

1                                   **ABRAHAM ALANIS,**  
2   having been first duly sworn, testified as follows:

3                                   **DIRECT EXAMINATION**

4   BY MS. BENAVIDES:

5           Q       Deputy, can you please introduce yourself to  
6   the ladies and gentlemen of the jury?

7           A       My name's Abraham Alanis, Jr. I work for  
8   the Harris County Sheriff's Department, homicide  
9   division. I'm a deputy investigator.

10          Q       And Deputy Alanis, how long have you been  
11   with the Harris County sheriffs?

12          A       I have been with the sheriff's department a  
13   little bit over 12 years.

14          Q       And how long have you been with the homicide  
15   division?

16          A       A little bit over four years now.

17          Q       And what are the duties of a deputy  
18   investigator in the homicide division?

19          A       Depending on what we actually get sent out  
20   to, the homicide division goes to missing babies,  
21   suicides, murders, officer-involved shootings, death  
22   in custodies. There's multiple type of scenes we  
23   attend.

24                                But to each scene, there's a lead  
25   investigator. That lead investigator is in charge of

1 actually controlling the scene. He'll get other  
2 investigators to do his scene for him, interviews,  
3 canvas of the area, so a bunch of little things.  
4 It's like a -- they get a piece of the puzzle and  
5 they all have to bring it to the lead investigator to  
6 put that puzzle together and actually write the  
7 report.

8 Q And Deputy Alanis, were you on duty  
9 January 15, 2011?

10 A I was on call.

11 Q And what is "on call" mean?

12 A In homicide, we rotate call outs. That  
13 particular week, we had everything from 6:00 p.m. to  
14 6:00 a.m., including the weekend. So anything that  
15 happened from 6:00 p.m. to 6:00 a.m. and including  
16 the weekend, we would get called out. It doesn't  
17 matter what time, they call us and we have to be  
18 there.

19 Q Were you called out on January 15th, 2011?

20 A Yes, ma'am.

21 Q Do you remember the location you were called  
22 out to?

23 A Yes, ma'am.

24 Q What was that location, sir?

25 A 2131 Garden Landing.

1 Q And what was the city, the Garden Landing  
2 address?

3 A Cypress.

4 Q Cypress?

5 A Cypress.

6 Q And is that location, the Garden Landing  
7 Lane location, is that in Harris County, Texas?

8 A Yes, ma'am.

9 Q Okay. And what time did you arrive at  
10 201 -- 20131 Garden Landing Drive?

11 A 5:27 p.m., ma'am.

12 Q And when you arrived at this location, what  
13 kind of location was it?

14 A It's a single family home, just a home.

15 Q And where -- so it's in a residential area?

16 A It's a neighborhood.

17 Q Who was there when you arrived?

18 A The initial patrol deputies were there,  
19 family members of the victim. That's it.

20 Q At that point when you arrived at 5:27, were  
21 emergency personnel there?

22 A No. They were gone.

23 Q Did you know -- did you come to learn if the  
24 EMS people were there?

25 A Yes, ma'am. After speaking with the primary

1 deputy, the first responder.

2 Q And who was the first responder?

3 A Deputy Ouzenne.

4 Q And what was Deputy Ouzenne, if you know,  
5 what were his duties?

6 A As any patrol deputy, once they get called  
7 out, they arrive at the scene, figure out what's  
8 going on, and then secure the scene until  
9 investigators show up.

10 Q And when you arrived, the scene was already  
11 secured?

12 A It was already taped off.

13 Q And when you say taped off, does that  
14 mean -- what does that mean?

15 A It means they put yellow tape all around the  
16 house. They put deputies on the sides to make sure  
17 nobody can come in or out of the house. There's no  
18 movement until I get there.

19 Q And Deputy Alanis, did you learn at one  
20 point who the resident of that home, that 20131  
21 Garden Landing Drive, who were the residents of that  
22 home?

23 A Yes, ma'am. Rhonda Scott and Mr. Joe Shaw.

24 Q And did you know who was in that home? I  
25 guess, did you know of someone in the home when you

1 arrived there?

2 A Yes, we were advised there was a female that  
3 had been -- that was injured inside the garage.

4 Q At that point did you know what the status  
5 was in regards to the female?

6 A We knew she was dead.

7 Q And when we talk about the female, did you  
8 later identify her?

9 A Yes, ma'am, Rhonda -- Rhonda Scott.

10 Q And so when you arrived, there was no signs  
11 of life?

12 A No, ma'am.

13 Q What were your first duties when you arrived  
14 after assessing that the scene was already secure?

15 A The first thing I always do is speak to the  
16 primary deputy. Try to figure out what he knows  
17 since he was the first one there, try to get all the  
18 information he gathered. And then I go talk to the  
19 witnesses or family members, canvas the area.

20 Q And in this case, did you -- who did you  
21 speak to first, do you remember?

22 A Deputy Ouzenne.

23 Q Okay. And after Deputy Ouzenne whose did  
24 you speak to?

25 A I spoke to Ms. Scott's sister, Robbin Simon.

1 Q And did she tell -- without telling us what  
2 she said, did you learn what had happened or what  
3 brought her to the -- Rhonda's house?

4 A Yes.

5 Q Who did you speak with after?

6 A Ms. Robbin's roommate, Kathy Miller.

7 Q And did she also inform you of why she went  
8 there?

9 A Yes, ma'am.

10 Q And did you speak to anybody else after?

11 A Ms. Robbin's son-in-law, Mr. Nolan Hintz.

12 Q And how did Robbin appear when she was  
13 speaking with you?

14 A Emotional, very emotional.

15 Q And how was Ms. Kathy Miller?

16 A Also very emotional.

17 Q And what about Nolan?

18 A He was better composed, but you could still  
19 tell he was emotional.

20 Q And when you -- what did you do after  
21 speaking with them?

22 A Once I spoke to them, I was advised of the  
23 mother had spoken with Rhonda, so I advised them that  
24 I would go speak with Ms. Ernestine Scott, which is  
25 Rhonda's mother, to get a statement from her as well.

1 Q And where was Ms. Scott located?

2 A She was at Robbin's house.

3 Q And how far is Robbin's house to Rhonda's  
4 house?

5 A Five, ten-minute drive max.

6 Q So did you leave the Garden Landing home  
7 behind and did you proceed to Robbin's house?

8 A Not yet. After speaking with Mr. Nolan, I  
9 was advised by dispatch that Anne Sonier had called a  
10 welfare check on Rhonda and provided some  
11 information. So I called her to try to figure out  
12 what information he (sic) had.

13 Q And before we go any further, Deputy, tell  
14 us, what is a welfare check?

15 A Welfare check is any -- any call you make  
16 trying to figure out if somebody's okay, whether you  
17 haven't heard from your mother, brother, father,  
18 friend, whoever. You call the sheriff's department,  
19 the constable, any type of law enforcement, and tell  
20 them you just want them to go knock and ask if  
21 they're okay. They'll go knock on the door, talk to  
22 them. And you'll get a call back saying, yeah, we  
23 spoke to them or no, we weren't able to contact them.  
24 That's all it is, is just checking up on somebody.

25 Q And you had talked about you learned who the

1 residents were of that home. At that point you only  
2 knew about Rhonda. Did you have any thoughts in  
3 regards to Mr. Shaw?

4 A We were told that Rhonda had a boyfriend  
5 that lived there. The deputy, when he arrived, he  
6 did a canvas of the house to see if anybody else was  
7 injured or hurt and saw a monitor that was cut off.  
8 At that point we didn't know if Mr. Shaw was also a  
9 victim or if he had been taken. A lot of times they  
10 take people to use their credit cards. So at that  
11 point we didn't know if he was another victim or  
12 where he was at.

13 So, of course, we wanted to find him.

14 Q And did you personally make any attempts to  
15 find Mr. Shaw?

16 A No.

17 Q Did you know if somebody -- one of your  
18 deputies that reported to you made an attempt?

19 A Yes. Deputy Ouzenne actually called his  
20 cell phone.

21 Q And do you know if he was successful?

22 A No, it went straight to voice mail.

23 Q And did you -- at this point you talked  
24 to -- or you stated that you talked to Anne Sonier.  
25 What was -- you know, how did Anne Sonier sound?

1           A       Frightened. Concerned. She was very  
2 concerned for Rhonda. You could tell in her voice  
3 that she felt something was wrong. She wasn't sure  
4 what was wrong, but she wanted to talk to me because  
5 she just -- deep in her gut, she just felt something  
6 was not right. And she kept asking me if Rhonda was  
7 okay.

8                               MR. VILLARREAL: I'm going to object to  
9 hearsay, Your Honor.

10                              THE COURT: Sustained.

11           Q        (By Ms. Benavides) Were you -- did you alert  
12 Ms. Sonier about Rhonda's condition?

13           A        No.

14           Q        And why was that?

15           A        I wanted to speak to her face-to-face. I  
16 wanted to get a statement from her before I gave her  
17 any information.

18           Q        And did you -- after you spoke, did you do  
19 anything else at the Garden Landing location before  
20 you left?

21           A        No. The house was secure and because  
22 Mr. Shaw also lived in that house, we decided to get  
23 a search warrant for the house.

24                              So I called Deputy Poole to come to the  
25 courthouse, meet with the DA, and get a search

1 warrant for the house. So everything was halted  
2 until we got that.

3 Q So while the search warrant was being  
4 processed, what did you do?

5 A I went to go speak with Rhonda's mother.

6 Q And how was Rhonda's mother? How was --  
7 what was her demeanor like?

8 A Well, she lost a child, so she was, you know  
9 crying. You know, you could tell she was very  
10 emotional.

11 Q And did Ms. Scott provide you information  
12 that could help you with your investigation?

13 A Yes.

14 Q Do you know what that -- can you tell us  
15 what that information was?

16 A Well, she advised that she always talked to  
17 Rhonda every day. When she got home, when she went  
18 to bed. The day before she was able to speak with  
19 her that day --

20 MR. VILLARREAL: I'm going to object to  
21 anything that calls for hearsay from other  
22 witnesses.

23 THE COURT: Sustained.

24 Q (By Ms. Benavides) So, in other words,  
25 Ms. Scott was able to provide a type of time line or

1 a habit, a routine that they had?

2 A Yes, ma'am.

3 Q And she was -- you also learned that this  
4 habit -- something was out of the ordinary, this  
5 habit did not --

6 MR. VILLARREAL: I'm going to object to  
7 leading, Your Honor.

8 THE COURT: Sustained.

9 Q (By Ms. Benavides) Did you learn something  
10 about this routine that Ms. Ernestine Scott had with  
11 Rhonda?

12 A Yes, ma'am.

13 Q And did that routine stay the course on  
14 January 14, 2011?

15 A No.

16 Q Was there an interruption to that routine?

17 A Yes, ma'am.

18 Q And is that what started her -- Ernestine's  
19 concern for her daughter?

20 A Yes, ma'am.

21 Q After you spoke with Ernestine Scott, what  
22 did you do?

23 A I went back to the -- Garden Landing.

24 Q And when you arrived at that Garden Landing  
25 location, what did you do?

1           A       We waited till the search warrant was  
2 actually signed by the Judge.  Once we had a search  
3 warrant, we went inside the house.

4           Q       And I just want to make something clear,  
5 Deputy, when -- before you all received the search  
6 warrant, was anybody -- any CSU officers able to go  
7 into the house?

8           A       No.

9           Q       Were the medical examiners able to get into  
10 the house?

11          A       No.

12          Q       So everything -- everyone was on standstill?

13          A       Yes, ma'am.

14          Q       Okay.  And at this point, before you entered  
15 the house after the search warrant, did you learn of  
16 who actually entered the house?

17          A       Prior to me getting there?

18          Q       Yes, sir.

19          A       Yes.

20          Q       And who were those people?

21          A       The -- Robbin, sister, Ms. Kathy, the  
22 sister's friend.  Nolan also went in.  And Deputy  
23 Ouzenne and another deputy went in there to clear the  
24 house, make sure there wasn't a suspect or another  
25 victim in the house.

1 Q And then -- I don't want be a lawyer or  
2 anything, but when we talk about entering the house,  
3 there was a garage and there was a house. When you  
4 talk about the people that went to clear the house,  
5 did they actually go through -- past the garage area  
6 into the actual home?

7 A Yes, ma'am. They went into the house to  
8 make sure there was nobody inside the house, you  
9 know, heard or suspect, anything.

10 Q And is that good police practice to make  
11 sure everyone is okay?

12 A Of course. You don't want to be in the  
13 garage and somebody come behind you and shoot you.

14 Q So -- so once you get the search warrant,  
15 who walks through the house after that? Do you walk  
16 through the house?

17 A I walked through the house with crime scene.

18 Q And who was the crime scene unit person?

19 A Deputy Noguera.

20 Q And with you and Deputy Noguera, what is the  
21 conversation going between you guys?

22 A Well, we're looking for any types of  
23 disturbance or anything that's moved or out of place.  
24 Miss -- something that's missing, something that  
25 would give us an idea of something that might have

1 occurred inside of the house.

2 Q And when you did -- when you went inside the  
3 home, were you able to notice any signs of a  
4 burglary?

5 A No.

6 Q And based on your training and experience of  
7 12 years, what alerted you that there were no signs  
8 of a burglary?

9 A There was nothing moved. They had -- there  
10 was plenty of televisions, jewelry, watches. None of  
11 the clothing was ransacked. The bedroom was a little  
12 messy, but there was not -- the clothes in the  
13 drawers were nicely folded. You know, people that go  
14 through them, they ransack stuff. I didn't see  
15 anything like that.

16 There was papers on the bed, but  
17 nothing that would show somebody going through stuff  
18 to try to -- and there was jewelry all over the  
19 place.

20 Q And when we talk about the papers that were  
21 on the bed, was there anything of relevance in those  
22 papers?

23 A Not that I --

24 Q And throughout your investigation, did you  
25 also learn of any -- a big piece of property that was

1 missing that belonged to the complainant?

2 A Yes, ma'am, the -- her car.

3 Q And were efforts made in order to recover  
4 her car?

5 A Yes. We -- well, not we, Deputy Ouzenne,  
6 patrol actually got in contact with OnStar, and they  
7 were able to locate the vehicle.

8 Q And do -- did you have an involvement with  
9 the recovery of that vehicle?

10 A No, ma'am.

11 Q So we're back at the scene. What else did  
12 you notice about the home?

13 A There was no signs of forced entry, nothing  
14 appeared to be -- like I said, to be out of place.  
15 We checked the doors, the windows, nothing -- nothing  
16 gave any indication that something happened inside of  
17 the house. Everything appeared to have happened in  
18 the garage.

19 Q And in the garage, what were the signs --  
20 obviously, we had Mr. Rhonda there. What else were  
21 you alerted that something happened in the garage?

22 A Well, you had the missing car. You have the  
23 victim. The victim's wearing all her night clothes,  
24 like she was in the garage. There was a chair like  
25 she had been sitting on the chair. And there was

1 some cigarette butts which we found out that she  
2 liked to smoke. So it appeared that she was in the  
3 garage smoking when everything happened.

4 Q When you were walking through the home, was  
5 there any noises that you recall?

6 A Television. The television was on.

7 Q Was it at a normal volume?

8 A I don't remember focusing on the volume. I  
9 was focusing more on the house, the way the house  
10 appeared. So I don't remember the volume.

11 Q Do you remember if there were any other  
12 noises?

13 A No.

14 Q And were you -- when you were walking  
15 through the home with Deputy Noguera, were you asking  
16 him, you know, please do this or please do that, or  
17 is he pretty self-sufficient?

18 A Deputy Noguera is self-sufficient. He's  
19 been doing that job a long time. I will tell him on  
20 something specific that I see that I want in  
21 particular, hey, make sure you get this or get that.  
22 But he really doesn't need anybody to tell him what  
23 to do.

24 Q Okay. I'm sure he appreciates that.

25 So Deputy, anything -- did you ask

1 Deputy Noguera to obtain any type of DNA swabs or  
2 fingerprints or anything like that in the home, in  
3 the garage?

4 A Not in the home. While we were in the home,  
5 I received another call, and I had to leave. I  
6 received another call from Anne and she was extremely  
7 scared and worried, advising --

8 MR. VILLARREAL: Objection to hearsay,  
9 Your Honor.

10 THE COURT: Sustained.

11 Q (By Ms. Benavides) So -- okay.

12 THE COURT: Just remember, just answer  
13 exactly what they ask for.

14 THE WITNESS: Yes, sir.

15 THE COURT: And let's not get into  
16 hearsay at this time.

17 MS. BENAVIDES: Thank you, Judge.

18 Q (By Ms. Benavides) So Deputy, you have this  
19 second call. At this point did you know how Anne  
20 Sonier was involved with this whole story?

21 A No.

22 Q Did you know if she knew Rhonda or Mr. Shaw?

23 A Yes.

24 Q Okay. What was the relationship?

25 A She was the ex-wife of Mr. Shaw.

1 Q How -- when you received the second call,  
2 did you immediately leave the scene?

3 A Yes.

4 Q And where -- where did you go to?

5 A I went to her house.

6 Q Do you recall where she was living?

7 A 11634 Palo Verde on the east side of Harris  
8 County.

9 Q And for those of us -- I'm not originally  
10 from Harris County. Where -- how far is Rhonda's  
11 house in Cypress to Anne's house?

12 A About an hour drive.

13 Q And did you immediately go there?

14 A Yes.

15 Q Did -- were you with anybody else at this  
16 point?

17 A No. Deputy Poole had already had the search  
18 warrant, so he was on his way to Garden Landing. So  
19 I redirected him to Palo Verde. Since he was  
20 downtown, he was much closer than I was.

21 Q Okay. And just for clarification purposes,  
22 when a search warrant is signed by the Judge, it's in  
23 effect, correct?

24 A Correct.

25 Q You don't actually have to wait for the

1 search warrant to arrive at the home, correct?

2 A Correct.

3 Q So in other words, when you entered the  
4 home, the search warrant was already in effect?

5 A Yes, ma'am.

6 Q Okay. I just wanted to clarify that for the  
7 jury.

8 So you were on your way to see Anne.  
9 When you arrived, what did you do?

10 A Met -- met with Anne. Spoke to her. She  
11 gave me a statement. She was very scared. Very,  
12 very scared. She thought that --

13 MR. VILLARREAL: Object to hearsay,  
14 Your Honor.

15 Q (By Ms. Benavides) And how long was your  
16 conversation --

17 THE COURT: Sustained.

18 Q (By Ms. Benavides) How long was your  
19 conversation between you and Ms. Anne Sonier?

20 A I don't recall the time, 20 minutes maybe.

21 Q And was she able to provide any information  
22 that could help you in your investigation?

23 A Yes.

24 Q And what did you do after you spoke with  
25 her?

1           A       I looked for Mr. Shaw. I did a canvas of  
2 the area, look -- looking for Mr. Shaw.

3           Q       And what area did you canvas?

4           A       The convenience store he had called from.

5           Q       And how did you know that Mr. Shaw called  
6 from a convenience store?

7           A       Ms. Sonier told me.

8           Q       And were you successful in finding Mr. Shaw?

9           A       No.

10          Q       What -- the days after, so we're now -- did  
11 you do any other work or investigation on the 15th of  
12 January?

13          A       We looked for several hours, and since we  
14 didn't find them, we stopped for that day.

15          Q       And when did you continue working on this  
16 case?

17          A       The next day I received a call from  
18 Ms. Sonier.

19          Q       And so this is the third phone call. How --  
20 how concerned did she sound in the third phone call?

21          A       Again, very concerned.

22          Q       Did you all have a long conversation?

23          A       No. She just provided me with some  
24 information of where Mr. Shaw could be.

25          Q       And that information that she provided, did

1 you go there?

2 A Yes, ma'am --

3 Q What was --

4 A -- immediately.

5 Q What was that location?

6 A It was an Excel business off of Wayside and  
7 610. It was a pay phone. Drove -- drove through the  
8 property, canvassed the area. Did -- did not find  
9 him.

10 Q You were unsuccessful there?

11 A No, ma'am.

12 Q What other investigation happened on that  
13 day?

14 A Autopsy, went to the autopsy of Ms. Rhonda  
15 Scott.

16 Q And did you speak with the doctor in charge  
17 of the autopsy?

18 A Yes.

19 Q And you learned the manner of death?

20 A Gunshot wound to the head.

21 Q And was that ruled a certain way?

22 A Homicide, yes, ma'am.

23 Q What did you do after your meeting with the  
24 doctor?

25 A I drove back to our office and met with

1 Sergeant Wedgeworth, who had stayed at the scene when  
2 I left. He recovered two cell phones. So I went  
3 through the cell phones.

4 Q And --

5 MS. BENAVIDES: Your Honor, may I  
6 approach?

7 THE COURT: You may.

8 Q (By Ms. Benavides) So -- so two cell phones  
9 were recovered from Rhonda and Mr. Shaw's house?

10 A Yes.

11 Q Okay. Do you recall the number that was  
12 recovered? Do you recall the number that was  
13 recovered, the phone number?

14 A No. But I have it if you want me to look  
15 for it.

16 Q Yes. Can you please refresh yourself.

17 A (Witness complies.) (832)545-7462.

18 Q So you found this number in the house?

19 A Cell phone.

20 Q Oh, the cell phone. 83 --

21 A It's cell phone.

22 Q (832)545-7462?

23 A Right. Both cell phones belonged -- both  
24 cell phones had the same number. It appeared that  
25 one of the cell phones was an old cell phone because

1 the last dialed number on there was November 1st of  
2 2010. So it was -- she had the old cell phone and a  
3 new cell phone.

4 Q Okay. So -- and the new cell phone had the  
5 same number?

6 A Correct.

7 Q Did you look through that cell phone?

8 A Yes, ma'am.

9 Q So I'm going to write here, and this is the  
10 832 --

11 A -- 545-7462.

12 Q And this was Rhonda's, so it was cell phone,  
13 slash, house phone. Was it a house or did you always  
14 learn it to be a cell phone?

15 A I always thought it was a cell phone.

16 Q Okay. So on that phone, did you go through  
17 it?

18 A Yes, ma'am.

19 Q Did you -- what did you learn from that cell  
20 phone?

21 A I found five dialed calls.

22 Q Five dialed calls?

23 A Correct.

24 Q Okay. So I'm going to write down the five  
25 dialed calls. What was the date on these dialed

1 phone calls?

2 A 1/14/11.

3 Q So January 14, 2011. What was the first  
4 phone call that you saw that was dialed out from that  
5 number?

6 A 6:29 a.m. to Ms. Ernestine, which is  
7 Rhonda's mother.

8 Q 6:29 a.m. And it was to Ernestine?

9 A Yes, ma'am.

10 Q And how did you know it was to Ernestine  
11 Scott?

12 A It said Ernestine.

13 Q On the call log?

14 A Yes, ma'am.

15 Q You're a genius, sir.

16 What was the number that belonged to  
17 Ernestine Scott?

18 A (713)256-0831.

19 Q 0831.

20 When you were going through that, is  
21 there any other information that was provided from  
22 the dialed numbers?

23 A Time of duration.

24 Q And what was the duration?

25 A Forty-four seconds.

1 Q Okay. What was the second call that you  
2 saw, sir?

3 A 1:36 p.m.

4 Q And who was the number that was dialed?

5 A Joe Bopeep.

6 Q And that was the name that was saved on the  
7 phone?

8 A Yes, ma'am.

9 Q And it's Bopeep?

10 A Bopeep, yes. B-O-P-E-E-P.

11 Q Okay. And what was the number that was  
12 associated with Joe Bopeep?

13 A (832)764-2949.

14 Q 832 --

15 A 764-

16 Q -- 764 --

17 A 2949.

18 Q And how long was this call?

19 A Two minutes two seconds.

20 Q What was the third phone call that was done?

21 A 3:17 p.m., and it was voice mail, 32  
22 seconds.

23 Q And you said it was 32 seconds?

24 A Yes.

25 Q What was the fourth phone call?

1 A 3:46 p.m., Ernestine.

2 Q And what was the phone number that was  
3 associated with Ernestine?

4 A The same, the (713)256-0831.

5 Q Same number?

6 A Yes.

7 Q And how long was that dialed phone call?

8 A Fifty-two seconds.

9 Q What was the fifth phone call, sir?

10 A 4:01 p.m., Daryl J.

11 Q What was the phone for Daryl J.?

12 A (281)380-2726.

13 Q And how long was that?

14 A Thirty-seven seconds.

15 Q So all these phone calls were on the  
16 number -- on the date January 14, 2011, and were you  
17 able to see anything else on the call logs?

18 A No, ma'am.

19 MS. BENAVIDES: Your Honor, at this  
20 time, the State is going to offers State's Exhibit  
21 No. 50, which is what we discussed with Deputy Alanis  
22 that talks about the phone number, the cell phone,  
23 the dials, the dates, and the duration of the phone  
24 calls on that day.

25 THE COURT: That page there -- that

1 page there on that chart?

2 MS. BENAVIDES: Yes, Judge.

3 THE COURT: All right.

4 MS. BENAVIDES: And I'll tear that off,  
5 Mr. Villarreal.

6 MR. VILLARREAL: I have no objection,  
7 Your Honor.

8 THE COURT: And that's state's what?

9 MS. BENAVIDES: State's Exhibit No. 50,  
10 Judge.

11 THE COURT: State's 50 is admitted.

12 (State's Exhibit No. 50 was admitted.)

13 Q (By Ms. Benavides) Deputy Alanis, when you  
14 learned of the dialed phone calls, what did you do  
15 with those cell phones?

16 A I tried to figure out who they belonged to.  
17 Ran the numbers through Clear (phonetic), which is  
18 program we use through law enforcement that gives us  
19 records of those numbers, whether it's a name or an  
20 address or anything like that. The only one I wasn't  
21 able to get was Daryl J.

22 Q And what did you do after this part of the  
23 investigation?

24 A Continued to look for Mr. Shaw.

25 Q Were you successful on the 16th of

1 January 2011.

2 A No.

3 Q What happened that day or later that day in  
4 regards to this case?

5 A That was it. We didn't get anything else  
6 until Friday.

7 Q And what was Friday, what date was that?

8 A January 21st.

9 Q And when you say we weren't able to get  
10 anything, what were you able to receive on the 21st?

11 A That night, at 10:30 p.m., I received a call  
12 from Sonier.

13 Q And how did she sound on Friday?

14 A Very anxious. She said --

15 Q (By Ms. Benavides) Without telling us what  
16 she said --

17 MR. VILLARREAL: Object to hearsay,  
18 Your Honor.

19 Q (By Ms. Benavides) -- was she able to  
20 provide you with information that was helpful?

21 A Yes.

22 Q And did you use that information with your  
23 investigation?

24 A Yes.

25 Q And what did you do with that information?

1 A I drove to LBJ hospital.

2 Q Do you remember the address of the LBJ  
3 hospital?

4 A 5656 Kelly Street, Houston, Texas.

5 Q And how far is the LBJ hospital in relation  
6 to Anne Sonier's home?

7 A About 7 miles, a 13-minute drive.

8 Q And were you by yourself on the 21st of  
9 January?

10 A No, I called the district 3, which is the  
11 east side patrol and asked that two marked units meet  
12 me there.

13 Q And what time of day or night was it when  
14 you started your investigation?

15 A It was already 10:30 at night when I got the  
16 call, so I didn't make it out there probably until a  
17 little bit after 11:00.

18 Q And how many deputies were with you?

19 A Two uniformed officers and myself.

20 Q And when -- you, yourself, what kind of  
21 uniform were you wearing?

22 A Vest. Just suit, tie, and I had a jacket  
23 because it was cold.

24 Q I'm sorry?

25 A A suit and tie, and I had a jacket because

1 it was cold.

2 Q Oh, a jacket because it was cold?

3 A Yes.

4 Q So, it's January back in 2011. Do you  
5 remember how cold it was?

6 A Not the actual number, but I remember I had  
7 to wear a jacket, so it was cold.

8 Q So when you arrived at LBJ, what did you  
9 first do?

10 A I had a picture of Mr. Joe Shaw from his  
11 driver's license, and I showed it to the two  
12 uniformed officers, advised them that's who we were  
13 looking for.

14 Q And what -- how did you first start this --  
15 this process?

16 A Met with them, advised them we had a warrant  
17 for Mr. Joe Shaw. Gave them the picture. Walked  
18 into the hospital. Met with their security officer  
19 and asked them to guide us through all of the waiting  
20 rooms. I didn't know how many waiting rooms there  
21 are and there's a lot in LBJ.

22 Q Okay. And how many waiting rooms were you  
23 going through?

24 A I made it to three. We saw him. What I did  
25 was I had the two uniformed officers walk ahead of

1 me, so that I could kind of see everybody look at  
2 them. A lot of times when people don't want an  
3 officer around, they kind of do body movements to get  
4 away from them and since I'm behind, they don't pay  
5 much attention to me so I'm able to see them.

6 Q And when you walked into the third waiting  
7 room, what did you observe?

8 A I observed the male that matched Mr. Shaw's  
9 description. As soon as he saw the two uniformed  
10 officers, he kind of ducked down. He had a baseball  
11 cap and he kind of put the bill down to try to cover  
12 his face.

13 I let the officers walk a little bit  
14 further. They kept -- he kept kind of leaning down,  
15 so I approached the male, and I asked what his name  
16 was. He gave me a John Stewart. As I'm trying to  
17 talk to him, he's kind of tilting his head so that  
18 the cap is between me and him. But I could see his  
19 face.

20 At that point I, you know, confirmed  
21 what his name was, which he became very irritated and  
22 upset. Straight out told me, I ain't saying nothing  
23 to you, I ain't talking to you. I advised him he was  
24 under arrest, that I had a warrant for him.  
25 Handcuffed him and escorted him out.

1                   Before leaving --

2           Q       And let me stop you right there.  And so he  
3 is under arrest.  Did you verify with anyone whether  
4 he was a patient at LBJ?

5           A       Yes.

6           Q       And did you learn if he was a patient?

7           A       He was not.

8           Q       Did he have any type of wrist bands,  
9 police -- or hospital wrist bands on him?

10          A       No.

11          Q       And the person that you arrested on  
12 January 21, 2011, do you see that person in the  
13 courtroom today?

14          A       Yes, ma'am.

15          Q       Can you please identify him by an article of  
16 clothing?

17          A       Light blue shirt.

18                   MS. BENAVIDES:  Your Honor, may the  
19 record reflect that Deputy Alanis has identified  
20 Mr. Shaw?

21                   THE COURT:  It will so reflect.

22          Q       (By Ms. Benavides) Deputy, did you transport  
23 Mr. Shaw to -- to start the process of when he was  
24 arrested?

25          A       Actually, I had the marked patrol car

1 transport him to our office.

2 Q And Deputy, is a firearm a deadly weapon in  
3 Texas?

4 A Yes.

5 Q Was a firearm every recovered in this case?

6 A No.

7 Q When you arrested Mr. Shaw on the 21st of  
8 January, did you attempt to do any type of GSR gun  
9 residue testing on his hands or anything like that?

10 A No.

11 Q And why not, sir?

12 A It's over a week.

13 Q And if it's over a week, would you expect  
14 there to be something?

15 A Well, you wash your hands, take a bath,  
16 sweat, you name it.

17 MS. BENAVIDES: Pass the witness, Your  
18 Honor.

19 THE COURT: All right. Any questions?

20 MR. VILLARREAL: Yes, Your Honor.

21 THE COURT: You may proceed.

22 **CROSS-EXAMINATION**

23 BY MR. VILLARREAL:

24 Q You indicated that you were involved in this  
25 arrest; is that correct?

1 A Yes, sir.

2 Q And you said there was an LBJ hospital?

3 A Yes, sir.

4 Q And you said it happened in a waiting room;  
5 is that correct?

6 A Yes, sir.

7 Q Now, you indicated there were certain  
8 behaviors he displayed to you; is that correct?

9 A Yes, sir.

10 Q And that was part of your basis for  
11 approaching him; is that correct?

12 A Correct.

13 Q And did you notice whether the waiting rooms  
14 there had any kind of video cameras or anything at  
15 the time?

16 A No, sir.

17 Q Would it surprise you to know that they did?

18 A No, sir.

19 Q Now, you indicated that, after you talked  
20 to -- you indicated -- the prosecutor asked you  
21 whether you did any gun residue tests on Mr. Shaw; is  
22 that correct?

23 A Yes.

24 Q And the truth of the matter is that you  
25 don't know whether he would have or not had anything,

1 is that correct, because that's what the testing is  
2 for; is that correct?

3 A Testing will show residue, sir.

4 Q That's correct?

5 A About a week, it's very, very unlikely  
6 there's going to be any residue on there.

7 Q But that's the point, you don't know; is  
8 that correct? You do not know; is that correct?

9 A I don't believe there was any residue on  
10 there, sir.

11 Q But your job as an officer is to preserve  
12 any possible evidence; is that correct?

13 A Yes, sir.

14 Q And your job is to request any DNA swabs or  
15 anything that may reveal some evidence? Sometimes it  
16 does; sometimes it does not; is that correct?

17 A Correct.

18 Q And you would agree with me that if there  
19 was some gun residue on his clothing, on his hands,  
20 that would have been material evidence to you; is  
21 that correct?

22 A Correct.

23 Q Now, did you know what clothing he was using  
24 on or about the 14th of January?

25 A No.

1 Q So you don't know whether the clothing he  
2 had at the time may have been the same clothing he  
3 used; is that correct?

4 A Correct.

5 Q Did you request that his clothing be removed  
6 so you could submit that to any kind of testing?

7 A No, sir.

8 Q And you agree that sometimes you find gun  
9 residue on even clothing; is that correct?

10 A Rare, but yes, sir.

11 Q So there were certain things you did not do  
12 at the time, is that correct, as an officer in charge  
13 of this investigation?

14 A Yes, sir.

15 Q Now, when you arrested him, you did not find  
16 a weapon; is that correct?

17 A Correct.

18 Q There were no cartridges or anything found  
19 on his person; is that correct?

20 A Correct.

21 Q There were no bullets; is that correct?

22 A Correct.

23 Q Now, going back to the scene when you got  
24 called in on January 15th, I think you said --

25 A Yes, sir.

1 Q -- is that correct?

2 A Yes, sir.

3 Q When you start -- when you got assigned this  
4 investigation --

5 A Yes, sir.

6 Q -- you indicated there were certain people  
7 there before you got there; is that correct?

8 A Correct.

9 Q Now, you mentioned that there -- to your  
10 knowledge, based upon I guess information you  
11 gathered as the investigative officer, you said there  
12 were different civilians that had gone into the  
13 house; is that correct?

14 A Correct.

15 Q You mentioned Mr. Nolan Hintz I think you  
16 said; is that correct?

17 A Yes, sir.

18 Q I think you mentioned a Ms. Kathy Miller,  
19 correct?

20 A Correct.

21 Q You mentioned a Ms. -- a Simon; is that  
22 correct?

23 A Robbin Simon, yes, sir.

24 Q Was there an off-duty officer that had also  
25 gone into the house?

1 A I don't recall an off-duty officer, sir.

2 Q Okay. Now, you talked to all these people.  
3 If there was an off-duty officer there that had gone  
4 into the house, would you have talked to him?

5 A Yes, sir.

6 Q Okay. At the time that -- that you were  
7 investigating this case, am I correct that you don't  
8 know -- your whole purpose for being there is to  
9 investigate the crime; is that correct?

10 A Correct.

11 Q And try to analyze, based upon the evidence  
12 that you have gathered, to see if you can focus on  
13 who your prime suspect may or may not be; is that  
14 correct?

15 A One more time.

16 Q When you're investigating a crime, you're  
17 trying to solve it; is that correct?

18 A Correct.

19 Q You're trying to get to see who the possible  
20 perpetrator may be; is that correct?

21 A Correct.

22 Q Sometimes you go through inclusion analysis  
23 to determine who that possible suspect is; is that  
24 correct?

25 A Correct.

1 Q Now, at the time, you did not -- you did not  
2 know whether Ms. Scott may have let anyone else into  
3 the house; is that correct?

4 A Correct.

5 Q And you do not know who else may have  
6 gone -- whether that person may have gone into the  
7 house through the garage door or may have gone in  
8 through the front door; is that correct?

9 A Correct.

10 Q And if -- if Ms. Scott had opened the door  
11 to anyone else, your job would have been to determine  
12 if there's any video cameras instead the house that  
13 might tell us something; is that correct?

14 A Correct.

15 Q Determine if there's any kind of either  
16 fingerprint evidence or perhaps DNA evidence that  
17 might have been on the front door, is that correct,  
18 the last possible person that may have touched the  
19 front door as you're coming in; is that correct?

20 A That -- you know, DNA evidence on the front  
21 door.

22 Q Well, I'm talking about the doorknob?

23 A Yeah.

24 Q Okay. It's your job is that -- at that  
25 point you didn't know who your suspects were,

1 correct?

2 A Correct. I did not know who the suspect  
3 was?

4 Q You indicated you had no signs -- if I  
5 understand correctly how you started the prosecutor's  
6 answers was that you had no sign, in fact, of a  
7 forced entry --

8 A Correct.

9 Q -- correct?

10 A That is correct.

11 Q So the assumption is either someone had a  
12 key to get in or the person was allowed in; is that  
13 correct?

14 A Correct.

15 Q Now, if I also understand correctly, when  
16 you're doing a -- I guess a homicide investigation,  
17 usually most investigators start off with the people  
18 closest to the victim; is that correct?

19 A Interviews, yes, sir.

20 Q Okay. And you start to determine if there's  
21 any enemies --

22 THE COURT REPORTER: I'm sorry, you  
23 start to determine what?

24 Q (By Mr. Villarreal) If there were any  
25 enemies perhaps of Ms. -- you know, of your

1 complainant; is that correct?

2 A Correct.

3 Q If there were any troubles perhaps between  
4 her and her live-in boyfriend or husband or lover; is  
5 that correct?

6 A Correct.

7 Q And then it expands from there; is that  
8 correct?

9 A Correct.

10 Q Now, you've indicated that you got calls  
11 from Ms. Sonier; is that correct?

12 A Correct.

13 Q And after that, your focus became Mr. Shaw;  
14 is that correct?

15 A Not till I met up with her.

16 Q Okay. All right. Now, you mentioned  
17 there's certain phone numbers that have been listed  
18 here on this chart; is that correct?

19 A Correct.

20 Q Phone numbers you said have been recovered  
21 from the cell phones from within the house; is that  
22 correct?

23 A Correct.

24 Q And you indicated there's a phone number  
25 there I think that you mentioned from a person by the

1 name of Daryl; is that correct?

2 A Correct.

3 Q Is it Daryl J --

4 A Correct.

5 Q -- if I understood you correctly?

6 And that phone call was made at what  
7 time?

8 A 4:01 p.m.

9 Q 4:01 p.m.

10 A Yes, sir.

11 Q And the date of that would have been on the  
12 14th?

13 A Correct.

14 Q So at 4:01 p.m. January 14th, there's a  
15 phone call coming in from a Daryl; is that correct?

16 A Going out.

17 Q Going out. Okay.

18 A Dialed calls.

19 Q All right. Did you do a follow-up  
20 investigation on Mr. Daryl to talk to him about what  
21 conversation, if any, he had had with Ms. Rhonda  
22 Scott?

23 A I attempted to locate Mr. Daryl. I never  
24 did.

25 Q And you attempted to call him when?

1 A When I got those numbers.

2 Q Okay. So you attempted to call him on  
3 January the 15th; is that correct?

4 A No, sir. I didn't -- I didn't get those  
5 numbers till the 16th. I got the phone the 15th, but  
6 I didn't get them from the sergeant until the date of  
7 the autopsy.

8 Q All right.

9 A Once I reviewed them, I did call.

10 Q And -- and that's my question. On  
11 January 16th, and once you had that phone number, is  
12 that when you tried to contact Daryl; is that  
13 correct?

14 A Correct.

15 Q And at that point at least you already knew  
16 that you had a homicide; is that correct?

17 A Correct.

18 Q And you had a male person that Ms. Scott  
19 did, in fact, have some conversation with on -- on  
20 the date of the homicide; is that correct?

21 MS. BENAVIDES: Objection, Your Honor,  
22 speculation. We don't know who actually called that  
23 number. Two people lived in that house.

24 THE COURT: Well, that's sustained.

25 Q (By Mr. Villarreal) You have a call that was

1 made, I think -- I think mostly to Ms. Ernestine  
2 Scott; is that correct?

3 A Two calls, yes, sir.

4 Q Two calls? To Ms. Ernestine Scott; is that  
5 correct?

6 A Ernestine, yes.

7 Q And then you have a call -- outgoing call  
8 being made to this man -- to a man by the name of  
9 Daryl J; is that correct?

10 A Correct.

11 Q Now, you said you called Daryl J on the  
12 16th; am I correct?

13 A Correct.

14 Q Two days after the body of Ms. Scott had  
15 been discovered; is that correct?

16 A Say --

17 Q I'm sorry, one day later. You discovered  
18 the body on the 15th; is that correct?

19 A Correct.

20 Q So you're making a phone call to Daryl J one  
21 day later; is that correct?

22 A The 16th, so yes, sir.

23 Q Okay. Was that the only phone call you made  
24 or you made several attempts to talk to him?

25 A That call went straight to an automated

1 service. The phone was not working. I attempted to  
2 go through the numbers to see if I could figure out  
3 who he was through our Clear program, which is, like  
4 I said, a program that gives us names, came back to  
5 unknown. So I didn't have anybody to look for on  
6 that number.

7 Q Okay. So you're saying you have a number,  
8 but it's unknown who the subscriber is; is that what  
9 you're saying?

10 A Correct.

11 Q And if you knew who the subscriber was,  
12 perhaps you might be able to get an address; is that  
13 correct?

14 A Correct.

15 Q Now, did you leave a message, I guess, to  
16 that phone number?

17 A Like I said, the phone was -- it went to an  
18 automated -- not voice mail, but one of those that it  
19 doesn't get anything.

20 Q I see. So you're saying that the number was  
21 disconnected, you're saying that the --

22 A Not disconnected. But you know when you  
23 call a number that it tells you this number doesn't  
24 receive or doesn't collect -- it was an automated  
25 message, but it didn't allow you to leave a

1 message.

2 Q Okay. Well, after -- after -- did you ever  
3 have -- did you ever have a detailed conversation, a  
4 recorded conversation with a Daryl Jefferson?

5 A No, sir.

6 Q Do you know who that person is?

7 A Now, I do, but I did not.

8 Q And you discovered -- you're saying now I  
9 do. When did you discover his full name?

10 A When I spoke with the district attorney's  
11 office.

12 Q Which was when?

13 A A couple days ago.

14 Q A couple days ago you're saying, Monday,  
15 Tuesday --

16 A Sir, I don't know.

17 Q -- Friday?

18 No, I'm --

19 A I don't know the exact date.

20 Q But it was sometime this past week  
21 perhaps?

22 A Yes.

23 Q Okay. Prior to that, that name had never  
24 been given to you, is that correct, to do a follow-up  
25 investigation?

1 A Correct.

2 Q And all you had was a Daryl J; is that  
3 correct?

4 A Correct.

5 Q Now, as a homicide investigator with 12  
6 years of experience, you know, did you ever conclude  
7 that Daryl J, the phone number listed on the cell --  
8 on that cell phone could have been Mr. Daryl  
9 Jefferson?

10 A No.

11 Q No.

12 A No.

13 Q Okay. And even after they told you that,  
14 did you go through another recorded statement or  
15 investigation of Mr. Jefferson yourself?

16 A No. Not me, no.

17 Q Did you assign anyone to do an audio  
18 recorded statement or investigation of  
19 Mr. Jefferson?

20 A I believe the district attorney's office  
21 actually went to speak to him.

22 Q Okay. But nothing on your part?

23 A No.

24 Q And did -- they did not call you when they  
25 had that name and said, we want you to follow up on

1 this person?

2 A No.

3 Q If I understand what you're saying is that  
4 you don't know whether Daryl Jefferson did in fact  
5 work at the veteran's hospital; is that correct?

6 A Not then. I know now, but not then, no. I  
7 didn't know who Daryl J was.

8 Q And you were aware that Ms. Scott worked at  
9 that hospital; is that correct?

10 A Yes.

11 Q And you were aware that Mr. Shaw, at some  
12 point, had worked in that hospital; is that correct?

13 A Correct.

14 Q And Daryl also; is that correct?

15 A Correct.

16 MR. VILLARREAL: No further questions,  
17 Your Honor.

18 THE COURT: Okay. Anything else?

19 MS. BENAVIDES: No, Your Honor.

20 THE COURT: All right. May Detective  
21 Alanis be excused?

22 MS. BENAVIDES: Yes from the State,  
23 Judge.

24 MR. VILLARREAL: Yes from defense, Your  
25 Honor.

1 THE COURT: All right. Thank you, sir.  
2 You're free to go. The rule has been invoked, so you  
3 know what that means.

4 THE WITNESS: Yes, sir.

5 THE COURT: Approach the bench, please.  
6 (Bench Conference.)

7 THE COURT: Okay. What's next?

8 MS. BENAVIDES: We have the ex-wife,  
9 Anne, and it's going to probably take a while. What  
10 I could do is do the stipulation of evidence right  
11 now and then we can break for lunch if you'd like,  
12 Judge.

13 THE COURT: That's fine.

14 (Bench Conference Concluded.)

15 THE COURT: All right. You may  
16 proceed.

17 MS. BENAVIDES: Your Honor, at this  
18 time, State offer State's Exhibit No. 48 after  
19 tendering to defense counsel for inspection.

20 THE COURT: All right.

21 MR. VILLARREAL: It's our stipulation,  
22 Your Honor, also.

23 THE COURT: All right.

24 MR. VILLARREAL: No objection.

25 THE COURT: No objection. State's 48,