

1           A.    Yes, sir.

2           Q.    Okay.

3                       MR. WILLIAMS:  Thank you, Your  
4 Honor.  We pass the witness.

5                       THE COURT:  Anything further?

6                       MS. REYNA:  Nothing further, Judge.

7                       THE COURT:  May the deputy be  
8 excused?

9                       MS. REYNA:  He may.

10                      MR. WILLIAMS:  Yes, Your Honor.

11                      THE COURT:  Thank you, sir.  You  
12 may be excused.

13                      Call your next.

14                      MS. REYNA:  State calls Sean Hayes.

15                      THE BAILIFF:  This witness has not  
16 been sworn.

17                      THE COURT:  Raise your right hand,  
18 please.

19                      (Witness sworn.)

20                      THE COURT:  Let's proceed.

21                      MS. REYNA:  Thank you, Judge.

22                                       SEAN HAYES,  
23 having been first duly sworn, testified as follows:  
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## DIRECT EXAMINATION

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BY MS. REYNA:

Q. Would you please introduce yourself to the jury?

A. My name is Sean Hayes.

Q. And how are you employed?

A. I'm employed with North Channel EMS.

Q. Okay. Are you employed with any other EMS or other agency?

A. I'm also a Houston fire fighter.

Q. Okay. Are you also EMT with HFD?

A. I'm a paramedic with Houston and with North Channel.

Q. Okay. And how do you split your time between the two?

A. Well, my schedule with Houston, I have five days at a time off. So I work my side job, usually about two, two and a half days out of that.

Q. Okay. And --

A. At North Channel.

Q. At North Channel. And where is that based out of?

A. North Channel is in -- off I-10, off Uvalde and Freeport.

Q. All right. And what training have you

1 received to become a paramedic?

2 A. I had to go through paramedic school.  
3 After that I went through the Fire Academy. I went  
4 to paramedic school with Houston Community. That  
5 was who had the contract with Houston.

6 Q. And how long have you been a -- I'm  
7 sorry.

8 A. And that's -- that was during -- that  
9 was done at the Academy also, but it was with  
10 Houston Community College is the certifier.

11 Q. Okay. And so are you a certified  
12 paramedic?

13 A. Correct.

14 Q. And how long have you been a paramedic?

15 A. Eleven years.

16 Q. Eleven years. Were you anything before  
17 you were a paramedic or has this been your --

18 A. No. No. I became a fire fighter and a  
19 paramedic same time.

20 Q. Same time. Okay. Who were you working  
21 with on May 27th, 2010?

22 A. That was James Lutz.

23 Q. Okay. And with what agency were you  
24 working that day?

25 A. North Channel EMS.

1           Q.    And do you remember receiving any calls  
2 for service after 3:00 p.m. that afternoon?

3           A.    Yes.

4           Q.    And where were you dispatched to?

5           A.    We were dispatched -- I don't remember  
6 the name of the street, but I remember we were  
7 dispatched to an injury.

8           Q.    All right. And you said you were  
9 working with who that day?

10          A.    James Lutz.

11          Q.    And how do you divide your duties? Do  
12 you do the same thing?

13          A.    If it's both paramedics, sometimes  
14 it's -- it will be one EMT and one paramedic. But  
15 we were both paramedics so we just switch off every  
16 other run. One of us will drive and the other one  
17 will be charge and do patient care.

18          Q.    Okay. And in this situation, what role  
19 did you take?

20          A.    I was driving on that run and James was  
21 in charge.

22          Q.    And what was the nature of the call?

23          A.    It came in as an injury. Came in as an  
24 injury burn was all that we were dispatched to.

25          Q.    Okay.

1 MS. REYNA: And, Your Honor, at  
2 this time the State would offer State's Exhibit 4,  
3 business records, and the affidavit has been on file  
4 with the clerk of the court since June of 2010.  
5 I'll tender to Defense counsel.

6 (State's Exhibit No. 4, EMS  
7 records, offered.)

8 MR. WILLIAMS: Judge, may I have a  
9 moment please to look this over?

10 THE COURT: Yes.

11 MR. WILLIAMS: Thank you, sir.

12 (Brief pause.)

13 MR. WILLIAMS: Your Honor, may we  
14 approach, please?

15 THE COURT: Yes, sir.

16 (Bench conference:)

17 MR. WILLIAMS: Judge, we object to  
18 only one line in the report where the PT -- one of  
19 his guys or the patient stated, "I knocked on the  
20 house and when I did the women threw white acid on  
21 me" as being hearsay within hearsay. If that could  
22 be redacted, we have no objection. It's about the  
23 second line in the narrative.

24 MS. REYNA: Judge, and my response  
25 is it's response to medical treatment so it's an

1 exception to hearsay.

2 THE COURT: I'm going to overrule  
3 your objection. I want to read it first.

4 MR. WILLIAMS: I'm sorry?

5 THE COURT: I was going to read it  
6 before -- okay.

7 MR. WILLIAMS: All right. Thank  
8 you.

9 (Proceedings continued:)

10 THE COURT: Subject to that  
11 objection, which will be overruled, it will be  
12 admitted.

13 (State's Exhibit No. 4, EMS  
14 records, admitted.)

15 MS. REYNA: Permission to approach  
16 the witness, Your Honor.

17 THE COURT: And it's numbered  
18 No. 4?

19 MS. REYNA: Exhibit No. 4.  
20 Permission to approach.

21 THE COURT: You may.

22 Q. (By Ms. Reyna) I'm showing you what's  
23 been entered as State's Exhibit No. 4. Do you  
24 recognize those documents?

25 A. Yes.

1 Q. Okay. What are they?

2 A. This is an affidavit of our run record  
3 for that incident.

4 Q. Okay. And what are the attached  
5 documents?

6 A. The front is the affidavit from our  
7 Medical Chief Roland Hobbs and then behind that is  
8 just our two-page narrative or our two-page run  
9 report.

10 Q. Okay. And will that refresh your memory  
11 as to the address where you were dispatched?

12 A. Yes.

13 Q. And what was that address?

14 A. That address was 32911 Shriver Lane.

15 Q. Say that again.

16 A. I'm sorry?

17 Q. Say that again.

18 A. 32911 Shriver Lane.

19 Q. And where are you reading that?

20 A. Let's see. Oh, you know what. These  
21 are -- these are old ones. We have a new format  
22 now. Let's see. I have to find the dispatch  
23 address. Sorry. Give me one second.

24 I'm sorry. Yeah, the dispatched address  
25 was on Wadebridge.

1           Q.    Okay.  And was that location in Harris  
2 County, Texas?

3           A.    Yes, it is.

4           Q.    And how long did it take to you arrive  
5 on the scene, if you remember?

6           A.    Just a few minutes.

7           Q.    And what did you observe when you got  
8 there?

9           A.    Like I said, I was driving.  When I got  
10 there, we saw a woman standing in the front yard  
11 with a hose and she was hosing herself off.

12          Q.    And did she say anything to you?

13          A.    She was just -- just upset and sounded  
14 like she was in pain.  That was it.

15          Q.    Okay.  When you say it sounded like she  
16 was this pain, how would --

17          A.    She was -- she was breathing heavy.  She  
18 was hosing herself off, pulling at her clothes and  
19 she said that she had something thrown on her.

20          Q.    And so what did you do?

21          A.    I actually went inside.  James went to  
22 her and she was up and walking and talking,  
23 breathing.  And he started patient care and I went  
24 inside to try to find out what it was that was  
25 thrown on her.



1 Q. And how did you decide to enter the  
2 home?

3 A. She was standing in the front yard.  
4 There was a front door right there. I just went in  
5 through the front door.

6 Q. Did you observe anything at the front  
7 door?

8 A. There was a lot of -- there was a heavy  
9 odor and there was a lot of liquid on the ground.  
10 It was bright yellow, almost like a fluorescent.

11 Q. Okay. And when you say heavy odor, how  
12 would you describe it?

13 A. An acrid odor, like a chemical.

14 Q. And what did you do?

15 A. I walked around it, tried not to step  
16 into it and then went into the house and spoke with  
17 another woman --

18 Q. And --

19 A. -- about --

20 Q. -- when you say there was -- it was on  
21 the -- I guess the entryway --

22 A. Uh-huh.

23 Q. -- would you describe it as a lot or a  
24 little liquid?

25 A. Quite a bit. I would say more than a

1 gallon. I mean, it was more than -- it was quite a  
2 bit.

3 Q. And was there any liquid actually when  
4 you actually passed the front door on the tiles in  
5 the home?

6 A. No, it was -- it was all pretty -- it  
7 was all outside of the front door.

8 Q. Okay. What did you do when you got  
9 inside the home?

10 A. When I got inside I spoke with -- it was  
11 Ms. Tidwell and I asked her what had happened and  
12 what the chemical was.

13 Q. And were you able to find what the  
14 chemical was?

15 A. Yes. She showed us what it was and it  
16 was a bucket of powder and it was muriatic acid.

17 Q. And how could you tell it was muriatic  
18 acid?

19 A. Because it was in the original  
20 container. It was a powder form. It said muriatic  
21 acid and it had all the contents on the back.

22 Q. Were there any warnings on the label?

23 A. Yes.

24 Q. What kind of warnings?

25 A. Irritant, eye, breathing irritant,

1 inhalation irritant, acid warnings, caustic  
2 chemical, stuff like that.

3 Q. Once you found out what the chemical  
4 was -- and you said it was muriatic acid; is that  
5 right?

6 A. Uh-huh.

7 Q. What did you do?

8 A. I called Poison Control.

9 Q. Why did you do that?

10 A. Because I know that some chemicals, they  
11 react with water and so with her hosing herself off  
12 I wanted to make sure we weren't making it worse. I  
13 needed to let James know that.

14 Q. Okay. And were you able to speak with  
15 Poison Control?

16 A. Yes.

17 Q. Okay. Were you able to get instructions  
18 from them?

19 A. Yes.

20 Q. And so what did you do after you spoke  
21 with Poison Control?

22 A. Went back outside, I told her -- told  
23 them let's not wet her down any and we need to get  
24 the clothes off of her because the clothes were --  
25 were at this time -- you know, it was liquid form.

1 She said she had mixed the powder with water and was  
2 using it as a liquid. So --

3 Q. Who said that?

4 A. That was Ms. Tidwell.

5 Q. Okay. And so why did you feel you had  
6 to take Ms. Roberson's clothes off?

7 A. Because it was a caustic substance, the  
8 chemical burn and so we needed to remove that from  
9 the skin.

10 Q. And what was the name of the patient you  
11 were treating?

12 A. That was Ms. Roberson.

13 Q. Okay. And so at this point you start to  
14 remove her clothing?

15 A. We -- we walked her to the ambulance.  
16 We weren't very far away. She was ambulatory. So  
17 we walked her back to the ambulance, brought the  
18 stretcher out, had her lay down on the stretcher and  
19 put her into the back of the ambulance and closed  
20 the doors.

21 Q. And what was her demeanor like at this  
22 point?

23 A. She was very upset. She was definitely  
24 in pain.

25 Q. And why would you say that?

1           A. Well, she had -- looked to be over her  
2 chest area, her arm and her face. Her lips were  
3 blistered, were starting to blister. And she had  
4 big sunglasses on so she kind of got raccooned. She  
5 had burns around her cheeks, her forehead and around  
6 the sides here (indicating), nothing directly around  
7 the eyes, though.

8           Q. Were the sunglasses able to protect her  
9 eyes?

10          A. They protected her eyes, yes. But her  
11 lips were -- looked like they were the worst. We  
12 were worried about inhalation and that she may have  
13 swallowed some. She said that she hadn't.

14          Q. And did she have any difficulty  
15 breathing?

16          A. She did. She was breathing very fast.  
17 We weren't sure if she had inhaled any of it, but  
18 she seemed, you know, like she was having a hard  
19 time a little bit. We did put her on oxygen for  
20 that.

21          Q. Okay. And you can refer to State's  
22 Exhibit No. 4 if you need to.

23          A. Okay.

24          Q. What kind of treatment, medical  
25 treatment did you and your partner provide to

1 Ms. Roberson?

2 A. The first thing was to make sure that we  
3 didn't get it on us or tried not to get a lot on the  
4 unit. Anything that was dry we tried to brush off  
5 first. And then after that, once we got her into  
6 the ambulance, we actually cut her clothes off, just  
7 her shirt, her shirt and bra. That was all she had  
8 it on. We didn't have to cut the pants.

9 Q. And at this point did you or your  
10 partner administer any medications, any oxygen,  
11 anything like that?

12 A. We did -- we did put her on oxygen to  
13 help with her breathing. And then we also -- James  
14 started an IV, started an IV line, normal saline and  
15 he drew blood for blood work that had to be done.

16 Q. Okay. And did y'all make a decision to  
17 transport her or just treat her at the scene?

18 A. Transport her.

19 Q. Why?

20 A. Because it was a chemical burn. We  
21 weren't -- we weren't sure how much of the chemical  
22 acid had been absorbed under her skin. She already  
23 had blistering on her mouth and anytime you have  
24 something around the mouth and nose, that's an  
25 airway problem. So we needed to transport in case

1 she had inhaled any that could affect the lungs.

2 Q. Okay. And where did you transport  
3 Ms. Roberson to?

4 A. East Houston Regional off I-10.

5 Q. And did you have -- after you dropped  
6 Ms. Roberson off at the hospital, did you have any  
7 further contact with her?

8 A. No.

9 Q. Okay.

10 MS. REYNA: I'll pass the witness,  
11 Judge.

12 MR. WILLIAMS: Thank you. May I  
13 proceed, Your Honor?

14 CROSS-EXAMINATION

15 BY MR. WILLIAMS:

16 Q. It is Mr. John Hayes; is that correct,  
17 sir?

18 A. Sean, sir.

19 Q. Say again?

20 A. Sean, S-E-A-N.

21 Q. Sean Hayes?

22 A. Yes, sir.

23 Q. So when you first arrived there, where  
24 you saw a woman standing in the yard hosing herself  
25 off, that would be Ms. Roberson; is that correct?

1 A. Yes, sir.

2 Q. Were any other people around her?

3 A. I don't remember. I don't believe so.

4 I think she was the only one standing there.

5 Q. Did you ever meet Mr. Roberson?

6 A. No, I didn't.

7 Q. Okay. Did you ever meet any male  
8 individuals at the scene?

9 A. There was one other male there.

10 Q. Do you know who that was?

11 A. I don't know who he was. I know he was  
12 a deputy, though.

13 Q. Okay.

14 A. Sheriff's department.

15 Q. And he was not Deputy Garza who was out  
16 in the hallway with you?

17 A. No.

18 Q. Okay. Some other person who was already  
19 there is the impression you got?

20 A. That was already there, yes.

21 Q. And did you ever see the child, Madison,  
22 or a child?

23 A. Yes, I did, a female.

24 Q. And where was she?

25 A. She was inside the house.



1 Q. Did you ever see Belinda Tidwell, the  
2 lady charged with this offense?

3 A. Yes.

4 Q. And when did you first see her?

5 A. I saw her when I went from the front  
6 yard into the -- into the house.

7 Q. Okay. And what was her condition when  
8 you went in there?

9 A. She seemed concerned about the patient  
10 and, you know, she just told me what had happened.  
11 Said that she had been splashed and that was it.

12 Q. Did she tell you --

13 A. And produced -- I'm sorry. And then she  
14 got the chemical for me.

15 Q. Okay. Did you offer her any assistance?

16 A. We asked her if she got any on her, but  
17 she said no. You know, she said she had been  
18 cleaning with it. So --

19 Q. And she seemed concerned about the  
20 condition of Ms. Roberson?

21 A. Yes.

22 Q. Okay. Now, did you by any chance take  
23 the chemical with you?

24 A. No, not -- except for what's in the  
25 clothing, but we didn't take the container with us.

1 Q. Do you know if anybody took it as  
2 evidence in the case?

3 A. No, sir.

4 Q. So, we --

5 A. I don't know.

6 Q. So we -- but you believe it was powder?

7 A. I believe so. It was -- it was -- the  
8 bucket that was brought to me had a powder in it.

9 Q. Well, would that be the bucket that was  
10 used to throw the substance outside or do you know?

11 A. That I don't know.

12 Q. Was it --

13 A. But she -- when Ms. Tidwell -- when I  
14 asked her what it was, she said, "This was what the  
15 -- this is what the chemical was I was cleaning  
16 with."

17 Q. Okay. Did you see the box or bottle  
18 that the chemical was in?

19 A. No, I didn't.

20 Q. How did you know it was muriatic acid?  
21 She told you --

22 A. I'm sorry, sir. What you're asking is  
23 if I saw what the chemical was in?

24 Q. Yes, sir.

25 A. The chemical that she -- that she --

1 that Ms. Tidwell told me was a powder, it was in the  
2 original container. It was in a pool cleaning  
3 box -- or not a box, a tub.

4 Q. Okay.

5 A. That's what I remember seeing.

6 Q. Like a labeled tub?

7 A. Yes, sir.

8 Q. It had what -- did it have muriatic on  
9 it?

10 A. Yes, sir.

11 Q. Muriatic acid, it said muriatic acid?

12 A. Yes, sir.

13 Q. And so it came in a powder form and you  
14 can make it into a liquid?

15 A. I don't know how you use it. I know  
16 what was in that. What was in that tub that she  
17 showed me was a -- was a powder.

18 Q. Have you ever seen muriatic acid before?

19 A. Yes, sir, I have.

20 Q. And have you ever bought any for any  
21 reason?

22 A. I did when I was younger. It's -- I  
23 used it for a hot tub.

24 Q. Used it for what, please?

25 A. For a hot tub, cleaning a hot tub.

1 Q. It's usually in a liquid form, isn't it?

2 A. I don't know. It was bought -- this was  
3 a powder form. It was -- it was a cleaner,  
4 something we used for cleaning a hot tub or pool.

5 Q. Okay. Now, the report that you have in  
6 front of you that you've been using, is that your  
7 full report?

8 A. This is the report that my partner  
9 wrote, yes, sir.

10 Q. So you didn't add to that report?  
11 You --

12 A. No, sir.

13 Q. Okay. What was your partner's name?

14 A. James Lutz.

15 Q. What was that first address you gave us?

16 A. I'm sorry?

17 Q. That first address that you gave us,  
18 Shriver or something, 1300?

19 A. Oh, right, I was reading the wrong  
20 address. This is our -- our reports are now done on  
21 computer and the address is up on the top and I was  
22 reading -- I was reading Ms. Roberson's address.  
23 The dispatch address is further down.

24 Q. Oh, okay.

25 A. I just read the wrong address on there.

1           Q.    Okay.  When you entered the home, was  
2 the child with Ms. Tidwell?

3           A.    No.

4           Q.    Where was the child?

5           A.    She -- if I can recall, she walked in  
6 the room later.

7           Q.    Sorry?

8           A.    She walked in the room later.

9           Q.    Okay.  Well, was she in the house or did  
10 she walk from outside or --

11          A.    No, she was -- she was -- she was in the  
12 house.

13          Q.    Okay.

14          A.    But, I mean, all I did was walk in the  
15 entryway.  I didn't go any further in the house.

16          Q.    Where was the other deputy that you  
17 described?

18          A.    He was in the entryway, too.  Not  
19 outside the house, inside the house.

20          Q.    And, of course, I believe you testified  
21 you never saw Mr. Roberson?

22          A.    No, sir.

23          Q.    Okay.  Did you ever see any other  
24 witness, any other civilian out there that you  
25 didn't recognize, like a neighbor maybe?

1           A.    I don't recall.

2           Q.    Have you treated people who've had --  
3 who've been touched or used muriatic acid before?

4           A.    Not muriatic acid.

5                       MR. WILLIAMS:  We'll pass the  
6 witness, Your Honor.

7                       THE COURT:  Anything further?

8                       MS. REYNA:  Nothing further, Judge.

9                       THE COURT:  May the witness be  
10 excused?

11                      MS. REYNA:  He may, Judge.

12                      THE COURT:  Mr. Williams, can he be  
13 excused?

14                      MR. WILLIAMS:  Oh, I beg your  
15 pardon.  Yes, sir.

16                      THE COURT:  You may be excused.  
17 Call your next.

18                      MS. REYNA:  State calls Deputy  
19 Fisher.

20                      THE BAILIFF:  This witness has not  
21 been sworn.

22                      THE COURT:  Raise your right hand,  
23 please.

24                               (Witness sworn.)

25                      THE COURT:  Let's proceed.