

1 MS. REYNA: Thank you, Judge.

2 LANCE FISHER,

3 having been first duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. REYNA:

6 Q. Deputy, could you please introduce
7 yourself to our jury?

8 A. I'm Deputy Lance Fisher with the Harris
9 County Sheriff's Office.

10 Q. How long have you been with the
11 sheriff's office?

12 A. In April it will be 22 years.

13 Q. I'm sorry?

14 A. In April it will be 22 years.

15 Q. And where are you currently assigned in
16 the sheriff's office?

17 A. Homicide Division.

18 Q. And what kind of training did you
19 receive to become a sheriff's deputy?

20 A. I went through the basic training
21 Academy in 1993, which includes the state
22 requirements to become a police officer. Since then
23 every year we have 40 hours of ongoing training.

24 Q. And are you a certified peace officer?

25 A. Yes, ma'am.

1 Q. And did you receive any specialized
2 training or take any exams to join the Homicide
3 Division?

4 A. Yes, ma'am.

5 Q. What was that?

6 A. Blood spatter analysis, bloodstain
7 analysis, practical homicide investigation,
8 medical/legal homicide investigation, interview and
9 interrogation skills, in addition to the yearly
10 requirements.

11 Q. How long have you been with the Homicide
12 Division?

13 A. Two years.

14 Q. Two years.

15 Back on May the 27th of 2010, were you
16 still with the Homicide Division?

17 A. A branch of the Homicide Division,
18 Violent Assaults.

19 Q. Okay. Violent Assaults?

20 A. Yes, ma'am.

21 Q. And kind of describe for me what that
22 division is.

23 A. There's just a myriad of cases that we
24 get, anywhere from terroristic threats all the way
25 up to stabbings, shootings that fall short of an

1 actual homicide.

2 Q. Okay. And what were your duties in that
3 division?

4 A. Follow-up investigations on reports
5 generated by the Patrol Bureau.

6 Q. Okay. So were you ever dispatched out
7 to any scenes yourself?

8 A. No, ma'am.

9 Q. Okay. And how would cases get assigned
10 to you?

11 A. Once -- once the Patrol Division
12 generated the report, it would get assigned to the
13 division that would handle that whatever type case
14 it was and then my supervisor would, by geographical
15 region, would assign cases to wherever that crime
16 occurred.

17 Q. All right. And how was it that you
18 became involved in the case against Belinda Tidwell?

19 A. It was assigned to me for follow-up
20 investigation.

21 Q. Okay. And what's the first thing you do
22 when you get an investigation? What did you do when
23 you got this one?

24 A. I read over the initial offense report.
25 And the first thing that I decided to do on this was

1 contact the complainant and take a statement from
2 her.

3 Q. Okay. Were you able to make contact
4 with the complainant?

5 A. Yes, ma'am.

6 Q. And initially was it by phone or in
7 person?

8 A. It was by phone initially.

9 Q. And did you ever meet with the
10 complainant in person?

11 A. Yes, ma'am.

12 Q. And when did that occur?

13 A. I believe it was on the 8th. Can I
14 refer to my report?

15 Q. Yes, you may.

16 A. Okay. I contacted her on the 8th of
17 June of 2010.

18 Q. Okay. And did you set up an interview
19 with her?

20 A. Yes, ma'am.

21 Q. Where did that occur?

22 A. We work in our geographical region and I
23 was at the time assigned to work out of Substation
24 7614 Fallbrook.

25 Q. Okay. And did you record your

1 conversation --

2 A. Yes, ma'am.

3 Q. -- with Mary Roberson?

4 And what else did you do as part of your
5 investigation?

6 A. Concerning her or just --

7 Q. Prior to your meeting with her on June
8 the 8th, before that initial -- in between that
9 initial phone call and June the 8th when you met
10 with her, had you done anything else?

11 A. No.

12 Q. Okay. Had you made any contact with the
13 Defendant at that point?

14 A. No.

15 Q. Okay. So you meet with the complainant
16 on June 8th at the station?

17 A. Uh-huh.

18 Q. Describe to me what her demeanor was
19 like without going into what she said during your
20 interview of her.

21 A. Initially, just like you and I are
22 talking. As we got into -- as the interview
23 progressed, she became upset several times. Twice
24 we had to stop the interview because she was to the
25 point emotionally where she couldn't. You know, she

1 was crying. She couldn't complete her sentences so
2 we paused at least twice during the conversation.

3 Q. Did she provide you with any evidence
4 during this conversation?

5 A. She gave me a recording from the
6 incident.

7 Q. And do you know how she made the
8 recording?

9 A. I was advised it was made on her cell
10 phone.

11 Q. And did you listen to the recording with
12 Ms. Roberson?

13 A. During the interview we basically
14 stopped the interview and listened to the recording
15 together.

16 Q. And what was her demeanor like during
17 that part?

18 A. Very emotional.

19 Q. And when you say very emotional, how was
20 it?

21 A. Again -- again, she started crying,
22 referring to things in the recording. She -- you
23 know, she made reference to those and started
24 crying.

25 Q. Okay. And did you also make some sort

1 of time line of the recording and document it in
2 your report?

3 A. Yes, ma'am.

4 Q. Okay. Did you find the recording
5 consistent with what Ms. Roberson told you had
6 happened?

7 A. Yes, ma'am.

8 Q. And without going into what Ms. Roberson
9 said, did you find what she told you in this
10 interview consistent with the report she made to the
11 first deputy who arrived on scene?

12 A. Yes.

13 Q. After speaking with Ms. Roberson, what
14 did you do next in your investigation?

15 A. Mr. -- Ms. Roberson had arrived with her
16 husband, Mr. Roberson, and I took a recorded
17 statement from him.

18 Q. And was he an actual witness to the
19 actual throwing of the acid?

20 A. No, I don't believe -- he was at the
21 location, but I don't believe he witnessed it.

22 Q. But you recorded this conversation with
23 Mr. Roberson as well?

24 A. Yes, ma'am.

25 Q. And was this consistent with what the

1 complainant told you?

2 A. Yes.

3 Q. What did you do after interviewing John
4 Roberson?

5 A. I attempted to make contact with the
6 suspect, Ms. Tidwell.

7 Q. And were you able to make contact with
8 her?

9 A. Yes, and we set up an appointment for
10 June the 14th so that she could come in and give me
11 a statement.

12 Q. Did you interview any other witnesses
13 besides Ms. Tidwell on the 14th?

14 A. On the 14th while I was waiting for
15 Ms. Tidwell to arrive at my office, I contacted the
16 next-door neighbor of Ms. Tidwell, Angela
17 Villarreal.

18 Q. And were able to make contact with her?

19 A. Yes, ma'am.

20 Q. Why is it that you wanted to contact
21 her?

22 A. She was listed in the original offense
23 report as -- I believe she made the 9-1-1 call and I
24 thought that she may have heard witness testimony
25 that might be pertinent to this investigation.

1 Q. Okay. Did you record that investigation
2 conversation?

3 A. Yes, ma'am.

4 Q. So you said you did that while you were
5 waiting for Ms. Tidwell to --

6 A. Yes.

7 Q. -- show up at the station?

8 Did you make contact with Ms. Tidwell?

9 A. Me and Ms. Tidwell had already made an
10 agreement that she was going to meet me at the
11 station.

12 Q. And did she meet you there?

13 A. Yes.

14 Q. And that was on June the 14th?

15 A. Yes, ma'am.

16 Q. And approximately what time was that
17 interview?

18 A. 10:40 a.m.

19 Q. And was she in custody at the time or
20 was she free to leave?

21 A. She was free to leave. I had nothing to
22 charge her with.

23 Q. Okay. So you didn't handcuff her or
24 anything like that?

25 A. Absolutely not, no.

1 Q. Did you record your conversation with
2 Ms. Tidwell?

3 A. Yes, ma'am.

4 Q. And did you find her statement
5 consistent with what was told to the initial deputy
6 in the report?

7 A. At times.

8 Q. Okay. After interviewing Ms. Tidwell,
9 what did you do next?

10 A. I believe Ms. Tidwell arrived with
11 Michael Sieck and her daughter, Madison, and during
12 our conversation -- well, I interviewed Madison, her
13 daughter.

14 Q. Do you remember approximately how old
15 Madison was?

16 A. I don't.

17 Q. Was she a child or an adult?

18 A. A child.

19 Q. Teenager yet?

20 A. I wouldn't say so, no.

21 Q. Okay. Did you interview Madison in the
22 presence of her mom and Sergeant Sieck or
23 separately?

24 A. Separately.

25 Q. Okay. Why did you do that?

1 A. Through experience children are more
2 honest outside the presence of the parents.

3 Q. And did you record your conversation
4 with Madison?

5 A. Yes, ma'am.

6 Q. Did you find what she told you
7 consistent with what her mom told you?

8 A. No.

9 Q. Okay. You mentioned Sergeant Sieck had
10 been there as well. Did you interview him?

11 A. Yes.

12 Q. And did you record that conversation
13 with Sergeant Sieck?

14 A. Yes, ma'am.

15 Q. Okay. After performing those interviews
16 on June the 14th, did you do anything further with
17 the investigation?

18 A. Yes, ma'am. I went to a location that
19 was brought up in me and Ms. Tidwell's conversation
20 to verify some things that she had told me.

21 Q. Okay. So where did you go?

22 A. Leslie Pool Supply.

23 Q. And where is Leslie Pool Supply?

24 A. This particular one was on -- at the
25 intersection of Louetta and North Freeway.

1 Q. And what was your purpose in going
2 there? What were you looking for?

3 A. The substance that was supposedly thrown
4 on Ms. Roberson.

5 Q. Okay. And did you speak with anybody at
6 Leslie Pool Supply?

7 A. I spoke with three employees. The only
8 three employees that work at the pool supply.

9 Q. Okay. Did any of them remember -- what
10 was the nature of your conversation with them?

11 A. I was attempting --

12 Q. What did you ask them?

13 A. If they recalled a conversation, any of
14 the three of them, with Ms. Tidwell --

15 Q. Okay. And did --

16 A. -- about the purchase of muriatic acid.

17 Q. Did any of the three employees recall
18 that?

19 A. No, they did not.

20 Q. After speaking with the employees at
21 Leslie Pool Supply, what did you do next?

22 A. I contacted the Harris County District
23 Attorney's Office.

24 Q. Okay. And what was the purpose of that
25 call?

1 A. I was seeking aggravated assault charges
2 on Ms. Tidwell.

3 Q. And did you file charges?

4 A. Yes, ma'am.

5 Q. When you met with Ms. Tidwell -- I'm
6 sorry -- with Ms. Roberson, the complainant -- and
7 you said that was on the 8th; is that correct?

8 A. Yes, ma'am.

9 Q. Did you -- were you able at that point
10 to observe any of her injuries or had they healed?

11 A. They had healed. Actually, can I refer
12 to my report again?

13 Q. You may.

14 A. Okay. I didn't note. I thought I might
15 have noticed some slight redness, but I did not.

16 Q. Okay.

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

19 THE COURT: Your witness.

20 MR. WILLIAMS: Thank you, Judge.

21 CROSS-EXAMINATION

22 BY MR. WILLIAMS:

23 Q. So your testimony was that you did not
24 observe any injuries on Ms. Roberson when you talked
25 to her; is that correct?

1 A. Correct.

2 Q. And what day was that, please, sir?

3 A. That was on the 8th of June, 2010.

4 Q. And the incident was on what date?

5 A. The 27th of May, 2010.

6 Q. And so probably about 12 days later,
7 something like that?

8 A. Roughly, yes, sir.

9 Q. All right. When you went to Leslie's,
10 do you know when it was that the muriatic acid was
11 to have been purchased from there?

12 A. I knew the date, yes, sir.

13 Q. What date was that?

14 A. I don't have the exact date. The day I
15 went I did know what date because I had been
16 advised -- during me and Ms. Tidwell's conversation,
17 she provided me with the date.

18 Q. Okay. The specific day that she
19 purchased it on?

20 A. Yes, sir.

21 Q. And when you went to the Leslie's, what
22 time of day was it, if you recall?

23 A. It was in the afternoon.

24 Q. Was it busy?

25 A. No, sir, there was nobody else in the

1 store.

2 Q. Okay. Was that the only time you had
3 been by there?

4 A. Yes, sir.

5 Q. And all three employees that worked --
6 all the employees worked there were there?

7 A. There were -- there were two present and
8 one I contacted by telephone.

9 Q. Okay. And did you take a photograph of
10 Ms. Tidwell over there?

11 A. No.

12 Q. So you just asked them generally had a
13 lady been in sometime buying muriatic acid?

14 A. I specifically asked had any of the
15 three had a conversation with anyone about cleaning
16 an outdoor chimney with muriatic acid.

17 Q. Okay. Okay. Did you ask them if they
18 had a conversation with someone about cleaning
19 plaster or brick with muriatic acid?

20 A. No, sir, I had no reason to do that.

21 Q. Okay. Just an outside chimney
22 specifically; is that correct?

23 A. Correct.

24 Q. Okay. And they didn't remember that; is
25 that correct?

1 A. They did not.

2 Q. All right. And did you see any muriatic
3 acid while you were there? Did you look at any?

4 A. At the pool supply?

5 Q. Yeah.

6 A. They showed me the bottle or the
7 container.

8 Q. The containers?

9 A. Yes, sir.

10 Q. What did they look like?

11 A. It was like an -- it wasn't quite a
12 5-gallon bucket, I don't believe, but it was a
13 white -- looked like a chemical container. Had
14 muriatic acid written across the top and I
15 distinctly remember skull and crossbones prominently
16 displayed on it and a warning, danger.

17 Q. Could you tell what form it was in?

18 A. No, sir, not by looking at it, no.

19 Q. Did you see any bottles of liquid out
20 there, muriatic acid?

21 A. At the pool supply?

22 Q. Yeah.

23 A. No, sir.

24 Q. Okay. Are you familiar with muriatic
25 acid at all?

1 A. Just what I learned during this case.

2 Q. Oh, okay. Now, when you interviewed
3 Ms. Tidwell and Mr. Sieck, the appointment was with
4 Ms. Tidwell; is that correct?

5 A. I -- I can't remember if I had set up an
6 appointment with Mr. Sieck prior to or if it was
7 just, you know, that he was there that I went ahead
8 and interviewed him at that time. I had planned on
9 it. I just don't remember how it was set up.

10 Q. Okay. Okay. Had you anticipated that
11 you would be interviewing the child?

12 A. Again, I had planned on it. If -- you
13 know, if it worked out and during me and
14 Ms. Tidwell's conversation she asked or -- she
15 voluntarily asked me to talk to Madison.

16 Q. Okay. So she brought Madison with her
17 although it wasn't the plan?

18 A. Correct.

19 Q. Okay. And she asked, "Would you talk to
20 my daughter about what happened"?

21 A. Not -- yes, sir, she said, "You should
22 ask Madison about the event."

23 Q. You went over to her house, didn't you,
24 to look at the area?

25 A. I did not.

1 Q. Oh, you never went to the alleged crime
2 scene?

3 A. No, I did not.

4 Q. Okay. Did Ms. Tidwell ever bring to you
5 the substance that it was she was using that day?

6 A. No, sir.

7 MR. WILLIAMS: We'll pass the
8 witness, Your Honor.

9 THE COURT: Anything further?

10 MS. REYNA: Just briefly, Judge.

11 REDIRECT EXAMINATION

12 BY MS. REYNA:

13 Q. Deputy, you said as a Homicide
14 investigator you've received training in blood or
15 liquid spatter; is that correct?

16 A. Specifically blood spatter.

17 Q. And what kind of training was that?

18 A. Being able to read how blood spatters,
19 the characteristics of a liquid spatter, the
20 patterns that they form, the directionality of the
21 blood drop or blood spatter in liquid form.

22 Q. Okay. Was that a class that you took?

23 A. Yes, ma'am, it was actually a week-long
24 class.

25 Q. A week-long class.

1 MS. REYNA: Permission to approach
2 the witness, Your Honor?

3 THE COURT: You may.

4 Q. (By Ms. Reyna) I'll show you what have
5 been marked and have been entered as State's
6 Exhibits 2 and 3.

7 MR. WILLIAMS: Here's the other one
8 over here.

9 MS. REYNA: I don't need it.
10 Thanks, Connie.

11 Q. (By Ms. Reyna) Have you looked at these
12 photos before?

13 A. Yes, ma'am.

14 Q. When did you first see these photos?

15 A. They were provided to me by
16 Ms. Roberson.

17 MS. REYNA: And I think I do need
18 State's Exhibit 1.

19 Q. (By Ms. Reyna) And did you study these
20 pictures as far as the chemical that was used?

21 A. I -- just by the pictures, I can't tell
22 which chemical was used, no.

23 Q. Okay. Did you notice anything about the
24 pattern of how the acid is --

25 MR. WILLIAMS: Judge, we're going

1 to object to his testimony on pattern of the
2 chemicals.

3 THE COURT: Sustained.

4 Q. (By Ms. Reyna) Is this consistent with
5 somebody throwing acid at that chimney?

6 MR. WILLIAMS: Object to that, Your
7 Honor, give an expert opinion on spatter, the way
8 acid falls or --

9 THE COURT: Overruled.

10 A. No, it's not.

11 Q. (By Ms. Reyna) Okay. Why not? Why
12 don't you think it's consistent with somebody
13 throwing a bucket of acid at the chimney as shown in
14 State's Exhibit 1?

15 A. Well, specifically the part that I would
16 think they would want the acid on is at an elevated
17 position and liquid being thrown at an elevated
18 position in this picture I think would have -- you
19 would have seen the substance on this dark area,
20 which looked to be maybe tiles of some sort.

21 The way it looks to me from my training
22 and experience there's a definite void where the
23 tiles are.

24 Q. And so the jury can see the void, where
25 this blackness is (indicating)?

1 A. Yes, ma'am.

2 Q. Okay.

3 A. Anytime a liquid comes in contact with
4 an object, to include a person, it takes the path of
5 least resistance around that object. And so,
6 therefore, this area here (indicating), since
7 it's -- doesn't have the yellow substance, there was
8 something standing here that would have caused that
9 void. There's no substance on these black -- I call
10 them tiles. I don't know actually what they were.

11 Q. So looking at this photograph, how would
12 you determine what direction the acid was thrown?

13 A. Again, if it was an upward trajectory,
14 the body wouldn't have caused the void. It would
15 have gone over the body and the liquid would be seen
16 here also (indicating).

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

19 THE COURT: Anything further?

20 MR. WILLIAMS: Oh, she passed. I'm
21 sorry. Yes, sir. Yes, sir.

22 REXCROSS-EXAMINATION

23 BY MR. WILLIAMS:

24 Q. Okay. I'll show you State's Exhibit --

25 MR. WILLIAMS: May I approach the

1 witness?

2 THE COURT: You may.

3 Q. (By Mr. Williams) -- State's Exhibit
4 No. 3.

5 A. Yes, sir.

6 Q. And you didn't go out there, did you?

7 A. I did not.

8 Q. So you didn't go out and physically
9 observe the lay of the land, that is, how the
10 sidewalk lays, if it tilts one way or another and
11 all this kind of thing; is that correct?

12 A. Yes, sir.

13 Q. All right. Looking at this exhibit, you
14 see -- what's this over here (indicating), this
15 yellowish substance?

16 A. It looks the same consistency as this
17 yellow substance on the other side (indicating).

18 Q. Okay. And this on this side, does this
19 appear to be an accumulation in this particular area
20 of the substance?

21 A. Yes, sir.

22 Q. Okay. Is that consistent with the
23 draining off if the sidewalk leans this way where it
24 drains at a certain point (indicating)?

25 A. Again, I haven't been out there. I

1 don't know how the sidewalk drains.

2 Q. Well, if it did. If it leaned this way,
3 is that consistent with that being an accumulation
4 on this side, running down this way (indicating)?

5 A. Yes, sir.

6 Q. Do you see any acid on this post
7 (indicating)?

8 A. Well, I can't -- the angle of the
9 picture, I can't see if there's acid on the side of
10 the post.

11 Q. On the inside, right, but you can see
12 the top?

13 A. Yes, sir.

14 Q. Do you see any acid on top of the post?

15 A. I do not.

16 Q. Okay, sir. And, well, looking at these
17 bricks over here to the right, you see those yellow
18 streaks --

19 A. Yes, sir.

20 Q. -- on the grout between the bricks?
21 Does that appear to be acid?

22 A. It appears to be. Again, that's
23 consistent with what I said. If there's a void
24 here, you would expect to see it on both sides, but
25 not down the middle where the void caused the --

1 stopped the liquid from --

2 Q. Well, do you see acid -- signs of acid
3 running all the way over to this shoe (indicating)?

4 A. Yes, sir.

5 Q. Patches of yellow?

6 A. Yes.

7 Q. From one side to the other?

8 A. From here to here (indicating)?

9 Q. From here to the shoe (indicating).

10 A. Running up to the shoe, yes, sir.

11 Q. And up to the chimney?

12 A. Running that way, yes, sir.

13 Q. Yeah. Okay. And do you see it behind
14 the void spot that you're talking about?

15 A. It appears the accumulation ran down
16 there and caused acid behind the void, yes, sir.

17 Q. So you think that the acid ran around
18 this area? Is that your opinion?

19 A. Yes, sir, that's my opinion.

20 Q. I see. Okay.

21 MR. WILLIAMS: We'll pass the
22 witness, Your Honor.

23 THE COURT: You may stand down.

24 May the deputy be excused?

25 MS. REYNA: He may, Judge, subject