

1 (The following testimony was heard at
2 a hearing prior to the completion of jury
3 selection:)

4
5 PEDRO OLIVAREZ,

6 called as a witness by the State, after first having been
7 duly cautioned and sworn, upon his oath, to tell the truth,
8 the whole truth, and nothing but the truth, testified as
9 follows:

10 COURT: Now I might tell you this:
11 you are sworn to tell the truth and if you
12 swear to a lie, you can be prosecuted for it.
13 Do you understand that?

14 MR. OLIVAREZ: Yes, sir.

15
16 DIRECT EXAMINATION

17
18 BY MR. BOTARY:

19 Q. State your name, please.

20 A. Sir?

21 Q. State your full name.

22 A. Pedro Olivarez.

23 Q. You go by the name Pete?

24 A. Yes, sir.

25 Q. Where do you live at?

- 1 A. 1314 Whitaker.
- 2 Q. Do you know Jesse Garza?
- 3 A. Yes, sir.
- 4 Q. Did you have occasion to give a statement to the
5 police department on November 29, 1979, concerning
6 the death of Dalia Saucedo?
- 7 A. Yes, sir.
- 8 Q. Alright. I'll show you what has been marked State's
9 Exhibit no. A which is a voluntary statement four
10 pages in length. Will you look at it. Is that the
11 same statement you looked at for about thirty minutes
12 in my office?
- 13 A. Yes, sir.
- 14 Q. Alright. Is that the same statement that you looked
15 at and you discussed with me in my office about three
16 weeks ago?
- 17 A. Yes, sir.
- 18 Q. And is it the same statement that you gave the police
19 on November 29, 1979?
- 20 A. Yes, sir.
- 21 Q. Is this statement -- have you had a chance to look at
22 that statement now?
- 23 A. Yes, sir.
- 24 Q. Are you familiar with what it says?
- 25 A. Yes.

- 1 Q. Are you saying this statement is true or untrue?
- 2 A. It is true.
- 3 Q. It is true. Were you in my office about 12:30 today?
- 4 A. Yes, sir.
- 5 Q. In the presence of Albert Pena?
- 6 A. Yes, sir.
- 7 Q. And at that time did you tell me that that statement
- 8 was true or not true?
- 9 A. It is true.
- 10 Q. At the time that Albert Pena was in my office and you
- 11 and I and Albert Pena were together about 12:30 --
- 12 A. Yes, sir.
- 13 Q. Were we talking about this statement?
- 14 A. This statement, yes, we were talking about that.
- 15 Q. Alright. At that time did you tell me the statement
- 16 was true or not true?
- 17 A. Well, I was telling a lie, but it was true.
- 18 Q. At that time did you say that Jesse Garza didn't
- 19 have anything to do with Dalia Saucedo's death?
- 20 A. No, sir.
- 21 Q. You didn't say that in front of me and Mr. Pena?
- 22 A. No, sir.
- 23 Q. What is the truth? Is the statement here the truth?
- 24 A. It is true.
- 25 Q. Did you say that it was not true because you were

- 1 afraid of something?
- 2 A. Yes, sir.
- 3 Q. Who were you afraid of?
- 4 A. Jesse and his friends.
- 5 Q. Has anything happened since you gave this statement
- 6 to make you afraid?
- 7 A. They hit me all over and I got beat up.
- 8 Q. When did you get beat up?
- 9 A. At the Casino.
- 10 Q. When?
- 11 A. Friday and Saturday and Sunday.
- 12 Q. Of this week, this past week?
- 13 A. Three weeks and last month.
- 14 Q. Who beat you up?
- 15 A. David and a couple of friends of somebody else.
- 16 Q. Alright. Why did you connect that with Jesse Garza?
- 17 Do those people know Jesse Garza?
- 18 A. Yes, sir.
- 19 Q. Did they say anything about Jesse Garza and your
- 20 testifying?
- 21 A. No, sir.
- 22 Q. Why did you think that they were beating you up?
- 23 A. Because they said if I was screwing Jesse, something
- 24 was going to happen to me.
- 25 Q. Is that why you came to my office and told me Jesse

- 1 didn't have anything to do with this a few minutes
2 ago?
- 3 A. No, sir.
- 4 Q. Why did you tell me that?
- 5 A. I don't know, sir.
- 6 Q. Did you tell me in my office a few minutes ago or
7 about 12:30 that you and Jessie were together the
8 night that Dalia was killed?
- 9 A. Yes, sir.
- 10 Q. And did you tell me that you were at his house about
11 10:00 or about that time when she came by?
- 12 A. Yes, sir.
- 13 Q. And did you tell me that that was the last time you
14 saw Dalia?
- 15 A. Yes, sir.
- 16 Q. And is that true or not true?
- 17 A. It is true.
- 18 Q. And the last time you saw Dalia was at 10:00?
- 19 A. Yes, sir.
- 20 Q. Are you saying then that Jessie didn't have anything
21 to do with this killing?
- 22 A. Jessie killed her because I saw it.
- 23 Q. Before 10:00?
- 24 A. Not before 10:00; at least 2:30 in the morning.
- 25 Q. Okay. So it was after 10:00 that you saw --

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MR. PENA: Your Honor, we object. He is leading him all over the place. He said the last time he saw the deceased was at 10:00.

MR. BOTARY: Your Honor, this is an informal-type hearing.

COURT: Yes, I understand it is. Sustained. Well, I'll retract this, I think, for this purpose here. We are trying to get at the truth at this time.

Q. (By Mr. Botary) Pete, did Dalia come back to Jessé's house after 10:00 the night she was killed?

A. She came here at 10:30.

Q. And did ya'll go with her?

A. Yes, sir.

Q. And where did you go?

A. We went to the store and bought some popcorn and everything, buy some gas and everything.

Q. Did you see Jessé kill Dalia?

A. Yes, sir.

Q. And what time did you get back to Jessé's house?

A. Around 3:00, 2:00 in the morning.

MR. BOTARY: I pass.

CROSS EXAMINATION

1 BY MR. PENA:

2 A. Now Pete, you saw me downstairs when we were just
3 walking toward each other and I said hello to you,
4 didn't I?

5 A. Yes, sir.

6 Q. And I asked you what were you doing here?

7 A. Come to the Court.

8 Q. Alright, sir, and didn't you tell me without me even
9 asking you that you had talked to your father this
10 morning?

11 A. Yes, sir.

12 Q. And didn't you tell me that your father had asked
13 you whether or not Jesse had really killed Dalia and
14 that you told your father this morning --

15 A. He told me to tell the truth. That's what he told
16 me.

17 Q. And you told him that Jesse had not killed Dalia?

18 A. I didn't told him that.

19 Q. You didn't say that?

20 A. No.

21 Q. Do you see that lady?

22 A. Yes, because I wanted to get rid of you because I
23 didn't want nothing against you.

24 Q. In other words you lied to me?

25 A. I came to him because he told me to go up to the

1 second floor because I lied to you.

2 Q. You lied to me?

3 A. Yes.

4 Q. Do you see the lady?

5 A. Yes, the lady is there.

6 Q. Pardon?

7 A. I saw her.

8 Q. Wasn't she standing there and she heard you and you

9 told her in front of me that Jessie had not killed

10 Dalia?

11 A. I told, yes.

12 Q. Were you trying to get rid of her, too?

13 A. (Witness nods affirmatively.)

14 Q. You weren't afraid of her?

15 A. I know I wasn't afraid of her. I just wanted to get

16 rid from you because -- all three of you -- because

17 I wanted to come talk to him.

18 Q. I see. You remember you talked to me at my office

19 one time, didn't you?

20 A. Yes, and I told you the truth what happened.

21 Q. Remember what you told me at the office?

22 A. Well, what did I told you?

23 Q. Isn't it true that when you went to my office --

24 remember we had a little tape recorder on the table?

25 A. Yes, sir.

- 1 Q. And do you remember telling me that you had told the
2 police what they wanted to hear because you were
3 scared?
- 4 A. Yes, sir.
- 5 Q. Didn't you tell me that you had told them because
6 they had, first of all, told you that you were going
7 to be charged with the murder?
- 8 A. Yes, sir.
- 9 Q. You also told me, didn't you, that you had told them
10 and made up the story because they had told you that
11 you were going to be sent to the penitentiary; do you
12 remember that?
- 13 A. Yes, sir.
- 14 Q. I can't find -- what did you tell me about the fork?
- 15 A. What fork?
- 16 Q. What you told me what the police told you about the
17 fork?
- 18 A. Kitchen knife.
- 19 Q. No, the fork. What happens to a fork in the
20 penitentiary? What did the police tell you?
- 21 A. They didn't told me nothing.
- 22 Q. You didn't tell me that they make a knife out of a
23 fork?
- 24 A. Oh, yes, because some guy told me, a guy named Larry
25 told me that when -- in the penitentiary they get a

1 fork and they keep it in there and they fight inside
2 there and they stab you or something like that.

3 Q. But you told me the police had told you about the
4 fork?

5 A. No, the police didn't told me this.

6 Q. You didn't say that?

7 A. No.

8 Q. Did you tell me that?

9 A. No.

10 Q. You didn't tell me that?

11 A. No.

12 Q. You didn't tell me that they also told you that if
13 you went to the penitentiary that you would be homo-
14 sexually raped? You didn't tell me that the police
15 have told you that?

16 A. No, sir.

17 Q. You didn't tell me that?

18 A. No.

19 Q. You understand that what you are saying right now,
20 you are saying under oath?

21 A. Yes.

22 Q. And the judge and everybody here expects you to tell
23 the truth?

24 A. Yes.

25 Q. Do you understand that?

- 1 A. Yes, sir.
- 2 Q. Now nobody wants you to lie. Mr. Botary doesn't
3 want you to lie, I don't want you to lie, the police
4 don't want you to lie. We want to know the truth,
5 but you have changed your story several times.
- 6 A. Yes, because I wanted to get rid from you. That's
7 why.
- 8 Q. Have I been bothering you?
- 9 A. Your friend is bothering me. He went to my house.
10 How does he know where I live?
- 11 Q. Who went to your house?
- 12 A. Your friend, partner.
- 13 Q. My partner?
- 14 A. He went to my house one time and my sister said he
15 called again.
- 16 Q. How many times?
- 17 A. Only one time, I think.
- 18 Q. Alright. Now when I talk to you in the office, did
19 I force you to talk to me?
- 20 A. No, sir.
- 21 Q. I asked you if you would want --
- 22 A. You asked me questions because they told me don't
23 listen to nobody, but I was stupid and I listened
24 to everybody. I listened to you, I listened to him.
- 25 Q. Who told you not to listen to nobody?

- 1 A. I said to myself.
- 2 Q. Okay. So you are telling this Court that it is true
3 that Jesse Garza killed Dalia; is that what you are
4 telling?
- 5 A. Yes, sir.
- 6 Q. You are sure?
- 7 A. Yes, sir.
- 8 Q. Is that what you want your testimony to be?
- 9 A. Yes, sir.
- 10 Q. I am going to ask you one more time. You never told
11 me anything about the fork, the police didn't tell
12 you about the fork?
- 13 A. No, sir.
- 14 Q. The police didn't tell you that you were going to get
15 homosexually raped?
- 16 A. No, sir.
- 17 Q. And did you tell me that when you sent to the office
18 -- is it true that you told me that the police told
19 you that you were going to be sent to the penitentiary?
- 20 A. No, sir.
- 21 Q. And didn't you tell me that the reason that you told
22 them this story was that you were afraid because of
23 what they had told you?
- 24 A. No, sir.
- 25 Q. And didn't you tell me that Jessie had not killed

- 1 Dalia?
- 2 A. Because I didn't want -- I wanted to get rid from you
3 because you were asking questions. Ya'll don't have
4 no business to come to my house and talk to me.
- 5 Q. Did I ever go to your house?
- 6 A. Well, your brother did, your friend, your partner.
- 7 Q. No one forced you to talk to me?
- 8 A. Well, why come to talk to me to come to your office?
- 9 Q. You came to my office?
- 10 A. Your partner told me to go.
- 11 Q. You went over there; no one forced you to go over
12 there? You only went there once. It wasn't like we
13 were bothering you everyday.
- 14 A. No, but ya'll asked me some questions and ya'll
15 shouldn't ask me some questions.
- 16 Q. Somebody told you not to answer any questions?
- 17 A. No.
- 18 Q. Then why do you say you shouldn't answer any
19 questions?
- 20 A. Not to ya'll. I reserve my questions to them. Your
21 partner came up to my house. Nobody knows where I
22 live.
- 23 Q. Alright. So you feel like if you don't feel like
24 you should answer questions, that it is alright to go
25 ahead and lie?

- 1 A. I am not lying.
- 2 Q. You never lied to me?
- 3 A. I'm telling the truth what happened.
- 4 Q. You mean you weren't lying to me when you told me
5 that Jesse had not killed Dalia?
- 6 A. I didn't lie to you.
- 7 Q. That's what you told me, isn't it?
- 8 A. (Witness shakes head negatively.)
- 9 Q. You didn't tell me in front of that lady?
- 10 A. I already told you that you were talking to me and
11 I wanted to get rid of you because he told me to come
12 to the second floor and I was going to and you stopped
13 me, you and your partner, and you called her and you
14 told her about what happened.
- 15 Q. About what you had told me?
- 16 A. Yes.
- 17 Q. Okay.
- 18 A. And you had no business to tell her.
- 19 Q. But you didn't deny that you had said it?
- 20 A. I didn't have to tell you.
- 21 Q. But you did say it?
- 22 A. I said it because I wanted to get rid from you and
23 your partner and her.
- 24 Q. I didn't stop you?
- 25 A. I know. Your partner told me: "Hey, Pete," and ya'll

1 came up to me. I didn't come up to ya'll.

2 Q. We were coming in opposite directions?

3 A. I was coming this way and you were coming this way.

4 You saw me and we came like this.

5 Q. I said hello.

6 A. And ya'll asked me some questions.

7 MR. PENA: We have no other questions.

8

9 RE-DIRECT EXAMINATION

10

11 BY MR. BOTARY:

12 Q. Pete, when you went to Mr. Pena's office and talked

13 to him, did you tell him at that time that Jessè

14 killed Dalia or did not kill Dalia?

15 A. The first time I lied that Jessè killed her and,

16 finally, I learned my lesson and Jessè really killed

17 her because I was with him.

18 Q. I am talking about when you went to Mr. Pena's office

19 and talked with him and he had the tape recorder

20 going; did you tell him Jessè killed Dalia or not?

21 A. I told him that Jessè didn't kill her.

22 Q. Didn't?

23 A. He didn't.

24 Q. Is that the truth or not the truth?

25 A. It's not true.

1 Q. And then again here today about 12:15 or so, you told
2 him again that Jesse did not kill Dalia?

3 A. Yes, sir.

4 MR. BOTARY: No further questions.

5 COURT: Why did you tell Mr. Botary
6 Jesse didn't kill Dalia?

7 A. Because I was afraid.

8 COURT: Afraid of Mr. Botary?

9 A. No, sir.

10 COURT: Any further questions?

11 MR. PENA: No, Your Honor

12 COURT: All right. You may step down.

13 MR. BOTARY: The Court has got the
14 District Attorney in here and he is my boss
15 and I'll do whatever he wants.

16 MR. PENA: Could I have just a couple
17 of minutes?

18 MR. MOBLEY: I told Mr. Botary to
19 start picking the jury, Your Honor.

20
21 (Voir Dire Examination continues. After
22 the jury is selected, the indictment is read and
23 the following testimony is heard:)

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25

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

5
6 DIRECT EXAMINATION

7
8 BY MR. BOTARY:

9 Q. Mr. Boos, state your full name for the jury.

10 A. Riley Boos.

11 Q. And what is your occupation?

12 A. City Policeman, Corpus Christi, Texas.

13 Q. What is your duty assignment as a police officer with
14 the City of Corpus Christi?

15 A. I am in the patrol division. We do just about every-
16 thing, answer any kind of call we get.

17 Q. As a patrol officer are you usually the uniformed
18 officer that is first at a crime scene?

19 A. Yes, sir.

20 Q. How many years law enforcement have you had, sir?

21 A. Twenty years.

22 Q. Mr. Boos, did you have occasion to be called to a
23 crime scene around Mexico and Mussett Street on or
24 about the 20th day of November, 1979?

25 A. Yes, I did.

- 1 Q. Were you the first officer to arrive at that scene?
- 2 A. No, sir.
- 3 Q. Who was the first officer?
- 4 A. Officer Garcia, Richard Garcia.
- 5 Q. Is Officer Garcia a patrol officer?
- 6 A. Yes, sir.
- 7 Q. In a marked police unit?
- 8 A. Yes, sir.
- 9 Q. And, likewise, did you drive a marked police unit?
- 10 A. Yes, sir.
- 11 Q. Were you the second or third officer to the scene?
- 12 A. The third, I believe.
- 13 Q. Did you receive a call to go to that location from
- 14 your dispatcher?
- 15 A. Yes, sir, I did.
- 16 Q. Were you the officer that was dispatched first to
- 17 that scene?
- 18 A. Yes, sir.
- 19 Q. You were the initial investigating officer?
- 20 A. Yes.
- 21 Q. Would you tell the jury what you saw and where you
- 22 went?
- 23 A. I went to Mussett and -- well, where the van was
- 24 suppose to have been parked in a field off the road
- 25 and when I got there Officer Garcia was there and he

- 1 came to me and told me what happened, and we just
2 more or less protected the scene for the detectives
3 and the ID officer to come in and got the names and
4 other information we could get.
- 5 Q. Who did you see when you arrived at that location
6 besides Officer Garcia and the other officer?
- 7 A. I don't remember which one we are talking about.
- 8 Q. When you got to the scene of the crime, who was out
9 there?
- 10 A. Oh, Richard Garcia and Sgt. Randy Walker was there.
- 11 Q. Did you see any other civilians in that area?
- 12 A. Yes, sir, there were -- I don't know who they were.
- 13 Q. Was there an automobile in that area?
- 14 A. The only one I saw was a van.
- 15 Q. Would you describe the outside of the van for the
16 jury?
- 17 A. It was a brown Dodge van, brown and gold-looking
18 color.
- 19 Q. Could that van be seen from the street itself?
- 20 A. You may be able to make it out, but I don't think you
21 would know what it was.
- 22 Q. Tell the jury the type of area it was parked in?
- 23 A. It was parked in heavy, brushy area inside in the
24 brush.
- 25 Q. Was it a vacant lot or was there buildings on the lot?

- 1 A. Where the van was itself a vacant lot, but there was
2 a building immediately to the West, I think.
- 3 Q. Were the doors to the van shut or open?
- 4 A. When I got there the door was open on the passenger
5 side.
- 6 Q. Was that the only door open?
- 7 A. Yes.
- 8 Q. Was there anybody inside that van at the time you
9 arrived?
- 10 A. A dead female.
- 11 Q. Anybody else?
- 12 A. No.
- 13 Q. Did you see a child in the area?
- 14 A. I was told there was one in the van when I got there
15 -- before I got there.
- 16 Q. Did you see the child?
- 17 A. No.
- 18 Q. Did you write an offense report in reference to this
19 case?
- 20 A. Yes, I did.
- 21 Q. Have you had occasion to look at it today?
- 22 A. Yes.
- 23 Q. Do you recall the exact date on which you arrived
24 at that location?
- 25 A. About 7:15 in the morning.

- 1 Q. What date?
- 2 A. The 20th.
- 3 Q. Of what month?
- 4 A. Of November, December.
- 5 Q. Do you need to refresh your memory?
- 6 A. I am sorry, November 20th.
- 7 Q. Alright. Have you looked at your offense report
- 8 before you testified?
- 9 A. Yes.
- 10 Q. Are you sure that is the date on the offense report?
- 11 A. Yes.
- 12 Q. The place and the location you found the van, was it
- 13 in Corpus Christi, Nueces County, Texas?
- 14 A. Yes, sir.
- 15 Q. And were you able to ascertain the identity of the
- 16 female in the van?
- 17 A. Not at that time. I found out later who it was.
- 18 Q. Did you get in the van and determine whether or not
- 19 there were any vital signs as to the female in the
- 20 van?
- 21 A. I stood outside and I could see her, and I could reach
- 22 and feel. I didn't check anything because the
- 23 medical examiner got there.
- 24 Q. Did you feel the body of the female in the van?
- 25 A. yes.

- 1 Q. Was the body cold or warm?
- 2 A. It wasn't, you know, cold, like you expect for a
3 lengthy period of time, I guess.
- 4 Q. Was the body clothed or unclothed?
- 5 A. Unclothed.
- 6 Q. Did you go in the van at all?
- 7 A. No, I didn't.
- 8 Q. Did you see any other officers before the investi-
9 gating team got out there go in the van?
- 10 A. No, I didn't.
- 11 Q. Did you do anything else in reference to the
12 investigation of this case?
- 13 A. Well, when I was outside, we were informed there was
14 a guy that had blood on his hands several blocks in
15 the area. We went over there to investigate that and
16 we didn't come up with the guy. He wasn't there.
- 17 Q. Who directed you to go check into this particular
18 matter?
- 19 A. Capt. Wimbish.
- 20 Q. Did you receive the information from Capt. Wimbish-
21 or from an individual at the scene?
- 22 A. Capt. Wimbish.
- 23 Q. Do you know where he got the information?
- 24 A. I believe on the way to the scene there someone
25 stopped him and told him.

- 1 Q. Did you have occasion to go out there and find this
2 person that you were looking for?
- 3 A. We looked for him. I never found him.
- 4 Q. Did you find the area of the residence in which he
5 was suppose to be occupying?
- 6 A. Yes, I did.
- 7 Q. Who went with you, if anyone?
- 8 A. Lt. Pace and Sgt. Sidney Smith.
- 9 Q. As an initial investigating officer, are you saddled
10 with the responsibility of doing followup investiga-
11 tion?
- 12 A. No, sir.
- 13 Q. Who does that?
- 14 A. In this case Sidney Smith and Lt. Pace, I guess,
15 whoever he assigns.
- 16 Q. Corpus Christi Police Department has a detective
17 unit, does it now?
- 18 A. Yes.
- 19 Q. It is called what?
- 20 A. CID or Homicide, Criminal Investigation Division.
- 21 Q. And were they out at the scene?
- 22 A. They were.
- 23 Q. And was the medical examiner at the scene?
- 24 A. I did not see him.
- 25 Q. How long were you out there?

- 1 A. At the scene, probably about fifteen or twenty
2 minutes.
- 3 Q. And is there what they call an ID section of the
4 Corpus Christi Police Department?
- 5 A. Yes.
- 6 Q. And was the ID section out there?
- 7 A. Yes, they were.
- 8 Q. What were they doing, if you recall?
- 9 A. They were taking pictures when I was there, and
10 that is all I saw them do.
- 11 Q. Do you recall how many ID officers were out there?
- 12 A. I saw one.
- 13 Q. Did you ascertain -- you said you ascertained later
14 the identity of the person in the van. Did you learn
15 it from other officers or did you learn it from an
16 independent investigation?
- 17 A. Lt. Pace.
- 18 Q. So at the time you were out there, you did not know
19 her identity?
- 20 A. Right.
- 21 Q. How long were you out there?
- 22 A. About fifteen minutes.
- 23 Q. And the total time you were out there, you never
24 learned who was in the van?
- 25 A. Right.

1 Q. What ever happened to the child?

2 A. I was told that Officer Patton took the child to the
3 police station.

4 Q. Did you ever see the child?

5 A. No, I never did.

6 MR. BOTARY: Pass the witness.

7

8 CROSS-EXAMINATION

9 BY MR. PENA:

10 Q. Would you again tell the jury what time approximately
11 you arrived at the scene?

12 A. I got the call about 7:15 and it took me about five
13 minutes, maybe, to get there.

14 Q. Alright, sir, and I believe you testified that when
15 you first got there Officer Garcia was already there,
16 is that correct?

17 A. Yes.

18 Q. Was he the first officer that made the scene?

19 A. I think he was. I am not sure about that.

20 Q. Alright. Was he the first officer -- was he the only
21 officer that was there when you got there?

22 A. I believe Officer Patton was there also.

23 Q. Alright, sir. Now by the time that you arrived at
24 the scene, had the area been secured?

25 A. Yes.

1 Q. Alright. Would you explain to the jury what is meant
2 by securing the area?

3 A. We just simply keep everyone away from the scene of
4 the crime, don't let them near anything that may be
5 used as evidence.

6 Q. Alright. And by evidence you are talking about
7 things that you might find in the van or around the
8 van, such as, fingerprints or what-have-you?

9 A. Yes, sir.

10 Q. The ID people, you said there was one ID person out
11 there?

12 A. Yes, sir.

13 Q. Who was that officer?

14 A. Sarah Cooks.

15 Q. And she is with the identification section?

16 A. Yes, sir.

17 Q. Now what are some of the duties of the ID officer?

18 A. Well, hers at the time when I was there, she was
19 taking pictures. They take fingerprints, any other
20 kind of thing you can pick up.

21 Q. So primarily though it is taking pictures and getting
22 physical evidence that you find there in the van and
23 what-have you?

24 A. Yes, sir.

25 Q. You had nothing to do with the finding of any

1 physical evidence in the van?

2 A. No, sir.

3 Q. Has Officer Cooks, I believe you said --

4 A. Yes, sir.

5 Q. -- Was she already at the scene when you arrived?

6 A. No, she came by just after I got there.

7 Q. But the area had been secured?

8 A. Yes, sir.

9 Q. Did you observe her trying to lift any fingerprints

10 that may have been left in the van?

11 A. No, sir.

12 Q. You only observed her taking pictures?

13 A. Right.

14 Q. Would you more specifically describe where it is that

15 you saw the van when you first arrived?

16 A. Parked in a brushy area, I guess, with the East of

17 the City Delivery Company right there, Mussett and

18 Caldwell.

19 Q. Alright, was there any fence that was close to the

20 van?

21 A. There was.

22 Q. Alright. And what is the name of the street that

23 comes in front of that area that you saw the van?

24 A. Mussett.

25 Q. That is the name of the street?

- 1 A. Yes.
- 2 Q. And in relationship to Mussett, what side is that
3 vacant lot that you are talking about?
- 4 A. Would be South of Mussett.
- 5 Q. Alright, sir, and how far from the street was the van?
- 6 A. One hundred fifty, two hundred yards.
- 7 Q. Into the vacant lot?
- 8 A. Yes, sir.
- 9 Q. Alright, sir, and how far was the van from a fence
10 or a building or anything of that nature?
- 11 A. Probably eight or ten feet from the fence.
- 12 Q. Eight or ten feet from a fence?
- 13 A. Yes.
- 14 Q. And on what side of the van was the fence?
- 15 A. On what side of the van was the fence?
- 16 Q. Yes, sir. What side?
- 17 A. The van was West of the fence.
- 18 Q. West of the fence?
- 19 A. Between the fence and the building.
- 20 Q. And was the fence parrallel to the van or parked in
21 front -- the van was parked in front?
- 22 A. It was parrallel.
- 23 Q. Parrallel to the van?
- 24 A. Yes, sir.
- 25 Q. And it was parrallel to the van on what side of the

- 1 van, the driver side or passenger side?
- 2 A. No, the passenger side.
- 3 Q. Do you know whether or not the van had been moved
4 prior to you getting there?
- 5 A. No, I don't.
- 6 Q. And how far from the fence did you say it was?
- 7 A. Eight or ten feet.
- 8 Q. From the passenger side?
- 9 A. Yes.
- 10 Q. You said that the van was open when you arrived.
11 What part of the van was open?
- 12 A. The sliding door on the passenger side of the van was
13 open.
- 14 Q. On the passenger side?
- 15 A. Yes.
- 16 Q. The back side was not open?
- 17 A. I didn't see it open.
- 18 Q. Is there a door on the back of that van?
- 19 A. Yes, there was.
- 20 Q. Did you observe any of the tangible items that were
21 in the van? Did you look in the van?
- 22 A. Yes, I did.
- 23 Q. Did you see any men's underwear in the van?
- 24 A. I did not.
- 25 Q. Did you see a man's sock in the van?

- 1 A. No, I didn't notice it.
- 2 Q. What did you see in the van?
- 3 A. Just the body laying there and we immediately
4 secured the area until the ID officer got there and
5 CID people.
- 6 Q. Alright, sir. Did you move the body?
- 7 A. No, I didn't.
- 8 Q. Did anyone move the body in your presence?
- 9 A. No.
- 10 Q. Do you know whether or not the body had been moved
11 prior to you arriving there?
- 12 A. No, I don't.
- 13 Q. Now did you have to go in the van to see the body
14 or did you see it from outside or what?
- 15 A. Standing outside I could see it.
- 16 Q. The only thing you remember seeing is the body
17 itself?
- 18 A. Yes.
- 19 Q. Could you describe the body when you first observed
20 it?
- 21 A. It was laying on the right side facing the driver's
22 side of the van.
- 23 Q. When you arrived, where was Officer Garcia, Richard
24 Garcia?
- 25 A. He was standing near the van to the best of my

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memory.

Q. There was no-one inside the van?

A. No.

MR. PENA: I have no further questions.

RE-DIRECT EXAMINATION

BY MR. BOTARY:

Q. I have just a few more questions. Did you look and see whether or not the keys were in the ignition of the van?

A. No, I didn't.

Q. And the body of the female you saw, was there any clothing at all on her, on the body itself?

A. No, I didn't see any.

Q. Was there any moving vehicles in the area, such as, a wrecker or anything like that before you got to the scene; was there a wrecker in the area or near the van before you got there?

A. I didn't see it, no.

MR. BOTARY: Thank you.
