

Opening Statement by Ms. Tiffany Larsen
February 28, 2012

1 MS. LARSEN: May I proceed, Judge?

2 THE COURT: You may.

3 MS. LARSEN: Thank you.

4 **OFFICER MATTHEW COMBS,**

5 having been previously duly sworn, testified as follows:

6 **DIRECT EXAMINATION**

7 BY MS. LARSEN:

8 Q. Officer Combs, hello.

9 A. Hello.

10 Q. You and I already know each other but could you
11 please introduce yourself to the ladies and gentlemen of
12 the jury and could you please speak up?

13 A. I'm Officer Combs with the Houston Police
14 Department.

15 Q. Officer Combs, how long have you been working
16 with HPD?

17 A. About seven years.

18 Q. And what is it that you do with HPD?

19 A. Just a patrol officer.

20 Q. What duties do you conduct as a patrol officer
21 for HPD?

22 A. Just run calls for service.

23 Q. What do you mean by "run calls" --

24 A. Do reports.

25 Q. I'm sorry. What do you mean by "run calls for

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1 service"?

2 A. Just when somebody calls 9-1-1, we respond.

3 Q. Would you describe yourself as a first
4 responder?

5 A. Yes.

6 Q. What types of incidents do you respond to?

7 A. All sorts.

8 Q. Any type of crime?

9 A. Well, accidents on the freeways, assaults,
10 shootings.

11 Q. Do you have any specialized training that
12 allows you to be dispatched to those types of scenes?

13 A. Well, I mean, going through the academy for six
14 months, yes.

15 Q. Okay. And what type of training did you
16 receive at the academy over those six months?

17 A. Just learning the laws and doing offense
18 reports.

19 Q. Do you have any specialized training in
20 investigating or being -- I guess, reporting on
21 assaults?

22 A. Well, basically, taking statements, looking at
23 injuries, and entering an offense report.

24 Q. Have you ever been dispatched to an assault
25 before, Officer Combs?

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1 A. Yes.

2 Q. How many, would you say?

3 A. I mean, over seven years, I mean, it's -- I'm
4 sure a few hundred.

5 Q. And Officer Combs, what is the first step when
6 you're dispatched to an assault in progress?

7 A. Well, the first thing is to look for the
8 suspect. If they're not there, then, basically, you
9 take the statement from the complainant and do an
10 offense report if the suspect can't be located.

11 Q. Okay. And have you ever been dispatched to an
12 assault where it wasn't in progress, rather it was just
13 being reported?

14 A. Yes.

15 Q. And what steps do you take in that type of
16 report?

17 A. In that type of report, you basically take the
18 statement from the complainant and, you know, find out
19 if there's injuries and do an offense report; and then
20 later on, if there's nobody to arrest on the scene -- as
21 far as the suspect, if he's not there -- then it goes to
22 an investigator. He follows up with it and possibly
23 makes an arrest at a later date.

24 Q. Officer Combs, do you remember if you were on
25 duty on August 2nd, 2011?

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1 A. Yes, I was.

2 Q. Do you remember having an occasion to meet with
3 a Danisha Denmon Myers that day?

4 A. Yes, I do.

5 Q. Why were you meeting with Ms. Myers?

6 A. Me and my partner received a call that dropped
7 as a "delayed assault report" at an apartment complex,
8 and we responded to the call.

9 Q. Okay. Did you respond to that apartment
10 complex?

11 A. Yes, we did.

12 Q. Do you remember where that was?

13 A. I believe it was 3360 Alice --

14 Q. Is that in --

15 A. -- which is -- it's over in the southeast
16 Houston area that we patrol.

17 Q. Is that in Harris County?

18 A. Yes, ma'am.

19 Q. When you arrived at 3360 Alice, where did you
20 go?

21 A. We went to the apartment that was listed in the
22 slip; and I remember the complainant, I guess, meeting
23 us out in the parking lot outside the building.

24 MR. RUBAL: Your Honor, I'm going to
25 object to nonresponsive. She asked him where he went.

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1 THE COURT: Just answer the question that
2 was asked.

3 A. I met her in the parking lot.

4 Q. (By Ms. Larsen) Officer Combs, did you meet
5 with her in the parking lot with your partner?

6 A. Yes, that's correct.

7 Q. Did you meet with her outside or inside of your
8 vehicle?

9 A. It was outside.

10 Q. So were y'all standing outside in the parking
11 lot?

12 A. Yes.

13 Q. Was it daytime or nighttime, Officer Combs?

14 A. It was daytime.

15 Q. So was visibility good?

16 A. Yes.

17 Q. So you could see Ms. Danisha -- or excuse me --
18 Ms. Myers clearly?

19 A. Yes.

20 Q. Okay. And without going into what she said,
21 Officer Combs, what type of information did she relay to
22 you?

23 A. Just that she had been --

24 MR. RUBAL: I object, Judge. Anything she
25 said is hearsay.

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1 MS. LARSEN: I'll rephrase that.

2 THE COURT: Sustained.

3 Yeah, rephrase.

4 Q. (By Ms. Larsen) Officer Combs, you were
5 dispatched to a delayed assault report, correct?

6 A. Yes.

7 Q. Okay. When you spoke with Ms. Myers, did you
8 identify her as a person of interest in that particular
9 investigation?

10 A. Yes.

11 Q. And what title did you give her pertaining to
12 the investigation?

13 A. She was the reportee, the complainant that
14 called in.

15 Q. So she was the one who called y'all?

16 A. Yes.

17 Q. Did she call the police station, or did she
18 call 9-1-1?

19 MR. RUBAL: Object, Judge, to speculation,
20 personal knowledge.

21 THE COURT: Only if he knows.

22 MS. LARSEN: I'll rephrase, Judge.

23 Q. (By Ms. Larsen) Officer Combs, do you know if
24 she called y'all directly or if you were dispatched by
25 the Emergency Call Center?

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1 A. We were dispatched by the Emergency Call
2 Center.

3 Q. And when you arrived at the scene, you met with
4 the person that was listed as the reportee?

5 A. That's correct.

6 Q. And that's Ms. Myers?

7 A. Yes.

8 Q. Did you have an opportunity to speak with her
9 about what she had been through the previous day?

10 A. Yes.

11 Q. And did you find what she relayed to you to be
12 consistent with the dispatch slip?

13 MR. RUBAL: Object, Judge, to hearsay, I
14 mean, if she's getting him to compare something from a
15 dispatcher that we have no idea what the dispatcher
16 said.

17 MS. LARSEN: Judge, it's already been
18 testified to that this was a dispatch to a delayed
19 assault report. I'm just trying to find out if what she
20 said matched up with it being a delayed assault report.

21 MR. RUBAL: Which anything she says is
22 hearsay.

23 THE COURT: Well, I understand.

24 MS. LARSEN: Judge, if I may?

25 THE COURT: Yes.

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1 MS. LARSEN: Hearsay is really only for
2 the asserted truth -- or excuse me -- to prove up the
3 truth of the matter asserted. We are not offering this
4 information to prove the truth of the matter asserted
5 that it was, in fact, a delayed assault, only that it
6 matched up with why he was dispatched there.

7 THE COURT: I'll allow him to answer if it
8 was -- if it matched up.

9 It's a "yes" or "no" answer. I'll let you
10 answer it. Go ahead.

11 Q. (By Ms. Larsen) Officer Combs, did the
12 report -- the report he told you match up with why you
13 were dispatched to the scene?

14 A. Yes, it did.

15 THE COURT: Okay.

16 Q. (By Ms. Larsen) And, Officer Combs, once you
17 realized that you had been dispatched to a delayed
18 assault, what steps did you take?

19 A. I mean, basically, when we got there, we found
20 that it was a delayed report. You know, she stated
21 that --

22 THE COURT: No.

23 MR. RUBAL: Object, Judge, to anything she
24 stated.

25 THE COURT: You can't put in what she

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1 stated. Just --

2 Q. (By Ms. Larsen) Did you collect a statement
3 from the complainant?

4 A. Yes, I took her statement.

5 Q. And did you make any observations about what
6 she looked like?

7 A. Yes.

8 Q. Okay. And what did you observe about
9 Ms. Myers?

10 A. She had dried-up blood, like, inside her ear
11 cavity on the left ear and I think a missing tooth,
12 lower left jaw area.

13 Q. And, Officer Combs, you said that you've been
14 dispatched to maybe a couple hundred assaults over the
15 course of your seven years with HPD. Have you ever been
16 dispatched to an assault with similar injuries?

17 MR. RUBAL: Object, Judge, to relevance.

18 MS. LARSEN: I can rephrase, Judge.

19 THE COURT: Sustained.

20 Rephrase.

21 Q. (By Ms. Larsen) Officer Combs, were the
22 injuries that you observed on Ms. Myers consistent with
23 other types of injuries you've seen in the course of
24 your experience and training as an officer?

25 MR. RUBAL: Object, Judge, to relevance,

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1 speculation, and lack of personal knowledge.

2 THE COURT: Sustained on the question.

3 Just reask it. There's another way.

4 MS. LARSEN: I'm sorry, Judge, is it
5 sustained on the relevance?

6 THE COURT: In regards to others. Is it
7 consistent with an assault.

8 MS. LARSEN: Yes, Judge.

9 Q. (By Ms. Larsen) Officer Combs, did you find the
10 injuries to Ms. Myers to be consistent with an assault?

11 A. Yes.

12 Q. Officer Combs, what was your next step after
13 speaking with Ms. Myers, taking her statement, and also
14 making observations about her injuries?

15 A. Basically, since the suspect was not there,
16 giving her a case number and letting her know that an
17 investigator would be assigned the case and she would
18 probably be contacted at a later date.

19 Q. Officer Myers, were you able to meet -- excuse
20 me. Officer Combs, were you able to meet with anybody
21 else at the scene?

22 A. No.

23 Q. Were you ever given any indication of where the
24 actual incident took place?

25 A. Yes.

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1 Q. Do you know where that is?

2 MR. RUBAL: Object, Judge, to hearsay.

3 MS. LARSEN: Judge, this information is
4 being offered to the effect on the listener. It goes
5 directly to his investigation as an officer of this
6 assault -- delayed assault.

7 MR. RUBAL: The information he's
8 testifying to comes from the complainant. They chose to
9 put the officer on before the complainant, so everything
10 the complainant tells him is hearsay.

11 MS. LARSEN: Judge, again, this is
12 information that he learned during his investigation;
13 and it goes directly to the effect that it had on his
14 investigation.

15 THE COURT: Come here.

16 (At the Bench, on the record)

17 THE COURT: You're just asking where the
18 assault took place?

19 MS. LARSEN: Yes, Judge.

20 THE COURT: Okay. But that's going to
21 come in from the other woman. Now, you can ask him did
22 he put it down in the police report.

23 MS. LARSEN: Okay, Judge.

24 THE COURT: I mean, you can later follow
25 back up with him, after she testifies, to that location.

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1 MS. LARSEN: Judge, I've got --

2 THE COURT: But the location will be put
3 in by her because -- because it wasn't the same
4 location, right?

5 MS. LARSEN: Right, Judge.

6 THE COURT: That's going to have to come
7 in through her. That's hearsay.

8 MS. LARSEN: Yes, Judge.

9 MR. RUBAL: And the thing is, Judge,
10 because they've chose to put this officer on before her,
11 I'm not going to be able to release him after his
12 testimony.

13 THE COURT: We're just going to hold him,
14 then.

15 MR. RUBAL: Right. I just want to make
16 sure the Court is aware of that.

17 THE COURT: If that has to be, it has to
18 be. Try to get as much as you can; and then if you need
19 to bring him back in, you know, to verify if it's
20 consistent with what was put in the report, then I'll
21 let you do that.

22 MS. LARSEN: Yes, Judge.

23 THE COURT: Okay.

24 (In open court)

25 THE COURT: Sorry about the noise, guys.

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1 I know that's a horrible noise. I tried to get them to
2 put in Josh Groban. I thought that would probably be a
3 lot more smoother but they haven't taken my advice yet
4 so we'll stay with this.

5 You may proceed.

6 MS. LARSEN: Thank you, Judge.

7 Q. (By Ms. Larsen) Officer Combs, did you make a
8 report in this case?

9 A. Yes.

10 Q. And did that report accurately reflect the
11 information that you gathered from Ms. Myers that day?

12 A. Yes.

13 Q. And did it include all of the information she
14 gave you, as well?

15 A. Yes.

16 Q. Now, Officer Combs, you said that you didn't
17 speak with anyone else about the case, no other
18 witnesses?

19 A. No.

20 Q. And you were not able to speak with the
21 suspect?

22 A. No.

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

24 THE COURT: Okay.

25

CROSS-EXAMINATION

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BY MR. RUBAL:

Q. Officer Combs, how many conversations have you had with the prosecutor concerning this particular incident, prior to your testimony?

A. Just today.

Q. Just today?

A. Yes.

Q. So, you talked to her more than 15 minutes, less than 15 minutes?

A. Probably 20, 25 minutes.

Q. How long did you actually talk to Ms. Myers on August the 2nd?

A. Probably about 20, 25 minutes.

Q. Now, I'm presuming that your partner, Officer Tsibanos, was there the entire time as well?

A. Yes.

Q. You guys were a two-man unit that day?

A. Yes, sir.

Q. And according to your report, the time you were dispatched to the apartment complex was right at 4:00 -- right at 4:32 p.m.; is that right?

A. Yes, that's correct.

Q. And you actually arrived there at 4:45 p.m., correct?

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1 A. Yes.

2 Q. And that would be on August the 2nd, 2011,
3 correct?

4 A. Yes.

5 Q. Is it possible that it was on August the 1st,
6 or is your report correct?

7 A. August the 2nd, 2011.

8 Q. Thank you.

9 MR. RUBAL: No further questions, Judge.

10 MS. LARSEN: I have no further questions,
11 Judge.

12 THE COURT: Okay. You may step down.
13 Call your next witness.

14 MS. LARSEN: May I have a moment, Judge?

15 THE COURT: Sure.

16 MS. LARSEN: Judge, State calls Danisha
17 Myers.

18 THE COURT: Okay.

19 MS. LARSEN: Just one moment, Judge.

20 (Brief pause)

21 MS. LARSEN: Judge, this witness has not
22 been sworn.

23 THE COURT: Okay.

24 Come on up here, ma'am. Can I get you to
25 raise your right hand?