

1
2
3
4
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6
7
8
9
10
11
12
13
14
15
16
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REPORTER'S RECORD
VOLUME 1 OF 1 VOLUMES
CAUSE NO. 2020-21227

C*** S***) IN THE DISTRICT COURT
)
V) HARRIS COUNTY, TEXAS
)
DAMIAN H***) 280TH DISTRICT COURT

PROTECTIVE ORDER HEARING

On the 20th day of August, 2020 the following
proceedings came on to be heard in the above-entitled
numbered cause before the Honorable Barbara Stalder, Judge
presiding, held in Houston, Harris County, Texas.

Proceedings reported by Computerized Stenographic
Machine Method.

A P P E A R A N C E S

1
2
3
4
5
6
7
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12
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I N D E X
VOLUME 1
(PROTECTIVE ORDER)

1	August 20, 2020	Page	Vol.
2			
3	Announcements.....	4	1
4	Applicant's Witnesses	<u>Direct</u> <u>Cross</u> <u>VDire</u>	Vol.
5	C*** S***		
6	By Ms. Barron	9-24	1
7	BETH BARRON		
8	By Ms. Barron	63	1
9	Applicant Rests.....	25	1
10	Respondnet's Witnesses	<u>Direct</u> <u>Cross</u> <u>VDire</u>	Vol.
11	C*** S***		
12	By Ms. Valdez	28-54-60	1
13	By Ms. Barron	52	1
14	Court's Ruling.....	64	1
15	Adjournment.....	69	1
16	Court Reporter's Certificate.....	70	1
17			
18			
19			
20			
21			
22			
23			
24			
25			

P R O C E E D I N G S

1
2 THE COURT: Court's gonna call cause number
3 2020-21227, in the matter of C*** S*** and Damian H***.
4 Counsel, please identify yourselves for the record.

5
6 MS. BARRON: Beth Barron prosecuting attorney
7 representing the applicant.

8 MS. VALDEZ: Stacey Valdez and Mike Russo for
9 the respondent.

10 THE COURT: Okay. Well Mr. Russo's not filed
11 a notice of appearance, so he's not going to be recognized
12 as an attorney. The only person that we had on --

13 MS. BARRON: I just wanted you to know he was
14 in the room, Judge.

15 THE COURT: I'm sorry?

16 MS. VALDEZ: I just wanted you to know he was
17 in the room, Your Honor. He's a criminal law attorney.

18 THE COURT: He's not allowed -- no. No, sir.
19 No defense counsel -- no attorneys unless they are attorneys
20 of record are allowed. If he wants to come down and sit in
21 my courtroom and listen in, he's welcome to do so, but no,
22 he can not.

23 MS. VALDEZ: Well can he make an appearance
24 as co-counsel please?

25 THE COURT: No, he can not.

1 MS. VALDEZ: I'll go file one, Your Honor.

2 THE COURT: Well we're getting ready to
3 start. We've already called the case to trial, so no,
4 ma'am.

5 MS. VALDEZ: I had no idea you would not
6 allow a criminal attorney in the room. I've never
7 experienced that before, Judge.

8 THE COURT: Well this -- protective orders
9 are totally --

10 MS. VALDEZ: I think it's a violation of my
11 client's due process rights.

12 THE COURT: Well Ms. Valdez, you can believe
13 whatever you like but it is -- I do not allow that. He's
14 welcome to come down and sit in my courtroom if he'd like to
15 do that, but I'm not going to allow him to sit in the room
16 with you via Zoom. No. That's not how we're gone gonna do
17 it.

18 MS. VALDEZ: Okay. I understand your
19 instructions, Your Honor. Could you point me to the
20 procedures that I have missed reading? Is it online
21 somewhere?

22 THE COURT: No, it isn't, but we're gonna go
23 ahead and --

24 MS. VALDEZ: Then how would I know that?
25 Because otherwise I would have --

1 THE COURT: Counsel, do not -- Ms. Valdez, do
2 not argue with me. Do not. We're not going down that road
3 today, okay?

4 MS. VALDEZ: I'm not arguing, Your Honor.

5 THE COURT: Yes, you are.

6 MS. VALDEZ: I'm just trying to understand
7 for the record.

8 THE COURT: Ms. Valdez.

9 MS. VALDEZ: I'm really not.

10 THE COURT: Stop, stop. Okay? Mr. Russo is
11 not allowed to listen in. I'm going to ask him to leave the
12 room.

13 MS. VALDEZ: He's already out of the room,
14 Your Honor. I'm just trying to understand your procedures.

15 THE COURT: Thank you. All right. Now there
16 was a motion for continuance that was --

17 MS. VALDEZ: We're withdrawing our motion.

18 THE COURT: Okay. All right. So Ms. Barron,
19 how many witnesses do you have for your case?

20 MS. BARRON: I have one witness, Judge.

21 THE COURT: And is that your client?

22 MS. BARRON: Yes, it is.

23 THE COURT: Okay.

24 MS. BARRON: And of course myself for
25 attorney fees.

1 THE COURT: Okay. Each side is allowed one
2 and one half hours for direct and cross examination. Ms.
3 Valdez, I did not nor did Ms. Rangel receive any exhibits or
4 a witness list from you, so if you have anything, any
5 exhibits or any other witnesses besides your client, you
6 will not be able to present them today. We did not get
7 anything from you.

8 MS. VALDEZ: Your Honor, I received no
9 notification that my witnesses had to be disclosed or that I
10 was --

11 THE COURT: Ma'am, if you look at the Zoom
12 rules and the protocols, it has been up there since March,
13 okay?

14 MS. VALDEZ: Judge, this is a denial of my
15 client's due process rights --

16 MS. BARRON: No.

17 MS. VALDEZ: -- to not to be able to call
18 witnesses against him.

19 THE COURT: Ms. Valdez, if you can not
20 maintain your composure, then you know, we're gonna have an
21 issue here. It is part of my rules. You did not send us
22 anything. You sent us nothing.

23 MS. VALDEZ: I have witnesses on stand --

24 THE COURT: Well I'm sorry, ma'am. I'm
25 sorry, ma'am.

1 MS. VALDEZ: May I respond for the record at
2 least?

3 THE COURT: No, you may not. That is my
4 rule.

5 MS. VALDEZ: At least can I get something for
6 the record?

7 THE COURT: Ms. Barron, you may call your
8 first witness.

9 MS. VALDEZ: For the record, I do have
10 witnesses for impeachment purposes and I will be calling
11 them.

12 THE COURT: Ms. Valdez, you are going to be
13 held in contempt of court. You are acting outside and
14 disrupting this Court's proceeding. Ms. Barron, you may
15 call --

16 MS. VALDEZ: Your Honor, I'd like to renew my
17 motion for continuance.

18 THE COURT: I'm sorry. It's been withdrawn.
19 I am not granting it. No. This case has been pending since
20 April. We are going forward.

21 MS. VALDEZ: Well that wasn't my client's
22 fault.

23 MS. BARRON: He's the one who asked for it.

24 THE COURT: He asked for a trial and we reset
25 it to today. His trial setting has been since May. He's

1 had plenty of time to get a lawyer. We're moving forward.
2 Ms. Barron, you may call your first witness.

3 MS. BARRON: I call C*** S***.

4 C** S***

5 Having first been duly sworn, testified as
6 follows:

7 D I R E C T E X A M I N A T I O N

8 BY MS. BARRON:

9 Q Ma'am, please state your name.

10 A C*** S***.

11 MS. VALDEZ: I can't hear, Judge.

12 THE COURT: Ms. Valdez, I'm going to control
13 my trial. Let me --

14 MS. VALDEZ: Is it okay if I hear the
15 witnesses?

16 THE COURT: I was going to say something to
17 her but you rudely interrupted me. Please allow me to
18 instruct the witnesses.

19 Ms. S***, I can't hear you, so I'm going to
20 need you to speak up really loud. The court reporter, Ms.
21 Julia, needs to hear you, along with everyone else. So you
22 need to speak really loud, okay?

23 THE WITNESS: Okay.

24 MS. VALDEZ: I can't even hear her.

25 THE COURT: Okay. Mute yourself, Ms. Valdez.

1 I need to be able to hear what the witness said. You
2 interrupted her again. Please mute yourself. Ms. Ramirez,
3 please mute Ms. Valdez.

4 MS. VALDEZ: I know. I'm having trouble
5 hearing.

6 COURT COORDINATOR: Your Honor --

7 THE COURT: Thank you.

8 Okay. Ms. S**, I need you to get closer
9 to the video and then I need you to speak really loud and
10 then turn up your volume, okay? Can you say something now?

11 THE WITNESS: Okay.

12 THE COURT: All right. Ms. Barron asked you
13 to state your name. Can you please state your name?

14 THE WITNESS: C** S**.

15 THE COURT: Okay. Go ahead, Ms. Barron.

16 Q (By Ms. Barron) Ms. S**, do you live in
17 Harris County, Texas?

18 A Yes, ma'am.

19 Q And how do you know the respondent?

20 A We used to date.

21 Q You were in a dating relationship?

22 A Yes, ma'am.

23 Q And --

24 MS. VALDEZ: Your Honor, I can not hear a
25 coded sentence out of any person.

1 THE COURT: Then it must be you.

2 MS. VALDEZ: I can not hear.

3 THE COURT: Ms. Valdez, you're not going to
4 interrupt this.

5 MS. VALDEZ: What am I supposed to do?

6 THE COURT: It must be your device. I can
7 hear her, Ms. Barron can hear her and the court reporter can
8 hear her. You need to mute your device.

9 MS. VALDEZ: Unfortunately, we can not.

10 THE COURT: Please mute yourself.

11 MS. VALDEZ: Unbelievable. Your Honor, I
12 can't even hear all the words you're saying. I need you to
13 understand.

14 THE COURT: Then that is your issue. That is
15 not my issue.

16 MS. VALDEZ: Are we on the record?

17 THE COURT: Yes, we are. And my rules
18 specifically state you are responsible for your own devices.
19 Go ahead, Ms. S***.

20 Q (By Ms. Barron) And how long were you in a dating
21 relationship with the respondent?

22 A Seven months.

23 Q And when did that relationship end?

24 A Middle of October.

25 Q Of 2019?

1 A Yes, ma'am.

2 Q And what was the reason for the breakup?

3 A He -- just not a great relationship.

4 Q Okay. And after the relationship, did you have
5 any problems with the respondent?

6 A Yeah.

7 Q What kind of -- initially right after the breakup,
8 what kind of things were going on?

9 A A lot of fighting and then he didn't leave me
10 alone for a while.

11 Q Okay. What do you mean by fighting?

12 A Just arguing and him trying to get back with me
13 and --

14 Q Okay.

15 A Yeah.

16 Q And what do you mean he wouldn't leave you alone?

17 A He would text me nonstop and I blocked his number
18 and he would call me from a no caller ID all the time
19 throughout the day.

20 Q Did you ever see him anywhere?

21 MS. VALDEZ: Objection. Nonresponsive.
22 Objection. Nonresponsive.

23 THE COURT: Overruled. She can answer.

24 MS. VALDEZ: Your Honor, I have to at least
25 be able to object. Is that okay if I do that?

1 THE COURT: I heard you.

2 MS. VALDEZ: Because I keep getting muted.

3 THE COURT: I heard your objection. I said
4 overruled. She can answer. Go ahead, Ms. S***.

5 THE WITNESS: What was the question?

6 Q (By Ms. Barron) The question was, did you ever
7 see him anywhere after the breakup?

8 A Not by choice.

9 MS. VALDEZ: Objection. Nonresponsive.

10 THE COURT: Sustained. Ma'am, if it calls
11 for a yes or no, please answer yes or no.

12 Q (By Ms. Barron) Did you see him anywhere after --
13 immediately after the breakup?

14 A Yeah.

15 Q Where did you see him?

16 A Just around town, driving by my house and --

17 MS. VALDEZ: Objection. Nonresponsive.

18 THE COURT: Overruled. She answered the
19 question.

20 Q (By Ms. Barron) And Ms. S***, did you ever
21 call the police when you saw him near your home?

22 A Yes.

23 Q And don't tell me what the police officer said,
24 but what did the police officers do?

25 MS. VALDEZ: Objection. Calls for

1 speculation.

2 THE COURT: If she's there, she can answer.
3 Go ahead, ma'am.

4 MS. VALDEZ: Well I mean what she saw him do.

5 THE COURT: That's what the question was. Go
6 ahead, ma'am.

7 MS. VALDEZ: Just. No, I'm --

8 THE COURT: Go ahead, ma'am. Go ahead,
9 ma'am. What did the police do?

10 A On which occasion that they were called?

11 Q (By Ms. Barron) On any occasion, did they do
12 anything to, I guess, try to stop him from coming by your
13 house?

14 MS. VALDEZ: Objection. Leading.

15 THE COURT: Overruled. She can answer.

16 A A trespass warning was put in place for my
17 house --

18 Q (By Ms. Barron) Okay.

19 A -- one time and then --

20 Q Do you know approximately when that was -- do you
21 know approximately when it was that he was given a trespass
22 warning?

23 MS. VALDEZ: I can't hear.

24 A In October.

25 Q (By Ms. Barron) Okay. And around November of --

1 18th, 2019, did you see the respondent?

2 A Yeah.

3 Q Did -- Ms. S***, do you remember giving a
4 statement to the district attorney's office?

5 A On what date?

6 Q No. Just in preparation for this case, did you
7 give a statement about, basically, the history with the
8 respondent?

9 A Yeah.

10 Q Okay.

11 A I don't remember exact dates, though.

12 Q Okay.

13 MS. VALDEZ: Objection. Nonresponsive.

14 Q (By Ms. Barron) Ms. S***, I'm putting on the
15 screen what is marked as Applicant's Exhibit 1. Can you see
16 this?

17 A Yes, ma'am.

18 Q Is that your signature on the line that says
19 affiant?

20 A Yes, ma'am.

21 Q When you signed Applicant's 1, was it true and
22 correct?

23 A Yes, ma'am.

24 Q Is it still true today?

25 A Yes, ma'am.

1 MS. BARRON: Judge, at this time I offer
2 Applicant's Exhibit 1 into evidence.

3 THE COURT: Any objection to Applicant's 1?

4 MS. VALDEZ: Yes, Your Honor.

5 THE COURT: What's your legal objection?

6 MS. VALDEZ: Objection. Hearsay.

7 THE COURT: Overruled. Applicant's 1 is
8 admitted.

9 MS. VALDEZ: How do I get back to the screen?
10 There you go.

11 Q (By Ms. Barron) Ms. S***?

12 A Yes, ma'am.

13 Q Has -- is the -- November -- is the respondent
14 currently charged with any crimes?

15 MS. VALDEZ: Objection. Calls for hearsay.

16 THE COURT: If she knows, she can answer.

17 A Is that a question for me?

18 MS. VALDEZ: Objection. Calls for hearsay.

19 THE COURT: I already said overruled. She
20 can answer.

21 A A felony assault charge and --

22 MS. VALDEZ: Objection. Nonresponsive.

23 THE COURT: Ms. Valdez, you're gonna wait
24 until the witness answers the question and then you can make
25 another objection but you are going to stop interrupting the

1 witness --

2 MS. VALDEZ: Your Honor.

3 THE COURT: -- and does the court reporter
4 need to hear the full answer. And then if you want to
5 object, you can. Ms. S***, what was your answer?

6 THE WITNESS: Yes.

7 THE COURT: Thank you.

8 MS. VALDEZ: Your Honor, I --

9 THE COURT: What's your legal objection?
10 What's your legal objection?

11 MS. VALDEZ: I don't even know what the
12 question is, Judge, but --

13 THE COURT: Okay. Go ahead.

14 MS. VALDEZ: -- I need to know that I'm
15 hearing. Your Honor, I need to be afforded the opportunity
16 to be heard; otherwise, what am I doing here?

17 THE COURT: Ms. Valdez, Ms. Valdez, you are
18 responsible for our own equipment. The Zoom procedures --

19 MS. VALDEZ: So my client --

20 THE COURT: I am not dealing with -- please
21 mute her and please put her in the waiting room.

22 MS. VALDEZ: I'm not allowed to participate
23 in the hearing. Is that the ruling of the Court?

24 THE COURT: Please put her in the waiting
25 room and I'll bring her back in just a moment. Ms. Barron,

1 hang on for a minute, please.

2 MS. BARRON: Yes, Judge.

3 THE COURT: Ms. Ramirez, please bring
4 Ms. Valdez back into the courtroom, please.

5 Okay. For the record, we did not do anything
6 while Ms. Valdez was in the waiting room. Ms. Barron, you
7 may continue your questioning of your witness.

8 Q (By Ms. Barron) Okay. Ms. S***, you said that he
9 was currently charged with a felony assault; is that correct?

10

11 A Yes, ma'am.

12 Q And you started to finish your answer when I
13 had -- to my question which is, is he charged with any
14 criminal offenses currently?

15 A The felony assault and two violations of a
16 protective order.

17 Q Okay. Are you not aware that it's actually three
18 violations of a protective order?

19 A I was told that the third one was --

20 MS. VALDEZ: Objection, Your Honor. I was
21 told is a tell tell sign of hearsay.

22 THE COURT: Ms. Valdez, all I need is your
23 legal objection. Please do not give me any side bar.
24 Sustained as to hearsay. Sustained as the hearsay.

25 Q (By Ms. Barron) Ms. S***, wait for a

1 question.

2 MS. VALDEZ: I swear this is incredible.

3 THE COURT: Ms. Valdez, if I hear one more --
4 one more under the breath comment, you will be held in
5 contempt of court and you will be fined \$50. It is
6 inappropriate what you are doing and how you are acting.
7 Thank you.

8 Ms. Barron, you may continue your
9 questioning.

10 Q (By Ms. Barron) Ms. S***, after you signed
11 your affidavit in March of 2020, did you call the police
12 again?

13 A Yes, ma'am.

14 Q And what was that for?

15 A I received a notification on my phone --

16 MS. VALDEZ: Objection. Objection. Calls
17 for hearsay.

18 THE COURT: Overruled.

19 MS. VALDEZ: Your Honor --

20 THE COURT: Stop telling me what was said.

21 MS. VALDEZ: She was on the phone --

22 THE COURT: Ms. Valdez, I've had it with you.
23 \$50 to the court registry. That's enough.

24 MS. VALDEZ: You --

25 THE COURT: That's enough. It is enough. Do

1 you understand me?

2 MS. VALDEZ: No, ma'am.

3 THE COURT: It is enough.

4 MS. VALDEZ: No, ma'am.

5 THE COURT: Then stop.

6 MS. VALDEZ: I need to be able to object.

7 THE COURT: Stop. You can object but you do
8 not get to interrupt these proceedings.

9 MS. VALDEZ: Your Honor, I have to object
10 before the answer gets out, otherwise I've waived my
11 objection.

12 THE COURT: That is not true.

13 MS. VALDEZ: You know that. Yes, ma'am, it
14 is.

15 THE COURT: No, ma'am, it is not. You have
16 to wait for the witness to answer and then you can make your
17 objection and the Court will rule on it.

18 MS. VALDEZ: Your Honor, if --

19 THE COURT: Stop.

20 MS. VALDEZ: -- it calls for hearsay, I
21 object after the end of the question before the answer comes
22 out.

23 THE COURT: Please mute her.

24 MS. VALDEZ: I have to object before the
25 answer.

1 THE COURT: Please mute it. Please mute it.
2 I'm done. I'm done. This is inappropriate. I've never --
3 I've never seen such actions in a hearing. It is
4 inappropriate. Ms. Barron --

5 MS. VALDEZ: Your Honor --

6 THE COURT: -- you may continue.

7 MS. VALDEZ: Your Honor, I've never been told
8 I can't object till after the answer. Your Honor, I can't
9 object till after the answer.

10 THE COURT: Please mute her.

11 MS. VALDEZ: What am I gonna do?

12 THE COURT: I'm done.

13 MS. VALDEZ: You're going to hear the answer
14 before you rule on my objections? What's the point of the
15 objection? I need to be able --

16 THE COURT: Ms. Valdez, that's another \$50
17 for you.

18 MS. VALDEZ: That's fine, ma'am. That's
19 fine. I'm writing it down.

20 THE COURT: If you don't stop it right now,
21 you will be held in contempt of court and there's a chance
22 you could be facing more sanctions.

23 MS. VALDEZ: Your Honor, are you instructing
24 me that I --

25 THE COURT: -- report to the state bar. You

1 are acting inappropriately.

2 MS. VALDEZ: I understand you feel that way,
3 Your Honor.

4 THE COURT: Then stop it.

5 MS. VALDEZ: I just want to make sure the
6 instructions I need --

7 THE COURT: Will you please mute this person?

8 MS. VALDEZ: Is she really not gonna let me
9 object till the answer's out?

10 THE COURT: All right. We're going -- we're
11 going to continue on. If there's any objections made, the
12 Court will rule on those objections in an appropriate
13 manner. Ms. Barron, the last -- can you please continue
14 with your questioning?

15 Q (By Ms. Barron) My question was, why did you call
16 the police after you had signed your affidavit in March of
17 2020 and approximately when did you call?

18 MS. VALDEZ: Objection. Compound question.

19 Q (By Ms. Barron) When did you call the police
20 after you signed your affidavit?

21 A Sometime in June or July. I'm not really sure.

22 Q Is that late --

23 A Huh?

24 Q You started to tell me about you got a
25 notification?

1 A Yes.

2 Q What was that?

3 MS. VALDEZ: And Your Honor, here's where I'd
4 like to object to the notification as hearsay.

5 THE COURT: Overruled. She can answer. Go
6 ahead, ma'am.

7 A A notification popped up on my phone that he had
8 followed my --

9 MS. VALDEZ: Objection. Hearsay.

10 THE COURT: Overruled. She can answer. Go
11 ahead, ma'am.

12 Q (By Ms. Barron) Ms. S***, did you see the
13 respondent after you signed your affidavit? In March. I
14 mean, you signed it in March, did you see him after that?

15 A No, ma'am.

16 Q Okay. And what did you think when you received
17 that notification?

18 A That he was gonna start bothering me again.

19 Q Okay. Do you feel like the respondent's been
20 stalking you?

21 MS. VALDEZ: Objection. Leading.

22 THE COURT: Overruled.

23 MS. VALDEZ: Objection. Calls for a legal
24 conclusion.

25 THE COURT: Overruled.

1 A Yes, I feel like he has.

2 Q (By Ms. Barron) Okay. Is there any other -- well
3 scratch that.

4 MS. BARRON: I'll pass the witness, Judge.

5 THE COURT: Cross examination?

6 MS. VALDEZ: I'll save mine.

7 THE COURT: Okay.

8 Q (By Ms. Barron) Ms. S***, do you --

9 MS. VALDEZ: Objection, Your Honor. She's
10 already passed this witness.

11 THE COURT: She can --

12 MS. BARRON: I'll recall.

13 THE COURT: I'm sorry, Ms. Barron?

14 MS. BARRON: I'm sorry. Go ahead, Judge.

15 THE COURT: I didn't hear what you said. Did
16 you want to recall her?

17 MS. BARRON: I was gonna say I can always
18 recall her.

19 THE COURT: It's up to you. Do you want to
20 recall her.

21 R E D I R E C T E X A M I N A T I O N

22 BY MS. BARRON:

23 Q I just want to ask you, Ms. S***. You are asking
24 the Judge for a no contact protective order, correct?

25 A Yes, ma'am.

1 Q And how long would you like the Judge to grant
2 this protective order for?

3 A As long as it can legally be granted.

4 Q Okay.

5 MS. BARRON: Pass the witness.

6 THE COURT: Would you like to ask any
7 questions at this time?

8 MS. VALDEZ: Not until my case in chief, Your
9 Honor.

10 THE COURT: Okay.

11 MS. BARRON: I'll reserve my testimony
12 regarding attorney's fees until the conclusion of the case,
13 if I may.

14 THE COURT: Thank you.

15 MS. VALDEZ: There's no objection.

16 THE COURT: Do you rest subject to rebuttal?

17 MS. BARRON: I do.

18 THE COURT: And attorney's fees, right?

19 MS. BARRON: Correct.

20 THE COURT: Okay. All right. So Mr.
21 H***, I need to inform you that -- first off, I need to
22 ask you, do you have any underlying criminal charges
23 pending?

24 MS. VALDEZ: Don't answer that. Your Honor,
25 he's gonna invoke his fifth. Do you need him to say it out

1 loud?

2 THE COURT: Well I need to read him his
3 rights, that's the reason why -- I need to have it on the
4 record whether or not he's waiving them. Sir, can you
5 unmute yourself and tell me -- answer my question.

6 MS. VALDEZ: Judge, I'm instructing my client
7 not to respond to the questions other than saying that he's
8 gonna use the fifth. And with regard to unmuting, in this
9 room, my technology is such that you're gonna be able to
10 hear him with mine being unmuted, so.

11 THE COURT: Sir, if you have --

12 MS. VALDEZ: He's not on the stand yet, so --

13 THE COURT: Sir, if you have any underlying
14 criminal charges pending or if you are under any
15 investigation, I have to read you your rights. You have the
16 right to remain silent. You have the right not to testify
17 in this proceeding. You have the right not to incriminate
18 yourself in any manner. If you choose to invoke that right,
19 you're well within your constitutional rights to do so. So
20 therefore, for the record, I need to know, do you wish to
21 testify or do you wish to remain silent?

22 MS. VALDEZ: You may answer that. Just tell
23 her you wish to remain silent.

24 THE COURT: You need to answer my question.

25 THE WITNESS: I wish to remain silent.

1 THE COURT: Thank you. So on the record, the
2 respondent has invoked his right to remain silent. So
3 Ms. Valdez, do you wish to call the applicant during this
4 time or do you wish to rest?

5 MS. VALDEZ: Your Honor, I wish to do
6 neither. Cause those aren't my only choices.

7 THE COURT: Yes, they are, ma'am. Those are
8 your only choices because you did not provide this Court
9 with any exhibits or a witness list at least 24 hours in
10 advance of the hearing. So you --

11 MS. VALDEZ: Your Honor.

12 THE COURT: You can call the applicant or if
13 your client wishes to testify, he may testify. Which would
14 you like to do?

15 MS. VALDEZ: That was the other choice you
16 hadn't listed. I'd like to call Ms. S***.

17 THE COURT: Okay. Ms. S***, you are still
18 under oath and Ms. Valdez gets to ask you questions at this
19 time.

20 THE WITNESS: Yes, ma'am.

21 THE COURT: So please listen to her questions
22 and answer her questions just like you answered
23 Ms. Barron's, okay?

24 THE WITNESS: Yes, ma'am.

25 THE COURT: Listen to the question and answer

1 the question asked of you. You may proceed.

2 C*** S***

3 C R O S S E X A M I N A T I O N

4 BY MS. VALDEZ:

5 Q Ma'am on November 18th, 2019, you swore out in
6 your affidavit that the respondent was driving a vehicle.
7 Do you recall that narrative that you discussed in your
8 affidavit?

9 A Yes, ma'am.

10 Q And your testimony is that he was driving down --
11 or your, what's not really your testimony, the affidavit
12 states that he was driving down a road and was heading
13 straight for you?

14 A It states that he waited down --

15 Q I want to know what happened, ma'am.

16 A I'm telling you.

17 MS. BARRON: Judge.

18 Q (By Ms. Valdez) I didn't hear any of that.

19 THE COURT: Ma'am, please wait for the
20 witness to answer. Go ahead, Ms. S***.

21 A The statement states that he waited down my street
22 for three hours before driving the car.

23 MS. VALDEZ: Objection. Nonresponsive.

24 THE COURT: She's trying to answer the
25 question. Allow her to answer the question. Ms. S***,

1 please repeat what you said. I didn't hear you. What did
2 you say, ma'am?

3 A The statement on the affidavit states that he
4 waited down my street for up to three hours before driving
5 head-on into a car that I was in.

6 Q (By Ms. Valdez) Okay. Well where is it, ma'am,
7 anything about three hours?

8 A It should be in the affidavit.

9 Q Okay. Well do you have it in front of you?

10 A No, ma'am.

11 Q Okay. Well it doesn't say anything about three
12 hours, ma'am. Did you make that up today?

13 A No.

14 MS. BARRON: Objection, Judge. That's
15 argumentative.

16 THE COURT: Sustained. Counsel, that's not
17 necessary.

18 Q (By Ms. Valdez) Did you see -- did you sit at the
19 end of the street and watch Mr. H*** watch you for three
20 hours? Is that your testimony?

21 A Every time my mother walked out of the house --

22 MS. VALDEZ: Objection. Nonresponsive.
23 Objection.

24 A -- he was there.

25 MS. VALDEZ: Objection. Nonresponsive.

1 THE COURT: Sustained.

2 Q (By Ms. Valdez) So ma'am, you don't know where he
3 was for three hours preceding you seeing him drive down your
4 street, do you?

5 A I do.

6 Q How could you possibly know that?

7 A Because every time I drove by the cul-de-sac, he
8 was there.

9 Q That doesn't mean he was there for three hours,
10 does it, ma'am?

11 A Well he was there and gone and there and gone for
12 three hours.

13 Q Okay. So we're changing the testimony again.

14 MS. BARRON: Judge, objection. Objection.

15 THE COURT: Ms. Valdez, I've already
16 instructed you once that that is not appropriate.

17 MS. VALDEZ: What is not appropriate?

18 THE COURT: You do not --

19 MS. VALDEZ: Examining?

20 THE COURT: You do not make sidebar comments.
21 You can cross examine but you don't need to make side bar
22 comments, like, oh now you're changing your testimony.

23 Q (By Ms. Valdez) Well are you changing your
24 testimony now, ma'am?

25 A No.

1 Q So you're recalling things with remarkable clarity
2 that you didn't put in your affidavit today, aren't you?

3 MS. BARRON: Objection. That's
4 argumentative.

5 THE COURT: Sustained.

6 Q (By Ms. Valdez) But it's true. Ma'am, you're --

7 A In my affidavit -- we can go back through the
8 police report where the time period is stated.

9 MS. VALDEZ: Objection. Nonresponsive.

10 THE COURT: Sustained.

11 Q (By Ms. Valdez) Ma'am, I'm talking about your
12 rendition of what happened in the affidavit versus your
13 testimony today, okay? Isn't it true that your street is a
14 thoroughfare for exiting your neighborhood?

15 A The cul-de-sac at the end of my street is not.

16 MS. VALDEZ: Objection. Nonresponsive.

17 THE COURT: Overruled. I'm gonna let that
18 answer stand.

19 Q (By Ms. Valdez) Isn't it true that the street
20 that you live on is a exit -- the quickest exit from your
21 neighborhood?

22 A Yeah.

23 Q So -- yeah?

24 A Yeah.

25 Q So if somebody was going to turn around and exit a

1 neighborhood, they could go down and turn around in a
2 cul-de-sac and leave; isn't that true?

3 A From my time driving, when I turn around the
4 cul-de-sac --

5 MS. VALDEZ: Objection. Nonresponsive.
6 Objection. Nonresponsive.

7 THE COURT: Sustained. Ms. S***, please
8 listen to her question. Ms. Barron will have a chance to
9 ask you more questions after she's done. So go ahead,
10 please.

11 Q (By Ms. Valdez) On November 18th, 2019, there was
12 nothing that prohibited my client from being in that
13 neighborhood; isn't that true?

14 A No.

15 Q It's not true? What prohibited him from being in
16 that neighborhood?

17 A The trespass warning on my house.

18 Q That's your house, ma'am. I'm talking about the
19 neighborhood.

20 A Then no.

21 Q Okay. And he knows other people in that
22 neighborhood, does he not?

23 A Yeah.

24 Q Okay. Yeah?

25 Okay. So the fact that Mr. H*** was in

1 somebody else's car in your neighborhood and turned around
2 in your cul-de-sac doesn't mean he was there to see you,
3 does it?

4 A I never said he turned around. I said he sat
5 there for hours.

6 Q In the cul-de-sac --

7 A Yes.

8 Q -- in front of your house. That's your testimony?

9 A Yeah.

10 Q Yeah? Okay. Well that's not what you wrote in
11 your sworn affidavit.

12 A That's what should be in the affidavit.

13 Q Which one's true?

14 A The affidavit states that he waited down my
15 street.

16 THE COURT: Stop, stop. We have lost her
17 counsel. Hang on. Wait a minute.

18 COURT COORDINATOR: I'm waiting for her to
19 log back in, Judge.

20 MS. BARRON: Sorry about that, Judge. My
21 computer came unplugged and I didn't realize it.

22 THE COURT: Okay. Thank you. The last
23 question asked by Ms. Valdez -- I'll have her go ahead and
24 repeat that, if you would please. Go ahead, Ms. Valdez.
25 You can continue.

1 MS. VALDEZ: I don't even remember, Judge.

2 THE COURT: Okay. Well you can continue. Go
3 ahead, please.

4 MS. VALDEZ: Court reporter, may I have the
5 last question, please?

6 COURT REPORTER: Well that's not what you
7 wrote in your sworn affidavit. Which one's true?

8 MS. VALDEZ: I didn't hear that, did y'all?

9 RESPONDENT: Which one's true. The affidavit
10 or what she's saying now.

11 Q (By Ms. Valdez) First of all, ma'am, is anybody
12 in the room with you there?

13 A My mother is waiting outside my door.

14 Q So she's not standing outside of the camera
15 telling you things?

16 A No.

17 Q You realize you're under oath, right?

18 A Yes, ma'am. I asked her to go get my affidavit so
19 that I could read it.

20 Q Okay. So she was in the room, right, before?

21 A She's standing outside the room.

22 Q Okay.

23 MS. BARRON: Ms. S***, if you could just
24 close your door.

25 THE WITNESS: Can she give me my affidavit?

1 MS. BARRON: You can not read from it while
2 you're on the stand. If you need to look at it, you can
3 tell me.

4 THE WITNESS: She asked me if had it in front
5 of me, so I would like to have it in front of me.

6 THE COURT: You can't have that in front of
7 you, ma'am. Please close your door.

8 THE WITNESS: Then why did she ask if it was
9 in front of me?

10 THE COURT: Ma'am, please go close your door.

11 MS. BARRON: Close your door.

12 THE COURT: Thank you.

13 Q (By Ms. Valdez) And is it your testimony, ma'am,
14 that nobody is in the room now?

15 A Yes.

16 Q Now as we were saying, that neighborhood's a
17 pretty good size neighborhood, correct?

18 A Yes.

19 Q Okay. And Damian knows lots of people in that
20 neighborhood, doesn't he?

21 A If two counts as a lot, yeah.

22 Q Yeah? Okay. Just, you put in your affidavit on
23 December 13th that somebody told you that they saw a
24 Snapchat about Damian being by your office; is that right,
25 or by your place of work?

1 A Yeah.

2 Q It's a yes or no question.

3 A Yes.

4 Q Okay. And so you didn't see anything. Everything
5 you reported to the police was something that somebody else
6 told you; isn't that true?

7 A I have a screen recording of his --

8 MS. VALDEZ: Objection. Nonresponsive.

9 THE COURT: Sustained.

10 MS. BARRON: Judge, she's answering the
11 question.

12 THE COURT: Please ask your question again
13 because I only heard part of it.

14 Q (By Ms. Valdez) You are -- you did not see Damian
15 on December 13th, 2019, did you?

16 A No, not --

17 Q Okay.

18 A -- in person.

19 MS. VALDEZ: Objection. Nonresponsive after
20 no.

21 THE COURT: Sustained.

22 Q (By Ms. Valdez) Everything that you wrote in your
23 affidavit regarding the incident on December 13th, 2019 was
24 based on what somebody else told you, or something else
25 somebody else showed you; isn't that true?

1 A Something that I saw?

2 Q Well you said you saw a screenshot or something,
3 right?

4 A I received a screen recording of his Snapchat
5 story.

6 MS. VALDEZ: Objection. Nonresponsive after
7 I received a screen recording. Okay.

8 THE COURT: Sustained.

9 Q (By Ms. Valdez) So you yourself did not witness
10 Damian anywhere near your place of employment that day on
11 December the 13th, 2019; isn't that true?

12 A No.

13 Q Okay. It's not true? You did see him?

14 A Yes -- no.

15 Q You yourself saw him on December 13th --

16 A No, I did not see him.

17 Q Okay. Okay. Now were you aware that my office is
18 across the street from your office -- from your employment?

19 MS. BARRON: Objection. Relevance, Judge.

20 THE COURT: Sustained.

21 THE WITNESS: Can you reask the question?

22 THE COURT: No. Ma'am, do not say anything.

23 Q (By Ms. Valdez) Okay. So isn't it possible that,
24 even if he was seen on a particular day close to your
25 office, that he could have been coming to my office?

1 MS. BARRON: Objection. Calls for
2 speculation.

3 THE COURT: Sustained.

4 Q (By Ms. Valdez) Okay. But for sure, you don't
5 have any firsthand knowledge, yourself, that he was anywhere
6 near your place of employment on December 13th, 2019, do
7 you?

8 A The recording on his Snapchat story --

9 Q No, ma'am. You. Firsthand knowledge.

10 THE COURT: Ma'am. Ma'am, please listen to
11 the question and answer only that question.

12 Q (By Ms. Valdez) You, yourself, don't have any
13 firsthand knowledge?

14 MS. BARRON: Objection. Asked and answered.

15 THE COURT: Sustained.

16 Q (By Ms. Valdez) Ma'am, isn't it true that you
17 have been enticing people to call Damian on your behalf?

18 A No.

19 Q Who is Stephanie? Is she a friend of yours?

20 A Yes.

21 Q Is her phone number (832)802-1376?

22 A Yes.

23 Q And isn't it true that you had her call my client
24 Thursday, July 30th at 12:30 in the morning?

25 A No.

1 Q You're under oath, ma'am.

2 A I said no.

3 Q Is there an answer? Cause I didn't hear it.

4 THE COURT: She said no. Twice.

5 Q (By Ms. Valdez) Isn't it true that you FaceTimed
6 him -- thank you, ma'am. I'm -- I don't know what the
7 problem is. I had a hearing this morning. I didn't have
8 any of these problems.

9 Isn't it true, ma'am, that you actually then
10 followed up with a FaceTime call to my client from
11 Stephanie's number?

12 A No.

13 Q And you were in the room wearing a red hood,
14 right?

15 A No.

16 Q Isn't it true that you sent him -- can you make
17 this come up? Isn't it true that you sent him a Snapchat
18 request right after that FaceTime, when he hung up when he
19 realized it was you, that night. You sent him a Snapchat
20 request?

21 A Yeah.

22 Q You reached out to him, didn't you?

23 MS. BARRON: Asked and answered.

24 Q (By Ms. Valdez) And that's not the first time, is
25 it? You called him quite a few times, haven't you?

1 A No.

2 Q How many times have you called him, ma'am?

3 A Since when?

4 Q Since you executed this affidavit.

5 A None.

6 Q How many times have you FaceTimed him?

7 A None.

8 Q How many times did you send a text message?

9 A None.

10 Q Well you sent him a Snapchat request, didn't you?

11 A That's not a text message.

12 Q Okay. Have you ever done any other attempts of
13 communicating with Mr. H*** besides the Snapchat?

14 A No.

15 Q Isn't it true that you have your friends calling
16 him?

17 A No.

18 MS. BARRON: Objection. Asked and answered.

19 THE COURT: Sustained.

20 Q (By Ms. Valdez) Now on January the 20th, you
21 talked about, in your affidavit, that you went to the beach
22 and you heard from friends that my client was at the beach
23 too, right?

24 A No. I didn't hear from friends. I saw him drive
25 by in his friend's truck.

1 Q And he drove by you at -- you say he drove by you?

2 A Yes.

3 Q And -- but he wasn't driving that vehicle, right?

4 A No.

5 Q You're saying he was inside the vehicle on a
6 crowded beach that drove by you on January 20th, correct?

7 A It wasn't crowded.

8 Q There were lots of people out there though, right?

9 A In my group. There was no one else.

10 Q Were there a lot of people on the beach? Nobody
11 else out there on the beach except you and your friends?

12 A Yeah.

13 Q Is that your testimony?

14 A Yes.

15 Q Okay. Isn't it true that there were people
16 further down the beach that was stuck in the sand?

17 A Not that I saw.

18 Q I didn't hear the answer.

19 A Not that I saw.

20 THE COURT: Not that she saw.

21 MS. VALDEZ: Can y'all hear me? I can't hear
22 anybody.

23 THE COURT: Yes.

24 Q (By Ms. Valdez) Okay. But you -- you -- when you
25 learned that my client was in someone else's vehicle, you

1 went and sought him out, didn't you?

2 A No.

3 Q Well you say in your affidavit you did.

4 A I drove down to where my friend's truck was parked
5 and he was in the back seat of my friend's truck. That's
6 when I realized he was there.

7 Q Okay. Here we go. You said you don't remember
8 anybody being stuck in the car -- in the sand, right, you
9 said that?

10 MS. BARRON: Objection, Judge. That's
11 argumentative. She did not say that. She said she didn't
12 see other people stuck in the sand down the beach, further
13 down the beach.

14 THE COURT: Sustained.

15 Q (By Ms. Valdez) Okay. From your -- from your
16 affidavit you say, after a few minutes I arrived at the
17 party. I saw the respondent's friend drive by my friends
18 and me. You saw the respondent's friend drive right by you,
19 right?

20 A Yes.

21 Q And then two of the friends said that he wasn't at
22 the beach. Isn't that true?

23 A Yes.

24 Q So you drove to the other side of the beach to
25 find the respondent?

1 A Not to find the respondent. To find my friend.

2 Q Okay. To the other side of the beach and that's
3 where you saw my client, you said?

4 A Yes.

5 Q Okay. And you saw my client on the other side of
6 the beach trying to pull somebody out of the mud?

7 A Yeah.

8 Q Okay. Yeah? And you went up to him, my client,
9 and you were intoxicated that night, weren't you?

10 A Yes, ma'am.

11 Q Or that day. Yes?

12 A Yes.

13 Q And you were crying and begging him to talk to
14 you; isn't that true?

15 A I was crying and begging him to stop doing this.

16 Q But you came up to him, ma'am, did you not?

17 A I went up to my friend.

18 Q But you went up to speak to him.

19 A I did not speak to him. He spoke to me first.

20 Q Ma'am, that's not what you put in your affidavit.

21 A I put in my affidavit that he told me to leave
22 because no one needed me here.

23 Q Cause he wanted you to go away. He was -- had a
24 protective order, right? And you're coming up to him,
25 correct?

1 A He was not supposed to be there.

2 Q He's not allowed at the beach?

3 A He's not allowed where he knew where I was going
4 to be.

5 Q Ma'am, you don't know what he knew --

6 A I do.

7 Q -- do you?

8 A I do.

9 Q You were in his head?

10 MS. BARRON: Judge, objection. She's being
11 argumentative. If she would let the witness answer the
12 question.

13 THE COURT: Sustained.

14 Q (By Ms. Valdez) Ma'am, you don't have any idea
15 what my client knew or did not know.

16 A He called my friends asking if I was going to be
17 there.

18 MS. VALDEZ: Objection. Hearsay. Objection.
19 Hearsay.

20 THE COURT: Sustained.

21 MS. BARRON: She asked -- Judge, she asked --
22 intimated that she did not have any idea what the respondent
23 was planning to do and she is answering the question.

24 MS. VALDEZ: Ma'am, but that's not a legal
25 objection. May I ask my next question?

1 THE COURT: Sustained. I'll let you come
2 back and clarify, Ms. Barron. Go ahead, Ms. Valdez.

3 Q (By Ms. Valdez) Ma'am, I understand and you wrote
4 in your, in your affidavit that somebody told you my client
5 was at the beach, right?

6 A Not that he was at the beach, that he had asked if
7 I was going to be there.

8 Q And that was -- somebody told you that, right?

9 A Yeah.

10 Q Not my client -- yeah? Ma'am, you got to say yes.
11 It just sounds so rude. You -- you don't know for sure
12 whether my client asked anything. You just know what
13 somebody told you. Isn't that true?

14 A Yes, ma'am.

15 Q And they're not here to testify, are they?

16 A No.

17 Q And there's no Snapchat records or texts. You say
18 that my client texted you or called you over 150 times way
19 back in October, right?

20 A Yeah.

21 Q But -- yeah?

22 A Yes.

23 Q Yes?

24 THE COURT: Ma'am, I let this go. You need
25 to say yes or no. Not yeah --

1 MS. VALDEZ: Thank you, Judge.

2 THE COURT: -- not no -- nah or not nod your
3 head. Thank you. Go ahead, please.

4 MS. VALDEZ: Thank you, Judge.

5 Q (By Ms. Valdez) The -- but you didn't bring any
6 cell phone records in to substantiate your claim that he
7 called you and texted you, did you?

8 A No.

9 Q And on the day at the beach, my client was trying
10 to get away from you; isn't that true?

11 A No.

12 Q And in fact, you ran up to him and started hitting
13 him, right?

14 A No.

15 Q You didn't smack him?

16 A After --

17 MS. BARRON: Objection. Asked and answered.

18 A After he was standing there yelling at me.

19 THE COURT: Stop. Stop. What was your
20 objection, Ms. Barron?

21 MS. BARRON: I'm --

22 THE COURT: Okay. Go ahead. Ask your
23 question. Ask your next question.

24 Q (By Ms. Valdez) So your testimony, correct me if
25 I'm wrong, ma'am, is that he yelled at you. We don't need

1 you here or I don't need you to be around here and you ran
2 up to him and smacked him. Isn't that true?

3 A No.

4 Q You didn't smack him?

5 A I did but not in that --

6 Q Okay.

7 A -- sequence.

8 Q All right. Well what's the sequence? When did
9 you decide it was okay to go up to my client and strike him?

10 A After he had followed me around the beach for
11 maybe 30 minutes to an hour and I was curled up underneath
12 my car screaming to get him away from me because he was
13 going to kill me. And then --

14 Q None of that --

15 A -- got out of the car and --

16 MS. VALDEZ: Objection. Nonresponsive.

17 THE COURT: I'm gonna let her finish. Go
18 ahead. Go ahead, ma'am.

19 A He got out of his friend's car and walked up to me
20 asking if I was okay while I was screaming at him to get
21 away from me and my friend had to push him back and tell him
22 to leave.

23 Q (By Ms. Valdez) Okay. Ma'am?

24 A And when he left --

25 Q Ma'am, you put in your affidavit and you're

1 testifying today, that you're at the beach. My client's
2 truck drives by you, goes to the other side of the beach and
3 then you go to where he is, right?

4 A I go to where my friend is.

5 THE COURT: I've already heard this
6 testimony. Please move along.

7 Q (By Ms. Valdez) Okay. And then he tells you to
8 leave and you're drunk, right? You've already admitted
9 that.

10 THE COURT: I've already heard this
11 testimony. Please ask another question.

12 Q (By Ms. Valdez) And you then -- you don't say
13 anything about 30 minutes or driving around or anything like
14 that in your affidavit. Is this new information too?

15 A No.

16 MS. BARRON: Objection. Argumentative.

17 THE COURT: Sustained.

18 Q (By Ms. Valdez) Are there any affidavit -- are
19 there any videos or pictures or texts that you have that can
20 support your contention that you have here?

21 A No.

22 Q Isn't it true that on the day, on November the
23 18th, 2019, while Ms. Summer --

24 A Robinson.

25 Q -- Robinson's car was in your neighborhood, that

1 your mom came out with a handgun and pointed it at Summer in
2 that vehicle?

3 A No.

4 Q You didn't see your mom with a handgun at all?

5 A No.

6 Q Does your mom have a Glock?

7 A Yes.

8 Q Okay. And so if other people told the police that
9 she came out and threatened Summer with a gun, that would
10 not be true?

11 MS. BARRON: Objection. Speculation.

12 THE COURT: Sustained.

13 THE WITNESS: I never saw that.

14 THE COURT: No. Ma'am, do not say anything
15 unless you're asked.

16 Q (By Ms. Valdez) But ma'am, you know if she did,
17 don't you?

18 MS. BARRON: Objection. Asked and answered.

19 THE WITNESS: No, I don't.

20 THE COURT: That's sustained. Ma'am. Ask
21 your next question, please.

22 MS. VALDEZ: I'm sorry. I'm reviewing this
23 affidavit again, Judge. I'm almost done. Can I have just a
24 minute to consult with my client, Your Honor?

25 THE COURT: Go ahead.

1 Q (By Ms. Valdez) Isn't it true, ma'am --

2 MS. VALDEZ: May I proceed, Your Honor? I'm
3 sorry.

4 THE COURT: Go ahead, please.

5 Q (By Ms. Valdez) Isn't it true on January the
6 20th, after -- after you went up to where the respondent was
7 on the beach, when you left, you sent your -- you sent my
8 client a text message saying that, that you didn't want any
9 of this to happen and that it wasn't you pursuing this, it
10 was your parents?

11 A No.

12 Q Did you send him a text message on January the
13 20th, 2020 after this beach incident?

14 A Yes.

15 Q Okay. So earlier when I asked you about what --
16 your text messages, you had forgotten that one?

17 A Yeah.

18 MS. BARRON: Objection. She asked if she had
19 been texting him since she signed her affidavit.

20 MS. VALDEZ: Your Honor, that's not a lead --
21 that's not a legal objection. It's cool that she wants to
22 tell her client, but if I can't do it, then neither can she.

23 MS. BARRON: She's being argumentative is
24 what she's doing. That's my legal objection.

25 THE COURT: Sustained.

1 Q (By Ms. Valdez) Ma'am, not only did you send my
2 client a text begging him to talk to you, you also sent
3 Wyatt, my client's friend, a text saying you were gonna kill
4 yourself if he didn't come talk to you; is that true?

5 MS. BARRON: Judge, objection. Two
6 questions.

7 THE COURT: Sustained.

8 Q (By Ms. Valdez) Isn't it true?

9 MS. VALDEZ: I can break it up.

10 Q (By Ms. Valdez) Isn't it true that you told Wyatt
11 that you were gonna kill yourself?

12 A No.

13 MS. BARRON: Objection. Relevance.

14 THE COURT: Sustained.

15 Q (By Ms. Valdez) On January the 20th, 2020?

16 A No.

17 Q Isn't it true that you told my client that -- to
18 come over and talk to you because you were upset and you
19 needed to talk to him?

20 A I told him that I would like him to come back so
21 that I could tell him to stop doing this.

22 Q You told -- you told him that you wanted him to
23 come back so you could tell him something?

24 A Yeah. Yes.

25 Q Yeah?

1 A Yes.

2 MS. VALDEZ: Pass this witness, Judge.

3 THE COURT: Thank you. Ms. Barron, do you
4 have any questions you'd like to ask this witness?

5 MS. BARRON: Just two.

6 THE COURT: Go ahead.

7 R E D I R E C T E X A M I N A T I O N

8 BY MS. BARRON:

9 Q When -- before you knew the respondent was at the
10 beach and you saw this truck stuck in the -- actually, whose
11 truck was it that was stuck?

12 A My friend Chris Tarkington. Christopher
13 Tarkington.

14 Q Okay. Okay. So when you went over there, you
15 said, to this truck who was stuck, who did you see?

16 A I saw my friend Chris, my friend Cody and Damian.

17 Q Okay. Was that the first time you realized he was
18 at the beach?

19 A Yes, ma'am.

20 Q Okay. And why did you send him a Snapchat request
21 after your affidavit was signed?

22 A Because when my friends had called him from my
23 phone, because I was out of the room and they used my
24 phone --

25 MS. VALDEZ: Your Honor, this is all hearsay.

1 Objection.

2 MS. BARRON: She asked. Counsel asked --

3 MS. VALDEZ: What he told her is hearsay.

4 MS. BARRON: Counsel asked if she did it.

5 She said yes. So I'm asking her why she sent a Snapchat
6 request.

7 MS. VALDEZ: Your Honor, her why cannot be
8 predicated on what somebody else told her.

9 THE COURT: Overruled.

10 MS. VALDEZ: It's hearsay.

11 THE COURT: She can answer. Go ahead, ma'am.

12 A My friends were using my phone to make prank calls
13 and they went to his contact because it's saved under
14 another name that's --

15 MS. VALDEZ: Objection. Hearsay, Judge.

16 Q (By Ms. Barron) Okay. Let me ask you this.

17 Ms. S***, were you the person who sent a Snapchat
18 request to the respondent?

19 A No.

20 Q Was it your phone that was used to send him a
21 Snapchat request?

22 A Yes.

23 Q Okay.

24 MS. BARRON: No more questions, Judge.

25 THE COURT: Any cross?

R E C R O S S E X A M I N A T I O N

1
2 BY MS. VALDEZ:

3 Q Ma'am, so what you're saying is that your friends
4 hijacked your phone and sent a Snapchat to him?

5 A They used my phone to make prank calls.

6 Q Okay. And you allowed that?

7 A I wasn't in the room. No, I did not.

8 Q Okay. Well that's an interesting story.

9 MS. BARRON: Objection to sidebar.

10 THE COURT: Sustained.

11 Q (By Ms. Valdez) So ma'am, since January 2020, my
12 client has made no attempts at all to have anything to do
13 with you; isn't that true?

14 A No.

15 Q And -- well that's all that's in your affidavit.

16 A Because after the affidavit was signed, he
17 requested to follow me on Instagram.

18 Q Well do you have any proof of that?

19 A Yes. I sent a screenshot to the police
20 department.

21 Q Okay. So you don't have any evidence today of
22 that?

23 A I have a screenshot.

24 Q You don't have any evidence before the Court, do
25 you?

1 A No.

2 Q Okay. And that's not in your affidavit, right?

3 A It was after.

4 MS. BARRON: Objection. She stated it --

5 THE COURT: Sustained.

6 MS. BARRON: -- it occurred after.

7 MS. VALDEZ: Okay. Then she can say that.

8 MS. BARRON: She did.

9 MS. VALDEZ: Okay. I didn't hear her.

10 Q (By Ms. Valdez) And no criminal charges came of
11 that, correct?

12 A He was charged with another felony violation of
13 the protective order.

14 Q When?

15 A I don't know a specific date but it was after the
16 affidavit.

17 Q Well there's no charge pending against my client.

18 MS. BARRON: Judge, Judge.

19 THE COURT: Sustained.

20 Q (By Ms. Valdez) Do you have --

21 THE COURT: Sustained.

22 Q (By Ms. Valdez) Do you have any information about
23 a date or a cause number where my client is being held to
24 answer for sending you an Instagram request?

25 A I was told it was dismissed.

1 MS. VALDEZ: Objection. Nonresponsive.

2 THE COURT: Sustained.

3 MS. VALDEZ: And calls --

4 THE COURT: Well you asked her, so I'm gonna
5 allow her to answer. Go ahead, ma'am. What were you told?

6 THE WITNESS: I was told that that charge was
7 dismissed.

8 THE COURT: Okay. Thank you. Go ahead.
9 Next question.

10 Q (By Ms. Valdez) So there's no other -- there's no
11 criminal charge against him related to that?

12 A No.

13 Q Okay. And when was that, ma'am?

14 A I don't know a specific date but it was sometime
15 at the beginning of summer. June, May, July, I don't know a
16 date.

17 Q April?

18 A No.

19 Q March?

20 A No.

21 Q May? You don't have any idea. Okay.

22 THE COURT: She's already told you,
23 Ms. Valdez. She said June or July.

24 MS. VALDEZ: And then she said May. And then
25 I asked about April.

1 THE COURT: Move on, Ms. Valdez.

2 Q (By Ms. Valdez) So it could have even been in
3 March; isn't that true?

4 THE COURT: Move on, Ms. Valdez.

5 THE WITNESS: No, that's not true.

6 THE COURT: Move on. Next question.

7 Q (By Ms. Valdez) And that's it. We've heard all
8 the evidence, right?

9 A Yes.

10 MS. VALDEZ: I pass the witness.

11 MS. BARRON: Judge, I don't understand the
12 question. Judge --

13 THE COURT: Ma'am.

14 MS. BARRON: For the record, since counsel's
15 brought it up, it's -- the respondent was charged with a --

16 MS. VALDEZ: Your Honor, I object to
17 Ms. Barron testifying. She knows how to get it in legally.

18 MS. BARRON: Judge, the respondent's counsel,
19 I believe has misled the Court. She said --

20 MS. VALDEZ: Your Honor, she can't -- Your
21 Honor, this is testimony.

22 MS. BARRON: I'll provide that to the Court
23 in just a second.

24 MS. VALDEZ: Well you've rested, ma'am.

25 MS. BARRON: Judge, I'm entitled to --

1 THE COURT: It's rebuttal.

2 MS. BARRON: And also to clear up anything
3 that may mislead the Court.

4 MS. VALDEZ: Your Honor, I ask the Court to
5 take judicial notice of the criminal history in Harris
6 County District Clerk's website related to my client.

7 THE COURT: Okay. I'll certainly do that
8 right now.

9 Court takes judicial notice of the contents
10 of the Harris County District Clerk's file which states that
11 Mr. H*** was charged with violating a -- it was a charging
12 instrument in cause number 2290772, for violation of a
13 protective order back in December 2019.

14 MS. VALDEZ: Your Honor --

15 THE COURT: The Court takes judicial notice
16 of the cause number in -- the charging instrument cause
17 number in 1653957 from November 19th, 2019. The Court takes
18 judicial notice of the cause -- the charging instrument in
19 the cause number 1661264 from January the 20th, 2020 for
20 violation of the protective order. And then there was a --
21 Court takes judicial notice of the charge in the cause
22 number 1677022 from May the 25th, 2020 for a violation of
23 the protective order. The Court takes judicial notice of
24 the contents of each and every one of those files. Go
25 ahead.

1 MS. VALDEZ: Your Honor, may I -- isn't it
2 me?

3 THE COURT: No. You passed and Ms. Barron
4 was --

5 MS. VALDEZ: Okay.

6 THE COURT: Go ahead, Ms. Barron.

7 MS. VALDEZ: Your Honor, just on the judicial
8 notice. If you would also --

9 THE COURT: I've already taken -- I have
10 taken judicial notice of the contents of each of those
11 files.

12 MS. VALDEZ: Just the status, Your Honor.
13 Whether they're pending or dismissed.

14 THE COURT: I've taken judicial notice of the
15 contents of the entire files in each of those cause numbers.
16 So Ms. Barron, do you have anymore questions you would like
17 to ask of the witness?

18 MS. BARRON: No, Judge.

19 THE COURT: Okay.

20 MS. VALDEZ: May I proceed, Your Honor?

21 THE COURT: Do you have any further questions
22 you'd like to ask of this witness?

23 MS. VALDEZ: Yes, ma'am.

24 THE COURT: Go ahead, please.

25

FURTHER CROSS EXAMINATION

1
2 BY MS. VALDEZ:

3 Q Ms. S***, when the Court talked about the charging
4 instrument of December, 2019, about a violation of a
5 protective order, that's the one you're talking about where
6 a friend says it was a Snapchat of my client on Bay Area
7 Boulevard in front of your building; is that right?

8 A Yes.

9 Q Okay. And then the, the cause number 1653957 on
10 November 19th, 2019, that's the testimony of when you saw
11 Summer's car driving down your road and turn around in the
12 cul-de-sac, right?

13 A Yes.

14 Q Okay. And then the January 20th, 2020 cause
15 number is related to when Mr. H*** was on the beach and
16 you went up to him at the beach, correct?

17 A I didn't go up to him.

18 Q Well you went up to where he was standing, right?

19 A I was unaware he was there.

20 Q So your testimony is that when --

21 THE COURT: I've heard -- I have heard the
22 testimony of the witness multiple times. Ask your next
23 question.

24 MS. VALDEZ: Pass the witness, Your Honor.

25 THE COURT: Okay. Ms. Barron, anything else

1 of this witness?

2 MS. BARRON: No, Your Honor.

3 THE COURT: Okay. Any -- Ms. Valdez, do you
4 rest?

5 MS. VALDEZ: Your Honor, I'd like to call
6 Wyatt --

7 THE COURT: I'm sorry. Ms. Valdez, I've
8 already told you, you did not submit your witness or exhibit
9 list and therefore I'm not going to allow those to -- those
10 witnesses to be called.

11 MS. VALDEZ: Your Honor, I'd like --

12 THE COURT: I'm sorry, ma'am. That's a --

13 MS. VALDEZ: I'd like to make an offer of
14 proof for the record.

15 THE COURT: No, ma'am. It's a procedural
16 issue. You're not allowed to make an offer of proof. It's
17 a procedural issue.

18 MS. VALDEZ: Ma'am, you're denying --

19 THE COURT: Ms. Barron.

20 MS. VALDEZ: -- let these witnesses --

21 THE COURT: Please be quiet, Ms. Valdez.

22 Please be quiet. Ms. Barron --

23 MS. VALDEZ: Your Honor, I have not rested.

24 I have not rested.

25 THE COURT: Then who do you want to call? Do

1 you want to call Ms. S*** or Mr. H***?

2 MS. VALDEZ: Jamerson Berry.

3 THE COURT: No, I'm sorry, ma'am. If you do
4 not -- if you don't want to call either Mr. H*** or
5 Ms. S***, then you do not have any other witnesses
6 because you have not followed per the Court rules.

7 MS. VALDEZ: Your Honor, these --

8 THE COURT: Ms. Valdez, I'm telling you now.

9 MS. VALDEZ: Ms --

10 THE COURT: That's it. Put her in the
11 waiting room.

12 MS. VALDEZ: I'm not really sure what that
13 accomplishes.

14 THE COURT: Ms. Barron, I'm gonna go ahead
15 and allow you to put on your attorney's fees. Go ahead.

16 MS. BARRON: Okay. My name is Beth Barron.
17 I'm a licensed attorney in the State of Texas. I am in good
18 standing with the bar. I'm personally familiar with this
19 case and I know I've spent at least three hours on it. \$300
20 an hour is a reasonable and necessary amount of attorney
21 fees for legal services of this type in the Harris County
22 area by a person of my training and experience. And -- is
23 that Ms. Valdez?

24 THE COURT: Where?

25 MS. BARRON: Up there with her client.

1 THE COURT: Ms. Valdez, I've asked you to be
2 in the waiting room. Please go in the waiting room. Please
3 go in the waiting room or I will put your client -- please
4 put Mr. H*** in the waiting room.

5 MS. VALDEZ: Ma'am, are you taking testimony
6 without me hearing it?

7 THE COURT: Yes, I am because you were
8 disrupting the proceedings. Go ahead.

9 MS. VALDEZ: Your Honor, I didn't even rest
10 my case.

11 THE COURT: Please --

12 MS. VALDEZ: Are you not letting me continue?

13 THE COURT: No, ma'am, because you have no
14 other witnesses.

15 MS. VALDEZ: Ma'am --

16 THE COURT: You have no other witnesses,
17 Ms. Valdez, that's it. Please put Mr. H*** in the
18 waiting room.

19 MS. VALDEZ: Your Honor, what you're doing
20 here is denying my client's right to --

21 THE COURT: Please put Ms. -- Ms --
22 Ms. Barron, go ahead, please.

23 MS. BARRON: Yes. \$300 is a reasonable and
24 necessary amount of attorney fees for legal services of this
25 type in the Harris County area by an attorney with my

1 experience and training. I'm asking the Court to order the
2 respondent to pay \$900 attorney's fees plus \$96 in court
3 costs and I pass myself or rest.

4 THE COURT: Thank you. Ms. Ramirez, you can
5 go ahead and bring Ms. Valdez and Mr. H*** back in so I can
6 make -- so I can render.

7 Okay. While Ms. Valdez and Mr. H*** were
8 placed in the waiting room for our -- Ms. Valdez was
9 disrupting this Court's rules and this Court's proceeding,
10 Ms. Barron did put on some testimony about attorney's fees.
11 I allowed her to do that for the record. I am not going to
12 grant any attorney's fees. I'm going to deny all attorney's
13 fees. I am going to render at this moment in time.

14 The Court finds that it has jurisdiction
15 based on the pleadings and evidence -- based on the
16 pleadings on file. The Court finds it has jurisdiction both
17 over the parties and the subject matter. The Court finds
18 that the applicant and the respondent were previously
19 involved in a dating relationship.

20 The Court finds based on the evidence,
21 pleadings and testimony presented, including Ms. Valdez
22 asking the Court to take judicial notice of the criminal
23 history of the respondent, the Court finds based on the
24 evidence, testimony presented today that there are
25 reasonable grounds to believe that the applicant is a victim

1 of stalking and harassment pursuant to the Texas Penal Code.

2 The Court has the ability to grant the
3 protective order for longer than two years and to make a
4 protective order no contact. Since there is no reason for
5 the applicant and respondent to have any further contact,
6 the Court is going to grant this as a no contact.

7 Therefore, while this protective order is in
8 effect, the respondent is not going to be allowed to
9 communicate with the applicant in any way, shape or form
10 except through her attorney's office or a person appointed
11 by the Court. He will not be allowed to physically harm the
12 applicant or threaten to physically harm the applicant. He
13 can not get any other person to physically -- to threaten
14 her or harass her. He is not allowed to go to where she
15 lives or where she works now or while this protective
16 order's in effect.

17 He will not be allowed to follow her around
18 or do anything that might be likely to harass, annoy, alarm,
19 abuse, torment or embarrass her. He can not harm, threaten
20 or interfere with any pet, companion or service animals. He
21 is not allowed to have any firearms, ammunition or a license
22 to carry while the protective order's in effect.

23 MS. VALDEZ: We have to appeal.

24 THE COURT: I am not granting any -- please
25 be quiet, Ms. Valdez. I am not granting any attorney's fees

1 in this case nor am I granting court costs.

2 I am ordering that the respondent take a
3 battering intervention and prevention course through Aid to
4 Victims of Domestic Abuse. He's ordered to sign up for that
5 course by September 11th, 2020 by 5:00 o'clock p.m. Ordered
6 to provide his enrollment to the court -- Ms. Valdez, you
7 need to mute yourself. Please mute her.

8 He's to provide proof of enrollment to the
9 Court that he has -- that he has indeed enrolled. He is
10 ordered to complete each and every class and file the
11 certificate of completion with the Court. He's ordered to
12 come back to this Court for a compliance hearing on November
13 the 6th, 2020 at 9:00 o'clock via Zoom, the same meeting
14 identification number for Zoom will be used. He is ordered
15 at that time to provide to the Court a follow-up as to where
16 he is in his B.I.P.P. classes.

17 I am going to grant this protective order for
18 a period of ten years. He is free to come back after one
19 year and ask this Court to vacate the protective order or
20 he's free to come back after one year and ask the Court to
21 modify the terms. I am increasing the distance in the
22 protective order to 500 feet. He's not allowed to sit in
23 any -- not to go through her neighborhood. He is not
24 allowed to sit in her neighborhood. He is not allowed to
25 visit anyone in her neighborhood that enables him to go by

1 her house.

2 MS. VALDEZ: Oh my gosh.

3 THE COURT: Ms. Valdez, that's another \$50
4 for you. The Court -- Ms. Barron, you can submit your
5 order. Mr. H**, do you own or possess any firearms?

6 MS. VALDEZ: Don't answer.

7 THE COURT: He has to answer. It's federal
8 law. It is federal law, Ms. Valdez.

9 RESPONDENT: No, I --

10 THE COURT: Mr. H**, do you have any
11 firearms?

12 Thank you.

13 MS. BARRON: I just note for the record he
14 shook his head back and forth for no.

15 THE COURT: Thank you. And for the record, I
16 want it noted that his attorney did not want him to answer a
17 question that he is bound to answer by both state and
18 federal law because he is prohibited from owning, possessing
19 or being in the presence of anyone that has any firearms,
20 unless he's a licensed peace officer.

21 MS. VALDEZ: Your Honor, I'd like to make an
22 offer of proof.

23 THE COURT: Thank you very much. The Court's
24 gonna stand in recess. Have a good day.

25 MS. VALDEZ: I'm not allowed to rest my case?

1 I'm not allowed to make an offer of proof? I'm not
2 permitted to clear up the jurisdiction problem and the
3 judicial notice? No? None of that? Are we off the record?
4 Court reporter, are we off the record? Okay. So for the
5 record, ma'am.

6 MS. BARRON: Ms. S***, you can leave. Ms.
7 S***, you can leave now.

8 MS. VALDEZ: For the record, when the Court
9 took judicial notice of the charges, she noted that one was
10 dismissed. What she failed to notice was that the other
11 three were pending, that my client has been accused and not
12 convicted. Also, my -- the Judge failed to allow me to even
13 present the fact that the witnesses I was calling were
14 impeachment witnesses, because in our opinion, the applicant
15 lied on the record and that impeachment witnesses were not
16 anticipatory sufficiently to be able to list their names 24
17 hours in advance, because I have no idea about which fact
18 Ms. S*** was gonna lie about.

19 I was going to call Christopher Tarkington,
20 who Ms. S*** talked about in her testimony. He was an 18
21 year old. He was driving the vehicle that she was in on
22 November 18th, 2019 and would testify, I believe to the fact
23 that it was -- that Mr. H*** did not try to ram in the
24 vehicle. That he just followed -- went down the street just
25 went into the cul-de-sac and left.

1 MS. BARRON: Ms. Rangel, I think that --
2 didn't the Judge say that she was ending this?

3 MS. VALDEZ: I would like to make an offer of
4 proof. The Judge doesn't have to listen to it but I would
5 like to make an offer of proof. I would also like to
6 make -- are we back on?

7 THE COURT: I've already stated that the
8 Court was in recess. Any testimony that was taken between
9 the time that I said court stands in recess and the time I
10 came back on is stricken.

11 MS. VALDEZ: Your Honor --

12 THE COURT: The Court --

13 MS. VALDEZ: We didn't go off the record.

14 THE COURT: The Court is in recess. Thank
15 you. Ms. Valdez, you can leave. You can leave. Court is
16 in recess. Ms. Julia, no more testimony and strike the rest
17 of it.

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1 THE STATE OF TEXAS)

2 COUNTY OF HARRIS)

3 I, Julia M. Rangel, Official Court Reporter in and
4 for the 280th District Court of Harris County, State of
5 Texas, do hereby certify that the foregoing contains a true
6 and correct transcription of all portions of evidence and
7 other proceedings requested in writing by counsel for the
8 parties to be included in this volume of the Reporter's
9 Record, in the above-styled and numbered cause, all of which
10 occurred in open court or in chambers and were reported by
11 me.

12 I further certify that this Reporter's Record of
13 the proceedings truly and correctly reflects the exhibits,
14 if any, admitted, tendered in an offer of proof or offered
15 into evidence.

16 WITNESS MY OFFICIAL HAND this the 23rd day of
17 August, 2020.

18 /s/Julia M. Rangel
19 JULIA M. RANGEL, Texas CSR 6412
20 Expiration Date 4/30/21
21 Official Court Reporter
22 280th District Court
23 1200 Congress, 7th Floor
24 Houston, Texas 77002
25 713-274-4682

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