

1 *THE COURT:* You may proceed.

2 **JEFFREY REXROAD,**
3 having been first duly sworn, testified as follows:

4 **DIRECT EXAMINATION**

5 *BY MR. LESLIE*

6 Q. Can you please state and spell your name
7 for the record?

8 A. Jeffrey Rexroad. J-E-F-F-R-E-Y.
9 R-E-X-R-O-A-D.

10 Q. And where do you work?

11 A. Houston Police Department, homicide
12 division.

13 Q. How long have you worked for the Houston
14 Police Department?

15 A. Eight years.

16 Q. And how long have you been with the
17 homicide division?

18 A. Two years.

19 Q. So, were you working with the homicide
20 division of the Houston Police Department on April
21 23, 2013?

22 A. Yes.

23 Q. What sort of training and experience does
24 it take to get to be assigned to the homicide
25 division?

1 A. Within the first year you take several
2 classes from basic death investigations, crime scene
3 investigations. There is some medical legal type
4 stuff that you go through, interview interrogation
5 things of that nature.

6 Q. Do you remember approximately how many
7 hours of training it is before you get assigned to
8 the homicide division?

9 A. If I were to guess 150 to 200 hours
10 specific.

11 Q. And before you were assigned to the
12 homicide, were you assigned to any other special
13 division?

14 A. I was on the West Side division gang unit.

15 Q. When you conduct a homicide investigation
16 are y'all alone or with a partner?

17 A. We use partners.

18 Q. Do you all work regular shift or how does
19 that work?

20 A. We do have regular assigned shifts. There
21 is days, evenings and night shift and then also for
22 the day scene investigators we have call out
23 rotation.

24 Q. So, on April 23, 2013, do you remember what
25 shift you were working?

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1 A. Day shift.

2 Q. What are the hours of day shift?

3 A. Seven to three.

4 Q. And were you working with a partner?

5 A. At that time, I didn't have a partner
6 assigned to me. However, we would rotate who would
7 make calls with me.

8 Q. So, on that date, specifically who was
9 making who was assigned to make calls with you?

10 A. Sergeant Rodriguez.

11 Q. And were you called out to investigate a
12 homicide involving Robert Deberry on April 23, 2013?

13 A. Yes.

14 Q. And do you remember approximately what time
15 you received that call?

16 A. Right around 1:00 a.m.

17 Q. And was that one a.m. of April 23, 2013?

18 A. Yes.

19 Q. And do you remember where the location of
20 that call out was?

21 A. 500 Rusk.

22 Q. And is that location in Harris County,
23 Texas?

24 A. Yes.

25 Q. So, from the time you received the call

1 approximately how long did it take you to arrive on
2 the scene?

3 A. About an hour.

4 Q. What was the scene like if you can just
5 describe briefly for us, what was it like when you
6 arrived there?

7 A. It had already been marked off with crime
8 scene tape. There several patrol officers that were
9 already there and the scene itself was underneath a
10 overpass bridge in like a construction room.

11 Q. Are you aware of what the area was designed
12 for?

13 A. It looks like a place where the
14 construction materials, fencing and different
15 materials like that were stored.

16 Q. Do you know was it designed as a homeless
17 shelter of any type?

18 A. No.

19 Q. When you arrive on a scene, what do you do
20 in terms of conducting your investigation?

21 A. Initially, I like to just take into the
22 scene itself. Find out who my witnesses are. Kind
23 the layout of the scene and just get an idea of any
24 kind of leads that we may have already have that were
25 gathered by patrol.

1 Q. In this case, when you showed up and began
2 your investigation, first off, let me ask, were you
3 the lead investigator Sergeant Rodriguez?

4 A. We don't do leads. A witness side and
5 scene side. And I was the witness side.

6 Q. So, when you arrived on the scene was
7 Sergeant Rodriguez with you?

8 A. No. He arrived separately.

9 Q. What were the steps that you under took in
10 conducting your investigation once you arrived on the
11 scene?

12 A. I spoke with patrol officers who then
13 identified --

14 MR. MOORE: Objection, hearsay
15 confrontation.

16 THE COURT: Don't go into anything
17 they said. I'm not going to sustain that objection
18 because he is not going into, please don't go into
19 anything they said.

20 THE WITNESS: Okay.

21 THE COURT: You may proceed.

22 Q (MR. LESLIE) So, there was several patrol
23 officers on the scene; is that correct?

24 A. Yes.

25 Q. Were there also witnesses on the scene?

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1 A. Yes.

2 Q. And did you interview those witnesses?

3 A. Not on the scene, but yes.

4 Q. Do you remember how many witnesses there
5 were on the scene?

6 A. Two.

7 Q. And do you remember their names?

8 A. Urbina.

9 Q. Is Jonathan Urbina?

10 A. Jonathan Urbina, Travis Johnson.

11 Q. And you said they weren't interviewed on
12 the scene, do you remember where they were
13 interviewed?

14 A. Yeah, they were taken back to the homicide
15 division at 1200 Travis.

16 Q. And do you know where they interviewed that
17 same day?

18 A. Yes. Right after I arrived on the scene
19 and got basic understanding of what was going on and
20 who was involved then I had them transported back to
21 homicide.

22 Q. Based on your interviews with them, was a
23 suspect developed in this case?

24 A. Yes.

25 Q. And was there based on developing that

1 suspect, were charges accepted on the defendant?

2 A. Yes.

3 Q. And were those charges for murder?

4 A. Yes.

5 Q. Do you remember what day was that the
6 defendant was arrested on those charges?

7 A. On the 23rd.

8 Q. So, the same day as the murder; is that
9 correct?

10 A. Yes.

11 Q. Do you remember approximately what time it
12 was that he was arrested?

13 A. Right around ten, 10:30 in the morning.

14 Q. Were you the officer who arrested him?

15 A. No.

16 Q. Was it any homicide investigator who
17 arrested him?

18 A. No.

19 Q. So, it was just patrol officer?

20 A. Yeah, there were several different types of
21 patrol units out there, yes.

22 Q. After he was arrested, did you have
23 occasion to speak with the defendant?

24 A. Yes.

25 Q. And where was that?

1 A. At the homicide division.

2 Q. Is that in downtown Houston?

3 A. Yes.

4 Q. Where in the homicide division did you talk
5 to the defendant?

6 A. We have several interview rooms and he was
7 placed in one of those.

8 Q. Tell us what the interviews rooms are like,
9 like a holding cell?

10 A. No.

11 Q. So, what is the furniture like, the
12 lighting?

13 A. Normal fluorescent lighting, there's a
14 table, a long table and usually two to three chairs
15 that are in there.

16 Q. And when you spoke with the defendant, did
17 you speak with him alone or was there anyone else in
18 there with you?

19 A. Just myself.

20 Q. Was the defendant handcuffed at the time
21 that you spoke to him?

22 A. No.

23 Q. Was he under arrest?

24 A. Yes.

25 Q. Did he know that he was under arrest?

1 A. Yes.

2 Q. So, he was not free to leave the interview
3 room at any time?

4 A. Correct.

5 Q. When you spoke with him, did you ask him
6 questions about the murder?

7 A. Yes.

8 Q. And did he answer those questions for you?

9 MR. MOORE: Objection. Last question
10 hearsay confrontation. It goes into the subject of
11 what they talked about.

12 THE COURT: Approach, I am sorry.

13 **(At the Bench)**

14 MR. MOORE: First of all, did you ask
15 him questions about the murder?

16 THE COURT: Okay. Calls for a yes or
17 no. Okay.

18 MR. MOORE: Well, about the murder
19 suggest conversation so hearsay.

20 THE COURT: Object to the word murder.

21 MR. MOORE: And secondly, I object to
22 him particular to his use of the word the murder
23 since not established that's what it was for the jury
24 to decide whether it was murder.

25 THE COURT: Okay. That's sustained.

1 Rephrase your question, Counsel, regarding the word
2 murder. Okay.

3 **(End of Bench Discussion)**

4 Q (MR. LESLIE) Investigator Rexroad, did you
5 ask the defendant questions about the murder that you
6 were investigating that had occurred on April 23,
7 2013?

8 MR. MOORE: Objection. To the use of
9 the word murder.

10 THE COURT: Okay. Rephrase your
11 question, Counsel, without using the word murder.

12 Q (MR. LESLIE) Did you ask the defendant
13 about the question of the homicide that you were
14 investigating?

15 A. Yes.

16 Q. And did the defendant admit to committing
17 that homicide?

18 A. Yes.

19 Q. And did you make a record of those
20 admissions?

21 A. Yes.

22 Q. Before you had this conversation with the
23 defendant, did you advise him of his constitutional
24 rights against -- of his constitutional rights?

25 A. Yes.

1 Q. Does that include, did you advise him of
2 his constitutional rights against self
3 incrimination?

4 A. Yes.

5 Q. Did you advise him that he had a right to
6 an attorney?

7 A. Yes.

8 Q. Did you advise him that he had the right to
9 remain silent?

10 A. Yes.

11 Q. And did you advise him that anything that
12 he said could be used against him?

13 A. Yes.

14 Q. Did you tell him that he had a right to
15 have an attorney present with him before and during
16 any questioning that you did?

17 A. Yes.

18 Q. Did you tell him that he had the right to
19 terminate that interview at any time?

20 A. Yes.

21 Q. Did he indicate to you, did you also advise
22 him that he had a right to have an attorney appointed
23 to him if he couldn't afford one both prior to and
24 during the course of that interview?

25 A. Yes.

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1 Q. How do you remember all those rights?

2 A. We have on a blue card provided by the
3 district attorney's office has them all written down.

4 Q. And did you use that blue card to advise
5 him of rights on this occasion?

6 A. Yes.

7 Q. And after you had advised him of all those
8 rights, did he indicate that he understood those
9 rights?

10 A. Yes.

11 Q. How did he indicate that he understood
12 those rights to you?

13 A. I asked him if he understood.

14 Q. And what was his response?

15 MR. MOORE: Objection, hearsay.

16 THE COURT: That's overruled.

17 Q (MR. LESLIE) What was his response?

18 A. He said yes.

19 Q. Did you ask him if he would give you a
20 statement regarding the homicide?

21 A. Yes.

22 Q. And did he agree to give you a statement?

23 A. Yes.

24 Q. Did he at any time request an attorney?

25 A. No.

1 Q. Did he ever ask to terminate the interview?

2 A. No.

3 Q. Did you do anything to threaten or coerce
4 the defendant?

5 A. No.

6 Q. Did you either directly or indirectly
7 promise the defendant anything in exchange for his
8 statement?

9 A. No.

10 Q. Did you deny him any kind of basic
11 necessities like food or water or sleep?

12 A. No.

13 Q. Did he appear to you to be under the
14 influence of narcotics or alcohol?

15 A. No.

16 Q. After he waived his rights, what did you
17 do?

18 A. I began asking him questions.

19 MR. LESLIE: Permission to approach
20 the witness, Judge?

21 THE COURT: Yes, you may.

22 Q (MR. LESLIE) I'm showing you now what's
23 been marked as State's Exhibit No. 37, do you
24 recognize this?

25 A. I do.

1 Q. And what is this?

2 A. It's a copy of the video statement that I
3 took from the defendant.

4 Q. And is this a fair and accurate depiction
5 of the interview as it was conducted by you with the
6 defendant on April 23, 2013?

7 A. Yes.

8 Q. And has it been altered in any way?

9 A. No.

10 Q. Can you identify all the voices that you
11 hear on the recording?

12 A. It's my voice and the defendant's voice.

13 MR. LESLIE: Tendering to opposing
14 counsel for inspection and the State offers State's
15 Exhibit 37.

16 MR. MOORE: We renew our objections
17 under 38.22.

18 THE COURT: Okay. And those will be
19 overruled. And State's Exhibit 37 is admitted over
20 object.

21 MR. LESLIE: And Judge, we'd also like
22 the record to reflect that defense counsel has
23 received an identical copy of this at least 20 days
24 before this proceeding.

25 THE COURT: The record will note that.

1 Do you wish to play that at this time?

2 MR. LESLIE: Yes, Judge.

3 THE COURT: Okay. You may publish.

4 **(Exhibit Published)**

5 MR. MOORE: Object at this point, this
6 goes into hearsay.

7 THE COURT: It's a little late.

8 Approach the bench.

9 **(At the Bench)**

10 THE COURT: It's a little late. We
11 listened at the break, this morning. So, you're
12 making objections now?

13 MR. MOORE: Yes, I'm making an
14 objection now.

15 THE COURT: Okay. It's overruled.
16 It's already been admitted. And you had your time
17 so, it's untimely. There's not a lot I can do on
18 that. How much more do they go into that?

19 MR. LESLIE: Not much more. There's
20 only two more minutes.

21 THE COURT: Just talk about what the
22 witness told him; is that right? Which is not
23 unusual.

24 MR. LESLIE: To contrast with.

25 THE COURT: Not unusual in an

1 interrogation to say certain things.

2 MR. LESLIE: Exactly. So, it's not
3 being offered to the truth of the statement, but to
4 elicit a response from the defendant.

5 THE COURT: Okay. So, why don't you
6 clear that up. You make your objection, you make
7 that response then allow it in under that theory not
8 the truth --

9 MR. MOORE: My objection is
10 confrontation as well.

11 THE COURT: Absolutely fine, sir, you
12 had that opportunity.

13 **(End of Bench Discussion)**

14 THE COURT: So, your response to the
15 objection, Mr. Leslie.

16 MR. LESLIE: My response that the
17 statement that he's referring are not necessarily
18 being offered to the truth of the matter asserted,
19 but rather to as part of the normal interrogation
20 technique.

21 THE COURT: So, your objection is
22 overruled. Did you want to put something on the
23 record?

24 MR. MOORE: For the record, my
25 objection is grounded in hearsay and confrontation

1 by both state and federal.

2 THE COURT: That's overruled: You may
3 proceed. Continue playing.

4 **(Exhibit Published)**

5 THE COURT: Is that the end of it?

6 MR. LESLIE: Pass the witness, Your
7 Honor.

8 THE COURT: Thank you. any questions,
9 Mr. Moore.

10 MR. MOORE: I have no questions for
11 this witness.

12 THE COURT: You may step down. Thank
13 you very much.

14 THE WITNESS: Thank you.

15 THE COURT: Folks, I think this is a
16 good time to break for the day. I told you we were
17 going to wind up at four o'clock and so we're just a
18 little bit ahead of schedule. We made some good time
19 today. So, we're breaking early so that those that
20 haven't voted get an opportunity to vote and if you
21 don't vote or already voted then you have the
22 afternoon off and get home early. Either way you
23 win, but going to remind you that before you leave
24 today that you are not to talk amongst yourselves or
25 with anyone else to any subject connected with the

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1 trial or form or express any opinion thereon. And
2 we're going to start up at 10:00 in the morning. Did
3 ten, 10:30 work all right for every one? Okay.
4 Let's do 10:00 tomorrow and try to get in a full
5 day's worth tomorrow and hopefully finish a little
6 ahead of schedule. All right. So, at this time you
7 may go with Deputy Perry.

8 *THE BAILIFF:* All rise.

9 ***(Jury released)***

10 *THE COURT:* Okay. We're in recess.
11 Before the lawyers leave I would like to talk about
12 the charge. So, be seated very quickly.

13 ***(End of Today's Proceedings)***

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