

- 1 MR. REAZELL: Thank you,  
2 Your Honor.
- 3 Q Mr. Shulak, I am going to show you what is already  
4 in evidence as State's Exhibit No. 42. Do you  
5 recognize the person in that photograph?
- 6 A Yes, that is Gilbert Melendez.
- 7 Q Okay, and is that the same man that bought the  
8 truck from you?
- 9 A Yes, sir.
- 10 Q The same one that introduced himself to you as  
11 Gilbert Fajardo?
- 12 A Yes, sir.
- 13 Q Where was that truck during the month of June 1982?
- 14 A It was at my house.
- 15 Q Was it in running order?
- 16 A Yes, sir, I was driving it back and forth to work.
- 17 Q Every day?
- 18 A Every day.
- 19 Q Now, if somebody said that the truck was in their  
20 yard and not in working order from mid June on to  
21 a certain time, would they be mistaken?
- 22 A Yes, sir.
- 23 Q Did you drive the truck up until the time you sold  
24 it to Mr. Melendez?
- 25 A Yes, sir.

1 Q Did you drive it to work that day?

2 A No, sir, I had already bought another vehicle. I

3 was driving the other vehicle, and the truck was

4 sitting.

5 Q When did you buy the other vehicle?

6 A About maybe a week before.

7 Q And is that what prompted you to put the ad in the

8 paper to sell your truck?

9 A Yes, sir.

10 (Whereupon an instrument was

11 (marked for identification as

(State's Exhibit No. 51.

12 Q Mr. Shulak, I will show you what has been marked

13 as State's Exhibit No. 51. Do you recognize what

14 is depicted in that photograph?

15 A Yes, sir, that is the truck that I sold Mr. Melendez.

16 Q And you recognize it as the truck that you drove

17 back and forth to work in every day?

18 A Yes, sir.

19 Q Look at the hood where it is propped up there. Is

20 that what you were talking about?

21 A That is the hinge, yes, sir.

22 Q And you notice the rust spots.

23 A Rust spots and the stickers on the back window are

24 the ones that were on there.

25 Q Pretty distinguishable?

1 A Yes, sir, that is the truck.

2 Q If you saw it again, you think you could recognize  
3 it?

4 A Yes.

5 MR. FEAZELL: Your Honor, we  
6 will offer into evidence State's Exhibit No. 51.

7 MR. REAVES: May we ask some  
8 questions on Voir Dire, Your Honor?

9 THE COURT: Yes, sir.

10 VOIR DIRE EXAMINATION

11 QUESTIONS BY MR. REAVES:

12 Q Mr. Shulak, this picture that has been marked as  
13 State's Exhibit No. 51 that you have identified as  
14 the truck that Mr. Melendez drove or purchased from  
15 you --

16 A Yes, sir.

17 Q -- do you know when this picture was taken?

18 A No, sir.

19 Q Okay, was it taken before you sold it to him?

20 A No.

21 Q This is not a picture that you took or someone you  
22 know took?

23 A No.

24 Q This was probably taken sometime after it was --  
25 after you sold the truck and it went out of your

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possession?

A Yes, sir.

MR. FEAZELL: I will ask a  
couple of things to clear it up.

DIRECT EXAMINATION (RESUMED)

QUESTIONS BY MR. FEAZELL:

Q Is it a fair and accurate representation of the  
truck?

A Yes, sir.

Q Do you have any problem recognizing it?

A No.

MR. REAVES: Your Honor, we  
would have no objections to State's Exhibit No. 51.

THE COURT: All right.

MR. REAVES: As long as it is --  
well, we have no objections to State's Exhibit 51.

THE COURT: Exhibit 51 will be  
admitted.

(State's Exhibit No. 51 was then  
admitted into evidence.)

MR. FEAZELL: Thank you,  
Your Honor.

Q So if somebody said that truck was in their yard  
and not running in mid June, they would be mistaken?

MR. REAVES: Your Honor, he has

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already asked that question. It is repetitious and we object to it.

THE COURT: Sustained. ...

Q Let me ask you. Did you have occasion to see this truck, again, sir, after you sold it to Mr. Melendez/Fajardo?

A Yes, sir, I saw it one other time.

Q When was that?

A About a month after I sold it. It was parked on the -- out on Alexander Street in Waco.

Q And you recognized it as being the truck you had sold him?

A Yes, sir.

Q How is it that you recognized it as being the truck you sold him?

A Well, from the hood and what have you, and if you sell a truck that way and then see it a month later, you know that is your truck.

Q All right, was anybody with you when you saw it, sir?

A My wife was.

Q Now, Alexander, what part of town is Alexander?

A That is in the northern part of Waco near MCC. It is right off of 19th. The truck was parked right off of 19th and Alexander.

1 Q Is that up there kind of near the Armadillo Club?

2 A Yes, sir.

3 Q Do you know where that is?

4 A Yes.

5 Q Did you notice whether it had any flats or anything,  
6 at that time?

7 A No, I didn't.

8 Q All right, that is not Bosqueville Road, is it?

9 A No.

10 MR. FEAZELL: We will pass the  
11 witness, Your Honor.

12 CROSS EXAMINATION

13 QUESTIONS BY MR. REAVES:

14 Q Mr. Shulak, when you saw the truck, again, after  
15 you sold it, though, you say it is approximately  
16 one month later. So that would put it into the  
17 first part of August. Is that right?

18 A Yes, sir.

19 Q Okay. Now, that was a -- you sold that truck pretty  
20 cheap.

21 A Yes, sir.

22 Q Okay, so is it fair to say it wasn't in the best  
23 of condition, and it was an old truck.

24 A That is right.

25 Q You don't know what happened to that truck after

- 1 Mr. Melendez drove it off, do you?
- 2 A No.
- 3 Q You don't know whether he had any problems with it  
4 or whether anything happened to it after that that  
5 made it undrivable?
- 6 A No.
- 7 Q You don't have any personal knowledge about the  
8 condition of that truck after it left your yard  
9 other than seeing it again in August?
- 10 A When I saw it on the 19th, it was sitting on the curb.
- 11 Q You don't even know if it was drivable then?
- 12 A No.
- 13 Q You didn't actually see it running?
- 14 A Well, we had gone back about two weeks later because  
15 I had thought about buying the truck back if he  
16 wanted to sell it, and it was gone.
- 17 Q But you don't know whether it was driven off or  
18 towed off?
- 19 A No.
- 20 Q You couldn't say that of your own personal knowledge?
- 21 A No.
- 22 Q How long had you owned that truck?
- 23 A A year.
- 24 Q When was the first time you were contacted and asked  
25 any questions about selling that truck?

1 A I cannot remember the exact date, but it was the  
2 same day Gilbert was arrested.

3 Q Okay, some time ago?

4 A Yes, sir.

5 MR. REAVES: Your Honor, we  
6 have no further questions at this time.

7 REDIRECT EXAMINATION

8 QUESTIONS BY MR. FEAZELL:

9 Q Mr. Shulak, why were you thinking about wanting to  
10 buy that old truck back?

11 A I just wanted to drive it to work. It was a good  
12 work truck, and my work is dirty, and I wouldn't  
13 have to keep it clean, just an old work truck.

14 Q It was a good old truck?

15 A Yes, sir, I drove it a year.

16 Q When you sold it, was anything wrong with the  
17 carburetor, to your knowledge?

18 A No, sir, it ran good when I sold it.

19 Q Anything wrong with the water pump?

20 A No, sir.

21 Q Fuel pump?

22 A No, sir.

23 Q Starter?

24 A No, sir.

25 MR. FEAZELL: I believe, that

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is all, Judge.

RE CROSS EXAMINATION

QUESTIONS BY MR. REAVES:

Q Mr. Shulak, you took pretty good care of that truck while you owned it?

A Yes, sir.

Q You don't know what kind of care Mr. Melendez took of that truck after you sold it?

A No, sir.

MR. REAVES: No further questions.

MR. FEAZELL: May this witness be excused?

MR. VANCE: No objections.

THE COURT: All right, Mr. Shulak, you are finally excused. You can go back to Waco.

(Witness excused.)

MR. FEAZELL: The State calls Ronda Sulak.

R O N D A S U L A K, called as a witness on behalf of the State, having been duly sworn, testified as follows:

DIRECT EXAMINATION

QUESTIONS BY MR. FEAZELL:

Q How are you doing, Mrs. Sulak?