

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

APPELLATE COURT NO. \_\_\_\_\_  
IN THE COURT OF CRIMINAL APPEALS  
OF THE STATE OF TEXAS  
AT AUSTIN

SHIRLEY ANNETTE MARTIN SUTHERLAND,  
Appellant,  
VS.  
THE STATE OF TEXAS,  
Appellee.

-----  
APPEAL FROM 180TH DISTRICT COURT OF HARRIS COUNTY  
TEXAS  
Judge Patricia R. Lykos, Presiding

TRIAL  
STATEMENT OF FACTS  
VOLUME II OF \_\_\_\_\_

**FILED**  
RAY HARDY  
District Clerk

AUG 8 1990

Kathleen O'Connor Powers  
Official Court Reporter  
301 San Jacinto  
Houston, Texas 77002

Time: 9:10 am  
Harris County, Texas  
By: B. Neal  
Deputy

02/994

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

CAUSE NO. 526,673

STATE OF TEXAS

IN THE 180TH DISTRICT COURT

VS.

OF

SHIRLEY ANNETTE  
MARTIN SUTHERLAND

HARRIS COUNTY, T E X A S

A P P E A R A N C E S:

For the State: Mr. Steve Baldassano  
Assistant District Attorney  
Harris County, Texas

For the Defendant: Mr. Ken Goode  
Attorney at Law  
Houston, Texas

BE IT REMEMBERED that upon this the 14th day of March, A. D. 1990, the above entitled and numbered cause came on for trial before the Honorable Patricia R. Lykos, Judge of the 180th District Court of Harris County, Texas; and the State appearing by counsel and the Defendant appearing in person and by counsel, announced ready for trial and a jury having been selected and duly impaneled, and all preliminary matters having been disposed of the following proceedings were had, viz:

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

SHIRLEY ANNETTE MARTIN SUTHERLAND  
CHRONOLOGICAL INDEX

PAGE

Volume II - Trial

3-14-90

Opening Statement By Mr. Baldassano ..... 5

PEDRO MURILLO

Direct Examination By Mr. Baldassano ..... 8

State's Exhibit No. 1 - received ..... 12

Cross-Examination By Mr. Goode ..... 14

Defense Exhibits No. 1, 2, 3 - marked ..... 18

Defense Exhibits No. 1, 2, 3, - received .... 19

DARRELL LATHROP

Direct Examination By Mr. Baldassano ..... 22

State's Exhibits No. 2, 3, 4 - received ..... 25

Cross-Examination By Mr. Goode ..... 29

GARY W. TAIMADGE

Direct Examination By Mr. Baldassano ..... 32

State's Exhibit No. 5,6,7,8,9,10 - received . 38

Cross-Examination By Mr. Goode ..... 51

Redirect Examination By Mr. Baldassano ..... 59

DR. ROBERT JORDAN

Direct Examination By Mr. Baldassano ..... 63

State's Exhibit No. 12 - marked ..... 66

State's Exhibit No. 12 - received ..... 66

State's Exhibit No. 13, 14, 15 - received ... 68

Cross-Examination By Mr. Goode ..... 74

Redirect Examination By Mr. Baldassano ..... 84

KITTY SMITH

Direct Examination By Mr. Baldassano ..... 86

State's Exhibit No. 16 - received ..... 87

Cross-Examination By Mr. Goode ..... 90

Voir Dire Examination By Mr. Goode (outside jury's  
presence) ..... 95

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

SHIRLEY ANNETTE MARTIN SUTHERLAND  
CHRONOLOGICAL INDEX

PAGE

Volume II - Trial

3-14-90

BRUCE JOHNSON

Direct Examination By Mr. Baldassano ..... 104  
State's Exhibit No. 17 - received ..... 107  
Cross-Examination By Mr. Goode ..... 120  
Redirect Examination By Mr. Baldassano ..... 126

ARNULFO RAMIREZ

Direct Examination By Mr. Baldassano ..... 129  
Cross-Examination By Mr. Goode ..... 130

PEDRO CAVAZOS

Direct Examination By Mr. Baldassano ..... 133  
Cross-Examination By Mr. Goode ..... 153  
Redirect Examination By Mr. Baldassano ..... 167

YVONNE MARIA NUNEZ GONZALEZ

Direct Examination By Mr. Baldassano ..... 170  
Cross-Examination By Mr. Goode ..... 199  
Defense Exhibit No. 4- marked ..... 202  
Redirect Examination By Mr. Baldassano ..... 208

Court Reporter's Certificate ..... 214

1 (WHEREUPON, the following proceedings were  
2 had outside the presence and hearing of the jury:)

3  
4 THE COURT: Are the attorneys ready for the  
5 jury?

6 MR. BALDASSANO: State is ready.

7 MR. GOODE: Defense is ready, Judge.

8 THE COURT: Please seat the jury, sir.

9  
10 (WHEREUPON, the following proceedings were  
11 had within the presence and hearing of the jury:)

12  
13 THE COURT: Jury may be seated.

14 Good morning, ladies and gentlemen.

15 JURORS: Good morning.

16 THE COURT: I trust everybody had a  
17 pleasant evening.

18 Are the attorneys ready to proceed?

19 MR. BALDASSANO: State is ready.

20 MR. GOODE: Defense is ready, Judge.

21 THE COURT: Does the State wish to make an  
22 opening statement?

23 MR. BALDASSANO: Yes, Your Honor.

24 THE COURT: You may proceed, sir.

25 MR. BALDASSANO: Thank you, Your Honor.

1 Shawnte Collins was born on January the  
2 11th, 1969. Blond hair, freckles, hazel eyes. She died  
3 barely 20 years later, on February the 19th, 1989.

4 MR. GOODE: Your Honor, at this time I am  
5 going to object to what is actually a summation rather  
6 than an introduction of what his case is going to prove.

7 MR. BALDASSANO: The evidence will show she  
8 died on February the 19th, 1989.

9 This case is the story about her last few  
10 hours on earth. This case involves events that occurred  
11 in the late evening hours of February the 18th, 1989,  
12 and the early morning hours of February the 19th.  
13 During these times Shawnte Collins was confronted by the  
14 defendant. She was beaten by the defendant. She was  
15 threatened by the defendant, "Bitch, I'll kill you. You  
16 are not going to make it through the night. You won't  
17 make it to the corner." And in the early morning hours  
18 of February the 19th, 1989, Shawnte Collins was murdered  
19 by the defendant. She was shot in the head by the  
20 defendant. She was thrown in a trash can by the  
21 defendant. She was humiliated by the defendant, had her  
22 clothes taken off, garbage thrown on her by the  
23 defendant, and she was dumped on the side of the road by  
24 the defendant.

25 Before Shawnte Collins was buried she was

1 badmouthed by the defendant who went around and told  
2 people why she did it and how she did it. She admitted  
3 the offense to several people.

4 Please listen carefully to the last few  
5 hours of a young girl's life.

6 THE COURT: Does the Defense wish to make  
7 an opening statement at this time?

8 MR. GOODE: Not at this time, Your Honor.

9 THE COURT: Call your first witness,  
10 please, sir.

11 MR. BALDASSANO: State calls Pedro Murillo.

12 THE COURT: Please take the stand, sir.  
13 You may proceed, Counsel.

14 MR. BALDASSANO: Thank you, Your Honor.

15

16

17

18

19

20

21

22

23

24

25

1 PEDRO MURILLO,  
2 was called as a witness by the State, and after having  
3 been duly sworn, testifies as follows:

4 DIRECT EXAMINATION

5 BY MR. BALDASSANO:

6 Q. Please state your name, sir.

7 A. Pedro Murillo.

8 Q. And, sir, how old are you?

9 A. I'm 34 years old.

10 Q. And how are you employed?

11 A. I am a welder.

12 Q. Okay. And who do you work for?

13 A. Hydrofile.

14 Q. And how long have you been a welder?

15 A. About 10 years.

16 Q. Can you tell the members of the jury the  
17 neighborhood that you live in, what street do you live  
18 on?

19 A. I live on -- Jersey Acres and I live at  
20 Skyview and Cedarview.

21 Q. Okay. And is your neighborhood a location  
22 inside of Harris County?

23 A. It just -- yeah, almost the limit, one  
24 block before the city limits.

25 Q. The city limits within Houston?



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

A. Yes.

Q. But inside the county?

A. Inside the county.

Q. And do you have a family, sir?

A. Yes, I do.

Q. Okay. And how many people in your family?

A. We got three kids.

Q. Could you describe for the members of the jury the type of neighborhood that you live in?

A. Well, it's a quiet neighborhood -- and very quiet.

Q. Are there any main streets around your neighborhood?

A. You could say a main street. Brittmore is the one that everyone is going in; but, you can see -- you can go any time through the streets to go on to Little York instead of going straight to Brittmore.

Q. Okay. So, the access to Little York is close?

A. Yes.

Q. But you don't live on Little York?

A. No. No, I live on one side of the corner.

Q. Okay. Sir, I am going to call your attention to events that occurred on February the 19th, a Sunday morning, 1989.

1                    Could you tell the members of the jury if  
2                    you noticed anything unusual on that date?

3                    A.        Yes, I was working late. I was coming home  
4                    around 2:00, 2:45, in the morning when I met a stop  
5                    sign, I notice a plastic barrel on the side, and I say,  
6                    well, somebody left the trash on the wrong side of the  
7                    street.

8                    Q.        Okay, sir, let me interrupt you.  
9                    Why were you coming home at 2:45 in the  
10                   morning?

11                   A.        I was working nights.

12                   Q.        And how do you know it was 2:45?

13                   A.        Because I left from work around 2:30 and it  
14                   takes me about five minutes to get to my house. Real  
15                   close.

16                   Q.        Okay. Now, you saw the barrel on the side  
17                   of the road?

18                   A.        Yes.

19                   Q.        Can you describe the barrel?

20                   A.        It was, like a red plastic one and I said,  
21                   well, if this is a plastic one, and it's got trash in  
22                   it, they are supposed to have it on the side of the  
23                   house to whoever it belongs to.

24                   Q.        Did you take any action regarding what you  
25                   saw at that time?

1           A.     No, I thought -- I have the impulse of  
2           taking it to the trash can and I say, no, somebody else  
3           did it, so, somebody else will have to do it. And I  
4           took my mind off -- I have the intention to take it to  
5           the trash, but then I stopped and forgot about it.

6           Q.     Okay. Did you touch the barrel in any way  
7           or look into it?

8           A.     No, I just saw it on the side and just kept  
9           on going.

10           MR. BALDASSANO: May I approach the  
11           witness, Your Honor?

12           THE COURT: Yes, sir.

13           Q.     (BY MR. BALDASSANO) Sir, I am going to  
14           show you what's been labeled as State's Exhibit No. 1  
15           and ask you if you could recognize that picture?

16           A.     Yeah, this is it.

17           Q.     Does that picture accurately portray the  
18           scene as you saw it on February the 19th, 1989, but for  
19           the sunlight?

20           A.     Yes.

21           MR. BALDASSANO: Judge, at this time the  
22           State would offer State's Exhibit No. 1, tender to  
23           Counsel for his inspection.

24           MR. GOODE: We have no objections, Your  
25           Honor.

1 THE COURT: State's Exhibit 1 is received  
2 into evidence without objection.

3 Q. (BY MR. BALDASSANO) Now, is the  
4 positioning of the barrel in State's Exhibit No. 1 the  
5 same position you saw it in?

6 A. Yes, it is.

7 Q. Now, you said you didn't touch the barrel,  
8 but you went home.

9 Did you go to sleep?

10 A. Yes.

11 Q. When was the next time you had any kind of  
12 dealings with the barrel?

13 A. Well, I woke up around 11:00 and we still  
14 saw the deal standing over there on the side of the road  
15 and we didn't pay attention to it since it's trash, you  
16 know, you can see a lot of bags laying on the side,  
17 nobody paid attention to it.

18 Q. Okay. And did you see anybody else  
19 congregate around the barrel?

20 A. No, nobody paid attention to it.

21 Q. Okay. Eventually, sometime later in the  
22 afternoon, were you interviewed by the police about the  
23 barrel?

24 A. No, it struck me when I was -- I went out  
25 to the store and when I was about going to Skyview, they

1 have those bands, yellow band around it where it says:  
2 Police. Don't go in.

3 Q. That's depicted in the picture, right? --  
4 The yellow band?

5 A. Yes. Yes.

6 Q. And at that time did you speak to the  
7 police officer?

8 A. No, I went to see what was going on and  
9 they said: There is a body cut in pieces in there. And  
10 I said: What?

11 MR. GOODE: Nonresponsive. Hearsay. Ask  
12 the jury to disregard.

13 THE COURT: Sir, please don't repeat  
14 anything anybody told you.

15 THE WITNESS: Okay.

16 THE COURT: Listen carefully to the  
17 question that's asked you and only answer that question.

18 THE WITNESS: All right.

19 MR. GOODE: Also ask --

20 THE COURT: The jury is ordered to  
21 disregard the hearsay remark of the witness.

22 Q. (BY MR. BALDASSANO) The question is: Did  
23 you speak to any police officers about what you had seen  
24 the morning before, the night before, about the barrel?

25 A. Yeah, I went and I told the police that was

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

taking information at that time.

Q. He took down your name?

A. Yes.

Q. And your phone number?

A. Right.

MR. BALDASSANO: I will pass the witness.

THE COURT: You may proceed, Counsel.

MR. GOODE: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. GOODE:

Q. Mr. Murillo, how far is your residence from the county line?

A. It's about a block, a block away.

Q. Now, are you talking about the city line or county line?

A. City line.

Q. Where is the next county line?

A. Brittmore is the center line where it says City of Houston and then it's the county.

Q. What is the next county?

A. County?

Q. Right.

A. There is no -- just Harris County.

Q. Right. What is the next county over?

1 A. It's just the city.

2 Q. You understand you live in Harris County;  
3 is that correct?

4 A. Yes.

5 Q. Do you know what the county is right next  
6 to you? -- or do you not know?

7 A. No, it's Harris County. There is no other  
8 county around it.

9 Q. Okay. If you were to get in your car and  
10 drive --

11 A. M-h'm.

12 Q. -- what would be the next county that you  
13 ran into?

14 MR. BALDASSANO: Judge, I am going to  
15 object.

16 A. There's no county. It's the city. It says  
17 city limit.

18 MR. BALDASSANO: Judge, I am going to  
19 object --

20 THE COURT: Sir, please.

21 MR. BALDASSANO: -- object to driving in  
22 which direction. There are numerous counties  
23 surrounding Harris County.

24 MR. GOODE: May I proceed, Your Honor?

25 THE COURT: Yes, sir.

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

Q. (BY MR. GOODE) Sir, other than Harris County, what is the closest county to where you live?

A. I can't tell -- I don't really know.

Q. And how long have you been living at the residence?

A. I been living there for four years.

Q. Sir, do you speak Spanish?

A. Yes.

Q. Are you familiar with the word "herneno," h-e-r-n-e-n-o?

A. "Hermano," yeah.

Q. What does that word mean in English?

A. Brother.

Q. What's the ethnic make-up of your neighborhood?

A. They have some Columbians, some Venezuelans, some behind us, Mexicans.

Q. Would you say that the area surrounding where the barrel was found is a residential area?

A. Yes.

Q. Would you say there are a lot of houses around?

A. Yup.

Q. And you at no time looked inside this barrel; is that right?



1 A. Beg your pardon?

2 Q. You did not look inside the barrel?

3 A. No, I just went by it.

4 Q. All right. So, original location of the

5 barrel being on the side of the street, not in front of

6 a house?

7 A. Yes.

8 Q. It didn't look that much out of the

9 ordinary to you?

10 A. Right. You are right.

11 Q. So, you had seen this type of barrel in

12 front of houses before; is that correct?

13 A. Yeah.

14 Q. And you had seen this type of barrel in

15 front of houses in that neighborhood before?

16 A. Another type. Regular trash cans.

17 Q. In that neighborhood?

18 A. Yes.

19 Q. When you came home from work was there any

20 other traffic on the road?

21 A. No. Didn't see.

22 Q. What road did you take coming home from

23 work?

24 A. The same road, street, I do every time.

25 Q. What's that?

1 A. That's Cedarview.

2 Q. And what is the location of your work  
3 address?

4 A. It's 6116 Cunningham. It's about three  
5 miles from my house.

*Pedro gets to  
work at 2:30 AM*

6 Q. Did you use Brittmore to get home?

7 A. Yes.

8 Q. Are you familiar with the people who live  
9 at that intersection of Skyview and Cedarview?

10 A. Yes, I am.

11 MR. GOODE: May I approach the witness,  
12 Judge?

13 THE COURT: You may, sir.

14 MR. GOODE: Mark these, please.

15

16 (WHEREUPON, the instruments referred to by  
17 Counsel were marked for identification purposes only as  
18 Defendant's Exhibits Nos. 1, 2 and 3.)

19

20 Q. (BY MR. GOODE) Mr. Murillo, let me show  
21 you what has been marked as for identification purposes  
22 as Defense Exhibits 1, 2 and 3, and ask you, if you can  
23 identify them?

24 A. Identify what?

25 Q. If you can identify these photographs?

1 A. Oh, yes. Oh, yes.

2 Q. Look at them all.

3 A. (Witness complies.) All right.

4 Q. Do these photographs accurately depict what  
5 that intersection and surrounding area look like?

6 A. Yes. Yes.

7 MR. GOODE: Your Honor, I would offer these  
8 into evidence after tendering same to Counsel.

9 MR. BALDASSANO: No objection.

10 THE COURT: The numbers, sir.

11 MR. GOODE: 1 through 3 Your Honor.

12 THE COURT: Defense Exhibits 1 through 3,  
13 inclusively, are received into evidence without  
14 objection.

15 MR. GOODE: May I approach the witness,  
16 Judge?

17 THE COURT: Yes, sir.

18 Q. (BY MR. GOODE) Mr. Murillo, looking at  
19 Defense Exhibit No. 1, would you tilt it a little so the  
20 jury can see.

21 Would you tell me who lives in that place  
22 on the left? Right on the intersection of Cedarview and  
23 Skyview?

24 A. This is my house.

25 Q. That is your house?

1 A. Yes.

2 THE COURT: Pardon me, sir. Would you  
3 please speak into the microphone, please?

4 A. On the left side is my house. Right in the  
5 corner.

6 Q. (BY MR. GOODE) Okay, sir, and with regard  
7 to Defense Exhibit No. 2?

8 A. That's the one.

9 Q. Would you tilt it so the jury can see it,  
10 please? That's where you live?

11 A. Yes, that's where I live.

12 Q. Right on the corner of Cedarview and  
13 Skyview?

14 A. Yes. M-h'm.

15 Q. So, you live approximately, in feet, how  
16 far would you say from where the barrel was found?

17 A. Maybe 50 feet. Something like that.

18 Q. Okay. Mr. Murillo, you yourself did not  
19 call the police; is that correct?

20 A. No, I didn't.

21 Q. And you remember the name of the police  
22 officer or detective with whom you spoke?

23 A. No, I just went and told the time that I  
24 saw that deal and I didn't saw the garbage.

25 Q. Did you give him an oral statement?

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

A. Yes, I did.

MR. GOODE: Your Honor, at this time we would ask for that statement.

(WHEREUPON, the Prosecutor handed the Defense Attorney a document.)

MR. GOODE: May I have just a brief moment, Your Honor?

THE COURT: Yes, sir.

MR. GOODE: Your Honor, I pass the witness.

THE COURT: Any further questions, sir?

MR. BALDASSANO: No, Your Honor.

THE COURT: May this witness be excused?

MR. BALDASSANO: Yes, Your Honor.

MR. GOODE: Yes, Your Honor.

THE COURT: You may step down, sir. You are excused.

Call your next witness, please, sir.

MR. BALDASSANO: State calls Darrell Lathrop.

THE COURT: Jury may stand up and stretch, if you wish.

You may proceed, Counsel.

MR. BALDASSANO: Thank you, Judge.

1                                   DARRELL LATHROP,  
2 was called as a witness by the State, and after having  
3 been duly sworn, testifies as follows:

4                                   DIRECT EXAMINATION

5 BY MR. BALDASSANO:

6                   Q.     Please state your name, please.

7                   A.     Dale or Darrell Lathrop.

8                   Q.     And, sir, how old are you?

9                   A.     I'll be 50 in September.

10                  Q.     Okay. And are you a family man?

11                                Are you married?

12                  A.     Yes.

13                  Q.     Any children?

14                  A.     Two children.

15                  Q.     Can you describe for the people the  
16 neighborhood that you live in?

17                  A.     The neighborhood?

18                  Q.     Right.

19                  A.     It's -- well, it's probably every house in  
20 it's about, I'd say, around \$50,000.

21                  Q.     Residential neighborhood?

22                  A.     Yes.

23                  Q.     Are there some other factories or buildings  
24 in the neighborhood of commercial type?

25                  A.     Not in the neighborhood; but, around it.

1 Q. And what type of work do you do, sir?

2 A. I am a vinyl installer, vinyl flooring.

3 Q. And who do you work for?

4 A. Right now I'm working for Mid-Texas Floors.

5 Q. Sir, I am going to call your attention to  
6 the morning or early afternoon of February the 19th,  
7 1989, and could you explain for the members of the jury  
8 where you were that day?

9 A. Well, I was at home and I was waiting for  
10 my wife to get home from church so I could change the  
11 oil in her truck.

12 Q. Do you remember anything unusual happening  
13 that day or seeing anything out of the ordinary?

14 A. Yes, I saw a garbage can across the street  
15 from me and there is no houses or anything there so it  
16 looked kind of funny for it to be there.

17 Q. Do you remember what time you saw the  
18 garbage can?

19 A. I can't be positive, but it was probably  
20 around 1:00 or 1:30.

21 Q. Okay. 1:30 p.m.?

22 A. Yes.

23 Q. That would be on February the 19th, on  
24 Sunday?

25 A. Yes.

1 Q. Okay. And what, if anything, did you do  
2 regarding the garbage can?

3 A. Well, I thought maybe somebody had dumped  
4 something there and I was either going to get rid of the  
5 garbage can myself, because we have a nice clean  
6 neighborhood. Everybody tries to keep it clean. I was  
7 going to get somebody, you know, else to do it.

8 Q. Now, did you initially see the garbage can  
9 from across the street from your house or were you  
10 walking by it?

11 A. I could see it from my house.

12 Q. And did you ever actually walk up to it?

13 A. Yes, I did.

14 Q. Okay.

15 MR. BALDASSANO: May I approach the  
16 witness, Your Honor?

17 THE COURT: Yes, sir.

18 Q. (BY MR. BALDASSANO) Sir, I am going to  
19 show you what's been introduced as State's Exhibit No.  
20 1, and just hold that, and take a look at that in  
21 conjunction with what's been marked for identification  
22 as State's Exhibit No. 2, 3 and 4.

23 Do these photographs accurately portray the  
24 scene as you saw it back on February the 19th, 1989?

25 A. Yes, it does.



1 Q. Regarding State's Exhibit No. 3, can you  
2 tell the members of the jury if State's Exhibit No. 3 is  
3 an exact duplication of how you saw the garbage can when  
4 you walked up to it?

5 A. Yes, it is.

6 MR. BALDASSANO: At this time, the State  
7 would offer State's Exhibits 2, 3 and 4, tender those to  
8 Defense Counsel for his inspection.

9 MR. GOODE: We have no objections, Your  
10 Honor.

11 THE COURT: State's Exhibit 2, 3 and 4 are  
12 received into evidence without objection.

13 MR. BALDASSANO: Judge, at this time, may I  
14 have these Exhibits 1, 2, 3 and 4 published to the jury?

15 THE COURT: State's exhibits?

16 MR. BALDASSANO: Yes, Your Honor.

17 Q. (BY MR. BALDASSANO) Sir, can you explain  
18 or describe what you saw when you walked up to the  
19 barrel?

20 A. Well, first thing I saw was some signs of  
21 blood.

22 Q. And where did you see the signs of blood?

23 A. It was on the -- right on the paper sack  
24 that was on top.

25 Q. And at what point did you see the blood?

1                   Was that at the time you were approaching  
2 the barrel or were you actually looking right over it?

3           A.     It's when I was approaching it.

4           Q.     And did you continue to approach the  
5 barrel?

6           A.     Yes, because I was curious to see what was  
7 in it. It was some dead fish or what, you know, people  
8 had thrown out some -- a big sackful of dead fish a  
9 couple of weeks before that we had to get rid of.

10          Q.     Okay. Did you, at any time, walk right up  
11 to the barrel and look right down into the barrel?

12          A.     Yes, I did.

13          Q.     And can you describe for the members of the  
14 jury what you saw when you did that?

15          A.     I saw a top of a head, black hair I think  
16 it was, black or dark brown.

17          Q.     Okay. And was there anything on the hair?

18          A.     Blood.

19          Q.     And did you do anything at that point  
20 regarding the barrel? That is, did you disturb any of  
21 the contents of the barrel?

22          A.     Well, I wasn't sure that this was really a  
23 dead body and, so, I think I did pick up a stick and  
24 raise the sack up just a little bit and I could see some  
25 arms and legs and a ring on a finger and so I knew it

1 was a dead body there; but, as far as I didn't touch it  
2 with my hands or -- and I just let the sack back down.

3 Q. And then what did you do next?

4 A. I went over and had my wife to call 911.

5 Q. Now, regarding the positioning of the  
6 barrel, do the photographs accurately portray the  
7 relative position of the barrel as compared to the sign  
8 in the photographs?

9 A. Yes.

10 Q. What type of sign is that?

11 A. I am not for sure.

12 Q. Okay. Did you move the barrel at all?

13 A. No, I did not.

14 Q. Okay. So, the barrel, as far as how it is  
15 portrayed in the picture being next to the sign, is that  
16 how you first saw the barrel?

17 A. Yes.

18 Q. You say your wife called 911?

19 A. Yes.

20 Q. And were you there when the police arrived?

21 A. Yes, I stayed out there and watched the  
22 barrel and to make sure no kids got in it or anything.

23 Q. Did you ever loss sight of the barrel at  
24 all?

25 A. No.

1 Q. Did anybody else come around the barrel  
2 before the police got there?

3 A. No, they didn't.

4 Q. And did the police finally arrive?

5 A. Yes. It took a while.

6 Q. And was it the Sheriff's Department?

7 A. Yes.

8 Q. And what, if anything, did you do when the  
9 police arrived?

10 A. I just went back over to my house.

11 Q. Well, did you talk to the police?

12 A. Then they called me back and took my  
13 statement.

14 Q. Okay. Did you have any other part in this?  
15 That is, did you do anything at the direction of the  
16 police to help out?

17 A. No, I -- that was all that I did.

18 Q. And can you tell approximately the number  
19 of officers that came out to the location?

20 A. I think at first there was two detectives  
21 and maybe two Harris County police and then after that  
22 there was a lot of people came up. I can't tell you how  
23 many.

24 Q. Okay. Thank you.

25 MR. BALDASSANO: I will pass the witness.

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

THE COURT: You may proceed, Counsel.

MR. GOODE: Thank you, Judge.

CROSS-EXAMINATION

BY MR. GOODE:

Q. Mr. Lathrop, would you describe the ethnic breakdown of your neighborhood, please?

A. What do you mean?

Q. Well, white, black, Hispanic?

A. It's mixed.

Q. Okay. Would you say there are many Mexicans, Columbians around?

A. Yes. My next-door neighbors, I think, were.

Q. And are you familiar with the next county over, other than Harris County, the next county over?

A. What?

Q. What the name of that county would be?

A. Which way?

Q. What's the closest county to where you live?

A. I'd say Montgomery. I don't know for sure.

Q. And how far would you say Montgomery County line is from where you live, an estimation?

A. I really don't know. 40 miles. Something

1           like that.

2           Q.     How long have you lived at your address?

3           A.     Since 1981.

4           Q.     Now, when you looked in that barrel you  
5           said that the hair was either blond or black?

6           A.     No, it was either blond or brown, I think.  
7           Yes. It was dark.

8           Q.     And you testified that it looked funny to  
9           you, the barrel did?

10          A.     Well, it's just a Budweiser garbage can,  
11          orange, bright orange.

12          Q.     Had you seen that type of garbage can in  
13          that neighborhood before?

14          A.     No.

15          Q.     Where do people normally put their garbage  
16          cans in that neighborhood?

17          A.     In front of their house.

18                 MR. GOODE: I will pass the witness, Judge.

19                 MR. BALDASSANO: Nothing further, Judge.

20                 THE COURT: May this witness be excused?

21                 MR. BALDASSANO: Yes, Your Honor.

22                 MR. GOODE: Yes, Your Honor.

23                 THE COURT: You may step down, sir, you are  
24                 excused.

25                 THE WITNESS: Thank you.

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

THE COURT: Call your next witness, please,  
sir.

MR. BALDASSANO: State calls Deputy Sheriff  
Talmadge.

THE COURT: Jury may stand up and stretch  
again if you wish.

THE BAILIFF: Your Honor, this witness  
needs to be sworn.

THE COURT: Please raise your right hand to  
be sworn, sir.

(Witness sworn.)

THE COURT: You may proceed, Counsel.

MR. BALDASSANO: Thank you, Your Honor.

1 GARY W. TALMADGE,  
2 was called as a witness by the State, and after having  
3 been duly sworn, testifies as follows:

4 DIRECT EXAMINATION

5 BY MR. BALDASSANO:

6 Q. Please state your name, please?

7 A. Garry W. Talmadge.

8 Q. And how are you employed?

9 A. As a deputy with the Harris County  
10 Sheriff's Department.

11 Q. And how long have you been with the Harris  
12 County Sheriff's Department?

13 A. About five and a half years.

14 Q. Can you explain to the members of the jury  
15 your experience with the sheriff's department; that is,  
16 what division are you currently assigned to?

17 A. I am assigned to the Criminal  
18 Identification Division. My duties would include  
19 fingerprinting, fingerprint comparisons, crime scene  
20 investigations, processing of evidence from those cases,  
21 and the normal office duties in the division.

22 Q. And what type of training or experience do  
23 you have to enable you to be a member of the  
24 identification division?

25 A. I attended and completed numerous training



1 schools to include various schools on fingerprints  
2 taught by the Texas Department of Public Safety and also  
3 the Federal Bureau of Investigation. Also attended and  
4 completed numerous training schools in the area of crime  
5 scene investigations, also taught by the Texas  
6 Department of Public Safety, and also by the Federal  
7 Bureau of Investigation.

8 Q. And how long have you been taking and  
9 comparing fingerprints?

10 A. For about four and a half years.

11 Q. And have you compared few or many  
12 fingerprints?

13 A. Many.

14 Q. And during the day, on a typical day, how  
15 often is it that you come in contact with  
16 fingerprinting?

17 A. Well, I do that as a regular part of my  
18 duties. It's quite frequently.

19 Q. So, it's a day in and day out activity?

20 A. Yes, it is.

21 Q. Deputy, I am going to call your attention  
22 to February the 19th, 1989, and ask you, first of all,  
23 were you working that day?

24 A. Yes, sir, I was.

25 Q. And in what capacity?

1 A. As a deputy in the identification division.

2 Q. Did you have an occasion to be called to a  
3 scene that day?

4 A. Yes, sir, I did.

5 Q. And can you explain to the members of the  
6 jury about what time you arrived and where you went?

7 A. Yes, sir, I could. I received the  
8 information from our communications division and I  
9 received that information about 1:30 p.m., and I went  
10 enroute and arrived at the scene location shortly after  
11 2:00 p.m.

12 Q. Okay. And what was the scene location?

13 A. The scene location was in the 6330 block of  
14 Skyview. That was all the information that I received.

15 Q. Is that a location inside of Harris County,  
16 Texas?

17 A. Yes, sir, it is.

18 Q. Is that a location that is anywhere near  
19 the border of one of the other counties that are  
20 adjacent to Harris County; that is, is the scene close  
21 to or nearby Waller County or Liberty County or Fort  
22 Bend County?

23 A. No, sir, it isn't. Not to my knowledge.

24 Q. And can you tell us what you observed when  
25 you arrived at the scene?

1           A.     Well, as I arrived at the scene there were  
2           several other Harris County Sheriff's Office deputies  
3           there, and the scene was bordered off with crime scene  
4           tape. I found the actual scene to be located on  
5           Cedarview, which is a street that runs east to west  
6           between Skyview and Brittmore. And as I arrived on the  
7           scene the street was vacant; that is, there were no  
8           houses located along that particular street. There was  
9           a vacant lot on each side of the street and actually the  
10          only thing there on the street was a red barrel.

11          Q.     But this was in a residential neighborhood?

12          A.     Yes, sir, it was.

13          Q.     And what was your function at the scene?  
14                 What were you there to do?

15          A.     My function, my purpose, was there to take  
16          scene photographs and also to collect any pertinent  
17          evidence that may be there.

18          Q.     Now, the other deputy sheriffs, did each  
19          person have a function when they arrived at a crime  
20          scene?

21          A.     Yes, sir, they do.

22          Q.     Now, yours is collecting evidence. Is that  
23          what you just said?

24          A.     That's correct.

25          Q.     Now, do any of the other people at a scene

1 help you collect evidence?

2 A. Occasionally; but, normally not.

3 Q. If any evidence is located is it brought to  
4 you as the person who is responsible mainly for the  
5 collection of the evidence?

6 A. Normally, I would or another scene  
7 investigator, if they are working the scene, normally I  
8 would locate and actually collect the evidence myself;  
9 that is to say, the evidence would not be removed by  
10 anyone else. I would be the actual one to pick up that  
11 particular piece of evidence.

12 Q. Okay. And are you responsible for how the  
13 evidence is handled at the scene?

14 A. Yes.

15 Q. And in regards to --

16 A. Yes.

17 Q. And in regards to this crime scene, you  
18 said you tried to collect evidence. Did you take any  
19 photographs?

20 A. Yes, sir, I did.

21 Q. And what did you take photographs of and  
22 why?

23 A. I took photographs of the general scene  
24 area; that is, the street on which the actual scene was  
25 located, the areas surrounding the scene, and then the

1 actual barrel where the body was found.

2 Q. And do you do any kind of or did you do any  
3 type of crime scene search?

4 A. Yes, sir, we did.

5 Q. And what does that involve?

6 A. The crime scene search would include a  
7 search of the immediate area, as well as the surrounding  
8 area of the scene, and in an effort to find any  
9 pertinent evidence that may be of value.

10 Q. Okay. When you say pertinent evidence that  
11 may be of value, are you looking for weapons or papers  
12 or what exactly are you looking for, if anything?

13 A. Well, actually coming on the type of scene,  
14 it could be any of those. It could be a weapon and  
15 weapons can include various types of objects. It's not  
16 always a firearm or so. It could be other type objects;  
17 but, anything in the mind of the investigator that might  
18 be pertinent to that particular case.

19 MR. BALDASSANO: May I approach the  
20 witness, Your Honor?

21 THE COURT: Yes, sir.

22 Q. (BY MR. BALDASSANO) Sir, I will ask you to  
23 take a look at State's Exhibits 5 through 11, if you  
24 would, please?

25 A. (Witness complies.)

1 Q. Do State's Exhibits 5 through 11 accurately  
2 depict the observations that you made out on the scene  
3 and later on in conjunction with the investigation of  
4 this case?

5 A. Yes, sir, they do.

6 Q. And did you take these photographs?

7 A. Yes, sir. Yes, I did.

8 MR. BALDASSANO: State would offer State's  
9 Exhibits 5, 6, 7, 8, 9, 10 and 11, and tender each to  
10 Defense Counsel for his inspection.

11 MR. GOODE: No objections, Your Honor.

12 THE COURT: State's Exhibits 5 through 11,  
13 inclusively, are received into evidence without  
14 objection.

15 MR. BALDASSANO: May I approach the  
16 witness, Your Honor?

17 THE COURT: Yes, sir.

18 Q. (BY MR. BALDASSANO) Dr. Talmadge, could  
19 you please explain, first starting with State's Exhibit  
20 5, what that is a photo of and why you took that photo,  
21 what you were looking for?

22 A. State's Exhibit No. 5 is a photograph that  
23 I took of the -- it shows the barrel located on the  
24 north side of Cedarview and also a green plastic garbage  
25 bag that was located on the ground just near the barrel.

1 Q. Any particular reason for taking that  
2 photograph?

3 A. Well, just that it shows the actual barrel  
4 that the body was in and also the surrounding area of  
5 the barrel.

6 Q. Did you collect or find any evidence of  
7 value in it and around the barrel that's depicted in  
8 State's Exhibit No. 5?

9 A. Well, actually, there was several items  
10 that were collected as evidence, however, none of these  
11 items actually proved to be of value.

12 Q. Okay. Thank you.

13 I am going to show you now State's Exhibit  
14 No. 6, if you could describe for the members of the jury  
15 what that is and why you took that photo?

16 A. State's Exhibit No. 6 is also a photograph  
17 of the north side of Cedarview roadway and the item  
18 contained on this side of the photograph is a piece of  
19 trash and I thought perhaps it was an item of trash that  
20 had been thrown out or removed from the barrel which  
21 contained the body.

22 Q. Anything significant turn up regarding that  
23 piece of trash or garbage?

24 A. No, sir, it did not.

25 Q. Next I show you State's Exhibit No. 7 and 8

1 and 9, all at once, and if you could explain starting  
2 with 7, what 7 is and why you took it and if it had any  
3 significance?

4 A. State's Exhibit No. 7 is a photograph of  
5 the -- also of the north side of the roadway there on  
6 Cedarview. Photograph shows a cigarette butt that was  
7 lying on the ground. I photographed the cigarette butt  
8 and also collected it. I thought perhaps it might be of  
9 significant value. Sometimes we are able to get  
10 identifiable fingerprints from cigarette butts, however,  
11 in this case, I was not able to.

12 Photograph No. 8 is also a photograph of  
13 the north side of the roadway. Just shows the  
14 surrounding area on the ground near the barrel and also  
15 shows a photograph which contains the cigarette butt,  
16 also.

17 And State's Exhibit No. 9 is a photograph  
18 of the north side of the roadway and I took this  
19 photograph because there is an area of ground there that  
20 had been -- appeared to be, at least to be disturbed, as  
21 if somebody had kicked up a little dirt or mud there by  
22 being there.

23 Q. Okay. Thank you.

24 Did you conduct a search of the entire area  
25 immediately around the barrel?



1 A. Yes, sir.

2 Q. And when you conducted that search was it a  
3 search mainly of the ground?

4 A. Yes, sir.

5 Q. Okay. Regarding the items, the small items  
6 that were found, the cigarette butt and the trash, how  
7 did you go about processing those items? What did you  
8 do to determine that they had any value or not?

9 A. Well, depending on the type of item, there  
10 were several different processes that were used. In the  
11 case of the cigarette butts they were sprayed with a  
12 chemical called ninhydrin, which reacts with amino  
13 acids. It's given out through the skin. The paper  
14 items that were contained in the trash bags were also  
15 sprayed with anhydrin. There was several beer cans.  
16 Those were processed using normal fingerprint powder.  
17 There were several plastic items in there that were  
18 processed using what we call a super glue fluming  
19 technique and there were various techniques used  
20 depending on the type of item.

21 Q. Now, when you process these items where was  
22 that done?

23 A. It was done in the identification office  
24 laboratory.

25 Q. Can you describe for the members of the

1 jury how the bucket and the body and the trash were  
2 taken or how the trash arrived at the identification  
3 division?

4 A. Yes. The body inside the barrel and the  
5 trash that was inside the barrel on top of the body were  
6 all transported intact from the actual scene location to  
7 the medical examiner's office. We determined at the  
8 scene that would be the most practical way to do it, in  
9 an effort to preserve what evidence there might be.

10 The barrel arrived intact with the body and  
11 the trash items intact at the medical examiner's office.  
12 I was there, myself, and observed and also photographed  
13 when those trash items were removed from the barrel and  
14 then at that time after some additional photographs were  
15 taken the body was also removed from the barrel and I  
16 collected those items of trash and transported them,  
17 myself, to the identification division laboratory where  
18 they were processed.

19 MR. BALDASSANO: May I approach the  
20 witness, Your Honor?

21 THE COURT: Yes, sir.

22 Q. (BY MR. BALDASSANO) I am going to show you  
23 what's been labeled for identification as State's  
24 Exhibit No. 10 and No. 11, and ask you if these  
25 photographs accurately depict the scene as you observed

1           them on February the 19th?

2           A.     Yes, sir, they do.

3           MR. BALDASSANO: State would offer State's  
4 Exhibit 10 and State's Exhibit 11, believe I have  
5 already tendered them, tender them again.

6           MR. GOODE: No objection, Judge.

7           THE COURT: State's Exhibit 10 and 11 -- we  
8 have 10 and 11.

9           MR. BALDASSANO: Yes, I'm sorry, Judge.

10          Q.     (BY MR. BALDASSANO) Okay. Now, regarding  
11 State's Exhibit 10, can you explain what that is?

12          A.     Yes. State's Exhibit No. 10 is a  
13 photograph of the items of trash that were removed from  
14 the barrel. These items were actually on top of the  
15 body.

16          Q.     And State's Exhibit 11?

17          A.     State's Exhibit 11 is a photograph of the  
18 body inside the barrel after the trash items had been  
19 removed.

20          Q.     Now, regarding State's Exhibit 10, how were  
21 these items removed from the barrel and brought to the  
22 identification division? Was there a method that you  
23 use that will not disturb the contents of the --

24          A.     Well, the items were removed intact; that  
25 is to say, all the items that were in the brown paper

1 bag were left in the brown paper bag and the items in  
2 the other bags were actually left in those bags and they  
3 were removed intact from the barrel. We wore gloves so  
4 as not to affect any fingerprints that there might be on  
5 the items and I placed them in my car and brought them  
6 back to my lab.

7 Q. And did you personally go through each item  
8 inside the, I guess, the paper bags and the plastic bags  
9 of garbage?

10 A. Yes, sir, I did.

11 Q. And can you explain to the members of the  
12 jury a little bit about fingerprints; that is, how  
13 fingerprints stick to a surface and how fingerprints are  
14 lifted and what are the variables involved in getting a  
15 good fingerprint?

16 A. The identification of fingerprints is based  
17 on what we refer to as characteristics. Every  
18 individual has certain characteristics within their  
19 fingerprints. Now, these characteristics will be the  
20 same type of characteristics. That is to say an ending  
21 ridge, a bifurcation, a divergence, core, delta, those  
22 type of things. However, every individual fingerprint,  
23 those characteristics will be located in different  
24 places and the make-up of that fingerprint will be  
25 different. Even though it contains some of those same

1 characteristics, the make-up of the print is different  
2 and unique to every individual finger. We study and  
3 examine those characteristics.

4 If, for example, you are comparing a known  
5 print to an unknown print, those fingerprints would be  
6 placed side by side and examined and if, indeed, those  
7 characteristics are located identically within each  
8 print then those fingerprints would be from the same  
9 person. In the case of processing evidence in an effort  
10 to obtain identifiable fingerprints, processes are used  
11 some of which I described earlier, the ninhydrin  
12 process, the super glue process, the normal fingerprint  
13 powder process.

14 The moisture is given off from your fingers  
15 and that moisture will be on the friction ridges, which  
16 are on your fingers and your palms of your hands, and if  
17 an object, a surface, is touched and an impression of  
18 that may be left on that object or surface, the  
19 impression that is left will be of the friction ridges  
20 that are on your fingers. Depending on the type of  
21 process that was used to enhance those latent prints, if  
22 it's of the ninhydrin process those prints can't be  
23 lifted, they will be photographed. If it was of the  
24 powdering process those prints could be lifted and they  
25 would be lifted and you would make the identification

1 from the actual lifted print.

2 When identifiable prints are obtained from  
3 processed items of evidence then in a case where there  
4 is a suspect then those fingerprints, the known prints  
5 of the suspect, would be compared to the latent prints  
6 that had been recovered from the actual objects of  
7 evidence.

8 Q. Deputy, is it unusual to come up with a  
9 negative or have a negative result on the search of  
10 prints from the types of items that you examined in this  
11 case?

12 A. No, it would not be unusual at all. There  
13 are many variables that are involved in the actual  
14 processing and the ability to obtain identifiable  
15 prints. The type of surface is very important. Some  
16 surfaces are very porous and the moisture is not  
17 retained for a very long length of time at all on that  
18 surface. Many surfaces are textured and they may not  
19 appear to be under the naked eye, but examined under a  
20 glass the surface has a rough texture, such as formica,  
21 and the friction ridges, then, the impression of those  
22 friction ridges is quite distorted and identifiable  
23 prints are very difficult in those type of surfaces.  
24 Also, things like dust and moisture, the time factor  
25 involved. Many variables there.

1 Q. Well, Deputy, specifically the red barrel  
2 that was recovered in this case, can you explain that  
3 type of surface?

4 A. That type of surface is a very hard  
5 plastic. It has a rough texture to it. And actually  
6 the texture is somewhat porous. That is to say that  
7 moisture is not actually going to be retained on that  
8 surface for a very long length of time.

9 Q. Did you recover any prints from the  
10 Budweiser can or plastic barrel?

11 A. No, the barrel was processed; but, no  
12 prints were recovered from it.

13 Q. Okay. And you personally processed the  
14 barrel?

15 A. Yes, I did.

16 Q. Now, regarding the garbage inside the  
17 barrel, starting with the paper bags, what type of  
18 surface is a paper bag with regards to fingerprinting?

19 A. Paper bag is a porous-type surface and we  
20 can normally use a ninhydrin chemical for paper items.

21 Q. Is it unusual that you would not find  
22 prints on a paper bag?

23 A. No, it's not unusual.

24 Q. How about the plastic containers and  
25 plastic bags involved? What type of surface are they

1 and is it unusual or not that there would be no print on  
2 that type of surface?

3 A. Well, the plastic items are smooth, of  
4 course, and, no, it's not unusual to have negative  
5 results on those type of items as well.

6 Q. Did you locate, in all the processing that  
7 you did and all the evidence that you looked at, any  
8 fingerprint at all in this case?

9 A. Yes, sir, there were -- let me look to make  
10 sure.

11 Two. Two latent prints of possible value  
12 were recovered.

13 Q. Okay. And when you say "possible value,"  
14 what does that mean?

15 A. Well, the latent prints contain a number of  
16 characteristics. However, the prints are partial. It's  
17 not a complete rolled print as you might see on an  
18 incorporated fingerprint card. It's only a partial  
19 print containing a limited number of characteristics.

20 Q. Were there any prints that were lifted that  
21 had enough characteristics to affect any kind of  
22 identification of anybody?

23 A. Well, there again, it's possible. It would  
24 depend -- it's not to say that those prints were totally  
25 not identifiable. It would depend on the suspect and if



1           you were able to locate -- in dealing with partial  
2           latent prints you run into the factor of narrowing down  
3           from an entire 10-finger, entire two-palm area, to a  
4           very, very minute section and it's kind of a matter of  
5           hide and seek and the needle in the haystack. It's  
6           possible that those latents would be identifiable.

7           Q.     Okay; but, you did not -- you were not able  
8           to match them to anybody, or the defendant in this case;  
9           is that correct?

10          A.     That's correct, I was not.

11          Q.     Can you tell the members of the jury where  
12          those prints were found, on what object?

13          A.     Two latent prints of possible value were  
14          recovered from a plastic hot dog weiner package that was  
15          contained inside the trash items.

16          Q.     Okay. Again, there were no prints found of  
17          value on the actual trash can, the outside?

18          A.     That's correct. There were none.

19          Q.     And how about the outside bag or the  
20          outside paper bag or outside plastic bags that were  
21          involved?

22          A.     No, none of value were found. Let me make  
23          one correction here, if I may. You asked me the number  
24          of latent prints of possible value that were found.  
25          There were also -- there were a total of four found, two

1  
2 CROSS-EXAMINATION

3 BY MR. GOODE:

4 Q. Sir, with regard to the location where the  
5 barrel was found, what would be the nearest county  
6 outside of Harris County?

7 A. I believe it would be Montgomery County, to  
8 the north.

9 Q. Did you, yourself, either take part in or  
10 do yourself the inventory of the contents of the barrel?

11 A. Yes. Yes, sir, I did.

12 Q. Included amongst the trash in the barrel  
13 wasn't there a note with the word "herneno" (sic)  
14 written on it, h-e-r-n-e-n-o?

15 A. Yes, sir, there was.

16 Q. And did you take possession of that?

17 A. Yes, I did.

18 Q. Where is that note at this time?

19 A. It would be in the property room.

20 Q. Okay. Did you put it in the property room?

21 A. Yes, I did.

22 Q. Would it be possible for you to retrieve it  
23 from the property room?

24 A. Yes, sir.

25 Q. Did you examine that note for fingerprints?

1 A. Yes, sir, I did.

2 Q. Do you know what that word means in  
3 English?

4 A. No, I do not.

5 Q. Now, you mentioned some cigarette -- a  
6 cigarette butt that was found; is that right?

7 A. Yes.

8 Q. Do you know what kind of cigarette that  
9 was?

10 A. No, sir, I do not.

11 Q. And with regard to the beer cans, do you  
12 know what kind of beer cans?

13 A. Just a minute.

14 There were several Busch beer cans and  
15 several Budweiser beer cans.

16 Q. Was there not also Corona, bottle of  
17 Corona?

18 A. There was also a Corona beer bottle.

19 Q. Now, you examined or compared a set of  
20 fingerprints from Shirley with those -- the partial  
21 prints that you found; is that right?

22 A. Yes, sir.

23 Q. And the fingerprints, Shirley's  
24 fingerprints, did you have fingerprints of each finger,  
25 all 10?

1 A. Yes, sir.

2 Q. And you have complete prints? In other  
3 words, they have been rolled and they weren't partial  
4 prints, complete prints of both hand?

5 A. That's correct.

6 Q. Now, you examined those of both hands,  
7 complete prints from Shirley, against all four partial  
8 prints that were recovered; is that correct?

9 A. That's correct.

10 Q. Now, were any of the -- were there any  
11 apparent dissimilarities?

12 A. Apparent dissimilarities?

13 Q. That's right.

14 A. In identification we go by similarities; we  
15 don't look for dissimilarities.

16 Q. Are you familiar with the phrase "apparent  
17 and actual dissimilarity"?

18 A. Yes, sir.

19 Q. Okay. What does that mean?

20 A. Well, apparent is if they would appear to  
21 be. Actual would be if they were, indeed, dissimilar.

22 Q. Okay. Is it not correct if you found an  
23 actual dissimilarity that would 100 percent rule out  
24 that person as being --

25 A. Not necessarily.

1 Q. Okay. How would you explain an actual  
2 dissimilarity?

3 A. It could be an inking problem or the rolled  
4 prints that were taken could have been too much pressure  
5 and then an actual characteristic in there could appear  
6 to be a different type of characteristic; that is to  
7 say, an ending ridge could appear to be a bifurcation if  
8 too much inking was there because it would appear that  
9 the ridge was connected.

10 Q. And aren't you actually discussing an  
11 apparent dissimilarity?

12 A. Yes, sir.

13 Q. Okay. What I'm talking about is an actual  
14 dissimilarity. In other words, moving aside any error  
15 in inking or in surface from which the print was taken.  
16 In other words, if you have two clean surfaces, two good  
17 prints, if there is an actual dissimilarity of one point  
18 doesn't that rule out identification being the same?

19 A. Unless there is a justification for that  
20 dissimilarity.

21 Q. What would be a justification for an actual  
22 dissimilarity?

23 A. Well, the fingerprint could have a scar.  
24 Sometimes scars distort the prints considerably to where  
25 you were not able to determine if, indeed, that

1 characteristic was what it appeared to be.

2 Q. In this particular case, did you make an  
3 initial examination as to the general pattern of the  
4 different prints?

5 A. Yes.

6 Q. Okay. For instance, were they both arched?

7 A. The latent print you are talking about?

8 Q. That's right.

9 A. There was not -- no pattern there to  
10 determine the pattern type, whether or not there was an  
11 arch or not.

12 Q. You couldn't tell whether it was notched or  
13 looped or whorl?

14 A. That's correct.

15 Q. And those are the common general patterns;  
16 is that correct?

17 A. Yes, sir.

18 Q. So, you did not have enough surfaces to  
19 determine that many general characteristics?

20 A. That's correct.

21 Q. Now, you mentioned some specific ridge  
22 characteristics, believe you mentioned core, a delta,  
23 bifurcation, ridge. There are also dots, enclosures,  
24 ridge endings; is that right?

25 A. That's correct.

1 Q. And you measured those to see how many are  
2 in common between the two prints, right?

3 A. I'm not sure I understand the question.

4 Q. Okay. What do you do with the ridge  
5 characteristics that we just mentioned?

6 A. They are compared.

7 Q. Right.

8 A. Between a normal print and an unknown  
9 print.

10 Q. In this particular case, were there any  
11 similarities in all of these ridge characteristics?

12 A. Between?

13 Q. Between the two prints that you -- between  
14 Shirley's prints and the partial prints that you found?

15 A. No, there were not.

16 Q. There were none?

17 A. There were no similarities.

18 Q. Now, once again, you examined complete  
19 prints from each of her fingers against the four prints  
20 you found, right?

21 A. That's correct.

22 Q. And there were no similarities?

23 A. None, that I found.

24 Q. Did you take fingerprints from the dead  
25 body?

1 A. Yes, I did.

2 Q. Okay. Did you match them up with the  
3 fingerprints, partial prints found inside the barrel?

4 Did you compare the two?

5 A. The partial prints found on the trash.

6 Q. Did you compare the print from the dead  
7 lady with the prints you found inside the barrel?

8 A. No, sir, I didn't.

9 Q. Did you examine or compare prints of any  
10 other person, other than Shirley, with the prints inside  
11 the barrel?

12 A. Yes.

13 Q. Okay. Who would that be?

14 A. I don't recall the name.

15 Q. Was that one person?

16 A. One person, yes.

17 Q. Well, do you remember whether you compared  
18 the fingerprints inside the barrel with fingerprints of  
19 Jesse Cavazos?

20 A. No, I believe it was a female.

21 Q. Okay. Would looking at your notes refresh  
22 your memory?

23 A. Well, I don't have that in my notes. That  
24 was done at some point later after the initial  
25 investigation.



1 Q. Would it be possible for you to determine  
2 the name of this other female?

3 A. It's possible.

4 Q. Did you compare the prints with Pedro  
5 Cavazos' fingerprints?

6 A. No, I did not.

7 Q. How about Joe Cavazos?

8 A. No, sir, not to my knowledge.

9 Q. I am asking if you personally did?

10 A. No, I did not.

11 Q. You were a little hesitant. You said not  
12 to my knowledge?

13 A. Well, unless someone else in the  
14 division --

15 Q. I'm asking --

16 A. To my knowledge, to my knowledge, no, I did  
17 not.

18 Q. Now, you examined the cigarette butts for  
19 prints; is that correct?

20 A. Yes.

21 Q. You examined the paper items for prints,  
22 correct?

23 A. Correct.

24 Q. Beer cans for prints?

25 A. Yes, sir.

1 Q. Plastic items inside the barrel for prints?

2 A. Yes, sir.

3 Q. The barrel, itself?

4 A. Yes, sir.

5 Q. The note with the word "herneno" written on  
6 it?

7 A. Yes, sir.

8 Q. And you found none of Shirley's prints on  
9 any of those; is that correct?

10 A. That's correct.

11 Q. How long would it take you to retrieve that  
12 piece of paper with the word "herneno" written on it?

13 A. Well, I will have to call the property room  
14 and they would have to pull that evidence which it is  
15 contained in.

16 Q. Could it be done today?

17 A. Yes, sir.

18 Q. Are you willing to do that during a break?

19 A. Yes, sir.

20 MR. GOODE: Your Honor, I will pass the  
21 witness.

22

23 REDIRECT EXAMINATION

24 BY MR. BALDASSANO:

25 Q. Deputy, regarding the other female print,

1           whoever it was, did that other female, the known print  
2           of the other female, match the partial print that you  
3           found?

4           A.     No, it did not.

5           Q.     Was there any matching of any of the names  
6           or anybody else to the partial print that you found?

7           A.     No, there was not.

8           MR. BALDASSANO: I will pass the witness.

9           MR. GOODE: Your Honor, I will pass the  
10          witness, also; but, with the proviso of that one item  
11          that I would like to recover.

12          THE COURT: All right. You may step down,  
13          sir. You are on one-hour call.

14          Do you have a brief witness, sir?

15          MR. BALDASSANO: No, Your Honor.

16          THE COURT: Would this be an appropriate  
17          time to give the jury their luncheon recess?

18          MR. BALDASSANO: Yes, Your Honor.

19          THE COURT: Ladies and gentlemen of the  
20          jury, please remember the admonishments the Court has  
21          given you earlier: Not to discuss this case among  
22          yourselves nor with anyone else nor reach any conclusion  
23          thereon until it was submitted to you for your  
24          deliberation.

25          The Court has some good news for you today.

1 You are going to be guests of Harris County for lunch.  
2 I don't know where the deputies are going to take you to  
3 lunch because they have never taken me to lunch before.

4 How much time will you need, sir?

5 THE BAILIFF: 1:30.

6 THE COURT: All right. Retire the jury.  
7 Permit them an opportunity to refresh themselves and  
8 escort them to lunch.

9 Enjoy your lunch, folks.

10  
11 (Lunch recess.)

12  
13 (WHEREUPON, the following proceedings were  
14 had outside the presence and hearing of the jury:)

15  
16 THE COURT: Ready for the jury?

17 MR. BALDASSANO: Yes, Your Honor.

18 MR. GOODE: Yes, Your Honor.

19 THE COURT: Please seat the jury.

20  
21 (WHEREUPON, the following proceedings were  
22 had within the presence and hearing of the jury:)

23  
24 THE COURT: Jury may be seated.

25 How was lunch?

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

JURORS: Good. Fine.

THE COURT: That's the most ringing endorsement you ever had.

THE BAILIFF: We went to the best place, too.

THE COURT: Are the attorneys ready to proceed?

MR. BALDASSANO: State is ready.

MR. GOODE: Defense is ready.

THE COURT: Please call your next witness, please, sir.

MR. BALDASSANO: State calls Dr. Robert Jordan.

THE COURT: Dr. Jordan.

Attorneys approach the bench, please.

(WHEREUPON, there was a discussion held at sidebar, outside the hearing of the court reporter.)

THE COURT: You may proceed, Counsel.

MR. BALDASSANO: Thank you, Your Honor.

1 DR. ROBERT JORDAN,  
2 was called as a witness by the State, and after having  
3 been duly sworn, testifies as follows:

4 DIRECT EXAMINATION

5 BY MR. BALDASSANO:

6 Q. Please state your name.

7 A. Dr. Robert Jordan.

8 Q. And how are you employed, sir?

9 A. I am assistant medical examiner for Harris  
10 County.

11 Q. And can you describe to the members of the  
12 jury some of your expertise, your education, skill and  
13 training, that enable you to perform the job that you  
14 have at the Medical Examiner's Office?

15 A. I have a doctorate in medicine, four years  
16 of pathology, in residency, and I am board certified in  
17 forensic pathology.

18 Q. And how long have you been with the Medical  
19 Examiner's Office?

20 A. Seven years.

21 Q. Can you describe for us the general nature  
22 of your duties with the ME's Office?

23 A. To perform autopsies on various individuals  
24 who died in Harris County of accidental causes, suicide,  
25 homicide, or unknown causes, to determine the cause and

1 manner of death.

2 Q. Can you tell us approximately how many  
3 autopsies you have performed in the past seven years?

4 A. Approximately 500 a year, 3500.

5 Q. And are you currently employed at the ME's  
6 office?

7 A. Yes.

8 Q. Were you working with the ME's Office on  
9 February the 20th, 1989?

10 A. Yes.

11 Q. And did you have an occasion to do an  
12 autopsy on that date?

13 A. I did.

14 Q. And did you bring a report with you in  
15 conjunction with the autopsy you did, you performed on  
16 that day?

17 A. Yes.

18 Q. And can you explain for us, generally, how  
19 an autopsy is done?

20 A. An autopsy consists of a number of  
21 different phases. The first is an external examination  
22 whereby one can detect any unusual findings on the body  
23 and the external surfaces. Second phase is the body is  
24 opened and the body cavity is exposed and the organs  
25 removed for examination. The third phase is the taking

1 of various samples from the tissues, blood, urine, et  
2 cetera, for toxicology examination.

3 Q. And did you follow this procedure on the  
4 autopsy you performed on February the 20th, 1989?

5 A. Yes.

6 Q. And do you have the results of that  
7 procedure with you today?

8 A. I do.

9 Q. And does each autopsy have an individual  
10 report number?

11 A. Yes.

12 Q. Is that report a part of the records of the  
13 ME's Office and kept in the normal course of their  
14 business?

15 A. That is correct.

16 Q. And are the -- was the information recorded  
17 on the report made by somebody with personal knowledge?

18 A. It is.

19 Q. And is it made by somebody that is  
20 recording the events as they occur, or shortly  
21 thereafter?

22 A. It is.

23 Q. And are you custodian of the records for  
24 the ME's Office regarding that report?

25 A. I am.



1 MR. BALDASSANO: May I approach the  
2 witness, Your Honor?

3 THE COURT: You may.

4 Q. (BY MR. BALDASSANO) Sir, I am going to  
5 show you what I'm labeling here as State's Exhibit No.  
6 12 and ask you if you can identify State's Exhibit No.  
7 12?

8 A. State's Exhibit No. 12 is a copy of the  
9 original autopsy report performed on Shawnte Dewan  
10 Collins, by myself, on February 20, 1989, and designated  
11 case 89-1190. The only thing that's missing is a copy  
12 of the investigator's report.

13 Q. Okay. Otherwise, it's an exact photocopy  
14 of the report that you brought today; is that correct?

15 A. That is correct.

16 MR. BALDASSANO: Judge, at this time, the  
17 State would offer State's Exhibit No. 12 and tender same  
18 to Defense Counsel for his inspection.

19 MR. GOODE: Your Honor, I have already  
20 reviewed same and we have no objections.

21 THE COURT: The number again, please.

22 MR. BALDASSANO: State's Exhibit No. 12,  
23 Judge.

24 THE COURT: State's Exhibit 12 is received  
25 into evidence without objection.

1 Q. (BY MR. BALDASSANO) Doctor, could you  
2 please tell the members of the jury what your first  
3 observations were regarding this particular autopsy?

4 A. The decedent was a well-developed,  
5 well-nourished adult white female, measured 64 inches in  
6 length, weighed 127 pounds. There were some contusions  
7 on the dorsal surface of both hands.

8 Q. Excuse me, Doctor, where would that be,  
9 dorsal surface of both hands?

10 A. The (indicating) surface away from the  
11 palm.

12 Q. Okay.

13 A. And there was a close range entrance-type  
14 gunshot wound on the right side of the head.

15 MR. BALDASSANO: May I approach the  
16 witness, Your Honor?

17 THE COURT: Yes, sir.

18 Q. (BY MR. BALDASSANO) Sir, I am going to  
19 show you what's been labeled for identification as  
20 State's Exhibits 13, 14 and 15, and ask you if you can  
21 take a look at those?

22 A. (Witness complies.)

23 Q. Are the photos contained in State's  
24 Exhibits 13, 14 and 15 accurately -- do they accurately  
25 depict the scene as you observed them on February 20th

1 when you conducted this autopsy?

2 A. State's Exhibits 13, 14 and 15 are  
3 photographs of the body taken by myself and accurately  
4 represent the decedent.

5 MR. BALDASSANO: State would offer, move to  
6 introduce State's Exhibit No. 13, 14 and 15, and tender  
7 same to Counsel for his inspection.

8 MR. GOODE: No objections, Your Honor.

9 THE COURT: State's Exhibit 13, 14 and 15  
10 are received into evidence without objection.

11 MR. BALDASSANO: May I approach the witness  
12 again, Your Honor?

13 THE COURT: Yes, sir.

14 Q. (BY MR. BALDASSANO) Doctor, specifically  
15 on State's Exhibit No. 14, can you explain to the jury  
16 what that is and what that number represents?

17 A. State's Exhibit 14 is a picture of the body  
18 prior to autopsy with a placard on the front of the body  
19 with a number of the autopsy on the placard for  
20 identification.

21 Q. Thank you.

22 And does that number correspond with any  
23 other number in your records?

24 A. Corresponds with the number on the record,  
25 which is 89-1190.

1 Q. Could you explain the general condition of  
2 the body, that is, was the body stiff when you dealt  
3 with it?

4 A. The body was fully rigor and in a fetal  
5 position, which resulted from it having been confined to  
6 the inside of a garbage container or beer barrel or  
7 whatever she was found in. There was some lividity on  
8 the back which was not fixed, indicating the blood had  
9 not yet coagulated to form what we called fixed  
10 lividity.

11 Q. From the rigor, or, I guess, that's the --  
12 what most people say rigor mortis; is that correct?

13 A. That is correct.

14 Q. Could you tell at the time that you  
15 examined her, when she had died or where she had died?

16 A. Only within very broad limits. The  
17 appearance of rigor and its duration and its ultimate  
18 disappearance used to be used as guidelines to determine  
19 the time of death. It's been since shown that this  
20 process is extremely variable and is only used as a  
21 broad estimate of time of death.

22 Q. What other types of variables that would  
23 affect the onset of rigor?

24 A. Temperature, the condition of the body  
25 before death, the physical configuration of the

1 individual, whether they were fat or thin. All these  
2 things affect the onset of rigor.

3 Q. Regarding this particular individual, based  
4 on your examination and your observations, do you have  
5 any opinion as to even the broad range of when she had  
6 died?

7 A. The usual numbers that are given is that  
8 rigor appears in about 12 to 13 hours after death and  
9 lasts anywhere from six to seven hours and then  
10 disappears. Again, there are so many variables we don't  
11 use this method for determining the time of death; but,  
12 accordingly, if you were going to make an estimate you  
13 would say that a person who was fully rigor probably  
14 died 12 to 14 hours prior to the time the body was  
15 found.

16 Q. And then, again, that is an estimate that  
17 they don't use anymore?

18 A. That's pretty true, yes.

19 Q. As far as the position at the time of  
20 death, do you have any way of knowing if she was in the  
21 garbage can or the barrel and killed in there or killed  
22 somewhere else?

23 Do you have any --

24 A. It appears as if she was placed in the  
25 container when she was not rigor. Rigor occurred after

1 she was in the barrel, because when we removed her she  
2 remained in the position, the fetal position she was  
3 found in.

4 Q. Okay. And that would be stiff? She was  
5 still stiff?

6 A. Yes.

7 Q. So, rigor hadn't released yet?

8 A. That's correct.

9 Q. Is that safe to say?

10 Regarding the injury, can you explain a  
11 little bit about what the injury was and how it was  
12 inflicted, based on your observations?

13 A. There was a close range gunshot wound to  
14 the head, the right side of the head, and it was  
15 determined to be close range because of the fact there  
16 were numerous stipples or little particular hemorrhages  
17 surrounding the wound indicating a gun barrel was  
18 anywhere from 24 to 34 inches away from the decedent's  
19 head when it was fired. The unburned powder comes out  
20 of a barrel and goes into the skin causing these little  
21 hemorrhages. There was no exit wound and the bullet was  
22 recovered inside the skull.

23 Q. What type of bullet was that?

24 A. .25 caliber copper jacketed.

25 Q. And based on your experience, is that

1 bullet the projectile that comes out of a firearm, .25  
2 caliber?

3 A. Yes.

4 Q. And would a .25 caliber bullet, shot into  
5 somebody's head at close range, in your opinion, be an  
6 act clearly dangerous to human life?

7 A. It would.

8 Q. Based on your examination, do you have an  
9 opinion as to the cause of death of the person that you  
10 examined on February 20th?

11 A. I do.

12 Q. And what is that opinion?

13 A. It is my opinion that the decedent, Shawnte  
14 Dewan Collins, died as a result of a close range gunshot  
15 wound to the head.

16 Q. Now, when you received the body, the body  
17 was naked; is that correct?

18 A. That is correct.

19 Q. Okay. Was there any evidence of any type  
20 of sexual abuse, that you saw?

21 A. None, that I recorded.

22 Q. Well, if you had seen something that  
23 evidenced sexual abuse, would you have recorded it,  
24 typically?

25 A. Yes.

1 Q. And you also did, or the lab did, an  
2 examination which is attached as a toxicology report; is  
3 that correct?

4 A. That is correct.

5 Q. And can you tell us what the results of the  
6 drug screen were on the toxicology report?

7 A. The drug screen, which was performed on  
8 blood, revealed a cocaine level of .06, and a trace of  
9 Valium; and examination of the bile revealed cocaine  
10 and, also, Valium.

11 Q. Now -- I'm sorry, the level of cocaine and  
12 the level of Valium, do you have an opinion as to  
13 whether or not either one of these drugs had anything to  
14 do with the cause of death in this case?

15 A. The level of .06 cocaine in the blood is  
16 fairly high, along with the trace of Valium and the  
17 blood alcohol of .170 it would appear that the decedent  
18 was probably somewhat inturbidate.

19 Q. I'm sorry. Say that again?

20 A. Somewhat inturbidate or slowed down at the  
21 time of her death.

22 Q. Okay. Would any -- would the cocaine,  
23 alcohol, and trace of Valium, in your opinion, been a  
24 contributing cause to her death?

25 A. Not in light of a gunshot wound to the



1 head, no.

2 Q. Okay. So, the gunshot wound is clearly the  
3 reason that she died; is that correct?

4 A. That is correct.

5 MR. BALDASSANO: I will pass the witness.

6 THE COURT: You may proceed, Counsel.

7 MR. GOODE: Thank you, Judge.

8  
9 CROSS-EXAMINATION

10 BY MR. GOODE:

11 Q. Now, Doctor, you mentioned the fixed  
12 lividity and not fixed lividity being, that's been used  
13 to determine whether or not a body was transported?

14 A. Sometimes it can. It's sometimes used as  
15 an indication that a body has been moved following the  
16 death. For instance, if one finds a body sitting up in  
17 a corner and the lividity is limited to the back all the  
18 way from the shoulders to the ankles, and it's fixed,  
19 one knows that the body has been moved.

20 Q. With regard to the body in this case, is  
21 there any of that sort of evidence?

22 A. No.

23 Q. Okay. And you did not make a determination  
24 whether or not the person was killed before or after she  
25 was placed in the barrel; is that correct?

1 A. Please repeat that.

2 Q. With regard to where the body of the --

3 THE COURT: Please keep your voices up.

4 Q. (BY MR. GOODE) With regard to whether the  
5 person was killed inside the barrel or outside the  
6 barrel, did you make a determination of that?

7 A. No, sir.

8 Q. Okay. Now, with regard to your protocol,  
9 your report on Page 2, it says physical age appeared  
10 older than the chronologic age of 20 years.

11 Could you explain that to us, please?

12 A. The appearance of the body compared to age  
13 is a somewhat nebulous judgment. It just appeared to me  
14 that the decedent was older.

15 In other words, if I had been in a circus  
16 and had been asked to judge her, what her age was, I  
17 would have said it was older than 20. That's about as  
18 scientific as it gets.

19 Q. Okay. Well, what did you base that on?

20 A. That if I looked at a hundred people who  
21 were 20 years old, this person looked older than that.

22 Q. Now, your report also mentions multiple  
23 circular scars on both shins.

24 What's the significance of that?

25 A. Nothing, other than she received some

1 trauma to her shins at a previous time.

2 Q. Okay. It goes on to say there were old  
3 needle tracks in both antecubital fossae and both arms.

4 Can you explain what the significance of  
5 that is?

6 A. Usually, the presence of needle tracks  
7 indicate that the individual is a drug user, intravenous  
8 drug user.

9 Q. Would that be consistent with the  
10 toxicological findings?

11 A. It would.

12 Q. It goes on to say there was multiple  
13 tattoos on both arms.

14 Would you describe that a little more in  
15 detail, please?

16 A. Presence of tattoos are of no great  
17 significance, except in, perhaps, some sociological  
18 judgment of lifestyle and as a means of identification.  
19 Other than that, they have no real significance.

20 Q. With regard to the blood alcohol content,  
21 which you testified was .17, what is the significance of  
22 that?

23 A. The blood alcohol level, which is defined  
24 by statute in the State of Texas as being drunk while,  
25 or driving while intoxicated as .1 -- so .170, a little

1 less than twice that.

2 Q. And I notice that the amount of alcohol in  
3 the cerebrospinal fluid is less.

4 What would cause that?

5 A. If one measures alcohol in different body  
6 fluids one is not going to come up with a same number  
7 each time. That is because the concentration in various  
8 body fluids changes with time, and one would expect a  
9 rough correlation.

10 In other words, these two levels, .17 and  
11 .16, are fairly close. The reason that's done is to  
12 make sure that one determination is not so way out of  
13 line that there might be some experimental discrepancy.

14 In other words, if we did a blood alcohol  
15 and found it to be .17 and the spinal fluid is .03, we  
16 know there was something wrong with the determination.  
17 It's more of a checking of an experimental error.

18 Q. What would be your best estimate of time of  
19 death, or can you not make one?

20 A. The use of rigor and livor are so crude  
21 that we don't really use it anymore. You will notice on  
22 the toxicology report that a sodium and potassium were  
23 performed. Potassium supposedly in the vitreous in the  
24 eye rises 1.5 milli-equivalents (sic) per hour after  
25 death and that is assuming that the body is at room

1 temperature and that the individual's blood potassium  
2 was normal before he died.

3 According to that we have probably an  
4 eight- or nine-hour span from the time of finding the  
5 body to the actual death of the victim. Again, there is  
6 no accepted way of truly telling how long an  
7 individual -- a postmortem invalidus, what we're talking  
8 about, of telling how long a person has been dead.

9 Sometimes decomposition is used. This girl  
10 was not decomposed in any way. So, we can say, well,  
11 it's probably less than 24 hours. I would say anywhere  
12 from 10 to 12 hours as a judgment call.

13 Q. Is it more difficult to determine the exact  
14 time of death because of the high level of cocaine in  
15 the system and the alcohol? Does that affect it?

16 A. Cocaine and alcohol don't appear to  
17 interfere with the state of the body or what we use as  
18 the adjournment of the time of death.

19 Q. What if the body appeared to be older than  
20 she was? Might that be something that would make it  
21 more difficult to determine the exact time of death?

22 A. No, it wouldn't be pertinent, no, sir.

23 Q. So, the room temperature would be very  
24 important, what the temperature was at the time of  
25 death?

1 A. That is correct.

2 Q. What else might be very important?

3 A. Well, the environmental temperature I think  
4 is what you're saying. In other words, we don't know  
5 whether she was killed in the room or whether she was  
6 killed in the garage or where she was killed; but, the  
7 temperature of the environment where the body was for  
8 "X" amount of time would influence, one, the onset of  
9 rigor; two, the onset of livor; and, three, the vitreous  
10 potassium.

11 Q. Did you examine the body for the presence  
12 of semen in the vagina?

13 A. There is no indication on the toxicology  
14 report that that was done. Whether it was or not, I  
15 don't recall.

16 Q. In other words, you don't remember  
17 conducting what we call a "rape test" on her?

18 A. No, sir, I don't.

19 Q. With regard to the contusions on the dorsal  
20 aspects of both hands, would that include the fingers or  
21 just the outer side of the palms?

22 Where were the contusions on the hands?

23 A. The dorsal surface of the hand usually  
24 includes the hand, itself, not the fingers. They may  
25 have extended further down. There was no -- you will

1 notice there is no measurement as to their exact size.

2 Q. Might that be consistent with someone  
3 hitting another, hitting someone?

4 A. That is correct.

5 Q. With regard to the old needle tracks, do  
6 you have any idea how old those were?

7 A. No, sir.

8 Q. If they were fresh needle tracks, what  
9 would that mean?

10 A. That the decedent was injected with a  
11 substance or substances prior to death.

12 Q. Based on your examination, do you have an  
13 opinion as to how long the cocaine and Valium had been  
14 in her system before she died?

15 A. No, sir.

16 Q. How long does it normally take cocaine and  
17 Valium to exit the system so that it would not appear on  
18 a test?

19 A. Cocaine is about two or three days.  
20 Valium, I don't know.

21 Q. So, it's safe to say, then, in reasonable  
22 medical probability, that she had ingested the cocaine  
23 or taken it in some way within two or three days of her  
24 death?

25 A. That is correct.

1 Q. With regard to the alcohol, what would be  
2 your time estimate on when that had been taken?

3 A. It would have been ingested prior to,  
4 fairly close to death. That's a relatively high level,  
5 .17. If one were to assume that the alcohol does not  
6 change significantly following death until decomposition  
7 occurs, probably within five or six hours prior to  
8 death. Again, there are no real scientific guidelines  
9 for this.

10 Q. Is there any way of determining what sort  
11 of alcohol that we are talking about, whether it was  
12 hard liquor or beer?

13 A. No, sir.

14 Q. Is there a significant difference between  
15 beer and hard liquor with regard to how long they stay  
16 in the system?

17 A. No, sir.

18 Q. Would there not be a difference between how  
19 much beer versus hard liquor it takes to reach the  
20 levels found?

21 A. Usually the figures that are given is it  
22 takes a bottle of beer and one shot are about the same  
23 alcohol content. So, of course, in volume, one would  
24 consume less bourbon than one would consume beer; but,  
25 the surprising thing is the alcohol level of both is



1 essentially the same except for volume.

2 Q. Okay. Would you have any opinion as to how  
3 many beers or how many shots it would take to reach the  
4 level found in the lab results?

5 A. Well, it's known that a shot of liquor and  
6 a bottle of beer contain about .025 of alcohol. So, you  
7 would divide .025 from .17 and be six or seven beers, at  
8 least, or six or seven shots.

9 Q. And with regard to the Valium and cocaine,  
10 is there any way of determining how much, in layman's  
11 terms, had been ingested?

12 A. No, sir.

13 Q. For instance, a pill?

14 A. No. The half life of cocaine is so short,  
15 it disappears so quickly that unless you know absolutely  
16 how much an individual was taking it's impossible to  
17 tell.

18 Q. Is it possible for you to determine how the  
19 cocaine had been introduced into her system, whether it  
20 had been smoked or shot?

21 A. Not at the time of autopsy, no.

22 Q. If it had been introduced with a needle  
23 would there have been fresh needlemarks on the body?

24 A. Should have been.

25 Q. So, would it be reasonable to say that it

1 had not been introduced via a needle?

2 A. No. The cocaine users who inject use all  
3 sorts of body sites to do so and it is sometimes very  
4 difficult to find needle puncture marks.

5 Q. What type of body sites?

6 A. Sir?

7 Q. What type of body sites?

8 A. Oh, go between the toes or the fingers or  
9 anywhere that's not obvious.

10 Q. Okay. And is it safe to say you didn't  
11 examine between her toes looking for needle marks; is  
12 that right?

13 A. That is correct.

14 Q. The .25 caliber bullet that was removed  
15 from the head, is that unusual in any way for a .25  
16 caliber bullet?

17 A. No, sir.

18 Q. Nothing distinctive about it?

19 A. Not that I recall.

20 Q. It's your testimony that you cannot  
21 determine the exact time of death; is that correct?

22 A. That is correct.

23 Q. And you can also not determine the place of  
24 death; is that correct?

25 A. That is also correct.

1 Q. Would it be your opinion that after  
2 receiving this wound to the head, death was  
3 instantaneous?

4 A. Yes, sir.

5 MR. GOODE: Your Honor, I will pass the  
6 witness.

7  
8 REDIRECT EXAMINATION

9 BY MR. BALDASSANO:

10 Q. Doctor, regarding the decedent's reflexes  
11 at the time of her death, taking into account the drugs  
12 and the alcohol, what would you say about that relative  
13 to a normal person?

14 A. I would think that a person would be slowed  
15 down a little with that much alcohol, cocaine and Valium  
16 in them.

17 Q. Okay. Are you saying that their reflexes  
18 would be slower?

19 A. Yes, sir.

20 Q. And at that level would that be apparent to  
21 somebody else, or an outsider?

22 A. That would be difficult to say.

23 Q. Now, you mentioned -- well, the Defense  
24 attorney mentioned that the wounds to the dorsal part of  
25 the hand of the decedent, you said it may be consistent

1 with the defensive wound. Is it consistent with any  
2 other type of wound -- not a defensive wound. I think  
3 he stated a slapping. Would it be consistent with a  
4 defensive wound; that is, a person covering up and being  
5 hit?

6 A. It would.

7 Q. Really no way of knowing how that was  
8 inflicted, is there?

9 A. No, sir.

10 Q. Regarding the vaginal area, did you notice  
11 anything unusual, any redness or swollen part of the  
12 vagina or the upper part of the thighs, anything to  
13 indicate any kind of sexual abuse?

14 A. No, sir.

15 MR. BALDASSANO: I will pass the witness.

16 MR. GOODE: No further questions, Judge.

17 THE COURT: May this witness be excused?

18 MR. BALDASSANO: Yes, Your Honor.

19 MR. GOODE: Yes, Your Honor.

20 THE COURT: You may step down, sir. You  
21 are excused.

22 Call your next witness, please.

23 MR. BALDASSANO: State calls Kitty Smith.

24 THE COURT: You may proceed, Counsel.

25 MR. BALDASSANO: Thank you, Your Honor.

1                   KITTY SMITH,  
2 was called as a witness by the State, and after having  
3 been duly sworn, testifies as follows:

4                   DIRECT EXAMINATION

5 BY MR. BALDASSANO:

6           Q.     Please state your name.

7           A.     Kitty Smith.

8           Q.     And, ma'am, can you tell us what part of  
9 the county you live in?

10          A.     I live in the north side of Houston, Harris  
11 County, Texas.

12          Q.     Okay. And, ma'am, can you tell us how you  
13 are related to Shawnte Collins?

14          A.     She's my stepdaughter.

15          Q.     And did she have a nickname?

16          A.     We called her "Sissy."

17          Q.     Can you tell the members of the jury just a  
18 little bit about her, just her physical description when  
19 she was born?

20          A.     She was born January the 11th, 1969. She  
21 was just a little bit of everything. She was a lot of  
22 sunshine.

23                   MR. GOODE: Object at this time of going  
24 into the character of the deceased.

25          Q.     (BY MR. BALDASSANO) Ma'am, I'm sorry.

1 Just very briefly, just a physical description, her  
2 height, her weight, things like that?

3 A. She was approximately five foot four. She  
4 had blond hair, sort of a strawberry blond, naturally.  
5 She kept her hair bleached. She had hazel eyes. She  
6 weighed about a hundred and twenty-five, a hundred and  
7 thirty pounds.

8 MR. BALDASSANO: May I approach the  
9 witness, Your Honor?

10 THE COURT: Yes, sir.

11 Q. (BY MR. BALDASSANO) Ma'am, just take a  
12 deep breath. Try to relax.

13 Ma'am, I am going to show you what's been  
14 labeled as State's Exhibit No. 16. Can you just take a  
15 look at this photograph?

16 A. That was Sissy.

17 Q. Okay. Is this an accurate depiction of  
18 what she looked like back in 1988?

19 A. Yes, it is.

20 MR. BALDASSANO: Judge, at this time the  
21 State would offer State's Exhibit 16 and tender to  
22 Counsel for his inspection.

23 MR. GOODE: Your Honor, we have no  
24 objection and, furthermore, we stipulate as to identity.

25 THE COURT: State's Exhibit 16 is received

Kitty Smith

pg 86 - h-20-22 > She was a lot of sunshine.  
pg 87 - Exh. 16 > h/20-25 Photo of SC  
pg 88 - whole page - Baldassano trying to deflect  
Smith's answers -

" h-20-23 > found out SC was dead -  
① Someone from Alief Funeral Home  
came to the house 12:30 Monday morning  
21st? Body at funeral home? } funeral  
20th Autopsy (time of autopsy?) } 23rd  
19th dis. of body 1PM  
18th SF arrested 8:32 PM

pg 89 - Arnold Ramirez > h/8-25

~~6-24~~  
pg 91 - 1-25 > Goode hasn't read or seen any  
police reports

pg 92 - whole pg. + 93 -

1 into evidence without objection.

2 Q. (BY MR. BALDASSANO) Ma'am, can you tell  
3 the members of the jury the very last time you saw your  
4 stepdaughter alive?

5 A. Sissy came home on Wednesday, February  
6 15th. We had had an argument early part of February  
7 and --

8 Q. Okay, now --

9 A. -- I tried to talk her into coming back  
10 home to stay.

11 Q. Okay. Ma'am, I know this is very difficult  
12 for you. Just listen to the question, okay?

13 You said the last day you saw her was the  
14 15th?

15 A. Yes, sir.

16 Q. This is back in '89?

17 A. Yes, sir.

18 Q. When did you first find out about what  
19 happened to her?

20 A. When the gentleman from Alief Funeral Home  
21 came to the house at 12:30 Sunday night or 12:30 Monday  
22 morning.

23 Q. Okay, 12:30 a.m., right after midnight?

24 A. Yes, sir.

25 Q. And did you take any efforts to find out



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

what happened?

MR. GOODE: Your Honor, at this time I am going to object to the relevance.

MR. BALDASSANO: May we approach the bench, Your Honor?

THE COURT: Yes, sir.

Objection is overruled.

Q. (BY MR. BALDASSANO) Ma'am, did you ever receive any information from -- and I am not asking you what the information was, but from a person named Arnold Ramirez, regarding what happened to Sissy?

A. Would you please repeat that question to me?

Q. Did you receive any information from a Arnold Ramirez about what had happened to Sissy?

A. Yes, sir, I did.

Q. Okay. And what action, if any, did you take regarding that information?

A. I contacted Harris County Sheriff's Department Homicide Division and I contacted Stevens with the Houston Police Department, first, because at that time I didn't know who was taking -- who was taking care of things.

Q. Okay.

A. And I was referred to Harris County

1 Sheriff's Department.

2 Q. Okay. Do you remember approximately when  
3 that was?

4 A. Any information that I had or when I talked  
5 to them was the weekend following Sissy's burial on  
6 Thursday.

7 Q. Okay. And what date? Do you remember the  
8 date that she was buried?

9 A. Sissy was buried February 23rd.

10 Q. And did you tell the deputy sheriffs the  
11 information that you had learned?

12 A. Yes, sir, I did.

13 Q. Okay. And did they handle the  
14 investigation after that?

15 A. Yes, sir, they did.

16 MR. BALDASSANO: Thank you, very much.

17 I will pass the witness.

18 THE COURT: You may proceed.

19 MR. GOODE: May I proceed?

20 Thank you, Judge.

21  
22 CROSS-EXAMINATION

23 BY MR. GOODE:

24 Q. Ma'am, had you made any statements before  
25 today regarding this incident?

1 A. I beg your pardon?

2 Q. Have you made any statement at all before  
3 today regarding this?

4 A. I don't understand your questions.

5 Q. Have you talked with anyone else about  
6 this, what you have just testified to?

7 A. The Harris County Police Department.

8 MR. GOODE: Your Honor, I would ask for  
9 production of that statement.

10 THE COURT: Are you talking about a written  
11 statement, oral statement, what, Counsel?

12 MR. GOODE: Any type of statement she's  
13 made.

14 May I have a moment, Your Honor?

15 THE COURT: Yes, sir.

16 MR. BALDASSANO: Judge, for the record, I  
17 will tender all the police reports to Defense Counsel in  
18 this case. I don't believe this witness made any  
19 written statements.

20 MR. GOODE: Your Honor, it's going to take  
21 me a minute. I have no idea where her statement is in  
22 here.

23 Your Honor --

24 THE COURT: Yes, sir?

25 MR. GOODE: -- for the sake of continuity,

1 I will proceed without the statement; but, at a later  
2 time I would like to recall her when I obtain the  
3 statement.

4 THE COURT: Have you established whether  
5 any statements were recorded or not, sir?

6 MR. GOODE: Your Honor, I have read a  
7 statement; but, it's been five or six months ago. I  
8 know a statement does exist; but, finding it in this  
9 mess would take a half hour. I don't want to waste the  
10 Court's time.

11 THE COURT: Do you have any -- State have  
12 any objection to the Defense reserving its right to  
13 recall this witness?

14 You may, sir.

15 MR. GOODE: Thank you, Your Honor.

16 May I proceed?

17 THE COURT: Yes, sir.

18 Q. (BY MR. GOODE) Ma'am, you testified that  
19 you had an argument on February 15th with Sissy; is that  
20 correct?

21 A. No, sir. I testified to the fact that  
22 Sissy came home the 15th of February. We had had an  
23 argument earlier in February.

24 Q. What was the nature of that argument?

25 MR. BALDASSANO: Judge, I am going to

1 object to the relevance of this.

2 MR. GOODE: Judge, I believe they opened  
3 the door as to an argument.

4 THE COURT: Objection is overruled.

5 Q. (BY MR. GOODE) Ma'am, what was the nature  
6 of that argument?

7 A. It was over the fact that I wanted Sissy to  
8 report on --

9 MR. BALDASSANO: Judge, I am going to  
10 object. May we approach the bench?

11 THE COURT: Retire the jury, sir.

12  
13 (WHEREUPON, the following proceedings were  
14 had outside the presence and hearing of the jury:)

15  
16 THE COURT: Let the record reflect this  
17 proceeding is being conducted outside the presence of  
18 the jury.

19 MR. BALDASSANO: Your Honor, at this time  
20 the State would object to what it has filed in the  
21 State's motion in limine, any attempted introduction of  
22 the complainant's prior criminal history.

23 I believe this witness will testify that  
24 they had an argument based on the complainant not  
25 reporting to her parole officer. I don't think that's

1 particularly relevant in this case.

2 MR. GOODE: Your Honor, I believe it's  
3 clear they opened the door through their direct  
4 examination of this witness. I don't want the jury  
5 wondering what that argument was about. They might  
6 assume it had something to do with my client.

7 I understand the motion in limine; but,  
8 they, themselves, have gone beyond the motion in limine  
9 and produced testimony beyond mere identification. They  
10 go into the fact that there was an argument.

11 MR. BALDASSANO: Judge, if I may respond, I  
12 think her response in that regard was not in response to  
13 a question; it was a volunteered statement. And if he  
14 wants to ask whether it had anything to do with the  
15 defendant, well, I wouldn't object to that; but, if he's  
16 going to go off into her parole problems then I think  
17 that's highly prejudicial.

18 THE COURT: Why don't we let Counsel ask  
19 his questions outside the presence of the jury and then  
20 you can pose any objections.

21 You may proceed, Counsel.

22 MR. GOODE: Thank you, Judge.

1 VOIR DIRE EXAMINATION

2 BY MR. GOODE:

3 Q. Ma'am, do you remember my question?

4 Would you like me to repeat it?

5 A. Please repeat it.

6 Q. What was the nature of the argument you had  
7 with her?

8 A. It was over her reporting to her parole  
9 officer.

10 Q. And based on that argument had you taken  
11 any action with regard to her?

12 A. I beg your pardon?

13 Q. Based on that argument had you taken any  
14 action with regard to her?

15 A. Sissy didn't argue; she left.

16 Q. Okay. You mean she was living with you  
17 prior to that?

18 A. She was there, yes, sir.

19 Q. Okay. Have you, at any other time, stated  
20 that you kicked her out of the home?

21 A. I have never kicked Sissy out of the house.

22 Q. Have you ever made the statement that you  
23 kicked her out of the home?

24 A. No, I have never made the statement that I  
25 kicked her out of the house, because I never did.

1           Q.     Have you ever made the statement that she  
2 had stolen from you and that's the reason you kicked her  
3 out of the home?

4           A.     I did not kick her out of the home and  
5 Sissy did not -- she took, when she came into the house  
6 she took her clothes and she took some of my makeup and  
7 did I file a complaint? -- yes; but, I did file a  
8 complaint because I wanted Sissy to get help.

9           Q.     What was the nature of that complaint that  
10 you filed?

11          A.     It was about my makeup -- the makeup,  
12 because I wanted Sissy to get help.

13          Q.     So, you filed criminal charges against her?

14          A.     No, I did not.

15          Q.     What was the nature of the complaint?

16          A.     The nature of the complaint was that she  
17 had come into the house and gotten her clothes and in  
18 the process of getting her clothes she had taken some of  
19 my makeup and some of my cologne. It was of minor  
20 consequence.

21               MR. GOODE: Your Honor, those are the  
22 questions I would like to propound.

23               MR. BALDASSANO: Judge, I am going to cite  
24 to the Court Texas Rules of Criminal Procedure, Rule 404  
25 regarding the character of the accused -- I'm sorry, the



1 character of the victim. This clearly does not come  
2 into purview of anything that is relevant to the  
3 character of the witness that is an issue in this case.  
4 I believe character of the witness would be relevant if  
5 it's to self-defense and she had a violent past; but,  
6 this in no way sheds any light onto this particular  
7 crime and I think it's highly prejudicial and  
8 inadmissible.

9 MR. GOODE: May I respond, Your Honor?

10 THE COURT: Yes, sir.

11 MR. GOODE: Judge, No. 1, I think they  
12 opened the door.

13 THE COURT: Counsel, "open the door"  
14 doesn't mean anything. Just be concise, please.

15 MR. GOODE: Judge, I believe I am entitled  
16 after they, No. 1, they've gone beyond their  
17 identification. They have attempted to adduce evidence  
18 bearing on the character of the deceased, which is  
19 contrary to the law since there has been no evidence by  
20 us that she was violent or if there was acts of  
21 provocation.

22 THE COURT: Excuse me. I believe you had  
23 an objection as to any character of the complaining  
24 witness being brought into issue?

25 MR. GOODE: That's correct, Your Honor.

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

THE COURT: And, so, none was.

MR. GOODE: Well, Your Honor, the jury heard it.

THE COURT: Heard what?

MR. GOODE: The question regarding character and the beginning of a response, beginning the type of person she was. Furthermore, beyond that I think the fact that there was an argument is something that is going to mislead the jury unless it's cleared up.

THE COURT: How?

MR. GOODE: Well, there is a world of possibilities as to what they will think the argument was about, because there is going to be subsequent testimony that the deceased and my client knew each other and that might --

THE COURT: Certainly can ask leading questions and say did you argue about the defendant.

MR. GOODE: All right, Your Honor.

THE COURT: If that's the basis of your proffer.

MR. GOODE: Then is the Court not going to allow me to ask those questions that I propounded outside the jury's presence?

THE COURT: I'm asking the basis of your

1 proffer, if that is the basis of your proffer?

2 MR. GOODE: That is the basis.

3 THE COURT: You don't want the jury  
4 laboring under some misapprehension that the argument  
5 was about your client, then certainly you can clear that  
6 up by other means.

7 MR. GOODE: Okay; but, the specific  
8 questions I have asked will not be allowed with the  
9 jury?

10 THE COURT: You have to have a reason for  
11 them. That's what I'm trying to elicit from you right  
12 now.

13 MR. GOODE: I have given the best reasons I  
14 can come up with.

15 THE COURT: What are they? I have already  
16 taken your misapprehension of an argument. What else is  
17 there?

18 MR. GOODE: Judge, the age-old expression  
19 they opened the door, they talk about an argument and  
20 then I can't talk about it.

21 THE COURT: Sir?

22 MR. GOODE: They've talked about an  
23 argument. I feel I am free to explore that.

24 THE COURT: First of all, I believe that's  
25 probably an unresponsive answer to the question. I

1 don't believe the question was calculated to elicit that  
2 particular answer. Now, if you feel that you want to  
3 put the defendant's character into issue, that's a whole  
4 different story.

5 MR. GOODE: Well, Your Honor, I think they  
6 have already done that by talking about a prior  
7 argument.

8 THE COURT: Sir, I asked you --

9 MR. GOODE: Ma'am, I don't have any other  
10 reasons for this testimony. Only question is whether I  
11 can adduce it or not.

12 THE COURT: And the purpose?

13 MR. GOODE: Purpose is to inquire upon an  
14 area that was discussed in direct testimony, a prior  
15 argument.

16 MR. BALDASSANO: Judge, I want the record  
17 to be clear I have no objection to him investigating the  
18 area if it's relevant to the defendant; but, if it's an  
19 argument over parole violations four days before this  
20 murder occurred, I don't think it's in any way relevant.  
21 It has nothing to do with the defendant and I have no  
22 objection to him exploring whether the argument -- and  
23 asking in front of the jury, asking their witness  
24 whether the argument had anything to do with the  
25 defendant; but, obviously, the benefit to the Defense is

1 great when this witness starts talking about the  
2 complainant being on parole and it's highly prejudicial  
3 and has no bearing on the guilt or innocence of this  
4 defendant.

5 MR. GOODE: Nothing new, Judge.

6 THE COURT: What character evidence does  
7 the State bring into evidence?

8 MR. GOODE: Your Honor, the fact that he  
9 elicited testimony, or even if it was nonresponsive  
10 testimony, concerning a prior.

11 THE COURT: What was it?

12 MR. GOODE: Prior combative nature, prior  
13 argument. Isn't that evidence of a bad character?  
14 Prior bad conduct elicited by them.

15 THE COURT: You have an argument?

16 MR. GOODE: Yes, Your Honor.

17 Is the Court, then, for the sake of  
18 judicial economy, has the Court determined that I cannot  
19 ask these questions in front of the jury?

20 THE COURT: I am trying to find out whether  
21 or not it is relevant and you are not helping me in any  
22 way.

23 MR. GOODE: I can't come up with anything  
24 else I already have. I will latch onto the fact that  
25 they talked about it on direct. So, I think I'm

1 entitled to it on cross.

2 THE COURT: Are you saying, then, the fact  
3 that someone had an argument puts their character into  
4 issue? Is that the basis of your proffer?

5 MR. GOODE: Saying it might be, sure.

6 THE COURT: Counsel, you already have means  
7 of clearing up any misapprehension that you think is in  
8 the jury's mind, if that's the basis of your proffer,  
9 that she was on parole was the fact that they had an  
10 argument. I will sustain the objection.

11 MR. GOODE: Thank you, Judge.

12 THE COURT: Seat the jury, please.

13  
14 (WHEREUPON, the following proceedings were  
15 had within the presence and hearing of the jury:)

16  
17 THE COURT: Jury may be seated.

18 You may continue, sir.

19 MR. GOODE: Your Honor, we have no further  
20 questions.

21 MR. BALDASSANO: Nothing further, Your  
22 Honor. May this witness be excused?

23 MR. GOODE: Yes, Your Honor.

24 THE COURT: You may step down, ma'am. You  
25 are excused.

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

Call your next witness, please.

MR. BALDASSANO: State calls Detective  
Bruce Johnson.

THE COURT: Have you been sworn, sir?

THE WITNESS: No, ma'am.

(Witness sworn.)

THE COURT: You may proceed, Counsel.

MR. GOODE: Thank you, Your Honor.

1 BRUCE JOHNSON,  
2 was called as a witness by the State, and after having  
3 been duly sworn, testifies as follows:

4 DIRECT EXAMINATION

5 BY MR. BALDASSANO:

6 Q. Please state your name, sir.

7 A. Bruce Johnson.

8 Q. How are you employed?

9 A. Detective with the Harris County Sheriff's  
10 Department.

11 Q. And how long have you been with the  
12 sheriff's department?

13 A. Seven years.

14 Q. And how long have you been a detective?

15 A. Four years.

16 Q. Can you describe for us a little bit about  
17 the nature of your work? What do you do day-to-day?

18 A. I am assigned to the homicide division for  
19 the sheriff's department, and we investigate homicides  
20 as reported to the department.

21 Q. Okay. And you said you have been doing  
22 that for a number of years?

23 A. I have been assigned to the homicide  
24 division for approximately 18 months.

25 Q. And as part of your duties with the



1 homicide division do you ever have a chance to actually  
2 go out on a crime scene?

3 A. Yes.

4 Q. And do you remember going out on the crime  
5 scene on February the 19th, 1989?

6 A. Yes, I do.

7 Q. And do you remember where that crime scene  
8 was?

9 A. It was over off of Cedarview.

10 Q. And is that an intersecting street with  
11 Skyview?

12 A. That is correct.

13 Q. And do you remember approximately -- well,  
14 first, do you remember what day of the week it was?

15 A. I believe it was on a Sunday.

16 Q. Do you work on weekends?

17 A. I work the 2:00 to 10:00 shift and I have  
18 Friday and Saturdays off.

19 Q. Do you remember approximately what time you  
20 arrived at the scene?

21 A. It was somewhere around 2:30, between 2:00  
22 and 2:30.

23 Q. P.M.?

24 A. That's correct.

25 Q. And can you describe a little bit about the

1 scene, just the general nature of the neighborhood?

2 A. It was a residential area where we found  
3 the crime scene to be. There was a business warehouse  
4 right there near the vicinity and the rest of it was  
5 residential, rest of the area.

6 Q. And what, in particular, did you see that  
7 made it a crime scene?

8 A. We had a barrel, which after viewing the  
9 barrel contained the body of a complainant in this case.

10 Q. Okay. And was that crime scene a place  
11 that was located in Harris County, Texas?

12 A. That's correct.

13 MR. BALDASSANO: May I approach the  
14 witness, Your Honor?

15 THE COURT: Yes, sir.

16 Q. (BY MR. BALDASSANO) Sir, I am going to  
17 show you what's been labeled as State's Exhibit No. 17  
18 and ask you if you can identify this exhibit?

19 A. It's a key map of Harris County in Houston,  
20 City of Houston.

21 Q. Okay. Is that an accurate depiction of the  
22 layout of Harris County, Texas?

23 A. Yes, it is.

24 Q. And regarding the yellowing outlines on the  
25 State's Exhibit No. 17, can you tell us a little bit

1 about what that is?

2 A. That is the boundaries of Harris County, of  
3 the county, itself.

4 Q. Now, is the sheriff's department's  
5 jurisdiction within Harris County only?

6 A. Within all outlying incorporated areas  
7 within Harris County.

8 Q. So, you are familiar with this particular  
9 configuration or shape of the county; is that correct?

10 A. That's correct.

11 Q. Now, regarding some notations, could you  
12 tell --

13 MR. BALDASSANO: Well, first of all, the  
14 State would offer State's Exhibit No. 17 and tender the  
15 same to Defense Counsel for his inspection.

16 MR. GOODE: No objections, Your Honor.

17 THE COURT: State's Exhibit 17 is received  
18 into evidence without objection.

19 Q. (BY MR. BALDASSANO) Now, can you explain  
20 the blue markings on State's Exhibit No. 17 and their  
21 significance? First, starting on the left.

22 A. Okay. There is a mark on this key map, a  
23 "B" inserted.

24 Q. If you are going to show it to the jury,  
25 make sure they can all see.

1                   Let's just do the first one and we will do  
2 the other one later.

3                   A.     Okay, this marking right here on the key  
4 map is the area, general area, where the deceased body  
5 was found.

6                   Q.     Okay. Now, the yellow line, again, is that  
7 the boundary of Harris County?

8                   A.     That's the boundary of Harris County.

9                   Q.     Okay. And which counties are on the sides  
10 there?

11                  A.     You have Montgomery County up to the north,  
12 Fort Bend County to the west, Brazoria Galveston to the  
13 south, Chambers County out to the east.

14                  Q.     And approximately how far from the edge of  
15 the county line, the closest county line, was this body  
16 found?

17                  A.     I would estimate around 20 to 25 miles.

18                  Q.     Did you do any kind of crime scene search?

19                  A.     I assisted our ID division out on the  
20 scene. They are charged with the responsibility of  
21 processing crime scenes and I assisted with the  
22 processing of the crime scenes.

23                  Q.     Okay. And what exactly did you do at the  
24 crime scene?

25                  A.     I viewed the container where the deceased

1

body was found. I -- we searched the area for physical  
: :  
: :

J

body was found. I -- we searched the area for physical

2 evidence, obtained whether any witnesses were present or  
3 not.

4 Q. And did you find any physical evidence, any  
5 items that you picked up that you thought may be  
6 important?

7 A. The only item I found, other than the trash  
8 barrel that we found, was a cigarette butt near that we  
9 went ahead and processed.

10 Q. Did you find any kind of weapon, a gun, a  
11 stick, a knife, anything like that?

12 A. No, we did not.

13 Q. Okay. Is that unusual when you arrive at a  
14 crime scene?

15 A. No, it is not unusual, no, sir.

16 Q. Not unusual to find one or not unusual?

17 A. Not unusual not to find a weapon.

18 Q. Did you have a chance to interview anybody  
19 at the scene?

20 A. I interviewed a witness, a witness who had  
21 found the container, found the deceased body originally.

22 Q. Okay. And do you remember who that was?

23 A. Darrell Lathrop.

24 Q. Can you tell the members of the jury just  
25 briefly what the can looked like when you arrived?

1           A.     It was a rubber trash can with Budweiser  
2 written across it. I would estimate 25- to 30-gallon  
3 can.

4           MR. BALDASSANO: May I approach the court  
5 reporter, Your Honor?

6           THE COURT: Yes, sir.

7           Q.     (BY MR. BALDASSANO) Okay, Detective, I am  
8 going to show you what's been labeled as State's Exhibit  
9 No. 1, 2, 3 and 4, and ask you if you could identify  
10 those?

11          A.     That's the can that we found the  
12 complainant's body in.

13          Q.     Okay. Is this an accurate depiction of  
14 what the scene looked like when you arrived?

15          A.     That's correct.

16          Q.     Okay. Did you put up the yellow tape?

17          A.     No, our patrol division did that.

18          Q.     Okay and what's the purpose of a yellow  
19 tape?

20          A.     To protect the crime scene, to make sure  
21 it's not contaminated or keep individuals off the scene  
22 so it can be processed for evidence.

23          Q.     Any indication that anybody went near the  
24 scene or dealt with the body after you got there?

25          A.     Not after I got there, no, sir.

1 Q. Now, regarding the crime scene search, what  
2 type of, I mean, what did you do?

3 Did you walk around?

4 Did you just look around or --

5 A. We walked around. We assisted our ID  
6 division, started from the trash can and worked our way  
7 around it looking for physical evidence, or laying on  
8 the ground or something that perhaps didn't belong.

9 Q. Now, regarding the can, was the can of the  
10 barrel eventually moved?

11 A. Yes, it was.

12 Q. Okay. And who moved the barrel?

13 A. It was, if I recall correctly, Alief  
14 Funeral Home.

15 Q. And was it taken intact; that is, was the  
16 complainant inside the barrel when the barrel was moved?

17 A. That's correct. They removed the trash can  
18 intact with the trash and the complainant's body inside  
19 it.

20 Q. Did you have an occasion to help in the  
21 transport?

22 A. I assisted in lifting the can to the wagon.

23 Q. And did you have any further contact with  
24 that barrel on that day?

25 A. Yes, I did. I went down to the coroner's



1 office when they were going to remove the complainant's  
2 body from the barrel.

3 Q. And did you observe this happen?

4 A. Yes, I did.

5 Q. And was that the very same day on the  
6 Sunday that it went down to the coroner's office?

7 A. Yes, it was.

8 Q. And do you remember what was done with the  
9 body at that time?

10 A. Complainant's body was removed from the  
11 trash can and she was laid out on the table there in the  
12 coroner's.

13 Q. And did you do any kind of examination of  
14 the body?

15 A. I just observed while the coroner's  
16 personnel were removing the body.

17 Q. And what became of the trash, the garbage?

18 A. It was bagged up and our ID Division Deputy  
19 Talmadge, was turned over to him by the coroner's  
20 office.

21 Q. You didn't have any further contact with  
22 the garbage, did you?

23 A. No, I did not.

24 Q. Now, did you observe anything unusual about  
25 the body?

1 A. The body was nude.

2 Q. Well, let me talk about wounds,  
3 specifically.

4 A. Well, it appeared to have a gunshot wound  
5 to the head.

6 Q. Okay. And have you seen gunshot wounds  
7 before in your work with the Sheriff's Department?

8 A. Yes, I have.

9 Q. On few or many occasions?

10 A. On many occasions.

11 Q. Okay. And did you have an opinion as to  
12 whether or not that gunshot wound was caused by a  
13 firearm?

14 A. Yes, it was caused by a firearm.

15 Q. Now, jumping ahead to the defendant in this  
16 case, did you have an opportunity to come across a name  
17 of the defendant in your investigation?

18 A. Yes, I did.

19 Q. Okay. And how was it that you became or  
20 you contacted or became interested in the defendant in  
21 this case?

22 A. The complainant's mother had contacted me  
23 and put me in contact with an Arnold Ramirez who had  
24 advised her he --

25 MR. GOODE: I will object to hearsay, Your

1 Honor.

2 THE COURT: Excuse me. Sir, don't repeat  
3 any hearsay until the Court gives you permission to do  
4 so.

5 THE WITNESS: Yes, ma'am.

6 Q. (BY MR. BALDASSANO) Would that  
7 complainant's stepmother be Kitty Smith?

8 A. That's correct.

9 Q. Did you, as a result of speaking with Miss  
10 Smith, have a chance to contact Mr. Ramirez?

11 A. Yes, I did.

12 Q. And can you explain to the members of the  
13 jury, not what Mr. Ramirez said, but the general, his  
14 general demeanor or attitude in talking with the police?

15 MR. GOODE: Your Honor, I am going to  
16 object, No. 1, on speculation, No. 2, hearsay evidence.

17 MR. BALDASSANO: May I respond, Judge?

18 Just asking for his -- the way he talked  
19 with the police, not what he said, but whether he was  
20 forthcoming or evasive with the police.

21 THE COURT: Attorneys approach the bench,  
22 please.

23  
24 (WHEREUPON, there was a discussion held at  
25 sidebar, outside the hearing of the court reporter.)

1

2 Q. (BY MR. BALDASSANO) Did you have a chance  
3 to talk with Mr. Rameriz?

4

A. Yes, I did.

5

6 Q. After talking with Mr. Ramirez did you have  
7 a chance to talk with him or interview anybody else in  
8 the case?

8

A. Yes, I did.

9

Q. And who did you interview first?

10

A. I interviewed a Jesse Ca- -- I am not sure  
11 how to pronounce the last name. Cavazos.

12

Q. Cavazos, a Mexican last name?

13

A. That's correct.

14

Q. And do you remember approximately when you  
15 interviewed that person?

16

A. It was on or about March 28th of 1989.

17

Q. And did you take a written statement from  
18 him?

19

A. Yes, I did.

20

Q. And did you interview anybody else?

21

A. Yes, I did.

22

Q. And who else did you interview?

23

A. Angela Cavazos and Pedro.

24

Q. Okay. Now, did you go out to their  
25 residence or did they come to the police station or

1 both?

2 A. I originally went out to their home.

3 Q. And what location was that?

4 A. Over on Silvercrest.

5 MR. BALDASSANO: May I approach the

6 witness, Your Honor?

7 THE COURT: Yes, sir.

8 Q. (BY MR. BALDASSANO) Detective, I am going  
9 to show you State's Exhibit No. 17, and if you could  
10 point out to the members of the jury which dot  
11 corresponds to the address on Silvercrest?

12 A. (Indicating.) This dot right here.

13 Q. Okay. So, that would be the middle dot  
14 would be the approximate location?

15 A. Approximate location of Silvercrest.

16 Q. Okay. Thank you.

17 And that's where you met Jesse Cavazos and  
18 the others; is that correct?

19 A. That's correct.

20 Q. And what others did you meet there?

21 A. It was just those three, at the time.

22 Q. Okay. The three. Can you please name them  
23 again?

24 A. Jesse Cavazos, Angela Cavazos, and Pedro.

25 Q. Cavazos?

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

A. Cavazos.

Q. And did they subsequently give a statement in written form at the police station?

A. Yes, all three of them did.

Q. Did you have an occasion to ever personally meet the defendant in the case?

A. No, not prior to her arrest.

Q. Okay. Well, did you take part in the arrest of the defendant?

A. Yes, I did.

Q. Can you describe a little bit about where the defendant was arrested and how she was arrested?

MR. GOODE: Your Honor, I am going to object at this time as to details of the arrest. I don't see any relevance.

THE COURT: Also, calling for a narrative. Rephrase your question.

MR. BALDASSANO: Thank you, Judge.

Q. (BY MR. BALDASSANO) What date did you arrest the defendant?

A. On or about March 31, 1989.

Q. March 31, 1989?

A. That's correct.

Q. Did you have any reason for arresting her or trying to arrest her on that particular day?

1           A.     Yes.  We obtained a warrant from the  
2     district --

3           MR. GOODE:  Your Honor, I object.  
4     Nonresponsive answer.  He already answered the question.

5           MR. BALDASSANO:  Judge, I think he is  
6     entitled to give an answer.  I asked him why on that  
7     particular date.  He was trying to explain.

8           THE COURT:  I don't believe that is what  
9     your last question was.

10          Ask your next one.

11          Q.     (BY MR. BALDASSANO)  Why did you try to  
12     arrest the defendant on March 31, 1989?

13          A.     We'd obtained a warrant for her arrest.

14          Q.     And any particular reason that you executed  
15     the warrant on that day as opposed to waiting a week?

16          A.     Yes.  We had received information --

17          MR. GOODE:  I'm going to object as to  
18     hearsay.

19          THE COURT:  Sustained.

20          Q.     (BY MR. BALDASSANO)  Did you have any  
21     belief about whether the defendant was going to be here  
22     or go?

23          MR. GOODE:  Your Honor, I am going to  
24     object.

25          May we approach the bench?

1 THE COURT: No, you don't have to.

2 Objection is sustained.

3 Q. (BY MR. BALDASSANO) Describe the arrest,  
4 if you could, and just who you were with?

5 Were you by yourself or with another  
6 officer?

7 A. I was with Detective Frank Pratt, who is an  
8 officer, a homicide detective in my division.

9 Q. Were you in a marked patrol unit or an  
10 undercover car?

11 A. We were in an unmarked unit.

12 Q. And did you see the defendant on the street  
13 or did you see the defendant in a vehicle?

14 A. We observed the defendant in a vehicle.

15 Q. And did you have a chance to stop that  
16 vehicle?

17 A. Yes, we did.

18 Q. And the person that was arrested, was that  
19 a person you later came to know as Shirley Stokley or  
20 Shirley Sutherland?

21 A. Shirley Sutherland.

22 Q. And do you see that person in the courtroom  
23 today?

24 A. Yes, I do.

25 Q. And could you, just for the record, point



1 her out and describe an article of clothing that she's  
2 wearing?

3 A. Wearing the striped dress, sitting right  
4 there to the right of the Counsel (indicating).

5 MR. BALDASSANO: Let the record reflect the  
6 witness has identified the defendant.

7 THE COURT: The record shall so reflect.

8 Q. (BY MR. BALDASSANO) Was the defendant in  
9 the vehicle with anybody else?

10 A. Yes, she was.

11 Q. And who was that?

12 A. An individual by the name of Robbie Carter.

13 Q. After you arrested the defendant did you  
14 have any other -- did you perform any other tasks  
15 regarding the case?

16 A. Yes, we did. We took both subjects down to  
17 the Sheriff's Department's Detective Bureau at 1301  
18 Franklin.

19 MR. BALDASSANO: I will pass the witness.

20 MR. GOODE: May I proceed, Your Honor?

21 THE COURT: Yes, sir.

22  
23 CROSS-EXAMINATION

24 BY MR. GOODE:

25 Q. Detective Johnson, were you personally

1 present when the barrel with the dead body in it was  
2 transported from the scene?

3 A. Yes, sir, I was.

4 Q. Okay. How was it moved?

5 A. It was moved by a funeral home, a body  
6 wagon.

7 Q. Okay. And, actually, could you describe  
8 the actual transportation of the barrel from where it  
9 was, into whatever vehicle transported it?

10 A. The wagon was backed up to the barrel and  
11 several individuals, including myself, assisted in  
12 lifting the barrel up and setting it inside the wagon.

13 Q. Okay. So, it took several men to lift the  
14 barrel up?

15 A. Two or three. I don't recall exactly how  
16 many of us lifted it up to put it back into the wagon.

17 Q. One man couldn't have done it himself?

18 A. No, he could not have.

19 Q. So, the barrel with the body in it was very  
20 heavy; is that correct?

21 A. That's correct.

22 Q. Do you know who the other men were who  
23 helped move the barrel?

24 A. I do not recall at this time.

25 Q. But you personally assisted in lifting the

1 barrel up?

2 A. That's correct.

3 Q. So, you yourself know that it was a heavy  
4 barrel, it was very heavy to move?

5 A. It was a heavy barrel and due to the doors  
6 on the back of the wagon it was hard to maneuver.

7 Q. Did you inventory the contents of the  
8 barrel?

9 A. No, sir, I did not.

10 Q. Were you present when the inventory was  
11 made?

12 A. I was present when they pulled the  
13 complainant and the contents out of the barrel.

14 Q. Did you happen to notice a piece of paper  
15 with the word "hermeno" (sic), h-e-r-m-e-n-o, written on  
16 it?

17 A. No, sir, I did not. I didn't look closely  
18 at all at the contents. I just observed everything on  
19 the table.

20 Q. At a later time, were you presented with  
21 such a note?

22 A. I don't recall.

23 Q. Were you presented with any evidence by Mr.  
24 Talmadge?

25 A. I don't recall being presented any

1 evidence, no, sir.

2 Q. Has Mr. Talmadge contacted you today  
3 regarding a note with the word "hermeno" written on it?

4 A. He was attempting to find a piece of  
5 evidence, yes, sir.

6 Q. And do you remember ever receiving that  
7 piece of evidence from him?

8 A. I do not recall having received it.

9 Q. Do you have possession of that piece of  
10 evidence?

11 A. No, I do not.

12 Q. But you don't deny that it once existed; is  
13 that right?

14 A. I don't know if it exists or not.

15 Q. Has Mr. Talmadge asked you about it today?

16 A. He inquired if I had any evidence that  
17 belonged to the ID Division.

18 Q. Did he specifically inquire about a note  
19 with the word "hermeno" (sic) written on it?

20 A. Yes, he did.

21 Q. What did you tell him?

22 A. I told him I wasn't aware of it.

23 MR. BALDASSANO: Judge -- strike that.

24 MR. GOODE: May I approach the witness,

25 Your Honor?

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

THE COURT: Yes, sir.

Q. (BY MR. GOODE) Sir, let me show you what has previously been discussed and it's State's Exhibit No. 17 and, once again, the yellow outlines here demonstrate the contours of Harris County; is that correct?

A. That's correct.

Q. And how many other counties are apparent in this map?

A. I'd say approximately five.

Q. Okay. Could you name them?

A. Montgomery County -- or Montgomery County, Chambers County, Brazoria County, Fort Bend county.

Q. And?

A. And Galveston County back there.

Q. Each of them basically surrounds the contours of the yellow?

A. That's correct.

Q. Okay. Thank you, sir.

Now, you found the body within the limits of Harris County, correct? -- or at least you saw the body within the limits of Harris County?

A. That's correct.

Q. You are not telling this jury that you know where this crime was committed, though, are you?

1 A. No, I am not.

2 Q. Okay. For all you know, it could have been  
3 committed in any one of those other counties; is that  
4 correct?

5 A. My investigation -- well, yes.

6 Q. Do you know where she was killed?

7 A. No, I do not.

8 Q. Okay. So, for all you know, it could have  
9 been in any one of the other five counties; is that  
10 correct?

11 A. That's correct.

12 Q. In fact, it's your opinion that she was  
13 transported to the scene where she was found; is that  
14 correct?

15 A. That's correct.

16 Q. She was not killed at that scene; is that  
17 correct?

18 A. That's correct.

19 Q. With regard to the several men who lifted  
20 the barrel up, what was their physical size?

21 A. My size or smaller.

22 Q. What is your size?

23 A. I weigh approximately 210 pounds.

24 Q. And they were approximately your size?

25 A. That's correct.

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

Q. And they were two or three of them?

A. That's correct.

Q. And each of them was lifting on the barrel?

A. That's correct.

MR. GOODE: Your Honor, I pass the witness.

REDIRECT EXAMINATION

BY MR. BALDASSANO:

Q. Detective, did you have an occasion to go to the defendant's house to look for her?

A. Yes, I did.

Q. And do you remember what address that was?

A. 3422 Cedar Hill.

MR. BALDASSANO: May I approach the witness, Your Honor?

THE COURT: Yes, sir.

Q. (BY MR. BALDASSANO) Detective, I am going to show you, again, State's Exhibit No. 17, and ask you if you could identify the defendant's address from that exhibit based on one of the blue dots?

A. Be this blue dot right here (indicating)

Q. So, would be, for the record, the blue dot all the way on the right as you hold up State's Exhibit No. 17, with the exhibit number in the right-hand corner; is that correct?

1 A. That's correct.

2 Q. And the blue dot in the middle would be a  
3 location on Silvercrest where you interviewed the  
4 Cavazos'?

5 A. That's correct.

6 Q. And the blue dot on the far left would  
7 indicate where the body was found?

8 A. That's correct.

9 Q. Is there any main thoroughfare that  
10 connects those three dots?

11 A. Well, you have the Hardy Toll Road, you  
12 have 610 and 290 that leads you up into that area.

13 Q. How about Little York?

14 A. That's correct, Little York runs from right  
15 in that area over to the general area where we found the  
16 complainant's body.

17 Q. Okay. And Little York runs which  
18 direction? East/West? North/South?

19 A. East and west.

20 MR. BALDASSANO: I will pass the witness.

21 MR. GOODE: No further questions, Judge.

22 THE COURT: Do you wish this witness to  
23 remain on call or may he be excused?

24 MR. BALDASSANO: Remain on call, Judge.

25 MR. GOODE: Yes, Your Honor.



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

THE COURT: You may step down, sir, you are on call.

Would you like to take your afternoon recess now or do you want to continue?

MR. BALDASSANO: I am ready to continue, Judge.

THE COURT: Call your next witness, please.

MR. BALDASSANO: Arnulfo Ramirez.

THE COURT: Jury may stand up and stretch, if you wish.

You may proceed, Counsel.

1                                   ARNULFO RAMIREZ,  
2 was called as a witness by the State, and after having  
3 been duly sworn, testifies as follows:

4                                   DIRECT EXAMINATION

5 BY MR. BALDASSANO:

6                   Q.     Please state your name, sir.

7                   A.     Arnulfo Ramirez.

8                   Q.     And how are you employed?

9                   A.     I work at AB&G Wholesale. I drive the  
10 forklift and receive everything, put up everything.

11                  Q.     Put up everything?

12                  A.     Yes. Soda waters, groceries, cigarettes.

13                  Q.     Okay. And how long have you been working  
14 there?

15                  A.     Going to be around six, going to be seven  
16 years in August.

17                  Q.     Did you know a girl that -- by the name of  
18 Shawnte Collins?

19                  A.     Yes.

20                  Q.     And how long have you known her?

21                  A.     Around four years, she would have been by  
22 now.

23                  Q.     About four years?

24                  A.     It would have been four years now.

25                               MR. BALDASSANO: May I approach the

1 witness, Your Honor?

2 THE COURT: Yes, sir.

3 Q. (BY MR. BALDASSANO) Sir, isn't it true  
4 that we talked, I think it was yesterday, about showing  
5 you photographs in this case?

6 A. Yes.

7 Q. Okay. And I am going to go ahead and show  
8 you the same photograph, State's Exhibit No. 14, and ask  
9 you if you can identify the person in State's Exhibit  
10 No. 14?

11 A. Yes. That's Shawnte Collins.

12 MR. BALDASSANO: I will pass the witness,  
13 Judge.

14 MR. GOODE: May I proceed, Judge?

15 THE COURT: Yes, sir.

16  
17 CROSS-EXAMINATION

18 BY MR. GOODE:

19 Q. Sir, do you speak Spanish?

20 A. Yes, sir.

21 Q. Are you familiar with the word "hermeno"  
22 (sic) h-e-r-m-e-n-o, in Spanish?

23 A. "Hermano"? Brother, isn't it?

24 Q. It means brother in English?

25 A. Hermano?

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

Q. Yes.

MR. GOODE: Pass the witness, Judge.

MR. BALDASSANO: That's all I have.

THE COURT: May this witness be excused?

MR. BALDASSANO: Yes, Your Honor.

MR. GOODE: Yes, Your Honor.

THE COURT: You may step down, sir.

Call your next witness, please.

MR. BALDASSANO: State calls Pedro Cavazos.

THE COURT: Will this be a lengthy witness, sir? Okay. Hold up a second then. The court reporter needs to have a recess.

Ladies and gentlemen of the jury, the Court is going to grant you your afternoon recess and we are fortunate, the bailiff will take you for a little stroll, and we will resume at 3:30.

Retire the jury, sir.

(Brief recess.)

THE COURT: Jury may be seated.  
Are the attorneys ready to proceed?

MR. BALDASSANO: State is ready.

MR. GOODE: Defense is ready, Judge.

THE COURT: Call your next witness, please,

1           sir.

2                           MR. BALDASSANO: State calls Pedro Cavazos.

3                           THE COURT: Please take the stand, sir.

4                           You may proceed, Counsel.

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

1 PEDRO CAVAZOS,  
2 was called as a witness by the State, and after having  
3 been duly sworn, testifies as follows:

4 DIRECT EXAMINATION

5 BY MR. BALDASSANO:

6 Q. Please state your name, sir.

7 A. Pedro Cavazos.

8 Q. And how old are you?

9 A. I'm 23.

10 Q. And how are you employed?

11 A. How am I employed? I work for Victor Rosa,  
12 attorney at law.

13 Q. I'm sorry?

14 A. Victor Rosa, attorney at law.

15 Q. Okay. And what part of the county do you  
16 live in?

17 Where do you live?

18 A. In Harris County.

19 Q. Okay. Is it the north, or the south, or  
20 the east, or the west?

21 A. Think it's north.

22 Q. Okay. And do you have a family here in  
23 Harris County?

24 A. I have a girlfriend.

25 Q. Okay. Do you have any brothers and

1 sisters?

2 A. He came down from the valley to be with us,  
3 also.

4 Q. Okay. And who is that?

5 A. Jesus Cavazos.

6 Q. Okay. And how about a sister or  
7 sister-in-law?

8 A. No, sister-in-law, his wife Angie, and  
9 Jesus Cavazos.

10 Q. Do you have a cousin in town?

11 A. Yes. ~~His name is Arnulfo Ramirez.~~

12 Q. Okay. And how long have you been living in  
13 the Houston area?

14 A. ~~Been living here for about 12 to 13 years.~~

15 Q. Have you ever been convicted of a felony or  
16 a misdemeanor involving moral turpitude, like bad checks  
17 or theft or something like that?

18 A. No, sir.

19 Q. And can you -- I want to bring your  
20 attention back to February of 1989, okay? -- and can you  
21 tell the members of the jury where you were living on  
22 that date?

23 A. I was living at 10124 Silvercrest.

24 Q. Silvercrest?

25 A. Yes, sir.

1 Q. Okay. And is that in Harris County?

2 A. Yes, sir.

3 Q. And who was in your household back in  
4 February of '89 at the Silvercrest address?

5 A. It was me, my brother Jesus, his wife,  
6 Angelica, Jesus Cavazos, Junior.

7 Q. I missed the last one?

8 A. Their son Jesus Cavazos, Junior.

9 Q. Okay. And little boy?

10 A. Yes.

11 Q. Okay. And how about Yvonne Munez?

12 A. ~~She was staying there, too. She was my~~  
13 ~~girlfriend at the time.~~

14 Q. And did you know a person named Shawnte  
15 Collins?

16 A. Yes, I did.

17 Q. And how long had you known Shawnte Collins,  
18 from February '89 back?

19 A. ~~For about two years.~~

20 Q. And did you know the defendant, a person  
21 named Shirley Stokley?

22 A. Yes.

23 Q. Okay. And do you see that person in the  
24 courtroom today?

25 A. Yes, I do.



1 Q. Okay. And can you just point her out and  
2 point out or mention an article of clothing that she's  
3 wearing?

4 A. (Indicating.) That lady right there with  
5 the light blue and white dress.

6 MR. BALDASSANO: Your Honor, let the record  
7 reflect the witness has identified the defendant in this  
8 case.

9 THE COURT: The record shall so reflect.

10 Q. (BY MR. BALDASSANO) And how long had you  
11 known the defendant prior to February of 1989?

12 A. I had known her for about a year.

13 Q. About a year.

14 Were you friends with her or acquaintances  
15 or enemies?

16 A. We were, you could say, friends.

17 Q. Okay. And how about with Shawnte Collins?  
18 Were you friends or just acquaintances or  
19 enemies?

20 A. She was a good friend.

21 Q. Had you ever seen the defendant together  
22 with Shawnte Collins? NEVER saw her with Collins

23 A. A few times.

24 Q. ~~And that was before February of '89?~~

25 A. Yes, it was.

*Pg 137  
sure how much*

1 Q. Okay. When you say a few times, how many  
2 times?

3 A. About three, four times, maybe.

4 Q. And was that at your house over on  
5 Silvercrest or somewhere else that you had seen them  
6 together?

7 A. Well, there at Silvercrest, 10124.

8 Q. And how often had you seen the defendants,  
9 in the, say, in the few months that you knew her before  
10 February of '89?

11 A. I seen her quite a few times.

12 Q. And where have you seen her quite a few  
13 times?

14 A. There at the house.

15 Q. On Silvercrest?

16 A. Yes.

17 Q. Now, I am going to call your attention to  
18 Saturday, February the 18th, 1989, okay? And I assume  
19 that you lived over on Silvercrest on that day with the  
20 people you mentioned, correct?

21 A. Yes, I did.

22 MR. GOODE: Object to leading the witness.

23 THE COURT: Please don't lead your witness,  
24 sir.

25 MR. BALDASSANO: Thank you, Judge.

1 Q. (BY MR. BALDASSANO) On that Saturday can  
2 you tell us who was in the house, in the evening hours,  
3 ~~that is, after 6:00 p.m.,~~ on Saturday, Saturday,  
4 February the 18th?

5 THE COURT: Would you like some water, sir?

6 THE WITNESS: No, ma'am, my tonsils, I had  
7 them taken out.

8 A. ~~It was me, my brother and his wife, Yvonne,~~  
9 ~~then at the time present, was Shirley and Shawnte~~  
10 ~~Collins.~~ ? 6PM? > just me!

11 Q. (BY MR. BALDASSANO) Okay. Well, let me  
12 ask you this: Who came over first, if you remember,  
13 Shirley or Shawnte?

14 A. From what I heard, they both got in the  
15 house --

16 MR. GOODE: Objection to hearsay, Your  
17 Honor.

18 THE COURT: Sir, please listen to the  
19 question that's asked of you and answer that question,  
20 not what somebody told you.

21 THE WITNESS: Okay.

22 ~~A. Well, I was taking a shower at the time.~~ 6PM  
23 When I came out of the shower, they were both in the  
24 house. at 10:45PM he came out  
with Shawnte

25 Q. (BY MR. BALDASSANO) Now, do you remember

1 approximately what time you were taking a shower that  
2 evening? Just approximately.

3 A. ~~Roughly, probably one past 1:00, in the~~  
4 ~~morning.~~

5 Q. And is that unusual for you to take a  
6 shower at 1:00 o'clock in the morning?

7 A. No, sir.

8 Q. Were you getting ready to go out?

9 A. No, sir. Every time before I go to sleep I  
10 take a shower.

11 Q. But you don't know exactly what time it  
12 was; is that correct?

13 A. No, sir, I don't.

14 Q. So, you are saying it was late Saturday or  
15 early Sunday that you were taking a shower?

16 A. ~~Yes, sir. More or less early Sunday.~~

17 Q. And you said you heard something. What did  
18 you hear?

19 A. Well I just heard, you know, somebody  
20 ~~hollering and that's when I got out of the shower.~~

21 Q. And were you upstairs in the shower or  
22 downstairs?

23 A. Downstairs. They were downstairs, also.

24 Q. And where was the noise coming from, what  
25 part of the house?

*About 1:00  
I was with  
John at Ron  
Sattler's  
house*

1 A. From the front room.

2 Q. And did you have a chance to go out there  
3 to the front?

4 A. Yes, sir.

5 Q. Okay. And when you went out to the front  
6 of the room, who did you see out there?

7 A. I saw Shirley, Shawnte, my brother, Yvonne  
8 and Angelica.

9 Q. And what did you see the people doing?  
10 First of all, Shawnte, where was she?

11 A. Shawnte was sitting down in the sofa.

12 Q. And how about the defendant? Where was  
13 she?

14 A. She was in front of her, standing up  
15 pointing the finger at her face.

16 Q. Okay. So, could you describe for the jury  
17 exactly what you saw the defendant doing to Shawnte when  
18 you walked into the room?

19 A. When I came out of the shower, walked into  
20 the room, I heard Shirley was cussing out Shawnte.

21 Q. And when you say "cussing out," can you  
22 tell us what you heard exactly?

23 A. Well, she was calling, you know, and she  
24 was threatening her, saying she's -- calling her a bitch  
25 because she had a slept with her husband.

1 Q. Well, you said you saw her pointing at her.  
2 Could you describe exactly what that was like?

3 A. Well, Shawnte was sitting down and Shirley  
4 was standing up in front of her pointing the finger at  
5 her face.

6 Q. And was Shirley talking softly or loudly?

7 A. She was loud. That's how I heard it when I  
8 was taking a shower.

9 Q. Did you at that point ever see Shirley hit  
10 Shawnte?

11 A. No, I didn't.

12 Q. And exactly what do you remember the  
13 defendant saying to Shawnte, other than calling her a  
14 bitch or cursing her?

15 A. Well, she was threatening her that she was  
16 going to kill her and that time I told her not to  
17 threaten nobody in my house.

18 Q. Well, let's back up a little bit. You said  
19 threatening to kill her. Do you remember what it is  
20 that you heard her say?

21 A. She said, "Bitch, I will kill you." And  
22 then --

23 Q. Did she say anything about why she wanted  
24 to kill her?

25 A. Not at the time.

1 Q. Okay. Did she say anything about why she  
2 wanted to kill her at any other time that evening?

3 A. Because that Shawnte had slept with her  
4 husband.

5 Q. Now, what action did you take? What did  
6 you do?

7 A. I told her not to be threatening nobody in  
8 my house and to leave the house.

9 Q. Did she have any response to that?  
10 Did she say anything to you?

11 A. Well, no, she told Shawnte something.

12 Q. What did she tell Shawnte?

13 A. She told Shawnte that I -- that she was  
14 going to get her at the right place and right time, not  
15 at Pete's house.

16 Q. Now, did you notice any kind of a rifle or  
17 a gun or a shotgun or anything else in the house at that  
18 time?

19 A. When I came out of the shower there was a  
20 shotgun laying in the sofa, was laying flat on the sofa.

21 Q. Do you know if that belonged to anybody in  
22 your house?

23 A. No, it didn't.

24 Q. Was that shotgun on the couch before you  
25 went into the shower?

1 A. No, it wasn't.

2 Q. Were any of these people there when you  
3 first went into the shower? First, Jesse? Angelica?

4 A. They were in the house.

5 Q. They were in the house?

6 A. ~~Shirley and Shawnte were not in the house~~  
7 when I went in the shower. *About 1 AM(?)*

8 Q. And how long were you in the shower? Just  
9 roughly. I mean, do you usually take long showers?

10 A. No. No, I don't.

11 Q. And did you tell the defendant to leave?

12 A. Yes, I did.

13 Q. And did she leave?

14 A. Yes, she did.

15 Q. Do you remember if Shawnte stayed?

16 A. ~~She stayed -- I asked her to stay awhile~~  
17 after Shirley had left.

18 Q. Can you describe what Shawnte looked like  
19 at the time?

20 Did she seem to be upset?

21 A. She was just nervous. I mean, you could  
22 tell by looking at her face that she was nervous.

23 Q. Did the defendant ever come back that  
24 night?

25 A. Not that I recall.



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

Q. Do you remember how long Shawnte stayed at the house?

A. Anywhere between 15 and 30 minutes after the defendant left.

Q. When the defendant left, did she leave with anybody, or did she leave alone?

A. I just seen her when she walked out of the house and closed the door and I didn't see nothing else after that. *Angelica's statement said Shawnte slammed the door!*

Q. So, none of the people that you live with went with her; is that what you're saying?

A. Yes.

Q. Okay. Whether or not she got a ride with somebody, somebody outside, you have no idea?

A. I have no idea.

Q. Now, did Shawnte leave with somebody or leave alone?

A. She left alone.

Q. Do you know if she left on foot or whether she drove?

A. She was walking.

Q. She was walking?

A. Yes, sir.

Q. And did she live nearby?

A. I don't know. ? — *you and she were good friends for 2 years. See P's 135*

1 Q. And approximately what time did you think  
2 she walked out of the house? *Callen*

3 A. It was anywhere between that 1:00 and 3:00  
4 a.m. *Shawnte is still alive 1 to 3:00 AM*

5 Q. Okay. Sometime between 1:00 in the morning  
6 and 3:00?

7 A. Yes.

8 Q. This is on Sunday?

9 A. Yes. Early morning.

10 Q. Now, did you ever have a chance to see the  
11 defendant on any other day after this happened?

12 When was the first time you saw her again,  
13 if you did?

14 A. The next day.

15 Q. And?

16 A. Well, I mean, that would be Sunday.

17 Q. Okay. Now, this all happened --

18 A. The same day; but, later hours.

19 Q. Okay. Okay. So, we're talking about  
20 February the 19th, sometime later in the day, that is  
21 more like the daylight hours are the same Sunday?

22 A. Yes, sir.

23 Q. And where did you see her?

24 A. I seen her outside.

25 Q. Outside your house?

1 A. Outside my yard, yes.

2 Q. And was anybody with her?

3 A. I think there was somebody else, you know,  
4 she came in the car, in a vehicle, and there was  
5 somebody else; but, I wouldn't know who it was.

6 Q. Did you have a chance to talk with her?

7 A. She was talking to my brother Jesus outside  
8 and that's when I went out there.

9 Q. Okay. So, Jesus, he was out there. Was he  
10 by himself when the defendant came up -- or if you  
11 remember?

12 A. I don't recall.

13 Q. Do you remember a lot of people being out  
14 there?

15 A. No, sir.

16 Q. Do you remember if you heard the defendant  
17 say anything outside or was it somewhere else?

18 A. She said that she had already taken care  
19 of --

20 MR. GOODE: Objection. Nonresponsive.

21 THE COURT: Please answer the question  
22 that's asked of you.

23 Q. (BY MR. BALDASSANO) Did the defendant say  
24 anything outside, in the front of the house?

25 A. Yes, she did.

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

Q. And what did she say and who did she say it to?

A. She was telling my brother Jesus that the trash had already been taken care of and not to worry about it anymore.

Q. And you heard that, yourself?

A. Yes, sir, I did.

Q. And what did you take that to mean?

A. I had a --

MR. GOODE: Objection. Calls for speculation.

MR. BALDASSANO: Judge, just asking what this witness understood it to mean, this particular person.

MR. GOODE: Your Honor, I ask that he's asking the witness to speculate as to what it meant.

THE COURT: Rephrase your question.

Q. (BY MR. BALDASSANO) Now, when the defendant said that she had already taken out the trash, she said that to Jesse; is that correct?

A. Yes, sir.

Q. Did she mention any names?  
Did she say anything else?

A. No, she didn't.

Q. When she said that, did you follow-up and

1 ask her what she was talking about, or did you know what  
2 she was talking about?

3 A. I more or less knew what she was talking  
4 about.

5 Q. Okay. When you say "more or less knew,"  
6 what do you mean by that and --

7 A. Well, because of the argument that they had  
8 had that early Sunday morning with Shawnte.

9 Q. Did you know at the time that Shawnte was  
10 dead?

11 A. No, I didn't.

*Feb 19, 84  
later in day*

12 Q. Now, you've spoken about this case to me,  
13 right?

14 A. Yes, sir.

15 Q. And you have also spoken about the case to  
16 Detective Bruce Johnson; is that correct?

17 A. Yes, sir.

18 Q. Okay. And do you remember giving Detective  
19 Johnson a written statement?

20 A. Well, we went down to his office and he  
21 typed up some statement of what I was saying.

*Where is  
this  
statement?*

22 Q. Okay. He also talked to you at your house,  
23 right?

24 A. Yes, sir.

25 MR. BALDASSANO: May I approach the

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

witness, Your Honor?

THE COURT: Yes, sir.

Q. (BY MR. BALDASSANO) Mr. Cavazos, I want you to take a look at that and I will ask you if that written statement refreshes your recollection as to what, indeed, happened that night?

*[Handwritten squiggle]*

*[Handwritten squiggle]*

MR. GOODE: Your Honor, at this time, I am going to object. There's been no testimony that his memory needs to be refreshed. Furthermore, it's improper bolstering.

MR. BALDASSANO: May I proceed, Your Honor?

THE COURT: Well, there is an objection, if you want to respond to it?

MR. BALDASSANO: I will change the question, Judge.

*Where's Pedraza's statement police to?*

Q. (BY MR. BALDASSANO) Okay, Mr. Cavazos, I want to draw your attention to the eighth paragraph from the bottom and ask you if you could take a look at that?

MR. GOODE: Your Honor, once again, asking a witness to read from a document that's not been admitted into evidence is improper. I object to it.

MR. BALDASSANO: Judge, I am not going to ask him to read it outloud. I just want him to look at it and read to himself.

Q. (BY MR. BALDASSANO) Okay, Mr. Cavazos,

1 does that refresh your recollection about what happened  
2 on that -- the next time you saw the defendant?

3 A. Yes, it does.

4 Q. Okay. Let me ask you again. First of all,  
5 do you remember which day the defendant came back, if  
6 you do?

7 A. It was that Sunday, later hours.

8 Q. Okay. Later on Sunday? (2-19-89)

9 A. Yes, it was.

10 Q. Okay. Now, regarding the defendant's  
11 statements, can you tell us, again, what you remember  
12 the defendant saying in regards to, well, the statements  
13 that you made earlier?

14 MR. GOODE: Your Honor, I am going to  
15 object. It's repetitive. Asked and answered.

16 THE COURT: Overruled.

17 Q. (BY MR. BALDASSANO) Okay. Do you remember  
18 what the defendant said on the grass outside to Jesse?

19 A. Well, she was leaving. She said, "We don't  
20 have to worry about her no more," which was Shawnte.

21 Q. Do you remember her making any hand  
22 movement or anything like that?

23 MR. GOODE: Objection, Your Honor. It's  
24 been asked and answered.

25 MR. BALDASSANO: Judge, I don't think I

1 have asked this question and I think if we have to have  
2 the court reporter read back all my questions this is  
3 not one of them.

4 THE COURT: Overruled.

5 Q. (BY MR. BALDASSANO) Do you remember her  
6 making any hand waving or anything like that?

7 A. She just waved her hand like that  
8 (indicating) before she was leaving.

9 Q. Okay. And do you remember if that was in  
10 response to any question that you asked her? And if  
11 your statement helps to refresh your memory, please look  
12 at it, sir.

13 A. (Witness complies.)

14 Q. Okay. Do you remember if her -- if the  
15 hand movement she made had anything to do with the  
16 question that you asked her?

17 A. When I asked her what she meant by the  
18 trash had already been taken care of, I asked her what  
19 she meant by that and she just waved her hand on.

20 Q. Now, you stated earlier that you didn't ask  
21 her that; now you're stating that you did. Can you tell  
22 us what you remember exactly happened, if you do? I  
23 mean, it was a long time ago.

24 A. It has been a long time.

25 Q. Do you remember inquiring to her what she



1 meant?

2 A. Yes, I do. I can see when she just waved  
3 her hand like that that was right before she got in the  
4 car.

5 Q. This statement was given on which day? Do  
6 you know? -- the statement to the police.

7 A. Oh, it was -- I don't recall.

8 Q. Do you remember how long after you found  
9 out Shawnte had been killed that you gave a statement,  
10 roughly? I mean, within --

11 A. Anywhere -- a little over two weeks.

12 Q. And, again, you gave a statement to  
13 Detective Bruce Johnson?

14 A. Yes, because he was the one that had told  
15 me that he had been watching the house for two weeks.

16 MR. GOODE: Objection. Hearsay, Your  
17 Honor.

18 THE COURT: Sir, just answer the question  
19 that's asked.

20 MR. BALDASSANO: I will pass the witness,  
21 Judge.

22 THE COURT: You may proceed, Counsel.

23 MR. GOODE: ~~Thank you, Your Honor. Judge,~~  
24 ~~I would like to ask for that statement.~~

25 MR. BALDASSANO: Judge, for the record, the

*Goode has not  
seen this police  
statement  
before?*

1 State would tender a copy of the record to the Defense  
2 Counsel, the statement.

3 MR. GOODE: May I have a moment, Your  
4 Honor? — *Got to read it in court?*

5 THE COURT: Yes, sir.

6 MR. GOODE: May I proceed, Your Honor?

7 THE COURT: Yes, sir.

8  
9 CROSS-EXAMINATION

10 BY MR. GOODE:

11 Q. Mr. Cavazos, have you changed your  
12 employment since this statement was made?

13 A. Yes, I have.

14 Q. Okay. At the time this statement was made  
15 you were employed at Las Babies Lounge; is that correct?

16 A. Yes, sir.

17 Q. Okay. And then when did you begin working  
18 for attorney Victor Rosa? ←

19 A. When?

20 Q. Yes.

21 A. I had been working for him before I was  
22 employed there, also.

23 Q. Are you still employed at Las Babies  
24 Lounge?

25 A. No, sir, I'm not.

*Victor  
Cavazos  
Kingspin!*

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

Q. Do you speak Spanish, sir?

A. Yes, I do.

Q. Are you familiar with the word in Spanish, "hermano," h-e-r-m-e-n-o?

A. Yes, I am.

Q. What does that mean in English?

A. Brother.

Q. Do you know what the purpose of Shawnte's visit to your home was that evening?

A. Yes, it was.

Q. What was the purpose?

A. We were selling cocaine there at the house.

Q. She was there to buy cocaine?

A. Yes.

Q. Did she bring a weapon with her to trade for cocaine?

A. I don't recall.

Q. Is it possible she brought a rifle or shotgun with her to trade, to barter for cocaine?

A. Not that I recall.

Q. All right. Would it be unusual for you to exchange cocaine in return for weapons?

A. No, sir.

Q. You testified that that shotgun that was there wasn't yours; is that right?

*Wai!*

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

A. Yes, sir.

Q. But you do have quite a few caliber handguns there; isn't that correct?

A. I don't have any more.

Q. I am talking about the night when Shawnte was there. You had small caliber pistols in your home; isn't that correct?

A. I think I did.

Q. Shawnte was still there after Shirley left; is that correct?

A. Yes, she was.

Q. Did you call the police?

A. No, sir.

Q. Did anyone seek any type of medical treatment for Shawnte before she left your home?

A. I don't know why that -- I mean, the question would be asked, there was nothing wrong with her when she was in my house.

Q. Shawnte was not injured in any way after Shirley left?

A. No, she wasn't.

Q. Now, how long did Shawnte stay in your home after Shirley left?

A. Between 15, 30 minutes.

Q. Did she ingest any cocaine in your

1 presence?

2 A. Did she what?

3 ~~Q. Did she take any cocaine in your presence?~~

4 ~~A. No.~~

*See Angelina's police statement*

5 Q. Did you refuse to sell the cocaine to her?

6 A. Well, we didn't have any more.

7 Q. What did she offer you in return for the  
8 cocaine?

9 A. Are you talking about that night?

10 Q. That's right.

11 ~~A. I don't even know if she wanted cocaine at~~  
12 ~~that time.~~

13 Q. Okay.

14 A. Because of everything that was happening.

15 Q. ~~A couple of minutes ago, didn't you testify~~  
16 ~~that her purpose that night was to get cocaine from you?~~  
17 ~~That's why she was at your home?~~

18 A. ~~She had been going in and out of the house~~  
19 ~~a few times.~~

20 Q. So, it was not unusual for her to be there  
21 looking for cocaine?

22 A. No, it wasn't.

23 Q. Your brother's name is Jesus?

24 A. Yes, sir.

25 Q. Cavazos?

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

A. Yes, sir.

Q. Do you have another brother named Pedro Cavazos?

A. That's myself.

Q. I'm sorry. Named Joe?

A. No, I don't.

Q. Do you know a Columbian named Pablo?

A. No, I don't.

Q. At the time of this incident that we are talking about at your home, did you have a carpet in the living room?

A. Yes, I did.

Q. Would you describe that carpet?

A. In what way?

Q. Would you describe it, please, what it looked like, how long it was?

A. It was -- it covered the whole room, the whole family room, living room.

Q. Was it an expensive carpet?

A. No, it wasn't.

Q. How long had you had that carpet?

A. I guess for a few months.

Q. ~~And you got rid of that carpet a couple of days later, isn't that right?~~

A. No, sir.

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

Q. Is the carpet still there?

A. I haven't been at that house for over six to eight months. I wouldn't know.

Q. Well, when did you move from that house?

A. When did we move from that house?

Q. Right.

A. In all, between six and eight months.

Q. Six and eight months ago or from the date of this occurrence?

A. No, ago. I mean, from right now. From today.

Q. Okay. Well, was that carpet in the living room still there when you moved out?

A. I don't recall.

Q. Isn't it true that you had that carpet removed at approximately two days after that incident because there were blood stains on it?

A. I don't recall. I don't recall any blood stains on the carpet.

Q. Do you recall helping move the carpet?

A. I don't recall.

Q. So, you might have; you just don't recall?

A. I could have since I was living there.

Q. Who else was living there with you at this time?

1 A. It was me -- myself, my brother, and Jesus,  
2 his wife, Angelica, and their son, Junior.

3 Q. Do you have a brother-in-law named Joe?

4 A. No. My brother Jesus has a brother named  
5 Joe.

6 Q. What's his last name?

7 ~~A. Covera, my brother's sister's -- my~~  
8 ~~brother's wife's last name is.~~

9 Q. At the time you gave your statement, or  
10 before or afterward, did the police take your  
11 fingerprints?

12 A. Excuse me?

13 Q. Have the police taken your fingerprints?

14 A. I don't recall if they did or not.

15 Q. ~~So, it's possible the police did take your~~  
16 ~~fingerprints?~~

17 A. When I went to make a statement.

18 Q. But you don't remember?

19 A. I don't.

20 Q. How much do you weigh, sir?

21 A. ~~About a hundred and nine-three.~~

22 Q. ~~A hundred and nine-three pounds?~~

23 A. Yes, sir.

24 Q. How tall are you, sir?

25 A. ~~I'm five, five.~~



1 Q. The incident that you described between  
2 Shirley and Shawnte, did that take place in your living  
3 room?

4 A. In what room, sir?

5 Q. In your living room?

6 A. Yes, sir, in our spread (sic) room.

7 Q. And you didn't see Shirley strike or hit or  
8 do anything to Shawnte; is that correct?

9 A. Yes, that's correct.

10 Q. And when Shawnte left your home she was not  
11 in any pain or injury that you could see; is that  
12 correct?

13 A. No, she was not.

14 Q. And so she, at the time she left, do you  
15 know whether she had a weapon with her?

16 A. She did not have a weapon with her.

17 Q. Had she left a weapon at your house?

18 A. The weapon that was in my house belonged  
19 to --

20 Q. Had she left a weapon in your house? I am  
21 talking about Shawnte.

22 A. I don't recall her having a weapon.

23 Q. In the past, had she ever given you weapons  
24 for cocaine?

25 MR. BALDASSANO: Judge, I am going to

1 object to this as being asked and answered. Also,  
2 irrelevant.

3 MR. GOODE: This particular question hasn't  
4 been asked.

5 THE COURT: What are you referring to, sir?

6 MR. GOODE: Referring to Shawnte, Your  
7 Honor.

8 May I proceed, Judge?

9 THE COURT: Yes, sir.

10 Q. (BY MR. GOODE) Sir, in the past, had  
11 Shawnte had occasion to give you weapons, pistols,  
12 rifles, whatever, for drugs?

13 A. No.

14 Q. She had always paid in cash?

15 A. Not all the time.

16 Q. What was she bartering?

17 A. That she would pay me later.

18 Q. Did she always pay you later?

19 A. Not all the time; but, most of the time she  
20 would.

21 Q. So, in essence, sometimes she would rip you  
22 off, taking drugs without paying?

23 A. I wouldn't call it ripping off, because I  
24 would give them to her.

25 Q. What would you call it, then?

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

A. Not ripping off, because I wouldn't let her do it.

Q. Do you routinely give drugs away for free?

A. No.

Q. When did you first begin working with Mr. Rosa, the attorney?

A. Somewhere in January of '87.

Q. Did he own that house you were staying in?

A. No, sir.

Q. Are you the title owner?

A. No... I'm not.

Q. Who is the title owner?

A. We were renting that house.

Q. I understand that.

Who is the actual owner of the house?

A. I don't recall his name.

Q. Who did you send your rent checks to?

A. We paid in person.

Q. To whom?

A. I don't recall his name. I know the owner of the house.

Q. Do you know who Shawnte was living with at the time of this occurrence?

A. She was -- all I know, she was staying with her dad.

*but you did not know where (?)  
Sure -*

1 Q. Do you know where that was?

2 A. No, I don't.

3 Q. Prior to your testimony today have you and  
4 the Prosecutor discussed any sort of agreement or  
5 anything regarding your testimony, anything to you, any  
6 benefit to you?

7 A. No, sir.

8 Q. Do you know the name of Shawnte's father?

9 A. I just know his name is Dewan. I don't  
10 recall his last name.

11 Q. Might be Dewan Collins?

12 A. Excuse me?

13 Q. Dewan Collins?

14 A. Might have been his last name.

15 Q. Isn't it true that Shawnte's father, Mr.  
16 Collins, has been present in your home?

17 A. He's what?

18 Q. Hasn't he been at your home? Mr. Collins?

19 A. He would go over once in awhile.

20 Q. Would he accompany his daughter Shawnte to  
21 your home?

22 MR. BALDASSANO: Judge, I am going to  
23 object to this as being irrelevant.

24 MR. GOODE: Your Honor, it's relevant. I  
25 think it is a relevant inquiry.

1 THE COURT: You are going to tie it in,  
2 sir?

3 MR. GOODE: I am going to try, Judge.

4 THE COURT: Is that a yes or no?

5 MR. GOODE: Yes, ma'am.

6 THE COURT: Objection is overruled then.

7 MR. BALDASSANO: Judge, specifically my  
8 objection is that it is irrelevant, what the complainant  
9 did with her father on some date. No dates have been  
10 given at all.

11 MR. GOODE: May I proceed, Judge?

12 THE COURT: Yes, sir.

13 Q. (BY MR. GOODE) Do you remember any  
14 particular dates when Shawnte and her father were at  
15 your home?

16 A. No, I don't.

17 Q. Okay; but, it did happen?

18 A. That I saw, only once or twice. That's  
19 about all.

20 Q. Was he ever present when you would be  
21 selling cocaine?

22 MR. BALDASSANO: Judge, I am going to  
23 object to him trying to badmouth the complainant's  
24 family.

25 MR. GOODE: Object to jury argument in his

1 objection.

2 THE COURT: Attorney's approach the bench.

3  
4 (WHEREUPON, there was a discussion held at  
5 sidebar, outside the hearing of the court reporter.)  
6

7 Q. (BY MR. GOODE) Mr. Cavazos, with whom are  
8 you currently living?

9 A. Where am I currently living? 4300 North  
10 Shorewood.

11 Q. Who else lives there?

12 A. Me and my girlfriend and two daughters.

13 Q. What's her name?

14 A. Amanda Castille.

15 Q. Okay. And at the time of this occurrence  
16 you had a different girlfriend; is that right?

17 A. Yes.

18 Q. And her name was?

19 A. Yvonne.

20 Q. What was her last name?

21 A. I think it was Nunoz or Munoz. It's with  
22 an "N" or an "M" Munoz.

23 Q. Is it Munez or Munoz?

24 A. Yes, sir.

25 Q. Was she living there, also, at the home on

1 Silvercrest?

2 A. Yes, she was.

3 Q. And you split up after this incident?

4 A. Yes.

5 Q. Now, you have been talking with your  
6 brother about your testimony in this case; haven't you?

7 A. About my brother?

8 Q. ~~You and your brother have discussed your~~  
9 ~~testimony in their case; isn't that correct?~~

10 A. ~~No, it's not.~~

11 Q. ~~So, you have been waiting out in the hall~~  
12 ~~and other places together; but, you have not discussed~~  
13 ~~what you are going to testify to?~~

14 A. ~~We -- I have not discussed this. We have~~  
15 ~~been talking about which, but we have not discussed this~~  
16 ~~case.~~

17 Q. ~~Have you discussed this case with your~~  
18 ~~brother in the presence of Mr. Baldassano?~~

19 A. ~~I remember Monday we went into the back~~  
20 ~~room, but I --~~

21 Q. ~~Who went in the back room?~~

22 A. ~~That's when he gave us these statements~~  
23 ~~right here.~~

24 Q. ~~Who are you referring to?~~

25 A. ~~Here.~~

1 Q. ~~And who was in the back room?~~

2 A. ~~It was him and another, I guess, police~~  
3 ~~officer or sheriff.~~

4 Q. ~~All right. Who else?~~

5 A. ~~That's all.~~

6 Q. ~~Were you there?~~

7 A. ~~Yes.~~

8 Q. ~~Was your brother there?~~

9 A. ~~We went in there one at a time.~~

10 MR. GOODE: Your Honor, I will pass the  
11 ~~witness.~~ *What?!*

12 MR. BALDASSANO: May I proceed, Your Honor?

13  
14 REDIRECT EXAMINATION

15 BY MR. BALDASSANO:

16 Q. Regarding going into the back room, is that  
17 when the case was set for trial originally last Monday?

18 Do you recall it being last Monday, a week  
19 from --

20 A. No, it was, I think it was Friday.

21 Q. Okay. And do you remember why you were  
22 down at the courthouse to begin with?

23 A. We had received those witness slips to come  
24 down over here.

25 Q. Okay. Little subpoenas, the three-by-five



1 cards?

2 A. Yes. Yes, sir.

3 Q. And you were responding to that?

4 A. Yes.

5 Q. Now, you say you knew the defendant for  
6 several months. Had you ever seen the defendant with  
7 guns?

8 MR. GOODE: Your Honor, objection, in  
9 violation of the motion of limine.

10 May we approach the bench, Your Honor?

11 THE COURT: Yes, sir.

12  
13 (WHEREUPON, there was a discussion held at  
14 sidebar, outside the hearing of the court reporter.)

15  
16 THE COURT: You may proceed, Counsel.

17 Q. (BY MR. BALDASSANO) Had you ever seen the  
18 defendant in possession of firearms?

19 A. Yes.

20 Q. And had she ever tried to sell you  
21 firearms?

22 A. Yes.

23 Q. Had she ever bragged to you about being  
24 good with firearms?

25 A. Yes, she did.

TRY ME!

I could not hear that if I shot the ground -

NEVER

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

Q. Has she ever traded firearms with you?

A. I think a couple of times she did.

Q. Now, you freely admit that you were selling cocaine from that house, right?

A. Yes, I do.

Q. Were you, at any time, charged for being, or being investigated or arrested for selling drugs at the house?

A. No, sir.

Q. Had you ever heard the defendant, other than on this occasion, brag about killing anybody?

A. No.

MR. BALDASSANO: I will pass the witness.

MR. GOODE: No further questions, Judge.

THE COURT: You may step down, sir.

Do you wish this witness to remain on call or be excused?

MR. BALDASSANO: Remain on call, Judge.

THE COURT: You are on call, sir.

Call your next witness, please.

~~MR. BALDASSANO: Yvonne Munez,~~

THE COURT: Jury may stand up and stretch, if you wish.

You may proceed, Counsel.

MR. BALDASSANO: Thank you, Your Honor.

1 YVONNE MARIA MUNEZ GONZALEZ,  
2 was called as a witness by the State, and after having  
3 been duly sworn, testifies as follows:

4 DIRECT EXAMINATION

5 BY MR. BALDASSANO:

6 Q. Please state your name, please.

7 A. ~~Yvonne Maria Munez Gonzalez.~~

8 THE COURT: Pardon me, ma'am. Would you  
9 adjust that microphone so that you could speak directly  
10 into it, please.

11 THE WITNESS: (Witness complies.)

12 THE COURT: I apologize to you for the  
13 noise it makes. Remember the jury.

14 Believe it or not, this was installed a  
15 month ago. This is state of the art for Harris County.  
16 I think they rescued it from the sound affects from "The  
17 Inner Sanctum." Anybody remember that on the radio?

18 You may proceed, sir.

19 MR. BALDASSANO: Thank you, Your Honor.

20 Q. (BY MR. BALDASSANO) Please, again, state  
21 your name. And you need to talk right into that  
22 microphone.

23 A. Yvonne Maria Munez Gonzalez.

24 Q. And are you recently married?

25 A. M-h'm.

*How about  
"Star Chamber"  
tactics!*

1 Q. Okay. And what was --

2 THE COURT: Excuse me, ma'am, you have to  
3 answer yes or no.

4 A. Yes.

5 Q. (BY MR. BALDASSANO) And what was your  
6 maiden name?

7 A. Munez.

8 Q. And can you tell us a little bit -- do you  
9 have a family?

10 A. Yes.

11 Q. Okay. And do they live in Houston?

12 A. Yes.

13 Q. And back in February of 1989, can you tell  
14 the people here where you lived, first of all?

15 A. I lived on Silvercrest.

16 Q. Okay. Is that inside of Harris County?

17 A. Yes.

18 Q. Around Houston?

19 And who did you live with?

20 A. I lived with the Cavazos family.

21 Q. Is that Angelica, Pedro and Jesse?

22 A. Yes.

23 Q. And is it Jesse, Junior?

24 A. Yes.

25 Q. And where were you working at the time you

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

lived there?

A. I wasn't, when I was living there.

Q. Did you ever work?

A. Yes.

Q. And where did you work?

A. ~~At Sonic.~~

Q. ~~Okay. And which Sonic is that?~~

A. The one on Little York.

Q. Okay. Is that like a hamburger?

A. M-h'm.

A. Yes.

Q. You are on roller skates? You weren't on roller skates or anything? *DUMB ASS!*

A. No.

Q. And how long did you work at Sonic?

A. ~~Um, now it's been about a year or two, off and on.~~

Q. Okay. And what was your job there?

What did you do?

A. I was a carhop, like waitress.

Q. And where do you live now?

A. At ~~3010~~ Hitchcock.

Q. You live with your husband?

A. Yes.

Q. Do you know the defendant in this case?

1 A. (Indicating) Shirley?

2 Q. Shirley.

3 A. Yes.

4 Q. Stokley.

5 And how do you know her, by what name?

6 A. Miss Shirley.

7 Q. Okay. Any last name?

8 A. No.

9 Q. And could you, just for the record, point  
10 her out and describe an article of clothing that she's  
11 wearing?

12 A. Excuse me?

13 Q. Could you, for the record, point her out  
14 and describe an article of clothing that she's wearing?

15 A. She's sitting right over there  
16 (indicating). She's wearing a blue dress.

17 MR. BALDASSANO: Your Honor, let the record  
18 reflect the witness has identified the defendant.

19 THE COURT: The record shall so reflect.

20 Q. (BY MR. BALDASSANO) And how long have you  
21 known the defendant?

22 A. Not very long. Only just when I was living  
23 there.

24 Q. Okay. Well, you lived there from what time  
25 to what time?



1 Q. Now, when you say "they," who are you  
2 talking about?

3 A. Jesse and Pete.

4 Q. Okay. And did they sell it out of the  
5 house or they get in a truck and go somewhere or walk  
6 out in the street and sell it or how did that happen?

7 A. It depends. It depended who, you know, who  
8 it was. Mostly from the house.

9 Q. ~~Did you know Shawnte Collins?~~

10 A. ~~I met her.~~

11 Q. How many times have you met her?

12 A. ~~Not very many times.~~

13 Q. Were you good friends with her, just a  
14 friend, an acquaintance, or did you have bad feelings  
15 toward her?

16 A. ~~More like an acquaintance.~~

17 Q. An acquaintance.

18 ~~And how about the defendant in this case?~~

19 ~~How well did you know her?~~

20 A. ~~Pretty well.~~

21 Q. Did you have any reason to dislike her at  
22 the time between November and, say, February?

23 A. Not to dislike her, no.

24 Q. Okay; but, were you on good terms with her?

25 A. Yeah.



1 Q. Now, did you know if Shawnte knew the  
2 defendant?

3 A. Yeah, I learned about it, uh-huh.

4 Q. You don't know from your own personal --

5 A. Well, the day that I actually knew that  
6 they knew each other, no, I just heard them, you know,  
7 talking about it, you know, how they knew each other.

8 Q. ~~Okay. Well, let's talk about the day that~~  
9 ~~you saw them, or February the 18th, the Saturday, 1989.~~

10 Do you remember that day?

11 A. Yeah. Yes.

12 Q. ~~Okay. Do you remember having talked about~~ ✓  
13 ~~that day since then?~~

14 A. ~~Yes.~~

15 Q. ~~Okay. And can you tell us, first of all,~~  
16 ~~where were you that day, say after 6:00 p.m. in the~~  
17 ~~evening?~~

18 A. Well, after, you know, we would eat, we  
19 would just clean up the house and just sit.

20 Q. Oh, okay. So, you were at the house on  
21 Silvercrest?

22 A. Uh-huh.

23 Q. Do you remember who was home?

24 A. Yes.

25 Q. Okay. Who was home?

1           A.     At that time, it was me and Jesse and Angie  
2           and Pete and Junior.

3           Q.     Okay. Junior is?

4           A.     The baby.

5           Q.     Jesse's little boy?

6           A.     Uh-huh.

7           Q.     And do you remember if, in the evening  
8           time, anybody came over the house?

9           A.     Just, like, some of the people that would  
10          come in and out.

11          Q.     People buying drugs?

12          A.     Yes.

13          Q.     ~~All right. Do you remember ever seeing~~  
14          ~~Shawnte Collins that evening?~~

15          A.     ~~Yes.~~

16          Q.     ~~Okay. When was the first time you remember~~  
17          ~~seeing her?~~

18          A.     ~~The first time I seen her, it was earlier~~  
19          ~~that day, you know.~~

20          Q.     ~~About what time?~~

21          A.     ~~The first time I seen her that day it~~  
22          ~~was -- it was still day, daylight, during the -- during~~  
23          ~~the day, and I seen her leaving from another house~~  
24          ~~around the corner that, you know, does the same as~~  
25          ~~Pete's.~~

*were these people questioned?*

1 Q. Did you get to see her come back that same  
2 day?

3 A. To Pete's house, yes.

4 Q. And about what time did she return?

5 A. When she came to Pete's house the first  
6 time it was about 10:00, I guess. Maybe earlier than  
7 that.

8 Q. Okay. I am a little confused.

9 Now, you said that she came over when it  
10 was still daylight out; but, it wasn't over to Pete's,  
11 it was at another house in the neighborhood?

12 A. Yes, sir.

13 Q. And then she came over to Pete's house  
14 around 10:00, is that --

15 A. Uh-huh.

16 Q. Okay. It was dark out?

17 A. Uh-huh.

18 Q. Okay. And when she came over did she  
19 actually come in the house?

20 A. Yes.

21 Q. Do you remember what she did when she came  
22 in the house?

23 A. Well, because I usually answered the door  
24 and I answered the door and she had come in, she was  
25 asking for Pete and I told them, well, you know, he's

1 busy right now. And then she was saying that, well, (she  
2 had this gun she wanted to show him.)

3 Q. She had a gun or a rifle?

4 A. No, she didn't have it at that time.)

5 Q. She didn't have anything with her?

6 A. Right.

7 Q. Okay. Now, did she come in the door?

8 A. Uh-huh.

9 Q. Okay. And what did she do when she walked  
10 in?

11 A. She was just looking around for Pete.

12 Q. Okay. And was Pete around?

13 A. No -- I believe he was upstairs. I'm not  
14 sure.

15 Q. And what happened after she couldn't find  
16 Pete?

17 A. Well, she was just asking us, she was  
18 asking Jesse if he had, you know, anything, anything on  
19 him, you know, like coke and stuff.

20 Q. Okay. And did you-all -- was it yourself,  
21 Jesse and Shawnte, downstairs at this point in the  
22 living room? Was anybody else --

23 A. I think Angie was in the back room and  
24 Jesse was coming from the back room and he was  
25 sitting -- he came to sit out on the couch when she

1 asked him if he had anything.

2 Q. And did Shawnte ever sit on the couch?

3 A. At that time, no.

4 Q. Okay. When did she sit on the couch?

5 A. The second time she had came. *When?*

6 Q. So, after she couldn't find Pete, she  
7 talked to Jesse. Did she leave?

8 A. Uh-huh. *(Yes)*

9 Q. Okay. And do you remember how long she was  
10 in the house before she left?

11 A. No, I don't.

12 Q. And do you remember if she returned again  
13 that night?

14 A. Yes, I do.

15 Q. Okay. And do you remember approximately  
16 what time it was that she returned?

17 A. Maybe around 1:30 or later. *Pete said Collier left around 1 or 3 AM*

18 Q. It was late?

19 A. It was late.

20 Q. And who was home when she returned?

21 A. We were all home.

22 Q. Okay. The same people you have already  
23 talked about?

24 A. Yes.

25 Q. And do you remember if anybody else was

*A*

1 there when Shawnte returned late?

2 A. When she first came, no.

3 Q. Okay. Well, you said she came early in the  
4 day and went to another house. She came the second time  
5 around 10:00 and she came the third time; is that  
6 correct?

7 A. M-h'm. ✓ *yes!*

8 Q. Okay. Now, let's talk about the third time  
9 now. Was anybody -- who were the same people in the  
10 house the third time?

*See Ron Sullivan's  
statement - outside  
the jury*

11 A. Yes.

12 Q. Do you remember if anybody else was there?

13 A. Yes.

14 Q. Okay. When Shawnte walked in the third  
15 time, who else was there?

16 A. Shirley.

*NO! I'd left at 11 PM  
and I did not  
return*

17 Q. And when did Shirley arrive?

18 ~~A. I don't remember who came first. I don't~~  
19 ~~remember if she came first, or Shawnte came first.~~

20 Q. Okay; but, late Saturday night, early  
21 Sunday morning, they were both inside the living room on  
22 Silvercrest; is that correct?

23 A. Yes.

24 Q. Was there anybody else there other than the  
25 people that you have already mentioned?

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

A. No.

Q. Can you -- okay, I didn't mean to cut you off.

Nobody else is there; is that correct?

A. No.

Q. Do you remember when she came back the last time if either Shirley had a gun or the defendant had a gun? I'm sorry, Shawnte had a gun or the defendant had a gun?

~~A. Shawnte. I am pretty sure Shawnte was the one who came in with the gun.~~

~~Q. What kind of a gun was it?~~

A. ~~It was like those hunting knives that have the thing that comes down like this (indicating).~~

Q. Like a scope or something?

A. No, a -- how some rifles, they go like this (indicating). They pulled it.

Q. Like a shotgun?

*I brought it with it and left with it*

A. Uh-huh.

Q. Okay. Now, do you remember what happened to that thing, that shotgun? Was it put anywhere or was it just left at the door or carried around?

A. Well, at first, I remember Shawnte was asking Pete to -- she wanted to know where Pete was, to ask him, you know, if he would trade the gun for coke.

1 Q. Okay. And he had done that on a regular  
2 basis with other customers.

3 Is that something that's been done before?  
4 Do you know?

5 ~~A. Well, it was -- yeah, it was done before.~~

6 Q. Okay. Well, did she put the gun down?

7 A. Excuse me? Excuse me?

8 Q. Did Shawnte put the gun down?

9 A. Yes.

10 Q. Okay. Do you remember where?

11 A. Beside her.

12 Q. Okay. And did she sit down or did she  
13 remain standing?

14 A. She was sitting down.

15 Q. Where?

16 A. On the end of the sofa.

*I was on the sofa*

17 Q. Do you remember what the defendant was  
18 doing?

19 A. Shirley?

20 Q. Yeah.

21 A. She was sitting on the chair.

*Shawnte was on the chair*

22 Q. In the same room?

23 A. Yes.

24 Q. And who else was in that room on that last  
25 occasion?

*Pacific Airways  
said I was up  
in Shawnte's face*



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

A. It was me and Shawnte, Shirley, Jesse and Jesse, Junior.

~~Q. And Pete wasn't in the room at the time; is that correct?~~

A. ~~No.~~

Q. And did anything unusual happen between the defendant and Shawnte?

A. They started arguing.

Q. And do you remember how long they were arguing?

~~A. Not exactly how long; but, it was a while.~~

Q. Was it a heated argument or was it kind of just a little argument they had?

A. Oh, well, at first it started out where it was more of one griping at the other and then it just started getting real, where she was getting --

Q. When you say "she," who are you talking about?

A. Shirley.

Q. Okay. The defendant was getting?

A. Like hostile, I guess. More angry.

~~Q. Did Shirley remain seated throughout this whole time?~~

A. ~~Yes.~~

Q. Okay. And how about the defendant? What

*Pete said  
she was up in  
S.C. base*

*Pete said I  
was shirley with my finger  
in Shawnte's base!*

1 did she do, if anything?

2 A. Shawnte, she was sitting on the chair  
3 and -- *Now Shawnte is on the chair!*

4 THE COURT: Excuse me. Don't confuse the  
5 jury with your terminology.

6 MR. BALDASSANO: I'm sorry, Judge. I said  
7 Shawnte; I mean Shirley.

8 Q. (BY MR. BALDASSANO) What was Shirley  
9 doing, the defendant, when -- you said Shawnte was  
10 sitting on the couch; is that correct?

11 A. Uh-huh.

12 Q. You said they got into a heated argument?

13 A. Yes.

14 Q. What did the defendant Shirley do?

15 A. Oh, Shirley had gotten up and started  
16 telling her, you know, that she wanted to kick her ass  
17 and things like that.

18 Q. And did she say why she wanted to kick her  
19 ass?

20 A. Because she said that she had been sleeping  
21 with her husband and with her son and that she had stole  
22 things from her house. *what?*

23 Q. ~~Did she mention anything specific about~~  
24 ~~what was stolen?~~

25 A. Well, what I can remember the most is a

1 perfume or something.

*Kathy Smith police  
Aunt to police state  
Shawnte stole  
her stuff -*

2 Q. Did the defendant Shirley do anything other  
3 than just talk?

4 A. She hit Shawnte.

5 Q. Okay. And where did she hit her and with  
6 what?

7 A. She hit her on the chest and she hit her,  
8 you know, real hard on the knee a couple of times with  
9 with the gun.

10 Q. I'm sorry?

11 A. Well, up on the shoulder, more like.

12 Q. Okay. Well, you say -- now, was she  
13 standing over her at this time?

14 A. Uh-huh.

15 Q. Okay. And did she have anything in her  
16 hands?

17 A. She had the gun, because Shawnte had the  
18 gun beside her and she had picked it up.

19 Q. Okay. Shirley had picked up the gun?

20 A. Yes.

21 Q. And what part of the gun did she hit  
22 Shawnte with?

23 A. The end that's towards the body.

24 Q. Okay. The butt, is that the end that you  
25 hold?

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

A. Uh-huh.

Q. Okay. And can you describe it, specifically as you can, how she hit her and where?

A. She, like, had it like this and she, like, hit her (indicating).

Q. You have to show them.

A. Well, she had the gun like, kind of like this, in her hand, and she hit her like this with it and it hit her, you know, up here (indicating).

Q. Hit her softly or hard?

A. Hard. And then she got it down and she was, like, hitting her and hitting her on her knee.

Q. What was Shawnte doing during this time?

A. Shawnte was just like, like trying to jump back from her and she was getting, you know, you could tell she was getting scared.

*Shawnte was stoned as had no idea where she was!*

Q. Okay. Did you ever see Shawnte cover up?

A. Trying to block, you know, block herself but, you know, she was -- kind of sat there and took it from her.

Q. And how long did it last? *See Angelique state ment*

A. It didn't last very long because, you know, Angie was getting real upset and the baby was crying and they had told me to tell her to leave because it was too much trouble she was having and they didn't want nothing

1           like that in the house.

2           Q.       And did the defendant Shirley say anything  
3 while she hit her?

4           A.       She was telling her that she -- that she  
5 ought to kill her for messing around with her husband  
6 and that she was just some whore from the streets and  
7 just telling her a lot of, you know, things.

8           Q.       Well, if you could try to recall what  
9 exactly you heard her say?

10          A.       Well, she was telling her that she was  
11 nothing but a whore from the street and that she didn't  
12 know who she thought she was to mess around with her  
13 husband and taking her perfume, and she was telling her  
14 that she had ought to kill her because she's just some  
15 kind of trash and, you know, just hitting at her and,  
16 you know, kind of jumping at her to try to scare her  
17 like, you know, like -- I don't know how to describe it,  
18 just like jumping at her.

19          Q.       So, are you saying that she called her  
20 trash or what about the trash?

21                    Can you explain that, what exactly you  
22 heard her say?

23          A.       At this night?

24          Q.       At that time, yeah.

25          A.       She just, you know, just was saying, like,

*Handwritten signature/initials*

1 you know, she was cheap, you know, she was, like, a  
2 hooker, you know, like trash and stuff like that.

3 Q. Did she say like trash, or did she use that  
4 word, or is that your word?

5 A. Well, at that time, specifically, I can't  
6 say for sure that she did.

7 Q. But that was the general nature of the  
8 argument?

9 A. Yes.

10 ~~Q. And did you remember Pedro ever coming~~  
11 ~~downstairs or into the room?~~

12 A. Well, while the girls were there, no, while  
13 Shirley and Shawnte were there, no.

14 Q. Okay. Now, could he have come down and you  
15 didn't see him?

16 A. He could have, yes. *NO not possible*

17 Q. Was he there when the hitting was going on,  
18 as far as you could tell?

19 A. No, because I was sitting next to Shawnte  
20 at the other end of the sofa.

21 Q. And so you could see them --

22 A. Yes.

23 Q. -- clearly?

24 Was anybody else in your way?

25 A. No.

1 Q. Did you ever see Shawnte hit Shirley?

2 A. No.

3 Q. Did you ever hear Shawnte threaten Shirley?

4 A. No.

5 Q. ~~Did you kick Shirley out of the house or~~  
6 ~~how did -- what happened next?~~

7 ~~How did -- did Shawnte leave or did Shirley~~  
8 ~~leave?~~

9 A. Shirley left.

10 Q. And how long after the hitting did Shirley  
11 leave?

12 A. It wasn't very long afterwards, because  
13 right after Shirley left it was maybe a couple of  
14 minutes and then she left. *Shawnte?*

15 Q. Did Shirley ever say anything about respect  
16 for your house? Did she have respect for your house?

17 A. Yes. When I told her, you know, that, I  
18 go: Look, Angie and everybody doesn't want stuff like  
19 this going on to the house, that I think you should  
20 leave. *Max men do not let their women run things --*  
*Especially a girl friend --*

21 And she goes: Yeah. She goes, I can  
22 understand, Yvonne. I have a lot of respect for your  
23 house and I didn't want to start nothing like this here  
24 and --

25 Q. Did she indicate at all where she wanted to

1 start it, if she did?

2 A. Well, she said that she could, you know,  
3 take it down the streets, you know, she could take it  
4 somewhere else.

5 Q. Now, Shirley said that?

6 A. Yes, Shirley said she never -- she has  
7 respect for that house and that she wasn't going to do  
8 it in that -- you know, in the house, that she could  
9 take it somewhere else; but, her exact words, I don't  
10 remember.

11 Q. Now, did Shirley eventually leave?

12 A. Shirley?

13 Q. Yes. The defendant?

14 A. Yes.

15 Q. Did she leave first or Shawnte leave first?

16 A. Shirley left first.

17 Q. ~~And do you remember approximately what time~~  
18 ~~Shirley left?~~

19 A. ~~No, I don't.~~

20 Q. ~~Okay. Do you remember how long Shawnte~~  
21 ~~stayed after Shirley left?~~

22 A. ~~No, not exactly.~~

23 Q. ~~Do you remember if Shirley was with anybody~~  
24 ~~when she left?~~

25 A. ~~I don't think she was.~~

*See Jesus  
Cavazos  
with a Sh...*



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

Q. Do you remember if Shawnte left with anybody?

A. No, she didn't. She was walking.

Q. She was walking?

A. Yes.

Q. And you say you don't remember who left first?

A. Excuse me?

Q. Do you know which person left first, Shirley or Shawnte?

A. Shirley left out the door first.

Q. Okay. And then Shawnte followed, you don't know how long afterwards, though?

A. ~~A few minutes after Shirley had already left out the door Shawnte had left.~~ See Pedro G. + Angelina's statements

Q. And did you see either one of them again that night?

A. Outside when the dogs were barking.

Q. Outside late that evening?

A. ~~No, it was, like, after they left, you know, it was a while, and then the dogs were barking and I was looking out the door because I thought maybe somebody else was coming and, you know, they were just, like, she was telling her that, you know, that she's going to get her and all this kind of stuff, for her to~~

1 watch her back.

2 Q. Okay. Now, were you in the house and you  
3 were listening outside, or did you walk out of the  
4 house?

5 A. No, I was in the house with the door open  
6 and I was ~~like~~ out the door.

7 Q. Do you remember how many minutes had passed  
8 since they had left the house? Was it a couple of hours  
9 later? Was it a few minutes, a half hour?

10 A. It was a few minutes.

11 Q. And they were both together outside?

12 A. No. Shawnte was further down the street  
13 and Shirley was, you know, right out the driveway.

14 Q. How far apart would you say? -- like a  
15 basketball court kind of distance or a football field or  
16 the length of this courtroom? -- or how far apart was  
17 Shawnte and Shirley?

18 A. Probably about the length of this  
19 courtroom, I guess.

20 Q. And was Shirley yelling or just talking at  
21 a normal --

22 A. She was yelling at her down the street.

23 Q. Okay. Now, what exactly did you hear  
24 Shirley yell, as far as you can remember?

25 A. As far as I can remember, only that she

*Horse  
talk*

1 better watch her back. That's mostly what I remember  
2 her saying, is for her to -- for Shawnte to watch her  
3 back.

4 Q. Okay. That's mostly what you remember.  
5 Is there anything else that you remember  
6 her saying?

7 A. I remember her telling her things; but, not  
8 exactly.

9 Q. Well, what were the type of things that you  
10 heard her say?

11 MR. GOODE: Your Honor, I will object to  
12 that. She's testified she doesn't know what she was  
13 saying.

14 MR. BALDASSANO: Judge, I think she said  
15 that she said mostly. I am just trying to get from her  
16 specifically what she does remember.

17 THE COURT: Rephrase your question.

18 Q. (BY MR. BALDASSANO) You said already that  
19 you heard Shirley yell you better watch your back?

20 A. Yes.

21 Q. And she said some other things; is that  
22 correct?

23 A. Yes.

24 Q. What were the other things or the type of  
25 other things you heard her say?

1           A.     I can't -- I just -- I remember that she  
2 was yelling at her; but, I can't -- I can't remember  
3 exactly what she was saying.

4           Q.     Okay. Were they nice things or bad things?

5           MR. GOODE: Once again, Your Honor, I will  
6 object. She testified she doesn't remember.

7           MR. BALDASSANO: Judge, I think she's  
8 saying she doesn't remember specifically what --

9           THE COURT: Rephrase your question.

10          Q.     (BY MR. BALDASSANO) Do you remember if  
11 what she was saying were threatening things or they were  
12 complimentary things?

13          A.     Sound threatening.

14          Q.     And was Shawnte standing there or walking  
15 away?

16          A.     She was, like, walking away.

17          Q.     Do you know which direction or was she just  
18 walking down the street?

19          A.     She was walking down the street towards  
20 Parker.

21          Q.     Was she alone?

22          A.     Yes.

23          Q.     Do you know if Shirley was with anybody  
24 else outside?

25          A.     No.

1 Q. Do you remember if she had a vehicle with  
2 her?

3 A. I'm sure she had a vehicle with her.

4 Q. Okay. Why do you say you are sure she had  
5 a vehicle?

6 A. Because at that time she -- I'm not sure if  
7 the car was brown or not. I don't remember; but, I  
8 remember this car that she used to always come in and  
9 she was in that car. *See Jesus Carageo's written statement*

10 Q. Now, did you ever, after that went on  
11 outside and you heard the yelling, what did you do next?

12 A. I just shut the door.

13 Q. Okay. Go to sleep?

14 A. No. We sat up for awhile and then went to  
15 sleep.

16 Q. And did you have a chance to see Shirley  
17 again?

18 A. ~~Not that night, no.~~

19 Q. Okay. When was the very next time you saw  
20 the defendant Shirley?

21 A. ~~I believe it was~~ Monday.

22 Q. When you say you believe it was Monday, are  
23 you saying you are not sure? You think it was Monday?

24 A. I am not sure if it was Monday.

25 Q. Do you remember if it was the morning or

1 the evening that you saw her next?

2 A. It was during the day.

3 Q. During the day?

4 Do you remember where it was that you saw  
5 her next?

6 A. At our house on Silvercrest.

7 Q. And do you remember if she came in the  
8 house that day?

9 A. Yes, she came in.

10 Q. Do you remember if she said anything when  
11 she was in the house?

12 A. Yes.

13 Q. Okay. And do you remember who she said  
14 something to?

15 A. To -- she said things to Jesse. She said  
16 things to me and Angie.

17 Q. Okay. What did she tell you, when she  
18 returned?

19 A. She was telling me and Angie that she had  
20 finally tooken (sic) out the trash.

21 Q. And did you know what she meant when she  
22 said that?

23 A. I pretty much thought that I was sure that  
24 she was talking about Shawnte.

25 Q. Why did you think that she was talking

1 about Shawnte?

2 A. Because of everything that happened that  
3 night and that she was -- she felt, you know, that way  
4 about Shawnte and --

5 Q. Did she tell anybody else anything the next  
6 day or the Monday, the Sunday or Monday?

7 A. She talked -- she talked to Jesse.

8 Q. And did you hear that conversation?

9 A. Yeah, kind of.

10 Q. Okay. When you say "kind of," how was it  
11 that you hear the conversation? Were you --

12 A. Being nosy.

13 Q. Okay. Eavesdropping?

14 And what did you hear the defendant say to  
15 Jesse?

16 A. I was listening and told Jesse that, yeah,  
17 I finally took that trash out, finally got that bitch,  
18 and that, you know, it was about time somebody done  
19 something about it. And then they were just, you know,  
20 trying to do their business, or something like that,  
21 because she had somebody else with her.

22 Q. I'm sorry, I missed the last part?

23 A. That she had somebody else she was, like,  
24 she was being a middle man and in another kind of deal.

25 Q. Another separate deal?

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

A. Uh-huh.

Q. Okay. Did the defendant say anything to you about not telling anybody?

A. She -- well, because me and Angie were in the living room and she told us that -- she goes that you-all don't know nothing and you-all seen -- you-all don't know nothing, you-all didn't see nothing and you-all didn't hear nothing about what went on the other night and that we better not have said anything.

MR. BALDASSANO: I will pass the witness.

MR. GOODE: May I proceed, Your Honor?

THE COURT: You proceed, sir.

CROSS-EXAMINATION

BY MR. GOODE:

Q. Ma'am, have you given any written or oral statement regarding this incident?

A. Excuse me?

Q. Before today?

A. Excuse me?

Q. Have you given any written or oral statement regarding this incident before today?

A. Yes.

Q. To whom did you give that statement to?

A. To a grand jury.



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

MR. GOODE: Your Honor, at this time, I ask  
for access to that statement. *Another statement Goode had not seen*

MR. BALDASSANO: Your Honor, let the record  
show that I am tendering a copy of the Grand Jury  
statements by Yvonne Munez to Defense. *seen*

MR. GOODE: Your Honor, this appears to be  
about 15 pages long. May I have a couple of moments? *2*

THE COURT: Yes, sir. *a couple of moments to prepare his defense of cross-ex*  
Jury may stand up and stretch if you wish.  
You may proceed.  
MR. GOODE: May I proceed, Your Honor?

THE COURT: Yes.

Q. (BY MR. GOODE) Ma'am, at the time of this  
incident were you Jesse's girlfriend or his wife?

A. Not Jesse's.

Q. Okay. Whose girlfriend were you at the  
time of this incident?

A. Pete Cavazos'.

Q. Okay. Were you married to him?

A. No.

Q. Who is Jesse's girlfriend?

A. He's married to Angie.

Q. ~~Now, when you testified before the Grand  
Jury, did you tell them that Shawnte left your house,  
the house on Silvercrest, five hours after Shirley left?~~

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

A. Excuse me?

Q. Did you tell, in your testimony before the Grand Jury, did you tell the members of the Grand Jury that Shawnte had left the home on Silvercrest two hours after Shirley left?

MR. BALDASSANO: Judge, I am going to object, unless the Defense Attorney uses the proper method of impeaching this witness.

MR. GOODE: Judge, I am asking for the date and time of the statement.

MR. BALDASSANO: Well, I don't think he's shown her the statement or put it in context or told her when she made it or where she made it.

THE COURT: I didn't hear it identified.

Q. (BY MR. GOODE) Ma'am, on June 6, 1989, in Harris County, Texas, testifying before the Grand Jury of the 209th District Court, did you testify that Shawnte left the house on Silvercrest two hours after Shirley left?

*same do  
was Da  
white  
same to  
6. June*

A. No, not two hours.

Q. You did not?

What did you testify to?

A. That Shawnte was there before -- a couple of hours before Shirley had came over -- before Shirley had came.

*See pg 181 - lines 18-19*

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

MR. GOODE: May I approach the witness,  
Your Honor?

THE COURT: Yes, sir.

MR. GOODE: Mark this, please.

(WHEREUPON, the instrument referred to by  
Counsel was marked for identification purposes only as  
Defense Exhibit No. 4.)

Q. (BY MR. GOODE) Ma'am, let me show you  
what's been marked as Defense Exhibit No. 4 and ask you  
to look at that and tell me if you can identify that?

*witness  
defense  
Exhibit No 4*

A. This is not my statement.

Q. Okay. Ma'am, isn't it true, that upon  
recollection, that Shirley left a good two hours before  
Shawnte left?

A. No, I don't remember that. I remember that  
Shawnte was there earlier, a couple of hours earlier  
before Shirley had came, and then Shirley had came and  
they were both there together again.

Q. How long after this incident did you move  
out of the home on Silvercrest?

A. Maybe a month. I'm not sure.

Q. There was a carpet on that living room  
floor, wasn't there, at this time?

1 A. Yes, sir.

2 Q. And that carpet was removed by Jesse and  
3 Pete; wasn't it?

4 A. I would believe so. I am not sure, because  
5 the carpet was removed after I moved out. *Wrong answer*

6 Q. Did you testify before the Grand Jury, on  
7 June 6, 1989, that Jesse pulled the carpet out?

8 A. Yes, I had said that; but, I am not sure if  
9 he was the one that pulled it out.

10 Q. Okay. You realize that you were under oath  
11 when you said that; don't you?

12 THE COURT: Counsel, I will do the  
13 admonishments.

14 MR. GOODE: Your Honor, I'm just asking the  
15 witness if she knew that.

16 Q. (BY MR. GOODE) Did you realize whether you  
17 were under oath or not?

18 A. Yes, sir.

19 Q. So, your testimony now is that was an  
20 incorrect statement before the Grand Jury?

21 A. I am not saying that it's not correct; but,  
22 then, I'm not saying it is, because --

23 Q. Okay. Okay. Did you see Jesse pull the  
24 carpet out?

25 A. No.

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

Q. Did you see Pete pull the carpet out?

A. No.

Q. Was the carpet removed?

A. Yes.

Q. Was the carpet removed after this incident that you have described?

A. Yes.

Q. Do you speak Spanish?

A. Yes.

Q. Are you familiar with the word hermeno, h-e-r-m-e-n-o?

A. Yes.

Q. What does that mean in English?

A. Hermano, it means brother.

Q. Were you ever fingerprinted by the Harris County Sheriff's Department or the City of Houston Police Department?

A. ~~Not that I -- not that I can remember~~

Q. Is it possible?

A. It's possible.

Q. Did you ever call the police that evening about the events that you have described between Shirley and Shawnte?

A. No.

Q. Did you ever seek any sort of medical

1 attention for Shawnte after this vicious beating you  
2 described?

3 A. No.

4 Q. Do you know a Columbian named Pablo?

5 A. Excuse me?

6 Q. Do you know a Columbian named Pablo?

7 A. No.

8 Q. What kind of weapon did you say that  
9 Shawnte brought with her that evening to his house?

10 A. A gun.

11 Q. What type of gun?

12 A. A hunting gun, I guess.

13 Q. Well, was it a pistol or a long-barreled  
14 weapon?

15 A. It was a big gun.

16 Q. Do you know whether she talked with Pete  
17 that evening?

18 A. Who?

19 Q. Shawnte. Did she speak with Pete that  
20 evening?

21 A. I believe so.

22 Q. Do you know what she was wanting to do with  
23 that gun?

24 A. She was wanting to trade it.

25 Q. For cocaine?

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

A. Uh-huh.

Q. Had she done that in the past?

MR. BALDASSANO: Judge, I am going to object to that as being irrelevant.

THE COURT: Are you going to tie that in, Counsel?

MR. GOODE: Your Honor, I will move on.

Q. (BY MR. GOODE) Do you know whether or not Shawnte owed any money to either Pete or Jesse?

A. No, I don't think so.

Q. Do you know whether or not she had ever ripped them off on a dope deal?

A. No, I don't think so.

Q. But you don't know?

A. I don't know. I don't know; but, I don't think so.

Q. When Shirley left, you didn't see her with any weapon, did you?

A. No.

Q. We Shawnte left, did she take her weapon with her?

A. No, not that I can remember, either. I don't know who left with the gun because I don't remember seeing either one of them with it.

*I walked out with a shotgun*

Q. When did you first notice that the carpet

1 had been removed from the home?

2 A. When they had came to pick me up from my  
3 boyfriend's house and they told me that there was a  
4 detective coming over to the house to Silvercrest and  
5 Jesse picked me up and brought me to the house.

6 Q. How long after this incident was that?

7 A. A couple of weeks, I guess.

8 Q. Is it possible that Shawnte stayed for a  
9 couple of hours after Shirley left?

10 A. Excuse me?

11 Q. Is it possible that Shawnte had stayed at  
12 the house on Silvercrest for a couple of hours after  
13 Shirley had left?

14 A. ~~Not to my recollection, no.~~

15 Q. Okay. What do you think is possible, then,  
16 as far as how long she stayed?

17 ~~A. At the very most, maybe 15 minutes.~~

18 Q. Who else was present at the time Shawnte  
19 left the home?

20 A. Me and Jesse and Angie and Junior.

21 Q. By Angie, are you referring to Angelica  
22 Cavazos?

23 A. Yes.

24 Q. Was Angelica Cavazos there the whole time  
25 with you?

*contradicts  
statements  
Pete's*



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

A. Yes.

Q. And if she said that Shawnte left two hours after Shirley, she would be mistaken?

A. I don't -- I can't say -- I wouldn't want to call her, like, saying a liar or anything; but, I don't think so.

Q. It's your recollection that I believe earlier you testified it was two minutes and just a few minutes ago you said 15 minutes?

A. I'm saying 15 minutes, at the most.

Q. Have you ever seen any small pistols at the home on Silvercrest?

A. Excuse me?

Q. Have you ever seen small pistols at the home on Silvercrest?

A. Yes.

MR. GOODE: Your Honor, I will pass the witness.

THE COURT: Any other questions, sir?

MR. BALDASSANO: Yes, Your Honor.

REDIRECT EXAMINATION

BY MR. BALDASSANO:

Q. You stated earlier that Shirley left first; is that correct? This is the last time, late at night?

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

A. Yes.

Q. Okay. And then sometime later Shawnte left, could be between two and up to as much as 15 minutes later; is that correct?

A. It -- I don't -- I don't think it was as long as 15 minutes; but, I am saying at the most it could be 15 minutes.

Q. Okay. And then how long after that did you hear the dogs barking?

A. Not very long. I can't -- I can't say.

Q. Minutes or hours?

A. No, just a couple of minutes, also.

Q. A couple of minutes. And when you looked out, the defendant was still out there; is that true?

A. Yes.

Q. In fact, the defendant was closer to the house than Shawnte was?

A. Yes.

Q. You say that the defendant did leave first, though? You are sure of that?

A. I don't know -- yes --

Q. Well, I don't want to --

A. I am not really understanding what you are --

Q. Okay. I'm talking about I know a lot of

1 different events happened; but, the very last time in  
2 the night, okay, you said that there was -- that the  
3 defendant had hit Shawnte with a gun and then eventually  
4 the defendant was told to leave and left.

5 MR. GOODE: Your Honor, I am going to  
6 object to him going over the testimony, prefacing his  
7 attention on that.

8 MR. BALDASSANO: Trying to keep her from  
9 being confused and trying to get the right --

10 THE COURT: You might use names instead of  
11 the terminology.

12 Q. (BY MR. BALDASSANO) There was a fight  
13 where Shirley hit Shawnte with the gun and then Shirley  
14 left?

15 A. Yes.

16 MR. GOODE: Your Honor, I am going to  
17 object. This is beyond the grounds of redirect  
18 examination. It's been asked and answered at least  
19 twice.

20 THE COURT: Overruled.

21 Q. (BY MR. BALDASSANO) And then how long  
22 after that did Shawnte leave?

23 A. Just a few minutes.

24 Q. Okay; but, Shirley left first; is that  
25 correct?

1 A. Out the door, yes.

2 Q. ~~And you think Shirley had a car there?~~

3 A. ~~Yes.~~

4 MR. GOODE: Your Honor, I'm going to  
5 object. Calls for speculation. *What?*

6 THE COURT: Counsel?

7 MR. BALDASSANO: Judge, I really am just  
8 trying to get back to where we were.

9 THE COURT: The question actually was asked  
10 and answered earlier. Just try to confine yourself to  
11 appropriate questions without being repetitive.

12 MR. BALDASSANO: Thank you, Judge.

13 Q. (BY MR. BALDASSANO) The defendant was  
14 still outside when you heard the dogs barking; is that  
15 correct?

16 A. Yes.

17 MR. BALDASSANO: I will pass the witness.

18 MR. GOODE: No further questions, Judge.

19 THE COURT: You may step down, ma'am.

20 Do you wish to this witness to remain on  
21 call or be excused?

22 MR. BALDASSANO: Remain on call, Judge.

23 MR. GOODE: Yes, Judge.

24 THE COURT: You are on call, ma'am.

25 Ladies and gentlemen of the jury, I think

1 we have reached an appropriate time to adjourn for the  
2 day.

3 Please remember the admonishments that I've  
4 given you earlier: Not to discuss this case among  
5 yourselves nor with anyone else nor reach any conclusion  
6 thereon until it is submitted to you for your  
7 deliberation. Again, I do not anticipate any news  
8 coverage of this case. However, if there is, you are  
9 not to read it, watch it nor listen to it.

10 Furthermore, I do not anticipate that  
11 anyone would attempt to discuss this case in your  
12 presence or with you. If that occurs, you know what to  
13 do.

14 I am going to ask that you report tomorrow  
15 morning at the same time, in the same manner that you  
16 did this morning, and that is at 10:30, and that is when  
17 the big hand is on the 10 -- no, the six, and the little  
18 hand is on the 10.

19 Please wear your jury badges at all times  
20 going to and from the courthouse. And remember when you  
21 report do not enter the courtroom, but remain outside  
22 the double doors.

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

Please drive carefully. Have a very  
pleasant evening. We'll see you tomorrow morning.

(WHEREUPON, the proceedings were recessed  
until the 15th day of March, 1990.)

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

CAUSE NO. 526,673

STATE OF TEXAS

IN THE 180TH DISTRICT COURT

VS.

OF

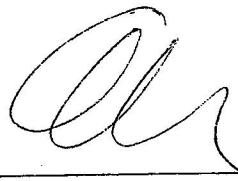
SHIRLEY ANNETTE  
MARTIN SUTHERLAND

HARRIS COUNTY, T E X A S

I, KATHLEEN O'CONNOR POWERS, Deputy  
Official Court Reporter of said court, hereby certify  
that the foregoing pages comprise a true, complete, and  
correct transcript of the proceedings had in the  
above-styled and numbered cause.

WITNESS MY HAND AND SEAL OF OFFICE this the

8th day of August, 1990.



KATHLEEN O'CONNOR POWERS  
Deputy Official Court Reporter  
180th District Court  
Certification No. 2096  
Expiration 12/31/90