

1 MS. GAIDO: Your Honor, may I proceed?

2 THE COURT: You may.

3 MS. GAIDO: Thank you, Your Honor.

4 OFFICER STEPHEN HOPE,

5 having been first duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. GAIDO:

8 Q. Good morning.

9 A. Good morning, ma'am.

10 Q. Would you, please, introduce yourself to the  
11 ladies and gentlemen of our jury?

12 A. Yes, ma'am. I am Officer Hope with the Houston  
13 Police Department. I work out of South Central Patrol  
14 and have been there for five years.

15 Q. And, Officer Hope, where are you from  
16 originally?

17 A. Albuquerque, New Mexico.

18 Q. Did you go to high school out there?

19 A. Yes.

20 Q. And did you graduate?

21 A. Yes.

22 Q. What did you do after high school?

23 A. After high school, I went to Le Tourneau  
24 University, a small technical college in Northeast Texas.  
25 I graduated with a Bachelors in Physical Chemistry and a

1 minor in electrical engineering.

2 Q. Which is a little different than what you're  
3 doing now. Is that fair to say?

4 A. Absolutely.

5 Q. And eventually did you get married?

6 A. Yes.

7 Q. And what does your wife do?

8 A. She's a violinist and has a major in  
9 communications as well.

10 Q. So, how did y'all end up in Houston?

11 A. When we got married, we were looking for a city  
12 that facilitated the engineering and the music along with  
13 the chemistry and Houston was the obvious choice.

14 Q. How long have you been in Houston?

15 A. Five years.

16 Q. And when you got to Houston, is that when you  
17 joined the Houston Police Department?

18 A. Yes, ma'am.

19 Q. And can you tell the ladies and gentlemen of the  
20 jury what kind of training cadets go through in order to  
21 be with the Houston Police Department?

22 A. Yes, ma'am. For six months we're in an academy.  
23 At the academy we're trained in the Penal Code. We also  
24 do tactical stuff and firearms training, driving, CCP, a  
25 lot of the Code of Criminal Procedure. We do a lot

1 of -- like first half is law and second half is the hands  
2 on. And then after the academy for six months, we go to  
3 on-the-job training with an evaluator and trainer and we  
4 have on-the-job training for another six months.

5 Q. Where are you currently stationed?

6 A. South Central Patrol.

7 Q. And so you're on patrol.

8 A. Yes, ma'am.

9 Q. And can you talk to the jury about the general  
10 duties and day in and day out requirements of a patrol  
11 officer like yourself?

12 A. Um, the number one thing is to respond to 911  
13 calls. So, anybody who calls in 911 and needs a police  
14 officer, a patrol officer will be the first one to come  
15 to them. Alongside with that, we do East Field traffic.  
16 Anything that we observe, we go and take care of, whether  
17 it be a part of the law or a safety hazard.

18 Q. Were you with the Houston Police Department in a  
19 patrol capacity on July 5th of 2011?

20 A. Yes, ma'am.

21 Q. Did you have occasion to be called out to a  
22 Fiesta store to meet with a woman that you would come to  
23 know as Kristine Gonzalez?

24 A. Yes, ma'am.

25 Q. And do you remember what -- why you were called

1 out there originally?

2 A. The original call was a C, the complainant, and  
3 it was a call from Mr. Anderson saying one of his  
4 employees had been assaulted and injured and he wanted us  
5 to come out and look at her and possibly do a report.

6 Q. What happened when you arrived at the Fiesta?

7 A. When I arrived at the Fiesta Mart, I met with  
8 Mr. Anderson and spoke with him. He advised that one of  
9 his employees had come in and to him appeared to be  
10 highly injured and something out of the ordinary.

11 Q. Did -- was the complainant Kristine Gonzalez?

12 A. Yes.

13 Q. And was Ms. Gonzalez still at the Fiesta when  
14 you arrived?

15 A. Yes, ma'am.

16 Q. Can you describe for the jury what your initial  
17 impressions were of Kristine Gonzalez when you saw her  
18 that day?

19 A. Yes, ma'am. After we spoke with Mr. Anderson,  
20 he directed us to Kristine Gonzalez and upon first seeing  
21 her, I, uh, I assumed that she had actually been born  
22 mentally deformed. Her head was misshaped and with huge  
23 bulges in the back and in the front in such a way that  
24 would lead me to think that she was, uh -- had been  
25 deformed upon birth. Mr. Anderson advised me otherwise

1 that she's a normal looking girl and possibly usually  
2 attractive looking. So, at that point we called 911,  
3 called an ambulance immediately to have them come over  
4 'cause she was horribly deformed in the head.

5 Q. How would you describe Ms. Gonzalez' attitude  
6 toward you initially?

7 A. She was -- she was extremely fearful. She was  
8 afraid of getting in trouble at home and she was afraid  
9 of her mother and daughter -- or mother and sister  
10 being -- coming up injured 'cause of the defendant.

11 Q. Would you describe her as forthcoming or  
12 reluctant?

13 A. Very reluctant.

14 Q. I'm showing you what's been marked as State's  
15 Exhibit No. 1. Do you recognize that?

16 A. Yes, ma'am.

17 Q. Okay. And who are we looking at?

18 A. We're looking at the complainant, Kristine.

19 Q. And it's a little unfair because the circle from  
20 the previous witness is still there, but can you show and  
21 point out where you believed the swelling in her head to  
22 be?

23 A. Well, this is one spot here (indicating), but  
24 you can also see it here (pointing) and back up in --  
25 whoops.

1 Q. If you can. There you go.

2 A. Back up there (pointing).

3 Q. So, there were several places on her head that  
4 showed injury and swelling.

5 A. Yes, absolutely.

6 Q. After you met with her at the Fiesta, what did  
7 you do next?

8 A. After I met with her and initially assessed that  
9 she was injured that way, we had called for an ambulance  
10 and had her transported to St. Joseph's Hospital. And  
11 then we followed the ambulance to that location and did  
12 an interview there in the ER.

13 Q. While you were at the emergency room, did the  
14 complainant ever indicate to you what the injury had been  
15 caused by?

16 A. Yes. She had described it as a large stick that  
17 her stepfather had kept in the bedroom of his house.

18 Q. And so she told you the exact location of that  
19 stick.

20 A. Yes. She said it was in the bedroom next to a  
21 dresser right near the door.

22 Q. What did you do after meeting with the  
23 complainant at the hospital?

24 A. So, after I met with the complainant, I  
25 completed a full incident report describing the injuries

1 and everything that happened. I contacted a DA who  
2 accepted charges for aggravated assault with a deadly  
3 weapon. I went to the DA's office, filed an arrest  
4 warrant for the defendant, and at that point I contacted  
5 my sergeant and we got a couple units and we went to his  
6 house and actually arrested him.

7 Q. Now, where was the defendant's house located?

8 A. 106 Altic.

9 MS. GAIDO: Your Honor, may I approach?

10 THE COURT: You may.

11 Q. Officer Hope, I'm showing you what's been  
12 premarked as State's Exhibit No. 6 and No. 7. Will you  
13 take a look at those for me?

14 A. Okay.

15 Q. Do you recognize those?

16 A. Yes.

17 Q. Is this a fair and accurate depiction of where  
18 106 Altic Street is here in our community?

19 A. Yes, ma'am.

20 MS. GAIDO: Your Honor, at this time I would  
21 publish and offer into evidence State's Exhibit No. 6 and  
22 7 which have been previously tendered to defense counsel  
23 for objection.

24 (State's Exhibit No. 6 was offered.)

25 (State's Exhibit No. 7 was offered.)

1 MS. DOEZEMA: No objection, Your Honor.

2 THE COURT: Admitted without objection.

3 (State's Exhibit No. 6 was admitted.)

4 (State's Exhibit No. 7 was admitted.)

5 Q. Officer, as we zoom in, we see a little red dot.

6 Is that where 106 Altic is located within Houston?

7 A. Roughly, yes.

8 Q. And is that a location here in Harris County,

9 Texas?

10 A. Yes, ma'am.

11 Q. And then State's Exhibit No. 7, just a little

12 bit closer, we've got Canal and Navigation to the north

13 and Harrisburg to the south; is that right?

14 A. Yes, ma'am.

15 Q. When you arrived at 106 Altic, what did you do

16 next?

17 A. Uh, when we got at 106 Altic, we had two units

18 go to the rear of the building just to make sure that no

19 one ran out the back. While we approached the front --

20 myself and my sergeant approached the front and Mary

21 Gonzalez was at the front door, which is the

22 complainant's mother. We asked her to go get Victor

23 Santana and have him come forward because we had a

24 warrant for his arrest.

25 Q. How would you describe Mary Gonzalez' demeanor

1 that day?

2 A. She was very subdued and agitated. She was  
3 scared.

4 Q. Did you identify and detain and eventually  
5 arrest Victor Santana?

6 A. Yes, ma'am.

7 Q. And do you see him here in the courtroom today?

8 A. Yes, ma'am.

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

11 A. Yes. He's wearing a gray plaid shirt seated  
12 over there.

13 MS. GAIDO: Your Honor, will the record  
14 reflect that the witness has identified the defendant as  
15 Victor Santana?

16 THE COURT: The record will so reflect.

17 Q. After detaining the defendant, what did you do  
18 next?

19 A. I detained the defendant and released him to  
20 another officer. I then approached Mary Gonzalez and  
21 asked her if I could go into the house and grab the item  
22 that was used to assault her daughter.

23 Q. And did she grant you permission?

24 A. Yes.

25 Q. When you entered the house, where did you go?

1           A.    Uh, Mary Gonzalez actually escorted me back to  
2 the bedroom, and right where the complainant stated the  
3 stick would be, it was right next to the dresser.

4           Q.    Have you brought that stick -- well, was the  
5 stick eventually put into evidence?

6           A.    Yes.

7           Q.    And can you tell the jury kind of how that  
8 works? What do y'all do with evidence that you find at a  
9 scene once you've tagged it?

10          A.    Once we've collected the evidence, we actually  
11 call the sergeant who's in control of the concerned  
12 division, in this case homicide because they control  
13 assaults, and ask for a hold to be placed on it so that  
14 it can be approved and placed into the tagging area. At  
15 that point, then we go to our actual property room, fill  
16 out a couple of forms and describe what the object is and  
17 what the case is that's used in it and then have it there  
18 and it's held until it's necessarily or needed for either  
19 trial or for testing.

20                   MS. GAIDO: Your Honor, may I approach?

21                   THE COURT: You may.

22          Q.    Officer Hope, can we see the stick that you  
23 found at 106 Altic that day?

24          A.    Yes, ma'am.

25          Q.    And is this the stick?

1 A. Yes, ma'am.

2 Q. We see on this an evidence tag.

3 A. Yes, ma'am.

4 Q. Is that what you described to the jury as being  
5 attached to evidence?

6 A. Yes, ma'am.

7 MS. GAIDO: Your Honor, at this time state  
8 would offer into evidence State's Exhibit No. 10 and  
9 tender to defense counsel for objection.

10 (State's Exhibit No. 10 was offered.)

11 MS. DOEZEMA: No objection.

12 THE COURT: Admitted without objection.

13 (State's Exhibit No. 10 was admitted.)

14 Q. Can you tell the jury one more time where you  
15 found State's Exhibit No. 10?

16 A. It was in the defendant's bedroom next to a  
17 dresser.

18 Q. Can you describe for the jury sort of because  
19 they won't be able to feel it just yet, sort of the heft  
20 of State's Exhibit No. 10?

21 A. It's a, uh, it's a sledgehammer or ax handle  
22 hickory stick. So, it weighs a good couple of pounds.

23 Q. And if you were to strike -- let me rephrase.

24 As a police officer, do you have experience  
25 with investigating assaults and aggravated assaults?

1 A. Yes.

2 Q. In your experience as a peace officer, have you  
3 seen injuries that run the gamut that have occurred from  
4 weapons such as this?

5 A. Yes.

6 Q. In your opinion could this stick if struck, if  
7 used to strike someone in the head cause serious bodily  
8 injury or death?

9 A. Absolutely.

10 MS. GAIDO: Pass the witness, Your Honor.

11 THE COURT: All right.

12 **CROSS-EXAMINATION**

13 **BY MS. DOEZEMA:**

14 Q. Hello, officer. I'm Sarah Doezema. Nice to  
15 meet you.

16 A. Uh-huh.

17 Q. I just have a few questions for you. One, that  
18 the only information outside of this stick that you  
19 received is the story from Kristine --

20 A. Yes.

21 Q. -- is that correct?

22 A. Correct.

23 Q. Okay. In talking with Kristine, did she give  
24 you more than one story about the origin of her injuries?

25 A. No.

1 Q. Okay. Did you ever have knowledge of her  
2 changing that story?

3 A. No.

4 Q. So, there's no -- you don't have any firsthand  
5 personal knowledge of what happened other than the  
6 statement from Kristine?

7 A. No, ma'am, just her statement.

8 Q. Now, the picture that was shown to you earlier,  
9 that accurately depicts how Kristine looked when you saw  
10 her?

11 A. Yes, ma'am.

12 Q. Okay. And in that photo, you felt like she  
13 looked like she had a birth defect?

14 A. Possible, yes.

15 Q. And that was from -- you felt like that picture  
16 depicted some or her person at the time depicted some  
17 sort of really large swelling that made her head kind of  
18 look alien? Is that how you described it?

19 A. Well, it was oblong, yes, like a birth defect.

20 Q. Okay. Only because when I look at that picture,  
21 it looks fairly normal. Can you explain to me what  
22 looked like a birth defect to you?

23 MS. GAIDO: Do you want me to put the photo  
24 back up?

25 THE WITNESS: Do you want to put the photo

1 back up?

2 MS. DOEZEMA: Yeah.

3 MS. GAIDO: Do you want to publish it?

4 MS. DOEZEMA: Yeah. Let the record reflect  
5 that I am publishing State's Exhibit 1. Will it focus?

6 MS. GAIDO: Yeah. And, officer, if you tap  
7 on the top left-hand corner, it should clear -- or maybe  
8 the top right-hand corner, it should clear out the  
9 circles if you keep tapping.

10 THE WITNESS: (Witness complies.)

11 MS. GAIDO: Yes, sir.

12 Q. Okay. So, this picture, how she looks right  
13 now, she looks like she has a birth defect?

14 A. Yes.

15 Q. And in what areas did you feel like?

16 A. Well, as I was describing before, like this  
17 large bulge here (indicating) is not normal and this  
18 portion here where the eyes, you can see that it bulges  
19 out a lot right there. And then she has another bulge  
20 with this picture. Sorry about that again. And there's  
21 a bulge right back up in there (indicating). So that the  
22 head doesn't -- it doesn't look like a normal person's  
23 head.

24 MS. DOEZEMA: Okay. I pass the witness,  
25 Your Honor.

1 THE COURT: All right.

2 MS. GAIDO: Just briefly, Your Honor.

3 **REDIRECT EXAMINATION**

4 **BY MS. GAIDO:**

5 Q. With regard to the injuries that you saw on her,  
6 did you speak with Henry Anderson about those injuries?

7 A. Yes.

8 Q. And did he indicate to you that that was  
9 normally how the complainant looked or that the  
10 complainant looked very different on the day of July 5th?

11 A. Very different.

12 MS. GAIDO: No further questions, Your  
13 Honor.

14 MS. DOEZEMA: Just briefly, Your Honor.

15 **RECROSS-EXAMINATION**

16 **BY MS. DOEZEMA:**

17 Q. Did you ever follow up with Kristine and talk to  
18 her after this, after July 5th?

19 A. No.

20 MS. DOEZEMA: Okay. Nothing further, Your  
21 Honor.

22 THE COURT: All right. Anything further?

23 MS. GAIDO: Oh, I'm sorry. Not from the  
24 state, Your Honor.

25 THE COURT: All right. You may step down.

1 Thank you, sir.

2 THE WITNESS: Thank you, Your Honor.

3 THE COURT: Call your next witness.

4 MS. GAIDO: Your Honor, may I approach  
5 briefly?

6 THE COURT: You may.

7 (At the bench)

8 THE COURT: What you got?

9 MS. GAIDO: Your Honor, my complainant is  
10 very nervous and I would like to go and admonish her once  
11 again that we are only to talk about the assault that  
12 took place on that day. I just wanted to drill it into  
13 her head one more time before she takes the stand so we  
14 don't all have to come back here another day and do this  
15 again.

16 THE COURT: Oh, okay.

17 MS. GAIDO: It'll take two.

18 THE COURT: We'll take a little bit of a  
19 break.

20 MS. GAIDO: Okay. Thank you, Judge.

21 THE COURT: Uh-huh. Let's say about a  
22 15-minute break. And it will give everybody the  
23 opportunity.

24 MS. GAIDO: Thank you, Judge.

25 THE COURT: We're going to take about a

1 15-minute break. You can visit the indoor plumbing while  
2 you're in the back.

3 THE BAILIFF: All rise for the jury.

4 (Short recess - jury not present)

5 (Defendant not present, now present)

6 (Jury present)

7 THE COURT: Be seated, please. Call your  
8 next witness.

9 MS. GAIDO: Your Honor, the state is calling  
10 Kristine Gonzalez, but at this time we would offer into  
11 evidence State's Exhibit No. 8. It's the medical records  
12 in this case and they have been on file with the court  
13 and available for inspection for the requisite amount of  
14 time. We would offer them into evidence and have already  
15 tendered to defense counsel for objection.

16 (State's Exhibit No. 8 was offered.)

17 MR. POWELL: And, Judge, our only objection  
18 is the handwritten hearsay notes in the records.

19 MS. GAIDO: And, Your Honor, we believe that  
20 they fall under the hearsay exception 80.34, statements  
21 made for purposes of medical treatment.

22 THE COURT: Admitted.

23 (State's Exhibit No. 8 was admitted.)

24 MS. GAIDO: Your Honor, the state calls  
25 Kristine Gonzalez.

1 THE BAILIFF: This witness has yet to be  
2 sworn in, Your Honor.

3 THE COURT: All right. Thank you. Stand  
4 right there, Kristine, please.

5 THE WITNESS: Yes, sir.

6 THE CLERK: Raise your right hand for me,  
7 please.

8 (Whereupon, the witness was sworn in.)

9 THE COURT: You may proceed.

10 MS. GAIDO: Thank you, Your Honor.

11 KRISTINE GONZALEZ,

12 having been first duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MS. GAIDO:

15 Q. Good morning.

16 A. Good morning.

17 Q. Would you, please, introduce yourself to the  
18 ladies and gentlemen of our jury?

19 A. Yes, ma'am. My name is Kristine Gonzalez.

20 Q. And, Ms. Gonzalez, how old are you?

21 A. I'm 27 years old.

22 Q. Where were you born?

23 A. Houston, Texas.

24 Q. And where did you grow up, what part of town?

25 A. Um, southeast.