

1 MS. DAWSON-BROWN: Yes, sir.

2 THE COURT: If you will bring the jury
3 in, please.

4 (In the presence of the jury:)

5 THE COURT: All right, ladies and
6 gentlemen of the jury, I think we're now ready to proceed.
7 Who's the next witness for the state?

8 MS. DAWSON-BROWN: Chris Ochoa.

9 THE COURT: Okay. Have Mr. Ochoa step
10 forward, please. Mr. Ochoa, if you will step forward,
11 please, sir, I'll swear you in.

12 CHRISTOPHER OCHOA,
13 the witness, called on behalf of the State, after
14 having been first duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 QUESTIONS BY MS. DAWSON-BROWN:

17 Q. State your name, please.

18 A. Christopher Ochoa.

19 Q. Mr. Ochoa, you need to speak up to make sure the
20 jury can hear you. How old are you?

21 A. Twenty-three. Twenty-three.

22 MS. DAWSON-BROWN: Your Honor, I think
23 that microphone may need to be turned up.

24 Q. Where are you presently living?

25 A. Right now?

1 Q. Yes.

2 A. Travis County Jail.

3 Q. And, Mr. Ochoa, have you pled guilty to an
4 offense?

5 A. Yes.

6 Q. What is that offense?

7 A. Murder.

8 Q. Is that for causing the death of [REDACTED]?

9 A. Yes, ma'am.

10 Q. And did you enter a plea agreement with the
11 Travis County District Attorney's Office?

12 A. Yes, ma'am.

13 MS. DAWSON-BROWN: May I approach the
14 witness.

15 THE COURT: Yes.

16 Q. Mr. Ochoa, let me show you what's been marked as
17 State's Exhibit 222, ask you if you recognize that.

18 A. It's the plea agreement.

19 Q. Is part of that plea agreement that you agree
20 that you would give a complete and truthful confession?

21 A. Yes, ma'am.

22 Q. Did you agree that you would cooperate fully with
23 law enforcement in the investigation and prosecution of
24 this case?

25 A. Yes, ma'am.

1 Q. Did you agree that you would testify truthfully
2 before a Grand Jury, judge, jury and/or any other body
3 regarding any matter relative to this investigation and
4 prosecution, that being the murder of [REDACTED] and
5 any other person's involvement in this investigation,
6 including any pre-trials?

7 A. Yes, ma'am.

8 Q. Did you further agree that you would plead guilty
9 by indictment or information to murder by using a deadly
10 weapon?

11 A. Yes, ma'am.

12 Q. And you have pled guilty already.

13 A. Yes, ma'am.

14 Q. Did the state agree that they would withhold
15 prosecution of you for any other offense arising out of
16 this murder offense?

17 A. Yes, ma'am.

18 Q. And is it your understanding that the state will
19 recommend that you receive a life sentence in this case?

20 A. Yes, ma'am.

21 Q. Is it also your understanding that if Richard
22 Danziger is sentenced to T.D.C. that the state would
23 notify T.D.C. that you cooperated with the state in this
24 investigation and prosecution of Richard Danziger?

25 A. Yes, ma'am.

1 Q. And do you further understand that the state
2 agrees to allow you to enter your guilty plea and delay
3 sentencing until after all the trials of Richard Danziger?

4 A. Yes, ma'am.

5 Q. And what date was it that you entered this
6 agreement?

7 A. March 7, 199.

8 Q. And did you have an attorney representing you
9 when you made this agreement?

10 A. Yes, ma'am.

11 Q. And is he here in the courtroom today?

12 A. Yes, ma'am.

13 Q. Could you point him out?

14 A. (Indicating)

15 Q. What's his name?

16 A. Nate Stark.

17 MS. DAWSON-BROWN: Offer State's
18 Exhibit 222.

19 MR. BETTIS: No objection.

20 THE COURT: 222 is admitted.

21 Q. Mr. Ochoa, when did you move to Austin, Texas?

22 A. Back in October of 1985.

23 Q. Where did you live prior to that?

24 A. My aunt's house. I stayed there for awhile, and
25 I moved out on my own, and I moved to Roger Lewis's place

1 8035 North Plaza.

2 Q. Where did you live prior to living in Austin,
3 Texas?

4 A. El Paso.

5 Q. Where did you first start working when you moved
6 to Austin, Texas?

7 A. Started working I think it was Mr. Gatti's for
8 awhile and H.E.B.

9 Q. And after that.

10 A. Pizza Hut.

11 Q. And prior to November of 1988, approximately how
12 long had you worked for Pizza Hut?

13 A. About two years, I'd say. About two years.

14 Q. Did you know a person by the name of Richard
15 Danziger?

16 A. Yes.

17 Q. When did you first meet Richard Danziger?

18 A. Fall of '87. I don't recall. I can't remember
19 too sure. It was around there, at that time.

20 Q. Where did you meet him?

21 A. At the Pizza Hut.

22 Q. Which Pizza Hut?

23 A. North Lamar.

24 Q. And was Richard Danziger working there?

25 A. Yes, ma'am.

1 Q. Were you working there?

2 A. Yes, ma'am.

3 Q. Did he work there all the way through October of
4 1988?

5 A. No. He left for awhile. He left, I don't know,
6 school or something. I don't know. He left. Quit.

7 Q. Did he come back to work at that Pizza Hut?

8 A. Yes, ma'am.

9 Q. Approximately when?

10 A. September, October of '88. Not too sure.

11 Q. At anytime did you and Richard Danziger become
12 roommates?

13 A. Yeah. September, October of '88, when he came
14 back to work.

15 Q. What was your position at the Pizza Hut on North
16 Lamar?

17 A. I was an assistant manager.

18 Q. For how long?

19 A. I started in April of '88.

20 Q. Did you remain an assistant manager?

21 A. Till about October.

22 Q. Did you remain an assistant manager?

23 A. Stepped down about October, I stepped down to
24 cook.

25 Q. And did you stay at the North Lamar when you

1 stepped down as cook?

2 A. No, ma'am.

3 Q. Where did you go?

4 A. Guadalupe store on Guadalupe Pizza Hut.

5 Q. Still employed at Pizza Hut.

6 A. Yes.

7 Q. Who else lived at your house besides you and
8 Richard Danziger?

9 A. Roger Lewis and my brother Ralph Ochoa.

10 Q. And is that an apartment or house?

11 A. It's an apartment.

12 Q. Where is that located?

13 A. It's on 8805 North Plaza, North Austin.

14 Q. Did you and Richard Danziger socialize during
15 that period of time that he lived in your apartment?

16 A. Not too much, no. Not too much.

17 Q. I'd like to take you to the night of October 23,
18 1988. Do you remember that night?

19 A. Yes, ma'am.

20 Q. Is that a Sunday?

21 A. Yes.

22 Q. Did you work that day?

23 A. Yes.

24 Q. Do you know what time you got off work?

25 A. Oh, could have been about 5:00, 6:00.

1 Q. What did you do when you got off work?

2 A. I went home and just lying around, watching T.V.

3 Q. Do you remember if anybody else was home that
4 evening?

5 A. No, no, not that I can recall.

6 Q. Did anybody join you later that evening at your
7 house?

8 A. Yes.

9 Q. Who was that?

10 A. Richard Danziger.

11 Q. And what did you and Richard Danziger do that
12 night?

13 A. He needed a ride or something to Donna Angstadt's
14 place, and, you know, I really didn't want to go, you
15 know, I didn't have, I didn't want to go. I didn't want
16 to give him a ride, but, you know, he said, "Come on,
17 let's go buy some beer. Go have some beers." I changed
18 my mind. So I said, "All right, I'll take you."

19 Q. Did Richard Danziger have a car of his own?

20 A. No, he didn't.

21 Q. Did he ask you for rides?

22 A. Yes. Very few times, very few.

23 Q. What kind of car did you have?

24 A. An '82 Chevette, blue Chevette.

25 Q. And did you give Richard Danziger a ride to Donna

1 Angstadt's that night?

2 A. Yes, ma'am.

3 Q. Did you stop and get beer?

4 A. Yes, ma'am.

5 Q. Do you know what time it was when you got
6 to Donna Angstadt's house? Do you have any idea?

7 A. About 10:00, somewhere around there.

8 Q. Who was there when you arrived at Donna
9 Angstadt's house?

10 A. Donna and her two little boys.

11 Q. What was Donna doing when you arrived? Do you
12 know?

13 A. She was ironing.

14 Q. Where was she ironing?

15 A. In the kitchen.

16 Q. What did you and Richard Danziger do right after
17 you arrived?

18 A. We were drinking beer, started drinking beer, and
19 start playing some cards.

20 Q. Did Donna stay in the kitchen ironing?

21 A. Yeah. Yes, ma'am.

22 Q. Did Richard Danziger bring up a subject with you
23 during that time while Donna was in the kitchen?

24 A. Yes, ma'am.

25 Q. What was that?

1 A. He stated, you know, he needed some money, and
2 that he had, you know, he had a way of getting some money,
3 and I was kind of puzzled about that.

4 Q. Did he explain what he meant to you?

5 A. Yeah. He said, you know, he knew a place where
6 he can get some money, and I asked him, you know, we're
7 talking about, said, yeah, you know, that Pizza Hut.

8 Q. Did you ask him what he meant?

9 A. Yeah, asked him what I meant, what he meant.

10 Q. What did he tell you?

11 A. He said, yeah, he was trying to rob the Pizza Hut
12 on Reinli.

13 Q. Did he tell you how he was going to do it?

14 A. First time I didn't want to know, you know, but
15 he kept, you know, he kept on, you know, telling me come
16 on, you know. He told me that he needed some help. He
17 wanted me to help him. And I plainly stated I didn't want
18 nothing to do with that. But I was kind of drunk by then.
19 I guess I was, yeah, I was kind of drunk by then, drinking
20 pretty much. And he kept on, come on, you know, help me
21 out, you know. And I said no. He said, you know, I said,
22 finally said all right, what you got in mind. And he
23 said, I said which Pizza Hut. I asked him which one, you
24 know. He said the one on Reinli. I asked him why. He
25 said that's an easy getaway, the freeway, it's an easy

1 getaway.

2 Q. Did he tell you whether or not he'd been thinking
3 about that Pizza Hut?

4 A. Yeah. He told me that. He said that he'd been
5 thinking about it, you know, he'd been watching it, you
6 know, that's why he wanted to do that one because he's
7 been staking it out, watching it.

8 Q. Did he tell you how he planned to do the robbery?

9 A. I asked him, but he said don't worry about it,
10 you know, you know, just help me out. But he kept on
11 asking.

12 Q. Did he mention any plans he had for any sort of
13 weapon or not?

14 A. He said he knew where to get, where he could get
15 a gun.

16 Q. Did you ask him where?

17 A. Not really, you know, I didn't want to know about
18 it, you know, I was --

19 Q. Did he have any plans for that evening involving
20 the robbery?

21 A. Yes, he did.

22 Q. What were those?

23 A. He said that, you know, he was going to call, we
24 can call Roger, you know, he had some alibi set up.

25 Q. What was that?

1 A. Said he'd call, we'd call Roger, tell him I was
2 drunk and he'd come, you know, in his car and follow me
3 home in my car. He'd follow me home.

4 Q. Did he explain why he wanted you to go home?

5 A. So that, you know, if there was an investigation,
6 you know, they know Roger, you know, Roger could have an
7 alibi, we were separate, you know, that I went with him
8 home.

9 Q. What was Richard Danziger going to do that night?

10 A. He was going to stay over at Donna's place.

11 Q. Did he explain this to you that night?

12 A. Yeah, he did. Yeah.

13 Q. What action was taken to establish that alibi
14 that night?

15 A. I told him to go get, you know, go get a cassette
16 from my car. And he, I gave him the key to it, the key to
17 the car, and he went down there. And I stayed inside the
18 apartment, and then I waited for awhile, and then he came
19 back with the key broken. He said that the key was broke,
20 that he broke the key in the lock, you know, fortunately
21 the key that opened the door was the key to the ignition.

22 Q. Do you know if Richard Danziger broke that key on
23 purpose or by accident?

24 A. Could have been. Could have been.

25 Q. Could have been what?

1 A. I'm not too sure. Could have been on purpose.

2 Q. Did you all call Roger?

3 A. Yes, we did. We called him to see if he had an
4 extra key, 'cause he used to own the car before I did.

5 Q. He sold you that car?

6 A. Yeah. Yes, ma'am. And we called and see if he
7 had an extra key, but he didn't.

8 Q. You tell Roger anything else that night?

9 A. We just told Roger to come, you know, come get
10 me, you know. Come get me because I was pretty drunk. I
11 wanted to go home. Meanwhile, I was trying to get my car
12 open, just the door open, pick open the lock.

13 Q. Did you get your door open to your car?

14 A. Yes, I did. After we called Roger it took him
15 awhile to get down but some guy came over Donna's place.

16 Q. Do you know his name?

17 A. His name is tip or something like that.

18 Q. While you were there.

19 A. Yeah.

20 Q. Did tip help you get in the car?

21 A. He happened to have a Slim Jim. And he went out
22 to the car and tried to open it up, but couldn't. So then
23 they came back in. And I told him, "Well, let me have a
24 shot at it." So I went out there with the Slim Jim.
25 While I was out there with the Slim Jim, you know, I got

1 to open the door. While I was opening the door Roger
2 showed up. Roger was just getting there. And I told him,
3 "Check it out. I opened the door. Wasn't that hard." So
4 he just went ahead in, you know, I went ahead in after I
5 got the Slim Jim put away. And went in there. We had a
6 few drinks, dancing. And then he, you know, we said it
7 was time to go home. He said it was time to go home.

8 Q. Do you know what time it was when you decided to
9 go home?

10 A. About 5:00. About 5:00 in the morning.

11 Q. Had any arrangements been made by you and Richard
12 Danziger to meet anywhere?

13 A. Yes. There was arrangements made to meet at
14 McDonald's at Capital Plaza about, I guess about 7:00.
15 I'm not too sure.

16 Q. What was the purpose of meeting there?

17 A. To go over final minute details. Final minute
18 details.

19 Q. To do what?

20 A. To rob, you know, the Reinli store, Reinli-Pizza
21 Hut.

22 Q. Did you drive your car home?

23 A. Yes, ma'am. Roger followed me home that night,
24 and I got home, set my alarm clock for 6:30. Didn't
25 really get that much sleep that night.

1 Q. Did you wake up?

2 A. Yeah, you know.

3 Q. What did you put on?

4 A. Red shirt and some jeans, some Reeboks.

5 Q. What did you do?

6 A. Started my car, and I took off toward McDonald's.

7 Q. Was Richard Danziger at the McDonald?

8 A. He was not there when I got there but he drove
9 up.

10 Q. Whose car was he in?

11 A. Donna's car.

12 Q. Had you seen that car before?

13 A. Yes, I had.

14 Q. And you knew that was Donna's car?

15 A. Yes.

16 Q. What did you all do at the McDonald?

17 A. He came up and, you know, he said he went and got
18 coffee or something. He went and got coffee. Then came
19 up and started, you know, going over last minute details.

20 Q. Do you remember what he told you then?

21 A. He told me then that I was going to be, you know,
22 driving up, I was going to be lookout. I said, "All
23 right. I guess." He flashed me a gun.

24 Q. Where was the gun?

25 A. Inside his pants. He says I'm going to be

1 lookout. He said, "Just go ahead and drive up and I'll
2 follow you."

3 Q. Did he tell you where he got that gun?

4 A. No, he didn't, no, ma'am.

5 Q. Do you know whose gun it is?

6 A. No, ma'am.

7 Q. Do you know where that gun is now?

8 A. No, ma'am.

9 Q. You followed him up or he followed you up?

10 A. He followed me up.

11 Q. Where did you park?

12 A. Some apartments right across the street from the
13 Pizza Hut, right behind the parking lot, right behind
14 parking, there's a lot of parking space behind the
15 apartments.

16 Q. Did you park next to each other?

17 A. Yes, ma'am.

18 Q. Do you know what time it was?

19 A. Oh, I don't know; 7:30, I'm not too sure.

20 Q. Do you wear a watch?

21 A. No. Never.

22 Q. What did you and Richard do once you got to the
23 apartment complex and park?

24 A. Got out of the car and we went and stood across
25 the street from the Pizza Hut. Just looked. We were

1 watching it for awhile.

2 Q. Did you see any activity at the Pizza Hut?

3 A. After awhile a silver Charger drove up and
4 motorcycle, a bike, motorcycle.

5 Q. Who --

6 A. A girl got out. At that time I recognized it was
7 Nancy.

8 Q. Nancy who?

9 A. DePriest.

10 Q. How did you know her?

11 A. I had bumped into her a few times, business, you
12 know, managers meetings.

13 Q. Did you know who was on the motorcycle?

14 A. No, I didn't.

15 Q. What did they do?

16 A. Talked for awhile, and then she went inside and
17 he took off in the silver car. And Richard told me we're
18 going to wait for awhile. At that time I realized I guess
19 he was going to have me go in there with him.

20 Q. Did you talk during this period of time?

21 A. No, not much really. Not much. Not much.

22 Q. Did anybody come back to the Pizza Hut?

23 A. Yes. That guy did.

24 Q. What did he do when he came back?

25 A. He parked the Charger, got on his motorcycle, and

1 he left.

2 Q. What did you all do after he left on the
3 motorcycle?

4 A. We start walking towards the Pizza Hut.

5 Q. Both of you?

6 A. Yes.

7 Q. Who had the gun?

8 A. Richard. And he pulled out a key, you know.

9 Q. Where did he pull it from?

10 A. From his pocket.

11 Q. Was it on a key chain or what?

12 A. No. It was just a key, plain key.

13 Q. What did he do with that key?

14 A. Opened the door with it.

15 Q. Which door?

16 A. The one, I guess the one not toward the freeway,
17 the other one. The east side, I guess. Walked in and
18 Nancy was cutting dough. And said "What's up?" She
19 looked, "What's up? What's up, Chris?"

20 Q. She recognized you?

21 A. Yeah.

22 Q. She said your name.

23 A. Yes, ma'am.

24 Q. What was said to her?

25 A. Richard told her shut up and give him the money,

1 he wanted the money, all the money.

2 Q. Where was the gun?

3 A. He had it in his hand.

4 Q. Did he show it to her?

5 A. Yeah. You know, she got kind of scared, real
6 scared, and she went, went down, you know, got to the
7 safe, took her to the safe, back to the back.

8 MS. DAWSON-BROWN: May I approach the
9 witness.

10 THE COURT: Yes.

11 Q. Mr. Ochoa, I'm going to show you what has been
12 marked and admitted as State's Exhibit No. 12. Do you
13 recognize this?

14 A. Yes, ma'am.

15 Q. Have you seen this diagram before in a smaller
16 version?

17 A. Yes, ma'am.

18 Q. Now, show the jury where Nancy DePriest was when
19 you and Richard Danziger walked in there.

20 A. Right there, standing up. (Indicating)

21 THE COURT: You can stand up.

22 Q. Stand up, please.

23 A. Right here. (Indicating)

24 Q. You said she walked back after Richard Danziger
25 said he wanted the money. Where did she go to?

1 A. Back here. (Indicating)

2 Q. And who went with her?

3 A. Richard. I stood back here. (Indicating)

4 Q. You stood back here. You need to speak up so the
5 jury can hear you.

6 A. Yeah.

7 Q. Could you see what was going on back here while
8 you were standing here?

9 A. No.

10 Q. What did you see or hear next?

11 A. Oh, he got the money.

12 Q. What did the money look like? What was it in?

13 A. It was in a big, old, white coin, what you call
14 coin bag, white bags. It was in there. There was a vinyl
15 bank bags you put the bills in. That was what it was in.
16 He came back, came back towards --

17 Q. You're going to have to stand up so the jury can
18 see.

19 A. Came back over here. (Indicating)

20 Q. Where you were?

21 A. Yeah.

22 Q. What happened next?

23 A. "Well, we're going to have a little fun now."

24 Q. Who said that?

25 A. Richard. Richard did. He took off, you know.

1 Q. What did he do?

2 A. He pushed her down on her knees and he started
3 having, he took down, he took out his penis and he started
4 having oral sex.

5 Q. What do you mean by that?

6 A. Put his penis in her mouth.

7 Q. What were you doing?

8 A. I was watching.

9 Q. Where was the gun?

10 A. He had it on her head. And after, you know, he
11 didn't ejaculate, pulled out, he picked her up. "Come
12 on." He brought her back over here and had me follow and
13 back here (Indicating) he took off her blouse.

14 Q. Richard Danziger?

15 A. Yes.

16 Q. Took off --

17 A. Her blouse, and the bra. And he had me go get an
18 apron.

19 Q. Where did you get the apron from?

20 A. From back here somewhere. I don't remember where
21 they're at, you know, I just saw a pile of them. And he
22 me get a blue apron. Was a blue apron. Sweater. He had
23 me put it down.

24 Q. Mr. Ochoa, I'm going to need you to move that
25 microphone around because I'm afraid the jury can't hear

1 you while you're pointing at the diagram.

2 THE COURT: Have you all been able to
3 hear him?

4 MR. BETTIS: Your Honor, I can't.

5 THE COURT: Want to get closer?

6 MS. DAWSON-BROWN: I think we've got it
7 moved around, Judge.

8 Q. He had you put blue apron and a sweater here?

9 A. Yes.

10 Q. Now, you said he had taken off her shirt and bra.

11 A. Yes.

12 Q. Did you do anything with those?

13 A. He threw it at me.

14 Q. What?

15 A. The bra. And then told me to tie her hands
16 behind her back.

17 Q. Did you do that?

18 A. Yes, ma'am. After that he pushed her down her
19 back.

20 Q. Where?

21 A. On the apron.

22 Q. Where was the gun?

23 A. He had it, you know, pointed at, he had it
24 pointed at her.

25 Q. What was Nancy doing at this time?

1 A. She was crying, "Stop. Stop." Richard said,
2 "Shut up." He hit her. She's crying. She was crying.

3 Q. So she was laying on there?

4 A. She was down there. And then he had taken off
5 her pants. Said, you know, at the same time he took her
6 blouse and taken off all her clothes. He lied her down on
7 her back and then he proceeded to take off, pulled down
8 his pants.

9 Q. What did he do?

10 A. He started having intercourse with her.

11 Q. What part of her body?

12 A. Her vagina.

13 Q. What were you doing while this was going on?

14 A. I was watching.

15 Q. What did he do with the gun while this was
16 happening?

17 A. He had it. He had it, you know, he pointed at
18 her.

19 Q. Did he give you the gun?

20 A. Not at this point, no. He got me to sit down on
21 her shoulders, you know, on my knees on her shoulders so
22 she wouldn't move, and she was kicking. And he told her
23 not to move no more or else, you know, he would blow her
24 away.

25 Q. And he had intercourse with her at this time.

1 A. Yes, ma'am. After awhile he pulled out and
2 ejaculated all over her.

3 Q. What part of her body?

4 A. Right here, the stomach area, I guess. The
5 stomach area. And he turned around, he looked at me,
6 looked at me and says "It's your turn now."

7 Q. What did you do?

8 A. He said "You're going to do it." So I said all
9 right. Then I proceeded to take, you know, pull out my
10 penis, and he told me "You're going, you're going to have
11 fun with her too."

12 Q. Did you put your penis in her vagina?

13 A. I put my penis in her vagina. I ejaculated
14 inside of her, and pulled out. And after that --

15 Q. Was Nancy saying anything to you?

16 A. Said "Don't. Stop. Stop." Kind of felt bad at
17 the time. Anyway, then Richard told me that he wanted to
18 tie up her legs and gag her.

19 Q. Did you do that?

20 A. Yes, ma'am.

21 Q. What did you gag her with?

22 A. A scarf.

23 Q. What did you tie her legs with?

24 A. Blouse.

25 Q. Her blouse?

1 A. Yes.

2 Q. And her scarf?

3 A. Yes.

4 Q. What happened next?

5 A. He told me he wanted me, he said, "Help me drag
6 her to the booth over there up front where the video games
7 are." So I proceeded, so I helped him.

8 Q. How did you carry her up there?

9 A. He put his hand through her shoulders, through
10 her shoulders and I got her ankles. We took her up there
11 to the booth.

12 Q. Show the jury where you took her to.

13 THE COURT: You can stand up.

14 A. (Indicating)

15 Q. What did you do with Nancy DePriest when you took
16 her up to that booth?

17 A. Richard push her down on the booth.

18 Q. You were helping him, weren't you?

19 A. Yes. Put her down on the booth and he --

20 Q. On her back or her stomach?

21 A. No, on her back. And then he took off -- he
22 asked to take off the blouse.

23 Q. Who took it off?

24 A. Richard. Just yanked it off. And he proceeded
25 to have, he proceeded to have intercourse again with her.

1 Q. Where was the gun?

2 A. He handed me the gun at that point, told me to --

3 Q. Did he place his penis in her vagina at that
4 point?

5 A. Yes, ma'am, placed his penis in there and had
6 intercourse.

7 Q. Do you know if he ejaculated?

8 A. Yeah. Yeah. When he pulled out and he turned
9 around and said "Your turn again." And Nancy was, through
10 the gag you could tell she was asking for help. And then
11 I proceeded to have intercourse with her and I ejaculated
12 inside her vagina, and pulled out. And then at that time
13 I had already handed the gun back to Richard.

14 Q. What happened next?

15 A. After that he turned around on her stomach, on
16 her shoulders, I guess, on the booth.

17 Q. You said "I guess". Did he or didn't he?

18 A. Yeah. And he proceeded, he took, you know,
19 proceeded to have intercourse again with her.

20 Q. How?

21 A. Anally. And he ejaculated all over her back.
22 And told me it was my turn. So I had intercourse with her
23 and I ejaculated, and then pulled out. And at that point,
24 you know, we were discussing that we were going to have to
25 kill her because she recognized me, she knew who I was.

1 Q. Were you discussing this in front of Nancy?

2 A. Yes.

3 Q. What was she doing?

4 A. She was scared. She was crying. She was asking
5 for help. Anyways, we discussed, you know, he took off.
6 He said, "All right, we're going to have to kill her." "
7 and yanked her down.

8 Q. You agreed, didn't you?

9 A. Yes. He yanked her down from the booth and then,
10 you know, he yanked her down. He had me, he took her over
11 to the hallway where the bathrooms are.

12 Q. Show the jury.

13 A. (Indicating)

14 Q. You were helping, weren't you?

15 A. Yes, I was.

16 Q. What happened in that hallway?

17 A. Put her down on her knees.

18 Q. Who had the gun?

19 A. He had the gun at the time but he said "You kill
20 her." He handed it over to me and then I pulled the
21 trigger back of her head.

22 Q. How were you holding her?

23 A. Holding her with my right hand, shoulders.
24 Pulled the trigger with the left hand.

25 Q. What happened?

1 A. And just fell face-first to the floor.

2 Q. What did you and Richard Danziger do next?

3 A. Took her to the women's bathroom.

4 Q. Show the jury where the women's bathroom is on
5 that diagram.

6 A. (Indicating)

7 Q. How did you get [REDACTED] in the women's
8 bathroom?

9 A. Dragged her. I held the door open. He just
10 picked her up from her shoulders dragged her into the
11 bathroom.

12 Q. What happened when you got [REDACTED] into
13 the bathroom?

14 A. He took off the gag from her mouth, yanked it
15 off, then he proceeded to have intercourse with her, first
16 the vagina, then he went up to her mouth? Was [REDACTED]
17 [REDACTED] bleeding?

18 A. Yes.

19 Q. Was she moving?

20 A. No. At the time I thought she was already dead.

21 Q. What did you do?

22 A. I was standing there shocked.

23 Q. What did you do, Chris?

24 A. He had intercourse with her orally and he
25 ejaculated all over her neck, then he said "It's your

1 turn." Then I proceeded to have intercourse with her, her
2 vagina, then at that time I didn't ejaculate inside her.
3 All over her stomach. And after that he told me to go get
4 some aprons, and --

5 Q. Where did you get the aprons from?

6 A. From back there in the back where I got them on
7 the floor.

8 Q. Did he give you any other instructions?

9 A. Told me to get the clothes.

10 Q. And told me to wipe down, anywhere we might have
11 put our fingerprints on.

12 Q. Whose idea was that to wipe down?

13 A. That was his idea. I went back there to get the
14 aprons and clothes. I was wiping down as I went.

15 Q. Where did you wipe?

16 A. Around the safe area, around the safe. Not the
17 top, just around the safe, the bottom where the hole is.
18 And doors, the door we came in through, the counter where
19 the booth was, the ledge. Went in --

20 Q. Went in where?

21 A. Then I went into the bathroom.

22 Q. What was going on in the bathroom?

23 A. Richard had her turned around. He had the water
24 running. And then he told me he needed some help.

25 Q. Did you help him?

1 A. Yeah.

2 Q. What did you do?

3 A. He needed some help washing her down. He put her
4 up in the vanity up here. (Indicating)

5 Q. How was she laying on the vanity when you put her
6 up there?

7 A. She was like on her side.

8 Q. Did she fit?

9 A. Barely. But fetal position. And started washing
10 her off.

11 Q. How did you all wash her off?

12 A. Water was running. We were splashing water on
13 her.

14 Q. Where did you wash her? Where did you and
15 Richard Danziger wash her?

16 A. I washed her on her top side and he washed her on
17 the bottom half.

18 Q. Did you wash her good?

19 A. Yeah, I guess. I wasn't paying too much
20 attention. Then we stopped. Then he said "Let her go."
21 Her head just, I just saw it drop. Her head just hit the
22 ground.

23 Q. She fell off?

24 A. (The witness nods affirmatively.)

25 Q. Did you hear anything while you and Richard

1 in the bathroom during this period?

2 A. I heard the phone ring.

3 Q. Did it ring a lot?

4 A. Twice, three times, four, not too sure. At that
5 time he proceeded to stuff aprons into the, around the
6 vanity where the stopper is. Wanted, I guess, let the
7 water run.

8 Q. Did he leave it running?

9 A. Yes. Yes.

10 Q. Did you wipe the bathroom down or did he wipe the
11 bathroom down?

12 A. He wiped the bathroom down. Then we went, I
13 opened the door of the bathroom, we took her outside.

14 Q. How?

15 A. I opened the door, we dragged her outside.

16 Q. How did you leave her laying? Where?

17 A. Right here. (Indicating)

18 MS. DAWSON-BROWN: May I approach the
19 witness.

20 THE COURT: Yes.

21 Q. Show you what's been admitted as State's Exhibit
22 No. 3. Who is this?

23 A. [REDACTED]

24 Q. [REDACTED]

25 A. Yes, ma'am.

1 Q. Show you State's Exhibits 9 and 10. Who is this?

2 A. [REDACTED]

3 Q. Is this how you left her?

4 A. Yes, ma'am.

5 Q. After you left [REDACTED] laying in that hall
6 bleeding, what did you do?

7 A. I went and got the bag and he told me to go get
8 the money, the money bag, and gave it to her, to him. He
9 went back inside the bathroom for something. I don't
10 know, he left, and then he came back out, and started
11 going out. We started going out the west side door. I
12 was just following his lead, following. He was leading.
13 Push it open, but then he change his mind, then he turned
14 back around, went out the east side door with the key.
15 Used the key. He opened it back out.

16 Q. How did he try to go out the west side door? Use
17 his hand?

18 A. His elbow on that thing. He used his elbow. And
19 he turned back around and went, opened the east side door.
20 I was following him. He had the money bag. I ran out.
21 As soon as he opened the door I ran. I ran as fast as I
22 could to the car, and I got in my car. I didn't look back
23 at him. I took off and --

24 Q. Which way did you go?

25 A. I went towards the freeway.

1 Q. Which way did Richard Danziger go?

2 A. To the left. There's a back road. And I cut the
3 corner. I almost hit a lady.

4 Q. Did you have blood on you when you left that
5 restaurant?

6 A. Yes, ma'am.

7 Q. Did Richard Danziger have blood on him when he
8 left that restaurant?

9 A. Yeah, I guess. Yeah.

10 Q. Where did you go?

11 A. Well, as I was cutting the corner my radar thing
12 fell off. I had it on the sun visor and slipped off the
13 visor. I reached down to put it back up. I took off and
14 went home, went to the apartment, took off my clothes, and
15 put them in a bag, and put them in the dumpster, and I
16 just stayed there to watch the news.

17 Q. Did you watch the reports about this?

18 A. Yes, ma'am.

19 Q. Where did the gun go?

20 A. I have no idea.

21 Q. Who had it when you left the restaurant?

22 A. Richard.

23 Q. Did you tell anybody about what you did that day?

24 A. No, ma'am.

25 Q. Did you talk to people about the fact that Nancy

1 DePriest had been robbed and murdered?

2 A. Roger came in. We discussed it.

3 Q. Did you tell Roger you did this?

4 A. No. We discussed it because, you know, it was a
5 news report on it. It was the morning news reports on it.

6 Q. Did you go to work that afternoon?

7 A. Yeah, I did. But they had somebody working for
8 me already, so I didn't work.

9 Q. What did you do?

10 A. Came back home. Went to Robert Palmer concert
11 with Roger.

12 Q. Did Roger have any idea what you had done that
13 morning?

14 A. No, ma'am.

15 Q. Did you ever tell Roger what you done that
16 morning?

17 A. No, ma'am.

18 Q. What did you do the next day?

19 A. Next day I went to work. I think I went to work.
20 I might have been off. I'm not too sure. I don't
21 remember.

22 Q. Did you see Richard Danziger that next day?

23 A. Yes, I did, at the apartment.

24 Q. What did you all discuss?

25 A. If I wanted, if I wanted half of the money. I

1 told him no, I don't want nothing. I don't want nothing
2 about it. I'm already deep in it as it is.

3 Q. Did you all talk about what had happened?

4 A. Yeah. He asked me if there was, you know, any
5 clues, any evidence.

6 Q. Why did he ask you that?

7 A. I don't know. I have no idea.

8 Q. You've been watching the news?

9 A. Yeah. Been watching the news, you know, sit,
10 watch T.V., you know, watch the news. It was all over the
11 news.

12 Q. What else did you all discuss that day?

13 A. At that time when he told me, you know, about the
14 money, I said I don't want no part of it, I told him I was
15 thinking about turning myself in.

16 Q. What did he say?

17 A. He said "I wouldn't do that." And he said,
18 "Besides, you know, they're just going to think you're the
19 one that did it anyway. They ain't going to believe you."
20 You know, I didn't say nothing, not much at the time. I
21 got kind of scared.

22 Q. Why were you scared?

23 A. He give me a stare, same stare I've been getting
24 waiting for this trial when I bump into him. Before he
25 left he just gave me a stare that, you know, stares that

1 you get when like a threatening stare.

2 Q. He didn't threaten you verbally, did he?

3 A. Not verbally, no. But you get that feeling. And
4 I got shaken up a bit.

5 Q. Let's talk about November 9, Wednesday, November
6 9th.

7 A. November 9th.

8 Q. Did you see Richard Danziger that day?

9 A. Yes, I did. Sometime in the evening.

10 Q. How did you get together with him that day?

11 A. I was sitting recording an album, drinking some
12 beers, and he came over. He had Donna's car.

13 Q. Had he been staying at Donna's house a lot?

14 A. Yeah, he'd been staying there quite a bit. He
15 hadn't been staying at our house very much. You know, he
16 started out, you know, he wanted me to go over Donna's
17 place, drink some wine. I said no, you know, I don't want
18 to go. I already had, I had beer in my house. I didn't
19 want to go. "Come on. She's got some cool wine that'll
20 really get you messed up." So finally, all right, I went.
21 We got in the car, went with him, and we got there at
22 Donna's place.

23 Q. Was anyone else there at Donna's?

24 A. No, ma'am.

25 Q. What did you all do there?

1 A. We drank a little wine. And he had told me he
2 had gone to the Reinli Pizza Hut that day, dropped some
3 checks.

4 Q. Did he comment anything about the Reinli Pizza
5 Hut when he had gone to drop those checks off?

6 A. Not that I can recall. But he asked me if I been
7 in there yet. I said no. He said "Do you want to go down
8 there?" I said, "No, I didn't really want to go down, you
9 know." I wanted to go some kind of contest, guitar
10 contest I wanted to go. So I didn't really want to go. I
11 wanted to go home. I said just go home, then take me
12 home. We got in the car and drove down the freeway. I
13 thought he was going to forget about going to the Pizza
14 Hut but he didn't. Told him at that time I didn't want to
15 go, I wanted to go to the contest. And he pulled up and
16 we discussed a little bit. I don't want to go in.

17 Q. You all sit in the car awhile?

18 A. Yeah. "Come on, have a few beers." I don't want
19 to go there.

20 Q. Did you know it was against the rules to drink
21 beer in a Pizza Hut?

22 A. Yes, I did. But that's not, you know, that's not
23 out of the ordinary. Employees go drink at other Pizza
24 Huts long as they don't know you. And that's not out of
25 the normal. It's done, you know.

1 Q. You weren't worried about that.

2 A. Not really. I wasn't worried about that. I went
3 in. Went in and sat down with the security guard and one
4 of the managers there, sit down in the booth.

5 Q. Why did Richard want to go there? Did he tell
6 you?

7 A. I don't know. I really don't know. Just wanted
8 to go there. Sat down, we sit down, we ordered a beer.
9 The waiter checked our I.D. I had mine. But Richard was
10 under-age. He didn't have one. He said that he left it
11 at home or something. The waiter said "I can't sell you
12 the beer." That's when Richard proceeded to tell him he
13 worked at a Pizza Hut. "Come on, I dropped your checks
14 today," whatever. I don't recall exactly what he said.
15 Something to that nature. And the waiter went ahead and
16 brought us the beer. Started talking and --

17 Q. Did you all talk about what had happened there on
18 October 24th?

19 A. A little bit, yeah.

20 Q. What did Richard say?

21 A. I can't recall, you know, but it was something
22 about that. I didn't really touch my beer. I didn't even
23 finish my beer.

24 Q. Why not?

25 A. I just, I didn't want any part to do anything. I

1 already felt bad enough as it was, and being in there just
2 played on my mind. We went out, we went out I paid for
3 the beers. The security guard was waiting outside. And
4 Richard started talking to him. I went to the car. I sat
5 in the car. And start talking to the security guard.

6 Q. Did you talk to the security guard?

7 A. No, not really.

8 Q. Could you hear what Richard was saying to the
9 security guard?

10 A. Yeah. He was asking him if they had any
11 evidence, any leads yet. The cop, the security guard said
12 the police officers won't release any information at that
13 time.

14 Q. Security guard ask your name?

15 A. I can't recall if he asked us our name or not. I
16 know Richard told him that he worked at the North Lamar
17 store. He opened the store over there. And Richard asked
18 him about the gun, what kind of gun was it. The security
19 guard said he didn't know, you know. Richard said could
20 it have been a .22. And, you know, he asked me who I was.
21 I said I work at the Guadalupe store, you know. I was
22 starting to close the books over there, kind of close the
23 books over there.

24 Q. Do you remember if the security guard asked
25 Richard where he was on the morning of October 24, 1988?

1 A. I don't remember exactly. He could have asked
2 him that when I was back in the car, waiting in the car,
3 you know. I didn't really pay too much attention what
4 they were saying. Just wanted to get home. You know,
5 after we talk to the security guard for awhile we took
6 off, took me home.

7 Q. Did he leave?

8 A. The security guard leave?

9 Q. No. Richard, after he took you home.

10 A. Yeah, I think he went, I think he took off
11 somewhere, go do his laundry, I think.

12 Q. Had you ever found out from Richard Danziger
13 where that gun was?

14 A. No, ma'am.

15 Q. Do you know today?

16 A. No, ma'am.

17 Q. Weren't you curious?

18 A. No. I never been that kind of situation before.
19 I didn't want nothing else to do with it. I figured the
20 less off I knew, the less, the less, I guess the more I
21 knew, the more involved that I'd be. You know what I'm
22 saying.

23 Q. You were pretty involved?

24 A. Yes, I was pretty involved. But you know what
25 I'm saying. I never been in trouble in your life before

1 and you go do something like this, it plays on your mind,
2 plus I was feeling pretty bad at the time.

3 Q. Now. The police interviewed you on November the
4 11th, is that right?

5 A. Yes, ma'am.

6 Q. You lied to them on November the 11th.

7 A. yes, ma'am.

8 Q. You didn't tell them you shot Nancy DePriest, did
9 you?

10 A. No, ma'am.

11 Q. Isn't it true that you told them that you didn't
12 have anything to do with this but that Richard Danziger
13 had confessed to you that he had done it?

14 A. Yes, ma'am.

15 Q. That a lie, wasn't it?

16 A. Yes, ma'am.

17 Q. Now, you told this jury just a few minutes ago
18 that you thought about going in and telling the police.
19 And here you had the opportunity to tell them and you
20 didn't do it. Why not?

21 A. Yes. I walked, I got brought into the station
22 and Sergeant Hector Polanco was questioning me.

23 Q. You could have confessed them, couldn't you?

24 A. I could have, but the way he interrogated me
25 scared the heck, scared the living daylight's out of me.

1 Q. Did you think you were going to go to prison?

2 A. I thought I was going to get the death penalty.
3 He kept on threatening me with that. "You're going to get
4 the needle. You're going to get the needle for this. We
5 got you," you know.

6 Q. You weren't willing to confess, were you?

7 A. I was scared. I was scared if I confessed, you
8 know, I'm going to get the needle anyway.

9 Q. Now, so you told them Richard Danziger did this
10 and confessed to you.

11 A. Yes, ma'am.

12 Q. They talked to you again on Monday, November the
13 14th, didn't they?

14 A. Yes, ma'am.

15 Q. And you lied to them on a taped statement, didn't
16 you?

17 A. Yes, ma'am.

18 Q. You told them that you were with Richard Danziger
19 but you didn't go in the Pizza Hut, isn't that right?

20 A. Yes, ma'am.

21 Q. And you lied to them about the type gun that was
22 used, didn't you?

23 A. Yeah. I wasn't too sure. I didn't know, I don't
24 know nothing about guns.

25 Q. You know the difference between an revolver and

1 an automatic, don't you?

2 A. At that time not really. But anyways, Polanco --

3 Q. You lied to them, didn't you?

4 A. I lied to them. Polanco was, you know, I just
5 wanted to say I can't cause he was in intimidating me.

6 Q. You don't like Polanco, do you?

7 A. No, I don't like him.

8 Q. You lied about how Richard and you got in that
9 store, didn't you?

10 A. Yes, ma'am.

11 Q. You said what?

12 A. Said something about produce.

13 Q. Why did you lie about that?

14 A. I don't know. At the time I was just, I was
15 trying to, I guess I was trying to see if I can get away
16 with lies, you know. They knew, you know. They knew.

17 Q. You're a very good liar?

18 A. Not really 'cause, you know, if I would have I
19 would have walked out of there.

20 Q. Now, they interviewed you later that day and took
21 a second written statement.

22 A. Yes, ma'am.

23 Q. This is November the 14th, Monday.

24 A. Yes, ma'am.

25 Q. You got a little closer to the truth that

1 afternoon, didn't you?

2 A. Yes, ma'am.

3 Q. You admitted to being in there, didn't you?

4 A. Yes, ma'am.

5 Q. But you lied about shooting [REDACTED]

6 didn't you?

7 A. Yes, ma'am.

8 Q. And you lied about some other things in that

9 statement, didn't you?

10 A. Yes, ma'am.

11 Q. You told them that Richard Danziger was the one

12 that shot her, didn't you?

13 A. Yes, ma'am.

14 Q. You lied about the gag, didn't you?

15 A. Yes, ma'am.

16 Q. Why did you lie about the gag?

17 A. I don't know. My mind just, my mind, I guess I
18 didn't want to look bad gagging a person. To me, you're
19 doing something like that, it's demeaning.

20 Q. What you did to [REDACTED] was demeaning with
21 or without a gag.

22 A. Yes, it was, I understand that. I understand
23 that.

24 Q. You lied about some other things, too, on that
25 written statement on the 14th. You lied about how many

1 times you sexually assaulted her, didn't you?

2 A. Yes, ma'am.

3 Q. You didn't admit to all of them, did you?

4 A. No, ma'am.

5 Q. And you lied about how Richard Danziger
6 ejaculated, didn't you?

7 A. Yes, ma'am. Said I felt guilty.

8 Q. You were guilty.

9 A. Well, do you know what I'm saying? I felt
10 remorse.

11 Q. Well, why in the world --

12 A. And I was very, the same time, you know, I guess
13 when you're in that situation it's hard for people to put
14 yourself in my shoes.

15 Q. Why would you lie about whether Richard Danziger
16 ejaculated in [REDACTED] or outside of [REDACTED]?

17 A. Well, I think that's to me, I really want to come
18 out and say that he did ejaculate outside of her because
19 to me that's very, in my mind I think it's disgusting,
20 which everything that we did was disgusting. I guess I
21 tried to play it down as much as I could.

22 Q. Now, Nate Stark's your lawyer, is that right?

23 A. Yes, ma'am.

24 Q. And you conferred with Nate Stark?

25 A. Yes, ma'am.

1 Q. You made a final written statement to the police
2 on March 7, 199, is that correct?

3 A. Yes, I did.

4 Q. Was your lawyer there with you?

5 A. Yes, ma'am.

6 Q. Did you tell the truth in that statement?

7 A. Yes, ma'am. Finally realized before I told the
8 statement Nate Stark talked to me. And all that time I
9 spent in jail sitting in my cell, that's when it really
10 got to me. Said I took another person's life.

11 Q. You admitted --

12 A. I had to admit it.

13 Q. You admitted to shooting Nancy DePriest.

14 A. Yes.

15 Q. And you admitted to how it all happened.

16 A. Yes.

17 Q. Are you telling this jury the truth now?

18 A. Yes, ma'am.

19 Q. Have you told some people that you didn't do
20 this?

21 A. Yes, ma'am.

22 Q. Who did you tell?

23 A. My family and Roger.

24 Q. Was that after you told the police that you did
25 it?

1 A. Yes, ma'am.

2 Q. Why did you lie to your family?

3 A. You know, you don't want, I didn't want them to
4 think I was, I could have done such a things like that,
5 plus I was scared that if I did admit to them they just
6 shun me aside, which is understandable.

7 Q. We've been talking about Richard Danziger today.

8 A. Yes.

9 Q. Do you see him in the courtroom?

10 A. Yes.

11 Q. Point him out?

12 A. (Indicating)

13 Q. What's he got on?

14 A. Blue shirt.

15 Q. Is that the Richard Danziger that did these
16 things you described to Nancy DePriest?

17 A. Yes, ma'am.

18 Q. And did he sexually assault Nancy DePriest?

19 A. Yes, ma'am.

20 Q. Look that jury in the eye.

21 A. Yes, ma'am, he did. He did those things.

22 Q. Look each of them in the eye. You're under oath.
23 Are you telling them the truth?

24 A. Yes.

25

MS. DAWSON-BROWN: Pass the witness.

CROSS EXAMINATION

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QUESTIONS BY MR. BETTIS:

Q. Chris, you gave a written statement to the police on November 11, 1988?

A. Yes, sir.

Q. And then you made a tape-recorded statement with Sergeant Polanco on November 14th.

A. Yes, sir.

Q. And then later that day you gave another written statement to the police, is that right?

A. Yes, sir.

Q. And then, finally, on March 7th of last year you gave another written statement, is that correct?

A. Yes, sir.

MR. BETTIS: Your Honor, at this time I ask to review those statements before commencing my cross examination of this witness.

THE COURT: All right. That's fine. These been available to you all before today?

MR. BETTIS: They have been available to me, Your Honor.

THE COURT: I mean, the Grand Jury thing, all that stuff from last night took a long time, but you all had never seen that. Is this going to take the same amount of time? Do I have to recess for 30

1 minutes or how long do you need?

2 MR. BETTIS: I'd like at least 20
3 minutes.

4 THE COURT: Okay. That's fine. Ladies
5 and gentlemen of the jury, we'll stand in recess for 20
6 minutes at this time.

7 (Whereupon, the Court recessed at
8 (10:29 a.m. until 12:00 p.m.,
9 (at which time the following
10 (proceedings were had:

11 THE COURT: Bring in the jury, please.

12 (In the presence of the jury:)

13 THE COURT: All right. I think we're
14 now ready to proceed. Defense may proceed.

15 CROSS EXAMINATION

16 QUESTIONS BY MR. BETTIS:

17 Q. I'm Berk Bettis. I'm one of Richard Danziger's
18 lawyers. I'm going to go over the testimony that you've
19 given here in court today, and the statements that you
20 gave to the police in the past, as well as some statements
21 that you made to members of your family. You understand
22 what we're going to be doing here?

23 A. Yes, sir.

24 Q. You moved to Austin in October of 1985, is that
25 right?

1 A. Yes, sir.

2 Q. You moved here from El Paso.

3 A. Yes, sir.

4 Q. Did you come alone?

5 A. Yes, sir. I moved out here. My uncle brought me
6 here.

7 Q. From El Paso?

8 A. Yeah.

9 Q. And you stayed with your aunt's for awhile.

10 A. Yeah.

11 Q. When did your brother Ralph come out to join you?

12 A. Came out in about April of '87, I think. Not too
13 sure, '87, '86.

14 Q. Did your uncle bring him out here, too?

15 A. Yeah. He paid for his flight down here.

16 Q. The first place you went to work was a Mr.
17 Gatti's?

18 A. Yeah, for a little while. A week or two.

19 Q. How did you come to leave there?

20 A. I got a job at H.E.B.

21 Q. How long did you work there?

22 A. Started December of '85. December, beginning of
23 December of '85. Stopped April of '86.

24 Q. What did you then do to support yourself?

25 A. I went to work for Pizza Hut on Burnet Road.

1 Excuse me?

2 Q. To support yourself.

3 A. Money, job, you know. Had a job. Got paid well
4 at H.E.B.

5 Q. Yeah, after you left H.E.B.

6 A. I went to Pizza Hut on --

7 Q. On Burnet Road.

8 A. Yes, sir.

9 Q. What job did you start out there?

10 A. As cook. As a closing cook.

11 Q. Did you move up?

12 A. After awhile, yes, sir.

13 Q. What position did you move up to?

14 A. Chef supervisor.

15 Q. Is that still at Burnet Road?

16 A. Yeah, for a little while.

17 Q. Did you move?

18 A. Yeah. I don't recall when I moved to North
19 Lamar, but I moved a couple of months after that.

20 Q. Did you get promoted again?

21 A. No. I stayed North Lamar chef supervisor until
22 April of '88, then I got promoted. That's when I was
23 promoted.

24 Q. When did you move in with Roger Lewis?

25 A. Moved in with him I guess it was at the

1 beginning, a little bit after I moved to North Lamar. I
2 can't recall. Must have been '86, beginning of '86.

3 Q. And you lived with him till you were arrested for
4 this charge.

5 A. Yes.

6 Q. Did Ralph move in with you when he arrived here?

7 A. No. He stayed in my uncle's place for awhile.

8 Q. When did he move in?

9 A. Oh, I'd say about April of '87, '87.

10 Q. I thought Ralph didn't even move here until
11 summer of '87?

12 A. No, he didn't. That's wrong.

13 Q. When did he move here?

14 A. The end of '86. End of '87.

15 Q. End of '86 or end of '87?

16 A. Somewhere around there. I can't recall.

17 Q. How much rent were you paying at Roger's?

18 A. When it was the three of us?

19 Q. Which three?

20 A. Me, Ralph and Roger.

21 Q. Yeah.

22 A. I was paying about a hundred, a hundred
23 something. About 125, somewhere around there.

24 Q. Ralph was paying the same amount?

25 A. Yes.

1 Q. Where was Ralph working then?

2 A. Red Lobster.

3 Q. How long did he work there?

4 A. Ever since he got there until -- he's still
5 working at Red Lobster in El Paso.

6 Q. But he doesn't live in Austin?

7 A. No. He moved to El Paso.

8 Q. When did he do that?

9 A. After I got arrested he waited until the lease
10 was over. Not the two of them on what he was making
11 could, you know, he couldn't make it on the salary,
12 couldn't be his roommate not on the salary he was making.
13 So my mom said come back home.

14 Q. When did Richard move in with you and Ralph and
15 Roger?

16 A. September, about the end of September, beginning
17 of October in '88, somewhere around there.

18 Q. Up to that point you were having a hard time
19 sometimes making expenses, weren't you?

20 A. Not really. I was getting paid a lot of money.
21 I was making a lot of money. You know, making what, about
22 two fifty a week, come out about 500 every two weeks.

23 Q. So you never had, for example, to pawn anything
24 to get any ready cash.

25 A. Oh, when I would instead of -- I never kept a

1 checking account and savings account. So if I ever ran
2 out of money for concerts, you know, just quick cash, you
3 know. I didn't want to get into any more debt, you know.
4 I had a car payment and all that, you know.

5 Q. Well, you didn't answer my question. You had to
6 pawn things now and again.

7 A. Yes.

8 Q. When did you get promoted to assistant manager
9 again?

10 A. April of '88. April of '88, yeah.

11 Q. And that was at the North Lamar store.

12 A. Yes.

13 Q. And Donna Angstadt was the manager there, is that
14 right?

15 A. No, she wasn't. Rob Schaeffer was my manager.

16 Q. I see. When did you stop being assistant manager
17 there?

18 A. I stepped down about October, beginning of
19 October, around there, of '88.

20 Q. You stepped down. What do you mean you stepped
21 down?

22 A. You step down. You step down from your position.
23 You step down to a cook. You step down from that high
24 position down to a cook.

25 Q. You were making more money as an assistant

1 manager than as a cook?

2 A. Pretty much so, but it was a lot of hours, a lot
3 of responsibility. I had enough money for what I was
4 doing. That's why I stepped down.

5 Q. That's the only reason.

6 A. Plus I had disagreements with I guess every
7 manager at the time. And I was not getting paid enough
8 money to do it, you know. Money's not that important to
9 me. So I stepped down. It's not worth the headache.

10 Q. Anything else?

11 A. That's about it. You know, I was having, plus I
12 was having, you know, we had just had a turnover. Donna
13 stepped in at that time about a week, maybe two before I
14 stepped down, and I had a lot of -- Rob Schaeffer had left
15 and quit. Same reasons. And I was the only one left
16 there of the old management team. So when old employees
17 had problem they come to me instead of Donna. And that,
18 you know, any major decision concerning the store they
19 would come to me. Scheduling, which I was not responsible
20 for, they'd come to me, couldn't, you know, they should
21 have moved me out along with Rob.

22 Q. You didn't get along with Donna.

23 A. I got along with her. It's just that she was
24 not, she was not management material yet. She was not
25 ready to manage a store. She was not efficient. She was

1 not.

2 Q. Was this the same time that that Pizza Hut
3 started to experience unexplained losses of money,
4 property?

5 A. When I left. When I left to Guadalupe, I guess a
6 week after, I left to Guadalupe.

7 Q. That's when the Lamar Pizza Hut started
8 experiencing problems.

9 A. Yeah.

10 Q. Anyone talk to you about those problems?

11 A. Oh, old employees. Just employees that I had
12 under me, I still kept in touch with them. Burglaries,
13 you know, one of them they didn't take much, I don't
14 think. The other one they took all the money from the
15 safe.

16 Q. Police talk to you about those burglaries?

17 A. Yes, they did when they questioned me for this
18 offense.

19 Q. You remember back on November 11, 1988.

20 A. Yes.

21 Q. You gave a statement to Sergeant Ed Balagia.

22 A. Yes.

23 Q. And that statement was reduced to writing.

24 A. Excuse me?

25 Q. That statement was reduced to writing, is that

1 correct?

2 A. Yes.

3 Q. And you signed it in front of witnesses.

4 A. Yes, sir.

5 Q. Do you remember in that statement saying the
6 following to Sergeant Balagia, "Richard then asked me 'Do
7 you know if they have any evidence or leads in the case?'
8 I told them no, not that I know of. Richard then paused
9 for a moment and then stated to me, 'Well, I did it.' I
10 was shocked. And I stated, 'What do you mean?' Richard
11 then went on to tell me that he was the one who committed
12 the robbery, rape and murder of [REDACTED] at the
13 Pizza Hut."

14 A. Yes, I do.

15 Q. Do you remember at that time telling Sergeant
16 Balagia "Richard stated that he approached the Pizza Hut
17 and got inside of the restaurant posing as a produce man.
18 Richard knew that the produce man never wears a uniform.
19 Richard stated that once he got inside of the Pizza Hut he
20 robbed [REDACTED] of the money at the Pizza Hut." You
21 remember that?

22 A. Yes, I do.

23 Q. Do you remember telling Sergeant Balagia on
24 November 11, 1988, "Richard also stated that he tied Nancy
25 up so he could make sure that she couldn't get away or try

1 to struggle. Richard then stated to me that 'After I
2 finished her, I put a bullet through her.'

3 A. Yes, I do.

4 Q. Do you remember telling Sergeant Balagia on
5 November 11th "Richard then told me that he had to tell
6 someone so he could get it off of his chest and ease his
7 conscious."

8 A. Yes, I do.

9 Q. "Richard then told me that he had used a .22."

10 A. Yes, I do.

11 Q. Do you remember immediately after that telling
12 Sergeant Balagia "I have heard that Donna Angstadt carries
13 a .22 caliber pistol in her purse."

14 A. Yes, I do.

15 Q. You remember later in that statement referring to
16 your visit to the Reinli Street Pizza Hut with Richard, "I
17 felt real weird because of where we were at and what
18 Richard had told me."

19 A. Yes, I do.

20 Q. You remember telling Sergeant Balagia regarding
21 that visit, "Richard then asked the security guard 'Do you
22 think that it could have been a .22.?'"

23 A. Yes, I do.

24 Q. Do you remember telling Sergeant Balagia with
25 respect to that visit "I asked Richard why he went back to

1 the Pizza Hut and he told me that he just had to go back
2 and see how the place looked."

3 A. Yes, I do.

4 Q. Do you remember in that same statement telling
5 Sergeant Balagia "The reason that I hadn't come to the
6 police with the information sooner is that I was scared of
7 what might happen to me if Richard found out that I had
8 talked to the police."

9 A. Yes, I do.

10 Q. Do you remember telling Sergeant Balagia in that
11 statement "With what I know about Richard, and what he has
12 told me, there is no doubt in my mind that he is the
13 person responsible for the murder of [REDACTED]."

14 A. Yes, I do.

15 Q. Do you remember telling Sergeant Balagia "This
16 statement is true and correct to the best of my
17 knowledge."

18 A. Yes, I do.

19 Q. Direct your attention to November 14, 1988. Do
20 you remember sitting in an interview room with Sergeant
21 Polanco?

22 A. Yes, sir.

23 Q. And Sergeant Balagia?

24 A. Yes, I do.

25 Q. Did you know at that time that there was a tape

1 recorder recording your statement?

2 A. Yes, I did.

3 Q. Do you remember telling Sergeant Balagia in that
4 tape recorded statement the following, and I want to
5 preface this question by saying that I'm reading from a
6 transcript. Seems this transcript may not be entirely
7 accurate. But if you have any questions there is a tape
8 recording of that session. Any time you feel that I am
9 misstating what you said we can refer to this tape
10 recording. All right?

11 A. (The witness nods affirmatively.)

12 Q. Is that agreeable with you?

13 A. (The witness nods affirmatively.)

14 Q. Could you answer yes or no so the court reporter
15 can --

16 A. Yes.

17 Q. Do you remember in that interview room saying to
18 Sergeant Balagia "We," meaning you and Richard Danziger,
19 "went and stopped by that Pizza Hut. So we parked the
20 cars inside the complex at the apartment complex right
21 behind the gasoline station. And I said 'All right, I'm
22 just going to be out here, man.' And I stood out there by
23 the gasoline station. I said 'I'm not going to have any
24 part of this.' He said 'Well, watch.' He said 'Watch out
25 to make sure nobody is coming or whatever.'"

1 A. Yes, I do.

2 Q. Do you remember telling Sergeant Balagia "Anyways
3 he said all right, I'll be quick. I said okay. I waited
4 there to make sure the coast is clear and stuff. I was
5 pretty nervous, man. Anyway, I watched the store and
6 about 15 minutes and I don't remember the time but I heard
7 a gunshot and, man I said that dude really did something,
8 you know, and I said I don't want any part of this, man."

9 A. Yes, I do.

10 Q. Do you remember again the first interview on
11 November 14, 1988, telling Sergeant Balagia "He," meaning
12 Richard Danziger, "told me 'Do you want to know how I did
13 it and stuff.' And I asked him did you do it. You know,
14 I was pretty shocked. I said, 'Man, you got me wrapped up
15 in some shit that I am never going to get out. He started
16 to tell me how he did it and stuff what he did."

17 A. Yes, I recall.

18 Q. Do you recall that in answer to Sergeant
19 Balagia's question of what exactly did he say. You
20 responded, "He said he posed as a produce man and went to
21 the back."

22 A. Yes, I do.

23 Q. And Sergeant Balagia asked you "Did you yourself
24 witness him walking to the back of the Pizza Hut from
25 where you were at across the street?" You remember the

1 question?

2 A. Excuse me?

3 Q. Do you remember that question?

4 A. Can you repeat that again.

5 Q. Sergeant Balagia asked you, "Did you yourself
6 witness him walking to the back of the Pizza Hut from
7 where you were at across the street?"

8 A. Yes, I do recall.

9 Q. Do you recall responding to him, "Yeah, I saw
10 that car. Then he identified himself as the produce man
11 and she let him in. Then he robbed her and told her to
12 give him all the money and apparently she opened the safe.
13 I don't know what he did with the money. He started
14 telling me all the details and I said I don't want to know
15 nothing, no details, nothing. I said where did you shoot
16 her, man. I know you shot her. I said it's all over the
17 news. Then I heard about a gunshot to the head and stuff.
18 And I said why. He said because I didn't want her to
19 identify me."

20 A. Yes, I do.

21 Q. Do you recall discussing going over to Donna
22 Angstadt's apartment with Richard?

23 A. Yes, I do.

24 Q. To drink some wine. Do you recall telling
25 Sergeant Balagia, "And this is something I forgot to tell

1 you all. Donna's little kid had a toy gun in the back
2 seat. I grabbed it and I said, man, I couldn't hold a
3 real gun. And that's when he, meaning Richard Danziger,
4 said holding it is easy. It's the trigger part is when it
5 gets hard. And that just made me freak out."

6 A. Yes, I do.

7 Q. Do you remember in that same conversation
8 responding to a question from Sergeant Balagia saying that
9 "He," meaning Richard Danziger, "gets off on Reinli and he
10 says 'Come on, let's stop by here, you know, and drink a
11 beer.' I said no, you can't do that. You're going to get
12 your ass fired and mine too."

13 A. Yes, I do recall that.

14 Q. And you recall Sergeant Balagia asking you,
15 "Chris, are you telling me that it's a company policy not
16 to drink beer at any other Pizza Hut location?"

17 A. Yes.

18 Q. Remember that you responded to him, "Pizza Hut
19 franchises from our company. I could go to New York and
20 drink there and it wouldn't matter. So I went in knowing
21 that what this guy had done, I said man this guy just went
22 and did somebody and can do it to me. So I went in there
23 and drank one or two beers and stuff and he was looking
24 around and stuff. Like I said, he wanted to go in there.
25 He said 'I want to see what it looks like.' I said, 'Man,

1 you're going to get your ass busted, man, big time.' And
2 he drank." You remember that?

3 A. Yes.

4 Q. You remember later in the interview when you were
5 talking to Sergeant Balagia about meeting with the
6 security guard in the parking lot over at the Reinli
7 Street Pizza Hut?

8 A. Yes.

9 Q. You remember at that time saying to Sergeant
10 Balagia "I didn't think the security guard wanted to say
11 too much, you know, and he," again meaning Richard
12 Danziger, "said 'Do you think it was a .22, maybe?'" Do
13 you remember that?

14 A. Yes.

15 Q. Do you recall making that statement?

16 A. Yes.

17 Q. Do you recall in the same statement in describing
18 the events of Thursday, November 10, 1988, telling the
19 Sergeant, "Yes, I worked eight to five Thursday and then,
20 let's see. That Thursday I went to the pawnshop to pick
21 up my radio that I had pawned and stuff. Then I went with
22 my brother and stuff. Then after that I went to a club or
23 something, a night club."

24 A. Yes.

25 Q. Still in the same tape-recorded statement, did

1 Sergeant Polanco ask you "Excuse me. Did you ever see the
2 gun?"

3 A. Yes, he did.

4 Q. And you responded to him, "No, I never saw the
5 gun."

6 A. Yes.

7 Q. And he asked you again, "At anytime." And you
8 responded "Never saw the gun. I never saw the gun. Oh, I
9 saw it right before he walked in the Pizza Hut, he showed
10 it to me."

11 A. Yes, I do recall.

12 Q. Sergeant Polanco at that time asked you "What did
13 it look like?"

14 A. Yes.

15 Q. You said "It was a small gun like this, a small
16 black gun. I don't know too much about guns."

17 A. Yes.

18 Q. Sergeant Polanco said "What about the handle?"
19 You said "The handle could have been brown. Could have
20 been brown."

21 A. Yes.

22 Q. Sergeant Polanco said "Did it look like a
23 revolver." And he reached in his shoulder holster and
24 pulled out his revolver and showed it to you, did he not?

25 A. Yes.

1 Q. You said "One of those," referring to his
2 revolver.

3 A. Yes.

4 Q. And he said, still holding his revolver, "Did it
5 have a cylinder in it?"

6 A. Yes.

7 Q. And you said, "Yeah, like that."

8 A. Yes.

9 Q. Continuing on, Sergeant Balagia said "By saying
10 like this you're pointing to Sergeant Polanco's. It's a
11 blue steel revolver with a brown grip."

12 A. Yes.

13 Q. You said "Yes, something like that." Polanco
14 said "Small like this," again showing him his gun.

15 A. Yes.

16 Q. You said "Yes, something like that. I don't know
17 too much about them." Sergeant Polanco said "Do you know
18 what an automatic looks like, the one you pull back?"

19 A. Yes.

20 Q. You said "Yeah." "Was it one like that," he
21 asked you. Did you say "No, not like that."

22 A. Yes.

23 Q. So you remember then Sergeant Balagia beginning
24 to ask you some more questions --

25 A. Yes.

1 Q. -- questions about what Richard Danziger had
2 supposedly done.

3 A. Yes.

4 Q. And you said he said "You just keep a lookout,
5 make sure nobody comes in or drives up because we were
6 delivery guys." That's what he said.

7 A. Yes.

8 Q. Sergeant Balagia asked "Did he discuss how you
9 were going to warn him if somebody pulled up?" You said,
10 "I was going to run for the back and knock on the door or
11 something like that."

12 A. Yes.

13 Q. "By a would shed or something. You know, that
14 big old would shed."

15 A. Yes.

16 Q. Then they turned over the tape recording because
17 it stopped on that side and you continued.

18 A. Yes.

19 Q. Again. "Yes, sir. Anyways, I was supposed to go
20 to the back around the Pizza Hut. Big old brown fence
21 that they have. I was supposed to bang on it hard warn
22 him to leave, get out the front door, whatever. He said
23 something like that and I anyways I said that's his plan
24 and stuff. You said and once I do this, you know, I do
25 the robbery and stuff you go in your car and you take

1 off."

2 A. Yes.

3 Q. Then later in that interview you were talking
4 about a conversation that supposedly took place at your
5 apartment on October 25, 1988, between you and Richard
6 Danziger.

7 A. Yes.

8 Q. And you told the Sergeant, did you not, "Well,
9 right away he asked did they have any evidence," referring
10 to Richard Danziger. "I said I don't know. They said
11 they don't have no clues right now and that's when he
12 started asking me, well, he asked me was there any
13 evidence of stuff and then I said, man, I told him I asked
14 him did you do it. You're the one that did it. You shot
15 her, man. For all I know he could have somebody else
16 could have had somebody else over there too. And then you
17 laughed. Then he said yeah, I shot her and stuff like
18 that. And I said where did you shoot her. He said in the
19 head and he said why. He said, well, because I didn't
20 want her to recognize me."

21 A. Yes.

22 Q. Then Sergeant Balagia asked you "Did he say he
23 used a caliber or type of gun? And you said, 'no, not at
24 that time. Yeah, he did. He did at the end of the
25 conversation. He said he used a .22 or something like

1 that.'"

2 A. Yes.

3 Q. Then Sergeant Balagia asked you "Did he say how
4 he tied her up?"

5 A. Excuse me.

6 Q. Did Sergeant Balagia ask you "Did he," meaning
7 Richard, "say how he tied her up?"

8 A. Yes.

9 Q. And you responded "No, I think he mentioned a
10 rope or something but I don't know if that's what he used
11 or not. You know, anyways he said he tied her up and put
12 a bullet through her head and stuff like that."

13 A. Yes.

14 Q. Up to this point we've been through two of your
15 statements to the police, is that correct?

16 A. Yes.

17 Q. Now, do you recall later about 5:00 in the
18 afternoon on the same day, November 14, 1988, when you
19 made the tape-recorded statement?

20 A. Yes.

21 Q. You then gave another written statement to
22 Sergeant Balagia.

23 A. Yes.

24 Q. And that statement, did you sign it?

25 A. Yes.

1 Q. You signed it in the present of witnesses?

2 A. Yes, I did.

3 Q. Did you say in that statement "I am giving this
4 second statement," then we know you're talking about your
5 second written statement, --

6 A. Yes.

7 Q. "-- because of the fact that I left out a lot of
8 details in my first statement and that I didn't give a
9 complete and truthful statement to Sergeant Balagia on
10 November 11, 1988."

11 A. Yes.

12 Q. In that statement did you say "Richard then
13 stated to me 'I'm running a little low on cash and I'm
14 thinking about ripping off one of the Pizza Huts.'"

15 A. Yes.

16 Q. Did you say in that statement, "Richard even went
17 to the extra effort of breaking my door key off in my car
18 door so that he could tell Roger Lewis that I couldn't get
19 into my car and that he would have to come and get me."

20 A. Yes.

21 Q. Did you tell the jury today that you're not sure
22 if Richard broke the key on purpose?

23 A. Yes, I did.

24 Q. Referring to the events of the evening of October
25 23, 1988, at Donna Angstadt's apartment, you said or did

1 you say "Donna had a chug-a-lug drinking game and the four
2 of us played that game for awhile. Lauren then got mad
3 because I didn't give her that much attention and she
4 left."

5 A. Yes.

6 Q. Later in that same statement did you tell
7 Sergeant Balagia the following statement, "Richard then
8 grabbed Nancy by the back of her head by her hair and
9 stated 'I'm gonna have to get rid of her.' Richard then
10 jerked her down to the floor. Richard then pushed Nancy
11 down to her knees with his right hand while he kept the
12 gun in his left hand. Nancy was on her knees facing
13 westbound. Nancy was begging for mercy and pleading,
14 'Please don't kill me.' Richard then stated 'Shut up.'
15 Richard had the gun up against the back of her head on the
16 left side of her skull behind her ear. Richard then
17 pulled the trigger and the gun discharged."

18 A. Yes.

19 Q. Do you remember in this statement saying to
20 Sergeant Balagia "We then picked Nancy up and placed her
21 on the sink counter."

22 A. Yes.

23 Q. Do you remember telling the jury today in your
24 testimony "Richard had turned around. He had water
25 running. He told me he needed help. He put her up on the

1 vanity."

2 A. Yes. Same thing.

3 Q. When did you start calling a sink counter a
4 vanity?

5 A. That's what it is, a vanity.

6 Q. That's the way the police officers have described
7 it, is it not?

8 A. Yes.

9 Q. Your own words were sink counter.

10 A. Yes, they were.

11 Q. You never heard it called a vanity until you
12 started talking to the police officers and the
13 prosecutor --

14 A. Yes, I had heard it called vanity before.

15 Q. But when you made your statement back in 1988 you
16 referred to it as a sink counter.

17 A. Yes, I did.

18 Q. Do you recall in this third statement to the
19 police, second written statement to the police, saying "I
20 didn't give the complete truth on my first statement
21 because I was scared. Ever since I gave that first
22 statement, I've been thinking that I should have been
23 truthful."

24 A. Yes.

25 Q. Did you then say "I do know that when we left the

1 Pizza Hut after Richard killed Nancy he had blood on the
2 left sleeve of his shirt and he had blood on his khaki
3 pants and on his white Reeboks."

4 A. Yes.

5 Q. And did you tell Sergeant Balagia "This statement
6 is true and correct to the best of my knowledge."

7 A. Yes, I did.

8 Q. Then on March 7, 1989, you gave another statement
9 to Sergeant Balagia, did you not?

10 A. Yes.

11 Q. In that statement did you say "This is my third
12 statement. And I am giving this statement because of the
13 fact that I left out certain details in my other two
14 statements."

15 A. Yes, I did.

16 Q. "And that I didn't give a complete and truthful
17 statement to Sergeant Balagia on November 11, 1988 and
18 November 14, 1988."

19 A. Yes, I did.

20 Q. Did you say then "I am the person who killed
21 Nancy DePriest."

22 A. Yes, I did.

23 Q. "I took the pistol from Richard Danziger and shot
24 Nancy DePriest in the back of the left side of her head."

25 A. Yes, I did.

1 Q. "I shot her one time."

2 A. Yes.

3 Q. "I shot her because of the fact that it was made
4 clear to me that [REDACTED] recognized me and I didn't
5 want to go to prison for robbing the Pizza Hut and raping
6 [REDACTED]."

7 A. Yes.

8 Q. "I knew that if [REDACTED] lived she would
9 tell the police that it was me who had done those things
10 to her."

11 A. Yes.

12 Q. "I knew that I would be caught and go to prison
13 if I allowed [REDACTED] to live."

14 A. Yes.

15 Q. Do you recall telling Sergeant Balagia "It was
16 decided that [REDACTED] would have to die --"

17 A. Yes.

18 Q. "--if we were going to avoid getting arrested."

19 A. Yes.

20 Q. "I then took the gun from Richard and I shot
21 [REDACTED]."

22 A. Yes.

23 Q. Did you tell the jury this morning he had the gun
24 and said "You kill her."

25 A. Yes, I did.

1 Q. "And handed it over to me."

2 A. Yes, I did.

3 Q. "Then I pulled the trigger."

4 Q. Do you remember in your last written statement
5 telling Sergeant Balagia "I remember that I was thinking
6 to myself what a weird person Richard was and how he was
7 really a sick individual. I then inserted my penis inside
8 of [REDACTED] vagina and I pumped [REDACTED] as I had sexual
9 intercourse with her."

10 A. Yes.

11 Q. And do you remember telling Sergeant Balagia
12 "This statement is true and correct--"

13 A. Yes, I did.

14 Q. "--to the best of my knowledge."

15 A. Yes.

16 Q. I'd like to go back now over some of the
17 testimony you gave today.

18 A. Yes.

19 Q. Referring to the evening of Sunday, October 23rd,
20 1988, at Donna Angstadt's apartment. You mentioned that
21 someone came over, someone named tip.

22 A. Yes.

23 Q. Do you know who tip was?

24 A. No. Probably a friend of Donna's.

25 Q. And you said he had a what with him?

1 A. Slim Jim.

2 Q. What's a Slim Jim?

3 A. It's one of those skinny things that you open
4 your car door with when you lock the keys in there.
5 That's what they call it.

6 Q. Okay. Did he say how he happened to have such a
7 thing?

8 A. No, he didn't.

9 Q. And I think you told the jury that he didn't do
10 any good with it.

11 A. No, he didn't.

12 Q. And then you took it and you were able to get
13 into your car with it.

14 A. Yes, I did.

15 Q. Now, this morning did you tell the jury that
16 Richard had oral sex with [REDACTED] and then he removed her
17 clothes?

18 A. Yes, I did.

19 Q. In your second statement of November 14th, the
20 one that was reduced to writing that you signed, did you
21 tell Sergeant Balagia that Richard removed her clothes and
22 then had oral sex with her?

23 A. Yes, I did. Back then it was a lot of lies.

24 Q. Back then.

25 A. Back then it was a lot of lies.

1 Q. This morning did you tell the jury that "Richard
2 removed his penis from [REDACTED] after awhile he pulled out
3 and ejaculated over her stomach."

4 A. Yes, I did.

5 Q. Back on November 14th did you say "Richard then
6 pulled out of [REDACTED] and I observed that he had lost his
7 erection and what appeared to be sperm was dripping out of
8 the end of his penis."

9 A. Yes, I did.

10 Q. Today did you tell the jury that you ejaculated
11 inside [REDACTED] --

12 A. Yes, I did.

13 Q. -- twice?

14 A. Yes.

15 Q. On November 14th did you say to Sergeant
16 Balagia I never had an orgasm?

17 A. Yes, I did.

18 Q. Did you tell the jury today that after you shot
19 [REDACTED] placed her on the sink counter in the
20 women's restroom, that you washed her top side and Richard
21 washed the bottom half?

22 A. Yes.

23 Q. On November 14th did you tell Sergeant Balagia
24 "Richard then tried to wash the front of [REDACTED] body from
25 her face on down to her legs."

1 A. Yes.

2 Q. Did you tell the jury today that it was your idea
3 to wipe off everything that you might have put your
4 fingerprints on?

5 A. Yes.

6 Q. Did you tell the jury today that the first place
7 you started to work was around the sink?

8 A. Yes.

9 Q. Did you tell the jury today that you never went
10 in the safe, that you stayed in the kitchen?

11 A. Yes.

12 Q. The first time you went down to the police
13 station was on November 11th.

14 A. Yes.

15 Q. And you've told the jury that Sergeant Polanco
16 scared the living daylights out of you.

17 A. Yes, I did.

18 Q. And he kept telling you that you're going to get
19 the needle.

20 A. Yes.

21 Q. And after that on November 11th he took you back
22 to your apartment to get some clothes?

23 A. Yes, he did.

24 Q. Then they took you to the Holiday Inn down on
25 Town Lake.

1 A. Yes.

2 Q. And they left you there till Monday.

3 A. Yes, sir.

4 Q. And on Monday you came back to the police station
5 and you gave an oral statement that was tape-recorded.

6 A. Yes, I did.

7 Q. Then later that day did you talk to the police
8 some more?

9 A. Yes. Talk to Balagia.

10 Q. And after you talked to Balagia was that when you
11 decided to give your next statement that day?

12 A. Yes.

13 Q. And they were still talking about giving you the
14 needle.

15 A. After that, no. That's when I started coming,
16 coming out with more details, the truth of the matter,
17 getting closer to the truth. Still didn't want to admit
18 to myself, I guess, you know, something like that,
19 somebody has a conscious, you know, you don't want to
20 admit it, you know, unless you're proud of the thing and
21 you're going to come right out and say it. But that's why
22 I gave three statements. And the last one I had time to
23 think about it. I was by myself. I felt bad. That's the
24 only way. Can't ever bring her back, but I can at least
25 try that much.

1 Q. Well, now, the last statement that you gave to
2 the police in fact didn't give till March 7th of 1989.

3 A. Yes.

4 Q. At that time you had been in jail since --

5 A. Since November.

6 Q. During all that time you had been charged with
7 capital murder.

8 A. Yes.

9 Q. You had not one but two attorneys representing
10 you.

11 A. Yes.

12 Q. And with the assistance of your attorneys you
13 worked out a plea bargain with the District Attorney's
14 Office?

15 A. Yes, sir.

16 Q. And part of that plea bargain was that you
17 testify against Richard Danziger.

18 A. Yes, sir.

19 Q. And if you lived up to your part of the plea
20 bargain you wouldn't be facing the needle.

21 A. Yes. I still be facing life. Still facing life
22 in the penitentiary. Tell you the truth, that's not the
23 best deal in the world, but I have to. It's not like plea
24 bargain for 20 years, then that would be understandable,
25 but it's life.

1 Q. Anybody talk to you about being strapped to a
2 gurney and rolled into a brick chamber with a window?

3 A. No, they didn't.

4 Q. Nobody talked to you about having a needle put
5 into your vein?

6 A. The only time that was mentioned was when I first
7 got there, Polanco, after he stopped talking, Balagia
8 started talking to me.

9 Q. Nobody up there in the jail told you that after
10 that massive dose of sodium pentothal starts to hit you
11 start coughing --

12 A. No they didn't.

13 Q. -- before you die?

14 A. No, they didn't.

15 Q. You never thought about that.

16 A. No, I didn't.

17 Q. You don't think a life sentence is such a great
18 deal.

19 A. No, it's not. Not for -- it's not.

20 Q. Not for you.

21 A. Not for anybody. Life.

22 Q. Before you came over here from the jail this
23 morning to testify, --

24 A. Yes.

25 Q. -- did you ever think to yourself "I'm just not

1 going to do this."

2 A. No, I didn't.

3 Q. Because you knew what would happen to you if you
4 didn't, did you?

5 A. No. A lot of times think about it. You know, I
6 did the crime, I have to do the time. It was part of my,
7 I guess, you could call responsibility to do this. It's
8 too late to take responsibility but I got to show some
9 responsibility.

10 Q. And if you hadn't testified today you would have
11 taken the ultimate responsibility.

12 A. I guess so.

13 MR. BETTIS: Pass the witness.

14 REDIRECT EXAMINATION

15 QUESTIONS BY MS. DAWSON-BROWN:

16 Q. Mr. Ochoa, did anyone from the Police Department
17 or the District Attorney's Office try to tell you what to
18 put in these statements?

19 A. No, they didn't.

20 Q. Did anyone in the Police Department tell you the
21 facts of this crime so that you could make these
22 statements?

23 A. No, they did not.

24 Q. What have I asked you to tell this jury today?

25 A. To tell the truth. Be truthful, as I am being

1 right now.

2 MS. DAWSON-BROWN: No further
3 questions.

4 THE COURT: Anything else?

5 RECROSS EXAMINATION

6 QUESTIONS BY MR. BETTIS:

7 Q. When you told this jury that you stood behind
8 [REDACTED] with your right hand on her shoulder, and
9 your left hand on the gun, --

10 A. Yes.

11 Q. -- and you pulled the trigger, --

12 A. Yes.

13 Q. -- that was the truth for sure.

14 A. Everything was the truth. Everything in that
15 last statement.

16 Q. Everything. Everything in the last statement --

17 A. Yes.

18 Q. And your testimony is true and correct.

19 A. Yes, sir.

20 Q. To the best of your knowledge.

21 A. Yes.

22 MR. BETTIS: Thank you.

23 THE COURT: Anything else?

24 MS. DAWSON-BROWN: No, sir.

25 THE COURT: You may step down. Ladies