

1 MS. PALMER: Thank you, Your Honor.

2 JUVENTINO CASTRO,
3 having been first duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. PALMER:

6 Q. Officer Castro, could you please introduce
7 yourself to the jury.

8 A. Good morning. My name is Juventino Castro.

9 Q. And how are you employed?

10 A. I am employed as a Houston police officer.

11 Q. And how long have you been a Houston police
12 officer?

13 A. Approximately ten years.

14 Q. And are you a certified peace officer in
15 the state of Texas?

16 A. Yes, ma'am, I am.

17 Q. And how long have you been a certified
18 peace officer?

19 A. Ten years, ma'am.

20 Q. So the whole ten years you have been with
21 HPD?

22 A. Correct.

23 Q. Prior to that, where did you grow up?

24 A. I grew up in the inner city right off of
25 Washington and close to downtown, not too far from

1 here, actually.

2 Q. So right here in Houston?

3 A. Yes, ma'am.

4 Q. And after graduation what did you do?

5 A. After graduating from high school?

6 Q. Yes.

7 A. I joined the United States Marine Corps.

8 Q. And after your time in the Marine Corps, is
9 that when you joined the Houston Police Department?

10 A. Yes, ma'am, I did.

11 Q. Now, what is your current title at the
12 Houston Police Department?

13 A. I am a narcotics officer.

14 Q. What does that mean?

15 A. Basically, I am assigned to the narcotics
16 division. Pretty much we address citizen complaints,
17 being any kind of narcotics activity in the city or
18 for right now, we go all over pretty much and pretty
19 much address any kind of narcotics complaints that
20 the citizens might have.

21 Q. How long have you been dealing with
22 narcotics as a Houston Police Department officer?

23 A. Four years.

24 Q. And in dealing with narcotics, do you
25 sometimes get search warrants?

1 A. Yes, ma'am.

2 Q. How do you do that?

3 A. There is many ways of doing it. Sometimes
4 we utilize a confidential informant, which is a C-I.
5 We purchase narcotics ourself from a location.
6 Stopping people leaving a location with narcotics,
7 we're able to get back to that location, whatever it
8 is, a bar, house, apartments.

9 Q. We're here today to talk about something
10 that happened on March 23rd, 2012. And the location
11 was 4250 West 34th.

12 Is that a location in Harris County,
13 Texas?

14 A. Yes, ma'am. It is.

15 MS. PALMER: May I approach the
16 witness?

17 THE COURT: Yes.

18 Q. (BY MS. PALMER) I am showing you what's
19 been premarked as State's Exhibit 35. I'd ask you to
20 look at that and see if you recognize that.

21 A. Yes, ma'am. I do.

22 Q. What is that?

23 A. This is a narcotics search warrant and the
24 affidavit for the search warrant itself.

25 Q. How do you obtain an affidavit for a search

1 warrant?

2 A. We type it up ourselves, create it,
3 generate it and then we present it to a judge.

4 MR. HAYNES: Your Honor, may we
5 approach?

6 THE COURT: Yes.

7 **(At the Bench)**

8 MR. HAYNES: I don't have 34, but I
9 have 35.

10 MS. PALMER: This is the judgment.
11 This is --

12 MR. HAYNES: Here's what I am trying
13 to say: If she's trying to present evidence about a
14 case where he has not been convicted, I object
15 because it's prejudicial to the jury and until a
16 final conviction is, it sounds like --

17 THE COURT: This is punishment so it's
18 admissible. Overruled.

19 MR. HAYNES: Even though it's not a
20 final conviction?

21 THE COURT: Yes.

22 MR. HAYNES: Thank you.

23 **(End of Bench Discussion)**

24 Q. (BY MS. PALMER) So let's talk about this
25 affidavit for a search warrant. How did you obtain

1 this affidavit?

2 A. I generated it myself.

3 Q. Okay. And when did you do that?

4 A. Within the 48 hours of the purchase that we
5 did.

6 Q. So tell the jury about the purchase that
7 you did to obtain -- to obtain the information to
8 write this affidavit.

9 A. On this particular search warrant, we used
10 the confidential informant. The confidential
11 informant made a purchase from this particular
12 apartment.

13 Q. And what date did that happen?

14 A. We don't have an exact because we kind of
15 like don't want to get the confidential informant --
16 you know, give up the safety because the safety is
17 really important. So we don't like to say the time,
18 but we give, like, a timeframe, you know, so that
19 way, the confidential informant is not jeopardized as
20 far as their safety.

21 Q. So after you offered this affidavit and
22 created that, did you have the opportunity to obtain
23 a search warrant?

24 A. Yes, ma'am.

25 Q. When did you do that?

1 A. Altogether, the same -- within the same
2 time that we do it altogether.

3 MS. PALMER: I offered State's Exhibit
4 35.

5 THE COURT: Any objections?

6 MR. HAYNES: Yes, Your Honor. I
7 object to this on the grounding that it is highly
8 prejudicial. These are not final convictions and
9 therefore --

10 THE COURT: State your legal
11 objection.

12 MR. HAYNES: The legal objection is
13 that these are not final convictions and it is
14 tantamount to convicting him before he's had a trial
15 in a case and prejudice.

16 THE COURT: Mr. Haynes, if you'll
17 limit your objections to a non-speaking legal
18 objection only.

19 MR. HAYNES: Prejudicial to the jury
20 is one objection.

21 THE COURT: Overruled.

22 MR. HAYNES: The second objection is
23 that it essentially convicts him of something that he
24 hasn't gone to trial on. That's the second
25 objection.

1 *THE COURT:* Overruled. The jury will
2 be instructed that they have to find the evidence
3 beyond a reasonable doubt before they can consider it
4 for punishment crime.

5 *MR. HAYNES:* Okay. Thank you, Judge.

6 *MS. PALMER:* Is State's 35 admitted?

7 *THE COURT:* Yes. Thank you. State's
8 35 is admitted.

9 *MS. PALMER:* And I'd ask to publish
10 State's 35.

11 *THE COURT:* You may do so.

12 *Q.* *(BY MS. PALMER)* Looking at the first page
13 of State's 35, it talks about a specific address.
14 Can you tell us what that address is?

15 *A.* Yes, ma'am. It's 4250 West 34th Street,
16 Apartment 109.

17 *Q.* And what is the name of that apartment
18 complex?

19 *A.* The apartment complex is called the Casa
20 Nube Apartments.

21 *Q.* And what does this search warrant allow you
22 to go into this home and look for?

23 *A.* For crack cocaine as you see here and it
24 says illegal narcotics, including but limited to
25 crack cocaine.

1 Q. So, once you obtain this search warrant,
2 did you execute the search warrant?

3 A. Yes, we did.

4 Q. Can you tell the jury what you did as a
5 narcotics officer to arrange the execution of the
6 search warrant?

7 A. After we completed the purchase from the
8 Apartment 109, we get our team together pretty much.
9 We have a briefing with all our team members. That's
10 including uniformed officers, all of us. We have to
11 get the warrant signed first before we do anything.
12 Once we get the warrant signed, the Judge gives us
13 permission to enter into Apartment 109. At that
14 point, since I am the case agent, I have to get
15 everybody together, pretty much brief everybody on
16 what's going on as far as, you know -- of course,
17 getting the right apartment that we're going to go
18 into. You can't just go into any apartment. It has
19 to be the correct apartment.

20 So my job is to make sure that
21 everybody gets to the apartment and we make the
22 safest entry into that particular apartment because,
23 you know, it's a big risk when we're executing these
24 warrants and our safety is really important. Not
25 only our safety but the safety of the people inside

1 the apartment as well.

2 Q. So, can you tell the jury the date and time
3 that you executed this search warrant?

4 A. The date and time that we executed the
5 search warrant was going to be on March 23rd.

6 Q. And about what time?

7 A. About 9:00 o'clock at night.

8 Q. How did you make entry into this apartment?

9 A. Through the front door, ma'am.

10 Q. And when you made entry into this
11 apartment, what was the first smell that you noticed?

12 A. Marijuana.

13 Q. After you went into the apartment, you
14 smelled marijuana. What's the first thing you saw?

15 A. The first thing we see was two black males
16 kind of like bumping into each other, like maybe 10,
17 15 feet in front of us.

18 Q. And what were they doing?

19 A. Obviously they knew that we were there.
20 And it looks like they were running and they -- at
21 that time, they knew that they were going to get on
22 the ground and they obeyed and got on the ground.

23 Q. Did you see Cordero Stevenson in that
24 apartment?

25 A. Yes, ma'am.

1 Q. Do you see him here in the courtroom today?

2 A. Yes, ma'am.

3 Q. Could you identify him by his location in
4 the courtroom and the color shirt he is wearing?

5 A. Yes, ma'am. He's going to be the gentleman
6 with the black coat right here at this table here.

7 MS. PALMER: Your Honor, I'd ask that
8 the record reflect he's identified the defendant.

9 THE COURT: The record will reflect.

10 Q. (BY MS. PALMER) What was the defendant
11 doing when you made entry into the apartment?

12 A. They were both startled, him and Keith, his
13 other guy that was there, and they pretty much knew
14 that there was nowhere to go, so they got on the
15 ground.

16 Q. What did you see -- well, let me ask you
17 this: Did he say anything to you?

18 A. No, ma'am.

19 Q. So, what else did you see? Can you
20 describe that apartment for us?

21 A. As soon as you walk in, there is a table
22 where these two gentlemen --

23 MR. HAYNES: I object as being
24 irrelevant. I don't see any relevance.

25 THE COURT: Overruled.

1 *THE WITNESS:* There was a table about
2 the size of this table here, the one you are in front
3 of, and there was a surplus of narcotics just laying
4 scattered all over the table.

5 *Q.* So, just the front counsel table here was
6 filled with narcotics?

7 *A.* Yes, ma'am.

8 *Q.* What else was on that table?

9 *A.* There was scales, a gun, and a couple of
10 beakers. Glass beakers.

11 *Q.* How many guns did you find in that
12 apartment?

13 *A.* Two.

14 *Q.* And where were they?

15 *A.* The first guns -- gun -- I am sorry -- was
16 directly next to the TV in the living room. Then the
17 second gun was on top of the table with all the
18 narcotics.

19 *MS. PALMER:* Your Honor, I'm going to
20 use exhibit State's 36 and 37. I have asked the
21 bailiff to make sure these weapons are cleared before
22 they are used as exhibits in this case.

23 *THE COURT:* Very well. Thank you.

24 *THE BAILIFF:* Both weapons have been
25 clear, Your Honor.

1 THE COURT: Thank you, Deputy.

2 MS. PALMER: Thank you.

3 Q. (BY MS. PALMER) I want to start with
4 State's Exhibit No. 36. Can you tell us about this?

5 A. This -- this one here is going to be a
6 revolver. It's a .357. And this particular gun was
7 the gun next to the TV in the living room. And it
8 stands out because this look like a cannon, a real
9 big heavy gun.

10 Q. And in the box, State's 36 and the
11 contents, there is also ammunition. Where was this
12 ammunition?

13 A. This ammunition was inside the gun. So it
14 was loaded.

15 Q. In State's Exhibit No. 37, can you tell us
16 about this weapon?

17 A. This weapon here is a semiautomatic .40
18 caliber. And this is the weapon that was on top of
19 the table where all the narcotics and it was also
20 loaded.

21 Q. There's also in the box of State's Exhibit
22 37, there is a magazine and more ammunition. Where
23 was the ammunition at the time that you found it?

24 A. The ammunition was inside the magazine,
25 which was seated inside the weapon.

1 MS. PALMER: I offer State's 36 and
2 37.

3 MR. HAYNES: Your Honor, I object to
4 those exhibits on the grounds that the foundation has
5 not been properly laid and -- in this instance and
6 that they are highly prejudicial to the punishment
7 phase of the trial, that prejudice outweighs any
8 probative value that they would have.

9 THE COURT: Overruled as to both.

10 Q. (BY MS. PALMER) So, you found these
11 weapons. Let's break it down and talk about -- let's
12 first talk about the glass beakers, if that's okay.

13 I'm going to show you State's 45, 46,
14 47 and 48. Can you tell us where you found these
15 items inside the apartment?

16 A. Yes, ma'am. Forty-five itself was on the
17 stove cooking and they were cooking crack on this
18 particular one. And you can hear it. I mean,
19 boiling like if you are boiling coffee. That is what
20 it sounded like with this one.

21 These right here were right next to
22 the stove on top of the kitchen counter.

23 Q. And can you describe to the jury how crack
24 cocaine is made in these beakers?

25 A. Crack cocaine is typically -- it's like

1 cooking eggs. It's not too complicated, but it's a
2 certain method that you have to do because not
3 anybody can do it. It's cocaine -- powder cocaine,
4 baking soda and water. And you can either heat it on
5 the stove or you can make it in the microwave.

6 Q. And you also found some scales inside the
7 apartment; is that right?

8 A. Yes, ma'am.

9 Q. I'm showing you what's been marked State's
10 49. It's a plastic envelope and the contents of this
11 plastic envelope or State's 49.

12 First of all, what is this?

13 A. This is a whisk and this is used when you
14 are cooking the crack. You kind of like -- they call
15 it whipping it. So they are whipping crack and they
16 either whip it on a beaker or just any kind of, like,
17 a glass jar and they use this kind of to mix it.

18 Q. And we see this. What is this?

19 A. These are going to be digital scales.

20 Q. So all of these, one, two, three, four,
21 five, six digital scales?

22 A. Yes, ma'am.

23 Q. What are they used for?

24 A. Selling illegal narcotics is a business. I
25 mean, you got to sell -- it's making money. So, you

1 sell by what you weigh on the scales.

2 MS. PALMER: I'd offer State's 45, 46,
3 47, 48, and 44.

4 MR. HAYNES: Your Honor, I object to
5 these exhibits on grounds that, first of all, they
6 are highly prejudicial to the jury and prejudicial to
7 any probative value that they would have. They are
8 irrelevant in this particular case. They highly
9 prejudice the defendant and the predicate is not
10 properly laid for these.

11 THE COURT: Overruled. State's 44
12 through 48 inclusive are admitted.

13 Q. (BY MS. PALMER) I am going to show you
14 State's 49 and 50. What is this?

15 A. This is marijuana.

16 Q. Where did you find it?

17 A. On top of the table.

18 Q. And can you describe -- I know you have
19 talked about the apartment a little bit, but I want
20 you to describe for the jury. How big is this
21 apartment?

22 A. This apartment is a two-bedroom apartment.
23 It's very small. No back windows. It's just a
24 window by the front door. The back of the apartment
25 faces another apartment, so kind of like back-to-back

1 to another apartment.

2 Q. And when you and your team came into this
3 apartment, how many people total were in that
4 apartment?

5 A. Two.

6 Q. And, so, the defendant and who else?

7 A. The defendant and Keith -- I can't think of
8 his last name -- Keith Roberts.

9 Q. Now, where was the defendant in proximity
10 to State's 49 and 50?

11 A. He was right next to the table where all
12 the narcotics were on top of.

13 Q. Okay. So, that includes State's 49 and 50?

14 A. Yes, ma'am.

15 Q. What about the scales?

16 A. Correct.

17 Q. He was close to that?

18 A. Yes, ma'am.

19 Q. That was on the table?

20 A. Yes.

21 Q. And the beakers?

22 A. The beakers were right in front of the
23 table on top of the kitchen counter.

24 MS. PALMER: I offer State's 49 and
25 50.

1 MR. HAYNES: Once again, I object to
2 this as highly prejudicial. The prejudice outweighs
3 the probative value. I object on grounds that the
4 predicate was not properly laid for these and that --
5 if this still assumes as though it was a final
6 conviction and there has not been a conviction.

7 THE COURT: Overruled. State's 49 and
8 50 are admitted.

9 Q. (BY MS. PALMER) I want to talk about these
10 in a minute.

11 I want to show you State's 39, 40, 41,
12 and 38. Let's start there. Thirty-eight, 39, 40,
13 41. What are these?

14 A. This is crack cocaine.

15 Q. Where did you find these?

16 A. This was found throughout the kitchen and
17 throughout the table. This one here was found in the
18 beaker. This is the one that was cooking on the
19 stove.

20 Q. And that's marked as State's 38?

21 A. Yes.

22 Q. Okay. Now, I want to show you State's
23 Exhibits 43 and 51. What is 43?

24 A. Forty-three is going to be assorted pills.
25 You are going to have some ecstasy in here, or just

1 MDA pills.

2 Q. And what about 51?

3 A. Fifty-one is going to be another type of
4 pills, which is going to be some hydrocodone pills.

5 Q. Now, State's Exhibit 52, what is this?

6 A. This is the liquid that was found when it
7 was mixing the powder cocaine to create crack
8 cocaine.

9 Q. So, Officer Castro, these plastic bottles
10 who -- are these plastic bottles, were they found in
11 the apartment or did your team bring them?

12 A. No, ma'am. We bring these bottles empty
13 with us just in case we do come across a liquid. We
14 can't transport the liquid in the beakers obviously
15 because it's going spill. So I poured it in these so
16 that way, it can -- has a lid on them and nothing
17 will spill. But we also bring them because it also
18 is evidence that was inside the beakers.

19 MS. PALMER: I would offer State's 38,
20 39, 40, 41, 51, 43, and 52.

21 MR. HAYNES: I am sorry. That was a
22 bunch of numbers.

23 MS. PALMER: I am sorry. Fifty-one
24 and 52.

25 THE COURT: Okay.

1 MS. PALMER: And then 43, and 38, 39,
2 40, 41.

3 THE COURT: Okay. Mr. Haynes.

4 MR. HAYNES: I object to these on the
5 grounds that they are highly prejudicial. The
6 prejudice outweighs the probative value. I object to
7 this on grounds that the predicate was not properly
8 laid for this and assumes a conviction when there was
9 none.

10 Also, Your Honor, I object to all of
11 the exhibits on the grounds that I never received an
12 exhibit list from the prosecutor with these as named
13 as exhibit on them. So, surprise to me.

14 THE COURT: Those objections are
15 overruled. State 51, 52, 43, 38, 39, 40, 41 are
16 admitted.

17 Q. (BY MS. PALMER) Lastly, Officer Castro, I
18 want to show what's been premarked as State's 42.
19 What is this?

20 A. This is powder cocaine.

21 Q. Can you tell the jury how powder cocaine is
22 different than crack cocaine?

23 A. Well, crack cocaine is made out of the
24 powder cocaine. So, I guess crack will be powder
25 cocaine, but it comes originally from the powder and

1 then they generate or manufacture it into crack,
2 which is rock. They call it crack rocks.

3 Q. So, this State's 42, where did you find
4 this in the apartment?

5 A. This is the only evidence that was found in
6 the living room underneath the couch.

7 MS. PALMER: So, I'd offer State's 42.

8 MR. HAYNES: Your Honor, I object to
9 this on the grounds that, first of all, it's highly
10 prejudicial to the jury and the prejudice outweighs
11 the probative value. I object on the grounds the
12 predicate not properly laid. I object to it on the
13 grounds that there was no list tendered with this
14 exhibit on this; so, therefore, surprise.

15 THE COURT: Objections are overruled.
16 Forty-two is admitted.

17 Q. (BY MS. PALMER) How long did you spend at
18 the apartment?

19 A. We spent about 45 minutes to an hour.

20 Q. And is this all the evidence that you
21 collected that's relating to the defendant in this
22 case?

23 A. Yes, ma'am.

24 MS. PALMER: I pass the witness.

25 THE COURT: Mr. Haynes.

1 knowledge, Your Honor.

2 *THE COURT:* He's already said he
3 doesn't know your client; so, sustained.

4 *MR. HAYNES:* I pass the witness, Your
5 Honor.

6 *THE COURT:* Ms. Palmer?

7 *MS. PALMER:* Just one quick thing.

8 **REDIRECT EXAMINATION**

9 **BY MS. PALMER:**

10 Q. Officer Castro, this amount of -- we talked
11 about the crack cocaine here, 38, 39, 40, 41, is that
12 an amount in your experience that's for personal use?

13 A. By far, no, ma'am.

14 Q. What is the purpose in your experience in
15 having that amount of drugs?

16 *MR. HAYNES:* Your Honor, I object to
17 that as being speculative.

18 *THE COURT:* Overruled.

19 *THE WITNESS:* For distributing
20 narcotics.

21 Q. (BY MS. PALMER) For delivery?

22 A. Correct.

23 *MS. PALMER:* I pass the witness.

24 *THE COURT:* Mr. Haynes?

25 *MR. HAYNES:* Nothing further from the