

1 MS. REYNA: Thank you, Judge.

2 CHRISTOPHER GARZA,
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 the jury?

8 A. Yes. I'm Deputy Garza with the Harris
9 County Sheriff's Office.

10 Q. And what's your first name, Deputy
11 Garza?

12 A. Christopher.

13 Q. And how long have you been with the
14 sheriff's office?

15 A. Six years now.

16 Q. And what's your current position in the
17 sheriff's office?

18 A. I'm a deputy, but I'm also a field
19 training officer.

20 Q. And what is a field training officer?

21 A. Whenever probationary deputies are
22 transferred from the jail or coming over, we train
23 them in the proper procedure of handling calls and
24 transferring them to patrol.

25 Q. And what kind of training did you

1 receive to become a peace officer?

2 A. To become a peace officer, I went
3 through a six-month Academy through the Harris
4 County Sheriff's Office.

5 Q. And are you a certified peace officer
6 with the State of Texas?

7 A. Yes, ma'am.

8 Q. What do your current responsibilities
9 include besides field training?

10 A. Responding to calls for service, acting
11 as first responder. We get dispatched out, enforce
12 traffic laws.

13 Q. All right. On May the 27th, 2010, were
14 you working with the Harris County Sheriff's Office?

15 A. Yes, ma'am.

16 Q. And on that day were you on patrol?

17 A. Yes, ma'am.

18 Q. Okay. Do you remember getting
19 dispatched out to a scene shortly after 3:00 p.m. --

20 A. Yes, ma'am.

21 Q. -- on that day?

22 A. Yes, ma'am.

23 Q. Do you remember about what time you were
24 dispatched?

25 A. It was early, around just after 3:00

1 p.m., around 3:12.

2 Q. Okay. And what was the nature of the
3 call?

4 A. It initially started off as a chemical
5 call, chemical burn. It was another unit radioing
6 for assistance.

7 Q. And approximately how long did it take
8 you to get to the scene, if you remember?

9 A. Not very long. We were -- we were
10 pretty close to it.

11 Q. Okay. What was the location of the
12 call?

13 A. Can I refer to the exact address?

14 Q. Yes, you may.

15 A. We were dispatched to 14418 Wadebridge
16 Way.

17 Q. And is that -- was it a home, residence?

18 A. It's a residence.

19 Q. Okay. And is that location, is that in
20 Harris County, Texas?

21 A. Yes, ma'am.

22 Q. And what did you observe as you arrived
23 at the scene?

24 A. When we arrived, the EMS was already
25 there at the front of the house. At the time I was

1 training a probationary field deputy, Deputy
2 Alvarez. EMS was already stationed out front
3 treating the complainant. And the home was
4 offset -- well, offset on the south side of the
5 road.

6 Q. Let me stop you there.

7 MS. REYNA: Permission to approach
8 the witness, Your Honor.

9 THE COURT: Yes, ma'am.

10 Q. (By Ms. Reyna) I'm showing you what
11 have been marked as State's Exhibits 1, 2 and 3.
12 Are you personally familiar with the items in these
13 photos?

14 A. Yes, ma'am.

15 Q. Are they a fair and accurate
16 representation of the scene that day?

17 A. Yes.

18 MS. REYNA: Your Honor, at this
19 time I would offer State's Exhibit 1, 2 and 3 into
20 evidence after tendering to Defense counsel.

21 (State's Exhibits No. 1, 2 and 3,
22 Photographs, offered.)

23 MR. WILLIAMS: No objections, Your
24 Honor.

25 THE COURT: They'll each be

1 admitted.

2 (State's Exhibits No. 1, 2 and 3,
3 Photographs, admitted.)

4 MS. REYNA: Permission to display
5 them to the jury as needed, Judge.

6 THE COURT: If you want to walk
7 them by, yes.

8 MS. REYNA: Okay. I have them on
9 the overhead.

10 THE COURT: We don't need to use
11 that.

12 Q. (By Ms. Reyna) Referring to State's
13 Exhibit No. 1, Deputy, is this the home you were
14 dispatched to?

15 A. Yes, ma'am.

16 Q. Okay. And when you say EMS was on the
17 scene, where would they have been? Were they --

18 A. If you're looking at the house from the
19 street perspective, north would be facing north.
20 The house was on the south side of the roadway. EMS
21 was parked along the curb in front of the house.

22 Q. Okay. And did you observe them treating
23 the complainant?

24 A. Yes -- well, when I came back to it,
25 yes.

1 Q. Okay. Did you initially talk to the
2 complainant?

3 A. Initially, no.

4 Q. Okay. And so you arrived at the scene.
5 What did you decide to do first?

6 A. Defined tasks between me and my
7 probation deputy since he was in training. I told
8 him to go talk to whoever was in the ambulance, and
9 I proceeded to the house.

10 Q. Let's slow down just a little bit. You
11 talk fast like I do.

12 A. Sorry.

13 Q. So let's back up a little bit. Go
14 ahead.

15 A. We divided the tasks amongst ourselves.
16 He was in his last phase of training so I could give
17 him some more responsibilities. I told him to go
18 talk to whoever was in the ambulance while I went to
19 go see who else was still in the house and find
20 anybody else involved in the situation.

21 Q. What did you notice as you approached
22 the front entrance of the home?

23 A. As I was walking up -- down the -- to
24 the front of the home, that little walkway, there
25 was a yellow substance on the cement in front of the

1 house by the door. There was also a strong smell
2 coming from it.

3 Q. And how would you describe the smell?

4 A. It was overwhelming. Not knowing what
5 it was and seeing the substance, I decided not to
6 approach from that front door and took an alternate
7 path to gain entry into the home.

8 Q. Okay. Why did you decide not to go in
9 through the front door?

10 A. Not knowing what it was and the smell
11 was very strong, overwhelming, I didn't want to take
12 the chance of it being something harmful and
13 exposing myself to it.

14 Q. And would you say there was a lot or a
15 little of the substance?

16 A. There was a lot of it.

17 Q. Okay. Is that the substance that's
18 depicted in State's Exhibits 2 and 3?

19 A. Yes, ma'am.

20 Q. And is that the front entryway to the
21 home?

22 A. Yes, ma'am.

23 Q. Okay. And did you take these pictures?

24 A. No, ma'am.

25 Q. Okay. To your knowledge, do you know

1 when these pictures were taken?

2 A. I do not, no.

3 Q. Okay. Did you observe that crime scene
4 tape that's shown in the picture?

5 A. Yes, ma'am.

6 Q. Okay. And did you observe it in that
7 same position?

8 A. Yes.

9 Q. Okay. So how do you finally make entry
10 into the home?

11 A. There is a -- just looking, there was a
12 gate on the east side. Most residences have a back
13 door, so I decided to go around and approach the
14 residence through the back to make entry or make
15 contact with whoever was inside.

16 Q. And were you able to make contact with
17 anybody inside?

18 A. Yes.

19 Q. Who?

20 A. I spoke with a Sergeant Sieck and
21 Ms. Belinda Tidwell.

22 Q. Okay. Who was Sergeant Sieck?

23 A. He -- at the time he was there at the
24 residence. I believe he's also the one that
25 initially came over the radio calling for a unit to

1 the house.

2 Q. Okay. Was he a suspect at the time?

3 A. No.

4 Q. Okay. So would you have classified him
5 as a witness?

6 A. Yes.

7 Q. And did you speak with Mr. -- or with
8 Sergeant Sieck?

9 A. Yes, I did.

10 Q. Okay. And did you record what he -- in
11 any form, what he told you?

12 A. I documented what we spoke of, yes.

13 Q. Okay. And what did you do next after
14 speaking with Sergeant Sieck?

15 A. After speaking with Sergeant Sieck, just
16 getting an idea of what took place, I learned that
17 the complainant was in the ambulance. So I went to
18 go check on her to see how she was doing.

19 Q. And were you able to make contact with
20 her?

21 A. Yes, ma'am.

22 Q. And what was -- what was her demeanor
23 like when you made contact with her?

24 A. When I made contact with her, she was
25 already in the back of the ambulance. Paramedics

1 were treating her. She was -- she was upset about
2 the situation because she was crying and she was
3 being treated by paramedics.

4 Q. Did she appear to be in any kind of
5 pain?

6 A. Yes.

7 Q. Did she indicate this to you in any way?

8 A. Yes, she did.

9 Q. Did you observe any injuries on the
10 complainant at that time?

11 A. Yes. I could -- well, I could see there
12 was redness along the left side of her face and also
13 on her upper chest, breast area.

14 Q. What did you do -- were you able to
15 speak with her at this time?

16 A. Briefly, just to figure out what was
17 going on.

18 Q. And what did you do next?

19 A. After she was already -- after I spoke
20 with her to get an idea what was happening -- I
21 didn't want to interfere with the paramedics
22 treating her, so I let them continue with her and I
23 spoke to her husband who had actually been talking
24 to my training deputy.

25 Q. Okay. And her husband, is that John

1 Roberson?

2 A. Yes.

3 Q. Okay. Was Mr. Roberson a suspect in the
4 situation?

5 A. No.

6 Q. Okay. And who did you speak with next
7 after speaking with Mr. Roberson?

8 A. After speaking with Mr. Roberson, Deputy
9 Alvarez and I returned inside and spoke with
10 Ms. Tidwell about the incident.

11 Q. And did you document your conversation
12 with her?

13 A. Yes.

14 Q. Did you do anything further after
15 speaking to Ms. Tidwell?

16 A. Yes. After speaking with Ms. Tidwell
17 and learning more about everything, we contacted the
18 fire department to the scene.

19 Q. Why did you contact the fire department?

20 A. The smell was still overwhelming and we
21 had learned that it was a form of acid that was
22 thrown out. So not knowing what the reaction is or
23 what's going to happen, the attendant and I decided
24 to call the fire department out to get their opinion
25 on how it should be cleaned up.

1 Q. Okay. And did you observe them clean up
2 the mess?

3 A. Yes. Yes.

4 Q. What did they do?

5 A. They -- they poured an absorbant over
6 the substance.

7 Q. After observing that did you do anything
8 further at the scene?

9 A. At the scene, no.

10 Q. All right. What did you do next?

11 A. We followed up at the hospital with
12 Ms. Roberson to speak to her at a different
13 location, see how she is, follow up on her injuries
14 now that she was out of the ambulance and someplace
15 where we could talk to her.

16 Q. And where was the second location?

17 A. At the East Houston Medical Center.

18 Q. And when you spoke with her, was she
19 being treated? Was she in the emergency room?
20 Waiting room? Was she in a room? Where was she?

21 A. She was already in the emergency room.
22 She was already dressed in a hospital gown and was,
23 I guess, waiting for treatment.

24 Q. Okay. And did you -- were you able to
25 observe her injuries at that time as well?

1 A. Yes.

2 Q. And what were they?

3 A. I could still see the -- it was redness
4 on her face. Her -- her lips were also swelling. I
5 could still see some of the redness above her gown
6 on her chest.

7 Q. And were you able to speak with
8 Ms. Roberson at the hospital?

9 A. Yes, ma'am.

10 Q. Did she provide you or allow you to
11 listen to any other evidence?

12 A. She informed me she had recorded the --
13 her making contact at the house that day. She said
14 that she had ongoing problems with Ms. Tidwell and
15 had since recorded their meetings or conversations
16 and had recorded today's incident as well.

17 Q. And where did she record it?

18 A. On her iPhone.

19 Q. And were you able to look at the audio
20 or listen to the audio recording?

21 A. Yes, she played it back for me.

22 Q. Now, was it audio or video?

23 A. Audio.

24 Q. Just audio. Okay. So after speaking
25 with Ms. Roberson at the hospital and listening to

1 the audio, what did you do next?

2 A. Contacted the Harris County District
3 Attorney's Office, presented them the facts of the
4 case to see if charges would be accepted at that
5 time.

6 Q. And were they accepted at that time?

7 A. No, they were not.

8 Q. Okay. Were they declined at that time?

9 A. No.

10 Q. What was the result?

11 A. The District Attorney -- the person I
12 spoke to suggested the case be referred for further
13 investigation.

14 Q. And when a case is referred for further
15 investigation, the way it's set up in the sheriff's
16 office, do you handle it further or does somebody
17 else?

18 A. Somebody -- it's referred on to an
19 investigator.

20 Q. Okay. And did you have any other
21 further investigation -- investigation in this case?

22 A. No, ma'am.

23 Q. Okay.

24 MS. REYNA: I pass the witness,
25 Judge.

1 MR. WILLIAMS: Thank you, Judge.
2 May I approach the witness, Your
3 Honor?

4 THE COURT: Yes, sir.

5 CROSS-EXAMINATION

6 BY MR. WILLIAMS:

7 Q. Deputy, I'll show you what's been
8 marked -- well, put into evidence as Defendant's --
9 correction -- State's Exhibits No. 2 and 3. You
10 said you didn't take those; is that right?

11 A. Yes, sir.

12 Q. But you observed them?

13 A. Yes.

14 Q. Okay. And this yellow substance on the
15 ground, is that the acid you may be referring to?

16 A. Yes, sir.

17 Q. Okay. Do you see any of that acid on
18 these leaves on these bushes to the left?

19 A. No, sir.

20 Q. All right. Do you see any acid on top
21 of this post, this cement post to the left of the
22 door?

23 A. No, sir.

24 Q. Okay. This shoe that is in State's
25 Exhibit No. 3, you see that shoe?

1 A. Yes, sir.

2 Q. Is it missing on this exhibit or is it
3 just because the stamp is over it? Do you think
4 that's --

5 A. Oh, I'm not sure.

6 Q. Don't know.

7 A. I don't know.

8 Q. Okay. Now, do you see acid over here in
9 the shaded area to the left or what appears to be
10 acid?

11 A. Right along here (indicating)?

12 Q. Yes, sir. Up --

13 A. Yes, sir.

14 Q. -- up against the wall?

15 A. Yes, sir.

16 Q. What impression did you gather from
17 where you saw the acid out there, how it was being
18 used? Did you gather an impression how it was being
19 used?

20 A. That it was -- it was tossed outside.

21 Q. Okay. Did you see an area that they
22 were trying to clean outside?

23 A. Yes.

24 Q. On the brick wall?

25 A. Uh-huh.

1 Q. Did you see the tape, the evidence tape
2 that was used to mark the area?

3 A. Yes, sir.

4 Q. Now, the sheriff's department didn't put
5 that there, did they?

6 A. No, sir.

7 Q. That was there when you got there; is
8 that correct?

9 A. Yes, sir.

10 Q. And you don't know its condition before
11 you got there, whether it was across this area, down
12 or what, do you?

13 A. When I got there it was already -- it
14 was already down.

15 Q. It was down?

16 A. Yes, sir.

17 Q. Okay. And did you ask Ms. Roberson if
18 she saw the tape?

19 A. Yes, I did.

20 Q. Okay. And did you tell her that you saw
21 the tape?

22 A. Yes, I did.

23 Q. And did she argue with you about whether
24 the tape was there or not?

25 A. Yes, sir, she did.

1 Q. Okay. Did you listen to the recorded
2 audiotape that Ms. Roberson had?

3 A. On her iPhone?

4 Q. Yes, sir.

5 A. Yes, sir.

6 Q. Okay. And did you speak with -- are you
7 the one who spoke with all the witnesses there or
8 Sergeant Sieck and the child, Madison?

9 A. I don't remember speaking with Madison,
10 no, sir.

11 Q. You spoke with Sergeant Sieck?

12 A. I did speak with Sergeant Sieck.

13 Q. Is he a person -- is he with the
14 sheriff's department?

15 A. Yes, sir, he is.

16 Q. The Harris County Sheriff's Department
17 as you are?

18 A. Yes, sir.

19 Q. Okay. And I believe it was his home; is
20 that correct?

21 A. Yes.

22 Q. Okay. Did you have a conversation with
23 him about what they were using the acid for that
24 day -- without going into what that conversation
25 was?