

1 (Recess taken.)

2 THE COURT: The record will reflect the
3 jury has been retired in this case in the trial. And
4 Sergeant Clopton is in the courtroom.

5 Mr. Morrow, you wanted to ask some
6 questions?

7 MR. MORROW: Mr. Swallers has some,
8 Your Honor.

9 THE COURT: If you would, Sergeant, go
10 ahead and have a seat. And you're still under oath
11 from the other day, but they're going to swear you in
12 in front of the jury. You're still under oath from
13 that day.

14 You may proceed.

15 MS. SWALLERS: Thank you, Your Honor.

16 (Open court; defendant present, jury
17 panel not present.)

18 **CRAIG CLOPTON,**
19 having been first duly sworn, testified as follows:

20 **EXAMINATION**

21 BY MS. SWALLERS:

22 Q Good morning, Sergeant Clopton.

23 A Good morning.

24 Q I just have a couple of brief questions for
25 you. You are aware that -- that you are still under

1 the rule, correct?

2 A Yes.

3 Q And how long were you back speaking with
4 Detective Wedgeworth in the witness room?

5 A Maybe 15, 20 minutes, maybe.

6 Q And you were there -- were you -- the two of
7 you the only two people in the room the entire time?

8 A Yes.

9 Q You weren't in there with Ms. Davidson at
10 any point?

11 A Oh, at some point she came in, yeah.

12 Q Okay. And can you tell the Court what the
13 nature of your conversation was in the witness room
14 with Detective Wedgeworth?

15 A I was on-call this weekend and we had a
16 murder and I was giving him the details.

17 Q And at any time when the two of you were in
18 the witness room together, did you discuss your
19 testimony or his testimony or anything regarding this
20 case whatsoever?

21 A No, we were talking about the case I had
22 this weekend.

23 MS. SWALLERS: Nothing further, Your
24 Honor.

25 THE COURT: All right.

1 Anything.

2 MS. DAVIDSON: I don't have any
3 questions, Judge.

4 THE COURT: All right. Thank you.

5 Sergeant, if you would, just have a
6 seat in the front row and then they'll bring the jury
7 in. And they'll call you and swear you in in front
8 of the jury and we'll proceed.

9 Go ahead and bring in the jury.

10 Both sides ready?

11 MS. DAVIDSON: State's ready, Judge.

12 (Jury Panel enters courtroom.)

13 (Open court; defendant and jury panel
14 present.)

15 THE BAILIFF: All rise.

16 THE COURT: Be seated, please.

17 Just before the break, the State called
18 Sergeant Clopton. Sergeant Clopton, stand up please
19 to be sworn as a witness.

20 (Witness sworn.)

21 THE WITNESS: Yes, I do.

22 THE COURT: Feel free to adjust the
23 chair and microphone there. And just answer
24 questions as directly as you can.

25 THE WITNESS: Yes, sir.

1 THE COURT: You may proceed.

2 MS. DAVIDSON: Thank you, Your Honor.

3 **CRAIG CLOPTON,**

4 having been first duly sworn, testified as follows:

5 **DIRECT EXAMINATION**

6 BY MS. DAVIDSON:

7 Q Can you introduce yourself to the ladies and
8 gentlemen of the jury?

9 A I'm Sergeant Craig Clopton, C-L-O-P-T-O-N.

10 Q How are you employed?

11 A I'm a sergeant with the Harris County
12 Sheriff's Department. I'm currently assigned to the
13 homicide unit.

14 Q How long have you been a Sergeant with the
15 Harris County sheriff's office?

16 A About seven years.

17 Q And how long have you been assigned to the
18 homicide division of the sheriff's office?

19 A Well, I've been with the homicide unit for
20 seven years, but I've been a -- I used to be a
21 detective. And that's when I came to homicide when I
22 promoted to detective. That was seven years ago.
23 But about maybe three years ago they did away with
24 the rank of detective, so they just changed our
25 titles to sergeant.

1 Q Okay.

2 A So, I mean, it's how you want to see it.

3 I'm -- I'm a detective, but my title is Sergeant.

4 Q And how long have you been a peace officer?

5 A Twenty years.

6 Q Okay. And as of that 20 years have you
7 always been with the sheriff's office?

8 A Yes.

9 Q Okay. Can you tell the jury, as a sergeant
10 in the homicide division of the sheriff's office,
11 what your duties are?

12 A We investigate homicides and other various
13 deaths.

14 Q Do you have any special training that
15 enables you to do that?

16 A Yes.

17 Q Can you tell the jury what that training is?

18 A Over the years we take different classes,
19 courses, over homicide investigation, interviewing,
20 interrogation, different aspects of investigation or
21 deaths.

22 Q Were you employed with that same capacity
23 with the sheriff's office back on May 16th of 2008?

24 A Yes, I was.

25 Q Were you assigned to work with a Sergeant

1 Wedgeworth on a case that occurred at 6607
2 Springfield Garden Lane, in Harris County, Texas?

3 A Yes.

4 Q Can you tell the jury where you were when
5 you first got assigned to work on that case?

6 A I was at home.

7 Q What happened?

8 A In homicide we work in squads. At that time
9 I was in a different squad than I'm in now. But at
10 that time we had six investigators in -- in our squad
11 and the different squads rotate on being on-call,
12 which is, you know, all weekend and at nighttime.
13 This particular week my squad was on-call.

14 Within our squad we alternate being the
15 lead investigator so that one person that's going to
16 be assigned the lead, they're not the most senior of
17 the -- of the group, but it's just their turn. They
18 would then pass out the assignments of everybody
19 else. I want you to do the scene, I want you to
20 canvass the neighborhood, I want you to go to the
21 hospital.

22 Then the next scene, you know, it may
23 be my turn and I'll be the lead investigator and I
24 pass out the orders. On this particular incident,
25 Sergeant Wedgeworth was assigned the lead

1 investigator. So, when I got the call it was about
2 3:00 in the morning. So, I was at home, and our
3 administrative sergeant at the time, Sergeant Davis,
4 he'll get the call.

5 When patrol goes out there and they see
6 that they need homicide, they would contact dispatch,
7 dispatch would contact the administrative sergeant,
8 and then he would call however many people he wanted
9 to go to the scene. So, I was at home. I got --
10 received a telephone call from Sergeant Davis. He
11 advised me then just of the basic particulars that he
12 knows from over the phone at that time. And he will
13 tell me, you know, go to the hospital, go to the
14 scene or what have you.

15 In this particular case, he told me to
16 go to the homicide office, that there would be
17 witnesses that would be taken to homicide and I would
18 assist in interviewing any of the witnesses.

19 Q Okay. And the homicide office, where is
20 that located?

21 A Oh, it's 601 Lockwood.

22 Q How long did it take you to get from your
23 home to 601 Lockwood on that particular day?

24 A It takes maybe 30, 45 minutes, but, you
25 know, you got to get up, take a shower and get

1 dressed.

2 Q Okay. And so what time did you arrive at
3 601 Lockwood?

4 A About 4:00 a.m.

5 Q Okay. When you got to 601 Lockwood on that
6 particular day, were there any witnesses there that
7 you were called upon to assist in interviewing?

8 A Yes.

9 Q And who were those -- who was the witness or
10 witnesses?

11 A Well, when I got there, Sergeant Wedgeworth
12 was already there, and he had with him Theron Owens.

13 Q Theron Owens. Do you see Mr. Theron Owens
14 in the courtroom today?

15 A Yes, I do.

16 Q Can you identify him by where he is sitting
17 and some article of clothing that he's wearing?

18 A Yes. He's sitting at this table here, and
19 has on an orange-colored, long-sleeved shirt and he's
20 wearing glasses.

21 Q What color T-shirt -- what color shirt?

22 A It looks green to me.

23 MS. DAVIDSON: Okay. May the record
24 reflect the witness has identified the defendant.

25 THE COURT: It will so reflect.

1 Q (BY MS. DAVIDSON) Where was he at the
2 homicide office when you first met with him?

3 A I'm not sure exactly where he was at that
4 time, but I know -- I knew that he had given Sergeant
5 Wedgeworth a statement already. And that he was
6 going to continue speaking with him and he wanted me
7 to sit in with him.

8 He may have already been in the
9 interview room at that time. I don't know if that's
10 where he gave his statement. I assume he gave his
11 statement, a written statement somewhere else in
12 the...

13 Q Could you describe for the jury the
14 interview rooms at 601 Lockwood?

15 A They're different now than they are -- or
16 they're different then than they are now. It has
17 been reconstructed. But at the time -- they have
18 three interview rooms now. And at the time, I think,
19 there was only two interview rooms that we had.

20 Each one is about maybe 8 by 8. One
21 had foam on the walls and the other just had hard
22 plastic like -- like eraser board material on all
23 four walls. They're approximately 8 by 8, no
24 windows, just one door that come in and out. I
25 believe there's carpet on the floor, and two, three

1 chairs, depending on what time. Sometimes two,
2 sometimes three, and sometimes a little metal desk.

3 Q So, at the time you're going in there, who
4 do you understand the defendant to be? Is he any
5 relationship to the ladies that were murdered that
6 you were investigating?

7 A Yes. At the time I knew that he was the son
8 and the grandson to them -- the two victims.

9 Q The son and grandson of Joyce Owens and
10 Alberta Walker?

11 A Yes.

12 Q Did you and Sergeant Wedgeworth interview
13 the defendant in one of those interview rooms on
14 May 17th, 2008?

15 A Yes.

16 Q And what was your purpose for interviewing
17 him on that day?

18 A Sergeant Wedgeworth told me that he had
19 given a written statement and that he had some
20 concerns on some of his inconsistencies. He wanted
21 to continue interviewing him on that and he wanted me
22 to sit in with him.

23 Q And did y'all interview him -- spend some
24 time interviewing him about the inconsistencies that
25 you believe were in his statement, and then with the

1 other evidence and maybe the other witnesses?

2 A Yes.

3 Q Approximately how long did that interview
4 last?

5 A I can't tell you how long, but it was 30
6 minutes maybe.

7 Q Okay. It was actually quite a bit longer.
8 Has it been a while since you've seen the CD?

9 A Yes.

10 Q Okay. And you were not here as a witness
11 Friday afternoon when the tape was played for the
12 jury on May 17th --

13 A No.

14 Q -- for that interview, were you?

15 Okay. At any point during that
16 interview did the defendant ever tell you or Sergeant
17 Wedgeworth that he had, in fact, been the one that
18 murdered his grandmother and his mother?

19 A I'm sorry, say that again.

20 Q Did he ever tell you on the May 17th
21 interview, that he was the one that murdered his
22 mother and his grandmother?

23 A No.

24 Q At the end of the interview what, if
25 anything, did y'all do with him?

1 A Myself and another deputy took him home.

2 Q Okay. So you and another deputy agreed to
3 drive him to his house; is that correct?

4 A Yes.

5 Q Where were you in the car when y'all got in
6 the car?

7 A I don't recall. It was me and another
8 deputy. I -- you know, I don't recall if I drove or
9 if the other deputy drove. So, I don't know.

10 Q Was he cuffed?

11 A No.

12 Q Okay. How long --

13 A Generally, I can't tell you who drove it.
14 If I know -- if I knew who drove then I could tell
15 you I would either drove and been the driver, or else
16 I'd have been in the backseat. We typically wouldn't
17 have both investigators in the front and him in the
18 back.

19 Q And why is that?

20 A It's just routine for safety purposes.

21 Q Okay. How long did it take y'all to get
22 from 601 Lockwood back to his home on Springfield
23 Garden Lane?

24 A I don't recall specifically, maybe 45
25 minutes or so.

1 Q Did y'all have any conversations with him in
2 the car about what had occurred at his house earlier
3 that day?

4 A That I don't recall either. I mean, we
5 could have. It would have been a long silence, we
6 could have talked.

7 Q But nothing out of the ordinary where he may
8 have made some admissions to you?

9 A No.

10 Q Okay. When you got to the house, what
11 happened?

12 A We just dropped him off.

13 Q Did he say anything?

14 A No.

15 Q At this point y'all are still in your
16 investigation as to what occurred, correct?

17 A Yes.

18 Q So after dropping him off, what was the next
19 thing you did in the course of the investigation?

20 Just a second, Sergeant.

21 MS. DAVIDSON: Your Honor. May we
22 bring this witness a cup of water?

23 THE COURT: Sure.

24 MS. DAVIDSON: He seems to be having
25 trouble.

1 THE WITNESS: I'm just getting --
2 trying to get over a cold. Excuse me.

3 MS. DAVIDSON: That's okay.

4 THE COURT: Ms. Stevenson, may we have
5 some water, please?

6 Q (BY MS. DAVIDSON) What was the next thing you
7 did in the course of the investigation?

8 A I contacted Theron Owens' cousin, Corey
9 Richardson.

10 Q And what was the purpose of contacting his
11 cousin by the name of Corey Richardson?

12 A He had -- he had -- Theron had said that he
13 had gone over his cousin's house that night.

14 Q Okay. But that wasn't Corey Richardson, his
15 cousin Corey, that was his cousin Charlie Walker
16 wasn't it?

17 MS. LYTLE: Your Honor, I object to
18 leading.

19 THE COURT: Sustained.

20 Q (By MS. DAVIDSON) Which cousin --

21 THE WITNESS: Give me one second.

22 THE COURT: Hang on one second.

23 A Okay. At some point Sergeant Wedgeworth
24 told me about Corey Richardson. I'm getting him
25 confused with -- I don't know if it's his cousin or

1 his uncle that he said he had gone over to his house.
2 Corey Richardson -- name was given to me by
3 Wedgeworth. In any event, I called Corey Richardson.

4 Q (By MS. DAVIDSON) Okay.

5 A And that was about 9:00 a.m. Which would
6 have been Sunday the next day.

7 Q If the murders happened Friday night,
8 May 16th, then you interviewed the defendant Saturday
9 morning May 17th. Now we're on Sunday May 18th?

10 A Yes.

11 Q Is that correct?

12 A Yes.

13 Q And what was your purpose for contacting
14 Corey Richardson?

15 A Just to get any background information or
16 any information that he may have.

17 Q And you understood him to be a family
18 member; is that right?

19 A Yes, a cousin.

20 Q And did you, in fact, have an interview with
21 Corey Richardson?

22 A Yes.

23 Q And did you, without going into what he told
24 you, learn some things about the family?

25 A Yes.

1 Q Okay. What was the next thing you did in
2 the course of your investigation?

3 A I called the telephone number that was in
4 Theron Owens' cell phone.

5 Q And what was your purpose of calling this
6 telephone number?

7 A I knew that Theron had called this number at
8 9:14 on May 16th. And I was calling to find out what
9 that conversation was about.

10 Q Who did you learn that that number belonged
11 to?

12 A Person identified himself as Marquis.

13 Q And did you learn anything that you believed
14 to be relevant from Marquis?

15 MS. LYTLE: Your Honor, I would object.
16 The question calls for hearsay.

17 THE COURT: Well, that calls for
18 hearsay. That's overruled. Not what you found out.
19 The question is: Did you find out something relevant
20 to the investigation? What was relevant?

21 THE WITNESS: What is -- what is
22 relevant?

23 Q (BY MS. DAVIDSON) Well, I mean, did -- did
24 you learn anything having this conversation that led
25 you somewhere else in your investigation, or no?

1 A No.

2 Q So, then what was the next thing you did?

3 A I went with Sergeant Wedgeworth. He'd given
4 me information that Corey Richardson had taken Theron
5 Owens to a hotel room that previous night. So, we
6 went to go and find out any information on that.

7 Q And where did that lead you?

8 A To a Hampton Inn which is by Bush Airport.

9 Q And what, if anything, did you learn while
10 at the Hampton Inn near the Bush Airport?

11 A Well, we also knew that he rented a car from
12 a Thrifty Car Rental. Went there, as well.

13 Q So the jury understands when you say, "He,"
14 who are we talking about?

15 A We found out from Corey Richardson that
16 Theron Owens had went to a hotel and the Thrifty Car
17 Rental.

18 Q And what -- what did you learn was -- what
19 day was it that you learned he had gone to Hampton
20 Inn and gone to the Thrifty Car Rental?

21 A On May the 17th, he went to the Hampton Inn,
22 rented a room for one night. He got there at
23 10:00 p.m. We also learned that he rented a blue
24 Chrysler Sebring from the Thrifty Car Rental which is
25 at the Bush Airport. And he rented that at 9:00 a.m.

1 It was on the 17th. Or 9:17 -- 9:00 o'clock on
2 May the 18th, I'm sorry, Sunday.

3 Q What did y'all do next in the course of your
4 investigation?

5 A That same day, I did some computer research
6 for the background of Theron Owens.

7 Q Okay. Now, we're on Sunday May 18th; is
8 that correct?

9 A Yes.

10 Q What else did you do?

11 A On that day?

12 Q After you did some computer research on the
13 defendant, what was the next thing you did in the
14 course of your investigation?

15 A We went to speak with a person in the Harris
16 County jail.

17 Q Where did you go from there?

18 A I believe that was it for Sunday.

19 Q Basically, what you did was just
20 investigating, trying to see what you have; is that
21 right?

22 A Yes.

23 Q Okay. What was the next thing y'all did in
24 the course of this investigation?

25 A The next day, which was Monday the 19th,

1 while I was at the homicide office, I got a telephone
2 call from Quanell X.

3 Q What time of the day or night was it that
4 Quanell X called you on May 19th, 2008?

5 A It was about 5:20 p.m.

6 Q And what was the nature of your conversation
7 with Quanell X?

8 A He told me that he had received a call from
9 Theron Owens and that Theron had told him that -- I
10 don't know if it was us or the police, were harassing
11 him over the murder of his mother and grandmother.

12 Q And what, if anything, was your response to
13 that?

14 A Well, he asked me is there any -- any
15 validity to that. And I told him --

16 Q What did you tell him?

17 A I told him that we were investigating this
18 murder and that Theron Owens was a suspect and was
19 our only suspect, that we believe he was -- he was
20 involved in the murder.

21 Q Prior to May 19th, having this phone
22 conversation with Quanell X, had you ever talked to
23 or met Quanell X before?

24 A Yes.

25 Q And under what circumstances had you met

1 Quanell X before?

2 A There have been other occasions that
3 Quanell X has wanted to turn in an individual that
4 had gone to Quanell X to either surrender himself,
5 knowing that he was charged already, or that he
6 wanted to talk with the police but didn't know how to
7 go about turning himself in. And Quanell has brought
8 other individuals to turn themselves in in the past.
9 And that's how I knew him.

10 Q Okay. And that would be turning other
11 people into 601 Lockwood?

12 A To 601 Lockwood. I know that he turned
13 somebody into the jail, which is at 1200 Baker
14 Street.

15 Q Have you ever, prior to May 19th of 2008,
16 had an occasion to take any kind of written statement
17 from Quanell X when he was turning someone in?

18 A Yes.

19 Q Did you give him any other information,
20 other than saying that he was your suspect and your
21 only suspect during that initial phone call?

22 A No. He -- he told me -- I told him that he
23 was our only suspect. That we did believe he was
24 involved. He told me that he had planned on meeting
25 with him -- with Theron. He told me that if Theron

1 made any admissions to being involved, that he would
2 try to tell him to come speak with -- I don't know if
3 he said with me or us, but to speak with the police.

4 Q Approximately how long did that phone call
5 last?

6 A Three, five minutes, maybe.

7 Q Then what was the next thing that happened
8 during the course of your investigation?

9 A I did some other things in the office, like,
10 you know, order the 911 dispatch tapes from the time
11 that Theron called the police. That's recorded, so I
12 ordered a copy of that. That's about all I did on
13 that day, Monday.

14 The next day, Tuesday, the 20th -- or
15 going back to the conversation when -- when Quanell
16 called me. He said something along the lines that
17 Theron had told him he was a police officer in New
18 Orleans. So back to Tuesday the 20th, I contacted
19 New Orleans to see -- to verify if that -- if that
20 was true that -- whether or not he was an officer in
21 New Orleans.

22 Q Did you learn whether or not he was?

23 A I learned that they had no record of him
24 being a police officer.

25 Q What else happened on May 20th of 2008?

1 A About 11:00 a.m. that same day, Tuesday, my
2 Lieutenant, his name is Lieutenant John Denholm,
3 advised me -- I was still in the office. He told me
4 that Quanell X had called the office and spoke with
5 him. Told him that -- that he was supposed to meet
6 with Theron and that he told Denholm that if he made
7 any admissions that he would bring him to the
8 homicide office.

9 Q And at some point did Quanell X either call
10 back or show up at 601 Lockwood?

11 A Yes.

12 Q Which one?

13 A Oh, at 12:00 p.m or noon the same day,
14 Quanell X came to the homicide office and he had
15 Theron Owens with him.

16 Q Where were you when he got to the homicide
17 office with the defendant?

18 A He had -- Quanell called the office to say
19 that he was coming to the office. And the way our
20 building is situated, we have a parking lot that's on
21 the north end of the building, and we're on the
22 second floor and there's windows that you can
23 overlook the parking lot.

24 And I was looking out the window when I
25 saw him pull up. At the time, I didn't know that

1 that was his vehicle. I assumed it was, just from
2 seeing what he had driven previously. So, I assumed
3 that was him, so I went down to the parking lot.

4 Q When you said you assumed that was him, you
5 assumed it was Quanell X, correct?

6 A Yes.

7 Q When you got down to the parking lot who was
8 Quanell X with?

9 A He was with Theron Owens and I can't
10 remember if it was one or two other people. But at
11 least -- at least one other person that's -- I just
12 assumed it was his body guard. I don't know.

13 Q And what did y'all do?

14 A I escorted them up to the second floor where
15 our homicide office is.

16 Q Who did you escort up there?

17 A Theron Owens and Quanell X. The -- the
18 other person that was with him, I don't recall if he
19 came all the way upstairs or if he waited downstairs.
20 If he came upstairs, he would have waited in a -- in
21 a waiting room. He didn't -- he didn't come all the
22 way into the homicide office.

23 Q And when you escorted them upstairs where
24 did you take them?

25 A Into a interview room.

1 Q Did you take both the defendant and
2 Quanell X, or just the defendant into the interview
3 room?

4 A They took Theron into a interview room and
5 Quanell went into one of the sergeant's office with
6 Sergeant Davis, so that he could give a statement on
7 what he was told.

8 Q Can you tell the jury what was the next
9 thing that happened?

10 A Sergeant Wedgeworth and myself went into the
11 interview room. We started a video recorder.

12 Q Describe the interview room for the jury?

13 A Again, we had two -- two rooms. I'm not
14 sure which -- which room we were in this time. But
15 the two rooms, one of them was -- had white walls and
16 the other had foam insulation on the walls.

17 Whichever room it was they're the same size, about 8
18 by 8, with no windows. I think there's carpet on the
19 floor. One door to come in and come out and either
20 two or three chairs and sometimes a small metal desk.

21 Q So it's you, Sergeant Wedgeworth and the
22 defendant in the room, correct?

23 A Yes.

24 Q Could you tell the jury what was the first
25 thing that happened?

1 A Sergeant Wedgeworth read him his legal
2 warnings.

3 Q For purposes of the jury, can you tell them
4 when you say he read his legal warnings, what did
5 Sergeant Wedgeworth read to the defendant?

6 A Do you want me to read them or explain them
7 to the...

8 Q I just want you to tell them first. Tell
9 the jury what -- when you say, "Legal warnings," what
10 are we talking about?

11 A They're also known as Miranda warnings.
12 They're the rights that we can read an individual.
13 Tell them that they have the right to, you know, to
14 remain silent, right to have an attorney, right that
15 they don't even have to speak with us.

16 Q Did Sergeant Wedgeworth read those to the
17 defendant from any instrument or did he give them to
18 him by heart?

19 A He read them -- we get a preprinted card
20 from the district attorney's office, and we all just
21 carry them so that we don't have to memorize them.
22 And we just read them verbatim off the card.

23 Q Okay. Do you have your district attorney
24 blue card with you today?

25 A Yes, I do.

1 Q Can you pull it out and read the rights to
2 the jury that you observed Sergeant Wedgeworth do on
3 that day?

4 A Sorry, did you say read them?

5 Q Yes, sir.

6 A "You have the right to remain silent and not
7 make any statement at all, and any statement you make
8 may be used against you at your trial.

9 "Any statement you make may be used
10 against -- may be used as evidence against you in
11 court. You have the right to have a lawyer present
12 to advise you prior to and during any questions. If
13 you are unable to employ a lawyer, you have the right
14 to have a lawyer appointed to advise you prior to and
15 during any questioning. You have the right to
16 terminate this interview at any time."

17 Q And those were the rights that you observed
18 Sergeant Wedgeworth read to the defendant on May 20th
19 of 2008?

20 A Yes.

21 Q Can you tell the jury whether or not he
22 indicated that he understood these rights?

23 A Yes.

24 Q And did he agree to waive those rights and
25 speak to you and Sergeant Wedgeworth?

1 A Can I say what he said?

2 Q Yes.

3 A He said that he wanted to talk with us, but
4 he wanted to have an attorney to sit with him while
5 he talked with us. And he said, I'm guilty of these
6 crimes, I -- I -- somewhere along the words of either
7 I committed these crimes or I'm guilty of these
8 crimes. I just want to have an attorney to sit with
9 me while I talk to you.

10 Q So what happened?

11 A Sergeant Wedgeworth excused himself from the
12 room and I remained in the room.

13 Q During this time, after Sergeant Wedgeworth
14 excused himself from the room where you remained with
15 the defendant, did you ask him any questions at all
16 about what had occurred at his home between himself
17 and his mother and grandmother?

18 A No, I didn't.

19 Q Did y'all do any talking about the case you
20 were investigating at this point?

21 A Yes, he -- he made some comments. He got
22 emotional and he would make comments. And I may say,
23 yeah, that's sad or just a comment like that, but not
24 in -- not in the form of a question.

25 Q Did you interrogate him at any time about

1 what occurred on May 16th of 2008 at this point?

2 A No, I didn't -- I didn't ask him any
3 questions.

4 Q Does Sergeant Wedgeworth eventually come
5 back?

6 A Yes.

7 Q And do you know how long he'd been gone. If
8 you know that's good. If you don't that's okay, too?

9 A No, I don't. It seemed a -- it seemed a
10 while because we were just sitting there. I don't
11 know how long.

12 Q When he got back, can you tell the jury what
13 happened after that?

14 A He came back in the room and -- and he told
15 Theron that he would let him use a phone book to try
16 to contact an attorney.

17 Q And did he have a phone book with him?

18 A I can't specifically recall. I believe at
19 some point he did. I just don't recall.

20 Q Okay. And so what happened?

21 A Theron told him that he couldn't afford an
22 attorney, and Wedgeworth told him that he can't
23 assign him an attorney. Theron said he didn't have
24 any money, something about that he -- nobody would --
25 would work for him because he didn't have any money

1 so he couldn't get an attorney.

2 Sergeant Wedgeworth told him that, you
3 know, of course he couldn't appoint him an attorney.
4 Told him that he wasn't charged with anything so he
5 couldn't be able to appoint an attorney. And Theron
6 said something about, you know, he just don't have
7 the money for an attorney.

8 And Sergeant Wedgeworth said, well, I
9 don't know what to tell you. And then Theron asked
10 could he speak with Quanell X.

11 Q And after asking if he could speak to
12 Quanell X can you tell the jury what happened?

13 A Sergeant Wedgeworth said, yes, or nodded,
14 and left out the room.

15 Q And while Sergeant Wedgeworth was gone
16 again, did you remain in the room?

17 A Yes.

18 Q Did you have any conversations with the
19 defendant about the events of May 16th of 2008?

20 A No, I didn't.

21 Q What did y'all do, just sit there?

22 A Yes. I may have left out at some point, I
23 don't know how long, but, you know, I didn't ask him
24 any questions.

25 Q Okay. Then what happened?

1 A I don't know what -- what went on with
2 Wedgeworth and Quanell X or, you know, what he told
3 him. But Quanell had said he wanted to talk with
4 Theron to see what he wanted. We allowed Quanell to
5 go back in the same room. The video was still
6 recording. We allowed him to go in the room and it
7 was just Theron and Quanell.

8 Q So, when Quanell X came in to speak with the
9 defendant, you and Sergeant Wedgeworth did not stay
10 in the room?

11 A No.

12 Q How long were you out of the room?

13 A Again, I don't know how long it was.

14 Q Okay. Eventually did Quanell X come out of
15 the room?

16 A Yes.

17 Q And what, if anything, did he say to you and
18 Sergeant Wedgeworth?

19 A He said that Theron told him that he wanted
20 to speak with me, and that he specifically didn't
21 want to talk with Sergeant Wedgeworth.

22 Q So after that, what did you do?

23 A Excuse me. I went back in the interview
24 room.

25 Q And when you got back in the interview room,

1 what did you say to the defendant?

2 A Theron told me that he wanted to talk to me
3 without his attorney.

4 MS. LYTLE: I'm sorry to interrupt,
5 Judge. I need to object as to what -- what Mr. Owens
6 says at this point. We have motions pending
7 regarding these statements.

8 THE COURT: Approach the bench, please.
9 (Bench conference.)

10 MR. MORROW: May I proceed, Judge?

11 THE COURT: Okay.

12 MR. MORROW: We don't know how far they
13 are going to go, but we don't want him to testify to
14 the contents of the tape if you might decide to
15 suppress that tape.

16 THE COURT: Here's the deal, I -- based
17 on where we are, regarding the ruling on the motion,
18 it still stands. And that's where we are, number
19 one.

20 Number two, if you have something
21 new -- some new objections then that's different,
22 make them.

23 Number three, and I told you earlier
24 that I'll hold in abeyance reconsideration of my
25 ruling on the Motion to Suppress. We can do this

1 between now and the time the jury comes back. I can
2 do it any time. But owing to the state of the record
3 and what I've heard thus far at this point, I'm going
4 to renew in your objections.

5 MR. MORROW: Yes, sir.

6 THE COURT: At this point and further
7 information coming from this witness you can.

8 MR. MORROW: We do so urge, Your Honor.

9 THE COURT: Okay. I'll keep that --
10 I'll keep those objections under advisement. We just
11 have to continue.

12 MR. MORROW: Judge, I may be confused
13 but I think Ms. Davidson is getting ready to offer
14 that tape. And so I feel like I have to ask you to
15 make a ruling on the admissibility of it, you know,
16 before she admits it to the point of --

17 THE COURT: Okay. That's fine. That's
18 fine.

19 MR. MORROW: And that -- we're asking
20 you to do that.

21 THE COURT: I know, she's getting real
22 close. At this time your objection to the
23 introduction of that exhibit, and I don't know which
24 exhibit we're talking about here.

25 MR. MORROW: It's the statement of May

1 20th.

2 MS. DAVIDSON: (Inaudible.)

3 THE COURT REPORTER: Ms. Davidson, I
4 cannot hear you.

5 MS. DAVIDSON: It's the May 20th
6 statement.

7 THE COURT: Okay. But what exhibit?

8 MS. DAVIDSON: It's Exhibit -- State's
9 Exhibit No. 3.

10 THE COURT: State's 3. Okay. Your
11 objection to that -- to its admission at this time is
12 overruled.

13 MR. MORROW: Judge, may we have a
14 running objection to her questioning him about
15 basically the same facts, so that we don't have to
16 interrupt the flow of her questions? I mean, she's
17 going to talk to him about what's on the tape. We
18 object to those statements. If the Court would give
19 us a running objection we wouldn't have to interfere
20 with the questioning.

21 THE COURT: I'll give you a running
22 objection to that on the same basis that you've urged
23 previously.

24 MR. MORROW: Thank you, Judge.

25 THE COURT: Okay.

1 (Bench Conference Concluded.)

2 Q (By MS. DAVIDSON) Okay. I believe, Sergeant
3 Clopton, you were at the point that you go back into
4 the room after Quanell X told you the defendant wants
5 to talk to you. Can you tell the jury what happened?

6 A I told him -- told Theron that Quanell X
7 told me he wanted to talk with me. Theron told me
8 that he wanted to talk to me without an attorney.

9 Q And what did you do?

10 A I told him that I would need to read him his
11 legal warnings again and that he would have to waive
12 them in order for me to speak with him.

13 Q So when you say you would read his legal --
14 legal warnings again, are you referring to the legal
15 warnings you read in front of the jury a few moments
16 ago off of the DA blue card?

17 A Yes.

18 Q When you read them to him again, did you
19 read them off the DA blue card just like you did in
20 front of the jury, or did you have them memorized and
21 just give them to him?

22 A I read them verbatim off of the card.

23 Q And did he indicate to you that he
24 understood these warnings?

25 A Yes, he did.

1 Q And when he said he understood them, did you
2 ask him if he understand them or what?

3 A Yes. I asked him orally if he understands
4 those rights and he acknowledged verbally that he
5 understood.

6 Q And did he tell you he wanted to waive those
7 rights and speak to you about the events that
8 occurred on May 16th of 2008?

9 A Yes. I asked him after I read the rights,
10 do you still want to continue speaking with me and he
11 told me that he did.

12 Q From the minute Sergeant Wedgeworth read
13 them to him and he indicated he wanted an attorney to
14 sit with him while he talked to y'all, until this
15 point that you read him the Miranda warnings again,
16 had you questioned him at all about what occurred in
17 this moment on May 16th of 2008?

18 A No, I hadn't.

19 Q After reading him his Miranda warnings and
20 him saying he understood them and wanted to speak to
21 you, can you tell the jury what happened?

22 A I asked him to tell me everything that
23 happened on the day of the murders.

24 Q And did he, in fact, tell you what he
25 recalled happening on the day of the murders?

1 A Yes.

2 Q And did he tell you that he was responsible
3 for the death of his mother and his grandmother?

4 A Yes, he did.

5 Q That interview room was capable of making a
6 recording, was it not?

7 A Yes.

8 Q And did y'all, in fact, record that
9 interview that occurred on May 20th of 2008 with the
10 defendant?

11 A Yes, we did.

12 MS. DAVIDSON: May I approach the
13 witness, Judge?

14 THE COURT: You may.

15 Q (BY MS. DAVIDSON) Sergeant, I'm going to show
16 you what I've marked for identification purposes as
17 State's Exhibit No. 3. I'm going to show that to
18 you. You've had an opportunity to see State's
19 Exhibit No. 3 prior to your testimony in front of the
20 jury, have you not?

21 A Yes.

22 Q Does State's Exhibit No. 3 fairly and
23 accurately depict the interview you had -- you had
24 with the defendant on May 20th of 2008?

25 A Yes.

1 MS. DAVIDSON: Your Honor, at this time
2 I'd like to offer in evidence State's Exhibit No. 3,
3 and tender it to counsel for her inspection?

4 MS. LYTLE: Your Honor, we have no new
5 objections and just reurge the ones already in
6 record.

7 THE COURT: All right. Same ruling.
8 State's 3 is admitted.

9 (State's Exhibit No. 3 was admitted.)

10 MS. DAVIDSON: Your Honor, I have a
11 transcript of State's Exhibit No. 3 that I would ask
12 that this be used with the jury in the same manner
13 that the other was used.

14 THE COURT: Okay. We'll do that.

15 But what we're going to do is we're
16 going to we take our lunch break right now. We'll
17 get all of that ready. When you come back from lunch
18 it will be on your chairs. We'll play it, we'll read
19 along and we'll go from there.

20 During this break and all breaks,
21 remember the instruction I gave you. Don't discuss
22 the case at all. Don't do any kind of independent
23 research. Don't Google anything, anything having to
24 do with any person, place or thing in this case.
25 Just enjoy your lunch and go with the bailiff,

1 please.

2 THE BAILIFF: All rise.

3 (Jury exits courtroom.)

4 THE COURT: 1:15.

5 (Lunch recess.)

6 Both sides ready for the jury?

7 MS. DAVIDSON: Yes, sir.

8 MS. LYTLE: Yes, Your Honor. May we
9 approach for one minute.

10 THE COURT: All right.

11 (Bench Conference.)

12 MS. LYTLE: Your Honor, previously the
13 defense had filed a motion to amend the official
14 transcript of this video, State's Exhibit 3, and
15 under the Court's instruction, both Ms. Davidson and
16 myself, Mr. Morrow, Ms. Swallers listened again to
17 the video with Ms. Adams present and she was still
18 unable to certify any additional conversations. So
19 we wanted that on the record, that no additional
20 parts have been certified by the court reporter.

21 THE COURT: Okay. That was part of
22 your memorandum in support of your Motion to
23 Suppress?

24 MS. LYTLE: It was a separate motion,
25 Your Honor, to amend the transcript. But the

1 portions of the transcript of State's Exhibit 3 we
2 did rely on -- the portions that we believe are
3 audible, that have not been certified of the original
4 transcript, were relied upon in our memorandum in
5 support of the motion.

6 That was a kind of a roundabout way to
7 say, yes, Your Honor.

8 THE COURT: The record will so reflect.

9 MS. LYTLE: Thank you.

10 (Bench Conference Concluded.)

11 THE COURT: All right. Bring in the
12 jury, please.

13 (Jury Panel enters courtroom.)

14 (Open court; defendant and jury panel
15 present.)

16 THE BAILIFF: All rise.

17 THE COURT: Be seated, please.

18 Both sides ready?

19 MS. DAVIDSON: State's ready, Judge.

20 MS. LYTLE: Defense is ready, Your
21 Honor.

22 THE COURT: All right. Ms. Davidson,
23 you may proceed.

24 (State's Exhibit No. 3 begins to play.)

25 THE COURT: The record will reflect on

1 the screen is 2008, 05, 20 -- 12:24:30.

2 It was stopped at 1:03. We are going
3 to stop at this point and take a 15 minute break and
4 resume when we get back.

5 Members of the jury, remember the
6 instructions I gave you. Don't discuss the case and
7 remember the other instructions. Thank you.

8 THE BAILIFF: All rise.

9 (Jury exits courtroom.)

10 (Recess.)

11 THE COURT: Both sides ready for the
12 jury?

13 MS. DAVIDSON: Yes, Your Honor.

14 MS. SWALLERS: Yes, Your Honor.

15 THE COURT: All right. Bring them in,
16 please.

17 (Jury Panel enters courtroom.)

18 (Open court; defendant and jury panel
19 present.)

20 THE BAILIFF: All rise.

21 THE COURT: Be seated, please.

22 Members of the jury, during this break
23 both sides looked at the tape -- video and
24 fast-forwarded it to certain spots where words are
25 spoken. And we're at the end of the tape, so we're

1 going to start at the next part of the report -- next
2 portion of the tape where words are spoken or
3 somebody comes in.

4 You may proceed.

5 (Video State's Exhibit No. 3 continues
6 to play.)

7 Q (BY MS. DAVIDSON) Sergeant, did y'all send
8 some law enforcement officers out to this location
9 the defendant described to try to locate the clothing
10 he was wearing that night?

11 A Yes.

12 Q And were y'all able to recover any clothing
13 from any dumpsters?

14 A No.

15 MS. DAVIDSON: I'll pass the witness,
16 Judge.

17 THE COURT: All right. Any questions?

18 MS. LYTLE: Yes, Your Honor. May I
19 proceed?

20 THE COURT: You may proceed.

21 MS. LYTLE: Thank you.

22 **CROSS-EXAMINATION**

23 BY MS. LYTLE:

24 Q Good afternoon, Sergeant Clopton. I know
25 you're not feeling well, so if you need to take a

1 break or get some more water just let me know, okay?

2 A I feel fine.

3 Q Okay.

4 A I just keep coughing. I feel fine.

5 Q Okay. You testified earlier and described
6 the -- what's it called -- the interview room where
7 Mr. Owens was placed on May 17th when he gave that
8 statement, correct?

9 A Yes.

10 Q You described it as a 12 by 12 room, with no
11 windows, one door, that kind of thing?

12 A I said it was about 8 by 8.

13 Q Oh, 8 by 8. Okay. Excuse me.

14 That is not a room where you take
15 someone if they are simply a witness, is it?

16 A It -- it depends.

17 Q Okay. For example, in this case you
18 testified that Quanell X gave a witness -- a
19 voluntary witness statement, correct?

20 A Yes.

21 Q But he didn't -- he didn't do that in one of
22 those small rooms, did he?

23 A No. He was giving a written statement, and
24 if they're giving a written statement it has to be
25 done in front of a computer. So you usually do it

1 depending on where it's available.

2 Q Would you agree with me that more often than
3 not, when a person is taken into the 8 by 8 room with
4 no windows and one door, it is for a videotaped
5 interrogation of a suspect?

6 A No, that's not true.

7 Q That's not true. It could just be a witness
8 in there for any reason?

9 A Yes.

10 Q When you arrived at the homicide office on
11 May 17th, officers had already been investigating the
12 scene and Mr. Owens had already been brought to the
13 homicide office; is that correct?

14 A When I arrived there, yes.

15 Q Okay. Had you had any opportunity to
16 discuss the scene or any evidence that may or may not
17 have been found there by the time you arrived?

18 A Before I arrived did -- did I know any --
19 anything? Is that what you're asking?

20 Q Yeah. By the time you arrived, did you know
21 anything about the scene or any evidence that may or
22 may not have been collected?

23 A I can't tell you specifically, but I get --
24 when I initially get the call to go to the scene, I
25 get a -- just a briefing on what is known at that

1 point. Since I was directed to -- to go to Lockwood,
2 I mean, it's possible I could have talked to
3 Wedgeworth while I'm driving there. It's possible I
4 could have talked to Sergeant Davis while I'm en
5 route, or it's possible that I was briefed once I
6 arrived at the Lockwood office. Sergeant Wedgeworth
7 could have briefed me then.

8 Q Okay. What you do remember is that
9 Detective Wedgeworth asked you to assist in the
10 interrogation of Mr. Owens, based on inconsistencies
11 in a written -- prior written statement. That you --
12 you are sure of; is that right?

13 A Yes, he did ask me to sit in with him.

14 Q Did he tell you what those inconsistencies
15 were?

16 A That I'm not sure. It's possible he could
17 have.

18 Q Were you informed that Mr. Owens was a
19 suspect at that time?

20 A Again, I can't tell you specifics but maybe,
21 probably.

22 Q Okay. But within your personal knowledge,
23 you had no -- let me start over. That was going to
24 be a bad question.

25 So, is it fair to say that you had no

1 personal knowledge of any evidence linking Mr. Owens
2 to the crime at that point?

3 A No. That wouldn't be true because the --
4 I -- he could have told me. I could have read his
5 statement before we went in. I don't know. I can't
6 tell you to the extent of what was told to me but I'm
7 sure something was.

8 Q So, as you sit here today, your best
9 recollection is that you don't remember if you had
10 any personal knowledge of any evidence linking
11 Mr. Owens to the crime on May 17th, 2008?

12 A No. You trying to tie me into that. I -- I
13 am saying that at some point I was briefed on some of
14 the circumstances around this investigation. I am
15 sure that before Sergeant Wedgeworth and myself went
16 into the room to interview Theron, that I was briefed
17 on some of the evidence.

18 Q Okay.

19 A To what extent I can't tell you. I don't
20 remember. I may have read the statement. Sergeant
21 Wedgeworth may have briefed me on the statement. I
22 may have known some of the things that were going out
23 at the scene. I can't tell you exactly what parts I
24 know, but I -- I didn't go in there not knowing
25 anything.

1 Q Okay. But as you sit here today, you don't
2 recall specifically what evidence you did or did not
3 know about?

4 MS. DAVIDSON: Judge, may we approach
5 the bench?

6 THE COURT: Yes.

7 (Bench conference.)

8 MS. DAVIDSON: Judge, he knew at the
9 point that he was going in there to interview the
10 defendant had failed the polygraph test. And I have
11 instructed him not to say that but your question is
12 so broad.

13 MS. LYTLE: Okay.

14 MS. DAVIDSON: That's my concern.

15 MS. LYTLE: Okay. I'll back off that,
16 I was not.

17 THE COURT: Just --

18 MS. LYTLE: I'll just prove it on my
19 own.

20 THE COURT: Rephrase.

21 MS. DAVIDSON: Okay.

22 MS. LYTLE: Thank you.

23 (Bench Conference Concluded.)

24 MS. LYTLE: May I proceed, Your Honor?

25 THE COURT: You may proceed.

1 Q (BY MS. LYTLE) Sergeant Clopton, do you
2 recall -- let me back up and ask it this way. Do you
3 recall any specifics that you were told about the
4 scene in particular.

5 A Not specific at that time, no.

6 Q Okay. Do you recall anything -- do you
7 recall Sergeant Wedgeworth telling you specifically
8 that Mr. Owens was a suspect at that time?

9 A I can't say specific, but I know that he
10 briefed me on his statement and that there were
11 inconsistencies that he wanted to continue talking
12 with him about.

13 Q Okay. But you can't tell the jury today
14 what those inconsistencies were?

15 A Not specifically, no.

16 Q Okay. You testified you've been a peace
17 officer for 20 years; is that correct?

18 A Yes.

19 Q And you've been a -- a detective for how
20 many of those 20 years?

21 A Seven.

22 Q Seven years. And in your extensive career,
23 you have received some training on interrogation; is
24 that correct?

25 A Yes.

1 Q If you had to -- about how many hours of
2 interrogation training have you received?

3 A I couldn't tell you. I don't know.

4 Q Is that something that you go to -- is
5 that -- is it a seminar you go to every year or just
6 once in a while?

7 A It depends. It's more in the -- in the
8 beginning when you first promote, you know, we get
9 all this different training and then we have
10 continuing training that's required. Depends on the
11 schedule, how many people we have. Some schools are
12 out of town or out of state. Some are here. Some
13 are given by different colleges. Some are through
14 our own academy, it just kind of depends. Some years
15 it's been a lot and some years it's been less.

16 Q Have you -- can you tell the jury about how
17 many different -- different training sessions or
18 seminars you've been to on interrogation techniques?

19 A I'd be guesstimating. I used to work in
20 internal affairs and I -- I took some
21 interviewing-interrogation courses there, as well.

22 Q Okay. Would you say this is -- say this is
23 an ongoing training for you, or is it something you
24 do every once in a while?

25 A Is what?

1 Q I'm sorry, interrogation training. Is that
2 an ongoing training for you, or just something you do
3 once in a while?

4 A No, I do it pretty regularly.

5 Q Okay. Because that's an important part of
6 your job as a detective, correct?

7 A Yes.

8 Q And in -- in this training, you learn some
9 specific techniques designed to elicit confessions,
10 don't you?

11 A Yes. I do learn different techniques to
12 convince people to tell me the truth.

13 Q Okay. And one of those techniques is to
14 suggest a scenario that might somehow minimize the
15 crime or the punishment. Is that a fair statement?

16 A One of those techniques is to -- you can say
17 minimize, but it's -- or offer a scenario that would
18 be at first thought less severe, in the effort to
19 begin that dialogue of admitting to somehow being
20 involved, and then try to lead up to the actual
21 specifics of being involved.

22 Q Okay. And -- and you did that in this case,
23 didn't you?

24 A You'd have to ask more specific on what I
25 ask, but that is something that I commonly do.

1 Q Okay. Specifically, you told Mr. Owens your
2 best defense is that you were drugged up, didn't
3 you?

4 A Probably not in those exact words, but
5 something along that line, yes, I would do that.

6 Q Okay. Do you recall saying that or
7 something like that to the defendant in this case?

8 A Something like that because he had revealed
9 that to me.

10 Q And your testimony -- he had revealed he had
11 a drug past; is that correct?

12 A Yes.

13 Q Okay. And so your purpose in telling
14 Mr. Owens that his best defense was that he was
15 drugged up was to offer a scenario that might make it
16 seem easier to confess?

17 A That -- that he offer a scenario or that I
18 offer a scenario?

19 Q No. So you offered that scenario that might
20 make it easier for him to admit to that; is that
21 correct?

22 A Make it easier for him to admit to being
23 involved?

24 Q Yes.

25 A Yes, I would do that.

1 Q Okay. Another tactic that -- that you're
2 trained to use, is to -- to get the defendant or the
3 suspect thinking about his future in the criminal
4 justice system. Is that a fair statement?

5 A Oh, no. That's -- that's your version of
6 it.

7 Q Let me -- let me narrow that down a little
8 bit. To say things like you're going to be charged
9 with this, you're going to be charged with capital
10 murder, that carries the death penalty. These kinds
11 of things. That's a tactic you often use, isn't it?

12 A At the time if it's appropriate, yeah,
13 that's a tactic I would use in this field.

14 Q And you did say that to the defendant in
15 this case?

16 A I believe I did.

17 Q And you testified earlier, that on May 19th
18 you received a telephone call from Quanell X?

19 A Yes, ma'am.

20 Q Okay. I believe that you testified that
21 Mr. Farrakhan said to you that if Owens made
22 admissions, that Quanell X would then tell Owens to
23 come to the police. Is that what you testified to
24 earlier today?

25 A That Quanell told me if Theron made

1 admissions to him, that he would bring him to the
2 office.

3 Q I think your testimony was specifically that
4 if Mr. Owens made admissions to Quanell, that Quanell
5 would then tell Owens to go to the police. I'm just
6 clarifying that that was your testimony earlier
7 today?

8 A Yes.

9 Q Okay. In your report about that incident
10 though, isn't it true you stated that Quanell X said
11 if Mr. Owens made admissions that Quanell X himself
12 would contact you again?

13 A Yes.

14 Q Okay. And you testified you had previous
15 dealings with Quanell X, correct?

16 A To some degree, yes.

17 Q Okay. When he contacted you, did he call
18 you at the office or did he call your cell phone or
19 what?

20 A I don't know. I was at the office. I don't
21 know if he called me on my cell phone or my office
22 phone.

23 Q Would it be strange for Quanell X to have
24 your cell phone number?

25 A No, it wouldn't.

1 Q So, do you know for a fact that he has your
2 cell phone number?

3 A I would assume that he does. I know that
4 I've called him on his cell phone, so I would imagine
5 he -- he could have it that way or I may have given
6 it to him. I don't know.

7 Q Okay. Under what circumstances would you
8 have given him your cell phone number?

9 A I guess if he asked for it. I don't know.

10 Q And you don't recall if that's happened,
11 so...

12 A I said that I have talked to Quanell on the
13 phone. I have called his cell phone from my cell
14 phone, so that may be how he got my number. Or I
15 could have given it to him at some point in the past.
16 I don't know.

17 Q Okay. During Mr. Owens' May 17th statement,
18 did you believe he was under the influence of drugs
19 at that time?

20 A No.

21 Q Okay. And then when you suggested to him
22 that his best defense was that he was drugged up,
23 didn't he offer to take a drug screen?

24 A I don't recall. That sounds familiar.

25 Q Didn't he, in fact, nearly beg to take a

1 drug screen more than once?

2 A I don't recall that.

3 Q You don't recall. You don't recall him
4 asking several times. "Let me take a drug test"?

5 A I don't recall that. It -- it wouldn't have
6 made a difference right then. We wouldn't have given
7 him a drug test.

8 Q If your suggested scenario is that this was
9 drug-related crime, why wouldn't you have offered him
10 a drug test?

11 A I did not offer anything to suggest that
12 this was a drug-related crime, that he would have
13 been on drugs then. When I suggested that to him I'd
14 given him that as a scenario.

15 Q Okay. It's not -- not as something that you
16 actually believed was true?

17 A Right.

18 Q Okay. Let's -- on May 20th, I want to talk
19 about that statement. We've just viewed a video of
20 State's Exhibit 3, correct?

21 A Uh-huh.

22 Q And on that video, we saw that Sergeant
23 Wedgeworth read Mr. Owens his Miranda rights at the
24 beginning; is that right?

25 A That's correct.

1 Q And as police officers you are -- you
2 receive training on the law, as well, too, don't you?

3 A Yes.

4 Q And specifically on Miranda rights? And
5 when --

6 A Yes.

7 Q And when Miranda rights are appropriate?

8 A When -- when they are required.

9 Q When they are required, you receive training
10 on when they are required?

11 A Yes.

12 Q And it's -- and you know then that Miranda
13 warnings are required to be give to a person when
14 they are being interrogated while in custody?

15 A That is not the only scenario that they --
16 that they are read.

17 Q Okay. What are some of the scenarios in
18 which they are read?

19 A Well, if, for instance, if I have
20 information that this person is -- is going to
21 implicate themselves, I can read him his rights. I
22 can read him his -- his legal warnings for whatever
23 reason. It does not mean that he's in custody and it
24 does not have to be at a time that he's in custody.

25 Q But if he is in custody, then they are most

1 certainly required, correct?

2 A If -- if he is in custody and I intend to
3 ask him questions concerning what he's in custody
4 for, then I have to.

5 Q Was -- but Mr. Owens wasn't given those
6 Miranda warnings on May 17th before the interrogation
7 began, was he?

8 A No, because he wasn't in custody.

9 Q But on -- on May 20th he was read those
10 rights, because he was in custody and you had
11 information that he was about to implicate himself,
12 correct?

13 A No, no, that's not true. He was not in
14 custody but we at that time knew that Quanell said he
15 admitted it to him, and that's why he was coming to
16 the homicide office to tell us that.

17 So, us knowing that he was about to
18 give us details of the crime and him being involved,
19 then we read him his rights.

20 Q So knowing, as you've stated, that Quanell X
21 has -- Quanell X has now made a statement, Mr. Owens
22 told me that he committed the crime, correct?

23 A No. At that point he hadn't made that
24 statement. He was -- he was giving that statement to
25 Sergeant Davis.

1 Q After Quanell X made that statement, would
2 you agree with me that Mr. Owens was not then free to
3 leave the homicide office?

4 A No, I wouldn't agree with you on that.

5 Q Did you confer with Sergeant Wedgeworth
6 about that?

7 A About what?

8 Q About whether he was free to leave after
9 Quanell X made his statement?

10 A No. He -- he wouldn't have been free to
11 leave until we got the information that we obtained
12 and spoke with somebody from the district attorney's
13 office. If they then accept charges then he will be
14 placed in custody.

15 Q So, when Mr. Wedgeworth read him his Miranda
16 rights, he had the right to remain silent, right?

17 A Yes.

18 Q And so if Mr. Owens had said, "I choose not
19 to speak to you at all," would the interrogation have
20 ended?

21 A At that point it didn't.

22 Q No, that wasn't my question. If Mr. Owens
23 had said, "I choose not to speak to you at all,"
24 thereby invoking his right to remain silent, would
25 the interrogation have ended?

1 A Yes.

2 Q He was told then he had the right to an
3 attorney?

4 A Yes.

5 Q And he requested an attorney, correct?

6 A Yes. He asked for an attorney to sit with
7 him.

8 Q Okay. And Sergeant Wedgeworth went -- then
9 stopped asking him questions and went to see about
10 getting him an attorney, correct?

11 A I assume that's what he left the room for.

12 Q Sergeant Wedgeworth told Mr. Owens in his
13 rights, he also has the right to have an appointed
14 attorney present before and during any questioning,
15 correct?

16 A That's correct.

17 Q And Mr. Owens asked for an appointed
18 attorney, correct?

19 A That's correct.

20 Q But he was not provided an appointed
21 attorney, correct?

22 A Because at that time when he gets appointed
23 an attorney that's after he's been charged and he
24 goes through the court system. We have nothing to do
25 with appointing him an attorney.

1 Q Mr. Clopton, that wasn't my question. My
2 question was: He asked for an appointed attorney and
3 he wasn't given one, was he? Yes or no.

4 A He did ask for an attorney.

5 Q And he was not provided an appointed
6 attorney?

7 A We don't provide an attorney.

8 Q That's a "yes" or "no" question,
9 Mr. Clopton.

10 A He never got appointed an attorney.

11 Q And that the rights that you read him
12 said -- and you have your blue card with you today,
13 don't you?

14 A Yes.

15 Q Okay. The rights on that card say: You
16 have the right to a court-appointed attorney to be
17 present with you before and during questioning?

18 A Yes, it does.

19 Q It doesn't say -- it doesn't say anything on
20 that card about only if you've been charged with a
21 crime?

22 A No, it doesn't.

23 Q Thank you.

24 You testified earlier that after
25 Mr. Owens requested an attorney that you did not ask

1 him anymore questions after that point; is that
2 correct?

3 A Anymore questions concerning the
4 investigation?

5 Q Concerning the reason he was there.
6 Concerning the investigation, concerning the
7 incident.

8 A That's true.

9 Q Did either -- but you and Sergeant
10 Wedgeworth both made statements that were designed to
11 get an incriminating response from him, didn't you?

12 A That's not true.

13 Q Sergeant Wedgeworth actually said to him, I
14 don't know what you told Quanell X, but I'm assuming
15 you told him you killed your mother and your
16 grandmother, didn't he?

17 A Yes, he said that.

18 Q Okay. Sergeant Wedgeworth also told him if
19 I was an attorney, I'd tell you not to talk, correct?

20 A Yes, he said that.

21 Q And Mr. Owens responded to that, "Thank you.
22 That's all I needed to hear," didn't he?

23 A I believe so, yes.

24 Q Okay. And then Sergeant Wedgeworth said to
25 him, "But you know if you want to cleanse your soul

1 or tell your story, I would tell you to talk to Craig
2 Clopton." Didn't he say that?

3 A I believe that's correct.

4 Q At the time that Mr. Owens requested to
5 speak to Quanell X, Quanell X was brought to him,
6 to -- so Mr. Owens was permitted to speak to Quanell
7 X, correct?

8 A That's correct.

9 Q Okay. Is that something that normally
10 happens when a suspect is being questioned or
11 interrogated or is about to give an incriminating
12 statement?

13 A Yes, it happens quite often.

14 Q And why is that?

15 A If that's what will motivate that person to
16 do the right thing, I don't have a problem with it.
17 It could be a co-defendant that he doesn't believe
18 told on him or doesn't believe that's there, we'll --
19 we'll let him see him.

20 Q Okay.

21 A It could be a girlfriend that -- that told
22 on him, he doesn't believe it, we'll let him speak to
23 the girlfriend. Whatever -- whatever it is, if it
24 will motivate that person to come -- come clean and
25 tell the truth we can do it as long as it's legal.

1 Q And by do the right thing --

2 THE COURT REPORTER: I'm sorry, do the
3 right thing --

4 MS. LYTLE: I'm sorry, Ms. Adams.

5 Q (By MS. LYTLE) My question was: And by do the
6 right thing, come clean, tell the truth, you mean
7 confess to the crime; is that correct?

8 A I mean -- I mean, what I said, tell the
9 truth.

10 Q And in this instance the truth, according to
11 you, is that Mr. Owens committed the crime?

12 A No. The truth is what he said the truth is.
13 But the story he was giving I didn't believe. I
14 wanted him in his own words to tell the truth that
15 only he knew.

16 Q Okay. You wanted him in his own words to
17 tell you the truth, correct?

18 A That's correct.

19 Q And yet when he was giving his statement,
20 more often than not, you told him -- you fed him a
21 fact situation and then he merely just agreed with
22 you?

23 A That's not true.

24 Q That's not true. Okay.

25 What about during Mr. Owens'

1 confession, you told him how your grandmother was
2 stabbed in the front and in the back. So, did you
3 stab her in the front and then in the back? Do you
4 remember saying that to him?

5 A Yes.

6 Q Do you remember that he had no idea that she
7 was stabbed in the back? Until you mentioned it.

8 A Yes. And when I said, "Stab" --

9 Q Thank you. I needed a yes. Thank you.

10 Do you remember telling him that the
11 knife was taken from a wood block?

12 A No, I asked him that.

13 Q Right. He didn't volunteer the wood block,
14 you put that in the form of a question to him,
15 correct?

16 A I asked him that, yes.

17 Q Okay. Do you remember telling him, you said
18 the backdoor was open, did you leave it open?

19 A He -- going back to an interview before, he
20 claimed that whoever this perpetrator was must have
21 come in the backdoor because it was unlocked. And
22 that's why I asked him again about the -- the door.

23 Q Do you remember telling him -- or asking him
24 if he put on his jeans over some sweatpants?

25 A Yes.

1 Q Okay. Do you remember though at the very
2 beginning of the confession, when Mr. Owens actually
3 was speaking in his own words, he said he put on
4 jeans, sneakers, and a T-shirt, and he didn't mention
5 any sweatpants.

6 A That's correct. That's why I asked him
7 about it because on the day of the crime he had on
8 the sweatpants and the jeans.

9 Q Well, you weren't there at the scene, so you
10 don't really know if he had on sweatpants or his
11 jeans?

12 A Well, you're asking me a lot of things that
13 I didn't -- that I wasn't there, that I was told.
14 And this is what I was told.

15 Q Okay.

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

18 THE COURT: All right.

19 **REDIRECT EXAMINATION**

20 BY MS. DAVIDSON:

21 Q These interrogation methods that you use,
22 are any of them that you use illegal?

23 A No, I don't use any illegal techniques.

24 Q Is it permissible for you as a law
25 enforcement officer, when you're trying to get to the

1 truth to even lie to a suspect when you're talking to
2 them?

3 A It's perfectly legal and I do it quite often
4 and I pride myself in being able to do that.

5 Q And what would the reason be that you lied
6 to him?

7 A To gain that person's confidence in talking
8 with me, or to gain that person's confidence in
9 continuing to talk with me in an effort to let that
10 person feel at ease in talking with me and revealing
11 things that are hard to -- to admit to somebody,
12 especially a police officer.

13 So, I -- I tell them whatever I think
14 would -- would gain that confidence. And whether it
15 be a lie, whether it, hey, I've done the same thing
16 you did. Or, I can feel what you've done. Whatever
17 it is, I'll play whatever role it is to gain their
18 confidence, all in the efforts to have that person to
19 tell me the truth.

20 And if it's offer a scenario of, hey,
21 downplay it, make it seem like it wasn't that bad.
22 So that that person can step into that, okay, well, I
23 was there, but I -- but I didn't shoot the person.

24 Okay. If I get him to that stage and
25 then work on, okay, now that they admitted that they

1 were there, now let me do some other inconsistencies
2 of, okay, if you were there, you had to have seen
3 something. Confront them on what they'd previously
4 told me.

5 The more -- once -- once they've
6 admitted to me, okay, well, I was there, they can't
7 back from that. So now I can go a step up until
8 eventually getting to the truth.

9 Q And that's what you're basically taught in
10 interrogation schools, isn't it?

11 A Yes.

12 Q And that's what law enforcement officers are
13 taught; isn't that right?

14 A Yes.

15 Q Are you taught that it's okay to bring
16 people in, like Quanell X, to talk to a suspect if it
17 will help lead to the truth?

18 A Yes. Quanell was a witness. He was given
19 some information about a felony incident and for him
20 to do the right thing and tell that to the police.
21 You know, in my opinion, that's -- that's part of his
22 civic duty. He was -- he was given information about
23 a crime and he reported it.

24 Q And was there anything illegal about
25 allowing Quanell X into that room?

1 A No.

2 MS. DAVIDSON: I'll pass the witness,
3 Judge.

4 THE COURT: All right.

5 MS. LYTLE: I have no more questions,
6 Your Honor.

7 THE COURT: All right. Sergeant
8 Clopton, may he be excused?

9 MS. DAVIDSON: Yes. Yes, sir. I have
10 contact information if for some reason we need him
11 back.

12 THE COURT: Any objections.

13 MS. LYTLE: No, I have -- no. He can
14 be on call.

15 THE COURT: Okay. We'll put him on
16 call.

17 Thank you, sir. We'll put you on call.
18 What says the State?

19 MS. DAVIDSON: Your Honor, the State of
20 Texas will rest.

21 THE COURT: All right. State of Texas
22 rests. What say the defense?

23 MS. SWALLERS: Your Honor, we have a
24 motion to make outside the presence of the jury.

25 THE COURT: All right. Retire the