

1 officer with Harris County?

2 A. Four years.

3 Q. I'm going to take you back now to
4 October 12th of 2013. What was your assignment at
5 that point in time?

6 A. At that particular night I was assigned
7 to the print desk. And what we do, they're booked
8 in -- the inmates are booked in. And from then --
9 from the point of being booked in, we print them,
10 send them to medical -- dress them out, send them to
11 medical and try to get them on through the process
12 of the jail.

13 Q. And did this -- where you're booking
14 people, was that in Harris County, Texas?

15 A. Yes.

16 Q. Did you have the occasion to have an
17 incident with a person named Weylin Allford?

18 A. Yes, sir, I sure did.

19 Q. Do you see Mr. Allford in the courtroom?

20 A. That's Allford there to the right of me,
21 yes, sir (indicating).

22 Q. And would you just identify him by an
23 article of clothing that he's wearing?

24 A. I see his face.

25 Q. Okay. Will you tell us what --

1 A. Looks like maybe a striped shirt, brown
2 with gray mixed in it.

3 MR. GILLIAM: Your Honor, may the
4 record reflect the witness identified the defendant?

5 THE COURT: It will so reflect.

6 Q. (By Mr. Gilliam) How did you come into
7 contact with the defendant?

8 A. That particular night as we came on to
9 duty, Allford there was locked up in, I think, maybe
10 Cell 111. That was a separation cell. He was
11 booked in, and it was my duty to try and get him on
12 through the process. I went to the door of the
13 separation cell and I talked to him, asked him how
14 he was feeling, asking if he was okay.

15 Mild-mannered, didn't seem to be a
16 problem. As I opened the door, escorted him down to
17 the print desk, that's when he became more of a
18 violent individual.

19 Q. You say he became more of a violent
20 individual. How did he become more of a violent
21 individual?

22 A. He became more irate and belligerent.

23 Q. What was he doing?

24 A. He didn't want to comply with -- after I
25 took him out of the separation cell, he didn't

1 really want to comply with the order that was given
2 to him. I ordered him to come down to the print
3 desk in order for him to be printed and in order for
4 him to be dressed out to get him farther through.
5 But as we -- the further -- we got him farther down
6 to the fingerprint desk, that's when he became more
7 violent and aggressive towards the staff.

8 Q. What was he doing when he was being
9 violent and aggressive?

10 A. As I attempted to grab -- what we do is
11 we put gloves on, we grab that -- you know, not in
12 an aggressive manner, asked him for the right thumb.
13 We print that right thumb onto that commit paper.
14 As I attempted to do that, that's when he became
15 more -- he didn't want to be touched, per se, by an
16 officer; and as I attempted to, he became more
17 aggressive towards me.

18 I attempted to put my arm on his right
19 shoulder to guide him towards the print desk, and
20 that's when a struggle broke out between me and
21 Inmate Allford.

22 Q. What happened during this struggle with
23 you and the defendant?

24 A. As we struggled, we ended up going to
25 the floor. I found myself -- my body landed

1 underneath his -- his body was laying on -- I mean,
2 landed on my right arm and my two fingers ended up
3 in his mouth. He was biting my fingers.

4 Q. How did your fingers end up in his
5 mouth?

6 A. Well, I attempted to grab him on the
7 right shoulder there and it was a struggle and -- a
8 struggle to the floor and for some kind of way my
9 hand was in his facial area and that's when --

10 Q. What did he do when your fingers were in
11 his mouth?

12 A. Well, the position that I was in, I
13 couldn't defend myself or I couldn't necessarily
14 fight back because he was laying on my -- the right
15 arm, which is my -- my power, you know, the power
16 arm, he was laying on that arm. So I couldn't
17 necessarily, you know, defend myself one way or the
18 other.

19 And he was laying on the arm, my hands
20 up here, you know, came -- and he -- my hand was
21 in -- my two fingers was in his mouth and he started
22 biting on me.

23 Q. Did you sustain injuries from him biting
24 your fingers?

25 A. Yes, sir, I sure did.

1 Q. What kind of injuries did you sustain?

2 A. He bit me to the bone.

3 Q. I'm going to show you what's been
4 previously marked as State's Exhibits No. 23, 24,
5 25, 26 and 27. Are these photos -- do they fairly
6 and accurately depict what they purport to show?

7 A. That's correct, yes, sir.

8 MR. GILLIAM: Your Honor, at this
9 point in time I would ask State's Exhibit No. 23
10 through 27 be admitted into evidence and I'm
11 tendering to Defense counsel.

12 MR. SCOTT: We have no objection,
13 Your Honor.

14 THE COURT: All right. No
15 objection, they're admitted. You may publish as
16 necessary.

17 *(State's Exhibits No. 23 through*
18 *27, Photographs, offered and admitted.)*

19 MR. GILLIAM: Thank you, Your
20 Honor.

21 Q. (By Mr. Gilliam) What does State's
22 Exhibit No. 23 show us?

23 A. It's showing my right hand. I'm holding
24 my right hand in the air. Looks like my two fingers
25 right there are taped, and that's from the bite.

1 Q. State's Exhibit No. 24?

2 A. I'm holding my right hand up. My back
3 is facing the wall -- my back is against the wall.
4 Showing both of my right -- my right hand with the
5 fingers that were bitten.

6 Q. And is State's Exhibit 25 just another
7 picture of you from that night?

8 A. Yes, sir, it's just my back is against
9 the wall and it's just showing, I guess, a
10 bloodstain over on, perhaps, my left shoulder there.

11 Q. And we'll take a look at that in State's
12 Exhibit No. 26. Is that the bloodstain you were
13 talking about?

14 A. Yes, sir, that's correct.

15 Q. Now, are you aware whose blood that is?

16 A. I assume it's my blood because, I mean,
17 he wasn't injured, not by me punching him, because I
18 wasn't able to punch him with the way he was laying
19 on my arm, no, sir.

20 Q. And State's Exhibit No. 27, are those
21 your fingers right there?

22 A. Yes, sir, that's correct.

23 Q. And did you have any -- or do you have
24 any long-lasting effects from the defendant biting
25 your two fingers?

1 A. I think that scar -- I'm scarred for
2 life right there. That wasn't that -- that -- the
3 imprints of the finger, that will never clear up.
4 No, sir.

5 Q. After the defendant -- or approximately
6 how long did the defendant have your fingers in his
7 mouth?

8 A. You know, I can't measure the time
9 frame, but what I do -- I mean, it seems as if it
10 was a five-minute period. It got to the point to
11 where the guy was actually biting me and growling,
12 you know.

13 Q. Was someone able to remove the defendant
14 from you and separate you?

15 A. I had additional -- it was additional
16 staff that came, and that's how it was -- he was
17 separated from me, yes, sir.

18 MR. GILLIAM: Pass the witness,
19 Your Honor.

20 THE COURT: Defense?

21 MR. SCOTT: Thank you, Your Honor.

22 **CROSS-EXAMINATION**

23 **BY MR. SCOTT:**

24 Q. Deputy Daniels, when you were dealing
25 with the defendant on that particular occasion and

1 you say you took him from one location to the other
2 location which would have been the -- where you
3 wanted to try to do the printing; is that correct?

4 A. Yes, sir.

5 Q. There are security cameras in that area,
6 are there not?

7 A. Yes, sir, there were.

8 Q. Have you seen the security pictures that
9 were made by the sheriff's department since that
10 time of the incident?

11 A. No, sir, I have not seen the use of
12 force.

13 Q. All right. Now, when you say that at
14 some point in time the defendant bit you, you had a
15 glove on; is that correct?

16 A. Yes, sir.

17 Q. Was that one of the green latex or blue
18 latex gloves or was it a different kind of glove?

19 A. Blue latex glove, yes, sir.

20 Q. Now, when you talk about the extent of
21 that injury as a result of your bite, do you
22 remember describing the situation as the defendant
23 bit through your glove and broke the skin causing
24 you to feel pain? Do you remember saying that in
25 describing the injuries that you were supposed to

1 have received as a result of the bite?

2 A. He bit through my glove causing me to
3 feel pain, yes, sir.

4 Q. Yes, sir. Yes, sir. All right. You
5 never did say as you have now that you were bit --
6 that you were bitten to the extent that it went to
7 the bone, did you?

8 A. No, sir.

9 Q. All right.

10 A. Sure didn't.

11 Q. Now, we've seen the pictures -- and it
12 was 23, 24, 25, 26, 27 -- pictures of you after this
13 had occurred; is that correct?

14 A. Yes.

15 Q. And where are the pictures of the -- of
16 your hand prior to it being administered to by the
17 clinic people? I just see wrapped-up fingers. I
18 don't see any photographs of the injuries that you
19 received before they have the gauze wrapped around
20 them.

21 A. I didn't know the extent of my injury.
22 My supervisor didn't know the extent of my injuries.
23 So I went on over to medical.

24 Q. Where was --

25 A. So there were no photographs before

1 that.

2 Q. Where were those pictures taken of your
3 gauze -- of your fingers with the gauze on them?
4 Where were those taken?

5 A. Over at 1200 medical.

6 Q. So they were taken at the time the gauze
7 would have been put on your fingers, correct?

8 A. That's correct.

9 Q. Where are the pictures that show your
10 fingers before medical put the gauze on your fingers
11 and then took pictures of your fingers?

12 A. After I pulled the glove off my -- the
13 latex glove off of my fingers, there was -- seemed
14 to be -- it appeared to be -- I mean, not -- I mean,
15 with exaggeration, it could have been perhaps a
16 gallon of blood that hit the floor from the inside
17 of that glove. So with that, my supervisor told me
18 to go over to 1200 medical in order to get medical
19 attention.

20 So, no, sir, it wasn't any pictures
21 taken before that because they -- they was looking
22 at the -- perhaps the seriousness of that bite,
23 that -- the amount of blood that appeared on the
24 floor.

25 Q. So you think there was maybe as much as

1 a gallon of blood in the glove?

2 A. No, that's just an exaggeration, yes,
3 sir.

4 Q. Probably is an exaggeration?

5 A. Yes, sir.

6 Q. Okay.

7 A. But it was an extreme amount of blood
8 when the guy did bite me.

9 Q. The glove comes off, and where are you
10 located at the time you take the glove off and find
11 the exaggerated amount of blood in the glove?

12 A. As I was getting up off the floor from
13 the -- once I was separated from this individual,
14 that's when I was walking towards the infirmary, the
15 medical over at the processing center. And from
16 there, from the print desk to the process -- to the
17 medical office at the processing center, that's when
18 I took the glove off. From there the nurses looked
19 at me and advised me to go on over to 1200 medical,
20 which is a larger infirmary.

21 Q. Well, I just need to be clear. The
22 pictures that we've seen here were taken at the
23 clinic at 1200 Baker, right?

24 A. Yes.

25 Q. But there are no pictures taken at 1200

1 Baker that would have shown the extent of your
2 injuries. Is that what you're telling us?

3 A. Can you repeat that, sir?

4 Q. Somebody took pictures of you with your
5 fingers wrapped up, correct?

6 A. My supervisor did, yes, sir.

7 Q. All right. And that was over at 1200
8 Baker, right?

9 A. That's correct.

10 Q. Where are the pictures that show your
11 fingers as they appeared right before they were
12 wrapped up at 1200 Baker?

13 A. I think you need to contact my
14 supervisor with -- regarding those pictures, sir,
15 because there wasn't any pictures taken. Because of
16 the extent of my injuries, I think the bleeding
17 should have been secured or stopped.

18 Q. So, in other words, they weren't -- it
19 was sufficient for them to take pictures of two
20 fingers that had gauze on them?

21 A. After -- after the blood was stopped.

22 Q. Certainly. I understand that. I
23 understand that you were gauzed up after you
24 received medical treatment for the injuries,
25 correct?

1 A. Yes, sir.

2 Q. But the same supervisor or whoever took
3 the pictures could have just as easily taken
4 pictures of the open wound in your fingers before
5 they were gauzed if they had wanted to, correct?

6 A. That's correct. But I think what you're
7 getting at, sir -- and I don't -- if we come to work
8 in uniform, if we come to work with an injury, we're
9 not supposed to be on the floor with inmates if we
10 are already injured prior to that.

11 Q. Does that have anything to do with why a
12 picture was not taken of an injury when you received
13 it?

14 A. No, it just seemed like to me I'm just
15 trying to figure where you going with that.

16 Q. I just want to see the injury that you
17 received --

18 A. No, I didn't --

19 Q. -- before you put the gauze on it.

20 A. I couldn't say.

21 THE COURT: Hold on. Don't speak
22 over each other, please.

23 A. Okay. I apologize.

24 Q. (By Mr. Scott) All I want to do is see
25 the injury that you've described and the picture of

1 it that was taken by medical before they wrapped
2 your fingers up.

3 A. Those are the only pictures that we have
4 right there, sir.

5 Q. Okay. All right. As a matter of fact,
6 as this occurred, you went ahead and took the
7 defendant to another location, did you not?

8 A. No, sir, I didn't.

9 Q. What is -- what are the dress-out
10 showers, then?

11 A. From the print desk to the -- from the
12 print desk to the dress-out -- the shower area,
13 that's when that inmate is printed -- he's still in
14 his regular clothes. Then he's escorted to the
15 shower area. But after that incident, there was an
16 Officer Morani, there was an Officer Delsario, there
17 was a Sergeant Adams -- I don't recall any of the
18 other officers; but, no, sir, after I sustained the
19 injury, I had nothing else to do with that
20 particular inmate.

21 MR. SCOTT: May I approach the
22 witness, Your Honor?

23 THE COURT: Yes, sir.

24 Q. (By Mr. Scott) Are you able to read
25 that sentence?

1 A. Yes, sir. I'm reading it clearly.

2 Q. All right, sir. Are you saying that you
3 were not involved, then, in relation to taking the
4 defendant to the dress-out area or that area that
5 you're talking about?

6 A. I mean, that paragraph right there --
7 that paragraph, sir; but once I sustained the
8 injury, I did not dress that inmate out. I did not
9 escort him to medical. I was concerned about
10 myself, my supervisor was concerned about me, and I
11 went to 1200 medical for treatment.

12 Q. So if it shows something different from
13 that, from what you're saying in here, then that is
14 an error, correct? That's an error?

15 A. That paragraph right there, that
16 sentence would be an error, yes, sir.

17 MR. SCOTT: Pass the witness, Your
18 Honor.

19 THE COURT: State?

20 MR. GILLIAM: No further questions,
21 Your Honor.

22 THE COURT: All right. May he be
23 excused?

24 MR. GILLIAM: Yes, Your Honor.

25 MR. SCOTT: Yes, Your Honor.

1 THE COURT: All right. Thank you,
2 sir. You're free to go.

3 State, call your next.

4 MR. GILLIAM: State calls Deputy
5 Richard Berrios.

6 THE COURT: All right. Come on up
7 here, Deputy.

8 THE BAILIFF: Judge, this witness
9 has not been sworn.

10 THE COURT: Come up here, sir.
11 Please raise your right hand.

12 *(Witness sworn.)*

13 THE COURT: Have a seat, please.

14 You may proceed.

15 **RICHARD BERRIOS,**

16 having been first duly sworn, testified as follows:

17 **DIRECT EXAMINATION**

18 **BY MR. GILLIAM:**

19 Q. Deputy Berrios, could you please
20 introduce yourself to us?

21 A. My name is Deputy Berrios, District 4
22 Patrol.

23 Q. And what's your first name, Deputy?

24 A. Richard.

25 Q. Do you mind spelling it just for the