

Sentencing
December 9, 2011

1 evidence.

2 MR. BALDASSANO: None, Judge.

3 MR. BARROW: None from the defense, Your
4 Honor.

5 THE COURT: Okay.

6 MR. BALDASSANO: State has two brief
7 witnesses.

8 THE COURT: You may call your witness
9 first witness.

10 You may proceed.

11 MR. BALDASSANO: Roy Paul.

12 THE COURT: You may proceed, Counsel.

13 ROY PAUL,

14 having been first duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. BALDASSANO:

17 Q. Please state your name for the record.

18 A. Roy Paul.

19 Q. Are you currently retired?

20 A. Yes.

21 Q. And what type of work did you do before
22 retirement?

23 A. I was chief investigator for the Houston Fire
24 Department Arson Division.

25 Q. And how long have you been a member of the

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1 Houston Arson Division?

2 A. Of the Arson Division, I think about twenty-six
3 years.

4 Q. In your twenty-six years with the Arson
5 Division, did you have occasion to come across a
6 defendant, John Morin?

7 A. Yes, I did.

8 Q. And can you explain that to the Judge?

9 A. I'm sorry?

10 Q. Explain how for the Judge.

11 A. I met John in 1991, I believe. We had a number
12 of fires at the Napoleon Square Apartments, and we
13 were -- we felt like those fires were set by the same
14 person, so we conducted an investigation. I was given
15 his name by the apartment complex, along with the names
16 of several other people that lived in the apartment;
17 because they suspected he was a potential suspect.

18 Q. And what type of work did the Arson Bureau do
19 back then regarding John Morin and these fires?

20 A. Well, first we mapped all the fires to see if
21 the location was corresponding within a relative
22 distance from where he lived. Sometime that's a good
23 indicator. And then we -- because we had his name, we
24 brought a number of those guys in. I'm not sure how
25 many we actually got in back then, but we interviewed

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1 them.

2 We ran a criminal history, checked on John
3 and found out he had a burglary in Corpus Christi. And
4 we called down there -- I mean, El Campo, Texas -- and
5 we called down there and talked to the arresting
6 officers. We determined he could be a possible suspect.
7 When we made that determination, we set up surveillance
8 on him and followed him.

9 Q. When you conducted your background on the
10 Defendant Morin for these fires, what happened?

11 A. Well, we had -- we put a guy undercover in a
12 club that he frequented to follow him as he left the
13 club; because most of the fires we were looking at were
14 early morning fires, 2 or 3:00 o'clock in the morning.

15 I followed that car. We got the use of a
16 vacant apartment that was adjacent to his apartment at
17 the Alexander House where they had moved him to. After
18 the fires in the Napoleon Square, they had moved these
19 people over to the Alexander House. We got the use of
20 an apartment that had a clear view of his apartment, and
21 they put a guy in there. And we followed him leaving
22 the club through the complex till he got to his home.

23 Q. All right. And very briefly, because the
24 Court's kind of stretched for time today, can you tell
25 us if you did ultimately make an arson case on this

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1 defendant, John Morin, back in the early 90's?

2 A. I did.

3 Q. Was -- just give the Judge very brief
4 circumstances of the fire, very briefly.

5 A. Well, we set up surveillance. We followed
6 them. And the guy in the apartment saw him go down
7 under where he was in that apartment. And then he
8 smelled smoke, contacted us on the radio, and we went
9 there will. And there was a fire, and we had everything
10 blocked out where it could only be him.

11 Q. So --

12 A. So we arrested him on the scene.

13 Q. Was it an apartment complex on fire?

14 A. The mailroom.

15 Q. And were people living in this apartment
16 complex?

17 A. Absolutely.

18 Q. And was he ultimately convicted, which became
19 one of the enhancement paragraphs in this case, of
20 arson?

21 A. Yes.

22 Q. And how many fires were you investigating? You
23 said there was a group that you determined seem to come
24 from the same person.

25 A. Well, we usually go further out than where we

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1 think it is. So we had a large number of fires, so
2 ultimately we thought he was -- we cleared out ours,
3 about twelve or fourteen fires that we thought he was
4 probably responsible for.

5 Q. And do you have an opinion about his level of
6 dangerousness to society if he's out?

7 A. Yeah. Most of the fires are set early morning
8 in apartment complexes or multiple living areas; and
9 usually, that's generally when people are sleeping. And
10 I think that's possibly the most dangerous time to set
11 fires in there, because they get a head start and before
12 people see them. And usually larger fires in these
13 multi story apartment complexes, there is a huge
14 potential for someone to get hurt there.

15 MR. BALDASSANO: I'll pass the witness.

16 THE COURT: Okay. Defense.

17 MR. BARROW: Thank you, Judge, very
18 briefly.

19 **CROSS-EXAMINATION**

20 BY MR. BARROW:

21 Q. Mr. Paul, in all these twelve to thirteen fires
22 that you investigated in an attempt to link John Morin,
23 not a one of them did anybody ever see Mr. Morin set a
24 fire, did he?

25 A. See him set the fire?

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1 Q. That's correct. You never had an eyewitness in
2 any of those cases, did you? It's a yes or no answer,
3 Mr. Paul.

4 A. Well, the one we caught him on, I'd say we were
5 eyewitnesses.

6 Q. Well, you didn't see him actually start the
7 fire?

8 A. No, not actually set the fire.

9 MR. BARROW: Thank you. Pass the witness.

10 MR. BALDASSANO: That's all I have.

11 THE COURT: Call your next witness.

12 MR. BALDASSANO: Ruben Hernandez.

13 THE COURT: You may proceed.

14 RUBEN HERNANDEZ,
15 having been first duly sworn, testified as follows:

16 **DIRECT EXAMINATION**

17 BY MR. BALDASSANO:

18 Q. Please state your name.

19 A. Ruben Hernandez.

20 Q. Are you the same Ruben Hernandez that testified
21 in the main case of State versus John Morin?

22 A. Yes, sir.

23 Q. Tell the Judge just very briefly when you
24 focused on John Morin for the fire that he was just
25 convicted of by a jury or other fires in the area of