

1 PLANTIFF: Ms. Miller

2 WITNESS:

3 COURT:

4 DEFENDANT: Ms. Baker

5

6 WARM UP

7 THE COURT: Before the jury comes back in, was  
8 there something either counsel wanted to put on the  
9 record?

10 MS. MILLER: Your Honor, I wanted to address the  
11 motion / by the defense to exclude the defendant's  
12 priors from Garden Grove.

13 THE COURT: The defendant is on the stand, and I  
14 assume Ms. Baker will be bringing / that up in her  
15 questions.

16 MS. BAKER: Yes, your Honor. I plan to get to that  
17 area shortly.

18 MS. MILLER: Will counsel be asking the defendant  
19 the details of / his priors?

20 I just want to know where the lines are drawn so I  
21 don't violate the ruling of the court.

22 THE COURT: Yes. I have already / ruled on the  
23 motion. Now I guess we will just have to wait and see  
24 what is asked on direct.

25 MS. MILLER: Okay.

26 MS. BAKER: I won't be long / on the subject.

1 THE WITNESS: May I have some water before we begin  
2 again?

3 THE COURT: Certainly. We can do that.

4 Let's bring the jury in and resume with / direct  
5 examination.

6 MS. BAKER: Okay.

7 THE COURT: The record may reflect the jury has now  
8 joined us.

9 Sorry to keep you waiting, ladies and gentlemen.

10 Counsel, next question, please. /

11 DIRECT EXAMINATION

12 Q. BY MS. BAKER: Now, at some point while you  
13 are walking through the parking lot did you find  
14 anything?

15 A. Yes, I did.

16 Q. What did you observe?

17 A. I came \*/ across a credit card.

18 Q. Where was the card when you found it?

19 A. It was located in the parking lot. In a  
20 parking space.

21 Q. And what / caught your attention about it?  
22 Why did you notice it?

23 A. Obviously, like any other person, I watch the  
24 ground so I don't step on anything / or twist an ankle.  
25 I saw it faceup on the ground and it stood out from the  
26 black asphalt.

1 Q. What did you do when you / saw the credit  
2 card?

3 A. I stopped. I looked around to see if anybody  
4 was in the immediate area. I bent down and picked it  
5 up. /

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7 \*\*END OF WARM UP\*\*  
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1 EXAM

2 Q. BY MS. BAKER: Why did you pick the card up?

3 A. Out of curiosity.

4 Q. After you picked it up, what did you do with  
5 it?

6 A. I read the name. /

7 Q. Okay. What did you do after you saw the name?

8 A. Once again, I looked around to see if anybody  
9 was in that area, you know, / that may have misplaced  
10 it. Nobody was in the area, so I decided to put it in  
11 my wallet.

12 Q. Why did you decide to keep / it in your wallet  
13 as opposed to throwing it back on the ground?

14 A. In order to return it, or maybe find the  
15 owner.

16 Q. How were / you going to do that?

17 MS. MILLER: Objection. Speculation.

18 THE COURT: Overruled.

19 You may answer.

20 THE WITNESS: I know from previous experience  
21 because my mother has had her card lost. You / can  
22 call a number on the back and you can report it found.  
23 I was thinking maybe I could drop it into a mailbox and  
24 / it will get to the owner.

25 Q. BY MS. BAKER: Why did you care about this  
26 card for a person you didn't know?

1 A. Well, like I said, my mother / has been in the  
2 same situation having lost her card. So I thought, you  
3 know, it would be the right thing to do.

4 Q. Now, at \*/ some point did you have a  
5 conversation with Officer Carter from the Garden Grove  
6 Police Department?

7 A. Yes.

8 Q. And at some point he searched your wallet /  
9 and discovered the credit card?

10 A. Correct.

11 Q. Officer Carter asked you if you had used the  
12 credit card; correct?

13 A. Yes, he did.

14 Q. How did you respond? /

15 A. I answered I hadn't charged anything.

16 Q. Did you use that credit card you had found?

17 A. Absolutely not.

18 Q. Officer Carter asked you if you had stolen /  
19 the card; right?

20 A. Yes, he did.

21 Q. What did you tell him?

22 A. I told him I did not steal it.

23 Q. And at the time that you / had the card, did  
24 you know that it had been stolen?

25 A. No, I most certainly did not.

26

1 Q. Mr. Sanchez, you have a prior conviction from  
2 / 2007; correct?

3 A. Yes, I do.

4 Q. Did you go on trial for that arrest?

5 A. No, I did not.

6 Q. Why not?

7 A. I was guilty of / the crime.

8 MS. MILLER: Objection, your Honor. Motion to  
9 strike the response.

10 THE COURT: Ms. Baker, that's kind of irrelevant,  
11 isn't it?

12 Last answer is stricken. The jury is / admonished  
13 not to consider it.

14 Q. BY MS. BAKER: Mr. Sanchez, when you had the  
15 credit card did you know it was stolen?

16 A. That never even occurred to me. \*/  
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1 START TYPING

2 Q. BY MS. BAKER: Did you rob Matthew Stevenson?

3 A. No.

4 Q. Were you involved with someone else in that  
5 alleged robbery?

6 A. No.

7 MS. BAKER: Nothing further.

8 THE COURT: Cross.

9 CROSS-EXAMINATION

10 Q. BY MS. MILLER: Well, so where were you / at  
11 7:00 o'clock on 10/24 of 2008?

12 A. Excuse me?

13 Q. Where were you on October 24, 2008?

14 A. If my memory serves / me right, I was at the  
15 park playing handball.

16 Q. Where is that park?

17 A. It is in Garden Grove off of Magnolia and  
18 Orangewood.

19 Q. How do / you know that's where you were?

20 A. I play handball there until late at night.  
21 The park doesn't close until late.

22 Q. I assume you play with / other people?

23 A. That is correct.

24 Q. Who were you with that evening?

25 A. I went to the park by myself.  
26

1 Q. Well, who were you playing handball with, /  
2 then?

3 A. There is other people, as you say, that attend  
4 the park and they play handball, so --

5 Q. Did you catch any names?

6 A. There are numerous / names. I don't really  
7 remember. They are not my friends. They are just  
8 people that go to play there.

9 Q. Okay. But, let's face it, right / now you  
10 have a major incentive to remember those people;  
11 correct?

12 MS. BAKER: Objection. Argumentative.

13 THE COURT: Sustained.

14 Q. BY MS. MILLER: Mr. Sanchez, you are on trial  
15 today; correct?

16 A. Absolutely.

17 Q. So if \*/ you were playing handball with those  
18 people, they would be alibi witnesses, wouldn't they?

19 MS. BAKER: Objection, your Honor. Shifting the  
20 burden.

21 THE COURT: I don't recognize that as / grounds for  
22 an objection. Overruled on that particular ground.

23 You may answer the question.

24 THE WITNESS: Could you repeat the question?  
25  
26



1 Q. BY MS. MILLER: Sir, those people you were  
2 playing / handball with, they could say where you were  
3 that night; right?

4 A. Yes, they could.

5 Q. Right. So it would be good for you if you  
6 could / go ahead and recall their names; right?

7 MS. BAKER: Objection. Argumentative.

8 THE COURT: Sustained as to the form of the  
9 question.

10 Q. BY MS. MILLER: It would be helpful to your  
11 defense to / remember their names; correct?

12 MS. BAKER: Same objection.

13 THE COURT: Sustained.

14 Q. BY MS. MILLER: Have you tried to remember any  
15 people?

16 A. I definitely have.

17 Q. And how have you tried?

18 A. I thought back. / I tried to remember, you  
19 know, to remember anybody I could to be my alibi who  
20 might have witnessed me there.

21 Q. Okay.

22 A. Like I said, / I don't know these people by  
23 any name, whether first or last name. I do not hang  
24 out with these people other than at the / handball  
25 court.

26

1 Q. Do you see the same people when you go to the  
2 park?

3 A. Different people show up every day. I don't  
4 make friendships with \*/ these people. I just go there  
5 for the common interest of a handball game.

6 Q. So what attempts have you made to locate these  
7 people?

8 A. None. /

9 Q. You have made no attempt, even knowing how  
10 important it would be to your defense?

11 A. Correct.

12 Q. Now, the defense attorney talked a little bit  
13 about / how you look different today than the afternoon  
14 you were arrested. Would you agree with that?

15 A. From the afternoon I was arrested?

16 Q. Exactly. You have / changed your appearance  
17 since that day; is that correct?

18 A. Yes.

19 Q. In the sense that your hair is longer now;  
20 correct?

21 A. Yes.

22 Q. And you weren't wearing / eyeglasses at that  
23 time?

24 A. No, I wasn't.

25 Q. Okay. You agree that your appearance is  
26 different currently?

1 A. Yes.

2 Q. Now, what city did you reside in at / the time  
3 of this robbery?

4 A. Tustin.

5 Q. And you frequently found yourself in Garden  
6 Grove?

7 A. Occasionally.

8 Q. Why is that?

9 A. I know friends that live in Garden / Grove.  
10 My cousin is located in Garden Grove. I play the  
11 handball games frequently in Garden Grove. I grew up  
12 in Garden Grove.

13 Q. How often / do you travel to Garden Grove?

14 A. Whenever I have free time.

15 Q. How often do you have free time?

16 A. At the time of this I was \*/ unemployed, and I  
17 had a little bit of time on my hands.

18 Q. Would you estimate you were in Garden Grove  
19 every single day?

20 A. No.

21 Q. Every / other day?

22 A. I would say maybe three times a week.

23 Q. Okay. So this area that you see behind you on  
24 the diagram, you are pretty / familiar with this area;  
25 correct?

26 A. I grew up in Garden Grove.

1 Q. This specific area, you know where pretty much  
2 everywhere is on this map; right? /

3 A. Not everywhere, but I am familiar with street  
4 names, yes.

5 Q. You have been around this neighborhood?

6 A. Yes.

7 Q. You said you grew up in Garden Grove; / right?

8 MS. BAKER: Objection. Asked and answered.

9 THE COURT: Sustained.

10 Q. BY MS. MILLER: How far from this area did you  
11 grow up?

12 A. I would say about a mile and a half away. /

13 Q. You testified you have got a lot of friends  
14 from that area; right?

15 A. No.

16 Q. You don't have any friends where you grew up?

17 A. Well, I / have a few acquaintances in that  
18 neighborhood.

19 Q. You have friends in the Garden Grove  
20 community?

21 A. Certainly.

22 Q. Do you have friends that would match the  
23 description / of being about five-foot-ten, Hispanic,  
24 with a shaved head?

25 A. Yes.

26 MS. BAKER: Objection. Relevance.

1 THE COURT: Overruled.

2 Q. BY MS. MILLER: Okay. Are these people you  
3 would hang out with in \*/ Garden Grove?

4 A. No.

5 Q. So you have a friend who matches the  
6 description of the second robber, but you wouldn't  
7 regularly socialize with him in Garden / Grove?

8 A. No.

9 Q. Please explain that.

10 A. Because he doesn't reside in Garden Grove.

11 Q. Okay. I want to go back to October 24 of  
12 2008. / You testified you were playing handball. What  
13 time approximately did you arrive at the handball  
14 courts?

15 A. I was there pretty much since noon.

16 Q. From noon / until when?

17 A. I stay late sometimes. Probably around 9:00,  
18 9:30.

19 Q. You were on the handball courts from noon to  
20 9:30?

21 A. Yes.

22 Q. So you / must have stopped to eat something;  
23 correct?

24 A. There is a liquor store right across the  
25 street, I believe.

26 Q. What did you eat?

1 A. Maybe chips, some / candy, soda.

2 Q. What were you doing at the handball courts?

3 Were you playing all day or what were you doing the  
4 entire time?

5 A. Playing, watching, / resting. Just casually  
6 hanging around. Just observing.

7 Q. Did you meet up with anyone while you were  
8 playing?

9 MS. BAKER: Objection. Asked and answered.

10 THE COURT: Overruled.

11 You may answer. /

12 THE WITNESS: I don't understand your question.

13 Q. BY MS. MILLER: Well, I am saying you were  
14 there for about ten hours. You said you have a lot of  
15 friends in \*/ Garden Grove. Did you happen to see any  
16 of your friends while you were visiting that afternoon?

17 A. No, not really.

18 Q. I assume your friends frequent / that park?

19 A. My friends usually don't play handball.

20 Q. Even though you lived in Tustin and you were  
21 visiting Garden Grove that afternoon, none of your /  
22 friends came to visit?

23 A. No. I didn't necessarily go there for my  
24 friends. I would go there for handball.

25 Q. Are there any handball courts near / your  
26 residence?

1 A. Not that I am aware of.

2 Q. I want to talk about these people that you  
3 were playing handball with. Do you remember what /  
4 they looked like?

5 MS. BAKER: Objection. Asked and answered.  
6 Irrelevant.

7 THE COURT: Overruled.

8 You may answer.

9 THE WITNESS: There were all kinds of people there.  
10 Everybody looked different. There were Asians, /  
11 Hispanics and everybody.

12 Q. BY MS. MILLER: Well, I am looking for more  
13 specifics. You said you were there playing for almost  
14 nine hours. Do you remember anyone specifically? /

15 A. No.

16 Q. You said you don't really know them as  
17 friends, but you must at least know what they look  
18 like.

19 A. There is a lot of / people that show up to  
20 play handball. I don't really look at who they are or  
21 what they look like. I am busy playing handball, \*/  
22 just looking at a ball about that size.

23 Q. So you can't give a good description of a  
24 single person there who you played handball with / that  
25 day?

26 MS. BAKER: Objection. Argumentative.

1 THE COURT: Sustained.

2 Q. BY MS. MILLER: Can you describe one person  
3 who you played handball with that day?

4 MS. BAKER: Objection, your Honor.

5 THE COURT: Overruled.

6 You may answer.

7 THE WITNESS: His / face was all red and sweaty.

8 Q. BY MS. MILLER: Sir, I am asking for a  
9 specific person, not everyone playing the game.

10 A. I told you I wasn't looking / at any  
11 particular person that day, so I just can't answer your  
12 question, ma'am.

13 Q. Sir, you say you can't describe any of the  
14 people you / were playing with and you don't remember  
15 any names or even nicknames?

16 MS. BAKER: Objection. Asked and answered.

17 THE COURT: Sustained.

18 Q. BY MS. MILLER: Now, let's talk about October  
19 31. That was / the afternoon you were arrested;  
20 correct?

21 A. Yes.

22 Q. And you testified you picked this card up in a  
23 parking lot?

24 A. Yes.

25 Q. There are businesses in that / parking area;  
26 correct?



1 A. Yes.

2 Q. What kind of businesses?

3 A. There are just so many. It is a shopping  
4 center.

5 Q. You basically could have turned the card /  
6 over to any of the businesses; right?

7 A. Yes, I could have.

8 Q. Now, I want to go step by step. When you saw  
9 the card, what \*/ did you do when you first observed it  
10 on the pavement?

11 A. I immediately stopped and looked around.

12 Q. What happened after that, Mr. Sanchez?

13 A. I bent / over and picked up the card.

14 Q. What happened next?

15 A. I looked at the name on the card, and I looked  
16 around again.

17 Q. Okay. Why were / you looking around, Mr.  
18 Sanchez?

19 A. Because I am in the middle of a big parking  
20 structure. I don't want to get run over. I believe /  
21 it is safety first.

22 Q. You actually put that card in your wallet;  
23 correct?

24 A. Yes.

25 Q. Basically, does that mean you intended to keep  
26 it for some / length of time?

1 A. Until I found the owner, yes.

2 Q. Did you put it somewhere special so you would  
3 remember it wasn't yours?

4 A. No. I put / it in my wallet for safekeeping.

5 Q. Now, you were approached by an officer  
6 immediately after you picked up that card; correct?

7 A. Yes.

8 Q. Approximately how many / minutes afterwards?

9 A. I would say three minutes.

10 Q. So it just had happened. You picked up that  
11 credit card and the officer was with you just / a  
12 couple minutes later; right?

13 A. Correct.

14 Q. Wouldn't he be a great person to turn that  
15 credit card over to?

16 A. I would think so, yes.

17 Q. Okay. \*/ It had just happened, so I am sure  
18 you remembered you had found the card; right?

19 A. What? Repeat that one more time.

20 Q. I am saying / it wasn't as if you had time to  
21 forget that you had found that credit card; right?

22 A. Oh. Of course not.

23 Q. Because it just happened; / right?

24 MS. BAKER: Objection, your Honor. Asked and  
25 answered.

26

1 THE COURT: Overruled.

2 You may answer.

3 THE WITNESS: Yes.

4 Q. BY MS. MILLER: Why is it you didn't give it  
5 to Officer Carter?

6 A. I don't know. /

7 Q. You wanted to give it to the authorities.  
8 Wouldn't a police officer be that person?

9 A. Yes.

10 Q. Why didn't you?

11 A. He was asking me other stuff. /

12 Q. But, it seems like you could have shown that  
13 to him right away because you had just found it; right?

14 A. The officer asked for my / identification, so  
15 I complied with his request.

16 Q. Well, you made no attempt to tell him about  
17 that credit card, did you?

18 MS. BAKER: Objection. Argumentative. Asked and /  
19 answered.

20 THE COURT: Overruled.

21 You may answer.

22 THE WITNESS: Can you repeat that one more time,  
23 please?

24 Q. BY MS. MILLER: You never attempted to tell  
25 the police officer about that credit card / before he  
26 found it in your wallet, did you?

1 A. As he opened up my wallet to look, then I --

2 Q. Mr. Sanchez, before he looked in \*/ your  
3 wallet, did you tell him about that credit card?

4 A. Yes, I believe so.

5 Q. Before that officer had your wallet in his  
6 possession, did you / say anything to him about finding  
7 that credit card?

8 A. No. He instructed me to just wait and not to  
9 explain.

10 MS. MILLER: Nothing further, your Honor.

11 THE COURT: Redirect. /

12 MS. BAKER: May I just have another moment, please,  
13 your Honor?

14 THE COURT: Yes.

15 REDIRECT EXAMINATION

16 Q. BY MS. BAKER: Mr. Sanchez, are you lying?

17 A. No, I am not.

18 Q. Did you commit a robbery?

19 A. No, / I did not.

20 Q. Did you possess that credit card knowing it  
21 was stolen?

22 A. No, I did not.

23 MS. BAKER: Thank you.

24 THE COURT: Recross.

25 MS. MILLER: Your Honor, could I ask / for just a  
26 short recess?

1 THE COURT: Counsel, let's just proceed and try to  
2 finish up before the recess.

3 MS. MILLER: Very well, your Honor.

4 THE COURT: All right. Let's proceed. /

5 RE-CROSS-EXAMINATION

6 Q. BY MS. MILLER: Sir, would you agree you  
7 perfectly match the description given by the victim?

8 A. Not really. My hairstyle is different.

9 Q. Is that the only thing?

10 A. No. /

11 Q. What else is different from the victim's  
12 description?

13 A. Well, I am wearing glasses.

14 Q. When did you begin wearing eyeglasses?

15 A. I have worn them for a / long time.

16 Q. Do you wear them every day?

17 A. Absolutely.

18 Q. Were you wearing them in October of 2008?

19 A. Yes, I am sure I was. \*/

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