

1 You may proceed, Counsel.

2 **ROBERT SCHILETER,**
3 having been first duly sworn, testified as follows:

4 **DIRECT EXAMINATION**

5 BY MR. BALDASSANO:

6 Q. Please introduce yourself to the jurors.

7 A. My name is Robert Schileter. I'm a thirty-year
8 veteran of the Houston Fire Department. I hold the rank
9 of district chief.

10 Q. And tell us what you do as a district chief.

11 A. I have both administrative and suppression
12 duties. Administrative, I take care of records and
13 reports. I have four fire stations that are within my
14 district that I take care of those men assigned to that.

15 Suppression duties, I'm the incident
16 commander of fires that I am sent to. I work in the
17 Greater Galleria area. And if there is a fire in that
18 area, then I'm supposed to be the one in charge.

19 Q. And what kind of training do you need to become
20 a district chief?

21 A. I had worked my way up through the department
22 starting with -- as a rookie firefighter back in 1982.
23 I have taken extensive training classes through the
24 department and through Houston Community College. I am
25 a paramedic still. A lot of the administrative stuff is

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1 on-the-job training.

2 Q. And how long have you been a district chief?

3 A. Almost six years.

4 Q. And so, how many men and women do you have
5 under your command?

6 A. The number actually varies a little bit.
7 Currently I have thirty-seven. It's been as high as
8 forty-two, but it just depends on the staffing needs of
9 the stations that I have.

10 Q. And is it your job at a fire to actually make
11 the decisions, as far as how firefighters fight the
12 fire, who goes in, who does searches, all of that stuff?

13 A. I develop the strategy that is used to attack
14 the fire. The officers will then develop the tactics
15 that are necessary for the actual job performance. But
16 I tell them, we're going to attack from this side or,
17 you know, we need to search this building, or something
18 like that, yes.

19 Q. And in the course of your thirty years with the
20 fire department, do you have an opinion as to whether or
21 not fire could be a deadly weapon?

22 A. Absolutely.

23 Q. And why do you say that?

24 A. I have seen for myself on many occasions the
25 deadly effects of both firefighters and civilians being

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1 killed in a fire.

2 Q. Chief, I want to call your attention back to
3 October 19th of 2007. Were you working at the Houston
4 Fire Department that day?

5 A. Yes, I was.

6 Q. And were you a district chief then?

7 A. Yes, I was.

8 Q. And where were you stationed?

9 A. Station 28, which is 3000 Chimney Rock.

10 Q. Did 28 -- do they get a call to go to a fire
11 back, I guess, in the early morning hours between 3:00
12 and 4:00 a.m.?

13 A. Yes, we did.

14 Q. And can you tell us what time you actually got
15 the call to go to the fire?

16 A. I think we were dispatched at 3:46, if I
17 remember correctly. I would actually have to look at
18 the record for sure.

19 Q. Let me stop there. Do you, as a routine, make
20 notations or keep notes or make statements on the radio
21 to lock in the times when you received a call and then
22 when you actually arrive?

23 A. The dispatch time is locked in by our Office of
24 Emergency Communications. Our dispatchers, when they
25 sent the notation to the fire stations to respond, that

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1 is locked in -- that is a fixed time.

2 Q. Do the times, as well as the personnel and the
3 amount of equipment that goes to a scene, is that all
4 part of your incident report?

5 A. Yes, it is.

6 MR. BALDASSANO: May I approach the
7 witness, Judge?

8 THE COURT: Yes.

9 Q. (By Mr. Baldassano) I'm going to show you
10 what's been labeled State's Exhibit No. 8 and ask if you
11 could take a look at that. Is this the incident report
12 made at the fire of 7200 Rampart Street back on October
13 the 19th, 2007?

14 A. Yes, it is. This is the computer-generated
15 version of that.

16 Q. Okay. And first of all, that location at 7200
17 Rampart, is that where you were called to?

18 A. Yes, it is.

19 Q. Is that a location here in Harris County,
20 Texas?

21 A. Yes, it is.

22 Q. According to the records --

23 MR. BALDASSANO: Judge, at this time we'd
24 offer State's Exhibit No. 8 into evidence. It's a --
25 it's got a business records affidavit. It's been on

1 file for many months, and I think the defense has had
2 notice of that.

3 THE COURT: Any objections from the
4 defense?

5 MR. BARROW: No objections, Your Honor.

6 THE COURT: State's 8 is admitted.

7 Q. (By Mr. Baldassano) Regarding the incident
8 report, can you tell the jurors the first thing that
9 happens that's recorded?

10 A. The first thing that happens is that the -- as
11 the units are being dispatched originally, the computer
12 will time stamp that particular moment as units start to
13 respond from the fire station. Then there is a computer
14 within our apparatus that we push one of the buttons.
15 And it says we are, in fact, en route. That's another
16 time stamp.

17 The first unit on location will again hit
18 another button that -- for another time stamp saying we
19 are on location. That apparatus -- that officer on that
20 apparatus should give a radio report describing what he
21 has found and their actions, and then also what they
22 need from other apparatuses.

23 Q. When you say apparatus, you're talking about a
24 fire engine?

25 A. A fire truck.

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1 Q. And a ladder truck?

2 A. That is correct.

3 Q. And so, just tell us the difference.

4 A. Engines or pumpers are the apparatus, the
5 vehicle that carries water and hose. A ladder truck
6 carries the very large ladder on the top, the aerial
7 ladder plus an assortment of other ladders and rescue
8 tools.

9 Q. So in this case, on October 19th, what's the
10 very first thing that happens, according to the records?

11 A. Very first thing is at 3:46 a.m. They receive
12 a -- I'm so sorry. That is the dispatch time. And they
13 send -- this was a regular box alarm, which would be
14 four engines, two ladders, trucks, two chiefs, and a
15 couple of EMS Units, one ALS, one BLS, advanced life
16 support, basic life support to this location, and then
17 just a standard response for this size of building and
18 what the call takers were able to get from the person
19 making the 911 call.

20 Q. Let me stop you there for a second.

21 MR. BALDASSANO: Can I approach, Judge?

22 THE COURT: You may.

23 Q. (By Mr. Baldassano) I'm going to show you
24 State's Exhibit No. 9. Does this accurately depict the
25 stations involved and the equipment that went to that

1 fire?

2 A. Yes, it does.

3 MR. BALDASSANO: I will offer State's
4 Exhibit No. 9 into evidence, tender same to defense for
5 his inspection.

6 THE COURT: Any objections from the
7 defense?

8 MR. BARROW: No objections, Your Honor.

9 THE COURT: State's 9 is admitted.

10 Q. (By Mr. Baldassano) And did the call come in
11 as a building fire or as a vehicle fire?

12 A. The original information given to us was as a
13 multiple cars on fire; and then we subsequently found
14 that it was a building involved, as well.

15 Q. And did these sort of boxes depict in State's
16 Exhibit No. 9 the different stations?

17 A. Yes, it does.

18 Q. All right. So the call comes in at 3:46; is
19 that accurate?

20 A. Dispatched to us at 3:46.

21 Q. Does it show the 911 call?

22 A. If it does, it's at the same time.

23 Q. Okay. And then what happens next?

24 A. First unit on location was engine and ladder.
25 They actually arrived together. They're coming from the

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1 same fire station, Engine Ladder 51. They made a radio
2 report that there were several cars on fire between two
3 one-story warehouse-type buildings.

4 Q. What time is that?

5 A. That would have been at 3:50.

6 Q. So at 3:50 in the morning, Engine 51 and Ladder
7 51 arrive simultaneously?

8 A. Yes.

9 Q. And then where in that do you arrive?

10 A. I arrived one minute later.

11 Q. And when you go to a call like this, is it
12 lights and sirens all the way?

13 A. Yes.

14 MR. BALDASSANO: May I approach the board,
15 Judge?

16 THE COURT: You may.

17 Q. (By Mr. Baldassano) I'm going to show you
18 State's Exhibit No. 7, Chief. And if you could, just
19 tell the jurors what side you arrived at, where the
20 apparatus went when they got to the scene.

21 A. I arrived from the north side of Rampart coming
22 in from basically along here. I made the turn onto
23 Jessamine, and I parked right in front of this telephone
24 poll right here. Engine and Ladder 51 were along here
25 when I arrived.

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1 Q. Okay. And do you run the lights and the siren
2 all the way to the place?

3 A. Yes.

4 Q. So if they arrived at 3:50 in the morning, what
5 time would you say you arrived?

6 A. One minute later.

7 Q. And I think you mentioned there were -- how
8 many total pieces of equipment apparatus -- that is,
9 trucks -- that were out there?

10 A. Including the EMS Units and the other units
11 that I called, plus the arson units involved, as well as
12 about seventeen, I believe.

13 Q. Okay. And how many people -- how many
14 firefighters, emergency people?

15 A. Approximately fifty.

16 Q. Okay. When you get to that scene, do you know
17 if the fire department found the gate locked going into
18 the alleyway?

19 A. They did. It was reported to me by the captain
20 on Engine 51 they had to cut the lock in order to gain
21 access into the alleyway.

22 Q. Okay. I'm going to show you -- well, I'm not
23 sure the best way to do this. Why don't I put it up on
24 the newfangled board thing, okay. Show us where the
25 gate is that they found -- the fire department found

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1 locked when you first arrived.

2 A. Is there some way I can --

3 Q. If you push on it.

4 A. The gate's right here between the two
5 buildings. This particular photo is of a slightly
6 different angle than the other photograph. My vehicle
7 was parked here. Engine and Ladder 51 were along here,
8 and they had to -- the gate is a rolling gate that they
9 had to -- they had to cut the lock on right there.

10 Q. All right. I'm going to show you what's been
11 put in as State's Exhibit No. 5. It's a little dark
12 there. Can you see State's Exhibit 5? Is that the gate
13 that you had to -- the fire department had to break
14 into?

15 A. That is correct.

16 Q. What did you see when you first arrived at 3:51
17 a.m.?

18 A. When I first arrived, I drove past the opening.
19 I could see down inside there, even though one of the
20 trucks was partially blocking it. I could see that we
21 had several cars parked in the alleyway and that it
22 appeared that several of them were on fire.

23 Q. And what action -- do you direct the crews to
24 put out the fire, or do they sort of take it upon
25 themselves to go and do it?

1 A. The first arriving officer should have the
2 initiative to initiate normal strategy. In this case,
3 both the officers on Engine Ladder 51 knew that they
4 needed to stretch hose lines in there off of Engine 51.
5 They had to -- once they determined they had to cut the
6 lock on the gate, then they did that first. And then
7 they stretched the hose line and started to attack the
8 fire.

9 I arrived while they were in the process
10 of doing that. And I started to give orders to the
11 other arriving apparatus as to what was required, what
12 they needed to do.

13 Q. And was your function at all to do any kind of
14 investigation out there as to how the fire started?

15 A. The incident commander is always required to
16 make a cause and determination. So as the fire began to
17 wind down a little bit, I start to think about how did
18 it start. And I begin my investigation at that point.

19 Q. And you say there were multiple cars on fire.
20 Were there any other cars back there that weren't on
21 fire?

22 A. There were four cars at the -- it would be the
23 south end of the alleyway, the furthest point from the
24 gate, that were not involved.

25 Q. Okay. Can you just draw a circle around the

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1 area where the cars that were involved were?

2 A. It would have been down at the far end.

3 Q. And the circle around where the cars that were
4 involved?

5 A. They were along in this area.

6 Q. And could you tell if there was any fire or any
7 damage between those two circles, those two areas?

8 A. There did not appear to be, no.

9 Q. When you did the investigation, what do you
10 look for and how do you determine or move forward with
11 that part of it?

12 A. The first thing that we'll look for is any type
13 of accidental ignition. Could be anything from
14 lightning strike to overheating elements, a motor left
15 on too long, things like that. Once we determine there
16 are no accidental causes, then we start to think about
17 intentional causes and we try to determine what could be
18 the reason for that.

19 Q. Okay. And that night, do you remember any kind
20 of, you know, severe weather, lightning or anything like
21 that?

22 A. No, no. It was basically a calm night.

23 Q. Did you find any of the vehicles that you could
24 tell would have keys in the ignition that were maybe
25 left on?

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1 A. I did not see any, and it was not reported to
2 me that there were any that had the keys in them still.

3 Q. Was there any other items out there or anything
4 out there that would indicate to you that there was a
5 possible accidental cause of the fire?

6 A. Not when I made the initial walk-through, I
7 didn't see anything that would have been a point of
8 ignition short of the vehicles themselves. There was no
9 electrical wires or anything attached to any of the
10 vehicles, nothing like that.

11 Q. Okay. Now car fires happen, right,
12 accidentally?

13 A. Yes.

14 Q. Did you -- as part of your investigation, do
15 you talk to the other firefighters about what they might
16 have seen?

17 A. Yes, absolutely.

18 Q. And did you do that in this case?

19 A. Yes.

20 Q. Did you learn from any of them anything they
21 saw that might have indicated it was an accident?

22 A. No, there was no indication of that.

23 Q. All right. Do you remember if the firefighters
24 tried to gain entry into the areas that were on the
25 inside; that is, I guess, on this picture, on the bottom

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1 of the building?

2 A. Into the building itself?

3 Q. Right.

4 A. Yes. That was one of the things that's
5 required. Since there was damage to the building
6 itself, we had to search it. We not only searched the
7 building, we searched the cars, as well, to make sure
8 there's nobody inside any of them.

9 I ordered two crews to come to the Rampart
10 side, and each of the doors -- each of the actual human
11 doors along this side, they had to force open.

12 Q. So are all those doors locked, as far as you
13 could tell?

14 A. Yes.

15 Q. And how about in the back? I'm going to
16 show -- let's see, probably the big picture. On the
17 back where the cars were, were the doors locked back
18 there, as well, initially when you arrived?

19 A. Yes. It was reported to me that, again,
20 ordering them to force the doors open, we couldn't
21 really tell what type of occupancies were inside the
22 building, whether the occupancy went all the way through
23 from the Rampart side to the alley, or if it was two
24 separate occupancies, one in the front and one in the
25 back kind of thing. So I had them force the doors on

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1 that side, as well.

2 Q. Okay. So that would be around the side with
3 the circles on it; is that right?

4 A. Yes, that's correct. It would have been the
5 doors that were along this side, as well.

6 Q. Okay. And do they force them open from the
7 outside, or do they get at them from the inside?

8 A. They attempted to force the doors from the
9 outside. They finally got one that they were able to
10 open. They were extremely difficult to open. And
11 one -- once they got inside of one, we were able to
12 determine that the -- it would have been easier to come
13 through from the other side since we already had those
14 doors open, and that's how they got the rest of them
15 open.

16 Q. Okay. Now going back to the nature of this
17 fire, while the fire was going, do you have an opinion
18 based on your background and experience as to whether
19 that -- the person -- or assuming a person lit the fire,
20 that it would be an act that's reckless and dangerous to
21 human life and property?

22 A. In my opinion, yes. Firefighters responding
23 get into major motor vehicle accidents all the time.
24 The dangers of the fire itself, the combustion products
25 are all very deadly.

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1 Q. And how close to the building were these
2 vehicles?

3 A. The vehicles were very close. They were parked
4 three across in the alleyway, and there was very little
5 room between the vehicles and the building itself.

6 Q. Was there anybody found at the fire scene that
7 was eventually transported to the hospital?

8 A. There was one individual that was pulled from
9 the building and transported to the hospital.

10 Q. And do you know, based on your examination out
11 there where, and can you point to if you do know, where
12 that person was when they were taken out of the scene?

13 A. The person was found approximately here. The
14 crew that I had sent to open the door from the Rampart
15 side found him ten, fifteen feet just inside the door.

16 Q. So they had to break in from the outside to get
17 in there?

18 A. Yes, that is correct.

19 Q. And was there anybody else taken from the fire
20 scene that night to the hospital?

21 A. No. There was just one.

22 Q. And how does that happen? Once the person is
23 taken out of a fire scene and they're sent to EMS, what
24 happens?

25 A. Well, initially I got the report from the crew

1 that was doing the searching that they had found a
2 victim. I immediately ordered the ambulances to that
3 side to take over care of the patient. He was loaded
4 into the back of one of the ambulances. I know
5 basically what was done to him en route. He was
6 reported --

7 MR. BARROW: Your Honor, I'm going to
8 object to that as being hearsay, unless he was in the
9 ambulance.

10 THE COURT: Okay. Sustained.

11 MR. BALDASSANO: May I approach the
12 witness, Judge?

13 THE COURT: You may.

14 Q. (By Mr. Baldassano) Chief, I'm going to show
15 you what's been labeled State's Exhibit 11 and ask you
16 if State's Exhibit 11 -- or first of all, if you
17 recognize what that is.

18 A. This is the computer-generated version of one
19 of our EMS records.

20 (Off-the-record discussion)

21 Q. I'm going to show you what's been labeled
22 State's Exhibit No. 12. Is this an EMS record, standard
23 record that you would make --

24 A. Yes.

25 Q. -- when picking up someone?

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1 A. Yes, sir.

2 MR. BALDASSANO: Judge, at this time we
3 offer State's Exhibit No. 12 into evidence, and it has a
4 business records affidavit, and it's been on file. And
5 I tender same to the defense.

6 MR. BARROW: No objection, Your Honor.

7 THE COURT: Okay. State's 12 is admitted.

8 Q. (By Mr. Baldassano) On your incident report
9 and also on the EMS report, is there a particular number
10 that kind of applies to the case?

11 A. Yes. It's what we call our incident number,
12 and it is a unique number that is generated for that
13 particular call. All apparatus, all fire trucks, all
14 EMS personnel will be -- will use that number for that
15 car.

16 Q. And the number on this one, I think you said
17 it's a unique number. Is there anything -- were there
18 any other people transported under that number from this
19 fire to the hospital on October 19th, 2007?

20 A. No. Just this one.

21 Q. You said that you look at the accidental causes
22 first. Did you see any accidental cause or anything
23 that you thought could be an accidental cause of this
24 fire?

25 A. No.

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1 Q. And what did you do next?

2 A. Well, once we determined there are no
3 accidental causes, I start to look for other causes.
4 There is just a wide variety of different things.
5 Intentional versus unintentional are a little bit
6 different. If it's wiring inside of a wall or something
7 like that, then we'll try to determine what the cause
8 could be from that.

9 Q. Okay. So if you look at wiring on a wall and
10 it looks like an outlet maybe burst into flames, does
11 that kind of indicate maybe that's an accident?

12 A. Yes, uh-huh, accident.

13 Q. And how about with these cars? First of all,
14 do you always call the arson investigators on every
15 fire?

16 A. Every fire, no.

17 Q. Why did you call them on this fire?

18 A. I called them for this particular fire because
19 of what I thought was multiple points of origin inside
20 the vehicles and because we had an injured civilian that
21 was being transported. That's an automatic for us.

22 Q. Did you stay there when you -- were you there
23 when the arson investigator showed up?

24 A. Yes, I was.

25 Q. And do you know who that was?

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1 A. It was -- I would have to look up his number;
2 but it's one of the arson investigators I'm familiar
3 with, yes.

4 Q. Do you talk to him when he arrives? And does
5 your other firefighters speak to him about, you know,
6 what they saw, what they observed?

7 A. Yes. Generally the first thing that the arson
8 investigator will do is to find the incident commander,
9 get a brief rundown of what occurred. And then they
10 will want to talk to the first arriving officers to find
11 out what they saw, what they did. And then they start
12 their actual hands-on investigation, typically.

13 Q. So how many cars in total and how much damage
14 was done that you observed from this fire?

15 A. I saw into a greater or lesser degree six or
16 seven vehicles that had fire damage. Some of them were
17 extremely damaged, and a few were just where the paint
18 was bubbling on the outside.

19 Q. How about the building?

20 A. The building sustained a fair amount of damage,
21 again, basically in this area. It wasn't destroyed.
22 The building didn't burn to the ground. We were able to
23 stop it in one room. It didn't advance much further.

24 MR. BALDASSANO: I pass the witness.

25 Thank you, sir.

1 THE COURT: Okay. Defense.

2 MR. BARROW: Thank you, Judge.

3 CROSS-EXAMINATION

4 BY MR. BARROW:

5 Q. Chief Schileter, what time was arson called?

6 A. Arson was requested at 4:12 a.m.

7 Q. So the first firemen arrived at 3:50 a.m.,
8 right?

9 A. That's correct.

10 Q. And you arrive about 3:51?

11 A. That's correct.

12 Q. And cars are on fire at that point, correct?

13 A. Yes, sir.

14 Q. Okay. And so from 3:51 to 4:12, you were able
15 to put the fire out, determine it wasn't accidental,
16 retrieve a patient from one of the rooms and call arson?

17 A. Not by myself; but, yes, pretty much.

18 Q. I guess my point is, within twenty minutes --
19 and that's -- that twenty minutes, part of that twenty
20 minutes, how long did it take to put the fire out?

21 A. Ten to fifteen minutes.

22 Q. Okay. And so, once the fire is out, that's
23 when you can start to investigate a little bit --

24 A. Correct.

25 Q. -- right?

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1 A. Yes, sir.

2 Q. So within five minutes of the fire being put
3 out, you believe that it was not accidental?

4 A. Correct.

5 Q. And call arson?

6 A. Yes.

7 Q. Now --

8 MR. BARROW: May I approach, Your Honor?

9 THE COURT: You may.

10 Q. (By Mr. Barrow) And, again, we're all looking
11 at the same picture, just kind of different views and
12 whatnot?

13 A. Correct.

14 Q. But will you indicate where it's indicated fire
15 here, on State's No. 1? This is where the cars were
16 parked, correct?

17 A. That's correct.

18 Q. Okay. And you indicated that the cars were
19 three abreast right through here?

20 A. That's correct.

21 Q. Pretty tight quarters, right? And when y'all
22 arrive, the fire is burning?

23 A. That's correct.

24 Q. It would not be possible, would it, Chief, for
25 a fireman to get between those burning cars and this

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1 burning building and bang on one of those metal doors,
2 right?

3 A. No. There was enough room for somebody to move
4 between the vehicles and the building, yes.

5 Q. And when they first arrived and six to eight
6 cars are engulfed in flames and the building is in
7 flames, a firefighter didn't go between that car and
8 that building, did he?

9 A. They would have. One of the first things I
10 would have ordered is for them to do a -- what we call a
11 primary search, a quick search of the fire area. One of
12 the firefighters could have gone along that stretch.
13 But if the fire was impinging from the vehicle to the
14 building, he would not have walked through the fire.

15 Q. Isn't that exactly what happened, is that the
16 fire impinged from the vehicle to the building?

17 A. Yes.

18 Q. And so if somebody on the inside of that
19 building says a fireman was banging on the door, that
20 would have been pretty tough while that fire was
21 burning, wouldn't it?

22 A. Depending on the door, yes.

23 Q. Well, I guess my point is, between that car and
24 that door there is possibly not much more than, what
25 would you say, between here and where I'm standing?

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1 A. That would have been about right.

2 Q. So if this car is on fire and this building is
3 starting to be on fire, I'm not going to be a fireman
4 that's going to walk in between there and bang on this
5 door, am I, while the fire is burning?

6 A. Again, depending on exactly where the car was
7 and its relationship to the door.

8 Q. Let me ask it this way: Did you see anybody in
9 that space?

10 A. No, I did not.

11 Q. Thank you. When you -- I'm sorry. You can
12 look at the screen. Between your blue circles where the
13 big one closest to Jessamine, where the fire was, and
14 your far circle at the other end, about how much
15 distance is there between there?

16 A. I did not measure it. I would say it was
17 probably close to a hundred feet.

18 Q. Okay. And certainly that fire -- that would
19 have been tough for that engaged fire with the eight
20 vehicles to have made that leap to those other four,
21 right?

22 A. That is correct.

23 Q. And there was no damage down at that end in the
24 alleyway?

25 A. No, there was not.

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1 Q. Did that building at 7200 Rampart -- did that
2 have a common attic area?

3 A. Yes, it did.

4 Q. And that's a problem for firefighters, isn't
5 it?

6 A. Yes, it is.

7 Q. Because those fires that are started close to
8 Jessamine, it gets up there, that smoke can run right
9 down that building, the fire can run right down that
10 building. There is no breaks, correct?

11 A. That's correct.

12 Q. When you investigated the cars, the eight
13 cars -- I'm sorry -- between six, seven or eight cars
14 that were damaged by fire, did you notice whether or not
15 the doors were locked on those cars?

16 A. I did not test all of the doors. The
17 firefighters reported to me that they had attempted to
18 open them and that they were locked.

19 Q. Any firefighters injured out there fighting
20 this fire?

21 A. No.

22 Q. Did you believe, Chief, that there were
23 possibly multiple sources of the fire?

24 A. As I made my initial walk-through of the cars,
25 I looked into the cars; and I thought there were

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1 multiple points, yes.

2 Q. And by multiple points, you mean the different
3 cars were set on fire?

4 A. That's correct.

5 Q. Okay. And I guess my question is, in your
6 experience, how hot does that car fire have to be to
7 jump from one car, even if they're parked almost
8 touching each other, to go from one to the other one?

9 A. The -- just the temperature of the original
10 burning car, if they were very close to one another, the
11 radiant and convected heat would easily ignite the next
12 one; but it would be on the outside of the vehicle.

13 Q. And would that ignite, for example, first off,
14 the paint on the car?

15 A. Typically, yes.

16 Q. And would that feed the fire?

17 A. Yes.

18 Q. Okay. And so once it makes that leap and it
19 gets a hold, it's not hard for it to consume the whole
20 car?

21 A. That's correct.

22 Q. And that doesn't take that much time, right?

23 A. Not very long, no.

24 Q. If the dispatch was at 3:46 -- and I believe
25 you said it was from a call box?

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1 A. No, sir, telephone call.

2 Q. So it was like a 911 call?

3 A. Yes, sir.

4 Q. So normally somebody would call 911 and say
5 there is a fire, and the address. And then what? 911
6 contacts your dispatcher?

7 A. They're in the same building, on the same
8 floor. Basically would be no further away from where
9 I'm sitting to the corner of the courtroom over there.
10 And it's all done electronically through the computer.

11 Q. Is there any way to tell by the damage or by
12 your experience when that fire actually started if the
13 call came in or the dispatch came in at 3:46? Can you
14 guesstimate, Chief? I know that's difficult.

15 A. In my opinion, it would have been no more than
16 ten to fifteen minutes before the call came in.

17 Q. And again, the first -- the call's at 3:46.
18 The first firemen arrived at approximately 3:50. You're
19 there approximately 3:51?

20 A. Yes.

21 Q. So extrapolating back a little bit, maybe
22 3:30-ish, 3:35, somewhere in there?

23 A. That would be about right.

24 Q. And I'm not trying to pin you down. That's
25 just, in your professional experience, that pretty much

1 makes sense, about ten minutes for it to go out?

2 A. Yes.

3 MR. BARROW: Thank you, Chief. I pass the
4 witness.

5 **REDIRECT EXAMINATION**

6 BY MR. BALDASSANO:

7 Q. Okay. On that point, are you just speculating
8 in this case what you think might have happened, or do
9 you know?

10 A. In general terms, if there is no accelerant
11 used, and the most common cause of car fires is
12 electrical, something happening within the dashboard or
13 perhaps even within the engine compartment. It takes
14 several minutes for it to gain enough momentum to
15 actually start to burn the vehicle.

16 Q. Would the use of an accelerant matter?

17 A. Not absolutely, but it would very rapidly
18 increase that.

19 Q. How about, would it matter what part of the car
20 was set on fire, the upholstery, with a lot of paper in
21 their car that it was the rubber mat? Would that
22 matter?

23 A. The upholstery would ignite and burn quicker
24 and faster and hotter than something else.

25 Q. Okay. And would it matter how much fire was

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1 put in a match as opposed to a log on fire? Would that
2 matter, as far as how fast the thing spreads?

3 A. If there was an accelerant used, it would not
4 make any difference. The accelerant would be the cause
5 for the rapid increase.

6 Q. Okay. Is it safe to say there is a whole bunch
7 of variables --

8 A. Oh, yes.

9 Q. -- would come into play on how fast a fire
10 spreads?

11 A. Yes.

12 Q. And to guess on any particular fire would just
13 be a guess?

14 A. That is correct.

15 Q. Okay. Let's talk a little bit about the
16 primary search. You had mentioned that. When the
17 Houston Fire Department goes to a fire, do they normally
18 do an offensive attack?

19 A. It depends on the fire, how long it's been
20 burning, what type of building it is, the occupancy
21 involved, all that.

22 Q. What is an offensive attack?

23 A. Offensive attack is where the first arriving
24 firefighters will take hose and water to the seat of the
25 fire. If it's inside the building, they'll drag the

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1 hoses right into the building, search out to find the
2 fire and put water directly on to it.

3 Q. What is a defensive attack?

4 A. A defensive fire attack is the building is
5 already unsafe for us to enter into, and we will use
6 large hoses from the outside to keep it from spreading
7 to any other buildings.

8 Q. And in this case, which was it?

9 A. This was an offensive attack.

10 Q. Show us, if you could, on the diagram where
11 the -- where the fire was and how far in the building
12 the fire spread.

13 A. The fire was limited into this particular area.
14 There was a small room off of the alleyway that the fire
15 had gained entrance into, and there was a -- it looked
16 like storage closets of some type. There was quite a
17 bit of stuff in there that was damaged.

18 Q. And was there any fire damage near the big X
19 over there?

20 A. No. It was just limited to this one area here.
21 We had -- smoke traveled throughout the building, but
22 there was no heat to speak of.

23 Q. All right. Have you ever seen, in your thirty
24 years with the fire department, anybody be injured by a
25 flash burn?

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1 A. Oh, yes.

2 Q. What -- explain what that is.

3 A. A flash burn, flash over, is where the ignition
4 of the contents is very, very rapid, almost at an
5 explosive rate. People will have an -- if they're not
6 protected, they'll have a -- do have very severe burns,
7 inhalation burns, contact burns, burns to the skin,
8 things like that.

9 Q. Have you ever seen anybody with singed chest
10 hair or singed hair from a fire?

11 A. Yes.

12 Q. And what -- in your experience, is that
13 caused -- what causes singed hair?

14 A. Heat causes singed hair.

15 Q. And in this fire, based on what you saw when
16 you first arrived there, how far would you say the heat
17 that would singe somebody's chest hair or any hair would
18 be in this picture? Where would somebody have to be,
19 based on watching the fire at 3:51 to get singed hair?

20 A. In my opinion, we had -- because of the walls,
21 the occupancy separation here, this portion had very
22 little damage to it on the inside, I would say they
23 would have to be within an arc about like that for there
24 to be enough heat for it to --

25 Q. Would they have to be outside, as well?

1 A. They could have been outside if they were close
2 enough to the --

3 Q. Okay. Well, was there any damage -- you have
4 that arc there. Was there any damage going to the front
5 of the store there? Was there any damage at all to the
6 building near the front?

7 A. Fire damage destruction, no. It was all right
8 in that area.

9 Q. Okay. So was there any fire damage, I guess,
10 the rest of the arc -- I'm interested in over here. Is
11 there any actual burning, anything burned over here?

12 A. Mostly melting, rather than burning. Plastic
13 pieces, things like that, would show some heated stress
14 and begin to melt, but without actual ignition.

15 Q. Okay. Let me go back to your primary search
16 and the banging on the door. Is that part of the
17 Houston Fire Department's function to not only put a
18 fire out, but try to save and rescue people that might
19 be in the fire?

20 A. Yes.

21 Q. Is that one of the main things that you have to
22 do in an offensive attack?

23 A. Yes.

24 Q. And in this case, would somebody try to bang on
25 the door to either warn somebody or to save somebody if

1 they could?

2 A. Yes.

3 Q. After the fire's out, would the firefighter
4 naturally go to that door and bang on it?

5 A. After this fire is out, yes. I gave the order
6 to open the doors. Then they would attempt to do that.

7 Q. And I think you said that those doors were
8 locked?

9 A. Yes.

10 Q. Okay.

11 MR. BALDASSANO: I'll pass the witness,
12 Judge.

13 THE COURT: Okay.

14 MR. BARROW: Brief.

15 **RECROSS-EXAMINATION**

16 BY MR. BARROW:

17 Q. Chief, in that alleyway, because of the
18 enclosed surfaces, that heat's going to be intense in
19 there, isn't it?

20 A. The majority of the fire was against this
21 portion of the building.

22 Can you blank that out again for me?

23 The majority of the vehicles were up
24 against inside. The cars that were against the side of
25 the other building had very little damage. So close to

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1 the cars that are burning, yes, intense heat. The
2 further away you go, the less.

3 Q. You always see it in the movies and in
4 television when cars catch on fire, at some point in
5 time the gas tank explodes. Does that happen?

6 A. Very rarely.

7 Q. Very rarely. Certainly didn't happen in this
8 case?

9 A. No, it didn't, correct.

10 Q. Why -- with a fire that intense in some of the
11 cars, why wouldn't that happen all the time?

12 A. Safety materials built into the construction of
13 the cars. They will actually vent and allow the
14 gasoline to burn off or run off before it actually
15 explodes.

16 Q. So, cut-off valves in the tank itself --

17 A. Right.

18 Q. -- is more fire retardant than in the old days,
19 for example?

20 A. Yes.

21 Q. So it is very rare for that just to go boom?

22 A. Very rare.

23 MR. BARROW: Pass the witness.

24 MR. BALDASSANO: Nothing further, Judge.

25 THE COURT: All right. May this witness