

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.

1                   **THE WITNESS:** Morning.

2                   **THE COURT:** Morning.

3                   **RODERICK GIBSON, JR.,**

4                   having been first duly sworn, testified as follows:

5                   **DIRECT EXAMINATION**

6                   **Q.**        **(BY MS. JOHNSON)** Morning.

7                   A.        Morning.

8                   **Q.**        Would you please introduce yourself to the  
9                   jury?

10                  A.        My name is Officer Roderick Gibson, Jr.

11                  **Q.**        Who do you work for?

12                  A.        Houston Police Department.

13                  **Q.**        How long have you been with the Houston  
14                  Police Department?

15                  A.        Five years.

16                  **Q.**        Are you a certified peace officer?

17                  A.        Yes, ma'am.

18                  **Q.**        What division are you assigned to?

19                  A.        I'm assigned to the investigative first  
20                  responder division.

21                  **Q.**        What is that division?

22                  A.        It is an investigative division within HPD  
23                  that investigates part 1 and part 2 crimes for  
24                  service.

25                  **Q.**        What does that mean, part 1 and part 2

1 crimes for service?

2 A. Part 1 and part 2 crimes are the crimes  
3 that are in progress. So, when you have people  
4 fighting out in the streets that is actively going  
5 on, you might have thefts, shoplifters in progress,  
6 robberies in progress. Our division typically frees  
7 up what we call the concerned division, which is like  
8 homicide and robbery, and makes a uniformed patrol  
9 officer, which is actively on the streets, able to  
10 start investigating that crime as it is happening.

11 Q. Is that to kind of release some of the  
12 burden and caseload of the divisions such as homicide  
13 and robbery?

14 A. Yes, ma'am.

15 Q. And as an investigative first responder,  
16 what are your duties when you arrive on the scene?

17 A. When I first arrive on the scene, I have to  
18 try to figure out what's going on. You separate your  
19 witnesses from your complainant. If there are any  
20 suspects at the scene, you want to try to get them  
21 detained and start taking statements to figure out  
22 what's going on.

23 Q. How long have you been with this unit?

24 A. Two years.

25 Q. And are you still currently assigned to

1 this unit?

2 A. Yes, ma'am.

3 Q. What do you do with the unit now?

4 A. Now I'm assigned to the felony apprehension  
5 unit.

6 Q. And what do you do in that unit?

7 A. After the case has been investigated, you  
8 typically have a suspect that has been charged. It  
9 comes to my unit, which makes us go out and try to  
10 apprehend and locate those wanted individuals.

11 Q. And back in February of 2011, you were with  
12 the investigative first response unit, correct?

13 A. Yes, ma'am.

14 Q. And at that time, were you actually  
15 investigating active cases?

16 A. Yes, ma'am.

17 Q. How are the cases assigned to you?

18 A. The cases are assigned by -- we have a  
19 database where you can go in and put the dates of  
20 offenses that have occurred, and they all are listed  
21 by offenses. So, if you're investigating --  
22 typically you like to investigate robberies or theft  
23 cases or assaults -- you can go in and click in  
24 assault in a certain area that you're assigned to,  
25 and you can read the reports and determine if it is

*Roderick Gibson, Jr. - October 19, 2012  
Direct Examination by Ms. Johnson*

1 enough information that has good active leads where  
2 you can try to pursue that case.

3 Or, you can make contacts within  
4 uniformed patrol officers within the area. And if  
5 they are dispatched to a typical assault call or  
6 theft in progress call, they will give you a case  
7 number and you can read it and then you can start off  
8 initially responding to that call for service.

9 Q. So, officers who are out -- patrol officers  
10 who are out on the scene, if they feel like the case  
11 needed follow-up, they can contact your division?

12 A. Yes, ma'am.

13 Q. And is it important to do -- sometimes in  
14 certain scenes to do an immediate follow-up with  
15 witnesses or victims or something like that?

16 A. Yes, ma'am.

17 Q. And then, also, is it your responsibility  
18 to identify and look for a suspect?

19 A. Yes, ma'am.

20 Q. Now, let me take you back to February 19,  
21 2012. Were you referred a case to do a follow-up  
22 investigation on?

23 A. Yes, ma'am.

24 Q. Who referred that case to you?

25 A. Officer Correia.

1           Q.     Now, and that is the officer who just  
2 testified in this court? Is that the officer that  
3 just testified in this court that you saw walk out?

4           A.     Yes, ma'am.

5           Q.     Okay. Now, Officer Correia referred the  
6 case. What type of case was it?

7           A.     Initially, it dropped as an assault call.

8           Q.     And what did you do when Officer Correia  
9 referred that case to you?

10          A.     I read the offense report, get the details  
11 of the incident that occurred.

12          Q.     And after reading the report, what did you  
13 do?

14          A.     After I read the report, I went to my  
15 supervisor and told him I would like to do the  
16 initial follow-up on the case. She assigned it to  
17 me, and then I went to the location that the incident  
18 occurred and began trying to get statements to see if  
19 any statements or anything would change.

20          Q.     And what was that location?

21          A.     That was at Belcrest, 5778.

22          Q.     Is that located in Houston, Harris County,  
23 Texas?

24          A.     Yes, ma'am.

25          Q.     And when you arrived at the location, who

1 did you identify to be your witnesses?

2 A. I met with -- I know that Ms. Odessa was  
3 the original complainant, and Officer Correia told me  
4 that.

5 Q. Don't go into what Officer Correia told  
6 you. Who did you meet with at that scene?

7 A. Oh, Ms. Odessa Williams and Mr. Charley  
8 Williams.

9 Q. And how old was Ms. Williams at that time?

10 A. Eighty-three.

11 Q. And how old was --

12 A. Eighty-two or 83.

13 Q. And how old was Mr. Williams?

14 A. Seventy-six.

15 Q. Now, when you arrived at their address,  
16 about what time was this?

17 A. Had to be about 5:00.

18 Q. In the evening?

19 A. Yes, ma'am, in the evening.

20 Q. And when you arrived, did they cooperate  
21 with your investigation?

22 A. Yes, ma'am.

23 Q. And when -- let me rephrase.

24 How did you start your investigation  
25 at their house?

1           A.     I started by identifying myself, you know,  
2     and letting them know that I was assigned to follow  
3     up on a case that they had made previously that  
4     morning.  And, typically, when you start off with  
5     your investigation, you ask them to give you a  
6     synopsis of what happened; and then from there, I  
7     told them that I would be putting it on a digital  
8     recorder to get their full side of what happened.

9           Q.     And did you record statements from  
10    Ms. Williams and Mr. Williams?

11          A.     Yes, ma'am.

12          Q.     Did you do anything else to document the  
13    scene that day?

14          A.     I took pictures of the location of where  
15    she alleged the incident occurred and also the  
16    injuries she told me that she had received.

17          Q.     When you arrived, did Mr. and Ms. Williams  
18    cooperate and still want to pursue charges?

19          A.     Yes, ma'am.

20          Q.     They didn't send you away and say, "We're  
21    done.  Nothing happened"?

22          A.     No, ma'am.

23          Q.     Who did they identify the suspect to be?

24          A.     They told me that it was their great  
25    grandson.



1 Q. And did they give you a name?

2 A. They did.

3 Q. And what was the name?

4 A. Mr. Dent.

5 Q. Jonnie Dent?

6 A. Jonnie Dent.

7 Q. And both were cooperative with you the  
8 whole time that you were there?

9 A. Yes, ma'am.

10 **MS. JOHNSON:** May I approach?

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

12 Q. **(BY MS. JOHNSON)** I show you what's been  
13 marked as State's Exhibits No. 1, 2, 3, 4, 5, 6, and  
14 7. If you could just take a look at those.

15 A. (Witness complies.)

16 Q. Looking at State's Exhibits 1 through 7,  
17 are these the photos that you took at the scene of  
18 5778 Belcrest on February 19, 2011?

19 A. Yes, ma'am.

20 Q. And do these photos fairly and accurately  
21 depict the way the scene appeared on that date of  
22 February 19<sup>th</sup>?

23 A. Yes, ma'am.

24 **MS. JOHNSON:** At this time I offer  
25 State's Exhibits 1 through 7 into evidence and tender

1 to opposing counsel for review and objection.

2 **MR. OLIVER:** Thank you. Just a  
3 moment, please.

4 **(Brief pause)**

5 **MR. OLIVER:** We would have no  
6 objection except to a mark on -- placed on State's  
7 Exhibit No. 7, a tab.

8 **THE COURT:** May I see No. 7, please?  
9 1 through 6 are admitted.

10 **MS. JOHNSON:** Actually, the tab was  
11 State's Exhibit 6, no 7.

12 **THE COURT:** You're objecting to 7?

13 **MR. OLIVER:** 6 or 7, I object.

14 **MS. JOHNSON:** Take it off.

15 **THE COURT:** So, this is just something  
16 you put on while you were working with it.

17 **MS. JOHNSON:** Yes, ma'am.

18 **THE COURT:** Okay. So, you will -- you  
19 want to take that off?

20 **MS. JOHNSON:** Sure.

21 **THE COURT:** They're all admitted.

22 **MR. OLIVER:** If it's off, we have no  
23 objection to the State's exhibits, Your Honor.

24 **THE COURT:** Thank you. Admitted.

25 **MS. JOHNSON:** May I publish to the

1 jury?

2 **THE COURT:** Granted.

3 **Q. (BY MS. JOHNSON)** So, when you arrived at  
4 the Williams house, who was the first person you took  
5 an audio statement from?

6 **A.** Ms. Williams, Ms. Odessa Williams.

7 **Q.** And where did she take you inside the home?

8 **A.** We started out, like, in the living  
9 room/kitchen area.

10 **Q.** And then where did you go?

11 **A.** To the bedroom.

12 **Q.** And did you take photos of the bedroom?

13 **A.** Yes, ma'am.

14 **Q.** So, why did she take you to the bedroom?

15 **A.** Because I asked her to show me where did it  
16 occur.

17 **Q.** Showing you State's Exhibit No. 1.  
18 Describe for the jury what we see in State's Exhibit  
19 No. 1.

20 **A.** That's her bedroom. Looks like a queen --  
21 king-sized bed with a lamp, and Ms. Odessa is on the  
22 right.

23 **Q.** Now, while she is giving this statement, is  
24 she demonstrating for you what happened between her  
25 and the suspect, Jonnie Dent?

1 A. Yes, ma'am.

2 Q. Showing you State's Exhibit No. 2. What do  
3 we see here in State's Exhibit 2?

4 A. I see her sitting there. As I'm taking  
5 pictures, she is kind of talking, again, about what  
6 happened.

7 Q. And what is her demeanor as she is telling  
8 you about what had happened?

9 A. She was kind of hysterical.

10 Q. Was she crying or anything?

11 A. She wasn't crying, but it seems as though  
12 she was reliving the events that occurred.

13 Q. I guess because they had just happened  
14 earlier that morning?

15 A. Yes, ma'am.

16 Q. And as she is telling you, was she  
17 demonstrating to you what the defendant had done to  
18 her, her grandson?

19 A. Yes, ma'am.

20 Q. Showing you State's Exhibit No. 3. What do  
21 we see in State's Exhibit 3?

22 A. She is still -- she is still talking about  
23 it, and she is mimicking different parts of what  
24 happened during the assault.

25 Q. And we can see that here in State's Exhibit

1 No. 3 with her hands.

2 Now, if you could describe kind of  
3 what was the description of the room, this bedroom?  
4 Was it big? Small?

5 A. It was a real small room. Only one person  
6 can come through this area right here at a time  
7 (indicating.)

8 Q. So, only one person can come right here  
9 between the bed and the dresser (indicating)?

10 A. The average-sized person, yes, ma'am.

11 Q. Is that kind of a tight squeeze within  
12 there?

13 A. It's pretty tight. It's about between my  
14 elbow and my fingertips.

15 Q. Showing you State's Exhibit No. 4. What do  
16 we see in State's Exhibit 4?

17 A. She is describing when she was assaulted  
18 and where her head actually hit the bed.

19 Q. And does she describe how she was hit in  
20 the head by the defendant?

21 A. Yes, ma'am.

22 Q. Did that cause her to hit her head on the  
23 bedpost?

24 A. Yes, ma'am.

25 Q. And did she show you how that happened?

1           A.       She went back to the position in which it  
2 happened, and as -- while she was mimicking what  
3 happened.

4           Q.       And that's what you took a picture of in  
5 State's Exhibit 4?

6           A.       Yes, ma'am.

7           Q.       Did she indicate to you that she felt pain?

8           A.       She did.

9           Q.       And what do we see here in State's Exhibit  
10 No. 5?

11          A.       I took a basic face frontal shot of her.  
12 Also, right here is where she was telling me that she  
13 had received the knot on the side of the head  
14 (indicating.)

15                   **MR. OLIVER:** Excuse me. Could you  
16 make that -- I didn't see where you were pointing to.  
17 Could you point again?

18                   **THE WITNESS:** It is not working for  
19 some reason.

20                   **MS. JOHNSON:** Can I have the witness  
21 step down and point at the big screen, Judge?

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

23           Q.       **(BY MS. JOHNSON)** You can step down and  
24 point up there and show the jury where you're  
25 pointing.

1           A.       I am pointing in this area right here  
2           (indicating.) I was trying to focus right in here.  
3           That's where her head had hit the bedpost.

4                       **MR. OLIVER:** Thank you.

5           **Q.       (BY MS. JOHNSON)** So, showing you State's  
6           Exhibit No. 6, what do we see here in 6?

7           A.       The flash is kind of -- right here is the  
8           knot that I saw that was on the side of her face.

9           **Q.**       So, not a bad injury but an injury?

10          A.       Yes, ma'am.

11          **Q.**       And showing you State's Exhibit No. 7, what  
12          do we see here in No. 7?

13          A.       That's the other side of her. I took one  
14          side and then the other side.

15          **Q.**       So, 6 is the side that you saw a little  
16          knot?

17          A.       Yes, ma'am.

18          **Q.**       And 7 is just the other side of her face?

19          A.       Correct.

20          **Q.**       You can have a seat back on the stand.

21          A.       (Witness complies.)

22          **Q.**       Did you ask Ms. Williams whether or not her  
23          grandson had a key to her house?

24          A.       I did.

25          **Q.**       And what was her response?

1           A.       She said she did not allow him to have a  
2 key to the house.

3           Q.       And so, how would he get into the house?

4           A.       They have to be home to let him in. Her or  
5 Mr. Williams.

6           Q.       And did she -- did one of them let him in  
7 on that night of February 19<sup>th</sup>?

8           A.       Yes, ma'am.

9           Q.       Now, after taking the pictures and talking  
10 to Ms. Williams, did you also take a statement from  
11 Mr. Williams?

12          A.       Yes, ma'am.

13          Q.       Did he indicate to you that he saw the  
14 assault happen in the bedroom?

15          A.       He didn't see it.

16          Q.       Where was he when it happened?

17          A.       Another room. Kitchen area, I believe.

18          Q.       Did he see his grandson come inside the  
19 house?

20          A.       Initially?

21          Q.       Yes.

22          A.       I'm not for sure. I think so.

23          Q.       But he did not actually see what happened  
24 in the bedroom?

25          A.       No, he didn't see the assault.



1           Q.       Now, you took pictures; and Ms. Williams  
2 showed you what happened in the bedroom. Did you  
3 take any pictures of Mr. Williams in the bedroom  
4 demonstrating anything?

5           A.       He didn't see it. So, I didn't feel the  
6 need to take pictures of him demonstrating.

7           Q.       Were they able to tell you how much money  
8 was taken from Ms. Williams?

9           A.       No, ma'am.

10          Q.       It wasn't a large amount, right?

11          A.       She just said few change, probably some  
12 dollars, but a couple -- little change.

13          Q.       Did she indicate that she wanted to give  
14 him all her money?

15          A.       No, ma'am. She said she didn't want to  
16 give him all her money.

17          Q.       Just something?

18          A.       Right, to get him out of the house.

19          Q.       To get him out of the house?

20          A.       Correct.

21                   **MR. OLIVER:** Excuse me, Your Honor.  
22 I'm going to have to object to no further leading  
23 questions.

24                   **THE COURT:** Sustained.

25          Q.       **(BY MS. JOHNSON)** After interviewing Mr. and

1 Mrs. Williams, did you find them to be credible?

2 A. Yes, ma'am.

3 Q. And after taking their statements and  
4 taking the photos, what did you do?

5 A. After I took all the photos, I left my  
6 business card with them and told them if he was to  
7 return to give me a call. And then --

8 Q. And why did you do that?

9 A. Ma'am?

10 Q. Why did you do that?

11 A. Because I -- at the time he had left the  
12 scene, I didn't know who he was; and I wanted to get  
13 his side of what happened.

14 Q. Now, did you, yourself, as a part of your  
15 investigation, ever speak with the suspect, Jonnie  
16 Dent, or get a side from him as to what happened?

17 A. I did not.

18 Q. Did he ever make himself available to you  
19 to talk to?

20 A. No. He was at the hospital, but he was  
21 incoherent. So, we weren't able to get a statement  
22 from him.

23 Q. Did you, yourself, actually make the arrest  
24 of the suspect, Jonnie Dent?

25 A. I did not.

1           Q.     Now, let me take you back. After finishing  
2 your investigation, was that on February 19, 2011?

3           A.     It was.

4           Q.     Was -- what day of the week was that, if  
5 you recall?

6           A.     Friday.

7           Q.     Now, were you notified by some officers  
8 that had arrested the defendant on February 20, 2011?

9           A.     I had been notified.

10          Q.     At that time had you presented charges to  
11 the D.A.'s office and filed any arrest warrant?

12          A.     No, ma'am.

13          Q.     When did you present charges and file a  
14 warrant?

15          A.     It was the next day.

16          Q.     And what -- when you -- they have heard a  
17 little bit about the process of filing charges. What  
18 did you do to file those charges?

19          A.     Typically, when you file charges, we have  
20 to do what they call a to-be warrant since he is not  
21 in custody. As an investigator, you go back and you  
22 look at all the related cases so you can present to  
23 the district attorney after the new alleged charge or  
24 whatever you're trying to pursue.

25          Q.     Now, let me stop you right there. Did you

1 present this case to a district attorney at the  
2 intake division?

3 A. Yes, ma'am.

4 Q. And after presenting the charges and the  
5 facts of the case, what charge was accepted against  
6 the suspect, Jonnie Dent?

7 A. Aggravated robbery.

8 Q. And are you familiar -- or let me back up.  
9 Initially, what was this report titled as?

10 A. It was an assault report. Due to the age,  
11 by experience, I knew it was going to be injury to  
12 the elder.

13 Q. And based on the facts that you saw and  
14 that you presented to the ADA at the time, they  
15 accepted the charges of aggravated robbery?

16 A. Yes, ma'am.

17 Q. And that's because of the age of the  
18 victim?

19 A. Right. And the actions that took place.

20 **MR. OLIVER:** I didn't hear the last.

21 **THE WITNESS:** And the actions that  
22 took place.

23 **MR. OLIVER:** Thank you.

24 Q. **(BY MS. JOHNSON)** Are you aware of whether  
25 the defendant was actually arrested after charges

1 were filed?

2 A. On that Tuesday.

3 Q. Would that be?

4 A. The 23rd.

5 Q. February 23rd of 2011?

6 A. Yes, ma'am.

7 Q. After meeting with Mr. and Mrs. Williams,  
8 did they still want to pursue charges against their  
9 grandson?

10 A. To my knowledge.

11 Q. Did they ever call you and tell you, "We  
12 don't want charges" or "We don't want -- nothing  
13 happened" or "We lied" or anything like that?

14 A. No, ma'am.

15 Q. Before coming to court, did you review your  
16 report and listen to the statements that were taken  
17 from Mr. and Mrs. Williams?

18 A. Yes, ma'am.

19 Q. And, also, did you review the photos that  
20 were taken?

21 A. Yes, ma'am.

22 **MS. JOHNSON:** I'll pass the witness.

23 **THE COURT:** Thank you.

24 Mr. Oliver.

25 **MR. OLIVER:** Thank you, Your Honor.

**CROSS-EXAMINATION**

1  
2           **Q.**       **(BY MR. OLIVER)** You had an opportunity to  
3 view the statements before coming to court today?

4           **A.**       Yes, sir. We prepare a blue book as part  
5 of the investigative file.

6           **Q.**       Did you view the statements they made where  
7 they say that it didn't happen that way and that they  
8 wanted the thing dismissed and wanted the State to  
9 stay out of their business? Did you view that  
10 statement?

11          **A.**       She didn't give me that statement. I  
12 didn't review that statement.

13          **Q.**       You didn't view all the statements then?

14          **A.**       No, sir.

15          **Q.**       I understand. Did -- are you aware that  
16 she had made several statements to that -- she and  
17 Mr. Williams both had made several statements  
18 written, sworn statements to that effect?

19                   **MS. JOHNSON:** Objection, calls for  
20 speculation.

21                   **THE COURT:** Sustained.

22          **Q.**       **(BY MR. OLIVER)** Were you -- they never  
23 contacted you specifically and said they had lied,  
24 correct?

25          **A.**       No, sir. I have never told -- or I was

1 never told that.

2 Q. Does it strike you kind of awkward, if you  
3 will, that Mr. Williams, this Baptist deacon, would  
4 lie?

5 He wouldn't lie, would he?

6 A. I don't know. All I can go off of is what  
7 he gave me, what he told me at the time.

8 Q. And you think Ms. Odessa -- do you think  
9 that she would lie?

10 A. I would hope not.

11 Q. You talked to her a couple of times. She  
12 seemed like a pretty straight-up lady, did she not?

13 A. I took her to be credible.

14 Q. She is just a princess of a lady, wouldn't  
15 you --

16 A. I didn't hear you.

17 Q. I said she is just a princess of a lady,  
18 isn't she?

19 A. I don't know her in that regards, but -- I  
20 don't know her personally.

21 Q. Okay. You got there at 5:00 in the  
22 morning?

23 A. No. 5:00 in the afternoon, 1700 hours.

24 Q. In the afternoon?

25 A. Yes, sir.

1 Q. Okay.

2 A. Approximately.

3 Q. Did she -- you recall her telling you that  
4 she just wanted him gone?

5 A. She told me during her interview. Would  
6 you like me to explain what I meant by that?

7 Q. Did she tell you that she wanted him gone  
8 from there?

9 A. Yes.

10 Q. Okay. And they cooperated with you all the  
11 way down the line, did they not?

12 A. Yes, sir.

13 Q. And was she -- this lady, she was upset?

14 A. I said she sounded like she was excited  
15 during her interview --

16 Q. Excited.

17 A. -- with me.

18 Q. Did she ever use the word "pain," or did  
19 you interject that word into the altercation?

20 A. I asked her did she receive -- did she feel  
21 any type of pain.

22 Q. So, it was your words?

23 A. And she said "yes."

24 Q. Okay. Okay. So, you asked a leading  
25 question: Did you feel any pain? And then she



1 responded?

2 A. I don't know if it was leading, but I asked  
3 her.

4 Q. You suggested the answer?

5 A. Yes. I asked her did she sustain any  
6 injuries.

7 Q. Thank you.

8 **MR. OLIVER:** If I may see the State's  
9 Exhibits. Excuse me. If I can approach?

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

11 Q. **(BY MR. OLIVER)** I want to show you what's  
12 been marked State's Exhibit No. 1.

13 **MR. OLIVER:** If I may approach the  
14 witness, Your Honor.

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

16 Q. **(BY MR. OLIVER)** State's Exhibit No. 1, that  
17 is the bedroom?

18 A. Yes, sir.

19 Q. That queen-sized bed in that little  
20 bedroom?

21 A. Yes, sir.

22 Q. Okay. And on the -- looks like someone has  
23 been sleeping there on the left -- we call the  
24 left-hand side of the bed, correct?

25 A. Yes, sir.

1           Q.     Was the pillow smashed as though someone  
2 had been sleeping there?

3           A.     Yes.

4           Q.     You can lay your head there?

5           A.     Right.

6           Q.     All right.  And showing you State's Exhibit  
7 No. 2 here.  I don't see a swelling to the temple or  
8 any damage to this lady at all.  You see any --  
9 anything obvious, any kind of injury there in State's  
10 Exhibit No. 2?

11          A.     That picture right there does not implicate  
12 the damaged side, which would be the left side.

13          Q.     Okay.

14          A.     So, no, I don't see the injured side on  
15 that photo.

16          Q.     All right.  Okay.  No. 3 is about the same  
17 thing, her just sitting on the side of the bed.

18          A.     Those are actually action still shots.

19          Q.     Okay.  All right.  And here is a -- State's  
20 Exhibit No. 5, which side of the head was the injury  
21 to?

22          A.     The left side.

23          Q.     The left side?

24          A.     Yes, sir.

25          Q.     Okay.  So that's going to be this side here

1 (indicating)?

2 A. That's correct.

3 Q. Right?

4 Okay. And this is the left side of  
5 the head, correct?

6 A. Yes, sir.

7 Q. Okay. Okay. Could you show me  
8 specifically -- I don't see an injury or swelling on  
9 there. Could you show me specifically where? Could  
10 you point to it for me or something?

11 A. When I was on the scene, it looked as if it  
12 was right in this area right here (indicating.)

13 Q. Right in this area right above her eyebrow  
14 (indicating)?

15 A. Yes, sir. Not above the eyebrow. On the  
16 side, temple area.

17 Q. Near the end of the eyebrow?

18 A. Yes, sir, temple area.

19 Q. Okay. Okay. So, where I've got my finger  
20 is where the injury would be (indicating)?

21 A. Right in this area (indicating.)

22 Q. Okay. It was red, swollen, what?

23 A. It looked like a red mark on her neck and  
24 appeared to be swollen.

25 Q. Okay. Swelling.

1 A. It happened earlier that day.

2 Q. Okay. I know you're not referring to the  
3 swelling of her cheek bone. You're not referring to  
4 that, correct?

5 A. Right here (indicating.)

6 Q. Okay. But there is swelling here on the  
7 photograph, where the cheek bone is. You're not  
8 referring to that, correct?

9 A. I don't want to get into swelling. I don't  
10 know. All I know is the area where she told me that,  
11 it was inflamed.

12 Q. That is an enlargement near the cheek bone.

13 A. They say.

14 Q. That's not what you're speaking of?

15 A. Clear to say that is her facial structure.

16 Q. So, that might be part of her injury, too?

17 A. I didn't hear you.

18 Q. That might be part of her injury, too, to  
19 the cheek bone?

20 A. She didn't tell me her cheek. She told me  
21 the side of her face.

22 Q. All right. And this is not the -- this is  
23 the right-hand side of the face, correct?

24 A. Yes, sir.

25 Q. Okay. All right. Did she indicate to you

1 which side of the bed was hers, which side was her  
2 husband's?

3 A. No, she didn't indicate it; but when I  
4 initially went in the room, she went to that side.

5 Q. This side.

6 A. Okay. Which implied that was her side of  
7 the bed.

8 Q. Which is not the side where the pillow was.  
9 Someone has been laying there. A different side?

10 A. Right.

11 Q. Okay. I understand.

12 Did she tell you that she -- excuse  
13 me -- Mr. Williams let him in the house?

14 A. I don't really recall who let him in the  
15 house; but at some point, he was let in the house in  
16 the middle of the night.

17 Q. But Mr. -- you remember Mr. Williams  
18 specifically saying he didn't actually see the  
19 alleged assault? He didn't see it?

20 A. He told me he heard it but he did not see  
21 it.

22 Q. I see. Let me get something further here.  
23 As to the money, there was a dollar or something  
24 taken. Was it change or a bill or do you know?

25 A. I don't know. She told me that she had

1 some loose change in her purse.

2 Q. Loose change?

3 A. Yes, sir.

4 Q. That indicates to me it was coins?

5 A. Could have been.

6 Q. How much loose change? Thousand dollars?

7 One dollar?

8 A. She said -- she referred to it as her coin  
9 purse. So, I'm not for sure how much a coin purse  
10 would hold; but she implied she didn't have much  
11 money in the coin purse.

12 Q. You presumed it was a small amount of  
13 change?

14 A. Yes.

15 Q. Small change?

16 A. Yes, sir. He was only asking for about \$4.

17 Q. Pardon me?

18 A. He was only asking for about \$4.

19 Q. He was asking for 4?

20 A. Yes, sir.

21 Q. You're sure of that. That's what she told  
22 you?

23 A. Yes, sir.

24 Q. This incident happened on the 11th, but the  
25 offense report is not made out until -- it has

1 Sunday the 20th or 21<sup>st</sup>.

2 A. The incident happened on the 19th, which  
3 was Friday.

4 Q. Excuse me?

5 A. The incident occurred on the 19<sup>th</sup> of  
6 February.

7 Q. And he gets arrested on the 23<sup>rd</sup>?

8 A. Right. Yes, sir.

9 Q. I'm looking in the photos. I don't see  
10 anything about a bedpost against the wall. I don't  
11 see a bedpost on the front side of the bed. Am I  
12 viewing it wrong or what?

13 A. I'm not understanding your question.

14 Q. A bedpost here hand in the bar, back and  
15 your feet?

16 A. Are you speaking of the headboard and  
17 footboard?

18 Q. Yes.

19 A. Can I see the picture?

20 Q. Sure. Here is State's Exhibit No. 1,  
21 showing you the bed when you walk into the --

22 A. Okay. Right.

23 Q. -- bedroom.

24 A. There was no footboard on this picture.

25 Q. Okay. So, we presume she hit her head on

1 the headboard, that bedpost?

2 A. Yes, sir. The picture that I took is where  
3 she told me that she hit her head.

4 Q. Not here, not here, not here.

5 A. Right there (indicating.)

6 Q. Only -- only one?

7 A. Right there (indicating.)

8 Q. This one (indicating)?

9 A. Yes, sir.

10 Q. Okay. Which is the same one in this  
11 picture, correct? One of those?

12 A. Right here (indicating.)

13 Q. That's correct. Right there (indicating.)  
14 Thank you. So, all this happened right there in the  
15 corner?

16 A. Yes, sir.

17 **MR. OLIVER:** Pass the witness, Your  
18 Honor.

19 **THE COURT:** Thank you.

20 **MS. JOHNSON:** May I proceed on  
21 redirect, Your Honor?

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

23 **REDIRECT EXAMINATION**

24 Q. **(BY MS. JOHNSON)** When you met with Mr. and  
25 Mrs. Williams, did you also give them information as



1 to crime victims services and things like that?

2 A. Yes, ma'am.

3 Q. Did you give them any information on  
4 counseling or something like that?

5 A. Yes, known as a blue form.

6 Q. And what's a blue form?

7 A. A blue form is a sheet of paper that is  
8 provided by the State that shows victims of domestic  
9 crimes and different type of help lines you can call,  
10 substance abuse. It has multiple numbers and  
11 resources on that form. It has family violence  
12 sections from all sorts of the city, from the west  
13 side to the south side, and different numbers,  
14 different investigative numbers, that you can contact  
15 in regards to domestic abuse.

16 Q. And did they take that information from  
17 you?

18 A. Yes, sir, along with the case number.

19 Q. Now, as five years as a Houston police  
20 officer, you have also been on patrol, right?

21 A. Yes, ma'am.

22 Q. And that's when you respond to certain  
23 calls and specifically assault calls?

24 A. Yes, ma'am.

25 Q. Is it common as a patrol officer to respond

1 to domestic violence calls?

2 A. Very common.

3 Q. And have you interviewed victims of  
4 domestic violence on few or many occasions?

5 A. Many.

6 Q. Have you had experience -- and based on  
7 your training and your experience, have you  
8 experienced when a victim, when you're conducting a  
9 follow-up investigation, may recant what they said  
10 earlier?

11 A. All the time.

12 Q. Explain to the jury -- based on your  
13 training and your experience in investigating  
14 domestic violence type cases, what are some reasons  
15 why a victim may recant their earlier statement they  
16 gave?

17 **MR. OLIVER:** Your Honor, I have to  
18 object to that. Calls for guess or speculation on  
19 the part of the witness.

20 **THE COURT:** As to guess and  
21 speculation, that --

22 **MR. OLIVER:** Speculation, yes, Your  
23 Honor.

24 **THE COURT:** That would be overruled.  
25 Of course, don't speculate when you

1 answer.

2 **Q. (BY MS. JOHNSON)** Based on your experience  
3 as an investigator for two years and patrol officer  
4 for a total of five, what are some of your reasons  
5 why victims recant on domestic violence cases?

6 **MR. OLIVER:** Your Honor, there is no  
7 way he would know that. Excuse me. Excuse me, Your  
8 Honor. I object. No reason that man -- no way that  
9 man can know that. That's the reason why I object.

10 **THE COURT:** Thank you.

11 **MR. OLIVER:** Anything would be  
12 absolutely hearsay as to what they told him.

13 **THE COURT:** You may respond as to what  
14 you learned in your training --

15 A. Well --

16 **THE COURT:** -- and experience in  
17 general, not as to specific cases.

18 A. Well, reasons that -- in general, sometimes  
19 boyfriends and girlfriends have a fight; and then the  
20 next day they be done made up. She can be upset at  
21 the time, wanted to call the police to immediately  
22 get him out of the house. It's just an array of  
23 reasons. Mom don't want son to go to jail. I don't  
24 know.

25 **Q. (BY MS. JOHNSON)** Would you agree that when

1 you're dealing with family members who love each  
2 other, that that can also cause them to take back  
3 what they said earlier?

4 A. I would agree.

5 Q. Now, as we are investigating an assault or  
6 robbery or injury to an elderly which involves the  
7 assault elements, is it part of your investigation to  
8 find out if the person felt pain?

9 A. Yes, ma'am.

10 Q. Is that what you need to file an assault  
11 charge?

12 A. That's what you need.

13 Q. Or any type of assaultive charge?

14 A. Yes, ma'am.

15 **THE COURT:** Excuse me. If I could  
16 interrupt just a moment. We have other cases  
17 scheduled for 12:00. If you think the officer is  
18 going to be -- I'm not rushing anybody. If you think  
19 it's going to be more than five minutes or so with  
20 this witness, we will go ahead and take the lunch  
21 recess.

22 **MS. JOHNSON:** I don't think I will be.  
23 Not sure if Mr. Oliver --

24 **THE COURT:** Mr. Oliver, how about you,  
25 sir?

1                   **MR. LIBBY:** It wouldn't take over five  
2 minutes, Your Honor.

3                   **THE COURT:** Okay. So, if you will  
4 finish within five minutes, then we will go ahead and  
5 finish so we can complete this testimony.

6           **Q. (BY MS. JOHNSON)** When you were documenting  
7 Ms. Williams' injuries and she was demonstrating to  
8 you how her grandson assaulted her, was it that she  
9 was hit on the right side which caused her left side  
10 to hit up against the bedpost?

11           A. Yes, ma'am.

12           **Q.** And is that what she was showing you in  
13 State's Exhibit No. 4?

14           A. Exactly.

15                   **MR. OLIVER:** Your Honor, I have to  
16 object. That's a leading question, and I object to  
17 any further leading questions on the part of the  
18 prosecution.

19                   **THE COURT:** Well, of course, that's  
20 sustained; but I think she was just following up on  
21 the earlier answer. So, it would be overruled as to  
22 that particular question.

23                   **MR. OLIVER:** Yes, Your Honor.

24                   **THE COURT:** But, of course, in  
25 general, any objection to leading questions is

1 sustained --

2 **MR. OLIVER:** Thank you.

3 **THE COURT:** -- when it's direct  
4 examination.

5 **Q. (BY MS. JOHNSON)** When taking a look at  
6 State's Exhibit No. 2 --

7 A. Yes, ma'am.

8 **Q.** -- when Ms. Williams was demonstrating how  
9 the defendant -- the suspect was demanding money,  
10 what area of the bedroom was he standing in? And I  
11 will put this on the screen so you can point it out  
12 for the jury.

13 **MS. JOHNSON:** May the witness step  
14 down, Your Honor?

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

16 **Q. (BY MS. JOHNSON)** And --

17 A. He was standing right here because she  
18 tried to get by him when she walked out of -- when  
19 she was trying to walk out of the room to count her  
20 money.

21 **Q.** So, State's Exhibit No. 2, between the bed  
22 and that dresser?

23 A. Chester drawer.

24 **Q.** That's right there (indicating.)

25 A. Yes, ma'am. Right here in this area

1 (indicating.)

2 Q. Would it be fair to describe that as a  
3 tight squeeze right there?

4 A. Yes, ma'am.

5 Q. If more than one person is standing there?

6 A. Only one person can stand there at a time.

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

8 **THE COURT:** Thank you.

9 **MR. OLIVER:** One moment, Your Honor.

10 Thank you.

11 **REXCROSS-EXAMINATION**

12 Q. **(BY MR. OLIVER)** Yes, sir. You were asked  
13 about some investigation made previously in other  
14 individuals -- other domestic violence type cases;  
15 and after the fact, the alleged complaining witness,  
16 alleged victim, would recant their testimony or  
17 attempt -- or change their testimony, correct? You  
18 were asked about that?

19 A. Yes, sir.

20 Q. And then your opinion -- you said that's  
21 quite often?

22 A. It's quite often.

23 Q. Quite often. And in your opinion, it's  
24 because I forgot what you said the reason was, why  
25 they do that. Why would they -- the victim of a

1 beating change their mind?

2 A. Why would they change their minds?

3 Q. Yes. What would make them change their  
4 statement?

5 A. I can only assume that they made back up  
6 from previous, I guess, the incident.

7 Q. Sure. All right. In a case like this,  
8 maybe the victim, if you will, or complainant --

9 A. Uh-huh (affirmative.)

10 Q. -- overstated -- overstated the facts, and  
11 now they -- the next morning, next day, after they  
12 had a time -- opportunity to clearly reflect on what  
13 happened, maybe now they see the truth and what  
14 happened?

15 A. Typically, when a complainant or whatever  
16 recants their statement, they call back and say they  
17 want to drop the charges.

18 Q. They want to drop --

19 A. I have never received that phone call from  
20 the complainant.

21 Q. Well, but do you a lot of times?

22 A. Yes, sir.

23 Q. Could it be that whoever the culprit is the  
24 defendant is now gone and now -- and the threat is  
25 gone and they are no longer mad or maybe the truth is



1 it didn't happen. That can be it, also, correct?

2 A. No, sir.

3 Q. Okay.

4 A. In this incident, a call was made the next  
5 day in regards to a suspicious person --

6 Q. Uh-huh (affirmative.)

7 A. -- being the suspect.

8 Q. Defendant?

9 A. The defendant.

10 Q. Okay. Let me rephrase the question then.

11 A. I had advised her if she was to see him  
12 again, to give me a call.

13 Q. Yes.

14 A. And rather than her calling me, she called  
15 the city.

16 Q. Right.

17 A. To drop a call slip in regards to her  
18 grandson.

19 Q. And --

20 A. He was picked up.

21 Q. He was picked up?

22 A. Yes, sir.

23 Q. Did he -- did you pick him up?

24 A. No, sir. He was taken to the hospital  
25 because he was intoxicated.

1           Q.     All right.

2           A.     And charges had not been filed at that  
3 time, so the hospital let him go.

4           Q.     Okay. Correct. Did she then tell you the  
5 truth?

6           A.     No, sir.

7           Q.     Okay.

8           A.     She really didn't know the outcome of that  
9 because he was picked up by the police.

10          Q.     I understand. Did she tell you the truth  
11 the last time you spoke with her about what happened  
12 on that evening?

13          A.     Per my knowledge, the facts that I have is  
14 all I know.

15                   **MR. OLIVER:** Pass, Your Honor.

16                   **THE COURT:** Thank you.

17                   **MS. JOHNSON:** No further questions,  
18 Judge.

19                   **THE COURT:** Thank you. May this  
20 witness be excused?

21                   **MS. JOHNSON:** Just keep him on call,  
22 Your Honor.

23                   **THE COURT:** Okay. Then he is free to  
24 go today, right?

25                   **MS. JOHNSON:** Yes.

1                   **THE COURT:** You're free to go today,  
2 but subject to recall.

3                   **THE WITNESS:** Thank you.

4                   **THE COURT:** All right. Thank you,  
5 sir.

6                   **(Witness released)**

7                   **THE COURT:** Members of the jury, your  
8 lunch has arrived. So, we're going to be taking an  
9 hour for lunch. When you finish in the lunch room,  
10 you may walk around the courthouse, if you want, to  
11 stretch your legs or something like that.

12                   Did Judge Burkhalter give you  
13 instructions about the case? You know not to discuss  
14 the case with anyone. And, of course, when I talk  
15 about don't communicate about the case, that includes  
16 texting, putting things on blogs, putting something  
17 on your Facebook page. Don't communicate about the  
18 case in any way, including social media.

19                   Also, you should not discuss the case  
20 even among yourselves until deliberations begin. So,  
21 of course, don't talk about the case over the lunch  
22 hour and of course don't do any investigation. We do  
23 not expect any publicity about this case; but should  
24 there be some, immediately turn off the radio or TV  
25 or put down the newspaper. I hope you have a great