

APACHE CO. SUPERIOR COURT
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AT 10 O'CLOCK
COURT HOUSE HALL, CLERK

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE

In re the Matter of:)
CHRISTIAN RYAN ROMERO) CASE NO JV 2008065
A person under 18 years of age)
_____)

TRANSCRIPT OF DETAINED ADVISORY HEARING
AND DETENTION HEARING
November 7, 2008
BEFORE THE HONORABLE MICHAEL P ROCA

Lynne McSeaton
Certified Electronic Reporter and
Transcriber No 00281

VOLUME 2 OF 2

E-Court Transcription Service
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1 Q. You had talked about a gravel area. Is that at all
2 depicted on this photo?

3 A. Yes

4 Q. Can you show me where on the photo the gravel is?

5 A It would be the bottom right corner, right side
6 middle, corner.

7 MR. CARLYON: Move for the admission of 5.

8 THE COURT: Five will be admitted.

9 (State's Exhibit No 5 was admitted into evidence)

10 MR BREWER: Judge, can I ask a brief question,
11 please?

12 THE COURT: You want it back, I suppose?

13 MR. CARLYON: Yes

14 MR. BREWER: May I have some brief voir questions,
15 Judge, on this?

16 THE COURT: Let's let Mr. Brewer go first.
17 Go ahead, please.

18 VOIR DIRE EXAMINATION

19 BY MR. BREWER:

20 Q. There's some yellow tape in that; is that right?

21 A. Excuse me?

22 Q. There's some yellow tape going across the picture?

23 A. Yes.

24 Q. That's caution tape or police tape?

25 A. Yes.

1 Q. Did you put that up?

2 A. I don't -- I don't believe I put that section up,
3 but I put some yellow tape up, yes

4 Q Do you have any idea how long after you initially
5 arrived on scene when this picture was taken?

6 A No.

7 Q. And you have no idea how many officers had gone in
8 there at that point in time the picture was taken?

9 A. After I left, there's only -- there only had been
10 two officers That was me and Chief Melnick. But -- but
11 before I left, that's the only two -- after I left, I don't
12 know.

13 MR. BREWER: Okay. I don't have any objections,
14 Judge.

15 THE COURT. Okay. Five will be admitted.

16 Mr. Carlyon, you had some questions about it?

17 (State's Exhibit No. 5 was admitted into evidence.)

18 DIRECT EXAMINATION (Continued)

19 BY MR CARLYON.

20 Q. Were there any shell casings found in the proximity
21 of Tim's body?

22 A. Yes.

23 Q Is there a way to indicate on this photograph approx
24 -- without writing on it, approximately where they were in
25 relation to the door and Tim's body?

1 A. It'll be to the right just past the -- where the --
2 kind of a bush, kind of on the pillar there on the floor.

3 MR. BREWER Judge, could I just approach and watch
4 as he's doing it?

5 THE COURT: Okay.

6 MR. BREWER: Maybe it'll save some time

7 THE COURT: By all means.

8 MR. CARLYON: I didn't want to put it up on the
9 SMART board. Could've found it easier, but I didn't want to
10 do it

11 THE COURT: There's no problem with Mr. Brewer --

12 THE WITNESS Okay It'll be this area right here

13 --

14 THE COURT. -- taking a look; is there?

15 THE WITNESS. -- where they were found Actually
16 about right -- more closer right here

17 MR. CARLYON: No. No.

18 THE COURT Okay.

19 MR. CARLYON. I just think it'll make it a little
20 bit easier if we use the SMART board, but we didn't want to

21 THE COURT. Okay. I'd -- you know, I don't see any
22 use --

23 MR. CARLYON: Is the Court able to --

24 THE WITNESS: Well, that's the only one you can --

25 THE COURT: Yeah. I can see what he's pointing to

1 THE WITNESS: -- see that I can -- I can tell --
2 that I can say where it's -- without marking I mean, there
3 was more found there, but, you know I -- I wouldn't be able
4 to point them out to you, but --

5 MR. CARLYON: Okay.

6 THE COURT: Okay

7 THE WITNESS: -- that's what I mean

8 THE COURT: All right. I don't know whether the
9 record's picking up that bi-play, and certainly wasn't in
10 response to your questions. Why don't you start asking
11 questions again.

12 DIRECT EXAMINATION (Continued)

13 BY MR. CARLYON

14 Q How many shell casings were found on that area near
15 Tim's body?

16 A. I believe four

17 Q. Were they all found in the same approximate area?

18 A. The general area, yes. There was one in particular
19 that was found right next to his head.

20 Q. Right next to his head?

21 A. Yes.

22 THE COURT: Think you want three, maybe four.

23 MR. CARLYON: Thank you.

24 BY MR. CARLYON:

25 Q On Exhibit Number 4, do you see what appears to

1 possibly be a hole in the screen?

2 A. Yes

3 Q. Were you -- did you examine that?

4 A. Yes.

5 Q. And what did it appear to be to you?

6 MR BREWER: Objection, Judge; speculation.

7 BY MR. CARLYON:

8 Q Based on --

9 THE COURT: I'm going to sustain that.

10 BY MR. CARLYON:

11 Q. Based on your training and experience, could you
12 tell what that was?

13 A. Yes. That's gunshot.

14 Q. Was the screen -- was there a difference on the
15 screen on one side compared to the other or that area around
16 the hole?

17 A. Yes.

18 Q. What was the difference?

19 A. One side was like going outwards and -- you know,
20 and looked like something pushed it in and then out

21 Q Which side did it appear to go into and exit out?

22 A. Into the outside of it and exit the inside of it.

23 Q. And in relation to the body in Picture 4, where is
24 that last shell casing that looks different than the other
25 ones you found?

1 A. It'd be more -- can't see it on the picture, but
2 it'd be more towards -- I believe more the middle -- I mean
3 between the head and his hand; that area. It's a little hard
4 to see, but. .

5 Q. When you came upon Mr Romero's body on the stairs,
6 could you determine exactly where his wounds were?

7 A. No, but I could definitely tell there was a wound on
8 the head.

9 Q. Could you tell if that wound in the body, if there
10 was a chest wound?

11 A. No.

12 Q. Did you have a conversation with Liz Castillo?

13 A. Yes

14 Q. And do you know where --

15 THE COURT: Okay. Mr. Carlyon, can I interrupt?

16 Because you're between microphones --

17 MR. CARLYON: Okay, yeah

18 THE COURT: -- it's not recording you very well. If
19 you're going to ask from close up, by all means --

20 MR. CARLYON: Get closer

21 THE COURT: -- turn that one around

22 MR CARLYON: Okay.

23 THE COURT Okay.

24 BY MR. CARLYON:

25 Q And you know where to find her for a subpoena if we

1 need to?

2 A. Yes.

3 Q. And we could get her to court, if need be, to
4 testify?

5 A. Yes

6 Q. And this is Christian's grandmother?

7 A. Yes

8 Q Did she -- did she have a conversation with her
9 (sic) about her conversations with Christian that night of the
10 death?

11 A. Yes.

12 Q And did she indicate to you that she had talked to
13 Christian's aunt --

14 MR. BREWER: Objection, Judge; leading.

15 MR CARLYON: Well, I'm just putting it into
16 position so he can get a response from the child

17 THE COURT: Please go ahead. Overruled

18 BY MR. CARLYON

19 Q. She was talking about she thought that her son may
20 have died quickly and there was a response by Christian to
21 that?

22 A. Yes

23 Q. What was that response?

24 A. Christian responded to it and said that he didn't --
25 he didn't think so because he had gotten shot in the chest.

1 Q. But somebody who saw the body on the stairs, could
2 they see that there was a chest wound without moving the body?

3 A. No.

4 Q. Were there any indications when you were on the
5 scene that the body had been moved?

6 A. No.

7 Q. As the body was removed eventually from the scene,
8 was there any indication that the body had been moved at some
9 point prior to that?

10 A. No.

11 Q. In your investigation, did you talk to Tim's wife?

12 A. Yes.

13 Q. What is her name?

14 A. Tonya Romans.

15 Q. And we know how to locate her?

16 A. Yes.

17 Q. And subpoena her to court if need be?

18 A. Yes.

19 Q. She currently resides where?

20 A. In Mesa.

21 Q. And we have all the contact information?

22 A. Yes.

23 Q. Did you have a conversation with her in person or by
24 the phone either on the 5th or the 6th?

25 A. Yes. I had a conversation with her on the early

1 morning of the 6th on -- over the phone.

2 Q Did she indicate if she had been in communication
3 with her husband Tim on the 5th at some time?

4 A Yes

5 Q What did -- how did she describe that?

6 A. She says that about a daily basis every time Tim got
7 off of work, he would call her, and he would talk to her, let
8 her know that he had just gotten off of work, and it's kind of
9 more or less his day had been and his plans And on that day,
10 he was -- and he was talking with her and stated that he had
11 to hang up because there was an emergency at the house.

12 Q Did she describe at all what she was able to hear
13 from her end?

14 A Yes

15 Q. What did she describe?

16 A. She stated that while talking to him -- to her --
17 with -- with Tim, said that Tim was -- said something's going
18 on. She asked him, "Are you okay?" "Yeah. Something's going
19 on in the house " She asked what it was. He said, "I don't
20 know. I don't know." Stated, "I don't know "

21 Then she said she could hear the child or Christian
22 in the background saying, "Tim, hurry. Tim, hurry up.
23 Something's wrong." And at that point, Tim told her, "Look
24 Christian's -- Christian -- something's wrong It's
25 Christian. I got to go. I'll call you later," and hung up.

1 Q. Did you question Tim's wife on whether she would be
2 able to recognize Christian's voice for whatever reason?

3 A. Yes.

4 Q. What did she indicate?

5 A. She said she could

6 MR. BREWER: Objection, speculation

7 BY MR. CARLYON:

8 Q What did she indicate?

9 THE COURT I'm sorry. Your objecting to leading?

10 MR. BREWER: To speculation on her ability to
11 determine whether she can identify Christian's voice.

12 THE COURT: Okay I'm going to overrule that I'm
13 going to have to ask you to speak a little louder to make sure
14 it picks up.

15 Please go ahead

16 BY MR CARLYON

17 Q. What did she say in response when you were querying
18 her if she could recognize Christian's voice?

19 A She said that she could I believe she had told me
20 that she had met him They had dinner at one point at -- at
21 the house, and then the -- I believe the husband or Tim
22 referred to him as Christian.

23 Q Were you able to determine from Tim's wife
24 approximately what time this conversation was taking place?

25 A She said that according to Tim, they had pulled up

1 to the house, and Vincent had just gotten -- gotten off of the
2 vehicle

3 Q. Was she able to give you a time?

4 A. About 5:00 she said.

5 Q. Did you save as evidence Tim's cell phone?

6 A. Yes.

7 Q Has it been examined yet?

8 A. No.

9 Q. So Tim's wife is putting this around the five
10 o'clock time period?

11 A. Yes.

12 Q About what time did the 9-1-1 call come that
13 dispatched you out to the Romero residence?

14 A. Just -- just a little after 5:00, like 5:06. I
15 don't have the times right now, but it's like 5:06, 5 07

16 Q. Did you participate in talking to the family across
17 the street?

18 A. No.

19 Q. Are you familiar with this type of .22 rifle?

20 A. Not very familiar, but I'm a little familiar I
21 mean --

22 Q. You've never --

23 A. -- I -- I've never used one. Let's put it this way

24 Q Going back to Liz Castillos (sic) again, did she
25 give you a history of the gun's ownership?

1 A. Yes.

2 Q. What did she describe that gun ownership being?

3 A. She said she bought it for her son

4 Q. And then what happened to it after her son got
5 older?

6 A. He gave it to his son.

7 Q. And did she indicate about what age it was that they
8 gave it to Christian?

9 A I believe she -- I can't remember the age to
10 Christian, but it was -- I believe it was about eight years
11 old when it was given to him.

12 Q. So she indicated that that was Christian's gun to
13 her understanding?

14 A. Yes.

15 Q. Was there any information that you gleaned that
16 Christian knew how to use that gun?

17 A. Yes. She said that Christian knew how to use it.

18 Q Indications -- was there indications this was a
19 hunting family?

20 A. Yes.

21 Q. Why do you say yes?

22 A. I know a little. I -- I don't know Vincent very
23 well, but --

24 Q. Okay. Let me back up. Were there a lot of guns in
25 the house?

1 A. Yes.

2 Q. Archery type of --

3 A. Archery --

4 Q. -- bows and arrows?

5 A. -- camouflage stuff, and...

6 Q. In fact, there was a animal skin outside on the
7 porch?

8 A. Yes.

9 Q. Was there indications you gathered from Liz and all
10 that they were teaching Christian to enjoy the outdoor life
11 with guns starting with BB guns and stuff?

12 A. Yes.

13 MR. CARLYON: Okay (Brief pause.) Those are all
14 the questions I have.

15 THE COURT Cross-examine?

16 MR. BREWER: Thanks, Judge.

17 CROSS-EXAMINATION

18 BY MR. BREWER:

19 Q. How long you been with Show Low -- or Saint Johns
20 P D ?

21 A. Six years.

22 Q. Any other previous experience before that?

23 A. No, sir.

24 Q. And what is your -- you're a sergeant?

25 A. Yes, sir

1 Q. And where does that fall -- is it above an officer
2 and below a detective, or does that make any sense?

3 A No. It's above an officer, under the lieutenant.

4 Q Under the lieutenant?

5 A Yes.

6 Q Where does a detective come in? Is that -- where --
7 what kind of rank?

8 A The detectives really doesn't play a rank. It -- it
9 -- the detective would -- basically would be as -- in any type
10 of supervision in the -- in the absence of the chief, the
11 lieutenant and myself, the detective would have the seniority
12 and to make any type of decision

13 Q. Would a detective have specialized training that a
14 sergeant would not?

15 A. I don't know, sir. (Laughs.)

16 Q Have you ever been a detective?

17 A Yes

18 Q. Okay. So did you have to go through any special
19 training to be a detective?

20 A No, sir. I went to interview interrogation schools
21 and stuff like that.

22 Q Okay.

23 A. But, I mean, not -- nothing -- say, "Here. Here's
24 your plaque for detective," no.

25 Q. You indicated you believe you know who was the 9-1-1

1 caller, or do you know for certain who the 9-1-1 caller was?

2 A No I don't know for sure. I haven't had time to
3 review the tapes and recognize voices, but I believe it was
4 Mr Davis.

5 Q. Mr Davis was present on the scene?

6 A. Yes, sir.

7 Q. And he was with a teenager?

8 A. Yes, sir.

9 Q. And you didn't find out who the teenager's name is
10 or who --

11 A No That's -- like I said, when -- when -- once we
12 got more help, the Chief Melnick assisted us, and he started
13 talking to them, and I haven't seen the paperwork, sir, so I
14 don't know the names. It's still an -- it's still an ongoing
15 investigation. I haven't had time to get the names of every
16 single person that we've talked to.

17 Q. Okay. But you didn't talk to that persons by your
18 specific -- you didn't talk --

19 A. No, I didn't. No.

20 Q. And Mr. Romero was present as well when you arrived?
21 Or was --

22 A. Yes.

23 Q. He was? Where was he?

24 A. In the truck with them

25 Q. In the truck with who?

1 A. With Mr Davis and the teenager.

2 Q. Okay. Did Mr Davis have a cell phone?

3 A. I believe so. I don't know.

4 Q. Okay. All right. And you indicated from the time
5 you got the call, you arrived about five minutes later?

6 A. Probably -- probably sooner than that

7 Q. Okay. When you arrived on scene, you could see a
8 body; is that right?

9 A. Yes.

10 Q. And based on that, were your suspicions aroused as
11 far as safety of yourself and others that may be on the
12 property?

13 A. It wasn't until I approached the body, saw shell
14 casings and blood that I started getting worried

15 Q. Okay. Did you ever draw your weapon?

16 A. Yes.

17 Q. Did Officer Neckel draw her weapon?

18 A. I don't know

19 Q. Why did you draw your weapon?

20 A. Because I went to clear the house. I didn't know if
21 we had a suspect still inside the house.

22 Q. All right. And would that be normal protocol for
23 officers to draw their weapon once they've determined there's
24 a body on the ground and shell casings?

25 A. Yeah, I would hope so. Yes, sir.

1 Q. As far as your review of the house, you went in the
2 house, you did a search on the bottom floor, right?

3 A Yes.

4 Q And you were looking for intruders, you were looking
5 for other bodies; things of that nature?

6 A Exactly.

7 Q. You weren't doing any thorough search at that point?

8 A. No It was a quick search

9 Q. And then you went upstairs. And can you see the
10 upstairs from the ground floor?

11 A. No.

12 Q You had to go up the stairs?

13 A Yes.

14 Q And there's walls blocking, so you have to go --

15 A. You have to go --

16 Q -- actually up the stairs to look?

17 A. -- yes.

18 Q. And then you saw the body in the -- in the second
19 flight going up the stairs?

20 A. Yes.

21 Q. You didn't go past the body, right?

22 A. Yes.

23 Q. You continued searching in the upper stairs?

24 A. Yes.

25 Q Or upper floor?

1 A Yes.

2 Q And you indicated -- you wrote a little diagram
3 there that had a couple of rooms?

4 A Yes; three rooms.

5 Q. Anything caught your attention at all or from the
6 bodies in that initial search?

7 A The shell casings at one of the steps and the --

8 Q And you saw that?

9 A Yes.

10 Q In your initial search?

11 A Yes.

12 Q Okay. As far as your personal collection of
13 evidence on this -- on this whole case, what did you collect?

14 A We collected the --

15 Q Not "we;" you. What did you collect?

16 A Shell casings.

17 Q Okay. You collected the shell casings?

18 A I didn't personally. If you're asking me if I
19 personally grabbed them, we had the assistance of a DPS Crime
20 Scene Unit --

21 Q. Okay.

22 A. -- to assist us, grabbing items, packaging, writing
23 stuff down. I was basically the writer.

24 Q Okay.

25 A. I would say, "Yeah. We need to take that." And

1 yes, we -- we -- I would write the stuff down

2 Q Okay.

3 A. It's a -- that's why I say "we." It was kind of
4 like a joint --

5 Q. Right.

6 A. -- more of a team effort --

7 Q. And that --

8 A. -- than just a single person doing it.

9 Q. So no evidence was collected until DPS got there?

10 A. Correct.

11 Q Were photos taken before DPS got there?

12 A I believe there were.

13 Q Well, now --

14 A Well, you're showing me the photos. Yes.

15 Q But, I mean, did DPS take photos?

16 A Yes.

17 Q. But your understanding is that individuals
18 presumably under your control, since you're the -- one of the
19 case officers, photographed that area?

20 A. There -- there was obviously other people taking
21 pictures, but inside the area, I'm not sure --

22 Q. Okay

23 A. -- inside

24 Q. But while you were there on your initial --

25 A. No

1 Q -- entry, did you take any pictures?

2 A. I took a couple quick pictures of the body -- of the
3 body outside.

4 Q. Were any of those that you saw taken by you?

5 A. No.

6 Q Presumably there's a lot more pictures than what we
7 have here?

8 A. Yes; a lot more.

9 Q. And it would be fair to say that photographs were
10 taken before evidence was seized?

11 A Yes.

12 Q Of everything?

13 A. Yes.

14 Q. So we're going to know the exact locations of the
15 shell casings --

16 A. I believe they --

17 Q -- by photographs?

18 A. Yes, sir

19 MR BREWER I guess we'll go ahead and do this. Do
20 you have them, Judge, or.. ?

21 THE COURT: Okay That's 5. There's 1 through ..

22 BY MR. BREWER:

23 Q Showing you what's been admitted as State's Exhibit
24 3 And there's some -- there's some articles next to that
25 body. It looks like a cigarette lighter and maybe an inhaler.

1 I don't know what it is Do you see what I'm talking about
2 there?

3 A. Yes, sir.

4 Q. And with regard to that, is that how you found it?

5 A. Yes, sir

6 Q It was like that?

7 A. Yes, sir.

8 Q. You didn't do or no one in your employ moved that
9 from anywhere to put it there?

10 A. No, sir. When my initial -- when I first got there
11 -- got to the scene, that's how I saw that as well.

12 Q. Okay. Did you define or describe what those are --
13 can you or did you?

14 A. It looks like a cig -- a box of cigarettes, a match
15 -- a lighter and nasal spray.

16 Q. Okay. Were those seized as evidence?

17 A. No, sir.

18 Q. They were not?

19 A. No

20 Q So what happened to those?

21 A They're still there.

22 Q Still at the property?

23 A. They're still at the scene

24 Q. They're still at the scene?

25 A. Yes, sir.

1 Q. Did you do any fingerprint analysis to determine who
2 or if anyone had touched them?

3 A. No. It was determined it belonged to Mister -- to
4 Tim. He's a smoker. He had other packs of cigarette in his
5 car similar to those.

6 Q. Okay. But you could -- you could've done a
7 fingerprint analysis, right?

8 A. Yes, sir.

9 Q. You could've done potentially a DNA analysis?

10 A. Potentially, yes, sir.

11 Q. But that was not done?

12 A. No, sir.

13 Q. And those things are still in the weather?

14 A. Yes, sir.

15 Q. Does things like fingerprints and DNA have a -- have
16 an ability to decay if they're out in the open and in the
17 weather?

18 A. Yes, sir.

19 Q. Looking at this photograph, and I'm referring again
20 to the -- to State's Exhibit 3 --

21 A. Okay.

22 Q. -- can you see any shell casings in that photograph?

23 A. No.

24 Q. Okay. Can you see any shell casings in any of the
25 photographs that the State has already admitted?

1 A. No. Unless -- let me look at the other one. Yes.

2 Q. You can?

3 A. Yes, sir.

4 Q. And which one are you referring to?

5 A. To this one.

6 Q. Okay. And the shell casing is where?

7 A. Right there, sir; in there.

8 Q. Okay.

9 MR. CARLYON: Can you identify the exhibit number?

10 BY MR BREWER:

11 Q. Which exhibit are you referring to?

12 A. Oh, where does it say that?

13 Q. Two. We're referring to two.

14 A Oh Exhibit 2.

15 Q And those are the two you're referring in your
16 State's Exhibit 6, which is your drawing; is that right?

17 A Yes, sir.

18 MR BREWER. Is there any way, Judge, we could -- it
19 may be a bit unusual, but if he could initial and date that
20 just we know what it is? I understand it's kind of after the
21 fact, but --

22 THE COURT: I don't see --

23 MR. CARLYON: I don't have any trouble. It's
24 identified in the record as his by the exhibit number

25 THE COURT It's really -- it's --

1 MR. BREWER Okay That's fine.

2 THE COURT: -- well identified in the record. I
3 don't see any problem with him initialing it Do you?

4 MR. CARLYON: I don't either. I don't know if he
5 wants to initial it on the front or the back; either one

6 THE COURT: Okay. Well, Sergeant Rodriguez, would
7 you mind giving it your signature and the date?

8 THE WITNESS: Sure

9 (Brief pause.)

10 THE COURT: Okay. Today's the 7th.

11 (Brief pause.)

12 BY MR. BREWER.

13 Q. You said quickly after this -- you did your initial
14 investigation, you went to collect a search warrant, is that
15 right?

16 A Yes, sir.

17 Q Who did you get that from?

18 A Who did I type it with, or who assigned it?

19 Q Yeah, which judge?

20 A. Butch Gunnels.

21 Q. And did you acquire any information upon consult
22 with Judge Gunnels pertaining to who may have been involved in
23 this?

24 A. No, sir.

25 Q There was no discussion with regard to when you went

1 to get the warrant issued?

2 A. He asked me if I have a suspect

3 Q. Okay There was no question as far as what he
4 believed or who he believed the suspect was?

5 A. He said he didn't know. I mean, he asked me I
6 said, "No."

7 Q. You got the search warrant, and you executed it?

8 A. Yes, sir

9 Q. And when did you do that?

10 A. When did I get it, or when did I execute it?

11 Q. When did you execute it?

12 A. About 10 o'clock that morning.

13 Q. And when you went to the house, this was the fine
14 tooth comb search; is that right?

15 A. Yes, sir

16 Q. And you found additional guns other than the one
17 that you believe was the one that was used?

18 A. Yes, sir.

19 Q. And those guns were found where?

20 A. In the bedroom upstairs.

21 Q. Were they all found in the same location?

22 A. In the same bedroom.

23 Q. Okay And whose bedroom was that?

24 A. I believe it's a master bedroom.

25 Q. You -- which person lived there; do you know?

1 A. Yes.

2 Q. Who resided there?

3 A. The Romeros; Vincent Romero and his wife.

4 Q. Okay Do you have any idea whose weapons those
5 were?

6 A All of the Romeros.

7 Q. Okay. But specifically do you know?

8 A. No.

9 Q. Do you know where the weapon that you collected on
10 the dog cage or whatever you want to call it, where that was
11 found prior to whoever used it using it?

12 A I'm afraid I missed it, sir I mean, where was it
13 found before somebody used it, or...?

14 Q. I'm asking an obvious -- an obvious question. I
15 just want to get -- have it stated as far as from you

16 A. I --

17 Q. With regard to the -- you found a weapon on the
18 dog's carrier or dog -- some kind of dog carrier, right?

19 A. Yes.

20 Q. You don't know where that was before it was
21 supposedly used in these shootings?

22 A. Actually today, I found out where it was.

23 Q. Where was it?

24 A In the bedroom --

25 Q Okay.

1 A. -- the master bedroom. In --

2 Q. The same -- the same area where the other ones were?

3 A. Yes.

4 Q. Where did you find that information out?

5 A. From the grandmother at the residence.

6 Q. Did she live there?

7 A. No.

8 Q. I'm getting into a bit of an uncomfortable area, but
9 there's a photo here that you indicated was -- there was brain
10 matter. Do you recall that?

11 A. Yes, sir.

12 Q. And that would be State's Exhibit 1? Is that right?

13 A. Yes, sir.

14 Q. And where was that in relationship to the body?

15 A. How far or -- it was coming from his head, sir.

16 Q. Was the body moved before that picture was taken?

17 A. Don't know, sir. I didn't take the picture.

18 Q. Okay.

19 A. I --

20 Q. You didn't move the body before you left?

21 A. No.

22 Q. Was the body there when you came back with the
23 search warrant?

24 A. No.

25 Q. Okay. So it had been gone by then?

1 A. Yes.

2 Q. Is it my understanding that in State's Exhibit 2,
3 what we're looking at in State's Exhibit 1 is on State's
4 Exhibit 2; is that right?

5 A Yes, sir.

6 Q That's your understanding?

7 A Yes, sir.

8 Q And what leads you to believe that this is -- this
9 is brain material?

10 A. The chunks of white stuff all over here, sir.

11 Q Okay. And that --

12 A And that was -- I'm sorry, but that was a lot whiter
13 when I first showed up there.

14 Q Okay. And I see that you're having some difficulty
15 --

16 A. It's not easy, sir.

17 Q. -- emotionally with this; is that right?

18 A. Yes, sir

19 Q Is this something unusual that you don't encounter
20 all the time?

21 A. Yes, sir

22 Q. And you are physically becoming emotional, right?

23 A. It's hard to look at those -- at -- yes, it's hard.

24 Q. Was it shocking?

25 A. Yes, sir.

1 Q With regard to your experience, you've seen dead
2 bodies before, right?

3 A. Yes, sir

4 Q. And this is something that is unusual, however, but
5 you have seen something similar to it?

6 A. Yes, sir

7 Q. You didn't have an opportunity to be involved in the
8 interview of Mr Romero, is that right?

9 A. No, sir.

10 Q. That's not right?

11 A. No I didn't have a opportunity to be involved in
12 it.

13 Q. Did you ever speak at all to Mr Romero?

14 A No, sir

15 Q Did you ever record any interview that you did with
16 anybody?

17 A Yes, sir.

18 Q. And was that during the initial search or during the
19 initial arrival on the scene, or was that at a later date?

20 A That was a later time.

21 Q Okay. On the date in question up until the search
22 warrant was served, had you made any recordings of individuals
23 that you interviewed?

24 A Yes.

25 Q. Who was that?

1 A. Those were employees that worked with Mr. Vincent
2 and Mr. Roman.

3 Q Okay. And you spoke with employees from SRP?

4 A. Yes, sir.

5 Q. And there was -- where did the information come that
6 there was some bad blood between the individuals that were at
7 the house and SRP employees?

8 A. Somehow the information came from the wife Tiffany,
9 and it was relayed to me

10 Q Okay. And was there any more relayed as to the
11 basis for that belief or any --

12 A. Just that they were having problems with some
13 coworkers

14 Q Okay. And as far as with regard to Tim, was he in a
15 -- an employer role or in a boss role or a --

16 A Yeah, he was a foreman.

17 Q Okay.

18 A. He had other supervisors on top -- above him.

19 Q But he also had individuals below him?

20 A. Yes

21 Q I mean, was that the issue that you could grasp, or
22 did you -- in your interviews, did you make a determination as
23 to what the beef was with regard to these two individuals, or
24 the -- many individuals, whatever it may be?

25 A. The -- the interviews that I made indicated that

1 there -- there had been an issue with a female coworker over
2 some keys of a forklift. And that was with Vincent and the
3 other female employee They were brought into the office
4 They said sorry. There was no hard feelings,

5 By talking to the other employees, they -- they were
6 both liked. They -- they described Vincent as really hard
7 working, a really nice guy; and described Tim as more
8 outgoing, more of a playing joke type of guy.

9 Q. Did you advise them why you were there?

10 A. Yes.

11 Q. And so they knew that these individuals were dead
12 when you were talking to them?

13 A Yes

14 Q. And so there's a potential that they may not have
15 been as completely honest with you about their feelings for
16 these folks if it was negative --

17 A. I explained --

18 Q. -- especially when you're looking for suspects?

19 A -- when I first started talking to them, I explained
20 to them the severity of the situation and the importance it
21 was for me to try to figure out what was going on

22 Q. Did you determine who -- what kind of vehicle these
23 folks owned?

24 A. Yes. They all owned trucks.

25 Q. And were any of them white?

1 A. Excuse me?

2 Q. Were any of them white?

3 A. Yes. There's -- some -- some of them drive white
4 trucks or some of them -- most of them are F-205s and then
5 vans

6 Q. Did you photograph these vehicles?

7 A. No, sir.

8 Q. Did you observe whether or not they had hubcaps on
9 the rear wheels?

10 A. They're 2008 trucks. They have -- most have rims;
11 no hubcaps.

12 Q. But did you actually look at it?

13 A. Yes

14 Q. You looked at all the hubcaps?

15 A. I looked at all the vehicles that I saw -- the --
16 the people I interviewed, I looked at the vehicles, sir

17 Q. Okay.

18 A. And prior to this, I didn't know who the -- about
19 the hubcap thing This is the first time I heard about it.

20 Q. Did you ever look at their significant other
21 vehicles?

22 A. Excuse me?

23 Q. Significant others' vehicles? Did you ever look at
24 the employees' significant others' vehicles?

25 A. Sir, the description I had at this time was of a

1 white vehicle; a white compact vehicle. That's it. I didn't
2 know anything about the -- the hubcaps or the wheels or rims.
3 I didn't know anything about -- all I know is we were looking
4 for a white vehicle.

5 Q. And I understand that, and I'm asking whether or not
6 you did --

7 A. Yes, I did. I looked -- the vehicles that I had,
8 all of them are not -- don't live here. Most of the people
9 that -- that I talked to either live in the Reservations
10 around the area and come over here for the week and then take
11 off on the weekends. And the trucks that they had at that
12 time, the vehicles that they had, I did look at them. They
13 were trucks, and most of them are green or brown. None of
14 them were white that I saw

15 I asked about other employees having -- if they had
16 white vehicles. They all said they were -- they either had a
17 van or trucks

18 Q. Okay. But, again, did you check the significant
19 others --

20 A. The vehicles? Yes.

21 Q. No. The significant others' vehicles of these
22 employees and what vehicles they drove

23 A. No, sir. Are you asking me if I checked their
24 spouse's vehicle?

25 Q. Right.

1 A. No.

2 Q. Or sig -- whatever it is

3 A. No

4 Q. Did you ever look anywhere else for a vehicle other
5 than on the property they talked to you?

6 A. Yes, sir.

7 Q. Where did you go?

8 A The hotels.

9 Q Okay. And so you went to the hotels and looked at
10 the vehicles there?

11 A. Yes, sir

12 Q. Anywhere else?

13 A. In town? No, sir. I did when I went back down to
14 do more follow up I -- everywhere I went, I would look for a
15 white vehicle.

16 Q. Did you ever get an attempt to locate this vehicle?
17 Is that something you would receive as an officer?

18 A. Yes, sir. The -- the description we had was so
19 vague, a white vehicle. That's describing a lot of vehicles,
20 sir. If I would've put that out on the -- broadcast it out,
21 there's no -- I don't think there's plenty of officers to stop
22 every white vehicle If I would've had more of a description
23 as to distinguishing factors, broken window, anything else
24 like that, or a make and model of the vehicle, I probably
25 would've done that, sir. But I didn't -- at this time, I

1 didn't.

2 Q. Okay. But you --

3 A. I had -- I just let -- I briefed the other officers
4 and let them know what vehicle we were looking for

5 Q. But you knew at that time it was a double homicide?

6 A. Yes, sir

7 Q And an eight-year-old kid apparently is saying that
8 a white vehicle was the one that did it?

9 A Yes, sir; a white vehicle did it.

10 Q. And there was no further action by you to dispatch
11 or tell anyone else that that's what you were looking for in
12 this case?

13 A. Just about the 12 cop -- officers that showed up,
14 "You know about the white vehicle."

15 Q. You indicated that the blood -- there was a trickle
16 of blood starting from the driveway; is that correct?

17 A Yes, sir.

18 Q And in your training and experience, would that
19 suggest movement of an individual?

20 A. Yes, sir.

21 Q. And blood splatter probably doesn't go that way and
22 in that pattern? If there was trickle, it wouldn't be from
23 being shot and the trickle going down the landing of the --
24 the landing of the driveway; is that right?

25 A Well, I -- I'm afraid I'm not --

1 Q. It's not -- blood splatter would not land that way,
2 correct?

3 A. Land which way, sir?

4 Q. The way of a trickle.

5 A Well, there was -- by trickle, I mean it was blood
6 here, here, here, here, here That's what I mean

7 Q. Okay

8 A. That's -- I mean, I don't understand the question
9 I'm sorry.

10 Q. It means -- what it -- what it means to you is that
11 the individual was walking --

12 A. Walking, yes, sir.

13 Q. -- to Point A or Point B or falling or something
14 like that?

15 A Yes, sir.

16 Q Which would suggest being shot somewhere else; where
17 -- probably where the blood started --

18 A. Yes, sir

19 Q. -- over thereabout? Did you find any shell casings
20 in those areas?

21 A No, sir.

22 (Brief pause.)

23 Q. As far as individuals who entered the residence from
24 the time you arrived to the time you left, how many and who
25 were they that entered the residence?

1 A. From the time I...?

2 Q. Arrived initially --

3 A. Uh-huh.

4 Q. -- to the time you left.

5 A. To the time I left? Just Officer -- or Chief
6 Melnick and myself.

7 Q. No other officer?

8 A. No.

9 Q. When you returned back to do the search warrant, how
10 many officers were with you at that time?

11 A. Just me and Lieutenant Jones.

12 Q. Okay.

13 A. To do the search warrant?

14 Q. Right.

15 A. Oh, okay. It was the two DPS -- DPS Crime Scene
16 Technicians, myself, the photographer Guinn -- Sergeant --
17 Sergeant -- I believe he's Sergeant Guinn from the Sheriff's
18 Office, and that's it.

19 Q. Is that when the evidence was collected, at --
20 during the search warrant?

21 A. Yes, sir.

22 Q. And that's when DPS got there and they went through
23 the property?

24 A. Yes, sir

25 Q. At this point in time, you have no DNA linking this

1 crime to Mr. Romero?

2 A. Not at this time, sir It's still -- like I said,
3 we just collected it. We need to send it still to the lab --

4 Q. And --

5 A. -- and get it analyzed.

6 Q. And I guess I'll just ask you generically. What
7 evidence do you have based on your investigation that would
8 lead you to believe that Mr. Romero committed these crimes?

9 A. The conversation with the female, the way the -- the
10 -- where the bullets are, I guess the inconsistency of the
11 stories --

12 Q Okay And so --

13 A -- and --

14 Q. -- what leads you to believe or links Mr. Romero to
15 the crime scene the way the bullets are?

16 A. Don't know, sir. Matched the -- just matched what
17 he said

18 Q. And the only thing that links Mr. Romero to the
19 scene with regard to that phone call from Tim's wife -- is
20 that right?

21 A. Yes.

22 Q Is that she believed she heard Christian in the
23 house or at the -- at the scene?

24 A Yes, sir.

25 Q. There was no indication by her that there were

1 gunshots that she heard, right?

2 A. No, sir

3 Q. And would it be fair to say that if Mr Romero had
4 done this and he was inside the home, was it your assessment
5 that Mr. Romero, Senior, was the one who was killed first?

6 A. Right now, that's what it looks like, sir. Yes.

7 Q And so presumably there were gunshots fired to do
8 that?

9 A. Yes, sir

10 Q. And if Mister -- Tim was outside, presumably that
11 would've been going on when he said, "Hey, there's a
12 commotion I got to -- I got to go"?

13 A. Yes.

14 Q. And there were no gunshots heard by the person on
15 the phone?

16 A. Not that I'm aware of. No, sir.

17 Q. So apart from his -- the statement that you have
18 heard he has made -- you didn't -- you weren't there? When
19 Mister -- when young Mr. Romero was being interviewed, you
20 weren't present?

21 A. No.

22 Q. But have you heard that?

23 A. Have I heard it? No.

24 Q You were just told about it?

25 A. Yes.

1 Q. Apart from that, there's not a whole lot of evidence
2 in this case; is there?

3 A No, sir.

4 Q Have you ever interviewed anyone in a defendant type
5 capacity that's as young as Mr. Romero?

6 A. Yes, sir, not at this level though.

7 Q. And do you take specific special precautions when
8 you're interviewing someone this young?

9 A I think I know where you're going with this; see if
10 I read -- if I would read the Miranda rights and stuff like
11 that.

12 Q. No. I'm just asking if you would do anything
13 differently.

14 A. Depending on how I'm treating the juvenile, yes I
15 mean, if I'm treating him as a suspect, yes, I would read it.
16 If I'm treating him as a witness, no

17 Q. Okay But would you treat them different than you
18 would an adult?

19 A As a suspect or as a victim -- or as a witness? As
20 a witness, it --

21 Q. As a defendant, would you treat an eight-year-old
22 different than you would a 30-year-old in how you approach
23 them?

24 A I always do follow the same protocols and just talk
25 to him. I guess I -- my way of talking would be more down to

1 his level --

2 Q. Okay.

3 A. -- of talking to him; more as a kid way.

4 Q. Do you know what grade he's in?

5 A. I just found out he's in third grade.

6 Q. Do you recall what you knew when you were in third
7 grade?

8 A. (Laughs.)

9 Q. Do you -- do you recall what you knew when you were
10 in third grade?

11 A. (Laughs)

12 Q. Did you know what an attorney was?

13 A. I believe I did. I mean, I believe I -- I was -- I
14 always wanted to be an officer, and as my whole -- as -- when
15 -- I remember when I was in first grade, me and my friend
16 would play cops and attorneys and bad guys and suspects, so

17 Q. Okay. Would you -- would you believe that
18 potentially armed officers --

19 MR CARLYON: Speculation Your Honor; speculation
20 BY MR. BREWER:

21 Q. -- armed officers in uniform could be a bit scary to
22 an eight-year-old kid?

23 MR. CARLYON: Speculation.

24 THE WITNESS: No, sir.

25 THE COURT: Overruled.

1 THE WITNESS: My daughter loves me. (Laughs.) I'm
2 wearing a uniform.

3 BY MR. BREWER:

4 Q. Someone other than your daughter --

5 A. (Laughs.)

6 Q. -- can police -- can a police officer be an
7 intimidating figure?

8 A. I guess when I'm scolding a kid, yes (Laughs.)

9 Q. With regard to your discussions with the
10 grandmother, you recorded all of those, right?

11 A With the grandmother...?

12 Q I guess the grandmother of Mr. Romero, Junior.

13 A No.

14 Q You did not record those?

15 A No.

16 Q Did you write them down?

17 A. I wrote notes, yes.

18 Q. Were the -- is there any way to be able to get back
19 that phone call to -- what was said between Tim and his wife?
20 Is that possible in law enforcement or no?

21 A. I don't know, depending on cell records and stuff
22 like that.

23 Q. But I mean you can't get back the words that were
24 said?

25 A. No.

1 Q. Have you ever heard of any kind of technology at all
2 that'll allow that?

3 A. Not that I know of unless you're recording it, but
4 no

5 Q. But you would obviously know whether there is a call
6 that was made?

7 A. Yes.

8 Q Can people erase those so they can't be found?

9 A They can erase it on their phone, but not -- I don't
10 think on the -- through the company itself.

11 Q. Did you talk to any of the employees at the SRP that
12 had visited the home of the Romeros?

13 A. Yes.

14 Q. And they had been there? There had been somebody
15 you talked to that had been there?

16 A. Yes, sir

17 Q. Did you talk to them about whether they knew the
18 location of the guns in the house?

19 A They didn't. I asked them.

20 Q Did you ask them?

21 A Yeah. Well, my conversation went, "How do you
22 know?" "We went, had a barbeque outside, played horseshoes,
23 drank some beers, and that was it."

24 Q. But --

25 A. I didn't ask them -- I didn't asked them