

REPORTER'S RECORD  
 VOLUME 3 OF 9 VOLUMES  
 TRIAL COURT CAUSE NO. 1481930  
 FIRST COURT OF APPEALS NO. 01-15-00999 FILED IN  
 1st COURT OF APPEALS  
 HOUSTON, TEXAS

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CHRISTOPHER A. BRINE  
Clerk

STATE OF TEXAS \* IN THE DISTRICT COURT OF  
 VS. \* HARRIS COUNTY, TEXAS  
 DONALD NEALEY \* 228TH DISTRICT COURT  
 \*

\*\*\*\*\*  
 \*\*\* TRIAL ON THE MERITS \*\*\*  
 \*\*\*\*\*

On November 9, 2015, the following proceedings  
 came on to be heard in the above-entitled and numbered  
 cause before the Honorable Leslie Yates, Judge  
 presiding, held in Houston, Harris County, Texas;

Proceedings reported by machine shorthand.

Mattie Kimble, Texas CSR #7070  
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W I T N E S S   I N D E X

TRIAL ON THE MERITS  
VOLUME 3 OF 9 VOLUMES  
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E X H I B I T   I N D E X

TRIAL ON THE MERITS  
VOLUME 3 OF 9 VOLUMES  
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1                                    P R O C E E D I N G S

2                                    November 9, 2015

3                                    (Open court, Defendant present.)

4                                    THE COURT: We're going to arraign you  
5 outside the presence of the jury first. You may  
6 proceed.

7                                    MS. HAYNES: Thank you, Your Honor.

8                                    Cause No. 1481930, *State of Texas vs.*  
9 *Donald Nealey*:

10                                    In the name and by authority of the State  
11 of Texas:

12                                    The duly organized grand jury of Harris  
13 County, Texas, presents in the District Court of Harris  
14 County, Texas, that in Harris County, Texas, Donald  
15 Nealey, hereafter styled the Defendant, heretofore on or  
16 about March 6th, 2014, did then and there unlawfully,  
17 while in the course of committing and attempting to  
18 commit the robbery of Stanly Kumbanattel, intentionally  
19 caused the death of Stanly Kumbanattel by shooting  
20 Stanly Kumbanattel with a deadly weapon, namely, a  
21 firearm.

22                                    Against the peace and dignity of the State.

23                                    Signed, foreman of the Grand Jury.

24                                    THE COURT: And how do you plead to those  
25 charges, sir, guilty or not guilty?

1 THE DEFENDANT: Not guilty, ma'am.

2 THE COURT: You may have a seat.

3 THE DEFENDANT: Thank you.

4 THE COURT: All right. Ready for the jury?

5 MS. MERIWETHER: Yes, Your Honor. I think  
6 we have an agreement regarding the victim's family and  
7 the Defendant's family.

8 MR. PHILIP SCARDINO: We do. The mother  
9 and the grandmother of the Defendant be able to remain  
10 in the courtroom and that the members of the victim's  
11 family remain in the courtroom, that they be exempt from  
12 the Rule. Further agreement between the State and  
13 Defense is that neither State nor Defense will point  
14 them out during any testimony or any demonstration and  
15 in the event they testify.

16 MS. MERIWETHER: Maybe if the sister  
17 testifies and identifies her sister and mother --  
18 husband and mother are here. Other than that, agree.

19 THE COURT: Ms. Meriwether, in your absence  
20 we arraigned the Defendant.

21 MS. MERIWETHER: Thank you, Judge.

22 MR. PHILIP SCARDINO: One other  
23 housekeeping matter, we've got the other cases that got  
24 dismissed.

25 THE COURT: With all the Motions in it, is

1 there anything else?

2 MS. MERIWETHER: No, Your Honor.

3 THE COURT: They're still pending, and I  
4 believe we have the file.

5 MR. PHILIP SCARDINO: To adopt all Motions  
6 filed in the previous cause number.

7 THE COURT: And Judge Carter granted that.

8 MR. PHILIP SCARDINO: Okay.

9 THE COURT: Okay, ready?

10 MS. MERIWETHER: Yes, Your Honor.

11 MR. PHILIP SCARDINO: Yes.

12 THE BAILIFF: All rise for the jury.

13 (Jury enters courtroom.)

14 THE COURT: Thank you. Please be seated.

15 Ladies and gentlemen of the jury, would you please stand  
16 and take the oath, raise your right hand.

17 (Jury sworn.)

18 THE COURT: Thank you. Be seated. Ms.  
19 Meriwether, if you'll arraign the Defendant, please.

20 MS. MERIWETHER: *The State of Texas vs.*  
21 *Donald Nealey:*

22 In the name and by authority of the State  
23 of Texas:

24 The duly organized Grand Jury of Harris  
25 County, Texas, presents in the District Court of Harris

1 County, Texas, that in Harris County, Texas, Donald  
2 Nealey, hereinafter styled the Defendant, heretofore on  
3 or about March 6th of 2014, did then and there  
4 unlawfully, while in the course of committing and  
5 attempting to commit the robbery of Stanly Kumbanattel,  
6 intentionally cause the death of Stanly Kumbanattel by  
7 shooting Stanly Kumbanattel with a deadly weapon,  
8 namely, a firearm.

9                   Against the peace and dignity of the State.  
10                   Signed by the foreman of the 180th Grand  
11 Jury.

12                   THE COURT: And how do you plead to those  
13 charges, sir?

14                   THE DEFENDANT: Not guilty, ma'am.

15                   THE COURT: Have a seat.

16                   THE DEFENDANT: Thank you.

17                   THE COURT: Ms. Meriwether, you may proceed  
18 with opening statement.

19                   MS. MERIWETHER: Thank you, Your Honor.

20                   **OPENING STATEMENT BY MS. MERIWETHER**

21                   MS. MERIWETHER: March 6th of 2014, Stanly  
22 was on his way home. You're going to hear that his  
23 birthday was the next day and he was on his way home  
24 from college to visit his family and friends and  
25 celebrate. You're going to here that he stopped by an



1 apartment complex called the Little Nell Apartment  
2 Complex here in Houston, kind of on the southwest side.  
3 He had a friend that lived there, possibly going to pick  
4 up some marijuana to enjoy with his friends or just to  
5 visit his friends. That's all he was doing, and then he  
6 was headed on his way to meet his friends.

7           Unfortunately, he had the bad luck that  
8 ended his life of running into Donald Nealey. Donald  
9 Nealey was in that apartment complex with his friend,  
10 Marquis Davis. You're going to hear that Donald Nealey  
11 grabbed him, started punching on him and asked him for  
12 money.

13           You're going to hear from the medical  
14 examiner as well as from photographs that he had  
15 injuries on his face and about his body. When he was  
16 unable to produce that money, he shot him. He fell to  
17 the ground, and he continued to shoot him. You're going  
18 hear that he had eight gunshot wounds in him. You're  
19 going to hear then that they took his vehicle, a black  
20 Acura, and fled that apartment complex; he and Marquis  
21 Davis left in his car. You're going to hear there was a  
22 witness at the apartment complex who was watching TV,  
23 hears the gunshots; and they come out and look. They're  
24 able to recognize Marquis Davis as being at the scene of  
25 that capital murder. They recognized him and picked him

1 out of a photospread several days later.

2 But that's not where the story ends.

3 Within 57 minutes of taking Stanly's vehicle, those two  
4 gentlemen go over to the House of Pies on Westheimer,  
5 less than 6.7 miles away, they go to the House of Pies  
6 on Westheimer. You'll see them enter the House of Pies  
7 with partially covered faces and two handguns. They  
8 then proceed to rob the customers at the House of Pies  
9 of their money, their cell phones and property. You're  
10 going to hear that there are a number of items that are  
11 found at that scene that connect back to Stanly. For  
12 one, the car is there, his car is there. You're going  
13 to hear that his backpack and his personal belongings  
14 were found there. Namely, they used his backpack to  
15 commit the aggravated robbery, that's what they stuffed  
16 the people's items in. You're going to hear that that  
17 was recovered. You're also going to hear other items,  
18 toothbrush, his laptop, all of those items are  
19 recovered. They connect back to the capital murder.

20 You're going to hear that there was one  
21 person inside of House of Pies who was able to identify  
22 that man and Marquis Davis as the two people within  
23 57 minutes committing the aggravated robbery and the  
24 capital murder. You're going to hear that they fled out  
25 the back door, they take off running through an

1 apartment complex and some backyards dropping property  
2 along the way, which the police are eventually able to  
3 locate, identify and associate back to this capital  
4 murder.

5           You're going to hear that Marquis Davis  
6 gets caught that night right after the aggravated  
7 robbery hiding up in an attic nearby. Marquis Davis is  
8 taken into custody on the House of Pies robbery, they  
9 talked to him. He says, I don't know what you're  
10 talking about. I wasn't involved in a House of Pies  
11 robbery. At that time the cops don't know and have not  
12 connected the House of Pies and the capital murder  
13 scene, two sets of officers working it, no connection.  
14 So, they put Davis in jail on those charges. It's not  
15 until early the next morning when an officer starts  
16 looking at the two cases, realizing that the vehicles  
17 involved the black vehicle in both cases might be  
18 related and they start looking at the vehicle from House  
19 of Pies, run the registered owner and connect it back up  
20 to Stanly, realizing that Stanly's vehicle was used to  
21 commit this offense. So, at that point the police  
22 realize Marquis Davis could possibly be involved in the  
23 capital murder. So, what do they do? They go talk to  
24 him.

25           Marquis Davis doesn't want to talk at

1 first, continues to lie and say he doesn't know  
2 anything. They take him up, they put him back in jail  
3 on his charges and they take his clothes. And while  
4 they're talking to him and taking his clothes from him,  
5 he decides that he wants to talk again. This time when  
6 he talks, he does admit his involvement; and he names  
7 the shooter in the capital murder as being Donald  
8 Nealey.

9           You're going to hear Marquis Davis take  
10 that witness stand, and you're going to hear I cut a  
11 deal with him. I cut a deal with him to get him to  
12 cooperate and testify. You're going to hear about the  
13 deal, and you're going to hear about our agreement. And  
14 you're going to remember back to voir dire, when  
15 sometimes we cut deals to get people to cooperate and to  
16 get to the bad guys. Sometimes we cut deals with the  
17 bad guys, but you're not only going to have Marquis  
18 Davis' testimony to tell you Donald Nealey committed  
19 this crime, you're going to have all the other evidence  
20 and all the corroboration that you need. You're going  
21 to have the video from House of Pies. You're going to  
22 have a witness that identifies him at House of Pies.  
23 You're going to have forensic evidence that connects him  
24 to it; and you're also going to have his wallet in the  
25 cup holder of the vehicle, of Stanly's vehicle.

1           At the end of all of this evidence, you're  
2 going to put all the pieces of that puzzle together; and  
3 the only thing it's going to lead you to is a guilty  
4 verdict of capital murder for that man right there.  
5 You're going to put the pieces together, and you're  
6 going to find him guilty. Thank you.

7           THE COURT: Mr. Scardino.

8           **OPENING STATEMENT BY MR. ROBERT SCARDINO**

9           MR. ROBERT SCARDINO: Please the Court.  
10 Ladies and gentlemen of the jury, it's always a pleasure  
11 to try cases with my brother and my son. This is going  
12 to be one of the toughest cases you'll ever hear. The  
13 beauty of what's going on here and the only thing that  
14 is beautiful about what's going on here is the fact that  
15 we're having a jury trial, the one thing that guarantees  
16 our system of government and that there's due process.  
17 Due process means that you follow the rules that the  
18 Judge gives you, and the Judge is going to give you some  
19 rules to follow that are going to be unusual and not  
20 something you have to deal with in your normal life.

21           One of the rules the Judge is going to give  
22 you is the rule on accomplice witnesses, and you are  
23 bound by law to follow it. And what that means is if  
24 the Prosecution calls a witness, this guy, Marquis  
25 Davis, and he is an accomplice witness, and you'll hear

1 that he's been found to be an accomplice witness, that  
2 the Prosecutor agrees that he's an accomplice witness,  
3 therefore, there has to be evidence other than his  
4 testimony before you can convict my client. This is a  
5 tragic case. This young man was murdered for no good  
6 reason, and we agree with that. But in order to convict  
7 and believe everything this Prosecutor is telling you,  
8 that she wants you to convict our client, you're going  
9 to have to believe a liar, a murder and a thief. And  
10 he's going to admit it to you.

11           And the evidence of this case is that he  
12 was charged with murdering this young man, killing him  
13 out there on the driveway. And you're going to hear  
14 evidence that he lied to the police about it over and  
15 over and over again and then decided it was in his best  
16 interest because they had evidence that he committed the  
17 crime because somebody picked him out as committing the  
18 crime because somebody found him with a dead man's  
19 backpack because he had dropped the bloody shoes off  
20 that belonged to the dead man as they were chasing him  
21 away from the crime scene. He decides -- you'll hear  
22 from the evidence that he wants to make a deal. And boy  
23 does he make a deal.

24           You'll hear that he has great lawyers.  
25 That's another beauty of the system, he got great,

1 experienced lawyers; and they looked at the case and  
2 defended him very ably. And the deal that he made,  
3 you'll hear from the evidence is that the Prosecution  
4 has agreed to dismiss the murder case. And he gets away  
5 with it. And then you'll hear what the deal is. I'll  
6 let the Prosecutor tell you that.

7           So, for you to convict this young man,  
8 Donald Nealey, you're going to have to believe Marquis  
9 Davis beyond a reasonable doubt. I submit to you the  
10 evidence will not support that. Thank you.

11           THE COURT: Thank you. You may call your  
12 first witness.

13           MS. MERIWETHER: Your Honor, the State  
14 would call Officer Gwosdz. I have the hardest time  
15 saying it, I apologize.

16           THE BAILIFF: Your Honor, this witness has  
17 already been sworn in.

18           THE COURT: Thank you.  
19 You may proceed.

20           MS. MERIWETHER: Thank you, Your Honor.

21                           **DOUGLAS GWOSDZ,**  
22 having been first duly sworn, testified as follows:

23                           **DIRECT EXAMINATION**

24 BY MS. MERIWETHER:

25           Q.    Could you please state your name for the

1 record?

2 A. Douglas Gwosdz.

3 Q. And how are you employed?

4 A. With the Houston Police Department.

5 Q. And how long have you been with the Houston  
6 Police Department?

7 A. 20 years and 9 months.

8 Q. Very specific, 20 years and 9 months.

9 A. That's important.

10 Q. How many days?

11 A. 13.

12 Q. All right. What kind of experience allowed you  
13 to become a police officer?

14 A. At the onset I was a teacher. I got my  
15 teacher's certificate and decided to join the academy  
16 and trained, patrol vehicle, shooting, investigation  
17 skills; and then my first assignment was at West Side  
18 and I've been there my entire career.

19 Q. How long did the academy last?

20 A. Six months and six months field training.

21 Q. And as part of your time after leaving the  
22 academy, do you ride with another police officer?

23 A. I had a partner for about six years and he went  
24 to a division and in my mind he's the only partner I  
25 have.



1 Q. Fair enough. Do you currently ride solo?

2 A. Yes, ma'am.

3 Q. And you mentioned that you were assigned to  
4 patrol, what area of town do you patrol?

5 A. 19 District, which is the Beltway area and  
6 boarders would be Boom, Bissonnet, Bellaire, Beechnut.

7 Q. And how long have you patrolled that area?

8 A. My entire career.

9 Q. So the 20 years 9 months and 13 days?

10 A. Well, less the academy and the field training.

11 Q. Okay. I want to call your attention to  
12 March 6th of 2014, were you on duty that night?

13 A. Yes, ma'am.

14 Q. And what shift do you work; or did you back  
15 then, I should say?

16 A. Still the same shift, nightshift.

17 Q. And what are the hours on that shift?

18 A. 2000 hours to 6, 06 hours.

19 Q. So?

20 A. 8:00 to 6:00.

21 Q. Thank you.

22 A. 8:00 p.m. to 6:00 a.m.

23 Q. 8:00 p.m. to 6:00 a.m. And during that time  
24 did you get dispatched to any particular calls?

25 A. Yes, ma'am.

1 Q. And what time did you get dispatched?

2 A. 20:38, which is 8:38.

3 Q. So pretty near the beginning of your shift you  
4 get a dispatch call?

5 A. It would have been my first call.

6 Q. And where was it, to what location?

7 A. The 86 -- 8565 West Sam Houston Parkway, the  
8 Little Nell Apartments.

9 Q. Is that a location in Harris County?

10 A. Yes, ma'am.

11 Q. And had you ever been to the Little Nell  
12 Apartment Complex before?

13 A. Yes, ma'am.

14 MS. MERIWETHER: Your Honor, may I approach  
15 the witness?

16 THE COURT: You may.

17 Q. (BY MS. MERIWETHER) Showing you State's  
18 Exhibit No. 1. Officer, does this fairly and accurately  
19 depict where you went to on March 6th of 2014?

20 A. Yes, ma'am.

21 Q. And do you think this will help the jury  
22 understand the part of town that we're talking about?

23 A. Yes, ma'am.

24 MS. MERIWETHER: Your Honor, at this time  
25 I'll tender State's Exhibit 1 to Counsel for any

1 objections.

2 (State's Exhibit No. 1 offered.)

3 MR. ROBERT SCARDINO: The document has been  
4 examined, there's no objection.

5 THE COURT: State's Exhibit No. 1 is  
6 admitted.

7 (State's Exhibit No. 1 admitted.)

8 MS. MERIWETHER: May I publish?

9 THE COURT: You may.

10 Q. (BY MS. MERIWETHER) Is this the area that you  
11 went to on the night of March 6th of 2014?

12 A. Yes, ma'am.

13 Q. And that apartment complex borders Beltway 8  
14 along the feeder road; is that correct?

15 A. Yes.

16 Q. And you said you were dispatched there about  
17 8:38. How long did it take you to get to that location?

18 A. I arrived at about 5 minutes, 20, maybe  
19 6 minutes coming from the station.

20 Q. And when you arrived, what did you do?

21 A. I arrived, was the first unit there, drove  
22 through the complex, I was kind of driving through the  
23 complex, lot of drives, got there, found the Complainant  
24 secured the area.

25 MR. ROBERT SCARDINO: Excuse me. We would

1 object to the nonresponsive.

2 THE COURT: Sustained.

3 Q. (BY MS. MERIWETHER) I apologize. I didn't ask  
4 what were you dispatched to, what kind of call?

5 A. A shooting just occurred.

6 Q. So, you go to the location, do you have an idea  
7 where in the complex you're headed?

8 A. Not at that time.

9 Q. You said you headed towards the Complainant,  
10 how did you locate him?

11 A. Driving through the complex.

12 Q. And what did you find?

13 A. The Complainant lying on the pavement.

14 Q. And were you able to make any observations  
15 about him?

16 A. That he was laying on the pavement face up  
17 and --

18 Q. Did he appear to have any injuries on him? Was  
19 he responding?

20 A. No, he was not.

21 Q. What kind of injuries did you observe?

22 A. There's a lot of blood. I noticed that he  
23 wasn't breathing.

24 Q. Okay. When you were coming through the  
25 apartment complex, had EMS already been notified or not,

1 do you know?

2 A. They were there; I passed them up.

3 Q. So, once you make the scene, you said you're  
4 the first officer to arrive, what's your primary duty  
5 when you arrive at clearly a scene where there's a body  
6 down?

7 A. To take care of the body or the Complainant.

8 Q. So what did you do?

9 A. I made sure HFD was right behind me, and they  
10 could do their job.

11 Q. And were the paramedics able to look at the  
12 victim?

13 A. Yes.

14 Q. And do you know if they were able to revive him  
15 or what the outcome was?

16 A. While they were doing their, what they're  
17 trained to do, I was doing, securing the scene.

18 Q. And tell us about that?

19 A. Well, securing the scene, making sure that no  
20 one infiltrates the crime scene, securing any evidence,  
21 making sure the evidence is where it should be.  
22 Blocking entrances to where no one could come and go,  
23 securing possible witnesses or at least getting some  
24 information.

25 Q. And then did you pass all of this information

1 onto other units as they were arriving at the scene?

2 A. Yes, ma'am.

3 Q. And was the victim pronounced deceased at the  
4 scene?

5 A. Yes, according to one of the HFD personnel.

6 Q. Were you able to broadcast out any information  
7 from what the witnesses were telling you?

8 A. Yes, ma'am.

9 Q. And why did you do that?

10 A. Well, that's one of the first things we want to  
11 do, we want to get out information on suspects, suspect  
12 vehicles so other officers in the area can be searching  
13 for those.

14 MS. MERIWETHER: Pass the witness, Your  
15 Honor.

16 **CROSS-EXAMINATION**

17 BY MR. ROBERT SCARDINO:

18 Q. Officer, would you say your name again? I  
19 didn't hear it.

20 A. Douglas Gwodz.

21 Q. Spell your last name.

22 A. G-W-O-S-D-Z.

23 Q. No wonder I couldn't pronounce your last name,  
24 that's almost as bad as Scardino. I noticed you were  
25 referring to some notes when you were testifying.

1 A. My supplement.

2 MR. ROBERT SCARDINO: May I approach, Your  
3 Honor?

4 THE COURT: You may.

5 Q. (BY ROBERT SCARDINO) May I see your notes,  
6 Officer?

7 May I have just a minute, Your Honor?

8 THE COURT: You may.

9 Q. (BY MR. ROBERT SCARDINO) Do you recall what  
10 time you got to the scene?

11 A. If I look at my supplement.

12 Q. But you would have to look at this to tell?

13 A. It's been several months ago or years.

14 Q. Tell us if you can tell us when you got there?

15 A. 2038 hours, well, that was when I was  
16 dispatched. I arrived at 2044.

17 Q. So, that would be 8:44?

18 A. 8:44.

19 Q. Okay. Were EMS personnel on the scene when you  
20 got there?

21 A. When I approached the front of the complex,  
22 they were, I passed them up. So, they were there.

23 Q. Okay. And how long were you on the scene?

24 A. Until I was released by homicide.

25 Q. But how long was that?

1           A.    I know it was pretty much my only call for the  
2 night.

3           Q.    So, you don't recall how long you were on the  
4 scene?

5           A.    No.

6                   MR. ROBERT SCARDINO:  Thank you.  I'll pass  
7 the witness.

8                   THE COURT:  Anything further?

9                   MS. MERIWETHER:  No, Your Honor.

10                  THE COURT:  May this witness be excused?

11                  THE WITNESS:  Thank you, ma'am.

12                  THE COURT:  Thank you.

13                   May I see the lawyers about a scheduling  
14 question?

15                   (Bench conference.)

16                   THE COURT:  So, was this the officer that  
17 we needed to get on today?

18                   MS. MERIWETHER:  Yes, Your Honor.

19                   THE COURT:  So, can we break for the day?

20                   MS. MERIWETHER:  Yes, Your Honor.

21                   THE COURT:  Okay.  Thank you.

22                   (End of bench conference.)

23                   THE COURT:  Okay.  Ladies and gentlemen, as  
24 I said, I know it's been a long day and so we're going  
25 to stop a little bit early today to give you a chance to



1 go home. I know some of you probably arrived very early  
2 this morning. And so I am going to -- we're going to go  
3 ahead and recess. We'll resume, as I said, at 9:30.  
4 So, please enjoy what's left of your afternoon.

5 Please keep in mind my earlier instructions  
6 about not discussing the case or doing any independent  
7 research, and we'll see you tomorrow morning.

8 THE BAILIFF: All rise for the jury.

9 (Jury exits courtroom.)

10 THE COURT: Since we stopped a little bit  
11 early, should we take up some of these matters about the  
12 admissibility of evidence so we don't have to break  
13 tomorrow while witnesses are on the stand?

14 MR. PHILIP SCARDINO: We're dealing with  
15 the phone call to HPD.

16 THE COURT: And I suppose, are we still  
17 talking about some earlier extraneous that happened in  
18 another county; or are we just putting that on hold for  
19 now?

20 MR. PHILIP SCARDINO: Do you want to have a  
21 hearing on that, Judge, or you just want to hear from  
22 us?

23 MS. MERIWETHER: I don't intend to move  
24 forward on the Fort Bend case at this time. However, I  
25 think that it may, in the future become relevant,

1 depending on the cross-examination of Marquis Davis.

2 THE COURT: Okay.

3 MS. MERIWETHER: So.

4 THE COURT: I guess we'll just take it  
5 up -- and what day did you say Marquis -- and we don't  
6 have to be on the record right now, Mattie.

7 THE COURT REPORTER: Okay.

8 THE COURT: Thank you.

9 (Discussion between the Court and attorneys  
10 off the record.)

11 (Adjourned until 11/10/15.)

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## 1 REPORTER'S CERTIFICATE

2 THE STATE OF TEXAS )  
3 COUNTY OF HARRIS )

4 I, Mattie Kimble, Deputy Court Reporter in and  
5 for the 228th District Court of Harris County, State of  
6 Texas, do hereby certify that the above and foregoing  
7 contains a true and correct transcription of all  
8 portions of evidence and other proceedings requested in  
9 writing by counsel for the parties to be included in  
10 this volume of the Reporter's Record, in the  
11 above-styled and numbered cause, all of which occurred  
12 in open court or in chambers and were reported by me.

13 I further certify that this Reporter's Record of  
14 the proceedings truly and correctly reflects the  
15 exhibits, if any, admitted by the respective parties.

16 I further certify that the total cost for the  
17 preparation of this Reporter's Record is (See Exhibit  
18 Index) and was paid by Harris County.

19 WITNESS MY OFFICIAL HAND this the 21st day of  
20 January, 2016.

21

22

23

24

25

/s/Mattie Kimble  
Mattie Kimble, Texas CSR 7070  
Expiration Date: 12/31/2016  
Deputy Court Reporter  
228th District Court  
Harris County, Texas  
Houston, Texas 77002  
713-755-6961

MATTIE KIMBLE, CSR, RPR