Consecutive: Direct Examination of a Witness

***Good morning Mr. Lopez, please sit down.***

Good morning. Thank you.

***Sir, going back to June 15 of 2001, did you happen to go to The Gator Pub that night?***

Yes, miss, a few of us went to that pub.

***Do you recallwho you went to the pub with and where it is located?***

Yes, of course. I went there with my wife and my sister. I know how to get there but I don’t know the exact address.

***About what time did you go to The Gator Pub?***

It was around eight thirty or nine P.M.

***And was there a specific reason you happened to go to The Gator Pub that night?***

Yes, miss. I have a band with my friend David, who’s like a brother to me. We play music together and always hang out together. That’s why we went to the pub…to listen to music and get a bite to eat.

***This fellow David, had you worked for him or are you friends with him? What was your relationship?***

I’ve known David since we were kids. We’ve worked together and I’ve played in his band since I was very young. We’re always out together either hunting, fishing, working or partying.

***I see, and what kind of work do you do Mr. Lopez?***

Well, I work in construction. I’m a bricklayer but I also do some carpentry and tile installation work, basically all kinds of construction work.

***I see. So you get to The Gator Pub, and did there come a time that you decided to go outside the pub or leave the pub?***

Well, I just went to check up on the girls to make sure they were okay, and to see where they were. I have the habit of watching out for girls because I have several sisters.

***Tell us at what time you went and checked on the women, if you remember.***

Well, I think it was around ten thirty, something like that, during the first break that the band took. I think they started playing at nine but I’m not really sure about the exact time because I don’t wear a watch.

***So what happened after you went outside?***

One of the girls came over to me crying and said there was a guy outside with a gun and that he had mugged them.

***Let me stop you for a second here. These women you’ve been talking about, are you referring to your sister and your wife or someone else?***

Well, I went out to check on my sister but the one who came over crying was an acquaintance of mine, her name is Lupe.

***Are you referring to Guadalupe Mendoza, the victim in this case?***

Well, yeah, her name is Guadalupe but everybody calls her Lupe and I have known her since she was little. Her brother sometimes works with us when we have big construction jobs.

***Okay, so let me bring you back to the story, you were telling the jury that Guadalupe, Lupe as you call her, came to you crying and said something about a robbery?***

Yes, she ran up to where I was and said that some guy had robbed her and her friend Rosaura at gunpoint. That he had threatened them, called them sluts, and stolen their purses and their watches.

***Go ahead, what happened next?***

I hollered at the other guys to come help me and see if we could catch the thief. At that moment I saw someone running toward the road and I began to chase him.

***So after you called for the others to help you, did you start chasing the suspect?***

That’s right. I saw a guy running with a lady’s purse in his hand, and I realized he was the prick and followed him, but I lost sight of him because it was dark.

***So when you were chasing this person, did there come a point in time when you actually lost sight of this person?***

Yes I did, for a few seconds because it was very dark, but David caught up to me and told me he had seen him duck behind some bushes.

***Now, before this person dove into the bushes, you said you were running… What kind of surface were you running on? Do you remember?***

We were running on a paved road.

***So it was actually a paved road, not a dirt road or anything like that.***

Yes, miss. There’s a paved parking lot right outside the Gator, but on the other side it’s dirt road. I ran from where there’s no pavement to where it’s paved.

***And at the point that the person you were chasing ran into the bushes, were you running after this person by yourself?***

Well, David and I were closer to him but we heard other people hollering at us from the parking lot.

***Now you mentioned some other people, when did they come in the picture?***

Well, there were people there. I could hear them hollering at us, yelling from the bar for us to come back because he had a gun and it was too dangerous. David and I keep on running. Eventually other people followed us.

***So how long would you say, how much time had gone by between when you lost sight of the person that went into the bushes and when the person popped up out of the bushes again?***

Less than a minute.

***And what happened after the person popped out of the bushes?***

I saw him point a gun at us and I heard a click. I realized that his gun had gotten jammed. I told this to David and we started running again to catch up with him.

***Let’s talk about that a little bit. You start chasing the man, then he hid in the bushes and then he points the gun at you?***

Exactly, first I chased him, then he hid in the bushes, then he popped up again and the two of us, David and I, started to chase him. Then he stopped, turned around and pointed his gun at us.

***Do you know if David had seen the gun at this point?***

Well, I don’t know, but when I heard it get jammed, I told David it was on and we kept on chasing him toward the main road.

***Can you estimate the distance between you and this person with the gun when it was pointed at you?***

I would say about eight to ten yards, at most.

***Do you believe that he was attempting to fire the gun at you?***

I have no doubt that he was shooting, trying to take me out, since I was the one who was closest to him.

***This would be a good time to ask you about your background with firearms. Are you familiar with firearms?***

I’ve had guns since I was about four or five years old. My dad loved to go hunting and he always had guns in the house.

***What kind of firearms are you familiar with?***

I am pretty familiar with almost all kinds: shotguns, rifles, pistols. I’m telling you, I’ve owned about a hundred of them and I don’t even know how many I have currently. In my family everyone loves going hunting or target shooting.

***So can we say that hunting is your main hobby?***

Yes, miss, I’m a big fan of hunting.

***And you mentioned you heard a click. Was it one click? And did you hear it with your own ears?***

Yes, miss, a click. I heard it clearly since there’s not a lot of traffic out there and hardly any noise at night.

***Okay so after the click what happened?***

Well, we tried to catch up with him because we knew his gun had jammed. If we had given him the chance to get it clear and cocked again, we wouldn’t be here to tell about it.

***Okay. Well who actually caught up with this person?***

David caught up with him first and grabbed him by the legs, then I got there and threw myself on top of him to hold him down.

***Thank you, no further questions.***