

1                                   **ROGER WEDGEWORTH,**  
2   having been first duly sworn, testified as follows:

3                                   **DIRECT EXAMINATION**

4   BY MS. DAVIDSON:

5           Q       For purposes of the record, can you state  
6   your name.

7           A       Roger Wedgeworth.

8           Q       And for our court reporter, could you spell  
9   your last name please?

10          A       W-E-D-G-E-W-O-R-T-H.

11          Q       How are you employed?

12          A       I'm employed by the Harris County Sheriff's  
13   office.

14          Q       How long have you been employed with the  
15   Harris County Sheriff's office?

16          A       Twenty-seven years.

17          Q       And what is it exactly that you do for the  
18   sheriff's office?

19          A       I'm a sergeant in the homicide division of  
20   the sheriff's office.

21          Q       And for the record, could you tell the Court  
22   what you do on a daily basis, being assigned to the  
23   homicide division.

24          A       Well, on a daily basis we receive calls in  
25   that call for investigations. My expertise is on

1 death investigations, and that's predominantly what I  
2 do, homicides, suicides, and equivocal deaths.

3 Q Were you employed back in that same capacity  
4 on May 16th, 2008?

5 A Yes, I was.

6 Q And on that day, were you called to a  
7 homicide that occurred at 6607 Springfield Garden  
8 Lane, in Spring, Texas?

9 A Yes, I was.

10 Q And is that location in Harris County,  
11 Texas?

12 A Yes, it is.

13 Q Could you briefly tell the Judge, what were  
14 your circumstances of being called to that location?

15 A We were called to that location specifically  
16 for a report of two women deceased inside a residence  
17 from stab wounds. My immediate task was to proceed  
18 to that location and begin follow-up investigation as  
19 the lead investigator, which included assigning  
20 various investigators to different functions at the  
21 scene and interviewing people and canvassing the  
22 neighborhood.

23 Q Approximately what time of the day or night  
24 did you get to that house?

25 A I got there a little after midnight.

1 Q And at some point after you got there, did  
2 you meet a gentleman you came to know by the name of  
3 Theron Owens?

4 A I did.

5 Q And do you see Mr. Owens in the courtroom  
6 today?

7 A I do.

8 Q Could you identify him by where he's sitting  
9 and something he's wearing?

10 A He's wearing an orange jumpsuit with  
11 glasses. He's put on quite a bit of weight since I  
12 first dealt with him, but that's him.

13 Q Sitting across counsel table from me?

14 A Yes, ma'am.

15 MS. DAVIDSON: Your Honor, at this time  
16 could the record reflect the witness has identified  
17 the defendant?

18 THE COURT: It will so reflect.

19 Q (By MS. DAVIDSON) Where was he when you met  
20 him?

21 A He was in the backseat of a marked patrol  
22 car.

23 Q Was he under arrest for anything at that  
24 time?

25 A No. He was just being held, which is

1 standard operating procedure for investigators to  
2 arrive and interview him.

3 Q And did you eventually have an opportunity  
4 to interview him?

5 A I did. I spoke to him briefly while he was  
6 in the backseat of the car. And he was transported  
7 down to the homicide office located at 601 Lockwood  
8 where I interviewed him for all the details of the  
9 event.

10 Q Was that still on May 16th, or later on  
11 May 17th when you --

12 A That was May 17th, you know, it was after  
13 midnight.

14 Q Okay. Describe for the Court the homicide  
15 office at 601 Lockwood.

16 A Homicide office is a typical office with  
17 sections cornered off. We have private offices that  
18 we can meet with an individual, and then we have  
19 interview rooms.

20 Q And where was it that you first met with the  
21 defendant to interview him?

22 A I first met with him in a -- just a regular  
23 office.

24 Q Okay.

25 A Where it was just he and I.

1 Q Okay. And could you describe that office  
2 for the Judge?

3 A It's just a regular office with just one  
4 desk, a computer, a couple of other chairs on the  
5 other side. You know, with white walls and carpet on  
6 the floor.

7 Q And was he in custody?

8 A No, he was not.

9 Q When you met with him that first time to  
10 interview him alone in this private office, were you  
11 wearing a gun?

12 A I'm sure I was.

13 Q Was anybody else, other than yourself and  
14 Mr. Owens, in that room?

15 A Not at that particular time.

16 Q Tell the Judge what occurred while you were  
17 interviewing him that first time.

18 A What took place was, I took a written  
19 statement from him, with him giving me details of his  
20 daily travels and his leaving the scene of the event,  
21 and then returning and finding his mother and  
22 grandmother and running outside. I -- just the  
23 details, all the details he could remember about what  
24 had taken place and his travels for that day.

25 Q And you said a written statement; is that

1 correct?

2 A That is correct, ma'am.

3 Q Were you writing it? Was he writing it?  
4 Were you using the computer that was in the office?

5 A I was using the computer with a standard  
6 form for a voluntary statement.

7 Q And when you took that statement, were you  
8 taking it down using his words as he was giving them  
9 to you?

10 A As best I could, yes.

11 Q And after you took that written statement  
12 what, if anything, did you do with it, to acknowledge  
13 that it was, in fact, his statement?

14 A I had him initial each paragraph, stating  
15 that each paragraph was true and correct, to the best  
16 of his knowledge. At the end of several pages was an  
17 area where he would state that he could read and  
18 write the English language. And he signed that --  
19 that statement stating that's his statement.

20 Q And did he indicate to you he could read and  
21 write the English language?

22 A Yes, he's very articulate.

23 Q As he was reading the statement and putting  
24 his initials on it, was it apparent to you that he  
25 could read and write?

1           A       Yes, it was.

2                       MS. DAVIDSON: Your Honor, may I  
3 approach the witness?

4                       THE COURT: You may.

5           Q       (BY MS. DAVIDSON) Detective, I'm going to  
6 show you what I've marked for identification  
7 purposes, as State's Exhibit No. 1. I would like you  
8 to take a look at that and tell me if you recognize  
9 that?

10          A       This is a typical Voluntary Statement Form  
11 that we use at the sheriff's office. And I have  
12 signed it as it is.

13          Q       And is this the statement that you took, the  
14 written statement, from Theron Owens, on May 17th of  
15 2008?

16          A       Yes, it is.

17          Q       At approximately what time of the day or  
18 night did you take that statement?

19          A       I'm showing on my statement 4:45 a.m.

20          Q       Are these the initials you saw him place on  
21 the statement?

22          A       They are.

23          Q       And is that his signature you saw him placed  
24 on the statement?

25          A       Yes, it is.

1 Q And on the final page is your  
2 acknowledgment; is that correct?

3 A Yes, ma'am, it is.

4 MS. DAVIDSON: Your Honor, at this time  
5 for the purposes of this hearing, I'd like to offer  
6 into evidence State's Exhibit No. 1, and tender it to  
7 counsel for their inspection.

8 THE COURT: All right.

9 MS. LYTLE: No objections, Your Honor,  
10 for the purposes of the hearing.

11 THE COURT: All right. It's admitted  
12 for the purposes of the hearing at this time.

13 (State's Exhibit No. 1 was admitted for  
14 the purposes of the hearing.)

15 Q (BY MS. DAVIDSON) How long did it take you to  
16 take that written statement from the defendant?

17 A It usually takes about an hour, somewhere  
18 around there.

19 Q Okay. So you finished 5:45 or 6:00 a.m.  
20 taking it?

21 A I would -- I'm guessing, but I'd say that's  
22 probably correct.

23 Q And after you took the statement, can you  
24 tell the Court what was the next thing that  
25 happened?



1           A       The next thing that happened is we took a --  
2 after that we ended up doing a video statement with  
3 him just based on the inconsistencies we found in his  
4 voluntary statement.

5           Q       Okay. So he gives you the written  
6 statement. You think there's some inconsistencies.  
7 Then you take a videotaped statement from him?

8           A       We did.

9           Q       When you say "we," who are you referring to?

10          A       Myself and Sergeant Craig Clopton.

11          Q       Tell the Judge where it was that you took  
12 this videotaped statement of the defendant?

13          A       We have three video -- interview rooms  
14 inside the homicide office. These are approximately  
15 12 by 12 carpeted rooms, with blank white walls with  
16 several chairs on the inside that has recording  
17 capabilities. They're inside the homicide office.

18          Q       Who was present in the room?

19          A       Myself and Sergeant Clopton.

20          Q       Okay. And the defendant?

21          A       Yes, he was.

22          Q       Anybody else?

23          A       No, ma'am.

24          Q       Tell the Court what was the first thing you  
25 did when you moved him into that room to videotape

1 the statement?

2 A The -- the first thing I did at that time  
3 was read him his rights. I'm -- I'm pretty sure on  
4 that video. I'd have to review that video to ensure  
5 that I did. I may or may not have. I don't  
6 specifically remember if I read him his rights, but  
7 either way I knew that he was going to be released to  
8 go back home, so --

9 Q Well, let's talk about that.

10 A Okay.

11 Q While he was in this video room with you and  
12 Sergeant Clopton, was he handcuffed?

13 A No, he was not.

14 Q What -- okay. Did you tell him he was under  
15 arrest for anything?

16 A No, ma'am.

17 Q So, he knew he was not in custody?

18 A That's correct.

19 Q And tell the Judge when you say, "I knew he  
20 was going to get to go home," tell the Judge what you  
21 mean by that?

22 A Well, at that point I had no idea that he  
23 was my suspect in this case. We were still  
24 investigating everything. And I had no reason or  
25 facts enough to file charges. So, I knew he'd be

1 going home and we'd be continuing the investigation.

2 Q Okay. When you say inconsistencies in the  
3 written statement, what were those inconsistencies  
4 that led you to believe you wanted to put him on  
5 videotape?

6 A Well, basically the times -- we had -- we  
7 were really accumulating all the facts at that time.  
8 I was speaking with other investigators that had been  
9 out at the scene that had seen him come, and seen  
10 him -- or seen him leave the residence and see him  
11 return.

12 And some of the residents in the area  
13 thought it unusual that they had seen him driving his  
14 mother's car. So they had commented on that. So,  
15 between the times that he had originally given, and  
16 the times that they were giving us, there were just  
17 some inconsistencies that we were trying to really  
18 get everything nailed down.

19 Q How long did the second interview take?

20 A You know, ma'am, I really can't answer that.

21 Q An hour longer?

22 A I'd be surprised if it went that long.

23 Q Were you asking him questions, or was  
24 Sergeant Clopton asking him questions, or were you  
25 both asking him questions?

1           A       We were both asking questions.

2           Q       And after he gave this second statement  
3 which you recorded, what did you do with the  
4 defendant?

5           A       He was transported back home.

6           Q       When you say, "Transported back home," how  
7 did he get home?

8           A       We had a -- the patrolman that had brought  
9 him down, I believe, transported him back home. But  
10 he was definitely transported back home.

11          Q       Okay.

12                   MS. DAVIDSON: May I approach the  
13 witness, Judge?

14                   THE COURT: All right. You may.

15          Q       (BY MS. DAVIDSON) I'm going to show you what  
16 I've marked for identification purposes, as State's  
17 Exhibit No. 2. It's a CD. And then I want you to  
18 take a look at State's Exhibit No. 2A, which is a  
19 transcript of what is on State's Exhibit 2.

20                   I want you to take a look at that, and  
21 tell me if -- after looking at that, this is in fact  
22 what occurred during the second taped statement of  
23 the defendant.

24          A       Well, I can certainly agree that the first  
25 part is exactly the way everything went. I'm sure

1 this is it.

2 MS. DAVIDSON: Your Honor, at this time  
3 for purposes of this hearing I'd like to offer into  
4 evidence State's Exhibit No. 2 and State's Exhibit  
5 2A, for purposes of the record was transcribed by the  
6 official court reporter, Ms. Adams, at our request of  
7 both parties.

8 THE COURT: All right.

9 MS. SWALLERS: No objection, Your  
10 Honor, for the purposes of the hearing.

11 THE COURT: All right. It's admitted,  
12 2 and 2A.

13 (State's Exhibit Nos. 2 and 2A were  
14 admitted for the purpose of the hearing.)

15 MS. DAVIDSON: Your Honor, at this time  
16 I would like to publish 2. If you want to see it  
17 here in the courtroom.

18 THE COURT: That's fine. I've seen it  
19 already, but...

20 That's fine. The record will reflect  
21 that counsel for the State and defense have mutually  
22 agreed to tender to the Court a copy of State's 2 and  
23 2A, as well as 1. And also what I anticipate to be 3  
24 and 3A, which are CDs and the transcripts thereof.  
25 And the -- the Harris County Sheriff's department

1 voluntary statement of Theron Gregory Owens, in this  
2 Cause No. -- well, case No. 08-58055, previous to  
3 today's hearing, that the Court reviewed. And the  
4 record will reflect that the Court reviewed all the  
5 exhibits.

6 (Attorneys confers.)

7 (State's Exhibit 2 begins to play.)

8 THE COURT: Approach the bench, please.

9 (Bench Conference.)

10 THE COURT: I'm going to take a break  
11 for the court reporter and everybody else.

12 MS. DAVIDSON: Okay.

13 THE COURT: I'm going to take care of  
14 some Court business and resume this hearing in 30  
15 minutes.

16 MS. DAVIDSON: Okay.

17 MR. MORROW: Thank you, Judge.

18 THE COURT: Officer, you can be excused  
19 for about 30 minutes.

20 THE WITNESS: All right, sir.

21 THE COURT: If you need to talk to the  
22 DAs, go ahead.

23 THE WITNESS: Okay. I'll check on it.

24 THE BAILIFF: All rise.

25 (Recess taken.)

1 THE COURT: All right. Back on the  
2 record. It's now 12:20 p.m. Today is July 21st,  
3 2011. And Sergeant Wedgeworth is on the stand  
4 resuming the hearing.

5 Ms. Davidson, you may proceed.

6 MS. DAVIDSON: Thank you, Your Honor.

7 Q (BY MS. DAVIDSON) Okay, Sergeant. After  
8 watching the CD, is that how you recall that  
9 interview with the defendant on May 17th, 2008?

10 A It is.

11 Q After the interview concluded and Sergeant  
12 Clopton left the room, can you tell the Judge what  
13 was the next thing that happened?

14 A He was shortly after that taken home by  
15 Sergeant Clopton and Deputy Corey Pool.

16 Q Did you have anymore contact with him on  
17 that day?

18 A No, I did not.

19 Q When was the next time you had any contact  
20 with him, or anybody involving his involvement in the  
21 case?

22 A The following day we conducted -- we  
23 conducted follow up. The -- the next day, I believe,  
24 I need to just take a second to be sure. Yeah, on  
25 Monday the 19th, Sergeant Clopton and I went to the

1 actual scene of the event. He had family members in  
2 from Louisiana. We were speaking with them whenever  
3 he came in. I had a brief conversation with him.  
4 One of the things mentioned was the sweatpants that  
5 he was wearing under his blue jeans the night of the  
6 event that had blood on them -- on the sweatpants.

7                   And whenever we left and went back to  
8 601 Lockwood, Sergeant Clopton received a call from  
9 Quanell X, advising him he had been contacted by  
10 Theron, and asked him a few questions and said he was  
11 going to meet with him on the 20th.

12           Q       During this conversation with Quanell X,  
13 were you a party of it, or did Sergeant Clopton  
14 actually do the talking?

15           A       No. It was Sergeant Clopton that talked to  
16 him.

17           Q       At some point on the following day, the 20th  
18 of May, did the defendant and Quanell X come to 601  
19 Lockwood?

20           A       They did.

21           Q       Tell the Judge about what time of the day or  
22 night it was?

23           A       It was -- I want to say it was early in the  
24 morning -- no, it was around noon. And they arrived,  
25 Quanell had stated that Theron had confessed to him



1 about the murder. Wanted to meet with us. I placed  
2 him in an interview room --

3 Q When you say "him," who are you referring  
4 to?

5 A Theron Owens. I placed him in an interview  
6 room and Sergeant Clopton and I spoke with him.  
7 Quanell X met with another sergeant in the office and  
8 gave a written statement. Sergeant Clopton and I  
9 spoke with Theron for -- I did for a short period of  
10 time. I read him his rights --

11 Q Okay. Let me stop you there and ask some  
12 questions. At the time the defendant and Quanell X  
13 arrived at 601 Lockwood on that day, was the  
14 defendant in custody?

15 A No, he was not.

16 Q Did you tell him he was in custody?

17 A No, I did not.

18 Q Did either you or Sergeant Clopton tell him  
19 you were arresting him at that point?

20 A No, I did not.

21 Q Did you have a -- without going into the  
22 contents, did you have any conversations with  
23 Quanell X about the things the defendant told him?

24 A Just briefly. Just briefly.

25 Q At any time when you were speaking with

1 Quanell X about the defendant, did you ask Quanell X  
2 in his capacity to help y'all get statements from the  
3 defendant? Did you ask him to help work with y'all  
4 in law enforcement?

5 A Oh, no, no. We did -- that was all  
6 voluntary on his part. He was contacted by Theron  
7 Owens. He initiated contact with Sergeant Clopton.  
8 The following day, he brought him down to the office.  
9 We had absolutely no other contact with him at all.

10 Q All right. This interview room where you  
11 put the defendant in and you and Sergeant Clopton  
12 briefly talked to him together, can you describe that  
13 room for the Judge?

14 A It's exactly like was on the first  
15 interview. Just about a 12 by 12 room, with three  
16 chairs in it, gray carpet on the floor, and four  
17 walls with one door.

18 Q Okay. You take him into this room, the two  
19 of you?

20 A We did.

21 Q Tell the Judge what happened?

22 A I took him inside the room, I read him his  
23 rights from the blue card, that's provided for by the  
24 District Attorney. I asked him if he understood his  
25 rights, and he -- he told me after every right that I

1 read him that he in fact did understand his rights.

2           And after I completed reading him his  
3 rights, I asked him if he waived his rights as I read  
4 them to him, and agreed to speak with me. And he  
5 said that he wanted to confess to it, but he felt he  
6 needed an attorney. Or something to that effect --  
7 that effect, that he did need an attorney.

8           Q     Do you have a DA blue card with you?

9           A     I do.

10          Q     Could you pull it out please, and for  
11 purposes of this hearing put on the record exactly  
12 what you read to him?

13          A     What I read was:

14                    "You have the right to remain silent  
15 and not make any statement at all. And that any  
16 statement you make may be used against you, and  
17 probably will be used against you at your trial.

18                    "Any statement you make may be used as  
19 evidence against you in court. You have the right to  
20 have a lawyer present, to advise you prior to and  
21 during any questioning. If you're unable to employ a  
22 lawyer, you have the right to have a lawyer appointed  
23 to advise you prior to and during any questioning.  
24 You have the right to terminate this interview at any  
25 time."

1 Q And so those are the rights that you read  
2 him?

3 A Yes, ma'am, that's correct.

4 Q Did he indicate to you he understood those  
5 rights?

6 A He did.

7 Q At the time you read him those rights, was  
8 the defendant in custody?

9 A No, he was not at that time.

10 Q And I believe a moment ago you said he made  
11 the statement, "I want to confess, but I'd like to  
12 talk to a lawyer first"?

13 A That's correct.

14 Q Can you tell the Judge what y'all did when  
15 he made that request?

16 A At that point I walked out of the interview  
17 room, leaving Sergeant Clopton inside with him, and I  
18 went and consulted with my Lieutenant John Denholm.

19 I had previous experience with this  
20 through Ted Wilson, when he was a District Attorney  
21 here at Harris County. And I was advised that unless  
22 he is charged that we don't have to afford him an  
23 attorney. He has the right to call an attorney or  
24 hire an attorney, you know, or -- or whatever.

25 And after reviewing that with my

1 lieutenant, I went back in and told him. And took a  
2 phone book in there for him to call if he didn't have  
3 an attorney.

4 Q And had he been charged with anything at  
5 that point?

6 A No, ma'am, not at that point.

7 Q So, you took him a phone book and told him  
8 he could contact a lawyer. Did you or Sergeant  
9 Clopton, at least while you were in the room with  
10 Sergeant Clopton, ask him any questions at all while  
11 he was attempting to talk to a lawyer?

12 A No, we did not.

13 Q At some point you end up leaving the  
14 interview room and leaving Sergeant Clopton alone  
15 with the defendant to talk to the defendant. Can you  
16 tell the Judge the circumstances behind that?

17 A Well, at that point, we -- we asked him what  
18 he wanted, you know, what he wanted to do. And he  
19 said that he wanted to talk to Quanell X. So, at  
20 that point I left the room.

21 Quanell was still giving a statement  
22 and when he completed his statement, he went in and  
23 spoke with him alone, just the two of them. And a  
24 short time later he came back out and said that he  
25 had stated he wanted to talk to Sergeant Clopton. He

1 did not want to talk to me.

2 Q And based on that statement made by  
3 Quannell X to you, concerning what the defendant had  
4 said, did you go in and have anymore conversation  
5 with the defendant?

6 A No, I did not.

7 Q And at the point you back out of  
8 interviewing the defendant, is he in custody?

9 A Not at that point, no, ma'am.

10 Q At some point he becomes in custody, does he  
11 not?

12 A He does. After he confessed the event to  
13 Sergeant Clopton. At that point we contacted the  
14 District Attorney's office and reviewed everything  
15 with them that we had and charges were accepted. And  
16 at that point he was taken into custody.

17 MS. DAVIDSON: I'll pass the witness,  
18 Judge.

19 THE COURT: All right.  
20 You may proceed.

21 MS. SWALLERS: Thanks, Your Honor.

22 **CROSS-EXAMINATION**

23 BY MS. SWALLERS:

24 Q Where did my morning go?

25 Good afternoon, Mr. Wedgeworth. How

1 are you?

2 A I'm good.

3 Q You said you received a phone call about  
4 midnight on the -- around midnight on -- I guess it  
5 would have been the 17th at that point?

6 A Right.

7 Q The 17th of May. And what time did you  
8 arrive at the scene?

9 A I actually got the call -- yeah, I guess, it  
10 was around midnight. The scene was near Tomball. I  
11 live outside of League City, all the way down south.  
12 So it took me -- I had to get up and get dressed. As  
13 far as the specific time to get there, it took me  
14 about an hour and a half, I think, to get up there.

15 Q Okay. So it was maybe about 1:30 when you  
16 got there?

17 A Somewhere around there. That would be --  
18 that would be documented in the patrolman's report  
19 exactly what time I got there. But I -- I can't  
20 honestly answer that.

21 Q And how many officers would you say were on  
22 the scene by the time you got there?

23 A Oh, there was quite a few C4 constables  
24 there. Probably, I guess, four, maybe five marked  
25 units. We had CSU there with a couple of units,

1 detectives. By the time I got there, I think there  
2 were already three there. Somewhere around there.  
3 So, there was a large group of law enforcement there  
4 whenever I got there.

5 Q And were they in marked cars?

6 A Most -- the patrol deputies, the crime scene  
7 units were all in marked cars, and our detectives are  
8 in, you know, unmarked cars.

9 Q So, you said four or five units -- but  
10 those -- the marked patrol units, were there more  
11 than one officer in those cars. Or was it just, you  
12 know, single?

13 A They're -- they're -- they're single man  
14 units, I think, for the most part up there.

15 Q So, would it be safe to say there was maybe  
16 15, 20 people -- officers already on the scene  
17 working when you got there?

18 A You know that's possible. But it's like I  
19 say, in order for me to specifically answer that, I  
20 would have to look at the reporting deputy's report,  
21 which is at the very front of the offense report.  
22 That's going to list everybody that was there. So  
23 I'd say, you know, ten to 15 people easy. Which is  
24 normal, you know, it's routine.

25 Q And when you got the phone call, who called



1 you?

2 A Sergeant Larry Davis called me.

3 Q And did you know at that point that you were  
4 going to be in charge? I believe you said earlier  
5 that you were -- how did you say it?

6 A The lead.

7 Q The lead investigator?

8 A Yes.

9 Q Okay. So, you knew before you got there  
10 that this was going to be your scene?

11 A I did.

12 Q Were there neighbors standing around  
13 outside?

14 A There were -- I know of at least one  
15 neighbor that was in the backseat of a marked unit.  
16 But yes, which is typical. We'll have neighbors all  
17 over the place wondering what's going on.

18 Q Were there any media people there at the --  
19 at the time?

20 A I don't recall. I don't have any dealings  
21 with media. That's through the administrative  
22 sergeant that we have. Larry Davis would have been  
23 the one taking care of that.

24 Q And at that time, were you -- were you made  
25 aware of what time the -- the first responders

1 arrived on the scene?

2 A I was.

3 Q And I believe you said that Mr. Owens was in  
4 the backseat of a marked car when you arrived?

5 A Yes, he was.

6 Q Do you remember if he was handcuffed?

7 A You know, I don't. If he was -- which  
8 standard operating procedure for patrol is if someone  
9 is put in your patrol car you handcuff them. So, if  
10 he was, that wouldn't have been out of the ordinary.  
11 But normally what I do if it's a witness, whenever I  
12 get there is tell them take their handcuffs off.

13 Q Do you remember if you did that in this  
14 case?

15 A I don't specifically remember that, but that  
16 would be standard for me to do that.

17 Q Do you remember what Mr. Owens was wearing?

18 A I really don't because prior to my arrival  
19 CSU had taken the clothes that he was wearing and  
20 allowed him to change his clothes, before he was --  
21 or -- or after he was placed in the patrol car. I  
22 think, he was taken out and then had his clothes  
23 removed for evidence, which is standard, and then  
24 placed back in the car.

25 Q So, he was -- do you remember if he was in

1 an orange jumpsuit when you got there?

2 A Oh, no. Uh-uh. No, he was in street  
3 clothes, yeah.

4 Q Was the neighborhood well-lit, or is it a  
5 dark neighborhood?

6 A It's a -- you know, it's a rural  
7 neighborhood with a few lights around. But it's  
8 not -- in -- in nighttime hours you have pretty good  
9 visibility outside, as I recall.

10 Q Do you remember if the -- the emergency  
11 lights on any of the vehicles were on when you got  
12 there, or was it...

13 A No. I'm pretty sure by that time they'd  
14 been turned off.

15 Q How long were you on the scene before you  
16 left?

17 A I would say about an hour and a half, an  
18 hour and a half, maybe two hours.

19 Q So, then that would be -- okay. Sorry about  
20 that.

21 Did you talk to any of the officers who  
22 were already process -- well, were there people  
23 already processing the scene, or were they waiting  
24 for you to get there?

25 A Yeah, CSU was already processing the scene.

1 And this is what typically takes place, and it took  
2 place there that night.

3           When I arrived, they all knew I was the  
4 lead investigator. My job is to give assignments to  
5 other investigators, either to do a canvas or to  
6 interview certain witnesses. I'll go and do a walk  
7 through the scene, so I'll know exactly what I have  
8 to look at.

9           And at that point, I will meet with the  
10 main witnesses. And at that point, we had two  
11 witnesses that I felt were the main witnesses. And I  
12 briefly spoke to the next door neighbor. I don't  
13 recall his name.

14       Q     Was it a male?

15       A     He had called 911 and had come to assist  
16 him. And just briefly told me that he had come  
17 outside yelling, and went back inside. And then he  
18 went over to see if he could help him. And then I  
19 met with Theron.

20           And I felt he was the individual, the  
21 last one to see them alive, that I needed to get as  
22 much information as I could from him, to lead to  
23 possible suspects or whatever. So, he was  
24 transported downtown at that time.

25       Q     So, do you -- besides talking with whoever

1 the major witnesses are who are on the scene, did you  
2 also speak with the officers who were there working  
3 to see what they'd done before you got there, and  
4 what --

5 A Well, that took place -- the only people  
6 that I was really concerned with was my crime scene  
7 units at that time. Because the other detectives  
8 that were there at the scene, were pretty much taking  
9 care of everything else, as far as the first officer  
10 that got to the scene, "What did you see?" You know,  
11 all of that. Whenever I walk through with CSU, they  
12 fill me in on all of the information that they had.

13 Q So, you're more interested, I guess, in  
14 what --

15 A I'm more interested in -- at the scene, you  
16 know, at that time. But they're telling me, they've  
17 already talked to the first officer that arrived at  
18 the scene. For me to go talk to him again and then  
19 go to CSU, would just be repetition.

20 Q Do you remember if any officers came up to  
21 you and volunteered information that they had at that  
22 time? Or did they stay out of your way?

23 A Typically, that would -- that would be  
24 taking place. From the minute I arrive at the scene  
25 I'm gathering information. From the time I drive up

1 and meet the first person, you know, that particular  
2 night it was the administrative sergeant, Larry  
3 Davis. I met with him and...

4 Q Do you remember if anybody told you -- if  
5 any of the officers -- I guess it would be the  
6 constables. Did any of them tell you that there was  
7 a struggle with Mr. Owens?

8 A No.

9 Q How would you describe the mood at the scene  
10 overall, if you could?

11 A I don't know. It was very somber with --  
12 here we had two elderly females that had been  
13 brutally murdered, you know. It was what you would  
14 expect in a situation like that.

15 Q Was anybody agitated?

16 MS. DAVIDSON: I object to the  
17 relevance, Judge.

18 THE COURT: That's sustained.

19 Q (BY MS. SWALLERS) Okay. So, I think you said  
20 earlier that you were on the scene for about an hour  
21 and a half to two hours before you made the decision,  
22 Okay, we're going -- we're going to head to Lockwood.

23 A Well, that's -- that's an estimate on my  
24 part. And it could have been an hour, it could have  
25 been an hour and 15 minutes. I can't honestly answer

1 exactly what time, you know, we had it down. But  
2 that's standard operating procedure for us to do  
3 that.

4 Q But you knew by that point that Mr. Owens  
5 had been in the back of the patrol car for at least  
6 two hours?

7 A I knew he had been there for a while, yeah.

8 Q Could you have asked the questions -- could  
9 you have asked -- did you ask questions of Mr. Owens  
10 at the scene?

11 A I asked a couple of questions, you know.  
12 But in order for us to document everything  
13 officially, at that point in time, I had to take him  
14 downtown to get a written statement from him. And at  
15 that time that was all I planned to do, was take a  
16 written statement from him.

17 Q Did you ask him if he wanted -- if he had a  
18 vehicle that he wanted to drive himself?

19 A No. At that -- that point in time, that one  
20 vehicle that was there was part of the scene. But  
21 ordinarily in a situation like that, I would have had  
22 him transported or transported him himself.

23 Q Did you ask him if he wanted to go with you?

24 A No.

25 Q Did he say to you, "Officer, I want to come

1 down with you to the homicide division?"

2 A Well, during our conversation he told me he  
3 wanted to tell me everything that he knew.

4 Q At the scene he told you that?

5 A Yes, he did.

6 Q When you were talking with the CSU guys and  
7 gals when you got there, did anybody tell you that  
8 the backdoor was open on the scene when you got  
9 there?

10 MS. DAVIDSON: Judge, I'm going to  
11 object to relevance during this hearing.

12 THE COURT: All right. That's  
13 sustained. Let's not try the case right now. Let's  
14 just get to the issue at hand. Issues having to do  
15 with his arrest, custody, statements, any context  
16 of -- related context is fine.

17 Go ahead.

18 Q (BY MS. SWALLERS) Okay. So, it was  
19 approximately then around 2:00 or 3:00 -- it was  
20 sometime between 2:00 or 3:00 in the morning when you  
21 guys headed down to Lockwood?

22 A That is probably true.

23 Q And was -- was anybody else at the  
24 station -- or at the office there when you got there?

25 A There is always -- always people in and out.



1 Q Do you remember seeing anyone in particular?

2 A Well, the patrolman that brought him down  
3 was there. That I can't remember.

4 Q And I believe you said that you guys first  
5 went into an office, right?

6 A That's correct.

7 Q Was it your office or just a vacant office?

8 A No. It's the -- it's the administrative  
9 sergeant's office, which is -- it's part of the  
10 homicide office itself, but you know, there's a long  
11 wall with offices on it, and it's one of those  
12 offices. It's got a whole glass front, you know, to  
13 where it's got a big glass window on the door and a  
14 big glass window on the side so you can see inside  
15 it.

16 Q From inside the office, you can see out into  
17 the hallway?

18 A No. You can see out into the homicide  
19 office, and from the homicide office you can see  
20 inside to the administrative office.

21 Q And you say at that point he was not in  
22 custody?

23 A That's correct.

24 Q And -- and you also said you were wearing  
25 your gun at the time?

1           A        I'm -- I'm sure I was.

2           Q        And you don't remember if there was anybody  
3 else around? I mean, besides the patrolman that  
4 brought him in?

5           A        Well, during, you know, during this time  
6 when you're out on a scene and you've got a number of  
7 people out there with you, there's people that will  
8 finish their jobs, they're at the scene, can come  
9 into the office. There's people coming and going.  
10                    But this much I can tell you, it was  
11 just he and I in the office.

12          Q        Okay. And was the door open or closed?

13          A        I would close the door. The door is always  
14 closed.

15          Q        And did you offer him a -- you offered him a  
16 cup of coffee, I believe you said?

17          A        I did.

18          Q        Did you have any conversation before you  
19 started taking the statement or you went right into  
20 the statement?

21          A        No. Normally you talk and try to get as  
22 much information as you can before you start. You  
23 try to make it as accurate as possible. I'll have --  
24 I had him detail to me his travels for the day, and  
25 the evening coming home to the discovery. And then

1 after we had gone through all that, then I would  
2 start the statement.

3 Q And so you -- you didn't -- you said you  
4 believed him when you read him his rights, but you  
5 weren't sure?

6 A No. Not on the -- the written statement, I  
7 did not read him his rights. And on the first  
8 recorded statement I did not read him his rights. At  
9 that time it was all voluntary.

10 Q And you said, I believe, that you knew he  
11 was going to be released, so you didn't feel it -- it  
12 was necessary?

13 A Exactly, I knew he was going to be going  
14 home. Now, I mean, if he confessed to me, obviously  
15 he wouldn't be going home.

16 Q You didn't know what he was going to say  
17 though, did you?

18 A I can't read people's minds. But at that  
19 point I had no -- other than he's the last person to  
20 see her -- see these people alive, that's --

21 Q You said, I believe, that you didn't have  
22 facts enough to determine whether he was a suspect at  
23 the time?

24 A I had no idea if he was the person that had  
25 killed these two women or not, at that point.

1 Q Did you believe that once he had given you  
2 the statements that there were inconsistencies?

3 A Yes, after he --

4 Q The written statement, I'm sorry. The  
5 written statement.

6 A After he gave me the first -- no, at that  
7 time -- I -- I really, I wasn't sure until he took  
8 his polygraph. And at that point, you know, I still  
9 didn't know. Polygraphs aren't a hundred percent,  
10 but it's a useful tool.

11 Q Were you speaking with other investigators  
12 at the -- during this conversation you were having  
13 with Mr. Owens?

14 A The written statement or the audio  
15 statement?

16 Q We're still at the written statement.

17 A Just me.

18 Q Okay.

19 A And him.

20 Q And how long do you think he was in -- in  
21 the room, between when the written statement was done  
22 and between when you asked him to take a polygraph?

23 A Well, upon -- well, you know, that I cannot  
24 really say, but typically it takes me about an hour  
25 to take a statement and I've taken thousands of

1 statements over the past 20 years in homicide. I can  
2 say that after he completed the written statement and  
3 had signed it, I asked him if he'd take a polygraph.

4 Q Immediately thereafter?

5 A As soon as he signed it, I asked him if he  
6 would take a polygraph. And at that point in time, I  
7 had to make arrangements for a polygraph examiner to  
8 come down. So, it's -- it's a slow process. I  
9 actually have no idea how long it took.

10 Q So, it wasn't based on anything that he said  
11 in the written statement, it was just your standard  
12 operating procedure to offer a polygraph?

13 A Exactly.

14 Q You do that with everybody that comes in on  
15 a homicide investigation?

16 A For the most part. In a situation like  
17 this, where it's the last person to see someone  
18 alive, I would do it just about a hundred percent of  
19 the time.

20 Q And did you -- did you give him any warnings  
21 at that time when you asked him to take a polygraph?

22 A I asked him if he would voluntarily take a  
23 polygraph and he said he would.

24 Q About how long did that take -- the  
25 polygraph exam.

1           A       Typically they're about -- between an hour  
2 and two hours. And I -- I honestly can't answer  
3 that. I didn't sit there with a tab, you know,  
4 writing down every, you know, minute that we were  
5 together.

6                       I can only say that after the  
7 polygraph, he went into the interview room. After he  
8 failed the polygraph, he was placed in the interview  
9 room. So, shortly after that we started the video.

10          Q       What's the polygraph -- where's the  
11 polygraph room in relation to where you were doing  
12 the -- taking the statement?

13          A       We're all in the -- we're all in the same  
14 building. The polygrapher's office is probably  
15 20-yards from homicide, directly down a hall. That  
16 would be about as far as it is.

17          Q       And were you in the room with him when he  
18 was taking the polygraph exam?

19          A       No, ma'am.

20          Q       Who was in the room?

21          A       The polygraph examiner.

22          Q       And when -- when it was finished who -- how  
23 did Mr. Owens get from the polygraph room into the --  
24 the -- the room where you started the video?

25          A       He was brought back by the polygraph

1 examiner.

2 Q Brought back to where?

3 A Brought back to the homicide office.

4 The polygraph examiner arrived, met  
5 with him, they walked over to his office. He closed  
6 the door, gave him the examination, walked him back  
7 over to homicide without any of us around.

8 Q And so he sat in the office alone?

9 A With the polygraph examiner?

10 Q No, no. Waiting -- waiting for you to come  
11 back to start the rest of the interview?

12 A He sat in the interview room alone?

13 Q Yes, sir.

14 A Yes. It's monitored, you know.

15 Q So, you said that when he -- when he failed  
16 the polygraph is when you were going to start asking  
17 him some more questions, right?

18 A That's correct.

19 Q And how did you find that out?

20 A The polygraph examiner met with me, and told  
21 me that he had shown deception on all relevant  
22 questions that he had asked him.

23 Q So, did you believe at that point that he  
24 was a suspect?

25 A I didn't know. I mean, I've worked cases

1 before where guys have stabbed people to death and  
2 passed their polygraph. So, it's like I say, it's a  
3 useful tool. I didn't know, but I was suspicious.

4 Q So, would you say he's a suspect after  
5 failing the polygraph at that point, or would you  
6 not?

7 A I would say that he's -- he could be one of  
8 many suspects that were out there, that if I had  
9 enough evidence I would -- I would know they had  
10 something to do with the event. But at that point, I  
11 really had no evidence. The only thing I was going  
12 off of was the initial statement he gave me and the  
13 polygraph.

14 Q And you said earlier that based on that, you  
15 didn't have enough to say whether or not he was a  
16 suspect?

17 A I didn't have enough to put him in jail. I  
18 didn't have enough -- I mean, he could have told me  
19 at that point, "I'm through," and he would have been  
20 taken back home.

21 Q So how -- can you describe for us then, how  
22 big the interview room was where you did a video  
23 recording?

24 A It's, you know, it's about 12 by 12 I want  
25 to say.



1 Q And the chair we saw Mr. Owens' sitting in  
2 was in the corner?

3 A Right.

4 Q Were there any windows in the room?

5 A No.

6 Q How many doors?

7 A One.

8 Q And where were you sitting in relation to  
9 the door?

10 A I was sitting directly across from the door  
11 in the other corner.

12 Q So, catty corner from Mr. Owens or -- or in  
13 the same side, on either corner?

14 A He's in the corner, I'm in the next corner  
15 over, looking directly at him. The doorway is over  
16 here (indicating), you know, across the room.

17 Q And was the door open or closed?

18 A Closed.

19 Q Is there any particular reason why the video  
20 starts in the middle of the conversation?

21 A That -- none that I know of.

22 Q Who -- who started the videotape?

23 A You know, at this point I honestly couldn't  
24 tell you.

25 Q But you didn't start it?

1           A       Oh, I didn't start it. I'm not techie, so.  
2 You know, it -- it was just one of the guys. You  
3 know, it's typical for interviews to be monitored by  
4 other detectives in the office. It's typical. As to  
5 exactly who started it for me, I -- I really don't  
6 remember.

7           Q       And you didn't read him his Miranda rights  
8 before then, right?

9           A       That's correct, I did not.

10          Q       Because you said he wasn't in custody?

11          A       He was free to go at any time.

12          Q       So, even though he had made statements which  
13 you said were -- there were inconsistencies, you said  
14 in the times of his written statement, right?

15          A       Right.

16          Q       And so what did that do in your mind? I  
17 mean, what did you think at that point, when you're  
18 like I don't know, these times don't add up?

19          A       Well, it's kind of that way, you just don't  
20 know. I mean, one way you look at it, you can -- you  
21 know, you try to be compassionate about the  
22 situation. He -- he could be a victim just like his  
23 mother and grandmother. Or he could be the one that  
24 actually did it. You know, so that's -- that's the  
25 way you go at it. I didn't go at it specifically

1 like he was, you know, the one that did it at that  
2 point.

3 Q Would you say you -- Okay. So is this a  
4 fair statement? Would you say that you approached  
5 him as if he were a suspect at that point?

6 A I did.

7 Q But you didn't believe that he was?

8 A I had no idea at that point.

9 Q So, why would you approach a man that way if  
10 you didn't really have any idea if he was or not?

11 A Because I believe I'd be remiss in my duties  
12 as a homicide investigator if I didn't try to do  
13 everything I possibly could to get to the truth. And  
14 certain techniques are utilized during every  
15 interview that we do. And exactly what you saw on  
16 the video is normally exactly what takes place. You  
17 know, I don't know if I'm dealing with a killer or a  
18 victim, but I do know that he's failed a polygraph.

19 Q And did you tell him that that polygraph  
20 wouldn't be admissible in any way or form in court?

21 A No, not that I recall.

22 Q Did you ask him if he was okay. Thinking  
23 that he might be a victim?

24 A No, I did not.

25 Q Would you agree with me that your tone in

1 the interview was real different than the  
2 conversation you and I are having right now?

3 A Absolutely.

4 Q Would you say that's a -- a tactic or a  
5 strategy in interrogating somebody?

6 A I would.

7 Q Somebody who may or may not be a suspect?

8 A Yes.

9 Q Somebody who may or may not be a victim?

10 A Yes.

11 Q And you said earlier that Mr. Owens knew he  
12 wasn't in custody. That's what -- I believe that's  
13 what you said to Ms. Davidson?

14 A Yes.

15 Q Can -- can a situation go from a  
16 noncustodial statement to a custodial statement like  
17 that?

18 A If he confessed to me.

19 Q So, do you believe at any -- at any point  
20 during this conversation that Mr. Owens -- do you  
21 believe he was still free to leave at that point?

22 A All he had to do was get up and say, "I'm  
23 through."

24 Q Have you ever had a suspect walk out of an  
25 interrogation?

1           A       A number of times.

2                       MS. DAVIDSON:  Objection; relevance,  
3 Judge, for the purposes of this hearing.

4                       THE COURT:  Sustained.

5           Q       (BY MS. SWALLERS) Do you think it would be  
6 intimidating to get up in a small room like that, and  
7 walk past an officer through a closed door?

8           A       I have had a number -- a number of people do  
9 that -- tell me, "I'm through.  I'm out of here.  I'm  
10 not saying another word."

11          Q       So he -- he could have just gotten up and  
12 walked out as soon as you walked in with that tape  
13 on, or at any other point, after you had gotten him  
14 to Lockwood?

15          A       Absolutely.

16          Q       Down the hallway, it had only to be 20,  
17 30-yards you said to the door?

18          A       Ma'am, if I didn't have any evidence and I  
19 had no evidence at that time I could not have filed  
20 charges on him.  So, of course he was not under  
21 arrest.

22          Q       But can you see how somebody would think  
23 they couldn't go anywhere?

24          A       I can't read a person's mind.

25          Q       But you said he knew he wasn't in custody?

1 A I never told him he was in custody.

2 Q So, you don't know what he thought?

3 A Well, it's -- I can't read his mind. I have  
4 no idea.

5 MS. SWALLERS: Sorry, just one second,  
6 Your Honor.

7 Q (By MS. SWALLERS) Okay. So, we just saw the  
8 video, which took about two hours to show. That was  
9 taken after you did the written statement, correct?

10 A That's correct.

11 Q Okay. And at some point in the video he  
12 asks you to book him, doesn't he?

13 A I think he did a couple of times.

14 Q And you even said you were giving him the  
15 third degree, didn't you? You told him that?

16 A I may have. I might have missed that part.

17 Q And you also told him that -- that during --  
18 during the beginning of the interview, that the  
19 gardener -- that you'd already spoken with the  
20 gardener; is that true? Or someone -- some law  
21 enforcement officer under your charge had spoken with  
22 the gardener?

23 A I -- I can't answer that honestly. They may  
24 or may not have.

25 Q But you told Mr. Owens that he passed his

1 polygraph, that Mr. Gonzales, the gardener, had  
2 passed his polygraph; you told him that?

3 A Yes, I did. I think I told him that.

4 Q And was that true?

5 A No.

6 Q And you also told him that you believed he  
7 killed his mother and grandmother, right away in  
8 the -- in the videotaped interview, correct?

9 A That's correct.

10 Q But you still believe he thought -- he  
11 should be able to get up and walk out freely?

12 A All he had to do was stand up and say, "I'm  
13 through."

14 Q And he asked you a couple of times if he can  
15 make a phone call, didn't he?

16 A Not that I recall. He gave -- he was giving  
17 telephone numbers, but he never asked to make a phone  
18 call that I'm aware of.

19 Q Well, in the same -- in the same  
20 conversation, when he said, "Just go ahead and book  
21 me, give me my phone call, because this is all I have  
22 to say." Do you recall he said something about like  
23 that?

24 A Something like that.

25 Q Does that sound to you like somebody who

1 thought he was going to go home that day?

2 A Well, I really can't answer that. I mean, I  
3 don't know what was going on in his head.

4 Q But you --

5 A I don't know whether he was just saying that  
6 or what he thought. How am I supposed to know that?

7 Q Do you -- did you think that he didn't want  
8 to continue the interrogation at that point, when --  
9 when he said those things to you?

10 A I think if he hadn't wanted to continue, he  
11 would have got up and walked out. That's what I  
12 think.

13 Q And so he was with -- he was at least in a  
14 police car, from about 11:30 that evening. And we  
15 saw on that tape, that it was about 10:30 in the  
16 morning the next day, right?

17 A Yeah, somewhere around there, yeah.

18 Q And he hadn't been to sleep?

19 A Me neither.

20 Q And his family had just been murdered, or  
21 killed, correct?

22 A Murdered.

23 Q And he's in a small room with you, correct?

24 A That's correct.

25 Q And you told him he's failed a polygraph,



1 correct?

2 A That's correct.

3 Q He told you, "Go ahead and book me. I don't  
4 have anything else to say."

5 A He did say that a couple of times.

6 Q And so after about a couple hours of this,  
7 you decide -- you have Clopton and Pool take him  
8 home?

9 A That's true. He kept talking.

10 Q But once this tape was over, how long was he  
11 there?

12 A Oh, just a short period of time before he  
13 was taken home.

14 Q Was it 30 minutes, an hour?

15 A You know, I don't recall. But he wasn't  
16 questioned at all.

17 Q After the tape stopped, there wasn't any  
18 more conversation?

19 A When it was over, it was over.

20 Q And then you said Clopton and Pool took him  
21 home?

22 A That's correct.

23 Q And then you said that you didn't have any  
24 contact with him for several hours. I guess it was  
25 then the next day that you went to his house?

1 A It was the 19th.

2 Q The 19th, you went to the home?

3 A Right.

4 Q And who was there when you got there?

5 A He's got a cousin named Corey from  
6 Louisiana, and a bunch of other relatives were there.

7 Q About how many people?

8 A I don't know. You know, they were in the  
9 house. Honestly, I don't know.

10 Q And were they outside when you got there, or  
11 were they, if you know?

12 A Inside the house.

13 Q And did they let you in?

14 A Yes, they did.

15 Q And how long were you there before Mr. Owens  
16 arrived?

17 A A few minutes. Just letting them know what  
18 was going on with the investigation.

19 Q And you spoke with Mr. Owens that day?

20 A I did.

21 Q Do you remember telling him to come back to  
22 the homicide office and give a confession?

23 A Something to that effect.

24 Q Do you remember telling him you had no doubt  
25 in your mind that he had killed his mother and

1 grandmother?

2 A At that point I had no doubt in my mind.

3 THE COURT: The question was, "Do you  
4 remember telling him that?"

5 THE WITNESS: Oh, I'm sorry, Your  
6 Honor. Yes, I do.

7 Q (By MS. SWALLERS) And do you remember  
8 reminding him about -- that you had some gray  
9 sweatpants with fresh blood on them?

10 A I don't recall that specifically. But I  
11 know that was brought up.

12 Q So, he was your suspect at that point?

13 A At that point he certainly was.

14 Q And can you tell me when he became your  
15 suspect?

16 A Just from the time he left the office, we  
17 reviewed, critiqued everything that he had said on  
18 both statements, and from the interviews with people,  
19 the evidence that we were looking at at the scene.  
20 Just based on my experience, he was the guy.

21 Q But you didn't make that conclusion until  
22 after -- at the -- sometime between when that first  
23 interview was over and when you came back to his  
24 house on the 19th?

25 A During that period of time.

1 Q And did you speak with Quanell X during  
2 those hours in between, like on the 19th?

3 A No.

4 Q Do you know if anyone else did?

5 A Sergeant Clopton was contacted by him, after  
6 Theron Owens had contacted Quanell, and said  
7 something to the effect of us harassing him. You  
8 know, but that's secondhand information that I got  
9 from Sergeant Clopton. And Sergeant Clopton, I  
10 believe, was contacted the 20th by Quanell X.

11 Q But you said you -- you didn't ask Quanell  
12 to help, that he voluntarily helped, got involved --

13 A That's correct. That's correct.

14 Q -- in the situation?

15 Do you know Quanell?

16 A No. Other than he's been to the office a  
17 few times over the years, performing the same basic  
18 service that he did this time as a good citizen. When  
19 someone comes and confesses to murder he brings them  
20 in.

21 Q So -- but you've never met him before?

22 A Not -- I -- I know him to be Quanell X. He  
23 doesn't know me to be Roger Wedgeworth, if that's  
24 what you mean.

25 Q You said you'd seen him a few times come

1 down to homicide?

2 A Over the years.

3 Q Would it surprise you if it was more than  
4 ten?

5 A Well, for me it would certainly surprise me.  
6 Because just thinking back, I can only remember a  
7 couple of times that he's brought anyone in, you  
8 know, that had killed somebody and had gone to him,  
9 that he brought in. I can only recall a couple of  
10 times with my department, you know. Surely, HPD's  
11 probably had the same.

12 Q Would you say that your office has a  
13 relationship with Quanell X of some kind?

14 A Not that I'm aware of.

15 Q Do you know if Quanell X received any Crime  
16 Stopper's money for escorting Mr. Owens to homicide?

17 MS. DAVIDSON: That would be hearsay on  
18 the part of this witness, Judge.

19 THE COURT: Sustained.

20 Q (BY MS. SWALLERS) So, how many conversations  
21 are you aware of that there were between Quanell X  
22 and Mr. Clopton, or someone -- anyone else from your  
23 office regarding Mr. Owens' case?

24 MS. DAVIDSON: Object to the relevance,  
25 Judge.

1                   THE COURT: All right. What's the  
2 relevance, Counselor?

3                   MS. SWALLERS: Judge, we'll be -- be  
4 able to tie this up. We have our arguments that  
5 we're going to make regarding Quanell X citizen,  
6 having an agency relationship.

7                   THE COURT: Well, you may answer that  
8 question and move on.

9                   THE WITNESS: And -- and the question  
10 is?

11           Q       (BY MS. SWALLERS) How many conversations are  
12 you aware of, between Quanell X and either Clopton or  
13 Denholm in -- someone in your office working on this  
14 case?

15           A       You know, all I know, because I never talked  
16 to him, is that he contacted Sergeant Clopton. Why  
17 he specifically contacted him, I don't know.  
18 Sergeant Clopton is one of the black detectives in  
19 the office. That could be it. I don't know. But I  
20 know that Sergeant Clopton talked to him that night.  
21 And the following day Sergeant Clopton talked to him  
22 whenever he brought him down to the office. That's  
23 it.

24           Q       And you say when he came back the next day,  
25 he was not in custody, correct?

1 A No -- that is correct.

2 Q But right away, when -- when Mr. Owens came  
3 in, he told you that he wanted a lawyer?

4 A No. Not the -- not on the 20th, he didn't.  
5 Oh, whenever -- after I read him his rights you mean?

6 Q Yes, sir.

7 A Yes, he said he wanted an attorney.

8 Q And I believe you said that you went and had  
9 discussion with your lieutenant, who said -- and --  
10 and you told -- after that discussion, then you told  
11 Mr. Owens we can't appoint you -- or get you an  
12 attorney right now?

13 A That's exactly what I told him.

14 Q And that it's your understanding, it's  
15 because he wasn't formally charged with anything?

16 A That's my --

17 Q Is that true?

18 A -- understanding.

19 Q But you believed at this point he was your  
20 only suspect?

21 A Yes, I did.

22 Q Did you call the DA's office -- did you call  
23 the DA's office then?

24 A Not then.

25 Q Why did you wait?

1           A       Why? Well, Quanell X was giving a statement  
2 at that time. To give details of his confession, was  
3 one of the reasons. The other reason was, after I  
4 went in the second time, you know, and told him about  
5 contacting an attorney, he said he wanted to talk to  
6 Quanell X. So Quanell X was brought into it. And  
7 they had their conversation. And then after that he  
8 asked to speak to Sergeant Clopton.

9           Q       But let -- let me back up a little bit. But  
10 you -- so when you read him his Miranda rights, even  
11 though he wasn't in custody, right?

12          A       That's correct, at that time.

13          Q       And when you read him the Miranda rights, at  
14 that point had -- was Quanell into the middle of  
15 giving his statement or had he already given it?

16          A       He was giving his statement at that time.

17          Q       At the same time that you were Mirandizing  
18 Mr. Owens?

19          A       That's correct.

20          Q       So, you didn't know what Quanell X was  
21 saying at that time?

22          A       (Shakes head.)

23          Q       Do you know the content of Quanell X's --  
24 what -- what he was coming there to say?

25          A       Yeah, details of -- that he had furnished



1 him about the murders.

2 Q And do you know if those inculpatory  
3 details? Is that what you thought was going to  
4 happen?

5 A I really don't know. I know that after I  
6 read him his rights, he said he wanted to confess to  
7 it, but he felt he needed an attorney.

8 Q And you just went through the -- the blue  
9 card, that -- that we call it, with all the Miranda  
10 rights on there?

11 A I did.

12 Q And you told him that he had the right to  
13 have a lawyer present?

14 A I did.

15 Q And you told him that one would be appointed  
16 to him if he could not afford it.

17 A I did.

18 Q And you asked him if he wanted to waive  
19 those rights?

20 A I did.

21 Q And his response was that he wanted a  
22 lawyer. He wanted to speak with you, but he wanted a  
23 lawyer?

24 A No. He wanted to confess but he wanted a  
25 lawyer.

1 Q And would you say at that point he was  
2 invoking his right to counsel that you had just  
3 advised him of?

4 A I'd say that's probably true.

5 Q And what's supposed to happen when somebody  
6 invokes their right to counsel?

7 A I stopped questioning immediately.

8 Q So -- and you left the room, you said --  
9 like we were saying earlier -- to discuss what was  
10 happening with your lieutenant?

11 A Exactly.

12 Q And you came back in and handed him a phone  
13 book?

14 A That's correct.

15 Q And Mr. Owens then said to you that he  
16 couldn't afford a lawyer?

17 A Yeah.

18 Q And you told him that you couldn't appoint  
19 one, because he wasn't yet charged?

20 A That's correct.

21 Q And then you said to him, "So at this point,  
22 I don't know what to tell you. If you don't want to  
23 talk without having a lawyer right here, then..."  
24 And it just kind of trails off; is that correct?

25 A That's correct.

1 Q What do you mean by that, "You didn't know  
2 what to tell him"?

3 A I'm not here to advise him. If he doesn't  
4 want to talk. He knows his rights.

5 Q But what do you --

6 A He's already told me he understood his  
7 rights. So, I assumed that if he didn't want to  
8 talk, that he would say, "I don't have anything to  
9 say."

10 Q But didn't you just say that when someone  
11 asks for a lawyer, that's what you're supposed --  
12 you're supposed to stop the interview?

13 A I did stop the interview.

14 Q But you came back?

15 A I stopped the interview, came back and gave  
16 him a phone book so he could call an attorney. I  
17 wasn't questioning him about the event.

18 Q You wanted a confession though, right?

19 A Absolutely.

20 MS. DAVIDSON: Object to the relevance  
21 of what the officer wanted, Judge.

22 THE COURT: Sustained.

23 Q (BY MS. SWALLERS) So, you said you didn't ask  
24 him anymore questions after you handed him the phone  
25 book and he said, "I cannot afford a lawyer." You

1 didn't ask him anymore questions after that, correct?

2 A That's correct.

3 Q Would you say you encouraged him to speak  
4 with Sergeant Clopton?

5 A No, I wouldn't say that at all.

6 MS. SWALLERS: Judge, may I approach?

7 THE COURT: Yes.

8 MS. SWALLERS: Do you have the  
9 transcript?

10 MS. DAVIDSON: I haven't introduced it  
11 yet.

12 MS. SWALLERS: I'm sorry?

13 MS. DAVIDSON: I haven't introduced it  
14 yet. I was going to introduce it through Clopton.

15 (Attorneys confer.)

16 Q (BY MS. SWALLERS) I'm going to show you  
17 this -- which is here. If you wouldn't mind  
18 reviewing it -- like pages 5 and 6, maybe.

19 THE COURT: What are you showing him?

20 MS. SWALLERS: I'm sorry. This is -- I  
21 believe it's -- it's -- well, it's the transcript,  
22 dated May 20th, 2008. From the interview --

23 THE COURT: All right.

24 MS. SWALLERS: -- at homicide.

25 THE WITNESS: (Witness complies.)

1                   Okay.

2           Q     (BY MS. SWALLERS) So, after Mr. Owens tells  
3 you he wants an attorney, at some point you tell him  
4 you can't get him one, correct?

5           A     That's correct.

6           Q     That's where we were at.

7                   And then you said -- do you remember  
8 saying to him, "Well, if you want to talk to Sergeant  
9 Clopton, that's between you guys"?

10          A     No. I don't recall that. Is that in that?

11          Q     Would you like to review --

12          A     I'd like to see it again, yeah.

13          Q     Okay.

14          A     I mean, if I said it --

15                   MS. SWALLERS: May I approach, Judge?

16                   THE COURT: You may.

17                   THE WITNESS:

18          A     If I said it, I said it, but I don't recall  
19 that specifically.

20                   MS. DAVIDSON: For purposes of the  
21 record, we ought to put on the page and the line  
22 number of the transcript she's referring to, Judge.

23                   THE COURT: All right. And for the  
24 record, that's anticipated to be 3A.

25                   MS. DAVIDSON: Yes, sir.

1 THE COURT: All right.

2 MS. SWALLERS: And that would be  
3 page 6 --

4 THE WITNESS: Oh, okay.

5 MS. SWALLERS: -- of 3A. And it would  
6 be lines 22 through 25.

7 THE WITNESS: Okay.

8 Q (BY MS. SWALLERS) So, do you remember then  
9 telling him that -- that -- "Okay, yeah that's  
10 between -- if you want to say something, that's  
11 between you and Mr. Clopton."

12 A Well, yes.

13 Q And that's after he invoked his right to  
14 counsel, correct?

15 A That's correct.

16 Q And then you said to him again, "Well, I can  
17 bring you a phone book, but that's the best I can  
18 do." Right?

19 A I recall that.

20 MS. SWALLERS: Judge, we pass the  
21 witness.

22 THE COURT: All right.

23 MS. DAVIDSON: I have no further  
24 questions of this witness, Judge.

25 THE COURT: At that time. Okay. All

1 right. Thank you Sergeant Wedgeworth. You are  
2 excused for now.

3 THE WITNESS: Thank you, Judge.

4 THE COURT: Okay. We're going to take  
5 a break for lunch, 2:30. And we'll resume.

6 (Discussion off the record.)

7 (Lunch recess taken.)

8 (Open court; defendant present.)

9 THE COURT: Okay. This is Cause  
10 No. 1167769, State of Texas versus Theron Owens. The  
11 record will reflect today's date is 7/21/11. And  
12 it's now about 2:40 -- 2:38 p.m. Both sides ready to  
13 resume?

14 MS. DAVIDSON: States ready, Judge.

15 MR. MORROW: We're ready, Your Honor.

16 THE COURT: All right. What says the  
17 State?

18 MS. DAVIDSON: State calls Sergeant  
19 Craig Clopton.

20 THE COURT: All right. Sergeant  
21 Clopton.

22 Good afternoon, Sergeant. How are you  
23 doing? Raise your right hand, please.

24 (Witness sworn.)

25 THE WITNESS: Yes, I do.

1 THE COURT: All right. Feel free to  
2 walk over here. Have a seat there in the witness  
3 chair and adjust the microphone and answer as  
4 directly as you can.

5 You may proceed.

6 MS. DAVIDSON: Thank you --

7 THE COURT: If one of the -- excuse  
8 me -- if one of the lawyers stands up while you're  
9 answering a question, go ahead and stop your answer.  
10 I'll talk to them, then I'll talk to you.

11 You may proceed.

12 MS. DAVIDSON: Thank you, Judge.

13 **CRAIG CLOPTON,**  
14 having been first duly sworn, testified as follows:

15 **DIRECT EXAMINATION**

16 BY MS. DAVIDSON:

17 Q Can you state your name, please?

18 A Craig Clopton, C-L-O-P-T-O-N.

19 Q How are you employed?

20 A I'm a sergeant investigator with Harris  
21 County Sheriff Department homicide division.

22 Q How long have you been a sergeant with the  
23 sheriff's office?

24 A About seven years.

25 Q And what exactly do you do in the homicide