

1 (Open court, defendant present, no jury)

2 THE COURT: Raise your right hand, please.

3 (Witness sworn)

4 (Open court, defendant and jury present)

5 THE COURT: All right. Thank you.

6 Please be seated.

7 Good afternoon, ladies and gentlemen of the  
8 jury. We're ready to continue on.

9 Is the State ready?

10 MR. BALLENGEE: Yes, Your Honor.

11 THE COURT: And the defense?

12 MR. BUCKLEY: We're ready.

13 THE COURT: Please proceed.

14 MR. BALLENGEE: Your Honor, the State calls  
15 Deputy Wolfford to the stand.

16 THE COURT: Thank you.

17 **DENNIS WOLFFORD,**  
18 having been first duly sworn, testified as follows:

19 **DIRECT EXAMINATION**

20 **BY MR. BALLENGEE:**

21 Q. Deputy, would you introduce yourself to the  
22 jury?

23 A. My name is Deputy Investigator Dennis Wolfford.

24 Q. And what do you for a living?

25 A. I'm a homicide investigator with the Harris

1 County Sheriff's Office.

2 Q. How long have you been with the sheriff's  
3 office?

4 A. Sixteen years.

5 Q. Was all that time spent in Homicide or where  
6 else have you worked?

7 A. No, sir. From 2000 to 2001, I worked what's  
8 commonly referred to as booking. In 2001, I was  
9 assigned to the Patrol Bureau in the north district of  
10 Harris County. In 2003, I was assigned to a burglary  
11 apprehension response squad. And in 2007, I was  
12 transferred to the Homicide Unit and I've been there  
13 since.

14 Q. And as an investigator in the Homicide Unit,  
15 what do your duties entail?

16 A. Generally, we are on an on-call status. And  
17 when a homicide or traumatic death occurs within  
18 incorporated Harris County, the Patrol Bureau will  
19 contact my supervisor, who will then assign an  
20 investigator. We go to the scenes, we investigate the  
21 scene, evidence there, we interview witnesses, we  
22 interview suspects, find evidence, interview people.

23 Q. Okay. And in your -- well, since 2007, have  
24 you worked on few or many murder investigations?

25 A. Many.

1 Q. Were you working on May 2nd, 2010?

2 A. Yes, I was.

3 Q. And what were your duties that night?

4 A. I was in an on-call capacity. It was a Sunday,  
5 I believe, and I was at home when I received a call from  
6 my supervisor advising me to respond to 14355  
7 Wallisville and that I would be the lead investigator to  
8 the case.

9 Q. About what time did you get that call?

10 A. It was 7:00, approximately 7:00 p.m.

11 Q. Was it still light at that point?

12 A. Yes, I believe it was.

13 Q. When you arrived on the scene, were you met by  
14 anyone else that would be assisting you in this  
15 investigation?

16 A. Yes. There was numerous marked Harris County  
17 Sheriff's patrol units on the scene. Deputy Argueta  
18 would be the lead patrolman entering the initial report.  
19 At some point, Crime Scene showed up, as well as other  
20 homicide investigators to assist.

21 Q. Who were the other homicide investigators that  
22 helped you in this case?

23 A. There were two of them. Sergeant Mark Reynolds  
24 Deputy Russell Gonzales.

25 Q. When you arrived and you said that Deputy

1 Argueta was the lead patrol officer that was at the  
2 scene at the time, did you meet with him?

3 A. I did. Common practice is that the patrolman  
4 that's entering the report, when the lead investigator  
5 arrives, they will brief us on the status of the case.

6 Q. When you met with them, what kind of  
7 information were you told?

8 A. I learned that --

9 MR. BUCKLEY: Excuse me. I object to the  
10 hearsay. It calls for hearsay.

11 THE COURT: Rephrase it, please.

12 Q. (By Mr. Ballengee) What kind of information do  
13 you usually get from an officer or from the lead patrol  
14 officer when you first meet with them?

15 A. We learn the facts of what has unfolded, what  
16 led up to the incident that occurred, what witnesses  
17 have told the patrolmen prior to our arrival.

18 Q. Did you learn any information from Deputy  
19 Argueta about anybody that was at the scene?

20 A. Yes. We learned that there was a rap concert  
21 that occurred and it was shut down by the Harris County  
22 Sheriff's Office and that a large number of vehicles  
23 were leaving the parking lot where that concert had  
24 occurred and aggressive driving was occurring as they  
25 were leaving.

1                   MR. BUCKLEY: Excuse me. The objection is  
2 that it recites hearsay beyond just the characterization  
3 of what he learned.

4                   THE COURT: I sustain it.

5           Q. (By Mr. Ballengee) Were you able to determine  
6 any information about where the suspects in the case  
7 had -- or were at that point?

8           A. They fled the scene.

9           Q. Was there any information about descriptions of  
10 the suspects or anything like that?

11          A. Yes, there was.

12          Q. What information was there describing or giving  
13 any kind of identification of any of the suspects?

14          A. A black Jeep Wrangler was observed fleeing the  
15 scene. A partial tag was -- or a complete tag was  
16 provided. A tag being a license plate. It turned out  
17 that license plate was incorrect. It did not come back  
18 registered to anybody. A light skinned black male was  
19 observed discharging a firearm from that black Jeep  
20 Wrangler.

21          Q. Were there any witnesses that were at the scene  
22 when you arrived at the scene?

23          A. Yes, there was.

24          Q. Who were the witnesses that were at the scene  
25 at that time?

1           A.    Timothy Stallworth, Justin Harris, Frederick  
2 Gibson, William Watson, Adrian King, Caesar Gonzales,  
3 Jessica Javier.

4           Q.    Were those witnesses separated?

5           A.    Yes, they were.

6           Q.    Were they separated by you or were they  
7 separated by patrol?

8           A.    By patrolmen.

9           Q.    What was the next thing that you did after  
10 figuring out that the suspects had fled the scene?

11          A.    I like to get an overview of the scene.  So, I  
12 walked through the scene, take in where evidence is  
13 located, and what the scene looks like.

14          Q.    Did you do that with any other officers that  
15 were there?

16          A.    Crime Scene Unit Davis showed up shortly after  
17 and I did this with him.

18          Q.    What kind of evidence were you able to note  
19 when you surveyed the scene?

20          A.    I observed a black Dodge Charger parked in the  
21 parking lot there on the north side of Wallisville.  It  
22 was a very large parking lot.  Kind of a two-tiered  
23 parking lot.  It was long from west to east.  And then  
24 on the north side of that parking lot was another  
25 parking space with a small grass area in between the two

1 tiers of the parking. Kind of centrally located, closer  
2 to the west end of the lot, there was a black Dodge  
3 Charger parked. Close to that was a dark colored  
4 Cadillac. I believe, it was black in color as well.  
5 There were .380 caliber shell casings. Three of those  
6 were on the concrete in front of that black Dodge  
7 Charger.

8 Q. Were you also able to -- well, actually, let me  
9 approach.

10 I'm showing you what's been previously  
11 marked as State's Exhibit No. 65 and 66. Do you  
12 recognize them (indicating)?

13 A. Yes, sir. That is the 14300 block of  
14 Wallisville Road.

15 Q. Are these fair and accurate depictions of the  
16 scene as you recall it on May 2nd, 2010?

17 A. Yes, they are.

18 MR. BALLENGEE: Your Honor, at this time,  
19 the State offers State's Exhibit No. 65 and 66,  
20 tendering to opposing counsel for objection.

21 **(State's Exhibit No. 65 and 66 Offered)**

22 MR. BUCKLEY: No objection.

23 THE COURT: Thank you. State's 65 and 66  
24 are admitted.

25 **(State's Exhibit No. 65 and 66 Admitted)**

1 MR. BALLENGEE: Permission to publish, Your  
2 Honor?

3 THE COURT: Certainly.

4 Q. (By Mr. Ballengee) I'm showing you what's been  
5 previously marked as State's Exhibit No. 65. Deputy --  
6 or Investigator Wolfford, will you describe what you see  
7 in this picture?

8 A. The large building in the upper right corner  
9 would be a Workforce Commission building, I believe is  
10 what it was called. The parking lot to the -- what  
11 would be the west of that building is the parking for  
12 that building. As I said, there are two areas of  
13 parking separated by that grassy median there in the  
14 middle.

15 Q. And I'm showing you what's been previously  
16 marked as State's Exhibit No. 66 (indicating).

17 A. Yes, sir.

18 Q. What is that a picture of?

19 A. That would be the roadway to the south of that  
20 parking lot. Purple Street -- Purple Sage is located at  
21 the east end of that parking lot from the T-intersection  
22 with Wallisville Road.

23 Q. Okay. You said that you noticed there was a  
24 black Charger. Would you touch on the screen the  
25 approximate location where you saw that black Charger?



1 A. (Witness complies).

2 Q. All right. And would you touch on the screen  
3 the approximate location of where you saw that Cadillac?

4 A. I believe the Cadillac was behind the Charger  
5 right there, from memory (indicating).

6 Q. And you also described finding some shell  
7 casings in the parking lot. Would you -- not each one,  
8 but just the general location of where those were found.

9 A. I believe they were in this location here  
10 (indicating).

11 Q. Now, when you were surveying the scene, at that  
12 point was it still light or was it dark out?

13 A. It had gotten dark.

14 Q. In your experience as a homicide investigator,  
15 is it more difficult to find all of the evidence in the  
16 dark than it is in the light?

17 A. Oh, far more difficult in the dark, yes.

18 Q. Now, you said that there was several witnesses  
19 at the scene and they were separated. Did you speak to  
20 those witnesses?

21 A. A lot of them, yes, sir.

22 Q. Did you or did somebody from your team speak to  
23 all of them?

24 A. Sergeant Mark Reynolds and I interviewed all of  
25 the witnesses, the known witnesses.

1 Q. Did you also -- or did you collect any evidence  
2 from those witnesses?

3 A. Yes. We administered what's commonly referred  
4 to as a GSR test, gunshot residue test, to their hands.

5 Q. And those gunshot residue tests, is that common  
6 practice or why did you believe that you needed to do a  
7 gunshot residue test?

8 A. A .380 caliber firearm was recovered from one  
9 of the trunks of the vehicles that was parked there. We  
10 wanted to know -- you know, we were looking for some  
11 indication of who had fired that gun.

12 Q. Did anyone at the scene admit to firing the  
13 gun?

14 A. Eventually, yes.

15 Q. And who was that individual?

16 A. Justin Harris.

17 Q. When you spoke to the witnesses, were you able  
18 to get descriptions of some of the vehicles that might  
19 have been at the scene before but were no longer there?

20 A. Yes.

21 Q. What were some of the vehicles that were at the  
22 scene prior?

23 A. The black Jeep Wrangler as I described earlier,  
24 a red Ford Focus, and two Buicks, older model Buicks  
25 with what I learned were swingers rims, which would

1 resemble what would be on a Chariot from long ago.

2 Q. Were you also able to get descriptions of the  
3 people driving those vehicles?

4 A. Yes, I was.

5 Q. Were you able to get any kind of description of  
6 the firearms that the people that were no longer there  
7 used?

8 MR. BUCKLEY: Excuse me. The objection  
9 assumes the fact that there were multiple firearms.

10 THE COURT: Rephrase it.

11 Q. (By Mr. Ballengee) Were you told that there was  
12 more than one firearm there?

13 A. Yes.

14 Q. Were you able to get a description of those  
15 firearms?

16 A. Yes.

17 Q. Now, you said that you found a -- who was --  
18 from your understanding, who was in possession of those  
19 other firearms?

20 A. The black male driving the Jeep, the black  
21 Jeep.

22 Q. You said that you found a .380 Bersa firearm at  
23 the scene?

24 A. Yes, sir.

25 Q. Where did you find that?

1 A. It was in the trunk of the black Dodge Charger.

2 Q. And how were you able to find that in the trunk  
3 of the black Dodge Charger?

4 A. The owner of the Charger consented to allow  
5 that vehicle to be searched. It was processed by Crime  
6 Scene and the gun was located in the trunk of the  
7 vehicle.

8 Q. Do you recall who the owner of that black Dodge  
9 Charger was?

10 A. Frederick Gibson.

11 Q. Now, once you had interviewed all of the  
12 witnesses and surveyed the scene, collected all that  
13 evidence, did you have anything submitted or have any of  
14 that evidence submitted for testing?

15 A. Yes, sir.

16 Q. What did you have submitted for testing?

17 A. The Bersa .380 caliber firearm and the shell  
18 casings which were recovered from the parking lot that  
19 night.

20 Q. What were you having them tested for?

21 A. To find out if the Bersa .380 caliber handgun  
22 fired the shell casings that were recovered in the  
23 parking lot.

24 Q. Did you also submit the gunshot residue kits  
25 for testing?

1           A.    They were submitted.  I don't recall if I  
2 submitted them.

3           Q.    What was the next thing that you did after  
4 completing your, I guess, survey of the scene?

5           A.    My partners and I, Sergeant Reynolds, Deputy  
6 Gonzalez, I believe my sergeant, Sergeant Bell, we  
7 searched the area for those vehicles that were seen  
8 leaving the -- fleeing the scene.

9           Q.    Were you able to find those vehicles?

10          A.    No, we were not.

11          Q.    The following morning, did you do anything else  
12 to investigate this case?

13          A.    Yes, sir.  The following morning is when I went  
14 over to the Crime Scene Unit office and obtained the  
15 firearm, the 380-caliber firearm, and transported it to  
16 the firearms lab for testing.

17          Q.    Did you do anything else the following day at  
18 the crime scene investigation -- or excuse me -- the  
19 Harris County Institute of Forensic Sciences?

20          A.    I did.  I attended the autopsy, the  
21 complainant's autopsy.

22          Q.    When you attended the autopsy, were you able to  
23 observe the entry and exit wound on the victim?

24          A.    I did.

25          Q.    And what did you notice about the entry and

1 exit wound?

2 A. He was shot in the upper right section of his  
3 chest. That would have been the entrance wound. The  
4 projectile exited the left side of his back. The  
5 trajectory was front to back, right to left, and  
6 slightly downward.

7 MR. BUCKLEY: Excuse me. I object to the  
8 characterization or the opinion as to how the bullet  
9 traveled under Rule 702.

10 THE COURT: Under 702?

11 MR. BUCKLEY: Well, it's expert testimony  
12 as to the autopsy. He is repeating, apparently, the  
13 conclusions that the medical examiner had.

14 THE COURT: I will sustain unless you show  
15 that he has particular expertise in this area.

16 MR. BALLENGEE: Yes, Your Honor.

17 And just to clarify. I didn't hear. Was  
18 he going into slightly --

19 THE COURT: What I think Counsel was  
20 objecting to is speaking from an opinion as an expert --

21 MR. BALLENGEE: Okay.

22 THE COURT: -- in how -- the travel of the  
23 bullet. Unless you establish he is an expert, I  
24 sustained that objection.

25 MR. BALLENGEE: Thank you.

1 Q. (By Mr. Ballengee) You said that you saw the  
2 entry wound?

3 A. Correct.

4 Q. And where was it placed on the body?

5 A. Just above the right collarbone, I believe.

6 Q. Okay. And you also observed the exit wound?

7 A. Yes, I did.

8 Q. And where was that placed on the body?

9 A. The left side of his back, slightly below the  
10 level of the entrance wound.

11 Q. Okay. For purposes of the record, who was  
12 the -- what was the name of the victim of the autopsy  
13 that you were viewing?

14 A. The autopsy of Tevin Williams.

15 MR. BUCKLEY: I'm sorry. Never mind.

16 Q. (By Mr. Ballengee) And what was the ML-number?

17 A. 10-1293.

18 Q. Thank you.

19 What did you do after viewing the autopsy?

20 A. I returned to the scene, the scene of the  
21 shooting.

22 Q. Why did you return to the scene of the  
23 shooting?

24 A. I wanted to search for additional evidence in  
25 the daylight hours.

1 Q. What made you feel like you wanted to search  
2 for additional evidence? Was there anything that you  
3 believed you missed or anything like that?

4 A. I learned that the firearm that was being  
5 discharged from the black Jeep was likely a  
6 semiautomatic pistol. And the shell casings that would  
7 have to be discharged when a semiautomatic pistol is  
8 fired, I knew we did not recover those in the darkness  
9 the previous night.

10 Q. When you returned to the scene, about what time  
11 was it?

12 A. 5:45 in the afternoon, 5:45 p.m.

13 Q. Was it light or dark?

14 A. It was light.

15 Q. Were you able to find anything at the scene  
16 that day?

17 A. I did.

18 Q. What were you able to find?

19 A. Two WW Ruger 9-millimeter shell casings.

20 Q. And if you can show us on the diagram, if you  
21 could touch where you found those 9-millimeter shell  
22 casings.

23 A. On the south side, on the shoulder of the south  
24 side of the roadway (indicating).

25 Q. What was the condition that those shell casings



1 were in?

2 A. They were banged up and obviously had been run  
3 over. They didn't appear to be rusted. They still had  
4 their color. Silver in color. Still of good color, but  
5 were damaged from what I believed to be being run over.

6 Q. I'm showing you what has been previously marked  
7 as State's Exhibit No. 44 and 45. Do you recognize them  
8 (indicating)?

9 A. Yes, I do.

10 Q. What do you recognize them to be?

11 A. Those are the two shell casings that I  
12 recovered from the shoulder of the roadway on May 3rd,  
13 2010.

14 Q. And how do you know that those are the two  
15 shell casings that you recovered on that day?

16 A. They appear to be identical. This is the bag  
17 that I submitted them in with my initials and the date  
18 and they are WW 9-millimeter Ruger shell casings.

19 Q. Have they been altered in any way?

20 A. No, sir.

21 Q. Are they in the same or substantially similar  
22 condition as the last time you saw them?

23 A. Yes, they are.

24 MR. BALLENGEE: Your Honor, at this time,  
25 the State offers State's Exhibits 44 and 45 into

1 evidence, tendering to opposing counsel for objection.

2 **(State's Exhibit No. 44 and 45 Offered)**

3 MR. BUCKLEY: Thank you, sir. No  
4 objection.

5 THE COURT: 44 and 45?

6 MR. BALLENGEE: Yes, Your Honor.

7 THE COURT: They're admitted, State's  
8 Exhibits.

9 **(State's Exhibit No. 44 and 45 Admitted)**

10 MR. BALLENGEE: Permission to publish, Your  
11 Honor?

12 THE COURT: You may.

13 Q. (By Mr. Ballengee) When you found the extra  
14 evidence at the scene, what did you -- what did you do  
15 next?

16 A. I contacted Deputy Russell Gonzalez, who was  
17 assigned to Homicide, and requested that he get in  
18 contact with the Crime Scene Unit and instruct them to  
19 return to the scene the following morning -- it was  
20 getting dark that night -- and to use a metal detector  
21 in the grass area behind where the complainant  
22 collapsed.

23 Q. And why did you feel like a metal detector  
24 should be used?

25 A. I knew that the projectile did not stay in the

1 complainant's body when he was shot and that the  
2 elevation of the grass behind where he was is slightly  
3 higher and we likely -- or it was possible that that  
4 projectile exited his body and went into that grassy  
5 area behind where he was standing.

6 Q. Where was the area that the defendant -- or  
7 excuse me -- that the victim had collapsed?

8 A. Approximately in here, is where the blood --  
9 the defendant was -- or the complainant -- I'm sorry --  
10 was gone from the scene upon my arrival, but that is the  
11 approximate location where I observed blood on the  
12 sidewalk.

13 Q. And where is the grassy area that you are  
14 referring to as being elevated?

15 A. (Indicating).

16 Q. What was the next thing that you did as part of  
17 your investigation?

18 A. The next morning, I received a phone call from  
19 the uncle of Tevin Williams, a man by the name of Isaac  
20 Hayes.

21 Q. And what kind of information did he have for  
22 you?

23 A. That a male named Pop was the person that had  
24 orchestrated that rap concert and that Pop's  
25 brother-in-law was the one that was shooting from the

1 black Jeep.

2 Q. Did he have a nickname for anyone that was  
3 involved in that shooting?

4 A. Pig or Piggy.

5 Q. And were you able to determine who Pig or Piggy  
6 might be?

7 A. Yes, I was.

8 Q. And who was that that you were able to  
9 determine?

10 A. Terry Dugar.

11 Q. Did you also -- or did you receive any other  
12 calls regarding tips in this case?

13 A. I did. I received an anonymous phone call from  
14 a male, obviously refused to identify himself, saying  
15 that a man named Tori Smith was the person that shot,  
16 discharged the firearm from that black Jeep.

17 Q. Were you able to determine a possible address  
18 for Pop?

19 A. At that point, no, sir.

20 Q. Did you check any databases in order to look  
21 for him?

22 A. I did. I checked Myspace.com.

23 Q. And were you able to figure out anything from  
24 Myspace.com?

25 A. I did. I was able to locate a male who went by

1 the name Pop. It was the account -- that account was  
2 assigned to a male named Edrick Cole.

3 Q. When you had the name Edrick Cole, were you  
4 able to search for a possible address for Edrick Cole?

5 A. I did. I cross-referenced Edrick Cole through  
6 what's known as the Harris County Justice Information  
7 Management System. It's where we search for people in  
8 jail. And I learned that Edrick Cole was in the Harris  
9 County Jail.

10 Q. And were you able to determine whether or not  
11 anyone else had previously lived at the address that  
12 Edrick Cole had lived at?

13 A. I did. I accessed another common database and  
14 I was able to identify that Edrick Cole was married to a  
15 female named Stacey Dugar.

16 Q. And were you able to determine whether or not  
17 Stacey Dugar was related to anyone?

18 A. Yeah. Stacey -- I was able to locate an  
19 address for Stacey Dugar of 12832 Drifting Winds. And I  
20 learned that a black male named Jeremy Deshan Dugar also  
21 resided at that address.

22 Q. Were you able to obtain a photograph of Jeremy  
23 Deshan Dugar that would have matched the description?

24 A. Yes.

25 Q. And did you put that photograph into a photo

1 array?

2 A. Yes, I did.

3 Q. Did you present that photo array to witnesses  
4 in the case?

5 A. Yes, sir, I did.

6 Q. What witnesses did you present that photo array  
7 to?

8 A. Adrian King, Timothy Stallworth, William  
9 Watson, Frederick Gibson, and Justin Harris.

10 Q. And what did you do -- or was anyone able to  
11 positively I.D. Jeremy Dugar as the shooter in this  
12 case?

13 A. Yes.

14 Q. And what did you do next?

15 A. I contacted the Harris County District  
16 Attorney's Office Special Crimes Division and I  
17 discussed the case with them and obtained a warrant for  
18 Jeremy Dugar.

19 Q. Why did you obtain a warrant for Mr. Dugar?

20 A. Several days had gone by in the investigation  
21 and I hadn't been contacted by him. I decided there was  
22 sufficient probable cause for his arrest.

23 Q. Were you able to find Jeremy Dugar?

24 A. Yes, we were, once the warrant was issued.

25 Q. Where were you able to find him?

1           A.    He was -- Jeremy was working as a security  
2 guard at 7600 Cambridge, I believe an apartment complex,  
3 and he was working in the booth outside of the complex.

4           Q.    What did you do with Mr. Dugar when you were  
5 able to find him?

6           A.    He was transported to 601 Lockwood, which is  
7 the Harris County Sheriff's Office Homicide Unit Office.

8           Q.    And when you took him to 401 Lockwood, what did  
9 you do with him from there?

10          A.    He was escorted into a sergeant's office. Our  
11 interview rooms were being remodeled at the time. So,  
12 he was taken into a sergeant's office where he was -- my  
13 partner, Sergeant Reynolds, and I interviewed Jeremy  
14 Dugar. He was read the -- what's commonly referred to  
15 as the Miranda, Texas statutory warning.

16          Q.    Do you see Jeremy Dugar in the courtroom today?

17          A.    Yes, I do.

18          Q.    Would you point him out and identify him by an  
19 article of clothing?

20          A.    He is the gentleman in the pink and blue tie.

21                   MR. BALLENGEE: Your Honor, may the record  
22 reflect the witness has identified the defendant in this  
23 case?

24                   THE COURT: The record will so reflect.

25                   MR. BALLENGEE: Thank you.

1 Q. (By Mr. Ballengee) Investigator Wolfford, I'm  
2 showing you what's been previously marked as State's  
3 Exhibit No. 46. Do you recognize it (indicating)?

4 A. Yes, I do.

5 Q. What do you recognize it to be?

6 A. It's a copy of the audio recorded interview  
7 that Sergeant Reynolds and I conducted with Jeremy  
8 Dugar.

9 Q. Have you previously listened to this recording?

10 A. Yes, I have.

11 Q. Has it been altered in any way?

12 A. No, it has not.

13 Q. Was it created by somebody -- or by a machine  
14 that's capable of making an accurate recording?

15 A. Yes, sir, it was.

16 Q. And who was the operator of that machine?

17 A. It was me.

18 MR. BALLENGEE: Your Honor, at this time,  
19 the State offers State's No. 46.

20 **(State's Exhibit No. 46 Offered)**

21 MR. BUCKLEY: No objection.

22 THE COURT: State's 46 is admitted. Thank  
23 you.

24 **(State's Exhibit No. 46 Admitted)**

25 MR. BALLENGEE: Your Honor, permission to



1 publish?

2 THE COURT: You may.

3 And I understand, ladies and gentlemen,  
4 this is about an hour-and-a-half long. Is that correct?

5 MR. BALLENGEE: It's slightly over that,  
6 Your Honor.

7 THE COURT: What does "slightly" mean?

8 MR. BALLENGEE: It's about an hour and 45  
9 minutes.

10 THE COURT: Okay.

11 (State's Exhibit No. 46 published)

12 THE COURT: Is it stopping on its own?

13 MR. BALLENGEE: Yes, Your Honor.

14 We'll try it on a different format to get  
15 to where we were.

16 THE COURT: Okay.

17 (Pause)

18 (State's Exhibit No. 46 published)

19 Q. (By Mr. Ballengee) Deputy Wolfford, I wanted to  
20 clarify that there is no video on this statement,  
21 correct?

22 A. Correct.

23 Q. Obviously, without a video that statement that  
24 the defendant just made with regard to how his arm was  
25 positioned is difficult to show, but from your

1 recollection of that event, what was the angle that the  
2 defendant was positioning his arm?

3 A. (Indicating).

4 Q. Okay. And for purposes of the record, is that  
5 with his arm completely straight at a zero degree angle  
6 or is it at a 45-degree angle? What would you describe  
7 that as?

8 A. I believe it was slightly elevated. It was by  
9 no means like this, but his arm was straight and it was  
10 fired back in the direction behind him.

11 Q. So, for purposes of the record, again, it  
12 wasn't straight into the air?

13 A. No, sir.

14 (State's Exhibit No. 46 published).

15 MR. BUCKLEY: May we approach, Your Honor?

16 THE COURT: You may.

17 (At the Bench, on the record)

18 MR. BALLENGEE: Your Honor, there is one  
19 more section of the tape. And I know that the jury may  
20 need a break. I could use one. I don't know, Your  
21 Honor, if you had a feeling about that.

22 THE COURT: How much more?

23 MR. BALLENGEE: About 45 minutes. And it  
24 is --

25 THE COURT: Forty-five more minutes? This

1 tape gets longer and longer as we talk about it.

2 (Open court, defendant and jury present)

3 THE COURT: Let's take a break, ladies and  
4 gentlemen.

5 (Recess)

6 (Open court, defendant and jury present)

7 THE COURT: Let's continue, folks.

8 MR. BALLENGEE: For purposes of the record,  
9 we have skipped the defendant's statement from 1 minute  
10 and 7 -- excuse me -- 1 hour and 7 minutes and 48  
11 seconds to 1 hour, 17 minutes, and 39 seconds. There is  
12 no audio -- or no speaking during that portion.

13 MR. BUCKLEY: We agree with that, Your  
14 Honor.

15 THE COURT: Thank you so much. We  
16 appreciate it. The jury appreciates it.

17 (State's Exhibit No. 46 published)

18 MR. BUCKLEY: May we approach, Your Honor?

19 THE COURT: You may.

20 (At the Bench, on the record)

21 MR. BUCKLEY: I believe, and we've  
22 conferred, that there is nothing of value left on the  
23 recording.

24 THE COURT: I was hoping to hear that.

25 MR. BUCKLEY: So, what we would agree is to

1 move on at this point. And we'll re-review it to  
2 ensure. And if there is something that comes up, we'll  
3 address it, but it seems like --

4 THE COURT: That's fine. I appreciate it.  
5 Thank you.

6 (Open court, defendant and jury present)

7 MR. BALLENGEE: Judge, for the record, we  
8 are stopping at 1 hour and 34 minutes and 21 seconds.  
9 We believe that most of -- the majority of what's left  
10 is just booking. If defense later wants to revisit some  
11 of this, the State has no objection.

12 THE COURT: That's the defense  
13 understanding?

14 MR. BUCKLEY: We agree, Your Honor.

15 THE COURT: All right. Let's continue.

16 Q. (By Mr. Ballengee) Detective -- excuse me.  
17 Investigator Wolfford --

18 A. Yes.

19 Q. -- I'm showing you what's been previously  
20 marked as State's Exhibit No. 47. Do you recognize it  
21 (indicating)?

22 A. Yes, I do.

23 Q. What is it?

24 A. That's the sketch that you could hear us --  
25 Jeremy Dugar and I creating on that interview, the

1 sketch of the scene.

2 Q. Is it in the same or similar condition as the  
3 last time you saw it?

4 A. Yes, it is.

5 MR. BALLENGEE: Your Honor, at this time,  
6 the State offers State's Exhibit No. 47 into evidence.

7 **(State's Exhibit No. 47 Offered)**

8 MR. BUCKLEY: No objection.

9 THE COURT: Thank you. State's 47 is  
10 admitted.

11 **(State's Exhibit No. 47 Admitted)**

12 MR. BALLENGEE: Permission to publish, Your  
13 Honor?

14 THE COURT: Yes.

15 Q. (By Mr. Ballengee) Investigator Wolfford, if  
16 you would double tap the bottom left-hand corner.

17 A. (Witness complies).

18 Q. Thank you.

19 Now, Investigator Wolfford, if you could,  
20 give us a basic overview of what is in that diagram.

21 A. Again, we see Wallisville Road and the parking  
22 lot where this incident occurred to the north of it.  
23 Two tiers of the parking lot. The squares would be  
24 where Jeremy Dugar drew in as vehicles.

25 Q. What's that square towards the bottom?

1 A. Referring to right here (indicating)?

2 Q. Yes, bottom left.

3 A. The bottom left of that would be where -- I  
4 guess where eventually Jeremy Dugar's vehicle exited the  
5 parking lot -- or the two brothers -- three brothers  
6 exited out of the parking lot.

7 Q. And did he draw in those lines in between the  
8 cars or what was that an indication of?

9 A. There are -- their direction of travel. Excuse  
10 me.

11 Q. And some of the small dots there?

12 A. I believe that's where he was referring to as  
13 to where the group was standing.

14 MR. BUCKLEY: Excuse me. That calls for  
15 speculation. The answer is speculation, that he  
16 believes that's what he's referring to.

17 MR. BALLENGEE: I'll lay the foundation,  
18 Your Honor.

19 THE COURT: Thank you.

20 Q. (By Mr. Ballengee) Do you know what those small  
21 dots were?

22 A. Where the crowd was standing as they were  
23 exiting the parking lot.

24 Q. Where did the defendant indicate that the  
25 person with the gun was at the point where he fired the

1 shots?

2 A. He said he did not know.

3 Q. Where did he indicate that the cars were when  
4 he fired the shots?

5 A. His car or the --

6 Q. The other cars in the parking lot.

7 A. Back in the same place where we had -- where we  
8 found them.

9 Q. And where was the defendant's car at that  
10 point?

11 A. Exiting onto the roadway (indicating).

12 Q. And approximately where did you find the  
13 complainant's -- excuse me -- Tevin Williams' body?

14 A. We found the blood --

15 Q. Excuse me. The blood.

16 A. Up in this area to the -- I guess to the  
17 northeast.

18 Q. Now, after you spoke with the defendant in this  
19 case, did you follow up with some of the witnesses that  
20 he spoke about in this statement?

21 A. We did.

22 Q. Who did you follow up with? Well, who did you  
23 follow up with first?

24 A. Henry Howard. I'm sorry.

25 Q. Go ahead.

1           A.    His brother, Coalee.

2           Q.    And does his brother Coalee go by any other  
3 name?

4           A.    His true name is Demeldrick Aguilard.

5           Q.    And was Mr. Aguilard in the position of any  
6 items?

7           A.    Yes, he was.

8           Q.    Excuse me. Any items related to this case?

9           A.    Yes, he was.

10          Q.    What was he in possession of?

11          A.    A 9-millimeter pistol.

12          Q.    Did you -- and what was the basis for your  
13 knowledge that he was in possession of that?

14          A.    During the interview of Jeremy Dugar, he told  
15 us that he gave the gun to his brother Demeldrick  
16 Aguilard.

17          Q.    And did Mr. Aguilard give you-all -- or consent  
18 to search his residence?

19          A.    Yes, he did.

20          Q.    And what were you able to find there?

21          A.    He lead us to -- or lead Deputy Jason Brown to  
22 the weapon. Provided the weapon to him.

23          Q.    And is this the weapon that Demeldrick Aguilard  
24 provided (indicating)?

25          A.    Yes, it is.



1 Q. Is it in the same or similar condition as the  
2 last time that you saw it?

3 A. Yes, it is.

4 MR. BALLENGEE: Your Honor, State offers  
5 State's 64 into evidence. I believe they previously  
6 examined it.

7 **(State's Exhibit No. 64 Offered)**

8 MR. BUCKLEY: We have. It looks like it's  
9 been cleared.

10 MR. BALLENGEE: Excuse me.

11 MR. BUCKLEY: We do stipulate to it, Your  
12 Honor.

13 THE BAILIFF: It's clear and safe, Judge.

14 THE COURT: All right. No objection?

15 MR. BUCKLEY: No objection.

16 THE COURT: Thank you so much. That's  
17 State's Exhibit --

18 MS. McLAUGHLIN: 64.

19 THE COURT: 64, State's Exhibit, admitted.

20 **(State's Exhibit No. 64 Admitted)**

21 MR. BALLENGEE: Your Honor, the State also  
22 offers State's Exhibit No. 68 as apart of -- or as well  
23 as State's Exhibit No. 64. It is the envelope  
24 containing --

25 Q. (By Mr. Ballengee) Well, what do you see in

1 State's Exhibit No. 68, Investigator Wolfford  
2 (indicating)?

3 A. The 9-millimeter Ruger magazine that was  
4 recovered along with the 9-millimeter pistol as well as  
5 seven rounds of 9-millimeter WW Ruger ammunition.

6 Q. Is it in the same or similar condition as the  
7 last time that you saw it?

8 A. Same condition.

9 MR. BALLENGEE: And State offers State's  
10 No. 68, Your Honor.

11 **(State's Exhibit No. 68 Offered)**

12 MR. BUCKLEY: No objection.

13 THE COURT: 68 is admitted.

14 **(State's Exhibit No. 68 Admitted)**

15 Q. (By Mr. Ballengee) After you spoke to  
16 Demeldrick Aguilard, who did you speak with next?

17 A. A male named Bennett Gordon, Jr., who also goes  
18 by Alvic (phonetic).

19 Q. And did you speak with anyone else involved in  
20 this case?

21 A. Henry Howard.

22 Q. Did you have an opportunity to speak with the  
23 defendant's wife?

24 A. Oh, yes, we did. Jennifer Dugar.

25 Q. And did you have an opportunity -- or you or

1 your partner on this case, Sergeant Howard, did you or  
2 he have an opportunity to speak with Terry Dugar?

3 A. Sergeant Reynolds, yes.

4 Q. Did the two of you obtain witness statements  
5 from these witnesses?

6 A. Yes, we did.

7 Q. And did they seem to be -- do these witness  
8 statements seem to be consistent with the statements  
9 from the eyewitnesses?

10 MR. BUCKLEY: That calls for hearsay as to  
11 the substance of whether the statements were consistent.

12 MR. BALLENGEE: It's not offered for the  
13 truth of the matter asserted, Your Honor.

14 THE COURT: It's overruled.

15 A. Yes.

16 Q. (By Mr. Ballengee) And did you discover any  
17 evidence or any corroboration with regards to the  
18 defendant's theory about a carjacking in this case?

19 A. No, sir.

20 Q. After speaking with all of the witnesses, were  
21 you still comfortable with the charge of murder against  
22 Jeremy Dugar?

23 A. Yes, I was.

24 Q. Now, based on your investigation, were you able  
25 to discover how many of the people in Tevin Williams'

1 group of friends had a gun?

2 A. Yes.

3 Q. And how many were you able to discover?

4 A. One.

5 Q. And how were you able to discover that?

6 A. We found the gun at the scene and by verbal  
7 admission from Justin Harris.

8 Q. Did the defendant say that there was more than  
9 one gun?

10 A. No, sir. He said there was one gun.

11 Q. And were you able to figure out how many guns  
12 were in the defendant's group of people?

13 A. There were two guns.

14 Q. And were you able to figure out how many people  
15 were in the defendant's group of people?

16 A. Five, I believe, is what the count came to.

17 Q. Were you able to determine how many people were  
18 in each of the Buicks?

19 A. Yes.

20 Q. How many?

21 A. I would have to go back and count exactly, but  
22 in the two Buicks --

23 Q. Yes.

24 A. -- three, I believe.

25 Q. And how many in the defendant's car?

1           A.    Two.

2           Q.    From your investigation, were you also able to  
3 determine who had fired first?

4           A.    Yes.

5           Q.    And who was that that you were able to  
6 determine?

7           A.    Jeremy Dugar.

8           Q.    How were you able to determine that?

9           A.    Jeremy Dugar said that he fired first and the  
10 witnesses stated that the person in the black Jeep  
11 Wrangler that Jeremy Dugar was driving, the driver,  
12 fired first.

13          Q.    Were you able to determine whether or not the  
14 defendant had actually fired into the crowd?

15          A.    Yes.

16          Q.    And how were you able to determine that?

17          A.    By him saying he fired back at the crowd to  
18 scare them, in the direction of the crowd to scare them,  
19 and from where the complainant's blood was and the  
20 projectile that traveled through his body was recovered  
21 from.

22          Q.    From your investigation, was there ever any  
23 kind of evidence that Tevin Williams had a gun in this  
24 case?

25          A.    No.

1 MR. BALLENGEE: Pass the witness.

2 THE COURT: And the defense, please.

3 MR. BUCKLEY: Thank you.

4 **CROSS-EXAMINATION**

5 **BY MR. BUCKLEY:**

6 Q. Good afternoon, Deputy Wolfford.

7 Let me clear up what's become, I think, a  
8 misunderstanding here just now. The prosecutor asked  
9 you whether you were able to confirm an allegation or a  
10 claim by the defendant, Mr. Dugar, that there was a  
11 carjacking. And you recall that question, right?

12 A. Correct.

13 Q. And you recall that you answered that you were  
14 not able to confirm that, right?

15 A. Right.

16 Q. But, in fact, the statement that we listened to  
17 for almost two hours is your complete interview of any  
18 substance with Mr. Dugar, right?

19 A. Right.

20 Q. And at no time has he claimed to you that  
21 somebody was trying to jack his car, does he?

22 A. Yes, he did.

23 Q. Well, he did not use the word "carjacking," did  
24 he?

25 A. He said steal their cars.

1 Q. Well, that is a -- so, you are applying the  
2 conclusion that he meant carjacking, right?

3 A. The vehicles are occupied and you steal it, it  
4 becomes a carjacking.

5 Q. Let me maybe break it up a little bit. And you  
6 characterized Mr. Dugar's group as being Mr. Dugar and  
7 his wife in the black Jeep, right?

8 A. Yes, sir.

9 Q. A brother -- two Buicks each with a brother and  
10 possibly others, correct?

11 A. Correct.

12 Q. So, we have three vehicles, right?

13 A. Yes, sir.

14 Q. And there was some discussion -- and, frankly,  
15 the audio speaks for itself, but to just maybe cut  
16 through the misunderstanding, there was some discussion  
17 about whether someone may have been trying to steal the  
18 Buicks, right?

19 A. Right.

20 Q. Mr. Dugar was not in any of the Buicks, right?

21 A. Right.

22 Q. He was in a separate vehicle, the Jeep?

23 A. Correct.

24 Q. So, what he has characterized to you is that  
25 there was some potential possibility towards the people

1 in the Buick that may have been related to a theft,  
2 right? The object of that possibility could have been  
3 some kind of stealing, right?

4 A. Are you asking if that is what he was trying to  
5 convey to me?

6 Q. I'm not asking you what he was trying to  
7 communicate. I'm asking whether that's the substance of  
8 his communication.

9 A. He said he was suspicious that Pop was trying  
10 to set them up to steal his brothers' cars.

11 Q. And not that he was setting anybody up to steal  
12 the Jeep, right?

13 A. Right.

14 Q. And, frankly, this Jeep is a standard off-road  
15 Jeep vehicle, right?

16 A. Right.

17 Q. And it's one with either a removable soft top  
18 or a hard top -- I don't know -- correct?

19 A. Correct.

20 Q. And it was not outfitted with any custom  
21 features, right?

22 A. Right.

23 Q. It was a stock vehicle?

24 A. Yes, sir.

25 Q. So, frankly, this is not the kind of vehicle



1 that people drive around showing off in an urban  
2 setting, is it?

3 A. I would think not.

4 Q. Okay. So -- and I hate to belabor the point,  
5 but there is no indication that Mr. Dugar believed that  
6 somebody was trying to car-jack him and his Jeep, right?

7 A. Right.

8 Q. Okay. Fair enough.

9 Now, normally it's your practice to both  
10 audio and video record your interviews, correct?

11 A. Correct.

12 Q. And in this case I think what you explained is  
13 that they were remodeling the interview rooms at  
14 Lockwood?

15 A. Correct.

16 Q. Out of curiosity -- maybe on lighter note --  
17 how were they remodeling them?

18 A. There was a TV show being filmed and they  
19 literally went in there and gutted it out.

20 Q. And tell me about the TV show. What did that  
21 have to do with?

22 A. With remodeling?

23 Q. Yes, sir.

24 A. That would have to be a question you'd have to  
25 ask the brass. I don't --

1 Q. Well, I guess here is the point. You've  
2 indicated there was a TV show being filmed. Is that  
3 something that was being filmed by the sheriff's office?

4 A. No.

5 Q. Some outside group, producers, were filming a  
6 TV show --

7 A. Yes.

8 Q. -- that portrayed activities in the department?

9 A. Yes.

10 Q. And that because of that interference, you were  
11 unable to use the video room to interview Mr. Dugar?

12 A. I'm assuming that's why they decided to remodel  
13 the interview rooms.

14 Q. Did you ever make an inquiry as to what the  
15 justification was for you not being able to use a video  
16 room?

17 A. I assumed that they needed to be updated.

18 Q. For this production that was being filmed?

19 A. That and for the quality of our interviews.

20 MR. BALLENGEE: Objection, Your Honor.  
21 Speculation.

22 THE COURT: Sustained.

23 Q. (By Mr. Buckley) I understand that you don't  
24 know some of this, but just to be clear, it's your  
25 understanding that there was no official reason for you

1 not to be able to use this video room?

2 A. My official reason was that there was no  
3 audio-visual equipment available.

4 Q. Had it been removed?

5 A. Yes. Or it was inoperable.

6 Q. How many interview rooms are there at 601  
7 Lockwood?

8 A. There are now four. Prior to that, I believe  
9 there was two.

10 Q. And at that time, were both interview rooms  
11 disabled?

12 A. Yes. They were being turned into four  
13 interview rooms.

14 Q. Pursuant to whatever this filming was, right?

15 A. What do you mean pursuant? Because of?

16 Q. Because of the filming.

17 A. I don't know for a fact, but I'm assuming that  
18 would be part of the reason that they were wanting to  
19 upgrade them.

20 Q. So, other than the video equipment that had  
21 been attached to those interview rooms, you, as an  
22 investigator, didn't have any other video equipment?

23 A. No, sir.

24 Q. You understand that important video evidence  
25 is, don't you?

1 A. It can be, yes.

2 Q. Well, in this case in particular we have what  
3 you understand could be a dispute about the angle at  
4 which a gun was fired. You understand that, right?

5 A. Yes.

6 Q. And so, you have demonstrated with your body to  
7 the jury what you claim Mr. Dugar demonstrated to you,  
8 right?

9 A. What he demonstrated and what he said.

10 Q. Sure. And you have heard what he said on the  
11 audio, right?

12 A. Right.

13 Q. But the only indication we have of what he  
14 actually demonstrated is what you now claim and  
15 demonstrated before the jury?

16 A. That's correct.

17 Q. With no video?

18 A. With no video.

19 Q. So, you'd agree with me that in this particular  
20 case on a pivotal issue like that, video would be  
21 extremely important?

22 A. It would be nice to show what he did, yes.

23 Q. Sure.

24 Now, the other aspect of this interview  
25 that I think we ought to talk about is --

1 MR. BUCKLEY: May I use the overhead, Your  
2 Honor?

3 THE COURT: Certainly.

4 Q. (By Mr. Buckley) Actually, it's already up.

5 Looking at what's admitted as State's  
6 Exhibit 47, which you were just discussing with the  
7 prosecutor.

8 A. Yes, sir.

9 Q. I want to switch it around a little bit and  
10 hone in on something. Now, when you interview a witness  
11 or a defendant -- and would you please touch the screen  
12 twice, sir, to erase the blue marks?

13 A. (Witness complies).

14 Q. Thank you.

15 Any time there is a drawing or a statement  
16 of any kind that is put on paper, it's your procedure to  
17 have the person making the statement or the drawing sign  
18 and date it, correct, sir?

19 A. Yes.

20 Q. And that, of course, is to validate what it is  
21 and to authenticate it, correct?

22 A. Correct.

23 Q. Now, looking in a little bit closer, this was  
24 created and signed May 7th, 2010 at 12:50 a.m., correct?

25 A. Correct.

1 Q. Do you recall what time it was that you took  
2 Mr. Dugar into custody?

3 A. I have the time documented as 11:10 p.m.

4 Q. Okay. So, at 11:10 p.m. Were you present at  
5 the time he was taken into custody?

6 A. Yes, I was.

7 Q. And along with you was the members of the Gulf  
8 Coast Violent Offenders Task Force, correct?

9 A. Yes, sir.

10 Q. And the purpose of them, as you explained, I  
11 believe, was because you were -- you had concerns about  
12 whether Mr. Dugar could be dangerous, right?

13 A. Correct.

14 Q. And the way that you rationalized it is that he  
15 did not come in and report to you any involvement in the  
16 incident, right?

17 Let me rephrase that. It may be a  
18 confusing question.

19 Prior to Mr. Dugar's arrest and after the  
20 incident, it was your expectation that if somebody had a  
21 valid defense to their involvement in this that they  
22 would have come forward?

23 A. I would think so.

24 Q. And you expected and waited for someone to come  
25 forward with relation to this incident, right?

1 A. Yes.

2 Q. And at the time of Mr. Dugar's arrest, you  
3 attributed his dangerousness in part to the fact that he  
4 had not come forward?

5 A. That did not make me feel any safer about him.

6 Q. Sure.

7 And you know as part of your work -- and  
8 how long have you been doing this, sir?

9 A. Law enforcement.

10 Q. Yes, sir.

11 A. Sixteen years.

12 Q. And you know that nobody has the duty to call  
13 in and report when they use self-defense, right?

14 A. Right, but there are laws, I think, that could  
15 be argued.

16 Q. Well, okay. Which ones?

17 A. Failure to report a felony.

18 Q. Well, but if it's self-defense, it's not a  
19 felony, is it?

20 A. I don't think you can determine as a person  
21 whether or not you are using self-defense. That's up to  
22 the...

23 Q. Well, I think I'd have to disagree with you.  
24 If you are in your house and someone comes in and you  
25 shoot them, do you have to go report a felony, that you

1 did it?

2 A. Well, what would you do with the body after  
3 that?

4 Q. If you are obligated to do anything. And I  
5 know it may sound ridiculous, but I'm just trying to get  
6 to the point that there seems to be some blame being you  
7 attached to Mr. Dugar for not coming in and voluntarily  
8 reporting and I just want to get to the bottom of that.  
9 There is no law that he broke by not coming in and  
10 reporting it?

11 A. No.

12 Q. So, going back to the circumstances of this  
13 statement. It occurred sometime after 11:00 p.m. and up  
14 to 12:50 a.m. Y'all show up kind of like storm troopers  
15 and take him into custody, right?

16 A. Right.

17 Q. And very quickly you inform him or somebody  
18 informs him that he is under arrest for murder?

19 A. Correct.

20 Q. And he is handcuffed and transported in a  
21 police vehicle, right?

22 A. Yes, sir.

23 Q. And he's taken to 601 Lockwood. And describe  
24 to me just the room generally where he was interviewed.

25 A. It's a common sergeants office, a desk, two



1 chairs for visitors, and probably a couch.

2 Q. And as he was taken in there, he was -- was he  
3 handcuffed to one of the chairs?

4 A. I believe he was handcuffed and then  
5 unhandcuffed at one point for a period.

6 Q. Now, was it handcuffs or was it a shackle  
7 device, do you recall?

8 A. I don't recall. It probably would have been  
9 handcuffs.

10 Q. Okay. And I think that you made -- again, the  
11 audio speaks for itself, but I recall there being a  
12 comment made that maybe he could run off with the chair,  
13 but you'd catch him.

14 A. Sergeant Reynolds made that comment.

15 Q. Okay. But he was -- if there was a time that  
16 he was unhandcuffed, do you recall when that was?

17 A. I don't recall. I believe it would probably be  
18 while he was drawing on this piece of paper.

19 Q. So, the -- kind of the -- you'd agree with this  
20 characterization that you start out interviewing  
21 Mr. Dugar and he was very eager to have this  
22 conversation with you and he gives you what turns out to  
23 be a false account of part of the incident, right?

24 A. Yes, sir.

25 Q. And he gave that account and then y'all

1 confronted him and he then was truthful with you, right?

2 A. Yes, sir.

3 Q. And throughout the rest of the interview, y'all  
4 kind of still kept badgering him a little bit about the  
5 kind of statement that he ought to be making, right?

6 A. After he changed his statement?

7 Q. Well, y'all started proposing to him -- and,  
8 again, by "y'all," I mean, you and -- is it Sergeant  
9 Reynolds?

10 A. That's correct.

11 Q. You and Sergeant Reynolds would propose to  
12 Mr. Dugar various theories that he could use to defend  
13 himself in court, right?

14 A. I believe what I heard Sergeant Reynolds say  
15 was: If it was a self-defense issue, that's something  
16 you need to say.

17 Q. So, the advice becomes -- Sergeant Reynolds or  
18 you or both are exploring what legal defenses could be  
19 available to Mr. Dugar, right?

20 A. I believe, as I said, it was discussed that:  
21 If this was a self-defense issue, that's something you  
22 need to say.

23 Q. So, you are not licensed as a lawyer, are you?

24 A. Absolutely not.

25 Q. To your knowledge, is Sergeant Reynolds?

1           A.    No.

2           Q.    So, the purpose in you giving this legal advice  
3 is to interrogate but not to educate, right?  In other  
4 words, you are not giving Mr. Dugar this legal advice  
5 just to be nice and give him free legal advice, are you?

6           A.    No, no.  Giving him what the evidence shows at  
7 the scene in an attempt to get to the truth.

8           Q.    Sure.  And you are telling him these things  
9 with the goal of then eliciting more information from  
10 him, right?

11          A.    Truthful responses, yes.

12          Q.    Eliciting some information.  In other words,  
13 you give him this legal advice with the belief that then  
14 he will give you other information?

15          A.    Right.  Not lies, but truthful responses.

16          Q.    And just referring back to the discussion about  
17 how Mr. Dugar demonstrated firing a gun, did you or  
18 Sergeant Reynolds make any attempt to measure the angle  
19 or position of his hand or arm?

20          A.    No, sir.

21          Q.    You'd agree that even just a basic measurement  
22 of angle could be extremely important here; you agree  
23 with that?

24          A.    No.

25          Q.    Well, all right.  Let's talk about some of the

1 exhibits.

2 MR. BUCKLEY: May I have a moment to get  
3 organized?

4 THE COURT: Certainly.

5 (Pause)

6 Q. (By Mr. Buckley) I'm showing you what's been  
7 admitted as State's Exhibit 66 (indicating). And you  
8 recall from your earlier testimony that this is an  
9 aerial view of the Work Force Commission building and  
10 the parking lot where this incident occurred, correct,  
11 sir?

12 A. Yes, sir.

13 Q. And did you make any scene diagram measurements  
14 of this area?

15 A. I did not.

16 Q. Did you ever instruct anybody -- any CSU or  
17 anyone else to make a scene diagram?

18 A. It's standard practice for them to do so.

19 Q. But you never instructed them to do it, did  
20 you?

21 A. No, sir.

22 Q. Was there a time when you came to realized that  
23 no scene diagram existed?

24 A. No, sir.

25 Q. Well, let's just look generally at the layout.

1 If you would with your -- well, without belaboring the  
2 details of the position, what we have here is an area of  
3 activity that expands probably 100 plus yards. Is that  
4 a fair statement?

5 A. It's close.

6 Q. So, roughly we're operating within, generally,  
7 give or take, the length of a football field?

8 A. I would think so.

9 Q. Okay. And so, at one point there are gunshots  
10 coming across this, say, field of play, right?

11 A. Right.

12 Q. At least one of the gunshots, we know, one of  
13 the projectiles comes from Mr. Dugar's weapon, right?

14 A. Right.

15 Q. And we know from the shell casings in the  
16 parking lot that other shots were made presumably going  
17 the other direction, correct, sir?

18 A. Correct.

19 Q. So, then we have -- and then, of course, we  
20 have State's Exhibits 44 and 45, which were recovered  
21 from the street across the street from the Work Force  
22 Commission in that parking lot, correct, sir?

23 A. Yes, sir.

24 Q. And these were recovered -- was it somewhere  
25 along this area, sir (indicating)?

1 A. Yes, sir. The shoulder of the roadway.

2 Q. And so, we have -- sir? Is that accurate  
3 (indicating)?

4 A. Actually, no. A little further west.

5 Q. Is this west (indicating)?

6 A. Yes, sir.

7 Q. And if you would touch again -- I'm sorry -- on  
8 the screen to indicate where you recall these being  
9 recovered.

10 A. I think you would have to move further down to  
11 the exit of the parking lot. I think I recall this  
12 being the exit, where they exited (indicating).

13 Q. Yes, sir.

14 A. And then I want to say right in there  
15 (indicating).

16 Q. I understand.

17 So, we have State's Exhibit 44 and 45  
18 recovered from what appears to be then the one far end  
19 of this field of play, right?

20 A. Right.

21 Q. And we have at another end, we have various  
22 blood spots and also then a projectile is found in the  
23 grass. Correct, sir?

24 A. Yes, sir.

25 Q. What is an unknown, of course, is where the

1 decedent was hit, right?

2 A. Right.

3 Q. We don't know that because what you know from  
4 your interviews is that he ran for a little as he  
5 attempted to understand what happened to him before he  
6 fell?

7 A. Short distance.

8 Q. Sure. But we don't know from where and how  
9 far, right?

10 A. Right.

11 Q. So, but we do have a general idea that a --  
12 well, let me back up for a minute.

13 State's Exhibits 44 and 45 -- and these are  
14 these are the spent shell casings that relate to State's  
15 Exhibit 64, correct, sir? Do you know? And I will show  
16 you --

17 A. Is that the Bersa?

18 Q. No. This is the Ruger.

19 A. Yes, sir.

20 Q. And so, just to be clear, the spent shell  
21 casings that were recovered from across the street  
22 relate to the weapon that you've determined and that  
23 Mr. Dugar explained in his statement that he fired?

24 A. Right.

25 Q. So, what we don't know about these shells is

1 exactly where they were deposited at the time of the  
2 gunfire, right?

3 A. Right.

4 Q. Because as you can see from their condition,  
5 they have been probably run over?

6 A. Multiple times.

7 Q. And what we don't know about that is whether  
8 when they were run over they were moved or pushed or  
9 anything like that. We just don't know, right?

10 A. Right.

11 Q. So, there is a vast amount of uncertainty in  
12 this whole equation as to where things were when they  
13 happen, right?

14 A. Right.

15 Q. But you'd agree with me that given the range or  
16 distance that we may be dealing with here, that the  
17 angle from which a projectile was fired from a  
18 position -- especially if it's a position on the far end  
19 of the field of play, it could be very significant in  
20 understanding how high or how low a projectile may have  
21 gone by the time it reached another point. That could  
22 be very important?

23 A. In a sterile environment, yes.

24 Q. Well, it would be important in any environment  
25 in order to rule out, perhaps, that -- for example, if I



1 shoot a gun up in the air, right, it's not going to come  
2 and hit you in the chest, is it?

3 A. Probably not.

4 Q. I hope for all of our sakes it doesn't, but if  
5 I'm across the room and I shoot towards you, there may  
6 be a range of motion, a range of angles where I may hit  
7 you. Right?

8 A. Right.

9 Q. But there may also be a range where it starts  
10 to become highly unlikely that I would hit you, right?

11 A. Right. Depending on where -- the target or the  
12 person that is struck is standing and what their  
13 position is; are they running or kneeling or jumping.

14 Q. Of course. It's one variable among many,  
15 right?

16 A. Right.

17 Q. But just because other variables are hard to  
18 determine doesn't mean this variable is not important,  
19 does it? The angle.

20 A. I don't think with the exact measurements of  
21 the angle -- we would be able to determine anything at  
22 all from the exact measurements of his reenactment.

23 Q. Well, I'm not asking you the exact measurements  
24 of his reenactment because you never asked him to  
25 demonstrate an exact angle, did you?

1           A.    No.

2           Q.    You, in fact, asked him to demonstrate  
3 generally what happened, right?

4           A.    Right.

5           Q.    But you could have easily said: I want to know  
6 exactly an angle that your arm was. And you didn't ask  
7 him that, as you mentioned.

8           A.    I asked him if he fired into the air or if he  
9 fired back towards the crowd.

10          Q.    Well, his first response -- and, again, the  
11 audio speaks for itself -- is that he fired into the  
12 air, correct, sir?

13          A.    Correct.

14          Q.    And then you or Sergeant Reynolds challenged  
15 him on that, correct?

16          A.    Correct.

17          Q.    And then he came to acquiesce with you that he  
18 fired back towards the crowd, right?

19          A.    Right.

20          Q.    But he did not in the course of that deny that  
21 he was still firing into the air, correct?

22          A.    He wasn't specifically asked again: Were you  
23 firing into the air or towards the crowd. I just  
24 assumed that the crowd wasn't in the air.

25          Q.    Well, you know, for example, if you fire

1 something in a 45-degree angle, being 90, 0, 45, I could  
2 be firing towards you, but clearly in the air. You'd  
3 agree with that general characterization, right?

4 A. Right, but I think I would say to you: I shot  
5 over their heads.

6 Q. Well, but that wasn't -- you never asked him  
7 whether he shot over their heads, did you?

8 A. I said: You fired towards the crowd? And he  
9 said that he did in the direction of the crowd.

10 Q. Well, and he never refuted or retracted his  
11 claim that he fired into the air. You agree with that,  
12 right?

13 A. I agree with that.

14 Q. Okay. And, again, the audio speaks for itself,  
15 but since it is so lengthy, I think there is some value  
16 in discussing certain parts of it.

17 A. Sure.

18 Q. If I can remember what I was going to ask you.  
19 Well, I would say I'm having a senior moment, but I'm  
20 only 40.

21 A. I'm with you.

22 Q. Maybe I will come back to it.

23 In the course of -- and I'm not asking you  
24 for an expert opinion on ballistics or firearms, but I  
25 want to speak about generalities of the way guns work.

1           A.    Yes, sir.

2           Q.    You understand generalities of how handguns  
3 work in the course of your work, right?

4           A.    Sure.

5           Q.    And this Ruger, which is the firearm that's  
6 been associated with Mr. Dugar, correct?

7           A.    Correct.

8           Q.    This Ruger is what they call a semiautomatic  
9 weapon, correct?

10          A.    Yes, sir.

11          Q.    And what is -- what are the features of this  
12 that make it semiautomatic?

13          A.    The fact that you don't have to reload after  
14 you shoot or you don't have to pull a hammer back.  If  
15 it's loaded and you have a round in the chamber, pull  
16 the trigger, it will -- an explosion will occur, which  
17 causes the projectile to exit the barrel.  The explosion  
18 also causes the slide, which is the piece of metal on  
19 top, to come back and then strips another bullet off the  
20 top of the magazine, putting it into the chamber,  
21 rendering it able to fire another round.

22          Q.    And these are weapons that actually -- I guess,  
23 law enforcement used to use revolvers mainly, right?

24          A.    Yes, sir.

25          Q.    And now for the most part law enforcement uses

1 semiautomatics. Is that your understanding?

2 A. Most of them are semiautomatics. The bailiff  
3 is carrying a revolver.

4 Q. I'm going to get out of here quick after court.

5 One advantage of using a semiautomatic is  
6 that you can reload it quickly, I guess, as opposed to a  
7 revolver.

8 A. Yeah. There is some people that can reload  
9 revolvers very quickly, but you probably can generally  
10 reload that faster than you can a revolver.

11 Q. One of the differences between a semiautomatic  
12 and a revolver, other than its functions, is that when a  
13 semiautomatic weapon is fired, the shell is actually  
14 ejected from the weapon, correct?

15 A. That's correct.

16 MR. BALLENGEE: Objection, Your Honor.  
17 Relevance.

18 THE COURT: I think it's relevant. It's  
19 overruled.

20 Q. (By Mr. Buckley) And in this case, one of the  
21 things that you've done at the scene is look for shell  
22 casings, correct, sir?

23 A. Yes, sir.

24 Q. And we have -- I don't see it right now, but  
25 there's a Bersa Thunder also that's -- that was

1 recovered that relates to the other shooter, correct,  
2 sir?

3 A. Yes, sir.

4 Q. And that also is a semiautomatic weapon, right?

5 A. Yes, sir.

6 Q. And so, when it was fired, shell casings flew  
7 from this handgun also, correct?

8 A. Yes, sir.

9 Q. And so, these relate to the .380 shell casings  
10 that were found inside the parking lot?

11 A. Yes, sir.

12 Q. And when you were investigating shootings, some  
13 shootings happened either in or around automobiles,  
14 correct?

15 A. Correct.

16 Q. And it becomes important, then, to understand  
17 when you are investigating a shooting, if there are any  
18 shell casings inside of the vehicle, right?

19 A. Right.

20 Q. And if you find shell casings inside of a  
21 vehicle that can indicate that, perhaps, a gun was fired  
22 inside a vehicle?

23 A. Right.

24 Q. If you are dealing with an open-air vehicle  
25 like a Jeep, it could mean something or nothing, right?

1           A.    Sure.

2           Q.    Because if you fire from inside a Jeep, it's  
3 open-air, the shell casings could just fly out, right?

4           A.    Right.

5           Q.    But if you -- and I'm just exploring a  
6 hypothetical with you.  If one were to hold a gun like  
7 this and shoot it, a shell casing would likely come out  
8 and hit the person in the head, correct (indicating)?

9           A.    I would never guess that a shell casing would  
10 do that.

11          Q.    Okay.

12          A.    In my experience, I would never guess that, but  
13 you are right, they do tend to eject to the right and  
14 upward.  However, without knowing the position that the  
15 gun was in, I would not say that that would happen.

16          Q.    Fair enough.

17          A.    I would not.

18          Q.    Would you ever recommend firing a gun in close  
19 proximity to an ear?

20          A.    It's done all the time.  I mean, would I want  
21 to hold a firearm up to my ear and shoot -- pull the  
22 trigger or to my child's ear and pull the trigger?  
23 Absolutely not.

24          Q.    Sure.

25          A.    But if I'm shooting at somebody, that's going

1 off close to my ear every time. And there's not much  
2 difference in the noise between here and here  
3 (indicating).

4 Q. And I know it sounds like kind of maybe a  
5 ridiculous question, but the point is if you get close  
6 enough to your ear with a firearm, you can blow your  
7 eardrum?

8 A. I would think so. I've heard of that. That's  
9 been documented.

10 Q. When you go to a shooting range -- I assume  
11 that when you go to a shooting range, it's a sheriff's  
12 department range, or do you go to private ranges?

13 A. Both.

14 Q. I guess you take your big guns to the private  
15 range?

16 A. I take my wife to the private range.

17 Q. Often they have rules in private ranges, and  
18 they may have rules also in the sheriff's department  
19 range. And you know what I mean by the rules?

20 A. Sure.

21 Q. Things that you are not allowed to do and  
22 things that you must do in firing, right?

23 A. Right.

24 Q. One rule that is not present in every range,  
25 but in some, is no rapid firing. Are you familiar with



1 that rule?

2 A. Right.

3 Q. And rapid firing, to be clear, is if you are  
4 using a pistol and instead of firing a shot and then  
5 repositioning your aim and firing again, you basically,  
6 as fast as your finger can go, start pulling the  
7 trigger, bam, bam, bam. That would be how rapid fire  
8 takes place?

9 A. I would think --

10 THE COURT: Can you pause for like a  
11 minute? I need to get something off my desk.

12 MR. BUCKLEY: Yes, sir.

13 (Pause)

14 THE COURT: All right. Thank you.

15 Q. (By Mr. Buckley) Firing any handgun, what does  
16 the term "recoil" mean to you?

17 A. When an explosion occurs in the gun, the barrel  
18 of the gun will raise. And, basically, it explodes  
19 causing the slide to come back. It can be in a pistol  
20 or a rifle. And, basically, it causes the gun to come  
21 back a little bit towards you.

22 Q. In fairness, the caliber of the weapon and the  
23 load of the ammunition plays a big role in what kind of  
24 recoil you get?

25 A. Right. The heavier the caliber, the bigger the

1 bullet, the bigger the gun, generally the more recoil  
2 you will have.

3 Q. Sure. And a 9-millimeter is not a large  
4 caliber weapon, is it?

5 A. Not at all.

6 Q. And so, the recoil that you would get with a  
7 9-millimeter would be less -- probably substantially  
8 less than what you'd get with, say, a .45?

9 A. Right.

10 Q. However, nevertheless, if firing a 9-millimeter  
11 you'd want to have a firm grip on it, wouldn't you?

12 A. Yeah, you would.

13 Q. I mean, if you set -- I don't know where to  
14 point this where it's not offensive, but if you set a  
15 9-millimeter on the table and say it's just resting  
16 somewhere not supported other than by the weight of  
17 gravity and the trigger is pulled, and assume that  
18 nothing is in the trigger guard, likely the thing is  
19 going to jump off the table, right?

20 MR. BALLENGEE: Objection. Speculation.

21 A. Well --

22 MR. BUCKLEY: I'll move on, Judge.

23 THE COURT: Thank you.

24 Q. (By Mr. Buckley) If you know, the reason why  
25 some gun ranges prohibit rapid fire is that the recoil

1 prevents the shooter from ever regaining accuracy once  
2 the rapid fire has begun?

3 A. I don't know that.

4 Q. Okay. Now, have you ever been to a range where  
5 there's holes in the ceiling? If you have.

6 A. Not the ceiling, no.

7 Q. But other places?

8 A. It could happen, I'm sure.

9 Q. I know I keep jumping up like a  
10 jack-in-the-box, but I'm not organized enough to do it  
11 all at once. This is a hard plastic grip on State's  
12 Exhibit 64, is it not, sir (indicating)?

13 A. Yes, sir.

14 Q. And some aftermarket grips are made with a  
15 softer rubber, correct?

16 A. Yes.

17 Q. And one of the advantages of, say, a softer  
18 grippier material is if one has sweaty palms in a  
19 tactical situation it can be easier to maintain a grip  
20 on the weapon, correct?

21 A. I've never used one, so I don't know.

22 Q. Okay. Fair enough.

23 In any event, this weapon has no such  
24 rubber grip as far as you can tell (indicating)?

25 A. No, it doesn't.

1 Q. I think you answered this before, Investigator  
2 Wolfford, but there were no shell casings recovered from  
3 inside the Jeep when you inspected it, correct?

4 A. No, sir.

5 Q. And, of course, in fairness, the Jeep was not  
6 under your control or custody for some time, right?

7 A. Right.

8 MR. BUCKLEY: May I have a moment, Your  
9 Honor?

10 THE COURT: You may.

11 (Pause)

12 Q. (By Mr. Buckley) When you arrived at the scene  
13 on the night of the incident -- I guess that was May  
14 2nd, correct?

15 A. Yes, sir.

16 Q. -- you had an opportunity to observe the  
17 vehicles that were there, of course, when you arrived,  
18 right?

19 A. Yes, sir.

20 Q. And one of those vehicles was a black Charger  
21 as you mentioned?

22 A. Yes, sir.

23 Q. I'm showing you what's been admitted as Defense  
24 Exhibit 2. Do you recognize that vehicle as the black  
25 Charger that you saw that evening (indicating)?

1           A.    Yes, sir, that appears to be it.

2           Q.    At any time did you inspect or look into the  
3 interior of the black Charger?

4           A.    I don't recall looking inside the vehicle.

5           Q.    Okay.  Would it refresh your recollection if I  
6 showed you a picture of the inside and you could then  
7 recall whether you did?

8           A.    Sure.

9           Q.    I'm showing you what's been admitted as Defense  
10 Exhibit 1.  Do you recall ever seeing that vehicle  
11 (indicating)?

12          A.    I'm sure that I looked into the window of that  
13 vehicle.

14          Q.    Without assuming that you did, do you know how  
15 the watch and bead necklace got there?

16          A.    No, sir.

17          Q.    You had mentioned -- in your search for  
18 potential witnesses and suspects, you mentioned somebody  
19 whose nickname was Pig or Piggy.

20          A.    Yes, sir.

21          Q.    And just for clarity, what I heard from your  
22 testimony was that was somebody named Terry Dugar,  
23 correct?

24          A.    Correct.

25          Q.    And not the defendant, Jeremy Dugar?

1           A.    Right.

2           Q.    Okay.  In your interview, which we listened to,  
3 of Mr. Dugar, you mentioned to him that you had observed  
4 the party -- the block party that was broken up, you  
5 observed part of that from dash cams from the sheriff's  
6 department vehicles?

7           A.    Right.

8           Q.    Do you have possession of those or do you know  
9 where they are?

10          A.    At the district attorney's office.

11          Q.    Okay.  And so, in other words, you had them and  
12 you turned them over, correct?

13          A.    Right.

14          Q.    By asking this, I'm not meaning to infer  
15 anything improper.  I'm just asking because right now I  
16 don't know.

17          A.    Right.

18          Q.    I want to be clear that I'm not suggesting any  
19 withholding or anything like that.

20          A.    Right.

21          Q.    I just forgot, which is why I'm asking you.

22          A.    Right.

23          Q.    Among the vehicles that had been identified was  
24 a red Ford Focus --

25          A.    Right.

1 Q. -- as you mentioned, right?

2 And you received various -- again, I'm not  
3 asking what anybody said, but you received various  
4 information about who may have been driving or occupying  
5 that vehicle, right?

6 A. Right.

7 Q. Did you ever locate that vehicle or its  
8 occupants?

9 A. No.

10 Q. And your understanding from your investigation  
11 was that there were several occupants potentially inside  
12 that car?

13 A. Potentially.

14 Q. Do you know, was there a number that you came  
15 to believe?

16 A. I know I was told the vehicle was occupied by a  
17 male named Twin.

18 MR. BALLENGEE: Objection, Your Honor.  
19 Hearsay.

20 THE COURT: Sustained.

21 Q. (By Mr. Buckley) Maybe to follow up, to  
22 understand the framework of what you do, your title is  
23 homicide investigator, correct, sir?

24 A. Deputy Investigator.

25 Q. Deputy Investigator. In the Homicide --

1           A.    Unit.

2           Q.    -- Unit?

3           A.    Yes, sir.

4           Q.    And "homicide" is a word that, as you  
5 understand it, refers to when a person causes the death  
6 of another person, right?

7           A.    Correct.

8           Q.    It doesn't have any criminality attached to it  
9 necessarily, right?

10          A.    That's correct.

11          Q.    That's a decision that -- it's something that's  
12 sorted out in the courts and sorted out by juries often,  
13 right?

14          A.    Correct.

15          Q.    And so, determining that a homicide had  
16 occurred, as you did, does not get to the determination  
17 of something that's within the jury's discretion, right?  
18 In other words, what you determined is that a homicide  
19 had occurred, correct?

20          A.    In my view, the law had been broken.  It's up  
21 to them to determine whether or not they agree that a  
22 murder occurred.

23          Q.    Well, of course, when you drive around  
24 investigating scenes, you don't drive around with a  
25 Texas Penal Code with you, do you?



1 A. No. It's all online now.

2 Q. Fair enough.

3 In fact, that's where I get it, too.

4 A. Right.

5 Q. But you understand that the proper place for  
6 that question to be resolved is here, right?

7 A. Guilt or innocence is determined here.

8 Q. And you may have your own feelings about it  
9 because of your professional experience and your  
10 understanding of the law, right?

11 A. Yes.

12 Q. But you understand that the jury, they have the  
13 power to make that determination?

14 A. Final judgment lies with this jury.

15 Q. Yes, sir. Thank you.

16 MR. BUCKLEY: I pass the witness.

17 THE COURT: From the State, please.

18 MR. BALLENGEE: Yes, Your Honor.

19 **REDIRECT EXAMINATION**

20 **BY MR. BALLENGEE:**

21 Q. You said earlier that interrogation room was  
22 being remodeled.

23 A. Correct.

24 Q. And that it was being remodeled for a show.

25 What show was that?

1           A.    "The First 48."

2           Q.    Do they commonly film in the Harris County  
3 Sheriff's Officer?

4           A.    They did.  They no longer do it.

5           Q.    And just to clarify what we had said previously  
6 on direct.  Was there any evidence that the Buicks that  
7 were involved in this case, that they were being  
8 car-jacked?

9           A.    No.

10          Q.    How did the Buicks come to be involved in this  
11 situation in the first place?

12          A.    They cut off a black Dodge Charger or they cut  
13 off a black Cadillac.

14          Q.    Now, you've been trained in interrogation,  
15 correct?

16          A.    Correct.

17          Q.    When you were trained in how to interrogate a  
18 suspect of a crime, what were you taught?  How were you  
19 taught to talk to them?

20          A.    To be respectful, to not necessarily badger,  
21 just to attempt to gain the truth from them.

22          Q.    Do you always agree with what the suspect is  
23 saying?

24          A.    No.

25          Q.    Do you sometimes say that you do agree when you

1 don't?

2 A. Absolutely.

3 Q. Why do you do that?

4 A. I want him to feel like I'm on his side, one,  
5 and to attempt to gain the truth from him.

6 Q. We talked a little bit about the rules of gun  
7 safety a moment ago, or actually you did. Is it safe to  
8 fire a gun at a target that you're not looking at?

9 A. No.

10 Q. Is it safe to fire a gun at a target that you  
11 are not aiming at?

12 A. No.

13 Q. You are fairly knowledgeable in firearms,  
14 correct?

15 A. Yes, sir.

16 Q. Would you consider a Ruger 9-millimeter a  
17 firearm?

18 A. Yes.

19 Q. Would you consider it to be a deadly weapon?

20 A. Yes, sir.

21 Q. Would firing at a group of people without  
22 looking, would you consider that to be an act that would  
23 be clearly dangerous to human life?

24 A. Yes, I would.

25 Q. Is it a felony to threaten somebody with a

1 firearm?

2 A. Yes.

3 Q. What felony would that be?

4 A. There's many of them. Terroristic threat,  
5 aggravated assault.

6 Q. Is it a felony offense to shoot into a group of  
7 people?

8 A. Yes.

9 Q. And what felony offense is would that be?

10 A. Aggravated assault.

11 MR. BALLENGEE: Pass the witness.

12 **RECROSS-EXAMINATION**

13 **BY MR. BUCKLEY:**

14 Q. Following up on the prosecutor's question to  
15 you about the law. Isn't it true that a threat to cause  
16 death or serious bodily injury by the production of a  
17 weapon or otherwise, as long as the actor's purpose is  
18 limited to creating an apprehension that he will use  
19 deadly force if necessary, does not constitute the use  
20 of deadly force; you agree with that, right? Are you  
21 familiar with that?

22 A. What are you reading under?

23 Q. Well, the proper way for me to respond is that:  
24 Are you familiar with the section of the Penal Code  
25 entitled "threats as justifiable force"?

1           A.    Yes.

2           Q.    And you understand that it is not considered  
3 deadly force if you produce a weapon or otherwise,  
4 leaving it kind of open, as long as your purpose is to  
5 scare and not to actually shoot?

6           A.    What you just read applies to attempting to  
7 detain someone, if I heard what you said.  So, I don't  
8 think that law --

9           Q.    Let me read it again.  A threat to cause death  
10 or serious bodily injury by the production of a weapon  
11 or otherwise as long as the actor's purpose is limited  
12 to creating an apprehension that he will use deadly  
13 force, if necessary, does not constitute the use of  
14 deadly force.  You agree with that.  That's the law, is  
15 it not?

16          A.    To scare somebody, you can produce a weapon to  
17 scare somebody?

18          Q.    You can produce a weapon or otherwise.  It  
19 leaves it open.

20          A.    If you are afraid that you are going to --

21          Q.    Well, it doesn't say that.  It just says under  
22 those circumstances --

23          A.    I agree that what you just read is the law.

24          Q.    Okay.  Fair enough.

25                         Now, you've explained, to your knowledge,

1 that the television program that was being filmed at the  
2 department was "The First 48." And "The First 48," as I  
3 understand it, is a program that follows real-life  
4 homicide detectives from the point of their learning  
5 about a homicide to hopefully revolving the case,  
6 correct, sir?

7 A. Correct.

8 Q. But you'd agree with me that as interesting as  
9 that program is, it is far, far less important than  
10 properly interviewing and documenting the investigation  
11 of a murder?

12 A. Well, yeah, I would say that it's not as  
13 important.

14 Q. And you've explained that you feel -- and I  
15 agree -- that pointing a gun at someone is not safe. In  
16 fact, if someone pointed a gun at you, how would you  
17 feel?

18 A. I would not like it at all.

19 Q. Then you'd probably -- your training would be  
20 that you'd probably draw down on them.

21 A. If someone pointed a gun at me, yes, sir.

22 MR. BALLENGEE: Objection, Your Honor.  
23 Speculation.

24 THE COURT: I think it's speculation.

25 MR. BUCKLEY: Understood.

1 Thank you, sir. I pass the witness.

2 **REDIRECT EXAMINATION**

3 **BY MR. BALLENGEE:**

4 Q. Just to be clear, at any point did Tevin  
5 Williams display -- through your investigation, at any  
6 point did Tevin Williams display unlawful deadly force?

7 A. No, he did not.

8 Q. And I'm going to allow you to refresh your  
9 recollection. If you could, just read that silently for  
10 me (indicating).

11 A. Yes, sir.

12 Q. In your understanding of the law, is someone  
13 justified in using unlawful deadly force against an  
14 innocent third party or a third party bystander?

15 MR. BUCKLEY: That calls for a conclusion.  
16 It goes beyond the discussion of the law. That's in the  
17 province of the jury.

18 THE COURT: State that for me all over  
19 again. Are you asking --

20 Q. (By Mr. Ballengee) In your understanding of the  
21 law, is somebody justified in using unlawful deadly  
22 force against an innocent third party bystander?

23 THE COURT: I think that invades the  
24 province of the jury. That's sustained.

25 MR. BALLENGEE: Pass the witness, Your

1 Honor.

2 THE COURT: Anything else?

3 MR. BUCKLEY: No, sir. Thank you.

4 THE COURT: Can he be excused?

5 MR. BALLENGEE: The witness is excused,

6 Your Honor.

7 THE COURT: Well's it up to the defense.

8 Any objection?

9 MR. BUCKLEY: No objection, Your Honor.

10 THE COURT: We appreciate your hard work  
11 today. Thank you so much.

12 THE WITNESS: Thank, you, sir.

13 THE COURT: Have we got another that's not  
14 going to take very long?

15 MR. BALLENGEE: We do, Your Honor.

16 THE COURT: Let's move it long.

17 MR. BALLENGEE: The State calls Jason  
18 Schroeder.

19 THE BAILIFF: Your Honor, this witness has  
20 not been sworn in.

21 THE COURT: Please raise your right hand,  
22 sir.

23 (Witness sworn)

24 THE COURT: All right. Let's proceed,  
25 please.



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**JASON SCHROEDER,**

having been first duly sworn, testified as follows:

**DIRECT EXAMINATION**

**BY MR. BALLENGEE:**

Q. Mr. Schroeder, would you please introduce yourself to the jury?

A. My name is Jason Schroeder. I'm the manager of the trace evidence laboratory for the Harris County Institute of Forensic Sciences.

Q. And how did you become -- well, what kind of training did you receive in order to obtain that position?

A. I have a bachelor of science degree in forensic biology; I have a master's of science degree in pharmacy, with an emphasis on forensic sciences; as well as an MBA. And for GSR specifically, we have an extensive training program that initiates in-house and on-the-job training or OJT beginning with competence, an initial competency test, and then proficiency examinations not to exceed a year.

Q. Are you certified in forensic analysis?

A. In GSR, yes, sir.

Q. And have you testified as an expert in -- excuse me -- GSR before?

A. Yes, sir, I have.