

1                                    GEORGE AGUIRRE,  
2        having been called as a witness by the State and after  
3        having been first duly sworn to tell the truth, the  
4        whole truth, and nothing but the truth, testified upon  
5        his oath as follows:

6                                    DIRECT EXAMINATION

7        BY MR. SCHIWETZ:

8        Q     You can go ahead and have a seat.  Would you  
9             please state your name for the record, sir?

10      A     George Aguirre.

11      Q     And how old are you, George?

12      A     Nineteen.

13      Q     And where do you live?

14      A     1754 Morales.

15      Q     And who do you live there with?

16      A     My parents.

17      Q     And how long have you lived in Corpus Christi?

18      A     All my life.

19      Q     And did you go to school here?

20      A     Yes.

21      Q     Whereabouts?

22      A     King High School.

23      Q     Did you graduate?

24      A     Yes.

25      Q     And after you graduated from high school, what did

1           you do?

2           A     I went to San Antonio and attended technical school,  
3           Hallmark Aerotech.

4           Q     What did you study at Hallmark Aerotech?

5           A     Electronics.

6           Q     And did you graduate from there?

7           A     Yes.

8           Q     How long a program is that?

9           A     Seven and a half months.

10          Q     What were you trained as?

11          A     Entry level technician.

12          Q     Now, directing your attention back to February the  
13          4th of this year, 1983, where were you actually  
14          living then?

15          A     In San Antonio.

16          Q     Did you come back here to visit your folks any at  
17          that time?

18          A     Yes. We --

19          Q     Okay. Directing your attention to Friday, February  
20          4th, 1983, can you tell the Court where you were --  
21          where you were staying in relation to the Sigmor  
22          station on Padre Island Drive?

23          A     Where was I staying?

24          Q     Yes, sir.

25          A     You mean that weekend?

1 Q Yes, sir.

2 A At my parents' house, 1754 Morales.

3 Q How far away from that Sigmor station is it?

4 A A little under a mile, it couldn't be --

5 Q Had you ever been in that Sigmor station before  
6 that night?

7 A Yes.

8 Q How many times?

9 A I don't know; maybe eight, nine, ten times.

10 Q Okay. Over how long a period of time?

11 A This year.

12 Q Now, can you tell the Court about what time it was  
13 that you went there to the Sigmor station?

14 A Maybe two, three minutes after 8:00 o'clock.

15 Q And why is it that you remember the specific time?

16 A When I got on Dodd and in between I guess it's  
17 Nemec and SPID, the radio had said I think it was  
18 two or three after 8:00.

19 MR. SCHIWETZ: Could I get this marked as  
20 a State's exhibit, please.

21 (State's Exhibit 1 was marked for  
22 identification.)

23 Q (By Mr. Schiwetz) George, I'm going to show you  
24 what's been marked as State's Exhibit No. 1, and  
25 ask you if you can identify that.

1 A That's the Sigmor station on SPID near Ayers.

2 Q Okay. And is this the one you went to on February  
3 4th?

4 A Yes.

5 Q Now, holding it up so the Judge can see it, can you  
6 show about where you were when you heard on the  
7 radio that it was a few minutes after 8:00?

8 A I was crossing this (indicating), I think it's  
9 Nemec.

10 MR. LAWRENCE: Your Honor, if I may just  
11 interrupt, we would like to be able to see  
12 this, too. If I could just walk around.

13 THE COURT: Certainly.

14 Q (By Mr. Schiwetz) Okay. Can you show the Judge  
15 where you were at a couple minutes after 8:00 when  
16 you heard this on the radio?

17 A Crossing Nemec in here off Dodd from this stop sign  
18 onto this road.

19 Q And where were you going?

20 A To the Sigmor station.

21 Q When you got to the Sigmor station, where did you  
22 go?

23 A I pulled up to this house on this side (indicating).

24 Q Okay. That would be on the right-hand side as you  
25 were facing --

1 A I was on the right side next to the SPID.

2 Q Okay. And about -- now was that station open at  
3 that time?

4 A Yes.

5 Q Were there lights on there?

6 A Yes.

7 Q Okay. Can you point out where the lights are in  
8 the immediate neighborhood of that pump where you  
9 were?

10 A Well, you got these lights up here and these and  
11 the ones that go around the Sigmor (indicating).

12 MR. SCHIWETZ: Okay. Was the Court able  
13 to see those?

14 THE COURT: Yes, sir.

15 Q (By Mr. Schiwetz) All right. Were those lights  
16 all on?

17 A Yes, they were all on.

18 Q Was the area well lit?

19 A Yes.

20 Q Could you see pretty clearly?

21 A Yes.

22 Q Okay. When -- did you have your truck or your --  
23 tell the Court what kind of vehicle you were in.

24 A A van, a Dodge van.

25 Q Now, did you have your van parked on the inside of

1 the pumps by the station or the outside by SPID?

2 A The outside by SPID.

3 Q And where is the gas funnel where you put the gas  
4 in?

5 A On the driver's side. I was -- my windshield was  
6 facing toward the -- Kostoryz, towards the Ziebart.

7 Q Now, the Court, the Judge here, he's not from  
8 Corpus Christi, and he probably doesn't know where  
9 that is.

10 THE COURT: I saw from the picture there.

11 I know what he's talking about.

12 Q (By Mr. Schiwetz) Was the -- was the gas funnel  
13 pointed towards SPID or towards the gas station?

14 A Towards the gas station.

15 Q So you were standing in between the van and the  
16 gas station --

17 A Yes.

18 Q -- when you were getting your gas; is that correct?

19 A Yes.

20 Q Now, when you were standing there, did you notice  
21 anything unusual in the immediate neighborhood?

22 A Well, I saw somebody walking in front of that  
23 brick -- the brick wall right here (indicating).

24 Q Excuse me. Let me approach you again.

25 MR. SCHIWETZ: You might want to come up

1                   here for this.

2                   THE WITNESS: (Walking.)

3   Q   (By Mr. Schiwetz) Okay. Now, point out for the  
4       Court where you were parked.

5   A   I was right here (indicating).

6   Q   All right.

7   A   I was in between the pump and the van.

8   Q   And where did you see this person coming from?

9   A   Coming from back here towards the ice machine.

10  Q   Okay. And what did this person do?

11  A   I saw a knife -- I saw him putting a knife open in  
12       his left pocket and, you know, I saw him walking  
13       that way, and I was curious and when I saw him put  
14       the knife in his pocket, I kept an eye on him while  
15       I was putting the gas.

16  Q   Okay. How long did you keep an eye on him?

17  A   About four or five minutes, you know, until he  
18       started walking towards me.

19  Q   Okay. In that four or five minutes, how long was  
20       he actually standing up here? I mean, what was he  
21       doing while he was there?

22  A   He was drinking a beer.

23  Q   Okay. What kind of beer, could you tell?

24  A   I don't remember, no.

25  Q   Okay. Now, after the four or five minutes was up,

1           what happened then?

2    A    He walked towards me, and was asking me for a ride.

3    Q    Okay.  When he walked towards you and started talk-  
4           ing to you, how close did he get?

5    A    To about a foot and a half, two feet away from me.

6    Q    Was he closer or further away than I am from you  
7           now?

8    A    About like right there.

9    Q    About like we are now?

10   A    Yeah.

11   Q    And were you able to see his face clearly?

12   A    Yeah.

13   Q    How long did you actually talk to him there?

14   A    About four or five minutes.

15   Q    What did he say to you?

16   A    He asked me for a ride to the Casino Club on Port.

17   Q    Okay.  Did you know where the Casino Club was?

18   A    Yes.

19   Q    What did you tell him?

20   A    I told him no, that I had to get back to my father.

21   Q    Did he have -- did he still have that knife in his  
22           pocket, or could you tell?

23   A    Well, I wasn't looking.  I was just looking at him  
24           to make sure he didn't make no moves at me.

25   Q    Okay.  But you didn't see the knife?



- 1 A Not after he put it in his pocket.
- 2 Q Okay. Now, you told him you had to get back to  
3 your father?
- 4 A Yes.
- 5 Q Was that the truth?
- 6 A No, I just -- after I had seen that, I would have  
7 said anything to keep him away from me.
- 8 Q Okay. What did he do after you told him you had to  
9 get back to your dad?
- 10 A He told me he would give me money or, you know,  
11 weed or beer, whatever I needed to get him over  
12 there.
- 13 Q Okay. And how did you respond?
- 14 A I still told him no.
- 15 Q Okay. Now, after you talked to him out there by  
16 the van, what did you do then?
- 17 A Well, he told me, "Well, if that's the way you're  
18 going to be, that's all right," you know, and he  
19 walked back to the ice machine. So I finished  
20 putting the gas and I went to pay the attendant and  
21 I told the attendant that that guy out there had a  
22 knife in his pocket so she --
- 23 Q Let me stop you just for a second there. When you  
24 went to talk to the attendant, did you go inside  
25 the station or was she outside?

1 A I went inside, she was behind the counter.

2 Q How many people were working inside the station?

3 A Just one.

4 Q Could you recognize her?

5 A Could I recognize her?

6 Q Did you.

7 A Did I?

8 Q Uh-huh.

9 A I had seen her there before.

10 Q Did you know her personally?

11 A No.

12 Q Anyway, you talked to her for a minute?

13 A Uh-huh, yes.

14 Q What did you do then?

15 A I told her that the guy outside had a knife, and

16 she asked me if he was with me, and I said no, he

17 wasn't, and I said that I was going to go down the

18 street and phone the police and she said really,

19 and I said yeah, and she goes, "Well, let me just

20 go ahead and do it." So that's when she got on the

21 phone and phoned the police while she was writing

22 out my ticket.

23 Q And what did you do then?

24 A And so I signed my ticket and I got it and I

25 started walking out and when I was about halfway

1 to my van, I saw him walking in.

2 Q Okay. Now, what did you do when you saw him walk-  
3 ing in?

4 A Well, I got on my van and I went on this access  
5 road next to the Freeway, and I saw him -- he was  
6 standing by the beer, so I went under the under-  
7 pass on Ayers and I got back on the Freeway, got  
8 on this side and when I was passing the Shamrock  
9 again, I saw him struggling with her. (Indicat-  
10 ing.)

11 Q Was he struggling with her inside or outside?

12 A Inside. Inside.

13 Q Did there come a point in time when you went back  
14 in the Sigmor station?

15 A Yes. When I saw that, I got off at the Kostoryz  
16 exit, and I went to the bowling lanes, the Gulf  
17 Bowl, and I saw a security guard, so I asked the  
18 security guard, "Is there any way you can get in  
19 touch with the police," I said, "because the  
20 attendant at the Shamrock needs help." And he  
21 said, "The only thing I can do is make a phone  
22 call," he goes, "but you could do the same thing."  
23 So I said, you know, forget it, and I took off back  
24 to the Shamrock and when I got there, the police  
25 were already there and, you know, I went down -- I

1 was waiting there, they took my name and everything,  
2 address.

3 Q The man you saw out there putting the knife in his  
4 pants, how long did you see him before he came over  
5 and talked to you?

6 A About four to five minutes.

7 Q And were you actually watching him that whole time?

8 A Yes.

9 Q And how long did you actually talk to him out there  
10 at the van?

11 A About four -- another four or five minutes.

12 Q And after he walked back over to the ice machine,  
13 how long were you at your van then before you went  
14 inside?

15 A Maybe about two minutes. I went ahead and --

16 Q Okay. And when you came -- when you came out of  
17 the Sigmor station and saw him walking towards it,  
18 how long were you actually able to see him at that  
19 period of time?

20 A You mean walking?

21 Q Yes, sir.

22 A Maybe a minute or two, you know.

23 Q Was the man wearing a mask or anything like that  
24 on his face?

25 A None whatsoever.

1 Q Did you ever notice his shoes?

2 A No.

3 Q What kind of pants was he wearing?

4 A Black pants like -- what is it, double knit like  
5 black double knit pants.

6 Q And the knife you saw, can you describe it for sure?

7 What kind of knife it was?

8 A I can't tell. It could have been a dagger or it  
9 could have been a long blade, but I just saw it  
10 when the blade was going in.

11 Q What kind of shirt was he wearing?

12 A A white one. The sleeves, I don't know if they  
13 were short sleeves or what, but they were -- it  
14 was like rolled up past the elbow.

15 Q Was it a button-up shirt or a pullover?

16 A It was a button-up.

17 Q Did he wear a hat?

18 A No.

19 Q Did you see the man again that night?

20 A Yes.

21 Q How much later was it when you saw him?

22 A Maybe in between about 40, 50 minutes, around  
23 there.

24 Q Where was it you saw him the second time?

25 A When the police brought him around back to the car.

1 Sigmor.

2 Q Where did the police bring him to, back at the  
3 Sigmor?

4 A Right over here where the -- I guess right off Dodd,  
5 you know, they pulled in right off Dodd (indicat-  
6 ing).

7 Q Are there any lights over there?

8 A The ones on this side of the Sigmor.

9 Q Was there enough light for you to see him?

10 A Yeah.

11 Q Now, did the police take you over there? Did they  
12 bring him to you?

13 A I went over there to the car.

14 Q What did they tell you when they took you over  
15 there?

16 A They asked, you know, "Can you identify," you know,  
17 "somebody?" I can't remember the exact words.

18 Q Was there anything different about the man you saw  
19 with the police from the man you had seen earlier?

20 A There was no shirt on.

21 Q Were you able to identify the man the police had?

22 A Yes.

23 Q Are you sure it was the same man?

24 A Positive.

25 Q No doubt?

1 A No doubt.

2 Q Do you see him in the courtroom today?

3 A I'm not too sure. I can't --

4 Q Did the police make any suggestions to you as to  
5 whether you should identify the fellow or not?

6 A No.

7 Q I want to direct your attention to the man sitting  
8 in between the two lawyers over here. Do you know  
9 whether or not that's the man you saw that night?

10 A It's been a while. I couldn't --

11 Q Can't say?

12 A I can't say.

13 MR. SCHIWETZ: Fair enough. I will pass  
14 the witness.

15 MR. LAWRENCE: I have no questions.

16 THE COURT: Thank you. You may step down.

17 MR. SCHIWETZ: May this witness be ex-  
18 cused, Your Honor?

19 THE COURT: Certainly.

20 (At this time the witness was sworn.)

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