

1 MS. BARNETT: Yes, Judge.

2 MR. JONES: Yes, Your Honor.

3 THE COURT: Call your next witness.

4 MS. BARNETT: State calls Deputy
5 Borowski.

6 (The witness was sworn.)

7 THE COURT: You may proceed.

8 MS. BARNETT: Thank you.

9 JOHN BOROWSKI,

10 having been first duly sworn, testified as follows:

11 **DIRECT EXAMINATION**

12 BY MS. BARNETT:

13 Q. Would you state your name for the record?

14 A. John Borowski.

15 Q. How are you employed?

16 A. Harris County Sheriff's Office, burglary
17 and theft.

18 Q. And how long have you worked with the
19 sheriff's office?

20 A. Since 1991.

21 Q. And how long have you been with that?

22 A. Since 2003.

23 Q. What do you do in burglary and theft?

24 A. I investigate residential burglaries and
25 home invasions.

1 Q. How did you get involved in this case?

2 A. I was contacted by HPD's Sergeant Richards.

3 Q. Do you remember the date that you were
4 contacted by Sergeant Richards?

5 A. October 12th.

6 MS. BARNETT: Your Honor, may I
7 approach the board?

8 THE COURT: You may.

9 Q. (BY MS. BARNETT) About what time did
10 Sergeant Richards contact you on October 12th?

11 A. It was late afternoon, I think close to 3
12 or 4 o'clock.

13 Q. Did Sergeant Richard call you directly?

14 A. He was given my number by another sergeant.
15 He called one of our sergeants in robbery that he
16 knew and in turn gave him my number and Sergeant
17 Richards called me.

18 Q. I'm going to say called burglary and theft.
19 Harris County Sheriff's Office burglary and theft.
20 What did he want you to do?

21 A. He asked me to run a name of a person, a
22 credit card he had found, he had a last name. In HPD
23 reports system he had no reports. He thought maybe
24 it was a county case. He asked if I would check that
25 name.

1 Q. What name was it?

2 A. Crozier. Sue Crozier.

3 Q. Did you, in fact, run it?

4 A. Yes. I checked it in our report system and
5 located a burglary that occurred with her as a
6 complainant.

7 Q. Was the burglary with Ms. Crozier as the
8 complainant any time close to the October 12th dates
9 that Sergeant Richards called you, September 28th?

10 MR. JONES: Object to any additional
11 questions of this witness pursuant to our previous
12 motion relative to extraneous conduct in regard to
13 burglary at Ms. Crozier's residence.

14 THE COURT: Overruled.

15 MR. JONES: May we have a running
16 objection, Judge?

17 THE COURT: (Shaking head).

18 MR. JONES: Thank you.

19 Q. (BY MS. BARNETT) Did you give Sergeant
20 Richards that information?

21 A. Yes, sir.

22 Q. Do you know whether or not he did anything
23 with that information?

24 A. He asked for her phone number, her case
25 number, her name. I gave him that information. Him

1 or one of his officers that worked for him contacted
2 her, had her meet at their office to identify some
3 property.

4 Q. Now, do you know whether or not any
5 property that was found with Sue Crozier's property
6 belonged to sheriff office's cases?

7 A. Yes. There were two additional cases.

8 Q. And did you take a part in investigating
9 those cases?

10 A. Yes, I did.

11 Q. In what kind of way?

12 A. The residential burglaries in that area are
13 assigned to me. What I did was when HPD gave me some
14 of the names, some of the serial numbers, some of the
15 property I started researching and see if I could
16 cross reference and match certain pieces of property
17 with certain cases.

18 Q. Okay. Is HPD -- let me stop for a second
19 if I can understand this. HPD and the sheriff's
20 office have two different areas that they patrol; is
21 that right?

22 A. They patrol inside the city limits, we
23 patrol everything outside the city limits.

24 Q. At Hayes and Olympia where Sergeant
25 Richards -- the stop is made of the defendant, is

1 that located in Harris County, Texas?

2 A. Yes, it's in the city of Houston inside
3 Harris County.

4 Q. Y'all's area outside city limits also
5 Harris County, Texas?

6 A. Yes, ma'am.

7 Q. Okay. Now, what did you start to do to
8 investigate the burglary?

9 A. First, I started checking our report system
10 because Houston Police report system and Harris
11 County report system were two totally different
12 systems. They don't cross check anything. I started
13 looking on our end, they faxed me a copy of their
14 report. I started looking at serial numbers or
15 descriptions of property or names that were inside
16 the properties to match to other cases.

17 Q. Were you able to find a couple
18 complainants?

19 A. Yes.

20 Q. Do you remember who they were?

21 A. There was a Whitlow and Herbert.

22 Q. Now, do you know whether or not did they
23 come and talk to you about the property or they did
24 not or what did you do with them?

25 A. I talked to Ms. Herbert's son in reference

1 to his iPod, the songs and games that were placed on
2 it, that's how we were able to determine it was his
3 iPod.

4 Q. What about Mr. Whitlow?

5 A. Never spoke to him.

6 Q. Was there information given to you about a
7 maroon Impala?

8 MR. JONES: Your Honor, I'm going to
9 object, that's leading.

10 THE COURT: Excuse me?

11 MR. JONES: I'm going to object to
12 that as leading.

13 THE COURT: That will be overruled.

14 A. Yes. Sergeant Richards advised me that's
15 the car they had stopped.

16 MR. JONES: Object to that as hearsay.

17 THE COURT: That will be sustained.

18 Q. (BY MS. BARNETT) Did the Chevrolet Impala
19 have a license plate for you to utilize?

20 MR. JONES: Your Honor, I'm going to
21 object to that. There's been no testimony -- well, I
22 think I better take that back because the Court
23 overruled my objection, Judge.

24 THE COURT: Thank you, sir.

25 A. Yes.

1 Q. (BY MS. BARNETT) Was there a license plate?

2 A. Yes, there was.

3 Q. Was it a paper plate or metal plate?

4 A. I believe it was a metal plate.

5 Q. Was there a number then that you could
6 trace?

7 A. Yes, run registration.

8 Q. Did you run registration on it?

9 A. I believe I did.

10 Q. What did it come back to?

11 A. I think Latara Pearce.

12 Q. And Latara Pearce --

13 A. Yeah, I could be saying it wrong.

14 Q. And I could be saying it wrong. I don't
15 know why I repeated that. Anyway, did you try and
16 make contact with Latara Pearce?

17 A. Yes.

18 Q. Do you know what the relationship is
19 between Latara Pearce and Travoy Hollie, if there is
20 one?

21 MR. JONES: Object to that as hearsay?

22 THE COURT: Sustained.

23 Q. (BY MS. BARNETT) When you ran registration
24 for Latara Pearce, what did you do?

25 A. I went to the listed address, attempted to

1 speak with her. I spoke with her mother who said she
2 was at school at the time.

3 Q. Did you leave your name and number?

4 A. Yeah. I left her my business card, I
5 advised her why I was there, why I need to talk to
6 her.

7 Q. What did you tell her?

8 A. I told her that the, the maroon Impala,
9 inside it there were several pieces of property that
10 was identified as being stolen in a few different
11 burglaries and I needed to speak with her. She told
12 me --

13 MR. JONES: Your Honor, I'm going to
14 object to what anybody told her.

15 THE COURT: That will be sustained.

16 Q. (BY MS. BARNETT) Was -- did you have any
17 information that Miss Pearce had been driving the
18 vehicle at the time that Sergeant Richards had
19 stopped the vehicle?

20 MR. JONES: Object to that, that is
21 leading.

22 THE COURT: Rephrase the question.

23 Q. (BY MS. BARNETT) Did you know any of the
24 names of the people that were with the Chevrolet,
25 with the Impala at the time it was stopped?

1 A. Yes, I did.

2 Q. Did you know those names at the time that
3 you talked to Miss Pierce's mom?

4 A. Yes, I did.

5 Q. And did you use any of those names when you
6 talked to Miss Pierce's mom?

7 A. Yes, sir, I did.

8 Q. How did you use them? What did you say?

9 A. When I advised her of the property being
10 stolen that I needed to get her side of the story,
11 why stolen property was in her vehicle --

12 MR. JONES: Your Honor, I'm going to
13 object, it's not responsive to the question.

14 THE COURT: That'll be overruled.

15 Q. (BY MS. BARNETT) Go ahead, sir.

16 A. When I told her that, she advised me --

17 MR. JONES: Your Honor, I'm going to
18 object what she advised him.

19 THE COURT: That will be sustained.

20 Q. (BY MS. BARNETT) When you told her you
21 needed to connect the property with who was driving
22 the vehicle, did you and she have a conversation
23 about that?

24 A. Yes, we did.

25 Q. Without giving us any names, did she give

1 you have any names?

2 A. Yes.

3 Q. And did any of the names match any of the
4 people that were in that car?

5 A. Yes, it did.

6 Q. Was that something that you knew about
7 previously?

8 A. Correct.

9 Q. Now, did you also look up -- did you also
10 know a name Taylor Metoyer?

11 A. Yes.

12 MR. JONES: Your Honor, I'm going to
13 object being leading, it's not predicated at this
14 point for the basis of the question.

15 THE COURT: Overruled.

16 Q. (BY MS. BARNETT) Did you -- were you
17 provided the offense report from Sergeant Richards or
18 did you talk to Sergeant Richards about what had
19 happened that day?

20 A. They did fax me over a copy of the police
21 report.

22 Q. To the best of your knowledge was Taylor
23 Metoyer some way involved with the original stuff?

24 A. Yes.

25 Q. What was your interest with Taylor Metoyer?

1 A. She had a pawn history.

2 MR. JONES: Specifically that we're
3 going to object to anything relevant -- first of all,
4 it is not relevant as to the charges against Mr.
5 Hollie. Secondly, it is volitive of our previous
6 motion in this case, we'd like to draw specific
7 attention to -- concerning extraneous conduct.

8 THE COURT: He may discuss what he has
9 personal knowledge of.

10 MR. JONES: Thank you, Judge.

11 Q. (BY MS. BARNETT) Did you determine the pawn
12 history that Taylor Metoyer had?

13 A. Yes.

14 MR. JONES: Object to that being
15 irrelevant.

16 THE COURT: Overruled.

17 Q. (BY MS. BARNETT) What do you mean by pawn
18 history? What does that mean?

19 A. She had pawned DVDs, I think 29 was the
20 number of DVDs, it was listed in HPD's report.

21 Q. Were you ever able to get ahold of Taylor
22 Metoyer?

23 A. No.

24 Q. Did you interview her friend Zoya Banks?

25 A. No, I didn't.

1 Q. Did you run Zoya Banks to see if she had
2 pawn history?

3 A. I believe I did. I don't think she had
4 any.

5 Q. This is just a yes or no, do you know if
6 there is a relationship between Latara Pearce and
7 Travoy Hollie?

8 MR. JONES: Your Honor, I'm going to
9 object to that, eliciting hearsay on top of hearsay.

10 THE COURT: If he has personal
11 knowledge he can talk about that, if he doesn't then
12 he can't.

13 Q. (BY MS. BARNETT) Do you have knowledge
14 whether or not there is a relationship between Travoy
15 Hollie and Latara Pearce?

16 A. Yes.

17 MR. JONES: Your Honor, I'm going to
18 object. The Court has admonished counsel of the fact
19 it has to be a personal knowledge. I would object
20 any knowledge he has as to any relationships to
21 anybody he doesn't personally know or has not talked
22 to would be based upon hearsay and I object to it.

23 MS. BARNETT: May we approach?

24 (At the Bench)

25 MS. BARNETT: I didn't want to say

1 this, he learned it from the defendant. That's
2 admissible. He learned it from the defendant.

3 MR. JONES: Not if he's in custody and
4 hasn't been read his rights.

5 MS. BARNETT: He was.

6 MR. JONES: That's another hearing.

7 THE COURT: If he has personal
8 knowledge he can testify, if he doesn't then he
9 can't.

10 MR. JONES: That's not personal
11 knowledge.

12 MS. BARNETT: Yes, it is.

13 **(End of Bench Discussion)**

14 MS. BARNETT: Pass the witness, Judge.

15 THE COURT: Mr. Jones.

16 **CROSS-EXAMINATION**

17 BY MR. JONES:

18 Q. Did you arrest anyone in connection with
19 the events that occurred on 10 -- did you arrest
20 anyone in regard to any burglaries?

21 A. No.

22 MR. JONES: Pass the witness, Judge.

23 THE COURT: Thank you. You may step
24 down. Call your next witness.

25 MS. BARNETT: Judge, other than a