

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

these two experts.

MR. FEAZELL: Well, Your Honor, we will file our motion to exclude them from being able to mention it.

THE COURT: And I will so consider that.

MR. FEAZELL: They brought up the issue, and now we are being precluded from answering it.

MR. VANCE: Your Honor, I would ask that that be very specific because we are allowed to argue --

THE COURT: We can take that up later. Let us go on with the trial and the jury and so on, and we will have some time to argue about the Charge and any matters of law as relate to the final arguments, but let us don't do that while we have got a jury waiting on it. All right, bring them in.

(Whereupon the jury returned (into the courtroom and the (following proceedings took place:

MR. FEAZELL: Your Honor, State calls Mr. Richard Sulak.

R I C H A R D S U L A K, called as a witness on behalf of the State, having been duly sworn,

23
1 testified as follows:

2 DIRECT EXAMINATION

3 QUESTIONS BY MR. FEAZELL:

4 Q State your name for the jury, please, sir.

5 A Richard Sulak.

6 Q Spell your last name for the Court Reporter.

7 A S-u-l-a-k.

8 Q Mr. Sulak, how -- or tell the jury where you live.

9 A I live in Waco, now.

10 Q All right, and where are you employed?

11 A At Lehigh Portland Cement.

12 Q And is that the cement plant that is on the highway
13 between McGregor and Waco?

14 A Yes, sir.

15 Q Were you living in Waco in July of 1982?

16 A Yes, sir.

17 Q During July of 1982, did you have an occasion to
18 meet a man by the name of Gilbert Melendez?

19 A Yes.

20 Q Tell the jury how it is -- let me ask you this
21 first: During June and sometime prior to July 1982,
22 did you own a white pickup truck?

23 A Yes.

24 Q Did you have occasion to meet a man by the name of
25 Gilbert Melendez?

1 A Yes.

2 Q Tell the jury how you came into contact with

3 Gilbert Melendez.

4 A Well, I had that truck for sale in the Waco paper,

5 and I had come home from work one day, and he was

6 there with some other --

7 Q All right, describe the truck for the jury.

8 A It was a short wheel base Ford, '62-'63 model --

9 I don't quite remember now -- sort of a white color

10 with some rust spots on it.

11 A hinge on the hood was broke, and that side

12 of the hood stayed up. It was just an older truck.

13 Q All right, what did you use the truck for?

14 A Just to drive back and forth to work.

15 Q And you told the jury you had put an ad in the

16 paper?

17 A Yes, sir.

18 Q And Mr. Melendez responded to the ad?

19 A Yes, sir.

20 Q All right, tell the jury what happened.

21 A Well, I had come home from work, and he was there

22 and said he wanted to look at the truck.

23 So we looked at it. I showed him the truck,

24 and what was wrong with it and what it would do,

25 and he said he wanted to drive it.

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

So him and another man had gotten in the truck and drove it for about 15 or 20 minutes around the block and through the neighborhood and came back, and he asked me what I wanted for it.

We negotiated on the price a little bit, and he said he wanted it, and he paid me right there.

Q Paid you cash?

A Cash.

Q How much did he pay you for the truck?

A It was between 300 and 350. I was asking 350, and I think, he -- about 325 is what he paid me.

Q All right. Now, you just testified that Mr. Melendez and another man got in the truck and drove it for about 20 minutes.

So then you are telling the jury that the truck was in running order when you sold it to him?

A Yes, sir, I drove it about a year back and forth to work.

Q Every day?

A Every day.

Q Do you remember what day it was that you sold the truck to Mr. Melendez?

A I sold it to him July 3, 1982.

Q July 3rd.

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

(Whereupon instruments were marked
(for identification as State's
(Exhibits Nos. 48 through 50.

Q Mr. Shulak, I am going to show you what has been
marked as State's Exhibit No. 48 and ask you if you
recognize that document?

A Yes, that is the application for title.

Q And is this your signature right here?

A Yes, sir.

Q And was it notarized?

A Yes, sir.

Q And what is the date that it was notarized?

A July 3, 1982.

Q I am going to show you another document that has
been marked as State's Exhibit No. 49. Do you
recognize that?

A Yes, that is the title to the truck.

Q And do you recognize the signature on the title?

A It is my signature.

Q And on the back of the title where it is the title
assignment when you were selling the vehicle to
somebody else, do you recognize the signature?

A Yes, that is mine.

Q And what is the date that it was notarized?

A July 3, 1982.

Q And who does it say that the truck was sold to?

2 1 A It says Gilbert Fajardo.

2 Q All right, I will show you what has been marked as

3 State's Exhibit No. 50 and ask you if you recognize

4 that document.

5 A Yes, sir.

6 Q And what is it?

7 A It is a receipt from the notary.

8 Q And what was the notary's name?

9 A Margorie L. Ray.

10 Q Did -- do you remember seeing Ms. Ray?

11 A Yes, sir.

12 Q Did you recommend her as the notary to --

13 A She had done some other work for me, yes.

14 MR. FEAZELL: All right, Your Honor,

15 we will offer into evidence State's Exhibits 48, 49

16 and 50.

17 Q Did you notice the date on the notary receipt?

18 A It was July 3rd.

19 MR. REAVES: Your Honor, the

20 Defense has no objections to State's Exhibits 48,

21 49 and 50.

22 THE COURT: All right, 48, 49,

23 50 will be admitted.

24 (State's Exhibits Nos. 48 through

25 (50 were then admitted into

(evidence.