

Chanel Easter - August 27, 2014
Direct Examination by Ms. Gaido

1 MR. POPE: May we approach, Judge?

2 THE COURT: Yes.

3 (At the Bench, on the record.)

4 MR. POPE: Mr. Mauldin was present in the
5 room yesterday during the testimony of one of the
6 complainants, which I think technically violates the
7 Rule. He is the DA's investigator. I will say I can't
8 imagine that anything that he heard in there would
9 influence his testimony in any way because I don't think
10 it has any bearing on it, but I feel like I need to
11 object for the record.

12 MS. GAIDO: Your Honor, we have case law
13 from the Supreme Court and the Court says it is --

14 THE COURT: Your objection is noted and
15 overruled.

16 MR. POPE: Thank you, Your Honor.

17 (In open court.)

18 Please raise your right hand to be sworn.

19 (Witness duly sworn.)

20 THE COURT: State.

21 MS. GAIDO: Thank you, Your Honor.

22 **MIKE MAULDIN,**

23 having been first duly sworn, testified as follows:

24 **DIRECT EXAMINATION**

25 Q. (BY MS. GAIDO) Good morning.

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1 A. Good morning.

2 Q. Would you please introduce yourself to our
3 jury.

4 A. Hello. My name is Mike Mauldin. I'm an
5 investigator with the Harris County DA's Office.

6 Q. Mr. Mauldin, how long have you been employed
7 with the DA's Office?

8 A. The DA's Office, seven years.

9 Q. What did you do before you came to the DA's
10 Office?

11 A. I worked for the Harris County Constable's
12 Office, Precinct 5 for 13 years. I was a deputy and
13 then promoted to sergeant when I worked there.

14 Q. Can you tell the jury what sort of
15 responsibilities go along with being an investigator for
16 the District Attorney's Office?

17 A. There's various responsibilities, but to name
18 a few, we follow up on cases that have already been
19 filed. We also work up our own cases that are assigned
20 to us. We locate complainants and witnesses, interview
21 the complainants and witnesses. Also do interviews with
22 targets or suspects in a case.

23 There's various other job functions we
24 do. We order a lot of records from financial
25 institutions, banking institutions or credit card

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1 companies, just following up on cases.

2 Q. If you have been tasked to find a complainant
3 or a witness in a criminal case, how do you go about
4 finding someone?

5 A. There are various databases that we have
6 access to that allow us to look into the location or
7 whereabouts or different databases to try to locate
8 people.

9 Q. Is it easy to find them sometimes?

10 A. Sometimes it is. Sometimes it's very
11 difficult.

12 Q. Sometimes is it impossible?

13 A. Yes.

14 Q. With regard to the case at hand, the case
15 against William Horhn, were you asked to find
16 complainants and witnesses?

17 A. Yes, I was.

18 Q. Were you given a list of those people?

19 A. Yes, ma'am, I was.

20 Q. Did you attempt to locate someone by the name
21 of Dennis Thomas?

22 A. Yes, I did.

23 Q. How did you go about looking for Mr. Thomas?

24 A. Let me find his file. I ran him in different
25 databases, got some addresses, went out and checked,

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1 knocked on doors, talked to people. We also have access
2 to work records, which he did not show at work. And
3 then also driver's license records where I obtained an
4 address for a -- on his driver's license and checked
5 those addresses to try to locate people.

6 Q. Who keeps -- is there an entity that keeps
7 track of driver's license information in the state of
8 Texas?

9 A. Yes, ma'am, there is.

10 Q. And who is that?

11 A. It's the Texas Department of Public Safety.

12 Q. And that's who issues our driver's licenses?

13 A. Yes, it is.

14 Q. Are you able, as a licensed peace officer, to
15 access that database to see whether or not a person has
16 been issued a driver's license?

17 A. Yes, I do have access to that database.

18 Q. Was that the case with Dennis Thomas?

19 A. Yes.

20 Q. Did you investigate a person by the name of
21 Harold Tolbert, T-O-L-B-E-R-T?

22 A. Yes, I did.

23 Q. And did you do the same with him as you had
24 done with Mr. Thomas?

25 A. Yes.

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1 Q. Were you able to get any information on
2 Mr. Tolbert?

3 A. I was able to locate a driver's license and
4 his photograph. I was not able to locate him.

5 Q. Was the driver's license issued by the Texas
6 Department of Public Safety?

7 A. Yes, it was.

8 Q. How about Anthony Trahan?

9 A. Yes. I attempted to locate him, as well.

10 Q. And did you find him in any of the databases
11 that you referenced?

12 A. I did find a driver's license.

13 Q. Was it a Texas driver's license?

14 A. Yes, ma'am, it was. As far as work records, I
15 did not see any work records. There were other
16 databases that led me to some addresses that I checked,
17 but I was not able to locate Mr. Trahan.

18 Q. What about an Ellie Gordon?

19 A. Yes.

20 Q. Were you able to locate her in the Texas
21 Department of Public Safety driver's license database?

22 A. Yes.

23 Q. And had that person been issued a driver's
24 license?

25 A. Yes. She has a driver's license.

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1 Q. How about Clarence Hutton, H-U-T-T-O-N?

2 A. Yes. I also attempted to locate Clarence
3 Hutton.

4 Q. Were you able to locate any information for
5 that person in the DPS' driver's license database?

6 A. He currently has a license issued by the Texas
7 Department of Public Safety.

8 Q. How about Kenneth Boyd, B-O-Y-D?

9 A. Yes. I attempted to locate Mr. Boyd.

10 Q. Did he have a driver's license issued by the
11 Texas Department of Public Safety?

12 A. He does, yes, ma'am.

13 Q. How about Ernestine Broadnax, last name
14 spelled B-R-O-A-D, as in David, -N-A-X?

15 A. Yes. I also attempted to locate Ms. Broadnax.

16 Q. Did she have a driver's license issued by the
17 Texas Department of Public Safety?

18 A. Yes. She does.

19 Q. How about Shelby Cross?

20 A. Yes, I also attempted to locate Shelby Cross.

21 Q. Did that individual have a driver's license
22 issued by the Texas Department of Public Safety?

23 A. Yes, ma'am. It's an ID card issued by the
24 Texas Department of Public Safety.

25 Q. I guess as a follow-up, DPS also is the

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1 issuing agent in Texas for all ID cards?

2 A. Yes, ma'am.

3 Q. Gloria Wilson. Did you make an attempt to
4 locate that individual?

5 A. Yes, I did. She has -- she had a driver's
6 license issued to her by DPS, but she has since
7 deceased.

8 Q. Can you tell the jury how you go about finding
9 out if an individual that you've been tasked with
10 finding has died?

11 A. There are databases that we use that tell us
12 if there are records of people being deceased.
13 Sometimes it's reported to the DPS and they add that
14 notation on a driver's license.

15 In this case when I ran -- when I was
16 looking for good locations to check, I ran her license
17 and it does have a notation from the Texas Department of
18 Public Safety on her ID card that says that she has been
19 reported deceased.

20 Q. Is it possible, if you know, for DPS to not
21 know if someone has died?

22 A. Yes. Sometimes there are people that have
23 been deceased and it has not been reported to them yet.
24 So, they may currently have an ID or driver's license
25 issued to them, but they have been deceased.

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1 Q. Did you investigate someone named Jacqueline
2 Orona?

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

4 Q. And did she have a Texas driver's license
5 issued by DPS?

6 A. Yes. She had a driver's license as well as an
7 identification card and she's also reported deceased by
8 the Texas Department of Public Safety.

9 Q. How about Shawn Angerstein? The last name is
10 spelled A-N-G-E-R-S-T-E-I-N.

11 A. Yes, I did.

12 Q. Did that individual have either an ID or a
13 driver's license issued by DPS?

14 A. Yes, ma'am, had a current driver's license
15 through DPS.

16 Q. Were you able to locate that individual?

17 A. I was not.

18 Q. How about Johnnie Leonard? Spell the first
19 name J-O-H-N-N-I-E.

20 A. Yes, I attempted to locate that person.

21 Q. Were you able to locate them?

22 A. No.

23 Q. Did they have any sort of identification
24 through the Texas Department of Public Safety?

25 A. Yes. They have a driver's license issued

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1 through DPS.

2 Q. How about a William Burgs? He spelled Burgs
3 B-U-R-G-S.

4 A. Yes, ma'am, I also attempted to locate
5 Mr. Burgs.

6 Q. Were you able to?

7 A. No. He's also -- in this case he's not
8 reported deceased through the Texas Department of Public
9 Safety, but he is reported deceased in another database
10 that I have access to.

11 Q. Does he have a driver's license or
12 identification number?

13 A. Yes, he does. He has an identification number
14 issued through DPS.

15 Q. Two more. Troy Newberry? Spell the last name
16 N-E-W-B-E-R-R-Y.

17 A. Yes. I attempted to locate Mr. Newberry.

18 Q. Were you successful?

19 A. No. He's currently licensed in the state of
20 Oklahoma.

21 Q. By their licensing department?

22 A. Yes.

23 Q. How about Tishell Horace? She spelled the
24 first name T-I-S-H-E-L-L.

25 A. Yes, I attempted to locate Ms. Horace.

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1 Q. Were you able to?

2 A. No, I was not.

3 Q. Does she have any sort of identifying
4 information or a driver's license or an ID issued by
5 DPS?

6 A. Yes, she has an identification card issued
7 through DPS.

8 Q. We've given you a lot of names. Is it
9 possible for you to find -- let me rephrase that.

10 What other information do you need
11 besides a person's name in order to locate them on any
12 one of those databases?

13 A. Date of birth and a social security number.
14 Unless it's a very, very unique name, it's very
15 difficult to pinpoint who I'm looking for. So, if I
16 have a social security number or a date of birth or a
17 driver's license number, by that, I can obtain the other
18 identifiers and it helps to locate who these people are.

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

20 THE COURT: Yes.

21 Q. (BY MS. GAIDO) Mr. Mauldin, I'm showing you
22 what has been marked but not yet admitted as State's
23 Exhibits No. 15 through 20.

24 Would you please take a look at these and
25 tell me if they're familiar to you.

1 A. (Witness complies.) Yes, they are.

2 Q. And how are those familiar to you?

3 A. Well, I know this is evidence in this case and
4 I recognize these people and I recognize the names,
5 addresses, dates of birth, which in the column it says
6 DOB, which is date of birth. Another column which
7 appears to be a social security number. Top of the
8 column says SS number as well as another identifying
9 number and looks like an amount of some sort in the last
10 column, but I recognize that as identifying information.

11 Q. Did you use the dates of birth and social
12 security numbers associated with the individuals in
13 State's Exhibit 15 through 20 to locate these
14 individuals in your databases?

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

16 Q. Was there any individual that I listed whose
17 date of birth or social security number was incorrectly
18 listed in these documents?

19 A. No. They were all correct date of births.

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

21 THE COURT: Mr. Pope.

22 MR. POPE: Thank you, Judge.

23 **CROSS-EXAMINATION**

24 Q. (BY MR. POPE) Mr. Mauldin, all of these names
25 that you looked for for a Texas driver's license, none

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1 of those driver's licenses appeared in Exhibit 15
2 through 20, did they?

3 A. No, sir, not the driver's license numbers.

4 Q. So, you were able to find them by name and
5 other identifiers in the driver's license database?

6 A. Yes.

7 Q. And you never spoke to any of the people
8 obviously because you couldn't locate them, correct?

9 A. There are some that I spoke to the family
10 members. There's some back stories that weren't able to
11 make it. I did speak to them, but because of their
12 condition, they weren't able to make it.

13 MR. POPE: Pass the witness, Your Honor.

14 THE COURT: Anything else?

15 MS. GAIDO: That's all from the State,
16 Your Honor.

17 THE COURT: You may step down.

18 THE WITNESS: Thank you, Your Honor.

19 THE COURT: State?

20 MS. GAIDO: Your Honor, at this time
21 State offers into evidence State's Exhibit No. 15
22 through 20 and tenders to Defense Counsel. Also,
23 State's Exhibit 22, State's Exhibit No. 24 and State's
24 Exhibit No. 25.

25 THE COURT: Approach for a minute.

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1 (At the Bench.)

2 THE COURT: Let me see 15 through 20.

3 Okay. First of all, do you have an objection
4 to 15 through 20?

5 MS. MEADOR: As previously stated, we
6 object to the inclusion of any name or information of
7 people who are not listed in the indictment to each in
8 15 through 20.

9 THE COURT: So I'm clear, what is 18?

10 MS. GAIDO: It's the last page of --
11 they're in alphabetical order.

12 THE COURT: All right. And to 22?

13 MS. GAIDO: Your Honor, 22 is the -- the
14 part of the forensic analysis report that has been
15 redacted and previously agreed upon.

16 THE COURT: All right.

17 MS. MEADOR: No further objection, just
18 the general ones to the text messages that you've
19 overruled and the individual ones that we discussed.

20 THE COURT: All right.

21 MS. GAIDO: We didn't discuss the
22 individual ones.

23 THE COURT: And 24?

24 MS. GAIDO: Your Honor, 24 is the one
25 part of 23A and 23B that the State would like admitted

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1 and has tendered to Defense Counsel for objection.

2 MS. MEADOR: Just the general hearsay
3 confrontation objections to that.

4 THE COURT: And what is 25?

5 MS. GAIDO: Your Honor, 25 is the list of
6 the photographs.

7 THE COURT: But that's with the ones
8 removed that I have ordered?

9 MS. GAIDO: They have not yet been
10 removed.

11 THE COURT: But you will do that at the
12 break? With the understanding that whichever ones the
13 Court has ruled on that were not admissible need to be
14 removed. We will just get that on the record that
15 that's been done before anything ever goes back.

16 MS. GAIDO: Just so the record is also
17 clear, the State has voluntarily removed a number of
18 them and they will also be redacted.

19 THE COURT: Okay.

20 (In open court.)

21 THE COURT: State's 15, 16, 17, 18, 19,
22 20, 22, 24 and 25 are admitted.

23 MS. GAIDO: State rests, Your Honor.

24 THE COURT: Ladies and gentlemen, at this
25 time please step back to the jury room with the bailiff.