

1 be excused?

2 We are still adjourning at 5:00. Let's  
3 take a two-minute recess. You want to start with your  
4 next witness?

5 MR. BALDASSANO: Okay.

6 (Brief recess)

7 (Jury enters courtroom)

8 THE COURT: Thank you. Please be seated.  
9 You may proceed, Counsel.

10 ANTHONY JANKE,  
11 having been first duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. BALDASSANO:

14 Q. Please introduce yourself.

15 A. My name is Anthony Janke.

16 Q. You're with the Houston Fire Department. How  
17 long have you been with the Houston Fire Department?

18 A. Twelve years.

19 Q. And what position are you in?

20 A. I'm an engineer operator.

21 Q. And how long -- what is an engineer operator?

22 A. Engineer operator is the person who drives and  
23 operates that apparatus.

24 Q. So you drive the fire engine?

25 A. Yes, sir.

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1 Q. And going back to October 19th of 2007, were  
2 you working there at the Houston Fire Department?

3 A. Yes, sir, I was.

4 Q. What station were you assigned to?

5 A. Station 68.

6 Q. And were you driving the pumper or the truck?

7 A. Neither one. I was riding as acting captain on  
8 Engine 68 that day.

9 Q. So you're on Engine 68. Is this a pumper?

10 A. Yes, sir, it's a pumper.

11 Q. You're also an EMT?

12 A. I'm a paramedic.

13 Q. What does that entail, being a paramedic?

14 A. Lifesaving. You're taught more advanced  
15 procedures as an advanced cardiac life support, treating  
16 cardiac arrest, giving medications, intubating patients.

17 Q. A step up from EMT?

18 A. Yes, sir.

19 Q. How long have you been a paramedic?

20 A. Thirteen years.

21 Q. On your fire engine or this apparatus, how many  
22 people are with you?

23 A. There is three other people on the apparatus.

24 Q. What are their jobs?

25 A. The EO, as I said earlier, drives and operates

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1 that pumper. And I have two firefighters in the back  
2 who put out fires, rescue/firefighting capabilities.

3 Q. And so that day you were the acting captain,  
4 correct?

5 A. Yes, sir.

6 Q. So was there somebody driving?

7 A. Yes, sir.

8 Q. All right. Who was that, if you know?

9 A. I don't recall who was driving that day. We --  
10 a lot of times when our captain will call in sick or out  
11 on vacation, we play multiple chairs on the apparatuses.

12 Q. So there is four firefighters. You're the  
13 captain. There is a guy driving and two firefighters in  
14 the back. Do you recall what the call was? That is, on  
15 the way there, what were you thinking, or what had you  
16 heard the call was?

17 A. They said that it was a mini strip center or,  
18 something to that effect, on fire.

19 Q. And do you remember this fire?

20 A. Yes, sir.

21 Q. And I'm assuming you go to a lot of fires,  
22 right?

23 A. Now that I'm -- yes, sir. Now that I drive  
24 Ladder 51, I do, yes, sir.

25 Q. Do you remember when you arrived at the scene

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1 if there were other fire engines there already?

2 A. Yes, sir, there was.

3 Q. All right. And where did you set up, or where  
4 did your apparatus go?

5 A. We were on about middle of the building on the  
6 Rampart side.

7 Q. Push hard on the thing, and let me see if I can  
8 get that in there. Push on the screen.

9 A. Touch the screen? Right about right in this  
10 area right here is where we set up.

11 Q. And what was your function, as you understood  
12 it?

13 A. We were attached to Ladder 28 for search.

14 Q. Tell us about what the procedure is for a  
15 Houston firefighter that's assigned to do a search at a  
16 fire.

17 A. We are to go in -- usually if you're searching,  
18 you're in front of the fire suppression. Because if you  
19 introduce water onto the fire and there is victims  
20 inside the fire, they can be burnt. So we go inside  
21 first, and we pull out those victims before we get  
22 there.

23 Q. So you actually run into a fire to get victims,  
24 but not to put out the fire?

25 A. No, sir, not if you're on the search team.

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1 Q. And is that very hazardous?

2 A. Quite.

3 Q. What kind of gear are you wearing when you do  
4 one of these searches?

5 A. It's called bunker gear. It has a Kevlar fire  
6 resistance outer shell. And it has an inner shell that  
7 is steam resistant to keep us from, when we introduce  
8 the water to the fire, we don't get burned by the steam.  
9 Along with that we have a hood that goes around on your  
10 head and a helmet to keep things from breaking your head  
11 open. And we carry a bottle of air in it, and we have a  
12 mask on so we can breathe air.

13 Q. And the typical scene, when you get into a fire  
14 scene, can you see anything?

15 A. Not if it's a fully-blown fire, not usually.  
16 Usually there is a lot of smoke, and we have what is  
17 known as a thermal energy camera that helps us get  
18 through it.

19 Q. What does that do?

20 A. It picks out the hot and the cold.  
21 Differentiates between hot and cold objects.

22 Q. Do you bring any kind of firefighting equipment  
23 with you, or are you just looking for people and going  
24 on your own?

25 A. If you're searching, you'll bring the thermal

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1 engine camera. The firefighters will bring in an axe, a  
2 halogen tool, some type of tools. Because then if we  
3 have to crawl -- usually what we do is we'll crawl, and  
4 we can use that tool to search out and extend out so we  
5 don't get off the wall and get disoriented when we're in  
6 a smoke-filled building.

7 Q. So you're on your hands and knees?

8 A. Yes. When you go in search and there is heavy  
9 smoke back down, heavy heat back down, yes, sir, we're  
10 on our hands and knees when we go in.

11 Q. Okay. Feeling the wall?

12 A. We stay on the wall. That way we don't get  
13 disoriented and we can make our way back out if we need  
14 to.

15 Q. Any danger of things falling on you?

16 A. Yes, sir. Roof collapses is always a danger we  
17 face.

18 Q. Okay. How many people in this fire on October  
19 19th at Rampart were doing what you were doing; that is,  
20 a primary search?

21 A. There was six of us; three off of Ladder 28 on  
22 my side of the building, that I know of, three on Ladder  
23 28 and three on Engine 68.

24 Q. Were you all working into going into the same  
25 place at the same time, or were you hitting different

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1 doors?

2 A. Ladder 28 would force entry and go in. And if  
3 it was clear, if they told us there was no victims, we  
4 would go to the next room and we would go in while they  
5 were opening the next door.

6 Q. So they're the door openers, and you're the  
7 inside people?

8 A. Yes.

9 Q. How many people are going in with you?

10 A. I have myself and two others.

11 Q. Have you done a lot of this where you're the  
12 primary searcher?

13 A. Yes, sir, I have.

14 Q. Can you tell us in that building what -- were  
15 you working the same side that you were parked on; that  
16 is, on the Rampart Street side?

17 A. Yes, sir, we were.

18 Q. And where did you start trying to get into  
19 these doors?

20 A. We were instructed -- right down here is a tire  
21 store, if I remember correctly. And that's where we  
22 caught up with Ladder 28. They had already searched  
23 that area, and they were coming out when we caught up  
24 with them. So our first entry would have been right in  
25 this area right here, this next door.

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1 Q. Now have you taken a look at the fire at this  
2 point, or are you just messing around with the front on  
3 Rampart Street?

4 A. No, sir. We were just working Rampart Street.  
5 We didn't go -- from what I understand, we could see  
6 smoke coming from the backside over here, but we  
7 couldn't see any fire where we were.

8 Q. Did you see any active fire on the far right  
9 side on the Rampart Street side?

10 A. No, sir.

11 Q. And so, what happens at the tire shop?

12 A. Ladder 28 came out and said, it's clear,  
13 nobody's in here. We went in the next one. It's clear,  
14 nobody's in here.

15 Q. Okay.

16 A. And --

17 Q. Well, did 28 have to break into every place?

18 A. Yes, sir.

19 Q. And the place next to the tire shop, same  
20 thing? Break in, nobody's there?

21 A. Nobody was there.

22 Q. What happened after that?

23 A. Ladder 28 took the next one, and then we went  
24 into this one right here.

25 Q. Okay. Press on that. I'm not sure -- okay.

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1 Right here?

2 A. Yes, sir.

3 Q. And did they have to break into that one?

4 A. I think they did. I heard the saw running, and  
5 I heard the tools striking together, which usually means  
6 they are trying to force entry into a building.

7 Q. So there actually is a saw to break a lock?

8 A. To cut. Whenever you have a bolt that goes  
9 through, like, a deadbolt that locks in, we can put a  
10 blade in there and cut that dead bolt and we're able to  
11 open up the door.

12 Q. Okay. So you heard the saw going, okay; is  
13 that right?

14 A. Yes, sir.

15 Q. How long did it take before they were able to  
16 break that lock?

17 A. Once you cut that lock, it will open up.

18 Q. How long does it take to cut it?

19 A. I don't know. Ten, fifteen seconds. It  
20 doesn't take a long time to cut. We've got a good,  
21 aggressive blade on the saw, and it cuts fairly quick.

22 Q. Okay. Okay. So once the lock is cut, what do  
23 you do?

24 A. They open the door, and they worked their way  
25 down and we went in and searched.

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1 Q. All right. I'm going to show you --

2 MR. BALDASSANO: May I approach the  
3 witness, Judge?

4 THE COURT: You may.

5 Q. (By Mr. Baldassano) We have three minutes.  
6 I'm going to show you State's 13, 14 and 15. Does that  
7 accurately represent the area you went into?

8 A. Yes, sir.

9 MR. BALDASSANO: State offers 13, 14, 15  
10 and tender to defense for inspection.

11 MR. BARROW: I have no objections, Your  
12 Honor.

13 THE COURT: Okay. State's 13, 14 and 15  
14 are admitted.

15 Q. (By Mr. Baldassano) Okay. Now talking about  
16 the -- I guess the initial doorway there, does that  
17 depict the area that you were talking about?

18 A. Yes, sir.

19 Q. Okay. And then on this one, just kind of point  
20 to which -- what door you went through.

21 A. Right here.

22 Q. When you go in that door, what do you see?

23 A. Walk in and smoke was banking down from the  
24 ceiling about three foot off the ground.

25 Q. Okay. So you have smoke, I guess, coming up to

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1 around here on you?

2 A. Roughly around there. Maybe a little lower.  
3 But yes, sir, in that general area right there.

4 Q. So, all smoke up and --

5 A. It's kind of clear down, yes, sir.

6 Q. And is it -- how would you describe that space  
7 that you're in? Can you see anything at that point?

8 A. Not really. We can't make out a whole lot of  
9 stuff. It's -- I can make out there was like a desk or  
10 something on the right-hand side. And when I walked in,  
11 like we're trained to do, I basically took a temperature  
12 of the upper atmosphere. There was nothing alarming  
13 that we saw. I would say it was maybe 160 -- 150, 160  
14 degrees, something like that.

15 Q. Like a summer day in Houston?

16 A. Pretty much, yes, sir, summer day in Houston.  
17 But again, it was thick smoke and it was dark. We  
18 didn't have lights on the inside. We had our  
19 flashlights, but we didn't have lights. And I'm  
20 scanning the room with the TIC, the thermal imaging  
21 camera, to try to see if there's anything in there. And  
22 I happened to look down, and there was a set of feet  
23 right there.

24 Q. Okay. And what did you do when you saw a set  
25 of feet on the ground?

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1           A.    I told two firefighters behind me, we need to  
2 get him out. I got on the radio to command and told  
3 them we were bringing a victim out on the Rampart side.  
4 And they had HCLS show up.

5           Q.    Okay. I'm going to show you quickly, I guess,  
6 a door coming in. Is this an accurate depiction of when  
7 you came into that building and went back out to where  
8 they sawed the lock off?

9           A.    Yes, sir.

10          Q.    And then I'm going to show you State's Exhibit  
11 No. No. 14. Is that --

12          A.    Yes, sir, that's what we walked into right  
13 there.

14          Q.    Okay. All right. And is that the little  
15 room -- or how big of a room is that that you found the  
16 person?

17          A.    He was in the front part right here, in this  
18 area right here. I don't know. It may be a twenty,  
19 twenty-five-by-six or ten at the most. I mean, it was a  
20 small office where we found him.

21          Q.    Do you see the person in court today that you  
22 found on the floor there?

23          A.    Yes, sir, I do.

24          Q.    Can you point him out and tell for the record  
25 what he's wearing and where he's sitting?

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1           A.    He's wearing a white button-down, long-sleeved  
2 shirt sitting by, I say, the defense attorney.

3                       MR. BALDASSANO:  Judge, let the record  
4 reflect he's identified the defendant in the case.

5                       THE COURT:  The record will so reflect  
6 that the defendant has been identified.

7                       And now looking at the time, we are going  
8 to adjourn for the evening.  Please remember your  
9 admonitions from the Court.  Do not discuss this case  
10 with anyone, not even among yourselves.  No outside  
11 investigation is permitted.  And we will resume  
12 testimony at 10:30 a.m.  Keep an open mind.  There is  
13 still more testimony to come.

14                       Court's in recess.

15                       (Court adjourned at 5:03 p.m.)  
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