

1 knowingly causing bodily injury to Kenneth Flowers,
2 the complainant, a child younger than 15 years of
3 age, by squeezing him with his hands.

4 At this time State calls Officer Gans,
5 G-A-N-S.

6 *THE COURT:* Raise your right hand for
7 me, please, sir.

8 *(Witness sworn)*

9 *THE COURT:* Have a seat.

10 FRANKLIN GANS,
11 having been first duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 Q. *(BY MS. DICKSON)* Would you state your name
14 for the record?

15 A. Franklin Gans, Jr.

16 Q. Where do you work?

17 A. Houston Police Department.

18 Q. How long have you been with the Houston
19 Police Department?

20 A. Been with the Houston Police Department for
21 18 years.

22 Q. And where are you currently assigned?

23 A. Currently assigned to the air support
24 division.

25 Q. What do you do in the air support division?

1 A. Police helicopters and tactical flight
2 officer.

3 Q. Okay. Were you assigned anywhere else
4 during your career?

5 A. Yes, ma'am, several places, but in
6 reference to today, in the juvenile division child
7 abuse unit.

8 Q. So, in 2005 you were in the juvenile
9 division?

10 A. Yes.

11 Q. What were some of your duties in 2005?

12 A. In 2005 I was assigned specifically to the
13 child physical abuse unit and I had been a child
14 abuse investigator in that unit for about nine years.
15 So, I investigated child abuse cases and alleged
16 child abuse cases.

17 Q. So, how do cases come across your desk?
18 Were you the first responder, or did you do followup
19 investigations?

20 A. I did followup investigations at that time.
21 The cases come across my desk when referrals are made
22 to the child protective services or if a police
23 officer made a scene and did an offense report, I
24 would do the followup investigation.

25 Q. Okay. And what is your background? Did

1 you receive any type of education or special training
2 before joining the H.P.D. force?

3 A. Before joining H.P.D., yes, ma'am. I
4 received a degree in criminal justice from Prairie
5 View A&M University. But relating to child abuse,
6 I've been to several training courses that were put
7 on by the State and courses that we were sent to by
8 the department relating to injury to a child type
9 cases involving physical and sexual abuse.

10 Q. Okay. And in May of 2005, did you come
11 across a case involving a Kenneth Flowers?

12 A. Yes, I did.

13 Q. Tell us about that.

14 A. Okay. In this case we got a referral from
15 the child protective services. The case was assigned
16 to me. I did the followup investigation on it. Went
17 out to the house to try to speak with the mom.

18 Q. Let me back you up.

19 A. Uh-huh.

20 Q. Kenneth Flowers, how old was Kenneth
21 Flowers?

22 A. Kenneth Flowers was about two months old, a
23 little over two months or right at that.

24 Q. And do you know what date this incident
25 occurred on?

1 A. This -- I can tell you the date I got it,
2 but let's see. This occurred in -- it's going to be
3 about June of two thousand -- I'm sorry -- yeah, June
4 of 2005 is when I got the case.

5 Q. Okay. And before you get the case, another
6 officer works on it; is that right?

7 A. That's correct. Again, this goes through
8 the child protective services and they get the case.
9 Once they get it, it's screened by one of our
10 officers who then assigns it to me.

11 Q. And when you got the case, what did you
12 know?

13 MR. HOCHGLAUBE: Object to hearsay.

14 THE COURT: Sustained.

15 Q. (BY MS. DICKSON) Do you know whether or not
16 Kenneth Flowers went to the hospital in this case?

17 A. Yes, ma'am. All that's listed in the child
18 abuse referral. The referral advised us --

19 MR. HOCHGLAUBE: Again, I object to
20 hearsay.

21 THE COURT: Sustained.

22 MR. HOCHGLAUBE: Ask the jury be
23 instructed to disregard.

24 THE COURT: Jury's instructed to
25 disregard any -- the last comments made by the

1 witness.

2 Q. (BY MS. DICKSON) You said earlier that you
3 went to speak to the mother of Kenneth Flowers.
4 Without telling us anything she said, what day did
5 you do that?

6 A. First day that I made a home visit would
7 have been on June 19th, 2005.

8 Q. Okay. And was anybody at the house?

9 A. Nobody was there. I left a card for them.

10 Q. And at some point did you come into contact
11 with Kenneth Flower's mother?

12 A. Yes, I did. And I told you June -- I'm
13 looking.

14 MR. HOCHGLAUBE: Object to
15 nonresponsive.

16 THE COURT: Sustained.

17 Q. (BY MS. DICKSON) Could it be -- did you go
18 to the house the first time on May 19th?

19 A. May 19th, 2005. This date is cut off on my
20 report.

21 Q. Okay.

22 A. That's what --

23 Q. And what's the second time that you went to
24 the house?

25 A. The second time was June 6th. Because

1 May 19th I made no contact. That's when I left the
2 card.

3 Q. And who did you meet with?

4 A. When I did go the second time, I actually
5 met with the grandmother of the complainant and the
6 mother, Ms. Rosina Pipkins.

7 Q. Okay. And then -- so, the mother was
8 Rosina Pipkins?

9 A. Well, Rose Pipkins.

10 Q. Rose Pipkins?

11 A. Uh-huh.

12 Q. Okay. And when did you speak with the
13 mother?

14 A. I spoke with her on June 6th, 2005.

15 Q. Okay.

16 A. And that was -- you mean Rose Pipkins,
17 right? Or Rosina Pipkins?

18 Q. What's the mother's name?

19 A. The mother of the complainant is Rosina
20 Pipkins.

21 Q. Okay. So, when did you speak with Rosina
22 Pipkins, the mother of the child?

23 A. Okay. Rosina Pipkins, I actually spoke
24 with her over the phone that day; but then I spoke
25 with her in person when she came in on Thursday,

1 June 9th.

2 Q. Okay. And on June 9th, did she come --
3 where did she go?

4 A. She actually came into the police station
5 at 8300 Mykawa, which is where the child abuse unit
6 is located.

7 Q. And was she with anyone else?

8 A. Yes, she was.

9 Q. Who was she with?

10 A. She was with the defendant here today.

11 Q. And what's his name?

12 A. Mr. Nathaniel Flowers.

13 Q. And do you see him in the courtroom today?

14 A. Yes, ma'am. Looks a little different from
15 a few years ago. He lost a little weight, but yes.

16 Q. And could you identify him with an article
17 of clothing he's wearing?

18 A. He's wearing a white shirt, no tie.

19 Q. Does he have a jacket or no jacket?

20 A. No jacket.

21 MS. DICKSON: Let the record reflect
22 the witness has identified the defendant.

23 THE COURT: Record will so reflect.

24 Q. (BY MS. DICKSON) Did you have a chance to
25 speak with the defendant in this case?

1 A. Yes, I did.

2 Q. Okay. What did you learn?

3 A. That day -- now, the date that they came in
4 to Mykawa, he voluntarily came with her. That was on
5 June 9th. I learned from him that he wasn't there
6 that day. At least that's what he told me.

7 Q. Okay. And did you learn that he was the
8 father of the Kenneth Flowers?

9 A. I sure did.

10 Q. Okay. And did you also have an opportunity
11 to speak with the mother?

12 A. Yes, I did. I interviewed her.

13 Q. After you spoke with the mother of Kenneth
14 Flowers, was she in any way a suspect in your
15 investigation?

16 A. When I originally spoke with her -- the way
17 I approach all child abuse investigations is I treat
18 everybody as --

19 MR. HOCHGLAUBE: Object to
20 nonresponsive.

21 THE COURT: Sustained.

22 Q. (BY MS. DICKSON) Was Ms. Pipkins a suspect
23 in your investigation after you spoke with her?

24 A. After I spoke with her, yes, she still was.

25 Q. Okay. And at that point, had you collected

1 all the evidence in your case?

2 A. No, I hadn't.

3 Q. Okay. What other types of evidence do you
4 collect in these types of investigation?

5 A. Medical records. Try to get statements
6 from everybody there.

7 Q. Okay.

8 A. And just get my timeline and everything
9 together to see and try to do a thorough
10 investigation.

11 Q. Okay.

12 MS. DICKSON: May I approach the
13 witness?

14 THE COURT: Yes.

15 MS. DICKSON: At this time State
16 offers 126 and 127, which are medical records which
17 have been on file with the Court for more than 14
18 days. Let the record reflect I'm tendering to
19 opposing counsel.

20 MR. HOCHGLAUBE: No objections, Judge.

21 THE COURT: Being no objection,
22 State's 126 and 127 will be admitted.

23 Q. (BY MS. DICKSON) So, did you collect
24 medical records in this case?

25 A. Yes, ma'am.

1 Q. Where did you collect the medical records
2 from?

3 A. Okay. We have medical records that were
4 obtained from Hermann Hospital as well as Texas
5 Children's.

6 Q. Okay. And did you determine where the
7 child was initially treated?

8 A. Yes, ma'am.

9 Q. Which hospital?

10 A. The child was initially treated at Hermann
11 Hospital.

12 Q. Okay. And what was the diagnosis at
13 Memorial Hermann? Do you know, given the records?

14 A. Yes, ma'am. The original diagnosis were
15 fractured ribs, old and new fractures, as well as
16 bruising around the rib area.

17 Q. Okay.

18 A. I'm going to thumb through these medical
19 records to look at some of the exact injury. But the
20 one that I know my focus was on was the fractured
21 ribs and a fractured tibia.

22 Q. Were you able to observe the child at all
23 or just through medical records?

24 A. Just through medical records. Because,
25 again, this injury happened prior to when I did the

1 followup. If you mean observe him on that day --

2 MR. HOCHGLAUBE: Object to
3 nonresponsive.

4 THE COURT: Sustained.

5 Try to just listen to the question and
6 answer only the question.

7 THE WITNESS: Yes, ma'am. Okay.

8 Q. (BY MS. DICKSON) Have you found the page
9 that you were looking for?

10 A. Give me a quick second here. I thought I
11 had a little tab on it, but this isn't the same copy.

12 Q. We talked about the records before you
13 testified; is that right?

14 A. That's correct.

15 Q. Okay. The page you're looking for...

16 A. Right here. All right.

17 Q. All right. So, the doctors at Memorial
18 Hermann diagnosed what exactly?

19 A. Okay. The doctors at Memorial Hermann --
20 and, folks, bear with me. These doctors don't write
21 very well. Fractured ribs. A fractured tibia.
22 Let's see if I can read this. Let's see.
23 Respiratory symptoms reveal the fractures of the rib,
24 fractures of the tibia, as well as old and new
25 fractures of the same -- of several ribs on that same

1 side. He also had a fracture of the tibia and
2 clavicle. Let's see. The patient was admitted for
3 non-accidental trauma.

4 Q. Okay.

5 A. And these are things that we'll usually, in
6 our original medical records, highlight and these are
7 the things that I point out this is why --

8 MR. HOCHGLAUBE: Judge, again, I just
9 ask for question and answer.

10 THE COURT: Sustained.

11 Please just listen to the question.

12 THE WITNESS: Yes, ma'am.

13 Q. (BY MS. DICKSON) And on that same page
14 about halfway down, do you see something else the
15 doctor wrote about whether or not what the mother had
16 indicated?

17 A. Again, it's so difficult to read this
18 writing --

19 Q. Did the doctor determine that it was
20 non-accidental trauma?

21 A. Yeah, I do see that. I see this --

22 Q. And that the mother could not --

23 A. At the end of the first paragraph --

24 MR. HOCHGLAUBE: Again, object to
25 nonresponsive.

1 THE COURT: Sustained.

2 Q. (BY MS. DICKSON) Did the doctor indicate
3 that the mother could not explain the injuries?

4 A. This is going off of my memory. Yes, the
5 doctor did indicate that. As far as seeing it on
6 here, I don't see that just yet.

7 Q. All right. Now, let's turn our attention
8 to the Texas Children's Hospital records. Those are
9 typed, so it will be a little easier for you to read.
10 Did you review these records as a part of your
11 investigation?

12 A. The Hermann Hospital records, yes; but the
13 Texas Children's records, yeah, we did look at these
14 as well.

15 Q. Okay. And what was the diagnosis from the
16 Texas Children's Hospital?

17 A. Okay. I'll read them verbatim. Let's see.
18 Non-accident -- let's see. The history states that
19 there was concern for non-accidental trauma. A bone
20 survey was performed on 5/3 -- May, 2005 -- in which
21 the clinical history states that there was concern
22 for non-accidental trauma. Let's see. The study
23 indicated lateral views of the skull --

24 MR. HOCHGLAUBE: Again, this is not --

25 THE COURT: Sustained.

1 Q. (BY MS. DICKSON) Did the doctors say that
2 there was a fracture of the right tibia?

3 A. There were fractures, bilateral fractures
4 of femur, feet, and tibia. The findings were that a
5 recent --

6 MR. HOCHGLAUBE: Again, this is
7 nonresponsive.

8 THE COURT: Sustained.

9 Q. (BY MS. DICKSON) Do you know where the
10 tibia is?

11 A. The leg. Yes, ma'am.

12 Q. The leg. So, there was a fracture on his
13 leg?

14 A. Yes.

15 Q. All right. And also in the report it
16 indicates that there were fractures on the ribs; is
17 that correct?

18 A. That's correct.

19 Q. And you had indicated from the poor
20 handwriting from the other one, this is now typed,
21 that there were old fractures and new rib fractures?

22 A. Yes, ma'am. Old and new fractures,
23 fourth through seventh ribs on the left.

24 Q. And if you look about the -- towards the
25 top of the page, the one, two, three, four --

1 eighth sentence down, doctor indicates that the child
2 is six weeks of age?

3 A. Approximately six weeks of age, right.

4 Q. And what's the next sentence?

5 A. After babysitter reported to the mother
6 that Kenneth would not stop crying.

7 Q. Okay. Now, you got a statement from
8 Nathaniel Flowers in this case, correct?

9 A. That's correct.

10 Q. Now, the first statement you received, what
11 did he tell you during the first statement?

12 A. The first statement was a verbal statement
13 that he gave me that he said he wasn't there that
14 day, that he didn't have contact with the child.

15 Q. Okay. Now, was that consistent with what
16 you had learned from anywhere else?

17 A. Yes, because when I spoke with the mother
18 that day, Rosina, she stated that she was moving, in
19 the process of moving, and that Kenneth was left --
20 I'm sorry -- Nathaniel was left to watch Kenneth
21 while she was moving.

22 Q. So, the mother --

23 MR. HOCHGLAUBE: I'm sorry. I object
24 to that being hearsay. And I object to that as a
25 Sixth Amendment --

1 THE COURT: That's sustained.

2 MR. HOCHGLAUBE: A Sixth Amendment
3 violation. Ask the jury to be instructed to
4 disregard.

5 THE COURT: Jury's instructed to
6 disregard the last comment made by the witness.

7 MR. HOCHGLAUBE: Move for a mistrial.

8 THE COURT: Overruled.

9 Q. (BY MS. DICKSON) Did you continue on with
10 your investigation?

11 A. Yes, ma'am, I did.

12 Q. What did you do next?

13 A. I interviewed Ms. Rosina Pipkins and got
14 her statement as to what occurred that day. And I
15 had -- I put up -- I put together a timeline trying
16 to figure out what had happened. After I took her
17 statement, I spoke with Mr. Flowers.

18 Q. All right. And did Mr. Flowers give you
19 another statement in this case?

20 A. Yes, he did, but not that day. He called
21 me up voluntarily a couple of weeks later and wanted
22 to come in to tell me something.

23 Q. All right. And what was it that he wanted
24 to tell you?

25 A. Mr. Flowers came back a couple of weeks

1 later and he gave me a verbal statement and told me
2 that he had actually squeezed the baby. He didn't
3 tell me everything, but he did admit that he had
4 squeezed the baby and could have possibly caused some
5 injuries.

6 Q. Okay. So, at this point he admitted to
7 being with the baby that day?

8 A. Yes.

9 Q. Okay. And originally he had said he wasn't
10 with the baby?

11 A. That's correct.

12 Q. All right. And did you record the second
13 statement that he gave in this case?

14 A. Yes, ma'am.

15 Q. All right. And have you listened to that
16 statement today before testifying?

17 A. Yes, ma'am.

18 MS. DICKSON: May I approach the
19 witness?

20 THE COURT: Yes.

21 Q. (BY MS. DICKSON) I hand you what's been
22 marked as State's Exhibit 128. Do you recognize
23 this?

24 A. Yes, ma'am. It's Nathaniel Flowers'
25 confession, is what I called it.

1 Q. Okay. And has it been altered or deleted
2 in any way?

3 A. Not that I -- when I listened to it, it
4 sounded how it sounded originally.

5 Q. And can you recognize all of the voices on
6 the tape?

7 A. Yes, ma'am.

8 MS. DICKSON: Okay. State offers
9 Exhibit 128. Tender to defense counsel.

10 MR. HOCHGLAUBE: Judge, I've reviewed
11 it. I don't have an objection.

12 THE COURT: Being no objection,
13 State's 128 will be admitted.

14 MS. DICKSON: May we publish it to the
15 jury?

16 THE COURT: Yes, ma'am.

17 MS. DICKSON: Judge, before we submit
18 it, we have a transcript, just like in the previous
19 part of the trial, State's Exhibit 129.

20 Q. (BY MS. DICKSON) Have you seen State's
21 Exhibit 129?

22 A. Yes, ma'am, I have.

23 Q. Okay. And is this a transcription of the
24 statement?

25 A. Yes, it is.

1 Q. Okay.

2 A. And I've reviewed it.

3 MS. DICKSON: State offers Exhibit 129
4 for demonstrative purposes only. Tender to opposing
5 counsel.

6 MR. HOCHGLAUBE: I've reviewed that
7 also, Judge. I don't have an objection.

8 THE COURT: Being no objection, 129
9 will be admitted for demonstrative purposes only.

10 MS. DICKSON: May we publish to the
11 jury?

12 THE COURT: Yes, ma'am.

13 Again, members of the jury, if you
14 hear something different from what's on the
15 transcript, go with what you hear, not what's on the
16 written paper.

17 (Audio played in open court)

18 Q. (BY MS. DICKSON) Officer Gans, after you
19 took this statement, what steps did you take?

20 A. After taking his statement, of course, I
21 told Mr. Flowers he was free to leave. And I at that
22 point called the D.A.'s Office, Harris County D.A.'s
23 Office, and moved forward with trying to file injury
24 to a child charges against him.

25 Q. And the charges that you filed against him

1 were intentionally and knowingly injuring the child?

2 A. That's correct.

3 Q. Okay. And in the statement we heard you
4 say towards the end, "I understand you didn't intend
5 to hurt your child." Why were you saying that?

6 A. It's been my past experience in child abuse
7 cases that I hear parents say, you know, "I didn't
8 mean to do it. I just lost control." And if they
9 had to do it all over again, they wouldn't have done
10 it. But they did it, you know. And, so, after going
11 through, you know, different interview schools,
12 especially the Reid School, they advise that you
13 agree with the person that's giving a confession at
14 that time because they're telling you what they did.
15 And, so, if he says, "I didn't mean to do it," you
16 know, but he did it, usually we just agree with them.

17 Q. Just trying to make him feel better?

18 A. Yes, ma'am.

19 Q. And the medical records indicate that this
20 was non-accidental trauma?

21 A. Yes.

22 MR. HOCHGLAUBE: Object to asked and
23 answered, Judge.

24 THE COURT: Sustained.

25 Q. (BY MS. DICKSON) And, so, is that why you

1 went forward with the intentionally and knowingly
2 charge?

3 A. Yes.

4 Q. And do you know whether or not Kenneth
5 Flowers recovered from this incident?

6 A. Yes, he did recover.

7 Q. And was he still in the care of
8 Mr. Nathaniel Flowers?

9 A. No, he wasn't. He was removed from custody
10 of both parents. Both parents lost parental rights.

11 MS. DICKSON: May I approach the
12 witness?

13 THE COURT: Yes.

14 MS. DICKSON: At this time the State
15 offers Exhibit 130, which is a certified public
16 document. Let me tender to opposing counsel for
17 inspection.

18 MR. HOCHGLAUBE: I've reviewed these,
19 Judge. I don't have an objection.

20 THE COURT: Being no objection,
21 State's 130 will be admitted.

22 Q. (BY MS. DICKSON) You just said that both
23 parents lost their parental rights.

24 A. That's correct.

25 Q. I'm showing you State's Exhibit 130. What

1 is that?

2 A. This is a decree for termination of
3 parental rights. And it terminates the parental
4 rights of Rosina Pipkins as well as Nathaniel
5 Flowers.

6 Q. Okay. And do you know what day that was
7 filed and signed?

8 A. This was filed on June 20th, 2006.

9 Q. Okay. So, about a year after the incident?

10 A. Yes, ma'am.

11 Q. Are you aware that Mr. Flowers pled guilty
12 to the offense of injury to a child?

13 A. Yes.

14 Q. And are you aware that he spent prison time
15 for that offense?

16 A. Yes, ma'am.

17 Q. And do you know -- after the parental
18 rights were terminated, do you know where Kenneth
19 Flowers is today -- or back then?

20 A. Where he went?

21 Q. Yeah, who was caring for him.

22 A. Oh, I'm sorry. A foster parent. Yes,
23 ma'am.

24 MS. DICKSON: I'll pass the witness.

25

1 CROSS-EXAMINATION

2 Q. (BY MR. HOCHGLAUBE) Is it Sergeant?

3 A. Yes, it is, sir.

4 Q. You talked about how you filed charges or
5 you sought charges through the D.A.'s Office in this
6 case; is that right?

7 A. Yes, sir.

8 Q. And if you can, just explain to the jury in
9 a general sense how you go about filing charges
10 through the D.A.'s Office.

11 A. The way we do it is -- where do you want me
12 to pick up, as far as after his statement?

13 Q. Well, I didn't mean in this particular
14 case. I just meant generally speaking.

15 A. Oh. Generally speaking, once we have
16 obtained -- once we've investigated a case and we've
17 obtained enough evidence or we think we've obtained
18 enough, we will present that evidence to the District
19 Attorney's Office and let them -- we go over it with
20 them. We write what's called a "probable cause."
21 And once we have probable cause to make an arrest,
22 you know, we present that information to the D.A.'s
23 Office. It is then reviewed by a judge and signed
24 and the charges are accepted.

25 Q. And so the jury knows, there's basically an

1 intake office here in this building --

2 A. Yes.

3 Q. -- on the second floor, right?

4 A. That's correct.

5 Q. And what you do once you have probable
6 cause is you either go to the second floor personally
7 or you may call the prosecutor there and run down the
8 information that you have up to that point, right?

9 A. Yes and no. For child abuse, it's actually
10 a special section because all prosecutors in the
11 intake division don't know --

12 Q. The Children's Assessment Center?

13 A. No.

14 Q. Okay.

15 A. Well, maybe now. In 2005 it was the child
16 abuse section -- the D.A.'s Office has a child abuse
17 section where that's all they do is prosecute child
18 abuse crimes whether it be physical or sexual abuse.
19 And I think they were on the third floor back then.
20 I'm not sure what floor, but --

21 Q. Well, in any event, you don't make a call
22 to the prosecutor's office to try to seek charges
23 until you believe you have probable cause?

24 A. That's correct.

25 Q. And basically until Mr. Flowers came in and

1 talked to you, you didn't feel like you had probable
2 cause, correct?

3 A. The investigation was still underway, yes,
4 sir.

5 Q. Well -- and basically it had been two weeks
6 since he and his wife had both talked to you the
7 previous time, right?

8 A. That's correct.

9 Q. What more had happened in the investigation
10 between when he first talked to you and the second
11 time?

12 A. I indicate in my police report that that's
13 the summer. So, you know, I take vacations like
14 everybody else, and I wasn't at work.

15 Q. And I don't mean to fault you at all. I
16 just --

17 A. Yeah.

18 Q. Basically from what you can say is that the
19 investigation hadn't progressed at all since the two
20 of them came down to visit with you, right?

21 A. That was the last work I had done on that
22 particular case, yes, sir, before I went on vacation.

23 Q. And basically you didn't file charges at
24 that point when the two of them came down to visit
25 with you because at that point you didn't feel like

1 you had probable cause to file?

2 A. No, sir, not enough to do anything at that
3 point. I like to do a pretty thorough investigation.
4 I don't rush to judgment on any of them.

5 Q. Absolutely. And basically when he came in
6 and explained to you what he had done, that was when
7 you basically knew that you had probable cause and
8 the case was resolved, right?

9 A. Yes. I had probable cause at that time.

10 Q. And filed charges against him, right?

11 A. Yes, sir.

12 Q. Accepted the charges you wanted filed,
13 right?

14 A. That's correct.

15 Q. And he accepted responsibility for that and
16 pled guilty in court, correct?

17 A. That's correct.

18 Q. And this was with his biological son; is
19 that right?

20 A. Yes.

21 Q. And I think he makes mention in this
22 statement that -- I don't know if he says he's sorry,
23 but basically he says he loves his son, right?

24 A. Yes.

25 MR. HOCHGLAUBE: I pass witness.

1 MS. DICKSON: Nothing further. May
2 the witness be excused?

3 THE COURT: Thank you, sir. You can
4 step down.

5 THE WITNESS: Okay.

6 THE COURT: Who's next?

7 MS. ONCKEN: State calls Ms. Kimberly
8 Gooden.

9 THE COURT: You were sworn in
10 previously, correct?

11 THE WITNESS: Yes.

12 THE COURT: You are still under oath.

13 KIMBERLY GOODEN,
14 having been first duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 Q. (BY MS. ONCKEN) Good afternoon, Ms. Gooden.

17 A. Hello.

18 Q. Are you the same Kimberly Gooden who
19 testified in this case last week?

20 A. Yes.

21 Q. Okay. How are you doing this afternoon?

22 A. Not so good.

23 Q. I want to talk to you about how the death
24 of your grandson Kamron has affected you and your
25 family. All right?