

1 then he was put on a straight probation in this court and
2 he's here on a motion to revoke his probation.

3 *THE COURT:* Is that your agreement?

4 *MS. SHANNON:* Yes, it is, Your Honor.

5 *THE COURT:* Okay.

6 *MR. ABRAMS:* State calls Deputy Arnett.

7 *THE COURT:* Just have your seat. If you
8 would, please state and spell your name for my court
9 reporter.

10 *THE WITNESS:* It's Scottie, S-C-O-T-T-I-E,
11 last name Arnett, A-R-N-E-T-T.

12 *THE COURT:* You may proceed.

13 *MR. ABRAMS:* Thank you, Your Honor.

14 **SCOTTIE ARNETT,**

15 having been first duly sworn, testified as follows:

16 **DIRECT EXAMINATION**

17 Q. (BY MR. ABRAMS) Deputy Arnett, where are you
18 currently employed?

19 A. Harris County Precinct 3 Constable's Office.

20 Q. Which precinct?

21 A. Precinct 3.

22 Q. How long have you been with Precinct 3?

23 A. Approximately three years.

24 Q. Okay. Are you familiar with the case against
25 Samuel Benitez?

1 A. I am.

2 Q. It's a harassment case you're familiar with?

3 A. Correct.

4 Q. Can you take us through what happened on
5 September 13th, 2013, from your perspective?

6 A. I was dispatched to the complainant's address. I
7 arrived, I started speaking with Margarita and she advised
8 me that Samuel Benitez is her ex-husband and he had been
9 sending harassing text messages and phone calls for the last
10 few days.

11 Q. Do you recall how many and what period of time?

12 A. There was two text messages she showed me sent from
13 his number she had on her phone.

14 MS. SHANNON: Your Honor, I'm going to object
15 unless he knows from his personal knowledge where they were
16 sent from.

17 THE COURT: Okay. You want to --

18 MS. SHANNON: Otherwise, hearsay.

19 THE COURT: You want to ask him that question?

20 MR. ABRAMS: I'll clarify, Judge.

21 THE COURT: Okay. I thought I understood it
22 but maybe the record's not very clear.

23 MR. ABRAMS: Yes, Your Honor.

24 Q. (BY MR. ABRAMS) The text messages that Ms. Rivera
25 showed you, how did you know they were from the defendant?

1 A. She had identified in, I guess, her contact list
2 under his name.

3 Q. So, you said there were other messages. Did she
4 tell you anything about how many messages she had received?

5 A. As far as text messages, no. Phone calls, yes.

6 Q. Did you personally observe phone calls from the
7 defendant?

8 A. From a -- that she identified the defendant, seven
9 or eight of them, in a period of 20 minutes.

10 Q. Is that while you were standing there?

11 A. Correct, while I was obtaining her information.

12 Q. Now, the two text messages that she showed you, do
13 you recall exactly what those text messages said?

14 A. Not offhand. I'd have to look at the offense
15 report.

16 Q. Did you write them down, exactly what was said?

17 A. Correct, verbatim as they were written on the
18 phone.

19 *MS. SHANNON:* Your Honor, I'm going to object
20 again because he doesn't know from firsthand knowledge where
21 they came from, if they were just on a contact list, he
22 doesn't know who made the contact list.

23 *THE COURT:* Overruled.

24 Q. (*BY MR. ABRAMS*) Would it help you to be able to
25 tell us what the text messages were if you were allowed to

1 refer to your report?

2 A. Yes.

3 MR. ABRAMS: Your Honor, may I approach the
4 witness?

5 THE COURT: You may.

6 Q. (BY MR. ABRAMS) Showing you your report. Can you
7 tell us what those two text messages said?

8 A. The first one was: Answer the phone, scared bitch,
9 I have some choice words for you. And the second one read:
10 Hey, bitch, I know where you live.

11 Q. Okay. Those text messages in which the defendant
12 made these statements, this was -- you saw this on
13 September 13th, 2013?

14 A. The text messages, yes.

15 Q. Okay. What else did the victim, Ms. Rivera, tell
16 you?

17 A. A week prior somebody had broken into her house
18 and --

19 MS. SHANNON: Your Honor, I'm going to object
20 as to hearsay.

21 THE COURT: Sustained.

22 Q. (BY MR. ABRAMS) Okay. When you were talking to
23 Ms. Rivera, what did her emotional state appear to be?

24 A. Scared and frustrated.

25 Q. Did she tell you that she was scared of the

1 defendant?

2 A. Yeah.

3 MR. ABRAMS: Pass the witness.

4 THE COURT: Ms. Mason?

5 MS. SHANNON: Thank you, Your Honor.

6 **CROSS-EXAMINATION**

7 Q. (BY MS. MASON) Officer, did you look at the texts
8 and just read the script of the texts or did you look at the
9 date that those --

10 A. Well, on her phone it shows the date and time,
11 like, little bubbles, or the text message and the date and
12 time stamped above the text messages.

13 Q. Okay. Did you look at that, the dates?

14 A. Yes.

15 Q. Did you ever hear a voice on the phone?

16 A. No, not from the number that called. It was an
17 open line. There was no voice ever.

18 Q. And you stated that you observed her receive seven
19 or eight calls in a fairly short period of time. Do you
20 recall what that number was?

21 A. It's in my offense report. I don't know offhand.

22 Q. So, you're just going by what was in the phone.
23 You have no way of knowing actually who sent that?

24 A. No, I mean, that's all on -- I'm just receiving her
25 information.

1 Q. Okay.

2 MS. SHANNON: I'll pass the witness, Your
3 Honor.

4 THE COURT: Anything further?

5 MR. ABRAMS: Nothing further from the State,
6 Judge.

7 THE COURT: May this witness be excused? Can
8 we send him back to work or do we want him to wait in the
9 hallway?

10 MS. SHANNON: I don't need him anymore, Judge.

11 MR. ABRAMS: State's okay with releasing him,
12 Judge.

13 THE COURT: Okay. Thank you, Deputy. You're
14 free to go. Thanks so much.

15 MS. SHANNON: Okay. Thank you.

16 THE COURT: Call your next witness, please.

17 MR. ABRAMS: Judge, regarding punishment, we
18 recall Trishea Thomas.

19 THE COURT: Okay. Wait. That's what her only
20 purpose is. Do you rest on the motion?

21 MR. ABRAMS: State rests on the motion, Judge.

22 THE COURT: All right. Ms. Mason. I guess
23 it's really Ms. Shannon. So sorry.

24 MS. SHANNON: That's okay.

25 THE COURT: I've known you just for so long.