

Case Number: 20033009406

Thomas Clipper  3363 03/15/03
Officer Emp.# Date:

Supervisor Emp.# Date:

NARRATIVE:

On 3/11/03, at approximately 7:00pm I was at the Brownsville Police Department working on a shooting death that occurred earlier during the day on the 3100 block of Southmost Rd. This is when I heard via-radio officers requesting detectives because of a possible murder. Officer Cervantes advised that a young child was dead inside a home and there was a possibility of other children dead.

Patrol officers were transporting two possible suspects to the police department. The primary officer, Cervantes, arrived at the police station and briefed detectives on what he viewed at 8th and Tyler.

Officer Cervantes advised that he was waved down by a male and female, later identified as Jose Luis Rubio, and Maria Alvarez. Officer Cervantes stated that the female said "THE BABIES ARE DEAD" and the male subject responded by saying, "THEY HAVE NO HEADS". The officer advised that he was directed to some apartments by the Boys Club. The officer drove the male and female in his patrol unit as they directed him to 8TH and E. Tyler. The male and female pointed out an apartment that had no visible number on the door. Cervantes stated that he made contact with a male and female later identified as John Rubio and Angela Camacho. The officer stated that he viewed a child lying on a bed and the child had no head.

The two witnesses, Jose Luis and Maria were transported to the station. Det. Briones secured the statement of Jose Luis, the brother of John Rubio. Det. Vallejo secured the statement from Maria Alvarez.

I sat in the interview with Jose Luis. Jose Luis stated that he arrived at his brother's apartment and when he entered, his brother hugged him. Jose Luis mentioned that his brother seemed more quiet than usual. Jose Luis asked about the children, but he got no response from his brother or Angela. Jose Luis stated that a table was blocking the way to the kitchen and the restroom area. The door to the bedroom was closed. I asked if it was unusual for the bedroom door to be closed. Jose Luis stated yes. I asked where was the table that was blocking the hall way usually located, and Jose Luis stated the table is usually against the wall. Jose Luis stated that he opened the bedroom door and saw a trash bag on top of the bed and part of a baby was exposed. Jose Luis stated that he took the bag off and he stated that the baby had no head. Jose Luis stated that he picked up the baby and again stated that the baby had no head and he felt that the body was real. He placed the baby back down and went up to his brother John Rubio and asked what happened. Jose Luis stated that his brother had replied, "Wait, let me explain". Jose Luis stated that John turned to Angela, and told her to explain what had occurred last night. Angela replied by stating that there were three witches moving around in the apartment. Jose Luis stated that Maria wanted to know what was going on, so he walked her to the bedroom and she viewed the child with no head and started to cry. Maria stated that she was going to call the police. Jose Luis stated that they were going to Maria's apartment to call the police. While in route to Maria's apartment they saw a patrol unit and waved down the officer. They then told him what occurred and directed him to John's apartment. Jose Luis was asked if John had any mental problems and Jose Luis stated no. Jose Luis said that his brother sniffed paint.

Det. Vallejo was securing a statement from Maria Elena Alvarez. I briefly sat in on the interview. Maria advised the same that Jose Luis stated to Det. Briones. Maria provided additional information in her statement where she said; John was not the biological father of at least two of the children. She also said that John has had several other roommates, which had previously lived in the

apartment. In addition to that, Maria stated that John might have killed the children because they were desperate since they didn't have any money to pay the rent.

Officer Renteria and Officer Cadriel transported a male and female later identified as John Rubio and Maria Angela Camacho. I made contact with John Rubio, and I advised him why I needed to read him his Miranda rights. John Rubio read his rights and stated he understood them. I then read his rights out loud and he initialed by the numbers indicating that he understood the rights that were read to him. John Rubio read the waiver of rights section on the form and stated that he understood. Officer Cadriel (5060) was present during the reading of the Miranda Warning. John Rubio signed the Miranda Warnings and stated that he would cooperate. John Rubio placed both his hands in front of him and said that he had told the officer at the apartment "I KILLED THE KIDS", "WHAT ELSE DO YOU NEED?"

I stepped out of the office and left Mr. Rubio with Officer Cadriel. I contacted Sgt. Manrique and he advised that Department of Public Safety Crime Lab was contacted and would be working with Brownsville Police Crime Scene Detectives. At this point I was advised that I was going to be the lead investigator for this case.

I advised Det. S.Lucio to interview Mr. Rubio and Det. C.Ortiz to interview Ms. Camacho. I handed Det. S.Lucio the Miranda form that Mr. Rubio had signed earlier.

Det. S.Lucio and Det. Vela entered the office. I introduced the detectives to John Rubio. I briefly sat in on the beginning of the questioning. I noticed that John Rubio was alert and responsive to the questions that were being asked by Det. S.Lucio, but when the questions were about the HOMICIDE itself, John Rubio pretended that he was sleepy. When Det. S.Lucio got off the subject of the HOMICIDE, John Rubio was responsive and alert again. Det. S.Lucio and I stepped out of the office to review the case. Det. Vela stayed with Mr. Rubio.

I then went to the office where Angela Camacho (Common law wife of John Rubio) was being questioned by Det. C.Ortiz and Det. Garcia. Contact was made with Det. Ortiz and he stated that Ms. Camacho was giving a confession to the crime but stated that witchcraft made them kill their children.

Det. S.Lucio and I then went back into the office with Mr. Rubio. Det. S.Lucio asked Mr. Rubio if he had initialed a form that his Miranda rights were on. Mr. Rubio stated yes. Det. S.Lucio if he had read the section on the form that stated he waived his rights for an attorney. Mr. Rubio stated yes. This is when Det. S.Lucio started to interview Mr. Rubio.

Assistant District Attorney Karen Bentancourt was contacted and advised of the situation. She stated that she would be in route to the Police Department.

Child Protective Services (CPS) was advised of the situation involving the children. They advised that they would be sending agents to the Police Department.

Det. M. Lucio and Det. J.Hernandez (Crime Scene Detectives) were instructed to gather all the clothing that both suspects were wearing and to take photos of their bodies.

Assistant District Attorney Karen Bentancourt arrived at the Police Department and assisted in writing the arrest warrants for Rubio and Camacho, and the search warrant for 805 E. Tyler St. Apt. #11. At this time Texas Ranger Rolando Castaneda arrived at the Brownsville Police Department and assisted in securing the warrants. Judge Neece arrived at the Police Department and signed the arrest warrants on Rubio and Camacho.

Child Protective Services Agents Miriam Ybarra, Mary Perez and Letty Garcia arrived at the Police Department. They advised that Rubio and Camacho were under their supervision until December of 2002. They were giving Parenting Classes through Agencies called Family Outreach and Avance. The complaint at that time was only for medical neglect. They advised that Mr. Rubio was drug tested and each time the tests results were negative. I was advised that Esmeralda Castillo was the primary caseworker on Mr. Rubio and Ms. Camacho and she would be providing me with all the paper work from that case at a later date.

Det S.Lucio and I went to the residence of Judge Leal to get the search warrant signed for apartment #11. Four (4) copies of the warrants were provided to Judge Leal for her to sign. One copy was left with the Judge, and I took the other three. The signing took place at approximately 11:30pm (03/11/2003). We then went to the crime scene and provided a copy of the search warrant to crime scene Det. J.Hernandez to place inside apartment #11 when they made entry. Entry to the apartment

was made at approximately 11:45pm. Crime Scene investigators entered the apartment and took preliminary photos of the crime scene. They exited the apartment and briefed us on what they saw. Polaroid pictures were provided for us to view. Lt. Etheridge advised that Det. S.Lucio and me were to go into the crime scene with crime scene investigator with J. Hernandez to get a view of what the crime scene looked like and compare it to what the suspects were telling us. Upon entering the apartment there was a bed to the left side. On the floor by the bedside was an empty gallon bottle of water, which seemed to have blood on the handle. In this first room the floor was still wet. In the second room there was no visible blood. The third room was a long hallway. There was a table blocking the center of the hallway. On the table was a knife that was covered with blood and it also had hair. There was a door that made entry from the hallway to a bedroom. Before entering the bedroom there were two plastic bags on the floor, and in one of the bags was a round object. (Later it was found to be the head of baby John Rubio). Upon entering into the bedroom there was a bed to the right side. On the bed was the decapitated body of a male baby. There was a box of trash bags beside the baby with approximately three loose diapers around the baby. There was apparent stab wounds to the back of the baby's body. There was a large bloodstain on the blue carpet in this room. Det. S.Lucio went to the kitchen and shower area down the hall way and viewed blood on the kitchen floor and on the bathroom floor. He also noticed that the rear door had been recently nailed shut. Det. S.Lucio via-portable radio contacted Det. C.Ortiz and asked him to ask Ms. Camacho when the rear door was nailed shut. Det. C.Ortiz advised that Ms. Camacho stated that John did it today. She advised Det. C.Ortiz that John didn't want anyone or any bad spirits to come through the door. We later learned that he nailed the door shut before he killed any of the babies.

Mr. Rubio and Ms. Camacho were booked into City Jail by Det. Vela and Det. Garcia. The charge was for three counts of Capital Murder.

On 03/12/2003, Det. S.Lucio and I reviewed supplements from officers and statements from witnesses. We then went to City Jail and contacted Ms. Camacho. We advised that we had additional questions to ask her. Det. S.Lucio read Ms. Camacho her rights, and she agreed to answer questions. We escorted Ms. Camacho to CID Bay. I provided her with a Miranda waiver of rights form and read her rights to her. She advised she understood her rights, and signed the waiver of rights form. Det. L.De Leon and I witnessed the reading and signing of the rights form. A second confession was secured from the suspect. She advised Det. S.Lucio and myself that she wanted to give the real reason her children were killed. She provided us with information that she had left out of the first confession. Number one- She stated that John did not have a job since December of 2002, they didn't have money to pay the rent, and they also didn't have money to buy food for the kids. She also stated that a roommate had recently had moved out and he would pay half of the rent. The rent was due on the 11 of March 2003 (day of the homicide) and they had no money to pay the rent. She also stated that the food stamps were going to be stopped due to the fact that Julissa's social security number did not match up with the information of the birth certificate, and she could not locate a copy of the birth certificate. The benefits were going to stop on the 31 of March 2003. With the cancellation of the benefits the Medicaid would be canceled also. Ms. Camacho stated that this placed a lot of pressure on John. John stated that the kids were suffering a lot and this was the reason that they had killed the children. Ms. Camacho's statement was read back to her where she initialed every paragraph after being read to her. Then she signed the confession. The signing of the confession and the reading of her rights took place in the presence of Det. L.DeLeon and Det. S.Lucio. At approximately 9:40am, Javier Gonzalez, employee of the Mexican Consulate, (542-8073) was made aware that Ms. Camacho was in our custody. He asked her D.O.B. and what the charges were. I provided this information for Mr. Gonzalez. Lt. Etheridge advised me to contact Mr. Gonzalez if it was confirmed that Ms. Camacho was born in Mexico. In the statement given by Ms. Camacho she stated that she was born in Matamoros, Mexico. Ms. Camacho was advised that a Mr. Gonzalez called from the Mexican Consulate and he was aware that she was in our custody. Ms. Camacho stated that she did not want to talk to the Mexican Consulate.

Contact was then made with Mr. Rubio at City Jail. Det. S.Lucio and I escorted Mr. Rubio to CID Bay. He was read his rights by Det. S.Lucio. He signed the waiver of rights form and stated he would answer our questions. When detectives provided Mr. Rubio with the information that Ms.

Camacho stated in her confession, Mr. Rubio advised that he would tell us what we wanted to hear. Det. S. Lucio advised that we wanted to hear the truth. Mr. Rubio again pretended to be sleepy when asked about the murders but on any other questions not involving the murders he was alert and responsive. Mr. Rubio was taken back to City Jail.

Adult Probation in Brownsville, Texas was contacted and I spoke to Cesar Manjarrez. He advised that Lorena Mendoza was Rubio's caseworker. Mr. Manjarrez stated that Rubio was on probation for possession of marijuana. I asked when did the probation start and end. I was told it started on 6/25/02 and it would have ended on 03/25/03. I was made aware that Mr. Rubio had a warrant for his arrest, which was activated 01/17/2003. The reason for the warrant was because Mr. Rubio tested positive for cocaine, and marijuana. Mr. Manjarrez stated that Mr. Rubio was made aware of the warrant. I asked the date that Mr. Rubio was contacted about the warrant, and he responded 02/18/03. I asked if Mr. Rubio had any mental complications and he stated no, that Mr. Rubio was not on the mentally ill caseload.

On this same date child protective service provided me with a copy the most recent case that they had against Mr. Rubio and Ms. Camacho. This was placed in the case file.

On 3/13/03 Det. S. Lucio, Det. M. Lucio, and I went to Valley Baptist Medical Center to view the autopsy of Julissa Quesada. Julissa is the three-year-old daughter of Ms. Camacho. Upon viewing the body I of Julissa I saw approximately twenty-five apparent stab wounds to the chest area. There were six stab wounds to the left side of Julissa's face. Petechiae was apparent around the eyes and neck area of Julissa. Dr. Dewitt pointed out that there were no defense wounds on Julissa's arms or hands, but there was an apparent blunt trauma to her mouth. The doctor advised it was possibly caused by force being applied to Julissa's mouth. Dr. Dewitt advised that Baby John Rubio (one yr. old) had six stab wounds to the back of the neck. Mary Jane Rubio (two months old) had seven stab wounds to the back. Det. S. Lucio asked if there was any parent neglect as for lack of food (under weight) and Dr. Dewitt advised no. No evidence of old injuries were on the babies.

Texas Ranger Rolando Castaneda helped prepare search warrants for the gathering of blood, saliva, and hair evidence from Camacho, and Rubio. Judge Leal signed the search warrants at 12:10pm.

Det. S. Lucio and I stopped at the crime scene (8th and E. Tyler) and with the consent of Det. J. Hernandez (crime scene investigator) secured photos of the children (victims).

Det. S. Lucio and I wanted to re interview Mr. Rubio, for the reason being we had just returned from the autopsy of Julissa, and found that there was more violence committed to the children than what was mentioned in their statements. Mr. Rubio was then brought up to CID where I read him his rights. Mr. Rubio advised that he understood his rights. He signed the waiver of rights form and stated he would answer our questions. We asked him about his background in reference to the schools he attended and jobs he secured in the past. We then started asking questions about the homicide and Mr. Rubio stayed alert during the questioning. When I got to the area of how he killed the children he started to demonstrate how he held the children down and cut them. We gave Mr. Rubio a demonstration doll that the sexual assault units use in their cases. Mr. Rubio held the doll by the head area and demonstrated how he cut the neck of Mary Jane (two months old) off. At this time Det. S. Lucio and I stepped out of the room and discussed how we could not put in writing what he was describing. Det. S. Lucio at this time asked Mr. Rubio if he would give a statement on video. Mr. Rubio said why not. Det. S. Lucio then went and advised Sgt. Mannrique of the situation. It took approximately one hour to set up the video equipment. During that hour Mr. Rubio was fed. Once Mr. Rubio was finished eating he gave a confession on video. Mr. Rubio was read his rights on video and advised he understood his rights. Refer to video for details. **NOTE: MR. RUBIO NEVER SHOWED ANY EMOTION OR REMORSE DURING THE CONFESSION.**

After Mr. Rubio finished his video confession he was escorted back to City Jail. Ms. Camacho was contacted by Det. S. Lucio and asked if she wanted to give a video confession and she agreed. She was escorted to CID and Ms. Camacho's rights were read to her on video. She advised that she understood her rights and she gave a video confession. Refer to video for details. **NOTE: MS. CAMACHO NEVER SHOWED ANY EMOTION OR REMORSE DURING THE CONFESSION.**

On 3/14/03 Det. S.Lucio and I along with two patrol officers transported Camacho and Rubio to Cameron County Jail. At the County Jail N.P. Lynn Petree did the procedure to gather evidence specified in the search warrant. A copy of the search warrant was presented to John Allen Rubio. Ms. Petree started the procedure at approximately 10:35am. Present during the procedure was nurse LVN Sylvia Rivas, Mario Vera and Rafael Perales. All evidence was secured in a sexual assault kit and sealed by Ms. Petree. The evidence was taken into my custody. Det. Cecilia Gonzalez was present when Ms. Camacho was served with the search warrant and the procedure done to her.

At the Brownsville Police Department both boxes of evidence were handed to Det. P.Vela and he transported the evidence to DPS crime lab in McAllen, Texas.

Information from the second confession of Ms. Camacho and from the video confession of both suspects stated that hamsters were killed before the killing of the babies. The hamsters were killed by John Rubio. In the videotape confession of John Rubio, he stated he disposed of the hamsters by flushing them down the toilet. Lt. Etheridge and Sgt. Mannrique were made aware of this information. Approval was given for the Crime scene investigators to check the toilet and the drain of apt. #11 (805 E. Tyler). After the Crime scene investigators checked the toilet and drain, there were no hamsters located.

This case is still active and pending further investigation.

COPY

Case Number: 20033009406J.HERNANDEZ JR. 2722 28th MARCH 2003

Officer

Emp. #

Date:

Supervisor

Emp. #

Date:

NARRATIVE:

TUESDAY, 11th OF MARCH 2003...ON SAID DATE AT ABOUT 7:15pm THE CRIME SCENE UNIT COMPOSED OF DET. M. LUCIO AND THIS DETECTIVE PROCEEDED TO RESPOND TO AN APARTMENT COMPLEX LOCATED AT THE INTERSECTION OF E. 8TH ST. AND E. TYLER ST IN REGARDS TO A REPORT OF A DECAPITATED INFANT.

UPON ARRIVAL (7:16pm) IT WAS LEARNED THAT A COUPLE HAD BEEN DETAINED AND THAT IN DEED A DECAPITATED INFANT HAD BEEN DISCOVERED IN THE BEDROOM OF APARTMENT NUMBER 11. FURTHERMORE, THE DECAPITATED BODIES OF TWO MORE CHILDREN HAD BEEN FOUND WITHIN A TRASH BAG IN THE APARTMENT'S BEDROOM.

THE DISCOVERY HAD BEEN MADE AS A RESULT OF PATROL OFFICER E. CERVANTES BEING WAIVED DOWN BY A COUPLE OF CITIZENS, WHO ADVISED HIM OF THE DECEASED BODIES. PATROL OFFICER CERVANTES HAD SUBSEQUENTLY PROCEEDED OVER TO SAID APARTMENT AND MADE CONTACT WITH A COUPLE IN THE APARTMENT. UPON THE DISCOVERY OF THE DECEASED INFANT, DISPATCH WAS ADVISED AND C.I.D. PERSONNEL PROCEEDED TO RESPOND.

THE FIRST C.I.D. PERSONNEL AT THE SCENE WERE REPORTED TO HAVE BEEN DET. SGT. MANRRIQUE, DET. J. BRIONES, AND DET. C. ORTIZ. THE COUPLE IN THE APARTMENT, LATER LEARNED TO BE A MR. JOHN RUBIO (D.O.B. 08/12/80) AND MRS. MARIA ANGELA CAMACHO (D.O.B. 11/11/79) HAD BEEN TRANSPORTED TO THE POLICE STATION. THE CRIME SCENE HAD BEEN SECURED. AT THE SCENE, DET. SGT. MANRRIQUE HAD INITIATED A REQUEST FOR ASSISTANCE FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY CRIME LAB. (McALLEN, TEXAS). FURTHERMORE, CAMERON COUNTY ASSISTANT DISTRICT ATTORNEY K. FISHER-BENTANCOURT WAS NOTIFIED OF THE SITUATION AND A REQUEST FOR A SEARCH WARRANT WAS MADE.

LT. DET. H. ETHERIDGE PROCEEDED TO INSTRUCT DET. LUCIO AND MYSELF TO RETURN TO THE POLICE STATION IN ORDER TO PHOTOGRAPH, COLLECT NAIL SCRAPINGS, AND SEIZED THE DETAINED COUPLE'S CLOTHING. UPON OUR RETURN TO THE POLICE STATION, CONTACT WAS MADE WITH THE MALE SUSPECT. PHOTOS WERE TAKEN OF HIM. A MINOR SUPERFICIAL CUT MARK(S) WERE OBSERVED ON THE LEFT WRIST OF THIS SUSPECT, ALONG WITH A MINOR, HEALING, CUT TO THE RIGHT PALM. THIS DETECTIVE PROCEEDED TO CLIP THE HAND NAILS OF THE SUSPECT AND HIS CLOTHING WAS COLLECTED. WE THEN PROCEEDED TO MAKE CONTACT WITH THE FEMALE SUSPECT. SHE TOO WAS OBSERVED TO HAVE A MINOR SUPERFICIAL CUT MARK(S) TO HER RIGHT WRIST. HAND NAIL CLIPPINGS OF THE FEMALE SUSPECT WERE COLLECTED BY THIS DETECTIVE. FEMALE OFFICER S. MARES PROCEEDED TO ASSIST US BY TAKEN ADDITIONAL PHOTOGRAPHS OF THE FEMALE SUSPECT, AND BY COLLECTING THE FEMALE SUSPECT'S CLOTHING.

THE SEIZED SUSPECTS' CLOTHING AND NAIL CLIPPINGS WERE SECURED AND PLACED IN THE OFFICE OF THE CRIME SCENE UNIT.

WE THEN PROCEEDED TO RETURN TO THE CRIME SCENE (9:40pm). UPON OUR RETURNED IT WAS OBSERVED THAT A GROUP OF PEOPLE AND MEMBERS OF THE NEWS MEDIA HAD BEGUN TO GATHER AS NEWS OF THE CRIME HAD BEGAN TO SPREAD.

THE APARTMENT (#11) WHERE THE CRIME SCENE IS CONTAINED IS PART OF AN OLD TWO STORY BUILDING LOCATED AT 805 E. TYLER ST. THE APARTMENT (#11) IS LOCATED ON THE FIRST FLOOR AND ITS FRONT DOOR FACES E. 8TH ST.. THE APARTMENT IS OBSERVED TO HAVE A BACK DOOR, WHICH IS CLOSED. WHILE WAITING FOR THE ARRIVAL OF THE D.P.S. CRIME LAB PERSONNEL AND FOR THE APPROVAL OF THE SEARCH WARRANT, THIS DETECTIVE ALONG WITH DET. LUCIO PROCEEDED TO THE NEARBY TRASH DUMPSTER. THIS IS DONE IN PART BECAUSE OF CITIZEN REPORT OF SEEING THE MALE SUSPECT THROW "SOMETHING" IN EARLIER TODAY. THE CONTENTS OF THE TRASH DUMPSTER ARE SEARCHED, BUT NO ITEMS OF EVIDENCE ARE FOUND.

PERSONNEL FROM THE D.P.S. CRIME LAB ARRIVED (11:15PM). THEY ARE ADVISED OF THE SITUATION BY DET. LT. ETHERIDGE. THE RESPONDING D.P.S. CRIME LAB. PERSONNEL ARE JOE MERCHAN, ORLANDO OCHOA, MELISSA VALADEZ, AND JOE ZUNIGA. AS WE CONTINUE TO AWAIT THE APPROVAL OF THE SEARCH WARRANT, THE OUTER PERIMETER OF THE BUILDING IS CHECKED. A PAIR OF SHORTS IS FOUND IN THE TRASH CAN IN FRONT OF 815 E. TYLER ST. ALONG WITH A PAIR OF PANTS NEXT TO SAID TRASH CAN. THESE ITEMS OF CLOTHING ARE SECURED BY D.P.S. PERSONNEL.

AT ABOUT 11:37pm WORD IS RECEIVED THAT THE SEARCH WARRANT HAD BEEN SIGNED BY JUDGE J. LEAL.

AT THIS TIME, IT IS DECIDED THAT THIS DETECTIVE ALONG WITH D.P.S. OCOHA WILL ENTER THE CRIME SEARCH TO SURVEY IT, IN ORDER TO INFORM THE OTHERS OF THE APARTMENT'S LAYOUT. WE ENTER THE CRIME SCENE AT 11:50pm. THIS DETECTIVE PROCEEDS TO TAKE A COUPLE OF POLAROID PHOTOS AS PART OF THE SURVEY EFFORT. WE EXIT THE CRIME SCENE AT 12:04am.

JUSTICE OF THE PEACE T. TORRES THEN PROCEEDS TO ENTER THE CRIME SCENE (12:34am), ALONG WITH CASE AGENT, DET. T. CLIPPER. THE JUDGE CONDUCTS HIS INQUEST AND EXITS THE CRIME SCENE AT 12:36am. JUDGE TORRES PRONOUNCES THE DECEASED CHILDREN AS DEAD (TIME 9:30pm) FURTHERMORE, HE ORDERS AUTOPSIES FOR THE THREE BODIES AND ASSIGNS DELTA FUNERAL HOME.

AT 12:55am THIS DETECTIVE ALONG WITH DET. M. LUCIO ENTER THE CRIME SCENE IN ORDER TO TAKE THE INITIAL PHOTOGRAPHS AND VIDEO TAPE OF THE CRIME SCENE.

THE APARTMENT IT IS OBSERVED TO CONSIST OF A LONG NARROW HALLWAY WITH A BEDROOM, A KITCHEN AND A BATHROOM ON ITS RIGHT SIDE. THERE IS A STRONG SMELL OF DAMPNES MIXED IN WITH THE ODOR OF A HAMSTER'S CAGE. AS YOU ENTER FROM THE FRONT DOOR, THE FIRST ROOM OF THE APARTMENT IS FURNISHED WITH A SMALL BED. A SMALL T.V. SET ON A PLASTIC CHAIR WHICH IS BY THE FOOT OF THE BED ALONG WITH A V.C.R. AND VIDEO GAME SYSTEM WHICH ARE ON THE FLOOR. A COUPLE OF DRINKING WATER PLASTIC JUGS ARE ON THE SIDE OF THE BED. ONE OF THE JUGS HAS APPARENT BLOOD STAINS ON IT. OPPOSITE TO

THE WATER JUGS ON THE FLOOR ARE A BOTTLE OF BLEACH AND A BOTTLE OF PINE SOL. A BOTTLE WATER FROM THE HAMSTER'S CAGE IS ALSO ON THE FLOOR. SEVERAL PIECES OF CLOTHING ARE BEHIND THE OPENED FRONT DOOR. THE WALLS OF THE ROOM ARE DIRTY.

AS YOU CONTINUED TO INTO THE SECOND ROOM IT IS ALSO FURNISHED WITH A BED, WHICH IS CLUTTER UP WITH CLOTHING. IN FACT THERE ARE A COUPLE OF BOXES OF CLOTHING ON THE FLOOR BY THE RIGHT SIDE WALL TOO. AN EMPTY HAMSTER'S CAGE IS ON THE FLOOR OF THIS ROOM, NEXT TO A FULL SIZE SHOPPING CART, WHICH ALSO CONTAINS CLOTHING.

THE THIRD ROOM IN THIS NARROW HALLWAY HAS A REFRIGERATOR AND A TABLE. THE TABLE IS AT AN ANGLE PARTIALLY BLOCKING THE HALLWAY. THERE ARE SEVERAL ITEMS ON THE TABLE, AMONG THEM A LARGE KITCHEN KNIFE WITH APPARENT BLOOD STAINS AND A STAND OF HAIR. THERE IS ALSO GREEN SCRUB AND A ROLL OF DUCT TAPE. AN APPARENT BLOOD DROP IS ALSO OBSERVED ON THE TABLE'S COVER. A SMALL ICE CHEST FULL OF NAILS IS ALSO ON THE TABLE. THE REFRIGERATOR IS OPENED AND OBSERVED TO BE BASICALLY EMPTY. ON THE FLOOR JUST BEFORE THE TABLE LAID TWO LARGE BLACK PLASTIC BAGS. ONE OF THE BAGS IS EMPTY. THE OTHER IS OBSERVED TO CONTAIN A BLOODY, SMALL, WHITE PLASTIC, GROCERY STORE TYPE BAG. A SMALL ROUND OBJECT BELIEVE TO AN INFANT'S HEAD IS WITHIN THIS BAG. THE TRASH BAGS AND THE TABLE ARE BY THE BEDROOM'S DOORWAY.

AS YOU WALK INTO THE BEDROOM, THE FOOT OF THE BED PARTIALLY BLOCKS THE DOORWAY ENTRANCE. THE BED MATTRESS HAS NO SHEETS. THE NUDE DECAPITATED BODY OF AN INFANT MALE IS AT THE FOOT OF THE BED. THE DECAPITATED BODY IS CLEAN WITH THE EXCEPTION OF ITS BUTTOCKS AREA AND THE HEELS OF THE FEET WHICH ARE DIRTY WITH EXCREMENT. IT IS ALSO OBSERVED THAT THE LEFT NIPPLE AREA OF THE BODY HAS MULTIPLE STAB WOUNDS. NEXT TO THE BODY IS AN OPENED BOX OF "HEFTY" TRASH BAGS. ALSO ON THE BED IS AN OPENED PACKAGE OF BABY DIAPERS. A COUPLE OF BABY DIAPERS ARE BY THE BODY'S SHOULDERS. ON THE FLOOR BY THE FOOT OF THE BED ARE SEVERAL ITEMS OF CLOTHING. THE BEDROOM HAS A GREENISH COLOR CARPET WHICH IS BLOOD STAINED (FOOT OF THE BED). A LARGE SIZED ARMOIRE IS LOCATED BY THE BACK WALL OF THE BEDROOM. THERE ARE SEVERAL FAMILY PHOTOGRAPHS ON THE WALLS OF THE BEDROOM.

NOTE: THE BED MATTRESS HAS A COUPLE OF SMALL APPARENT BLOOD STAINS, BUT THERE IS NO BLOOD SPATTER. THE BEDROOM WALLS ARE DIRTY AND THERE ARE NO SIGNS OF ANY ATTEMPT TO CLEAN THEM. NO BLOOD SPATTER IS PRESENT ON THE BEDROOM WALLS.

NEXT TO THE BED IS A WHITE CRIB. BETWEEN THE WHITE CRIB AND THE RIGHT SIDE BEDROOM WALL ON THE FLOOR IS A LARGE BLACK PLASTIC TRASH BAG. THIS BAG IS FOUND TO CONTAIN THE DECAPITATED BODIES OF TWO FEMALES. ONE IS THAT OF AN INFANT FEMALE, THE OTHER IS THAT OF A THREE YEAR OLD FEMALE.

AS YOU STEP OUT OF THE BEDROOM AND BACK INTO ROOM THREE, AND YOU MAKE YOUR WAY PASS THE TABLE A CONTINUOUS PILE OF CLOTHING LINES THE LEFT SIDE WALL. THE SMALL KITCHEN'S DOORWAY IS JUST DOWN THE HALLWAY. FROM THE KITCHEN'S DOORWAY THE FOLLOWING IS OBSERVED. ON THE FLOOR NEXT TO A DRYING POOL OF BLOOD IS A BLOOD SOAKED TOWEL AND BABY DIAPER. A BROKEN KNIFE HANDLE IS ALSO ON THE BLOOD STAINED FLOOR. A WHITE, PLASTIC, FIVE GALLON BUCKET, CONTAINING AN EXTREMELY FOUL SMELLING RED LIQUID IS ON

THE KITCHEN FLOOR. NEXT TO THIS BUCKET IS A KNIFE SHARPENING TOOL. SEVERAL WHITE GROCERY STORE TYPE PLASTIC BAGS ARE SEEN UNDER THE KITCHEN SINK AREA. A BOTTLE OF BABY SHAMPOO IS ON THE CLUTTER UP KITCHEN SINK COUNTER TOP, ALONG WITH A CAN OF HAIR SPRAY.

AS WE CONTINUED TOWARDS THE REAR DOOR IT IS OBSERVED TO HAVE BEEN NAILED SHUT FROM THE INTERIOR SIDE. A COUPLE OF NAILS ARE ON THE FLOOR.

THE BATHROOM IS LOCATED JUST BEFORE THE REAR DOOR. ON THE BATHROOM SINK A WET PAIR OF BLACK FEMALE PANTS AND A PURPLE BLOUSE ARE OBSERVED. A HAMMER IS ON THE CLOSE LID OF THE TOILET SEAT. THE WALLS ARE DIRTY AND STAINED WITH UNKNOWN DROPLETS. A BROOM IS ALSO OBSERVED BY THE BATHROOM'S DOOR WAY.

THE PRELIMINARY PHOTOGRAPHS AND VIDEO TAPING OF THE CRIME SCENE END AT 1:31AM. DET. LUCIO AND MYSELF EXIT THE CRIME SCENE.

AT 1:36am D.P.S. PERSONNEL OCHOA AND VALADEZ ALONG WITH THIS DETECTIVE PROCEEDED TO ENTER THE CRIME SCENE. THIS IS DONE IN ORDER FOR D.P.S. TO SEARCH THE CRIME SCENE FOR BLOOD EVIDENCE, AND IN ORDER FOR THEM TO TAKE PHOTOGRAPHS OF THE CRIME SCENE. WE WILL ALSO MARKED THE ITEMS OF EVIDENCE. WE ARE TO BE FOLLOWED IN BY D.P.S. MERCHAN AND ZUNIGA, WHO WILL ALSO SEARCH EACH ROOM, ONCE WE HAD MOVED ON TO THE NEXT ONE.

IN ROOM ONE D.P.S OCHOA PROCEEDS TO CHECK THE APPARENT BLOOD STAINED WATER JUG. A FIELD TEST FOR BLOOD IS POSITIVE AND THE STAINED WATER JUG IS MARKED AS ITEM #1. THE CLOTHING IN THIS ROOM IS ALSO CHECKED. A PILLOW CASE IS FIELD TESTED AND THE RESULTS ARE POSITIVE. THIS PILLOW CASE IS MARKED AS ITEM #2. A PAIR OF JEANS IS ALSO TESTED AND IS LEFT TO BE CHECKED BY D.P.S. MERCHAN. THE STRAINS ON THE WALLS OF THIS ROOM ARE FIELD TESTED AND THE RESULTS ARE NEGATIVE FOR BLOOD.

ROOM TWO IS CHECKED WITHOUT ANY FINDINGS BY D.P.S..

ROOM THREE IS NEXT. THE LARGE BLACK PLASTIC TRASH BAGS ON THE FLOOR ARE MARKED AS ITEMS #3. & #3A. THE ITEMS ON THE TABLE IN THIS ROOM ARE MARKED AS FOLLOW: #4. THE LARGE BLOOD STAINED KITCHEN KNIFE, #4A. IS THE SCRUB PAD, #4B. THE ROLL OF DUCT TAPE, #4C. IS THE APPARENT BLOOD DROP ON THE TABLE'S COVER. THE STAINS ON THE WALLS OF THE ROOM ALSO TESTED NEGATIVE FOR BLOOD.

WE THEN PROCEED INTO THE BEDROOM. THE DECAPITATED NUDE BODY OF THE INFANT MALE ON THE BED IS MARKED AS ITEM #5. THE OPENED BOX OF TRASH BAGS NEXT TO SAID BODY IS MARKED AS ITEM #6. ON THE FLOOR BY THE FOOT OF THE BED A PAIR OF MEN'S KHAKI PANTS WHICH ARE BLOOD STAINED ARE MARKED AS ITEM #7. A LITTLE RED DRESS NEXT TO SAID PANTS IS MARKED AS ITEM #8. THE LARGE BLACK PLASTIC TRASH BAG ON THE FLOOR BETWEEN THE CRIB AND THE WALL IS MARKED AS ITEM #9. THIS BAG CONTAINS THE DECAPITATED BODIES AND THE SEVERED HEADS OF THE TWO FEMALE VICTIMS.

AT THIS TIME THE VICTIM'S BODIES ARE REMOVED FROM THE CRIME SCENE (3:31am AND 3:38am) AND TURNED OVER TO PERSONNEL FROM DELTA FUNERAL HOME. THE BODIES ARE TRANSPORTED TO THE MORGUE OF THE VALLEY BAPTIST

MEDICAL CENTER IN HARLINGEN, TEXAS. DET. M. LUCIO ESCORTS THE FUNERAL HOME PERSONNEL AND OBSERVES THE DELIVERY OF THE BODIES TO THE MORGUE.

AS WE STEP OUT OF THE BEDROOM AND ONTO ROOM THREE, A CHECK OF A TRASH BAG UNDER THE TABLE REVEALS A BLOOD STAINED MEAT CLEVER. THE MEAT CLEVER BECOMES ITEM #10.

WE THEN PROCEED OVER TO THE KITCHEN'S DOORWAY. D.P.S. OCHOA ENTER THE SMALL SIZE KITCHEN WHICH IS FURNISHED WITH A STOVE AND A CHINA CABINET. A BROKEN BLADE OF A KITCHEN KNIFE ON THE FLOOR IS MARKED AS ITEM #11. A STEAK KNIFE ON THE BLOOD STAINED FLOOR IS MARKED AS ITEM #12. THE BROKEN HANDLE OF A KITCHEN KNIFE ON THE FLOOR IS MARKED AS ITEM #13. D.P.S. OCHOA POINTS OUT A SMALL AMOUNT OF BLOOD SPATTER ON THE SIDE OF THE CHINA CABINET (DOORWAY SIDE). A SAMPLE OF THE BLOOD SPATTER IS COLLECTED BY D.P.S. OCHOA AND ITS TURNED OVER THIS DETECTIVE AS ITEM #14. THE KNIFE SHARPENING TOOL ON THE KITCHEN FLOOR IS MARKED AS ITEM #15. THE WHITE BUCKET WITH THE FOUL SMELLING RED LIQUID IS MARKED AS ITEM NUMBER 16.

WE THEN PROCEED OVER TO THE BATHROOM. THE WET LADIES' CLOTHING IN THE SINK ARE MARKED AS ITEM #17. D.P.S. OCHOA PROCEEDS TO CUT A PIECE OF THE SHOWER CURTAIN AS IT TOO HAS FIELD TESTED POSITIVE FOR BLOOD. THIS BECOMES ITEM #18. THE STAINS ON THE WALL OF THE BATHROOM TEST NEGATIVE FOR BLOOD.

AT THE CONCLUSION OF THIS SEARCH, D.P.S. MERCHAN SUGGEST TO LATER REMOVE THE DRAINAGE TRAPS OF THE KITCHEN AND BATHROOM SINKS, AND TO COLLECT THEIR LIQUID CONTENTS. FURTHERMORE, THE PAIR OF PANTS AND SHORTS WHICH HAD BEEN SECURED FROM THE TRASH CAN IN FRONT OF 805 E. TYLER ST. WERE TURNED OVER TO THIS DETECTIVE. THE MARKED ITEMS OF EVIDENCE FROM THE CRIME SCENE ARE COLLECTED, AND SEIZED.

THE INITIAL CRIME SCENE SEARCH ENDS AT 5:30am.

THE APARTMENT IS CLOSED AND A POLICE NOTICED IS PLACED ON THE FRONT DOOR ADVISING OF THE ONGOING POLICE INVESTIGATION. THE SEIZED ITEMS OF EVIDENCE ARE TAKEN TO THE POLICE STATION WHERE THEY ARE SECURED IN THE OFFICE OF THE CRIME SCENE UNIT AND C.I.D. LAB (AIR DRY).

Case Number: 20033009406

J.HERNANDEZ JR. 2722 28th MARCH 2003

Officer Emp. # Date:

Supervisor Emp. # Date:

NARRATIVE:

WEDNESDAY, 12th OF MARCH 2003...ON THE AFTERNOON OF SAID DATE THIS DETECTIVE ALONG WITH DET. M. LUCIO PROCEEDED TO ATTEND AND WITNESS THE AUTOPSIES PREFORMED ON THE BODIES OF MURDERED VICTIMS ID. AS JOHN E. RUBIO, AND MARY J. RUBIO. THE AUTOPSY ON THE THIRD MURDERED VICTIM ID., JULISSA A. QUESADA, WOULD TAKE PLACE TOMORROW.

THE AUTOPSY (#OA. 03-60) ON THE BODY OF INFANT MALE, JOHN E. RUBIO BEGAN AT ABOUT 12:45pm. IT WAS CONDUCTED BY DR. M. DEWITT WITH THE ASSISTANCE OF MR. A. ARGULLIN.

THE NUDE DECAPITATED BODY WAS REMOVED FROM THE BODY BAG WHICH HAD BEEN USED BY THE FUNERAL HOME TO TRANSPORT THE BODY TO THE MORGUE. THE SEVERED HEAD WAS THEN REMOVED FROM BAGS COLLECTED FROM THE CRIME SCENE. THE BAGS WERE SECURED AND LATER TURNED OVER TO SAID DETECTIVES. THE BAGS WILL BE FORWARDED TO D.P.S. CRIME LAB FOR POSSIBLE LATENT PRINT PROCESSING.

THE BODY WAS OBSERVED TO HAVE MULTIPLE STAB WOUNDS TO ITS LEFT CHEST AREA, DR. DEWITT ADVISED THAT SAID WOUNDS WERE POST MORTEM. A CONTUSION WAS WAS PRESENT ON THE UPPER BACK SIDE OF THE RIGHT ARM. STAB WOUNDS WERE ALSO PRESENT ON THE UPPER BACK AREA. THE CUT SKIN OF THE NECK HAD JAGGED EDGES AS IF CAUSED BY A "SAWING MOTION". ONCE THE INTERNAL ORGANS WERE REMOVED AND EXAMINED. SEVERAL INTERNAL ORGANS HAD BEEN DAMAGED INCLUDING THE LEFT LUNG, THE AORTA, AND THE ESOPHAGUS. RIBS ON THE LEFT SIDE HAD ALSO BEEN BROKEN (POST MORTEM).

THE SEVERED HEAD REMOVED FROM THE PLASTIC BAGS REVEALED TO HAVE SEVERAL STAB WOUNDS UNDER THE CHIN AREA, TO THE SIDE AND TO THE BACK OF THE HEAD. THERE WERE BRUISE MARKS TO THE JAW AND ABRASION MARKS TO THE UPPER LIP, NOSE, AND TO THE INTERIOR SIDE OF THE LIPS. THIS WAS BELIEVE TO HAVE BEEN CAUSED BY SOMEONE PLACING THEIR HANDS ON THE INFANT'S FACE.

DR. DEWITT FURTHER POINT OUT THAT THE MULTIPLE STAB WOUNDS TO THE BODY AND HEAD WERE A COMBINATION OF ANTI, PERI, AND POST MORTEM INJURIES.

X-RAY TAKEN OF THE BODY AND HEAD FAILED TO REVEAL ANY FOREIGN OBJECTS OR ANY OLD OR HEALING LONG BONE FRACTURES. TOXICOLOGY ANALYSIS IS PENDING.

DR. DEWITT TERMED THE CAUSE OF DEATH AS "HOMICIDAL VIOLENCE, INCLUDING DECAPITATION, MULTIPLE STAB/INCISED WOUNDS OF THE LEFT CHEST, NECK, HEAD, AND FACE WITH PROBABLE ASPHYXIA.

THE AUTOPSY- ENDED AT ABOUT 3:10pm.

ON THE SAME DATE AT 3:25pm THE AUTOPSY ON THE BODY OF MARY JANE RUBIO BEGINS. THE AUTOPSY (#O.A. 03-61) IS CONDUCTED BY DR. M. DEWITT WITH THE ASSISTANCE OF MR. A. ARGULLIN.

THE LARGE BLACK PLASTIC TRASH BAG CONTAINING THE FEMALE VICTIMS' BODIES AND SEVERED HEADS IS REMOVED FROM THE BODY BAG USED BY THE FUNERAL HOME TO TRANSPORT IT TO THE MORGUE. THE BODY AND HEAD OF THE INFANT FEMALE, MARY JANE RUBIO IS PLACED ON THE AUTOPSY TABLE. THE BODY OF JULISSA A. QUESADA IS RETURNED TO THE MORGUE'S COOLER. THE PLASTIC TRASH BAG WHICH CONTAINED THE BODIES AND HEADS IS SECURED AS AN ITEM OF EVIDENCE.

THE FEMALE INFANT'S BODY IS CLAD IN A BLOOD SOAKED / SOILED DIAPER. THERE ARE MULTIPLE STAB WOUNDS TO THE RIGHT BACK, THE NECK, AND UPPER RIGHT CHEST. FURTHERMORE, ABRASION MARKS ARE PRESENT ON THE NECK. THE INTERNAL ORGANS ARE REMOVED AND EXAMINED. DR. DEWITT POINTS INJURIES TO THE PERICARDIAL SAC, SUPERIOR VENA CAVA, THE RIGHT LUNG AND RIBS.

THE SEVERED HEAD IS EXAMINED. PETECHIAE IS PRESENT ON THE FACIAL AREA. CONTUSIONS ARE PRESENT BELOW THE RIGHT EAR AND UNDER THE CHIN. THERE ARE SEVERAL SUPERFICIAL STAB WOUNDS UNDER THE CHIN.

X-RAY ARE TAKEN. NO FOREIGN OBJECTS ARE DETECTED AND NO OLD OR HEALING LONG BONE FRACTURES ARE NOTED. TOXICOLOGY RESULTS ARE PENDING.

DR. DEWITT TERMS THE CAUSE OF DEATH AS "HOMICIDAL VIOLENCE INCLUDING DECAPITATION, MULTIPLE STAB WOUNDS OF THE RIGHT BACK, AND PROBABLE ASPHYXIA.

THE AUTOPSY ENDS AT 4:30pm.

DET. M. LUCIO AND MYSELF RETURNED TO BROWNSVILLE AND END OUR FIRST WORK DAY ON THIS CASE AT 7:00pm.