

1 A. Depends on the length of the legs.

2 Q. Sure.

3 A. When it comes to the crotch, it's hard to move
4 your crotch away any wider.

5 MR. VARELA: Pass the witness.

6 THE COURT: Anything further?

7 MS. HARVEY: Nothing further, Your Honor.

8 THE COURT: May this witness be excused?

9 MS. HARVEY: Yes, Your Honor.

10 THE COURT: Thank you, Deputy. You may
11 step down. You may be excused.

12 Call your next witness.

13 MS. HARVEY: State calls Deputy Tommy
14 Berry.

15 THE COURT: You may proceed.

16 MS. HARVEY: Thank you, Your Honor.

17 **TOMMY LEE BERRY,**

18 having been first duly sworn, testified as follows:

19 **DIRECT EXAMINATION**

20 **BY MS. HARVEY:**

21 Q. Would you tell the jury what your name is?

22 A. First name is Tommy, T-o-m-m-y. Middle name,
23 Lee, L-e-e. And my last name is Berry, B-e-r-r-y.

24 Q. How are you currently employed?

25 A. Harris County Sheriff's Office.

1 Q. How long have you been with the Harris County
2 Sheriff's Office?

3 A. Almost 30 years.

4 Q. What currently are your duties?

5 A. I'm assigned to the Sheriff's Office Crises
6 Intervention Response Team.

7 Q. Back on March 20th, 2011, were you employed
8 with the Harris County Sheriff's Office?

9 A. I was.

10 Q. And what were your duties back on March 20th of
11 2011?

12 A. I was assigned to the patrol division.

13 Q. Did you make a scene at 12911 New Cypress Drive
14 in Harris County, Texas?

15 A. I did.

16 Q. And upon arriving there, did you have occasion
17 to come into contact with the defendant, Jackie Dinanno?

18 A. I did.

19 Q. Where did you come into contact with her?

20 A. The first contact was inside the residence.

21 Q. And was there anything notable about her inside
22 the residence?

23 A. She had the upper portion of her body covered
24 with a towel and she was only wearing a pair of
25 underwear.

1 Q. Because she was not clothed, did you-all allow
2 her to get dressed?

3 A. I did.

4 Q. When you say that she was -- or when you
5 allowed her to get dressed, where did she get dressed
6 at?

7 A. In the front bedroom area of the residence.

8 Q. Now, when you say "the front bedroom area," is
9 that the same bedroom where the victim and the body was
10 lying?

11 A. No, ma'am.

12 Q. So, this is a different bedroom?

13 A. Correct.

14 Q. At that time, were her hands bagged?

15 A. No.

16 Q. When -- after you allowed her to get dressed,
17 where did you-all go?

18 A. We went outside to one of the patrol vehicles.

19 Q. And did you have a discussion with her inside a
20 patrol vehicle?

21 A. I did.

22 Q. And what discussion did you have with her?

23 A. I asked her if she had been hurt in any type of
24 way and she told me she had.

25 Q. And how did she indicate that she had been

1 hurt?

2 A. That a person had placed a knife inside of her
3 vagina.

4 Q. And when you hear that, the defendant saying:
5 Someone has put a knife in my vagina, did that give you
6 concern?

7 A. It did.

8 Q. And what were you concerned for?

9 A. Her injuries.

10 Q. What kind of injuries were you afraid she might
11 have?

12 A. That she might be bleeding.

13 Q. Did you ask her if she was bleeding?

14 A. I did.

15 Q. And what indication, if any, did she make to
16 you?

17 A. She said she wasn't sure.

18 Q. Did she then have -- did the possible injury to
19 her vagina seem to be her biggest concern?

20 A. She was concerned also about her husband.

21 Q. Did she ask you to go inside the residence for
22 her?

23 A. She did.

24 Q. And what was it that she wanted from inside the
25 residence?

1 A. Her medication.

2 Q. Where was the medication?

3 A. Inside the living room area of the residence.

4 Q. And in order to take medication, a person
5 generally needs water, right?

6 A. Correct.

7 Q. So, were you able to supply the defendant with
8 water?

9 A. Now, that I don't remember, but I do know I
10 retrieved the medication.

11 Q. Okay. Did -- did you bring your report with
12 you today?

13 A. I did.

14 Q. If you will take a look to refresh your
15 recollection. Was there a bottle of water in the house
16 next to her medication?

17 A. Yes, ma'am.

18 Q. And the medication and the water were right
19 there together; is that right?

20 A. Yes, ma'am.

21 Q. Did you then discuss with her signing a consent
22 to search?

23 A. Yes, ma'am, I did.

24 Q. And did she, in fact, sign that consent?

25 A. She did.

1 Q. Did you observe any injuries on her?

2 A. Yes, ma'am. When I was speaking to her, I
3 observed two small lacerations on her right arm.

4 Q. I'm showing you what's been marked as State's
5 Exhibit 7. Does that fairly and accurately represent
6 what you saw on her arm on March 20th, 2011
7 (indicating)?

8 A. Yes, ma'am.

9 MS. HARVEY: Tender to opposing counsel.
10 Offer State's 7 into evidence.

11 **(State's Exhibit No. 7 Offered)**

12 MR. VARELA: No objection to 7.

13 THE COURT: State's Exhibit 7 is admitted.

14 **(State's Exhibit No. 7 Admitted)**

15 Q. (By Ms. Harvey) So, as we're looking at State's
16 Exhibit 7, are those the two injuries that you observed?

17 A. Yes, ma'am.

18 Q. Were they openly bleeding?

19 A. Not that I recall at the time.

20 MS. HARVEY: Pass the witness.

21 **CROSS-EXAMINATION**

22 **BY MR. VARELA:**

23 Q. Deputy Berry, I just have a couple of
24 questions.

25 Did any female deputies show up to the

1 scene, as far as you know?

2 A. Not that I recall, sir.

3 Q. Let me ask you about the -- the consent form.
4 You asked her to sign a consent form to search the
5 house, correct?

6 A. The consent form -- I explain to people it
7 allows us -- gives us permission to be inside the
8 residence.

9 Q. That wasn't my question. You asked her to sign
10 a consent form, correct?

11 A. Correct.

12 Q. And you explained what that all entailed?

13 A. Yes, sir.

14 Q. She was under no obligation to sign any consent
15 at that point, correct?

16 A. Correct.

17 Q. Consent form says: I, blank, authorize the
18 police to search my entire house, essentially. Right?

19 A. Correct.

20 Q. There was no limitation placed on that search?

21 A. Not that I recall, no, sir.

22 Q. She didn't say: Well, you can search here, but
23 you can't search over there, right?

24 A. Correct.

25 Q. She gave an unlimited freedom or authority for

1 you and your other police officer colleagues to go
2 through her house, right?

3 A. Correct.

4 Q. In essence, she cooperated with the
5 investigation as far as you could see?

6 A. Yes, sir.

7 MR. VARELA: Pass the witness.

8 MS. HARVEY: Nothing further from this
9 witness, Your Honor.

10 THE COURT: May this witness be excused?

11 MS. HARVEY: Yes, Your Honor.

12 THE COURT: Thank you, sir. You may step
13 down and you're excused.

14 THE WITNESS: Thank you, ma'am.

15 THE COURT: Call your next witness.

16 MS. HARVEY: State calls Deputy Crouch.

17 THE BAILIFF: The witness has not been
18 sworn, Judge.

19 THE COURT: Okay. Deputy, if you will step
20 forward, raise your right hand, and the clerk will swear
21 you in.

22 (Witness sworn)

23 THE COURT: You can have a seat.

24 You may proceed.

25 MS. HARVEY: Thank you, Your Honor.