

1 MR. BYNUM: I can't do 5:30, but I can do 8:30.

2 THE COURT: All right. Well, let's plan on 8:30 for  
3 the Daubert hearing.

4 Is the State ready to proceed?

5 MS. FULLER: Yes, your Honor.

6 THE COURT: It's your turn again?

7 MS. FULLER: Yes.

8 THE COURT: Let's have the jury, please.

9 (Jury in.)

10 THE COURT: You may be seated.

11 Is the State ready to proceed?

12 MR. ASLETT: Yes, your Honor.

13 THE COURT: Call your next.

14 MR. ASLETT: The State calls Officer Rohling.

15 THE COURT: All right. You may proceed.

16 MR. ASLETT: Thank you, your Honor.

17 SERGEANT R.J. ROHLING,

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. ASLETT:

21 Q. Sir, would you please tell the jury -- would you  
22 please state your name for the jury.

23 A. Robert J. Rohling.

24 Q. And Mr. Rohling, what do you currently do for a  
25 living?

1 A. I'm currently retired.

2 Q. When did you retire?

3 A. March 30th of this year.

4 Q. What job did you have before you retired?

5 A. I was with the Houston Police Department. I retired  
6 as a sergeant.

7 Q. How long did you work for the Houston Police  
8 Department?

9 A. 28 years.

10 Q. What sort of jobs did you do for HPD while you worked  
11 over that period of time?

12 A. I was both a patrol officer and a patrol supervisor.  
13 I was assigned to the burglary and theft, robbery, internal  
14 affairs, Office of the Inspector General, and prior to  
15 retiring, about three years prior to retiring I was in the  
16 homicide division.

17 Q. I want you to think back to August 20, 2010. Were  
18 you assigned to the homicide division on that date?

19 A. I was.

20 Q. I want to ask you questions about a particular case  
21 that you worked. Do you recall being dispatched to a scene on  
22 the night of August 20, 2010?

23 A. I do.

24 Q. And what was your understanding when you went to that  
25 scene was going to be the nature of that call?

1 A. It was a suspicious incident.

2 Q. And where did you end up going to?

3 A. I don't have the address in front of me, but it was  
4 an apartment complex on the southeast side of Houston.

5 Q. In Harris County, Texas?

6 A. Yes.

7 Q. Okay. Tell the members of the jury what you did once  
8 you arrived on that scene.

9 A. When -- I arrived on the scene with then Officer Mack  
10 Brady, now Sergeant Mack Brady, and his partner, Sergeant Joel  
11 Burton, had gone to Memorial Southwest Hospital, I believe it  
12 was, because the complainant in the case had been taken there  
13 by ambulance. So we arrived on the scene, and it was actually  
14 going to be Sergeant Brady and Sergeant Burton's case, so in  
15 homicide we divide up the duties as to scene or witness, and he  
16 was working the witness side, I was working the scene side.

17 We spoke with the patrol -- a patrol officer and a  
18 patrol sergeant at the scene, and they told us what -- what had  
19 gone on from their arrival, why they were there, what had gone  
20 on, that the complainant had been transported, and Sergeant  
21 Brady spoke to one of the witnesses, Julie Ostlund.

22 Q. Let me stop you right there.

23 A. Yes.

24 Q. Sergeant, we'll break this up a little bit more.  
25 When you arrived on scene was this at night?

1           A.    It was.

2           Q.    Okay.  And when you arrived, was there a possible  
3 suspect who was detained?

4           A.    There was.

5           Q.    And who was that?

6           A.    I'm sorry, who was it?

7           Q.    Who was it?

8           A.    It was Mr. Dean Wood.

9           Q.    And do you see Dean Wood in the courtroom today?

10          A.    I do.

11          Q.    Would you please point him out and describe an  
12 article of clothing he's wearing.

13          A.    He's the gentleman sitting at this table in the  
14 striped shirt without the neck tie or suit on.

15                MR. ASLETT:  Your Honor, may the record reflect the  
16 witness has identified the defendant.

17                THE COURT:  The record will so reflect.

18          Q.    (By Mr. Aslett) And where was he when you arrived on  
19 the scene?

20          A.    Mr. Wood was in the back seat of a Houston police  
21 vehicle in a parking lot.

22          Q.    And did you notice anything about his behavior when  
23 he was in the back of the patrol car?

24          A.    He was -- he was screaming, and -- acting -- well, he  
25 was just screaming and acting irrationally.

1 Q. Besides screaming, how else was he acting  
2 irrationally, if you can be more descriptive?

3 A. He was -- I believe he was kicking or bumping the  
4 doors of the patrol car, the screen in front of the passenger's  
5 seat.

6 Q. Now, you say that you divided up responsibility, that  
7 you were going to handle the scene aspect and Officer Brady was  
8 going to handle the witness aspect. What did you do as far as  
9 your investigation at the scene?

10 A. As far as my investigation at the scene, after  
11 learning what had transpired from the patrol officers, then we  
12 decided to go ahead and needed to document the scene. And so  
13 we talked with Julie Ostlund and determined that she was a  
14 member -- a person who lived at the apartment, and determined  
15 there was no search warrant necessary to proceed.

16 Q. Now, when you spoke with Julie Ostlund, what do you  
17 remember about her demeanor?

18 A. Hmm, she was upset, but she seemed coherent.

19 Q. Was she angry or acting irrationally in the same  
20 manner that the defendant was?

21 A. No.

22 Q. And did you ask her for consent to search her  
23 apartment?

24 A. Yes.

25 Q. And did she give you consent?

1 A. Yes.

2 Q. And did you have her and you yourself sign a consent  
3 form?

4 A. I do believe we did, yes.

5 Q. Okay.

6 A. I don't know if I witnessed it or who witnessed it,  
7 but she would have filled it out.

8 Q. All right. But you remember going through that  
9 process?

10 A. Correct.

11 Q. Once you received that consent, did you believe it  
12 necessary to get a search warrant for the apartment?

13 A. Hmm, actually, just to make sure, Officer Brady  
14 contacted the district attorney's office and we -- they  
15 confirmed we did not.

16 Q. And was it also your understanding that the other  
17 occupant of the apartment, Mary Ostlund, had given consent?

18 A. It was.

19 Q. Okay. Tell us what you did next.

20 A. Hmm, after the conversation with Julie Ostlund, we  
21 entered the apartment, and I began the process of documenting  
22 what was inside the apartment, the condition of the apartment,  
23 and just took our notes and basically just documented what the  
24 condition was.

25 Q. Now, at that point had the crime scene investigating

1 officer, Officer, I guess then Rowe, now Officer Langford, had  
2 she arrived yet?

3 A. She was there, yes.

4 Q. Okay. Tell us what you personally remember about  
5 that scene.

6 A. About the scene?

7 Q. Correct.

8 A. You want me to describe the apartment?

9 Q. Just generally what you remember.

10 A. Basically it's a second floor apartment. There's  
11 only one entrance in, one way that you can gain normal access  
12 in or out, which is through the front door on the south side of  
13 the apartment. There as you enter the apartment there's a  
14 living room, various pieces of furniture. At the other end,  
15 the north side of the apartment there's a sliding glass door  
16 that goes out to a patio, but there's no stairs from the patio.  
17 So the only way to get down from there would be to jump from  
18 the second floor.

19 And there's a kitchen on the south side of the  
20 apartment. There's a bedroom on the southwest side --  
21 southeast side of the apartment, a bathroom on the east side of  
22 the apartment, and another bedroom on the northeast side of the  
23 apartment.

24 Q. And generally, if you could, just describe the nature  
25 of the interior of that apartment as far as things that stuck

1 out in your mind.

2 A. Yes. There's a sofa that was against the west wall  
3 of the living room, and a love seat more or less in the  
4 northwest corner of the living room, by the sliding glass door,  
5 which is on the north wall, and on the sofa there was a pillow  
6 that appeared to have some stains on it that looked to me like  
7 blood. There was a blanket on the sofa that also had some  
8 stains, and then there were stains of blood and feces, what  
9 appeared to be blood and feces, there was no way to test it at  
10 the time, on the floor, on the carpet actually. It's a  
11 carpeted apartment. More or less a trail, if I can describe it  
12 that way, from the sofa area to the bathroom area in the  
13 southeast side of the apartment.

14 Q. What do you remember about the bathroom specifically?

15 A. The bathroom, there's a tub on the north wall of the  
16 bathroom, and what immediately struck me was blood in the tub,  
17 basically not quite the middle of the bathtub, long ways, blood  
18 that appeared to be draining to the east side, or to the drain  
19 of the bathtub. Looked like a pretty good amount of blood that  
20 was flowing down there.

21 There was also blood spatter on the north wall of the  
22 bathtub, and on the -- on the east wall, basically the corner,  
23 there was a spatter up there.

24 There were some bloodstains on the -- I don't really  
25 know how to describe, but the top of the bathtub where you



1 would step over to get into the bathtub, there were some  
2 bloodstains there, and then as you move further towards the  
3 door there were some bloodstains on the floor also.

4 Q. Now, what did that -- now, how long had you -- was it  
5 your first homicide scene?

6 A. It's my second, actually.

7 Q. So you just started homicide?

8 A. Correct.

9 Q. And as a patrol officer had you made scenes that had  
10 later turned into, or were later handed off to homicide  
11 investigators?

12 A. Yes.

13 Q. So you've seen bloody stuff before, it would be fair  
14 to say?

15 A. Yes.

16 Q. Okay. The state of that bathroom and the blood in  
17 it, what did that indicate, to you?

18 A. Severe injury to somebody.

19 Q. So after you looked through the bathroom, I guess did  
20 you continue going on through the rest of the apartment noting  
21 various things?

22 A. I'm not sure if I went to the bathroom first, but  
23 eventually, and I noted the condition of the rest of the  
24 apartment, yes.

25 Q. And is this all simultaneous to when Officer Rowe,

1 Officer Langford is going through and doing her thing?

2 A. Pretty much, yes.

3 Q. Okay. Did you tag any items of evidence yourself at  
4 the scene?

5 A. Hmm, I tagged some items of evidence, but not from  
6 that particular -- the original crime scene. I tagged some  
7 articles later on.

8 Q. But I just wanted to make sure we understand the  
9 division here. Did you process or do anything forensically to  
10 the scene when you did your own walk through?

11 A. I did not.

12 Q. Okay. So you look through the scene, I don't want to  
13 rehash all that, but what did you do after you looked through  
14 and noted everything at the scene of the apartment?

15 A. At one point Officer Brady and I spoke with Sergeant  
16 Burton, who is Officer Brady's partner. He was at the  
17 hospital, and we got some information from him, that the  
18 complainant had passed away, and that the doctor had noticed  
19 severe injuries to the vaginal area of the complainant. And  
20 also that the forensic investigator with Harris County had  
21 examined the complainant and said that there were also some  
22 severe injuries to the vaginal area.

23 So, again, we didn't know what we had at the time,  
24 but we -- having that information, we documented it as if it  
25 would be a very serious case, a murder or some sort of a

1 serious case like that. So we did the full documentation. And  
2 then Officer Brady and I -- by this time, Mr. Wood had left the  
3 scene, he had been transported downtown by the patrol officers.  
4 Officer Brady and I decided to seek a search warrant in order  
5 to obtain swabs from Mr. Wood for later analysis.

6 Q. And did you fill out an affidavit and get that search  
7 warrant signed by a judge?

8 A. Yes, with the help of the district attorney's office.

9 Q. Okay.

10 A. Excuse me, I'm not sure if I signed the affidavit or  
11 Sergeant Brady signed the affidavit.

12 Q. Okay.

13 A. But we did it together.

14 Q. But the search warrant ends up getting signed?

15 A. Correct.

16 Q. Okay. Did you speak to any witnesses at the scene  
17 besides Julie Ostlund?

18 A. At the original crime scene?

19 Q. Correct.

20 A. I don't recall talking to any witnesses other than  
21 Julie Ostlund. It was more Sergeant Brady carrying on that  
22 conversation.

23 Q. Do you recall if he did a canvas of the neighbors  
24 trying to find out information?

25 A. I believe he did.

1 Q. And were there any neighbors that were offering any  
2 information that was helpful? I guess did you develop -- let  
3 me back up. After speaking with Julie and getting information,  
4 both from Officer Brady and other officers on the scene, did  
5 you start to narrow down on suspects that might be responsible  
6 for what happened inside that apartment?

7 A. Yes.

8 Q. Okay. And tell me about the process of narrowing  
9 those down.

10 A. Well, it would be from what Ms. -- Ms. Ostlund had  
11 told us. And do you want me to go ahead and say that?

12 Q. Sure.

13 A. Okay. She told us that she had --

14 MR. BYNUM: Judge, I'm going to object to the  
15 hearsay. Excuse me.

16 THE COURT: That's sustained.

17 Q. (By Mr. Aslett) Was it your understanding, based on  
18 the investigation, the information that you were receiving in  
19 order to determine the suspects, that there were only two  
20 people in the apartment when this incident occurred?

21 A. Yes.

22 Q. Okay. And was one of those the complainant?

23 A. Yes.

24 Q. And was the other the defendant?

25 MR. BYNUM: Judge, again, I'm going to object to the

1 hearsay.

2 THE COURT: Sustained.

3 MR. BYNUM: And ask the jury to disregard the last  
4 three answers.

5 THE COURT: The jury will disregard the last answer  
6 of the witness. And the question by the prosecutor.

7 You may proceed.

8 Q. (By Mr. Aslett) Okay. So you do your walk through  
9 the scene, you speak to Julie, Investigator Brady does his  
10 investigation, you get the search warrant, what do you do next?

11 A. We proceed to the city jail where Mr. Wood was at the  
12 time, and I met with another CSU or crime scene unit officer,  
13 Officer Pena I believe it was, and Officer Pena then  
14 processed -- processed Mr. Wood by taking some photographs and  
15 then taking the swabs from Mr. Wood.

16 Q. And after that was done, do you recall you yourself  
17 later collecting some biological evidence?

18 A. I do.

19 Q. Okay. And tell us about that.

20 A. Hmm, I don't recall the exact date, but it was not at  
21 the date of the original crime scene. Several days or maybe a  
22 week, weeks later, I went to the Ostlunds' apartment, and met  
23 with Julie Ostlund and her mother, Mary Ostlund, Prafidia I  
24 think is actually her name, and asked them if they would submit  
25 to providing a saliva sample for the investigation.

1 Q. Did Julie and Mary agree to provide some buccal  
2 swabs?

3 A. They did.

4 Q. And what was the purpose of taking these samples?

5 A. In order to have their DNA analysis done to determine  
6 their DNA so that it could be compared for investigative  
7 purposes for the future.

8 Q. And can you tell the jury how you took the buccal  
9 swabs?

10 A. I can. Once they give consent, we fill out a consent  
11 to search form and -- which each one of them sign. And then I  
12 put on a pair of non-sterile gloves, exam gloves, and open a  
13 package of sterile cotton tip applicators. There's two cotton  
14 tip applicators in the package. I open the package of sterile  
15 cotton tip applicators. I swab the inside of each one of their  
16 mouths with two swabs, put those swabs into a small cardboard  
17 box which I then labeled appropriately, and did that with both  
18 Ms. Ostlund and -- Julie Ostlund and her mother, Mary Ostlund,  
19 and then I gave the consents to search to Sergeant Brady and I  
20 tagged the actual swabs in the boxes in the Houston police  
21 property room for analysis.

22 MR. ASLETT: Your Honor, permission to approach the  
23 witness?

24 THE COURT: Sure.

25 Q. (By Mr. Aslett) Mr. Rohling, I'm going to show you

1 two envelopes, one that contains State's Exhibit 98, and the  
2 other that contains State's Exhibit 99. If you could, tell the  
3 jury what these are?

4 A. Is this 98?

5 Q. That is 98.

6 A. Okay, 98. 98 is the cardboard box that I would have  
7 put -- I put Mary Ostlund's swabs in after I took samples of  
8 her saliva, and I labeled it with the HPD case number, and I  
9 believe it was her that wrote her name on the box.

10 Q. And State's Exhibit 99?

11 A. 99 is the box that I put the swabs in from Julie  
12 Ostlund. I wrote the case number, and I believe I wrote Julie  
13 Ostlund's name on this one. And these boxes are then closed  
14 up, taken to the property room, and they were put in these  
15 envelopes and sealed up in front of me. And they should  
16 have -- yes, they do -- after they're sealed up, then I  
17 initialled the crime scene tape on -- on both of the envelopes.

18 Q. And do these swabs and the envelopes, apart from now  
19 having been opened, appear to be in the same or substantially  
20 similar condition as they were when you collected them in 2010?

21 A. I'm sorry, could you repeat.

22 Q. Do they appear to be in the same or substantially --

23 A. The boxes?

24 Q. Correct.

25 A. And the envelope, yes.

1 Q. Okay.

2 A. Other than the fact that they're open.

3 Q. Other than the fact that they're open. Okay.

4 MR. ASLETT: Your Honor, at this time State offers  
5 State's Exhibits 98 and 99 into evidence and tenders to  
6 Defense.

7 MR. HOCHGLAUBE: May we approach?

8 THE COURT: You may.

9 (The following proceedings were had at the bench:)

10 MR. HOCHGLAUBE: It's just the same issue that's  
11 subject to the previous objection.

12 THE COURT: Okay. Subject to the previous objection.  
13 I will admit 98 and 99.

14 MR. HOCHGLAUBE: Thank you, Judge.

15 (The following proceedings were had in open court:)

16 THE COURT: State's 98 and 99 are admitted.

17 Q. (By Mr. Aslett) Officer Rohling, after you collected  
18 these buccal swabs from Julie Ostlund and Mary Ostlund and  
19 tagged them into evidence, did you have any further involvement  
20 in the investigation of this case?

21 A. I did.

22 Q. Okay. And just briefly?

23 A. I don't know though if it was after that or before  
24 that.

25 Q. Well, afterwards is what I'm asking.



1           A.    I don't believe after I tagged those that I had any  
2 involvement, but I'm not sure of the exact timeline.

3           Q.    Okay.  And who would be the better person to go into  
4 the investigation as far as talking to witnesses and other  
5 aspects that we haven't talked about?

6           A.    Probably be Sergeant Brady.

7           Q.    Thank you, Officer Rohling.

8           MR. ASLETT:  Pass the witness, your Honor.

9           THE COURT:  Cross-examination?

10          MR. BYNUM:  Judge, we will reserve our  
11 cross-examination 'til our case.

12          THE COURT:  All right.

13          MR. BYNUM:  Thank you.

14          THE COURT:  Mr. Rohling, thank you so much for coming  
15 in.  They may want to question you later, so be sure the  
16 prosecutor knows how to reach you.

17          THE WITNESS:  Okay, I will.  Thank you, Judge.

18          THE COURT:  Call your next.

19          MS. FULLER:  The State calls Mary Ostlund.

20          THE COURT:  All right.  You may proceed.

21          MS. FULLER:  Thank you, your Honor.

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