

1 you have another witness?

2 MS. COLLINS: Yes, Your Honor. At this  
3 time, the State would call Mr. Troyce Carter to the  
4 stand.

5 THE COURT: Thank you.

6 THE BAILIFF: The witness has not been  
7 sworn, Your Honor.

8 THE COURT: Would you stand before the  
9 clerk and take the oath as witness.

10 (Witness duly sworn.)

11 THE COURT: Let the record reflect the  
12 witness has been sworn.

13 You may proceed.

14 MS. COLLINS: Thank you, Your Honor.

15 TROYCE CARTER,  
16 having been first duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 QUESTIONS BY MS. COLLINS:

19 Q. Mr. Carter, can you spell your full name?

20 A. First name is Troyce, T-r-o-y-c-e; last name is  
21 Carter, C-a-r-t-e-r.

22 Q. Mr. Carter, have we had an opportunity to talk  
23 before you took the stand today?

24 A. Yes.

25 Q. Okay. And what's your role -- well, what do

1 you do for a living?

2 A. I'm a supervisor of Harris County Pretrial  
3 Services.

4 Q. What is Pretrial Services?

5 A. We're an agency that collects information on  
6 defendants that have been arrested here in Harris County.  
7 The information is used to help determine if a person is  
8 going to get a court-appointed attorney, and we get  
9 information to help the Court decide if a person is going  
10 to get a personal bond or not.

11 Q. Now, do you work for the Sheriff's Department?

12 A. No, ma'am.

13 Q. Do you work for the Houston Police Department?

14 A. No, ma'am.

15 Q. Do you work for any law enforcement agency?

16 A. No, ma'am.

17 Q. You don't work for the District Attorney's  
18 Office?

19 A. No, ma'am.

20 Q. Y'all are an independent agency; is that fair  
21 enough?

22 A. Yes. Yes, ma'am.

23 Q. When you are finding out this information, who  
24 are you actually speaking to to gather information?

25 A. Our officers are speaking to the defendant.

1 Q. And it's in the hopes of possibly getting a  
2 bond?

3 A. That is correct.

4 Q. Now, Mr. Carter, when we spoke, did I ask you  
5 to bring some Pretrial Service sheets here to court?

6 A. Yes, ma'am.

7 Q. And what are Pretrial Service sheets?

8 A. Actually, it's called a Defendant Report. It's  
9 the information that we gather from defendants when  
10 they're booked into the Harris County Jail or Houston  
11 Police Department.

12 Q. Now, as the custodian of records, is it your  
13 responsibility to take care of these -- I call them  
14 pretrial sheets -- but the defendant records that you  
15 have here?

16 A. Yes, ma'am.

17 Q. Okay. And that's a part of your job?

18 A. Yes, ma'am.

19 Q. The documents themselves, are they generated  
20 close in time to when the actual interview with the  
21 defendant is done?

22 A. Yes, ma'am.

23 Q. And have you brought two of those here to court  
24 today?

25 A. Yes, ma'am.

1 Q. Specifically, did you bring two -- I'm going to  
2 keep calling them Pretrial Service sheet reports --  
3 sorry, sir -- pretrial reports for a defendant, Willie  
4 Dewayne Roland?

5 A. Yes, ma'am.

6 Q. Now, as a part of gathering information from a  
7 particular defendant, do you get information such as  
8 their date of birth?

9 A. Yes, ma'am.

10 Q. Their driver's license number?

11 A. Yes, ma'am.

12 Q. Other identifying information?

13 A. Yes, ma'am.

14 Q. Okay. Along with that, when you have this  
15 defendant that you're interviewing, do you get a case  
16 number?

17 A. Yes, ma'am, if one is available.

18 Q. And did you bring a Pretrial Service sheet  
19 report for Case No. 1253231?

20 A. Yes, ma'am.

21 MS. COLLINS: And let the record reflect  
22 that's the case we're here for today and in the the midst  
23 of trial for.

24 THE COURT: It will so reflect.

25 Q. (BY MS. COLLINS) And when was that report --

1 or interview conducted?

2 A. It was conducted on February 26, 2010, at  
3 approximately 9:58 a.m.

4 MS. COLLINS: May I approach the witness,  
5 Your Honor?

6 THE COURT: You may.

7 MS. COLLINS: I'm going to mark that  
8 document as State's Exhibit No. 42, and I would offer  
9 State's 42 and tender to opposing counsel.

10 MR. CARTER: Your Honor, could we have a  
11 brief recess?

12 THE COURT: Yes, sir.

13 Ladies and gentlemen of the jury, at this  
14 point, I'll let you take a quick break, go back to the  
15 jury room, stretch your legs, go to the restroom; and  
16 then I'll bring you back out.

17 (Jury exits courtroom.)

18 THE COURT: Let the record reflect that  
19 the jury has exited the courtroom.

20 MR. CARTER: Your Honor, the document, in  
21 terms of arrests, it has ten arrests. It was my  
22 impression that they were going to show that he had  
23 gotten out of jail just shortly before or sometime prior  
24 to this -- not go into how many times he's been arrested.  
25 It's prejudicial.

1 MS. COLLINS: And, Your Honor, to be fair,  
2 I completely forgot that those were on there. That's not  
3 what I intended to go into. In my eagerness to point out  
4 other points, I completely forgot; and I'll be happy to  
5 redact those portions that go into his criminal history.

6 THE COURT: All right. Thank you.

7 Anything else, Mr. Carter?

8 MR. CARTER: Well, what about on the last  
9 page here, it has a recitation on his part about -- he  
10 say he lives by himself. I don't think they trying to  
11 get that in there through this. They're just trying to  
12 show he was in jai, if you understand what I'm saying.

13 MS. COLLINS: Your Honor, it is a  
14 statement by a party -- an admission by a party opponent  
15 of the residence where he lives and who he lives with,  
16 which is himself and no others. It certainly goes and is  
17 relevant to this case because the residence that he says  
18 he lives at by himself is 5109 Parker, where the search  
19 warrant was executed.

20 MR. CARTER: Your Honor, that is true; but  
21 the purpose of this is trying to show that he was in jail  
22 for a given offense, not what he said when he went to  
23 Pretrial.

24 MS. COLLINS: Well, actually, the whole  
25 point is the residence that he gave, his open admission

1 that that was his home, that is where he had lived for at  
2 least over a year.

3 MR. CARTER: Your Honor, any information  
4 that's put on this document that's not near or at the  
5 time of the arrest that does not specifically deal with  
6 the facts of the case, even though it's him, is hearsay.

7 MS. COLLINS: Which would be combatted by  
8 the fact that it's an admission by a party opponent, the  
9 defendant in this case, Your Honor.

10 MR. CARTER: Your Honor, telling where you  
11 live is an admission?

12 MS. COLLINS: When that's where 143 grams  
13 of crack cocaine is found, Your Honor, then, yes, I would  
14 say that is an admission.

15 MR. CARTER: Your Honor, the purpose of  
16 this was trying to get a pretrial bond. Any information  
17 that was solicited from him on a bond is hearsay. It has  
18 no connection with what he's charged with.

19 Now, what I'm suggesting is, just mark it  
20 off.

21 MS. COLLINS: Your Honor, there's a long  
22 history of the use of Pretrial Service sheets for  
23 purposes of admissions by defendants in cases. If you  
24 would like me to call Appellate, I'm sure we can get case  
25 law on that; but that's the only intent that I have here

1 is his own admission as to his residence, which is where  
2 the search warrant was executed and which is where a  
3 crime was being committed.

4 MR. CARTER: Your Honor, we have clearly  
5 established they had a right for a search warrant. I  
6 have agreed to stipulate that he was incarcerated prior  
7 to this case; and, so, they can prove up that he was in  
8 jail. Now, to put a hearsay statement when they are  
9 introducing it for the purpose of showing he was in jail,  
10 I guess, or where he lived -- but what he said is  
11 hearsay.

12 MS. COLLINS: Your Honor, those are two  
13 separate issues. We'll be getting to the issue that  
14 Mr. Carter is touching upon, about the fact that he was  
15 not in jail in the months leading up to this, in a  
16 moment. Right now the only issue we're dealing with for  
17 purposes of this pretrial sheet form is his own  
18 admission, the defendant's admission, that this was his  
19 home, this was his residence where he had lived for over  
20 a year by himself at 5109 Parker.

21 THE COURT: Well, it seems that you could  
22 lay more predicate showing it's a business record under  
23 the hearsay rule. Then you have the other exception to  
24 bring it in.

25 Now, I understand that you will redact the



1 ten arrests.

2 MS. COLLINS: Yes, Your Honor.

3 THE COURT: So, I think lay more  
4 predicate --

5 MS. COLLINS: Yes, Your Honor.

6 THE COURT: -- to make it -- if you can,  
7 to satisfy the business records affidavit requirement.

8 MS. COLLINS: Yes, Your Honor.

9 THE COURT: And then my ruling would be  
10 that it's admission by party opponent.

11 MS. COLLINS: Yes, Your Honor.

12 THE COURT: If you can get the record  
13 redacted before we bring the jury back in.

14 MS. COLLINS: Will do, Your Honor. And,  
15 Your Honor, if you'll give me just a moment, I'll  
16 actually blank out the whole thing just so there's not  
17 any appearance of anything.

18 THE COURT: Okay. All right.

19 (Recess taken.)

20 MR. CARTER: Your Honor, as to the  
21 defendant's report, defendant has not been given due  
22 notice, as required, that -- the document has not been  
23 authenticated. That means that there's no acknowledgment  
24 that he signed or knew what was on the document. It's a  
25 piece of paper that they put down, and he have never seen

1 it or can attest as to whether or not he put anything on  
2 it. It has not been authenticated by him -- if -- and an  
3 affidavit has to purport to the law. They stated in  
4 evidence certain other documents; and they give unto us  
5 due notice under the Business Records Act and, of course,  
6 affidavits because people sign them. This is a piece of  
7 paper with not one signature on it authenticating the  
8 document. It's just some words on a piece of paper  
9 saying what he said.

10 Now, the business he can say is taken at  
11 or near the time of the incident; but there's no person  
12 saying they took the statements. There's nothing on here  
13 where he acknowledged saying anything. How, then, does  
14 it purport to the Business Record Act?

15 THE COURT: Well, the State is going to  
16 have to lay its predicate, too.

17 MR. CARTER: Your Honor, we not opposed to  
18 them reading the relevant parts; but statements -- if he  
19 did make them, if they're incriminating on his part --  
20 should there be some kind of acknowledgment that I  
21 actually said this or somebody's name down that, perhaps,  
22 if need be, we can ask them if, in fact, he did say --  
23 there's nothing here to tell us who did what.

24 THE COURT: Well, let's let -- do you have  
25 your exhibit ready?

1 MS. COLLINS: We do, Your Honor.

2 THE COURT: All right. If you would,  
3 while the jury is outside the courtroom, just go ahead  
4 and go through your questioning. Lay what predicate you  
5 wish, and then I can rule on Mr. Carter's objection.

6 MS. COLLINS: Yes, Your Honor.

7 (The following testimony was had outside  
8 the presence of the jury.)

9 VOIR DIRE EXAMINATION

10 QUESTIONS BY MS. COLLINS:

11 Q. Okay. Let me go ahead and hand these back to  
12 you just so you'll have them while I'm asking you these  
13 questions. Okay, Mr. Carter?

14 A. Sure.

15 Q. I'm going to go ahead and mark the other  
16 pretrial form as State's Exhibit No. 43, while we're at  
17 it.

18 Okay. Mr. Carter, you said that your  
19 occupation is the custodian of business record for what  
20 business or organization?

21 A. Harris County Pretrial Service.

22 Q. Okay. You have before you State's Exhibit Nos.  
23 42 and 43. Are you familiar with those records?

24 A. Yes, ma'am.

25 Q. Okay. And were those records kept in the

1 regular course of business for the Harris County Pretrial  
2 Services Department?

3 A. Yes, ma'am.

4 Q. Did an employee or a representative or -- as  
5 you, I think, called them -- an officer of the Harris  
6 County Pretrial Services Department make these records in  
7 the course of their duties?

8 A. Yes, ma'am.

9 Q. Okay. And did they make these records at or  
10 near the time when they interviewed the defendant in this  
11 case?

12 A. Yes, ma'am.

13 Q. And the employee that actually made these  
14 documents, did they have firsthand knowledge of the  
15 interview that took place with the defendant?

16 A. Yes, ma'am.

17 Q. In fact, the employees who do those interviews,  
18 are they the same employees who then make the documents  
19 that you have before you?

20 A. Yes, ma'am.

21 Q. And is that to ensure that they have firsthand  
22 knowledge of the interview and the statements made by the  
23 defendant during that interview?

24 A. Yes, ma'am.

25 Q. Okay. The records that you have before you,

1 State's Exhibit Nos. 42 and 43, are those the originals?

2 A. Yes, ma'am.

3 Q. Okay. Those are the actual originals?

4 A. These are the printed copies, yes.

5 Q. So, they are the printed duplicates of the  
6 original, which would be in the computer system; is that  
7 right?

8 A. Yes, ma'am.

9 Q. Okay. And other than -- other than a few  
10 things that have already been discussed here in court,  
11 are they exactly the way that they would have been in  
12 that computer system via the original?

13 A. Yes, ma'am.

14 MS. COLLINS: Your Honor, at this time, we  
15 would offer into evidence State's Exhibit Nos. 42 and 43.

16 MR. CARTER: Your Honor, could I take him  
17 on voir dire?

18 THE COURT: You may.

19 VOIR DIRE CROSS-EXAMINATION

20 QUESTIONS BY MR. CARTER:

21 Q. Do you know whether or not on those documents  
22 there's a business record affidavit attached to it?

23 A. No, sir, there's not.

24 Q. Do you know whether or not those documents was  
25 ever filed with the court, or did you just bring them in

1 here?

2 A. When these interviews are conducted, the Court  
3 have access to the reports. Whether or not they actually  
4 reviewed the report or not, I do not have that knowledge  
5 of whether or not the Court actually reviewed the  
6 document; but they do have access to it.

7 Q. The pretrial sheets are taken to determine  
8 whether or not they eligible for a pretrial bond, right?

9 A. That is one of the reasons why we collect  
10 information, yes, sir.

11 Q. And the purpose for which you here now is  
12 something other than that, isn't it?

13 A. I was asked to come here to bring --

14 Q. Okay.

15 A. Sir?

16 Q. But it's nothing on that document that you can  
17 read that suggests that somebody created a business  
18 record affidavit, is it?

19 A. Not an affidavit, no, sir.

20 MR. CARTER: Again, Your Honor, we object  
21 to failure of notice that it does not purport to the  
22 Business Record Act.

23 MS. COLLINS: Your Honor, there is not a  
24 business records affidavit. That's why the custodian of  
25 records is here himself testifying in court, per the

1 rules of procedure.

2           Despite that fact, that there was not a  
3 business records affidavit on file, defense counsel  
4 certainly had notice of these documents. First of all,  
5 they're in the clerk's file from Day 1. That's one of  
6 the original places they go. They were in our file from  
7 Day 1, because we, too, got a copy. Third, the custodian  
8 of records with this specific interview number was  
9 subpoenaed and was on the subpoena given and faxed to  
10 Mr. Carter for purposes of trial, just to be safe and  
11 make sure that he had notice of that. Fourth, we also  
12 sent him a notice of statements made by the defendant  
13 that would be used in court, Your Honor, as -- again, as  
14 another precaution.

15           These are government documents that are  
16 widely accessible by defense counsel. They were given  
17 notice by the fact that the custodian of records was  
18 subpoenaed for these specific Pretrial Service sheets far  
19 more than 14 days in advance -- far more than 20 days in  
20 advance, Your Honor.

21           MR. CARTER: Your Honor, Mr. Roland been  
22 to the pen. Why would I care about pretrial? I mean,  
23 I'm representing him. I don't -- he's been to the  
24 penitentiary. I'm going to waste my time talking about  
25 pretrial? I mean, why would I look at that? That

1 doesn't put me on notice. That's just for them to see --

2 But, Your Honor, when you got a client  
3 with a record, it's a waste of time to look at the  
4 pretrial. Ain't nobody going to give him no pretrial  
5 bond. Why would I look at that?

6 THE COURT: Let me ask you this to make  
7 sure I'm clear: 42 and 43, is one nonredacted and the  
8 other redacted? What are they? I don't have them in  
9 front of me.

10 MS. COLLINS: Yes, Your Honor. My  
11 apologies. They're actually two different Pretrial  
12 Service sheets that I marked as 42 and 43. Exhibit No.  
13 42 is the one taken by the defendant on February 26th for  
14 purposes of this case. Exhibit 43 -- which I will have  
15 to lay all that predicate again in front of the jury, but  
16 I just wanted to have the Judge hear it now -- is for  
17 purposes of the previous case, the one that defense  
18 counsel has made continuous reference to that happened --  
19 and I want to give you the right date, Your Honor. I  
20 believe it was April 26 -- yes, April 26, 2009, was the  
21 date that that Pretrial Service sheet was given. Both  
22 are now redacted. They do not include the criminal  
23 history of the defendant.

24 The reason April 26th is relevant is for  
25 two reasons: First, on that Pretrial Service sheet, he



1 also put 5109 Parker as his residence, showing that he's  
2 lived there for over a year, actually, Your Honor, at  
3 that residence. Second, it's also just to lay the  
4 predicate or to show that State's 41, which is the  
5 Judgment and Sentence we've all discussed now at this  
6 point for that last state jail case, matches up with that  
7 Pretrial Service form and the SPN number just so the jury  
8 is clear that this is, in fact, the Judgment and Sentence  
9 for this particular defendant here in court.

10 THE COURT: All right. Thank you.

11 MR. CARTER: Your Honor?

12 THE COURT: Yes, sir.

13 MR. CARTER: We -- the part that we  
14 objecting to is his statement.

15 THE COURT: Yes, sir, I understand that.

16 All right. Based on what I've heard, they  
17 will be admitted. I've noted your objections and you do  
18 not have to object again unless you care to or add more  
19 objections when the jury comes out, but you've made  
20 sufficient objections now. I understand your position.  
21 But at this point I'm inclined to admit them, but let's  
22 do it before the jury so there's no confusion and they  
23 know what's admitted and what's not admitted.

24 MS. COLLINS: Would you like me to kind of  
25 go back to where I had just handed it to defense counsel,

1 for 42; and then I'll do 43 on a separate occasion in  
2 front of the jury?

3 THE COURT: That's fine. That's fine.  
4 Whatever you --

5 All right. Let the record reflect that  
6 during these proceedings, the defendant remained here at  
7 counsel table with his attorneys.

8 All right. Mr. Perry, at this point,  
9 would you bring the jury back into the courtroom.

10 THE BAILIFF: Yes, Your Honor.

11 (Jury enters courtroom.)

12 THE COURT: You may be seated.

13 You may continue, Ms. Collins.

14 MS. COLLINS: At this time, we would offer  
15 into evidence State's Exhibit No. 42.

16 THE COURT: Any objection, Mr. Carter?

17 MR. CARTER: Yes, Your Honor; and will the  
18 Court note my objection?

19 THE COURT: All right. Same objections  
20 have been noted.

21 State's Exhibit No. 42 is admitted.

22 (State's Exhibit No. 42 was admitted.)

23 MS. COLLINS: Thank you, Your Honor.

24 Permission to publish to the jury, Your Honor?

25 THE COURT: Granted.

1           Q.    (BY MS. COLLINS) Mr. Carter, while we're  
2 setting all this up, can you just give me kind of a  
3 rundown of when someone comes in to Pretrial Service for  
4 purposes of getting a bond, what's the process they go  
5 through for this interview?

6           A.    Basically, what happens is a Pretrial officer  
7 or a Pretrial representative will identify themselves and  
8 explain to them the purpose of the interview. The  
9 defendants are asked a series of questions. The  
10 information is documented on the Defendant Report. At  
11 some point later on, as far as we're concerned, we do a  
12 background check on the individual; and we document that  
13 information on the report, also.

14                        Later on during the process, the defendant  
15 will go to what's called a probable cause. At that  
16 point, the probable cause hearing officer here in Harris  
17 County will determine if that person is going to get a  
18 personal bond and the information is also used to help  
19 determine if any other services are needed by the  
20 defendant and it also helps determine if the defendant  
21 will be needing or is eligible for a court-appointed  
22 attorney.

23           Q.    Okay. I'm going to show you what's been  
24 entered in now as State's Exhibit No. 42, and you should  
25 be able to see it there to your left. It might be a

1 little easier to read.

2 A. Yeah.

3 Q. Let's just kind of walk through, for a minute,  
4 what we're looking at here.

5 Where do we see that this is a Pretrial  
6 Service sheet for Willie Roland?

7 And if you touch that screen right there,  
8 if you actually physically touch it, it will make a  
9 little mark.

10 A. Okay. Where it says "Defendant's Name," that's  
11 defendant's name. He's also identified by his SPN  
12 number. Each interview or Defendant Report by Harris  
13 County Pretrial Services has a unique interview number,  
14 and that is in the far right-hand corner. It also gives  
15 the interview date.

16 Q. And when did this particular interview take  
17 place?

18 A. Let's see. This is 42? Could we scroll up, go  
19 up to the next screen, please?

20 Q. Oh, the next screen?

21 A. Yes.

22 Q. Is this not it right here?

23 A. That's the interview date. I was trying to get  
24 you the time, also; but that is the date, yes.

25 Q. Okay. Next page?

1 A. Yeah. Go further up.

2 Q. This is the top of my page.

3 A. I mean, go to the bottom. I'm sorry. Go to  
4 the bottom. Next page is where we've got that.

5 Okay. This interview date is at the  
6 bottom, where it says "Interview Particulars." It was  
7 done on the day shift of February 26, 2010, at 9:58 a.m.,  
8 at H.P.D., Houston Police Department.

9 Q. So, these interviews happen pretty quickly  
10 after a defendant is brought into the court system?

11 A. Yes, ma'am.

12 Q. Okay. Now, as a part of your interview, do you  
13 ask questions about where they live?

14 A. Yes, ma'am.

15 Q. And what's the purpose of that?

16 A. Demographics. Just more identifying  
17 information.

18 Q. And I'm going to go on State's Exhibit No. 42  
19 over here to the second page where we see what looks to  
20 be "Address Record." Can you tell us what was the  
21 address that this defendant gave for his home?

22 A. Defendant gave: "5109 Parker, Houston, Texas  
23 77016, Harris County, Texas."

24 Q. Now, when you ask someone where they live, do  
25 you ask how long they've lived there?

1 A. Yes.

2 Q. Okay. And in this case, did you ask this  
3 defendant how long he had lived at 5109 Parker?

4 A. Yes. This defendant was asked how long he had  
5 lived there, yes.

6 Q. And how long did he give?

7 A. He said one year.

8 Q. Now, if it had been longer than one year, would  
9 you have put that?

10 A. Yes, ma'am.

11 Q. So, we know that at least a year, this  
12 defendant said he had lived at this residence; is that  
13 fair?

14 A. That is correct.

15 Q. Now, when you ask someone where they live, how  
16 long they've live there, do you also ask if they live  
17 with anybody?

18 A. Yes, ma'am.

19 Q. And did you ask this defendant if he lived at  
20 this residence with anyone else?

21 A. Yes, ma'am.

22 Q. And what did he tell you?

23 A. Jacquelyn Irvin.

24 Q. Okay. Now, do you know who Jacquelyn Irvin is?

25 A. Defendant reported that it was his girlfriend.

1 Q. Okay. Other than that, did he give you any  
2 particulars of anybody else who lived in the house with  
3 him?

4 A. Let's see. One child.

5 Q. Okay. Do you know the child's name? Did he  
6 give you the particulars of that?

7 A. No, ma'am.

8 Q. But you do know that he had some -- a son or  
9 daughter who lived at the house?

10 A. Yes, ma'am.

11 Q. Now, at the end of the interview sheet, do you  
12 have just an area for any additional comments, anything  
13 extra that you think is important?

14 A. Throughout the interview, we have access to a  
15 screen where if the defendant tells us something that  
16 doesn't really fit into our set questions, we have a  
17 screen that we can go to anytime throughout the interview  
18 and type in comments or observations that the officer  
19 makes.

20 Q. Okay. And on February 26th when he was  
21 interviewed, were there any comments that were put down  
22 by the interviewer?

23 A. Yes, ma'am.

24 Q. And what did he put down?

25 A. "Defendant states he lives by himself.

1 Defendant states his girlfriend pays all his bills." And  
2 his H.P.D. arrest number.

3 Q. Okay. And the reason that you put down that  
4 the girlfriend paid for all the bills is because he said  
5 that he was unemployed, that he didn't have a job at the  
6 time, right?

7 A. That's correct.

8 MR. CARTER: I'm going to object.  
9 Leading.

10 THE COURT: Sustain the objection.

11 Q. (BY MS. COLLINS) Did he say whether or not he  
12 was employed?

13 A. Unemployed.

14 Q. Unemployed.

15 MS. COLLINS: Your Honor, at this time I  
16 would offer into evidence State's Exhibit 41, Judgment  
17 and Sentence for Case No. 1213361, which both parties  
18 have stipulated is the Judgment and Sentence for this  
19 defendant, Willie Dewayne Roland.

20 THE COURT: I believe you did stipulate,  
21 Counsel; or not?

22 MR. CARTER: Yes, sir, I did. The  
23 Judgment and Sentence, yes, sir.

24 THE COURT: State's Exhibit No. 41 is  
25 admitted.



1 (State's Exhibit No. 41 was admitted.)

2 Q. (BY MS. COLLINS) Okay. Now, Mr. Carter, did I  
3 ask you to bring one other Pretrial Service sheet today?

4 A. Yes, ma'am.

5 Q. And is that for Case No. 1213361?

6 A. Yes, ma'am.

7 Q. And when was that pretrial interview conducted?

8 A. April 26, 2009, at approximately 4:46 p.m. at  
9 the Houston Police Department.

10 Q. And, again, is that a Pretrial Service sheet  
11 for this defendant, Willie Dewayne Roland?

12 A. Yes, ma'am.

13 Q. And how do we know that? You mentioned that  
14 there was a unique identifying number. Is that connected  
15 to both of these sheets in this case?

16 A. Each interview has a separate interview number.  
17 Interview numbers are different.

18 Q. Is there a unique identifying number that's the  
19 same?

20 A. The SPN number for the defendant.

21 Q. And does that reflect that both of these  
22 Pretrial Service sheets are for this defendant?

23 A. Yes, ma'am.

24 Q. Now, the Pretrial Service sheet that was  
25 done -- or interview that was done on April 26, 2009,

1 again, same kind of set of questions: Is that a document  
2 that was done in the regular course of your business at  
3 Harris County Pretrial Services?

4 A. Yes, ma'am.

5 Q. Is that the same place where you are a  
6 custodian of records?

7 A. Yes, ma'am.

8 Q. Are these documents kept in the regular course  
9 of your business there?

10 A. Yes, ma'am.

11 Q. And were these documents generated or written  
12 out by someone who had actual knowledge of the interview  
13 that took place with this defendant?

14 A. Yes, ma'am.

15 Q. That same person, did they make these documents  
16 at or near the time of the interview?

17 A. Yes, ma'am.

18 Q. And the document, Exhibit 43, as I have it  
19 marked, is that an exact duplicate of the original that  
20 would be found at your agency, Pretrial Services?

21 A. Yes, ma'am.

22 MS. COLLINS: Your Honor, at this time,  
23 I would offer into evidence State's Exhibit No. 43 and  
24 tender to opposing counsel.

25 MR. CARTER: Your Honor, we object, for

1 the record, because we've already objected to the  
2 introduction of the pretrial and this is one and the same  
3 and we feel that if we don't object since it's an  
4 identical document, we will waive our objection, if you  
5 understand what I'm saying.

6 THE COURT: I do, sir. Your objections  
7 are noted and overruled.

8 State's Exhibit No. 43 is admitted.

9 (State's Exhibit No. 43 was admitted.)

10 Q. (BY MS. COLLINS) Okay. Mr. Carter, I'm going  
11 to show you State's Exhibit No. 43. The interview  
12 process that you talked about a moment ago, is that the  
13 same process that would have happened for both of these  
14 different interviews?

15 A. Yes, ma'am.

16 Q. Okay. On State's Exhibit No. 43, then, same  
17 place, we see that this is Willie Roland; is that  
18 correct?

19 A. Yes, ma'am.

20 Q. Is that the same SPN number or the unique  
21 identifying number that we were talking about earlier  
22 that shows it's the same person?

23 A. Yes, ma'am.

24 Q. Again, going to the second page of State's  
25 Exhibit No. 43 to the address record, where did this

1 defendant say back in April 26th of 2009 that he lived?

2 A. 5109 Parker, Houston, Texas 77016, Harris  
3 County, Texas.

4 Q. Okay. And, again, did he give a length of time  
5 that he had been living -- I may have cut it off a little  
6 bit here -- a length of time that he had been living at  
7 that particular location?

8 A. One year.

9 Q. Now, Mr. Carter, just to be clear, is this one  
10 of these things where if he said it back on April 26th of  
11 2009 and you had another interview with him, that you  
12 would have just put in the same information?

13 A. We document what the defendant tells us.

14 Q. Okay. So, the defendant would have had to  
15 actually verbally tell you both times that that was his  
16 address?

17 A. Yes, ma'am.

18 Q. And at that point, on April 26, 2009, when you  
19 had this interview, did he tell you whether or not he was  
20 living with anybody?

21 A. He told us he was living by himself.

22 MS. COLLINS: Pass the witness, Your  
23 Honor.

24 THE COURT: Mr. Carter.  
25