

1 having been first duly sworn, testified as follows:

2 **DIRECT EXAMINATION**

3 **BY MS. COLLINS:**

4 Q. Could you please state your name and spell your  
5 first and last name?

6 A. Spell it?

7 Q. Yes.

8 A. My name is Guadalupe Hernandez.

9 G-u-a-d-a-l-u-p-e. H-e-r-n-a-n-d-e-z.

10 Q. What do you do for a living?

11 A. I'm a deputy with the Harris County Sheriff's  
12 Department.

13 Q. Normally we would expect to see you in a  
14 uniform.

15 A. Yes, ma'am.

16 Q. What happened today that you are not in  
17 uniform?

18 A. I was off-duty and I was told to come as I was  
19 as soon as possible. So, here I am.

20 Q. Where were you at when I called you?

21 A. Sealy, Texas. That's where I live.

22 Q. Deputy Hernandez, what's your current role with  
23 the Harris County Sheriff's Department?

24 A. I'm on patrol in the District 4 area of the  
25 Harris County Sheriff's Office.

1 Q. As a patrol officer, tell us your basic  
2 responsibilities.

3 A. Answering calls for service.

4 Q. And calls for service, is that like when I call  
5 911 and you're who shows up?

6 A. Correct.

7 Q. Okay. How long have you been in patrol?

8 A. Eight years.

9 Q. Prior to becoming a certified peace officer  
10 with the Harris County Sheriff's Office, did you have  
11 any other jobs?

12 A. I worked in the jail and after I worked in the  
13 jail for a couple of years, I became certified and then  
14 I transferred to the Child Abuse Unit of the Harris  
15 County Sheriff's Office and worked nine years there, and  
16 then went to patrol.

17 Q. Prior to that did you go through something  
18 called the academy?

19 A. Yes, ma'am.

20 Q. And we've learned that you have to pass a  
21 series of test, essentially, to graduate from that  
22 academy.

23 A. Yes, ma'am.

24 Q. Did you do so?

25 A. Yes, I sure did.

1 Q. Have you maintained being a certified peace  
2 officer in the state of Texas since your graduation?

3 A. Yes, I have.

4 Q. When was that?

5 A. In 1993.

6 Q. Okay. I want to turn your attention  
7 to October -- excuse me -- November of 2010.

8 A. Yes, ma'am.

9 Q. Where were you working during that period of  
10 time?

11 A. I was working in the District 4 area, Katy  
12 area, in patrol.

13 Q. And specifically on November 13th of 2010, did  
14 you receive a call for service, a dispatch?

15 A. Yes. We had a 911 call about an assault.

16 Q. Okay. Where was the location of that assault?

17 A. I don't remember the address.

18 Q. Did you take -- or have you had a chance to  
19 review notes from the call for service from that day?

20 A. I did briefly earlier today, but I didn't --

21 Q. Would it help you to have those notes?

22 A. Yes, please.

23 MS. COLLINS: May I approach the witness,  
24 Your Honor?

25 THE COURT: You may.

1 Q. (By Ms. Collins) Okay. What is this that I  
2 just handed you (indicating)?

3 A. This is the call for service, the call slip  
4 that's generated every time we get a call for service.

5 Q. What kind of information is on the call slip?

6 A. We normally get an address of what the call is  
7 in reference to, the name of the caller, a phone number.

8 Q. I'm going to let you keep that while we talk,  
9 okay?

10 A. Okay.

11 Q. On that particular day, where was the address  
12 that you were supposed to go to?

13 A. 22150 Pearl Lake Drive.

14 Q. And what was the nature of that call did you  
15 say?

16 A. They called it as in-progress assault.

17 Q. Now, other than an assault, did you have any  
18 other details about what you were headed into?

19 A. Only that a black male came into the house and  
20 was beating on reportee's brother.

21 Q. Okay. Did you go to the location?

22 A. Yes, ma'am, I did.

23 Q. When you got there, was there someone who  
24 looked like they had been involved in an assault?

25 A. Not at first.

1 Q. Okay. Who did you see at first when you got  
2 there?

3 A. There was a male and a female out in the  
4 driveway. The female was screaming and yelling  
5 something about her father was assaulted and that she  
6 wanted us to act immediately and arrest the person that  
7 assaulted her dad.

8 Q. Okay. When you heard that, what did you do?

9 A. I told her I needed to speak to the person that  
10 was assaulted.

11 Q. Okay. And did you find out who that person  
12 was?

13 A. Yes. She told me he was in the house. He came  
14 out to the garage. I spoke to him and asked him: What  
15 happened? He says: I don't want to talk you. I didn't  
16 call you. What are you doing here? You need to leave.

17 Q. Did you get his name?

18 A. No. He told me he was the complainant. He  
19 didn't give me a name. He refused to cooperate.

20 Q. Did he tell why he didn't want to cooperate  
21 with you?

22 A. He didn't tell me.

23 Q. The person that you were talking to, did that  
24 look like somebody who had been injured?

25 A. He was very calm and collected.

1 Q. Okay. Did he give you a name of who had  
2 assaulted him?

3 A. No, ma'am. He refused to cooperate.

4 Q. When he told you to leave, did you leave?

5 A. Yes, ma'am, we did.

6 Q. You mentioned that you talked to his daughter;  
7 is that correct?

8 A. Yes.

9 Q. Do you remember the daughter's name?

10 A. I believe it was Amber.

11 Q. Did you see any injuries on the man you were  
12 speaking to as you were talking to him?

13 A. I think I recall some blood, but I'm not  
14 exactly sure where the blood came from.

15 Q. Okay. Other than what you've told us, did he  
16 cooperate in any way?

17 A. No. He refused to talk to me, speak to me  
18 about anything.

19 MS. COLLINS: Pass the witness, Your Honor.

20 MR. OLIVER: No questions of this witness,  
21 Your Honor.

22 THE COURT: All right. You may step down.  
23 Thank you.

24 May this deputy be excused?

25 MS. COLLINS: Yes, Your Honor.