

1 MS. HARVEY: No further questions, Judge.

2 THE COURT: May this witness be excused?

3 MS. HARVEY: Yes, Your Honor.

4 THE COURT: Thank you, sir. You may step
5 down. You're excused.

6 Call your next witness.

7 MS. HARVEY: State calls Jason Palmer.

8 THE COURT: You may proceed.

9 MS. HARVEY: Thank you, Your Honor.

10 **JASON PALMER,**

11 having been first duly sworn, testified as follows:

12 **DIRECT EXAMINATION**

13 **BY MS. HARVEY:**

14 Q. Would you tell the jury what your name is?

15 A. Jason Palmer.

16 Q. And, Mr. Palmer, are you employed?

17 A. Yes, ma'am.

18 Q. How are you currently employed?

19 A. I'm a field training officer, in-charge
20 paramedic for the Cy-Fair Volunteer Fire Department.

21 Q. How long have you worked for the Cy-Fair
22 Volunteer Fire Department?

23 A. Ten years.

24 Q. What is your position there?

25 A. In-charge paramedic.

1 Q. What does it mean to be an in-charge paramedic?

2 A. In-charge paramedic, I'm the primary care
3 provider of the 911 responding ambulances. We respond
4 to medical trauma, hazardous materials incidents, motor
5 vehicle accidents and I'm the primary person to provide
6 and administer care to the sick and injured.

7 Q. What kind of training did you have to have to
8 become an in-charge paramedic?

9 A. I went through a two-year associates program.
10 I received my degree from Lone Star College in emergency
11 medicine.

12 Q. And when was that?

13 A. I finished my degree in 2007.

14 Q. Were you employed with the Cy-Fair Volunteer
15 Fire Department on March 20th of 2011?

16 A. Yes, ma'am.

17 Q. And on that particular day, did you make a run
18 to 12911 New Cypress Drive?

19 A. I did.

20 Q. Can you describe what you found when you got
21 there?

22 A. We were dispatched to -- we have determinants.
23 We were dispatched to a possible shooting. We arrived
24 on scene. Multiple Harris County deputies already on
25 location. They were multiple Harris County vehicles

1 parked along the roadway.

2 Q. Okay.

3 A. We --

4 Q. Let's do one question at a time.

5 What -- were you able to make entry
6 immediately upon your arrival?

7 A. No, ma'am.

8 Q. Why not?

9 A. The door to the residence was shut.

10 Q. At some point, were you able to make entry into
11 the residence?

12 A. Yes, ma'am.

13 Q. And when was that?

14 A. We knocked on the door and a Harris County
15 officer opened the door for us from the inside.

16 Q. Okay. When you made your way inside, who
17 became your patient?

18 A. Initially we were informed that our patient was
19 in the bathroom.

20 Q. Did you find him there?

21 A. Yes.

22 Q. And who was that person?

23 A. It was -- sorry -- a Henry Breaux.

24 Q. Where did you find him?

25 A. I found him in the master bathroom.

1 Q. And what position was he lying in?

2 A. Can I read from my report?

3 Q. Absolutely. You can use your report to refresh
4 your memory, yes.

5 A. Upon entering the bathroom, EMS found a
6 57-year-old white male lying in a curled-up, left
7 lateral position, laying on his left side.

8 Q. Okay. And I don't -- I want to make sure that
9 you're not reading from your report but just using it to
10 refresh your memory as to what happened. Okay?

11 A. Yes, ma'am. I'm paraphrasing. We found him
12 laying on his left side. There was a step around the
13 bathtub that his head was resting on.

14 Q. I'd like to show you a photograph. This has
15 already been admitted as State's Exhibit 4. Do you
16 recognize that scene (indicating)?

17 A. Yes, ma'am.

18 Q. As we look at State's Exhibit 4, can you
19 explain to the jury where the -- where the victim was at
20 when you first found him?

21 A. Yes, ma'am. If you look at the photo, you see
22 that his head is now laying in what we call a supine
23 position. His head was actually on -- where this
24 splattering is on that step, his head was rested there
25 and he was laying on his left side. We, my partner and

1 I, moved him to this position to evaluate him.

2 Q. Okay. And why would you move him like that to
3 evaluate him?

4 A. We move a patient to a supine position so that
5 we can evaluate chest rise and fall for possible
6 breathing and so that we can evaluate for any type of
7 injuries. And also, if you see the little blue -- they
8 look like stickers, those are our EKG monitoring
9 stickers. We're able to place them effectively on the
10 chest in a supine position.

11 Q. When you say that he was laying on his left
12 side, would that have put his back then to the wall of
13 the tub?

14 A. Yes, ma'am.

15 Q. And was his -- how was his head positioned?

16 A. It was positioned on the step facing the
17 partially open doorway.

18 Q. Were you able to assess the victim's injuries?

19 A. Yes, ma'am.

20 Q. And what assessment, if any, were you able to
21 make?

22 A. We noticed immediately when we walked in that
23 he had an injury to his right hand. We were able to see
24 that from the doorway. As we approached him and we laid
25 him onto his back, we evaluated for breathing as we

1 walked up to see if he's still alive. I checked for a
2 carotid pulse. No pulse was found. We exposed his
3 chest to place EKG monitoring pads so that we can
4 evaluate any type of heart rhythm. The patient had a
5 wound in his upper right chest that prevented us from
6 putting what's called the defibrillation pads on him.
7 Those are the larger pads that you place on to electrify
8 the heart. So, we went with the EKG monitoring. He had
9 an injury to his upper right chest -- I'm going to have
10 to refresh back to my report.

11 Q. Well, let me ask you another question. When
12 you first -- had you had occasion to assess folks who
13 are dead or very recently dead on few or many occasions?

14 A. Many.

15 Q. And in this particular occasion, in terms of --
16 did you feel like this defendant or this victim had been
17 dead within 15 minutes of your arrival?

18 MR. VARELA: Objection, Your Honor. 703,
19 705, third prong of Kelly.

20 THE COURT: Sustained.

21 Q. (By Ms. Harvey) What did you notice about the
22 body temperature, if anything?

23 A. The patient's body was warm, but his body was
24 very pale, indicative of a stopping in blood flow.

25 Q. So, in terms of -- in terms of warmth, if, in

1 fact, he had been dead for 15 minutes, in your
2 experience, did you feel like his temperature was
3 appropriate?

4 MR. VARELA: Same question -- same
5 objection, Your Honor.

6 THE COURT: Sustained.

7 Q. (By Ms. Harvey) When you found this victim and
8 after you assessed -- well, let me ask you this: On --
9 have you ever had to assess whether or not a body has
10 rigor?

11 A. Yes.

12 Q. And did you note that in this case?

13 A. No.

14 Q. In addition, what -- what did you determine was
15 his -- did you determine that he was dead?

16 A. Yes, ma'am.

17 Q. And when did you do that?

18 A. I determined that he was dead when I ran the
19 four lead EKG and he identified in a systolic rhythm in
20 three contiguous leads.

21 Q. And once you pronounced this victim dead, what
22 did you next do?

23 A. While performing the movement and placing him
24 on the four lead EKG, we were informed by Harris County
25 S.O. that the other person that had passed us -- when we

1 entered the home, the --

2 MR. VARELA: I'm going to object to
3 nonresponsive, Your Honor.

4 THE COURT: Sustained.

5 MR. VARELA: It's also hearsay.

6 THE COURT: Sustained.

7 Q. (By Ms. Harvey) After you pronounced this
8 person dead, did you assess someone else?

9 A. Yes, ma'am.

10 Q. Who else did you assess?

11 A. Jackie Dinanno.

12 Q. Where did you assess her?

13 A. I assessed her outside near a patrol car.

14 Q. What was the reason for your assessing of her?

15 A. I was informed by a Harris County S.O. deputy
16 on scene that she had stated that she had been raped by
17 a knife.

18 Q. Were you concerned then for her physical
19 well-being?

20 A. Yes, ma'am.

21 Q. What type of assessment of her did you try to
22 make?

23 A. We placed her inside the ambulance to get her
24 out of public view. We attempted to evaluate her. My
25 EMS supervisor was also on location. She as well

1 attempted to evaluate the patient. The patient was
2 argumentative and defensive against us and would not
3 allow us a physical assessment of her reported injury
4 location. She -- go ahead.

5 Q. So -- and I noticed that you also used the word
6 "she." So, there was a female medic available as well?

7 A. Yes, ma'am.

8 Q. And were you able to do any sort of a physical
9 assessment of the defendant's injuries?

10 A. No, ma'am.

11 Q. And the person that you assessed, do you see
12 her here in the courtroom today?

13 A. Yes, ma'am.

14 Q. Can you point her out and describe an article
15 of clothing that she's wearing?

16 A. The young lady standing wearing a black
17 pullover sweater.

18 MS. HARVEY: If the record can reflect that
19 the witness has identified the defendant?

20 THE COURT: The record will so reflect.

21 Q. (By Ms. Harvey) Despite the defendant being
22 argumentative, were you able to transport her?

23 A. Yes, ma'am.

24 Q. Were you able to do anything other than
25 transport her?

1 A. We were able to assess her EKG, perform a
2 12-lead EKG, her blood pressure, and provide blow-by
3 oxygen.

4 Q. And what does that mean, blow-by oxygen?

5 A. Blow-by oxygen, we -- they wear what's called a
6 non-breather mask, a mask that goes over their mouth,
7 and it provides 100 percent oxygen. She refused to wear
8 it as it's customly worn. It was then worn around her
9 neck, below her chin, and allow the oxygen to passively
10 flow across her face.

11 MS. HARVEY: Pass the witness.

12 THE COURT: Mr. Varela.

13 **CROSS-EXAMINATION**

14 **BY MR. VARELA:**

15 Q. Mr. Palmer, did you write your own report --

16 A. I did.

17 Q. Let me finish the question.

18 Did you write your own report about your
19 actions and observations during this incident?

20 A. I did.

21 MR. VARELA: I move for production, Your
22 Honor, under Gaskin.

23 THE COURT: Granted.

24 MR. VARELA: May I have a moment, Your
25 Honor?

1 THE COURT: Yes, you may.

2 (Pause)

3 Q. (By Mr. Varela) Mr. Palmer --

4 A. Yes, sir.

5 Q. -- you have read your report to refresh your
6 memory of your observations, correct?

7 A. Yes, sir.

8 Q. You -- would you describe Ms. Dinanno here as
9 being upset at the time you first saw her?

10 A. Yes, sir.

11 Q. In fact, can you tell me what words you used to
12 describe her?

13 A. Distraught.

14 Q. Okay. That means what to you?

15 A. She was upset and crying.

16 Q. Okay. She appeared to be less than fully
17 rational?

18 A. Yes, sir.

19 Q. Now, you've been an ambulance EMT -- is that
20 the correct term, EMT?

21 A. Correct.

22 Q. -- for how long now?

23 A. Ten years.

24 Q. And you've seen a number of people who have
25 suffered or claimed to have suffered recent traumatic

1 events, right?

2 A. Yes, sir.

3 Q. Some of them were crime victims?

4 A. Yes, sir.

5 Q. Some of them were accident victims?

6 A. Yes.

7 Q. And a lot of those people display extreme
8 emotions during those kinds of events, correct?

9 A. Correct.

10 Q. Some of them appear irrational?

11 A. Yes, sir.

12 Q. Some of them respond to questions or
13 conversations irrationally?

14 A. Yes, sir.

15 Q. Some of them are strangely calm, aren't they?

16 A. Yes, sir.

17 Q. In fact, you -- on some occasions you've seen
18 people that have suffered, let's say, a bad accident or
19 a criminal attack, something like that, and they're
20 strangely calm and rational?

21 A. Yes, sir.

22 Q. And you just can't really tell from looking at
23 a person how a given person is going to react to a
24 situation, can you?

25 A. Each individual is different.

1 Q. Right. And you've seen many, many people in
2 all kinds of stressful situations, right?

3 A. Yes, sir, I have.

4 Q. And this appeared to be such a stressful
5 situation for Ms. Dinanno, right?

6 A. Yes, sir.

7 Q. Okay. And you said she was distraught and
8 crying?

9 A. Yes, sir.

10 Q. That would not be an unusual reaction if the
11 events were as described, correct?

12 A. Correct.

13 Q. In fact, she asked about her husband's
14 well-being on any number of occasions in your presence,
15 right?

16 A. Yes, sir.

17 Q. Now, we talked about -- a minute ago about the
18 rationality of people's reactions to traumatic events,
19 right?

20 A. Yes, sir.

21 Q. It would not be particularly out of the
22 ordinary for a person to be defensive and refuse some
23 aspect of their treatment, right?

24 A. Yes, sir.

25 Q. In fact, you've seen people before that have

1 suffered serious accidents, suffered those kind of
2 things, and they refuse treatment, correct?

3 A. Yes, sir.

4 Q. And in some of those situations, you thought
5 they should request treatment, right?

6 A. Yes, sir.

7 Q. And that's not an entirely rational act on
8 their part, is it?

9 A. Yes, sir.

10 Q. But it's an anticipated reaction, in your
11 experience, to some people's suffering of trauma, right?

12 A. Yes, sir.

13 Q. And sometimes even witnesses that are not
14 directly affected display this sort of emotion and
15 irrationality, correct?

16 A. My primary focus is on the patient. I do not
17 interact with witnesses.

18 Q. Okay. But you've seen family members, for
19 instance, that have witnessed certain things, right?

20 A. Yes, sir.

21 Q. Sometimes they get hysterical, too, correct?

22 A. Correct.

23 MR. VARELA: Pass the witness.

24 THE COURT: Anything further from the
25 State?