

DIRECT EXAMINATION

1
2 BY MS. MITCHELL:

3 Q Would you please introduce yourself to us?

4 A My name is Kerry Morrison. I'm currently employed
5 with the Houston Police Department. I have been there 28
6 years.

7 Q What is your current assignment with the Houston
8 Police Department?

9 A Currently I'm assigned to the special
10 investigative division of the major offenders.

11 Q And have you always been in that spot?

12 A No, ma'am.

13 Q How long have you been in that current position?

14 A About two weeks.

15 Q And where were you before then?

16 A I was assigned to the Clear Lake patrol division.

17 Q Okay. And what were your duties and
18 responsibilities with that division?

19 A I was a field training officer and a patrol
20 officer assigned to the -- in Houston what's called the 12
21 district.

22 Q And did you have any special education or training
23 in order to become a police officer? Did you go to the
24 academy?

25 A Yes, ma'am.

1 Q Do you do continuing education?

2 A Yes, ma'am.

3 Q Now, on -- I would like to turn your attention to
4 December 14th of 2012. Were you on duty that day?

5 A Yes, ma'am.

6 Q And what hours were you working that day?

7 A From 6:00 in the morning to 2:00 in the afternoon.

8 Q And were you dispatched to Southeast Memorial
9 Hospital on that day?

10 A Yes, ma'am.

11 Q And what was that in reference to?

12 A It was in reference to a hospital check cutting
13 call.

14 Q And what does that mean?

15 A Someone -- generally, when we get dispatched to
16 the hospital on calls it's someone comes by private auto
17 to the hospital. They have some sort of injury and the
18 police didn't go to the scene so therefore the hospital
19 has a responsibility to notify the police department of
20 that person's injury to investigate it to see if there is
21 any crime involved in how they got injured.

22 Q Okay. And when you arrived, what was the first
23 thing that you did?

24 A Generally, what happens is you go to the emergency
25 room, you meet with one of the nurses or someone that's

1 there and tell them that you're there, what your purpose
2 is there and they explain to you that the victim or the
3 person who has been injured is in treatment room here or
4 treatment room there and then you go in and interview
5 them.

6 Q Okay. And did you do that in this case?

7 A On this day when I got to the hospital I was
8 informed that Ms. Sanders was in the CT scan having tests
9 performed.

10 Q Okay. And what did you do after that?

11 A The nurses started talking to me about how she
12 arrived at the hospital and the circumstances surrounding
13 how she got there.

14 Q Okay. Were you able to view any sort of
15 surveillance video, anything like that?

16 A Yes, ma'am. I went to the -- when she was in the
17 CT at that point I had learned that she was brought there
18 by private auto and the person that had brought her there
19 had left the hospital. So at that point I went into their
20 surveillance room which is located near the emergency
21 room, while she was getting her treatment, to view video
22 to see if I could determine if what they were telling me
23 was what was going on with that, who had brought her, what
24 kind of vehicle, all that kind of stuff.

25 Q Were you able to determine anything from that

1 video?

2 A The video was a little grainy but I could tell
3 that it was a black male that had dropped her off and also
4 that it was a black male that had got back into the car
5 and the vehicle was a -- it was a white four-door vehicle
6 which it looked like an Oldsmobile or a Buick.

7 Q Okay. Were you able to obtain any of that video?

8 A No, ma'am.

9 Q Okay. So once you looked at the video and saw
10 that it was a white car, what did you do with that
11 information?

12 A At that point, Ms. Sanders had been released from
13 the CT scan and was back into like a what I call a holding
14 room or treatment room and I went in and I spoke with her
15 and started gathering information to find out, you know,
16 what's the circumstances as to why she was at the
17 hospital.

18 Q And what was her appearance like whenever you saw
19 her?

20 A She was in pretty bad shape. She had been stabbed
21 multiple times, had numerous injuries about her torso and
22 her face.

23 Q Was she able to speak with you?

24 A Yes, ma'am.

25 Q Was she able to communicate to you who had done

1 this to her?

2 A She had explained that her baby's father went into
3 a jealous rage and he was upset because she wasn't
4 allowing him to get close to her, that she was wanting
5 some type of separation from him, that there had been
6 trouble in the past and he had been in and out of jail and
7 she was --

8 Q Let me stop you there.

9 THE COURT: All right. Disregard that
10 statement.

11 You may proceed.

12 Q (BY MS. MITCHELL) So was she able to give you a
13 description as far as any identifiers of the defendant?

14 A She told me the person that did it was Adrian
15 Simon, which was her baby's father.

16 Q Okay. Did you -- were you able to I guess put an
17 APB out for this male or the car?

18 A I was in the process of doing that when I was told
19 by hospital security that he had showed back up to the
20 hospital.

21 Q Okay. And what happened next?

22 A At that point, I informed the security not to act
23 excited, just kind of calm down, conduct business as
24 usual, that if he had already fled once it's a possibility
25 that if we did something out of character he may flee

1 again before we could get more officers there to contain
2 him in the hospital.

3 Q Okay. Did you meet with any other officers at the
4 hospital?

5 A Officer Ramirez and Officer Howell.

6 Q Okay. And did you meet with the defendant at the
7 hospital or see him?

8 A Not prior to their arrival. I saw the video
9 surveillance, I was in the camera room, and I saw him
10 sitting in there with two other people.

11 Q Okay.

12 A And I waited for them to get there. Once they got
13 there I explained to them, look, you know, this is
14 supposed to be the guy, we need to detain him, let's come
15 up with some sort of plan in case he sees us and gets
16 spooked and tries to leave again.

17 Q Okay. And were you given the complainant's
18 clothes in this case?

19 A Yes, ma'am.

20 Q And did the nurse give you those clothes?

21 A Yes, ma'am.

22 MS. MITCHELL: May I approach the witness,
23 Your Honor?

24 THE COURT: You may.

25 Q (BY MS. MITCHELL) Okay. I'm bringing you what

1 has been identified as State's Exhibit No. 52 along with
2 its contents, the individual bags. Were you able to tag
3 the clothes into the property room after you received
4 them?

5 A Once I received them, we place them in a drying
6 room because they are moist and in order to preserve any
7 blood evidence or anything like that they are placed in a
8 drying room.

9 Q And did you do that, did you place them in the
10 room?

11 A I placed them in the drying room. Then once they
12 were dry they were removed from that and placed in the
13 property room.

14 Q Okay. And did you bring these exhibits with you
15 today?

16 A Yes, ma'am.

17 Q And they are State's Exhibits 53 through 58, and
18 we have looked at these prior to trial this morning.

19 A Yes, ma'am.

20 Q Okay. And they're all in the same or
21 substantially similar condition that they were whenever
22 you tagged them in the drying room?

23 A Yes, ma'am.

24 MS. MITCHELL: Your Honor, at this time
25 the State offers State's Exhibits 52 through 58.

1 THE COURT: Any objection, sir?

2 MR. POPE: No, Your Honor.

3 THE COURT: All right. They are admitted.

4 MS. MITCHELL: Thank you.

5 Q (BY MS. MITCHELL) I would like to start by
6 looking at State's Exhibit No. 53. Okay. What are we
7 looking at here?

8 A That would be the shirt that was -- or that the
9 victim had on at the time of the attack.

10 Q Okay. Are there any sort of holes in the shirt or
11 damage?

12 A Yes, ma'am, there is some puncture wounds to the
13 shirt.

14 Q Okay. Could that be consistent with a knife going
15 through the shirt?

16 A Yes, ma'am.

17 Q Now I'm showing you State's Exhibit 54. And can
18 you explain to the jury what this is?

19 A That will be the other half of the shirt.

20 Q Okay. Do you notice any puncture wounds on this
21 shirt?

22 A There is some right here on the sleeve where the
23 dried blood is and in the shoulder area.

24 Q Okay. Approximately how many do you see?

25 A I see 1, 2, 3, 4, 5, I have 6, maybe more behind

1 them.

2 Q Okay. And could those holes be consistent with
3 being caused by a knife going through the shirt?

4 A Yes, ma'am.

5 Q I am showing you what has been entered into
6 evidence as State's Exhibit 57. Do you recognize this?

7 A That would be half of the sweater.

8 Q Okay. And then State's Exhibit 58, do you
9 recognize this?

10 A That would be the other half of the sweater.

11 Q And do you see any puncture wounds in the sweater?

12 A Yes. In the shoulder area, front and back of the
13 sweater.

14 Q Okay. Did you do anything else while you were on
15 the scene?

16 A I spoke to Mr. Simon's parents.

17 Q Okay. And we won't get into what they said. But
18 did you speak to anyone else other than Mr. Simon's
19 parents?

20 A Just the hospital staff, Ms. Sanders and Mr.
21 Simon's parents.

22 Q Okay. Do you know if the car that the complainant
23 arrived in if that was ever located?

24 A Yes, ma'am.

25 Q And was there a determination who owned that car,

1 whose car that belonged to?

2 A I believe the car belonged to Ms. Sanders.

3 Q Okay. Did you go out and see the car, locate the
4 car?

5 A No, ma'am.

6 Q Okay. And was the complainant able to tell you at
7 what address this incident occurred?

8 A She said at the apartment complex. She gave a
9 general area. Having worked that area off and on for the
10 last 25 years I knew the apartment complex that she was
11 talking about.

12 Q Okay. And is that in Harris County, Texas?

13 A Yes, ma'am.

14 MS. MITCHELL: Pass the witness, Your
15 Honor.

16 THE COURT: Cross?

17 MR. POPE: Yes, Judge, thank you.

18

19 CROSS EXAMINATION

20 BY MR. POPE:

21 Q You said that you were able to view surveillance
22 video but you weren't able to obtain any; is that correct?

23 A Yes, sir.

24 Q Why weren't you able to get any of the video?

25 A Because the people that were on the property at

1 the hospital weren't able to extract the video from the
2 system.

3 Q And did you go back and try to get it with
4 somebody else that could be able to extract it?

5 A As a patrol officer, our initial function is to do
6 the preliminary investigation, provide the information to
7 the investigative division and the investigator would do
8 that type of work on any type of follow-up.

9 Q Okay. So you don't know if it was done or not?

10 A No, sir, I do not.

11 Q But you haven't seen any of the video since that
12 day in your investigation?

13 A No, sir.

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

15 THE COURT: Anything else, ma'am?

16 MS. MITCHELL: No, Your Honor.

17 THE COURT: All right, sir. Thank you.

18 You may step down.

19 Call your next witness, please.

20 The exhibits that are admitted, are they in
21 the box?

22 MS. MITCHELL: Yes, they are.

23 State calls Baldemar Ramirez.

24 THE COURT: Come forward, sir. Raise your
25 right hand.

1 BALDEMAR RAMIREZ,
2 the witness, having first been duly sworn, testified as
3 follows:

4 THE COURT: You may proceed when you're
5 ready, ma'am.

6 DIRECT EXAMINATION

7 BY MS. MITCHELL:

8 Q Would you please identify yourself to us?

9 A Officer Baldemar Ramirez, Jr. with the Houston
10 Police Department.

11 Q How long have you been with the Houston Police
12 Department?

13 A 16 years.

14 Q What is your current assignment?

15 A Patrol Officer.

16 Q How long have you been with that assignment?

17 A 16 years.

18 Q What area of Houston do you patrol?

19 A The southeast area. It's Fuqua, Edgebrook, area I
20 grew up in pretty much.

21 Q And did you have any training to become a police
22 officer?

23 A Prior to joining the department I was in the
24 Marine Corps for 12 years.

25 Q Okay. And did you go to the police academy?