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## CATHERINE BREITEN

called as a witness on behalf of the Defendant, and having been first sworn, testified as follows, to-wit:

# DIRECT EXAMINATION

# (OUT OF THE PRESENCE OF THE JURY)

BY MR. HUNT:

- Q All right, Ms. Breiten, would you state your name for the record, please?
- A Catherine Breiten.
- Okay. Catherine, it is my understanding that you are the stepmother of Ronnie Breiten, is that correct?
- A Yes, sir.

THE REPORTER: Can you speak up a little?

MR. HUNT: Yes.

### BY MR. HUNT:

- Ms. Breiten, we have not met before. I am Russell Hunt.

  And my understanding is, that you have made statements
  to several people about some events that occurred on

  July the 14th of 1982, in reference to your son, is that
  correct?
- A Yes.
- Q Okay. I'm going to ask you, if you would, to please recount to the Court what happened, starting at about 6:00 o'clock in the morning on July the 14th of 1982.

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Would you do that for the Court, please? Okay. you first made contact with Ronnie on that morning.

- Ronnie came to the house around -- shortly after 6:30. And he had his clothes for me to wash. He put them in the washer. At the time, I was washing clothes, white clothes. And he put his dirty clothes in the washer with my clothes. And they had some blood spots and dirt. And he told me, at that time, that he had been fishing.
- Hold up for us just a second, because I want the record to be complete. Ronnie's clothes had blood on them, and had mud on them, is that correct?
- I just said that.
- Yes, ma'am.
- And I wish you wouldn't interrupt me. A I'll tell it the way it happened.
- If you would, please.
- I intend to. He put the clothes in the washer. And he started to tell me -- he had been drinking. said he went fishing. And I was very upset with him, because he put his clothes in with my white ones. took his clothes out and put them in a plastic basket, and I washed my clothes. And, then, I put his clothes back in the washer. And he left. I was very upset with him, because he hadn't picked his children up the night

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And, then, he left and he said he was going to work.

Ms. Breiten, can you tell me if Ronnie said anything about where his knife was?

Α Not at that time

Did he tell you sometime later about losing his knife? 0

Yes, he did.

Can you tell the Court what Ronnie said about losing his Q knife?

He just asked could he borrow his dad's knife, that he had lost his.

Okay. Did he say where he had been fishing?

No.

Okay. But did he say when --

THE REPORTER: When he had what?

Did he say when he had lost his knife?

He just said he lost his knife.

And when did he say that? When was that conversation?

I'm not really sure about when he said that.

Sometime after he had dumped his clothes in with your clothes?

A Yeah.

Was it within a day or so after that? Q

I think it was later on that day, in the evening.

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Yes. Joyce is the young lady that cashed the paycheck for the girls that were murdered at Lake Waco on July 13, 1982,

Now, Ronnie is the husband of Joyce, is that

is that correct?

So I'm told.

Okay.

correct?

MR. FEAZELL: Judge, I have got to object to He is telling this witness something, and she's saying, "So I heard." I'm going to object to that kind of leading, and ask that he ask questions.

> THE COURT: Sustained.

BY MR. HUNT:

Did you have any conversation with Joyce Breiten about the girls who were murdered at Lake Waco in July of 1982?

Yes.

Did that conversation have anything to do with -- well, Q tell the Court what that conversation had to do with?

> MR. FEAZELL: That's hearsay.

THE COURT: You're talking about the conversation that you had with --

MR. FEAZELL: Joyce Breiten.

THE COURT: Sustained.

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BY	MR.	HUNT:

- Can you describe for the Court where you observed the Q blood on Ronnie's clothes, after you retrieved them from the washing machine, when you first realized that there was blood on the clothes?
- Well, I saw the clothes as they were going in the washer. Α
- Did he also have tennis shoes?
- Yeah. He had tennis shoes. Α
- And were they covered with mud?
- Mud. Dirty.
  - All right. I'll ask you this -- and I don't know if Q you're familiar with this or not -- are you familiar with Ronnie's record from California?
  - Only what the kids tell us, our other children.
  - All right. So, that would be hearsay, is that what you're saying?
  - Yes, sir. Because I don't have it firsthand.
  - Okay. Where is Ronnie right now?
  - Where is he?
  - Yes, ma'am.
  - I just understood that he is here in Waco. Α
  - Has he been bench warranted back from TDC? Okav.
- I don't know about all of that. I just understood just shortly that he is here.

. ..

Q	Do 3	you	know	if 1	Ronni	e has	been	convicted	of	а	crime	and
	șent	t to	TDC	here	e in	Texas	?					

- A You mean, has he gone to prison?
- Q Yes, ma'am.

THE COURT: All right. Sustained.

MR. HUNT: All right.

I think that's all of the questions that I have got, Your Honor.

THE COURT: Does the State have any questions of the witness?

MR. BUTLER: Yes, Judge, we do.

But before we start, I would question the presence of Mr. Breiten here in Chambers. We would request that he be allowed to go outside before we start our questioning.

THE COURT: Do you mind stepping outside for a few minutes, Mr. Breiten?

MR. BREITEN: No, Judge.

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# BY MR. BUTLER:

0	All right, Ms. Breiten, my name is Ned Butler. I am an
	Assistant District Attorney, I represent the State of
	Texas, along with Mr. Feazell. Now, you have told this
	Judge that on the 14th day of July, 1982, sometime after
	6:30 A.M., that your stepson, Ronnie Breiten, came to
	your house with a load of clothes for you to wash, is
	that correct?

CROSS EXAMINATION

(OUT OF THE PRESENCE OF THE JURY)

- (Nodding head.)
- Was he living with you, at the time? 13
- No. 14
  - Why was he bringing clothes to your house to wash? you know?
  - Because he doesn't have a washing machine.
  - All right. Was this something that he did all of the time?
  - Yes.
  - All right. And how soon after 6:00 o'clock, or after 6:30, was it that he came over there, do you know?
  - A No.
  - But it was sometime after 6:30?
  - I know it was after 6:30, because my husband goes to work Α

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at 6:30.

- Q Okay. It was sometime after your husband left for work?
- A Shortly.
  - Q And by "shortly," give us your best guess.
- A Oh, it couldn't have been very long. Five or ten minutes.
  - O Okay. So, it was 6:35, or 6:40, or something in that neighborhood?
- 10 A Yeah.
- 11 Q Possibly 6:45?
- A Could have been.
  - All right. And, then, when he came in, did he say anything at all? Or did he just drop his clothes in the washer?
  - A He just opened the washer up and put the clothes in it -- started putting them in.
  - O Put these dirty, muddy, bloody clothes that you have told us about, right in on top of your white clothes, is that right?
  - A Yeah. And that's not unusual for him.
  - O Okay. And he didn't say anything to you at all, about, would you wash them, or would you please wash them, or can I wash these?
  - A No.

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1		Bleiten - Cross
2	Q	He just opened it up and dumped them in?
3	A	Yes.
4	Q	Did he know that you had clothes already in there? Did
5		he even look? Did he know you were washing clothes?
6	A	I don't know. He had been drinking. I mean, he always
7		assumed everything. He never asked about things, he
8		just did them.
9	0	I see. And I believe you told the Judge earlier that you
10		took them out. You were upset about it, is that right?
11	Α	Yeah.
12	Q	Did you say anything to him about it?
13	A	Yes. I was really mad at him. And I started asking him
14		why he didn't pick the kids up? It was my birthday.
15	Q	The 14th was your birthday?
16	A	The 13th was, that night.
17	Q	Okay.
18	A	And I asked him why he didn't pick the children up? And
19	Q	I had to stay home, because he didn't pick the kids up.
20	A	So, you stayed home that night? Yes.
21	Q	All night?
22	A	All night.
23	**	interior

You didn't go out at all?

Not at all.

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Q	And	you	didn	't	go	over	to	his	house	earlier	that	night?
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- A Not at all, and I was mad at him. And, so, he told me he was sorry. He said that he got to drinking and went fishing.
- So, what did you have to do? Did you have to keep his kids on the night of your birthday?
- A Keep his kids until Joyce got off from work. She came to our house after work. And my husband took her home after the news.
- Q Okay. So, are you talking about the 10:00 o'clock news?
- A Yeah.
- O So, as I understand what you're telling me, because he didn't pick the kids up, you had to stay home with his kids?
- A The babysitter he had -- they had -- brought the children to us, because they wanted to go somewhere. He didn't pick them up.
- O What time was that, if you recall?
- A Well, my husband got off at 5:30, or I imagine, around 6:00, or 6:30.
- O And you had no occasion at all to go to his house?
- A No.
- Q And, then, you stayed right there at your house all that evening?

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All night, until the next morning.

Okay. So, you were mad at him for that, as well as his dumping his dirty clothes in on your whites, is that correct?

Α Yes.

And, so, you started jumping on him about that and about 0 putting the dirty clothes in on your clothes. What else did you talk to him about?

Well, I was mad at him, because we've always had to help Ronnie. He doesn't work a lot, and he just gets in trouble. So, we had been giving him a lot of money. he was supposed to be staying straight and not running around, and taking care of the kids. So, I was just mad at him, because he wasn't doing that. And he didn't say anything back to me, he knows that he can't do that. was just mad at him, because he was fouling up again. That's all.

How long did ya'll talk about that?

Oh, I don't know. I talked about it, and he didn't say anything. I just probably yelled at him for about five minutes, maybe.

0 Okay.

Went through the whole bit of, you're doing it again. just one of the kids that I'm mad at.

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Q	Okay. Now, during this time at this time, had yo	ου
	already pulled his clothes off of yours? Or were yo	ou
	talking to him while you were doing that?	

- I don't remember. Α
- At any rate, you told the Court awhile ago, you went ahead and washed your load?
  - I washed mine, and then I put his back in with Yeah. Α some more colored things.
  - You took his out and put them in a plastic --
- Basket.
- -- basket? 12
  - A dishpan deal.
  - Okay. Describe for the Court how much blood was on those clothes.
  - I don't know how to say how much. I just knew I saw the blood and the dirt. I know -- I raised nine kids, I know blood when I see it.
  - It wasn't completely covered with blood, though?
  - No. No.
  - Was it a little bit on the pants leg? Was it on the shirt? Tell me about that blood.
  - Well, it was a T-shirt, and I saw it on that. A there was blood on the T-shirt.
  - Was it a lot of blood, or just a little bit of blood? Q

- A Well, it was enough to get my attention.
- Q Well, tell the Court how much it was.
- A Splatters, spots.
- Q How many?

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- A Just across the top, I guess. I mean, I didn't hold them up, you know. I could see it, as he was putting them in there. Some up here on the top. Right down the front.

  And the jeans -- the bluejeans had some spots on the legs, you know, like this, splatters.
- O Big splatters or little splatters?
- A Well, it was -- I guess, splatters, maybe about that -- well, you can't record how big I'm saying. But, maybe, there was a spot, I think, on one leg like that. And, then, splatters. Just splattered over it. It wasn't soaked.
- Okay. You're indicating with your fingers, something about two inches in diameter, is that correct?
- A Yeah.
- O Okay. Were there any spots that big on the T-shirt?
- A I don't recall on the T-shirt. I just remember blood splatters on the shirt, and mud. Muddy, a lot, blood, dirty, that you wouldn't put in with white clothes, is the only reason I would even remember it.
- O Was it an amount of blood that really caused you to be

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worried about what might have happened to him? I thought he had just been out doing what he always 3 did, fighting, and going fishing, and drinking, just what he said he did. 5 It wasn't anything unusual? **6** He always fights. He loves fighting and drinking. He gets in two or three fights a week. He's always getting into trouble like that. It wasn't unusual. He's just that type person, he likes to party and fight. All right. At the time he put his clothes in on top of yours, am I correct in assuming that you had not yet started washing yours, you had just loaded it? I guess it had just started. Α Did his get wet when they went down there? Yeah. They got wet. I had to take them out. Okay. So, it was just starting? Just started. Uh-huh. Then, you told the Court, after yours got through washing, then you took his and put --I dumped them all back in there with some more of our Α clothes that was colored clothes. And, then, you told the Judge, that after you did that, 0

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He said he was going to work. I was mad at him, so he Α

then he left and went to work?

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2		said, well he gets away from me when he's in trouble
3		like this. They all do. All of the kids, they will
4		leave until I cool off, and then they will come back.
5		He said he was going to work.
6	0	Okay. So, how long was he there? Did he leave before
7		you put his clothes in the washer, or after?
8	A	I don't know. I think he left before.
9	Q	You think he left before?
10	A	Yes.
11	0	Do you have any idea what time it was when he left?
12	A	No. I just know he had to be at work at 7:00.
13	0	All right. Let me ask you this, ma'am, would your memory
14		have been better back closer to when it happened?
15	A	I don't think so.
16	Q	You don't think so?
17	A	No.
18	Q	Have you ever told anybody any different about what time
19		he left to go to work and about what time he was over at
20		your house?
21	A	I don't think I've ever told anybody that he left at a
22		certain time.
23	Q	Do you remember talking to Lieutenant Horton of the Waco

I remember he came to the house. I don't think I gave a

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Police Department?

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2		certain time. I might have, but I don't think so.
3	O	Do you remember talking to Sergeant Dennis Baier of the
4		Waco Police Department?
5	A	Yeah.
*6	Ó	Do you remember talking to Horton in September of 1982?
7	A	I don't know what month it was. But they have been
8		coming out there a lot.
9	Ó	Do you remember talking to Baiers in January or February
10		of 1983?
11	A	Like I said, I don't remember when, but they have come
12		out.
13	0	All right. Do you recall, on either occasion, telling
14		them that he was at your house somewhere between 8:00 and
15		9:00 o'clock?
16	A	No.
17	Q	You don't remember that?
18 -	A	No. He went to work. I never said he was there until
19		8:00 or 9:00 o'clock. He left earlier.
20	Q	How old are you, ma'am?
21	Α	Forty three. What does that have to do with anything?
22	0	How old is Ronnie Lee Breiten?
23	Α	I don't know. I really don't know. Twenty-seven or
24		28.
25	Q	How long have you been Ronnie Breiten's stepmother?

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	Breiten - Cross
A	About 18 years.
0	Have you ever had any relationship with him that was
	anything other than stepmother-stepson?
A	A resent the hell out of that. I most certainly have
	not.
Q	All right. Have you had any reason, in the last year
	and a half or two years, to become angry and upset with
	Ronnie Lee Breiten?
A	All of the time.
Q	Angry and upset enough to tell a story like you have told
	to this court?
A	What I have told to the Court is not a story. And any-
	body in this world would be upset with Ronnie. His
	father, anybody in the whole family, because he is such
	a foul-up.
0	All right. Would you tell me who it was with the Waco
	Police Department that you first notified regarding this
	matter?
A	I never notified anybody.
Q	No, you didn't?
A	No. I didn't. They came to the house.
2	Where do you think they found out about it?

They told me that somebody called. They had called through the secret witness program.

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Q If you never notified anybody, how did the secret witness know about it?

A I have no idea.

You never told this story to anyone, at any time, before the police came out there?

MR. HUNT: Your Honor, that's not what the witness said. She did not say she never told anyone. She said she did not tell it to a police officer.

MR. BUTLER: May it please the Court, this is cross examination. The record will stand for itself.

And as I recall, she said, I never notified anybody.

THE COURT: Is that correct?

## BY MR. BUTLER:

- A I never called anybody up and told them -- are you talking about --
- Q Did you ever tell anybody at all about what happened?
- A I talked to an attorney once, if you're talking about anybody. But that's not anybody's -- anybody. Attorneys don't go around telling what you tell them, do they?

  You do? I wouldn't doubt it.
- Q Let me ask you this, was the attorney that you told about that, one Mr. Derrel Luce?
- A Yes. Well, bad error, I suppose. He's probably a friend of yours.

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Is the answer yes or no?

I'm not going to answer yes or no.

MR. BUTLER: May it please the Court, we request that the witness be directed to answer the question.

MR. HUNT: Your Honor --

I think this is ridiculous.

MR. HUNT: -- this lady has got a right to --

I'm going to call an attorney, if this continues, because this is ridiculous. If I talk to an attorney, that's none of your damn business.

THE COURT: All right, ma'am.

At this time, I'm not going to require an answer.

## BY MR. BUTLER:

- Is this unnamed attorney that you talked to, the only person that you ever told this?
- I talked to the people that you mentioned, who came Α out to the house and asked me a lot of questions and harassed me.
- Q Okay. They came and asked you?
- Α Yes.
- Other than those attorneys who you -- I mean, those lawyers who you may or may not have talked to, and the

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police officers who came to talk to you, have you ever talked to anyone else about this?

- A My husband. Did he tell you that?
- But you did not yourself contact the police?
- I have never called the police about Ronnie and his Α situation. Is that clear enough?
- Well, why not?
- Why should I?
- Well, do you think that he had something to do with the lake murder case?
- I think he went fishing. Α
- You think he went fishing. Is that what you have told everybody that you have talked to concerning this case, that you think he went fishing?
- I have told exactly to people what I have told right here I told the detectives who came out, exactly what I told right here.
- And you told them that this all occurred some-Q time between the hours of 6:30 and 7:00 A.M., is that correct?
- Α (Nodding head.)
- Just like you have told us here today?
- A (Nodding head.)
- And you're just as sure about that as you are about

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everything else that you have told us?

- A Well, I don't have memory lapses.
- And you're just as sure, as to the relationship that you have always had with Ronnie Lee Breiten, is that correct?
- A Yes. I don't know what you're trying to get at, but whatever it is, it sounds pretty ugly.
- You're just as sure about that, as you are everything else that you have told us, is that correct?
- A Of course, I'm sure.
- You have never gone anywhere in a taxi with him to a motel?
- I'm not going to answer. I don't know what you're -
  I don't know what you're trying to bring out here, but
  I'm not going to answer any more of this. If nobody in
  this room is going to stop him, then I'm going to.

THE COURT: All right.

THE WITNESS: This is ridiculous.

THE COURT: All right.

MR. HUNT: Your Honor, I would object to --

THE WITNESS: What the hell has anything got to do with Ronnie going fishing?

MR. HUNT: I'm going to --

THE WITNESS: What?

MR. HUNT: I'm going to object to any questions

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like that, unless --

THE WITNESS: Somebody had better object, because this is out of line.

MR. BUTLER: Judge, I've got plenty of good faith, and also got proof.

THE WITNESS: I don't care what you think, you're not going to ask me questions like that.

THE COURT: All right.

Do you have any other questions?

MR. FEAZELL: Judge, did you rule on their objections -- Mr. Hunt's? Because we would like to ask that question.

### BY MR. BUTLER:

What kind of clothes were you wearing?

MR. HUNT: I would like to add one thing. And that is, I objected to that question that Ned Butler asked Ms. Breiten --

THE WITNESS: Well, I'm glad somebody did.

MR. HUNT: What I'm asking the Court to do is, if he has got a good faith basis for the question, he needs to state that good faith basis to the Court he has got for that line of questions. Outside of our questions, let him go ahead and, if he thinks he has got a basis, let him explain it to the Court.



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MR. FEAZELL: Fine.

Then, we have got a couple of other questions.

THE WITNESS: I'm not answering any more questions.

THE COURT: Just a minute.

THE WITNESS: No way.

THE COURT: All right.

THE WITNESS: That's fine. I just told the Judge awhile ago --

THE COURT: Just a minute, Ms. Breiten.

THE WITNESS: -- I'll never answer another question. Do you understand? You're not going to ask me the same thing. That is out of line. That has nothing to do with a damn thing. Do you understand? Off the record, you can take me to jail. You're not dealing with a shrinking violet.

THE COURT: All right. Well, wait --

THE WITNESS: I'm not going to answer --

THE COURT: I haven't required you to answer any question yet.

What others? You said you had some other questions you wanted to ask.

MR. FEAZELL: We do, Your Honor.

THE WITNESS: I suggest you be discreet.

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THE COURT: All right, now.

Do you have any other questions?

MR. BUTLER: Yes. Judge.

### BY MR. BUTLER:

What color clothes was he wearing over at your house Q that morning, ma'am?

THE COURT: Do you recall, Ms. Breiten?

THE WITNESS: Your Honor, I'm not trying to be difficult. I am trying to control myself right now. am very upset and I am mad.

THE COURT: All right.

THE WITNESS: Due to the fact that I can't talk right now, I'm not going to answer right now.

THE COURT: All right.

THE WITNESS: Because I am fixing to start crying, okay?

THE COURT: Okay. Do you want to just sit for a minute?

Off the record.

(Whereupon, an off the record discus-(sion was had, following which, the (proceedings continued in Chambers (out of the presence and hearing of (the jury as follows, to-wit:

THE COURT: All right, Ms. Breiten, we are back on the record.

You have been served a subpoena, and you are currently under subpoena? That is, you are under the order of the Court as a witness.

THE WITNESS: Uh-huh.

THE COURT: And that will require your presence to be here.

I've told you that you have the right to discuss with an attorney, in reference to any of your testimony. And you have the right to refuse to answer any questions that might tend to incriminate you yourself. And it would probably be a good idea for you to talk to an attorney, so that you can make those independent decisions that you think that you need to make yourself, and based upon the advice of your counsel. You will be allowed to have your counsel come back to accompany you in the morning. And then we will take up this.

The reason I tell you this, it's my understanding that they have some more questions that they wish to ask you. And before we proceed any further, I want you to clearly understand. You have indicated that you don't wish to continue to testify. And I think, in that situation, you need to discuss that with an attorney, and then receive his advice, and then be guided by

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his advice and what you think you should do yourself.

I'm going to recess you until 9:00 o'clock in the morning, and ask that you be back at 9:00 o'clock in the morning. And I anticipate that we will take this matter up further, at that time.

THE WITNESS: I don't know if I can get an attorney by then. I don't have one.

> THE COURT: Okay.

THE WITNESS: As such, that we use all of the time.

> THE COURT: Okav.

If you --

THE WITNESS: And he has to take off from work.

THE COURT: All right.

THE WITNESS: To help do this.

THE COURT: I would anticipate that you can probably get one by that time. If you need, like another 30 minutes, or something like that to talk to one, fine. I don't anticipate that it will take a long time for you to.

> THE WITNESS: What time is it now?

THE COURT: Well, it's 4:45 now.

But I'm talking about in the morning.

anticipate it will take a long time for you to be able to discuss whatever you need to discuss with your attorney, and to give you whatever advice that he thinks that he should.

MR. HUNT: Your Honor, if I could make a suggestion, it's almost 5:00 o'clock now. 9:00 o'clock tomorrow morning does not give Ms. Breiten too much time to talk to an attorney.

THE WITNESS: I don't think so either. I won't have time.

MR. HUNT: If we could say 1:00 or 1:30 tomorrow, she would have ample time to contact an attorney.

THE COURT: Because of the fact that I can't anticipate how many other witnesses that we're going to have, I would rather go ahead and get it out. I will do this, I will change it to 10:00. That way, that will give you ample time to talk to somebody either tonight or in the morning. And, then, you will need to be back here at 10:00 o'clock A.M. in the morning.

THE WITNESS: In this office?

THE COURT: Yes, ma'am.

MR. HUNT: Your Honor, before Ms. Breiten leaves, I would like to make a motion to the Court, that the Court formally instruct both the State and the

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Defense, that no one is to contact Ms. Breiten, and that no one is to contact any of her relatives, in regard to this matter at all tonight, and that Ms. Breiten is to be free from any kind of harassment from either the State or the Defense, so that she can make up her own mind.

MR. BUTLER: Judge, we're not going -THE REPORTER: I'm sorry, Mr. Butler, I can't
hear you.

MR. BUTLER: Certainly, we agree that we will not make any efforts to contact Ms. Breiten, or place any pressure whatsoever on her, in any way, or her husband, Mr. Breiten. I have no intention of doing anything like that.

As far as any members of the family, we're certainly entitled to talk to anybody that we want to, as long as there is no pressure put on her or her husband And we certainly do not intend to do that.

THE COURT: All right.

Well, I'm going to tell you right now, Ms.

Breiten -- and I'm going to tell the parties, and they're aware -- that I don't want any of their investigators, either the State or the Defense, contacting you or your attorney tonight or in the morning before we go back and take this matter up.

# Breiten

In other words, Mr. Chaney -- I think you told me you had been contacted by Mr. Chaney and a lady and a man, and that you had been contacted numerous times by them. And I'm telling you that you don't have to talk to them, if they come around. And I assume they're not going to come, in light of this order. Or any police officer, or anybody else, you don't have to talk to them. And they're going to instruct their folks not to attempt to talk to you.

MR. BUTLER: Further Judge, we would request that, if there is any attempt made to contact her or bother her in any way, that you report it to this Court.

THE COURT: And if anybody does attempt to contact you, or put any pressure on you, or anything, well, you call me, George Allen, and any reference to that.

And we will stand recessed, as far as you are concerned, until 10:00 o'clock in the morning, okay?

THE WITNESS: Okay.

THE COURT: That will give you an opportunity to talk to somebody.

Thank you, ma'am.

MR. FEAZELL: Thank you, ma'am.

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