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REPORTER'S RECORD
VOLUME 3 OF 5 VOLUMES
TRIAL COURT CAUSE NO. 1440238 and 1440239
COURT OF APPEALS CAUSE NO. 01-15-00627-01
FILED IN
1st COURT OF APPEALS
HOUSTON, TEXAS

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THE STATE OF TEXAS) IN THE DISTRICT COURT
) CHRISTOPHER A. PRINE
) Clerk
VS.) HARRIS COUNTY, TEXAS
)
D'ANGELO MIDDLEBROOKS) 178TH JUDICIAL DISTRICT

PSI HEARING

On the 20th day of March, 2015, the following proceedings came on to be heard in the above-titled and numbered cause before the Honorable David L. Mendoza, Judge Presiding, held in Houston, Harris County, Texas.

Proceedings reported by stenotype machine; Reporter's Record produced by computer-assisted transcription.

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1 (Proceedings.)

2 THE COURT: This is Cause No. 1440238,
3 State of Texas versus D'Angelo Cordell Middlebrooks.
4 The record will reflect today's date is March 20th,
5 2015. Counsel for State and defense are present,
6 Mr. Middlebrooks is at counsel table.

7 The record will reflect defendant
8 entered a plea of guilty to the indictment back on
9 November 4th, 2014. The cause was pled without an
10 agreed recommendation, and the plea papers reflect it
11 was punishment should be set at PSI to Judge, cap of
12 30 years TDC. Both sides agreed to that.

13 The case was reset on the Court's
14 docket. The presentence investigation report was
15 prepared by Harris County Community Supervision and
16 Correction Department. It was completed looks like
17 March 18th, 2015. Presented to the Court shortly
18 thereafter. The Court has reviewed it and attachment
19 thereto.

20 Also, this morning the Court was given
21 a black folder in this Cause 1440238 and also Cause
22 No. 1440239 and 1440240. It's a letter styled
23 "Acceptance of Responsibility Letter to the Court,"
24 typed letter. Also, there was another handwritten
25 letter presented to the Court today file dated

1 today's date, March 20th, 2015 from D'Angelo
2 Middlebrooks. One page handwritten letter.

3 Also, February 18th, 2015, handwritten
4 defendant's sworn motion for shock probation was
5 filed by defendant D'Angelo Middlebrooks.

6 Do you adopt that, Mr. Moncriste?

7 MR. MONCRISTE: We do, Your Honor.

8 THE COURT: All right. The record will
9 further reflect previously State -- defense counsel
10 filed application for probation motion for community
11 supervision on October 28th, 2014.

12 Have both sides had ample time to
13 review the PSI as prepared and these two attachments
14 by defense?

15 MR. OTTO: Your Honor, we have not
16 received a copy of the handwritten motion -- or the
17 handwritten letter from D'Angelo. We received a copy
18 of the typewritten letter.

19 THE COURT: Okay. We will make you a
20 copy of this handwritten one.

21 MR. OTTO: Thank you, Your Honor.

22 THE COURT: Okay. Off the record.

23 (Pause in proceedings.)

24 THE COURT: All right. Have both sides
25 had an opportunity to review the Presentence

1 Investigation attachments thereto?

2 MR. OTTO: Yes, Your Honor, State has.

3 MR. MONCRIFFE: Yes, Your Honor,
4 defense has.

5 THE COURT: Any objections to the
6 contents of the PCI [sic], or attachments or any
7 corrections?

8 MR. OTTO: Yes, Your Honor. There is
9 one from the State. On page -- the bottom of page 14
10 in italic writing, the PSI writer says something to
11 the effect that it's been brought to my attention
12 that: "Author's note. The author was informed that
13 Ms. Mahan is deceased and her death is believed to be
14 the result of injuries she sustained in this case.

15 The State's position is that is not
16 actually accurate. There is a offense report where
17 Mr. Middlebrooks hits Ms. Mahan in the head with an
18 object, a clothing rack in a motel room. She
19 sustained some pretty serious injuries from that.
20 And then about two weeks later she dies.

21 However, at this point the State cannot
22 prove causation that those injuries indeed led to her
23 death. And so we would not want that phrase included
24 in this PSI report. At this point it's misleading.

25 THE COURT: Okay. The record will so

1 reflect.

2 Any objections or corrections by
3 defense.

4 MR. MONCRIFFE: Judge, we have the same
5 objection as the State, but they did address that.
6 So, that's the only objection that we have, Your
7 Honor.

8 THE COURT: She passed away two weeks
9 later?

10 MR. OTTO: It was about two weeks
11 later, Your Honor.

12 THE COURT: Thank you.

13 All right. Both sides ready to
14 proceed.

15 MR. MONCRIFFE: Defense is ready, Your
16 Honor.

17 MR. OTTO: State's ready, Your Honor.

18 THE COURT: All right. You may
19 proceed.

20 MR. OTTO: State -- Your Honor, as we
21 discussed earlier, because of the timing issues of
22 our witness, Catherine Bartels, we were going to take
23 some of the witnesses out of order. But at this time
24 we would offer the PSI as State's Exhibit 1.

25 THE COURT: Any objection.

1 MR. OTTO: Oh, I'm sorry. It's State's
2 Exhibit 3. I apologize. There's already two
3 exhibits that were admitted on a previous hearing in
4 this case.

5 THE COURT: All right.

6 MR. MONCRIFFE: Your Honor, subject to
7 the objections that have been made we have no
8 objection.

9 THE COURT: All right. State's
10 Exhibit 3 is admitted. And that includes defense
11 attachments.

12 MR. MONCRIFFE: We have -- I'm sorry,
13 we do have a witness, Judge.

14 THE COURT: No, it includes defense
15 attachments.

16 MR. MONCRIFFE: It does.

17 THE COURT: The letter -- handwritten
18 letter and typed letter.

19 Okay. State's Exhibit 3 is admitted
20 with those two attachments. But the Court recognizes
21 those are defense attachments.

22 *(State's Exhibit No. 3 is admitted.)*

23 MR. OTTO: Yes, Your Honor.

24 THE COURT: You may proceed.

25 MR. OTTO: At this time, if we're

1 taking witnesses out of order, we would defer to the
2 defense for this portion.

3 THE COURT: Okay.

4 MR. MONCRIFFE: Thank you, Your Honor.
5 We would call Tamika Hudson.

6 MR. OTTO: Your Honor, at this time we
7 would like to invoke the rule.

8 THE COURT: All right. The rule has
9 been invoked. Is there any other witnesses in the
10 courtroom who expect to testify in this case?

11 MR. MONCRIFFE: No, we have -- she's
12 the only one.

13 THE COURT: I'm asking the folks.
14 Nobody else expects to testify in this case? Okay.

15 Ma'am, the rule has been invoked. That
16 means from this point forward don't discuss your
17 testimony or the case with anybody other than the
18 lawyer for the State or defense. If you do that do
19 it in private.

20 THE WITNESS: Okay.

21 THE COURT: So, you can talk about
22 anything with anybody except this case.

23 THE WITNESS: Okay.

24 THE COURT: Raise your right hand to be
25 sworn.

1 (Witness sworn.)

2 THE WITNESS: Yes, sir.

3 THE COURT: All right. You may
4 proceed.

5 MR. MONCRIFFE: May I proceed, Your
6 Honor.

7 THE COURT: You may.

8 **TAMEEKA HUDSON,**
9 having been first duly sworn, testified as follows:

10 **DIRECT EXAMINATION**

11 BY MR. MONCRIFFE:

12 Q Could you state your name for the record,
13 please.

14 A Tameeka Bernice Hudson.

15 Q And spell that so the court reporter can get
16 the correct spelling?

17 A T-A-M-E-E-K-A.

18 Q And Ms. Hudson, what do you do for a living?

19 A I work at Pilgrim Pride.

20 Q And could you tell the Court how you're
21 related to the man who's sitting here at the table
22 with me?

23 A That's my youngest brother.

24 Q How many members of your family do you have?
25 How many brothers and sisters do you have in your

1 family?

2 A There's eight of us.

3 Q Now, I have shown you the letter, the
4 typewritten letter that we presented to the Judge,
5 did I?

6 A Yes, sir.

7 Q Now, in that letter your brother -- and this
8 is your younger brother --

9 A Yes, sir.

10 Q -- is that correct?

11 What number are you?

12 A The oldest. I'm next to oldest, second one.

13 Q What number is he?

14 A He's the fifth one.

15 Q Okay. Now, you know in the letter he states
16 that, "I'm not going to blame my society for anything
17 that I have done." Do you remember that section?

18 A Yes, sir.

19 Q "My upbringing for any of my conduct,"
20 remember that?

21 A Yes, sir.

22 Q But I do want to talk about his upbringing.
23 Can you do that with me, ma'am?

24 A Yes, sir.

25 Q Now, so the Court can understand, could you

1 tell the Judge what type of family life did you come
2 up with? Was your family, you come up in an abusive
3 family?

4 A Yes, sir.

5 Q Explain to the Judge what do you mean by
6 "abusive?"

7 A Okay. I was abused and I'm the oldest.
8 Like, my younger brothers and sisters see me be
9 abused by my stepfather as we were younger.

10 Q All right. We going to go -- kind of slow
11 it down. This is not your biological father, it's
12 your stepfather?

13 A Yes, sir.

14 Q You were abused as the older sister?

15 A Yes, sir.

16 Q By your stepfather?

17 A Yes, sir.

18 Q Was there any assistance? Did your mother
19 assist you, did anybody come and try to protect you
20 or the kids from being abused?

21 A No, sir.

22 Q How were you abused, explain to the Judge?

23 A We were abused. We used to get beatings
24 everyday, you know, when mom was not there. He used
25 to abuse us particularly everyday. You know, like

1 any little thing we did wrong, mostly the girls.

2 Q Did you see your brother D'Angelo being
3 abused?

4 A Yes, sir.

5 Q As a result of the abusive behavior that you
6 encountered, ma'am, did you eventually seek help for
7 yourself?

8 A Yes, sir.

9 Q Because you had been abused, did it cause
10 any certain behavior in you? Could you explain to
11 the Court the type of behavior you exhibited?

12 A Yes, sir. I was very abusive. I fought
13 every man that was in my life because this is all we
14 felt that was right, you know. When you born you
15 feel like everyday you're getting abused and the men
16 that I being with, myself particular, I fought them,
17 every last one of them because I thought it was
18 right.

19 Q Did you -- did you find that at a particular
20 time in your life that you needed some help?

21 A Yes, sir.

22 Q Did you get some help for yourself, ma'am?

23 A Yes, sir.

24 MR. MONCRIFFE: And, Judge, can I
25 interrupt for a second. I have a witness who is

1 going to testify just stepped in. Can I get her to
2 step out?

3 THE COURT: All right. First of all,
4 let's identify them for the record.

5 Stand up, please. What is your name?

6 MS. WARE: Erica Ware.

7 THE COURT: Raise your hand, please.

8 (Witness sworn.)

9 THE WITNESS: I do.

10 THE COURT: All right. Now, do not
11 come into the courtroom unless they call you in.
12 Also, don't discuss the case at all with anyone other
13 than the lawyers for the State or defense, and do
14 that in private.

15 This rule is to remain in effect until
16 the case is completely over with. Could be over with
17 today, could be over with tomorrow, next week,
18 whatever, whenever it's over. That's when you can
19 talk about the case with somebody else other than the
20 lawyer for the State or defense, okay?

21 Go ahead and have a seat out in the
22 hall. They will call you when they need you.

23 You may proceed.

24 Q (BY MR. MONCRIFFE) I'm sorry, ma'am. I was
25 asking you: Did you get some help for yourself?

1 A Yes.

2 Q And could you tell the Court what type of
3 help did you get for yourself?

4 A I had to get counseling for sexual abuse. I
5 really needed everything because I was the one really
6 most got abused the most, so I had to get all kind of
7 help.

8 Q Did you find that counseling and help that
9 you received, did it help you?

10 A Yeah. Yes, it helped me realize that put my
11 hand on people is not the way. There is another way
12 to help things. It taught me to look from a
13 different view of right and wrong.

14 Q You understand you and I talked about it,
15 your brother has abused women, to speak blunt with
16 it?

17 A Uh-huh.

18 Q You know that, right?

19 A Uh-huh.

20 Q Now, you and your family would apologize to
21 any woman who was abused by your brother?

22 A Right. Yes, sir.

23 Q That's not something you want?

24 A Yes, sir.

25 Q That's not something your family wants, it's

1 not something your mother would want, it is?

2 A No, sir. And I apologize.

3 Q Do you think your brother could benefit by
4 some counseling himself --

5 A Yes, sir.

6 Q -- having been brought up in that family?

7 You understand the Court has to
8 sentence him today; you understand that?

9 A Yes, sir.

10 Q Whatever this Court does in terms of
11 sentencing him, will you as a sister be sure to help
12 him with his rehabilitation process?

13 A Yes, sir.

14 Q A lot of things you didn't know about, but
15 you found out about them; is that correct?

16 A Today. Yes, sir.

17 MR. MONCRIFFE: Judge, we have no
18 further questions from this witness.

19 THE COURT: All right. You pass the
20 witness.

21 MS. JOHNSON: May I proceed, Your
22 Honor.

23 THE COURT: You may.
24
25

CROSS-EXAMINATION

1
2 BY MS. JOHNSON:

3 Q Ma'am, would you -- would you again spell
4 your name for me?

5 A T-A-M-E-E-K-A.

6 Q And last name, please.

7 A H-U-D-S-O-N.

8 Q May I also have your date of birth, please?

9 A 7/30/82.

10 Q Ma'am, you mentioned -- you said something
11 about you just learned about everything today; is
12 that correct?

13 A Well, not everything, most of it.

14 Q Okay. What did you learn about today that
15 you did not know beforehand?

16 A A lot, actually. The different charges.

17 Q Which ones?

18 A The assault charges.

19 Q Okay. What kind of assault charges?

20 A The abuse. I seen the pictures.

21 Q You saw the photographs?

22 A Yes, ma'am.

23 Q Of which individual?

24 A I don't know her name. Just seen the
25 photograph.

1 Q How did those photographs appear to you?

2 A It made me feel bad as a woman, as a mother.

3 Q Okay.

4 A As a person that's been through it.

5 Q As a woman and a mother, a person who's been
6 through the abuse, are you talking about the
7 photographs where one side of an entire woman's face
8 is bloody?

9 A Uh-huh.

10 Q Did you know that there was another woman
11 that was sent to the hospital and had received a
12 number of stitches to the back of her head?

13 A Yes, ma'am.

14 Q Did you know that another woman had her jaw
15 broken and had to be wired shut?

16 A Yes, ma'am.

17 Q Are you aware that another woman was also
18 assaulted of which he pled guilty to, a girl named
19 Shawna Merchant?

20 A Yes, ma'am.

21 Q And so you're aware that there is a series
22 of women who have received that same type of abuse
23 that apparently you don't know about until today?

24 A Yes, ma'am.

25 Q Have you ever seen your brother beat a

1 woman?

2 A As far as that stint, no. I didn't see him
3 beat no woman.

4 Q So that's a side of his life that he kept
5 from you?

6 A Yes. It's something we seen everyday, too.

7 Q I'm sorry?

8 A It was something we seen everyday.

9 Q That was what you saw everyday, correct?

10 A Yes, ma'am.

11 Q And that had probably has had a significant
12 impact on your life personally, correct?

13 A Yes, ma'am.

14 Q Have you done right, though?

15 A Ever since the counseling. Yes, ma'am.

16 Q Okay. Do you have any prior criminal
17 history or anything like that?

18 A No, ma'am.

19 Q Okay. And are you able to hold down a job?

20 A Yes, ma'am.

21 Q Are you able to make a legitimate living?

22 A Yes, ma'am.

23 Q And so even though you have been the victim
24 of abuse, you've been able to survive within the
25 community?

1 A Yes, ma'am.

2 Q You've never had to be locked up?

3 A No, ma'am.

4 Q And certainly you also mentioned
5 something -- and I apologize for getting into it, but
6 you mentioned sexual abuse, correct?

7 A Yes, ma'am.

8 Q And what kind of an impact has that had on
9 your life?

10 A I look at things differently. I look at
11 things different. It's -- to tell you the truth, how
12 you put it. It's expected in your life. It's
13 something I didn't let ruin my life.

14 Q You did not let it ruin your life?

15 A No, ma'am.

16 Q But you say you look at things differently?

17 A Yes, ma'am.

18 Q What do you mean by that?

19 A When I say look at things differently?

20 Q Yes, ma'am.

21 A As far as like -- because it happened as a
22 child.

23 Q Okay.

24 A So, as far as like being with a man
25 different, you know, I wasn't like no wild child. It

1 was more respect trying to put things in order for
2 myself.

3 Q Okay. Did it affect your relationships?

4 A No. I think the abuse did more than
5 anything.

6 Q Was the sexual contact something that you
7 wanted?

8 A No, ma'am.

9 Q Would it matter if somebody came up today
10 and tried to do it today as a woman to you, sexually
11 assault you?

12 A Uh-huh. You said have it --

13 Q Would it -- you said -- you made a comment
14 that it happened when you were a child, correct?

15 A Uh-huh.

16 Q And certainly nobody should sexually assault
17 a child, right? You would agree with that?

18 A Right.

19 Q You would also agree that if somebody tried
20 to sexually assault you today, that would be wrong,
21 too?

22 A Right.

23 Q Right. It does not matter --

24 A It don't matter.

25 Q -- how old you are, right?

1 A Right.

2 Q It does not matter if you're female or male,
3 right?

4 A Right.

5 Q Because when somebody penetrates you and
6 physically takes your body for their own sexual
7 pleasure, that is absolutely devastating, isn't it?

8 A Yes, ma'am.

9 Q And you would typically think of those kinds
10 of people as predators, right?

11 A I don't look at it like that, ma'am. Sorry.

12 Q Okay. That's okay.

13 You -- somebody assaulted you, right?

14 A Yes, ma'am.

15 Q And how do you feel about that individual
16 that assaulted you?

17 A Actually, I'm in church. So, I mean, I
18 forgive them for me, myself. I forgive them.

19 Q Within your heart you forgive that person?

20 A Yes, ma'am.

21 Q Do you think that that person has been
22 remorseful towards you?

23 A No, ma'am.

24 Q Okay.

25 MS. JOHNSON: Your Honor, may I

1 approach.

2 THE COURT: You may.

3 Q (BY MS. JOHNSON) I want to show you your
4 brother's letter he filed with the Judge this
5 morning, and I want you to read it, okay?

6 A (Witness complies.)

7 Q Have you had a chance to read that letter
8 before?

9 A No.

10 Q Have you had the chance to read it fully
11 just now?

12 A Yes.

13 Q As a woman who's been sexually assaulted,
14 would that letter make you believe that they're
15 remorseful for what they did or took from you?

16 A I mean, me personally, I was shocked when I
17 got a letter from anybody.

18 Q Okay. You wish you would have gotten a
19 letter, but does this letter where it says, "I just
20 wouldn't sign," anywhere in here do you see anything
21 that says, "I apologize, I am sorry, I am remorseful
22 that I sexually penetrated that woman without her
23 wanting this"? You don't, do you?

24 A It's all in words, though.

25 Q You think that this letter from your brother

1 expresses his remorse for sexually taking another
2 woman?

3 A No, I can't.

4 Q And can you honestly say that to the Judge?

5 A No, ma'am.

6 Q Okay. I thank you.

7 You wouldn't want what's happened to
8 you sexually to happen to anyone else, right?

9 A No, ma'am.

10 Q You wouldn't want to it to happen to one,
11 two, at least three other people, correct?

12 A No, ma'am.

13 Q What if they were prostitutes? Can people
14 that sell theirselves for money, does that mean that
15 anybody can take them anytime that they want?

16 A No, ma'am.

17 MS. JOHNSON: Thank you. I pass the
18 witness, Your Honor.

19 MR. MONCRIFFE: Thank you, Your Honor.

20 **REDIRECT EXAMINATION**

21 BY MR. MONCRIFFE:

22 Q Ma'am, Ms. Hudson, I have a few more
23 questions for you.

24 How old were you when you received your
25 treatment, ma'am?

1 A Sixteen.

2 Q And who suggested that you get treatment?

3 A The boyfriend I was with.

4 Q Now, you know your brother was 19 when these
5 events happened to him; you understand that?

6 A Uh-huh.

7 Q You never knew that your brother -- your
8 brother never received any type of treatment, did he?

9 A No, sir.

10 MR. MONCRIFFE: No further questions,
11 Your Honor.

12 THE COURT: Your Honor, just a brief
13 moment.

14 **RECROSS-EXAMINATION**

15 BY MS. JOHNSON:

16 Q Your brother was in foster care, correct?

17 A (No response.)

18 Q Was he taken -- was he in a State kind of
19 placement?

20 A No, ma'am.

21 Q No. Would it surprise you if somebody said
22 they met him through foster care, or they had been in
23 a home together as kids?

24 A Yes, ma'am.

25 Q Okay. Are you aware of whether or not he

1 has or has not been in some kind of treatment -- or
2 some kind of facility?

3 A Yes, ma'am.

4 Q What is it?

5 A Like, TAF (phonetic). Like a --

6 Q What's that?

7 A It's like a kids group home, like a kids
8 group home when you get in trouble and they send you
9 to it.

10 Q Right. And he's been in one of those?

11 A Uh-huh.

12 Q And certainly if that opportunity as a
13 youthful offender, there would have been an
14 opportunity for counseling, correct?

15 MR. MONCRIFFE: Objection; that calls
16 for speculation.

17 THE COURT: That's sustained.

18 Q (BY MS. JOHNSON) Are you aware of whether
19 or not when your brother was in that type of facility
20 as a youth, are you aware of whether or not he was
21 offered that kind of treatment in that placement?

22 A No.

23 MS. JOHNSON: Pass the witness.

24 MR. MONCRIFFE: That's all I have for
25 this witness, Your Honor.

1 THE COURT: All right. May this
2 witness be excused. May she be excused.

3 MR. MONCRIFFE: No objection, Your
4 Honor.

5 MR. OTTO: No objection from the State.

6 THE COURT: Thank you, ma'am. You're
7 free to go, you're free to stay, but if you stay you
8 have to be out in the hallway.

9 THE WITNESS: Okay.

10 THE COURT: And don't talk about the
11 case.

12 What says defense?

13 MR. MONCRIFFE: Judge, can I have one
14 second?

15 (Attorney and client confer.)

16 Erica Middlebrooks, Your Honor.

17 THE COURT: All right.

18 MR. MONCRIFFE: May I proceed, Your
19 Honor.

20 THE COURT: You may.

21 MR. MONCRIFFE: Thank you.

22 THE COURT: You call who to the stand?

23 MR. MONCRIFFE: Can you state you name
24 for the record, ma'am?

25 THE COURT: I didn't get her name.

1 MR. MONCRIFFE: Erica.

2 THE WITNESS: Erica Ware.

3 THE COURT: Okay. Now, the record will
4 reflect you've been sworn already.

5 THE WITNESS: Yes.

6 THE COURT: All right. Go ahead.

7 MR. MONCRIFFE: Thank you, Your Honor.

8 ERICA WARE,
9 having been first duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. MONCRIFFE:

12 Q Ma'am, just for the record could you state
13 your name, please.

14 A Erica Ware.

15 Q Ms. Ware, what do you do for a living?

16 A I didn't hear you.

17 Q What do you do for a living?

18 A Basically operator and trays. Trays like
19 inmate trays, lunch trays, boxes.

20 Q This young man who's sitting at the table
21 here with me, tell the Judge how you're related to
22 him?

23 A That young man is my husband. And I've been
24 knowing him since I was very young.

25 Q All right. You and I talked about it. You

1 understand he has some very serious charges against
2 him, correct?

3 A Yes, I do understand that.

4 Q And I told you I didn't cut any corners,
5 that there was some abusive issues with woman. You
6 know that?

7 A Yes.

8 Q I talked to you about that?

9 A Yes.

10 Q Is that correct?

11 A Yes.

12 Q When did you and he get married?

13 A On February 4th.

14 Q Now --

15 THE COURT: What year?

16 THE WITNESS: 2015, this year.

17 THE COURT: Okay.

18 Q (BY MR. MONCRIFFE) And I didn't pull any
19 punches with you about it, that these -- you don't
20 condone any of his behavior as far as him hurting
21 women? You don't condone, do you

22 A No, sir.

23 Q As a matter of fact, it's wrong, isn't it?

24 A Yes, it's very wrong.

25 Q Even if these women are prostitutes, it's

1 wrong to hurt women period?

2 A Exactly.

3 Q It's wrong to use women period, isn't it?

4 A Yes.

5 Q You understand and you know there's several
6 members of his family here in the courtroom for his
7 support today, but you understand this Judge has to
8 make a decision on his life; you understand that?

9 A Yes, I do understand that.

10 Q And he has to get some sort of counseling.
11 You and I and his sisters talked about that, haven't
12 we?

13 A Yes.

14 Q But that has to be a decision he has to
15 make; is that correct?

16 A Yes, sir.

17 Q Not you. He has to accept that
18 responsibility; is that correct?

19 A Yes.

20 Q And you understand that?

21 A I do.

22 Q All right. There's nothing he did negative
23 or hurting these women that you are in agreement
24 with. You are in disagreement with all that; isn't
25 that correct?

1 A Yes.

2 Q If he does seek out counseling to try to
3 help himself, to do things to help himself while he's
4 in custody, are you going to support him in any way
5 you possibly can?

6 A I definitely will, yes. And I think that
7 would be a great idea.

8 Q You and your members of your family and his
9 family apologize to any woman who was injured as a
10 result of his conduct, don't you?

11 A Yes.

12 Q You'll admit that he kept things from you
13 and didn't tell you a lot of things; isn't that
14 correct?

15 A Yes.

16 MR. MONCRIFFE: No further questions at
17 this time, Your Honor.

18 THE COURT: All right. Any questions.

19 MR. OTTO: Yes, Your Honor. May I
20 proceed.

21 THE COURT: You may.

22 **CROSS-EXAMINATION**

23 BY MR. OTTO:

24 Q Ms. Ware, you married D'Angelo back on
25 February 4th, right?

1 A That's correct.

2 Q And he was in custody at that time?

3 A Yes.

4 Q And you said you've known him since he was
5 very young?

6 A Since we both were very young.

7 Q How young were you whenever you first met
8 Mr. Middlebrooks?

9 A I think I was 14, maybe 15.

10 Q How did y'all meet?

11 A Oh, at school. I'm sorry, I didn't hear
12 you. We met in middle school.

13 Q When did you first start I'll call it dating
14 or courting?

15 A It was back in middle school just off and
16 on, yeah.

17 Q When you say, "Off and on," had y'all been
18 more off or more on since then?

19 A Recently or did you mean back then?

20 Q The whole time.

21 A Back then it was a little bit I guess off
22 and on because we were young, so, you know, you did
23 different stuff or whatever.

24 Q And whenever y'all get out of high school
25 you still know each other?

1 A Uh-huh.

2 Q You still talk, you still date?

3 A Yes.

4 Q Around when do you first start talking about
5 getting married?

6 A We talked about it for a long time. We just
7 actually never done it.

8 Q So, you knew Mr. Middlebrooks back in 2012
9 then, right?

10 A Yes.

11 Q So, back in August of 2012, whenever he was
12 arrested for assaulting Shawna Merchant, you knew him
13 then?

14 A Uh-huh.

15 Q And you knew that he pled guilty to that
16 charge, right?

17 A I did.

18 Q Did you know Shawna Merchant?

19 A Who?

20 Q Shawna Merchant.

21 A No.

22 Q Did you know anything about her?

23 A No.

24 Q So you and Mr. Middlebrooks are dating,
25 you're talking about getting married, and he's out

1 with another girl you don't know; is that right?

2 A I guess, yes.

3 Q Okay. All right. So, then in August of
4 2012, later in August of 2012 when he first gets
5 charged with the cases that we are here about today,
6 you knew about those?

7 A Well, from the beginning I just always was,
8 you know, in shock, belief or whatever, but still,
9 you know, that's my man so I was willing to work
10 through any differences we had.

11 Q You're willing to stand by him no matter
12 what he's done?

13 A Well I'm -- yes. Pretty much, yeah.

14 Q And so then in July of 2013, you knew that
15 he was on bond for the case that eventually becomes
16 the case we are here about today, right?

17 A Yes.

18 Q And while he's on bond, he gets picked up
19 for another case; isn't that right?

20 A Yes.

21 Q Where he --

22 A All of these -- I'm sorry, I don't mean to
23 cut you off.

24 Q That's okay.

25 A All of these cases that were thrown in -- I

1 mean, I know it started from one small -- well, I
2 can't say small, but it started from one case and
3 then it ended up escalating to other things that --

4 Q Well, let's talk about that. So, in August
5 of 2012 he was arrested for sexually assaulting a
6 woman by the name of Daniel McNish, right?

7 A Yes. I didn't know her, so...

8 Q You didn't know her either, right?

9 A Yes.

10 Q But you know that D'Angelo has sex with her,
11 right?

12 A Yeah, I guess. That's what they say.

13 Q Did D'Angelo tell you that?

14 A (Shakes head.)

15 Q No? You're shaking your head, is that a no?

16 A That's a no.

17 Q So even to this day he's pled guilty to this
18 case and he still has not admitted to you that he had
19 sex with her?

20 A Well, I mean, now it's different because we
21 talked about everything that's going on. So, I am
22 aware that -- you know, of his -- back then it was
23 different.

24 Q And you know that -- or let me ask, do you
25 know that when D'Angelo talked to the police he told

1 the police that Daniel McNish was his girlfriend?

2 A You asking me did I know that?

3 Q Did you know that?

4 A I didn't know that.

5 Q And did you -- you've talked about talking
6 about this case with Mr. Moncriffe this morning, so
7 you know that even when he talked to the PSI writer
8 on Monday of this week, he described Ms. McNish as a
9 girlfriend, right?

10 A Who is the PSI writer? I'm not sure.

11 Q Okay. So you know that today we're here
12 to -- for the Judge to assess punishment on D'Angelo,
13 right?

14 A Uh-huh.

15 Q And as part of that D'Angelo got to give a
16 statement, right?

17 A Yes.

18 Q And in that statement he told the person
19 that he was talking to that Daniel McNish, the victim
20 on this case was a girlfriend; did you know that?

21 A Yes, I know everything. At this point I
22 know everything, so -- you know, back then it was
23 different because it was a lot of stuff going on and
24 a lot of new cases and new charges and I was getting
25 really confused, but now I'm aware of everything and

1 we have talked about it, you know.

2 Q So, while he's on bond for that sexual
3 assault of Danielle McNish, you know he actually
4 picks up another case?

5 A Yes.

6 Q With another girl?

7 A Yes.

8 Q A woman by the name of Chrissa Gunter,
9 right?

10 A Yes. That's -- I don't know her personally,
11 but that's what they said her name was.

12 Q And that didn't have anything to do with the
13 sexual assault, that was another incident that he got
14 involved in, right?

15 A Uh-huh, if that's what they say.

16 Q And through these cases you've helped him,
17 right?

18 A Well, I've been there for him.

19 Q You have been there for him?

20 A Yes.

21 Q You've talked to him, right, on the phone?

22 A Yes.

23 Q You've helped bond him out when he needs it,
24 right?

25 A Yes.

1 Q You've help give him advice on what to do on
2 these cases?

3 A Yes.

4 Q So, through all this you stood by him?

5 A Yes.

6 Q And then after he pled guilty to aggravated
7 sexual assault you got married?

8 A Yes.

9 Q Now, you've also in these -- about the two,
10 two and a half years that these cases have been
11 pending, you have had off-and-on jobs, right?

12 A Uh-huh.

13 Q Your most recent one is you're an operator
14 for kind of a company that helps with -- you said
15 trays and boxes and things like that?

16 A Yes.

17 Q But you've also, when he was out on bond,
18 you were also getting money from D'Angelo, right?

19 A If I needed it, yes, he would help me any
20 time.

21 Q He would provide you with money?

22 A But not like that. I mean, I have my own
23 money, so...

24 Q Okay. Did y'all have a bank account
25 together?

1 A I would not say together, but...

2 Q Did you have a bank account that you both
3 put money in?

4 A Yes.

5 Q Do you know that bank account number?

6 A No.

7 Q What bank is it with?

8 A Mine? Sanchez (phonetic).

9 Q It's under your name or his name or both?

10 A Mine.

11 Q Now, Mr. Middlebrooks at that time, he
12 didn't have a job, right?

13 A Yes.

14 Q Yes, he did have a job?

15 A He didn't have a job.

16 Q He didn't have a job?

17 A Yes.

18 Q But he was still able to provide you with
19 money?

20 A Uh-huh.

21 Q But you're telling us at this point you
22 didn't know where that money was coming from?

23 A Well, I did know that he did this little
24 side work with his uncle and working on cars and
25 things like that. So, ever he had money I didn't

1 ever question him because I figured, you know, he'd
2 get it from his work where he helped out.

3 Q So, he was hiding where he was getting a lot
4 of his work from?

5 A No, he was not hiding anything.

6 Q So, you didn't know about everything?

7 A Are you asking me did I know if he had a
8 job, or are you asking me was he hiding things.

9 Q Did you know that he was selling women for
10 sex?

11 A Well, I knew it now. I know everything now,
12 but back then when he's catching all these charging,
13 you know, I started piecing everything together.

14 Q Let's talk about it like this then. When
15 did you first find out that Mr. Middlebrooks was
16 selling women for sex?

17 A I don't know about anything. When he first
18 got the charge then, you know, we talked about it
19 then. That was it.

20 Q You mentioned to Mr. Moncriffe that you
21 don't condone anything he did, right?

22 A Yes.

23 Q Okay. And that it's very wrong?

24 A It's very wrong, yes.

25 Q Now, you know that at some point D'Angelo

1 decides to leave Texas while he's on bond, right?

2 A Yes.

3 Q And he goes to Colorado?

4 A Uh-huh.

5 Q And he got picked up in Colorado; is that
6 right?

7 A Yes.

8 Q And you talked to him while he was in
9 Colorado; isn't that right?

10 A Yeah.

11 Q And you know that whenever an inmate from
12 the jail makes a phone call, those phone calls are
13 recorded --

14 A Yes.

15 Q -- right?

16 And so anything that's talked about
17 between you and the defendant would be recorded?

18 A Yes.

19 Q Is that right?

20 A Yes.

21 Q So, on September 26th of 2014, do you
22 remember talking with Mr. Middlebrooks?

23 A I mean, we've talked so many times I'm sure.

24 Q Okay. Let me ask you about this. Do you
25 remember a conversation that you had with

1 Mr. Middlebrooks where he talked to you about two
2 girls that he was working out of Colorado?

3 A You said we talked about that over to phone?

4 Q Do you remember that conversation?

5 A No, not necessarily.

6 Q Do you remember the conversation -- part of
7 that conversation where he says, "Yeah, just be
8 prepared. I'm going to see how this shit looks, and
9 if it looks like I'm staying down get ready to stay
10 with them. You can't take shit serious, stupid ass.
11 Can you quit talking to me like that? Get on my
12 fucking nerves with talk shit, serious. This is a
13 serious ass conversation and you're going to laugh
14 and shit. God damn, get on my fucking nerves. I'm
15 saying get ready to live with them. There ain't
16 nothing you got to say, you got to get ready to live
17 with them. Look, stupid, you got to fucking think.
18 I can talk to you how I want to talk to you. Real
19 shit. Ma'am, I'm going to talk to you how I want to
20 talk to you. This is business. Like I said, if I'm
21 going to do some time, you better get ready to stay
22 with them."

23 Do you remember that conversation?

24 A No, not really. I mean, it sound like we
25 were arguing. Obviously, if that was --

1 Q Remember that?

2 A We were fighting about something. We've had
3 plenty of arguments, so it's not like --

4 Q And in that conversation he's talking about
5 having these two girls that he's working in Colorado
6 move in with you; isn't that right?

7 A If you said that's what he says, then I
8 don't know.

9 Q Then about 13 minutes into that conversation
10 he tells you that they're his breadwinners, that you
11 got to do all the thinking with your bitch-ass
12 feelings. They're my fucking breadwinner. What the
13 fuck is wrong with you? You don't think about the
14 future. I'm facing some serious time. Of course, I
15 want the statement down so I can be even better when
16 I get out.

17 Do you remember him saying that to you?

18 A No.

19 Q Okay. And here he's telling you that these
20 girls that he's going to have move in with you, they
21 are making money for him, right?

22 A If that's what you said. If you're reading
23 it, then --

24 Q Okay. And he's saying that when he gets
25 out, even if he has to do some time, when he gets out

1 he wants to be even better; isn't that right?

2 A (No response.)

3 Q Isn't that right?

4 A I'm not sure. If that's what you're reading
5 that that's what you said he said, then...

6 Q Would it help if I played this call for you?
7 Would it help to hear him saying these things?

8 A No, not really. It would not help because
9 there is no point.

10 Q Well, you say that it's -- if I say that.
11 Well, I don't want you to trust me. If you heard his
12 voice on the jail call, would that help you?

13 A No, it would not help.

14 Q Do you have any reason to believe that this
15 conversation didn't happen?

16 A No, I never said it didn't happen --

17 Q Okay. All right.

18 A -- so...

19 Q Okay. And then in that conversation later
20 he says: "Be ready to move and get in the crib with
21 them. I really should have said that you're my
22 sister."

23 What does he mean by that?

24 A I'm not sure.

25 Q "It would have felt better about that, but

1 since I said you're my cousin then if they living
2 with one of my family members they feel like they
3 going to get closer to the family. You feel me?"

4 Have any idea what he means by that?

5 A No.

6 Q So, he's telling other girls that you're his
7 cousin; is that right?

8 A I don't know.

9 Q This is a man you've known for six years and
10 you don't know what he's saying here?

11 A Huh-uh.

12 Q And then he tells you that you can go to
13 work or school, or choose whatever, but you're not
14 going to be living off people that are living off of
15 you.

16 What does he mean by that?

17 A I'm not sure.

18 Q Okay. So, you've known this man for six,
19 seven, eight years, you're married to him and you
20 don't know what he's saying in these calls when he's
21 talking to you, right?

22 A Well, we've talked so many times. It's just
23 hard to trace back to a certain day and certain time.

24 Q Okay. Well, I'm giving you his exact words.

25 A Okay. I understand that.

1 Q And you can't tell me what he means?

2 A I don't.

3 Q Okay. You knew these ladies and these two
4 females in Colorado when he got picked up while he's
5 on bond for this case for prostituting, didn't you?

6 A No.

7 Q You knew you were getting the money from
8 that prostitution, didn't you?

9 A No.

10 Q And you know that because he told you how to
11 get the Western Union money wired to him, didn't he?

12 A I don't remember.

13 Q So, if that's on the jail call, too, you
14 just don't remember him sending you that Western
15 Union money, do you?

16 A I mean, I don't know. Like I said, we had
17 so many talks and so many, you know --

18 Q He's in custody. He does not -- he can't
19 make money in custody, right?

20 MR. MONCRIFFE: Your Honor, I think the
21 question is argumentative at this point.

22 THE COURT: Sustained.

23 Q (BY MR. OTTO) Do you know if he was making
24 money in custody?

25 A I don't remember.

1 Q But you knew that while he was in custody he
2 sent you money; isn't that right?

3 A I don't remember.

4 Q Whenever you were talking to Mr. Moncriffe
5 you said that I apologize for the things that
6 D'Angelo did to those women, right?

7 A I apologize to this day for everything
8 that's happened. You know, it gets to the point
9 where some horrible things happened and he's made
10 horrible decisions and now he has to, you know, do
11 better in the future.

12 Q So, you apologize to those women on his
13 behalf, right?

14 A Yes.

15 Q You apologized to Chrissa Gunter, who he
16 brings into a hotel room, takes her phone, turns her
17 against a wall, anally penetrates her against her
18 will and then hits her across the face. Do you
19 apologize for that?

20 A I never did heard about any of that.

21 Q Do you apologize to Christina Mayhan who he
22 takes from Tennessee, brings to Houston and then --
23 I'm sorry --

24 A These women you speak of, I've never -- I
25 don't know them. So, it's hard for me to -- I'm

1 saying to this day that what's ever happened, period,
2 I'm saying right here right now that I apologize for
3 it --

4 Q Okay.

5 A -- on his behalf and mine, period.

6 Q So, even to this day --

7 A Because I'm a woman, so...

8 Q So, even to this day you're telling me he
9 has not disclosed to you all of the transgressions
10 that he's had?

11 A Well, I mean, I know everything now to this
12 day so I can't say he actually knows.

13 Q Well, you just said you don't know of these
14 women that I'm speaking about, right?

15 A Well, I didn't. You asking me have I
16 apologized to them and I'm saying --

17 Q No, no, no. I'm just asking are you sorry
18 for what he's done to this woman?

19 A Yes, I'm sorry for everything because I'm a
20 woman, so...

21 MR. OTTO: May I approach, Your Honor.

22 THE COURT: You may.

23 Q (BY MR. OTTO) I'm going to show you the
24 letter that Mr. Middlebrooks sent to the Court today.
25 Have you had a chance to read this letter? I'm going

1 to give you a moment just to look over that and read
2 through it.

3 A (Witness complies.)

4 Q Did you have a chance to look at it?

5 A I did.

6 Q Is this the first time you've seen it?

7 A Yes.

8 Q Can you show me anywhere in this letter
9 where Mr. Middlebrooks says he's sorry for those
10 women?

11 A I see where he says he has made poor choices
12 in his life. He's asking for a second chance.

13 Q Okay.

14 A That's basically saying he's sorry for what
15 he's done.

16 Q So, you don't know what he's saying on those
17 jail calls, but you know what he's saying in this
18 letter; is that right?

19 MR. MONCRIFFE: That's an argumentative
20 question, Judge.

21 THE COURT: Sustained.

22 Q (BY MR. OTTO) Anywhere in this letter he says
23 he's sorry?

24 A Yes.

25 Q Point to it.

1 A He doesn't have to -- the fact that he said
2 he's made poor decisions and he's asking for a second
3 chance, that lets you know that --

4 Q Does the word "sorry" appear in this letter,
5 Ms. Ware?

6 A I don't see it, but I'm pretty sure he is.
7 You can read it, so...

8 THE COURT: All right. Mark your
9 spots. We're going to resume this at 1:00 o'clock.

10 (Recess.)

11 THE COURT: All right. Call the
12 witness back up.

13 MR. MONCRIFFE: Judge, just for the
14 record, we have agreed to waive the rule.

15 THE COURT: Okay. This is Ms. Ware
16 back on the stand. You're still under oath, just
17 answer as best you can.

18 THE WITNESS: Okay.

19 THE COURT: You may proceed.

20 MR. OTTO: Thank you, Your Honor.

21 Q (BY MR. OTTO) Ms. Ware, when we were last
22 talking we discussed a phone call Mr. Middlebrooks
23 made to you from Colorado. Do you remember that --

24 A Yes.

25 Q -- that discussion?

1 A The one you told me about?

2 Q I'm going to play for you what's been marked
3 State's Exhibit No. 4. Okay. It's a CD that
4 contains that call that we discussed, okay? I'm
5 going to start playing. I want you to listen to it.

6 And the first thing I'm going to ask
7 you about is who's on the call, and then we'll get
8 into the call a little bit, okay? Is that okay?

9 A Yeah.

10 Q Okay.

11 (State's Exhibit 4 begins to play.)

12 Q (BY MR. OTTO) Ms. Ware, you hear two voices
13 on that call, right?

14 A Uh-huh.

15 Q The female voice, that's you?

16 A It sound different, but I guess it's me.

17 Q I sound a little bit different on voice
18 recordings, too.

19 A Yeah.

20 Q And at that time your phone number if I'm
21 not mistaken, tell me if this sounds right,
22 (832)322-0781?

23 A Uh-huh.

24 Q That's your phone number, right?

25 A Yes.

1 Q Okay. And you hear the male voice on that
2 call as well, right?

3 A Yes.

4 Q And who is that?

5 A D'Angelo.

6 Q All right. I'm going to move here to about
7 nine minutes into this call. I'm going to play about
8 six minutes of this call. I may stop in the middle,
9 okay? You pay attention to what's being said here,
10 okay? Is that okay, Ms. Ware?

11 A Yes.

12 (State's Exhibit 4 begins to play.)

13 Q I'm going to pause it for second here.

14 The first thing that we heard about was
15 you were talking about one of the girls talking
16 white; is that right?

17 A I don't remember. That's -- how long ago
18 was that call?

19 Q Okay. You remember that -- or you just
20 heard yourself say, "They sound white," right?

21 A Yeah.

22 Q And so that means that you have actually
23 heard their voices, right?

24 A I don't remember.

25 Q Okay. This call was on September 26th of

1 2014, okay? So, that's about five, six months ago?

2 A Yeah, we talked a lot, so...

3 Q And then the next thing we hear is he asked
4 you, "Have you talked to Ray," remember that?

5 A No, I don't remember that.

6 Q You didn't hear that just a second ago?

7 A No, I don't remember that.

8 Q Okay. You want me to play it for you again?

9 A You don't have to.

10 Q Do you remember?

11 A You don't have to.

12 Q Do you remember?

13 A You don't have to.

14 Q My question was: Do you remember him
15 saying, "Did you talk to Ray?"

16 A I don't know.

17 Q Okay.

18 A I'm listening to who's talking, but I'm
19 not --

20 Q Okay. I'll play it again for you.

21 (State's Exhibit 4 begins to play.)

22 Q Did you hear that?

23 A Yes.

24 Q Remember that now?

25 A I don't remember, but I hear it.

1 Q Who's Ray?

2 A A family friend.

3 Q What is his last name?

4 A I don't know.

5 Q He's a family friend, but you don't know his
6 last name?

7 A Yes.

8 Q Ray was pimping these girls out while
9 D'Angelo was in custody, wasn't he?

10 A I don't know. I'm not Ray so I can't tell
11 you that.

12 Q You know that D'Angelo was teaching Ray how
13 to pimp girls, other girls, right?

14 A I don't know. Like I said, I'm not Ray or
15 D'Angelo so can't tell you that.

16 Q We had D'Angelo on calls talking to Ray
17 telling him how to work girls, would that surprise
18 you?

19 A I'm not D'Angelo, so I don't know.

20 Q Okay. I'm going to have you listen to my
21 question, then answer my question, okay?

22 A Okay.

23 Q If I have jail calls where D'Angelo is
24 talking to Ray and teaching him how to work girls
25 would that surprise you?

1 A I don't know.

2 Q You don't know if that would surprise you?

3 A Maybe. I don't know.

4 Q Maybe it would surprise you?

5 A Maybe, yeah.

6 Q Okay. All right. I'm going to continue the
7 call.

8 (State's Exhibit 4 continues to play.)

9 Q Right there he just asked you if you had two
10 numbers, right?

11 A Yes.

12 Q And he asked if you had that B-O-A, right?

13 A Uh-huh.

14 Q You know what that stands for?

15 A I don't know.

16 Q Could it be Bank of America?

17 A I don't know.

18 Q Okay. Whenever he asked you if you had that
19 BOA you said, "yeah"?

20 A Uh-huh.

21 Q At that time you knew what it meant, right?

22 A Well, it said it on my phone text, so that's
23 all it say. I don't know it.

24 Q Do you know that it's a banking institution?

25 A No.

1 Q And then the next thing he says is,
2 "Whenever you get that, put it in your savings
3 account;" isn't that right?

4 A Yes.

5 Q So, that would imply that he's talking about
6 a banking institution, right?

7 A Yes.

8 Q And we just talked about how he was sending
9 you money when you were in jail, right?

10 A Uh-huh.

11 Q I'm sorry, when he was in jail. I
12 apologize.

13 A Uh-huh.

14 Q Let's continue.

15 (State's Exhibit 4 continues to play.)

16 Q Now, on that portion the first thing he
17 tells you is, "You better get ready to stay with
18 them," right?

19 A That's what it's saying, I guess, yeah.

20 Q It says, "There ain't nothing for you to
21 say, you better get ready to live with them, bro;"
22 isn't that right?

23 A Yeah, that's what you say.

24 Q These girls he's been talking about, the
25 ones that you were just saying talked white, right?

1 A I guess.

2 Q Okay. And you just heard that, right?

3 A Yes.

4 (State's Exhibit 4 continues to play.)

5 Q What was that last thing you just said
6 there?

7 A I don't know. I said something about why
8 you can't get out and do right or something.

9 Q "Why you got to do all that? Why can't you
10 just get out and do right?"

11 A I said, "Why can't you do right," yeah.

12 Q What did you mean by that?

13 A Because if he in jail, obviously something
14 not right. That's what I was saying.

15 Q Because he's still talking about when he
16 gets out he wants these girls to be living with you,
17 that he wants them to still be working, right?

18 A I don't know about any of that. That is not
19 what I'm saying.

20 Q He told you you needed to get a job, didn't
21 he?

22 A I already had a job.

23 Q Right. He told you you needed to go to
24 work?

25 A I already done that.

1 Q Right. He told you he can talk to you
2 however he wanted to, didn't he?

3 A No.

4 Q You didn't hear that?

5 A I heard it, but --

6 Q Okay.

7 A -- he talk like that.

8 Q Okay.

9 A That does not mean it, mean it like that.

10 (State's Exhibit 4 continues to play.)

11 Q So, you just told him, "Why can't we just
12 get out and why can't you start fresh," and he said,
13 "You're talking real stupid right now," didn't he?

14 A If that's what you heard, then obviously,
15 yeah.

16 Q You heard that, didn't you, ma'am?

17 A Yes.

18 Q Because that's what he said?

19 A Okay.

20 Q Isn't that right?

21 A Okay.

22 Q Isn't that right, ma'am?

23 A Okay, yes. I said, yes.

24 Q Okay. You're trying to get him to start
25 fresh and he tells you you're being stupid because

1 they're his breadwinners, those girls, they're his
2 breadwinners, right? That's what he said; isn't that
3 right?

4 A If that's what you heard, yes.

5 Q Is that what you heard?

6 A Yeah.

7 (State's Exhibit 4 continues to play.)

8 Q You just heard him say, "I'm facing some
9 serious time, but I want them to stay down so I can
10 be even better when I get out;" isn't that right?

11 A That's what he said. I don't know what he
12 mean, but, okay.

13 Q You're asking him to start fresh, he's
14 mocking you, he's saying there's breadwinners and he
15 wants to be better, right?

16 A Yes, I guess.

17 Q Okay. In any of that portion of the call,
18 does he seem to show any remorse for what he's done?

19 A I don't know.

20 (State's Exhibit 4 continues to play.)

21 Q Okay. Ms. Ware, 30 seconds ago you heard
22 him say, "You're not going to have to struggle,
23 you're not going to have to worry about rent,"
24 talking about when they move in with you, remember
25 that? Remember hearing that?

1 A I mean, you just played it so how can I
2 forget.

3 Q Is that a "yes" to my question?

4 A Yeah, obviously.

5 Q It says, "You can do whatever you need to
6 do, but you're not going to be living off the people
7 like they're living off of you," correct?

8 A Uh-huh.

9 Q Is that a "yes"?

10 A Yes.

11 MR. OTTO: Pass the witness, Your
12 Honor.

13 THE COURT: All right.

14 MR. MONCRIFFE: No further questions
15 from this witness, Your Honor.

16 THE COURT: All right. May Ms. Ware be
17 excused.

18 MR. OTTO: It's fine with the state.

19 MR. MONCRIFFE: No objections, Your
20 Honor.

21 THE COURT: Thank you, ma'am. You're
22 free to go, you're free to stay.

23 What says defense?

24 MR. MONCRIFFE: That's all we have,
25 Your Honor, towards testimony.

1 THE COURT: All right. What says the
2 State?

3 MS. JOHNSON: Your Honor, State calls
4 Officer Catherine Bartels.

5 THE COURT: All right. Officer
6 Bartels.

7 Good afternoon, Officer. Raise your
8 right hand, please.

9 (Witness sworn.)

10 THE WITNESS: I do.

11 THE COURT: Feel free to adjust the
12 chair and microphone and answer as directly as you
13 can. The rule was invoked, but it's been suspended.

14 All right. You may proceed.

15 MS. JOHNSON: Thank you, Your Honor.

16 **CATHERINE BARTELS,**

17 having been first duly sworn, testified as follows:

18 **DIRECT EXAMINATION**

19 BY MS. BARTELS:

20 Q Ma'am, would you please introduce yourself
21 to the Court and spell out your name for the benefit
22 of the court reporter?

23 A Sure. I'm Officer Catherine Bartels.

24 C-A-T-H-E-R-I-N-E; Bartels, B as in boy, A-R-T-E-L-S.

25 And I'm currently assigned to the child

1 sexual unit with the Houston Police Department. I've
2 been with the Houston Police Department for fourteen
3 years, and I've been with the child sexual abuse unit
4 for eight. And within my time there I was assigned
5 to the FBI Innocence Lost Task Force for five years.
6 The Innocence Lost Task Force deals with human
7 trafficking.

8 Q And so let's, if you will, tell the Court a
9 little bit about what human trafficking is, or what
10 your background and experience is of why we asked you
11 to be able to come in today and if you can tell the
12 Court what certain terms mean?

13 A Sure. I have had a lot of training in
14 regards to human trafficking. I've probably had over
15 a hundred hours of training just dealing with
16 interviewing victims, the terminology that comes
17 along with the human trafficking.

18 And then also I've probably worked in
19 the five years that I was assigned to the actual task
20 force of full-time, I've probably worked over 200
21 cases which would involve probably about 400
22 interviews with victims. And then that does not
23 include the suspects or defendants or witnesses.

24 And then within that training, you know
25 just from talking with victims, it's not formal

1 training, but it is experience in talking to victims,
2 you do learn the terminology that is used on the
3 street that comes along with trafficking.

4 Q And what is human trafficking?

5 A Human trafficking is when you have a person
6 who -- usually in the types of cases we deal with it
7 is a male, but it does not always have to be, but the
8 majority of the time it is a male.

9 And what they will do is they will
10 facilitate the victimization of a female to engage in
11 prostitution, and that is engaged in sex acts for
12 money. And a lot of times also you will have
13 violence that comes along with the facilitation into
14 the prostitution.

15 Q So, is part of human trafficking you have
16 not only been trained, but in the years that you've
17 worked within that division, you've talked with
18 witnesses and you have been around the field, if you
19 will, of prostitution or selling someone's body in
20 exchange for money, correct?

21 A Yes.

22 Q And through that time have you become
23 accustomed with some of the terminology that's used?

24 A I have.

25 Q Okay. What are some of the terms that might

1 be used within this area of prostitution?

2 A One of the main terms it would probably be
3 that a lot of people refer to it as a game because
4 it's referred to as a game because it is a
5 psychological game. You have a pimp who is trying to
6 gain control over a victim, and lot of it has to be
7 psychological. But also you get the violent side of
8 it where the psychological does not work and they
9 turn to violence.

10 A lot of times they will call their
11 organization, so to speak, a stable. And that is
12 just the terminology to say there's a pimp and
13 there's also one or more girls that's involved with
14 that pimp.

15 You have terms, the A-pocket, which
16 means you're going to stay with that pimp, you're not
17 going to work for another pimp. And then they also
18 will talk about a pimp usually tells victims, you
19 know, they're not to meet up with black males because
20 black males are usually pimps. They are not to look
21 anyone in the eyes because the minute you look
22 someone in the eyes then that person, that male,
23 will -- it's within the game, it's considered that
24 now he is your pimp. He can be your pimp.

25 Sometimes for a fee, but sometimes

1 he'll just take that girl away from the other pimp.
2 And that's just how it's understood within the game.

3 Q So, what you just described there for the
4 Judge, that, hey, if you look somebody else in the
5 eyes, that means you're going to go with another
6 pimp. Is that usual for pimps to either try to steal
7 girls, or trade girls, or how would you describe it?

8 A Yes, it is. And lot of times, I like I
9 said, they will also offer money. It becomes a
10 financial thing, too, because it becomes, well, she
11 looks at your, your girl looked me in the eyes and
12 you have to give me ten grand. You know, now you the
13 pimp owe me ten grand, I'm taking your girl, too.
14 So, that's how -- why it's such a big deal.

15 Q So, pimps are protective of their property;
16 is that right?

17 A Yes.

18 Q And you talked about the fact you're now in
19 juvenile sex crimes. And when you were working with
20 the task force, your primary role was on domestic
21 minor sex trafficking, right?

22 A Correct.

23 Q But these terms and the education that you
24 have, does that extend not just to domestic minors,
25 but also adults who may be compelled or in the game,

1 general knowledge?

2 A That is correct. Because usually if you
3 have a juvenile that's involved, there's usually also
4 an adult female involved that helps to make the
5 juvenile feel more comfortable with getting involved
6 in the activity.

7 Q Okay. Describe for the Judge what you mean
8 by that scenario where you say there might be an
9 adult along with the child? Just generally what is
10 that term usually used for that older female?

11 A Usually they use the term, "body girl."
12 It's the girl that's stayed with the pimp the
13 longest.

14 Q So, these are terms of art within the trade?

15 A Correct.

16 Q And in your training and experience you've
17 not only investigated and worked on cases involving
18 children, but you've also worked on cases involving
19 adults?

20 A Correct.

21 Q And, in fact, you testified a number of
22 times in this courthouse with regard to human
23 trafficking or prostitution, domestic minor sex
24 trafficking and things of that sort, correct?

25 A That's correct.

1 Q Did we -- were you involved in the
2 investigation of this case?

3 A No, I was not.

4 Q Were you asked merely to review some
5 evidence to see if you could talk about some terms of
6 art or some historical kind of activities that have
7 taken place?

8 A Yes, I was.

9 Q And what have you gotten a chance to review
10 so far?

11 A This packet.

12 Q Okay. And was that a PSI report, or was
13 what a packet that was submitted to the Court in this
14 case of D'Angelo Middlebrooks that you were asked to
15 review today?

16 A Correct.

17 MS. JOHNSON: And, Your Honor, may I
18 approach.

19 THE COURT: You may.

20 MS. JOHNSON: I'm going to hand to
21 Officer Bartels what's been marked as State's
22 Exhibit 6. Let the record reflect I'm going to show
23 this to counsel. He has a copy, as well. These are
24 excerpts of digital forensic recoveries from a phone
25 taken from Mr. Middlebrooks when he was taken into

1 custody on a bond violation.

2 MR. MONCRIFFE: No objection, Your Hon
3 or.

4 THE COURT: All right. State's 6 is
5 admitted.

6 *(State's Exhibit No. 6 is admitted.)*

7 Q (BY MS. JOHNSON) Officer Bartels, have you
8 had a chance before to see digital forensic phone
9 extractions?

10 A Yes.

11 Q And is that something that you have normally
12 worked with in investigating prostitution, human
13 trafficking, sex trafficking and things of that sort?

14 A Yes, it is.

15 Q So, are you familiar with these kinds of
16 phones or text messages?

17 A Yes.

18 Q And in your experience, in your training,
19 are phones or text messages a common use within the
20 game, as you called it?

21 A Yes, they are.

22 Q Is that correct, Officer Bartels?

23 A That's correct.

24 Q Officer Bartels, I'm going to ask if you
25 would on the left side of the page of this time line

1 it gives a numerical value to each text or call.

2 Would you please find for us text 647.

3 A (Witness complies.)

4 Okay.

5 MS. JOHNSON: Your Honor, may I publish
6 this for the Court's benefit?

7 THE COURT: You may.

8 Q (BY MS. JOHNSON) I guess, Officer Bartels,
9 may I just ask you if I can use that copy. Make sure
10 you can see it.

11 A (Tenders document.)

12 Q Thank you.

13 I'm going to zoom in so we can see.

14 And here is what's being referred to on State's
15 Exhibit 6 where each of these call logs are numbered.
16 This is 647, and what does it appear to be here? Can
17 you tell what kind of content that is?

18 A That is a text message.

19 Q A text message.

20 Okay. And so we have here a text
21 message, and let's just take this as an example.

22 This is to. So it's from this phone that was taken
23 off of the defendant on a day that he was picked up
24 for a bond -- for a violation in this court to a
25 number (832)335-1187.

1 And then here is the substance of the
2 text. And you can see there are certain
3 characterizations. Could you, please, read this text
4 for us and tell us if you notice anything about the
5 meaning of this text?

6 A It says: "No come home to your real family
7 on this mi\$\$ion beautiful u know u deserve better."
8 And "mission" is spelled with two dollar signs.

9 Q And what, if anything, does that tell you?

10 A Money.

11 Q And what, if anything -- I'm going to
12 continue with this text. And if you can give the
13 Court an idea of what it is that's going on between
14 them.

15 So, we've got other texts that are
16 going out, but I'm going to stay with this
17 conversation. So now I'm going to go up to 637.
18 Again, this is now on 6/23/2014 at 15:19:30. Again,
19 to that same number, (832)335-1187.

20 And, now, it's from that number back to
21 this phone. And it says: "Man I probably got more
22 than wat you n your females do. Please i don't need
23 some pimp takin my money."

24 Correct?

25 A Correct.

1 Q And what is that indicative to you, if
2 anything?

3 A Prostitution.

4 Q And then they follow up that message with --
5 from that phone saying: "Dismissed."

6 And then there's a call on text 631
7 from this phone back to that number (832)335-1187,
8 and it says: "I can assure u u dont but stay
9 broke bye."

10 Correct?

11 A Correct.

12 Q And then following that conversation at 629,
13 date 6/23/2014 at 15:23:02 from that phone
14 (832)335-1187. Would you please read this text from
15 that individual to this phone and tell us what, if
16 anything, they might be talking about.

17 A It says: "Boo your a nobody lookin for
18 gullible hoes to maintain your lifestyle. I'll shoot
19 u a pic of MY ride. Maybe just maybe that'll
20 motivate u to step it up."

21 So, she mentions "hoes." So, she's
22 still talking about prostitution and girls that work
23 for a pimp. And then because a lot of times pimps
24 will try to lure women or girls to work for them with
25 the promise of fancy cars with a lot of money, it

1 seems to be that's what's going on in this
2 conversation and she's then telling -- if this is the
3 defendant's phone, she's telling the defendant that
4 she already has a nice ride and she does not need
5 him.

6 Q Okay. And so then here's a message at 625
7 in our text marking of State's Exhibit 6, again on
8 6/23/2014 at 15:40:25. And it's to that number
9 (832)335-1187 from this phone. And it says: 550 --
10 or go ahead and tell the Judge what it's saying or
11 what it's referencing.

12 A Okay. "550 benz dump hoe 80,000 cash I
13 tried to help yo broke ass but now stay where u at
14 dummy."

15 Q So what is that indicative of?

16 A It sounds like he's saying, I guess maybe
17 she has a 550 Benz and he has 80,000 cash, but she's
18 dumb for not talking to him because he has the money.

19 Q Okay. So now let's go up to 618 in our text
20 line, which again is on 6/23/2014. And it's to that
21 number, (832)335-1187. So, we're just following this
22 one example of a conversation. And what do these
23 characterizations mean in the text?

24 A In the one that starts with "now"?

25 Q Yes. It says: "Now stfu."

1 Do you know what that means?

2 A I do not what that means.

3 Q Okay. So it says: "Now stfu dummy if u
4 knew better ull do better stay broke."

5 Correct?

6 A Correct.

7 Q Is there any chance that "STFU" could stand
8 for, "Shut the fuck up"?

9 A Yes.

10 Q All right. Again, 616, where we see
11 following that conversation. Now this person is
12 writing back and they're saying: "Try a 2013
13 745LI '96 Impala w/26S living in a gated community
14 cause ghetto hoes who suck for champ change cold
15 never make it n the life style me n ma hushed do."

16 So that's from that person that he was
17 talking to, correct?

18 A Correct.

19 Q And then right after that, text line 614 in
20 State's Exhibit 3, that person on the other line in
21 this conversation again texts back and says -- what
22 does this mean?

23 A It says: "Now tell ya hoes dem calls u
24 might need today that ins bill boo."

25 I mean, that's just -- I mean, it's

1 talking about prostitution. They are talking about
2 answering calling from Johns, customers, however they
3 want to refer to it. But that's what that's
4 referring to.

5 Q And what does "hoes" often refer to?

6 A A prostitute.

7 Q Okay. And so now at the top of State's
8 Exhibit 6, what's marked 613 in our text call log,
9 now to that individual from this phone can you read
10 that text for us?

11 A Says: "Impala impao bitch I said 550 benz
12 2013 my car cost yall 5yrs salary dummy n ill be in
13 Costa Rica in 8days me n my bitches about to vacate
14 upgrade yourself dummy u a disgrace now U dismissed."

15 Q And then let's again just follow along with
16 this conversation 611 from that same individual,
17 (832)335-1187. Can you read that text for us?
18 Sorry, I'm trying to get that to show up there.

19 A "Now stop texting cause what does a man look
20 like tlking shit to some female."

21 Q And then again what is marked 609 in our
22 text, again from that same caller. Following up on
23 that text.

24 A It says: "I got a Benz must i pull it out
25 my garage."

1 Q And then we have here 607 on our text line.
2 Now, it's to that number, to the (832)335-1187, and
3 then read this text message if you will and tell the
4 Judge what it is we are talking about?

5 A Says: "When a broke hoe think she doing
6 something Impao talking about husband u a dumb ass
7 fagget small minded n cheap grinded aint shy in your
8 name stupid ull learn when u old as hell cause u dont
9 listen now go suck a dick for 40 \$ I got business to
10 handle bye."

11 Again, that's talking about
12 prostitution. He's basically telling her to go suck
13 a dick for \$40, meaning she -- that's all she's
14 worth.

15 Q And so he's acknowledging that the person
16 he's talking to is a prostitute, correct?

17 A Correct.

18 Q And based on what you've seen in this series
19 of text messages, does it appear this is somebody
20 that -- I mean, he starts out with, "Hey, come to the
21 real family," right?

22 A Correct.

23 Q And then the tone of everything is changing,
24 correct?

25 A Correct.

1 Q So, was this possibly somebody that he was
2 trying to recruit for his group?

3 A Yes.

4 Q Again, just following this conversation in
5 605 of our text log again from this individual. It
6 says: "I got 2 rides i don't worry bout my man
7 fukkin multiple prostitutes while he's takin care of
8 a REAL job instead running hamlet stupid hoes."

9 What does all that mean do you think,
10 if you can say?

11 A It sounds like -- I mean, she's again trying
12 to tell him she has stuff. So, she does not need him
13 to get her stuff. And then -- it doesn't seem like
14 she's with him.

15 Q Okay. What about this "Running hamlet
16 stupid hoes"? What do you think that means?

17 A I do not know.

18 Q Okay. So, then we have on 602 a text from
19 the phone to this individual. And if we read that
20 there it says: "Like u he fuckin right now u
21 ignorant get off mi line with your stupidity bye."

22 Correct?

23 A Correct.

24 Q And then we have that 598 from that same
25 caller, (832)335-1187, if you can read that, please?

1 A It says: "Bitch plz i suck my mans sick i
2 will never suck sick in da game miss me wit dat."

3 Q And so some of these terms that we see maybe
4 misspelled or whatever else, but what are some of the
5 terms that you picked up in here on this text?

6 A She's talking about the game, which is what
7 I mentioned earlier, which is prostitution. And
8 she's basically saying she's not going to do that.

9 Q Okay. And then we see in 596, the person
10 working this phone sends a text back to him: "If
11 that make u feel better ok im done have a lame day as
12 usually."

13 Right?

14 And then the conversation continues 594
15 in our text line to that same call: "I dont feel
16 like getting cursed out lol im done."

17 And then 592 on our text from that
18 caller, (832)335-1187, "Don't b mad cause ur mission
19 failed to get a new hoe your pitches would hate."

20 Again, can you tell the Judge what
21 that's indicative of?

22 A I think she actually meant bitches. I think
23 the "P" is probably a mistake. And she's just
24 stating that she's not going to go with him and that
25 now he's mad because she won't agree to go work for

1 him.

2 Q Okay. And so you've got 589. Again
3 following just the series of conversation you've got
4 from that person, "Lol."

5 And then in 588 to that person, "No
6 hating just making."

7 And then following that conversation in
8 585 in our text system to that number it says, "Stay
9 broke n suck your dog balls y u at it."

10 Correct?

11 A Correct.

12 Q And then we got from 582, the caller or the
13 person text back and says, "Y are u so ugly."

14 And then you've got 580 following up,
15 "I bet ill b a better pump than u i promise u that."

16 Then it says 578, to this number from
17 the phone that was found in possession of the
18 defendant, and it says, "Cause bitch u a out of
19 pocket fag that need some real instructions."

20 What does that mean?

21 A Well, now that's going back to -- he's
22 basically saying she is a prostitution. She works
23 for another pimp, but now by talking to him she's out
24 of pocket and she should not be talking to him.

25 Q And then 576 from that caller back to this

1 phone it says, "Hahahahaha no papi never outta pocket
2 im my own boss."

3 And then at the top of the page, on
4 Text Number 573, the response to that individual
5 is -- can you read that there?

6 A The one on the bottom?

7 Q Yes, ma'am.

8 A "Thats your problem u broke bitch u been
9 severely misguided hoes like u are a Disgrace to the
10 game u fuckin fag."

11 Q All right. We've got a few -- it looks like
12 now we've got some texts to -- to another 572 list,
13 to somebody has been saving the phone has Hobby Crow.
14 It says, "Waiting on u."

15 And then 569, again we see another
16 person Hobby Crow that's picked up. It says, "Yea
17 umma meet up wit u lata, Love Pink."

18 So, that's another conversation going
19 on with potentially another individual, correct?

20 A Correct.

21 Q And then let's look here at 564. Again,
22 back to that number we've seen this conversation
23 going on with, which is (832)335-1187. It's from him
24 and it says, "Far from being broke dude. And who
25 made u Don Jaun over night. If you were so billy bad

1 ass you wouldn't be looking for hoes on Backpage."

2 Will you tell the Judge what Backpage
3 is?

4 A Backpage is a classified website, but it's
5 mostly known for the escort page in which females
6 advertise themselves for sex.

7 MS. JOHNSON: Your Honor, may I
8 approach the witness.

9 THE COURT: You may.

10 Q (BY MS. JOHNSON) So you've seen that series
11 of calls, right?

12 A Correct.

13 Q So, you've identified Backpage as a site
14 where people sell themselves?

15 A Yes.

16 Q And you've seen in this phone where other
17 people have been reached out to, correct?

18 A Correct.

19 Q Does it appear that maybe the person working
20 that phone, same phone that was recovered off the
21 defendant when he violated the Judge's bond
22 condition, that back in June while on bond for all
23 these offenses he's reaching out to all these women
24 in the Houston area to upgrade and increase his
25 stake?

1 MR. MONCRIFFE: Your Honor, I'm going
2 to object to the leading nature of the questions at
3 this time.

4 THE COURT: That's sustained.

5 Q (BY MS. JOHNSON) Does it -- when -- by
6 taking a look at that phone, does it appear to you
7 that he's reaching out to multiple individuals?

8 A Yes, it does.

9 Q In fact, if you will look at this -- go to
10 Text 1777.

11 A (Witness complies.)

12 Q And so do you see all the way from text as
13 it's marked in State's Exhibit 6, 1777 up to 1756 --

14 A Wait, 1777?

15 Q Yes.

16 A 1777, okay.

17 Q And let's say it was from 177 [sic], take
18 that all the way up to 1762? Does that seem to be a
19 bulk text message?

20 A Yes.

21 Q Okay. Would you read for the Judge --
22 because it's the same text message in all of those
23 things, would you read for the Judge what Text Number
24 1777 says?

25 A Says, "How you doing beautiful lady of

1 leisure? Im wondering do you ever feel
2 uncomfortable, unappreciated or not seeing progress
3 for the work you put in your current position?"

4 Q And so if you flip the page over, again now
5 look at 1747 all the way up to 1726, is that same
6 text message being sent out?

7 A That's correct.

8 Q And then if you flip the page before, does
9 it appear that same text message is being sent out to
10 a bunch of other individuals?

11 A Correct.

12 Q And are these being sent out to a bunch of
13 different phone numbers?

14 A Yes.

15 Q And what does, "Lady of leisure" mean?

16 A It could be a term for prostitution.

17 Q Okay. Based on that information that you
18 see there, does it appear that he's sending out blast
19 texts to people maybe as the other person noted, hey
20 you're just trying to find people off Backpage to
21 come to you?

22 A Yes, because this is similar wording to what
23 people will use in a Backpage ad.

24 Q All right. Would you tell the Judge a
25 little bit more about what you mean by that?

1 A I lot of times, you know, they put
2 questions, they try to make themselves more appeal --
3 you know, appeal to the people on Backpage so that
4 they're picked out of all the thousands of ads that
5 are posted everyday. So they come up with creative
6 catch phrases and words.

7 Q So, would it surprise you if multiple girls
8 who were already working as prostitutes indicated
9 that they had been recruited by the defendant to join
10 his group?

11 A No.

12 Q Can a prostitute be great?

13 A Yes.

14 Q And would you tell the Judge what kind of a
15 pimp is a gorilla pimp?

16 A A gorilla pimp is someone that uses force to
17 get the females to comply with what he wants them to
18 do.

19 Q And based on your experience and training
20 and work, is it possible that girls that are
21 prostitutes and willingly involved in the game, can
22 still be taken by another pimp?

23 A Yes.

24 Q And so if you were to hear that within a
25 short period of time of meeting these girls that

1 their phone is taken, that they're beaten, that
2 they're sexually assaulted, would that tell you
3 anything?

4 A Yes.

5 Q What does it tell you?

6 A That -- that you're dealing with a pimp, but
7 more you're dealing with a gorilla pimp.

8 Q And so would this text message, the
9 sweetness, this come with us, be part of my family,
10 would that be just kind of part of the hook of
11 niceness to get them to come?

12 A Yes. I mean, you can have lot of times a
13 pimp can be a finesse pimp in the gain, and then once
14 he gains the trust of the girls it sort of switches
15 to the violence and will become more of a gorilla
16 pimp once he's made the girls think, oh, wow, he's so
17 nice.

18 Q So, you just used for the Judge two terms;
19 one, a finesse pimp and a gorilla pimp. In your
20 experience people can have both, kind of that hook in
21 and that can change?

22 A Usually it's always both.

23 Q Okay. Officer Bartels, I'm going to play a
24 jail call from you that actually comes from Colorado?

25 A Okay.

1 Q And we've already had one of the voices
2 identified.

3 MS. JOHNSON: Your Honor, at this time
4 what we would like to do is to offer State's
5 Exhibit 4, which was previously played which had the
6 call that was questioned with Erica Ware, and now
7 State's Exhibit 5, which contains three calls that
8 were previously given to defense counsel that were
9 obtained from Colorado jail where the defendant was
10 picked up before being brought back to Texas.

11 MR. MONCRIFFE: No objections, Your
12 Honor.

13 THE COURT: All right. State's 4 and 5
14 are admitted.

15 *(State's Exhibit No. 4 and 5 are*
16 *admitted.)*

17 MS. JOHNSON: Your Honor, may I publish
18 portions of State's Exhibit 5.

19 THE COURT: You may.

20 MS. JOHNSON: And I'm going to start
21 with a call that's identified on the disk as
22 902420JT.WAB.

23 *(State's 5 begins to play.)*

24 Q (BY MS. JOHNSON) And we can hear there that
25 that appears to be a dialing out of a recorded call,

1 correct?

2 A Correct.

3 Q And our records show that this is a call
4 from 9:24:14 from these Colorado calls. I'm going to
5 skip ahead just a little bit.

6 (State's 5 continues to play.)

7 Q (BY MS. JOHNSON) So let's go through a
8 couple things we heard in that call. First off, she
9 says, "I got the cheapest phone they had." We hear
10 that. We hear a phrase from the defendant, "In
11 motion," and then talking about, she says they're at
12 the Days Inn.

13 And then he says, "Where is Jessica
14 at?"

15 She says, "She's on a date right now."

16 And he says, "You're lying."

17 She says, "I'm not."

18 "How long?"

19 And, "Thirty minutes."

20 So, can you explain for the Judge what
21 are some of those terms mean, and are those terms or
22 circumstances that are common to the game?

23 A Well, they talk about being at the Days Inn.
24 So that means that they rented a hotel room. Then
25 they talk at the girl Jessica being on a date. What

1 that refers to is she's with a customer that's paying
2 her to engage in sex acts in exchange for money.

3 Q So, that "date" is a term of art, correct?

4 A The what?

5 Q The "date" is a term of art --

6 A Yes.

7 Q -- that's used in the game?

8 A Yes.

9 Q And then he asked for, "How long," and she
10 says, "Thirty minutes."

11 A When they are talking in terms of time,
12 that's usually consistent with a Backpage ad. A lot
13 of times if they are just on the track walking, it's
14 not really for time. It's just they charge them for
15 the sex acts. But usually on Backpage or any type of
16 internet site, they'll charge them per hour, 30
17 minutes, or whatever it may be.

18 Q So, is it pretty common for pimps to make
19 sure that their girls stay within time?

20 A Yes.

21 Q Okay. And why, why do they care?

22 A Because it's a money issue. If a person
23 goes over time, that person is going to owe more
24 money.

25 Q Or could something else be happening to

1 their girl?

2 A True.

3 Q Would it surprise you, or did you get a
4 chance to see in the PSI report a reference to an
5 offense that occurred on July 23rd of 2013 in which
6 Houston Police Department undercover made a date off
7 of Backpage with a young girl named Chrissa Gunter?

8 I believe this is going to be on page 8
9 of that PSI report. And at the time, after sometime
10 in there the defendant showed up banging on the door
11 and he had a gun?

12 A Correct.

13 Q Are you able to tell the Judge what, if
14 anything, that kind of fact pattern might indicate?

15 A Well, the fact that he came banging on the
16 door with his gun shows that he is violent, and he is
17 willing to use violence to control the situation, and
18 that he did not know that it was police officers
19 inside the room, so he was coming to make sure that
20 everything was the way it needed to be.

21 Q Okay. So that can be indicative of a lot of
22 control in many ways, correct?

23 A Yes.

24 Q And, again, the Backpage is something we've
25 already seen through these phones, and that's

1 something you've talked to the Judge about being
2 consistent, correct?

3 A Correct.

4 Q Okay. I'm going to go back to this call.

5 (State's 5 continues to play.)

6 So, a couple of things that we just
7 heard in that next deal. He says, "Where are we at?"
8 And she talks to him about amount of money or says
9 one-third six, or something like that; is that
10 correct?

11 A That's correct.

12 Q And then he says: If they send me back to
13 Houston, I'm going to need you to shoot back to
14 Houston. And then tells her don't talk to my
15 brother.

16 What, if anything, does that indicate
17 to you about his behavior with whoever this other
18 individual is on this other side of this call?

19 A That he's the pimp.

20 Q That he's a pimp?

21 A And that person's pimp. He's still in
22 control even though he's in jail. He's still in
23 control of the money.

24 Q So, even though this guy -- they know and
25 they're saying, you'll get sent back to Houston, are

1 they? Are they going to send you back, are they
2 going to send you back.

3 This guy still has control over these
4 woman who are --

5 MR. MONCRIFFE: Your Honor, I'm going
6 to object to the leading nature of her questions at
7 this time.

8 THE COURT: Well, that's sustained.
9 Make it a question.

10 Q (BY MS. JOHNSON) So, based on what you just
11 said, here's an individual that's in jail, they know
12 he's going back to another place he's giving them
13 instructions on what to do and even followed him to
14 the next city. Is that consistent with -- or is
15 that -- is that unusual to you?

16 A Is that what?

17 Q Unusual to you?

18 A No.

19 Q Okay. And I'm going to jump ahead a little
20 bit more.

21 (State's 5 continues to play.)

22 And here we just heard something where
23 he says, "Don't take my kid away from me."

24 Would it be unusual for a pimp to even
25 get one of their girls pregnant as another way to

1 maintain control?

2 A No, that would not be unusual.

3 (State's 5 continues to play.)

4 Q So, here we have -- she's -- they're talking
5 about how he misses her, what we've heard, and then
6 he says, "How much money you putting on my phone,"
7 and then, "I'm going to be calling you two or three
8 times a day to check on y'all."

9 What, if anything, can you tell the
10 Judge about that behavior?

11 A That again is him establishing the control.
12 Even though he's in jail, he's still stating that
13 he's going to call a few times a day to make sure
14 that they're still doing the things that he wants
15 them do and that would be to engage in prostitution
16 to make money.

17 (State's 5 continues to play.)

18 Q So, we've heard here in this call, in this
19 portion where it says, "You got to stay focused, I'm
20 not dead," right? And he talks about -- are you able
21 to tell whether or not the girl on the other line
22 sounds upset?

23 A Yes, she sounds very upset.

24 Q Like emotional, right?

25 A Yes.

1 Q Almost like she really cares, is crying,
2 really loves this guy, right?

3 A Correct.

4 Q And we hear him saying, "I ain't got
5 nobody," right?

6 A Yes.

7 Q You saw today where his wife came up and
8 took the stand for him, right?

9 A Correct.

10 Q And then we hear that -- from her that she
11 really is referred to as a cousin to them. And we
12 hear here where he says, "Stay on point like a thumb
13 tack, and every time we reach like seven, we gonna
14 send five to my cousin, you hear me?"

15 Do you have any idea what he's telling
16 them to do there?

17 A When they reach \$700 they're to send 500 to
18 his cousin.

19 Q And he's telling them, "Stay on point." We
20 heard to stay loyal. Are these all terms that are
21 common within the game?

22 A Yes. Those are used a lot. Especially on
23 point and, of course, loyalty to the pimp and, of
24 course, to the other girls.

25 Q Like, we saw earlier in the text where he

1 says, "Hey, you're out of pocket. You need some
2 instructing"?

3 A Correct.

4 Q Would these be some of the terms that if you
5 really train somebody right, they're going to keep
6 doing these things?

7 A Yes.

8 Q And then he says -- because we know earlier
9 in the call that somebody else is on a date. And
10 he's saying, "She's looking up to y'all, y'all are
11 like sisters now."

12 What does that mean?

13 A A lot of times they'll refer to each other
14 as sister wives or sister family. It's just a term
15 of showing that they believe that they're a family so
16 they need to stick together because they are a
17 family. And they respond to that because a lot of
18 these women or girls come into this type of situation
19 where they don't have a family.

20 Q In your experience where are most of these
21 girl from?

22 A The younger girls CPS, group homes, or just
23 parents that are not interested in dealing with them.
24 And those are the same girls that then grow up to be
25 the adults that are involved in it.

1 Q So, would it be fair to say that the women
2 that are involved in the game is an extremely
3 vulnerable and abused population?

4 A Yes.

5 Q I'm going to go back to this call.

6 (State's 5 continues to play.)

7 So, hearing that next portion of the
8 call that we listened to, first off we heard where he
9 says, "Y'all can go get something to eat. Y'all
10 can't ask me now because I'm still in here."

11 Tell the Judge what that means?

12 A Well, most of the time the pimp has so much
13 control over the girl that they're not allowed to do
14 anything without asking permission. So, they still
15 are -- the girl on the phone is still -- because that
16 was the way she was trained, she's still asking
17 permission to go get something to eat.

18 Q And then he says, "Do what y'all got to do,
19 what you're supposed to do. Same shit, we're going
20 to keep it up," right? Even though he's over the
21 phone.

22 And then he says, "I do appreciate
23 y'all. Love y'all as a real business parter and a
24 real bitch," right?

25 What does that term of art mean?

1 A Well, it sounds like the person he's talking
2 to on to phone from what I heard is going to be the
3 bottom girl in this situation, over there where he is
4 at this point, and because he's trying to get her to
5 take over the responsibilities that he was doing
6 while he was not in jail.

7 Q All right. So, we've heard how this call is
8 kind of evolved where he's talking about the business
9 and other girl's clearly on a date. He's giving
10 these rules and instructions. And now I'm going to
11 jump up to another portion.

12 (State's Exhibit 5 continues to play.)

13 So, let's talk about this portion that
14 we heard from the call. We hear where he says, "Save
15 the bread." And again, what might "bread" be a term
16 for?

17 A Money.

18 Q And then he says, "Eat probably twice."

19 A Eat twice a day.

20 Q So, that's -- he's giving the permission
21 now, right?

22 A Correct.

23 Q And then he says, "We got to hurry up and
24 send the bread to my cousin so she can give it to my
25 lawyer and bond me out," right?

1 A Correct.

2 Q We're hearing this addition instruction that
3 these girls are supposed to be staying in motion,
4 getting the bread and sending it to his, quote,
5 cousin who we now know is Erica Ware?

6 A Correct.

7 Q His now wife, right?

8 A Correct.

9 Q And then we hear a little bit further where
10 she says, "Hey I got you blue tooth," and talks about
11 the phone. And he says, "Don't be on that phone,"
12 and she says, "Just posting only."

13 What does that mean?

14 A Posting meaning their Backpage or some other
15 type of advertising website, but posting ads for
16 prostitution.

17 Q So, they are continuing to post, correct?

18 A Correct.

19 Q And then he says, "Don't be calling your
20 people since I ain't around." And then he goes,
21 "She's looking and seeing everything you do while I'm
22 locked up. Y'all got to be for real like sisters."
23 We heard that.

24 Why would he say, "Don't be calling
25 your people since I'm not around"?

1 A He does not want her to call her family
2 because probably afraid they will convince her to
3 leave.

4 Q All right. So, he's maintaining this
5 control even from afar, correct?

6 A Correct.

7 Q Okay. I'm going to jump to another call on
8 this State's exhibit, which is 9P24106Y.wav. And,
9 again, this is another as we hear the call coming in
10 from the jail, correct?

11 A Correct.

12 Q And typically you would not expect that the
13 State of Texas is going to get the calls that you're
14 making in Colorado possibly, right?

15 A Correct.

16 Q So you might speak a little freely,
17 possibly?

18 A Correct.

19 (State's Exhibit 5 continues to play.)

20 Q All right. So, we've got again a couple of
21 things that we picked up on. That's possibly another
22 individual, right, just from telling from the voice?
23 Does it sound like another girl?

24 A Correct, it does.

25 Q It says, "Where is Destany at?"

1 She says, "She's on a date. She's on a
2 date right now."

3 Then we hear: Is the dude black? Tell
4 her no more blacks. Tell her I told you that. And
5 then how long, 15 minutes. Fifteen minutes or 30
6 minutes. Is there anything that you can tell the
7 Judge based on this conversation about what his
8 relationship might be to these two individuals?

9 A Sure. Based on my training and experience
10 it sounds like this new person on the phone is also
11 working for him and he is her pimp and he's
12 instructing her to tell Destany not to go on, meet up
13 or go on dates with black males. And we all know --
14 anybody knows anything about the game knows that he's
15 saying that because typically black males are pimps,
16 and so he does not want to run the risk of losing one
17 of his girls to another pimp.

18 Q And so let's jump ahead here to another
19 portion of the call.

20 (State's Exhibit 5 continues to play.)

21 So, again, we've heard this call with
22 this girl. He talks about -- she's talking to him
23 about going with another pimp or anything, call my
24 cousin, right?

25 A Correct.

1 Q And he says: If she starts doing some fuck
2 shit, you follow along with the fuck shit, if you
3 sense some fuck shit, motherfucking leave, right?

4 A Correct.

5 Q Would that be indicative that he's saying
6 you stay with me and not go with another guy?

7 A That is correct.

8 Q Even if she tries and if she tries call my
9 cousin, correct?

10 A Correct.

11 Q And then later on in the call we hear him
12 say: Y'all can send the money to my cousin when you
13 get here. Whatever money these girls are making is
14 going back to him, right?

15 A Correct.

16 Q Is there anything else based on what you've
17 heard that we have not gotten into? I know we've
18 gotten into quite a bit of these terms, but was there
19 anything else that came up for you that I need to
20 explain better?

21 A I don't think so.

22 MS. JOHNSON: Your Honor, I pass the
23 witness?

24 MR. MONCRIFFE: No questions, Your
25 Honor.

1 THE COURT: No questions.

2 MR. MONCRIFFE: No.

3 THE COURT: All right. May Officer
4 Bartels be excused.

5 MS. JOHNSON: Yes.

6 MR. MONCRIFFE: No objections, Your
7 Honor.

8 THE COURT: Thank you, Officer Bartels.
9 You're free to go, you're free to stay.

10 We're going to take a break. Who is
11 your next witness?

12 MR. OTTO: Your Honor, the State rest.

13 THE COURT: The State rests.

14 MR. MONCRIFFE: And defense rests also.

15 THE COURT: Let's take a break and
16 summarize the evidence.

17 (Recess.)

18 THE COURT: Both sides rest and close
19 the evidence at the PSI hearing. Both sides ready to
20 proceed with final argument?

21 MS. JOHNSON: Yes, Your Honor.

22 MR. MONCRIFFE: Yes, Your Honor.

23 THE COURT: State has the right to open
24 and close, what says the State.

25 MS. JOHNSON: Your Honor, we'd like to

1 split the open. I'll do a small portion for open and
2 Mr. Otto will wrap up close.

3 THE COURT: Okay.

4 **STATE'S CLOSING STATEMENTS**

5 MS. JOHNSON: Thank you, Your Honor.

6 Your Honor, through this report and
7 through the testimony at the PSI, you have seen a
8 troubling series of events that are all at the hands
9 of the defendant, Mr. Middlebrooks.

10 Despite his youthful age, the PSI
11 report shows female, after female, after female,
12 after female who have been subjected to his physical
13 abuse, his sexual abuse and as Officer Bartels
14 described and as these woman have been able to tell
15 you even through testimony or through the letters
16 they are vulnerable. They have troubling histories,
17 they have challenges themselves and they're the
18 perfect target for a man like him.

19 They're the kind that if they were to
20 say, "That man raped me," that you might say, "Well,
21 you're just a prostitute." But they are young woman
22 who were nothing more and have been nothing more, the
23 ones we have been able to identify, than his
24 property.

25 But what Your Honor has seen through

1 the continued jail calls is that even when brought to
2 this court and put on bond and given an opportunity
3 and with family members that seem to be supportive of
4 a fresh start, he has continued to abuse, to
5 prostitute and to profit off of these young ladies
6 putting them out throughout the nation even while on
7 bond from this court.

8 It has made no difference to him about
9 what this Judge could do because he truly believes
10 that he can get away with whatever he wants. And
11 even this morning in the letter that he gave to you,
12 there is no remorse. There is just the words that he
13 thinks is going to give him the chance to have you
14 give him what he calls a second chance.

15 He has been through many chances, or
16 more specifically, many women. And this process was
17 to give him a chance to take responsibility of which
18 he still has not done. He has been given an
19 incredible benefit and a cap, but today that cap has
20 got to be the only thing that the Court can consider.

21 We are asking that you sentence him to
22 30 years because it's the only thing based on
23 everything that you've had an opportunity to see
24 that's appropriate not only for him but for the
25 community.

1 MR. MONCRIFFE: May I proceed, Your
2 Honor.

3 THE COURT: Mr. Moncriste.

4 **DEFENSE'S CLOSING STATEMENTS**

5 MR. MONCRIFFE: The Honorable Court,
6 prosecutors. Your Honor, the prosecutors said this
7 man was actually -- he was in a treatment facility as
8 the Court fully knows Florence Critten Agency when he
9 was 17, 16 years of age.

10 Before that you've heard from testimony
11 from his sister that they were from an abusive
12 family. She received a great deal of abuse herself
13 and had to have treatment as she got older. This is
14 the family he's from, Your Honor.

15 One of the things I will say though,
16 Judge, we are not making any excuses for his
17 behavior. Yes, he is from that society, that -- the
18 environment that he grew up in, but still he has to
19 deal with challenges of what he put himself into.

20 He has taken responsibility. He has
21 pled guilty to this Court. He has stepped up here
22 and said, "I'm responsible." He has put the blame on
23 himself. He understands quit clearly that he has to
24 face the consequences of his actions, Your Honor.

25 Does not want anything to happen to a

1 female. Realized he was wrong. He has a wife,
2 sister, mother, and he has embarrassed his family,
3 his -- everybody who loves him and feels -- has stood
4 up for him. He's embarrassed them with his actions,
5 Your Honor.

6 He takes full responsibility for that,
7 Your Honor. But he's 18, 19 years old when he gets
8 into this world. He can be rehabilitated, Your
9 Honor. We'd ask the Court to give him a sentence to
10 allow him to take some programs that will help him to
11 rehabilitate himself, do something where he can in
12 the future look back, a productive citizen in this
13 society, Your Honor.

14 That's all we have, Your Honor.

15 THE COURT: All right. Thank you,
16 Mr. Moncriste.

17 Mr. Otto.

18 **STATE'S FINAL CLOSING STATEMENTS**

19 MR. OTTO: May it please the Court.

20 July of 2012 Daniel McNish was talking
21 to the defendant on the phone. Defendant was a man
22 that she had met in this group home that
23 Mr. Moncriste just talked about, group home where he
24 was given a chance to rehabilitate himself, to get
25 treatment if he wanted to it, to meet other people

1 that had come from broken homes. Instead of using
2 that as an opportunity to better himself like his
3 sister did, he choose to use it to make a connection
4 with Daniel McNish.

5 And then in 2012 he tells Ms. McNish,
6 "You need to come down here to Houston. We can get
7 you a job here."

8 When she comes down to Houston, as you
9 can read in the PSI, first thing he does is take away
10 her cell phone isolating her in a city where she does
11 not know anyone, a city where she does not have
12 connections to get away from him. Then takes her to
13 a hotel, posts her up on Backpage, that website we've
14 talked about where you advertise for escort services
15 or prostitution. And he tells her he's going to work
16 for her.

17 Whenever she starts to say she does not
18 want to, he beats her and he rapes her. This is what
19 Mr. Middlebrooks has pled guilty to, and yet when
20 he's asked to take responsibility for it, to the PSI
21 writer he says, "I didn't rape her. I mean, I
22 slapped her a couple of times, but we had consensual
23 sex."

24 And, Judge, you can look at
25 Attachment A, you can see the photographs of Danielle

1 McNish, how swollen her face is, how black her eye
2 is. This is not the result of two slaps to the face.
3 Days later he then meets Shawna Merchant who we heard
4 from whenever Mr. Middlebrooks pled.

5 And Ms. Merchant told you about what he
6 did to her. That he attempted to recruit her over
7 the phone multiple times through Backpack, but she
8 resisted him. And it was not until she was in a
9 broken state because a family member had died that
10 she finally gave in. When she finally met him the
11 first thing he did, take her cell phone to isolate
12 her. He then beats her and rapes her the exact same
13 way he had Danielle McNish just days earlier.

14 Gets arrested on this case, and then in
15 2013 when he's on bond, he's arrested because he's
16 caught pimping out another girl, Krissa Gunter.

17 He's caught with a gun on him while
18 he's on bond out of this Court. This Court has told
19 him what to do and what not to do. He didn't care.
20 Pled guilty to that case. And you can see Krissa
21 Gunter's letter. Starts on page 27 of the PSI. She
22 details everything she remembers. The horrible
23 things Mr. Middlebrooks put her through. Same things
24 that he did with all these other women.

25 Mr. Middlebrooks gets out on bond

1 again, and as you know, as the Court knows there's
2 evidence in the Court's file he tested dirty for
3 marijuana while he was on bond. He really didn't
4 seem to care about that order from the Court. He
5 went to different jurisdictions while he was on bond.

6 He then didn't show up to court, he
7 bond jumped. During that time you can see in the PSI
8 report that he abducts another girl, Britney Friend.
9 And along with Christina Mayhan he begins to pimp
10 them out for the hotel room here in Houston.

11 And when they decide that they want to
12 get out of it, they tell him, "We don't want to give
13 you our money," he beats them both. Beats them so
14 bad that Christina Mayhan's jaw was broken and had to
15 be wired shut. Britney Friend's head had to have
16 stitches because as he held that blanket against her
17 head filling with blood it just wasn't enough. They
18 were both taken to the hospital for those things.
19 You heard from Britney Friend. She's the one who
20 testified to all that the first day of this PSI.

21 And then he fled to Colorado. And we
22 got to hear about what he was doing in Colorado. He
23 decided he didn't want to come to this court anymore
24 so he fled to Colorado. And there he was
25 prostituting out at least two more women, and as he's

1 doing that he's talking about having to bring his
2 wife into it.

3 He's telling her that those women are
4 going to be his bread makers, that when he gets out
5 no matter how long he's in, he's going to come out
6 ahead. He's going to come out on top. He has no
7 intention on stopping what he's doing. He doesn't
8 care. He just doesn't care.

9 And just like he's done with each and
10 every one of these women he's manipulating this
11 process. When he talked to the PSI writer he said,
12 "You know, I didn't -- I didn't rape her, I just beat
13 her." He says, "I just want to -- I just -- I want
14 to do my time and get home to my family."

15 He says, "I think the DA painted a bad
16 picture of me." He painted the picture himself. We
17 just showed it to the Court. And then today, even
18 today, the day of his sentencing he decides to write
19 the Court a letter where he doesn't say I'm sorry, he
20 doesn't say I apologize for what I did to any of
21 these women. He just says, "I want the Court to show
22 me mercy."

23 And, in fact, even in that letter he
24 says, "The only reason the DA is bringing this charge
25 against me because I wouldn't sign." He's blaming

1 someone else again. This is the man that you're
2 sentencing today, Judge. And we gave him a
3 significant break back in November when he said he
4 would take responsibility for his actions by capping
5 this PSI.

6 We said, "You know what,
7 Mr. Middlebrooks, if you're finally ready to take
8 responsibility then we'll cap your PSI, 30 years."
9 And after we did that, he has not shown any remorse,
10 he has not taken the responsibility for this action.

11 He's already been given a break, he
12 does not deserve another one from this Court. The
13 only thing he deserves is 30 years. Thank you.

14 MR. MONCRIFFE: And, Judge, can I put
15 something on the record real quick, too. We spoken
16 earlier, Judge. We made some mention about him
17 requesting probation. Mr. Middlebrooks know full
18 well he cannot get probation. I just wanted the
19 record to reflect that.

20 THE COURT: Sure.

21 MR. MONCRIFFE: Thank you, sir.

22 THE COURT: The record will reflect
23 that earlier on the record the Court noted a
24 handwritten pro se motion for shock probation filed I
25 believe in February this year. And defense

1 counsel -- defense counsel was adopting that. And he
2 said he was. The files also reflected a previous
3 motion for community supervision filed some time ago.

4 And so you're not adopting that motion
5 for shock probation; is that correct?

6 MR. MONCRIFFE: That is correct, Your
7 Honor.

8 THE COURT: All right. The record
9 would further reflect that this morning I was
10 tendered a handwritten copy of a letter written by
11 defendant and also a printed copy. And both sides
12 said they had a printed copy and handwritten copy.
13 Printed copy for the record does set out -- well,
14 acceptance of responsibility letter and it says what
15 it says, but it's pretty remorseful and it's pretty
16 thorough and to the point, accepts responsibility.

17 So, the record will reflect that the
18 Court reviewed the PSI and contents thereof, the
19 attachments thereto and handwritten and typewritten
20 letter from the defendant, arguments of counsel. The
21 Court now is going to review the Reporter's Record
22 of the preservation of the testimony of two prior
23 witnesses, of two witnesses who testified for
24 purposes of punishment. I guess it was on
25 November 5th, 2014, or something around then.

1 November 5th, I believe. I believe.

2 At any rate, I'm going to take this
3 case under advisement, allow the court reporter to
4 produce her record and probably render a decision
5 either 30 days or six weeks. I forget when Ms. Leal
6 said. She got a date, May 5th, 2015. And for ruling
7 on the punishment issue.

8 All right. That concludes this
9 hearing. Thank you, counsel.

10 (Hearing concluded.)

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1 STATE OF TEXAS

2 COUNTY OF HARRIS

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4 I, Tammy L. Adams, Official Court Reporter
5 in and for the 178th District Court of Harris, State
6 of Texas, do hereby certify that the above and
7 foregoing contains a true and correct transcription
8 of all portions of evidence and other proceedings
9 requested in writing by counsel for the parties to
10 be included in this volume of the Reporter's Record
11 in the above-styled and numbered cause, all of which
12 occurred in open court or in chambers and were
13 reported by me.

14 I further certify that this Reporter's
15 Record of the proceedings truly and correctly
16 reflects the exhibits, if any, offered by the
17 respective parties.

18 I further certify that the total cost for
19 the preparation of this Reporter's Record is (See
20 Volume 5), and was paid by Harris County.

21 WITNESS MY OFFICIAL HAND this the 2nd day
22 of October, 2015.

23

24

25

26

/s/Tammy L. Adams

27

Tammy L. Adams, CSR
Texas CSR 6101
Deputy Court Reporter
178th District Court
Harris County, Texas
1201 Franklin, 19th Floor
Houston, Texas 77002
Telephone: 713/755-0880
Expiration: 12/31/16

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TAMMY L. ADAMS, CSR
OFFICIAL COURT REPORTER
178TH DISTRICT COURT

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