

Opening Statement by Mr. Hughes
February 19, 2014

1 MR. PHANCO: May I begin? Thank you, Your
2 Honor.

3 **JAMES BLACK,**
4 having been first duly sworn, testified as follows:

5 **DIRECT EXAMINATION**

6 BY MR. PHANCO:

7 Q. All right. Officer, just introduce yourself to
8 the jury by telling them your first and last name and
9 who you work for.

10 A. My name is James Black, and I work for the
11 Houston Police Department.

12 Q. And how long have you worked for HPD?

13 A. Approximately six years.

14 Q. Tell the jury, what did you do before you went
15 to work for HPD?

16 A. Before HPD I served in the military for five
17 years and did some carpentry work.

18 Q. What branch of the military?

19 A. The Army.

20 Q. And what is it -- what is it that you have to
21 do once you enter into HPD? Do you go through some sort
22 of training?

23 A. Correct. We go through a six-month academy.

24 Q. After the academy, what's next? What do you do
25 after that?

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1 A. We do another six months of probation,
2 on-the-job training on the street.

3 Q. So you're roughly about a year training, half a
4 year at the academy, the other half training with
5 another officer?

6 A. Yes, sir.

7 Q. Okay. So -- all right. And where were you
8 assigned once you finished your training?

9 A. I've been assigned at the Northeast Substation,
10 and that's where I patrolled for the last five years.

11 Q. Okay. So the entirety of your career, you've
12 been on patrol?

13 A. Yes, sir.

14 Q. Tell the jury kind of what is involved in,
15 like, patrol your daily routine, if you will.

16 A. Daily routine would be primarily responding to
17 calls for service when citizens call 911 or for officers
18 to respond for various incidents or investigations.
19 Also enforcing traffic laws, ordinances and actively
20 patrolling the neighborhoods.

21 Q. And you said that your particular area is what
22 area of town?

23 A. It's referred to as the northeast area.

24 Q. Okay.

25 MR. PHANCO: May I approach?

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1 *THE COURT:* Yes, you may.

2 *Q.* *(By Mr. Phanco)* I'm going to show you what's
3 been marked as State's Exhibits 1 and 2, and tell me if
4 you recognize those two things.

5 *A.* Yes, sir. These would be the picture -- a
6 picture of where I work, the area.

7 *Q.* Okay.

8 *A.* And the second one would be a specific
9 apartment location in the area where I work.

10 *Q.* Is it like a map of the area?

11 *A.* Yes, sir.

12 *Q.* Would you say that this map fairly and
13 accurately depicts the area of town in which you patrol
14 and on a daily basis?

15 *A.* Yes, sir.

16 *MR. PHANCO:* Your Honor, at this time I
17 ask that State's Exhibits 1 and 2 be admitted into
18 evidence, and I'm tendering to opposing counsel for
19 inspection.

20 *THE COURT:* Thank you, sir.

21 *MR. HUGHES:* No problem, Your Honor.

22 *THE COURT:* Very well. State's 1 and 2
23 will be admitted without objection.

24 *MR. PHANCO:* All right. Judge, I don't
25 know if you have a button that may be pushed up there.

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1 It says Judge muted.

2 *THE COURT:* Hold on a minute.

3 *(Off-the-record discussion)*

4 *MR. PHANCO:* Thank you.

5 *Q. (By Mr. Phanco)* All right. Okay. So kind of
6 direct us to the area of town we're looking at here.

7 Actually, before you answer, on the right-hand side of
8 you, you have a monitor that you can draw on and stuff
9 like that, so you can use it to direct our attention.

10 *A.* Okay. The portion of the map that's marked
11 with the bubble with the A is the general area where I
12 work. It's Northeast Houston outside of the loop
13 centered around Homestead/Tidwell intersection.

14 *Q.* Okay. Now do you recall the date of May 26th
15 of 2012?

16 *A.* Yes, sir.

17 *Q.* All right, sir. Were you on duty then?

18 *A.* I was.

19 *Q.* Do you recall coming into contact with someone
20 you know to be Oliver Hughes?

21 *A.* Yes, sir.

22 *Q.* All right. Now I want you to tell the jury
23 kind of how the incident began, how you came into
24 contact with Oliver Hughes.

25 *A.* Okay. On that particular night we received a

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1 call regarding a disturbance where a weapon was
2 reportedly involved and where Oliver Hughes was also
3 reportedly involved. He was found and detained, was
4 found to match the description that we were given. We
5 were also given his first name; and so, we located him
6 in the area that we were pointed to.

7 Q. All right. Now I'm going to slow you down for
8 just a second.

9 A. Okay.

10 Q. About what time are we talking about in the
11 morning? Do you remember?

12 A. We first responded to the area approximately
13 3:45 in the morning.

14 Q. Okay. So, all right. So let's break it down.
15 You get a call around 3:45 to what?

16 A. To a disturbance that's involving the weapon.

17 Q. What area of town? Do you remember
18 specifically?

19 A. The northeast area, specifically 9636 Crofton.

20 Q. I'm going to show you State's Exhibit No. 2.
21 Do you recognize State's Exhibit No. 2?

22 A. Yes, sir.

23 Q. So this is kind of the area we're talking
24 about?

25 A. Yes, sir.

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1 Q. So roughly around 3:40 in the morning on the
2 26th, you're called out to this area to a weapons
3 disturbance?

4 A. Yes, sir.

5 Q. So break it down step-by-step for us. What
6 happens when you respond out there at 3:40?

7 A. We find someone who claimed to have been
8 involved in a disturbance, whereby reportedly Oliver
9 Hughes had been involved in the incident.

10 Q. Okay. And so, at that point in time had you
11 found Oliver Hughes?

12 A. Not initially.

13 Q. All right. And that's at 3:40?

14 A. Yes, sir.

15 Q. Do you stay on the scene, or do you leave?

16 A. We checked the area and we left.

17 Q. And when you say you checked the area, did you
18 find Oliver Hughes or anyone in the area?

19 A. No, we didn't.

20 Q. Okay. So you leave. And how do you get back
21 in the area?

22 A. We were called back a second time by the same
23 person who reported that he saw Oliver Hughes.

24 MR. HUGHES: Objection, Your Honor.

25 THE COURT: Sustained.

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1 Q. (By Mr. Phanco) Don't say what they told you.
2 Just talk about what happened.

3 A. Okay.

4 Q. So, you got a second call?

5 A. Right.

6 Q. And what time in the morning was that?

7 A. A little after 5:00 o'clock.

8 Q. Okay. So about an hour-and-a-half later or so?

9 A. Approximately.

10 Q. Okay. You get out there, and where -- do you
11 go back to the same location?

12 A. Same location.

13 Q. Tell us why you go to this location.

14 A. That is reportedly where the reportee had seen
15 the suspect.

16 Q. Okay. Does the suspect being in this area have
17 any significance? I guess my question is, do you know
18 if this is around where he lives?

19 A. Yes, sir.

20 Q. Okay. How did you know that?

21 A. That was what was told to us by that particular
22 person who also --

23 MR. HUGHES: Objection, Your Honor.

24 THE COURT: Sustained.

25 Q. (By Mr. Phanco) So you go out there for this

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1 particular incident, okay. And tell us kind of
2 blow-by-blow what happens when you get out there the
3 second time.

4 A. We searched for the person involved. Another
5 officer finds Oliver Hughes behind the apartment
6 matching the physical description that we were provided.

7 Q. Real quick. So when you get there the second
8 time, what do you do? Do you just stay in your car?

9 A. No. I approached the front of the building,
10 which is an apartment.

11 Q. Why did you approach the front?

12 A. To attempt to locate the suspect.

13 Q. Okay. And who is the other officer that you're
14 referring to?

15 A. Officer Huckabee.

16 Q. Officer Huckabee came as your backup?

17 A. Yes, sir.

18 Q. And why did he go around the back? Do you
19 know?

20 A. The apartments have back doors, doors on the
21 backside.

22 Q. Who's the senior officer?

23 A. We're pretty close, I guess.

24 Q. And did you -- did he have the idea to go
25 around back on his own, or did you tell him to go around

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1 back?

2 A. His own initiative.

3 Q. Okay. And so, you're going to the front door.

4 And what is your intention? You're trying to do what
5 when you go to the front door?

6 A. To locate the suspect and investigate further.

7 Q. When you say investigate, you're not
8 investigating an aggravated robbery at this point?

9 A. No, sir.

10 Q. Okay. So you knock on the door, Officer
11 Huckabee goes around, and then what happens next?

12 A. I heard Officer Huckabee indicate that he saw a
13 suspect on the backside of the building. I then went
14 around to the south side of the building opposite from
15 Huckabee and found and detained the suspect.

16 Q. When you say you heard, did he scream out or
17 how is it that you heard?

18 A. He notified me over the radio.

19 Q. Okay. So, the radio that we see on you today
20 on your left shoulder --

21 A. Yes, sir.

22 Q. -- that's the same radio you have when you're
23 out in the field?

24 A. Yes, sir.

25 Q. And you can communicate that way?

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1 A. Yes, sir.

2 Q. And Officer Huckabee communicated with you that
3 night?

4 A. Yes, sir.

5 Q. And when you came around the corner, tell us
6 about what the defendant was doing and how you got him
7 into custody.

8 A. He was walking away from Officer Huckabee. And
9 when I approached him, he complied.

10 Q. What did you tell him to do?

11 A. Put his hands behind his back.

12 Q. Were you able to detain him?

13 A. I was.

14 Q. Did -- at that point in time you said you were
15 out there for a weapons disturbance?

16 A. Yes, sir.

17 Q. What came of a weapon? Did you ever find one?

18 A. When we didn't immediately locate a weapon on
19 his person, Officer Huckabee told me that he had seen
20 him reaching into the wheel well of a vehicle that was
21 parked behind that apartment building and told me I
22 should check there.

23 Q. Okay. So when you come around and you place
24 him into custody, do you search his person?

25 A. I do.

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1 Q. Is that one of the first things you do?

2 A. Absolutely.

3 Q. Why is that?

4 A. For officers' safety, for weapons.

5 Q. And you didn't initially find one?

6 A. I did not.

7 Q. And then you said Officer Huckabee came and
8 told you about him seeing the defendant reaching?

9 A. Yes, sir.

10 Q. And did he or did you go to the wheel well?

11 A. I went to the wheel well.

12 Q. Tell us what you found at the wheel well.

13 A. At the wheel well, on top of the tire was a
14 black automatic pistol.

15 Q. When you say on top of the tire, kind of, I
16 guess, describe, you know, what kind of a car it was.
17 And if you could, describe the wheel well, I guess.

18 A. I recall it being a white truck, I believe.

19 Q. Okay.

20 A. And I believe it was the front wheel well on
21 the driver's side --

22 Q. Got you.

23 A. -- and on top of the tire.

24 Q. All right. You came back, I suppose, after you
25 found the gun. Okay. What did you do next?

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1 A. Secured the gun, maintained custody of the gun,
2 brought the suspect back over to the patrol car and met
3 with the citizen who reported the initial incident.

4 Q. Okay. Now you said that you found the weapon,
5 correct?

6 A. Yes, sir.

7 MR. PHANCO: May I approach, Your Honor?

8 THE COURT: Yes, you may.

9 Q. *(By Mr. Phanco)* I'm going to show you what's
10 been marked as State's Exhibit No. 3 and State's Exhibit
11 No. 4, which are two evidence bags. Can you tell us
12 what the contents of those bags are?

13 A. A black semiautomatic pistol and a magazine for
14 the pistol.

15 Q. Okay. Do those two things match the pistol
16 that you found that night and the magazine that you
17 found in the wheel well that night?

18 A. Yes, sir.

19 Q. Okay. And are they in the same or similar
20 condition as you found them that night?

21 A. Yes, sir.

22 Q. Now how are you -- I guess my -- did you
23 memorialize those evidence bags with any kind of
24 markings to show that this is a gun that you took from
25 the scene that night?

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1 A. Yes, sir. Upon tagging them in the property
2 room, the bags were sealed; and I signed my initials and
3 the date.

4 Q. Can you show us where your initials and date
5 are?

6 A. Okay. These would be my initials, and this
7 would be the date.

8 Q. And what's the date?

9 A. May 26th, 2012.

10 Q. Okay. The date of the incident?

11 A. Yes, sir.

12 Q. And now they're sealed; am I right?

13 A. Yes, sir.

14 Q. With what kind of tape?

15 A. Red evidence tape.

16 Q. And why do you do that?

17 A. To indicate and prove that it has not been
18 tampered or opened once it's been sealed.

19 Q. So once you seal it with evidence tape, you
20 mark it to show that it's been checked in accordingly,
21 right?

22 A. Yes, sir.

23 Q. And now you have the contents here today?

24 A. Yes, sir.

25 Q. Has it been opened, those two bags, since you

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1 sealed them?

2 A. No, sir.

3 Q. All right. Do you mind going ahead and opening
4 them now?

5 A. (Witness complies)

6 Q. Do you have something to open it with?

7 A. Yeah.

8 Q. All right. Does it appear to have been
9 tampered with, that particular one?

10 A. No, sir.

11 Q. For the record, that's State's Exhibit No. 3
12 that you opened; and that's the black semiautomatic
13 pistol?

14 A. Yes, sir.

15 Q. And it does not appear to be tampered with now
16 that you've opened it?

17 A. Now that I've opened it.

18 Q. Go ahead with the second bag there. That would
19 be State's Exhibit --

20 THE COURT: Officer, use that. Don't be
21 running that knife along there.

22 Q. (By Mr. Phanco) Now, does that appear to have
23 been tampered with in any way?

24 A. Not until now.

25 Q. All right.

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1 MR. PHANCO: Your Honor, I'm going to ask
2 that State's Exhibits 3 and 4 be admitted into evidence.
3 I'm going to tender to opposing counsel. And for the
4 record, that's State's Exhibit 3, which is the evidence
5 bag and its contents, a black semiautomatic pistol, and
6 State's Exhibit 4, an evidence bag and its contents,
7 which is the magazine. Going to tender it to the
8 bailiff for safety issues.

9 THE COURT: Be admitted, 3 and 4.

10 MR. HUGHES: Excuse me, Your Honor.

11 THE COURT: Yes, sir.

12 MR. HUGHES: Objection. I object to the
13 fact that --

14 THE COURT: Excuse me.

15 Remove the jury, please.

16 (Outside jury's presence)

17 THE COURT: Yes, sir, Mr. Hughes.

18 MR. HUGHES: Okay. My objection --

19 THE COURT: Okay. Go ahead.

20 MR. HUGHES: Excuse me, Your Honor. My
21 objection is this here: We need to determine what means
22 that the officer actually came into contact with this
23 weapon and where they were positioned and stationed at.
24 You follow what I'm saying?

25 THE COURT: I follow that.

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1 MR. HUGHES: If the officer --

2 THE COURT: The situation is, one, this
3 weapon has not been affirmably linked to you yet. It's
4 just a weapon that was found by the police, so I need a
5 legal ground for this not to be admitted at this time.

6 MR. HUGHES: Well, the legal ground is
7 under Article 39.14, article of discovery, that's the
8 legal grounds right there.

9 THE COURT: Well, that's -- that is the
10 discovery order for 39.14, but the situation is this:
11 You have no legal ground at this time to prevent this
12 weapon, which testified by the officer was simply found
13 at the scene. They haven't linked you to it
14 affirmatively yet.

15 MR. HUGHES: I understand that.

16 THE COURT: That's my ruling. It's in
17 evidence over objection, which you will have for the
18 purpose of your appeal if it's necessary.

19 MR. HUGHES: I understand that, Your
20 Honor. What I'm trying to stress and emphasize is this
21 here: You know what? I'll cross-examine him and the
22 other officer at the appropriate time.

23 THE COURT: Appreciate it.

24 All right. Let's bring the jury.

25 Mr. Phanco, I need you to slow down, and I

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1 need for you to slow down for this court reporter.
2 She's having trouble. We'll have a sticcato type of
3 speech, so slow down.

4 So I'm not showing favoritism, you need to
5 speak up and not speak so fast yourself; so that means
6 everybody.

7 *MR. HUGHES:* Yes, sir.

8 *THE COURT:* Thank you very much.

9 Mr. Hughes, outside the presence of the
10 jury, I'm going to allow you to ask this witness the
11 questions regarding this weapon if you have any legal
12 reason why it should not be introduced at this time.

13 *MR. HUGHES:* Yes, sir, I do, Your Honor.

14 **VOIR DIRE EXAMINATION**

15 *BY MR. HUGHES:*

16 Q. Excuse me, Officer. Concerning the weapon --

17 *THE COURT:* You have to -- everybody sits
18 down to talk to the witness. That means Mr. Phanco,
19 also. But if you need to see the evidence or something
20 like that, you ask me. Go ahead.

21 Q. (*By Mr. Hughes*) Good morning, Officer.

22 A. Good morning.

23 Q. What's your name?

24 A. Officer Black.

25 Q. Officer Black. Okay, sir. Officer Black,

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1 dealing with the weapon in question, who retrieved the
2 weapon?

3 A. I did.

4 Q. Officer Black, and what was your method of
5 retrieving that weapon?

6 A. With my hands.

7 Q. No, no, no, no, no. How did you know they had
8 a weapon?

9 A. Another officer who saw you walking away from
10 the wheel well instructed me to check the wheel well.

11 Q. Okay. The other officer saw me walking away
12 from the wheel well?

13 A. Yes, sir.

14 Q. How did the other officer see this
15 visualization?

16 A. He was on the same side of the building.

17 Q. He was on the same side of the building, right?

18 A. Yes.

19 Q. Isn't it proper police procedure if you see a
20 suspect with a weapon in his hands to order him to drop
21 it, effective immediately?

22 A. He didn't see you with the weapon.

23 Q. Okay. He didn't see me with the weapon?

24 A. No.

25 Q. But he said he saw me coming from around the

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1 area by the weapon?

2 A. He didn't know there was a weapon at that point
3 in time.

4 Q. He didn't know there was a weapon?

5 A. He saw you reaching from the wheel well and
6 walking away from it. At that point he had no knowledge
7 of the weapon.

8 MR. PHANCO: Your Honor, I would object to
9 the entire line of questioning as being hearsay from
10 what Officer Huckabee said. If we're going to do it
11 outside the presence, that's fine. But once they come
12 in, I don't think he'll be able to testify.

13 THE COURT: It's outside the presence, so
14 let's keep going.

15 Q. (By Mr. Hughes) Okay. You say Officer
16 Huckabee saw me on the other side of the building, so
17 where was he positioned at the scene on the other side
18 of the building?

19 A. He was on the same side of the building, the
20 backside.

21 Q. And he saw me remove my hand from under the
22 wheel well?

23 A. That's my understanding.

24 Q. That's your understanding?

25 A. Yeah.

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1 THE COURT: Yes, you may.

2 MR. PHANCO: May I publish to it jury,
3 State's Exhibits 3 and 4 and its contents?

4 THE COURT: Yes.

5 **DIRECT EXAMINATION (CONTINUED)**

6 Q. *(By Mr. Phanco)* Officer Black, you said this
7 is the weapon you found there in the tire well?

8 A. Yes, sir.

9 Q. All right. And this was -- this is the
10 magazine?

11 A. Yes, sir.

12 Q. Okay. Was it found inside --

13 A. Yes, sir.

14 Q. -- of the pistol?

15 A. Yes, sir.

16 Q. Okay. Okay, Officer Black, so where we left
17 off, I think, was that you had retrieved the pistol,
18 right?

19 A. Yes, sir.

20 Q. And you were in the back of the apartment
21 complex?

22 A. Yes, sir.

23 Q. Okay. I'm going to show you what's been marked
24 as State's Exhibits 5 and 6.

25 MR. PHANCO: May I approach?

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1 *THE COURT:* Yes, you may.

2 *Q.* (By Mr. Phanco) Do you recognize State's
3 Exhibits 5 and 6?

4 *A.* Yes, sir.

5 *Q.* What are they photos of?

6 *A.* They are photos of the apartment complex.

7 *Q.* Do they fairly and accurately depict the
8 apartment complex as they were on the date of May 26,
9 2012?

10 *A.* Yes, sir.

11 *MR. PHANCO:* Your Honor, I'd ask that
12 State's Exhibits 5 and 6 be admitted into evidence; and
13 I'm tendering to opposing counsel for inspection.

14 *MR. HUGHES:* Objection, Your Honor.

15 *THE COURT:* What ground?

16 *MR. HUGHES:* Because this is not the
17 correct address. This is 96 -- this is 96 -- this is --
18 it's on the -- let me slow down.

19 *THE COURT:* Just make your objection.
20 It's not correct.

21 *MR. HUGHES:* My address is 9636.

22 *THE COURT:* Don't say what your address
23 is.

24 *MR. HUGHES:* The address with the alleged
25 incident is 9636 Crofton. This is 9612 Crofton.

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1 Q. (By Mr. Phanco) Is it same apartment complex?

2 A. Same apartment complex.

3 Q. And to be fair, this isn't his particular
4 apartment; but they are pictures of the same apartment
5 buildings?

6 A. Yes, sir.

7 Q. And do they fairly and --

8 MR. HUGHES: Objection, Your Honor.

9 THE COURT: Let him finish.

10 Q. (By Mr. Phanco) Do they fairly and accurately
11 depict the apartment buildings as they were on the night
12 of May 26th?

13 A. Yes, sir.

14 Q. Do the apartment buildings fairly and
15 accurately depict the apartment buildings that you were
16 called out to that Mr. Hughes lived in?

17 A. Yes, sir.

18 MR. HUGHES: Your Honor, my objection is
19 it's two sets of apartments in this residential area.
20 There is two sets of apartments. The police --

21 THE COURT: Excuse me. Here's the
22 situation, Mr. Hughes. You may put on evidence after --
23 when you start your case. All right?

24 MR. HUGHES: Okay.

25 THE COURT: But you can't just say these

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1 are not what it is. That's your burden. It's up to you
2 to show that.

3 MR. HUGHES: Yes, sir.

4 THE COURT: So these are only the complex?

5 MR. PHANCO: Yes, Your Honor.

6 THE COURT: That's it. Admitted for that.

7 MR. HUGHES: I need copies of these.

8 THE COURT: No. That's for the jury.

9 When you pass this guy, then you can get a copy of it.

10 MR. PHANCO: Sounds good, Judge. And may
11 I publish State's Exhibits 5 and 6 to the jury?

12 THE COURT: Very well.

13 Q. (By Mr. Phanco) So, and to be fair, this never
14 was his apartment when you saw these photos, correct?

15 A. No, sir.

16 Q. They were always just photos of the apartment
17 complex?

18 A. Yes, sir.

19 Q. Okay. So, kind of describe the complex to us
20 here.

21 A. The apartment complex is comprised of quite a
22 few two-story buildings. They typically have four
23 apartments per facing, two on the top, two on the
24 bottom; and they were on both sides of the street. The
25 buildings that are on the east side of the street

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1 opposite of what that picture represents are slightly
2 different.

3 Q. Okay. I want to show you State's Exhibit
4 No. 6. Okay. So the picture that we just saw, this is
5 the opposite side of the street?

6 A. Yes, sir.

7 Q. And these are the apartment buildings on the
8 opposite side?

9 A. Yes, sir.

10 Q. And tell us the difference between these
11 apartment buildings and the ones we just saw.

12 A. There are no apartments on the backside.

13 Q. Okay.

14 A. Well, let me see. No. There is several
15 different -- there is a couple of different buildings.

16 Q. Okay.

17 A. Some of them have apartments on the backside.
18 Some of them do not.

19 Q. Got you. Now, did he stay on which side of the
20 street, this side of the street or the other side of the
21 street?

22 A. That side of the street.

23 Q. Okay. And is each building separated by a
24 parking space, if you will?

25 A. For the most part.

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1 Q. Okay. So when you say that you pulled up in
2 the front of the building, tell us what side of this
3 building you would be referring to.

4 A. It would be the front of the building, which is
5 facing west towards the street.

6 Q. So, for instance, you would have this view of
7 the apartment building?

8 A. Yes, sir.

9 Q. And again, this isn't the defendant's
10 apartments; but if we're reviewing the defendant's
11 apartment, you would --

12 THE COURT: Slow down.

13 MR. PHANCO: Sorry, Your Honor.

14 Q. (By Mr. Phanco) It would have a straight-on
15 view as we see here?

16 A. Yes, sir.

17 Q. And when you said that you went around to the
18 side, if you could on the screen there, you could
19 draw -- I want you to draw what side you went to and
20 then -- well, let's do that first. Draw what side you
21 went to.

22 A. Okay. I went to the south side.

23 Q. Okay.

24 A. Which would have been that direction.

25 Q. All right. Now draw a line for which way

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1 Officer Huckabee went.

2 A. He went around to the back from the north side,
3 which would have been that direction.

4 Q. Okay. And then put an X on the -- you said
5 that you kind of converged on a particular side of the
6 building; is that right?

7 A. Yes, sir.

8 Q. Put an X on which side of the building you kind
9 of all met on.

10 A. (Witness complies)

11 Q. Okay. And there is parking back in that
12 general area?

13 A. No, sir.

14 Q. Where is the parking that you had the truck?

15 A. The truck was not in a parking spot. It was on
16 the grass.

17 Q. All right. Describe to us how you found the
18 truck.

19 A. From what I remember, the truck was facing
20 north, parked parallel to the building in a grassy area.

21 Q. And it was the way that Officer Huckabee went
22 around; is that right?

23 A. Yes, sir.

24 Q. Okay. So if the truck was in the grassy area,
25 put an X on the side that it was on.

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1 A. (Witness complies)

2 Q. All right. So once you-all come out from
3 around the back or the side of the building, are you
4 again in the front?

5 A. Yes, sir.

6 Q. Okay. And you have the defendant in custody?

7 A. Yes, sir.

8 Q. All right. Tell us what happens next. How
9 does the aggravated robbery investigation begin?

10 A. As we were continuing our investigation,
11 beginning the paperwork, a second complainant pulled up
12 and stated that he had just been robbed in the last
13 thirty minutes and in that same spot, the same location.

14 Q. All right. Now who was this complaining
15 witness or victim? Who is it that you were speaking to
16 at this point? Do you know?

17 A. Gulley.

18 Q. Do you remember his first name?

19 A. Valery.

20 Q. Valery Gulley. Now at this point, you're in
21 the front of this building speaking to Valery Gulley.
22 And is the address that you were located, is that in
23 Harris County, Texas?

24 A. Yes, sir.

25 Q. Okay. Don't go into what Mr. Gulley told you

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1 specifically, but tell us if -- what happened after you
2 spoke to him.

3 A. After speaking to Mr. Gulley, we believed that
4 Mr. Hughes, who we had in custody, was the person who
5 had robbed him.

6 Q. Okay. And was he able to give you a name?

7 A. No.

8 Q. What did he give you?

9 A. He gave a basic physical description.

10 Q. Did Mr. Hughes fit the description that was
11 given to you?

12 A. Yes, sir.

13 Q. Did -- what else did he give you?

14 A. As I spoke to him, he actually saw him in the
15 back of the patrol car and said that was him.

16 Q. Did he tell you whether there was a weapon
17 involved when he was robbed?

18 A. He did. He said there was a gun.

19 Q. Did he describe the gun?

20 A. Only as a black gun. It looked like an
21 automatic.

22 Q. Okay. And when you say it looked like an
23 automatic, tell the jury, what's the difference between
24 an automatic and, say, a revolver or a different kind of
25 gun?

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1 A. Typically, as I ask someone to distinguish
2 between the two, I would describe it as a gun that turns
3 or is like a cowboy gun; and usually they are able to
4 distinguish between a revolver and an automatic.

5 Q. So an automatic --

6 MR. PHANCO: May I approach again, Judge?

7 THE COURT: Yes, you may.

8 Q. *(By Mr. Phanco)* -- is the kind of gun that was
9 described to you, right --

10 A. Yes, sir.

11 Q. -- by Mr. Gulley? And what we mean by that, I
12 guess, is that it holds its bullets inside via the
13 magazine?

14 A. Yes.

15 THE COURT: Don't testify.

16 MR. PHANCO: Is that correct?

17 A. Yes, sir.

18 Q. *(By Mr. Phanco)* Okay. After you spoke to
19 Mr. Gulley, what is it that you did next?

20 A. Called the D.A.

21 Q. Okay. And that was for the investigation of
22 the aggravated robbery that took place with Valery
23 Gulley?

24 A. Yes, sir.

25 Q. Now when you were talking with Mr. Gulley, is

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1 there anything about his physical description that led
2 you to believe that Mr. Gulley was telling you the truth
3 that night?

4 A. Yes, sir. He had a swollen lip.

5 Q. And --

6 *THE COURT:* Excuse me. He had what?

7 *THE WITNESS:* A swollen lip, sir.

8 *THE COURT:* Thank you.

9 *MR. HUGHES:* Objection.

10 *THE COURT:* Overruled.

11 Q. (*By Mr. Phanco*) And did that swollen lip match
12 the description of the events as they were told to you?

13 A. Yes, sir.

14 Q. Okay. Now do you recognize Oliver Hughes, the
15 one that you arrested that night for aggravated
16 robbery -- do you recognize him here in the courtroom?

17 A. Yes, sir.

18 Q. I need you to point to him specifically, and
19 then describe him using an article of clothing that he
20 is wearing.

21 A. He's sitting over there wearing a black jacket
22 and black and gray tie.

23 *MR. PHANCO:* Your Honor, let the record
24 reflect he has identified the defendant, Oliver Hughes.

25 *THE COURT:* Yes, sir. You need to slow

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1 down.

2 Q. (By Mr. Phanco) Okay. So is there anything
3 else that you did after that night?

4 A. After that night?

5 Q. Once you booked Mr. Hughes into custody, did
6 you do anything more?

7 A. No, sir.

8 MR. PHANCO: I pass the witness, Your
9 Honor.

10 THE COURT: Thank you.

11 You may proceed, Mr. Hughes, when you're
12 ready.

13 MR. HUGHES: Yes, Your Honor.

14 **CROSS-EXAMINATION**

15 BY MR. HUGHES:

16 Q. Okay. Officer Huckabee, how long you say
17 you've been a policeman?

18 A. I'm Officer Black.

19 Q. I'm sorry. Officer Black, how long have you
20 been a police at the Houston Police Department?

21 A. Six years.

22 Q. Six years. And that means you're trained in
23 methods of apprehending, you know, criminals, right?

24 A. Yes, sir.

25 Q. Okay. So you say -- that's -- let's start with

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1 the pictures right up there. That's my apartment
2 complex, right?

3 A. The complex, yes, sir.

4 Q. Okay. That's where I live at?

5 A. Yes, sir.

6 Q. Could you show me on there which one of those
7 are mine?

8 A. I couldn't tell from that picture.

9 Q. From that picture?

10 A. No, sir.

11 Q. Okay.

12 A. There are no apartment numbers visible.

13 MR. HUGHES: Your Honor -- can I have your
14 pictures?

15 MR. PHANCO: Uh-huh.

16 MR. HUGHES: I have no means of obtaining
17 this type of information here, but the record reflect --

18 THE COURT: You may not be talking to me
19 about what you have and you don't have. You have that
20 for evidence. You may discuss it or ask questions about
21 it.

22 Q. (By Mr. Hughes) Okay. Well, Officer, this is
23 not my address or my apartments or where the arrest took
24 place at. It took place --

25 THE COURT: That's a statement, not a

1 question.

2 MR. HUGHES: Well, how can I -- excuse me,
3 Your Honor. How can I prove that this took place two
4 blocks down from here? These are not my address.

5 THE COURT: Excuse me, Mr. Hughes. Why
6 don't you try and ask him?

7 Q. (By Mr. Hughes) Excuse me, Officer, can you
8 tell me my address?

9 A. 9636 Crofton.

10 Q. What does this say?

11 MR. HUGHES: Ma'am, could you please --

12 THE COURT: No. She can't do both. Hand
13 it to the bailiff, and the bailiff will hand it to him.

14 A. The paper says 9612 Crofton.

15 Q. (By Mr. Hughes) And the paper is correct,
16 right?

17 A. No, sir, not that I'm aware.

18 Q. Okay. This is the deal. 96 Crofton is two
19 blocks down from there, and it's a whole different set
20 of apartments altogether. They're totally made
21 different.

22 THE COURT: Excuse me. You need to ask
23 questions about what this officer has personal knowledge
24 of only.

25 MR. HUGHES: But the thing -- excuse me,

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1 Your Honor. This is very pertinent to what I'm saying.

2 *THE COURT:* It may be, but you have to ask
3 him if he knows where you live.

4 *Q. (By Mr. Hughes)* Okay. Do you know where 9636
5 Crofton is?

6 *A.* Yes, sir.

7 *Q.* Could you tell me where that's at on the --

8 *MR. HUGHES:* Could you go back to the map?
9 See where the Homestead and Crofton and all that? Okay.
10 I'm talking about -- can you zoom in on Tidwell and
11 Homestead?

12 *THE COURT:* Mr. Hughes, is that it?

13 *MR. HUGHES:* Yes, sir. That is exactly
14 it.

15 *Q. (By Mr. Hughes)* See where it says Hallshire?
16 Do you recognize this area here?

17 *A.* Yes.

18 *Q.* See where it say Hallshire Drive and Crofton.
19 9636 is located right there by the street, Hallshire?

20 *THE COURT:* That's not a question.

21 *MR. HUGHES:* Okay. Let me rephrase this.
22 Your Honor, could I have one of these drew up?

23 *THE COURT:* Pardon me?

24 *MR. HUGHES:* Could I have one of these
25 drew up to cross-examine him right now?

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1 *THE COURT:* You have it right there in
2 front of it.

3 *MR. HUGHES:* I need one with the correct
4 address.

5 *THE COURT:* You have what is before the
6 jury right now and --

7 *MR. HUGHES:* Well --

8 *THE COURT:* Excuse me. You may discuss
9 that. There is no, as far as I can tell, no picture of
10 your actual address at this time. It's not in existence
11 at this time.

12 *Q. (By Mr. Hughes)* Okay. Officer, you said the
13 defendant gave you a description of me with no name when
14 this person -- that's correct? You said this defendant
15 give you a description of me with no name?

16 *A.* Right.

17 *Q.* But are you aware this person knows me by name?
18 Are you aware of that?

19 *A.* I'm not aware.

20 *MR. HUGHES:* No further questions, Your
21 Honor.

22 *THE COURT:* Anything further?

23 *MR. PHANCO:* Just to tie something up real
24 quick.

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REDIRECT EXAMINATION

BY MR. PHANCO:

Q. Nobody ever took photos of the defendant's residence that night, did they?

A. No, sir.

Q. Okay. So no police officers were able or didn't think to take photos?

THE COURT: Just don't testify.

Q. (By Mr. Phanco) Did anybody think to take pictures of the scene that night?

A. Not of the apartments.

Q. Okay. And so, when we are trying to find, I guess -- nobody has ever shown you a picture and never asked you whether that was the defendant's exact apartment?

A. No, sir.

Q. And do any of those pictures exist, as far as you know?

A. No, sir.

MR. PHANCO: I pass the witness, Your Honor.

MR. HUGHES: Excuse me, Your Honor. I have a few more questions.

THE COURT: You may.

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1 A. 9636 Crofton.

2 Q. And whose address is that?

3 *THE COURT:* If you know.

4 Q. *(By Mr. Hughes)* Whose address is 9636 Crofton?

5 A. The person who called, as well as yourself.

6 Q. Okay. But we don't know the person who called?

7 We don't know?

8 *MR. HUGHES:* Excuse me. Your Honor, could
9 you ask the State -- do we have a copy of the 911 call?

10 *MR. PHANCO:* We'll play the 911.

11 *THE COURT:* No, not yet.

12 *MR. HUGHES:* Okay.

13 *MR. PHANCO:* Can we approach, Judge?

14 *THE COURT:* Yes, you may.

15 *(At the bench)*

16 *MR. PHANCO:* He's just opened the door to
17 the whole thing. I've got to let him testify to what
18 happened.

19 *THE COURT:* Not yet. I said not yet.

20 *MR. PHANCO:* Okay. Let's go forward.

21 *(Continuing in jury's hearing)*

22 Q. *(By Mr. Hughes)* You said 9636 Crofton was the
23 address, my address, me being the defendant, Oliver
24 Hughes, and also of the plaintiff, Mr. Valery Gulley?

25 A. No, of the person who called.

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1 Q. Okay. Okay. The other person, whoever called
2 the police, okay. Okay. And did you ever find out what
3 was the motive for the alleged robbery?

4 A. No.

5 Q. You said -- no, hear me out, Officer. You say
6 an armed robbery took place. That means a person took
7 an instrument, a weapon, a physical instrument and
8 forced somebody against their will to hand over their
9 property. Doesn't that constitute an armed robbery?

10 A. Yes, sir.

11 Q. Okay. But you never found out what the motive
12 was, right?

13 A. No, sir.

14 Q. Okay. Can you tell me, what did any HPD
15 Officer or yourself -- can you tell me what yourself --
16 did you witness anything pertaining to this armed
17 robbery?

18 A. No, sir.

19 Q. You just were called out to a call, right?

20 A. After the fact.

21 Q. After the fact. So you came in after the fact;
22 so you can't give no testimony to anything that
23 transpired before that, right?

24 A. I wasn't there at the time it happened.

25 Q. So let me rephrase this again, because it's in

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1 laymen's terms. You cannot give any testimony to
2 anything that happened before the fact?

3 MR. PHANCO: Your Honor --

4 THE COURT: Just wait.

5 Q. (By Mr. Hughes) Try it again, Officer. Can
6 you give -- you can't give any testimony, any credence,
7 nothing, no opinion or nothing. You can't give anything
8 to anything that happened before the fact?

9 A. Before my arrival?

10 Q. Yes, sir.

11 A. I had two people who described you --

12 Q. No, no, no, no, no. What I mean is --

13 THE COURT: Don't interrupt him.

14 MR. HUGHES: Okay. I'm sorry.

15 A. -- who described the events, who mentioned the
16 pistol. The pistol was found. You were found matching
17 the description.

18 Q. (By Mr. Hughes) Okay. What my question mainly
19 is, did you witness anything with your eyes?

20 A. No. I, personally, did not witness.

21 Q. You didn't witness anything; so you don't have
22 no testimony, no input whatsoever that you can add or
23 subtract to the situation at hand that happened?

24 A. I did not witness the event.

25 Q. Okay. Thank you. Okay. Was the money

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1 recovered?

2 A. No.

3 Q. How much was the alleging victim -- how much
4 was he robbed for?

5 A. Reportedly \$25.

6 Q. \$25 in front of my door, my apartment, correct?

7 A. Yes, sir.

8 Q. Okay. Was that \$25 recovered?

9 A. No, sir.

10 Q. Could you tell me why is that?

11 A. It wasn't found.

12 Q. It wasn't found. Was it looked for? Was it
13 searched for?

14 A. No. I mean, whatever was --

15 Q. Okay. Okay.

16 *THE COURT:* Don't interrupt the witness.

17 *MR. HUGHES:* Well, I'm sorry.

18 *THE COURT:* You may object if it's not
19 responsive. Let's move on.

20 *MR. HUGHES:* Actually, the officer
21 answered the question for me. Nobody looked for it.

22 Q. (*By Mr. Hughes*) Okay. We went through the
23 positioning thing with the -- let's try this again. You
24 said -- let's --

25 *MR. HUGHES:* Can you bring this back up

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1 for me, get it on the TV? You have the other one? Not
2 this one. The other one.

3 MR. PHANCO: You want me to do something?

4 MR. HUGHES: Yeah. I want you to bring
5 this back up for me.

6 MR. PHANCO: This one?

7 MR. HUGHES: No. The other picture of the
8 apartment.

9 MR. PHANCO: I gave them both to you.

10 MR. HUGHES: No. I only have one.

11 THE COURT: Thank you.

12 THE BAILIFF: Uh-huh.

13 THE COURT: All right, Mr. Hughes.

14 Q. (By Mr. Hughes) Okay. We're not going to talk
15 about the positioning of the apartments. You know where
16 they're at. We're just going to talk about this in
17 general. You say you were positioned on the left side,
18 the right side, correct?

19 A. The south side.

20 Q. South side. And the apartment was positioned
21 on the other side?

22 A. Correct.

23 Q. So that means it's like converges, you know, to
24 meet up at a certain spot, right?

25 A. Yes, sir.

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1 Q. Okay. What was the spot y'all initially
2 supposed to meet up at?

3 A. Well, there was no spot we were supposed to
4 meet up in.

5 Q. Okay. Well, what spot did you did meet up in
6 where you converged at?

7 A. On the south side.

8 Q. Okay. He went this way. You went this way.
9 How far did he go, all the way around?

10 A. He went all the way around.

11 Q. How far did you go?

12 A. To the back side.

13 Q. To the back side. Okay. Show us.

14 A. The back side is not visible on the picture.

15 Q. Just try, try.

16 A. But I went around the south side to the back
17 side.

18 Q. So that means you was in that part -- okay.
19 Just say north, southeast, west. You went south. He
20 went north. So y'all met up at, let's say, northeast,
21 the northeast angle? You say you met up at the
22 northeast and --

23 A. We would have met closer to the southeast
24 corner.

25 Q. Well, the southeast corner would be on the

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1 front of the apartment.

2 A. No, sir.

3 Q. No, no, no, no, no. Okay. Follow what I'm
4 saying. Follow my logic, Officer.

5 *THE COURT:* You just ask the question. If
6 he doesn't answer in the manner in which you feel your
7 question was asked, you may object if he's not
8 responsive.

9 *MR. HUGHES:* Well, I'm objecting because
10 he's not being nonresponsive.

11 *THE COURT:* Well, if he's not being
12 responsive, then ask it again.

13 Q. (*By Mr. Hughes*) Okay. Officer, when you were
14 being examined by Mr. Banco (sic), you specifically
15 said, because I remember hearing this, that y'all met up
16 in the back of the apartment.

17 A. Yes, sir.

18 Q. Okay. The back of the apartment would be
19 north, not south.

20 A. The building runs north and south.

21 Q. No, no, no, no, no. Understand what came out
22 of your mouth. You said -- this is just exactly how you
23 did this. This is a diagram. This is where you start
24 at, right here. Excuse me.

25 *MR. HUGHES:* I would have to illustrate

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1 and show, Your Honor, what he's saying. I would have to
2 illustrate and show him.

3 *THE COURT:* Let me see it. Give it to the
4 bailiff.

5 *MR. HUGHES:* Oh, I'm sorry.

6 *THE COURT:* It's okay.

7 *Q. (By Mr. Hughes)* I'm going to get it all the
8 way right before it's through. You follow my logic?

9 *THE COURT:* I'm handing -- let the record
10 reflect I'm handing it to the officer, a diagram that
11 you have, diagram which you prepared.

12 *MR. HUGHES:* Could the officer be afforded
13 an ink pen?

14 *THE COURT:* Pardon me?

15 *MR. HUGHES:* Something to write with.

16 *Q. (By Mr. Hughes)* Okay. On that diagram, show
17 me where you started out and show me where you ended at.

18 *A.* The diagram is incorrect.

19 *Q.* How is that? You can't change longitude and
20 latitude. It is what it is, north, south, east, west.

21 *THE COURT:* Excuse me, sir. You may not
22 just talk. You ask questions.

23 *MR. HUGHES:* Okay. Excuse me.

24 *Q. (By Mr. Hughes)* Do me a favor. Can you draw
25 me a diagram?

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1 *THE COURT:* Hold on, Officer.

2 *MR. HUGHES:* Yeah. Thank you.

3 A. (Witness complies)

4 Q. *(By Mr. Hughes)* Okay. Could you hold it up
5 for me to see? Okay. North, south, east, west. And
6 that's the apartment, okay? Show me where you and your
7 fellow officer started out at.

8 A. We started at different locations.

9 Q. Show me the locations, A for you and B for him.

10 *MR. HUGHES:* I need him to keep it. I
11 need him to keep it.

12 *THE BAILIFF:* I'll give it back to him.

13 Q. *(By Mr. Hughes)* He's A and you're B, right?

14 A. I'm A.

15 Q. Okay. You're A and he's B. Okay.

16 *MR. HUGHES:* Now could this be shown to
17 the jury?

18 *THE COURT:* Not yet. It's not a part of
19 the evidence.

20 Q. *(By Mr. Hughes)* Okay. Now this is the way you
21 converge. Show me on here where you met up with --

22 *THE COURT:* Tell you what. That's
23 possibly a good idea.

24 *MR. PHANCO:* I won't object, Your Honor.

25 *THE COURT:* Let's put it on the -- give it

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1 to Mr. Phanco. He'll put --

2 MR. PHANCO: For the record, we're going
3 to mark it as Defense 1.

4 THE COURT: We'll mark that Defense 1.
5 Not right now.

6 MR. HUGHES: We're going to come back to
7 this.

8 THE COURT: No. We haven't left it yet.
9 You take a look on the diagram, Officer. Okay now.

10 Q. (By Mr. Hughes) Okay. That's correct, the
11 north, south, east, west; am I correct?

12 A. Yes, sir.

13 Q. Okay. You say A and B is where y'all initially
14 start out at in front of the apartment, right?

15 A. Yes, sir.

16 Q. Okay. You converged from south, and he
17 converged -- I mean, you converged from the east going
18 northwest, right? I mean going northeast. You
19 converged from the east -- converged from the east,
20 going east to the west?

21 A. No, sir. I started on the front of the
22 building, which is the west side. I walked along the
23 south side and met Officer Huckabee on the southeast
24 corner.

25 Q. Southeast corner. Okay. Where's the north

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1 side of that building? It's the front or the back?

2 A. It's the side.

3 Q. It's the side?

4 A. The north edge of the building is the side.

5 *THE COURT:* Turn around here and mark it.

6 *MR. PHANCO:* I have it, Judge.

7 *THE COURT:* No. Here.

8 A. That is the north side of the building, which
9 is the side, not the front or back.

10 Q. (*By Mr. Hughes*) Okay. That's the north side.
11 That's the south side. Okay. That's the diagram of the
12 building. So the west side would be the front of the
13 building?

14 A. Correct.

15 Q. And the south side would be the back of the
16 building?

17 A. The east side would be the back.

18 Q. The east side. I'm sorry. The east side would
19 be the back of the building. So if y'all start
20 converging, who got to the back first again?

21 A. He did.

22 Q. He did. And could you tell me, why is that?

23 A. Because I initially approached the front, going
24 to the front door. He went straight to the back.

25 Q. Okay. So as you're at the front door, he went

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1 straight to the back. And as this is going down, you're
2 saying -- well, I would have to wait for him to come for
3 his testimony on that, though. But you say you
4 retrieved the gun from under a car, basically?

5 *THE COURT:* I can't hear you.

6 *Q.* (By Mr. Hughes) You said you retrieved the gun
7 from under a car?

8 *A.* From a wheel well.

9 *Q.* Can you tell me whose car it was?

10 *A.* No.

11 *Q.* Did you have that person's permission to even
12 go near that car?

13 *A.* I didn't need the permission.

14 *Q.* Why is that?

15 *A.* The gun was in plain view.

16 *Q.* The gun was in plain view. How -- okay. So
17 the gun was in plain view. That means you walked up on
18 the car, and you saw the gun then and there?

19 *A.* When I approached the vehicle and was several
20 feet away, I could see the gun.

21 *Q.* So you mean to tell me you could see a gun on a
22 tire under a wheel well?

23 *A.* When I looked into the wheel well.

24 *Q.* You looked under the wheel well?

25 *A.* Yes.

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1 Q. No, no, no, no, no.

2 THE COURT: Don't say no, no, no, no. Ask
3 the question.

4 MR. HUGHES: I'm sorry.

5 Q. (By Mr. Hughes) Okay. Let's try this again.
6 You approached the car. When you first approached the
7 car, did you visibly see anything?

8 A. No. I bent down --

9 Q. You bent down.

10 A. -- and then I could visibly see the gun on --

11 Q. Hold on.

12 A. -- the car tire.

13 Q. So then --

14 THE COURT: You-all cannot talk at the
15 same time. Now stop that. You allow the officer to
16 finish his answer before you ask the next question. He
17 will give you the same courtesy, and he won't begin his
18 answer until you're finished with your question. Thank
19 you.

20 Q. (By Mr. Hughes) Let me try first. You say you
21 had to bend down. Bend down means like physically stoop
22 over, like bend down, like bend down. You had to bend
23 down?

24 A. Slightly, enough to see the top of a tire on a
25 truck.

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1 Q. So that means you had to physically search for
2 that then, right?

3 A. I had to look.

4 Q. Yeah, you had to look. Look, search, it's
5 about the same. True or false, look and search is about
6 the same, right?

7 A. I don't need permission to look.

8 Q. No, no, no, no, no. You don't need --

9 THE COURT: The answer to the question is
10 either yes or no.

11 Q. (By Mr. Hughes) Did you have this person's
12 permission to --

13 THE COURT: He's already answered that
14 question.

15 Q. (By Mr. Hughes) Can I ask you a question,
16 Officer?

17 A. Yes, sir.

18 Q. Just because a weapon was recovered, does that
19 constitute an armed robbery?

20 A. No, sir.

21 Q. You're sure, right? We're clear on that. Just
22 because a weapon was recovered, it doesn't constitute an
23 armed robbery?

24 A. No, sir.

25 Q. Okay.

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1 MR. HUGHES: No further questions, Your
2 Honor.

3 THE COURT: Thank you.

4 MR. PHANCO: May I approach, Judge?

5 THE COURT: Are you finished with this
6 witness at this time?

7 MR. PHANCO: Yes, Your Honor.

8 THE COURT: Very well. You must remain
9 outside the courtroom until such time as you're called
10 back to testify, if you are. We'll try to get back to
11 you as soon as humanly possible.

12 THE WITNESS: Yes, sir.

13 MR. HUGHES: Excuse me, Your Honor. May
14 counsel approach the bench?

15 THE COURT: Yes.

16 (At the bench)

17 MR. HUGHES: Excuse me, sir.

18 THE COURT: Yes.

19 MR. HUGHES: This is the deal. The
20 apartment complex -- I don't have access to computers,
21 to Google maps. And I need -- this is very pertinent
22 for them to pull up my apartment complex specifically.

23 THE COURT: Here's the situation,
24 Mr. Hughes. That's one of the dangers and disadvantages
25 of representing yourself. You do not have access to