

1

**RAYMOND ABEL,**

2

having been first duly sworn, testified as follows:

3

**DIRECT EXAMINATION**

4

BY MS. BARNETT:

5

Q. Would you state your name for the record,

6

sir?

7

A. Raymond Abel.

8

Q. How are you employed?

9

A. With the Houston Police Department.

10

Q. How long have you been with the Houston

11

Police Department?

12

A. Eighteen years.

13

Q. Where are you currently assigned?

14

A. Westside Tactical Unit.

15

Q. What do you do at Westside Tactical Unit?

16

A. We have officers that are in plain clothes

17

that drive around in unmarked vehicles. Then we have

18

officers who are in uniform that drive marked police

19

vehicles.

20

Q. Do you work with Sergeant Richards?

21

A. Yes, ma'am, I do.

22

Q. And Officer Chaffin?

23

A. Yes, ma'am.

24

Q. Do you guys work as a group?

25

A. Yes, ma'am.

1 Q. I see you're dressed in uniform?

2 A. Yes, ma'am.

3 Q. Do you regularly wear a uniform?

4 A. Now I do not. Now I've been moved to an  
5 unmarked vehicle. At the time I was in uniform. Not  
6 until recently did I get bumped up to unmarked  
7 vehicle.

8 Q. Well, congratulations.

9 A. Thank you.

10 Q. Let me take you back to the date of October  
11 12th, 2011 and ask if you recall that day?

12 A. Yes, ma'am.

13 Q. Were you working with the Westside Tactical  
14 Unit, your group that day?

15 A. Yes, ma'am.

16 Q. What were you guys doing that day?

17 A. We'd gone into the area basically unmarked  
18 units begin looking for what they deem to be criminal  
19 activity or something like that and marked units hide  
20 in the area and then when they call us and we come  
21 out, we either stop a vehicle, stop a person, depends  
22 on what they see.

23 Q. Now, when -- let me back up for a minute.  
24 For example, yesterday you guys were on a specific  
25 surveillance mission, right?

1           A.       Yes, ma'am.

2                       MR. JONES: Object to any testimony  
3 that isn't relevant to anything.

4                       THE COURT: That will be sustained.

5                       MS. BARNETT: Judge --

6           Q.       (BY MS. BARNETT) As opposed to this  
7 circumstance on October 12th, you guys did not have  
8 something specific you were looking for, right?

9           A.       Yes, ma'am.

10          Q.       When you are in a marked unit are you  
11 waiting for them to talk to you through the radio,  
12 the other officers in the unmarked or how does that  
13 work?

14          A.       Yes, ma'am. If they spot a vehicle or  
15 something, they might tell us the plate. We run up  
16 the plate, see if there's any history on the plate,  
17 any history on the owner. Depends on what they see.

18          Q.       Okay. Let's talk about this case in  
19 particular. How did -- what happened in this case?

20          A.       Sergeant Richards and Lieutenant Kubiak saw  
21 males go after a female --

22                       MR. JONES: Your Honor, I'm going to  
23 object what someone else saw, that would be hearsay.

24                       THE COURT: That will be sustained.

25          Q.       (BY MS. BARNETT) Are you in contact with

1 the other officers in other cars?

2 A. Yes, ma'am.

3 Q. How so?

4 A. Through the radio.

5 Q. Okay. When -- when officers are making  
6 comments on the radio, are they pertaining to what  
7 they're seeing or what they're observing?

8 A. Yes, ma'am.

9 Q. When they give directions to you to make a  
10 stop, is that through the radio?

11 A. Yes, ma'am.

12 Q. Now, when you were -- are there times in  
13 investigations that you are asked to make a traffic  
14 stop on a vehicle?

15 A. Yes, ma'am.

16 Q. Do the officers that ask you to make a  
17 traffic stop give you the reason for the traffic  
18 stop?

19 A. Yes, ma'am. They have to have probable  
20 cause for us to pull over the vehicle. They see the  
21 violation and at which time they inform us of the  
22 violation. Sometimes we see violations, most of the  
23 time it is them.

24 Q. All right. I guess what you're saying is  
25 that--

1                   MR. JONES: Your Honor, I'm going to  
2 object. Recharacterization of his testimony.  
3 Question's been asked and answered. It would be an  
4 improper question.

5                   THE COURT: Overruled.

6           Q.       (BY MS. BARNETT) You can't pull over a car  
7 for no reason, right?

8           A.       Yes, ma'am. You have to have probable  
9 cause.

10          Q.       So is it appropriate then for the other  
11 officer who's in plain clothes to contact you and say  
12 I saw a black car do this, that and the other?

13          A.       Yes, ma'am.

14          Q.       Is that what happened? Not necessarily the  
15 black car. Is that what happened in this case?

16          A.       Yes. Officer Chaffin advised us of a  
17 traffic violation.

18          Q.       Were you also aware and don't tell me, if  
19 you were, what you were aware of, were you aware of  
20 some activity in regards to this vehicle?

21          A.       Yes, ma'am. We'd been advised over the air  
22 by Sergeant Richards.

23                   MR. JONES: I'm sorry. Object to the  
24 answer being unresponsive. The answer is yes or no.

25                   THE COURT: Overruled.

1                   MR. JONES: Hearsay, Judge.

2                   THE COURT: Overruled.

3           Q.       (BY MS. BARNETT) What is your answer, sir?

4           A.       I said Sergeant Richards advised us over  
5 the air of some actions.

6           Q.       After Sergeant Richards advised you of some  
7 actions, did Officer Chaffin advise you of some  
8 actions?

9           A.       He picked up surveillance on the vehicle  
10 and then advised us of traffic violations.

11          Q.       How did you know what vehicle they were  
12 talking about?

13          A.       They described it and had given out the  
14 license plate. He gave us the direction and we were  
15 close and came out of a neighborhood and came up fast  
16 on the vehicle.

17          Q.       How close -- I mean did it take you 20 or  
18 30 minutes to get to it?

19          A.       No, it took less than a minute.

20          Q.       All right. Now, when you stopped the  
21 vehicle, and I think you said this, were you in a  
22 marked patrol vehicle and marked uniform?

23          A.       Yes, ma'am.

24          Q.       Did the vehicle pull over?

25          A.       Yes, ma'am, it stopped.

1           Q.       When the vehicle pulled over, what did you  
2 do?

3           A.       I went to the passenger side. I was the  
4 passenger in the patrol vehicle, my partner was the  
5 driver.

6           Q.       Were you by yourself or were you with  
7 somebody else?

8           A.       I was with Officer Cockrill.

9           Q.       Is Officer Cockrill also here today?

10          A.       Yes, ma'am.

11          Q.       When you got to the vehicle what did you  
12 see?

13                    MR. JONES: At this time based upon  
14 our previous motion.

15                    THE COURT: The Court's ruled that.  
16 That will be overruled.

17                    MR. JONES: Thank you, Judge.

18          A.       We'd been advised that a magazine had been  
19 thrown out of the car. Officer Chaffin had stopped  
20 to pick it up. Made our senses go on high alert that  
21 possible weapons in the vehicle. We took the  
22 suspects into custody and detained them. At that  
23 time we're worried about our safety and anybody  
24 else's safety.

25          Q.       A magazine being thrown out of the car made

1 you think there's possibly a gun in the car?

2 A. Yes, ma'am.

3 Q. When you took them into custody did you  
4 do -- did you look inside the car?

5 MR. JONES: Your Honor, I'm going to  
6 object. At this point there's been no testimony  
7 anybody was taken into custody. It would be leading.

8 THE COURT: Rephrase your question.

9 Q. (BY MS. BARNETT) Did you testify you took  
10 them into custody?

11 A. I spoke that we did detain them because of  
12 the weapon and the violations.

13 Q. All right. Once they were detained what  
14 happened after that?

15 A. Well, once we detain somebody, we pat them  
16 down very thoroughly to make sure there's no weapons  
17 on them then at which time after everybody's secured  
18 and the scene is clear we go up to the vehicle.

19 Q. Did that happen in this case?

20 A. Yes, ma'am.

21 Q. Do you recall anything about the vehicle or  
22 anything in the vehicle?

23 A. The vehicle had a lot of articles in it,  
24 noticed electronic stuff in there. I don't remember  
25 exactly what electronics but it was scattered all



1 over the car.

2 Q. Was it your job to make a list of what the  
3 articles were in the car?

4 A. Later on once we moved the vehicle out of  
5 the roadway due to the safety of cars passing by and  
6 our safety.

7 Q. I want the jury to understand what it was  
8 you saw. I mean, did it look like normal iPods and a  
9 laptop? What did it look like?

10 A. It did not look normal. There was articles  
11 that were spread all over the vehicle. Normally  
12 somebody puts it in a certain place in the vehicle.  
13 It was everywhere. There was electronic stuff  
14 everywhere.

15 Q. And when you're talking about articles, are  
16 you talking about all electronics basically?

17 A. That car had multiple items, clothes,  
18 electronics, possible weapon. We hadn't found the  
19 weapon yet so we began inventorying as far as what  
20 was in the vehicle.

21 Q. Do you recall or do you have an idea what  
22 type of electronics were in there?

23 A. I don't recall exactly, I'd have to look at  
24 the report.

25 Q. Do you know whether or not Officer Lombardo

1 did a list of those items?

2 A. Yes, ma'am.

3 Q. After you pulled the vehicle over and  
4 started looking in the car, what happened after --  
5 what did do you? What happened after that with you,  
6 if anything?

7 A. Basically we started collecting the stuff  
8 and see if there was a weapon because a large  
9 magazine had been found, possible assault rifle. And  
10 due to the actions earlier, we're making sure it was  
11 safe. And then we began to notice all the electronic  
12 stuff and we began looking at it and see if it's  
13 possibly stolen, which is we go through our  
14 computers, began running serial numbers. If we find  
15 the complainant's name, we begin running them, see if  
16 they're listed in any burglary reports, BMV report,  
17 robbery, anything like that.

18 Q. Do you recall whether or not you were able  
19 to find out whether there was any property belonging  
20 to someone else?

21 A. I didn't personally. I believe someone  
22 else did.

23 Q. Let me ask you this, when you run a serial  
24 number of an electronic item that has been stolen,  
25 how is it you're going to find out if it's stolen or

1 not?

2 A. If a person has their serial number, once  
3 they've made the report, if they pawn it or it's  
4 listed in a report, you can look it up by that serial  
5 number and it pops up on the computer. If they have  
6 pawned it, pawn shops have to hold it for 30 days  
7 until the police investigate it to see if it's stolen  
8 or not.

9 Q. So if an ordinary citizen has their house  
10 burglarized and they make a report about that?

11 A. Yes, ma'am.

12 Q. Then if they have the security number of  
13 the item -- I'm sorry.

14 A. The serial number.

15 Q. Thank you. The serial number of the item  
16 and they give that to the police officer?

17 A. Yes.

18 Q. Police officer puts it in --

19 A. Into a report.

20 Q. And pawn shops have to list the serial  
21 numbers?

22 A. Yes.

23 Q. Does that work just for HPD or does it also  
24 work for the sheriff's office?

25 A. I can't speak to the county. I believe

1 they have the same system.

2 Q. Let me ask you this. If a house is  
3 burglarized outside Houston jurisdiction, would that  
4 pull that up on your computer?

5 A. Not most of the time. There are different  
6 websites that we have that we can go to that both are  
7 linked up to but usually we have a contact and  
8 contact Harris County. Since we're not at this time  
9 hooked up together but if we do know an officer there  
10 or an investigator, we do contact them to see if  
11 possible they have a complainant by that.

12 Q. Let me give you an example. If you were to  
13 find a credit card with the name of Sue Crozier on it  
14 in that car and Sue Crozier's report was done in the  
15 county, would you be able to pull that up from HPD?

16 MR. JONES: Judge, I'm going to object  
17 to facts not in evidence. If it is a hypothetical  
18 question she's asking then --

19 THE COURT: That's what I understood  
20 it to be.

21 MR. JONES: But she's using names of  
22 people who may or may not be hypothetical.

23 THE COURT: Ladies and gentlemen,  
24 you'll ignore the name.

25 Q. (BY MS. BARNETT) A person named John Doe.

1           A.       They're on a different system than us.  
2 We'd have to contact them personally and find out if  
3 they have any reports as far as that goes.

4           Q.       All right. Was there anything else you did  
5 in this case that the jury should hear about?

6           A.       No, ma'am.

7           Q.       Okay.

8                    MS. BARNETT: Pass the witness.

9                    THE COURT: Mr. Jones.

10                    **CROSS-EXAMINATION**

11 BY MR. JONES:

12           Q.       Officer Abel?

13           A.       Yes, sir.

14           Q.       In your investigation or at least in what  
15 you do or what you were doing back then, you stop  
16 vehicles for the officers who are not in regular  
17 patrol vehicles; is that correct, at their direction?

18           A.       Yes, sir.

19           Q.       And certainly you do what they ask you to  
20 do. You stop the vehicle?

21           A.       If there's probable cause, yes, sir.

22           Q.       Well, if you don't see it then you stop the  
23 vehicle because they told you to?

24           A.       They tell us over the air whether they have  
25 a traffic violation or not, sir.

1 Q. So you don't know if they saw a traffic  
2 violation, it's something you hear?

3 A. I'm not in the car with them as I stated  
4 before. Sometimes we see violations, most of the  
5 time they do.

6 Q. So if they see something you don't see, you  
7 just stop the car anyway because they told you to?

8 A. If they give me probable cause, they tell  
9 me over the air, yes, sir.

10 Q. Now, probable cause is a legal fiction; is  
11 that right? It's not one word?

12 A. Sir, I'm not going to stop a vehicle unless  
13 the violation can be -- is under the traffic law, you  
14 know -- let me rephrase that. In municipal saying if  
15 I cross a sidewalk where a -- you're supposed to  
16 stop --

17 MR. JONES: Your Honor, I'm going to  
18 object to this being unresponsive.

19 THE COURT: That will be sustained.

20 Q. (BY MR. JONES) I want to ask you a specific  
21 question--

22 A. Okay, go ahead.

23 Q. -- about stopping a vehicle at the  
24 direction of another officer.

25 A. Yes, sir.

1 Q. You do what they tell you to do?

2 A. Not all the time unless there is a good  
3 traffic stop, sir.

4 Q. On this day you did what they told you to  
5 do?

6 A. Yes, sir, I did.

7 Q. And you were told there had been a possible  
8 assault, is that right?

9 A. Possible abduction assault, they didn't  
10 know at the time.

11 Q. You found out none of that was true?

12 A. As far as --

13 Q. There was no abduction?

14 A. There was no abduction, yes.

15 Q. There was no kidnapping?

16 A. No, but when you're looking at this through  
17 our eyes, you have to wonder.

18 Q. Is your answer no?

19 A. Later on, yes there was no abduction, sir.

20 Q. And you didn't see an abduction?

21 A. I did not see it.

22 Q. And you didn't see an assault?

23 A. No, sir, I didn't.

24 Q. And you later found out that there had been  
25 no abduction and no assault?

1                   MS. BARNETT: Objection, that's  
2                   assuming facts not in evidence. He wasn't there. He  
3                   hasn't heard the testimony of the witnesses as the  
4                   jury has and he wasn't the officer that witnessed the  
5                   assault itself. So I object that that's a  
6                   mischaracterization of the evidence and the facts.

7                   THE COURT: That will be sustained.

8                   Q.        (BY MR. JONES) What you saw you saw; is  
9                   that right?

10                  A.        Yes, sir.

11                  Q.        What you didn't see you didn't see?

12                  A.        Yes, sir.

13                  Q.        If somebody else is telling the truth or  
14                  lying, you don't know about that?

15                  A.        Well, you're calling somebody's character  
16                  that I've worked with for a long time and I would  
17                  have to say --

18                  Q.        No, sir, I haven't given you a name.

19                  A.        I know but by your statement alone, sir,  
20                  that's why I'm saying --

21                  Q.        It was a question.

22                  A.        I do not know if they're lying or not, no,  
23                  sir.

24                  Q.        You didn't give anybody a citation for a  
25                  seat belt violation, did you?



1           A.     No, sir.  It's also an arrestable offense  
2     too, sir, in the state of Texas.

3           Q.     But you didn't give anybody a citation?

4           A.     No, sir.

5           Q.     You see a police car zoom passed you and  
6     the officer doesn't have on a seat belt, you don't  
7     stop and arrest them, do you?

8           A.     If you're the chief of police now yes.  
9     Under the new general order yes, you do.

10          Q.     Shame on --

11          A.     I'm just saying the chief is very strict as  
12     far as that goes because we've had lot of officers  
13     hurt.  I hate to say it but yeah they probably can be  
14     stopped now and given a ticket.

15          Q.     Well, hopefully there will be a latitude a  
16     little bit sometimes.

17          A.     The chief is trying to protect his people.

18          Q.     I hear you.  When you approach the vehicle.

19          A.     Yes, sir.

20          Q.     You looked in the vehicle, it wasn't  
21     because somebody didn't have on a seat belt?

22          A.     When I approached the vehicle I'm looking  
23     in the vehicle making sure of my safety, sir.

24          Q.     All right.  So you're looking for weapons?

25          A.     I was looking to make their movements.

1 Q. Everybody sit still?

2 A. Yes, let me see your hands.

3 Q. Don't do nothing to make anybody excited?

4 A. Yes, sir.

5 Q. Overly excited.

6 A. I don't put it that way.

7 Q. I understand. Sometimes you have to use  
8 forceful language?

9 A. No. It's please keep your hands where I  
10 can see them, just do as I say. All we're going to  
11 do is make sure everything's under control. I don't  
12 want anybody getting hurt. That's what I basically  
13 explain to them.

14 Q. Did you confiscate anything from Travoy  
15 Hollie?

16 A. I don't remember if I confiscated anything  
17 from him.

18 Q. Travoy Hollie didn't tell you all this  
19 stuff in this car is mine?

20 A. He did not tell me, no, sir.

21 Q. And there was stuff in the trunk of the  
22 vehicle; is that right?

23 A. There was stuff everywhere.

24 Q. You ever seen a junky car with a lot of  
25 stuff in it and it's not stolen?

1           A.     Yes, sir.

2           Q.     And so the mere fact that there are stuff  
3 everywhere isn't necessarily indicative of something  
4 being stolen?

5           A.     Not necessarily.

6           Q.     People sometimes move in their cars?

7           A.     Sometimes, yes, sir.

8           Q.     Stuff everywhere.

9           A.     But they don't have multiple items that  
10 would suggest otherwise.

11          Q.     Okay.

12          A.     If you're saying moving, you would think  
13 pots, pans.

14          Q.     Right. Okay. You didn't ask anybody if  
15 you can search the car, did you?

16          A.     I wasn't the one who detained the driver so  
17 I can't answer that question as far as --

18          Q.     You didn't do an offense report, did you?

19          A.     No, sir, I didn't.

20          Q.     Did you ultimately take Travoy Hollie  
21 yourself into custody or did someone else? Did you  
22 transport him?

23          A.     I did not transport.

24          Q.     Were all the people arrested?

25          A.     Yes, sir.

1 Q. Or at least detained?

2 A. Detained, sir.

3 Q. Travoy Hollie never received a citation for  
4 no seat belt, did he?

5 A. No, sir. He was booked under  
6 investigation.

7 Q. The other occupants did not receive any  
8 citations for seat belts?

9 A. No, sir. They were booked under  
10 investigation.

11 Q. The only person who was charged with a  
12 theft offense was Travoy Hollie; is that correct?

13 A. I have not looked at the other ones so I  
14 can't answer if those other two were not.

15 Q. Did you confiscate a cell phone from  
16 someone with a text on it?

17 A. I'd have to look at the report, it was so  
18 long ago. I don't recall, sir.

19 Q. But you don't recall looking at any texts  
20 on a phone, do you?

21 A. Like I said, I'd have to look at the report  
22 and see that it states if I did, sir.

23 MR. JONES: May I have a second,  
24 Judge?

25 I'm going to pass the witness.

1                   THE COURT: Thank you.

2                   MS. BARNETT: Couple questions, Judge.

3                   **REDIRECT EXAMINATION**

4           Q.       (BY MS. BARNETT) I want to take you back to  
5 the defendant's attorney asking you about people  
6 moving in their cars and junky cars. Did -- was it  
7 kind of a question in your mind that this person  
8 might be moving or that it was a junky car with junk  
9 in it? Was that a question at all?

10          A.       It just looked like a junky car, it did not  
11 look like they were moving.

12          Q.       I'm sorry?

13          A.       It didn't look like they were moving.

14          Q.       Was it a question in your mind that maybe  
15 there was a theft that occurred? I'm trying to get  
16 your impression at the time that you saw the car if  
17 somebody is moving or if you thought it was possible  
18 a theft?

19          A.       Not up until later on as far as all the  
20 merchandise begin adding up. It didn't fit. I mean,  
21 we come across people who have junky cars all the  
22 time. They have numerous clothes in them. Usually  
23 when a person's moving, there's boxes, trash bags,  
24 you name it. But it's all sorted stuff, it's not a  
25 whole bunch of electronics.

1 Q. Thank you.

2 MS. BARNETT: Pass the witness.

3 MR. JONES: No questions, Judge.

4 THE COURT: Thank you. May he finally  
5 be excused.

6 MS. BARNETT: Yes, Judge.

7 MR. JONES: I think he can.

8 THE COURT: Call your next witness.

9 MS. BARNETT: Let me see if Sergeant  
10 Richards is here.

11 May I proceed?

12 THE COURT: You may.

13 **K. RICHARDS,**

14 having been first duly sworn, testified as follows:

15 **DIRECT EXAMINATION**

16 BY MS. BARNETT:

17 Q. I think when we left off yesterday,  
18 Sergeant Richards, we were right at you had arrived  
19 at the car and were about to look in. Do you recall  
20 that?

21 A. Yes.

22 Q. That's my memory of it anyway.

23 A. Yes, ma'am.

24 Q. Tell me what you saw?

25 A. They were already detaining the three