

1 THE COURT: All right. You may have a
2 seat.

3 Ms. Bennett, you may proceed.

4 MS. BENNETT: Thank you, Judge.

5 **RICHARD CHACON, JR.,**
6 having been first duly sworn, testified as follows:

7 **DIRECT EXAMINATION**

8 BY MS. BENNETT:

9 Q. Deputy, if you would please introduce yourself
10 to the members of the jury by telling them your name and
11 where you work?

12 A. My name is Richard Chacon, Jr. I work for
13 Harris County Sheriff's Department.

14 Q. How long have you worked for the Harris County
15 Sheriff's Department?

16 A. This is my 20th year.

17 Q. And where are you currently assigned within the
18 sheriff's department?

19 A. I work in the classification division also
20 criminal intelligence.

21 Q. And would that be the classification division
22 in criminal intelligence at the Harris County Jail?

23 A. Yes, ma'am.

24 Q. What do you do there in that position?

25 A. I document gang members, unknown gang members

1 as well as gang members who have come back into our
2 system.

3 Q. Why is that an important job at the jail?

4 A. It's imperative for our jailing, our system
5 itself for the integrity of the building, for our staff,
6 for the inmates; we need to know who is who as far as
7 any kind of separation or any kind of gang affiliations.

8 Q. So, do you actually make housing decisions
9 based on inmates' membership in various street gangs and
10 prison security threat groups?

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

12 Q. How long have you held that position?

13 A. A little over four and a half years, ma'am.

14 Q. At any time did you also serve in the jail's
15 gang unit?

16 A. Yes, ma'am, I was in the gang suppression unit.

17 Q. And what does the gang suppression unit do?

18 A. It is an active unit on the streets that
19 actively seek out high-volume areas of criminal activity
20 that are predominantly strong gang influence in
21 different areas of Harris County.

22 Q. And do you have any idea approximately how many
23 gang members you have documented since holding your
24 position at the Harris County Jail?

25 MR. DUARTE: Object as to relevance, Your

1 Honor.

2 A. Since I've been in the four and a half years --

3 THE COURT: I'm sorry. Sustained.

4 Q. (BY MS. BENNETT) How is it done generally that
5 an inmate is documented as the member of a gang when he
6 comes into the jail?

7 A. He's usually referred to our office. From
8 there, we make contact with the subject. We talk to the
9 subject one-on-one interview. We, at that time, ask him
10 any kind of gang affiliations. We also look at the
11 tattoos, identifiers, co-defendants as well as the crime
12 that he or she participated in. And we gather enough
13 information on that to document that.

14 Q. If you could slow down just a little bit, the
15 lady in front of you is typing what you're saying?

16 A. I'm sorry.

17 Q. I mentioned the term, "criminal street gang." I
18 said, criminal street gang and then a security threat
19 group. What's a security threat group, just generally?

20 A. Security threat groups are normally on a
21 prison-type level. They're more of your prison-oriented
22 gangs that you would commonly find. And they're labeled
23 as security threat groups, a little different than
24 street gang.

25 Q. What is generally a criminal street gang?

1 A. A criminal street gang is several individuals
2 who together commonly, for one certain cause, will all
3 share the same either color, symbol, markings and
4 actively participate as a group in criminal activity
5 thus making them a gang.

6 Q. Did you document an inmate named Anthony Latson
7 as the member of a criminal street gang back in October
8 of 2009?

9 A. Yes, ma'am.

10 Q. And do you see Mr. Latson here in the courtroom
11 today?

12 A. Yes, ma'am.

13 Q. Could you please point him out?

14 A. (Pointing) the gentleman in the blue shirt.

15 MS. BENNETT: Your Honor, may the record
16 reflect the witness has identified the Defendant?

17 THE COURT: It will.

18 Q. (BY MS. BENNETT) And what criminal street gang
19 did you document Mr. Latson as being a member of?

20 A. Five Deuce Hoova Crips.

21 Q. Now, for the jury when you say "Five Deuce
22 Hoova Crips," what -- when you say five deuce, what does
23 that mean?

24 A. Five Deuce is a Houston set of actual Crip gang
25 itself.

1 Q. Is it actually a five, two, like 52 if you just
2 looked at it written down?

3 A. If you just looked at it written down, it would
4 be 52.

5 Q. And how do you spell Hoova?

6 A. H-0-0-V-A, and they also spell it H-0-0-V-E-R.

7 Q. And then Crip, how do you spell that?

8 A. C-R-I-P.

9 Q. How common are the Five Deuce Hoova Crips
10 within the Harris County Jail?

11 A. Quite common. Here, especially in our jail
12 system, they are quite influential. They're the second
13 largest threat group in our jail system.

14 Q. And do they have any common identifying signs
15 or symbols that they use to designate themselves to
16 others?

17 A. Yes, ma'am. Three point crowns, six point
18 star, they may use the initials H.C.G., which is Hoova
19 Crip Gang. They also use the letters 837, which
20 represents the letters of the alphabet which comes out
21 to H.C.G, which is the Hoova Crip Gang. 2, 11, which
22 represents letters of the alphabet for B. K. for blood
23 killer.

24 Q. Let me stop you right there. What is the color
25 that's known to be associated with the Crips?

1 A. Here in Houston it would be blue and orange.

2 Q. And traditionally do we they have an enemy
3 gang?

4 A. Yes, ma'am.

5 Q. And who is that?

6 A. Bloods.

7 Q. And what are Bloods' colors?

8 A. Red.

9 Q. So, when you say that their numbers stand for
10 blood killer, is that who you're talking about?

11 A. Yes, ma'am.

12 Q. Any other signs or symbols that you know of
13 that are common?

14 A. It could be the Roman numerals 5 and 2 as well
15 as the ones I've mentioned.

16 Q. So, the symbols you've mentioned and then any
17 variation on the name Five Deuce Hoova Crip?

18 A. Yes, ma'am.

19 Q. Do they have an identifiable leadership within
20 that gang?

21 A. They have someone of a military structure as
22 well as a structure that's -- every Crip set is going to
23 be different. It could be depending on how old or how
24 long a person has been in and how much activity they've
25 actually participated in.

1 Q. And how do they designate the various ranks
2 within their gang?

3 A. They can, they have lieutenants. They have
4 sergeants. They have captains, but they also have other
5 OG, YG. OG would be an older individual. YG would be a
6 younger person, which stands for young gangster.

7 Q. What does OG stand for?

8 A. Original or older gangster.

9 Q. Now, we've been saying Five Deuce Hoova Crip,
10 you said Five Deuce is a set that's here in Houston?

11 A. Yes, ma'am.

12 Q. Is Crip the gang and Five Deuce Hoova the set?

13 A. Yes, ma'am.

14 Q. So, are there other types of Crips in other
15 places in Houston or even the other parts of the
16 country?

17 A. Here in Houston for every one blood set,
18 there's three, three Crip sets. One neighborhood could
19 have several Crip sets within that neighborhood.

20 Q. Which could be the Five Deuce Hoova Crips could
21 be a set?

22 A. Yes, ma'am. And you may have something like
23 the Southeast Crips, 33rd. You have a variation of
24 different Crip sets.

25 Q. Do the members of the Five Deuce Hoova Crips

1 continuously or regularly associate in the commission of
2 criminal activities?

3 A. Yes, ma'am.

4 Q. Do they actually work together to commit
5 crimes?

6 A. As far as with other sets?

7 Q. With other Crips, with other Five Deuce Hoova
8 Crips?

9 A. Yes, ma'am.

10 Q. What type of crimes are the Five Deuce Hoova
11 Crips known for associated to commit?

12 A. Extortion, murders.

13 MR. DUARTE: Object, Your Honor.

14 THE COURT: Overruled.

15 Q. (BY MS. BENNETT) I'm sorry. You may answer.
16 What type of crimes do they associate to commit?

17 A. Extortion, murder, auto theft, drug sales, drug
18 distribution, pretty much any, all criminal element
19 that's used to make a profit.

20 Q. So is money basically their common goal there?

21 A. Yes, ma'am.

22 Q. And do you deal with those types of issues even
23 within the Harris County Jail?

24 A. Yes, ma'am.

25 Q. Is it common for members of the Five Deuce

1 Hoova Crips to tattoo gang related symbols on their
2 skin?

3 A. Yes, ma'am.

4 Q. Do they also tattoo images glorifying crime and
5 violence on their skin?

6 A. It's commonly done.

7 Q. Did you have an opportunity to observe and
8 photograph Defendant, Anthony Latson's tattoos?

9 A. Yes, ma'am.

10 MS. BENNETT: May I approach the witness,
11 Your Honor?

12 THE COURT: Yes.

13 Q. (BY MS. BENNETT) I'm going to show you what
14 I've marked for identification as State's Exhibits 84
15 through 93. If you would take a moment to review those.

16 And do you recognize just generally what's
17 depicted in State's Exhibit 84 through 93?

18 A. Yes, ma'am.

19 Q. Is that -- are these the photographs you took
20 of Anthony Latson and his tattoos?

21 A. Yes, ma'am.

22 Q. And do they fairly and accurately depict what
23 you saw there on his person when you took these
24 photographs?

25 A. Yes, ma'am.

1 MS. BENNETT: At this time, State will
2 tender to Defense counsel State's Exhibits 84 through 93
3 and ask that they be admitted.

4 (State's Exhibit Nos. 84 through 93
5 offered.)

6 MR. DUARTE: Your Honor, again, I reurge my
7 objection to 84 through 93 under 404 (b), 403 and 37.07
8 of the Texas Rules of Evidence and the Criminal
9 Procedure, Your Honor.

10 THE COURT: Your objections are overruled.
11 State's Exhibits 84 through 93 are admitted.

12 (State's Exhibit Nos. 84 through 93
13 admitted.)

14 MS. BENNETT: May they be published, Your
15 Honor?

16 THE COURT: They may.

17 Q. (BY MS. BENNETT) Deputy Chacon, if you'll look
18 there to your left there is a screen. I want to show
19 you first what's been admitted into evidence as State's
20 Exhibit No. 84. Did you take this photograph?

21 A. Yes, ma'am.

22 Q. And who is the individual there in State's
23 Exhibit 84?

24 A. That is Anthony Latson.

25 Q. Showing you first what's been admitted as

1 State's Exhibit No. 85, can you tell the jurors what
2 they're looking at there in that photograph?

3 A. The right side of his arm you would see an
4 individual, he's holding a sawed-off shotgun. You would
5 see underneath the shotgun, underneath the shotgun it
6 says "ULOB," and it says "killa" as well as shotgun
7 shells with dates on them.

8 Q. If you would, if you'll touch that screen in
9 the areas that you're talking about, the jurors will be
10 able to see a mark there?

11 A. This is the shotgun itself.

12 Q. So, you're pointing to this object right here?

13 A. Yes, ma'am.

14 Q. And what is this right here?

15 A. That is a fist that is the individual's fist
16 holding what would be the back end of the shotgun.

17 Q. And right here, what is this?

18 A. That is the individual in the background who's
19 holding the shotgun.

20 Q. It almost looks like a joker face that we're
21 looking at in 85. Is that what that appears to be?

22 A. It has clown face-type features, yes, ma'am.

23 Q. You mentioned shotgun shells, was that what was
24 here to the left side of the arm?

25 A. Yes, ma'am.

1 Q. And do they have anything written on them that
2 you can see?

3 A. It appears to be numbers, looks like 10, 11
4 from what I can see.

5 Q. And I'll show you State's Exhibit 86, is this
6 that same arm from a different angle?

7 A. Yes, ma'am. That is the front end of the arm
8 that is the outside end.

9 Q. Could you point to the images and describe to
10 the jurors what we see there?

11 A. These are dates '02, '03, '04, '05, which is
12 commonly depicted in tattoos to represent the time that
13 they have spent in jail or incarcerated.

14 Q. Now, I'm showing you State's Exhibit No. 87.
15 Could you please, again, point to those images and
16 describe them to the jury?

17 A. You got your five, your two for the five deuce.
18 Underneath it you have Hoova Crips. You have -- it
19 looks like a three-point crown originally, but it maybe
20 had been altered at some time. Behind the crown itself
21 you have jail bars to depict that he had been in jail.
22 You also have an individual to the bottom right with a
23 gun, almost like a gun slinger type with two bullet
24 holes right above that.

25 Q. Now, you stated that the three-point crown is a

1 common symbol of the Five Deuce Hoova Crips?

2 A. Yes, ma'am.

3 Q. Is it odd to you that this appears to have been
4 made into a five-point crown?

5 A. Yes, ma'am, that's a little odd.

6 Q. Keeping that thought in mind, I'm going to move
7 to State's Exhibit No. 89, and ask you if you see any of
8 those signs or symbols we've talked about there in
9 State's Exhibit 89?

10 A. There's a three-point crown.

11 Q. And what part of his body are we looking at
12 here?

13 A. You're looking at the upper left-hand side of
14 his chest.

15 Q. Is that three-point crown consistent with his
16 membership in the Five Deuce Hoova Crips?

17 A. Yes, ma'am.

18 Q. Is there anything else that you can describe
19 for the jury in State's Exhibit No. 89?

20 A. There's a skull on the lower end half, and
21 there's a, looks like a number eight on the top of his
22 left-hand shoulder. I'm not sure what that represents
23 though, the eight.

24 Q. It appears that the name Cynthia is right under
25 that three-point crown?

1 A. Yes, ma'am.

2 Q. And do you know what this face is depicted
3 there?

4 A. A female just a female facial image.

5 Q. Now, going back to State's Exhibit 88, is this
6 the other side of the Defendant's chest?

7 A. Yes, ma'am, that's the right side of the upper
8 side of his chest. It's also looks like a female in
9 this pit there.

10 Q. And this up on this shoulder, do you know what
11 that is?

12 A. It looks like the number six. I'm not sure
13 exactly how he represents it.

14 Q. Showing you State's Exhibit 90, what part of
15 his body are we looking at there?

16 A. That would be his abs, his abs frontal view.

17 Q. And could you describe and point to the tattoos
18 that you see there on his ab that you find are
19 significant?

20 A. There's a gangster here and a gangster-type
21 pose with his hands crossed. It's hard to tell with the
22 image here if that's depicting any kind of gang hand
23 sign the way that's done. Also, the individual has a
24 rosary on. In this smoke, it looks like it appears to
25 be a dollar symbol.

1 Q. And is it common to see tattoos glorifying
2 money on gang members' skin?

3 A. That's a common tattoo, yes, ma'am.

4 Q. Anything else there before I move on?

5 A. Not clearly, no, ma'am.

6 Q. Showing you now what's been admitted as State's
7 Exhibit 91. What part of his body are we looking at in
8 State's Exhibit 91?

9 A. That would be his left side of his upper arm
10 back of the triceps front of the biceps.

11 Q. Could you point to and describe the tattoos
12 that you found there?

13 A. The distinctive one would be the Five Deuce,
14 the money symbol along with the stacks of money, another
15 dollar sign symbol.

16 Q. Is there a name there on that part?

17 A. On the top left shoulder, it appears to be
18 Julie.

19 Q. And showing you State's Exhibit 92, is this the
20 back of that same arm?

21 A. That's the back of the left arm, the tricep.

22 Q. There appears to be an image of a person there
23 on the back of that arm. Who is that?

24 A. That's Tony Montana.

25 Q. Who is Tony Montana for anybody that doesn't

1 know?

2 A. He's a character from the movie, *Scarface*.

3 Q. Is he a gangster-type character in that movie?

4 A. He's a drug lord.

5 Q. And finally showing you State's Exhibit No. 93.

6 What part of his body are we looking at there?

7 A. That would be the back right of his arm, the
8 back tricep.

9 Q. And there's an image there that's hard to
10 decipher. Having seen it in person, can you tell us
11 what that is?

12 A. Out of the bottom half, there is a pistol. Out
13 of the pistol comes smoke, and this individual here is
14 an individual here with a hoodie or covered in a hood.

15 Q. When you say "hoodie," is that like a hooded
16 sweatshirt?

17 A. Kind of like a hoodie sweatshirt or maybe even
18 a cloak.

19 Q. I'm sorry, say it again.

20 A. Maybe even some kind of a dark cloak, like a
21 dark image.

22 Q. And you said that was coming out of the smoke
23 of this gun that we see right here?

24 A. Correct, yes, ma'am.

25 Q. Thank you, Deputy.

1 MS. BENNETT: State will pass the witness.

2 THE COURT: All right, Mr. Duarte.

3 MR. DUARTE: Yes, ma'am.

4 **CROSS-EXAMINATION**

5 BY MR. DUARTE:

6 Q. Good morning, Deputy Chacon.

7 A. Good morning.

8 Q. How long have you been in criminal
9 intelligence?

10 A. Four and a half years, sir.

11 Q. Four and a half years. And all of that time
12 has been pretty much devoted to documenting gang, gang
13 activity in Houston and in the jails?

14 A. In Houston, Harris County, yes, sir.

15 Q. And for that purpose have you taken, I guess,
16 different types of classes that allow you to testify
17 regarding these issues?

18 A. Yes, sir.

19 Q. And you've taken maybe some psychological
20 classes, maybe psychology classes regarding gang
21 activity and what makes a person join a gang?

22 A. That's usually part of the gang classes itself.

23 Q. So, some of the sociological factors why a
24 person would join a gang, you would have learned about
25 that in your studies?

1 A. Yes, sir, it's a common subject.

2 Q. Isn't it true that sometimes people join gangs
3 because their family structure at home is they don't
4 have one; isn't that true?

5 A. That could be a factor.

6 Q. That maybe they have, that the gang actually
7 offers them a -- more of a family unit than they
8 actually have in their real life world, would you agree
9 with that?

10 A. I agree.

11 Q. And the fact that there are little boys, young
12 individuals, eight or nine years old that you have
13 probably come across that have self-proclaimed to be
14 gang members; is that correct?

15 A. Not quite that young, 18.

16 Q. What's the youngest you ever had someone to
17 profess or to tell you that they're self-admitted
18 they're in a gang?

19 A. 12.

20 Q. Now regarding some of those self-professions or
21 confessions that they are in a gang, some of those are
22 probably legitimate, you know, admissions of being in a
23 gang and some of those are what we would say maybe that
24 young age, gang want to be. Would you agree with me in
25 that regard?

1 A. At that age, yes, sir.

2 Q. That there are some that aren't yet, haven't
3 been made or clicked into a gang but maybe they
4 associate with people that maybe are in a gang, correct?

5 A. Yes, sir.

6 Q. And maybe there are prospects to be in a gang
7 in the future?

8 A. Yes, sir.

9 Q. Now, again, some of those people have different
10 sociological, different psychological reasons why they
11 get in the gang. As you said, some of the factors may
12 be if they don't have family life at home; and the gang
13 structure provides them some structure in maybe
14 family-type setting, correct?

15 A. Yes, sir.

16 Q. All of the tattoos, a lot of people have
17 tattoos in Houston, Texas, don't they?

18 A. Yes, sir.

19 Q. There's a tattoo shop everywhere down, just
20 about, Westheimer Road and 59 north and south, correct?

21 A. Correct.

22 Q. So not because everybody has a tattoo is a gang
23 member, correct?

24 A. Correct.

25 Q. All right. Did you watch the NBA playoffs last

1 night?

2 A. No, sir.

3 Q. You've seen a lot of basketball players have
4 tattoos?

5 A. Yes, sir.

6 Q. Not all of them are gang members?

7 A. Right.

8 Q. So, it's not uncommon for people to have a lot
9 of tattoos?

10 A. Correct.

11 MR. DUARTE: I'll pass this witness.

12 THE COURT: All right. Is there anything
13 further?

14 MS. BENNETT: Yes, Your Honor.

15 THE COURT: All right.

16 **REDIRECT EXAMINATION**

17 BY MS. BENNETT:

18 Q. Have you found, Deputy Chacon, that some people
19 join gangs because it's an easy and quick way to make
20 some money fast?

21 A. Yes, ma'am.

22 Q. And that they like to be involved in the
23 action?

24 A. Yes, ma'am.

25 Q. And that they enjoy the violence?

1 A. Yes, ma'am.

2 Q. And that gives them access to all of those
3 things?

4 A. Yes, ma'am.

5 Q. And to that lifestyle?

6 A. Yes, ma'am.

7 Q. What happens to an individual who is not a true
8 member of a gang who tattoos that gang symbol all over
9 their body?

10 A. He's going to have to answer to that gang that
11 he tattoo those symbols from.

12 Q. And how would he be answering to them?

13 A. It could be a variation of things. He could
14 get clicked in at that time. He could be made to pay a
15 tax or extort himself, or he may have to make a decision
16 to fully commit to the gang. They may even make him
17 take the tattoo off or cover it up.

18 Q. So, somebody doesn't just tattoo a gang symbol
19 all over their body without any repercussions?

20 A. Exactly.

21 Q. Do some gangs kill people for doing that?

22 A. They have been known to, yes, ma'am.

23 Q. Thank you.

24 MS. BENNETT: Pass the witness.

25 THE COURT: Is there anything further?