

1 (Lunch recess.)

2 (Open court, defendant present.)

3 THE COURT: Can we have the jury, please.

4 (Jury in.)

5 THE COURT: All right. You may be seated. Ladies
6 and gentlemen, this witness was sworn just prior to you-all
7 coming back into the courtroom. You may proceed.

8 MS. FULLER: Thank you, your Honor. The State would
9 call Officer Abbondandolo.

10 OFFICER C. ABBONDANDOLO,
11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. FULLER:

14 Q. Could you please introduce yourself to the jury, and
15 then spell your name for my court reporter.

16 A. Got you. My name is Clement Abbondandolo. Everybody
17 calls me Abbey. It's a whole lot easier than trying to get my
18 last name, and I gave her the spelling already.

19 Q. Great. Thank you.

20 Officer Abbey, who are you currently employed with?

21 A. St. Luke's Health System.

22 Q. And where are you currently living?

23 A. Idaho.

24 Q. How long have you been in Idaho?

25 A. Five months.

1 Q. Previous to moving to Idaho, what was your
2 occupation?

3 A. I was a homicide detective with the Houston Police
4 Department.

5 Q. All right. So how long were you a police officer?

6 A. 32 years.

7 Q. Can you tell the jury a little bit about your
8 progression within the police department from the academy on.

9 A. Graduated the academy in 1981, spent 5 years in
10 patrol, and went to the south central tactical unit for 6
11 years, and then the last 20 years of my career was spent in the
12 homicide division.

13 Q. And prior to that, what were you doing prior to
14 becoming a police officer?

15 A. I was only 19 when I started with the police
16 department, so not much, you know, going to school.

17 Q. All right. Where are you originally from?

18 A. Long Island, New York.

19 Q. And did you move here to Texas when you became a
20 police officer?

21 A. I did.

22 Q. Okay. Tell the jury a little bit about the training
23 that you received when you went into homicide 20 years ago.

24 A. There's a lot of on-the-job training, but they do
25 send you to quite few schools, primarily on how to be a

1 homicide investigator. That teaches you how to talk to people,
2 to collect evidence, understand how evidence works, things like
3 that.

4 Q. Okay. And was that training and education, I mean,
5 obviously the street part of it was ongoing, but the classroom
6 education type part of it, was that an ongoing thing that you
7 did for 20 years?

8 A. Yes, it was.

9 Q. Okay. Specifically in terms of interviewing suspects
10 in cases, what kind of education did you get in interviews?

11 A. Went to a lot of schools, with the two biggest ones
12 were the Reid School and then a school put on by a guy name
13 Bert who was a retired New York City homicide detective.

14 Q. Are there a lot of theories out there about how to
15 effectively interview suspects?

16 A. Yes.

17 Q. And you said that you attended a few of them?

18 A. Yes.

19 Q. Okay. And from attending those, did you take from it
20 pieces that they educated you on and develop your own style for
21 interviewing?

22 A. Yes, I did.

23 Q. Throughout your course as a homicide detective for
24 20 years, did you have an occasion to interview few or many
25 suspects?

1 A. Many.

2 Q. Can you tell the jury a little bit about what your
3 interviewing style is?

4 A. What I like to do is talk to folks that are potential
5 suspects for a while before I actually talk to them about the
6 crime itself, to try to determine a little bit about them, to
7 see how they answer questions that are not related to something
8 that's terribly stressful but something that's related to
9 something that they should be able to answer easily. That way
10 I can establish a baseline for their physical behavior to pick
11 up on points of deception when we get to the more difficult
12 parts of the interview.

13 MR. HOCHGLAUBE: Judge, just so the record is clear,
14 I believe I have a running objection to this.

15 THE COURT: That's correct.

16 MR. HOCHGLAUBE: Thank you.

17 Q. (By Ms. Fuller) What kind of -- you mentioned points
18 of deception. What exactly are you looking for, what types of
19 points of deception are you looking for when you're
20 interviewing someone?

21 A. Little subtle physical things that happen in the body
22 when someone is trying to mask the truth. The stress level
23 seems to get elevated, and during those times their body makes
24 movements that they can't control. Even though they're trying
25 to deceive you in what they're saying, there are things that

1 the body does that makes it quite apparent that they're not
2 being honest.

3 Q. Did you see these things happen within -- physically
4 happen to suspects while you were interviewing them over your
5 20 years?

6 A. Yes.

7 Q. And would you see these points of deception on few or
8 many occasions?

9 A. Many.

10 Q. Can you describe what some of those physical
11 reactions the body would have --

12 A. Yes.

13 Q. -- to the jury?

14 A. Yes. Well, it depends on the person, and that's why
15 you do the lengthy base interview, but you're looking for very
16 small things, like, oh, the twitching of the eye, perhaps a
17 tear that falls out unexpectedly, a licking of the lips,
18 looking in a certain direction when you talk to them. And
19 every person is different. So some folks things are very
20 apparent and other folks they are not.

21 Q. And all the training and experience that you had
22 helped you in trying to pick out those points of deception for
23 each individual. Is that fair to say?

24 A. Yes.

25 Q. Okay. Did you find that your interview technique

1 worked for you while you were a homicide detective?

2 A. Yes.

3 Q. I want to turn your attention to August 21, 2010.

4 Were you brought on to a case on that day?

5 A. Yes, I was.

6 Q. Okay. Now, prior to that day -- well, let me stop
7 there. Why were you brought on to that case?

8 A. The original investigators assigned to this murder
9 case were relatively new, had been up for a long period of
10 time, and I think they were looking for someone with a bit more
11 experience to conduct the interview.

12 Q. Okay. So did you ever go to the scene of the crime?

13 A. No.

14 Q. Did you ever interview any of the other witnesses
15 that were on the scene of the murder?

16 A. No.

17 Q. So you're brought in to interview the defendant in
18 this case, having known -- having no personal knowledge of what
19 happened the day before?

20 A. That's right.

21 Q. Okay. So did somebody brief you on the facts of what
22 they knew at that time?

23 A. Yes.

24 Q. Do you know approximately what time it was that you
25 began your interview?

1 A. I believe it was around 6:30.

2 Q. In the morning or in the evening?

3 A. Oh, in the evening. I'm sorry.

4 Q. Okay. And where were you at?

5 A. The old downtown police station, 61 Reisner.

6 Q. All right. And where was the -- where was the
7 defendant at that time?

8 A. He was also in the same building but in the jail
9 portion of that building.

10 Q. Okay. So the City of Houston jail?

11 A. Yes.

12 Q. Okay. So tell us what the procedure was in order to
13 get him from the jail and take him to an interview room.

14 A. The defendant was -- was in a -- a jail booking or
15 holding area on the fifth floor. Myself and Sergeant Burton
16 went to that -- that area, explained to the jail attendant that
17 we needed to take a defendant for an interview. And they go
18 and get 'em, and then bring him to us. He's handcuffed and
19 then escorted to an interview room.

20 Q. Okay. So do you recall who was with you that day?

21 A. It was Sergeant Burton and Officer Brady at the time.

22 Q. Okay. And had both Sergeant Burton and Officer Brady
23 briefed you on the facts as they knew it?

24 A. Yes.

25 Q. Okay. And when you went up to get the defendant, do

1 you recall who handcuffed him?

2 A. Sergeant Burton.

3 Q. Okay. And so you have to take him from, I'm sorry,
4 which floor?

5 A. Fifth floor.

6 Q. Okay. And then down to where, the interview rooms?

7 A. Yes, on the third floor.

8 Q. Okay. And so did you do that?

9 A. Yes.

10 Q. Okay. When you got to the third floor -- well, let
11 me back up. When he was brought to you up on the fifth floor,
12 did you introduce yourself to him?

13 A. Yes, I did.

14 Q. Okay. Did you have any other conversation with him
15 from that point until you got to the interview room?

16 A. I did not interview him, but he did -- he did talk
17 with us as we walked.

18 Q. Okay. Did you ask him any questions at that point?

19 A. Not during the walk, no.

20 Q. Okay. So you introduced yourself, and you -- did you
21 tell him the purpose of what you were about to do?

22 A. I did. I explained to him what we were going to do
23 and that we were not going to talk as we walked.

24 Q. Okay. During that walk from the fifth floor down to
25 the third floor, did you ever threaten him?

1 A. No.

2 Q. Did you ever coerce him into giving any kind of
3 statement?

4 A. No.

5 Q. Did you ever promise him anything if he would tell
6 you anything?

7 A. No.

8 Q. Okay. Was it a fairly uneventful walk from the fifth
9 floor down to the third floor?

10 A. Yes.

11 Q. When you get to the interview room, is the camera
12 already running when you enter the room or does somebody turn
13 it on after you get into the room?

14 A. I gave Officer Brady instructions to turn the
15 recording device on before we got there so when we walked in it
16 was already recording.

17 Q. Okay. So during the interview you're in the
18 interview room with the defendant; is that right?

19 A. Yes.

20 Q. Is there anyone else in there with you?

21 A. Sergeant Burton.

22 Q. Okay. And then what's Officer Brady doing?

23 A. He's monitoring the machine that does the recording
24 to make sure it's recording it correctly.

25 Q. Okay. Now, when you got down to the interview room,

1 you had said that Sergeant Burton had handcuffed him when you
2 met him at the fifth floor. When you got down to the third
3 floor did you remove his handcuffs?

4 A. No.

5 Q. And why not?

6 A. I was uncomfortable with his behavior. Normally I
7 would not interview someone who's handcuffed, but there was --
8 I was not comfortable having him outside of handcuffs during
9 the interview.

10 Q. Okay. When you say that you were uncomfortable, can
11 you tell us what you're feeling?

12 A. Well, it's hard to describe. It's just a sense about
13 people. I know a little bit about what happened prior to my
14 arrival, from the scene the night before. Based on that, based
15 on just the physical behavior that he -- facial expressions,
16 the way someone looks at you, I did not have the cuffs removed.

17 Q. Okay. Can you describe to us a little bit about what
18 you're seeing him physically, him being the defendant,
19 physically doing at this point?

20 A. I think it's hard to describe, it's just a -- a sense
21 that you can get that -- I do not want to have to fight anyone
22 in an interview room, and I just felt for his own safety, and
23 for the safety of myself and Sergeant Burton, that we would
24 kind of use this unorthodox way of conducting an interview with
25 an individual handcuffed.

1 Q. Okay. From that walk from the fifth floor to the
2 third floor, did he ever at any time verbally make threats
3 towards you?

4 A. No.

5 Q. So it's just a feeling that you have that the safety
6 of everybody keep him handcuffed?

7 A. Yes.

8 Q. Okay. Now, prior to going into the interview room
9 and maybe even prior to going to the fifth floor, do you have
10 your gun with you?

11 A. I did.

12 Q. From at what point?

13 A. On the ride to the 61 Reisner, to the police station,
14 I was armed then.

15 Q. Okay. What did you do with your gun when you got to
16 61 Reisner?

17 A. It gets locked up.

18 Q. Okay. Where does it get locked up at?

19 A. There's a lockbox outside the interview area where
20 you can secure your weapon and keep the key.

21 Q. Okay. And did Sergeant Burton also secure his
22 weapon?

23 A. He did.

24 Q. All right. So when you go into the interview room
25 with the defendant neither one of you are armed?

1 A. That's right.

2 Q. Okay. At any time did Sergeant Burton make any
3 threats, promises, or coerce the defendant into giving a
4 statement?

5 A. No.

6 Q. Okay. And you were with the defendant and Sergeant
7 Burton the entire time?

8 A. Yes.

9 Q. Okay. When you got into the room with the defendant
10 and the video camera is rolling at this point, you start
11 speaking with him, is that -- is that fair to say?

12 A. Yes, it is.

13 Q. Okay. And do you read him his Miranda warnings?

14 A. I did.

15 Q. All right. And you read to him each of his rights?

16 A. Yes.

17 Q. Is that true? Okay.

18 Off the top of your head would you be able to say
19 what you read to him?

20 A. I always refer to the blue card that has it printed,
21 because even after 20 years I can never do it like those guys
22 on TV.

23 Q. Okay.

24 A. I've always got to kind of read it to get it right.

25 Q. All right. So you got your statutory warning card

1 out and you read him his rights from that?

2 A. Yes.

3 Q. And did he state that he understood each of his
4 rights after you read them to him?

5 A. He did.

6 Q. And at the end of reading him his rights did he agree
7 to speak with you about this case?

8 A. He did.

9 Q. Okay. As you progressed through the interview, at
10 any time did he ask for a lawyer?

11 A. No.

12 Q. At any time throughout the interview did he state
13 that he wanted to end the interview?

14 A. No.

15 Q. Okay.

16 MS. FULLER: May I approach?

17 THE COURT: You may.

18 Q. (By Ms. Fuller) I'm going to show you what has been
19 previously marked as State's Exhibit 94. Do you recognize
20 State's 94?

21 A. Yes.

22 Q. Have you had a chance to review State's 94?

23 A. I have.

24 Q. And can you tell me, who are all of the people that
25 are depicted on State's 94?

1 A. Myself, Sergeant Burton, and the defendant.

2 Q. Okay. And before I go much further, do you see the
3 defendant that you spoke with on that day here in the courtroom
4 today?

5 A. I do.

6 Q. Can you please point him out and identify him by an
7 article of clothing?

8 A. The guy with the gray and white striped white shirt.

9 MS. FULLER: Your Honor, may the record reflect that
10 this witness has identified the defendant.

11 THE COURT: The record will so reflect.

12 Q. (By Ms. Fuller) Is 94 a fair and accurate copy of the
13 interview that you conducted with this defendant?

14 A. It is.

15 MS. FULLER: Your Honor, at this time State moves to
16 admit State's Exhibit 94, tenders to Defense counsel for
17 objection, and would also like to note that the Defense has
18 been in possession of a copy of this for 20 days prior to
19 trial.

20 MR. HOCHGLAUBE: That's true, Judge, we've had
21 possession plenty more than that. But we just raise the same
22 objections we've already discussed and we have no additional
23 ones.

24 THE COURT: Okay. State's 94 is admitted.

25 MS. FULLER: Permission to publish, your Honor?

1 THE COURT: You may.

2 MS. FULLER: And, your Honor, I do have transcripts.
3 May the bailiff pass those out?

4 THE COURT: That's fine, if the bailiff is so
5 inclined.

6 MS. FULLER: I can do it also, either way.

7 (Bailiff complies.)

8 (Audio and video played.)

9 MS. FULLER: May I proceed, your Honor?

10 THE COURT: You may.

11 Q. (By Ms. Fuller) Officer Abbey, when you checked the
12 defendant out and met him, did you notice any signs of
13 intoxication on the defendant?

14 A. No.

15 Q. Did you notice if he had clear speech?

16 A. He did.

17 Q. Did it seem to you that he was under the influence of
18 anything at the time that you spoke with him?

19 A. No.

20 Q. And again, this was almost 24 hours after the murder
21 that had happened the day before, when you interviewed him?

22 A. That's right.

23 Q. Okay. Now, you stated several times throughout the
24 statement that you didn't believe what the defendant was
25 telling you. Why didn't you believe what he was telling you?

1 A. The defendant was able to provide us with incredible
2 details in great specifics about certain things, things that
3 occurred that day, things that occurred in the past, but when
4 we came to issues regarding the victim's death, he wasn't able
5 to provide us with any details. His story changed dramatically
6 from the bathing incident, whether he did or he didn't. There
7 were all these nebulous answers in what he had to say, when it
8 came down to issues regarding the death. Other things, he
9 impressed the heck out of me with his ability to recall the
10 baseball score, what type of pills she took, things like that.
11 It was a clear sign of deception.

12 Q. Were there any other physical body signs of
13 deceptions that you noticed while you were interviewing him?

14 A. Yes.

15 Q. What were those?

16 A. Primarily it began with the movement of the legs. We
17 sat and had a discussion for quite a while about easy things,
18 about going to school, where are you from, and things like
19 that, sat motionless. Once we got down to the difficult
20 questions, you know, all of a sudden he had restless leg
21 syndrome and his legs were all over the place. I even asked
22 him about it.

23 Q. Did you notice other physical signs?

24 A. There were things when he looked at me I could tell
25 he was looking through me and not looking at me. Speaking

1 incredibly fast was another sign where we're going to blur over
2 the issue, like clogging one's ability to hear with all sorts
3 of words.

4 Q. After you interviewed the defendant, did you return
5 him back up to the fifth floor?

6 A. Yes.

7 Q. And did your involvement with this case go any
8 further than this interview?

9 A. No.

10 MS. FULLER: Pass the witness, your Honor.

11 THE COURT: Okay. We'll go to cross-examination if
12 you-all are okay. If you'd like a break, give me the high
13 sign. You-all okay? All right. Cross-examination.

14 MR. HOCHGLAUBE: Thank you, Judge.

15 CROSS-EXAMINATION

16 BY MR. HOCHGLAUBE:

17 Q. Is it Officer Abbondandolo?

18 A. Yes.

19 Q. Okay. And I always get confused about the rank. Is
20 a sergeant superior to a detective or is --

21 A. Yes.

22 Q. Okay. So the other gentleman that was in the room
23 with you, technically had a higher rank than you did?

24 A. He did.

25 Q. Okay. Now, a lot of what your testimony has been

1 about is how you think that Dean Wood was lying to you, right?

2 A. Yes.

3 Q. And, in fact, you told Dean Wood phrases such as you
4 look like a big fat liar, or I don't believe you, or I don't
5 think you're telling the truth. You said things like that to
6 him well over a dozen times, right?

7 A. Yes.

8 Q. And he never not once acknowledged, look, no, you're
9 right, what I'm telling you is not true, correct?

10 A. Correct.

11 Q. And you were talking with the prosecutor about all
12 the different, the physical signs that people can show when
13 they are being deceptive, right?

14 A. Yes.

15 Q. And you obviously are aware, having been a veteran
16 detective, and we'll come to that in a minute, but you're aware
17 of the importance of writing offense reports, right?

18 A. Yes.

19 Q. And you're aware of how important it is to be
20 methodical and detailed and complete in your offense reports,
21 right?

22 A. Yes.

23 Q. And, in fact, in your report, you give basically six
24 single spaced pages, and the only thing you did was that
25 interview which we can all see, right?

1 A. Yes.

2 Q. And at the end of your report, you complete a summary
3 of the statement, right?

4 A. Yes.

5 Q. Do you have your report with you?

6 A. No.

7 Q. Have you had a chance to read it?

8 A. Yes.

9 Q. And so going through all these physical signs that
10 people can show, the singular one you note is that he changes
11 position?

12 MS. FULLER: Objection, your Honor, if the Defense is
13 going to testify from a document that's not in evidence.

14 THE COURT: That's overruled.

15 Q. (By Mr. Hochglaube) Well, was the only thing that you
16 noticed, that the defendant was changing position in his chair,
17 that's the only physical sign you noted, correct?

18 A. Yes.

19 Q. And I'm just curious, but you noted at the beginning
20 how he was in handcuffs, right?

21 A. Yes.

22 Q. And his handcuffs were behind him, right?

23 A. Yes.

24 Q. And he was sitting in a steel chair for over an hour
25 and a half talking to you, correct?

1 A. Yes.

2 Q. And you agree with me that that's not necessarily a
3 comfortable spot to be in?

4 A. It's not.

5 Q. And you suggested that his denials were not terribly
6 strong or continuing, right?

7 A. Correct.

8 Q. Yet despite you fairly insistently and repeatedly
9 challenging him on his truthfulness, he said no, I'm telling
10 you what I know, right?

11 A. I'd have to argue that point with you, sir.

12 Q. Well, he says repeatedly, I'm not going to make
13 anything up for you, right?

14 A. That's what he said.

15 Q. Okay. And I get that you don't believe him, all
16 right. You accept me when I say that?

17 A. Yes, sir.

18 Q. You've made that abundantly clear through this video
19 and your testimony, right?

20 A. Yes.

21 Q. What I'm getting at is that as fervent as you were in
22 challenging his truthfulness, right, he never accepted and
23 never suggested that he was being untruthful in any way, right?

24 A. I would disagree.

25 Q. Did he say to you at any point, you're right, I

1 misled you on that?

2 A. He never admitted to anything, but the things he said
3 -- I'll give you one example about the bath. Did you give her
4 a bath? No. Did you give her a bath? Yes. Did you give her
5 a bath in the morning? I normally do. Did you give her two
6 baths today? I might have. Those are the deceptive points.

7 He did not come out and say, hey, I'm lying to you,
8 because when we started I said I found her with her mouth open
9 on the sofa, oh, and then, yes, I did find her in the bathtub
10 with the water running in her face. Those things he didn't say
11 to me, those things he said on the video.

12 Q. Okay.

13 MR. HOCHGLAUBE: Can I approach the witness?

14 THE COURT: You may.

15 Q. (By Mr. Hochglaube) Okay. I'm going to show you the
16 transcript. And I don't know if -- did you actually have a
17 copy of the transcript?

18 A. No.

19 Q. Okay. Can you try to point out to me where Dean Wood
20 says I found her on the sofa?

21 A. I think we could look on the video might be easier
22 than me flipping through these pages, but I'll certainly try,
23 sir. (Complies.) It was in the beginning.

24 (Pause.)

25 A. "Her mouth was wide open, it looked like when my dad

1 died at the old folks home, so I put her on the floor, and I
2 was trying. I ain't real good at the CPR thing, I just crossed
3 her hands. I pumped about five times trying to blow down her
4 mouth." That's on page eight, the second.

5 Q. And you agree with me that doesn't say anything about
6 a sofa, does it?

7 A. It does. We were still talking prior to this that,
8 hmm -- this was when he -- he talks about cooking the chicken.
9 This is -- this is not him taking her out of the tub. "She
10 always sleeps with her head covered up with a blanket. Her
11 mouth wide open, it looked like when my dad died." She didn't
12 have the blanket in the tub.

13 Q. I agree with you, okay?

14 A. Okay, good.

15 Q. In the sense that what he's saying is when he had
16 seen her lying on the ground, and maybe at other times when
17 he'd seen her on the sofa with her mouth open, it looked like
18 his father died.

19 A. I would say that's your opinion of that statement. I
20 would disagree.

21 Q. Okay. There's not one time where you can point to in
22 that record where the defendant says I carried her from the
23 sofa and put her on the floor, is there?

24 A. I think in the context at this point, there was no
25 discussion of a shower at all. He was describing her on the

1 sofa. He didn't use the exact words.

2 Q. And that's exactly right. He also, his memory, all
3 right -- now, you're skeptical of his claim of a blackout,
4 right?

5 A. Yes.

6 Q. But what he repeatedly remembers is doing CPR with
7 her on the ground, right?

8 A. Yes.

9 Q. And that's where his memory starts, right?

10 A. Yes.

11 Q. According to what his claim is, right?

12 A. Yes.

13 Q. And I'm not telling you to believe that, all right.
14 But repeatedly he tells you his first memory, and really the
15 only memory that he's able to offer you about these events is
16 of her being already on the ground?

17 A. I'm going to have to disagree. My -- I mean, I think
18 he made it quite clear in this paragraph that we were talking
19 about her, there was no mention of a shower.

20 Q. And I'm not suggesting that he says, I carried her
21 from the shower to the floor, right? I'm not suggesting that
22 he says he carried her from the patio to the floor. I'm saying
23 his only memory focuses on her already being on the ground?

24 A. Yes.

25 Q. Now, we talked -- you talked to the prosecutor for a

1 moment about how you had been a homicide detective for 20 years
2 at the time you did this interview; is that right?

3 A. I retired with 20 years, so it would have been three
4 years ago, so 17.

5 Q. 17. Okay. But basically the whole idea of you doing
6 this interrogation was that you had more seasoning, is the word
7 you used, than other officers; is that right?

8 A. Yes.

9 Q. More experience than them, right?

10 A. Yes.

11 Q. But they -- I mean, you don't make it on to homicide
12 in the first place unless you have spent several years with
13 HPD, right?

14 A. Yes.

15 Q. So it's not like these guys were spring chickens
16 straight out of the academy, right?

17 A. No.

18 Q. But nevertheless they wanted you to do this
19 interview, right?

20 A. Yes.

21 Q. And part of the idea behind that is that over your
22 17 years and ultimately 20 years of experience as a homicide
23 detective, you developed a strong reputation for your
24 interrogation skills, right?

25 A. I don't think I would say that.

1 Q. Well, there are other homicide detectives besides
2 you, right?

3 A. Yes.

4 Q. There were other homicides detectives that day
5 besides you, right?

6 A. Yes.

7 Q. They didn't want those detectives, they wanted you,
8 correct?

9 A. Yes.

10 Q. The -- and as the prosecutor was talking about, you,
11 because of your training and your experience in interrogation,
12 have learned a lot of different sort of, for lack of a better
13 phrase, tricks of the trade. Would that be fair to say?

14 A. Yes.

15 Q. All right. And you employed a lot of these tricks of
16 the trade in the interview, didn't you?

17 A. Yes.

18 Q. Tell me the ones you used.

19 A. That the DNA was on his penis.

20 Q. All right. You didn't know that?

21 A. No, sir.

22 Q. So you made that up basically when you were talking
23 to him?

24 A. I did.

25 Q. What else?

1 A. That I had attended the autopsy.

2 Q. What else?

3 A. That Mary and Julie were there.

4 Q. What else?

5 A. That I had talked to Mary and Julie.

6 Q. What else?

7 A. I think that's it.

8 Q. So let's talk about instead of -- and I think -- and
9 I appreciate you sort of willingly admitting the falsehoods
10 that you offered. And there's nothing illegal about you lying
11 to a suspect in custody, is there?

12 A. No.

13 Q. So I'm not suggesting that you did anything illegal
14 by that, okay. But really what the direction of my question
15 was, was on strategies, the general strategies that you
16 employed, all right. For instance, you talked about how you
17 try to get to know somebody a little bit or test them on
18 nonstressful questions, right?

19 A. Yes.

20 Q. Although you'd agree with me they call the white suit
21 that he was wearing a bunny suit, right?

22 A. Yes.

23 Q. And you kind of agree with me that a person being
24 handcuffed in a white bunny suit down at HPD, all right, it's a
25 stressful situation to start with, right?

1 A. Yes.

2 Q. But nevertheless you start the interview by asking
3 questions that really don't have anything to do with anything
4 in particular, right?

5 A. Yes.

6 Q. And then as one of the other things you do is you
7 sort of intently challenge the defendant on his truthfulness,
8 right?

9 A. Yes.

10 Q. That's an interrogation technique, right?

11 A. Yes.

12 Q. Basically to make the defendant feel or the suspect
13 feel as though he couldn't possibly be telling the truth and
14 just admit it, you're not telling the truth?

15 A. Yes.

16 Q. And it's to put as much pressure as you can on the
17 defendant to try to sort of crack him into saying, you know
18 what, you're right, I know I didn't do that or I know I did
19 this, let me tell you the real truth, right?

20 A. I would use a different verb than pressure, but
21 that's basically what we do.

22 Q. Well, sure. I mean, pressure can be -- I don't mean
23 that as though, again, as though it's something illegal that
24 you're doing.

25 A. It sounds coercive to me though, and I don't like

1 that.

2 Q. Sure. All right. And I guess that's where -- let me
3 just draw the distinction between pressure and coercive, as in
4 pressure every time you ask a question you challenge somebody
5 saying I don't think you're being truthful, right?

6 A. Correct.

7 Q. You can understand how the person that's hearing that
8 thinks -- feels a little pressure from that, right?

9 A. That's not my intent in that, so no.

10 Q. But you realize that that's the effect of that
11 interrogation technique, right?

12 A. That's not the intent of that technique.

13 Q. That's not my question.

14 A. Okay. Then explain it better to me then.

15 Q. My question is, isn't one of the effects of that
16 technique that it puts pressure on the person you're talking
17 to?

18 A. No. That technique is specifically used for the
19 defendant to understand that the investigators know what
20 happened. It's been my experience that when defendant's
21 realize that, that they sometimes will come around and tell you
22 the truth, but that's a dangerous game to play, because we
23 could be wrong.

24 Q. All right. And I'm going to come to that also. But
25 that's part of the reason why you challenged him and said,

1 look, your DNA was there, right?

2 A. Yes.

3 Q. It's to make him say, look, you got no way out here,
4 Dean, tell me the truth, right?

5 A. Right.

6 Q. Another technique you used was trying to sort of
7 minimize the situation to make the -- make the suspect feel
8 like, you know, look, what you did might not really be so bad,
9 right?

10 A. Yes.

11 Q. And basically you did that by sort of saying, look,
12 you know, crazy things happen when you get drunk, you know,
13 things like this can happen. Give me an explanation for the DA
14 that I can go and tell him, right?

15 A. Yes.

16 Q. And you employed that several times during this
17 interview also, right?

18 A. I did.

19 Q. And neither of those interrogation techniques caused
20 Mr. Wood to admit what you view to be the truth, right?

21 A. That's correct.

22 Q. Now, basically you were talking about -- you were
23 talking a moment ago about how it's a dangerous game to play
24 when you start saying things that you don't really know to be
25 the truth, right?

1 A. Yes.

2 Q. And that was especially dangerous for you in this
3 situation because you really hadn't been a part of the
4 investigation up until that point, right?

5 A. That's true.

6 Q. And as you well know when you're doing an
7 interrogation, the more information you have going in the
8 stronger position you're in when you're in the interrogation,
9 correct?

10 A. Correct.

11 Q. And it helps you and trains you to know how best to
12 tell your little fibs or to, not be coercive but maybe put a
13 little pressure on the defendant in specific ways, right?

14 A. Correct.

15 Q. And so despite the fact -- and Sergeant Burton, and
16 who was the other detective?

17 A. Brady.

18 Q. Brady, right. Those two guys, they know about a lot
19 of these techniques, right?

20 A. They do.

21 Q. And they certainly know that it's better for an
22 interrogator that knows all the information to do the
23 interrogation, right?

24 A. Yes.

25 Q. But nevertheless they wanted you to do the

1 interrogation instead, right?

2 A. Yes.

3 Q. Now, I want to go through your report. I'm not going
4 to go through every single line here, because you spent a lot
5 of time writing this I can tell, but there's a lot of things
6 that Dean Wood told you that are squarely true, right?

7 A. Yes.

8 Q. He told you, for instance, that he'd been staying at
9 the apartment for a couple weeks, right?

10 A. Yes.

11 Q. That's -- we have no reason to doubt that, right?

12 A. That's correct.

13 Q. He stated that he had taken care of the complainant,
14 Flora, right?

15 A. Yes.

16 Q. We believe that is true, correct?

17 A. Yes, sir.

18 Q. In fact, he said sometimes I took care of the baby
19 over there, and we believe that's true, correct?

20 A. Yes.

21 Q. He said -- he said that the complainant had fallen a
22 couple days before the day that she died, right?

23 A. Yes.

24 Q. And we believe that's true, correct?

25 A. Yes.

1 Q. He said that he'd prepared chicken that day. That's
2 true, right?

3 A. Yes.

4 Q. That he'd been watching the Little League World
5 Series, right?

6 A. Yes.

7 Q. And that was on that day, right?

8 A. Yes, it was.

9 Q. Because you made reference to Pearland playing in it,
10 right?

11 A. Yes, sir.

12 Q. He said that -- he said that he -- he had the
13 complainant on the floor and he did CPR on her, correct?

14 A. Yes.

15 Q. And we believe that's true?

16 A. Yes.

17 Q. Right?

18 He said that he had pushed on her chest five times
19 and tried to blow in her mouth, which is consistent with
20 someone who's trying to do CPR, right?

21 A. Yes.

22 Q. So that sounds true, right?

23 A. Yes.

24 Q. Now, the one thing, right, that he sounds totally off
25 about is daylight, right?

1 A. Yes.

2 Q. And you'd agree with me that basically there's no
3 dispute about it being dark by the time -- by the time EMS and
4 the police get there on the scene and are taking him down to
5 the station, right?

6 A. Yes, that's correct.

7 Q. Although it's right around 8:00 o'clock, right?

8 A. Yes.

9 Q. And this was in August, right?

10 A. Yes.

11 Q. So it's maybe not quite dark dark, right?

12 A. Yes.

13 Q. But -- but somewhere in between, duskish, right?

14 A. That's correct.

15 Q. Okay. But he says basically all of his memories
16 leading up to ultimately finding Flora on the ground it's
17 daylight, right?

18 A. That's correct.

19 Q. And you understand him to be saying that, he said it
20 was daylight, like, through the entirety of the investigation
21 that night, right?

22 A. Yes.

23 Q. But that's not what he said, did he?

24 A. I think he vacillated a number of times on that.

25 And, I mean, I think there were times that I was confused on it

1 myself.

2 Q. Okay. And you would agree with me, all right, I
3 mean, I'm sure you've heard lots of people say lots of crazy
4 things in all of your homicide interviews, right?

5 A. True.

6 Q. I mean, there's lots people that show up. There's
7 EMT's, there's doctors, there was Julie, there's the police,
8 there's lots and lots of people there, right?

9 A. Yes.

10 Q. And, I mean, it would be a fairly ridiculous sort of
11 lie to dispute what all of these other people know to be
12 daylight versus nighttime, right?

13 A. Yes.

14 Q. Okay. He admits to you that he was drinking. That
15 was true, right?

16 A. Yes.

17 Q. He admits to you that Julie was smoking on the
18 balcony. That was true, right? You don't have any reason to
19 believe that was false, right?

20 A. That I can't remember on Julie smoking on the
21 balcony. I'll take your word for it.

22 Q. If Julie had testified, yes, she'd been smoking on
23 the balcony that day, you wouldn't dispute it, right?

24 A. No, sir.

25 Q. And it wouldn't surprise you if sunset on this

1 particular day was 7:57, right?

2 A. No, that wouldn't surprise me.

3 Q. All right. And the 911 call is around about 8:00
4 o'clock, right?

5 A. Yes.

6 Q. So again, I mean, it could be described as daylight,
7 could be described as nighttime, okay?

8 A. That's correct.

9 Q. Now, you asked him whether Julie was home at the time
10 that he had the complainant on the floor, right?

11 A. Yes.

12 Q. And he's hazy on that, right?

13 A. Yes.

14 Q. Sometimes he says I'm not sure, right?

15 A. Yes.

16 Q. Sometimes he says I think she's on the balcony,
17 right?

18 A. Right.

19 Q. Which basically she was on the balcony, right?

20 A. That I don't remember.

21 Q. Okay. And I'm -- and I want to speak broadly here
22 because there's two different balconies at this scene. Do you
23 know that?

24 A. Yes.

25 Q. There's one that's the back balcony, all right, and

1 then you go up the stairs and there's a sort of balcony right
2 at the front door, right?

3 A. Yes.

4 Q. So he's not specific because you're not asking him to
5 be specific about which balcony, right?

6 A. Right.

7 Q. But he's saying she's out on the balcony he thinks
8 maybe, right? Right?

9 A. Could you say that -- he thinks maybe so -- I'm
10 sorry, what was that?

11 Q. He thinks maybe she was out on the balcony while he's
12 doing CPR, right?

13 A. Yes.

14 Q. And he says I was screaming, right?

15 A. Yes.

16 Q. And from all accounts at the scene, he was screaming
17 a lot, right?

18 A. Yes.

19 Q. And he says, he wasn't really paying attention to
20 where Julie was at the time that he's doing CPR, right?

21 A. That's correct.

22 Q. Which could very well be truthful, given the
23 stressfulness of the situation, right?

24 A. Yes.

25 Q. You ask him about whether Julie had ever left during

1 the day, right?

2 A. Yes.

3 Q. He says I think she went to go get tacos but I wasn't
4 really paying attention, right?

5 A. Yes.

6 Q. One thing that he fully acknowledges, right, is that
7 he says I never left the old lady that day, right?

8 A. Yes.

9 Q. And you'd agree with me, all right, that if he's
10 lying, all right, about -- about not knowing how these injuries
11 got there, right, it's pretty foolish for him to put himself
12 straight with the complainant all day long nonstop, right?

13 A. Yes.

14 Q. Now, the bath, right, you're focused on the bath
15 during the interview, right?

16 A. Yes.

17 Q. Because you know that there was blood found in the
18 bath, right?

19 A. Yes.

20 Q. And so you're trying to get him to talk about how he
21 found her in the bath, right?

22 A. Yes.

23 Q. And you're trying to get him to talk about how he
24 carried her from the bath to the living room, right?

25 A. Yes.

1 Q. But he can't do that for you, can he?

2 A. No.

3 Q. And you get confused, or he gets confused, all right,
4 because he actually does normally bathe her, right?

5 A. Yes.

6 Q. And he had given her a bath earlier that day, right?

7 A. Yes.

8 Q. That's what he told you, right? He said I did give
9 her a bath earlier that day, right?

10 A. I'd have to go back and look, but I think that was
11 one of the issues. There was this question about whether there
12 was a bath in the morning or then there was other baths and
13 then his own number of baths that he took. So I'd have to go
14 back and look. I'm a little confused on that myself.

15 Q. Okay. I would agree, all right, it gets messy, all
16 right. It gets confusing between the whole conversation, all
17 right. But you'd agree with me, all right, that he
18 acknowledges that he does bathe the complainant, right?

19 A. Yes.

20 Q. Because you were very specific in asking, do you
21 bathe her vagina, right?

22 A. Yes.

23 Q. Do you bathe her rectum, right?

24 A. Yes.

25 Q. And he, completely forthright, he says yes, I do

1 that, right?

2 A. Right.

3 Q. He doesn't run from that issue at all, does he?

4 A. No.

5 Q. Never suggests that there's even anything wrong with
6 a grown man doing this to an elderly lady, right?

7 A. That's right.

8 Q. You asked him whether he's the one that called 911,
9 right?

10 A. I did ask him that.

11 Q. And he says, I don't -- I don't think so, I think it
12 was Julie, right?

13 A. That's what he said.

14 Q. Right? And that's true, right, Julie's the one that
15 called 911, correct?

16 A. That's right.

17 Q. Now, another point that you view him as being
18 deceptive about was his shorts, right?

19 A. Yes.

20 Q. Because you feel like he's trying to say he was
21 wearing blue shorts when he really had the gray shorts on,
22 right?

23 A. No. I -- I wasn't sure. I was just throwing it out
24 there to see what he would say. I don't know what the truth on
25 that is.

1 Q. Well, basically, by the end of this interview he
2 acknowledges that he's worn both on that day, right?

3 A. Yes, he did.

4 Q. Okay. And he's never -- he doesn't try to say to
5 you, no, I never wore those gray shorts, those never had
6 anything to do with me, right?

7 A. That's correct.

8 Q. And he acknowledges ownership of those gray shorts,
9 right?

10 A. Yes.

11 Q. He doesn't give you any trouble about acknowledging
12 what clothes are the complainant's, right?

13 A. No.

14 Q. And everything he says about the complainant's
15 clothes appears to be true, right?

16 A. Yes.

17 Q. The -- you see him wearing his glasses today, right?

18 A. I do.

19 Q. And he was telling you during the interview, I don't
20 have my glasses, I can't see some of these things, right?

21 A. Yes.

22 Q. So you don't doubt the truthfulness of him needing
23 glasses?

24 A. No.

25 Q. He told you about how he always had to pick up the

1 complainant when he was putting her in the shower as he
2 normally would, right?

3 A. Well, he described that a couple different ways. He
4 said there were times that she walked herself. There were
5 times that he helped her. There were times that she -- she
6 went there on her own.

7 Q. Well, do you feel like he was deceptive in the way he
8 describes her ability to get to the shower?

9 A. Well, I think -- I don't know how to answer that.
10 There's several different versions, so I'm not sure if she was
11 able to do it or not, based on what he said.

12 Q. The potato salad container, that threw you off for a
13 moment, right?

14 A. Yes.

15 Q. You don't have any reason to doubt that that's true,
16 he used that when he would bathe her, right?

17 A. That's correct.

18 Q. He talked about how she would wear two diapers,
19 right?

20 A. Yes.

21 Q. And that there were -- two diapers were found at the
22 scene, right?

23 A. That's right.

24 Q. And he talked about how the complainant had a hard
25 time sleeping recently because of the injuries she had just got

1 on her face, right?

2 A. That's right.

3 Q. And we don't have any reason to doubt that either?

4 A. No.

5 Q. Now, what he does flatly deny, and this is where you
6 think he's being untruthful, he flatly denies ever putting
7 anything inside Flora's vagina, right?

8 A. That's right.

9 Q. And you think that's a lie, right?

10 A. I do.

11 Q. But he flatly denies ever seeing any other men come
12 into the apartment that day, right?

13 A. That's right.

14 Q. He doesn't point to a scapegoat as being the likely
15 culprit, right?

16 A. Right.

17 Q. And you see that a lot in your interrogation,
18 somebody trying to come up with a straw man that would have
19 done something instead of them, right?

20 A. That's right.

21 Q. But he never does that, right?

22 A. No, he doesn't.

23 Q. He never says, you know, I think Julie did this,
24 right?

25 A. That's right.

1 Q. And you ask him pointblank about whether Julie had
2 been abusive to her grandmother, right?

3 A. Yes.

4 Q. And he mentioned I think something about her having
5 messed with her grandmother's walker, right?

6 A. Yes.

7 Q. But he never suggested he thinks Julie is the one
8 that really did this to Flora, right?

9 A. That's right.

10 Q. Because his perspective as he's going through this
11 interview is that he doesn't really understand all the injuries
12 that Flora has, right?

13 A. That's right.

14 Q. So he's not suggesting that anybody's responsible for
15 these injuries, right?

16 A. Correct.

17 Q. Now, you guys have a little tit for tat about the --
18 about whether the police are responsible for tampering with
19 evidence at the scene, right?

20 A. Right.

21 Q. And I think it seems like he kind of irritated you
22 for a moment there. Is that true?

23 A. No.

24 Q. You just -- that was just part of the pretense at the
25 time?

1 A. Yes.

2 Q. Okay. The -- he fully acknowledges that he was
3 locked inside that apartment with Flora, right?

4 A. Yes.

5 Q. And you guys go over that, how it's a fire hazard,
6 the two of 'em can't even get out if they have to, right?

7 A. That's right.

8 Q. But he doesn't dispute that, he embraces that, right?

9 A. Yes.

10 MR. HOCHGLAUBE: I'll pass the witness, Judge.

11 MS. FULLER: Nothing further from the State, your
12 Honor.

13 THE COURT: All right. Thank you so much. I
14 appreciate you coming.

15 All right. Ladies and gentlemen, we're going to
16 break for today. I understand that we are going to be able to
17 start on the 23rd, so I would like to have you-all here just
18 after lunch. We're not going to feed you on Monday the 23rd,
19 but we'll see you at 1:00 o'clock on the 23rd. Okay.

20 Is there -- I don't want you-all to be silent if I'm,
21 like, wrecking your life. Is there -- I realize that I'm
22 inconveniencing you, I'm giving you-all that, but is there
23 something that's just impossible for you-all to be here?
24 Anybody that's not going to be able to be here on the 23rd?

25 I recognize that we are inconveniencing you and I