

1 Q. That's all from the OC spray, right?

2 A. That's correct.

3 MR. SCOTT: Okay. Pass the
4 witness, Your Honor.

5 THE COURT: State?

6 MR. GILLIAM: Nothing further, Your
7 Honor.

8 THE COURT: May he be excused?

9 MR. SCOTT: Yes, Your Honor.

10 THE COURT: You're free to go.
11 State, call your next.

12 MR. GILLIAM: State calls Deputy
13 Ojeda.

14 THE BAILIFF: Your Honor, this
15 witness has not been sworn.

16 THE COURT: Come on up, Deputy.
17 Raise your right hand.

18 *(Witness sworn.)*

19 THE COURT: Have a seat.
20 You may proceed.

21 **EDMUNDO OJEDA,**
22 having been first duly sworn, testified as follows:

23 **DIRECT EXAMINATION**

24 **BY MR. GILLIAM:**

25 Q. Deputy Ojeda, will you please introduce

1 yourself to the jury?

2 A. Ladies and gentlemen of the jury, I'm
3 Deputy Edmundo Ojeda.

4 Q. And how are you currently employed?

5 A. I'm employed with the Harris County
6 Sheriff's Office for 23 years.

7 Q. And where are you assigned?

8 A. I'm assigned to the Justice Management
9 Bureau, Courts Division, assigned to the 177th
10 District Criminal Court, which is this courtroom.

11 Q. How long have you worked in this
12 courtroom?

13 A. Approximately about nine years.

14 Q. And I'm going to take you back to --
15 well, first, let's talk about this. Over your
16 experience have you dealt with inmates who want to
17 represent themselves at trial?

18 A. Yes, sir.

19 Q. And is that called being pro se?

20 A. It is.

21 Q. And those individuals -- those inmates
22 who want to represent themselves during trial, what
23 sort of restraints are placed on them during their
24 actual trial in the courtroom?

25 A. There are none.

1 Q. So are they allowed to walk freely
2 around the courtroom right here that we see?

3 A. Yes, sir.

4 Q. I'm going to take you back to October
5 2nd of 2014. Did you have an opportunity to come
6 into contact with an inmate named Weylin Allford?

7 A. Yes, I did.

8 Q. Do you see Mr. Allford in the courtroom
9 today?

10 A. I do.

11 Q. Will you identify him by an article of
12 clothing that he's swearing?

13 A. The gentleman sitting at Defense counsel
14 table with a brown striped shirt.

15 MR. GILLIAM: Your Honor, may the
16 record reflect the witness identified the defendant?

17 THE COURT: It will so reflect.

18 Q. (By Mr. Gilliam) How did you come into
19 contact -- first come into contact with the
20 defendant that morning?

21 A. Well, he had a trial case set for the
22 day, and I received him from the jail in the back
23 secured area of the courtroom.

24 Q. And is the back secured area, is that
25 what's behind this door (indicating)?

1 A. Right through those brown doors, yes,
2 sir.

3 Q. And do you -- were you aware of the
4 current status of his trial case?

5 A. Yes, sir.

6 Q. Where were we -- where was it in trial,
7 what stage of the trial, if you remember?

8 A. We were going to begin testimony. I
9 believe they picked a jury the day before.

10 Q. And were you present the day before?

11 A. No, sir, I was not.

12 Q. So once you received the inmate and made
13 contact with the defendant back there in the holding
14 cells, what do you do when you first make contact
15 with him?

16 A. When he came up, we had him place his
17 property on the table and I did a pat-down search
18 for officer safety.

19 Q. And are those pat-down searches, do you
20 conduct those on every single inmate?

21 A. I couldn't say every single one, but for
22 him I did.

23 Q. Have you conducted them on this inmate
24 before?

25 A. Based on his history, his behaviorial

1 history, I felt the need to search him.

2 Q. And how did you search the defendant?

3 A. I patted him down from the neck down.

4 Q. And do you pat down his legs and his
5 groin area and anywhere --

6 A. Yes, sir. Yes, sir.

7 Q. So once you patted down the defendant,
8 did you feel anything?

9 A. I did.

10 Q. What did you feel and what did you do
11 once you felt that?

12 A. When I got to his waist area near his
13 groin area, I felt a large bulge; and I asked the
14 defendant what it was he had. He stated that he had
15 a sore and he bandaged it -- he bandaged it up so it
16 wouldn't get infected. So I told him, well, let's
17 take a look. I didn't think he was being truthful
18 with me. So I said let me take a look and see what
19 you got down there.

20 Q. And did you find out what he had down
21 there?

22 A. Yes, I did.

23 Q. And what did you find on the defendant?

24 A. When I looked down there, I saw the butt
25 of a cloth -- a shank is what it was. It was like

1 the handle they use. And it was fashioned --
2 strapped down with a cloth -- I mean, strips of
3 sheet that he might have stripped -- stripped down
4 to tie around his leg area to secure it.

5 Q. And just to be clear, was this -- did
6 you find this shank on the outside of his
7 undergarments or on the inside?

8 A. It was on the inside of his
9 undergarments.

10 Q. And how was it -- you talked a little
11 bit about how it was wrapped. Was there anything
12 else with the shank that you found?

13 A. Yes. He had the inside of a toilet
14 paper roll, the brown part, he used that as a sheath
15 to cover the metal portion, I guess, while he's
16 carrying it so he wouldn't stick himself or cut
17 himself with it or something.

18 Q. Other than the shank, did you find
19 anything else on the defendant?

20 A. Yes, sir, I did.

21 Q. What did you find?

22 A. I found an impact weapon. When we say
23 impact weapon, he had two socks wrapped around on
24 the other side; and inside the sock was broken down
25 electronics, screws, hard metal that he bounded into

1 a ball, stuck it inside the sock so I guess he could
2 have used it as an impact weapon, you know, to hit
3 somebody over the head.

4 Q. Did the defendant make any indications
5 as to how long he had had that shank or how often he
6 had brought that shank up?

7 A. He claimed that he had brought it up
8 before but...

9 Q. Did he tell you whether he had it the
10 day before or --

11 A. He said he brought it up to the court
12 before. He didn't say it was the day before. He
13 just said he brought it before.

14 Q. I'm showing you State's Exhibit No. 13
15 that I've previously marked. Is that a fair and
16 accurate depiction of what it purports to show?

17 A. Yes, it is.

18 Q. And I'm showing you what I've marked as
19 State's Exhibit No. 38 and its contents. Do you
20 know if there was an incident report associated with
21 your discovery of the shank?

22 A. There was.

23 Q. And do you have that incident report
24 with you or do you know the number?

25 A. I don't know the number. I do have it

1 with me.

2 Q. Is that a copy of your incident report?

3 A. Yes, it is.

4 Q. And does your incident report have a
5 number associated with it?

6 A. It does.

7 Q. And do you see that number on State's
8 Exhibit No. 38?

9 A. I do.

10 Q. I'm showing you the contents of State's
11 Exhibit No. 38. Do you recognize that?

12 A. Yes, I do.

13 Q. And what is this?

14 A. That's the shank that I found on the
15 inmate that day.

16 MR. GILLIAM: Your Honor, at this
17 point in time I would offer State's Exhibits No. 13
18 and 38 into evidence.

19 MR. SCOTT: Can I approach the
20 witness for just a second, Judge?

21 THE COURT: You may.

22 *(Off-the-record discussion between*
23 *Defense counsel and the witness.)*

24 MR. SCOTT: No objection, Your
25 Honor.

1 THE COURT: All right. No
2 objection --

3 MR. SCOTT: I'm sorry, Judge. That
4 was no objection to 13.

5 THE COURT: All right. 13 is
6 admitted. Okay. 13 is admitted.

7 *(State's Exhibit No. 13,*
8 *Photograph, offered and admitted.)*

9 MR. SCOTT: We have no objection,
10 Your Honor.

11 THE COURT: All right. No
12 objection, it's admitted. You may publish.

13 *(State's Exhibit No. 38, Shank,*
14 *offered and admitted.)*

15 Q. (By Mr. Gilliam) What does State's
16 Exhibit No. 38, the shank, appear to be made out of?

17 A. Metal object. What metal, I can't say.
18 I don't know.

19 Q. And was it at least made into a pointed
20 end on the one side?

21 A. It was made to a point, yes, sir.

22 Q. State's Exhibit No. 13, what is this
23 showing us?

24 A. That's showing a picture of the shank.
25 That's my hand there in the picture along with the

1 impact weapon in the back side there. See, the top
2 of it has a ball-shaped figure.

3 Q. Am I pointing to the impact weapon that
4 you were talking about (indicating)?

5 A. Yes, sir.

6 Q. Once you found that shank on the
7 defendant, what did you do next?

8 A. I reported it to my supervisors.

9 Q. And was there a report generated
10 regarding this incident?

11 A. Yes, sir, there was.

12 MR. GILLIAM: State passes the
13 witness, Your Honor.

14 THE COURT: All right. Defense?

15 MR. SCOTT: Yes, Your Honor. May I
16 have a moment, please?

17 THE COURT: Yes, sir.

18 *(Brief pause.)*

19 MR. SCOTT: No questions, Your
20 Honor.

21 THE COURT: All right. No
22 questions. May he be excused?

23 MR. GILLIAM: Yes.

24 MR. SCOTT: Yes, Your Honor.

25 THE COURT: All right. You're free

1 to go. Thank you, sir.

2 THE WITNESS: Thank you.

3 THE COURT: State, call your next.

4 MR. GILLIAM: State calls Sergeant
5 Leachman.

6 THE COURT: Is this your last
7 witness?

8 MR. GILLIAM: Yes, it is, Your
9 Honor.

10 THE COURT: Okay. We'll go ahead
11 and finish this witness and we'll finish for the
12 day, folks. All right?

13 Could I see the attorneys up here
14 real quickly, please?

15 *(Proceedings at the bench:)*

16 THE COURT: Do you think you're
17 going to have anything in punishment?

18 MR. SCOTT: I'm not sure yet.

19 THE COURT: You're not sure yet.
20 Okay. This is what we'll do. I'll plan on having
21 them come back at, like, 9:30. So we can interrupt
22 docket, do whatever you need to do, if he's going to
23 testify, or argue and let them start deliberating.

24 MR. GILLIAM: Got it.

25 *(Bench proceedings concluded.)*

1 THE COURT: All right. Come up,
2 Deputy -- Sergeant.

3 THE BAILIFF: Your Honor, this
4 witness has not been sworn.

5 THE COURT: Please raise your right
6 hand.

7 *(Witness sworn.)*

8 THE COURT: Have a seat, please.

9 You may proceed.

10 **R. B. LEACHMAN,**

11 having been first duly sworn, testified as follows:

12 **DIRECT EXAMINATION**

13 **BY MR. GILLIAM:**

14 Q. Sergeant Leachman, will you please
15 introduce yourself?

16 A. Sergeant R. B. Leachman, Harris County
17 Sheriff's Office.

18 Q. And how long have you been with the
19 Harris County Sheriff's Office?

20 A. Been there since 1991.

21 Q. So what is that? It's 14 years?

22 A. 14 years?

23 Q. Is that correct?

24 A. 24.

25 Q. That's why I'm a lawyer, not a