

1 Mr. Burdette, you may proceed.

2 MR. BURDETTE: State calls Jesse Brown.

3 THE BAILIFF: Your Honor, this witness has
4 not been sworn in.

5 (Witness sworn.)

6 THE COURT: You may proceed.

7 **JESSE BROWN,**

8 having been called as a witness and being first duly
9 sworn, testified as follows:

10 **DIRECT EXAMINATION**

11 **BY MR. BURDETTE:**

12 Q. Good morning, Mr. Brown.

13 A. Good morning.

14 Q. Thank you for being here. Do me a favor and
15 introduce yourself to the members of the jury.

16 A. My name is Jesse Brown. I work for Pretrial
17 Services, Harris County.

18 Q. Tell us a little bit about Pretrial Services,
19 what it is.

20 A. Basically, we gather information from --
21 dependent to history, wherein terms they -- information
22 we use for the criminal history.

23 Q. Okay. Is Pretrial Services something that when
24 a defendant is booked into jail they go through?

25 A. Yes.

1 Q. Are there routine booking questions that are
2 asked of each individual?

3 A. Yes.

4 Q. And then is a report prepared with that
5 information?

6 A. Yes.

7 Q. How long have you worked for the Harris County
8 Pretrial Services Division?

9 A. Thirteen years.

10 Q. When you meet with somebody, do you document
11 their name?

12 A. Yes.

13 Q. And their birth date?

14 A. Yes.

15 Q. And do you verify their identity by SPN number?

16 A. Yes.

17 Q. In this particular case --

18 MR. RUSHING: I'm going to object to the
19 whole line of questioning on relevance, Judge.

20 THE COURT: What's the relevance, Counsel?

21 MR. BURDETTE: The relevance of his --

22 MR. RUSHING: May we approach?

23 THE COURT: Yes, you may.

24 (At the Bench, on the record.)

25 THE COURT: Again, guys, it's to be flushed

1 out before --

2 MR. BURDETTE: This is the first time
3 hearing of it, you thought.

4 MR. RUSHING: Actually, I think it was kind
5 of a game-time decision.

6 MR. BURDETTE: No. He's on the witness
7 list. In any case, the relevance is to establish motive
8 for the burglary. He was unemployed. He had no income
9 at the time that was self-reported during the routine
10 booking questions. It's going to be a quick direct
11 examination.

12 THE COURT: Just to establish his
13 employment status.

14 MR. RUSHING: I'm hearing them talking
15 about criminal history, so --

16 MR. BURDETTE: I'm not going into anything
17 like that.

18 THE COURT: Okay. With that understanding,
19 the objection is overruled.

20 MR. BURDETTE: I'd ask for a little bit of
21 leeway so I can just direct him to those portions.

22 THE COURT: That would be a good idea.

23 (Open court, defendant and jury present.)

24 Q. (By Mr. Burdette) Okay. Mr. Brown, did you
25 have the occasion to interview an individual booked into

1 jail by the name of Khalon Westbrooks?

2 A. Yes.

3 Q. Was that SPN number 02272143?

4 A. Yes.

5 Q. Is a SPN number a number that's a unique
6 identifier assigned to an individual when they're booked
7 into the jail?

8 A. Yes, it is.

9 MR. BURDETTE: Judge, I'd ask that the
10 Court take judicial notice that the SPN number just
11 recited belongs to the defendant, Khalon Westbrooks.

12 THE COURT: Tell me what that is again.

13 MR. BURDETTE: 02272143.

14 THE COURT: I'll take judicial notice of
15 it.

16 Q. (By Mr. Burdette) Now, Mr. Brown, do you ask
17 questions about somebody's employment status, whether or
18 not they're employed?

19 A. Yes.

20 Q. Did you ask Khalon Westbrooks if he was
21 employed?

22 A. Yes.

23 Q. And what did he say?

24 A. "No."

25 Q. He was unemployed?

1 A. He was unemployed.

2 Q. Okay. And let me just ask you: What was the
3 date of this interview?

4 A. It was the 4th of the 2nd, 2012.

5 Q. April 2nd, 2012?

6 A. Yes.

7 Q. All right. He indicated he was unemployed?

8 A. Yes.

9 Q. Do you ask individuals if they have any monthly
10 income?

11 A. Yes, we do.

12 Q. Did you ask Mr. Westbrook if he had any
13 monthly income?

14 A. Yes.

15 Q. And what did he indicate?

16 A. No, he didn't have any monthly income.

17 Q. Did you ask him if he had any physical health
18 problems?

19 A. Yes.

20 Q. What did he say?

21 A. "No."

22 Q. Did you ask him if he had any mental health
23 problems?

24 A. Yes.

25 Q. What did he say?

1 A. "No."

2 Q. Did you ask him if he'd ever been hospitalized
3 for mental health problems?

4 A. Yes.

5 Q. And what did he say?

6 A. "No."

7 MR. BURDETTE: I'll pass the witness.

8 THE COURT: Mr. Rushing?

9 MR. RUSHING: Very briefly, Judge.

10 **CROSS-EXAMINATION**

11 **BY MR. RUSHING:**

12 Q. Sir, did any of his answers to any of those
13 questions tell you, just based on what -- the questions
14 you answered, did any of those tell you whether he was
15 intoxicated the night of his arrest or not?

16 A. No.

17 Q. And did the answers to any of those questions
18 that you just gave to this jury tell you if he was
19 intoxicated or not, if that would have been voluntary or
20 involuntary?

21 A. No.

22 MR. RUSHING: Pass the witness, Judge.

23 THE COURT: Mr. Burdette?

24 MR. BURDETTE: No further questions, Your
25 Honor.

1 THE COURT: May this witness be excused?

2 MR. RUSHING: I have no objection. That's
3 fine, Judge.

4 THE COURT: Thank you, sir. You may step
5 down. You're excused.

6 Call your next witness.

7 MR. BURDETTE: State calls Investigator
8 Chuck Lowry.

9 MR. RUSHING: Judge, before we begin on
10 this witness, I'm going to have the same objection to
11 relevance.

12 THE COURT: Approach the bench.

13 (At the Bench, on the record.)

14 THE COURT: This is the D.A.'s
15 investigator?

16 MR. BURDETTE: Yes. And all he's going to
17 establish is that the complainants currently live in
18 Kansas and their travel funds were approved for their
19 travel. They're not here.

20 MR. RUSHING: I don't see how that's
21 relevant to whether Mr. Westbrook committed this crime.

22 THE COURT: The objection is overruled.
23 You may proceed.

24 (Open court, defendant and jury present.)

25 THE COURT: If you will raise your right

1 hand, please, to be sworn.

2 (Witness sworn.)

3 THE COURT: You may proceed.

4 MR. BURDETTE: Thank you, Judge.

5 **CHUCK LOWRY,**

6 having been called as a witness and being first duly

7 sworn, testified as follows:

8 **DIRECT EXAMINATION**

9 **BY MR. BURDETTE:**

10 Q. Good afternoon, Mr. Lowry.

11 A. Yes, sir.

12 Q. Do you go by Mr. or --

13 A. Chuck.

14 Q. Chuck?

15 A. Yes.

16 Q. Introduce yourself to the members of the jury.

17 A. My name is Chuck Lowry. I'm an investigator
18 for the Harris County District Attorney's Office.

19 Q. How long have you been employed by the Harris
20 County District Attorney's Office?

21 A. Nine years.

22 Q. Tell us a little bit about your duties and
23 responsibilities as an investigator for the D.A.'s
24 office.

25 A. I'm currently assigned to the 351st District