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**DIANE MADRID,**

having been first duly sworn, testified as follows:

**DIRECT EXAMINATION**

**BY MR. BREWER:**

Q. Ms. Madrid, would you get that mic pointed toward your mouth there?

Could you please state your first and last name for the court reporter and spell both for her, please.

A. Diane Madrid. D-i-a-n-e. M-a-d-r-i-d.

Q. Ms. Madrid, could you please tell the ladies and gentlemen of the jury how you are employed at this time?

A. I'm employed with Harris County as a court coordinator for the 174th District Court.

Q. So, that means you work in this particular court?

A. Yes, sir.

Q. I'm going to ask you a silly question, but a question that has to be asked. Is the 174th District Court located in Harris County, Texas, if you know?

A. Correct.

Q. All right. Are you familiar with the various defendants, many of the defendants that are in this court?

1 A. Correct.

2 Q. Excuse me?

3 A. Yes.

4 Q. If you know someone to be name LaJuan Cecile  
5 Bailey, if you see them in the courtroom, can you point  
6 to them today?

7 A. Yes.

8 Q. Please do that.

9 A. Black blazer with the light blue shirt  
10 (indicating).

11 MR. BREWER: May the record reflect the  
12 witness has pointed to the defendant in this case,  
13 Ms. Bailey?

14 THE COURT: The record will so reflect.

15 Q. (By Mr. Brewer) Ms. Madrid, try to explain to  
16 the jury what it is you do as a coordinator. Let's  
17 start out with something simple. Where do you sit? You  
18 have two basic places you sit when court is going on.

19 A. I sit at this corner right here (indicating).

20 Q. That's one place. And you have an office in  
21 the back?

22 A. Correct.

23 Q. If the Court is not in trial like today or  
24 before the trial starts, where do you situate yourself?

25 A. I sit at that right corner.

1 Q. We want to talk about something called a  
2 docket. Can you explain to the ladies and gentlemen of  
3 the jury what a docket is basically?

4 A. Dockets are the cases that are set on a daily  
5 basis, just cases that are set for like each day.

6 Q. I guess, let's think of it like this: Are  
7 cases set to be in court on particular days?

8 A. Correct.

9 Q. And is there a document that lists all the  
10 cases that are going to be in court on a particular day?

11 A. Yes.

12 Q. Is that list what we refer to as a docket?

13 A. Yes.

14 Q. Let's talk a little bit about the docket. Does  
15 the docket -- and is that a document that you work with  
16 essentially every day?

17 A. Yes.

18 Q. When do you pick that document up every day?

19 A. In the morning.

20 Q. What time?

21 A. It's on my printer every morning.

22 Q. Right when you walk in, that's the first thing  
23 you deal with just about, isn't it?

24 A. Yes.

25 Q. The docket tells you certain things that help

1 you do your job throughout the day. Is that fair to  
2 say?

3 A. Yes.

4 Q. Does it contain the names of all the defendants  
5 that are supposed to be in court?

6 A. Yes.

7 Q. If the defendant is in -- in jail or on bond,  
8 does it tell you that?

9 A. Yes.

10 Q. Does it tell you if the defendant has a lawyer  
11 that has made the Court known that they represent one of  
12 those defendants? Does it show the lawyer's name and  
13 telephone number?

14 A. Yes.

15 Q. And does it show a general reason for why the  
16 case is in court?

17 A. Yes.

18 Q. All right. Is that all information that you  
19 use every day when you come into court and when you work  
20 that docket, when you figure out what's going on with  
21 each of those cases?

22 A. Yes.

23 Q. All right. Let's talk about the function of  
24 this court. How long have you worked in this court?

25 A. Three years.

1 Q. And that's the entire time that Judge Guerrero  
2 has been on the bench, is that correct, this time  
3 around?

4 A. Yes.

5 Q. So, you've been his coordinator the entire  
6 time?

7 A. Yes.

8 Q. There are 22 district courts. Do each of the  
9 judges have kind of little rules that they want followed  
10 that may be different from some of the other judges?

11 A. Yes.

12 Q. Are you familiar with Judge Guerrero's rules on  
13 how he wants his cases handled?

14 A. Yes.

15 Q. All right. Let's talk a little bit about what  
16 happens when a defendant -- when the name and case  
17 number -- in fact, let me go back and ask one question.  
18 On that docket, that list of cases, does it also have  
19 the case number, so we can be clear to the jury?

20 A. Yes.

21 Q. All right. Let's talk about the way that cases  
22 are actually handled on a daily basis from your  
23 perspective. All right?

24 A. Okay.

25 Q. Let's work with a hypothetical. A defendant

1 has been arrested, charged with a crime, and released on  
2 bond. When they are let go on bond, who is it that  
3 informs them of their very first court date? They don't  
4 walk from the jail right over to court, do they?

5 A. No.

6 Q. Who informs them of their very first court date  
7 after they've been released from Harris County Jail or  
8 whatever jail they've bonded out of?

9 A. I do.

10 Q. Do you contact the defendant directly or the  
11 bonding company?

12 A. The bonding company.

13 Q. Let's make sure we understand that  
14 relationship. When a defendant gets let out of jail, a  
15 bondsman has agreed to be responsible for whatever that  
16 bond is. Is that fair?

17 A. Yes.

18 Q. And then at some point after the defendant is  
19 let out of jail, or maybe when the defendant is let out  
20 of jail, the case and the defendant get put on your  
21 docket, they get given a date to be in court. Is that  
22 right?

23 A. Yes.

24 Q. When that person is given the date, you call  
25 the bail bondsmen; is that right?

1 A. Yes.

2 Q. What is the reason for you calling the bail  
3 bondsman?

4 A. So they can notify their client they have to be  
5 in court that particular day.

6 Q. Do the bail bondsmen -- in your experience, do  
7 the bail bondsmen take that responsibility serious?

8 A. Yes.

9 Q. Why, if you know?

10 A. If they don't show up for court, then they can  
11 lose their bond, it can be forfeited.

12 Q. Forfeited means they have to cough up the  
13 money, right?

14 A. Yes.

15 Q. So, when a person makes that first appearance,  
16 it means they've been told by a bail bondsman to be in  
17 court, right?

18 A. Yes.

19 MR. BREWER: Judge, may I actually  
20 approach?

21 THE COURT: You may.

22 MR. BREWER: Thank you.

23 Q. (By Mr. Brewer) Diane, where do you keep your  
24 blank resets?

25 A. It's in the second drawer.

1 Q. Perfect.

2 I'm going to show you what has been marked  
3 as State's Exhibit No. 1. Do you recognize it  
4 (indicating)?

5 A. Yes.

6 Q. Is it something that you deal with every day?

7 A. Yes.

8 Q. Is it a document that you have filled out  
9 thousands of time at some point?

10 A. Yes.

11 MR. BREWER: Your Honor, at this point we  
12 offer State's Exhibit No. 1, just a blank reset form.

13 **(State's Exhibit No. 1 Offered)**

14 MR. SASSER: No objection.

15 THE COURT: Admitted without objection.

16 **(State's Exhibit No. 1 Admitted)**

17 Q. (By Mr. Brewer) Ms. Madrid, let's put this up  
18 on the -- see how much we can get on there.

19 All right. Let's focus on the top here.  
20 When a defendant comes to court, if they -- let's work  
21 with the first scenario. If they do not have an  
22 attorney, what generally are they told will happen?

23 A. We give them a reset and they are -- they have  
24 to come back in three weeks and they're instructed to  
25 come back with an attorney and make sure they report to



1 the courtroom on time.

2 Q. Okay. And this is the very first time you've  
3 ever seen this person, correct?

4 A. Yes.

5 Q. All right. In fact, let me do this again.  
6 We're going to back up just a little bit before we work  
7 with that form. I want to ask you one other thing. You  
8 come in in the morning, and let's say you see my name  
9 for the first time, John Brewer, charged with something,  
10 he's on your docket sheet. Okay?

11 A. Uh-huh.

12 Q. How do you make sure John Brewer actually  
13 showed up in the courtroom on that morning?

14 A. We do docket call at 9:00 o'clock.

15 Q. Where is that?

16 A. I'm out here, the deputies are out here, and  
17 the clerks are out here.

18 Q. You say docket call. What do you actually do?

19 A. I call their name and ask everybody when their  
20 name is called, you must stand up so we know they're  
21 here. They'll stand and acknowledge they're here. And  
22 the ones that aren't here, we circle their names, I  
23 contact the bonding company to notify them that their  
24 client has not showed up.

25 Q. Is this something you saunter out here and say

1 some names or is this a big production?

2 A. It's a big production.

3 Q. Do the bailiffs give warnings to everybody to  
4 kind of shut up, sit down, listen up, this is important?

5 A. Yes.

6 Q. Do you speak in a loud voice and stand in a  
7 prominent place so everybody sees you and knows you're  
8 calling names?

9 A. Yes.

10 Q. So, if a person does show up -- let's work with  
11 that. If a person does show up and they don't have a  
12 lawyer -- we're going back to this form -- do you fill  
13 out one of these forms for them?

14 A. Yes.

15 Q. All right. On this form -- so the jury can  
16 become familiar with this form, since it's probably the  
17 first time they've seen it -- do you put the case  
18 number here (indicating)?

19 A. Yes.

20 Q. Charge there (indicating)?

21 A. Yes.

22 Q. 174th there. And that's the district court  
23 we're in (indicating)?

24 A. Yes.

25 Q. Is this the same form that's used by all the

1 other courts as well?

2 A. Yes.

3 Q. Do you write in the defendant's name here  
4 (indicating)?

5 A. Yes.

6 Q. Right here -- we'll get a little closer -- it  
7 calls for type of setting. Do you write the general  
8 reason why the case is coming to court (indicating)?

9 A. Yes.

10 Q. And that could be something called arraignment,  
11 could be disposition, could be trial. The reason why  
12 the defendant is coming back, right?

13 A. Correct.

14 Q. And do you write the date right there  
15 (indicating)?

16 A. Yes.

17 Q. All right. Let's back up a little bit.  
18 There's a place for the defendant to sign. Do you ask  
19 the defendant yourself to sign the document?

20 A. I give the reset to the defense attorney.

21 Q. We're working right now with someone who  
22 doesn't have an attorney, the first time they show up in  
23 court.

24 A. Yes, that's correct.

25 Q. You have the defendant sign it?

1           A.    Yes.

2           Q.    There's a place underneath for a defense  
3 attorney to sign, but in our hypothetical here none of  
4 that would be filled out because we don't have a defense  
5 attorney yet.  Correct?

6           A.    Correct.

7           Q.    And is there a space for the -- if I can find  
8 it -- for the prosecutor to sign as well?

9           A.    Correct.

10          Q.    And you have prosecutors that are signing here  
11 and they would sign off on that.  Is that correct?

12          A.    On their first setting to hire an attorney, no.

13          Q.    You're not worried about the State of Texas at  
14 this time.  You're trying to take care of the defendant,  
15 correct?

16          A.    Correct.

17          Q.    Not a problem.

18                         If we go down to the very bottom of the  
19 document, it says:  Judge presiding and date.  Who  
20 actually fills that out (indicating)?

21          A.    I do.

22          Q.    So, what do you put down there when you do a  
23 reset?

24          A.    I sign my name and put the date.

25          Q.    So, you know the date was filled out and you

1 know you did it, correct?

2 A. Yes.

3 Q. Fair enough.

4 You do this -- this is done every time a  
5 defendant comes to court, every time a case is reset?

6 A. Yes.

7 Q. Now, let's talk very briefly about once a  
8 defendant gets a lawyer. Let's talk about how that  
9 process changes, if at all. Do you use the same form?

10 A. Yes.

11 Q. Do you have the defendant sign or do you give  
12 it to the lawyer?

13 A. I give it to the lawyer.

14 Q. Why is that?

15 A. Because they're talking to their clients and  
16 they get them to sign. And usually they're conferring  
17 about what's an appropriate date for them to come back.

18 Q. So, you may leave the date blank?

19 A. Yes.

20 Q. Until the defense attorney gets the client to  
21 sign it, brings it back to you, and you confer with the  
22 defense attorney to try to pick a good date for the  
23 defense attorney and the client. Maybe the client has a  
24 job, for instance.

25 A. Yes.

1 Q. That would be one reason you'd give it to the  
2 defense to say: Hey, get your client to sign it?

3 A. Yes.

4 Q. All right. Let's talk about what happens if  
5 one of these has been filled out with a date and  
6 something causes that date to need to be changed. Okay?

7 A. Okay.

8 Q. What's that called, first of all?

9 A. Off-docket reset.

10 Q. Why do you call it off-docket?

11 A. They're trying to change the date they're  
12 scheduled to come in and the reset has to be filled out  
13 before we can give the change of date.

14 Q. Let's make sure the jury understands what's  
15 going on here. I'll use a simple date, January 1st.  
16 They came in and got the reset date to show up in court,  
17 everybody signed off on it for February 1st, one month  
18 later. Before February 1st arrives, somebody needs to  
19 change that date. The defense attorney got sick, had a  
20 baby, somebody died, whatever the excuse would be.  
21 That's called off-docket; is that correct?

22 A. Correct.

23 Q. Is it called off-docket because when the  
24 defense attorney comes in to talk to you about it --  
25 that's typically who talks to you about it, correct?

1 A. Yes.

2 Q. Could also be the State of Texas needs to move  
3 it sometimes, right?

4 A. Yes.

5 Q. But when the attorney comes in and talks to  
6 you, are they talking to you on a day when the case is  
7 actually on your docket or before?

8 A. Before.

9 Q. They call it off-docket when they approach  
10 about it because they're not actually on the docket,  
11 correct?

12 A. Correct.

13 Q. So, does that happen occasionally based on  
14 people's schedules, emergencies, life?

15 A. Yes.

16 Q. Do attorneys sometimes approach you and ask you  
17 when the case is not on a docket to move the case that  
18 is coming up for a court date?

19 A. Yes.

20 Q. Is that something that this judge allows to  
21 happen?

22 A. Yes.

23 Q. Now, let's talk about the procedures that you  
24 follow. Because if it's not on the docket, typically,  
25 the defendant is -- is the defendant in the courtroom?

1           A.    No.

2           Q.    So, you've got the lawyer, you may have your  
3 prosecutor, but you don't have the defendant, right?

4           A.    Yes.

5           Q.    But you've told us that one of the things on  
6 this form that you require is the defendant's signature,  
7 correct?

8           A.    Yes.

9           Q.    Okay.  So, in our hypothetical, I said the case  
10 was on January 1st, the case was set to February 1st.  
11 Let's say the lawyer comes in right smack in the middle  
12 on the 15th and says:  My wife planned a surprise  
13 vacation for me on February 1st, I would like to see if  
14 we can move it to February, say, 2nd.  We're flying in  
15 on the 1st.  How would you handle that?

16          A.    I would tell them we have to do an off-docket  
17 reset.  I would give them the reset and confer what  
18 future date he wants to put it on the docket.  And then  
19 I would instruct them:  You need to get your client --  
20 if they're on bond to have your client sign the reset  
21 and bring the reset back to me.

22          Q.    Okay.  So, one change that I heard that I want  
23 to specify on this document.  Do you write someplace --  
24 is it your practice to write someplace it's not a  
25 regular reset, it's an off-docket?



1 A. Yes.

2 Q. Typically where?

3 A. At the top.

4 Q. Typically around here (indicating)?

5 A. Yes.

6 Q. What do you write up there?

7 A. Off-docket.

8 Q. First of all, that reset form will look a  
9 little different?

10 A. Yes.

11 Q. But you still require all the information?

12 A. Yes.

13 Q. Why?

14 A. We keep copies. The original goes to the  
15 clerk, I keep a copy of it in my file, and I also make  
16 notes on my copy. The defense attorneys get their copy  
17 and the State gets their copy.

18 Q. So, for everybody -- you want everybody to  
19 sign -- is it fair to say you want everybody to sign off  
20 so that we can kind of make sure everybody is getting  
21 notice to be here in court?

22 A. Correct.

23 Q. We get a copy, the State of Texas gets a copy?

24 A. That's correct.

25 Q. In fact, let's go over that real quick.

1                   This is a multi-copy form; is that correct?

2           A.    Yes.

3           Q.    When you say the district clerk, are those the  
4 names of the folks that sit on the other side of the  
5 judge that are in charge of keeping records?

6           A.    Yes.

7           Q.    That's your copy?

8           A.    Yes.

9           Q.    Copy for someone doing my job?

10          A.    Yes.

11          Q.    Copy for defendant's attorney?

12          A.    Yes.

13          Q.    Is there a copy for the actual defendant  
14 themselves?

15          A.    Yes.

16          Q.    That's in every reset form, right?

17          A.    Yes.

18          Q.    So, the way you prefer to do it is to get it  
19 completely filled out with everybody's signatures on it,  
20 correct?

21          A.    Yes.

22          Q.    Are there exceptions to that rule sometimes?

23          A.    Yes.

24          Q.    Kind of tell us how it would work if there's an  
25 exception to the rule.

1           A.    If someone lives out of state, then we request  
2 the attorney to fax a copy of the reset, have their  
3 client sign that faxed copy, and fax it right back to  
4 the attorney.  Then the attorney will bring me the  
5 original reset, along with a fax copy, and it would be  
6 attached to it.

7           Q.    Are there also situations where the attorney  
8 has been given the responsibility of informing a  
9 defendant about the reset?

10          A.    Yes.

11          Q.    And is that an acceptable, but more unusual  
12 practice?

13          A.    Yes.

14          Q.    All right.  Are there circumstances where  
15 sometimes the judges ask -- that the attorney might  
16 approach the judge and ask if that's acceptable?

17          A.    Yes.

18          Q.    And these aren't laws, are they?  They're just  
19 rules we try to follow to make sure everybody keeps  
20 things straight, correct?

21          A.    Correct.

22          Q.    Do you try to be flexible in the application of  
23 these rules, that it makes sense with whatever is going  
24 on in people's lives?

25          A.    Yes.

1 Q. Now, you are familiar with the cases that this  
2 defendant has in this court; is that correct?

3 A. Yes.

4 Q. Have you been the coordinator the entire time  
5 that these cases have been pending with this defendant?

6 A. Yes.

7 Q. All right.

8 MR. BREWER: May I approach the witness,  
9 Your Honor?

10 THE COURT: You may.

11 Q. (By Mr. Brewer) I just want to ask you to flip  
12 through those real quick and see if you're familiar with  
13 those documents, if you kind of recognize them  
14 (indicating).

15 A. (Witness complies).

16 Yes.

17 Q. Are these documents that are related to Case  
18 No. 1212467, the defendant's identity theft case,  
19 fraudulent use or possession of identifying information  
20 case?

21 A. Yes.

22 Q. Are these documents kept in the normal course  
23 of the Court's business by the clerk over there?

24 A. Yes.

25 Q. Are these certified copies of the actual

1 Court's file that contain the originals of these  
2 documents?

3 A. Yes.

4 MR. BREWER: Your Honor, at this time, we  
5 offer what was previously shown to defense counsel,  
6 State's Exhibit No. 2, Your Honor.

7 **(State's Exhibit No. 2 Offered)**

8 MR. SASSER: No objection.

9 THE COURT: Admitted without objection.

10 **(State's Exhibit No. 2 Admitted)**

11 Q. (By Mr. Brewer) Ms. Madrid, let's stop talking  
12 about hypotheticals now and let's start talking about  
13 what happened in this case. State's Exhibit No. 2.  
14 First of all, these documents in the first part of  
15 State's Exhibit No. 2, tell us what those are. Are  
16 those the reset forms just like we were talking about in  
17 State's Exhibit No. 1 (indicating)?

18 A. Yes.

19 Q. I'm sorry. Repeat --

20 A. Yes.

21 Q. All right. Are these the reset forms for Cause  
22 No. 1212467?

23 A. Yes.

24 Q. Is the defendant in that case LaJuan Bailey?

25 A. Yes.

1 Q. Was that -- or is that case pending in the  
2 174th District Court?

3 A. Yes.

4 Q. Is that a case for fraudulent use or possession  
5 of identifying information?

6 A. Yes.

7 Q. All right. Let's back up a little bit here.

8 What does -- I'm going to scoot the  
9 document up a little bit. Tell us, what does that  
10 information there tell you occurred on this day? First  
11 of all, what day was this document made (indicating)?

12 A. April 28th, 2009.

13 Q. And was that the defendant's first day in  
14 court?

15 A. I believe so.

16 Q. There's a note here that says what?

17 A. To hire an attorney.

18 Q. What does that mean?

19 A. On April 28th, 2009, they were instructed to  
20 come back on May 29th, 2009 at 9:00 o'clock and they  
21 needed to come back with an attorney.

22 Q. One thing I failed to mention before, but it's  
23 your habit to tell them when they're supposed to be  
24 here?

25 A. Yes.

1 Q. And write that on the reset form?

2 A. Yes.

3 Q. Are these your initials down here in the bottom  
4 left (indicating)?

5 A. Yes.

6 Q. You filled out this form, that's your writing?

7 A. Yes.

8 Q. Whose signature is that right here  
9 (indicating)?

10 A. The defendant.

11 Q. Since the defendant did not have an attorney  
12 and you were telling her to hire an attorney on that  
13 day, or the Court essentially was telling her, did you  
14 hand that document to her to have it signed?

15 A. Yes.

16 Q. All right. You say she was told to arrive on  
17 5-29 at 9:00 a.m. We go to the next page of this  
18 document. Let's take a look. Is that also a reset form  
19 (indicating)?

20 A. Yes.

21 Q. Is it for the same case we just talked about?

22 A. Yes.

23 Q. Is it -- was it created on 5-29?

24 A. Yes.

25 Q. And was it created by you?

1 A. Yes.

2 Q. Is that your writing again (indicating)?

3 A. Yes.

4 Q. So, can you tell me, did the defendant show up  
5 on 5-29-2009 in this courtroom?

6 A. Yes.

7 Q. Did this defendant have an attorney?

8 A. No.

9 Q. All right. So, we've gone from our first date  
10 of April 28th to roughly one month and one day later and  
11 there is no attorney. Do you have the defendant sign  
12 this document again here where it says defendant  
13 (indicating)?

14 A. Yes.

15 Q. Let's go to the next document. Is that  
16 document a reset form for the same case?

17 A. Yes.

18 Q. What date was this document created on?

19 A. June 5th, 2009.

20 Q. So, she was told to be there on June 5th, 2009.  
21 And this would indicate she arrived on June 5th, 2009,  
22 correct (indicating)?

23 A. Yes.

24 Q. Now, we have some additional information here.  
25 We don't see the hired attorney language here and we do



1 see some additional information written here. Can you  
2 tell us what that is (indicating)?

3 A. It's the defense attorney's information.

4 Q. So, in this case, can you tell us on 6-5 of '09  
5 who the defense attorney was in the case that we've been  
6 talking about?

7 A. James A. McGuire.

8 Q. Do you know Mr. McGuire? Not personally, but  
9 professionally you've seen him?

10 A. Yes.

11 Q. In this case would you have necessarily handed  
12 this reset to the defendant or would Mr. McGuire have  
13 handed the reset to be signed?

14 A. I would have handed the reset to Mr. McGuire.

15 Q. Got it back --

16 A. Yes.

17 Q. -- to be signed?

18 A. Yes.

19 Q. This reset tells them to be back on 7-8-09.

20 And we look at the next sheet for the same case, right?

21 A. Yes.

22 Q. We know on 7-8-09, it looks like your signature  
23 again (indicating).

24 A. Yes.

25 Q. Is it?

1 A. Yes.

2 Q. It is you that made this document on 7-8-09.  
3 And it looks like LaJuan Bailey signed it. Is that  
4 correct?

5 A. Yes.

6 Q. But now I'm confused. It has the same writing  
7 before. It says: To hire an attorney. I thought she  
8 had an attorney in the last setting according to the  
9 document.

10 A. She did.

11 Q. What happened, if you can tell from the  
12 document? Not in detail -- well, let me rephrase the  
13 question.

14 When she came back, did she have an  
15 attorney?

16 A. When she came back on --

17 Q. On 7-8 of '09.

18 A. That attorney probably was present, but  
19 probably withdrew on the case.

20 Q. But at some point in the morning of 7-8-09, you  
21 were made aware that attorney was actually not on the  
22 case, correct?

23 A. Yes.

24 Q. So, you give her an -- the Court gives her an  
25 opportunity from 7-8 of '09 to 7-31 of '09 to go out and

1 find another attorney, right?

2 A. Yes.

3 Q. All right. So, at this point our first date  
4 was April 28th. May, June, July. We're three months  
5 into it and she still does not have an attorney.  
6 Someone made appearance, but actually no attorney. Is  
7 that correct?

8 A. Yes.

9 Q. We know we're supposed to be back on 7-31 of  
10 '09. We go to the next document. Is there a reset form  
11 of 7-31-09? Please explain what that note means: D.A.  
12 Brewer. Tell them why you put that on there  
13 (indicating).

14 A. There are special divisions that handle special  
15 cases. So, I add the D.A.'s name when I do my entries  
16 so when it comes on my docket I know who to contact when  
17 that person comes to court on a future setting.

18 Q. You have your own prosecutors assigned to your  
19 court every day, correct?

20 A. Yes.

21 Q. How many?

22 A. Three.

23 Q. When you say there are prosecutors assigned to  
24 special divisions, those people aren't in your court  
25 every day. Is that fair to say?

1 A. That's correct.

2 Q. Is D.A. Brewer one of those people that's not  
3 in your court every day?

4 A. Correct.

5 Q. All right. Does she appear -- does the  
6 defendant appear to have an attorney on 7-31 of '09?

7 A. No.

8 Q. Would you have, again, handed her this reset  
9 and does that appear to be her reset (indicating)?

10 A. Yes.

11 Q. We know we're supposed to come back on 8-11-09.  
12 Now, this is a little different. This is the first  
13 document we've seen that says off-docket. Now, let's be  
14 real careful here. She was told to come back on  
15 August 11th of '09, correct?

16 A. Yes.

17 Q. This next reset appears to be made on  
18 August 5th, six days before she was supposed to be back.  
19 Correct (indicating)?

20 A. Correct.

21 Q. Is that your signature (indicating)?

22 A. Yes.

23 Q. Same case, 1212467, correct?

24 A. Yes.

25 Q. Same court, same defendant?

1 A. Yes.

2 Q. What's happening here?

3 A. They've requested an off-docket reset and the  
4 future date is August 14th.

5 Q. Okay. Let's explore this. The first thing we  
6 see different in this particular reset is right up here,  
7 you've written: Off-docket. Has an attorney come in to  
8 talk to you on this case when this was not supposed to  
9 be in court?

10 A. Correct.

11 Q. What was the attorney's name?

12 A. Brian Roberts.

13 Q. Another thing has changed. On the last reset  
14 we saw: Did not have an attorney. This one has an  
15 attorney on it. Do you know Mr. Roberts?

16 A. Yes.

17 Q. Is he a well-known attorney who represents  
18 criminal defendants here in the courthouse?

19 A. Yes.

20 Q. Does this reset mean to us that she's now hired  
21 Brian Roberts?

22 A. Correct.

23 Q. He's the lawyer on the case.

24 Go ahead and remind us, why don't we have a  
25 defendant's signature here? Does this mean the attorney

1 is to notify the defendant?

2 A. Correct.

3 Q. Why don't we have the defendant's signature  
4 there?

5 A. It could be a number of reasons. The attorney  
6 said he would notify the defendant and it was okay'd by  
7 the Judge.

8 Q. Would that be one reason why you would write  
9 that there so there would be a note that the defense  
10 attorney was supposed to tell his client about the  
11 change?

12 A. Yes.

13 Q. Is that fairly normal when you have a  
14 situation -- you would prefer to have a signature, but  
15 is it also fairly normal to have defense attorneys  
16 notify their clients?

17 A. Yes.

18 Q. So, here on 8-5, which was six days before she  
19 was supposed to be in court, without a lawyer, a lawyer  
20 comes in. And is it typical for a lawyer to come in on  
21 a case and say: I'm signing on this case, that's not a  
22 good day, I've got something going on, can we move it?  
23 Have you heard that before?

24 A. Oh, yes.

25 Q. Oh, yes.

1                   What we know now is the case got  
2 off-docketed and it was the defense attorney's  
3 responsibility, the defense attorney saying: I will  
4 notify my client that it moved from 8-11, where she knew  
5 it was, to the date that the lawyer preferred, which is  
6 8-14. Is that a fair statement based on this paperwork?

7           A. Yes.

8           Q. All right. Let's see what was then -- we go to  
9 the next reset form. And is it on 8-14, the date that  
10 the lawyer wanted?

11          A. Yes.

12          Q. Is that your signature (indicating)?

13          A. Yes.

14          Q. You filled it out. Same case, correct?

15          A. Yes.

16          Q. Whose signature is that, if you know  
17 (indicating)?

18          A. The D.A.'s.

19          Q. Which D.A.?

20          A. Looks like yours.

21          Q. Probably.

22                   Over here on the other side, we have  
23 Mr. Brian Roberts still as the attorney on the case,  
24 correct (indicating)?

25          A. Yes.

1 Q. And Ms. Bailey has signed it (indicating)?

2 A. Yes.

3 Q. So, even though the case was changed, the date  
4 was changed without her signature, does it appear to  
5 you, based on the documents, that the defendant in this  
6 case was notified and indeed showed up?

7 A. Yes.

8 Q. Who would have done that notification?

9 A. Mr. Roberts.

10 Q. Okay. Let me ask you a question. When there  
11 is an off-docket like that, are there any procedures  
12 that you follow regarding calling bail bondsman, the  
13 defense attorney says: Hey, I got it taken care of, or  
14 is that where it stops?

15 A. Defense attorney will tell me that they notify  
16 their clients, but I also try to notify the bonding  
17 company as well to let them know an off-docket reset has  
18 been done and this is the --

19 Q. Repeat the last part.

20 A. I notify the bonding company of the new court  
21 date, an off-docket reset was completed, and give them  
22 their future court date that they have to be in court.

23 Q. Sometimes there's a backup there that you call  
24 bail bondsman as well?

25 A. Yes.



1 Q. Now, let me ask this. Explain to the jury, is  
2 somebody not showing up in court, is it just an everyday  
3 thing, or is that a serious matter? Is it taken  
4 seriously by the staff here?

5 A. It's taken serious.

6 Q. And when somebody doesn't show up in court, are  
7 there a series of steps that you follow --

8 A. Yes.

9 Q. -- to try to ensure there are no  
10 misunderstandings? What happens when somebody doesn't  
11 show up in court? Ultimately what gets issued?

12 A. A warrant.

13 Q. A warrant for somebody's arrest, correct?

14 A. Yes.

15 Q. So, typically, if a person doesn't show up in  
16 court, do you converse with the clerks about it?

17 A. Yes.

18 Q. Make sure you're on the same page?

19 A. Yes.

20 Q. Do you talk with the bailiffs about it?

21 A. Yes.

22 Q. Do you talk with the Judge about it?

23 A. Yes.

24 Q. Do you talk to the bail bondsmen about it?

25 A. Yes.

1 Q. Do you talk with sometimes the prosecutor about  
2 it?

3 A. Yes.

4 Q. So, it is a serious matter?

5 A. Yes.

6 Q. Do you make every effort possible to try to get  
7 it straight and keep it straight --

8 A. Yes.

9 Q. -- in terms of people's dates in court?

10 A. Yes.

11 Q. Okay. Let's go back to 8-14. We know  
12 Mr. Roberts apparently successfully communicated with  
13 his client because she showed up on 8-14, set it to  
14 September of '09. In fact, let me back up and be a  
15 little more specific for the record. It was set for  
16 September 3rd of '09, correct?

17 A. Yes.

18 Q. We have a reset form here, but it's not for  
19 September 3rd, it's for September what?

20 A. 2nd.

21 Q. So, the case was not set to be on docket for  
22 the 2nd, was it?

23 A. No.

24 Q. It was set for the --

25 A. The 3rd.

1 Q. Exactly, the 3rd.

2 So, what does that tell us if he came in a  
3 day early?

4 A. He did an off-docket.

5 Q. He did another off-docket, didn't he?

6 A. Yes.

7 Q. So, we see kind of the same thing we saw  
8 before. He came in a day early. And all of  
9 Mr. Roberts' information is here. Same thing you saw  
10 before. Prosecutor, me. You gave him a new date of  
11 9-22 instead of 9-3. So, we moved it a couple of weeks  
12 back or forward, however you want to look at that, and  
13 we don't have the defendant's signature; is that  
14 correct?

15 A. Correct.

16 Q. Because she's not there, correct?

17 A. Yes.

18 Q. Whose responsibility in that case would it be  
19 to communicate the date change to the defendant?

20 A. Defense attorney.

21 Q. All right. Let's see if there's a show-up on  
22 9-22. The next reset is dated what date?

23 A. 9-22.

24 Q. And does it have the defendant's signature?

25 A. Yes.

1 Q. Was she in court?

2 A. Yes.

3 Q. Does it appear to you from this reset form that  
4 the defendant again successfully communicated the  
5 off-docket reset date to his client?

6 A. Yes.

7 MR. SASSER: Objection. Calls for  
8 speculation. She's already testified that the bonding  
9 company could have notified the defendant. There's no  
10 direct evidence that the attorney notified her. So,  
11 again, my objection is speculation.

12 THE COURT: Overruled.

13 Q. (By Mr. Brewer) So, the new court date is  
14 10-28, October 28th, '09.

15 Did it appear that the defendant appeared  
16 on October 28th of '09?

17 A. Yes.

18 Q. All right. Now, all of the resets up to this  
19 point, have there been -- has the case been set for  
20 trial, has there been anything terminal, meaning, has  
21 there been any indication on the resets up to this point  
22 that these resets are going to stop and the defendant is  
23 either going to have to have a trial or plead guilty or  
24 have the resets been of the type that typically occur  
25 where the prosecutor is talking to the defense attorney?

1           A.   Typically, the reset is for the attorney and  
2 prosecutor talking.

3           Q.   To make that a little more clear, when the  
4 defendant signs an arraignment form, is there an  
5 expectation she's going to be coming to court again and  
6 walking out the door again?

7           A.   Yes.

8           Q.   Another one of things you have on these resets  
9 is this.  Is that NTRL (indicating)?

10          A.   Yes.

11          Q.   That stands for what?

12          A.   Non-trial setting.

13          Q.   When that is a non-trial setting, is it typical  
14 that the defendant would show up on the date and  
15 whatever the lawyers do the defendant would walk out the  
16 door at the end of the day?

17          A.   Yes.

18          Q.   Now, I think we were up to 9-22.  Now we have  
19 something else, a PTCR (indicating).

20          A.   Pretrial conference.

21          Q.   What's happening with the process of the case?

22          A.   This is like a setting before trial.  Everybody  
23 should have everything they need to determine if they  
24 want to work out the case or set it for trial.

25          Q.   Is this kind of a revolving door, just

1 resetting the case, I need a lawyer resetting the case,  
2 I've got a lawyer resetting the case, I don't have a  
3 lawyer resetting the case, I've got a lawyer that is  
4 starting to -- can you tell me by starting to look at  
5 this document, is that coming to an end now  
6 (indicating)?

7 A. Yes.

8 Q. Who controls ultimately -- regardless of what  
9 the lawyers say, who controls ultimately if the case  
10 gets set for trial now or the next setting?

11 A. The Judge.

12 Q. Exactly. If the Judge says at some point,  
13 we're tired of playing with this, it's either tried or  
14 pled, the Judge does that. Correct?

15 A. Correct.

16 Q. So, 10-28 is our next date. Does it appear the  
17 defendant showed up on 10-28?

18 A. Yes.

19 Q. And we have another pretrial conference  
20 setting; is that correct?

21 A. Yes.

22 Q. The reset was for 11-18. Does it appear the  
23 defendant showed up on 11-18 (indicating)?

24 A. Yes.

25 Q. Another pretrial conference, correct?

1 A. Correct.

2 Q. Your next date was 12-4 of '09. Does it appear  
3 that the defendant showed up on 12-4-09?

4 A. Yes.

5 Q. For a pretrial conference again?

6 A. Uh-huh.

7 Q. Our next date is 1-12-10. Does it appear the  
8 defendant showed up on 1-12-10 for a pretrial  
9 conference?

10 A. Yes.

11 Q. Is this an unusual number of pretrial  
12 conferences?

13 A. Yes.

14 Q. Is this case really dragging on for some  
15 reason?

16 A. Yes.

17 Q. We were supposed to show up on February 9th.  
18 We show up. Does the defendant show up on February 9th?

19 A. Yes.

20 Q. And we get a pretrial conference for March 9th;  
21 is that correct?

22 A. Yes.

23 Q. Go to the next sheet of paper. And is it now  
24 March 9th (indicating).

25 A. Yes.

1 Q. Is that your signature again (indicating)?

2 A. Yes.

3 Q. Is this your writing (indicating)?

4 A. Yes.

5 Q. All right. Now, there's some stuff on here we  
6 haven't seen. First of all, we see two resets. Tell us  
7 what's going on (indicating).

8 A. The defendant now has a trial setting. And  
9 pretrial motions are usually set a month before the  
10 trial.

11 Q. Is the revolving door of coming in and going,  
12 is that kind of stopping at this point?

13 A. Yes.

14 Q. So, this one on top, JTRL for October 4th of  
15 2010, is that -- does that mean jury trial (indicating)?

16 A. Yes.

17 Q. So, it's basically something like this  
18 (indicating)?

19 A. Yes.

20 Q. Again, it's not on the bond jumping case, this  
21 is on the identity theft case, right?

22 A. Yes.

23 Q. The pretrial motion setting is typically set a  
24 month before. So, on September 7th of 2010, correct?

25 A. Yes.



1 Q. And just so the jury understands, we're giving  
2 these dates far off in September and October in March to  
3 the defendant?

4 A. Yes.

5 Q. Why so far off?

6 A. The number of trial cases that are set.

7 Q. This case has to get in line. Is that fair?

8 A. Yes.

9 Q. And the line is pretty long. Lines around here  
10 can be pretty long?

11 A. Yes.

12 Q. The trial can -- this is a date that would --  
13 this is a date the Court can reasonably have an  
14 opportunity to try this case?

15 A. Right.

16 Q. There's a lot of work down here for everybody?

17 A. Yes.

18 Q. Does it appear the defendant signed this  
19 (indicating)?

20 A. Yes.

21 Q. And the same defense attorney. She has Brian  
22 Roberts, correct?

23 A. Yes.

24 Q. So, the next date she should be back -- this is  
25 where it gets important -- is September 7th, 2010?

1 A. Correct.

2 Q. Let's see what happens. And these are -- these  
3 are all the official court documents contained in the  
4 courts. These are government records, right?

5 A. Yes.

6 Q. So, when we go to -- well, we were supposed to  
7 get to September 7th and we only got to September 2nd,  
8 correct?

9 A. Yes.

10 Q. Okay. Now, the first thing that I want to  
11 note, is this your writing? Did you do this reset form  
12 (indicating)?

13 A. No.

14 Q. So, let's explain that. Why didn't you do this  
15 reset form?

16 A. I was probably out or in -- or in training.

17 Q. Okay. You weren't here. Is that fair to say?

18 A. Correct.

19 Q. For whatever reason, what happens when you're  
20 not here? There's only one of you, only one coordinator  
21 per court?

22 A. Yes.

23 Q. What happens when that coordinator is sick or  
24 unable to come to work?

25 A. A substitute coordinator comes in.

1 Q. How many substitute coordinators are there now?

2 A. Six, I think.

3 Q. Six.

4 That's a regular procedure, correct?

5 A. Yes.

6 Q. Are there some efforts to inform the substitute  
7 coordinators about the policies of the different courts?

8 A. Yes.

9 Q. Some of them are in writing, correct?

10 A. Yes.

11 Q. Some of them are kind of habit or routine. Is  
12 that fair to say?

13 A. Yes.

14 Q. Can you tell from this receipt form who -- what  
15 substitute coordinator was sitting in the court on that  
16 day, sitting in your court? You need me to zoom in on  
17 that (indicating)?

18 A. It looks like it's Ralph's signature. It's an  
19 R.

20 Q. Is Ralph one of the substitute coordinators?

21 A. Yes.

22 Q. So, to the best of your knowledge, you did not  
23 produce this particular reset form, correct?

24 A. Correct.

25 Q. Essentially, we've kind of got a pattern going.

1 So, let's follow it. Even though you did not produce  
2 this form, are there certain things you can tell us from  
3 what you actually see on the form?

4 A. Yes.

5 Q. All right. Make sure to keep your voice up.

6 Does this appear to be an off-docket reset  
7 (indicating)?

8 A. Yes.

9 Q. And as a matter of fact, when we looked at the  
10 last reset we were supposed to be coming back to court  
11 9-3 {sic}. Does it appear this docket was created on  
12 9-2 (indicating)?

13 A. Correct.

14 Q. It's actually the day before the defendant was  
15 supposed to be here, correct?

16 A. Correct.

17 Q. The date that we were supposed to be in court  
18 was the 7th. And I just screwed up because it's  
19 actually five days before she was supposed to be here.  
20 Right?

21 A. Yes.

22 Q. So, five days before somebody shows up. Does  
23 that appear to be Brian Roberts' signature (indicating)?

24 A. No.

25 Q. Can you tell whose that is?

1 A. Yes.

2 Q. Who is it?

3 A. Chip Lewis.

4 Q. We'll deal with that later, too.

5 On 9-2, five days before the defendant was  
6 supposed to be in court, this case was off-docketed to  
7 9-21, correct?

8 A. Yes.

9 Q. A number of days later?

10 A. Yes.

11 Q. Do we have the defendant's signature on this  
12 receipt form (indicating)?

13 A. No.

14 Q. Let's go back and I want to wrap one thing up  
15 with you and I am going to pass you to Mr. Sasser. We  
16 had a -- we had a pretrial motion date of 9-7 that we  
17 know just got changed to 9-21?

18 A. 9-21.

19 Q. And then later, we still -- was the defendant  
20 responsible for coming to the jury trial date  
21 October 4th, 2010?

22 A. Yes.

23 Q. I'm going to slip past one that we just talked  
24 about -- okay -- to the next reset. And I'm going to  
25 ask you: Can you tell us from this reset -- there's the

1 signature of the defendant. Can you tell from this  
2 reset when we next saw the defendant in court  
3 (indicating)?

4 A. May 12th, 2011.

5 Q. Okay. That's a signature. So, did we see the  
6 defendant in court on her jury trial date?

7 A. No.

8 Q. Did we see the defendant in court on her  
9 pretrial date, 9-21?

10 A. No.

11 Q. Did we see the defendant in court on the  
12 original pretrial date of 9-7?

13 A. No.

14 Q. It's 9-7. Yes. I'm sorry.

15 A. No.

16 Q. All right. So, the next time you see her is in  
17 the next year; is that correct?

18 A. Correct.

19 MR. BREWER: All right. I pass the witness  
20 at this time, Your Honor.

21 THE COURT: All right.

22 **CROSS-EXAMINATION**

23 **BY MR. SASSER:**

24 Q. Just for clarification now, so John is saying  
25 after September 21st, 2010 -- excuse me -- 2010, after

1 September 21st, 2010, the pretrial conference date, you  
2 did not see her again until when?

3 A. May 2nd {sic}.

4 Q. Are you sure about that date? We can check the  
5 computer to show when she would be taken into custody,  
6 right?

7 A. We can check the computer to check when she was  
8 booked in.

9 Q. If she were booked in, say, a couple of months  
10 before May, hypothetically she had been booked in in  
11 March of 2011, there would not have been a two-month  
12 waiting period for her to come to court, would there  
13 have been?

14 A. No.

15 Q. Once you were notified she was in custody, you  
16 would have docketed her on the Court's docket within a  
17 pretty quick period of time, right?

18 A. Yes.

19 Q. We'll check on that date.

20 The documents Mr. Brewer went over with  
21 you, those resets, they all have one thing in common  
22 until the very end. The defendant basically showed up  
23 when she was supposed to, correct?

24 A. Can you repeat that?

25 Q. All those resets that you showed, that John

1 went over with you, starting in 2009 when she bonded out  
2 and came to court and you told her to hire an  
3 attorney -- remember testifying about that?

4 A. Yes.

5 Q. Back in 2009 -- okay -- she started coming to  
6 court on a regular basis, right, whether it was by  
7 herself to get an attorney or with an attorney. She was  
8 required to come on those dates, correct?

9 A. Yes.

10 Q. She came on every one of those dates because  
11 she was supposed to come, correct?

12 A. In 2009?

13 Q. Period. Until the very end, until the 21st of  
14 September, 2010, did you ever have any trouble with this  
15 defendant coming to court when she was supposed to come?

16 A. I don't think so.

17 Q. When you say you don't think so, I mean, as a  
18 coordinator of this court, you would know, right? I  
19 mean, you would have some kind of record of that if she  
20 had not been here when she was supposed to be, right?

21 A. Correct.

22 Q. She would be given a warning, right? How does  
23 that work if the defendant -- let's say you have a  
24 regular case where the defendant is said to come in  
25 here, say, tomorrow -- okay -- and they don't show up,



1 what's your procedure for that?

2 A. I notify the bonding company immediately and  
3 ask them to check their records to see if they notified  
4 the defendant to be in court that particular day and  
5 advise them that the client did not show for court and I  
6 need the client up here, up in court ASAP before the  
7 bond is revoked.

8 Q. Okay. How long -- when is that done? You say  
9 you call your docket normally at 9:00 o'clock. How much  
10 time do you give the defendant to get to court before  
11 you make the call to the bonding company normally?

12 A. I do docket call and pull the clerk's file to  
13 see if they've ever been late before.

14 Q. Okay.

15 A. And then I call the bonding company immediately  
16 to let them know their client is not here and I need  
17 them up here.

18 Q. So, it is very important for you and it's one  
19 of the first things you do to find out if they've been  
20 late before, correct?

21 A. Correct.

22 Q. Because that's going to go a long way in  
23 deciding whether or not to give the defendant maybe a  
24 break, correct? She's already been given a break -- if  
25 she's already been given a break for being late,

1 probably not going to be late.

2 A. On the first time they're late, the Judge  
3 excuses it. The second time they're late, I notify the  
4 D.A. and I notify the clerks and the deputies and the  
5 Judge -- excuse me -- that the defendant has been late  
6 before.

7 Q. And then at that point if the defendant is late  
8 subsequently, the prosecutors will ask the defendant's  
9 bond be revoked, correct?

10 A. Correct.

11 Q. And the defendant will be taken into custody?

12 A. Correct.

13 Q. Okay. So, again, it's very important for you  
14 to know if the defendant has been late before. This  
15 defendant had never, ever been late before to your  
16 knowledge, had she?

17 A. Correct.

18 Q. We're talking about settings over a year,  
19 year-and-a-half period of time --

20 A. Yes.

21 Q. -- correct?

22 Isn't it a little bit unusual, as John  
23 brought up, for cases to go this long, to pend this long  
24 in a district court before they're forced to go to  
25 trial?

1 A. Yes.

2 Q. Now, when you talked about -- or when John  
3 talked about the extensions of this case, you're not in  
4 any way saying it's this defendant's fault that this  
5 case extended for any particular reason, are you?

6 A. No.

7 Q. I mean, we saw for ourselves on these resets on  
8 several occasions, it was her attorney who was coming in  
9 and resetting her case for whatever reason, right?

10 A. Yes.

11 Q. And, ultimately, it's the attorneys who reset  
12 the cases, correct, not the defendant?

13 A. Correct.

14 Q. And when John was questioning you about the  
15 off-dockets that we saw, the earlier off-dockets, I  
16 believe there was one on Mr. Roberts' initial  
17 appearance -- on his initial appearance where he  
18 basically came in and did off-docket, correct?

19 A. Yes.

20 Q. He did a couple more after that before  
21 September 7th of 2010, correct, because you went over it  
22 with John?

23 A. I believe so.

24 Q. John's comments to you was: Well, Diane, you  
25 know, we can assume -- we assume Mr. Roberts contacted

1 the defendant here, correct, because she showed up for  
2 court. Isn't that what the question was?

3 A. I believe so.

4 Q. We don't know because you say you generally  
5 notify the bonding companies and bonding companies  
6 generally are notified either by the defendant or the  
7 attorney of resets coming up, correct, because it's --  
8 they have to know when the resets are, correct?

9 A. Yes.

10 Q. Okay. And in this case, you don't know whether  
11 or not it was the bonding company notifying her or her  
12 attorney, do you? You just know she showed up for  
13 court?

14 A. That's correct.

15 Q. That's all you know?

16 A. Yes.

17 Q. And we also know that a defendant can know  
18 about a date, a court date, and not show up for that  
19 court date and their bond not be revoked; that's a  
20 possibility, right?

21 A. It's a possibility.

22 Q. Because it happens in off-dockets all the time,  
23 right? That's basically what an off-docket is; you're  
24 trusting the defendant gets knowledge of this new date,  
25 right?

1 A. Yes.

2 Q. Because what would happen -- I'll strike that.

3 Okay. So, then what we have here is we  
4 have on September 2nd, we have an attorney, her other  
5 attorney. Brian Roberts was her attorney on  
6 September 2nd, 2010, correct?

7 A. I believe so.

8 Q. It wasn't Brian Roberts who came in and did the  
9 off-docket reset, correct?

10 A. Correct.

11 Q. It was Chip Lewis, correct?

12 A. Correct.

13 Q. The off-dockets we saw, was Brian Roberts'  
14 signature on those dockets?

15 A. Yes.

16 Q. It's a little bit different in this particular  
17 reset, correct?

18 A. Yes.

19 Q. And the fact you weren't here, there was  
20 another coordinator here that day?

21 A. Correct.

22 Q. There's two things off the bat on that reset,  
23 right?

24 A. Yes.

25 Q. In fairness to my client, you have no idea

1 whether or not Brian Roberts, Chip Lewis, or anybody  
2 else ever notified my client about that new  
3 September 21st, 2010 date or the importance of it, do  
4 you?

5 A. What date was that?

6 Q. September 21st, 2010, the day it was  
7 off-docketed to.

8 A. Correct.

9 Q. You have no idea what was told to her, do you?

10 A. Correct.

11 Q. Now, when you weren't here on the 2nd, Ralph  
12 was. Okay. So, when that off-docket was done, it was  
13 set from the 7th to the 21st of September, 2010,  
14 correct?

15 A. I believe so.

16 Q. Now, John Brewer -- were you back here on the  
17 7th when it was initially set, do you recall?

18 A. No, I don't. I need to look at the reset.

19 Q. Would it surprise you that John Brewer came in  
20 on the 7th thinking the case was -- in other words, he  
21 was unaware about the off-docket. Are you familiar with  
22 that?

23 A. I'd have to look at the reset. There's a  
24 possibility.

25 Q. Okay. Because it's really the defense

1 attorney's job to notify the prosecutor of the  
2 off-docket, right?

3 A. Yes.

4 Q. It's not your job. You have plenty to do in  
5 this courtroom other than to notify defense attorneys  
6 and prosecutors of off-dockets. That's up to the  
7 attorneys to handle that, correct?

8 A. Yes.

9 Q. Okay. And so, when John -- do you remember  
10 John coming in on September 7th, 2010?

11 A. No, I don't remember.

12 Q. Do you remember him wanting to approach the  
13 Judge about her -- about getting her bond revoked  
14 because of some new cases up in Brazoria County?

15 A. I was aware of a few cases, but I don't  
16 remember the particular date.

17 Q. Okay. Well, on September 7th, 2010, nothing  
18 got done on the bond, correct, her bond was still in  
19 effect, correct?

20 A. September --

21 Q. The 7th.

22 A. Yes, correct.

23 Q. Okay. But on September 8th, the very next day,  
24 her bond was revoked, correct, or forfeited?

25 A. I don't know. I would have to look at the

1 computer system.

2 Q. You don't have personal knowledge of that?

3 A. No, I don't.

4 Q. That's something the clerk might be better to  
5 answer?

6 A. Yes.

7 Q. Okay. Well, hypothetically -- since you've  
8 been doing this for three years, hypothetically someone  
9 is set for court, set for a court date and then their  
10 bond gets revoked or forfeited. Okay? Do you really  
11 expect to see that person on the future date they're set  
12 when they have a warrant out for their arrest every  
13 single day leading up to that new date? Do you really  
14 expect them to show up?

15 A. No.

16 Q. You really don't, do you?

17 A. Huh-uh.

18 Q. Basically, once -- it's pretty standard in the  
19 courthouse that once somebody's bond gets revoked or  
20 forfeited, until the person gets arrested the case is  
21 basically non-active, isn't it, because they're not in  
22 custody?

23 A. Correct.

24 Q. Let me ask you this. And we know that because  
25 if the bond was revoked on September 8th, 2010, or



1 forfeited -- and we'll get into that with the clerk --  
2 she had no bond after that date. Is that a fair  
3 statement?

4 A. I don't know.

5 Q. All right. If she didn't, would you have  
6 continued -- let's put it this way. Did you call her  
7 name on October 4th of 2010 on her trial date? Did you  
8 come out here and call her name?

9 A. I don't recall.

10 Q. You didn't -- it wouldn't be standard practice  
11 to do that, would it, because her bonds had already been  
12 revoked?

13 A. When I give a reset for a trial setting, and I  
14 put a pretrial motion and a trial setting, I enter both  
15 settings that day.

16 Q. Yes, ma'am, I realize that. This is a  
17 different kind of case. Her bond had already been  
18 revoked. You know that, right? Well, let me -- you  
19 coordinate the trial docket, correct?

20 A. Yes.

21 Q. That's your job, you're the one that sets cases  
22 for trial?

23 A. Yes.

24 Q. Attorneys, when they want to set a case for  
25 trial, they have to come to you?

1 A. Correct.

2 Q. Now, you set her trial date for October 4th,  
3 2010?

4 A. Correct.

5 Q. On that day, you knew already that she had had  
6 a warrant out for her arrest for a period of time,  
7 almost two weeks, you would have known that, right,  
8 because you're the coordinator? It's your job to come  
9 in and find out for the Judge what cases might go to  
10 trial that day, correct?

11 A. Not necessarily.

12 Q. Explain.

13 A. When they forfeit the bond, sometimes I forget  
14 to delete the trial settings. It may still be on the  
15 trial setting.

16 Q. I'm not saying it doesn't ever happen. I'm  
17 talking about what's standard practice in Harris County.  
18 Once that defendant's bond gets revoked, you're not  
19 going to expect to go to trial on the trial date?

20 A. Correct.

21 Q. She's not in custody?

22 A. Correct.

23 Q. She's got an open warrant for her arrest?

24 A. Correct.

25 Q. She could be in Alaska, her or him, whoever the

1 defendant is, and for that reason once you have an open  
2 warrant, someone can be arrested by constables, the  
3 deputies, HPD, whatever. Any law enforcement agency out  
4 there could arrest her at any time. So, that date is  
5 really just -- it's just kind of hanging out there, it's  
6 not a real date until she gets in custody?

7 A. Correct.

8 Q. Again, you said you could not remember whether  
9 or not you called or had the deputy call her name at the  
10 courthouse door on October 4th, 2010?

11 A. I can't recall.

12 Q. You do recall on September 21st, 2010, don't  
13 you?

14 A. Calling her name?

15 Q. Uh-huh. Or having the deputy do it. Isn't  
16 that the deputy's job?

17 A. Yes.

18 Q. You don't recall the deputy doing it on  
19 September 21st, 2010?

20 A. I believe --

21 Q. Isn't that why we're here?

22 A. It's procedure to call the defendant's name  
23 out.

24 Q. Who is not here when their name is on the  
25 docket?

1           A.    Who's not here at docket call?

2           Q.    My question is:  You don't remember on October  
3 4th.  Do you remember that being done on September 21st,  
4 2010?

5           A.    No, I can't recall.

6                   MR. SASSER:  May I have one second to go  
7 through my notes?

8                   THE COURT:  You may.

9                   (Pause)

10          Q.    (By Mr. Sasser) Another difference that we  
11 notice and you made it a point to say -- because we saw  
12 lots of pretrial conferences leading up to the trial  
13 setting -- the reset where we had the pretrial  
14 conference -- excuse me -- the pretrial motions and  
15 trial date, before the pretrial motions, which was set  
16 originally for September 7th, 2010, and then later a  
17 trial date of October 4th of 2010, which is on the same  
18 reset form, until then, all those prior resets said  
19 pretrial conference?

20          A.    Correct.

21          Q.    You said pretrial conference.  Really, isn't  
22 that a deal kind of for the attorneys to get together  
23 and see if they can work something out?  That had been  
24 done multiple, multiple times before pretrial motions.

25          A.    Correct.

1 Q. When Ralph did pretrial for whatever reason, he  
2 put it back to pretrial conference --

3 A. Yes, he did.

4 Q. -- instead of pretrial motions?

5 A. Yes, he did.

6 Q. That pretrial conference was set  
7 September 21st. Now we're talking about what, two weeks  
8 before the actual trial is supposed to start in this  
9 case, correct?

10 A. Two weeks, you said?

11 Q. Okay. If the pretrial motions are set  
12 September 21st, 2010 and the trial is supposed to be  
13 October 4th, 2010, we're talking about two weeks?

14 A. Yes, sir.

15 Q. So, Brian Roberts needed to be ready to go to  
16 trial, didn't he, on October 4th, 2010?

17 A. Yes.

18 Q. On a case pending for a year-and-a-half,  
19 continually resetting, October 4th, 2010, on that date,  
20 he had better be ready for trial, right?

21 A. Yes.

22 Q. Unless he moves for a continuance or has a  
23 motion for continuance for whatever reason. And we  
24 don't have any of those on file in this case, do we?

25 A. Not that I know of.

1 MR. SASSER: Pass the witness, Your Honor.

2 MR. BREWER: May I proceed, Your Honor?

3 THE COURT: Approach the bench for a  
4 minute.

5 (At the Bench, on the record)

6 THE COURT: I have a lunch meeting at 11:30  
7 and I was going to take about 10 minutes.

8 MR. BREWER: It might be longer than five  
9 minutes, but it won't be longer than ten to fifteen  
10 minutes.

11 THE COURT: I guess we'll go ahead and  
12 break.

13 (Open court, defendant and jury present)

14 THE COURT: Y'all need to visit the indoor  
15 plumbing? If you don't, I do. We're going to take  
16 about a 15-minute break.

17 (Recess)

18 (Open court, defendant and jury present)

19 THE COURT: You may proceed.

20 **REDIRECT EXAMINATION**

21 **BY MR. BREWER:**

22 Q. Ms. Madrid, Mr. Sasser asked you two questions.  
23 He asked you about if somebody has new cases in Brazoria  
24 County, was the question: Do you really expect them to  
25 show up?

1 MR. SASSER: Objection. That's a  
2 misstatement of what my question was.

3 THE COURT: Overruled.

4 Q. (By Mr. Brewer) Were you aware -- the first  
5 question is: Were you aware of the defendant having new  
6 cases in Brazoria County, yes or no?

7 A. Yes.

8 Q. And you were asked the question: Do you really  
9 expect them to show up in that scenario? Do you really  
10 expect defendants to show up in your courtroom when  
11 they've picked up new cases?

12 MR. SASSER: Objection, Your Honor. The  
13 question was when they have warrants open, warrants for  
14 their arrest, would you expect them to show up.

15 THE COURT: That's sustained.

16 Ask the proper question or rephrase the  
17 question.

18 MR. BREWER: I'll rephrase.

19 Q. (By Mr. Brewer) Mr. Sasser is asking: Do you  
20 really expect them to show up, let's say, when they have  
21 warrants or when they are going to be arrested if they  
22 walk in the courtroom? And your response was: No, not  
23 often. Correct?

24 A. Correct.

25 Q. So, essentially, what you were saying is -- or

1 were you essentially saying --

2 MR. SASSER: Objection. The prosecutor is  
3 testifying. If we can keep this in question-and-answer  
4 form, please.

5 THE COURT: Sustained. Just ask the  
6 question.

7 Q. (By Mr. Brewer) Why would you not expect  
8 somebody to show up if they have warrants?

9 A. They would be taken into custody immediately.

10 Q. And is that bail jumping?

11 MR. SASSER: Objection, Your Honor. That's  
12 a question for the jury. That's a question for the  
13 jury, not for any particular witness.

14 THE COURT: Sustained.

15 Q. (By Mr. Brewer) If the person doesn't show up  
16 to court and they're out on bail, can they be charged  
17 with a new crime, if you know?

18 A. Yes.

19 Q. And is that new crime bail jumping?

20 A. Yes.

21 Q. So, I guess, what I want to make clear is, just  
22 because somebody knows if they come to court they're  
23 going to be arrested on warrants, is that an excuse --

24 MR. SASSER: Objection, Your Honor. He's  
25 leading the witness.



1 THE COURT: Overruled.

2 Q. (By Mr. Brewer) Is that some type of excuse?

3 A. Yes.

4 Q. Listen to the question. Is it some type of  
5 legal excuse?

6 A. Repeat the question.

7 Q. Exactly.

8 If a person knows they're going to come to  
9 court and get arrested, does that make it okay for them  
10 not to come to court?

11 MR. SASSER: I object to relevance. What  
12 this witness thinks about that particular question is  
13 not relevant to this case.

14 THE COURT: Overruled.

15 Q. (By Mr. Brewer) Does that make it okay for them  
16 not to come to court?

17 A. No.

18 Q. What did you do in this case when the defendant  
19 did not show up in court? What are the procedures that  
20 you followed?

21 A. I notified the bonding company immediately.

22 (Phone rings)

23 THE COURT: I turned it on when I went to  
24 that meeting.

25 Q. (By Mr. Brewer) So, you notified the bonding

1 company, is one thing you did. What else would you have  
2 done to try to make sure there wasn't some type of  
3 mistake?

4 A. I notified the bonding company, notified the  
5 attorneys. I try to reach the bonding company.  
6 Sometimes I make several calls to let them know: Hey,  
7 your client needs to be up here or we're moving for bond  
8 forfeiture.

9 Q. If the defense attorney were to come to you and  
10 say: Hey, look, I just forgot to tell my client, my  
11 bad, my mistake, is that any type of problem?

12 A. They need to address it with the Judge.

13 Q. Exactly.

14 And if that happens, typically what you  
15 do -- do you typically give the date -- give a date to  
16 the case very soon so that you can actually get the  
17 defendant in here to make sure everything is okay?

18 A. Yes.

19 Q. That's how it's taken care of, right?

20 A. Yes.

21 Q. Okay. Did you make every effort to try to find  
22 out or try to get the defendant in here to respond to  
23 any of the dates that we've talked about after she did  
24 not show up -- let me rephrase the question.

25 Did you make -- did you follow the

1 procedures that you normally follow? Did you make every  
2 effort that you normally would make to try to inform the  
3 defendant, inform the bonding company, inform the  
4 lawyer, and try to resolve the issue without anything  
5 bad happening to the defendant?

6 A. I always do.

7 Q. And were you successful in any way in this  
8 case?

9 A. No.

10 Q. Okay. The date in our indictment is  
11 September 21st of 2010. That's the date we're alleging  
12 for the bond forfeiture. If you recall -- and I can  
13 show you the sheet again. If you recall, did she have a  
14 date -- was she supposed to be in here on  
15 September 21st, 2010?

16 A. Yes.

17 Q. I'll show you -- we'll explain it a little  
18 later, but I'll show you this document. Do you  
19 recognize this as the official docket sheet in this  
20 court? Let me zoom in a little bit. There's the court  
21 number, would you agree with me (indicating)?

22 A. Yes.

23 Q. Would you agree that is this defendant's name  
24 (indicating)?

25 A. Yes.

1 Q. Would you agree with me that that's the cause  
2 number and description of the case that she allegedly  
3 bond jumped (indicating)?

4 A. Yes.

5 Q. All right. So, does this sheet -- and very  
6 briefly we'll have another witness testify about this,  
7 but does this sheet also keep record of the things that  
8 happen in court?

9 A. Yes.

10 Q. I'll draw your attention to the back of this  
11 sheet. I'll go right on down to two things. I think --  
12 let's see. This is the September 21st, 2010 date we're  
13 talking about. Can you tell us based on what you see  
14 here in this sheet if the defendant was in this  
15 courtroom on this date (indicating)?

16 A. No, she wasn't.

17 Q. I'm sorry. I had a problem hearing you in the  
18 microphone.

19 A. No. On September 21st, 2010, the defendant was  
20 not here.

21 Q. And it says: Bailiff Higgins -- can you tell  
22 us who Bailiff Higgins is?

23 A. He was the deputy of this court and he recently  
24 retired.

25 Q. All right. And was the bond forfeited at that

1 time when the name was called and she was not here?

2 A. Correct.

3 Q. And this has some kind of old formal legal  
4 language about the deputy going to the door and calling  
5 out the name three times and there was no answer. Is  
6 that actually done?

7 A. Yes.

8 Q. And what door does he go to?

9 A. He goes out through this door into the hallway  
10 and calls the defendant's name.

11 Q. And just to refresh everybody's memory, you  
12 talked about on a particular date when somebody is  
13 supposed to be in court you come out and call the docket  
14 first --

15 A. Correct.

16 Q. -- and you confer with everybody. And when  
17 would Higgins or any other bailiff in this court --  
18 following y'all's procedures, typically when would they  
19 go out and call the name, right at 9:00 a.m. or later?

20 A. Later.

21 Q. And if a person showed up late, is there -- is  
22 it too bad after 9:01 or can that be taken care of?

23 A. That can be taken care of.

24 Q. Did the defendant show up late that day?

25 A. According to this docket sheet, no.

1 Q. All right. Now, there's one thing I do want to  
2 clarify. We talked about before having reset forms for  
3 showing that the defendant's next appearance in court  
4 was -- I think we said May 12th, if I recall. All  
5 right. Looking at this docket form, can you also see  
6 the defendant -- would you agree with me the defendant  
7 was here on 3-8 and 4-7 of '11 (indicating)?

8 A. Correct.

9 Q. Why might we not have a regular docket reset  
10 form like all the other times we saw?

11 A. She could have been in custody, the attorney  
12 could have been appointed at the time.

13 Q. Is that a different form than the ones we're  
14 looking at?

15 A. Correct.

16 Q. Just to be clear, on 9-21 of 2010, she gets  
17 bonds forfeited, she's not here when she's supposed to  
18 be, correct?

19 A. Yes.

20 Q. On 3-8 of '11 is the next time she's seen in  
21 this court, another form is filled out, not one of the  
22 reset forms we have, correct?

23 A. Correct.

24 Q. That's five-and-a-half months later, correct?

25 A. Yes.

1 Q. In the interim, there's also a trial setting  
2 that she was supposed to show up to, right?

3 A. Yes.

4 Q. Did she show up to that?

5 A. No.

6 MR. BREWER: Pass the witness, Judge.

7 **RECROSS-EXAMINATION**

8 **BY MR. SASSER:**

9 Q. Okay. This case -- Ms. Madrid, this case was  
10 off-docketed on September 2nd by Chip Lewis, correct?

11 A. I believe so.

12 Q. Because Brian Roberts supposedly wasn't going  
13 to be available to be here on the September 7th, 2010  
14 date?

15 A. Correct.

16 Q. Okay. All right. So, September 7th, there  
17 wasn't a court date, correct?

18 A. I have to see the resets.

19 Q. Okay. Just going by what you've already  
20 testified to, you saw that the reset form that John  
21 showed you where -- I know you weren't here, but you saw  
22 the form. I'm going to ask you about it, but you saw  
23 that form that was reset by Ralph and it showed that the  
24 case was reset from September 7th, 2010 until  
25 September 21st, 2010, correct?

1 A. Yes.

2 Q. And keeping the same trial date of October 4th,  
3 2010?

4 A. Right.

5 Q. Okay. So, there was no court date on  
6 September 7th, correct, according to the off-docket? In  
7 other words, her name would not have been called on the  
8 docket that day, correct?

9 A. I believe so.

10 Q. You believe so what?

11 A. That her name wouldn't have been called.

12 Q. Would not have or would have?

13 A. Would not have been.

14 Q. She wasn't supposed to be here?

15 A. According to the reset.

16 Q. That's all we're going by now.

17 A. Uh-huh.

18 Q. Why is there a docket entry on the 7th then  
19 that the Judge did something -- that's the Judge's  
20 writing, right? Whose writing is that on September 7th  
21 where it shows reset (indicating)?

22 A. I'm sorry. Repeat the question.

23 Q. There's a stamp, September 7th, 2010, just like  
24 on all the other dates when the defendant comes to court  
25 (indicating).



1           A.    This docket is maintained by the clerk.  I  
2 don't know who makes entries by the clerk.

3           Q.    This is -- the Judge has one, this is the  
4 clerk's (indicating)?

5           A.    This docket sheet is kept in the clerk's file.  
6 They have control of that.

7           Q.    Okay.  Well, then I think the clerk is going to  
8 testify next, so I'm not going to ask you about  
9 something you might not know about completely.

10                        You see here on the 7th there was activity  
11 on the case, correct, by the clerks (indicating)?

12           A.    Yes.

13           Q.    There was also activity on the 8th, the very  
14 next day, by the clerks, correct (indicating)?

15           A.    Yes.

16           Q.    That's a really important date, that  
17 September 8th day.  Her bond was revoked, wasn't it?

18           A.    Yes.

19           Q.    As a coordinator, the reason you reset cases  
20 prior to trial, as you've already mentioned, is so that  
21 the case, if possible, can be worked out, either pled or  
22 dismissed or in some way disposed of?

23           A.    Yes.

24           Q.    That's the reason you have all these settings  
25 leading up to a trial, correct?

1           A.    Yes.

2           Q.    And when you have a trial is when you cannot  
3 work out a plea bargain.  There is no plea bargain, in  
4 other words.  The defendant won't accept any plea  
5 bargain and says she's not guilty and the State won't  
6 dismiss the case?

7           A.    Correct.

8           Q.    At that point, there was no other option but to  
9 go to trial, correct?

10          A.    Yes.

11          Q.    Okay.  Now, isn't it important that the  
12 defendant be in court on all the dates?  That's  
13 important, things are happening to her case?

14          A.    Yes.

15          Q.    Isn't that why you have resets?

16          A.    Yes.

17          Q.    Isn't that why you make the defendant sign the  
18 reset to make sure the defendant is going to be there?

19          A.    Yes.

20          Q.    She wasn't in court on September 8th, 2010,  
21 when her bond was revoked?

22          A.    Not that I know of.

23          Q.    Of all the dates up to September 8th, 2010,  
24 wouldn't you say that's probably the most important date  
25 up to that particular point, her freedom is gone; would

1 you agree with me?

2 A. Yes.

3 Q. In response to Mr. Brewer's questioning, he  
4 went to a situation where you call defense attorneys,  
5 bonding companies, you call whoever you need to call.  
6 And the last question he asked you: In this case, you  
7 weren't successful, were you? Remember that?

8 A. Yes.

9 Q. He just asked you awhile ago on direct.

10 A. Uh-huh.

11 Q. You said you weren't successful. What weren't  
12 you successful in doing?

13 A. Getting the defendant up here.

14 Q. What did you do?

15 A. Called the bonding company.

16 Q. Is that it?

17 A. Yes.

18 Q. When did you call the bonding company?

19 A. I don't have my docket, so it's hard for me to  
20 say exactly when. But if they're on the docket that  
21 day, I call them immediately.

22 Q. But she wasn't on the docket on September 7th.  
23 So, why would you have called them on September 7th if  
24 she wasn't on the docket?

25 MR. BREWER: Objection to misstating facts

1 not in evidence. We're actually talking about  
2 November 20th when I was questioning Ms. Madrid about  
3 that.

4 THE COURT: Sustained.

5 MR. SASSER: Judge, this is my  
6 cross-examination. I mean, if I can have a little  
7 leeway to ask about any dates important to the events.

8 THE COURT: I'll give you leeway. Let's go  
9 to the evidence.

10 Q. (By Mr. Sasser) So, that September 8th when her  
11 bond was revoked, for LaJuan Bailey, like I said, that's  
12 about the most important date up to when the case was  
13 filed. Would you agree with that?

14 A. Uh-huh, yes.

15 Q. You don't have any recollection and don't have  
16 any notes that you called the bonding company on that  
17 date, do you?

18 A. No.

19 Q. Because you have hundreds and hundreds of cases  
20 in this court, don't you?

21 A. Yes.

22 Q. I mean, you handle thousands of cases a year in  
23 this court, don't you?

24 A. Yes.

25 Q. There's no way you could remember every single

1 action you take on a case unless you were to write it  
2 down and make a note of it, correct?

3 A. Right.

4 Q. In this case, you didn't -- you are going by  
5 what you normally do, correct?

6 A. Yes.

7 Q. You don't remember a specific conversation that  
8 you had with her bonding company, do you, in this case?

9 A. No.

10 Q. And before the Judge broke a little bit  
11 earlier, I had ask you a question -- I had asked you if  
12 because -- you had revoked her bond -- because her bond  
13 had been revoked again for the second time on  
14 September 21st. Okay? I asked you: Did you expect her  
15 to be here on her trial date of October 4th? And you  
16 said unequivocally no. You didn't, correct, because you  
17 had revoked her bond, right?

18 A. I didn't expect her to be here.

19 Q. Correct. Maybe her attorney, but not her.  
20 Correct?

21 A. Correct.

22 Q. And I had also asked you earlier on cross, I  
23 said: Well, did you call her name at the courthouse  
24 door on September 21st? You said you didn't remember or  
25 whether you had the deputy call it. Now, we see that

1 you did have the deputy call her name at the courthouse  
2 door on September 21st. Correct?

3 A. Yes.

4 Q. That's what that official-looking stamp is  
5 that's put on that docket entry date, correct?

6 A. Yes.

7 Q. We don't have an October 4th jury trial day,  
8 the day she signed. She actually signed a reset form  
9 stating she would be there on September 20 -- excuse  
10 me -- on October 4th. Okay. She signed that, but her  
11 name wasn't called on that day, was it?

12 A. Again, this is the clerk's entry. I don't know  
13 how they work this.

14 Q. We know it was called on the 21st, there was a  
15 docket entry, correct?

16 A. Correct.

17 Q. Ma'am, isn't it an important action taken on a  
18 case, a docket entry made on the case?

19 A. Yes.

20 Q. If her name was called on October 4th, 2010,  
21 wouldn't you expect to see that same kind of docket  
22 entry on there?

23 A. Yes.

24 Q. Ms. Madrid, I'm not picking on you. We've  
25 known each other for years, correct?

1           A.    Yes.

2                       MR. SASSER:  Pass the witness, Your Honor.

3                                       **REDIRECT EXAMINATION**

4 **BY MR. BREWER:**

5           Q.    I need to clarify one thing.  When you say  
6 expect somebody to show, somebody -- are you saying  
7 personal expectations based on human nature, or are you  
8 saying she was not supposed to be here on the Court's  
9 order?

10                       MR. SASSER:  That's within the province of  
11 the jury.  That's why they're here, to decide whether or  
12 not she was.

13                       MR. BREWER:  I'm asking her to explain the  
14 question, Mr. Sasser, asked.  Nothing wrong with that.

15                       THE COURT:  It's overruled.  You may answer  
16 the question.

17           Q.    (By Mr. Brewer) I want to make sure it's clear  
18 for the jury.  Mr. Sasser says:  Do you expect somebody  
19 to show up if they have open warrants.  I want to be  
20 clear.  Are you telling them that based on human nature,  
21 based on your experience you don't expect them to show  
22 up, or are you saying legally they don't have to show  
23 up?

24           A.    I don't expect them not to show up from  
25 experience.

1 Q. You're not trying to -- are you trying to tell  
2 the jury because somebody has open warrants they've got  
3 a legal reason not to be here?

4 MR. SASSER: Objection, Your Honor.  
5 Leading the witness. It's his witness and he's asking  
6 leading questions. I object to leading the witness.

7 THE COURT: Overruled.

8 Q. (By Mr. Brewer) I think the question is: Are  
9 you trying to tell the jury because somebody has open  
10 warrants or because -- I'll leave it at that -- because  
11 somebody has open warrants they legally don't have a  
12 reason to be here?

13 MR. SASSER: Objection, Your Honor. She's  
14 not law enforcement. I think this is out of her  
15 province. She's a coordinator. No offense, but he's  
16 asking her to come up with a legal conclusion. She's  
17 not a lawyer.

18 THE COURT: Overruled.

19 Q. (By Mr. Brewer) Do you understand the question?

20 A. I don't expect them to be here.

21 Q. Based on your understanding of the way human  
22 beings behave?

23 A. Correct.

24 MR. SASSER: Objection. Asked and  
25 answered. He asked the same question.



1 MR. BREWER: And same answer as before.

2 Pass the witness.

3 THE COURT: You may step down.

4 MR. BREWER: State calls Ralph Ramon, Your  
5 Honor.

6 (Witness sworn)

7 THE COURT: You may proceed.

8 **RALPH RAMON,**

9 having been first duly sworn, testified as follows:

10 **DIRECT EXAMINATION**

11 **BY MR. BREWER:**

12 Q. Mr. Ramon, would you please introduce yourself  
13 to the ladies and gentlemen of the jury with your full  
14 name?

15 A. My name is Ralph Ramon.

16 Q. Spell your first name.

17 A. R-a-l-p-h. R-a-m-o-n.

18 Q. Mr. Ramon, could you please tell the ladies and  
19 gentlemen of the jury how you are employed?

20 A. I'm employed through Harris County. My title  
21 is alternate coordinator for district courts.

22 Q. When you say alternate coordinator, are you one  
23 of the folks that fills in when someone, like Diane  
24 Madrid, is sick or can't coordinate in a particular  
25 court that day?