

12:33:08 1 THE COURT: Who is that?

12:33:10 2 MR. LEONARD: The State calls Mike Boyd.

12:33:32 3 MIKE BOYD,

12:33:32 4 Having been first duly sworn by the Court,  
12:33:32 5 testified as follows:

12:33:34 6 MR. LEONARD: May I proceed?

12:33:34 7 THE COURT: You may.

12:33:34 8 DIRECT EXAMINATION

12:33:34 9 QUESTIONS BY MR. LEONARD:

12:33:36 10 Q. Mr. Boyd, please introduce yourself to the Court.

12:33:40 11 A. My name is Mike Boyd. I'm the owner of Boyd,  
12:33:42 12 Smith & Associates. I'm a polygraph examiner.

12:33:46 13 Q. What is your educational background?

12:33:48 14 A. I have an Associates of Arts in Law Enforcement  
12:33:50 15 in 1976 from San Jacinto Junior College and a Bachelor  
12:33:56 16 of Science in Law and Citizen in 1978 from the  
12:34:02 17 University of Houston, Clear Lake City.

12:34:02 18 Q. Tell the Court a little bit about your  
12:34:06 19 professional experience?

12:34:06 20 A. I've been a polygraph examiner since 1978. 35  
12:34:12 21 years all in Houston. I've attended numerous seminars,  
12:34:18 22 continuing education and what not. I have certified  
12:34:24 23 workshops for sex offenders according to our guidelines  
12:34:28 24 set down by the state.

12:34:32 25 Q. Have you ever testified as a witness before?

12:34:34 1 A. Yes, sir.

12:34:34 2 Q. Have you ever met the Defendant John Combest for  
12:34:44 3 the purpose of giving a polygraph examination?

12:34:46 4 A. Yes, sir.

12:34:46 5 Q. Okay. And can you identify him here in court  
12:34:52 6 today?

12:34:52 7 A. Yes, sir. It's the gentleman in the orange jump  
12:34:54 8 suit just to my left.

12:34:56 9 MR. LEONARD: Judge, may the record reflect  
12:34:58 10 that the witness has identified the defendant?

12:35:00 11 THE COURT: Yes. The record will show that.

12:35:04 12 Q. (By Mr. Leonard) When was the last time you met  
12:35:08 13 him for an examination?

12:35:08 14 A. I administered an examination on Mr. Combest on  
12:35:12 15 November 19th of 2012.

12:35:16 16 Q. And just in general, what were some of the things  
12:35:22 17 discussed during that examination?

12:35:26 18 A. I ran what's known as a full sexual history  
12:35:30 19 examination according to the probation department.  
12:35:32 20 Along with that test, administered to cover -- go back  
12:35:36 21 prior to this probation beginning and going back to make  
12:35:40 22 sure that he did not have any other undisclosed minor  
12:35:44 23 child victims.

12:35:46 24 Q. After that examination or on the day of that  
12:35:54 25 examination, when was the next time you heard from the

12:35:56 1 defendant?

12:35:56 2 A. That afternoon.

12:36:00 3 Q. Okay. Tell the Court about that?

12:36:02 4 A. I received a call -- I answered a call that  
12:36:04 5 afternoon approximately -- I administered the test that  
12:36:06 6 morning. And I received a call from Mr. Combest asking  
12:36:12 7 -- he requested my e-mail address, which at that point I  
12:36:16 8 gave it to him.

12:36:16 9 Q. And you recognize that it to be him on the other  
12:36:20 10 line on the other end of the phone?

12:36:22 11 A. Yes, sir.

12:36:22 12 Q. And what did you tell him in response to him  
12:36:26 13 requesting your e-mail address?

12:36:28 14 A. I told him I just -- because I could not disclose  
12:36:32 15 anything concerning any polygraph examination that they  
12:36:36 16 have over the phone, I gave him my e-mail address at  
12:36:42 17 that point.

12:36:42 18 Q. Okay. And did you receive any e-mail  
12:36:46 19 communication from Mr. Combest?

12:36:48 20 A. Yes, sir, I did.

12:36:48 21 Q. And when did you receive this e-mail?

12:36:52 22 A. The next day. Well, when I came in my office --  
12:36:56 23 the next day it was in my e-mail.

12:36:58 24 Q. And that would be November 20th of 2012?

12:37:04 25 A. Yes, sir.

12:37:04 1 Q. And his e-mail, how would it come to you? Did it  
12:37:08 2 come over the internet through your computer?

12:37:10 3 A. Yes, sir. It came to my e-mail address Boyd  
12:37:14 4 Polygraph at Yahoo dot com.

12:37:18 5 Q. Mr. Boyd, I'm going to show you what's been  
12:37:22 6 marked as State's Exhibit 2. Would you take a look at  
12:37:24 7 this and tell me if you recognize it?

12:37:26 8 A. Yes, sir, I do.

12:37:26 9 Q. And just in general, what do you recognize that  
12:37:30 10 to be?

12:37:30 11 A. This is the letter or e-mail that Mr. Combest  
12:37:36 12 sent to my office unexpected.

12:37:36 13 Q. Okay. Is this a fair and accurate copy of the  
12:37:40 14 e-mail that the Defendant John Combest sent to you on  
12:37:44 15 November 20th of 2012?

12:37:46 16 A. Yes, sir.

12:37:46 17 MR. LEONARD: Judge, at this time I'm going  
12:37:48 18 to tender to Defense counsel State's Exhibit 2 and offer  
12:37:52 19 it into evidence.

12:38:04 20 MR. VILLARREAL: No objection, Your Honor.

12:38:06 21 THE COURT: Admitted.

12:38:10 22 Q. (By Mr. Leonard) Mr. Boyd, in general, what's the  
12:38:14 23 nature of that e-mail?

12:38:18 24 A. Mr. Combest tried to point out that possibly his  
12:38:26 25 opinion of what may or may not indicate as far as

12:38:30 1 indications of other undisclosed child victims.

12:38:36 2 Q. Did any of the communications in that e-mail --  
12:38:40 3 were any of those -- did anything in that e-mail have to  
12:38:44 4 do with Mr. Combest's employment or his work?

12:38:48 5 A. No, sir.

12:38:52 6 Q. And were those conversations that he referenced  
12:38:54 7 in that e-mail, were those items that only he would  
12:38:58 8 know?

12:38:58 9 A. Yes, sir.

12:39:02 10 Q. So you're sure it came from him?

12:39:06 11 A. Yes, sir.

12:39:06 12 MR. LEONARD: I pass this witness.

12:39:08 13 THE COURT: Okay. Cross-examination.

12:39:08 14 CROSS-EXAMINATION

12:39:12 15 QUESTIONS BY MR. VILLARREAL:

12:39:12 16 Q. Mr. Boyd, if I understand correctly, were you  
12:39:18 17 aware of some of the conditions of probation that he had  
12:39:20 18 or you were not?

12:39:22 19 A. I had a copy of his conditions, yes, sir.

12:39:24 20 Q. And were you aware that one of the conditions of  
12:39:26 21 probation was that he was not supposed to use the  
12:39:30 22 computer?

12:39:30 23 A. That's correct.

12:39:32 24 Q. Okay. And at that time he told you that he was  
12:39:34 25 going to e-mail you, did you warn him or tell him

12:39:38 1 anything?

12:39:38 2 A. At the time of what, sir?

12:39:40 3 Q. At the time he asked for your e-mail, did you  
12:39:42 4 warn him or tell him anything?

12:39:46 5 A. No, sir, I did not.

12:39:58 6 MR. VILLARREAL: I don't have any further  
12:39:58 7 questions, Your Honor.

12:39:58 8 THE COURT: Okay. Any redirect?

12:40:02 9 MR. LEONARD: May this witness be excused,  
12:40:04 10 Judge? No further questions.

12:40:04 11 THE COURT: All right.

12:40:08 12 MR. VILLARREAL: Yes, Your Honor.

12:40:08 13 THE COURT: Thank you. You may be excused.  
12:40:10 14 Any other witnesses?

12:40:12 15 MR. LEONARD: No further witnesses from the  
12:40:14 16 State.

12:40:14 17 THE COURT: All right. Thank you. Anything  
12:40:18 18 from the Defense?

12:40:18 19 MR. VILLARREAL: The Defense calls Ms.  
12:40:22 20 Catherine Bell, Your Honor.

12:40:22 21 THE COURT: Ms. Bell, come on up, please.

22 CATHERINE LYNN BELL,  
23 having been duly sworn by the Court, testified as  
24 follows:

25 DIRECT EXAMINATION