

1 THE COURT: You can be seated.

2 (Court recess).

3 (Jury in).

4 THE COURT: Please be seated.

5 Ms. Roberts, call your next witness,
6 please.

7 MS. ROBERTS: Your Honor, the State calls
8 Officer Carrillo.

9 THE COURT: Ladies and gentlemen, just so
10 you'll know, some -- a few witnesses have been sworn in
11 outside your presence. So, you won't necessarily see
12 that happen.

13 Ms. Roberts?

14 MS. ROBERTS: Thank you, Your Honor.

15 JUAN CARRILLO,
16 having been first duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. ROBERTS:

19 Q. Officer Carrillo, can you please introduce
20 yourself to the jury?

21 A. Good morning. My name is J. Carrillo. I'm
22 currently with the Houston Police Department. I'm
23 working on my 22nd year with the city and happy to be
24 here.

25 Q. All right. So, you've been with the city for

1 about 22 years --

2 A. Yes, ma'am.

3 Q. Okay. Just make sure that I finish my
4 question before you answer.

5 A. Sure.

6 Q. Did you do anything before Houston Police
7 Department?

8 A. Yes, ma'am. I was in the service. I was in
9 the service for approximately eight years. Four years
10 with the Marine Corps and four with the United States
11 Army.

12 Q. All right. So, after service, you went
13 directly to HPD?

14 A. Yes, ma'am.

15 Q. All right. And can you tell me a little bit
16 about training that you have to get to become a
17 certified peace officer?

18 A. Basically you serve -- you go into the
19 academy. You do six months in the academy with basic
20 knowledge laws, the Penal Code, traffic enforcement.
21 Once you graduate from the academy, you decide what
22 part of the city you want to work at. And then you do
23 basically what we call field training, which you do
24 three weeks in the -- three weeks day shift, three
25 weeks evening shift, three weeks night shift. And then

1 you do two weeks field evaluation.

2 Once you finish the training, then you
3 basically what we call -- you float for two years --
4 for two months -- I'm sorry -- until you finish your
5 one-year probationary. And then after that basically
6 what we call is you're on your own. So, basically you
7 start having fun, as we call it. So, you go on your
8 own after that.

9 Q. Okay. So, you had about a year of actual
10 training between the academy and field training?

11 A. Yes, ma'am.

12 Q. All right. And so, that was probably about 22
13 years ago, right?

14 A. 1992, yes, ma'am.

15 Q. All right. And so, since then have you had
16 different types of trainings or certifications that you
17 go through to maintain your peace officer status?

18 A. Yes, ma'am. State of Texas requires that we
19 have 40 hours training every year, which is mandatory.
20 And then basically just on-the-job training. You go as
21 you learn over your career.

22 Q. Okay. So, you said that you learn about the
23 Penal Code and just generally about how to be a peace
24 officer. Do you get any training in specialized areas?

25 A. As far as what, ma'am?

1 Q. Do you get specific -- like say investigation
2 training or DWI training or unit training or --

3 A. Yes, ma'am.

4 Q. Okay. Is that during your school or is that
5 during the updates?

6 A. It's basically during the updates. As I said,
7 TCLEOSE mandates that you do 40 hours. But some of
8 those hours are mandated by Texas. So, they kind of
9 dictate what type of training you have. But also as
10 far as yourself, you basically sign up for different
11 courses and you just take them as you go on through
12 your career.

13 Q. Okay. So, are you currently certified and
14 updated as a certified peace officer?

15 A. Yes, ma'am, I am.

16 Q. So, what different areas have you done as a
17 peace officer?

18 A. I will basically -- you -- you kind of have
19 your hand in all areas. You do traffic enforcement.
20 You do basic investigations. You do kind of different
21 investigations as you go through your career. It's not
22 mandated, but it's basically part of your job as you go
23 through your career. You try to get as much training
24 as you can.

25 Q. Okay. What are you currently assigned to?

1 A. Currently, I'm assigned to an admin position.
2 I work at the southeast patrol station. I'm the
3 officer that works the front desk. Citizens that come
4 in with problems or requests or whatever, I'm the one
5 that they see and I basically try to help them out with
6 whatever problem they have for that day.

7 Q. Okay. How long have you been in that
8 position?

9 A. Probably about three years now.

10 Q. All right. So, back in 2009, what was your
11 duties or your role then?

12 A. I was a street officer. I was riding the
13 streets, as we say.

14 Q. Okay. And so, is that just basic patrol?

15 A. Yes, ma'am.

16 Q. All right. What are the duties of a patrol
17 officer?

18 A. The basic duties is run calls for service. We
19 have citizens that call for police assistance. They
20 call our dispatch. Dispatch assigns different units to
21 run calls. So, every -- every day something different.
22 I mean, one day you might be working family
23 disturbances. One day you might be working accidents.
24 It just depends. It's a -- a different -- different
25 days, it's just different calls.

1 Q. Okay. And so, as a patrol officer do you have
2 the opportunity to interview people and also do things
3 like write tickets and also write accident reports,
4 like do everything across the board?

5 A. Yes, ma'am.

6 Q. All right. And earlier you were talking about
7 dispatch -- civilians calling dispatch. Are those
8 emergency 911 calls or are those non-911 calls, like
9 the regular line or are they both?

10 A. No, they're both. They're -- the department
11 has a range of -- from a Code 1 to Code 6, which means
12 -- depending on what the type of call that the
13 dispatcher sees is what priority it's given from the
14 dispatch.

15 Q. Okay. So, back in December 2009, do you
16 remember what shift you were working?

17 A. Yes, ma'am. I was working day shift.

18 Q. Day shift. Okay.

19 What is day shift -- like what hours is
20 that?

21 A. Day shift is from zero six in the morning to
22 2:00 in the afternoon and from zero seven in the
23 morning to 3:00 in the afternoon.

24 Q. Okay. Do you remember which section of that
25 shift you were on?

1 A. Yes, ma'am. I was working the -- from zero
2 six to 2:00 in the afternoon.

3 Q. Okay. Just for clarity on all of us, 6:00
4 a.m. to 2:00 p.m.?

5 A. Yes, ma'am.

6 Q. Okay. So, that -- that December you were
7 working. Do you remember specifically if you were
8 working December 8th, 2009?

9 A. Yes, I do.

10 Q. Okay. And how do you know that?

11 A. Because of the call that I received and
12 reading the report.

13 Q. Okay. And so, can you please tell me what
14 call did you receive that morning?

15 A. That morning I received -- it came to -- to
16 dispatch as a home invasion in progress at the -- let
17 me see -- 3510 block of Askew.

18 Q. Okay.

19 A. Which is in the City of Houston.

20 Q. Now, I see you're refreshing your memory with
21 something in front of you. What is that?

22 A. It's the original report.

23 Q. Okay. So, are those just generated officer
24 notes?

25 A. No, ma'am. It's basically the report that we

1 -- once we get the information from the call, we submit
2 a -- a report is generated into the system and it stays
3 in the computer system.

4 Q. Okay. Are the purpose of reports, like is it
5 to refresh your memory later?

6 A. Yes, ma'am.

7 Q. Okay. Now, I heard you say an address. What
8 was that address again?

9 A. 3510 Askew.

10 Q. Okay. And is that in Houston, Harris County,
11 Texas?

12 A. Yes, ma'am.

13 MS. ROBERTS: Your Honor, may I approach
14 the witness?

15 THE COURT: Yes, ma'am.

16 Q. (BY MS. ROBERTS) All right. Officer
17 Carrillo, I'm showing you what's been marked as State's
18 Exhibit No. 3 and State's Exhibit No. 4. Do you
19 recognize these two documents I put in front of you?

20 A. Yes, ma'am. They look familiar, yes, ma'am.

21 Q. Okay. And so, generally can you just tell me,
22 what do you recognize No. 3 to be?

23 A. As a map of the -- the hundred block of the
24 surrounding area from 3510 Askew.

25 Q. Okay. Is that a fair and accurate depiction

1 of a map of the area around 3510 Askew?

2 A. Yes, ma'am.

3 Q. All right. And State's Exhibit No. 4, what do
4 you recognize this to be?

5 A. The -- the -- a picture of the front of the
6 house located at 3510 Askew.

7 Q. Okay. And is this a fair and accurate
8 depiction of what it looked like back in December of
9 2009?

10 A. Yes, ma'am.

11 MS. ROBERTS: Your Honor, at this time
12 State offers -- tenders State's Exhibit No. 3 and 4 to
13 defense counsel and offers State's Exhibit No. 3 and 4
14 into evidence.

15 MS. REDDI: No objections, Your Honor.

16 THE COURT: All right. Thank you.

17 State's 3 and 4 will be admitted.

18 MS. ROBERTS: And, Your Honor, may I
19 publish these to the jury?

20 THE COURT: Yes, ma'am.

21 MS. ROBERTS: Thank you.

22 Q. (BY MS. ROBERTS) All right. So, you said you
23 received a call for service out to 3510 Askew. Is that
24 what we see here in State's Exhibit No. 3?

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

1 Q. All right. And again, just for clarity's
2 sake, which county is this in?

3 A. It's in Harris County, Texas, ma'am.

4 Q. All right. And which state?

5 A. State of Texas.

6 Q. All right. And here looking at State's
7 Exhibit No. 4. You said this is what the front of the
8 house looked like at that time?

9 A. Yes, ma'am.

10 Q. Okay. Just for clarity, is it the house on
11 the right side of State's Exhibit No. 4 or is it the
12 one in the center of State's Exhibit No. 4?

13 A. It's the one in the center.

14 Q. Okay. So, is that the one that has the fence
15 around it?

16 A. Yes, it is.

17 Q. All right. So, when you -- do you remember
18 what time you got called out to 3510 Askew?

19 A. The call came in at 7:44 in the morning.

20 Q. Okay. And is that when you received the call
21 or do you know when it made it to dispatch?

22 A. No, ma'am. That's when I received the call.

23 Q. Okay. And so, when you received that call --
24 and earlier you were talking about priority levels.

25 A. Yes, ma'am.

1 Q. Do you remember what level this was?

2 A. If I remember correctly, it was probably a --
3 possibly a Code 1 because of the time frame.

4 Q. And is that on the levels -- you said there
5 was 1 to 6.

6 A. Yes, ma'am.

7 Q. Is that the most important or least important?

8 A. That's the most important, ma'am.

9 Q. All right. So, what do you do at that point
10 when you get a Code 1 call?

11 A. Well, basically once you receive a Code 1
12 call, you activate your emergency equipment, which is
13 the sirens and the lights. And then you proceed to try
14 to get to the location as quickly and safely as
15 possible.

16 Q. Okay. Do you remember how long it took you to
17 get there?

18 A. Yes, ma'am. Took me four minutes to get
19 there.

20 Q. Okay. So, were you close by then?

21 A. I don't recall if I was or not. But if I got
22 there in four minutes, it's a possibility, yes, ma'am.

23 Q. All right. When you got to this house, can
24 you describe what you observed when you arrived?

25 A. When I pulled up, I observed a young Hispanic

1 female. She appeared to be distraught. Appeared to me
2 that she was crying. She had a shocked look on her
3 face when I approached and when I got to the location.
4 She was standing outside the residence.

5 Q. Okay. Was anybody else with her at the time?

6 A. No, ma'am. She was by herself.

7 Q. Okay. And do you remember what she was
8 wearing at the time?

9 A. If I remember correctly, she was wearing pink
10 pajama bottoms and salmon-colored blouse. And she was
11 wearing no shoes at the time.

12 Q. All right. Now, you said -- you used the word
13 shocked. Why do you use that word?

14 A. Just the -- the look that she had on her face,
15 she just looked like she just wasn't all there. I
16 attempted to ask her some questions and she just -- she
17 just looked like she was just out of it.

18 Q. Okay. Now, when you used crying, was it like
19 a few tears or can you describe her crying?

20 A. She was -- if I remember correctly, she wasn't
21 crying at the time. It appeared that she had been
22 crying. Just she -- her eyes looked puffy. She had
23 red swollen eyes. So to me, it appeared she had been
24 crying.

25 Q. Okay. And did you notice anything about --

1 anything else about her physical appearance?

2 A. I noticed a scratch on the left side of her
3 neck.

4 Q. Okay. And what kind of scratch, if you can
5 describe it?

6 A. It was just -- I mean, it -- just a -- it was
7 a scratch. I don't remember exactly how big or how
8 long it was. But I just remember it to be a scratch.

9 Q. Okay. Do you remember how wide it was, like
10 if it was something that could have been made by
11 fingernails or something thinner?

12 A. Probably something that could be done by
13 fingernails if -- I mean, if I'm -- I'm to guess.

14 Q. Okay. I don't want you guessing. So, just
15 tell me, do you remember specifically the scratch?

16 A. No, ma'am, I don't remember.

17 Q. Okay. But you did note or you do remember
18 that there was some sort of scratch or redness on her
19 neck?

20 A. Yes, ma'am.

21 Q. Okay. And so, once you made contact with her,
22 did you identify her?

23 A. I asked who she was and she identified
24 herself. I attempted to talk to her and ask her what
25 had happened. She gave me kind of a -- just a general

1 information as to what happened. But I could tell that
2 by talking to her she was just not -- like I said
3 earlier, she was not all there. She just wasn't coming
4 with the answers. And she just looked like she was
5 just -- just in a state of shock when I attempted to
6 talk to her.

7 Q. Okay. I'm going to back up just a --

8 A. Okay.

9 Q. -- little bit and we'll go through that.

10 What was her name?

11 A. Her name was Natalie Pineda.

12 Q. Okay. And you keep describing her as not
13 being all there.

14 A. Right.

15 Q. Is this due to -- like did she seem to be
16 impaired in any way or is it just seemed to be about --
17 due to the situation?

18 MS. REDDI: Objection, leading the
19 witness, Your Honor.

20 THE COURT: Overruled.

21 A. To the situation, ma'am.

22 Q. (BY MS. ROBERTS) Okay. So, did you believe
23 that she was intoxicated or anything?

24 A. No, ma'am.

25 Q. Okay. All right. Did she -- did you have any

1 reason to think that?

2 A. No, ma'am, I did not.

3 Q. And so, once you made it to the scene, what
4 did you do next?

5 A. I attempted to talk to her. Once I was able
6 to try to get as little or as much information as I
7 could from her, I entered the house. I went into the
8 bedroom where she said that the incident had happened.

9 Q. Okay. And what did you notice about the
10 bedroom?

11 A. I noticed that there was two beds in the room.
12 The room looked like -- in the report I said state of
13 disarray. There was just stuff every in the room. It
14 looked like a possible struggle. There was a condom --
15 unopened condom still in the package at the foot of the
16 bed. There was some sheets that were balled up too on
17 the bottom of the bed in the room.

18 Q. Okay. So, you're saying that there are two
19 beds?

20 A. Yes, ma'am.

21 Q. Can you please describe their placement maybe
22 in reference to like the door of the room?

23 A. They were off to the side. They were on each
24 side of the room. They were in not in the -- one was
25 on one side of the room. One was on the other side of

1 the room.

2 Q. Okay. And what kind of beds were they? Were
3 they like queen size beds or were they smaller or
4 bigger?

5 A. They were -- they were smaller. They were not
6 queen size or king size. They were smaller beds.

7 Q. Okay. And so, when you're talking about the
8 sheets being balled up, do you remember which bed that
9 was at? Like was it closer to the door or further away
10 from the door?

11 A. I don't remember, ma'am, to be honest.

12 Q. Okay. And you said that there was a condom.

13 A. Yes, ma'am.

14 Q. Where was it located? Was it at the bed that
15 had the sheets balled up on it or the other one?

16 A. It was the one with the sheets balled up on
17 it.

18 Q. All right. And did Natalie Pineda go in the
19 house with you?

20 A. No, ma'am. She stayed outside.

21 Q. Okay. At this point had you already talked to
22 her and figured out what happened?

23 A. Yes, ma'am.

24 Q. All right. And so, when you went inside, did
25 you generally know what you were looking for?

1 A. Yes, I did.

2 Q. Okay. And so, what did you determine or what
3 did you see in the room?

4 A. I noticed, like I said, the sheets and the
5 condom. I also went throughout the house. I saw that
6 the rear door was either pried open or kicked open. I
7 saw there was a window located in the house that
8 appeared to have been broken.

9 Q. And where was that window?

10 A. If I remember correctly -- I'm trying to read
11 the report.

12 In the kitchen area -- the kitchen area.

13 Q. Okay. And so, the window, could you tell if
14 it was broken into the house or out of the house based
15 on where the glass was?

16 A. The glass was in the interior of the
17 residence, which was inside the house.

18 Q. Okay. And how close would you say that was to
19 the rear door that had been pried or kicked open?

20 A. I don't recall, ma'am.

21 Q. Okay. Now, that rear door that was pried or
22 kicked open, how do you make a determination that
23 that's what happened?

24 A. Just by the look of the door. It was -- it
25 was open when I got there. And just by the look of it,

1 it looked like it had possible damage.

2 Q. Okay. Can you describe the door, like what
3 kind of door was it?

4 A. It was just the regular -- regular door or --
5 with a burglar bar.

6 Q. Okay. I'm sorry. Which room did you say the
7 door and window were located in?

8 A. In the kitchen -- kitchen area.

9 Q. All right. So, can we see that when looking
10 at this front-on view of the house?

11 A. No, ma'am, I don't think you can.

12 Q. Okay. So, when you say rear, you mean like
13 back of the house that we can't see in State's Exhibit
14 No. 4?

15 A. Yes, ma'am.

16 Q. All right. Once you went through the house,
17 what did you do next?

18 A. Once I went through the house, I made sure
19 that there was nobody in there. I -- I went outside
20 and I started making some phone calls. I called my sex
21 crimes division. I asked them for -- basically I was
22 letting them know the situation that I had -- they
23 advised me to -- if there was any evidence that I could
24 locate in the house to secure that and to tag it into
25 the property room.

1 Q. Okay. And did you do that?

2 A. Yes, ma'am.

3 Q. Okay.

4 MS. ROBERTS: Your Honor, may I approach
5 the witness?

6 THE COURT: Yes, ma'am.

7 Q. (BY MS. ROBERTS) Let me show you what's been
8 marked as stated Exhibit No. 5. Do you recognize this?

9 A. Yes, ma'am. It appears to be the condom.

10 Q. All right. And so, yesterday did you bring me
11 all this evidence?

12 A. Yes, I did.

13 Q. Including this envelope here?

14 A. Yes, I did.

15 Q. Okay. And so, knowing that the condom came
16 out of the bag, how do you know that this is the same
17 one from the residence of 3510 Askew?

18 A. Because once I secured it, it did not lose --
19 I did not lose sight of the condom until I tagged it in
20 the property room.

21 Q. And so, the packaging that it came in, how do
22 you know that it's from that location or a certain
23 incident?

24 A. Because once I tag it in the property room,
25 the personnel at the property room ascertains that it's

1 the proper location from where it was gathered and the
2 case number at the top.

3 Q. Okay. So, does it have the collection date,
4 collection location and collection officer on it?

5 A. Yes, ma'am.

6 Q. Okay. And what is the date, location and
7 officer?

8 A. The officer is myself, Juan R. Carrillo. The
9 date is December 8th, 2009. And the address of the
10 location is 3510 Askew.

11 Q. Okay. And so, you recognize this to be the
12 condom that you collected from the floor of the Natalie
13 Pineda's bedroom?

14 A. Yes, ma'am.

15 Q. Okay.

16 MS. ROBERTS: Your Honor, at this time I
17 tender State's Exhibit No. 5 to opposing counsel and
18 offer State's Exhibit No. 5 into evidence.

19 MS. REDDI: No objections, Your Honor.

20 THE COURT: All right. Thank you.

21 State's No. 5 will be admitted.

22 Q. (BY MS. ROBERTS) All right. After collecting
23 the items, what did you do next?

24 A. I was -- I contacted the dispatcher and I
25 advised her that I was requesting an ambulance to make

1 the location. She had advised me that an ambulance was
2 already en route. Unbeknownst to me, when Ms. Pineda
3 dialed 911, both HPD and HFD were sent out to the
4 location.

5 Q. Okay. So, at some point did an ambulance
6 arrive?

7 A. Yes, ma'am.

8 Q. All right. And did any of Ms. Pineda's family
9 members arrive?

10 A. I don't recall.

11 Q. Okay. And so, after you collected the
12 evidence and the ambulance arrived, what happened?

13 A. It was my knowledge that she was transported
14 to the hospital to obtain a rape kit at Ben Taub.

15 Q. Okay. And did you go to the hospital?

16 A. No, ma'am. I contacted my Sex Crimes Unit.
17 And they advised me that she was going to be -- for me
18 to have her transported to Ben Taub and have a rape kit
19 done. But no, I did not go to the hospital.

20 Q. Okay. So, do you -- are you sure of which
21 hospital she went to or any of that information? It's
22 just that's what's supposed to happen.

23 A. Well, it's -- basically what we do is if we're
24 -- if we don't know what hospital they're going to
25 transport to. We just ask our dispatch. They have

1 knowledge because they have to advise the dispatch what
2 hospital they transported to.

3 Q. Okay. So, if she actually went to Hermann
4 Hospital instead, that could be what happened that day?

5 A. Yes, ma'am, it's a possibility.

6 Q. Okay. And after that, did you ever have any
7 follow-up interviews with Natalie Pineda or anybody
8 else?

9 A. No, ma'am.

10 Q. Okay. What was your involvement with the case
11 after that?

12 A. Once I submitted the report, it was generated
13 from the system and from procedure, it was assigned to
14 a division and then assigned to an investigator.

15 Q. Okay. So, did you do anything else on this
16 case?

17 A. No, ma'am.

18 Q. Okay. All right.

19 MS. ROBERTS: Pass the witness, Your
20 Honor.

21 THE COURT: All right. Thank you.

22 Ms. Reddi?

23 MS. REDDI: Thank you, Your Honor.

24 THE COURT: Yes, ma'am.

25 CROSS-EXAMINATION

1 BY MS. REDDI:

2 Q. Officer Carrillo, you seem like an experienced
3 police officer.

4 A. I hope so.

5 Q. 22 years of experience --

6 A. Yes, ma'am.

7 Q. -- and then you were in Marines and four years
8 in the service?

9 A. Yes, ma'am.

10 Q. Would you say you've made few or many arrests
11 since this incident in 2009?

12 A. Many arrests.

13 Q. Okay. And I saw you referring to your police
14 report. And because you have made many arrests and of
15 because you responded to a Code 1 call, you knew you
16 were responding to a serious situation, correct?

17 A. Yes, ma'am.

18 Q. And when you write those police reports in
19 your experience as a police officer, you would agree
20 with me that it's important to include as many details
21 as you can in the report, correct?

22 A. Yes, correct.

23 Q. And especially in case of a case that involved
24 like a -- if it's a Code 1 call, correct?

25 A. Correct.

1 Q. Because you know that several years down the
2 road, you might have to talk to a defense attorney such
3 as me who's going to ask you questions about it,
4 correct?

5 A. Correct.

6 Q. So, would you say you included as many details
7 as you could in the report?

8 A. As much as I can -- as much as I thought were
9 needed, yes, ma'am.

10 Q. Okay. So, when you initially talked to -- and
11 did you have a chance to read the report?

12 A. Yes, I did.

13 Q. Okay. And you said when you talked to Natalie
14 that she appeared to be crying.

15 A. Yes.

16 Q. And that's what you have in your report.

17 A. Correct.

18 Q. Okay. Now, in terms of how shocked she looked
19 or whatever else, that was not in the report, correct?

20 A. Excuse me? It's in the report that she
21 appeared to me that she was in shock, yes.

22 Q. Okay. All right. Let's go onto -- so, you
23 did get a chance to interview her?

24 A. No, ma'am. I didn't interview her. I spoke
25 with her and I was trying to get as much information as

1 I could from her.

2 Q. Yes, sir.

3 A. So, no, I --

4 Q. So, you didn't speak to her?

5 A. Yeah. I did speak with her, yes. But I
6 didn't interview her.

7 Q. I didn't know there was a difference. But you
8 spoke to her at length about what happened?

9 A. I attempted to. I tried to get as much
10 information as I could from her about what had
11 happened. She gave me some information, but she was --
12 as I said in the report, she just looked like she was
13 in shock.

14 Q. Okay.

15 A. I couldn't get as much information as I wanted
16 from Ms. Pineda at the time.

17 Q. Okay. Now, what did she say was taken from
18 her the day of the incident? What's in your report?

19 A. Taken from --

20 Q. Or what do you recall?

21 A. From -- according to the report when the
22 person that assaulted her left, she said he took the
23 laptop and a cell phone or a phone.

24 Q. Okay. Is there a mention of anything else?

25 A. No, ma'am. Not in the report, no, ma'am.

1 Q. Okay. All right. Then she went on to give
2 you a description of what happened, correct?

3 A. Correct.

4 Q. The whole incident?

5 A. Yes, ma'am.

6 Q. Now, you told the prosecutor that you observed
7 a mark on her neck, correct?

8 A. What appeared to me was a scratch, yes.

9 Q. Okay. And in your years of experience, you
10 said it appeared to be a scratch mark possibly made
11 from a nail, correct?

12 A. Correct.

13 Q. All right. Now, in your experience as a
14 police officer, have you seen knife wounds --

15 A. Yes, ma'am.

16 Q. -- and cuts made with knives?

17 A. Yes, ma'am.

18 Q. All right. And do you know what they look
19 like?

20 A. Yes, ma'am.

21 Q. And obviously this cut or scratch -- you call
22 it a scratch, so let's call it a scratch -- did not
23 appear to be a knife wound.

24 A. I don't remember it. All I remember was that
25 it looked -- it looked to me like a scratch. But I

1 can't tell you whether it was from a knife or a nail.

2 I can't tell you that.

3 Q. Okay. But you did testify earlier that in
4 your experience that you thought it was a scratch?

5 A. Yes, ma'am.

6 Q. Okay. When you went into the house, did you
7 find a knife laying around?

8 A. No, ma'am.

9 Q. Okay. And specifically you said you found a
10 condom, correct?

11 A. Unopened condom, yes, ma'am.

12 Q. Okay. Now, do you recall what Ms. Pineda told
13 you about the condom?

14 A. Yes, ma'am.

15 Q. Okay.

16 A. She specifically told me that --

17 MS. ROBERTS: Objection, Your Honor, it's
18 hearsay.

19 THE COURT: Sustained unless you have an
20 exception.

21 MS. REDDI: Your Honor, excited
22 utterance, state of mind, present sense impression.

23 THE COURT: Why don't you ask him a few
24 more questions about the time frame of when she said
25 that?

1 MS. REDDI: Okay.

2 Q. (BY MS. REDDI) Officer, you said that you got
3 to the scene four minutes after you received the call.

4 A. Yes, ma'am.

5 Q. And it's your testimony that the complaining
6 witness appeared to be crying and in a state of shock.

7 A. Yes.

8 Q. And you talked to her immediately after that,
9 correct, after you got there?

10 A. Yes, ma'am.

11 Q. Okay. So, what did she say to you about the
12 condom?

13 A. Specifically she had told me that once she was
14 assaulted the first time, the suspect produced the
15 condom. She believed that he was going to assault her
16 again.

17 Q. Okay. I just wanted to talk about the condom.

18 A. Okay.

19 Q. So, specifically, her words to her -- you were
20 that the suspect produced a condom --

21 A. Yes, ma'am.

22 Q. -- correct?

23 You testified earlier that you observed a
24 door that was open, a back door --

25 A. Yes.

1 Q. -- a kitchen door?

2 A. When I arrived, yes, it was open.

3 Q. Okay. Now, you also testified that you saw
4 possible damage -- those were your words -- to the
5 door.

6 A. Um-hum.

7 Q. Correct?

8 A. Yes, ma'am.

9 Q. And but you don't know if the damage was there
10 from several days ago or if the damage just happened,
11 correct?

12 A. Correct, yes, ma'am.

13 Q. And in the course of your investigation, you
14 did not take any pictures of this door?

15 A. No, ma'am, I did not.

16 Q. Okay. And you also talked about some broken
17 glass that you saw.

18 A. Correct.

19 Q. You did not take any pictures of the broken
20 glass either?

21 A. I did not, no, ma'am.

22 Q. Okay. Would it surprise you that Ms. Pineda
23 did not mention any broken glass?

24 MS. ROBERTS: Objection, Your Honor,
25 that's improper impeachment.

1 THE COURT: Sustained.

2 Q. (BY MS. REDDI) So -- but there were not any
3 pictures taken of house itself?

4 A. I did not take no pictures, no, ma'am.

5 Q. Okay. No pictures were taken that you know
6 of. You didn't take any pictures of the bedroom?

7 A. No, I did not take no pictures.

8 Q. Okay. Now, you also testified that you
9 thought that the room was in a state of disarray,
10 correct?

11 A. Correct.

12 Q. And in your offense report you also stated
13 that you weren't sure if that's how the room was.

14 A. As far as --

15 Q. Or if it was from a struggle, correct?

16 A. Correct.

17 Q. All right. So, you can't tell this jury how
18 that room came to be the way it was?

19 A. No, ma'am, I cannot.

20 Q. As a police officer, Officer Carrillo, all you
21 can tell this jury at this time is that there were
22 allegations of a sexual assault, correct?

23 A. Correct.

24 Q. You cannot actually tell them if there was a,
25 in fact, a sexual assault that took place, correct?

1 A. I just go based on what Ms. Pineda told me,
2 yes, ma'am.

3 Q. And in your experience as a police officer,
4 you've dealt with many complaining witnesses, correct?

5 MS. ROBERTS: Objection, Your Honor, to
6 relevance.

7 THE COURT: Sustained.

8 MS. REDDI: Pass the witness, Your Honor.

9 MS. ROBERTS: Briefly, Your Honor.

10 THE COURT: Okay.

11 REDIRECT EXAMINATION

12 BY MS. ROBERTS:

13 Q. Officer Carrillo, you said you spoke to
14 Natalie Pineda for a brief time. When you spoke to
15 her, did you write down everything she said to you word
16 for word or was it a description or like a --
17 afterwards you kind of wrote down in your offense
18 report what she told you?

19 A. It was a description of what she -- what me
20 and her talked about, yes, ma'am.

21 Q. Okay. So, did you have it recorded or have
22 anybody else write it down word for word at the time?

23 A. No, it was not.

24 Q. Okay. What was the purpose of talking to her
25 at that time?

1 A. I was trying to get as much information as I
2 can -- as I could from her at the time when I arrived
3 to try to see if we could possibly get a description of
4 the suspect who had done that to her. But that's about
5 as far as we got.

6 Q. Okay. And did you ask her whether she knew
7 the person?

8 A. Yes, I did.

9 Q. Okay. And do you remember whether she had
10 known him?

11 A. She told me that she did not know him.

12 Q. All right. Did you ask her whether she had a
13 name or phone number for the person?

14 A. That, I don't recall. She said she did not
15 know him.

16 Q. All right. Now, earlier we were discussing
17 this, the redness again, on her neck. Do you
18 specifically remember what it looked like?

19 A. Yes, ma'am. To me it appeared that -- the
20 female was crying. She -- it looked like -- her eyes
21 swollen, like I said. Her eyes were red. To me, it
22 appeared that she had been crying.

23 Q. Okay. On her neck, those scratches that we
24 were talking about, can you say definitively what
25 caused it just by looking at it?

1 A. No, ma'am, I cannot.

2 MS. REDDI: Objection, asked and
3 answered, Your Honor.

4 THE COURT: Sustained.

5 Q. (BY MS. ROBERTS) Now, Officer, I want to talk
6 to you about the condom again. I don't want to -- I
7 know you were saying something and were cut off
8 earlier. So, I just want you to finish up what you
9 were saying to the jury.

10 When you were speaking to Natalie Pineda
11 and you were talking about the condom, what was said?

12 A. She had advised me that the suspect had pulled
13 the condom out after he had assaulted her the first
14 time. She thought -- in her mind she believed she was
15 going to be assaulted again. Then the suspect dropped
16 it and ran out.

17 MS. REDDI: Objection, nonresponsive,
18 Your Honor.

19 THE COURT: Overruled.

20 Q. (BY MS. ROBERTS) You can continue.

21 A. And ran out of the house.

22 MS. ROBERTS: Your Honor, I pass the
23 witness.

24 THE COURT: Ms. Reddi?

25 MS. REDDI: Quick question, Your Honor.

1 THE COURT: Yes, ma'am.

2 RECROSS-EXAMINATION

3 BY MS. REDDI:

4 Q. Officer Carrillo, when you were trying to get
5 a description of the suspect, did Ms. Pineda at any
6 time tell you that the suspect had a tattoo?

7 A. No, ma'am.

8 Q. And had she told you that, you would have
9 certainly remembered it, correct?

10 A. Correct.

11 Q. Okay. And you would have notated it in your
12 offense report, correct?

13 A. Correct.

14 MS. REDDI: No further questions, Your
15 Honor.

16 THE COURT: Ms. Roberts?

17 MS. ROBERTS: Nothing further from the
18 State, Your Honor.

19 THE COURT: All right. Thank you, sir.
20 You may step down and step outside.

21 Call your next witness, please.

22 MS. ROBERTS: Your Honor, the State calls
23 Dana Oldham.

24 Your Honor, is he excused or does he need
25 to stick around?

1 THE COURT: Ms. Reddi, do you agree to
2 excuse him or do you need him to stay around?

3 MS. REDDI: Yes, sir.

4 THE COURT: All right. He may be
5 excused.

6 Ms. Roberts.

7 MS. ROBERTS: Thank you, Your Honor.

8 DANA OLDHAM,
9 having been first duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. ROBERTS:

12 Q. Ms. Oldham, can you please introduce yourself
13 to the jury?

14 A. Hi. I'm Dana Oldham.

15 Q. All right. And, Ms. Oldham, how are you
16 employed?

17 A. Right now I'm employed at Harris Health
18 System.

19 Q. Okay. And what do you do?

20 A. I'm a forensic nurse examiner.

21 Q. Okay. What exactly does that mean?

22 A. A forensic nurse examiner is a registered
23 nurse who's been specially trained to give
24 comprehensive care to patients that come in with
25 complaints of inflicted trauma.