MR. SCHULTZ: There wasn't a question  
 15:35 17 there at all.  
 15:35 18 THE COURT: Sustained.  
 15:35 19 Q. (BY MR. HIGH) Well, ma'am, you understand you  
 15:35 20 are not alone in that, don't you?  
 15:35 21 A. Yes.  
 15:35 22 Q. Okay. You understand that a lot of folks go  
 15:35 23 through times in their life, in their youth when their  
 15:35 24 youth takes charge and they don't use good judgment?  
 15:35 25 A. Yes.

15:36 1 Q. You understand that as people age, as they have  
 15:36 2 experiences, maybe things happen and their judgment gets  
 15:36 3 better. Do you understand that?  
 15:36 4 A. Yes.  
 15:36 5 Q. And evidently that's happened to you. I guess  
 15:36 6 having a child has kind of changed the way you look at  
 15:36 7 life and kind of affected your judgment, has it not?  
 15:36 8 A. Right.  
 15:36 9 Q. And as a result, you made a conscious decision  
 15:36 10 not to do these activities anymore, correct?  
 15:36 11 A. Right.  
 15:36 12 Q. And as a result of removing these activities,  
 15:36 13 you are not running up and down the tollway at high  
 15:36 14 speeds on alcohol or on drugs. Is that fair to say?  
 15:36 15 A. Right.  
 15:36 16 Q. And your lifestyle, with respect to yourself  
 15:36 17 and the rest of the public, is less dangerous. You  
 15:36 18 would agree with me, wouldn't you?  
 15:36 19 A. Yes.  
 15:36 20 Q. Right?  
 15:36 21 A. Yes.  
 15:36 22 Q. Because you don't have just yourself to think  
 15:36 23 about anymore. You've got your son to think about, too.  
 15:36 24 Is that fair to say?  
 15:36 25 A. Right.

15:37 1 Q. Do you attend church?  
 15:37 2 A. When I can.  
 15:37 3 Q. Okay. Where did you go to church?  
 15:37 4 A. Robinwood.  
 15:37 5 Q. So you started attending with your mom?  
 15:37 6 A. No. My mom still goes to Bethel.  
 15:37 7 Q. Okay. You sometimes go to Bethel with her?  
 15:37 8 A. On occasion. Special events, that type of  
 15:37 9 thing.  
 15:37 10 Q. Sure. Like a special music program or --  
 15:37 11 A. Right.  
 15:37 12 Q. Something special. Somebody getting baptized  
 15:37 13 or some special engagement, right?  
 15:37 14 A. Right.  
 15:37 15 Q. Okay. And then you attend Robinwood at other  
 15:37 16 times?  
 15:37 17 A. Right.  
 15:37 18 Q. All right. And are you a believer? Do you  
 15:37 19 have a Christian belief?  
 15:37 20 A. Yes.  
 15:37 21 Q. Is that important to you?  
 15:37 22 A. Yes.  
 15:37 23 Q. Have you always been a believer?  
 15:37 24 A. Yes.  
 15:37 25 Q. All your life?

15:37 1 A. Yes.  
 15:37 2 Q. And when did you become a believer? At what  
 15:37 3 age?  
 15:37 4 A. I was saved when I was ten. I have been going  
 15:37 5 to church throughout my life, though.  
 15:38 6 Q. Evidently you got offtrack in your late teens?  
 15:38 7 A. Right. When I was 18.  
 15:38 8 Q. And through your early 20s?  
 15:38 9 A. Right.  
 15:38 10 Q. When did you get back on track?  
 15:38 11 A. 22.  
 15:38 12 Q. Okay. Now, it was more than just drugs and  
 15:38 13 alcohol because, I mean, you ended up -- after your  
 15:38 14 relationship with Ivan, you ended up dancing at the  
 15:38 15 Men's Club, did you not?  
 15:38 16 A. For two months.  
 15:38 17 Q. Okay. So you were a gentlemen's entertainer,  
 15:38 18 dancing topless?  
 15:38 19 A. Right.  
 15:38 20 Q. And I take it you were doing -- doing some  
 15:38 21 drugs while you were doing some entertaining?  
 15:38 22 A. No.  
 15:38 23 Q. Were you still in that lifestyle?  
 15:38 24 A. Was I doing drugs at that time? No.  
 15:38 25 Q. Okay.

15:38 1 A. I only worked there for two months.  
 15:38 2 Q. And in fact that was after. I mean, your  
 15:39 3 marriage with Ivan lasted through '98, correct?  
 15:39 4 A. Right.  
 15:39 5 Q. And I take it that you had limited contact with  
 15:39 6 him from that point forward?  
 15:39 7 A. After I left?  
 15:39 8 Q. After 1998.  
 15:39 9 A. Right. I had talked to him. I had see him  
 15:39 10 actually a couple times after we separated that last  
 15:39 11 time and -- but then after that it was a long period of  
 15:39 12 time that I ever talked to him again.  
 15:39 13 Q. So you really didn't have too much to do with  
 15:39 14 him in 1999 and probably very little, if anything, to do  
 15:39 15 with him in the year 2000?  
 15:39 16 A. Right, right.  
 15:39 17 Q. And also since he's been in jail, you've only  
 15:39 18 seen him one time, correct?  
 15:39 19 A. Correct.  
 15:39 20 Q. So most of the knowledge that you've testified  
 15:39 21 to this jury about today was from the years 1996, 1997  
 15:40 22 and 1998; is that fair to say?  
 15:40 23 A. Right.  
 15:40 24 Q. This car that he instructed you to sell, it was  
 15:40 25 a Mitsubishi Eclipse, wasn't it?

15:40 1 A. Correct.  
 15:40 2 Q. And, in fact, you had had an accident, had you  
 15:40 3 not?  
 15:40 4 A. I dented the front bumper.  
 15:40 5 Q. Huh?  
 15:40 6 A. I dented the front bumper of it, yes.  
 15:40 7 Q. What year was that car?  
 15:40 8 A. I don't know. I don't remember.  
 15:40 9 Q. Was it older?  
 15:40 10 A. It was a couple years older. And so '94, if it  
 15:40 11 was '96.  
 15:40 12 Q. Was it totaled?  
 15:40 13 A. No. I still drove it.  
 15:40 14 Q. But you guys instead decided -- instead of  
 15:40 15 having it fixed, you decided to trade it in?  
 15:40 16 A. Right, because he didn't want to spend the  
 15:40 17 money on having it fixed.  
 15:40 18 Q. So basically you just -- you didn't sell it  
 15:40 19 outright. You took --  
 15:40 20 A. Turned it back in.  
 15:40 21 Q. Right. You took the car -- was it a leased  
 15:40 22 car?  
 15:40 23 A. No.  
 15:40 24 Q. So you just took the car that you owed money on  
 15:41 25 and did a trade and got a new car?

15:41 1 A. I didn't get a new car.  
 15:41 2 Q. Okay. But --  
 15:41 3 A. I talked --  
 15:41 4 Q. But you had access to a new car?  
 15:41 5 A. If he was driving me in it. But did I actually  
 15:41 6 get to drive the car? No.  
 15:41 7 Q. You used to hit Ivan, didn't you?  
 15:41 8 A. No. I scratched him that one time back in  
 15:41 9 1998.  
 15:41 10 Q. You used to slap him, didn't you?  
 15:41 11 A. No.  
 15:41 12 Q. In fact, the night in the garage you slapped  
 15:41 13 him that very night, didn't you?  
 15:41 14 A. Never, never.  
 15:41 15 Q. And you agree that you were intoxicated that  
 15:41 16 night, weren't you?  
 15:41 17 A. Yes.  
 15:41 18 Q. When you are intoxicated, are you a happy drunk  
 15:41 19 or an angry drunk?  
 15:41 20 A. Happy. I don't get angry or violent.  
 15:42 21 Q. And it's been a couple years because you quit,  
 15:42 22 right?  
 15:42 23 A. Yes.  
 15:42 24 Q. You didn't like the way you acted when you were  
 15:42 25 drinking?

15:42 1 A. I just didn't have any reason to drink.  
 15:42 2 Q. I'm sorry?  
 15:42 3 A. I just didn't have any reason to drink. Kind  
 15:42 4 of grew out of the phase, I guess.  
 15:42 5 Q. You liked to throw things at him, didn't you?  
 15:42 6 A. No.  
 15:42 7 Q. Didn't you throw some -- a carton of milk on  
 15:42 8 him one day as he was leaving to go to work?  
 15:42 9 A. Throw a carton of milk on him? No.  
 15:42 10 Q. In fact, he had his suit on, and you were angry  
 15:42 11 with something that he had done, so you just threw the  
 15:42 12 milk on him?  
 15:42 13 A. No. He might have me confused with somebody  
 15:42 14 else, but that was not me.  
 15:42 15 Q. You didn't do that?  
 15:42 16 A. No. I was never violent toward him. Never hit  
 15:42 17 him or never threw things at him.  
 15:42 18 Q. With respect to Skip Mull.  
 15:42 19 A. Uh-huh.  
 15:42 20 Q. This is a party that he gave?  
 15:43 21 A. Right. It was for his 30th birthday.  
 15:43 22 Q. And you danced with Skip that night.  
 15:43 23 A. Right.  
 15:43 24 Q. And the way you tell it, that angered Ivan, and  
 15:43 25 so he took you in the back room and he slapped you?

15:43 1 A. I don't know how we got in the bathroom. If he  
 15:43 2 took me or if we were just in the bathroom. But yes, he  
 15:43 3 slapped me in the bathroom.  
 15:43 4 Q. Now, folks were really gone that night, weren't  
 15:43 5 they?  
 15:43 6 A. Really gone?  
 15:43 7 Q. People were doing a lot of drinking that night?  
 15:43 8 A. Yeah. There was a lot of drinking going on.  
 15:43 9 Q. In fact, Skip got in some fight with another  
 15:43 10 fellow, a fight with a couple of shovels. Do you recall  
 15:43 11 that?  
 15:43 12 A. I had heard about that after the fact. But we  
 15:43 13 weren't there when that happened.  
 15:43 14 Q. Now, you were really gone that night, too,  
 15:43 15 weren't you? Everybody was, right?  
 15:43 16 A. Not really gone. But yes, I had had a bit to  
 15:43 17 drink.  
 15:43 18 Q. Do you remember grabbing other guys' butts that  
 15:43 19 night?  
 15:43 20 A. No.  
 15:43 21 Q. You sure didn't do that?  
 15:44 22 A. No.  
 15:44 23 Q. And if you did, you sure don't remember it?  
 15:44 24 A. I think I would remember grabbing somebody's  
 15:44 25 butt.

15:44 1 MR. SCHULTZ: Judge, we'll object to that  
 15:44 2 question. It assumes facts not in evidence.  
 15:44 3 THE COURT: Sustained.  
 15:44 4 Q. (BY MR. HIGH) When you get drunk, you  
 15:44 5 sometimes don't remember everything you do. That's fair  
 15:44 6 to say, isn't it?  
 15:44 7 A. I'm sure there are some things that you don't  
 15:44 8 remember.  
 15:44 9 Q. That's right. When you were doing speed, would  
 15:45 10 you get mad or angry at Ivan?  
 15:45 11 A. No.  
 15:45 12 Q. Did you ever throw things at him or hit him?  
 15:45 13 A. No. I've never thrown things at him and never  
 15:45 14 hit him.  
 15:45 15 Q. With respect to the incident at the apartment,  
 15:45 16 when you got home and Eric was there, evidently Ivan hit  
 15:45 17 you in the ribs?  
 15:45 18 A. Kicked me.  
 15:45 19 Q. Hit you in the head, punched you in the face  
 15:45 20 with his fist. That's the way I've got it written down.  
 15:45 21 A. And he kicked me in the ribs and in the head  
 15:45 22 and hit me in the head and face.  
 15:45 23 Q. And, again, you -- you never called the police  
 15:45 24 about that, either, did you?  
 15:45 25 A. No.

15:46 1 Q. And you never told your father about that?  
 15:46 2 A. No.  
 15:46 3 Q. And you didn't tell the folks at work about  
 15:46 4 that?  
 15:46 5 A. Not that incident, no.  
 15:46 6 Q. Now, there's no police report for this jury to  
 15:46 7 look at, is there?  
 15:46 8 A. No.  
 15:46 9 Q. And you testified that you didn't leave him  
 15:46 10 because you believed him and that you loved him. And  
 15:46 11 you testified, "I wanted our marriage to work." Do you  
 15:46 12 recall saying that?  
 15:46 13 A. Yes.  
 15:46 14 Q. But in fact what happened at that point, you  
 15:46 15 went over to Chris Pence's house to look for his wallet  
 15:46 16 and ended up sleeping with him. Do you recall that?  
 15:46 17 A. No, no.  
 15:46 18 Q. You didn't do that?  
 15:46 19 A. No. I never cheated on him. Even when we were  
 15:46 20 separated. Never.  
 15:46 21 Q. In fact, you left Speed Zone and went to  
 15:47 22 retrieve his wallet at his house?  
 15:47 23 A. Right. We were --  
 15:47 24 Q. And you came back. And Ivan asked you some  
 15:47 25 questions, and you didn't have a good answer for him,

15:47 1 did you?  
 15:47 2 A. Yes, I did. Do you want me to explain?  
 15:47 3 Q. Sure.  
 15:47 4 A. He was supposed to meet us up at Speed Zone  
 15:47 5 up -- I don't remember, four or five o'clock. I waited  
 15:47 6 there for over an hour for him because he wasn't on  
 15:47 7 time, like always. And Chris showed up because he was  
 15:47 8 meeting Chris there. Chris had left his wallet at home.  
 15:47 9 We drove over to Chris's apartment and got his wallet  
 15:47 10 and came right back. We were gone maybe 15 or 20  
 15:47 11 minutes.  
 15:47 12 Q. Yes. And your hair was pretty frizzed out,  
 15:47 13 wasn't it?  
 15:47 14 A. No.  
 15:47 15 Q. You realize you are under oath?  
 15:47 16 A. Yes, I do. I never cheated on Ivan. Never.  
 15:47 17 Q. And Chris was Ivan's friend, wasn't he?  
 15:47 18 A. Yes, he was.  
 15:48 19 Q. Then it was through Chris that you met this  
 15:48 20 guy, Michael, that you had your son with, correct?  
 15:48 21 A. No.  
 15:48 22 Q. Oh, that's right. You met Michael at the Men's  
 15:48 23 Club?  
 15:48 24 A. No.  
 15:48 25 Q. Where did you meet Michael?

15:48 1 A. I worked at the Men's Club for two months and  
 15:48 2 then I went to the company Greet America that I worked  
 15:48 3 for all this time, and that's where I met him at. He  
 15:48 4 worked in the same building that I did.  
 15:48 5 Q. Okay. Back to the incident where Ivan hit  
 15:48 6 you -- you -- at the apartment, you testified. I'm not  
 15:48 7 clear, did you go to work the next day?  
 15:48 8 A. Which time?  
 15:48 9 Q. After the apartment incident?  
 15:48 10 A. There were two.  
 15:48 11 Q. The one where Eric was there?  
 15:48 12 A. That was on a Saturday. So no, I was off work  
 15:48 13 on Sunday, and then I took off on Monday and Tuesday.  
 15:48 14 Q. And that's when -- when you went back to work,  
 15:49 15 you told them this story about a couple of guys that had  
 15:49 16 gotten in a fight with a shovel?  
 15:49 17 A. Correct.  
 15:49 18 Q. And so then you tried to lay it off on Skip  
 15:49 19 Mull who was really having a shovel fight, right?  
 15:49 20 A. I didn't use his name, but that's where I got  
 15:49 21 the idea from.  
 15:49 22 Q. Sure. And so you told a lie, didn't you?  
 15:49 23 A. Yes.  
 15:49 24 Q. And I suppose when you are in an uncomfortable  
 15:49 25 situation you choose to lie. At least you did this

15:49 1 time, correct?  
 15:49 2 A. Well, I didn't want them to know what he had  
 15:49 3 done to me.  
 15:49 4 Q. That's right. So you lied about it?  
 15:49 5 A. Right. I covered for him.  
 15:50 6 Q. Now, Ivan wouldn't invite you to go skiing at  
 15:50 7 the lake because basically you didn't like any of his  
 15:50 8 friends, did you?  
 15:50 9 A. Ivan didn't invite me because he was very  
 15:50 10 jealous. And anytime we were out together he always  
 15:50 11 thought everybody was looking at me, so he preferred for  
 15:50 12 me to stay at home.  
 15:50 13 Q. But you didn't like any of his friends, did  
 15:50 14 you?  
 15:50 15 A. I didn't have a problem with any of his  
 15:50 16 friends. I really didn't know them that well. James  
 15:50 17 was really the only one that I knew.  
 15:50 18 Q. Is that because that's where you got some of  
 15:50 19 your drugs, was from James?  
 15:50 20 A. That's because we all lived together for a few  
 15:50 21 months.  
 15:50 22 Q. And with respect to getting drugs from James,  
 15:50 23 there was no problem. You got them whenever you needed  
 15:50 24 them, right?  
 15:50 25 A. There were some times when he got them from

15:50 1 somebody else, but --  
 15:50 2 Q. But most of the time it was from James?  
 15:51 3 A. Right.  
 15:51 4 Q. He was the main source?  
 15:51 5 A. Correct.  
 15:51 6 Q. And I mean it's fair to say that everybody knew  
 15:51 7 that James was a big-time drug dealer. Everybody knew  
 15:51 8 that, didn't they?  
 15:51 9 A. Everybody? Who?  
 15:51 10 Q. Who did drugs.  
 15:51 11 A. I don't know what everybody else knows.  
 15:51 12 Q. You knew that, though, didn't you?  
 15:51 13 A. Yeah.  
 15:51 14 Q. And if you needed something, if Ivan needed  
 15:51 15 something, we'll start with James, and then we'll go --  
 15:51 16 if James doesn't have it, we'll go somewhere else?  
 15:51 17 A. Ivan took care of all that. I never called him  
 15:51 18 myself.  
 15:51 19 Q. I understand. But just like the prosecutor  
 15:51 20 said, you know, you enjoyed it, and you wanted it, too,  
 15:51 21 right?  
 15:51 22 A. Right.  
 15:51 23 Q. And with respect to Ivan beating on you, you  
 15:51 24 chose not to tell your dad about it. Why? Were you  
 15:51 25 afraid that he wouldn't believe you?

15:52 1 A. No. Because my dad was very protective of me,  
 15:52 2 and there was no telling what he would do.  
 15:52 3 Q. Okay. Now, you admitted earlier that you  
 15:52 4 haven't always been that frank with your parents about  
 15:52 5 your activities, correct?  
 15:52 6 A. About doing drugs?  
 15:52 7 Q. Yeah.  
 15:52 8 A. Right.  
 15:52 9 Q. Now, in '97 you testified that Ivan was making  
 15:52 10 good money, approximately 12 to 15 thousand dollars a  
 15:52 11 month?  
 15:52 12 A. Whatever time it was that he started working at  
 15:52 13 Southwestern Mortgage. I don't know the exact date of  
 15:52 14 when that was.  
 15:52 15 Q. Well, that 12,000 a month comes to at least  
 15:52 16 144,000 a year. He was making over \$100,000 that year?  
 15:52 17 A. I don't think there was -- I don't think he  
 15:52 18 worked for Lloyd for a full year. But I don't remember  
 15:52 19 the period of time that he worked for him.  
 15:52 20 Q. I know that you are not going to know exactly  
 15:53 21 how much money he made, but he was making a lot of  
 15:53 22 money?  
 15:53 23 A. He was making good money, yes.  
 15:53 24 Q. And at that time he was only three years older  
 15:53 25 than you?

15:53 1 A. Yes.  
 15:53 2 Q. Which would make him about 22 years old?  
 15:53 3 A. Right.  
 15:53 4 Q. If you were three years younger, you were 19,  
 15:53 5 right?  
 15:53 6 A. Right.  
 15:53 7 Q. And the drinking age in Texas is 21?  
 15:53 8 A. Right.  
 15:53 9 Q. So, when he would go out to party with you, it  
 15:53 10 would be very difficult to take you because you were  
 15:53 11 under age, correct?  
 15:53 12 A. Well, the TABC law is, if you are married, your  
 15:53 13 husband can purchase alcohol for you.  
 15:53 14 Q. But you were in the position of being carded  
 15:53 15 when you would go into a club, right?  
 15:53 16 A. Well, he didn't go to clubs. He went to bars.  
 15:53 17 Q. I see.  
 15:53 18 A. And most clubs you can get in over the age of  
 15:53 19 18.  
 15:54 20 Q. Did you ever lie to purchase alcohol?  
 15:54 21 A. Did I ever lie to purchase alcohol?  
 15:54 22 Q. Yeah. Did you ever lie about your age? You  
 15:54 23 did, didn't you?  
 15:54 24 A. I mean, I don't remember like purchasing  
 15:54 25 alcohol.

15:54 1 Q. Like buying beer or something?  
 15:54 2 A. Like at a bar?  
 15:54 3 Q. Yes.  
 15:54 4 A. You are usually carded at a bar.  
 15:54 5 Q. I'm not asking if you are usually. I'm asking  
 15:54 6 you if you ever lied to purchase alcohol, beer,  
 15:54 7 something like that?  
 15:54 8 A. I don't remember.  
 15:54 9 Q. You have, haven't you?  
 15:54 10 A. No. I don't understand what you are asking me.  
 15:54 11 If I went into --  
 15:54 12 Q. The question is very simple. Have you ever  
 15:54 13 lied about your age to purchase alcohol?  
 15:54 14 A. To purchase it? No.  
 15:54 15 Q. Have you ever used a fake ID?  
 15:54 16 A. No.  
 15:55 17 Q. And with respect to this business, you admitted  
 15:55 18 that Ivan was trying to run a legitimate business.  
 15:55 19 Those were your words, aren't they?  
 15:55 20 A. Well, I said a mortgage company is a legitimate  
 15:55 21 business.  
 15:55 22 Q. Okay. And you said that you weren't  
 15:55 23 comfortable with it. They had a lot of files, 20 files,  
 15:55 24 but the work just didn't seem to get done. Is that fair  
 15:55 25 to say?

15:55 1 A. Correct.  
 15:55 2 Q. But at that time, the two of you were pretty  
 15:55 3 heavy into your drugs, weren't you?  
 15:55 4 A. Right.  
 15:55 5 Q. In fact, you were doing drugs for weeks, and  
 15:55 6 sometimes you didn't sleep at all. Do you recall those  
 15:55 7 days?  
 15:55 8 A. There were times when we'd go a day or two  
 15:55 9 without sleeping, and we did it to try and get the work  
 15:55 10 done.  
 15:55 11 Q. Why were you doing all this work not sleeping  
 15:55 12 and not making any money? That's what you testified to  
 15:55 13 earlier.  
 15:56 14 A. Because I was doing what he wanted me to do.  
 15:56 15 Q. Where was this work taking place?  
 15:56 16 A. Our home. We had an office on the first floor  
 15:56 17 of our home.  
 15:56 18 Q. And so for hours on end you guys would work and  
 15:56 19 do speed?  
 15:56 20 A. We would, but we wouldn't accomplish anything.  
 15:56 21 Q. What were you doing?  
 15:56 22 A. I mean, we would look like we were working, but  
 15:56 23 I mean, it didn't ever seem to get done.  
 15:56 24 Q. Okay. You just BSing?  
 15:56 25 A. Well, he was usually on the phone. I mean, I

15:56 1 don't know exactly. I mean, we were on the computer,  
 15:56 2 but that type of thing.  
 15:56 3 Q. Did you smoke your speed or pop it in a pill  
 15:56 4 form?  
 15:56 5 A. Snorted it.  
 15:56 6 Q. Snorted it?  
 15:56 7 A. Right.  
 15:56 8 Q. And would that be periodically? I mean, you  
 15:56 9 would snort a little bit and wait a little while and  
 15:56 10 snort some more? How did that work?  
 15:57 11 A. Towards the end? We were doing it quite often,  
 15:57 12 on a daily basis.  
 15:57 13 Q. And you testified that you finally left. One  
 15:57 14 night it hit you at 11 o'clock at night?  
 15:57 15 A. Right.  
 15:57 16 Q. It just kind of hit you, like, out of the sky?  
 15:57 17 A. Just reality kind of hit me.  
 15:57 18 Q. There wasn't a man involved?  
 15:57 19 A. A man?  
 15:57 20 Q. Wasn't Chris Pence involved?  
 15:57 21 A. No.  
 15:57 22 Q. But you are telling this jury that at  
 15:57 23 11 o'clock at night, all of a sudden, you realized it  
 15:57 24 was over?  
 15:57 25 A. When he left at 11 that afternoon and told me

15:57 1 he was going to be back in an hour, and 11 o'clock at  
 15:57 2 night he still wasn't home, I finally lost any bit of  
 15:57 3 trust in him that I had.  
 15:57 4 Q. Where were you; at the apartment?  
 15:57 5 A. No. At our house in Frisco.  
 15:57 6 Q. That was at that expensive house?  
 15:57 7 A. It was a nice home, yes.  
 15:58 8 Q. It had a pool, right?  
 15:58 9 A. Right.  
 15:58 10 Q. You testified that the lies ran me off. Is  
 15:58 11 that what you said?  
 15:58 12 A. Well, I said he constantly lied to me.  
 15:58 13 Q. And you are telling this jury that there wasn't  
 15:58 14 an experience with Chris Pence whereby you fraternized  
 15:58 15 with him?  
 15:58 16 A. No.  
 15:58 17 Q. Essentially lying to Ivan?  
 15:58 18 A. Never. I dated Chris Pence about four or five  
 15:58 19 months after I left Ivan. And we started hanging out as  
 15:58 20 friends, and then it materialized as something else.  
 15:58 21 But during the time of our marriage and even our  
 15:58 22 separations, I never was unfaithful to him.  
 15:58 23 Q. I see. And Ivan -- and Chris Pence was one of  
 15:58 24 Ivan's friends, correct?  
 15:58 25 A. Right.

15:58 1 Q. Just like Ivan was Keith Carpenter's friend?  
 15:58 2 A. Right.  
 15:59 3 Q. Who did -- who came after Chris Pence? Was --  
 15:59 4 did Chris Pence have a friend that you started dating  
 15:59 5 after that?  
 15:59 6 A. No.  
 15:59 7 Q. You just kind of go from one friend to the  
 15:59 8 next, to the next?  
 15:59 9 A. I've made bad choices in my life. But, no, I  
 15:59 10 didn't date one of Chris's friends after that.  
 15:59 11 Q. You testified that you got your brother  
 15:59 12 involved in drugs, too, right?  
 15:59 13 A. We had -- he had done them with us on a couple  
 15:59 14 of occasions.  
 15:59 15 Q. Okay. And your brother's name, Jason?  
 15:59 16 A. Jason.  
 15:59 17 Q. What's his last name?  
 15:59 18 A. Traister.  
 15:59 19 Q. How old is he?  
 15:59 20 A. He's 21.  
 15:59 21 Q. And back in '97 he would have been about 17?  
 15:59 22 A. 18, I believe.  
 15:59 23 Q. And --  
 15:59 24 A. It was at the end, towards the end, like August  
 16:00 25 of '98 because he was already out of high school.

16:00 1 Q. Okay. So you are the older sister?  
 16:00 2 A. Right, correct.  
 16:00 3 Q. He was a senior in high school?  
 16:00 4 A. He was already out of high school.  
 16:00 5 Q. And so big sis turned him on to drugs?  
 16:00 6 A. No. He had already done drugs, but he did them  
 16:00 7 with us a couple times.  
 16:00 8 Q. And I don't suppose that you clued your parents  
 16:00 9 in that your brother was also doing drugs, did you?  
 16:00 10 A. Not at that time, no.  
 16:00 11 Q. I suppose you hid that from them, correct?  
 16:00 12 A. At that time, yes.  
 16:00 13 Q. You would agree that's somewhat deceitful,  
 16:00 14 wouldn't you?  
 16:00 15 A. Right.  
 16:00 16 Q. I don't suppose you ever told your parents  
 16:00 17 about dancing at the Men's Club, did you?  
 16:01 18 A. They thought I waited tables there.  
 16:01 19 Q. Okay. They never knew you were a dancer,  
 16:01 20 right?  
 16:01 21 A. Right.  
 16:01 22 Q. And --  
 16:01 23 A. I mean, they do now, but at the time they  
 16:01 24 thought I was waiting tables.  
 16:01 25 Q. Okay. So you didn't tell them the whole truth?

16:01 1 You told them a half truth?  
 16:01 2 A. Right. At the time, yes.  
 16:01 3 Q. Because you didn't want to hurt them, right?  
 16:01 4 A. Right.  
 16:01 5 Q. And were you, in fact, a dancer? I mean, you  
 16:01 6 would get up on stage and perform?  
 16:01 7 A. Yes.  
 16:01 8 Q. You'd do table dances, too?  
 16:01 9 A. Occasionally.  
 16:01 10 Q. You did that for money, right?  
 16:01 11 A. Right.  
 16:01 12 Q. And the more money is as a result of how well  
 16:01 13 you deal with your customers; is that fair to say?  
 16:01 14 A. Right.  
 16:01 15 Q. Would you -- looking back on that, looking back  
 16:01 16 on your days as a table dancer, an entertainer at a  
 16:01 17 Men's Club, would you agree that that's a business of  
 16:01 18 manipulation?  
 16:01 19 A. I wasn't good at it. That's why I only --  
 16:01 20 Q. That's not my question.  
 16:01 21 A. Well --  
 16:02 22 Q. Would you agree?  
 16:02 23 A. I don't know. I didn't do it for long.  
 16:02 24 MR. HIGH: Object as nonresponsive, Your  
 16:02 25 Honor.

16:02 1 THE COURT: Sustained.  
 16:02 2 Q. (BY MR. HIGH) Here's the question. Would you  
 16:02 3 agree that that sort of business is a business of  
 16:02 4 manipulation?  
 16:02 5 A. I don't know.  
 16:02 6 Q. Do you not use the word manipulation?  
 16:02 7 A. What do you mean, do I not use it? Well, I --  
 16:02 8 Q. Like trying to entertain someone, be the best  
 16:02 9 dancer, be friendly, be kind, be charming. Perform your  
 16:02 10 best so they'll give you money.  
 16:02 11 A. Well, that's what you are supposed to do.  
 16:02 12 Q. Okay. And that's a type of manipulation, isn't  
 16:02 13 it?  
 16:02 14 A. If you want to look at it that way.  
 16:02 15 Q. And you are telling -- you are telling us that  
 16:02 16 you weren't all that good at it?  
 16:02 17 A. No.  
 16:02 18 Q. So you quit?  
 16:02 19 A. Right.  
 16:03 20 Q. Okay. Did you dance in Charlotte, North  
 16:03 21 Carolina?  
 16:03 22 A. No.  
 16:03 23 Q. No?  
 16:03 24 A. No. I've only danced at the Men's Club.  
 16:03 25 Q. Did you wait tables in Charlotte, North

16:03 1 Carolina?  
 16:03 2 A. No.  
 16:03 3 Q. And when you were doing your dancing, how old  
 16:03 4 were you then?  
 16:03 5 A. 21, maybe.  
 16:03 6 Q. So you were barely drinking age?  
 16:03 7 A. Right.  
 16:03 8 Q. You indicated that James and Ivan got along  
 16:03 9 well?  
 16:03 10 A. Yes.  
 16:03 11 Q. Okay. What do you mean by that?  
 16:04 12 A. Well, they were good friends. They were really  
 16:04 13 close.  
 16:04 14 Q. Did they like each other?  
 16:04 15 A. Yes.  
 16:04 16 Q. As far as you knew, was there any jealousy  
 16:04 17 between the two of them?  
 16:04 18 A. Not that I know of.  
 16:04 19 Q. The idea of drinking and beating somebody up,  
 16:04 20 the State talked about that, but that idea is not  
 16:04 21 original. Do you recall that line of questions from  
 16:04 22 them?  
 16:04 23 A. I don't recall. What do you mean that it's not  
 16:04 24 original?  
 16:04 25 Q. In other words, that's been going on for years

16:04 1 and years. It's very common in society?  
 16:04 2 A. That people get drunk and violent?  
 16:04 3 Q. That's right.  
 16:04 4 A. I don't really remember him saying exactly  
 16:05 5 that, but --  
 16:05 6 Q. Okay. Let's just -- let's just say it again.  
 16:05 7 A. I recall him saying that people drink and don't  
 16:05 8 get violent.  
 16:05 9 Q. Right.  
 16:05 10 A. That's what I remember.  
 16:05 11 Q. Okay. And some people drink and do get  
 16:05 12 violent?  
 16:05 13 A. Right. Some people do.  
 16:05 14 Q. But then sometimes when they don't drink, they  
 16:05 15 are not violent, correct?  
 16:05 16 A. Right.  
 16:05 17 Q. And sometimes there's a direct relation between  
 16:05 18 drinking and being violent. Is that fair to say?  
 16:05 19 A. Yes.  
 16:05 20 Q. Okay. And sometimes there's a direct relation  
 16:05 21 between doing drugs and being violent. Is that fair to  
 16:05 22 say?  
 16:05 23 A. Just in general?  
 16:05 24 Q. Yes.  
 16:05 25 A. Yes.

16:05 1 Q. And sometimes when you mix the two, then who  
 16:05 2 knows what you got, right? You may have violence then,  
 16:05 3 too? Is that fair to say?  
 16:05 4 A. Sure.  
 16:06 5 Q. You indicated that Ivan's moods would change,  
 16:06 6 and sometimes the mood changes were directly relational  
 16:06 7 to whether he was drinking, whether he was doing drugs.  
 16:06 8 Is that fair to say?  
 16:06 9 A. Sometimes.  
 16:06 10 Q. In fact, it was most of the time, wasn't it?  
 16:06 11 A. Where he was physically violent?  
 16:06 12 Q. Uh-huh.  
 16:06 13 A. Yes.  
 16:06 14 Q. In fact, every time he was physically violent  
 16:06 15 with you, he had either been drinking or doing drugs?  
 16:06 16 A. No. There were a few times when he would,  
 16:06 17 like, punch me in the arm or push me that he hadn't been  
 16:06 18 drinking or doing drugs.  
 16:06 19 Q. When were those times?  
 16:06 20 A. Towards the beginning of the marriage. He had  
 16:06 21 not actually punched me in the face or anything at that  
 16:06 22 time, but an occasional shove or punching me in the arm,  
 16:06 23 that type of thing.  
 16:06 24 Q. Okay. But you didn't consider that violent  
 16:07 25 activity, did you?

16:07 1 A. Not bad, no.  
 16:07 2 Q. So what really concerned you the most were  
 16:07 3 those activities when he had been drinking and doing  
 16:07 4 drugs; is that right?  
 16:07 5 A. He had been drinking. To my knowledge, he  
 16:07 6 wasn't doing drugs.  
 16:07 7 Q. You went to see him in jail? When was that?  
 16:07 8 A. That was about four to six weeks ago. I don't  
 16:07 9 remember the exact date.  
 16:07 10 Q. All right. And nobody forced you to do that?  
 16:07 11 A. No.  
 16:07 12 Q. Sylvia suggested it, and you thought it might  
 16:07 13 be a good idea?  
 16:07 14 A. Well, because what had happened is I had ran  
 16:07 15 into her before. Eric was in jail, and I was at the  
 16:07 16 courthouse doing my work, and this was when it hadn't  
 16:07 17 happened. I mean, it hadn't happened too long after  
 16:07 18 that, and I had made the statement that I was going to  
 16:08 19 go see him. This was when it first started, and then  
 16:08 20 she called me. And at that time -- I mean, it was  
 16:08 21 months, months later, and said that my name was on the  
 16:08 22 list and asked me to go see him.  
 16:08 23 Q. And I think we got somewhat of a flavor of that  
 16:08 24 earlier, and you said that he acted normal. That he  
 16:08 25 expressed concern about your son, that he had a nice

16:08 1 mood. That he was pleasant. That he was interactive,  
 16:08 2 and that you wanted to see him that one last time.  
 16:08 3 That's what you said earlier; is that right?  
 16:08 4 A. Right.  
 16:08 5 Q. And that you stayed for 20 minutes, that you  
 16:08 6 made small talk, and you saw the nice Ivan, correct?  
 16:09 7 A. Right.  
 16:09 8 Q. And there's no reason to think otherwise,  
 16:09 9 right? He was very, very nice to you, wasn't he?  
 16:09 10 A. I think he had a reason to be nice to me.  
 16:09 11 MR. HIGH: I object as nonresponsive.  
 16:09 12 THE COURT: Sustained.  
 16:09 13 Q. (BY MR. HIGH) He was very, very, very nice to  
 16:09 14 you, wasn't he?  
 16:09 15 A. Yes.  
 16:09 16 Q. Now, he said a little more to you that day,  
 16:09 17 didn't he?  
 16:09 18 A. Yes.  
 16:09 19 Q. In fact, when you-all were together, at one  
 16:09 20 point you had an abortion, didn't you?  
 16:09 21 A. When we had been married about six months. I  
 16:09 22 don't remember exactly.  
 16:09 23 Q. And I'm sure that was a pretty difficult time.  
 16:09 24 That was a decisional time in your lives and in your  
 16:09 25 marriage, wasn't it?

16:09 1 A. Yes.  
 16:09 2 Q. I mean, when you are faced up with a decision  
 16:09 3 like that and you don't really know what to do, and you  
 16:09 4 make a decision, right? Do you recall those days?  
 16:10 5 A. Do I recall that? Yes.  
 16:10 6 Q. Those were some tough days, right?  
 16:10 7 A. Yes.  
 16:10 8 Q. Did you guys talk about it?  
 16:10 9 A. Well, to an extent. I mean, are you talking  
 16:10 10 about when it was going on?  
 16:10 11 Q. Yes.  
 16:10 12 A. Yes. He didn't want a baby.  
 16:10 13 Q. You talked about it, and you decided to have an  
 16:10 14 abortion?  
 16:10 15 A. Yes.  
 16:10 16 Q. And I don't suppose you talked much about that  
 16:10 17 throughout your marriage and through the ensuing years.  
 16:10 18 I don't suppose you talked much about that, did you?  
 16:10 19 A. No.  
 16:10 20 Q. Did Ivan tell you that he felt bad about your  
 16:10 21 having that abortion?  
 16:10 22 A. He --  
 16:10 23 Q. That he was sorry about that?  
 16:10 24 A. Yeah. He said he was sorry, but that was about  
 16:10 25 it.

16:10 1 Q. Okay. And did he tell you why he felt sorry  
 16:10 2 about it?  
 16:11 3 A. He just said -- I don't remember his exact  
 16:11 4 words. Something about, I'm sorry I made you do that,  
 16:11 5 or I don't remember exactly what he said.  
 16:11 6 Q. And then did he go on and tell you that he was  
 16:11 7 sorry about everything?  
 16:11 8 A. No. All he apologized for was the abortion.  
 16:11 9 Q. Did you make the statement: Two wrongs don't  
 16:11 10 make a right?  
 16:11 11 A. To Ivan?  
 16:11 12 Q. Yes.  
 16:11 13 A. Not that I remember.  
 16:11 14 Q. You might have, and you just don't recall?  
 16:11 15 A. In reference to? In reference to what?  
 16:11 16 Q. You know, him being sorry about the abortion  
 16:11 17 and sorry about how things went in your marriage?  
 16:11 18 A. Well, he apologized for the abortion not about  
 16:11 19 anything about the marriage.  
 16:11 20 Q. Okay.  
 16:11 21 A. But two wrongs don't make a right, I don't --  
 16:11 22 Q. You don't recall saying that?  
 16:11 23 A. No.  
 16:11 24 Q. You might have said it. You just don't  
 16:11 25 remember?



16:11 1 A. Well, what would I have said it in reference  
 16:11 2 to?  
 16:11 3 Q. Here's my question. You might have said it.  
 16:12 4 You just don't remember?  
 16:12 5 MR. SCHULTZ: We object. That would  
 16:12 6 certainly be speculation and not founded on personal  
 16:12 7 knowledge.  
 16:12 8 THE COURT: Overrule the objection.  
 16:12 9 THE WITNESS: I'm sure I would remember if  
 16:12 10 I said it because we weren't in there for that long. We  
 16:12 11 weren't in there for that long.  
 16:12 12 Q. (BY MR. HIGH) Did he -- did he mention his  
 16:12 13 newfound Christianity?  
 16:12 14 A. No.  
 16:12 15 Q. Did you mention yours to him? You know, you  
 16:12 16 are going back to church and your involvement in church,  
 16:12 17 and the change that it's made in your life?  
 16:12 18 A. No. I believe he asked me if I went to church.  
 16:12 19 And I said yes, and he said good.  
 16:12 20 Q. Okay. So there was no mention of his faith?  
 16:12 21 A. No.  
 16:12 22 Q. And but he did approve of your being in church  
 16:12 23 and kind of getting some things straight in your life?  
 16:12 24 A. He said good.  
 16:13 25 Q. Were you-all using drugs and alcohol when the

16:13 1 baby was conceived?  
 16:13 2 A. When my son that I have now?  
 16:13 3 Q. No. The one that you aborted?  
 16:13 4 A. I believe we were just smoking marijuana.  
 16:13 5 Q. Was that some concern with respect to going  
 16:13 6 full term, or was that -- did that factor into your  
 16:13 7 decision?  
 16:13 8 A. My concern? I was concerned about that. Yes.  
 16:13 9 Q. And I'm sure you look back on all of that and  
 16:13 10 that's just a tremendous fog, right?  
 16:13 11 A. A fog?  
 16:13 12 Q. Yeah. Living with Ivan, doing the drugs, doing  
 16:14 13 the alcohol, having an abortion?  
 16:14 14 A. Like a fog, like I don't remember it well?  
 16:14 15 Or --  
 16:14 16 Q. It's a bad -- it's a bad memory.  
 16:14 17 A. Oh, yes, a very bad memory.  
 16:14 18 Q. Because your life is so much better now?  
 16:14 19 A. Not necessarily because my life is so much  
 16:14 20 better now, but because my life was so bad then.  
 16:14 21 Q. Okay. And you've been successful at making a  
 16:14 22 change in your life, haven't you?  
 16:14 23 A. Yes.  
 16:14 24 Q. Because of the choice that you have made?  
 16:14 25 A. Right.

16:14 1 Q. And I'm sure you are glad that you had another  
 16:14 2 opportunity to make that change?  
 16:14 3 A. Yes.  
 16:14 4 Q. So that you can help your son and other people  
 16:14 5 around you that you love?  
 16:14 6 A. Yes.  
 16:14 7 Q. And I'm sure that you are being more frank and  
 16:14 8 more honest with your parents these days, aren't you?  
 16:14 9 A. Right.  
 16:14 10 Q. Now that you are living under their roof again?  
 16:14 11 A. Yes.  
 16:14 12 Q. Because now you realize that that's what it's  
 16:15 13 all about, right?  
 16:15 14 A. Right.  
 16:15 15 MR. HIGH: Pass the witness.  
 16:15 16 THE COURT: All right.  
 16:15 17 REDIRECT EXAMINATION  
 16:15 18 BY MR. SCHULTZ:  
 16:15 19 Q. Of course, we can all, as Mr. High suggested,  
 16:15 20 look back on our lives and say, well, we're better now  
 16:15 21 than we were then. And hopefully that's true for us  
 16:15 22 all, correct?  
 16:15 23 A. Correct.  
 16:15 24 Q. And if we were drinking and doing drugs and not  
 16:15 25 going to school or whatever we weren't doing, and we

16:15 1 grow out of that or change, that's a positive thing? We  
 16:15 2 would all agree with that?  
 16:15 3 A. Right.  
 16:15 4 Q. But at its worst, in the depths of all of your  
 16:15 5 drug usage and all the other kind of, shall we say,  
 16:15 6 self-destructive behavior that you were engaging in, you  
 16:15 7 weren't violent to anybody, were you?  
 16:16 8 A. No.  
 16:16 9 Q. You didn't contemplate things like knowing  
 16:16 10 organized crime figures and using them to rub out other  
 16:16 11 people. That's not where your mind was dwelling, was  
 16:16 12 it?  
 16:16 13 MR. HIGH: I have to object to the leading  
 16:16 14 of the witness, Your Honor.  
 16:16 15 THE COURT: Sustained.  
 16:16 16 Q. (BY MR. SCHULTZ) Well, at no point did you  
 16:16 17 ever contemplate murdering a couple people, did you?  
 16:16 18 A. No.  
 16:16 19 Q. And even if your mind could have wandered to  
 16:16 20 such a place, you'd never have done it, would you?  
 16:16 21 A. No.  
 16:16 22 Q. So to lay off one's behavior on the use of  
 16:16 23 drugs or alcohol doesn't deal with the proposition that  
 16:16 24 the behavior still comes out of the character of the  
 16:16 25 person, does it?

16:16 1 MR. HIGH: I'm going to have to object,  
16:16 2 Judge, as to leading the witness.

16:16 3 THE COURT: Sustained.

16:16 4 Q. (BY MR. SCHULTZ) Well, your opinion, you've  
16:16 5 done a lot of it, and you've been around countless  
16:16 6 people that have been doing a lot of it. If a person  
16:17 7 does drugs, do they have to go out and be capital  
16:17 8 murderers? Is that a necessary consequence?

16:17 9 A. No.

16:17 10 Q. Do they have to beat people's heads on the  
16:17 11 concrete because they do drugs or alcohol?

16:17 12 A. No.

16:17 13 MR. HIGH: Judge, I'm going to have to  
16:17 14 object. It's irrelevant. It's also prejudicial. I  
16:17 15 don't see how that question has any relevance other than  
16:17 16 to inflame the jury. You know, it's not really relevant  
16:17 17 to any of the jury's determinations what a capital  
16:17 18 murderer might do or might not do. It's just clearly,  
16:17 19 clearly trying to mislead and make the jury angry.

16:17 20 THE COURT: I sustain the objection.

16:17 21 MR. HIGH: And ask the jury to be  
16:17 22 instructed to disregard that last question.

16:17 23 THE COURT: I am inclined to do that.

16:17 24 Let's get on with the facts we have here.

16:17 25 Q. (BY MR. SCHULTZ) Well, I suppose the first

16:18 1 isolated incident of violent behavior, was it?

16:18 2 A. No.

16:18 3 Q. Because going back those years, the years that  
16:18 4 you knew him, you are the one being choked and  
16:19 5 threatened and abused and cursed and injured?

16:19 6 A. Yes.

16:19 7 Q. Right?

16:19 8 A. Yes.

16:19 9 Q. So I guess it goes both ways. Yeah. This  
16:19 10 isn't the year 2001, but he's been that way a long time,  
16:19 11 right?

16:19 12 A. Right.

16:19 13 Q. Now, I'm not going to dwell greatly on this  
16:19 14 issue of faith. But since it was addressed, let me ask  
16:19 15 you this: You indicated you had been saved, and you  
16:19 16 considered yourself to be a Christian maybe from the age  
16:19 17 of ten years old; is that right?

16:19 18 A. Right. I was saved when I was ten. I had gone  
16:19 19 to church prior to that.

16:19 20 Q. And there's nothing about being a Christian or  
16:19 21 being saved that means you can't be a lawbreaker or  
16:19 22 still can't do the kinds of things you want to do,  
16:19 23 right?

16:19 24 A. Right.

16:19 25 Q. I mean.

16:17 1 time a person ever got drunk or did drugs, that person  
16:17 2 might not know how they were going to be; is that right?

16:18 3 A. Right.

16:18 4 Q. Of course if they keep doing the same things  
16:18 5 and they keep being violent, are they choosing to be  
16:18 6 violent by doing the drugs?

16:18 7 A. Right. If they know how they are and they  
16:18 8 continue to keep doing it, yes.

16:18 9 Q. Certainly the defendant knew how he was?

16:18 10 A. Yes.

16:18 11 Q. When he was drunk, when he would do those  
16:18 12 things to you?

16:18 13 A. Yes.

16:18 14 Q. Now, let me ask you this because the defense  
16:18 15 attorney asked you the question. Well, now, these  
16:18 16 things you have been testifying about, that was years  
16:18 17 ago. Do you remember that line of questioning?

16:18 18 A. Right.

16:18 19 Q. I mean, I guess -- I guess -- I guess -- I  
16:18 20 guess there's a point to that. Yeah. Those beatings  
16:18 21 that you were receiving weren't in the year 2001.  
16:18 22 That's correct, right?

16:18 23 A. Correct.

16:18 24 Q. But the other side of that coin is, what  
16:18 25 happened in November of the year 2000 was not just an

16:19 1 A. Still make mistakes.

16:19 2 Q. Let's face it, you were a Christian when you  
16:19 3 were doing those drugs and driving up and down our roads  
16:19 4 dangerous. Do you follow what I'm saying?

16:20 5 A. Yes.

16:20 6 Q. So whether or not somebody becomes --

16:20 7 MR. HIGH: Excuse me, he's testifying.

16:20 8 He's leading the witness. We're going to ask that this  
16:20 9 questioning be done in question-and-answer form, not  
16:20 10 testifying.

16:20 11 THE COURT: Sustained.

16:20 12 Q. (BY MR. SCHULTZ) So whether or not someone has  
16:20 13 been converted to some religious faith, even if that's  
16:20 14 true, in your judgment does that mean they are not still  
16:20 15 dangerous just because they have experienced a  
16:20 16 conversion?

16:20 17 A. No.

16:20 18 Q. Now, you indicated, as far as you could tell,  
16:20 19 the defendant got along fine with his cousin --

16:20 20 A. Yes.

16:20 21 Q. -- James?

16:20 22 A. Uh-huh.

16:20 23 Q. How did he like Amy, Amy Kitchens?

16:20 24 A. They really didn't get along real well. But I  
16:20 25 mean, they didn't really argue or fight, but there

16:20 1 wasn't really a good relationship there.  
 16:21 2 Q. By the way, how did you like her?  
 16:21 3 A. I got along with her fine.  
 16:21 4 Q. I mean, in your judgment is she somebody worthy  
 16:21 5 of contempt or scorn, from what you were able to  
 16:21 6 observe?  
 16:21 7 A. Worthy of contempt?  
 16:21 8 Q. Contempt or scorn, uh-huh.  
 16:21 9 A. No.  
 16:21 10 Q. Did you somehow have ill feelings to her  
 16:21 11 because she was living a good life with James, however  
 16:21 12 that was occurring?  
 16:21 13 A. No, huh-uh.  
 16:21 14 MR. SCHULTZ: Pass the witness.  
 16:21 15 MR. HIGH: Judge, I don't have anything  
 16:21 16 further of this witness.  
 16:21 17 THE COURT: Is she excused by both sides?  
 16:21 18 MR. SCHULTZ: By the State.  
 16:21 19 MR. GOELLER: Subject to a three-hour  
 16:21 20 recall, Judge.  
 16:21 21 THE COURT: All right. You may step down  
 16:21 22 at this time.  
 16:21 23 THE COURT: Call your next witness.  
 16:21 24 MS. FALCO: Your Honor, at this time, the  
 16:21 25 State rests.

16:21 1 THE COURT: Yeah. I tell you what, ladies  
 16:21 2 and gentlemen, it's about 4:25. And one of your number  
 16:22 3 has a commitment tomorrow morning, and we're going to  
 16:22 4 take tomorrow off, and we'll begin Monday morning at 11  
 16:22 5 o'clock in the morning.  
 16:22 6 And for planning purposes I kind of  
 16:22 7 anticipate that we'll probably leave the courthouse  
 16:22 8 about mid-week next week for the last time. But I can't  
 16:22 9 guarantee you that, but I'm sure that you have some  
 16:22 10 curiosity about that, and it's not -- it's not something  
 16:22 11 that I can guarantee you, but it appears that that will  
 16:22 12 be the case. Perhaps sooner. But at any rate I want to  
 16:22 13 tell you once again, I'm going to -- you know, I always  
 16:22 14 sustain objections to being repetitive.  
 16:23 15 And I'm going to violate my own principle  
 16:23 16 and tell you that you are instructed that it is your  
 16:23 17 duty not to converse among yourselves or with anyone  
 16:23 18 else on any subject connected with the trial or to form  
 16:23 19 or express any opinion thereon until the cause is  
 16:23 20 finally submitted to you. So we'll see you Monday, the  
 16:23 21 22nd, at 11 o'clock in the morning.  
 16:24 22 (Court adjourned.)  
 23  
 24  
 25

REPORTER'S CERTIFICATE

1  
 2 THE STATE OF TEXAS  
 3 COUNTY OF COLLIN  
 4 I, Barbara L. Tokuz, CSR, RMR, CRR, Deputy Official  
 5 Court Reporter in and for the 380th Judicial District  
 6 Court of Collin County, State of Texas, do hereby  
 7 certify that the above and foregoing contains a true and  
 8 correct transcription of all portions of evidence and  
 9 other proceedings requested in writing by counsel for  
 10 the parties to be included in this volume of the  
 11 Reporter's Record, in the above-styled and -numbered  
 12 cause, all of which occurred in open court or in  
 13 chambers and were reported by me.  
 14 I further certify that this Reporter's Record of the  
 15 proceedings truly and correctly reflects the exhibits,  
 16 if any, offered by the respective parties.  
 17 WITNESS MY OFFICIAL HAND this the 11th day of  
 18 February, 2002.  
 19  
 20 *Barbara Tokuz*  
 21 Barbara L. Tokuz, CSR #4615, RMR, CRR  
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