

1 PLAINTIFF: Mr. Mason

2 WITNESS: Sarah Lopez

3 COURT:

4 DEFENDANT: Mr. Harold

5

6 WARM UP

7 THE COURT: We are back in session on People vs. Kevin
8 Baxter. Mr. Baxter is here. All counsel are here. Our
9 jurors and our alternates are back. /

10 Mr. Harold, would you like to call your next witness,
11 please.

12 MR. HAROLD: Thank you. Yes, your Honor.

13 At this time we will recall Officer Lopez to / the
14 witness stand.

15 THE COURT: You have been sworn earlier. State your
16 name and spell it for the record.

17 THE WITNESS: Sarah Lopez. L-O-P-E-Z.

18 THE COURT: Have / a seat. Pull yourself up and speak
19 into that microphone so we can all hear you.

20 THE WITNESS: Yes, sir.

21 THE COURT: Mr. Harold.

22 MR. HAROLD: Thank you, your Honor.

23 DIRECT EXAMINATION

24 Q. BY MR. HAROLD: Good / afternoon.

25 A. Good afternoon.

26 Q. Thank you for coming back in. We just had some

1 more questions for you.

2 A. I understand. That's fine.

3 MR. MASON: Excuse me, your Honor. / Could we have
4 the witness move closer to the mike, please.

5 THE WITNESS: I am sorry. Is that better?

6 MR. MASON: That's great. Thank you.

7 THE COURT: Okay. Next question, please. /

8 MR. MASON: I apologize for the interruption.

9 THE COURT: Let's proceed.

10 Q. BY MR. HAROLD: We were discussing your work at
11 the scene in the afternoon of July 31st, 2010.

12 A. Yes. /

13 Q. I want to talk with you now about the bedroom
14 where you found the victim. Earlier you testified the
15 door was locked; is that correct? */

16 A. Yes, sir.

17 Q. And you discovered that was locked after you had
18 already observed what appeared to you to be blood in the
19 living room; is / that correct?

20 A. Yes, sir.

21 Q. Tell us about the locked bedroom. What did you
22 do with that bedroom?

23 A. Once we identified that we couldn't gain entry, /
24 then I immediately ran to my sergeant's patrol vehicle and
25 brought back a ram to open the door.

26 Q. Okay. Now, at this point, Officer, did / you

1 know what you were dealing with at that time at the
2 residence?

3 A. At that point we were concerned that there might
4 be someone gravely / injured on the other side of that
5 door.

6 Q. Why were you concerned about that?

7 A. Based on the amount of blood that we observed as
8 well / as the drag marks on the carpet, it appeared that
9 somebody had been drug into the other bedroom.

10 Q. You went to the patrol car and / came back with
11 an object. Then what did you do with that bedroom door?

12 A. Officer Blackwell then used that ram device to
13 attempt to open / the door.

14 Q. Okay. And how did he accomplish that?

15 A. After swinging and attempting to strike the door
16 handle, the ram actually went through the door */ leaving
17 a small hole that I could see through.

18 Q. Okay. Did you look through the door?

19 A. I did.

20 Q. And what did you observe?

21 A. I saw / a body covered with a sheet of some sort.

22 Q. And so after you discovered that through the
23 hole, what did you do?

24 A. We decided to / completely ram the door and we
25 entered the room at that point once the door --

26 MR. MASON: Objection, your Honor. Hearsay.

1 The witness can only testify as / to what she
2 personally observed or did.

3 MR. HAROLD: I can clear that up, your Honor.

4 THE COURT: Overruled. Next question, please.

5 Q. BY MR. HAROLD: You testified earlier you gained
6 access to / the room and then discovered the victim. I
7 forgot to ask you and so I need to ask it now.

8 A. Okay.

9 Q. Was there a call / for medical assistance at that
10 time?

11 A. We called for medical. However, once it was
12 determined he had been dead for some time, we decided to /
13 leave the scene as we had found it.

14 Q. Was the person wearing clothing?

15 MR. MASON: Objection. Asked and answered.

16 THE COURT: Overruled.

17 MR. MASON: I believe the witness testified to the /
18 scene earlier.

19 THE COURT: We don't need to rehash it now. So with
20 that in mind, the objection is overruled.

21 MR. HAROLD: I understand, your Honor.

22 THE COURT: Next question, please. */

23 **END OF WARM UP**

24

25

26

1 EXAM

2 Q. BY MR. HAROLD: Did the victim have any shoes or
3 socks on?

4 A. I couldn't see that because he had plastic bags
5 wrapped around his feet.

6 Q. What color were / those plastic bags?

7 A. White.

8 Q. Did you observe if the victim had any injuries
9 that you could see just from looking at him?

10 A. Absolutely.

11 Q. What did / you actually observe?

12 A. I saw what appeared to be a bullet wound to his
13 abdomen.

14 Q. Okay. At that point did you take on a different
15 / role in the investigation?

16 A. Yes.

17 Q. What did you do?

18 A. I relieved Officer Hughes who was outside with
19 the family.

20 Q. Had there been a decision made / at some point to
21 move the family away from the residence once you started
22 to secure the scene?

23 A. Yes.

24 Q. Did you speak with the family / for a brief
25 period of time?

26 A. Yes, I did.

1 Q. Were the family members kept away from the crime
2 scene once blood was discovered and the / body was
3 discovered?

4 A. Definitely.

5 Q. And at a scene such as what you responded to on
6 that date, what is your role there?

7 A. As a first / responder, our job is to assess the
8 scene. Essentially, try to figure out what exactly is
9 going on. We try to determine if people are */ in danger
10 or whether a crime has been committed or not.

11 Q. In this situation, once the door was opened and
12 it was determined that there / was a victim down on the
13 floor, is there a different team of officers that then
14 comes to the scene?

15 A. Yes.

16 Q. Okay. And who was / that?

17 A. It would be the detectives from our department.

18 Q. Detective Michael Crawford who is sitting here
19 with me, was he one of those detectives?

20 A. Yes, / he was.

21 Q. As far as the investigation, once the detectives
22 are brought to the scene, do they then oversee and take
23 over the investigation from / that point on?

24 A. Yes.

25 Q. Okay. And at some point did you ever go back
26 into the home to look at the scene or see what / was

1 happening inside?

2 A. Not that I can recall.

3 Q. Okay. Did you stay out with the family until you
4 were relieved of your duty?

5 A. Yes.

6 Q. Okay. / Thank you very much, ma'am.

7 A. Thank you.

8 MR. HAROLD: I have nothing further.

9 THE COURT: Cross-examination.

10 MR. MASON: Thank you very much, your Honor.

11 CROSS-EXAMINATION

12 Q. BY MR. MASON: Good afternoon, ma'am.

13 A. Good afternoon.

14 Q. Let me / show you this exhibit. I apologize for
15 the photo quality, but it appears to be the doorway to the
16 bathroom off the hallway?

17 A. Yes, sir. */

18

19

20

21

22

23

24

25

26

1 START TYPING

2 Q. BY MR. MASON: That is one of the two bathrooms
3 in the residence?

4 A. That's correct.

5 Q. This is the bathroom that's not connected to the
6 master bedroom; is that / correct?

7 A. That's correct.

8 Q. If you were to be standing in the doorway of the
9 bathroom, you would be facing the wall in the hallway;
10 correct? /

11 A. Yes.

12 Q. Now, to the right of that wall and around the
13 corner is where the kitchen, the dining room, and so forth
14 were located; is / that correct?

15 A. Yes, sir.

16 Q. We saw those exhibits earlier; correct?

17 A. That's correct.

18 Q. And the back door to this residence would be
19 around the corner to / the left; is that correct?

20 A. I am sorry, the back door?

21 Q. The entrance to the residence would be as shown
22 in this photo. Is that / how you remember it?

23 A. Okay. Yes.

24 Q. Let me display what's already marked as 29.

25 Directing your attention to this area right here, are
26 you able / to see that knife on the table?

1 A. Yes.

2 Q. What else do you see in the photograph?

3 A. The table has a lamp and some other items / on
4 it.

5 Q. And what are the items you see depicted on the
6 table?

7 MR. HAROLD: I object. This is beyond the scope.

8 THE COURT: I agree with you.

9 Do */ you want to make an offer of proof, Mr. Mason?

10 MR. MASON: Your Honor, this goes to the discussion we
11 had before the jury came in today. / I want to follow up
12 on that.

13 THE COURT: All right. Mr. Harold, do you still have
14 an objection?

15 MR. HAROLD: Well, in that case my objection would be
16 / asked and answered. We covered this area yesterday with
17 the jury.

18 THE COURT: Overruled. I will allow some limited
19 inquiry.

20 Restate your question.

21 Q. BY MR. MASON: As shown in the / photo, what was
22 on the table that day?

23 A. There are a couple water bottles. I also see a
24 paper plate with food on it.

25 Q. Do / you see the kitchen knife?

26 A. I see that, yes. I also mentioned the lamp

1 previously.

2 Q. Did you notice the bottles yourself when you went
3 into / the crime scene that afternoon?

4 A. I don't recall any bottles specifically.

5 Q. While you were in the home, did you ever
6 determine -- by the way, how / long were you inside that
7 residence?

8 A. I honestly don't remember.

9 Q. More than an hour or less than an hour?

10 A. I honestly can't remember, sir.

11 Q. While / you were there for whatever period of
12 time that was, did you learn a bottle of vodka was found
13 on that table?

14 A. No.

15 Q. You did */ not see that?

16 A. Personally, I did not. I don't recall observing
17 that, no.

18 Q. As far as you know, no crime scene investigator
19 placed a marker / next to a bottle of alcohol that had
20 been consumed; correct?

21 A. Not that I am aware of.

22 Q. Moving to the photo of the vehicle, do / you
23 recall seeing this truck parked in the garage when you
24 arrived on the scene that afternoon?

25 A. I don't remember that I looked into the / garage
26 for the car.

1 Q. You testified earlier that you met with the
2 victim's son, Kevin?

3 A. Yes.

4 Q. And did he tell you that the truck was / his
5 vehicle?

6 A. I don't know.

7 Q. Didn't you testify before that Kevin told you
8 that the truck was his?

9 MR. HAROLD: Objection. Argumentative.

10 THE COURT: Sustained.

11 Q. BY MR. MASON: Now, you were describing / the
12 general neighborhood as a residential tract of homes and
13 that there was a commercial area nearby; is that correct?

14 A. Yes, sir.

15 Q. Did that commercial / area have things like
16 drive-through restaurants?

17 A. Yes.

18 Q. One of the restaurants is a Burger King, as far
19 as you know?

20 A. Yes, it is.

21 Q. Would that / be a mile from the crime scene?

22 A. I would say that would be about right.

23 MR. MASON: Excuse me, please, your Honor. I just
24 need to find */ one more photo.

25 THE COURT: Sure. Take your time.

26 Q. BY MR. MASON: Officer, while I am doing that,

1 there was a statement by you saying that you found an
2 extra / lock on the front door; is that correct?

3 A. Yes, sir.

4 Q. Was that a padlock that had been added by someone
5 after the home had been / built?

6 MR. HAROLD: Objection. Calls for speculation.

7 THE COURT: Sustained.

8 Q. BY MR. MASON: You observed the padlock on the
9 main or primary entrance?

10 A. Correct.

11 Q. You have no way of knowing today whether / that
12 lock was put there by the homeowner or by anyone else;
13 correct?

14 A. That's correct.

15 Q. From the exhibits you have seen in this trial, do
16 / you recall seeing there was an excess of furniture in
17 this home?

18 A. The rooms were very crowded. The whole house
19 looked like a warehouse.

20 Q. Were / there boxes stacked in various rooms?

21 A. Yes, sir.

22 Q. In what rooms did you observe that?

23 A. The whole house looked more like a storage
24 facility than / a home.

25 Q. You have heard about hoarders; is that correct?

26 A. Yes, I have.

1 Q. Did it appear to you that the residents of the
2 home were / hoarders?

3 A. It was very crowded. I wouldn't say it was
4 messy, just very full. I don't know anything about their
5 personal situation. All I can */ say is that it was very
6 crowded throughout the whole house.

7 Q. You would agree that the residence was cluttered?

8 A. Yes, sir.

9 Q. Without all the clutter, / how would you describe
10 the home as far as size?

11 A. I don't understand.

12 Q. That's okay. I'll move on.

13 THE COURT: Thank you.

14 Q. BY MR. MASON: When you arrived, your duty / was
15 to look around for -- well, first of all, you said to
16 secure the area and to look for anything unusual or
17 anything that might / be related to the crime; correct?

18 A. Yes.

19 Q. And would it be true to say that you found no
20 evidence whatsoever of the home being ransacked? /

21 MR. HAROLD: Objection. Vague and ambiguous.

22 THE COURT: Overruled.

23 You can answer that if you understand it.

24 THE WITNESS: What I saw did not appear to be
25 ransacked, no. It was / just very crowded.

26 Q. BY MR. MASON: There weren't drawers open and

1 things thrown on the floor; right?

2 A. Correct.

3 Q. Do you understand what I mean by "ransacked"?

4 A. I understand / the term, yes.

5 Q. Okay. Thank you.

6 I am showing you what's been marked as an exhibit.

7 Does this look familiar to you?

8 A. Yes. That is / the inside of the garage.

9 Q. Do you also recognize the truck that is depicted
10 in that photo?

11 A. I recognize it from that crime scene, yes. */

12 Q. Had you seen that vehicle prior to that
13 afternoon?

14 A. No, sir. Not that I can remember.

15 Q. Did you ever enter the garage yourself?

16 A. No.

17 Q. Did / you look in the doorway or poke your head
18 around the corner to see what was happening inside?

19 A. Not that I can recall.

20 Q. How do / you actually know that this is the
21 garage?

22 A. Because I was there at the moment that they were
23 ramming the door to gain entry.

24 Q. That / they were what?

25 A. They were ramming the door.

26 Q. Okay.

1 A. I observed them doing that.

2 Q. So you were standing outside the entrance to the
3 garage, but / you didn't actually enter the garage?

4 A. No, I did not.

5 Q. Did you look inside the garage in any way?

6 MR. HAROLD: Objection, your Honor. Asked and
7 answered. /

8 THE COURT: Sustained. Let's move on.

9 Q. BY MR. MASON: Were you there while the crime
10 scene investigators were tagging and putting their little
11 markers on the various items that they / wanted to bring
12 attention to?

13 A. I can't recall whether or not I was present, no.

14 Q. Is that something that is part of your function
15 at / the scene?

16 A. No, sir. I am not part of the team that collects
17 evidence.

18 Q. Do you ever have that role at a crime scene?

19 A. No, */ sir. There may be occasions where I would
20 point something out to someone for purposes of collection
21 but not typically.

22 Q. Okay. As far as you / can tell, this photo was
23 taken inside the garage; is that correct?

24 A. Yes.

25 Q. Thank you.

26 When you arrived at the location, did you testify that

1 / the back entrance was already open?

2 A. The gate was open.

3 Q. Was there a gate, or was there actually a regular
4 door that was left open? /

5 A. I believe it was a gate.

6 Q. You weren't the first officer at the scene;
7 correct?

8 A. No, sir.

9 Q. There were officers there ahead of you; right? /

10 A. Yes, sir.

11 Q. Did you ever learn from any source whether or not
12 the back door to the home was already open when the
13 officers first / arrived?

14 A. I never heard about that, no.

15 MR. MASON: I have no further questions.

16 THE COURT: Redirect.

17 MR. HAROLD: Yes. Thank you.

18 REDIRECT EXAMINATION

19 Q. BY MR. HAROLD: Officer, you have looked at
20 photographs and explained where / different things are.
21 What I am going to do is ask you to take a look at a
22 diagram just to also assist us in / understanding what
23 these photographs show us.

24 A. Okay.

25 MR. HAROLD: Your Honor, I have what appears to be an
26 enlargement of a diagram of the residence.

1 THE COURT: Do you */ want that marked as an exhibit?

2 MR. HAROLD: Yes. Thank you, your Honor.

3 THE COURT: It will be marked next in order.

4 Is there an objection to displaying the / board?

5 MR. MASON: No objection, your Honor.

6 MR. HAROLD: Thank you.

7 THE COURT: Next question.

8 Q. BY MR. HAROLD: Even though not to scale, does it
9 appear to be an accurate representation of the inside / of
10 this residence?

11 A. Yes.

12 Q. You see the garage shown on the diagram; is that
13 correct?

14 A. Yes, I do.

15 Q. Now, is this a diagram that you / prepared from
16 your being at the scene?

17 A. No, sir. That is not something within my duties
18 that day.

19 Q. Do you know who prepared this diagram? /

20 A. I could check the report, but I don't know
21 personally.

22 Q. Would it have been one of the detectives there
23 that day?

24 A. No, sir. Diagrams and / things like that are
25 typically prepared by the crime scene investigators.

26 Q. Are those the same people who collect evidence

1 and take photos?

2 A. Yes, sir. That / is usually how our department
3 handles those duties.

4 Q. And to the bottom left of the diagram, there is a
5 patio gate. Is that the white / gate you were just asked
6 about that appeared to be open when you arrived?

7 A. Yes, it is.

8 Q. Now, just to the right of the patio, */ there is
9 a blue line. Do you see that?

10 A. Yes, I do.

11 Q. What does that represent, if you know?

12 A. It is the window to the / kitchen.

13 Q. Okay. Above that there appears to be a brown
14 dotted line. Do you see that?

15 A. Correct.

16 Q. Does that depict the entrance to the kitchen? /

17 A. Yes, that's correct.

18 Q. Is that the doorway you entered when you arrived
19 that afternoon?

20 A. Yes, that's correct.

21 Q. And then you made your way throughout the /
22 residence as you were securing the scene; is that correct?

23 A. That's correct.

24 Q. Do you recognize the bedrooms and the bathrooms
25 on the diagram?

26 A. Yes, sir. / There are two bedrooms and two

1 bathrooms.

2 Q. And is that how you remember the scene that
3 afternoon?

4 A. I believe the diagram accurately depicts the
5 scene. /

6 Q. And where I have just pointed for the jury, is
7 that the bedroom where you discovered the body?

8 A. That is the same bedroom, yes.

9 Q. Do / you remember if there was bedroom furniture
10 in that room when you arrived?

11 A. There was no bed in that room. It appeared to be
12 used / for an office instead of a bedroom for sleeping.

13 Q. But that is the room that had the bathroom
14 connected; is that correct?

15 A. Yes. It was */ the master bedroom of the home,
16 but it appeared to be used as an office.

17 Q. So just to give us the layout, does looking at /
18 this diagram accurately reflect the major parts of the
19 residence that day?

20 MR. MASON: Objection. Asked and answered.

21 THE COURT: She has already testified to that.
22 Sustained.

23 Q. BY MR. HAROLD: And then, / finally, I wanted to
24 ask you just about your role. As a responding officer, is
25 it part of your job first to secure the scene? /

26 A. Yes.

1 Q. And to see if there was a crime?

2 A. Yes.

3 Q. And if anybody needs help, that is your job?

4 A. Yes.

5 Q. In this particular investigation are / you there
6 to assist the detectives once they all arrive?

7 A. If they need assistance, yes.

8 Q. In this case were you involved in collecting any
9 of / the evidence?

10 A. No.

11 Q. Okay. Everything you have told us today, are
12 these your observations that you made when you went into
13 the home?

14 A. Yes.

15 Q. Okay. / And once you secured the scene, saw the
16 victim, and then exited, was your job done inside?

17 A. Yes, it was.

18 Q. Thank you, ma'am.

19 A. Okay.

20 MR. HAROLD: I / have nothing further.

21 THE COURT: Do you have any recross?

22 MR. MASON: No, I don't.

23 THE COURT: May this witness step down and be excused?

24 MR. HAROLD: Yes, your Honor.

25 MR. MASON: Yes.

26 THE WITNESS: Thank you. /*

******EACH EXAM VARIES. THE ACTUAL TEST GIVEN MAY BE
SLIGHTLY DIFFERENT******

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26