

1 everyone may hear what you have so say.

2 THE WITNESS: Yes.

3 THE COURT: Pardon the  
4 interruption.

5 Go ahead.

6 SHARICE HAYWOOD,  
7 having been first duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. OMODELE:

10 Q. Good morning. Please introduce yourself  
11 to the ladies and gentlemen of the jury.

12 A. Good morning. My name is Sharice  
13 Haywood.

14 Q. Okay. Can you tell us how you're  
15 currently employed?

16 A. With the Texas Department of Family and  
17 Protective Services.

18 Q. It sounds like you talk a little bit  
19 fast. I'm going to ask that you slow down just a  
20 little bit.

21 A. Yes, ma'am.

22 Q. Do you work for, I guess, a certain  
23 division with the Texas Department of Family and  
24 Protective Services?

25 A. Yes, ma'am.

1 Q. What division do you currently work for?

2 A. Residential Child Care Licensing.

3 Q. Okay. Before you worked with Child Care  
4 Licensing, did you work for another division?

5 A. Yes, ma'am.

6 Q. And what division is that?

7 A. Children's Protective Services.

8 Q. I want to take you back to 2005. Were  
9 you working with Children's Protective Services back  
10 then?

11 A. Yes, ma'am.

12 Q. Tell us just briefly what your  
13 educational background is.

14 A. I have a Bachelor's degree in social  
15 sciences.

16 Q. Where is that from?

17 A. University of Houston-Downtown.

18 Q. Tell us how long you worked for  
19 Children's Protective Services.

20 A. Eight years.

21 Q. And in what capacity did you work there?

22 A. As an investigator.

23 Q. Would you be considered, I guess, a CPS  
24 investigator?

25 A. Yes, ma'am.

1 Q. Briefly tell us what your duties were as  
2 a CPS investigator.

3 A. To investigate abuse, neglect, to assess  
4 risk in the home.

5 Q. Did you also, I guess, see other types  
6 of situations other than abuse and neglect?

7 A. Yes, it varies.

8 Q. Okay. Did you see situations of  
9 sexual --

10 A. Yes.

11 Q. -- offenses or sexual abuse?

12 A. Yes, ma'am.

13 Q. I want to talk about Lashonda Irving.  
14 Okay. Were you assigned a case involving a Lashonda  
15 Irving back in 2005?

16 A. Yes, ma'am.

17 Q. And how do you typically get assigned a  
18 case?

19 A. Cases get called into our Hot Line and  
20 the cases get distributed to the local offices in  
21 the area and the supervisors assign them to the  
22 worker who's up next for the next case.

23 Q. And without telling us the name of the  
24 person who reported this, was it some, I guess, type  
25 of law enforcement agent that actually reported this

1 case?

2 A. I'm not sure. I don't remember.

3 Q. Okay. Do you have a copy of your CPS  
4 records from 2005?

5 A. Yes, ma'am.

6 Q. Okay. If you don't mind taking them  
7 out --

8 THE COURT: While she's doing that,  
9 I need to speak with Mr. Villareal just a second.

10 Take your time, take a look at it  
11 and we'll be right back.

12 (Brief pause.)

13 THE COURT: I'm sorry. Are you  
14 ready?

15 THE WITNESS: Yes, sir.

16 THE COURT: Okay. Thank you.

17 Q. (By Ms. Omodele) Have you had the  
18 opportunity to view that portion?

19 A. Yes, ma'am.

20 Q. Okay. Was it reported by a law  
21 enforcement agent?

22 A. Yes, ma'am.

23 Q. Specifically a school officer; is that  
24 correct?

25 A. Yes, ma'am.

1           Q.    Tell us when you received the case or  
2 when you -- the date you were actually assigned the  
3 case.

4           A.    I think it was January the 12th, 2005.

5           Q.    And make sure you speak up.

6                    Did you work for a specific CPS office  
7 back in 2005?

8           A.    Yes, ma'am.

9           Q.    And which office is that?

10          A.    Rosenberg.

11          Q.    Is that in Fort Bend County?

12          A.    Yes, ma'am.

13          Q.    Did you know when you received the case  
14 whether or not the offense happened in Harris County  
15 or Fort Bend county?

16          A.    I didn't know at the time.

17          Q.    After you reviewed it, did you learn  
18 whether or not it happened in Fort Bend or Harris  
19 County?

20          A.    Yes, ma'am.

21          Q.    And what county did it happen in?

22          A.    Harris County.

23          Q.    Being that you were in Fort Bend County,  
24 why did you have the case?

25          A.    Because the child lived in Fort Bend

1 County.

2 Q. Tell us, I guess, what you do initially  
3 when you get a case in.

4 A. We get the case and we review it,  
5 determine what type of abuse it was, and how to set  
6 up for that day, what type of abuse as far as  
7 physical abuse or sexual abuse.

8 Physical abuse, we go out on our own to  
9 investigate, talk to the children. If it's a sexual  
10 abuse case, we call the CAC, the Children's Advocacy  
11 Center, and set up an appointment for an interview.

12 THE COURT: Slow down just a little  
13 bit. The court reporter has to take down everything  
14 you have to say.

15 THE WITNESS: Oh, I'm sorry.

16 THE COURT: No, you don't have to  
17 be sorry, but slow it down just a little. Thank  
18 you.

19 THE WITNESS: Okay.

20 Q. (By Ms. Omodele) And in terms of  
21 Lashonda Irving, what type of case was this?

22 A. A sexual abuse case.

23 Q. So what did you do in regards to  
24 Lashonda Irving after you found out it was a sexual  
25 abuse case?

1           A.    Actually I really don't remember the  
2 exact thing that I did, but from based on my notes I  
3 think a CAC appointment was scheduled for her to be  
4 interviewed.

5           Q.    And when you say an interview, are you  
6 talking about, like, forensic interviewing?

7           A.    Yes, ma'am.

8           Q.    Was she, in fact, forensically  
9 interviewed?

10          A.    Yes, ma'am.

11          Q.    And can you tell us the date that she  
12 was forensically interviewed?

13          A.    January the 12th, 2005.

14          Q.    Were you there when she was interviewed?

15          A.    I believe so, yes, ma'am.

16          Q.    Were you actually in the room?

17          A.    No, I'm in a different room.

18          Q.    Did you have an opportunity to view or  
19 review that interview?

20          A.    Yes, ma'am.

21          Q.    Did you actually talk to Lashonda Irving  
22 yourself?

23          A.    I don't believe I did, no.

24          Q.    And tell us why you didn't talk to her.

25          A.    Because she was interviewed by the

1 forensic interviewer, so all that information comes  
2 based on that interview.

3 Q. Is it common for a child victim of  
4 sexual abuse just to talk to a forensic interviewer  
5 and not talk to multiple people, CPS, law  
6 enforcement, things of that nature?

7 A. Yes, ma'am.

8 Q. Were there other people who were also  
9 interviewed in regards to this case that you  
10 received?

11 A. Yes, ma'am.

12 Q. Okay. Why do you interview other  
13 people?

14 A. It's common practice to interview  
15 everybody that's involved in the case to get  
16 additional information.

17 Q. Okay. Do you sometimes, I guess,  
18 interview, like, collateral people, people who  
19 aren't necessarily involved but may have some  
20 relationship with either of the parties?

21 A. Yes, ma'am.

22 Q. And why is that?

23 A. Because they may have pertinent  
24 information in regards to the investigation.

25 Q. Let's talk about some of the people who



1 are interviewed. And in terms of these other people  
2 who were interviewed, let's talk about Laconya  
3 Davis. Did you actually interview her yourself?

4 A. No, ma'am.

5 Q. Can you tell us who interviewed her?

6 A. From what my notes said, a Harris County  
7 worker interviewed her.

8 Q. Why is it that a Harris County worker  
9 would interview her and not you?

10 A. Because Laconya stayed in Harris County  
11 and I'm in Fort Bend County.

12 Q. Okay. And just in terms of Laconya  
13 Davis being interviewed, what date was she  
14 interviewed?

15 A. January 13th, 2005.

16 Q. Okay. In terms of Laconya Davis,  
17 without going into what was said, did she give any  
18 indication that she had ever been touched  
19 inappropriately by someone?

20 A. No, she did not.

21 Q. Is there any discussion with Laconya  
22 Davis as to whether or not someone exposed  
23 themselves to her?

24 A. No, it was not.

25 Q. That was not discussed?

1           A.    If it was, I don't see it inside the --  
2   in my notes that she was -- that it was discussed  
3   with her.

4           Q.    Okay.  And I'm just kind of going  
5   through the records.  There's another individual who  
6   is interviewed, Parnell May.

7           A.    Yes, ma'am.

8           Q.    What date was he interviewed?

9           A.    January the 14th, 2005.

10          Q.    Does he give any indication as to  
11   whether or not someone had actually ever sexually  
12   touched him?

13          A.    No.

14          Q.    Same goes for Phariece May, when was she  
15   interviewed?

16          A.    January the 14th, 2005.

17          Q.    Did she give any indication as to  
18   whether or not someone had touched her?

19          A.    No.

20          Q.    And just to be clear, you testified  
21   earlier that sometimes you will have collateral  
22   people interviewed.  Were there any allegations of  
23   sexual abuse given by either Parnell May or Phariece  
24   May?

25          A.    No, ma'am.

1 Q. I'll move on.

2 There was someone by the name of Donna  
3 Davis. When was she interviewed?

4 A. January the 21st, 2005.

5 Q. Who was she interviewed by?

6 A. A Harris County worker as well.

7 Q. And is this because she also lived in  
8 Harris County?

9 A. Yes, ma'am.

10 Q. The same question, did she indicate  
11 whether or not she had been inappropriately touched  
12 by anyone?

13 A. No, she didn't.

14 THE COURT: Is that no? I couldn't  
15 hear you.

16 THE WITNESS: No, she didn't.

17 THE COURT: Thank you.

18 Q. (By Ms. Omodele) Next we'll go to Jamie  
19 Reynard. When was she interviewed?

20 A. January 21st, 2005.

21 Q. And, again, same question, any  
22 indication as to whether or not she had been touched  
23 by someone inappropriately?

24 A. No, she didn't.

25 Q. Do either Donna Davis or Jamie Reynard,

1 were they ever asked about -- and just per the  
2 records, were they ever asked about exposure? Had  
3 anyone ever exposed themselves to them?

4 A. No.

5 Q. Okay. So they're basically asked if  
6 someone had touched them?

7 A. Correct.

8 Q. I'll go in line next. There's a Jamal  
9 Hammond. When is he interviewed?

10 A. January 21, 2005.

11 Q. And same question, does he say that he's  
12 ever been touched by anyone?

13 A. No, he does not.

14 Q. I'll go to a Sandra Manley.

15 A. Yes, ma'am.

16 Q. Was she interviewed?

17 A. Yes, ma'am.

18 Q. Do you recall who she was interviewed  
19 by?

20 A. I believe myself.

21 Q. What type of interview did you do with  
22 Ms. Manley?

23 A. A home-visit interview, I want to say.

24 Q. Tell us what's the reason for a  
25 home-visit interview.

1           A. All investigations are -- we do home  
2 visits to make sure the home environment is a safe  
3 place for a child to live.

4           Q. Why did you do a home visit in regards  
5 to Ms. Manley?

6           A. I believe that's where Lashonda was  
7 living at the time.

8           Q. And based on your home visit, did it  
9 appear to be a stable living environment?

10          A. Yes, ma'am.

11          Q. I will go to Edmond Davis. In terms of  
12 the case, who was Edmond Davis in the case?

13          A. The alleged perpetrator.

14          Q. Did someone talk to him at some point?

15          A. I believe so, yes.

16          Q. Did you actually talk to him?

17          A. No, I did not.

18          Q. And why didn't you talk to him?

19          A. Because he's in Harris County.

20          Q. Well, you didn't talk to him, but you  
21 stated that you went and did a home visit at  
22 Ms. Manley's residence. Where did she live?

23          A. Fort Bend County.

24          Q. And in terms of Mr. Davis, does he just  
25 generally deny the allegations?

1 A. Yes.

2 Q. You stated earlier that in terms of your  
3 duties as an investigator you also conduct a risk  
4 assessment. Tell us what that is.

5 A. It's just an assessment to establish  
6 risks in the home.

7 Q. Do you -- after you investigated and you  
8 talked to people involved in the case, do you make  
9 some type of determination or disposition --

10 A. Yes, ma'am.

11 Q. -- in the case?

12 Did you make a determination in the case  
13 involving Lashonda Irving?

14 A. Yes, ma'am.

15 Q. And what was that determination?

16 MR. NEWMAN: Objection to  
17 relevance, Your Honor. Invades the province of the  
18 jury.

19 THE COURT: Sustained.

20 MS. OMODELE: May we approach  
21 briefly, Judge?

22 THE COURT: Yes, you may.

23 (Bench conference:)

24 MR. NEWMAN: We'd ask that  
25 Ms. Omodele keep her voice down for this.

1 THE COURT: I hadn't noticed she  
2 was -- I thought maybe I'm the only one --

3 MR. NEWMAN: Well, you are, too.

4 THE COURT: -- that's too loud.

5 MS. OMODELE: I apologize. I don't  
6 try to get loud.

7 THE COURT: Okay.

8 MS. OMODELE: I'd ask that if  
9 they're --

10 MR. NEWMAN: May we send the jury  
11 out for this?

12 (Proceedings continued:)

13 THE COURT: Please remove the jury,  
14 please.

15 (Jury retired.)

16 THE COURT: All right. Outside the  
17 presence of the jury, ask the question -- ask the  
18 question -- ask your witness --

19 MS. OMODELE: And, Judge, I'll  
20 actually ask it just another way to try not to --

21 THE COURT: Okay.

22 Q. (By Ms. Omodele) Based on your  
23 investigation and in talking to all of these  
24 witnesses, did you form an opinion as to whether or  
25 not the allegations -- how can I phrase this -- did

1 you form an opinion as to whether or not the  
2 allegations, I guess, were plausible?

3 A. Yes, ma'am.

4 Q. And what is that opinion?

5 A. The opinion was reason to believe.

6 THE COURT: I can't hear you.

7 THE WITNESS: Reason to believe.

8 Q. (By Ms. Omodele) Let me ask you this:  
9 Did you form an opinion yourself?

10 A. Well, I don't make my own opinion. I  
11 just take my information that's given to me --

12 MS. OMODELE: The only reason why,  
13 Judge, I want to ask that is because they're going  
14 to turn around on cross-examination, as we've  
15 already discussed, and ask: Was there anything to  
16 corroborate what Lashonda Irving says? That gives  
17 the implication that in her investigation there was  
18 no corroboration, so CPS didn't --

19 THE COURT: Well, if they ask it in  
20 that manner, that may open the door. What I thought  
21 you were going to say is whether or not based upon  
22 your investigation is there -- was there any  
23 evidence of exactly what you asked.

24 MS. OMODELE: No.

25 THE COURT: Is that correct, or am



1 I wrong?

2 MR. NEWMAN: Judge, what -- the  
3 question I thought she was going to ask was whether  
4 or not it had been coded as founded or unfounded,  
5 and that's why I had objected before --

6 THE COURT: Okay.

7 MR. NEWMAN: -- before that was  
8 done.

9 THE COURT: Do you have any  
10 objection then to just what was said?

11 MR. NEWMAN: Absolutely, I do,  
12 Judge.

13 THE COURT: That's what I figured.  
14 Let's --

15 MR. NEWMAN: That's like asking a  
16 Homicide officer do you think he's guilty? Sure.  
17 Sure.

18 THE COURT: Wait. Wait. What I'm  
19 saying is, when you were asking the question, I  
20 thought what you were going to ask was based on all  
21 of these witnesses, okay, was there any allegations  
22 as to touching or sexual -- isn't that what you  
23 wanted --

24 MS. OMODELE: No, I think Defense  
25 is going -- and I'm sorry. I didn't mean to cut you

1 off.

2 THE COURT: No, go ahead. Is that  
3 wrong or not?

4 MR. NEWMAN: Judge, well, first of  
5 all --

6 THE COURT: Just tell me if I'm  
7 wrong.

8 MR. NEWMAN: There are certain  
9 questions I want to ask, but I think that the fact  
10 that Ms. Omodele asked these questions before the  
11 door had been opened may change that a little bit.  
12 She -- she -- she asked these questions -- and I  
13 understand that there's an anticipation for that,  
14 but when I ask these questions, she's certainly  
15 allowed to do that once I've opened the door but I  
16 haven't done that yet. We've talked about it and --

17 MS. OMODELE: I thought that's what  
18 we approached on?

19 MR. NEWMAN: It is. But if the  
20 questions have not been --

21 THE COURT: I think where the  
22 confusion comes in is you called her and started it  
23 and he really wanted to do it on cross-exam.

24 MR. NEWMAN: Well, I was planning  
25 on doing it, but I think that once she starts

1       throwing --

2                       THE COURT:   I said that's what you  
3       were planning on doing --

4                       MR. NEWMAN:   Yes, sir.

5                       THE COURT:   -- right?

6                       MR. NEWMAN:   Well, want, was  
7       planning, yes, sir.  I was wanting to just go home.

8                       MS. OMODELE:   Judge, you said it  
9       would come in, right?  And so I said I was going to  
10      call her.  Certainly any --

11                      THE COURT:   Okay.  But the  
12      situation is -- let's go back to the issue.  She may  
13      not give an opinion as to whether or not this --  
14      there's any -- there's --

15                      MR. NEWMAN:   Validity.

16                      THE COURT:   -- validity or truth to  
17      the allegations.  He's not asking whether there's  
18      any truth of the allegations, whether there's any  
19      evidence of it.  It's a difference I see.

20                      MS. OMODELE:   Judge, I think his  
21      question is this -- and this is what he said.  He  
22      was going to ask her was there any corroboration to  
23      believe that sexual assault occurred.  If I'm not  
24      mistaken, that's what --

25                      MR. NEWMAN:   My question was going

1 to be: Was there anything corroborating the  
2 allegations made by Lashonda Irving?

3 THE COURT: Lashonda.

4 MR. NEWMAN: It's not asking for an  
5 over-arching opinion as to the validity of the case  
6 in general.

7 THE COURT: She may not give her  
8 opinion. Now, that's it, period.

9 MS. OMODELE: And that's what I  
10 wanted to make sure, that he's not going to ask her  
11 a question that would make it seem as though CPS  
12 believed --

13 THE COURT: He just told us his  
14 question. Is that satisfactory or not?

15 MS. OMODELE: That's fine.

16 THE COURT: All right.

17 MR. NEWMAN: And, Your Honor, just  
18 to be clear, no personal opinions and no citing of  
19 CPS case --

20 THE COURT: This witness may not  
21 give an opinion as to what she feels or if there's  
22 any validity, whatever. She just takes the  
23 information and either there's information to  
24 corroborate whatever or there's not, but she may not  
25 give an opinion. Okay?

1 MR. NEWMAN: Well, one thing --

2 THE COURT: Period.

3 MR. NEWMAN: But in addition to her  
4 personal opinion, CPS does code those things as  
5 founded and reason to believe. I just want to make  
6 sure that extends into what CPS' ruling is, that she  
7 can't go into that as well.

8 THE COURT: I never even asked her  
9 to ask that.

10 MS. OMODELE: Judge, I will not go  
11 into that just as long the door is not opened to  
12 that.

13 THE COURT: Okay.

14 MS. ROE: The door --

15 THE COURT: Excuse me. We're not  
16 going to sit here and speculate what, when or  
17 whatever. If you open that door, you open the door.  
18 That's it.

19 Based on what I'm hearing right  
20 now, that's not going to happen.

21 MS. OMODELE: Maybe I just  
22 misunderstood what he said he was going to ask.

23 THE COURT: Okay. All right.  
24 Thank you so much.

25 MR. NEWMAN: Thank you, Judge.

1 THE COURT: Now, listen. For both  
2 sides, here's the situation. Everyone in the  
3 building is ordering out for food. Okay. So we  
4 were going to take a break at 12:30. It may not be  
5 here at 12:30. So we should go forward with the  
6 exception that we've got a few things I need to take  
7 up out -- for the docket, but I want to let you know  
8 where we were.

9 Is this the last witness or not?

10 MS. OMODELE: Yes.

11 THE COURT: It's okay if it's not.

12 Is this the last witness for the State?

13 MS. OMODELE: Yes, possibly

14 rebuttal --

15 THE COURT: No, no, I understand.

16 That's rebuttal. But direct --

17 MS. OMODELE: Yes.

18 THE COURT: -- that's it.

19 Okay. Let's go forward, see where  
20 we are. Let's bring the jury in.

21 (Jury seated.)

22 THE COURT: You may be seated.

23 When you're ready, Ms. Omodele.

24 Thank you.

25 MS. OMODELE: Your Honor, I'll pass

1 the witness at this time.

2 THE COURT: All right.

3 MR. NEWMAN: May I proceed, Your  
4 Honor?

5 THE COURT: Yes, you sure may.

6 CROSS-EXAMINATION

7 BY MR. NEWMAN:

8 Q. Ms. Haywood, my name is Murray Newman.  
9 We've never spoken before, have we?

10 A. I don't believe so.

11 Q. Okay. And you, back in 2005, were  
12 working for CPS --

13 A. Correct.

14 Q. -- correct?

15 And you were assigned the case of -- it  
16 actually came in under the title of Latish Smith,  
17 correct?

18 A. Correct.

19 MR. NEWMAN: May I approach, Your  
20 Honor?

21 THE COURT: Yes, you may.

22 MR. NEWMAN: I'm going to get this  
23 out real quick.

24 Q. (By Mr. Newman) And the correct  
25 terminology for you is you were the case agent; is

1 that correct?

2 A. Case investigator.

3 Q. Investigator?

4 A. Yes, sir.

5 Q. And as part of that, you pretty much  
6 had -- you were responsible for coordinating all of  
7 the information provided to you, correct?

8 A. Correct.

9 Q. You were the head person in charge as  
10 far as people -- if you had Harris County doing some  
11 work, they reported it back to you, correct?

12 A. Correct.

13 Q. Okay. Now, you said this case first  
14 came in on January 12th, 2005; is that correct?

15 A. Correct.

16 Q. And it came through the first time based  
17 on -- based on allegations made by one person and  
18 one person only and that was Lashonda Irving,  
19 correct?

20 A. Correct.

21 Q. And so it's fair to characterize  
22 Lashonda Irving's outcry as basically the starting  
23 point of this investigation?

24 A. Correct.

25 Q. And as part of your investigation when



1 you get -- when you do get a case like this, do you  
2 do background information to see if the family's had  
3 prior CPS history?

4 A. Yes.

5 Q. And did you do that on this case?

6 A. Yes.

7 Q. And before I forget, I've seen some  
8 printed-up -- the printed-up reports from Fort Bend  
9 CPS, but were there any additional field notes that  
10 you have in your possession?

11 A. No.

12 Q. Okay. So everything that the prosecutor  
13 has is everything that you've had and everything  
14 that you've reviewed to refresh your memory?

15 A. Correct.

16 Q. Nothing additional I'm missing?

17 A. No.

18 Q. Okay. When you looked through the CPS  
19 history, isn't it true that Lashonda Irving and her  
20 mother, Latish Smith, had had a pretty rough time  
21 over the past 12 years, 12, 13 years?

22 A. Yes.

23 Q. They had -- there had been moves from  
24 household to household, correct?

25 A. Yes.

1           Q.    And at some times the children of Latish  
2 Smith being taken out of her possession, correct?

3           A.    Correct.

4           Q.    At points Lashonda and some other  
5 children in the family had been in foster care,  
6 correct?

7           A.    I believe so, yes.

8           Q.    And that's with a non-relative?

9           A.    I believe so, yes.

10          Q.    And then ultimately bounced back  
11 sometimes under the care of Latish Smith,  
12 sometimes -- ultimately at the time you met them  
13 they were under the care of the grandmother?

14          A.    Correct.

15          Q.    Okay.  But it's very safe to say that  
16 Lashonda Irving had not had stable housing growing  
17 up in her life?

18          A.    Correct.

19          Q.    And it's also fair to say that her  
20 family was separated?

21          A.    Yes.

22          Q.    Including the fact that her -- she and  
23 her sister who was closest in age to her were  
24 separated.  She was separated living in two separate  
25 households from her half-sister, Laconya Davis,

1 correct?

2 A. Yes.

3 Q. Now, you said that you observed the  
4 forensic interview done by Mary Anne Simicek and  
5 Lashonda?

6 A. Yes.

7 Q. Okay. So -- and basically it's like a  
8 two-way mirror or one-way mirror and you can look  
9 out and observe it while she was actually in the  
10 room doing the interview, correct?

11 A. Yes.

12 Q. And so you were present for that?

13 A. Yes.

14 Q. And you were present then and you heard  
15 in the interview that Lashonda gave on January 12th  
16 that not only did she make outcry about what she  
17 said had happened with the masturbation -- you heard  
18 those, correct?

19 A. Yes.

20 Q. -- she also said that her sister had  
21 been sexually abused, correct?

22 MS. OMODELE: Judge, I'm going to  
23 object.

24 THE COURT: What was the question  
25 again? The coordinator was asking me something.

1           Q.    (By Mr. Newman)  You heard her testimony  
2  and it's been previously testified to and you heard  
3  her say that her sister, Laconya Davis, had been  
4  sexually abused by Edmond Davis?

5           MS. OMODELE:  Judge, I'm going to  
6  object to that.  That calls for hearsay.

7           MR. NEWMAN:  May I respond?

8           THE COURT:  Yes, you may.

9           MR. NEWMAN:  Judge, first of all,  
10 it's already been previously --

11          THE COURT:  That's sustained.  No,  
12 you're right.  We have been into that.  That's  
13 overruled.

14          MS. OMODELE:  Judge, if I may.

15          THE COURT:  Go ahead.  Go ahead.

16          MS. OMODELE:  It's hearsay.  That's  
17 not what was previously said.

18          THE COURT:  That's overruled.  
19 Let's move on.

20          Q.    (By Mr. Newman)  Did you hear the  
21 allegations that she made that there were other  
22 members of the Hayes' household who had been abused,  
23 the people that -- at the home of Mabel Hayes?

24          A.    Yes.

25          Q.    Specifically Laconya Davis, correct?

1 A. Yes.

2 Q. Also, although not a blood relative,  
3 another child in the household, Jamie Reynard?

4 A. I don't recall Jamie, no.

5 Q. And a child named Donna?

6 A. I don't recall those kids.

7 Q. Could you refresh your memory from your  
8 notes, please, ma'am?

9 A. (Witness complied.)

10 MS. OMODELE: Judge, may we  
11 approach?

12 THE COURT: Yes, you may.

13 (Bench conference:)

14 MS. OMODELE: Judge --

15 THE COURT: I'm listening.

16 MS. OMODELE: He's getting into an  
17 area where I don't know if it's clear, but he  
18 doesn't go into what specifically --

19 THE COURT: I'm sorry. You're  
20 speaking so low. I'm going to remove the jury  
21 because I can't hear y'all. Okay? And I want  
22 everybody to have a say.

23 MR. NEWMAN: Yes, sir.

24 MS. OMODELE: I think this will be  
25 very brief. I just want to be sure that he doesn't

1 go into something that the Court has already ruled  
2 about in terms of Laconya Davis and what  
3 specifically happened to her.

4 MR. NEWMAN: I wasn't planning on  
5 it. I'm just using the term "sexual abuse."

6 THE COURT: Okay.

7 MS. OMODELE: Okay.

8 THE COURT: Okay. Thank you.

9 MS. ROE: Thanks, Judge.

10 (Proceedings continued:)

11 Q. (By Mr. Newman) And, Ms. Haywood, if it  
12 helps you out, I've read the notes and I believe it  
13 just says other children. It may not specify the  
14 names.

15 A. Okay.

16 Q. Is that -- does that kind of mirror what  
17 you see?

18 A. Yes. Uh-huh.

19 Q. Obviously, as part of CPS, you take any  
20 type of allegation seriously, correct?

21 A. Correct.

22 Q. And you were going to interview the  
23 people involved that may have knowledge or could  
24 possibly have -- have been -- if the child -- that  
25 their welfare may be in the danger, correct?

1           A.    Correct.

2           Q.    And you did or at least you and the  
3 other fine members of CPS across Harris and Fort  
4 Bend Counties did these follow-up interviews,  
5 correct?

6           A.    Correct.

7           Q.    And I know that you went through the  
8 dates, but I have this handy-dandy calendar here  
9 that I'd like to write down the dates on what  
10 interviews were done.

11                    I'm showing you Defendant's Exhibit 1  
12 which at this point is for demonstrative purposes.

13                    Lashonda Irving had her interview on  
14 January 12th; is that correct?

15           A.    Correct.

16           Q.    Okay. The following day Laconya Davis  
17 was interviewed; is that correct, on January 13th?

18           A.    Correct.

19           Q.    So I'm going write "Laconya Davis, CAC  
20 interview."

21                    And I'm going through your notes in the  
22 way you wrote them as well. And your notes reflect  
23 on January 14th both Parnell and Phariece May were  
24 interviewed?

25           A.    Correct.

1 Q. Donna Davis, do you recall who she was?

2 A. Yes.

3 Q. And she was 6 years old, correct?

4 A. Yes.

5 Q. And that -- and she was interviewed on  
6 January 21st; is that correct?

7 A. Yes.

8 Q. Also on January 21st, Jamie Reynard was  
9 also interviewed?

10 A. Correct.

11 Q. On the 25th, January 25th, a Jamal  
12 Hammond was interviewed?

13 A. Yes.

14 Q. And I don't know that any of us are  
15 really sure who that was, but he was a learning  
16 disabled child; is that correct?

17 A. Yes.

18 Q. This is a little bit out of order, but I  
19 don't blame you for that. I see in your notes you  
20 had January 12th that Sandra Manley had also been  
21 interviewed; is that correct?

22 A. Yes.

23 Q. It's a little out of order  
24 chronologically. The records indicate that you  
25 spoke with Edmond Davis both on January 18th and



1 19th, correct?

2 A. Yes.

3 Q. Was that a full-fledged interview or  
4 just speaking with him?

5 A. Speaking with him.

6 Q. On both days, though?

7 A. Yes.

8 Q. And on -- I have on the 21st that you  
9 also talked to Donna Davis, also Reynard also --  
10 that's their maiden name -- that would be the wife  
11 of Edmond Davis, correct?

12 A. Yes.

13 Q. And you spoke to her on the 21st as  
14 well?

15 A. Yes, I went to speak with her, yes.

16 Q. And on the 14th you also spoke with  
17 Mabel Hayes, correct?

18 A. Yes, someone did speak with her.

19 Q. And you mentioned that at one point  
20 there was a home visit?

21 A. Yes.

22 Q. And I don't have that in my notes.  
23 Where -- what day was that on?

24 A. I'm not sure when that was.

25 Q. You don't have that documented?

1 A. No.

2 Q. Do you have it documented as to the  
3 contents of that meeting?

4 A. Yes.

5 Q. And do you have documentation of people  
6 present at that meeting?

7 A. No.

8 Q. So do you know if Edmond Davis was  
9 present there for it?

10 A. No, I don't.

11 Q. Can you say that he was or was not?

12 A. No, I don't.

13 Q. I just want to make sure. I've written  
14 down this interview -- these interview times. Are  
15 these all accurate of what we just described?

16 A. Lashonda was interviewed at the CAC.  
17 Laconya was interviewed -- I believe she wasn't  
18 interviewed at the CAC.

19 Q. All right.

20 A. She was interviewed at school.

21 Q. Okay. So if I knock out the CAC  
22 letters, we're good?

23 A. Yes.

24 Q. Okay.

25 A. Parnell was interviewed at school.

1 Q. Okay.

2 A. Phariece was interviewed at school.  
3 Donna and Jamie were interviewed at home.

4 Q. So if I take CAC out here, these dates  
5 are an accurate reflection of what you've just  
6 testified to?

7 A. Yes. Uh-huh.

8 Q. Okay. And you don't know what day the  
9 home visit was on?

10 A. No, I don't.

11 Q. Okay.

12 MR. NEWMAN: Your Honor, at this  
13 time I'd tender Defense Exhibit 1 to Ms. Omodele and  
14 offer it into evidence.

15 MS. OMODELE: Is it demonstrative?  
16 Is that why --

17 MR. NEWMAN: I'm just offering it  
18 into evidence. It was demonstrative, but now I'm  
19 offering it into evidence so you can't write on it  
20 anymore.

21 MS. OMODELE: No objections.

22 THE COURT: It'll be admitted.

23 (Defendant's Exhibit No. 1,  
24 Calendar, was offered and admitted.)

25 Q. (By Mr. Newman) You were aware of the

1 allegations that Lashonda -- excuse me -- Lashonda  
2 Irving had made, correct --

3 A. Yes.

4 Q. -- because you witnessed her video?

5 In all of those interviews that you had  
6 with all of those people, was there anything in  
7 there that corroborated what she had alleged on the  
8 other people's behalf?

9 A. No.

10 Q. And all the other people that talked to  
11 them on behalf of Harris County, these were all  
12 trained professionals as well, correct?

13 A. Correct.

14 Q. Did you -- did you meet with Lashonda  
15 Irving personally?

16 A. I don't remember that I did.

17 Q. Did you meet with Laconya Davis  
18 personally?

19 A. No, sir.

20 Q. Did you speak with Laconya Davis when  
21 she was up here yesterday with Lashonda Irving?

22 A. No.

23 Q. Did you see her and talk to her?

24 A. No.

25 Q. Now, all these allegations begin in

1 January, correct --

2 A. Yes.

3 Q. -- of 2005?

4 A. Yes.

5 Q. In your working with CPS, how does your  
6 work coincide with what the CAC does, the Children's  
7 Advocacy Center in Fort Bend? Do you have an office  
8 there? Do you work closely with them?

9 A. Only for the interviews.

10 Q. And -- but it is a situation where the  
11 CAC is there so that the right hand kind of knows  
12 what the left hand is doing, correct?

13 A. Yes, sir.

14 Q. And when you have allegations like this,  
15 ultimately either CAC or CPS will refer it on to law  
16 enforcement, correct?

17 A. Repeat the question.

18 Q. When you have allegations like this, the  
19 CAC or CPS' duty is to refer it on to law  
20 enforcement, correct?

21 A. Correct.

22 Q. Do you have any explanation as to why  
23 HPD would not have received this case any earlier  
24 than July of 2005?

25 A. Usually when we get a case, law

1 enforcement gets the case.

2 Q. So you don't know why that -- HPD would  
3 not have begun investigating it until July?

4 A. No, I don't.

5 Q. Do you recall or have anything reflected  
6 in your notes about a Sergeant Parrie of the Houston  
7 Police Department attempting to reach you to discuss  
8 the case?

9 A. No.

10 Q. If a police officer had called you,  
11 would you have returned his phone call?

12 A. Yes.

13 MR. NEWMAN: I'll pass the witness,  
14 Your Honor.

15 THE COURT: Thank you.

16 MS. OMODELE: May I proceed, Your  
17 Honor?

18 THE COURT: Yes, you may.

19 REDIRECT EXAMINATION

20 BY MS. OMODELE:

21 Q. Ms. Haywood, back in 2005, would you say  
22 that you worked many or few cases?

23 A. Yes, many.

24 Q. Many or few?

25 A. Many.

1           Q.    Okay.  Would you say you worked multiple  
2 cases at one time?

3           A.    Correct.

4           Q.    Back then was it always possible for you  
5 to talk to every single person on every single case?

6           A.    I'm sorry.  Say that again.

7           Q.    Was it always possible for you to talk  
8 to every single person on every single case?

9           A.    We try to, yes.

10          Q.    I guess what I'm getting as is why  
11 didn't you yourself go and drive out to Harris  
12 County to talk to some of these people?

13          A.    At that time I'm not really sure.  It  
14 could have been a directive for me to stay within my  
15 area.  Usually when we have cases that are in a  
16 different county, we get cursory interviews to help  
17 us out.  They'll just offer a call.

18          Q.    Let's talk about Laconya Davis.  Back  
19 when she was interviewed in 2005, where was she  
20 living?

21          A.    I believe Harris County.

22          Q.    Okay.  Who was she living with?

23          A.    Her grandmother.

24          Q.    And who was that?

25          A.    Mabel Hayes.

1           Q.    You stated that Donna Davis was also  
2 interviewed?

3           A.    Yes.

4           Q.    Okay.  And that Donna Davis would be the  
5 Defendant's wife at the time?

6           A.    Yes.

7           Q.    Let's see.  What date was Ms. Davis  
8 interviewed?

9           A.    January 21st, 2005.

10          Q.    Okay.  Was there any indication that the  
11 Defendant lived in the home with Ms. Donna Davis?

12                   MR. NEWMAN:  Objection.  Calls for  
13 hearsay, Your Honor.

14                   THE COURT:  Sustained.

15          Q.    (By Ms. Omodele)  Based on your  
16 investigation -- okay.  Based on your investigation  
17 of the whole case, did you know where the Defendant  
18 was living?

19                   MR. NEWMAN:  Objection.  Calls for  
20 back-door hearsay.

21                   THE COURT:  No, I'm going to allow  
22 her to answer that question.

23          A.    Repeat the question again.  I'm sorry.

24          Q.    (By Ms. Omodele)  Did you know where the  
25 Defendant was actually living?



1           A.    No.

2           Q.    Okay.  All right.  Did you know whether  
3 or not he was living in the home with his wife?

4           A.    He was not, no.

5                   MR. NEWMAN:  Objection, hearsay,  
6 Your Honor.

7                   THE COURT:  She doesn't know.

8                   MR. NEWMAN:  Actually --

9                   THE COURT:  She's answered it.

10                  MR. NEWMAN:  I'm sorry.  I must  
11 have misheard her answer.

12                  THE COURT:  Didn't you say, no, you  
13 did not know?

14                  THE WITNESS:  I didn't know.

15                  MR. NEWMAN:  Oh, I'm sorry.  I  
16 misheard her.

17                  THE COURT:  No problem.  It's okay.  
18 Let's move on.

19                  Q.    (By Ms. Omodele) Now, Defense counsel  
20 asked you whether or not there was corroboration in  
21 terms of what had happened to Lashonda in this  
22 exposure.  Okay?

23                           These people -- and when I say people,  
24 that's the wrong terminology.  These children that  
25 were interviewed, were they ever asked about

1 exposure?

2 MR. NEWMAN: Your Honor, I'm going  
3 to object to that being a misstatement of the  
4 evidence. The question I asked specifically was was  
5 there anything that corroborated her allegations of  
6 abuse.

7 MS. OMODELE: Judge, I think it's  
8 clear that the allegations of abuse dealt with  
9 exposure.

10 THE COURT: What is your objection?

11 MR. NEWMAN: My objection is that  
12 she said that I asked specifically about questions  
13 about exposure. I did not limit it -- that question  
14 in that way, Your Honor. She stated that I did, and  
15 I just wanted to clear --

16 MS. OMODELE: I'll clarify it.

17 THE COURT: Thank you very much.

18 Q. (By Ms. Omodele) In terms of what  
19 Lashonda said happened to her, did she tell -- in  
20 her CAC interview that you had the opportunity to  
21 view, did she talk about the Defendant exposing  
22 himself?

23 A. Yes.

24 Q. Okay. And in terms of these other  
25 children who were interviewed, specifically Laconya

1 Davis and I believe a Jamie -- and, again, back in  
2 2005, we're just talking about 2005 -- were they  
3 ever asked about exposure?

4 A. No.

5 Q. What were they asked about?

6 A. If they were touched.

7 Q. Did they deny being touched?

8 A. Yes. Correct.

9 Q. And just to be clear, you didn't have  
10 any involvement with this family after 2005?

11 A. No.

12 Q. Okay. So you wouldn't know what  
13 happened with any of these people --

14 MR. NEWMAN: Objection. May we  
15 approach, Your Honor?

16 THE COURT: Yes.

17 (Bench conference:)

18 MR. NEWMAN: Admittedly, I don't  
19 know how that question wraps up, but it certainly  
20 sounds from the start that the part she was going to  
21 basically insinuate that something happened after  
22 2005 that she would not be privy to.

23 MS. OMODELE: I was not. That was  
24 my last question.

25 THE COURT: Is that your last

1 question?

2 MS. OMODELE: No, about that, about  
3 2005.

4 THE COURT: All right. Well, does  
5 that satisfy you or not?

6 MR. NEWMAN: Well, I just want to  
7 make sure the Prosecution does not make any type of  
8 an illusion that in any way insinuates that there's  
9 something that happened that this witness would not  
10 be privy to.

11 MS. OMODELE: Judge --

12 THE COURT: That's all he's asking.  
13 And if you're not going to do that, fine.

14 MS. OMODELE: All I'm asking --

15 THE COURT: No. Are you going  
16 to --

17 MS. OMODELE: No.

18 THE COURT: Okay. Let's go  
19 forward. Thank you.

20 (Proceedings continued:)

21 Q. (By Ms. Omodele) Again, did you have  
22 any involvement with this family after 2005?

23 A. No, ma'am.

24 Q. So do you have any personal knowledge as  
25 to what happened with any of these children after

1 2005?

2 A. No, ma'am.

3 Q. One final question. In terms of these  
4 other children that were interviewed, that we  
5 named -- let's start off with the first child  
6 besides Lashonda and Laconya. Okay?

7 A. Okay.

8 Q. I believe that first child was Parnell  
9 May.

10 A. Yes, ma'am.

11 Q. Did he live in the home with Ms. Mabel  
12 Hayes or the Defendant, Edmond Davis?

13 A. I don't know.

14 Q. Okay. If you need to review -- and he  
15 was interviewed on January 14th. Based on his  
16 interview, did he live in the home with either  
17 Edmond Davis or Ms. Mabel Davis [sic]?

18 A. No.

19 Q. Okay. What about Phariece May?

20 A. No.

21 Q. What about Donna Davis? And to be  
22 clear, the child, Donna Davis, not the Defendant's  
23 wife at the time.

24 A. No.

25 Q. Jamie Reynard?



1 point, but I would like to make, but when  
2 Ms. Omodele comes back, "Well, they only asked about  
3 exposure," she's insinuating that somehow CPS'  
4 failure to delve in --

5 THE COURT: I understand, but  
6 here's the situation. I was trying to get some  
7 track with regard to our agreements and make  
8 everybody happy, but I'm going to tell you most of  
9 this is hearsay.

10 MR. NEWMAN: Yes, sir. Yes, sir.

11 THE COURT: And we're getting far  
12 afield --

13 MS. ROE: Judge, if I may, on  
14 direct examination, not by the Defense, the door was  
15 opened and at this point the Defense is entitled to  
16 respond to the invitation --

17 THE COURT: I'll tell you what.  
18 This is what we're going to do. Okay. Because I  
19 kind of let this go a little bit too long with  
20 regard to all this hearsay. I'm going to let her  
21 answer that one question, and then that's it.

22 MS. ROE: Yes, Judge.

23 MR. NEWMAN: Yes, Judge.

24 THE COURT: She said she wasn't  
25 there. She doesn't know. Every bit of this is

1 hearsay.

2 MR. NEWMAN: Yes, sir.

3 THE COURT: Thank you. Thank you.  
4 Thank you.

5 MS. OMODELE: Thank you, Judge.

6 (Proceedings continued:)

7 MR. NEWMAN: That's probably going  
8 to be my last question, Judge, so this --

9 THE COURT: Well, I won't restrict  
10 you to that, but go ahead, Mr. Newman.

11 Q. (By Mr. Newman) Isn't it true that at  
12 the close of the interview with Laconya Davis she  
13 said that she felt safe in her home and was not  
14 afraid of anything?

15 A. Correct.

16 MR. NEWMAN: I'll pass the witness,  
17 Your Honor.

18 THE COURT: Thank you.

19 Anything further, Ms. Omodele?

20 MS. OMODELE: May I have 30  
21 seconds, Judge?

22 THE COURT: (Nods head.)

23 (Brief pause.)

24 MS. OMODELE: Nothing further.

25 THE COURT: Thank you very much.



1 May this witness step down and be excused?

2 MR. NEWMAN: Yes, Your Honor.

3 MS. OMODELE: She may, Your Honor.

4 THE COURT: Not subject to recall.

5 MR. NEWMAN: Most likely not  
6 subject to recall, Your Honor.

7 THE COURT: You may step down, but  
8 you're not excused at this time. You're under the  
9 Rule. You may not discuss this case with anyone  
10 else, save and except the attorneys for both sides,  
11 until such time as you're called back to testify if  
12 you are.

13 Thank you so much.

14 MS. OMODELE: Judge, do you want  
15 her to stay around or I'm not sure what  
16 Mr. Newman --

17 MR. NEWMAN: I highly doubt that I  
18 will need her and if I --

19 THE COURT: How far away -- do you  
20 mean if she's not around, where is she going to be,  
21 Ms. Omodele?

22 MS. OMODELE: I'm not sure.

23 THE COURT: Well, okay. Is this  
24 your last witness? Are you ready to rest or do you  
25 have other witnesses?