

1 OFFICER G. SMITH,
2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. FULLER:

5 Q. Good afternoon. Would you please introduce yourself
6 to the jury and spell your name for our court reporter, please.

7 A. My name is George Smith. G-e-o-r-g-e S-m-i-t-h. I'm
8 an HPD officer in Clear Lake.

9 Q. So, Officer Smith, how long have you been a police
10 officer?

11 A. Almost five years now.

12 Q. What did you do prior to becoming a police officer?

13 A. I was a teacher.

14 Q. What did you teach?

15 A. I taught high school biology and I taught second
16 grade.

17 Q. And how long did you teach those two very different
18 areas?

19 A. I did high school for two years and second grade for
20 three years.

21 Q. And prior to that, college?

22 A. Yes, ma'am.

23 Q. Okay. Anything else in your background, any military
24 service?

25 A. No, ma'am.

1 Q. Okay. So you went from college to becoming a teacher
2 then to becoming a police officer?

3 A. Yes, ma'am.

4 Q. Okay. And you said you'd been an HPD officer for
5 five years?

6 A. Yes, ma'am.

7 Q. Can you tell the jury a little bit about what you
8 have to do in order to become a police officer?

9 A. You have to pass an extensive background check. You
10 need college hours. I'm not sure what the standard is now.
11 You need to pass a physical agility test. You need to go
12 through the academy for six months, and learn all the various
13 things that you need to do to be a police officer.

14 Q. All right. So what year did you actually become a
15 police officer?

16 A. I believe it was October of -- where are we now? --
17 2008?

18 Q. Okay. So back on August 20, 2010, were you employed
19 by the Houston Police Department?

20 A. Yes, ma'am.

21 Q. What area were you assigned to back in August of
22 2010?

23 A. Hmm, I was assigned to Clear Lake, where I am now.

24 Q. Okay.

25 A. Yes, ma'am.

1 Q. Are you able to take on other -- you-all call it
2 beats, right?

3 A. Yes, ma'am.

4 Q. Explain to the jury what a beat is.

5 A. Okay. HPD has districts, which are various areas of
6 Houston that we section off so that HPD can work certain areas.
7 Within a district there are smaller sections called beats, and
8 in our district we have seven beats, and within those beats
9 there's a certain number of officers that are employed to each
10 beat. And we try to stick those officers to work just those
11 part of the beat so that we can respond to the public more
12 quickly.

13 On this day I was working for another officer. We
14 can do that when an officer needs to take time off. They will
15 place what's called an SOSF form up and you can volunteer to
16 work for that officer. They have to burn their time, and you
17 can earn regular pay to do that. So I was working for another
18 officer on this day.

19 Q. So on August 20, 2010, you're voluntarily working for
20 another officer?

21 A. Yes, ma'am.

22 Q. All right. At some point -- well, actually, let me
23 back up. What shift were you working for that officer?

24 A. Evening shift.

25 Q. And what are the hours of evening shift?

1 A. I believe -- I don't know what it was on this day.
2 Well, it would have been -- 3:00 to 11:00.

3 Q. 3:00 p.m. to 11:00 p.m.?

4 A. Yes, ma'am.

5 Q. Okay. While you were working those hours, did you
6 get a call?

7 A. Yes, ma'am.

8 Q. What kind of call was it that you were called out to?

9 A. It was an assist the firefighter urgent call.

10 Q. And do you remember the location of that call?

11 A. 1300 Redford.

12 Q. And is that a location in Houston, Harris County,
13 Texas.

14 A. Yes, ma'am.

15 Q. What kind of place is 1300 Redford?

16 A. It's a large apartment complex, just north of
17 Edgebrook, at -- and there's numerous buildings inside, and
18 then a lot of residents.

19 Q. Okay. Can you tell us generally the area of Houston
20 that we're talking about?

21 A. You're talking about southeast Houston, if that's
22 what you're asking.

23 Q. Is that close to Clear Lake? Is it within Clear
24 Lake's beats?

25 A. It's on the north side of our district.

1 Q. Okay. Give me a couple of highways as sort of
2 landmarks of where this area would be, major roads?

3 A. Okay. Gulf Freeway, which is Interstate 45, runs
4 through there. Major road that would be closest it to would be
5 Edgebrook on the south side, and Airport Boulevard on the north
6 side.

7 Q. Okay. So when you get dispatched out to 1300
8 Redford, do you recall the apartment number that you were
9 called to?

10 A. I would have to look back in my notes.

11 Q. Okay. Do you have your report with you today?

12 A. Yes, ma'am.

13 Q. You can, if that will help you refresh your memory.

14 (Looks in report.)

15 A. That would be no. 1708.

16 Q. Okay. And do you recall whether that was on the
17 first story or second story?

18 A. It was the second story.

19 Q. Okay. Tell us what you recall when you first get out
20 to the scene?

21 A. When I first got out to the scene, I observed the
22 defendant Mr. Wood on the top floor with numerous firefighters
23 that were attempting to assist the complainant. Mr. Wood was
24 being very verbally abrasive. He was being threatening. He
25 was really loud, and it appeared to me as if he was keeping the

1 firefighters from doing their job to help the complainant.

2 Q. All right. When you say that it was an outdoor
3 balcony, was it the area outside the front door?

4 A. Yes, ma'am.

5 Q. Okay. And do you recall whether or not he was inside
6 the apartment or was he outside the apartment in that balcony
7 area?

8 A. He was outside the apartment.

9 Q. And where were the firefighters at at that point?

10 A. He -- one of 'em was trying to calm Mr. Woods down.
11 There was I believe two other ones that had actually made it
12 inside the apartment and were doing CPR on the complainant.

13 Q. Are you out there by yourself?

14 A. Yes, ma'am, at this point.

15 Q. Okay. And are you the first one to arrive on the
16 scene?

17 A. Yes, ma'am.

18 Q. Did you call for somebody else to come out to the
19 scene?

20 A. At this point there were already units. Whenever
21 there's an assist the firefighter we get units out there pretty
22 quick.

23 Q. Okay. So more than one unit was dispatched to go out
24 to that location?

25 A. Yes, ma'am.

1 Q. All right. So when you arrived on the scene and you
2 see the defendant outside this apartment, what do you do?

3 A. At that point, I call up to the defendant, I ask him
4 what's going on, and, hmm -- I'm paraphrasing here, but what he
5 says to me is, the -- the f-ing lady's dead, what do you think
6 is going on.

7 At that point I walk up there, and I asked the
8 defendant if he would come downstairs. He continues to throw
9 threats at me, at HFD, and call me derogatory names and
10 verbally harass me.

11 Q. All right. Let me stop you there.

12 A. Yes, ma'am.

13 Q. What kind of threats is he making toward you and the
14 police department?

15 A. The main threat that he was making at that time was
16 that he was going to kill the members of HFD if they didn't
17 save that woman. I remember him throwing out that he was going
18 to whoop our asses numerous times. You know, and he continued
19 this, this line of verbal threats as -- he did walk down the
20 stairs with me.

21 Q. All right. And you said that he was also making
22 derogatory comments. What kind of derogatory comments was he
23 making.

24 A. At this point he was on a broad spectrum of racial
25 slurs. Officer Reynaldo, who is a Hispanic officer, arrived on

1 the scene as I was walking downstairs with the defendant, and I
2 recall him calling Officer Reynaldo a spic and a wetback, and
3 was -- he was calling us nigger lovers and that we voted for
4 Obama, and he continued to say bad things about President
5 Obama. I mean, this continued the entire time we were down
6 there.

7 Q. All right. So he does come down the stairs with you
8 so you were able to get him away from that apartment; is that
9 correct?

10 A. Yes, ma'am.

11 Q. When you get him downstairs, what observations do you
12 make of the defendant aside from the threats and the racial
13 slurs, what else are you observing?

14 A. Yeah. He seems to be really intoxicated. It took
15 him a while to get down the stairs. When he got down the
16 stairs, he was -- he was swaying back and forth in place when
17 he was standing. When he would walk his gate was staggered and
18 unsteady, he smelled strongly of beer, his eyes were bloodshot,
19 and his speech was slurred.

20 Q. Okay. Now, at this point have you had experience as
21 a police officer with intoxicated people?

22 A. Pretty much every night.

23 Q. Okay. Was it your opinion that he was intoxicated?

24 A. Yes, ma'am.

25 Q. Okay. So when you get him downstairs, and you notice

1 now that he's intoxicated, what do you-all -- what are you guys
2 doing at this point?

3 A. At this point we don't -- we don't know too much
4 about the scene, only know that there's a lady in distress
5 upstairs that -- that may be deceased at this point, we don't
6 know. We don't know what part Mr. Woods plays in this, so at
7 this point I'm treating him as if he is a -- as if he's
8 mourning. He's a little upset. So, you know, we were trying
9 to be real cordial and nice with him and try to calm him down,
10 and give him the grasp of the situation, the importance of
11 what's going on upstairs.

12 Q. Were you able to calm him down at any point?

13 A. Not at all. I mean, Mr. Woods had bouts of where he
14 would -- he would be, in my opinion, off the charts of the
15 things that he was saying, his aggressive nature, and then he
16 would just calm down all of a sudden, and that wouldn't last
17 too long, and then he would go right back to being verbally
18 aggressive and threatening and things of that nature.

19 Q. Now, I want to take you back to when you first
20 arrived on the scene. You said that you did go upstairs?

21 A. Yes, ma'am.

22 Q. Were you able to look into the apartment or did you
23 go into the apartment at that time?

24 A. I glanced into the apartment. At that time HFD was
25 steady working on the complainant. I could -- I could see what

1 appeared to me to be a shell of a person, I mean, she was real
2 frail looking, and -- but my main focus was on Mr. Woods,
3 because the way his violent nature was and the things that he
4 was saying to the firefighters, I was concerned about what he
5 may do.

6 Q. Okay. At some point when you're downstairs now, with
7 the defendant, with Dean Wood, were you directed back upstairs,
8 back up to the apartment?

9 A. Yeah. Myself, Officer Reynaldo, and Sergeant Snook
10 were downstairs, all of us at the time trying to keep the
11 defendant -- or calm and honestly keep him from hurting anybody
12 that was on the scene, because it seemed like that was the
13 nature of his attitude at that point.

14 As we were doing that I noticed that a firefighter
15 was motioning me upstairs. Then I went upstairs.

16 Q. All right. Tell us what you observed when you went
17 upstairs and you went into the apartment.

18 A. When I went upstairs the firefighter that motioned
19 for me to come up pointed out that there was some suspicious
20 circumstances to what was upstairs. He pointed out many
21 bruises on the complainant. He pointed out that there was --
22 there was blood smatters on the wall, fecal matter on the
23 floor, and I was told that there was -- that there was a lot of
24 blood evidence -- sorry -- a lot of blood and blood smears on
25 the ceiling and in the bathtub.

1 Q. Did you actually go into the bathroom?

2 A. No, ma'am.

3 Q. Okay. So you -- you find out from the firefighter
4 and you observe yourself --

5 A. Yes, ma'am.

6 Q. -- that there's a lot of blood and fecal matter in
7 this apartment?

8 A. Yes, ma'am.

9 Q. At that point had you spoken with anybody else on the
10 scene?

11 A. I've briefly spoken to -- who is it, Julie? Yeah, at
12 that point I believe, I briefly spoke to Julie also, and --

13 Q. Okay. After getting her statement, did you have a
14 little bit more information about who lived in the apartment
15 and what had possibly happened that day?

16 A. Yes, ma'am, I did.

17 Q. Okay. So at that point did your focus on Dean Wood
18 change from -- did it change from him being somebody who's
19 possibly in mourning to somebody who maybe that played a
20 different role in what's going on?

21 A. Yes, ma'am. And, you know, at the point of I had
22 gone upstairs, you know, I thought that -- that his role would
23 have been suspicious anyway, but after talking to Ms. Ostlund I
24 thought that at this point he would be a suspect in this.

25 Q. Okay. Now, do you see Dean Jerome Wood here in the

1 courtroom today?

2 A. Yes, ma'am, I do.

3 Q. Could you please identify him by pointing him out and
4 identifying an article of clothing that he's wearing?

5 A. Yes, ma'am. He's wearing a white striped collared
6 shirt.

7 Q. Does he have a jacket on or no jacket?

8 A. No jacket.

9 MS. FULLER: At this time, your Honor, may the record
10 reflect that this witness has identified the defendant.

11 THE COURT: The record will so reflect.

12 MS. FULLER: Thank you, your Honor.

13 Q. (By Ms. Fuller) Now, at this point in your
14 investigation, do you call anybody else to get further guidance
15 on how to proceed?

16 A. Yes. At this point, after we detain Mr. Woods, I
17 contact homicide division. Let me get the gentleman's name. I
18 speak with Sergeant Rohling, homicide division. At this point
19 I was informed by HFD that the defendant may have a slight
20 heartbeat, so they were going to take her to Southeast
21 Memorial. I informed homicide division of this. He told me to
22 have an officer follow the HFD to the hospital, and to hold the
23 scene.

24 Q. All right. So you were instructed -- or did you hold
25 the scene?

1 A. Yes, ma'am.

2 Q. All right. And another officer followed the
3 complainant to the hospital?

4 A. Yes, ma'am. Officer Reynaldo followed the
5 complainant to the hospital.

6 Q. Okay. What -- when you're told to hold the scene,
7 what does that mean?

8 A. That means to protect and preserve evidence, and
9 don't let anybody go into and out of the scene, basically to
10 preserve the scene for HFD to do their investigation -- I'm
11 sorry -- for homicide to do their investigation.

12 Q. Okay. So at some point that night homicide makes it
13 out to the scene?

14 A. Yes, ma'am.

15 Q. And then you turn your investigation over to them?

16 A. Yes, ma'am. I still at that point assist them in
17 holding the scene.

18 Q. Okay. Now, while you're there holding the scene, did
19 you allow people to go in and out of the apartment?

20 A. No, ma'am. Only CSU when they got there and
21 homicide.

22 Q. Okay. You didn't allow any of the family members to
23 go back into the home?

24 A. No, ma'am.

25 Q. Or any other civilian type witnesses to go into that

1 apartment?

2 A. No, ma'am.

3 Q. Now, at some point before -- before homicide makes it
4 to the scene, do you -- do you place Dean Wood into a patrol
5 car?

6 A. Yes, ma'am.

7 Q. Okay. Do you recall whether or not the air
8 conditioning was running in the car at that time?

9 A. It was.

10 Q. And can you tell us the defendant's demeanor when he
11 was inside the police car?

12 A. He was very upset. He was kicking the seats, the
13 doors. He was spitting. I had to -- if you go into a patrol
14 car, there's a window you can slide open to speak to whoever
15 you have in the back seat. I slid this window open to make
16 sure that Mr. Wood would get air conditioning. While he was in
17 there he was spitting all over my seats and the property that
18 was in the front seat of my vehicle.

19 Q. Would you say that that demeanor was at the same
20 intensity as he was prior to being placed into the car or more
21 so?

22 A. It was a little bit heightened after we got him into
23 the vehicle. At that point he was even banging his head on the
24 glass partition between the front seat and the back seat.

25 Q. Okay. And you said the air conditioning is running?

1 A. Yes, ma'am.

2 Q. Are you still at this point trying to calm him down?

3 A. Yes, ma'am. We have officers there with him the
4 whole time, you know, trying to calm him down. He's still
5 calling us names and threatening us. At that point I think
6 Sergeant Snook took over, you know, standing there and watching
7 the defendant, and trying to calm him down, and we were waiting
8 for homicide to arrive on the scene.

9 Q. Were there any specific reasons why Sergeant Snook
10 tried to calm him down?

11 A. Yes. Mr. Woods seemed to associate with Sergeant
12 Snook better than any of us because Sergeant Snook had a
13 military background. That initially, when Sergeant Snook came
14 up, calmed Mr. Woods briefly, that he found out Sergeant Snook
15 had a military background, but shortly after he found that out
16 he began to throw threats at Sergeant Snook and call him
17 various names. And I believe they were different branches of
18 service, so apparently Sergeant Snook's branch was not as
19 qualified as his branch.

20 Q. All right. Now, to your knowledge, other than the
21 defendant claiming to be in the military, did you ever -- were
22 you ever able to verify that he was in the military?

23 A. No, ma'am.

24 Q. While the defendant was talking about being in the
25 military, did he ever mention killing other people?

1 A. Yes, ma'am. I recall Mr. Wood saying numerous times
2 that -- he goes, I'm a Marine, semper fi, mother-fucker. He
3 kept saying that over and over again. He asked me at one
4 point, have you ever killed anybody, because I have. And just
5 continued this type of thing.

6 And these were -- you understand that this was --
7 Mr. Woods was saying this stuff, just continually saying this
8 stuff. Nobody was asking him questions or doing anything to --
9 to promote him to say things like that, he just continually
10 said things like this.

11 MS. FULLER: Pass the witness.

12 THE COURT: Cross-examination.

13 MR. BYNUM: Thank you, Judge.

14 CROSS-EXAMINATION

15 BY MR. BYNUM:

16 Q. We can agree that Dean Wood was upset almost the
17 entire time you saw him?

18 A. Yes, sir.

19 Q. And he said quite a few things that expressed a great
20 deal of care for the complainant in this case, didn't he?

21 A. Yes. At one point, or a few times he said that he
22 loved that old lady, or HFD better save that old lady or he's
23 going to fucking kill 'em.

24 Q. And he also reminded you that he did CPR on her?

25 A. He did say that.

1 Q. And at a certain point he pleaded with you and he
2 said, officer, please don't let that old lady die?

3 A. He did.

4 Q. And it seemed like he didn't want that old lady to
5 die, based on what he was telling you?

6 A. It seemed like that. It was the words that he was
7 using.

8 Q. Now, you were the first to arrive on the scene?

9 A. Yes, sir.

10 Q. And it sounds like that you're going upstairs and
11 downstairs quite -- quite a lot?

12 A. No, sir.

13 Q. Well, how many times did you go between upstairs and
14 downstairs?

15 A. I went upstairs when I first got on the scene to ask
16 Mr. Wood to come down with me, and then I went back downstairs
17 with Mr. Wood, and when HFD called me upstairs I went upstairs
18 again.

19 Q. So at least two times up and down?

20 A. Yes, sir.

21 Q. And in the time that you're going up and down, you're
22 not -- it's fair to say that you're not in the apartment, you
23 haven't secured the apartment, you personally?

24 A. At this point the only people in the apartment were
25 HFD and the victim.

1 Q. Right.

2 A. Yes, sir.

3 Q. So at the point you're moving between upstairs and
4 downstairs you have not secured the apartment?

5 A. Secured it from anybody else that didn't need to be
6 on scene, yes, sir.

7 Q. Right. So I want to talk to you about how the
8 complainant looked.

9 A. Yes, sir.

10 Q. You called her a shell of a person?

11 A. That's the way that I observed her.

12 Q. And by that you mean she was underweight?

13 A. She did appear underweight.

14 Q. She appeared very frail?

15 A. Very frail.

16 Q. And that didn't happen just as a result of
17 lacerations, there -- she was in bad shape?

18 A. Yes, sir, she was -- she was an old lady.

19 Q. Now, you've talked a lot about, you know, a lot of
20 the things Dean was saying that night, to you and the other
21 officers, right?

22 A. Yes, sir.

23 Q. And one of the things that it's important for
24 officers to do when they get on the scene, part of your job is
25 to preserve evidence?

1 A. Uh-huh.

2 Q. And preserve it for -- just for this, for trial?

3 A. Yes, sir.

4 Q. Right. And to do that, the police department gives
5 you all kinds of equipment, right?

6 A. No, sir.

7 Q. Well, they equip you somehow, they give you a radio,
8 right?

9 A. Yes, sir.

10 Q. And they give you a computer system where you can
11 enter your notes?

12 A. Yes, sir.

13 Q. And you can print out those notes as I see you have?

14 A. Yes, sir.

15 Q. So the entire apparatus, the police department is
16 geared towards gathering evidence?

17 A. Yes, sir.

18 Q. And they give you tools to do that?

19 A. Yes, sir.

20 Q. And so, you know, of course one of the tools they
21 give you is recording devices in police vehicles, right?

22 A. They do -- we do not have recording devices in most
23 of our vehicles.

24 Q. But that's something that they provide in some
25 vehicles?

1 A. To some vehicles, yes, sir.

2 Q. And the vehicle you were riding this night did or did
3 not have a recording device?

4 A. Did not, no, sir.

5 Q. And do you carry a cell phone with you?

6 A. Yes, sir.

7 Q. And what kind of cell phone is that?

8 A. The brand?

9 Q. What model?

10 A. It's an iPhone.

11 Q. It's an iPhone.

12 A. I don't know what I had at the time, but now I have
13 an iPhone.

14 Q. Sure. It's like this?

15 A. Yes, sir.

16 Q. And an iPhone has a camera?

17 A. Yes, sir.

18 Q. And an iPhone has software that allows you to record
19 audio?

20 A. Yes, sir.

21 Q. And an iPhone has software that allows you to record
22 video?

23 A. Yes, sir.

24 Q. And that iPhone was working properly on that night?

25 A. I did not have an iPhone on that night, sir.

1 Q. Well, I should have been more specific with my
2 question. On that night you had a cell phone?

3 A. Yeah, but I do not recall what type of cell phone I
4 had.

5 Q. Okay. How long did you have that cell phone?

6 A. The cell phone that was on the night of this
7 incident?

8 Q. Yes.

9 A. I have no idea, sir.

10 Q. And you don't recall that that cell phone had a
11 camera on it?

12 A. I do not recall, no, sir.

13 Q. Okay. All right. So there were plenty of officers
14 there?

15 A. Yes, sir.

16 Q. And there were plenty of police cars there?

17 A. Yes, sir.

18 Q. In fact, Mr. Wood was moved from one police car to
19 another?

20 A. Yes, sir.

21 Q. And do you know if the police car he was moved to had
22 any recording equipment installed?

23 A. It did not.

24 Q. And you have personal knowledge of that?

25 A. Yes, sir. As far as I know, none of our patrol cars

1 at our station have video recording.

2 Q. So that's based on an assumption you're making?

3 A. Well, I can base it on knowing the officers that were
4 there. I know that their patrol cars didn't have video.

5 Q. And those officers also carry cell phones?

6 A. They may.

7 Q. Did you see any of those officers on cell phones that
8 night?

9 A. No, sir.

10 Q. No officers were on cell phones that night?

11 A. I do not recall seeing that, no, sir.

12 Q. Okay. Mr. Wood was compliant at least when it came
13 to using physical force to detain him, aside from the banging
14 in the car, he was able to be handcuffed without incident?

15 A. Yes, sir. I think he was a bit surprised when we
16 handcuffed him, yes, sir.

17 Q. But he was compliant?

18 A. Yes, sir, he was.

19 Q. And did not resist at all?

20 A. No, sir, he did not.

21 Q. And, in fact, didn't hurt any police officers --

22 A. No.

23 Q. -- there on the scene that night?

24 A. No, sir, he did not.

25 Q. Fair to say that Mr. Wood that night was all talk, as

1 far as the police officers?

2 A. As far as the police officers, yes, sir.

3 Q. And you don't -- he never followed through on any
4 threats against the police officers is what I'm saying?

5 A. No, sir, he did not.

6 Q. And, in fact, based on what you saw, never even
7 tried, despite being detained, never even tried to lunge at a
8 police officer?

9 A. No, sir, he didn't.

10 Q. Thank you, Officer.

11 MR. HOCHGLAUBE: I'll pass the witness.

12 THE COURT: Redirect?

13 MS. FULLER: Nothing further, your Honor.

14 THE COURT: May this witness be excused?

15 MS. FULLER: Yes, your Honor.

16 MR. BYNUM: Subject to recall, please, Judge.

17 THE COURT: All right. Thank you for coming in.

18 You want to call your next.

19 MR. ASLETT: The State calls Officer Langford, your
20 Honor.

21 THE COURT: Everyone okay over there in the jury box?
22 Anyone need a break? You're okay?

23 You may proceed.

24 MR. ASLETT: Thank you, your Honor.

25