

1 **THE BAILIFF:** Judge, this witness has
2 not been sworn.

3 **THE COURT:** Thank you.

4 Come on up, please, sir. You can come
5 around that side of the court reporter and around to
6 the witness stand.

7 Thank you. And if you would stand and
8 face the jury and raise your right hand, I will give
9 you the oath.

10 **(Witness Duly Sworn)**

11 **THE COURT:** Thank you. Please have a
12 seat, sir.

13 **ERIC BLANKENSHIP,**
14 having been first duly sworn, testified as follows:

15 **DIRECT EXAMINATION**

16 **Q.** **(BY MS. KOCH)** Officer, could you please
17 introduce yourself to the jury?

18 A. My name is Eric Blankenship.

19 **Q.** How are you presently employed?

20 A. As a sergeant for the Houston Police
21 Department.

22 **Q.** How long have you had that job?

23 A. About three and a half weeks.

24 **Q.** How long have you been employed?

25 A. Sixteen years.

1 Q. And can you please explain -- where were
2 you employed before your current assignment?

3 A. In the auto theft division.

4 Q. Can you please explain to the jury what an
5 auto theft division is?

6 A. HPD auto theft division has the
7 responsibility of investigating auto theft related
8 offenses, you know, includes, obviously, the stealing
9 of a motor vehicle or the burglary of a motor
10 vehicle.

11 Q. And has HPD always had that section?

12 A. As long as I have been there, they have.

13 Q. And why do they have to have their own
14 section?

15 A. Quite a few cars are stolen and/or broken
16 into every year.

17 Q. Okay. Did you receive any special training
18 as part of your employment with HPD and/or with that
19 particular division?

20 A. I have gone to multiple conferences
21 learning how to handle some theft cases and the
22 identification of vehicles, and most of it's
23 on-the-job training.

24 Q. And how long did you actually spend
25 assigned to that division?

1 A. About eight years.

2 Q. So, you spent 8 of your 16 years assigned
3 to the burglary or --

4 A. Auto theft.

5 Q. Auto theft. Okay.

6 How did you become involved in the
7 case we're here about today?

8 A. On, wait a second here.

9 On June 29, 2012, Officer Zermeno
10 contacted me and told me that a stolen vehicle had
11 been located at the Wal-Mart at 10411 North Freeway.

12 Q. And who is Officer Zermeno?

13 A. It's a Metro Police Department police
14 officer who is assigned to -- who is assigned to the
15 auto theft task force that I was a part of.

16 Q. And what location did you say the car was
17 found at?

18 A. It was at the Wal-Mart at 10411 North
19 Freeway.

20 Q. And is that location in Harris County,
21 Texas?

22 A. Yes, ma'am.

23 Q. When you say the car was located there,
24 what do you mean?

25 A. He had been contacted by a private

1 investigator, I believe it was, that contacted him
2 and told him that he had found the car at that
3 location. But Officer Zermeno was out of town. So,
4 he asked me to go up there and see what I could do
5 with it.

6 Q. Now, when you say "that car," what car are
7 we talking about?

8 A. It was a 2012 Dodge Charger.

9 Q. And why were you looking for that car?

10 A. They had apparently multiple vehicles
11 stolen from the Intercontinental Enterprise location.

12 Q. And how did HPD become involved in that?

13 A. The initial offense report was made to HPD,
14 and then the private investigator found the vehicle
15 at Wal-Mart. So, he contacted Officer Zermeno. And
16 since he was out of town, HPD became involved in
17 going there and doing the recovery on it.

18 Q. Okay. So, did you actually go to the
19 Wal-Mart?

20 A. Yes, ma'am.

21 Q. And what did you see when you got there?

22 A. When I arrived, I met with -- what's his
23 name?

24 Q. And what are you looking at there?

25 A. This is the offense report.

1 Q. Okay. And do you get training in writing
2 offense reports?

3 A. Yes, ma'am.

4 Q. What sort of training do you get?

5 A. In the academy they teach you the
6 structure -- basically, how to form one up.

7 Q. Okay. Did you write this offense report?

8 A. I wrote supplement No. 1 to that report,
9 yes, ma'am.

10 Q. Okay. And does it help refresh your
11 memory?

12 A. Yes.

13 Q. Okay. So, how long ago was this report
14 written?

15 A. Almost a year ago.

16 Q. Okay. So, have you done a lot of things in
17 the last year?

18 A. Yes, ma'am.

19 Q. Okay. Now, do you recall who you met with
20 at the Wal-Mart?

21 A. Yes, ma'am. It was Hunter Cox.

22 Q. And who is he?

23 A. He is a private investigator employed by HC
24 Investigations, and he had been hired by Enterprise
25 to try and locate some of their stolen vehicles.

1 Q. When you met with Hunter Cox, what did you
2 do from there?

3 A. Basically, the gentlemen told me that he
4 had located the car at that location, at the
5 Wal-Mart. I confirmed the VIN number and license
6 plate on the car and ran both just to make sure it
7 was an active stolen vehicle, and it was.

8 Q. And, I'm sorry, you said -- you mentioned
9 two numbers. A VIN number?

10 A. Yes, ma'am.

11 Q. What is a VIN number?

12 A. The vehicle identification number, a
13 17-digit alpha-numeric code that is unique to each
14 car.

15 Q. When you say "unique to each car," does
16 that mean that no other -- no car has the same one?

17 A. After 1986, yes.

18 Q. Okay. And then as far as -- did you also
19 run the driver's license plate?

20 A. The license plate, yes, ma'am.

21 Q. Okay. And what did you get?

22 A. I received an active stolen hit on the
23 vehicle, indicating that it was reported stolen to
24 HPD.

25 Q. Was this the same vehicle that was also

1 reported stolen by Enterprise?

2 A. Yes, ma'am.

3 Q. So, when you got there, after you had
4 spoken with, I guess, P.I. Cox, what did you actually
5 do?

6 A. I set up and did surveillance on the car
7 for about an hour and a half just to see if anyone
8 would come up and get in the car.

9 Q. Do you -- what do you mean by
10 "surveillance"?

11 A. Just sat off towards the back of the
12 parking lot and watched the car.

13 Q. Did anyone come up to it while you were
14 there?

15 A. No, ma'am.

16 Q. So, what did you do next?

17 A. Then I went into the Wal-Mart and asked to
18 speak to someone with the loss prevention to see if
19 they had any video, and at that time I met with Laura
20 Martinez.

21 Q. And can you explain what loss prevention
22 is?

23 A. They handle the -- try to keep people from
24 stealing from their employer.

25 Q. So, they're not -- are they licensed by the

1 state or hired by Wal-Mart?

2 A. Hired by Wal-Mart.

3 Q. Okay. So, you spoke with someone at
4 Wal-Mart?

5 A. Yes, ma'am.

6 Q. And then what happened?

7 A. Then we went back to their loss prevention
8 office, and they reviewed the historical footage from
9 the surveillance cameras.

10 Q. When you say "surveillance cameras," is
11 there one camera or multiple?

12 A. They have got a bunch of cameras.

13 Q. Okay. Can you describe what it covers?
14 Like one part of the store? All of the store?

15 A. No. They have got multiple cameras. You
16 can see the parking lot. They have them at the entry
17 and exit doors. They have them at the registers.
18 They have them scattered throughout the store.

19 Q. Now, did you personally watch the video
20 with the loss prevention person?

21 A. Yes, ma'am.

22 Q. Okay. When was the first time -- can you
23 describe for the jury when you actually saw the car,
24 the Dodge -- it was a Dodge, right?

25 A. Yes, ma'am.

1 **Q.** -- the Dodge come into the parking lot?

2 **THE COURT:** Excuse me. Maybe this
3 would be a good stopping point. So, we're going to
4 start back up Friday at 1:30.

5 **THE WITNESS:** Okay.

6 **THE COURT:** Is that okay?

7 **THE WITNESS:** If you say so, Judge, I
8 will be here.

9 **THE COURT:** Have a good time tomorrow.

10 **THE WITNESS:** Okay.

11 **THE COURT:** You're still in town.

12 So, he is excused for today.

13 See you Friday.

14 **THE WITNESS:** 1:30?

15 **THE COURT:** Yes, sir, we will start at
16 1:30. Okay. Thank you very much.

17 We might -- is Ms. Martinez just a
18 predicate witness?

19 **MS. KOCH:** Yes, Your Honor.

20 **THE COURT:** Custodian witness. Should
21 we check and see if she is here so she doesn't have
22 to come back?

23 **MS. KOCH:** Yes, Your Honor.

24 **THE COURT:** Okay. Can you stay an
25 extra five minutes if she is here?

1 **MS. KOCH:** Your Honor, she is not
2 here. If you want me to try and contact her, she
3 might be in the building.

4 **THE BAILIFF:** She was here earlier,
5 Judge.

6 **THE COURT:** She was here?

7 **THE BAILIFF:** Yes, ma'am.

8 **THE COURT:** Okay.

9 **(Brief pause)**

10 **A JUROR:** Are we allowed to take
11 notes?

12 **THE COURT:** That's a good question.
13 Since you're in the courtroom,
14 Mr. Batarse, do you mind if I answer that without
15 Ms. Koch being here?

16 **MR. BATARSE:** No, Your Honor.

17 **THE COURT:** Note-taking is really an
18 interesting thing. We used to not have note-taking
19 at all in the courts; and then in the mid Nineties,
20 an opinion came down that said Judges could allow
21 note-taking. The problem is that the instructions on
22 how to use those notes in deliberations are really
23 hard to follow. So, trial Judges were advised to be
24 really careful about this sort of thing.

25 If you're one of those people who just

1 remember things better if you write it down, you may
2 take notes. And the bailiff will give you a notepad.
3 We will provide the pad, and she will give that to
4 you. She will give it to you every time you come in,
5 and we collect it when you leave. So, you're not
6 allowed to have it except in the courtroom; and you
7 will not be permitted to have your notes during
8 deliberations. So, you can take them if you'd like
9 to, with that understanding.

10 Do you want to take notes?

11 **A JUROR:** Judge, it would help for me
12 personally.

13 **THE COURT:** Okay. Anybody else want
14 to take notes?

15 So, we have two jurors that need pads.

16 Yes, ma'am?

17 **MS. KOCH:** Can we approach with
18 Defense counsel?

19 **THE COURT:** Okay.

20 **(At the Bench)**

21 **MS. KOCH:** Your Honor, Ms. Martinez
22 isn't here and we tried to call her and she didn't
23 answer. I'm not sure if she had a child issue.

24 **THE COURT:** No problem.

25 **MS. KOCH:** I was going to ask if

1 Defense counsel -- her only testimony is that the
2 video is from Wal-Mart, and I was going to ask if
3 Defense counsel would stipulate to that predicate.

4 **MS. FOOTE:** No, absolutely not.

5 **THE COURT:** Okay.

6 **MS. KOCH:** Okay. I will have
7 her here. Not a big deal. For efficiency reasons.

8 **THE COURT:** Okay. Thank you very
9 much.

10 **(End of Bench Discussion)**

11 **THE COURT:** Members of the jury, we
12 will have lunch for you at 1:00 Friday when you get
13 here from some unknown location, and then we will
14 start at 1:30. So, please remember all of the
15 instructions I have given you, and don't discuss the
16 case with anyone.

17 Yes, ma'am?

18 **A JUROR:** Where do we meet?

19 **THE COURT:** Where do you meet at?

20 **A JUROR:** When we come Friday.

21 **THE COURT:** When you come Friday, at
22 the jury room. And we're going to try and find --
23 maybe probably the other jury will be at lunch they
24 may be finished by the time you come, but right now
25 the jury room. She is going to take you to it. And