

1 Let's go ahead and take a short afternoon
2 break here and then we'll come back and finish up.

3 (Jury out for the court recess).

4 THE COURT: All right. Let's check on
5 the jury.

6 (Jury in).

7 THE COURT: Take your seats.

8 State, call your next witness, please.

9 MS. MICKELSON: Your Honor, at this time
10 the State calls Sergeant Chandler.

11 THE COURT: All right. Come forward,
12 sir. Raise your right hand.

13 ROY CHANDLER,
14 having been first duly sworn, testified as follows:

15 THE COURT: You may take the stand.

16 You may proceed when you're ready.

17 MS. MICKELSON: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MS. MICKELSON:

20 Q. Sergeant, can you please state your name for
21 the record?

22 A. Roy Chandler.

23 Q. And how is your last name spelled?

24 A. C-h-a-n-d-l-e-r.

25 Q. How are you currently employed?

1 A. Houston Police Department.

2 Q. How long have you been with the Houston Police
3 Department?

4 A. 17 years.

5 Q. Now, you're currently a sergeant. What types
6 of responsibilities do you have?

7 A. Well, right now I recently transferred. I'm
8 in an investigative division. At the time of this
9 incident, I was a patrol sergeant in the northwest area
10 of town.

11 Q. Let's talk about what you do today. What type
12 of division are you with?

13 A. Burglary and theft.

14 Q. And so, you're a sergeant. Do you supervise
15 other officers that are investigating burglary and
16 thefts?

17 A. Actually it's more of an administrative
18 position. I do have officers -- it's called intake
19 basically. We receive the things that happen out on
20 the street. They call -- patrol officers call and get
21 permissions to do certain different things, tag
22 property, things like that.

23 Q. Now, on July 28th, 2010, what types of
24 responsibilities did you have as a sergeant then?

25 A. Supervising patrol officers in their regular

1 daily duties, running calls, things like that.

2 Q. Was there a certain part of town that you
3 supervised patrol officers in?

4 A. Yes. The Four and Five District is what we
5 call it. But it's basically old Spring Branch area
6 north of I-10. Major streets being Bingle, Hammerly,
7 Long Point.

8 Q. Now, on July 28th, 2010, what was your shift
9 or assignment that day?

10 A. Patrol operations, 11:00 o'clock at night till
11 7:00 in the morning.

12 Q. Did you ever receive a call or did your -- was
13 your attention directed to 9010 or 9014 Laverne
14 Crescent?

15 A. Yes.

16 Q. Now, why as a sergeant did you respond to that
17 call?

18 A. First of all, it went out over the radio as a
19 shooting, which is obviously a higher priority type of
20 thing than the regular disturbances and things like
21 that that we handle. So, you know, immediately I heard
22 that. And so, that's obviously kind of a big deal for
23 us.

24 And then also Officer McGill -- I don't
25 know if he's testified yet or not. But over the radio,

1 he asked me to come to the scene because it was
2 possible there was going to be a suspect inside the
3 residence.

4 Q. Now, why is a suspect inside a residence in
5 relation to a shooting call, why does that require
6 extra attention from a sergeant?

7 A. Because if it's going to be someone who's
8 barricaded, we have to make notifications to SWAT
9 people, homicide division. It just requires a second
10 level of -- a level of supervision and some
11 coordination.

12 Q. Now, when you arrived at the scene, were there
13 any factors or any indicators to you that made you
14 think that this might be what you were calling a
15 suspect inside a house or barricaded inside a house?

16 A. Well, when I got there, we really didn't know.
17 We came up -- we basically came up with a plan, you
18 know, to find out.

19 Q. Okay.

20 A. There was -- I'm sorry. Go ahead.

21 Q. So, tell us, what was the plan? Like you get
22 there. It's chaos. What plan do you come up with to
23 figure out what's going on?

24 A. Well, there's several patrol officers at the
25 scene. So, it's going to be treated almost like an

1 active shooter at -- say at a school or a -- like
2 recently at the movie theater.

3 So, the information we had was that a
4 young girl might -- was still in the apartment and that
5 the suspect/shooter was possibly in the apartment
6 townhome. So, the plan for us was to, as a group,
7 enter the residence and search from room to room to
8 make sure that there was no armed person still inside.
9 And then locate the child.

10 Q. At some point during the evening -- the late
11 evening of Wednesday, early morning of Thursday, do you
12 enter the residence at 9014 and look for the shooter?

13 A. Yes.

14 Q. Were you ever able to find the shooter inside
15 the residence?

16 A. No.

17 Q. And so, what do you do after you're -- do you
18 clear the home or how do you decide he's not there?

19 A. Yeah. We basically search room to room. And
20 it's not that big, so it doesn't take a long time. Go
21 from room to room. Upstairs is where we found the
22 five-year-old daughter. Assign -- basically assign the
23 guys to carry her out and get her to a safe place next
24 door.

25 Q. Do you remember which officer was given that

1 assignment?

2 A. I believe it was Ruben Estrada.

3 Q. And so, once the younger child is taken out of
4 the home, where did you have the child taken to for
5 safety?

6 A. The next-door neighbor's. I think it's 9010
7 Laverne Crescent.

8 Q. When you arrived on the scene, was the
9 complainant still there? Did you ever see her?

10 A. Yes.

11 Q. Okay. Where was -- where was she when you
12 arrived?

13 A. I believe she was outside. Yeah, outside.

14 Q. Was she being treated by the paramedics at
15 that point?

16 A. Yes. She was -- the thing that I remember the
17 most was that she had her face covered. Exactly when
18 she received the treatment, whether it was out in the
19 courtyard area or the front of the apartments or was it
20 inside the neighbor's, I don't exactly remember where
21 they tended to her. But there was an ambulance there
22 and I remember her covering her face.

23 Q. Was the complainant on the scene very long or
24 did she quickly leave in the ambulance?

25 A. They left relatively quickly. It was a fairly

1 severe injury, lots of blood. And they left pretty
2 fast.

3 Q. And so, once you have the younger child
4 secured in the neighbor's residence and you've already
5 looked through the home for the suspect, what is your
6 next step?

7 A. After that, we -- like I said, there's just a
8 little bit of coordination of contacting our homicide
9 division. Basically deciding who is going to do the
10 work of investigating the shooting. The patrol -- we
11 ended up deciding that the patrol officers were going
12 to handle all of the duties, writing reports and
13 collecting evidence.

14 And then after all that is done, we start
15 looking for the suspect since he's not in the immediate
16 area and wasn't inside the apartment.

17 Q. What do you do to look for the suspect?

18 A. Well, his business -- the business that he
19 had, which was a alarm business, I believe. The van
20 was still there. And we came -- I don't remember how
21 we got the information. But the information was that
22 he owned an alarm business on Campbell Road or worked
23 for or owned. I'm not sure which. But we went to that
24 location and looked for him there.

25 Q. Is Campbell Road -- that location you're

1 referring to, is that -- is that close to the 9010 or
2 9014 Laverne Crescent?

3 A. Fairly. It's within a mile.

4 Q. So, how long, just estimating, would it take
5 you to travel there and look for him?

6 A. Well, to travel there is only a few minutes,
7 two or three minutes probably. And then we looked
8 there. But it was -- you know, it was blacked out.
9 There was nothing to indicate that anyone was there.

10 Q. So, what do you do after you go to the
11 suspect's business and he's not there?

12 A. Then we just started driving around the area.
13 You know, you just kind of hit and miss sometimes. But
14 you drive around and you look for, you know, anything
15 out of the ordinary or anyone matching the description
16 of this person.

17 Q. Okay. Now, what time of evening is this by
18 this time?

19 A. Very early in the morning of the 30th -- yes,
20 July the 30th, like around 1:00 a.m.

21 Q. So, it's late Wednesday night, early Thursday
22 morning?

23 Was there a lot of pedestrians out on the
24 street at this time?

25 A. No, not -- not pedestrian traffic.

1 Q. Was there a lot of traffic on the road at that
2 time?

3 A. Not much being a weeknight. I don't recall of
4 there being much vehicle traffic either.

5 Q. Were you given a physical description of what
6 the suspect looked like?

7 A. Yes.

8 Q. And so, what were you looking for?

9 A. As I recall, it was a Hispanic male, 30s. And
10 that's all I really remember off the top of my head.

11 Q. And so, you start driving around. What roads
12 are you driving around?

13 A. Just the general area of where we were at,
14 Laverne Crescent, Long Point, Bingle, Campbell Road,
15 those -- just the immediately adjacent areas. Kind of
16 with the idea that with his vehicle still being there,
17 he hasn't probably gone too far unless someone picked
18 him up in a car.

19 Q. So, do you find someone that you think that
20 matches the description of the suspect?

21 A. Yes.

22 Q. And where did you see this person?

23 A. In the 9200 block of Long Point.

24 Q. And what did he look like when you saw him?
25 What was he doing?

1 A. Well, immediately the reason that I noticed
2 him was because there was not much foot traffic,
3 generally speaking. So, anyone on foot immediately
4 gets looked at. And then the physical descriptors were
5 the same. And I did notice that he was also -- he's
6 walking down the sidewalk with no shoes on.

7 Q. Was that odd to you, that someone would be
8 walking at 1:00 a.m. down the sidewalk with no shoes
9 on?

10 A. Yes.

11 Q. And so, do you start to slow down or do you
12 approach him or what do you do?

13 A. Actually there was a -- there was another
14 police officer in the area. As I remember it, we were
15 both traveling westbound on Long Point, one behind the
16 other with me in the front and another deputy constable
17 behind.

18 So, when I see the person that I thought
19 was the suspect, I passed him. And so, I had already
20 driven past him. And then I made a big looping U-turn
21 in the middle of Long Point. At that point, the deputy
22 constable had seen the same thing and pulled up on the
23 side of street, sidewalk area, and was getting the man
24 kind of taken into custody, having him put his hands on
25 the hood, as I remember.

1 Q. So, what happens when you are able to turn
2 around and get out of your vehicle?

3 A. Well, basically we just -- we searched him for
4 safety reasons obviously. The person involved was
5 supposed to have a gun. So, handcuffed him. Searched
6 him. Put him in the back seat of the police car.

7 Q. Did you find any weapon on the suspect?

8 A. No.

9 Q. Okay. And when you say that you put him in
10 the back of your patrol car, at that time what
11 specifically -- what type of restraints did you put him
12 in?

13 A. Just only handcuffs.

14 Q. Did you say anything to him at that time?

15 A. I did not.

16 Q. Did you tell him he was under arrest?

17 A. I don't believe I did.

18 Q. Okay. Did you read him his Miranda warnings?

19 A. No.

20 Q. Did you say anything to him?

21 A. No.

22 Q. So, you put him in the back of your patrol car
23 and what do you do?

24 A. I'm going to drive him back to the scene of
25 where the shooting took place -- back to the residence

1 where the complainant was shot.

2 Q. Okay. So, what road is that?

3 A. Initially Long Point where we picked him up,
4 9200 block of Long Point. And then we have to go from
5 there up Spring Branch Road to Laverne Crescent.

6 Q. And so, while you're driving, how long does
7 this drive take?

8 A. Five minutes.

9 Q. And what does the defendant start to do in the
10 back of the patrol car as you get closer to 9014
11 Laverne Crescent?

12 A. He made -- he made some verbal statements.
13 And he also -- the closer we got to the location became
14 more physically -- physically agitated.

15 Q. What would you describe or how would you
16 describe physical agitation? What was he doing?

17 A. Screaming, just being very loud with the
18 statements that he was making. Obviously indicating
19 that he did not want to go -- to me, it was obvious
20 that he did not want to go back to where this had
21 happened.

22 Q. What exactly did he say?

23 A. Give me one second and I'll -- because I did a
24 supplemental report to the original report that Officer
25 McGill made.

1 Okay. So, as we are driving to the
2 location where the shooting happened, he said I just
3 want to tell my family I'm sorry.

4 Q. Did he make other statements as you got closer
5 to 9014 Laverne Crescent?

6 A. Yes. The closer we got to the scene was when
7 he became louder and more agitated and he began to
8 scream, I don't want to go back there, just drive past
9 it.

10 Q. Where was defendant indicating that he wanted
11 to go instead of the -- instead of the house?

12 A. He didn't really say that.

13 Q. And so, as you got closer to the 9014, the
14 scene of the shooting, did he become physically more
15 aggressive?

16 A. Yes. Once we got to the location and we were
17 parked and I was getting out to do some other things,
18 he started kicking the window of the police car.

19 Q. And so, what does police -- HPD police
20 procedure dictate that you do once a person starts
21 kicking the window of the patrol car?

22 A. In order to prevent damage to the city
23 property or injury to the person, if they can't be, you
24 know, calmed down in a -- you know, if they can't be
25 talked down, it's our policy to put leg restraints on

1 them. It basically -- it immobilizes the hands to the
2 feet so that you can't kick.

3 Q. And so, was the suspect put in leg restraints?

4 A. Yes.

5 Q. Did he calm down after that?

6 A. Not really, no. He continued to struggle
7 against the restraints. And that's another reason that
8 I completed this report, was to indicate that he caused
9 some damage to his own wrists and ankles by applying
10 pressure.

11 Q. By struggling or rubbing against the
12 restraints?

13 A. Yes.

14 Q. And at that point, once you got back to the
15 scene, how much longer were you at 9014 Laverne
16 Crescent?

17 A. I was probably there another half hour. The
18 suspect was not there quite that long.

19 Q. Who did you -- who did you place the suspect
20 in custody of?

21 A. Officer Estrada and Officer Ignacio Lopez.
22 They were riding together.

23 Q. Do you see the person in the courtroom that on
24 July 28th, 2010 said I just want to tell my family I'm
25 sorry and I don't want to go back there, just drive

1 past it? Do you see that person in the courtroom?

2 A. Yes, I do.

3 Q. Could you please point to him and identify him
4 by an article of clothing for the record?

5 A. Sitting over here at this table with the
6 handkerchief in his pocket.

7 THE COURT: There's two people over
8 there. With the tie or not?

9 THE WITNESS: Excuse me. No tie.

10 THE COURT: Okay. He's identified the
11 defendant.

12 THE WITNESS: My apologies.

13 THE COURT: That's all right.

14 MS. MICKELSON: Pass the witness.

15 THE COURT: Cross?

16 CROSS-EXAMINATION

17 BY MR. CHERNOFF:

18 Q. Sergeant Chandler, how are you?

19 A. Doing well, sir.

20 Q. I'd like to get more specific, please, about
21 the events after you arrived -- after you went looking
22 for Arturo. Okay.

23 When you came up upon -- when you first
24 saw Arturo walking on the street, you said that he had
25 no shoes on; is that right?

1 A. Yes, sir.

2 Q. And, in fact, you're familiar with the fact
3 that -- you thought that was strange, right?

4 A. Yes, sir.

5 Q. That was really not the kind of neighborhood
6 you'd expect somebody to be walking around shoeless?

7 A. Well, it's concrete.

8 Q. And, in fact, he actually had damage to the
9 bottom of his feet and they treated him at the jail.
10 Are you familiar with that?

11 A. No, I'm not familiar with that.

12 Q. When you first came up upon him, you and the
13 deputy constable, what was his demeanor like?

14 A. The defendant?

15 Q. Yes, sir.

16 A. Calm.

17 Q. Very calm?

18 A. I can just say calm, yes.

19 Q. He wasn't crying or anything?

20 A. No, sir.

21 Q. Did he -- did he fight being handcuffed?

22 A. No, sir.

23 Q. Did he follow all the orders that you guys
24 gave to him for that process --

25 A. He did.

1 Q. -- the arresting process?

2 I assume you searched through his pockets
3 and belongings after the arrest?

4 A. Correct.

5 Q. You were looking for a gun?

6 A. Correct.

7 Q. He didn't fight any of that?

8 A. No.

9 Q. Didn't say anything while you were doing that?

10 A. No, not that I remember.

11 Q. He wasn't yelling and screaming?

12 A. No.

13 Q. Do you remember -- and I know that -- you
14 know, you did put together a supplement, you testified,
15 right?

16 A. Yes, sir.

17 Q. It's about a paragraph.

18 A. Yes, sir.

19 Q. And obviously, you can't put every single
20 thing that occurs out during an arrest -- during an
21 investigation in a supplement.

22 A. Right.

23 Q. Is that fair to say?

24 A. That's fair to say.

25 Q. Do you remember -- when you went to arrest

1 Arturo, do you remember him saying to you I'm glad
2 you're here?

3 A. I don't remember that, no.

4 Q. Do you remember any statements that were made
5 by him while you were in the process of arresting him?

6 A. I do not.

7 (Cell phone ringing).

8 THE WITNESS: Judge, that was turned off
9 before I walked in here.

10 THE COURT: That's okay. Just make sure
11 it's turned off.

12 THE WITNESS: I know I did it. I showed
13 your bailiff.

14 THE BAILIFF: Yes, sir, he did.

15 THE WITNESS: Sorry.

16 THE COURT: That's okay. All right.

17 Repeat your question.

18 Q. (BY MR. CHERNOFF) So, you arrest --
19 handcuffed and arrested him and put him in the back of
20 your patrol car; is that right?

21 A. Yes, sir.

22 Q. Okay. And then you proceeded to drive -- I
23 mean, you had to call in that you had a suspect in
24 custody and do the necessary procedures, right, prior
25 to you driving to the -- back to the residence?

1 A. Correct.

2 Q. That took a little bit of time?

3 A. Yes.

4 Q. And then you had to start driving back to the
5 residence, right?

6 A. Yes.

7 Q. During this whole process you have testified
8 that Arturo made two statements only; is that right?

9 A. He has -- he made two statements. He made two
10 statements that stood out to me. Did he make other
11 verbal utterances? Probably. I would say that's a
12 fair assessment. But nothing, like you said, that I
13 would put -- that it would be obvious to me to put down
14 in a police report.

15 Q. And when you say stood out to you, these are
16 things that you -- that you remember. I mean, it's
17 your supplement, right?

18 A. Yes, sir.

19 Q. And you don't have any notes of those
20 statements?

21 A. I do not.

22 Q. There's no recording device that was used,
23 correct?

24 A. No.

25 Q. You did have a recording device?

1 A. No, I do not.

2 Q. Okay. You don't have a camera in your patrol
3 car?

4 A. No, sir.

5 Q. And, in fact, you -- you put that in your
6 supplement, would it be fair to say, three hours later,
7 four hours later?

8 A. Maybe not quite that long, probably one to two
9 hours.

10 Q. Did you tell Arturo that you were going back
11 to the scene?

12 A. I don't believe I did.

13 Q. Now, since you're remembering the statements
14 that stood out to you, you do -- you would certainly
15 would have noted any statements by Arturo that he shot
16 somebody, right?

17 A. Certainly.

18 Q. He never said I'm sorry, I shot somebody?

19 A. He did not.

20 Q. Or I shot Leticia or anything like that,
21 right?

22 A. He did not say that.

23 Q. When -- when he -- when he said he didn't want
24 to go back to the scene, you said that -- you said that
25 afterwards he started screaming.

1 A. As I remember it, he was screaming the words.
2 Not -- not screaming in the sense unintelligible
3 screaming. He was -- he was yelling the words, I don't
4 want -- I don't want to go back there, just drive past
5 it.

6 Q. All right. Do you remember -- and if you
7 can't -- do you remember anything -- any conversation
8 that Arturo had about -- about drugs?

9 A. No conversation about drugs.

10 Q. Any conversation, any statement he might have
11 made about shooting?

12 A. No.

13 Q. Were you surprised when Arturo went from a
14 very mild individual to an extremely violent individual
15 all at once?

16 A. I wouldn't necessarily say surprised, no. I
17 mean, it's -- I guess that would be -- I guess you
18 could characterize that as unusual. But I mean, I
19 don't --

20 Q. Would you characterize it as unusual?

21 A. A little.

22 Q. You've seen violent moods swings before in
23 your past investigations and arrests, right?

24 A. Yes.

25 Q. What -- what are some of the reasons -- I

1 mean, well, let me ask you this: Have you seen such
2 violent mood swings on individuals who were
3 intoxicated?

4 A. Yes.

5 Q. On drugs and alcohol?

6 A. Yes.

7 Q. After Arturo was -- was shackled for his own
8 safety and the safety of police -- city property, did
9 he continue to be violent? Did he continue yelling and
10 screaming and kicking?

11 A. I don't remember a lot of continued yelling
12 and screaming necessarily. But I do remember that he
13 kept trying to struggle against the leg restraints.

14 Q. Did he seem panicked to you?

15 A. Yes. That's -- it is not a comfortable
16 position.

17 Q. All right. I assume that after -- you did
18 take him to the -- to the 9014 Laverne Crescent?

19 A. We did go there. Not directly in front of the
20 townhome, but the entrance of the property.

21 Q. Okay. And what was the purpose of taking him
22 to 9014 Laverne?

23 A. Mainly for my purposes, it was to turn him
24 over to a patrol officer so that he could be
25 transported to jail.

1 Q. Okay. Now, I -- you're obviously very
2 experienced because you're a sergeant. Because you
3 were promoted to that position; is that right?

4 A. Yes, sir.

5 Q. Okay. Many, many times in these cases, an
6 officer when he's -- goes up to someone who he's going
7 to arrest that he thinks is armed, will be very
8 nervous, right?

9 A. Sure.

10 Q. You would be, right?

11 A. Sometimes.

12 Q. And many, many times when that occurs, an
13 officer will say where is the gun, where is the gun.
14 Was that ever asked of Arturo?

15 A. Usually -- and I can't say specifically what I
16 said to him. Usually I will ask them do you have a gun
17 or do you have a weapon before I started searching
18 someone.

19 Q. Okay. Was that -- was that done? Was that
20 asked?

21 A. As I remember it, the deputy constable had
22 placed the defendant with his hands on the hood. Like
23 I said, the deputy constable got to him first. And he
24 was kind of in the process of doing the search when I
25 got there. And then as I got there, I remember him

1 kind of moving out of the way and allowing me to kind
2 of pat him down.

3 And also secondarily, I'm usually going
4 to check someone myself before I put them in my own car
5 anyway. Just because before someone sits behind me,
6 you know, I would like to know for sure that they're
7 not armed.

8 So, to answer your question, I don't
9 remember specifically asking him if he had a gun. Just
10 simply because the constable had gotten there first.

11 Q. All right. Did you look for a gun?

12 A. We did. I looked for it on his person.

13 Q. Did you look around the area?

14 A. I looked around the very general area of where
15 he was standing. But it's a fairly wide open -- and as
16 I said, it's concrete sidewalk and street. So, a gun
17 would have been pretty obvious lying about.

18 Q. Well, you said that one of your -- one of the
19 things that you did, Sergeant, was you -- you assigned
20 individual patrol officers certain responsibilities for
21 the investigation.

22 A. Yes, sir.

23 Q. Which of the patrol officers that you -- did
24 you assign the responsibility for searching the
25 apartment or the -- I guess it's a condo, isn't it --

1 townhouse -- townhouse and the surrounding area? Who
2 was assigned to search for evidence?

3 A. Officer Belinoski specifically was assigned to
4 take pictures. Searching for other evidence, I didn't
5 -- I didn't assign anyone to that. It would have --
6 and again, this is general -- general kind of rules of
7 how we do things. The officer who was dispatched to
8 the scene would have done that, which would have been
9 Officer McGill.

10 Q. And he should have known that that was his
11 responsibility?

12 A. Yes. Although it is a -- you know, it is
13 generally also a group effort. If he -- if he
14 delegates that to someone, then that person would be
15 responsible for it.

16 But directly answering your question,
17 it's his call. He's really supposed to be in charge of
18 Point A, Point -- you know, the things that need to be
19 done.

20 Q. And if he doesn't do it, it's not going to get
21 done?

22 A. If he doesn't do it or I don't specifically
23 tell someone to do it, well, I don't know that it won't
24 get done. But it's not been definitely communicated to
25 anyone else.

1 Q. When -- when -- I want to go back to the scene
2 after you brought Arturo back to 9014 Laverne Crescent.
3 Did anybody bag his hands for purposes of atomic
4 absorption testing?

5 A. No, sir.

6 Q. He was accused of shooting somebody, right?

7 A. Yes.

8 Q. Do you happen to know why nobody made that
9 call? Was that McGill's call?

10 A. As patrol officers, we don't -- we don't bag
11 hands. I will -- I've never done it. And I've never
12 seen it done as regular street patrol officers. That's
13 typically done by our crime scene units.

14 Q. Right. And they were called out to the scene;
15 is that right?

16 A. We consulted with the homicide division. But
17 since we had someone willing to take photographs, which
18 we deemed kind of the most important part, you know,
19 for evidentiary value, the crime scene units did not
20 come out.

21 Q. All right. You're familiar with the atomic
22 absorption test, right?

23 A. Minimally.

24 Q. I mean, you've heard of it at least?

25 A. Yes.

1 Q. And you know that the test can be done many
2 hours after the event.

3 A. That, I don't know. I don't know how long
4 that test is good for.

5 Q. Did -- did -- to your knowledge, did anybody
6 -- have you seen the photos in this case, Sergeant?

7 A. I have seen them, yes, briefly.

8 Q. Okay. Did you notice that in the photos
9 there's no photos taken outside -- the area outside
10 that door, that broken window door, the back door?

11 A. The back door.

12 Q. That leads to a patio, right?

13 A. Yes.

14 Q. Did you -- do you go out there yourself into
15 that patio?

16 A. I don't believe I did. Once -- no.

17 Q. Okay. All right. Do you know if anyone did?

18 A. I'm sure, yes, that someone was -- when we
19 searched the -- that's what I was about to say.

20 Once we had searched the condominium,
21 then we kind of -- I kind of went more about the
22 business of, you know, assigning duties, make this
23 phone call, that kind of thing. Make sure we had our
24 bases covered in that regard. I don't ever remember
25 myself personally going on the patio.

1 Q. All right. Do you know if anyone ever found
2 any car keys?

3 A. That, I do not know.

4 Q. Cell phone?

5 A. No.

6 Q. What about the -- this -- Arturo's shoes? Any
7 shoes at the scene?

8 A. Do not know.

9 Q. The van was left outside.

10 A. Correct.

11 Q. And it was never searched.

12 A. No.

13 Q. But you were looking for a gun.

14 A. Yes.

15 Q. Anybody consider the possibility that there
16 was a gun in the van?

17 A. A possibility, but we didn't search it.

18 Q. Did anybody see if the van was locked, try to
19 open the door, maybe?

20 It's not really a search, right?

21 A. I would consider that a search. It's -- it's
22 a private vehicle on private property. Personally,
23 there's no reason for me to be inside of it.

24 Q. Did -- was the -- was anyone looking for the
25 gun in the surrounding area, like in the patio or

1 outside of the patio?

2 A. Yes. I mean, we searched the general area and
3 there was never a gun located in the apartment, to my
4 knowledge.

5 Q. Now, you -- you are familiar though with the
6 fact that weeks after the event, a shell casing was
7 found.

8 A. I am aware of that, yes.

9 Q. It wasn't found by a police officer.

10 A. That's --

11 Q. It was found by a -- by a civilian.

12 And you can, from a shell casing, make
13 some generalization about the type of gun that could
14 fire such ammunition, right?

15 A. Yes.

16 Q. With this casing that was found weeks later,
17 was there some determination perhaps of what kind of
18 gun could have fired that? Do you know?

19 A. I'm sure that's possible, but I -- I don't
20 know the specifics surrounding that.

21 Q. If somebody had found a gun out in the --
22 turned it in to the police, for instance, in that area,
23 would that -- would there be some way for investigators
24 or detectives to determine how that might be connected?

25 A. Yes.

1 Q. And that has been checked?

2 A. Yes, I believe it has.

3 Q. All right. You mentioned, Sergeant, that it
4 was -- that out there was Officer McGill and you also
5 mentioned Officer Estrada.

6 A. Estrada, yes, sir.

7 Q. And he's here today, right?

8 A. Yes, he is.

9 Q. And also a deputy constable. Is it Davis?

10 A. I do not know his name.

11 Q. But he's not HPD?

12 A. Not HPD.

13 Q. But he's here today?

14 A. I did see a deputy -- the same person that was
15 with me that night, yes.

16 Q. Okay. Thank you very much, Sergeant.

17 MR. CHERNOFF: I'll pass the witness.

18 THE COURT: Any redirect?

19 MS. MICKELSON: Just briefly, Your Honor.

20 REDIRECT EXAMINATION

21 BY MS. MICKELSON:

22 Q. Deputy, just to follow up on what opposing
23 counsel was asking you. Are you familiar with the
24 difference between a semiautomatic and a revolver-type
25 weapon?

1 A. Yes.

2 Q. Okay. Between a semiautomatic or a
3 revolver-type weapon, which one generally is going to
4 eject shell casings?

5 A. A semiautomatic will eject shell casings
6 without having to manually manipulate the gun to eject
7 the shell casing. In other words, whenever you pull
8 the trigger, the shell casing comes out the side of the
9 gun or the top.

10 Q. Now, a revolver is what we're more common to
11 seeing maybe like in old Western type movies. You have
12 to physically open that, right, and dump out the shell
13 casing in those instances?

14 A. Correct.

15 Q. Are you familiar -- Officer, is a
16 semiautomatic pistol, is that considered a firearm?

17 A. Yes.

18 Q. Okay. Is that considered a deadly weapon?

19 A. Yes.

20 Q. Is a firearm capable of causing serious bodily
21 injury or death?

22 A. Yes.

23 MS. MICKELSON: No further questions.

24 THE COURT: Anything else from the
25 defense?