

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**JOSE VELEZ,**

having been first duly sworn, testified as follows:

**DIRECT EXAMINATION**

**BY MR. GILLIAM:**

Q. Will you please introduce yourself to us?

A. My name is Jose Velez. I'm a detention officer with the Harris County Jail, 1200 Baker. I also run the recreation yard for the jail facility.

Q. How long have you been a detention officer for Harris County?

A. For approximately 11 to 12 years.

Q. And will you tell us again what your current assignment is?

A. My current assignment is recreation, and I also failed to mentioned that I work for the special response group within the jail facility.

Q. And what do your job responsibilities include now?

A. Solely taking out the inmates for recreation, permitting them an hour for three times a week; and also I'm on call for any emergency response -- responses needed in the jail facility, like an inmate disturbance or a possible shooting that may occur.

1           Q.    I'm going to direct your attention now  
2 to February 26th of 2014.  Where were you assigned  
3 at that point in time?

4           A.    I was working recreation, sir.

5           Q.    Just to be clear, the Harris County Jail  
6 is in Houston, Harris County, Texas; is that right?

7           A.    Yes, sir.

8           Q.    And on that date of February 26th, 2014,  
9 did you have an incident with an inmate named Weylin  
10 Allford?

11          A.    Yes, I did, sir.

12          Q.    And do you see Mr. Allford in the  
13 courtroom today?

14          A.    Yes, sir, I do, sir.

15          Q.    And will you identify him by where he's  
16 sitting and an article of clothing he's wearing?

17          A.    Right there, sir (indicating).  He's  
18 wearing that brown and white striped shirt.

19                   MR. GILLIAM:  May the record  
20 reflect the witness identified the defendant, Judge?

21                   THE COURT:  It will so reflect.

22          Q.    (By Mr. Gilliam)  How did you come into  
23 contact with the defendant?

24          A.    Well, at approximately 7:15 hours I was  
25 asked by a Sergeant Weiss to assist him with an

1 unidentified inmate at the time. He later on  
2 explained to me that it was Inmate Allford --

3 MR. SCOTT: May it please the  
4 Court, I would object to any hearsay conversation  
5 had with this person.

6 THE COURT: Sustained.

7 Q. (By Mr. Gilliam) Did you -- what was  
8 the purpose of your contact with the defendant?

9 A. It was to go ahead and get him to comply  
10 with TDCJ rules as far as cleanliness of his cell.

11 Q. What rules -- or how was he -- how was  
12 the defendant not complying with those rules?

13 A. At the time when I arrived, upon his  
14 cell he had a paper, I believe it was newspaper,  
15 covering his 4-inch window so we weren't able to get  
16 observation of what he was doing inside that cell at  
17 the time.

18 Q. So after you saw that the defendant had  
19 covered his window with newspaper, what did you do?

20 A. I went ahead and approached the window  
21 and I asked him to please remove that paper and at  
22 the time he said no.

23 Q. After the defendant tells you, no, he's  
24 not going to remove the paper, what do you do?

25 A. I went ahead and requested permission

1 from my sergeant, Sergeant Weiss, to see if I could  
2 go ahead and open up the door approximately 3 to 4  
3 inches to get a better view of what was inside his  
4 cell at the time.

5 Q. Did you, in fact, do that?

6 A. Yes, I did.

7 Q. What did you see when his cell was  
8 opened --

9 A. I saw Inmate Weylin covered up in the  
10 county-issued blanket, mattress and a cup of urine  
11 in his right hand.

12 Q. Where was the defendant when you saw him  
13 with those items and the cup of urine in his hand?

14 A. Approximately 2 inches to -- 2 to 3  
15 inches form the doorway.

16 Q. After you see him with the cup of urine,  
17 what happens next?

18 A. I ordered him to go ahead and place that  
19 mattress down, and which he complied, and also the  
20 urine as well.

21 Q. After he does that and places those  
22 down, what happens?

23 A. I opened up the door to try to build  
24 some kind of rapport with him and speak with him  
25 about, you know, what he needed to do as far as

1 cleaning up his cell; and while I was doing that, I  
2 noticed something in his hands while he was wrapped  
3 up in the blanket. And I asked him what it was, but  
4 he wouldn't tell me.

5 So as a precautionary measure, I took my  
6 OC spray and pulled it out and told him can you show  
7 me his hands in which he refused at the time.

8 Q. After -- are you certified to have the  
9 OC spray?

10 A. Yes, I am, sir.

11 Q. After you pulled out the OC spray, what  
12 does the defendant do?

13 A. The defendant then displays the  
14 make-shift rope that he made with a couple of  
15 blankets and a sheet and actually twisted up in a --  
16 you could say a braided fashion, and started cursing  
17 at me and telling me that, you know, basically he  
18 was looking to kill somebody today and came directly  
19 at me with the -- with the rope.

20 Q. Was he able to get the rope around your  
21 body?

22 A. No, he was not, sir. At that time I  
23 went ahead and immediately deployed my OC spray.  
24 And then, I guess, being that he could not see, he  
25 went ahead and grabbed me and we actually got into

1 kind of a tussle within the cell because he pulled  
2 me in.

3 Q. Were you able to detain and get the  
4 defendant under control at some point in time?

5 A. Yes. Yes, I was.

6 Q. And how did y'all do that?

7 A. I actually at the time fell to the  
8 ground. I hurt my back. He winded up hitting the  
9 bunk accidentally and what he did was, while I held  
10 him, the supervisor along with several other  
11 personnel that were involved, went ahead and placed  
12 the restraints on him.

13 Once they went ahead and placed the  
14 restraints on him, I went to check to see if he was  
15 medically okay, requested for a stretcher and at the  
16 time medical personnel came upstairs. I also went  
17 to check to see if I had any injuries at the time as  
18 well.

19 Q. And did you have any other involvement  
20 with the defendant that day because of this  
21 incident?

22 A. No other involvement other than that,  
23 sir.

24 MR. GILLIAM: Pass the witness,  
25 Your Honor.

1 THE COURT: Defense?

2 MR. SCOTT: Yes, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. SCOTT:

5 Q. When you say this -- you said 7:15  
6 hours; is that correct?

7 A. Yes, sir.

8 Q. All right, sir. Were you there by  
9 yourself or did you have others with you at the time  
10 that you went over to see about the paper on the  
11 window?

12 A. I was with Sergeant Weiss at the time.

13 Q. Sergeant Weiss?

14 A. Yes, sir.

15 Q. And you say that the inmate had  
16 newspaper on his window, correct?

17 A. Yes, sir.

18 Q. Was that the first time that you had  
19 seen newspaper on his window?

20 A. No, sir.

21 Q. He was a habitual newspaper window  
22 coverer, correct?

23 A. Yes, sir.

24 Q. Okay. Just what he did, he covered his  
25 window with newspaper, right?

1           A.    Yes, sir.

2           Q.    All right.  And that's against the  
3 rules, right?

4           A.    Yes, it is, sir.

5           Q.    Okay.  All right.  So it's incumbent  
6 upon you or anyone else that sees someone who puts  
7 newspaper on their window to remove the newspaper so  
8 they have a clear view of the interior of the cell,  
9 right?

10          A.    Correct, sir.

11          Q.    All right, sir.  Now, you talked about  
12 the cord, rope, whatever, braided material; is that  
13 correct?

14          A.    Yes, sir.

15          Q.    All right, sir.  Do you have that here  
16 with you today?

17          A.    No, I do not, sir.

18          Q.    Okay.  Those kind of things, generally  
19 it sounds like, are taken away from an inmate and  
20 not allowed to have them, correct?

21          A.    Yes, sir.

22          Q.    So, in fact, that would have been, I  
23 guess, if protocol was followed that day, the  
24 braided rope would have been taken away from the  
25 inmate and taken somewhere, right?



1           A.    Yes, it was.  It was taken, and I had  
2 submitted it to Sergeant Weiss at the time.

3           Q.    Now, when you talk about the defendant  
4 having to go to medical, he needed medical  
5 treatment, didn't he?

6           A.    Yes, he did, sir.

7           Q.    All right, sir.  And he needed medical  
8 treatment again because either during the scuffle  
9 with you or the sergeant or something, falling on  
10 the bunk or whatever was happening to him that day,  
11 resulted in him going to the clinic.  Do you know  
12 whether or not he went to Ben Taub on that occasion?

13          A.    Yes, he did.  I was aware of it.

14          Q.    All right.  So he then went to Ben Taub  
15 again that day for injuries received while he was  
16 incarcerated at the Harris County Jail, correct?

17          A.    Yes.

18                   MR. SCOTT:  Pass the witness.

19                   THE COURT:  State?

20                   MR. GILLIAM:  Nothing further.

21                   THE COURT:  All right.  May he be  
22 excused, gentlemen?

23                   MR. GILLIAM:  Yes, Your Honor.

24                   MR. SCOTT:  Yes, Your Honor.

25                   THE COURT:  All right.  You're free

1 to go.

2 State, call your next.

3 MR. GILLIAM: State calls Javier  
4 Zamora.

5 THE BAILIFF: Your Honor, this  
6 witness has not been sworn.

7 THE COURT: Come up, sir. Please  
8 raise your right hand.

9 *(Witness sworn.)*

10 THE COURT: Have a seat, please.  
11 You may proceed.

12 MR. GILLIAM: Thank you, Judge.

13 **JAVIER ZAMORA,**

14 having been first duly sworn, testified as follows:

15 **DIRECT EXAMINATION**

16 **BY MR. GILLIAM:**

17 Q. Will you please introduce yourself to  
18 us?

19 A. I am Detention Officer Javier Zamora.

20 Q. How long have you been a detention  
21 officer?

22 A. Since December 17th, 2012.

23 Q. And what is your current job assignment  
24 as a detention officer?

25 A. To work wherever they place me as a