

REPORTER'S RECORD  
VOLUME 1 OF 1 VOLUMES  
TRIAL COURT CAUSE NO. D-1-FM-10-10-003133

IN THE INTEREST OF ) IN THE FAMILY COURT  
 )  
 )  
HANNAH ELIZABETH MORGAN ) OF TRAVIS COUNTY, TEXAS

---

TESTIMONY OF KRISTIN MORGAN  
JULY 9, 2010

---

On the 9th day of July, 2010, the following proceedings came on to be held in the above-titled and numbered cause before the Honorable Andrew Hatchcox, Judge Presiding, held in Austin, Travis County, Texas.

Proceedings reported by computerized stenotype machine and Computer-Aided Transcription.

APPEARANCES

FROM THE STATE OF TENNESSEE:

JUDGE DARRELL EDMONDSON (VIA TELEPHONE)

FROM TENNESSE, COUNSEL FOR THE MOTHER, KRISTIN MORGAN:  
MR. JAMES TAYLOR (VIA TELEPHONE)

FROM TENNESSE, COUNSEL FOR THE FATHER, JOSHUA MORGAN:  
MR. JAMES LEFAVOR (VIA TELEPHONE)

FROM TEXAS, COUNSEL FOR THE FATHER, JOSHUA MORGAN:

MS. CARLY GALLAGHER (IN PERSON)

FROM TEXAS, COUNSEL FOR THE CHILD:  
MS. ANGELA BLEVINS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

8

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

VOLUME 1			
Emergency Hearing			
July 9, 2010			
		PAGE	VOL.
Kristin Morgan	Direct	Cross	V.Dire
By Mr. Taylor	5 v1		
By Mr. Lefavor		23 v1	
By Mr. Taylor	30 v1		
By Mr. Lefavor		31 v1	
By Mr. Taylor	33 v1		
Kristin Morgan	Direct	Cross	V.Dire
By Ms. Blevins	35 v1		
Reporter's Certificate .....		36	1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX OF EXHIBITS				
Use is indicated as follows:				
J - Jury	R - Record Only	D - Demonstrative		
B - Bill of Exceptions				
EXHIBIT	DESCRIPTION	OFFERED	ADMITTED	USE
1	Photograph	12 v1		
2A	Photograph	13 v1		
2B	Photograph	13 v1		
3	Photograph	24 v1		
4	Photograph	24 v1		

1 JUDGE EDMONSON: You are do duly sworn,  
 2 ma'am.  
 3 Counsel.  
 4 MR. LEFAVOR: Thank you, Your Honor.  
 5 JUDGE EDMONSON: State your name, please.  
 6 THE WITNESS: Kristin Morgan.  
 7 JUDGE EDMONSON: All right.  
 8 KRISTIN MORGAN,  
 9 having been first duly sworn, testified as follows:  
 10 DIRECT EXAMINATION  
 11 Q (BY MR. TAYLOR) Judge Hatchcox is on the line  
 12 as is counsel here for Mr. Morgan, counsel for  
 13 Ms. Morgan in Texas as well.  
 14 And this is being recorded in Texas.  
 15 So we have simultaneous court proceedings  
 16 going on, just so you know. You weren't in the room  
 17 when we had the initial discussions in the last couple  
 18 of minutes. I just wanted you to be aware of that,  
 19 okay?  
 20 We'll try to be as brief as possible.  
 21 Could you please tell me your address?  
 22 A 224 Lakeshore Drive, Manorfield, Tennessee,  
 23 37807.  
 24 Q Who are you living with?  
 25 A My mother, my step-father, and my sister --

1 Q How long have you been living with them?  
 2 A -- and my daughter. I came here on June the  
 3 8th of 2010.  
 4 Q With who?  
 5 A My daughter.  
 6 Q How old is your daughter?  
 7 A She is six -- she's almost seven months old.  
 8 Q Before you came to Tennessee, where had you  
 9 been living?  
 10 A 1800 Bowerton Drive, Austin, Texas 78754.  
 11 Q Let me cut it right there.  
 12 MR. TAYLOR: Can you guys in Texas hear us  
 13 all right?  
 14 JUDGE HATCHCOX: Yes, I believe so.  
 15 Q (BY MR. TAYLOR) All right. Now, Ms. Morgan,  
 16 who is your husband?  
 17 A Joshua Morgan.  
 18 Q When were you married to him?  
 19 A June 28, 2008.  
 20 Q How long had you been living with him?  
 21 A Until I left on the 4th of June, 2010.  
 22 JUDGE EDMONSON: Ms. Morgan -- this is  
 23 Judge Edmonson -- I will intervene at this point. I  
 24 generally don't do this, hearings of this nature.  
 25 But since it is a unique type of hearing,

1 you are not under any medications, taking any  
2 treatments, or had any alcohol or drugs, or is there  
3 anything of any nature that would impair you from  
4 understanding these proceedings and testifying in these  
5 proceedings?

6 THE WITNESS: No.

7 JUDGE EDMONSON: Okay. The record will  
8 indicate that.

9 MR. TAYLOR: Thank you, Judge.

10 Q (BY MR. TAYLOR) Ma'am, why are you here?

11 A Why am I here?

12 Q Yes.

13 A To make sure that my daughter and I are  
14 together.

15 Q What caused you to come to Tennessee?

16 A What caused me to come to Tennessee? My  
17 husband inflicted a physical and emotional situation at  
18 our home on June 4th at night and proceeded the next  
19 day, telling me to get out of the house, to get out of  
20 his life, and was screaming at me as loud as he could,  
21 with my daughter not even ten feet away from me, with me  
22 crying and begging him to please stop screaming because  
23 he was going to scare my child.

24 Q Was that the first time that something like  
25 this had happened?

1 A No.

2 Q Tell the Court about the prior times that this  
3 happened.

4 A The time before that was on March the 18th,  
5 before I came here to visit with -- I left on March the  
6 18th, so it was on the 17th -- to come and visit with my  
7 family for Easter.

8 And he had come home drunk, which he had  
9 done on other occasions. He smelled like alcohol and he  
10 couldn't stand up straight.

11 And he came home and we got into an  
12 argument about the situation. And I was holding my  
13 daughter, crying, and feeding her.

14 And he was in my face, screaming at me,  
15 acting like he was going to harm me in some kind of way.

16 And I struck him because I feared for mine  
17 and my child's safety.

18 Q Has he ever physically abused you in the past?

19 A Yes, sir. On March the 22nd of 2009, I was  
20 awoken and grabbed by my ankle and dragged out of bed,  
21 out of our bedroom, through the hallway, through the  
22 living room, and out the front door without being  
23 clothed on.

24 And he had put my dog out because he knew  
25 he was going to run away and lock the door on me, with



1 me standing there crying, and begging and screaming,  
2 pleading with him to let me back in the door.

3 Q Your daughter -- was she born at that time?

4 A She wasn't. She was born on December the 12th?

5 Q Were you pregnant with her?

6 A I found out a few weeks after that that I was  
7 pregnant.

8 Q And you took photographs of your injuries?

9 A Yes. It was the following morning after my  
10 shower.

11 Q Are those -- what I'm doing right now --  
12

13 MR. TAYLOR: Judge, I am handing her some  
14 photographs. I want to ask her some questions about  
15 that.

16 Q (BY MR. TAYLOR) All right. What are those  
17 photographs depictions of?

18 A What are they what?

19 Q What is depicted in those photographs?

20 A The bruise on my back from the right side, all  
21 the way underneath my armpit, all the way down to my  
22 heel.

23 Q Are those the injuries that you are alleging  
24 were caused by your husband?

25 MS. GALLAHER: I'm sorry, Your Honor, I'm

1 going to have to object to this. There is no way to  
2 authenticate that.

3 JUDGE HATCHCOX: Hold on. Ms. Gallagher  
4 has an objection.

5 MR. TAYLOR: I have a picture. I don't  
6 know how to share this picture.

7 JUDGE HATCHCOX: Well --

8 MR. TAYLOR: Do you want me to mark it so  
9 we can send a copy to the court reporter down there?

10 JUDGE HATCHCOX: I think the best way to  
11 do this -- Mr. Morgan is represented by counsel there in  
12 Tennessee. And I think any objections to the  
13 introduction of evidence there should be lodged by Mr.  
14 LaFavor. And we can make an arrangement, I think, to  
15 have the exhibits copied and delivered here.

16 You know, we may have the same issue.  
17 I've been handed an affidavit by Mr. Morgan right before  
18 the proceedings started, which I doubt you all have  
19 either, so I think -- why would that not suffice, Ms.  
20 Gallagher?

21 MS. GALLAHER: Your Honor, we haven't had  
22 a chance to view the photograph. We don't know what  
23 it's a photo of. I believe there is an authentication  
24 issue. I mean, we can't review it.

25 JUDGE HATCHCOX: Mr. LaFavor can, right?

1 MS. GALLAHER: He can.  
 2 JUDGE HATCHCOX: Okay.  
 3 JUDGE EDMONSON: Your Honor, I would tend  
 4 to agree with you because, as far as the nature of this  
 5 proceeding, this is a hearing that's been brought  
 6 pursuant to the Tennessee statute for the limited nature  
 7 that the statute encompasses; so therefore, the evidence  
 8 for this hearing that would be taken in would be subject  
 9 to the Tennessee rules of evidence and proceedings.  
 10 JUDGE HATCHCOX: I think that makes sense.  
 11 JUDGE EDMONSON: What you have down there  
 12 would probably -- you know, would be subject to your  
 13 rules.  
 14 JUDGE HATCHCOX: So these won't  
 15 necessarily be admitted for purposes of the Texas case.  
 16 All right.  
 17 JUDGE EDMONSON: I have taking it in for  
 18 the limited nature, for the scope and purpose of this  
 19 hearing only.  
 20 Counsel for the mother, do you understand  
 21 that?  
 22 MR. TAYLOR: Yes.  
 23 JUDGE EDMONSON: And, of course, counsel  
 24 for the father has no objection also either?  
 25 MR. LEFAVOR: I think, to keep the record,

1 can we mark this as Exhibit 1?  
 2 MR. TAYLOR: That would be a good idea.  
 3 JUDGE EDMONSON: Yes. Do you want to go  
 4 ahead and mark it as Exhibit No. 1? Because we do not  
 5 have the court reporter here. We generally don't keep  
 6 exhibit stickers in the office.  
 7 MR. LEFAVOR: I have marked this  
 8 Exhibit 1, testimony of Kristin Morgan.  
 9 JUDGE EDMONSON: All right. Thank you.  
 10 Q (BY MR. TAYLOR) What, if anything, happened  
 11 after that particular assault?  
 12 A I phoned his mother, asking for her to help me.  
 13 I phoned them, leaving them voicemails, telling them I  
 14 wanted to go somewhere else to get away from the  
 15 situation. They didn't return my phone call until the  
 16 next day. And then after that, I went back to bed.  
 17 Q Any other incidents of physical abuse by Joshua  
 18 Morgan towards you?  
 19 A There was another occurrence whenever I told  
 20 him that I didn't want his friends to come over to my  
 21 house. He struck me in the face. I didn't have any  
 22 bruises or anything from that.  
 23 Q Approximately when was that?  
 24 A Maybe after -- it was after his friend Jacob  
 25 came to visit. And that was in January of 2009. Or

1 maybe right before this occurrence, or maybe right after  
2 that. Sometime around that time.

3 MR. LEFAVOR: Objection. That testimony  
4 is too in depth for anybody to prepare a response to it.

5 MR. TAYLOR: To the contrary. We are here  
6 to establish the pattern of abuse. That is the very  
7 nature of the proceedings in the petition. And that's  
8 all she is testifying to.

9 JUDGE EDMONSON: I will allow her, you  
10 know, to testify to any actions that took place by the  
11 husband on that for the purposes of establishing that  
12 there could be an imminent threat, for the purpose of  
13 the statute in Tennessee. But I will accept what she  
14 just said for that purpose only.

15 Q (BY MR. TAYLOR) I'm handing you additional  
16 photographs. Can you tell the Court what is depicted in  
17 these photographs?

18 A These are the photographs of the bruises that  
19 were left on me on the night before I left. I didn't  
20 leave Texas that day. I went to stay with my cousin in  
21 Houston. And then I proceeded to leave Texas. Bruises  
22 on my arms and on the cheek.

23 Q These are four more pictures. Same thing?

24 A Bruise here on the left side where he threw me  
25 on to the wall, when he was shoving me. These are

1 pictures where he was shoving me away from the wall.

2 MR. LEFAVOR: I'm going to mark these as  
3 No. 2A and B.

4 JUDGE EDMONSON: Yeah, list them 2A and B.

5 MR. LEFAVOR: I'm marking this one that  
6 you testified with the arms as testimony of Kriten  
7 Morgan, Exhibit No. 2A, 2A.

8 And then the one you said was your leg, I  
9 am marking as Exhibit 2B, testimony of Kriten Morgan.

10 Q (BY MR. TAYLOR) Ma'am, has there ever been a  
11 time when Mr. Morgan struck you or assaulted you while  
12 you were holding your daughter?

13 MR. LEFAVOR: Objection, leading.

14 JUDGE EDMONSON: I'll sustain it.

15 Q (BY MR. TAYLOR) Have there been any problems in  
16 terms of physical abuse? You've been talking about  
17 physical abuse. Has there been any other instances of  
18 physical abuse from Joshua?

19 A I don't know if it would be physical abuse, but  
20 I think it showed violence. There was one time whenever  
21 he left the house and opened a beer and got in his truck  
22 and drove off. He did not come home until 3:30 the next  
23 day. I had the door locked because I was afraid that he  
24 was going to come home drunk and start a confrontation.

25 And he knocked on the door and said I had



1 one minute to open the door or he was going to break a  
2 window.

3 He proceeded to go around to the back  
4 door, before I could get out there to get him, to let  
5 him in the door, and broke the back window to my house.

6 Q You described some behaviors by your husband.  
7 Have these taken place after he has drank alcohol, when  
8 you drink with him? How has that taken place?

9 A He drinks on a daily basis. He drinks a lot.

10 Q But do these attacks occur before he drinks or  
11 after he drinks?

12 A He would come home from going out and having  
13 drinks. And he came home smelling like alcohol.

14 Q What do you know about his drinking? When does  
15 he drink?

16 A He drinks with his friends after work.

17 Q Do you know what he drinks?

18 A He drinks all kinds of things: beer, liquor,  
19 just whatever he feels like drinking at the time.

20 Q Any other -- other than alcohol, any other type  
21 of recreational drug, illegal drug, anything of that  
22 nature?

23 A Marihuana, Vicodin.

24 Q How frequently?

25 A Pretty frequently.

1 Q Well, once a month, once a week, once every  
2 three months, daily?

3 A Several times a month, several times a week.

4 Q How would that affect his behavior? You have  
5 to verbally answer.

6 A I feel like it did affect him in his anger.

7 Q The last time you left the house -- or I should  
8 say you left the house -- I believe you mentioned  
9 something about going to Houston?

10 A Right.

11 Q All right. Were you in touch with him about  
12 where you were going and why you were leaving?

13 A I sent him a text message telling him that I  
14 was at my cousin Courtney -- at Courtney and Jimmy's  
15 house in Houston over a weekend or so. And he didn't  
16 reply.

17 And I asked him if he got my messages  
18 because I wanted him to know where I was with my child.  
19 Because he couldn't say that I was just trying to leave  
20 with her. And I wasn't trying to leave with her. I was  
21 just trying to take her out of the situation that she  
22 was in.

23 Q Did he eventually respond?

24 A He did.

25 Q What did he say?



1 A He said: "Did you tell them how you insulted  
2 my dead father? Don't ever come back here. Rot in  
3 hell, you stupid" -- am I not allowed to say the word?

4 Q Yes.

5 A "-- stupid, fucking cunt." And then he  
6 proceeded in another message saying that if I didn't get  
7 psychological help, he was filing for divorce, and I had  
8 three weeks to do so.

9 Q What about your house where you live, were you  
10 able to move back in?

11 A No.

12 Q Did you want to move back?

13 A He sent me another message saying that he  
14 didn't appreciate me lying to my parents about the  
15 situation. That he had changed the security code of my  
16 house and that I will have to contact him if I needed to  
17 get anything out of the house.

18 Q You provided me, or the Court, with these two  
19 pieces of paper. Can you tell me or the Court what they  
20 are?

21 A They are the pictures of the text messages on  
22 my phone that I took with my iPhone, loaded up into my  
23 computer.

24 Q There is a picture on the second page. What is  
25 that a picture of?

1 A It's a picture of his left hand with our  
2 wedding ring in our daughter's room.

3 Q Who took that? Do you know?

4 A I'm assuming he did. I'm not sure.

5 Q And then he would text that to you?

6 A He text'd that to me.

7 MR. TAYLOR: Court's indulgence. Counsel  
8 is reviewing the documents.

9 MR. LEFAVOR: I'm going to object to the  
10 insufficient basis of the implication of what this is.

11 She is the one that made the pictures.  
12 And she is the one that manipulated them on her  
13 computer. I don't know how we can verify anything, that  
14 this picture was not just concocted.

15 MR. TAYLOR: My response to that would be  
16 that she has basically testified to everything that's on  
17 there. I will agree with counsel, there is no  
18 documentation other than that she has basically  
19 testified to everything that's in there.

20 The only thing that she hasn't testified  
21 to -- or if she has, that's fine -- but there is a  
22 photograph and we don't have any way of documenting the  
23 basis for the photograph. But she has testified to  
24 everything that's in there.

25 JUDGE EDMONSON: I'm going to agree with

1 counsel for the father saying that because -- the nature  
 2 of it is, it's her words on paper that could have been  
 3 created by any medium or source, and I would not feel  
 4 comfortable trying to take that in for evidence and  
 5 trying to make a decision thereof, though she has  
 6 testified that it was. Counsel is stating to that page,  
 7 so that is in the record. But I will not take that  
 8 document. I think it would be too unreliable under  
 9 Tennessee Rules of Evidence.

10 MR. TAYLOR: That's fine, Judge.

11 Q (BY MR. TAYLOR) Was your husband on probation  
 12 for any crime, that you knew of?

13 A Not that I knew of.

14 Q Did you find out about any criminal activity at  
 15 a later date?

16 A I found information.

17 MR. LEFAVOR: I'm going to object to  
 18 hearsay, Your Honor.

19 MR. TAYLOR: I'm asking her something that  
 20 she is aware of. That is not hearsay. I'm not asking  
 21 for an out-of-court statement.

22 JUDGE EDMONSON: I think that she can  
 23 state that to the extent of the knowledge that she has  
 24 of any convictions or warrants or anything to that  
 25 nature, and then it would be subject to

1 cross-examination of counsel on that.

2 If it's something from her knowledge, she  
 3 can say, I know. But she cannot say: Yes, my next-door  
 4 neighbor told me he had been charged with X.

5 Q (BY MR. TAYLOR) So what, if anything -- do you  
 6 know about any probation --

7 A Whenever I was leaving the house, I found an  
 8 adult probation book, questions that he had been  
 9 answering, and he answered that he was on probation for  
 10 18 months.

11 Q For what?

12 A I didn't ask.

13 Q For how long?

14 A 18 months.

15 Q Did he discuss this with you at any time?

16 A No.

17 Q Did he let you know that he was on probation?

18 A No.

19 Q You don't know what the crime was he committed?

20 A No.

21 Q You don't know if he did any --

22 A I know that he had a DWI, but I don't know if  
 23 it was related to that or not. It didn't state in  
 24 there.

25 MR. LEFAVOR: Move to strike, Your Honor.

1 This is not a good basis for anything. This is all  
 2 hypothetically. She is saying, I didn't know, but he  
 3 did, and therefore I move to strike all the testimony  
 4 concerning this alleged paper.

5 JUDGE EDMONSON: I will allow you to go  
 6 ahead and describe that, that motion, because it's  
 7 basically, the testimony has been, you know, it's a book  
 8 with something that he has been filling out. That will  
 9 probably be something he was required to do for  
 10 probation. There has not been any testimony here to  
 11 make a connection to any type of charges the husband may  
 12 have had or what's found to be inferred. So I think the  
 13 motion to strike is well taken and I will sustain it.

14 Q (BY MR. TAYLOR) Did he ever use firearms?

15 A A shotgun.

16 Q Where is that shotgun?

17 A He told me that he took it to his parents'.

18 Q Okay. You have seen it at your house, though?

19 A Yes.

20 Q When was the last time you saw it?

21 A It's been a while. Since the first year we  
 22 were married

23 Q Your daughter, her name is?

24 A Hannah.

25 Q And who cared for Hannah primarily over the

1 last six months?

2 A I did.

3 Q Did Joshua ever care for babysitting or  
 4 anything of that nature?

5 A A few days. Whenever I was working on the  
 6 weekends. He changed a diaper every now and then on the  
 7 weekends.

8 Q Any other times?

9 A If I went to Wal-Mart for a couple of hours,  
 10 something of that nature.

11 Q What about their family, her family -- his  
 12 family, excuse me?

13 A His family?

14 Q Anyone in his family cared for her?

15 A No. Only on occasions.

16 Q Currently, are you working?

17 A Yes.

18 Q And you are living with who again?

19 A My mother and my step-father.

20 Q And do you have family here?

21 A Yes.

22 Q Tell the court about extended family in Texas.

23 A I have no family in Texas.

24 Q You mentioned somebody in Houston?

25 A She is not residing there anymore.



1 Q She's not there. Who is that?  
 2 A Courtney.  
 3 Q Do you have any relatives in Texas?  
 4 A No.  
 5 Q Do you own any property in Texas?  
 6 A Only our house.  
 7 Q How do you feel about going back and living  
 8 with your husband?  
 9 A I do not want to go back.  
 10 Q Why?  
 11 A I am afraid.  
 12 Q What specifically are you afraid of?  
 13 A I'm afraid of more physical or emotional abuse  
 14 on me or my daughter.  
 15 Q Do you understand the nature of the petition  
 16 filed is a temporary petition for emergency  
 17 jurisdiction?  
 18 A Yes.  
 19 Q Are you claiming that they will get injured if  
 20 you or your daughter were to go back to Texas?  
 21 A Yes.  
 22 MR. TAYLOR: At this point, I don't have  
 23 any more questions, Judge.  
 24 JUDGE EDMONSON: All right.  
 25 Counsel for the father may ask.

1 CROSS-EXAMINATION  
 2 Q (BY MR. LEFAVOR) This is Jim LeFavor. And I'm  
 3 going to hand you a picture. Would you look at this,  
 4 please.  
 5 A Yes  
 6 Q I'm going to mark this as Exhibit 3.  
 7 Would you describe for me what that  
 8 picture shows.  
 9 A It shows me and my husband, I was pregnant, and  
 10 our daughter's room.  
 11 Q Okay. And that fairly and accurately  
 12 represents your husband the way he looks; is that  
 13 correct?  
 14 A Yes.  
 15 Q Okay.  
 16 MR. LEFAVOR: I move that into evidence,  
 17 Your Honor.  
 18 JUDGE EDMONSON: That will be No. 3.  
 19 Q (BY MR. LEFAVOR) I will hand you what's been  
 20 marked as Exhibit 4. What is that?  
 21 A A picture of him holding my daughter.  
 22 Q And is there anything else in the picture?  
 23 A My dogs.  
 24 Q Who are the dogs?  
 25 A My Blue and Milo.

1 Q Milo is the white dog?  
 2 A Yes.  
 3 Q And Blue is the dark dog?  
 4 A Yes, sir.  
 5 Q Okay. Are these dogs the captive of your  
 6 husband? If somebody came after him and was to trying  
 7 to bother him, would those dogs come to protect your  
 8 husband?  
 9 A Oh, sure, they would.  
 10 Q Are you sure that they would?  
 11 A Yes.  
 12 MR. LEFAVOR: I ask that this be moved  
 13 into evidence, too.  
 14 JUDGE EDMONSON: That will be forward.  
 15 Q (BY MR. LEFAVOR) Now, you talked about your  
 16 husband being aggressive and physical with you.  
 17 A Uh-huh.  
 18 Q Have you have ever been aggressive or physical  
 19 with him?  
 20 A Probably until I had made attempts to protect  
 21 myself, yes.  
 22 Q On what occasion -- did you not tell your  
 23 husband that you were sorry that you attacked him, and  
 24 that you normally had not done that kind of thing but  
 25 you had done that to your brother? Is that correct?

1 A Not in that sense. I had not done that with my  
 2 brother?  
 3 Q You and your brother had been involved with  
 4 physical fighting with each other, is that correct, in  
 5 the past?  
 6 A When we were kids.  
 7 Q Uh-huh. When you and your husband were  
 8 talking, did you talk to your husband and admit to him  
 9 that you had been aggressive to him and had harmed him  
 10 and you were sorry that you done that?  
 11 MR. LEFAVOR: I'm going to object to the  
 12 question.  
 13 JUDGE EDMONSON: I'll overrule that.  
 14 Q (BY MR. LEFAVOR) Now, you talked to your  
 15 husband about an injury that you had caused from an  
 16 attack that you had done on him; is that right?  
 17 A On my husband?  
 18 Q Yes, that you had made an attack on your  
 19 husband, a physical attack; is that correct?  
 20 A I don't feel like I attacked him, no.  
 21 Q And you attacked him. And, later, did you not  
 22 have a conversation with your husband about that attack?  
 23 A Maybe so. I'm not sure.  
 24 MR. LEFAVOR: If I can get this thing  
 25 offered, Your Honor. One second, please.

1 Q "Did you say you harmed your husband?  
2 You said: "You know, I have never been  
3 violent to anybody else besides you. Any other  
4 relationship I have ever been with, I have never laid  
5 hands on anyone."  
6 And he said: "So then why were you  
7 violent with me then?"  
8 And you said: "Because you were in my  
9 face calling me a slut."  
10 MR. TAYLOR: Counsel, before you go  
11 reading an affidavit, could you provide me with a copy  
12 of that?  
13 MR. LEFAVOR: It's not an affidavit.  
14 MR. TAYLOR: Or whatever you are reading  
15 from.  
16 MR. LEFAVOR: After I ask the question and  
17 lay a foundation.  
18 MR. TAYLOR: Thank you.  
19 Q (BY MR. LEFAVOR) Did that jibe your memory,  
20 ma'am? Now, there is still the rest of this  
21 conversation.  
22 MR. TAYLOR: I think she's reading it,  
23 counsel.  
24 MR. LEFAVOR: I want to make sure we have  
25 it on the record in Texas.

1 MR. TAYLOR: If you are asking a question,  
2 I'm just saying, give her time to answer.  
3 MR. LEFAVOR: Okay.  
4 Q (BY MR. LEFAVOR) Do you remember saying  
5 anything: "Because you were up in my face calling me a  
6 slut.  
7 "Now, I have hit my brother before because  
8 he's my bother and we always fought and hit each other  
9 and shit.  
10 "That's the only time I would hit him, was  
11 when I really got angry at him.  
12 "Ask him, whenever he came into my room  
13 and he was aggravating the piss of out of me one day,  
14 and I told him to fucking leave me alone.  
15 "And he kept bothering me and I was  
16 cussing at his fucking face. And I beat his fucking  
17 fingernail off.  
18 "But then there were very few times that I  
19 have ever done anything like that. And I'm sorry that I  
20 did it to you.  
21 "I never will again."  
22 "Have you seen me do it since I moved into  
23 this house?"  
24 And Joshua said: "No, you haven't."  
25 "Kriten: And I am very sorry for that."



1 Now, ma'am, do you remember that  
2 conversation now?  
3 A Yes.  
4 Q And you did say those things; is that correct?  
5 A Yes.  
6 Q Would you say it loud enough for the court  
7 reporter?  
8 A Yes, sir.  
9 Q So you admit that you had been violent towards  
10 your husband; is that correct?  
11 A In self defense, yes.  
12 Q Well, you didn't say in self defense. You said  
13 it's because he had called you a name; is that right?  
14 A He was also threatening me on my face.  
15 Q So when you get angry at somebody, you hit  
16 them; is that what you're saying?  
17 A If they're on my face.  
18 Q All right. Ma'am, the things that you have  
19 said, is that all your recollections you have of when  
20 Mr. Morgan has been violent and Mr. Morgan acted out  
21 that has laid the basis for your claim?  
22 A All the things that I mentioned?  
23 Q The things that you mentioned, is that the  
24 basis that you are relying on your claim today for this  
25 special hearing, emergency hearing?

1 MR. TAYLOR: Do you understand the  
2 question?  
3 THE WITNESS: Not really.  
4 MR. LEFAVOR: No further questions at this  
5 time, Your Honor.  
6 JUDGE EDMONSON: All right.  
7 REDIRECT EXAMINATION  
8 Q (BY MR. TAYLOR) There have been times when you  
9 were having a fight with your husband that he tried to  
10 record a conversation?  
11 A Yes.  
12 Q When was that?  
13 A I don't know. Whenever he was screaming over  
14 the top of me with my daughter in my arms. He showed me  
15 that he was recording me. And he also had told me that  
16 he had been collecting evidence against me. That he  
17 would use it against me to take my daughter away, if I  
18 ever tried to leave him. I assume it's been more than  
19 that since that morning.  
20 Q How was he recording the conversations?  
21 A With his iPhone.  
22 Q What did you think about that?  
23 A I felt like he was trying to put me in a  
24 situation to try to make --  
25 Q Well, after the first time he hit you, why

1 didn't you just leave?

2 A Because I had to nowhere to go.

3 MR. LEFAVOR: No further questions.

4 RE-CROSS-EXAMINATION

5 Q (BY MR. LEFAVOR) When the child was born, was  
6 your mother present?

7 A Not at the time of her birth.

8 Q Did she come down after the birth of the child?

9 A Yes, she did.

10 Q Did you complain to your mother about this bad  
11 treatment you had for the last year and a half?

12 A While she was visiting me when my child was  
13 born?

14 Q When your child was born and your mother came  
15 down, did you complain to her and say: "Treatment is so  
16 bad here, mom. I've got to go home with you"? Did you  
17 say that?

18 A Not at that time.

19 Q Did your mom leave abruptly after she was  
20 there?

21 A Yes, she did.

22 Q And that's because she had an argument with  
23 you?

24 MR. LEFAVOR: Objection. It goes beyond  
25 the scope of redirect.

1 Q (BY MR. TAYLOR) She left right away and went  
2 right down to the airport and got on the plane; is that  
3 right? Is that right?

4 A Yes, sir.

5 Q She didn't even take time to make advanced  
6 reservations or get a cheaper flight, did she?

7 A No.

8 Q Now, the complaint that you made in January and  
9 February of 2009, those are well before you were  
10 pregnant with your child; is that correct?

11 A Yes.

12 Q And then maybe the one in March of 2009, you  
13 might have been pregnant, but you did not know it and  
14 your husband did not know it; is that correct?

15 A Yes.

16 Q And despite those, you did not leave? You did  
17 not have anybody to take of except yourself, and you did  
18 not leave; is that correct?

19 A I was afraid he would take my child away if I  
20 did, actually.

21 Q Ma'am, this is my question. In January of  
22 2009, when you were not pregnant and the child was not  
23 born, did you leave?

24 A No.

25 Q Did you file a complaint with the police?

1 A No, I did not.

2 Q Did you go to the Sheriff's Department?

3 A No.

4 Q Did you contact Houston Police?

5 A No, sir.

6 Q In February of 2009 that you complained about  
7 him, did you do any of those things?

8 A No.

9 Q In March of 2009, did you do any of those  
10 things?

11 A No.

12 Q And at no time was the child involved at all at  
13 that point, was she?

14 A No.

15 MR. LEFAVOR: No further questions.

16 MR. TAYLOR: Just so I can understand, a  
17 couple of redirect. I apologize.

18 REDIRECT EXAMINATION

19 Q (BY MR. TAYLOR) So during these times that  
20 counsel is asking about, when your husband is beating  
21 you before you were pregnant, before you knew you were  
22 pregnant, you didn't leave after that? You didn't leave  
23 the house?

24 A No.

25 Q Why not?

1 A I didn't have anywhere to go. His parents were  
2 trying to talk me into staying for religious reasons.

3 Q Why didn't you report to the police?

4 A Because I was trying to work it out with my  
5 husband.

6 Q And I'm assuming, after you found out you were  
7 pregnant, you told your husband?

8 A Yes.

9 Q All right. That attacks stopped after some  
10 period of time, after March, until your daughter was  
11 born, or until after she was born? I don't know, I'm  
12 asking the question.

13 A Yes.

14 Q It was sometime after that that the attacks  
15 resumed again?

16 A Yes.

17 Q The first time anything happened, why didn't  
18 you leave then?

19 A I thought it might not happen again.

20 Q I'm sorry, could you say that again?

21 A Because I thought it might not happen again.

22 MR. TAYLOR: I have no more questions.

23 JUDGE HATCHCOX: Ms. Blevins.

24 DIRECT EXAMINATION

25 Q (BY MS. BLEVINS) Ms. Morgan, any of these



1 incidents of violence that you described today, was the  
2 child present for any of them?

3 A She was in my house.

4 MS. BLEVINS: That's all I have.

5 JUDGE HATCHCOX: All right.

6 (End of Kristin Morgan's testimony.)  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 STATE OF TEXAS

2 COUNTY OF TRAVIS

3 I, Dora Canizales, Certified Shorthand Reporter in  
4 and for the State of Texas, do hereby certify that the  
5 above and foregoing contains a true and correct  
6 transcription of all portions of evidence and other  
7 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  
10 which occurred in open court or in chambers and were  
11 reported by me.

12 I further certify that this Reporter's Record of the  
13 proceedings truly and correctly reflects the exhibits,  
14 if any, offered by the respective parties.

15 I further certify that the total cost for the  
16 preparation of this Reporter's Record is \$ and  
17 was paid/will be paid by Carly Gallagher, Esq.

18 WITNESS MY HAND on this the 5th day of August, 2010.

19  
20 Dora Canizales, CSR #5360  
21 Certificate Expires: 12/31/2011  
22 12445 Alameda Trace Circle #622  
23 Austin, Texas 78727  
24 Telephone: (512) 579-6800  
25 TexasDepoReporter@gmail.com