

1 autopsy, that that bullet hit high and came out low.

2           And what we're saying here is -- in voir  
3 dire, you promised that you would wait to pass judgment,  
4 you would listen to all of the evidence in this case.  
5 You would wait to hear Jeremy Dugar get on the stand and  
6 tell you his side. We're confident if you wait and  
7 listen to everything and you listen to him, you will  
8 find him not guilty of murder.

9           THE COURT: Thank you very much.

10           All right. From the State, will you call  
11 your first witness, please?

12           MR. BALLENGEE: The State calls Officer  
13 Argueta to the stand.

14           THE COURT: Very well. Have any of the  
15 witnesses been sworn?

16           MR. BALLENGEE: The first three have been  
17 pre-sworn, Your Honor.

18           THE COURT: All right. Officer Argueta.

19           THE BAILIFF: Your Honor, this witness has  
20 been sworn.

21           THE COURT: All right. Thank you.

22           All right. Proceed, please.

23                           **CHRISTIAN ARGUETA,**

24 having been first duly sworn, testified as follows:

25                           **DIRECT EXAMINATION**

1 **BY MR. BALLENGEE:**

2 Q. Officer -- or Deputy Argueta, would you please  
3 introduce yourself to the jury?

4 A. Deputy Christian Argueta. Harris County  
5 Sheriff's Office.

6 Q. Can you spell your name for the record, please?

7 A. Last name or first name?

8 Q. Both.

9 A. First name is C-h-r-i-s-t-i-a-n. Last name is  
10 A-r-g-u-e-t-a.

11 Q. And how long have you been with the Harris  
12 County Sheriff's Office?

13 A. Seven years.

14 Q. Where are you currently positioned?

15 A. The Patrol Bureau in District 4, west Harris  
16 County.

17 Q. And what does that position entail?

18 A. I'm a patrol deputy for the Harris County  
19 Sheriff's Office. I patrol and answer calls for service  
20 in west Harris County.

21 Q. What do you mean by answering calls for  
22 service? Like when somebody gets called out for -- or  
23 calls 911?

24 A. Yes, sir. Yes, sir.

25 Q. What kind of crimes do you respond to? Are you

1 specific to any sort of crime or just generally?

2 A. General response. Any time anyone dials our  
3 non-emergency line or 911 for an emergency, usually they  
4 get somebody like me to respond.

5 Q. Where were you stationed on May 2nd, 2010?

6 A. Harris County District 3, east Harris County.

7 Q. You said that you've been with the sheriff's  
8 office for seven years?

9 A. Yes, sir.

10 Q. Were you new to patrol in 2010?

11 A. Yes, I was.

12 Q. Okay. When you were position on patrol on May  
13 2nd, 2010, even though you were a rookie did you also  
14 have other people with you?

15 A. Yes, sir, I did. I was on what they call PPD,  
16 which is the training phase. I had a field training  
17 officer along with me when I arrived on the scene, as  
18 well as other deputies on the scene.

19 Q. And who was that deputy that was with you?

20 A. Jason Guillen.

21 Q. On May 2nd of 2010, did you respond to a call?

22 A. Yes, sir, I did.

23 Q. And what call did you respond to?

24 A. I responded to a weapons disturbance at the  
25 address of 14355 Wallisville Road.

1 Q. And is that in Harris County, Texas?

2 A. Yes, sir, it is.

3 Q. When you responded to that call -- well,  
4 actually, let me back up.

5 At what time did you get that call?

6 A. It was approximately 6:30 p.m.

7 Q. And at the time, was it light or dark out?

8 A. It was -- the sun was still out.

9 Q. Okay. When you responded to that call, where  
10 did you go?

11 A. When we arrived on the scene, we immediately --  
12 we arrived in the parking lot where the incident  
13 occurred and pretty much we responded to the call,  
14 separated all the witnesses. When we got there, we  
15 secured the scene.

16 Q. Okay. So, when you arrived on the scene, what  
17 did you initially see?

18 A. When we first arrived on the scene, I seen -- I  
19 observed the complainant lying on the ground covered in  
20 blood.

21 Q. Was an ambulance there already?

22 A. No, sir.

23 Q. So, were you the first responder to arrive at  
24 that scene?

25 A. Yes. Along with other deputies, yes.

1 Q. All about the same time?

2 A. Yes, sir.

3 Q. Now, when you arrived, what was the general  
4 state of everybody that was there?

5 A. There were people everywhere, cars, several  
6 cars in the parking lot. It was chaotic.

7 Q. If you had to take an estimate of the number of  
8 cars in the parking lot, what would you say?

9 A. I really can't recall, but I know there were  
10 maybe five or six vehicles.

11 Q. Did all the cars stay on the scene or did some  
12 of them leave?

13 A. Some ended up leaving.

14 Q. Now, you said that when you arrived it was  
15 chaotic?

16 A. Yes, sir.

17 Q. Were the people chaotic or just the scene in  
18 general?

19 A. There were several people in distress. Several  
20 people, you know, obviously worried, yelling, screaming,  
21 that sort of thing.

22 Q. So, when you arrived at the scene and all of  
23 these people are in distress, what are you trained to do  
24 in that situation?

25 A. Well, we're trained to secure the scene.

1 Q. What does that involve?

2 A. Securing the scene, basically, what it is, is  
3 first we have to make sure that there is no active  
4 shooters on the scene, provide proper care to the hurt.  
5 If we have to call EMS, we call EMS. Then we start  
6 separating the witnesses. And then after that, what we  
7 would do is remove all the people who aren't able to  
8 provide any information and pretty much are just there  
9 to be onlookers or whatever. And set up a parameter  
10 using yellow tape and have everybody that is not  
11 involved in the scene or didn't observe what was going  
12 on get behind the yellow tape.

13 Q. Now, why do you separate people?

14 A. The reason why we separate witnesses is because  
15 if sometimes -- when you let people stick together, they  
16 don't really tell you what they saw. They'll end up  
17 telling you what someone else saw and pass it on as  
18 their own. Pretty much tell you: Oh, I saw this, when  
19 really it's this person told me that I saw this.

20 Q. Now, when you set up that perimeter, did you  
21 set up a wide perimeter in this case or --

22 A. Yes, sir.

23 Q. And you said you set it up with yellow tape?

24 A. Yes, sir.

25 Q. Okay. Do other deputies help you set it up?

1           A.    Yes, sir, they do.

2           Q.    Is that perimeter always the full perimeter of  
3 the scene?

4           A.    No, it's not.  Sometimes -- sometimes you can  
5 go too small or too big and sometimes we have to make it  
6 bigger or sometimes we have to make it smaller.  It just  
7 depends on the information that we're getting from  
8 people and what we see.

9           Q.    But initially you just kind of have to do a  
10 best guess?

11          A.    Yes.

12          Q.    In this case, who did you separate?

13          A.    We separated the witnesses.  Basically, the  
14 people who were able to tell us that they saw when the  
15 incident occurred.

16          Q.    Do you recall the names of those people?

17          A.    Yes, sir.  It was Fred Gibson, Adrian King,  
18 also Jessica Javier, Caesar Gonzalez, and Luwanda Atalie  
19 (phonetic).

20          Q.    And just so the jury is aware, what are you  
21 referring to?

22          A.    My offense report for that day.

23          Q.    That's helping you to refresh your  
24 recollection --

25          A.    Yes, sir.

1 Q. -- from four years ago?

2 A. Yes, sir.

3 Q. Okay. So, when you separated them, were those  
4 the people that you were able to determine that had  
5 actually witnessed some part of this?

6 A. Yes, sir.

7 Q. What happened with the victim that was in the  
8 street? What happened with the victim that was laying  
9 in the --

10 A. In the parking lot?

11 MR. BUCKLEY: Excuse me. The question is  
12 vague. It's broad as to what happened.

13 THE COURT: Why don't you try to  
14 restructure your question.

15 Q. (By Mr. Ballengee) Would did help for the  
16 complainant arrive?

17 A. When did help for the complainant arrive?

18 Q. Medical help.

19 A. Medical help? I can't even tell you. It  
20 arrived pretty quickly. I can't exactly tell you  
21 exactly when it arrived, but I know when we got there  
22 and saw what was going on, we immediately called for EMS  
23 over our radios.

24 MR. BALLENGEE: Pass the witness.

25 MR. BUCKLEY: Thank you, Your Honor.



1 **CROSS-EXAMINATION**2 **BY MR. BUCKLEY:**

3 Q. Good morning, Deputy Argueta.

4 A. Good morning.

5 Q. You had talked a little bit about first  
6 arriving at the scene in the parking lot. You had  
7 described it as chaotic, right?

8 A. Yes, sir.

9 Q. And part of that chaos was due to people's  
10 distress over the events, right?

11 A. Yes.

12 Q. But you could also see an element of that chaos  
13 that was, perhaps, beyond that. There was a rowdiness  
14 of the crowd, wasn't there?

15 A. Rowdiness? To me --

16 Q. I'm sorry to interrupt. There was some  
17 volatility to the situation?

18 A. Yes, sir, there was.

19 Q. And the volatility, part of that was what gave  
20 you an immediate interest in setting up a parameter,  
21 right?22 A. Well, that's just normal procedure for every  
23 incident. That's one of the first things we try to do,  
24 is secure the scene. So, I mean, what we have to do in  
25 an incident like where there's several people involved,

1 we have to, like I said, first see if there is any  
2 immediate threat there. And after that, we need to find  
3 out who can give us information about what happened and  
4 separate them and...

5 Q. So, assessing an immediate threat, your  
6 interest is in containing any evolving or continuing  
7 issue?

8 A. Yes.

9 Q. In fact, when you arrived on this scene, you  
10 did see a need to be proactive in containing the scene?

11 A. Yes, sir.

12 Q. I know this may be a broad question, so tell me  
13 if you can't answer it, but could you characterize the  
14 demographic of the parking lot when you drove up?

15 A. There was several males, a few females,  
16 predominantly African-Americans and Hispanics.

17 Q. And you saw one Hispanic family -- in other  
18 words, a man and a woman with a baby -- did you not?

19 A. Yes.

20 Q. And they were associated with the green  
21 Explorer vehicle, right?

22 A. Yes.

23 Q. And then a number of other vehicles. There was  
24 a black Dodge Charger that you saw?

25 A. Yes.

1 Q. There was a Cadillac --

2 A. Yes, sir.

3 Q. -- right?

4 And did you notice a Ford Escort, a red  
5 Escort?

6 A. A Ford red Escort?

7 Q. Yes, sir.

8 A. I don't recall.

9 Q. Did you notice -- aside from those vehicles  
10 that you recall, were there other vehicles in the  
11 parking lot also?

12 A. I would say yes.

13 Q. And so, the number of people was substantial  
14 and it appeared to you that people -- that each of these  
15 vehicles had some number of people associated with it?

16 A. Yes.

17 Q. Did you notice anyone with their shirt off or  
18 anything like that?

19 A. I don't recall.

20 Q. Okay. And just for the jury's reference, you  
21 referred to your offense report and that offense report  
22 has helped you recall some of these events?

23 A. Yes, sir.

24 Q. Without the offense report and the notes that  
25 you took at the time, you would not have an independent

1 recollection of this, would you?

2 A. Not as far as the names. And I remember where  
3 it happened. It was my first time ever seeing that kind  
4 of a scene or something like that happening. So, I  
5 remember -- you know, like people you see, I remember  
6 the first -- I remember that. I just don't remember the  
7 particular details, names, and exactly what happened,  
8 but overall generally, I pretty much remember.

9 Q. Fair enough.

10 And I understand from your testimony that  
11 you had secured the scene, but you did not proceed with  
12 any investigation beyond that. Is that correct?

13 A. No investigation beyond that, as far as just  
14 getting initial names and getting just general  
15 information as far as what happened.

16 Q. How long did you stay on the scene after you  
17 arrived?

18 A. I don't recall. I know it was after I was  
19 supposed to get off.

20 Q. Did you see the detective arrive to  
21 investigate?

22 A. Yes, sir.

23 Q. As you were watching the scene, did you observe  
24 people taking measurements of the scene?

25 A. Measurements of the scene?

1 Q. Yes, sir.

2 A. Yes. Yes, I did.

3 Q. And to be specific, what I mean is, for  
4 example, using a tape measure to outline distances  
5 between things.

6 A. I'm not too sure. I know our Crime Scene Unit  
7 arrived. I don't know exactly what they did or -- but I  
8 know they arrived. I don't know if they measured any  
9 part of the scene or anything like.

10 Q. So, I guess you don't know -- you saw them  
11 arrive and do their job, but you don't know exactly what  
12 occurred?

13 A. Yeah, exactly. Yes, sir.

14 Q. Thank you, sir.

15 MR. BUCKLEY: Pass the witness.

16 THE COURT: Any redirect?

17 MR. BALLENGEE: Briefly, Your Honor.

18 **REDIRECT EXAMINATION**

19 **BY MR. BALLENGEE:**

20 Q. At any point did a black Jeep arrive back on  
21 the scene?

22 A. Back on the scene? No, sir.

23 Q. At any point, was there a black Jeep on the  
24 scene?

25 A. No, sir.

1 Q. Did you ever get a call from dispatch that  
2 somebody had called in to report that a shooting had  
3 occurred and that they were the person responsible?

4 A. I don't recall.

5 MR. BUCKLEY: It calls for hearsay, Your  
6 Honor.

7 THE COURT: It's overruled.

8 Q. (By Mr. Ballengee) Did you ever get a call from  
9 dispatch that said -- saying, basically, that somebody  
10 had called in to report that they had had to defend  
11 themselves?

12 A. There was several calls that dropped. I don't  
13 know really exactly -- the one we originally got was a  
14 call for a weapons disturbance involving handguns.

15 Q. But did you get a call from dispatch that  
16 somebody had reported that they shot somebody and that  
17 it had been in self-defense?

18 A. We got a call that someone was shot, yes, sir.

19 Q. Just that somebody was shot, not that somebody  
20 had actually been the shooter?

21 A. No. We just got a call that there was  
22 basically a weapons disturbance, a disturbance between  
23 people, and that there was a weapon involved and someone  
24 had been shot.

25 MR. BALLENGEE: Pass the witness.

1 MR. BUCKLEY: Briefly, Your Honor.

2 **RECROSS-EXAMINATION**

3 **BY MR. BUCKLEY:**

4 Q. Deputy Argueta, you had just testified in  
5 response to the prosecutor's question that a black Jeep  
6 was not on the scene. And just to clarify what I think  
7 you meant by that, was that from the time that you  
8 arrived to the scene you did not see a black Jeep?

9 A. Correct.

10 Q. But, of course, you can't speak to what was or  
11 wasn't there before you arrived?

12 A. Correct.

13 Q. If you know, and as part of your background --  
14 and you are trained in the basic understanding of the  
15 criminal laws of the state of Texas?

16 A. Yes, sir.

17 Q. And isn't it true, if you know, that there is  
18 no law that requires anyone to report that they have  
19 used self-defense?

20 A. That requires them to report?

21 Q. Sure.

22 A. No, sir.

23 MR. BUCKLEY: Pass the witness.

24 MR. BALLENGEE: No further questions.

25 THE COURT: Can he be excused?

1 MR. BUCKLEY: Yes, Your Honor.

2 MR. BALLENGEE: Yes.

3 THE COURT: You are excused, sir. Thank  
4 you for your testimony.

5 The next witness, please.

6 MR. BALLENGEE: The State calls William  
7 Watson to the stand.

8 THE COURT: Mr. Ballengee, by any chance,  
9 do you have a witness list?

10 MR. BALLENGEE: Yes, Your Honor.

11 THE BAILIFF: Your Honor, this witness has  
12 been sworn in.

13 THE COURT: Thank you so much.

14 All right. Let's proceed, please.

15 **WILLIAM WATSON,**

16 having been first duly sworn, testified as follows:

17 **DIRECT EXAMINATION**

18 **BY MR. BALLENGEE:**

19 Q. Mr. Watson, will you introduce yourself to the  
20 jury, please?

21 A. William Watson. I'm from Baton Rouge,  
22 Louisiana.

23 Q. And would you spell your name for the record,  
24 please?

25 A. W-i-l-l-i-a-m. W-a-t-s-o-n.