

1 THE COURT: Okay.

2 MS. BAILY: And then we will rest.

3 THE COURT: Okay.

4 MONICA CARMICHAEL,
5 having been first duly sworn, testified as follows:

6 THE COURT: Let's proceed.

7 DIRECT EXAMINATION

8 BY MS. BAILY:

9 Q. Can you begin by stating your name for the
10 record?

11 A. Monica Carmichael.

12 Q. And who is it that you work for?

13 A. The City of Houston Police Department.

14 Q. And in what capacity do you work for Houston
15 Police Department?

16 A. I work as a police officer. I'm an
17 investigator in the Juvenile Sex Crimes Division.

18 Q. How long have you been an investigator in
19 juvenile sex crimes?

20 A. Since January 2012.

21 Q. Okay. What were you doing before then?

22 A. I was an investigator with the Investigator
23 First Responder Division. Basically I investigated any
24 type of crime with the exception of sexual assault and
25 homicide.

1 Q. I don't know if I asked you. I've already
2 forgotten.

3 How many years in total you've been with
4 HPD?

5 A. Approximately six.

6 Q. Okay. Juvenile sex crimes since January of
7 2012.

8 How is it that you became involved in the
9 case against Stacy Merritt?

10 A. I was assigned a follow-up investigation to a
11 case involving the complainant, Brianna Gay, and an
12 additional family member.

13 Q. Okay.

14 A. And while speaking with her about that
15 incident, I learned about the incident with Stacy
16 Merritt.

17 Q. The other incident, do you remember -- do you
18 recall -- the one where the report was made, do you
19 recall what relative that was against?

20 A. I believe it was Vernon Merritt.

21 Q. Okay. Was that case -- it was a -- was it
22 immediately reported, Vernon Merritt's case?

23 A. Yes. That was a dispatched case. Officers
24 responded to the scene back in 2010. And evidence was
25 collected then and then assigned out to an

1 investigator.

2 Q. Okay. And what happened between it being
3 dispatched and you getting the case? What activity had
4 occurred with the case?

5 A. It was assigned to another investigator in the
6 Juvenile Sex Crimes Division. That investigator was
7 unable to make contact with the complainant or her
8 mother. So, it was inactivated. And which, later on
9 in February, I was given the case to follow up with
10 that inactivation to see if we could make contact with
11 the complainant.

12 Q. Okay. So, basically nothing had been done on
13 the case?

14 A. Correct.

15 Q. Okay. What date were you assigned this case
16 against Vernon for follow-up investigation?

17 A. I believe it was in February 2012. I don't
18 know the exact date.

19 Q. Okay. And where -- what address are we
20 talking about where this event with Vernon occurred?

21 A. At her grandmother's house, which is located
22 at 8135 St. Louis, Houston, Harris County, Texas.

23 Q. Okay. So, when you get that case, you review
24 it. What do you do?

25 A. I start by doing a person's check or F-6 check

1 of all the people involved in the case, the
2 complainant, suspect. Then I make an attempt to
3 contact either the complainant or the complainant's
4 mother to obtain a statement from them.

5 In this particular case, I made contact
6 with the complainant at her school, BC Elmore Middle
7 School.

8 Q. And why is it that you went to the school to
9 make contact?

10 A. Because we were having a hard time with phone
11 numbers and addresses that were given initially with
12 the report to make any kind of contact with the
13 complainant. So, I went through Houston ISD to find
14 out what school she went to to speak with her there.

15 Q. Okay. And did you speak with her?

16 A. I did.

17 Q. Do you recall what date?

18 A. It's in my offense report. Can I refer to it?

19 Q. Sure.

20 A. On February 24th, 2012.

21 Q. Okay. So, is that pretty close to the time to
22 you getting assigned the case?

23 A. Yes, ma'am.

24 Q. Okay. So, you go out and talk to her at
25 school. What is her reaction when you initially show

1 up to talk to her about this at school?

2 A. Initially she was very closed off, seemed very
3 angry. Questioned why I was even there to help her
4 because she constantly stated that nobody cared. Why
5 do I care? Yeah. Just very, very angry it seemed.

6 Q. Okay. How did -- how did that interview go?
7 How did that first interview end?

8 A. The first interview ended because she actually
9 got pretty upset with me because I was kind of digging
10 for information from her. I told her, you know, I
11 can't help you unless you talk to me and tell me what's
12 going on. And she got angry and slammed the door on me
13 actually and walked out. And I contacted her counselor
14 who later brought her back in. And, you know, we
15 explained to her that I was there to help her. She
16 opened up.

17 Q. Could you get an understanding of why she was
18 frustrated?

19 A. Definitely. She, you know, made it clear that
20 the people that she told in her family when she trusted
21 didn't --

22 MR. STILL: Objection hearsay, Your
23 Honor.

24 THE COURT: I didn't hear the question.
25 What was it? Did she tell you --

1 Q. (BY MS. BAILY) Did she -- did she get an
2 understanding from talking to the child --

3 MS. BAILY: I'm sorry, Judge. Did she
4 get an understanding from talking to child why she
5 was -- now I can't remember.

6 COURT REPORTER: Do you want me to read
7 it back, Judge?

8 THE COURT: Thank you.

9 (Requested question read back).

10 THE COURT: Well, yeah. It's a yes-or-no
11 and then -- and the answer was yes.

12 So, let's proceed and disregard the rest.

13 Q. (BY MS. BAILY) Who did she seem frustrated
14 with?

15 A. She seemed frustrated with her mom. She
16 said --

17 MR. STILL: Objection. This also calls
18 for hearsay, Your Honor.

19 THE COURT: I'll overrule that.

20 Q. (BY MS. BAILY) Just state the people.

21 A. Okay. Her mom, her grandmother, people in her
22 family who she had expressed or told that this had
23 happened to.

24 Q. Once you -- once you talked to her and she
25 slams the door, you got a counselor involved?

1 A. Yes, ma'am. I contacted her counselor and --
2 and explained to her, you know, why I was there. And
3 she had found Brianna in the hallway and brought her
4 back. And the three of us sat down together and spoke.

5 Q. And after you got the counselor involved, did
6 she tell you what happened with, I guess, all the
7 relatives, Vernon, James and this defendant Stacy
8 Merritt?

9 A. Yes, ma'am.

10 Q. Okay. And what did she specifically tell you
11 about what happened with Stacy Merritt?

12 A. She told me that --

13 MR. STILL: Objection, hearsay, Your
14 Honor.

15 THE COURT: That's overruled.

16 A. She told me that Stacy Merritt had basically,
17 in her words, she said ate me out.

18 Q. (BY MS. BAILY) Based on your interview and
19 conversation with Brianna at school, what did you then
20 do with the case?

21 A. Can you repeat the question?

22 Q. Well, you interviewed Brianna at school and
23 got this information. What was the next thing you did
24 or the next person you tried to get in touch with?

25 A. The next thing I did was I contacted Brianna's

1 mother and explained to her that I was assigned
2 follow-up investigation and that it was important for
3 her to bring Brianna to the Children's Assessment
4 Center for a forensic interview.

5 Q. And did Brianna's mother -- I can't pronounce
6 her first name -- La-Garzetteria Francios, did she give
7 you a statement regarding this case?

8 A. She did.

9 Q. Okay. What was your general impression
10 speaking to her about her attitude regarding the case?

11 MR. STILL: Objection, relevance, Your
12 Honor, and bolstering.

13 THE COURT: Okay. That's overruled.

14 Just the impression that you got from her
15 when speaking with her.

16 A. My impression from her was that she didn't
17 like that the police were involved with the case.

18 And --

19 Q. (BY MS. BAILY) After you speak to mom, do you
20 speak to anybody else in the family?

21 A. Yes. I also spoke to her grandmother --
22 Brianna's grandmother.

23 Q. Is that Diana Francios?

24 A. Yes, ma'am.

25 Q. And did she give you a statement?

1 A. Yes, she did.

2 Q. And what was your impression of your
3 conversation with grandma?

4 MR. STILL: Objection, calls for hearsay.
5 It's irrelevant, Your Honor.

6 THE COURT: All right. That's overruled.

7 You can state your impression from your
8 conversation with her.

9 A. My impression from grandma was that she wasn't
10 being truthful about knowing the allegations that
11 Brianna told her against the other family members.

12 Q. (BY MS. BAILY) In addition -- in speaking to
13 grandma, did you talk to any other family members?

14 A. I talked to the defendant after his arrest.

15 Q. And did he give you a custodial statement?

16 A. Yes, he did.

17 Q. Was he Mirandized in that statement?

18 A. Yes, he was.

19 Q. And ultimately, did he admit or deny the
20 conduct?

21 A. Ultimately he denied any wrongdoing.

22 Q. Okay. But he did give you a statement about
23 the events surrounding it?

24 A. Yes, ma'am.

25 Q. Okay. After you talked to the defendant, what

1 did you do in regard to the case?

2 A. As far as?

3 Q. I guess -- I'm sorry.

4 Had you already filed charges when you
5 spoke to him?

6 A. I had.

7 Q. And who did you actually file charges on in
8 the family?

9 A. I filed charges on the defendant Stacy Merritt
10 and two additional family members, Vernon Merritt and
11 James Merritt.

12 Q. Okay. And Brianna is the complainant in all
13 three cases?

14 A. Yes, ma'am.

15 Q. Okay.

16 MS. BAILY: I'll pass the witness, Your
17 Honor.

18 THE COURT: Cross?

19 MR. STILL: Brief, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. STILL:

22 Q. Officer Carmichael, I believe we've
23 corresponded via e-mail; is that correct?

24 A. Yes, sir, we did.

25 Q. Pleasure to make your acquaintance. I'm Craig

1 Still.

2 A. Nice to meet you, sir.

3 Q. I just want to ask you this so you can be
4 ready to testify about how Brianna told you that,
5 quote, he ate me out.

6 A. Yes, sir.

7 Q. How old was she when she told you that?

8 A. She was 13 years old, sir.

9 Q. Did she indicate at any point that he had put
10 his mouth on her Miss Lucy?

11 A. Yes. We -- she clarified -- well, not in
12 those words. But she clarified that he licked her
13 vagina.

14 Q. Okay. Well, I guess my point is -- wouldn't
15 you agree with me that "ate me out" is a bit of an
16 advanced, maybe more adult term, when it comes to
17 describing the conduct?

18 A. Could be.

19 MR. STILL: I'll pass the witness, Your
20 Honor.

21 THE COURT: Anything else?

22 MS. BAILY: No further questions, Your
23 Honor.

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