

Trial on Merits
February 29, 2012

1 (In open court, jury present)

2 THE COURT: Ladies and gentlemen, I
3 apologize for starting this late. Some unforeseen
4 things occurred that came from another court, and I have
5 no control over another court. Therefore, I couldn't
6 speed things up. So, we will get started; and we will
7 push this thing as hard as we can.

8 State, call your next witness.

9 MS. LARSEN: Yes, Judge. State calls
10 Officer Coffelt.

11 THE COURT: Okay.

12 Please have a seat, ma'am. And speak into
13 the microphone loud and clear for me. Thank you.

14 You may continue.

15 MS. LARSEN: Thank you, Judge.

16 **OFFICER JENNIFER COFFELT,**
17 having been first duly sworn, testified as follows:

18 **DIRECT EXAMINATION**

19 BY MS. LARSEN:

20 Q. Officer Coffelt, could you please introduce
21 yourself to the ladies and gentlemen of the jury.

22 A. My name is Jennifer Coffelt. I'm an HPD
23 officer. I've been with the department for 17 years,
24 and I'm currently assigned to the Family Violence Unit.

25 Q. How long have you been with the Family Violence

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1 Unit?

2 A. About three years, starting my third year.

3 Q. What did you do before that?

4 A. I did three years of homicide prior to this
5 assignment and nine years of juvenile division prior to
6 that.

7 Q. Have you always been an investigator?

8 A. No. I started out in patrol, like most
9 officers. I was in patrol for about three years and
10 then went to investigations.

11 Q. What kind of training -- specialized training
12 do you have to conduct investigations of crimes?

13 A. I've been to several different homicide
14 investigation schools, which include and encompass
15 family violence issues, assaults. We do 40 hours of
16 training every year through the department, which it can
17 be anything from officer safety to law enforcement
18 updates; but we -- we're trained continually throughout
19 our career.

20 Q. Over the course of the last three years with
21 the Family Violence Division, how many assaults would
22 you say you've investigated?

23 A. We're assigned about 15 cases a month so I'd
24 have to do the math, but quite a few.

25 Q. Okay. And out of those 15 a month that you've

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1 done for the last three years -- I'm not very good at
2 math, either; or I'd throw a number out at you -- how
3 frequently are you able to make contact with the
4 complainant in those cases?

5 A. Probably about half.

6 Q. Okay. And what are some of the reasons that
7 you've encountered for not being able to touch base with
8 the complainants?

9 A. It may be that they've changed phone numbers or
10 that they've disconnected phones. Sometimes people set
11 their phones to where it just won't accept phone numbers
12 that are unknown, and our phone runs through a
13 switchboard. It may be that I leave messages and they
14 just don't return calls. We mail letters, and sometimes
15 they don't come in.

16 There's a lot of fear involved in these
17 cases; and a lot of times, the complainants --

18 MR. RUBAL: Object, Judge, to being
19 nonresponsive and relevance.

20 THE COURT: Okay. Just -- sustained.

21 Just answer the questions as she gives
22 them to you.

23 Proceed. Reask it.

24 Q. (By Ms. Larsen) Officer Coffelt, what are some
25 of the reasons why you've encountered victims who don't

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1 want to call you back or don't want to make contact with
2 you, as an investigator?

3 MR. RUBAL: Judge, I'm going to object to
4 relevance.

5 THE COURT: Overruled. I'll let her go
6 into this just a little bit.

7 A. There's a lot of reasons why complainants don't
8 get back in touch with us. Some of it is fear. Some of
9 it is that they make reports in the heat of the moment
10 and then the next day, they're not angry anymore or
11 they're not as fearful anymore or they realize that that
12 person is their breadwinner or the father of their
13 children or the mother of their children. We
14 investigate cases of all kinds.

15 It's a case-by-case basis. It's hard to
16 explain the complexities. But for a lot of people, it's
17 just, Okay, it's over; and I just want it to go away
18 now.

19 Q. (By Ms. Larsen) Officer Coffelt, do you ever
20 have instances where a complainant waits to make contact
21 with you, as an investigator?

22 A. Quite often.

23 Q. And what are some of the reasons that you've
24 found that they've delayed in reporting to you?

25 MR. RUBAL: Judge, I'd object to

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1 relevance.

2 And, further, any testimony that could be
3 construed as being expert testimony, I would say is
4 outside the scope of what this witness has been
5 designated to testify to.

6 THE COURT: Well, on the expert part, I'll
7 let you voir dire her if you'd like to.

8 On the other part, do you have anything to
9 say to that?

10 MS. LARSEN: As far as relevance, Judge?

11 THE COURT: Yes.

12 MS. LARSEN: Judge, obviously, this is a
13 case -- we've already had testimony given that this is a
14 case where there was a delayed report on the assault. I
15 would just like this witness, who does have experience
16 in this field, to talk about some of the reasons why
17 she's encountered complainants who have delayed
18 reporting their assaults.

19 THE COURT: Well, I think she's already
20 explained that.

21 MS. LARSEN: Well, Judge, that was
22 pertaining specifically to complainants who never called
23 her back. I wanted to get a little bit more narrow,
24 specific to people who delay reporting their assaults.

25 THE COURT: Sustained. Let's just deal

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1 with the case at hand.

2 MS. LARSEN: Yes, Judge.

3 Q. (By Ms. Larsen) Officer Coffelt, you would
4 agree with me that many of those reasons that you just
5 talked about for people not reporting at all would also
6 be some of the reasons that people delay reporting?

7 A. Yes, ma'am.

8 Q. Officer Coffelt, what types of injuries do you
9 see most frequently when you are investigating assaults,
10 specifically assault family member cases?

11 A. Like, what do I observe?

12 Q. Yes. Or what injuries do you find to have been
13 sustained?

14 A. A lot of the common injuries are bruising,
15 black eyes are very common, facial contusions, bumps and
16 scrapes from falling down or being knocked down. I
17 would say that I work more cases where people are just
18 fighting each other or being hit, rather than people
19 were using weapons. Of course, when you're using
20 weapons, we see stab wounds, we see gunshot wounds, et
21 cetera. But the majority of the wounds that I see are
22 bruising, contusions, busted lips, and black eyes.

23 Q. Officer Coffelt, would you find a missing
24 tooth -- someone's tooth being knocked out to be
25 consistent with what you've seen in assault cases?

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1 A. Yes.

2 Q. Would you find a bloodied ear to be consistent
3 with something you've seen in investigating assault
4 cases?

5 A. Yes.

6 Q. Officer Coffelt, I want to turn your attention
7 now to the case at hand. Are you familiar with a
8 complainant named Danisha Denmon Myers?

9 A. Yes, I do.

10 Q. And how do you know Danisha Myers?

11 A. When I received this case, she was listed as
12 the complainant. I have not met her personally, but
13 I've spoken with her on the phone.

14 Q. Did you attempt to make contact with her
15 personally?

16 A. I did.

17 Q. And were you able to do so?

18 A. Other than on the phone, no.

19 Q. Did she ever give a reason why she was unable
20 to meet you in person?

21 MR. RUBAL: Judge, object to hearsay.

22 THE COURT: Sustained.

23 Q. (By Ms. Larsen) Officer Coffelt, are you aware
24 of any reasons why the complainant was unable to meet
25 with you?

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1 A. Once I was able to reach her via phone --

2 THE COURT: Okay. Just answer her
3 question. It's a "yes" or "no" question.

4 A. Can you ask me that again? I'm sorry.

5 Q. (By Ms. Larsen) Were you ever -- excuse me.
6 Were you ever made aware of any reasons why the
7 complainant could not meet with you in person?

8 A. No, ma'am.

9 Q. Do you remember the date on which you were able
10 to talk to the complainant on the phone?

11 A. That would be on September 28th of 2011.

12 Q. And, Officer Coffelt, when did you first
13 receive this case?

14 A. We generally get them the day after they're
15 written. This report was written on August the 2nd. I
16 believe I received it on August the 3rd. It would've
17 been August the 3rd or whatever workday was after that.
18 If that was a Friday, I would've gotten it on Monday.

19 Q. So, Officer Coffelt, could you describe the
20 steps that you took between receiving this case, I guess
21 on the 3rd of August, and when you were able to make
22 contact with the complainant? What steps did you take
23 in between there?

24 A. When I first get a case, the first thing I do,
25 of course, is read through whatever I have. I check to

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1 see if there's any additional information -- we receive
2 a paper case, so I check the computer to see if there's
3 any additional supplements. I run the criminal history
4 of everyone involved. I generally run the history of
5 the location where the incident occurred to see if there
6 are any prior incidents between these two people, prior
7 incidents at that location, and what kind of history
8 these two people have.

9 MS. LARSEN: Your Honor, may we approach?

10 THE COURT: You may.

11 (At the Bench, on the record)

12 MS. LARSEN: Judge, Defense counsel has
13 already asked questions throughout the course of this
14 trial about the defendant being on parole. I would now
15 like to ask this witness about what details she found
16 out about the defendant's being on parole.

17 MR. RUBAL: Yeah. I mean, what's good for
18 the goose is good for the gander.

19 THE COURT: Okay.

20 (In open court)

21 Q. (By Ms. Larsen) Officer Coffelt, without
22 getting into any details about the defendant's possible
23 criminal history, were you able to ascertain whether or
24 not the defendant was on parole?

25 A. Yes.

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1 Q. And how did you find out that he was on parole?

2 A. When I was running criminal history, I found
3 that he was already in custody on a parole violation.

4 Q. Okay.

5 A. That he had already been arrested on a parole
6 violation.

7 Q. And did you make contact with the parole
8 officer?

9 A. Yes, I did.

10 Q. And what information were you able to gather
11 from the parole officer in this case?

12 MR. RUBAL: Judge, I object to anything
13 the parole officer said. It's hearsay.

14 MS. LARSEN: Specifically, I'm asking
15 about any documentation, anything collected from the
16 parole officer, Judge.

17 THE COURT: Then sustained, but reask
18 it --

19 MS. LARSEN: Yes, Judge.

20 THE COURT: -- as such.

21 Q. (By Ms. Larsen) Officer Coffelt, did you
22 collect any documents from the parole officer?

23 A. Yes, I did.

24 Q. What documents were those?

25 A. I requested the affidavit that Ms. Denmon Myers

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1 had filed with the parole office regarding this
2 incident.

3 Q. And did you receive a copy of that?

4 A. Yes, I did.

5 Q. Have you had a chance to review that affidavit?

6 A. Yes.

7 Q. When you were -- before you reviewed the
8 affidavit, before you contacted the parole officer, did
9 you also review the offense report that the initial
10 officers had made?

11 A. Yes, I did.

12 Q. Did you find the affidavit written by the
13 complaining witness in this case to match up with what
14 was written in that initial report?

15 A. Yes.

16 Q. Do you remember what date you received that
17 affidavit?

18 A. That was also on the 28th of September of 2011.

19 Q. And so was it at that point that you contacted
20 the complainant?

21 A. I had attempted to contact her using phone
22 numbers from prior reports, prior information that we
23 had through the department. I also mailed a letter to a
24 last known address and did not receive any response from
25 her. When I spoke with parole, they were able to

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1 provide me with a good phone number for her.

2 Q. And so on September 28th, you did speak with
3 the complainant, Danisha Myers?

4 A. Yes, ma'am.

5 Q. And did you find the information that she gave
6 you about the incident to be consistent with her
7 affidavit?

8 A. Yes, ma'am.

9 Q. And, again, you found that affidavit to be
10 consistent with what she told the reporting officers?

11 A. Yes, ma'am.

12 Q. After you had collected the evidence and
13 conducted your investigation, spoken with the
14 complaining witness, what was your next step?

15 A. When I spoke with her, I did ask if she had
16 received any medical attention, because that's another
17 thing that we do is request medical records. She
18 advised me that she had not sought medical attention.

19 So at that point, I -- it was too far past
20 the incident to have photographs taken and there weren't
21 photographs taken at that time, but the officers did
22 observe the injuries.

23 The affidavit that she provided with the
24 officer's documentation of the injuries was the evidence
25 that I had to present to the DA; so I made contact with

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1 the Harris County DA, ran the case down to them, they
2 accepted the charge, and then I filed my charge.

3 MS. LARSEN: Pass the witness, Judge.

4 THE COURT: Okay. Defense?

5 MR. RUBAL: Thank you, Judge.

6 **CROSS-EXAMINATION**

7 BY MR. RUBAL:

8 Q. Officer Coffelt, so you don't have any pictures
9 of the injuries that Ms. Myers said she suffered on
10 August 1st or August 2nd of 2011, correct?

11 A. No, sir, I don't.

12 Q. You don't have any medical records, correct?

13 A. No, sir, I don't.

14 Q. And you have -- other than information that you
15 reviewed from the offense report, from the affidavit to
16 the parole officer, and from conversations with
17 Ms. Myers, you have no personal knowledge as to how her
18 injuries occurred, correct? You do not have any
19 personal knowledge?

20 A. No, sir.

21 Q. And you said that you were assigned this case
22 on August the 3rd, 2011, correct?

23 A. Yes, sir.

24 Q. And I believe your report says that you
25 attempted to contact the complainant numerous times

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1 between August 3rd, 2011, and September 28th, 2011,
2 correct?

3 A. Yes, sir.

4 Q. And I believe it says that you had eight
5 different phone numbers, you left voice messages on at
6 least one of those numbers, but you never were able to
7 get her to call you back, right?

8 A. Correct.

9 Q. Now, on September 28th, 2011, which is almost
10 two months from the date of the incident, how did you
11 learn that there was a parole affidavit out there?

12 A. When I ran criminal history and found that
13 Mr. Myers was incarcerated on a parole violation, I
14 contacted the parole office and asked what he was --
15 what kind of violation he was incarcerated for.

16 Q. And he was incarcerated because of this --
17 because of these allegations, correct?

18 A. Yes, sir.

19 Q. Do you know what date he got incarcerated?

20 A. I don't. I didn't note that in my report.

21 Q. And you never attempted to contact Mr. Myers
22 and discuss these allegations with Mr. Myers, correct?

23 A. By the time I found out that he had been
24 incarcerated, we normally don't attempt to contact
25 persons who are incarcerated because they already have

1 counsel; and, generally, counsel tells them not to speak
2 with us.

3 Q. Well, he wasn't charged with this offense at
4 that time, correct?

5 A. Correct. But he was still in custody.

6 Q. Right. But there was nothing that stopped you
7 from going over and talking to him, right?

8 A. Correct.

9 Q. And as a matter of fact, the fact that he was
10 in custody made it easier for you to have the charges
11 filed because you didn't have to do a to-be warrant,
12 correct?

13 A. That's correct.

14 Q. He was already in custody, all you had to do
15 was come down to the DA's Office, present the
16 information to the DA's Office, and they accepted the
17 charges, correct?

18 A. Yes, sir.

19 Q. Now, you testified that you had an opportunity
20 to review the report that the police officers made in
21 this incident, correct?

22 A. Yes, sir.

23 Q. And you testified that the tooth that was
24 knocked out and the dried blood in the ear was
25 consistent with at least allegations of assault,

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1 correct?

2 A. Yes, sir.

3 Q. But we've already determined that you have no
4 personal knowledge of how that happened, correct?

5 A. Other than what the officers wrote in this
6 report, no, sir.

7 Q. And in the report, there's no indication of
8 bruising on the arms, correct?

9 A. No, sir.

10 Q. There's no indication of bruising on the legs,
11 correct?

12 A. Correct.

13 Q. There's no indication of any swelling in the
14 jaw, correct?

15 A. No, sir.

16 Q. And as it relates to the affidavit, in
17 comparing the affidavit to what Ms. Myers told the
18 police officer, are you familiar with both of those
19 documents?

20 A. The affidavit and the report?

21 Q. Yes, ma'am.

22 A. Yes, sir.

23 Q. Have you had an opportunity to review them
24 prior to your testimony today?

25 A. Yes, sir.

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1 Q. Okay. The offense -- the affidavit that
2 Ms. Myers provided to the parole officer says that she
3 came home, found him with a woman, and then left,
4 correct?

5 If you want to look at it, you can.

6 MS. LARSEN: Your Honor, I'll object to
7 the improper impeachment.

8 THE COURT: It's not impeachment.

9 But it's --

10 MS. LARSEN: Then I would object to this
11 witness reading from a document not in evidence.

12 THE COURT: Sustained on that issue.

13 Q. (By Mr. Rubal) Can you review the affidavit to
14 refresh your memory?

15 A. I don't have a copy of it with me up here; but
16 if you have it, I'd be happy to.

17 MR. RUBAL: Judge, may I approach the
18 witness?

19 THE COURT: You may.

20 Q. (By Mr. Rubal) Here you go.

21 A. (Complies) okay.

22 Q. Okay. It's true in the affidavit that she says
23 that the woman was there, Mr. Myers left, and then came
24 back before the assault occurred, correct?

25 MS. LARSEN: Your Honor, objection to the

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1 improper refreshment of the recollection. May we
2 approach?

3 THE COURT: You may.

4 (At the Bench, on the record)

5 MS. LARSEN: Judge, I know we had that
6 same fight yesterday. This isn't her statement; and to
7 have her refresh her recollection on a statement that's
8 not hers --

9 THE COURT: Okay.

10 MS. LARSEN: -- it's an improper
11 impeachment.

12 THE COURT: All right. Listen, guys --
13 okay -- first of all, you're entering -- you're entering
14 into testimony that's not into evidence. You're trying
15 to testify.

16 MR. RUBAL: Judge --

17 THE COURT: Listen to me. You can -- you
18 know, you can ask her: Is that the same statement that
19 she gave you?

20 Then, you have --

21 MR. RUBAL: Judge, here -- the rule on
22 inconsistent statement doesn't apply to admission by
23 party opponents. The complainant's testimony --

24 THE COURT: No, you're saying inconsistent
25 statement.

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1 MR. RUBAL: It doesn't apply --

2 THE COURT: No, no, no.

3 MS. LARSEN: Your Honor, Ms. Myers is not
4 a party opponent.

5 MR. RUBAL: She's on the other side.
6 They've already introduced testimony that the statements
7 were consistent. I should be able to demonstrate that
8 they weren't consistent.

9 THE COURT: Okay. First of all, you're
10 not going to be able -- you're not able to ask her what
11 the complainant told, so that right there tells you it's
12 not party opponent. Because if it was, it would be the
13 defendant. The defendant would be able -- she could say
14 anything the defendant said. Okay?

15 MR. RUBAL: I'm not asking her what the
16 complainant told her. She testified --

17 THE COURT: No. But what that affidavit
18 is is a statement from the complainant. Okay? And,
19 therefore -- now, you can ask her -- you can ask her if
20 her statement to you is the same statement that she gave
21 in the affidavit.

22 Now, if there's an inconsistency, then you
23 can bring it up. But if she gives you the same
24 statement --

25 MR. RUBAL: Judge, but they've already

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1 introduced evidence in front of this jury that the
2 report with the police officer was consistent with the
3 affidavit. It's not. I should be able to demonstrate
4 to the jury why that's not true.

5 THE COURT: Okay. Okay. Now, but you
6 just ask her: Are they consistent -- or ask her: Is
7 the report consistent?

8 If they're not consistent, then -- but you
9 need to know what she says about the report being
10 consistent with that affidavit. You're just assuming
11 that is automatically, and you're trying to bring it in.
12 Okay?

13 MR. RUBAL: So I can ask her the
14 question --

15 THE COURT: Well, you have to. You have
16 to see if there's an inconsistency. Right now, there
17 isn't. You're just getting her to try to read and
18 trying to talk in -- bring in what's said in the
19 affidavit, which is hearsay.

20 MR. RUBAL: Okay.

21 (In open court)

22 Q. (By Mr. Rubal) Officer Coffelt, after reviewing
23 the affidavit, could you please review the police
24 report, the information that you relied upon when
25 following up with the investigation?

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1 A. Okay. I've read the report.

2 Q. Okay. Is the affidavit consistent with what's
3 in the report, specifically, point by point?

4 A. What I read in the report, what I've read in
5 the affidavit, and the conversation that I had with her
6 on the phone, to me, these three things are consistent.

7 Q. Okay.

8 THE COURT: Now, if you'd like to show her
9 to refresh her memory, you may.

10 Q. (By Mr. Rubal) Let me go ahead and have you
11 look at the affidavit, please.

12 THE COURT: Do you want to point out
13 exactly what line you want her to read and see --

14 MR. WERLINGER: Your Honor --

15 THE COURT: -- if it refreshes --

16 MR. WERLINGER: -- may we approach?

17 THE COURT: Let's just get this over with,
18 guys. Come on.

19 (AT the Bench, on the record)

20 MR. WERLINGER: All he's allowed to do is
21 have her look at both of them and all he can say is if
22 there's something in Document A that isn't in Document B
23 and that's it.

24 I would object and ask for a motion in
25 limine regarding any specific statements to be read out

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1 to the jury.

2 THE COURT: No, it's not going to be read
3 out.

4 MR. WERLINGER: Then I'd ask for a ruling
5 on my motion in limine, Judge.

6 THE COURT: Okay. I agree.

7 It's not going to be read out. You can
8 point out --

9 MR. RUBAL: I can point it out without
10 being specific; but if she says, no, they're consistent,
11 I can show her what's inconsistent about that.

12 THE COURT: Then -- and then you can reask
13 her, "Are they inconsistent now"; and that's as far as
14 you can go.

15 MR. WERLINGER: No.

16 MS. LARSEN: Judge, you cannot impeach a
17 witness with another witness' statement --

18 THE COURT: No, it's not. You're not
19 impeaching her.

20 MS. LARSEN: That's exactly what he's
21 doing, Judge. He's trying to impeach this witness --

22 MR. RUBAL: They opened the door.

23 MS. LARSEN: -- with someone else's
24 statement.

25 No, no, no, that's different. If he wants

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1 to say they're inconsistent, she's already said that the
2 statements are the same. But impeaching this witness
3 with someone else's statement is entirely improper.

4 MR. RUBAL: They were bolstering her
5 testimony by asking her the question.

6 MS. LARSEN: It's not her testimony,
7 Judge.

8 (In open court)

9 THE COURT: Okay. Ladies and gentlemen,
10 I'm going to ask you to step out for a minute.

11 (Jury exits courtroom)

12 THE COURT: Okay. I'm going to take a
13 five-minute break.

14 (Recess taken)

15 THE COURT: Back on the record.

16 You were getting me to question myself. I
17 talked it over with our staff attorney and that you're
18 able to use and be able to show the inconsistencies of
19 both statements.

20 The only thing that I can allow you to do,
21 and I will allow you to do, is since she said that they
22 were all consistent, that you can show Point A on the
23 affidavit and show Point B on the report and you can
24 say -- ask her to review it and then you can ask her if
25 they are consistent or not consistent. And you can do

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1 line by line, but you cannot go into what it says. You
2 can just -- you can ask if they were consistent, and
3 then you can ask her if she has a different opinion now
4 or is it relative to the consistency of the overall
5 statement. Does that make sense?

6 MR. RUBAL: Yes, sir.

7 THE COURT: Okay? You can come back and
8 rehabilitate it in regards to does it even matter --
9 okay -- on Point A and B.

10 And that's how we'll go. We're not going
11 to go into what it says, and you're not going to say
12 what it says during testimony. Do you understand?

13 MR. RUBAL: Yes, sir.

14 THE COURT: Okay. Bring her back in,
15 let's get the thing in, and let's get this going.

16 (Jury enters courtroom)

17 THE COURT: You may be seated.

18 MR. RUBAL: Judge, may I approach this
19 witness?

20 THE COURT: You may.

21 Q. (By Mr. Rubal) Officer, you've had an
22 opportunity to review both the affidavit and the offense
23 report, correct?

24 A. Yes, sir.

25 Q. I'd like to show you this statement that's in

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1 the affidavit and would ask you whether or not that's
2 consistent with what's in the offense report?

3 A. In the affidavit, it states that Mr. Myers --

4 THE COURT: No, no, no, no, no, no.

5 Q. (By Mr. Rubal) You can't state what it states.
6 All you can do is tell me: Is that statement consistent
7 with what's in the offense report?

8 A. That particular statement, no.

9 THE COURT: Okay.

10 Q. (By Mr. Rubal) So, as it relates to your
11 testimony to the jury that the statements are
12 consistent, there's at least one inconsistent statement
13 there, correct?

14 A. Correct.

15 Q. Did you find that it was unusual that Ms. Myers
16 went to the parole board before she went to the police
17 to give you a statement?

18 A. No, I did not.

19 Q. And that's because of the fact that he's on
20 parole, right?

21 A. Because of that, and because I've seen that
22 happen before in other cases.

23 MR. RUBAL: No further questions, Judge.

24 THE COURT: State?
25

1 MS. LARSEN: Just a couple, Judge.

2 THE COURT: Okay. Go ahead.

3 MS. LARSEN: Thank you, Judge.

4 **REDIRECT EXAMINATION**

5 BY MS. LARSEN:

6 Q. Officer Coffelt, do you find it a part of your
7 investigation, frequently, that you would review what
8 was in the original offense report compared to what
9 you're finding out from a complainant later on in your
10 investigation?

11 A. Yes, ma'am.

12 Q. And do you frequently find -- or do you ever
13 find that there are minor inconsistencies?

14 A. Yes, there are.

15 Q. Do those alarm you?

16 A. No, ma'am.

17 Q. Why not?

18 A. This offense report is written by a police
19 officer who takes a statement -- a verbal statement from
20 a complainant out on a scene or at a station.

21 When I read the incident report, I have to
22 take into account that this is the officer's version of
23 what he's hearing. He's processing it and writing it
24 down. He may leave out a few minor details because he
25 doesn't think they're relevant, which is why we contact

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1 our complainants and make sure that what winds up in the
2 report is what they told the officers. It's --
3 sometimes we have to speak with complainants more in
4 depth to get at the underlying truth. Officers on the
5 street are generally in a hurry, they're rushed, and
6 sometimes they don't take as much time as we can.

7 So when I have an opportunity to speak to
8 my complainants, I do take the report and verify the
9 information that they gave but nine times out of ten,
10 they're going to give me additional details or there's
11 going to be something that's just slightly different.

12 Q. Officer Coffelt, after reviewing the original
13 report, the affidavit that the complaining witness
14 provided, and after speaking with the complaining
15 witness, based off of your training and experience, did
16 you form an opinion about whether or not the complainant
17 had been assaulted by Ray Myers?

18 A. Yes, ma'am.

19 Q. And what was that opinion?

20 MR. RUBAL: Object, Judge. Her opinion is
21 irrelevant, invades the province of the jury, she has no
22 personal knowledge as to what happened; so that is an
23 improper question for the prosecutor to ask this
24 witness.

25 MS. LARSEN: Judge, it's already been

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1 testified to that she came to us with the charges and we
2 accepted them. I just want to know what the basis of
3 her opinion was for bringing us the charges.

4 MR. RUBAL: That was not the question.

5 THE COURT: Then reask the question.

6 MS. LARSEN: Yes, Judge.

7 Q. (By Ms. Larsen) Officer Coffelt, after
8 reviewing all of the information that you collected in
9 your investigation, why did you choose to bring those
10 charges to us?

11 A. After reviewing these documents and speaking
12 with the complainant, I felt that there was enough
13 evidence of an assault that it should be presented to
14 the District Attorney for a charge.

15 Q. And did we accept those charges?

16 A. Yes, ma'am.

17 MS. LARSEN: I'll pass the witness, Judge.

18 THE COURT: Defense?

19 MR. RUBAL: I have a few follow-up
20 questions, Judge.

21 THE COURT: Sure.

22 **RECROSS-EXAMINATION**

23 BY MR. RUBAL:

24 Q. Officer Coffelt, you didn't get a written
25 statement from Ms. Myers, did you?

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1 A. No, sir.

2 Q. So you felt that that was just not necessary
3 under the circumstances?

4 A. The statement that she gave to the parole board
5 is a sworn statement, which is what we ask for in our
6 office; and this suffices.

7 Q. Did you ever talk to any relatives of the
8 complainant? An Auntie Ken, did you ever talk to her?

9 A. No, I did not. She was not listed in the
10 report, so I did not contact that person.

11 Q. Did you ever contact a caseworker at the food
12 stamp place?

13 A. No, I did not.

14 Q. And you have no knowledge that those people
15 even may have information relative to this offense, do
16 you?

17 A. It was not part of my investigation to contact
18 those people.

19 Q. And do you have any knowledge that they may
20 have information related to this offense?

21 A. I didn't contact them, so I don't know if they
22 have knowledge.

23 Q. So you were never made aware of them, correct?

24 A. Correct.

25 Q. Did you contact the complainant's mom?

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1 A. No, I did not.

2 Q. Were you ever made aware of any information
3 that she -- that she had information relative to this
4 offense?

5 A. No, I did not.

6 Q. And how long was your conversation with the
7 complainant when you actually talked to her?

8 A. I didn't document how long I spoke with her.
9 It was as long as it took me to verify the details and
10 get the information that I needed.

11 Q. Was it more than ten minutes?

12 A. I couldn't tell you.

13 Q. So it could've been more than ten minutes, or
14 it could've been less than ten?

15 A. Yes, sir.

16 MR. RUBAL: No further questions, Judge.

17 THE COURT: State?

18 MS. LARSEN: Nothing further from the
19 State, Judge.

20 THE COURT: Okay. You may step down.

21 Call your next witness.

22 MS. LARSEN: Judge, the State rests.

23 THE COURT: Okay.

24 Ladies and gentlemen, there's a couple of
25 things we have to do, again outside your presence.