

1 (Court recess).

2 THE COURT: All right. Let's go.

3 (Jury in).

4 THE COURT: All right. Be seated.

5 All right. Ladies and gentlemen, that
6 wasn't when I was planning on taking a scheduled break.
7 But I really don't plan on taking another one unless we
8 need to since that took a little bit longer. I do want
9 y'all to know that we haven't just been on a break out
10 here. We have been doing some work that I think you
11 will actually find will end up saving some time for
12 everybody. So, I think that's -- it was actually
13 probably a good productive break.

14 Call your next witness again, please.

15 MS. ROBERTS: Your Honor, the State calls
16 Kristina Blackmon.

17 THE COURT: Okay. Go ahead.

18 MS. ROBERTS: Thank you, Your Honor.

19 KRISTINA BLACKMON,
20 having been first duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. ROBERTS:

23 Q. Can you please introduce yourself the jury?

24 A. My name is Kristina Blackmon. K-r-i-s-t-i-n-a,
25 B-l-a-c-k-m-o-n.

1 Q. All right. And, Kristina, where are you
2 currently employed?

3 A. I'm currently employed by the City of Houston,
4 the Houston Forensic Science Center Forensic Analysis
5 Division.

6 Q. Okay. Did -- at some point did you used to
7 work at the Houston Crime Lab?

8 A. Yes.

9 Q. All right. Now, can you tell me a little bit
10 about the Houston Crime Lab. What kind of place is
11 that?

12 What is it?

13 A. It's a lab that we process evidence for DNA.

14 Q. Now, first, let's go back. What is your
15 training and experience or what exactly do you do at
16 crime lab?

17 A. At the time that I worked on this case, I was
18 what you would call a screener.

19 Q. You were a screener?

20 A. Yes.

21 Q. Okay. And what exactly does that mean?

22 A. A screener processes evidence and looks for
23 blood and semen specifically.

24 Q. Okay. Now, what type of training and
25 experience do have to go through in order to become a

1 screener?

2 A. Well, I have a Bachelor of Science in
3 Chemistry and Biology from the University of Texas at
4 El Paso. I also have a Master's in forensic DNA and
5 serology from the University of Florida. I'm also a
6 molecular biology fellow member of the American Board
7 of Criminalistics. We went through extensive in-house
8 training. We completed qualified tests as well as
9 competency tests and we were able to work on casework.

10 Q. Okay. So, when you were with the Houston
11 Crime Lab, was that an accredited laboratory?

12 A. Yes. At that time it was accredited by ASCLD
13 Lab, which is the American Society -- I'm sorry -- the
14 American Board of Criminal Directors Lab Accreditation
15 Board.

16 Q. And what does it mean to be accredited?

17 A. What it means to be accredited is that the
18 lab's results in regards to meeting standards and
19 guidelines of the ASCLD Lab as well as our own
20 guidelines.

21 Q. Okay. And how does a lab become accredited?

22 A. What they do is they submit a request to get
23 audited by an external board, which was the ASCLD Lab.
24 So, a group of trained auditors come in to look at all
25 of our paperwork as far as our validation studies,

1 proficiency tests, casework. And they see to see
2 things -- they look to see if we are meeting their
3 guidelines as well as our own.

4 Q. All right. And individually as employees of
5 an accredited lab, do you undergo testing?

6 A. Yes. We take proficiency tests twice a year.

7 Q. And what is that?

8 A. A proficiency exam is basically a test which
9 is a mock casework where we -- where we work it just as
10 a regular casework. We don't know the results of it.
11 And then the results are given to the external lab.
12 And those results are sent to ASCLD lab to see if we
13 were accurate.

14 Q. Okay. And you said this happens twice a year?

15 A. Yes.

16 Q. Okay. How long have you been an employee or
17 how long were you an employee of the HPD Crime Lab?

18 A. I have been working there since February 2011.

19 Q. Okay. Now, you said that you now work for the
20 Houston Forensic Science Center.

21 A. Yes.

22 Q. Okay. Is that the same thing?

23 A. Well, it's basically -- we've changed
24 management into a local government corporation. So, we
25 still have the same employees, we've just changed

1 management to a different corporation. We are no
2 longer under HPD.

3 Q. Okay. So, the Houston Forensic Science
4 Center, is that an accredited laboratory as well?

5 A. Yes. We were currently accredited by the
6 Texas Department of Public Safety as well Forensic
7 Quality Services.

8 Q. Okay. And so, even through the change you
9 still have accreditation sources?

10 A. Correct.

11 Q. Okay. Now, how long did you hold the position
12 of being a screener?

13 A. About two years.

14 Q. Okay. And how -- did you screen few or many
15 pieces of or evidence for DNA?

16 A. Oh, tons of cases.

17 Q. Okay. Have you ever testified before?

18 A. Yes.

19 Q. All right. Is that on few or many occasions?

20 A. I would say twice.

21 Q. All right. And in those two times, did you
22 testify as an expert?

23 A. Yes.

24 Q. Now, we discussed a little bit what a screener
25 means. But what is your everyday duties as a screener?

1 A. So, as a screener we receive evidence and we
2 screen it for blood and semen. We make sure that we
3 preserve the evidence. And we secure the evidence and
4 we retain any positive items for further DNA analysis.

5 Q. Okay. So, when you say you screen it for
6 blood or semen, how do you do that?

7 A. We use presumptive and confirmatory tests.

8 Q. Okay. So, is it by the naked eye or is it
9 through some sort of other method?

10 A. It's through both. If we see any type of
11 staining that could indicate any type of blood, then we
12 will go ahead and test it for presumptive testing of
13 blood. But for semen, we use other types of tests in
14 order to indicate if there was semen present.

15 Q. Okay. And what kind of tests are those?

16 A. Do you want to talk about this specific one?

17 Q. Sure. We can go ahead into this specific
18 case.

19 Were you assigned -- at some point were
20 you assigned to work on a case with Incident No.
21 179079909?

22 A. Yes.

23 Q. Okay. And when were you assigned to work on
24 that case?

25 A. I believe May 23rd, 2012.

1 Q. All right.

2 A. Oh, I'm sorry. I'm sorry. I misstated. May
3 10th, 2012.

4 Q. All right. And when you get assigned a case,
5 are you assigned just one at a time or many at a time?

6 A. Many.

7 Q. All right. Do you work on all of them at the
8 same time or do you work on them one by one?

9 A. One at a time.

10 Q. All right. So, if you have -- if you're
11 assigned 10 cases, do the items of those 10 cases all
12 just get put in a room together for you to look at them
13 or do you take them out one by one to actually check on
14 them?

15 A. We only work on one case at a time. So, only
16 one evidence -- piece of evidence at a time.

17 Q. Okay.

18 MS. ROBERTS: Your Honor, may I approach
19 the witness?

20 THE COURT: Yes, ma'am.

21 Q. (BY MS. ROBERTS) All right. I'm going to
22 show you what's been marked previously as State's
23 Exhibit No. 8.

24 I'm actually going to back up and show
25 you what's been previously been marked as State's

1 Exhibit No. 7. Do you recognize this item?

2 A. Yes, I do.

3 Q. And how do you recognize it?

4 A. I recognize it with the incident number, which
5 is a unique identifier, with my initials, the date as
6 well as the item number, which is also a unique
7 identifier.

8 Q. Okay. And so, you said there's a date on
9 there. What date is it?

10 A. May 10th, 2012.

11 Q. Okay. And so, looking at that, is that the
12 same date that you said you were assigned this case?

13 A. Yes.

14 Q. All right. At the top does it have the name
15 of who's -- what this is first?

16 A. Yes. It's a sexual assault kit.

17 Q. Okay. And does it say who the sexual assault
18 kit belongs to?

19 A. Yes.

20 Q. What is the name on it?

21 A. Natalie Pineda.

22 Q. All right. And so, looking at State's Exhibit
23 No. 7, does this look like it's in -- or that it was in
24 a condition that you knew it to be before it was cut on
25 the side and had SANE exam removed?

1 A. Yes. There is sealed evidence tape as well as
2 my initials.

3 Q. All right. And where are your initials? Are
4 they on the evidence tape?

5 A. Yes, as well as the packaging.

6 Q. Okay. And does it have a date on there as
7 well?

8 A. Yes, May 22nd, 2012.

9 Q. All right. Now, moving on to State's Exhibit
10 No. 8. Do you recognize this item?

11 A. Yes.

12 Q. Okay. And how do you recognize it?

13 A. Again, I also have the incident number as well
14 as the item number, which are two unique identifiers,
15 as well as my initials.

16 Q. Okay. And when we open it up, we see that
17 there are several envelopes inside. Can you just take
18 a look through these? I believe they're State's
19 Exhibit 11, 12, 13, 14, 15, 16, and we're missing 17,
20 but then it also has 18.

21 A. Yes.

22 Q. Do you recognize all of those items?

23 A. Yes.

24 Q. And how do you recognize them?

25 A. Again, with the incident number, the item

1 numbers which are two unique identifier numbers as well
2 as my initials.

3 Q. Okay. And so, when you're talking about item
4 numbers, are these the numbers you or your lab gives to
5 them?

6 A. Yes.

7 Q. Okay. And so, what type of numbers are they?
8 Are they like up the hundreds or lower numbers?

9 A. The sexual assault kit was given a number by
10 the property room, which was Item No. 3. And then each
11 item inside of the sexual assault is given a sub-item.
12 So, one is 3.8, 3.2 and so on.

13 Q. Okay. But all of these things you recognize
14 as something that you worked on in the Houston Police
15 Department Crime Laboratory?

16 A. Yes.

17 Q. Okay. And in reference to the case that we're
18 talking about today?

19 A. Correct.

20 Q. All right. And I'm going to ask you, State's
21 Exhibit No. 17, do you recognize this?

22 A. Yes.

23 Q. Okay. And can you please say how do you
24 recognize it?

25 A. This is a microscopic slide. And I recognize

1 it again with my initials, the date, the incident
2 number and as well as item numbers listed on here.

3 Q. Okay. And so, are -- is this in the same
4 condition or substantially same condition as the last
5 time you saw it?

6 A. Yes, it is. With my sealed evidence tape and
7 it does not look like it's been tampered with.

8 Q. Okay. And so, both 7 and 17 are something
9 that you are familiar with though?

10 A. Yes.

11 MS. ROBERTS: Your Honor, at this time
12 I'm going to go ahead and tender State's Exhibit No. 7
13 and State's Exhibit No. 17 to opposing counsel and
14 offer them into evidence.

15 MS. REDDI: No objections, Your Honor.

16 THE COURT: Did you say State's 7?

17 MS. ROBERTS: 7 and 17.

18 THE COURT: 7 is already in.

19 MS. ROBERTS: I don't think so, your
20 Honor.

21 THE COURT: Okay. They're both in.

22 MS. ROBERTS: Thank you, Your Honor.

23 Q. (BY MS. ROBERTS) All right. So, now, let's
24 go ahead and just talk about what you did on this
25 particular case. All right?

1 A. Okay.

2 Q. So, you were given the sexual assault kit that
3 we -- you and I just went through; is that correct?

4 A. Correct.

5 Q. Okay. And so, then what is the first thing
6 you do when you're screening this type of case?

7 A. Do you want me to go in detail or just --

8 Q. Let's go ahead and get into a little bit more
9 detail.

10 A. Okay. So, when I receive the sexual assault
11 kit, I first decontaminate my work area, decontaminate
12 all my utensils that I'm using. Make sure that I put
13 on all my protective gear, gloves, mask, my coat. And
14 then I will put on clean bridger paper onto my bench.
15 I will take the sexual kit into my custody. And then I
16 will make sure that the incident number matches the
17 report that I have to make sure that I'm -- they
18 coincide with each other.

19 After that I will make sure I initial and
20 put the unique identifiers on everything. Inventory
21 the entire sexual assault kit making sure I see exactly
22 what is inside of it. And mark if there's anything
23 that wasn't sealed right or anything like that.

24 Then I will go ahead and look at the
25 medical report and see what kind of testing that I will

1 proceed to.

2 Q. Okay. So, let's back up just a second. You
3 said that you look to see if anything wasn't properly
4 sealed or something was damaged. Did you see any of
5 that today or on that date, I mean?

6 A. No. It was properly sealed.

7 Q. Okay. And so, then after that, what -- sorry.
8 What did you say you did?

9 A. After that I will go ahead and open the sexual
10 assault kit and I will inventory all the items to make
11 sure I see exactly what is present in the sexual
12 assault kit.

13 Q. Okay. And did you say that you used the SANE
14 examination done by the doctor in order to determine
15 what to test?

16 A. Correct.

17 Q. Okay. And why do you do that?

18 A. There might be certain notations from certain
19 swabs that were taken from the complainant that may
20 need -- for example, in this case there were certain
21 notations that I needed to keep certain swabs for
22 contact DNA. And we do not do any type of testing for
23 semen.

24 Q. Okay. And so, once you have that information,
25 what did you do? How did you proceed?

1 A. So, then I went ahead and started doing
2 presumptive testing on the swabs that I needed to go
3 ahead and do semen testing on, which was Item 3.2,
4 Item 3.3 and Item 3.13.

5 Q. Okay. And so, the presumptive testing, how is
6 that done?

7 A. So, the initial presumptive testing for semen
8 is a basic chemical color change. So, we add a
9 chemical to a portion of the swab. And if that
10 chemical changes a color to purple within 60 seconds,
11 then that is presumptively positive for semen.

12 Q. And let me back up. I might have just missed
13 it. But do you use the whole swab or do you use a
14 portion or a cutting of the swab?

15 A. Well, for this specific color change we
16 transfer the swab onto a filter paper, which doesn't
17 take up all of the substance on the swab. It just
18 takes up a portion of the swab. And that will be used
19 to make our chemical color change.

20 Q. Okay. And so, you still have a portion or a
21 substantial portion of the swab left for testing?

22 A. Correct.

23 Q. Okay. And so, once you do the color change or
24 -- I guess did you see color change in any items that
25 you were looking at?

1 A. So, on Item 3.2, anal swabs, there was a
2 positive presumptive test on that. As well as the
3 3.1.3 leg swabs, there was a positive presumptive semen
4 test for that. 3.3 fingernail swabs was negative.

5 Q. Okay. Now, when you've looking at these
6 swabs, can you tell how much semen is on the swabs?

7 A. No.

8 Q. Okay. And so, once you get the presumptive,
9 what do you do at that point?

10 A. Then we will go on to confirmatory, which is
11 our microscopic spermatozoid examination. And that is
12 basically taking a portion of the swab and putting it
13 on a slide to examine under the microscope for
14 spermatozoid?

15 Q. And in either 3.2, which was the anal swab, or
16 3.13, being the leg swab, did you see any spermatozoid?

17 A. Yes. I saw approximately 10 spermatozoa on
18 the anal swabs, 3.2. And approximately 12 spermatozoa
19 on 3.13, leg swabs.

20 Q. Okay. So, she actually had sperm in her
21 swabs?

22 A. Correct.

23 MS. ROBERTS: And, Your Honor, may I
24 approach briefly?

25 THE COURT: Yes, ma'am.

1 Q. (BY MS. ROBERTS) Just to be clear for the
2 record, we're talking about -- you keep saying 3.13.

3 A. Um-hum.

4 Q. And then also --

5 A. 3.2.

6 Q. 3.2.

7 Just to be clear, are we talking about
8 when we're looking at those, State's Exhibit No. 9 as
9 being 3.2 and State's Exhibit No. 12 as being 3.13?

10 A. Correct.

11 Q. Okay. Just to be clear. Thank you.

12 All right. And so, when you saw the
13 sperm -- spermazoid [sic] on these swabs, could you
14 tell how much was there?

15 A. I'm sorry. I don't understand you.

16 Q. Sorry. When you were looking at these under
17 the microscope, could you see a lot of sperm or just a
18 little bit?

19 A. Well, that's exactly the amount of sperm
20 approximate that I saw. Each sperm is with a tail is
21 exactly what I saw.

22 Q. Okay. The 10 and the 12?

23 A. Right.

24 Q. Okay. After you did that, what did you do?

25 A. Then I portioned those -- a portion of those

1 swabs and I retained it in lab for further DNA
2 analysis.

3 Q. Okay. Did you have anything to do with the
4 further analysis of it or was this the end of your
5 screening portion for these two swabs?

6 A. That was the end of my screening portion.

7 Q. And why did you only take a portion of these
8 swabs?

9 A. We do not consume the whole entire swab. We
10 want to make sure that we retain it for further testing
11 or anything else that needs to be done on it.

12 Q. Okay. After working with the anal swab and
13 leg swab, did you work on any other swabs on this date?

14 A. Yes. I also portioned other swabs for contact
15 DNA specifically. So, on Item 3.8, the SANE nurse had
16 written that he kissed me on the lips swabs. So, I
17 took a portion of those swabs for DNA, but specifically
18 contact DNA.

19 Q. Okay. So, do you do any confirmatory testing
20 on those?

21 A. No. There's no testing whatsoever done on
22 those swabs. It's just a portion and taken on for
23 further DNA analysis.

24 Q. Okay. And what is contact DNA?

25 A. Contact DNA is DNA such as touching, you know,

1 sweat. Anything other than blood or semen.

2 Q. Okay. And then after the lip swab, did you
3 work on any other swabs for the kit?

4 A. Yes. There were also Item 3.10, vaginal
5 swabs, and Item 3.11, labia minora swabs, that I kept
6 for contact due to the fact that the SANE nurse wrote
7 he put his fingers in my vagina.

8 Q. Okay. And so, this is just like that lip swab
9 where you didn't do confirmatory testing?

10 A. Correct. Just took a portion of that swab for
11 contact DNA.

12 Q. Okay. And then after working with 3.10 and
13 3.11 being the vaginal and labia minora swabs, what did
14 you do next?

15 A. I also portioned the known buccal swabs from
16 the complainant. That's 3.4. And I just took a
17 portion of her known saliva swabs for further DNA
18 analysis.

19 Q. Okay. And at that point, was that everything
20 you worked on in this case?

21 A. Yes.

22 Q. Okay. And then after you worked on them and
23 got your cuttings and had the confirmatory on some of
24 them, did you pass all of them on for further testing?

25 A. Correct. I retain all the positive and

1 probative samples in a storage facility for DNA
2 analysis.

3 Q. Okay. And when you say in storage, are they
4 just held in a regular room or is this a different type
5 of room?

6 A. Specifically, this was held in what we called
7 our walk-in freezer, which is a secure freezer with a
8 lock.

9 Q. Okay. So, does everybody have access or is it
10 secured access?

11 A. Only lab -- crime lab employees have access to
12 it.

13 Q. Okay. And so, could -- but anybody from the
14 crime lab, can they come in and just grab it and start
15 working on it or do they have certain things where they
16 have to like sign in or somehow do something on the
17 computer to show they're working on it?

18 A. Yes. They have to put that into their
19 custody. So, we have to show a chain of custody in
20 order for you to even touch the piece of evidence.

21 Q. Okay.

22 MS. ROBERTS: Your Honor, may I approach
23 the witness?

24 THE COURT: Yes, ma'am.

25 Q. (BY MS. ROBERTS) I'm going to go ahead and

1 show you what's been marked as State's Exhibit No. 28.

2 Do you recognize this?

3 A. Yes.

4 Q. Okay. And how do you recognize this?

5 A. This is the lab report that I made from this
6 case. It has my name as well as all the items that I
7 worked on.

8 Q. Okay. And so, is this a fair and accurate
9 representation of the things you worked on on those
10 dates leading up to the 23rd?

11 A. Yes.

12 Q. Okay. And so -- and just seeing it on the
13 front, it says report date being May 23rd, 2012. So,
14 is that the end of your time with these items?

15 A. Specifically, I -- let me double-check the
16 chain of custody. Because that is the day that I made
17 the report.

18 Yes. So, the 23rd was when I portioned
19 those -- well, the 23rd was when I sent back the sexual
20 assault kit and no longer had those items in my
21 possession.

22 Q. Okay.

23 MS. ROBERTS: Your Honor, at this time
24 State offers State's Exhibit No. 28 and tenders it to
25 opposing counsel.

1 MS. REDDI: No objections, Your Honor.

2 THE COURT: All right. Thank you.

3 State's 28 will be admitted.

4 Q. (BY MS. ROBERTS) All right I just have a few
5 more questions for Kristina. You said you were
6 assigned this case in May of 2012?

7 A. Yes.

8 Q. Do you have any knowledge of what was going on
9 prior to that on this case?

10 A. No.

11 Q. Okay. And so, upon the time you were assigned
12 to it, did you delay or wait before doing anything or
13 did you work on it right afterwards?

14 A. I worked on it immediately.

15 MS. ROBERTS: Your Honor, I pass the
16 witness.

17 THE COURT: Ms. Reddi?

18 MS. REDDI: Thank you, Your Honor.

19 THE COURT: Yes, ma'am.

20 CROSS-EXAMINATION

21 BY MS. REDDI:

22 Q. My apologies again, ma'am. What was your last
23 name?

24 A. Blackmon, B-l-a-c-k-m-o-n.

25 Q. Thank you. Ms. Blackmon, when did the HPD

1 Crime Lab name change to whatever the new name that you
2 just mentioned?

3 A. It happened in April of last year.

4 Q. Okay. And what is it now called?

5 A. Houston Forensic Science Center.

6 Q. Okay. And would you agree with me that the
7 HPD Crime Lab has been in the news a lot for their
8 shoddy police work?

9 MS. ROBERTS: Objection, Your Honor, to
10 relevance.

11 THE COURT: Overruled.

12 Q. (BY MS. REDDI) You may answer the question,
13 ma'am.

14 A. I'm sorry. Can you --

15 Q. Would you agree with me that HPD Crime Lab has
16 been in the news quite a bit for their shoddy police
17 work?

18 A. I don't have too much knowledge in regards to
19 the news just 'cause I don't watch the news very
20 much --

21 Q. Okay.

22 A. -- personally.

23 Q. All right. Do you know that there are cases
24 that were dismissed because of their shoddy police
25 work?

1 MS. ROBERTS: Objection, Your Honor, to
2 relevance and to speculation.

3 THE COURT: Sustained.

4 Q. (BY MS. REDDI) Do you know what the reason
5 was for the name change, if you know?

6 A. I just know that they were wanting to make
7 sure that there was no outside look of any influence
8 from HPD. So, in order to make sure that that was a
9 perspective, that we get out from under HPD and go into
10 a local government corporation.

11 Q. Okay. How long have you worked at this crime
12 lab?

13 A. Since February 14th, 2011.

14 Q. Okay. Now, you said -- you talked about
15 contact DNA. Did you actually -- does that mean
16 there's several parts of the DNA that weren't tested?

17 A. I'm sorry. I'm not --

18 Q. Like you had the lip swab that you said that
19 was done. Was that tested?

20 A. I retained it for further DNA analysis.
21 Whether it was tested or not, I'm not -- I just
22 retained the swabs.

23 Q. So, to sum up, what exactly was tested?

24 A. What I specifically tested for semen was 3.2,
25 3.3 and 3.13.

1 Q. Okay. And what is your title again at the
2 crime lab?

3 A. Criminalist.

4 Q. Okay. So, as a criminalist, all you can tell
5 from this is whether or not the DNA belongs to a
6 particular person, correct?

7 A. I can't say that. I only tested whether semen
8 was present or not.

9 Q. Okay. And who gets to do that comparison
10 then?

11 A. Priscilla Hill was the DNA analyst on this
12 case.

13 Q. Okay. So, what exactly did you do then on the
14 case?

15 A. So, I specifically only tested to see if semen
16 was present or not. I can't tell who it was from. I
17 can only tell you whether semen was present.

18 Q. Okay.

19 MS. REDDI: No further questions, Your
20 Honor.

21 THE COURT: All right. Ms. Roberts?

22 MS. ROBERTS: Nothing further from this
23 witness, Your Honor.

24 THE COURT: All right. Thank you, ma'am.
25 You may step down and step outside.

1 Call your next witness, please.

2 MS. ROBERTS: Your Honor, the State calls
3 Priscilla Hill.

4 THE COURT: Ma'am, you will stand there
5 and be sworn in as a witness, please.

6 Ms. Roberts?

7 MS. ROBERTS: Thank you, Your Honor.

8 PRISCILLA HILL,
9 having been first duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. ROBERTS:

12 Q. Okay. Ms. Hill, can you please introduce
13 yourself to the jury?

14 A. Hi. My name is Priscilla Hill.

15 Q. All right. And, Ms. Hill, where do you
16 currently work?

17 A. I currently work for the Institute for -- the
18 Harris County Institute of Forensic Sciences Forensic
19 Genetics Laboratory.

20 Q. And what do you do there?

21 A. I am a DNA analyst as well as the DNA
22 interpretation manager.

23 Q. At a previous time -- where else have you
24 worked?

25 A. My previous employment was with the Houston