

1 (Open court, defendant and jury present.)

2 THE COURT: Be seated, please. Good morning,
3 members of the jury.

4 THE JURORS: Good morning.

5 THE COURT: All right. State, will you please
6 call your next witness?

7 MS. JOHNSON: Your Honor, the State calls
8 Officer Bartels.

9 THE COURT: Would you please raise your right
10 hand to take the oath?

11 (Witness sworn.)

12 THE COURT: If you would, have your seat.

13 MS. JOHNSON: May I proceed, Your Honor?

14 THE COURT: Hang on just a second.

15 Would you please state and spell your name for
16 my court reporter?

17 THE WITNESS: Catherine, C-A-T-H-E-R-I-N-E,
18 Bartels, B-A-R-T-E-L-S.

19 THE COURT: Now you may proceed.

20 **CATHERINE BARTELS,**

21 having been first duly sworn, testified as follows:

22 **DIRECT EXAMINATION**

23 Q. (BY MS. JOHNSON) Good morning.

24 A. Good morning.

25 Q. We all heard your spelling of your name is

1 Catherine Bartels but would you tell us what you do for a
2 living?

3 A. I'm a police officer with the Houston Police
4 Department.

5 Q. And where are you currently assigned?

6 A. Juvenile sex crimes unit.

7 Q. Okay. And let's take a step back and talk about --
8 a little bit about you and how you get to that position.
9 Would you give us an idea of your background or your
10 education, where you went to school and how you became a
11 police officer?

12 A. Sure. I went to college at the University of
13 Louisiana-Lafayette, and I majored in criminal justice. And
14 after I graduated, I joined the police academy in 2000 and I
15 graduated the Houston police academy in May of 2001. I then
16 did my patrol time for about four years at the Fondren
17 division, which is now South Gessner and that's on the
18 southwest part of town. After that I went to headquarters
19 down at 1200 Travis and I worked there for two years and
20 then after that I was assigned to juvenile sex crimes and
21 I've been there for seven years.

22 Q. So you've been a police officer since 2000?

23 A. 2001, officially.

24 Q. 2001.

25 A. So about 12 and a half years.

1 Q. And you mentioned that you originally worked out on
2 the Fondren location. Would you give us an idea what area
3 of town is that?

4 A. Our area is 59 and Hillcroft, 59 and Chimney Rock,
5 stretching all the way south to 59 and Bissonnet, then we
6 also have -- it stretches all the way over to the Beltway
7 and West Airport, and the station at the time was at Fondren
8 and West Bellfort.

9 Q. So, you mentioned some of the cross streets.

10 MS. JOHNSON: Your Honor, may I approach?

11 THE COURT: Sure.

12 Q. (BY MS. JOHNSON) I'm going to show you what's
13 already been admitted into evidence as State's Exhibit 1.
14 Or actually let me show you 2 first. You recognize that
15 area? And there should be -- to your right, you should be
16 able to see on your screen.

17 A. Ah, there we go. Yes, I did.

18 Q. And where that red dot is located, is that
19 generally the area that you were talking about that you were
20 originally on patrol?

21 A. Yes.

22 Q. Let me show you State's Exhibit 1, and this is a
23 close-up of that dot and we see here a cross street of
24 Bissonnet and Plainfield. Is that also the area where you
25 were originally assigned on patrol?

1 A. That's actually part of the West Side division.
2 It's on the other side of the freeway, but I was immediately
3 assigned on the other side of the freeway, at Bissonnet and
4 59.

5 Q. So when you say that, you're talking about on the
6 other side of this street right here, this freeway?

7 A. Yes.

8 Q. Okay. And so you've patrolled this general area of
9 town.

10 A. That's correct.

11 Q. Okay. And on patrol, would you encounter or did
12 you have any chances of encountering activity such as
13 prostitution?

14 A. Yes.

15 Q. So we're talking about way back in the early 2000s?

16 A. Yes.

17 Q. When you're an officer on patrol, what time are you
18 normally on the streets and what's your purpose?

19 A. At the time I was night shift, so I worked 11:00 PM
20 to 7:00 AM. We just patrol the area. Sometimes more than
21 likely we take calls for service because the Fondren area is
22 very busy but if we have any downtime, we do do some
23 proactive work.

24 Q. And so as a patrol officer out on the streets at
25 that time, what kind of offenses do you see, just generally?

1 A. Everything. Robbery, homicide, prostitution,
2 drugs, just assaults, family violence, just everything.

3 Q. Okay. So, in that time span where you were on
4 patrol, how many of these types of cases generally would you
5 say that you handled as a patrol officer?

6 A. Which types?

7 Q. Just generally the robbery that you mentioned or
8 homicide or prostitution or family violence and generally a
9 call-out? I mean, how many calls out would you say on
10 patrol you get in a day, generally?

11 A. In a day? 15 or 16.

12 Q. Okay.

13 A. In one day.

14 Q. Okay.

15 A. On a slow night, probably.

16 Q. And how long were you on patrol?

17 A. Four years.

18 Q. Okay. So, that's a long period of time where
19 you're kind of encountering all kinds of criminal activity?

20 A. Yes.

21 Q. Okay. You mentioned that you were then part of
22 headquarters for a period of time before you then went to
23 juvenile sex crimes?

24 A. That's correct. I went to headquarters because, of
25 course, that's where you can meet people and really network

1 and try to get your name out there in order to get to a
2 special division.

3 Q. So you wanted to go to a special division?

4 A. Yes, I did.

5 Q. What division did you want to go to?

6 A. Juvenile sex crimes.

7 Q. Why?

8 A. I've always wanted -- been -- I've always been
9 intrigued by dealing with children and what better way than
10 to help the children that have been abused.

11 Q. Okay. Is it something that you care a lot about?

12 A. Yes.

13 Q. Okay. And what year did you get assigned to
14 juvenile sex crimes again?

15 A. 2007.

16 Q. And since that time until present, how many cases
17 do you think you've been involved in?

18 A. Over 400.

19 Q. Once assigned to juvenile sex crimes, did you have
20 an opportunity to become part of another specialized group?

21 A. I did.

22 Q. And what group is that?

23 A. The Innocence Lost Task Force. It's a joint task
24 force with the FBI and HPD.

25 Q. Tell us a little bit more about that task force.

1 A. What we did is -- the FBI created it and we joined
2 together. At the time it was 2009, when it became official,
3 and we were one of the first of its kind in the nation and
4 then after that human trafficking started to become popular
5 and people started to be realizing that it was a very big
6 problem, so then the FBI started having task forces in other
7 cities around the nation but what we did is we came together
8 and we decided that we wanted to get the word out that this
9 was a big issue, especially in Houston but also nationwide,
10 and we worked at the same building, so I worked at the FBI
11 office and I was deputized so I was able to work a case just
12 as they were. I could work -- file federal charges or state
13 charges. And we would pursue trying to recover and identify
14 victims that were part of the -- what we call a domestic
15 minor sex trafficking or prostitution and then we would
16 also -- our goal was to charge and arrest the offender that
17 facilitated them into the victimization.

18 Q. So let's take a step back on all of that. In
19 addition to what y'all were doing on the streets, did you
20 also go through specialized training or education
21 specifically involved in this area with human traffic or
22 domestic minor sex crimes?

23 A. I did. It started out when we went to D.C. and the
24 National Center for Missing and Exploited Children, they
25 gave a training on protecting the victims of child

1 prostitution, so that's where it all began and that's when
2 we first started to realize the depth of this offense.
3 Further after that, after being part of the task force, we
4 were given training, of course, in interviewing,
5 interrogations, specialized training in actually
6 interviewing the perpetrators of who sexually assault
7 children. I also was given -- the FBI gave us a training --
8 their forensic interviewers gave us a training on how to
9 interview the children that had been victimized into
10 prostitution. And then there's also a conference in Dallas,
11 it's called the Crimes Against Children Conference and we
12 would go there every year and get further training.

13 Q. So how many hours would you say that you have of
14 training in this specialized area dealing with human
15 trafficking or domestic minor sex trafficking?

16 A. Over 500 hours because usually a training is one
17 week, 40 hours.

18 Q. Okay. So, in addition to that training that you're
19 doing, and that's classroom training where you're being
20 educated by other experts in your field, are you also
21 receiving education or training, if you will, on the
22 streets?

23 A. I think any time you go out on the street you learn
24 a little something different every time you go out there.
25 What we would try to do also on the task force is some

1 proactive work. We did get a lot of reactive cases because
2 as we started to get the word out about our task force and
3 we tried to educate patrol officers in other departments,
4 they knew about us, so they were calling us with things they
5 had found find and we would help them out. But we did
6 occasionally do some proactive work and we would go out on
7 the street and we had two guys that were assigned to the
8 task force --

9 MR. JOHNSON: Objection, Your Honor,
10 narrative.

11 THE COURT: Keep it in question and answer.

12 Q. (BY MS. JOHNSON) You were talking about reactive
13 where patrol officers are now learning -- would it be safe
14 to say to maybe view a situation a little bit differently
15 and call y'all in to investigate or look into a
16 circumstance?

17 A. Yes, that's correct.

18 Q. Okay. And then you started to say that your task
19 force would also be proactive and what do you mean by being
20 proactive in this area of domestic sex trafficking?

21 A. You go out and actively seek out trying to find
22 victims. You don't wait for someone to call you and say,
23 hey, we found somebody that was a victim.

24 Q. Okay. So, you're doing both approaches?

25 A. Yes.

1 Q. All right. And in that time, did you get to know a
2 little bit about the street from your education and training
3 from those classes and being out on the street, of this
4 culture of prostitution?

5 A. Yes.

6 Q. Is there kind of a language that goes along with
7 it?

8 A. Yes, there is.

9 Q. And have you been called to testify before to talk
10 about this area of expertise?

11 A. Yes, I have.

12 Q. Tell us a little bit about this world. What is
13 prostitution called on the streets?

14 A. Prostitution.

15 Q. Okay. Prostitution in the legal sense,
16 prostitution, but are there any slang terms that are used by
17 people out on the streets in referring to this activity of
18 meeting up with somebody and agreeing to sex for a fee?

19 A. They'll call it a date.

20 Q. Okay. So, that agreement of meeting with someone
21 for sex for a fee would be a date?

22 A. Yes, that's how it's referred --

23 Q. Are there other terms that might be used for that
24 activity as well?

25 A. They usually refer to it as "a trick" or "a lick."

1 Q. And what about for the people that are being put
2 out to prostitute? What are they normally called or
3 sometimes called out on the street? Are there any slang
4 terms besides "prostitute"?

5 A. Just "girls" or sometimes they call themselves
6 "wives." If there's usually more than one girl, they'll
7 call each other "wives."

8 Q. Okay. Are there more derogatory terms that
9 sometimes get used for these girls or women?

10 A. Ho.

11 Q. Is there another -- do you ever hear the phrase or
12 do you know what "bottom bitch" means? Excuse my term.

13 A. I do.

14 Q. What is that?

15 A. They refer to a bottom girl, it's the girl that has
16 been with the pimp the longest so she has gained his trust
17 and she will help also facilitate the business of teaching
18 the girls what to do when they're out there, what to say,
19 how much to charge and so forth.

20 Q. All right. And I know you used that phrase "bottom
21 girl," but is that more derogatory term also used, "bottom
22 bitch"?

23 A. Yes, that's how they refer, they use "bottom
24 bitch."

25 Q. And you said that that is somebody that generally

1 has been with the pimp the longest or it's somebody that
2 helps run the game for the pimp?

3 A. That is correct.

4 Q. Okay. And when you say "pimp," that's a street
5 term as well, who's that referring to?

6 A. The male. It's usually -- well, it's usually a
7 male. I've rarely -- I haven't charged any women. It's
8 usually a male and it is the person that will find the
9 girls, talk to them and get them to work for him and
10 convince them to go out there on the street and engage in
11 prostitution and then he will take their money and lead them
12 to believe he's taking care of them.

13 Q. Okay. Are there different kinds of pimps?

14 A. There is.

15 Q. Okay. What kinds?

16 A. They refer to pimps as -- there's the finesse pimp
17 and there's the gorilla pimp. A finesse pimp is someone who
18 will compliment the girls, who will be very nice to them
19 from the get-go and then about two or three weeks in, he
20 won't hit them but he will start with the insults, he'll
21 start breaking them down, breaking them down, breaking them
22 down, so there's not a lot of violence from the beginning.
23 The violence comes later.

24 A gorilla pimp is someone that will just go up
25 to a girl, basically kidnap her with force and say, You're

1 going to do this for me and you're going to get out there on
2 the street and you're going to do it now and the threats
3 start from the beginning, so that's the difference.

4 Q. So on a gorilla pimp, those threats are kind of an
5 immediate kind of taking?

6 A. Yes.

7 Q. But on a finesse pimp, it's more of, as you say,
8 finesse, wooing, and then it may turn into something
9 different?

10 A. Yes, and it's usually -- you know, it can go across
11 a few days, a week to two weeks, three weeks, it just
12 depends on the pimp and how they work things.

13 Q. Okay. In general, regardless of whether it's a
14 gorilla pimp or a finesse pimp, is there another term for
15 finesse pimp as well or mack?

16 MR. JOHNSON: Objection, Judge, relevance.

17 THE COURT: Overruled.

18 Q. (BY MS. JOHNSON) Have you heard the phrase "mack"?
19 Is that another word that's also used?

20 A. It's been used here and there.

21 Q. But that's still -- the two different types are
22 either well-known gorilla, taking initially, and the
23 finesse, kind of wooing and --

24 A. Yes.

25 Q. On these finesse pimps, you talk about them kind of

1 wooping or how that sets up. What are these guys normally
2 like?

3 A. They are --

4 MR. JOHNSON: Objection, Judge, speculation.

5 THE COURT: If you can --

6 A JUROR: The microphone is cutting in and out
7 and in and out, so it's hard to hear.

8 THE COURT: So glad --

9 A JUROR: I'm sorry to interrupt.

10 THE COURT: No, no, I'm glad you told us that.
11 Let's see if we can maybe turn it up.

12 A JUROR: I'm sorry.

13 THE WITNESS: Is that better?

14 A JUROR: I apologize.

15 THE COURT: No, don't apologize. We want
16 y'all to hear, so that's very important you let us know that
17 because I don't get that same --

18 A JUROR: Okay.

19 THE COURT: Let's see if I can make that --
20 maybe turn it a little because the -- actually the mic part
21 is on the side.

22 THE WITNESS: Okay, so turn it?

23 THE COURT: There we go. Y'all let us know if
24 you can't hear.

25 And your -- I'm sorry. Your objection was?

1 MR. JOHNSON: Relevance.

2 THE COURT: Relevancy.

3 And if you can answer that based on your
4 training and experience, the question she asked, and do you
5 need her to reask it?

6 THE WITNESS: Yes.

7 THE COURT: I couldn't remember either.

8 Q. (BY MS. JOHNSON) That's what I thought. Based on
9 your training you've had, based on your time on the streets
10 and working on these cases, in general, these finesse pimps,
11 what are they like and how do they operate?

12 A. They are very skilled at psychology. They're
13 probably the best psychologist you'll ever meet.

14 MR. HOCHGLAUBE: Judge, can we approach?

15 THE COURT: Sure.

16 (At the bench, on the record.)

17 THE COURT: Whose witness is this?

18 MR. JOHNSON: It's just I don't --

19 MS. JOHNSON: I can't hear you.

20 MR. JOHNSON: It's just like a background but
21 it's not relevant to this particular proceeding. I mean, I
22 don't know how it ties into this case, to this kind of
23 background history about all this stuff in general, how is
24 it relevant or tied into here? I mean, I just don't see the
25 relevance of it and it's just kind of --

1 MR. HOCHGLAUBE: A running objection.

2 THE COURT: Okay. Do you have a response?

3 MS. JOHNSON: Yeah, I mean, it goes -- she's
4 following -- by these questions, it goes to her training and
5 expertise and she's the investigating officer on the
6 compelling prostitution case, which is highly relevant,
7 given the circumstances, and which she knows -- and this
8 child and how it operates, so getting into her background
9 about what she knows and understands about these people is
10 vital.

11 THE COURT: And I can certainly see that
12 the -- based on -- and I'm just basing this on what I've
13 heard in opening and the allegation is that the testimony
14 about the pimps who use force and start out that way would
15 certainly not be relevant in this matter. That's not what
16 the allegation is, so stay away from anything of that sort.

17 MS. JOHNSON: Sure.

18 THE COURT: And I think that probably we've
19 gotten as much -- aren't you about finished with that sort
20 of topic as far as how that works?

21 MS. JOHNSON: Sure, yes.

22 THE COURT: I mean, y'all have not -- you kind
23 of let her talk about it at the beginning, so let's just try
24 to wrap that up then. I think we've probably gone about as
25 far as we can go.

1 MR. JOHNSON: But for -- I guess from this
2 point on I'd still like to make a running objection to it
3 just for the limited style of the questions. If it
4 continues, just a running objection to it from here on.

5 THE COURT: Okay. Sure.

6 *(End of discussion at the bench.)*

7 Q. (BY MS. JOHNSON) So, Officer Bartels, we were
8 talking about this concept of a finesse pimp, correct?

9 A. Yes.

10 Q. Okay. You mentioned earlier that that's the kind
11 that will kind of woo and then move into a different element
12 of prostitution in relation to their girls?

13 A. That is correct.

14 Q. And you talked about pimps are usually the ones who
15 will go out and find and kind of bring them in?

16 A. Yes.

17 Q. In what ways might they recruit a girl to becoming
18 involved in this activity?

19 A. Well, they look for girls that are potential
20 victims --

21 MR. JOHNSON: Objection, Your Honor,
22 relevance.

23 THE COURT: Sustained. Come on up.

24 *(At the bench, on the record.)*

25 THE COURT: Here's my difficulty, is I just

1 don't know enough about the facts of it -- I don't know
2 enough -- obviously we haven't heard from the complainant,
3 so I'm not sure this is particularly relevant to this case.

4 *MS. JOHNSON:* Okay.

5 *THE COURT:* So --

6 *MS. JOHNSON:* The Court is going to learn that
7 this young girl is a 15-year-old girl in a troubled
8 situation at home, that he begins to manipulate and
9 encourages her to come with him. It is the type of activity
10 this officer is going to be able to say that in her training
11 and experience on the field there are some of these common
12 schemes about some of these which they may do to bring a
13 girl in or cause them by any means to commit prostitution
14 and how those activities and pressures that are put on them
15 may put them in this position.

16 *THE COURT:* Okay. So, I guess the issue is if
17 it is relevant to this particular type of issue.

18 *MS. JOHNSON:* Of the case?

19 *THE COURT:* The actual facts of this case.

20 *MS. JOHNSON:* Yes, it's the State's
21 position --

22 *THE COURT:* I don't want to get into something
23 about something that has nothing to do with the facts of our
24 case since you put on --

25 *MR. JOHNSON:* Judge, I guess it's -- right now

1 it's just kind of general -- to speak of it in terms of this
2 is what happened during the course of my investigation, this
3 is what I learned, and then connect it that way is one thing
4 but to talk about it just in general at first is just kind
5 of -- I mean, it's like a --

6 *THE COURT:* That's what I'm saying. If it's
7 relevant to the facts of this particular investigation, and
8 that's what -- I guess really that's just a communication
9 with y'all if -- y'all know what the facts are. If it's
10 relevant to the facts of this particular investigation, then
11 I don't have a problem with it, but if it's -- I don't want
12 to get off into, in a general sense, that this is what
13 always happens or whatever.

14 *MS. JOHNSON:* Okay.

15 *THE COURT:* Okay?

16 *MS. JOHNSON:* Your Honor, I'm just trying to
17 make sure that I'm laying the foundation for her knowledge
18 and her expertise, given what she knows about this case, as
19 him being a finesse pimp and what might have been used to
20 target her and to cause her by any means to go to
21 prostitution.

22 *THE COURT:* As long as it's relevant, as long
23 as it's specific to this case.

24 *MS. JOHNSON:* Okay.

25 *THE COURT:* And this set of facts.

1 MS. JOHNSON: Okay.

2 THE COURT: Then you would not have a
3 relevancy objection because your objection is that it's --
4 it's just a general, so I want it to be -- what I'm saying
5 is it needs to be specific to this case.

6 MS. JOHNSON: Okay.

7 THE COURT: Right?

8 MR. JOHNSON: Right.

9 MR. HOCHGLAUBE: Yes.

10 THE COURT: Okay.

11 (*End of discussion at the bench.*)

12 Q. (BY MS. JOHNSON) Officer Bartels, you mentioned
13 that you've got years of training and expertise in this area
14 on this task force specifically dealing with domestic minor
15 sex trafficking, correct?

16 A. Correct.

17 Q. Back in October of 2011, where were you assigned?

18 A. Juvenile sex crimes, the Innocence Lost Task Force.

19 Q. Today where are you assigned?

20 A. I'm still with juvenile sex crimes but I'm on the
21 cold case squad.

22 Q. So, is that a recent move for you?

23 A. It is. I've been reassigned for about three
24 months.

25 Q. Okay. And why did you move into that other

1 section? I mean, are there other reasons why you wanted to
2 go into this other division?

3 A. Yes. An opportunity -- the opportunity was
4 presented to me to start up the CODIS squad and, you know,
5 I'm always interested in doing new things but also these
6 cases, dealing with domestic minor sex trafficking, they
7 take a lot of time, we're out in the middle of the night and
8 so going to the cold case squad was a career choice I made
9 for my family.

10 Q. Okay. So not to get too personal, but as you
11 mentioned, family issues, this also gives you a more set
12 schedule?

13 A. Correct.

14 Q. And it's not that you don't still love these cases?

15 A. I still care about these cases and I do help the --
16 the officers still come to me and ask me for help and I will
17 assist them but I'm not the one being called out anymore in
18 the middle of the night.

19 Q. Okay. And family circumstances have made that a
20 little bit different for you?

21 A. Correct.

22 Q. Okay. Let's go back and talk about October, 2011.
23 Were you called out in the middle of the night?

24 A. Yes.

25 Q. Around what time did you get a call?

1 A. I don't know exactly what time I got the call but
2 I'm -- I arrived on scene probably around 5:30 AM.

3 Q. Okay. And what was that scene? Where'd you go?

4 A. 9600 Plainfield, which is Plainfield and Bissonnet.

5 Q. I'm going to refer you to State's Exhibit 1, which
6 we saw yesterday. Is this generally the area that you
7 arrived in?

8 A. Yes.

9 Q. And why did you go out there?

10 A. I was called by my sergeant. What happened is
11 patrol made the scene --

12 MR. JOHNSON: Objection, Your Honor,
13 narrative.

14 THE COURT: Please keep it in question and
15 answer.

16 Q. (BY MS. JOHNSON) Earlier you mentioned there's
17 either a reactive case where patrol may be on the scene and
18 call you, or proactive, where your division is actually
19 trying to recover a child. Which circumstance was that?

20 A. Reactive.

21 Q. So, patrol was already out at the scene and had
22 found a situation that they were concerned about?

23 A. That's correct.

24 Q. Okay. And so, when you went out there, what is
25 your job and what are you doing?

1 A. I went out there for the further investigation, so
2 we make the scene. Of course, as an investigator, you want
3 to look at the scene, which I did, just so I have a better
4 idea of where it was. Even though I am familiar with that
5 area, it's still good to go out on that night. So I did
6 that. I made the scene and was briefed by patrol on who all
7 was involved.

8 Q. Okay. So, let's talk about this area because you
9 said "I'm familiar with it." In the years that you've been
10 engaged in this task force, is that an area that you know?

11 A. Yes.

12 Q. Okay. How do you know that particular area that
13 you were brought to the scene on October 11th --

14 A. It's one of the tracks in Houston.

15 Q. What's a track?

16 A. A track is what they refer to as the strip of
17 street where the girls walk up and down and solicit dates.

18 Q. All right. And so how much time do you think
19 you've spent out in that area?

20 A. A lot. I can't even -- a lot.

21 Q. We haven't. So can you just describe for us,
22 what's it look like out there?

23 A. You have 59 is there -- the stretch of Bissonnet
24 that's considered the track is between 59 and the Beltway,
25 so I don't know if you're familiar with that. It's right

1 there by Sharpstown Mall. It's on actually -- the track
2 would be on the opposite side of Sharpstown. There's a
3 Burger King, which is actually right here on the corner of
4 Plainfield and Bissonnet. Then as you go down, they have
5 some places you eat but in this same strip mall there's some
6 clubs that a lot of people like to hang out at and then down
7 the street, if you pass over the Beltway, there's a few
8 hotels. All along the Beltway, there -- I think it's the --
9 there's one or two -- there's a McDonald's, there's a Shell
10 station and then behind that there's a Budget Garden Inn and
11 Suites, which is very popular for people to go to because
12 they rent by the hour and they sell condoms.

13 Q. All right. So let's talk about that. You say some
14 of the places along there rent by the hour. What does that
15 mean?

16 A. That would mean -- if somebody only needs a room
17 for an hour, they're not going there to sleep.

18 Q. So, some of the hotels in this area will allow you
19 to just go in and rent a room for an hour's time.

20 A. That's correct.

21 Q. And you mentioned one of them provides condoms?

22 A. More than one of them do.

23 Q. Okay.

24 A. Or they did back then. They may have stopped
25 because the City has started to come down on that.

1 Q. Okay. So, there are other proactive efforts around
2 some of the businesses?

3 A. Correct.

4 Q. That may have been -- how would you phrase it?
5 Maybe looking the other way?

6 A. Correct, facilitating it. Not actively but
7 passively facilitating it.

8 Q. So you mentioned there are these areas along this
9 street where you say that women or girls will walk up and
10 down it. So who else is out there when they're out there
11 walking?

12 A. The pimps are out there. They sometimes hang out
13 in the clubs or they'll just drive up and down Bissonnet in
14 their cars, keeping an eye on the girls, making sure that,
15 one, they don't get hurt but, two, that they make sure they
16 get their money. You know, the girls aren't going to run
17 off and try to take the money.

18 Q. So in your experience and your training out on this
19 area, the pimps may be there to kind of supervise and watch
20 over?

21 A. That's correct.

22 MR. JOHNSON: Objection, Your Honor,
23 relevance.

24 THE COURT: Overruled.

25 Q. (BY MS. JOHNSON) And on this particular night, you

1 were called out to a scene. And who was out there? Or as
2 far as -- you said patrol had already identified two people.
3 Which two people were out there at the scene that they were
4 concerned about?

5 A. The defendant and the victim.

6 Q. Okay. Would you please tell us what are the names
7 of the defendant and what's the name of the victim?

8 A. Kojuan Miles is the defendant. Alexzandria Jackson
9 is the complainant, or the victim.

10 Q. And did you have an opportunity at that scene to
11 see them?

12 A. Yes.

13 Q. And identify them?

14 A. Yes.

15 Q. Do you see the same individual that you identified
16 as Kojuan Miles as being in the courtroom today?

17 A. I do.

18 Q. Would you please point to him and identify an
19 article of clothing that he's wearing?

20 A. He's sitting right there. He has on the tan
21 jacket, the blue and white striped shirt and the tan and
22 beige striped tie.

23 MS. JOHNSON: Okay. Your Honor, may the
24 record reflect that the witness has identified the
25 defendant, Kojuan Miles?

1 THE COURT: The record will so reflect.

2 Q. (BY MS. JOHNSON) And this area of town that you've
3 mentioned that we see there on State's Exhibit 1, is this
4 located in Harris County, Texas?

5 A. Yes, it is.

6 Q. And you mentioned the other person that was out
7 there was Alexzandria Jackson?

8 A. Yes.

9 Q. Was there anybody else at the scene? I mean, as
10 far as suspects?

11 A. No.

12 Q. Okay. I know there are patrol officers and other
13 people that are out all the time, right?

14 A. Yes.

15 Q. And was there any indication from patrol or
16 anything else that at the time they discovered Kojuan Miles
17 and Alexzandria Jackson that there was, say, any other males
18 or anybody else in the car?

19 A. No.

20 Q. Okay. So, these were the two people that were
21 identified?

22 A. Correct.

23 Q. And when you got out to the scene, what was your
24 concern or what are you looking into with regard to
25 Alexzandria Jackson?

1 A. I was looking into find out whether she was a
2 victim of sexual assault and trafficking.

3 Q. And what about -- what was your concern when you
4 got out to the scene about Kojuan Miles?

5 A. Whether or not he was the person who victimized
6 her.

7 Q. Okay. So, those are the two concerns that you have
8 from the reactive investigation from patrol and you're going
9 to take this investigation further?

10 A. That's correct.

11 Q. Okay. And in the course of your investigation, you
12 talked about your training from the academy, is this
13 something that's going to be done in a day?

14 A. No.

15 Q. Okay. It takes a serious and long amount of time?

16 A. Yes.

17 Q. And as part of that, do you normally keep a report
18 of what's happening and updating it as things are occurring?

19 A. We did, or I do.

20 Q. Is that standard practice for the department?

21 A. Yes.

22 Q. Okay. And did you do that in this case?

23 A. I did.

24 Q. And so that's kind of a running log of some of the
25 things that are occurring?

1 A. Correct.

2 Q. Not just for yourself but the other officers?

3 A. Yes.

4 Q. Okay. And as you know, that's a report that we
5 also provide so that defense has access to review it as
6 well?

7 A. Yes.

8 Q. So in this case you have a concern but do you know
9 at the moment when you get out there, hey, this is a pimp?

10 A. Not at that moment, no.

11 Q. You're going to look into it?

12 A. Correct.

13 Q. So what steps do you take to figure out whether or
14 not Kojuan Miles is actually pimping Alexzandria Jackson?

15 A. Conduct an interview with the victim.

16 Q. Okay. And do you do that out at the scene?

17 A. I do not.

18 Q. Okay. What do you do? And let's just talk about
19 at the scene. Do you do anything else at the scene before
20 you leave?

21 A. Sure. You're going to conduct a brief interview on
22 the scene because you want to have a little bit of
23 information and then there's a vehicle at the scene, so we
24 had to determine what to do with the vehicle.

25 Q. Okay. Tell us about that vehicle. What kind was

1 it?

2 A. It was black Chevy Aveo, I believe.

3 Q. Okay. It was a black Chevy?

4 A. Yes.

5 Q. Okay.

6 A. Four-door.

7 Q. Four-door. And do you know, is it important for
8 you to figure out maybe who owns that vehicle?

9 A. Yes, because that goes into we need to figure out
10 what to do with it. It's private property, so we cannot tow
11 it. The owner of the property has to be the one to tow it,
12 so you need to find the owner so that you can notify them
13 that the car has been parked and we are going to leave it at
14 that location.

15 Q. Did you do that in this case?

16 A. I did.

17 Q. Or was that done? Who owned the vehicle?

18 A. Enterprise.

19 Q. So it was a rental car?

20 A. Yes, it was.

21 Q. It wasn't like an old car that you have to --

22 A. It was new.

23 Q. It was new?

24 A. Uh-huh.

25 Q. So what happened with the vehicle?

1 A. We left it and I contacted Enterprise and just let
2 them know that their vehicle was there and they wanted to go
3 pick it up.

4 Q. Okay. Do you happen to know who rented the
5 vehicle?

6 A. Yes.

7 Q. Okay.

8 A. I don't know her name.

9 Q. Okay.

10 A. But she is the defendant's birth mother.

11 Q. Okay. So you found that out?

12 A. I did.

13 Q. But it wasn't something that was technically in the
14 defendant's name?

15 A. No.

16 Q. All right. Was there anything else that you saw
17 out at the scene that was collected that you would keep as
18 part of your investigation?

19 A. Clothes.

20 Q. Okay.

21 A. The victim's clothes.

22 Q. Okay. And what did you notice about the clothes?

23 A. There was a lot of her clothes in the vehicle. So
24 I took them because it's hers, it's her property, so I took
25 them so I could keep it for her. I wasn't able to send them

1 with her because she's not from Houston but I did hold onto
2 them for safekeeping.

3 Q. Okay. So, is that typical or when you maybe make a
4 scene with a child and you see that their clothing is in
5 somebody else's car, or what does that indicate to you?

6 A. That she's left home.

7 Q. Okay. Does that cause you a concern?

8 A. Yes.

9 Q. Okay. Based on that, did you look further -- I'm
10 kind of skipping a little bit ahead -- to try to identify
11 where this girl was from?

12 A. I did.

13 Q. And where'd you find out that she was from?

14 A. North Carolina.

15 Q. Okay. Was there anything official out there about
16 her being from North Carolina or a concern from her family
17 about where she was?

18 A. On the scene?

19 Q. Uh-huh.

20 A. No, not at that time.

21 Q. You later found this out?

22 A. Correct.

23 Q. What was it? What'd you find out?

24 A. I found that she was a runaway from North Carolina,
25 Charlotte.

1 Q. So, somebody in North Carolina had reported, Hey,
2 this child is missing, and that gets done as technically a
3 runaway report, correct?

4 A. Yes.

5 Q. And because of that, that also dictates what you
6 can do next with this child here in Houston?

7 A. Correct.

8 Q. Okay. All right. So, this child is a runaway from
9 another area and inside this vehicle is basically everything
10 that she has, right?

11 A. Correct.

12 Q. Okay. Was there anything else that you recovered
13 or was important from the vehicle that evening?

14 A. I didn't recover it but it was given to me. It was
15 a cell phone.

16 Q. A cell phone.

17 MS. JOHNSON: Your Honor, may I approach?

18 THE COURT: You may.

19 Q. (BY MS. JOHNSON) Let me show you what's been
20 marked as State's Exhibit 5. Do you recognize that?

21 A. I do.

22 Q. What is it?

23 A. It's a cell phone.

24 Q. Okay. And based on the markings that are there on
25 the envelope of State's Exhibit 5, what does that tell us?

1 A. This was the defendant's phone.

2 Q. Okay. And on that information, do you keep it
3 logged with the same report that you keep throughout the
4 course of this investigation?

5 A. Correct.

6 Q. Okay. I noticed something on State's Exhibit 5.
7 It has your name or has a name of Catherine Clogher?

8 A. Yes.

9 Q. Who is that?

10 A. That's me.

11 Q. Okay. So, you now have a new name but you're the
12 same person?

13 A. Yes.

14 Q. All right. Same person?

15 A. Yes.

16 Q. So this phone is the phone that was recovered from
17 the scene?

18 A. Yes, it is.

19 Q. Okay. And it was something that was given to you
20 as part of your continuing investigation?

21 A. Correct.

22 Q. Let me show you what's been marked as State's
23 Exhibit No. 6. Do you recognize this? And already
24 admitted.

25 A. I do.

1 Q. Okay. What is it?

2 A. It's a search warrant.

3 Q. Okay. And what's it for?

4 A. It's a search warrant that I wrote for the phone.

5 Q. Okay. And that search warrant is so that you can
6 actually physically get somebody to go inside and recover
7 information from the phone; is that correct?

8 A. That's correct.

9 Q. Do you know if anybody was claiming that phone on
10 scene that evening of October 17th, 2011?

11 A. The defendant.

12 Q. Were there any other phones or anything else that
13 was found in the car?

14 A. No.

15 Q. Was there anything else recovered or at any point
16 in time were you shown a receipt for something?

17 A. I was.

18 Q. And based on that receipt, did you -- what was it
19 for?

20 A. A hotel.

21 Q. Okay. Do you know who rented the room for that
22 hotel?

23 A. Valencia James.

24 Q. Okay. And did you look into Valencia James or who
25 she was?

1 A. I did.

2 Q. And what do you know about her?

3 A. She had multiple prostitution arrests.

4 Q. So there was a hotel receipt for -- in his car from
5 a woman that you identified as having multiple prior
6 prostitution arrests?

7 A. Correct.

8 Q. All right. Okay. You take all this information
9 and you keep it as you're continuing the investigation?

10 A. That is correct, I do.

11 Q. All right. So without getting into what was said,
12 did you attempt to try to talk to the defendant?

13 A. I did.

14 Q. And then did you take the child? And what'd you do
15 with her?

16 A. I conducted an interview with her.

17 Q. Okay. But again, not on scene, so where did you
18 go?

19 A. We went to the Children's Assessment Center. It's
20 a child advocacy center here in Houston that is built for
21 victims of child abuse as well as sexual abuse and it's one
22 location where you can bring a child that's been victimized
23 and they can get a medical exam, they can meet with a social
24 worker, CPS is there, if need be, and you can also conduct
25 an interview.

1 Q. Do you typically take children to the Children's
2 Assessment Center? I mean you, personally?

3 A. In these cases, no.

4 Q. Okay. Where do you normally go?

5 A. I normally would take the victims of domestic minor
6 sex trafficking to my office and we have an interview room
7 there.

8 Q. Okay. But in this case why did y'all go to the
9 Children's Assessment Center?

10 A. Based on the day and the timing, it was a perfect
11 place to go because we could get her a medical exam, so we
12 went there because they typically open at 9:00 o'clock
13 Monday through Thursday and you can go in there and meet
14 with a doctor and it's better than spending 12 hours at
15 Texas Children's Hospital waiting.

16 Q. Okay. So rather than going to Texas Children's
17 Hospital, another place that might take longer, y'all made a
18 decision to go to the quickest place, which was the
19 Children's Assessment Center, correct?

20 A. Correct.

21 Q. Why the urgency? What was the concern at the
22 moment for this child?

23 A. She was from out of town, but it's an immediate
24 case. We had someone in custody that we -- could
25 potentially have committed a crime, so we needed to do an

1 immediate investigation.

2 Q. Was there also a medical concern for the child?

3 A. Yes. We have a 96-hour window where we need to get
4 them examined if they have been a victim, in order to get
5 evidence.

6 Q. And did patrol have a concern that maybe this child
7 had been put out on the street or been sexually assaulted
8 and within a short period of time?

9 MR. JOHNSON: Objection, Your Honor,
10 speculation.

11 THE COURT: Sustained.

12 Q. (BY MS. JOHNSON) Okay. So, y'all went to the spot
13 that was going to allow you the soonest opportunity to try
14 to get everything taken care of, correct?

15 A. Yes.

16 Q. And around what time did you get to the Children's
17 Assessment Center?

18 A. 7:30, 8:00 o'clock, I want to say.

19 Q. Okay. And what did y'all do when you get there?

20 A. We got there and we initially went to the medical
21 clinic and we filled out the paperwork we needed to fill
22 out, we started talking to the doctor who was going to
23 perform the medical exam and got that all set up so that she
24 could be examined.

25 Q. Okay. Do you also have a chance to interview the

1 child?

2 A. I did.

3 Q. Where did y'all conduct that interview?

4 A. There's -- they have two interview rooms that are
5 downstairs where you can go. Typically you would have a
6 child forensically interviewed by a forensic interviewer but
7 we choose to do these interviews on our own because there's
8 very specific questions you need to ask, so we do the
9 interviews ourselves, so we went to some interview rooms
10 downstairs that are available for officers to use.

11 Q. Do you normally go to those rooms?

12 A. No.

13 Q. And in this case do y'all normally videotape that
14 interview?

15 A. Always, if we have the opportunity.

16 Q. Why do you videotape it?

17 A. So that other people can view it and see what she
18 said so that they -- the child is not being interviewed
19 multiple times and having to retell the story.

20 Q. Okay. Is that something that -- that's not
21 something that we could just play for court and say, here,
22 watch it, right?

23 A. No.

24 Q. It's just something that's used for us to be able
25 to view at a later time?

1 A. Correct.

2 Q. But it's not admissible evidence, correct?

3 A. No.

4 Q. Okay. And typically you try to do those interviews
5 for people like myself so that I can watch them at a later
6 time.

7 A. Correct.

8 MR. JOHNSON: Objection, Your Honor,
9 relevance.

10 THE COURT: Sustained.

11 Q. (BY MS. JOHNSON) Okay. In this particular case do
12 you know whether or not there was a problem with that tape
13 or that machine?

14 A. There was.

15 Q. Okay. What was it? Or do you know what it was?

16 A. I don't know what it was.

17 Q. Okay.

18 A. It didn't record on my interview.

19 Q. Okay. It didn't record that particular video?

20 A. It did not.

21 Q. After you interviewed her there or when you're
22 interviewing her, in addition to the recording that's being
23 made, what do you do?

24 A. Take notes.

25 Q. Okay. And so you take them by hand?

1 A. That is correct.

2 Q. Okay. And that's a paper that you have for
3 yourself, right?

4 A. Correct.

5 Q. At what point do you turn around and put it into
6 this big report that's kind of a running timeline of what's
7 happening?

8 A. As soon as I can.

9 Q. Okay. So that's not a month down the road?

10 A. No, immediately.

11 Q. Okay.

12 A. You know, within -- you know, you work your
13 investigation and when you have a second, so maybe a day,
14 the next day, you sit down and you would do the report.

15 Q. Okay. And then you put into the report kind of a
16 whole length of what has happened, correct?

17 A. Correct.

18 Q. And you did that in this case, correct?

19 A. I did.

20 Q. So do you refer back to your report if you have
21 questions or something that you need to look into?

22 A. I do.

23 Q. And so the notes that are made in your report are
24 made when it's fresh on your mind so that when we do come to
25 court three years later, you have an idea of what was going

1 on?

2 A. Yes.

3 Q. In that interview that you had with the child, did
4 you have an opportunity to speak with her about her
5 circumstance and what had happened to her?

6 A. I did.

7 Q. Okay. And without getting into what she said,
8 based on the interview, what was your concern?

9 A. That she had been a victim of sexual assault and
10 domestic minor sex trafficking.

11 Q. Did she -- did you have reason to believe that she
12 wasn't from this area?

13 A. I did.

14 MR. JOHNSON: Objection, Your Honor, leading.

15 THE COURT: Please don't lead your witness.

16 Q. (BY MS. JOHNSON) All right. So, you again
17 mentioned that you discovered that she is technically a
18 runaway from North Carolina?

19 A. I did.

20 Q. Which means somebody from North Carolina has
21 notified the authorities that their child is missing.

22 MR. JOHNSON: Objection, Your Honor, leading.

23 THE COURT: Overruled.

24 A. Correct.

25 MR. JOHNSON: Objection, hearsay, Judge.

1 THE COURT: Overruled.

2 Q. (BY MS. JOHNSON) So, based on knowing that, that
3 this individual is someone that has been reported as a
4 runaway, what's the process for where you take the child
5 next?

6 A. We take them to the Harris County juvenile
7 probation, which is juvenile jail, but she wasn't in
8 trouble; we just had to take her there because they will
9 hold her to make sure she's safe until she can get back to
10 the place she came from, in this case was North Carolina.

11 Q. Okay. So, in this circumstance, the child is not
12 taken to, say, Children's Protective Services because, by
13 procedure, because she's listed as a runaway, you have to
14 take her to Juvenile Justice Center?

15 A. Correct.

16 Q. And then she's going to wait there in detention
17 until somebody from her home state and come and pick her up,
18 correct?

19 A. That's true, or probation will work to transport
20 her back to North Carolina.

21 Q. Okay. But the purpose of that is to make sure that
22 she's safe?

23 A. Yes.

24 Q. And nobody can say, Hey, I'm going to come pick her
25 up?

1 A. Correct.

2 Q. Okay. And in this circumstance, after you had
3 talked to her initially, did you follow up on what you had
4 learned and continue conducting your investigation?

5 A. I did.

6 Q. Did you have -- again, without an opportunity of
7 saying what was said, did you follow up and again have an
8 opportunity to try to speak with other people that may have
9 been involved in this circumstance?

10 A. I did.

11 Q. Okay. And based on that, without getting into what
12 was said, did you again go speak with the complaining
13 witness?

14 A. Yes.

15 Q. And where did you do that?

16 A. Juvenile probation, or the justice -- Juvenile
17 Justice Center.

18 Q. Okay. And in that facility, are there videos
19 available that you can do a video recording?

20 A. No, there's not.

21 Q. So, what do you do in that circumstance?

22 A. I took an audio recorder.

23 Q. Okay. And what did you do?

24 A. I conducted an interview.

25 Q. Okay. And so you recorded it on an audio version?

1 A. I did.

2 Q. And again, is that something that you include in
3 your case file?

4 A. Yes.

5 Q. And the purpose of that, again, is not for us to be
6 able to play it and to hear what was said; it's for people
7 like myself and others to be able to listen to.

8 A. Correct.

9 Q. What happens with Alexzandria after that? Do you
10 know?

11 A. (Shakes head negatively.)

12 Q. Do you know whether or not she got returned to
13 North Carolina?

14 A. She did.

15 Q. Okay. Have you seen her since?

16 A. I have not.

17 Q. Okay. And how long has it been?

18 A. Two and a half years.

19 Q. So, actually since October, 2011, correct?

20 A. Yes.

21 Q. Over three. Is that right? '12, '13. Two and a
22 half. Excuse me. Excuse my math. I'm sorry.

23 A. That's okay.

24 Q. I'm a lawyer, so they said we can't do math, so
25 it's obvious. Sorry about that.

1 All right. So, it's been a couple of years
2 since you've seen this child and you still haven't seen her,
3 correct?

4 A. I have not, correct.

5 Q. But did you have an opportunity to interview her
6 and speak with her about her circumstance?

7 A. Yes, I did.

8 Q. And without getting into what she had said, do you
9 believe that she was caused by any means to commit
10 prostitution?

11 A. I do.

12 Q. And do you believe that she actually engaged in sex
13 acts with others for a fee?

14 MR. JOHNSON: Objection, Your Honor, leading.

15 THE COURT: Please don't lead your witness.

16 Q. (BY MS. JOHNSON) Okay. What were your concerns
17 about this child after having an opportunity to speak with
18 her and look into the circumstances on that day,
19 October 17th, 2011?

20 MR. JOHNSON: Objection, Your Honor,
21 relevance.

22 THE COURT: Overruled.

23 A. Can you repeat that, please?

24 Q. (BY MS. JOHNSON) Yeah. What were your concerns as
25 a trained officer, having this experience in domestic minor

1 sex trafficking, after having an opportunity to twice speak
2 with this child and conduct the other portions of your
3 investigations just on that day alone?

4 A. That I had come in contact with someone that had
5 been a victim of sexual assault and domestic minor sex
6 trafficking.

7 Q. And in this circumstance, do you have an opinion
8 about whether or not she was caused by any means to commit
9 prostitution?

10 A. I do.

11 Q. Okay. Do you believe that it was a gorilla pimp
12 type situation or a finesse pimp situation?

13 A. Finesse pimp.

14 MR. JOHNSON: Objection, Your Honor, invades
15 the province of the jury.

16 THE COURT: Sustained.

17 Q. (BY MS. JOHNSON) In your experience, again,
18 referring to what -- your training, your experience and what
19 you have seen from this case, do you have a belief that
20 manipulation was used on this child?

21 A. Yes.

22 MR. JOHNSON: Again, Your Honor, invades the
23 province of the jury.

24 THE COURT: I'm sorry. I couldn't -- she was
25 answering. I'm sorry.

1 MR. JOHNSON: It invades the province of the
2 jury.

3 THE COURT: Sustained.

4 Q. (BY MS. JOHNSON) So, based on the investigation
5 that you had conducted at that point, did you believe that
6 there was reason to make an arrest of somebody in this case?

7 A. I did.

8 Q. And of whom?

9 A. The defendant.

10 Q. And again, his name?

11 A. Kojuan Miles.

12 Q. And for what charges?

13 A. Sexual assault of a child and compelling
14 prostitution of a minor.

15 Q. And do you stop there or do you continue your
16 investigation of him?

17 A. It continued.

18 Q. Okay. It continues. At any point in time did you
19 learn or did you have reason to want to collect the DNA of
20 Mr. Kojuan Miles?

21 A. Yes.

22 Q. Okay. And when did you do that?

23 A. When I was notified from the lab that -- after they
24 tested the sexual assault kit, that they did find a DNA
25 profile that was consistent with a male.

1 Q. Okay. So when that happens, your next step or next
2 process is to try to get confirmation of something, correct?

3 A. Correct.

4 Q. Okay. And did you do that in this case?

5 A. I did.

6 Q. Okay. So what does that mean? What do you do?

7 A. I got a search warrant for his DNA and I came down
8 to the courthouse on one of his court days, court hearings
9 and I took him outside and collected his DNA.

10 Q. Okay.

11 A. The saliva.

12 Q. Do you remember when this was or about the time of
13 it?

14 A. I believe it was April 17th, 2012.

15 Q. So, April 17th of 2012, you physically came down to
16 the courthouse to take a sample of saliva. What is that
17 called or that term of that swiping?

18 A. A buccal swab.

19 Q. Okay. And is that the normal process and
20 procedure?

21 A. Yes.

22 Q. Okay. And so then what's going to happen with the
23 buccal swab?

24 A. I took it and I tagged it into the property room.
25 Then I notified the lab and I requested that they test the

1 DNA that they found on the buccal swab from the defendant
2 against the DNA profile that they extracted from the sexual
3 assault kit.

4 Q. Okay. At that point you don't know who it is,
5 right?

6 A. No.

7 Q. Okay. But you have reason to believe and now he
8 knows that you're taking his DNA to run a sample.

9 A. Correct.

10 Q. Okay. And this was in April of 2012, correct?

11 A. I believe, yes.

12 Q. Okay. When court process was already pending and
13 you're still conducting the investigation.

14 A. Yes.

15 Q. Okay. Did you ultimately find out the results?
16 Were they able to make a match on a DNA for a male?

17 A. Yes.

18 Q. Okay. Was it the defendant?

19 A. No.

20 Q. Okay. Is your case continuing in those other
21 respects?

22 MR. JOHNSON: Objection, Your Honor,
23 relevance.

24 A. Yes.

25 THE COURT: Overruled.

1 Q. (BY MS. JOHNSON) So you continued then an
2 investigation on that DNA?

3 A. Correct.

4 Q. Is there any indication that this other individual
5 was somehow connected to Kojuan Miles or Alexzandria
6 Jackson?

7 MR. JOHNSON: Objection, Your Honor, to
8 relevance.

9 THE COURT: Overruled.

10 A. No.

11 Q. (BY MS. JOHNSON) So it may have just been a random
12 person?

13 A. Correct.

14 Q. Wasn't somebody that had traveled with them down
15 from North Carolina or anything like that?

16 MR. JOHNSON: Objection, Your Honor, calls for
17 speculation.

18 THE COURT: If you can answer that question
19 based on your investigation.

20 A. Not that I believe.

21 Q. (BY MS. JOHNSON) Okay. And there was no
22 indication of it, right?

23 A. No.

24 Q. So, in your experience and based on your training
25 and being out on this area, when somebody is put out on the

1 streets, what are they being put out there to do?

2 A. Engage in sex acts for money.

3 Q. Okay. And when that occurs, may there be male
4 sperm that's left?

5 A. Yes.

6 Q. In that process?

7 MR. JOHNSON: Objection, Your Honor,
8 relevance.

9 THE COURT: Overruled.

10 A. Yes.

11 Q. (BY MS. JOHNSON) For these girls or women that are
12 being put out in that area right up there, how many sexual
13 partners do you think they might come in contact with?

14 MR. JOHNSON: Objection, Your Honor, relevance
15 again.

16 THE COURT: Sustained.

17 Q. (BY MS. JOHNSON) Are you surprised to know that
18 somebody out on that street at that time might have a random
19 person's DNA inside them?

20 A. No.

21 Q. In your training and experience out there, is this
22 an area where people are setting up for a long-term
23 relationship or is it kind of just a quickie thing that
24 they're put out there for?

25 MR. JOHNSON: Objection, Your Honor,

1 relevance.

2 *THE COURT:* Sustained.

3 Q. (BY MS. JOHNSON) Okay. In your experience and
4 your training, for the girls that are under the age of 18 or
5 teenage girls, let's say for a 15-year-old, what's it like
6 for them out there?

7 MR. JOHNSON: Objection, Your Honor,
8 speculation.

9 *THE COURT:* Sustained.

10 Q. (BY MS. JOHNSON) In this circumstance, you had a
11 chance to talk to Alexzandria Jackson?

12 A. Yes.

13 Q. And on that day when you saw her, how did she
14 appear to you?

15 A. Very nervous.

16 Q. Okay. All right. And what was she actually trying
17 to do at the moment that you talked to her?

18 MR. JOHNSON: Objection, Your Honor,
19 speculation.

20 *THE COURT:* Overruled.

21 A. Repeat that.

22 Q. (BY MS. JOHNSON) Yeah. When you were talking to
23 her on the -- when you were talking to her on October 17th,
24 2011, this 15-year-old girl, what was she actually trying to
25 do? Was she trying to help you?

1 MR. JOHNSON: Objection, calls for hearsay.

2 THE COURT: Sustained.

3 Q. (BY MS. JOHNSON) In your experience and your
4 training with these young kids, how do they normally respond
5 to law enforcement?

6 A. Not well.

7 Q. Okay. In your experience and training, do these
8 pimps normally tell them how to respond to law enforcement?

9 MR. JOHNSON: Objection, Your Honor,
10 relevance.

11 THE COURT: Sustained.

12 Q. (BY MS. JOHNSON) In this circumstance, in trying
13 to speak with the child, were you concerned that maybe she
14 was still feeling and responding as a manipulated victim of
15 domestic minor sex trafficking?

16 MR. JOHNSON: Objection, Your Honor, calls for
17 speculation.

18 THE COURT: Overruled.

19 A. Yes.

20 MS. JOHNSON: Your Honor, may I approach?

21 THE COURT: You may.

22 Q. (BY MS. JOHNSON) Okay. Let's talk about your
23 investigation and when you looked into this phone. And
24 referring to State's Exhibit No. 8, which has already been
25 admitted into evidence, Officer Bartels, did you have a

1 chance to contact the family of Alexzandria Jackson back in
2 North Carolina?

3 A. I did.

4 Q. And what was the phone number that you called?

5 A. 704-806-5310.

6 Q. Okay. So, I'm going to take this report that we
7 learned from Investigator Pham is the printout of everything
8 that was brought off of that phone. And do you know what
9 kind of a phone it is?

10 A. I'd have to look.

11 Q. Not at the time but have you ever heard of a burner
12 phone?

13 A. Yes.

14 Q. What does that mean?

15 MR. JOHNSON: Objection, Your Honor,
16 relevance.

17 THE COURT: Overruled.

18 A. A phone that doesn't technically really belong to
19 anyone, so it won't come back to the person using it.

20 Q. (BY MS. JOHNSON) Okay. So, in your investigations
21 when you're out there trying to identify the people that are
22 connected, if you were to find a cell phone, let's say, that
23 had an account where it would say, hey, I'm mailing you this
24 bill every month, would that help you identify an
25 individual?

1 A. Not really.

2 Q. Okay. So with these burner phones, why do people
3 even use them?

4 A. Because they're untraceable.

5 Q. So, in that sense you have to look back at whatever
6 you can recover on a phone?

7 A. Correct.

8 Q. Okay. I'm going to refer you to page 6 on this
9 exhibit and we can see here at the top that it says:
10 Outgoing calls. And so in this report, are these the phone
11 numbers that were being called by the individual with this
12 phone?

13 A. Yes.

14 Q. Okay. And you mentioned the phone number to this
15 child's family, correct?

16 A. Correct.

17 Q. And what was that again?

18 A. 704-806-5310.

19 Q. So let's see here. This number right here, is that
20 the number that you -- excuse me -- is that the number that
21 you just referenced as being the phone for this child's
22 family?

23 A. Yes.

24 Q. And this is outgoing call on page 6, Outgoing No.
25 25 to 704-806-5310. And in this sheet we see that that call

1 is going out on 10-13-2011 at 12:32 and 13 seconds. Is that
2 correct?

3 A. Correct.

4 Q. Okay. PM. And we can see here on the other side,
5 it lists in a column the duration of the call, where it
6 lasts for about 35 seconds, correct?

7 A. Correct.

8 Q. All right. We again see a follow-up call after
9 that on No. 26 on State's Exhibit No. 8, page 6, where,
10 again, somebody using this particular phone is calling that
11 number for this child's family, correct?

12 A. Correct.

13 Q. Now we're still looking on this outbound portion of
14 the exhibit. And we see here on page 8, No. 86, that
15 there's, again, a call to the family on 10-14 of 2011,
16 correct?

17 A. Correct.

18 Q. But then we see here on No. 89 that there's a call
19 to that number, but what is the significance of this *67?

20 A. When you use the *67 feature on your phone,
21 nowadays with Caller ID, the *67 will block your phone
22 number from showing up on the other person's Caller ID.

23 Q. Okay. So, we have on 10-14 a call that's unblocked
24 but then we have on 10-15, now the calls that are going to
25 this child's family are being blocked, correct?

1 A. Correct.

2 Q. And let's see, as we turn to page 9 of this exhibit
3 that we see, again, calls being made to this child's phone,
4 No. 128 on page 9, again to that same number you identified
5 as her family's number, 704-806-5310 and again, it has this
6 *67 indication that means it's being blocked, correct?

7 A. Yes, correct.

8 Q. And this is on 10-16-2011, at 7:49 and 22 seconds
9 PM, correct?

10 A. Correct.

11 Q. I also want to take you through this exhibit where,
12 again, you may look to try to identify, since the phone is
13 not identified through the account to another individual,
14 and here are inbox messages that we see on this phone that
15 are coming into it and I want to refer you to some of this
16 language about 160. In your experience and expertise, when
17 you're talking about numbers like that, what might people be
18 referring to?

19 MR. JOHNSON: Objection, Your Honor,
20 relevance. It's the -- it is what we spoke about at the
21 bench on yesterday. We can approach again if --

22 THE COURT: I thought --

23 MR. JOHNSON: Well, it's a similar objection,
24 Judge. We can approach and I can -- this is -- the time
25 period on this is August, Judge.

1 *THE COURT:* I understand that and you -- come
2 on up.

3 *(At the bench, on the record.)*

4 *MR. JOHNSON:* What I mean, Judge, is you're
5 talking about something that's in August, which is from a
6 time period that's not --

7 *THE COURT:* I get that. I guess my biggest
8 concern was yesterday you only asked me to take out that one
9 line.

10 *MR. JOHNSON:* Well, taking it out, taking it
11 out is different but taking it out is things that were
12 glaringly, obviously wrong but now it's trying to describe
13 something from somebody that we don't know where it came
14 from, we don't really know what it references at all and
15 from a time period that's not involved in this case, so even
16 to try to discuss it or explain it is -- I mean, it's
17 completely irrelevant to this case. I mean, it's from a
18 time where the alleged complainant and the defendant don't
19 even know each other, so it -- I mean, and we don't know who
20 it's from, we don't know where it came from.

21 *THE COURT:* I totally understand that. I
22 guess maybe my confusion is just that yesterday when we went
23 through the things you wanted taken out, I had them take out
24 that one line, but now you want it all out.

25 *MR. JOHNSON:* No, the number 160. The number

1 160 in and of itself is completely ambiguous. It means
2 nothing. So to now try to come back and explain that this
3 number 160 means whatever the State's going to try to allege
4 that it means from a time period that -- it doesn't have
5 anything to do with this particular matter that's before the
6 Court.

7 *THE COURT:* But it's something that y'all let
8 into evidence is what I'm more --

9 *MR. JOHNSON:* Now the attempt is to explain
10 something -- if we're explaining it based on a guess from
11 this -- I mean, 160 can mean a number of different things.
12 160 can mean something to a police officer, can mean
13 something different towards a hospital and a doctor and a
14 medical code, so what we're doing is we're guessing at what
15 that means in this text message from people who we don't
16 know who sent it, we don't know where it's from and we're
17 just putting a -- putting a definition to it, or trying to
18 put it inside of a box when we don't even really know if
19 that's where it is.

20 *THE COURT:* What's she going to say?

21 *MS. JOHNSON:* Your Honor, she is probably
22 going to talk about the fact that when people talk about
23 money, they may not say a fee, they may use terms like 160
24 or 40 or 50 and give instructions in that way.

25 *THE COURT:* Okay.

1 MS. JOHNSON: Your Honor, this is also
2 limiting -- they asked half the phrases, catching all dates
3 and things of that sort which, if this officer were allowed
4 to testify, she would talk about the fact, as she did
5 earlier, that a date is a phrase that's usually used in
6 prostitution. This phone shows activities occurring related
7 to prostitution with -- before this child --

8 THE COURT: I get that, and we took that out.
9 That was where I was really struggling. All right.

10 (End of discussion at the bench.)

11 THE COURT: Ladies and gentlemen, let's go
12 ahead and take our morning break. We'll be in recess until
13 11:00 o'clock, please.

14 (Jury not present.)

15 THE COURT: Be seated, please. Can I see the
16 exhibit?

17 (Off the record discussion.)

18 (Jury present.)

19 THE COURT: Be seated, please.

20 And you may proceed.

21 MS. JOHNSON: Thank you, Your Honor.

22 Q. (BY MS. JOHNSON) Officer Bartels, did you have a
23 chance to review State's Exhibit 8, the cell phone report?

24 A. Yes.

25 MS. JOHNSON: Okay. Your Honor, may I

1 approach?

2 *THE COURT:* Yes.

3 *Q.* (*BY MS. JOHNSON*) And in that review of that phone,
4 did you see references to somebody named Kojuan?

5 *A.* I did.

6 *Q.* And again, you know that person to be whom?

7 *A.* The defendant, Kojuan Miles.

8 *Q.* And when you saw that child on October 17th, 2011,
9 what, if anything, did you notice written on her arm?

10 *A.* A phone number.

11 *Q.* Okay. And what was that phone number?

12 *A.* 323-382-9466.

13 *Q.* And so, on that child's arm, we're looking at the
14 report that we have that is the recovery of State's Exhibit
15 No. 5, the cell phone that was found and matching the same
16 phone, is that the same phone number that was found written
17 on that child's arm?

18 *A.* Correct.

19 *MS. JOHNSON:* Okay. Your Honor, I pass the
20 witness.

21 *THE COURT:* Mr. Johnson.

22 *MR. JOHNSON:* Thank you, Judge.

23 **CROSS-EXAMINATION**

24 *Q.* (*BY MR. JOHNSON*) Officer Bartels, you said you
25 arrived at 9600 Plainfield about 5:30 AM?

1 A. Offhand, yes, around there.

2 Q. Okay. And do you know what time the initial call
3 was made to that scene?

4 A. I do not.

5 Q. Okay. So you don't know what would have happened
6 in the time period before you got there, obviously?

7 A. No.

8 Q. And you spoke a little bit about burner phones?

9 A. Yes.

10 Q. You're talking about prepaid phones, right?

11 A. Yes.

12 Q. Okay. And if you know, prepaid phones are phones
13 that people pay when they don't have a contract, correct?

14 A. Correct.

15 Q. And oftentimes, if you know, would you agree with
16 me that oftentimes to get that contract you have to have
17 maybe good credit to get a contract with the cell phone
18 companies, correct?

19 A. Yes, that's correct.

20 Q. So, would you also agree with me that there are
21 people that have prepaid phones, not because they're trying
22 to hide anything but maybe they just don't have the credit
23 to get a contract with the phone company, correct?

24 A. Yes, that's correct.

25 Q. Maybe they don't have a steady income and don't

1 want to be responsible for a bill month to month, correct?

2 A. Correct.

3 Q. So just having a prepaid phone in and of itself is
4 not some indication of some wrongdoing, correct?

5 A. Correct.

6 Q. Okay. Now, you say that out on this Bissonnet
7 area, okay, there are hotels that supply condoms, correct?

8 A. Correct.

9 Q. And in fact, you found Mr. Miles at one of the
10 hotels to supply condoms, correct?

11 A. No, I did not.

12 Q. You didn't?

13 A. No.

14 Q. Did you find Ms. Jackson at one of the hotels that
15 supplied condoms?

16 A. No, I did not. I didn't find either one of them.
17 I just went to the scene where they were.

18 Q. When you got to the scene, were they at one of the
19 hotels that supplies condoms?

20 A. No, they were not.

21 Q. Okay. They were just in a parking lot?

22 A. Correct.

23 Q. And you say that there were -- that when you got to
24 the scene, other than other officers, they were the only two
25 people there, correct?

1 A. Correct.

2 Q. Okay. No other men around, correct?

3 A. No.

4 Q. No other women around?

5 A. No.

6 Q. And you didn't receive any indication, when you got
7 there, upon your initial interviews or upon catching up with
8 the other officers, that there was anybody else there when
9 the other officers got there, correct?

10 A. Correct.

11 Q. Okay. Now, you indicated that there were a number
12 of clothes in the vehicle, correct?

13 A. Correct.

14 Q. Okay. And specifically Ms. Jackson's clothes,
15 correct?

16 A. Yes.

17 Q. Okay. Did you have the opportunity to look at the
18 clothes?

19 A. Yes.

20 Q. Okay. Do you remember anything about them?

21 A. Just remember there was a pink or purple backpack
22 that had clothes in them and maybe one other bag, if I'm
23 remembering correctly.

24 Q. Okay. But do you remember anything about the
25 actual clothes that were in the bag itself?

1 A. Not offhand, no.

2 Q. Not offhand. Do you remember what she had on that
3 day?

4 A. Yes.

5 Q. Okay. Would you consider it provocative?

6 A. No.

7 Q. And you say that in your training and experience
8 you've seen a number of women that prostitute themselves,
9 correct?

10 A. That's correct.

11 Q. Okay. And again, Ms. Jackson's outfit that day,
12 you would not describe it as being provocative?

13 A. Not really. It was just a dress. I mean, it was
14 tight-fitting but I wouldn't consider that provocative, you
15 know.

16 Q. Okay. Thank you. Did you look through the
17 vehicle?

18 A. I looked through the vehicle before we left it.

19 Q. Okay. Did you find any money in the vehicle?

20 A. No, I did not.

21 Q. Other than the clothes and the phone, did you find
22 anything significant in the vehicle?

23 A. Significant to what?

24 Q. Significant to your investigation?

25 A. No.

1 Q. Okay. You say that there was -- were Mr. -- did
2 Mr. Miles have any clothes in the vehicle?

3 A. There -- I don't know.

4 Q. Okay.

5 A. I didn't take them because I only took the female
6 clothes.

7 Q. Okay. So, you can't remember if he had any
8 clothes?

9 A. No, I don't remember.

10 Q. Okay. Do you remember if the clothes were strewn
11 about the vehicle? Were they just located in these bags?
12 Were they kind of all over the place?

13 A. The backpack had clothes that were in there, you
14 know, they were just shoved in there and then the rest I had
15 to collect.

16 Q. Okay. And from the trunk, from the passenger --

17 A. From the trunk.

18 Q. Okay. And you say that there was a room receipt in
19 the vehicle?

20 A. It was given to me.

21 Q. Okay. Did you go to that room?

22 A. I did not.

23 Q. Okay. You know, you talked about the telephone,
24 that you looked at the phone records and you could see where
25 the -- where Ms. Jackson's family had been contacted?

1 A. Correct.

2 Q. Okay. Do you know who dialed that number?

3 A. No, I do not.

4 Q. Okay. Do you -- when you looked at that, you
5 indicated there was a *67 prefix used to block?

6 A. Yes.

7 Q. Okay. Were there any other phone calls where the
8 *67 prefix was used?

9 A. I don't know offhand.

10 Q. Okay. Would it help you to take a look at the --

11 A. Yes, it would.

12 MR. JOHNSON: Your Honor, may I approach?

13 THE COURT: Sure.

14 A. Okay. Yes. The answer is yes.

15 MS. JOHNSON: May I ask what line and number
16 they're referring to?

17 MR. JOHNSON: Well, I'm about to -- I'm --

18 MS. JOHNSON: Okay.

19 Q. (BY MR. JOHNSON) Specifically there at Line No. 36
20 at the top of the page, you see that line?

21 A. I do.

22 Q. Okay. Can you tell what number was dialed on that
23 line?

24 A. It's a 1-800 number.

25 Q. It's a 1-800 number?

1 A. Correct.

2 Q. Are there any other numbers?

3 A. 1-877, which is also a toll free number.

4 Q. A toll free number. So, do you have any idea who
5 dialed those numbers?

6 A. No, I do not.

7 Q. Okay. So, there are other numbers on this phone
8 that, for whatever reason, somebody wanted the call blocked?

9 A. Yes.

10 Q. And you don't know who the person is that blocked
11 that number from calling?

12 A. No, I do not.

13 Q. Okay. You don't know who it is that made any of
14 the -- that dialed any of the numbers on this phone, do you?

15 A. No.

16 Q. And Officer, as you spoke about earlier, a prepaid
17 phone is not traceable, correct?

18 A. As far as the records. That's why we have to pull
19 the forensics from the phone.

20 Q. Okay. And you -- specifically, I guess what I mean
21 is, with a prepaid phone, you can't pinpoint the owner of
22 the phone?

23 A. Correct.

24 Q. Okay. So, if you can't pinpoint the owner of the
25 phone, there's really not much purpose in hiding who it is

1 that's making the phone call, correct?

2 A. I disagree.

3 MR. JOHNSON: Pass the witness, Judge.

4 THE COURT: Counsel?

5 MS. JOHNSON: Your Honor, may we approach?

6 THE COURT: Sure. They think I get lonely up
7 here, so they come up a lot.

8 *(At the bench, on the record.)*

9 MS. JOHNSON: Your Honor, the State would like
10 to pass or recall this witness after the complainant.

11 THE COURT: Okay.

12 MS. JOHNSON: My request is it's almost 11:30.
13 I don't know if the Court would be willing to allow us the
14 time to get the complainant to come up. I don't know when
15 the Court is going to be able -- willing to take a lunch
16 break or -- I need to get her.

17 THE COURT: I'm going to take a lunch break at
18 noon because I have a Judges' meeting, so whatever witness
19 you want to call.

20 MS. JOHNSON: Given her expertise, may I have
21 her sit in the courtroom? I know we invoked the Rule in
22 this case but I want her to remain in the courtroom during
23 the complainant's testimony.

24 MR. HOCHGLAUBE: Just for purposes of the
25 record, we would invoke the Rule.

1 *THE COURT:* I've been invoking it my own self,
2 so that's why you didn't have to.

3 *MR. HOCHGLAUBE:* I figured as much.

4 *THE COURT:* And y'all know I do that, so.

5 *MR. HOCHGLAUBE:* Right. You know, Judge, I
6 guess I would object to her being present to see this
7 because basically, I mean, the way this has rolled out is
8 that we don't know what details this complainant's going to
9 say and I would -- I don't want to see this witness
10 basically drawing inferences from that that -- basically I
11 don't -- I think this witness is liable to be tainted by
12 what the complainant says and I understand that there's
13 generally a greater credibility given to experts, but given
14 the sort of nature of her role as a police officer, the sort
15 of not being a science as opposed to a social science, I
16 think that there's a real risk of this expert's testimony
17 being tainted for exactly the reason we want the Rule
18 invoked.

19 *THE COURT:* Okay. And kind of weighing that,
20 I understand but since you have -- y'all have not -- I mean,
21 not that you would have objected to her testimony as just
22 her expertise in this field and since the State -- I'm going
23 to go ahead and let her stay in.

24 *MR. HOCHGLAUBE:* Please note our exception.

25 *MS. JOHNSON:* Your Honor, I have one other

1 scheduling issue. We have also subpoenaed Dr. Danielle
2 Madera, who is someone at the Children's Assessment Center,
3 a psychologist, and have asked her to be available for the
4 complaining witness when she testifies. She is not set to
5 be here until noon. I can see if by some chance she can get
6 here earlier but just as a scheduling problem, you know.

7 *THE COURT:* Your complainant's got all kinds
8 of people, so I can't imagine, having the officer sitting in
9 the courtroom, I don't think a doctor is going to make -- I
10 mean, I think you're going to have to pick, to be honest.
11 So, I don't see there's not any reason to move forward.

12 *MS. JOHNSON:* I just need to get my witness
13 brought up, Judge.

14 *THE COURT:* Okay. Want to call and get that
15 going?

16 *(End of discussion at the bench.)*

17 *THE COURT:* Okay. So, I'm going to excuse her
18 but I can excuse her on call, right?

19 *MS. JOHNSON:* Yes, Your Honor.

20 *THE COURT:* We can let her go for now other
21 than if she chooses to remain in the courtroom.

22 I'm not sure if they want you to stay in the
23 courtroom or not, but you're free to go. Just don't discuss
24 your testimony with anybody else but you can discuss it with
25 the lawyers on either side.

1 *THE WITNESS:* Thank you.

2 *THE COURT:* And please call your next witness.

3 *MS. JOHNSON:* Your Honor, the State is calling
4 Alexandria Jackson. We're just having that witness brought
5 up.

6 *THE COURT:* Okay.

7 *(Brief pause.)*

8 *THE COURT:* Your Honor, may we approach real
9 quick as well?

10 *(Juror indicating.)*

11 *THE COURT:* Sure. Absolutely.

12 You know what? You're going to need the
13 bailiff to get you out.

14 *MR. JOHNSON:* Do you want me to go get one? I
15 think they may be in the back.

16 *THE COURT:* Actually, no. You have a card,
17 right, to open the door?

18 *THE CLERK:* Uh-huh.

19 *THE COURT:* Can you just let the juror out to
20 use the restroom real quick while we're waiting on the
21 witness?

22 *THE CLERK:* Yeah.

23 *A JUROR:* Thank you.

24 *(Juror exits courtroom.)*

25 *(At the bench, on the record.)*

1 MS. JOHNSON: I'm requesting that when
2 Dr. Madera arrives that she's allowed to remain in the
3 courtroom during this child's testimony portion.

4 THE COURT: Objections to that? I'm not sure
5 what she's going to testify about, so I'm just asking for
6 some help.

7 MR. HOCHGLAUBE: I don't have as much a
8 problem with Dr. Madera. You know, listening to this
9 officer, though, to reurge my objection to her, half to what
10 she was talking to at the outset is how personally invested
11 she is and how much she believes and is committed to
12 juvenile crimes, blah, blah, blah. I think there's real
13 danger that her testimony will be tainted. As far as the
14 doctor, I mean, it's just offsides also but I guess -- not
15 having heard the doctor testify in this case, I have less
16 fodder to complain about her being --

17 THE COURT: But you would if you could.

18 MR. JOHNSON: It's the examining doctor.

19 MS. JOHNSON: It's not the examining doctor.

20 MR. HOCHGLAUBE: Donaruma, you're saying?

21 MS. JOHNSON: No, it's not Donaruma. It's not
22 the examining doctor. It's Dr. Madera, who is a child
23 psychologist and runs the human trafficking group at the
24 Children's Assessment Center.

25 THE COURT: And is that --

1 MS. JOHNSON: The purpose of the State's
2 calling her would be to discuss the child's appearance, if
3 any, and be able to explain.

4 THE COURT: Okay. Well, she's not going to be
5 here till noon, so we'll deal with that at lunch. I
6 certainly understand your concerns and I guess maybe the
7 fact that the witness testified already and the questions --
8 and don't take this the wrong way because they were
9 absolutely right objections -- but because she didn't get to
10 testify to some of the stuff that she may be able to testify
11 to after the complainant testifies as to consistency with
12 what she knows in her training and experience or whatever,
13 not about credibility or anything, that would be -- that's
14 sort of my only problem with that.

15 MR. HOCHGLAUBE: I don't have any problem with
16 the State informing this witness of this child's testified,
17 I just --

18 *(Juror enters courtroom.)*

19 MR. HOCHGLAUBE: -- and basically violating
20 the Rule that way.

21 THE COURT: Okay. That's a good -- that's an
22 agreement. Mark doesn't have a problem with you
23 discussing -- in what would be considered to be a Rule
24 violation, discussing what the child has testified to and
25 then putting her back on to testify that those are things in

1 her training and experience that are --

2 MS. JOHNSON: For what? Officer Bartels?

3 THE COURT: Yeah.

4 MS. JOHNSON: That's fine.

5 THE COURT: That seems to be a reasonable way,
6 as long as you don't have -- you're not going to complain
7 that she went out and told her everything she said.

8 MR. HOCHGLAUBE: Yeah, I just don't --

9 THE COURT: Okay. That seems fair. Let's
10 have her step out, as long as we have that agreement that
11 whatever it is you want to ask her about, that she can --
12 you can relay that information as to the complainant's
13 testimony, I think that's fair.

14 MS. JOHNSON: So now we're asking that Bartels
15 be out, correct?

16 THE COURT: Right.

17 MS. JOHNSON: So again, this still gets me to
18 my issue about Dr. Madera.

19 THE COURT: I think Mark's in agreement that
20 as an expert that person can sit in the courtroom.

21 MS. JOHNSON: Okay. Your Honor, given the
22 fact that Dr. Madera is not here, I do have a concern that
23 the whole purpose for being able to be here would be, in
24 part, to witness the child's testimony.

25 THE COURT: She'll get to see some of it,

1 though, because we're not going to go through all of it.

2 MS. JOHNSON: Okay.

3 THE COURT: All right. Steve, I think, got
4 the complainant.

5 *(End of discussion at the bench.)*

6 THE COURT: Do you have the witness?

7 THE BAILIFF: No, ma'am, I don't. I think the
8 fire alarm is going off and it's holding up the elevator.

9 THE COURT: Off the record.

10 *(Off the record discussion.)*

11 *(Pause.)*

12 MS. JOHNSON: Your Honor, may we proceed?

13 THE COURT: All right, Ms. Jackson, would you
14 please raise your right hand to take the oath?

15 *(Witness sworn.)*

16 THE COURT: It's really important that you
17 speak loudly so that -- you can put your hand down.

18 THE WITNESS: Sorry.

19 THE COURT: It's all right. I know you're
20 nervous. So everybody can hear you, okay? Hopefully the
21 fire alarm won't go off anymore. Makes me crazy.

22 You may proceed.

23 MS. JOHNSON: Thank you, Your Honor.

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ALEXZANDRIA JACKSON,

having been first duly sworn, testified as follows:

DIRECT EXAMINATION

Q. (BY MS. JOHNSON) Sorry for the exciting start on the alarm.

You mentioned your name for the Court for the record but would you please introduce yourself to these folks over here?

A. My name is Alexzandria Clara Jackson.

Q. And what do you like to be called?

A. Alex.

Q. Is it all right if I call you Alex?

A. Yes.

Q. You and I actually met in person for the first time last night, right?

A. Yes.

Q. Okay. Speak up a little bit, okay? We just need to make sure that we can hear you, okay? You doing okay?

A. Yes.

Q. I know you don't want to say where you're from now but how did you have to get here yesterday?

A. On a plane.

Q. Okay. On a plane. Did you have somebody come with you?

A. Yes.