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**PARNELL ROY,**

having been first duly sworn, testified as follows:

**DIRECT EXAMINATION**

**BY MS. DOWNING:**

Q. Deputy Roy, would you introduce yourself to the jury, please?

A. Deputy Roy, Harris County Sheriff's Office.

Q. And how long have you been with the Sheriff's?

A. Since 1991, November of 1991.

Q. And can you tell the jury what division you are assigned to?

A. I didn't hear you, ma'am.

Q. What division you are assigned to?

A. I am in patrol in district 1, that's out of Cypresswood Station.

Q. And can you tell them what it means to be on patrol?

A. That's when you go out and you get calls for service and you are dispatched to certain areas of Harris County. You go there and you find out what is the situation, and you make a report.

Q. Again, have you had training and education in order to become a police officer?

A. Yes, ma'am. Right now, it's more intense. Before I became one, right now, it's like six months of training 500 and I think 37 hours of training that you get. Most of the time,

1 you spend on the street with an FTO guy, you get an additional  
2 three extra months.

3 Q. And are you a certified police officer?

4 A. Yes, I am.

5 Q. And were you on duty in your capacity as an officer  
6 on November 23 of 2013?

7 A. Yes, ma'am. I've worked in the same area where I  
8 normally work, South of 1960 all the way down to Gulf Bank.

9 Q. And did you have an opportunity to come in contact  
10 with an Ashleigh Ebans?

11 A. Yes, ma'am. I got dispatched to a call regarding a  
12 simple assault, a possible simple assault, at a location off  
13 of, if I am not mistaken, Silver Lake.

14 Q. And what happened when you were dispatched off to  
15 that location?

16 A. When I got there, and I arrived at the location, no  
17 one was at the residence where the assault had taken place.  
18 When I looked to my left-hand side of the roadway, the  
19 complainant was coming out of a neighbor's house where she is  
20 the one who said she made the phone call regarding an assault  
21 by her boyfriend that she was with at that time.

22 Q. And did she tell you anything about he assaulted her?

23 A. Yes, ma'am. She said the reason why she ended up at  
24 the neighbor's house was because she had feared for her safety.  
25 And she ran to the neighbor's house for safety. She said the

1 night that I was dispatched to her --

2 MR. MARTIN: Objection, Your Honor, that calls  
3 for a hearsay response.

4 THE COURT: Your response?

5 MS. DOWNING: It would fall under excited  
6 utterance, Your Honor, that she was distraught as he just  
7 stated.

8 THE COURT: And we also had that hearing  
9 earlier, so at this time that objection is overruled based on  
10 the evidence, information.

11 MR. MARTIN: Thank you, Your Honor.

12 THE WITNESS: And after I got there, I spoke to  
13 her and I asked what had happened and why was she at the  
14 neighbor's. That's when she told me she had got assaulted by  
15 the boyfriend. And I proceeded to the house that she had lived  
16 in where it currently had taken place and I asked her to  
17 explain to me what happened after we went inside the house. I  
18 walked in, looked around, and while we were walking across the  
19 street --

20 THE COURT: One second.

21 You talk really fast and that lady over there is  
22 trying to keep up with you.

23 THE WITNESS: Oh, I am sorry.

24 And as we were walking across the street, she  
25 was explaining to me that an assault had occurred. And I

1 walked into the house with her. When we got into the house, I  
2 noticed there was one shoe outside the front door.  
3 And I asked her what happened. She said, that is one of my  
4 shoes I left behind when I was running. And we proceeded into  
5 the house and then I asked her what had happened, explain to me  
6 what's going on.

7 Q. And what did she say?

8 A. She told me that recently her and her boyfriend had  
9 been getting into a lot of arguments over simply her telephone  
10 use. That he always gets angry because he thinks she's on her  
11 telephone and not paying attention to him. And on that  
12 particular night he asked her, was you on the phone? She said,  
13 no, I'm not on the phone. He said, yes, I am, and they went  
14 back and forth.

15 So she said, what she told me, she proceeded  
16 into the bedroom to get away from any kind of commotion, from  
17 any kind of problem. And she went into the bedroom, he  
18 followed her into the bedroom where they proceeded to get into  
19 a verbal altercation. She said she got up, left out of the  
20 bedroom and went back into the living room.

21 When she got to the living room, grabbed her  
22 cell phone and broke the cell phone. So she could not call for  
23 any kind of help or anything like that.

24 Q. Did she tell you or did she describe how he had hit  
25 her?

1           A.     Yeah.  She said at one point he had pushed her  
2 against the wall, was -- her back was pinned against the wall  
3 and he proceeded to punch her in the side of the face.  I can't  
4 remember which side of the face.  I documented it on my report.  
5 I didn't bring it with me.

6           Q.     Did you observe any injuries?

7           A.     To me, no.  That's why I called and asked her if she  
8 wanted any kind of emergency help at Cypress Creek there was a  
9 call out, if I'm not mistaken.  And they examined her because  
10 I'm not a doctor so I called them out and they examined her on  
11 the scene what she had repeated at the house.

12           MS. DOWNING:  At this point, the State would move to  
13 admit State's Exhibit No. 5, the EMS records having been on  
14 file with the Court for 14 days.

15                     (State's Exhibit 5 offered)

16           MR. MARTIN:  No objections, Your Honor.

17           THE COURT:  All right.  Having been on file,  
18 State's Exhibit No. 5 will be admitted.

19                     (State's Exhibit 5 admitted)

20           MS. DOWNING:  Permission to publish, Your Honor.

21           THE COURT:  Certainly.

22           Q.  (BY MS. DOWNING)  Is that the crew at the top for the  
23 Cypress Creek EMS Records?

24           MR. MARTIN:  Objection, Your Honor, if it's  
25 going to call for speculation on his part.

1 THE COURT: If he knows.

2 A. I really don't know, but I mean I know their names  
3 because we use Cypress Creek EMS is what I use most of the  
4 time.

5 Q. And right down here at the bottom where it says  
6 cause of injury, if you could read that quietly to yourself.

7 A. Yes, ma'am.

8 Q. Is that consistent with what the victim had told you  
9 had happened?

10 A. Yes, ma'am.

11 MS. DOWNING: Pass the witness, Your Honor.

12 THE COURT: Your witness.

13 **CROSS EXAMINATION**

14 **BY MR. MARTIN:**

15 Q. Other than Ms. Ebans, did you speak with anyone at  
16 all regarding the alleged assault on 11/23?

17 A. No, sir.

18 Q. Now as it relates to the - - did she make a request  
19 for any medical treatment?

20 A. She - - the way we normally do it, when we get to a  
21 scene, we always make a request, are you feeling okay, you  
22 know, ask the general questions; do you want to be seen by an  
23 ambulance or treated, and then they just tell us yes or no at  
24 that time. She told me yes, and that's why I called EMS.

25 Q. Okay.

1           A.     Now, if I see something differently that I see  
2 myself, I still have to ask the same questions or they can  
3 refuse the treatment.

4           Q.     Okay. Do you know if she accepted or refused  
5 medical treatment?

6           A.     I'm not sure but -

7           Q.     I mean when you and her were talking?

8           A.     Oh, best I recall, yes. That's why I called EMS  
9 out.

10          Q.     Okay.

11          A.     And I think dispatched - - I called for dispatch at  
12 20:45 and they came out like three minutes later. I have it  
13 down in my report. I just don't have a copy of it with me.

14          Q.     Question: Do you know if she went to the hospital?

15          A.     Not by EMS, she did not. She was not transported by  
16 EMS.

17          Q.     Okay.

18                         Pass the witness, Your Honor.

19                         THE COURT: Your witness.

20                         MS. DOWNING: A few follow up questions,  
21 Your Honor.

22                                 **FURTHER REDIRECT EXAMINATION**

23                         **BY MS. DOWNING:**

24           Q.     Deputy Roy, do you get photographs of injuries when  
25 you are called out to the scene?

1           A.     Sometimes we do.  It's just the significance of the  
2 injuries and things like that and upon request.

3           Q.     And why didn't you take photographs of these  
4 particular injuries?

5           A.     That particular day I didn't have my camera with me  
6 and I didn't see any facial damages or anything like that to be  
7 in -- province any kind of helpful information but I was  
8 probably even more happy the EMS showed up.

9           Q.     But did she complain of any pain or injury?

10          A.     Oh, she complained of a lot of pain and injuries and  
11 her face was sort of like reddish, kind of it looked liked she  
12 had been crying or hit but it is no way for me to determine.  
13 I'm not a doctor so.

14          Q.     But she said she felt pain?

15          A.     Yes, ma'am.

16                   MS. DOWNING:  Pass the witness.

17                   MR. MARTIN:  No further questions of this  
18 witness, Your Honor.

19                   THE COURT:  Okay.

20                   You can go ahead and step down.

21                   We're going to take a brief recess at this time.

22                   BAILIFF:  All rise.

23                   (Brief Recess)

24                   (Jury not present)

25                   THE COURT:  I just want to make sure everybody



1 is on the same page. It is my understanding that your attorney  
2 talked to you about your election of whether or not to testify  
3 in the case and you want to testify; is that right,  
4 Mr. Rodriguez?

5 THE DEFENDANT: Yes, ma'am, and I would like  
6 to hire my own attorney.

7 THE COURT: Well, we're kind of in the middle  
8 of a trial and you've had like, how many months to hire an  
9 attorney? That's not going to work at this time.

10 THE DEFENDANT: I don't feel like I'm getting  
11 represented right, Your Honor.

12 THE COURT: All I can say is you should have  
13 listened to your girlfriend.

14 THE DEFENDANT: I'd like to hire my own  
15 attorney.

16 THE COURT: You cannot hire your own attorney,  
17 a new attorney mid-trial, sir. I just want to make sure you  
18 understand that if you testify, the State's going to be able to  
19 ask the jury about any prior theft cases you have which you  
20 have which looks like, one, two, three, four, five cases; any  
21 prior burglary of motor vehicles that you have. Looks like you  
22 have, one, two, three, four, five of those kinds of cases.  
23 Looks like you also have a burglary of a habitation. They  
24 can't get into the drug cases unless they're felonies, but any  
25 felony convictions you have they can also get in front of the

1 jury.

2           And I just want to make sure you're aware of that  
3 prior to testifying. This is a free country, you can tell them  
4 anything you want to tell them, but I just want to make sure  
5 you understand that this is going to come in.

6           THE DEFENDANT: Yes, ma'am.

7           THE COURT: Okay. So you still want to  
8 testify?

9           THE DEFENDANT: Yes, ma'am.

10          THE COURT: And, Mr. Martin, I'm assuming that  
11 he's testifying against the advise of counsel?

12          MR. MARTIN: Yes, he is, Your Honor.

13          THE COURT: All right.

14          Why don't you all go ahead and get the jury in?  
15 (Jury Present)

16          THE COURT: You may be seated.

17          You have reserved your right or would you like  
18 to call your witness because the State rested?

19          MR. MARTIN: At this time, Your Honor, the  
20 defendant calls Alfred Rodriguez.

21          THE COURT: All right.

22          Mr. Rodriguez, would you like to have a seat  
23 over here?

24          Hold on for a second. Wait. Wait. Wait.  
25 We're going to have to excuse the jury for a minute.

1 Just stay right where you're at.

2 BAILIFF: All rise for the jury.

3 (Jury not present)

4 THE COURT: I didn't realize we had the  
5 shackles on. Can we just close that bar and just take them off  
6 while they're actually in trial? You see what I mean?

7 THE BAILIFF: Yes.

8 THE COURT: Yeah. I started to hear a rattle  
9 and then I thought, oh, crap, I forgot.

10 (Jury Present)

11 THE COURT: You may be seated. You may  
12 proceed, Mr. Martin, when you're ready.

13 **ALFRED RODRIGUEZ,**

14 having been first duly sworn, testified as follows:

15 **DIRECT EXAMINATION**

16 **BY MR. MARTIN:**

17 Q. State your name for the court, please.

18 A. My name is Alfredo Rodriguez.

19 Q. Okay. Mr. Rodriguez, now after the incident on  
20 November 23, 2013, you were at a particular residence with  
21 Ms. Ashleigh Ebans; is that correct?

22 A. I was. I was, Your Honor, or, Judge, I mean,  
23 lawyer.

24 Q. And what was the address there, if you recall?

25 A. The address was 11930 Silver Island Circle.