



*KIM BRYANT - June 27, 2014*  
*Direct Examination by Ms. Logan*

1 administrator for the Harris County D.A.'s Office?

2 A. Almost fifteen years. December, 1999, is when  
3 I started as an extradition official.

4 Q. And can you tell us, as a function of your  
5 employment, have you been educated and trained in the  
6 field of IAD or Interstate Agreement on Detainers?

7 A. Yes, ma'am. That's one of my responsibilities.

8 Q. Now prior to you beginning with the office  
9 fifteen years ago doing this type of work, can you tell  
10 us how extraditions and interstate agreement on detainer  
11 situations were handled? Was there a special person  
12 devoted just to that, or was it handled by the  
13 prosecutors?

14 A. Right before I was promoted to that position,  
15 there was a person that was doing that. I'm not sure  
16 how long she was in that spot. I know it was for many  
17 years. But prior to her, no one -- the prosecutors were  
18 responsible for handling that, as far as I'm aware.

19 Q. Okay. And when you talk about the prosecutors  
20 were responsible, is initiating IAD and arranging for  
21 extradition of a prisoner, is that a fairly  
22 time-consuming and lengthy process?

23 A. Yes, ma'am, it is.

24 Q. Are they easy to handle?

25 A. There are a lot of steps, and you have to keep

*KIM BRYANT - June 27, 2014*  
*Direct Examination by Ms. Logan*

1 up with timelines; so, it can be challenging.

2 Q. All right. Now, in general, what are the  
3 different ways that an inmate who's in custody in  
4 another jurisdiction can be brought back to Harris  
5 County to answer charges against them?

6 A. Well, if they're in custody in another state  
7 serving a sentence, the defendant would have an  
8 opportunity -- if it is an untried indictment,  
9 information or complaint, they would have the  
10 opportunity to initiate interstate agreement on  
11 detainers to assert his right or her right to speedy  
12 trial.

13 Q. Now, what is a detainer?

14 A. A detainer is a notification from the sheriff's  
15 office to the holding facility to let them know we have  
16 a warrant for that person and we want them when you're  
17 finished with them, is essentially what a detainer is.

18 Q. All right. And how does IAD work?

19 A. IAD works one of two ways. The first way, as I  
20 testified earlier, the defendant can initiate interstate  
21 agreement on detainers through his classifications  
22 office of the prison he's serving time in; or the  
23 prosecutor can initiate IAD, also.

24 Q. All right. Now when our office or the  
25 prosecution's office initiates IAD, tell us what that

*KIM BRYANT - June 27, 2014*  
*Direct Examination by Ms. Logan*

1 procedure looks like.

2 A. When I receive information that a defendant is  
3 in custody somewhere, a lot of times -- well, every time  
4 I will contact the facility and ask the classifications  
5 office if the defendant wants to initiate IAD. If I  
6 receive a no answer, then I will proceed to speak to my  
7 prosecutor and ask them if they want to initiate IAD.  
8 If they do, then I proceed with that paperwork. Do you  
9 want to know the specifics of that?

10 Q. Yeah. Let's back up for a second, though.  
11 Now, when you talk about notifying the location where  
12 the defendant is in custody, did you do that in this  
13 case?

14 A. Yes, I did. I remember doing that.

15 Q. Okay. And did you receive what you just called  
16 a no answer? In other words, the defendant, this Inmate  
17 Hopper, did not want to initiate IAD?

18 MS. OLVERA: I'm going to object to that  
19 as hearsay.

20 THE COURT: What's the State's response?

21 MS. LOGAN: For the purposes of this  
22 hearing, I think it would be perfectly acceptable.

23 THE COURT: Overruled.

24 MS. OLVERA: Well --

25 THE COURT: Overruled.

*KIM BRYANT - June 27, 2014*  
*Direct Examination by Ms. Logan*

1           A.    Yes.  I remember calling the facility, and it  
2 was really just an informal request just to give that  
3 prisoner an opportunity.  They had called me back within  
4 a time frame.  I don't know the time frame.  But they  
5 had called me back and told me, no, he didn't want to  
6 pursue it.

7           Q.    (*By Ms. Logan*)  And so, after you got that no  
8 response, did you then initiate a procedure with your  
9 prosecutor to determine whether or not this was a case  
10 where our office wanted to initiate IAD?

11          A.    Yes, I did.

12          Q.    Okay.  And tell us what sorts of things go on  
13 during the discussion with the prosecutor to decide  
14 whether or not a case is one that we want to move  
15 forward on with IAD.

16          A.    I'll simply email the prosecutor, let them know  
17 this prisoner is in this place, and this is his or her  
18 projected release date.  Would you please review your  
19 case and let me know if you'd like us to borrow him from  
20 that facility and bring him back here.

21          Q.    Okay.  And is one of the concerns and  
22 considerations whether we can find witnesses?

23          A.    Yes.

24          Q.    Okay.  Whether the case has prosecutorial  
25 merit?

*KIM BRYANT - June 27, 2014  
Direct Examination by Ms. Logan*

1           A.     Yes.

2           Q.     Is it -- does it cost money to bring an inmate  
3 back?

4           A.     It does cost money.  And in the matters of an  
5 interstate agreement on detainers, it's a double trip;  
6 because we would be borrowing the prisoner.  So when  
7 bring him back, we have to get him and return him when  
8 the case is finished.

9           Q.     All right.  And so, once you have started  
10 communicating with the prosecutor and they're doing  
11 their due diligence as far as whether or not they want  
12 to initiate IAD, are you preparing paperwork in the  
13 event that we do want to initiate IAD?

14          A.     Yes, I'm preparing paperwork.  Once I receive a  
15 confirmation that we want to move forward, I do prepare  
16 paperwork under 51.14 of the Code of Criminal Procedures  
17 (sic).  And that, in itself, is a lengthy process.

18          Q.     All right.  Now, just generally speaking, once  
19 our office does decide to initiate IAD and the paperwork  
20 is sent to the other facility, is there a time limit for  
21 the inmate to be returned to Harris County and set for  
22 trial?

23          A.     Yes.  Under the demand that we went with, which  
24 I believe is Article 4 of 51.14, the Code of Criminal  
25 Procedures (sic), when a prosecutor initiates IAD, once

*KIM BRYANT - June 27, 2014*  
*Direct Examination by Ms. Logan*

1 I send -- the date that I send that paperwork is the  
2 start date of a 120-day deadline to bring the defendant  
3 back and get them to trial, according to that statute.

4 Q. And in this case, what day was the defendant  
5 Hopper returned to Harris County on that clock?

6 A. May I refer to my notes?

7 Q. Yes, ma'am.

8 A. The date I sent the paperwork was September 4th  
9 of 2013.

10 Q. And what day was he returned to Harris County?

11 A. October 19th of 2013.

12 Q. Is that within the 120-day deadline?

13 A. Yes, it is.

14 Q. Now once the State or the prosecutor's office  
15 initiates IAD, can a defendant agree to the invocation  
16 of interstate agreement on detainers and exercise his  
17 right or demand for a speedy trial?

18 A. Yes, he can. In my experience, when I send a  
19 Form V and VI to the facility, they oftentimes will send  
20 a Form II to the defendant or Form V-A and have them see  
21 if they will waive their right to extradition.

22 MS. LOGAN: May I approach the witness,  
23 Your Honor?

24 THE COURT: You may.

25 Q. (By Ms. Logan) Miss Bryant, I'm going to show

*KIM BRYANT - June 27, 2014*  
*Direct Examination by Ms. Logan*

1 you State's Exhibits 9, 10 and 11 and ask you whether  
2 you recognize those?

3 A. Yes, I recognize them.

4 Q. And do they fairly and accurately depict the  
5 forms numbered V, VI and VII that you prepared and filed  
6 in this case?

7 A. Yes, ma'am.

8 MS. LOGAN: I'll offer into evidence  
9 State's Exhibits 5 -- or I'm sorry -- State's Exhibits  
10 9, 10 and 11, tendering to defense counsel.

11 MS. OLVERA: No objection, Your Honor.

12 THE COURT: All right. Exhibits 9, 10 and  
13 11 are admitted. You may publish.

14 MS. LOGAN: Thank you, Judge.

15 Q. (By Ms. Logan) All right. Miss Bryant, so  
16 let's look here at Form No. V. What is the purpose of  
17 Form V as it relates to IAD?

18 A. Form V is our Request for Temporary Custody.  
19 It's the notification, the formal request to the  
20 facility that we are asking to bring this person back  
21 via IAD.

22 Q. Okay. And once this is filed, is it sent to  
23 the facility where the defendant is housed?

24 A. Yes, ma'am.

25 Q. Then State's Exhibit No. 10 here, Form VI, what



*KIM BRYANT - June 27, 2014*  
*Direct Examination by Ms. Logan*

1 is the purpose of this form?

2 A. The purpose of this form is to notify the  
3 Department of Corrections or the facility where the  
4 defendant is of what date we want to pick the defendant  
5 up, what date the defendant is set for his trial date or  
6 court setting. And it also shows the agency which  
7 officers may possibly be coming to pick the defendant  
8 up.

9 Q. All right. And then State's Exhibit No. 10,  
10 the Form VII, tell us what that one does.

11 A. Form VII is really for an Article 3 demand when  
12 the defendant is initiating IAD. I always send a Form  
13 VII, also. In my experience, it has been necessary to  
14 do so after the fact when agencies ask for it; so I just  
15 send it altogether to alleviate another step.

16 Q. Okay. Now, what date was it again that you  
17 said you sent this paperwork to Nebraska?

18 A. I sent this paper to Nebraska via certified  
19 mail on September the 4th of 2013.

20 MS. LOGAN: May I approach the witness  
21 again, Judge?

22 THE COURT: You may.

23 Q. (By Ms. Logan) I'm showing you State's Exhibit  
24 No. 12. Is that a true and accurate copy of the  
25 certified mail receipt?

*KIM BRYANT - June 27, 2014*  
*Direct Examination by Ms. Logan*

1           A.     Yes, it is.

2                         *MS. LOGAN:*   So I would offer 12 into  
3 evidence, as well, Your Honor, tendering to defense  
4 counsel.

5                         *MS. OLVERA:*   No objections.

6                         *THE COURT:*   12 is admitted.

7                         *MS. LOGAN:*   Thank you.

8           *Q.*     *(By Ms. Logan)*   All right.   So we sent all of  
9 these forms to the facility where the defendant is held  
10 certified mail, and you said what date did that happen  
11 again?

12           A.     I sent them on September the 4th of 2013.

13           *Q.*     Now can a defendant initiate IAD once he's been  
14 notified of a detainer?

15           A.     Yes, he can.

16           *Q.*     And what does that process look like?

17           A.     They would receive a form from the  
18 classifications office of the facility they're being  
19 held at.   The form would basically be an acknowledgment  
20 of detainer to show them you have a detainer.   And, you  
21 know, oftentimes it will say, do you want to do  
22 something about it?   There will be some language in  
23 there about that.

24           *Q.*     I'm going to show you a portion of State's  
25 Exhibit No. 1 here, which is going to be a Form I.   Are

*KIM BRYANT - June 27, 2014*  
*Direct Examination by Ms. Logan*

1 you familiar with what a Form I is?

2 A. Yes, I am. I've seen that many times.

3 Q. Okay. And so, a Form I is a document that gets  
4 generated when a prison gets notice of an untried  
5 complaint, indictment or of -- what's the third thing?

6 A. Information, complaint or indictment.

7 Q. And so, a Form I is something that would be  
8 generated by the holding facility?

9 A. Correct.

10 Q. Okay. And then served on the inmate, right?

11 A. That's correct.

12 Q. Okay. And so, what is the date that we see  
13 here for this Form I?

14 A. That's May 5th of 1995.

15 Q. All right. And we see the signature. Can you  
16 read that name?

17 A. Looks like it's Stephen Hopper.

18 Q. So, based on your experience with these sorts  
19 of forms, what does this tell you about the date that  
20 this defendant had notice of the un -- or untried  
21 indictment in Harris County, Texas?

22 A. That tells me that the classifications office  
23 notified him of this detainer and that he signed it in  
24 1995.

25 Q. All right. Now, obviously, there is quite a

*KIM BRYANT - June 27, 2014  
Direct Examination by Ms. Logan*

1 gap between May 5th of 1995 and September of 2013, when  
2 our office initiated IAD, right?

3 A. Yes, ma'am.

4 Q. Okay. Now was there a period of time when  
5 folks at the D.A.'s Office were tasked with reviewing  
6 non-arrest cases to determine whether or not we could  
7 locate some of those suspects in prison facilities?

8 A. Yes. There is times when that occurs, yes.  
9 And there was a time recently when we were very  
10 proactive about doing that.

11 Q. And was there a priority placed on murder  
12 cases?

13 A. At first, yes, the murder cases were the  
14 priority.

15 Q. Okay. And then following the review of those  
16 murder cases, did we move to some of the other more  
17 serious offenses, such as aggravated sexual assault?

18 A. Yes, aggravated sexual assault was, indeed, the  
19 charges we went for next.

20 Q. Now, based on your awareness with the process  
21 and procedures in Harris County, Texas, when the charge  
22 was filed in this case under Cause No. 673236, did a  
23 warrant issue?

24 A. Yes, a warrant did issue on this case.

25 Q. And what day did that warrant issue?

*KIM BRYANT - June 27, 2014  
Direct Examination by Ms. Logan*

1           A.     For the indictment?

2           Q.     Yes.

3           A.     The indictment warrant was on November the 4th  
4 of 1993.  The indictment -- well, there was two warrants  
5 issued; the complaint, when it was originally filed, and  
6 then when they went to Grand Jury.

7           Q.     Okay.  And the first warrant date was -- would  
8 that have been August 29th of 1993?

9           A.     Yes, that was the one issued off the complaint.

10          Q.     Okay.  And the date of alleged offense in this  
11 case, what is that date?

12          A.     I would have to look at the indictment.  I'm  
13 sorry.

14                    MS. LOGAN:  May I approach, Judge?

15                    THE COURT:  You may.

16          Q.     *(By Ms. Logan)*  I'll show you State's Exhibit  
17 No. 13.

18                    MS. LOGAN:  And just so the Court is  
19 aware, the defense had asked that Judge Anderson on Day  
20 One of this hearing take judicial notice of the contents  
21 of the clerk's file in this case; but I'm happy to put  
22 an exhibit in, also.

23                    THE COURT:  Okay.

24          Q.     *(By Ms. Logan)*  So I'm showing you State's  
25 Exhibit No. 13.  Is that a certified copy of the

KIM BRYANT - June 27, 2014  
Direct Examination by Ms. Logan

1 indictment in this case?

2 A. Yes, ma'am, it is.

3 Q. All right.

4 MS. LOGAN: I'll offer that into evidence  
5 at this time.

6 MS. OLVERA: No objection.

7 THE COURT: All right. Which State's  
8 Exhibit is that?

9 MS. LOGAN: 13, Judge.

10 THE COURT: State's 13 is admitted without  
11 objection.

12 Q. (By Ms. Logan) And what is the date of offense  
13 in this case?

14 A. August 7th of 1993.

15 Q. Okay. So there is about a three-week lapse  
16 between the offense date and when the charges were filed  
17 and a warrant issued in this case; is that correct?

18 A. Yes, that's correct.

19 Q. Okay. Now --

20 MS. LOGAN: May I approach again, Judge?

21 THE COURT: You may.

22 Q. (By Ms. Logan) I'm going to show you what I've  
23 marked as State's Exhibits 2 and 3 and ask you if you  
24 recognize those?

25 A. Yes. These are detainers from our sheriff's

KIM BRYANT - June 27, 2014  
Direct Examination by Ms. Logan

1 office.

2 Q. All right. And are those documents that you're  
3 familiar with in your position at the D.A.'s Office?

4 A. Yes, ma'am. I see them every day.

5 Q. And are these documents kept by our office in  
6 the ordinary course of business for your file on an IAD  
7 case such as this?

8 A. Yes. Copies of these are often kept in my  
9 files.

10 Q. Do those copies look altered in any way, with  
11 the exception of the State's Exhibit markers I put on  
12 there?

13 A. Yes, ma'am. They look exactly as I would  
14 receive them.

15 MS. LOGAN: I'll offer into evidence  
16 State's Exhibits 2 and 3, tender to defense counsel for  
17 inspection.

18 MS. OLVERA: No objections, Your Honor.

19 THE COURT: State's 2 and 3 are admitted.

20 MS. LOGAN: May I publish, Your Honor?

21 THE COURT: You may publish.

22 Q. (By Ms. Logan) State's Exhibit No. 2 here, you  
23 said that this is a copy of a detainer, right?

24 A. Yes, a detainer or a hold.

25 Q. And where is it sent?

*KIM BRYANT - June 27, 2014*  
*Direct Examination by Ms. Logan*

1           A.     Lincoln, Nebraska.

2           Q.     Okay.  And what was the date that it was sent?

3           A.     September 21st of 1993.

4           Q.     All right.  And then we have State's Exhibit

5 No. 3 here, another copy of that detainer, right?

6           A.     A different detainer, correct, yes.

7           Q.     Okay.  And where was it sent to?

8           A.     San Francisco Police Department in California.

9           Q.     And what was the date that it was sent?

10          A.     September 15th of 1993.

11          Q.     All right.  Now when a person is in custody in  
12 various jurisdictions, does the sheriff's office attempt  
13 to place notice of the detainer at every location they  
14 believe that the inmate might be at?

15          A.     Yes.  Yes, they do.

16          Q.     Okay.  Now for purposes of speedy trial, what  
17 happens when a detainer is placed?  What sorts of  
18 paperwork get sent to the location where the body is  
19 housed?

20          A.     When the sheriff's office receives information  
21 that a defendant is in another facility, they will  
22 contact the holding facility and place that coversheet  
23 as examples of the exhibits you've shown, along with a  
24 copy of a mugshot and prints, if we have them in Harris  
25 County, along with a copy of the warrant.  And they will



*KIM BRYANT - June 27, 2014*  
*Direct Examination by Ms. Logan*

1 usually send that in the mail to them.

2 Q. And when we talk about the paperwork that's in  
3 State's Exhibit No. 1 from the Nebraska Department of  
4 Correctional Services, this page here, is that the  
5 detainer that we're talking about that got sent to them?

6 A. Yes.

7 Q. All right. And what's the date that it was  
8 sent?

9 A. April 20th of 1995.

10 Q. All right. And then the next page is a copy of  
11 the warrant, right?

12 A. Right.

13 Q. And then the next set of paperwork is that Form  
14 I that we've already talked about?

15 A. Yes.

16 Q. Okay. So the time lapse between, let's say,  
17 the first charging instrument, the warrant, when the  
18 warrant issued and when the defendant was notified of  
19 the detainer, how much time passed?

20 A. It was about two years or less, possibly, April  
21 to September -- yeah, about two years, approximately,  
22 from '93 to '95.

23 Q. Okay. And if we look at it from the date of  
24 indictment, it's just a little bit shorter than that,  
25 right? Because that would be November to May?

*KIM BRYANT - June 27, 2014  
Direct Examination by Ms. Logan*

1           A.     Right.  And if I can add something.

2           Q.     Sure.

3           A.     At the San Francisco Police Department -- he  
4 was in California -- that San Francisco Police  
5 Department -- the indication is that he had pending  
6 charges there, because it wasn't in a Department of  
7 Corrections.

8                         Once an inmate lands in the Department of  
9 Corrections, only then can IAD be implemented.  In other  
10 words, it can't be implemented at a county facility, at  
11 a police facility.  They have to be serving a  
12 penitentiary sentence, either a Federal facility or a  
13 State facility, according to 51.14 of the Code of  
14 Criminal Procedures (sic).

15          Q.     All right.  And are you aware of the date that  
16 this inmate was sent to the Department of Corrections  
17 following his conviction in Nebraska?

18          A.     I know what date he was sentenced.

19          Q.     Okay.

20          A.     Is that the date you're looking for?

21          Q.     What date is that?

22          A.     April 11th of 1995.

23          Q.     Okay.  Assuming he was booked the next day into  
24 the Department of Corrections in Nebraska, how long  
25 would he have been in the Nebraska Department of

KIM BRYANT - June 27, 2014  
Direct Examination by Ms. Logan

1 Corrections before he was notified of our detainer for  
2 Warrant No. 673236?

3 A. If I'm remembering the date on that detainer,  
4 it would have been about two weeks or less even.

5 Q. And your testimony is IAD could not have been  
6 initiated until he was received at the Nebraska  
7 Department of Corrections?

8 A. That, or any correction facility, but yes.

9 Q. Now what date is this defendant parole eligible  
10 on his Nebraska sentence?

11 MS. OLVERA: Well, I object. She has no  
12 personal knowledge of that.

13 Q. (By Ms. Logan) Do you have personal knowledge  
14 of that?

15 A. I do. I reviewed the records.

16 THE COURT: Okay.

17 MS. OLVERA: I'm going to object to what  
18 records. They're not in evidence.

19 MS. LOGAN: Would you like to take her on  
20 voir dire?

21 MS. OLVERA: Yes.

22 THE COURT: Okay. You may take the  
23 witness on voir dire.

24

25

1 VOIR DIRE EXAMINATION

2 BY MS. OLVERA:

3 Q. What personal knowledge do you have regarding  
4 that issue?

5 A. I reviewed his records off of the Nebraska  
6 Department of Corrections website and his -- it had his  
7 projected release date, as well as his parole  
8 eligibility date. And I also reviewed handwritten --  
9 hand records given to me also, I believe; but I know I  
10 reviewed them on the website for sure.

11 MS. OLVERA: Well, I would object to  
12 hearsay. They're not in evidence.

13 THE COURT: Does the State have any  
14 evidence?

15 MS. LOGAN: I could print it off of the  
16 website if the Court would like me to do that.

17 THE COURT: Sure.

18 *(Off-the-record discussion)*

19 THE COURT: Excuse me. What's the issue?

20 MS. OLVERA: Well, I'm trying to -- I'll  
21 agree if we're talking about the same date that the  
22 previous witness has already testified to.

23 THE COURT: Okay.

24 MS. OLVERA: I wouldn't object to that.  
25 It's already in evidence.

KIM BRYANT - June 27, 2014  
Voir Dire Examination by Ms. Olvera

1                   THE COURT: Is this what the previous  
2 witness already testified to?

3                   MS. LOGAN: I can't remember if I asked  
4 her parole eligibility date or just projected release  
5 date. So, I honestly can't remember if it's the same.

6                   (Brief recess)

7                   **DIRECT EXAMINATION (CONTINUED)**

8           Q.    (By Ms. Logan) So, during the break I went  
9 ahead and accessed the Department of Corrections'  
10 website that you had reviewed prior to your testimony;  
11 is that right, Miss Bryant?

12           A.    Yes.

13           Q.    Okay. And we found the indication that you had  
14 or were about to testify about his parole eligibility  
15 date, right?

16           A.    Yes, ma'am.

17           Q.    And so, if I show you State's Exhibit No. 14,  
18 is that a printout of what we just looked at?

19           A.    Yes, it is.

20           Q.    All right. And is it common for the Department  
21 of Corrections to have a website that is accessible and  
22 reliable for the public to know parole eligibility dates  
23 and release dates?

24           A.    Yes, ma'am, it's common among many Department  
25 of Corrections. Not all, but many.

*KIM BRYANT - June 27, 2014  
Direct Examination by Ms. Logan*

1                   MS. LOGAN: So I would offer into evidence  
2 State's Exhibit No. 14, tendering to defense counsel for  
3 inspection.

4                   MS. OLVERA: Judge, I would object. This  
5 is not certified in any way. This does not have a  
6 business records affidavit from the Nebraska Department  
7 of Corrections. This is simply a document for -- to put  
8 on the record that someone went to a computer just two  
9 minutes ago, looked in a window, printed it; and they  
10 want to use it as official evidence in court of  
11 something. And the witness just said there is no  
12 reliability on all websites of correctional departments,  
13 and I would object to hearsay and no proper foundation.

14                   THE COURT: What's the State's response?

15                   MS. LOGAN: Judge, the reason that I think  
16 this is important for the Court to know is because part  
17 of the argument, one of the four factors in a hearing  
18 like this, goes to prejudice or harm. The fact that the  
19 defendant's parole date or official parole date --

20                   MS. OLVERA: I'm going to --

21                   THE COURT: Let her finish.

22                   MS. LOGAN: -- is something that can be  
23 accessible over the Internet, it's a reliable source.  
24 It's something that Miss Bryant uses as a part of her  
25 job with the D.A.'s Office doing this IAD work. I think

*KIM BRYANT - June 27, 2014*  
*Direct Examination by Ms. Logan*

1 it's properly authenticated for the purposes of this  
2 hearing.

3 *THE COURT:* Okay. State's 14 is admitted  
4 over objection. Your objection is noted for the record.

5 *MS. OLVERA:* Thank you, Judge.

6 *Q. (By Ms. Logan)* Miss Bryant, can you tell me  
7 what the date of parole for Mr. Hopper is on his  
8 sentence at the Nebraska Department of Corrections?

9 *A.* Are you asking me about the parole eligibility  
10 date?

11 *Q.* Yes, ma'am. I'm sorry.

12 *A.* That would be September 5th of 2028.

13 *Q.* Now, assuming our office had not initiated IAD  
14 in this case -- we already know the detainer was placed  
15 back in 1995, right?

16 *A.* Yes, ma'am.

17 *Q.* Assuming our office had not initiated IAD and  
18 the defendant paroled out in 2028, what would have  
19 happened at that point in time?

20 *A.* Since our detainer was in place, we would have  
21 been notified that Mr. Hopper was ready to be  
22 transferred; and we would have began extradition  
23 proceedings to return Mr. Hopper at that time.

24 *MS. LOGAN:* I'll pass the witness, Your  
25 Honor.

KIM BRYANT - June 27, 2014  
Direct Examination by Ms. Logan

1 THE COURT: Okay. Your cross.

2 MS. OLVERA: May I proceed? Thank you.

3 CROSS-EXAMINATION

4 BY MS. OLVERA:

5 Q. Miss Bryant, so the detainer placed in 1995 was  
6 the -- what you're saying was an official notice to  
7 Harris County where Mr. Hopper was, correct?

8 A. No, ma'am. The detainer filed was filed by  
9 Harris County to notify Nebraska that we wanted him when  
10 he was -- when they were finished with him.

11 Q. Right.

12 A. Yes, ma'am.

13 Q. So you learned -- you knew where Mr. Hopper  
14 was?

15 A. Yes.

16 Q. And you have learned -- you have known that  
17 since 1995?

18 A. Yes.

19 Q. And your office chose to not initiate any  
20 proceedings under any law or even the IAD law until, I  
21 believe you said, September 4th of 2013, correct?

22 A. Yes, ma'am, that's correct.

23 Q. Now the IAD law allows the State to determine  
24 when they want to initiate proceedings, correct?

25 A. That's one thing it allows, yes.



*KIM BRYANT - June 27, 2014  
Cross-Examination by Ms. Olvera*

1 Q. The State decides when they can go and pick up  
2 someone, correct?

3 A. Yes.

4 Q. So prior to 2013, September 4th, no one in your  
5 office went to pick up Mr. Hopper, correct?

6 A. That's correct.

7 Q. And as far as your testimony about the IAD,  
8 that stands for what again?

9 A. Interstate Agreement on Detainers.

10 Q. And that's a statute, correct?

11 A. Yes, ma'am.

12 Q. And the purpose of that statute is simply to  
13 allow the different jurisdictions in the United States  
14 to notify each other and find people that they're  
15 looking -- prisoners that they're looking for, correct?

16 A. Well, the purpose of IAD is twofold. The one  
17 thing you just said, which was to allow State facilities  
18 to have a compact agreement to transfer inmates in  
19 between states when they're in correctional facilities  
20 to allow for the State to dispose of their case.

21 But the second thing it's used for is to  
22 give the defendant a right to speedy trial, to assert  
23 his or her right to speedy trial. It's also of benefit  
24 to the defendant, then, if they so choose to assert  
25 their right to speedy trial using IAD.

*KIM BRYANT - June 27, 2014  
Cross-Examination by Ms. Olvera*

1 Q. If he so chooses, correct?

2 A. That's correct.

3 Q. It's not a mandatory requirement, is it?

4 A. It's not mandatory on either way, either to the  
5 State, nor to the defendant in terms of IAD.

6 Q. Thank you.

7 MS. OLVERA: No further questions.

8 MS. LOGAN: I don't have any further  
9 questions from this witness, Judge.

10 THE COURT: All right. You are excused.  
11 Thank you.

12 State, call your next witness.

13 MS. LOGAN: State would call Barry  
14 Saucier. This will be my final witness.

15 The other thing I want to get on the  
16 record, Your Honor, if I may, the defense had subpoenaed  
17 Assistant Chief Susan Clifton to be a witness in this  
18 hearing. She was the initial investigating officer.  
19 She had neck surgery and is not available to be here to  
20 testify. And instead of having a writ of attachment  
21 served on her to come down here, I agreed to stipulate  
22 to some information as far as the current status of the  
23 evidence in this case.

24 As the Court is aware, this is a 1993  
25 case. And so, I think what we had agreed on initially,

*KIM BRYANT - June 27, 2014*  
*Cross-Examination by Ms. Olvera*

1 there were items of evidence that were put into the  
2 property room at the Pasadena Police Department. The  
3 property room was moved, changed hands.

4                   Anyway, at the end of the day, the only  
5 evidence that we have remaining is the evidence that was  
6 originally submitted to the Medical Examiner's Office  
7 for testing. So, we still have that evidence. What we  
8 don't have is going to be the contents of the rape kit,  
9 the complainant's clothing. I believe it may include a  
10 shirt that belonged to the defendant, and also possibly  
11 the original photospread, photo lineup in this case.

12                   So, had Assistant Chief Clifton been able  
13 to come and testify, that would have been her testimony,  
14 that those items of evidence have -- are at this time  
15 lost and/or missing.

16                   *MS. OLVERA:* That's our agreement in lieu  
17 of her testimony.

18                   *THE COURT:* Thank you. The record will so  
19 reflect.

20                   *MS. LOGAN:* Thank you, Judge.

21                   *THE COURT:* Thank you.

22                   Please have a seat in the witness stand.

23                   You may proceed, Counsel.

24                   *MS. LOGAN:* Thank you, Judge.

25

BARRY SAUCIER - June 27, 2014  
Direct Examination by Ms. Logan

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**BARRY SAUCIER,**

having been first duly sworn, testified as follows:

**DIRECT EXAMINATION**

BY MS. LOGAN:

Q. Good afternoon, sir, or good morning still.

A. Good morning.

Q. Would you please state your name, and spell it for the record.

A. Barry Saucier. Last name is spelled S-A-U-C-I-E-R.

Q. Okay. Now, what is it that you do for a living?

A. I'm an investigator with the Harris County D.A.'s Office.

Q. And was there a period of time during your employment with the D.A.'s Office that you were assigned as the investigator of the 339th District Court?

A. Yes.

Q. About how long were you an investigator in this court?

A. Approximately six years.

Q. All right. Now during that time, do you recall a request to locate the complainant in this case, the State of Texas versus Stephen Hopper?

A. Yes.