

Guilt Innocence Phase
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1 courtroom today?

2 MS. BARNETT: I do, Your Honor. I have
3 two witnesses.

4 THE COURT: If you ladies would raise your
5 right hand.

6 (Witnesses sworn.)

7 THE COURT: All right, ladies. The rule
8 has been invoked by the parties, which means please
9 refrain from speaking about anything that takes place in
10 this courtroom with each other or any other witness, all
11 right? And so whoever is not being called, go ahead and
12 step in the courtroom.

13 State, call your first witness.

14 MS. BARNETT: Stephanie Robertson.

15 It's only Roberts.

16 THE COURT: State, you may proceed.

17 **DIRECT EXAMINATION**

18 BY MS. BARNETT:

19 Q. Would you please state your name for the
20 record?

21 A. Stephanie Roberts.

22 Q. And Ms. Roberts, are you employed?

23 A. I am.

24 Q. Where are you employed?

25 A. Currently I am working at North Cypress Medical

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1 Center as a paramedic in the E.R.

2 Q. Okay. And how long have you worked there?

3 A. I've been there for five years.

4 Q. What do you do at the North Cypress Medical
5 Center?

6 A. I basically help with care -- excuse me. I
7 help the nurses and doctors provide care, life-saving
8 care to to the patients that come into the emergency
9 room.

10 Q. Are you nervous?

11 A. Very, never done this before.

12 Q. Just if I ask you a question that you don't
13 understand, just ask me to repeat it, or speak up, or
14 whatever you need. Okay?

15 A. Okay.

16 Q. All right. So, you help the nurses and the
17 doctors?

18 A. Uh-huh.

19 Q. Are you also going to school?

20 A. I am. I'm in -- I go to Lone Star College in
21 Tomball. I'm in nursing school.

22 Q. All right. How long -- how long does it take
23 to become a nurse?

24 A. Because I'm currently a paramedic, it's about a
25 year-and-a-half program.

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1 Q. How far along are you?

2 A. I will graduate in May.

3 Q. Is there a reason that you decided to go to
4 nursing school?

5 A. I was on the ambulance for 13 years, and I
6 decided that I wanted to further my medical career and
7 be a part of extended care of a patient; you know, when
8 you're in an ambulance and you drop them off, you don't
9 get to hear anything else. So, I want to be a part of
10 that extended care of a patient.

11 Q. Okay. So, you said you were working, did you
12 say with an ambulance, on an ambulance?

13 A. Yes. I was with Cy-Fair Fire Department for 14
14 years.

15 Q. All right. Now, when you were with Cy-Fair,
16 are you an EMT or?

17 A. I was a paramedic. There's three classes: EMT
18 basic, which is the lowest level, and there's an
19 intermediate level and there's a paramedic.

20 THE COURT: Please turn off all cell
21 phones, please.

22 BAILIFF: Remove the cell phone, please.

23 Q. (BY MS. BARNETT) So, I'm sorry. I forgot the
24 question I asked. I think it was, what is a EMT? Let
25 me just start with that.

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1 A. Well, EMTs are -- they provide basic
2 life-saving care to the sick and injured pre-hospital.

3 Q. Is that different from a paramedic?

4 A. Yes. I'm able to provide advanced life-saving
5 care, anything related to cardiac, meds, defibrillation,
6 anything totally advanced prior to the hospital. We
7 save lives, basically.

8 Q. And when you were with Cy-Fair, were you a
9 paramedic?

10 A. Uh-huh.

11 Q. What kind of training did you have in order to
12 become a paramedic?

13 A. Basically I started in 2002 and I did each
14 level. I started out at basic and stayed at each level
15 for a couple of years before I could advance to a
16 paramedic and I took a paramedic course in Deer Park,
17 but we do have to, you know, the basic program was
18 through the fire department and then I just advanced all
19 the way.

20 Q. Okay. Let me take you to the day of December
21 the 23rd of 2012. Were you a paramedic then?

22 A. Yes, ma'am.

23 Q. Were you working for Cy-Fair then?

24 A. I was.

25 Q. What -- can you tell me what the title of where

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1 you were working was?

2 A. Cy-Fair Fire Department. The station is
3 basically around the corner. I was at Station 1 that
4 day.

5 Q. Okay. And so, do you work -- did you -- you're
6 no longer there. You're with someone else, the
7 hospital.

8 When you were there, did you work shifts?

9 A. Yes.

10 Q. Okay. And what was your shift?

11 A. We worked 24 on, 24 off and 24 back on and
12 we'll have five days off.

13 Q. Now, when you get a call, what normally
14 happens?

15 A. A patient or family member, bystander calls 911
16 and it goes to our dispatch center and we get
17 dispatched. We've got overhead speakers in our station;
18 that tone will go off, alerting us that we have a call.

19 Q. Is there a simultaneous call to the police as
20 well?

21 A. I take it there is, but I don't hear that. I
22 don't hear their call through dispatch.

23 Q. Okay. So, when you get a call, what kind of
24 information are you given?

25 A. Basically the initial is, Medic 1 you have a

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1 call and it will state the address and we'll get in the
2 truck and once we say we're en route, then they'll just
3 give us the rest of the information.

4 Q. And what kind of information do you normally
5 get?

6 A. We have a computer in our ambulance. So it
7 comes across the screen -- it comes across the computer
8 and it just tells us we're en route to -- that
9 particular day, we're en route to the stabbing of
10 possibly two victims.

11 Q. And what -- so what do you -- what kind of
12 vehicle are you traveling in when you go over there?

13 A. We're in an ambulance.

14 Q. What's the ambulance equipped with, what kind
15 of stuff?

16 A. Anything life-saving measures. I mean, we have
17 all kinds of drugs, medication-wise, any life-saving
18 intubation stuff for the airway, you name it, we have
19 for --

20 Q. Okay. So --

21 A. Everything. It's like a small hospital in
22 there.

23 Q. All right. So you can address a shooting?

24 A. Uh-huh.

25 Q. You could address an overdose?

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1 A. Yes.

2 Q. You could address some type of head injury, I
3 suppose. You could address anything.

4 A. Yes.

5 Q. Okay. So, let me go back to December 23, 2012.
6 You were dispatched to a location on Kelsey Meadows, and
7 you were told it was a stabbing and another victim; is
8 that right?

9 A. Yeah, it came across as a stabbing of two
10 possible victims.

11 Q. Okay. Now can you tell -- did you make a
12 record of your --

13 A. Yes. We have to write a record of every
14 patient.

15 THE COURT: Ma'am, make sure she finishes
16 her question. The woman in front of you is taking down
17 every word both of you are saying.

18 MS. BARNETT: May I approach the witness?

19 THE COURT: You may.

20 Q. (BY MS. BARNETT) Ms. Roberts, I'm going to show
21 you what's been marked for identification purposes as
22 State's Exhibit 669. Would you take a look at that. Do
23 you recognize it?

24 A. I do.

25 Q. What is it?

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1 A. It's my run report.

2 Q. And who wrote the run report?

3 A. I did.

4 MS. BARNETT: Your Honor, we would offer
5 into evidence State's Exhibit No. 669. Let the record
6 reflect I'm tendering to opposing counsel.

7 MR. SECREST: No objection, Your Honor.

8 THE COURT: All right. State's Exhibit
9 669 is admitted and you may publish.

10 MS. BARNETT: Thank you.

11 Q. (BY MS. BARNETT) Let's talk about the first
12 page of that ambulance record. Do you keep track of
13 when you're dispatched, when you're en route and when
14 you arrive?

15 A. Yes.

16 Q. All right. And what -- can you tell us when --
17 what was the time that you were dispatched?

18 A. 16:39, which is 4:39.

19 Q. Military time?

20 A. Yes.

21 Q. How long did it take you to get there?

22 A. Two minutes -- oh, sorry, four minutes.

23 Q. All right. So when you got there, what did you
24 do?

25 A. There was multiple people outside when we

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1 pulled up, and a neighbor walked up to me, a male
2 neighbor, and he said that --

3 MR. SECREST: Objection to any hearsay,
4 Your Honor.

5 THE COURT: Sustained.

6 MS. BARNETT: May I approach to get the
7 flip chart, Your Honor?

8 THE COURT: You may.

9 Q. (BY MS. BARNETT) So would it be fair to say you
10 were dispatched at 4:39?

11 A. Yes.

12 Q. And what time did you arrive?

13 A. 16:45.

14 Q. When you arrived, you said that there was a
15 crowd?

16 A. Yes.

17 Q. And can you describe the people that were
18 there, the type of people, did they look like police
19 officers, neighbors, firefighters?

20 A. No. It was all civilians, possible neighbors,
21 just a crowd of people, nobody in uniform.

22 Q. Can you guess how many people were there?

23 A. I can't say for sure, probably at least ten to
24 15. Everybody was outside.

25 Q. All right. And was it difficult for you to get

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1 through the crowd and inside the house?

2 A. No.

3 Q. Where were the people -- where were they?

4 A. Most of them were standing in the front yard.

5 Q. I see. Okay. And you testified that a
6 neighbor approached you and said something?

7 A. Yes.

8 Q. And I don't want to know what he said. Did you
9 have a conversation with him?

10 A. No, just in passing.

11 Q. Were you alone, or were you with other people?

12 A. I have a partner.

13 Q. How many other people were there with you?

14 A. Just me and my partner on the ambulance.

15 Q. Now, the record indicates -- just talk about --
16 there's a Charles Medina, a Stephanie Lotrel, and you.
17 Were all three of you there?

18 A. Stephanie Lotrel is my supervisor and she
19 came -- she was dispatched at the same time, but she
20 comes -- she was at a different location, a separate --
21 she wasn't there when I got there.

22 Q. So you and Charles were the first to arrive?

23 A. Right.

24 Q. She comes later in a different vehicle?

25 A. Right.

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1 Q. Okay. Now, when you and Charles go into the
2 home, are there people in the home?

3 A. We were escorted into the home by a young
4 female.

5 Q. All right. What did you find?

6 A. She directed us to a back bedroom and pointed
7 and said, he's in there and she's in there.

8 Q. Okay. So, what did you do?

9 A. I glanced -- because where we were at, I
10 glanced at that first closet and I saw him and then I
11 heard her screaming and crying, so I went into there to
12 her.

13 Q. Okay. Did you attempt to check the pulse of
14 the man that was in the closet?

15 A. Yes, we did.

16 Q. And so, why did you do that?

17 A. To make sure -- to see if he had a pulse to see
18 if we needed to start performing life-saving care to
19 this person.

20 Q. Did it look to you like he was possibly alive?

21 A. No.

22 Q. All right. So, is that a medical procedure
23 that you do, checking the pulse?

24 A. Yes. We usually try to feel for the carotid
25 artery. But in his condition we feel on his wrist and

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1 his temple, and there was no pulse.

2 Q. So, it's not like you made -- it's something
3 that you're required to do?

4 A. Yes.

5 Q. And it didn't look to you any kind of way that
6 the man was possibly alive?

7 MR. SECREST: Object to leading.

8 THE COURT: Don't lead your witness.

9 Q. (BY MS. BARNETT) Did it look to you that the
10 man had any possibility of being alive?

11 A. No.

12 Q. All right. After you -- I assume you went to
13 him first?

14 A. Yes, we did. We took a quick glance.

15 Q. And then where did you go to address the other
16 person?

17 A. She was sitting in the bathroom, in the same
18 bedroom.

19 Q. All right. And what -- where -- what was she
20 doing?

21 A. She was sitting in a chair. She was crying
22 hysterically; and she had a family member consoling her,
23 standing near her.

24 Q. Okay. And what was your job to do then?

25 A. So approaching a patient, we form a general

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1 impression of the patient; and my first glance of the
2 patient, I saw nothing significant injury-wise.

3 Q. Does that mean you do a visual?

4 A. Yes, just a visual. It's part of the whole
5 steps of our assessment, but we just form a quick,
6 general impression to make sure there's nothing
7 life-saving I've got to do right that second.

8 Q. Okay. Was she sitting up or standing up or do
9 you remember?

10 A. She was sitting in a chair.

11 Q. Do you have her stand up?

12 A. At that time, no.

13 Q. All right. So, do you approach her? She's
14 sitting in a chair, she's crying hysterically, and
15 there's a relative that's consoling her, and you do a
16 visual to see if there's anything obvious. You don't
17 see anything obvious. So what do you do next?

18 A. At that point I attempt to talk to her. It was
19 very difficult because she was so upset. I asked her if
20 she had any injuries, being harmed; and she advised me
21 that she was not harmed.

22 Q. Is that the first thing that you asked her,
23 about the injuries?

24 A. Yes.

25 Q. And is that important?

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1 A. Just with the scene type I walked in on, I just
2 wanted to make sure she wasn't stabbed as well since I
3 was dispatched to a possible stabbing of two people.

4 Q. Okay. So she tells you, first off, that she
5 didn't have any injuries; is that right?

6 A. Yes.

7 Q. Okay. Where do you go from there?

8 A. At that time Precinct 4 showed up. The scene
9 automatically goes to them as a crime scene at that
10 point.

11 So, we were escorted to the living room at
12 that point.

13 Q. All right. Now, before -- let me back up for a
14 second. You make notations in your report about the
15 things in the bathroom; is that right?

16 A. Yes.

17 Q. What are some things that you thought were
18 important, that you notated in your report?

19 A. It started when I walked in the bedroom. I
20 noticed the room was in disarray. There was clothes
21 everywhere. There was pillows on the floor. There was,
22 looked like purse on the bed that had been dumped out.
23 When I went to the bathroom, I noticed a bottle of an
24 unknown alcohol and some strawberries that were on the
25 side of the tub as well. The tub was half-filled with

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1 water, and I saw a large knife in the bathtub.

2 Q. Now, you even made a notation that you saw
3 strawberries on the bathtub. Why did you make that
4 notation?

5 A. Just the scene, honestly, I felt like I needed
6 to document everything that I saw.

7 Q. All right. So, you talk about the bathtub and
8 the strawberries and the alcohol and the knife, and did
9 the -- in your report you call her a patient, right?

10 A. Yes.

11 Q. I'm going to call her the defendant.

12 So, did the defendant make any statements
13 to you about what she said happened?

14 A. Once we were in the living room and I was able
15 to fully assess her.

16 Q. All right. So what -- how did you fully assess
17 her? What does that mean?

18 A. Once we got to the living room, I know she did
19 state a few times that she needed to go to the restroom.
20 She was having diarrhea. So, there was a lot of times
21 in between when I finally got to sit with her and do a
22 full head-to-toe assessment. My assessment is very
23 detailed. We start at the head and we literally inspect
24 and palpate and oscillate, meaning feel and listen to
25 every body part.

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1 Q. Okay. Let's back up a minute. You said that
2 she said she had diarrhea?

3 A. Yes.

4 Q. How many times did she tell you she had
5 diarrhea?

6 A. She -- from when I was there, she got up two or
7 three times to go to the restroom.

8 Q. And how long was she gone during each time?

9 A. Before I fully assessed her at that time was,
10 I'd say probably at least 15 to 20 minutes went by.

11 Q. Okay. For all three times?

12 A. No. That was a single time.

13 Q. So there were two or three? You're not sure?

14 A. I'm not positive how many times she actually
15 used the bathroom.

16 Q. Okay. At least two?

17 A. Yes.

18 Q. Two times to bathroom. At how much time per
19 trip?

20 A. The only one that I remember is when she -- the
21 time in between she went and I was able to do my
22 assessment, which was about 20 minutes had passed.

23 Q. All right. And so what -- so, you weren't able
24 to do your evaluation of her on one -- during one time.
25 It was interrupted by her saying that she needed to go

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1 to the bathroom?

2 A. Right.

3 Q. Okay. So, did she give you her statement about
4 what had happened before the evaluation or after or
5 during?

6 A. I would say all during. She was visibly
7 extremely upset. So it was pieces by pieces we had to
8 work with.

9 Q. Were you asking her what happened, or was she
10 just telling you what had happened?

11 A. I don't physically ask her the details of that
12 part of the scene. We do ask, do you remember what
13 happened, because we need to get a level of her
14 consciousness, is she alert? Is she oriented? We ask,
15 do you remember what happened. Do you know what day it
16 is.

17 Q. Was she alert?

18 A. Yes, she was.

19 Q. Did she know what her surroundings were?

20 A. Yes, she did.

21 Q. Did she appear to understand everything that
22 was going on?

23 A. No, she did not.

24 Q. And what do you mean by that?

25 A. She had told me the last she remembers

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1 time-wise was 1:00 a.m. and we're at nearly 15 hours
2 later, so she has a loss of time during that period.

3 Q. So what did she say happened, what she last
4 remembered at 1:00 a.m.?

5 A. She had told me that she and her husband went
6 out to dinner for their anniversary. They stopped at
7 CVS. They got home and got in the bathtub and they were
8 in the bathtub for about two hours, the bathtub she said
9 they got in about 10:30. She was in there for about two
10 hours. She said last she remembered is getting out of
11 the tub, she got dressed and around 1:00 a.m. and that's
12 the last she remembered.

13 Q. So, 10:00 p.m. she is in the tub?

14 A. Patient stated at about 10:30 --

15 Q. 10:30 p.m.

16 A. -- her and her husband got in the bathtub and
17 they were in there for about two hours.

18 Q. And so 1:00 a.m.?

19 A. She said 1:00 a.m., that was the last time she
20 recalled.

21 Q. All right. Now, and she said she got -- did
22 she give you any more detail that she had gotten out of
23 the tub, what did she say?

24 A. Yes, she said had got -- she remembered getting
25 out of the bathtub to get dressed and the only thing she

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1 remembers is waking up at that unknown time in her
2 closet.

3 Q. Did she give you any detail about what she did
4 when she got out of the tub?

5 A. No.

6 Q. Did she give you any detail about getting
7 dressed or undressed?

8 A. Yes. She stated she had gotten dressed.

9 Q. That she had gotten dressed?

10 A. Yes, and that's the last thing she remembers.

11 Q. Okay. Now, when you are evaluating her, how do
12 you evaluate her?

13 A. So, based off of her complaints, because she
14 had told me that several times that she believed she had
15 had a seizure. She has a seizure disorder, and she
16 stated multiple times that she thinks she possibly had a
17 seizure because when she woke up, she had a headache and
18 her joints hurt. She said that's usually what happens
19 after she has a seizure. She did tell me that the left
20 side of her head hurt, and that was the only complaints
21 from her at that time.

22 Q. Okay. You said that she stated multiple times
23 that she thought she had a seizure and that she
24 explained how seizures work. She was telling you that?

25 A. She didn't explain, but she said usually after

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1 a seizure she will have headaches and joint pain and
2 that she will usually sleep for a few hours.

3 Q. She explained all those things to you?

4 A. Yes.

5 Q. All right. When -- did you write in your
6 report whether or not she had any bruising, hematomas,
7 or lacerations?

8 A. I do. I write out my details in physical exam
9 of a patient.

10 Q. And so how do you do a physical exam of the
11 head?

12 A. I -- especially since she said the left side of
13 her head hurt, I -- since she's a female, I separate the
14 hair and look for lacerations, bruising, hematoma, the
15 knots you get. And I actually will feel the whole head
16 and palpate it, and I did not see anything.

17 Q. Would it -- do you think it would help the jury
18 understand how you do -- if you were able to demonstrate
19 on me?

20 A. Yes.

21 MS. BARNETT: Your Honor, may I approach
22 the witness?

23 THE COURT: You may.

24 (Witness demonstrating in front of
25 prosecutor.)

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1 Q. (BY MS. BARNETT) So, let's say I complain that
2 the left side of my head hurts.

3 A. So, I'm -- I would look through her hair just
4 to make sure I don't see any open wounds, like if she's
5 bleeding, if there's any cuts, do I see a bruise? At
6 that point I don't see nothing, so I'm going to
7 physically feel -- see if both sides of the head are the
8 same. You know, do I feel a big knot, you know, any
9 kind of deformities that are --

10 Q. Just tell us --

11 A. I don't want to use any big words.

12 Q. No, just tell us.

13 A. I would feel for any kind, of, like, if the
14 skull is depressed, you know, if there's anything
15 significant head-wise.

16 Q. Do you feel in the back as well?

17 A. Yes, everywhere.

18 Q. Okay. Well, just do the whole deal?

19 A. That's what I -- I mean, it's kind of like a
20 little massage of your head.

21 Q. Feels kind of good.

22 All right. Anything else on that?

23 A. Besides inspection and feeling.

24 Q. Okay. All right. Go ahead. Did you see any
25 blood?

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1 A. No.

2 Q. Did you see any lacerations?

3 A. No.

4 Q. Did you feel any bumps?

5 A. I did not.

6 Q. Did you see any bruises?

7 A. No.

8 Q. Did you see any, any marks on her face?

9 A. No.

10 Q. Did you see anything on her face, her head, her
11 scalp, her neck, anywhere that indicated to you that she
12 had been hit in any kind of way?

13 A. No.

14 Q. Or injured in any kind of way?

15 A. No.

16 Q. And in fact she told you she wasn't injured?

17 A. Yes.

18 Q. She also -- according to this record she also
19 told you her wrists and her ankles were bound.

20 A. She did.

21 Q. How did she tell you? Is that just what she
22 said?

23 A. Yes, she did. She advised me that she was tied
24 up in her closet by her wrists and her ankles, and she
25 was unable to free herself.

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1 Q. Is that something that you asked?

2 A. She told me.

3 Q. She volunteered that?

4 A. Yeah, she volunteered that information.

5 Q. All right. Was she complaining anything about
6 her wrists or her ankles?

7 A. No.

8 Q. No. She was just asserting?

9 A. She just told me she had been tied up for some
10 unknown amount of time.

11 Q. Did she tell you that someone tied her up?

12 A. No. She just said she was tied up.

13 Q. Did you do -- did you look at her wrists or her
14 ankles?

15 A. I did.

16 Q. And did you find any injuries there?

17 A. No.

18 Q. Did you find any markings there?

19 A. No.

20 Q. Did you see anything that would indicate that
21 she had been tied up for 12 or 14 hours?

22 A. No.

23 Q. Did she indicate to you that she was not able
24 to free herself --

25 A. She did.

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1 Q. -- from the bindings?

2 A. She said she was not able to get out.

3 Q. And would that indicate to you that that would
4 be, according to her story, tight?

5 A. Right.

6 Q. And if they were tight, is it your -- is it
7 your -- did you think, it's your opinion, that she would
8 have markings that indicate that she had been bound?

9 MR. SECREST: I object to that. That's
10 beyond her expertise.

11 THE COURT: Sustained. Rephrase your
12 question.

13 MS. BARNETT: Sure.

14 Q. (BY MS. BARNETT) Based on your medical
15 background and your training, being with EMT for so
16 long, and now with your training in nursing school, do
17 you have an opinion, if you do, of whether or not
18 somebody who says they were bound and unable to free
19 themselves for 12 to 14 hours would have markings on
20 their wrists or ankles indicating such?

21 MR. SECREST: I'm going to object to the
22 same, Judge, improper predicate.

23 THE COURT: Sustained as to form.

24 MS. BARNETT: All right.

25 Q. (BY MS. BARNETT) Did you ask her if she wanted

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1 to go to the hospital?

2 A. I did.

3 Q. And what was her response?

4 A. In the beginning she did want to go.

5 Q. Okay.

6 A. Like I said, this was an active crime scene at
7 this point, so time went by. At the point of getting
8 ready to transport, I asked the law enforcement on scene
9 what's the procedures because she wants to go to the
10 hospital; and then she, at that point she decided that
11 she did not want to seek further medical attention. She
12 stated that she just wanted to get out of the house, but
13 she didn't need to seek medical attention at a hospital.

14 Q. Okay. I'm confused now about that. So, she
15 says that she wants to go to the hospital and then
16 changes her mind?

17 A. Right.

18 Q. Was it because -- do you know why she changed
19 her mind?

20 A. I do not.

21 Q. Was she there standing there when you were
22 asking the law enforcement the procedures?

23 A. Yes.

24 Q. And do you know whether or not she was close
25 enough to where she could hear that --

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1 A. Yes.

2 Q. -- conversation?

3 A. Yes, and that's when she stated that she didn't
4 need to go to the hospital at the time.

5 Q. Did she ask you any questions?

6 A. No.

7 Q. Did you -- when you were there, do you remember
8 there being any animals there, any dogs?

9 A. I do not remember.

10 Q. Okay. Do you remember whether or not there was
11 a smell? Did you smell anything when you went into the
12 home?

13 A. No, not that I can remember.

14 Q. Do you remember -- did you -- do you remember
15 seeing any kind of Clorox or anything like that?

16 A. No, I didn't walk through the whole house.

17 Q. How long were you there?

18 A. Approximately an hour.

19 Q. And did the hour consist of you doing the
20 assessment, the entire assessment?

21 A. Yes, between her hysteria or her going to the
22 bathroom, yes, I was there for the patient and the
23 patient only, yes.

24 Q. Okay. And do you know whether or not she
25 really did have diarrhea?

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1 A. I did not go with her, physically. Law
2 enforcement escorted her.

3 MS. BARNETT: Pass the witness.

4 THE COURT: Mr. Secrest?

5 MR. SECREST: Thank you, Your Honor.

6 **CROSS-EXAMINATION**

7 BY MR. SECREST:

8 Q. Ms. Roberts, how are you?

9 A. Good, thank you.

10 Q. Are you nervous?

11 A. Yes, never done this before.

12 Q. Never testified before?

13 A. Never.

14 Q. I'll be gentle.

15 Have you ever met Sandra Melgar before you
16 attended to her that evening?

17 A. No.

18 Q. And Ms. Barnett calls her the defendant. I'll
19 call her Ms. Melgar, okay? And you can call her the
20 patient or whatever you choose to.

21 So you are dispatched. You're there
22 within about five minutes, right?

23 A. Right.

24 Q. And you actually beat law enforcement. You're
25 at the scene even before the first responders, correct?

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1 A. Correct.

2 Q. And would it be fair to characterize what you
3 were seeing as something like chaos or chaotic?

4 A. Outside?

5 Q. Yes.

6 A. Yes.

7 Q. And then you go into the residence; and I think
8 if I understood your testimony, a young gentleman
9 pointed the way for you all to go?

10 A. The gentlemen stated what he had told me and a
11 young female actually escorted me into the home, a
12 family member.

13 Q. And basically you were told that my aunt is in
14 the bathroom?

15 A. Right.

16 Q. And again, when you first came into contact
17 with Ms. Melgar, she was physically located in the
18 bathroom?

19 A. Yes.

20 Q. And how was she dressed?

21 A. She was in a black robe.

22 Q. Okay. And do you recall if she had pants on or
23 not?

24 A. I do not.

25 Q. Okay. Do you recall whether she had socks or

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1 shoes on?

2 A. She did not.

3 Q. Okay. How would you best describe to the jury
4 the state of mind of Sandra Melgar, a stranger to you
5 when you first saw her?

6 A. She was very hysterical. She was inconsolable.

7 Q. When you say very hysterical, that may mean
8 something totally different to me but different to
9 someone else. So again, I'm not at all quibbling with
10 you, but those were your words. So, tell us, paint us a
11 picture of what does very hysterical mean to you when
12 you saw Sandra Melgar?

13 A. She was sitting in a chair, kind of rocking,
14 screaming, crying.

15 Q. Did you have any doubt at all to think that
16 that was some kind of a joke or game at all?

17 A. No.

18 Q. Did it seem genuine to you?

19 A. Yes.

20 Q. Now, what about when you say she was
21 unconsolable, what do you mean by that?

22 A. I mean, just when I was trying to physically
23 talk to her, it was -- she wasn't able just to answer
24 questions right away.

25 Q. Okay.

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1 A. It was in between cries, and it was hard to
2 physically talk and assess her at that time.

3 Q. And it was hard to physically assess her and to
4 speak with her because she was hysterical?

5 A. In that bathroom, yes.

6 Q. Okay. And she was crying?

7 A. Yes.

8 Q. Now, how long were you with her at that
9 location before you went elsewhere?

10 A. It was just a few minutes. Precinct 4 was
11 there very quickly, right after me.

12 Q. And then you -- then what, escorted her or went
13 with her or asked her to follow you into the living room
14 area, or how did that happen?

15 A. Precinct 4 advised us.

16 Q. I'm sorry.

17 A. Precinct 4 advised us to move to the living
18 room.

19 Q. So, basically the police officers get involved
20 and basically want you guys to leave the bathroom area
21 and go elsewhere in the house?

22 A. Correct.

23 Q. And are we assuming that's because that's a
24 crime scene area?

25 A. Right.

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1 Q. So where did you go from the bathroom?

2 A. We walked from the bedroom to the hallway to
3 the living room.

4 Q. Now, her needing to go to the restroom, did
5 that start in the bathroom, or did that start once you
6 all got into the living room?

7 A. Once we got to the living room.

8 Q. Do you know whether or not -- well, let me ask
9 you this: She said she had diarrhea. Do you have any
10 reason to doubt that?

11 A. I do not.

12 Q. Now, I want to be clear here, when she
13 requested to go the restroom, she was allowed to do so,
14 correct?

15 A. Correct.

16 Q. But she was also escorted by a female constable
17 when she left the living room in order to go the
18 restroom?

19 A. Correct.

20 Q. So, she wasn't left alone, fair statement?

21 A. Fair.

22 Q. Now, she advised you that she was not harmed
23 and had no injuries?

24 A. Yes.

25 Q. Have you found it to be the case sometimes in

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1 dealing with folks that have experienced a traumatic
2 event that they may initially believe they don't need
3 any treatment and they initially believe they're not
4 harmed, but later on turns out they probably should have
5 gotten treatment?

6 A. I do, specifically with car accidents.

7 Q. Are you saying it's totally related to that?

8 A. Ninety-five percent, yes.

9 Q. But there are occasions where you assess people
10 in the home who indicate initially they don't think they
11 need medical attention but in retrospect they probably
12 should have got some?

13 A. Yes.

14 Q. But she was saying that her head hurt, fair
15 statement?

16 A. Yes.

17 Q. She said that more than once, did she not?

18 A. She said she had a headache.

19 Q. But did she say she had a headache more than
20 once?

21 A. Yes.

22 Q. And I hate to put you through this --

23 MR. SECREST: May I approach the witness?

24 THE COURT: You may.

25 Q. (BY MR. SECREST) No, I want you to play like

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1 I'm Sandy Melgar. And I don't have pretty hair like she
2 does. By the way, was her hair about that length, or
3 was it shorter, was it longer, or do you remember?

4 A. About the same.

5 Q. So, if you don't mind, would you please examine
6 my head?

7 MR. SECREST: May the record reflect that
8 I've been examined, Your Honor.

9 THE COURT: It's noted.

10 Q. (BY MR. SECREST) So, that's pretty much the
11 nature of what you did with Sandy?

12 A. Forehead injury, yes.

13 Q. And what you have noted is at the time you
14 didn't feel a bump?

15 A. Correct.

16 Q. Are you aware that there are forced instances
17 where a hematoma or a bump might not appear originally
18 but will appear later, such as a bruise will?

19 A. Yes.

20 Q. Okay. Now, speaking of bruises, I want to be
21 clear here; and I want to make it even more clear I'm
22 not critical of anything that you did. Thank you for
23 coming out that afternoon, but with respect to your
24 assessment of whether there were any bruises, what did
25 you do in that regard?

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1 A. On her head? Anywhere.

2 Q. Anywhere, yes, ma'am. Let me stop you. Let me
3 be a little clear. When you said that you didn't find
4 any bruises, we're talking about her body, correct?

5 A. Yes, hematoma-wise, yes. I don't remember
6 seeing anything on her body.

7 Q. Okay. And so you didn't see it?

8 A. Significance-wise, no.

9 Q. And did you -- do a, quote, unquote, thorough
10 examination?

11 A. Yes.

12 Q. Okay. Now, one thing I want to talk to you
13 about, I believe is reflected in the records, is
14 Ms. Melgar tried to give you an understanding of what
15 her medical conditions were?

16 A. Yes.

17 Q. And if you need to, Ms. Roberts, look at the
18 exhibit in front of you; please feel free to do that.

19 What is your understanding of some medical
20 issues that Ms. Melgar had?

21 A. She told me she had a history of anxiety,
22 bilateral hip replacement.

23 Q. Let me stop you there. I don't mean to be rude
24 to interrupt you. Some of us may not particularly know
25 this, but if you have a bilateral hip replacement, what

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1 does that mean?

2 A. She -- both of her hips were replaced. They
3 were -- I don't know the technical terms, the surgery
4 terms.

5 Q. You don't have to. Is that a pretty
6 significant deal, to have both hips replaced?

7 A. Yes.

8 Q. Okay. Do you have any idea what's involved in
9 that? I'm not going to turn you into a hip doctor, but
10 is that like when you actually have to put the cadaver
11 bones in your skeletal mass, that kind of deal?

12 A. I can't say for sure.

13 Q. You don't have to, but anyway, she indicated
14 that she had this bilateral hip replacement. What else
15 did she say before I cut you off?

16 A. Hypothyroid.

17 Q. Okay.

18 A. Lupus and seizures.

19 Q. Let me talk about lupus. Do you know what
20 lupus is?

21 A. Autoimmune disease.

22 Q. And basically what is that all about, based on
23 your training as a paramedic and soon-to-be nurse?

24 A. As a paramedic, it's not significant. It's not
25 something that I have to go into detail learning as a

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1 paramedic, where you're doing live-saving emergencies,
2 not disease. Nursing school, we're just getting to that
3 point.

4 Q. But I want to be clear, the fact that you
5 say -- you're not saying that the disease lupus is an
6 insignificant disease?

7 A. No, I'm not.

8 Q. I didn't think you were. I just want to
9 clarify what you're saying is since it's a long-term
10 malady, it's not something you're going to treat in an
11 emergency situation?

12 A. Pre-hospital, correct.

13 Q. But it's fair to say that that is a serious,
14 long-term malady based upon your understanding of what
15 lupus is?

16 A. Yes.

17 Q. In fact, people die from lupus, fair statement?

18 A. Fair statement.

19 Q. In fact, when she said seizure, what was your
20 understanding of her history of seizure disorder?

21 A. That she had a history of seizures.

22 Q. Okay. That's pretty much a part of it.

23 A. Yes. And with her saying she had a possible
24 seizure and she felt like she could have another one, I
25 watched out for that because we had medications to stop

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1 seizures.

2 Q. And I want pick up on what you just said, she
3 said that she had -- she possibly had a seizure?

4 A. Yes.

5 Q. So she wasn't definitely saying she had a
6 seizure, but she was saying she possibly had a seizure
7 based upon the fact that she had a headache and joint
8 pain.

9 A. Correct.

10 Q. Okay. Are you aware that it's quite common
11 that people that may have seizures, while they may not
12 last very long, that they become very tired, very
13 lethargic, and will sleep for hours after a seizure?

14 A. Yes.

15 Q. Now, did you discuss with her what medications
16 she took?

17 A. I did.

18 Q. And you can certainly look at your record
19 unless you memorized that. What was your understanding
20 of the medications that Ms. Melgar was taking?

21 A. She takes seizure medications. She takes
22 antidepressants and some pain medications.

23 Q. What was the last one?

24 A. Pain medication.

25 Q. Okay. I think Ms. Barnett covered this, but

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1 when you examined Ms. Melgar, you didn't find any kind
2 of cuts on her, correct?

3 A. No cuts.

4 Q. And she was not bleeding?

5 A. No.

6 Q. And you were in her physical presence looking
7 at her clothing. Did you see any kind of blood or
8 anything on her?

9 A. No.

10 Q. I'm going to ask you to look at a photograph
11 that's previously been introduced into evidence. It's
12 Defense Exhibit 1944. I'm going to represent to you
13 that that is a photograph taken of Ms. Melgar. It's
14 going to be after you were in her presence but before
15 she leaves after declining going to the hospital and
16 leaves with the police, okay? And when you look at
17 that, does that appear to be basically the way you
18 recall she was dressed, although in that picture she's
19 got paper bags on both hands?

20 A. No, I don't recall her having jeans and socks
21 on.

22 Q. Okay. Are you saying that she didn't have it
23 or you just don't recall?

24 A. She didn't.

25 Q. Okay.

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1 A. Because I know I was able to look at her legs
2 and without having to pull her jeans or anything.

3 Q. Do you know when it would have been that she
4 would have got dressed with socks and a pair of blue
5 jeans?

6 A. It would have to have been after I left the
7 scene.

8 Q. Okay. So, when you saw her, your memory is she
9 was wearing a robe?

10 A. Yes.

11 Q. And then what was underneath the robe?

12 A. She had like a little nighty-type lingerie.

13 Q. Okay. Would it be fair to characterize the
14 emotional condition of Ms. Melgar as being in a state of
15 shock?

16 A. Yes.

17 Q. And was that why it was difficult in
18 communicating with her?

19 A. Yes.

20 Q. Okay. But when you were able to communicate
21 with her, she told you that she recalled going out to
22 dinner with her husband on their anniversary, correct?

23 A. Correct.

24 Q. And that then they had to gone to CVS, she
25 recalled that?

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1 A. Correct.

2 Q. And then she -- she recalled going home and
3 they got in the Jacuzzi?

4 A. Correct.

5 Q. Okay. And then she said, basically the last
6 thing she recalled is she got out of the Jacuzzi and she
7 went to get dressed?

8 A. Correct.

9 Q. At that point did you ask her when she got out
10 of the Jacuzzi to go get dressed where she went to get
11 dressed?

12 A. No.

13 Q. But it's your understanding she got out of the
14 Jacuzzi, she had memory of that, and she had a memory of
15 then going to get dressed and somewhere in that time
16 frame she had no memory until she woke up?

17 A. Correct.

18 Q. And what was your understanding approximately
19 based upon she was able to tell you in this off-and-on
20 hysterical state how long she had been in the closet
21 before she awoke the first time?

22 A. From my understanding 15 hours had gone by
23 approximately from the time she remembers from the time
24 she was found.

25 Q. Okay. Did she have -- did she tell you about

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1 any memory of waking up during that time?

2 A. Yes. I noted in my report that she remembers
3 waking up, hearing the dogs barking, but then must have
4 fell back asleep.

5 Q. Do you know when in this ordeal that she woke
6 up? Was it clear at all?

7 A. No.

8 Q. Was it clear how many times she woke up?

9 A. No.

10 Q. It was just clear that after she got out of the
11 Jacuzzi and after she went to get dressed, around that
12 time frame she really didn't have much of a memory until
13 later in the afternoon when basically her family friend
14 finds her in the closet?

15 A. Correct.

16 Q. And this would have been shortly before you had
17 access to her?

18 A. Correct.

19 Q. Did she tell you -- it was clear to you, at
20 least based upon what she was trying to communicate,
21 that she was trying to tell you that she had been tied
22 up with her arms behind her back and legs were tied and
23 that they were tied very tightly, at least tight enough
24 that Sandy in that -- Ms. Melgar, in that position,
25 couldn't untie herself?

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1 A. Correct.

2 Q. Did you inquire as to what it was that she was
3 tied up with?

4 A. No. She was not tied up when I arrived on the
5 scene, so.

6 Q. So as we sit here, do you even have any
7 knowledge today as to what it was that she was tied up
8 with?

9 A. No.

10 Q. Okay. Let me ask about wanting to go to the
11 hospital. As I understand at one point she wanted to go
12 to the hospital and ultimately she doesn't go to the
13 hospital?

14 A. Correct.

15 Q. Is that unusual -- do you see people that --

16 A. No.

17 Q. -- decide they don't want to go and later on
18 they do and vice versa?

19 A. Not, not unusual.

20 Q. In fact, what you're concerned -- and I know
21 you're concerned about the patient's well-being, but
22 you're also concerned about any legal liability in that
23 situation?

24 A. Yes.

25 Q. So you want to -- in fact, you used the word,

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1 decline?

2 A. Refusal.

3 Q. Refusal. So, she never said I refuse to go to
4 the hospital, we're not saying that, but that's what
5 you're going to write, the patient refused to go to the
6 hospital.

7 A. She signed a refusal form.

8 Q. She signed a refusal form, but did she ever say
9 to you, I refuse to go to the hospital?

10 A. She did not say, I refuse.

11 Q. So the word refuse is y'all's word because it's
12 on the form?

13 A. Yes.

14 Q. One thing she was very clear about, was it not,
15 and it was that she wanted to get out -- she says, and I
16 quote, I just can't stay in this house. Do you remember
17 that?

18 A. I do.

19 Q. You remember it well enough that you wrote it
20 down in your report?

21 A. Yes.

22 Q. And she wanted to get out of the house, no
23 doubt because her husband had been murdered in that
24 house, fair statement?

25 A. Yes.

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1 Q. Were you ever interviewed by any law
2 enforcement in this case?

3 A. No.

4 Q. Let me be very clear here. Have you ever heard
5 the name Shawn Carrizal?

6 A. No.

7 Q. I'm going to represent to you that he was the
8 lead detective in this case. Trust me.

9 MS. BARNETT: I'm objecting to that -- I
10 object to that. That's not evidence, and I object that
11 it's improper to tell that to the witness.

12 MR. SECREST: I'll rephrase it.

13 Q. (BY MR. SECREST) Did Detective Shawn Carrizal
14 ever contact you at any time to discuss what you saw,
15 what your observations were, what your records show,
16 anything like that?

17 A. No.

18 Q. Did a Detective Dousay, D-o-u-s-a-y, ever at
19 any time contact you to discuss with you your findings
20 and your dealings with Ms. Melgar?

21 A. No.

22 Q. When is the first time that anybody associated
23 with law enforcement that would include the Harris
24 County District Attorney's Office contacted you?

25 A. Two weeks ago.

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1 Q. So give or take, more or less August 1st, end
2 of July of 2017?

3 A. Same, exactly two weeks ago, I believe.

4 Q. Okay. And we're talking about events that
5 occurred on December 23, 2012?

6 A. Yes.

7 Q. Let me ask you, in between the time that
8 Ms. Melgar had initially indicated that she wanted to go
9 to the hospital and would you say about an hour later
10 when she declined?

11 A. Approximately.

12 Q. I'm not going to hold you to that, but give or
13 take about an hour?

14 A. Yes.

15 Q. In between that time do you know whether she
16 had any contact with law enforcement officers?

17 A. She had -- not understanding your question.

18 Q. Maybe I didn't ask it clear enough, and that's
19 going to happen.

20 Were you continuously in her presence for
21 that hour or did you have other things to do, go back to
22 your vehicle, call dispatch, anything like that or you
23 pretty much huddled with her for a little over an hour?
24 How does that work?

25 A. I was pretty much with her the whole time

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1 besides when she went to the bathroom.

2 Q. I'm asking do you recall at any time over this
3 one-hour period whether she had any contact with any law
4 enforcement, any of the deputies at the scene asking her
5 questions or speaking to her, at least in your presence?

6 A. Yes. There was a lot of commotion at the
7 scene.

8 Q. Was it some -- let me ask you this: When she
9 left your presence -- you're in the living room, as I
10 understand it?

11 A. Correct.

12 Q. Where did she go in order to use the restroom
13 facility?

14 A. I'm not sure. Her and law enforcement went
15 with -- I didn't follow them to the bathroom.

16 Q. And I understand that. So is it fair to say
17 there were at least a couple of times then when Sandy
18 Melgar and law enforcement personnel were outside your
19 presence?

20 A. Correct.

21 Q. And then whatever happened, happened and then
22 they come back and then she's in your presence up until
23 the time that you leave?

24 A. Correct.

25 MR. SECREST: Can I have one minute, Your

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1 Honor?

2 THE COURT: You may.

3 Q. (BY MR. SECREST) Did you notice anything
4 about -- did you look at her hands? That would be part
5 of an evaluation, to basically look at her hands while
6 you were in her presence?

7 A. Yes.

8 Q. Did you notice any kind of broken nails, any
9 kind of cuts, anything like that on her hand?

10 A. I didn't see any significant injuries to her
11 hand.

12 Q. If you had seen any significant injuries to the
13 hands, would that have been something you would have
14 probably noted in your report?

15 A. Yes.

16 Q. Did you say in your report -- you can look at
17 it, Ms. Roberts, if that would assist you -- patient had
18 no sense of time and last recalled a time of about
19 1:00 a.m. this morning. Patient did not realize that it
20 was evening time and approximately 15 hours had passed,
21 that she was unaware of events. Patient stated multiple
22 times she thinks she had a seizure at some point. Is
23 that what you said?

24 A. Yes.

25 Q. So, is it fair to say based upon your paramedic

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1 assessment that it was your belief that Sandy Melgar
2 literally had no conception of time when she was trying
3 to explain to you what she had experienced, what had
4 gone on, and is that a fair statement?

5 A. That is what she advised me.

6 Q. And that is why you put it there?

7 A. That's right.

8 Q. Was that -- was that told you -- stated to you
9 while she was in hysterics or had she calmed down by
10 then?

11 A. That's when she had calmed down, sitting on the
12 living room couch and talking.

13 Q. At any time in this interim was she crying or
14 had she stopped crying?

15 A. She had periods of crying.

16 Q. So during basically the entire assessment, off
17 and on, she would cry?

18 A. Yes.

19 Q. Thank you, Ms. Roberts.

20 MR. SECREST: No further questions, Your
21 Honor.

22 THE COURT: State, any redirect?

23 MS. BARNETT: I do.

24 **REDIRECT EXAMINATION**

25 BY MS. BARNETT:

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1 Q. When -- so, she did not tell you that her head
2 hurt? She didn't say that; is that right?

3 A. No. She said she had a headache and that the
4 left side of her head hurt.

5 Q. And let's say that you're -- in your evaluation
6 of her, you're looking for knots, are you not?

7 A. Correct.

8 Q. And if someone gets hit on the head, is it
9 possible that they might get a knot on their head?

10 A. Yes.

11 Q. And when would you think a knot would appear,
12 based on someone getting hit in the head -- on the head?

13 A. It varies.

14 Q. Would it be, like, four days later?

15 MR. SECREST: Objection. She said it
16 varies, and I think she's testing the capability of this
17 witness.

18 THE COURT: Rephrase your question.

19 Q. (BY MS. BARNETT) Based on your experience in
20 life and your medical experience, do you -- can you form
21 an opinion as to when knots usually appear on the head
22 after getting hit?

23 A. Yes.

24 Q. Okay. Would you expect, if somebody is hit on
25 the head, for the knot to appear four days later?

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1 A. Personally, I don't believe so, but I can't say
2 for sure.

3 Q. All right. When -- the experience that you've
4 had with knots, when would they appear after getting
5 your head hit?

6 A. From my experience personally is a few hours.

7 Q. And if someone was hit on the head, and 15
8 hours later don't have a knot, would you think that
9 that's usual or unusual?

10 That's a bad question.

11 MR. SECREST: Objection.

12 MS. BARNETT: That's a bad question.

13 MR. SECREST: That's fine.

14 Q. (BY MS. BARNETT) So if in fact she was hit on
15 the head and 15 hours later you don't feel a knot, what
16 would you think?

17 MR. SECREST: Objection. Again, I think
18 this is beyond the expertise of this witness.

19 THE COURT: Overruled.

20 Q. (BY MS. BARNETT) You can answer that.

21 A. There are cases that knots don't form.

22 Q. Ever?

23 A. Ever.

24 Q. Okay. And certainly they wouldn't -- it's your
25 opinion, I think, that they wouldn't start forming four

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1 days later.

2 MR. SECREST: Objection. She's leading
3 her witness.

4 THE COURT: Sustained.

5 Q. (BY MS. BARNETT) Would you think -- would you
6 think that that's -- what's your opinion of a knot
7 starting to form four days later?

8 MR. SECREST: Objection, asked and
9 answered. She's been there.

10 THE COURT: Sustained.

11 Q. (BY MS. BARNETT) Okay. Let's talk about -- I
12 want to go back to when the defense attorney asked you
13 regarding Ms. Melgar's statement and her behavior
14 whether you thought that it was a joke or a game and
15 whether or not it was genuine to you. So, you made a
16 lot of detailed notes in your summary about the scene
17 and what she said and what she did. Did you have an
18 opinion as to what was genuine and what was not?

19 A. Opinions did cross my mind, yes.

20 Q. And what was your opinion?

21 A. About the scene?

22 Q. About what you saw there, the whole -- the
23 whole deal.

24 MR. SECREST: I would object to such a
25 broad question about what is her opinion.

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1 THE COURT: Sustained.

2 Please rephrase.

3 Q. (BY MS. BARNETT) What was your opinion about
4 her behavior?

5 A. If you're asking if it was fake, I couldn't say
6 that. I can't -- she presented thoroughly upset.

7 Q. All right. You and I have had conversations
8 about this, haven't we?

9 A. Yes.

10 Q. All right. And the defense attorney has asked
11 you questions about your belief of the genuineness of
12 her behavior and her attitude, and you've written down
13 plenty of things about what she said.

14 A. Right.

15 Q. And now I'm following up on that. You said
16 that you did not think it was a joke. You testified
17 here that you did not think it was a joke or a game and
18 that you did not think that -- you stated that her
19 behavior was genuine to you. What I'm trying to find
20 out is: You came away from that scene with an opinion,
21 didn't you?

22 A. Yes.

23 Q. And what was it?

24 MR. SECREST: Objection. That question is
25 not specific enough. She left the scene with an

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1 opinion.

2 THE COURT: What is your legal objection?

3 MR. SECREST: It's irrelevant, too broad,
4 and speculative.

5 THE COURT: All right. Rephrase your
6 question.

7 Q. (BY MS. BARNETT) You came away from that scene
8 with an opinion about her behavior, right?

9 A. I went away from that scene with just a general
10 impression of the whole thing.

11 Q. Okay. And what was that impression?

12 MR. SECREST: Objection. What her general
13 impression of the whole thing is not relevant. It's an
14 objection to speculative.

15 MS. BARNETT: May I respond to that?

16 The Defense attorney specifically asked
17 her opinion on the scene. He asked if it was a joke or
18 a game and if it seemed genuine to her. I'm following
19 up on that.

20 THE COURT: All right. Then ask that
21 question.

22 Q. (BY MS. BARNETT) All right. I'm following up.
23 He asked if it was genuine to you; and when you left the
24 scene, what was your opinion?

25 A. The whole scenario was fishy to me. It just

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1 didn't sit well with me.

2 Q. Tell me about that. Why did you think that?

3 A. Just the whole set -- I mean, I'm not a
4 detective. I'm not a cop so I can't -- I don't look at
5 the house in general. I don't look at all the evidence.
6 I just -- just to me it just didn't all seem to go
7 together to me.

8 Q. Why? Why did you think that?

9 A. Can you be a little more specific? I can't,
10 it's my opinion. I've made -- I've been on an ambulance
11 for 14 years, seen things, I've done things and to me
12 walking out of the house it just -- it just wasn't
13 right.

14 Q. You said it seemed fishy to you, right? That's
15 what you testified to.

16 A. Yes.

17 Q. Okay. So, what we're talking about is, she is
18 telling you, I guess, the same thing -- you know, she's
19 telling you what happened to her, right?

20 A. Right.

21 Q. You're doing an examination of her, right?

22 A. Right.

23 Q. You see the scene as it is, right?

24 A. Right.

25 Q. And you're not there to make the

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1 determination --

2 A. Right.

3 Q. -- of what happened. But you did make a
4 determination of what happened.

5 MR. SECREST: Objection. She's
6 testifying, she's leading, she hasn't yet to ask a
7 question.

8 THE COURT: Please ask a question.

9 That's sustained.

10 Q. (BY MS. BARNETT) When you say that you thought
11 it was fishy, did you think that what --

12 MR. SECREST: Objection. Now she's
13 leading her witness and suggesting an answer.

14 THE COURT: Sustained.

15 Q. (BY MS. BARNETT) What was fishy?

16 MR. SECREST: Objection. She's asked that
17 question.

18 THE COURT: What is your legal objection?

19 MR. SECREST: That it's repetitive.

20 THE COURT: Repetitive. That's sustained.

21 Q. (BY MS. BARNETT) What was your belief about,
22 and I'm following up on the defense attorney asking you
23 about your belief. What was your belief about what
24 happened there?

25 MR. SECREST: Objection. What her belief

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1 is as to what happened there is not relevant.

2 THE COURT: Sustained.

3 Q. (BY MS. BARNETT) But you did walk away with an
4 opinion?

5 MR. SECREST: Objection, asked and
6 answered.

7 THE COURT: Sustained.

8 MS. BARNETT: Pass the witness.

9 THE COURT: Any re-cross?

10 MR. SECREST: Oh, I've got a few questions
11 now.

12 **RECROSS-EXAMINATION**

13 BY MR. SECREST:

14 Q. Ms. Roberts, how many times have you talked to
15 Ms. Barnett?

16 A. About this case?

17 Q. Yes, ma'am.

18 A. Once.

19 Q. So she was particularly interested in talking
20 to you about your impressions that really are not
21 related to anything that you do as a paramedic?

22 A. No, not correct.

23 Q. Because I want to be clear here and I heard you
24 thought it was fishy, but would it be fair to say that
25 you don't have a clue what the evidence is in this case,

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1 fair statement?

2 A. I'm not a cop.

3 Q. There you go. And you're not a defense lawyer,
4 right?

5 A. No.

6 Q. You don't sit on this jury, fair statement?

7 A. Fair statement.

8 Q. So, all this evidence that's here, all the
9 testimony that's been in court, with all respect, you
10 don't have a clue about any of that?

11 A. No.

12 Q. Okay. And so -- apparently you have some
13 impression, but what I wrote down is that you said, I
14 can't say that she was faking it.

15 A. Right.

16 Q. Is that fair?

17 A. I can't say that, no.

18 Q. Okay. So, even though when you left the scene,
19 you might have had the impression, well, this is
20 unusual, I haven't seen a scene like this before.
21 You're not telling the jury that you thought that Sandy
22 Melgar was faking it? That wouldn't be fair and honest,
23 would it?

24 A. To say she was faking it?

25 Q. Yes.

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1 A. No, I wouldn't say that, no.

2 Q. And you haven't said that, have you?

3 A. That's she's faking, no.

4 Q. Let's talk about lumps and bumps and you
5 said -- and then Ms. Barnett asked you another question,
6 you said there are cases -- you said that in your
7 experience normally a bump, you're going to see a bump
8 within a few hours.

9 A. Correct.

10 Q. You also said but there are cases where -- and
11 I think what you're going to say there are cases where
12 they take longer than that?

13 A. There is cases that hematoma do not form.

14 Q. Okay. And there are also cases that it might
15 be more than a couple of hours before they form?

16 A. Well, I can't say for sure.

17 Q. Can you say that that's not the case?

18 A. About what? Repeat that question for me.

19 Q. That's fair enough.

20 What I'm getting at, and certainly you're
21 not an expert on hematomas, are you?

22 A. No.

23 Q. Okay. So, certainly there's scenarios where a
24 bump forms pretty quickly, right?

25 A. True.

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1 Q. And there are scenarios where a bump might
2 never form.

3 A. True.

4 Q. And there's scenarios where a bump might take
5 more than a couple of hours to form.

6 A. Possibly.

7 Q. Okay. So each case is specific?

8 A. Depends on the injury, depends on how you're
9 hit, with what. There's so many aspects of that.

10 Q. So you're saying that you cannot say that Sandy
11 Melgar was faking her emotions in your presence,
12 correct?

13 MS. BARNETT: Asked and answered.

14 THE COURT: Sustained.

15 Q. (BY MR. SECREST) Fair enough.

16 The totality of the information that you
17 had as to an impression that perhaps this was fishy is
18 based upon you walking through the premises, right?

19 A. I didn't walk the whole house.

20 Q. So you're telling our jury you might have had
21 an impression that something was fishy and yet you
22 didn't even walk through the whole house?

23 A. My impression is based on what I saw and what I
24 heard.

25 Q. Okay. But you can't sit here and tell us --

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1 A. I am there for patients only. I do not
2 investigate scenes. I don't go looking if there's
3 windows broken, doors broken -- I don't do that. I'm
4 there for the patient. That's what I do.

5 Q. And this patient was hysterical, was upset, was
6 crying, you never met her before in your life, right?

7 MS. BARNETT: Asked and answered.

8 THE COURT: Sustained.

9 Q. (BY MR. SECREST) And you can't say she's
10 faking, correct?

11 MS. BARNETT: Asked and answered.

12 THE COURT: Sustained.

13 MR. SECREST: Pass the witness.

14 THE COURT: May this witness be excused?

15 MS. BARNETT: Yes.

16 THE COURT: Ladies and gentlemen, we're
17 going to go ahead and take our morning break and we'll
18 be in recess for 45 minutes, actually for 30 minutes.

19 Bring in the jury.

20 THE BAILIFF: All rise.

21 (Jury enters courtroom)

22 Please be seated.

23 State, call your next witness.

24 MS. BARNETT: State calls Deputy Martinez
25 to the stand.