

1 Q -- heard shots?

2 A Uh-huh

3 Q Were -- was there a determination made whether the
4 neighbors to the east and west and to the rear --

5 A Uh-huh.

6 Q -- were they home at the time?

7 A The neighbors to the east were not home. The
8 neighbors to the west were not home. The neighbors across the
9 street were home.

10 Q Okay And all these -- all these individuals, their
11 names are documented somewhere?

12 A Yes, sir.

13 Q Their phone numbers?

14 A Yes, sir.

15 Q And where they were?

16 A Yes, sir.

17 Q At that time?

18 A Yes, sir

19 Q Okay. You -- was there ever an attempt by any
20 officer when you arrived on the scene to check for a pulse?

21 A Yes, sir. I believe Officer Rodriguez stated that
22 the man on the front porch was deceased immediately

23 Q Did you see him check his pulse?

24 A I -- I don't remember, sir.

25 Q And did you check his pulse?

1 A No, sir I did not approach the body.

2 Q Was there ever any attempt to contact ambulance, 9-
3 1-1, some kind of group that could come and assist if needed?

4 A. They were contacted as soon as -- we were contacted,
5 and we jumped in the car On the way to the residence, maybe
6 30 seconds, the ambulance call went out

7 Q Okay. So 30 seconds after you arrived, they were --

8 A. No. We were told, and we were leaving our police
9 department. They coded the ambulance, and we could hear it on
10 our radio scanner We're on the same frequency, and the
11 ambulance was called out; was dispatched.

12 Q. And just for lay people, "code" means dispatch them
13 out?

14 A. Yes, sir.

15 Q Okay. And so when you -- did you see them come on
16 scene?

17 A. Yes, sir

18 Q. And did they go up to the body?

19 A. No, sir

20 Q They did not?

21 A. No, sir.

22 Q Did they give you a reason why not?

23 A. Sergeant Rodriguez came out and said that there was
24 brain matter.

25 Q With regard to whom?

1 A Tim

2 Q. Is he the gentleman on the front porch?

3 A. Yes, sir.

4 Q. Now, would that -- would that suggest to you that
5 there was a shot to the head?

6 A. Yes, sir.

7 Q. And did you mention that when we were talking about
8 the potential shots in these individuals? You said there were
9 two that you observed, and did you -- did you forget to recall
10 the one that was to the head?

11 A. Two or three in the chest. All we could see -- I
12 just visually observed the body as far as the gunshots. I
13 couldn't see an entry room (sic) in the head -- wound in the
14 head or in the face -- I apologize -- in the face. There was
15 just too much blood, and I couldn't see an entry wound.

16 Q. Okay. So ambulance service is never -- not even to
17 the porch?

18 A. No, sir.

19 Q. And was there ever -- I guess there was matter. I
20 asked a question, and you know what? It's obvious. No one --
21 no one from the ambulance ever went up and to the individual
22 on the stairs?

23 A. Not that I saw.

24 Q. Fair to say this was a fairly -- a shocking
25 discovery?

1 A. Yes, sir.

2 Q. This isn't something you see every day?

3 A. No, sir.

4 Q. Even as a law enforcement officer?

5 A. No, sir.

6 Q. And you'd agree with me that people handle
7 situations like this differently?

8 A. Yes, sir.

9 Q. And could you -- would you characterize this for you
10 as shocking?

11 A. Yes, sir

12 Q. And not to -- not that concerned, but how old are
13 you?

14 A. I'm 47.

15 Q. And how old is Mr Romero?

16 A. Eight.

17 Q. Have you seen victims on the scene at other type
18 situations where there's a lot of stuff going on? Have you --
19 have you come into contact with victims before?

20 A. Yes, sir.

21 Q. And can they have different responses to shocking
22 events?

23 A. Yes, sir.

24 Q. And can someone be stone cold, not make an emotional
25 sound when there is just a heinous scene in front of them?

1 A Yes, sir.

2 Q And so there's nothing to suggest that simply
3 because an individual is not weeping and wailing that they are
4 not feeling that emotion?

5 A No, sir.

6 Q And would you also agree with me that an individual
7 in such a circumstance seeing such a circumstance could go
8 into shock?

9 A Yes, sir.

10 Q And are you familiar with those symptoms of shock?

11 A Slightly.

12 Q Was there ever any opportunity for Mr. Romero to get
13 some counseling before he was interviewed?

14 A I don't know, sir.

15 Q Did you offer him any counseling before -- from a
16 certified counselor to do any counseling prior to interviewing
17 him?

18 A I did call a counselor to the scene from Little
19 Colorado Behavior Health while the -- while we were still at
20 the scene and the family was showing up and asked the -- the
21 counselor -- they also had their priest there, and I pretty
22 much left it in the hands of the priest and the counselor.

23 Q Okay. And do you have any of the discussions
24 between those parties?

25 A No, sir.

1 Q. And do you know how much time, if any, was taken
2 with Mr Romero and those parties?

3 A. No, sir.

4 Q. Are you familiar with Post Traumatic Stress
5 Disorder?

6 A Yes, sir.

7 Q. And you know that happens or occurs when an
8 individual has a very traumatic experience, is that right?

9 A. Yes, sir.

10 Q. And with regard to some of the -- some of the
11 symptoms or some of the effects of someone who has Post
12 Traumatic Stress Disorder, are you aware of that, or are you
13 not?

14 A. Not very much. I -- I know a little bit.

15 Q. But it can alter someone's emotions --

16 A. Yes.

17 Q. -- alter someone's ability to think rationally;
18 things of that nature?

19 A. Yes.

20 Q Have you dealt with eight-year-old defendants
21 before?

22 A. Not in this capacity, but I'm a school resource
23 officer, and I deal with children.

24 Q. Okay. And those are fist fights and things of that
25 nature, or --

1 A. Yes, sir

2 Q. -- much more serious?

3 A. No; fist fights

4 Q You were involved in the interview in this case of
5 Mr. Romero, right?

6 A. Yes, sir.

7 Q. And this occurred 19 hours -- I don't know what --
8 when that -- timeframe; 19 hours after this incident
9 supposedly -- or occurred; is that right?

10 A. DPS I think showed up 19 hours. We were probably
11 20

12 Q Twenty before the second interview of Mr. Romero?

13 A. Before the second interview I was involved with.

14 Q. You were not present during the first interview of
15 him --

16 A. No, sir.

17 Q. -- with Avila, right?

18 A. Right.

19 Q. And did Detective Avila -- is that her name? Or,
20 what's her title?

21 A I'm not sure of the -- it's been pronounced three
22 different ways. I don't know --

23 Q. Okay.

24 A. -- which one's correct.

25 Q. Ms Avila would probably work, wouldn't it?

1 A. Yes. I say it Avila, but. .

2 Q. Avila. Okay Did she record that first interview
3 with Mister --

4 A. I do not know

5 Q. Would Sergeant Rodriguez know?

6 A. I don't believe so, sir.

7 Q He wouldn't know that?

8 A I -- I don't know what he knows as far as what
9 Commander Avila did.

10 Q. But you're the co-case officers, right?

11 A. Yes.

12 Q All the information that is of significance would go
13 to you?

14 A. It's -- it's coming in. I have piles and piles.
15 I'm trying to sort it out.

16 Q. Okay. So you don't know whether it was recorded or
17 not?

18 A. No, sir; I do not.

19 Q. Can you say you have not received a recording from
20 that yet or --

21 A. I can say I haven't received --

22 Q Okay

23 A. -- a recording. Yeah.

24 Q. Have you received a document indicating what Avila
25 had to say about an interview with Mr. Romero?

1 A Not yet. No, sir.

2 Q Give me an idea -- you guys had some concerns about
3 the first interview with Mr. Romero; is that right?

4 A. I didn't have any concerns I didn't interview him
5 the first time

6 Q. But didn't Avila tell you that there was some
7 problems, or she thought there was a need to interview him
8 again?

9 A. As -- as far as a need to interview him again, we
10 did talk about bringing him -- we needed to talk to him again
11 to see if he remembered anything additionally about the crime

12 Q. So there was nothing about this phone call that you
13 heard about that would suggest you --

14 A Then the --

15 Q -- should go and talk to him again?

16 A. -- then the phone call, and then we were told about
17 the phone call, and we felt he was in the home at the time of
18 the shootings.

19 Q. So you felt that he was being dishonest at that time
20 -- at the time of the first interview without you?

21 A. I felt he was being threatened --

22 Q Okay.

23 A -- and -- and was, yes, being dishonest.

24 Q. Okay. So there was some concern when you went to
25 him the second time --

1 A Yes, sir.

2 Q. -- that you wanted to question him about specific
3 whereabouts and things of that nature?

4 A. Yes, sir.

5 Q. And that was done?

6 A. Yes, sir

7 Q. And did you escort him down to the health center or
8 whatever this place was called?

9 A No, sir; his family did.

10 Q. And who is that -- what did -- who does that consist
11 of, or who did that consist of?

12 A. Tiffany, his step-mother, Leroy Romero, I believe.
13 I don't remember the names of everyone that was in that
14 vehicle that brought him to the health center

15 Q Okay. Did you advise them that you believed Mr.
16 Romero had lied to them before you --

17 A No, sir.

18 Q -- you asked him to come down?

19 A. No, sir

20 Q. And when they dropped him off, was he by himself
21 when he was being interviewed?

22 A. Yes, sir

23 Q. Apart from two officers?

24 A Yes, sir.

25 Q. And both uniformed officers, correct?

1 A I was in uniform. Commander Avila was not.

2 Q. Did you both have guns?

3 A. Yes, sir.

4 Q. And how big's the room we're talking about?

5 A. It's fairly small; 10 by 10, 10 by 12.

6 Q. Okay. And is there a table in there?

7 A. To the side.

8 Q. And three chairs?

9 A. Yes.

10 Q. And the locations of the individuals would be two on

11 one side, Mr. Romero on the other, or how was it --

12 A. Yes, sir.

13 Q. And so that interview -- did you advise Mr. Romero

14 it was being recorded?

15 A. No, sir.

16 Q. Did you advise the parents it was going to -- or the

17 family it was going to be recorded?

18 A. No, sir.

19 Q. But you knew it was going to be recorded?

20 A. Yes, sir.

21 Q. You -- at that point in time, did you know whether

22 or not he had taken any medications?

23 A. No, sir.

24 Q. Did you ask him that?

25 A. No, sir.

1 Q. Did you advise him of his Miranda rights?

2 A. No, sir.

3 Q. Did Avila advise him of his Miranda rights?

4 A. No, sir.

5 Q. Did anyone, prior to you two interviewing him,
6 advise him of his Miranda rights?

7 A. Not that I'm aware of.

8 Q. And would it be fair to say that, if not at that
9 time, then obviously at a later time, it became accusatorial?
10 You were accusing him?

11 A. No, sir

12 Q You never accused him during that entire interview?

13 A No, sir.

14 Q You believed he had lied?

15 A Yes, sir

16 Q. And you continued to believe he lied as he
17 progressed through this interview?

18 A. Yes, sir.

19 Q. And you tried to challenge him with regard to some
20 information that you really weren't aware of about residue in
21 hopes that he would -- he would say whatever you said?

22 A. We -- I don't know if I would use the word
23 "challenge." We felt he was a victim.

24 Q. You can say with a straight face that during that
25 entire interview, you felt that he was the victim?

1 A I would say in 90 percent of that interview I felt
2 he was a victim.

3 Q. And at which point in -- which point in time in that
4 interview? How much had that interview lapsed before you
5 changed to saying that he is no longer a victim, he is a
6 defendant, for lack of a better word?

7 A. Maybe the last 10 percent of the interview.

8 Q. Which would be 10 minutes or --

9 A Possibly

10 Q -- six minutes? Why no -- why no Miranda warning?

11 A. We felt he was a victim.

12 Q. Did he -- did you advise him of his -- he could have
13 his parents there with him?

14 A. No, sir.

15 Q. Did you tell the parents that they're allowed to
16 come in and -- at any time?

17 A No, sir

18 Q Did anyone ever ask if they could come in?

19 A. Yes, sir

20 Q. And did you let them?

21 A No, sir

22 Q And is that normal conduct for interviewing a
23 victim?

24 A. Forensic interview, yes. We do not have any parents
25 -- anyone in the interview during the interview

1 Q. What do you mean by a "forensic interview?"

2 A. Forensic interview of a victim.

3 Q. And what do you mean by that? Well, what is a
4 forensic interview?

5 A. A forensic interview -- a forensic child interview
6 especially, it's just -- it's an interview of the events that
7 happened and trying to get out of the child what happened

8 Q. And are you -- do you have qualifications to do a
9 forensic interview?

10 A I do, sir.

11 Q. Is there a qualification?

12 A. Yes, sir; there is.

13 Q. And you're certified with...?

14 A. I am not certified yet. I am still getting my
15 certification, but I have had quite a bit of training up to
16 this point.

17 Q. Okay. But it does require a certification?

18 A. I -- I believe to be a certified forensic
19 interviewer, yes, it does require a certification.

20 Q. Who was doing most of the interviewing; you or
21 Avila?

22 A Commander Avila.

23 Q And she is certified?

24 A. Yes, sir.

25 Q. Did you have any other information that -- prior to

1 this interview, that Mr. Romero may have been the shooter?

2 A. No, sir

3 Q. Nothing at all?

4 A. Nothing at all.

5 (Brief pause.)

6 Q. And I guess I'll ask it. There was no -- you never
7 collected anything on -- at the time of this when you arrived
8 on the scene of Mr. Romero at that time; did you?

9 A. No, sir.

10 Q. And when you did collect stuff, was he wearing the
11 same clothes?

12 A. Are you talking about the next morning?

13 Q. Right.

14 A. No, sir; he wasn't.

15 Q. Did you -- did you collect those clothes, the
16 clothes that he apparently took off --

17 A. Yes, sir.

18 Q. -- and changed? And that was based on what?

19 A. Based on the -- we asked the family where his
20 clothing was and told them we needed to collect it, and they
21 showed us where their clothing was, and we picked it up from
22 there and collected it.

23 Q. Was a search warrant obtained in this case?

24 A. Yes, it was

25 Q. For which house?

1 A. 1490 West 7th North.

2 Q And is this the house you're talking about?

3 A Yes, sir.

4 Q. When was that acquired?

5 A. The previous evening, but I don't know if it was
6 early, early A M or still the night of

7 Q. Was it before or after the interview with Mr.
8 Romero?

9 A. Before the interview with Mr. Romero.

10 MR. CARLYON: Clarification, the second interview?

11 THE WITNESS. The second interview.

12 BY MR BREWER:

13 Q. The interview with you?

14 A. Yes, sir.

15 Q. Did you interview any of the -- any of the other
16 employees at SRP?

17 A. No, sir.

18 Q. Is that in the works?

19 A Yes, sir. Some have been interviewed, but I didn't
20 do it.

21 Q. And presumably those would be recorded?

22 A. If I do them, they will be recorded.

23 Q. And you indicated that there were problems at work
24 with several of the employees?

25 A. Yes

1 Q. With these individuals specifically that we're
2 talking about?

3 A. Uh-huh. Yes, sir.

4 Q And was one of the individuals that was deceased a
5 boss?

6 A. Yes.

7 Q. And so what does that mean in the -- in the SRP
8 context?

9 A I have no idea.

10 Q But he was above somebody else, presumably?

11 A. Yes, sir.

12 Q. And probably a couple people?

13 A. Yes.

14 Q. And in your training and experience, sometimes
15 bosses aren't appreciated as much as maybe they'd like to be?

16 A. Yes.

17 Q. With regard to the description of this vehicle, did
18 you ever do an attempt to locate?

19 A. Yes.

20 Q. And with regard --

21 A. Excuse me. May I clarify that? I did not do an
22 attempt to locate, but we had deputies and officers attempting
23 to locate I --

24 Q And that was piped through dispatch?

25 A That, I don't know.

1 Q. But is that how you do an attempt to locate?

2 A Yes, sir.

3 Q. I mean, would you norm -- would you just call each
4 individual officer on a cell phone and say, "Hey, we got this
5 kooky looking vehicle going down the road," or would you say,
6 "Dispatch, here's the number. Send it out to everybody"?

7 A. Well, the description, but --

8 Q Description, right.

9 A -- we had so many deputies and officers at the
10 scene, they were being told, "This is the vehicle we are
11 looking for " That's all I heard.

12 Q Okay. But if there was an attempt to locate through
13 normal channels, there would be a dispatch record to confirm
14 that?

15 A. I would believe so.

16 Q. And that would probably go into Navajo County and
17 surrounding counties?

18 A I -- that, I -- I don't know All we had was a
19 white vehicle; nothing else

20 Q You had a description of some kind of strange
21 wheels, right?

22 A. That, I got the second day with my interview with
23 Christian after the eve -- I mean, that was the next day.

24 Q. Was there an update to the attempt to locate made by
25 you when you got that information?

1 A. No, sir.

2 Q. And just so I know, what are we -- what was the
3 description? The second time he talked to you, what was the
4 description about the wheels? I'm a little unclear

5 A. It was a white vehicle, and there were no -- I
6 believe he said hubcaps on the wheels. He only saw the back
7 wheels.

8 Q. Okay. So I thought I heard you say there were no
9 rims, not --

10 A. Or rims. I'm -- I don't know the term -- I do not
11 know cars.

12 Q. Well --

13 A. I do not know the terminology --

14 Q. Okay.

15 A. -- of cars; but rims.

16 Q. A hubcap just kind of makes it look pretty.

17 A. Okay.

18 Q. A rim is what the tire goes on

19 A. Okay.

20 Q. So it had -- he never said there weren't any tires
21 or --

22 A. No

23 Q. -- anything on, right?

24 A. No.

25 Q. He just said there weren't hubcaps; would that

1 be. .?

2 A. I -- I don't remember the wording he used. He did
3 describe something strange about the back wheels

4 Q Okay And that was never reported to anybody to
5 look at -- to go out and look for?

6 A No, sir.

7 Q. After that interview with Mr Romero, did you cuff
8 him up?

9 A. Not immediately.

10 Q. How long afterward?

11 A. Approximately an hour.

12 Q. But you were still there?

13 A. No, sir He was taken to the police department.

14 Q Okay But -- all right. So -- well, let me -- let
15 me clarify it. He was not going to leave that room on his own
16 free will after the interview was completed. Is that a fair
17 statement?

18 A Yes, sir.

19 Q. And somewhere during the interview, that decision
20 was made by law enforcement?

21 A. As the case officer, I made that decision --

22 Q. And at what point --

23 A. -- it was in my head

24 Q. When was that?

25 A Approximately, I'd say, 10 minutes before the

1 interview was over.

2 Q. Okay And what time was he taken into -- taken to
3 the police department?

4 A. I'm not sure He -- I had left the interview room.
5 And when I went to go back in, I was told Matrese was with the
6 family, and he had been taken to the Saint Johns Police
7 Department.

8 Q. Do you know whether or not there were any other
9 interviews conducted with Mr. Romero since the interview you
10 conducted with him?

11 A There have not been any interviews --

12 Q And you're certain about that?

13 A -- by our department.

14 Q Okay. And your department is Saint Johns?

15 A. Yes, sir.

16 Q. So technically DPS could've interviewed him that
17 you're not aware of, or would you be aware?

18 A. DPS was -- was never there when he was there. No.
19 They couldn't have interviewed him.

20 Q. Okay And it's not customary to be interviewed when
21 you go into detention by the detention officers; is it?

22 A. No, sir; it isn't.

23 Q. You don't know who called 9-1-1; do you?

24 A I'm not sure.

25 Q It cannot be verified?

1 A. Oh, it can be verified.

2 Q. Wouldn't that seem kind of important?

3 A. Yes, sir

4 Q. Do you know what was stated with regard to the 9-1-1
5 call?

6 A I don't, sir. I went through about 30 statements
7 today, and in that, one of those statements said that the
8 person called 9-1-1, and I just -- I don't want to give a name
9 if it's -- and have it be wrong.

10 Q. Well, I'm not looking for the name, but when you --

11 A. Okay

12 Q. -- got the call from 9-1-1 when you went out there

13 --

14 A. Uh-huh.

15 Q. -- you had information that there was a body?

16 A. Yes, sir.

17 Q. So the only person it could've been would be Mr
18 Romero, right?

19 A There were two gentlemen standing there with a -- a
20 young teenaged child and Mr. Romero.

21 Q. Who were the two gentlemen?

22 A. I believe they were the Davises

23 Q. And are those the folks -- the neighbors that heard
24 the gunshots?

25 A Yes -- no.

1 Q. Different people?

2 A. Different people.

3 Q Did they say they indicate -- there were there on
4 scene?

5 A. Yes

6 Q. And did you interview them?

7 A. No. I have a witness statement from them.

8 Q. And as far as how 9-1-1 works, it'll tell you what
9 number it came from?

10 A. Yes, sir And it will be recorded.

11 Q The actual call will be recorded?

12 A Yes, sir.

13 Q. And can you be certain to preserve that?

14 A. Yes, sir.

15 Q. Because I think they only do it a certain time

16 A. Yes, sir.

17 Q. Okay. With regard to the tape that was made, the CD
18 or whatever --

19 A. Uh-huh.

20 Q. -- it is, DVD, is that a system that you have
21 control to stop and start when you want to?

22 A. I guess you can push a button and stop it.

23 Q. And is that in control of the people inside the
24 room?

25 A No, sir.

1 Q So it's someone outside that has that control?

2 A. Yes.

3 Q. Did either of you or -- you or Avila leave the room
4 during the interview?

5 A. Yes.

6 Q. Who left?

7 A. Commander Avila left the interview room twice. I
8 believe it's twice. It could've been three times. And I left
9 once.

10 Q Okay. Have you seen the video?

11 A Yes I've seen three-quarters of the video

12 Q And is there anything on there -- I mean, did you
13 ever turn that off when you left? Did you ever go in and
14 press the button to stop it?

15 A. I never entered the room that has the controls

16 Q. Did Avila ever tell you she did?

17 A. No, sir.

18 Q And was there someone in the control room that did
19 that you're not -- that may have done it?

20 A. Not that I know of.

21 Q. And from the part that you reviewed of the -- of the
22 DVD --

23 A Uh-huh.

24 Q -- it is complete?

25 A It is complete.

1 Q. And there are no breaks in it?

2 A. No, sir, no breaks.

3 (Brief pause.)

4 Q. Once Mr. Romero allegedly indicated that he was the
5 shooter --

6 A. Uh-huh.

7 Q. -- did you stop and advise him of his Miranda rights
8 then?

9 A. No, sir.

10 Q. And I guess just to clarify --

11 A. Uh-huh.

12 Q. -- you never did during this whole process Mirandize
13 Mr. Romero?

14 A. No, sir

15 Q. Are you aware of whether anybody did, except for the
16 judge here today --

17 A. No, sir.

18 Q. -- Mirandize him?

19 A. No.

20 MR. BREWER: That's all I have, Judge.

21 THE COURT: Mr. Carlyon, before we begin your
22 redirect, this has been going on for about an hour and a half,
23 why don't we all take about a five-minute break?

24 MR. CARLYON: Okay.

25 THE COURT: That'd be okay with you?

1 THE WITNESS: Yes.

2 THE COURT: Okay We're in recess for about five
3 minutes.

4 THE CLERK: All rise.

5 (Whereupon a recess was held from 4:29.17 p.m to
6 5:09 27 p m)

7 THE COURT: Thank you very much. Please have a
8 seat.

9 (Brief pause.)

10 THE COURT: Officer Neckel, could you return to the
11 stand, please?

12 Okay. We're back on the record in JV08065. Officer
13 Neckel of the Saint Johns Police Department was testifying and
14 is still under oath.

15 Mr. Carlyon, I believe it was your opportunity to
16 present redirect.

17 MR CARLYON: Yes, Your Honor.

18 REDIRECT EXAMINATION

19 BY MR. CARLYON:

20 Q. When you interviewed the neighbors across the street
21 that heard the sound that might've the gunshots, how did they
22 describe that sound to you?

23 A They didn't describe the sound to me. They
24 described it to my chief, and he described it to me.

25 Q. And I assume the Chief's available for trial if we

1 go to trial?

2 A. Yes

3 Q And we know where to find him to serve subpoenas and
4 all that good stuff?

5 A. Yes.

6 Q. How did -- what was the information related to you
7 about the sound?

8 A That it was a pop, and then there was a delay, and
9 another pop, and then a delay, and another pop. And they
10 thought they heard three to four, but they weren't sure.

11 Q. And when you were saying "pop" --

12 A. Uh-huh

13 Q. -- was that pop to them what sounded like a gunshot
14 that they would go to investigate or just a sound that's kind
15 of a popping sound?

16 A. He said similar to a gunshot, but I -- I don't even
17 believe they looked. I think it was a couple minutes later
18 before the husband even took a look out the window.

19 Q Okay. And the .22 single action rifle, do you know
20 who the mother of the victim Romero is, Liz?

21 A. His biological mother? His --

22 Q The -- no The --

23 A. -- step --

24 Q. -- of the victim --

25 A. Oh, yes.

1 Q. -- Romero --

2 A. Okay.

3 Q. -- not the -- not Christian's -- Christian's
4 grandmother, the victim, his dad, Vincent Romero's --

5 A. Okay.

6 Q. -- mother Liz Do you know Liz?

7 A. Yes.

8 Q. Yeah. And Liz was at the house today with us?

9 A. Yes

10 Q. Were you there for the conversation when Liz was
11 describing the history of that gun?

12 A. No, sir.

13 Q. Okay. Was there a crime scene log reporting who
14 came in and came out of the crime scene?

15 A. Yes, sir.

16 Q. And who was in charge of that log; do you know?

17 A. I believe Officer Jessica Poling.

18 Q. Saint Johns P D ?

19 A. Yes, sir.

20 Q. When you were in the interview room on the 6th with
21 Christian, Commander Avila and yourself, you were really
22 sitting in a triangle type of situation; weren't you?

23 A. Yes.

24 Q. And there was no physical thing between you to put
25 you on one side or another?

1 A. No.

2 Q. You were both off kind of to the side to him?

3 A. Yes.

4 Q. When you brought -- when you asked for Christian to
5 be brought to the Saint Johns clinic, he wasn't really a
6 suspect then; was he?

7 A. No.

8 Q. You just thought he might have additional
9 information?

10 A. Yeah. We felt he would have additional information

11 Q. In fact, leading up to that time, you were exploring
12 other potential leads to try to find a suspect?

13 A Yes.

14 MR. BREWER: Judge, I'm going to object on leading
15 grounds.

16 THE COURT It is leading, but in view of the hour,
17 I'll permit it

18 BY MR CARLYON.

19 Q. What types of people were you talking to?

20 A. Well, I was in charge of different things. I -- I
21 was getting the videotape from SRP of who was leaving.
22 Sergeant Rodriguez was actually talking to people that worked
23 with the two victims.

24 Q And part of this investigation included interviewing
25 coworkers?

1 A. Yes, sir.

2 Q. Middle of the night, people were interviewing
3 coworkers?

4 A. Yes, sir.

5 Q. Places where the victims might frequent like bars,
6 restaurants, people there searching for information and leads?

7 A Yes, sir.

8 Q Friends, family?

9 A Yes, sir.

10 Q. The videotape of the interview with Christian by you
11 and Commander Avila --

12 A. Uh-huh.

13 Q -- that has a date and timestamp on it, correct?

14 A Yes, it does

15 Q And that would indicate if there was any gaps in
16 time?

17 A. Yes.

18 (Brief pause.)

19 MR. CARLYON That's all I have for her, Your Honor

20 THE COURT: May the witness be excused?

21 MR. CARLYON: Please.

22 THE COURT: Thank you very much Appreciate you
23 being here.

24 Your next witness, please.

25 MR. CARLYON: Sergeant Rodriguez.

1 THE COURT: Sergeant Rodriguez, could you come
2 forward and be sworn, please?

3 (Brief pause.)

4 SERGEANT LUCAS RODRIGUEZ,
5 having been called as a witness for the State, having been
6 duly sworn, testified upon his oath as follows

7 THE COURT: Please have a seat, sir.

8 Mr. Carlyon?

9 DIRECT EXAMINATION

10 BY MR. CARLYON:

11 Q Just identify yourself for the record, please,
12 Lucas.

13 A. My name is Lucas -- or Sergeant Lucas Rodriguez.

14 Q. The agency you work for?

15 A. Saint Johns Police Department.

16 Q. Were you on duty on November 5th, 2008?

17 A. Yes

18 Q. And did you receive a call that dispatched you to
19 the Romero home?

20 A. Yes, I did.

21 Q. Okay. Who went with you?

22 A. Excuse me?

23 Q. Who went with you to the home?

24 A. Officer Debbie Neckel.

25 Q. And what did you find when you arrived at the home?

1 A. When we arrived at the home, we found -- we found a
2 body laying in the front of the -- the house

3 Q. And were you able to identify who that was
4 eventually?

5 A Yes.

6 Q Who was it?

7 A. Tim Roman.

8 Q. What did you observe on the body when you got there?

9 A. When we first got there -- well, the way the call
10 came in was of a -- just of a dead body. On the way to the
11 call, I'm think -- I was looking -- thinking who lived around
12 that area, and my first guess would be a overdose.

13 When we first got there, we saw a trickle of blood
14 leading up to the victim.

15 Q You say "a trickle of blood " Where's this blood
16 starting from?

17 A It started from the driveway. And there's --
18 there's a cement slab. It's a driveway.

19 Q. Okay And about how far did this trickle of blood,
20 as you describe it, start to where you found the body of Tim?

21 A. I would have to guess. It'll be about eight yards.

22 Q. Lucas, let me have you look at what's been marked as
23 State's Exhibit 3. Do you -- do you recognize that?

24 (State's Exhibit No. 3 was marked for
25 identification)

1 A Yes, I do

2 Q Is that a true and accurate representation of what
3 you saw?

4 A Yes.

5 Q And what is it showing?

6 A. It's showing a body in front of the door. The body
7 was later identified as Tim Romans.

8 Q. And that's true and accurate of what you saw when
9 you came up to it?

10 A. Yes

11 MR. CARLYON. Your Honor, I would just ask for that
12 admission

13 MR. BREWER: Judge, if I could see which one we're
14 referring to?

15 (Brief pause.)

16 MR BREWER: No objection, Judge

17 THE COURT: Okay. We're talking State's 1 or
18 State's 4 here?

19 MR CARLYON: Three.

20 THE COURT Three.

21 MR. CARLYON: This one's 3.

22 THE COURT: Okay. Okay.

23 (State's Exhibit No 3 was admitted into evidence.)

24 BY MR CARLYON:

25 Q. Lucas, I'm going to hand you what has marked as

1 State's 4 and see if you recognize what that is

2 (State's Exhibit No. 4 was marked for
3 identification.)

4 A. It's the same body; a closer view.

5 Q. Showing it from a different angle?

6 A. Yes, showing it from a different angle.

7 Q. And that's a true and correct representation of what
8 you saw that night?

9 A. Yes.

10 MR. BREWER If I could just do a brief voir dire --
11 voir dire, Judge?

12 THE COURT: I'm sorry I missed that.

13 MR. CARLYON: He wanted to do a voir dire.

14 THE COURT: Please go ahead.

15 VOIR DIRE EXAMINATION

16 BY MR. BREWER:

17 Q. Do you know who took the photo?

18 A. No

19 Q. Do you know when?

20 A. No.

21 MR. BREWER: No objection.

22 THE COURT: It'll be admitted. Thank you.

23 (State's Exhibit No 4 was admitted into evidence.)

24 //

25 //

1 DIRECT EXAMINATION (Continued)

2 BY MR. CARLYON.

3 Q. Did you see blood on Tim's body when you came and
4 examined it?

5 A Yes

6 Q Did you do anything to try to attempt to determine
7 whether Tim was still alive or not at that time; when you
8 arrived on the scene?9 A. It was clear to me when I first got up there that he
10 had passed on. I did, though, have one of the -- the E --
11 paramedics that had arrived on scene come and feel for a pulse
12 and check.

13 Q. So he was checked?

14 A. Yes, he was.

15 Q. Why did you believe that he was no longer alive?

16 A. I didn't see any breathing I didn't see anything.
17 The -- the blood and -- it's hard to -- the -- there was no --
18 no life in his -- in his face, no -- I can't -- I can't
19 describe it I -- it's hard for me to describe it.20 Q It's something based upon your training and
21 experience that you've unfortunately come to learn about and
22 identify?23 A. Yes. Exactly, yes. Seen -- I've seen several dead
24 bodies, and --

25 Q. And -- but you did have somebody check with a

1 medical background?

2 A. Yes

3 Q. Did they check fairly quickly after you were able to
4 secure the scene?

5 A. Yes.

6 Q I assume you secured the scene?

7 A. Yes, we secured the scene

8 Q. About how long did it take to secure the scene?

9 A. Couple minutes.

10 Q. Basically going through the house room by room real
11 quick?

12 A. Yes.

13 Q. As you went through the house real quick, what else
14 did you see? And first, this is a two-story house, correct?

15 A. Yes.

16 Q. Tell me, did you do the bottom floor first?

17 A. Yes. I did the bottom floor I did -- I -- I went
18 through the bottom floor -- bottom floor first. Then I made
19 my way up the staircase.

20 Q. What did you notice when you went up the staircase?

21 A. The staircase makes a turn, and as you make the
22 turn, I observed the second body upstairs

23 Q There's different turns. So does it go up and then
24 90 off or 180 back?

25 A. It -- (laughs) -- it goes up, then it makes a turn.

1 Yeah --

2 Q. So there's a landing?

3 A. -- there's a little land, and then it goes up.

4 Q. Back up the same direction so it does a 180 --

5 A. Exactly. It does a 180.

6 Q. Did you see something on the stairs?

7 A. Yes, I did.

8 Q. And what did you see on the stairs?

9 A. Another body

10 Q. Were you able to eventually identify who the body
11 was?

12 A. Yes

13 Q. Who was the body?

14 A. Vincent Romero.

15 Q. What did you notice about the body?

16 A. I again saw he was laying facedown, and I saw some
17 blood along his head area, and a blood splatter towards the --
18 towards the wall, which looked like it contained brain matter.

19 MR. CARLYON: Just a moment.

20 (Brief pause.)

21 BY MR. CARLYON:

22 Q. I'm going to show you a couple more photos, Lucas.

23 A. Okay.

24 Q. I'm first going to show you what's been marked as
25 State's Exhibit 2. Do you recognize what that is?

1 (State's Exhibit No. 2 was marked for
2 identification.)

3 A. Yes

4 Q. Please identify real quickly what it is.

5 A. That's the second body on top of the stairs.

6 Q Vincent --

7 A. Vincent Romero.

8 Q. And is that a true and accurate representation of
9 what you saw when you went into that house and went up the
10 stairs?

11 A Yes.

12 Q And let me show you what's been marked State's
13 Exhibit 1. Do you recognize what that is?

14 (State's Exhibit No. 1 was marked for
15 identification.)

16 A. Yes

17 Q. A real brief description of what that is?

18 A. It's a description of what I just said; the -- the
19 blood splatter towards the ground and to the wall of the --

20 Q. And is that a true and accurate representation of
21 what you saw?

22 A. Yes.

23 MR CARLYON: Move for the admission of State's 1
24 and 2.

25 THE COURT: Mr. Brewer?

1 MR. BREWER: No objection, Judge.

2 THE COURT: They'll be admitted.

3 (State's Exhibit Nos. 1 and 2 were admitted into
4 evidence)

5 BY MR. CARLYON:

6 Q. Did you try to make any determination if Vincent
7 Romero was still alive at that time?

8 A. Seeing the -- the blood from the head and seeing the
9 brain matter, I -- it was safe for me to say that he -- he had
10 passed on

11 Q Did you ever have an EMT or paramedic or any other
12 medically trained type of person do a check on him?

13 A. No; not on him.

14 Q. All right. Did you finish going upstairs and doing
15 a sweep?

16 A. Yes, I did.

17 Q. And what did you do after that point in time?

18 A. After I did the sweep, I came back down -- down.

19 Q. Did you do any more investigation in the house at
20 that time, or did you take other steps to preserve things?

21 A. When I came back down, as I'm -- when I came back
22 down, the Chief -- Chief Roy Melnick had just gone into the
23 house, and he asked to do a second sweep.

24 Q. And so anything after that?

25 A. Yes. We went back upstairs again, did the second

1 sweep, and -- which was good because I had missed a -- I had
2 missed to -- failed to open a door, and it was a bathroom
3 door.

4 Q. Nobody was there?

5 A. No; nobody was there

6 Q. When you arrived on the scene, was there anybody at
7 the house when you arrived?

8 A. Not inside. There was people outside.

9 Q. Who was outside?

10 A. I believe it was Mr. Davis, a teenage kid and the
11 Defendant.

12 Q. Do you know who the teenage kid was?

13 A. No.

14 Q. Who's Mr. Davis?

15 A. I believe he's Mr. Ray Davis. He's apparently the
16 parent of the teenager.

17 Q. Okay. Who --

18 A. I was trying to -- yes.

19 Q. So this teenager, it's your understanding that it
20 was the son of Mr. Davis?

21 A. Yes.

22 Q. Okay. You secured the scene, you did your
23 protective sweeps. Did you talk to anybody there at the
24 scene; Mr. Davis, the kid or --

25 A. No. I did -- I personally did not talk to anybody

1 there at the scene.

2 Q. What are you doing then?

3 A Chief Roy Mel -- well, we secured the scene, and
4 Chief Roy Melnick starts talking to the -- Mr Davis, got
5 other officers to start to do a door-to-door talk. At that
6 point, Lieutenant Jones and I left the scene to type a search
7 warrant for the house.

8 Q Okay. You're the case officer?

9 A Yes.

10 Q And did you talk to the Chief about what he learned
11 from Mr. Davis?

12 A. Yes

13 Q. What did -- what did you understand Mr. Davis --

14 A. I --

15 Q. -- told the Chief?

16 A. Brief -- briefly, I sat down and read the
17 statements, but briefly what I got was that the Defendant had
18 come up to the -- to the house -- to their house and made
19 contact with the teenager, and the teenager called his dad,
20 and the dad eventually came over, saw the body and then called
21 9-1-1

22 Q. So it's the dad who 9-1-1?

23 A I believe so, yes.

24 Q. Have you personally learned where the Davis
25 residence is in relation to the Romero residence?

1 A Not yet, no.

2 Q. Where there shell casings found in the house?

3 A. Yes.

4 Q. Okay. Let's start with the area where Mr. Romero's
5 body was on the stairs

6 Let me back up

7 A. Okay

8 Q. Was there a weapon found or more than one weapon?

9 A. Yes There was a weapon found. Yes.

10 Q Okay Were there more than one type of gun in the
11 house?

12 A. Yes.

13 Q. How were you able to pinpoint what gun you wanted?

14 A. Most -- most of the other guns in the house are high
15 -- higher caliber; meaning a -- just a different type of gun
16 other than a .22.

17 Q. So you believed, based upon what, that you were
18 looking for a 22 caliber weapon?

19 A. The shell casings.

20 Q Okay So the shell casings gave you guidance of
21 what type of caliber of a weapon?

22 A Yes

23 Q. Okay. So you found just one 22 type weapon in the
24 house?

25 A. Yes.

1 Q. Where was this weapon found at?

2 A. At the entrance of the house.

3 Q. Where at the entrance of the house?

4 A. It was on top of the -- like a cage, a bird -- a --

5 Q. Dog cage type cage?

6 A. -- dog -- the kennel. Yes.

7 Q. And where was that kennel dog cage found located in
8 the house?

9 A. About two to three feet away from the door -- from
10 the front door.

11 Q. Front door. Okay. I assume you took custody of the
12 gun?

13 A. Yes.

14 Q. What type -- I assume it's a 22 caliber. Describe
15 the type of gun. Is it a handgun --

16 A. It's --

17 Q. -- rifle...?

18 A. It's a rifle. It's a single -- a single shot bolt
19 action rifle

20 Q. Which means what?

21 A. It only shoots once, and you have to put another
22 bullet in there and shoot again, and --

23 Q. Then bolt action means you actually have to --

24 A. Bolt action -- yes, you have to do the lever back --

25 Q. And it --

1 A. -- and the casing pops out, and put another round
2 in, you push the bolt -- the bolt in, and then you're ready to
3 shoot.

4 Q. So the casing will actually be ejected when you pull
5 the bolt out?

6 A. Yes

7 Q. Where did you find shell casings that were in the
8 vicinity of Mr. Romero's body?

9 A Mr Romero's body, there was two -- two bullet
10 casings found on the very top of the stairway, which is --
11 would be kind of like a little hallway. Then there was, I
12 believe, three additional ones found on the -- below him on
13 the steps

14 Q In the -- in the stairwell itself?

15 A. In the stairwell, yes

16 Q Okay So you couldn't -- let's just get a little
17 better verbal description of this upstairs. You go up the
18 stairs You're talking about kind of a hallway And there
19 are what off of this hallway?

20 A. It's a small hallway, and it's -- there's a room to
21 the left, a bathroom, then a room to the far end of that --
22 well, to the end of the hall -- little hallway, and then a
23 room immediately to the right also That would be the master
24 bedroom.

25 Q. So three bedrooms and a bathroom upstairs?

1 A. Yes

2 Q. Where in the upstairs hallway were the shell casings
3 found?

4 A. In the hallway between the bathroom and the bedroom

5 Q. I think you're as bad of an artist as I am, but --

6 A. Yes, I am.

7 Q. -- do you think you could give me a quick little
8 sketch of the upstairs and see if we can mark where these
9 casings were found?

10 (Pause.)

11 A Okay. Right about this area.

12 Q. Okay. You drew some --

13 A. (Laughs.)

14 Q. -- just lines Would you put just "stairs" --

15 A. Okay

16 Q. -- put "stairs?"

17 A. Okay.

18 (Pause.)

19 Q So you show two -- why don't you make an X there
20 just so it's clear that those are where the casings are I
21 assume those are the casings Those are the two in the hall?

22 A. Yes.

23 Q. Approximately where on the stairwell were the --
24 what side of the stairwell were they found?

25 (Pause.)

1 A. Let me make them a little brighter here.

2 Q. So in that area?

3 A. Yes.

4 Q. Was it down there by the landing?

5 A Yes. It was more -- it was on the -- still on the
6 steps, but towards the landing.

7 (Brief pause)

8 MR BREWER Judge, could I ask some questions just
9 so I can clarify exactly what's going on?

10 THE COURT: Good idea

11 VOIR DIRE EXAMINATION

12 BY MR. BREWER:

13 Q Officer, you indicated with a drawing here -- are we
14 looking at the upstairs?

15 A. Yes, at the upstairs

16 Q. And then you have the stairs -- appears to be a
17 stairwell; is that correct?

18 A. Yeah. It was quick, and I'm not an artist, so.

19 Q. All right. And so there are two casings upstairs,
20 not in any room but kind of in the hallway?

21 A. In the hallway, yes.

22 Q. And the stair -- and then there's two casings at the
23 bottom of the first flight of stairs?

24 A. Yes

25 Q And then there's another flight of stairs?

1 A Yes

2 Q. And those are the four that you saw?

3 A. Yes

4 MR. BREWER: Okay.

5 THE COURT: May I ask a question in clarification?

6 MR CARLYON As many as you need.

7 THE COURT When you said the first flight of
8 stairs, did you take that to mean the upper flight?

9 THE WITNESS. No, the bottom flight.

10 THE COURT: The bottom flight So the second set of
11 the three cases was down towards the bottom of the lower
12 flight of stairs?

13 THE WITNESS: No I'm -- I'm sorry. The -- there's
14 the steps that go up halfway --

15 THE COURT: Yeah.

16 THE WITNESS -- I guess halfway That would be the
17 first set of steps.

18 THE COURT. Okay

19 THE WITNESS: Then the second set of steps would be
20 the ones that actually go to -- get to the top second story.

21 THE COURT: Oh, okay All right.

22 DIRECT EXAMINATION (Continued)

23 BY MR CARLYON.

24 Q. So they were at the bottom of the second set of
25 steps?

1 A. Yes; bottom of the second stairs -- set --

2 Q Near the landing that divides the two --

3 A. Near the landing, yes

4 THE COURT: Okay. All right. Okay.

5 Are you clear about what he's testifying to?

6 MR BREWER: I am, Judge.

7 THE COURT: I think I'm okay, too. All right.

8 Thank you very much Sorry about the interruption.

9 MR. CARLYON Are we up to six?

10 THE COURT: That'll be six.

11 MR. CARLYON: Request the admission of 6, Judge.

12 THE COURT: Any objection to 6?

13 MR. BREWER: Judge, I don't know how much value it's

14 going to be to someone who has not looked at it asked

15 questions, but I guess it goes to the weight, not admission.

16 So I don't object.

17 THE COURT: Six will be admitted

18 (State's Exhibit No. 6 was marked for identification
19 and admitted into evidence.)

20 BY MR. CARLYON.

21 Q And 5; would you look at State's Exhibit 5. Do you
22 recognize what that is?

23 (State's Exhibit No. 5 was marked for
24 identification.)

25 A. Yes. It's the house where -- or the scene.

1 Q The Romero residence?

2 A Yes.

3 Q Is that the front of the house?

4 A Yes

5 Q. And at the bottom, there appears to be a white type
6 of door. Is that where the door is?

7 A. Yes.

8 Q. Is that the door near where Tim was found?

9 A. Yes.

10 Q Does that truly and accurately represent the front
11 of the home as you saw it on the night of November 5th, 2008?

12 A Yes.

13 Q. Mister -- is Tim's body still there?

14 A. Yes, it's still there.

15 Q. And about down at the -- kind of the bottom middle
16 of the photo?

17 A. Yes

18 Q Okay. And then at the very bottom of the photo --
19 you talked about a driveway. Is that driveway represented on
20 this photo?

21 A. Yes, it is.

22 Q Can you point it out to me?

23 A Right -- at the bottom right here

24 Q Kind of the left half of the bottom?

25 A. Yes.