

1 unless there's some objection.

2 MR. STILL: No, Your Honor.

3 THE COURT: Okay. They're admitted.

4 Thank you.

5 MS. MILES: Judge, at this time we call
6 Officer Halliday to the stand.

7 THE COURT: Officer Halliday, come
8 forward, sir. Raise your right hand.

9 JONATHON HALLIDAY,
10 having been first duly sworn, testified as follows:

11 THE COURT: I guess every day is a
12 holiday for you?

13 THE WITNESS: Yes, sir.

14 THE COURT: All right. You may proceed
15 when you're ready.

16 MS. MILES: Thank you, Judge.

17 DIRECT EXAMINATION

18 BY MS. MILES:

19 Q. Officer Halliday, will you please state your
20 full name for the record?

21 A. Jonathon Parker Halliday.

22 Q. How long -- how are you employed?

23 A. I'm employed with the City of Houston as a
24 police officer.

25 Q. How long have you been employed with the

1 Houston Police Department?

2 A. For 10 years.

3 Q. Where did you go to school?

4 A. I went to Texas A & M University.

5 Q. And did you graduate?

6 A. Yes, I did. I have a Bachelor's degree from
7 there.

8 Q. And what -- what is your Bachelor's degree in?

9 A. Political science.

10 THE COURT: Before you asked him that
11 question, you didn't know I was a Longhorn, did you?

12 MS. MILES: I did not, Judge, I confess.

13 THE COURT: All right. But we'll go
14 ahead. I'll let you go ahead.

15 Q. (BY MS. MILES) Are you a certified peace
16 officer?

17 A. Yes, I am.

18 Q. How long have you been a certified peace
19 officer?

20 A. 9.5 years.

21 Q. Officer Halliday, have you ever had an
22 occasion to arrest John Woods?

23 A. Yes, I did.

24 Q. Do you remember the date that you did that?

25 A. Looking at my report, I can -- I can reference

1 my report. It was November 21st, 2008.

2 Q. On November 21st, 2008, how were you
3 dispatched to the particular scene where you arrested
4 Mr. Woods?

5 A. I was dispatched to a major accident call at
6 2600 Live Oak.

7 Q. What part of town is that in?

8 A. It's the Third Ward area of town in the South
9 Central Division.

10 Q. About what time of day?

11 A. It was around 11:30 at night.

12 Q. What was the nature of the call that you were
13 responding to?

14 A. It came in to us as a major accident.

15 Q. When the call came in to y'all, how long did
16 it take you to get to the scene?

17 A. About two minutes. We were just a few streets
18 away.

19 Q. And how did the call drop in terms of
20 priority?

21 A. It's a Code 2 call. Code 1 is our most
22 serious call. And Code 2 is second most serious.

23 Q. What's -- a Call 2, what would that indicate
24 to you?

25 A. An incident that just occurred where there

1 could be injuries to a person. It's a high-priority
2 call. The only thing higher is an in-progress call.

3 Q. On that night, were you working alone or with
4 someone else?

5 A. I had a partner.

6 Q. Who was your partner?

7 A. At the time her -- it was Lisa Neiland
8 (phonetic). And now she's married and it's Lisa Smith.

9 Q. Were y'all riding in the patrol car together
10 or in separate patrol cars?

11 A. We were riding the patrol car together.

12 Q. When you arrived on scene, what did you
13 discover had happened?

14 A. We found that there was a large crowd there.
15 We observed a woman with a stab wound to her head.
16 Several witnesses at the scene told us --

17 MR. STILL: Objection to hearsay, Your
18 Honor.

19 THE COURT: That's sustained.

20 Q. (BY MS. MILES) Now, Officer Halliday, we have
21 to be real careful with what we say about what other
22 people said. Okay.

23 So, when you arrived on scene, you said
24 you saw a woman, right?

25 A. That's correct.

1 Q. Were you able to find out her name?

2 A. Yes.

3 Q. Did you see John Woods on the scene?

4 A. Yes, I did.

5 Q. Do you see Mr. Woods in the courtroom today?

6 A. Yes, I do.

7 Q. Can you identify him by an article of clothing
8 that he's wearing?

9 A. It's the male wearing -- the black male
10 wearing the white shirt between the two males in suits.

11 THE COURT: You said white male?

12 A. It's the black male --

13 THE COURT: Okay.

14 A. -- between the two white males. He's wearing
15 a white shirt.

16 THE COURT: Okay. He's identified him.

17 MS. MILES: Thank you, Judge.

18 Q. (BY MS. MILES) Where was the defendant,
19 Mr. Woods, when you arrived on scene?

20 A. He was sitting down on the side of the street.

21 Q. And where -- you said there was a large crowd.
22 What was everyone else doing?

23 A. They were -- they were standing around. They
24 were very excited. They were pointing towards
25 Mr. Woods.

1 Q. The woman that you said you saw with the stab
2 wound, where was she?

3 A. She was standing on the other side of the
4 road.

5 Q. Was -- was she in need of medical attention?

6 A. Yes, she was.

7 Q. What type of medical attention did she need?

8 A. She needed treatment for the stab wound to her
9 head.

10 Q. Can you please tell the Court -- describe the
11 wound for the Court.

12 A. Yes. She had an approximate 1.5 inch deep
13 laceration on her forehead above her left eye. And her
14 left palm had another approximate 1.5 inch deep
15 laceration.

16 Q. Were you able to ascertain how she received
17 that injury?

18 A. Yes. She was --

19 MR. STILL: Objection, calls for hearsay,
20 Your Honor.

21 THE COURT: All right. You have to lay a
22 -- some kind of foundation. He learned it somehow,
23 but --

24 Q. (BY MS. MILES) Who was the first person --
25 without saying what they said, who was the first person

1 you talked to when you got on the scene?

2 A. There were -- I'm not certain the first person
3 I talked to. There were several witnesses.

4 Q. The female, did you at some point speak with
5 her?

6 A. Yes, I did.

7 Q. When you spoke with her, what -- can you
8 describe her physical demeanor? Was she sad, happy,
9 upset, crying?

10 A. She was upset.

11 Q. Would you say she was visibly shaken?

12 A. Yes.

13 Q. Would you say that -- and you stated earlier
14 -- was it two to three minutes that -- that was the
15 time that it took for you to get to the scene?

16 A. That's correct.

17 Q. Was she take shaking or trembling at all?

18 A. Not that I recall.

19 Q. But she was visibly upset?

20 A. Yes.

21 Q. And were you able to ascertain that those
22 injuries had been received recently?

23 A. Yes.

24 Q. Was she able to tell you how she received
25 those injuries?

1 A. Yes.

2 Q. How did she receive these injuries?

3 MR. STILL: Object to the hearsay, Your
4 Honor.

5 THE COURT: That's overruled.

6 Q. (BY MS. MILES) Let me ask you again, Officer
7 Halliday: How -- what -- how did she tell you she
8 received those injuries?

9 A. She told me she had been stabbed.

10 Q. Who stabbed her?

11 A. By the defendant.

12 Q. Okay. Did she tell you that -- how did -- was
13 she able to tell you if she knew the defendant?

14 A. I do not recall that. She didn't say that.

15 Q. Was she able to tell you what the nature of
16 the disagreement was between her and the defendant?

17 A. Yes, she was.

18 Q. What did she tell you?

19 A. She was inside the club that was at the
20 location. Someone told her that her vehicle -- her
21 parked vehicle had been hit by a vehicle that Mr. Woods
22 was driving. They went outside to try and confront
23 him. He tried to drive away. She and some other people
24 at the scene tried to stop him from leaving. And he
25 pulled out some pliers and stabbed her at the time.

1 Q. Did you make contact with the defendant that
2 night?

3 A. Yes, I did.

4 Q. When did you first make contact with him?

5 A. After I learned that he was a suspect in the
6 stabbing, I went to try and detain him and take him
7 into custody.

8 Q. Were you able to take him into custody?

9 A. Eventually, yes.

10 Q. What do you mean by eventually?

11 A. When I arrived, he was sitting on the ground.
12 I went over there. I tried to handcuff him. He tried
13 to get up and walk away. I gave him verbal commands to
14 stop. He turned and tried to swing at me. My partner
15 came over to assist. We tried to get his arms behind
16 his back. Within about 30 seconds, our sergeant
17 arrived on the scene and also tried. He continued --
18 we took him -- we were able to take him back down to
19 the ground, but he continued to resist our commands and
20 our efforts to place his hands behind his back. And he
21 continued to swing at us.

22 Our sergeant ordered my partner to deploy
23 the taser to him. And after he was tased twice, we
24 were finally able to get his hands behind his back and
25 place handcuffs on him and put him in custody.

1 Q. How long did it take y'all to get him -- to
2 actually take him into custody?

3 A. I would approximate no more than two minutes.

4 THE COURT: Could you tell me again what
5 year this was?

6 MS. MILES: 2008, Judge.

7 THE COURT: 2008?

8 MS. MILES: 2008.

9 THE COURT: Okay. Thank you.

10 Q. (BY MS. MILES) In addition to law
11 enforcement, was there any other emergency personnel at
12 the scene that night?

13 A. The fire department came to the scene.

14 Q. How many people from the fire department?

15 A. I believe two.

16 Q. Did you need their assistance while -- in
17 detaining the defendant John Woods?

18 A. Yes, we did.

19 Q. About how many total people did it take to
20 detain him?

21 A. Five, three police officers and two
22 firefighters.

23 Q. Did you suspect he was under the influence of
24 drugs or alcohol that night?

25 A. Yes, I did.

1 Q. Okay. What made you suspect that?

2 A. There was a strong odor of alcoholic beverage
3 on his breath and just his behavior in general.

4 Q. Would you describe him as aggressive?

5 A. Yes, I would.

6 Q. Would you describe him as violent?

7 A. Yes.

8 Q. Was he aggressive and violent towards you
9 personally?

10 A. Yes.

11 Q. Was he aggressive and violent towards other
12 officers that night?

13 A. Yes.

14 Q. What was he subsequently charged with as a
15 result of that incident that night?

16 A. Aggravated assault with a deadly weapon and
17 DWI, third offender.

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

19 THE COURT: Cross?

20 CROSS-EXAMINATION

21 BY MR. STILL:

22 Q. Officer Halliday, I presume that you've been
23 reviewing your offense report in preparation for your
24 testimony today; is that correct?

25 A. That's correct.

1 MR. STILL: State, may I please have a
2 copy of that?

3 MS. MILES: Sure.

4 MR. STILL: If I may have a moment, Your
5 Honor?

6 (Brief pause).

7 Q. (BY MR. STILL) Officer Halliday?

8 A. Yes, sir.

9 Q. Before you tried to arrest John Woods, you
10 interacted with him and noticed his appearance before
11 any of this tasing or struggle that ensued with
12 officers and paramedics; is that correct?

13 A. That's correct.

14 Q. I believe you noted that he had a -- had
15 injuries on his person; is that correct?

16 A. That's correct.

17 Q. He had a cut on his right wrist; is that
18 right?

19 A. That's correct.

20 Q. His lip was swollen and bloody; is that right?

21 A. That's correct.

22 Q. And y'all discovered him laying on the ground;
23 is that right?

24 A. That's correct.

25 Q. Now, because you -- you were dispatched to a

1 situation, obviously you don't have personal knowledge
2 of what was happening with the complainant and the
3 defendant and perhaps this crowd at the scene before
4 you arrived; is that correct?

5 A. That's correct.

6 Q. And this struggle is not something that you
7 can really give us any insight to in terms of who was
8 the first aggressor; is that correct?

9 A. That's correct.

10 Q. So, you don't if know this was a self-defense
11 type of situation or not; is that right?

12 A. That's correct. I have no idea what occurred.
13 I do not know that occurred before I got there.

14 Q. All right. And you are aware -- are you aware
15 of the disposition of those cases?

16 A. Yes, I am.

17 Q. And what was that?

18 A. The felony DWI was dismissed and the assault
19 was pled down to a Class A misdemeanor assault.

20 MR. STILL: Pass the witness, Your Honor.

21 THE COURT: Anything else?

22 MS. MILES: Nothing from this witness,
23 Judge.

24 THE COURT: All right. You may step
25 down. You're excused.