

1 we've talked about several addresses where you lived  
2 with your children and with Mr. Branch. I just want to  
3 clarify, were all of those addresses in Harris County?

4 A Yes.

5 MS. LARSEN: No further questions, Judge.

6 THE COURT: Defense?

7 MS. MEADOR: Nothing further.

8 THE COURT: May this witness be excused?

9 MS. MEADOR: Subject to recall.

10 THE COURT: Ms. Edmondson, you may step  
11 down. The State or the defense may call you at a later  
12 point.

13 State, call your next.

14 MS. LARSEN: Judge, the State calls  
15 Detective Keith Daignault.

16 *(Witness sworn.)*

17 THE COURT: State, you may proceed.

18 MS. LARSEN: Thank you, Judge.

19 **KEITH DAIGNAULT,**

20 having been first duly sworn, testified as follows:

21 **DIRECT EXAMINATION**

22 BY MS. LARSEN:

23 Q Detective Daignault, you and I know each other.  
24 Could you please introduce yourself to the ladies and  
25 gentlemen of the jury?

1 A Yes. My name's Kenneth Daignault.

2 Q And can you tell us with whom you are currently  
3 employed.

4 A The Houston Police Department.

5 Q And how long have you been working with the  
6 Houston Police Department?

7 A About 11 and a half years now.

8 Q And can you tell us what you were doing before  
9 that.

10 A I was in the military prior to law enforcement.

11 Q What branch of the military?

12 A The Army.

13 Q And sir, are you currently assigned to a  
14 particular division with the Houston Police Department?

15 A Yes. I'm currently assigned to the homicide  
16 division.

17 Q And how long have you been a homicide  
18 detective?

19 A Just shy of two years.

20 Q Before you were a homicide detective, can you  
21 tell us where you were stationed in H.P.D.?

22 A Yes. I was assigned to the juvenile sex crimes  
23 unit for about three and a half years.

24 Q Now, I want to talk to you a little bit about  
25 your background and training as an officer with the

1 Houston Police Department. Can you tell us, going all  
2 the way back to the beginning of when you first became a  
3 police officer, what type of training do they give you  
4 to be a member of the H.P.D.?

5 A Yes. We start off by going through a six-month  
6 police academy which teaches you department policies and  
7 procedures along with state laws, crime scene  
8 investigators, anything that you're going to require --  
9 needed to be a police officer. Once you've completed  
10 the six-month police academy, you actually start a  
11 training program which is on-the-job training,  
12 basically, you do so many weeks of a certain shift, day  
13 shift, so many weeks of evenings, so many weeks of  
14 nights and then you do two separate weeks of evaluation.  
15 Once you pass that, you're still on a probationary  
16 period for a total of six months. So, you're,  
17 basically, trained for a total of one year before you're  
18 done with the program. From there you usually generally  
19 go to patrol.

20 Q Did you work patrol?

21 A Yes.

22 Q And as a patrol officer with H.P.D., what types  
23 of cases do you work on?

24 A Generally anything that people call the police  
25 for, ranging from assaults, thefts, criminal mischiefs,

1 loud noises, anything you can imagine we're going to get  
2 called out on patrol for. Patrol is generally a  
3 reactive and you can also do a proactive-type deal,  
4 like, you know, traffic or stuff like that when you're  
5 between running calls and stuff like that.

6 Q And so, when you are working as a patrol  
7 officer, are you getting some training while you're on  
8 the job?

9 A Yes.

10 Q What kinds of things do you learn as a patrol  
11 officer?

12 A Just random calls. I mean, one assault may not  
13 be the same as the next assault, different levels,  
14 different aspects; same thing with drugs and narcotics,  
15 you have different levels, different charges, different  
16 dealings. So, pretty much you can learn something from  
17 just about every call that you have just because of the  
18 diversity of every call that you go to.

19 Q Are part of your duties as a patrol officer to  
20 take witness statements?

21 A Yes.

22 Q And to speak to witnesses?

23 A Yes.

24 Q And to collect other types of evidence at the  
25 scene?

1           A       Yes.

2           Q       And at what point did you transition out of  
3 patrol?

4           A       I was approximately on patrol for a little over  
5 seven years. Late 2009, I left patrol to start doing  
6 investigations.

7           Q       And were you straight from patrol into juvenile  
8 sex crimes?

9           A       Yes.

10          Q       Now, I want to talk to you specifically about  
11 your training to become a juvenile sex crimes detective.  
12 Did you receive any additional training when you were  
13 assigned to that division?

14          A       Yes. Well, one, all investigators start off  
15 with a basic investigator's course where it teaches you  
16 the basics of obtaining statements and evidence  
17 collection and things like that. Through the juvenile  
18 sex crimes unit, you also have, like, classes that you  
19 take, like -- it's a called Safe-ed class where you  
20 learn about, you know, physical sexual abuse, even  
21 domestic violence pertaining to those types of cases.  
22 You also take additional classes through the department.  
23 It's hard to say right now what they require because  
24 through time, you know, sometimes they add or take away  
25 classes. So, there are required classes that they have

1 you take in order to, you know, be able to investigate  
2 the crime that you're investigating.

3 Q And Officer Daignault, do you also have an  
4 opportunity in the juvenile sex crimes division in  
5 H.P.D. to observe detectives who have been doing it for  
6 a while?

7 A Yes. And usually when you start off there,  
8 you're kind of under the wing of the seasoned  
9 investigator that's been there for years. For example,  
10 myself, I was under an officer that has been assigned to  
11 juvenile sex crimes for 19 years. So, any questions or  
12 issues, you know, we usually could guarantee we'd get an  
13 answer from him and the proper way of handling it.  
14 Outside of that, we also use any other officers because  
15 just because somebody hasn't been there long doesn't  
16 mean they haven't experienced something that would be  
17 useful to me.

18 Q And so, y'all are learning from each other as  
19 you go through not just your training but also through  
20 your experience as a detective?

21 A Yes.

22 Q Now, I want to focus your attention now,  
23 Detective Daignault, on how we investigate juvenile sex  
24 crimes. Can you tell us about, kind of, the process  
25 from start to finish and I'll ask you, kind of, how do

1 these cases usually come to you as a juvenile sex crimes  
2 investigator at H.P.D.?

3 A Yes. Generally people's experience or  
4 knowledge of the police is you call them to your house  
5 or you go to a police station or the police initiate  
6 some form of traffic stop or something like that.  
7 That's very similar with these types of cases; but we  
8 also have C.P.S., we have schools, we have different  
9 additional ways where these cases come to our light.

10 There's times where C.P.S. -- there's no  
11 court or documented offense through the Houston Police  
12 Department but C.P.S. becomes involved and we have an  
13 officer at the C.A.C. that screens C.P.S. referrals,  
14 generates an offense report, provides them to the  
15 sergeants so that way, it'd be issued out to officers.  
16 So, you have -- there's additional ways of that  
17 happening.

18 Same thing with, you know, through  
19 medical exams and stuff like that that can be brought in  
20 a different way that are not your traditional, you know,  
21 somebody called police and it was reported to the  
22 officer and the officer generated an offense report.  
23 So, there are different scenarios with these types of  
24 cases; but generally, regardless of how the report is  
25 generated, they are sent to our division by the title of

1 the offense report. Our sergeant then reviews them;  
2 depending on the sergeant, they may actually do work in  
3 the case at the very beginning; and then the case is  
4 assigned to an investigator. And then from there,  
5 that's when the investigative process begins.

6 Q Okay. And so, Detective Daignault, you told us  
7 that you worked as a patrol officer for about seven  
8 years. Tell us why it wouldn't really be appropriate  
9 for just a patrol officer to handle an investigation  
10 like this.

11 A Just due to the nature of the majority of the  
12 cases. It's young children; some are older. Again, we  
13 tend to not want the patrol officers to go in depth in  
14 detail with questioning the child. We prefer them to be  
15 interviewed at the Children's Assessment Center by a  
16 forensic interviewer.

17 So, there are things that they do when  
18 the patrol officer gets this type of call, whether it's  
19 some form of sexual abuse, indecency all the way up to  
20 aggravated sexual assault, generally they would call  
21 either juvenile division -- or now it's actually they  
22 call homicide division -- and then we call a supervisor  
23 from that unit and we put them in contact with the  
24 patrol officer. Depending on whether a suspect is in  
25 custody or not, they may give instructions to the

1 officer on what exactly to do, tell the parents to get  
2 in contact with them in the morning. There's just  
3 different scenarios. And again, it goes back to the  
4 fact that every case is unique on its own. You got to,  
5 kind of, basically, go from there.

6 Q So, once it's referred to a juvenile sex crimes  
7 detective, either from patrol or C.P.S. or a hospital or  
8 maybe a school, what is the first step as an  
9 investigator on a case like this? What are you going to  
10 do first?

11 A When I first received it, of course, I reviewed  
12 what's in the case, the report. Sometimes it's very  
13 basic; sometimes there's almost no information in there,  
14 it just refers to a C.P.S. referral or something like  
15 that. The first thing I want to schedule is -- or make  
16 contact with the family or the parents schedule -- a  
17 forensic interview. There are times we're able to do  
18 that directly. There are times where our supervisor has  
19 already made that contact and has scheduled it for us  
20 and there's also times where C.P.S. has already  
21 scheduled these forensic interviews and we'll find out  
22 that a forensic interview has already been done because  
23 C.P.S. had scheduled it long before it actually made it  
24 to my desk. So there's different scenarios on how that  
25 forensic interview will happen; but generally, the first

1 step that we're looking for to get the child interviewed  
2 by C.A.C. by a forensic interviewer.

3 MS. LARSEN: Judge, may I approach?

4 THE COURT: You may.

5 Q (BY MS. LARSEN) Detective Daignault, I am  
6 showing you what has been previously marked for  
7 identification purposes as State's Exhibits 3 and 4.  
8 Can you tell us what we're looking at here?

9 A 3 is the sign out in front of the Children's  
10 Assessment Center which, of course, that's the building.  
11 And No. 4 is a picture of the interview rooms that are  
12 used by the forensic interviewers to interview the  
13 children.

14 Q Are these fair and accurate depictions of those  
15 two locations?

16 A Yes.

17 MS. LARSEN: Judge, tendering to opposing  
18 counsel, State offers State's Exhibit 3 and 4.

19 MS. OLVERA: No objection, Judge.

20 THE COURT: State's 3 and 4 are admitted.

21 MS. LARSEN: May I publish, Your Honor?

22 THE COURT: You may.

23 Q (BY MS. LARSEN) So Detective Daignault, you  
24 were talking to us just a moment ago about forensic  
25 interviews at the Children's Assessment Center; and if

1 we look at State's Exhibit No. 3, is this that building  
2 that you were referring to?

3 A Yes, ma'am.

4 Q And can you tell us: What is the Children's  
5 Assessment Center, just for our knowledge?

6 A Yes. Kind of go in the past, but in the past,  
7 you know, when these types of cases, the children would  
8 have to go to one place to get a forensic interview and  
9 then another place for a medical and then another place  
10 for therapy. Basically, what they did by creating the  
11 Children's Assessment Center is made it where a family  
12 can bring their child and receive all of the services  
13 that they need. There's a clinic inside, there's  
14 therapy on the second floor, and third floor has the  
15 forensic interviewing. So there's -- basically, it's  
16 where a parent can bring their child and have all  
17 services, if necessary, done and there's not multiple  
18 places that they have to take their child and separate  
19 interviews or separate appointments they have to  
20 schedule.

21 Q And so, when we're talking about this forensic  
22 interview, have you seen -- I think you told us you  
23 have -- this room in State's Exhibit 4?

24 A Yes, ma'am.

25 Q And is -- can you tell us: Is this a place

1 where children are interviewed?

2 A Yes.

3 Q And can you tell us a little bit about what  
4 goes on in this room. When you talk about a forensic  
5 interview, how is that different from a regular  
6 interview maybe done by a police officer?

7 A Yes. The interview is done by an employee of  
8 the Children's Assessment Center. They are not  
9 associated with law enforcement. They are not  
10 associated with the District Attorney's Office. It's so  
11 that way, there's no law enforcement involvement with  
12 the interview. The interviews are done in a way that  
13 the information is received from the child through  
14 talking to them. It's not direct questioning. They're  
15 not -- they're not specific, they're not suggestive.  
16 They just, basically, by through talking to the child,  
17 they obtain the information through one question leads  
18 to another, another to another. It's not direct  
19 questions to the child.

20 Q Are you the officer in this room while the  
21 forensic interviewer is asking the questions?

22 A No, ma'am. There's a separate room that's  
23 around the corner -- generally it's around the corner --  
24 that's closed off and there's viewing monitors and  
25 headphones and speakers in there to where we can monitor

1 the interview as it's being conducted.

2 At some point in the interview, the  
3 forensic interviewer may stop the interview for a break.  
4 They'll come in and talk to us. If there's any  
5 questions or something that maybe, you know -- not so  
6 much questions but angles that they need to approach  
7 with the child or, you know, at times where it's fine.  
8 We just say, okay, everything's fine, just continue the  
9 interview. Or they can conclude the interview if  
10 there's nothing to discuss with the child.

11 Q And so, you're saying at the end of the  
12 interview with the child they come out and talk to you?

13 A Generally it's towards the end, yes.

14 Q And so, at the beginning of the interview with  
15 the child, do you tell the forensic interviewer what  
16 questions you want them to ask?

17 A They get a referral. Whenever we schedule  
18 forensic interview, they require us to fill out a form,  
19 whether it's us or C.P.S., and in that form it,  
20 basically, gives them a basic rundown of what's going on  
21 in the case. There are times when we will sit down and  
22 kind of go into a little more detail, maybe we've  
23 obtained something that's came [sic] up since that  
24 referral. That's not always, because again, C.P.S. may  
25 schedule the interview and they'll be there and

1 ultimately, you know, I can't speak to what C.P.S. may  
2 discuss with them pertaining to the case.

3 Q Is it also possible, Detective Daignault, that  
4 at the time that the child is being interviewed in this  
5 room, it could be the first time that anyone's actually  
6 sat them down and asked them questions about the  
7 allegations?

8 A Yes.

9 Q And in fact, have you ever experienced a case  
10 where you are listening to an interview and this is the  
11 first time that you are getting the details of what  
12 actually happened?

13 A Yes.

14 Q Now, you said that these are recorded?

15 A Yes.

16 Q And so, are those recordings then available for  
17 other folks to be able to view?

18 A Generally it's law enforcement. They control  
19 who they release -- I don't believe even C.P.S. can  
20 request the interviews. Usually they come talk to us  
21 about it or they watch the interview and they take as  
22 detailed as notes as possible. As far as I'm concerned,  
23 there's specific guidelines set as far as who can  
24 release them. And you've got to also submit a request,  
25 and they'll provide you with a DVD copy of the

1 interview.

2 Q But certainly members of the court could view  
3 these videos in preparation for trial?

4 A Yes.

5 Q And Officer Daignault, you told us that when  
6 you receive one of these cases and you're investigating  
7 a case like this, you said that the forensic interview  
8 is one part of the information that you collect and  
9 something you set up with the child. What other steps  
10 are taken in the investigation beyond the forensic  
11 interview?

12 A Generally we want to also talk to the person  
13 that -- the first adult that this child has disclosed  
14 sexual abuse or physical abuse, whatever it might be.  
15 So, the first step we want to talk to after the forensic  
16 is that person. We want to ensure that their statement  
17 is, you know, it's documented in the report; but again,  
18 we want to get an audio-recorded statement from the  
19 witness pertaining to what they were told and how the  
20 abuse or complaint came forth. Generally if it's a  
21 child that they tell another child and then that child  
22 tells mom and then mom talks to the child, it's the  
23 first adult. The child still may be forensically  
24 interviewed if it's a sibling or something like that,  
25 but that's separate and we get an audio statement from

1 the mother and that would be our -- for our purposes,  
2 the outcry witness.

3 Q Okay. And do you also collect statements from  
4 any other witnesses who might be important in a case  
5 like this?

6 A It's -- that's a case-by-case basis. It just  
7 depends. If it's from one to another and the  
8 information is the same, it may not; but if there's  
9 other details that may come to light that they  
10 experienced that somebody else didn't, then, yeah, we'll  
11 talk to them also.

12 Q And Detective Daignault, you said that in  
13 addition to a forensic interview the child is also  
14 scheduled for a medical examination?

15 A Yes. At times, if there's been clear  
16 disclosure to a family member or to somebody at school,  
17 sometimes we'll schedule those medical exams the same  
18 day. So, that way they go from the forensic interview  
19 to the clinic downstairs. There are times where, as you  
20 said before, that we may not have knowledge of abuse and  
21 it comes out in an interview or we just wait and then  
22 we'll schedule it after that and we'll go down to the  
23 clinic and we'll schedule the interview at the -- I'm  
24 sorry -- a medical exam downstairs at the clinic.

25 Q And Detective Daignault, do you also have an

1 opportunity to make contact with the suspect involved in  
2 these cases?

3 A Yes. Depending on what we have, sometimes we  
4 call, sometimes we send a letter. Whenever we -- if we  
5 don't get responses, then we may try to find additional  
6 addresses or additional family contacts, those types of  
7 things. So we have to show an effort to make contact  
8 with this person to give them the opportunity to come in  
9 and discuss the allegations against them.

10 Q Now, Detective Daignault, I want to -- well,  
11 before I go further, after you've collected this  
12 information, you've talked to the outcry witness and  
13 collected a statement, you've been able to observe a  
14 forensic interview and you've heard a disclosure has  
15 been made and you are able to collect the medical  
16 records if a medical has been done and you've attempted  
17 to contact the suspect, what is the final step in your  
18 investigation as an officer on one of these cases?

19 A Depending on whether the person the allegations  
20 are made against comes in and discusses the allegations  
21 against them, regardless of that, the ultimate -- the  
22 final step is to sit down with the district attorney  
23 which comes to the C.A.C. every Thursday. We sit down  
24 and we, basically, provide them with all the facts of  
25 the case we have. From the forensic interviews, what

1 was disclosed, what wasn't disclosed, witness  
2 statements, everything that we potentially have, we'll  
3 sit down and we'll talk to the district attorney and  
4 then through that, we'll determine -- or the D.A. will  
5 tell us, hey, yes, there's probable cause for this  
6 charge, I will accept the charge. Then from there, if a  
7 charge was accepted, we'll actually generate a probable  
8 cause statement and walk the charge through the District  
9 Attorney's Office and be provided a warrant.

10           There are times where we present  
11 something to the district attorney and maybe they want  
12 some other form of information or, hey, can y'all also  
13 do this. So, it's not all the time where it's like you  
14 sit down and it's a yes-or-no answer. Sometimes it's  
15 like a, well, just hold off, get this additional  
16 information or wait for this to come back. There are  
17 times where we can't sit down with the doctor at the  
18 clinic so we don't have any information so we've got to  
19 wait for the medical records. There are times where we  
20 actually are there and we actually go talk to the doctor  
21 and kind of get an idea what was said and make sure  
22 there's nothing that contradicts what we already have.  
23 So, in those scenarios we're able to discuss with the  
24 D.A. what was, you know, unofficial but what the doctor  
25 was told type of scenario to where we can at least

1 provide that to them.

2 Q And Detective Daignault, in your experience as  
3 an officer and investigating these crimes -- and I think  
4 you told us for three years?

5 A Three and a half years.

6 Q -- for three and a half years, did you always  
7 seek charges on every case?

8 A No, ma'am.

9 Q Were there some cases where you collected  
10 everything and decided you didn't think there was a  
11 charge?

12 A Yes, there are cases where we don't have  
13 anything and we can't present it to a D.A. because  
14 there's nothing there. There are some cases where there  
15 is some information there, it's just whether it's  
16 enough. We'll still sit down with the D.A. and discuss  
17 what we have; and if there's not enough information  
18 there, then we may not have a charge that's filed. I've  
19 also had cases where I just don't know. You know,  
20 there's problems here or there, I just don't know. And  
21 sometimes we'll go to the D.A. and we'll tell them that.  
22 This is everything that we have and I just don't know if  
23 I feel that I can swear under oath that I feel that this  
24 crime has been committed. In those scenarios, we'll  
25 package that case file up, provide it to the D.A. there,

1 and then it will be worked up to be sent to the grand  
2 jury. That way, a grand jury will ultimately make a  
3 decision whether there's enough there to file a charge  
4 on the person or no bill them. So there are other  
5 scenarios.

6 Q So, I want to turn your attention now,  
7 Detective Daignault, to this case in question. Do you  
8 remember being on duty back in June of 2010?

9 A Yes, ma'am.

10 Q And do you remember receiving a case involving  
11 a child named Nileeya Edmondson?

12 A Yes, ma'am.

13 Q And you told us a few minutes ago about how all  
14 the different ways you can receive a case like this. Do  
15 you remember how you received this case?

16 A This case was a more of a standard way of  
17 receiving the case. Patrol was called out to the house,  
18 they generated an offense report, offense report was  
19 downloaded. Due to the title, it was routed to my  
20 supervisor who then gets the case, works it up, and then  
21 provides it to me.

22 Q And do you remember what date you received this  
23 case on?

24 A Yes. I'm going to refer to my report here.

25 Q Yes, sir.

1           A       The actual date that it was assigned to me by  
2 my supervisor, June 25th, 2010.

3           Q       Okay. And so, in June, 2010, can you tell us:  
4 When you first received the report, what did you do with  
5 the report? What was your first step on this case?

6           A       On this one, I'm not a hundred percent sure if  
7 C.P.S. scheduled a forensic or I scheduled it; but we  
8 scheduled a forensic interview. The first thing that  
9 was done was to get the forensic interview scheduled.

10          Q       And when you scheduled that forensic interview  
11 at that point in time, did you have any trouble making  
12 contact with the mother of the victim?

13          A       I don't recall having any issues, no. It was  
14 done relatively fast considering, you know, availability  
15 and scheduling.

16          Q       And do you remember what date that interview  
17 was conducted on?

18          A       Yes. There was -- the children -- generally  
19 we'll interview, you know, all the siblings in the  
20 household. In this particular scenario, two were  
21 available and completed on July 9th, 2010, with the last  
22 one being done on 8 -- no, I'm sorry -- 7/29/2010. So,  
23 it was done 20 days later, roughly.

24          Q       And in addition to forensic interviews, what  
25 other items did you collect in this case? What else was

1 done?

2 A A medical exam was completed on Nileeya on  
3 August 23rd, 2010.

4 Q And did you collect those medical records for  
5 this case?

6 A Yes.

7 Q And did you have a chance to observe the  
8 forensic interview in this case?

9 A Yes.

10 Q And so, when you were finished observing the  
11 forensic interview and you collected the medical  
12 records, did you collect any other information in this  
13 case?

14 A I talked to the outcry witness. There was a --  
15 it's Crystal -- I don't know how to pronounce her last  
16 name. It's C-H-A-Z-I-S. It was her and their uncle  
17 that were, basically, the outcry witnesses. I spoke  
18 with Crystal on this particular case. Again, it was one  
19 of those scenarios where they both had the same  
20 information.

21 MS. OLVERA: Objection, Judge, to any  
22 hearsay of what everyone else told him.

23 THE COURT: Sustained.

24 Q (BY MS. LARSEN) Detective Daignault, you did  
25 have an opportunity -- I think you told us that it's

1 part of the routine procedure in these cases to  
2 interview the outcry witness which you told us is the  
3 first adult that the child told?

4 A Yes.

5 Q And you had an opportunity in this case to  
6 interview those adults, specifically a CeCe Chazis?

7 A Yes. I spoke with her over the phone that same  
8 day the initial forensic interview was done on July 9th.

9 Q After you collected the medical records and you  
10 were able to collect a statement from the outcry witness  
11 as well as observe the forensic interview for Nileeya  
12 Edmondson, did you have an opportunity to make contact  
13 with the suspect?

14 A Yes. I initially sent a letter to the  
15 addresses that we had. I didn't get a response; but  
16 then I had a phone number that I had made contact  
17 through phone with a family member. I want to say maybe  
18 it was a grandmother -- I'm not a hundred percent sure  
19 without looking through here -- of which I asked them  
20 please give him a message to contact me, I need to talk  
21 to him about the allegations. Once I hung up the phone,  
22 you know, I got a call back, you know, basically,  
23 saying, Hey, is he wanted? I said, No, I just need to  
24 talk to him about these allegations that have been made  
25 against him. If you could please give me a call and we

1 could sit down and schedule something.

2 And then from there, I did eventually  
3 receive a phone call from him on August 12th, 2010; and  
4 we scheduled a interview with him on August 17th, 2010.

5 Q And so, Officer Daignault, he did give a  
6 statement to you?

7 A Yes, he came in and provided us with a  
8 voluntary statement.

9 Q After you had a chance to make contact with the  
10 defendant and collected all of the other evidence in  
11 this case, did you take any other steps before you  
12 presented this to the District Attorney's Office?

13 A The medical exam was scheduled on August 23rd.  
14 And basically, on this particular scenario, I would not  
15 have gotten the records back that fast. So, it was one  
16 of those scenarios where I would talk to the doctor just  
17 to make sure that, you know, that there wasn't something  
18 that came up in their interview, because they also  
19 discuss things with the child that might conflict with  
20 something that I already have that was said in the  
21 forensic interview.

22 So, on this scenario, on the 25th of  
23 August, I actually sat down with the district attorney  
24 that came in at the Children's Assessment Center and  
25 discussed the entirety of the case, the facts, and

1 everything we had pertaining to the case.

2 Q When you presented those charges to the  
3 District Attorney's Office, were you seeking a charge?

4 A Yes.

5 Q And was a charge accepted in this case?

6 A Yes.

7 Q And did you collect anything else after the  
8 charges were accepted in this case relevant to this  
9 case?

10 A I don't believe so.

11 Q Detective Daignault, I do have one other  
12 question for you before we proceed. Did you learn of  
13 the address where the victim was living at the time of  
14 the outcry in June of 2010? Did you have an address for  
15 them?

16 A Yes.

17 Q What was that address?

18 A It's going to be 11810 Chimney Rock.

19 MS. LARSEN: Judge, may I approach?

20 THE COURT: You may.

21 Q (BY MS. LARSEN) And Detective Daignault, I'm  
22 showing you what's been previously marked for  
23 identification purposes as State's Exhibit 2. Can you  
24 tell us what we're looking at here?

25 A It's a map of Houston.

1 Q Do you see that location on Chimney Rock?

2 A Yes.

3 Q Located on this map?

4 A Yes.

5 Q Is it a fair and accurate depiction of a map of  
6 Harris County with that location depicted in red?

7 A Yes.

8 MS. LARSEN: Judge, tendering to opposing  
9 counsel, State offers State's Exhibit 2.

10 MS. OLVERA: No objections, Judge.

11 THE COURT: State's 2 admitted.

12 MS. LARSEN: May I publish State's  
13 Exhibit 2?

14 THE COURT: You may.

15 Q (BY MS. LARSEN) Detective Daignault, you said  
16 at the time you received this report they were living,  
17 the victim and her family, were living at 11810 Chimney  
18 Rock?

19 A Yes, ma'am.

20 Q And we see that here on the map in State's  
21 Exhibit No. 2?

22 A Yes. I'm sorry. Yes.

23 Q And as an officer with the Houston Police  
24 Department, can you tell us if that location is located  
25 in Houston?

1 A Yes.

2 Q And is it located in Harris County?

3 A Yes.

4 MS. LARSEN: And Judge, I'll pass the  
5 witness.

6 THE COURT: Defense.

7 MS. OLVERA: Thank you, Judge.

8 **CROSS-EXAMINATION**

9 BY MS. OLVERA:

10 Q Is it Officer Daignault?

11 A Daignault.

12 Q Daignault. So Officer, back in 2010, in  
13 July -- or you said June 25th is when you got this case?

14 A June 25th is when I got it.

15 Q So your rotation during that time period with  
16 H.P.D. was at the Children's Assessment Center?

17 A Yes, ma'am.

18 Q And what that means -- so the jury is clear --  
19 is that you would actually report to work at the  
20 Children's Assessment Center?

21 A Yes, ma'am.

22 Q And you were there full-time, all day?

23 A Yes, ma'am.

24 Q Until your shift is over, correct?

25 A Yes, ma'am.

1 Q As a matter of fact, your division, juvenile  
2 sex crimes, is stationed there at the Children's  
3 Assessment Center, correct?

4 A Half is, yes; half is not.

5 Q Half the force?

6 A No, half the unit.

7 Q And how big is the unit?

8 A The unit is separated into two. You have more  
9 of a stranger unit, that handles cases where there's no  
10 family or involvement or perpetrators; and then you have  
11 the C.A.C. unit which is all family, known suspects,  
12 family members, somebody that's lived in the household.  
13 But the unit is actually split, is still half is at  
14 Mykawa --

15 Q Okay. Okay. Okay.

16 A -- the Mykawa --

17 Q Okay. Right.

18 A -- southeast substation and then you have the  
19 family based unit which is located at the Children's  
20 Assessment Center.

21 Q And how many officers make up that force that  
22 is located at the C.A.C. center that only takes care of  
23 the family-involved cases?

24 A It fluctuates and I wouldn't be able to give  
25 you exact number but roughly, anywhere from 12 to 14

1 officers working cases. And then there's also  
2 additional -- there's supervisors and there's other  
3 officers that do other tasks pertaining to that; but  
4 again, it fluctuates with, you know, people leaving and  
5 going.

6 Q Okay. And so, at that time at the end of June,  
7 you were stationed there and you had been there  
8 approximately how many -- how long had you been there  
9 before you got this case?

10 A I transferred there in September of 2009 and  
11 then I actually went through and did some of the  
12 training they do at the Mykawa unit and then I believe I  
13 got to the Children's Assessment Center in November of  
14 2009.

15 Q So, you weren't even there quite a year before  
16 you were assigned this case?

17 A It was about seven, eight months, depending  
18 exact. But roughly, seven, eight months.

19 Q Okay. And so, you called this -- I believe you  
20 called this a "standard case" when you received the  
21 case, correct?

22 A The standard in the way that it came into the  
23 unit through patrol. That's more of a more common way  
24 cases are brought to investigations is through patrol.

25 Q So, the first thing that you did in conducting

1 your investigation was to read that patrol offense  
2 report.

3 A Yes.

4 Q And then after that offense report review, you  
5 wanted to interview witnesses, correct?

6 A No. I wanted the child, the children, forensic  
7 interview completed on the children is the first thing.

8 Q You wanted to arrange the forensic interview of  
9 the child right away?

10 A Yes. That's the first step after screening the  
11 report, yes.

12 Q So, you called the mother to arrange that  
13 interview?

14 A Again, on this one I'm not sure if I did that  
15 or C.P.S. did that. But either way, the interview was  
16 scheduled. Again, there's different ways. I've had it  
17 where my supervisor reached out and when I got the case,  
18 it was already scheduled. So, basically, when I got the  
19 case, the interviews were scheduled on July 9th; and  
20 then I attend the interview.

21 Q So, then, however it was assigned to you, you  
22 were there on the date the forensic interview was  
23 conducted specifically with Nileeya?

24 A Yes.

25 Q And so, while Nileeya is being interviewed --

1 and actually who was her forensic interviewer?

2 A If you don't mind, I'll look?

3 Q Please, go ahead.

4 A Nileeya was interviewed by Claudia Mullins.

5 Q So, Ms. Mullins was assigned the task of  
6 conducting the forensic interview?

7 A Yes, ma'am.

8 Q And that's the interview that you were  
9 observing at the same time, simultaneously, I guess?

10 A Yes.

11 Q And is there someone else also watching the  
12 interview as Ms. Mullins is talking to the child?

13 A This case was assigned to C.P.S.

14 Q So, there was someone else?

15 A So, there would also be a representative from  
16 C.P.S. there.

17 Q And Ms. Mullins, so the jury is clear, is a  
18 forensic interviewer?

19 A Yes, ma'am.

20 Q And that's her specific job description at the  
21 Children's Assessment Center, correct?

22 A Yes, ma'am.

23 Q And it's true, isn't it, Officer, that forensic  
24 interviewers are trained or supposed to be trained  
25 specifically to conduct interviews of children precisely

1 in this type of case?

2 A Yes, ma'am.

3 Q And it's true, isn't it, that forensic  
4 interviewers are trained specifically to talk to certain  
5 aged children about that type of crime because they're  
6 supposedly experts in asking questions of young  
7 children, correct?

8 A Well, they're trained in that, yes.

9 Q I guess I want to clarify for the jury: In  
10 comparing a law enforcement police officer interrogating  
11 a suspect or witness or a child is different than the  
12 manner in which a forensic interviewer conducts an  
13 interview with a child, alleged victim of child abuse,  
14 correct?

15 A If you're talking about more of an  
16 interrogation, aspect, yes, it's different.

17 Q They're certainly different, aren't they?

18 A Certainly different in the means in which  
19 you're asking because with a child, you want it to come  
20 from them, you don't want to lead them. You want it to  
21 come straight from the child.

22 Q Right --

23 A So that's how they're trained where it's  
24 nonsubjective.

25 Q Right. The forensic interviewers are trained

1 how to interview children, correct?

2 A Yes.

3 Q And that's because children can sometimes be  
4 easily directed or suggested possibly in telling their  
5 story, correct?

6 MS. LARSEN: Your Honor, I object to the  
7 speculation.

8 THE COURT: Sustained.

9 Q (BY MS. OLVERA) Well, you did say earlier it  
10 could be -- they ask the questions in a certain way so  
11 the children are not suggested the answers, correct?

12 A Yes.

13 Q And so, that's why you, as the law enforcement  
14 officer in charge of the case, did not conduct an  
15 interview one-on-one with the child, correct?

16 A Well, ultimately we -- we can't interview  
17 children.

18 Q So, you did not conduct an interview with the  
19 child?

20 A No, ma'am.

21 Q You left that totally up to Ms. Mullins the  
22 expert forensic interviewer?

23 A Yes, ma'am.

24 Q So, after the interview is conducted, your next  
25 step in the investigation in this case was to interview

1 the mother, correct?

2 A Yes. She was there at the Children's  
3 Assessment Center.

4 Q That was Ms. Cedrina Edmondson?

5 A Yes, ma'am.

6 Q So you talked to her also --

7 A Yes.

8 Q -- one-on-one at the Children's Assessment  
9 Center?

10 A Yes.

11 Q And after you talked with her, based on what  
12 she told you, you decided to schedule the medical expert  
13 or the medical examination, correct?

14 A The medical had been scheduled based on what  
15 the child said in the interview.

16 Q Is it pretty standard, Officer, to also while  
17 the child is there at the Children's Assessment Center  
18 doing the forensic interview to go ahead and do the  
19 medical exam while they're there?

20 A It can be done that way, but it's not -- it's  
21 not like it's set that way. Every case, again, is  
22 different. Some are done that same day, some are  
23 scheduled that way, some we just have to wait for the  
24 forensic interview to determine what we're going to do  
25 next.

1           Q       Then in this case, the interview was conducted  
2 on a different date, correct?

3           A       Yes.

4           Q       And then after you received that report or you  
5 talked with the doctor that conducted the examination,  
6 after you finished that, you decide to try and interview  
7 the alleged perpetrator, correct?

8           A       Actually I believe I spoke to him before her  
9 medical. He came in on the 17th of August, so I  
10 actually spoke to him after her interview and prior to  
11 the medical examination.

12          Q       Okay. So is it fair to say that after your  
13 talking with the perpetrator and after you've gathered  
14 your information from the medical doctor, that's when  
15 you're really deciding if there's any reason for you to  
16 go in and investigate other witnesses or other evidence,  
17 things like that?

18          A       We talked -- everything -- our steps are based  
19 on what information we gather. If there's other  
20 information that's obtained through some other angle and  
21 it provides us to somebody we need to talk to, then  
22 we'll approach that. It just depends on what it is,  
23 again, it goes back to every case is different if you're  
24 generalizing it.

25          Q       And so, I guess, is it fair to say that you

1     decide -- when you decide the case is finished,  
2     investigating the case, are there times, Officer, that  
3     maybe you're waiting for some medical exams, other  
4     medical exams to be conducted, like waiting for other  
5     physical evidence to be evaluated, things like that,  
6     that would delay a case?

7           A     Again, it depends on the case; but there are  
8     times where there's enough information provided to us  
9     through the forensic interview, the medical examination,  
10    at that time to go ahead and present the case to the  
11    District Attorney's Office.

12          Q     Okay. Because in this case it seems like if  
13    you got the case June 25th and you talked with a  
14    district attorney on the 27th of August, that's,  
15    basically, like a two-month time period for your  
16    investigation, correct?

17          A     I talked to the D.A., yes, on the 27th so it  
18    would be roughly two months.

19          Q     Two months. So, during the two-month period,  
20    you interviewed the witnesses or you scheduled or you  
21    watched the forensic interviews before or -- and then  
22    you decided to talk to Mr. Corin Branch in this case,  
23    correct?

24          A     Yes.

25          Q     And so, he returned an inquiry, I guess, that

1 you were looking for him and he returned your request,  
2 correct?

3 A Yes. He called me, yes.

4 Q And he scheduled an appointment to come and see  
5 you?

6 A Yes.

7 Q And that interview was also conducted at the  
8 Children's Assessment Center, correct?

9 A Yes, ma'am.

10 Q And so, when he came -- he showed up on the  
11 date that he told you he was going to be there?

12 A Yes.

13 Q And he was not under arrest, correct?

14 A No, ma'am.

15 Q So, he was free to leave at any time?

16 A Yes, ma'am.

17 Q During the interview with you?

18 A Yes, ma'am.

19 Q And he did not request a lawyer, correct?

20 A I don't believe so.

21 Q And a lawyer was not with him, correct?

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

23 THE COURT: Yes.

24 *(At the Bench.)*

25 MS. LARSEN: Judge, before we get too

1 much further down this road, I would remind them of  
2 their motion in limine that was granted with regard to  
3 eliciting any statements made by the defendant during  
4 the course of this interview.

5 MS. OLVERA: I remember.

6 THE COURT: Okay.

7 *(End bench conference.)*

8 Q (BY MS. OLVERA) So again, Officer, he didn't  
9 show up with a lawyer, correct?

10 A No, ma'am.

11 Q And so, he sat there and you asked him  
12 questions?

13 A Yes.

14 Q And he answered all your questions, correct?

15 A Yes.

16 Q And after that, you allowed him to leave,  
17 correct?

18 A Yes.

19 Q You did not arrest him then?

20 A No, ma'am.

21 Q Now, when you presented the case to the  
22 district attorney, the district attorney went to you at  
23 the C.A.C. center?

24 A The district attorney comes every Thursday.  
25 There's a district attorney that comes to the C.A.C. to

1 review cases, not just H.P.D. but from other law  
2 enforcement agencies in the Harris County.

3 Q So, it wasn't just because of this  
4 investigation that you were conducting on Mr. Branch?

5 A No, ma'am. We actually schedule times to sit  
6 down with the D.A. We have a case that we want to  
7 present on Thursday, we, basically, log in and put in a  
8 time slot and the case number and we work off of time  
9 slots. At some point, it was just you show up and then  
10 at some point it became a log.

11 So in this particular case, I'm not sure  
12 if it was just, hey, if you have a case to present, show  
13 up and wait in line or if it was a log scenario.

14 Q Okay. So, after that, did you go out to --  
15 State's Exhibit No. 2, that address, right up there. I  
16 can't read it from here. The Chimney Rock address, did  
17 you go out there and look inside that apartment at all?

18 A No, ma'am.

19 Q You didn't go in there or take any pictures or  
20 collect any evidence?

21 A No, ma'am.

22 Q Did you talk to any neighbors or anyone around  
23 there to check on the family that lives there in that  
24 apartment that you were interested in?

25 A No, ma'am.

1 Q And you said that you interviewed -- when you  
2 interviewed -- is it CeCe?

3 A That might be her nickname, but it's -- I'm not  
4 sure how you pronounce it. Chazis, C-H-A-Z-I-S, Crystal  
5 Chazis.

6 Q Did you get an opportunity to interview -- you  
7 mentioned another name -- is it Robert Young or David  
8 Young?

9 A Yes, the uncle. No, I did not talk to him.

10 Q Which one was the other outcry that you  
11 mentioned?

12 A They were both together when it happened.

13 Q What's the name of that person?

14 A I can get the information for you here. Either  
15 Bobby Young or Robert Young. Give me one second. I'll  
16 find it if you need it. Robert Young. Brother's name  
17 is Robert Young.

18 Q And you did talk to him on that same day?

19 A No. I talked to Crystal.

20 Q Okay. When did you talk to Mr. Robert Young?

21 A I didn't talk to him.

22 Q At all or just not on that day?

23 A No, I didn't talk to him.

24 Q And so, after you sit down with a prosecutor,  
25 is that the end of your involvement in the case,

1 specifically in this case?

2 A Specifically in this case, if the D.A. accepts  
3 a charge, then, yes, we file a warrant. If there's any  
4 request at that time beyond the warrant, if the D.A.  
5 requests it, then we might. But this specific case, no.

6 Q Did you -- since that date, are you -- well,  
7 you're no longer in juvenile sex crimes, right?

8 A No, ma'am.

9 Q So you're no longer the officer in charge of  
10 this investigation?

11 A No, I would be. It's still my case.

12 Q Have you received any calls from Ms. Cedrina  
13 Edmondson?

14 A I know we were in contact for a while after,  
15 but ultimately, my phone number changed and if it's not  
16 updated or anything like that, no. I mean, usually  
17 C.P.S. stays involved; but once our case is closed, I  
18 mean, unless something significant comes up, whether I  
19 worked there or not, there's always a way to get in  
20 contact with me or they may, if it's something  
21 pertaining to this case, they need to reopen it, then  
22 they may assign it to a new investigator because I'm no  
23 longer there.

24 Q So that would be a way for someone to contact  
25 you if there was additional information?

1 A Yes, ma'am.

2 Q Significant information you say?

3 A Yes, ma'am.

4 MS. OLVERA: Pass the witness, Judge.

5 THE COURT: State?

6 MS. LARSEN: Nothing further, Your Honor.

7 THE COURT: May this witness be excused?

8 MS. OLVERA: Yes, Your Honor.

9 THE COURT: You may step down. Thank  
10 you, sir.

11 *(End of Requested Testimony from*  
12 *10/14/14.)*

13 *(Requested testimony from 10/15/14:)*  
14 *(Defendant and Jury present.)*

15 THE COURT: You may be seated.  
16 State, call your next witness.

17 MS. LARSEN: Judge, the State calls  
18 Dr. Donna Mendez.

19 *(Witness sworn.)*

20 **DR. DONNA MENDEZ,**  
21 having been first duly sworn, testified as follows:

22 **DIRECT EXAMINATION**

23 BY MS. LARSEN:

24 Q Dr. Mendez, good morning.

25 A Good morning.