

1 MR. BARROW: Pass the witness.

2 **FURTHER REDIRECT EXAMINATION**

3 BY MR. BALDASSANO:

4 Q. Have you ever taken any other person out of a  
5 fire that turned out to be a person that was blamed for  
6 the fire?

7 A. Yes, sir, I have.

8 Q. Okay. And actually the defendant in a case  
9 that was convicted?

10 A. If I remember correctly, he was convicted of  
11 arson, yes, sir.

12 MR. BALDASSANO: I'll pass the witness.

13 MR. BARROW: I have no further questions.

14 THE COURT: Okay. May this witness be  
15 excused?

16 All right you are excused. Thank you.

17 State, please call your next witness.

18 MR. BALDASSANO: Juan Villalobos.

19 THE COURT: You may proceed, Counsel.

20 **JUAN VILLALOBOS,**

21 having been first duly sworn, testified as follows:

22 **DIRECT EXAMINATION**

23 BY MR. BALDASSANO:

24 Q. Please introduce yourself to the jurors.

25 A. My name is Juan Villalobos. I'm a professional

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1 firefighter with the City of Houston. I've been working  
2 for twenty-one years. The last eight years I worked for  
3 the Houston Arson Bureau.

4 Q. And what is your position at the Houston Arson  
5 Bureau?

6 A. I do origin and cause in the investigations. I  
7 respond to the fires, and I go there and conduct the  
8 investigation.

9 Q. And what shift are you on?

10 A. I work the night shift. We go on duty at 5:00  
11 o'clock. We get off the next day around 6:00 or 7:00  
12 o'clock in the morning.

13 Q. So you start at 5:00 p.m. and work till 6:00  
14 a.m.?

15 A. That is correct.

16 Q. And does the shift that you're on -- do the  
17 people on that shift follow through on the fires or kind  
18 of work the fires as they come and hand them off to  
19 somebody as far as the investigation?

20 A. We do the origin and cause. And then the  
21 follow-up crew, other investigators, do the follow-up  
22 work. They go out to do the investigation.

23 Q. And is the origin and cause to find out where  
24 the fire started and what caused the fire?

25 A. That is correct.

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1 Q. Were you working this shift, this night shift  
2 back in October of 2007?

3 A. Yes, sir.

4 Q. Did you have an occasion to become involved in  
5 the investigation of the car fire at the 7200 block of  
6 Rampart Street?

7 A. Yes, sir.

8 Q. And do you remember about what -- what time you  
9 got involved and how you got involved?

10 A. I believe the call came in around 4:00 -- 4:00  
11 o'clock in the morning, somewhere around that. Then  
12 originally we were dispatched to this fire. While I was  
13 en route, my supervisor told me to go to the hospital  
14 because there was a fire victim involved, or was rescued  
15 from the building.

16 So, my duty was to go to the hospital, try  
17 to get a statement from this person, collect facts from  
18 the hospital, and return back to the office to write the  
19 report.

20 Q. And in your -- have you ever done that before  
21 where you've gone to the hospital to talk to somebody  
22 involved in a fire?

23 A. Yes, sir.

24 Q. And has it ever come to pass, or do you ever  
25 feel like that the person at the hospital could possibly

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1 be a suspect in the fire?

2 A. Yes, sir.

3 Q. And/or a victim in the fire?

4 A. Yes, sir, both.

5 Q. All right. And so, did you ever go to the  
6 scene on Rampart Street, or did you just divert and go  
7 straight away to the hospital?

8 A. I just went to the hospital.

9 Q. Which hospital did you go to?

10 A. That was Hermann Hospital.

11 Q. How do you find or get access to the person you  
12 want to go talk to?

13 A. First thing is we need to locate the ambulance  
14 that transported this fire victim. So I contacted the  
15 paramedics first, tried to get some information from  
16 them. Then I went into the ER and identified myself to  
17 the medical crew. I told them I was looking for a  
18 person that was transported by Medic 10 who was a fire  
19 victim, and they told me what unit he was. I went in  
20 there, and I spoke to the nurse. Then I went in there  
21 and found him.

22 Q. And was there, as far as you knew, only one  
23 person taken out of the -- out of that scene and brought  
24 to the hospital?

25 A. As far as I know, one person.

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1 Q. And do you see that one person in the courtroom  
2 today?

3 A. Yes, sir.

4 Q. Can you just identify him for the record?

5 A. Sitting right there.

6 MR. BALDASSANO: Would the record reflect  
7 he's pointing to the defendant in the case?

8 THE COURT: The record will so reflect the  
9 defendant has been identified.

10 Q. (By Mr. Baldassano) All right. And when you  
11 were at the hospital, did you talk to or attempt to talk  
12 to the defendant?

13 A. It was not possible, sir. He was intubated.

14 Q. Which means something down his throat?

15 A. Correct. The doctors do this to better medical  
16 manage the patient.

17 Q. What did you do when you were at the hospital?

18 A. Well, after I spoke with the nurse, then I  
19 spoke to the doctor. And then I took some photographs,  
20 and then I collected whatever evidence I can collect  
21 from him.

22 Q. Which is what?

23 A. The only item that he had was sweatpants.

24 Q. And did you collect those?

25 A. Absolutely, yes, sir.

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1 Q. And what happens to something like the  
2 sweatpants? Why do you collect them, and what do you do  
3 with them?

4 A. Those are collected, and then it's sent to the  
5 lab. We submit it to the Arson Bureau. They send it to  
6 the lab to see what comes out of it.

7 Q. Okay. And is that something that you learned  
8 later or after you finished with the -- your part of it  
9 or does that just get sort of given to the follow-up  
10 crew?

11 A. All the samples that are collected, we give it  
12 to the bureau and they do all the follow-up.

13 Q. So do you ever find out what happens with the  
14 testing of the defendant's clothing?

15 A. No, sir. Once I submit it to the lab, to the  
16 Arson Bureau, it's up to the follow-up crew to pursue  
17 and find out the results.

18 Q. Okay. Would something like that be -- well,  
19 let me just approach.

20 MR. BALDASSANO: May I approach the  
21 witness, Judge?

22 THE COURT: You may.

23 Q. (By Mr. Baldassano) I'm going to show you  
24 what's been labeled State's Exhibit Nos. 16, 17, 18, 19,  
25 20 and 21 and ask you if these are some of the pictures

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1 that you took back on October 19th, 2007?

2 A. Yes, sir.

3 Q. Okay. And did you take more than this?

4 A. Yes, sir.

5 Q. Okay. I'm going to show you what's been  
6 labeled State's Exhibit No. 22 and ask you if you can  
7 take a look at this disk. And do you recognize this  
8 from looking at it yesterday and going through the  
9 photos on the disk?

10 A. Yes.

11 Q. And on State's Exhibit No. 22, are all the  
12 pictures that you took at the hospital contained within  
13 State's 22?

14 A. Yes, sir.

15 Q. Even though there are other pictures that you  
16 didn't take, somebody else took this, State's 22?

17 A. I believe so.

18 *MR. BALDASSANO:* Judge, at this time the  
19 State would offer State's Exhibit Nos. 16 through 21,  
20 tender to the defense for his inspection.

21 *THE COURT:* Okay.

22 *MR. BARROW:* I have no objections, Your  
23 Honor.

24 *THE COURT:* State's 16 through 21 are  
25 admitted.

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1 Q. (By Mr. Baldassano) I'm not going to show all  
2 of these, but just to get an idea -- did you take about  
3 eighteen or so pictures? Does that sound right?

4 A. I don't remember the set number, but it sounds  
5 about right.

6 Q. And is it basically photos of the defendant  
7 lying in that bed that all your pictures are taken?

8 A. Yes, sir.

9 Q. And about how long were you at the hospital, if  
10 you recall?

11 A. About thirty minutes.

12 Q. Okay. Thirty minutes. And do you remember the  
13 doctors telling you anything about super heated gas in  
14 the defendant's throat or anything like that?

15 MR. BARROW: Your Honor, I'm going to  
16 object to any hearsay.

17 MR. BALDASSANO: Judge, the doctor has  
18 already testified in the case, and I'm just asking if he  
19 remembers. I won't even ask him if he just remembers  
20 what the doctor said, without saying what the doctor  
21 said.

22 THE COURT: Okay. Sustained. Rephrase.

23 MR. BALDASSANO: Okay. I'll rephrase.

24 Q. (By Mr. Baldassano) Do you recall talking to  
25 the doctor about the defendant's condition?



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1 A. Yes, sir.

2 Q. All right. And after you spoke with the  
3 doctor, did you request or pick up or go back to get the  
4 full medical records for the defendant?

5 A. No, sir.

6 Q. Is that sometimes done to see if there is maybe  
7 something else that might happen that could be relevant?

8 A. The -- originally the only thing that I collect  
9 is whatever the nurses and doctors tell me. And the  
10 follow-up crew are the ones that go back and collect a  
11 full medical history, the whole report.

12 Q. Because the report is not even written then, is  
13 it?

14 A. Correct. The patient was still being treated.

15 Q. Okay. And were you aware that the defendant  
16 was discharged the very next day?

17 A. No, sir.

18 Q. There is one last thing to ask you.

19 MR. BALDASSANO: May I approach the  
20 witness, Judge?

21 THE COURT: You may.

22 Q. (By Mr. Baldassano) I'm going to show you  
23 State's Exhibit No. 12, which is admitted into evidence,  
24 and ask you -- this is the same person that you  
25 photographed, the defendant that was transported that

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1 day -- are these the same records for that defendant?

2 And you can use State's 10 if that helps.

3 A. Sir, when he was there, he was not identified  
4 by name yet.

5 Q. Okay.

6 A. He didn't have a name.

7 Q. I understand that. So my question is, this is  
8 the same person that you went and photographed; is that  
9 right? Is this the same person in the courtroom that  
10 you photographed?

11 A. Yes, sir.

12 Q. Okay. And is it the same person that's the  
13 subject of State's Exhibit No. 12, the transported  
14 person from 7200 Rampart Street?

15 A. Correct.

16 MR. BARROW: Well, Your Honor, object to  
17 that. He just testified that he doesn't know who those  
18 records pertain to; because when he was at the hospital,  
19 he didn't have an identification for Mr. Morin.

20 MR. BALDASSANO: I think he's already  
21 answered the question, Judge.

22 MR. BARROW: I'd ask it be stricken.

23 MR. BALDASSANO: Well, he answered it  
24 because he knows.

25 THE COURT: What's the State's response?

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1                   MR. BALDASSANO: That he's answered the  
2 question, that this is the defendant taken from 7200  
3 Rampart Street, which is shown in State's Exhibit No.  
4 12.

5                   THE COURT: Okay. I believe the State's  
6 laid the foundation.

7                   MR. BALDASSANO: And I'll pass the  
8 witness, Judge.

9                   THE COURT: Your cross.

10                  MR. BARROW: Thank you, Judge.

11                                   **CROSS-EXAMINATION**

12 BY MR. BARROW:

13                  Q. Mr. Villalobos, did you discuss with the doctor  
14 when the patient might be discharged?

15                  A. No, sir.

16                  Q. Did you discuss with the doctor whether or not  
17 the patient's injuries were life-threatening?

18                  A. Yes, sir, I did.

19                  Q. Did -- the response to that was that they  
20 weren't?

21                  MR. BALDASSANO: Judge, I object to  
22 hearsay. I think he objected to the doctor's responses  
23 just a minute ago and I'm objecting to the same hearsay.  
24 He's asking what the doctor said.

25                  MR. BARROW: I'll rephrase it, Your Honor.

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1                   THE COURT: Okay.

2           Q.    (By Mr. Barrow) After talking with the doctor,  
3 did you believe that Mr. Morin's injuries were  
4 life-threatening?

5                   MR. BALDASSANO: Same objection, Judge.  
6 It's the same question.

7           Q.    (By Mr. Barrow) After talking to the doctor,  
8 did you come to any conclusions?

9                   MR. BALDASSANO: Same objection Judge.  
10 It's the same thing. He's asking what the doctor told  
11 him.

12                   THE COURT: Overruled. The witness can  
13 answer.

14                   MR. BARROW: Thank you, Judge.

15           Q.    (By Mr. Barrow) Did you come to a conclusion  
16 about the patient's condition?

17           A.    I normally ask the doctor for the prognosis.

18           Q.    Excuse me, Mr. Villalobos. My question is:  
19 After speaking with the doctor, did you come to some  
20 conclusion as to the patient's condition?

21           A.    I'm not a doctor. I can't answer that  
22 question.

23           Q.    Well, so, you didn't come to any conclusion; is  
24 that a fair statement?

25           A.    The patient is unconscious. I don't know his

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1 prognosis.

2 Q. Excuse me, Mr. Villalobos. My question is:  
3 Did you come to any conclusion?

4 MR. BALDASSANO: Judge, I'm going to  
5 object. He can't answer that. He's asking him to  
6 speculate, and he's arguing with the witness.

7 THE COURT: Sustained.

8 Q. (By Mr. Barrow) After you collected the  
9 sweatpants, they go to the lab, correct?

10 A. That is correct.

11 Q. And you don't do any follow-up?

12 A. No, sir.

13 Q. As a matter of fact, you didn't do any  
14 follow-up in this case at all, did you?

15 A. No, sir.

16 Q. All your responsibility was to go to the  
17 hospital, attempt to talk to the patient, which you were  
18 unable to do, and you took some photographs, right?

19 A. I did more than that, sir.

20 Q. Really? What else did you do?

21 A. Well, I have to come back and do my report. I  
22 have to collect, I have to submit evidence. I have to  
23 submit the photographs.

24 Q. Speaking of your report, did you prepare a  
25 report in this case?

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1 A. It's right here, sir.

2 Q. That's your report?

3 A. That is correct.

4 Q. And have you reviewed it?

5 A. Yes, sir.

6 Q. And on the morning of October the 19th, 2007,  
7 what else did you do at the hospital?

8 A. That was pretty much it.

9 Q. So you talk to the -- you contact the  
10 paramedics?

11 A. Correct.

12 Q. You spoke to the emergency room personnel?

13 A. Yes, sir.

14 Q. You talked to the nurse?

15 A. Yes, sir.

16 Q. You talked to the doctor?

17 A. That is correct.

18 Q. You took some photographs?

19 A. Yes, sir.

20 Q. You wrote a report?

21 A. I collected the sweatpants.

22 Q. Collected the sweatpants?

23 A. Yes, sir.

24 Q. And wrote a report?

25 A. That is correct.

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1 Q. And did you do anything else involving this  
2 case other than those things we've just talked about?

3 A. No, sir.

4 MR. BARROW: Pass the witness.

5 MR. BALDASSANO: No further questions,  
6 Judge.

7 THE COURT: Okay. Let's take a two-minute  
8 recess.

9 Court's in recess for two minutes.

10 *(Brief recess)*

11 *(Jury enters courtroom)*

12 THE COURT: Please be seated.

13 Okay. You may proceed.

14 **NORMAN HICKS,**

15 having been first duly sworn, testified as follows:

16 **DIRECT EXAMINATION**

17 BY MR. BALDASSANO:

18 Q. Please state your name for the jury.

19 A. Norman Hicks.

20 Q. And how are you employed?

21 A. I'm an arson investigator for the City of  
22 Houston, City Fire Department.

23 Q. And how long have you been on the fire  
24 department?

25 A. Over twenty years.