IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

LIZELLE GONZALEZ	§	
Plaintiff	§	
	§	
vs.	§	**CIVIL ACTION 7:24-CV-00132**
	§	
GOCHA ALLEN RAMIREZ, et al.	§	**JURY DEMANDED**
Defendants	§	

PLAINTIFF'S OMNIBUS RESPONSE IN OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

ECF 91-3 is a video from Gocha Ramirez's campaign for District Attorney titled: "Working With Law Enforcement.mp4"

It has been produced via USB to this Court.

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

Good morning, we have grand jury the 18th

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	2/2/2022 9:07:27 AM(UTC-6)	2/2/2022 11:15:22 AM(UTC-6)	

Status: Sent

Platform:

2/2/2022 9:07:26 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4542B0C (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Good morning, ok thank you

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		2/2/2022 11:22:03 AM(UTC-6)	

Status: Read

Platform:

2/2/2022 11:15:30 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4546B2A (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Good morning, wut do I need for grand jury ?

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		2/15/2022 9:16:12 AM(UTC-6)	

Status: Read

Platform:

2/15/2022 8:55:51 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x45E2204 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

Hi Esmer. Just the whole packet investigation and I will prob need you. Will you be available Friday morning?

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	2/15/2022 9:16:35 AM(UTC-6)	2/15/2022 9:17:04 AM(UTC-6)	

Status: Sent

Platform:

2/15/2022 9:16:34 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x45E3F85 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

It's my day off but I will come in, wut time?

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		2/15/2022 9:17:38 AM(UTC-6)	

Status: Read

Platform:

2/15/2022 9:17:36 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x45E37E5 (Table: message, handle, Size: 160223232 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

9am

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	2/15/2022 9:17:44 AM(UTC-6)	2/15/2022 9:17:44 AM(UTC-6)	

Status: Sent

Platform:

2/15/2022 9:17:43 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x45E35A4 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

The investigation packet still needs some typing … does it have to be finished?

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		2/15/2022 9:18:00 AM(UTC-6)	

Status: Read
Platform:

2/15/2022 9:18:01 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x45E4F83 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

Yes it does, it has to be turned in

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	2/15/2022 9:18:16 AM(UTC-6)		

Status: Sent
Platform:

2/15/2022 9:18:15 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x45E4D05 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

It won't be done by Wednesday afternoon?

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	2/15/2022 9:18:33 AM(UTC-6)	2/15/2022 9:19:24 AM(UTC-6)	

Status: Sent
Platform:

2/15/2022 9:18:31 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x45E4AAF (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

I need 3 interviews to finish typing…. I will have by Wednesday afternoon

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		2/15/2022 9:20:30 AM(UTC-6)	

Status: Read

Platform:

2/15/2022 9:20:27 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x45E5F83 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

Ok thanks!

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	2/15/2022 9:20:37 AM(UTC-6)	2/15/2022 9:20:41 AM(UTC-6)	

Status: Sent

Platform:

2/15/2022 9:20:37 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x45E583F (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		2/15/2022 9:23:54 AM(UTC-6)	

Status: Read

Platform:

2/15/2022 9:20:48 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x45E5617 (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

I will be taking the case in the morning… the subpoena for the hospital records will be ready for pick up tomorrow at 8 so I will swing by at that time

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		2/16/2022 4:36:37 PM(UTC-6)	

Status: Read
Platform:

2/16/2022 4:32:47 PM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x45F7F83 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

Ok

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	2/16/2022 4:36:42 PM(UTC-6)	2/16/2022 4:36:51 PM(UTC-6)	

Status: Sent
Platform:

2/16/2022 4:36:42 PM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x45F7813 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

Morning Esmer! Were you able to take case?

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	2/17/2022 10:16:04 AM(UTC-6)	2/17/2022 6:18:43 PM(UTC-6)	

Status: Sent
Platform:

2/17/2022 10:16:03 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x45FBF85 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Hello, had a family emergency… I'm in Houston… I had txt Aguirre in the early morning to pick up medical records…. Let me check with Aguirre to see if it was turned in … sorry I'm replying late, my dad is in critical condition

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		2/17/2022 7:19:31 PM(UTC-6)	

Status: Read
Platform:

2/17/2022 6:20:20 PM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x45FE3BB (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

I'm sorry to hear that. Don't worry.

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	2/17/2022 7:34:10 PM(UTC-6)	2/17/2022 8:36:43 PM(UTC-6)	

Status: Sent
Platform:

2/17/2022 7:32.01 PM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x45FFF85 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Thank you

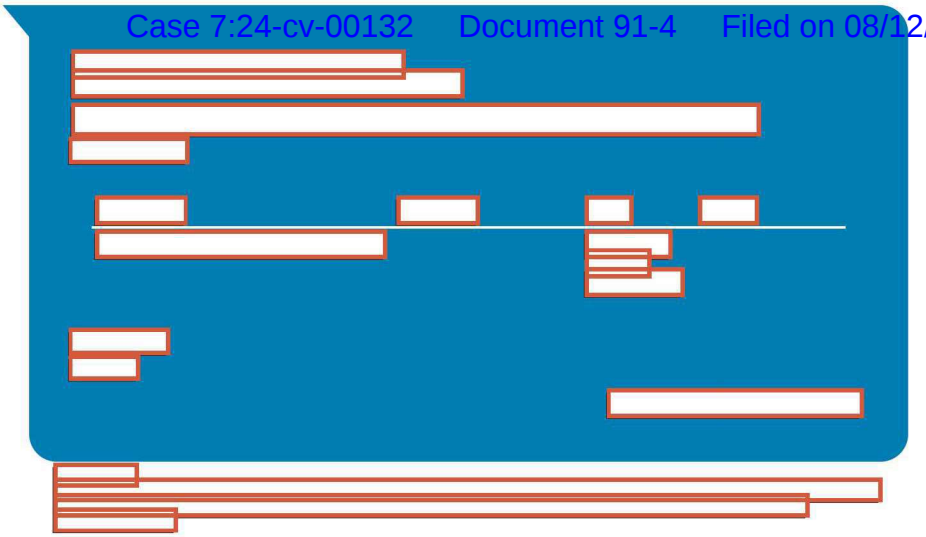
Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		2/17/2022 8:36:51 PM(UTC-6)	

Status: Read
Platform:

2/17/2022 8:36:48 PM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x45FFD23 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)





From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Good morning, when is the next grand jury date to present case of the fetus

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		3/9/2022 11:15:41 AM(UTC-6)	

Status: Read
Platform:

3/9/2022 11:01:36 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x46E3F83 (Table: message, handle, Size: 160223232 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

3/25

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	3/9/2022 11:15:49 AM(UTC-6)	3/9/2022 11:20:08 AM(UTC-6)	

Status: Sent
Platform:

3/9/2022 11:15:48 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x46E3D09 (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Ok thank you, I will be ready for that day with the case of the fetus

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		3/9/2022 11:33:36 AM(UTC-6)	

Status: Read
Platform:

3/9/2022 11:33:17 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x46E7F83 (Table: message, handle, Size: 160223232 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

Okay but i need it before to review it

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	3/9/2022 11:33:46 AM(UTC-6)	3/9/2022 11:35:40 AM(UTC-6)	

Status: Sent
Platform:

3/9/2022 11:33:45 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x46E7A0E (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Ok, I will txt you once the packet is complete

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		3/9/2022 12:48:18 PM(UTC-6)	

Status: Read
Platform:

3/9/2022 11:36:48 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x46E8CDB (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

By when do you think you can have it in?

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	3/9/2022 12:48:35 PM(UTC-6)		

Status: Sent
Platform:

3/9/2022 12:48:27 PM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x46E8498 (Table: message, handle, Size: 160223232 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

I'll be out some days next weeks.

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	3/9/2022 12:48:35 PM(UTC-6)	3/9/2022 12:48:47 PM(UTC-6)	

Status: Sent
Platform:

3/9/2022 12:48:34 PM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x46E8236 (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Monday or Tuesday, I'll finish making the copies and burning the cd's

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		3/9/2022 12:51:54 PM(UTC-6)	

Status: Read

Platform:

3/9/2022 12:49:56 PM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x46E9D2F (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Good afternoon, yesterday I was out most of the day and did take the case… if you're there today let me know so I can go over and drop it off

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		3/16/2022 2:31:47 PM(UTC-5)	

Status: Read

Platform:

3/16/2022 2:29:17 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x472BD7A (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

I will be there tomorrow. But I do need that file tomorrow please.

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	3/16/2022 7:08:46 PM(UTC-5)	3/16/2022 7:08:53 PM(UTC-5)	

Status: Sent

Platform:

3/16/2022 7:08:45 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x472EF85 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Yes it's ready… I will go over in the morning, thanks

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		3/16/2022 7:09:33 PM(UTC-5)	

Status: Read
Platform:

3/16/2022 7:09:22 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x472E753 (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

On my way to drop off case, do I drop it off with you or downstairs like we drop them off ?

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		3/17/2022 11:51:44 AM(UTC-5)	

Status: Read
Platform:

3/17/2022 11:51:39 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4730F83 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

Downstairs

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	3/17/2022 11:54:47 AM(UTC-5)		

Status: Sent
Platform:

3/17/2022 11:51:50 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4730CF3 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

Not sure if Trini will be there since it's lunch time

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	3/17/2022 11:54:47 AM(UTC-5)	3/17/2022 11:55:46 AM(UTC-5)	

Status: Sent

Platform:

3/17/2022 11:52:02 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4730ACD (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Ok I'll try after lunch

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		3/17/2022 12:09:36 PM(UTC-5)	

Status: Read

Platform:

3/17/2022 11:55:58 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x473084B (Table: message, handle, Size: 160223232 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

Were you able to bring it in?

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	3/17/2022 2:25:18 PM(UTC-5)	3/17/2022 2:35:25 PM(UTC-5)	

Status: Sent

Platform:

3/17/2022 2:20:24 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x47313E5 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

I'm here, there's one turning in cases in front of me then I'm next

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		3/17/2022 2:35:43 PM(UTC-5)	

Status: Read

Platform:

3/17/2022 2:35:36 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4732D1E (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Ricky took it so they are going to send upstairs to you

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera	3/17/2022 2:41:41 PM(UTC-5)	3/17/2022 2:41:41 PM(UTC-5)	

Status: Read

Platform:

3/17/2022 2:41:30 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4732A9E (Table: message, handle, Size: 160223232 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

Thank you

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	3/17/2022 2:41:42 PM(UTC-5)	3/17/2022 2:41:42 PM(UTC-5)	

Status: Sent

Platform:

3/17/2022 2:41:41 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4732867 (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

thank you, stay cool cuz it's hot outside lol

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		3/17/2022 2:58:33 PM(UTC-5)	

Status: Read

Platform:

3/17/2022 2:42:21 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4732672 (Table: message, handle, Size: 160223232 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

Lol, you too!

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	3/17/2022 2:58:39 PM(UTC-5)		

Status: Sent

Platform:

3/17/2022 2:58:37 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4732431 (Table: message, handle, Size: 160223232 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	3/17/2022 2:58:41 PM(UTC-5)	3/17/2022 3:08:35 PM(UTC-5)	

Status: Sent

Platform:

3/17/2022 2:58:40 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4732205 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Loved “Lol, you too! ”

Priority: Normal

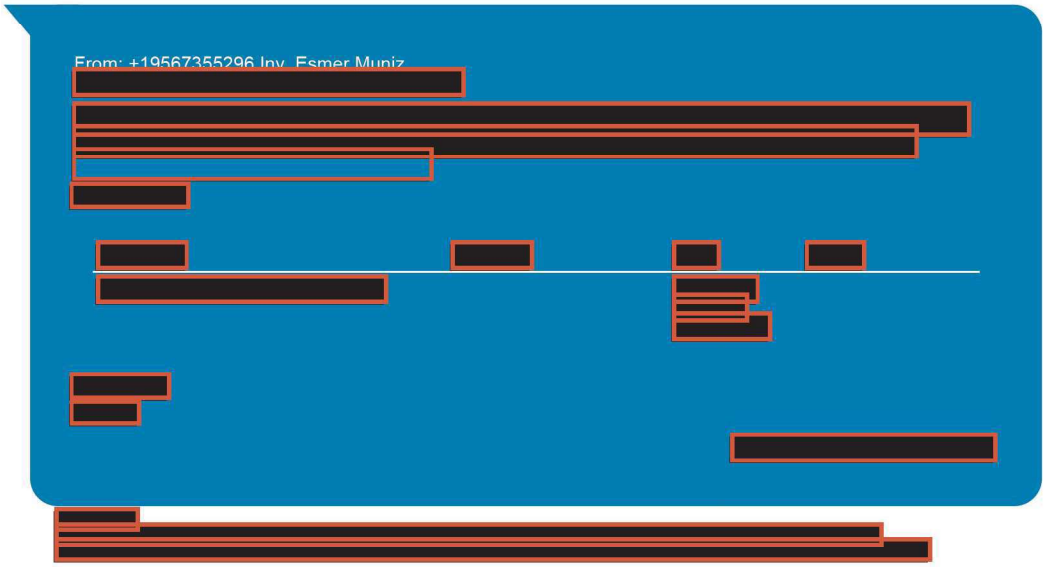
Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		3/17/2022 4:15:52 PM(UTC-5)	

Status: Read

Platform:

3/17/2022 3:08:35 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4733D4D (Table: message, handle, Size: 160223232 bytes)





From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Hello, tomorrow I take my folder or they are going review the binder I turned in? I've never done this, this is the first time

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		3/24/2022 3:54:15 PM(UTC-5)	

Status: Read
Platform:

3/24/2022 3:53:57 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4794A95 (Table: message, handle, Size: 160223232 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

Hey. You don't need to bring anything. I'll present the case and you can be in there with me in case they have any questions for you.

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	3/24/2022 3:54:46 PM(UTC-5)	3/24/2022 3:55:48 PM(UTC-5)	

Status: Sent
Platform:

3/24/2022 3:54:45 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4794495 (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Ok, thank you

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		3/24/2022 3:59:53 PM(UTC-5)	

Status: Read
Platform:

3/24/2022 3:56:14 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4795F83 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

They indicted her on murder

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	3/25/2022 12:27:15 PM(UTC-5)	3/25/2022 12:27:33 PM(UTC-5)	

Status: Sent

Platform:

3/25/2022 12:27:13 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x47A07F7 (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Ok

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		3/25/2022 12:28:31 PM(UTC-5)	

Status: Read

Platform:

3/25/2022 12:28:29 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x47A05AF (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Wuts my next step ?

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		3/25/2022 1:45:36 PM(UTC-5)	

Status: Read

Platform:

3/25/2022 1:17:23 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x47A2C8C (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Ok, thank you

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		3/31/2022 8:00:16 PM(UTC-5)	

Status: Read

Platform:

3/31/2022 6:16:09 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x47DF3CC (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Good afternoon

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		4/7/2022 1:07:30 PM(UTC-5)	

Status: Read

Platform:

4/7/2022 12:49:17 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x483A6F6 (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Just to let you know that the indictment was executed today and she is already in the jail

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		4/7/2022 1:07:30 PM(UTC-5)	

Status: Read

Platform:

4/7/2022 12:49:59 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x483BF83 (Table: message, handle, Size: 160223232 bytes)

From: 19564371218@s.whatsapp.net Trini Investigator

Might be illegal amigos

Priority: Normal

Status: Read

Platform: Mobile

4/1/2022 11:58:24 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ChatStorage.sqlite : 0x2855F9A (Table: ZWAMESSAGE, Size: 165916672 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ContactsV2.sqlite : 0x27F9D (Table: ZWAADDRESSBOOKCONTACT, Size: 1036288 bytes)

From: 19564376031@s.whatsapp.net Carmen Benitez

Light after Saenz mini mart

Priority: Normal

Status: Read

Platform: Mobile

4/1/2022 11:58:46 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ContactsV2.sqlite : 0x1A971 (Table: ZWAADDRESSBOOKCONTACT, Size: 1036288 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ChatStorage.sqlite : 0x2855F00 (Table: ZWAMESSAGE, Size: 165916672 bytes)

From: 19562226041@s.whatsapp.net Abel Villarreal

Allegedly

Priority: Normal

Status: Read

Platform: Mobile

4/1/2022 11:58:47 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ChatStorage.sqlite : 0x2855E78 (Table: ZWAMESSAGE, Size: 165916672 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ContactsV2.sqlite : 0x4BA63 (Table: ZWAADDRESSBOOKCONTACT, Size: 1036288 bytes)

From: 19568445148@s.whatsapp.net Gocha Ramirez - Boss

I just want to take a minute to express how proud I am to be a part of the DA's office and how great it feels to work with such hardworking, dedicated individuals. Our clerks who work tirelessly every week to help make our attorneys productive. Our Investigators who are always there when needed. Our CVC Advocates who are not only working 8 to 5 but sometimes working 24/7 (this has been a hell of a week for them). Our HIDTA group who work quietly but are doing an awesome job. And our ADA's, whose knowledge and work ethic reflects so tremendously on our office. The next few weeks are going to be grueling. Sometimes I get so busy that I don't say "thank you " enough to this wonderful staff. But I realize every day that I'm blessed to be surrounded by great people. Let me say it now…THANK YOU ALL SO MUCH

Priority: Normal

Status: Read

Platform: Mobile

4/2/2022 10:09:14 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ChatStorage.sqlite : 0x285625D (Table: ZWAMESSAGE, Size: 165916672 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ContactsV2.sqlite : 0xCEEA6 (Table: ZWAADDRESSBOOKCONTACT, Size: 1036288 bytes)

(owner)
To: 19564220034@s.whatsapp.net Armando Ramirez
To: 19563528853@s.whatsapp.net Inv. JD Saenz
To: 13618282767@s.whatsapp.net Aileen Campos
To: 19562639196@s.whatsapp.net HIDTA Commander Manny Marroquin
To: 19565003565@s.whatsapp.net Carmen Villarreal
To: 13617012467@s.whatsapp.net Barbara Duval Co.
To: 19564371218@s.whatsapp.net Trini Investigator
To: 19567358076@s.whatsapp.net Cindy Garcia
To: 19562988585@s.whatsapp.net Bernice Garza
To: 19562570803@s.whatsapp.net Gerry Gonzalez DA
To: 19564371114@s.whatsapp.net Rachel Lopez
To: 19562226041@s.whatsapp.net Abel Villarreal
To: 13612311992@s.whatsapp.net Daniella Moreno Jim Hogg
To: 19568445148@s.whatsapp.net Gocha Ramirez - Boss
To: 19563539519@s.whatsapp.net Bel DAs Office
To: 19565737549@s.whatsapp.net pancho956flores
To: 19568449912@s.whatsapp.net Judy Solis
To: 19567359589@s.whatsapp.net Tanya Pena
To: 19565000011@s.whatsapp.net OscarM.
To: 19567352329@s.whatsapp.net Inv. Jerry Gonzalez
To: 19562082024@s.whatsapp.net Isabel Cantu - DA's Office
To: 19562560282@s.whatsapp.net Brenda HIDTA
To: 19565335266@s.whatsapp.net Alfredo Garcia
To: 19564376031@s.whatsapp.net Carmen Benitez
To: 19562630379@s.whatsapp.net Chema Alvarez
To: 19562576275@s.whatsapp.net Inv. Alejandro Grimaldo HIDTA
To: 19562575858@s.whatsapp.net Inv. Dario Marquez
To: 19564377425@s.whatsapp.net Rick Saenz
To: 19563098804@s.whatsapp.net Orta610
To: 19562566810@s.whatsapp.net Julie Leza
To: 19567351828@s.whatsapp.net Anna Flores
To: 19562567473@s.whatsapp.net Eddie Garcia
To: 19568445102@s.whatsapp.net Yari
To: 19565737369@s.whatsapp.net Melody Rosa
To: 13612075654@s.whatsapp.net Rumi Solis

Thank you boss!

Proud to be a part of this team.

Priority: Normal

Participant	Delivered	Read	Played
19564220034@s.whatsapp.net Armando Ramirez	4/2/2022 10:11:00 AM(UTC-5)	4/2/2022 12:54:26 PM(UTC-5)	
19563528853@s.whatsapp.net Inv. JD Saenz	4/2/2022 10:10:53 AM(UTC-5)	4/2/2022 10:15:40 AM(UTC-5)	
13618282767@s.whatsapp.net Aileen Campos	4/2/2022 10:10:53 AM(UTC-5)	4/2/2022 12:54:26 PM(UTC-5)	
19562639196@s.whatsapp.net HIDTA Commander Manny Marroquin	4/2/2022 10:10:55 AM(UTC-5)	4/2/2022 10:18:38 AM(UTC-5)	
19565003565@s.whatsapp.net Carmen Villarreal	4/2/2022 10:10:54 AM(UTC-5)	4/2/2022 10:20:31 AM(UTC-5)	
13617012467@s.whatsapp.net Barbara Duval Co.	4/2/2022 10:10:52 AM(UTC-5)	4/2/2022 11:18:18 AM(UTC-5)	
19564371218@s.whatsapp.net Trini Investigator	4/2/2022 10:10:59 AM(UTC-5)	4/2/2022 10:19:19 AM(UTC-5)	
19567358076@s.whatsapp.net Cindy Garcia	4/2/2022 10:10:54 AM(UTC-5)	4/2/2022 10:12:58 AM(UTC-5)	
19562988585@s.whatsapp.net Bernice Garza	4/2/2022 10:10:53 AM(UTC-5)	4/2/2022 10:13:13 AM(UTC-5)	
19562570803@s.whatsapp.net Gerry Gonzalez DA	4/2/2022 10:10:52 AM(UTC-5)	4/2/2022 11:03:35 AM(UTC-5)	
19564371114@s.whatsapp.net Rachel Lopez	4/2/2022 10:10:53 AM(UTC-5)	4/2/2022 10:22:45 AM(UTC-5)	
19562226041@s.whatsapp.net Abel Villarreal	4/2/2022 10:10:53 AM(UTC-5)	4/2/2022 12:02:01 PM(UTC-5)	
13612311992@s.whatsapp.net Daniella Moreno Jim Hogg	4/2/2022 10:10:54 AM(UTC-5)	4/2/2022 10:35:42 AM(UTC-	

		5)
19568445148@s.whatsapp.net Gocha Ramirez - Boss	4/2/2022 10:10:52 AM(UTC-5)	4/2/2022 10:10:56 AM(UTC-5)
19563539519@s.whatsapp.net Bel DAs Office	4/2/2022 10:10:54 AM(UTC-5)	4/2/2022 10:13:04 AM(UTC-5)
19565737549@s.whatsapp.net pancho956flores	4/2/2022 10:10:53 AM(UTC-5)	4/2/2022 10:55:20 AM(UTC-5)
19568449912@s.whatsapp.net Judy Solis	4/2/2022 10:10:54 AM(UTC-5)	4/2/2022 12:04:41 PM(UTC-5)
19567359589@s.whatsapp.net Tanya Pena	4/2/2022 10:10:53 AM(UTC-5)	4/2/2022 12:15:58 PM(UTC-5)
19565000011@s.whatsapp.net OscarM.	4/2/2022 10:10:53 AM(UTC-5)	4/2/2022 10:17:55 AM(UTC-5)
19567352329@s.whatsapp.net Inv. Jerry Gonzalez	4/2/2022 10:10:54 AM(UTC-5)	4/2/2022 10:11:04 AM(UTC-5)
19562082024@s.whatsapp.net Isabel Cantu - DA's Office	4/2/2022 10:10:52 AM(UTC-5)	4/2/2022 10:10:52 AM(UTC-5)
19562560282@s.whatsapp.net Brenda HIDTA	4/2/2022 10:11:00 AM(UTC-5)	4/2/2022 10:36:33 AM(UTC-5)
19565335266@s.whatsapp.net Alfredo Garcia	4/2/2022 11:19:04 AM(UTC-5)	4/2/2022 11:19:25 AM(UTC-5)
19564376031@s.whatsapp.net Carmen Benitez	4/2/2022 10:10:52 AM(UTC-5)	4/2/2022 10:10:52 AM(UTC-5)
19562630379@s.whatsapp.net Chema Alvarez	4/2/2022 10:10:53 AM(UTC-5)	4/2/2022 10:27:57 AM(UTC-5)
19562576275@s.whatsapp.net Inv. Alejandro Grimaldo HIDTA	4/2/2022 10:10:54 AM(UTC-5)	4/2/2022 10:17:39 AM(UTC-5)
19562575858@s.whatsapp.net Inv. Dario Marquez	4/2/2022 10:10:53 AM(UTC-5)	4/2/2022 10:21:24 AM(UTC-5)
19564377425@s.whatsapp.net Rick Saenz	4/2/2022 10:10:53 AM(UTC-5)	4/2/2022 10:28:53 AM(UTC-5)
19563098804@s.whatsapp.net Orta610	4/2/2022 10:10:59 AM(UTC-5)	4/2/2022 1:13:18 PM(UTC-5)
19562566810@s.whatsapp.net Julie Leza	4/2/2022 10:10:53 AM(UTC-5)	4/2/2022 10:16:53 AM(UTC-5)
19567351828@s.whatsapp.net Anna Flores	4/2/2022 10:10:53 AM(UTC-5)	4/2/2022 10:23:07 AM(UTC-5)
19562567473@s.whatsapp.net Eddie Garcia	4/2/2022 10:10:53 AM(UTC-5)	4/2/2022 10:26:50 AM(UTC-5)
19568445102@s.whatsapp.net Yari	4/2/2022 10:13:48 AM(UTC-5)	4/2/2022 10:14:37 AM(UTC-5)
19565737369@s.whatsapp.net Melody Rosa	4/2/2022 10:17:14 AM(UTC-5)	4/2/2022 10:17:22 AM(UTC-5)
13612075654@s.whatsapp.net Rumi Solis	4/2/2022 10:10:53 AM(UTC-5)	4/5/2022 12:00:15 PM(UTC-5)

Status: Read

Platform: Mobile

4/2/2022 10:10:51 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ChatStorage.sqlite : 0x28561A2 (Table: ZWAMESSAGE, ZWAPROFILEPUSHNAME, Size: 165916672 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ContactsV2.sqlite : 0x51727 (Table: ZWAADDRESSBOOKCONTACT, Size: 1036288 bytes)

Reply

From: 19562082024@s.whatsapp.net Isabel Cantu - DA's Office

From: 19568445148@s.whatsapp.net Gocha Ramirez - Boss

I just want to take a minute to express how proud I am to be a part of the DA's office and how great it feels to work with such hardworking, dedicated individuals. Our clerks who work tirelessly every week to help make our attorneys productive. Our Investigators who are always there when needed. Our CVC Advocates who are not only working 8 to 5 but sometimes working 24/7 (this has been a hell of a week for them). Our HIDTA group who work quietly but are doing an awesome job. And our ADA's, whose knowledge and work ethic reflects so tremendously on our office. The next few weeks are going to be grueling. Sometimes I get so busy that I don't say "thank you " enough to this wonderful staff. But I realize every day that I'm blessed to be surrounded by great people. Let me say it now…THANK YOU ALL SO MUCH

Priority: Normal

Status: Read

Platform: Mobile

4/2/2022 10:09:14 AM(UTC-5)

Thank you Mr. Ramirez!

Priority: Normal

Status: Read

Platform: Mobile

Label: Reply

4/2/2022 10:12:12 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ChatStorage.sqlite : 0x2857FA7 (Table: ZWAMESSAGE, Size: 165916672 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ContactsV2.sqlite : 0x2155E (Table: ZWAADDRESSBOOKCONTACT, Size: 1036288 bytes)

From: 19564376031@s.whatsapp.net Carmen Benitez

Thank you sir.. I also feel blessed to work with such great people and and awesome boss!!

Priority: Normal

Status: Read

Platform: Mobile

4/2/2022 10:12:14 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ContactsV2.sqlite : 0x1A971 (Table: ZWAADDRESSBOOKCONTACT, Size: 1036288 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ChatStorage.sqlite : 0x28560C3 (Table: ZWAMESSAGE, Size: 165916672 bytes)

CC-22-209

Starr County - District County Court at Law

Filed: 4/7/2022 1:45 PM
Orlando Velasquez, District Clerk
Starr County, Texas

Diana Correa

CAUSE NO. CC-22-209

IN THE MATTER OF THE MARRIAGE OF	§	**IN THE COUNTY COURT**
ISMAEL HERRERA AND LICELLE GONZALEZ	§	**AT LAW OF**
AND IN THE INTEREST OF ISMAEL HERRERA III AND RAYMOND I. HERRERA, CHILDREN	§	**STARR COUNTY, TEXAS**

ORIGINAL PETITION FOR DIVORCE

1. Discovery Level

Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

2. Parties

This suit is brought by Ismael Herrera, Petitioner. Ismael Herrera has not been issued a driver's license. Ismael Herrera has not been issued a Social Security number.

Licelle Gonzalez is Respondent.

3. Domicile

Petitioner has been a domiciliary of Texas for the preceding six-month period and a resident of this county for the preceding ninety-day period.

4. Service

No service on Respondent is necessary at this time.

5. Protective Order Statement

No protective order under title 4 of the Texas Family Code, protective order under subchapter A of Chapter 7B of the Texas Code of Criminal Procedure, or order for emergency protection under Article 17.292 of the Texas Code of Criminal Procedure is in effect in regard to

a party to this suit or a child of a party to this suit and no application for any such order is pending.

6. *Dates of Marriage and Separation*

The parties were married on or about March 24, 2015 and ceased to live together as spouses on or about January 01, 2022.

7. *Grounds for Divorce*

The marriage has become insupportable because of discord or conflict of personalities between Petitioner and Respondent that destroys the legitimate ends of the marriage relationship and prevents any reasonable expectation of reconciliation.

Respondent has committed adultery.

8. *Children of the Marriage*

Petitioner and Respondent are parents of the following children of this marriage who are not under the continuing jurisdiction of any other court:

Name: Ismael Herrera III

Sex: Male

Birth date: September 3, 2015

Name: Raymond Israel Herrera

Sex: Male

Birth date: August 19, 2016

There are no court-ordered conservatorships, court-ordered guardianships, or other court-ordered relationships affecting the children the subject of this suit.

No property of consequence is owned or possessed by the children the subject of this suit.

Petitioner believes that Petitioner and Respondent will enter into a written agreement

containing provisions for conservatorship of, possession of, access to, and support of the children. If such an agreement is made, Petitioner requests that the Court approve that agreement and adopt it as the Court's order. If such an agreement is not made, Petitioner requests the Court to make orders for conservatorship of, possession of, access to, and support of the children.

9. Division of Community Property

Petitioner believes Petitioner and Respondent will enter into an agreement for the division of their estate. If such an agreement is made, Petitioner requests the Court to approve the agreement and divide their estate in a manner consistent with the agreement. If such an agreement is not made, Petitioner requests the Court to divide their estate in a manner that the Court deems just and right, as provided by law.

10. Separate Property

Respondent owns certain separate property that is not part of the community estate of the parties, and Respondent requests the Court to confirm that separate property as Respondent's separate property and estate.

11. Prayer

Petitioner prays that citation and notice issue as required by law and that the Court grant a divorce and all other relief requested in this petition.

Petitioner prays for general relief.

Respectfully submitted,

LAW OFFICE OF JUDITH A SOLIS
110 W. Fifth Street
Rio Grande City, TX 78582
Tel: (956) 487-3500
Fax: (956) 317-1441

By: /S/ Judith A. Solis

Judith A. Solis
State Bar No. 24026052
j.a.lawcenter@gmail.com
Attorney for Petitioner

From: Bernice Garza <bernice.garza@da.co.starr.tx.us>
Sent time: 04/08/2022 11:28:26 AM
To: Alexandria Barrera; Gocha Ramirez
Cc: Abel Villarreal
Subject: FW: Telemundo 40 Information request
Attachments: image001.png

CONFIDENTIAL

From Iridiana Barcenas at Telemundo...
-----Original Message-----
From: "Barcenas, Iridiana (NBCUniversal)" <Iridiana.Barcenas@telemundo.com>
Sent: Friday, April 8, 2022 11:24am
To: "Bernice.garza@da.co.starr.tx.us" <Bernice.garza@da.co.starr.tx.us>
Cc: "@NBC UNI KTLM DESK" <ktlmdesk@telemundo.com>
Subject: Telemundo 40 Information request

Hey there Bernice.

This is Iridiana from Telemundo 40. We would like to request information regarding the arrest of Lizelle Herrera, whom was arrested April 7, 2022. Arresting agency is Starr County Sheriff's office. Her charge is murder.

Thanks in advance for your help.

Iridiana Barcenas
Assignment Desk Editor
Telemundo 40 / KTLM

200 S. 10th St. 2nd Floor
McAllen, TX 78501
C: (956) 249-7781
Iridiana.Barcenas@telemundo.com

CONFIDENTIAL

From: Stephanie Baer <stephanie.baer@buzzfeed.com>
Sent time: 04/08/2022 06:02:18 PM
To: Gocha Ramirez; Abel Villarreal; Judith Solis; Hilda Garza; Alexandria Barrera
Subject: BuzzFeed News inquiry re woman arrested for self-induced abortion

Hello,

I was hoping to get some more information about 26-year-old Lizelle Herrera, who was reportedly arrested and charged with murder for a self-induced abortion.

Can I get a copy of the complaint/charging document? Who reported her? How did she induce her abortion? Did she speak with deputies when she was arrested about the circumstances regarding her abortion?

If someone could get back to me on this as soon as possible I'd appreciate it.

Thank you,

Stephanie

--
Stephanie K. Baer (she/her) | **BuzzFeed News** | Reporter
Twitter: @skbaer
1135 N. Highland Ave., Los Angeles, CA 90038

From: Susan Rinkunas <srinkunas@jezebel.com>
Sent time: 04/08/2022 08:26:00 PM **CONFIDENTIAL**
To: Gocha Ramirez
Subject: Media request: Charges against Lizelle Herrera

Hi DA Ramirez,

I'm a reporter seeking information about the arrest of Lizelle Herrera yesterday. Major Delgado said the Starr County DA's office is planning a media release for this case on Monday (see below).

Is that timing still accurate? I'd like to receive the release whenever it comes out.

Thank you,
Susan

--
Susan Rinkunas
Senior Reporter, Jezebel
(she/her)
JEZEBEL

---------- Forwarded message ---------
From: **Carlos Delgado** <carlos.delgado@starrcountyso.org>
Date: Fri, Apr 8, 2022 at 8:16 PM
Subject: Re: Media request: Charges against Lizelle Herrera
To: Susan Rinkunas <srinkunas@jezebel.com>

On April 7, 2022 Lizelle Herrera was arrested and served with an indictment on the charge of Murder after Herrera did then and there intentionally and knowingly cause the death of an individual by self-induced abortion. Herrera remains in the custody of the Starr County Detention Center with a bond of $500,000 surety bond
This case remains under investigation

Since the case is still under investigation no other information can be released
The District Attorney is planning a media release on Monday

Sent from my iPhone

> On Apr 8, 2022, at 6:53 PM, Susan Rinkunas <srinkunas@jezebel.com> wrote:
>
> Hi Major Delgado,
>
> I'm a reporter seeking information about the arrest of Lizelle Herrera yesterday.
>
> Under which Texas law is she being indicted for murder? Can you please share the police report?
>
> Thank you,
> Susan
>
> --
> **Susan Rinkunas**
> Senior Reporter, Jezebel
> (she/her)
> JEZEBEL

From: Fernando, Christine <CFernando@usatoday.com>
Sent time: 04/09/2022 09:23:42 AM
CONFIDENTIAL
To: Gocha Ramirez
Subject: USA TODAY - Lizelle Herrera Case

Hello DA Gocha Ramirez,

My name is Christine Fernando, and I'm a reporter for USA TODAY. I'm reaching out request any comment or statement from the DA's office regarding Lizelle Herrera, who was arrested Thursday and charged with murder after being accused of performing a "self-induced abortion."

Thank you for your time and take care,
Christine

From: Amiel, Andrea <Andrea.Amiel@abc.com>
Sent time: 04/09/2022 07:47:12 PM **CONFIDENTIAL**
To: Abel Villarreal
Cc: cfuentesrgc@yahoo.com; Eloy Vera; Gocha Ramirez
Subject: ABC News - Interview request re: Lizette Herrera

District Attorney Ramirez,

I'm writing on behalf of ABC News to request an interview with you for Good Morning America and all ABC News platforms.

We would like to ask you about the case of Lizelle Herrera - what she is accused of doing, what laws apply in this case, and next steps in her prosecution. Can you share a copy of the indictment as well?

Please let me know how to be in touch by telephone so that we can set this up.

Sincerely,

Andrea Amiel

Andrea Amiel
ABC News
m: (917) 783-0059 + andrea.amiel@abc.com

From: Becky Wagner <midwagner@gmail.com>
Sent time: 04/09/2022 08:54:41 AM **CONFIDENTIAL**
To: Gocha Ramirez
Subject: Detention of Lizelle Herrera

Hello,

The detention of Lizelle Herrera is disgusting and illegal. Abortions are not criminalized under the Texas Penal Code on Homicide or in SB8. You are illegally detaining her AND imposing excessive bail (she currently can't attempt to abort another kid as she isn't currently pregnant).

Release her immediately!

Sincerely,
Becky Wagner

A Concerned Texas Citizen

From: Marian Breslin McDonald <marian.mcdonald@gmail.com>
Sent time: 04/09/2022 11:06:00 AM
To: Gocha Ramirez
Subject: Free Lizelle Herrera

CONFIDENTIAL

Dear Sir:

The arrest and jailing of Lizelle Herrera is an egregious injustice. The charge against her - murder, allegedly - is unconstitutional.

On her behalf, I demand her immediate release.

Marian McDonald

From: Rebecca L Walker <rebecca.walker@utexas.edu>
Sent time: 04/09/2022 11:28:15 AM
CONFIDENTIAL
To: Gocha Ramirez
Subject: Unjust Arrest and Detention in Starr County - Liselle Herrera

To District Attorney Gocha Ramirez, Starr County District Attorney's Office,

I am writing to you from Dallas, Texas with grave concerns over a recent arrest in Starr county that I believe to be unjust. Lizelle Herrera, age 26, was arrested on April 7, 2022 and at the time I am writing this email she is in the Starr County Detention Center held on charges of murder with a $500,000 bond. These charges stem from allegations that she induced an abortion. Self-inducing an abortion is not a crime in Texas. There is no criminal statute that allows for this arrest or prosecution. A self-induced abortion has no precedent for being prosecuted as murder. Because of this, I believe the Starr County Sheriff's office is acting beyond the scope of their duties. I believe Lizelle has not just a case for why she should be released but a substantial ability to sue this county upon her release. I demand the immediate release of Lizelle and would like to file a formal complaint with the District Attorney's office. I have already reached out to make a complaint directly with the Sheriff's office. Please return my call at 713-419-3439 or reply at this email address with next steps for me to submit this complaint.

Thank you for your time,
Rebecca Walker

From: Jennifer Catherine <jmcatherine@gmail.com>
Sent time: 04/09/2022 12:09:20 PM **CONFIDENTIAL**
To: Gocha Ramirez
Subject: Lizelle Herrera

Dear D.A. Ramirez,
Abortion is still a Constitutional right. Roe has not been overturned. You are violating Lizelle Herrera's Constitutional right by arresting her for exercising her Constitutional right.
Sincerely,
Jennifer Catherine

Sent from my iPhone

From: Allie Morgan <alliemomorgan@gmail.com>
Sent time: 04/09/2022 12:35:29 PM **CONFIDENTIAL**
To: Gocha Ramirez
Subject: Urgent Request

Hello Mr. Ramirez,

I am writing in support of Liselle Herrera, who is being wrongfully charged with murder. She went to a hospital seeking help/medical care, and is now wrongfully being held on an absolutely outrageous bail amount for charges that make no sense. This is unconstitutional and a scary and upsetting abuse of Liselle's rights.

Please do what you can to ensure she is released.

Thank you,
Allie Morgan

From: John-Michael Torres <sonaorillasdelrio@gmail.com>
Sent time: 04/09/2022 01:10:54 PM **CONFIDENTIAL**
To: Gocha Ramirez
Subject: Lizelle Herrera

I am writing to respectfully express my outrage at your office's arrest of Lizelle Herrera. It is wrong and unconstitutional for Lizelle to be arrested on murder charges for a miscarriage or an alleged self-induced abortion. People who are pregnant should not be criminalized regardless of the outcome of a pregnancy. Release her immediately.

John-Michael Torres
McAllen, TX
956-534-0267

--
- -
John-Michael Torres
Mission, TX
956-534-0267
Pronouns/pronombres: He, Él, Compa

From: Theresa Costonis <tcostonis@yahoo.com>
Sent time: 04/09/2022 04:46:40 PM **CONFIDENTIAL**
To: Gocha Ramirez
Subject: Lizelle Herrera

Dear General Ramirez,

As a lawyer, I urge you to drop the murder charge against Lizelle Ramirez. It is clearly unconstitutional. No pregnant person should ever be prosecuted for a pregnancy loss. This is absolutely discriminatory. Drop these outrageous charges and salvage the reputation of your county.

Sincerely,

Theresa Costonis. Esq.

Sent from my iPhone

From: Deb Liebman <deb.liebman@gmail.com>
Sent time: 04/09/2022 04:51:58 PM **CONFIDENTIAL**
To: Gocha Ramirez
Subject: Lizzie

Free Lizzie. She didn't commit a crime under TX law.

From: Rebecca duRivage-Jacobs <rebeccadurivagejacobs@gmail.com>
Sent time: 04/09/2022 06:28:54 PM
To: Gocha Ramirez
Subject: Release Lizelle Herrera

CONFIDENTIAL

Hello Mr Ramirez,

I am contacting you regarding the recent arrest of Lizelle Herrera. Self managed abortion is not murder. Abortion is not a criminalized offense. Lizelle's body and all pregnant persons bodies should not be policed by others. I demand that all charges be dropped against Lizelle. You and your state should be ashamed of themselves for infringing on the rights of pregnant people.

Rebecca duRivage-Jacobs

From: Clea Mattingly <cleasmattingly@gmail.com>
Sent time: 04/09/2022 06:31:33 PM
To: Gocha Ramirez
Subject: DropRecent charge of murder against a women who had an abortion

CONFIDENTIAL

Dear Mr. Ramirez,

Roe is still the law of the land and abortion is a still legal. To condemn this woman and charge her with murder is an atrocity I cannot even put into words. I'm sure your email is being flooded with the same request as I have, drop her charges now. Save the tax dollars and use them to put away people who endanger others, Aka, real criminals.

Best,

Clea

Sent from my iPhone

From: Susan Ortiz <oennovy@yahoo.com>
Sent time: 04/09/2022 09:03:12 PM
To: Gocha Ramirez
Subject: FREE Lizelle Herrera immediately

CONFIDENTIAL

Women are not LIVESTOCK. You cannot force a woman to give birth against her will. A fetus is NOT an "individual" who can be murdered. Under what law is Herrera being charged? Holding Lizelle Herrera against her will is illegal, dangerous and unconstitutional. Lizelle Herrera must be set free immediately.

This is an affront to women everywhere and will not be allowed. I will work continuously to ensure that everyone involved in this arrest is fired or resigns.

Women cannot be forced to give birth.
Women are not livestock.
Women cannot be forced to give birth.
Women are not livestock.

SET LIZELLE HERRERA FREE IMMEDIATELY!

Sincerely
Dr. Susan Ortiz

From: +19562226041 Abel Villareal
To: +19568445148 Ramirez (owner)

Even anti abortion organizations are supporting the decision

Attachments:



Title: IMG_6210.heic
Size: 90526
File name: ~/Library/SMS/Attachments/b0/00/at_0_43D39599-2D53-44BD-A496-96658951B1F8/IMG_6210.heic
Path: https://p54-content.icloud.com/MF8F8246D115999CC0F4FCD09B94F7858B24A74ACAA1F08BFFA8B406DA4BFE77A.C01USN00
~/Library/SMS/Attachments/b0/00/at_0_43D39599-2D53-44BD-A496-96658951B1F8/IMG_6210.heic

Priority: Normal

Participant	Delivered	Read	Played
+19568445148 Ramirez		4/10/2022 5:45:15 PM(UTC-5)	

Status: Read
Platform:

4/10/2022 5:44:59 PM(UTC-5)

From: +19562226041 Abel Villareal
To: +19568445148 Ramirez (owner)

That's interesting

Priority: Normal

Participant	Delivered	Read	Played
+19568445148 Ramirez		4/10/2022 5:45:15 PM(UTC-5)	

Status: Read
Platform:

4/10/2022 5:45:06 PM(UTC-5)

From: +19568445148 Ramirez (owner)

Yea. It's been a very interesting week overall. It's not going to be easy walking into our office tomorrow. But, once again, I thank you for all your help Abel. You helped me more than you know today

Priority: Normal
Status: Sent
Platform:

4/10/2022 5:49:31 PM(UTC-5)

The anti-abortion group Texas Right to Life supported Mr. Ramirez's decision to drop the charge. S.B. 8 and other anti-abortion policies in the state "clearly prohibit criminal charges for pregnant women," the organization said in a statement. "Texas Right to Life opposes public prosecutors going outside of the bounds of Texas' prudent and carefully crafted policies."

From: +19562929272 Isaac Ramirez
To: +19568445148 Ramirez (owner)

So proud of you Dad

Priority: Normal

Participant	Delivered	Read	Played
+19568445148 Ramirez		4/10/2022 2:39:04 PM(UTC-5)	

Status: Read
Platform:

4/10/2022 2:22:49 PM(UTC-5)

From: +19568445148 Ramirez (owner)

I fucked up Isaac. I may pay the consequences with my career but once I realized this injustice, I had to make it right. I've received death threats, been told I'm going straight to hell, told to eat shit and that I am evil. I'm sorry that I can't talk right now but I'm depressed. But I love you. Thank you for loving me back

Priority: Normal
Status: Sent
Platform:

4/10/2022 2:47:43 PM(UTC-5)

From: +19562929272 Isaac Ramirez
To: +19568445148 Ramirez (owner)

Fuck them all

Priority: Normal

Participant	Delivered	Read	Played
+19568445148 Ramirez		4/10/2022 2:50:15 PM(UTC-5)	

Status: Read
Platform:

4/10/2022 2:48:23 PM(UTC-5)

From: +19562929272 Isaac Ramirez
To: +19568445148 Ramirez (owner)

You did the right thing

Priority: Normal

Participant	Delivered	Read	Played
+19568445148 Ramirez		4/10/2022 2:50:15 PM(UTC-5)	

Status: Read
Platform:

4/10/2022 2:48:29 PM(UTC-5)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

LIZELLE GONZALEZ	§	
Plaintiff	§	
	§	
vs.	§	**CIVIL ACTION 7:24-CV-00132**
	§	
GOCHA ALLEN RAMIREZ, et al.	§	
Defendants	§	

AFFIDAVIT OF BERNICE GARZA

I, Bernice Garza, declare and state the following:

1. I am over 18 years of age. I am of sound mind and am capable of making this affidavit. I am fully competent to testify to the matters stated herein. I have personal knowledge of the facts stated herein.
2. I was the Crime Victims Unit Coordinator in the Office of the 229th Judicial District Attorney from 2015 to March 2018 and then again from January 2021 to December 2022, including during the time period when Lizelle Gonzalez, formerly known as Lizelle Herrera, was under investigation and later prosecuted for a self-induced abortion.
3. My job role included managing everything related to victims, including educating victims on their rights and about the Texas legal system, and accompanying them to court. I also ran the 229th Crime Victims Center located in Roma, Texas.
4. I worked closely with Assistant District Attorney Alexandria Barrera because she supervised the Crime Victims Unit. I also worked closely with District Attorney Gocha Ramirez; we had known each other for many years as friends, as well as colleagues. I was often a sounding board for him at work. I spent most of my time working in the District

Attorney's main office located inside the Starr County Courthouse, so I regularly spoke with ADA Barrera and DA Ramirez in person. I often spoke to ADA Barrera daily. I also regularly messaged DA Ramirez, ADA Barrera, and other DA employees on WhatsApp.

5. I first heard about the investigation of Ms. Gonzalez in January 2022, when ADA Barrera called me and said there had been an issue at the hospital with a mother who had tried to kill a baby by abortion. I believe the incident at the hospital happened either the same day or the day before that ADA Barrera called me. During that conversation, ADA Barrera told me that she had spoken directly to Dr. Lozano and two other employees of the Starr County hospital. I remember being shocked at some of the details that ADA Barrera shared, including that the mother wanted to kill her baby because the baby was not her husband's child. She also noted that the mother had gotten cosmetic surgery while she was pregnant, and that the self-induced abortion was intentional. ADA Barrera also mentioned that the mother had a medical background, and she knew what medication to take to trigger an abortion.

6. During that phone call and soon afterwards, ADA Barrera expressed to me that she was unsure whether the victim of the crime would be considered the baby or the father. My job at the District Attorney's office involved me reaching out to victims of a crime, such as the family of a murder victim. ADA Barrera told me that she needed me to research who the victim would be under state law. I referred to the Texas statute regarding the rights of crime victims and informed ADA Barrera that the statute indicated that the biological father would be considered the victim.

7. After learning about Ms. Gonzalez's investigation, I witnessed and was aware of ADA Barrera frequently sharing information about the investigation with myself, Assistant

District Attorney Abel Villareal, and DA Ramirez. I observed conversations in the office where the case was discussed.

8. Before the case was presented to the Grand Jury, I heard multiple conversations between ADA Barrera and DA Ramirez discussing what evidence had been collected in this investigation. I repeatedly heard DA Ramirez ask ADA Barrera if there was enough legal basis and evidence to prosecute this case, and I heard ADA Barrera assure him that there was. I personally also asked ADA Barrera if she was sure that the case had a legal basis, even if we personally felt that what happened was wrong. She assured me that there was a legal basis.

9. I am also aware that ADA Barrera spoke often with the Sheriff's Office about this investigation because she repeatedly mentioned that she needed to get in contact with the investigators on the case because they were getting information for her. In criminal investigations, it was typical for ADA Barrera to tell the Sheriff's Office investigators what evidence they needed to collect and what witnesses they needed to interview. It was also typical for the District Attorney's office to guide the Sheriff's Office on how to write police reports. ADA Barrera and ADA Villarreal also conducted yearly seminars for local law enforcement agencies of the judicial district, including the Starr County Sheriff's Office, to provide training on how to write case reports.

10. I was usually made aware of upcoming grand jury indictments because my job involved updating victims about the status of a case. However, when Ms. Gonzalez was indicted, I was not made aware of it. This was very unusual.

11. DA Ramirez was working in another county on the day that ADA Barrera presented the case to the grand jury. He was not out of office. During my time at the DA's office,

attorneys were able to communicate with DA Ramirez when he was in another county. It is common for attorneys to communicate with DA Ramirez via email or phone if he is not present in the office. It would have been typical for DA Ramirez to be informed that the case was going to the Grand Jury and that an indictment was returned for a case this significant. It was surprising to me that DA Ramirez was not at the office the day this case was presented to the Grand Jury.

12. Soon after the indictment was issued, but before Ms. Gonzalez was arrested, people outside of the District Attorney's office learned about the indictment and expressed concern. I recall DA Ramirez receiving calls from attorneys outside the office to say that the charge was wrong and express that Ms. Gonzalez should not be arrested. I spoke to DA Ramirez about these calls, and although he expressed concern, DA Ramirez expressed that once the full facts of the case came out, because of how upsetting they were, people would understand.
13. I was able to observe competition between ADA Barrera and ADA Villarreal to secure big cases and build their reputation within the office. Based on my conversations with ADA Barrera, I know she considered this to be a big case, and a case that could set her apart.
14. After Ms. Gonzalez was arrested and the public attention came, DA Ramirez said, referring to himself, that "I fucked up."
15. After Ms. Gonzalez was released and DA Ramirez met with her and her lawyer, he told me "everything is going to be ok. They assured me they wouldn't sue, and I believe them. We're going to issue an apology statement."

Signed this the 16th day of July 2025.

Bernice Garza

SWORN TO AND SUBSCRIBED TO before me, the undersigned authority, on this the 16th day of July 2025.



Notary Public in and for
The State of Texas

STARR COUNTY SHERIFF'S OFFICE



IN APPRECIATION

Our new law enforcement policies & procedures reflect the effort of many dedicated people to whom we wish to express our appreciation.

First, I want to thank the many officers and staff that took the time to participate in this important project. Because of your efforts, this manual reflects the philosophy and operational approach of Starr County Sheriff's Office in managing and providing vital law enforcement services to our community. Of the many deserving of my gratitude, I especially want to thank:

Chief Guillermo Pena
Captain Larry Fuentes
Captain Romeo J. Ramirez, Jr.
Janie Grigsby, Administrative Assistant
Letty Alanis, Administrative Assistant

I also wish to thank each professional outside of our agency whose individual effort, knowledge, and experience attach personal meaning to each policy. We are the beneficiaries of their collective experience and shared wisdom. Some of these fine organizations and people include:

STATE OF TEXAS:

El Paso County Sheriff's Office

Steve Westbrook, Executive Director,
Sheriffs' Association of Texas

Terry Julian, Executive Director,
Texas Commission on Jail Standards

The professionals at OSS – Law Enforcement Advisors® who helped us bring this project together spent long, tedious hours conducting research, auditing and inspecting various law enforcement agencies, debating issues, and compiling new data. They are:

David Lee Salmon II, Project Coordinator, Assistant Editor
David L. Salmon, Ph.D., Editor
John Upton, Research & Assistant Editor
Courtney McNutt, Research & Assistant Editor
Joelle Durdin, Research & Assistant Editor
Shelby Carr, Research, Writing, & Editing
Ryan Grundstein, Writing & Editing
Greg Flint, Research, Writing, & Editing
Dax Salmon, Research, Graphics Design
Karen Salmon, Proofing & Editing

After the original content was compiled, vital input was received from a variety of professional disciplines. Professionals who devoted their valuable time to review, comment, and debate issues are especially appreciated for their interest in law enforcement in general, and their efforts on this project in particular. Some of the more noteworthy participants are:

George C. "*Sonny*" Blackwell, Risk Manager, Stewart, Sneed, & Hewes
Benjamin E. Griffith, Attorney at Law, Griffith & Griffith Law Offices
Daniel J. Griffith, Attorney at Law, Griffith & Griffith Law Offices
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Magnolia State Law Enforcement Academy
Mississippi Department of Public Safety
National Center for Rural Law Enforcement
National Sheriffs Association
Texas Commission on Law Enforcement Standards & Education
Texas Department of Public Safety
United States Department of Corrections
United States Department of Justice

In grateful appreciation to all those that served, and provided invaluable resource material, I am

SHERIFF RENE FUENTES

INTRODUCTION

STARR COUNTY SHERIFF'S OFFICE
Law Enforcement Policies & Procedures with Associated Forms

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STARR COUNTY TEXAS 20 SHERIFF'S OFFICE

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GUILLERMO "WILLIE" PEÑA
CHIEF DEPUTY

LARRY FUENTES
CAPTAIN

ROMEO J. RAMIREZ JR.
CAPTAIN

April 26, 2010

To: All Jail Officers and Employees

Re: Policy & Procedure Manual

Dear Ladies & Gentlemen:

The publication of these *new policies and procedures* marks an important milestone in our continued development as a local leader in law enforcement. For those of you who participated in creating this document, please accept my hardiest thanks for a *job well done!* If you did not have an opportunity to provide input, we now ask for your assistance.

Over the next few days and weeks, the entire agency will be learning and applying the details of our new polices and procedures. As we do so, we will re-visit some of the old practices as well. Take time to study and learn. Then give us your ideas on how we can make this an even better guide toward achieving a safer and more efficient operation. With warmest personal regards to each of you, I remain

Sincerely,

Sheriff Rene Fuentes

STARR COUNTY SHERIFF'S OFFICE
RECEIPT FOR POLICIES & PROCEDURES MANUAL

I, _____, hereby acknowledge receipt of one (1) copy of the *Starr County Sheriff's Office Policies & Procedures Manual.*

It is understood that this manual is entrusted to me for safekeeping, study, and compliance. I will use my best efforts to study, learn, and comply with the instructions contained in this manual. The updating, maintenance, and safe storage of this manual are my personal responsibility.

I understand this manual contains ***restricted law enforcement data***, and that release of its contents to anyone not having an official need to know may place residents of this community, and officers and employees of this agency at risk.

I will retain this manual in my possession or safekeeping, and will not allow it to be copied or reproduced in any manner without prior authorization from a superior authorized to permit such duplication. Further, I will immediately report to Sheriff Rene Fuentes any attempt made by those outside of the agency to borrow, acquire a copy, view, or use this manual. Likewise, I will immediately report the loss of this manual or portions of its contents to my immediate supervisor or Sheriff Rene Fuentes.

I affirm my commitment to honor this agreement this _____ day of _____, 2010.

_____
Printed name

_____
Signature

_____
Printed name of Witness

_____
Witness' Signature

STARR COUNTY SHERIFF'S OFFICE

HOW TO USE THIS MANUAL

Contained in this manual are Policies and Procedures of the Starr County Sheriff's Office. This manual deals with the specifics of operating this law enforcement agency both administratively and operationally, and it addresses issues relating to how we manage, supervise, and provide law enforcement services to the community we serve.

Our policies are developed with you and good order in mind. They are of critical importance to your safety, the safety of fellow officers, and the community at large. These policies will be periodically updated. You will be notified when changes are made at roll calls, during training sessions, and by written notice. It is your responsibility to understand these policies and follow the procedures set forth in this manual.

Policies and procedures are written to provide a basis for the day-to-day operations. Their purpose is to standardize the agency's approach and response to recurrent and predictable situations. Policies and procedures are intended to provide you with guidance regarding the performance of your responsibilities as a sworn law enforcement officer or employee of this agency. They contribute to the overall achievement of the mission by defining performance expectations, ensuring conformity to legal standards, defining and institutionalizing *best practices,* and establishing a basis for accountability.

It is an important requirement that each of us be familiar with the details of this manual, and readily apply its guidelines in every aspect of what we do in carrying out our vital mission. How well you study and use what you learn directly affects the safety and well being of the citizens we are sworn to protect, and ourselves.

Begin your education process by paging through the manual. Familiarize yourself with the format; review how subjects are categorized and numbered; and look for specific topics of interest to you. Next read the *Use of Force* policy, and the *Vehicle Pursuit* policy. Ask yourself, *can I understand and apply these policies?* Continue and read each policy, and when you come to something you don't understand, find confusing, or simply question, write it down and talk with your supervisor to seek the answers. Repeat the process until you are confident you know the policy well enough to apply it in spirit as well as in practice.

During your reading of the manual, if you find something incorrectly stated, or you have a better idea, we want to know about it. This is a *living document.* It was put together with change in mind – the kind of change that brings improvement. Your assistance is needed to make it work, and keep it working as a quality guide.

Use the following *Suggestion Form* to make written suggestions. You may use the original in the book to make copies. Then put your suggestions on a copy of the form, and turn it in to your supervisor. No recommendation is too small or unimportant, so please share your ideas.

STARR COUNTY SHERIFF'S OFFICE

MISSION STATEMENT

Mission Statement

Starr County Sheriff's Office consistently and with uniformity strives to maintains social order and provide professional law enforcement services to citizens in the community, within prescribed ethical, budgetary, and constitutional constraints. This agency strives to enforce the law and maintain order in a fair and impartial manner, recognizing the need for justice, and the consistent appearance of justice. The Sheriff recognizes that no law enforcement agency can operate at its maximum potential without supportive input from the citizens it serves. This agency actively solicits and encourages the cooperation of all citizens to reduce and limit the opportunities for crime and to assist in bringing to justice those that break the law.

SHERIFF RENE FUENTES

L. Gonzalez 000442

Starr County Sheriff's Office
Law Enforcement
Policies and Procedures

Subject: Criminal Investigation	**Policy Number:** 7.04
Issue Date: 04/26/2010	**Revision Date:**
Approval Authority **Title and Signature: Sheriff Rene Fuentes**	

POLICY:

Complaints of major violations of the law require investigations that are conducted in-depth by Starr County Sheriff's Office with attention to detail regardless of whether the investigation is preliminary or of a follow-up nature.

PROCEDURES:

Preliminary Investigation:
The preliminary investigation begins when the first law enforcement unit arrives at the scene of a crime or information is taken by an officer concerning a crime. The investigation continues until postponed or until transferred to another officer. The following officer responsibilities are part of the preliminary investigation and may vary according to the type of crime being investigated and the circumstances associated with the crime scene:

1. Provide aid to the injured;
2. Protect the crime scene to insure evidence is not lost or contaminated;
3. Determine if an offense has actually been committed, and if so, the exact nature of the offense;
4. Determine the identity of the suspect or suspects and effect an arrest if it can be accomplished either at the scene or through immediate pursuit;
5. Furnish other field units descriptions, method, and direction of flight of suspects, and other relevant information concerning wanted suspects or vehicles;
6. Obtain complete identification of all witnesses;
7. Determine what information is known by the victim and each witness;
8. Determine, in detail, the exact circumstances of the offense;
9. Arrange for the collection of evidence;
10. Obtain written and signed statements from victim(s), witnesses, and from the suspect(s);
11. Determine the necessity and degree of follow-up surveillance of the crime scene; &
12. Accurately and completely record all pertinent information on the report forms.

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The initial stages of all preliminary investigations, including crime scene processing, are conducted by patrol officers. The investigation of any serious crime is the responsibility of a criminal investigator.

As soon as a patrol officer concludes the preliminary investigation, the initial field report should be completed including all information obtained at the scene of the offense.

It is the responsibility of the shift supervisor to ensure that an adequate and complete preliminary investigation has been made and to review, screen, and approve the officer's report. The confirmation of shift supervisor approval is required on each report. In the case of those offenses reported directly to and handled completely by a criminal investigator, the Chief Deputy, reviews the report.

Follow-up Investigation:
The follow-up investigation is an extension of the preliminary investigation. The purpose of the follow-up is to provide additional investigation in order to affect the arrest of an offender and/or recover stolen property. Officer or criminal investigator responsibilities of the follow-up investigation include:

1. Identifying and apprehending offenders;
2. Collecting, documenting, and preserving physical evidence, arranging for the analysis and evaluation of the evidence, and reviewing the laboratory analysis of that evidence;
3. Recovering stolen property;
4. Conducting additional interviews of victims and witnesses, as required;
5. Interviewing and interrogating suspects, as required;
6. Obtaining additional information from law enforcement officers and informants;
7. Reviewing agency records and coordinating with adjoining agencies regarding other similar offenses to determine if other crimes may have been committed by the suspects;
8. Reviewing all information contained in the case file (preliminary investigation and earlier follow-up reports) concerning this offense;
9. Recording information obtained and preparing supplementary reports, as required;
10. Distributing information, as appropriate;
11. Planning, organizing, and conducting searches, if necessary;
12. Arranging for polygraph examinations;
13. Preparing a case file folder;
14. Checking the suspect's local police record and criminal histories; &
15. Preparing the application for warrants.

Assignment of Investigators:
In assigning investigators for follow-up, agency management normally considers the following guidelines:

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1. Patrol officers normally conduct and complete the investigation of all non-criminal calls for police service and for misdemeanor or felony crimes not appropriate for referral to the criminal investigator.
2. A Criminal investigator conducts follow-up investigations when one or more of the following conditions exists:
    a. Offense appears to be part of a pattern;
    b. Where sufficient evidence is recovered that could lead to or identify a potential suspect;
    c. When there is a known suspect to the crime;
    d. When articles of a crime are known to be, and can be, recovered;
    e. When follow-up investigations are required in widely separated locations outside this jurisdiction; &
    f. In all other instances as directed by agency management.

Relationships with Prosecuting Attorney:
The prosecuting attorney's office prosecutes felony and misdemeanor criminal cases in each court and for offenses committed in whole or in part within their jurisdiction.

Prosecutor offices usually manage a tremendous caseload. In order to support the prosecutor's staff, all personnel are required to:

1. Coordinate appointments in advance;
2. Be on time;
3. Have a subject for discussion planned in advance;
4. Present facts clearly, detailing the actual evidence and statements to support your contentions;
5. Clearly identify fact from your opinion; &
6. Keep conversations brief.

In every known contested case, misdemeanor or felony, the officer involved makes an appointment with the prosecuting attorney to discuss the case prior to trial.

During investigations, planning sessions, or pretrial stages, any questions of law or criminal procedure are addressed to the prosecuting attorney. Questions on law enforcement procedure are addressed to the Sheriff or designee.

Any criminal cases referred to the prosecuting attorney which result either in a decision of *declined to prosecute* or *dismissed* due to *law enforcement mishandling* must be reported by the prosecuting attorney or staff to the Sheriff immediately so they can be carefully reviewed and the appropriate corrective action taken.

Serious Crimes - Criminal Investigator Response:
A criminal investigator assigned to Starr County Sheriff's Office is on-call 24 hours each day to conduct the following investigations:

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1. Deaths or serious injury of a violent or suspicious nature;
2. Actual or suspected sexual assault and other sex offenses
3. Armed robberies;
4. Burglaries where there is excessive or unusual loss (high dollar value, cash, jewelry, silver, etc.);
5. Major disasters (where investigators can assist in identification of victims);
6. Hostage situations;
7. Kidnappings, extortion;
8. Officer involved shootings;
9. Bombings; &
10. Any criminal offense or situation for which the on duty ranking officer or shift supervisor believes a *criminal investigator* should be immediately assigned.

In the event the criminal investigator on call is unavailable, the Sheriff or the Chief Deputy is contacted immediately for further guidance. If requested by the assigned criminal investigator, the dispatcher directs available patrol personnel to assist with protection of crime scene, traffic, crowd control, witness canvas, etc.

TACTICS:

Use of Crime Checklist:
Attached to this policy is a Crime Checklist that is used in addition to any other investigative tool or list in the conduct of the investigations. Investigators, regardless of seniority or rank, cover or attempt to cover each item on this list when conducting their investigations. Each item is addressed within the body of their written reports.

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CRIME INVESTIGATOR CHECKLIST

The following is a crime checklist. It contains questions, which should be addressed during the criminal investigation, as well as specific questions relating to different types of crimes. These lists are not intended to be all-inclusive, but serve as guides in doing actual investigations, preparing reports, and in supervisory review of such reports.

General Investigative Questions:

Who is involved?

1. Who is the victim?
2. Who is the suspect?
3. Who is a witness?
4. Who reported the case?

What happened?

1. What took place?
2. What offense was committed?
3. What are the elements of the offense?
4. What was the object of the attack?

When did it happen?

1. When in time did the occurrence take place?
    a. At what hour?
    b. On what day?
    c. In what month?
    d. In what year?
2. Was it day or night?
3. Was it clear or cloudy?
4. Was it foggy, misty, raining, smoggy, snowing, hailing, sleeting, etc.?

Where did it happen?

1. Where did the offense occur?
2. Where was the object of the offense?
3. Where is the object of the offense now?
4. Where was the object of the offense found?
5. Where was the perpetrator of the offense?
6. Where is the suspect now?
7. Where was the suspect when apprehended?
8. Over what area did the offense extend?

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9. Where were the witnesses in relation to the crime scene?
10. Where are the witnesses now?

How did it happen?

1. How was the offense committed?
    a. What preparation was made to commit the offense?
    b. What was done to avoid detection?
2. How was the property or person attacked?
    a. What method was used to induce the victim to give up his property?
    b. What means were used to overcome resistance of the victim?
    c. What means or instruments were used in the perpetration of the offense?
3. How did the offender act?
4. How did the victim act?
5. How did the situation assist in the commission of the offense?
6. How did the offender enter and exit the crime scene?
    a. What means of entry and exit were used?
    b. What instruments were used for entry/exit?
7. Ensure each element of the offense is covered in reports, statements, etc.

Offenses Against Persons:
The offenses of robbery, assault, battery, murder, kidnapping, abduction, mayhem, sex offenses, and extortion are considered offenses against the person. The investigating officer should determine the following:

1. What device, trick, ruse, or other method did the perpetrator use to gain access to the victim?
2. What did the perpetrator say, using exact wording?
3. What in detail did the perpetrator do?
4. How did he act?
5. What means did he use to commit the act?
6. What preceded the offense?
7. What was the victim doing immediately preceding and at the time of the offense?
8. Were there any accomplices?
    a. What did they look like?
    b. What did the accomplices do in participation of the crime?
    c. Did they arrive with the perpetrator?
    d. Did they leave with the perpetrator?
9. How did the perpetrator arrive and depart?
10. What other facts surrounding the occurrence could be used to identify the perpetrator and accomplices?
11. When all else fails, investigate the victim.

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Offenses Against Property:

Burglary

1. Precisely what type of premise was entered?
2. Where was the point of entry?
3. Where was the point of departure?
4. What instruments were used to gain entry?
5. What was done to preserve evidence of entry and exit?
6. What acts were committed by the perpetrator at the scene?
7. Where were occupants of the premises?
8. How did the perpetrator arrive and depart?
9. Are there any other facts or acts that can be used to identify the perpetrator?
10. From what place was property stolen?
11. Were there occupants on the premises?
12. Where were they?
13. What means were used to take the property?
14. How did the victim discover the loss?
15. What means were used to distract attention of victims or persons in the vicinity?
16. How did the perpetrator arrive and depart?
17. Video, CCTV, or photos of crime or suspect?

Fraudulent Checks

1. How were the checks written or otherwise prepared?
2. What type of paper was used?
3. How were the checks returned?
4. What purpose was to be served by check?
5. What claim was made by the passer to establish authenticity of check?
6. Was the victim able to note description of check passer?
7. What caused the victim to notice the worthless check?
8. What did the passer say when presenting the check to the victim?
9. What time of day was the check passed?
10. How did the check passer arrive and depart?
11. Are there any other pertinent facts?
12. Video, CCTV, or photo of transaction?

Embezzlement

1. What property was the subject of the embezzlement?
2. What was the value of the property?
3. Who had ownership?
4. Who had possession of the property at the time of the conversion?
5. Under what circumstances was the property received or held?
6. How was the loss of the property discovered?

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7. Where was the property recovered?
8. Who had possession of the property at the time of recovery?
9. Video, CCTV, or photos of crime or suspect?

Arson

1. How was the fire reported?
2. Who reported the fire?
    a. Name
    b. Address
    c. Telephone number
    d. Occupation
    e. Description
    f. Circumstances causing person to note fire
3. When time was the fire discovered?
4. Who discovered the fire?
    a. Name
    b. Address
    c. Telephone number
    d. Occupation
    e. Description
5. Where was the person who discovered the fire?
6. How did he happen to be there?
7. What type of structure or property was set on fire?
8. Condition of the structure before the fire?
9. Was the building vacant, and if so, for how long?
10. Was the building inhabited?
11. Was a human being in the structure at the time of the fire?
12. Would an ordinary person have reason to know or suspect the building was inhabited?
13. Who occupies the building?
14. What type of business is carried on in the building?
15. How long has this business been at this location?
16. Insurance information on building and/or contents
17. Financial condition of business
18. Who owns the building?
    a. Name
    b. Address
    c. Age
    d. Description
    e. When acquired building
19. How was the fire started?
20. What materials, accelerants, and devices were used?
21. What was the value of the property destroyed?
22. What were the findings of the arson investigator, of the fire department, and

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other agencies? Attach the reports as exhibits.

23. Was there a burning or charring as distinguished from mere scorching?
24. What evidence (traces on clothing of suspect or clue materials at the scene) is associated the suspect with the scene?
25. What actions of the suspect offered evidence of criminal intent?
26. Video, CCTV, or photos of crime or suspect?
27. Many times the actor may be in the crowd watching fire personnel work to put out the fire. Officers should observe the crowd for unusual activity.

RESTRICTED LAW ENFORCEMENT DATA
This data is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of this agency. Data subject to this restriction is contained throughout this publication.

L. Gonzalez 000794

COMPLAINT NO. 202202571

RESPONSE TO GRIEVANCE OF MS. JOANNA GROSSMAN

My name is Gocha Allen Ramirez and I am the elected District Attorney for the 229th Judicial District which encompasses Starr, Jim Hogg and Duval Counties. I was licensed by the State Bar of Texas in 1979 and, to the best of my recollection, I have never been publicly or privately reprimanded by the State Bar of Texas or been subject to discipline by the State Bar of Texas for Professional Misconduct.

I do not know nor have I ever met Ms. Joanna Grossman, the complainant herein. I have never spoken to her about the indictment against Ms. Lizelle Herrera. To the best of my knowledge Ms. Grossman has never spoken to Ms. Herrera about the investigation, arrest, indictment and subsequent dismissal of the indictment against Ms. Herrera. And, to the best of my knowledge, Ms. Herrera has not filed any grievance against me or anyone in my office. To the best of my knowledge, Complainant has absolutely no firsthand knowledge of any of what transpired other than what has been publicly reported.

I. TIMELINE

A. January 11, 2022 – The Starr County Sheriff's Office and Rio Grande City Police Department respond to a call made by a charging nurse at the Starr County Memorial Hospital regarding what the nurse believed to be a violation of Texas Senate Bill 8. The Starr County Sheriffs Office takes the lead in what is labeled a "death investigation" and then a "murder investigation". The investigation

consists almost entirely of taking statements. Neither the District Attorney's Office or anyone on my staff is involved.

B. January 12, 2022 – Two (2) Grand Jury subpoenas duces tecum are issued upon application by one of my Assistant District Attorneys for medical records. One is directed to Ms. Herrera's Gynecologist and the other to the hospital.

C. January 13, 2022 – A return on the Subpoena is made by Gynecologist and consists of 76 pages of medical records. The return is attached hereto as Exhibit #1 to this Response.

D. February 16, 2022 – A return on the subpoena is made by the hospital and consists of 146 pages of medical records. The return is attached hereto as Exhibit #2 to this Response.

1. All medical records are part of our file. I have personally communicated to Investigator Hidalgo that they will be turned over to the State Bar upon compliance with Sec. 159.002 of the Texas Occ. Code attached hereto as Exhibit #3.

E. March 17, 2022 – The Prosecution Packet containing all reports, interviews, statements and records is turned into the District Attorney's Office by Starr County Sheriff's Department. This is evidenced by the Brady Compliance Form that is required to be completed when an investigation is turned into the District Attorney's Office. That Brady Compliance Form is included herein as Exhibit #4. The file is turned over to an Assistant District Attorney. I do not see or review any of this file.

F. March 25, 2022 – The investigation is presented to a Starr County Grand Jury for their consideration and an Indictment is returned against Ms. Herrera. A copy of the Indictment is included herein as Exhibit #5.

G. March 30, 2022 – The Indictment is formally filed with District Clerk's Office.

H. April 1, 2022 – The Indictment is signed by a District Judge who also sets the bond.

I. April 7, 2022 – Ms. Herrera was arrested pursuant to a capias issued by the District Judge.

J. April 9, 2022 – Ms. Herrera is release from Starr County Jail on bond.

K. April 9, 2022 – Upon reviewing the file for the first time, I reach out to Ms. Herrera's Attorney to advise him that I will be filing a Motion to Dismiss the Indictment.

L. April 10, 2022 – Press Release (attached as Exhibit #6) and a private meeting with Ms. Herrera and her family.

M. April 11, 2022 – Motion to Dismiss filed (Exhibit #7) and Order of Dismissal signed by the District Judge (Exhibit #8).

II.

As the elected District Attorney for a three (3) County District, approximately 75% of my work is administrative. This includes dealing with personnel, budgets, grants, meetings with other elected officials and law enforcement heads. I have five (5) Assistant District Attorney's total in my district and they are in charge of almost all of the cases we intake.

This particular case was picked up by one of the Assistant District Attorney's and presented to a Grand Jury on a date when I was out of the County and doing work in another County. See the attached Affidavit (Exhibit #9). I was not in the Grand Jury room when the case was presented and none of my Assistants were in the room when the case was discussed by the Grand Jury and their decision was made.

III.

The allegation by Ms. Grossman that the Indictment was returned on my watch as District Attorney is accurate. The allegation that the facts do not meet the elements of the crime of murder is correct.

The allegation that I was aware of the facts of this case before consideration by the Grand Jury is incorrect. I had never seen the file and it was handled by an Assistant District Attorney.

The allegation that Ms. Herrera was "maliciously prosecuted by Mr. Ramirez either for political reasons or unknown reasons" is ludicrous, speculative and absurd. Ms. Grossman does not know me personally and does not know my political beliefs. This allegation does not articulate a legitimate grounds for grievance that I can respond to other than to deny it honestly. My questions for consideration are what evidence of malice has she produced? What evidence of my political beliefs has she produced? What evidence of misconduct or malice on my part has she produced?

IV.

The allegation of a "gross abuse of power" presupposes a "mens rea" of intent to harm. This allegation is rebutted by the fact that I had never seen the file before it was

considered by the Grand Jury – I wasn't present when it was presented to a Grand Jury to hear the facts – and I dismissed the case immediately upon learning of the facts.

It seems unfathomable to me that I can be personally disciplined for a mistake made by either an Assistant District Attorney, a Grand Jury or both when I was not present or aware of the facts of the case at hand. It is my personal opinion that this would set a dangerous precedent for every District Attorney in the States of Texas should each of us be held personally responsible by way of State Bar discipline for every mistake made by an Assistant and/or a Grand Jury. We have handled well over 1,000 cases in the 18 months that I have been the District Attorney.

V.

It also seems to me that Ms. Grossmans "standing" to bring this grievance is very tenuous. It may be admirable that Ms. Grossman is an "advocate for people seeking to exercise their reproductive rights in the State of Texas" but Ms. Grossman suffered no harm personally by this mistake.

VI.

Investigator Hidalgo requested a copy of the investigative file that was prepared by the Starr County Sheriff's Office. That file is in my possession and I have offered to turn it over to the State Bar upon assurance that my office would not be in violation Tex. Occ. Code § 159.002 and HIPAA laws. Please advise me about how I might comply with that request without a HIPAA violation.

I am attaching a request for an Attorney General opinion that was made by my office as Exhibit #10. This request relates to my concerns of possible HIPAA violations

and a request for guidance from our Attorney General. As of the date of this Response, we have not received any reply or opinion from the Attorney General's Office.

VII.

Rule 3.09 of the Texas Disciplinary Rules of Professional Conduct sets out the Special Responsibilities of a Prosecutor. The Subsection that appears to need addressing is subsection (a) "refrain from prosecuting or threatening to prosecute a charge that the prosecutor knows is not supported by probable cause".

As Ms. Grossman states in so many words and as is laid out in comment #1 "A prosecutor has the responsibility to see that justice is done, and not simply to be an advocate. This responsibility carries with it a number of specific obligations. Among these is to see that no person is threatened with or subjected to the rigors of a criminal prosecution without good cause".

But comment #2 states clearly that paragraph (a) does not apply to situations where the prosecutor is using a grand jury to determine whether any crime has been committed, nor does it prevent a prosecutor from presenting a matter to a Grand Jury even though he has some doubt as to what charge, IF ANY (emphasis added), the Grand Jury may decide is appropriate, as long as he believes that the Grand Jury could reasonably conclude that some charge is proper. A prosecutor's obligation under that paragraph is satisfied by the return of a true bill by a Grand Jury, unless the prosecutor believes that material inculpatory information presented to the Grand Jury is false. (emphasis added).

VIII.

Concerning the complaint by Ms. Grossman, it must once again be pointed out that I was not the prosecutor that presented the case to the Grand Jury. Since I personally did not have any knowledge of the facts, it appears that Rule 3.09(a) subjects the prosecutor presenting the case to the limited scrutiny of whether he/she "reasonably believed... some charge is proper".

And it also appears that prosecutor's obligation under paragraph (a) is satisfied by the return of a True Bill by that Grand Jury. The obligation would only be subject to a situation where that prosecutor knows that the "material inculpating information presented to the Grand Jury is false".

Once again, that determination appear to hinge on the state of mind of the prosecutor presenting the case. I did not present the case or know the facts of the case.

IV.

What responsibility would I have for the mistake of an Assistant District Attorney and/or a Grand Jury returning an Indictment that does not meet the elements of the crime alleged? That issue appears to be addressed by Rule 5.01. Sections (a) and (b) appear to confirm the general principle that I would not be vicariously responsible for the misconduct of another lawyer unless

(a) I order, encourage or knowingly permit the conduct involved; or

(b) I gain knowledge of another lawyer's violation of the disciplinary rules and I knowingly fail to take remedial action to avoid or mitigate the consequences of the other lawyer's violation.

Comment #5 under Rule 5.01 states quite clearly that neither section is intended to extend vicarious disciplinary liability upon the lawyer in a position of authority. "Rather, the lawyer in such authoritative position is exposed to discipline only for his or her own knowing actions or failures to act. Whether a lawyer may be liable civilly or criminally for another lawyer's conduct is a question of law beyond the scope of those rule".

X.

It is my position that Rule 5.01 would come into play only if there is clear misconduct by another lawyer whom I have direct supervisory authority over. While there is no question that I have direct supervisory authority over my Assistant District Attorneys, there is no evidence before the State Bar that any Assistant District Attorney engaged in misconduct pursuant to Rule 3.09. Complainants grievance does not provide evidence as to whether any Assistant District Attorney in my officer engaged in misconduct, especially when you consider comment #2 of Section 3.09 and the shield of Grand Jury Action.

But even if there was evidence of intentional misconduct by any Assistant District Attorney (which I don't believe exists) then I could be held responsible only if I "ordered, encouraged or knowingly permitted the conduct involved" or if I gained knowledge of the violation and failed to take remedial action.

XI.

In this case, I never "ordered, encouraged or knowingly permitted the conduct involved". The file was not handled by me, I was never briefed on the facts of the case, I

never reviewed the file until after the Grand Jury Indictment and I was not present when it was presented to the Grand Jury. It would be impossible to order, encourage or knowingly permit conduct when I was not aware of the conduct before it happened.

Did I gain knowledge of this mistake after it occurred? Yes. On April 9, 2022, I reviewed the file and concluded that Ms. Herrera should have not been Indicted. My responsibility at the time that I discover the mistake, pursuant to Rule 5.01(b) is to take remedial action as quickly as possible to "avoid or mitigate" the consequences. I did that. See Exhibit #6 and Exhibit #7.

In conclusion, the lack of specificity in Ms. Grossman complaint – the lack of facts to support her complaint - the failure of the complaint pursuant to Rules 3.09 and 5.01 support my request that this complaint be dismissed.

Respectfully,

GOCHA ALLEN RAMIREZ
229TH JUDICIAL DISTRICT ATTORNEY
401 N. Britton Avenue, Suite 417
Starr County Courthouse
Rio Grande City, TX 78582
SBN: 16501800
Tele: (956) 716-4800 x 8553
Email: gocha.ramirez@da.co.starr.tx.us

Outlook

RE: Case No. 202202571; Grossman/Ramirez

From Clayton Hackett <Clayton.Hackett@TEXASBAR.COM>
Date Wed 1/17/2024 3:46 PM
To Garlaw2 <garlaw2@aol.com>
Cc Gocha Ramirez <gocha.ramirez@da.co.starr.tx.us>

1 attachments (130 KB)
Agreed Probated Suspension.pdf;

You don't often get email from clayton.hackett@texasbar.com. Learn why this is important

Good afternoon Mr. Ramirez,

Thank you for getting back with me quicker than I'd anticipated, and no need to apologize for the length of your correspondence. I do not have the authority for a two month probated suspension; the best that I can do at this time is a one year fully probated suspension. Please see attached proposed judgment to that effect. I have incorporated your requested change to finding of fact #7, and reduced attorney's fees. My understanding is that an agreed judgment at this stage would result in only the Judgment becoming public record. My understanding is in the event of a judgment by an evidentiary panel, more of the file would be subject to public disclosure.

Please let me know if you have further questions or wish to discuss.

Thank you,

B. Clayton Hackett
Assistant Disciplinary Counsel
State Bar of Texas, Office of the Chief Disciplinary Counsel
San Antonio Region
PLEASE NOTE OUR NEW ADDRESS, BELOW:
9311 San Pedro Avenue, Suite 1000
San Antonio, Texas 78216
(210) 208-6600 (Phone)
(210) 208-6677 (Fax)
clayton.hackett@texasbar.com

From: Garlaw2 <garlaw2@aol.com>
Sent: Friday, January 12, 2024 11:41 AM
To: Clayton Hackett <Clayton.Hackett@TEXASBAR.COM>
Subject: Case No. 202202571; Grossman/Ramirez

You don't often get email from garlaw2@aol.com. Learn why this is important

Good morning Mr. Hackett. As I represented to you in our last telephone conversation, I do not agree with the panel's recommendation for sanction in the above-referenced matter.
Having said that, I am interested in entering into an agreed resolution of this matter. While I continue to maintain that a public reprimand would be an appropriate sanction pursuant to Sec.15.06 (A) (3), my understanding is that this sanction cannot be considered. In spite of this understanding, I would respectfully request that the panel and/or you first reconsider this option. If, after review of the facts and Sec. 15.06 (A) (3), the sanction of a public reprimand cannot be reconsidered, then my proposal for sanction is as follows:

A. A two (2) month fully probated suspension beginning April 1, 2024 and ending May 31, 2024;

B. Attorney's fees and expenses in the amount of $500.

As for the findings of fact, I have no dispute with the wording of findings #'s 1,2,3,4,5,6,8,9, and 10. I would respectfully request that the wording of #7 be changed to read that " Respondent knowingly permitted the conduct of the Assistant District Attorney under his direct supervision". I believe that only one (1) wrongful act is necessary to support this particular finding. And I do not believe that any evidence was discovered during the investigation to support a finding that I "ordered or encouraged" the conduct of the Assistant DA. And this may or not be pertinent but the findings read " Respondent and Assistant DA's" (plural). I don't know that more than one assistant was found to be involved the prosecution besides myself.
I am respectfully requesting the above stated options of sanction with the assumption that the panel and you have fully considered all the mitigating factors listed in Sec. 15.09 (C) (2), including subsections (a), (b), (d) (g) and (l).
As I represented to you in our last conversation, my main concern is not so much personal as I have been practicing almost 45 years , all the while in good standing with the State Bar. My main concern, as a public servant, is trying to maintain the credibility. of this office moving forward from this unfortunate matter. I fully understand that this is not the concern of the State Bar during this type of inquiry and that the Bar must scrutinize only the alleged misconduct in reaching a decision. Obviously whatever agreed resolution is finally entered into, along with any requisite conditions ordered, will be fully followed by me.
The only question I have is whether or not the FULL record, including the investigative file forwarded to you, will also be public record. In view of the Attorney General's opinion and so as to mitigate further damage to the victim, I am hopeful that only the final Agreed Judgement will be made available to the public, if requested.
And I hope that the length of this correspondence is not out of line.

Sincerely,

Gocha Allen Ramirez

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

LIZELLE GONZALEZ,	§	
Plaintiff	§	
	§	
v.	§	**CIVIL ACTION NO. 7:24-cv 00132**
	§	
GOCHA ALLEN RAMIREZ,	§	
ALEXANDRIA LYNN BARRERA,	§	
RENE FUENTES, and	§	
STARR COUNTY, TEXAS,	§	
Defendants	§	

DEFENDANT ALEXANDRIA BARRERA'S OBJECTIONS AND RESPONSES TO PLAINTIFF'S PHASE ONE INTERROGATORIES

==========

TO: Plaintiff, Lizelle Gonzalez, by and through their attorneys of record, Cecilia Garza and Veronica Sepulveda Martinez of Garza Martinez Law; David A. Donatti and Adriana Pinon of American Civil Liberties Union of Texas; and Lauren Alicia Johnson of American Civil Liberties Union Foundation.

Now comes DEFENDANT, ALEXANDRIA BARRERA, and files these Objections and Responses to Plaintiff's Phase One Interrogatories.

SIGNED on this the 8th day of OCTOBER 2024.

Respectfully submitted,

DENTON NAVARRO RODRIGUEZ BERNAL SANTEE & ZECH, P.C.
549 N. Egret Bay Blvd., Suite 200
League City, Texas 77573
Telephone: (832) 632-2102
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By: Ricardo J. Navarro
RICARDO J. NAVARRO
State Bar No. 14829100
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By: Kelly R. Albin
KELLY R. ALBIN
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kralbin@rampagelaw.com

ATTORNEYS FOR DEFENDANTS GOCHA ALLEN RAMIREZ, ALEXANDRIA BARRERA, SHERIFF RENE FUENTES, AND STARR COUNTY, TEXAS

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that a true copy of this document has been served in accordance with one or more of the authorized methods for service of process contained in the Federal Rules of Civil Procedure on the persons or parties identified below and who are listed as attorneys to be noticed in this proceeding, on the on this the 8th day of OCTOBER 2024.

Ida Cecilia Garza
Veronica Sepulveda Martinez
GARZA MARTINEZ, PLLC

Adriana Piñon
David A. Donatti
ACLU of TEXAS

Lauren Alicia Johnson
ACLU FOUNDATION

ATTORNEYS FOR PLAINTIFF

Ricardo J. Navarro
RICARDO J. NAVARRO
KELLY R. ALBIN

DEFENDANT ALEXANDRIA BARRERA'S OBJECTIONS AND RESPONSES TO PLAINTIFF'S PHASE ONE INTERROGATORIES

==========

INTERROGATORY NO. 1: Identify all persons with knowledge of the Investigation, Indictment, Arrest, Bail, and Dismissal, and describe their involvement, including all individuals who participated in the Investigation or were present during witness interviews.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS OVERBROAD AND REQUIRES THE DISCLOSURE OF INFORMATION THAT IS TO REMAIN UNDISCLOSED UNDER CHAPTER 20A OF THE TEXAS CODE OF CRIMINAL PROCEDURE. DEFENSE COUNSEL FURTHER OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS INVASIVE OF ATTORNEY WORK PRODUCT PRIVILEGE. THE IDENTITY OF PERSONS WITH KNOWLEDGE OF FACTS WHO MAY BE DISCLOSED IN THIS CIVIL PROCEEDING ARE LISTSED IN THE RULE 26 DISCLOSURES PERTAINING TO THIS CIVIL LAWSUIT.

INTERROGATORY NO. 2: Identify each criminal statute under which Plaintiff was investigated and charged related to the Investigation.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS OVERBROAD AND REQUIRES THE DISCLOSURE OF INFORMATION THAT IS TO REMAIN UNDISCLOSED UNDER CHAPTER 20A OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

INTERROGATORY NO. 3: Describe each action you took related to the Investigation, Indictment, Arrest, Bail, and Dismissal.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS OVERBROAD AND REQUIRES THE DISCLOSURE OF INFORMATION THAT IS TO REMAIN UNDISCLOSED UNDER CHAPTER 20A OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

ANSWER: Investigation, None. Arrest, None. Bail, None. Dismissal, None. Indictment, See Objection By Defense Counsel.

INTERROGATORY NO. 4: Describe all Interactions you had with other District Attorney's Office employees related to the Investigation, Indictment, Arrest, Bail, and Dismissal, including the date, substance of any conversations, and names and titles of all individuals present.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS OVERBROAD AND REQUIRES THE DISCLOSURE OF INFORMATION THAT IS TO REMAIN UNDISCLOSED UNDER CHAPTER 20A OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

ANSWER: Subject to Defense Counsel's Objections, None, other than DA Ramirez and also ADA Villarreal. I called ADA Villarreal after the indictment and after I learned of 19.06 to ask if he knew about 19.06, to which he told me he did not know about it either.

INTERROGATORY NO. 5: Describe all Interactions you had with the Sheriff's Office related to the Investigation, Indictment, Arrest, Bail, and Dismissal, including the date, substance of the conversation, and names of all individuals present.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS OVERBROAD AND REQUIRES THE DISCLOSURE OF INFORMATION THAT IS TO REMAIN UNDISCLOSED UNDER CHAPTER 20A OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

RESPONSE: Subject to Defense Counsel's Objections, I don't recall the exact date) but I was out in January sick with COVID, and I had a missed call from the SO. By the time I called the SO back they let me know they had spoken to ADA Abel Villarreal. When I called back, I spoke with Inv. Muniz and in that call Capt. Leonard Fuentes was privy to the conversation. I asked what was going on and they advised me of the call from the hospital and they gave me a brief summary of the facts. I learned from talking to them that their questions to Abel Villarreal had to do with whether an unborn child was an individual for purposes of the homicide statute and also what kind of charge would apply given the facts they had. They then told me that ADA Villarreal had advised that "individual" included an unborn child under the Penal Code. While they told me this, I was simultaneously looking for the definition of an "individual" on my phone. I did confirm that under Texas Penal Code Section 1.07(26) the definition of an individual included an unborn child at every state of gestation from fertilization until birth. I also looked up the homicide statute to confirm that it included the term "individual." I did confirm back to them that what they had been told was correct. All the elements were met. I was a bit surprised to learn that the term "individual" included an unborn child but that is what the statute says. I was not at that time aware of the provisions of 19.06 of the Penal Code. At a later point in time, (I don't recall the exact date) but prior to the investigative file being delivered to our office, the SO contacted me regarding the case and informed me they were done with all of their interviews and investigation. Inv. Muniz asked if they should proceed with an arrest warrant or if they should just turn the case in for grand jury presentation. I conferred with Mr. Ramirez and he informed me that we should just go ahead and present the case to the grand jury and let them decide. At no time was I made aware that an application for a grand jury subpoena had been handled by ADA Villarreal.

INTERROGATORY NO. 6: Describe all Interactions you had with any individual or witness related to the Investigation, Indictment, Arrest, Bail, and Dismissal, including the date, substance of any conversations, and names of all individuals present.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS OVERBROAD AND REQUIRES THE DISCLOSURE OF INFORMATION THAT IS TO REMAIN UNDISCLOSED UNDER CHAPTER 20A OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

INTERROGATORY NO. 7: Describe all Interactions you had with the Rio Grande City Police Department related to the Investigation, Indictment, Arrest, Bail, and Dismissal, including the date, substance of any conversations, and names of all individuals present.

ANSWER: NONE.

INTERROGATORY NO. 8: Describe all Interactions you had with Starr County Memorial Hospital related to the Investigation, Indictment, Arrest, Bail, and Dismissal, including the date, substance of any conversations, and names of all individuals present.

ANSWER: NONE.

INTERROGATORY NO. 9: Describe all Interactions you had with public hospitals since January 1, 2015, related to abortion or the termination of pregnancy, or related to alleged harm to an unborn child under any criminal or civil statute, including those Interactions relating to Texas Senate Bill 8 (87(R)), also known as the Texas Heartbeat Act, including the date, substance of any conversations, and names of all individuals present.

ANSWER: NONE.

INTERROGATORY NO. 10: State the number of times you have investigated or prosecuted a person for homicide under Chapter 19 of the Texas Penal Code or investigated or prosecuted a person for harm to an unborn child under any criminal or civil statute.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS OVERBROAD AND REQUIRES THE DISCLOSURE OF INFORMATION THAT IS TO REMAIN UNDISCLOSED UNDER CHAPTER 20A OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

ANSWER: Subject to Defense Counsel's Objection, I have not previously had a case involving a complaint about harm to an unborn child. I have in my capacity as an Assistant District Attorney been involved in cases involving homicide and murder.

INTERROGATORY NO. 11: Provide the docket numbers for all cases you were involved in where at least one of the charges was for homicide under Chapter 19 of the Texas Penal Code or concerned alleged harm to an unborn child under any criminal or civil statute.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS OVERBROAD AND REQUIRES THE DISCLOSURE OF INFORMATION THAT IS TO REMAIN UNDISCLOSED UNDER CHAPTER 20A OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

ANSWER: See my response to Interrogatory No. 10.

INTERROGATORY NO. 12: Describe in detail the facts supporting Plaintiff's Indictment.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY BECAUSE IT VIOLATES THE GRAND JURY SECRECY UNDER CCP ART. 20A.204 – DISCLOSURE BY ATTORNEY REPRESENTING THE STATE.

INTERROGATORY NO. 13: Describe accusations, investigations, and determinations regarding violations of disciplinary rules related to the Investigation, Indictment, Arrest, Bail, or Dismissal, whether internal or external.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT SEEK INFORMATION THAT IS NOT RELEVENT TO THE CLAIMS AND DEFENSES IN THIS LAWSUIT NOR IS IT CALCULATED TO LEAD TO THE DISCOVERY OF RELEVENT EVIDENCE. FURTHER, THE INTERROGATORY IS OBJECTIONABLE BECAUSE IT IS OVERBROAD AND WOULD REQUIRE DEFENDANT TO VIOLATE THE GRAND JURY SECRECY UNDER CCP ART. 20A.204 – DISCLOSURE BY ATTORNEY REPRESENTING THE STATE.

INTERROGATORY NO. 14: Describe all Communication between the District Attorney's Office and the Sheriff's Office related to sharing public information about the Investigation, Indictment, Arrest, Bail, or Dismissal.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY BECAUSE IT VIOLATES THE GRAND JURY SECRECY UNDER CCP ART. 20A.204 – DISCLOSURE BY ATTORNEY REPRESENTING THE STATE.

ANSWER: Subject to Defense Counsel's Objection, none. I am not aware of any public sharing of information pertaining to the investigation, indictment, arrest, bail, or dismissal other than the public statements made by DA Ramirez after he dismissed the indictment.

INTERROGATORY NO. 15: Describe all Interactions you had since January 1, 2015, with any elected official, including but not limited to Governor Greg Abbott, Attorney General Ken Paxton, and their staff, employees, agents or representatives, related to abortion or the termination of pregnancy, or related to alleged harm to an unborn child under any criminal or civil statute, including those Interactions relating to Texas Senate Bill 8 (87(R)), also known as the Texas Heartbeat Act.

ANSWER: None.

INTERROGATORY NO. 16: Identify all classes, courses, or trainings attended, or certifications obtained, since January 1, 2015, including those from the Texas Commission on Law Enforcement.

ANSWER: Please refer to my personal MCLE Report from my State Bar Account. There may be other courses and trainings that I have had provided by the State or professional associations, like the Texas District & County Attorneys Association (TDCAA) that are not reflected in my MCLE list. If I can locate additional documentation that is not already listed in my MCLE account, I will forward that to defense counsel for supplementation.

VERIFICATION

STATE OF TEXAS §
§
COUNTY OF STARR §

BEFORE ME, the undersigned authority personally appeared ALEXANDRIA BARRERA, who stated upon oath, that her Responses to the Interrogatories in the foregoing document are based on his personal or record knowledge and are true and correct.

ALEXANDRIA BARRERA
ASSISTANT DISTRICT ATTORNEY
229TH JUDICIAL DISTRICT
STARR COUNTY, TEXAS

SUBSCRIBED and SWORN to before me on the 7th day of October, 2024.

LILIA RODRIGUEZ
Notary Public, State of Texas
Comm. Expires 04-19-2028
Notary ID 134861844

Notary Public, State of Texas
Commission Expires:

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

LIZELLE GONZALEZ,	§	
Plaintiff	§	
	§	
v.	§	**CIVIL ACTION NO. 7:24-cv 00132**
	§	
GOCHA ALLEN RAMIREZ,	§	
ALEXANDRIA LYNN BARRERA,	§	
RENE FUENTES, and	§	
STARR COUNTY, TEXAS,	§	
Defendants	§	

DEFENDANT GOCHA RAMIREZ'S OBJECTIONS AND RESPONSES TO PLAINTIFF'S PHASE ONE INTERROGATORIES

==========

TO: Plaintiff, Lizelle Gonzalez, by and through their attorneys of record, Cecilia Garza and Veronica Sepulveda Martinez of Garza Martinez Law; David A. Donatti and Adriana Pinon of American Civil Liberties Union of Texas; and Lauren Alicia Johnson of American Civil Liberties Union Foundation.

Now comes DEFENDANT, GOCHA RAMIREZ, and files these Objections and Responses to Plaintiff's Phase 1 Interrogatories.

SIGNED on this the 8th day of OCTOBER 2024.

Respectfully submitted,

DENTON NAVARRO RODRIGUEZ BERNAL SANTEE & ZECH, P.C.
549 N. Egret Bay Blvd., Suite 200
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ATTORNEYS FOR DEFENDANTS SHERIFF RENE FUENTES, GOCHA ALLEN RAMIREZ, ALEXANDRIA BARRERA AND STARR COUNTY, TEXAS

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that a true copy of this document has been served in accordance with one or more of the authorized methods for service of process contained in the Federal Rules of Civil Procedure on the persons or parties identified below and who are listed as attorneys to be noticed in this proceeding, on the on this the 8th day of OCTOBER 2024.

Ida Cecilia Garza
Veronica Sepulveda Martinez
GARZA MARTINEZ, PLLC

Adriana Piñon
David A. Donatti
American Civil Liberties Union of Texas

Lauren Alicia Johnson
American Civil Liberties Union Foundation

ATTORNEYS FOR PLAINTIFF

Ricardo J. Navarro
_____
RICARDO J. NAVARRO
KELLY R. ALBIN

DEFENDANT GOCHA ALLEN RAMIREZ OBJECTIONS
AND RESPONSES TO PLAINTIFF'S PHASE ONE INTERROGATORIES
==========

INTERROGATORY NO. 1: Identify all persons with knowledge of the Investigation, Indictment, Arrest, Bail, and Dismissal, and describe their involvement, including all individuals who participated in the Investigation or were present during witness interviews.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS OVERBROAD AND REQUIRES THE DISCLOSURE OF INFORMATION THAT IS TO REMAIN UNDISCLOSED UNDER CHAPTER 20A OF THE TEXAS CODE OF CRIMINAL PROCEDURE. DEFENSE COUNSEL FURTHER OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS INVASIVE OF ATTORNEY WORK PRODUCT PRIVILEGE. THE IDENTITY OF PERSONS WITH KNOWLEDGE OF FACTS WHO MAY BE DISCLOSED IN THIS CIVIL PROCEEDING ARE LISTSED IN THE RULE 26 DISCLOSURES PERTAINING TO THIS CIVIL LAWSUIT.

INTERROGATORY NO. 2: Identify each criminal statute under which Lizelle Gonzalez was investigated and charged related to the Investigation.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS OVERBROAD AND REQUIRES THE DISCLOSURE OF INFORMATION THAT IS TO REMAIN UNDISCLOSED UNDER CHAPTER 20A OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

INTERROGATORY NO. 3: Describe each action you took related to the Investigation, Indictment, Arrest, Bail, and Dismissal.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS OVERBROAD AND REQUIRES THE DISCLOSURE OF INFORMATION THAT IS TO REMAIN UNDISCLOSED UNDER CHAPTER 20A OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

ANSWER: Investigation, None. Indictment, None. Bail, None. Dismissal, I requested assistance with the preparation of a Dismissal and I signed and had it filed.

INTERROGATORY NO. 4: Describe all Interactions you had with other employees of the District Attorney's Office related to the Investigation, Indictment, Arrest, Bail, and Dismissal, including the date, substance of any conversations, and names and titles of all individuals present.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS OVERBROAD AND REQUIRES THE DISCLOSURE OF INFORMATION THAT IS TO REMAIN UNDISCLOSED UNDER CHAPTER 20A OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

ANSWER: Subject to Defense Counsel's Objection, I spoke briefly with ADA Barrera in response to questions about presenting the SCSO case to a Grand Jury. Later, I spoke to ADA Abel Villarreal regarding assistance with preparing a Motion to Dismiss the indictment. I recall also asking ADA Villarreal to help me also with preparing a public statement about dismissal of the indictment. Otherwise, none. I did learn after the fact that ADA Villarreal had handled an Application from the SO for a GJ subpoena for medical records. I was not aware of the application from the SO at the time it happened, but it is not unusual for the SO to make a request to the DA office for a subpoena like this as an investigative tool. I did not see anything wrong with ADA Villarreal approving this request so I did not question it.

INTERROGATORY NO. 5: Describe all Interactions you had with the Sheriff's Office related to the Investigation, Indictment, Arrest, Bail, and Dismissal, including the date, substance of any conversations, and names of all individuals present.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS OVERBROAD AND REQUIRES THE DISCLOSURE OF INFORMATION THAT IS TO REMAIN UNDISCLOSED UNDER CHAPTER 20A OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

ANSWER: Subject to Defense Counsel's Objection, communications with the SCSO were after the 19.06 issue surfaced. Please see my texts, provided to Defense Counsel, with texts with Sheriff Fuentes. Otherwise None.

INTERROGATORY NO. 6: Describe all Interactions you had with any individual or witness related to the Investigation, Indictment, Arrest, Bail, and Dismissal, including the date, substance of any conversations, and names of all individuals present.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS OVERBROAD AND REQUIRES THE DISCLOSURE OF INFORMATION THAT IS TO REMAIN UNDISCLOSED UNDER CHAPTER 20A OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

INTERROGATORY NO. 7: Describe all Interactions you had with the Rio Grande City Police Department related to the Investigation, Indictment, Arrest, Bail, and Dismissal, including the date, substance of any conversations, and names of all individuals present.

ANSWER: None.

INTERROGATORY NO. 8: Describe all Interactions you had with Starr County Memorial Hospital related to the Investigation, Indictment, Arrest, Bail, and Dismissal, including the date, substance of any conversations, and names of all individuals present.

ANSWER: NONE.

INTERROGATORY NO. 9: Describe all Interactions you had with public hospitals since January 1, 2015, related to abortion or the termination of pregnancy, or related to alleged harm to an unborn child under any criminal or civil statute, including those Interactions relating to Texas Senate Bill 8 (87(R)), also known as the Texas Heartbeat Act, including the date, substance of any conversations, and names of all individuals present.

ANSWER: None.

INTERROGATORY NO. 10: State the number of times you have investigated or prosecuted a person for homicide under Chapter 19 of the Texas Penal Code or investigated or prosecuted a person for harm to an unborn child under any criminal or civil statute.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS OVERBROAD AND REQUIRES THE DISCLOSURE OF INFORMATION THAT IS TO REMAIN UNDISCLOSED UNDER CHAPTER 20A OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

ANSWER: Subject to Defense Counsel's objection, in my capacity as an elected DA, I had not previously had a case file that involved allegations of harm to an unborn child.

INTERROGATORY NO. 11: Provide the docket numbers for all cases you were involved in where at least one of the charges was for homicide under Chapter 19 of the Texas Penal Code or concerned alleged harm to an unborn child under any criminal or civil statute.

OBJECTIONS: OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS OVERBROAD AND REQUIRES THE DISCLOSURE OF INFORMATION THAT IS TO REMAIN UNDISCLOSED UNDER CHAPTER 20A OF THE TEXAS CODE OF CRIMINAL PROCEDURE. DEFENSE COUNSEL ALSO OBJECTS TO THIS INTERROGATORY ON THE BASIS OF RELEVENCY.

ANSWER: See my response to Interrogatory No. 10.

INTERROGATORY NO. 12: Describe in detail the facts supporting Plaintiff's Indictment.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY BECAUSE IT VIOLATES THE GRAND JURY SECRECY UNDER CCP ART. 20A.204 – DISCLOSURE BY ATTORNEY REPRESENTING THE STATE.

INTERROGATORY NO. 13: Describe all accusations, investigations, and determinations regarding violations of disciplinary rules related to the Investigation, Indictment, Arrest, Bail, or Dismissal, whether internal or external.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT SEEK INFORMATION THAT IS NOT RELEVENT TO THE CLAIMS AND DEFENSES IN THIS LAWSUIT NOR IS IT CALCULATED TO LEAD TO THE DISCOVERY OF RELEVENT EVIDENCE. FURTHER, THE INTERROGATORY IS

OBJECTIONABLE BECAUSE IT REQUESTS INFORMATION THAT IS CONFIDENTIAL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSSIONAL CONDUCT. SEE TEX. DISCIPLINARY R. PROF. CONDUCT, REPRINTED IN TEX. GOVT CODE ANN., TIT. 2, SUBTIT. G, APP. (VERNON SUPP. 1995)(STATE BAR RULES ART X [[SECTION]]9)), SPECIFICALLY RULE 2.16 – CONFIDENTIALITY. DEFENDANT HAS NOT WAIVED CONFIDENTIALITY AS TO THE CONTENTS OF THIS PROCEEDING BEYOND WHAT IS ALREADY AVAILABLE IN THE PUBLIC DOMAIN.

INTERROGATORY NO. 14: Describe all Communication between the District Attorney's Office and the Sheriff's Office related to sharing public information about the Investigation, Indictment, Arrest, Bail, or Dismissal.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY BECAUSE IT VIOLATES THE GRAND JURY SECRECY UNDER CCP ART. 20A.204 – DISCLOSURE BY ATTORNEY REPRESENTING THE STATE.

ANSWER: None by me. There is no public information to be shared between my Office and the Sheriff's Office. Communications between SCSO Investigators and Assistant DAs under my supervision typically involve legal questions but this is not public information. The two offices have different roles and they operate independently from each other.

INTERROGATORY NO. 15: Describe in detail all Interactions you had since January 1, 2015, with any elected official, including but not limited to Governor Greg Abbott, Attorney General Ken Paxton, and their staff, employees, agents or representatives, related to abortion or the termination of pregnancy, or related to alleged harm to an unborn child under any criminal or civil statute, including those Interactions relating to Texas Senate Bill 8 (87(R)), also known as the Texas Heartbeat Act.

ANSWER: None.

INTERROGATORY NO. 16: Identify all classes, courses, or trainings attended, or certifications obtained, since January 1, 2015, including those from the Texas Commission on Law Enforcement.

ANSWER: Please refer to my personal MCLE Report from my State Bar Account for the time period in question.

-END-

VERIFICATION

STATE OF TEXAS §
§
COUNTY OF STARR §

BEFORE ME, the undersigned authority personally appeared GOCHA ALLEN RAMIREZ, who stated upon oath, that his Responses to the Interrogatories in the foregoing document are within are true and correct.

GOCHA ALLEN RAMIREZ
DISTRICT ATTORNEY FOR THE
229TH JUDICIAL DISTRICT

SUBSCRIBED and SWORN to before me on the 7th day of October, 2024.

BELINDA GONZALEZ
Notary Public, State of Texas
Comm. Expires 03-03-2025
Notary ID 126823632

Notary Public, State of Texas
Commission Expires:

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

LIZELLE GONZALEZ,	§	
Plaintiff	§	
	§	
v.	§	**CIVIL ACTION NO. 7:24-cv 00132**
	§	
GOCHA ALLEN RAMIREZ,	§	**JURY DEMANDED**
ALEXANDRIA LYNN BARRERA,	§	
STARR COUNTY, and	§	
RENE FUENTES,	§	
Defendants	§	

DEFENDANT SHERIFF RENE FUENTES'S OBJECTIONS AND RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

==========

TO: Plaintiff, Lizelle Gonzalez, by and through their attorneys of record, Cecilia Garza and Veronica Sepulveda Martinez of Garza Martinez Law, 202 E. Sprague Street, Edinburg, Texas 78539; Lauren Alicia Johnson of American Civil Liberties Union Foundation, 915 15th Street NW, Washington, D.C. 20005; and David A. Donatti and Adriana Pinon of American Civil Liberties Union of Texas, P.O. Box 12905, Austin, TX 78711.

Now comes Defendant, Rene Fuentes, and files these Objections and Responses to Plaintiff's First Requests for Production, First Set of Interrogatories, and First Request for Admission.

SIGNED on this the 8th day of OCTOBER 2024.

Respectfully submitted,

DENTON NAVARRO RODRIGUEZ
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By: Ricardo J. Navarro

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ATTORNEYS FOR DEFENDANTS SHERIFF RENE FUENTES

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that a true copy of this document has been served in accordance with one or more of the authorized methods for service of process contained in the Federal Rules of Civil Procedure on the persons or parties identified below and who are listed as attorneys to be noticed in this proceeding, on the on this the 8th day of OCTOBER 2024.

Ida Cecilia Garza
Veronica Sepulveda Martinez
GARZA MARTINEZ, PLLC
202 E. Sprague Street
Edinburg, TX 78539

Adriana Piñon
David A. Donatti
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ATTORNEYS FOR PLAINTIFF

Ricardo J. Navarro
RICARDO J. NAVARRO
KELLY R. ALBIN

DEFENDANT RENE FUENTES'S OBJECTIONS AND RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

==========

INTERROGATORY NO. 1: Identify all persons with knowledge of the Investigation, Indictment, Arrest, Bail, and Dismissal, and describe their involvement, including all individuals who participated in the Investigation or were present during witness interviews.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT IS INVASIVE OF ATTORNEY WORK PRODUCT PRIVILEGE. THE IDENTITY OF PERSONS WITH KNOWLEDGE OF FACTS IS CONTAINED IN THE RULE 26 DISCLOSURES.

INTERROGATORY NO. 2: Identify each criminal statute under which Plaintiff was investigated and arrested related to the Investigation.

ANSWER: I WAS NOT PERSONALLY INVOLVED IN THE INVESTIGATION OF THE COMPLAINT THAT CAME FROM THE HOSPITAL SO I DO NOT HAVE PERSONAL KNOWLEDGE TO ANSWER THIS QUESTION. THIS INFORMATION WOULD BE CONTAINED IN THE CRIMINAL CASE FILE INVESTIGATED AND PREPARED BY DEPUTIES FROM MY OFFICE.

INTERROGATORY NO. 3: Describe each action you took related to the Investigation, Indictment, Arrest, Bail, and Dismissal.

ANSWER: NONE. I DID NOT HAVE ANY DIRECT INVOLVEMENT IN THIS INVESTIGATION. MY ONLY ACTION WAS TO APPROVE THE BAIL BOND.

INTERROGATORY NO. 4: Describe all Interactions you had with the District Attorney's Office related to the Investigation, Indictment, Arrest, Bail, and Dismissal, including the date, substance of the conversation, and names and titles of all individuals present.

ANSWER: NONE.

INTERROGATORY NO. 5: Describe all Interactions you had with employees of the Sheriff's Office related to the Investigation, Indictment, Arrest, Bail, and Dismissal, including the date, substance of the conversation, and names of all individuals present.

ANSWER: NONE; OTHER THAN THAT I WAS AWARE THAT MY INVESTIGATORS WERE WORKING ON A COMPLAINT. BUT I DID NOT GET PERSONNALY INVOLVED IN THAT WORK-UP.

INTERROGATORY NO. 6: Describe all Interactions you had with any individual or witness related to the Investigation, Indictment, Arrest, Bail, and Dismissal, including the date, substance of the conversation, and names of all individuals present.

ANSWER: NONE.

INTERROGATORY NO. 7: Describe all Interactions you had with the Rio Grande City Police Department related to the Investigation, Indictment, Arrest, Bail, and Dismissal, including the date, substance of the conversation, and names of all individuals present.

ANSWER: NONE.

INTERROGATORY NO. 8: Describe all Interactions you had with Starr County Memorial Hospital related to the Investigation, Indictment, Arrest, Bail, and Dismissal, including the date, substance of the conversation, and names of all individuals present.

ANSWER: NONE.

INTERROGATORY NO. 9: Describe all Interactions you had with public hospitals since January 1, 2015, related to abortion or the termination of pregnancy, or related to alleged harm to an unborn child under any criminal or civil statute, including those Interactions relating to Texas Senate Bill 8 (87(R)), also known as the Texas Heartbeat Act.

ANSWER: NONE.

INTERROGATORY NO. 10: State the number of times you have (a) investigated a person for homicide under Chapter 19 of the Texas Penal Code and (b) investigated a person for harm to an unborn child under any criminal or civil statute.

ANSWER: NONE.

INTERROGATORY NO. 11: Provide the docket numbers for all cases since January 1, 2015, that the Sheriff's Office investigated in which at least one of the charges was for homicide under Chapter 19 of the Texas Penal Code or concerned alleged harm to an unborn child under any criminal or civil statute.

OBJECTION: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT SEEKS INFORMATION NOT RELEVENT TO THE CLAIMS AND DEFENSES IN THIS LAWSUIT NOR IT IS CALCULATED TO LEAD TO THE DISCOVERY OF RELEVENT EVIDENCE UNDER THE RULES. MOREOVER, THE REQUEST IS OVERBROAD AND IS NOT PROPORTIONAL TO THE NEEDS OF THIS LIMITED PHASE ONE DISCOVERY.

INTERROGATORY NO. 12: Describe in detail the facts and evidence supporting Plaintiff's Arrest.

ANSWER: I DO NOT HAVE PERSONAL KNOWLEDGE OR PLAINTIFF'S ARREST AS I WAS NOT INVOLVED IN IT. THE ARREST UNDER THE CAPIAS WAS DONE BY A DEPUTY FROM MY OFFICE.

INTERROGATORY NO. 13: Describe accusations, investigations, and determinations regarding violations of disciplinary rules related to the Investigation, Indictment, Arrest, Bail, or Dismissal, whether internal or external.

ANSWER: THE SHERIFF'S OFFICE DOES NOT CONDUCT INVESTIGATIONS INVOLVING ALLEGED VIOLATION OF DISCIPLINARY RULES.

INTERROGATORY NO. 14: Describe all Communication between the District Attorney's Office and the Sheriff's Office related to sharing public information about the Investigation, Indictment, Arrest, Bail, or Dismissal.

ANSWER: I DID NOT HAVE ANY COMMUNICATIONS WITH THE DA'S OFFICE ON THIS CASE. I AM NOT PERSONALLY AWARE OF COMMMUNICATIONS BETWEEN MY INVESTIGATORS AND THE DA'S OFFICE.

INTERROGATORY NO. 15: Describe all Interactions you had since January 1, 2015, with any elected official, including but not limited to Governor Greg Abbott, Attorney General Ken Paxton, and their staff, employees, agents or representatives, related to abortion or the termination of pregnancy, or related to alleged harm to an unborn child under any criminal or civil statute, including those Interactions relating to Texas Senate Bill 8 (87(R)), also known as the Texas Heartbeat Act.

ANSWER: NONE.

INTERROGATORY NO. 16: Identify all classes, courses, or trainings attended, or certifications obtained, since January 1, 2015, including those from the Texas Commission on Law Enforcement.

OBJECTIONS: DEFENSE COUNSEL OBJECTS TO THIS INTERROGATORY ON THE GROUND THAT IT SEEKS INFORMATION NOT RELEVENT TO THE CLAIMS AND DEFENSES IN THIS LAWSUIT NOR IT IS CALCULATED TO LEAD TO THE DISCOVERY OF RELEVENT EVIDENCE UNDER THE RULES. MOREOVER, THE REQUEST IS OVERBROAD AND IS NOT PROPORTIONAL TO THE NEEDS OF THIS LIMITED PHASE ONE DISCOVERY.

INTERROGATORY NO. 17: Identify all persons involved in the Arrest and describe with specificity their involvement, including whether they recorded or otherwise created a record of the Arrest.

ANSWER: I WAS NOT PERSONALLY INVOLVED IN EXECUTING THE GRAND JURY CAPIAS IN THIS CASE. THE IDENTITY OF THE DEPUTY'S INVOLVED IN THE EXECUTION OF THE ARREST WOULD BE CONTAINED IN THE INVESTIGATIVE FILE AND THE FILE. OTHER THAN THIS, I DO NOT HAVE PERSONAL KNOWLEDGE OF THE ARREST OR THE DEPUTY TO DID THE ARREST.

VERIFICATION

STATE OF TEXAS §
§
COUNTY OF STARR §

BEFORE ME, the undersigned authority personally appeared SHERIFF RENE FUENTES, who stated upon oath, that his Responses to the Interrogatories in the foregoing document are based on his personal or record knowledge and are true and correct.

RENE FUENTES
SHERIFF, STARR COUNTY, TEXAS

SUBSCRIBED and SWORN to before me on the 2nd day of October, 2024.

Notary Public, State of Texas
Commission Expires:

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ Plaintiff	)( )(	
VS.	)(	CIVIL ACTION NO. 7:24-cv-00132
GOCHA ALLEN RAMIREZ, ALEXANDRIA LYNN BARRERA, RENE FUENTES, and STARR COUNTY, TEXAS Defendants	)( )( )( )( )(	

ORAL AND VIDEOTAPED DEPOSITION OF
GLORIA GONZALEZ
JANUARY 3, 2025

ORAL AND VIDEOTAPED DEPOSITION OF GLORIA GONZALEZ, produced as a witness at the instance of the Defendants, taken in the above-styled and numbered cause on JANUARY 3, 2025, between the hours of 9:14 a.m. and 10:40 a.m., reported stenographically by DONNA McCOWN, Certified Court Reporter No. 6625, in and for the State of Texas, at Bryant & Stingley, Inc., 701 East Harrison, Suite 200, Harlingen, Texas, pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record or attached therein.

Electronically signed by Donna McCown (101-253-986-8079) fe24acc5-2cb7-46ac-9c34-487c77ff8dc3

APPEARANCES

COUNSEL FOR PLAINTIFF:

I. CECILIA GARZA
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202 East Sprague Street
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LIZ JARIT
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ASHLEY HARRIS
SARAH CORNING, via Zoom
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COUNSEL FOR DEFENDANTS:

KELLY R. ALBIN, via Zoom
DENTON NAVARRO RODRIGUEZ BERNAL
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549 Egret Bay Boulevard, Suite 200
League City, Texas 77573

ALSO PRESENT:
Albert Gonzalez, Videographer
Gocha Allen Ramirez, via Zoom
Alexandria Lynn Barrera, via Zoom

Electronically signed by Donna McCown (101-253-986-8079) fe24acc5-2cb7-46ac-9c34-487c77ff8dc3

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Attached to the end of the transcript: Stipulations

EXHIBITS

NUMBER DESCRIPTION PAGE

(No Exhibits Marked)

Electronically signed by Donna McCown (101-253-986-8079) fe24acc5-2cb7-46ac-9c34-487c77ff8dc3

09:14 THE VIDEOGRAPHER: Today is January 3rd, 2025. This is the video-recorded deposition of Gloria Gonzalez. We are on the record at 9:14 a.m.

GLORIA GONZALEZ,

having been duly sworn, testified as follows:

EXAMINATION

BY MS. ALBIN:

Q. Good morning, Ms. Gonzalez.

A. Good morning.

Q. My name is Kelly Albin. I'm an attorney, and I represent the parties in the lawsuit that's been filed by Lizelle Gonzalez. Do you understand who I am?

A. Yes.

Q. Okay. And I'm going to be asking you some questions today about this lawsuit. I see you've got a couple of lawyers that are there in the room with you.

Have you retained any of those lawyers to represent you?

A. Yes.

Q. Which -- which of those lawyers represent you?

A. Cecilia Garza.

Q. Okay. Do you know Lizelle Gonzalez?

A. Yes.

Q. How do you know Ms. Gonzalez?

A. She's my daughter.

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09:41 A. I learned of it that day she got arrested. That's when she was told.

09:41 Q. Did you know anything about the sheriff's office investigation between January 2022 when she was at the hospital and when she was arrested in late March, early April?

09:42 A. I'm sorry. Repeat that again, please.

09:42 Q. Sure. So she didn't get arrested until, I think it was April 1st. Let me see. Okay.

09:42 So according to the lawsuit, she was arrested on April 7th, 2022. Do you understand that?

09:42 A. Yes.

09:42 Q. And she had been at the hospital and had the self-induced abortion in January of 2022. Do you understand that?

09:42 A. Yes.

09:42 Q. Did that sound accurate?

09:42 A. Yes.

09:42 Q. Okay. So my question is, between January 2022 and April 2022, did you know anything about a criminal investigation that was going on in connection with her self-induced abortion?

09:43 A. I know she was interviewed once before, but that's all I know.

09:43 Q. And between January of 2022 and April 2022, did

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you talk to anybody other than Lizelle about her being investigated by the sheriff's office?

A. No.

Q. After she was arrested, did you attempt to post bail or retain a lawyer on her behalf?

A. Yes.

Q. Was it both of those things?

A. Yes.

Q. And were you the one that ultimately got the lawyer that represented her for that short time after she had been arrested before it was -- there was a dismissal?

A. It was her dad, through her dad. I didn't speak to the attorney myself. I didn't call him, but it was her dad.

Q. Okay. So you didn't make the arrangements for the attorney?

A. To hire the attorney, no, ma'am, not me.

Q. Did you make some other arrangements with that attorney?

A. I don't understand. What do you mean other arrangements?

Q. So I had asked if you had been involved in getting her bail or securing an attorney, and I understand you said "yes" to both things, and I'm

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trying to figure out what -- what steps that you took or what you did to secure the attorney.

A. How we came about getting Mr. Villarreal? Yes. I know how we -- I mean, I was aware how we were going to represent -- how we were going to talk to him to represent her, yes.

Q. And did you know that attorney prior to this incident?

A. No. I know of him, but I don't know him.

Q. All right. Do you have any information or belief about what was presented to the grand jury that indicted -- that issued the indictment for Lizelle?

A. No.

Q. Do you know that Lizelle is accusing Defendant Barrera of presenting misinformation to the grand jury?

A. No, I do not know that.

Q. Okay. And you don't have any belief about whether or not that's true?

A. No, I do not.

Q. Have you ever spoken to any members of the media about Lizelle's case?

A. No.

Q. Did Lizelle call you to pick her up from -- from jail when she -- once she was released?

A. No.

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09:46 Q. Do you know how long she was in jail?
09:46 A. I think she was there two days, I believe.
09:46 Q. Did she speak to you afterwards after her release?
09:47 A. Yes.
09:47 Q. What was the nature of that conversation?
09:47 A. Just wanted to tell me how she was doing.
09:47 Q. And how was she doing?
09:47 A. Not well.
09:47 Q. In your opinion?
09:47 A. No, not well.
09:47 Q. Why do you say "not well"? What -- what makes you believe that?
09:47 A. Well, she was not well. She had been arrested. She was not doing well. She was there for two days. It was cold. She was not treated very well. She was -- had a lot of anxiety, so she was not well.
09:47 Q. What is it that makes you believe she was not treated well while she was at the jail?
09:47 A. She -- one time she told me she asked for a blanket because she was cold, and they didn't give her one. That's -- that's what I meant by "not treated well."
09:47 Q. Is that the only thing?
09:47 A. Yeah. Yes. That I can think of, yes.

Electronically signed by Donna McCown (101-253-986-8079) fe24acc5-2cb7-46ac-9c34-487c77ff8dc3

09:47 Q. And I'm not trying to be dismissive of her having to go to jail and that experience. I'm just trying to make sure I understand that there's other things that led you to believe she was not treated well in jail.

I just want to know what all of those things are. So I don't mean to be dismissive of that experience. Okay?

A. No. I understand.

Q. You also said that she had a lot of anxiety. What is it that makes you believe she had a lot of anxiety after she was released from jail?

A. No. I mean, it was when she was in -- in jail. I know she was taken to the hospital because she had anxiety, but after I spoke to her when she was released, she was just, you know, not -- scared, sad at the same time. I mean, she had mixed -- mixed feelings, I guess.

Q. Okay. And you mentioned she went to the hospital. When was that?

A. When she was -- when she was in jail.

Q. Okay. Are you aware of whether or not she's ever been treated for anxiety at a hospital since she was released from jail?

A. No.

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09:49 Q. Are you aware whether she's been treated for any other issues related to her time in jail after she was released?

09:49 A. She does see -- she does see her doctor regularly. She went through depression and -- and has got some anxiety, yes. She's been treated, but nothing out of the ordinary, but never hospitalized or anything like that.

09:49 Q. Did you -- are you the one that posted the bond, that arranged for the bond to be posted?

09:49 A. No.

09:49 Q. Do you know who that was?

09:49 A. It was a bondsman. It was a bondsman. There was a bonds. I think there was a bonds, I think.

09:50 Q. Right. But you're not the one that made arrangements with the bondsman?

09:50 A. No.

09:50 Q. Do you know who made arrangements with the bondsman?

09:50 A. Her dad.

09:50 Q. Is -- is her dad Raul Garza?

09:50 A. No.

09:50 Q. Who is Lizelle's dad?

09:50 A. Raymond Gonzalez.

09:50 Q. Does he also live in Mission?

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09:50 A. No.

09:50 Q. Do you know where he lives?

09:50 A. Falcon Heights, Texas.

09:50 Q. Did you attend a meeting on or about April 11th -- so this would have been after Lizelle was released -- with District Attorney Ramirez?

09:51 A. No.

09:51 Q. You never met Mr. Ramirez after Lizelle was released?

09:51 A. No.

09:51 Q. Did you ever speak with Mr. Ramirez after Lizelle was released?

09:51 A. No.

09:51 Q. Have you ever spoken to him at all since -- other than the 2015 divorce or anything related to that, have you ever spoken to him about Lizelle's case?

09:51 A. No.

09:51 Q. Do you have any information or belief about whether the charges against Lizelle were intentionally brought, even though there's this exception under the Penal Code that prevented her ultimately from being prosecuted?

09:52 A. I'm sorry. Can you repeat that again.

09:52 MS. ALBIN: Can the court reporter read back that question.

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09:52 THE COURT REPORTER: I'm going to need you to repeat it. I'm sorry.

Q. Okay. Let me ask it this way. The accusation in the lawsuit is that the district attorney's office knew that there's this exception in the Penal Code that prevents a mother from being prosecuted for causing the death of her unborn child. Okay?

The complaint is -- or the accusation is that the district attorneys knew this exception existed and they attempted to prosecute Lizelle anyway.

Do you have a belief about whether or not that is true, that they intended to prosecute her even though there's this exception that ultimately prevented that from moving forward?

A. No.

Q. You don't know about whether that's true?

A. I don't know.

MS. ALBIN: Can we take five minutes?

(Brief recess)

Q. Okay. Ms. Gonzalez, I had asked you before the break about a meeting -- whether or not you attended a meeting with Mr. -- with the district attorney Mr. Ramirez and Lizelle after she was released, and you indicated you did not.

Were you aware that Lizelle had met with

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10:04 the district attorney and some other people were -- attended that meeting?

A. Yes.

Q. Okay. How did you know that that meeting occurred?

A. Lizelle and her dad told me.

Q. Who did they tell you was at that meeting?

A. I'm sorry?

Q. Who did they tell you attended that meeting?

A. Lizelle, her dad, her attorney, Mr. Ramirez, and Lizelle's stepmom.

Q. What is Lizelle's stepmom's name?

A. Hermelinda Garza.

Q. Did they tell you anything about what Mr. Ramirez said in that meeting?

A. Yes.

Q. What did they tell you Mr. Ramirez said in that meeting?

A. He apologized, he was -- what had happened. He was very they said emotional, that he -- he mentioned something about being bombarded with e-mails or threats, calls.

I'm not too sure exactly the exact nature of that, but something along that way, something along the lines he could lose his job for what he -- what had

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10:05 happened, and then he just apologized a lot.

Q. Do you recall whether they said that Mr. Ramirez said he had made a mistake?

A. I do not recall. Honestly, I don't.

Q. Anything else about that meeting that you remember them telling you about?

A. Not that I recall. Just like I mentioned, very emotional, apologetic.

Q. You mentioned, I believe, that your mother had picked Lizelle up from one of the hospital visits in January. Did I understand that correctly?

A. That's correct.

Q. Does your mother volunteer at the hospital?

A. Yes, she does.

Q. Okay. So when I asked you earlier whether you had any family members or friends that worked for Starr County Hospital, I guess you understood me to mean employed, like, getting a paycheck, correct?

A. Exactly, yes.

Q. Okay. So I'm going to ask you those same questions again, and I want to know if you have any family members or friends who are employed, volunteer, give their time, or in any other way have a connection to Starr County Hospital.

A. Yes.

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10:07 Q. Who?
10:07 A. Lizelle's grandmother, my mom.
10:07 Q. How long has she volunteered at the hospital?
10:07 A. Not too sure. I want to say maybe, like, two to three years, maybe more. To be honest --
10:07 Q. Was she --
10:07 A. I'm sorry?
10:07 Q. Was she -- I'm sorry. Did you finish your answer? Go ahead.
10:07 A. No. I was just going to say, like, I'm not too sure. I really don't remember, but I know it's been a few years.
10:07 Q. Was she volunteering at the hospital in 2022 when Lizelle was treated there for the self-induced abortion?
10:07 A. Yes. And to be clear, she volunteers at the auxiliary. She's in the auxiliary, not in the medical floor.
10:08 Q. And has your mother told you anything about whether the hospital was working in some way with the sheriff's office or district attorney related to Lizelle's prosecution?
10:08 A. No.
10:08 Q. Has your mother relayed any information to you at all about Lizelle's being treated at the hospital

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and then the subsequent indictment and arrest?

A. No.

Q. Do you have any family members or friends who have worked for, volunteered for, donated time, or in any way have a connection to the sheriff's office in Starr County?

A. Not that I'm aware of, no.

Q. What about the district attorney's office?

A. Not that I'm aware of, no.

Q. Do you know whether Lizelle obtained any information from your mother related to her lawsuit?

A. No, she did not.

Q. Do you know Former Assistant District Attorney Hilda Gonzalez Garza?

A. No.

Q. In your opinion, did Mr. Ramirez direct Assistant District Attorney Barrera to provide false information to the grand jury?

MS. GARZA: Objection, speculation and -- and relevance.

Q. You can answer.

A. I don't understand your question, ma'am.

Q. I want to know whether you believe that Defendant Ramirez directed Defendant Barrera to provide false information to the grand jury.

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MS. GARZA: Same objection.

MS. ALBIN: I'm sorry. So your objection is that she's speculating about her opinion?

MS. GARZA: I'm not -- also it's not relevant.

MS. ALBIN: It's not relevant, even though -- I mean, that's an allegation in the lawsuit.

MS. GARZA: Not made by Ms. Gonzalez.

MS. ALBIN: Right. But according to the interrogatories, based on information gleaned from family members. So I understand your objection.

Q. You can answer.

A. I don't know. I want to say -- I don't know what he would have done. I don't understand the question. I can't understand.

Q. Okay. So what part of the question do you not understand?

A. Well, I mean, you're asking if I knew if he provided false information. Well, I don't know if he did or not. So no, I don't know. I don't understand why you're asking me that. I don't know.

Q. I'll tell you as I responded to Ms. Garza a minute ago, the allegation in the lawsuit is that the defendants did some -- engaged in some misconduct, I'll call it. Okay? And we've asked why that -- what's the

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basis for that accusation.

And Lizelle said she learned some of this from family members, and you were specifically identified as a family member in her disclosures. So I need to know whether you -- you were the family member that has provided some information that supports Lizelle's accusation against my clients. Okay?

And one of the accusations -- and I'm going -- I'm reading it right out of the lawsuit -- is that Defendant Ramirez directed his co-conspirator Assistant District Attorney Defendant Barrera to provide false information to and conceal the plain statutory language contained within the Texas Penal Code 19.06 from the grand jury.

My question to you is, do you have an opinion about whether or not that's true?

A. I do not know that it's true.

Q. Do you have an opinion about whether Ms. Barrera worked with the sheriff's office to direct the criminal investigation of Lizelle after her self-induced abortion?

A. No.

Q. You don't have an opinion about whether or not that's true?

A. No.

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10:13 Q. Okay. Do you have an opinion about whether or not Mr. Ramirez was working with the sheriff's office to direct the investigation into Lizelle after her self-induced abortion?

A. No.

Q. You don't know whether that's true or not true?

A. I don't know.

Q. Do you have an opinion about whether Sheriff Fuentes participated in the investigation of Lizelle after her self-induced abortion?

A. No.

Q. You don't know whether that's true or not true?

A. I don't know.

Q. Has Lizelle told you why she has accused Mr. Ramirez of directing Assistant District Attorney Barrera to provide false information to the grand jury?

A. No.

Q. Has Lizelle told you why she has accused Ms. Barrera of misleading the grand jury?

A. No.

Q. Has Lizelle told you why she has accused Ms. Barrera of directing the sheriff's office in the investigation of Lizelle after her self-induced abortion?

A. No.

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Q. Has Lizelle told you why she has accused Mr. Ramirez of directing the sheriff's office in the investigation into her after her self-induced abortion?

A. No.

Q. Has Lizelle told you why she's accused the sheriff of directly participating in the investigation?

A. No.

Q. And you said you have not read the lawsuit itself; is that true?

A. That's true. I have not read it.

Q. Do you know whether Lizelle has reached out to any media outlets related to her arrest for the self-induced abortion?

A. No.

Q. You don't know, or she has not?

A. She has not.

Q. Do you have any information about who actually made the arrest of Lizelle?

A. As far as the arresting officer, you mean?

Q. I'm sorry. Yes. As far as who actually was the arresting officer.

A. I know it was a female. I don't know her name. I don't know her last name. I think her name is Esmeralda, I think. I'm not too sure.

Q. And how -- I'm sorry. I didn't mean to

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10:16 interrupt you. Go ahead.

A. I'm not too sure on the name. I think that's her name, but I'm not -- I'm not too sure.

Q. How did you learn about who the arresting officer was?

A. Lizelle told me.

Q. When did she tell you that?

A. When the -- the officer was texting her to meet with her.

Q. Did you save the text messages between you and Lizelle that you've described today where she's reached out to you about the arrest?

A. Save, no. They're not saved. Because I know my phone has been update -- like, you know how you do the update? So I don't believe I have those messages anymore on my phone. They're old, so I don't think they're there.

Q. And you said that Lizelle told you that this female officer was texting Lizelle. Did I understand that correctly?

A. That's correct.

Q. Did you ever see those text messages from the officer?

A. No.

Q. Okay. So you just know what Lizelle told you

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about them?

A. I know that day of the arrest, yes, because she was texting her to meet her to talk to her.

Q. Right. And my question is a little bit different. I'm just asking you never actually saw those texts between Lizelle and the officer, though; is that correct?

A. Oh, correct, yes.

Q. So what you know about the text messages is what Lizelle told you was happening in those text messages; is that fair?

A. Yes.

Q. Okay. I think I may have covered some of this early on, but I'm just going to go back one more time and double-check, and I'm -- I'm just about finished.

Do you have an opinion about whether Mr. Ramirez or Ms. Barrera or Sheriff Fuentes had some agreement to try to prosecute women who self-induced abortions in Starr County?

MS. GARZA: Objection, asked and answered.

Q. You can answer.

A. No, I don't.

Q. You don't know whether that's true or not?

A. I do not.

MS. ALBIN: Let me do -- let's go off the

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record one more time, and I'm just going to make sure I'm at the end here, and then we can wrap up.

(Brief recess)

Q. Ms. Gonzalez, do you have any information or belief about whether the defendant District Attorney Ramirez ordered plaintiff to be arrested -- I'm sorry, Plaintiff Lizelle, ordered Lizelle to be arrested even though there was this exception in the Penal Code? Do you have any opinion about that?

A. No.

Q. And do you have any opinion about whether the district attorney has a policy of trying to investigate women who have self-induced an abortion?

A. No.

Q. Do you have any opinion about whether Starr County Memorial Hospital has a policy of trying to have women prosecuted for seeking -- seeking abortions or self-inducing abortions?

A. No.

Q. And do you have any opinion or information about whether the sheriff's office has a policy of investigating women who either try to have an abortion or self-induce an abortion?

A. No.

MS. ALBIN: Pass the witness.

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EXAMINATION

BY MS. GARZA:

Q. Ms. Gonzalez, I just have a couple of questions just to follow up on something that you've already testified to. Okay?

A. Uh-huh.

Q. You were asked questions about retaining an attorney?

A. Yes.

Q. Okay. And who was the attorney that was retained for Lizelle?

A. Calixtro Villarreal.

Q. And how is it that Calixtro became involved or retained in her criminal case?

A. Okay. I'm not exactly sure on the date. I believe it was that Friday. My husband -- my present husband, Raul, called Mr. Ramirez, and -- you know, since they know each other, so called to see to -- what do you call it, like to get some type of advice of what we can do.

And when Raul called him, he -- you know, they said their hellos. Raul asked him about the -- the case about the girl that was arrested. Mr. Ramirez mentioned something, "Oh, the one with the baby?"

And Raul said, "Yes." And he -- Raul

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asked him, "Well, what" -- you know, "How can you help me? What can I do," like what steps to take.

And he's like, "Get an attorney I can work with."

And he asked, "Well, what attorney?" And he mentioned Mr. Villarreal.

Q. Okay.

A. And that's how we got Mr. Villarreal.

Q. In that conversation that you overheard between Raul, your husband, and Mr. Ramirez, how did you overhear that conversation?

A. It was a speakerphone.

Q. Okay. What -- any other -- any other -- let me rephrase that question. Is there anything else that you recall from that conversation between Raul and Defendant Ramirez after Lizelle had been arrested but before she was released?

A. Raul mentioned to him she was my stepdaughter, and he mentioned something -- he said something, like, Oh, I wasn't aware that was your stepdaughter, you know. I wasn't -- my assistants are handling that case. I was out of town or I'm out of town, something like that.

Q. I also want to go back. You testified earlier about a conversation with the director of nursing when

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Lizelle was being discharged?

A. The second time.

Q. The second time?

A. Yes.

Q. Okay. Can you tell us about that conversation?

A. I was there to pick up Lizelle. She -- the director of nursing was called in when she was getting discharged.

And something about wheeling her out with a wheelchair, because the first time she was discharged, they did not wheel her out until the director of nurses came in.

And she was talking to Lizelle about her stay there, and she mentioned something, "In these type of cases, they -- they -- there's always an investigation," but she didn't mention, like, to who or anything like that, just some type of an investigation.

Q. Did you tell anyone about that statement?

A. No. Like -- no, huh-uh.

Q. When you were, I guess, a part or listening to the conversation between Raul and DA Ramirez, did Calixtro Villarreal know about Lizelle's case?

A. When we reached out to Mr. Villarreal?

Q. When you reached out to Mr. Ramirez.

A. Not that I am aware of.

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MS. GARZA: Okay. Thank you, Ms. Gonzalez. I have no further questions at this time.

THE WITNESS: Thank you.

EXAMINATION

BY MS. ALBIN:

Q. I have a few more due to some of those responses. So tell me a little bit about your understanding of your husband, Raul Garza's relationship with Defendant Ramirez.

A. I'm sorry. Can -- I don't understand the question.

Q. How -- how does your husband know Mr. Ramirez? What is their relationship?

A. I know they were friends from years ago. I don't know the exact nature of their relationship, I do not.

Q. Is that the only conversation that you ever overheard that Defendant Ramirez participated in?

A. Yes.

Q. Have you ever overheard any conversations that Ms. Barrera participated in?

A. No.

Q. What about Sheriff Fuentes?

A. No.

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ Plaintiff	)( )(	
VS.	)(	CIVIL ACTION NO. 7:24-cv-00132
GOCHA ALLEN RAMIREZ, ALEXANDRIA LYNN BARRERA, RENE FUENTES, and STARR COUNTY, TEXAS Defendants	)( )( )( )( )(	

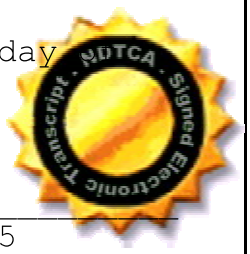
REPORTER'S CERTIFICATE

I, DONNA McCOWN, Certified Court Reporter, certify that the witness, GLORIA GONZALEZ, was duly sworn by me, and that the deposition transcript is a true and correct record of the testimony given by the witness on JANUARY 3, 2025, and that the deposition was reported by me in stenograph and was subsequently transcribed under my supervision.

Pursuant to Federal Rule 30(e)(2), a review of the transcript was requested.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, nor am I financially interested in the action.

WITNESS MY HAND on this the _____ day of _____, 2025.



_____
DONNA McCOWN, Texas CSR 6625
Expiration Date: 01-31-26
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ Plaintiff	)( )(	
VS.	)(	CIVIL ACTION NO. 7:24-cv-00132
GOCHA ALLEN RAMIREZ, ALEXANDRIA LYNN BARRERA, RENE FUENTES, and STARR COUNTY, TEXAS Defendants	)( )( )( )( )(	

ORAL AND VIDEOTAPED DEPOSITION OF
LIZELLE GONZALEZ
FEBRUARY 13, 2025

ORAL AND VIDEOTAPED DEPOSITION OF LIZELLE GONZALEZ, produced as a witness at the instance of the Defendants, taken in the above-styled and numbered cause on FEBRUARY 13, 2025, between the hours of 10:10 a.m. and 1:51 p.m., reported stenographically by DONNA McCOWN, Certified Court Reporter No. 6625, in and for the State of Texas, at Garza Martinez, PLLC, 202 East Sprague Street, Edinburg, Texas, pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record or attached therein.

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ALSO PRESENT:
Rene Ortiz, Videographer
Gocha Allen Ramirez, via Zoom
Alexandria Lynn Barrera, via Zoom

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Attached to the end of the transcript: Stipulations

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THE VIDEOGRAPHER: It is February 13, 2025. It is 10:10 a.m. We're on the record.

THE COURT REPORTER: This is Donna McCown, the Texas CSR Court Reporter No. 6625. I would like to have the announcement of appearances of people that are on the Zoom right now, please.

Sarah, can you announce your appearance again.

MS. CORNING: Can you hear me now?

THE COURT REPORTER: Yes.

MS. CORNING: Okay. Hi. I'm Sarah Corning, counsel for plaintiff.

THE COURT REPORTER: And Ms. Barrera.

MS. BARRERA: Alexandria Barrera, one of the named defendants.

THE COURT REPORTER: Okay. Thank you.

LIZELLE GONZALEZ,

having been duly sworn, testified as follows:

EXAMINATION

BY MS. ALBIN:

Q. Good morning, Ms. Gonzalez.

A. Good morning.

Q. My name is Kelly Albin. I'm an attorney, and I represent the defendants in the lawsuit that you filed against Gocha Ramirez, Alexandria Barrera, Starr

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10:24 A. Okay.
10:24 Q. Need to take a drink of water just --
10:24 A. I can take a break right now.
10:24 Q. You need to take a break?
10:24 A. Yes.
10:25 MS. ALBIN: All right. Sure.
10:25 (Brief recess)
10:31 Q. Okay. Ms. Gonzalez, we've taken a short break. We're back on the record. Do you understand that you're still under oath?
10:31 A. Yes.
10:31 Q. Okay. Very good. Before the break, I was asking about the -- the basis for your lawsuit against Sheriff Rene Fuentes individually, and I wanted to know what things -- what actions do you believe Sheriff Fuentes engaged in that caused you to file the lawsuit against him.
10:31 A. So as far as I know, at one point, they worked together. And like I mentioned before, as a sheriff -- and I'm speaking in general -- he has involvement -- I'm pretty sure he has involvement in every arrest.
10:32 And like I said, not only just mine, but in my case, I'm worried about mine. And like I said, like they all worked together as far as Sheriff Fuentes -- well, the conducting of my arrest, like --

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10:32 so...

Q. But I think you testified he's not the one that arrested you, correct?

A. No. It was -- I mean, his investigators, I'm guessing. So, well...

Q. So is there something that you believe he did related to your arrest other than just he's the sheriff and you think he would know about all of the arrests that are happening?

A. As far as I know, no.

Q. Okay. And you said they worked together. Who is "they"?

A. The DA's office, sheriff's office.

Q. Okay. And my question is about Sheriff Fuentes specifically.

A. Yeah.

Q. Is there someone that you believe he, Sheriff Fuentes, was specifically in contact with about your case?

A. Not that I know of.

Q. Okay.

A. Sheriff Fuentes, I'm thinking like -- but no.

Q. Okay. And you've answered no. If at some point today you remember something, I would ask that you let me know that you've remembered and you want to

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provide more information. Okay?

A. Yes.

Q. Okay. Your -- in your lawsuit, you allege that the district attorney and assistant district attorney made misrepresentations of the facts and the law to the grand jury. Do you understand that allegation is in your lawsuit?

A. Can you rephrase that?

Q. In your lawsuit, you allege that District Attorney Ramirez and Assistant District Attorney Barrera made misrepresentations of the facts and the law to a grand jury. Do you understand that's a claim you've made in the lawsuit?

A. Yes.

Q. Okay. What misrepresentations of the facts and the law did Mr. Ramirez make to the grand jury?

A. The -- he knew I hadn't committed a crime.

Q. Why do you believe that he knew you had not committed a crime?

A. His press release stated it.

Q. And that was made after you were released and the --

A. That --

Q. Hold on. Let me finish my question. That's okay. It's going to -- we'll get a record that's all

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10:35 gobbled up --

A. Yeah.

Q. -- if we talk over each other.

You mentioned because he made the press release he knew that the -- the charge against you wasn't going to stand, right?

A. Not only because of the press release, because he personally -- like not personally, like he himself told me that it had been a mistake. It had fallen out of his hands, and he didn't know what happened.

Q. And when did he tell you that?

A. The Sunday after I got out of jail.

Q. So he didn't speak to you at any time prior to you being arrested, did --

A. No.

Q. -- he?

A. No.

Q. Okay. And you understand that the grand jury presentation was before you got arrested?

A. Yes.

Q. All right. You said that he told you it was a mistake?

A. Yes. It was out of his hands. He was out of town, and he didn't know what had happened were the nature of his words.

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10:36 Q. Did he tell you anything else other than it was a mistake, it was out of his hands, and he didn't know what had happened?

A. Yeah.

Q. And I'm sorry. You said he was out of town?

A. Yeah. He was out of town when the case was presented was what he had mentioned.

Q. And do you have any reason to believe that he was not out of town when the case was presented to the grand jury?

A. Do I have any reason? I mean, I believed him.

Q. And as you sit here today, do you still believe he was out of town when the case was presented to the grand jury?

A. No.

Q. So you think he was in the room with the grand jury when the presentation happened?

A. Not that he was in the room, no. Did he have knowledge that it was going to be presented? Pretty sure he did.

Q. Okay. And why do you believe that he did?

A. At the time of my arrest, it was a high-profile case apparently, was the talk of the town. I mean, it wasn't just a simple arrest, so I don't know how you're a DA and not know what's going to go down, so...

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10:37 Q. And that arrest was actually after the grand jury presentation. You understand that --

A. Yes.

Q. -- right?

A. Yes.

Q. Okay. So what happened before the grand jury presentation that makes you believe it was high profile?

A. I didn't -- before the presentation, I -- I didn't even know I was being investigated, so it wasn't like -- how can I put it to? It wasn't -- to me it wasn't like a normal investigation.

Like it was just -- it all happened so quick -- well, not so quick, but it was -- it was all over the place. I was like -- I didn't expect it, but I didn't know I was a suspect or that I was being investigated to actually be arrested or that there was even charges being brought upon me.

So I don't know how a DA has no knowledge of that being so that you are the DA of the county.

Q. Okay. So other than the fact that he's the DA of the county, my question is what makes you believe that Mr. Ramirez knew that the charge against you -- before the grand jury that he knew that the charge against you was a mistake?

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10:38 A. I don't believe he was -- can you ask your question one more time?

MS. ALBIN: Can you read the question back.

(Requested portion was read back.)

A. He previously was a lawyer. He's now the DA. I don't know how you -- I mean, if you build up a case, you actually pursue charges, he had to have -- I mean, it's basic common sense.

Q. Are you able to tell the jury about any facts, any actions that you are aware of that District Attorney Ramirez took before the grand jury was convened that make you believe he was involved and knew it was a mistake?

A. Like I previously mentioned, I didn't even -- I didn't know they saw me as a suspect. I didn't -- they just told me it was a casual conversation, the time -- the day that I went in to speak to one of the investigators.

So this was -- like I mentioned, this was all just like -- it was all quick. It was all of a sudden. So -- and like I said, as a DA, you have to have knowledge of what you're going to pursue, what charges you're going to press. You know what I mean?

Because before -- prior to my arrest,

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there was nothing that I could tell you, oh I, knew this was going to happen to me, because I didn't.

MS. ALBIN: Objection, nonresponsive.

Q. I want to focus on the period of time before you were arrested. Okay?

A. Okay.

Q. All right. Not after you're arrested. I know there was news releases and it was high profile at that time. But I'm talking about before the arrest. All right?

A. Okay.

Q. Can you tell us any actions that Mr. Ramirez took other than being the DA of the county --

A. No.

Q. Sorry. Let me finish the question. Let me get the question out, then you can answer.

Before the arrest, are there any actions of District Attorney Ramirez that you can describe that he took that make you believe he knew the presentation was going to be before the grand jury and was a mistake?

A. No.

Q. Okay. Do you understand that the reason -- the stated reason for the dismissal of the criminal charges against you was that the Penal Code has an exception

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10:41 for mothers who cause the death of an unborn child?
A. Uh-huh.
Q. Okay.
A. Yes, sorry.
Q. That's okay. Do you -- and -- and you allege in the lawsuit that before your arrest, District Attorney Ramirez and Assistant District Attorney Barrera knew that there was this exception in the Penal Code statute. Do you understand that, that that's your allegation?
A. That they -- can you repeat that?
Q. The allegation in the lawsuit is that before you were arrested, District Attorney Ramirez and Assistant District Attorney Barrera knew that there was this exception to the murder statute in the Penal Code.
A. Yes.
Q. Okay. Why do you believe that District Attorney Ramirez knew that there was this exception in the Penal Code?
A. There was a conversation I had. It was a conversation I had, and I -- it was -- when the sanction came up -- well, are you asking me now or the time before my arrest, right? Like...
Q. So I'm asking you before you were -- before the arrest, what facts, what information is it that you

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10:43 have that leads you to believe that District Attorney Ramirez knew before you were arrested that there was this exception in the Penal Code statute for mothers who have caused the death of their unborn child?

A. I believe he was told that it wasn't, like, a prosecutable thing. But can I prove it to you? I probably can't. I mean, it was just -- I was -- it was when everything had happened, and I was told that he had prosecuted knowing that -- they had already told him or something that it wasn't going to go through, and they followed through.

Q. Okay. Who told you that?

A. I spoke to Martie Vela? Garcia-Vela? Garcia-Vela. Martie.

Q. Martie Garcia-Vela?

A. Yes. She's an attorney.

Q. When did you talk to Ms. Vela?

A. After Mr. Ramirez's sanction, after the news came out.

Q. And Ms. Vela told you that District Attorney Ramirez knew prior to you being arrested that there was this exception in the Penal Code statute?

A. Yes.

Q. Was that a phone conversation?

A. Yes.

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10:44 Q. Did you call her or did she call you?
10:44 A. I think I called her.
10:44 Q. What was the purpose of your call to her?
10:44 A. I had just found out about the sanction, and I didn't -- I had no -- I didn't know anything about it before, prior to. I called her, and I was like -- like
10:45 "What happened? " And that's when she told me.
10:45 Q. Did you know Ms. Vela outside of that conversation?
10:45 A. Uh-huh.
10:45 Q. Okay. How -- how did you know her?
10:45 A. I met Ms. Martie at the City of Escobares.
10:45 THE COURT REPORTER: At the what?
10:45 THE WITNESS: City of Escobares. Sorry. I talk pretty fast.
10:45 Q. Were you both employees there?
10:45 A. When I met her, I wasn't an employee. I'm not sure if she was a lawyer to the City already, but I knew that she had involvement with the City as a lawyer.
10:45 Q. Okay. So how did your paths cross at the City of Escobares?
10:45 A. When I -- I already met -- I had already known -- I'm sorry. I had already known her, like, prior -- I mean, not know her, like, friendship, but I
10:45

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10:45 mean, she was a lawyer.

Like I knew who she was, but I had never had, like, conversations with her until the City of Escobares.

The first time that we had a conversation there was -- I mean, it was a cook-off, so that's where we like -- like we would just -- it was a casual conversation. So after that, I would see her there, and when -- when the sanction happened, I spoke to her. She was the one who I called.

Q. Okay. And was there more than that one phone conversation about this topic?

A. No.

Q. Any text messages?

A. No.

Q. Did you message her through any other, like WhatsApp or --

A. No.

Q. Nothing like that?

A. Well, but not related to the case. It was like we were going to meet, but we never did.

Q. Okay. And do you know where Ms. Vela practices? Is that here in Edinburg?

A. To be honest, I really -- I don't know.

Q. Okay.

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10:46 A. She practices all over, so I don't know.

10:46 Q. Is her office in the Valley somewhere?

10:46 A. I know she has here. I know she has -- I know she's worked here before. I know she's been in Houston. I know she's been in Starr. I can't tell you where exactly.

10:47 Q. Okay. Did you have conversations with anybody other than Ms. Vela -- any other person who claimed that District Attorney Ramirez knew prior to your arrest that there was this exception in the murder statute?

10:47 A. Not that I can remember right now. Oh, sorry, no, not that I can remember.

10:47 Q. And is the conversation with Ms. Vela the only reason that you believe District Attorney Ramirez knew prior to your arrest that there was an exception in the murder statute for mothers?

10:47 MS. GARZA: Objection.

10:47 Q. You can answer.

10:47 A. Prior to my arrest -- well, I mean, just his apology.

10:48 Q. Okay.

10:48 A. I mean.

10:48 Q. Did he tell you when he talked to you and apologized that he knew before you were arrested --

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10:48 A. No.

10:48 Q. -- that -- sorry. Let me get the question out. I know it's tough.

10:48 In the apology that he made to you, did he say that he knew prior to your arrest that there was this exception in the statute?

10:48 A. No.

10:48 Q. Is there -- is there any other reason that you believe District Attorney Ramirez knew of this exception in the murder statute for mothers?

10:48 A. That I have knowledge of, no. I can tell you there was a conversation, and I don't know if it was because he knew that it was -- like he -- I don't know the nature of the conversation -- like I can tell you the conversation, like, more like what it was. But that I can tell you that it was because he knew, I don't know.

10:49 Were -- he stated that if he would have known who I was or -- or that it was -- who I was that I was related to that this would have never happened or something like that.

10:49 Q. You're saying District Attorney Ramirez said if he had known who you were related to, this wouldn't have happened?

10:49 A. Yeah. I mean, he spoke to a relative of mine

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10:49 on the phone. But this was after my arrest.
Q. Okay.
A. And he went on to say that after knowing who I was, my relation to the person he was on the phone with, he just -- I mean, he just went on to say that if he would have known that it was me, that -- I mean, we would have not gotten to the point where I was -- I was already incarcerated and -- but it was after, so...
Q. Who was he having that conversation with?
A. With my stepfather.
Q. What's his name?
A. Raul Garza.
Q. And you heard that conversation?
A. No.
Q. Then how do you know what the conversation -- what happened during the conversation?
A. I was told by my mom.
Q. And she was not on the phone for that conversation, right?
A. She was present.
Q. She was listening in on --
A. Yes.
Q. -- conversation?
A. They were like -- well, I think it was on speaker, if I'm not mistaken.

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10:50 Q. Did anybody record that conversation that you know of?

A. Not that I know of. I mean, at the time, they were just trying to get me out of jail, so I don't think they took the time to do that.

Q. And what is it about the fact that your mom told you that District Attorney Ramirez said if he had known who you were related to, it wouldn't have gotten to that point --

A. Not that I was related. He didn't -- okay.

MS. GARZA: Let her finish her question.

THE WITNESS: I'm sorry.

Q. Yeah, sorry. What is it about that statement that you were told Mr. Ramirez made that makes you believe he knew prior to you being arrested that there was an exception in the Penal Code for mothers who cause the death an of unborn child?

A. No, I don't know. I mean, I can't tell you, like, this made me think he knew, like -- because you're being specific, right, to the Penal Code, so no, I mean...

Q. I just want to know all of the reasons that you have stated in your lawsuit that he knew, District Attorney Ramirez knew, that you could not be prosecuted because there was an exception in the Penal Code.

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10:51 And you've told me about the conversation with Ms. Vela. You've told me that he said when he apologized that it was a mistake. And then you mentioned this conversation that your mother relayed to you.

And I just want to know if there's any other reasons that you believe District Attorney Ramirez knew prior to your arrest that there was an exception in the Penal Code. That's the allegation in the lawsuit. I want to know why you believe that.

A. No, I mean, there's no more reasons --

Q. Okay.

A. -- I can think of.

Q. I have the same question for Assistant District Attorney Barrera.

A. Uh-huh.

Q. Okay. Can you tell me all the reasons that you believe she knew prior to you being arrested that there was an exception in the Penal Code for the -- for a mother who causes the death of an unborn child?

A. When I spoke to Martie, she didn't tell me names. Like she wasn't -- but she said that they -- I'm sorry. I'm speaking of Gocha and Ms. Barrera, like they had already been told.

But, I mean, they -- I guess they both --

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10:53 I don't know, if they both decided to do it together, but, I mean, they still prosecuted the case. They still presented the case. Well, Mr. Ramirez says he wasn't there when it was presented. It was his assistant, so...

Q. What did Martie tell you about the district attorney and assistant district attorney knowing about the -- the exception? What specifically did -- how did she know that? Let's start with that.

A. I don't know how she knew.

Q. Did she work in the office at the time?

A. I'm not sure.

Q. Did she tell you if somebody told her that they had had those conversations with the district attorney and assistant district attorney?

A. I don't know who she spoke to.

Q. Okay. So all she told you was they knew --

A. Yeah.

Q. -- but she didn't tell you why they knew or who told --

A. Well, she told me that they had already been told -- she didn't tell me by whom -- that they had already been told that it wasn't, like, prosecutable or that it wasn't -- that there wasn't a case. It was something, like, in that -- referring to it, like, not

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10:54 that it wasn't -- that it wasn't prosecutable, that it wasn't, like, in a move -- they couldn't move forward with it, but they still went ahead and presented the case and did everything.

Q. But she didn't tell you why she knew that?

A. No.

Q. And so we would have to ask her if we wanted to know why she made that statement to you, right?

A. Uh-huh.

Q. Okay.

A. Yes.

Q. Is there anything else that you are aware of that leads you to believe that Assistant District Attorney Barrera knew prior to your arrest that there was this exception in the statute?

A. No.

Q. What about the sheriff? Do you have any information about actions he took or things he said or a conversation that happened that make you believe he knew that there was this exception in the Penal Code?

A. No.

Q. And did Ms. Vela say anything about Sheriff Fuentes?

A. No.

Q. Do you have any belief about -- I'm going --

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ Plaintiff	)( )(	
VS.	)(	CIVIL ACTION NO. 7:24-cv-00132
GOCHA ALLEN RAMIREZ, ALEXANDRIA LYNN BARRERA, RENE FUENTES, and STARR COUNTY, TEXAS Defendants	)( )( )( )( )(	

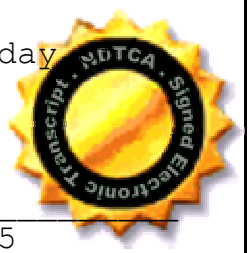
REPORTER'S CERTIFICATE

I, DONNA McCOWN, Certified Court Reporter, certify that the witness, LIZELLE GONZALEZ, was duly sworn by me, and that the deposition transcript is a true and correct record of the testimony given by the witness on FEBRUARY 13, 2025, and that the deposition was reported by me in stenograph and was subsequently transcribed under my supervision.

Pursuant to Federal Rule 30(e)(2), a review of the transcript was requested.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, nor am I financially interested in the action.

WITNESS MY HAND on this the _____ day of _____, 2025.



_____
DONNA McCOWN, Texas CSR 6625
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ Plaintiff	)( )(	
VS.	)(	CIVIL ACTION NO. 7:24-cv-00132
GOCHA ALLEN RAMIREZ, ALEXANDRIA LYNN BARRERA, RENE FUENTES, and STARR COUNTY, TEXAS Defendants	)( )( )( )( )(	

ORAL AND VIDEOTAPED DEPOSITION OF
ABEL VILLARREAL
MARCH 12, 2025

ORAL AND VIDEOTAPED DEPOSITION OF ABEL VILLARREAL, produced as a witness at the instance of the PLAINTIFF, taken in the above-styled and numbered cause on MARCH 12, 2025, between the hours of 10:10 a.m. and 3:50 p.m., reported stenographically by DONNA McCOWN, Certified Court Reporter No. 6625, in and for the State of Texas, at Garza Martinez, PLLC, 202 East Sprague Street, Edinburg, Texas, pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record or attached therein.

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ALSO PRESENT:
David Saldana, Videographer
Emily Mensing, via Zoom
Jorge Cruz, III

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Attached to the end of the transcript: Stipulations

EXHIBITS

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10:10 THE VIDEOGRAPHER: It is March 12, 2025. This is the deposition of Abel Villarreal. It is 10:10 a.m. We are on the record.

10:11 (The witness was sworn.)

10:11 THE COURT REPORTER: Okay. And for the record, would you like to state some stipulations, Ms. Albin?

10:11 MS. ALBIN: Yes, we would. The parties have agreed that we will abide by the time set in the Federal Rules for deposition of any witness. Even if this witness is recalled during a second discovery in this case, we will still not exceed the time under the rules for one witness.

10:11 MS. KOVEL: Okay. Anything else, Kelly?

10:11 MS. ALBIN: That's it.

10:11 ABEL VILLARREAL,

having been duly sworn, testified as follows:

EXAMINATION

BY MS. KOVEL:

10:11 Q. Good morning, Mr. Villarreal.

10:11 A. Good morning.

10:11 Q. My name is Molly, as I already said, Kovel. I'm an attorney with the American Civil Liberties Union, and I just want to go over a few kind of preliminaries --

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10:15 THE WITNESS: I apologize.

Q. So my question was did you review any documents, and your answer was?

A. No. Just the subpoena.

Q. And by "subpoena," you're talking about the one that required you to be here today?

A. Yes, ma'am. I needed to get the address to come here.

Q. Okay. So did you speak with anyone else other than Kelly about the deposition today?

A. No, ma'am.

Q. Did you --

A. Oh, actually, no. I did tell my boss Gocha Ramirez that I wasn't going to be able to go to work because I had gotten subpoenaed to testify here today.

Q. Okay. And when did you tell him that?

A. Monday, I believe it was.

Q. Did Mr. Ramirez discuss the deposition with you?

A. No, ma'am.

Q. Okay. Monday is what day? I'm sorry. The 10th?

MS. GARZA: 10th.

Q. Okay. Monday the 10th you think?

A. If it was -- if that's the one from this week,

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yes.

Q. Okay. And have you read any materials from this case previously?

A. No. Other than general news articles that popped up.

Q. And when was that that you read those articles?

A. When they recently had come out. I don't remember when -- when all this started.

Q. Okay. When -- when all this started, you mean around the time that Lizelle Gonzalez Herrera was arrested, or do you mean around the time that we filed this lawsuit?

A. Both.

Q. Okay.

A. And -- and I think on -- not so much when the lawsuit was filed. It wasn't so much reading. I remember seeing something very general about, I think, some attorneys had a press conference or something like that after the suit had been filed, but it was something brief. It wasn't very detailed.

Q. Okay. Did you read the compliant that was filed in this case?

A. No, ma'am.

Q. And do you know who the defendants are in this case?

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10:18 A. I believe it is Gocha Ramirez, the district attorney; Alexandria Barrera, one of the prosecutors; and I want to say, I don't know, I had heard that the sheriff's department. I'm not too sure.

Q. Okay. And the sheriff's department, by "sheriff's department," you're talking about the Starr County Sheriff?

A. Yes, ma'am. That's my understanding.

Q. Okay. And the Starr County Sheriff is Rene Fuentes; is that correct?

A. That's correct, ma'am.

Q. Do you know Rene Fuentes?

A. I do.

Q. And how long have you known Sheriff Fuentes?

A. Must have been since I started prosecuting back in 2015.

Q. Okay. Was he the elected sheriff back then?

A. He was.

Q. Okay. Do you know Lizelle Gonzalez?

A. I don't know her personally -- I know that her family are family friends with my mom's side of the family.

Q. May I ask your mother's name just --

A. Brendaly Guerrero.

Q. Okay. And where does she live?

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10:19 A. In Roma, Texas. Well, actually, it's Escobares, Texas.

Q. Okay. Thank you. Did you say her -- just help me out here. Her family is friends with your mom's family, basically?

A. Yes. Going back a while, like --

Q. Okay. I understand it's a small community and people know each other.

A. Yes, ma'am. Yes, ma'am.

Q. Okay. What is your current title and occupation?

A. Well, I'm one of the two first assistant district attorneys for the 229th Judicial District. I'm also the city attorney for the City of Roma.

Q. Okay. You said first assistant DA?

A. First assistant district attorney. I'm one of two.

Q. Okay. Is the other one Ms. Barrera?

A. That's correct.

Q. Okay. And let's go back a little bit. Okay? Where -- what year did you graduate high school?

A. 2009.

Q. Okay. And what did you do after you graduated?

A. I went -- well, that summer, I worked in the district clerk's office for a little bit, and then I

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started going to undergrad in the University of Texas Pan American here in Edinburg. And then after that, once I graduated, I went to law school.

Q. Okay. How many years did you attend college?

A. I would say two, two and a half in undergrad, and then I graduated, and then two and a half of law school.

Q. Okay. So what year did you graduate from law school?

A. 2014.

Q. Okay. And where did you attend law school?

A. Texas Tech University.

Q. Where is that located?

A. Lubbock, Texas.

Q. Okay. Was that -- when you graduated in 2014, is that like May, June 2014 or --

A. December 2014.

Q. Okay. And then you took the Texas Bar exam?

A. Yes, ma'am.

Q. When were you admitted to the Bar?

A. The exact date I don't know.

Q. Okay.

A. It was the first bar that happened after December. Must have been March, April, May.

Q. 2015?

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10:21 A. Correct.

10:21 Q. Okay.

10:21 A. And I was working with a partial bar license. I had started working the summer of 2014 before I graduated, and then while I waited, I still had my partial bar license, so I was already working at the DA's office by the time I -- well, not working. I was practicing at the DA's office until I got admitted.

10:21 Q. Okay. During law school at Texas Tech, did you -- did you have internships or jobs?

10:22 A. No. I mean, I worked whenever I had a chance on breaks and stuff for the district clerk's office just to make some money while I was in law school, but that wasn't very much.

10:22 Q. Okay. And when you say "district clerk," what are you referring to?

10:22 A. The Starr County District Clerk's Office.

10:22 Q. Okay. Forgive me if I am a Yankee who doesn't understand all the Texas, you know, organizations, so...

10:22 A. Yes, ma'am.

10:22 Q. You know, it's a little different down here, so I might ask you some --

10:22 A. Not a problem.

10:22 Q. -- basic Texas procedure and, you know,

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10:39 A. I was appointed by the Roma city council.

Q. What does that job entail?

A. Giving -- giving legal advice to the city -- city council members, city administration. Drafting legal documents as needed, attending city council meetings.

Q. And again, this is primarily taking place outside of the 8:00-to-5:00 DA hours?

A. Yes, ma'am.

Q. Okay. Do you represent the City of Roma in -- in court, like in litigation?

A. If -- if they were -- if there was a lawsuit filed against them, I would be one of the attorneys. Usually, what happens is they have the Texas -- it's an association. They have an insurance, TML insurance that kicks in, and usually TML attorneys come in and represent the City, but I would still be included in the litigation as city attorney.

Q. Have you ever run for office?

A. No. Well, I ran for democratic precinct chair when I was -- when I had graduated -- in between graduating from -- from undergrad and going to law school, there was a time where I was just waiting to go to -- to law school, because I graduated in December on both. So -- I think I graduated in December on both.

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So I was essentially waiting, so I ran for democratic precinct chair. I mean, it's not a public office technically, but, you know.

Q. I understand. And what -- what is the precinct which you would have been chair of?

A. Starr County Precinct 3.

Q. Okay. You mentioned earlier that you had done some work in elections. Was that Starr County elections?

A. Yes. So I -- the one -- it's not that I had done work in that particular incident that I testified. It was more that I was a poll watcher for that particular election.

Q. And have you served as a poll watcher in multiple -- in other elections?

A. Yes, ma'am.

Q. How often would you say you do that?

A. I haven't done it in a while.

Q. Okay.

A. But, I mean, probably 20 -- in 2016 -- I mean, I couldn't tell you. I know it was -- it was multiple times.

Q. Okay.

A. But how many times exactly, I don't know.

Q. Okay. Is that paid work?

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10:42 A. No. It's volunteer.

Q. Were you always assigned to the same precinct or district?

A. No, ma'am.

Q. So you've -- you've done it in multiple districts and precincts?

A. Yes, ma'am.

Q. Okay. And you have served as the city attorney for Roma from your appointment in 2021 through the present?

A. Yes, ma'am.

Q. Okay. Have you had any other paid work other than working for the DA, having your private law clients, and working for the -- working as a city attorney in Roma since you graduated from law school?

A. I don't believe so.

Q. Okay. And just to clarify, I realize I didn't ask earlier, your role as city attorney, that is paid work, correct?

A. That is paid work, yes.

Q. Okay. But it's not a 9:00-to-5:00 or 8:00-to-5:00?

A. Correct.

Q. Okay. It's as needed? Is it by the hour?

A. No. It's a contractual basis.

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10:43 Q. Okay.

10:43 A. It's more of a flat fee.

10:43 Q. Okay.

10:43 A. Basically, what we did is we got how much they were spending in legal fees in the past, and I cut that, because I wanted to save money for the City.

10:43 Q. Okay. And when did you become the first assistant or one of the first assistant --

10:43 A. When Mr. Ramirez took office in, I believe, January 2021.

10:43 Q. Now, that is the time that you returned --

10:43 A. Yes.

10:43 Q. -- to the DA's -- you okay?

10:43 A. Yes.

10:43 Q. Okay. That's the time you returned after your time away?

10:44 A. Yes, ma'am.

10:44 Q. Did you -- or did you know Mr. Ramirez before that time, before you started working there?

10:44 A. Yes. He was practicing defense attorney and a member of the Starr County Bar, so I -- I had -- we had had trials against each other. We had practiced against each other while I was working under Omar Escobar. And then as defense attorneys, we knew each other as well.

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10:44 Q. Okay. Did you ever have -- when you were a defense attorney, did you ever have cases together as well --

A. No, ma'am.

Q. -- like on the same side?

A. No, ma'am.

Q. Did you campaign or help campaign for Mr. Ramirez?

A. Yes, ma'am.

Q. And did he ask you to do that, or you -- was it your idea? Do you remember?

A. No. I was one of the ones that begged him to run.

Q. Okay. Do you remember around what time he was thinking about doing that?

A. I think we started -- well, I started asking him in around 2019, I would say, 2018, 2019, kind of around that time frame.

Q. Okay. And who was his opponent in that race in 2020?

A. Omar Escobar.

Q. Okay. When you resigned in 2017, can you summarize the problems that you had with the way the office was run?

MS. ALBIN: Objection, relevance.

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A. Yeah. So I just had very fundamental differences with the district attorney at the time, which was Omar Escobar. I felt that he was distrusted by our local, state, and federal law enforcement.

I know there was some -- something about the way he treated the prosecutors and how he treated law enforcement just didn't sit well with everybody because of certain actions he took. I felt that he was prejudicing the state on certain criminal investigations that were occurring that were pretty high-profile cases.

The way that he -- he treated the office, he used it for -- I felt that he was trying to target people that he politically disagreed with in order to get them to either back down or to get his way, and I fundamentally disagreed with that.

Q. Did you ever publically make any statements about that or --

A. Yes.

Q. Okay. In what context or forms?

A. I put it on Facebook. I put it -- during campaign rallies, I was very vocal about it.

Q. Okay.

A. I was probably one of the most vocal people about it.

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10:47 Q. Okay. And when you say "campaign rallies," you're talking about Mr. Ramirez's campaign?

10:47 A. Yes, ma'am.

10:47 Q. Which I -- I think it was fall 2020, right, if he took office January 2021?

10:47 A. Yes, ma'am.

10:47 Q. Okay. What was your role in that campaign?

10:47 A. I mean, as far as supporting him?

10:47 Q. Did you have a title or --

10:47 A. No title.

10:47 Q. Okay. And were you compensated for working on that campaign?

10:47 A. No, ma'am.

10:47 Q. Okay.

10:47 A. In fact, I wasn't compensated for that, which -- which I didn't want -- want to be or need to be, but after that, it was difficult to transition from that campaign to going into the DA's office since two things happened: the pandemic, and we needed -- I needed to wind down my business in order to take the office, so that time period was kind of difficult.

10:48 Q. And when you say "wind down your business," you mean you had a bunch of private clients?

10:48 A. Correct.

10:48 Q. And you had to either terminate them or --

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11:17 (Brief recess)

11:34 Q. All right. Welcome back. So we were talking about the staff at the DA's office, and I'd like to talk a little bit about sort of within those categories whether there's, you know, a sort of formal structure for supervision and chain of command. Okay?

11:34 So you are the first assistant district attorney for -- and -- and most of your work is administrative work or in the administrative categories. Is that fair to say? Am I understanding that correctly?

11:35 A. Yes.

11:35 Q. Okay. And do you directly supervise any of the other ADAs?

11:35 A. I mean, technically, yes, the other two, the -- well, three: Roxanna from the other counties and then Judy Solis and Alfredo Garcia, I guess.

11:35 Q. Okay. Before I forget, Ms. Solis and Mr. Garcia and Ms. Ramirez, are they all full-time ADAs, or they -- or do they also have a part-time sort of staff there?

11:35 A. What do you mean part-time? Like do they only work part-time, or are they full-time ADAs?

11:35 Q. Yes.

11:35 A. They're full-time ADAs.

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Q. Okay.

A. Yes.

Q. So when you say technically you supervise them, are you their only supervisor, or is Ms. Barrera also their supervisor?

A. So I say technically because Mr. Ramirez is the -- obviously the superior or supervisor. He's elected. We all report to him no matter what. If he's not around, either myself or Alex are -- are the ones that supervise them together.

Q. Okay. And how does that work in practice? If you and Alex -- or Ms. Barrera are both in the office the same day and Ms. Solis had a question, would there be one person she would go to first or -- for any particular reason?

MS. ALBIN: Objection, form.

Go ahead.

A. It depends on -- on the question. Usually, if it's dealing with their docket, they go and ask -- Judy would ask Alex, since they're in the same court. And Alfredo usually asks me since, you know, there with me.

A lot of times, if they -- if they need guidance or something, they go to either one of us because they -- they always ask us for advice on certain cases.

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11:37 Q. Okay. And how is most of that communication conducted? Is it mostly in person? Is it mostly through e-mail or a text message?

A. It's mostly in person.

Q. Okay. Do you have a case management system at the DA's office?

A. We do.

Q. What's it called?

A. Judicial.

Q. And is that something that is specific to the Starr County or 229th District DA, or is that like a statewide system that you just have an accountant?

A. So we don't own the program. We just pay the license. The software, I don't know who else uses it, but --

Q. Okay.

A. -- but it's -- in our counties, it's only used by the DA's office.

Q. Okay. Does -- do you input information into that, or is that something that's more a legal assistant or admin job?

A. Anything that's -- usually, the scanned documents, photos, and everything is inputted by the -- by the legal assistants.

Q. And does that software keep track of the court

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dates for individual cases?

A. Usually, if the legal assistants put it in there, it will -- it will have the court dates in there, yes.

Q. Okay. Do you have an office computer?

A. I do.

Q. And is this your personal -- assigned to you specifically?

A. A desktop, yes.

Q. It's a desktop? Do you also have a laptop?

A. I do.

Q. And is that your personal laptop, or is it --

A. It's a DA's office laptop.

Q. Okay. Which one do you use more often?

A. The desktop.

Q. Okay. Do you use, like, the Windows platform and tools on that laptop?

A. Yes, ma'am.

Q. Okay. And do you use Outlook as an e-mail platform client?

A. Yes, ma'am.

Q. Okay. You also use Outlook for calendaring?

A. No.

Q. How do you keep track of your personal calendar, like your -- your own calendar?

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11:39 MS. ALBIN: Objection, relevance.

Go ahead.

A. Usually, I mean, as far as cases are concerned, or in what sense?

Q. Cases.

A. Cases. It's -- ours is pretty predictable because it's -- we just go based on the dockets. So if I have one case on the docket that didn't plea out, I don't seem to be on the docket the following time we're there. It's not like other courts where we have different dockets depending on the date.

So it's a lot more predictable to know that next time the court is there, if the case was there this -- this week, next month it's going to be there again. So we usually have that month to work on it. And we have the dockets to help us prepare for that, so we don't have to calendar each case ourselves.

Q. Okay. And if you have a meeting, let's say, in your role as the city attorney, like your meeting tonight, how do you keep track of when that meeting is?

A. The city secretary sends an e-mail invitation that -- kind of like an e-vite to the city council meeting, and the e-mail automatically reminds you, like, "Hey, just a reminder. There's a meeting coming up," yeah.

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11:52 Q. Okay. Would you put an indictment in the paper file?

11:52 A. Yes, ma'am.

11:52 Q. And would you put subpoenas in the paper file as well?

11:52 A. Many times, yes.

11:52 Q. Okay. What do you consider a prosecution packet? Let's talk about that. What do you mean by that?

11:52 A. A prosecution packet is what law enforcement turns into the DA's office in order for us to open our case at the DA level.

11:52 Q. As a matter of course, is that usually turned over before an arrest is made?

11:53 A. I mean, it's on a case-by-case basis.

11:53 Q. Okay. Does that include an arrest report of some kind?

11:53 A. An arrest report or investigatory report.

11:53 Q. You guys receive cases from a variety of law enforcement agencies, right?

11:53 A. Yes, ma'am.

11:53 Q. And does the prosecution packet sort of vary depending on the agencies, or do different agencies do it slightly differently?

11:53 A. Yes and no. We try to keep a checklist of

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11:53 things that our investigators or legal assistants look out for when they're bringing them in, because we want to make sure that it's complete.

So we try to keep uniformity, especially recently with some of the court of criminal appeals decisions that have come down. Want to make sure that all the prosecution packets come in with the proper documentation and nothing is missing.

Q. Okay. And who checks for that?

A. We have some legal assistants and some investigators.

Q. You say the prosecution packet is turned over at the beginning. Is there -- what would you call that phase, the beginning? Is it initiation or --

A. Intake.

Q. Intake. Thank you. And is there a specific individual assigned to intake within the office, or is it depending on who's available?

A. So it's kind of a two-step process now, because the way it was before wasn't working. So when we came in, we -- we assigned the investigators that were there at the courthouse in the -- in the first floor, we assigned them to review the prosecution packets, and they do have a legal assistant that's down there that also assists with that.

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Once they pretty much go through everything and make sure that there's nothing missing, photographs or anything like that, if it's complete, then they bring the file or the prosecution packet over to two clerks that are kind of like -- we call them the intake department there on the -- on the third floor with the DA's office, and they -- they do the actual file. Open up the files, scan everything into Judicial, open the file up in Judicial.

Q. So that's -- that answers a question that I had. So when you talk about Judicial Dialogue, you said that the documents were scanned in.

So the idea is, in general, the whole prosecution packet gets scanned into that system?

A. Yes, ma'am.

Q. Okay. Are the -- are the investigators supervised by any particular person? Is there a sort of lead investigator?

A. There -- there is a chief investigator and an assistant chief investigator, and then for the HIDTA task force, there's a HIDTA commander.

Q. Who is currently the chief investigator?

A. The chief investigator is Trinidad Lopez.

Q. And do you know is that a male or female?

A. Male.

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11:56 Q. Male. Do you know how long Mr. -- or Investigator Lopez has been the chief?

A. Since we came in in 2021.

Q. Okay.

A. In January 2021.

Q. And who does Investigator Lopez report to?

A. He reports to Alex and myself and Mr. Ramirez.

Q. Who is the assistant chief investigator?

A. Ricardo Saenz.

Q. And was he also there when you came in 2021?

A. He came in a little bit after. I believe he was working in the pipelines.

Q. Okay. So within that investigator office, you said on the -- on the first floor?

A. Yes.

Q. Okay. If an investigator had a question, they would first go to those two people, or would they go to the DA's office?

A. They usually go to those -- those two people.

Q. Okay. Do you have occasion to communicate using text messages with investigators?

A. From time to time, yes.

Q. And do they also use e-mail, the investigators?

A. They have e-mails, yes.

Q. Okay. So if you had an individual matter, you

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11:58 know, something is happening on a case, I just want to clarify, you would use WhatsApp or messages to communicate about work?

MS. ALBIN: Objection, form.

A. Can you repeat the question? I'm sorry.

Q. Sure. You also mentioned using WhatsApp, the application, right? And you said that was for general office announcements. So do you also use WhatsApp ever to communicate one on one with a DA's office staff member?

A. I believe so, yes. Yes.

Q. Does the office or County, as far as you know, have document retention policies?

A. Not that I'm aware of, ma'am. I'm not sure.

Q. Okay. And is there a central, like, IT office for the County?

A. Yes, ma'am.

Q. Are you aware if the County e-mail system is backed up?

A. I don't know.

Q. Okay. Does the County have access to your phone in any way? Is there sort of a County application that tracks you or -- or, you know, reads your e-mails, if you know?

A. No, ma'am.

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11:59 Q. Okay. And do you have a practice of deleting your work e-mails?

11:59 A. No, ma'am.

11:59 Q. Do you save them into folders? Do you leave them in the inbox? Where do you keep them once you've read an e-mail?

11:59 A. Primarily, I leave them in the inbox. I have created folders. For example, whenever we request for, like, employment applications and stuff, I create folders for applications that are coming in so I can later on either print them or review them, stuff like that. But other than that, they stay in the inbox.

12:00 Q. Okay. So your -- your testimony is you don't delete e-mails, in general?

12:00 A. Correct.

12:00 Q. Okay. What would give you cause to delete an e-mail?

12:00 MS. ALBIN: Objection --

12:00 A. When, for example, they send us an e-mail or an alert that a certain e-mail that a lot of people got in the County --

12:00 MS. CORNING: Kelly.

12:00 MS. KOVEL: Kelly. I'm so sorry, Kelly.

12:00 MS. ALBIN: Sorry. I couldn't hear the last part of what you asked in that question. Did you

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say what would give you pause to delete an e-mail?

MS. KOVEL: Cause. Cause.

MS. ALBIN: Okay. So I, yeah, object to the form of the question.

Go ahead.

A. IT usually warns us about e-mails that could have viruses that people will have, or if something looks suspicious to me that has suspicious links, I would delete it and then send it over to IT, which usually every single time I've done that it's been a virus or something.

Q. I understand. Did you search your laptop or desktop or phone for any records related to this case?

A. No, ma'am.

Q. And did you --

THE COURT REPORTER: Okay. Did you say something, Kelly?

MS. KOVEL: Kelly?

MS. ALBIN: I did. Sorry. I object.

But go ahead.

Q. Okay.

A. No, ma'am.

Q. No. Did you receive an instruction from anyone to preserve evidence or documents related to this case?

A. No, ma'am.

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MS. KOVEL: No. I didn't say that. I said credibility might come into question if every other case is done this way and suddenly this case is done that way. That was an example I was giving, for instance.

MS. ALBIN: Okay. Well, again, I'll say what I said before. I think this is -- these questions are not related to the question of immunity or we're way outside the scope of that. I've tried to give latitude to give background on the witness so you can understand what he is --

MS. KOVEL: Okay. Kelly, let's take a break. Okay? Do you -- let me ask -- let's -- let's go on break.

(Brief recess)

Q. Okay. The -- just -- okay. Sorry.

How much time of the day do you spend in the office versus in court?

A. The majority in court -- I mean, like I said, it really depends on when we have dockets, which is -- an actual day is probably like three -- in Starr County at least itself, three days out of the month, three to four days.

Sometimes we have it twice a month if -- depending on when it falls, but primarily, it's in the

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12:47 office, and by "the office," I mean -- I mean we're
12:47 running around a lot of times talking, you know, going
12:47 to presentations or this or that. I mean, we're always
12:47 on the -- on the run.
12:47 Q. Okay. I understand that there's different kind
12:47 of intake streams from HIDTA and, you know, other --
12:48 other different law enforcement agencies.
12:48 Is there a particular sort of manner in
12:48 which homicide cases are tracked or followed within
12:48 your office?
12:48 A. A particular way, no. It's all the same
12:48 process.
12:48 Q. Okay. You said that you would do -- maybe
12:48 have, like, a special practice for capital murders
12:48 where you might go to a magistration?
12:48 A. Not that I've done that.
12:48 Q. Okay.
12:48 A. When there was -- I know at least one capital
12:48 murder that the County Court at Law was magistrating
12:48 it. It was a pretty serious capital murder case, so I
12:48 attended that.
12:48 Q. Okay.
12:48 A. Because -- that one in particular because we
12:48 were recommending no bond on that one.
12:48 Q. Okay. So in a case like that where there's a

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lot of -- where there's sort of very serious charges, would your office ever know about that case before you received the prosecution packet?

A. A lot of --

MS. ALBIN: Objection.

Q. Go ahead.

A. A lot of times.

Q. And how would you find out about a high-profile case?

MS. ALBIN: Objection, form.

A. I mean, we can find out either by -- sometimes, it's weird that the news sometimes finds out before we do. And we -- you know, we see the news and say, "Oh, wow, something has happened," or sometimes we get calls from law enforcement agencies asking for advice. You know, that tends to be the case.

Q. And when a law enforcement agency asks for advice, do you -- are you referencing legal advice or what kind of advice?

A. Legal advice.

Q. Investigative advice?

A. No. Legal advice.

Q. Okay. How often would you say that that happens on average?

A. On a daily basis, it could happen four or five,

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ten times. I get calls sometimes at 3:00, 4:00, 5:00 in the morning. I mean, it's just constant -- constant phone calls.

Q. Okay. And are you getting phone calls from individual law enforcement officers?

A. Yes, ma'am.

Q. Okay. Do you ever go out to a scene while it's still being investigated?

A. I have in the past, and it's usually on the homicide cases. Once everything is cleared, I like to go see the scene so I can understand the evidence later, since those tend to be 100 percent trials.

So I have done it from time to time on homicide cases, but we make sure the whole scene is clear and everything. We don't want to be walking through an active crime scene.

Q. Okay. And is there a -- from the perspective of, like, a high profile case, is there an instance where that case might be investigated by the sheriff's office versus the local police department? Like is there a reason why a matter might be handled by one versus the other?

A. I mean, there's a lot of areas in a county that do not fall under -- do not fall under a municipality. So that -- those naturally go to the -- to the County.

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12:51 Sometimes, depending on who reports something, they might report it to the sheriff's department first, and maybe they could probably open up something at the -- at the sheriff's department since they have jurisdiction throughout the entire county. So I would say it's primarily based on those two factors.

Q. So it's the -- it's the location of the incident that gives rise to the criminal charges? That's mainly the determination?

A. Well, it's a jurisdictional issue. So, for example, Rio Grande City Police Department wouldn't have jurisdiction to investigate something that didn't happen within their jurisdiction.

12:52 Starr County Sheriff's Department does have jurisdiction in the entire county, since they cover the entire county. So if something happens outside of a municipality, then automatically it's the sheriff's department. Anything else, it could be that they choose to investigate, or if it gets called in to them.

12:52 Let's say somebody calls the sheriff's department to report something, then they can get activated and start investigating it, or if it gets called into the municipality, then they get -- so that -- they have dual jurisdiction in that situation.

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12:52 Q. Okay. If the sheriff's office wanted to procure a search warrant, do they work with your office to do that?

12:52 A. It depends. A lot of the times they don't.

12:52 Q. Okay.

12:52 A. Sometimes they do. It really depends on the situation. The grand majority of the time they don't.

12:52 Q. So they could go directly to a judge to procure that without having an attorney there?

12:52 A. Oh, yes. They don't -- they don't need us. Sometimes they just have us review it, and that's -- and I'm saying sometimes. It's not very common, but sometimes they just have us review it to make sure that legally it's -- it's okay.

12:53 Q. Okay. And what about a subpoena?

12:53 A. Subpoena, they have to go through our office, because an attorney has to sign a grand jury subpoena request. So that's part of the -- that's part of the grand jury process.

12:53 Q. Are there other kinds of subpoenas that happen in the investigative stage of a case that are issued during the investigative stage of a case that are not grand jury subpoenas?

12:53 A. No, ma'am.

12:53 Q. And how would you as a -- as a first ADA, how

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would you find out that a law enforcement agency needed or wanted a grand jury subpoena?

A. If they needed one, they would contact --

THE COURT REPORTER: Okay. Kelly, did you --

MS. ALBIN: Yes. I objected to form.

A. If they needed one, they would contact our office and let us know, "Hey, we need a grand jury subpoena."

Q. Okay. Is there any kind of electronic system that's used to, like, request them or fill them out ahead of time?

A. No, ma'am.

Q. Okay. If you find out that someone wants a grand jury subpoena and you're -- you're going to take it on, what do you do next? What is the first thing you do?

A. I don't understand.

Q. Do you have a template that you're filling out? Do you start from a clean Word document? Like how do you -- how do you get that started?

A. So it depends. Like if it comes to me -- if it comes to me, the request comes to me, I tell a legal assistant or one of the intake clerks to prepare the subpoena.

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12:54 And then they bring it for my signature. After that, they take care of forwarding it to -- it's more of an administrative thing. They just take care of it getting filed with the clerk's office and then sent over to the agency.

12:55 If it goes through one of our investigators, because sometimes they contact our investigators for assistance if we're busy. If they can't get ahold of a prosecutor, then the investigators may -- may help prepare the subpoena and then show it to us to make sure it's done properly, and then we sign off on it, and then they forward it to the investigative agency.

Q. Okay. Do you typically -- withdrawn.

How many grand jury subpoenas would you say you signed or assist in requesting every week.

A. I mean, I don't request them. But in response to a week, it's -- it's kind of difficult, because there's sometimes we might not have any. I know, for example, yesterday I signed off on one or two of them. It's just -- it's on an as-needed basis.

Q. Okay. Are those subpoenas generally for witnesses to testify at a grand jury, or are they for records?

A. The grand majority of the time it's for

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records.

Q. Okay. And when you're doing that review of the proposed subpoena, do you ask what kind of case it's for?

A. Usually, it would say there what type of investigation or who's conducting the investigation. You can usually tell what type of case it is based on what they're requesting, if it's financial documents or what it is that they're requesting.

If they contact us directly -- and I say we, us, the prosecutor, they might give us a quick little rundown as to what's going on and why they need it, or sometimes they just contact the investigators, and they prepare it, and we sign off on it at that stage.

Q. Okay. I am going to introduce an exhibit, I think both as one exhibit, right?

MS. KOVEL: So we're going to e-mail you, Kelly, so you have it in front of you. Sorry. They are --

MS. CORNING: That's one of them. Here is the other.

MS. GARZA: You're going to mark them same Exhibit 1, or are you going to mark them separately?

MS. KOVEL: I guess we can mark them

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12:58 separately but introduce them together if that's okay with you.

So these are not Bates-stamped, Kelly. They are labeled Confidential Exhibit 6 and 7, and I believe that stamp comes with the original presentation of confidential records from back last spring, summer. Do we have a copy for the witness?

MS. CORNING: Yes.

MS. KOVEL: Okay. Did you get them to Kelly?

MS. CORNING: I'm e-mailing them right now.

MR. KOVEL: Okay. Yeah. E-mail them to her before you give them to me.

12:59 Q. So these are going to be marked as Exhibits 1 and 2, plaintiffs. And yeah, take your time reviewing those documents, Mr. Villarreal.

A. Okay.

Q. Okay. Sorry. We want to make sure Kelly has a copy before.

Let me ask before you -- before -- since Kelly is waiting, have you ever decided not to sign a grand jury subpoena or not to proceed with that application?

13:00 A. When I have seen corrections that I wanted to

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13:00 do, for example, if it's missing -- if I don't think it's specific enough or -- or stuff like that, then -- then I have, yes.

Q. Okay. And would you say those are more, like, formal kind of technical problems, or is there -- is there ever like a legal problem underlying for a reason not to subpoena something?

A. Yes, there was -- there's been times --

THE COURT REPORTER: Kelly, did you --

MS. ALBIN: Yes.

THE COURT REPORTER: Can you say it again?

MS. ALBIN: I objected, but you can answer.

A. I've -- I've refused to sign some subpoenas where they're requesting phone records, because even though you can get subscriber information through subpoenas, under Texas law, you need a search warrant to get phone records, and some officers don't know that, so they've sent over requests for subpoenas, and in that situation, I declined.

Q. Okay. In that -- in that situation, would you have a conversation with the officer to explain why you declined it?

A. No. In those situations, usually, I have -- I tell the investigators that we have -- because they're

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kind of -- a lot of the times they're like the middle people, so I just tell them, "Hey, explain to this agency and make sure you get the word around that they can't be requesting these type of subpoenas for that."

MS. KOVEL: Okay. All right. Kelly, have you received the e-mail?

MS. CORNING: In one second. Sorry.

Q. Okay. And once you have signed the application, you said you don't actually give it to the -- does a judge have to sign it or a clerk?

A. It depends. If it's an in-county subpoena, that means that it's going to served within the county, a judge does not have to sign it, and it just has to get filed with the clerks, and they have to issue the subpoena, which they stamp-file it.

If it's an out-of-county subpoena, then the district judge of that grand jury has to sign it, so we sign the application. It goes to the district judge. If they sign off on it, then the district clerk stamps the subpoena and it goes out.

Q. Okay. Would you appear before the judge in that circumstance, or is it sort of an automatic process?

A. No. It's just the subpoena itself or the application goes to the judge's office. We don't

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appear before them.

MS. KOVEL: All right. Kelly, let me know when you have the e-mail.

THE COURT REPORTER: Say it again.

MS. KOVEL: I said Kelly, let me know --

THE COURT REPORTER: I mean I missed hers.

MS. ALBIN: Yes, I have them.

MS. KOVEL: Thank you.

Q. Okay. So we're calling the one, Exhibit 1 that's marked --

MS. GARZA: -- 6, yes.

Q. So starting with the Exhibit No. 1, which is marked at the bottom Confidential Exhibit No. 6. Do you see this document?

A. Yes, ma'am.

Q. And do you recognize this copy?

A. That is my signature. I don't remember this particular one. I remember the other one, but this one I don't remember.

Q. Okay. So by "the other one," you're referring to Plaintiff's Exhibit 2, which is marked at the bottom Confidential Exhibit No. 7. Am I correct?

A. Yes. That one -- that one -- I remember that one. I don't remember this subpoena, but that is my signature.

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13:03 Q. Okay. And tell me what you remember about Plaintiff's Exhibit 2.

A. This is the one that says "Confidential No. 7"?

Q. Correct.

A. I remember that -- that for this one, the sheriff's department had requested a subpoena for the medical records because they were asking for advice, and we didn't have nearly enough facts to make any determination on the case.

Q. Okay. So let's back up a little bit. This -- this is a grand jury subpoena regarding medical records of our client Lizelle Herrera, correct?

A. Uh-huh.

Q. Now she's Gonzalez. Okay?

A. Yes, ma'am.

Q. And you said this is -- this is a request for medical records. The front of it says "Starr County Memorial Hospital," correct?

A. Yes, ma'am.

Q. Okay. When did you first hear about the incident involving our client Lizelle Herrera?

A. Must have been the same day this subpoena was filed, I would assume, around that time.

Q. And who notified you about it? Who contacted you first?

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13:04 A. The investigator that contacted me I believe was Esmer Muniz. I believe she called me.

Q. Muniz?

A. Muniz, yes.

Q. She called you on your cell phone?

A. I don't believe it was my cell phone. I think it was my -- my office phone, because I remember I was in my office working on something. And I don't know if they just called to see who was there or what, but I do remember that I answered the phone in my office, so I want to say it was the landline there at the office.

Q. Okay.

A. Yeah.

Q. And who is Esmeralda Muniz?

A. She's a former investigator with the sheriff's department. She -- she's recently retired.

Q. Okay. Did you know her at the -- now, this is around January 2022, correct?

A. Yes.

Q. And did you know her at that time?

A. Yes.

Q. Had you done work with -- with cases -- have you worked on cases with her previously?

A. Yes, ma'am.

Q. Okay. Do you know if she called you directly?

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13:05 A. What do you mean directly?

13:05 Q. Do you have a direct line in the DA's office for your desk phone?

13:05 A. No. No, ma'am.

13:05 Q. Okay. Is there just one phone number and whoever answers answers?

13:05 A. So the way it works is the entire county has a phone number, and it goes to a centralized -- kind of like an operator. And then from there, they send you to the departments.

13:05 So there they would forward the phone call to the front desk there at the DA's office, and then from there, they would get transferred to whoever they're looking for there at the DA's office.

13:06 Q. Okay. So do you know if Investigator Muniz was asking for you by name?

13:06 A. I'm not sure, ma'am.

13:06 Q. Okay. And do you remember what she said to you on that phone conversation?

13:06 A. I remember the -- I guess the gist of what she told me, because it was a while back, but it wasn't a long conversation. She had -- she had advised me that they -- I guess the Starr County Hospital -- or Starr County Memorial Hospital had contacted the sheriff's department, something about them being concerned or

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somebody in their department. I don't know if it was an attorney or somebody was concerned that they hadn't reported something to law enforcement.

Apparently -- what I remember is that there was a female that had gone in a few days before, and I don't know if they had to pump her stomach or something like that, that she had ingested some -- something. They had treated her. She had left. And then she came back.

What stood out that -- what they told me was that when she came back that the baby -- or there was -- oh, sorry. At the beginning that she was pregnant, that's one of the details they had told me the first time she went. When she was -- when she came back the second time that the baby was sticking out of her.

And when I asked, "What do you mean the baby was sticking out of her," they said, "That's all they told us. They didn't give us any more details other than that." So they're asking, "Well, you know, do we have a case here?"

I told them, "That's not nearly enough information for me to make the determination was the baby born alive? Were they not?" They didn't -- they didn't know.

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13:07 Q. Okay. So stepping back, it sounds like Investigator Muniz was talking about the case more generally and not at that time specifically about medical records?

A. Not -- not at that moment.

Q. Okay.

A. Yeah.

Q. So was she asking, you said, "Do we have a case here?" She asked you that?

A. Yeah. She was confused because she was like -- like basically, like, you know, "This is all we have right now. Like is there a case here because of the baby?"

And my question was, "Well, was the baby born? Under what condition was it born?"

And I remember her telling me that she didn't know because that all the hospital did was the initial report, and then after that, they refused to give any information, that basically their position was that they had complied with their duties to report, and after that, they shut down.

I do remember asking if there was an autopsy to see if the child had been born alive, under what conditions if it was born. I remember being told that the -- that the body of the child, embryo, I mean,

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13:09 had been cremated. So there was no autopsy. There's no nothing to go on there.

So basically, that's when they asked for the grand jury subpoena for the medical records, because they were trying to figure out what happened here and if there's any actionable crime that happened, because there was -- there was some possibilities, depending on what the circumstances were, but not enough solid facts to -- to know anything for sure.

Q. Okay. So did you convey to Investigator Muniz that conclusion that you just drew, that there was a possibility that there could be a crime?

A. No. What I -- what I told her was that I didn't have enough facts to make a determination. And that's when she asked for the grand jury subpoena for the medical record.

Q. Okay. Did anyone use the term "abortion" or the word "abortion" --

A. No, ma'am.

Q. -- in that time?

A. No, ma'am.

Q. Okay. And when you -- you said she had ingested something, did Investigator Muniz say what that -- what that thing was at that time in that conversation?

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13:10 A. No. I don't think she knew what she had ingested.

Q. Okay.

A. I think all she knew was that they had treated her for something she had ingested.

Q. Okay. And did Investigator Muniz at that time ask you whether an unborn child is an individual under the Penal Code?

A. I don't remember, ma'am, to be honest with you.

Q. Okay. Did you conduct any legal research in the course of this call or afterwards in response to the call?

A. In response to that call, no, ma'am.

Q. During the call, did you look anything up?

A. No, ma'am.

Q. Had you ever worked on a prosecution before that involved the death of an unborn child?

A. No, ma'am.

Q. And since that time, have you ever worked on a prosecution that involved the death of an unborn child?

A. No, ma'am.

Q. Have you ever -- have you ever worked on any other cases that involved an unborn child as a victim, you know, through an assault, for instance?

A. I'm sure I've prosecuted individuals for

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13:11 assaulting pregnant women, yes, but -- probably at various times.

Q. Okay. And do you remember conducting any legal research in the course of those prosecutions?

A. Legal research, no, but probably just looking up the elements of the assault, what degree it would be depending on that assault. I believe -- I don't know, because, again, those are not regular situations.

I believe there -- there may be instances of that where a regular assault may be upgraded due to the fact that a woman is pregnant, but I would need to look it up.

Q. Okay. And do you know -- do you remember approximately how long that call with Investigator Muniz lasted?

A. It wasn't very long. It was a handful of minutes.

Q. Okay. But you remember it sitting here today?

A. I do.

Q. And it was -- is that because it was memorable?

MS. ALBIN: Object.

Go ahead.

A. It was different. That's for sure. But the reason I remember it was because once I -- you know, once the whole story broke out that she had been

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13:12 indicted, I had to go back and remember that
13:12 conversation. So once that happened, it kind of just
13:12 sticks with you because of how everything --
13:12 Q. Okay. So it sounds like at the end of that
13:13 conversation, there was a sort of conclusion that you
13:13 would need more information, correct?
13:13 A. Yes, ma'am.
13:13 Q. And that you -- you believe that the best way
13:13 to get that information would be through Lizelle's
13:13 medical records, correct?
13:13 A. No. That's what the sheriff's department
13:13 requested in order to get the facts. In other words, I
13:13 just told them I didn't -- I didn't have enough to be
13:13 able to give them advice, and then they requested the
13:13 medical records.
13:13 Q. Okay. Do -- and when you say they requested
13:13 them, you're talking about the subpoenas that are
13:13 Exhibits 1 and 2?
13:13 A. Yes. Again, I remember -- I'm sure -- I'm sure
13:13 I signed this one, since -- the one marked Exhibit 6 on
13:13 here. I'm sure I signed it because that's my
13:13 signature. I don't remember why this one was
13:13 requested, but I do remember the hospital and why that
13:13 one was requested.
13:13 Q. Okay.

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13:13 A. I'm sure -- I'm sure at the time I knew, but right now, I can't remember.

13:13 Q. That's fine. So do you know how -- approximately how soon after that call -- after that phone call you received this request for a subpoena?

13:14 A. It was during the call.

13:14 Q. Okay. Do you -- do you mean that she e-mailed you during the call?

13:14 A. No. She requested it over the call.

13:14 Q. Okay. And so what -- what steps did you take after that?

13:14 A. That's when we go to the legal assistants and tell them, "Hey, they're requesting a subpoena. Can you draw it up?" They draw it up. I sign it, give it back to them, and they send it to the agency.

13:14 Q. So how do you know what to put on the subpoena?

13:14 A. Because she told me.

13:14 Q. So she told you -- I'm just looking at the second page of Plaintiff's Exhibit 2, which is, again, No. 7.

13:14 A. Right.

13:14 Q. Sorry. There's a lot of information on this grand jury subpoena. So there's, for instance, in the middle paragraph, our client's name, date of birth, and then the dates that she was in the hospital.

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So would that have been drafted by you, that part of the --

A. No. This subpoena was not drafted by me. I did sign it, and -- and we never draft subpoenas. Usually, it's the legal assistants that draft subpoenas.

Q. Okay.

A. I don't remember if she gave me this one, because I -- I don't remember her giving me the name, to be honest with you. And usually, during -- during those types of calls, they never give us names of people that they're investigating.

So I don't know if maybe the legal assistants called them and got the details from them, but I don't remember getting the name from -- from her.

Q. Okay.

A. So I don't know -- I don't know how we obtained the information, whether they gave it to me or they gave it to the legal assistant.

Q. So essentially, the call ends.

A. Yes, ma'am.

Q. And you didn't draft this.

A. Correct.

Q. The next thing you know, there's a legal assistant giving it to you for signature?

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13:15 A. Yes, ma'am.

13:15 Q. Okay. Do you know which legal assistant it was?

13:15 A. I don't remember, no.

13:15 Q. Do you know which legal assistants would have been working in the office in January 2022 in that capacity?

13:16 A. Shoot. I mean, considering we've had some changes. We have maybe two or three people potentially that are still there that --

13:16 Q. Okay.

13:16 A. -- I could think of.

13:16 Q. Do you know when they draft these, do they -- do they draft them on Microsoft Word?

13:16 A. Yes, ma'am.

13:16 Q. Do they use a template as a starting point?

13:16 A. Yes, ma'am.

13:16 Q. Do they sign -- I mean -- withdrawn.

13:16 Do they save a copy of the draft that they create?

13:16 A. I'm not sure.

13:16 Q. Okay. You receive this in a hard copy to sign?

13:16 A. Yes, ma'am.

13:16 Q. Do you receive multiple copies?

13:16 A. No, ma'am.

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13:16 Q. Do you know if this goes into Judicial -- Judicial Dialogue?

A. It would go into Judicial Dialogue when they would turn it in with the prosecution packet. So usually the -- the investigative agency would make it part of their prosecution packet.

Q. Okay. Based on these documents, can you tell -- could you surmise what day that phone call happened?

A. I'm thinking it's the 12th, because I do recall -- I do recall them saying that this event or these events happened a few days before, and if -- if we're talking about January 7th through the 10th they were requesting, if that was the last day, just assuming here, that would make sense that it would be the 12th if it was a few days before that that she was at the hospital.

Q. Okay.

A. So that's just -- I mean just a guess based on all the facts that I know.

Q. Once they're signed, how are they transmitted back to the investigator?

A. Sometimes they just come and pick them up.

Q. Okay. Do you know if Investigator Muniz came and picked these up?

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13:18 A. I have no idea.

13:18 Q. And after you signed these, did you discuss the call with Investigator Muniz or any of the information you learned in that call with anyone?

13:18 A. No, ma'am.

13:18 Q. Okay. Did Investigator Muniz call you any other occasions regarding this case?

13:18 A. I know there was -- there was two different occasions. There was one, that initial phone call. The second -- the second phone call was just to -- because they were going to look into whether the child had been cremated or not.

13:19 And I do remember the second phone call was just to inform me that the child had, in fact, been cremated and they were going to be pending the medical records that they had already requested the subpoena for. That was -- that one was a short call.

13:19 Q. Okay. Do you recall approximately how soon after you signed these requests?

13:19 A. I don't know.

13:19 Q. Was it a matter of weeks or days?

13:19 A. Oh, no. It must have been either the same day, if not the next day, but I'm assuming it probably was the same day.

13:19 Q. Okay. What was your reaction when you learned

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13:19 that the -- that the fetus had been cremated?

13:19 MS. ALBIN: Objection. Hold on. He's not referred to -- he said "child" or "body." He's never used the phrase "fetus."

13:20 Q. Okay. What was your reaction when you learned about the cremation? How's that?

13:20 A. I mean, it was just one of those FYI things. I mean, I really didn't have a reaction. I just told them okay. I mean, it didn't -- it didn't add anything to the case.

13:20 There was -- it didn't -- in other words, that doesn't help in making a determination if something happened or not happened that was illegal. So like legally speaking, it didn't change anything.

13:20 Q. Okay. And did you remember any other discussion other than -- on that second call other than the fact of the cremation and the fact that they were still waiting for the records?

13:20 A. I'm sorry. Could you repeat the question?

13:20 Q. Do you remember any other discussion on that call other than the fact of the cremation and the fact of the request for medical records was then pending?

13:20 A. No, ma'am.

13:20 Q. Thank you. Do you know if Investigator Muniz said anything about going to the funeral home or

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crematorium?

A. I don't recall that, ma'am.

Q. Okay. Did you have any other conversations with Investigator Muniz after the second phone call regarding the events or facts of this case?

A. No, ma'am.

Q. Okay. We're going to introduce another exhibit. It's also not -- it's also not Bates-stamped because it's a document from this litigation.

MS. KOVEL: You -- I'll look for it and you send it to Kelly.

Kelly, for your information, this document is Defendant Alexandria Barrera's Objections and Responses to Plaintiff's Phase One Interrogatories. And you should be receiving it by e-mail in a little bit.

Are we marking this as Plaintiff's Exhibit 3?

Q. I will ask you, Mr. Villarreal, if you could turn to page 4 while your attorney is waiting for the exhibit e-mail. And go ahead and read the Interrogatory No. 5 that's on that page, and you can skip the objections, unless you're interested, and then your response, please.

A. You want me to read it to myself?

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13:22 Q. Yes, please.

13:23 MS. KOVEL: Kelly, did you receive the exhibit?

13:23 MS. ALBIN: There, it is.

13:24 A. Okay.

13:24 Q. Okay. I won't ask you if you've -- well, I will. I'm assuming you have not seen this before; is that correct?

13:24 A. That's correct.

13:24 Q. Okay. This is the response -- official response from your colleague Ms. Barrera to interrogatories that were posed by us, plaintiff's counsel.

13:24 A. Yes, ma'am.

13:24 Q. And -- and as you see, your name is mentioned in this interrogatory response.

13:24 A. Uh-huh.

13:24 Q. Specifically, just to summarize for the record, it says that the sheriff's office spoke to Ms. Barrera and said that they had spoken to you, specifically that they had asked you whether an unborn child was an individual for purposes of the homicide statute and also what kind of charge would apply.

13:25 And I would like to ask you if you recall that conversation with Investigator Muniz or anyone

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else at the sheriff's department.

A. I don't recall that portion of the conversation, ma'am.

Q. Okay. Did you ever discuss this sequence of events with Ms. Barrera in -- you know, in the last six months?

A. No, ma'am.

Q. Okay. Do you recall ever looking up whether the word "individual" within the Penal Code included an unborn child?

A. I don't recall looking that up, no, ma'am.

Q. Okay. If you were sitting here today and you wanted to know what the Penal Code defined as an individual, would you use Lexis, Google, or something else?

A. Lexis.

Q. Okay. And would your -- based on your understanding of the account -- I understand completely if you don't know, but based on your understanding of your account, would that search be saved within your account as the -- you know, as having occurred?

A. I don't know.

Q. If you search for something in Lexis, is it your general practice to print it out?

A. Not always, no.

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13:26 Q. Okay. What would determine -- what would be a factor that made you want to print something versus --

13:26 A. Usually -- usually I print something out if we're in trial and I need to have something handy and maybe give copies to opposing counsel and the judge, but primarily, we keep it -- it's just there on Lexis.

13:26 Q. Okay. So do you have any -- just -- just to wrap this up, do you have any idea what Ms. Barrera's response is referring to here?

13:27 A. No, ma'am.

13:27 MS. ALBIN: Objection.

13:27 Q. No?

13:27 A. No. I mean, I don't remember that conversation. Whether it happened or not, I don't know, but I don't -- I don't recall that conversation, at least not that portion that they're -- that they're talking about.

13:27 Q. Okay. So you didn't communicate with Investigator Muniz after the second phone call, to your recollection?

13:27 A. Yes. To my recollection, I didn't.

13:27 Q. And you wouldn't have documented that phone call in any notes or --

13:27 A. No, ma'am.

13:27 Q. -- phone log?

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13:27 A. No, ma'am.

13:27 Q. Okay. And when was the next time you heard anything about the events underlying this case?

13:27 A. I was at an Easter event helping out one of the local constables for -- for a community event, and all of a sudden, I started seeing that there was news breaking out of this Lizelle Gonzalez, or I think at that time she was Herrera, being indicted on an abortion case. I think that was the headline. That was the next time I heard anything about this case.

13:28 Q. Okay. Are you aware that Ms. -- that Lizelle Herrera Gonzalez was indicted from a grand jury that convened in March?

13:28 A. I was made aware of that later.

13:28 Q. Okay. Do you know where you were in the last week of March 2022?

13:28 A. Where I was?

13:28 Q. Uh-huh.

13:28 A. I mean, can you specify? Like I was at work --

13:29 Q. Were you out of the country? Were you --

13:29 A. No, no, no. I was at work. Yes.

13:29 Q. Okay. And was the -- is there -- so -- withdrawn.

13:29 You mentioned two different grand juries that meet, depending on the district court --

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A. Uh-huh.

Q. -- in Starr County, correct?

A. Correct.

Q. So if a grand jury is meeting for the first six months regarding 229 -- right? That's the 229th District Grand Jury, is that what it's called?

A. Yes.

Q. Okay. Would that -- that would be sort of under your, you know, operation, correct, as that -- because that's the district court that you supervise?

A. No, ma'am. The district court dockets are entirely different than grand jury.

Q. Okay.

A. Grand jury --

Q. So sorry.

A. Yeah. No, no. Grand jury is -- is pretty much all the prosecutors present to the -- to the grand juries. It doesn't matter what court they're in. It's just -- it's the grand jury sitting at that time for general purposes.

So, you know, Alex and Judy, even though they're in the 381st, they can present in the 229th and vice versa. So it's not under anybody's purview. It's just everybody presents to that grand jury.

Q. Okay. Without giving me any information about

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conversation?

A. Yes. He was trying to figure out himself what was happening. He asked me if Alex had presented the case or if I had presented it. I told him I didn't even know we had it, but he -- basically, we were trying to figure out what was happening because we -- I think we were in the dark on it.

Q. Did you have concerns about the case?

MS. ALBIN: Objection, vague.

A. Not that I had concerns. It's just that I didn't know anything about -- other than what -- what I had been told by -- by Esmer, I didn't really have any facts.

So I didn't -- I didn't know one way or another. I just knew that it was making the news, and usually, when that happens, people start reaching out to us for questions as far as the media, and if I didn't have -- if I didn't know what was happening, then I didn't know how to respond.

Q. Okay. Let me ask you a little bit about the policies about media. Promise it won't be too long, Kelly.

Do you have a central kind of system for fielding requests from the media?

A. Not a policy. They usually reach out to either

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me or to Mr. Ramirez.

Q. Would they reach out to you directly?

A. Yes.

Q. Okay. And are you empowered to make statements to the media without first consulting Mr. Ramirez?

A. No. No. Usually, I consult with Mr. Ramirez.

Q. Okay. Is there, you know, a director of comms -- communications or public relations in the office?

A. I wish, but no.

Q. The office -- you said something about social media. I believe the office has a Facebook account; is that correct?

A. That's correct.

Q. Do you know who runs that account?

A. I have access to it, and Alex has access to it.

Q. Does DA Ramirez have access to it?

A. No.

Q. And so how often do you, you know, have occasion to look at that account or interact with it?

A. Not very common. Usually, my interaction with it is whenever we do press releases.

Q. Okay. What would -- what would make you want to do a press release, what kind of event?

A. Usually, it would be for major convictions.

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13:51 Any trials we have where we have major convictions, we usually put those out there.

Q. Okay. Would you draft the press release?

A. It depends. Sometimes I draft them, sometimes Alex -- Alex drafts them. It just depends.

Q. And once you drafted them, do you give them to DA Ramirez to approve?

A. Yes, ma'am.

Q. Does he typically edit those press releases?

A. He has in the past.

Q. Are those press releases saved on the -- on your computer at any place?

A. I'm sure -- I'm sure they are at one point, but they're not organized in any way. They're just there in either desktop or -- there's no specific folder just for press releases.

Q. Okay. Does the DA's office have a cloud computing system where you save documents to a sort of shared server?

A. We do have a server, yes.

Q. Okay. So when you save a document from, like, let's say you wrote a brief, it would -- it wouldn't just be saved on your desktop. It would also be saved somewhere?

A. No. The way the server works is you have to

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13:52 specifically save it on the server in order to be on there.

Q. Okay.

A. Especially, because we deal with a lot of delicate information. We don't want just anybody having access.

Q. Did you do any research about this case after you talked to DA Ramirez?

A. Sorry.

Q. Go ahead.

A. Yes. I remember we started trying to figure out what the general facts were. I mean, again, I still don't know what the -- what the facts are, the actual facts of this case are, but we were trying to figure out the general legality of it, trying to -- it was -- it was more like trying to get the answer as quickly as possible to figure out what was happening.

So I do remember trying to figure out what the legality of these are. I think some of it we were basing it on facts that were presented by the media. So it was just a lot of assumption. So I do remember Mr. Ramirez mentioned that he was going to go look for the file to review it himself, because we needed to get the facts straightened up.

Q. And where was that file located? Do you know?

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13:53 A. At the DA's office.

13:53 Q. Physically where do the case files live at the DA's office?

13:53 A. It depends. So there's file cabinets where -- where cases are usually at. And if a prosecutor is working on the case, sometimes they have them in their office, I mean, yeah.

13:54 Q. Okay. But again, going back to my original question about the sort of vertical case assignments, you don't have a case that you -- you keep that file for the entirety of the case --

13:54 A. No, not for entirety of the case, no.

13:54 Q. -- centralized?

13:54 A. Yes, ma'am.

13:54 Q. For the reason that you can cover for each other too in court if you need to.

13:54 A. Well, the main reason is because before we did that, a lot of files got lost. So we wanted to make sure -- this was in the previous administration, so we wanted to make sure that pretty much our legal assistants have permission to go and take our files, even if they're on our desk, because some of the attorneys historically have wanted to say, "Well, this is my file. I want to keep it here," and then sooner or later things got lost.

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Obviously, we have our Judicial, but -- but we try to keep them as centralized as possible.

Q. So what steps did you take when you were doing research, do you remember, after you talked to DA Ramirez?

A. I remember I was having difficulty getting access to -- to the Internet because of the location that I was at the time. At that Easter event, I wasn't getting a lot of good cell service, so I kept trying to use Lexis, and I was having issues. I was trying to use Safari, Google, anything, but I was having issues getting Internet access over there.

Q. Did you leave the event?

A. Yes.

Q. And where did you go?

A. To my house.

Q. Did you conduct additional research from your house?

A. By the time I got there -- well, no. I don't remember at what point. I know there was a point where Gocha had mentioned, "Hey, they just sent me this. Can you check it out?" And it was a statute. I think it was Section 19 in there and talking about the -- the affirmative defense, and I reviewed it, and, you know, that was -- that was it.

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13:56 Q. What did you do after you reviewed it?

13:56 A. So I didn't do anything, because he had told me that he was going to head to the office and grab it. And after that, he was more than anything keeping me updated so that I can know what's happening, but I know that he reviewed the file.

13:56 He told me right away, you know, "I need -- this case needs to be dismissed. I'm going to dismiss it." I know he made that determination during that same weekend. I don't know -- I don't remember if it was that same day or -- or -- but I know it was a very quick decision for him.

13:56 And then I think there was a point where he had mentioned that he was going to try to meet with the family of the -- of Lizelle.

13:56 Q. You mentioned the term "affirmative defense." Where do you -- where do you sort of -- how did you decide to use that term? What made you decide to use that term?

13:57 A. Well, I mean, that's kind of what I would characterize it as an affirmative defense. Usually, there's crimes and then there's defenses to that crime where the crime wouldn't apply if certain facts happened. That's an affirmative defense. I mean, that's my understanding. I mean, maybe I'm using the

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13:57 wrong term, but --

Q. Do you know if DA Ramirez called it that --

A. No.

Q. -- when he spoke to you on the phone?

A. No, no. I'm using that term right now, but no.

Q. Okay.

A. That term had never been used.

Q. And did you go into the office on that weekend?

A. No, ma'am.

Q. Okay. Did you e-mail Mr. Ramirez on that weekend?

A. Not that I recall.

Q. Did you text message Mr. Ramirez on that weekend?

A. I believe, yes, because I believe we were messaging, because that's when I remember -- I think -- I think he had -- that's when he was communicating some stuff via text message, but it wasn't a whole lot, but I know there was some messaging.

Q. To the best of your recollection, would that have been on WhatsApp or messages?

A. Oh, I don't know.

Q. Okay. Have you ever received WhatsApp messages from DA Ramirez?

A. He usually doesn't use WhatsApp. The only time

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13:58 he uses WhatsApp is for the office stuff, like the
13:58 big -- the broadcast stuff, but he usually uses regular
13:58 text message.
13:58 Q. Okay. And would you have access to those text
13:58 messages now?
13:58 A. No.
13:58 Q. And why is that?
13:58 A. Because I don't back up my text messages, and I
13:58 have a new cell phone.
13:58 Q. Okay. What happened to your old cell phone?
13:58 A. I traded it in for this cell phone.
13:58 Q. Fair enough. Okay. Did you at any time during
13:58 that weekend from the moment you heard about the news
13:59 articles talk to ADA Barrera?
13:59 A. I don't recall. I'm sure probably I did over
13:59 the phone, but I don't remember, to be honest with you.
13:59 Q. Okay.
13:59 A. Oh, you said after the news releases, right?
13:59 Q. Yes.
13:59 A. Yeah. After -- yeah. I'm sure I did, but I
13:59 don't remember the nature of the conversation.
13:59 Q. Do you believe that you talked about this case?
13:59 A. I'm not sure. I'm not sure, to be honest with
13:59 you.
13:59 Q. Okay. Do you spend time with DA -- ADA Barrera

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13:59 outside of the office socially?
A. No, no.
Q. No? Okay. So she wasn't at your Easter event, for instance?
A. No, no.
Q. Okay.
A. The Easter event was in the western most part of the county. That's far from where she lives.
Q. Okay. And as far as you know, did DA Ramirez meet with Lizelle and her family?
A. That's my understanding.
Q. Okay. Did you ever -- were you around the office during that meeting or at any time?
A. No, ma'am.
Q. Did DA Ramirez talk to you about that meeting after it occurred?
A. Just the fact that he had had the conversation, that meeting with them.
Q. Okay. And Lizelle's criminal case was dismissed, correct?
A. That's my understanding.
Q. Okay. Did you have any involvement in the dismissal proceedings or the, you know, drafting of any dismissal documents?
A. No, ma'am.

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Q. When an indictment order is issued, is the next step in the sort of general process to get an arrest warrant?

A. So first, obviously, one thing is for it to be true billed, then the next thing is for the indictment to be signed. After that, it has to be assigned to a court. Once it's assigned to a court, that -- that indictment goes over to the district judge.

The district judge reviews the indictment if it was assigned to his court. Usually, he -- they initial the back of the indictment where the bonds are. If they approve the bonds or they want to change the bonds, that's their determination.

If there's no bond there, usually that means that either the -- the charge was upgraded or that person has not been arrested. So at that point, they assign a bond.

Q. So they would assign a bond before the arrest?

A. Well, it's more of a -- at that point, more of a suggestion until -- because they have to get magistrated in order for the bond to be effective.

Q. Okay.

A. So technically speaking, it's more of a suggested bond at that point. But then once they get arrested, they need to get arraigned and all that.

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14:02 Once they do that, then the case would go over to the district clerk's office, which would automatically issue the capias if -- if they hadn't -- if there's like a bond either increase or -- of if they hadn't been arrested for the charge --

Q. Okay.

A. -- or if it had been upgraded, they show a capias for that -- for that case.

Q. And is the ADA or a district attorney's office lawyer present for the district judge making those determinations and, you know, referring it to the district clerk?

A. No, ma'am.

Q. So is it the district judge that makes the decision to arrest someone?

A. I don't understand. What do you mean?

Q. Well, I mean, who -- who makes that -- that decision to conduct an arrest?

A. It's not a decision to make an arrest. It's if they haven't been arrested or if the charges are upgraded, then it's an automatic thing where -- where they issue a capias.

Q. And where does the capias go physically from the clerk?

A. Usually, they try to send it over to the agency

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that -- where the case has originated from, or they just send it over to the sheriff's department so they can put it into NCIC.

Q. Okay. Are you familiar with the press release that was issued by the office after this arrest?

A. I'm sure I've seen it. I just don't remember it.

Q. Okay. Did you have anything to do with drafting it?

A. I don't remember.

Q. Okay. Did you ever talk to Investigator Muniz about this case after Lizelle was arrested?

A. I don't believe so.

Q. And did you ever receive e-mails from the public about this case after the arrest?

A. Yes. We got a lot of threatening e-mails, a lot of pretty ugly stuff. We also got FOIA requests. We got a bunch of -- it was -- it was just -- I think they were getting our e-mails from the County website, so they were just spamming our -- and threatening us through e-mail.

Q. Were there specific threats of violence?

A. I believe so at the time. I'm having a hard time remembering specific, but I remember they were concerning. I think at that time even Gocha was

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getting stuff at his personal home, if I remember correctly.

Q. And did you ever discuss these e-mails from the public with Mr. Ramirez?

A. Oh, yes, because they were concerning.

Q. What was -- what was the content of those discussions?

A. It was just the fact that they were happening, but we both agreed that, I mean, barring something credible, that we just had to continue our work.

MS. KOVEL: How long have we been going?

MS. CORNING: I think it's been about an hour since the last break. Do we need to break for lunch?

MS. KOVEL: Yeah. Should we take a break for lunch? Do you want to take a break for lunch?

THE WITNESS: I'm fine to keep going.

MS. KOVEL: I'm not sure how much longer I have. Let's go off the record for now.

(Brief recess)

Q. Okay. So going back to the weekend after the -- when you were at the event, Easter event I believe you said, correct?

A. Yes.

Q. And at what point in that day did Mr. Ramirez

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Go ahead if you know what that means.

A. I mean, social media, sometimes local news pops up, and, you know, if it's of interest, then I read it there. Every once in a while, I log onto CNN and see what's going on there.

But, you know, like I said earlier, it's usually real depressing, so I get enough of that from work.

Q. And who in the office, if anyone, was responsible for overseeing -- or responsible for checking in on legal -- updates to the law?

MS. ALBIN: Objection --

Q. Let me re-ask that. That wasn't a very good question. I agree, Kelly. I object.

Does the DA's office have a director of training?

A. No.

Q. Okay. Does the Texas Bar require continuing legal education credits?

A. They do.

Q. And does anyone at the DA's office track whether the ADAs are compliant with their CLE credits?

A. We usually don't have to, because we go to enough CLEs where for sure all the CLEs are covered.

Q. And where do you attend CLEs?

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14:56 A. The -- again, it depends on who you are or what type of crime you're getting paid out of. The border prosecution unit has three different attorneys: myself, Alex, and at one point it was Alfredo, then we switched him out with Judy.

The border prosecution unit usually has two trainings that are two days long. One of them is a regional training, which is region three, which is about two to three days usually. Another one is a yearly training, which is about three to four days. I think usually, like, three days.

And then we also sometimes go to the TDCAA annual conferences. And then on occasion, we also send people to more specialized CLEs, which is either violent crimes or -- or very specialized CLEs, depending on what comes up.

Q. And would you say that that's -- or that sort of general list of CLEs is how you personally stay kind of abreast of changes in the law?

A. Yes, ma'am.

Q. Do you have any other sources for learning about developments in the law that pertain to your practice?

A. No.

Q. And do you know what SB 8 is?

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14:57 A. I heard about it after news broke of all this. I didn't know about it -- I didn't know what that was, and to be honest with you, I don't have a really good understanding of it. I just know kind of the general gist of what was put out there.

Q. So when you say news broke about all this, you mean the news about Lizelle?

A. Yes, ma'am.

Q. So -- okay. Were you aware of Roe v. Wade, what -- what that means?

A. Yes, ma'am. When --

Q. When did you learn about that?

MS. ALBIN: I'm going to object as to the relevance of Roe v. Wade for this prosecutor.

MS. KOVEL: I think it's relevant to -- I mean, you want me to -- I think it's pretty relevant about the awareness of the state of the law within the DA's office.

MS. ALBIN: You understand that he's not -- doesn't -- he's a criminal prosecutor, though, not -- he doesn't -- I mean, I stated my objection. He -- he can answer, but I don't think it's relevant whether or not he knows about Roe v. Wade.

But go ahead, if you know.

A. Yes.

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14:58 Q. Yes. Did you learn about it in law school?
14:58 A. Actually learned about it first in undergrad.
14:58 Q. Okay. And as of January 2022, were you aware that Roe v. Wade was still good law, still the law of the land?
14:58 A. That was my understanding.
14:58 Q. Did you follow the news when Roe v. Wade was overturned?
14:58 A. I did. I got -- I remember I got a CNN alert on that one.
14:59 Q. In any of the trainings that you attended, did you ever hear about any questions about criminally prosecuting abortions?
14:59 A. No, ma'am.
14:59 Q. Did you ever attend trainings about the homicide statutes within the Penal law?
14:59 A. Trainings about the homicide statutes?
14:59 Q. Yes.
14:59 A. No. There's -- I don't -- I'm not aware of any such trainings specifically on homicide statutes, but no.
14:59 Q. Do you -- do you train other individuals, either attorneys or not, within the office?
14:59 A. No. I'm not certified to be training anybody.
15:00 Q. Okay. Okay. Just a few more, and then I'm

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15:00 going to break really quickly to make sure I'm not missing anything. Okay?

So just to be clear on that last question, the DA's office, do they conduct legal trainings or other trainings within the office?

A. If you're asking within the office excluding every other office, no. We go to trainings --

Q. Right.

A. -- at these conferences.

Q. Okay. What kind of training did you receive when you began working there?

A. At the DA's office?

Q. Yes.

A. There is a crash -- kind of like crash course called -- I mean, we know it as baby prosecutor school, but back then it was in Austin, Texas.

I went to it, but honestly, it was a waste of time, because 99 percent of the prosecutors that are starting out, they're usually starting out with misdemeanors and DWI cases. So a lot of what they talked about didn't apply, because they -- they were focusing more on the masses that were there.

Q. So you never worked on misdemeanor cases like that as a prosecutor?

A. As a -- as a -- I mean, I've pled cases down to

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a misdemeanor, and then sometimes when -- when officers call and ask, you know, it might involve a misdemeanor question, but I've never been a county attorney, so I've never prosecuted misdemeanors, per se, as exclusively.

Q. Okay. So do you know -- would you -- sorry. Let me try to figure out how to ask this.

Do you know -- it sounded like there's a variety of ways that you are assigned cases or that you accept cases as your own. So do you know how Lizelle's case was assigned after the sheriff's department handed it over?

A. I have no idea, no.

Q. Okay. As far as you understand the system within your office, would you say this was Ms. Barrera's case?

MS. ALBIN: Objection, vague.

A. I don't know.

Q. Do you know if any other attorneys besides Ms. Barrera worked on Lizelle's case, indictment and prosecution and arrest?

A. Not that I'm aware of, no.

Q. And what about, like, legal assistants or clerks or investigators?

A. No. I mean, aside from the subpoena, which I

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15:03 have no idea which clerk prepared it, but no.

15:03 Q. Okay. Do you know why Ms. Barrera was promoted to be another first ADA?

15:04 A. I think there's a variety of reasons, but mostly me and her tend to be -- aside from Gocha himself, we tend to be the only prosecutors that can actually try cases. The other prosecutors are a little green on that end.

15:04 So pretty much on the prosecution side, Gocha relies on both of us equally on the prosecution of cases.

15:04 Q. Did he ever discuss her promotion with you before she was promoted?

15:04 A. When it happened, yes.

15:04 Q. Did you feel like your -- I'll withdraw.

15:04 And at -- on the day that -- or withdrawn.

15:05 Did anyone tell you that Ms. Barrera had presented Lizelle's case or was going to present Lizelle's case to the grand jury?

15:05 A. That was going to, no. I didn't realize we -- like I said, I didn't even realize there was a prosecution packet or that we had anything to it, so that discussion never got back to my ears.

15:05 I don't remember how I heard that Alex had presented it, but I didn't find out anything about the

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ Plaintiff	)( )(	
VS.	)(	CIVIL ACTION NO. 7:24-cv-00132
GOCHA ALLEN RAMIREZ, ALEXANDRIA LYNN BARRERA, RENE FUENTES, and STARR COUNTY, TEXAS Defendants	)( )( )( )( )(	

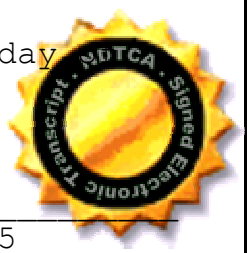
REPORTER'S CERTIFICATE

I, DONNA McCOWN, Certified Court Reporter, certify that the witness, ABEL VILLARREAL, was duly sworn by me, and that the deposition transcript is a true and correct record of the testimony given by the witness on MARCH 12, 2025, and that the deposition was reported by me in stenograph and was subsequently transcribed under my supervision.

Pursuant to Federal Rule 30(e)(2), a review of the transcript was requested.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, nor am I financially interested in the action.

WITNESS MY HAND on this the _____ day of _____, 2025.



_____
DONNA McCOWN, Texas CSR 6625
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
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LIZELLE GONZALEZ Plaintiff	)( )(	
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ORAL AND VIDEOTAPED DEPOSITION OF
ESMERALDA NAVARRO MUNIZ
MARCH 25, 2025

ORAL AND VIDEOTAPED DEPOSITION OF ESMERALDA NAVARRO MUNIZ, produced as a witness at the instance of the PLAINTIFF, taken in the above-styled and numbered cause on MARCH 25, 2025, between the hours of 12:08 p.m. and 5:01 p.m., reported stenographically by DONNA McCOWN, Certified Court Reporter No. 6625, in and for the State of Texas, at Garza Martinez, PLLC, 202 East Sprague Street, Edinburg, Texas, pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record or attached therein.

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Emily Mensing, via Zoom
Jorge Cruz, III
Lizelle Gonzalez, via Zoom
Alexandria Barrera, via Zoom

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Attached to the end of the transcript: Stipulations

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12:09 THE VIDEOGRAPHER: It is March 25, 2025. This is the deposition of Esmeralda Navarro Muniz. It is 12:08 p.m. We are on the record.

ESMERALDA NAVARRO MUNIZ,

having been duly sworn, testified as follows:

EXAMINATION

BY MS. JARIT:

Q. Okay. Good afternoon, Ms. Muniz. Is that -- that's how you pronounce your name?

A. Yes. Yes, ma'am.

Q. My name is Elizabeth Jarit. I am an attorney representing Plaintiff Lizelle Gonzalez in her civil suit that's being brought against District Attorney, Gocha Allen Ramirez, Assistant District Attorney Alexandria Barrera, Sheriff Rene Fuentes, and Starr County. Do you understand that?

A. Yes, ma'am.

MS. JARIT: Do you want to introduce yourself or --

MR. NAVARRO: Do I want to do what?

MS. JARIT: No, nothing.

Q. So during this deposition you must answer -- answer truthfully to the best of your ability. Do you understand that?

A. Yes, ma'am.

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it and start writing all their notes in there, typing all their notes.

Q. So you would say an investigation is open at the time it comes into dispatch or --

A. No. When the officer gets there. Because the officer himself will do a little investigation as far as who -- who did this, who, when, what, where.

Q. So the patrol officer you're talking about?

A. The patrol officer, yes.

Q. So when the patrol officer writes or does their investigation, writes their initial report, that's when a case is open?

A. Yes, ma'am. Because there's times that those reports don't even come to investigations because they, in turn -- they themselves, patrol deputies, open the -- the arrest warrant or conduct an arrest in the field, so those never come to us.

Q. Why -- why would it come -- come to you instead of staying with the patrol officer?

A. Let's say in a domestic violence, if the person is no longer there, and plain and simple, if the officer was lazy and didn't type up the report, the arrest warrant, it's going to come to us.

Q. How does the sheriff's department learn about cases to investigate?

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12:53 A. How? Like when the officer goes to the call?

Q. No. How -- like even before, how do -- how do calls come into dispatch? Like can it be anyone who calls into dispatch?

A. Anyone -- anyone that calls for -- that calls dispatch for -- for a call for service requesting an officer to go.

Q. And those calls go the -- do any -- is there any time that a local police department will respond initially?

A. In their jurisdiction.

Q. In their jurisdiction. What jurisdiction does the sheriff's office have?

A. Well, the entire county except within those little municipalities.

Q. Okay.

A. Which is in La Grulla, there's a municipality there; Rio Grande; Escobares; and Roma.

Q. So the call comes into dispatch, it's one of those jurisdictions, would it go back to the --

A. Yeah, they get transferred to the city.

Q. Transferred. And then a local municipal officer would be the first person to investigate?

A. To take the call, yes. We wouldn't even show up.

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12:54 Q. And then when would that police officer contact the sheriff's department about that case?

A. When would what?

Q. When would the local municipal officer contact the sheriff's department about the case?

A. If -- if something -- if -- the only way that the municipality would contact the sheriff's office would be if any of the parties or the crime occurred within our jurisdiction.

Q. So if the parties or crime was all within the municipal --

A. It should have been --

Q. -- it would stay there?

A. Stay in the municipality, yes, ma'am.

Q. Did the sheriff's office ever get calls about crimes not from dispatch?

A. No. All of them come through either 911 or the landline.

Q. Does every call get passed onto patrol to follow up on?

A. Yes.

Q. And then it goes to the sergeant to determine whether or not there needs to be further investigation?

A. If they pick up a report and then the sergeant on patrol approves the report, it's the sergeant of

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investigations that makes the determination for an investigation or not.

Q. Sergeant of investigations --

A. Yes, ma'am.

Q. -- makes that determination?

A. Yes, ma'am.

Q. Does that sergeant of investigation ever consult with anyone to determine whether an investigation should go forward?

A. I don't know if he ever consulted with anyone. But he'd always pick up a stack that big and then just issue out reports.

Q. Did investigators have specialties about what kinds of cases they would investigate?

A. No. No, ma'am. It would all just -- whatever -- the luck of the draw, whatever you got is what you would get.

Q. How -- how would the office decide when to close an investigation?

A. If -- well, it all depend on the -- on the crime. I know there was a sexual assault that was open, even though the subject had gone to Mexico. There's a warrant for that person.

Because there was -- that one kept -- was open. When there's an arrest, you close with an

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arrest, or if you don't have enough evidence, you close with not enough.

Q. And how would you make that determination?

A. Again, we would consult with our -- with our supervisors for that.

Q. Who would determine what the charge would be in the investigation?

A. At the -- in the investigation, when it was very obvious, for example, a harassment, a theft, a burglary, assault, we would go through the Penal Code. And if it fits the crime, well, then, that's the classification.

If there's more serious charges, we would -- again, like I said, we would conduct -- we would consult with our supervisors, and our supervisors would tell us 99.9 percent of the time, "Contact the DA's office for advice."

Q. Okay. And that was when you weren't sure, you could contact the DA's office?

A. Yes, ma'am.

Q. Did you have any other resources besides the Penal Code that you'd use to make these decisions?

A. No, just the Texas Penal Code.

Q. Did you have access to, like, Lexis?

A. No.

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12:58 Q. Or Westlaw?
12:58 A. No.
12:58 Q. I'm going to show you -- this is very big. This is the Starr County Sheriff's Office. It was provided to us in discovery. It's Bates-stamp L Gonzalez 426 all the way through 925. This is a copy. Mark it as Exhibit 5. Give you a copy.
12:59 So you mentioned that you were provided with the -- the policy book. Does this look like the policy book that you are familiar with?
12:59 A. Oh, this is the policy book?
12:59 Q. Yes.
12:59 A. They gave you this?
12:59 Q. It was provided to us by the defendants.
13:00 A. These people don't work there.
13:00 Q. Don't work there anymore or ever?
13:00 A. Chief Guillermo Pena retired; Captain Romero Ramirez left the department; Letty Alanis left the department; Janie Grigsby left the department. The only one, Captain Larry Fuentes, and he's chief right now.
13:00 Q. So I'm sorry. You're looking at -- can you say which page you're looking at?
13:00 A. The third page. One, two, three.
13:00 Q. Okay. And were you -- were you issued a

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13:00 different version of -- a more recent version of the book?

13:00 A. I'm pretty sure it's the same one. I just -- I never -- I never seen it this big. I know there was one there by the copier, but it was a little binder.

13:01 Q. Okay.

13:01 A. I didn't know it was this big.

13:01 Q. And you said --

13:01 MR. NAVARRO: Single-sided pages.

13:01 MS. JARIT: Yes. Maybe it was double-sided.

13:01 THE WITNESS: Yeah.

13:01 MR. NAVARRO: They're blank on the back side.

13:01 Q. And you said you -- you didn't have to sign anything about --

13:01 A. I don't remember signing anything.

13:01 Q. But the policy book, you're -- you're aware that it sets out --

13:01 A. Yes, it's --

13:01 Q. -- policies for employees --

13:01 A. Yes, ma'am.

13:01 Q. Policies for employees about they should -- how they should conduct themselves in their positions, correct?

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13:01 A. Yes, ma'am.
Q. And it was important to follow the policies in the book as an employee?
A. Yes, ma'am.
Q. And, generally, did you follow the policies in the book -- that were in the book?
A. Yes, ma'am, except those times that I was written up.
Q. That you were late.
And did other -- your colleagues follow the policies in the -- in the policy book as well?
A. Yes, ma'am.
Q. Can you turn -- well, are you familiar with the canons of police ethics that are contained in the book?
A. In this?
Q. Yes. Can you turn to page 8 -- I'm sorry, 489.
MR. NAVARRO: And you're referencing the Bates numbers, right?
MS. JARIT: The Bates number, that's correct.
MR. NAVARRO: That's the numbers on the bottom right-hand corner.
THE WITNESS: Yes.
MR. NAVARRO: Those were put there by the lawyers. Okay?

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13:02 THE WITNESS: Okay. Where it says "open file."

13:02 MR. NAVARRO: That's the one she's referring to --

13:02 MS. JARIT: Yes.

13:02 MR. NAVARRO: -- go by the numbers on the bottom right-hand corner.

13:02 THE WITNESS: Yes, sir.

13:02 Q. So one of the canons, it says, Article 2, Limitations of Authority, and it discusses a duty to know the bounds of your authority in enforcing the law. You can read it if you -- take your time.

13:03 A. Article 2?

13:03 Q. Yeah. Article 2.

13:03 A. Yes, ma'am.

13:04 Q. Okay. So that canon imparts the bounds of your authority as a -- as a sheriff's officer. What did you do to make sure that you complied with this canon when you were employed there?

13:04 A. Well, I always try to always gather the information for each case, like I said. When I was not sure, I always asked questions, always asked my supervisor for -- for guidance.

13:04 He had 20-plus years, the sergeant, so he had worked in another department as a supervisor as

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13:04 well, ranking officer in the other department. So we would always -- we, and I say myself and the other investigators, would always reach out to him for -- just to make sure we were always doing the right thing.

Q. We're going to now turn to L 788 -- I'm sorry, L Gonzalez 788. That's the Bates number. So this is from Policy No. 7.04 concerning criminal investigations.

And about two-thirds down, it says, "During investigations, planning sessions, or pretrial stages, any questions of law or criminal procedure are addressed to the prosecuting attorney."

Did you follow this policy as a sheriff's officer?

A. Yes. That -- we would consult with the DA's office, yes, ma'am.

Q. And you would consult with them about any questions of law that -- that you had concerning an investigation?

A. Yes, ma'am.

Q. And would that include about whether certain set of facts fit a crime?

A. That's correct, ma'am.

Q. How are decisions made about -- you can put that away if you'd like for now. Thank you.

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13:07 A. Yes, ma'am.

Q. How are decisions made about arresting someone?

A. In-house.

Q. In-house.

A. Like I said, we would -- if it fit the crime and the elements were there, then either patrol would open the arrest warrant or arrest onsite, or we would prepare the arrest warrant after our investigation and admit all the elements of the crime. When we were not sure, that's when we would take it up to the DA's office.

Q. An arrest can be made if there's probable cause, correct?

A. Correct.

Q. What is probable cause?

A. Probable cause would be enough evidence to fit that crime for that arrest.

Q. Once you determine there's probable cause, would you typically arrest immediately or seek an arrest immediately?

A. No. We still go through the process and then bring it up to our -- we always brought it up to the sergeant, present it to the sergeant before doing anything.

Q. If you thought there was probable cause and

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13:08 presented that to the sergeant and the sergeant also thought there was probable cause, would you then seek an arrest warrant?

A. Seek the arrest warrant, yes, ma'am.

Q. You wouldn't need to go to the DA's office in those circumstances?

A. No, unless it was like a more severe case.

Q. Why would you need to go to the DA's office in a more severe case?

A. If we didn't understand or didn't -- if -- if the arrest would be iffy, like, "Oh, are you sure? Does it fit the elements," or "Just gather the information and submit it." That's what they would tell us. There's some sexual assaults that they would say, "Just gather the information and submit it as well."

Q. When would they tell you that?

A. When we only had, for example, the interview of the child, 4- or 5-year-old of sexual assault, then I would present everything. But that was the only piece of evidence that we had, then the sergeant and the captain would say, "You know what? Just call the DA's office. Make sure."

Q. Okay. But if it was clear that there was probable cause and the sergeant agreed, you would not

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13:09 need to seek -- go to the DA's office, correct?
A. Correct.
Q. How would you get an arrest warrant? How would the County get one?
A. We have a template. We type out the arrest warrant with the probable cause and then have a JP -- a justice of the peace sign it.
Q. Do you need to have an attorney assist you with that at all?
A. No. No, ma'am.
Q. What role does the -- do sheriff's office -- sheriff's officers play in securing an indictment?
A. The sheriff's office -- the day -- I'm going to say the day they handed me this indictment, it was Trinidad Lopez. He called me, said, "Come pick it up" -- "come pick up an indictment."
So I had never handled one, so I said, "What am I going to do?" And he said, "Come pick it up. Don't open it until you have the person in the office." Those were my instructions. So that was the very first time I had dealt with an indictment.
Q. So the first time you dealt with an indictment it was just handed to you?
A. Yes, ma'am.
Q. And what were you told about it?

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13:10 A. "Don't open it until you have the person in your office" -- "at the sheriff's office in front of you." So I didn't.

Q. Okay.

A. So then I took it to my -- that's exactly what I told my sergeant. I said, "Well, this is what was handed to me. I don't know." And to the captain.

And, "Okay. Let's go and look for her and then bring her here. We'll open it here." That's what we did.

Q. You're talking about this indictment --

A. Yeah.

Q. -- in Ms. Gonzalez's case?

A. Yes. It's the only indictment I've ever handled.

Q. It's the only indictment you've ever handled was in this case?

A. Yes, ma'am.

Q. How -- how did you learn about the indictment?

A. Trinidad Lopez called me.

MR. NAVARRO: I'm sorry. What was the name?

A. Trinidad Lopez. He's an investigator for the DA's office.

Q. Uh-huh.

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13:11 A. He gave me an envelope. He called me to the courthouse. That's where they're at. I went, he gave me an envelope, said, "Don't open it until you have the person in front of you at the sheriff's office." I said okay.

Q. Who typically communicates about indictments to the sheriff's office, generally? Not in this case, just generally.

A. Like who would advise the sheriff about it?

Q. Who would tell the investigators that an indictment had been returned in one of their investigations?

A. I'm assuming that was the process, because that's how it -- that's how this one went. They called me, and then I went -- I picked it up, went to the sheriff's office. I told my sergeant, "This is what Trini just gave me."

Q. Uh-huh. Okay. As your role as -- as a sheriff's investigator, would you say you work closely with the district attorney's office?

A. We would call them a lot, yes.

Q. How often would you call them?

A. I don't know. Two, three times a month.

Q. And --

A. And that was just me. There were some

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13:12 officers -- some investigators that would call them on
13:12 almost every other case. It all depends.
13:12 Q. And that was during the investigation you would
13:12 call?
13:12 A. Oh, on -- particularly on this -- oh, yeah.
13:13 Yeah, throughout the investigation --
13:13 Q. The investigation.
13:13 A. -- of whatever case.
13:13 Q. Of whatever case?
13:13 A. Yes.
13:13 Q. And did you often call a particular ADA or the
13:13 general number if you had a question?
13:13 A. It was whoever answered. Like a lot of the
13:13 times, Judy Solis, we would hardly ever talk to her
13:13 because she didn't -- she wouldn't answer, or who
13:13 was the other one?
13:13 Abel, he would -- sometimes we would talk
13:13 to him. But the person that would always, always,
13:13 always, and always answer was Alex Barrera.
13:13 Q. Okay. And how -- how would you --
13:13 A. I'm sorry.
13:13 Q. I'm sorry.
13:13 A. We would never call Gocha directly.
13:13 Q. How would you reach out to the DA's office? By
13:14 phone?

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13:14 A. By phone.

13:14 Q. And that would be your sheriff's-provided phone, sheriff's office provided --

13:14 A. No. From the office. From the office.

13:14 Q. Just a physical phone?

13:14 A. From --

13:14 Q. Landline?

13:14 A. Yes, ma'am.

13:14 Q. To the DA's office landline usually?

13:14 A. Yeah. Yes, ma'am. Sometimes -- well, if we were out in the field, from the cell phones. But normally, we would -- if we were at the office, we would use the phone.

13:14 Q. And at what point in the investigation would you typically first call the DA's office?

13:14 A. We would call the DA's office -- for -- for instance, in this case, when I got it, when they gave me the case, already the sergeant and the captain said, "We gave you this case. Make sure you call the DA's office on this one."

13:15 Q. Do you know why they said that?

13:15 A. So I called Alex. I said, "This is what I have," went through the process of interviewing people.

13:15 Q. Okay. Let's -- let's turn to that. So you were given the case by the sergeant and the captain you

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said?

A. Yes, ma'am.

Q. Was that unusual that the captain was giving you the case as well?

A. Well, he would also sometimes review the reports when the sergeant wasn't in. But that day the sergeant was there, because he was the one that gave us the reports, and then he came in as well with that one.

From the very beginning I said, "Why are we" -- "why are we handling it if it happened at the hospital?" From the very beginning.

"Well, we already have it, so it's yours."

And a lot of the times, they would use that card of "You're the female. You take this case. You're the female. You take this other case. Because you're a female, you're going to take it." So I'm assuming because I was a female, this case came to me.

And they said, "Reach out to the DA's office." So I called Alex. I said, "This is what I have." I only had a police report.

And they said, "Okay. Well, then go ahead and do" -- "bring in people, interview people." So that's exactly what I did. I interviewed the doctors, the nurses, the hospital staff. I remember -- who else I interviewed. And then I prepared -- like I was told,

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13:16 "Prepare the case. Send it to the DA's office." And I submitted the case to the DA's office.

Alex presented it to a grand jury. And I was -- that was -- I didn't know what was -- had transpired in the -- when that case was presented to grand jury. I didn't go in there. I didn't talk to the grand jury. I didn't -- nothing. It was the ADAs.

And I believe days later is when I received the call saying, "Hey, come pick up" -- just like that, "Hey, come pick up the envelope."

"The envelope?"

"Well, just come pick up an envelope."

"Okay, I'm on my way."

And, "This is an indictment. Don't open it. It's sealed. Don't open it until you have the person in front of you in the office."

"Okay."

Q. So let's go back a bit. You said you were, like, confused why you were -- why the sheriff's office had the case because it happened at the hospital. Is that because the hospital was in Rio Grande City, right?

A. Yes, ma'am.

Q. And so usually, the municipal officers would handle it, correct?

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13:18 A. Yes, ma'am. And just to go a little bit deeper into that, she was staying at her grandma's house, which is also Rio Grande City jurisdiction.

Q. So from your perspective, all the events took place in Rio Grande City --

A. Yes --

Q. -- jurisdiction?

A. -- ma'am.

Q. What did you take it to mean when you were told to make sure to call the DA's office when you were given the file -- or the -- the report?

A. I was assuming just because of the fact that none of them, I'm sure, even with their 20-plus years, had ever dealt with something like that.

Q. And so you spoke to ADA Barrera before you took any investigation steps?

A. I would need to look through my notes. I didn't do that because I'm -- I'm going to go into that a little bit too.

Because I retired October 31st of last year, I don't have access to none of that. And I received a phone call last -- I want to say a week and a half ago from the chief, Fuentes, Larry Fuentes. And he was like, "I don't know if you need an attorney to represent you or not, but the County is not

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13:19 representing you. You're on your own because you're retired."

I said, "Well, I already have an appointment," which was today.

He's like, "Well, I don't know what else to tell you." So I didn't have -- I don't -- I didn't go through my stuff.

Q. Uh-huh.

A. I wish I was a little bit more prepared.

Q. No. It's okay. I'm -- don't worry about it. So when you received the assignment to investigate the case, what was your understanding of how it came to the sheriff's office?

A. Through the hospital.

Q. Through the hospital. So what does that mean?

A. The hospital had reported -- the hospital had reported the female going into the emergency with I believe -- I believe with labor pains.

And when she was checked, I want to say, if my memory serves me correct, that the doctor had, I believe, pulled out a medicine from her vaginal cavity. She had said she had used that. And then she was sent home.

And then it was after that that she had come back for the second time, I believe, bleeding, if

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13:45 submitted. There's supposed to be, like, a submission
13:46 form stamped by the DA's office. That's the day that
13:46 the case was submitted.
13:46 Q. What -- what's a submission form? Can you
13:46 describe it?
13:46 A. It's a cover page that comes with this report.
13:46 It's supposed to have this report, the investigative
13:46 report, the offense report, a criminal history report,
13:46 and that all the evidence of the case submitted --
13:46 attached, and everything is marked off, and that gets
13:46 stamped at the DA's office, and that's a receipt that
13:46 we turned in the report --
13:46 Q. Okay.
13:46 A. -- the case.
13:46 Q. During the interrogation, Ms. Gonzalez said
13:46 that she had heard that information had been kind of
13:47 like leaked out?
13:47 A. Yes, she told me that.
13:47 Q. Do you recall that?
13:47 A. Yes, ma'am. She was very concerned about that.
13:47 I brought it up to my -- my supervisors and turned to
13:47 Major Delgado that sits on the administrative side,
13:47 because she was very concerned about that, that someone
13:47 was, I don't know if, like, talking or saying or --
13:47 that someone else other than just us knew about her

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13:47 case.

Q. And she thought it was her sister-in-law Irma Gomez. Do you recall that?

A. She -- yeah, she gave me some names of which I went ahead and advised administration of that.

Q. And what did -- you said you spoke to Carlos Delgado about --

A. Yes --

Q. -- it?

A. -- and to Rafael Aguirre.

Q. Aguirre?

A. Captain Fuentes and Carlos Delgado.

Q. And what did they say to you about it?

A. That they would take care of it.

Q. They were going to take care of it. Did you do any follow-up investigation into that?

A. Not -- not into that. My thing was this, and admin was going to take care of -- because we didn't know where -- she thought it was her sister-in-law, and I'm not -- I don't remember what -- if there was, like, an association with somebody from work. I don't remember.

But there was -- she -- she had told me the day of the interview, and I -- and I -- and I told her, "I'm going to report this, and I'm going to make

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it known to my supervisors in administration about your concern."

Q. So at the end of the interview, you told Lizelle that you were going to meet with the district attorney's office; is that correct?

If you can't recall, I have a -- this is the transcript of Ms. Gonzalez's interrogation. It's Bates-numbered L Gonzalez 17 through 99. We can mark it as Exhibit No. 8.

You can turn to the last two pages there. If you want to read it, you can.

MR. NAVARRO: I'm sorry. What was the page reference?

MS. JARIT: It's the last two pages, so it's pages --

MR. NAVARRO: That you tagged?

MS. JARIT: -- 80 -- let's see.

MR. NAVARRO: It's got a yellow-blue tag on it.

MS. JARIT: Here. Here's one that's clean. I'll take that one.

MR. NAVARRO: I already wrote on it.

MS. JARIT: Okay. That's fine.

MR. NAVARRO: What page are you referring to?

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13:50 MS. HARRIS: It's on page 81, 81 to 82.
13:50 MR. NAVARRO: 81?
13:50 MS. JARIT: No, no. 98 to 99.
13:50 Q. Okay. So I'll give you a minute.
13:51 A. I was on another page.
13:51 Q. Sure. No problem. Take your time.
13:51 A. Yes.
13:51 Q. Okay. So do you recall telling Ms. Gonzalez you were going to meet with the DA's office at the end of the interrogation?
13:51 A. Yes, ma'am.
13:51 Q. Why did you say that?
13:51 A. Like I said, because I needed guidance with this. I was -- I was -- I personally was not ready to just go and charge her with -- with murder.
13:51 Q. Uh-huh. Throughout, like, on -- on your own report, it said the charge was murder. Was that the charge that you came up with on your own?
13:51 A. No, ma'am.
13:51 Q. Did someone tell you to put murder down?
13:51 A. Yes, ma'am.
13:51 Q. Who told you?
13:51 A. The DA's office.
13:52 Q. Who at the DA's office?
13:52 A. The ADA Alex Barrera.

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13:52 Q. And when did she tell you that?
13:52 A. When I was -- when the -- when this had to be turned in to her, it had to have an offense here. So after all this was -- all the interviews were conducted, this murder offense charge was then told to me by her, "When you submit the case, the charge is murder."
13:52 Q. Okay.
13:52 A. Yeah, that's -- that's how we came to that charge.
13:52 Q. So following this interview, you said you spoke to ADA Barrera at the DA's office?
13:52 A. Yes, ma'am.
13:52 Q. Was that on the phone or in person?
13:52 A. I don't recall. I did make a trip there in person before I turned this in, but I don't remember if it was -- it was after this, but I don't remember if it was in person or -- or by phone. But I did make a trip over there before I turned it in.
13:53 Q. You made a trip over there in regards to this case?
13:53 A. To this case.
13:53 Q. When was that?
13:53 A. I don't remember.
13:53 Q. Who did you meet with?

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13:53 A. With her.
13:53 Q. And that was during the investigation?
13:53 A. Towards the conclusion of the investigation when I was prepping the case to be turned in.
13:53 Q. Was it before her interrogation?
13:53 A. No. I'm pretty sure it was after all of the interviews that -- that were conducted.
13:53 Q. And why did you go to meet with her there?
13:53 A. To discuss everything I had.
13:53 Q. And what did you tell her?
13:53 A. Every -- everything from the report to all the interviews to the doctors' interviews, the nurses', all the interviews that had been conducted, what we had.
13:54 And that's -- I don't remember if that's when they told me use this charge or I was told later, but it was before -- before I had to turn it in, that was the charge they gave me. This charge came from the DA's office.
13:54 Q. And what was the purpose of going there to meet with her?
13:54 A. As we do with other cases, to discuss a case when we need guidance.
13:54 Q. And what kind of -- did you ask her whether you should be continuing to interview other people or collecting other evidence?

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13:54 A. Well, at this point, we had already interviewed everyone from the hospital, the doctors, the nurses, Griselle -- or Lizelle, I'm sorry. And at this point, I don't think there was anybody else to be interviewed, so that's when we -- that's when I was ready to take it to her for review.

Q. And did she provide any legal guidance about the charge, for example?

A. Well, usual -- I don't remember if she did or not. But I do remember her telling me this was the charge as in other cases where they would tell us, "Yes, go ahead with aggravated sexual assault"; "No, it doesn't meet the sexual assault."

So I do remember -- I don't remember her telling me anything else, just that that was the charge for this case, and that's how the case got turned over to them when it got turned in with -- with the offense of -- of murder.

Q. Okay.

A. Yes, ma'am.

Q. Okay. So when you received the case, you were told to immediately contact the DA's office about it. Was that unusual?

A. A little bit unusual, but not so much, because usually when they, the lieutenant or the sergeant, are

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not familiar with the charge or if they can or can't, usually with sexual assaults, they would always tell us, "Just call the DA's office. Call the DA's office." That's their answer for everything there if you have a question.

"Hey, this is -- I have this case."

"Call the DA's office and get guidance."

So not too much unusual. But for right off the bat, like I'm assuming they just didn't know what -- how to go about -- as I didn't either, how to go about with something like this.

Q. And so you -- when you first got it, you did call the DA's office?

A. Yes.

Q. And you spoke to ADA Barrera, and she provided you guidance about what to do --

A. Yes.

Q. -- for your investigation?

Can you tell me again --

A. And right off -- right off the bat then was already contemplating the murder, but that they had to, of course, look into, I guess, more laws.

Q. Okay.

A. And that's when I began all my investigation -- well, interviews and gathering the information for the

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13:57 case.

Q. So right then in that conversation, she -- she said it could be murder?

A. It could -- it could, yes.

Q. But --

A. It wasn't until I sent everything in or that I spoke -- that before I turned everything in that I got the -- the murder charge and to be submitted to -- that she was going to present it to grand jury, which she did. And then after that, that's when I received the call for the folder, the sealed envelope.

Q. During that call, did you -- was she already familiar with the facts of the case?

A. I don't remember.

Q. Did you tell her about the facts that you knew at the time?

A. Yes. When I called, I only had this, the very first time.

Q. "This" meaning the exhibit -- just for the record --

A. Yes, ma'am.

Q. -- Exhibit No. 6, which is --

A. Is the only thing I had when I called her.

MR. NAVARRO: What's the number on that one?

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13:58 THE WITNESS: Exhibit No. 6.

13:58 MR. NAVARRO: Okay.

13:58 A. Yes. And that's when you're brainstorming there. "Okay. This is what we got. They gave me this case. They told me to call you."

13:58 "Okay. Well, yeah. It could be. It could not be. We need to look into it. I don't know," right?

13:58 "Okay. Well, just go ahead and proceed with, you know, your normal investigation." So I bring everybody in and do the interviews and so forth. I couldn't take pictures of -- of the fetus. It had already been cremated. So I took pictures of the cremation.

13:59 And then after that, all the interviews and everything, and then I get back to her and say, "Okay. This is all I've got, all the interviews. This is what they said. This is what" -- "Okay. Bring -- well, that's when -- "bring it because I need to read it."

13:59 "Okay. Yeah. You know what? We can go with murder."

13:59 Okay. I go back. I prepare it for submission with murder. And -- and she was going to present it the -- to the grand jury.

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13:59 Q. Okay. You -- we talked earlier -- actually, can I have Barrera Interrogatory No. 5 -- or, I'm sorry, the responses. This is a document previously admitted in -- in a different deposition. It's Plaintiff's Exhibit No. 3. This was provided by Defendant Alexandria Barrera as part of the litigation, this lawsuit.

I'm going to turn to Interrogatory No. 5. It's on page 4.

MR. NAVARRO: Are you -- is this an exhibit?

MS. JARIT: It was already admitted at the deposition for Abel Villarreal, so we don't -- I don't think we need to mark it again.

MR. NAVARRO: Oh, I see.

MS. JARIT: Yeah.

MR. NAVARRO: Okay. So this is Exhibit 3 of the deposition sequence?

MS. JARIT: Right, exactly.

MR. NAVARRO: Okay. Got it. I missed that part.

Q. These are answers provided by ADA Barrera. Let me know when you're done.

A. Yes.

Q. You can -- you can keep that for now.

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So ADA Barrera says that she had missed a call from the sheriff's office about this case and learned that you had spoken to ADA Villarreal.

A. I never spoke to Abel Villarreal.

Q. You did not?

A. It was probably one of our administrators.

Q. So when you say "administrators," who would that be?

A. Maybe Captain Fuentes or Carlos Delgado. They have -- they have a better relationship with Abel -- with Abel Villarreal.

Q. So someone higher up would have spoken to him with this question --

A. Yes.

Q. -- about --

A. Even before I even called Alex, because apparently, they had already called Abel Villarreal. Somebody had.

Q. And do you recall speaking to ADA Barrera with Captain Fuentes about the case at one point?

A. If I'm not mistaken, this is the day that I was handed the report that we called that I had said that we were all -- they said, "Call the DA's office." This is the day.

Q. And so on that day is when you called. And do

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you recall during that conversation talking about the murder statute?

A. I personally don't recall asking, "Hey, is this a murder?" But I know the captain wanted to know how to classify it.

Q. And so during that call, it was the captain asking?

A. It was on speaker, yes, ma'am.

Q. It was on speaker. So you and Captain Fuentes were in a room together -- oh, I'm sorry.

A. We were still all in the same room where all the investigators are at, but by my desk was the sergeant and the captain when they issued the report that -- that they said, "Call the DA's office." So that's when I dialed.

Q. So when you called the DA's office, they were there? They were present for that call?

A. Yes. Yes, ma'am.

Q. And the captain and sergeant, what did they tell ADA Barrera during that call?

A. It was all we had was -- all we had was this to go by, so --

MR. NAVARRO: "This" is?

A. The police report, Exhibit 6. The police report, Exhibit 6. That's all we had at that time of

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the phone call. So this was what we were telling Barrera.

We were telling her there's a deputy responded to the hospital, everything that's on the police report.

Q. And ADA Barrera said you should proceed with the investigation?

A. Yeah, to do the -- yeah, to proceed with the investigation, yes.

Q. And at that time, she said it -- it might be murder?

A. It could be.

Q. Would the sergeant and Captain Fuentes have told the sheriff about this conversation?

A. Yes, ma'am.

Q. Is that because it was a -- like a major case?

A. One, because it was a major; and, two, because all -- all the cases that -- or all the calls and cases that come in, I know that administration has its own briefings where they get told everything that's happening.

There's a group message that sergeants from patrol have with administration. So it's a matter of waking up in the morning and reading all the messages to see that everything that happened that

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night or that afternoon or that morning. And then they -- they brief among themselves. So, yeah, yes, ma'am, that he knows.

MS. JARIT: Okay. Can I have Exhibits 1 and 2.

Q. Okay. I'm showing you -- these are exhibits previously admitted at a different deposition. They're Plaintiff's Exhibits 1 and 2. So you -- you previously talked about getting the medical records for Ms. Gonzalez in this case, correct?

A. Yes, ma'am.

Q. And so do you recognize these subpoenas?

A. Yes, ma'am.

Q. Okay. Do -- do you remember obtaining these subpoenas in this case?

A. I don't remember, but -- I don't remember. I don't know how they were delivered to the doctor or the hospital. One for the hospital, one for the doctor, right? Yes.

Q. On both of these subpoenas it directs the person to provide the documents to yourself; is that correct?

A. I remember I pick -- I want to say I picked them up. I picked up the paperwork from the hospital and from the doctor's office. But you see, we only

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send out an e-mail saying, I need a subpoena for so-and-so for these medical records of this day, of this day, this day. And then I guess this is what they type up.

Q. So who do you send that e-mail to?

A. We send it to Cynthia Garcia. She's, I guess, the administrative assistant there.

Q. And then what happens?

A. I guess she in turn gives it to them and they -- they do the subpoena.

Q. By "them," meaning the ADA?

A. The ADAs.

Q. So did you speak to ADA Villarreal about these subpoenas?

A. I don't remember.

Q. Would -- would it have been typical to speak to the ADA in the case about the subpoena before they're issued?

A. In other instances, maybe. But I don't recall, ma'am. I do recall requesting the -- the e-mail, or I do remember picking up the -- the paperwork at the hospital and the -- and the clinic, because I went to the clinic. I went to the hospital. But I don't remember.

Q. Who decided that --

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14:12 A. For the subpoena?

14:12 Q. I'll finish. Who decided to get the medical records, that they were necessary for the investigation?

14:12 A. My supervisor said, "I suggest you submit a request for subpoena for medical records for the hospital and for the clinic."

14:13 Q. Your supervisor meaning Sergeant Aguirre?

14:13 A. Aguirre.

14:13 Q. And so you just e-mailed the -- the DA's e-mail address and they took it from there?

14:13 A. They took it -- yeah, they took care of it, yes, ma'am.

14:13 Q. Do you know who served the subpoena?

14:13 A. I don't remember if it -- I don't remember, ma'am. I don't remember if it was me or maybe someone else. I really don't remember.

14:13 Q. Could it have -- typically, are subpoenas served by the sheriff's office or by investigators at the DA's office?

14:13 A. Well, because I've had subpoenas in the past where I would serve for another -- but on this, I don't remember if I picked them up and served them or -- or someone else did and then I just picked up the paperwork. I don't remember.

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14:14 Q. Okay. Do you recall speaking to ADA Villarreal about the case?

A. I don't remember.

Q. And you say -- strike that.

Were you ever -- did you ever have a conversation with anyone at the sheriff's office about the definition of "individual" in the Penal Code?

A. No.

Q. Did you ever have a conversation with anyone at the ADA's office about the definition of "individual" under the Penal Code?

A. No, but I was reading on the -- on Alex Barrera's paper here that she was searching for the word "individual."

Q. But you don't know -- you never had a conversation about that with her?

A. No. You see, a lot of the times, ma'am, even though we would be the lead investigators, if they had -- especially Mr. Villarreal, if they have a question, they wouldn't call the lead investigator directly. They would call Carlos Delgado or -- or Captain Fuentes, Leonard Fuentes.

Q. Okay.

A. And then they would come and ask us, "Hey, where are you in this case," or "Did you do this? Did

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you do that?" But it was because it was coming -- but they would never call us directly.

Q. And so is that because, like, legal decisions were made by your superiors and the ADA's office together?

A. Yes, ma'am.

Q. And then you were told then what to do based on those conversations?

A. Yes, ma'am.

MS. JARIT: Should we take a break maybe? Why don't we take a break.

THE WITNESS: Okay.

(Brief recess)

Q. So we were just talking about Ms. Gonzalez's interrogation. And afterwards, you said you called ADA Barrera about the investigation. Do you recall -- did you discuss with ADA Barrera whether to -- to arrest Ms. Gonzalez at that point?

A. Yes. I believe I asked if we were going to do an arrest or no arrest or they were going to do the arrest and what was the charge. I believe that's when she told me for me to just turn it in to the DA's office for grand jury.

Q. Okay. And how do you prepare your investigation to turn it over to the DA's office?

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14:34 A. We gather the offense report, which is this one, our investigative report, everybody's interviews or anything -- the evidence that was collected and so forth.

We -- we run a criminal history on the defendant at this time, which was Ms. Lizelle Herrera, and we attach that to the report, any photos. And there's that receipt that I was telling you. That cover sheet goes on top of this.

There's two, one the DA's office stays with, the other one gets returned to the folder. They stamp it and date it, and that's how I turn it in.

Q. And do you e-mail it or physically --

A. No. Physically take it.

Q. You physically take it to the DA's office?

A. To the DA's office.

Q. And who do you give it to?

A. There's a -- at the downstairs office, there's a -- there's an office like this where you turn in cases with -- I don't remember who was there at that time. I believe it was -- in that office was Rick Saenz, Trini Lopez, maybe Natividad Gonzalez. I'm not sure if he had already left or not. And that's where we would turn in the cases to.

Q. And do you know what happens to that packet

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after it's turned in?

A. They stamp it. They take it to -- they take it upstairs to the -- like in this case, in this particular case, I said, "Well, Alex knows about this case and is waiting for this particular case."

So they stamped it, and I'm assuming they took it to her, and that's when she presented the case to grand jury. I don't know when it was -- I don't remember when it was presented, though.

Q. So it was your understanding that Alex wanted the case once it was turned in?

A. Yes.

Q. And is that because she told you that over -- when?

A. Because she was going to present it to the -- to grand jury.

Q. She told you that she wanted to present it to the grand jury?

A. I don't remember how exactly that happened, but I do know that she was the one that presented, because I was called out -- the day that they presented the case to the grand jury, I sat outside the courtroom, or wherever they meet, on the bench while she went in there and presented the -- the case.

Q. So you were subpoenaed to testify potentially

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for the grand jury?

A. Potentially, but I didn't get to go in there.

Q. But you -- they didn't call you to go in?

A. Right.

Q. Okay. Before turning the -- the packet over to the DA's office, you mentioned that you took pictures of the cremations?

A. Yes, ma'am.

Q. So you were -- you were the investigator who went to the crematory as part of the investigation?

A. I went to -- my supervisors wanted an autopsy on the fetus, but the fetus had already been collected by Rodriguez Funeral Home. And as per -- I believe the mother had said that they wanted the baby cremated, I'm assuming, because that's what happened.

So what I did was I met Rodriguez Funeral Home employees at Rodriguez Funeral Home and took the pictures there.

Q. When you say your supervisors, who are you talking about?

A. Aguirre and Fuentes.

Q. And Fuentes you said?

A. Captain.

Q. Captain Fuentes. Did you have a subpoena or a search warrant for the remains?

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14:38 A. No. No, ma'am, I don't believe so.

14:38 Q. Okay.

14:38 A. When I advised them that it was too late, that we couldn't send the fetus to an autopsy, they were like, "Well, just go take pictures." So that's why I waited and took the pictures pretty late. I waited at -- in Escobares for Rodriguez Funeral Home.

14:39 Q. Okay. Who served you -- who served the subpoena on you for the grand jury?

14:39 A. It must have been the investigators from the DA's office.

14:39 Q. How many investigators does the DA's office have?

14:39 A. I'm not sure, ma'am. Maybe -- I'm not sure.

14:39 Q. Like --

14:39 A. Four, five, maybe.

14:39 Q. Okay. Do you know them?

14:39 A. I know some of them through work.

14:39 Q. Through work?

14:39 A. Yes. All of them through work.

14:39 Q. Did you consult with anyone in the DA's office to prepare for the grand jury?

14:39 A. No.

14:39 Q. Did you talk to ADA Barrera? Don't tell -- you don't have to tell me what you were going to testify

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to, but did you talk to ADA Barrera before the grand jury about what you would say?

A. I don't remember. Maybe. I'm not sure.

Q. Did you discuss with her the definition of "individual" as it relates to homicide?

A. I don't remember.

Q. So you had previously said that once the indictment came down, they gave it to you like a sealed -- in a sealed envelope?

A. Yes, ma'am.

Q. Correct?

A. Yes, ma'am.

Q. Who is "they" again?

A. It was Trinidad Lopez that handed me the envelope. He's the one that called me, "Come over to the courthouse. I have a sealed indictment. Do you even know what that is?"

And I said, "No. I know what it is, but I've never -- I've never handled one."

So I went over there. And he said, "This is what a sealed indictment is." And he gave me a -- like a manila folder, but it was an envelope, that color -- that color, more or less. And he said, "Don't open it until you have the person in front of you at the sheriff's office."

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14:41 Q. So this was the first time you'd ever been given a sealed indictment --

A. Yes, ma'am.

Q. -- in your career?

A. Yes, ma'am.

Q. Why did they give it to you?

A. I don't know, ma'am.

Q. Were you instructed to arrest Ms. Gonzalez?

A. To bring her into the sheriff's office. That's what he told me.

Q. And who's "he"? I'm sorry.

A. Trinidad Lopez. He said, "Bring her in, and then in front of her you open the envelope."

Q. And he works for the --

A. The DA's office.

Q. The DA's office?

A. An investigator there.

Q. An investigator?

A. Yes, ma'am.

Q. Do you know who instructed him to give you the --

A. No, ma'am.

Q. -- indictment?

Do you know who instructed him to tell you to arrest Ms. Gonzalez?

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14:41 A. No, ma'am.

14:41 Q. Do you know what a capias is?

14:42 A. The -- the arrest warrant?

14:42 Q. Were you provided a capias as well?

14:42 A. I don't remember what I pulled out from the envelope. I believe I did sign it. I signed the return that I had executed. And that's when I opened it in front of her, and I told her, "This is what the DA's office is bringing before you."

14:42 Q. How did you go about arresting Ms. Gonzalez?

14:42 A. Well, I went to go -- when I got the envelope, I went to my sergeant Aguirre and Captain Fuentes, said, "This is what" -- we call him Trini, Trinidad Lopez. Said, "This is what Trini gave me."

He's like, "Okay. Well, now go look for her."

Okay. I started calling her. I went to her house. So all six of us started looking for her, because they said, "Well, now go look for her and bring her."

14:43 Okay. So we did. We started looking for her. I don't remember where exactly. I think it was somewhere on Alvarez Road, maybe -- I don't remember where exactly it happened. But that's where we saw her. I believe I was on the phone with her. I don't

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14:43 remember the details.

14:43 Oh, maybe they're here. And that's how -- we met up with her. And she was nervous. She was -- I said, "Well, I have this envelope."

14:43 Tell me -- I believe she was like, "Are you going to arrest me," blah blah.

14:43 I said -- just like they told me, I told her, like, "They gave me this envelope. You need to go with me to the sheriff's office, and that's where we're going to open it together. Like I'm going to open it and then I'll tell you there."

14:43 So she calls her mom. We drive to the sheriff's office. Once we get to the sheriff's office, that's when I open the envelope. And I pulled out the paperwork, and I said, "This is what it is." We're reading it together. And I read it to her.

14:44 Q. How many officers were involved in the arrest?

14:44 A. I don't remember. In the arrest when we detained her or the arrest?

14:44 Q. In the detain -- when you found her and detained her.

14:44 A. I think it was maybe three of us or -- I was with someone, and then maybe another unit. I don't recall. All of us were out there, because some were at her house in -- I don't know where she lives, wherever

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she lives, Fronton or -- I don't remember, Falcon Heights.

And then some were over here on the west side of town looking for her. She was saying, "I'm over here. I'm over there." So it was something like that. I don't recall exactly.

So when we got to her, it was me and whoever I was driving with. I don't remember if it was Investigator Ivan Lopez or with Juan Guerra and maybe one more unit. I don't remember.

Q. So it was more than one car, though?

A. Yes. Yes.

Q. And they were marked cars?

A. I don't -- one of them for sure. I don't remember if we had the ghost units at that time or we had the regular patrol -- regular CID units.

Q. Did they have dash cams?

A. No, they don't have dash cams.

Q. Okay. Were you wearing a body cam?

A. No, I was not wearing a body cam.

Q. What car was she transported in to the sheriff's office?

A. No. She drove herself.

Q. Oh, she drove herself?

A. Yeah, she drove herself. I said, "The paper is

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for you to go with me to the sheriff's office." Like I didn't want to say, "Oh, you're arrested," because I didn't know myself if she was to be arrested or not be arrested. Like I didn't know what was going to be inside those papers.

So I said, "I don't know if you're going to be arrested," or "I don't know what they sent me. They just gave me this." So she drove herself to the sheriff's office.

Q. Were you in touch with the DA's office during this arrest?

A. I don't remember if I was. Maybe afterwards for sure, but not -- I don't remember if during.

Q. Is it unusual that they told you to go find someone and bring them back to the office but you didn't know what was going to happen?

A. Yes. Yes, because normally, it's -- it's -- if it was an indictment, they could have served themselves as investigators.

Q. Why didn't they serve it themselves?

A. I don't know, ma'am.

Q. Was anyone riding with her in her car?

A. I -- when we were driving to the office?

Q. Yes.

A. I drove with her. She was crying. She was

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14:47 nervous. I said, "I'll drive with you." Like I just wanted her calm, relaxed. I didn't want her to -- and then I got in trouble for that.

They said, "You shouldn't have driven with her. What if she, you know, would have taken off to Mexico with you?" I just thought it was -- she seemed scared, nervous, crying.

I said, "I'll even drive with you, like let's go to the sheriff's office, and we'll open the envelope together, like, you know, just relax." I mean, I said, "Everything is going to be okay. Don't worry."

And we -- and she said, "Yes," and I drove with her. She was on the phone with her mother.

Q. And would you say that that was not typical of how an arrest usually takes place?

A. Correct. Well, she was not under arrest at that time.

Q. Were you aware that the -- that she had been charged with murder then?

A. When I was -- when I was driving with her to the --

Q. Yes.

A. I was just wondering what was in that envelope.

Q. Yeah.

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14:48 A. I wasn't sure. I wasn't -- in the back of my mind, I said, "Well, if they want her, I'm pretty sure they charged her." But I didn't know -- like I said, it was the first time dealing with an indictment. I didn't know if it was a murder charge or no -- something that was going to say "no charge," but I had to tell her at the sheriff's office.

No one told me it could be that it's no charges, but you have to tell her at the sheriff's office. Like no one told me anything like that. I didn't know.

Q. Did you write an arrest report?

A. No. It's just what's here.

Q. Okay. Did you tell her that she had to go with you to the sheriff's office?

A. Yes. I said, "Well, you have to go," because they told me bring her in and open this.

Q. And "they" meaning the DA's office?

A. The DA's office, yes, ma'am. And she was very compliant. She at no point said, "I'm not going," or -- or never gave me attitude, never gave me resistance as far as, "No, I'm not going. I'm not going to go with you. Come with me." Never. She was -- she was just the nicest girl.

Q. After her arrest, after she was brought to the

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14:49 office and you read her the indictment, and then she was detained, correct?

A. Then she was arrested for the --

Q. Then she was actually arrested and jailed and booked into jail at that point --

A. Yes, ma'am.

Q. -- correct?

A. Yes, ma'am.

Q. Who -- who did the booking into the jail?

A. I don't know who books them at the jail, but I walked her to the jail.

Q. You walked her to the jail. Did you speak to anyone in your office to inform them that you had arrested her?

A. Well, all of the -- the sergeant, the captain, and the investigators that were looking for her all knew by then that I already had her in the office.

Q. Was Sheriff Fuentes aware that she had been arrested?

A. Yes. Yes, ma'am.

Q. How -- why would he have been made aware?

A. Because the -- like I said, the captain, there's that message that, okay, this person has been arrested, this person has been -- like they inform him of everything that happens in the office.

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14:50 Q. In the WhatsApp group?

14:50 A. In the -- they have that WhatsApp group. And then we took her to the office, so I'm sure they told them, "Hey, you know, she's already here." Like I said, it was on the message too.

14:50 Q. So he gets -- he gets informed basically about like every major step in an investigation, correct?

14:51 A. And just a simple report from patrol too, yes, ma'am. They have that chat group.

14:51 Q. Had you ever heard of anyone being arrested for an abortion before?

14:51 A. No, ma'am.

14:51 Q. Did it seem surprising to you that she had been charged based on an abortion?

14:51 A. Yes, ma'am.

14:51 Q. Do you know how bond is set, for bond?

14:51 A. No, ma'am.

14:51 Q. So you mentioned you brought her -- you walked her over to the jail. Is that the sheriff -- the Starr County Jail?

14:51 A. Yes. It's -- they're attached together. So we just walk from -- come out one door into the other.

14:51 Q. It's attached to the sheriff's office?

14:51 A. Yes. Yes, ma'am.

14:51 Q. Does the sheriff's office run the jail? Like

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14:52 who run -- who runs the jail?

A. The chief administrator, which is chief administrator -- Jail Administrator Molina, and it's under Larry Fuentes, the chief.

Q. Okay. Part of the sheriff's office, though?

A. Yes.

Q. It's a different part than the criminal investigation part?

A. Right, correct.

Q. Are you familiar with how bail gets posted and how someone is released from jail?

A. Well, I know that you get seen by a judge, bail gets posted. And if you meet bail, you can -- you can get released.

Q. Is Sheriff Fuentes normally involved in approving the bonds for people who are released?

A. I believe so, ma'am. I'm not sure. Because I know I -- I don't know. I think that there's like a certain limit on a bond that he has to, like, sign off on or something.

Q. Okay. Do you know where -- whether DA Ramirez discussed Ms. Gonzalez's incarceration with anyone at the sheriff's office?

A. I wouldn't know, ma'am.

Q. Are you aware now that the charges against

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Ms. Gonzalez were dismissed?

A. Yes, ma'am.

Q. When did you find out about that dismissal?

A. Well, they put out -- the DA's office put out a -- like something on Facebook saying -- and prior to -- like before, days before, maybe a day, they had gone in -- administration -- our administration captain and my sergeant had said, "Just so you know -- just so you know, the case was dismissed by the DA's office." I said okay.

Q. Do you know how they were informed?

A. No, ma'am.

Q. What was your reaction when you learned that it was dismissed?

A. It was dismissed. I was like, poor girl.

Q. What was the --

A. I'm sorry.

Q. Oh, no, it's okay. Feel free to take a drink.

A. Yes.

Q. What was the, like, public reaction to Ms. Gonzalez's arrest?

A. I don't -- I don't remember. I didn't read any comments or anything like that. I do remember one day the captain and the sergeant saying, "They were -- we're going to have some protesters in the lobby or

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14:55 outside." I never saw anybody, to be honest.

Q. Did you read the press release that DA Ramirez had issued?

A. No.

Q. You didn't read it?

A. I did see it, because it browsed on my feed on Facebook, but I didn't read it.

Q. Okay. Do you -- do you know why the DA dismissed the charge?

A. No, ma'am.

Q. The indictment?

A. And like I said earlier, a lot of the times they wouldn't call us directly to tell us anything. It's just they just assume that on the level of the DA's office and our administration, as long as they were on the same page, it didn't matter if we knew or not.

Q. When you're talking about levels -- you know, you were saying like the captain and the sergeant would kind of talk to the ADAs. Would then the A -- the DA, Ramirez, would he talk directly to Fuentes then?

A. Yes.

Q. Sheriff Fuentes, I'm sorry.

A. Yes.

Q. Okay. In the press release that DA Ramirez

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14:56 issued, he wrote, "In reviewing this case, it is clear that the Starr County Sheriff's Department did their duty in investigating the incident brought to their attention by the reporting hospital. To ignore the incident would have been a dereliction of their duty."

Knowing what you know now, do you agree that you should have been investigating the incident?

A. I don't think so. And to begin with, I just think that all -- the municipality would have been the one taking over lead on this from the very beginning.

Q. Did you learn -- did you ever learn it was dismissed because it didn't meet the elements of the crime?

A. Like I said, all they said was it was dismissed, and I didn't read on the article they posted.

Q. Going back to that you thought it should stay with the municipality, why do you think it came to the sheriff's office?

A. Because of the address she has, which is our -- our jurisdiction.

Q. Where she lived?

A. Uh-huh. Falcon Heights.

Q. Even though --

A. Even though she was at her grandma's, which

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was -- I'm assuming that is the only -- the only reason.

Q. Okay. Did you receive e-mails from the press concerning the case, Ms. Gonzalez's case?

A. I don't remember. I do remember receiving e-mails even -- since my e-mail was the one on -- on the -- when I was doing public relations, a lot of them still had it. So a lot of the open record requests, but I would forward those directly to Carlos Delgado.

Q. So during investigation you -- you spoke to ADA Barrera several times, and she said, you know, could be murder, continue the investigation, go forth. If she had said that it wasn't murder, would you have stopped the investigation?

A. Yes. Yes, because like I said earlier, it was -- I didn't even know why we had the report to begin with.

Q. You talked a little bit about the WhatsApp that you have. Do you have one with the DA's office?

A. We didn't. Investigations didn't. I don't know if administration or the brass did.

Q. And, again, Sheriff Fuentes, he's in the admin WhatsApp group; is that correct?

A. Yes, with all the sergeants and him. And that includes patrol sergeants, the sergeant from

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14:59 investigation, and the lieutenant, the captain, the chief, and the major.

Q. Is he in any other WhatsApp groups or just the one?

A. He's on ours too with CID. And it was the sergeant, all of CID, the captain on that one too.

Q. And do you know if the DAs have, like, work-issued cell phones?

A. I think they do.

Q. Okay. Do you recall your office ever providing you with information about SB 8?

A. No. I think what we did was amongst us investigators. I think we Googled, like, what it was.

Q. And did you do that during this investigation?

A. For this investigation.

Q. For this one?

A. Yes.

Q. And what did you understand that it was?

A. To be honest, I read it then, and then I never read it again.

Q. Did you believe that it allowed for new criminal charges?

A. I -- I don't remember.

Q. Prior to her investigation, though, you hadn't heard of it -- about it?

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15:01 A. No.

Q. But you were familiar with the constitutional right to an abortion at the time?

A. Well, because -- yes, I -- I -- like I said, I would read on, like, "By body, my choice." And so I was -- when I saw this, I was -- I never thought this would come all this way.

Q. And are you familiar that the right came from a case called Roe v. Wade? Have you heard of that case?

A. I must have read it -- that when this was going on.

Q. And were you aware that at the time in January of 2022 that that was still good law, that case, that there was still that right to an abortion?

A. No, I -- I don't remember, ma'am.

Q. Did you ever express to anyone at the DA's office your concern about this case and about the murder charge?

A. No. Just to my sergeant when we would discuss it. He'd say, "Where are you at with this?"

I -- and at the very beginning when I said, "Why is it ours? Why are we investigating?" And I even made the comment, "I thought it was -- I thought it was my body, my choice."

And, "No. You're getting this case, so

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take care of it."

Q. How did he respond to that, those concerns?

A. "No. You're getting this case. Take care of it."

Q. Just do it?

A. Uh-huh. Yes, ma'am.

Q. Are -- are you aware of Penal Code 19.06 in the Texas Penal Code?

A. Not off the top of my head.

Q. If I told you that it -- that statute says that a pregnant person can't be charged with murder concerning conduct against her own unborn child, does that sound accurate to you?

A. Uh-huh. Yes, ma'am.

Q. Were you aware of that Penal Code during this investigation?

A. Well, when they gave me this, that's the first thing I went to, the Penal Code.

Q. And then so did you read that when you went to the Penal Code, did --

A. Yes.

Q. -- you read that section?

A. Yes, and so did the sergeant. The sergeant looked up that Penal Code, and if it fit this element, if it fit this, if it fit that. And all that was

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15:04 searched up by the sergeant, that he was the one that always -- would always search up everything for us.

Q. And so when you got the case, you went to the Penal Code, you saw this section in particular saying that the pregnant person could not be charged?

A. Right. Yes, ma'am. I told the sergeant Aguirre --

Q. You told the sergeant?

A. He said, "Oh, yeah, it's there."

Q. And what -- what did he say?

A. Just for me to continue, prepare, and turn it in to the DA's office.

Q. So the sergeant was aware of this --

A. Yes.

Q. -- section?

A. And so was the captain.

Q. And the captain was aware. How was the captain aware?

A. Because he was on top of all this. Always, "Where are you at? What does it say? What does the book say? What does the Penal Code say? What did the DA's office say? What are you doing now? What's next?"

Q. Did anyone mention this section to anyone at the DA's office, the 19.06?

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15:05 A. I'm pretty sure we -- I'm pretty sure we did at one point or another.

Q. Who is "we"?

A. Whether it was myself or the sergeant Aguirre, captain. Like I said, they -- they communicate even if I wasn't there. So I'm pretty sure at one point, because it was brought up.

Q. Would that be to ADA Barrera?

A. To ADA Barrera or if any other investigators spoke to -- or admin spoke to Abel Villarreal or -- or the DA's office, but that was discussed.

Q. Okay. We're almost done.

A. Okay.

Q. I'm almost done.

A. Okay.

Q. Okay. Going to hand you some notes. We're going to mark them as Plaintiff's Exhibit No. 9 and -- we're going to do three -- 9, 10, and 11.

So these were provided to us in discovery by the defendants. They're not Bates-stamped. You can take a look. You don't have to read them all now, if you want. We'll get into it.

A. Yes, ma'am.

Q. Do you recognize these notes?

A. Yes, ma'am.

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15:08 Q. Okay. Do you recognize the handwriting?
15:08 A. Yes, ma'am.
15:08 Q. Whose handwriting is it?
15:08 A. That's my handwriting.
15:08 Q. In all three exhibits?
15:08 A. Yes, ma'am.
15:08 Q. Okay. So you took these notes as part of the case?
15:08 A. Yes, ma'am.
15:08 Q. Okay. And part of Ms. Gonzalez's case, to be clear, right?
15:08 A. Yes, ma'am.
15:08 Q. And are these notes a record of events that occurred during the investigation?
15:08 A. Yes, ma'am.
15:08 Q. And were they kept, like, as part of your job as a sheriff's investigator?
15:08 A. Yes, ma'am.
15:08 Q. And was that a regular practice to keep notes as part of your --
15:08 A. Yes, ma'am.
15:08 Q. -- investigation?
15:08 Were they made, like, close to when that fact was perceived or part of your memory, the notes?
15:09 A. Yes, ma'am. I always try and date them. Some

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15:09 are not dated, but I always try to date and time them. So it's around that time, yes, ma'am.

Q. And do they accurately reflect the knowledge that you had at the time that you made them?

A. Yes, ma'am.

Q. Okay. So let's go through some of them. Okay. Let's do the Post-its first, which is Exhibit No. 9. I'm going to refer to them, like, sequentially. So there's six on the first page, which is left to right, you know, one and -- one, two; the next line three, four; the next line five-six, six being the last one on the right.

A. Uh-huh.

Q. So the one that's dated 1-27, it's the fifth one -- one, two, three, four, five -- bottom left corner.

A. Uh-huh.

Q. In the corner, it says "11:15 a.m., 1-27-2022."

A. Uh-huh. Yes, ma'am.

Q. Okay.

MR. NAVARRO: I'm sorry, I lost you.

MS. JARIT: Oh, sure. Bottom left corner. Yeah, that one. On the bottom right corner of that, like, Post-it, it has the date.

MR. NAVARRO: Okay.

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15:10 Q. Okay. So it says, "Search warrant house," and then it says -- has the marks, you know, that mean the same words above, so "Search warrant phone," correct?

A. Yes, ma'am.

Q. Did you obtain a search warrant in this case?

A. I don't recall. I don't remember.

Q. And then after that, it says, "After interview with susp," meaning suspect?

A. Suspect, yes, ma'am.

Q. It says, "Will staff with DAs"?

A. Yes, ma'am.

Q. Correct? Yes. What does that mean?

A. That we consult with them to tell them everything that we had.

Q. And then it says, "Set up something for Monday," correct, right below?

A. Yes, ma'am.

Q. Okay. What discussions prompted this note?

A. This was possibly -- I don't remember, but possibly, because I would do this so that I wouldn't forget, and I just didn't write who told me, but someone would have suggested, "Hey, a search warrant for the house, for the phone. And after you do your interview with the suspect, make sure you staff with the DA's office and set up something for Monday."

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15:26 know if that's when -- or whatever was turned in to the DA's office is what I made him copies of, so I'm assuming it's for that.

Q. Okay. Okay. We're done with those notes, so you can --

A. Okay. Yes, ma'am.

Q. We're going to turn now to the -- the notes on lined paper. This is Exhibit No. 10, I believe.

A. Yes, ma'am.

Q. Yeah. Okay. So at the bottom of the first page, it says, "New law after six weeks, but after six weeks, she can stop medical assistance," I think is what it says. Do you see that in this box, this little box?

A. Oh, "New law, but after six weeks she can stop medical." Yeah, yes, ma'am.

Q. Do you know what new law you were talking about?

A. No. I was just phrasing what the doctor had said.

Q. Okay. Why would -- was that relevant to your investigation at the time?

A. This is a -- this is somebody's -- this is somebody's interview.

Q. Yes. These are your notes, correct?

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15:27 A. Yes.
15:27 Q. Okay.
15:27 A. Let me see who -- whose interview is this. This is one of the doctors. And when I walked in -- well, when we walked in, the conversation struck before I even introduced myself like I usually do and get their information. Someone else was with me in this interview, and I don't remember.
15:27 That's why I started here like this with no information to the date and the time. So these -- these notes are all what was said to me.
15:28 Q. Uh-huh. During the interview with the doctor?
15:28 A. Yeah. I don't know which doctor it was, though.
15:28 Q. Okay.
15:28 A. Or -- or a nurse maybe.
15:28 Q. If I told you that you interviewed Dr. Lozano on that date, would that --
15:28 A. Maybe this is --
15:28 Q. -- be accurate?
15:28 A. Maybe this is Dr. Lozano.
15:28 Q. Let's turn to the fifth page -- one, two, three, four, five. At the top, it says, "Penal Code 107"?
15:28 A. Oh, wait a minute.

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15:28 Q. Maybe the one before.
15:28 A. Went too far. Yeah, I got it.
15:28 Q. Okay. "Penal Code 107, fetus any point of
15:29 conception." Does that look accurate?
15:29 A. Yes. Yes. This is the other doctor's.
15:29 Q. Why did you write that?
15:29 A. Let me see if he mentioned something like that.
15:29 Because all these notes is as I'm doing the interview,
15:29 so I'm writing down everything they're -- they're
15:29 saying.
15:29 Q. So one of the -- you think one of the people
15:29 you interviewed said that?
15:29 A. Possibly, or someone that was there.
15:30 Q. Could it have possibly been notes made while
15:30 speaking to a colleague at the DA's office or the
15:30 sheriff's office?
15:30 A. No, I wouldn't have written on the -- on these.
15:30 Q. On the notepad?
15:30 A. Right. Not -- not -- these are all notes where
15:30 I started the interview. This is all hand -- until I
15:30 come to a -- I don't know, because it could have ended
15:30 here. I'm not sure, ma'am.
15:30 Q. Okay. Would you have written it like
15:31 immediately after you perceived the conversation, this
15:31 note down?

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15:31 A. This one here? No. I'm sure I would have wrote it while we were in the interview.

Q. At the -- at the time that --

A. At the time that it -- uh-huh.

Q. That the person was speaking that you're writing it down.

Later on down the page, it says -- it's dated 1-19-2022, and it says, "Somebody" -- has an arrow, "Somebody revealing info." Do you see that in the middle of the page?

A. Yes. That -- that was the concern that Ms. Herrera had.

Q. So you interviewed Ms. -- Ms. -- Ms. Herrera, Ms. Gonzalez on the 31st, correct?

A. I believe so.

Q. And this note was on the 19th?

A. Yeah, we had -- I believe we had spoken. She had already -- when we went to the interview, she had already told me about, yes --

Q. So --

A. -- about somebody, like administration already knew this.

Q. So you had spoken to --

A. I -- I'm sorry. Go ahead.

Q. No. You go ahead.

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15:32 A. And I believe that I even brought it up to --
15:32 to the CPS worker, who I believe brought it up to her
15:32 supervisor about somebody leaking information. "Sunday
15:32 called Daisy."
15:32 I gave -- I guess "Sister-in-law called
15:32 Mom. Could it say. Won't work -- don't work." Yeah,
15:32 I'm assuming that's what -- that's where that's coming
15:32 from, because she had already told me that.
15:32 Q. So you had spoken to Ms. Gonzalez before her
15:32 interrogation at some point?
15:32 A. I believe when I called her to come in maybe.
15:32 Q. Okay.
15:32 A. Yes.
15:33 Q. So you had called her before and made, like, a
15:33 date for her to come in?
15:33 A. Yes.
15:33 Q. When was that?
15:33 A. I don't remember. I don't know if it's here.
15:33 I -- I don't remember, ma'am.
15:33 Q. Okay. Now we're going to go to the last group
15:33 of -- of notes, so that would be Exhibit, I think, 11.
15:33 When -- they're yellow in real life, yellow lined
15:33 paper. Just on the last page, who is Deputy Eloy
15:33 Garza, it says? Do you see that?
15:33 A. This one?

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15:33 Q. Yes. On -- do you see -- says, "son-in-law, "dad GF," arrow, "Deputy Eloy Garza." Is that --

15:34 A. He was one of --

15:34 Q. -- accurate?

15:34 A. -- the deputies there, yes, ma'am.

15:34 Q. He's one of the deputies at the sheriff's office?

15:34 A. Yes, ma'am.

15:34 MR. NAVARRO: What -- what page are you on?

15:34 MS. JARIT: The last page of the yellow notes.

15:34 MR. NAVARRO: Of the yellow notes?

15:34 MS. JARIT: They're -- yes, it's that one.

15:34 Q. How is that relevant to the investigation?

15:34 A. This is -- I think this is her interview. She gave me that information.

15:34 Q. Oh, okay.

15:34 A. Yes. Yes, this is where I started. And she gave me this information thinking that it could possibly come from there that the information was being talked about.

15:34 Q. Okay.

15:34 A. So that's the information I gave my administration, that deputy's name.

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15:34 Q. Okay. You said throughout the investigation
15:35 you were given directions by your superiors on the
15:35 case, correct?
15:35 A. Yes, ma'am.
15:35 Q. And that was the captain and the sergeant,
15:35 correct?
15:35 A. Correct.
15:35 Q. Who was giving you more directions?
15:35 A. The sergeant.
15:35 Q. And in what situations would they give you
15:35 direction?
15:35 A. From the very beginning when I started, when I
15:35 asked those questions. And then after that, it was --
15:35 I did all the -- well, the interviews that I conducted,
15:35 then he conducted one, and Investigator Guerra
15:35 conducted another interview.
15:35 And then after that, it was what -- "Did
15:35 you call the DA's office?" "What charge are you going
15:35 with? Make sure you call the DA's office and get the
15:35 charge -- the correct one." Sergeant Aguirre would
15:36 search up. "This doesn't fit this. It says this. It
15:36 says that. Call Alex. Make sure, make sure, make
15:36 sure."
15:36 Q. Uh-huh.
15:36 A. And that's exactly what I did.

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15:36 Q. Okay. You said the sheriff was in the WhatsApp group with the investigators as well, right?

A. Yes.

Q. Would he have learned about Ms. Gonzalez's case initially that way or a different way?

A. No, because the sheriff came into the group message not a very -- not too long ago. But he would have learned because the other messages have been in place -- the other groups have been in place for a long time.

Q. And he would have learned in those other groups about it?

A. Yes, in his administrative -- administration group.

Q. Administration group. And can you remind me who -- who is administration, when you say --

A. The sheriff, the chief, the major, the captain, and the lieutenant. That's administration.

Q. Okay. Were your supervise -- superiors also concerned that this wasn't murder?

A. Aguirre -- oh, they really didn't know. Like if I have to say yes or no, I would say maybe yeah, they were a little bit concerned. That's why we had to go through the DA's office and get guidance.

Q. And that was to -- to make sure, right?

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15:37 A. To make sure.

15:37 Q. And to present them with all the facts, the DA's office, ADA Barrera, and for her to make an assessment, correct?

15:37 A. Correct.

15:38 MS. JARIT: Should we take, like, maybe a ten-minute break. I just want to make sure I've asked all my questions. Okay?

15:38 THE WITNESS: Yes.

15:38 (Brief recess)

15:45 Q. Okay. Did you -- do you know what a Brady compliance form is?

15:45 A. We started submitting those with our case -- I'm not sure -- I don't remember why they said we had to do it, though.

15:46 Q. Okay. Let me show you -- I'm going to show you this. We're going to mark it Plaintiff's Exhibit No. 12. This is a document provided to us in discovery by defense -- by the defense.

15:46 It's labeled Defendant's 215. That is the Bates stamp on the bottom. Do you see that this is a Brady compliance form --

15:46 A. Yes, ma'am.

15:46 Q. -- is that accurate?

15:46 And do you see your signature on it?

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15:59 you submitted the case file?
A. Yes, sir.
Q. Okay. And then you did testify about being instructed to -- after the indictment came down, to -- to go find Ms. Gonzalez and bring her to the sheriff's office?
A. Yes, sir.
Q. Okay. But all of that happens after the indictment has come out?
A. Correct.
Q. All right. Now, the other thing that you had indicated was that at some point, it sounded to me like it was early on after you got the investigation, that you did some Google search on the law. Did I hear that correctly?
A. Yes, sir.
Q. All right. And that you came across the Penal Code section called 19.06?
A. I believe so. And that's what the sergeant and I had -- were reading. He did a lot of the searching.
Q. Which sergeant?
A. Sergeant Aguirre.
Q. Aguirre? Okay.
A. He did a lot of the searching for -- in this case, like a lot of the searching on the -- to get the

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Penal Code, to get what laws were in place or not in place. So we -- that's who I would have discussions or like I would go to for when I would get stuck with something, or he would tell me, like, for instance, that, that was on the report. We checked it out. Like I said, off the top of my head, I don't remember word by word, but yes.

Q. Okay. So do you remember actually talking with Sergeant Aguirre or reading 19.06?

A. I don't remember doing it, but I'm pretty sure I -- I did.

MR. NAVARRO: Can we mark this as whatever the next exhibit is.

THE COURT REPORTER: We're on 13.

MS. JARIT: Should this be the number -- a defendant's exhibit number? We've been doing plaintiff's exhibits and defendants' exhibits, I think, so it may be a different number.

MR. NAVARRO: Okay. I wasn't sure if y'all were just marking them consecutively through the exhibits, but I'll do it however you want.

MS. JARIT: Yes. I don't -- I just don't know what number you were on on defendants' side. There were some --

MS. NAVARRO: Yeah. And I haven't been

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doing these, so...

THE COURT REPORTER: Can we go off the record?

16:03 MS. JARIT: Yeah.

16:03 (Brief recess)

16:03 Q. Okay. So I've been -- I've handed you what's been marked Defendants' Exhibit No. 4. And this is just a printout of the law, Chapter 19 of the Texas Penal Code. Okay? Are you familiar with Chapter 19 of the Penal Code?

16:03 A. Not familiar familiar, but yes, I'm familiar with the Texas Penal Code.

16:03 Q. Okay. Have you heard it referred to as the -- the criminal homicide statute?

16:03 A. Yes, sir.

16:03 Q. Okay. So if you look at 19.01 on the second page there, do you see there the prescription of what constitutes criminal homicide?

16:03 A. Yes, sir.

16:03 Q. All right. And -- and would you have looked at this law when you were at the beginning stages of the investigation and talking to your sergeant?

16:04 A. Yes.

16:04 Q. Okay. Would you have discussed with the sergeant like what con -- you know, what the elements

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of a charge like this would be?

A. With the sergeant and the captain.

Q. And the captain. And that's captain who now?

A. Fuentes.

Q. Fuentes. So was DA Ramirez involved in that conversation?

A. No.

Q. Okay.

A. No, sir.

Q. Was ADA Barrera involved in that conversation?

A. Yes, sir. That's when the conversation took place when we were -- when I first got the offense report, when we started looking at -- at the Penal Code when -- it was like a -- the phone call was on speaker when we were with Barrera, and that's when we started looking into -- into this when they said it could be.

Q. Okay. So Barrera didn't come over and talk to you --

A. No. It was --

Q. -- it --

A. -- via telephone.

Q. Via telephone call?

A. Yes, sir.

Q. And you're saying that this started at the early stages of the investigation?

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16:05 A. The day I got assigned the report.

16:05 Q. Okay. And -- and the day that you got it assigned would have been?

16:05 A. Not the day on the report, no, sir. Maybe -- I don't know, because -- maybe a day after or -- oh, wait, because it was in the morning. Let me see. Hold on. Oh, it was in the afternoon. Maybe that -- that evening or in the following day in the morning maybe when I got it assigned.

16:05 Q. After it had been assigned to you, your -- your testimony is that you would have had a -- along with your sergeant and your captain, a phone conference with the ADA Barrera?

16:06 A. Yes, sir.

16:06 Q. All right. And that the discussion would have been the Chapter 19, the homicide statute?

16:06 A. A possibility, yes, sir.

16:06 Q. A possibility. Okay. So there was questions about it?

16:06 A. Yes, sir.

16:06 Q. All right. And do you know if you all specifically looked at, at that time, the section at the very end of this chapter called 19.06 that says, "This chapter does not apply to the death of an unborn child if the conduct charged is, No. 1, committed" --

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16:06 "conduct committed by the mother of the unborn child"? Did you look at that?

A. I want to say we did. That is why --

Q. Okay.

A. That's why I had all those questions and wanted guidance.

Q. So your recollection today is that at the very beginning stages of the investigation, you were talking to your sergeant and your captain. Y'all had legal questions, right, about --

A. Yeah.

Q. -- whether this case presented a criminal conduct case, right --

A. Yes.

Q. -- under Chapter 19?

A. Yes, sir.

Q. And you're saying you Googled it and you came across Chapter 19 -- I mean Section 19.06 of that chapter?

A. Yes, sir.

Q. And that this was -- I'm sorry. I don't mean to cut you off.

A. And we grabbed our Texas Penal Code.

Q. And you found it. And is it also -- is that a yes? I'm sorry.

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16:07 A. Yes, sir.

16:07 Q. And in -- and your testimony is that on the phone that this was brought to the attention of Alex Barrera?

16:07 A. Yes, sir.

16:07 Q. All right. Do you recall her saying anything about it or telling you, "uh-oh. This is not going to work," or what -- what is your recollection of that?

16:08 A. No, sir. I remember her saying that they were going to also, like I said -- like I told her, they were going to look into it and for me to proceed with the investigation as far as interviewing the people involved in the -- in the -- in the report, the doctors, the nurses.

16:08 Because I -- I don't think any of us, for that matter, like I -- like I was telling her, like knew what we had. That's why we couldn't -- we contacted the DA's office for this.

16:08 Q. Okay. Well, does this -- does this Section 19.06, does it seem pretty clear to you that it would apply to the -- an unborn child that -- the death of an unborn child belonging to a mother?

16:09 A. Yes, sir.

16:09 Q. Okay. Is there anything complicated about that at all?

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16:09 A. No, sir.

16:09 Q. Okay. Where in your report does it say that there's a concern about 19.06?

16:09 A. Not on my report. That's when -- on my report, all it's -- all my report has, the investigative report, are the facts, which is the interviews that I conducted, the interview the sergeant conducted, the interview Guerra conducted, whatever evidence was collected, the pictures of the -- of the cremation. The investigative report is not going to have my concerns or my opinions.

16:09 Q. Okay. Why not?

16:09 A. Because that's just what -- the information that has been collected for the case.

16:10 Q. Okay. You had testified earlier that when you first talked to -- in this first communication with Alex Barrera about these questions --

16:10 A. Yes.

16:10 Q. -- that you were basically also told just do what you normally do as far as the investigating, right?

16:10 A. Right.

16:10 Q. And what you normally do is what you did, which is you went and found witnesses and you corrected -- collected evidence, you took testimony, right?

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16:10 A. Correct.
16:10 Q. You pulled in documents, right?
16:10 A. Correct.
16:10 Q. You assembled all the facts?
16:10 A. Correct.
16:10 Q. Okay. And -- and what I'm hearing you say is that as you were doing that, you were already aware of Section 19.06?
16:10 A. That's correct, sir.
16:10 Q. Okay. And between that -- that meeting at the beginning on the telephone consultation on it, when was the next time that you talked to Alex Barrera?
16:11 A. I don't remember.
16:11 Q. Okay.
16:11 A. But --
16:11 Q. In going through these notes, do these notes trigger -- this is Exhibit 9, 10, 11. As I read these notes and as I listen to your answers to the questions, I mean, these are -- these are notes that occurred during the course of the investigation, right?
16:11 A. Yes. Yes, sir.
16:11 Q. I don't see anything in these notes reflecting communications with Alex Barrera.
16:11 MS. JARIT: Objection.
16:11 A. No, sir.

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ Plaintiff	)( )(	
VS.	)(	CIVIL ACTION NO. 7:24-cv-00132
GOCHA ALLEN RAMIREZ, ALEXANDRIA LYNN BARRERA, RENE FUENTES, and STARR COUNTY, TEXAS Defendants	)( )( )( )( )(	

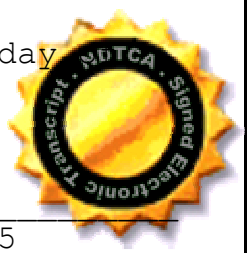
REPORTER'S CERTIFICATE

I, DONNA McCOWN, Certified Court Reporter, certify that the witness, ESMERALDA NAVARRO MUNIZ, was duly sworn by me, and that the deposition transcript is a true and correct record of the testimony given by the witness on MARCH 25, 2025, and that the deposition was reported by me in stenograph and was subsequently transcribed under my supervision.

Pursuant to Federal Rule 30(e)(2), a review of the transcript was requested.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, nor am I financially interested in the action.

WITNESS MY HAND on this the _____ day of _____, 2025.



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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ Plaintiff	)( )(	
VS.	)(	CIVIL ACTION NO. 7:24-cv-00132
GOCHA ALLEN RAMIREZ, ALEXANDRIA LYNN BARRERA, RENE FUENTES, and STARR COUNTY, TEXAS Defendants	)( )( )( )( )(	

ORAL AND VIDEOTAPED DEPOSITION OF
ALEXANDRIA BARRERA
MARCH 27 and APRIL 4, 2025

ORAL AND VIDEOTAPED DEPOSITION OF ALEXANDRIA BARRERA, produced as a witness at the instance of the PLAINTIFF, taken in the above-styled and numbered cause on MARCH 27, 2025, between the hours of 10:12 a.m. and 6:49 p.m., reported stenographically by DONNA McCOWN, Certified Court Reporter No. 6625, in and for the State of Texas, at Bryant & Stingley, Inc., 701 East Harrison, Suite 200, Harlingen, Texas, and remotely in Rio Grande City on APRIL 4, 2025, between the hours of 10:05 a.m. and 10:39 a.m., pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record or attached therein.

Electronically signed by Donna McCown (101-253-986-8079) ea909b08-9585-4819-a64a-b40fd23a510b

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Attached to the end of the transcript: Stipulations

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10:12 THE VIDEOGRAPHER: It is March 27, 2025. This is the deposition of Alexandria Barrera. It is 10:12 a.m. We are on the record.

(Witness was sworn.)

THE COURT REPORTER: Okay. Kelly, do you need to put a stipulation on?

MS. ALBIN: We want to read and sign.

THE COURT REPORTER: Okay. Thank you.

MS. ROSENBLOOM: That's fine.

ALEXANDRIA BARRERA,

having been duly sworn, testified as follows:

EXAMINATION

BY MS. ROSENBLOOM:

Q. Okay. I'm Nancy Rosenbloom. I'm one of the lawyers representing the plaintiff in this case, Lizelle Gonzalez, who's formerly know as Lizelle Herrera.

So if -- when I say "Lizelle Gonzalez" or "Ms. Gonzalez," you should understand who I'm -- who I mean, that that's the plaintiff. Is that okay?

A. Yes.

Q. And just some logistics, which I'm sure you know as a lawyer. Our understanding is you will answer truthfully to the best of your ability. And please let me know if you don't understand a question. Okay?

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10:13 A. Yes, ma'am, I will.

10:13 Q. The court reporter will prepare a transcript of everything that's said, so please make sure to provide verbal responses rather than nodding or shaking your head. Do you understand that?

10:14 A. I will, yes.

10:14 Q. And if your attorney objects to a question, you must still answer unless your attorney instructs you not to answer.

10:14 A. I understand.

10:14 Q. You understand? We can also take breaks, but not if a question is pending. And please let me know if you need a break at any point.

10:14 A. Thank you.

10:14 Q. And if not, we'll try to take breaks every hour, hour and a half.

10:14 A. Okay.

10:14 Q. Is there anything that would prevent you from answering fully and truthfully today?

10:14 A. No, ma'am.

10:14 Q. On any medications that would interfere with your ability to understand or answer questions truthfully?

10:14 A. No.

10:14 Q. Have you been deposed before?

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A. I have not.

Q. And do you understand that you are under oath and your answers are given under penalty of perjury?

A. I do understand.

Q. I have some background questions about your career. We received a copy of your resume as part of the document production. Is that still current?

A. Yes.

Q. Okay. That will make it go faster. Thank you. Your current job title is first assistant district attorney at the Starr County District Attorney Office; is that correct?

A. Yes, ma'am.

Q. When did you receive that title?

A. I don't recall exactly the month, but I believe it was sometime in 2022.

Q. Okay. And what does the -- that title entail? What's different about it than being a line district attorney?

A. You're more of a -- you have more of a supervisory role. If the district attorney is out or is not available, then you are essentially the one to make the executive decision if he is not available.

Q. Okay. Does that title come with a higher salary?

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A. Yes, it does.

Q. And how long have you been with the Starr County DA's office, since what year?

A. In what capacity?

Q. All together. In your current -- in your current job you told me, and before that when did you join the office?

A. Well, I started back with the Starr County District Attorney's Office in 2013.

Q. Okay. As an ADA?

A. No. As a legal assistant after I graduated from Texas State University. I graduated in December of 2012, and so I could not apply into any law school programs, since they usually start in the fall. And so I -- that spring semester I got a job at the Starr County DA's office in January of 2013.

Q. And then after law school, when did you return to the office?

A. Well, I believe during law school I went and I clerked there during law school after my first year.

Q. Uh-huh.

A. If I'm not mistaken. And then I went back -- transferred, went back after I sat for the 2016 Bar exam.

Q. And you went back as an assistant district

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attorney at that time?

A. I went back not as an assistant DA. It was still as a law clerk with a supervision license at the time because I was pending my Bar results.

Q. Okay. Thank you. Who is your supervisor in the office now?

A. That would be my boss Mr. Gocha Allen Ramirez, the current DA.

Q. Okay. And it's a -- it's a fairly small office, isn't it? How -- how many lawyers do -- do you have there?

A. So at the Rio Grande City office?

Q. Yes.

A. We have Mr. Ramirez, Alfredo Garcia, Judith Solis, Abel Villarreal, and myself.

Q. Okay.

A. So five.

Q. So is Mr. Ramirez directly involved in supervising your work?

A. No.

Q. Do you check in with him regularly?

A. I check in sometimes if it's regarding staff, sometimes regarding cases, but I wouldn't say regularly.

Q. Okay. What types of cases would you check with

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him on before taking a major step, for example?

MS. ALBIN: Objection, vague.

A. I don't know if it's before taking a major step. I've -- just inform him of cases that he might need to be aware of.

Q. Okay. And -- and what types of cases might he need to be aware of?

A. For example, yesterday or the day before yesterday, the former city secretary of Rio Grande City was arrested, so the department that was in charge of that case had come to me to review an arrest warrant.

And I just let him know that there was probably going to be an arrest and he should probably be prepared for any statements he may need to give.

Q. Okay.

A. Just so that he's aware. As a first assistant DA, I feel that it's one of my duties to let him know so that he's aware if anybody reaches out.

Q. Does he -- do you make him aware of all major felony cases that the office is handling?

A. Not all major felony cases.

Q. Homicides?

A. I would -- I would.

Q. And is -- is that -- do you have a good working relationship with Mr. Ramirez?

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10:20 A. I do.

10:20 Q. And has all this supervisory involvement been the same since early 2022?

MS. ALBIN: Objection, vague.

10:20 A. What do you -- what do you mean?

10:20 Q. You described checking in with him about certain cases, letting him know about certain things but not all things. Correct me if I'm wrong. And has that been true since early 2022 when the incident involved in this case occurred?

10:20 A. Yes, and before that when he started as DA.

10:21 Q. Do you -- tell me the scope of your responsibilities as first assistant DA.

10:21 A. So I am tasked with overseeing what we have as the crime victims unit. And that entails a coordinator -- a crime victims coordinator and four advocates -- four to five advocates, crime victim advocates. So I am tasked with overseeing that division.

10:21 I am also tasked with any grant writing that has to do with that division as well as the border prosecution grant. I am also tasked with that -- overseeing that grant along with ADA Abel Villarreal.

10:21 I'm also tasked with assisting our other assistant district attorneys with any questions they

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might have, any assistance they might have and overseeing, you know, staff, trying to take care of staff issues if it doesn't need to get to Mr. Ramirez and he doesn't need to be bothered with that.

And then all of the other basic duties as a prosecutor, which is handling cases at grand jury, criminal dockets, meeting with victims, coordinating meetings with witnesses for trial prep, assisting law enforcement, trials, pretrial hearings, handling civil forfeiture cases, and appeals.

Q. Thank you. Who -- who are your direct reports? Who reports to you directly?

A. Well, the crime victims coordinator directs to me directly -- or reports to me directly.

Q. Anybody else?

A. Directly, no. Just -- that would just be the only one.

Q. Do you have any supervisory responsibilities over the DA office investigative staff?

A. In -- supervisory responsibilities as in what?

Q. Are you their supervisor? Do they go to you for advice? Do you check their work occasionally or look at their files or consult with them?

MS. ALBIN: Objection, vague.

A. And this is DA investigators?

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11:40 way you are to the people you supervise?
A. Yes. He has an open-door policy.
Q. Okay. And do you talk regularly with Mr. Villarreal about cases?
A. Not really.
Q. Okay. Do you ever talk with him to discuss the progress of the cases that you're each assigned?
A. No.
Q. Do you ever talk with him about specific cases that you're working on together?
A. I mean, if we're working on it together at the time, yes.
Q. And if you're working on a case with someone, let's say you're first chair and they're second chair for a trial, that's an example, how would you update each other on the case progress? Is it mostly conversations? Is it e-mails? Is it text messages?
A. It's mostly in-person conversation when we're prepping for the trial. We're usually together in -- in an office.
Q. Okay. And how do attorneys generally collaborate in your office? Would that be the same answer, or are there other ways you communicate to collaborate on matters?
MS. ALBIN: Objection, vague.

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A. I mean, we just hop onto somebody's office and talk.

Q. Do all the attorneys work in person in the office?

A. In person?

Q. As opposed to remotely working from home.

A. Yes, everybody is in person.

Q. Every day?

A. Pretty much every day, yeah.

Q. And who would -- who would an ADA go to if they had a question or issue with their case?

MS. ALBIN: Objection, vague.

A. They would either, I'm assuming, go to ADA Abel Villarreal or myself if they had a question.

Q. Okay. What if there's a conflict between two attorneys on how to proceed in a case? Who would resolve that conflict?

MS. ALBIN: Objection, vague.

A. I mean, at that point, we would either staff it with Mr. Ramirez and I guess make a collective decision, but that's never really happened.

Q. Okay. You've never had an instance where there's been a strategy disagreement or whether to charge or not charge something?

A. Where there's been three of us and there's a

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dispute, Abel and I -- ADA Villarreal and I are assisting somebody?

Q. Uh-huh.

A. There might have been.

Q. But if two of the other ADAs disagree about a strategy issue, let's say, they would go to you or Mr. Villarreal?

A. Yes.

Q. How are charging decisions made in your office?

MS. ALBIN: Objection, vague.

A. I mean, it's up to the prosecutor that has the case at the time.

Q. And who makes the final call on what charges to bring against someone?

A. The prosecutor handling the case.

Q. Are there any instances where you as a supervisor --

A. Well, let me --

Q. Okay.

A. Let me clarify on that.

Q. Okay.

A. It depends, the final charge, because if it's presented to a grand jury, then the grand jury makes final decision on what to charge.

Q. And who makes, in your office, the final

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11:44 decision on what to present to the grand jury, what types of charging options?

A. Typically, the prosecutor handling the case will present the grand jury with the charging options.

Q. And does Mr. Ramirez ever get involved in deciding on charging options if it's a grand jury case?

A. Like that he himself gets involved?

Q. Yes.

A. Or that we get him involved?

Q. Either way.

A. He's never gotten involved and told me what to do in any of my cases as far as like it being a directive, but I have gone to him for advice.

Q. Do other -- do the other lawyers in the office do the same sometimes, ask him for advice on charging?

A. I'm --

MS. ALBIN: Objection, calls for speculation.

A. I'm not sure what they do.

Q. And when Mr. Ramirez is away or out of the office, does he stay in touch with the office? Is he reachable?

MS. ALBIN: Objection, vague.

A. I mean, if he's on vacation, I -- usually he is, but...

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11:45 Q. What if he's just out of town on work business, not physically in the office, are you able to reach him?

MS. ALBIN: Objection, vague.

A. If I call him and he answers. If he's busy, then he'll get back to me later.

Q. Okay. And if he's unavailable, who's responsible for final decision-making in the office if anything needs decision-making?

A. That would either be ADA Abel Villarreal or myself.

Q. In terms of your own practice, how many felony cases do you typically work on at a -- at one time?

A. I wouldn't have a number, but typical practice, I mean, can't -- I can't choose how many I -- I work on. It's just basically the caseload that I'm given based on how indictments are coming down.

And they're assigned the courts. I'm mostly in the 381st District Court, but I do sometimes have cases that are prosecuted in the 229th Judicial District Court.

Q. So would a typical caseload, you know, today be a dozen cases, 20 cases, 50 cases for you? Just a ballpark. Felonies I'm asking about.

A. Um-hum. I would say 50 at least.

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11:47 Q. Okay. And how do the cases get assigned to different prosecutors?

MS. ALBIN: Hold on. I'm going to object to this as being irrelevant to the question of immunity, which is -- so far today, I don't think you've asked a single question about the actual incident. And in the phase one discovery, that's what the court has limited us to is --

MS. JOHNSON: I'm going to ask if we can go off the record and have this conversation, because this is a speaking objection. If we can just go off the record with regard to that.

11:48 (Brief recess)

11:58 Q. How are cases assigned in your office?

11:58 A. When?

11:58 Q. When any case comes into the office, how is it decided which prosecutor will be in charge of that case?

11:59 A. Well, it depends what stage of -- what stage of the case you're asking about.

11:59 Q. Let's say -- let's talk specifically about cases that have been -- that are being investigated by a law enforcement agency and they contact the district attorney's office. How is it decided who's responsible for each of those matters?

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11:59 A. Well, the case gets turned in by the law enforcement agency. It then gets submitted to our intake department. Our intake department usually will give out cases to the prosecutors depending on how many they can present and what type of cases they're able to prepare for the grand jury, or the prosecutor can get the case themselves.

Q. And how would a prosecutor get the case themselves?

A. Defense attorney calls regarding the case. They might want to try to work something out at the pre-indictment stage of the case; if there's already been contact with the law enforcement agency regarding that case; if there's been contact with the victims in a certain case. Those are some examples.

Q. Okay. You talked about an intake department. Who -- what are the job titles in the intake department in your office?

A. I don't know if they have a title, but they're considered legal assistants.

Q. Okay. And do they -- just very briefly, what do they do? What's the scope of their work?

A. To receive the prosecution packets, scan them into our Judicial Dialog case management system, assign it a DA case number, scan the documents in the file.

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Q. Do they let somebody know that a new case has come in? Do they let any lawyers know about that?

A. Occasionally they will, if the lawyer has asked for a certain case or if the case is going to be turned in.

Q. Okay. And do you have any kind of specialized docket, certain type of cases that you usually do?

A. Usually, for some reason I was the chosen one to handle child sex cases.

Q. Okay. And I know that you're on the -- you oversee the crime victims unit; is that right? Is that something you asked to do, or were you chosen for that?

A. I was chosen for that.

Q. Are there other DAs in the office who have specialty areas?

A. Abel. Abel usually handles most of, like, the HIDTA task force cases or investigations, so he'll handle most of those.

Q. Okay. You spoke before about certain cases that get worked out before they go much further and other cases that don't go all the way through a full prosecution.

What other criteria for deciding which cases get prosecuted and which -- which don't by your office?

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12:02 A. Well, the prosecutor reviews the file, and if it meets the elements of a crime, then it gets presented to a grand jury.

12:03 Q. Okay. Thank you. Are you allowed to take on private clients while serving as a district attorney?

12:03 A. We are.

12:03 Q. Okay. And is there a conflicts policy in the office?

12:03 A. Usually you're supposed to try and -- and stay clear from any conflicts, and your prosecutorial duties are supposed to come before any private case -- or before you take on any private cases, so -- but there's no set, I guess, policy or procedure, if that's what you're asking as to how to weed through conflicts.

12:04 Q. Yes. Is there any regular practice for checking conflicts for people's private clients?

MS. ALBIN: Objection, irrelevant.

12:04 A. No, not that I know of.

12:04 Q. Do the individual ADAs need the DA's permission before accepting outside employment or taking private clients?

12:04 A. No.

MS. ALBIN: Objection, irrelevant.

12:04 A. No.

12:04 Q. And I think you testified you do not have

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12:04 private clients except for the occasional appointment; is that right?

A. I do sometimes get retained for some divorce proceedings if they're not too -- if there isn't too many things to litigate, because I am very busy with my duties as a prosecutor. So I will take on the occasional divorce proceeding, ad litem cases I'm assigned.

Q. Are you aware that Abel Villarreal has a private practice --

A. Yes.

Q. -- in addition?

A. Yes, I am.

Q. And also Judy Solis?

A. I am.

MS. ALBIN: Objection, irrelevant.

Q. Okay. Are you aware that your colleague Judy Solis represented Ms. Gonzalez's ex-husband, Ismael Herrera, in their divorce proceeding?

A. I was made aware after the case was dismissed.

Q. After which case was dismissed?

A. Lizelle Herrera's case was dismissed.

Q. The criminal prosecution?

A. Yes, ma'am.

Q. Okay. Did you know or do you know now that

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12:05 that divorce case was filed the same day as the charges against Ms. Gonzalez?

A. I did not know that then. I do know that now.

Q. When did you find that out?

A. I believe it was after the dismissal and there was public information requests regarding that.

Q. Regarding the divorce case?

A. Yes.

Q. And did those public information requests come to you?

A. I believe they went -- no. You know what? I believe I became aware of that issue once the whole State Bar grievance started.

Q. Okay. Concerning the prosecution of --

A. Yes.

Q. -- Ms. Gonzalez?

A. Yes, yes.

Q. Okay. Do you know who made you aware of it?

A. The committee.

Q. How does the Starr County District Attorney Office handle decisions about bond?

MS. ALBIN: Objection, relevance.

Q. Who -- who makes decisions about what bond to request?

MS. ALBIN: Same objection.

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12:07 A. Like at the initial stage of the case?
Q. Yes.
A. I mean, we don't typically request bonds at the initial stage. It's very rare.
Q. Okay. Does your office ever request bond?
A. I know of one case where they requested a no-bond one time several years ago. But typically that we request bonds at the very initial arrest stage? It's not typical.
Q. Okay. How -- who -- who sets the bond if your office does not make a request --
MS. ALBIN: Objection --
Q. -- after someone is arrested?
MS. ALBIN: Sorry. Objection, relevance.
A. Whoever magistrates that individual at the Starr County Jail.
Q. And when you say "magistrate," what do you mean by that? Who? The judges?
A. Right. A justice -- the magistrate, uh-huh. Yes, ma'am.
Q. Okay. And when your office does make a request for bond, let's say on a very serious felony, what factors does your office consider?
MS. ALBIN: Objection, vague.
A. Well, I don't know what factors other

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12:08 prosecutors have considered. If I were to ask for a bond, I would consider, like, the violent past history of the offender or the violent -- the violence in the -- in the crime, if there's any victims that can be harmed. That's what I would consider as a prosecutor.

12:09 Q. You've prosecuted quite a few murder cases; is that right?

12:09 A. I have.

12:09 Q. And how many of those went to trial? Do you remember?

12:09 A. Are you talking about the list of cases I disclosed?

12:09 Q. Yes.

12:09 A. I -- I don't remember how many of those went to trial. I know not all of them went to trial. Off the top of my head, I know not all of them, because I know one passed away.

12:09 Q. Okay. And what was your role in those cases? I can show you the list if you need it. Just let me know.

12:09 A. If -- if you want my role in each case, I would need the list.

12:09 Q. Okay. I mean, in general, were you -- was it your case? Were you first -- first chair or whatever terminology you used?

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12:09 A. No. I just disclosed all -- all the cases that I -- that I have worked on, whether it had been the pre-indictment stage, the indicted stage, at a pretrial hearing, at trial, on appeal. But I can't say off the top of my head without seeing the list -- I can't recall if I worked a case from indictment to postconviction on that list.

Q. Okay. I'd like to mark that list of cases as Plaintiff's 14. And I'm showing you that list that your lawyers produced to us. Of the 11 homicide cases listed at the top, these are all cases you worked on?

A. At some point or another, yes.

Q. Okay. And can you tell me in how many of these you made the presentation to the grand jury?

A. I made the presentation to the grand jury on the State of Texas versus Phillip Henry Selvera, Jr., No. 4; No. 5, The State of Texas versus Sebastian Torres; No. 6, The State of Texas versus Jose Luis Garcia, Jr., and they were all co-defendants.

Q. Okay.

A. And those are the ones I remember presenting to the grand jury.

Q. Okay.

A. There could have been another one or -- but those are the ones I -- I remember.

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12:12 Q. In addition to the presentation in the case of Lizelle Gonzalez; is that correct?

A. Yes, but hers is not on this list.

Q. Right. Okay. Are there any others that are not on the list?

A. Homicide cases?

Q. Yes.

A. They should have all been included in this list, the homicide cases I've handled.

Q. Thank you. Does the Starr County DA office have -- do -- conduct training for the ADAs?

A. The office itself, no.

Q. Okay. Are there any guidelines regarding homicide investigations in your office?

A. Guidelines as part of the office, no.

Q. Okay. Any procedures, checklists, anything like that specifically about homicide?

A. No.

Q. Okay. Do you have access to the TDCAA charging manual?

A. Yes, I do.

Q. And could you describe what that is?

A. It's the language that we refer to when we draft our indictments.

Q. Okay. Is there -- there guidance about

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12:13 language to use for different charges --

A. Yes, ma'am.

Q. -- in that manual? Okay.

And do you generally follow the guidance in the manual?

A. Generally, yes.

Q. Okay. Does it include guidance about language for homicide charges?

A. Yes.

Q. Does it have anything in it about the law known as SB 8?

A. The charging manual?

Q. Yeah.

A. I -- I don't know.

Q. Okay. The -- without going into your entire CLE history, what are the ways in which you stay current on changes in the law?

A. Well, there's, like, legislative updates from TDCAA. We sometimes -- it's every Friday that we get, like, TDCAA summaries from cases or opinions that have been handed down, and attend conferences. But, I mean, they don't update you on the law, per se, except for maybe the legislative updates with TDCAA.

Q. Are you expected to stay current with the -- the case law, the appellate case law in Texas

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12:15 concerning criminal matters?

A. I would say so.

Q. Okay. Have you attended any trainings about prosecuting crimes involving medical incidents?

A. No.

Q. Have you attended any trainings about crimes related to pregnancy?

A. I mean, like crimes against women?

Q. Uh-huh.

A. Violent crime against women, like domestic violence? One time I attended the Crimes Against Women, but I'm not -- I can't say off the top of my head we discussed violence against pregnant women. We might have.

Q. Okay. Any trainings that you've been to specifically concerning abortion?

A. No.

Q. Okay. And do you -- you attend continuing legal education training; is that right?

A. Yes, ma'am.

Q. Do you ever conduct those types of trainings yourself?

A. CLEs?

Q. Yeah.

A. No. I'm not -- I'm not qualified to conduct

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trainings for people to get CLE credit.

Q. And do you do any informal trainings for your own staff on matters of law?

A. Like the DA staff?

Q. Yeah.

A. No.

Q. Okay. As an assistant district attorney, a law enforcement officer, are you required to participate in any other types of training other than legal training?

MS. ALBIN: Objection. I don't think she testified she's a law enforcement officer.

MS. ROSENBLOOM: Oh, sorry. It was in the job description.

Q. But as an assistant district attorney, are you required to participate in any other trainings?

A. Like, for example, what type of trainings?

Q. Anything. Anything concerning how law enforcement works or forensic evidence, anything like that.

MS. ALBIN: Objection, vague.

A. Is it required?

Q. Yes.

A. Is that your question? It's not required.

Q. Okay. Do you sometimes access trainings on matters like that, like the role of law enforcement and

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tools they use?

A. No. I mean, lately, I tried to access on my own on TDCAA like mental health stuff to try to help people with mental health issues, defendants that are at the Starr County Jail, because we don't have a mental health program. So I on my own time will listen to the mental health training that TDCAA uploaded.

Q. Are you familiar with the Texas Disciplinary Rules of Professional Conduct?

A. Generally, yes.

Q. And as a lawyer in Texas, are you expected to follow those rules?

A. Yes, ma'am.

Q. As a prosecutor, you're expected to know the elements of the offenses you're prosecuting; is that right?

A. That's an expectation, yes.

Q. And if you're -- if you're -- don't have it in your head, would you normally look it up?

A. Yes.

Q. Okay. You have access to the Penal Code as a district attorney?

A. Yes.

Q. How does the office decide which cases to present to the grand jury?

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MS. ALBIN: Objection, relevance.

A. The prosecutor will review the case, evaluate it based on the evidence that's submitted, the law, and it's either presented or rejected.

Q. When you say it's either presented or rejected, who -- who would be doing the rejecting?

A. The prosecutor.

Q. Okay. Is -- are there any priorities in terms of present -- when to present to the grand jury, like people who've been sitting in custody for a while, for example?

A. Usually, we try to weed out -- well, we try to pull -- or the intake department tries to pull out the cases where individuals have been sitting in jail for 90 days or almost 90 days, but sometimes those prosecution packets haven't been turned in.

So then it would be to follow up with the ones that have been turned in, the prosecution packets that have been turned in.

Q. Okay. And is it the ADAs who decide ultimately when to present something to a grand jury?

A. Yes.

Q. How does the office decide which ADA is responsible for each grand jury session?

MS. ALBIN: Objection, vague.

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12:20 A. We're all responsible at every grand jury session.

Q. Okay. So you don't trade off or have a calendar, anything like that?

A. No, ma'am.

Q. We -- when you presented to the grand jury about Lizelle Gonzalez, that was March 25th, 2022, did you discuss with other members of your office which cases should be presented that day?

A. What other -- what other cases should be presented?

Q. That one and others. Did you have any discussions within the office about which cases you would present that day?

A. I only let Mr. Ramirez know that I was going to be presenting Ms. Herrera's case to the grand jury.

Q. Okay. Was that the only one you presented that day?

A. No.

Q. Have you ever decided not to sign a grand jury subpoena that's requested by a law enforcement official?

MS. ALBIN: Objection, not relevant.

A. I mean, sometimes there's been an occasion where a law enforcement officer is trying to request

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something that they can't get through a grand jury subpoena. It needs to be through another avenue such as a warrant or something of that sort.

So that's an example of when I haven't signed a subpoena, but I can't think of another -- another time off the top of my head.

Q. Okay. Are there some times when there's, you know, just not enough facts to make a determination about the case and you might decline to sign the subpoena?

A. That's never happened to me.

Q. When -- I know you reviewed Mr. Villarreal's deposition transcript. He testified that the sheriff's office requested a subpoena for medical records, Plaintiff's Exhibit 2 -- which I can show you if you want to see it -- but the DA didn't have enough -- nearly enough facts to make a determination about the case, so it was declined. Are you familiar with the subpoena he was talking about there?

A. For this case?

Q. I'm showing you what's previously been marked Plaintiff's Exhibit 2, and turn to a page -- third page in the packet. This was a subpoena for records from the Starr County Memorial Hospital, a grand jury subpoena, signed by Mr. Villarreal.

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12:24 A. Right.

12:24 Q. And filed January 12th, 2022. Are you familiar with this subpoena related to the case of Ms. Gonzalez?

12:24 A. I'm familiar with the subpoena, or I've seen it before.

12:24 Q. Okay. Do you know if Mr. Villarreal felt like there were enough facts to warrant signing the subpoena?

12:24 MS. ALBIN: Objection, calls for speculation.

12:24 A. Well, I read his deposition, but I -- I don't know any -- I think your question was that he didn't sign the subpoena, but he did sign this subpoena.

12:25 Q. Okay. He did sign this one, and he said that -- I believe he testified that the sheriff's office requested a subpoena for medical records, and he signed it, but the DA's office didn't have enough facts to decide about whether to prosecute the case or not.

12:25 A. Right.

12:25 Q. Do you remember that?

12:25 A. That's why he signed it, because they needed more facts about what had happened. And I don't want to assume, but I'm guessing he thought by signing it that the record would illustrate more evidence.

12:25 Q. Okay. And -- I think we're done with that one

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for now. Have you ever decided not to present a case to a grand jury that might have otherwise been because of a lack of evidence or something didn't meet the elements of a crime?

A. Yes. There has been cases.

Q. Okay. And what were the reasons -- without going into too much detail, what were the types of reasons? I mentioned a few, but I'd like to hear from you.

MS. ALBIN: Objection, vague.

A. For example, it doesn't meet the threshold for felony prosecution, statute of limitations has expired, the complaining witness does not want to proceed.

Q. Okay. Are there ever cases -- have you had cases that you did not present to a grand jury because you didn't think it merited prosecution?

MS. ALBIN: Objection, vague.

Q. There was -- there was no crime, in other words, that was provable?

MS. ALBIN: Objection, vague.

A. Like I mentioned, the only time I've dismissed is when it doesn't meet the threshold for a felony prosecution.

Q. Okay. Now, when you present a case to the grand jury, do you present them with an option -- with

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12:27 options of different charges they might use, they might consider?

A. Yes, I've done that.

Q. Okay. You mentioned that you had told Mr. Ramirez that you were going to present the case against Lizelle Gonzalez, is that right, before -- before doing so?

A. I believe I did tell him that I was going to present it at that grand jury con -- conveyance, yes.

Q. Did he tell you not to?

A. No.

Q. Did he know what the case was about?

MS. ALBIN: Objection, calls for speculation.

A. I let him know briefly the facts and that the case had been submitted and that the sheriff's office was asking whether they proceed with an arrest warrant or just turn it in as an investigation for grand jury consideration.

Q. And in the case of -- against Ms. Gonzalez, that was one that you submitted for grand jury consideration; is that right?

A. Mr. Ramirez let me know just to submit it to the grand jury, let the grand jury decide.

Q. If you've presented a case to the grand jury,

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12:28 if there's an indictment, do you continue to work on that case normally?

A. Sometimes I do. Sometimes I don't. It just depends.

Q. What types of things would it depend on?

A. So like if it's a child sex case, sometimes I will follow the case. I'm trying not to do that now. But that would really be the only time that I would present the case and keep the prosecution of it, or if the case were assigned to the 381st District Court.

Usually the prosecutor that presents it, if you're already assigned to that court, just makes more sense for that prosecutor to handle it since they're already aware of, like, the initial facts of the case.

Q. Okay. After the indictment was issued against Ms. Gonzalez, did you ask to stay on that case?

A. No.

Q. Was it assigned to you?

A. It didn't even get to that point.

Q. Okay. Earlier, you said when you told Mr. Ramirez you were going to present her case to the grand jury, he said just present it to the grand jury. Why did he say that rather than have her arrested?

MS. ALBIN: Objection, calls for

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12:30 speculation of what Mr. Ramirez was thinking.
12:30 A. I'm not sure why he said to proceed with the
12:30 grand jury presentation instead of an arrest warrant.
12:31 MS. ROSENBLOOM: I think this is a good
12:31 time for a lunch break and looking at documents break.
12:31 So please go off the record.
12:31 (Lunch recess)
14:25 Q. Ms. Barrera, over the break, did you talk with
14:25 your attorney?
14:25 A. Yes.
14:25 Q. And during the previous short break we took,
14:25 did you also speak with your attorney?
14:25 A. I did.
14:26 Q. In your role at the DA's office, do you work
14:26 closely with the Starr County Sheriff's Office?
14:26 MS. ALBIN: Objection, vague.
14:26 A. In what sense?
14:26 Q. Would you say you coordinate and cooperate with
14:26 them?
14:26 A. Coordinate what exactly?
14:26 Q. Anything about investigating and prosecuting
14:26 crimes.
14:26 MS. ALBIN: Objection, vague.
14:26 A. Work together?
14:26 Q. Yes, work together.

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14:26 A. Yes. Yes, ma'am.

14:26 Q. And I -- we noticed that on the district attorney office Facebook page there are several postings about thanking law enforcement agencies and talking about collaborative efforts. Is that -- do you recall those?

14:26 A. Collaborative efforts in the pursuit of justice, yes.

14:26 Q. Okay. What is the jurisdiction of the Starr County Sheriff's Office?

14:27 A. It's my understanding that they have countywide jurisdiction except for the cities that have their own police departments.

14:27 Q. And if a city has its own police department, does the Starr County Sheriff's Office never get involved?

14:27 MS. ALBIN: Objection, calls for speculation.

14:27 A. I'm not sure.

14:27 Q. Okay. Does the DA's office have policies or practices for working with the Starr County Sheriff's Office or other law enforcement?

14:27 MS. ALBIN: Objection, relevance.

14:27 A. No policies and practices I'm aware of.

14:27 Q. Does the sheriff's office -- I'm talking about

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14:27 the Starr County Sheriff's Office now.
14:28 A. Okay.
14:28 Q. Do they need the district attorney's office for subpoenas?
14:28 MS. ALBIN: Objection, speculation.
14:28 A. For grand jury subpoenas?
14:28 Q. Any kind of subpoenas.
14:28 MS. ALBIN: Same objection.
14:28 A. I mean, they reach out to us for subpoenas, yes.
14:28 Q. Is it required that your office sign a subpoena -- a grand jury subpoena?
14:28 A. I don't know if it's required, but I don't -- I don't know if there's another way under the criminal code that they could access a grand jury subpoena. There might be. But the way I know of it is that they request one from the district attorney's office.
14:28 Q. Okay. And what about the Starr County Sheriff Office investigative subpoenas, can they issue their own, or do they need your office's signature?
14:28 A. I'm sorry. Excuse me. For what?
14:28 Q. For an investigative subpoena, not a grand jury subpoena, just any other subpoena.
14:28 MS. ALBIN: Objection, speculation.
14:29 A. Once a case is indicted or --

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14:29 Q. During an investigation phase, before indictment.

MS. ALBIN: Objection, vague; calls for speculation.

Q. Does the sheriff's office ever issue subpoenas?

A. No. For investigations, it's a grand jury subpoena.

Q. Okay. Does the Starr County Sheriff Office ask the DA's office for help identifying what -- what Penal Code sections could apply to a situation?

A. Yes, they -- they -- they do.

Q. And on your homicide cases, have you worked with the Starr County Sheriff's Office before this case?

A. Yes, I have -- oh, before this case?

14:30 Q. Let's take off the time parameter. In other cases -- in other homicide cases, have you worked with the Starr County Sheriff's Office?

A. Yes.

Q. And when you work with them, does that involve talking with people sometimes at the sheriff's office?

A. Yes.

Q. Does it involve giving them advice?

MS. ALBIN: Objection, vague.

A. Legal advice, yes.

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14:30 Q. Investigative advice ever?
MS. ALBIN: Objection, vague.
A. Depends on the situation.
Q. Okay. The DA office Facebook page says your office and the sheriff's office coordinate to effectively investigate and charge crimes; is that correct?
A. Yes.
MS. ALBIN: Objection, vague.
14:31 Q. Mr. Villarreal said that law enforcement agencies call your office constantly for legal advice. Is that your experience as well?
A. I get a few phone calls from law enforcement.
Q. Every day?
A. I can't say every day, but at least more than three in a week.
Q. Okay. How many attorneys from your office typically work on a murder case?
A. Like on one, just one sole murder case?
Q. Yes.
14:32 A. How many attorneys would be assigned?
Q. Yes, typically.
A. Two to three. At the very end of the case, like when it goes to trial.
Q. Okay.

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14:32 A. I want to clarify that.
14:32 Q. Uh-huh. And before that, is it typically one --
14:32 A. One.
14:32 Q. -- ADA?
14:32 Are you familiar with the term used by the sheriff's office to staff with DAs?
14:32 A. I've heard it.
14:32 Q. What -- what is your understanding of what that means?
14:32 A. They'll talk to a prosecutor about their investigation on a case.
14:32 Q. And staffing on a case means -- means what? Does it mean which lawyers are assigned to the case from the DA's office?
14:32 MS. ALBIN: Objection, speculation.
14:32 A. Staffing the case?
14:32 Q. Uh-huh.
14:32 A. I mean, it just means talking to a prosecutor at the DA's office.
14:33 Q. Okay. Have you prosecuted other cases related to pregnancy? Like earlier, you mentioned assaults on women who --
14:33 A. I had --
14:33 Q. -- are pregnant.

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14:33 A. I had a previous assault case where the victim was a pregnant individual.

14:33 Q. Uh-huh. And in that case, if you recall, were there charges against the pregnant woman herself?

14:33 A. No. Her husband beat her up.

14:33 Q. And was the fetus, the baby, listed as a victim in that case as well, as well as the woman?

14:33 A. No.

14:33 Q. What was the outcome of that case?

14:33 A. I don't recall the outcome. I just remember handling a case like that.

14:34 Q. Okay. Have you prosecuted other cases where the relevant incident occurred in a hospital?

14:34 A. A relevant incident?

14:34 Q. Where the incident at issue in the prosecution occurred in the hospital, like a case where you involved -- you needed medical records because something happened in a hospital.

14:34 A. When a victim is taken to the hospital and they end up passing away at the hospital, yes, I request medical records.

14:34 Q. Okay. So you have experience getting medical records from hospitals? Yes?

14:34 A. In the past, yes.

14:34 Q. Okay. Do you ever have communications with the

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Starr County Medical Center?

A. The Starr County Medical Center?

Q. Uh-huh. Or Starr County, I'm sorry, Memorial Hospital.

A. No.

Q. Is there any procedure or agreement between your office and that hospital on what types of things should be reported to law enforcement?

A. No.

Q. Do you know if the Starr County Medical Center -- Starr County Hospital I'm just going to call it, you know what I'm talking about. Do you know if they have any agreement with the Starr County Sheriff's Office on what actions should be reported to law enforcement?

A. I wouldn't know if they have any agreement.

Q. Okay. Does the DA's office ever provide guidance to that hospital or hospital employees on what conduct to report as being possibly criminal?

A. I have never provided guidance to anybody regarding legal advice at the Starr County Memorial Hospital.

Q. Do you know if anybody else in your office has done that?

A. Not that I'm aware of.

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14:36 Q. How does your office handle reports from that hospital and other hospitals?

MS. ALBIN: Objection, vague.

A. I don't understand the question. The reports don't come to the DA's office.

Q. So if you're contacted by law enforcement because they received a report from a hospital about possible criminal conduct, what does your office do next?

MS. ALBIN: Objection, vague.

A. Well, I'm -- I don't know what the office would do next. I know what I would do next if they would call me about possible criminal conduct at the -- that somebody is trying to report.

Q. And what would you do?

A. I would tell them to just do what they regularly do and investigate what's being reported.

Q. Would you do legal research to assist the hospital?

MS. ALBIN: Objection, vague; calls for speculation.

A. I would not do legal research to assist the hospital. I don't assist the hospital.

Q. Okay. Have you ever -- in the course of this job with the DA's office, have you ever had meetings at

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14:37 Starr County Hospital?

A. I recently do. Last month -- I think it was last month -- we had a meeting there with some SANE forensic nurses that recently contracted with the hospital.

Q. Did they have anything to do with Lizelle Gonzalez?

A. No, ma'am. It was the contract with sexual assault nurse examiners that are going to start examining Starr -- children in Starr County.

Q. And what was your role in that meeting?

A. To meet them, to meet the -- the new team of SANE nurses that were going to be servicing children of abuse in Starr County.

Q. Okay. When did you first hear about the incident that happened with Lizelle Gonzalez?

A. I first heard about it in -- I wouldn't be able to tell you off the top of my head the exact day, but it was around January of 2022.

Q. Okay. Were you at work on January 8th, 2022?

A. I -- I don't know if I was at work that exact date, January 8th, 2022.

Q. If I told you that was the day that Mr. Villarreal signed grand jury subpoenas for hospital and doctor records regarding Lizelle Gonzalez, does

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14:39 that help you remember whether you were at work that day?

A. No, I wouldn't be able to tell you if I was at work that day or not.

Q. Were you on vacation at the beginning of January in 2022?

MS. ALBIN: Objection, relevance.

A. I don't recall being on vacation. I recall getting sick in January of 2022 but not vacation.

Q. Okay. When you first learned about Ms. Gonzalez and the abortion medication incident, who did you learn about that from?

A. Investigator Esmeralda Muniz.

Q. Okay. And what did you understand had happened?

A. I got a phone call. I missed the phone call. And when I called back, Investigator Muniz, she explained to me that they had already spoken to ADA Abel Villarreal and that he had informed them that they could proceed with murder -- or a murder investigation.

And then she went on to tell me brief -- briefly what had occurred at the hospital and the reasoning behind ADA Villarreal's advice on the homicide investigation.

Q. And what was your understanding when talking

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with Investigator Muniz about what actually had happened? What were the -- what were the facts as you understood them?

A. What I recall her telling me is that there had been a female that had shown up to the hospital and had taken some medication to induce an abortion; that it had been stopped; she had been sent home; and then she returned back to the hospital a second time; and the baby had passed away.

Q. Did you -- that same day, did you speak with anyone else from the Starr County Sheriff's Office other than Ms. Muniz?

A. I believe Captain Leonard Fuentes might have been on the call. What I recall is that I was -- that I was sort of like on a speakerphone when they were talking to me. And I do recall Captain Leonard Fuentes interjecting in the call and saying that they had spoken to ADA Abel Villarreal.

Q. Okay. Did Sheriff's Office Deputy Rosa contact the DA's office that day to ask if a crime had been committed?

A. He did not contact me. The missed call that I had, if I remember correctly, was from Investigator Muniz.

Q. Okay. Do you know if Deputy Rosa contacted

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anybody at your office about this --

A. I do --

Q. -- incident?

A. I do not know.

Q. Okay. You spoke about missing a call from the sheriff's office and the call -- that call went to Mr. Villarreal, is that right, when you weren't available?

A. Well, if I remember correctly, I had a missed call on my cell phone.

Q. Okay.

A. I don't know where the call went to ADA Abel Villarreal.

Q. Okay. And in January of 2022, you knew Esmeralda Muniz; is that right?

A. Yes, I did.

Q. And you know that she's a former investigator with the Starr County Sheriff's Office who's recently retired; is that right?

A. Yes, ma'am.

Q. So she told you that she had spoken with Mr. Villarreal about this incident; is that right?

A. Yes. From the missed call, I guess in the -- in the period in between the missed call to the time I returned the phone call, during that period, they had

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already spoken to ADA Abel Villarreal.

Q. Okay. Why did Ms. Muniz call you first as opposed to another ADA?

MS. ALBIN: Objection, calls for speculation.

Q. If you know.

A. I'm not sure why she would call me first.

Q. Did she often call you for advice about investigations?

A. She reached out to me for advice on investigations, yes, ma'am.

Q. Okay. Do you know what the purpose of Investigator Muniz's conversation with Villarreal was?

MS. ALBIN: Objection, speculation.

A. I do not know.

Q. Okay. And you testified that Mr. Villarreal advised Muniz that based on her description of what happened, this -- that this would fit the elements of murder?

A. Based on the preliminary facts that they had, that they could possibly proceed on a murder investigation.

Q. And how did you know that was the advice he gave?

A. They directed me to homicide, and then they let

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14:46 me know that ADA Villarreal had advised them that the
14:46 term "individual" under the Penal Code included the
14:46 term -- I believe -- off the top of my head, I can't --
14:46 I can't recite it, but the term "individual" included
14:46 the -- the term -- I believe it was fetus from
14:46 gestation to -- I can't recite it off the top of my
14:46 head right now.
14:46 Q. Okay.
14:46 A. But that it fit the elements, and that
14:46 "individual" fit the elements as the preliminary facts
14:46 were given to him. That's what they told me.
14:46 And during that conversation, I did a
14:46 Google search of the Penal Code of the term
14:46 "individual." I saw that it was, in fact, true what he
14:46 had advised them.
14:46 Q. What was your -- you may have just answered
14:47 this, but what was your initial reaction when you heard
14:47 that this was the advice ADA Villarreal gave to Muniz?
14:47 A. I was surprised. But then again, I never had
14:47 to -- I -- in my experience as a prosecutor, I never
14:47 had to go and look up the term "individual." But when
14:47 I looked up the term "individual" under the Penal Code,
14:47 I was surprised that it included that definition.
14:47 Q. Do you know why he -- why Mr. Villarreal gave
14:47 inspector -- Investigator Muniz that advice that it

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could be murder?

MS. ALBIN: Objection, speculation.

A. Well, I'm assuming because -- or because the preliminary facts contained a fact about a baby passing away at the hospital.

Q. Okay. When Esmer Muniz called you, did she -- do you remember if she used the word "abortion" or "abortion medication"?

A. She might have. I don't recall if she used the term "abortion medication."

Q. At that point, did she know about Ms. Gonzalez ingesting the medication misoprostol?

A. I don't recall if she knew or told me about the ingestation of the -- of the medication.

Q. Okay. Did you -- around this time, did you talk with Abel Villarreal about the sheriff's office question and his answer?

A. I did not.

Q. Why didn't he explain that Penal Code Section 19.06 makes clear that Ms. Gonzalez could not have committed a crime by seeking an abortion?

MS. ALBIN: Objection, speculation as to what Abel Villarreal knew.

A. I don't know why he didn't let them know about 19.06 or if he knew about it. I don't know.

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14:49 Q. Okay. I think you also learned that
14:49 Investigator Muniz coordinated with ADA Villarreal to
14:49 get subpoenas for Ms. Gonzalez's medical records; is
14:49 that right?
14:49 A. Yes. I've seen the subpoenas, yes, ma'am.
14:49 Q. Okay. Why was this necessary to the
14:49 investigation?
14:49 MS. ALBIN: Objection, calls for
14:49 speculation.
14:49 A. I'm not sure of the conversation between
14:49 Investigator Muniz and ADA Villarreal and as to why
14:50 they felt they needed that.
14:50 Q. Okay. Knowing what you later learned about the
14:50 case, do you think the medical records were relevant to
14:50 the investigation?
14:50 A. Yes.
14:50 Q. Why -- why would they have been relevant?
14:50 A. Because the doctor's documentation and the --
14:50 the information needed would be in those medical
14:50 records as to how everything happened.
14:50 Q. Okay. Are you aware that the original incident
14:50 report went to the Rio Grande police -- Rio Grande City
14:50 police?
14:50 A. I am aware of it now.
14:50 Q. Uh-huh. Do you know why the county sheriff was

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14:50 1 investigating this case as opposed to the Rio Grande
14:50 2 City police?
14:50 3 A. I don't --
14:50 4 MS. ALBIN: Objection, calls for
14:50 5 speculation. And I don't think there's any testimony
14:51 6 that the sheriff was investigating the case.
14:51 7 THE COURT REPORTER: That the sheriff
14:51 8 what?
14:51 9 MS. ALBIN: Was investigating the case.
14:51 10 A. I don't know, ma'am.
14:51 11 Q. Okay. I'm going to go back to the call you
14:51 12 said you thought was on speakerphone where Captain
14:51 13 Fuentes might have also been on the call.
14:51 14 So Investigator Muniz testified two days
14:51 15 ago at her deposition that there was a conversation on
14:51 16 speakerphone with you that she remembered very clearly,
14:51 17 and that Captain Fuentes and Sergeant Aguirre were both
14:51 18 on the call. Do you remember Aguirre being there?
14:51 19 A. I don't remember Sergeant Aguirre being on that
14:51 20 phone call. But we were in two different locations. I
14:51 21 don't know who was present when they were on the phone
14:51 22 call.
14:51 23 Q. Okay. And Ms. Muniz testified the other day
14:52 24 that the captain, Captain Fuentes, wanted to know how
14:52 25 to classify the incident because they were aware of

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14:52 Section 19.06. Do you remember him saying that?
14:52 A. No, ma'am.
14:52 Q. Do you know whether he was aware or not aware
14:52 at that time?
14:52 A. 19.06 was never mentioned in any of our
14:52 conversations.
14:52 Q. And she also testified that all of the
14:52 investigators were in the room and they were near her
14:52 desk. It was very early in the investigation. Do you
14:52 remember other investigators being on the call or
14:52 listening to the call?
14:52 A. The only two people I remember were Captain
14:52 Fuentes and Investigator Esmeralda Muniz.
14:52 Q. Okay. At that time, did you tell them to
14:52 continue the investigation?
14:53 A. I believe that the phone call ended with them
14:53 knowing that they were going to proceed with the
14:53 investigation. But as far as me telling them what to
14:53 do or any of that, that didn't come from me. They had
14:53 already spoken to ADA Abel Villarreal.
14:53 Q. Okay. Did you tell the sheriff's office on
14:53 that phone call that it could be a murder charge?
14:53 A. No. They had already spoken to ADA Villarreal.
14:53 I confirmed that the term "individual" included the
14:53 term -- I believe it's fetus from gestation or any

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stage from gestation to birth or something along those lines.

I confirmed, because I was surprised at that definition. And when I confirmed, that was pretty much the end of the conversation.

Q. Okay. So you didn't tell them to keep investigating or don't keep investigating?

A. No.

Q. Okay. Did you tell them you were uncertain at all?

A. No. They gave me the Penal Code that ADA Abel Villarreal had advised them about. I looked at it, and I confirmed that, yes, it did in fact include that terminology.

Q. And the reason you looked up the term "individual" is because the term "individual" is in the -- the homicide statute, Chapter 19; is that right?

A. I believe it's in Chapter 1, in definitions one point something, 1.07. I can't recall the Penal Code off the top of my head, but it's -- I think it's Chapter 1.

Q. Yeah, the definition is in 1.07, and is the word used -- "individual," is that word used in the homicide statute?

A. Yes.

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14:54 Q. Okay. And is that why you looked at the definition?

14:54 A. They told me that Abel directed them to that definition term.

14:55 Q. Okay.

14:55 A. Because it was included in the homicide statute.

14:55 Q. And during that phone call that you had with -- including Investigator Muniz and Captain Fuentes, did you also look up -- did you look at Chapter 19, the homicide chapter?

14:55 A. I looked at homicide, 19.01 specifically, not the chapter, just 19.01. I saw -- I read the definition again. "Individual" was there. And, sure enough, that's when I jumped to Chapter 1 and read the definition of "individual" and confirmed that what ADA Villarreal had advised them on the legal definition of "individual" was in fact true.

14:55 Q. And at the time -- at that time you -- did you read through the entire Chapter 19?

14:56 A. No, ma'am.

14:56 Q. Okay. And you didn't read 19.06 at that time?

14:56 A. I did not.

14:56 Q. Okay. Were you aware that the facts of this possible case involved a self-induced abortion or

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attempted abortion?

A. Yes.

Q. And that Ms. Gonzalez was the pregnant woman who may have tried to terminate her own pregnancy?

A. I don't know if I knew the name of the individual at the very beginning of the case.

Q. I think you were present on the Zoom for Ms. Muniz's deposition on Tuesday. You heard her testify?

A. Yes.

Q. Okay. And she stated that she and her superiors knew about Section 19.06 and had some concerns about what the charges would be and that they called you for guidance. Was that the phone call you were just speaking about?

MS. ALBIN: Objection to the characterization of that testimony.

Q. Did they call you for guidance? Was that the call on which they called you for guidance?

A. It was the missed called that I had, and then they had already spoken to ADA Villarreal.

Q. Okay. And when Ms. Muniz called you, what was the purpose of that call if she had already spoken with him?

MS. ALBIN: Objection, calls for

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14:57 speculation.

A. No, that's not how it happened.

Q. Oh, okay.

A. Investigator Muniz called me, but I missed the phone call.

Q. Uh-huh.

A. They spoke to ADA Villarreal, I guess, in the interim.

Q. Yes.

A. Then I called back asking, you know, "Hey, guys, what -- what did you need?" And that's when they advised me they had already spoken to ADA Villarreal.

Q. Okay. And did -- on that phone call, did anyone from the sheriff's office mention Section 19.06?

A. No, ma'am.

MS. ALBIN: Objection, asked and answered.

Q. Did they mention that they had concerns about whether this was a homicide?

A. No.

MS. ROSENBLOOM: Okay. I'm going to show you -- we're going to mark these as Plaintiff's 15. These are some pages printed out from the discovery produced this morning, and these are pages 2 through 6. I'm going to show a clean copy to the witness. And, Kelly, please let me know when you have them.

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MS. ALBIN: Who are they between?

MS. ROSENBLOOM: Oh, I'm sorry.

THE WITNESS: Rafael Aguirre.

MS. ROSENBLOOM: Aguirre and Ms. Barrera.

MS. ALBIN: Does she need to look at mine, or is she --

MS. ROSENBLOOM: No, no. That's a clean copy. Yes. Thank you for asking.

MS. ALBIN: Okay. I'm there.

Q. Okay. So these are printouts of some text messages extracted from your phone. Is that your understanding?

A. Yes, ma'am.

Q. Okay. And the first page, page labeled 2 -- these are not Bates-stamped, but they have numbers. There's a text at the bottom from Sergeant Aguirre to you saying, "Good morning, Mrs. Barrera. This is Investigator Rafael Aguirre with the Starr County Sheriff's Office. Would you be available today to discuss a case involving an abortion?"

Do you remember this set of texts?

A. I don't remember them, but I -- I see them here, yes.

Q. Okay. You see at the bottom of that one it says, "Status: Read," and it says, "Message deleted

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reason: User deleted"?

A. Yes.

Q. And then it says, "Deletion date: 2-24-2025"?

A. Yes, I see that.

Q. Did you delete this series of messages on February 24th of this year?

A. I don't recall deleting these specific messages, but I do see that it says "deleted."

Q. Okay. Might you have deleted them?

A. Maybe they're from 2022 to clear up storage. That's all I can think of. But I don't remember deleting these specific messages.

Q. And looking at the date on the bottom right corner of that first text is January 18th, 2022. Was that the first time you heard about the incident involving Ms. Gonzalez?

A. No. I think that the phone call from Investigator Muniz was prior to the 18th of January.

Q. Okay.

A. Yes. I believe so.

Q. If you look through all of these five pages, they all say "User deleted." Is that correct?

A. I do see that.

Q. And you don't recall deleting any of them?

MS. ALBIN: Objection, asked and answered.

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15:01 A. No, ma'am, I don't recall deleting any of them.

15:01 Q. Okay. And on page 4, Sergeant Aguirre had asked if he could meet with you. And you said, "Good afternoon. I'll be here all afternoon whenever you want to come by."

15:02 And he then says he'll be there at 2:00. Was this meeting going to be about Ms. Gonzalez?

15:02 A. Well, he's asking about meeting with me about a case involving an abortion, so I believe that, yeah, it was about that case.

15:02 Q. Okay.

15:02 A. Or this case.

15:02 Q. Okay. Then if you look at page 5, which is time-stamped that same day at 2:47 p.m.

15:02 A. Uh-huh. I see it.

15:02 Q. The earlier one was at 12:28. You say to Sergeant Aguirre, "Rafael, let's hold off on" -- I think that means "the" -- "arrest warrant. Let's talk to that lady that gave her the drugs first. Interview her."

15:03 A. I see that.

15:03 Q. Okay. Why were you asking to hold off on an arrest warrant?

15:03 A. So that the investigation could be concluded properly and everybody who was a potential witness

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could be interviewed by law enforcement before the case was turned over or there was any type of arrest.

Q. Okay. And in the very next text message, you're saying, "I don't think she's a flight risk, so let's gather everything we can before." Does that refer to Ms. Gonzalez?

A. The suspect in the case, yes.

Q. Okay. Why did you want the sheriff's office to interview the woman who gave her the drugs?

MS. ALBIN: Objection, asked and answered.

A. Well, one, she was a potential witness to the case; and two, there was a concern of potential additional crime being committed by this individual who was supplying drugs.

Q. Did you know what -- what drugs you -- what drugs were you talking about? Were you talking about the abortion medication?

A. The medication that they had informed me, yes, about, uh-huh.

Q. Okay. So that day you had set up a time to meet with Aguirre. Did you have that meeting?

A. I recall having a meeting with Investigator Aguirre and Investigator Esmeralda Muniz both present in my office.

Q. Okay. Was anybody else there?

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15:05 A. No.

15:05 Q. And what was discussed?

15:05 A. The case. The -- their investigation, what they had done.

15:05 Q. Do you remember what they told you they had done so far?

15:05 A. They informed me about the preliminary facts again. They informed me about the witnesses they had interviewed and that they also had interviewed Ms. Herrera as well and that basically they were at the conclusion of the investigation and that they just wanted to know whether they were going to proceed with the arrest warrant or submit it as an investigation for grand jury review.

15:05 Q. At that point, did Gocha Ramirez already know about this investigation?

15:06 A. I don't believe he did. Not that he knew anything from me. I don't think so.

15:06 Q. Do you know when he learned about it?

15:06 MS. ALBIN: Objection, speculation.

15:06 A. I don't know when he learned about this case exactly. I wouldn't be able to tell you.

15:06 Q. Okay. Do you know if Mr. Ramirez directed the sheriff's office to investigate?

15:06 A. I don't know. I don't believe so.

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15:06 Q. Did he ask the sheriff's office to interview anyone in particular about this incident?

15:06 A. I don't know any conversations that he had with the sheriff's office. I wouldn't know about them.

15:06 Q. Okay. And who -- at this point, who was working on the investigation from the sheriff's office?

15:06 A. From what I understood was that Investigator Muniz was lead and Investigator Aguirre was assisting on the case, from that meeting.

15:07 Q. And who was working on the case from your office at that point?

15:07 A. Nobody was working on that case at our office.

15:07 Q. Okay. Well, they were talking to you?

15:07 A. Yes, but the case was not at our office.

15:07 Q. Oh, I see. It hadn't officially been --

15:07 A. Correct.

15:07 Q. -- referred over?

15:07 Okay. Who was speaking with the sheriff's office about the investigation other than you? Anybody?

15:07 MS. ALBIN: Objection, speculation.

15:07 A. I wouldn't know, ma'am.

15:07 Q. Okay. And did you suggest any other witnesses for the sheriff's office to interview other than the woman who supplied the drug?

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15:07 A. No.

15:07 Q. Okay. Did you suggest that they gather any other information?

15:07 A. No.

15:07 Q. And -- and you -- you just stated that you didn't tell Mr. Ramirez at this point about this investigation. Do you know if he learned about it from anyone else?

15:08 A. No. I -- I stated I didn't know when he learned about the investigation.

15:08 Q. Okay.

15:08 A. I did tell him about this meeting after the meeting occurred.

15:08 Q. Okay. And what did you tell him?

15:08 A. I told him that the sheriff's office had come by, and that I basically gave him a general overview of the case; that they were pretty much done with the investigation; they had interviewed any potential witnesses; and the case was ready to proceed to either a grand jury -- for grand jury presentation or an arrest warrant. That's what I informed him about.

15:08 Q. Was that fairly soon after the meeting?

15:09 A. Yes, ma'am.

15:09 Q. Do you know -- did you discuss with Mr. Ramirez Section 19.06 of the Penal Code?

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15:09 A. No.

Q. Do you know if he did any legal research to pull up the Penal Code about homicide and look at it?

A. Right there and then?

Q. Uh-huh.

A. No, ma'am.

Q. Do you know if he did that afterwards in January?

A. I wouldn't know.

Q. Okay. Do you know if anybody else in your office did that in January?

A. I wouldn't know if anybody else did that.

Q. Okay. Ms. Muniz testified on Tuesday that she made a trip to your office in person before turning in the case and that she made a trip over there. She met with you, and it was toward the conclusion of the investigation.

She said she was pretty sure it was after all of the interviews, and she went to the meeting to discuss everything she had. Do you remember that meeting?

A. It would have been this meeting that we're talking about with Investigator Aguirre present.

Q. Okay. So Esmeralda Muniz was there as well?

A. Yes.

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15:10 Q. Okay.
15:10 A. They were both in my office.
15:10 Q. At that meeting, did you tell them murder would be the charge for this case?
15:10 A. No. They were bringing in the case as a murder investigation -- or presenting it as a murder investigation to the DA's office.
15:10 Q. Did you discuss with the two of them, or either of them, whether the elements of the homicide were all met -- all met?
15:10 A. No. I believe that they had discussed that with ADA Villarreal since the beginning of the case about the evidence of homicide.
15:11 Q. Did you discuss at that meeting whether there was probable cause?
15:11 A. No. They just gave me a general overview of everything they had done in the -- in their investigation and that they were pretty much done with the investigation at that point.
15:11 Q. Did you have any other conversations with Muniz or Aguirre before that meeting?
15:11 MS. ALBIN: Objection, vague.
15:11 A. Before that meeting? Yes.
15:11 Q. Yes. About this case?
15:11 A. Yes.

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15:11 Q. Okay. And were those text messages? Phone calls? Both?

15:11 A. Both, combination. I don't know if I had phone calls with Aguirre before this meeting, because I don't remember talking to him in this case. I just remember the in-person meeting that he was present.

15:12 But with Investigator Muniz I did have conversations via text and the initial phone call in January.

15:12 Q. We can get the exhibit if we need it, but you might have heard us ask Ms. Muniz about notes she made on some Post-it notes the other day. Do you remember that?

15:12 A. I recall hearing that.

15:12 Q. And on the notes she had written, "After interview with suspect, will staff with DAs. Set up something for Monday."

15:12 In -- in the context of this case, what -- what did that mean, "Will staff with DAs"?

15:12 MS. ALBIN: Objection, calls for speculation.

15:12 A. I don't know what she means by that.

15:12 Q. Okay. I'm trying to save time, but it's not working. I'm going to have to show you those notes.

15:13 A. That's fine.

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15:13 Q. So Plaintiff's Exhibit 9, previously marked.

15:13 (Brief recess)

15:14 Q. I am showing you what was previously marked Plaintiff's Exhibit 9 from the deposition of Ms. Muniz. And just for completeness, direct your attention to the bottom left Post-it note, which is the one we just talked about.

15:15 I'm going to try this without an exhibit, because it's a different page. Another Post-it note had the word ban, B-A-N, with a question mark and then an arrow drawn and the word "homicide," an arrow drawn, "manslaughter."

15:16 And we asked -- do you know what Ms. Muniz meant by that and what ban she might be referencing.

15:16 MS. ALBIN: Objection, speculation.

15:16 A. No, ma'am, I don't remember.

15:16 Q. Did any -- did you at any point tell the sheriff's office that a ban made Ms. Gonzalez's conduct murder?

15:16 A. That a ban made it murder?

15:16 Q. Yeah, that some kind of ban, maybe an abortion ban or another ban?

15:16 A. No.

15:16 Q. Okay. Also in Ms. Muniz's notes on the Post-it notes there was written "arresting" with a question

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mark. "DAs want to charge her. Grand jury," question mark. Did the DAs want to charge her at the point that Ms. Muniz and Sergeant Aguirre started investigating?

MS. ALBIN: Objection, calls for speculation as to everybody other than this ADA.

A. I'm not -- I'm not sure what anybody else wanted to do when they started investigating the case.

Q. Okay. But you -- you hadn't given that advice yet?

A. No.

Q. So Ms. Muniz also testified that her sergeant, Aguirre, made sure that she called the district attorney office throughout this investigation of Ms. Gonzalez.

She testified that he would look things up and say, "Call Alex, make sure, make sure." Does that refer to you as you understand it?

MS. ALBIN: Objection, calls for speculation.

A. I don't know what Sergeant Aguirre did.

Q. When she -- when she says, "Call Alex," is -- is there another Alex in your office?

A. There is not.

Q. Okay. And do you sometimes go by Alex?

A. I do.

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15:18 Q. Okay. When Ms. Muniz was asked why, she testified that her supervisors were a little concerned which is why they had to go through the DA's office to make sure and for your office to have all the facts. Is that what happened?

MS. ALBIN: Objection, calls for speculation; vague.

A. I don't know what their concerns were.

Q. When you spoke with them, were they trying to make sure they had all the facts and make an assessment?

MS. ALBIN: Objection, speculation.

A. When I spoke to them, they had already spoken to ADA Villarreal initially.

Q. Uh-huh. And during your conversation, did they say, "We want to make sure we have all the facts," or something like that?

A. No. They just let me know what they had done in their investigation.

15:19 Q. Okay. If you had told Investigator Muniz during that phone call when you called her back -- if you had told her a pregnant woman could not be charged with murder for terminating her own pregnancy, what would have happened to the investigation?

MS. ALBIN: Objection, hypothetical; calls

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15:19 for speculation.

A. From the very beginning? From the onset?

Q. Yes.

MS. ALBIN: Same objection.

A. I don't know what the sheriff's office would have done with their investigation.

Q. Do you think it's likely they would have stopped investigating if the DA's office had said, "No, that's not -- that's not a crime"?

A. I'm not sure if they would or they would not. They don't -- they don't answer to me.

Q. Okay. One more question about that. If you had learned at that time, Ms. Barrera, that a pregnant woman could not be charged with murder for terminating her own pregnancy, would you have gone forward with presenting the case to the grand jury?

A. If I would have known about 19.06?

Q. Yes.

A. No.

Q. Okay. Now I'd like to show you some of the text messages that were recently produced. These are between Ms. Muniz and Ms. Barrera, and they are pages labeled 79 through 85. These are the ones we don't have a clean copy of so I'm going to ask you to look on with your attorney.

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15:21 A. Do you want these back?
15:21 Q. Sure.
15:21 A. Or I don't know if the court reporter needs them.
15:21 Q. Yeah. I'm going to give her her original or she's going to come after me.
15:21 Okay. I'm showing you a set of pages with printed out text messages that have now been marked Plaintiff's Exhibit 16. These are text messages produced as coming from your device, and they were between you and Esmeralda Muniz.
15:22 So looking at the first page labeled 79, this is dated January 11th, 2022. We're going back in time a little bit.
15:22 A. Yes, ma'am.
15:22 Q. And she is saying to you, "Hello. If you have a minute, we have a case we'd like to discuss with you. A mother self-induced LA or on a 20-week fetus" -- hard to know what that is -- but "putting some pills to abort on her vagina. We need guidance, please."
15:22 Do you remember receiving that text?
15:22 A. Yes.
15:22 Q. And looks like you responded -- well, the next text that appears is from about 40 minutes later, and you are responding saying, "Give me a second." Why

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were you asking her to give you a second?

A. So if I remember correctly, she called me. I had the missed call. I didn't answer, so that text message was sent to me that they were trying to get ahold of me.

I did not respond until almost 40 minutes later. I believe I was at home, and I believe I was sick with COVID during the time. So I was kind of in and out of sleep, from what I recall.

Q. Okay. The next text message, the bottom one on that page, is stamped 7:16 p.m. on the same date from Ms. Muniz to you saying, "Alex, I came to take pictures of the ashes of the baby because it's been cremated already. Do I allow the funeral home to give the mom the ashes?"

And then on the next page, half a minute later or so, you respond, "That's fine. We will have a death certificate, I'm assuming. Take pictures of the ashes."

Do you remember that exchange with her?

A. Yes, I see it here.

Q. She was asking for your guidance on what to do about the ashes?

A. I guess if -- for purposes of seizing evidence for the investigation. I'm assuming that's why she

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reached out to me and asked me.

Q. Okay.

A. If we were going to need the ashes.

Q. Okay. And later down on page -- at the bottom of page 80, the page labeled 80, this was the following day, January 12th. And her text to you says, "Good morning. Dr. Lozano is supposed to be coming in around noon for an interview, and he told Captain he was going to bring the entire file history on patient/suspect. If he voluntarily wants to give me copies, do I get them? I don't know if you want to be here for the interview."

And that is followed by your answer on the next page saying, "I mean, you can so we can -- a preliminary look at the documents but still need to GJ subpoena them."

So right there you were giving her advice on whether she should take copies of the medical records regarding Ms. Gonzalez; is that right?

A. That Dr. Lozano was going to take, yes. But I did tell her that they still need to go through a grand jury subpoena. And usually, we do that because it's better practice for any case or any investigation because they come attached with a business record affidavit authenticating the documents.

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15:26 Q. Okay. And you -- yes, but she was asking you should they accept those records from the doctor, and you told her that was okay; is that right?

A. I don't think I told her it was okay. I just said, "I mean, you can so you can have a preliminary look at the docs."

Q. Right.

A. "But you still need to grand jury subpoena them."

Q. Okay.

A. I left it up to her.

Q. Okay. At the top of the next page labeled 82, Ms. Muniz on that same day is texting you saying, "It's okay. Thank you for always being a text/phone call away."

Did you -- did you provide Ms. Muniz with guidance on anything else regarding this investigation?

MS. ALBIN: Objection, that misstates her prior testimony. It's vague.

15:27 A. No. Just whenever she came to meet with me regarding the submission of the case, the prosecution packet.

Q. Okay. But above that where she's thanking you for always being a phone call or text away and you say "Not a problem," do you know if she texted or called

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15:27 you about anything else regarding the investigation?

A. Prior to this? I mean...

Q. Or after.

A. But you're -- you're talking about that specific text message, so it would have been prior to that text message as to why she's saying that. But the text message would be here. That was all my conversation I had with her via text.

Q. Okay.

A. Yeah.

Q. Do you remember her calling you on the phone and asking you for advice on any other evidence or anything else in the case?

A. Not evidence, just the initial conversation we had on the phone when Captain Fuentes was there as well.

Q. Okay. Looking at page 83, the next page -- sorry, starting on 82, it looks like Investigator Muniz is asking you to meet to discuss everything she has on the abortion case.

A. I see.

Q. And then you go ahead on the next page and -- and arrange a meeting with her. Do you know if that meeting happened? This was January 31st, this text conversation. The meeting was supposed to happen the

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15:28 next day, according to these text messages.

15:29 A. She might have stopped by my office, yes.

15:29 Q. Okay. If you look at the next page, 84, that is the following day, February 1st. And Ms. Muniz is saying, "Good afternoon. Is now a good time, or let me know when."

15:29 You respond, "Yes, you can come by." And you tell her where you are.

15:29 She says, "Okay. See you in a bit." Do you remember if she came by that day?

15:29 A. I don't remember if she came by or if I spoke to her on the phone.

15:29 Q. She -- on the top of the next page labeled 85, she says, "I forgot to mention, I have a copy of the cremation certificate with the baby's name." And you were not -- you said you didn't recall whether -- whether she actually came by that day?

15:29 A. I don't know if she came by in person or if we spoke over the phone.

15:30 Q. Okay. The very next text on page 85 is from that same day but later, 5:48 p.m. And you are texting Ms. Muniz, and the text says, "Okay. So spoke to Gocha. Just submit for grand jury review. No arrest warrant."

15:30 A. Yes, I see that.

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15:30 Q. Okay. And is it correct what you said there, that you had spoken with Mr. Ramirez?

A. Yes.

Q. And was he the one who decided to submit for grand jury review, no arrest warrant?

A. Yes. And I want to clarify something. Then this is when I told him -- February 1st is when I told Mr. Ramirez about the case.

Q. Okay.

A. Not -- not in January when I had the conversation with Aguirre. This is when I spoke to him.

Q. Did you speak to him in person in the office?

A. I did.

Q. Was Abel there?

A. No.

Q. Was Judy Solis there?

A. No.

Q. Any other assistant DAs in that conversation?

A. No.

Q. And the grand jury in this case was originally -- sorry. There was originally a grand jury scheduled for February 18th at which you were going to present the case, is that right, but Ms. Muniz was out that day?

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15:31 A. I don't know if this case was scheduled for the 18th. I see here I advised her there was grand jury the 18th, but I'm not sure if it was for this case or another case.

15:31 Q. Okay. So this conversation, February 1st, that was nearly two months before this case was presented to the grand jury on March 25th. How many other conversations did you have with Mr. Ramirez about this case before March 25th?

15:32 A. Before March 25th?

15:32 Q. Before the day you presented it to the grand jury.

15:32 A. I just remember that conversation with him prior to grand jury.

15:32 Q. And does that include telephone conversations as well as in-person conversations when you say that?

15:32 A. I don't remember, but I do remember that specific meeting that we had prior to the grand jury.

15:33 MS. ROSENBLOOM: Does anybody need a break at this point --

15:33 THE WITNESS: I'm okay.

15:33 MS. ROSENBLOOM: -- or keep going for a bit? Okay. Thanks. Do you have the Villarreal exhibit packet?

15:34 MS. ALBIN: Oh, yeah. No, I got it.

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15:34 Q. I'm showing you what has earlier been marked Plaintiff's Exhibit 3. Okay. Before I do that, I have one more question to ask you about the meeting on February 1st.

I think I asked you if any other ADAs were present. Was anyone else present at that meeting?

A. The one where it was just exclusively between me and Mr. Ramirez --

Q. Yes.

A. -- that I advised?

Not that I recall, no, there was no other ADA.

Q. Did he ask you any question in that meeting about the basis for the charges and whether the elements had been met?

A. No.

Q. Was it -- how long was that meeting, approximately?

A. I would probably say anywhere between 20 minutes at the most.

Q. Okay. What did you discuss in the meeting?

A. I generally told him about the investigation, that the sheriff's office had come over, or I had spoken to them at that point and that they had let me know that the investigation was completed and that they

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15:36 wanted to know whether they were going to submit -- whether they should submit the case as an investigation for grand jury review or proceed with an arrest warrant.

Q. Did he have any questions for you in that meeting?

A. I believe he did ask me whether she was a U.S. citizen, and I said yes. And then that's when he just said, "No. Like don't proceed with an arrest warrant. Just -- let's just let a grand jury decide."

Q. Did he explain why go to the grand jury rather than an arrest warrant?

A. No.

Q. And at that time, he was aware that this was a case involving a medication commonly used for abortion?

MS. ALBIN: Objection, calls for speculation.

Q. Did you make him aware of that?

A. I believe I did tell him about medication being involved.

Q. Okay. Now I'm showing you what has been marked as Plaintiff's Exhibit 3. And these are your responses to interrogatories served in this case. I want to direct your attention to your -- to Interrogatory No. 5 on page 4.

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15:37 A. Okay.

15:37 Q. In your response, this was -- I'm not going to read the whole thing, but in your response, around the middle, you're talking about confirming that Penal Code 1.07, the definition of an individual included an unborn child at every stage of gestation, from fertilization to birth.

15:38 After that, you say, "I also looked up the homicide statute to confirm that it included the term 'individual.' I did confirm back to them that what they had been told was correct, all of the elements were met."

15:38 So when you looked at the -- first of all, is that statement still correct as you sit here today?

15:38 A. Yes.

15:38 Q. And when you say you looked up the homicide statute, are you referring to Chapter 19 of the Penal Code?

15:38 A. I looked up 19.01, homicide.

15:38 Q. When you confirmed that all the elements were met, where were those elements listed?

15:38 A. 19.01.

15:38 Q. In January of 2022, were you familiar with the Supreme Court case Roe versus Wade establishing the constitutional right of someone who's pregnant to

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obtain an abortion?

A. I mean, I was aware of it, yes, ma'am.

Q. Okay. Were you aware in January of 2022 that Roe versus Wade was still good law, had not been overruled?

A. Yes.

Q. Do you know -- are you familiar with SB 8 in Texas?

A. I remember hearing about it, but I -- I can't say that I'm familiar with it.

Q. Do you know from the -- there's a great deal of publicity about the statute and media about it. Were you aware that that law only created a civil penalty for people who performed or helped someone get an abortion, not the pregnant woman?

A. Honestly, I was -- I was not aware of what SB 8 all entailed. I remember that the law was changing every single day regarding that issue back in -- back in that -- in 2022.

Q. Did you know that SB 8 did not create any criminal penalties?

A. I'm not aware of what SB 8 entailed.

Q. Have you had any -- any training about it, any information given to the DA's office about SB 8?

A. No.

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15:40 Q. Despite knowing about Roe versus Wade, you advised the sheriff's office that an unborn child was an individual for the homicide statute; is that correct?

MS. ALBIN: Objection, argumentative, and misstates -- mischaracterizes her earlier testimony.

A. I was not thinking about Roe v. Wade at the time of my conversation with the Starr County Sheriff's Office. I looked up the homicide statute as they had told me ADA Villarreal had advised them on, and I looked up the term "individual," and I confirmed that -- that those were the definitions.

Q. Okay. And you advised the sheriff's office that you agreed with Villarreal that an unborn child could be an individual for the homicide statute?

A. Yes, because that's how it read.

Q. Okay. Did you advise them that the fetus or the unborn child could be a victim in a charge against a pregnant woman?

A. We didn't discuss any of that.

Q. When you were researching and looking into this case and whether the facts could fit a murder charge, who were you thinking of as the victim of the --

MS. ALBIN: Objection --

Q. -- homicide?

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15:42 MS. ALBIN: Sorry. Objection, mischaracterizes previous testimony.

A. The victim, the baby.

Q. And at the time, you've stated several times you didn't know about 19.06 of the homicide statute which creates an exemption to homicide specifically for a pregnant woman's conduct; is that right?

A. I did not know about it. Yes, that's right.

Q. If you knew Roe versus Wade was the law of the land, why would you think abortion was a crime that could be charged against a pregnant woman?

MS. ALBIN: Objection, argumentative.

A. Roe v. Wade never crossed my mind when I looked at this case. I looked at the facts as the way they were submitted to the DA's office. I looked at what I believed to be the law under the Texas Penal Code, and that's what I proceeded on.

Q. Do you know of any doctor being charged with murder in Texas for performing an abortion?

A. I don't know, ma'am.

Q. Okay. Besides Ms. Gonzalez, have you heard of any woman who sought an abortion or had an abortion being charged with murder for their own abortion in Texas?

A. I don't recall. No, I don't think so.

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15:43 Q. Okay. After your conversation with Mr. Ramirez in which he -- sorry. After your conversation with him, did you speak with Ms. Muniz about whether to obtain an arrest warrant for Ms. Gonzalez?

15:43 A. Yes, I did advise her that -- just to go ahead and submit the case for grand jury review.

15:44 Q. Okay. And did you advise her do not -- do not arrest her at this time?

15:44 A. Yeah. That they didn't need to proceed with an arrest warrant, that they could just submit the case for grand jury review.

15:44 Q. And at that point, did you believe there was probable cause for a murder charge?

15:44 A. Well, at that point, I didn't have the case file yet.

15:44 Q. So when you had the conversation with Mr. Ramirez and he said, "Present it to the grand jury, don't get an arrest warrant," you didn't have the case yet?

15:44 A. No. They were just coming to let me know that they were done with the investigation, or we had talked about it on the phone that they were done with the investigation at that point. But they didn't turn in the physical file at that point.

15:44 Q. When did they turn in the physical file to your

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office, if you remember?

A. I don't remember the exact date, but it should be somewhere in the discovery. I believe on the Brady compliance form, it should be dated.

Q. Okay. Thank you. When you -- given everything you knew about the case when you spoke with Mr. Ramirez and he said go ahead and present to the grand jury, at that point, did you believe there was probable cause for a murder charge?

A. With what I had, I -- I -- with the facts that they had presented to me in person and on the phone, without looking at the case, I thought there could be a possible homicide charge.

Q. Did you think there was probable cause?

MS. ALBIN: Objection. I -- probable cause for what? For the indictment or for --

MS. ROSENBLOOM: For a murder charge.

MS. ALBIN: I don't think that's what probable cause use, but you can answer if you understand the question.

A. That would be a question for a grand jury or law enforcement officer.

Q. Did you have an opinion about it, whether there was probable cause for an indictment for murder at that point?

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15:46 MS. ALBIN: Same objection.

A. I presented the case with the facts that I had and what -- what I believed the thought to be at the time of the grand jury.

Q. What in -- usual practice at your office, once it is established that there is probable cause for a murder charge, does law enforcement typically try to arrest the person as quickly as possible?

MS. ALBIN: Objection, compound; calls for speculation. I think it's misusing probable cause.

MS. JOHNSON: Try to restrain from speaking objections, please.

MS. ALBIN: I'm required under the rules to explain my objection so that it can be cured.

MS. JOHNSON: You can answer the question.

MS. ALBIN: Yeah.

A. Can you repeat the question?

Q. Once there is a determination that there is probable cause for murder, does law enforcement typically try to arrest the suspect as quickly as possible?

MS. ALBIN: Objection, compound; calls for speculation. It's misusing probable cause.

A. I'm not sure what law enforcement does within their own, you know, departments as to whether they try

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15:47 fast enough or not. I guess it just depends on each case.

Q. Well, in this case, when Mr. Ramirez gave you the advice to go ahead and present to the grand jury but don't get an arrest warrant at this point, would that be typical for a case you were presenting to a grand jury as a possible homicide?

A. Yes.

MS. ALBIN: Objection, vague; and calls --

Q. Not to arrest --

MS. ALBIN: -- for speculation.

Q. -- the person who might have --

A. I might have --

MS. ALBIN: Please let me finish my objection.

MS. ROSENBLOOM: Sorry.

MS. ALBIN: Sure. The objection is vague and calls for speculation.

Q. Okay. So if -- if your office believed it had enough to go to a grand jury and present a homicide case, any homicide case, would -- would it be typical not to seek an arrest?

MS. ALBIN: Objection, calls for speculation.

A. It's not uncommon.

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Q. Even in a murder case?

A. Yes, ma'am.

Q. Would the office usually wait for an indictment in order to arrest?

A. It just depends on each case. Each case is different. But it's not uncommon to present a homicide case and make the arrest later.

Q. During your time as assistant district attorney, do you recall another case that was going to be presented for possible charge of homicide where your office advised the sheriff's office not to obtain an arrest warrant?

A. Personally that I know?

Q. Yes.

A. Not that -- not that we proceeded to the grand jury. We didn't end up proceeding to the grand jury at that time. We ended up waiting. But no.

Q. Why did the sheriff's office need direction from the DA's office about whether or not to obtain an arrest warrant?

MS. ALBIN: Objection, calls for speculation.

A. I'm not sure.

Q. What role -- normally, what role does the DA's office play in the process of law enforcement getting

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an arrest warrant?

A. Well, law enforcement will typically either make an arrest, or they will submit the case as an investigation so that a grand jury decides whether to proceed or not.

MS. ALBIN: Can we take a five-minute break?

MS. ROSENBLOOM: Can I ask two more questions about this topic?

MS. ALBIN: Sure.

Q. Are you aware that a prosecutor must not present a case to a grand jury unless the prosecutor believes there is probable cause?

A. I'm aware that we're supposed to seek justice and supposed to be fair, yes, ma'am.

Q. What's your understanding of what probable cause means?

A. That there is enough or could be enough evidence to merit a criminal offense of being committed.

Q. Ethically, can you present a case to a grand jury if you don't think there is sufficient evidence that a crime might have been committed?

A. If I don't believe there's sufficient evidence?

Q. Right.

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15:52 A. I mean, ethically, I don't -- it's because -- I mean, the way you phrase that question is a little hard for me to answer.

Q. I can try again. If -- if you don't believe there's sufficient evidence that a crime has been committed, would you go to the grand jury and present that case?

A. I mean, it's -- it's hard, because sometimes we have, like, child sex cases or sexual assault offenses where it's just the victim saying what happened to her, and we have nothing else. And we present those cases to a grand jury because a victim outcry statement is some evidence. Whether it's enough for a grand jury to proceed, I mean, that's up to them.

MS. ROSENBLOOM: Okay. We can take that short break.

MS. ALBIN: Okay.

(Brief recess)

Q. Okay. Between the date of the incident and your present -- the date of your presentation to the grand jury on March 25th, did you have contact with any witnesses in this case?

A. No.

Q. Did you have any contact with the hospital?

A. No.

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Q. Did you ask anyone else to contact potential witnesses?

A. No, ma'am.

Q. Were you involved in issuing any subpoenas?

A. No.

Q. Did your office receive records from the hospital in response to the subpoena signed by Mr. Villarreal?

A. Yes. I believe that it was part of the packet, the prosecution packet.

Q. Did you look over those records before going to the grand jury?

A. I must have, yes.

Q. Were there any -- any other documents that you reviewed before going into the grand jury?

A. No. Just what was submitted to the DA's office.

Q. And that would have been what was submitted in the -- the packet from the sheriff's office?

A. Yes, ma'am.

Q. Okay. Did you have any contact during this time with the funeral home where Ms. Gonzalez had the fetal remains cremated?

A. No, ma'am.

Q. Did you have any contact with Daisy Perez, the

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16:02 child protective worker?

A. No.

Q. When -- when your office made the decision to go ahead and present this case to the grand jury, who ultimately made that decision?

A. Well, Mr. Ramirez let me know just to present the case to grand jury.

Q. Did he talk to you about what charges you would present the grand jury to consider?

A. I don't believe we discussed charges.

Q. Okay. Was he aware that you were presenting a possible homicide?

A. Yes.

MS. ROSENBLOOM: I'd like to mark Plaintiff's 17.

Q. I'm showing you a copy of Plaintiff's 17, which is the indictment in the case against Ms. Gonzalez; is that correct?

A. Yes, ma'am.

Q. Looking at the end of the one-sentence indictment, it ends with "That Lizelle Herrera, defendant, on or about the 7th day of January 2022, and before the presentment of this indictment, in Starr County, Texas, did then and there intentionally and knowingly cause the death of an individual, J.A.H., by

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16:04 a self-induced abortion."

16:04 When you -- do you know why the grand jury came back with an intentional and knowing homicide charge?

16:05 MS. ALBIN: Objection, calls for speculation.

16:05 A. I don't know what they discussed when they deliberated.

16:05 Q. Okay. And that an intentional and knowing homicide charge, does that have a particular degree? Is it a first-degree murder, a second-degree murder, anything like that in Texas?

16:05 A. First-degree.

16:05 Q. Okay. Is that the highest level of murder charge in Texas?

16:05 A. There's capital.

16:05 Q. Is first-degree the highest underneath a death -- a capital case?

16:05 A. Yes, ma'am.

16:05 Q. The language here is -- at the end, "By a self-induced abortion." Is that language that you presented the grand jury with an option to use that language?

16:05 MS. ALBIN: I'm going to instruct this witness not to discuss any part of the presentation

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before the grand jury.

MS. ROSENBLOOM: Yes. Thank you. I'm sorry about that.

Q. Were you considering an intentional and knowing charge before you went and presented to the grand jury?

A. Was I considering it?

Q. Yes. As you prepared for your presentation.

A. Well, it was brought in as a homicide case. And, yes, that was a consideration that was given.

Q. And did you think of this as an abortion case, a self-induced abortion case?

MS. ALBIN: Objection, vague.

A. In what sense?

Q. When you were considering the elements of the crime and the facts of the case, did you think of this as a case about self-induced abortion?

A. I mean, I see it there as the reason of why the death of the child was caused. But to say that I thought about it as an abortion case, no.

Q. Was it the role of the grand jury to determine the law -- which law applied to the facts?

A. That is one of their roles.

Q. Is it their role to determine the facts, anything about the facts?

A. They judge the -- the facts as presented. I

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16:07 mean, that's something that they can do.

16:07 Q. Was Gocha Ramirez out of town when you met with
16:08 him about presenting this case as a homicide to the
16:08 grand jury, or was he in the office?

16:08 A. No. He was in the office.

16:08 Q. Was he out of town shortly before that?

16:08 A. I'm not sure.

16:08 Q. Okay. Was he out of town on the date you
16:08 presented this case at the grand jury, March 25th, if
16:08 you remember?

16:08 A. Yes, he was out of town. He was not in Starr
16:08 County. He was in one of our other counties.

16:08 Q. Was he working that day in one of the other
16:08 counties or on vacation?

16:08 A. I believe he was at another grand jury in
16:08 another county.

16:08 Q. Okay. Does the DA himself still have job
16:08 responsibilities when he's outside of Starr County?

16:09 MS. ALBIN: Objection, calls for
16:09 speculation.

16:09 A. In -- in another county as like in Jim Hogg or
16:09 Duval Counties?

16:09 Q. Yes.

16:09 A. He's there as the DA, so, yes, I would assume
16:09 that he has responsibilities as DA in those counties.

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16:09 Q. And with regard to the county where you work, when he was out of town that day that you went to the grand jury, was he still in charge of the office, or were you in charge of the office that day?

16:09 A. I mean, if I needed to go to him, I would reach out to him or I could reach out to him. But if there was any staff members that needed to leave early or anything like that, they would have probably asked Abel or myself.

16:09 Q. But on an important matter, he was reachable if you needed something from him?

16:09 A. I'm sure he would have been reachable.

16:10 Q. And you testified earlier that -- that he was the one who told you to go ahead and present this to the grand jury; is that right?

16:10 A. Well, he just let me know just go ahead and present it to a grand jury, yes.

16:10 Q. Okay. Did you speak with Abel Villarreal at all before -- while you were preparing for the grand jury on this case?

16:10 A. I did not.

16:10 Q. Did you speak with anyone outside your office about the grand jury proceedings before the presentation?

16:10 A. The only one would have been Investigator Muniz

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16:10 as to when the grand jury would probably convene.

16:11 Q. Do you -- knowing what you know now about Section 19.06 of the Penal Code, do you believe the charges were justified against Ms. Gonzalez?

16:11 A. Knowing what I know now, no.

16:11 Q. And are you aware now that that section of the Texas Penal Code, 19.06, has been on the book since 2003?

16:11 A. I'm not aware of when it was enacted into law.

16:11 Q. Okay. But it wasn't brand new in 2022, was it?

16:12 MS. ALBIN: Objection, asked and answered.

16:12 A. I didn't know about it in 2022.

16:12 Q. Okay. When you looked at it, did you see when it was enacted?

16:12 A. I -- I don't think I did. I don't think I looked to see when it was enacted.

16:12 Q. Okay. I'm showing you a copy of what's been marked Defendant Exhibit 4. This is just a different printout of the same thing. I'm sorry. Those are the copies I have. And this is Penal Code Chapter 19.

16:13 Would you turn to the -- look at the fourth and fifth pages where you'll see 19.06 at the bottom there on page 4. And then at the very end of this printout, it says, "Added by Acts 2003, 78th Leg., effective September 1, 2003."

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Have you -- were you aware of that before today?

A. About the enactment date or when it went into effect, the statute?

Q. Yes.

A. No, ma'am.

Q. Okay. Are you familiar with several Texas cases which each held a pregnant woman could not be prosecuting -- prosecuted for terminating her own pregnancy?

A. I'm not aware of any specific cases.

Q. Okay. Are you -- does it refresh your memory to talk about State versus Hunter, which was decided by the Texas Court of Criminal Appeals in June 2021?

A. I've never looked at that case.

Q. Okay.

A. And if I have, I don't recall.

Q. Were you an ADA at that time, June of 2021?

A. Yes, I was.

Q. As part of your responsibility to know the criminal law of Texas, you, I think, testified earlier that you read opinions from the Texas Court of Criminal Appeals; is that right?

A. We're sent summaries of, I guess, cases TDCAA wants to highlight on.

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16:15 Q. But you don't remember being familiar with State versus Hunter?

A. I don't remember.

Q. Did you see an update from the TDCAA from June of 2022 entitled "Abortion-Related Crimes after Dobbs"?

A. No.

MS. ROSENBLOOM: I'm going to -- let me mark that. This will be Plaintiff 18.

Q. Now, are you familiar with the Dobbs case which overruled Roe versus Wade?

A. I've heard of it, but I don't know -- I can't say that I'm very familiar with it.

Q. Okay. And is this the type of update -- it's called "interim update" -- that you've seen before from the TDCAA? Do they send updates on new jurisprudence matters?

MS. ALBIN: Objection, vague.

A. I'm just looking at it because --

Q. Oh, sure. Take your time.

A. Usually the way -- I mean, I don't know if maybe they did this one differently or what. But usually this is not the way they're sent out, the summaries. This looks more as an article written by somebody with TDCAA.

Q. And I know you haven't seen it before, but it

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16:17 is entitled, "Interim update: Abortion-Related Crimes after Dobbs."

A. Yes, I see that.

Q. And it talks about the supreme court decision in Dobbs and its implications for Texas jurisprudence. On page 3 there's a -- I'm sorry, on the third page there's a line in bold that says, "Penal Code Implications," and that reads, "As everyone was reminded last month, there are no Penal Code charges that can be brought against a woman whose conduct results in the death of her unborn child, including by submitting to or performing her own abortion."

And then it cites Penal Code 19.06 for homicide, 22.12 for assaults, and 49.12 intoxication, manslaughter, or assault.

Are you familiar with that reminder from the previous month of May of 2022?

MS. ALBIN: Objection, vague. You can answer if you know.

A. No, ma'am.

Q. Do you remember ever reading guidance from the TDCAA about this topic, whether a pregnant woman could be charged with a crime against her unborn child?

A. I don't remember ever reading anything about this topic from TDCAA. This was after the indictment.

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Q. Yes.

A. Okay. No, I don't, ma'am.

Q. Okay. And this update also talks about a trigger law in Texas that would go into effect 30 days after the Dobbs final judgment and mandate adding abortion-related criminal offenses. Did you receive from anyone information about new abortion-related criminal offenses --

MS. ALBIN: Objection --

Q. -- around --

MS. ALBIN: I'm sorry, go ahead.

Q. -- around the summer of 2022?

MS. ALBIN: Objection, relevance as to anything that would have been published after the indictment was dismissed.

A. No, ma'am, I do not.

Q. And are you aware that that law has now gone into effect adding abortion-related criminal offenses in Texas?

A. I wasn't aware of the specifics.

Q. Are you aware that there's currently a law making certain abortion-related activity criminal offenses?

A. Well, I knew that Roe v. Wade had been overturned.

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16:20 Q. Okay. Do you know that the law that was new in
16:21 August of 2022 had specific language saying, "Nothing
16:21 in this chapter can be used to impose criminal, civil,
16:21 or administrative liability upon a pregnant woman upon
16:21 whom an abortion is performed"?
16:21 Are you familiar with that?
16:21 A. No.
16:21 MS. ALBIN: Objection, relevance.
16:21 A. No.
16:21 Q. And before presenting the case against
16:21 Ms. Gonzalez to the grand jury, this was also true,
16:21 wasn't it, that criminal liability could not be imposed
16:21 on a pregnant woman who had an abortion; is that right?
16:21 A. Under 19.06.
16:21 Q. Yeah. So that was true before Dobbs overruled
16:21 Roe and also after in Texas; is that right?
16:21 A. I'm not sure what the -- what all of this says
16:22 right now. If you give me time to read it, all of it,
16:22 I mean, I can -- but at the time, yes, 19.06 was in
16:22 effect. I just did not know about it.
16:22 Q. Okay. Thanks. We're finished with that one.
16:22 That's fine for that document.
16:22 A. Yes, ma'am.
16:22 Q. Have that one back. Thank you.
16:22 How did you learn that the grand jury

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returned an indictment charging Lizelle Gonzalez with murder?

A. I believe they in the grand jury book, their vote was a true bill.

Q. Okay. And is the grand jury book something you normally consult after you've made presentations?

A. Usually I do inquire from my -- from Cindy Garcia, which she's in charge of kind of organizing the -- the grand jury for coming in, scheduling them.

I do inquire just so that I know which indictments I need to draft and how I need to draft them, because the ones that they no bill, I won't draft an indictment.

Q. So in this case, you learned there was a true bill issued by the grand jury; is that right?

A. For murder.

THE COURT REPORTER: I'm sorry?

A. For murder.

Q. And did you draft the indictment?

A. I did.

Q. And does the actual indictment we looked at earlier look like the one you drafted?

A. That's the one I recall, yes, ma'am.

Q. How was the sheriff's office informed that an indictment had been returned?

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16:23 A. I believe I informed Investigator Muniz that the grand jury had indicted on murder.

16:23 Q. Did you direct Investigator Muniz to take the sealed indictment, pick up Ms. Gonzalez, and bring her to the station, and then open and read the contents?

16:24 A. No.

16:24 Q. Who did?

16:24 A. I'm not sure --

16:24 MS. ALBIN: Objection, calls for speculation.

16:24 Q. If you know, who did?

16:24 A. I'm not sure who directed her.

16:24 Q. Okay. Did you know that was happening on the day it happened?

16:24 A. I didn't know when she was going to execute the arrest warrant.

16:24 Q. Did you know that -- well, did your office -- did anyone in your office direct her to pick up Ms. Gonzalez and open and read the contents of the sealed envelope?

16:24 A. I'm not sure if anybody from my office directed her in a certain way.

16:24 Q. Do you know that that happened?

16:24 MS. ALBIN: Objection, vague; calls for speculation.

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A. I'm not sure.

Q. Ms. Gonzalez was arrested after the indictment issued; is that right?

A. Yes.

Q. Okay. Was there any discussion that you were involved in of a plan for her arrest?

A. A plan?

Q. Uh-huh. Who would do it, when would it happen, things like that?

A. I believe Investigator Muniz inquired as to what she needed to do because she had never dealt with a sealed indictment. And from what I recall, is that usually the investigator knows what to do.

So I didn't even know what to do, because I -- I don't handle that. The investigator usually handles that after there's a sealed indictment. So I would have probably directed her to speak to one of our DA investigators --

Q. Okay.

A. -- for guidance.

Q. Ms. Muniz testified that she was told to go pick up Ms. Gonzalez after the indictment issued, bring the sealed envelope with her, get her to the station, and then open the envelope and read it.

Is that usually the way this happens, the

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way someone is arrested or informed of -- of an indictment?

A. I don't know, because usually law enforcement will be the one to handle that. Whoever the investigator is or the law enforcement agency, they're the ones that handle the arrest. So I don't know how every person handles it. I don't know. I wouldn't know.

Q. So there was a -- a capias in this case, correct?

A. A capias? Yeah. Yes, ma'am.

Q. Capias? Sorry. And who made the decision to issue the capias?

A. Well, when the grand jury true bills a case and that person hasn't been arrested for that offense, there's a capias issued.

Q. Where does it come from? There's a capias issued, where -- who types it up?

A. The district clerk.

Q. Of the court?

A. Of the court, yes.

Q. Who ordered -- who arrested Ms. Gonzalez?

A. I don't know if it was Investigator Muniz or who specifically arrested her.

Q. Okay. Were you present for that arrest?

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16:27 A. No, ma'am.

16:27 Q. Do you know if anyone else was present for the arrest?

16:27 A. I wouldn't be able to tell you if anybody else was present.

16:27 Q. When did you first learn that she had been arrested?

16:27 A. I believe that day or soon thereafter.

16:27 Q. And how did you learn of it?

16:27 A. I believe Investigator Muniz let me know she had been arrested.

16:28 Q. Investigator Muniz testified that she was confused about whether she was supposed to be arresting Ms. Gonzalez or not, because she was just told to pick her up and open the envelope and read it. Were you aware of that confusion that she had? Did she contact you about it?

16:28 MS. ALBIN: Objection, calls for speculation.

16:28 A. No, I was not aware of that confusion.

16:28 Q. Do you know if she called or texted anybody else in your office about that confusion?

16:28 A. No, I wouldn't know if she -- who she talked to or who she called or texted.

16:29 MS. ROSENBLOOM: Give me ten minutes, if

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you don't mind, ten-minute break.

MS. ALBIN: Okay.

(Brief recess)

Q. You testified earlier that your office made no recommendation about the bond for Ms. Gonzalez; is that right?

A. I didn't make a recommendation.

Q. Are you aware that her bond was set at $500,000?

A. I believe I saw that on the indictment.

Q. Did -- do you know that Ms. Gonzalez was released from jail after posting bond two days after she was arrested?

Do you know that Ms. Gonzalez was released from jail after posting bond on April 9th after being incarcerated for a couple days?

A. I know that now. I didn't at the time.

Q. Did Mr. Ramirez have an opinion about whether Ms. Gonzalez should be incarcerated or out pending the resolution of the case?

MS. ALBIN: Objection, calls for speculation.

A. I don't know what his opinion would have been.

Q. Did you have any conversations with him about whether your office wanted Ms. Gonzalez to be in jail

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or out while the case was being handled?

A. I did not have conversations with Mr. Ramirez regarding those subject matters.

Q. Were you aware that Ms. Gonzalez had cooperated in the investigation voluntarily prior to the indictment?

A. Yes, I was aware that she had come in voluntarily to the sheriff's office to give an interview.

Q. Was Mr. Ramirez aware that she had come in voluntarily?

MS. ALBIN: Objection, calls for speculation.

A. I'm not sure if I advised him of that when I met with him before the grand jury presentation.

Q. And the arrest took place about three months after the -- the incident; is that right?

A. Yes.

Q. Is there any reason to believe Ms. Gonzalez would have been a flight risk between the incident and the arrest?

A. There was no reason to believe that, not that I knew of.

Q. Okay. I'd like to mark -- we're going to mark some of the text messages between Ms. Herrera and

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Bernice Garza. They're labeled 1061 through 1066. And I only have a marked-up copy, so if you wouldn't mind sharing the screen.

MS. ROSENBLOOM: And this will be Exhibit 19.

A. Yeah, I'm good.

Q. These documents are numbered 1061 to 1066. They're not Bates-stamped. And they were produced this morning by defense counsel. These are text messages between you and Bernice Garza. What -- who is Bernice Garza? What was her role?

A. Bernice Garza was the crime victims coordinator for the crime victims unit at the DA's office.

Q. And you supervised the crime victims unit; is that right?

A. I don't know if at the time I was supervising the crime victims unit at that time.

Q. Okay. Now, these texts are from April 9th, 2022. And I believe the motion to dismiss the case was April 10th. They start with you telling Ms. Garza, "This Herrera case is out of control," talking about media attention, and then saying, "Most of these people think we indicted her because she didn't know she was pregnant and freaked and had the abortion early on. They think we went under SB 8."

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Why -- what did you mean when you said the case was out of control?

A. This was on April the 9th.

Q. Yes, the --

A. Well, this is at the time when everybody was calling and e-mailing and posting on the Internet about the case.

Q. And what did you mean by "out of control"?

A. That it was out of control, that there was a lot of people calling and posting about the case, a lot of attention on the case.

Q. Were those people upset that the charges had been brought?

MS. ALBIN: Objection, calls for speculation.

A. There were some that were upset.

Q. And I'll -- I'll note that the text messages on this page and all of the following pages are marked as deleted with the reason stated being user deleted and the deletion date February 24th, 2025. Do you recall deleting this text exchange?

A. I do not recall deleting these.

Q. Okay. But is there anyone else who deleted them, to your knowledge, other than you?

A. No. I mean, I would have deleted them, but I

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don't recall deleting these specific messages.

Q. Okay. Do you recall deleting messages from your phone at the end of February of this year, about a month ago?

A. I delete messages quite often to clear up data on my -- or storage on my phone. They could have been some of the ones that got deleted.

Q. What was your concern that people thought -- as you said, people thought you had indicted Ms. Gonzalez because she had the abortion early on, and then you mentioned SB 8. What -- what did you mean by that? What was -- what was the problem with that?

A. I mean, I was just telling her that people thought that the DA's office had proceeded under SB 8 for indictment.

Q. Did you proceed under SB 8?

A. I do not recall reviewing SB 8.

Q. But did you know that SB 8 did not include the creation of crimes?

A. I didn't go based off SB 8. I looked at the facts as they were presented in the prosecution packet, the homicide statute, and the definition of "individual," and that's what I thought the law was at the time.

Q. On the next page, 1062, the message at the top

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16:52 from Ms. Garza says, "Yeah, I knew it would." And then
16:53 she says, "That's why I reached out yesterday."
16:53 Did she mean she knew it would -- it would
16:53 cause the case to be out of control, to use your words?
16:53 MS. ALBIN: Objection, calls for
16:53 speculation.
16:53 A. I don't know what she meant --
16:53 Q. Okay.
16:53 A. -- by that message.
16:53 Q. And on the next page, 1063, in another text
16:53 mail deleted, it says from Ms. Garza to you, Bernice
16:53 Garza, "But once they hear the facts, they will all
16:53 freak."
16:53 And you answer, "Yeah. Well, let's hope."
16:53 Which facts were you referring to?
16:53 A. I believe that I was talking about the fact
16:53 that the baby was about 20 weeks and that it had lost
16:54 oxygen for about two hours and that that's what caused
16:54 the hemorrhaging and the death.
16:54 Q. Okay. And on the next page, 1064, Bernice
16:54 Garza says, "What I told Gocha was some of the facts
16:54 need to be released."
16:54 And you responded, "Yes, they do, and the
16:54 fact that we didn't go under abortion laws." What did
16:54 you mean by that, that you didn't go under abortion

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16:54 laws?

A. That I went based off the Penal Code as I thought the law was at the time, which would have been the 19.01 and the definition of "individual," that I wasn't even concerned about abortion laws.

Q. And what -- what were you -- what did you mean when you said "abortion laws"? What laws?

A. Well, at that time, everybody had started -- or the people on -- online and in e-mails and stuff about a woman's, you know, right to have an abortion. And that's what I meant by that, that I hadn't even considered that.

It was a case that I looked at the facts as they were brought in in the prosecution packet and the law, the way I thought it applied, and that's what I considered.

Q. On the very last page of this exhibit, page No. 1066, it's the next day. It's April 10th, 2022 that you sent a text to Ms. Garza saying, "I woke up feeling horrible. I think I even had a panic attack yesterday."

The 10th was the day your office filed a motion to dismiss the case. Was your panic attack related to this case.

A. Yes.

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Q. Okay. And what caused you to panic?

A. I felt really bad for everything that had happened and the fact that I had not seen or known about 19.06.

Q. Do you know what the attachment is in the next text block there?

A. I don't know what it is.

Q. It was from Ms. Garza to you.

A. Yeah. I don't know what that is, but maybe Kelly can click on the link later. I don't know how she can grab that.

Q. That's okay. Just wondering if you remember what she sent you.

A. I don't.

Q. Thank you. And why was Bernice Garza involved with the Gonzalez case?

MS. ALBIN: Objection, calls for speculation.

Q. Or was she involved?

A. Well, this would have been around the time when everybody knew about it already. Because after the indictment, she would have known about it.

Q. Did she play a role in the case earlier in the investigation?

A. Not that I'm aware, no.

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16:57 Q. And to be clear, these text messages we're discussing were sent through regular messaging function on your iPhone; is that right?

A. I believe so. It says "SMS," so yes.

Q. Is there any reason we should dispute their authenticity?

A. No.

Q. And when the -- the texts refer to user, is that you?

A. I don't -- I mean, I'm guessing that that's what the -- it refers to.

Q. You said the panic attack was related to you feeling really bad. Why did you feel bad?

A. I felt bad because I was not aware of 19.06, and I presented the case, and Ms. Herrera was jailed for that. But I was not aware of 19.06, and so I felt really bad about everything.

Q. And you presented it with the approval of -- of Mr. Ramirez; is that correct?

A. The approval? I mean, he knew I was going to present it, but he didn't review the case.

Q. You told him about it and he told you to go ahead, right?

A. He told me to just -- that for it just to be submitted to the office as an investigation for the

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grand jury to decide.

Q. Show you another set of texts. This is 120 through -- this is between Ms. Muniz and Ms. Barrera, labeled 120 through 123.

This is marked Exhibit 20. This is a set of messages between you and Esmeralda Muniz, the investigator at the Starr County Sheriff's Office. And they are dated April 9th, which is also -- same day, the day before the motion to dismiss the case was filed.

A. Yes.

Q. She is first saying to you, "The baby did not have a heartbeat when she got to the hospital."

And you responded, "I just wanted to make sure that I remembered the facts correctly. LOL."

Do you know why she was telling you the baby did not have a heartbeat when she got to the hospital or what that had to do with?

MS. ALBIN: Objection, speculation.

A. Is there messages before this one?

Q. I don't know. We may need to look back. If you remember -- don't tell me if you don't remember, but do you remember if you asked her that question, whether the baby had a heartbeat before she got to the hospital?

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17:01 A. I don't recall my exact question. But I do think that there is a conversation before this message.

Q. Okay. And when you answered, "I just wanted to make sure that I remembered the facts correctly. LOL," what was the "laugh out loud" about?

17:02 A. I don't know why I wrote that.

THE COURT REPORTER: I'm sorry?

17:02 A. I don't know why I wrote that.

17:02 Q. Okay. The next page, same day, Ms. Muniz is saying to you, "Yes. We are right on the facts." Do you know, was she referring to the facts about whether the baby was alive or not when Ms. Gonzalez got to the hospital?

17:02 MS. ALBIN: Objection, speculation.

17:02 A. I don't know. I don't know what she was referring to there.

17:02 Q. Okay. And I'll note that that one message indicates user deleted. The others do not.

17:03 The second text on that page, page 121, you are asking Ms. Muniz, "Esmer, did doctors or nurses ever say why they took a while to report? Sorry for the questions. We are going to start working on a press release on Monday. My e-mail is blowing up. Washington Post, NBC, BuzzFeed, and then the rest are threats and nasty."

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weekend?

A. Not that I recall, no.

Q. Did you agree it was legally appropriate to seek dismissal of the case at that point?

A. Yes.

Q. Mr. Villarreal testified two weeks ago that he and Mr. Ramirez had talked about Section 19.06 that weekend and they were both of the opinion the case had to be dismissed. Did you know at the time about their conversation?

A. I didn't know about their conversation or what it entailed.

Q. Was -- did that seem unusual to you that you were not kept in the loop by either of them given that you had presented the case?

A. No.

MS. ROSENBLOOM: I'd like to mark Exhibit 21.

Q. I'm showing you what's been labeled Plaintiff's Exhibit 21. This is a copy of the motion to dismiss in the case against Lizelle Herrera; is that right?

A. Yes.

Q. And this motion to dismiss is signed by Mr. Ramirez himself, correct?

A. Yes, ma'am.

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17:16 Q. You recognize his signature?
17:16 A. Yes.
17:16 Q. Does the district attorney himself always sign a motion to dismiss a case regardless of which prosecutor is handling the case?
17:16 A. He doesn't sign all dismissals, but he signs dismissals.
17:16 Q. Okay. The motion is based on insufficient evidence and in the interest of justice. What do you understand each of these reasons to mean? Let's start with the evidence is insufficient.
17:16 A. I don't know why he -- well, the reasoning was that he marked those specific two.
17:16 Q. Okay. Did you agree that there was insufficient evidence?
17:17 A. That's something I would agree with.
17:17 Q. Okay. And would you agree that it was in the interest of justice to dismiss the case?
17:17 A. Yes.
17:17 Q. Did you know at the time that Attorney Brandy Voss had texted Mr. Ramirez alerting him to Section 19.06 on April 9th?
17:17 A. At the time, I did not know who had texted him, but he did tell me, "A friend just sent me Statute 19.06 -- Penal Code 19.06." And he let me know that,

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17:17 but he didn't go into specifics as to who.

Q. On April 10th, that Sunday, the date of the motion to dismiss, Mr. Ramirez met with Ms. Gonzalez and her biological father. I think you testified you were not in that meeting; is that right?

A. I was not.

Q. Did Mr. Ramirez talk with you about that meeting beforehand?

A. No.

Q. Did he talk with you about it afterwards?

A. I believe he did let me know that he had spoken to Ms. Gonzalez and apologized.

Q. Did he tell you what he apologized for?

A. I don't recall exactly what he said, but I do recall him saying that he apologized.

Q. I'm showing you what was previously marked Exhibit 4. I think you still have the attachment of Villarreal exhibits. And this is the press release issued by your office on April 10th regarding the motion to dismiss the indictment against Ms. Gonzalez. And do you recognize this as the press release?

A. Yes.

Q. Who was involved in -- in writing or editing this press release?

A. I don't know. I was not.

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17:19 Q. Okay. And it's -- it has an electronic signature of Mr. Ramirez at the bottom. Did he approve posting the press release and disseminating it?

MS. ALBIN: Objection, calls for speculation.

A. I -- if it was posted. It has his signature.

Q. Then what?

MS. ALBIN: Objection --

Q. He must have approved it?

MS. ALBIN: I'm sorry. Calls for speculation.

A. That would be -- that would be a question for him as to whether it was approved or if he has objections to this release or not.

Q. You knew that he was working on drafting a press release; is that right?

A. He let me know, yes, that he was going to work on the press release.

Q. And did you have discussions with anyone about the content of the press release before it was issued?

A. No, ma'am.

Q. Did you speak with any members of the press about the prosecution of Lizelle Gonzalez?

A. No.

Q. Did you speak with any members of the press

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about the dismissal of the case?

A. No.

Q. Did you speak with any members of the public that is not employees of the DA office about the investigation, arrest, or prosecution, or dismissal?

A. Afterwards?

Q. At any time.

A. I --

MS. ALBIN: Objection, vague.

A. I probably was asked about it afterwards, after it was all over the media. I'm pretty sure I talked to people about it.

Q. The press release is -- is very clear. It says, "It is not -- based on Texas law and the facts presented, it is not a criminal matter." It also says at the end, "It is my hope that with the dismissal of this case, it is made clear that Ms. Herrera did not commit a criminal act under the laws of the state of Texas."

Do you agree with those statements?

A. Yes.

Q. Were you aware of the extensive press coverage of this prosecution before it was dismissed?

MS. ALBIN: Objection, vague.

A. Before it was dismissed, so after the

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indictment?

Q. Yes.

A. Yes, I was aware. I saw on social media.

Q. Were you aware that many members of the public contacted your office to advocate for dropping the charges?

A. I think this happened over the weekend, so I'm not sure who was at the office that weekend and who they spoke to.

Q. Did you read any of the e-mails that came in that you had described in one of the texts we looked at earlier as -- as threatening?

A. I know the e-mails that came to me.

Q. Some e-mails came to you personally?

A. E-mails regarding this case afterwards?

Q. Yes.

A. Yes. They -- like the threatening e-mails and stuff like that, yes.

Q. Did you get e-mails from members of the public before the dismissal?

A. No.

Q. Nobody e-mailed you to advocate dropping the charges?

A. Not me.

Q. Okay. But e-mails came to your office, is that

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right, or to Mr. Ramirez?

MS. ALBIN: Objection, speculation.

A. I'm not sure what -- what type of e-mails he received and when.

Q. Okay. Your counsel has produced quite a few e-mails from interested members of the public advocating for dropping of the charges. Have you seen any of those?

MS. ALBIN: I'm going to object to the characterization of them advocating.

Q. Okay. The -- back to the press release for a moment. The press release says in the second paragraph, "It is clear that the Starr County Sheriff's Office did their duty in investigating the incident brought to their attention by the reporting hospital. To ignore the incident would have been a dereliction of their duty."

If -- if your office had already decided that Ms. Gonzalez could not be prosecuted for the crime of murder, why does the -- why should it -- why should the sheriff's office have investigated something that wasn't a crime?

MS. ALBIN: Objection, calls for speculation.

A. The DA's office I don't think ever made the

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17:24 decision that a crime had not been committed and that
17:24 the sheriff's office kept on investigating.
17:24 Q. Well, right here in the press release it says,
17:24 "It is -- based on the law and the facts, it is not a
17:24 criminal matter," so that seems like a determination.
17:24 A. After the fact.
17:24 Q. After the fact.
17:24 A. Yes.
17:24 Q. So after the fact, Mr. Ramirez is still saying
17:24 in the press release that the sheriff's office -- it
17:24 would have been a dereliction of their duty not to
17:24 investigate this thing that you now knew was not a
17:25 crime. Why would that be a dereliction of their duty?
17:25 MS. ALBIN: Objection, speculation as to
17:25 what Ramirez meant by that statement.
17:25 A. You would have to ask him what he meant by --
17:25 by that.
17:25 Q. Okay. Was there a -- a meeting among the DA's
17:25 office staff after the dismissal?
17:25 MS. ALBIN: Objection, vague.
17:25 Q. About this case.
17:25 A. After the dismissal, yes, I do believe that
17:25 Mr. Ramirez spoke to us regarding a dismissal and the
17:25 events that had happened.
17:25 Q. What events are you referring to?

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like that that they had inquired about. And any that did pop up, I did send those over at the time --

Q. Okay.

A. -- prior to the extraction.

Q. So you don't know if all of the text messages that were turned over to plaintiff's counsel before the extraction include all of the ones you gave to your counsel?

A. Well, I know that they're not all of them. What the -- I've worked with Cellebrite before in cases as a prosecutor, and it's a very good program in my opinion. It recovers a lot of messages that are in clouds or hidden away in some places where one can't find on their phone just by a simple search.

So I know that not all of these were disclosed to the attorney -- or my attorneys because I was not able to find them. But Cellebrite was able to find them.

Q. Okay. You were aware of the disciplinary complaint to the Texas Bar against DA Ramirez related to the investigation, arrest, and charging of Ms. Gonzalez; is that correct?

A. Yes.

Q. When did you become aware of it?

A. I became aware of it when a process server was

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17:40 looking to serve me with a subpoena to appear before the panel.

Q. And you were, in fact, subpoenaed to testify in front of the panel; is that right?

A. Yes.

Q. Okay. The subpoena was for March 1st, 2023. Did you testify on that date?

A. I don't remember the date on my subpoena.

Q. Okay. There was that date March 1st, and then there was another date on which the panel met which was in October. Do you remember on which date you testified, March or October?

A. If they only met twice, I must have -- I must have testified in the beginning, the March one, the first one.

Q. Okay. Did you prepare for that testimony?

A. No.

Q. Did you review any documents before that testimony?

A. No.

Q. Did you create any notes or documents related to your testimony?

A. No.

Q. Did you have an attorney representing you at that grievance committee testimony?

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17:41 A. No.
17:41 Q. Did you consult an attorney before testifying?
17:41 A. No.
17:41 Q. Did -- were there any disciplinary charges brought against you related to this case?
17:41 A. Not that I'm aware.
17:41 Q. Did Mr. Ramirez have an attorney representing him in front of the grievance committee?
17:41 A. No.
17:41 Q. And what was your testimony for the grievance committee? What did you tell them?
17:41 A. They asked me questions about whether I knew about 19.06, if I had discussed 19.06 with Mr. Ramirez prior to the indictment, how I generally handle my cases. And other than that, it was just rude comments or attacks.
17:42 Q. From members of the panel?
17:42 A. Yes.
17:42 Q. What type of comments and attacks? Do you remember any examples?
17:42 A. Just side remarks like, "You've been a prosecutor for this long and you didn't know about 19.06," and things of that nature.
17:42 Q. Did they ask you about your role specifically in the investigation and prosecution of Ms. Gonzalez?

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17:42 A. I don't think they went into specifics about my role with law enforcement or anything like that. It was just I was the prosecutor that had presented the case and whether I knew about 19.06 is mostly what they focused on.

17:43 Q. Did they ask you about what was the extent of Mr. Ramirez's involvement?

17:43 A. Yes, we did talk about that.

17:43 Q. And what did you tell them about that?

17:43 A. The same thing I've testified here, which is that I had advised him prior to the presentation of the grand jury generally about the case and that the sheriff's office was inquiring about whether to submit the case for grand jury presentation or arrest.

17:43 Q. What did you understand the committee to be investigating?

17:43 A. They were -- they were focused on certain roles of the code of conduct. I don't recall the exact roles they were focused on.

17:43 Q. And what did you understand to be the reason they wanted your testimony?

17:44 MS. ALBIN: Objection, speculation.

17:44 A. I don't know. I was called in as a witness.

17:44 Q. Were you present for the testimony of Abel Villarreal before that panel?

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17:44 A. No.

17:44 Q. Were you present for the testimony of Judith Solis?

17:44 A. No.

17:44 Q. Were you asked to produce any documents to that committee?

17:44 A. I don't believe I was.

17:44 Q. Okay. I'm showing you what's been marked as Plaintiff's Exhibit 24. Look at Bates-stamp Defendants' 14 and 15, and this is a letter from Gocha Ramirez to Clayton Hackett, the assistant disciplinary counsel, regarding the grievance we were just talking about. Have you seen this letter before?

17:45 A. I believe I saw it after everything was over.

17:45 Q. Okay. Did Mr. Ramirez discuss it with you?

17:45 A. I saw this letter when we had sent over discovery to the -- to our attorneys in this case.

17:46 Q. So at the time in 2022, you -- you didn't see this letter?

17:46 A. I don't know if I did or didn't.

17:46 Q. Do you remember if you -- if Mr. Ramirez asked you any questions related to the representations he makes in this letter?

17:46 A. He didn't discuss writing a letter with me or that they inquired questions of him. No, he did not.

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17:46 Q. Okay. And this letter is dated July 14th, 2022, after the grievance had been filed. In No. 2 -- this is Mr. Ramirez's response to six questions that Mr. Hackett had asked.

In No. 2, he says, "On May 17th, 2022, the file would have been turned in to our intake clerk." It's his understanding that the ADA who took control of the file was ADA Alexandria Barrera.

What does that mean, "take control of the file"? This is after the case had been dismissed.

MS. ALBIN: Objection, calls for speculation.

A. I don't know what he meant by "take control of the file."

Q. Is it correct that you got the file after May 17th from the intake clerk in some way? Did you have the file in your possession after that?

A. May 17th, I don't -- it was prior to that, because the indictment was in March, so I don't know -- I don't know what he's talking about on May 17th.

Q. All right. And in No. 3, Mr. Ramirez says that you presented the case to the grand jury. And he says, "No other attorneys were involved in this presentation." Do you agree with that?

A. On No. 3?

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17:48 Q. Do you agree that no other attorneys were involved in the presentation to the grand jury?

A. No other ADA, as far as I remember, was present during the presentation of this case.

Q. Was anybody involved in helping you prepare for it?

A. No.

Q. His answer to No. 4 says that you handled the case. Is that correct?

MS. ALBIN: Objection, vague; calls for speculation.

Q. Is it correct that you handled the case?

A. I reviewed the case prior to the presentation of the grand jury.

Q. No. 5, Mr. Ramirez says, and I'm quoting -- this is on the next page -- his understanding of why this investigation was presented to the grand jury is obviously, ADA Barrera mistakenly believed that a crime might have been committed by Ms. Herrera and wanted a grand jury to consider the facts.

Do you agree that it was presented obviously because of your mistaken belief?

MS. ALBIN: Objection, calls for speculation.

A. Because I didn't know about 19.06. And I

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17:49 presented the facts the way that they were submitted and the way I thought the law applied at the time.

Q. Do you agree with this characterization that you had a mistaken belief?

A. I don't know what me means by "mistaken," but, I mean, I didn't know about 19.06, if that's what that -- that's what he means. But you might have to ask him what he means by "mistaken."

Q. Okay. And in this paragraph No. 5, you're the only one who's listed here. Was it your mistake alone or your error alone?

MS. ALBIN: Objection, calls for speculation.

A. I presented it to the grand jury, and I didn't know about 19.06. So yes, I mean, I -- I should have known about 19.06, but I didn't.

Q. And you -- we've gone over this, but in your response to the fifth interrogatory, you stated that Mr. Ramirez approved your presentation. Do you -- do you still believe it was your -- yours alone to take this on and that he had no part of it?

A. I mean, he didn't do the research on the case, but he was not aware of 19.06 either, so there was no way he could have even told me or advised me about it because he didn't know about it either.

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17:51 Q. Okay. So in the paragraph after the numbered paragraphs, the committee has asked about remedial action.

And Mr. Ramirez answers, and then he says, "It is my position that any action I would take in the future with regard to ADA Barrera and her involvement in this case would not be remedial but punitive in nature as they would not afford remedy for the situation involving Ms. Herrera."

Were any actions taken after this with regard to you and your involvement in the case, any punitive actions?

A. No.

Q. Do you think as the district attorney Mr. Ramirez should have known about 19.06?

A. I mean, he was district attorney for maybe a year at that point. But whether he should have known or not known of it as DA, I mean, I don't -- I can't answer that because I don't think that any DA knows every single Penal Code by heart.

Q. Okay.

A. Or every single Penal Code at all by memory.

Q. Showing you a document marked Plaintiff's Exhibit No. 25 -- and we are close to the end. Just letting you know.

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10:31 MR. JOHNSON: Moving --

10:31 MS. ALBIN: -- untrue allegations in the lawsuit is what created that, not my questions. Go ahead.

10:31 MS. JOHNSON: And I will move on.

10:31 Q. (By Ms. Johnson) Do you believe it would be a material omission to not present a relevant portion of the law to the grand jury when you are presenting evidence for a homicide case?

10:31 A. If the prosecutor knew about it.

10:31 Q. Why -- why is it a material omission if the prosecutor knew about it?

10:31 A. Because you're knowingly withholding something from the grand jury.

10:31 Q. And if the prosecutor does not know about it, is -- do you -- would you consider that a material omission?

10:32 A. I wouldn't consider that a material omission.

10:32 Q. Do you agree that under either scenario the grand jury would still not be receiving that information?

10:32 MS. ALBIN: Objection, calls for speculation.

10:32 A. Knowingly or unknowingly?

10:32 Q. Right. That under either scenario, the grand

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jury would not receive that information?

A. Right.

Q. Did you believe that the grand jury's job in this case -- and by "this case," the presentation of Lizelle Gonzalez -- was to decide the law and whether -- let me restate that.

Did you believe that the grand jury's job in Lizelle's case was to decide the legal question at issue about whether homicide applied to this case?

MS. ALBIN: I'm going to object and ask this witness not to disclose specifics about what occurred with the grand jury.

If the question is generally do grand juries decide the law, I think that's an appropriate question under Judge Tipton's prior instruction about the grand jury here.

Q. And just for clarity, I'm not asking about what you said in the grand jury. I'm asking about what you believed was the grand jury's role with regard to deciding the legal question.

MS. ALBIN: And to the extent your answer would require you to reveal any part of your presentation to the grand jury, I'm going to instruct you not to answer. If it doesn't require you to reveal that, then you can answer the question.

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10:33 A. On the advice of counsel, I'm not going to answer that question.

10:33 Q. So just -- as I'm clear, it sounds like you're refusing to answer on the basis that you cannot answer about your belief without disclosing your presentation to the grand jury? Is that your position, Ms. Barrera?

10:34 A. Part of my presentation, yes.

10:34 Q. Can you disclose -- I'm sorry. Is there any part of your answer you can give without disclosing?

10:34 A. I just wouldn't -- I don't feel comfortable with that question in answering it, because it is a violation in the criminal code, and I would be committing a crime.

10:34 Q. Do you think that it was the role -- it's the role of the grand jury to decide factual questions?

10:34 A. Yes.

10:34 Q. And do you think it's the role of the prosecutor to present accurate facts to the grand jury?

10:34 A. Yes.

10:34 Q. Do you think it's the role of the prosecutor to present accurate law to the grand jury?

10:34 A. Yes, as they believe the law is.

10:34 Q. Do you think the -- that a prosecutor has an obligation to know what the law is when they make a presentation to the grand jury?

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10:35 A. You should -- yeah, as a prosecutor, you should know.

Q. I want to ask you about a prior -- your prior testimony with regard to kind of how you thought of this case. I believe you previously testified that you did not consider this case to be an abortion case; is that correct?

A. It just -- I never thought of it as abortion.

Q. But didn't you previously send a text to DA Ramirez on February 1st, 2022, saying, "Sir, can you let me know when you have time to speak," calling it an abortion case?

A. Can you show me the text message? I don't remember the exact text.

Q. Yes.

MS. JOHNSON: I'm going to pause here just for a minute, because I am not tech savvy with Zoom, and ask for some assistance from my colleagues. Thank you -- thank you, Sarah.

So for the record -- and, Donna, I apologize, because I don't know what number we're on for the exhibit number.

THE COURT REPORTER: We left off -- 27 was the last one.

MS. JOHNSON: Thank you. Okay. So we're

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10:36 going to call this Defense Exhibit 28, and we're screen-sharing in just a moment.

MS. ALBIN: You're calling it Defendant's 28?

MS. JOHNSON: Maybe we'll just call it Exhibit 28. Whatever the number was before, I want to continue.

THE COURT REPORTER: Plaintiff.

MS. ALBIN: I think they're plaintiff.

MS. JOHNSON: Sorry. Plaintiff. My apologies. Yeah. Thank you. Are folks able to see that on their end, or is it still -- okay. Sarah it's not showing yet. Thank you.

Q. (By Ms. Johnson) So this is from the production that was disclosed previously, and it's page 155 of the text between DA Ramirez and Ms. Barrera. Are you able to see that Ms. Barrera?

A. I am.

MS. JOHNSON: Kelly, are you able to see it?

MS. ALBIN: I can see it, yes. Thank you.

Q. Okay. And so do you see the text message that's being sent from you to DA Barrera on February 1st? "Sir, can you let me know when you have time to speak. Abortion case"?

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10:37 A. Yes, I see that.

10:37 Q. And there you're referring to the case regarding the investigation of Lizelle Gonzalez, right?

10:37 A. I'm assuming, yes. It was in February. Yes.

10:37 Q. So you did consider this to be an abortion case?

10:37 A. In that text message, I did, yes. I hadn't reviewed the entire case, but I didn't -- I didn't have the case file at that point, but yes.

10:37 MS. JOHNSON: Okay. You can take it down. Thank you, Sarah.

10:37 Q. And so what did you understand to be the law on abortion when you were referring to it as an abortion case in your text to DA Ramirez?

10:38 A. I didn't -- the way that I'm trying -- the way that -- what I mean when I say I didn't see it as like an abortion case, I saw it as the way the indictment was written, an attempted abortion that caused the death of an individual.

10:38 The way the indictment was written, that's the way I saw this case. I have to use the word "abortion" because that was the cause of the death as alleged in the indictment.

10:38 Q. And the indictment used the word "abortion"?

10:38 A. Yes. Self-induced abortion.

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ Plaintiff	)( )(	
VS.	)(	CIVIL ACTION NO. 7:24-cv-00132
GOCHA ALLEN RAMIREZ, ALEXANDRIA LYNN BARRERA, RENE FUENTES, and STARR COUNTY, TEXAS Defendants	)( )( )( )( )(	

REPORTER'S CERTIFICATE

I, DONNA McCOWN, Certified Court Reporter, certify that the witness, ALEXANDRIA BARRERA, was duly sworn by me, and that the deposition transcript is a true and correct record of the testimony given by the witness in person on MARCH 27, 2025, and remotely on APRIL 4, 2025, and that the deposition was reported by me in stenograph and was subsequently transcribed under my supervision.

Pursuant to Federal Rule 30(e)(2), a review of the transcript was requested.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, nor am I financially interested in the action.

WITNESS MY HAND on this the _____ day of _____, 2025.



_____
DONNA McCOWN, Texas CSR 6625
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
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LIZELLE GONZALEZ Plaintiff	)( )(	
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GOCHA ALLEN RAMIREZ, ALEXANDRIA LYNN BARRERA, RENE FUENTES, and STARR COUNTY, TEXAS Defendants	)( )( )( )( )(	

ORAL AND VIDEOTAPED DEPOSITION OF
GOCHA ALLEN RAMIREZ
APRIL 7, 2025

ORAL AND VIDEOTAPED DEPOSITION OF GOCHA ALLEN RAMIREZ, produced as a witness at the instance of the PLAINTIFF, taken in the above-styled and numbered cause on APRIL 7, 2025, between the hours of 10:08 a.m. and 5:26 p.m., reported stenographically by DONNA McCOWN, Certified Court Reporter No. 6625, in and for the State of Texas, at Bryant & Stingley, Inc., 701 East Harrison, Suite 200, Harlingen, Texas, pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record or attached therein.

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Julia Birnbach, via Zoom
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Attached to the end of the transcript: Stipulations

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10:08 THE VIDEOGRAPHER: It is April 7, 2025. This is the deposition of Gocha Allen Ramirez. It is 10:08 a.m. We are on the record.

GOCHA ALLEN RAMIREZ,

having been duly sworn, testified as follows:

EXAMINATION

BY MR. DONATTI:

Q. Good morning, Mr. Ramirez.

A. Good morning.

Q. My name is David Donatti. I'm one of the lawyers representing Lizelle Gonzalez in this case. You took an oath just now?

A. Uh-huh.

Q. What does it mean to you to be under oath?

A. To tell the truth.

Q. The court reporter will prepare a transcript of everything that we say, so please make sure and provide verbal responses rather than nodding or hand gestures. Do you understand?

A. Yes, sir.

Q. For the benefit of the court reporter, please wait until I finish asking my question before you respond. Do you understand?

A. Yes, sir.

Q. If your attorney objects to a question, you

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12:45 Q. Now I'm just taking a look to make sure that I have the right order. So it looks like the earliest message in the conversation is the one at the top of the page.

A. Yes, sir.

Q. Is that your understanding as well?

A. Yes, sir.

MR. NAVARRO: What page are you on?

MR. DONATTI: We're on 1065.

MR. NAVARRO: Right.

MR. DONATTI: So this -- the top message here.

A. The one with the arrow on it?

Q. You have an arrow on yours?

A. Yes.

Q. You must have my copy. That's okay.

But it's a message from Ms. Garza to Ms. Barrera, and it says, "Yes."

A. Uh-huh.

Q. Presumably she is confirming that you didn't go under the abortion laws in the sequence of the conversation?

A. How -- how are you presuming that?

Q. I'm just going in order from 1064 --

A. Well, I can't make that presumption. If you're

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asking me a -- are you asking me a question?

Q. I'm not. I'm just going --

A. So you're just presuming yourself?

Q. Yes.

A. Okay.

Q. But it's not relevant to my line of questioning.

A. Okay.

Q. Although I will observe that that message is also deleted.

The next message has not been deleted. It's a message from Ms. Barrera to Ms. Garza. And she says, "Are you at this meeting?"

A. Okay.

Q. What meeting is she referring to?

A. I have no idea.

Q. Did you host a meeting on April 9th, 2022?

A. No, I did not.

MR. NAVARRO: All right. I -- what page are you on now?

MR. DONATTI: Still 1065.

THE WITNESS: 1065, the middle message.

Q. Okay. That's all I think we need from this.

MR. NAVARRO: "Are you at this meeting?"

MR. DONATTI: Oh, can I take back this?

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12:46 Appreciate it. Thank you.

MR. NAVARRO: All right.

Q. Skip some of these things. And have you ever deleted messages related to this case?

A. Yes, I have.

Q. What messages have you deleted?

A. I remember deleting one message with a defense attorney who is a friend of mine by the name of Linda Gonzalez.

Q. And what was that message?

A. I don't remember the exact message, because it -- it was deleted not -- not after -- not long after I sent it. But it was a message where I had told her that I didn't intend or want to hurt this young lady, and she had then shared that. It was a private message to her.

I considered her a friend. I still do consider her a friend. And she had shared it with some other attorneys who then shared it with, I believe, one of the national publications. And I called her up and spoke to her, and I told her, "Linda, that was a message that was for you privately."

And she said she was sorry. She told me that people had read it over her shoulder. And I don't know if that's true or not. And that's how it had

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12:48 gotten out.

So that's the one message I remember deleting because I was upset with Linda.

Q. And the message, you don't remember the exact words that you used?

A. No. It was something to the effect of I -- you know, I was distressed because this mistake had been made, and I was trying to express to her that it was a mistake and was not intentional.

And I thought she was somebody that I could speak to privately who would understand and talk to me about that. And I was just upset that she had shared it.

Q. Was it part of a broader conversation you were having about this case?

A. No, no.

Q. Did she send you something to solicit your --

A. I don't --

Q. -- response?

A. I don't remember if she did or not. I don't.

Q. Uh-huh. Then I think one of the last questions I have -- this will actually be another exhibit, but it's what I'll call physical media.

So you -- your office received a number of Public Information Act requests after the -- the

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publication of the case, and you requested an attorney general's opinion?

A. Yes, sir.

Q. The exhibit I'm going to show you is that request for the attorney general's opinion.

A. Okay.

MR. DONATTI: I believe we have to mark this one. We are marking Plaintiff's Exhibit 32. If we don't have an extra copy.

MR. NAVARRO: Yeah, I'm --

MR. DONATTI: It's marked as Plaintiff's Exhibit 32. You can keep it if you prefer.

MR. NAVARRO: Yeah.

Q. Mr. Ramirez, could I ask you to just read the last paragraph of the first page for me?

A. Out loud?

Q. Yes, please.

A. Okay. "Lastly, request for information includes a request for communications between the 229th District Attorney's Office and the Starr County Sheriff's Office and communications within the district attorney's office. In regards to the matter involving Lizelle Herrera, all communications requested for are subject to attorney-client privilege and work product.

"Moreover, some of these same

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communications involve the request for grand jury subpoenas to the district attorney's office as agents of the grand jury and include medical and personal information of Lizelle Herrera that is not subject to public disclosure for reasons previously stated."

Q. I'm hearing a few different categories of documents that you're identifying there. One is communications between the district attorney's office and the sheriff's office; is that correct?

A. This -- yes. But just to be clear, this was written by Abel Villarreal.

Q. Okay. Did you review it before he --

A. I'm sure I did.

Q. -- submitted it?

A. I'm sure I did.

MR. NAVARRO: Did you review it before testifying today or review it before something else?

Q. Before it was shared with the attorney general's office for an opinion?

A. Yes, sir.

MR. NAVARRO: Okay.

Q. And does that paragraph accurately convey the information that you -- or does that -- that paragraph accurately characterize the documents about which you are requesting the attorney general's opinion?

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12:59 we had at the time was the investigative file and the
13:00 medical records, including the grand jury subpoenas.
13:00 So that was -- that was what was sent to the AG's
13:00 office, and I believe all of that has been sent to you.
13:00 Q. And do you still have that USB file?
13:00 A. I don't know if we have the USB file. I know
13:00 we still have the file.
13:00 Q. And so your testimony is that that file is
13:00 simply the investigative file that doesn't include the
13:00 communications between your office and the district
13:00 attorney's office or your office and the sheriff's
13:00 office?
13:00 A. Right. At the time that we asked for this
13:00 attorney general's opinion, we had not gotten into
13:00 searching for text messages or e-mails or anything of
13:00 that sort. We just knew what we had in our possession,
13:00 which was the investigative file and the medical
13:00 records, including the grand jury subpoena that the
13:00 medical records were produced under.
13:00 That's all we had, as far as I know.
13:00 That's what I saw in the physical file, so that's what
13:01 was sent to the AG's office.
13:01 Q. Did you personally review the files that would
13:01 have been on the USB disc that you provided to the
13:01 attorney general's office?

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13:01 A. No. I picked up the file on April the 9th in the morning from the DA's office. I had never seen the file before. So I picked it up. I reviewed it.

I believe there was a USB there in the file, but I didn't look at the USB, because my understanding was whatever was on the USB was in the physical file. I reviewed the physical file, the paper.

Q. And is it your understanding that you produced a USB file that was contained within the prosecutor's office file to the attorney general?

A. No, I don't know if -- no. I'm assuming that we didn't send a physical file to the AG's office. I'm assuming that everything was put onto a USB and sent to the AG's office.

Q. But you don't know whether that's the case?

A. No, I don't, because I didn't -- I didn't handle that part of this. That was handled by Mr. Villarreal.

Q. Okay. I think we can move on.

Okay. So we've talked a little bit about your office's policies and practices, and that will save us some time. And we talked a little bit about the trust you have for your assistants and the -- the expectation is they're competent.

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13:02 What other expectations do you have of your assistants?

A. That they're going to work hard.

Q. That they're going to work hard. What about that they're going to be ethical?

A. Oh, yes, of course.

Q. What about that they are going to keep updated on the law?

A. Yes.

Q. They're going to do legal research?

A. When necessary.

Q. When would it not be necessary to do legal research?

A. You don't have to do a lot of research, legal research when you have a possession of marijuana case or a possession of cocaine case. You don't need to do much research on those.

There are cases that are quite simple in nature, even if they are felonies, that you don't really need to do a lot of research on.

Q. Does the law change?

A. Sometimes it does. You know, if marijuana were legalized in Texas, we'd all know. We wouldn't have to do much legal research on that.

Q. And the Farm Bill of 2018 changed quite a lot.

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13:03 A. The Farm Bill of 2018?
13:03 Q. About our understanding of marijuana legalization, for example.
13:03 A. Oh, the THC you're talking about?
13:03 Q. Yes.
13:03 A. Okay.
13:04 Q. Other criminal laws change.
13:04 A. Actually, that's -- that's not a criminal law.
13:04 Q. But you agree with my fundamental point that the Texas legislature meets in session --
13:04 A. Yes.
13:04 Q. -- and they occasionally will pass laws that are relevant to your responsibilities as district attorneys?
13:04 A. That's correct.
13:04 Q. Do you have access to the Penal Code as a district attorney?
13:04 A. We do.
13:04 Q. And your ADAs have access to the Penal Code?
13:04 A. They do.
13:04 Q. What resources do you consult when you're researching the law?
13:04 A. We use LexisNexis and then, of course, the books that we have, the Penal Code and the Code of Criminal Procedure, the evidence handbook and code.

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13:04 Those are all annotated. And we can, of course, research on the computer and see if those are -- if the law has changed on certain things.

Q. Do you use O'Connor's Texas guides?

A. We do.

Q. Texas District and County Association updates?

A. Yes, sir.

Q. As a prosecutor, you're expected to know the elements of a crime that you are charging?

A. You're expected to -- yes, you're expected to know the elements of a crime you're charging.

Q. Do you follow the legislative session?

A. I don't.

Q. Who does?

A. We get briefed on it at different seminars, BPU seminars and seminars like that. They -- they give us updates on the legislative sessions and the -- the new laws that are being proposed or passed.

Q. Is there a comprehensive guide to everything that happens in the legislate session related to criminal justice in the state of Texas?

A. I don't know if there is a comprehensive guide. There may be. I -- if there is, I don't know what it's called.

Q. So what happens if a law changes and a member

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13:06 of your team isn't aware of that change in the law?

A. I don't know. I mean, that's a very vague question. I don't know what would happen. What do you mean?

Q. So there's a change in a statutory element.

A. Okay.

Q. For example, human smuggling, the mandatory minimum penalty was increased in, I believe, 2023 --

A. Yes.

Q. -- to ten years.

A. Yes.

Q. One of the things that we mentioned when determining what was a serious charge or not was the length of the possible sentence.

A. Yes, sir.

Q. Would your staff be expected to keep up with those changes?

A. Yes. We know -- we know about that change. We all know about that change.

Q. And so --

A. That was a very significant change.

Q. Absolutely. And in an example where they missed it and they -- they charged a crime carrying a possible mandatory minimum sentence of ten years, not knowing that that was possible, would you characterize

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13:06 that as a small mistake?

13:07 A. Well, no, because you don't charge the penalty. You charge the crime. So the example that you're giving me quite honestly doesn't make sense. Because you charge human smuggling. Okay? The penalty is what changes. So the charge is the same. The penalty changes.

13:07 Now, I expect the ADAs to know that the penalty has changed, because it affects the negotiations going forward on the charge. But the charge itself remains the same.

13:07 Q. Is the ultimate penalty important to the decision whether to charge?

13:07 A. No.

13:07 Q. Why not?

13:07 A. Because it's a violation of a criminal statute. You charge regardless of what the penalty is.

13:07 Q. So you testified earlier that you don't have sort of disciplinary procedures in place; is that correct?

13:08 A. Disciplinary procedures in writing? No, we don't.

13:08 Q. What about remedial procedures in place?

13:08 A. What do you mean by "remedial procedures"?

13:08 Q. Someone has made a mistake. How do you fix it?

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13:08 A. We go back and fix it the best we can.

13:08 Q. Has this ever happened before?

13:08 A. That we've had to go back and fix it? Yes, of course. We've had to amend indictments. We've had to do things like that before. Yes, definitely.

13:08 Q. And whose responsibility is that?

13:08 A. Well, whoever catches it, normally. But the attorney in charge, whoever is handling that case will -- will fix it.

13:08 Sometimes we have to change the name of the defendant because the name is not properly on the indictment. There may be a different name, so we'll add an a/k/a. There's different things that are changed as a case goes through the system sometimes.

13:09 Q. Has a member of your team ever violated an ethical responsibility?

13:09 A. Not that I know of.

13:09 Q. Has a member of your team ever committed a crime?

13:09 A. Well, no, let's -- let's go back, because Bernice Garza definitely violated an ethical responsibility. Bernice Garza actually committed a very serious federal crime, and she was a member of my team.

13:09 Q. And so what happened with Ms. Garza after she

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13:09 allegedly committed a federal crime?

A. Well, with -- I was part of that investigation. We investigated that together with the federal team and Texas Rangers, and ultimately, she was arrested. And I was there when she was arrested.

My investigators also participated in that investigation. And she's now facing -- she's pled guilty to human smuggling and is facing a federal sentence. I believe she's going to be sentenced next month.

Q. And what were the -- what were the job repercussions that --

A. She was fired. She was arrested and fired.

Q. Was that a hard decision for you?

A. No.

Q. So let's scale that back.

A. Okay.

Q. Someone doesn't commit a crime but someone violates an ethical responsibility incumbent on attorneys.

A. Okay.

Q. Say they failed to disclose evidence and violate a Brady obligation.

A. Okay.

Q. In addition to trying to fix it, would there be

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any consequences for that?

A. Yes. If I knew that an attorney intentionally violated Brady, then they would be fired.

Q. What about unintentionally?

A. Unintentionally, I'm not sure. It would depend on what was left out of the evidence that was produced to the defense attorney.

We -- we have a situation in -- in our smaller counties where many times we ask for a prosecution packet, and we do our best to make sure that prosecution packets are complete when they're turned in by the investigating agency.

But there have been occasions where once we're getting ready for trial, we'll find out that, you know, the 911 call has been left out. In the course of preparing for trial, we'll find out, "Hey, there was a 911 call. It's not in the prosecution packet. Hasn't been turned over to defense counsel."

What we do is we immediately contact the investigating agency and say, "Hey, one of the reports says there was a 911 call. We don't have it in the file you turned in." And then their task is to get it as quickly as possible so we can turn it over to defense counsel.

Now, that's not a mistake that's made by

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13:11 the ADA normally. That's a mistake that's made by the
13:12 investigating agency.
13:12 Q. What is a prosecution packet?
13:12 A. A prosecution packet is a packet that is turned
13:12 over to us by an investigating agency when they're
13:12 investigating a possible crime that's been committed.
13:12 Before I took office, the policy was not
13:12 enforced -- the policy of having a complete prosecution
13:12 packet was not being enforced as vigorously as I
13:12 thought it should. So now we have a checklist. And
13:12 whenever -- and we have one person who's in charge of
13:12 accepting prosecution packets now instead of just
13:12 having the investigating agency come in and will
13:12 immediately give it to whoever is at the window.
13:12 We have one person that accepts the
13:12 prosecution packets. She is supposed to go through
13:12 that prosecution packet, go through a checklist, make
13:13 sure body cam is in there, dash cam is in there, 911
13:13 call is in there, all the reports are in there. And if
13:13 the prosecution packet is not complete, the
13:13 instructions are don't accept it and have them come
13:13 back with a complete prosecution packet.
13:13 Q. And that's a decision made by this one person
13:13 whose job it is?
13:13 A. It's not -- no, it's not a decision made by the

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13:13 one person. It's -- it's kind of like she's a gatekeeper for that. Now, sometimes things do -- you know, the agency will tell us that's all we have, and later on as we're preparing for trial, we'll find out that, hey, there's some things missing here.

911 call is a very good example of sometimes things that get left out. A body cam, we'll see a report where a body cam is referenced, or we'll see an officer at the scene with a body cam, and we look at the file, and the body cam is not in there. So, you know, we'll ask for that body cam.

Q. And who's in charge of catching those mistakes if they're responsible --

A. Well, I mean, the -- at the very -- the gatekeeper is a young lady downstairs that works with the investigators by the name of Alma Villarreal. She does the checklist for us, accepts the packets.

But even having a gatekeeper, unfortunately, sometimes when we're getting ready for trial, we will find that certain things are missing. And so then the ADA who's handling that file will reach out to the agency and try and get those -- those things.

Q. So it's the ADA's responsibility to identify those?

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13:14 A. It's everybody -- it's everybody's responsibility going forward if you have connection to the file. You know, I mean, we try and -- we're not going to just put it on one person.

13:14 But, you know, ultimately, the ones who really read the reports and can identify that things may be missing would be the ADAs, because -- you know, I'll give you an example.

13:15 If you have a -- a body cam of a crime scene and you see three officers there -- one from DPS, a border patrol officer, and a sheriff's department officer -- and you only have one report and that's from the sheriff's department officer, then I think the ADAs -- what they do at that point is they reach out to the investigator in charge and say, "Hey, did border patrol produce a report? Did border patrol make a report? They were there. Did DPS make a report, because we saw a DPS officer at the scene. Is there a dash cam that DPS may have had that's not in the file."

13:16 And so that's the way that the ADAs will usually try and make sure that we have everything in the file.

13:16 Q. Is it your responsibility as well?

13:16 A. If I -- if I were handling the case, it would be my responsibility.

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13:16 Q. What do you mean "handling the case"?

13:16 A. If I was actually going to prosecute the case myself. I mean, if I don't see the file, it's -- it's impossible for me to do that.

13:16 Q. Is it your responsibility if someone else will be presenting it to a jury?

13:16 A. Is what my --

13:16 Q. Does it remain --

13:16 A. -- responsibility?

13:16 Q. Does it remain your responsibility to identify mistakes even if someone else is the one presenting it to a jury?

13:16 A. Well, I'm not sure I understand your question. Honestly, I mean, obviously, the buck stops with me on everything because I'm the district attorney. So whatever mistakes are made, if there are mistakes that are made in the presentation of a case or the trial of a case, ultimately, I feel like the buck should stop with me. I've always taken that attitude.

13:17 But as far as me actually knowing what's in the file if I don't handle the file itself, that would be impossible.

13:17 Q. Is this true pre-indictment as well, the buck stops with you?

13:17 A. Yes, that also is true pre-indictment.

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13:17 Q. So I'd like to now talk about your collaboration with the sheriff's office.

A. Okay.

(Discussion)

Q. What is your relationship with Sheriff Fuentes?

A. We have a good working relationship, and he's a friend.

Q. Did you know him before assuming the district attorney's position?

A. Oh, yes. Yes, sir.

Q. How long have you known him?

A. I've known him for as long as I've -- I don't know exactly how long. I knew before he was sheriff.

Q. When did he become sheriff?

A. I don't know.

Q. He was sheriff before you were district attorney?

A. Oh, yes, long before I was district attorney.

13:18 Q. How does your office collaborate with the sheriff's office?

A. We work very well together.

Q. Uh-huh. What does the term "staff with DAs" mean?

A. "Staff with DAs"? It can mean basically that's -- if you're asking me what a sheriff's office

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term means, I wouldn't be able to tell you.

I know what the term "staff with the DA's office" means, but I don't know what it would mean to the sheriff's department.

Q. Okay. Let's see. Before, we were talking a little bit about subpoenas.

A. Okay.

Q. And you said in general you will defer to the sheriff's office about their investigatory request?

A. To any agency.

Q. To any agency about their request. When will you get back to them and say, "Hey, we need something else. We need more information about why the subpoena is important"?

A. I've never -- I've never had the occasion to do that.

Q. So you've never turned away a subpoena request?

A. I haven't, but I've never -- nobody has ever requested subpoenas from me personally.

Q. Has your team ever turned away a subpoena request?

A. I -- I don't know. You'd have to ask them.

Q. Does the DA have any policies or practices for working with the sheriff's office?

A. No.

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13:26 A. No, sir.

Q. -- to the sheriff's office?

Have you ever given insight to your team about a legal question related to a sheriff's office investigation?

A. Not that I remember.

Q. Okay. And, lastly, how do you work with the Starr County Memorial Hospital?

A. I don't work with them at all.

Q. How does your office work with the Starr County Memorial Hospital?

A. As far as I know, we don't work with them at all.

Q. Have you ever provided guidance to hospital employees about when to report certain conduct?

A. If we don't work with them at all, that would make that question moot. No.

Q. Okay. Have you ever attended meetings at the hospital?

A. I attended a meeting about a month ago where there were -- a group of SANE nurses were giving a presentation on their availability to do SANE exams in Starr County instead of having to do them outside of Starr County.

A SANE exam is a sexual assault exam. And

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13:27 so I attended that presentation, and that presentation was at the hospital.

Q. Have you attended other presentations at the hospital?

A. No, sir.

Q. Have you given other presentations at the hospital?

A. I've never given a presentation at a hospital.

Q. Has anyone on your team given a presentation at the hospital?

A. I -- no. The presentation was given by the SANE nurses. That's the only one that I can think of in the last five years.

Q. Have you provided written guidance to any hospital or hospital staff?

A. No, sir.

Q. Have you posted on the Internet any guidance for hospital employees and staff?

A. No, sir.

Q. Was Ms. Gonzalez's case discussed at the meeting at the hospital you just referred to?

A. No. No, no. This was -- this was a presentation about SANE exams. SANE exams involve sexual assaults of children. So no, her case was not -- this was a presentation to a large group of

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13:28 people, not just hospital personnel.

Q. Uh-huh. Who was at this presentation?

A. I don't know. It was like 40 people.

Q. Anyone else from your office at this?

A. Yes. Alex was there, Abel was there, I was there, I think an investigator was there. We're all interested in SANE exams because of the number of sexual assaults of children that we have.

And this was a group that was starting to work -- or has started to work in Starr County providing 24-7 access to sexual assault examinations of children or of adults if they're sexually assaulted.

Q. I understand that you're saying the presentation was not about Ms. Gonzalez's case. Did anybody discuss Ms. Gonzalez's case --

A. Not that I know of.

Q. -- at the hospital?

A. This was just a few weeks ago.

Q. And then maybe stepping back, I just wanted to tie one loop. Have you ever instructed a member of your team to present a case to a grand jury?

A. Instructed them? No, I don't think so. I've suggested -- usually I just suggest that they pull out cases and present them to grand juries. And sometimes I am advised which cases they're going to present. And

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13:29 most of the time I don't know which cases they're going to present.

Q. What is the difference between instructing and suggesting?

A. Well, the one that I can think of where I asked Mr. Villarreal to present it was a death in custody case. And I think he presented that death in custody case along with the Texas Rangers because he had done that before. He had presented a death in custody case. So I suggested that he go ahead and present that to the grand jury, and he did.

Q. Have you ever suggested that someone present a case to the grand jury and they didn't do it?

A. No, because I really haven't made that many suggestions. Not that I know of, no, sir.

Q. If you suggest to your team they do something, do they do it?

A. Normally they do, yes.

Q. And what if they don't?

A. I haven't had -- I haven't had that occasion yet. I mean, that would be alarming, but that hasn't happened yet.

Q. Did you suggest to Ms. Barrera that she present Lizelle Gonzalez's case to a grand jury?

A. Well, it wasn't a suggestion. Alex told me

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13:31 that -- basically asked me if she could present the
13:31 case to the grand jury, and I said, "Yeah, you can
13:31 present it to the grand jury."
13:31 Q. So your testimony is that you approved the
13:31 request to present the case to the grand jury?
13:31 A. Well, I knew she was going to present.
13:31 Q. And if you had said no, what would have
13:31 happened?
13:31 A. She probably wouldn't have presented it.
13:31 Q. So -- let me take a moment.
13:31 A. Okay.
13:31 Q. When you propose a case is submitted to a grand
13:31 jury, is that often in lieu of arrest?
13:31 A. No, no. I mean, sometimes it's in lieu of
13:31 arrest, but most cases that are presented to the grand
13:32 jury an arrest has already been made.
13:32 Q. Would you instruct your team not to issue an
13:32 arrest warrant?
13:32 A. I don't -- I don't really instruct my team on
13:32 what to do. They're pretty capable and seasoned
13:32 attorneys. So the question -- what is the question
13:32 again now?
13:32 Q. Would you suggest to your team that they not
13:32 issue an arrest warrant?
13:32 A. Would I suggest to -- on what case?

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13:32 Q. Have you ever done it before?

13:32 A. No. I think we've made decisions together that a case should be presented prior to an arrest, and I think many times that's because we're still trying to find the person and we want it indicted but we want it sealed.

13:33 So I don't think I've ever instructed an ADA to do that, but I think we've reached decisions collaboratively to do that sometimes.

13:33 Q. What do those conversations look like?

13:33 A. That's -- I don't understand the question, what the conversations look like.

13:33 Q. So you said, "We have decided collaboratively on next steps."

13:33 A. Yeah. Well, let's say a person we've -- we've -- let's say we have a case where there have been multiple seizures of drugs from a person but we don't know where the person is and they haven't been able to arrest the person. Well, then we will suggest, "Hey, it's time to go ahead and indict the person."

13:34 The person gets indicted. And collaboratively, we know that the indictment should be sealed until the person is arrested.

13:34 Q. And just for my own sake, who is the "we" that you're talking about here?

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13:34 A. The ADA --
13:34 Q. ADA?
13:34 A. -- that's presenting the case, yes.
13:34 Q. You and the ADA?
13:34 A. Yes. Or the ADA on their own. They know to do that.
13:34 MR. DONATTI: I think now is a good time for a break.
13:34 THE WITNESS: Okay.
13:34 (Brief recess)
13:45 Q. Mr. Ramirez, did you talk with your attorney over our five-minute break?
13:45 A. I did.
13:45 Q. Great. So just going back to some of what we discussed earlier. The first meeting at the hospital two months ago, is it your testimony that you, Mr. Villarreal, and Ms. Barrera did not discuss this case?
13:45 A. That's the truth. That's my testimony.
13:45 Q. And we discussed previously that you had deleted at least one message or series of messages related to this case?
13:45 A. Yes, sir.
13:45 Q. Are there any other communications that you deleted related to this case?

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13:45 A. Not that I remember. I may have deleted some
13:46 requests from media, but I don't think I did. I think
13:46 those were still in there.
13:46 Q. Other than requests from media, are there any
13:46 messages that you deleted?
13:46 A. No, sir.
13:46 Q. Are there any messages that you might have
13:46 deleted?
13:46 A. Not that I know of.
13:46 Q. So now let's talk about the investigation of
13:46 Ms. Gonzalez. When did your office become aware of the
13:46 investigation?
13:46 A. I don't know. I don't know. I think it was
13:46 probably early on in the investigation, but I'm not --
13:46 I couldn't give you a date.
13:46 Q. When did your office become involved in the
13:46 investigation?
13:46 A. I don't know.
13:46 Q. Were you working on January 11th, 2022?
13:46 A. I don't know. I had COVID the first couple of
13:46 weeks of 2022. I think on the 11th I was still at
13:47 home. But that was right around the time that I -- I
13:47 think I was still at home. I think I still had COVID.
13:47 Q. When you were at home, were you not working?
13:47 A. I wasn't doing much work. I -- I got hit

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13:47 pretty hard with COVID.

Q. And is it your testimony that you might have had COVID or --

A. No. I had COVID.

Q. And is it your testimony that you were out with COVID on --

A. Yes.

Q. -- on January 11th?

A. Well, I don't know about the 11th. I know that I contracted COVID when I was out during the holidays. And so the 11th, I wouldn't be able to tell you whether I had already just recovered or whether I was still out, but I think I was still out with COVID on the 11th.

Q. Uh-huh. Who at the district attorney's office worked on Ms. Gonzalez's case on January 11, 2022?

A. I don't know that anybody worked on the case on January 11th of 2022.

Q. Was Ms. Barrera involved in the investigation of Ms. Gonzalez on January 11th, 2022?

A. I don't know.

Q. Was Mr. Villarreal involved in the investigation on January 11th, 2022?

A. I don't know.

Q. Other than Mr. Villarreal and Ms. Barrera, was

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13:48 anyone at the district attorney's office working on
13:48 Ms. Gonzalez's case on January 11th, 2022?
13:48 A. I don't know. But if your question is whether
13:48 they were involved in the investigation, to the best of
13:48 my knowledge, none of the staff or ADAs were involved
13:48 in the investigation.
13:48 Now, whether or not they were aware of the
13:48 case, I can't tell you about whether or not they were
13:48 aware of the case on that date. But if your question
13:48 is whether they were involved in the investigation, the
13:48 answer is no, they were not involved in the
13:48 investigation.
13:48 Q. So they were not fielding questions from law
13:49 enforcement?
13:49 A. If they -- I don't know if they fielded legal
13:49 questions, but they certainly were not involved in the
13:49 investigation.
13:49 Q. Did they field investigatory questions from the
13:49 sheriff's office?
13:49 A. I don't -- I don't think so. It would -- I
13:49 don't think they did.
13:49 Q. Did they tell the sheriff's office what steps
13:49 to take in the investigation?
13:49 A. Not to my knowledge.
13:49 Q. And is it your testimony that you do not know

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13:49 or that they in fact did not?
A. It's my testimony that I do not know about anything that happened on January 11th of 2022.
Q. What about a broader date range, so early January, or let's say all of January 2022?
A. Okay.
Q. What support did assistant district attorneys give to the sheriff's office related to the investigation of Ms. Gonzalez?
A. I don't know.
Q. Did they provide any support to the sheriff's office in the investigation of Ms. Gonzalez?
A. I don't know.
Q. And did you forget or did you never know?
A. No, I don't know. I don't know now.
Q. Did you know before?
A. No, no. I don't know. I don't know, period.
Q. What sources would you consult to find out?
A. I would -- if I were to try and find out, I would ask Ms. Barrera or I would ask Mr. Villarreal or I would ask Ms. Solis or ask Mr. Garcia.
Q. Did you ever ask them?
A. No.
Q. Why not?
A. I had no reason to ask them.

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13:50 Q. Who at the sheriff's office was working on the investigation of Ms. Gonzalez?

A. I know now from reading the file that there was an Investigator Aguirre that was involved. And then there was a female investigator, and I don't remember her last name. Her first name is Esmer.

Q. Who else?

A. I think it's Muniz.

Q. Anyone other than Mr. Aguirre and Ms. Muniz?

A. Not -- not that I know of.

Q. Who at the sheriff's office first established contact with the district attorney's office?

A. I don't know.

Q. I'd like to show you what has previously been introduced as Exhibit 16.

(Discussion.)

Q. I'm trying to deduce the cryptography of the way the messages are arranged before I show them to you.

A. That's fine. We'll -- we'll get through it.

Q. I suspect that this is something you can hang onto for a little bit.

A. Yes, sir.

(Discussion.)

Q. Okay. And you really have to forgive our

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14:00 A. Yes.

Q. Just to refresh, Ms. Muniz had texted at 7:47 -- or 7:16 p.m., "Alex I came to take pictures of the ashes because it's been cremated. Do I allow the funeral home to give the mom the ashes?"

Ms. Barrera says, "That's fine. We have a death certificate, I'm assuming. Take pictures of the ashes."

A. Okay.

Q. Is Alex providing legal advice there?

A. I don't know. I don't know if that would be something that would play into the legal aspect of the case.

Q. How could it play in the legal --

14:01 A. I don't know. That's what I'm saying.

Q. Okay. Ms. Muniz responds, "Okay. Thank you."

And then the next day, January 12th, Ms. Muniz says, "Good morning. Dr. Lozano is supposed to be coming in around noon for an interview and told the captain he was going to bring the entire file history on patient/suspect. If he voluntarily wants to give me copies, do I get them? I don't know if you want to be here for the interview."

A. Okay.

Q. What is Ms. Muniz asking?

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14:01 A. Whether or not Alex wants to be there for the interview with Dr. Lozano, basically.

Q. Is it -- has it ever happened in your experience that a district attorney has been present at a witness interview?

A. No. We try and stay away from that.

Q. Okay. What else is Ms. Muniz requesting here?

A. Something about getting copies on the history of the patient/suspect. "Voluntarily wants to give me copies."

Q. "Do I get them?"

A. Right.

Q. Okay. So if you go to the next page, page 81, you have a message from Ms. Barrera to Ms. Muniz January, 12th, 2022, at 8:53 a.m. Ms. Barrera says, "I mean, you can so we can take a preliminary look, but still need to grand jury subpoena them."

A. Okay.

Q. Why do you still need a grand jury subpoena?

A. Well, that's -- that definitely is legal advice. In order to have copies that are certified copies, then you would need a grand jury subpoena.

So I think what Ms. Barrera is saying there is basically giving her legal advice that, I mean, if they turn them over to you, I guess you can

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look at them, but in order to get certified copies, you would need a grand jury subpoena. So that's her giving legal advice to Ms. Muniz.

Q. And that's because of the admissibility of evidence?

A. No. That's -- that's just to certify that those are complete and correct copies of the medical records.

Q. Why is that important?

A. Well, because it would be important in any case that you have accurate medical records, full and complete and accurate medical records, especially in a case like this.

Q. Okay. And if I represent to you that on that day, Mr. Villarreal issued the grand jury subpoenas, is that consistent with your understanding of the timeline?

A. No, I don't know the timeline, quite honestly, on the grand jury subpoenas. But if you show me the grand jury subpoena, then I can tell you whether it's consistent or not.

Q. Do you have a reason to doubt that they were issued on the same day?

A. I don't know when they were issued.

Q. Okay. We can go ahead, they've already been

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14:03 introduced, I believe Plaintiff's Exhibits 1 and 2.

(Discussion)

Q. Top one is Exhibit 1.

A. Okay.

Q. One of each.

A. Okay.

Q. No. 1 and 2.

MR. NAVARRO: What numbers do they have?

MR. DONATTI: So the Lozano subpoena is No. 1.

THE WITNESS: Okay.

MR. NAVARRO: Plaintiff's Exhibit.

MR. DONATTI: 1 and 2.

MR. NAVARRO: 1 and 2.

A. All right.

Q. What dates are these?

A. January 12th of 2022.

Q. Okay. And what are they?

A. They -- they are applications for subpoenas. The first one is an application for a subpoena of the custodian of the records for Dr. Rodolfo Lozano.

And the second one is an application for subpoena for the records of -- the custodian of records of the Starr County Memorial Hospital.

Q. What is the nature of the investigation at this

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point?

A. I don't know.

Q. What charge or crime is listed on these subpoenas, if any?

A. Charge of crime? I don't see a charge of crime listed, but maybe I'm missing it. I don't see one. Let me make sure.

On the first page I don't see a charge of crime. Second page, I don't see a charge of crime either, on either subpoena. I think it just says "investigation," I believe.

Q. Okay. Did Mr. Villarreal tell you that he was requesting these subpoenas?

A. No.

Q. Did he tell you after the fact that he had requested these subpoenas?

A. No.

Q. Did you speak with anybody in your office about the investigation of Ms. Gonzalez at this point?

A. No, sir.

Q. If I represent to you that Ms. Barrera also had a phone conversation with members of the sheriff's office on that day, were you present for that conversation?

A. No, sir.

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14:27 the case, so...

Q. Would you be interested in information about a dead baby?

A. It depends. It depends on -- on what's going on. I mean, I'm the district attorney. I let my ADAs handle these cases. If they have questions or they want to let me know some information that they feel I need to know, then I'm always interested in listening.

But it's not like I'm going to go digging around asking specific questions about cases like this.

Q. I'm going to -- to show you what has -- why don't we jump ahead.

So you mentioned earlier that you do recall discussing the case with Ms. Barrera in February of 2022?

A. No. I remember she mentioned -- and I don't -- I don't even think it was -- I don't know when it was. I think at some point before the presentation to the grand jury we talked about the case, and I don't know exactly when it was.

Q. Okay. When you talked to Ms. Barrera, was there already a decision as to what charge --

A. No.

Q. -- to levy?

A. Not that I know of.

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14:28 Q. Okay. And who else did you discuss
14:29 Ms. Gonzalez's case with other than Ms. Barrera?
14:29 A. Before the indictment?
14:29 Q. Yes.
14:29 A. Just Ms. Barrera.
14:29 Q. Just Ms. Barrera. Did you discuss it in
14:29 person?
14:29 A. Yes.
14:29 Q. So I'd like to show you what has previously
14:29 been marked Plaintiff's Exhibit 28.
14:29 MR. NAVARRO: 28?
14:29 MR. DONATTI: 28.
14:29 (Discussion)
14:29 A. Is it front and back?
14:29 Q. This is a front and back.
14:29 A. Okay.
14:29 Q. There is a page 155.
14:29 A. Okay.
14:29 Q. And then the copy we received jumps to
14:29 page 167.
14:29 A. Okay.
14:29 Q. So we're assuming the pages were deleted, but
14:29 we cannot know.
14:29 A. Okay.
14:29 Q. So the message at the top of page 155, it's a

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14:29 message from Alexandria Barrera to you, Mr. Ramirez.
14:30 A. Yes.
14:30 Q. February 1st, 2022, at 3:00 p.m. Ms. Barrera says, "Sir, can you let me know when you have time to speak? Abortion case."
14:30 A. Yes.
14:30 Q. What did you understand that message to -- to be about?
14:30 A. That she wanted me -- she wanted to talk to me about the case involving the baby.
14:30 Q. And so you had heard about this case before?
14:30 A. Yes. I think I had heard about it before.
14:30 Q. Were you surprised when you received this message?
14:30 A. No. Why would I be surprised?
14:30 Q. And you were not surprised because you had previously heard about an abortion case?
14:30 A. Yeah. I mean, now, I don't know what context the word "abortion" was used. I mean, I had heard about a dead baby. I don't know when -- if we ever had this conversation in February or whether it was later on that we actually had the conversation, but I don't see an answer from me. But I knew what case she was referring to, basically. I had heard about it.
14:31 Q. And what -- what had you heard?

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14:31 A. What I said earlier about the dead baby.
14:31 Q. Is dead baby and abortion synonymous to you?
14:31 A. They can be.
14:31 Q. And what is the nonoverlap?
14:31 A. Excuse me?
14:31 Q. So is an abortion always a case about a dead baby?
14:31 A. No, no. But you can have -- I'm assuming. I don't really know. I'm not a doctor. But I think you can have an attempted abortion that results in the death of a baby after birth. So somebody could term that an abortion, a botched abortion, you know.
14:31 I mean, she didn't put "botched abortion." But I don't know whether it was an abortion. I don't know whether it was a baby that was born alive. I don't know whether it was baby that was born dead. You know, Ms. Barrera was basically directing me to that case, but I don't know what she meant by "abortion."
14:32 Q. Did your office have any other abortion cases?
14:32 A. Not that I know of, no.
14:32 Q. Did your office have any other dead baby cases?
14:32 A. No, no. I know she was referring to that case.
14:32 Q. Okay. And all that you knew about this case, your testimony is that you had heard the words "dead baby" in your office?

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14:32 A. That's what I remember, yes, sir.

14:32 Q. You were unfamiliar with any other details about this case?

14:32 A. Totally unfamiliar.

14:32 Q. Okay. So --

14:32 A. Except the drug part. I knew that drugs were involved.

14:32 Q. And you previously described a series of circumstances someone fails to terminate a pregnancy. So is -- was your reaction to receiving this message you didn't have a whole lot of questions?

14:32 A. No, I didn't. I would be looking to talk to her whenever she had time. I don't know when we actually spoke. The message is sent in February, so I don't know if we spoke later that week, later that month. There's no reply from me.

14:32 And, actually, we go on to talk about something different completely. So I don't know when we had the consideration, but we did have a conversation.

14:33 Q. So let's put aside concerns about timeline.

14:33 A. Okay.

14:33 Q. What was the conversation you had?

14:33 A. The conversation that I had with her I remember is she was letting me know that she was going to

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present this case to a grand jury.

Q. What was "this case"?

A. The case involving the dead baby.

Q. So that's the only information you had?

A. Yes. Because when I remember Ms. Barrera coming into my office, she didn't have a file with her. She didn't have a file in her hands. She sat down. She told me that she was -- she wasn't asking permission, but in a way she was just letting me know.

I mean, obviously, if I had said, "Don't do it," she wouldn't have done it. She was saying that she was going to present this particular case to a grand jury on a particular date. And I remember her giving me -- and I can't remember what facts she gave me. She gave me some facts about the drugs, I believe.

And I remember telling her that I was not going to be here that day. I was going to be in a grand jury in Jim Hogg County on a cold case.

And I went ahead and told her, "Go ahead and present it to a grand jury." And I think I let her know that I was not going to be there because I had to be in Jim Hogg County in a case that I was very interested in because we had -- that case in Jim Hogg County had already been presented once to a grand jury and passed, and the Ranger involved in that case wanted

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to present it again. So I had been there the first time, and I wanted to make sure that I was there the second time.

Q. How did Ms. Barrera describe the case?

A. I don't remember how she described it. All I remember is that there was a dead baby, there were drugs involved, but I don't remember the description of the case.

Q. Do you remember any part of the description?

A. No, sir.

Q. What would you do if you wanted to recall what she described to you?

A. There's no way, because, I mean, we didn't record the conversation. So I would probably have to go back and ask her what she told me.

Q. So you'd talk to Ms. Barrera. What else could you do?

A. To find out what she told me?

Q. Yes.

A. That would be the only thing is to ask her to recall if she can recall what she told me.

Q. Do you intend to refresh your recollection?

MR. NAVARRO: Objection.

You don't have to answer that.

Q. At any point between now and trial will you

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follow up to learn more about this conversation that you currently cannot remember?

MR. NAVARRO: Objection.

You don't have to answer that question.

MR. DONATTI: On what basis?

MR. NAVARRO: You're asking him what he's going to do in the future. You're here to explore facts. So you're saying, "What are you going to do in the future?" I'm not going to let you do that.

And I'm instructing the witness not to answer the question about what he's going to do to prepare for trial or in talking to me or otherwise. So that's the objection.

MR. DONATTI: Same objection if I ask, "What is your present intention to learn more about this conversation?"

MR. NAVARRO: Same objection.

Q. And are you not answering because your counsel has instructed you not to answer?

A. That's correct.

Q. So your current testimony is that Ms. Barrera told you that there was a dead baby, something about --

A. No. My -- that's -- you're misstating what I said.

Q. What did you say?

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gave to --

A. No.

Q. -- the investigator?

A. No.

Q. Do you agree with the advice that she gave to the investigator?

A. Definitely.

Q. So it is your impression that Ms. Gonzalez was not a flight risk?

A. I don't -- I have -- I don't know Ms. Gonzalez, but, you know, if that's what Ms. Barrera believed, then I would agree with her. I mean, Ms. Barrera is -- she must have known that the lady was not a flight risk, so probably a U.S. citizen.

Q. Okay. So you spoke with Ms. Barrera after this conversation on February 1st -- or rather, let's lay that foundation first. Ms. Barrera texted you on --

A. Right.

Q. -- February 1st, abortion case, that conversation happened. You testified previously you didn't recall when that conversation had happened.

A. Right.

Q. Let's see if we can find it. So you --

A. Is that in the big packet?

Q. It's in Plaintiff's Exhibit 16.

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A. I don't think mine is marked. Is it this one?

MS. JOHNSON: It is the big packet.

THE WITNESS: This one?

Q. This is Sergeant Aguirre with the redaction.

A. This one, the big packet.

Q. This -- yeah, this is right.

A. Okay.

Q. If you go to page 85.

A. Okay. All right.

Q. Well, actually, let's -- let's start at page 84 -- or, rather, let's -- let's start at page 84.

A. Okay.

Q. So the messages go down in chronological order. Ms. Muniz asked Ms. Barrera, "Is now a good time, or let me know when."

Ms. Barrera responds, "Yes. You can come by. I'm about to head back from lunch, but I'm here at the courthouse."

The courthouse is your office; is that correct?

A. Yes, sir.

Q. Ms. Muniz says, "Okay. I'll see you in a bit." Then we go over to page 85.

A. Okay.

Q. My impression is that Ms. Muniz met Ms. Barrera

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14:48 in the courthouse. And then Ms. Muniz sends a message, "I forgot to mention I have a copy of the cremation certificate with the baby's name."

A. What? Hold on. Where is the words "the impression."

Q. No, no. I'm sorry. That's my impression.

A. Oh, I'm sorry. I'm sorry.

Q. And, again, not relevant to my questioning.

A. Okay.

Q. I'm trying to make sense of the sequence.

A. Okay. Okay.

Q. But they have a meeting in the courthouse.

A. Okay.

Q. And then on February 1st, 3:17:48 p.m., Ms. Barrera says, "Okay. So spoke to Gocha. Just submit for grand jury review. No arrest warrant."

A. Right. Okay.

Q. Does that refresh --

MR. NAVARRO: Where does it say they had a meeting?

MR. DONATTI: Who?

MR. NAVARRO: You're saying your impression is they had a meeting, and I'm not seeing that here.

MR. DONATTI: From pages 83 and 84 and 85,

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they're coordinating a meeting on page 84, as we discussed --

MR. NAVARRO: They're talking about a meeting, but they're not saying they had a meeting.

MR. DONATTI: That's fine. It's not important to my question.

My question is Mr. Ramirez about his conversation with Ms. Barrera.

MR. NAVARRO: Okay. So page 85 now, right?

MR. DONATTI: We're on page 85.

Q. Does this refresh your recollection as to your meeting with Ms. Barrera?

A. No, it doesn't.

Q. Do you recall where you met Ms. Barrera?

A. I think in my -- in my office, I believe.

Q. Were you in your office when Ms. Muniz came to talk with Ms. Barrera?

A. No. I never spoke to Ms. Muniz.

Q. Did you listen in on that conversation?

A. No. No, sir.

Q. Did you overhear that conversation?

A. No, sir.

Q. So Ms. Barrera tells Ms. Muniz she spoke with you.

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14:50 A. Okay.

Q. "Just submit for grand jury review. No arrest warrant."

A. Okay.

Q. Did you discuss the arrest warrant with Ms. Barrera?

A. I don't know if we discussed an arrest warrant. I'm pretty sure that we discussed that we didn't have enough facts to make an arrest. I don't know that we discussed an arrest warrant.

But if this was on February the 1st of 2022, we definitely didn't have enough facts. So that's what the discussion would have been about.

Q. What didn't you have enough facts about?

A. To charge anything.

Q. So what does it mean "just submit for grand jury review"?

A. Basically, just tell her -- tell the investigator, go about your business, complete your investigation, submit your file, and then we'll take a look at it.

Q. So your -- your impression here is that the district attorney's office would review the file once it was complete?

A. Yes, sir.

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14:51 Q. What facts would you have needed?

14:51 A. Well, depends on what the charges were going to be. But we would need more facts for any charge, because, I mean, this was February the 1st of '22. I don't think we had seen anything in writing from the sheriff's department in the form of a formal report, the medical records.

14:51 I don't think Ms. Barrera had a clear picture of what had happened at all. So that's -- I'm assuming that's what we discussed. There was no clear picture of what had happened.

14:52 And we just needed the sheriff's department to do what they do, finish their investigation, turn in the file, and then we could decide whether to present it to a grand jury or not.

14:52 Q. Did you tell Ms. Barrera what facts were missing?

14:52 A. No. I think most of the facts were missing at this date. I didn't tell her what facts were missing. But if it was on February 1st, almost all the facts were missing, because we hadn't seen anything on that case. The way I understand it, from what I understand, we had not seen anything at all.

14:52 Q. And was it your understanding that the sheriff's office investigation was complete?

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14:52 A. Not on February the 1st.

14:52 Q. So what are -- what is Ms. Barrera telling Ms. Muniz to submit?

14:53 A. The file whenever she's --

14:53 Q. The file --

14:53 A. -- done.

14:53 Q. The file is what?

14:53 A. It's all of the reports, the medical records, the interviews, everything that should be in an investigative file. And I don't believe that was turned in until -- I don't know. I think it was over a month later.

14:53 Q. So what would have happened if the file had been presented and incomplete?

14:53 A. I don't know. Hopefully, we would have caught it, and we would have asked for whatever was missing. But that's what ultimately and -- would have happened if we lived in a perfect world. We would have known that something was missing and asked that we get it.

14:53 Q. What if the file was incomplete not because it lacked a body camera video or something but because material evidence was missing from the elements of the offense?

14:54 A. Then, you know, what would have happened normally is we would have advised that something was

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14:54 missing.

14:54 Q. Would you have sent it back to the sheriff's office for further investigation?

14:54 A. I don't know if we would have sent it back. We might have asked for more investigation.

14:54 Q. And when the sheriff's office needs to supplement, do they have to resubmit --

14:54 A. No.

14:54 Q. -- a prosecution packet?

14:54 A. No. They just -- they just submit supplements. If they need to supplement, they'll just submit the supplement.

14:54 Q. Did Ms. Barrera tell you that she was pursuing a murder charge?

14:54 A. No, she did not.

14:54 Q. Did she tell you that she did not know what charge she was pursuing?

14:54 A. I don't remember her telling me that either.

14:54 Q. Did you know what the sheriff's office was investigating the incident as?

14:54 A. No, I don't, because that would have been -- I would have needed to have spoken to an investigator or seen the file.

14:55 Q. Did you tell Ms. Barrera, "I'm going to need to see the file again"?

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14:55 A. No.

14:55 Q. Did you tell her, "I'm going to need to talk to you about this case again"?

14:55 A. When?

14:55 Q. On February 1st.

14:55 A. I don't remember telling her that. I don't really remember what the conversation was about except that we didn't have enough facts.

14:55 Q. Uh-huh. So it is your testimony that you definitively did not have the facts to support probable cause for a murder charge?

14:55 A. We didn't have a file. So you can't have a case without a file. In other words, Ms. Barrera couldn't go to a grand jury on February the 2nd after this conversation without a file, without a report, without medical records, and present it to a grand jury for their consideration.

14:56 The file I don't believe was turned in until at least a month later. So we had nothing except what had been orally told to Ms. Barrera or Mr. Villarreal.

14:56 Q. How did you know you would be out of town when you discussed the case on February 1st?

14:56 A. Because we had already set -- well, I don't know if that's when I told her we were going to be out

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14:56 of town. I told her I was going to be out of town
14:56 whenever -- right before she presented the case to the
14:56 grand jury. And I don't know when that was.
14:56 But we had already had settings for grand
14:56 jury in Jim Hogg. We know in advance, a month in
14:56 advance when we're going to have grand jury in Jim
14:56 Hogg. And we know a month in advance, more or less,
14:56 when we're going to have grand jury in Starr County.
14:56 And it just so happened that those grand juries were on
14:56 the same day. We have a grand jury in each county.
14:56 Q. Why was your presence in the county relevant to
14:56 this conversation?
14:56 A. Because I wasn't going to be there.
14:57 Q. Where?
14:57 A. In Starr.
14:57 Q. For what?
14:57 A. For a grand jury.
14:57 Q. Is your understanding that you were scheduling
14:57 a grand jury presentation of this case on February 1st?
14:57 A. No, no, no. No, no. I don't understand your
14:57 question. I don't know that we talked about
14:57 presentation to a grand jury on February -- we talked
14:57 about getting more facts for a grand jury.
14:57 But I don't know that we had set this case
14:57 for presentation to a grand jury on February the 1st.

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I don't think it was presented to a grand jury until -- until March, but I could be wrong.

Q. How could you know you were going to be unavailable during the grand jury presentation date if the plan was not to present the case to a grand jury?

A. I don't understand your question. When -- these -- I don't know that this is the same conversation that we're talking about.

In other words, the conversation we're having here with Ms. Barrera is -- she says, "Okay. Just spoke to Gocha. Just submit for grand jury review." We didn't have a date certain that we were going to present this case to a grand jury at that time.

Later on, after the file was turned in, when Ms. Barrera decided to present it to a Starr County grand jury is when I knew that I was not going to be present. Not on the 1st of February. That would have been later in time.

Q. What facts did Ms. Barrera learn after February 1st that closed the gap on probable cause?

A. I don't know. You'd have to ask her.

Q. Are you aware of any facts that Ms. Barrera learned that closed the gap on probable cause?

A. No, I'm not aware of what facts Ms. Barrera

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learned, because I didn't see the file until after the indictment was returned.

Q. Do you believe that your office ever had sufficient facts to present this charge to a grand jury?

A. I don't know. I don't know. The case -- you know, sometimes we present cases to grand juries expecting no bills. Sometimes we present them to grand juries expecting true bills. Sometimes grand juries decide to charge something that we don't even -- we don't even guess they're going to charge, they're going to indict for.

So, no, I didn't -- I don't know whether or not there was enough probable cause to present the case to a grand jury for whatever charge.

Q. Did you know on February 1st that the prosecution packet had not been submitted?

A. I can't say that I knew for sure. I'm assuming that that's why we asked for just no arrest, just finish your investigation basically.

Q. Do you always wait to make an arrest until after a prosecution packet is submitted?

A. We don't make -- we don't usually make arrests. The investigative agency makes the arrest.

Q. Do you often tell law enforcement officers to

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hold off on arrests until a prosecution packet has been submitted?

A. No, sir.

Q. Let's see where we are -- let's see where we are on time.

Did you have any subsequent conversations with Ms. Barrera between February 1st and when the case was presented to the grand jury?

A. Substantive just when she told me she was going to present it. I don't know what date that was.

Q. Okay.

A. That would have been -- I think would have been March maybe.

Q. I apologize. My question was subsequent.

A. Oh, I'm sorry. Yes, I had a conversation with her when we sat down -- she sat down with me and she said she was going to present it or she wanted to present it.

You know, it wasn't asking permission, but it was kind of letting me know she was going to present it and she wanted to present it. And that's when I told her that I was going to be in Jim Hogg County.

Q. And this is --

A. That would have been --

Q. -- a separate conversation from --

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15:01 A. Yes.
15:01 Q. -- the February 1st conversation?
15:01 A. I'm -- yes.
15:01 Q. And what did Ms. Barrera tell you she had learned since February 1st?
15:01 A. I don't remember what she told me she had learned, if anything.
15:01 Q. Do you remember that she had acquired new facts?
15:01 A. I don't know that she told me she had acquired new facts.
15:01 Q. So what did she -- what was your conversation about?
15:01 A. About her presenting the case to the grand jury.
15:01 Q. And what was the case?
15:01 A. Ms. Herrera's case.
15:01 Q. What was Ms. Herrera's case?
15:01 A. It involved a dead baby. That's all I knew.
15:01 Q. Did you know that she was presenting a murder charge to the grand jury?
15:02 A. I don't know that she presented a murder charge. I don't know that she did that. I know she presented the case to the grand jury. That's all I can tell you.

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15:02 Q. Did she discuss possible charges with you?
15:02 A. No.
15:02 Q. Did you ask --
15:02 A. No.
15:02 Q. -- what charges were available?
15:02 A. No.
15:02 Q. Did you ask what evidence was available?
15:02 A. No.
15:02 Q. Did she use the words "dead baby"?
15:02 A. I don't remember.
15:02 Q. Is it your testimony that she did not use the word "dead baby"?
15:02 A. No. It can't be my testimony because I don't remember.
15:02 Q. Would it have made a difference to you?
15:02 A. Not really. I mean, that was my understanding of the case to begin with, that it was a dead baby.
15:02 Q. If your office presented this case to a grand jury, you would have been the first office to prosecute an abortion. Is that your understanding?
15:03 A. I don't know. That's not my understanding. I don't know. I don't even know what your question is. First office where?
15:03 Q. You had not previously been familiar with any abortion prosecutions?

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15:03 A. No. No, I didn't. That was not something that interested me.

Q. Your understanding was that abortion was legal in the state of Texas?

A. Yes, sir.

Q. So if an abortion case was presented to a grand jury, what did you expect would happen?

A. Well, it depended on the facts. Like as I told you earlier, I don't know whether or not -- I didn't know at the time whether or not the case involved a botched abortion where the baby was born alive and then died. In that case, I don't know what would have happened. I don't know if that's been presented before. It may have been. My impression was that the baby was -- there was a dead baby, not that it was a fetus.

Q. Did you ask Ms. Barrera these questions?

A. No, I did not.

Q. Why not?

A. Because I didn't think I needed to ask her those questions. I actually was much more interested in the case that was being presented in Jim Hogg County.

Q. What were the potential consequences for Ms. Gonzalez of an indictment in this case?

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15:04 A. It depends on what she was indicted for. Obviously, she was indicted for murder, and the consequences were severe.

Q. And are you not interested in those consequences?

A. I am interested now. I mean, I didn't think this was going to happen. This obviously was a mistake, so I didn't anticipate this.

Q. You said the word "botched abortion" a few times. What is that?

A. I don't know. I mean, that's -- I would assume that's when somebody tries to have an abortion. My understanding of a botched abortion would be, say, somebody trying to abort a baby and the baby being born alive and then dying as a result of those acts.

Q. Was that your understanding of the facts?

A. No. No. I just -- that's basically -- for some reason, that's what I had imagined the case involved when there was a mention of drugs and a dead baby. That's what I imagined.

Q. Have you ever read Chapter 19 of the Texas Penal Code?

A. I'm sure I've looked at it.

Q. When you work on criminal cases, do you typically read through the full chapter?

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15:05 A. No, not always.

15:05 Q. What about a homicide case?

15:06 A. No, not -- not always. I mean, the homicide statute is a fairly simple statute. So that's usually -- I mean, on all the homicide cases I've worked on, the definition of homicide is right in the first part of the statute.

15:06 Q. How long is the homicide statute?

15:06 A. I don't know. It's several sections.

15:06 Q. There are -- if I represent to you that there's six sections, does that sound accurate to you?

15:06 A. Sounds accurate. Six or seven, yeah.

15:06 Q. Is it important as a prosecutor to know the law?

15:06 A. It is important to know the law.

15:06 Q. Is it important to read all of the statutory elements of an offense?

15:06 A. Sometimes it is.

15:06 Q. When is it not important to read the elements of a crime?

15:06 A. Well, if you have a possession case of possession of marijuana, possession of cocaine, those kind of cases, I don't think you need to read through the whole safety and health -- health and safety code or read the whole statute about how marijuana is

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15:07 defined, what the content has to be, et cetera. I don't think you need to read the whole statute there.

Q. Apologies. The homicide statute, when is it not important to read the elements of a homicide charge?

A. I don't -- I don't know when it's not important.

Q. Were you familiar with Section 19.06?

A. No. I was -- well, no, I was not familiar with that section. That had never come up before. And I had been -- I had been an attorney for 40-some years. I've been an attorney for 46 at this point. And I don't ever remember dealing with 19.06.

Q. You understood abortion is not a crime --

A. Yes.

Q. -- is that correct?

A. Yes, I did.

Q. You're familiar with the case Roe versus Wade?

A. Of course I am.

Q. Do you follow updates from the Texas Court of Criminal Appeals?

A. I try to.

Q. Has -- in your understanding, has the Texas Court of Criminal Appeals ever held somebody liable for an abortion?

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15:08 A. Not to my understanding, no.

Q. Has the Texas Court of Criminal Appeals ever held somebody liable for assisting an abortion?

A. Not to my -- well, not -- not in 2022.

Q. 2022?

A. Yeah.

Q. In 2022 would it have been a crime to assist an abortion?

A. Not that I know of, no.

MR. DONATTI: I think now is a good time for a break.

THE WITNESS: Okay.

(Brief recess)

15:51 Q. We just came back from a short break. Did you talk to your attorney during the break?

A. I did.

Q. Before we left, we were talking about the facts of the case as you understood them. That's correct, yeah?

A. Yes, sir.

Q. And you made references to drugs, correct?

A. Yes, sir.

Q. And the drugs was the medication Misoprostol, correct?

A. Ultimately, that's what I found out.

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15:51 Q. And Ms. Herrera never gave Misoprostol to her unborn child, correct?

15:51 A. I don't know. I don't know how -- how they were administered.

15:51 Q. Ms. Herrera ingested Misoprostol vaginally, correct?

15:52 A. That's what I understand.

15:52 Q. And the effect of taking that medication was to terminate her own pregnancy; is that correct?

15:52 A. That's what I understand.

15:52 Q. And you understood abortion was legal in 2022; is that correct?

15:52 A. Yes.

15:52 Q. And you had never heard of a case in which a woman was prosecuted for terminating her own pregnancy; is that correct?

15:52 A. No, I had not.

15:52 Q. You had never heard of a case in which a person who assisted a consensual abortion was prosecuted for murder; is that correct?

15:52 A. I had not.

15:52 Q. So assisting with an abortion is not a criminal act, correct?

15:52 A. In 2022, it was not.

15:52 Q. And so you do not consider yourself as having

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committed a criminal act by assisting Becky Rocha with obtaining an abortion, correct?

A. I don't know what you're talking about.

Q. What conversations did you have with Ms. Barrera after that second conversation where you told her to present to the grand jury?

A. The next time I spoke to her was after Ms. Herrera had been arrested.

Q. Did you help her prepare for the grand jury presentation?

A. No.

Q. And did you ever review the prosecution packet?

A. After -- after Ms. -- I'm sorry.

Q. Before the indictment, did you ever review the prosecution packet?

A. No, sir.

Q. Ms. Barrera presented the charge alone?

A. I -- I believe she did, but I -- I can't say for sure, because I wasn't there.

Q. Where were you when the case was presented?

A. I was in Hebbronville, Jim Hogg County.

Q. You were working on that day?

A. Yes, sir.

Q. After the grand jury true billed the indictment, Ms. Barrera drafted the indictment; is that

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15:53 correct?
A. I -- I believe she did.
Q. Who helped her draft the indictment?
A. I don't know.
Q. I'd like to introduce Plaintiff's previously introduced Exhibit 17, the indictment.
MR. NAVARRO: 17?
MR. DONATTI: This is Plaintiff's Exhibit 17.
Q. This indictment was signed on March 30th, 2022. The indictment nowhere mentions the crime of homicide, correct?
A. Not the word "homicide," no.
Q. The indictment instead says that the Defendant, Ms. Lizelle Herrera, then and there intentionally and knowingly caused the death of an individual J.A.H. by self-induced abortion; is that correct?
A. That's correct.
Q. Did you assist in preparing this indictment?
A. I did not.
Q. Did you review this indictment before it was submitted?
A. I did not.
Q. Did you approve of this indictment?
A. No, sir.

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15:55 Q. Why does the indictment refer to a self-induced abortion?

A. I don't know.

Q. Why does the indictment not refer to murder?

A. I don't know.

Q. On the back side of this page, what is this?

A. This is part of the indictment.

Q. Okay. Great. When was Ms. Herrera arrested?

A. I don't remember the date.

Q. Did you instruct your team to issue a sealed indictment for Ms. Herrera's case?

A. No, I did not instruct them to issue a sealed indictment.

Q. Did you know that the indictment would be sealed?

A. If she had been indicted for anything, it would have been sealed because she had not been arrested. All indictments of unarrested people are sealed.

Q. When was Ms. Gonzalez's bail set?

A. According to the indictment, the bail was set on April the 1st of 2022.

Q. Did you recommend the bail amount?

A. No.

Q. Did anyone in your office recommend the bail amount?

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15:56 A. No. We don't recommend bail amounts. Those are set strictly by -- by the judge.

Q. What was your office's role in the arrest of Ms. Gonzalez?

A. I don't believe we had any role in the arrest.

Q. Did your office facilitate the planning of the arrest?

A. Not that I know of.

Q. Did your office participate in the planning of the arrest?

A. No, sir.

Q. Did you discuss the arrest with anyone?

A. No.

Q. Okay. So I'd like to show you another exhibit. This is a text between Mr. Ramirez and Abel Villarreal.

Strike that. We can move on.

(Discussion)

A. Okay. Yes, sir.

Q. So first we're going to be discussing what's been marked as Plaintiff's Exhibit 33. And those are text messages between Abel Villarreal and Mr. Ramirez.

A. Okay.

(Discussion)

Q. Do you have Exhibit 33 in front of you?

A. Yes, sir.

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16:27 MR. DONATTI: Yes.

Q. And if you jump back to page 64, which is the back.

A. Okay. Yes, sir.

Q. At the very top at -- April 13th, 2022, at 12:45 p.m., you send a message to the district attorney's office group chat, "Grand jury next Friday. Please review cases you're going to present carefully. Alex and I will hopefully be done with trial by then. It's Balde, remember. But I'll be there to speak to the grand jury about the issue with Ms. Herrera's indictment and answer any questions they may have."

A. Okay.

Q. Do you recall that presentation with the grand jury?

A. No, I don't.

Q. Who else did you talk to following the dismissal?

A. Following the dismissal?

Q. Yes.

A. I -- I don't know who I spoke to. I spoke to my wife. I might have spoken to my children. I'm sure I spoke to my ADAs. I don't know if I spoke to each and every one of them, but I'm sure I spoke to Alex and Abel. Might have talked to Judy.

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16:28 Q. Did you talk to Becky Rocha?

16:28 A. I don't think I spoke to her. I think she sent me a text.

16:28 Q. Okay. I'd like to add another exhibit in our file, Exhibit Y.

16:29 MR. NAVARRO: Which exhibit are you on?

16:29 MR. DONATTI: Say again. I'm sorry?

16:29 MR. NAVARRO: What exhibit are you on?

16:29 MR. DONATTI: This is going to be Plaintiff's Exhibit 37.

16:29 (Discussion)

16:29 Q. So this exhibit is the affidavit of Becky Ann Rocha.

16:29 A. Okay.

16:29 Q. Which says she is in possession of text messages between herself and Mr. Ramirez which she produced to Ms. Gonzalez's attorneys. And then the second page -- second and third pages are a series of messages.

16:30 A. Okay.

16:30 Q. At the beginning, Ms. Rocha says, "Good morning. I really hope you're doing very well. With all that backlash, you're probably getting take a deep breath." Prayer hands emoji. That's April 12th 2022.

16:30 You responded, "Thank you. It's very

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16:30 possible that my career is over, but I will continue to move forward. I've been blessed with 43 years of work. If it ends because of this, then so be it. Thank you for your support, Becky."

Did you send that message?

A. I'm sure I did.

Q. Why did you think your career might be over?

A. I was really depressed about what had happened at that point in time. It was just -- I think everybody involved, especially myself and Alex, we were very depressed about the mistake that had been made. And I didn't know how the -- what was going to happen and how it would turn out.

Q. Then Ms. Rocha says she's here if you need to talk. And you respond, "Thank you. I will take you up after my trial next week. I need someone to talk to." Do you see that message?

A. Yeah. I see some messages in between that, but -- oh, you're going across the page?

Q. You have to go across, yes.

A. Okay. Yes, I do see it.

Q. What is your relationship with Becky Rocha?

A. I don't have a relationship with her, no.

Q. How long have you known Becky Rocha?

A. I've known her for decades.

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16:31 Q. And is she your friend?
16:31 A. No.
16:31 Q. So when you respond to, "No, my friend. It's a sexual assault to a child case," what do you mean?
16:31 A. That's a term of -- a term of art. I mean, she's not a friend. I don't consider her a friend. She's an acquaintance.
16:31 Q. Have you ever had a romantic relationship with Ms. Rocha?
16:31 A. Not a romantic one, no.
16:31 Q. Have you ever had a sexual relationship with Ms. Rocha?
16:31 A. Yes.
16:31 Q. The next message you say you're going to try and start rehabilitating your reputation. She says, "You have a great reputation." And then she asks you if you think you made the right decision.
16:32 A. Where is that on the page?
16:32 Q. This is --
16:32 A. Okay. I got it.
16:32 Q. You think you made the right decision in regards to her inducing her own abortion. It continues on No. 4.
16:32 A. All right.
16:32 Q. You say what you said in the press release. It

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should not -- I should not have indicted her.

A. Right.

Q. Then on the next panel, there's a message from you that says, "I'm not commenting because she hasn't commented and she doesn't want to." How did you know she didn't want to comment?

A. She had -- they had mentioned that when we had had our meeting at the office. And her attorney had told me that she just didn't want to comment, that they had been receiving calls also. And she didn't want to comment. And at this point, neither did I.

Q. So if she doesn't want to -- you said, "No le conviene."

A. Right.

Q. That's Spanish for "doesn't convenience her"?

A. Right. It's not -- it's not something she wants. Yes, it's not to her advantage to comment.

Q. Then you say, "Believe me, this is not her first."

A. Excuse me?

Q. Here you're referring to Ms. Gonzalez, correct?

A. Right.

Q. You say, "Believe me, this is not her first."

A. Right.

Q. What do you mean?

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16:33 A. I'm not sure what I meant by that. I don't know if wasn't her first brush with the law or whether I had read that she had -- had terminated pregnancies before. I'm not -- I'm not sure exactly what that meant.

Q. Why would that have mattered?

A. It didn't matter to me. That was just a comment I made.

Q. Did you know Ms. Gonzalez before the prosecution?

A. No, sir.

Q. Did you speak to her outside of the conversation in your office?

A. No, sir.

Q. Why did you say, "Believe me, this is not her first"?

A. I'm not sure. I'm really not sure if I had read that she had a prior criminal record or whether or not I read somewhere in the medical records that she had terminated pregnancies before. So I'm not sure what I meant by "first." You know, I can't tell you for certain what I meant by that.

Q. Do you have hard feelings towards Ms. Gonzalez?

A. No, not at all. I don't really know her.

Q. Were you surprised by the public reaction to

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16:34 the indictment?

16:34 A. Well, at first I was because I didn't realize what was going on. But after I realized the mistake we had made, then I was not surprised that it got that much trash.

16:35 Q. So after you realized that abortion was not a crime in the state of Texas?

16:35 A. No, that's not what I said.

16:35 Q. What did you realize?

16:35 A. I realized we had made a mistake.

16:35 Q. And the mistake was?

16:35 A. The mistake was indicting her, that she had been indicted under my watch.

16:35 Q. Okay. So I'd like to jump -- well, two further questions. Would a prior criminal record have justified her indictment for homicide here?

16:35 A. Oh, no. No. And that's -- if that's what you understood me to say, that's not what I meant. I thought I was talking about the text message with Ms. Rocha.

16:35 Q. Correct.

16:35 A. That "No le conviene." It has nothing to do with justifying an indictment.

16:35 Q. What --

16:35 A. It had to do with speaking out to the press.

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16:35 Q. Would a prior pregnancy termination have justified her indictment?

A. No, sir.

Q. Okay. Let's jump ahead to the grievance procedure. A grievance was initiated against you shortly after the dismissal, correct?

A. Yes, sir. A few months afterwards.

Q. And members of your team were subpoenaed to testify, correct?

A. Yes, sir.

Q. ADA Barrera was subpoenaed to testify?

A. Yes.

Q. Judy Solis was subpoenaed to testify?

A. Yes.

Q. Abel Villarreal was subpoenaed to testify?

A. Yes, sir.

Q. Anyone else subpoenaed --

A. Myself.

Q. -- to testify?

Besides you and the three individuals I mentioned, anyone else?

A. I don't think so. I think that was it.

Q. And I realize I should jump back a little bit back to the messages. Are these messages between you and Ms. Rocha on your phone?

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A. I don't know. I don't know.

Q. Have you deleted these messages?

A. I don't know. They would still be on my phone even if I had deleted them.

Q. Did you search through these messages in connection with this case?

A. I didn't.

Q. Did the extraction pull these messages from your phone?

A. I don't know.

MR. DONATTI: Okay. We are going to request production of these messages to the extent they're still on your phone.

MR. NAVARRO: Let me be clear. My understanding is you've gotten the extraction from his phone already is what I thought.

MR. DONATTI: We haven't gotten every person he's messaged with. We've gotten a selection of messages with certain individuals in a pretty narrow date range. But insofar --

MR. NAVARRO: You're saying you don't have -- you have the extraction, but they don't include text messages with Becky Rocha?

MR. DONATTI: Correct.

MR. NAVARRO: Okay. I'll follow up on

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16:38 that. I was under the impression you just -- you had
16:38 everything. But I'll -- Kelly has been handling that
16:38 part of it, so I'll follow up with it.
16:38 MR. DONATTI: Understood.
16:38 Q. What was Ms. Barrera's testimony at the
16:38 grievance procedure?
16:38 A. Oh, I wouldn't be able to tell you that. At
16:38 the grievance procedure -- actually, it was in two
16:38 parts, and it was hours. Almost as long as this
16:38 deposition.
16:38 Q. And you requested transcripts and videos of the
16:38 grievance procedure?
16:38 A. I did. And they never -- I was not allowed to
16:38 get them. I was told I couldn't have them.
16:38 Q. Okay. I'd like to walk through the agreed
16:38 judgment of probated suspension --
16:38 A. Sure.
16:38 Q. -- if we can show you what's previously been
16:38 marked as Plaintiff's Exhibit 26. I don't think it
16:38 matters who gets what.
16:39 A. Yes, sir.
16:39 Q. So we are looking at what has previously been
16:39 marked as Plaintiff's Exhibit 26, the agreed judgment
16:39 of probated suspension in the matter of Gocha A.
16:39 Ramirez. You made a series of admissions in connection

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16:39 with the disciplinary procedure.

A. No, I don't -- they were not admissions. They were agreed findings of fact?

Q. Okay. So you made a series of agreed findings of fact --

A. Yes.

Q. -- with the disciplinary proceeding?

A. Yes, sir.

Q. Okay. So the first three, you are an attorney that's licensed to practice law in Texas and a member of the State Bar of Texas. Do you agree?

A. Yes.

Q. Your professional misconduct occurred in whole or in part in Starr County, Texas. Do you agree?

A. That was the finding, that it was in Starr County, Texas.

Q. At all relevant times, you were the district attorney of Starr County, Texas?

A. Yes. For this particular grievance, yes, I was.

Q. "No. 4, assistant district attorneys under respondent's supervision sought to pursue criminal homicide charges against an individual for acts clearly not criminal pursuant to Texas Penal Code 19.06."

A. That's correct.

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16:40 Q. Why does it refer to plural assistant district attorneys?

16:40 A. I don't know. I think that's a typo. Because we actually removed the plural from either 6 or 7 when we were negotiating the language, so I -- I believe that's just a typo.

16:40 Q. And do you -- you negotiated the language on a few of these agreed findings of fact, correct?

16:40 A. Yeah. We actually -- we actually went back and forth for almost a month, maybe three weeks, negotiating language on this.

16:41 Q. Okay.

16:41 A. Which I didn't know you could do, quite honestly.

16:41 Q. I would like to go ahead and show you a new exhibit which we will mark as Plaintiff's Exhibit 38, Exhibit U.

16:41 (Discussion)

16:42 A. Okay.

16:42 Q. What was the testimony of Judy Solis at the grievance hearings?

16:42 A. I don't -- I don't remember what her testimony -- her testimony. Basically they were -- and I'm not even sure why they went here, but they were basically questioning her, if I remember correctly,

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about her representation of the husband, which really had nothing to do with the grievance against me.

Q. Was that the first time you learned she had represented --

A. Yes.

Q. -- Ms. Gonzalez's husband?

A. Yes.

Q. What was your response to --

A. They didn't ask me questions about that.

Q. What was your testimony at the grievance proceeding?

A. Oh, it was hours of testimony. I wouldn't be able to -- you'd have to be a little more specific with your question.

Q. Okay. So let's talk about some of this negotiation which is in Plaintiff's Exhibit 38. It's a series of messages in which you're going back and forth about the language?

A. Yes, sir.

Q. So the first e-mail, you say -- the first e-mail is on the last page, an e-mail thread going in reverse chronological order.

A. Okay. That would not be the first e-mail.

Q. This is the first e-mail in this thread.

A. Well, we had -- I had exchanged -- you may --

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and this exhibit may be the first e-mail, but you actually left out several of the e-mails that went back and forth between myself and Investigator Hackett. And that's fine. If you don't want them included in the exhibit for whatever reason, that's fine. But this would not be the first e-mail.

Q. So when you're talking about additional e-mails that are not included here, is that in regard to negotiating the language of agreed findings of fact?

A. I believe so. I believe that -- I don't believe my first e-mail was on January the 12th.

Q. So I can represent to you that we have other e-mails with Mr. Hackett, but none of them concern negotiating proposed findings of fact.

A. Okay. But I had exchanged e-mails with him way in advance, actually before the end of 2023, regarding the sanction -- the proposed sanction. But, okay, we can go ahead and start with the one you want.

Q. Did you produce those e-mails to your counsel?

A. Yes, they were produced to you.

Q. Okay. We will go back. And for the time being, I'd like to request production of those.

A. Those were produced to you.

Q. Okay. So the first e-mail that we have in this thread --

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16:44 A. Okay.

16:44 Q. -- it says, "As for the findings of fact, I have no dispute with the wording of findings Nos. 1, 2, 3, 4, 5, 6, 8, 9, and 10." And you request a change to No. 7.

16:45 A. Okay.

16:45 Q. This concerns the singular and plural as we just described.

16:45 A. Okay. Yes, sir.

16:45 Q. Why didn't you request a similar change with the other findings where plural ADAs are spoken about?

16:45 A. I probably didn't catch it. And I'm assuming Mr. Hackett didn't catch it either, because I think he agreed to it right away.

16:45 Q. Okay. Next e-mail, Mr. Hackett agrees to the change --

16:45 A. Okay.

16:45 Q. -- or, rather, five days later.

16:45 A. Okay.

16:45 Q. And then you respond and say, "I'd like to change No. 4."

16:45 A. Yes. And what was happening, of course, is, as we were exchanging these e-mails, I would reread the proposed findings of fact, and I would find something else that I wanted changed. And I was learning very

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16:46 quickly that I could at least make these requests.

And then I don't know if he was sending them on to the panel. I know that Mr. Hackett was not the one making these decisions, because he would always have to get back to me. And he would -- it was very clear that he had to consult with somebody, and I'm assuming it was the panel chair.

Q. And on No. 4, your request was to remove the language concerning abortion. And you say, "I respectfully contend that the, quote, self-induced abortion language is inflammatory." What do you mean by that?

A. Because abortion was such a contentious -- is such a contentious issue, was a contentious issue then. And as I state further down in my e-mail, we were getting -- at the very beginning, we were getting hundreds of e-mails, some of them threatening, some of them basically just asking me to -- to make it right.

I received a package at my office with coat hangars in it. I was worried about what I was going to get into in my private mailbox at home. In fact, when I saw the lawsuit that was filed by you guys, you actually put my home address on that lawsuit on the original petition, which bothered me a lot, because I was -- I was being threatened.

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16:47 And I think Alex was getting some of those threats also. And that was surprising to me. Because I'm a democrat. And I was just shocked at the level of vitriol that was coming from people who just didn't understand that a mistake had been made, who were -- in fact, the -- the professor who filed the grievance against me, Ms. Grossman -- who I don't know, doesn't even live in the jurisdiction -- she basically in her grievance said that I had indicted Ms. Gonzalez for political or personal reasons.

And that struck me as being so presumptuous, because she didn't know me. And if she knew me and -- or she knew Ms. Barrera, it would be clear to her that a mistake had been made and it had not been for political or personal reasons.

So putting abortion back into a finding of facts was, I believe, not necessary and was just going to result in more threats, more vitriol, and endanger not only me and my family, but Alex and her family, and people at the office.

Q. Abortion had been present in this case from the beginning?

A. Abortion had been present in the case from the beginning. And it was something that was very contentious.

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16:49 Q. And Ms. Gonzalez didn't put abortion into the case.

16:49 A. No, I'm not saying she did. I've never blamed Ms. Gonzalez for what happened. Not once have I blamed Ms. Gonzalez. Ms. Gonzalez was a victim. But by the same token, I know that this was a mistake. It was not done intentionally.

16:49 And, quite honestly, the allegations that were made in your original petition were, in my opinion, just crazy, unfounded allegations. The allegations of conspiracy, the allegations that we conspired to do this to Ms. Herrera when I know and Alex knows, we all know that this was a mistake.

16:50 And a lot of times, the simplest explanation is the correct explanation. And in this case, the simplest explanation is it was a mistake and that's the correct explanation.

16:50 So I was concerned about putting language like this in a findings of fact. And I think Mr. Hackett agreed with me, or whoever made the ultimate decision to remove that language agreed with me. Sorry for the long-winded answer.

16:50 Q. That's okay. I think maybe we can break for a bit.

16:50 A. Well, I'd like to also point out something

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16:50 before we break for a little bit, because this I think is real important.

In the same exhibit that you're talking about, if you go up to the message -- the e-mail that I sent him on January the 19th at 11:47 where I ask for -- to change some of the language. And I ask -- and I tell him basically that I wanted the proposed language removed because the language that they were trying to put in made it sound like I knew about 19.06 and that my assistant knew about 19.06 and purposely ignored the statute. That's in my e-mail, the one that you've failed to mention on this exhibit.

And I believe Mr. Hackett agreed with me. And he modified the language, because I did tell him that neither one of us was aware of 19.06.

Q. Thank you.

A. You're welcome.

MR. NAVARRO: This Exhibit 38 that you handed me --

MR. DONATTI: Yes.

MR. NAVARRO: -- that is Bates-marked Defendants' 197 through 2000 --

MR. DONATTI: Are we still on the record?

MR. NAVARRO: Yes, on the record. -- under optional completeness on your exhibit, I would ask that

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you go back to the production packet that we gave you, because the exhibit includes -- the Outlook e-mails start at 194, 195 --

MS. JOHNSON: Let's go off record.

MR. NAVARRO: -- 196.

MR. DONATTI: I don't understand.

MR. NAVARRO: Well, the exhibit is incomplete. So when he tells you this is incomplete, it is incomplete. And that this -- I was concerned that we hadn't produced this to you, but you have these additional pages.

THE WITNESS: Yes.

MR. NAVARRO: So I would ask that the exhibit be complete under the rule of optional completeness.

MR. DONATTI: So what I will tell you is, yes, the grievance file was shared with us. The grievance file does not contain the earlier exchange about the original proposed findings of fact or the earlier exchange about disagreements as to the earlier proposed findings of fact.

That exhibit is hundreds of pages, so we excerpted it so that we could go over the materials that you provided. But I stand by what I said, that this does not include what Mr. Ramirez was referring to

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16:53 specifically.

MR. NAVARRO: Well, I do want him to read and sign his depo. So we'll go -- make sure he goes through it. But, I mean, you're right, the exhibit is 345 pages.

MR. DONATTI: Yes.

MR. NAVARRO: So I just wanted to make sure, there are some pages that are -- appear to be ahead of this one Exhibit 38.

MR. DONATTI: I represent we extracted the entire thread at issue here.

MR. NAVARRO: But that's not what the exhibit reflects. It's not the entire thread.

MS. JOHNSON: I'm sorry. May we go off the record? And I want to make sure we get this right for you, Ric, so it's not an issue, that we can do that.

MR. NAVARRO: I'm sorry, what?

MS. JOHNSON: May we go off the record because of time?

MR. NAVARRO: Yeah, that's fine.

(Brief recess)

Q. We are returning from the short break. Mr. Ramirez, did you speak with your attorney over the break?

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A. I did.
Q. Did you speak with anybody else?
A. No.
Q. Did you send messages to anybody else?
A. No.
Q. Why did you plead guilty to the grievance findings?
A. I didn't plead guilty.
Q. Why did you agree to the findings of facts?
A. I agreed to the findings of fact because I was told by the investigator that I had two options: I could enter into an agreement on the findings of fact, or if I didn't come to an agreement on the findings of fact, I would -- the next step would be a trial in Starr County.
Q. You didn't want to go to trial?
A. I did not want to go to trial. That would have been a total disruption of my office.
Q. It would have been a destruction because you would have had to --
A. Not a destruction, a disruption.
Q. It would have been a disruption because you would have had to air out what happened in this case?
A. No. It would have been a disruption because it would have continued the grievance procedure. I would

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17:09 have had to prepare for trial. I would have had to put all my energy into defending myself in a trial over a period of months, if not a year.

Whereas, if I agreed to a findings of fact and a judgment, which I did, that would end it at that point, and I would serve out whatever sanction was issued, and it would be over with, which it is. It was the right decision to make for the office and for me personally also.

Q. You agree that you failed to refrain --

A. Can I see the exhibit?

Q. Of course.

(Discussion).

Q. You agree that you failed to refrain from prosecuting a charge that was known not to be supported by probable cause, correct?

A. That is the fifth finding of fact.

Q. And you still agreed to that?

A. That we present -- that she was indicted for a charge that was later known not to be supported by probable cause -- that was not supported by probable cause? Yes.

Q. You knew that the charge was not supported by probable cause on February 1st, correct?

A. No, I did not.

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17:11 Q. You told Ms. Barrera, "We do not have enough evidence here" on February 1st; is that correct?

A. No, I did not.

Q. The next --

A. In fact, where it says that I failed to respond -- refrain from prosecuting a charge that was known, I don't know who they're talking about that it was known, because I made it very clear to Mr. Hackett, and the e-mails reflect that I made it clear to Mr. Hackett that neither Ms. Barrera or myself were aware of 19.06, and neither was Mr. Villarreal.

Q. And No. 8.

A. Okay.

Q. What were the violations of disciplinary rules by your assistant district attorneys?

A. No, no. It's -- the violation of the disciplinary rules I'm assuming was the presentation of the case to a grand jury. The failure to take remedial action, I didn't understand that, because that finding that I failed to take remedial action or mitigate consequences, their -- their take -- the grievance committee's take on that was that remedial action would have been to discipline Ms. Barrera.

My understanding of that was that Ms. Barrera was not going to -- my discipline --

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17:12 disciplining Ms. Barrera was not going to remedy the
17:12 situation. Remedial action in my opinion is action
17:12 that would correct the situation.
17:12 But I agreed to that finding of fact
17:12 because that was their interpretation that I had --
17:12 should have sanctioned or somehow disciplined
17:12 Ms. Barrera and I failed to do that.
17:12 Q. No. 10, it says In connection with the
17:13 investigation made the basis of this disciplinary
17:13 matter, respondent, you, Mr. Ramirez, knowingly made a
17:13 false statement of material fact in your written
17:13 response to the complaint. What was the false
17:13 statement of material fact?
17:13 A. It was in the written -- my first written
17:13 response to the grievance. I put in that response that
17:13 I was not aware of any of the facts of the case. And
17:13 then when we had the actual investigatory hearing, I
17:13 told them that I had been briefed on some of the facts
17:13 by Ms. Barrera, which I had been.
17:13 So Mr. -- I told Mr. Hackett that -- he
17:13 said, Well -- he said, "It's not that big a deal." He
17:13 said, "Your initial response to the grievance was not
17:13 under oath, and it's more of a technical issue, because
17:13 you've put down in your original answer that you had
17:14 not been briefed on any of the facts," when, in fact, I

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had been briefed on some of the facts.

Q. And you agreed to these findings of fact, correct?

A. I agreed to -- to these findings of fact to resolve the case, yes, I did.

Q. In fact, you negotiated back and forth on the language to be used.

A. I negotiated?

Q. Correct.

A. I negotiated on everything, including the -- the fees and expenses. Even that was negotiated.

Q. So going back to the aftermath of the -- well, let's go back to early April of 2022. Who else did you talk to that we haven't discussed yet about the arrest of Lizelle Gonzalez?

A. Besides my family, I don't -- and the people that we've discussed, I can't think of anybody else that I discussed it with.

Q. You spoke to Rosita Rocha about the arrest of Lizelle Gonzalez?

A. I don't remember talking to her about the arrest of Lizelle Gonzalez.

Q. What is your relationship with Ms. Rocha?

A. She's also an acquaintance. I know her. She used to work at the sheriff's department when I first

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went to Starr County.

Q. Have you ever had a romantic relation with Ms. Rocha?

A. I have. Not a romantic relationship, a sexual relationship.

Q. You have invited Ms. Rocha to your office?

A. No.

Q. You have invited Ms. Rocha to your home?

A. She's been to my home. When I was single, she came to the house. I don't think she's ever been to my office. Her son has been to my office to borrow money.

Q. Who else did you speak to about this case?

A. I don't think I spoke to any friends about it. I've spoken to my attorneys about -- oh, I spoke to the county attorney about it because I had to get a defense when you filed the lawsuit. So the talk to -- if you're talking about this case that we're taking the depo on, that's -- I'm sorry.

Q. I'm talking about Ms. Gonzalez's --

A. Ms. Herrera's case?

Q. Yes.

A. I don't think I've had any in-depth conversations with anybody except my family, and that really hasn't been in-depth, and with the ADAs on the date that -- that everything started to happen.

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17:16 After -- after everything was done and the case was dismissed, I don't believe that I had conversations with anybody at length about the case.

Q. In regard to this case, the civil litigation against you, you spoke to Starr County Judge Roy Vela about this case?

A. No. It's -- the Starr County judge is Eloy Vera.

Q. Eloy Vera.

17:17 A. And I didn't talk to him about the case. I think I spoke to the county attorney who then spoke to the judge about getting coverage -- or getting a defense.

Q. Earlier, we spoke about remediation, and you said that remediation was making the situation right, correct?

A. That's correct. I think that -- that was my interpretation of what they -- their interpretation of remedial action was I should have disciplined Ms. Barrera. My interpretation of remedial action with reference to these findings of fact was that I did everything that I could do to make it right by dismissing the case.

Q. Remedial action also could have been making sure that this situation never happens again, correct?

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17:17 A. I am positive that it will never happen again.

17:18 Q. You never conducted an internal investigation related to this case, correct?

17:18 A. This -- there's not a -- no, I never conducted an internal investigation regarding this case. It's a small office. We -- we knew what happened.

17:18 Q. You didn't talk to Ms. Barrera about what happened?

17:18 A. Yes, we did talk to -- I did talk to Ms. Barrera. Not about what happened, but about the mistake that was made. On the 9th, there were lots of conversations going back and forth about what happened, what happened, should it have happened, let's look at this, let's look at that. Yeah, there was -- there were a lot of conversations going back and forth.

17:18 Q. These conversations were with you in your office?

17:18 A. No. They were -- it was a weekend, so I was at home. And I spoke to Ms. Barrera by phone. I'm positive. The text messages you have. I'm sure that we spoke on the phone. I spoke on the phone to Abel. I may have spoken on the phone to Judy, although I'm not positive about that. I don't think I spoke to Alfredo about it. Didn't speak to anybody else from the staff because none of them were actually involved.

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17:19 Q. Have you spoken to Ms. Barrera about this case?
17:19 A. No. The only -- the only time I spoke to Ms. Barrera about this case was when I was initially served with the original complaint that you filed. And I was just flabbergasted by the allegations that were being made totally unfounded without any evidence, totally erroneous, alleging conspiracies right and left.
17:19 So I'm sure that I mentioned that to her and probably said something to the effect of this is just kind of crazy what is being alleged here. And then she got served, and the language was the same and it was -- it was actually pretty absurd.
17:20 Q. You never talked to her again about this case?
17:20 A. No, because I felt that it was better if we just didn't talk about it. That's why I haven't Zoomed in on any of the depos except Ms. Herrera's deposition. I felt that it would be wiser as an attorney -- I thought it would be wiser to just let everybody have their say without any influence from anybody else. And I'm very confident that the truth is going to come out, has come out.
17:20 Q. Have you changed your office's practices at all?
17:20 A. In what way?

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ Plaintiff	)( )(	
VS.	)(	CIVIL ACTION NO. 7:24-cv-00132
GOCHA ALLEN RAMIREZ, ALEXANDRIA LYNN BARRERA, RENE FUENTES, and STARR COUNTY, TEXAS Defendants	)( )( )( )( )(	

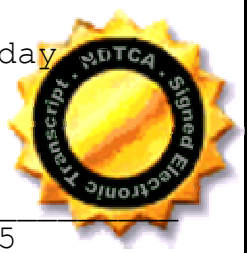
REPORTER'S CERTIFICATE

I, DONNA McCOWN, Certified Court Reporter, certify that the witness, GOCHA ALLEN RAMIREZ, was duly sworn by me, and that the deposition transcript is a true and correct record of the testimony given by the witness in person on APRIL 7, 2025, and that the deposition was reported by me in stenograph and was subsequently transcribed under my supervision.

Pursuant to Federal Rule 30(e)(2), a review of the transcript was requested.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, nor am I financially interested in the action.

WITNESS MY HAND on this the _____ day of _____, 2025.



_____
DONNA McCOWN, Texas CSR 6625
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IN THE UNITED STATES DISTRICT COURT
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ORAL AND VIDEOTAPED DEPOSITION OF
RAFAEL AGUIRRE
MAY 1, 2025

ORAL AND VIDEOTAPED DEPOSITION OF RAFAEL AGUIRRE, produced as a witness at the instance of the PLAINTIFF, taken in the above-styled and numbered cause on MAY 1, 2025, between the hours of 10:02 a.m. and 3:33 p.m., reported stenographically by DONNA McCOWN, Certified Court Reporter No. 6625, in and for the State of Texas, at Bryant & Stingley, Inc., 701 East Harrison, Suite 200, Harlingen, Texas, pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record or attached therein.

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Rene Ortiz, Videographer

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10:58 Q. Ms. Gonzalez's hospital treatment at Starr County Memorial Hospital was within Roma city, correct?

10:58 A. The Starr County Memorial Hospital is in Rio Grande City.

10:58 Q. Oh, yeah, excuse me. And Rio Grande City has different police jurisdiction, correct?

10:58 A. Yes. They have their own police department.

10:58 Q. So why wouldn't that police department have jurisdiction if -- if the hospital was in the city?

10:59 A. Because of her residence. She resides in the county jurisdiction.

10:59 Q. And is it common that the person being investigated's home is how jurisdiction is decided?

10:59 A. Most of the time, yes.

10:59 Q. What are the other times?

10:59 MS. ALBIN: Objection, vague.

10:59 A. When it's clear that the person resides in the city jurisdiction.

10:59 Q. So -- so home residence is what's used?

10:59 A. Yes.

10:59 Q. Okay. How do calls come in to dispatch?

10:59 A. Well, it could be by a landline or it could be by 911.

10:59 Q. How do -- is -- is the landline number

11:00 something that's publically available?

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A. Yes.

Q. So is it common to get calls through landline?

A. I don't know. You have to ask the -- the communications supervisor about that.

Q. Do you know how it's decided whether a call to dispatch results in sending out a patrol officer?

A. I don't.

Q. After the patrol officer responds to a call, they write an incident report, right?

A. That is correct.

Q. What is the purpose of that report?

A. To document whatever happened and what they were told and what's going to be the topic of that -- of that incident report.

Q. Is a charge usually included in that report?

MS. ALBIN: Again, I'm going to object. You're asking general questions about general practices and not about what happened in this case, which is the only thing that the immunity question is focused on.

So I don't want to stop and leave. We're all here, but we're not going to sit here all day for questions that are not about the incident and the issues of immunity.

Q. How would you describe the way that the sheriff's office works with the Starr County DA's

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office?

A. The process or how we get along or --

Q. How often do you reach out to the DA's office during an investigation?

A. It's very difficult for me to answer that specifically because there are cases that we work in which we don't consult with the DA's office because all the elements are there. It's clearcut.

And there will be times that we reach out when we have a little bit extra questions and -- or we're not up to date with procedures or anything like that. So it would be -- it's too -- too broad, too many complexities to answer that specifically.

Q. Are you familiar with the term "staff with DAs"?

A. Yes.

Q. What does that mean?

A. It means to -- exactly as it implies, to discuss a case with assistant DAs, district attorneys.

Q. And so when -- when you were a sergeant, it was common for you to advise investigators that they should reach out to the DA's office?

MS. ALBIN: Objection. Is that a question?

Q. Correct?

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11:03 A. Ma'am, as a supervisor, I try to do my best and to be sure that the cases are worked on. For me to answer that, I cannot answer that. You know, pretty sure it happens.

But specifically amounts, like, no, I cannot give you an amount of time.

Q. So I think you testified that on -- on some investigations where all the elements are clearcut, you wouldn't reach out to the DA's office, correct?

A. That is correct.

Q. So in those situations, as a sergeant, you wouldn't advise investigators to reach out to the DA's office?

A. I would not.

Q. How often does the sheriff's office call the DAs with questions about an investigation?

MS. ALBIN: Objection, vague.

A. I don't -- I cannot give you a specific number.

Q. Would you estimate that it happens every week?

MS. ALBIN: Objection.

A. I cannot give you a specific number. We call -- sometimes we call, sometimes we don't.

Q. So it could kind of vary week to week?

A. Yes.

Q. In those situations where you do call the DA's

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11:04 office, is that helpful?

MS. ALBIN: Objection, vague.

A. Well, that's the whole purpose of calling them.

Q. I guess what is the purpose?

A. To get, you know, extra guidance or answer questions that we cannot answer.

Q. And why do you want answers to those questions?

A. To do our job, to make sure that we make a case.

Q. And when you say "make a case," what do you mean?

A. Make sure that all the elements are there for a crime.

Q. How is that communication usually done? By phone? E-mail? In person?

A. Phone, person, e-mail.

Q. Does one happen more than the other?

A. Yes.

Q. Which one?

A. In person.

Q. How far is your office from the DA's office?

A. Walking distance.

Q. Like next door?

A. It's down the block.

Q. So you'll -- you'll go visit there pretty

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frequently?

A. Yes.

Q. Who in the DA's office do you usually reach out to first?

A. Ms. Barrera.

Q. Why is that?

A. I've known her for some time.

Q. How long have you known her?

A. Over five to ten years.

Q. So you knew her while you were at the police department?

A. Yes.

Q. Is there anyone from the sheriff's office -- well, I'll start over.

Does everyone from -- start again.

Do all the investigators reach out to the DA's office the same amount?

MS. ALBIN: Objection, calls for speculation.

A. I wouldn't know.

Q. Is there anyone in the sheriff's office who's tasked with that outreach specifically?

A. No.

Q. Is it kind of just whoever is working on a task and has the question will reach out --

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11:06 MS. ALBIN: Objection --

11:07 Q. -- to the DA's office?

11:07 MS. ALBIN. Sorry, didn't mean to interrupt. -- calls for speculation.

11:07 A. That's a good assumption.

11:07 Q. At what point does the sheriff's department first talk to the DA's office about a case?

11:07 MS. ALBIN: Objection, vague.

11:07 A. It's -- I cannot answer that. It's too -- you know, different situation will dictate -- dictate different course of action.

11:07 Q. Is that usually as soon as you have a question?

11:07 A. Can you throw that at me again?

11:07 Q. So you said you'll often -- I think you testified that you'll often reach out if there's a question about the elements of the case, correct?

11:07 A. Not often. We will reach out when there's a question.

11:07 Q. Okay. If you had a question about the elements of the case, would you reach out pretty quickly to the DA's office?

11:08 A. Again, ma'am, that's requiring for me to be very specific about something. I mean, I don't time myself whenever we call them.

11:08 You know, it's if a question arises, it's

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11:08 in our best interest, you know, to get it resolved quickly. I mean, it's obvious.

Q. And in those calls, the DA's office will try to answer your questions, correct?

MS. ALBIN: Objection, calls for speculation. It's vague.

A. We usually do our discussions in person.

Q. When -- when you talk to the DA's office, they'll usually respond to your questions, correct?

A. In person, yes.

Q. The DA's office sometimes advises you about what charge to proceed with investigating, correct?

MS. ALBIN: Objection, leading.

A. No. That's inaccurate.

Q. What's inaccurate about it?

A. The -- your statement, the question. We usually know what we're looking at, and we just want clarification.

Q. What -- I'm just trying to understand. So what is an example of -- of what that looks like?

A. Well, we can have different examples of that. Whenever we have a case that we know we were leaning towards a charge and we just want to make sure, we just want to have everything in line, and that's why we go over to the attorneys to discuss the case if it's

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12:28 A. Not specifically. I do not remember, ma'am, if I told anyone. But the case was worked, was -- it began. We began the investigation.

Q. Is it your testimony that someone else told Investigator Muniz to work on this case?

A. No, that is not my -- my testimony. I don't know how -- specifically how we got it going on, but it -- like I think I did testify before that most of my investigators did not wait until being told to do something. If they were on call, they knew they had to respond.

Q. I just want to clarify. You -- you testified that you had -- that it was -- okay. Let me back up.

If someone is on call, do you tell them they have to work on the case?

A. Not unless I have to.

Q. What does that mean?

A. They will -- if they know they're on call, if there's a call for service like this that requires investigator response, they -- they do it on -- by themselves.

I don't have to specifically tell them. The only time I specifically tell them is when I assign the case on paper.

Q. So is it your testimony that the patrol

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supervisor called Investigator Muniz?

A. No.

MS. ALBIN: Objection, that mischaracterizes his testimony.

A. That is not.

Q. Okay. And I'm just trying to clarify. So most likely you testified that -- is this correct, that the patrol investigator would have called the sergeant, correct?

MS. ALBIN: Objection, calls for speculation.

A. Ma'am, with all due respect, ma'am, I don't know why you're hung up on, you know, specifics of the chronological order of things. You know, we had a call that day. The patrol officer responded.

And in most cases, the patrol supervisor will let me know that there's a case going on, and we usually get the ball rolling.

On this case specifically, it's been more than two years. I don't remember who called me. I don't remember what -- who I told to do. But if Esmer Muniz worked it, she was probably on call, and that's why she began the investigation, and I assisted in whatever I could.

Q. And we discussed earlier that -- so these text

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12:31 messages on their face reflect text messages at 2:49 p.m. that day, correct?

A. It does reflect --

MS. ALBIN: Objection, calls for speculation.

Q. And -- and then we discussed earlier that you and the captain met with Ms. Torres at 3:50 p.m. that day, correct?

A. As in my notes, yes, 3:50 p.m.

Q. But you're not sure if you spoke to Investigator Muniz before that?

A. I'm pretty sure I talked to her, but I don't have specific times or what was discussed.

Q. Did you speak with ADA Barrera that day?

A. I don't remember if I did.

Q. Investigator Muniz testified during her deposition that she spoke to ADA Barrera that day and that you and the captain were there. Does that sound correct to you?

MS. ALBIN: I'm going to object to counsel's representation of what Ms. Muniz testified to unless you have the transcript here to look at.

MS. HARRIS: Sure. We can come back to it.

Q. So looking at Plaintiff's Exhibit 16 again,

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12:33 which are these text messages, on the same page, page 79, the third text message, it says that it was sent on January -- I will represent to you that on its face it says it was sent on -- or it is dated January 11th, 2022, at 7:16 p.m. And can you read to me what it says, please?

A. The third one or the last one?

Q. Yes, please.

A. "Alex, I came to take pictures of the ashes of the baby because it's been cremated already...do I allow the funeral home to give the mom the ashes?"

12:34 Q. Were you aware that Investigator Muniz was taking pictures of the ashes that day?

A. I don't remember, ma'am.

Q. Do you remember pictures of the ashes being taken during the investigation?

A. I don't, ma'am. I don't.

Q. Do you remember if you directed Investigator Muniz to take those photos?

A. I do not remember.

12:34 Q. During her deposition testimony, Investigator Muniz testified that yourself and the captain directed her to take those photos. Does that sound accurate to you?

12:35 A. I wouldn't know, ma'am. I would not remember

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12:35 if I did or not.

Q. Going back to the discussion about being on call. When someone is on call and takes a case, are they always the one that is later assigned the case?

A. Yes.

Q. At any point, did you talk to the ADA's office about this case -- or the DA's office about this case?

A. I'm pretty sure I did. I don't remember specifically when or where, but I'm pretty sure that I did.

Q. Why did you reach out to them?

A. I believe I reached out to set up a meeting and sit down to discuss the case. It was along with Ms. Muniz.

Q. Ms. Muniz was at that meeting, correct?

A. More than likely, yes. More than likely.

Q. Why did you reach out to set up that meeting?

A. Why?

Q. Yes.

A. Because of the -- of the case itself. I previously mentioned before the -- the changes in the law, and we just needed some more clarification in how to proceed with the case.

Q. What clarification were you looking for?

A. To see if any change in the law would apply or

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what was going to be happening with the case.

Q. So was it your understanding that before SB 8, no crime would have been committed here?

A. Not exactly, ma'am. I did not -- like I said numerous times, I did not know the extent of the changes. I just knew there were going to be changes, so I much rather have the attorneys look at it other than us.

Q. Uh-huh. What did you think the changes -- or how did you think changes would be relevant to this case?

A. Like in any situation, when there's a change to a law, it could be either a crime or not a crime. It can be either leaning both ways, you know.

So like I said, that's why I wanted to have the defense -- not the defense attorneys, but the attorneys, you know, look at it before we committed ourself to creating an affidavit or -- or making, you know, an arrest that would probably be subject to litigation in the future.

So that's why we wanted to do a grand jury review. That way the -- we would be covered in that -- in that aspect.

Q. What do you mean covered in that aspect?

A. In that we did not err, you know, away from the

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12:39 law as a sheriff's department.

Q. Why didn't you make an arrest in this case before it went to the grand jury?

A. Well, first of all, it wasn't my case, ma'am, to decide to make an arrest. I mean, an individual investigator will -- will -- it's -- it's to their discretion.

And like I said before, this case was going to be subject to scrutiny because of the upcoming changes, which I did not know what they were going to be. So that's why it was, you know, in the best interest to have the grand jury or the district attorneys review.

Q. So investigator -- I think you testified just now that Investigator Muniz would make that decision?

A. Yes.

Q. Why were you the one to reach out to ADA Barrera to discuss this case?

A. Why? I mean, it's common practice. As a supervisor, I can coordinate meetings with the prosecuting attorneys and defense attorneys. And, you know, I would be -- it would be part of my duties to coordinate the meetings.

Q. So at that meeting with ADA Barrera, what advice did she give you about the law?

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12:41 A. I don't remember, ma'am. It's been too long.
12:41 Q. What happened -- did you -- well --
12:41 MS. HARRIS: Can I see Plaintiff's Exhibit 15, please. And this exhibit is unmarked. And I lost track of what number it will be.
12:41 THE COURT REPORTER: 42.
12:42 MS. HARRIS: Plaintiff's Exhibit 42.
12:42 Q. I'm going to hand you a copy. And I have another copy.
12:42 Do you recognize what is depicted in this document?
12:42 A. It is my phone number and my name.
12:42 Q. And is that your personal phone number?
12:42 A. Yes, it is.
12:42 Q. Okay. And do you recognize ADA Barrera's number?
12:43 A. Not her number, but I recognize her name.
12:43 Q. Okay. Do you recognize these as text messages exchanged between you two?
12:43 A. Yes.
12:43 Q. Okay. So looking at the first page, which is numbered page 2 at the bottom, can you read me what that text message says, please.
12:43 A. Okay. The very last one?
12:43 Q. Yes, please.

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12:43 A. It says, "Good morning, Ms. Barrera. This is Investigator Rafael Aguirre with the Starr County Sheriff's Office. Would you be available today to discuss a case involving an abortion?"

12:43 Q. And when is that text message from?

12:43 A. That's on the 18th of January of 2022.

12:44 Q. At 8:59 a.m., correct?

12:44 A. At the bottom part, is that what it is? 8:59, yes, it is.

12:44 Q. Does -- is this text message setting up the same meeting that we were just discussing with ADA Barrera?

12:44 A. I don't know specifically, but it could -- it could be.

12:44 Q. Okay. And so was Investigator Muniz at the meeting you set up in these text messages?

12:44 A. I don't remember, ma'am. I know we had multiple meetings, but I -- well, it was more than one meeting, but I don't remember who was there or what. But I'm pretty sure it's somewhere in your records.

12:44 Q. Were there any meetings where it was just you meeting with ADA Barrera?

12:44 A. No, not that I remember.

12:44 Q. Were there meetings where other people were there?

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12:45 A. I do not remember specifically. More than likely yes, but I do not remember specifically who.

Q. Okay. But you do remember Investigator Muniz at one of those meetings, correct?

A. It would be crucial that she was there, but yes.

Q. How many meetings did you have with ADA Barrera?

A. I don't remember.

Q. Okay. But you testified, correct, that it was more than one?

A. More than one.

Q. Okay. Would you estimate that it was more than five?

A. No, I would not be able to estimate.

Q. So looking at page 3 -- or at page -- what is numbered as page 4.

A. Okay.

Q. On the last text message, and can you read me that text message, please?

A. Okay. Says, "Okay. Awesome. Thanks. I'm taking lunch at 1:00 p.m., and we -- and will be there at 2:00."

Q. And that's time-stamped January 18th, 2022, at 12:28 p.m.; is that correct?

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12:46 A. That's what it shows, yes.

12:46 Q. Okay. So is it your -- does it seem fair from these text messages that you met with ADA Barrera around 2:00 p.m. that day?

12:46 A. It could be a possibility, yes.

12:46 Q. And it appears from these text messages that that was to discuss Ms. Gonzalez's case, correct?

12:46 A. Specifically, yes.

12:46 Q. Who else was present at this meeting?

12:46 A. I don't remember, ma'am.

12:46 Q. What was the purpose of this meeting?

12:47 MS. ALBIN: Objection, asked and answered.

12:47 A. To discuss the case about Ms. Herrera.

12:47 Q. But what more specifically? To discuss what?

12:47 A. To lay out what we had so far and to see how to proceed with this case, how we were supposed to go, either arrest warrant or grand jury subpoena with grand jury indictment or...

12:47 Q. Did ADA Barrera give you an answer to that question during this meeting?

12:47 A. I don't remember, ma'am.

12:47 Q. Did you discuss the change in the abortion law?

12:47 A. I do not remember.

12:47 Q. Looking to the next page, which is numbered page 5, can you read me the second text message on that

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page, please.

A. Yes. It says, "Rafa, let's hold off on teje arrest warrant. Let's talk to the lady that gave her the drugs first. Interview her."

Q. Why did you understand that ADA Barrera was texting you that?

MS. ALBIN: Objection, calls for speculation.

A. I don't know.

Q. Were you surprised that she texted you that?

A. I don't remember if I was surprised or not.

Q. Did you hold off on the arrest warrant after this text message?

A. It wasn't my case, ma'am, but I'm pretty sure Ms. Muniz did.

Q. So did you communicate this to Investigator Muniz?

A. I'm pretty sure I did.

Q. Okay. And -- and why -- why would ADA Barrera text you this instead of Investigator Muniz?

A. I don't know, ma'am.

Q. Okay. Looking at page 6, the next page, can you read for me -- well, actually -- actually, on page 5, can you read the -- the third text message. It's numbered as page 5.

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12:50 A. "I don't think she's a flight risk...so let's gather everything we can before."

Q. And that is from -- the text message is to you, correct?

A. It is to me, yes.

Q. And it's time-stamped January 18th, 2022, at 2:47 p.m.?

A. 2:47.

Q. What did you understand that text message to mean?

A. Well, in conjunction with the previous one, I guess she was telling us not to proceed yet until clarification.

Q. And based on these text messages, did you decide not to proceed?

12:51 A. Not only based on the messages, based on the facts, we didn't proceed with an arrest warrant.

Q. And before these text messages, had you already decided to do that?

A. I would not remember, ma'am.

Q. Okay. And what facts were you basing that off of?

A. The fact that Ms. Herrera was arrested through a sealed indictment and not an arrest warrant.

Q. That -- that happened later, correct?

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12:51 A. Yes.

12:51 Q. I believe you testified that the decision to not make the arrest at this point was -- was based on the facts, correct?

12:51 A. The -- after the facts of how Ms. Herrera was arrested, not on what we had at that time.

12:51 Q. Oh, yeah. You're just saying you know that you didn't arrest her?

12:51 A. Yes.

12:51 Q. Are there any other reasons you remember from this time around January 18th of why you didn't arrest Ms. Gonzalez?

12:52 A. I do not.

12:52 Q. And turning to the next page, which is numbered as page 6, can you read that text message, please.

12:52 A. "Okay. Will do."

12:52 Q. And that is sent by you, correct?

12:52 A. Yes.

12:52 Q. And that is time-stamped January 18th, 2022, at 2:48 p.m.?

12:52 A. 2:48 p.m.

12:52 Q. And why did you respond with that text?

12:52 A. I don't remember specifically what -- what that meant, was it holding off or, like, agreeing that she was not a flight risk or -- I don't know what it was.

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I don't remember.

Q. It says, "Will do," correct? Does that -- did that mean you were going to take some action?

A. I don't -- I don't know, ma'am. I don't know what -- what specifically -- what was our -- our thought process at that specific time. You know, it's been two years. Like I said, I don't want to assume. I don't want to, you know, speculate.

But it was basically talking about the case, so I guess whatever she was telling us, we were agreeing with her, whatever she told us specifically on page 5 or...

Q. Were you ever present when Investigator Muniz called ADA Barrera?

A. I would not remember.

Q. Did you ever speak with ADA Villarreal about this case?

A. I'm pretty sure I did, but specifically when and where and about, no.

Q. Do you ever remember asking him if this investigation should proceed?

A. I don't remember.

Q. You testified earlier that you would review the Penal Code in investigations, correct?

A. That is correct.

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12:55 Q. At what point did you review the Penal Code in this investigation?

12:55 A. It would be safe to assume at the beginning of the -- of the case, as soon as we learned that there was going to be a case. And you always want to -- it's a good practice to go to the Penal Code and see if the elements match or if they don't.

12:55 Q. And -- and what did you look up in the Penal Code?

12:55 A. I looked -- looked up specific statutes like for the -- the homicide, murder, and other things like definitions and stuff.

12:55 Q. And why did you think this was a homicide case?

12:55 A. Because there was a death of an individual.

12:55 Q. Did you -- who did you talk to about whether it was a homicide?

12:56 MS. ALBIN: Objection, vague.

12:56 A. Can you be more specific at what time, or can you give me more?

12:56 Q. Sure. Did you talk to Investigator Muniz about whether it was a homicide?

12:56 A. I'm pretty sure I did.

12:56 Q. And do you remember anything about those conversations?

12:56 A. No, ma'am. It's -- I'm pushing 52 already, so

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my memory is not that good.

Q. Did you ever speak with the captain about whether this was a homicide?

A. I'm -- more than likely I did.

Q. Did you ever speak with the major about whether this was a homicide?

A. I don't recall. I don't know if I did.

Q. Did you ever speak to the chief about whether this was a homicide?

A. I don't recall.

Q. Did you ever speak to the sheriff about whether this was a homicide?

A. I do not recall.

Q. Was this a case that would have been discussed in the CID WhatsApp group?

A. It could have been. That's the purpose of the group. I do not recall if it was or if it wasn't, but it's a possibility.

Q. You said that you looked up the homicide statute in the Penal Code, correct?

A. That is correct.

Q. Who did you look that up with?

A. Just myself, ma'am. I mean, it's one book, so yes.

Q. And did you talk to anyone about that

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12:58 afterwards?

A. I'm pretty sure I did.

Q. Who?

MS. ALBIN: Objection, asked and answered.

A. The rest of the investigators.

Q. And did you talk about the homicide statute with anyone in the ADA's office?

A. I'm certain that I did. I mean, it's part of the -- it was part of the meeting.

Q. What -- what meeting?

A. The meeting that I had called for that I had scheduled.

Q. And what did ADA Barrera tell you about the statute?

A. I don't remember specifically. I don't remember. It's been -- like I said, you know, sound like a broken record, it's been too long. I don't remember what was discussed.

But I know at the end it was decided to go through grand jury instead.

Q. After discussing the homicide statute?

A. After discussing everything in the case.

Q. And -- and just to clarify, so that discussion was about whether it was a homicide?

MS. ALBIN: Objection, mischaracterizes

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previous testimony.

A. We were there to discuss the case about the -- the abortion.

MS. ALBIN: We're coming up on 1:00. Whenever you're at a good stopping place.

Q. Did you discuss the definition of "individual" in the criminal code?

A. Who did I discuss it with?

Q. With anybody?

A. I don't remember.

Q. And to be clear, that's in connection with this investigation.

A. Yes.

Q. Okay. Is it your testimony that you just never discussed the definition of "individual" in connection with this investigation?

A. I don't remember, ma'am.

Q. But at the end of your meeting with ADA Barrera on the 18th, which we discussed those text messages, you decide -- or it was decided by somebody that the case would go to a grand jury?

A. That is my understanding.

Q. Okay. Who do you understand made that decision?

A. As -- as a group, I guess, a department. I

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13:01 don't know. I didn't -- I don't remember who specifically said, "Let's do it through the grand jury."

Q. Is that because it was being discussed as a group by the office?

A. That's a possibility. Through the investigator office, yes.

Q. And is that because it was such a big case, to use words you used earlier?

A. It was a big case. It was going to be a case that was going to require, you know, extra scrutiny.

Q. Why is that?

A. Because of the upcoming changes in the law.

Q. Did you -- when --

MS. HARRIS: Okay. Yeah, I think now is a good time to take a break.

MS. ALBIN: Sure.

(Brief recess)

Q. Mr. Aguirre, did you speak with your attorney during the break?

A. No.

Q. Okay. I'm just going to go back and just ask some follow-up questions on some -- some things we discussed.

We talked earlier about the initial report

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13:36 that came in from Officer Rosa. What would you
13:36 normally do if an initial report didn't show that a
13:36 crime had been committed?
13:36 A. I wouldn't do anything. The -- it would be the
13:36 patrol sergeant that would approve it and then put it
13:37 into the -- into the CID bin, then I would pick it up.
13:37 Q. So if someone makes a call that's just a prank
13:37 call and is -- is certainly not a crime, does that ever
13:37 make it to CID?
13:37 A. As a matter of practice, all reports get
13:37 reviewed by the CID supervisor after the patrol
13:37 supervisor.
13:37 Q. So the patrol supervisor will send everything
13:37 to CID?
13:37 A. Yes.
13:37 Q. Okay. What happens when the patrol supervisor
13:37 sends a report where no crime has been committed?
13:37 A. Basically, the patrol -- the CID supervisor
13:37 will review that -- those reports, and if there are
13:37 those reports among them that do not have any merit for
13:37 investigation or any further action, they will be
13:38 turned in to the records, and then they'll be filed.
13:38 Q. Why didn't that happen here?
13:38 A. The -- this was -- this report, like I said
13:38 before, this was after the fact. We already knew that

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this was going to be earmarked for investigation.

And -- and reason that it happened like that is because we knew -- on that day of this report when this report was dispatched, we already knew that there was going to be an investigation.

Q. How did you know that?

A. Because of the circumstances, the death of an individual.

Q. So -- so any report of an abortion would have warranted an open investigation?

MS. ALBIN: Objection, mischaracterizes testimony.

A. Not necessarily an abortion. Anything involving a death of an individual. Could be suicide, it could be elderly, anything -- accidents, anything. It's -- it's going to be an investigation for sure.

Q. And so what made this case the death of an individual?

MS. ALBIN: Objection, vague.

A. Can you be more specific?

Q. Sure. So I'm -- I guess my question is would you consider, then, all abortions the death of an individual for purposes of -- of work in the sheriff's office?

MS. ALBIN: Objection, vague.

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13:39 A. An investigation involving the death of an individual is going to be part of our duties. We are going to investigate whenever an individual loses their life or is not -- is unalive.

Q. Does that include any call regarding an abortion?

A. Not specifically abortion, but individuals, yes.

Q. So what made this case -- well, was this case about an abortion?

MS. ALBIN: I'm sorry. What was the question?

Q. Did you at the time understand this case to be about an abortion?

A. It was investigated because it was a death of an individual. By means, it doesn't really matter. It's just the death of an individual.

Like the report says, it says, "Death investigation." It's labeled as a death investigation. So that can comprise anything, any death.

Q. I'm trying to understand whether -- let me just ask the question. Would any case of an abortion have been treated as the death of an individual?

MS. ALBIN: Objection, asked and answered.

A. Yes.

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14:42 Q. What if you disagree with an action they're taking?

14:42 A. You asking me to speculate what would happen like if I disagree?

14:42 Q. I guess I can back up. As a -- as a sergeant when you were in these daily meetings, did you ever disagree with an action an investigator was taking?

14:42 A. I'm pretty sure I did at one point or another.

14:42 Q. And how would you handle those situations?

14:42 A. Well, you go back to letting them know what the law is and what you need to do and if there's anything lacking.

14:43 If I'm being honest, I don't think I have ever disagreed with anybody -- any one of my investigators about doing something. It would be not a disagreement, but reminding them, "Hey, you need to do -- you need to collect this. You need to collect that," you know. Helping them augment their case. But not in -- I don't recall any time disagreeing with them what to do or not to do.

14:43 Q. So in this case, did you remind Investigator Muniz about evidence that needed to be collected?

14:43 A. I'm pretty sure I did in one way or another.

14:43 Q. Okay. And was there disagreement between you and Investigator Muniz about whether you should issue

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an arrest warrant?

A. I don't remember anything like that.

Q. Was there -- so were you aware of when Ms. Gonzalez was arrested?

A. Yes, I was.

Q. And what were you aware of?

A. That I was part of the arrest team.

Q. Can you tell me about that.

A. I believe that the arrest was effected at a parking lot, and that's about how much -- how much I can remember.

Q. What was that parking lot?

A. I think it was Hospital Road in Rio Grande.

Q. And how did you know Ms. Gonzalez would be there?

A. I do not recall the details, but I think the vehicle, her vehicle.

Q. So you -- you recognized her vehicle?

A. It should be somewhere in the arrest report. I don't recall specific -- I know that I was there, and she was taken into custody. But specific as to how we got there, I don't -- I don't remember.

Q. And do -- are arrest reports always made after an arrest?

A. Yes.

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14:45 Q. And was an arrest report made in this case?
14:45 A. I'm not aware if there was one or not.
14:45 Q. Was this a sealed indictment when you carried out this arrest?
14:45 A. I don't recall, ma'am. I'm pretty sure it was. I'm not -- I'm not sure exactly.
14:46 Q. Okay. How do you -- how do you carry out an arrest if the warrant -- if the -- if the indictment is sealed?
14:46 A. The same way as a regular arrest warrant. The -- the -- the only thing that changes is the procedure after the fact, the filling out.
14:46 Whenever we have a regular arrest warrant, you fill out the service part in the back, and it stays there at the jail. And with a sealed indictment, it does also have a service part, but it goes straight to, I don't know, I think to the judge or -- or back to the grand jury. I'm not -- I'm not sure of the exact procedure.
14:46 Q. Okay. I might have to suffer through a little bit because I don't understand this procedure at all, unfortunately. But how did you get -- how do you get the sealed indictment?
14:47 A. It's usually -- we're usually notified by the -- the district attorney's office, the

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14:47 investigators, that there's a sealed indictment.

Q. Okay. And who -- who was notified in this case?

MS. ALBIN: Objection. He already testified he doesn't know if this was a sealed indictment.

A. I don't know.

Q. So how did you know that you would be carrying out this arrest?

A. I was there at the office, and they advised us that there was an indictment. I don't know specifically who, but that the -- the case was presented and there was an indictment. And we set out to, you know, make our plan to take this person into custody.

Q. The -- the people that advised you were from the sheriff's office or the DA's office?

A. I don't remember specifically who.

Q. Okay. And how many people were on the arrest team?

A. I don't remember.

Q. Was Investigator Muniz there?

A. She should have been, yes. I believe so.

Q. Okay. And who was leading the arrest?

A. Ms. Muniz.

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14:48 Q. And what were the charges?
14:48 A. I don't -- I don't know specifically which ones -- what the charges were. It was a sealed indictment.
14:48 Q. Did you learn what the charges were at some point?
14:48 A. Looking at the report, it says "murder."
14:48 Q. Is today the first time you learned the charges were murder?
14:48 A. No. I had seen the report before.
14:48 Q. And -- and which report are you referring to?
14:48 A. The investigator reports, says "murder."
14:48 Q. And so you're pointing at Investigator Muniz's --
14:48 A. Yes.
14:48 Q. -- report?
14:48 And -- and your report also says "murder," correct?
14:48 A. Yes.
14:48 Q. Why is that?
14:48 A. Because this is a supplement to Ms. Muniz's -- Muniz's report. So I will not change what she put there. I would not put another charge. I would put exactly what she put.
14:49 Q. So you -- you copied that part from

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Investigator Muniz's report?

A. No.

Q. Okay. How did -- how did your report come to say murder?

A. I -- we usually consult with each other in what is it that's going to be on the report. That way we are on the same page when we do this. Do -- I do my supplement based on whatever she tells me.

Q. Okay. At any point between finishing your report and being on the arrest team did you understand the charges to have changed?

A. Can you be more specific?

Q. Was the -- did you always understand the charge to be murder?

A. From the beginning? From the beginning, we had our doubts. We had our doubts of what -- I mean, what it was. That's why all this is going back to the same thing what I've testified before. It was best for us to have a grand jury review this. Right.

After the grand jury reviewed it and they issued an indictment, that's when we took further action as law enforcement. I lost track of myself. What was the question again?

Q. Yeah. So -- okay. So you had -- you just testified that you -- you had some questions at the

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beginning about what the charge was. At some point, your report came to say murder, correct?

A. Yes.

Q. Why was that?

A. Based on what Ms. Muniz would be classifying it as.

Q. And -- and why did you understand that that classification happened?

MS. ALBIN: Objection, speculation.

A. Well, there was the death of an individual.

Q. So at the -- so at the beginning, you testified that you had your doubts. Why was that?

MS. ALBIN: Hold on. I'm going to object to the -- you only stated part of what he testified to. I think he said he had his doubts about what the charges would be.

Q. Yes. I can offer completeness. You testified earlier that you had some doubts about what the charges would be. What were those doubts?

A. Whether or not we should proceed with -- with charges because of the new law changing. And, again, I did not know specifics of the law. It was just something that there might be a change to it, either for or against. So let's have the attorneys review this case and present it to the grand jury.

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MS. ALBIN: Can we pause for a break just whenever you get to a stopping point?

MS. HARRIS: Sure.

Q. Did you still have any of those doubts when you wrote your investigative report?

A. Ma'am, my state of mind is not something that I put into my reports. My reports are based on whatever I see with my facts and whatever I witness.

Q. If -- is there a minimum -- let me start over.

What do you understand probable cause to mean?

A. Probable cause is the compilation of different facts and events that will lead you to believe that a crime has been committed.

Q. And do you continue investigating crimes where you think there's not probable cause?

A. No. That would be a waste of resources.

Q. At any point did you discuss whether this case should be dismissed?

A. I do not recall having that conversation.

Q. At the time you were carrying out the arrest of Ms. Gonzalez, did you think there was probable cause?

A. It was not up to me to decide that, ma'am. We had a sealed indictment in hand.

THE COURT REPORTER: You had what?

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14:54 THE WITNESS: A sealed indictment in hand.
14:54 MS. HARRIS: I think we can take a break.
14:54 MS. ALBIN: Okay.
14:54 (Brief recess)
15:04 Q. Mr. Aguirre, did you speak with your attorney during this break?
15:04 A. Briefly.
15:04 Q. So going back to the discussion about Ms. Gonzalez's arrest, who else was on the arrest team?
15:05 A. I don't -- I don't remember. It would have been investigators, but I don't know which ones specifically.
15:05 Q. How many investigators were on the team?
15:05 A. I don't remember.
15:05 Q. Do you remember if it was more than two?
15:05 A. It was myself and Muniz at least.
15:05 Q. Do you remember if there was -- was it -- is it possible it was just the two of you?
15:05 A. No.
15:05 Q. Okay. Is it possible that there was just one more person?
15:05 MS. ALBIN: Objection. The witness already said he doesn't remember.
15:05 A. I don't know.
15:05 Q. How did Ms. Gonzalez get to the sheriff's

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15:05 office from that parking lot you were discussing?
15:05 A. She would have had to be transported in a unit
15:06 to the sheriff's office.
15:06 Q. And who was in that unit?
15:06 A. Specific deputy?
15:06 Q. Yes.
15:06 A. I don't recall, ma'am.
15:06 Q. Were you in that unit?
15:06 A. No.
15:06 Q. Was it Investigator Muniz?
15:06 A. I don't know, ma'am.
15:06 Q. What role does the sheriff's office play in
15:06 releasing people from jail?
15:06 A. The sheriff's office will not have any role
15:06 releasing persons from the jail. It would be the
15:06 actual detention center, the detention center's part of
15:06 the sheriff's office, but they run their own operation.
15:06 Q. And is the detention center a part of the
15:06 sheriff's office?
15:06 A. Yes.
15:06 Q. Okay. Who, generally speaking, makes those
15:07 decisions?
15:07 A. The person in charge of the detention center is
15:07 Chief Jailer Roberto Molina.
15:07 Q. And -- and was that also true in January 2022?

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15:07 A. Yes.

Q. Are you aware that Sheriff Fuentes himself approved the bail bond after Ms. Gonzalez was arrested and put in jail?

A. I would not be aware of that.

Q. Is that typical?

A. Yes.

Q. It's typical for Sheriff Fuentes to approve bail bonds?

A. It's part of his duties.

Q. There was a lot of media coverage about Ms. Gonzalez's case, right?

A. I saw there was media coverage.

Q. Did you speak with your coworkers about this coverage?

A. I'm pretty sure I did.

Q. Do you remember speaking to anyone in particular?

A. No, I don't.

Q. Do you remember speaking about this at the daily meeting with investigators?

A. I'm pretty sure we did.

Q. Why are you pretty sure about that?

A. It would be something that would be a hot topic, you know, during that week or that month or that

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day.

Q. Did you speak with the captain about it?

A. I'm pretty sure we did.

Q. Did you speak with the sheriff about it?

A. We're still talking about the media coverage, right?

Q. Yes.

A. Yes. I mean, not to the sheriff. I don't -- we don't -- I usually don't talk to the sheriff.

Q. Did you hear Sheriff Fuentes speak about it, the media coverage?

A. No.

Q. Are you aware of anyone else that spoke to Sheriff Fuentes about it?

A. I would not be aware.

Q. At some point, did you think there might be protests?

A. I saw there were protests.

Q. What did you think about those protests?

MS. ALBIN: I'm going to object to the relevance of anything that happened after the dismissal. I'm not sure how that's relevant to what the individual defendants did leading up to the arrest and dismissal.

Q. Just a few more questions about the dismissal,

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15:09 just to -- to get some context around it. Are you
15:09 aware that the charges against Ms. Gonzalez were
15:09 dismissed?
15:09 A. Yes, I am aware of that.
15:09 Q. When did you first learn that?
15:09 A. It was -- specifically, I don't remember, but
15:10 it was a few days after the arrest. I could be wrong,
15:10 could be mistaken. Could be one, two, three. I don't
15:10 know exactly.
15:10 Q. Did you discuss that dismissal in the sheriff's
15:10 office?
15:10 A. I'm pretty sure we did talk amongst ourselves
15:10 about that.
15:10 Q. Were you surprised about the dismissal?
15:10 A. Again, my emotions or feelings are not part of
15:10 our -- of our work.
15:10 Q. But you have emotions and feelings, right?
15:10 A. Yes. But we -- we don't need to check them
15:10 into our -- our cases. At least I don't.
15:10 Q. Were you surprised about the dismissal?
15:10 MS. ALBIN: Asked and answered.
15:10 A. Again, ma'am, I was aware of the dismissal.
15:10 And, you know, I just took it as -- as it is. You
15:10 know, it was a dismissal. We -- the grand jury issued
15:10 an indictment. This was later. That's beyond my

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15:11 control.

Q. Are you familiar with the press release issued by District Attorney Ramirez concerning the dismissal of Ms. Gonzalez's indictment?

A. I think I had the opportunity to read it at one point or another.

Q. When did you read it?

A. Specifically, I don't recall, but it was after it was issued.

Q. And what was your reaction to that press release?

A. It was just outlining the facts -- or not the facts, but the -- saying it was from the district attorney's office in regards to the arrest of Ms. Herrera and that it -- the charge was going to be dismissed.

Q. Sitting here today, what is your understanding about why it was dismissed?

MS. ALBIN: Objection, calls for speculation.

A. Can you rephrase that, or what specifically you're looking out of me, the answer?

Q. I can -- I can try a different way. If similar facts came before you today, would you proceed with investigating the case?

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15:12 A. Today?
15:12 Q. Yes.
15:12 A. After -- yes. In my -- in my assessment of the case, yes, it would be the same exact steps: investigate, accumulate, obtain, and submit for grand jury review.
15:12 Q. And submit to the -- the DA's office?
15:12 A. Yes.
15:12 Q. Is that still the sheriff's office policy?
15:13 A. That's my -- that's my -- that would be my actions that I would take. I don't know about the sheriff's office policy.
15:13 Q. And if you were to take that action today, who would be your supervisor in that decision?
15:13 MS. ALBIN: Objection, vague.
15:13 A. There's no supervisor right now -- direct supervisor for CID right now.
15:13 Q. Okay. Having looked at all these documents today, do you remember any other text messages that you exchanged about this case?
15:14 A. I don't, ma'am.
15:14 Q. Did you ever talk to the sheriff about this case?
15:14 A. No, ma'am. Above my pay grade.
15:14 Q. Did you -- but -- well, did you talk to the

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captain about this case?

A. More than likely, yes.

Q. And did you ever text Sheriff Fuentes about this case?

A. No, ma'am. I would have no reason to text the sheriff about this case.

Q. Have you ever spoken to the district attorney about this case?

A. Not me specifically, no.

Q. Do you know anyone else who has spoken to the district attorney about this case?

A. I wouldn't know, ma'am.

MS. HARRIS: Okay. I don't have anything else. I think we can pass the witness.

MS. ALBIN: Okay.

EXAMINATION

BY MS. ALBIN:

Q. Investigator Aguirre, have you ever gotten a report of a death of an individual and decided not to investigate?

A. Yes.

Q. When was that?

A. It's in certain cases where we know -- not that we know, but we have reason to believe it will be natural cause. Deaths like elderly.

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ Plaintiff	)( )(	
VS.	)(	CIVIL ACTION NO. 7:24-cv-00132
GOCHA ALLEN RAMIREZ, ALEXANDRIA LYNN BARRERA, RENE FUENTES, and STARR COUNTY, TEXAS Defendants	)( )( )( )( )(	

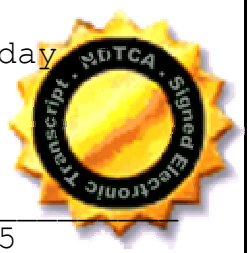
REPORTER'S CERTIFICATE

I, DONNA McCOWN, Certified Court Reporter, certify that the witness, RAFAEL AGUIRRE, was duly sworn by me, and that the deposition transcript is a true and correct record of the testimony given by the witness in person on MAY 1, 2025, and that the deposition was reported by me in stenograph and was subsequently transcribed under my supervision.

Pursuant to Federal Rule 30(e)(2), a review of the transcript was requested.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, nor am I financially interested in the action.

WITNESS MY HAND on this the _____ day of _____, 2025.



DONNA McCOWN, Texas CSR 6625
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IN THE UNITED STATES DISTRICT COURT
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LIZELLE GONZALEZ Plaintiff	)( )(	
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GOCHA ALLEN RAMIREZ, ALEXANDRIA LYNN BARRERA, RENE FUENTES, and STARR COUNTY, TEXAS Defendants	)( )( )( )( )(	

ORAL AND VIDEOTAPED DEPOSITION OF
LENARD FUENTES
MAY 2, 2025

ORAL AND VIDEOTAPED DEPOSITION OF LENARD FUENTES, produced as a witness at the instance of the PLAINTIFF, taken in the above-styled and numbered cause on MAY 2, 2025, between the hours of 10:04 a.m. and 4:07 p.m., reported stenographically by DONNA McCOWN, Certified Court Reporter No. 6625, in and for the State of Texas, at Bryant & Stingley, Inc., 701 East Harrison, Suite 200, Harlingen, Texas, pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record or attached therein.

Electronically signed by Donna McCown (101-253-986-8079) 2561a1ea-cb01-4e31-a726-7688565f89c9

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ALSO PRESENT:
Rene Ortiz, Videographer
Julia Birnbach, via Zoom

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Attached to the end of the transcript: Stipulations

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11:06 Q. When did you report it to Major Delgado?
11:06 A. I believe it was when Esmer came back with the information.
11:06 Q. Okay. Do you recall what information that was?
11:06 A. Whatever Martha Torres had -- had told her.
11:06 Q. Okay. Did you -- would you have reported it to -- to Larry, to Chief?
11:07 A. Not -- not at that time.
11:07 Q. Okay. When would you have reported it to the chief deputy?
11:07 A. When we got more information. I've learned that my brother asked for a lot of details, so...
11:07 Q. Okay. So he asked for a lot of details. Was that very early on or after some of the interviews and -- and reports?
11:07 A. Very early on, after Esmer.
11:07 Q. Okay. Did you have any discussions, or did you report immediately to Sheriff Fuentes about this particular investigation?
11:07 A. Not right then and there, no.
11:07 Q. When would you have talked to Sheriff Fuentes about it?
11:07 A. I'm not exactly sure when I did, but I know it would have been when I had more information.
11:07 Q. Okay. And, again, would that have been still

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11:07 maybe in the January time frame, or would it have been closer to wrapping up the investigation?

A. I'm going to -- to venture to say that it was probably after the interview with Dr. Lozano.

Q. Okay. Was the interview with Dr. Lozano a key part of this investigation?

A. Well, it -- it -- I wouldn't say a key part, but just gave us more of -- of an idea of what was going on.

Q. Okay.

A. And I know you mentioned you're on Exhibit 6, but I've got Exhibit 1.

Q. Yeah. It's marked differently. It's just for the purposes of -- of the deposition. You can ignore that.

All right. So I know you've had an opportunity to read Officer Rosa's narrative. Is it your understanding that Officer Rosa spoke with Martha Torres, or did he get the information from Roy Pena?

A. I do not know, ma'am.

Q. Okay. When -- when Deputy Rosa reached out to you around that time period, did he tell you that this was an abortion case, or did he just -- what did he tell you?

A. I'm trying to remember exactly -- exactly

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what -- what he said. But I know he was like, hey -- and not in these exact words. Right?

I know he was like, hey -- how was it that he said it? Oh, my God. Kind of like confused, like, "Hey, I got this information. This is what's going on." He goes -- kind of like I don't know.

I said, "Okay. Let me send Esmer."

Q. Okay.

A. Again, not in those words, exact words, but something to that effect.

Q. Right. So he's got in his narrative that he basically got a report from a nurse -- a charge nurse about an abortion. And he specifically says "with regard to SB 8." Did he use "SB 8" when he spoke with you?

A. I don't believe so.

Q. Okay. But he did use the term "abortion"?

A. I don't know. I don't remember.

Q. Okay. You just remember him getting some information and basically like "What do I do with this?"

A. Yeah. That was -- that was my take on it.

Q. Okay. When you assigned Esmer to the case, what information did you have?

MS. ALBIN: Objection, vague.

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A. I'm sorry?

Q. If you -- you can still answer if you understand the question.

A. Can you repeat --

Q. Yes, of course.

A. -- the question?

Q. So you got the call from Rosa, and he gave you some information and your -- and you assigned it to Esmer.

When you made the assignment to Esmer, what was your -- what was your understanding of the assignment?

A. For her to go and gather more information. I guess she would know more questions to ask.

Q. Okay. So what to ask of Martha Torres?

A. Yes.

Q. Okay. Did you tell Esmer that this case involved an abortion?

A. Not in -- I don't think I used those words. But, I mean, told her that it involved a death or an infant or something like that. Again, I don't know exact -- the exact words I used.

Q. Okay. Well, after you got the impression from Deputy Rosa that he was just kind of confused with this particular report, were you also confused with the

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report based on the information he gave you?

A. I wasn't confused, but I did get a little, like, okay, here we go. I think we're going to fall into this whole thing that was going on at the time about, you know, life, what -- what is it? The my choice, my body and pro-life. I said, "Okay. Here we go."

Q. Did Investigator Muniz ever use those words to you during this investigation, "My body, my choice"?

A. Not that I recall.

Q. Okay. All right. So from the outset, you knew this was something different?

A. Yes.

Q. Okay. And you were aware of SB 8, my body, my choice. You were kind of aware of the climate?

A. Of what was going on, yes, climate.

Q. Right. To your understanding, at that time on January 11th of 2022, abortion was still legal in Texas, correct?

A. I didn't know. And until right now, I still don't know if it was at the time or not. That's -- that's why when I mentioned earlier that I haven't read the law on it because I wanted to come in with the same knowledge I had back then. I didn't know. I was confused about it.

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11:13 Q. Okay. At any time during the investigation, did you look anywhere or speak to anyone to determine whether abortion was a criminal offense?

A. No.

Q. Why not?

A. I just didn't at the time.

Q. Okay. Did you ask any of the -- anybody in the DA's office if abortion was illegal?

A. We had a call with DA Alex.

Q. And that would be Barrera?

A. Yes.

Q. Okay. And when did you have that call with ADA Barrera?

A. I think it was after Esmer came back with some of the information from the hospital and briefed there in the investigations room. And I want to say that's when the phone call to Alex happened, and she was on speaker at the time.

Q. Okay. So you guys were in the investigations room and Alex was on speaker in the DA's office?

A. Yes.

Q. Okay. Who else was in the investigation room during that briefing?

A. I don't recall, ma'am.

Q. Okay.

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11:14 A. I don't know who. But for sure me and Esmer.
11:14 Q. Yeah. Sorry. I think that is me that's going to be guilty of talking over, not you.
11:14 Okay. Definitely you and Esmer, maybe someone else?
11:14 A. Yes.
11:14 Q. Okay. And did you specifically ask DA Barrera if abortion was a -- a crime?
11:14 A. No, I did not.
11:14 Q. Okay. Did she volunteer any information to you as to whether abortion was a crime?
11:14 A. I don't remember what the -- like how that phone call went. But I didn't talk to her. Esmer was the one who was talking to her. I was just listening.
11:15 Q. Okay. Did they discuss -- was there any information during that particular phone call between Esmer and ADA Barrera regarding this death was an abortion?
11:15 A. I don't -- I don't recall. I don't know.
11:15 Q. Okay. And fair to say that from the outset, everybody was aware that this was an abortion case?
11:15 MS. ALBIN: Objection, mischaracterizes his prior testimony.
11:15 A. Aware that it was? No. Because we didn't know what we were dealing with.

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11:15 Q. Okay.

11:15 A. And I'll be very honest with you. I didn't know what we were dealing with. That's why we decided to call the DA's office.

11:15 Q. Okay. Well, I'm going to go back to that time. You know, Deputy Rosa gives you a call and says, you know, "We've got this going on. I had a report. This nurse thinks it's SB 8. I don't know what to do with" -- and, again, I'm just summarizing.

11:16 Did -- trying -- I'm trying to figure out how to rephrase this question. Did you at any point read Deputy Rosa's narrative?

11:16 A. No, ma'am. This is the first time I read it.

11:16 Q. Okay. Well, you -- you looked at it, and I want to state here, if you'll follow along, the second paragraph. Ranell Rosa, "I later spoke with Starr County Memorial Hospital charge nurse Martha Torres. Martha stated she wishes to document a report in regards to Texas abortion restriction law." Do you see that?

11:16 A. Uh-huh.

11:16 Q. Okay. I'm going to skip a little bit to go down. A couple of lines later, it says, "Lizelle later stated to the physician she had inserted an unknown pill into her vaginal cavity which she purchased in the

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country of Mexico in effort to induce the labor of the unborn child."

Is that information that you knew from the outset?

A. I don't recall if that was exactly what -- what he told me or -- I don't think I knew about the pills at that time.

Q. Okay. All right. At the time of this investigation, Rafael Aguirre was the sergeant?

A. I believe he still was the sergeant.

Q. Okay. And he was -- so he would have been -- in the chain of command, he would have been above the investigators under you?

A. The immediate supervisor for the investigators.

Q. Okay. Do you know why Deputy Rosa called you instead of Aguirre?

A. Because it -- I was still the one who would send out the investigators. Aguirre is in charge of the investigators but like what's going on inside. I'm -- I just oversee the outside, I guess you could say.

Q. Kind of like a department?

A. Yes.

Q. Okay. So -- and currently, there is no sergeant over the investigators, correct?

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11:18 A. No.

Q. You were basically doing all the work. So they just --

A. No, no, no. It's not -- not at all like that.

Q. They didn't even give you a raise?

A. No.

Q. Let me see. Sorry. Jumping around. Since we're discussing kind of the roles that everybody plays in the sheriff's department, can you please describe the organizational structure, excuse me, of the sheriff's office in January of 2022.

A. Okay. Sheriff Fuentes, Chief Deputy Larry Fuentes, Major Carlos Delgado, myself. And then I'm not sure if Lieutenant Rios was still there or if it was already Lieutenant Alvarez that was there.

Q. Okay.

A. And then Sergeant Aguirre, as far as for investigators. The lieutenant doesn't oversee the investigators.

Q. Okay. Is -- would -- when you mentioned the sheriff, the chief, major, yourself, and lieutenant, is that referred to as the administration? The brass? How do you refer to that category?

A. Administration.

Q. Okay. And Leonel Alvarez is currently the

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lieutenant?

A. Yes.

Q. He may or may not have been at the time?

A. Yeah. I'm -- I'm not sure when he was promoted, because he used to be the sergeant for CID, for -- for the investigators.

Q. Okay.

A. So I don't remember when he was promoted. And then Aguirre was promoted to CID sergeant.

Q. So when we're talking about case investigations or we'll just -- you know, when a report comes in, which of these individuals are involved in the case investigation, the individuals that you mentioned?

A. Involved in actual -- the actual investigation?

Q. Right. The actual investigation, hands on.

A. It would have been from Sergeant Aguirre to the investigators, the hands-on investigators.

Q. Okay. And then what about involvement in terms of knowledge of the investigation?

A. Me.

Q. Okay. Direction of the investigation?

A. No.

Q. Guidance over the investigation?

A. I offer it.

Q. Okay.

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11:20 A. Sometimes.
11:21 Q. And then you would brief it up to the major?
11:21 A. Yes.
11:21 Q. Correct? And then the chief and the sheriff?
11:21 A. If need be to the sheriff.
11:21 Q. Okay. You mentioned earlier that in major investigations you would have included the upper administration including the sheriff.
11:21 A. Some -- something that's going to grab community attention.
11:21 Q. Did you know this case was going to grab community attention right away?
11:21 A. From the beginning, yes, I did.
11:21 Q. And Aguirre mentioned along the same lines that this case would have required some extra scrutiny or -- I guess he called it a big case. Would you agree with him this was a big case?
11:21 A. Yes.
11:21 Q. And I believe the way Muniz described it was a serious case. Okay. So you knew from the outset that this one had to be done right?
11:21 A. Well, we needed to get some help with it.
11:21 Q. Okay. Where would you go for help?
11:22 A. To our DA's office.
11:22 Q. And what kind of help would the DA's office

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11:22 provide?

A. We usually use, like, for guidance. I don't want to say direction, but, you know, kind of like, "Hey, we have a question. This is what we've got." You know -- I'm at a loss for words with that.

Q. Okay. Would the DA's office provide legal advice?

A. Yes.

Q. Was there a specific, like, liaison with the DA's office and the sheriff's office?

A. No.

Q. So, you know, is it -- was there anybody in the sheriff's office, whether it was in the investigations or in the administration, that just maybe had a better relationship with the DA's office that you would just feel more comfortable or maybe you could get an answer more quickly?

A. I think they all do. They all had a relationship with -- they have their DA that they reach out to.

Q. They're favorites?

A. You were there. You know.

Q. Exactly. I was everybody's favorite. Okay. So --

A. Who you can talk to, who you can't.

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11:23 Q. Right. Well, let me ask you this: Do you have -- how often do you reach out to the DA's office for guidance or for help?

A. I don't, because I don't do investigations.

Q. Okay. But you were directly involved in Lizelle's investigation.

A. Like directly directly involved in it? I wasn't doing hands on.

Q. Okay. But you were -- you were not investigating, you were not doing hands on, but you were involved in discussions and conversations --

A. Yes.

Q. -- right? You weren't interviewing witnesses, correct?

A. I did.

Q. Which -- which witness did you interview?

A. Doctor -- well, I sat in with Dr. Lozano and with Martha Torres.

Q. And that's where I was going with -- with that question. You hit the nail on the head. You did not interview, ask the questions of Dr. Lozano?

A. I asked him a couple questions, three or four questions.

Q. Okay. All right. You asked a few questions. And your role was to observe, to listen in --

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11:24 A. Yes.
11:24 Q. -- right? Okay. Same with Torres?
11:24 A. Yes.
11:24 Q. Okay. And those conversations with the DA's office, were they led by you, the questions, or was it the same role, you were listening in?
11:24 A. It --
11:24 MS. ALBIN: Hold on. I'm going to object. I don't think he's talked about conversations. I think he described a conversation with the DA's office. Is that the one you're referring to?
11:24 MS. GARZA: Okay. Sure. I'll rephrase.
11:24 Q. Did you have multiple conversations with the DA's office regarding Lizelle's investigation?
11:24 A. I know I had one for sure.
11:24 Q. Okay. In that conversation, were you leading the conversation or just -- you know, as listening in and kind of following up?
11:24 A. Listening in and -- but mainly it was Esmeralda, because she had the information. She was explaining it to -- to the DA, to Alex, and I was listening. And I guess at the end -- well, go ahead.
11:25 Q. No, no. That's fine. Go ahead. At the end?
11:25 A. Because at the end, the take was we're just going to gather the information, everything that we

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could get that Esmer was tasked to do, and submit it for review for the DA's office.

Q. Okay. Who tasked Esmer with certain -- or who gave Esmer the tasks?

A. It -- it would have been me. I -- I was the one who had already assigned the case to her, so she needed to continue to conduct the interviews.

Q. Okay. Did you tell Esmer which interviews to conduct?

A. No, ma'am.

Q. Did she ask you for advice as to "Should I interview this person?"

A. No, ma'am. They normally don't.

Q. Did ADA Barrera give Esmer advice on which interviews to conduct?

MS. ALBIN: Object --

A. Not that I know of.

MS. ALBIN: Objection, calls for speculation.

Q. Did -- how often -- I know this case -- would you agree with me that this -- this case is an outlier? Like in other words, this is not the usual case for the sheriff's office?

A. Yes, it's not.

Q. It's not. Correct. How often does that occur

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where you get a case that's just kind of like this isn't our usual thing?

A. This has been the one -- the only one that I can remember in my tenure there.

Q. The gift that keeps on giving.

Okay. So would you -- how often -- other than this case, how often would you require the assistance of the DA's office for help with regard to the charge, the crime, the law?

A. We -- we have a good working relationship with them. And I know that my investigators do -- do reach out when they have questions, especially with electronic devices as far as search warrants for that. That's very -- you have to be real detailed and stuff like that. So I know they do reach out a lot.

As to what types of cases every time, I can't tell, because I do tell them, "If you have questions, reach out. That's what they're there for is to help us out." Right?

Q. Okay. And Esmer Muniz also testified to that fact that, you know, it was from the outset, if you have questions, go to the DA's office. So you would agree with that advice?

A. Yes.

Q. Okay. And was Esmer told as soon as she was

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11:27 assigned this case, "Get with the DA on it"?

11:27 A. When she brought back the information, we sat

11:28 down. She said what does she need. I said like,

11:28 "Let's call the DA's office. Let's involve the DA's

11:28 office" --

11:28 Q. Okay.

11:28 A. -- "because I honestly don't know." I didn't

11:28 have an answer to that.

11:28 Q. Okay. Did you have any electronic

11:28 communication with the DA's office about Lizelle's

11:28 investigation?

11:28 A. No, ma'am.

11:28 Q. Okay. And by "electronic," I mean either

11:28 e-mail, WhatsApp, or phone messages?

11:28 A. No, ma'am.

11:28 Q. Okay. Who is -- who do you -- if you have to

11:28 make contact in the DA's office, who is your comfort

11:28 contact?

11:28 A. I call Mr. Ramirez.

11:28 Q. You call the DA directly?

11:28 A. But it's never because of a case. It's always

11:28 because of something that they need from one of my

11:28 investigators or something, if there's an issue. If

11:28 there's not an issue, then -- then no.

11:29 Q. Okay. And when -- what was it that Esmer

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reported back to you when you made the decision to -- to have her reach out to the DA's office?

A. I don't recall exact words, but I remember her saying what the nurse had explained to her, that the girl Lizelle had -- what she had done, explained what she had done. Right?

And, again, it was like, okay. What are we dealing with? Because I know this is all over the news right now, and there's people on this side, people on this side about it. We -- like I'm telling you, I didn't know. I didn't have an answer for her.

I said, "You know what? Let's call the DA's office, because if anybody can clarify this for us, it would be the DA's office. You know, they're going to have that knowledge as far as for these type -- types of cases. They'll be the ones to tell us, 'Hey, yes, it's good,' 'It's not good,' or what."

Q. Okay. And when you -- I want to break down a little bit of what you just said. You said Esmer gave you the facts about what Lizelle had done, what happened. What, to the best of your recollection, did Esmer tell you about what had happened, what Lizelle did?

A. It's kind of unfair to answer that, and I'll be honest with you, after reading this report, because it

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says what she did.

Q. Okay.

A. Right? So I don't -- I do not recall exactly what Esmer told me, but I would venture to say some of this information had been in there. Right? But I -- in all fairness, you know, I can't -- I can't tell you exactly what she told me.

Q. Okay. And that's -- I appreciate your answer. And I don't -- I don't want an exact conversation. But generally, Esmer told you that Lizelle had done something?

A. She could have.

Q. Okay. Because, I mean, because you testified earlier that, you know, Lizelle -- I'm sorry, Esmer says Lizelle did this, or is that after we found out what happened and what Lizelle did, you kind of said, "I don't know what to do. Let's call the DA's office."

So I kind of want to get a grasp. To the best of your recollection, what details did Esmer give you that left you unsure?

MS. ALBIN: Objection, asked and answered.

A. To be honest with you, I don't know exactly what she told me.

Q. Okay. Did she -- do you recall her mentioning the word "abortion"?

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11:31 A. I don't.

11:31 Q. Okay. When did you and Esmer have -- at what point during the investigation did you and Esmer have that conversation?

11:31 A. As soon as she came back from the hospital.

11:31 Q. That first day?

11:31 A. Yes.

11:31 Q. Okay.

11:32 A. I believe so.

11:32 Q. Okay. Let me show you -- I want to go through things here -- Plaintiff's Exhibit No. 16, which has previously been marked. I'll give you a nice one, because my printer started going out early this morning.

11:32 MS. ALBIN: Are these text messages from yesterday?

11:32 MS. GARZA: Yes.

11:32 MS. ALBIN: Okay. No, I've got it.

11:32 MS. GARZA: Yeah, unless you want a nice colored one.

11:32 MS. ALBIN: No.

11:32 Q. Okay. These -- this is Plaintiff's Exhibit 16. Have you ever seen these messages before?

11:32 A. I can't say that I have, but I'm having a hard time seeing them now, but...

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11:32 Q. I actually have them on my computer. Would it help if I showed them --

A. Yes.

Q. -- to you and made them bigger?

Let me do that. How old are you, Lenard?

11:33 A. I'm 51.

Q. Yeah. I'm turning 50, and I'm having that same problem now, so I feel you.

A. But I'm thinking if I have a pair of readers in my truck, but I don't think I do.

Q. I can show them to you on my computer if you promise not to read some strange text message that might pop up from time to time.

MS. GARZA: Okay. Do you mind if I approach the witness?

MS. ALBIN: Sure.

Q. I'm going to take this off, that way you can tell me how large you want it. Are you familiar with MacBook?

A. I am not. But that's better.

Q. You can see that?

A. Yeah, I can read that.

Q. Okay. Now you took my screen.

I just want to start with this -- okay. You see the very first -- on page -- which is marked

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page 79, but it's the first page. I want you to just take a quick minute to read that and let me know what do you believe that to be.

MS. ALBIN: And I'm going to object to any questions that you're going to ask the witness about these text messages that he's clearly not a party to.

MS. GARZA: Okay.

A. Okay.

Q. Okay. So, yes, let's just look at the very first one. Do you have any -- I mean, do you have an idea what -- what that first writing or picture is?

MS. ALBIN: Objection, calls for speculation.

A. It's a picture of a text message from Esmeralda to Alex, I think.

Q. Okay.

A. From, to, yes.

Q. Right. Okay. So this is -- your understanding is it's a text message from Esmer to ADA Barrera. And it's asking for time to discuss a case, correct?

A. But she mentions like the particular.

Q. Right. Yes. Absolutely.

A. Yes.

Q. Okay. And she -- so for -- it says "A mother self-induced La or on a 20-week fetus by putting some

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13:33 A. That's okay.

13:33 Q. Are you ready to proceed?

13:33 A. Yes, ma'am.

13:33 Q. Okay. As I mentioned before, I'm trying to get us all out of here as quickly as possible. So I'm -- because I've been -- we've been jumping around, I'm able to take out a few areas.

13:33 Are you -- did you discuss your deposition with your attorney during the break?

13:33 A. Yes.

13:33 Q. Okay. Is there anything that you would like to go back and address or correct before we get started?

13:33 A. No, ma'am.

13:33 Q. Okay. We were talking about the 19.06 -- Section 19, I'm sorry, of the Penal Code. And you indicated right before the break that your investigators were basically on their computers next to each other in the -- in the CID room, right?

13:34 A. Well, not next to each other, because they actually sat across the room from each other, but in there.

13:34 Q. In there. Okay. Did you -- did you as -- as captain, did you have occasion to look up any statutes in the Penal Code?

13:34 A. No, ma'am, I did not.

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11:35 pills to abort on her vagina...we need guidance, please."

A. Yes.

Q. Did you ask -- was -- do you know if this text message was sent after you told Esmer to reach out to the DA's office?

A. More than likely that's probably how the call was initiated.

Q. Did you -- were you present when Esmer was texting ADA Barrera?

A. I'm not sure. I don't remember.

Q. Okay. Do you see at the bottom of that message it has a date and a time?

A. Yes.

Q. Okay. Do you -- do you see that to be January 11th, 2022, at 2:49 p.m.?

A. Yes.

Q. Left out the seconds.

A. Yes, ma'am.

Q. Okay. And is -- do you know whether this is to set up a phone conversation or an in-person conversation?

MS. ALBIN: Objection, speculation.

A. I'm not sure, ma'am. And if she sent her the message while I was there -- if, because I don't

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13:34 Q. Okay. Have you ever?
13:34 A. No.
13:34 Q. Okay.
13:34 A. Not to this particular case.
13:34 Q. Just in general, have you ever looked up sections of the Penal Code?
13:34 A. For other cases.
13:34 Q. For other cases, yeah.
13:34 A. Especially, with estray cases. I'll be honest with you too, because estray laws, I deal with that too with the office.
13:34 Q. Yeah. Okay. Yeah. That is kind of funky.
13:34 A. Yes.
13:34 Q. Do you use a book, or do you use the computers?
13:34 A. No, I -- online.
13:34 Q. You do online. What do you use?
13:34 A. I just type in "Texas estray laws," and it will start giving me --
13:35 Q. Okay.
13:35 A. -- where to find it.
13:35 Q. So you don't have access to, like, Lexis or Westlaw, any of that, online?
13:35 A. I do not.
13:35 Q. Okay. How many -- and this is just in your role in the sheriff's department. How many murder

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13:35 investigations have you participated in, whether it's hands on or, you know, on the out -- on the outside just kind of watching?

A. For sure during my time there, I would follow the CID guys, so I was always looking at what they were doing. I wasn't an investigator. I was just a patrolman, but I would follow and I would see them. Right? But --

Q. Then, you know what? Let me go ahead and limit it. In an investigate -- in an investigation or captain capacity or lieutenant capacity, how many murder investigations have you worked on?

A. Going to say one, two, maybe -- maybe three.

Q. And what were the -- when was the most recent?

A. We -- one of them is the BB Garcia case --

Q. Okay.

A. -- where he and his son were murdered. The other one is the one with the two ladies that were murdered, but that one was transferred over to the Texas Rangers.

And the other one was -- I don't recall the victim's name, but the suspect's name, Mares -- what's his first name? Oh, I know his name. Polon Mares. Ismael Mares. Ismael Mares, Jr., or the third, I think.

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13:37 Q. And were those all murder cases, or were some of them capital murder or manslaughter?

13:37 A. I think two of them were capital murders. I'm not sure what the Mares case ended up being, because that one consisted of a burglary and -- and homicide.

13:37 Q. Okay. Have you ever worked on a manslaughter case or investigation?

13:37 A. Yes, I believe so. We had a -- well, my investigators worked on it. Right? This is me just there. We had a juvenile that was killed in a UTV accident.

13:37 Q. Oh, wow. Okay. And have you ever worked on a criminally negligent homicide?

13:37 A. Not -- not to my knowledge, ma'am.

13:37 Q. Okay. And so when you work on those type of cases, if you needed information on the elements, you would go online and search?

13:38 A. Well, what -- what we do in a case like that, from the very beginning, we do involve the DA's office.

13:38 Q. Okay.

13:38 A. We do. The sheriff has always liked for us to work well with them. And if they're -- they're cases like that, he wants us to involve the DA's office. That way we know -- they know what we're working on from the beginning.

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13:38 Q. And you testified earlier that you usually have -- if you need to contact the DA's office, you will contact DA Ramirez directly?

13:38 A. For the most part. I mean, because I -- I -- since I'm not working cases, I don't have to call them. Right? Now, unless they -- they call me, "Hey, we're looking for this prosecution package." Right?

13:38 Okay. "Well, let me get the investigator that's in charge of it to get it to you," things like that.

13:38 Q. I apologize. You did say that earlier, and I just -- I can't -- unfortunately, I wish I could remember everything so I wouldn't have to re-ask questions.

13:39 A. Me too.

13:39 Q. But, yes, thank you for that reminder. You mentioned the prosecution packet. That's what you turn over when the case file is -- when the investigation is complete?

13:39 A. It -- it would depend. Yeah, well, for the most part, yes, when an investigation is complete, yes.

13:39 Q. Okay. And what goes into the prosecution packet?

13:39 A. The prosecution package has the -- the Brady form, and there's a checklist of what's being turned

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13:39 in -- the DVD, CDs or pictures or USB of -- everything
13:39 that's being in that file. Right? And along with
13:39 booking information if an arrest has already been made.
13:39 And I want to say, I'm not sure, maybe
13:39 even the bond information, if he's bonded out already.
13:39 I'm not sure. Because sometimes people go in, bond out
13:40 the -- you know. So I think it includes that in there.
13:40 Q. Okay. And who created that -- the form or the
13:40 cover sheet?
13:40 A. The cover sheet -- because there's two.
13:40 There's the Brady one and then there's the other one.
13:40 Right? So the Brady one -- the newest one that I've
13:40 seen, because I just learned about the Heath law, me,
13:40 was created by the DA's office, but I think it's like
13:40 the policy that they -- that they implemented from --
13:40 from -- from about a month ago.
13:40 Q. Right.
13:40 A. Right.
13:40 Q. I know there's some changes in that.
13:40 A. Yeah. So they created one. And then we
13:40 already had one that we had been using for a long time.
13:40 But it's not a Brady form. It's just a checklist of --
13:40 it's a receipt. Right?
13:40 Q. Okay.
13:40 A. So between the DA's office and us, "Hey, you

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know what? Well, let's include this, let's include that," you know, whatever, and the signatures who's -- who's getting it and who's going to submit it or something like that.

Q. Okay. And -- and to -- is the Brady form, that's more of kind of a checklist with regard to what's required for the criminal case? And the checklist is just this is what we have and we're giving it to you? Is that how you make a distinction between --

A. No. I think it goes both in the prosecution package.

Q. Okay. You mentioned that the sheriff likes to involve the DA's office in -- in questionable cases or major cases or cases that need legal advice. What instructions has the sheriff provided with regard to that preference?

A. Since I'm always the one on call, I -- if there's something that happens at night -- aggravated assault, there's shots that are fired, somebody is injured -- I'm just giving an example, right -- shots that are fired, somebody is injured, there's a hospital -- guy is in the hospital, so I call up my chain, "Hey, this is what we've got. The investigators are on their way out there. They're going to go do

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13:42 this, this, this, and this."

So the next day -- depending on what time it is, right? I don't call the sheriff in the middle of the night unless it's a homicide. So the next day, "Hey, Sheriff, this is what -- what happened last night. This is where they're at. This is who they've talked to" or whatever.

He goes, "Okay." Being that it's -- it's a big case, he goes, "Okay. Just make sure that the DA's office is involved."

For the most part, I call out the DA investigators at night. When it's something major, I'll give them a call -- I'll call either Trini or Rick Saenz, tell them, "Hey, we're working on this. You know, can y'all come out and help us?" Because they're very good with -- with search warrants and subpoenas. And if we have to do -- what are they called? For the Facebook accounts. Oh, my God.

Q. Just searches, the electronic searches?

A. But it's a -- preservation letters.

Q. Oh.

A. Right? So I like to involve people, because if you're the case agent and you're taking pictures, you know, doing this, so you're there assisting, "Hey, you know what? There's a witness over here. Hey, can

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13:43 you -- can you go do the interview?" So everybody starts doing something. Right?

So the investigator -- the DAs that we include in there also, they'll help us with that kind of -- with the paperwork stuff.

Q. Okay.

A. You know.

Q. Okay. And were any DA investigators involved in Lizelle's investigation?

A. Not to my knowledge. Like called at that time, no. Maybe got involved later on, maybe. I don't know.

Q. Were they -- you don't -- do you -- let me just clarify your last answer. Do you know whether the DA investigators got involved in the investigation at any point?

A. I don't know.

Q. Okay. And did Sheriff Fuentes provide -- well, does Sheriff Fuentes ever provide any type of guidance or instructions with regard to investigations?

A. Like can you be more clear on that?

Q. Like -- yeah. If you say, you know, sometimes this is -- like this is -- we're kind of confused about that or we're not sure, I'm going to call the DA's office. Hey, Sheriff Fuentes, do you know the answer to this before I call the DA's office? That's kind of

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13:44 an example.

A. No, not with me. And I don't go looking for answers from him. I just let him know what I've done. And he will be like, "Okay. Or just make sure you talk to the DA, okay, or that the DA's office knows what's going on."

Q. And that's kind of just a theme is get with the DA, you know, when you're talking about a major -- a major investigation or a questionable investigation?

A. Yes.

Q. Okay. Did -- did you -- what -- did you speak with -- or did you get any guidance from Sheriff Fuentes specifically with respect to Lizelle or this investigation?

A. No.

Q. Do you know whether discussions were had between the major and the chief and Sheriff Fuentes about Lizelle's investigation?

A. No, I don't.

Q. Okay. There were, however, some discussions between the four of you about Lizelle's case?

A. Not all at one time. Like I said, it --

Q. Okay.

A. -- maybe would have been two of us or one of us, whatever. Not like we're meeting here, no.

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13:46 Q. During the entire investigation, not just the first of couple days that we've been talking about, but during the entire investigation, what information was shared or what discussions were had with Sheriff Fuentes about Lizelle?

13:46 A. As interviews were being done and I would brief with Esmer, she would tell me just little details of the interviews. Then I would take that back to my admin.

13:46 "Hey, you know what? We interviewed so-and-so, and this is what they said," in a nutshell. Right. Go to the chief deputy. "Hey, just let you know; Sheriff, just let you know we interviewed this person. This is what" -- and he says okay.

13:46 Q. Did -- did Sheriff Fuentes ever have any questions -- follow-up questions? Like when you said, for instance, "Hey, we interviewed this particular witness and this is the information we gleaned," did he ever have any follow-up questions for you about any of the witness interviews?

13:46 A. No, ma'am.

13:46 Q. Okay. What about Chief Larry?

13:46 A. No.

13:46 Q. And did Major Delgado have any follow-up questions with regard to your updates on the witness

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13:47 interviews?

A. Not -- not that I can recall, no, ma'am.

Q. What about after your -- we know that there was one conversation for certain with -- with ADA Barrera. Did you go back and brief the admin about the discussion with ADA Barrera and proceeding with the investigation?

A. I -- I know I did tell them, "We've already contacted the DA's office, so they're on board." Okay. You know, so -- so pretty much -- it's not a word-for-word thing that I tell them, but it's the things that you expect me to do are already being done.

Q. Okay. And why is it important to keep the sheriff informed of these major investigations or specifically Lizelle's investigation?

A. Because I've learned in my years of being with him he doesn't like to find out things from the public if we know about it first. So he wants us to -- if we know about it first, he wants to know before someone from the public tells him, "Hey, have you heard about this, this, this, this?"

"No."

"Well, you're investigating, and you ought to know," right?

So that's why for us it's important to let

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him know what cases we're working on. Especially, like I said in the beginning, if it's going to catch the community's eye or the ear, we make sure that he knows.

Q. Okay. And I apologize if I already asked you this question, so when -- do you recall how soon after you got the call from -- from Rosa did you inform the sheriff about Lizelle's investigation?

A. I -- I think I had answered that with it was after Esmer came back.

Q. Okay.

A. And then we contacted Alex. And then after that is when I started going to the major, the chief, and then the sheriff.

Q. Okay. And I apologize. I just -- I'm not writing everything down. So it was after Muniz came back, then you spoke with ADA Barrera, and then that's when you went up the chain of command at the sheriff's office?

A. It could -- it could have been, or could also have been Esmer came back, we talked, did this interview with Martha once we had information with Barrera and stuff and then the sheriff -- it was, like I say, within a day or two.

Q. I won't hold you to the exact order, but I do -- you know, from looking at some of these things, I

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did see things were moving very quickly on the afternoon of January 11th. Is that a fair statement?

A. Yes.

Q. Okay. And somewhere in there were a conversation between the sheriff's office, the DA's office, and then up the chain of command to Sheriff Fuentes.

A. Yeah. Just again, to let him know what was going on and, you know, the type of case that we just got our hands on.

Q. Did he have any -- any comments about the type of case when you advised him what was going on?

A. He -- he just kind of went like, okay. He goes -- kind of like the same expression that I had. He's, "Okay, but you've -- you've contacted the DA's office."

"Yes, we've already talked to Alex, so we already know what we need to do."

He goes, "Okay. Just keep me in the loop if something else changes."

Q. Okay.

A. Okay.

Q. There was some testimony in this case that -- some of it was by my client -- that even before she was interviewed, there had kind of been some talk in the

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13:50 community about an -- her investigation. Were you ever made aware of any kind of leak from the sheriff's office or --

A. I believe it was Esmer. Esmer had, I think, mentioned that maybe one of our deputies may have leaked out some information, because his wife worked for -- I don't know if it was for CPS or something. And maybe that's how information had leaked. But I want to say she told the major that.

Q. Okay. And did -- did you do anything with regard to addressing that leak, or was that up to the major?

A. I -- I did not do that. I believe the major is the one who looked into that.

Q. Okay. Is it one of the roles of the sheriff to supervise major investigations?

MS. ALBIN: Objection, calls for speculation.

A. Of -- of the sheriff?

Q. Yes.

A. Is it a what?

Q. Okay. Is it one of the sheriff's -- or one of Sheriff Fuentes' roles to supervise major investigations?

MS. ALBIN: Objection, calls for

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speculation.

A. I don't know if that's written down somewhere or anywhere. But as far as I've seen, no.

Q. Okay. Is it his practice to look over major investigations?

MS. ALBIN: Objection, calls for speculation.

A. No.

Q. What about arrests in major investigations? Is it the sheriff's role to sign off on arrests or to --

A. No.

Q. But is it his -- is it practice that he is aware of arrests --

A. Yes.

Q. -- in major investigations?

A. Yes.

Q. And a murder investigation is a major investigation, correct?

A. Yes.

Q. Okay. And how many murder investigations did Starr County Sheriff's Office handle in 2021?

A. I'm not aware of the numbers, ma'am. I don't have the numbers.

Q. It would be pretty low, though, right?

A. Yeah, because we've -- we've been good.

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13:52 Q. Yeah, I'm glad. And the same -- do you know in 2022 how many murder investigations were handled by the sheriff's office?

A. No, I don't, ma'am, off the top of my head, no.

Q. As head of the Starr County Sheriff's Office, is Sheriff Fuentes responsible for the decisions made by his staff?

MS. ALBIN: Objection, calls for speculation. Question for the sheriff.

A. I don't know, ma'am.

Q. Okay. Does Sheriff Fuentes set office policy?

A. Does he set office policy? No.

Q. Did you say no or I don't know?

A. No.

Q. Okay. Who would set the office policy if not the sheriff?

A. We have our TAC. And then we have two policy books, one from the County and one from the TAC. So I don't know if they talk to the sheriff about it or not. I honestly don't know.

Q. Okay. Well, what about when we're talking about, like, practices, recommended practices or preferences? Is it Sheriff Fuentes that does that?

MS. ALBIN: Objection, calls for speculation; it's vague.

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today, Lenard. And I know this has come out one way or another, but just to kind of get a general overview, can you please describe your involvement with the investigation into the charge of murder against Lizelle.

MS. ALBIN: Objection, vague.

Q. How were you involved in Lizelle -- the investigation as to Lizelle?

A. I told -- instructed Esmer, right, after the phone call with ADA Alex, right, gather the information like she asked, and then we submit it. That's basically it.

Q. Okay. Well, to be more -- I guess to be a little bit more specific, you were involved in interviews -- some interviews?

A. Yes.

Q. Okay. Did you review any documents, any medical records?

A. No.

Q. And you were involved in some briefings with CID?

A. Yes.

Q. Okay. Were you provided some guidance as to take a picture, get this document --

A. Yes.

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Q. -- interview this person?

A. Well, as far as the interviews, not really. But I did about the pictures to the -- for the ashes, yes.

Q. Okay. And did you -- for the most part, were you aware of the investigation between January 22 -- that's a terrible question.

Between January 22 and the day the prosecution packet was turned in to the DA's office, you were aware of the status of the investigation. Is that a fair statement?

A. I was aware of the investigation. I just was not aware about this.

Q. What is "this"?

A. The murder.

Q. Okay.

A. And prosecution packages. My understanding throughout the whole thing was gather the information, turn in the information to the DA's office. That's what was supposed to happen.

Q. When you're gathering -- or when your investigators are gathering, under your supervision, the information, how did they know what information to look for if they didn't have a specific charge in mind?

A. No.

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MS. ALBIN: Objection -- hold on. Objection, vague. It calls for speculation as to what the investigators would know and not know.

A. They just needed to interview who was involved, the parties involved, and get an idea from -- from there. That's what they needed to do.

Take the -- the pictures of the ashes, interview the nurses that are mentioned here or wherever. I think you mentioned another nurse, Paola or something like that. You interview them, see what they give you, put it together, here you go.

Q. Were they -- the investigators -- because I know it was at least Muniz and Aguirre. After the interview was completed, would they come to you and give you an update?

A. Not like right then and there, no.

Q. Okay. But at some point after the interview --

A. At one point, I -- I would go and tell them "Hey, okay, so -- so where are we at?"

Q. Gotcha. So it's not they're coming to you to report.

A. No.

Q. You're going to them and saying, "What have we got?"

A. Yes, because I'm going to get asked from the

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major.

Q. Right. You're going to get asked by the chief who's going to get asked by the sheriff.

A. Well, I don't know the chief --

MS. ALBIN: Hold on. Objection. I'm not sure if that was a question, but that's not what he said. He said the major.

Q. And then the major will likely give information upwards, whether it's to the chief --

A. Yes.

Q. -- or the sheriff.

MS. ALBIN: Objection, calls for speculation as to what the major would do.

Q. And we've been going back and forth about this, but I don't think I specifically asked you this, but when during the investigation did you first learn that Ms. Gonzalez had an abortion?

A. It wasn't until after it was turned in and then the -- the DA dismissed the charges and put it out on Facebook.

Q. Okay.

A. I think it was on Facebook.

Q. At no time during the investigation did you just come across a document or a statement that she had an abortion?

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14:27 A. Not me, ma'am. No, ma'am. Now, just to clarify, when you say "abortion," like a abortion like done by doctors --

Q. In other words, she -- no, that's not what I mean.

A. Okay.

Q. So thank you for -- for -- for clarifying that. When I say "abortion" is, I guess, when was the first time that you as the captain realized that this was the death of an unborn child by Lizelle -- committed by Lizelle?

A. It's -- because it's -- it's hard to answer -- to answer that -- that question because it's right in the initial report. It says there that it was self-initiated. Right?

So -- and the way he puts it there, it was an abortion. So did I hear the word "abortion"? Yeah, I heard it from the very beginning. Did I know if it was an abortion or not? No, I don't know.

Q. Okay.

A. I don't know what constitutes an abortion.

Q. Okay. And I appreciate -- I appreciate your honesty, because that helps me with my questioning. So at what point -- is it still your testimony that you didn't realize what she had done was an abortion until

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after the case was dismissed?

A. Yeah, until they started saying, "Hey, it was" -- they dismissed it because it was -- it was an abortion. It was -- she could do that.

Q. She could do that?

A. Her body, her choice. Right?

Q. Okay.

A. So, oh, hey, it is what it is. That's what the DA's office -- whatever.

Q. Okay. But you understood that it was alleged that she had an abortion?

A. Well --

MS. ALBIN: Hold on. Objection, asked and answered. He's already explained his understanding of the abortion.

Q. Okay. But you understood from the beginning that Lizelle caused the death of the unborn child?

A. Could have -- could have possibly caused, yes.

Q. Okay. Perfect. Thank you for the clarification. And some of these I already asked you, so.

What was your understanding as to why Martha Torres reported the case to law enforcement?

MS. ALBIN: Objection, calls for speculation.

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14:30 A. I don't know, ma'am.

Q. Well, you -- after your interview with Martha Torres, what did you take away from the interview as to why she reported the case?

A. I think it's because they were worried about the -- that the laws that were coming in and were being talked about, I guess they didn't want to be at fault. Like if, I guess, at the time, if the doctors assisted in something, they could get in trouble or something like that. I'm assuming. Right? I guess that's what it was.

Q. After your discussions with Dr. Lozano, is -- did he confirm that? Was he also concerned with his care and treatment in an abortion?

A. I believe --

MS. ALBIN: Hold on. Objection, calls for speculation.

A. I -- I think he mentioned that in -- in -- in the interview. I think he mentioned that.

Q. Has Martha Torres reported any other abortions to law enforcement?

A. Not that I'm aware of.

Q. Lenard, yesterday, Investigator Aguirre testified that if the same facts as Lizelle's were reported today, he would do the same investigation and

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send the case to the DA's office for presentation. Would you do the same?

A. I would actually read more into the law first. But everything would be done the same. We'd still have to interview everybody, get all the information. Still consult with -- with the DA's office. Even though we read it or whatever, still consult, "Hey, this is what we have."

Q. Would you -- would you think it was murder based on what you know now?

A. I'd be even more confused. I'll be honest with you.

Q. Okay. So you would -- you would do the same investigation, gather all of the information, and you would still come to --

A. Right now, because --

MS. ALBIN: Hold on. Hold on. Let her finish the question, and then just answer the question you're asked, please.

Q. Okay. So the question was, sitting here today, getting a report from the hospital of an abortion, you would gather the same facts, do the same interviews, and look at the Penal Code, and still present it to the DA's office?

A. With what I know right now? Yes, because I

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have not read the law. I don't know what the law states right now.

Q. Okay. Well, you have it there, 19 -- which one was it? Exhibit --

A. Is it the --

Q. -- 43?

A. -- like the one specifically for -- for that, that if they, like, self-induce or something?

MS. ALBIN: Hold on. He's testified he doesn't know what the law is. So...

Q. Can you read Section 19.06 of Exhibit 43.

A. 19.06 you said?

Q. Yes. End of the last page.

A. Okay.

Q. Okay. After reading Section 19.06 of the Texas Penal Code and you got a call from the hospital about an abortion, would you still investigate the same manner that you investigated Lizelle's case?

MS. ALBIN: Objection, vague.

A. What was the objection? I'm sorry.

Q. Vague.

A. Okay. Yes.

Q. Why would you do that?

A. To make sure -- you know, in a case like -- like this, it would always be good to get a second

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14:35 opinion. And somebody that understands the law better than we do is the State.

Q. And could you just call the DA's office for an opinion rather than working it up and doing a prosecution packet, submitting it for grand jury?

A. Well, I wouldn't say a prosecution packet, but gathering the information. Once we had all the information together and depending what was said, then we could contact the DA, "Hey, this is what we got. This is what was said. This is what the witnesses say. This is what the doctor said. What -- what do you think?"

Because I can go just based on the initial report that the officer would have caused, but not all the information is there. Maybe some -- somebody else has information that, you know, she did something else or something else happened that does not fall completely under this -- the 19.06. We want to make sure that all the information is there gathered and that everybody who needed to be talked to has been talked to, you know.

Q. Okay.

A. And I would still do it. I would still do it.

Q. Okay. And I'm going to kind of clarify the question a little bit. With regards to some of the

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testimony that has been elicited in this case, there was just an understanding that the investigation was to be completed, information was to be gathered, and this would be submitted to the grand jury.

A. Not to the grand jury --

MS. ALBIN: Hold on. Hold on.

THE WITNESS: I'm sorry.

Q. Is that your understanding?

MS. ALBIN: And -- and you're referring to what testimony has been elicited?

MS. GARZA: Aguirre yesterday.

MS. ALBIN: Okay. So you're asking him if based on what Aguirre testified to yesterday, that's the process that is supposed to happen?

MS. GARZA: Right.

Q. Is it your understanding that the investigation was going to end up for grand jury determination?

A. My understanding was for review.

Q. Okay. Well, then, that -- let me change my question, then.

Do you think that these facts today would be appropriate for presentation to the grand jury?

MS. ALBIN: Objection, calls for speculation.

A. And I go back. I would still call and ask

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for -- for advice and turn in for review, not for grand jury.

Q. Okay.

A. There's like nothing else would be included in there for prosecution. Just like, "Hey, we have this information. You know, what do you think?" They tell me no, there's nothing there, okay, there's nothing there.

Q. Okay. And now you know that a mother cannot be prosecuted for the death of her unborn child?

A. Now I know.

Q. Okay. Has the DA's office ever referred a case to the sheriff's office for investigation?

A. Not that I'm aware of.

Q. Are there investigative tools that require the assistance of the DA's office?

MS. ALBIN: Objection, vague.

A. Tools like what?

Q. Do you sometimes need the help of the DA's office to gather information?

A. Yes.

MS. ALBIN: Objection, vague.

Q. And what -- what -- when would you need the DA's office to --

A. Drones.

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14:38 Q. -- gather information?
14:38 A. We ask for their drones. They have drones.
14:38 Q. Okay. What about subpoenas?
14:38 A. Yes.
14:38 Q. Yes, you need the help of the DA's office?
14:38 A. Yes, we ask them for assistance with that too.
14:38 Q. And I think you mentioned earlier that the DA investigators have more experience with that than the sheriff's office?
14:38 A. Yes. Especially with, like, the medical subpoenas and cell phone subpoenas and stuff like that.
14:38 Q. Are sheriff officers able to obtain a grand jury subpoena without the coordination from an attorney in the DA's office?
14:38 A. I don't know.
14:38 Q. Do you know what the process is for obtaining a grand jury subpoena?
14:38 A. No, ma'am.
14:38 Q. Have you ever had to do that?
14:39 A. I've been in the grand jury, but I don't know -- like, I've testified in the grand jury before, but I don't know what the whole process is.
14:39 Q. You don't know how you got there?
14:39 A. Yeah. I know how I got there. I just don't know how -- how -- how they put it in or what's next

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when they set it up and, you know, things like that. No.

Q. Okay. Do you know what information is shared with the DA's office in order to obtain a grand jury subpoena?

A. No, I don't.

MS. ALBIN: Objection, vague.

Q. Is there anybody in the DA's office that makes the final decision as to when a case is ready to be transferred with the prosecution packet to the DA's office?

A. How is that question again?

Q. Is there someone in the -- in the sheriff's office that makes the determination the investigation is complete and this is ready to be turned over to the DA's office?

A. No. The investigator himself.

Q. Does the DA's office ever review the evidence that has been collected to determine whether an additional investigation is needed before an arrest or referral to grand jury?

A. Yes.

Q. How often?

A. Not very, but it's happened.

Q. And do they tell you what investigation is

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needed?

A. Well, what's missing in the file or whatever.

Q. Generally speaking, coordination and cooperation between the DA's office and the sheriff's office is essential to being able to investigate crimes, correct?

MS. ALBIN: Objection, vague; calls for speculation; compound.

A. Can you repeat the question?

Q. Sure. Is cooperation and coordination between your office and the DA's office essential to investigate crimes?

A. Yes.

MS. ALBIN: Same objection.

Q. And it is common for you to call the DA's office to rely on their guidance about the law, correct?

MS. ALBIN: Objection. Are you talking about him personally or the sheriff's office?

MS. GARZA: The sheriff's office.

MS. ALBIN: Objection, calls for speculation about what other employees of the sheriff's office do.

A. I don't know what all the employees do, but I know what my investigators do.

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14:41 Q. Right. And it is common for your investigators to reach out?

14:41 A. Yes.

14:41 Q. And in fact, in this case, they were encouraged to reach out?

14:41 A. Yes.

14:41 Q. You -- you were present for -- were you present for Dr. Lozano's interview on January 12th?

14:41 A. Yes. If it's the one that I'm in there.

14:41 Q. Yes.

14:41 A. Dates, I can't testify to dates.

14:41 Q. Okay. And I'll take the date out. But you -- if we can assume Dr. Lozano was only interviewed once, you were there, correct?

14:41 A. Yes.

14:41 Q. Okay. Who else from the sheriff's office was present during Lozano's interview?

14:41 A. I think Investigator Muniz and Investigator Aguirre -- Sergeant Aguirre.

14:42 Q. And where was -- where did the interview take place?

14:42 A. At the sheriff's office.

14:42 Q. Okay. And did you -- you -- did you schedule the interview with Dr. Lozano?

14:42 A. I think I did. I think I was the one who

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called him.

Q. Why -- why would you have called?

A. Because I have his number.

Q. Okay. You know him like --

A. Yes, he's --

Q. -- a personal level or social level?

A. Yes.

Q. Okay. And when did you first make contact with Dr. Lozano about Lizelle's abortion?

A. When I walked into the interview room.

Q. Well, you -- you called him to set up --

A. I --

Q. -- an interview?

A. -- called him, yes, you know, in reference to what was going on. Right. So he said, oh, okay. And I'm not sure if it was the same day or the next day that he came in.

Q. Okay. Tell me about that call to Lozano. Did you call him to get information or did you call him to set up --

A. No, just to set it up.

Q. Okay. So that it would be a formal interview?

A. Yes.

Q. And who made the decision to interview Dr. Lozano?

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14:43 A. I think it was all -- Esmer, myself. Like it's no-brainer, you have to interview the doctor who was there, you know. It's like -- so I don't -- but I know -- I know I called him. I know I was the one who called him. But I don't know how it came out, "Don't worry. I'll call him. I'll get him here."

Q. Just because it would be easy for you to call him --

A. Yes --

Q. -- it would be --

A. -- instead of going through the office and getting -- and leaving a message. By the time he got the message, you know, it would take a little longer. So I just called him to his personal phone.

Q. Okay. Do you recall Dr. Lozano saying during his interview that under the law, she cannot induce herself of an abortion after six weeks?

A. I know he mentioned something like that. Not exactly sure as to what he said.

Q. Do you know if Dr. Lozano was the one who made the decision for Martha Torres to call the police?

MS. ALBIN: Objection --

A. I don't know.

MS. ALBIN: -- calls for speculation.

A. I don't know.

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14:44 Q. Okay.

MS. ALBIN: Can we take a break whenever you're at a stopping point?

MS. GARZA: Yeah. Go ahead.

(Brief recess)

14:53 Q. All right. Lenard, we're in the homestretch now, so I promise. We just had a quick break. Did you speak with your attorney during the break?

A. Yes.

Q. Okay. Is there anything that we need to go back and correct or modify before we continue?

A. No, ma'am.

Q. Okay. So you -- you just -- you were able to read -- yes, the report of Martha Torres today. Have you been -- and I believe you told me earlier that you did review the report pertaining to Dr. Lozano's interview?

A. Not the report. The video.

Q. Oh, the video. I'm sorry. Yes, the video. What -- was there anything -- and I'm talking about at the time back in January of 2022, was there anything about Dr. Lozano's report that -- that you felt justified continuing this investigation against Lizelle?

A. No, ma'am.

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14:54 Q. Okay. After Dr. Lozano's interview, what was your -- what was your impression of how the investigation would proceed?

A. Just to continue gathering more information. And -- and I believe you mentioned another nurse in there, so...

Q. Someone else too. That would have been someone else --

A. To interview.

Q. Okay. During his interview, Dr. Lozano spoke about a new law that the -- pertaining to abortions. Do -- do you recall him talking about that?

A. I -- I recall him saying something about that.

Q. Did you do anything at that time or did -- did you do anything at that time to research or look into what that new law was that Dr. Lozano was referring to?

A. No, I did not.

Q. Okay. Did you ask your investigators to do research about that law that Dr. Lozano was talking about?

A. I don't think I did, ma'am. No, I didn't.

Q. Did you -- or did your interviewers -- did your investigators in your presence have any conversations with ADA Barrera regarding this new law that Dr. Lozano mentioned?

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14:55 A. I don't recall the extent of the conversations
14:56 to word for word what was said, but it was towards this
14:56 case.
14:56 Q. Okay. Were there specific questions or
14:56 discussions about this new law with ADA Barrera?
14:56 A. I believe so.
14:56 Q. And that would have been during that
14:56 conversation that you and Esmer had early on?
14:56 A. Yes.
14:56 Q. Okay. Was there anything about Dr. Lozano's
14:56 statement that stood out to you with regard to the
14:56 charges or the investigation of Lizelle?
14:56 A. No, ma'am.
14:56 Q. Did you review any of the reports of the
14:56 statements of Dr. Luis Ramirez?
14:56 A. No, ma'am.
14:56 Q. And you were not present, correct?
14:56 A. No.
14:56 Q. Yes?
14:56 A. Yes, you're correct.
14:56 Q. Okay. And you were not present for Nurse Norma
14:56 Aguirre's interview?
14:56 A. No, ma'am, I wasn't.
14:56 Q. Okay. And have you read any of the findings
14:56 report or notes?

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14:56 A. No, ma'am.

14:57 Q. And you were not present for the interview of CPS caseworker Daisy Perez?

14:57 A. No, ma'am.

14:57 Q. Okay. Did you review any findings or reports pertaining to that interview?

14:57 A. No, ma'am.

14:57 Q. What about nurse Paola Arrambide?

14:57 A. No, ma'am.

14:57 Q. Okay. You didn't -- you were not present and you did not review any notes --

14:57 A. No, I did not.

14:57 Q. -- or reports?

14:57 Okay. Were some of these interviews done at the request of ADA Barrera?

14:57 A. I don't know.

14:57 Q. All right. And were you present for Lizelle's interview?

14:57 A. No, ma'am, I was not.

14:57 Q. Okay. Do you know why you chose not to be there?

14:57 A. I just didn't need to be there anymore, I guess.

14:57 Q. Okay. And that is -- you -- it seems as though you were very involved in witness interviews and kind

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of navigating this investigation in the first few days. Is that fair to say?

A. I would say the first day.

Q. Okay. Yeah, first day. Day one, day two maybe, or you tell me.

MS. ALBIN: I'm going to object. He just said the first day.

Q. You -- do you believe that the majority of your involvement was limited to that first day?

A. Yes.

Q. Okay. After that first day, your involve -- was your involvement requesting status or getting status?

A. Yes, just to see what's been done.

Q. Okay. And then after you see what's been done, you would take it up to -- further up the chain of command to give them status on --

A. Yes.

Q. -- what's been done.

Okay. There was -- I'm going to see something real quick. Are you aware of a meeting between -- or a meeting with -- let me rephrase.

Are you aware of a meeting that took place between Sergeant Rafael Aguirre and ADA Barrera?

A. No, ma'am.

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14:59 Q. Okay. Were you present for any in-person meetings with ADA Barrera pertaining to Lizelle's investigation?

A. No, ma'am.

Q. Do you know who made the decision to bring in Lizelle for interrogation?

A. No, ma'am.

Q. Did you know she was coming in for an interrogation prior?

A. I don't recall, but I'm sure Esmer would have told me.

Q. At the time of Lizelle's interview, she was already a suspect for murder, correct?

A. I don't -- no.

Q. Why wasn't Lizelle arrested immediately following her interview?

A. Because we were just gathering the information.

Q. Do you know what additional information was gathered between January 31st and March 30th?

A. No, I don't.

Q. Okay. At the time -- on January 3rd following Lizelle's interview, there was no probable cause to arrest her; is that correct?

A. I don't think so, no.

Q. You don't think there was probable cause to

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15:00 arrest her?

A. On what day? I'm sorry.

Q. Sure. Let me -- let me rephrase.

Following her interview on January 31st, do you believe there was probable cause to arrest her?

A. I don't know, because I wasn't in the interview, so I don't know what she said. And as stated, as to now, I don't -- I haven't seen any of those statements.

Q. Are you aware of any conversations between the investigators and the DA's office regarding whether or not to arrest Lizelle?

A. No.

Q. Were there any conversations between you and the DA's office regarding whether or not to arrest Lizelle?

A. No, ma'am.

Q. Are you aware at the conclusion of the interview, Investigator Muniz indicated that she needed to discuss the case with the DA's office?

A. What was that again?

Q. Did you know that at the conclusion of Lizelle's interview, Investigator Muniz informed Lizelle that she needed to discuss the case with the DA's office?

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15:42 A. Not -- not that I know of, ma'am, no.

15:42 Q. What is your sheriff -- your e-mail address at the sheriff's office?

15:42 A. Mine is lenardfuentes@starrcountyso.org.

15:42 Q. Do you ever use your personal e-mail to discuss sheriff's office cases?

15:42 A. No, ma'am.

15:42 Q. Did you ever use your personal e-mail to discuss Lizelle?

15:42 A. No, ma'am.

15:43 Q. Do you have administrative access to the sheriff's county social media -- the Starr County Sheriff's Office social media accounts?

15:43 A. No, ma'am.

15:43 Q. Do you know who has access to post or edit?

15:43 A. On the Facebook, I believe it's Brenda Martinez and Carla --

15:43 Q. Do --

15:43 A. -- dispatchers.

15:43 Q. I'm sorry. Do the posts have to be approved by anyone?

15:43 A. I believe so, through the sheriff.

15:43 Q. Now, we talked earlier about, you know, taking notes. Do you have -- do you have any notes, handwritten notes taken pertaining to Lizelle's

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15:43 investigation?

A. No, ma'am, I do not.

Q. Okay. We talked a little bit earlier about that particular Rosa's report that was done under a prior software or program. Would you happen to know what system that was or what it was called?

A. I believe that one is called COPsync.

Q. And what do you currently use for report writing?

A. I don't know what the name of it is. I don't know what -- we've been, like, through two different ones after that. I don't know. I'm going to learn it.

Q. When did you switch?

A. I'm not sure, ma'am. Maybe about a year ago, year and a half ago.

Q. Would the sheriff's office have one main file where all of the notes, reports, documents you -- recordings, statements, pertaining -- USBs pertaining to Lizelle's investigation be stored?

A. Like one specific place?

Q. Uh-huh.

A. The only thing that's there is the file that Esmer left behind.

Q. Okay.

A. Which is what Major Delgado has turned over to

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y'all.

Q. Okay. Now, you indicated that you did bring your -- your cell phone with you today to your deposition?

A. Yes.

Q. Okay. Would you be willing to kind of go through it and -- and point out the screenshots or the messaging or the apps that you were able to locate pertaining to this case?

MS. ALBIN: Objection.

Don't answer that.

If you want to make a discovery request, you can propound on it on the -- go through that process.

MS. GARZA: Okay.

Q. Do you understand my question, Lenard?

A. Yes.

Q. Okay. Are you refusing to answer?

A. No, but --

MS. ALBIN: He's not going to give you his cell phone to rummage through right now.

Q. I'm not asking to rummage through your cell phone. I'm wondering if you would be willing to, you personally, find the messages that you referred to earlier so that we could look at.

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A. I did provide the -- those messages.
Q. To whom?
A. To the -- our attorneys.
Q. Okay.
MS. GARZA: When was that production?
MS. ALBIN: Yesterday.
MS. GARZA: Did you upload it?
MS. ALBIN: I'm not sure that we have a specific request for it. We can --
MS. GARZA: Okay. No. I'm just -- I'm asking because I haven't seen it.
MS. ALBIN: No. I have not even looked at it. I know it came in, but I haven't looked at it.
MS. GARZA: Okay. Do you have a few questions?
MS. ALBIN: Uh-huh.
MS. GARZA: Okay. Well, then I'll go ahead and pass the witness so I can look over things, and you can go ahead.

EXAMINATION

BY MS. ALBIN:
Q. Captain Fuentes, how long have you known the plaintiff's lawyer?
A. Don't know exactly how many years. I know she worked at the DA's office back when I was still there.

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2000s maybe. I'm not -- I'm not sure what the number is, but I've known her for a while.

Q. And have you ever interacted socially?

A. No.

Q. You've never seen the plaintiff's lawyer outside of work?

A. Yes.

Q. Yes, you have?

A. Yes.

Q. Okay. Recently?

A. No, not recent, no. No.

Q. Okay. Do you know of any direct action that Sheriff Fuentes took to investigate Ms. Herrera?

A. Direct action?

Q. Yes.

A. No.

Q. Did he direct you at any point to take any specific steps with regard to the investigation?

A. No, ma'am.

Q. Did he ever direct you on what witnesses to go interview?

A. No, ma'am.

Q. Did he ever direct you on what evidence to collect?

A. No.

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15:47 Q. Did he ever direct you about what charges could be brought against Ms. Herrera?

A. No, ma'am.

Q. Do you have any reason to believe that he directed either Sergeant Aguirre or Investigator Muniz about what steps to take in the investigation?

A. No, ma'am.

Q. Do you have any reason to believe that he ever spoke directly to Investigator Muniz or Sergeant Aguirre at all about Ms. Herrera's case?

A. No. I don't know, ma'am, no.

Q. Did either Investigator Muniz or Sergeant Aguirre at any time tell you that they had gotten directions from Sheriff Fuentes about what to do in the investigation?

A. No, ma'am.

Q. You had a lot of questions today that were presented as does -- did -- would somebody call the DA's office.

When the plaintiff's lawyer referred to the DA's office, can you tell me everybody that that could have included.

A. At the DA's office? Like who called or who was at the office?

Q. If there was a reference to some communication

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15:48 with the DA's office, who all could that have included?
A. Any DA, either investigator, a secretary, an attorney that worked there in the office.
Q. Okay. So when you gave your answers today about communications with the DA's office, it could have been any of those people you just described?
A. Yes. But I think in the beginning she mentioned that DA would either be Mr. Ramirez, Alex, and/or Abel, I think.
Q. Okay. So --
A. Could be wrong.
Q. I just want to be clear. There were times when you were asked questions about a communication with ADA Barrera, for example. Do you recall those questions?
A. Yes.
Q. Okay. And in those questions, it was clear if you were giving a response, you were talking about ADA Barrera. Do you agree?
A. Yes.
Q. All right. And questions where you were just asked about the DA's office and you gave an answer, could that have included somebody in addition to ADA Barrera or DA Ramirez?
A. Yes.
Q. All right. You were only present for one call

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15:49 that Investigator Muniz had with ADA Barrera, correct?
A. Yes.
Q. You testified that about a few times today, right?
A. Yes, ma'am.
Q. So you don't actually know for certain and cannot testify under oath about how many other times Investigator Muniz did or did not speak to ADA Barrera, can you?
A. No --
MS. GARZA: Objection, leading.
A. -- I can't.
Q. You can't testify to that, can you?
MS. GARZA: Objection, leading.
A. No, ma'am, I can't.
Q. All right. And, similarly, you were never present for a conversation that you recall with ADA Villarreal, correct?
A. I don't recall that conversation, ma'am.
Q. Okay. And so you wouldn't be able to testify under oath how many times ADA Villarreal may have spoken to somebody in your office, right?
MS. GARZA: Objection, leading.
A. Correct.
Q. So when you were asked questions like, "Well,

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Investigator Muniz would have spoke to -- to ADA Barrera often," you actually can't testify whether that happened, can you?

MS. GARZA: Objection, leading. Objection, vague.

A. Not how many times or how often.

Q. Okay. Because really, the only time that you're able to testify for sure happened is the conversation that you were present for, right?

MS. GARZA: Objection, leading.

A. Yes.

Q. In the conversation -- the only conversation that ADA Barrera had with Investigator Muniz that you witnessed, did ADA Barrera tell Investigator Muniz what evidence she needed to collect?

A. I don't recall what was exactly said during that -- that conversation. Like I can't...

Q. Okay. You gave an answer earlier that in that call, I think you said the DA's office was on board, something to that effect.

Is it your testimony that ADA Barrera actually used those words in the conversation that you overheard, that the DA's office was on board?

A. No. I used that as a -- as a, like, okay. They're on board, you know. They're -- they're going

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15:52 to help us with this case. You know, not -- I don't know -- make sense what I said.

Q. Yeah. I just wanted to know if your testimony was that ADA Barrera specifically said, "Hey, we're on board," and she used that phrase, or if that's just how you're describing the conversation.

A. That's how I'm describing us working together.

Q. Okay. And that help that you just described was in trying to figure out whether Jasiel Herrera, who's listed on the front of Exhibit 40, Lizelle's son, was an individual for the purpose of the homicide statute, right?

MS. GARZA: Objection --

A. Yes.

MS. GARZA: Objection, leading. Objection, mischaracterizes prior testimony; assumes facts not in evidence.

A. Well, it was to -- to figure out if -- you know, about the fetus, and yes, no, you know, the living person. So the name there, yes.

Q. That was what you were calling ADA Barrera for help on, right?

A. Yes.

MS. GARZA: Same objections.

Q. Do you understand that Ms. Gonzalez has accused

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15:53 the sheriff of conspiring with the district attorney and assistant district attorney to prosecute Ms. Herrera because she had an abortion? Do you understand that?

A. Yes.

Q. Okay. At any point during the investigation between January 2022 and the end of March of 2022, did you observe anything that makes you believe in fact that Sheriff Fuentes was conspiring with the ADA and the DA to prosecute Ms. Herrera because she had an abortion?

A. No, ma'am.

Q. Have you ever heard Sheriff Fuentes -- Sheriff Fuentes direct anybody in the sheriff's office to find out from the hospital who has had an abortion so that they could be investigated?

A. No, ma'am.

Q. Does the sheriff's office have an agreement with the Starr County Memorial Hospital to seek out women who have had abortions to be criminally investigated?

A. No, ma'am.

Q. Has that ever happened?

A. Not to my knowledge.

Q. And how long have you been with the sheriff's

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ Plaintiff	)( )(	
VS.	)(	CIVIL ACTION NO. 7:24-cv-00132
GOCHA ALLEN RAMIREZ, ALEXANDRIA LYNN BARRERA, RENE FUENTES, and STARR COUNTY, TEXAS Defendants	)( )( )( )( )(	

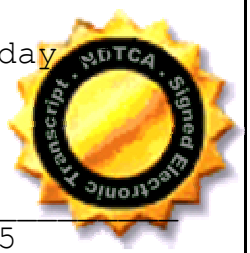
REPORTER'S CERTIFICATE

I, DONNA McCOWN, Certified Court Reporter, certify that the witness, LENARD FUENTES, was duly sworn by me, and that the deposition transcript is a true and correct record of the testimony given by the witness in person on MAY 2, 2025, and that the deposition was reported by me in stenograph and was subsequently transcribed under my supervision.

Pursuant to Federal Rule 30(e)(2), a review of the transcript was requested.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, nor am I financially interested in the action.

WITNESS MY HAND on this the _____ day of _____, 2025.



Donna McCown

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ Plaintiff	)( )(	
VS.	)(	CIVIL ACTION NO. 7:24-cv-00132
GOCHA ALLEN RAMIREZ, ALEXANDRIA LYNN BARRERA, RENE FUENTES, and STARR COUNTY, TEXAS Defendants	)( )( )( )( )(	

ORAL AND VIDEOTAPED DEPOSITION OF
JUDITH SOLIS
JUNE 6, 2025

ORAL AND VIDEOTAPED DEPOSITION OF JUDITH SOLIS, produced as a witness at the instance of the PLAINTIFF, taken in the above-styled and numbered cause on JUNE 6, 2025, between the hours of 10:09 a.m. and 1:58 p.m., reported stenographically by DONNA McCOWN, Certified Court Reporter No. 6625, in and for the State of Texas, at Denton Navarro Rodriguez Bernal Santee & Zech, PC, 701 East Harrison, Suite 100, Harlingen, Texas, pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record or attached therein.

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ALSO PRESENT:

Rene Ortiz, Videographer
Emma Gray, via Zoom

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10:09 THE VIDEOGRAPHER: Today is June 6, 2025. This is the deposition of Judith Solis. It is 10:09 a.m. We're on the record.

JUDITH SOLIS,

having been duly sworn, testified as follows:

EXAMINATION

BY MS. JARIT:

Q. Good morning, Ms. Solis.

A. Good morning.

Q. My name is Elizabeth Jarit. We represent Plaintiff Lizelle Gonzalez in her civil lawsuit against District Attorney Gocha Allen Ramirez, Assistant District Attorney Alexandria Barrera, Sheriff Rene Fuentes, and Starr County.

Thank you for coming in today. Are you represented by counsel for today's deposition?

A. I guess technically yes as a County employee.

MR. NAVARRO: Yes. I mean, she's currently assistant district attorney, so in her official capacity, she is represented. She's not a party to the lawsuit.

MS. JARIT: Right. Of course. Of course.

MR. NAVARRO: So, yeah, the practical matter is she is represented by us.

MS. JARIT: Okay. Thank you very much.

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She was a stay-at-home mom until very recently.

Q. Okay. We're going to switch talking about your employment.

A. Okay.

Q. So where do you currently work?

A. I'm assistant district attorney for the Starr County DA -- or the 229th Judicial District Attorney's Office.

Q. Okay. How long have you been an ADA?

A. This is my fifth year there. When Gocha got elected, I went in with him that January.

Q. And that would be January 2020?

A. Correct.

Q. And before -- before that, where were you employed?

A. Before that, I was self-employed. I had my own private law firm. I did that for approximately eight or nine years.

Before that, I was a misdemeanor prosecutor at the county attorney's office. I was an assistant county attorney. Did that for about eight or nine years.

Q. Okay. And before that?

A. So I worked for Gocha and Ana Lisa Garza roughly a year. That was like right out of law school,

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and then I became the assistant county attorney.

Q. When you say you worked for Gocha, was that in private practice?

A. Correct. He and Ana Lisa Garza owned a law firm.

Q. And what kind of practice was that?

A. Civil mostly. Well, I mostly did civil. I mean, I guess they did everything. They did personal injury. They did criminal. Mostly Gocha did criminal. Mostly Ana Lisa did personal injury. And then I basically did divorces there.

Q. And how long was that for?

A. I don't really remember. I mean, at least a year.

Q. Yeah. Was that your first job out of law school?

A. Yeah.

Q. So going back to your employment at the DA's office, who's your supervisor?

A. I would say Gocha.

Q. And just to clarify, when we say "Gocha," we're talking about the DA, right?

A. Correct.

Q. That's okay. That's fine. You can continue to call him Gocha. That's totally fine.

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10:20 A. Okay.

10:20 Q. Are you in a particular department --

10:20 A. I am assigned to the 381st, so Alex is first chair there at the 381st, and then I'm under her.

10:21 Q. Okay. So just to clarify, if Alex is first chair, but -- do you report to her or do you report to Gocha?

10:21 A. I guess to Alex, because, I mean, to the extent that I do. I would say I don't go bother the boss with, like, hey, you know, defense counsel is bugging me about this or that. I would bring it up to her.

10:21 Q. And when you say "the 381st," what does that mean?

10:21 A. The court, the judicial district court. Okay. Jose Luis Garza's court.

10:21 Q. Okay.

10:21 A. Okay. Sorry.

10:21 Q. That's okay. What are the scope of your responsibilities as an ADA?

10:21 A. To prepare for grand jury, present to grand jury, and then to handle the weekly docket. So there's two courts that we -- well, there's other courts, right, because there's Jim Hogg, and there's Duval, but I don't go over there. Abel -- Abel and the boss mostly do that.

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There's a 229th, and Abel and the boss and Alfredo handle that. So then the 381st is Alex's and mine, and that's a weekly docket. So preparing for docket basically, and that's criminal and civil, because we also do forfeitures as a DA's office.

So preparing for that and making sure that we resolve cases or prep for trial if they have to go to trial and things to that -- things of that nature.

Q. Okay. What's your highest degree of education?

A. I have a juris doctorate.

Q. From which school?

A. St. Mary's School of Law San Antonio.

Q. What year did you graduate?

A. 2001.

Q. And do you have a practice of law outside of the DA's office as well?

A. Yes, I do.

Q. How long have you had that practice?

A. Since before I joined the DA's office.

Q. So you've -- you've kept the practice --

A. Correct.

Q. -- that you were talking about before. You just kept it on --

A. The civil, correct.

Q. And I think you said it's a civil practice,

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correct?

A. Correct.

Q. Okay. And what kinds of cases do you primarily work on?

A. Divorces, family law, and some personal injury.

Q. And when do you work on your private firm obligations?

A. Usually after 5:00, right, like, say, 5:00 to 9:00, or during lunch, or sometimes I also walk out there if I have to go out there. I have two assistants that are there, but basically, you know, it's after work.

Q. Okay. If it's during the day, do you have to take time off from your ADA job in order to work in your private practice?

A. I do if, like, let's say I have a contested hearing, right, on a Thursday -- and I say a Thursday, because usually county court at law, we only have one, the County of Starr. All divorces by default have to go to that court.

So, you know, I may tell the girls, "Hey, I'm going to be out in the morning." But that's if I have a contested, but for the most part, no.

Q. Okay. Is that --

A. Or sometimes yes, I've taken off before. I

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10:24 rarely do anything in Hidalgo, but I have remembered having to take off a morning to go take care of something in Hidalgo. That was my own private business.

Q. And would that be -- would you have to ask permission to do that from anyone at the DA's office?

A. Not really.

Q. Okay.

A. I mean.

Q. Would it be recorded anywhere like in a time sheet?

A. Not really. I don't know. You know, I mean, sometimes it may. I do take time off, but like I don't really ask anyone. If anything, I'll just tell the main secretary Yadi, like, "Hey, I'm going to be out this morning." Sometimes, you know, I'll tell her.

Q. So tell me a little bit -- going back to the DA's office. Where is it located?

A. 401 North Britton Avenue, Rio Grande City, Texas, third floor.

Q. And do you go into the office in person?

A. Yes. Every day.

Q. Every day. And what are your hours?

A. It varies. Usually about 9:00 to 4:00 is when I'm there typically.

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10:25 Q. And at the DA's office, do you have your own personal office?

A. Yes.

Q. With a door?

A. Yes.

Q. And where is that office located in relation to Alex's office?

A. Next door to Alex's.

Q. And how about Abel's?

A. So, I mean, it's really small in there. So it's -- Abel has, like, I guess what we would consider the bigger office with the nice window. And then if you open the door and you cross, here's Alex.

And then I'm in front of her. And then there's -- it's the hall and the coffee break room, and then you walk a little more, and it's the cubicles, or -- or as you enter, that's what you first see is the girls, the cubicles and the girls there. They don't have their own private offices. Well, two do, but for the most part, they have cubicles.

Q. When you say "the girls," do you mean like -- who do you mean?

A. I don't -- the other staff that we have who are like clerks, receptionists, our paralegals. I say girls because they happen to all be female.

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10:26 Q. Yeah. And where's Gocha office in relation to everyone else?

10:26 A. So if you -- you know, you keep walking. You enter the office, right. You go to the right to come to our office, but then there's the cubicles, and then you go left.

10:27 We have another ADA, Alfredo, and he has his own office with a door, and then Yadi, and they have their offices with doors. And then it's the other girls that are, again, like paralegals, right, or intake clerks. And then it's the boss. And he's got the big office with all the windows.

10:27 Q. And do you folks keep -- typically keep their doors open while they're working?

10:27 A. No, huh-uh. I always keep mine closed.

10:27 Q. Closed?

10:27 A. Yeah. I tend to keep it closed.

10:27 Q. So from January to April of 2022, how many ADAs worked at the DA's office?

10:27 A. For sure three: Abel, Alex, and I. And then I don't remember if Alfredo was already with us. Fred came in later. He may have been there. Yeah. No, he was there. He was already there.

10:28 Q. And how many investigators were working for the DA's office at that time?

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10:28 A. Probably I would say three. We tend to have three.

Q. Do you recall who they were?

A. For sure Trinidad, Trini, Lopez, and for sure Rick Saenz.

Q. And then maybe someone else?

A. Right. Probably Chavo, Santiago Alaniz. If not, then Uvaldo Ramirez, Juan.

Q. Who do the investigators report to in the office?

A. I guess the boss.

Q. Meaning Gocha?

A. Sorry. Yes. They refer to Gocha.

Q. What are their responsibilities, the investigators I'm talking about?

A. Sometimes they'll work up cases or they'll work, I guess, in conjunction with, like, our local law enforcement agencies.

Q. What does it mean to work up a case?

A. Like maybe they have, like, a case that they're working, like, with HIDTA, because we're also -- we have HIDTA agents, the High Intensity Drug Trafficking Agency, which is like we have partners with other agencies, like our local, right?

Well, not just our local, because I guess

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10:29 BP as well. So like Rio, Roma, the sheriff's office -- Rio PD I should say, Roma PD, Starr County Sheriff's Office. And so then they work in conjunction.

So sometimes, like, they might work up a case like a drug trafficking case or whatnot. Mostly, it's drug trafficking. I don't think they've done any -- mostly drug trafficking.

Q. And when you say "work up a case," do you mean like investigate that case?

A. Right, yes.

10:30 Q. Okay. And is that sometimes preindictment?

A. Yes.

Q. How do the investigators get assigned tasks related to a case?

A. I don't know. I mean, I don't know for sure.

Q. Have you ever asked an investigator to do anything on one of your cases?

A. Yes. Yes, I have.

Q. What kinds of things?

A. Let's say we're going to go to trial. And then it's like, "Hey, make sure that, you know, we have these witnesses. Make sure you have their phone numbers. Make sure you have their e-mail addresses. Make sure they know, like call them. Subpoena this guy. We're having a motion to revoke. I need the

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officer here. If he can't be here, let me know why. Please put it in writing so that we can have that for the judge."

Most of my interaction with our investigators, that's what it is, asking them to locate people if we're going to have contested hearings. I rarely go to trial, but mostly I will have contested hearings, like motions to revoke, motions to adjudicate, stuff like that, and they'll -- they'll help with that.

Q. Do the investigators -- when the investigators are doing any of those tasks that you mentioned, they would have -- they get their assignment from an attorney working at the office?

A. Again, I'm not sure it's exclusively, but for sure when I've dealt with, like, Trini or Rick, that's my interaction with them. I'll just ask them to help me in that way.

Q. Can they decide on their own to, like, tell members of the sheriff's office to do something without attorney approval?

A. I would think so.

MR. NAVARRO: Can you clarify what investigators we're talking about?

MS. JARIT: Sure. I'm sorry.

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10:31 Q. The DA's office investigators.
10:31 A. Okay.
10:31 Q. Can they on their own decide to direct members of the sheriff's office to do something?
10:32 A. I guess I'm not really sure.
10:32 Q. Do -- have you ever spoken with the investigators about cases they are investigating preindictment?
10:32 A. Yes.
10:32 Q. Do they sometimes ask the attorneys, like, legal questions?
10:32 A. Yes.
10:32 Q. And do the attorneys give them guidance, legal guidance for their investigation?
10:32 A. I know I have, yes.
10:32 Q. So in January of 2022, both ADA Barrera and ADA Villarreal were first assistants, correct?
10:33 A. I think so.
10:33 Q. Okay. What supervisory responsibilities did ADA Barrera have?
10:33 A. She has a lot to do with crime victims, the crime victims unit. I forgot to mention them. We also have a crime victims unit, but they're not really housed with us.
10:33 Q. What does that mean?

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10:44 handle those, because, I mean, they're -- they're the first chairs. And so I guess they will, because I've never prepped one, like I've never prepped a murder case or a sexual assault of a child.

But, like, if they're helping, like they're -- they're advising, like a state jail felony, because they're not going to -- they -- I don't know if they -- they may. It would be like, "Hey, Judy, look at this one."

Q. It would be in their discretion, though, to kind of like take that case or not?

A. Yeah, I would say so.

Q. Do you have -- do the attorneys have regular meetings in the office to talk about their cases?

A. No. Usually, if we have a meeting, it's because somebody is going to go trial, and it's like all hands on deck, even if -- let's say it's in the 229th.

Abel would be like, "I don't want you going on vacation or anything," like "I want all hands on deck," because if, like, him and the boss or him and Alex are going to present the case, he's like, "You know, y'all are going to be here to handle the rest of the docket," or, for example, like, "If I'm going to go t Jim Hogg," or he -- I don't know whether -- if Abel

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10:45 is going to be in Jim Hogg and Duval, so maybe Alex and
10:45 the boss are going to help over there. Then it's "Hey,
10:45 Judy and Fred, you know, make sure y'all are here in
10:46 the office here."
10:46 That's -- that's usually what our meetings
10:46 are about, like make sure -- when we've had them,
10:46 that's what it's been about, like, "Hey, you know,
10:46 we're about to go to trial," or "Hey, you know, we're
10:46 about to go to trial, and you and Fred should sit in
10:46 and learn."
10:46 So those tend to be our meetings. Usually
10:46 trial, that's when I can really remember we're going to
10:46 have, like, a meeting, all hands on deck.
10:46 Q. How do the ADAs keep each other updated on the
10:46 progress of their cases?
10:46 MR. NAVARRO: I'm sorry. I didn't hear
10:46 you.
10:46 Q. Sorry. How do the ADAs keep each other updated
10:46 about, like, the status or progress of the cases
10:46 they're working on?
10:46 A. Usually, like my docket, for the most part,
10:46 again, we have autonomy, but every once in a while,
10:46 I'll walk over to the boss' office and be like, "Hey,
10:46 you know, this is what I'm doing this week," you know
10:46 "And these are the cases I'm handling. This is how I'm

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10:47 going to resolve them."

But for the most part, we don't. I mean, again, like if it's going to go to trial, yes. Again, I've only taken one to trial myself personally, me and Fred. And then we definitely are advising them -- mostly asking for advice, but other than that, I'm going to get my cases, you know, in the 381st, I'm going to see the docket, see what I can handle, and take care of them.

Q. When you do talk to the other ADAs or Gocha about your cases, do the conversations involve sometimes asking about, like, legal questions?

A. Oh, yes.

Q. What kinds of legal questions would you go to a colleague about?

A. I mean, usually it's about, like, procedure. I would say that's what I mostly go about. Procedure, how to handle, like, motions to suppress where he would advise me, you know, or "Hey, you've gone up against 'x' defense counsel. What should I expect? How do I best counter his argument?"

A lot of, "Hey, what's your case law on, you know, motion to suppress or warrantless searches? What is your case law? Give me your" -- Alex and Abel are real good about having case law or they remember,

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you know, you've got to go look at this case for -- you know, you've got to go -- the smuggling, right? That, like, recently updated. It's like, "Don't forget. You know, now it's this."

So that tends to be -- I guess I tend to ask -- those are the questions that I ask. I can only answer, right, for myself. But I tend to -- "How do I counter? How do I prep? What should I expect from this one? What's your best argument? What argument would you use? What case law would you use? What do you think I should argue?"

And it tends to be evidence. Like things like that, like pretrial stuff, sentencing. Again, the one time I went to trial, I hadn't done a jury charge, so I definitely was like, "Hey, guys, help me out, you know, with that," and they did.

Q. Would it be more common to go to your colleagues when the charge is more serious?

A. I mean, I guess, yes. I would. If I was handling something real serious, I definitely, I think, I would be picking their brains, like, "Help me out," because I don't tend to do those. I haven't done, like, a murder. I haven't done any of those.

Q. Do you often have informal conversations, like at lunch or in the pantry, about your cases?

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10:50 A. I mean, yeah. Sometimes. Sometimes we'll have informal talks, yeah.

Q. Perhaps if it's an interesting -- more interesting case?

A. Sometimes like it's a defendant that we know, right, or it's a defendant that we -- has been through it before, or, "Hey, you know, defense counsel brought up this argument," you know, or "Hey, the judge yelled at me, and that was on your -- or on your strategy on how to handle that." That tends to be mostly.

Q. Okay. So DA Ramirez is the top of the chain of command in the office, correct?

A. Yes.

Q. Okay. He supervises all of the prosecutions occurring in the office, right?

A. At the end of day, yes, I would say so.

Q. Does he get briefed on prosecutions for major crimes?

A. I would think so, yes.

Q. If there's a murder investigation, would the ADAs make sure the DA knows about it?

A. I don't know. I've never done a murder investigation. I've never done a -- I haven't handled, like, one of those really egregious ones. I would -- if I did, if I get assigned one, I would -- I think I

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would, I mean, yeah. I'm sure he would want to know, "Are you doing -- who's helping you?"

Q. Do you know how many murder cases the office handles in a given year?

A. Not too many, thank God.

Q. Is the district attorney also aware of major arrests on, for example, murder charges?

A. I would think so, but I don't know for sure.

Q. Are there any decisions that require consultation with the district attorney himself?

A. Require?

Q. Or approval by him?

A. I haven't had that situation arise, maybe because I handle the less egregious. He always says, "I trust your instinct. You know these cases. You know what's going on. You know more. Trust your -- trust yourself, your instinct," and -- or "You know more about it. If you think that's a fair offer, then go ahead."

But like a requirement, like, "Hey, Judy, you better run that by me," no. I haven't had that experience yet.

Q. Are there written policies in the office?

A. Yes. We have. Yeah, definitely when we -- there's some from the County, right, and then there's

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10:53 definitely some from the office.

Q. What are they? Let's -- let's start with the County.

A. I was going to say. I'm not -- I mean -- I mean the -- both of them, like there's general, like, hey, you know, you can't commit a crime. You can't break the law. You said start with the County?

Q. Yeah. So does the County have a -- any written policies?

A. Yeah. They definitely have a lot of them. I mean, a lot of them is like if you have -- if you have a vehicle that the County owns, there's just like a lot, but I don't. I used to, and then I was like, I don't want that responsibility.

And then there's like -- so again, with that comes, like, a lot. I remember that, because I once, like a hot minute, drove a vehicle, and then they're like, "Don't forget this, and the mileage and all that." So I was like, no. I'll drive my own car. I mean, they do have a lot of policies. I wish I could tell you I knew them.

Q. Do you recall getting them electronically or like a hard copy?

A. A hard copy for sure, and it is in my desk.

MR. NAVARRO: What are we talking about

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now?

MS. JARIT: County policies.

THE WITNESS: The County policies, written policies.

MR. NAVARRO: Starr County?

MS. JARIT: Starr County, yes.

THE WITNESS: Yeah.

MR. NAVARRO: What kind of policies?

MS. JARIT: That was my question.

THE WITNESS: Right.

MR. NAVARRO: You're just talking about policies in general?

THE WITNESS: Yeah, right.

MS. JARIT: I was asking if she had received any written policies at work.

MR. NAVARRO: Okay.

A. For sure. And there's a lot on, like, safety, picking up stuff. Some of it doesn't apply to us.

Q. That's the County policies. In terms of the district attorney's office, written policies?

A. Yeah, we have some.

Q. What are those? Is it like one -- one book of policies or multiple books of policies?

A. No. It's -- we were given one. I'm -- just like your conduct and your -- don't break the law,

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confidentiality, time stamp, time sheets. There's a lot -- there's a lot that sometimes don't involve us, again, because within our own department, like the actual DA's office versus the County, a lot of people drive vehicles for their -- for work, right? Or they're issued -- some of them are issued phones. Some of them are issued -- obviously, our investigators are issued weapons.

So there are -- I think there's written policies about that, but I -- I can't remember them offhand. I apologize.

Q. Again, do you recall if you received them electronically or hard copy?

A. I don't recall.

Q. If the case poses an ethical question, how is that handled?

A. If it poses an ethical question, like in what way?

Q. So let's -- let's talk specifically about, like, conflicts of interest.

A. Okay.

Q. If the case might pose a conflict of interest, what would you do?

A. I notify usually the boss and then the girls, the clerks, the intake clerks.

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12:42 probably make sure that it's something that is not
12:42 going to -- that it will meet the elements.
12:42 Q. That it will meet the elements. Okay.
12:42 Are you aware that DA Ramirez faced a
12:42 disciplinary action by the State Bar, correct?
12:42 A. Yes, I'm aware.
12:42 Q. And the grievance committee subpoenaed you to
12:43 testify --
12:43 A. Yes.
12:43 Q. -- correct? Just let me -- I'm sorry.
12:43 A. I'm sorry.
12:43 Q. Just for the record. I know. It's hard.
12:43 The grievance committee subpoenaed you to
12:43 testify regarding the grievance filed against the DA
12:43 concerning Lizelle's case, correct?
12:43 A. That is correct.
12:43 Q. Okay. Did you testify?
12:43 A. Yes.
12:43 Q. Was that by Zoom?
12:43 A. Yes.
12:43 Q. How -- how many times -- like how many dates
12:43 did you testify?
12:43 A. Just one time.
12:43 Q. How did you prepare -- without revealing any
12:43 confidences that -- or communications you may have had

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12:43 with an attorney representing you, how did you prepare for that testimony?

A. I did not.

Q. Did you review any documents?

A. No.

Q. Did you create any documents --

A. No.

Q. -- in preparation?

Did the grievance committee interview you about Lizelle's investigation, like preindictment investigation?

A. I don't remember if that was -- if they asked me that.

Q. Did they ask you -- did the grievance committee ask you questions about the decision to charge Lizelle?

A. I don't think so.

Q. Did they ask you -- did the grievance committee ask you about Lizelle's grand jury proceedings?

A. I don't remember that.

Q. Did the grievance committee ask you about the dismissal of her charges?

A. I don't remember that.

Q. Were you asked to produce documents to the committee?

A. No, not that I remember, no. No, not that I

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12:44 remember, huh-uh.

Q. What did the grievance committee ask you about?

A. My representation of Ismael Herrera.

Q. Okay. Did you have -- did you -- did you have communications with DA Ramirez concerning his disciplinary proceeding?

A. No. I don't remember. I mean, aside from getting an e-mail. No, it wasn't from him. I think it was from the Bar saying, "Hey, you're going to testify on such date." I don't remember.

Q. Okay. Did the DA's office conduct any internal investigations concerning Lizelle's investigation, prosecution?

A. I don't think so.

Q. Was ADA Barrera disciplined internally within the DA's office?

A. I don't know.

Q. Were there any changes made within the DA's office to ensure that this sort of thing didn't happen again?

A. I don't think so.

Q. Okay. Are you familiar with the homicide chapter of the Penal Code?

A. Somewhat.

Q. What do you mean by "somewhat"?

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12:46 A. I mean, I'm sure I've looked at it. I'm sure I had to, not just with my job, but in general, like -- but I don't know it by heart, but I'm familiar with it.

Q. Each chapter of the Penal Code has -- each chapter concerns a different category of crimes, correct? Like there's a weapons chapter, there's a homicide chapter --

A. Oh, yes.

Q. -- there's --

A. Yes, correct.

Q. -- a fraud chapter.

A. Correct. Drugs.

Q. Okay. Drugs.

A. Smuggling.

Q. And in the homicide chapter, there are different sections within that chapter, correct?

A. Yes.

Q. Each section is a different -- each -- each section lays out a different kind of homicide, correct?

A. A different kind of -- like degrees?

Q. Like the first chapter --

A. Like manslaughter?

Q. -- is for murder. Right, correct.

A. Okay. Yes.

Q. Yes.

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12:47 A. I'm sorry. Yes.

12:47 Q. Okay. So to figure out which section of the Code applies -- of the chapter applies, you would need to look at each section of the chapter to see which elements fit which crime, correct?

12:47 A. Correct.

12:47 Q. Okay. When did you first learn about SB 8?

12:47 A. Senate Bill 8.

12:48 Q. Huh?

12:48 A. Senate Bill 8.

12:48 Q. Senate Bill 8, yes.

12:48 A. I have no idea.

12:48 Q. Do you know what Senate Bill 8 is?

12:48 A. Not offhand.

12:48 Q. Okay.

12:48 A. Sorry.

12:48 Q. Were you ever trained on it?

12:48 A. I don't think so, no.

12:48 Q. Did you ever read any news coverage about it?

12:48 A. Maybe, yes.

12:48 Q. Were you ever asked to research how SB 8 impacted your work at the DA's office?

12:48 A. No.

12:48 Q. Were there ever any e-mail communications about this change in the law?

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12:48 A. I don't remember.

12:48 Q. Are you familiar with the United States Supreme Court case Roe v. Wade?

12:49 A. Yes.

12:49 Q. What do you understand that case stood for?

12:49 A. Well, that was when women were given the right to choose.

12:49 Q. To choose to have an abortion, correct?

12:49 A. Yes.

12:49 Q. Yes. And did you know that in January of 2022 Roe v. Wade was still the law?

12:49 A. Yes.

12:49 Q. And during the time the DA's office was investigating and prosecuting Lizelle, were there any conversations about how she could be charged with murder when Roe was still the law?

12:49 A. I don't remember anything like that.

12:49 Q. Before Lizelle had been charged, had you ever heard of another person being charged with murder for their own abortion in Texas?

12:49 A. I don't -- I don't recall.

12:49 Q. Did Lizelle's murder charge make sense to you?

12:50 A. I don't -- I don't really know what happened there. I wasn't privy to a lot, so I don't know.

12:50 Q. Did it make sense to you under the law, like,

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12:50 legally?
12:50 A. Under the law that indictment should have been dismissed, and it was by the boss.
12:50 Q. Under the law, should the indictment have -- should her case have been presented to the grand jury?
12:50 A. No.
12:50 Q. Okay. Do you need to take a break?
12:50 A. I could go to the bathroom again.
12:50 MS. JARIT: Let's do that. Let's take like a -- do you want to take a 15-minute break this time?
12:51 MR. NAVARRO: How ever long she needs.
12:51 THE WITNESS: 15 is more than enough.
12:51 (Brief recess)
13:06 Q. We just had a break, correct?
13:07 A. Correct.
13:07 Q. Did you speak to your attorney during the break?
13:07 A. Yes.
13:07 Q. And did you speak to anyone else during the break?
13:07 A. My secretary, but not about anything here.
13:07 Q. Okay. When did you take on Ismael Herrera as a client?
13:07 A. I don't remember.

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13:07 Q. Did you represent him in his divorce against Lizelle?
13:07 A. Yes.
13:07 Q. Did he approach you about becoming his attorney?
13:07 A. Yes.
13:07 Q. Was that the first time you represented him?
13:07 A. Yes.
13:07 Q. When he -- at the time he approached you, was your office involved in the investigation and prosecution of Lizelle?
13:08 A. No, or I don't know. I wouldn't know.
13:08 Q. You don't know? Did he approach you before you filed his petition for divorce?
13:08 A. Yes.
13:08 Q. How long before did he approach you?
13:08 A. Before I filed his petition for divorce?
13:08 Q. Yes, yes.
13:08 A. I don't know. I don't remember.
13:08 Q. Would it have been days?
13:08 A. It may have been. Many times I'll consult, and then they'll say, okay, I'm going to go get paperwork or the money or I'm going to go talk to other attorneys first, see what the prices are and all that. I don't know.

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13:08 Q. How long does it take you to prepare a petition for a divorce?

13:08 A. Not long. Normally, my assistant will prepare it. I'll just review it.

13:08 Q. Earlier, you testified you first learned about Lizelle's abortion from the media. Do you recall that?

13:09 A. Yes. I believe that's how I learned about it.

13:09 Q. You were also -- you -- but you were also representing Ismael Herrera at least days prior to when he filed his petition, correct?

13:09 A. I don't know. I don't remember. Maybe he hired that day, right? I don't remember. And if he did hire, I don't know if I filed the petition that day. Did I file it a week later. I don't -- I don't remember.

13:09 Q. Do you recall that you filed his divorce petition on April 7th, 2022?

13:10 A. I don't recall that.

13:10 Q. Would it help to refresh your recollection if you saw the divorce petition?

13:10 A. Right. If you're telling me it's that day, probably. I believe you.

13:10 Q. Okay. Let's just --

13:10 MR. NAVARRO: You should review the document.

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13:10 A. Okay. Yes. Sorry. Yes, please.
13:10 Q. Sure. Okay. So this is going to be Plaintiff's Exhibit 47. I'll give you a moment to read it over.
13:10 A. Okay. I see the date.
13:11 Q. Let me know when you're ready.
13:11 A. I'm ready.
13:11 Q. Okay. Do you recognize this document as the petition for divorce that you filed on behalf of Ismael Herrera against Lizelle Gonzalez?
13:11 A. Yes.
13:11 Q. And do you see that it's stamp filed April 7th, 2022, at 1:45 p.m., correct, on the top, right?
13:12 A. Excuse me.
13:12 Q. No problem.
13:12 A. Yes. I -- I see that.
13:12 Q. Do you have any reason to believe that that's not accurate?
13:12 A. I have no reason to think that's not accurate.
13:12 Q. And so is it your testimony that you began your representation of Mr. Herrera sometime before April 7th, 2022?
13:12 A. Yes.
13:12 Q. But you don't recall if it was days or weeks or months before that date?

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13:12 A. I don't.
13:12 Q. It could have been any of those time frames?
13:12 A. Anytime before April 7th, 2022, at 1:45 for sure.
13:12 Q. Okay. Is there --
13:12 A. I don't remember how long.
13:12 Q. Is there anything that would help you refresh your recollection about when you --
13:12 A. No.
13:12 Q. -- started representing Mr. Herrera?
13:13 A. No.
13:13 Q. Was there a retainer agreement from Mr. Herrera?
13:13 A. I would imagine.
13:13 Q. And do you keep those -- do you keep those retainer agreements on file in your office?
13:13 A. No.
13:13 Q. Are they stored anywhere?
13:13 A. That was three years ago. No.
13:13 Q. On page 2 under No. 7, it says, "Grounds for divorce," and it says, "Respondent has committed adultery," correct?
13:14 A. Correct.
13:14 Q. So Mr. Herrera was alleging that Lizelle had committed adultery and that was grounds to grant the

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divorce, correct?

A. Correct.

Q. But you did not learn about the abortion until -- the first time you heard about the abortion was from the media is what you testified.

A. To the best of my recollection, yes.

Q. Are you aware -- do you have a practice of deleting the retainers for your clients?

A. Well, I don't necessarily have, like, a great filing system, so I wouldn't say I deleted it. I'm just saying three years later I doubt I have it.

Q. Do you have a practice of deleting your e-mails?

A. Yeah. I do. Yeah. After about two years, I clean them out.

Q. After about two years you go through and delete all your e-mails?

A. Not all of them. Sometimes.

Q. Do you have any documentation about your past representation of Mr. Herrera?

A. I don't know.

Q. Okay. Were your colleagues in the DA's office aware that you were representing Mr. Herrera as a client in his divorce proceeding?

A. I doubt it.

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13:16 Q. Did you tell any of them that you were representing Mr. Herrera?

A. When?

Q. Prior to her indictment.

A. No.

Q. Did you -- at some point, did you tell any member of the DA's office that you were representing Mr. Herrera?

A. Yes.

Q. When was that?

A. Post everything.

Q. What do you mean by "everything"?

A. After the indictment.

Q. Can you be more specific?

A. Well, I mean, whenever that happened, there was an indictment, you know, the name came out and whatnot. Sometime after that, I realized, oh, Lizelle Gonzalez is a respondent on a -- and I represent the husband, and so at some point I know I told them.

Q. Who is them?

A. Any -- the office, anyone in the office.

Q. Did you tell Alex?

A. Probably.

Q. Did you tell Gocha?

A. Probably.

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13:17 Q. Why did you feel you needed to tell them?
13:17 A. Well, because I think that's something that they should know that I was representing the husband, just so they know. "Hey, you know, don't involve me in any of this."
13:17 Q. So just to clarify, after Lizelle was indicted, you -- sometime after Lizelle was indicted, you realized that you were representing her husband in the divorce proceeding, correct?
13:17 A. That is correct.
13:17 Q. Did you know that -- as part of your representation of Mr. Herrera, were you aware that Lizelle had been indicted?
13:18 A. What?
13:18 Q. Did -- as part of your representation of Mr. Herrera in the divorce proceedings, let me -- let me -- I'm sorry. Strike that.
13:18 The petition was filed on April 7th, 2022, correct?
13:18 A. Yes.
13:18 Q. And that was after Lizelle had been indicted, correct?
13:18 A. I don't remember.
13:18 Q. If I represent she was indicted on March 25th?
13:18 A. Okay. Yes.

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13:18 Q. The petition was filed the same day she was arrested. Are you aware of that?

13:19 A. No. I don't think so. I don't know.

13:19 Q. You don't? Are you aware what day Lizelle was arrested?

13:19 A. I'm not.

13:19 Q. Were you ever made aware of what day she was arrested?

13:19 A. Right. Yes.

13:19 Q. Okay. After you told Alex and DA Ramirez that you were representing Lizelle's husband, what -- were you -- how did they react?

13:19 A. I don't remember.

13:19 Q. What was the purpose of telling them that information?

13:19 A. I thought it was relevant.

13:19 Q. Relevant to what?

13:19 A. The fact that there had been an indictment and it had been dismissed, and I wanted them to know, "Hey, I represent the husband. There was a divorce -- there is a divorce."

13:20 Q. So did you tell them after the charges had been dismissed?

13:20 A. It had to have been, because they were dismissed immediately.

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13:20 Q. It wasn't before the charges had been dismissed you told them?

13:20 A. I think -- no. I don't think so. No. They were -- they were dismissed -- from what I remember, they were dismissed immediately after she got indicted.

13:20 Q. Do you recall who told you about Lizelle's arrest?

13:20 A. No. I think I got -- learned it from the media.

13:20 Q. So this document indicates that you filed this petition at 1:45 in the afternoon, correct?

13:21 A. It was filed at -- it was filed at 1:45 p.m. That is correct.

13:21 Q. And was that during your working hours as an ADA?

13:21 A. Yes.

13:21 Q. Was that inconsistent with office policy?

13:21 A. Well, first of all, I don't e-file, so my -- I have an assistant who does that.

13:21 Q. Okay. So some -- someone else filed this you're saying?

13:21 A. Right. And I don't know how long, because I'm not very familiar with e-filing. I don't know how long it takes to, like, queue it up. I think it takes a while, because I'm always like, "Hey, I haven't seen

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this. I haven't seen that."

She'll be like, "It was filed." So I -- I'm not real familiar with the workings of e-filing and how long it takes to queue up to Mr. Velasquez's office, so I can't say it was filed right then at 1:40 or the day before, night before. I have no idea.

Q. Did you draft this petition?

A. Probably not.

Q. Did you review it?

A. Yes.

Q. Did you ever make public statements regarding Lizelle's criminal case while representing Mr. Herrera in his divorce?

A. I don't think so.

Q. Did you ever make statements in court on behalf of Mr. Herrera regarding Lizelle's criminal case?

A. No.

Q. Did you ever make public statements regarding Lizelle's character or reputation?

A. No, I don't think so.

Q. Did you ever make statements in court regarding Lizelle's character or reputation?

A. No, I don't think so.

Q. Did you ever make public statements regarding Lizelle's credibility?

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13:23 A. No.

13:23 Q. Did you ever make statements in court regarding Lizelle's credibility? Did I ask that already?

13:23 A. Yeah, you already asked that.

13:23 Q. I'm sorry. Did you represent Mr. Herrera in any other proceedings?

13:23 A. Not that I remember.

13:23 Q. Did you ever make any statements in court about Lizelle's abortion?

13:23 A. No.

13:23 Q. How do you direct your assistants to file your court filings?

13:23 A. I probably just -- once it's been reviewed, I probably just tell them, "Hey, go ahead and file it if they paid court costs."

13:24 Q. Would that be in an e-mail?

13:24 A. Probably not.

13:24 Q. Okay. Then how, if not by e-mail, would you tell them?

13:24 A. Probably just drop by on my, like, lunch or after 5:00. "Hey, what's ready to file?" They'll do it.

13:24 Or I might call them. They may tell me, "Hey, this guy already paid court costs. I'm going to file it."

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"All right."

Q. How long would you have met with Mr. Herrera in order to get the information necessary to file the petition?

A. I don't know. I may meet with him, consult with him, and then information is brought to the girls, and they'll fill out an information sheet or something. But I don't remember. Maybe I did it. I don't remember.

Q. Would that have been in person?

A. Yes. Well, I would imagine. Sometimes probably. Sometimes defendants -- clients will call in and say, "Hey, I -- this is the date of marriage. This is the day of separation." Or "Hey, I just remembered the kid's birthday is" -- whatever -- "July 19th not July 18th," so on and so forth, but mostly in person.

Q. Are you familiar with the Texas Disciplinary Rules of Professional Conduct regarding conflicts of interest?

A. Somewhat.

Q. Rule 1.06 states that -- it limits an attorney's ability to represent a client. If -- and I'm quoting from it, and if -- if you'd like, I have a copy of it if you prefer.

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13:26 A. Okay.

13:26 Q. Yes?

13:26 A. Yes.

13:26 Q. Okay. This is going to be Plaintiff's Exhibit 48. This is -- it's not the entire professional conduct book. It's relevant chapters of it. So you can turn to Rule 1.06.

13:27 A. Yes.

13:27 Q. Which is -- it's the fourth page of this packet. It says "Page 28" on the bottom of it.

13:27 A. Okay.

13:27 Q. Okay. So it says, (b) -- I'm going to read (b)(2), "A lawyer shall not represent a person if the representation of that person" -- then go to (2) -- "reasonably appears to be -- to be or become adversely limited by the lawyer's or the law firm's responsibilities to another client or to a third person or by the lawyer's or the law firm's own interest." That's what it says, right?

13:28 A. Yes.

13:28 Q. Didn't this rule prohibit your representation of Mr. Herrera in this case?

13:28 A. I don't believe so.

13:28 Q. Why?

13:28 A. I wasn't representing -- "reasonably appears --

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lawyer or law firm's responsibilities to another client." I didn't have responsibilities to another client. "Or to a third person or to the law firm's own interest." I don't believe so.

Q. Why?

A. I don't think there was a conflict.

Q. You did -- if you didn't think there was a conflict, why did you feel the need to tell Alex and Gocha that you were representing Mr. Herrera?

A. I thought it was important to tell them.

Q. But not because there was a conflict?

A. If -- if there had been a case against Lizelle that went through the DA's office, yes, there would have been a conflict, right, for sure. I would have had a conflict in that I could not be involved at the DA level in anything involving her.

Q. We're going to go also to Rule 1.11, which is -- it's a little ways.

MR. NAVARRO: Which one?

MS. JARIT: I'll get the page. I'll get the page number. 1.11.

Q. It's page -- it starts on the bottom of page 42, although we are looking at 11 (c), so actually on page 43.

A. Okay.

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13:30 Q. Okay. So 1.11 (c) says that a lawyer having information that the lawyer knows or should know is confidential government information about a person or other legal entity acquired when the lawyer was a public officer or employee may not represent a private client whose interests are adverse to that person or legal entity.

A. Adverse. Okay.

Q. That's -- that's accurate, right?

A. Yes.

Q. Didn't this rule apply to your representation of Mr. Herrera?

A. No.

Q. Why?

A. I did not have confidential government information.

Q. Did your office have confidential government information?

A. Possibly, but I didn't.

Q. Do you -- DA Ramirez, ADA Barrera, and ADA Villarreal were all aware of Lizelle's investigation before her indictment, correct?

A. I don't know.

Q. The prosecution packet had been delivered to your office prior to your filing for her divorce,

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13:32 correct?
A. I don't know.
Q. Were any steps taken in the DA's office to prevent this type of conflict from happening again?
A. What type of conflict?
Q. I'll rephrase.
A. Okay.
Q. Were any steps taken in the DA's office to prevent this kind of potential conflict from happening again?
A. I guess I don't know what you mean.
Q. Did the DA's office refresh their conflict policies following the dismissal of Lizelle's case?
A. Not that I remember, no.
Q. Was there any meetings concerning conflicts in the DA's office after Lizelle's case?
A. Not that I recall.
Q. Were you disciplined for representing Mr. Herrera?
A. No. Wait. By who? Do you mean by the boss or by the Bar?
Q. Let's do both.
A. Okay.
Q. Were you disciplined by the Bar?
A. No.

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13:33 Q. Were you disciplined by Gocha?
13:33 A. No.
13:33 Q. Okay. Were you disciplined by anyone at the DA's office?
13:33 A. No.
13:33 Q. Were there any repercussions in the DA's office due to your representation of Mr. Herrera?
13:33 A. Not that I know of.
13:33 Q. I'm almost done with my questions.
13:34 A. Thank you. I'm sorry if I sighed.
13:34 Q. That's okay. I'm also sighing.
13:34 A. I'm sorry.
13:34 Q. Were you given a DA's -- were you given a -- did the DA's office give you a phone for work?
13:34 A. No.
13:34 Q. Did they give you a computer for work?
13:34 A. Yes. We have computers there at the office.
13:34 Q. Do they provide you any other communication devices for your work?
13:34 A. No.
13:34 Q. Did you receive a notice to preserve evidence associated with this lawsuit?
13:34 A. No.
13:34 Q. Was your phone or e-mail searched for communications pertaining to this lawsuit?

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ Plaintiff	)( )(	
VS.	)(	CIVIL ACTION NO. 7:24-cv-00132
GOCHA ALLEN RAMIREZ, ALEXANDRIA LYNN BARRERA, RENE FUENTES, and STARR COUNTY, TEXAS Defendants	)( )( )( )( )(	

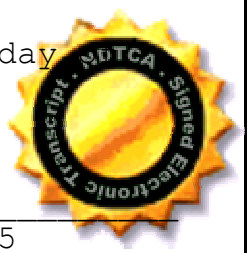
REPORTER'S CERTIFICATE

I, DONNA McCOWN, Certified Court Reporter, certify that the witness, JUDITH SOLIS, was duly sworn by me, and that the deposition transcript is a true and correct record of the testimony given by the witness in person on JUNE 6, 2025, and that the deposition was reported by me in stenograph and was subsequently transcribed under my supervision.

Pursuant to Federal Rule 30(e)(2), a review of the transcript was requested.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, nor am I financially interested in the action.

WITNESS MY HAND on this the _____ day of _____, 2025.



_____
DONNA McCOWN, Texas CSR 6625
Expiration Date: 01-31-26
Bryant & Stingley, Inc., CRN No. 41
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ Plaintiff	)( )(	
VS.	)(	CIVIL ACTION NO. 7:24-cv-00132
GOCHA ALLEN RAMIREZ, ALEXANDRIA LYNN BARRERA, RENE FUENTES, and STARR COUNTY, TEXAS Defendants	)( )( )( )( )(	

ORAL AND VIDEOTAPED DEPOSITION OF
RENE FUENTES
JUNE 12, 2025

ORAL AND VIDEOTAPED DEPOSITION OF RENE FUENTES, produced as a witness at the instance of the PLAINTIFF, taken in the above-styled and numbered cause on JUNE 12, 2025, between the hours of 10:10 a.m. and 1:14 p.m., reported stenographically by DONNA McCOWN, Certified Court Reporter No. 6625, in and for the State of Texas, at Denton Navarro Rodriguez Bernal Santee & Zech, PC, 701 East Harrison, Suite 100, Harlingen, Texas, pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record or attached therein.

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ALSO PRESENT:
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Emma Gray, via Zoom
Naraya Price, via Zoom
Zoe Ades, via Zoom

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has been filed?

A. WhatsApp messages from whom?

Q. Anything that would be regarding Lizelle's investigation.

A. No, ma'am.

Q. Okay. Sheriff Fuentes, what is your understanding of -- of the lawsuit filed by Lizelle Gonzalez?

A. My understanding?

Q. Yes. Of this lawsuit.

A. That she was arrested because of the complaint made by the hospital. We investigated, and we presented the case to the grand jury, and the grand jury, I believe, came out with an indictment, and we arrested Ms. Gonzalez, but we didn't file any charges.

Q. Explain to me what you mean by that, "We didn't file any charges," when you say that.

A. We usually file charges on an individual when we -- if we -- if we have -- we think we have evidence, more evidence than beyond a reasonable doubt.

Q. Okay. I'm going to kind of take that apart a little bit, and I'm just writing notes so I don't forget what you say.

A. Okay.

Q. When you say "we," you're referring to --

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10:26 A. The sheriff's office.

Q. Sheriff's office. Okay. So you said the sheriff's office usually files charges when you have evidence in your mind that's beyond a reasonable doubt of a crime?

A. Yes.

Q. Okay. When you say "file charges," just tell me what -- in technical -- you know, in people, regular people language, what does that mean to file a charge?

A. Okay. No, no. Okay. We -- we do an affidavit, then we go before a judge -- the investigators go before a judge and file a complaint, and the judge will issue an arrest warrant.

Q. Okay. So is that like a probable cause affidavit, something like that?

A. Yes, ma'am.

Q. Okay. You can -- you can tell me if I'm wrong, because I have had very little criminal experience.

So when you feel you have enough, you do a probable cause affidavit. You get the judge to sign it, and then you'll get an arrest warrant?

A. Yes.

Q. Okay. That did not happen in this case, in Lizelle's -- in the -- I'm sorry. That did not happen in the criminal case for Lizelle?

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10:27 A. No, ma'am. My investigator prepared the case and turned it over to the DA's office.

Q. Do you know why they didn't go to the judge for an arrest warrant as they would --

A. Because they were -- I believe my investigator was working together with the DAs on this case.

Q. Do your investigators normally work together with the DAs on cases?

A. Yes, ma'am, yes, in all cases.

Q. When did you first become aware of the hospital's complaint?

A. I believe the captain advised me, Captain Fuentes advised me about the hospital had a complaint.

Q. Do you recall what Captain Fuentes advised you as to the nature of the complaint?

A. The hospital had called that there was an individual there that had -- had taken some pills for an abortion.

Q. For an abortion?

A. Yes.

Q. Okay. So from the outset, you knew that this complaint initiated by the hospital was due to an abortion?

A. Right.

Q. An abortion as a result of taking pills?

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10:28 A. Right.

10:28 Q. Okay. Do you know when Captain Fuentes advised you?

10:28 A. I don't remember, ma'am. No, I don't remember.

10:28 Q. Okay. Did he call you? Did he talk to you personally? Send you a text message? Do you recall how he would have advised you?

10:28 A. In person.

10:28 Q. Okay. And what were your initial thoughts about that?

10:29 A. I advised Captain Fuentes to advise the investigator to document everything and prepare the case, and when they were done, to contact the district attorney's office.

10:29 Q. Okay. Did you advise -- I believe Captain Fuentes testified that you, from the outset, said, "You need to get with the DA's office on this one"?

10:29 A. Yes.

10:29 Q. Okay. So that was at the very beginning shortly after the hospital complaint?

10:29 A. Yes.

10:29 Q. Okay. At that time, when you -- when Captain Fuentes advised you of the hospital complaint, were you aware that an abortion was legal in Texas?

10:29 A. No, ma'am.

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10:29 Q. Okay. You were not aware. You thought abortion was illegal at the time?

10:29 A. No, ma'am. I didn't -- that's the reason I advised Captain Fuentes to contact the district attorney's office.

10:30 Q. Okay. Were you -- were you confused or surprised at all about the complaint that she -- about a criminal complaint about an abortion?

10:30 A. Confused?

10:30 Q. Yeah. In other words, was it out of the ordinary that you would get a complaint from the hospital about an abortion?

10:30 A. We haven't worked an abortion in a long time, so -- but I wasn't confused. I wasn't -- that's the reason I advised Captain Fuentes to contact the district attorney's office.

10:30 Q. Okay. All right. And then as far as -- you said we -- the sheriff's office investigated the case. What was the sheriff's office or what were you and your office investigating?

10:30 A. Me, nothing.

10:30 Q. Okay. You didn't -- you did not play an investigative role?

10:30 A. Not at all, ma'am.

10:30 Q. Okay. What was your office investigating?

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What crime were they investigating?

A. At the time, no crime, just -- just following up with the complaint from the hospital and talking to everyone.

Q. So you were just following up on the complaint -- your office -- let me rephrase that -- was following up on a complaint. Your office did not -- as far as you know, your office did not have a specific charge in mind or --

A. No.

Q. Okay. At what point did -- did the charge against Lizelle become a murder charge or a murder investigation?

A. From my office?

Q. Right.

A. Never.

Q. As far as you know, your investigators were advised by the DA's office to -- to proceed with a murder investigation?

A. To proceed in a murder investigation? I don't know. I really don't know. We -- the only thing my investigators did, they document -- they documented everything and presented the case to them.

Q. Them being the DA's office?

A. Yes. The district attorney's office.

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10:32 Q. But -- and throughout the investigation, your investigators were in contact with the DA's office?

A. Yes, ma'am.

Q. Okay. And were you aware of that at the time?

A. Yes.

Q. Okay. Your investigators were keeping you advised?

A. No.

Q. No?

A. No.

Q. Okay. You indicated a minute ago that you had not investigated an abortion case in a very long time. When was the last time that you investigated an abortion case in Starr County?

A. I don't remember.

Q. Was it --

A. I don't know.

Q. Okay. But do you believe there was an -- there was a prior investigation of an abortion case?

A. I don't know.

Q. Okay. So earlier when you said, "We hadn't done one in a long time," what did you mean by that?

A. In a long time, what I meant was that -- I don't remember working an abortion case.

Q. Okay. Let me go back. You said several times

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10:33 today that -- or you've testified already a couple of
10:33 times that you advised Captain Fuentes to reach out to
10:33 the DA's office.
10:33 Why did you -- why did you advise him to
10:33 do that or any of your investigators to do that?
10:33 A. Because it's a procedure that any time it's a
10:33 big -- there's a crime like that to contact the DA's
10:33 office, because they are the prosecutor. They're
10:34 attorneys, and they'll give legal advice.
10:34 Q. Okay. You testified earlier also that at the
10:34 time you were not -- your investigators were not
10:34 investigating a crime, they were just investigating a
10:34 complaint.
10:34 A. Yes.
10:34 Q. Okay. But right now you just testified that
10:34 anytime they're investigating a crime, they would
10:34 contact the DA's office. So can you kind of explain
10:34 the difference there?
10:34 A. A case. What I meant was a case.
10:34 Q. Okay. Would your -- your investigators
10:34 wouldn't investigate a complaint unless there was a
10:34 possible crime, correct?
10:34 A. Actually, they have to document every -- every
10:34 complaint, every report, and if they feel it's a
10:34 criminal act, they contact the district attorney's

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office for advice.

Q. Okay. And with regard to the investigation into Lizelle, it was the DA's office that advised your sheriff investigators that this was a murder case; is that true?

A. I don't know, Miss.

Q. Okay. When did you become aware that -- that the investigation against Lizelle was for murder?

A. After the indictment.

Q. And who advised you that she was indicted for murder?

A. I don't remember. I believe it was Captain Fuentes.

Q. Did you and Captain Fuentes ever have any discussions, while the investigation was pending, about Lizelle's investigation?

A. I don't remember. I don't -- no.

Q. Okay. Did you have any discussions with either -- and I apologize, because I don't know their titles -- but with Larry Fuentes or Major Delgado about Lizelle's investigation?

A. No, ma'am.

Q. I want to go back. We kind of jumped ahead a little bit, but I want to go back and ask some questions just about your background in law

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10:50 I wish it was in the National League. I don't like change.

Okay. So personal stuff. Would you ever have reason -- okay. You -- you've been sheriff for 17 years, and Mr. Ramirez has been DA for about five --

A. Four and a half. Four and a half years.

Q. Four and a half. Okay. Do you -- in the four and a half years, have you had any reason to have discussions with DA himself about investigations or cases?

A. I don't remember.

Q. Okay. Did you have any discussions about the investigation of Lizelle with DA Ramirez?

A. Not at all.

Q. What about do you -- if you do have to have a discussion -- or when you have discussions about cases with the DA's office, you personally, is it always going to be with DA Ramirez, or would you have contact with any of the ADAs?

A. DA Ramirez.

Q. Okay. And your investigators would have contact with --

A. Whoever.

Q. Whoever. Okay. It could be the ADAs. It could be DA Ramirez?

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10:51 A. Yes.

10:51 Q. Okay. As sheriff, is it important to provide guidance to the investigators and other deputies in the chain of command?

10:52 A. The guidance is done by -- by the supervisors.

10:52 Q. Okay. And who provides guidance to your supervisors?

10:52 A. Can you repeat the question again?

10:53 Q. Of course. Of course. So the supervisors, which they -- whether the lieutenants or the captain --

10:53 A. Captains, yes.

10:53 Q. -- provide guidance to their departments. Who provides guidance to them, to the captains and to the lieutenants?

10:53 A. The major and the chief deputy.

10:53 Q. Okay. Were -- and major is Larry Fuentes, correct?

10:53 A. No, ma'am.

10:53 Q. Oh, no. That's Delgado?

10:53 A. Yes, ma'am.

10:53 Q. And the chief deputy?

10:53 A. Larry Fuentes.

10:53 Q. Okay. But that's the title, right, chief deputy?

10:53 A. Yes.

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10:53 Q. Okay.
10:53 A. Under sheriff.
10:53 Q. Right. And then Larry Fuentes and Lenard Fuentes are brothers, correct?
10:53 A. Yes.
10:53 Q. And they're your nephews or cousins?
10:53 A. My cousins.
10:54 Q. Okay. Are you aware of what guidance either Major Delgado or Chief Deputy Fuentes provided to Captain Fuentes regarding the investigation of Lizelle?
10:54 A. No, ma'am.
10:54 Q. Did you have any discussions with Major Delgado about the investigation into Lizelle?
10:54 A. No, ma'am.
10:54 Q. At any time?
10:54 A. No, ma'am.
10:54 Q. Did you have any discussions with Major Delgado after Lizelle was indicted?
10:54 A. No, ma'am.
10:54 Q. Did you have any discussions with Chief Deputy Larry Fuentes about the investigation into Lizelle?
10:54 A. No, ma'am.
10:54 Q. Okay. And did you have any discussions with Chief Deputy Fuentes after she was indicted?
10:54 A. No, ma'am.

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10:54 Q. Did you have any discussions with any of your brass after Lizelle was arrested?

MR. NAVARRO: His brass?

MS. GARZA: His brass being -- I'm sorry. I'm using that word because that's kind of what come -- has come out in other depositions.

Q. So to be clear, the brass would be, like, the supervisors, the captains, and the lieutenants.

A. Okay.

Q. Right?

MR. NAVARRO: Okay.

Q. You tell me. Am I -- am I using that word correctly?

A. I'm sorry?

Q. Am I using that word "brass" correctly?

A. Yes.

Q. Okay.

A. Brass is like the supervisors.

Q. The supervisors.

A. Or the lieutenant, major. I don't remember.

Q. Okay.

MR. NAVARRO: I had not heard that term used before in the sheriff's office.

MS. GARZA: It's come out in some of the --

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10:55 MR. NAVARRO: Has it?

10:55 MS. GARZA: Yeah. So I would never have thought about using it, but --

10:55 MR. NAVARRO: Yeah. It's like a military term from World War II.

10:55 MS. GARZA: From World War II.

10:55 Q. Are you brass? You're at the top.

10:55 A. Because of brass knuckles. No.

10:55 Q. You're at the top. You're not brass. You're like platinum or something up there.

10:56 Okay. And you've already indicated that you -- your -- I'll just call them supervisors. The supervisors under you keep you aware of big cases that your office is handling?

10:56 A. That's correct.

10:56 Q. Okay. And why is it necessary that you be included in discussions regarding the big cases?

10:56 A. For the media purposes.

10:56 Q. Do you do the media? Do you answer -- do you do interviews with the press, or is that one of your roles as sheriff, or do you have someone in your office that takes care of that?

10:56 A. I have someone, and we have -- we do press releases.

10:56 Q. Is that you that does the press releases, or is

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10:56 that Major Delgado?

A. Major Delgado.

Q. Okay. Major Delgado did a press release with regard to the -- I guess dropping the charges against or the dismissal of the case of Lizelle's criminal case. Do you recall that?

A. I don't remember. I don't recall.

Q. Okay. Let me see.

A. I believe it was Gocha Ramirez.

Q. Let me check to see. Were you aware about -- aware of the e-mails coming into the sheriff's office from the press regarding Lizelle's arrest?

A. Yes, I was. Yeah.

Q. Okay. And were you responding to any of those e-mails?

A. No, ma'am.

Q. Was that Major Delgado that was responding to e-mails?

A. I don't know if he did or not.

Q. Okay. So if we have certain e-mails that indicate Major Delgado was responding to the press with regard to some questions, would he have discussed his response with you prior to sending it out?

A. Yes, he would have.

Q. Okay. You just don't remember the exact

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10:58 specifics?
A. Right.
Q. Right. Because he wouldn't send anything out on behalf of the sheriff's office without the sheriff knowing?
A. Right.
Q. That would be bad.
A. Yes.
Q. As a sheriff, is it important to communicate with the DA's office about cases?
A. I'm sorry. Can you -- can you -- I didn't hear you.
Q. Of course. I'm sorry. As sheriff, is it important to communicate with the DA's office about cases?
A. Yes, ma'am.
Q. Why is that?
A. As the sheriff or the sheriff's office?
Q. As the sheriff himself, you.
A. For me to -- I'm sorry.
Q. Yeah. Is it important for you, for the sheriff, to communicate with the DA's office regarding cases?
A. Oh, yes. Yes. Because --
Q. Tell me, yeah, why is that?

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10:59 A. Because we need to work together, and we need to be on the same page.

Q. Okay. Was the sheriff's office and the DA's office on the same page with regard to Lizelle's case?

A. My investigators?

Q. Yes.

A. Well, they turned in everything to them, so I think they were -- they were working together.

Q. Do you know what type of guidance was provided by the DA's office to your investigators?

A. No, ma'am.

Q. Which -- do you recall which investigator was working on this case?

A. I think you mentioned Muniz and Aguirre.

Q. Okay. Did you have anything to do with assigning Investigator Muniz to this particular case?

A. No, ma'am.

Q. How are assignments made for investigations?

A. Captain -- Captain Fuentes makes those assignments.

Q. Okay. Do you know how your investigators contact or -- no. Do you know how your investigators communicate with the attorneys at the DA's office?

A. No, ma'am.

Q. Okay. Whether -- are you aware that there's --

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there are phone calls between the attorneys at the DA's office and your investigators?

A. I'm sure there is.

Q. Okay. And are you aware that there are in-person meetings between your investigators and the attorneys at the DA's office?

A. I'm sure there is.

Q. And are you aware that there are text messaging between your investigators and the attorneys at the DA's office?

A. I don't know.

Q. Okay. Do -- does -- do you know if your investigators communicate with the attorneys at the DA's office using WhatsApp or Facebook messenger, any of those other types of communications?

A. No, ma'am.

Q. There's been some testimony in this -- in this case that WhatsApp is kind of an official method of communication within the County. Would you agree with that?

MR. NAVARRO: Official or unofficial?

MS. GARZA: Official. About everyone uses it within the departments.

MR. NAVARRO: Well, that's different from everyone uses it versus official, so what do you mean?

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MS. GARZA: I'll rephrase.

MR. NAVARRO: Yeah.

Q. Are you aware or is it your understanding that WhatsApp is the preferred method of communication within the sheriff's office?

A. I know that my investigators have a chat group among themselves.

Q. Okay. Are you a member of any WhatsApp chat groups?

A. I think I am, but I'm not too -- I'm old school.

Q. Okay. How -- how often do you -- do you check WhatsApp?

A. Often, yes, I do. I read them. I don't respond.

Q. Okay. So you -- you read them. You know basically what they're putting in there. It's very unlikely that you're going to respond via WhatsApp?

A. Right.

Q. Okay. I too am old school. So is it -- is it common for you, you know, if you read something that's in WhatsApp that maybe you feel needs attention that you might pick up the phone and call or talk to them in person?

A. I call my supervisors and ask them.

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11:43 go because the address of the young lady was from Escobares or county jurisdiction.

Q. It was county jurisdiction?

A. Yeah.

Q. Okay. So in that particular case, how would Rio Grande City PD communicate to the sheriff's office? Would they call the captain directly? Would they call the office?

How -- when -- when the PD decides, hey, this is not our jurisdiction, how do they connect with you, with your office?

A. I want to say by phone.

Q. Okay. If necessary, would you be able to investigate a homicide case?

A. Me?

Q. Yes.

A. If I know how to investigate a homicide case?

Q. Yes.

A. Yes, I can.

Q. Okay. But you leave that to the seven or eight guys?

A. Definitely.

Q. And -- and women.

Do you have any decision-making authority on what cases your office investigates or does not

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11:44 investigate.

A. We do all County cases.

Q. Okay.

A. We have to investigate all County cases.

Q. So if at any point during an investigation, if you determine -- do you ever make the determination that this is not going anywhere. You guys need to stop? Is that something that you do?

A. No, ma'am.

Q. Okay. Is that something that Captain Fuentes may do?

A. Maybe, yes.

Q. Okay. But then you said earlier that he would have to discuss with the DA's office?

A. Right.

Q. How does your office investigate or evaluate whether a law has been broken?

A. How do they determine a law has been broken?

Q. Right. Like in this -- let's talk about Lizelle's investigation. There was certain interviews that were conducted and reports that were made.

Is it the sheriff's office's role to determine whether a law was broken after investigating?

A. If they're in doubt, they contact the county attorney or the district attorney, depending on the --

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on the case.

Q. And then the DA's office or the county attorney's office would advise them?

A. Advise -- advise us, yes.

Q. Okay. Are there cases -- well, I'm sure there are cases that are very clearcut that your office already knows which crime was committed?

A. Yes.

Q. For example, like a robbery. Something was stolen, a burglary, robbery, I don't know. Something was stolen over a certain value. It's on camera. It's pretty easy for your investigators to say, "That's burglary," correct?

A. Yes, that's correct.

Q. All right. And then there are some cases -- would that case require DA guidance as to what the charge is?

A. No. My investigators should know the charge.

Q. Okay. But in this particular case, your investigators -- you're testifying that your investigators did not know the charge?

A. That's correct.

Q. Okay. So they sought the guidance of the DA's office?

A. Yes.

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11:46 Q. Do you know what type of guidance the DA's office provided to your investigators?

11:46 A. No, ma'am.

11:46 Q. Can you tell me about when the case is transferred to the DA's office, what exactly is transferred? What is -- what is done?

11:47 A. The packet -- we call it a packet, the report, that -- the initial contact report and investigation report, any photographs, if any, any evidence.

11:47 Q. It's all turned over to the DA's office?

11:47 A. That's correct.

11:47 Q. Okay. Everything and anything that has happened in that particular investigation goes into the packet?

11:47 A. Yes.

11:47 Q. And it all goes to the DA's office?

11:47 A. Everything.

11:47 Q. Okay. Do you keep the file in the sheriff's department as well? So basically, there's a matching file in the sheriff's office and the DA's office?

11:47 A. I'm sure they do.

11:47 Q. Does your file use electronic records or paper records?

11:47 A. I think they do electronic.

11:47 Q. Or a little bit of both?

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11:47 A. I'm not too sure. I'm not sure, ma'am.
11:48 Q. Okay. Is that a recent change?
11:48 A. No.
11:48 Q. Are arrests usually made before or after the transfer to the DA's office?
11:48 A. The arrest?
11:48 Q. Yes.
11:48 A. What do you mean "the arrest"?
11:48 Q. Well, when you decide to -- when your -- when a --
11:48 A. Open-shut case or what?
11:48 Q. Sure. I mean, normally, are -- what are the -- what's the word I'm looking for -- suspect. My brain is not working. When you have a suspect --
11:48 A. Yes.
11:48 Q. -- can you tell me is it more likely that a suspect is arrested before turning the file over to the DA's office?
11:49 A. Like a burglary or like an assault --
11:49 Q. Any suspect, yeah, any -- yeah, any kind of -- I guess you tell me, like how often -- if you -- if you take into account your -- your caseloads, your investigations, how often is an arrest made before taking the case to the grand jury -- I mean to the DA's office?

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11:49 A. There's some cases before that they're investigated, the affidavit, they have witnesses, and they go before a judge, get a warrant, arrest them, and then -- and then take the whole case file to the DA, and they present it to the grand jury again and get an indictment or not indictment, so --

Q. Is that usually the way it happens?

A. When they -- when they do have enough evidence, yes.

Q. Okay. When -- with regard to murder or homicide investigations, are those suspects usually taken into custody right away, or is that usually they're not taken into custody until after the DA's office has gotten involved?

A. You got me confused.

Q. Okay. I'm probably confusing myself. When you have a homicide --

A. Oh, a homicide. Okay.

Q. -- a murder suspect -- we'll just call it a homicide because --

A. Suspect.

Q. Suspect. If you have a homicide suspect, which I know is rare in Starr County, are they normally -- do you get an arrest warrant before the case is transferred to the DA's office?

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11:50 A. If we have enough evidence, like witnesses, like eyewitnesses, we've got the weapon, we've got ballistics, and everything.

Q. Does the DA's office ever review the evidence to determine whether more investigation is needed?

A. Yes, they do.

Q. Okay. How often? Tell me about that.

A. In every case. Every case. Every case that we submit, they review the file before going to grand jury.

Q. Has the DA's office ever gone back to the sheriff's office and said, "You need to investigate more," you need to look into a certain aspect of the case?

A. Sometimes they have, yes.

Q. Okay.

A. And they have their own investigator to do that.

Q. Okay. Does the DA's office provide direction or guidance about how -- what should be investigated or what evidence is necessary?

A. We turn in all the evidence. We give them all the evidence.

Q. But -- okay. And I apologize. I mean during the investigation before -- before the packet is ready

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11:51 when your investigators are speaking with the DA's office --

A. Yes.

Q. -- to your knowledge, does the DA's office provide direction or instruction to the investigators with regard to what evidence they need to find or what they need to do next in the investigation?

A. Yes, they do. They do.

Q. Okay. And in fact, in this case, we had some text messages between ADA Barrera and Investigator Muniz, and if you -- I want to pull them up, so I don't want to get it wrong.

And in the messages, ADA Barrera advised Investigator Muniz to take a picture of -- of the ashes. Are you aware of that?

A. Of the what?

Q. Of the ashes because the child was cremated.

A. Okay.

Q. Are you aware of that?

A. No, I'm not.

Q. Okay. And when -- when a -- when she, ADA Barrera, advised Investigator Muniz to take pictures of the ashes, is that guiding or directing the investigation, in your opinion?

A. Guiding?

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11:52 Q. Yes.
11:52 A. The DA, yeah.
11:52 Q. Yes. Okay. And -- so we have a text message, and this is Plaintiff's what exhibit?
11:53 MR. CORNING: 16.
11:53 Q. 16, from Esmer Muniz on January 11th of 2022. "Alex, I came to take pictures of the ashes of the baby because -- cuz it's been cremated already. Do I allow the funeral home to give the mom the ashes?"
11:53 Is that -- is that Ms. Muniz asking for direction in the investigation?
11:53 A. Yes.
11:53 Q. And then Alex's response is, "That's fine. We will have a death certificate, I'm assuming. Take pictures of the ashes."
11:53 You would agree that ADA Barrera is directing her -- directing Ms. -- Investigator Muniz as to what to do?
11:53 A. She's a prosecutor, yes.
11:53 Q. And are you aware that Investigator Muniz and ADA Barrera were discussing the ongoing investigation and the findings during -- during the process of the investigation?
11:54 A. No, ma'am.
11:54 Q. Does it surprise you that they were, or was

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11:54 that -- you would expect that? You would have expected
11:54 that to be happening in this particular case, correct?
11:54 A. I'm sorry, ma'am. You asked --
11:54 Q. Yes. I'm sorry. You would expect that
11:54 ADA Barrera or one of the attorneys in the DA's office
11:54 was advising the investigator throughout the
11:54 investigation?
11:54 A. I'm sorry. I just can't -- I'm sorry.
11:54 Q. Sure. Okay. Let me -- let me go back and
11:54 rephrase the question.
11:54 A. You're asking about the text messages or
11:55 something else?
11:55 Q. Right. So base -- yeah, kind of -- yes. Based
11:55 on the text messages between January 11th and
11:55 January 31st and then continuing, there's text messages
11:55 regarding questions, meetings, interviews.
11:55 That's what you would have expected of
11:55 communication and advice between the DA's office and
11:55 the sheriff's office during that time period, correct?
11:55 A. Yes. Okay.
11:55 Q. Are you aware that on February 1st of 2022,
11:55 ADA Barrera advised via text message that she had
11:55 spoken to Gocha and was advising Investigator Muniz to
11:55 submit to the grand jury review no -- without an arrest
11:55 warrant?

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11:56 A. No, I did not.

Q. But you are aware that this case or this packet was presented to the grand jury for review without an arrest warrant? You do know that?

A. Yes.

Q. At any point during the investigation, were your investigators confident that they could get a probable cause affidavit and arrest warrant of Lizelle Herrera Gonzalez?

A. No, I don't know.

Q. Generally speaking, cooperation and coordination between your office and the DA's office is essential to investigating crimes, correct?

A. That's correct.

Q. And it is common for your office to rely on the DA's office's guidance about the law?

A. Definitely.

Q. Are sheriff's officers able to obtain grand jury subpoenas without coordination from an attorney in the DA's office?

A. No, ma'am.

Q. Who makes the determination that there are sufficient grounds to justify obtaining a subpoena?

A. The district attorney.

Q. Do you have any role in that process?

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11:57 A. No, ma'am.
Q. Do you review the packet, the investigation packet prior to it being submitted to the DA's office?
A. No, I don't, ma'am.
Q. But you are provided with a general understanding of what has happened during the investigation?
A. Sometimes.
Q. In Lizelle's case specifically?
A. No, ma'am, no.
Q. No? Did you -- you were -- is it your testimony that you didn't know about Lizelle's case going to the grand jury?
A. No. I knew that the case was going to the grand jury, yes.
Q. Okay. Did you -- prior to it going to the grand jury, were you aware that it was going to be presented as a murder case?
A. No, ma'am.
Q. Prior to this case going to the grand jury, as sheriff of Starr County, did you believe that Lizelle Gonzalez committed murder in the abortion of her child?
A. No.
Q. Are you familiar with the term "staffing" with the DA's office?

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11:58 A. Staffing? No, ma'am.

Q. Staffing, the word "staff." Okay. I'll give you a context. There were some notes that Investigator Muniz shared, and it said, "I'm going to staff with the DAs."

Do you know what she would have meant by that, or is that a term that you would have ever used?

A. No, ma'am, I don't.

Q. Okay. Is there a specific person in the DA's office that is contacted by the sheriff's office or the investigators with questions?

A. With questions? No, ma'am.

Q. So like --

A. Whoever -- whoever answered the phone or whoever you called.

Q. Okay. And when Captain Fuentes, when -- when you advised Captain Fuentes to seek the guidance of the DA's office, you would have expected that he seek the advise from an attorney in the DA's office, correct?

A. Yes.

Q. Earlier, you testified that you didn't think she committed murder. So was it sent to the grand jury based on the district attorney's opinion of the case?

A. Yes.

Q. So do you have a policy in your office that

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12:00 when your investigators or you or your office is unsure if the conduct is criminal you follow the guidance of the DA's office?

A. Policy, we have no policy to contact the DA's office. They do that on their own for guidance.

Q. Okay. Well, then, instead of policy, is it the practice of the DA's office to -- when your investigators are unsure if the conduct is criminal, is it the practice to follow the guidance of the DA's office?

A. Like I testified earlier, the investigators in the DA's office should be on the same page.

Q. What happens when they're not?

12:01 A. What do you mean --

Q. Does that happen? I mean, does the sheriff's office ever have any conflict with the DA's office as to whether the investigation reveals that a crime has been committed?

A. Even if you do, they have to help you. They're the prosecutors.

Q. Okay. So at the end of the day, the prosecutors have the say?

A. That's correct.

Q. How does the sheriff's office determine the charge for a crime?

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MR. NAVARRO: Objection. That's pretty broad. It's vague.

Q. Are you familiar with the charging manual?

A. A charging manual?

Q. Yes.

A. We used to have one when I was an investigator.

Q. Okay.

A. I don't know if an investigator could -- a burglary -- a burglary -- they look for the charge.

Q. Okay. Explain -- explain to me or someone like me who doesn't really have any law enforcement experience. What is a charging manual? What is the purpose of it and what does it contain?

A. The Penal Code, the charge -- the charge like for burglary and the -- and the number.

Q. Okay. And so is it fair to say that your investigators would look to a charging manual to determine what the crime is that is being investigated?

A. Yes.

Q. Prior to sending the case file to the DA's office, the sheriff's office determines what elements of the crime are, correct?

A. When the case was turned over to the DA's office?

Q. Before sending it to the DA's office.

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12:03 A. Which -- which -- which case?

12:03 Q. All cases.

12:03 A. Most of the cases, like I testified earlier, you asked me -- you asked me earlier that if they have enough evidence, they go before a judge and get a warrant, and they have to do an affidavit.

12:03 Q. Okay. So then I guess if I'm -- and I apologize if I'm being repetitive. I'm not trying to.

So I guess, based on your testimony, when the investigators don't have enough to go before and get an arrest warrant, that's when they turn the case file over or seek the advice of the DA's office?

12:03 A. That's correct.

12:03 Q. Okay. I will try not to ask that question again.

Does your office have access to, like, the Texas Penal Code or online search tools to determine the elements of a crime?

12:04 A. Yes.

12:04 Q. Do you know at what stage of a case the prosecuting attorney gets assigned?

12:04 A. No, ma'am.

12:04 Q. When your -- when your investigators are contacting the DA's office, do they have -- is there a policy or a practice as to who at the DA's office they

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speak to regarding a particular investigation?

A. No, ma'am.

Q. How would your investigators know which ADA is assigned to a specific investigation?

A. They don't.

Q. Okay. So basically, whoever answers the phone?

A. Whoever is there.

Q. Whoever is there. Okay.

Is there a particular ADA that you personally feel more comfortably working with when you have questions or --

A. No, ma'am.

Q. Okay. We talked about the probable cause and getting an arrest warrant.

Once the sheriff's office determines that there is probable cause, how long does your staff wait to arrest someone?

A. Once they get the warrant?

Q. Right.

A. As soon as possible.

Q. Okay. And why is it important that they be arrested as soon as possible?

A. To case -- to close the case.

Q. And to get them off the street?

A. Yes, ma'am.

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12:05 Q. Especially if we're talking about a violent crime?

12:05 A. Of course.

12:05 Q. What's the difference between getting an arrest warrant and arresting someone on a capias?

12:06 A. The arrest warrant you -- like you do -- the office make -- does a probable cause affidavit. He -- he needs to go before the judge, and the judge signs the warrant. If the judge thinks there's enough evidence or -- enough evidence for a warrant, he signs the warrant. And the grand jury, the same thing. The district judge sends the warrant.

12:06 Q. So that's what a capias is, is when the district judge signs a warrant?

12:06 A. After the grand jury indictment.

12:06 Q. After the indictment. Okay.

12:06 Have there been occasions that your investigators go to a judge with a probable cause affidavit and the judge doesn't sign, says that it needs more?

12:06 A. I don't know, Miss.

12:06 Q. Okay. Does the Starr County Sheriff's Office need to consult with the DA's office in order to obtain an arrest warrant -- in order to go to the judge for an arrest warrant?

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12:07 A. They usually just for guidance, for advice, but most of the time, they go on their own, but it's recommended for you to go through the DA's office first.

Q. Okay. To your knowledge, has the DA's office ever advised your office not to get an arrest warrant if there's probable cause?

A. I don't remember. I can't remember.

Q. How are bonds set?

A. Like a surety bond, like when you get arrested?

Q. Yes, sir.

A. Okay. The judge goes and arraign them, and he or she set the bond for that person or individual.

Q. And when bonds are set preindictment, is there any guidance from the sheriff's office as to the amount to set?

A. No, not at all.

Q. Any requests from the sheriff's office?

A. Not at all.

Q. Okay. So how is your office involved in the process of bond, setting bonds?

A. Getting bonds or setting bonds?

Q. Setting bonds, right.

A. (Moving head side to side.)

Q. No involvement?

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12:34 A. Because I trust Chief Molina.

12:34 Q. How often do you go to the jail just to kind of make rounds to see what's going on over there?

12:34 A. I go often. Once a month, because I trust Chief Molina and his captains.

12:34 Q. The jail in Rio Grande City, is that -- that's right next to the --

12:34 A. -- the sheriff --

12:34 Q. -- sheriff's office?

12:34 A. The sheriff's office, yes.

12:34 Q. Yeah. It's like the building next to it?

12:34 A. Yes.

12:34 Q. Did DA Ramirez contact you before Lizelle was in jail, was arrested?

12:34 A. Before?

12:34 Q. Yes.

12:34 A. No.

12:35 Q. Did DA Ramirez contact you while Lizelle was in custody?

12:35 A. He -- I think, yes, he did. When she posted bond, Mr. Ramirez called me -- I mean, text me, I believe, if Lizelle was already bond out. I said, "Yes. She'll be out in a few minutes." That's it.

12:35 Q. Okay. And we do have some of those text messages that were produced from Mr. Ramirez's phone.

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12:35 I'll go ahead and show you. This was previously labeled Plaintiff's Exhibit 36.

Are those the text messages that you're referring to, Sheriff?

A. The one in green?

Q. Yes.

A. Okay. "Good morning, Sheriff. Did Ms. Herrera bond out" -- yes.

Q. Okay. And then you advised that she was still in custody as of April 9th at 8 --

A. No. I advised him that she'll be out any minute.

Q. Okay. Well, looking at that next text, it says, "No. She's still in custody," correct?

A. Okay. Yes.

Q. Okay. And then I believe on the next page, it's a little bit later, you indicated that bond had been posted and she would be out in the next 15 minutes or so.

A. Okay. Yes. That's right.

Q. Okay. You just didn't remember all of them.

A. Yeah.

Q. No problem. Do you -- did you have any phone calls or discussions with DA Ramirez about Lizelle's arrest and bond being set?

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12:36 A. The bond, no, ma'am, no discussion.

12:36 Q. Do you know what he meant by, "It seems that we've stirred up a hornet's nest"?

12:36 A. No. What -- what my -- my thoughts were that because after the arrest, I received a lot -- I was receiving calls, calls, calls, calls, threats and all that. And I had to literally change the number for the sheriff's office for three days, because -- you know, let the local people know, because people were calling and calling me and --

12:37 Q. What -- what types of calls were you receiving?

12:37 A. People from out of town. Like that they were going to do a riot in front of my jail on Saturday morning.

12:37 Q. Okay. And then you said you also received threats via phone?

12:37 A. Yes.

12:37 Q. What kinds -- what kinds of threats are --

12:37 A. My -- my secretary would pick up the calls. I never pick up any calls. E-mails, I got a lot of e-mails, people get upset, I guess.

12:37 Q. Okay. So you do recall receiving e-mails, and at least your secretary was giving you updates or messages about what was coming in?

12:37 A. Because we had to change -- we had to change

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12:38 the number every day because people were just calling and calling.

Q. Okay. What other -- what other changes were made during that temporary time at the jail?

A. Changes?

Q. Yeah. With regard to all of this, I guess the messages and the calls and -- and all of the, I guess, attention that her arrest received, other than changing the phone, did you have to do anything else in the jail?

A. No. No, ma'am.

Q. Okay. Did you do anything -- did you go to the jail while Lizelle was detained?

A. No, ma'am.

Q. Okay. Did you -- were you in contact with Chief Molina about Lizelle's arrest during that time?

A. Contact? What do you mean "contact"?

Q. Well, with regard to all of these --

A. Asking about her or what?

Q. -- concern -- right.

A. No, ma'am.

Q. Yeah. So when you were getting these threats and these e-mails and phone calls and threats of riots, did you reach out to the jail to see what was going on?

A. No.

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12:38 Q. Okay. Were you given any information from the
12:39 jail about Lizelle and her condition during --
12:39 A. There were no threats at the jail. Everything
12:39 was calm at the jail.
12:39 Q. Okay. That's what I was wondering is was there
12:39 any changes made at the jail or --
12:39 A. No, ma'am.
12:39 Q. -- or was there anything --
12:39 A. Not at all.
12:39 Q. -- going on?
12:39 A. Not at all.
12:39 Q. Okay. This was just your office that was
12:39 receiving this?
12:39 A. Yes.
12:39 Q. Okay. After this short thread of text messages
12:39 that indicated Lizelle was going to -- had posted bond
12:39 and was going to be released, any other conversations
12:39 with DA Ramirez regarding the dismissal, the release,
12:39 anything about Lizelle's criminal case?
12:39 A. No. She posted bond, I believe, real quick,
12:39 the next day I believe. I'm not too sure. And then
12:40 that's it, and then -- and then Mr. -- Mr. Ramirez
12:40 posted something on social media.
12:40 Q. Did you continue to get calls after the press
12:40 release that she had been dismissed -- or she had

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12:40 been -- the charges were dismissed and she had been
12:40 released from jail?
12:40 A. Mostly e-mails.
12:40 Q. Okay. And the e-mails were still threatening
12:40 e-mails or more like press-related e-mails?
12:40 A. No, not press-related. They were, like, people
12:40 upset, like groups of -- some type of group. A group.
12:40 Q. Did you get any -- what were they upset about?
12:40 A. About the arrest.
12:40 Q. Did they indicate what about the arrest they
12:40 were upset, like --
12:40 A. I wouldn't pay attention to them, ma'am.
12:40 Q. Okay. I'm going to show you what's been
12:40 previously marked as Plaintiff's Exhibit No. 17. This
12:40 one is an easy question. This one is an easy question,
12:41 I promise. On the second page on the top for the bond
12:41 amount --
12:41 A. Yes.
12:41 Q. -- that's a $500,000 bond, right?
12:41 A. Yes.
12:41 Q. And SB, is that surety bond?
12:41 A. Surety bond, yes.
12:41 Q. Just making sure. And do you recognize the
12:41 signature on this bond paperwork up where it says
12:41 "April 1, 2022"?

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12:41 A. On the first page or second page?

12:41 Q. Second page, I'm sorry. There's a signature on the very top.

12:41 A. Here?

12:41 Q. Yeah. Do you recognize that signature?

12:41 A. No, ma'am.

12:41 Q. Okay. Do you know if that would be a judge's signature?

12:41 A. I have no idea.

12:41 Q. Okay. Are you involved in any way in approving bonds?

12:41 A. Yes.

12:41 Q. Okay. Tell me -- tell me what your role is with regard to approving bonds. What does that mean?

12:41 A. Like if you want to post bond for someone, a surety bond, either -- either you contact a bondsman, or if you have property that's worth double the amount, I have to verify it, you bring me paperwork, and you could cosign for him, for the -- or for the person.

12:42 Q. Okay. And so with regards to Ms. Gonzalez's bail, did you approve that or did --

12:42 A. Yes.

12:42 Q. Okay. And what was -- what do you recall about that bond and bail process with Ms. Gonzalez?

12:42 A. They called me from the jail that Mr. -- I

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12:42 believe it was Gonzalez, Ramiro Gonzalez was going to post bond, and I just said okay. I approved it.

Q. Oh, that's it?

A. That's it.

Q. Okay.

A. Because -- because he's a bondsman.

Q. Okay.

A. And I know -- and I know he's worth the amount.

Q. Okay. So you didn't receive any paperwork or anything like that?

A. No, not at all. Not at all.

Q. Okay. It was --

A. It took about -- not even a minute to -- I just approved it.

Q. So Ramiro Gonzalez is a bondsman. You're familiar with him, and you approved it?

A. That's correct.

Q. Does the DA's office typically inquire as to whether someone has bonded out of jail?

A. If they what? If they bond -- if they bonded out?

Q. Yeah.

A. If they know?

Q. Does the DA's office call you or call your office to inquire or to ask if anyone has been bonded

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12:43 out of jail, a particular --

A. They don't call me. I don't know if they call the office, the jail. They usually -- if they do, they call the jail.

Q. Do you know why DA Ramirez texted you inquiring as to whether Ms. Gonzalez had bonded out yet or not?

A. No, ma'am.

Q. Did you have any information from either the jail or the DA's office or -- or your staff with regard to releasing her from jail quickly once bond had been posted?

A. No.

Q. Was there any pressure from all of that attention, whether it was individual groups or media, to get Lizelle out of jail quickly?

A. I treat everybody the same.

THE COURT REPORTER: Say that one more time.

A. I treat everyone equally, the same.

Q. Do you -- has that ever happened on any other arrests where you get an influx of calls or threats of protests or riot following an arrest?

A. I can't remember.

Q. Okay. This was rather unusual.

A. Yes, yes.

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12:44 Q. Probably something that you're not going to forget.

I just want to go through a few things. Are you getting tired?

A. A little.

Q. Me too.

A. Have to go to a wake.

Q. Does the sheriff have a separate duty from the DA's office or the grand jury when it comes to arrests and probable cause?

A. I'm sorry, ma'am. What's the first --

Q. Bad question. I know in this particular case the grand jury indicted Lizelle for murder.

A. Yes.

Q. Okay. Does the sheriff have a separate duty to determine whether there is probable cause that a crime has been committed?

A. No, ma'am.

Q. No? So whatever the grand jury decides, you're bound by that?

A. Yes.

MS. GARZA: Mr. Navarro, do you want to take a lunch break or --

THE WITNESS: I want to go -- I want to go through it.

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MS. GARZA: You want to go through it.

THE WITNESS: I need to go to a wake -- a wake this afternoon.

MS. GARZA: Oh, no. Okay.

MS. CORNING: Oh, I'm sorry. What time?

THE WITNESS: It's from 1:00 to 5:00.

MS. GARZA: Okay. Well, we'll -- we'll try to get you out of here. You know, if you -- if we can take another quick break, I'll cut out a lot of stuff so we can get you out of here.

MR. NAVARRO: Let's take a short break.

(Brief recess)

Q. All right. We had -- we had talked earlier in your deposition and you said that you -- the text from Gocha was the only one that you received once she was in jail, the one we've marked -- or we've marked as an exhibit, right?

A. The bond, yes.

Q. Okay. But just to be certain, did DA Ramirez call you or talk to you in person about Lizelle's case at any time?

A. After the arrest or before?

Q. At any time.

A. I don't remember.

Q. Okay. When did you first learn that

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Ms. Gonzalez's charges would be dismissed?

A. I want to say on a Sunday or Saturday afternoon, Saturday. After -- after she was released.

Q. After she was released, but before the press release?

A. Let me remember. I think Gocha called me. After -- after she was released, Mr. Ramirez called and told me because he was going to -- he was going to do a press release.

Q. Did -- and he told you he was going to dismiss the charges?

A. Yes.

Q. Did you have -- did he tell you why he was going to dismiss the charges?

A. No, no.

Q. Did you ask him why?

A. No.

Q. And what was your reaction when you -- when he told you that the charges were going to be dismissed?

A. He's the DA, so he's the prosecutor, so he -- he has the final say-so.

Q. Okay. You didn't have negative or positive one way or the other?

A. No, ma'am.

Q. Did you speak with anyone in your office about

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13:00 the upcoming dismissal?

A. I don't remember.

Q. Is it possible that you spoke with Captain Fuentes that the case was going to be dismissed?

A. Possible.

Q. No recollection?

A. No, ma'am.

Q. Did you have any meetings within your office following the dismissal?

A. No, ma'am.

Q. Okay. Did you have any updates or -- to your procedures or policies regarding investigating abortions following this case?

A. No, ma'am.

Q. You testified earlier that you were getting e-mails, several e-mails, threats, and inquiries following -- following the press release and following her arrest.

I'm going to show you what has been -- what I will mark as Plaintiff's 50. And this is -- this is documents that your attorney has produced to us as e-mails. There you go. And if you just take -- take a quick look. I'm not going to go through each one.

But I want you to look at them and

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13:01 determine is this -- are these all of the e-mails that you received pertaining to Lizelle's investigation and arrest?

A. The e-mails? Where are the e-mails?

Q. There -- there -- those are copies of the e-mails.

13:02 A. I don't -- I don't understand it.

MR. NAVARRO: Those are -- those are --

THE WITNESS: These are e-mails from --

MR. NAVARRO: -- e-mails to you.

Q. To you.

MR. NAVARRO: See where it says down below, "Rene Fuentes incoming."

THE WITNESS: Okay.

MR. NAVARRO: Okay. Those came from IT.

THE WITNESS: Okay.

MR. NAVARRO: And they're -- they're printed, so they don't look the way they look --

Q. Right. They would look different than on the screen.

MR. NAVARRO: They would look different, but --

A. But they're different e-mails from -- they're from different people or --

Q. Yes.

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13:02 MR. NAVARRO: They're e-mails to your account.

13:02 Q. And I know that you -- let me -- let me kind of restate the question. I know that you -- you testified earlier that e-mail is not your preferred method of communication.

13:03 A. Yes, yes.

13:03 Q. But these were produced by -- by your attorneys with regard to e-mails during the time period of Lizelle's investigation and arrest.

13:03 Does this look like a complete -- copies of all of the e-mails that you would have received during that time period, or would there have been more?

13:03 A. Because I don't -- I don't -- I can't -- I cannot -- I don't -- I don't know.

13:03 Q. Okay. Did you talk to anyone in the DA's office about the e-mails and how to respond? I know that first e-mail is, you know, basically insulting you and -- and putting quotes and things like that.

13:03 A. No, I did not.

13:03 Q. Okay. Following the DA's press release and dismissal, were you aware that it was likely that a lawsuit would be filed by Lizelle with regard to the investigation and prosecution?

13:04 A. No, ma'am.

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13:04 Q. We talked about you use your County cell phone for work. What type of device? Is it an Apple or a Google or a Samsung?

A. I don't know. Apple I guess.

Q. It looks like an Apple.

A. I don't know.

Q. Okay.

A. I'm not -- I just get -- get the phone.

Q. No problem. And you've had the same number that you gave us now back in April of -- January through April of '22?

A. When we get this phone, yes.

Q. Okay. Number hasn't changed?

A. No.

Q. How long have you had the same number?

A. This one?

Q. Yes.

A. Ever since I got it.

Q. That would have been how long ago?

A. No. The work phone, when the law changed -- when the law came in that we -- that we needed two phones.

Q. Okay.

A. I don't remember the exact date.

13:05 Q. But it's been a few years?

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13:05 A. Yes.

13:05 Q. Do you back up your County-issued phone, or does anybody from IT back it up for you?

13:05 A. No.

13:05 Q. Do you know what that means to back up a phone?

13:05 A. No.

13:05 Q. I don't either. I get notifications sometimes. Do you know if your phone has the same settings as everyone else in the sheriff's office?

13:05 A. Settings?

13:05 Q. Yes.

13:05 A. What do you mean "settings"?

13:05 Q. With regard to how often it's backed up or --

13:05 A. No, ma'am.

13:05 Q. Okay. Have you ever deleted any text messaging from your County phone?

13:05 A. I might have.

13:05 Q. Okay. Do you have a practice or what you regularly do with regards to text messages?

13:05 A. Huh-uh.

13:05 Q. Why would -- why do you think you deleted some?

13:06 A. Because like some that -- people that send me Merry Christmas, Happy New Year.

13:06 Q. Okay. What about case-related or investigation --

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13:06 A. No.
13:06 Q. -- related?
13:06 A. No.
13:06 Q. Never get deleted?
13:06 A. No.
13:06 Q. Okay. Were you advised not to delete any messages after this lawsuit was filed?
13:06 A. No, ma'am.
13:06 Q. Was your device searched by the IT person?
13:06 A. I'm sorry?
13:06 Q. Your phone, was it searched by the IT person?
13:06 A. They took it to -- to dump it.
13:06 Q. Okay.
13:06 A. Yes, ma'am.
13:06 Q. Do you have a County-issued laptop or computer?
13:06 A. The computer at the office, but I don't use it.
13:06 Q. Okay. But that's like a desktop, right? It's not a -- okay. Is that a yes?
13:06 A. No. Yes, I do have a computer.
13:06 Q. Okay. Have you performed a search of your cell phone messages pertaining to this lawsuit?
13:07 A. Myself?
13:07 Q. Yes.
13:07 A. No, ma'am.
13:07 Q. Have you conducted a search on your phone

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13:07 pertaining to Lizelle's criminal case?

A. No, ma'am.

Q. Has anyone asked you to delete information or messages from your County-issued phone relating to Lizelle Gonzalez?

A. No, ma'am.

Q. Were you directed by anyone at the DA's office to save messages on your County-issued phone regarding Lizelle Gonzalez?

A. No, ma'am.

Q. And just to be absolutely clear, Sheriff Fuentes, do you have any text messages on your personal phone pertaining to Lizelle Gonzalez?

A. Not at all.

Q. Okay. We talked about the WhatsApp chats that you have within the sheriff's department. Are there any WhatsApp chats or groups that contain members from the sheriff's office and the DA's office?

A. No, ma'am.

Q. Okay. Are you in any group text messaging between members of the sheriff's office and the DA's office?

A. I could be in one that the chief investigator from the DA's office and all the -- and myself and all the police chiefs in the county in case of meetings --

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ Plaintiff	)( )(	
VS.	)(	CIVIL ACTION NO. 7:24-cv-00132
GOCHA ALLEN RAMIREZ, ALEXANDRIA LYNN BARRERA, RENE FUENTES, and STARR COUNTY, TEXAS Defendants	)( )( )( )( )(	

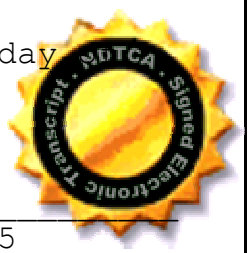
REPORTER'S CERTIFICATE

I, DONNA McCOWN, Certified Court Reporter, certify that the witness, RENE FUENTES, was duly sworn by me, and that the deposition transcript is a true and correct record of the testimony given by the witness in person on JUNE 12, 2025, and that the deposition was reported by me in stenograph and was subsequently transcribed under my supervision.

Pursuant to Federal Rule 30(e)(2), a review of the transcript was requested.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, nor am I financially interested in the action.

WITNESS MY HAND on this the _____ day of _____, 2025.



_____
DONNA McCOWN, Texas CSR 6625
Expiration Date: 01-31-26
Bryant & Stingley, Inc., CRN No. 41
P.O. Box 3420
Harlingen, Texas 78551
(956) 428-0755

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

LIZELLE GONZALEZ	§	
Plaintiff	§	
	§	
vs.	§	**CIVIL ACTION 7:24-CV-00132**
	§	
GOCHA ALLEN RAMIREZ, et al.	§	
Defendants	§	

AFFIDAVIT OF I. CECILIA GARZA

STATE OF TEXAS	§	
	§	
COUNTY OF HIDALGO	§	

BEFORE ME, the undersigned notary public on this day personally appeared IDA CECILIA GARZA, known to me, and first being duly sworn according to the law upon her oath deposed and stated as follows:

"My name is Ida Cecilia Garza. I am over 18 years of age. I have never been convicted of a crime of moral turpitude or a felony. I am of sound mind and am capable of making this affidavit. I am fully competent to testify to the matters stated herein. I am a partner in the law firm Garza Martinez, PLLC and a member in good standing of the State Bar of Texas, the U.S. District Court for the Southern District of Texas Bar, and the Hidalgo County Bar Association. I serve as Attorney in Charge for Plaintiff Lizelle Gonzalez in this action and as such I have personal knowledge of the facts stated herein.

I submit this Affidavit in support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment. As attorney in charge, I have knowledge that the following exhibits attached to, and referenced in, Plaintiff's Opposition to Defendants' Motion for Summary Judgment are true and correct copies of documents filed with the Southern District of Texas and/or kept amongst the papers of this cause by the Clerk of the Southern District of Texas, and depositions taken, and/or documents produced in discovery in the above styled civil action:

- **-1**: excerpts of Notes of Investigator Esmeralda Muniz.
- **-2:** excerpts of Lizelle Gonzalez's Interrogation by the Starr County Sheriff's Office on January 31, 2022.

- **-3:** Gocha Ramirez for 229th DA campaign video.
- **-4:** text message exchange dated February 2 – April 7, 2025, between Alexandria Barrera and Esmeralda Muniz.
- **-5:** WhatsApp message dated April 2, 2022, from Gocha Ramirez.
- **-6:** Original Petition for Divorce in the Matter of the Marriage of Ismael Herrera and Lizelle Gonzalez.
- **-7:** email messages from various media outlets to the 229th Judicial District Attorney's Office dated April 8 – 9, 2022.
- **-8:** email messages from various members of the public to the 229th Judicial District Attorney's Office dated April 9, 2022.
- **-9:** text message exchange dated April 10, 2022, between Abel Villarreal and Gocha Ramirez.
- **-10:** text message exchange dated April 10, 2022, between Gocha Ramirez and Isaac Ramirez.
- **-11:** Affidavit of Bernice Garza, dated July 16, 2025
- **-12:** excerpts from the Starr County Sheriff's Office Policy Book.
- **-13:** text message exchanges dated September 27, 2017 – May 22, 2021, between Rosita Rocha and Gocha Ramirez.
- **-14:** text message exchange dated February 23, 2022, between Becky Ann Rocha and Gocha Ramirez.
- **-15:** State Bar of Texas Grievance Committee Exchanges in Reference to Complaint No. 202202571.
- **-16:** Defendant Alexandria Barrera's Objections and Responses to Plaintiff's Phase One Interrogatories, dated October 8, 2024
- **-17:** Defendant Gocha A. Ramirez's Objections and Responses to Plaintiff's Phase One Interrogatories, dated October 8, 2024
- **-18:** Defendant Rene Fuentes' Objections and Responses to Plaintiff's Phase One Interrogatories, dated October 8, 2024
- **-19:** excerpts of the deposition transcript of Gloria Gonzalez, taken on January 3, 2025
- **-20:** excerpts of the deposition transcript of Plaintiff Lizelle Gonzalez, taken on February 13, 2025
- **-21:** excerpts of the deposition transcript of ADA Abel Villarreal, taken on March 12, 2025
- **-22:** excerpts of the deposition transcript of Esmeralda Muniz, taken on March 25, 2025
- **-23:** excerpts of the deposition transcript of Defendant Alexandria Barrera, taken on March 27 and April 4, 2025
- **-24**: excerpts of the deposition transcript of Defendant Gocha A. Ramirez, taken on April 7, 2025

- **-25:** excerpts of the deposition transcript of Rosita Mae Rocha, taken on June 4, 2025
- **-26:** excerpts of the deposition transcript of Becky Ann Rocha, taken on June 4, 2025
- **-27:** excerpts of the deposition transcript of Rafael Aguirre, taken on May 1, 2025
- **-28:** excerpts of the deposition transcript of Lenard Fuentes, taken on May 2, 2025
- **-29:** excerpts of the deposition transcript of ADA Judith Solis, taken on June 6, 2025
- **-30:** excerpts of the deposition transcript of Defendant Rene Fuentes, taken on June 12, 2025

Further Affiant sayeth not.

Signed this the 11th day of August, 2025.

I. Cecilia Garza

SWORN TO AND SUBSCRIBED TO before me, the undersigned authority, on this the 11th day of August, 2025.

ALYSSA ALVARADO NOTARY PUBLIC STATE OF TEXAS ID 13456637 EXP. 09-20-2027

Notary Public in and for
The State of Texas

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

LIZELLE GONZALEZ	§	
Plaintiff	§	
	§	
vs.	§	**CIVIL ACTION 7:24-CV-00132**
	§	
GOCHA ALLEN RAMIREZ, et al.	§	**JURY DEMANDED**
Defendants	§	

ORDER DENYING DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

Now before the Court are Defendant Ramirez's Motion for Summary Judgment (ECF 79), Defendant Barrera's Motion for Summary Judgment (ECF 81), and Defendant Fuentes's Motion for Summary Judgment (ECF 88). After considering such motions, Plaintiff's Omnibus Response in Opposition, and the applicable authority, the Court finds that the Defendants' motions are without merit and are hereby DENIED.

SO ORDERED on this _____ of August, 2025.

_____

HON. DREW B. TIPTON

UNITED STATES DISTRICT JUDGE