

1 may proceed.

2 MS. ASSAAD: Thank you, Judge.

3 C. D. BOWMAN,

4 having been first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. ASSAAD:

7 Q. Officer Bowman, can you please state your full
8 name for the record?

9 A. My name is Chace Douglas Bowman.

10 Q. And you are a police officer?

11 A. Yes, ma'am.

12 Q. With what agency?

13 A. With Houston Police Department.

14 Q. And how long have you been a certified peace
15 officer?

16 A. Approximately a little over four years --
17 four-and-a-half years. I'm sorry. Four-and-a-half
18 years.

19 Q. Did you have to undergo training to become a
20 police officer?

21 A. Yes, ma'am. We did six months in the Houston
22 Police Academy. Then we did six months of field
23 training, probationary period.

24 Q. And do you take classes to keep up with your
25 education?

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1 A. Yes. Each year we have to take a required
2 amount of continuing education to keep our commission
3 through the State.

4 Q. What is your current assignment?

5 A. My current assignment is I am assigned to the
6 Investigative First Responders' Division out of the
7 Northwest Patrol Station.

8 Q. How long have you had that assignment?

9 A. I've been at this assignment for about a year.

10 Q. Did you -- how did you become involved in this
11 case?

12 A. It was actually December 31st, 2012. I was
13 dispatched to an assault in progress on the way back to
14 the station.

15 Q. Do you recall about what time that was?

16 A. It was between -- it was around 12:15 p.m.,
17 12:20.

18 Q. And what did you see when you -- well, where
19 was the scene?

20 A. It was at a -- it was in a parking lot of the
21 McDonald's off of 290 and West Tidwell. And I was
22 driving back to the station, and our station is kind of
23 in that area. And when I arrived on scene, I saw a male
24 and female. The female was crying, and the male
25 appeared to be yelling at the female.

1 MS. ASSAAD: Judge, may I approach the
2 witness?

3 THE COURT: Yes, you may.

4 Q. (BY MS. ASSAAD) Do you recognize that map?

5 A. Yes.

6 Q. Do you recognize the blue dot on that map as
7 the location of the scene where you are referring to?

8 A. Yes, ma'am.

9 Q. And you said it was a McDonald's?

10 A. Yes.

11 Q. And does this accurately depict the location of
12 that McDonald's?

13 A. Yes.

14 MS. ASSAAD: State offers State's 1 and
15 tenders to opposing counsel.

16 MR. SANTOS: No objection, Your Honor.

17 THE COURT: State's 1 is admitted.

18 Q. (BY MS. ASSAAD) Okay. Officer, what are the
19 main freeways that we are looking at in this map?

20 A. Okay. This purple line, where the blue dot
21 lies on it, that's going to be 290 or Northwest Freeway.

22 Q. And then the green --

23 A. The green line is going to be West Tidwell.
24 It's kind of hard to see. It's going to be right there,
25 crossing over (indicating).

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1 Q. Okay. So, this is at 290 and West Tidwell?

2 A. Yes.

3 Q. That's where the blue dot is?

4 A. Yes.

5 Q. And is that in Harris County, Texas?

6 A. Yes.

7 Q. So, back to what you observed when you arrived
8 on scene. Can you pick up from there?

9 A. Yes. So, I arrived on scene. The female was
10 crying. Male appeared to be yelling. As soon as I got
11 there, the first thing I did was I put the male in
12 handcuffs. He seemed to be the aggressor. I hadn't
13 talked to him yet. I put him in handcuffs, and I put
14 him in the back of my patrol car.

15 Q. And is that typically what you do when you
16 arrive at the scene and you need to figure out what
17 happened?

18 A. Yes. Typically, if there is an aggressor or
19 you feel that there is an aggressor, you want to detain
20 him, search him, make sure there is no weapons, try to
21 make the scene safe upon arrival; and then afterwards
22 you can start your on-scene investigation.

23 Q. And what did you do to investigate at that
24 point?

25 A. The first thing I did was I talked to the

1 female. She was crying, and she told me --

2 MR. SANTOS: Judge, objection, your Honor,
3 to hearsay.

4 THE COURT: That is sustained at this
5 time.

6 Q. (BY MS. ASSAAD) Without saying what she said to
7 you, you did talk to the female who was crying?

8 A. Yes.

9 Q. And what did you do after you talked to her?

10 A. After I talked to the female, the female that
11 was crying, I looked for anybody else on scene that
12 might have, you know, saw what happened. The male had
13 arrived in a truck and there was a female in the truck
14 and I spoke to her and she was a -- I think she was the
15 girlfriend of the male. So, I wasn't quite sure if I
16 could take her statement as reliable and credible at
17 that time.

18 So, we called the reportee. The reportee
19 is the person who actually called in saying, I see
20 somebody being assaulted. We called her back to the
21 scene, and I talked to her about what happened.

22 Q. And what is the name of the female who was
23 crying, the complainant in this case?

24 A. Her name is Ms. Cenobio, I believe, her last
25 name.

1 Q. And do you recall the name of the witness that
2 you spoke with, the reportee?

3 A. Yes. Her name is Ms. Archie.

4 Q. When you were speaking with Cenobio, the
5 complainant, did you actually see any injuries on her
6 person?

7 A. I did not see any injuries at that time, no.

8 Q. And based on your knowledge of assault, Class A
9 assault, is that something that is required?

10 A. No.

11 Q. Did she appear to be in pain at that time?

12 A. No, not at that time, no.

13 Q. Did you take any photos?

14 A. I did not, no.

15 Q. Is that because you did not see any injuries?

16 A. Right. She didn't have any visible injuries
17 that I could see, so I didn't take any photos.

18 Q. And based on your investigation, what was your
19 conclusion?

20 MR. SANTOS: Judge, I'm going to object.
21 I think that that's the province of the jury.

22 THE COURT: Overruled. Based on your
23 investigation. Go ahead.

24 A. Based on my investigation, I thought an assault
25 had occurred from the facts that I had gathered from the

1 statements of the people on scene. So, what typically
2 happens is an officer would call the District Attorney's
3 Office and speak with a district attorney who's on call.
4 And I relayed the facts to the district attorney and
5 they accepted the charge of assault.

6 Q. (BY MS. ASSAAD) And had you spoken with the
7 person who became the defendant at that time?

8 When you had called the D.A.'s Office, had
9 you already spoken with her?

10 A. Yes, I had spoken with her.

11 Q. And do you recall the defendant's name in this
12 case?

13 A. Yes.

14 Q. What is his name?

15 A. His name is Mr. Mazuera.

16 Q. And he was the person that you arrested that
17 day for assault?

18 A. Yes.

19 Q. Do you see him in the courtroom today?

20 A. Yes, ma'am.

21 Q. Can you identify him by an article of clothing?

22 A. He's wearing a black shirt.

23 MS. ASSAAD: May the record reflect that
24 the witness has identified the defendant.

25 THE COURT: The record will reflect that.

1 MS. ASSAAD: Pass the witness.

2 THE COURT: Mr. Santos.

3 MR. SANTOS: Yes, Your Honor.

4 **CROSS-EXAMINATION**

5 BY MR. SANTOS:

6 Q. So, Officer Bowman, you don't know either one
7 of these -- the complainant or the defendant; is that
8 correct?

9 A. No, sir.

10 Q. Never had any dealings with them before?

11 A. No, sir.

12 Q. You testified that you spoke to the person, the
13 passenger, in the red truck; is that correct?

14 A. Yes, sir.

15 Q. And you determined that she was the girlfriend?

16 A. Yes.

17 Q. And so based on what she told you, I guess you
18 said that you really didn't -- you had a credibility
19 issue because she's the girlfriend?

20 A. Yes, sir.

21 Q. Right. So, you didn't see anything -- any of
22 what happened out there; is that correct?

23 A. No, I did not, no, sir.

24 Q. And so you telling the jury that you, I guess,
25 concluded that it was an assault is just based on what

1 information you gathered?

2 A. Right. Yes.

3 Q. And you decided to give no credibility or no
4 weight to what the witness that was in the vehicle told
5 you?

6 A. Right. Yes, sir.

7 Q. Okay. But you said that the complainant had no
8 visible injuries?

9 A. No, sir.

10 Q. Nothing on her back? No injuries on her back?

11 A. No.

12 Q. No injuries on her head?

13 A. No.

14 Q. No injuries on her hands or knees? Nothing?

15 A. No, sir.

16 MR. SANTOS: Okay. Pass the witness, Your
17 Honor.

18 THE COURT: Ms. Assaad.

19 MS. ASSAAD: Thank you, Judge.

20 **REDIRECT EXAMINATION**

21 BY MS. ASSAAD:

22 Q. Officer, why did you determine that the
23 complainant, Ms. Cenobio, and the witness, Ms. Archie,
24 were credible? Why did you believe their story?

25 A. Well, Ms. Archie for one did not know anybody.

1 She didn't know the complainant, and she didn't know --
2 she didn't know the male or the female when I first
3 arrived. She was just a passerby. I felt like a
4 neutral witness was, you know, the better -- had a
5 better reliability than the girlfriend of the guy who
6 was there.

7 Q. Did the defendant ever explain to you what
8 happened or what he -- did he ever say what he -- what
9 his story was?

10 A. He did. I don't remember exactly what he said,
11 but he did say that he didn't do anything. I mean, he
12 did say that he didn't -- I mean, he wasn't at fault for
13 anything.

14 Q. Did he ever say he was trying to defend anyone
15 or protect the children?

16 A. I don't recall. I don't remember.

17 Q. Did you see the children at the scene?

18 A. Yes.

19 Q. What did they -- what were their demeanors?

20 A. They were upset.

21 Q. Did you actually speak to them?

22 A. No, I didn't, no.

23 MS. ASSAAD: Pass the witness.

24 THE COURT: Mr. Santos.

25 MR. SANTOS: Yes, Your Honor.

1 stay.

2 THE COURT: Okay. No problem. If you
3 will stick around, please, sir.

4 THE WITNESS: Yes, ma'am.

5 THE COURT: Next witness, please.

6 MS. ASSAAD: Judge, may we approach?

7 THE COURT: Yes, you may.

8 *(At the Bench)*

9 THE COURT: Mr. Santos.

10 MR. SANTOS: Yes, Your Honor.

11 MS. ASSAAD: Can we take a quick break?

12 THE COURT: No problem.

13 *(Jury present)*

14 THE COURT: We're going to take a break.
15 Do you have a card for the door over here?

16 THE BAILIFF: Yes, ma'am.

17 THE COURT: We are going to take a
18 ten-minute break. Thank you.

19 All rise, please.

20 *(Jury leaves courtroom)*

21 THE COURT: All right. Y'all may be
22 seated. Let's take a ten-minute break.

23 *(Recess taken)*

24 THE COURT: Okay. Let's bring in the
25 jury.

1 (Jury enters courtroom)

2 THE COURT: Okay. Y'all be seated,
3 please.

4 All right. Ms. Assaad, you may continue,
5 ma'am.

6 MS. ASSAAD: Thank you, Judge. State
7 calls, Asusena Cenobio.

8 THE COURT: All right. Come up, ma'am.
9 Good afternoon.

10 THE WITNESS: Hi.

11 THE COURT: Were you in here earlier?

12 THE WITNESS: Yes.

13 THE COURT: Keep your voice up so we can
14 all hear what you have to say, okay?

15 THE WITNESS: Yes.

16 THE COURT: Thank you, ma'am. When you
17 are ready, you may proceed.

18 MS. ASSAAD: Thank you, Judge.

19 **ASUSENA CENOBIO,**

20 having been first duly sworn, testified as follows:

21 **DIRECT EXAMINATION**

22 BY MS. ASSAAD:

23 Q. Ms. Cenobio, will you please state your name
24 for the record?

25 A. Asusena Cenobio.