

1 MR. BREWER: And same answer as before.

2 Pass the witness.

3 THE COURT: You may step down.

4 MR. BREWER: State calls Ralph Ramon, Your
5 Honor.

6 (Witness sworn)

7 THE COURT: You may proceed.

8 **RALPH RAMON,**

9 having been first duly sworn, testified as follows:

10 **DIRECT EXAMINATION**

11 **BY MR. BREWER:**

12 Q. Mr. Ramon, would you please introduce yourself
13 to the ladies and gentlemen of the jury with your full
14 name?

15 A. My name is Ralph Ramon.

16 Q. Spell your first name.

17 A. R-a-l-p-h. R-a-m-o-n.

18 Q. Mr. Ramon, could you please tell the ladies and
19 gentlemen of the jury how you are employed?

20 A. I'm employed through Harris County. My title
21 is alternate coordinator for district courts.

22 Q. When you say alternate coordinator, are you one
23 of the folks that fills in when someone, like Diane
24 Madrid, is sick or can't coordinate in a particular
25 court that day?

1 A. That's correct.

2 Q. How long have you worked for the district
3 clerk's office?

4 A. I've been employed since '95 and in my current
5 position about three-and-a-half years.

6 Q. And are there twenty-two district courts in
7 Harris County?

8 A. Yes, sir.

9 Q. A district court is a felony court, like this
10 one?

11 A. Correct.

12 Q. Do you substitute in each one of those courts
13 when needed?

14 A. I do.

15 Q. Let me talk to you about -- I'm going right to
16 a document that's already admitted into evidence. Let
17 me back off a little bit. Can you tell me, does that
18 look like your handwriting on this document
19 (indicating)?

20 A. It does.

21 Q. All right. And is this reset form a document
22 that you typically would be filling out for assisting
23 with or substituting in somebody's court for the day?

24 A. It is.

25 Q. Is -- can you tell from this document if you,

1 in fact, were a substitute in this court on
2 September 2nd of 2010?

3 A. Yes. That is my initials.

4 Q. Above the date 9-2-10?

5 A. Correct.

6 Q. So, does it appear from you -- does it appear
7 from this document you were in here working the cases as
8 the substitute coordinator on that day?

9 A. That's correct.

10 Q. All right. Let me see if you can tell us some
11 more things about this document. First of all, do you
12 have any independent recollection -- I mean, can you
13 just recall what happened on that day a long time ago?

14 A. No, sir.

15 Q. All right. By reviewing this document, are
16 there certain things that you can put together in your
17 mind that make sense?

18 A. Yes, sir. I can tell from the top of the
19 document, if you show it, that it was -- an off-docket
20 was done, an off-docket reset was done.

21 Q. Okay. We know what an off-docket is at this
22 point. That's when somebody comes in before the case is
23 actually on the docket, correct?

24 A. Correct.

25 Q. We know it's an off-docket reset. What else

1 can you tell me about this reset based on what you see
2 here? Let me direct you to some areas.

3 A. Okay.

4 Q. First of all, this lawyer's signature, do you
5 recognize that lawyer's name (indicating)?

6 A. I do.

7 Q. Whose name is that?

8 A. Chip Lewis.

9 Q. Chip Lewis.

10 Okay. In this case, the lawyer that you
11 were dealing with is Chip Lewis, correct?

12 A. That's correct.

13 Q. You've already told us he came in off-docket on
14 Case No. 1212467 for LaJuan Bailey; is that correct?

15 A. That's correct.

16 Q. Typically, you would want a signature of the
17 defendant; is that correct?

18 A. That is correct.

19 Q. And what are the words that are scratched out
20 here (indicating)?

21 A. Those words are in custody.

22 Q. What does that mean?

23 A. That's not my writing. It looks as if the
24 attorney wrote that the defendant was in custody.

25 Q. What does in custody mean?

1 A. They're currently in the Harris County Jail.

2 Q. They're currently in the Harris County Jail?

3 A. Right.

4 Q. Even in Harris County Jail they're brought
5 over?

6 A. That's right.

7 Q. There's a holdover behind that door they use
8 for talking to their attorneys?

9 A. That's correct.

10 Q. Somebody scratched that out because it's
11 incorrect; is that right?

12 A. That's correct.

13 Q. If a person is not in custody, where are they?

14 A. They will be on bond.

15 Q. They're out on bond, out on bail.

16 Okay. I don't have the defendant's
17 signature there and somebody realized they're not in the
18 jail, they're out on bond. And then what does that say
19 (indicating)?

20 A. Off-docket.

21 Q. Okay. Off-docket. Is that your writing?

22 A. No, that's not my writing.

23 Q. So, somebody else's writing?

24 A. Yes.

25 Q. We won't speculate who it is. If somebody

1 writes off-docket, would you typically want the
2 defendant's signature there?

3 A. Yes. If they are on bond, normally I do
4 require their signature.

5 Q. Okay. I'm going to come over here and look at
6 some notes. Is that your writing (indicating)?

7 A. That is my writing.

8 Q. What does that indicate to you was done
9 regarding your desire to get the defendant's signature?

10 A. If the defendant is on bond and the defense is
11 requesting an off-docket reset, I normally would require
12 the defendant's signature. In this case, it seems that
13 the attorney approached me about an off-docket reset and
14 not having the defendant's signature, I had to -- either
15 he requested -- well, he may have approached the Judge
16 or I asked him to approach the Judge to get the okay by
17 the Judge to get an off-docket without the defendant's
18 signature.

19 Q. Okay. You're kind of a stand-in in this
20 situation. You want to make sure you're following the
21 rules as best you can, right?

22 A. Correct.

23 Q. And the rule would be to get the defendant's
24 signature. If there's an exception to the rule, you
25 want to make sure everybody is okay with it?

1 A. That's correct.

2 Q. Again, you're the visiting team, correct?

3 A. Right.

4 Q. What does this note indicate? Does it indicate
5 somebody, you or the defense attorney, standing and
6 talking to the Judge (indicating)?

7 A. Correct.

8 Q. And it was okay?

9 A. That it was okay.

10 Q. Did you make an additional note regarding how
11 the defendant was supposed to be notified to be here on
12 the date of this reset?

13 A. Yes, I did. And by what I wrote down, the
14 defendant is going to be notified through the bondsmen
15 or their counsel.

16 Q. That's typical?

17 A. Correct.

18 Q. What did you write in this specific case?

19 A. In this specific case, I wrote: Defense
20 counsel will notify defendant of new date.

21 Q. And would you write that just because that's
22 what you write or would you write that because that's
23 what you told the defense attorney and they agreed to
24 it?

25 A. That's correct. I wrote it to make it clear to

1 counsel that he is to notify his client of the new date.

2 Q. And would the defense attorney that came in get
3 a copy of that document?

4 A. Yes. They get a copy of the actual document.
5 Actually, two copies. One for the client and one for
6 themselves.

7 Q. Would you have also told the defense attorney,
8 when you wrote that, hey, make sure and tell your client
9 the new date now is 9-21?

10 A. That's correct.

11 MR. BREWER: Pass the witness, Judge.

12 **CROSS-EXAMINATION**

13 **BY MR. SASSER:**

14 Q. Hi, Ralph. How are you doing?

15 A. Good.

16 Q. So, at some point we can assume that Chip
17 Lewis, if he's the one that put in custody, thought
18 LaJuan Bailey was in custody because it was marked off.
19 Would that be a safe assumption?

20 A. That is correct.

21 Q. Do you remember whether you were the one that
22 told him she wasn't in custody or do you remember if he
23 caught it himself?

24 A. I don't remember specifically, but I do know I
25 normally will look it up in the system.

1 Q. And you would have caught it?

2 A. And I would have caught it if he didn't.

3 Q. Now, Ms. Madrid testified earlier she has --
4 she basically has the same job you have except she's
5 here every day as opposed to you. You used to have a
6 court you were in every day, correct?

7 A. When I was a court clerk.

8 Q. So, whenever -- whenever Chip Lewis came in on
9 that day and asked you for the off-docket reset, we
10 heard from Ms. Madrid that she, in a lot of cases when
11 they're out of state, she will require a faxed
12 signature, something with a signature on it --

13 A. That's right.

14 Q. -- to bring to Court.

15 You wanted something, obviously, and Chip
16 didn't want to do that and probably approached the Judge
17 and said: Hey, Judge, can I just notify the defendant
18 and the Judge said that's okay.

19 A. That's correct.

20 Q. And that makes it easier on the attorney. They
21 don't have to go to the office, find out where to fax to
22 the defendant the reset, come back, bring it down to the
23 courthouse. It's something the Court does periodically
24 for the convenience of the attorneys, correct?

25 A. That's correct.

1 Q. And you hope the attorney doesn't take
2 advantage of that by not telling the defendant of the
3 days they are coming down?

4 A. That's correct.

5 Q. But on this, you have no idea knowing whether
6 Chip Lewis or Brian Roberts, you don't know of any
7 conversations that those individuals would have had with
8 my client and her reset date, do you?

9 A. No, I don't.

10 Q. You know what you did that day, on
11 September 2nd, 2010?

12 A. That's correct.

13 Q. And you stated that you will call the bonding
14 companies when cases are reset sometimes. Is that true?

15 A. That's true.

16 Q. Did you call the bonding company on this case
17 September 2nd?

18 A. No. If I wrote those notes down, I wouldn't
19 have called the bonding company.

20 Q. You would have relied on the defense attorney
21 to take care of everything, correct?

22 A. That's correct.

23 Q. At times you do call the bonding company
24 personally. In this case, you know, you didn't.

25 A. Oftentimes defense attorneys come in late. In

1 the afternoon, the Judge may not be there. In that
2 instance, I definitely would call the bonding company.

3 Q. You have no idea whether Chip Lewis or Brian
4 Roberts called the bonding company, do you?

5 A. I do not.

6 Q. Now, you were here on the 2nd. Do you remember
7 being here -- do you remember how long you were here
8 that week, were you here that day, or you wouldn't know?

9 A. No, I don't know.

10 MR. SASSER: Pass the witness, Your Honor.

11 MR. BREWER: Pass the witness, Your Honor.

12 THE COURT: All right. You may step down.

13 Y'all hungry? You are.

14 There's two rules when you go out to eat
15 with the bailiff. If you like the food, you thank me.
16 If you don't like the food, you blame him.

17 (Lunch recess)

18 (Open court, defendant and jury present)

19 THE COURT: Call your next witness.

20 MR. BREWER: State calls Vivica Mason to
21 the stand, Your Honor.

22 (Witness sworn)

23 THE COURT: You may proceed.

24 **VIVICA MASON,**

25 having been first duly sworn, testified as follows: