

1 on the occasion in question?

2 A. Yes, sir.

3 Q. Thank you, Officer Avila.

4 MR. MARTIN: I'll pass the witness,
5 your Honor.

6 THE COURT: Anything else?

7 MS. ONCKEN: We'll pass the witness.

8 THE COURT: Thank you, sir. You can
9 step down.

10 Please call your next witness.

11 MS. ONCKEN: State calls Officer
12 Rodriguez.

13 THE BAILIFF: This witness has not
14 been sworn.

15 THE COURT: Thank you.

16 Raise your right hand, please, ma'am.

17 (Witness sworn)

18 THE COURT: Have a seat.

19 ALINDA RODRIGUEZ,
20 having been first duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 Q. (BY MS. ONCKEN) Good afternoon.

23 A. Hello.

24 Q. Could you please state your name and
25 introduce yourself to the jury?

1 A. Sure. I'm Officer Alinda Rodriguez.

2 Q. I think the judge might be adjusting the
3 microphone a little bit.

4 THE COURT: Maybe pull it down a
5 little bit.

6 THE WITNESS: (Complies.)

7 THE COURT: There you go. That might
8 help some.

9 Q. (BY MS. ONCKEN) All right. How's that?

10 A. Can you hear me?

11 Q. Yes. Yes. Better. Thank you. How are
12 you employed?

13 A. Houston Police Department police officer.

14 Q. And how long have you been doing that?

15 A. About three years. Still a little baby
16 cop.

17 Q. And before that, what kind of work were you
18 in?

19 A. I was a Harris County probation officer.

20 Q. How long did you do that?

21 A. Almost three and a half years.

22 Q. Why did you want to be a police officer?

23 A. Well, I like helping people. So, just a
24 different side of it, other than probation. So...

25 Q. And do you currently ride with a partner?

1 A. Every now and then, yeah, I ride with
2 Officer Ira Harris.

3 Q. And as far as your communication with him,
4 do you know if he testified in this trial?

5 A. I think he did the other day.

6 Q. Okay. And I want to turn your attention
7 back to March 31, 2010. And were you working -- and
8 I think I might be assuming that you're a patrol
9 officer. So, is that correct?

10 A. Yes, I'm on patrol on the street.

11 Q. Okay. And, so, were you and Officer Harris
12 working that day?

13 A. Yes, we were riding together.

14 Q. Did you have occasion to be dispatched to
15 the L.B.J. Hospital here in Houston?

16 A. Yes. For hospital checks you get
17 dispatched out to whichever hospital they want to
18 send you to. But L.B.J is in our area. So, that's
19 why we got dispatched there.

20 Q. That was going to be my next question. Do
21 you work a specific area of town?

22 A. Yes, northeast side of town.

23 Q. And what time, if you know, were you
24 dispatched on that day?

25 A. I can't recall the time. We sign on at

1 2:00 o'clock. So, shortly thereafter.

2 Q. Okay. And if -- let's see -- did you bring
3 a copy --

4 A. No.

5 Q. -- of your report today?

6 MS. ONCKEN: May I approach the
7 witness?

8 THE COURT: Yes, ma'am.

9 Q. (BY MS. ONCKEN) Just to refresh your
10 memory. Is it common or actually is it required that
11 you do some sort of a report whenever you are called
12 out to a scene or involved --

13 A. Yes. Any time we get hospital checks, the
14 way hospital checks normally work is, depending on
15 the situation, you get there, you just kind of assess
16 what's going on, and then take it from there, gather
17 information, depending on who's calling you and
18 what -- again, what the situation is. You're more
19 than likely going to end up writing a report.

20 Q. Okay. And that's by your office policy?

21 A. Yes.

22 Q. And did you or Officer Harris write a
23 supplement to this report in this injury to a child
24 case?

25 A. Yes, we did. Uh-huh.

1 Q. Okay. And was it you or Harris?

2 A. I wrote the report.

3 Q. Okay. And according to your report then,
4 does it indicate what time you were dispatched or
5 what time you arrived?

6 A. Yes. 19:15 hours we were actually
7 dispatched out to the hospital to meet H.F.D. the
8 fire department. 19:15 hours is military time. It's
9 what we go by. But it's about 5:15.

10 Q. 5:15 or 7:15?

11 A. I'm a little nervous. I've never been up
12 here.

13 Q. Oh. I'm sorry. I should have asked you
14 that earlier. Okay. You're doing great. All right.
15 So, 19:15. And then was it shortly thereafter that
16 y'all arrived at the hospital?

17 A. Yes. We arrive -- I think 19:30 hours is
18 when we arrived. So, about 15 minutes. And you
19 just -- when you get there, you just kind of get
20 there and make contact with family, anybody involved
21 with the victim or whatever it may be, and start
22 gathering information.

23 Q. Have you ever -- it sounds like you've done
24 hospital checks before?

25 A. Uh-huh. Yes.

1 Q. Okay. And this time when you arrived to
2 the hospital, you said you spoke with H.F.D. people?

3 A. Well, wherever we park is actually back
4 where the emergency room ambulances and things come
5 in. We park in the same area. So, first we saw
6 H.F.D. out there. It's just kind of like, you know,
7 you just kind of, "Hey, what happened?" And you get
8 information from H.F.D. so you kind of know what
9 you're going into before just going in.

10 Q. And when you say H.F.D., that stands for
11 Houston Fire Department?

12 A. Uh-huh. Yes, ma'am.

13 Q. And you're talking specifically about the
14 paramedic guys?

15 A. Paramedic guys that are -- yeah, that had
16 contact with the child before.

17 Q. And did you get a little summary about what
18 they saw?

19 A. Yes. I think I just kind of ask, "Hey, you
20 know, what's going on? Did you see anything weird?"

21 And if I recall, I think one of the
22 H.F.D. guys said, you know, it's injury to a child --

23 MR. MARTIN: Objection to hearsay.

24 THE COURT: Sustained.

25 Q. (BY MS. ONCKEN) Without going into anything

1 specific, was there an injury that was of concern to
2 the paramedics?

3 A. What I was -- yeah. There was a lip --
4 abrasion to the lip of the child that they thought
5 was kind of a little weird.

6 Q. So, was that something that you --

7 A. So, I was concerned about it, you know,
8 going in.

9 Q. Okay. So, where do you go then? Are you
10 in the emergency room?

11 A. You're in the -- yeah, you come in through
12 the emergency area. Again, there's all kind of
13 E.M.S. and everything there. And you just kind of
14 ask around, "Hey, you know, this is what I'm here
15 for. Where's the family?"

16 Q. Okay. And did you eventually find some
17 family of the baby?

18 A. Yes.

19 Q. And specifically did you locate the mother
20 and someone that you believed to be, like, a
21 boyfriend or something?

22 A. Yeah. Yes, we got there. They were in,
23 like, a little waiting room, I guess, right there in
24 front of -- they were working on the baby in another
25 room, and the waiting room was like right outside of

1 that. So, they were all sitting in there -- mom,
2 Mr. Flowers, the grandmother, other family members.

3 Q. Okay. And I want to show -- well, first of
4 all, you said "Mr. Flowers." Do you recognize
5 anybody here in court today from March 31st, 2010, at
6 L.B.J. Hospital?

7 A. Yes.

8 Q. Okay. And I know we're doing two things at
9 once. So, we'll start here in court. Do you
10 recognize someone that was there at the hospital?

11 A. Yes.

12 Q. Okay. Can you point to him and tell us
13 what he's wearing?

14 A. Blue button down shirt. *(Indicating.)*

15 Q. Wearing a jacket or no jacket?

16 A. No jacket.

17 MS. ONCKEN: May the record reflect
18 she identified the defendant?

19 THE COURT: Record will so reflect.

20 Q. *(BY MS. ONCKEN)* And how is it that you
21 recognize him? What was his role -- you talked about
22 family being there, right?

23 A. Yeah. He -- you know, he was actually --
24 you know, when we got there, we just kind of, "Hey,
25 you know, who had the baby?" You know, I just need

1 to talk to somebody to see if I can get some
2 information. Because, again, we're going to have to
3 write a report, especially concerning a child. And
4 like I said, H.F.D. had some worries. So, just kind
5 of, you know, we need some information.

6 Q. Sure.

7 A. So, Mr. Flowers came out along with the
8 biological mother; and I just kind of said, you know,
9 "What happened," trying to get some information.

10 Q. Did he identify what his relationship was?

11 A. He said he was -- I think at first he said
12 he was the baby's father or something like that. And
13 then after, you know, asking what the baby's name was
14 and if he could spell it, he couldn't spell it.

15 Q. Did he even know what the baby's name was?

16 A. I think at first he said something about
17 Kamron or then he said another name. And when I
18 asked him to spell it, he just got kind of nervous.
19 So, I thought it was odd, if you're the father of a
20 child and you can't spell his name. So, then I kind
21 of said, "Well, you know. All right. Well, how old
22 is the baby?" That was an off question, I guess. He
23 couldn't answer that. So, it just kind of, "Well,
24 are you the dad?" And then that's when he said he
25 was the boyfriend, and then I think mom and him had

1 been together a couple months.

2 Q. Okay. And did you ask any questions like
3 you were starting to say before about, you know, who
4 had the baby?

5 A. Yeah. Just who had the baby, what
6 happened. I actually asked the biological mom first,
7 since she is the biological mom. I just said, you
8 know, what happened. And she said that she doesn't
9 know, she wasn't there. And that's when Mr. Flowers
10 said that he was the one that was with the baby by
11 himself.

12 Q. Did he tell you the same thing? I mean,
13 did he say that he was taking care of the baby?

14 A. Yeah, he said he was taking care of the
15 baby.

16 Q. Did he indicate whether or not it was just
17 him or other adults were there?

18 A. He said he was by himself.

19 Q. What was his demeanor like, the defendant?

20 A. He just seemed kind of nervous. And, you
21 know, at first, you know, I couldn't tell if it was
22 because he was upset about the baby or if it was
23 because he was talking to us or what was going on.
24 But he just again, like I said, you know, once I was
25 asking basic questions that if you're going to say

1 you're a stepfather, you should know, he just got
2 kind of fidgety, antsy, kind of looking around, and
3 couldn't really answer questions.

4 Q. Did he seem evasive?

5 A. Well, I mean, when you change your story a
6 couple of times, it's difficult for us to do our job.
7 So...

8 Q. Okay. Well, let's talk about that then.
9 After you asked him, you know, and he told you that
10 he was alone caring for the child, did he tell you
11 how?

12 A. Well, the first statement that he made was
13 something to the effect of, you know, "Yeah, I was by
14 myself and I was feeding him or something. He just
15 got sick and started foaming at his mouth and his
16 eyes were rolling back and he just got sick out of
17 nowhere."

18 That didn't make any sense to me. So,
19 I was, like, "Well, I mean, does he have, you know,
20 medical history or, you know, something of that
21 nature?"

22 "No, he just got sick."

23 "Okay?"

24 Q. So, that's not making sense to you?

25 A. Yeah, it didn't make sense. It was -- I

1 mean, I'm not a mother. I've got plenty of nieces
2 and nephews, though. And I know babies, you know,
3 don't normally just randomly start to foam at the
4 mouth and having their eyes roll back unless they
5 have some sort of preexisting medical issue that
6 you're aware of, which maybe -- I mean, if he
7 wasn't -- because he'd only been around a couple
8 months...

9 Q. Did --

10 A. I was trying to give him the benefit of the
11 doubt.

12 Q. Sure.

13 A. You know.

14 Q. Trying to get as much --

15 A. I think I asked him, you know, something
16 like, "Well, it still doesn't make sense."

17 And then he switched it up. And he
18 was, like, "Oh. Well, no, I actually left the baby
19 with some neighbors and went out to get my niece off
20 of the bus, and when I came back that's when the baby
21 was sick." So...

22 Q. Okay. So, what did you think at that
23 point?

24 MR. MARTIN: Objection to leading her.

25 THE COURT: Sustained.

1 Q. (BY MS. ONCKEN) So, he said he went to the
2 neighbors?

3 A. Yeah, that he went to the neighbor and that
4 when he came back that's when the baby was actually
5 sick, not before.

6 Q. Did you ask him if he attempted to call
7 9-1-1 or emergency?

8 A. You know, I don't recall. I think what I
9 remember as well is I -- you know, because of that,
10 it was a little confusing. I said something to the
11 effect of, "Well, all right. Well, something's going
12 on with the baby's lip. Can you tell me about that?"

13 Q. Okay.

14 A. And again he said something to the effect
15 of that his lip got hurt on a bottle.

16 Q. Okay.

17 A. And I asked him, "Well, was it a glass
18 bottle or, you know, what?"

19 Because, again, I'm not a mother; but
20 I've fed babies before and I don't think a rubber
21 nipple could cause the type of cut that was on the
22 baby. Because I actually saw the baby as well. I
23 was in the room when they were working on the baby.

24 Q. And you could observe?

25 A. And I could observe, you know, certain

1 injuries and things like that. And it's -- it was --
2 it was difficult to see that.

3 Q. To see the baby?

4 A. Yeah.

5 Q. You had said something about a rubber
6 nipple. Did the defendant say something about the
7 baby cut his lip on the nipple of the bottle?

8 A. Yeah. He just -- again, it was just like
9 nothing made sense. You know, if it wasn't glass,
10 then how does a baby, a three-month-old, cut himself
11 in the manner in which he was cut? It just -- and
12 then again H.F.D. had said he had bruising on the gum
13 as well. That's just -- it's not normal.

14 Q. And did you -- I apologize if you already
15 answered this. Did you ask him was the bottle glass?

16 A. Yes.

17 Q. And what did he say?

18 A. No, that it was not glass.

19 Q. I want to show you what's been admitted as
20 State's Exhibit 91. Do you recognize the person in
21 this photograph?

22 A. Yes.

23 Q. Okay. And who is that?

24 A. The defendant, Nathaniel Flowers.

25 Q. Okay. And do you recall what -- is that

1 what he was wearing that day or something different?

2 A. No. He was actually wearing a red shirt,
3 like red T-shirt, black shorts. He had on black
4 sneakers. And I think he had on a black, like,
5 baseball style hat on. This was my first, like, case
6 where I really got upset.

7 MR. MARTIN: Objection, Judge.

8 THE COURT: Sustained.

9 If you could just answer the question,
10 please.

11 Q. (BY MS. ONCKEN) After you spoke to the
12 defendant -- well, I guess, during talking to the
13 defendant, at some point did you decide that you
14 needed to stop talking to him?

15 A. Yes.

16 Q. Why was that?

17 A. Because nothing that he said made sense.
18 So, I wasn't going to -- any time that you start
19 getting statements that are kind of conflicting and
20 it doesn't make sense, what you want to do is you
21 just want to stop. And then you contact the
22 concerned division, which in this case it was
23 juvenile as well as homicide. Due to the injuries
24 that the baby had -- I had already spoken to the
25 forensic nurse. The forensic nurse told me that it

1 was consistent --

2 MR. MARTIN: Objection to the hearsay.

3 THE COURT: Sustained.

4 You can't say what somebody else said.

5 A. Okay. Well --

6 Q. (BY MS. ONCKEN) Okay. I'll ask another
7 question. So, you had said the concerned division
8 would be juvenile --

9 A. Juvenile and homicide.

10 Q. -- and homicide. Okay. So, is it typical
11 that that concerned division, their investigators
12 would interview witnesses?

13 A. Yes. What happens is once you contact that
14 concerned division, they make the decision whether
15 they're going to come out to your scene or not and
16 make it theirs. So, basically they take it over.

17 Q. Okay.

18 A. And homicide, I think it was Detective
19 Torres, he came out along with another detective. I
20 don't remember his name. But they basically said,
21 "Hold what you've got. We're going to come out."

22 Q. Okay. And did they?

23 A. Yes.

24 Q. At some point, did a unit come and transfer
25 the infant to Texas Children's Hospital?

1 A. Yes. I think they had done all they could
2 there. And I remember a Kangaroo Unit came out. I
3 guess that's their special term for that type of
4 thing. And they transported the baby to the Texas
5 Children's.

6 Q. And after you talked to -- or there was
7 some communication with the homicide division, did
8 you let the defendant know or the mother that, you
9 know, "Just hang on. We need to -- somebody's going
10 to come talk to you"?

11 A. Yes. Yeah. We let -- I mean, he wasn't --
12 it was just an ongoing investigation. We needed to
13 keep them there in order to figure, you know,
14 everything out.

15 Q. And after the homicide detectives came, was
16 the defendant transported somewhere else?

17 A. Yes. Homicide asked us to go ahead and
18 transport him to 1200 Travis, which is our
19 headquarters as well as where homicide is housed.
20 And that's where they do all the interrogation and
21 everything like that.

22 Q. Okay. And did you and your partner
23 transport him?

24 A. Uh-huh. We transported the defendant, yes.

25 Q. Now, is it some sort of policy or personal

1 procedure to handcuff a witness when you're
2 transporting them?

3 A. Anybody that goes in the backseat gets
4 handcuffed normally. I mean, if it's -- you know,
5 when you're in the academy, they tell you, you know,
6 it's a personal decision. I mean, obviously, if I
7 have, like, a 99-year-old woman who has Alzheimers,
8 I'm not going to cuff her and put her in the back.
9 But for the most part, everybody gets cuffed and
10 searched before they get back there.

11 Q. And that's for what purpose?

12 A. That's for safety purposes, uh-huh.

13 Q. Does that have anything to do with whether
14 or not that individual is under arrest?

15 A. No. I've cuffed people and put them in the
16 backseat and let them out, you know, before. That's
17 just safety issues.

18 Q. Okay. Is that how the defendant in this
19 case was transported?

20 A. Yes. He was searched and cuffed and just
21 put in the back.

22 Q. At any time did you or your partner,
23 Officer Harris, tell the defendant that he was under
24 arrest?

25 A. No. We just let him know we were

1 transporting him down to homicide, they wanted to
2 talk to him.

3 Q. Okay. And after the transport did you have
4 any further connection or work on this case?

5 A. No. I think -- I mean, we transported him.
6 We waited around a while to see what homicide wanted
7 us to do. And once homicide gave us the go, we left.
8 And I think I went back to the station and wrote the
9 report.

10 Q. Okay.

11 MS. ONCKEN: Pass the witness.

12 THE COURT: Mr. Martin.

13 MR. MARTIN: May I have a chance to
14 examine the offense report?

15 THE COURT: Sure.

16 CROSS-EXAMINATION

17 Q. (BY MR. MARTIN) Officer, have you read the
18 report since this took place two years ago to refresh
19 your memory?

20 A. Yes.

21 Q. Okay. Do you remember -- can you tell
22 me -- when you say the family was there, there was
23 Mr. Flowers and the baby's mother?

24 A. Uh-huh. Mr. Flowers, the baby's mom and
25 the grandmother I remember were there. There were

1 other family members, but I didn't talk to any of
2 them. The grandmother was very upset. So, I spoke
3 to her a little bit.

4 Q. Okay. What was the demeanor of the mother?
5 Do you remember? Did you make any notes about that?

6 A. Yeah. I mean, she was, I'm assuming, for
7 her upset. I don't know her. So, I can't really
8 speak on anything other than she was -- to me, I
9 would have been in pieces if it was my child. She
10 wasn't.

11 Q. She wasn't like that at all, was she?

12 A. No.

13 Q. I mean, it was unusual enough that you and
14 your partner, Officer Harris, made note of it?

15 A. Yes.

16 Q. Okay. Can you tell me about how long you
17 and your partner, Officer Harris, were at the
18 hospital before y'all went to -- before you
19 transported Mr. Flowers down to downtown?

20 A. I'm not sure.

21 Q. Okay. Did you speak with the mother?

22 A. Yeah. When I first got there, I spoke with
23 the mother a little bit.

24 Q. Okay. Would you and Officer Harris have
25 been together or do y'all perhaps split up to --

1 A. No. Sometimes we do things together. And
2 then, you know, because we're partners we -- you
3 know, he'll handle one thing, I'll handle another
4 sometimes.

5 Q. Okay. Thank you, Officer.

6 MR. MARTIN: Pass the witness.

7 MS. ONCKEN: We'll pass the witness,
8 your Honor.

9 THE COURT: Thank you, ma'am. You can
10 step down.

11 Who's next?

12 MS. ONCKEN: State will call, by
13 deposition, Dr. Marissa Feeney and offer -- well,
14 what is already in evidence as State's Exhibit 113,
15 the video. We're asking to publish at this time.

16 Do you have that one, Judge, as --

17 THE COURT: Well, I'm just looking to
18 see. Yes. So, State's 113 was admitted. Was
19 State's 112 admitted for all purposes?

20 MS. ONCKEN: That's what my intent
21 was.

22 THE COURT: I think it was. My note
23 looks like it was just admitted for all purposes.

24 MS. ONCKEN: 112 is the court
25 reporter's transcription of the deposition.