

1                                   **(Witness released)**

2                                   **MS. REYNA:** The State calls Sergeant  
3 Brian Harris.

4                                   **THE COURT:** Thank you.

5                                   **THE BAILIFF:** Judge, this witness has  
6 not been sworn.

7                                   **THE COURT:** Thank you.

8                                   Hello, Sergeant.

9                                   **THE WITNESS:** Hello.

10                                  **THE COURT:** I'm the only Judge who  
11 does this, but I kind of like the witness to look at  
12 the jurors because they are the finders of the fact.

13                                  **THE WITNESS:** Sure.

14                                  **THE COURT:** Raise your right hand,  
15 sir.

16                                  **(Witness Duly Sworn)**

17                                  **THE COURT:** Thank you very much.

18   **BRIAN HARRIS,**  
19 having been first duly sworn, testified as follows:

20   **DIRECT EXAMINATION**

21                                   **Q.**       **(BY MS. REYNA)** Good afternoon, sergeant.

22                                   Would you introduce yourself to the jury?

23                                   **A.**       My name is Brian Harris. I'm a sergeant  
24 with the Houston Police Department.

25                                   **Q.**       How long have you been with the Houston

1 Police Department?

2 A. I have been with Houston for 21 years, but  
3 a police officer for 28 years.

4 Q. And where were you a police officer before  
5 HPD?

6 A. I kind of did things in reverse. I started  
7 off in the small town of Port Aransas, Texas, for  
8 three years; and then for three and a half, almost  
9 four years, I was a sergeant with Harris County,  
10 Precinct 5 Constable's Office.

11 Q. Okay. And where are you currently assigned  
12 with HPD?

13 A. I'm assigned to the Homicide Division.

14 Q. And how long have you been with Homicide?

15 A. Eighteen years.

16 Q. And where were you assigned previously to  
17 Homicide -- previous to Homicide?

18 A. To a patrol division.

19 Q. Okay. And do you have a partner?

20 A. Yes, I do.

21 Q. And who is that partner?

22 A. That would be Millard Waters. I call him  
23 Fil.

24 Q. And is that the Fil Waters who just  
25 testified before this jury?

1           **A.**     Yes.

2           **Q.**     Okay.  And back on September 27, 2012, did  
3 you get assigned to assist the Missing Persons  
4 Division of the Houston Police Department with one of  
5 the their investigations?

6           **A.**     Yes.

7           **Q.**     Which investigation was that?

8           **A.**     It was the investigation of the missing  
9 person of Michelle Warner that a juvenile detective,  
10 David Do, had.

11          **Q.**     And at the point that y'all get asked to  
12 assist, does it become a homicide investigation?

13          **A.**     When we get asked to assist, it  
14 basically -- it's under our direction.  We are -- we  
15 will take over the case, but we are working with  
16 them.  At this time we need Danny and his information  
17 and contacts and what he has done.  So, it's kind of  
18 a joint investigation.  And then at a certain point  
19 in time, it switched to where it became a homicide  
20 investigation.

21          **Q.**     And at the point you become involved, we do  
22 not have a dead body, correct?

23          **A.**     We did not.

24          **Q.**     And we have gone through a lot of  
25 preliminary work that you and Investigator Waters

1 did, so we're not going to go into every little  
2 detail, but did you go to the apartment over at  
3 Bellerive that the complainant and defendant had been  
4 residing in?

5 **A.** Yes.

6 **Q.** And is that location in Houston, Harris  
7 County, Texas?

8 **A.** Yes.

9 **Q.** And you took a CSU to that apartment with  
10 you, correct?

11 **A.** Yes.

12 **Q.** And did you speak with any witnesses  
13 concerning the disappearance?

14 **A.** Yes.

15 **Q.** Do you remember who you spoke with?

16 **A.** Yes.

17 **Q.** And who were they?

18 **A.** It was, I believe, an aunt of Michelle and  
19 a cousin of Michelle.

20 **Q.** Okay. I want to jump ahead to the  
21 interview that you-all conducted with the defendant  
22 in this case. Do you remember that interview?

23 **A.** Yes.

24 **Q.** And have you observed that interview prior  
25 to your testimony here today?

1           **A.**     Yes, I have.

2           **Q.**     And how did y'all decide who was going to  
3 do the interview itself?

4           **A.**     Well, typically, we will take turns; but on  
5 this particular case, since Fil Waters had talked --  
6 spoke to the defendant on Thursday night, he had  
7 already established communication with him. So, it  
8 just made sense that we would continue that  
9 communication and conversation and relationship.

10          **Q.**     And were you with Investigator Waters when  
11 he picked up the defendant and his brother from Hobby  
12 Airport?

13          **A.**     Yes.

14          **Q.**     And while Investigator Waters was inside  
15 the interview room with the defendant, where were  
16 you?

17          **A.**     I was monitoring the interview at my desk.  
18 We can pull up and have live feed at our computer at  
19 our desk.

20          **Q.**     You don't actually have to be outside the  
21 room, watching it?

22          **A.**     No.

23          **Q.**     Okay. And are you making any phone calls  
24 or contacting any other agencies while the interview  
25 is going on?

1           **A.**     Yes.

2           **Q.**     Who were you contacting?

3           **A.**     Well, I contacted the Dr. Phil show; and I  
4 contacted -- eventually, I contacted Midland County  
5 and FBI.

6           **Q.**     Let me stop you there. Let's start with  
7 the Dr. Phil show. Why did you call that show?

8           **A.**     Well, being that he had just -- that the  
9 previous day he had been on the Dr. Phil show -- or  
10 Dr. Phil interviewed him, I wanted his professional  
11 opinion, some kind of insight or any kind of strategy  
12 or techniques that he could suggest to us to use with  
13 Mark.

14          **Q.**     And were you able to make contact with  
15 anyone from that show?

16          **A.**     No, not at that time.

17          **Q.**     Okay. Were you eventually able to make  
18 contact with anyone from the show?

19          **A.**     Yes.

20          **Q.**     And who was that?

21          **A.**     It was a female producer, and it was a very  
22 short conversation.

23          **Q.**     Okay. And were you ever able to get any  
24 footage from the Dr. Phil show?

25          **A.**     No.

1           **Q.**     Did you make any attempts to contact CPS or  
2 Child Protective Services?

3           **A.**     Yes.

4           **Q.**     And who and why?

5           **A.**     We contacted CPS because we wanted to make  
6 sure that Cayden, the young boy involved in this, was  
7 okay and give the CPS folks an opportunity to  
8 interview and see the kind of environment that Cayden  
9 was in.

10          **Q.**     And were you able to contact anybody with  
11 CPS?

12          **A.**     Yes, we were.

13          **Q.**     And, in fact, the first part of the  
14 interview of the defendant, he does mention that CPS  
15 is at his parents' home in Odessa, correct?

16          **A.**     Yes.

17          **Q.**     Did you make any contact with the Odessa  
18 Police Department?

19          **A.**     Yes.

20          **Q.**     Was that you yourself, or was that  
21 Investigator Waters?

22          **A.**     Well, initially, I had made a lot of the  
23 phone calls; but -- and then there is a lot going on.  
24 So, Fil ended up having the majority of the  
25 conversation with a detective from Odessa.

1 Q. Okay. And what about -- you mentioned the  
2 Midland County Sheriff's Office?

3 A. Yes.

4 Q. Did you make any contact with anyone from  
5 that sheriff's office?

6 A. I did. I was referred to the actual FBI  
7 agent that's in that area, Sherry Rice.

8 Q. Okay. And did you speak with that FBI  
9 agent?

10 A. Yes, I did.

11 Q. And why did you need to speak with that FBI  
12 agent?

13 A. She is part of their evidence recovery  
14 team, and I was trying to direct her to the location  
15 of Michelle's body.

16 Q. And at some point, did you become involved  
17 in the interview of the defendant?

18 A. Yes, I did.

19 Q. And we all observed the interview prior to  
20 your testimony. So, we see you walk into the room.  
21 At that point why do you come into the room?

22 A. Came into the room for demonstration  
23 purposes. The majority of the first portion that Fil  
24 was in there was building up to the point of the  
25 actual statement where he says that he killed



1 Michelle. Well, now we wanted him to demonstrate  
2 exactly how; and then there were some other  
3 questions.

4 **MS. CARPENTER:** I object to the  
5 narrative.

6 **THE COURT:** Sustained.

7 **Q. (BY MS. REYNA)** Okay. And what other  
8 questions did you have?

9 **A.** Well, when he grabbed her neck, how long  
10 did he grab her neck, whatever the circumstances  
11 leading up to him grabbing the neck, things like  
12 that.

13 **Q.** Okay. And were you able to get some sort  
14 of reenactment from him?

15 **A.** Yes, I was.

16 **Q.** And was it in a -- in fact, a shortened  
17 reenactment of what happened?

18 **A.** Yes.

19 **MS. REYNA:** Your Honor, may the  
20 witness step down?

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

22 **Q. (BY MS. REYNA)** Okay. Sergeant Harris,  
23 could you step up in front of the jury, please? I  
24 want to walk the jury through the action that the  
25 defendant told you he took on September 22, 2012.

1                   **MS. CARPENTER:** Your Honor, I would  
2 object to a demonstration because it's part of the  
3 video and it is reenacted on the video and -- and  
4 there has been no predicate laid for it, as well.

5                   **THE COURT:** May I see everyone at the  
6 bench, please?

7                   **(At the Bench)**

8                   **THE COURT:** Sorry. Do you need a  
9 conference?

10                  **MS. JOHNSON:** No. Go ahead.

11                  **THE COURT:** Are you trying to make  
12 some point in particular? Obviously, the video is  
13 the best evidence. So, having him reenact it  
14 normally would not be proper. Are you just trying to  
15 point out certain things about it?

16                  **MS. REYNA:** Yes, Judge.

17                  **THE COURT:** Try and whisper.

18                  **MS. REYNA:** Okay. Sorry, Judge. We  
19 just spoke. That is a short version that you see on  
20 the video. We do --

21                  **THE COURT:** Sorry. Start over.

22                  **MS. REYNA:** I said it was a shortened  
23 version that you see on the video. This is a  
24 demonstration of testimony that's already in  
25 evidence.

1                   **THE COURT:** Already what?

2                   **MS. REYNA:** And it will be based on  
3 what the defendant said about how long he held onto  
4 the complainant during the incident.

5                   **THE COURT:** Well, what point are you  
6 trying to emphasize? I'm not getting it. I will  
7 give you an opportunity to be heard again.

8                   **MS. REYNA:** Judge, it's actually about  
9 the time that he stated --

10                  **MS. CARPENTER:** Can we whisper?

11                  **THE COURT:** Okay.

12                  **MS. REYNA:** -- about the time he  
13 stated that he was actually holding onto the victim's  
14 neck and choking her, since that is an element that  
15 we have to prove.

16                  **THE COURT:** Since what?

17                  **MS. REYNA:** Since it's an element that  
18 we have to prove, we want to show how long he held  
19 onto the complainant's neck and choked her.

20                  **THE COURT:** How many seconds on the  
21 video?

22                  **MS. REYNA:** How long in reality that  
23 would have been, Judge, based on his own statement in  
24 the video.

25                  **THE COURT:** Whose statement? The

1 defendant's?

2 **MS. REYNA:** Defendant's statement.

3 **THE COURT:** And which portion of his  
4 statement are you relying on? I don't remember  
5 anything about the number of seconds.

6 **MS. REYNA:** Judge, he mentioned that  
7 he held onto her for a minute and a half, up to two  
8 minutes.

9 **THE COURT:** Okay. So, that's what  
10 you're trying to show, is how long that would be?

11 **MS. REYNA:** Yes, ma'am.

12 **THE COURT:** Okay. Now I understand.  
13 So, you're going to watch the clock while he does  
14 that?

15 **MS. REYNA:** Yes, ma'am.

16 **THE COURT:** Is that the only part of  
17 the demonstration?

18 **MS. REYNA:** Yes, ma'am.

19 **THE COURT:** Okay. And do you want to  
20 be heard further?

21 **MS. CARPENTER:** Yes, Your Honor. The  
22 thing is the fact that he said a minute and a half to  
23 two minutes is already in evidence via the videotape.  
24 And the jury knows how long a minute and a half to  
25 two minutes is. By doing this reenactment, it's

1 invading the province of the jury as well as taking  
2 away the best evidence.

3 **THE COURT:** Do you need a conference?

4 **MS. CARPENTER:** I heard him. He said  
5 it runs the risk of confusion of the issues. If that  
6 reenactment is not exactly on point with what was  
7 demonstrated in the videotape, then you run the risk  
8 of confusing the jury about what elements they are.  
9 One second.

10 *(Brief pause)*

11 *(Sidebar discussion outside hearing of*  
12 *the Court Reporter)*

13 **MS. CARPENTER:** Furthermore, Your  
14 Honor, the video indicates -- indicates that the  
15 defendant says he held on after they had already  
16 fallen to the bed. So, at the time that he was  
17 holding onto her neck, she had already fallen, he had  
18 already heard a pop, and there was already a crack.  
19 So --

20 **THE COURT:** Well, I think they only --  
21 they have a right to show how long a certain period  
22 of time is. I will allow them to clarify. Is that  
23 the only thing you're doing?

24 **MS. REYNA:** Yes, Judge, because the  
25 officer is alleging this was a reckless --

1                   **THE COURT:** Right. So, your objection  
2 is overruled.

3                   **MS. CARPENTER:** I --

4                   **THE COURT:** If you go into anything  
5 beyond that time, I will look at the next thing you  
6 want to do.

7                   **MS. CARPENTER:** Your Honor, I respect  
8 your ruling; but --

9                   **THE COURT:** Thank you.

10                   **MS. CARPENTER:** -- because the  
11 video -- because in the video the client says that --  
12 the defendant says that they were -- they had already  
13 laid down on the bed. If you're going to allow the  
14 demonstration, would you please have them do it in a  
15 laying position, possibly on the table or the floor?

16                   **THE COURT:** What is your response to  
17 that?

18                   **MS. REYNA:** Judge, we will explain  
19 that she was laying on the bed. Because I'm in a  
20 skirt, I'm not going to lay fully on the table. I  
21 will lean back into it, and I will let them know that  
22 she -- that his statement is she could have been  
23 lying on the bed.

24                   **THE COURT:** So, in other words --  
25 excuse me. You agree to her request?

1                   **MS. REYNA:** Yes.

2                   **MS. CARPENTER:** Well, that doesn't  
3 sound like an agreement. That sounds like her saying  
4 she doesn't want to lay down, but she wants to  
5 explain to the jury. So, what I'm saying is that if  
6 you're going to allow the reenactment, the  
7 reenactment needs to be true. In the videotape the  
8 reenactment was done on a -- was done on a table.

9                   **THE COURT:** Okay. I'm just glad  
10 you-all didn't bring a bed in. So --

11                   **MS. JOHNSON:** I can bring one if the  
12 Defense would like.

13                   **THE COURT:** So, just lay down as best  
14 you can. Your objection is overruled.

15                   **MS. CARPENTER:** Thank you.

16                   **THE COURT:** Thank you.

17                   **(End of Bench Discussion)**

18                   **Q.**     **(BY MS. REYNA)** Okay. Sergeant Harris, come  
19 on up. We will use this table as a bed, bed going  
20 that way (indicating.) Okay?

21                   **A.**     Okay.

22                   **Q.**     Show us the reenactment the defendant took  
23 you to, and let's use real time as far as the time  
24 that he stated he held onto the complainant.

25                   **A.**     Sure. So, I'm going to grab your neck; and

1 it will be a minute and a half once I grab your neck.  
2 So, after there was a punch thrown, if I was Mark, I  
3 duck. I come up --

4 **THE COURT:** Excuse me. On the timing  
5 can you say when you started? Are you watching the  
6 clock?

7 **THE WITNESS:** I'm watching it.

8 **THE COURT:** Thank you, sir.

9 **(Brief pause)**

10 **A.** Okay. That's a minute and a half.

11 And that's two minutes.

12 **Q.** **(BY MS. REYNA)** Okay. Did he say she was --  
13 I was obviously leaning back, but was she laying down  
14 on the bed at this point?

15 **A.** Yes.

16 **Q.** Okay. And how did he say he had his arms  
17 during this time?

18 **MS. CARPENTER:** Objection, Your Honor,  
19 to further reenactment based -- Your Honor, the video  
20 is the best evidence. This invades the province of  
21 the jury.

22 **THE COURT:** May he have a seat back on  
23 the witness stand?

24 **MS. REYNA:** Sure.

25 **THE COURT:** Thank you.



1                   Are you going to have him demonstrate  
2 something the jury has already seen, or are you going  
3 to have him demonstrate from a verbal description?

4                   **MS. REYNA:** Verbal description, Judge.

5                   **THE COURT:** Okay. I will entertain  
6 another objection depending on how it goes.  
7 Overruled at this time.

8                   **Q.**       **(BY MS. REYNA)** Sergeant Harris, how did the  
9 defendant have his arms when he said he was holding  
10 the complainant?

11                  **A.**       They were straight out.

12                  **Q.**       Okay. And did he use the word "locked up"?

13                  **A.**       Yes.

14                  **Q.**       Sergeant, did you actually watch the  
15 Dr. Phil show?

16                  **A.**       Yes.

17                  **Q.**       And where did you watch that?

18                  **A.**       We had a copy of the show made by our media  
19 relations division. They do all the news stuff. So,  
20 we gave them a heads-up that this may be on; and they  
21 made a copy for us. It was on, I think, The Cube  
22 channel, Channel 51 here in Houston.

23                  **Q.**       Okay. And during your interview of the  
24 defendant, did you have him make any diagrams for  
25 you?

1           **A.**     Yes, I did.

2           **Q.**     Showing you what I have marked as State's  
3 Exhibit No. 8. Do you recognize that?

4           **A.**     Yes, I do.

5           **Q.**     What is it?

6           **A.**     This is the diagram that the defendant drew  
7 as far as trying to help us locate where the body of  
8 Michelle was. So, he is drawing I-20.

9           **Q.**     Let me stop you there.

10          **A.**     Okay.

11          **Q.**     Is this the same diagram that he drew while  
12 in the interview room with you?

13          **A.**     Yes.

14          **Q.**     And has it been altered in any way?

15          **A.**     No.

16          **Q.**     And this writing here, who did that  
17 writing?

18          **A.**     This -- who did this writing?

19          **Q.**     Yes.

20          **A.**     This would be -- I believe that's Mark's  
21 writing. Mark's or Fil's writing, as far as  
22 identifying what this is for the case file.

23                   **MS. REYNA:** Your Honor, at this time I  
24 offer State's Exhibit No. 8 after tendering to  
25 Defense counsel.

1                   **MS. CARPENTER:** Your Honor, we have no  
2 objection.

3                   **THE COURT:** Admitted.

4           **Q.**       **(BY MS. REYNA)** Sergeant Harris, go ahead  
5 and describe now what he drew.

6           **A.**       This is the map of the location where you  
7 will see I-20 on the left-hand side of the paper; and  
8 it will say Midland. Correct. And then he draws an  
9 intersecting street called Midrift, and he  
10 describes -- you have to describe about 7 to 9 miles  
11 and that you pass a -- another little side street.  
12 You then turn left and follow this road (indicating.)

13                   And he describes a youth center. It  
14 was near some kind of like youth center. And then he  
15 said you turn to the right. Right before you see the  
16 youth center, you turn to the right; and it brings  
17 you to -- down a ways towards some oil fields.

18                   And what you see at the bottom is like  
19 his blown-up version of the little oil field where  
20 Michelle's body was. He's trying to describe there  
21 was a lump of dirt, like a shrub, and two oil tanks,  
22 two like storage tanks near.

23           **Q.**       And was this diagram useful in locating  
24 Michelle's body?

25           **A.**       Yes, it was.

1           **Q.**     And what did you do with this diagram once  
2 you received it?

3           **A.**     I was on the phone with the FBI and Sherry  
4 Rice and we were trying to physically describe it and  
5 we were having a hard time physically describing it.  
6 But once I mentioned the youth center, or the teen  
7 center, they had a general idea; and then we sent  
8 photographs via an iPhone and had several phone  
9 conversations back and forth.

10          **Q.**     Now, did you make a trip out to the  
11 Midland/Odessa area yourself?

12          **A.**     Yes, I did.

13          **Q.**     And did you go with Investigator Waters on  
14 the D.P.S. plane?

15          **A.**     Yes.

16          **Q.**     And when did you-all fly out to Odessa?

17          **A.**     We probably took off from Hooks Airport  
18 about 8:30 at night. 8:00, 8:30 at night.

19          **Q.**     And when you arrived in Odessa, what did  
20 you do?

21          **A.**     We were greeted by a team of detectives and  
22 the FBI, and we drove to what we -- first thing we  
23 did was drive to a judge's house to get a search  
24 warrant signed.

25          **Q.**     Was that the search warrant for Michelle's

1 Ford Fusion?

2 A. Yes.

3 Q. And was that signed?

4 A. Yes.

5 Q. And was that executed?

6 A. Yes, it was.

7 Q. And did you watch any of the processing of  
8 Michelle's vehicle?

9 A. Yes. They brought the vehicle back to, I  
10 want to say, an old fire station location, but it  
11 was -- it was a city owned building, and the FBI  
12 agents started going through the vehicle and started  
13 to process it that night.

14 Q. And did you and Investigator Waters  
15 actually go out to the oil field in Midland where the  
16 complainant's body was finally recovered?

17 A. No, we did not.

18 Q. What else did you and your partner do, if  
19 anything, in Odessa?

20 A. I should say after they initially started  
21 processing the vehicle, we then hopped back on the  
22 D.P.S. plane and flew back to Houston about 6:30 in  
23 the morning.

24 Q. Did you have any part in getting the  
25 complainant's body transferred from Midland County to

1 Harris County?

2 **A.** No. Detective Waters was actually in  
3 direct contact with the actual sheriff of Midland.

4 **Q.** And were y'all able to eventually get the  
5 complainant's body transferred to the Harris County  
6 Medical Examiner's Office?

7 **A.** Yes, we were.

8 **Q.** Did you, yourself, ever meet later on in  
9 October with any agent from the FBI to retrieve  
10 evidence?

11 **A.** Yes, I did.

12 **Q.** Who did you meet with?

13 **A.** I met with Mr. Gregory. He was our first  
14 contact here in Houston. He actually put me in touch  
15 with Sherry Rice in Midland. I met with him at the  
16 Houston Police Department property room. He had all  
17 the evidence boxed up, and we -- I took custody from  
18 Agent Gregory and tagged it into our property room.

19 **Q.** Okay. And did any -- anything of any  
20 evidentiary value come from the processing of the  
21 complainant's vehicle?

22 **A.** Not anything that really stood out strong.  
23 I know -- I know with the evidence recovered from the  
24 Midland area there were receipts and some things like  
25 that that would verify certain time lines.

1                   **MS. REYNA:** I pass the witness, Judge.

2                   **THE COURT:** Thank you.

3                   Cross-examination?

4                   **CROSS-EXAMINATION**

5                   **Q.**        **(BY MS. CARPENTER)** When you -- when you  
6 watched the videotape and Mark indicated that he had  
7 spent a minute and a half to two minutes holding  
8 Ms. Warren's neck, he never indicated that he was  
9 watching his watch, did he?

10                  **A.**        No.

11                  **Q.**        When you did your reenactment a few minutes  
12 ago for the jury, you ended up watching a watch -- a  
13 clock, right?

14                  **A.**        Yes.

15                  **Q.**        So, your timing was based completely off of  
16 you looking almost directly in front of you and  
17 seeing a clock?

18                  **A.**        Yes.

19                  **Q.**        When you went to the apartment -- well,  
20 another thing that was off about your reenactment is  
21 that Ms. Reyna, the prosecutor, was not laying all  
22 the way down on the table, correct?

23                  **A.**        Correct.

24                  **Q.**        But in the video, you would agree with me  
25 that you -- you played the part of Ms. Warner, right?

1           **A.**     Yes.

2           **Q.**     And in that video, you laid completely down  
3 on the table, correct?

4           **A.**     Yes.

5           **Q.**     So, this reenactment was not --

6                       **MR. DAVIS:** Consistent.

7           **Q.**     **(BY MS. CARPENTER)** It was not completely  
8 consistent with what was shown in the video, right?

9           **A.**     Correct.

10          **Q.**     When you went in to speak with Mark, he was  
11 cooperative the entire time, right?

12          **A.**     Yes.

13          **Q.**     He answered all of your questions, right?

14          **A.**     Yes.

15          **Q.**     And when you asked him to draw the diagram,  
16 did he did it without any other provocation required,  
17 right?

18          **A.**     That's correct.

19          **Q.**     The diagram that he drew is how you were  
20 able to locate the body, right?

21          **A.**     Yes.

22          **Q.**     And it was a sufficient enough drawing for  
23 you to not even need Mark to be physically present at  
24 that time, right?

25          **A.**     Correct.



1           **Q.**     To be clear, he did not get on the plane  
2 and fly with you to Midland, right?

3           **A.**     No.

4           **Q.**     And to the best of your knowledge, he was  
5 willing to get on a plane and do exactly that, right?

6           **A.**     Yes.

7                   **MS. CARPENTER:** Pass the witness, Your  
8 Honor.

9                   **THE COURT:** Thank you.

10                  **MS. REYNA:** Nothing further from the  
11 State, Judge.

12                  **THE COURT:** Is this witness excused  
13 for all purposes or on call?

14                  **MS. REYNA:** Yes, ma'am.

15                  **MS. CARPENTER:** On call.

16                  **THE COURT:** All right. Thank you so  
17 much, sir.

18                  **THE WITNESS:** Thank you.

19                   **(Witness released)**

20                  **THE COURT:** Next witness?

21                  **MS. JOHNSON:** The State would call  
22 Detective Chadwick.

23                  **THE COURT:** Thank you. Detective  
24 Chadwick.

25                  **THE BAILIFF:** Judge, this witness has

1 not been sworn.

2 **THE COURT:** Thank you.

3 Come on up, please, sir. If you don't  
4 mind, would you stop and face the jury and raise your  
5 right hand to take the oath.

6 *(Witness Duly Sworn)*

7 **THE COURT:** Thank you. You may have a  
8 seat, sir.

9 **THE WITNESS:** Thank you.

10 **JAMES PATRICK CHADWICK,**  
11 having been first duly sworn, testified as follows:

12 **DIRECT EXAMINATION**

13 **Q.** *(BY MS. JOHNSON)* Good afternoon.

14 **A.** Hello.

15 **Q.** Let me have you move the microphone towards  
16 your face, your mouth.

17 **A.** Is this good?

18 **Q.** Yes. Would you please introduce yourself  
19 to the jury?

20 **A.** My name is James Patrick Chadwick. I'm a  
21 detective with the Odessa Police Department.

22 **Q.** And, Detective Chadwick, how long have you  
23 been with the Odessa Police Department?

24 **A.** For a total of approximately nine and a  
25 half years.