

1 Correia.

2 **THE BAILIFF:** This witness has been
3 sworn.

4 **THE COURT:** Thank you.
5 Come on this way, sir.

6 As you know, this witness took the
7 oath outside your presence.

8 **MS. JOHNSON:** May I proceed?

9 **THE COURT:** Yes, ma'am.

10 **NEAL J. DEPINA-CORREIA,**
11 having been first duly sworn, testified as follows:

12 **DIRECT EXAMINATION**

13 **Q. (BY MS. JOHNSON)** Good morning.

14 **A.** Good morning.

15 **Q.** Can you please introduce yourself to the
16 jury?

17 **A.** My name is Neal Joseph Gibbs
18 Depina-Correia.

19 **Q.** That's a long name. Could you please spell
20 that for the court reporter?

21 **A.** Last name is D-E-P-I-N-A, hyphen,
22 C-O-R-R-E-I-A.

23 **THE REPORTER:** And your first name?

24 **THE WITNESS:** Neal, N-E-A-L.

25 **Q. (BY MS. JOHNSON)** Thank you, officer. Who

1 do you work for?

2 A. Houston Police Department.

3 Q. How long have you been a Houston police
4 officer?

5 A. It will be 20 years this December.

6 Q. Are you a certified peace officer?

7 A. Yes, I am.

8 Q. What division of HPD are you assigned to?

9 A. Right now I'm in the southeast patrol
10 division.

11 Q. And as a patrol officer, what is your
12 responsibility?

13 A. The basic responsibility for patrol
14 officers is to basically answer calls for service and
15 enforce traffic laws and be a little proactive, if
16 you have time, between running calls.

17 Q. What other divisions have you been assigned
18 to?

19 A. I have been assigned to the traffic
20 division on the D.W.I. task force for nine years. I
21 was in the traffic and accident division for four
22 years. I spent one wonderful year in the jail; and
23 then I did my basic training at the southeast
24 station, as well.

25 Q. What is your favorite part of your job?

1 A. The variety. You can -- every day is
2 different. You never have anything the same.

3 Q. Let me take you -- let me ask you this:
4 What area of Houston do you patrol?

5 A. The southeast area of Houston between
6 Interstate 45 and 288 and everything south of Old
7 Spanish Trail to the Pearland area.

8 Q. Let me take you back to February 19, 2011.
9 Were you on duty that day?

10 A. Yes, ma'am, I was.

11 Q. What shift were you working?

12 A. My shift is from 8:00 at night to 6:00 in
13 the morning.

14 Q. Were you in uniform?

15 A. Yes, I was.

16 Q. And in your patrol car?

17 A. Correct.

18 Q. Were you working alone or with a partner?

19 A. Oh, mostly alone.

20 Q. So, let me take you back to February 19th.
21 Were you dispatched to a family disturbance call at
22 an address?

23 A. Yes, I was.

24 Q. What address was that?

25 A. It was 5778 Belcrest.

1 Q. Is that address located in Houston, Harris
2 County, Texas?

3 A. Yes, it is.

4 Q. What time were you dispatched to the
5 address?

6 A. The call, I believe, came in at 1:14 in the
7 morning; and I received the call at 1:17.

8 Q. Once you received this call, what did you
9 do?

10 A. I proceeded to the address, and I arrived
11 at around 1:20.

12 Q. And what type of location was that address?

13 A. It's a residential street. You have houses
14 on both sides of the street.

15 Q. Is that address near Martin Luther King
16 street?

17 A. Right. That's the next intersection west
18 of the address.

19 Q. So, when you arrived at the home, who did
20 you meet with?

21 A. I met with the woman that had called. Her
22 name was Odessa Williams.

23 Q. When you met with Odessa, was anyone else
24 at the house?

25 A. Yes. Her husband was there. I believe his

1 name was Charles Williams.

2 Q. Were you able to identify how old Odessa
3 Williams was at that time?

4 A. Yes. She was 83 or -- 82 or 83 years old.

5 Q. And how old was her husband, Mr. Williams?

6 A. Oh, he was a spring chicken. He was only
7 76 years old.

8 Q. So, he had an older woman?

9 A. Right.

10 Q. When you arrived at the scene, were you
11 aware if there were any suspects at the scene?

12 A. Well, actually, when the call slip came
13 over the computer, it stated that the suspect was
14 gone from the location.

15 Q. So, when you arrived, you knew that the
16 suspect was not there.

17 A. Correct. Well, let's put it this way:
18 There was a good possibility he wasn't there.

19 Q. When you met with Ms. Williams, where did
20 you meet with her?

21 A. Initially, she met me at the front door.
22 We talked in the living room, which is the door that
23 opens -- I mean, the room that opened up to the front
24 door. We talked there for a few minutes, and then
25 she took me into her bedroom where the incident took

1 place.

2 Q. When you first made contact with her, what
3 was her demeanor?

4 A. She seemed a little upset. She wasn't
5 agitated one way or another, but I could tell she was
6 upset.

7 Q. What about Mr. Williams?

8 A. Mr. Williams was laid back. He was upset,
9 too, because he was a laid back individual.

10 Q. Did he want you there?

11 A. Yes, they did.

12 Q. When you started talking to Ms. Williams,
13 did she start to describe for you what had happened
14 that night?

15 A. Yes, she did.

16 Q. Who did she identify the suspect to be?

17 A. As her great grandson, Mr. Jonnie Dent.

18 Q. You said you started in the living room,
19 and you went to the bedroom. What did she do with
20 you in the bedroom?

21 A. All right. I stood at the doorway. You
22 had a bed that was the predominant piece of furniture
23 in the room; and she sat on her side of the bed,
24 which would be the right side of the bed.

25 Q. And what did she show you?

1 A. She told me what took place. Basically,
2 she was going to reach and give some money to her
3 great grandson. The money was located in a coin
4 purse which was underneath her pillow.

5 She proceeded to reach under the
6 pillow, grab the coin purse; but she didn't want to
7 count the money in front of him. So, she attempted
8 to walk by him to go into the other room to count the
9 money so he wouldn't see how much money she had in
10 the purse.

11 Q. Did she show you what the defendant did to
12 her?

13 A. Yes, she did.

14 Q. What Jonnie Dent, her grandson, did to her?

15 A. Yes, she did.

16 Q. And what did she show you?

17 A. Basically, she attempted to walk around
18 him. He pushed her into the bed. Now, their bed was
19 a large bed; and it has two big bedposts that are at
20 the top of the bed. He pushed her where her head hit
21 the bedpost, and then she went into the wall and fell
22 into that corner.

23 Q. Did she demonstrate to you how her grandson
24 struck her with his hand?

25 A. Yes, she did.

1 Q. And what part of her body did she show she
2 was hit?

3 A. Her head. The left side of her head in the
4 temple area had swelling on it.

5 Q. And did you notice some injuries on her?

6 A. Yes, I did.

7 Q. And if you could, describe that for the
8 jury.

9 A. She had a reddish mark on the left -- I'm
10 holding on the right side, but it was the left side
11 of her head. And it was in the temple area because
12 she wore glasses, and it was in the area that goes
13 right over where your glasses would go.

14 Q. How would you describe the room? Was it
15 big? Small?

16 A. Oh, the room was definitely small. The bed
17 was the primary piece of furniture, and the bed was
18 real big. I have to say it was a king-sized bed, and
19 that took up most of the room. So, there wasn't much
20 room to be maneuvering.

21 Q. How would you describe her physical
22 appearance?

23 A. She is a 82-year-old woman. She is frail.

24 Q. She is small?

25 A. Yes, she is.

1 Q. Skinny?

2 A. Yes, she is.

3 Q. Did she appear to be elderly?

4 A. Oh, definitely.

5 Q. Was she able to walk and move around the
6 house in the room as she was showing you this?

7 A. Yes, she could.

8 Q. At that time did she use the assistance of
9 a cane or walker?

10 A. Oh, not at all.

11 Q. Was she able to understand you, and were
12 you able to understand her?

13 A. Very clearly, yes.

14 Q. Did she demonstrate to you when the
15 defendant hit her how he hit her and if it hurt?

16 A. Yes. Yes, she did.

17 Q. While Ms. Williams was showing you in the
18 bedroom what had happened with her grandson, where
19 was her husband?

20 A. Her husband was sitting in the room that
21 was just outside of the bedroom, the living room. He
22 was sitting out there.

23 Q. Did you speak with him, too?

24 A. After I interviewed her.

25 Q. And did he indicate to you that he saw what

1 happened?

2 A. No, he did not see what happened.

3 Q. Where was he when the incident happened?

4 A. He was in another room of the house.

5 Q. Did you ask Ms. Williams if she wanted to
6 press charges on her great grandson?

7 A. Yes. Yes, I did.

8 Q. And did she want that?

9 A. Yes. She was adamant about that.

10 Q. What do you mean by that?

11 A. She was very insistent that she wanted to
12 press charges.

13 Q. When she was describing the defendant --
14 the defendant's behavior and appearance that night,
15 how did she describe him? How was his behavior?

16 A. She basically said that he had come into
17 the residence. They were getting ready for bed or
18 getting ready to go to bed, something like that; and
19 he came in demanding some money.

20 Q. Did she describe him as angry?

21 A. No, she didn't use the word "angry." She
22 just said he came in demanding money.

23 Q. Did she indicate to you that she was scared
24 of him?

25 A. At that time, no, she did not.

1 Q. Did she need any kind of medical attention?

2 A. I asked her that question, and she refused
3 any medical attention.

4 Q. Now, after you got a statement from Mr. and
5 Ms. Williams, what did you do?

6 A. I proceeded to give them some common sense
7 advice, what Judge Mathis calls tough love. And I
8 gave them that information. I gave them the case
9 number, and I proceeded to go to the patrol car and
10 drove back to the station. Because their location is
11 actually close to the station.

12 Q. Now, when you say you proceeded to give
13 them some advice of tough love, what did you tell
14 them?

15 A. I basically told them that their grandson
16 is a grown man and it was time to stop pacifying him
17 and let him be a man. I said they can't enable him
18 to, you know, fail through life, because they are old
19 and he needs to be a man and step up.

20 Q. Now, did they seem to want to take your
21 advice at that time?

22 A. They both were, you know, saying, "Yes,
23 Officer, you're absolutely right." They were
24 definitely agreeing with me. That was both of them.

25 Q. So, you went back to the station. And did

1 you write a report at the police station?

2 A. Correct. I was in the process of writing a
3 report when another call came over the radio advising
4 that the defendant, their grandson -- great grandson,
5 was back at the location.

6 Q. And what did you do?

7 A. I proceeded to run out of the station. I
8 jumped in the patrol car and drove back over there.

9 Q. And when you arrived, did you find the
10 suspect?

11 A. Yes. I made contact with Ms. Williams and
12 she advised that he had left walking westbound up
13 Belcrest to Martin Luther King, but I couldn't locate
14 him.

15 Q. Did you, yourself, ever see the suspect
16 that night?

17 A. No, I did not.

18 Q. So, after that second time that you were
19 called back over to the Williams' house, what did you
20 do?

21 A. After the second time, I went and parked a
22 little ways down the street, actually the next block
23 over. And I sat there and I did the report in the
24 car, hoping he would come back so I could detain him,
25 but that didn't happen.

1 Q. So, you never saw him or detained him that
2 night?

3 A. Correct.

4 Q. Did Ms. Williams indicate how much money
5 was taken from her?

6 A. She just said it was some loose change. She
7 believed for the most it could have been -- was 2 or
8 3 dollars.

9 Q. And did you see -- when you were there in
10 the bedroom, did you see any, like, loose change on
11 the floor or anything like that?

12 A. No, no. All the change was gone.

13 Q. Taken by her grandson?

14 A. Correct.

15 Q. After you wrote your report -- or let me
16 back up, ask you -- explain to the jury what's an
17 investigative first responder.

18 A. Investigative first responder unit is
19 basically a unit that is based at each patrol
20 station. So, instead of the reports all going to one
21 division like homicide or burglary, you basically
22 keep them regional where you have a southeast IFR
23 unit, a southwest IFR unit, a central IFR unit. That
24 allows the reports to be handled much quicker than if
25 they had to go to the main division.

1 Q. Did you refer this case over to an IFR
2 unit?

3 A. Yes, I did.

4 Q. And why did you do that?

5 A. Because we had good information on the
6 suspect. We had all his information. We had the
7 complainants that were willing to testify and want to
8 press charges. So, we had good solvability factors.

9 Q. Was it important to get the suspect into
10 custody? Was that an important factor in this case?

11 A. Yes, in my opinion, definitely.

12 Q. Now, when you label your offense report,
13 what did you label -- what was the title, I guess,
14 that you put on it?

15 A. I put on it assault of an elderly person.

16 Q. Now, based on your 20 years as a police
17 officer, if you could describe for the jury what's
18 the process in getting charges filed in Harris
19 County?

20 A. Harris County, the process is very simple.
21 Basically, if you feel like you have a violation of
22 the law, you will detain or arrest that person; and
23 then you will call the D.A.'s office. You will run
24 the scenario and the probable cause down to the D.A.
25 that answers the phone. And they will tell you, yes,

1 we have a charge; no, we do not have a charge, or
2 they will tell you, we have an enhanced charge.
3 Because, of course, they are lawyers; and they know
4 the law a little better than the officers.

5 Q. We know more than you?

6 A. I wouldn't go that far.

7 Q. So, it's not uncommon for you to call what
8 we call district attorney intake, D.A. intake, and
9 the prosecutor will tell you what kind of charge you
10 have or don't have?

11 A. Correct.

12 Q. Now, did you yourself take any pictures or
13 recorded statements at the scene?

14 A. No, ma'am. That's what IFR is for.

15 Q. Did you tag any kind of physical evidence
16 or anything like that?

17 A. No, ma'am. There was nothing to tag.

18 Q. When you arrive at a scene and you have a
19 known suspect, is it -- do you have to go through
20 fingerprinting or trying to find any kind of DNA
21 samples or anything like that?

22 A. Depending on what the crime is, it would
23 help; but if you -- I mean, if the complainant or
24 reportees know who they are dealing with, you really
25 don't have to do that.

1 **Q.** And that wasn't done by you at this scene,
2 correct, as far as the collecting of any physical
3 evidence?

4 **A.** Correct.

5 **MS. JOHNSON:** Pass the witness.

6 **THE COURT:** Thank you very much.

7 **MR. OLIVER:** Thank you.

8 **CROSS-EXAMINATION**

9 **Q.** **(BY MR. OLIVER)** This incident was -- 12,
10 13, 14, 15, 16, 17, 18 -- about 20 months ago,
11 correct?

12 **A.** Yes, sir.

13 **Q.** You have a very good memory.

14 **A.** Oh, this is one of those, unfortunately,
15 it's going to stick in your mind.

16 **Q.** Okay. How many I'm -- in your duties as a
17 police officer in that southeast section, I'm sure
18 you make a number of calls per night, right?

19 **A.** Actually, I only did three last night. It
20 was actually very slow.

21 **Q.** I can understand. But you make quite a
22 few, do you not, in a week's time? Month's time?

23 **A.** Well, no. In my situation, mine is a
24 little different than most officers, but I'm actually
25 inside two nights and then I'm only out two nights.

1 So, my volume is much lower than the other officers.

2 Q. I understand. So, you do two of them a
3 year, then. How many do you think you do in a year?

4 A. I don't understand the question.

5 Q. Okay. The question is: You seem to have a
6 memory for this. Maybe you only made two or three
7 calls a year. How many did you make last year?

8 A. I don't understand the question. How many
9 calls? You mean what type of --

10 Q. How many times did you respond to
11 disturbances or make arrests in the past year?

12 A. Oh, I couldn't give you a guess, but
13 disturbances is probably one of the most prevalent
14 calls we get.

15 Q. Correct. You remember all of them?

16 A. No. Let's put it this way: I remember the
17 ones that I write reports on and have to deal with as
18 far as the aftermath of.

19 Q. Do you recall Ms. Odessa Williams telling
20 you she just wanted him gone from there?

21 A. She asked that -- oh, she wanted that, as
22 well, yes.

23 Q. I want him gone from there. That's what
24 she wanted. She didn't ask you to arrest him, did
25 she?

1 A. Oh, yes, sir, she did.

2 Q. She did. Okay. And you told her she
3 needed to press charges there?

4 A. No, sir. I don't tell people. They tell
5 me.

6 Q. Okay. So, it would be her words, this
7 80-something-year-old woman, "I want to press charges
8 against him"?

9 A. That's correct.

10 Q. Okay. Go to the bedroom now. When you --
11 you walk in the bedroom door. You're looking at the
12 end of the bed pretty much, correct?

13 A. Foot of the bed, correct.

14 Q. Small room. A relatively large bed?

15 A. Correct.

16 Q. And you said that she sat down on the bed
17 on the right-hand side?

18 A. Correct.

19 Q. That would be your left?

20 A. No, no. As I'm looking at the bed, it
21 would be the right.

22 Q. Okay. On that -- that was her side of the
23 bed?

24 A. Yes, sir.

25 Q. And that she had a coin purse under her

1 pillow?

2 A. Correct.

3 Q. And that she went to get it out. He -- she
4 went to walk by him and he apparently grabbed the
5 purse and then he pushed her down. She hit her head
6 on a bedpost, the wall, and apparently then fell to
7 the floor?

8 A. Okay. The sequence you have is not exactly
9 correct; but, basically, that summarizes it.

10 Q. Something like that, yes?

11 A. Yes.

12 Q. Okay. And this woman is --
13 80-something-year-old woman required no medical, no
14 hospitalization, nothing?

15 A. She stated she did not want any medical
16 attention.

17 Q. She had a big knot on the side of the head
18 where he hit her, swelling, correct?

19 A. Correct, on the left side of her face.

20 Q. And you didn't feel obligated to call an
21 ambulance or anything to check her?

22 A. Sir, I go by what the people tell me. If
23 she wanted medical attention, I would have got her
24 medical attention.

25 Q. And you pretty much do what the alleged

1 victim requests then, correct?

2 A. Correct.

3 Q. And if she -- if she suggested to you that
4 she didn't want her great grandson arrested, you
5 would have complied with that, too, then?

6 A. I would have noted that in the report.
7 Now, of course, I don't determine whether or not he
8 gets arrested. That's the D.A.'s job. But I would
9 have wrote what she felt like in the report.

10 Q. And, again, if they didn't -- if she wanted
11 to -- she didn't want to go to the hospital, you
12 would honor that request; but you wouldn't honor the
13 request, don't arrest my grandson?

14 A. Because she didn't make that request, sir.

15 Q. Okay. She was -- she is here on a walker
16 today. She was not on a walker on that evening,
17 correct?

18 A. No, sir, she was not.

19 Q. And so, after taking this -- what appears
20 to be a beating -- she is able to walk. There is no
21 medical. Didn't it strike you as kind of strange?

22 A. Well, I wouldn't characterize it as a
23 beating; but I would characterize it as an older
24 woman being victimized by a younger man.

25 Q. Or some serious violence?

1 A. I don't know if I would say serious. She
2 wasn't bleeding or anything, but I characterize it as
3 how I just said it.

4 Q. Okay. All right. This is an 83-year-old
5 woman. Any kind of violence against an 83-year-old
6 woman is serious violence, is it not?

7 A. If you're the 83-year-old woman, I think it
8 would be.

9 Q. I think it would be, too. Thank you.

10 And Mr. Charley Williams, her husband,
11 when this altercation allegedly occurred, you
12 remember her telling you that he was sitting in the
13 living room or something like that?

14 A. Right. He told me that himself.

15 Q. He told you he was sitting in the living
16 room?

17 A. Yes, sir.

18 Q. You're sure of that?

19 A. Yes, sir.

20 Q. How soon after this incident did you make
21 the report -- not the incident -- when you got there,
22 how soon after did you make the report?

23 A. Like I said, I got there about 1:20. So,
24 if I have to give a guess, I would say probably 2:00
25 in the morning.

1 Q. Okay. So, maybe an hour or so?

2 A. About, yeah.

3 Q. Doesn't it strike you rather strange that
4 after brutalizing his great grandmother, he would
5 come back there?

6 A. Oh, no.

7 Q. No?

8 A. No, it would not.

9 Q. Okay.

10 A. No, it would not.

11 Q. Doesn't this strike you as kind of unusual
12 that the criminal would return to the scene of a
13 crime a few minutes later? That doesn't surprise
14 you?

15 A. That doesn't surprise me one bit.

16 Q. He surely must have known that the police
17 were there, don't you think?

18 A. Well, that -- I can't answer that question.
19 Only he can answer that question.

20 Q. Okay. I don't think I can either. Did it
21 strike you as unusual that a grandson would come in
22 and brutalize his 83-year-old grandma and steal \$2
23 from her?

24 A. You want my personal opinion?

25 Q. Yes.

1 A. I think it's a little ridiculous, to be
2 totally honest with you.

3 Q. Okay. Ridiculous and unusual.

4 Did she not tell you that she wanted
5 to give him the money?

6 A. Oh, she said she -- that, yes, sir, she was
7 looking in her purse. She wanted to count the money
8 before she gave him the money. That's why she was
9 looking in the purse.

10 Q. Okay. Okay. So, she wanted to give him
11 the money. She just wanted to count it first?

12 A. Correct.

13 Q. How does that get to be a robbery?

14 A. Because she did not have that opportunity
15 because he pushed her into the bedpost, knocked her
16 down, and took the money.

17 Q. She wanted to give him the money. She
18 turns to count it, and he then -- she wanted to give
19 it to him initially, did she not?

20 A. That's correct.

21 Q. That's what she tells you?

22 A. That's correct. But she didn't have the
23 opportunity to do that.

24 Q. But it was her intent to give him the
25 money?

1 A. Initially, yes, sir.

2 **MR. OLIVER:** Pass the witness, Your
3 Honor.

4 **THE COURT:** Redirect?

5 **MS. JOHNSON:** Yes, Your Honor.

6 **REDIRECT EXAMINATION**

7 **Q. (BY MS. JOHNSON)** You stated -- stated on
8 cross-examination that you weren't surprised that the
9 suspect grandson came back to the scene. Why is
10 that?

11 A. Drugs and alcohol have a strange way of
12 making people's behavior do totally irrational
13 things. So, I'm not surprised that he would come
14 back after doing that.

15 **Q.** When you spoke to Ms. Williams, did she --

16 **MR. OLIVER:** Your Honor, I'm going
17 object. There is no indication that this man is
18 doing drugs or alcohol, I mean, where that came from.
19 I have to object to any testimony in that regard.

20 **THE COURT:** Thank you. Overruled.

21 **Q. (BY MS. JOHNSON)** When you spoke to
22 Ms. Williams and she was telling you about the
23 defendant or the suspect demanding money, did she
24 tell you what he wanted the money for?

25 A. Apparently, he owed some money to some

1 people in the streets; and he wanted to repay them.

2 Q. Did she mention anything about his -- as
3 far as how he appeared to her that night, to be under
4 the influence of anything?

5 A. Yes, she did.

6 Q. What did she say?

7 A. She said that he does have a drug habit,
8 and she didn't know if that's what the money was for,
9 but what he told her was that he --

10 **MR. OLIVER:** Excuse me. I object,
11 Your Honor, to any further hearsay testimony in that
12 regard, please.

13 **THE COURT:** Sustained.

14 Q. **(BY MS. JOHNSON)** Now, if -- did
15 Ms. Williams indicate to you that she wanted to give
16 her grandson all her money?

17 A. No. That's why she was -- she wanted to
18 count it.

19 Q. So, he ended up taking all of it, though?

20 A. Correct.

21 Q. So, she initially wanted to give him a
22 couple of dollars; but then he ended up taking all
23 her money, she said?

24 A. Correct.

25 Q. Now, the house -- the outside of the house,

1 were there anything on the doors and windows of the
2 house that prevents people from just being able to
3 come in whenever they want?

4 A. Yes, ma'am.

5 Q. Can you describe it for the jury?

6 A. They have burglar bars. Unfortunately, in
7 southeast Houston, a lot of houses have burglar bars
8 because of the crime in the area.

9 Q. And this house, did it have burglar bars on
10 the windows and the door?

11 A. Correct.

12 Q. The -- when you spoke to Mr. Williams about
13 pressing charges, did she mention anything about
14 getting a protective order?

15 A. She had mentioned that she had several
16 protective orders in the past.

17 Q. Did she say she wanted to get one on that
18 following Monday?

19 A. Right. I told her --

20 **MR. OLIVER:** Excuse me, Your Honor.
21 Again, I'm going to object to any further hearsay
22 testimony.

23 **THE COURT:** Sustained.

24 Q. **(BY MS. JOHNSON)** Did you give her
25 information on how to obtain a protective order?

1 A. Yes, I did.

2 Q. Now, you also have reviewed your offense
3 report that you wrote in this case, correct?

4 A. Yes, ma'am.

5 Q. And so, when Mr. Oliver was asking you
6 about why you remember this one, why is it that you
7 remember this one?

8 A. Well, like I said, I haven't had many where
9 someone has assaulted a --

10 **MR. OLIVER:** Excuse me, Your Honor.
11 I'm going to object. That's been asked and answered.

12 **THE COURT:** Overruled. You may
13 answer, sir.

14 A. I haven't had many where an elderly person
15 has been assaulted by their own relative; and the
16 fact that I had to go back to the scene because he
17 had returned, that is an unusual circumstance.

18 **MS. JOHNSON:** I pass the witness.

19 **MR. OLIVER:** Just a couple of
20 witnesses -- couple of questions, if I may, Your
21 Honor.

22 **THE COURT:** Yes, sir.

23 **REXCROSS-EXAMINATION**

24 Q. **(BY MR. OLIVER)** Would you be surprised to
25 know that there was no protective order issued?

1 A. At the time that I was there, yes, that's
2 correct.

3 Q. Okay. These burglary bars, they are --
4 again, they're on most of the houses in that
5 neighborhood; is that correct?

6 A. That's correct.

7 Q. Okay. Would you be surprised to know there
8 is burglar bars on their home, all the windows,
9 around the air conditioner, front door, back sliding
10 glass doors? Even Jonnie's room, there is burglar
11 bars on windows. Would you be surprised to know?

12 A. Oh, not at all. Probably needed.

13 Q. Okay. And you -- would you be surprised to
14 know that Jonnie had a key to go in and out of the
15 place anytime he wanted?

16 **MS. JOHNSON:** Object to speculation.

17 **THE COURT:** Sustained.

18 Q. **(BY MR. OLIVER)** Are you aware that he lived
19 there?

20 A. Oh, yes, sir.

21 Q. Okay. Did she tell you that -- she did
22 tell you that she wanted to give him the money,
23 correct?

24 A. Initially, yes, sir.

25 **MR. OLIVER:** Pass the witness.

1 **THE COURT:** Thank you.

2 **MS. JOHNSON:** No further questions.

3 **THE COURT:** Thank you.

4 **MR. OLIVER:** Nothing further from the
5 Defense, Your Honor.

6 **THE COURT:** Is this witness excused or
7 on call?

8 **MS. JOHNSON:** On call, Judge.

9 **THE COURT:** Thank you. You're free to
10 go today, subject to recall.

11 **THE WITNESS:** Thank you, ma'am.

12 **THE COURT:** You will be in town next
13 week if needed?

14 **THE WITNESS:** Unfortunately, yes.

15 **THE COURT:** Okay. Thank you, sir.

16 **(Witness released)**

17 **THE COURT:** Next witness?

18 **MS. JOHNSON:** The State will call
19 Officer Gibson.

20 **THE COURT:** Thank you.

21 **THE BAILIFF:** Judge, this witness has
22 been sworn.

23 **THE COURT:** This witness has taken the
24 oath.

25 Come around this way, sir. Thank you.