

1 was no physical or verbal abuse between you two?

2 A. No.

3 Q. You're saying you didn't see anything  
4 happen between Mr. Walton and the other two police  
5 officers?

6 A. I was trying to restrain his legs to  
7 keep him from kicking and harming the other  
8 officers.

9 MR. SALAZAR: I'll pass the  
10 witness, Your Honor.

11 THE COURT: Anything further?

12 MS. BAKER: No, Your Honor.

13 THE COURT: You may stand down.

14 Call your next witness.

15 MS. BAKER: State calls Officer  
16 Amador.

17 THE BAILIFF: This witness has not  
18 been sworn.

19 (Witness sworn.)

20 THE COURT: Please proceed.

21 RUDY AMADOR,  
22 having been first duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. BAKER:

25 Q. Would you state your name for the

1 record, please?

2 A. Rudy Amador.

3 Q. How are you employed?

4 A. I'm a police officer for the City of  
5 Houston.

6 Q. How long have you been with the Houston  
7 Police Department?

8 A. Five years.

9 Q. And prior to going to the police  
10 department did you have to go to the Police Academy?

11 A. Yes, ma'am.

12 Q. What did you do before that?

13 A. I was a student at Texas Tech  
14 University.

15 Q. All right. How long were you at Texas  
16 Tech?

17 A. Four and a half years.

18 Q. Okay. Did you get a degree?

19 A. No, ma'am, I did not.

20 Q. What did you study?

21 A. Just business.

22 Q. All right. So when you left did you  
23 go to the police department -- is that why you left,  
24 to go to the police department?

25 A. Yes, ma'am.

1 Q. Since you've been working at the police  
2 department have you worked with Officer Simpson?

3 A. Yes, I have.

4 Q. Is he your partner?

5 A. Yes, ma'am, for about two years.

6 Q. And when you -- what were your duties on  
7 August 30th, 2011?

8 A. We were assisting Vice Officer Bounds,  
9 T.C. Bounds, with a prostitution initiative. He was  
10 the undercover officer working that day and he would  
11 go and make the prostitution cases, bring them to us  
12 and we'd take the suspects out of the vehicle and  
13 place them under arrest.

14 Q. Did you participate at all in the  
15 undercover investigation of prostitution?

16 A. No, ma'am.

17 Q. Was your primary duty just to transport?

18 A. Primarily, take down and then take them  
19 out of the vehicle and then transport.

20 Q. When you say take down out of the  
21 vehicle, what do you mean?

22 A. Bounds, Officer Bounds would bring the  
23 suspects to us whenever he would make a prostitution  
24 case. There would be another -- Officer Bounds  
25 would alert us and say the suspect is going to be

1 coming to you, the deal is made, take down the  
2 vehicle, place him under arrest and complete the  
3 paperwork.

4 Q. Do you have to actually -- just to be  
5 clear for the jury, do you have to actually complete  
6 the sex act for a prostitution arrest to be made?

7 A. You just have to agree to a sex act and  
8 to a fee.

9 Q. So a sex act and agree for money?

10 A. Correct.

11 Q. So once that agreement is made is that  
12 when you're given the arrest signal?

13 A. Right, that's when they bring the  
14 suspects to us to place them under arrest.

15 Q. Is that what you were doing on August  
16 30th, 2011?

17 A. Yes, ma'am.

18 Q. Where were you that day?

19 A. 1000 Rosalie, I believe is where the  
20 take-down location was, Tuam.

21 Q. On Tuam?

22 A. Something around there, I believe so.  
23 Right, 1000 Tuam is what I see here, yes, ma'am.

24 Q. Is your take-down location always the  
25 same?

1           A.    It changes depending on where the Vice  
2 Officers are picking up the suspect.

3           Q.    How was the weather that day?

4           A.    It was clear, hot, sunny.  Hot, clear.

5           Q.    All right.  And did you get an  
6 indication that you were going to need to do an  
7 arrest on Kevin Dewayne Walton?

8           A.    Yes, ma'am.

9           Q.    Did the Defendant, Mr. Walton, arrive at  
10 the location?

11          A.    Yes, he did.

12          Q.    And at some point did you see him placed  
13 in a patrol car?

14          A.    Yes.  Yes, ma'am.

15          Q.    Do you see Mr. Walton in the courtroom  
16 today?

17          A.    Yes, ma'am.

18          Q.    Can you identify him by an article of  
19 clothing that he's wearing today?

20          A.    Pink shirt.

21                    MS. BAKER:  Your Honor, may the  
22 record the witness has identified the Defendant?

23                    THE COURT:  It will so reflect.

24          Q.    (By Ms. Baker)  What was Mr. Walton's  
25 attitude?

1           A.    He was very, very irate and belligerent,  
2           very upset.

3           Q.    All right.  Was he using profanity?

4           A.    Yes, ma'am.

5           Q.    Where were you when Mr. -- Officer  
6           Simpson was taking the booking information?

7           A.    I was in the passenger seat next to him  
8           just doing the stuff on the computer in regards to  
9           Mr. Walton.

10          Q.    Were the windows down?

11          A.    Yes, ma'am.

12          Q.    Could you see Mr. Walton?

13          A.    Uh-huh.  Yes, ma'am.

14          Q.    And what happened?

15          A.    I heard Mr. Walton spit towards Officer  
16          Simpson where we were sitting.  That's when Officer  
17          Simpson instructed him not to do that again, that's  
18          a crime.  It's illegal.  Please do not.  Mr. Walton  
19          did spit again, which did strike Officer Simpson in  
20          the chest, the face, nose, cheek area.

21          Q.    Did you see the spit on his face?

22          A.    We did, yes, on his face and his chest.

23          Q.    All right.  So what happened?

24          A.    At that point Officer Simpson asked  
25          Officer DeLasbour to pull the vehicle up so we could

1 talk to Mr. Walton. Officer Simpson went to  
2 approach Mr. Walton and that's when Mr. Walton ran  
3 back and attempted to spit on Officer Simpson again.  
4 That's when we got him out of the vehicle and placed  
5 him on the ground in order to get better control of  
6 him. He was very belligerent trying to spit on us.

7 Q. What was he belligerent about?

8 A. About why he was being arrested. He  
9 stated he didn't agree to the prostitution case  
10 which we didn't have anything to do with that. We  
11 were just the take-down unit. We told him, "You  
12 need to take that up with Officer Bounds, you know,  
13 go to court for that. We were just given the  
14 take-down signal." We told him that's why he's  
15 being arrested. He was just adamant. He did not  
16 agree to that.

17 Q. Did the spit appear to be saliva?

18 A. Yes.

19 Q. Did you tell him we didn't have anything  
20 to do with the prostitution arrest before the  
21 spitting or after or both?

22 A. Yeah, both.

23 Q. At some point did he get an injury to  
24 his wrist?

25 A. Yes, ma'am, he did.

1           Q. Did he continue to try to spit with an  
2 injury on his wrist?

3           A. Yes, he was. He was just, like I said,  
4 very, very irate.

5           Q. Did you see how the injury on his wrist  
6 happened?

7           A. Yes.

8           Q. What happened?

9           A. Officer Simpson struck Mr. Walton with  
10 his knee to his lower area. He was trying to spit  
11 on us. He would not comply with verbal orders.

12          Q. Okay. This strike with the knee, is  
13 that a tactic that you are taught?

14          A. It's just like a pain compliance.

15          Q. How do -- when do you have to use that  
16 sort of situation, that sort of compliance?

17          A. Mainly just like a last resort whenever  
18 he's just -- the suspect isn't listening, he or she,  
19 in a case like that when they're trying to spit on  
20 us and -- when you're arrested for a prostitution  
21 case like that, we don't know -- that's kind of a  
22 different life-style. He could have some sort of  
23 disease, some sort of infectious disease.

24          Q. Was he resisting arrest and  
25 transportation?



1           A.    Yes, ma'am, he was.

2                   MR. SALAZAR:  Objection, leading,  
3   Your Honor.

4                   THE COURT:  Overruled.

5           Q.    (By Ms. Baker)  How was he resisting?

6           A.    He was just pulling away from us,  
7   pushing up off the ground with his legs rolled over,  
8   trying to get on his back, spitting at us.  He  
9   wasn't complying.  It was hard for us to get him  
10   under control.

11          Q.    All right.  Did it take all three of  
12   you?

13          A.    Yes, ma'am.

14          Q.    And so this last resort, pain  
15   compliance, was that sort of the situation when --  
16   when did that happen in that sequence of events?

17          A.    Towards the end, once -- like I said,  
18   once he kept spitting, towards the end of the  
19   sequence of events that's whenever Officer Simpson  
20   did that.

21          Q.    Is that what finally got him under  
22   control?

23          A.    Yes, ma'am.

24                   MS. BAKER:  I'll pass the witness.

25                   THE COURT:  Mr. Salazar.

## 1 CROSS-EXAMINATION

2 BY MR. SALAZAR:

3 Q. Officer Amador, is your pain compliance  
4 term a nice way of saying you were justified beating  
5 him?

6 A. No, sir.

7 Q. If he was bloodied, that wasn't a love  
8 tap, was it?9 A. No, sir. I mean, I don't know what you  
10 would you call a love tap. It was just a pain  
11 compliance strike.12 Q. If it's a knee to the face, you would  
13 agree with me that your face is pretty soft, the  
14 skin, the bone cartilage, everything is soft and a  
15 knee is hard and he's going to feel pain, wouldn't  
16 you agree?17 A. It's a pain compliance strike. Yeah, I  
18 agree he would feel pain.

19 Q. That's part of police procedure?

20 A. It's stuff we are taught in the Academy.  
21 Sometimes we don't want to resort to violence. We  
22 don't want to do that but whenever your health is at  
23 risk and other officers are at risk, it's just  
24 something that we have to do.

25 Q. There were three of you, correct?

1           A.    Yes.

2           Q.    And there was one of him and he's  
3 handcuffed behind his back, right?

4           A.    Yes.

5           Q.    How belligerent could he be physically  
6 where it takes all three of you to take him down?

7           A.    I mean, it's very belligerent. Like I  
8 said, he was very belligerent. Rolling around,  
9 pushing up off the ground. I mean, spitting. I  
10 don't want to get spit on. So when we don't know if  
11 he does have any diseases, which I don't know if he  
12 doesn't right now or did at the time, it's just  
13 something we don't want to be at risk at.

14          Q.    Would you agree with me that a year has  
15 passed and Officer Simpson hasn't suffered any  
16 symptoms from that?

17          A.    I would agree, not that I know of.

18                   MR. SALAZAR: Thank you. Pass the  
19 witness, Your Honor.

20                   THE COURT: Anything further?

21                   MS. BAKER: No, Your Honor.

22                   THE COURT: You may stand down.

23                   Call your next witness.

24                   MS. BAKER: I call Officer Simpson.

25                   THE BAILIFF: This witness has not