

1 You may proceed.

2 MS. COLLINS: Thank you, Your Honor.

3 THOMAS CHAPMAN,
4 having been first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 QUESTIONS BY MS. COLLINS:

7 Q. Can you please state your name for the record?

8 A. My name is Thomas Chapman.

9 Q. And what do you do for a living?

10 A. I'm a police officer.

11 Q. That's kind of an obvious answer.

12 Who do you work for?

13 A. I work for the City of Houston Police
14 Department.

15 Q. And how long have you been with the Houston
16 Police Department?

17 A. A little while. I'm starting my 30th year this
18 September.

19 Q. Now, 30 years ago when you started with Houston
20 Police Department, was that your first job; or did you
21 have a job before that?

22 A. I had a job before that.

23 Q. What did you do?

24 A. I worked at a lumber yard.

25 Q. What made you decide to join the Houston Police

1 Department?

2 A. Well, I just thought I had an opportunity to
3 help other people.

4 Q. When you first join the ranks of the Houston
5 Police Department, do they automatically just put you out
6 on the streets; or do they put you through some training?

7 A. We go through the academy -- some police
8 officer training.

9 Q. Okay. And what's the academy?

10 A. It's a building where all people who want to be
11 police officers go through -- I think at that time it was
12 a six-month training period to learn laws and tactics of
13 being a police officer.

14 Q. Now, once you are through the six-month
15 academy, is there a process? Do you have to take a test,
16 like in college; or how does that work?

17 A. Well, many tests. In fact, prior to the
18 academy, we take aptitude tests; and after the academy,
19 we're assigned to field training officers, officers who
20 have been around longer than we have that supervise us
21 in, again, the policies and procedures and tactics of
22 being a police officer.

23 Q. Now, since that was 30 years ago, since then,
24 have you had to receive additional training?

25 A. Yes, ma'am.

1 Q. And, in fact, do you have some requirements by
2 the Houston Police Department of a certain amount of
3 hours that you have to have each year?

4 A. Yes, ma'am.

5 Q. And what is that?

6 A. I believe we're required every year to have 40
7 hours of in-service training.

8 Q. And is that on a particular subject, or do you
9 choose?

10 A. It's what's assigned to us. We have a few
11 electives; but mostly, the classes are assigned. They're
12 governed by the State, as well.

13 Q. Where are you currently assigned?

14 A. I'm currently assigned to the Narcotics
15 Division.

16 Q. How long have you been with Narcotics?

17 A. I've been assigned to the Narcotics Division
18 about 18 years now.

19 Q. Before you were assigned to Narcotics, what
20 were your duties as a police officer?

21 A. When I first came out of the academy -- same as
22 everyone else -- standard patrol duties. After that, I
23 went into some administrative duties and from there, into
24 Narcotics.

25 Q. Now, you say "standard patrol duties." What

1 does that mean?

2 A. We answer calls for service. The police
3 officers you see in the blue and white cars driving
4 around the streets, stopping people for traffic
5 infractions and answering calls for service.

6 Q. And when you say "calls for service," is that,
7 like, when something happens to me and I call 9-1-1,
8 you're the guy who is dispatched out?

9 A. Every time somebody calls the police, there is
10 a record kept of it; and most of the time, officers are
11 sent to the scene. There are some exceptions to that.

12 Q. But that's the type of work you were doing?

13 A. Yes, ma'am.

14 Q. Now, when you went into Narcotics, did you have
15 to have any kind of additional training for that
16 specialization?

17 A. Yes, ma'am.

18 Q. Okay. Tell me about that.

19 A. We take a narcotics survival school in addition
20 to other training. It teaches us how to be more cautious
21 because we're going to work in an undercover capacity.

22 Q. Speaking of undercover capacities, what exactly
23 do you do in Narcotics?

24 A. I work as an undercover officer. I purchase
25 narcotics and investigate complaints about narcotics

1 trafficking.

2 Q. Now, today you've got on a uniform, as you're
3 sitting in front of us. Is that the normal uniform that
4 you wear?

5 A. Well, in Narcotics?

6 Q. Yes.

7 A. No, ma'am. I wear plain clothes.

8 Q. Okay. You said that you go out to certain
9 areas; is that right?

10 A. Yes, ma'am.

11 Q. In an undercover capacity?

12 A. Yes, ma'am.

13 Q. Why do you choose one area to go out to as
14 opposed to another?

15 A. Well, typically, our efforts are focused on
16 where we receive complaints or have knowledge that
17 narcotics are being trafficked.

18 Q. And when you say "complaints," is that, like,
19 from other officers or citizens; or who is that from?

20 A. Both, actually. We get complaints from
21 citizens who call in and give us information. Other
22 officers on the beat might know about something, and
23 they'll let us know. They'll advise us of it.

24 Q. Now, is there a particular drug that is
25 prevalent in Houston amongst others?

1 A. Yes, ma'am.

2 Q. What would that be?

3 A. I would say cocaine.

4 Q. Fair to say, big cocaine problem in Houston?

5 A. Yes, ma'am.

6 Q. Is there a difference between -- when we talk
7 about cocaine, is that the same thing as crack cocaine?

8 A. Well, yes and no. Crack cocaine is made from
9 powder cocaine.

10 Q. Now, cocaine, first of all, is that a
11 controlled substance?

12 A. Yes, ma'am. I believe it's a Schedule 2
13 controlled substance.

14 Q. And when we're talking about cocaine versus
15 crack cocaine, what would be more prevalent on the
16 streets of Houston?

17 A. I'd have to say probably crack cocaine.

18 Q. Let's talk a little bit about crack. What can
19 you tell us about how that's made and what it's made of?

20 A. Crack cocaine is made from one part of -- four
21 parts of cocaine and one part of a dilutant, usually
22 baking soda. They'll take, like I said, a four-to-one
23 ratio, mix it up, put it in some type of container with
24 water, heat it to boiling, and then allow the substance
25 to cool. When they do it, it settles to the bottom, the

1 crack cocaine. It will settle to the bottom and harden.
2 They'll let it dry for a while, and then they can take it
3 out and use it.

4 Q. Is there a name for this hardened substance at
5 the bottom of these containers?

6 A. Crack cocaine. It's a cookie of cocaine.

7 MS. COLLINS: Permission to approach the
8 witness, Your Honor?

9 THE COURT: Granted.

10 Q. (BY MS. COLLINS) Let the record reflect that
11 I'm showing the witness what's been premarked as State's
12 Exhibit Nos. 1, 2, and 3.

13 Okay, Officer, can you tell us what we're
14 looking at here?

15 A. Exhibit 1 appears to be a photograph of a crack
16 cocaine cookie that's been busted into several pieces.
17 And 2 appears to be large pieces of crack cocaine, and
18 Exhibit 3 is smaller pieces of crack cocaine. This is
19 what we would normally encounter on a day-to-day basis.
20 This is what we buy.

21 Q. Okay. And these photos, are they fair
22 representations of the type of thing that you're going to
23 see involving crack cocaine on the streets?

24 A. Yes, ma'am.

25 Q. Now, just to clarify, are these pictures that

1 you've taken?

2 A. No, ma'am.

3 Q. Are these pictures of any particular crack
4 cocaine found in any case?

5 A. No, ma'am, not that I'm aware of.

6 Q. Are these just for demonstrative purposes?

7 A. Yes, ma'am.

8 MS. COLLINS: State offers Exhibits 1, 2,
9 and 3 into evidence and tenders to opposing counsel.

10 MR. CARTER: It's for demonstrative only?

11 MS. COLLINS: (Nods head affirmatively.)

12 MR. CARTER: No objection.

13 MS. COLLINS: Permission to publish, Your
14 Honor?

15 THE COURT: They're for demonstrative
16 purposes?

17 MS. COLLINS: Yes, Your Honor.

18 THE COURT: All right. They're granted
19 for demonstrative purposes.

20 (State's Exhibit Nos. 1, 2, and 3 were
21 admitted for demonstrative purposes.)

22 Q. (BY MS. COLLINS) Okay. Showing you State's
23 Exhibit No. 1 -- and we've already learned about my
24 technical abilities.

25 Okay. We've been talking about what you

1 called "crack cookies." What is this?

2 A. That's a photo of what appears to be a crack
3 cookie.

4 Q. So, literally, it looks like a cookie?

5 A. It reminds me of a praline without the pecans.

6 Q. Fair enough. And is this what you would
7 normally see in houses where they are making crack?

8 A. Yes, ma'am.

9 Q. Now, you said that this is broken up a little
10 bit. What's normally done to a crack cookie once it's
11 been made?

12 A. Well, a wholesaler will purchase the crack
13 cookie and then part it out -- sell it up. They'll take
14 a razor blade and cut it into usable quantities.

15 Q. And looking at State's 2, is this what we're
16 talking about where -- just a broken up crack cookie?

17 A. That's been broken up into several smaller
18 pieces, yes, ma'am.

19 Q. And just to show the process, showing you
20 State's Exhibit No. 3. You made mention that this is
21 more how you see it on the streets; is that right?

22 A. Yes, ma'am. These are the crack rocks that
23 people normally buy and smoke; and there's some crumbs in
24 there, as well, as you can see.

25 Q. Now, when we're talking about -- you made

1 mention of a usable amount?

2 A. Yes, ma'am.

3 Q. Let's talk a little bit about that. The size
4 of a crack cookie, just with your hands, can you show us
5 about what the size of that would be?

6 A. An average one would be maybe about this
7 (indicating), if it weighs around 28 grams -- 25 to 28
8 grams.

9 Q. Now, would that be considered a usable amount?

10 A. That's a sellable amount. You could use it,
11 but it would take you a long time.

12 Q. So, it's a lot of crack?

13 A. Yes, ma'am.

14 Q. When you talk about these pieces in State's
15 Exhibit No. 3 being usable, what are we looking at here?
16 I mean, what's the weight of one of these -- what are
17 these called -- crack rocks?

18 A. Crack rocks.

19 Q. Okay. What's the weight that we're looking at
20 here?

21 A. For example, maybe this one right here would
22 probably weigh anywhere from .1 to .2 grams. Like, a
23 penny would weigh 2 1/2 grams; so, weightwise, that's
24 what we're talking about.

25 Q. So, these are pretty small amounts of crack

1 cocaine?

2 A. Yes, ma'am.

3 Q. Now, when you say that that's a usable amount,
4 sometimes we use the term -- or hear the term a "hit" of
5 something. What's a "hit"?

6 A. It's a usable amount, a dosage unit. It's what
7 a person would normally use in a single instance.

8 Q. So, when we're talking about usable amounts,
9 we're talking about something much smaller than, say,
10 even a sugar packet or something like that?

11 A. Yes, ma'am.

12 Q. What's the gain to someone who's dealing drugs
13 of making something like crack cocaine as opposed to just
14 regular cocaine?

15 A. It's profit. They can make more money by
16 taking the powder cocaine and converting it over into
17 crack cocaine.

18 Q. Now, you said that you worked the streets in an
19 undercover capacity. When you're out undercover, what
20 are you doing? Are you buying, selling crack? What are
21 you doing out there?

22 A. No, no. We don't sell the stuff. We buy
23 cocaine -- crack cocaine or attempt to buy crack cocaine
24 or other narcotics. Depends on the nature of the
25 complaint.

1 Q. When you're out there and you are wanting to
2 blend in with the general crack buyer out there --

3 A. Yes, ma'am.

4 Q. -- what's the type of usable amount that you
5 would be asking for?

6 A. Normally, we'll ask for like a 10-dollar rock
7 or a 20. It's street lingo for \$20 worth of crack
8 cocaine -- a dime or a 20.

9 Q. And why do you normally stick to those figures,
10 a dime or a 20?

11 A. Because that's what the average -- I believe
12 the average crack user would ask for.

13 Q. Is it customary -- well, I mean, in your line
14 of work, have you ever arrested a user of crack cocaine?

15 A. Yes, ma'am.

16 Q. Few or many?

17 A. Many times.

18 Q. In your dealings with users of crack cocaine,
19 is it customary for them to have a large quantity of
20 crack on them?

21 A. The users?

22 Q. Yes.

23 A. No, ma'am.

24 Q. And why is that, in your experience?

25 A. Well, because they will use it immediately. If

1 they get any money, they will use the money to purchase
2 the crack and then smoke it right away and then go back
3 and start the process all over again.

4 Q. And you said "smoke it." How do you use crack
5 cocaine? How do you actually ingest it?

6 A. They'll put it in an object to heat it up, to
7 vaporize it, and then suck the fumes into their lungs.
8 Typically, what we'll find is either a crack pipe made of
9 metal or glass and a lighter.

10 Q. And you called these usable amounts a 10 and a
11 20. Is that related to the actual amount that they cost?

12 A. Yes, ma'am.

13 Q. So, when we're talking about a hundred grams of
14 crack cocaine --

15 A. Uh-huh.

16 Q. -- or, more specifically, 143 grams of crack
17 cocaine, about how many uses could be made out of that
18 amount?

19 A. Well, if my math is right, a hundred times 10
20 is, what, 10,000? Is that right?

21 Q. My math is probably as bad as yours. That's
22 why I became an attorney.

23 A. All right.

24 Q. But fair to say, it's quite a large amount?

25 A. Yes.

1 Q. Over, certainly, a thousand usable hits of
2 crack cocaine?

3 A. Yes, ma'am.

4 Q. When we're talking about crack cocaine and its
5 prevalency on the streets, what's the point of your unit,
6 the Narcotics Unit, getting involved with this type of
7 activity?

8 A. Well, we try to curtail it as best we can
9 because we know that this substance, along with other
10 substances like this, destroys people's lives, their
11 jobs, their families; and, you know, no one wants to see
12 that happen.

13 Q. In your years as a patrol officer and now as a
14 officer in Narcotics, what would be your best estimate on
15 how much of the crime in Houston is drug-related?

16 A. I'd say well over half is directly related to
17 some form of narcotics.

18 Q. And is it strictly related to possession of
19 controlled substance cases?

20 A. No. It's related to just any type of
21 possession or usage.

22 Q. Okay. I'm going to take you, specifically, to
23 an area of town, 5109 Parker. Are you familiar with that
24 area?

25 A. Yes, ma'am.

1 MS. COLLINS: Permission to approach, Your
2 Honor?

3 THE COURT: You may approach.

4 Q. (BY MS. COLLINS) Showing you what's been
5 marked as State's Exhibit Nos. 4 and 6, do you recognize
6 these?

7 A. Yes, ma'am.

8 Q. What are these?

9 A. Exhibit 4 is an aerial view from the north,
10 facing to the south of the residence -- the homes in
11 between Parker and Wiley. 5109 has a little orange blob
12 on it. It's where we executed the narcotics search
13 warrant.

14 Q. Okay. And State's Exhibit No. 6, is that
15 picture also familiar to you?

16 A. Yes, ma'am. This picture was taken in front of
17 the house that night.

18 Q. And do these both fairly and accurately depict
19 5109 Parker at or around February 25, 2010?

20 A. Yes, ma'am.

21 MS. COLLINS: Your Honor, at this time I
22 would offer into evidence State's Exhibit Nos. 4 and 6
23 and tender to opposing counsel.

24 MR. CARTER: Your Honor, I don't have no
25 objection to 4, but I don't know what 6 is. Take a look

1 at it, Your Honor.

2 MS. COLLINS: Would you like to see
3 State's Exhibit No. 6, Your Honor?

4 MR. CARTER: Look at it, Your Honor. It
5 doesn't tell you anything.

6 THE COURT: State's Exhibit 4 is admitted.
7 (State's Exhibit No. 4 was admitted.)

8 MR. CARTER: That's 4; but No. 6, that
9 could be anywhere.

10 MS. COLLINS: Your Honor, I'd be happy to
11 ask him more questions, if you'd like me to; but the
12 witness has stated that this is a fair and accurate
13 representation of 5109 Parker Street.

14 MR. CARTER: Yeah. But the problem, Your
15 Honor, is you can't distinguish that from any other
16 place. I'm not saying he's not telling the truth, but
17 somebody that don't know nothing about this case can't
18 distinguish that from any other place.

19 THE COURT: Anything further, Mr. Carter?

20 MR. CARTER: No, Your Honor.

21 THE COURT: State's Exhibit 6 is admitted.
22 (State's Exhibit No. 6 was admitted.)

23 MS. COLLINS: Permission to publish, Your
24 Honor?

25 THE COURT: Granted.

1 Q. (BY MS. COLLINS) Okay. Officer, I'm going to
2 show you what's been entered into as State's Exhibit 4.
3 You told us a little bit about this already.

4 A. Uh-huh.

5 Q. But now that we have the picture up there
6 itself, what is it that we're looking at here?

7 A. Like I said, it's an aerial, or satellite view,
8 of the homes between Parker and Wiley. This particular
9 view is from the north, at the bottom where Wiley is,
10 towards the south, where Parker is. And like I said,
11 whatever it is is sitting on top of -- yep, that's the
12 one -- 5109 Parker.

13 Q. And is that, first of all, here in Harris
14 County, Texas?

15 A. Yes, ma'am.

16 Q. Are you familiar with 5109 Parker?

17 A. Yes, ma'am.

18 Q. Have you been to this place on several
19 occasions?

20 A. Yes, ma'am.

21 Q. Are you familiar with this area of town?

22 A. Yes, ma'am.

23 Q. Tell us a little bit about this area.

24 A. This is like the Fontaine Subdivision. It's
25 comprised mainly of single family homes. There are a few

1 businesses in the area. It's relatively quiet; but
2 people have horses out here, things of that nature.
3 There's a few pockets of interest for us.

4 Q. What do you mean by interest for you?

5 A. Narcotics trafficking.

6 Q. Overall, would you state that this is a high
7 crime or low crime area?

8 A. I'm going to say it's just average, just like
9 anywhere in the city.

10 Q. In the course of your job as a narcotics
11 officer, have you taken interest in 5109 Parker?

12 A. Yes, ma'am, I have.

13 Q. And why is that?

14 A. Because the occupants of 5109 Parker were
15 selling narcotics out of it.

16 Q. Now, how did you first become aware of what was
17 going on there?

18 A. We received information that, like I said, the
19 occupants had been selling narcotics out of the home.

20 Q. And off the top of your head, if you recall,
21 were there citizen complaints or officers that gave you
22 that information; or do you remember?

23 A. I don't remember.

24 Q. When you found out or received information that
25 drugs were being sold out of this home, how do you

1 respond to that?

2 A. What we did in this instance is we would go out
3 to the location and we would watch it, surveillance, to
4 see what, if anything, was occurring.

5 Q. When you say "surveillance," is this like you
6 see on TV where you're undercover and hiding out
7 somewhere; or what is it?

8 A. Sort of. We'll sit near the location and watch
9 it, either with binoculars or without them, if we don't
10 need them. Sometimes both, just depends on the time of
11 day and things of that nature.

12 Q. Now, with this particular location at 5109
13 Parker, was there a particular place on this map that you
14 normally sat to do your surveillance?

15 A. Yes, ma'am.

16 Q. Can you show us, using your finger there on the
17 screen again, where it was that you would sit?

18 A. Normally, we would sit somewhere in that area
19 because we could see straight to the back door where the
20 narcotics were being sold from.

21 Q. So, down here at the bottom of State's Exhibit
22 No. 4?

23 A. Yes, ma'am. That's Wiley Street.

24 Q. Okay. Now, in the photo -- well, about how far
25 of a distance is it from where you would be sitting to

1 the house itself?

2 A. I'll say a couple hundred feet.

3 Q. And when you would be sitting there, why the
4 back door? I mean, it is back of the house, correct?

5 A. It is a back door, and it is the back of the
6 house. Because that's what our information was where the
7 narcotics were being sold from, that people would
8 purchase it and then go to the front or the side.
9 Typically, there's one spot that the narcotics are being
10 sold from.

11 Q. And in this case, it was from the back door; is
12 that right?

13 A. Yes, ma'am.

14 Q. From your position there on Wiley Street, did
15 you have a good view of the back door of this house?

16 A. Yes, ma'am.

17 Q. Now, what did you observe there?

18 A. Well, typically, what we would see is an
19 individual would come up and park in the driveway; exit
20 their vehicle, either driver or passenger; go to the back
21 door; conduct what appeared to be a hand-to-hand
22 transaction; get right back in their vehicle and leave.

23 Q. Now, this may be a stupid question but when
24 we're talking about a hand-to-hand transaction, I mean,
25 again, is that what we're seeing on TV where someone, you

1 know, literally tries to shake someone's hand and walks
2 away with drugs; or what are we talking about here?

3 A. Something like that, yes, ma'am, where we
4 keep -- the person on the outside would hand something in
5 to the person on the inside. There were burglar bars on
6 this back door. Then another hand would come out; and
7 whatever was exchanged, they would take it and leave.

8 Q. Now, would it be fair to say that because of
9 the burglar bars and the distance you were from that door
10 that you couldn't see the particular person who was
11 handing those drugs out of the house?

12 A. No, ma'am.

13 Q. Okay. You just knew that it was someone.

14 A. Yes, ma'am.

15 Q. Now, when you say that you would see traffic at
16 this house, I mean, how many people were you seeing come
17 and go?

18 A. Well, it varied. Sometimes we wouldn't see
19 anybody for quite some time. If they were busy, we would
20 see, you know, three or four people an hour, if not more.

21 Q. Was that pretty customary?

22 A. Yes, ma'am.

23 Q. Once you have information and you start to feel
24 like this is a house where drugs are being sold, how do
25 you get from that point of having knowlege about the

1 house to actually going inside the house?

2 A. Well, we develop information that leads us to
3 believe, like I said, that narcotics are being sold out
4 of the house by stopping vehicles that leave the house
5 or, in some instances, we will have a confidential
6 informant and we will take a confidential informant near
7 the house -- and, of course, before we do this, we search
8 the confidential informant to make sure they don't have
9 anything on them and give them some City of Houston buy
10 money and watch them leave our vehicle, go to the
11 location. If anyone is there, they conduct a transaction
12 and then come directly back to us, without losing sight
13 of them.

14 Q. Okay. You mentioned two things there. First,
15 stopping vehicles that were exiting. Did you do that in
16 this case?

17 A. Yes, ma'am.

18 Q. Okay. When you would stop the vehicles that
19 were coming from 5109 Parker, were you finding that they
20 had drugs?

21 A. Yes, ma'am. And for clarification purposes, I
22 personally wasn't stopping them. We would have marked
23 units with uniformed officers near the area, and they
24 could conduct the traffic stops for us. We would just
25 call out the vehicle, a description, and direction of

1 travel.

2 Q. And why is it that you do that?

3 A. Well, so that we can remain in an undercover
4 capacity. Plus, it's against the rules for undercover
5 officers in plain clothes in an unmarked car to try to
6 conduct a traffic stop. It's dangerous.

7 Q. So, you would have other people do that for
8 you?

9 A. Uniformed officers in marked units.

10 Q. And when they were stopping the people from
11 coming from this house at 5109 Parker, were you guys
12 making cases of people having drugs in their car?

13 A. Yes, ma'am.

14 Q. Would that happen few or many times?

15 A. Many.

16 Q. And all of this that's going on -- stopping the
17 vehicles, doing the video surveillance -- is that
18 happening over weeks or months or years? What's the time
19 frame?

20 A. In this particular instance, we were at this
21 location for about a month.

22 Q. Okay. Now, you also mentioned sending a
23 confidential informant into the house. Did you do that
24 at 5109 Parker?

25 A. Well, we sent him to the house. He did not

1 actually physically enter the house. He just knocked at
2 the back door.

3 Q. Okay. Fair enough. Tell us specifically about
4 that procedure with regard to 5109 Parker.

5 A. Well, again, just like I said, we would meet
6 with the confidential informant, discuss the matter with
7 him or her, and tell them what we were looking for. We
8 would search them, make sure they don't have anything on
9 them, any drugs or money. Then we take them there. We
10 give them a certain amount of money and watch them leave
11 our vehicle, go to the location, knock. If something
12 happens, they'd make the transaction, come directly back
13 to us, give us the narcotics; and then they would tell us
14 what was said, who they saw, things of that nature.

15 Q. Without going into anything that the
16 confidential informant told you, were you able to observe
17 that confidential informant walk to the house, do a
18 transaction, and come back with crack cocaine?

19 A. Yes, ma'am.

20 Q. Based on your surveillance, the stops you were
21 making coming from the house, and sending the
22 confidential informant in, were you able to obtain a
23 search warrant to make entry into the home?

24 A. Yes, ma'am.

25 Q. And when we're talking about a search warrant,

1 what are we talking about?

2 A. A search warrant is a document that allows us
3 to enter into a residence or a location to look for a
4 particular item or person. In this case, we were looking
5 for narcotics.

6 Q. Now, what is the process for obtaining a search
7 warrant? I mean, is that something that you write up; or
8 does somebody have to actually sign off on that?

9 A. Well, both. We, as officers, will draw up the
10 search warrant itself, the document; and in the document,
11 it talks about who we are and our reason to believe that
12 there are narcotics in the residence. We will identify
13 specific instances in each and every case that lead us to
14 believe that there are narcotics remaining in the
15 residence. We take this document and present it to a
16 magistrate, who reviews it line by line and goes over it.
17 Then they either sign it or they don't sign it and give
18 us authorization to execute the search warrant to enter
19 into the residence.

20 Q. And when we're talking about a magistrate, is
21 that a judge?

22 A. A judge, yes, ma'am.

23 Q. You said that they read it line by line. Has
24 there ever been a time where, you know, you present the
25 document to the judge and they just sign it without

1 reading it?

2 A. Oh, no, ma'am.

3 Q. If they have questions about what you've
4 written in that document, do they ask you?

5 A. Yes, ma'am, they sure do.

6 Q. Now, were you able to obtain a search warrant
7 in this case?

8 A. Yes, ma'am, we were.

9 Q. Now, let's talk a little bit about that. Once
10 you have a search warrant, is that just an open-ended
11 invitation into that house; or is there a period of time
12 where you have to execute that search warrant?

13 A. No, it's not an open-ended; and, yes, there are
14 time constraints on it -- time limits.

15 Q. And what are those time constraints?

16 A. It's three days outside the signing of the
17 warrant and the return. So, basically, it's a five-day
18 grace period to execute the warrant.

19 Q. And did you execute the search warrant in this
20 case?

21 A. Yes, ma'am.

22 Q. When you have the search warrant, how do you go
23 about setting up what is going to happen with the
24 execution of it?

25 A. Anybody that's going to participate in the

1 search warrant, whether it's the Narcotics officers or
2 the uniformed officers, we meet at a single location. We
3 discuss the issue, the execution of the search warrant.
4 Everybody gets their assignment. Some people are on
5 surveillance. Some people have a large piece of metal, a
6 battering ram device, to breach the door. Some people
7 have a pry tool to pry open burglar bars. There are
8 certain people that are assigned a shotgun. They get to
9 take the lead into the house in certain instances -- we
10 call it "on point" -- to clear the house, make sure that
11 nobody has a weapon.

12 Q. Altogether, about how many officers are
13 normally involved in the execution of a search warrant?

14 A. Well, there's a minimum of five Narcotics
15 officers dressed in heavy raid gear and at least probably
16 another four or five uniformed officers, if they're
17 available.

18 Q. Do you have a team of officers that you
19 normally work with?

20 A. Yes, ma'am.

21 Q. And why is it that y'all work together on
22 multiple cases?

23 A. We're a squad. We're assigned as a squad, as a
24 unit. It's for cohesiveness, things of that nature. We
25 can anticipate pretty much most of the time what each

1 other is thinking or going to do and work well with each
2 other.

3 Q. Is there usually someone who is kind of in
4 charge, or the boss, over a particular search warrant
5 execution?

6 A. Well, yes, ma'am. We have a sergeant that's in
7 charge of us.

8 Q. Is there also somebody who kind of takes the
9 lead on -- or a case agent for the case?

10 A. Yes, ma'am, there is.

11 Q. And what's their duty?

12 A. The case agent actually assigns the assignments
13 for the officers, for everybody. He decides who gets to
14 be on surveillance, who gets to be point, moby, breach,
15 things of that nature.

16 Q. And who was the case agent on the execution of
17 this search warrant?

18 A. This was Officer Castro.

19 Q. Okay. And you've worked with him before?

20 A. Yes, ma'am.

21 Q. When did you execute the search warrant on 5109
22 Parker?

23 A. We executed that search warrant on February 25,
24 2010, at about 10:30 at night -- 10:00 to 10:30.

25 Q. Why that hour? Why so late?

1 A. That's just what worked for us at that
2 particular time.

3 Q. Now, you said that there would be one person
4 doing surveillance. Is that what you said?

5 A. Yes, ma'am.

6 Q. Who was assigned to that role in the execution
7 of this search warrant?

8 A. That would be me. I conducted the surveillance
9 of the house prior to the execution of the search
10 warrant.

11 Q. What does that mean? What are you doing?

12 A. I watch the house to see if there's any kind of
13 activity. I'm looking for certain things: People coming
14 and going, purchasers. I'm looking for people wandering
15 around the yard. Sometimes the individuals will walk
16 around with weapons. I look for children because we
17 don't -- you know, last thing we want is for anybody to
18 get hurt, especially children, at a search warrant. I
19 look to see if anybody is there because we don't want to
20 execute a search warrant on an empty house, either.

21 Q. Would it be fair to say that your main role is
22 safety?

23 A. Without a doubt, yes.

24 Q. When you were there for this particular search
25 warrant, how long were you out doing surveillance before

1 the rest of the team came to execute it?

2 A. I was watching it before they got there about
3 20 minutes, I would say, at least.

4 Q. And what do you recall seeing during that
5 period of time?

6 A. There was at least one vehicle that came to the
7 location. It appeared to conduct a transaction, the
8 occupant of the vehicle, with someone inside the
9 residence; and then they left.

10 Q. Other than that, did you see any other people
11 in the yard or round about the property?

12 A. No, ma'am.

13 Q. When you're out there doing surveillance, does
14 there come a point in time when you tell the team that
15 it's time to come? Who makes that determination?

16 A. It's a combination of what I see. If I see no
17 activity at all, because they're nearby and we don't see
18 any activity for a period of time and we have reason to
19 believe there's no one there, then we will call off the
20 search warrant and not execute it that particular night.
21 It's up to our supervisor and the case agent to determine
22 how much time we actually sit and wait.

23 Q. But on this evening, it wasn't very long?

24 A. No, ma'am.

25 Q. When the rest of the team comes, do you recall,

1 other than Officer Castro, who else was a part of that
2 team that was formed?

3 A. Yes, ma'am. I believe Officer Matthew was
4 there, Officer Oliver, Officer Strader, Jeff Johnson,
5 Robert Lara, Sergeant Bronikowski.

6 Q. And, again, are these all officers that you had
7 worked with on many occasions?

8 A. Yes, ma'am. Oh, yes, ma'am.

9 Q. Do you recall, if you know, who was the first
10 person to make entry into the house that day?

11 A. I believe it was Officer Castro.

12 Q. And I've actually gotten a little ahead of
13 myself there.

14 At what point do you see the rest of your
15 team come to 5109 Parker?

16 A. Well, they got there, like I said, about 20
17 minutes after I did; so, it was between 10:00 and 10:30
18 that night.

19 Q. Now, when you are determining how you're going
20 to go about executing one of these search warrants, do
21 you already have a plan in place as to, you know, whether
22 you're going in the front door, the back door, or how
23 does that work?

24 A. Oh, yes, ma'am. We always have a plan in place
25 and an alternate plan. If, for whatever reason, we can't

1 make entry into the back door -- if it's too heavily
2 barricaded and we just can't get in -- we'll fall back
3 and try a secondary entry point. In this case, it would
4 have been the front door.

5 Q. Now, why did you choose to go to the back door
6 on this case?

7 A. We chose to go to the back door because that's
8 where we saw the transactions occurring. We had reason
9 to believe -- and knew -- that there was no obstacles
10 that would prevent a person from getting in. Sometimes
11 people put all kinds of things in front of doors to
12 prevent us from getting in -- couches, you name it.

13 Q. Were you able to see your team make entry that
14 day?

15 A. Yes, ma'am.

16 Q. Now, when you're doing surveillance and the
17 rest of the team is actually making entry into the home
18 at 5109 Parker, do you stay where you're at; or do you
19 join them inside the house?

20 A. Well, I'll stay where I am for just a few
21 moments; and after I make sure -- or I'm reasonably sure
22 that no one is running from the location -- a suspect
23 getting away -- I will drive to where they are.

24 Q. And is that what you did in this case?

25 A. Yes, ma'am.

1 Q. Did you actually go into 5109 Parker on
2 February 25th, then?

3 A. Yes, ma'am.

4 Q. Now, with all the other officers there already
5 having made entry into the home, did you do a thorough
6 evaluation of what was inside that house?

7 A. Well, me, personally?

8 Q. Yes.

9 A. I walked and I looked at the things in the
10 house, just briefly, and then went outside and started
11 doing paperwork, the routine, boring paperwork.

12 Q. Fair enough. Would it be fair to say that
13 Officer Castro was the one who was in charge, as case
14 agent, of actually going through and locating the drugs
15 or any other narcotics or anything that was found in the
16 house and doing a more thorough search of the house?

17 A. Yes, ma'am. Officer Castro would be the one to
18 have documented what was found and where.

19 Q. Okay. We'll go through that in more depth with
20 him, but are you aware of whether cocaine was found in
21 the house?

22 A. Yes, ma'am.

23 Q. Are you aware of how much cocaine was found in
24 5109 Parker?

25 A. I believe so, yes, ma'am.

1 Q. And how much cocaine, if you know, was found in
2 5109 Parker?

3 A. I would have to check the report, but I believe
4 it was a little over 120 or 40 grams of crack cocaine. I
5 can look.

6 Q. And feel free to look at your offense report.

7 A. It was -- yeah, it was about 146 grams of
8 rock -- well, actually 128.1 -- a lot, 200 and something.

9 Q. And as you said, that's a lot of crack cocaine,
10 right?

11 A. Yes, ma'am.

12 Q. When you go in and you find a large amount of
13 crack cocaine like this, 146 or so grams of it, do you
14 also look for other signs of -- not just possession but
15 of dealing?

16 A. Yes, ma'am, we do.

17 Q. And what were you looking for?

18 A. Well, in many instances, we'll find scales or
19 items used to bag the cocaine or contain it, weapons,
20 money.

21 Q. And are you aware of whether any of those
22 things were found at 5109 Parker?

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

24 Q. And what was found at 5109 Parker?

25 A. We found scales. We found material used to

1 cook and bag it. We found money, and we found a weapon.

2 Q. Okay. We've talked about what was found. Who
3 was found at 5109 Parker? How many people were there?

4 A. I'd have to check. I believe it was three --
5 three people. Do you mind if I look?

6 Q. Not at all.

7 A. Yes, ma'am. There were three individuals there
8 at that time.

9 Q. And were they men or women, or what were they?

10 A. There were two men and a woman.

11 Q. Now, did you see the three people that were
12 detained in that house?

13 A. Yes, ma'am.

14 Q. And I say that they were detained. Were all of
15 those people arrested or stopped at some point?

16 A. They were all stopped, yes, ma'am.

17 Q. And what was the reason for that?

18 A. To determine what, if any, link they had to the
19 house and to the narcotics trafficking.

20 Q. Of the three people that were there, were any
21 of them determined to have links to the property?

22 A. Yes, ma'am.

23 Q. Of those people -- well, how many of the three
24 were?

25 A. Well, we determined in the initial

1 investigation that there were at least two; and one was
2 released.

3 Q. Now, of the two people that you determined had
4 links to that property and those drugs, do you see either
5 of those people here in court today?

6 A. Yes, ma'am.

7 Q. Can you identify that person, using an article
8 of clothing that they're wearing?

9 A. A long-sleeve white shirt.

10 Q. Any more detail?

11 A. A green tie.

12 MS. COLLINS: Let the record reflect that
13 the witness has identified the defendant, Willie Roland.

14 THE COURT: The record will so reflect.

15 Q. (BY MS. COLLINS) And when you detained the
16 defendant, did you, in fact, find out what his name was
17 and who he was?

18 A. Yes, ma'am.

19 Q. And what was the name that you were given?

20 A. Willie Roland.

21 Q. How did you determine that? Was that by a
22 license, or did he tell you his name? How did that come
23 about?

24 A. I actually spoke to him, I believe, and asked
25 him his name. I don't have the blotter in front of me;

1 but I fill out a piece of paper with particulars,
2 identifying things.

3 Q. And that was the name that you were given, that
4 you have?

5 A. Yes, ma'am.

6 MS. COLLINS: Pass the witness, Your
7 Honor.

8 THE COURT: Mr. Carter.

9 CROSS-EXAMINATION

10 QUESTIONS BY MR. CARTER:

11 Q. When you went out there, you found three
12 people; is that correct?

13 A. Yes, sir.

14 Q. Two men and one woman, right?

15 A. Yes, sir.

16 Q. And did you ask any party who did the drugs
17 belong to?

18 A. Yes, sir.

19 Q. You asked the man, the woman, and the man?

20 A. Yes, sir.

21 Q. And all of them denied it, right?

22 A. Yes, sir.

23 Q. And you let the woman go?

24 A. Yes, sir.

25 Q. That is to say that women cannot possess a

1 controlled substance when they're with men; is that
2 correct?

3 A. No, sir, that is not correct.

4 Q. You charged the other individual with
5 possession of a weapon, right?

6 A. Actually, I didn't file the charges. Officer
7 Castro filed the charges.

8 Q. I understand that.

9 And the other individual had all the
10 money, right?

11 A. We recovered some money from the other
12 individual.

13 Q. How much?

14 A. I believe it was right around \$1900 -- \$1,900.

15 Q. How much from Mr. Roland?

16 A. I don't believe we recovered anything from
17 Mr. Roland.

18 Q. You go in on a search warrant; and all the
19 money, with the exception of a minuscule amount, is found
20 on the other party; is that correct?

21 A. Yes, sir.

22 Q. And you charge the other person with the
23 pistol; is that correct?

24 A. I believe it was a shotgun.

25 Q. Okay. Was Mr. Roland in the same area where

1 the narcotics were found?

2 A. Well, I was not actually physically inside the
3 residence when the warrant was executed.

4 Q. Did you ever see any narcotics?

5 A. Yes, sir.

6 Q. Did you ever see where they came from?

7 A. Yes, sir.

8 Q. Did you ever see where the individuals were as
9 to the narcotics?

10 A. I believe they were in the same house. I
11 didn't understand --

12 Q. Okay. The same house, just like we in the same
13 courtroom?

14 A. Yes, sir.

15 Q. Who was the closest to the narcotics?

16 A. I do not know.

17 Q. Did you know what room the narcotics were found
18 in?

19 A. Yes, sir.

20 Q. What room?

21 A. I believe it was the kitchen.

22 Q. Do you know what room the other party, other
23 than Mr. Roland, was in?

24 A. No, sir.

25 Q. Do you know what room Mr. Roland was in?

1 A. No, sir.

2 Q. You-all, in order to make a determination as to
3 whether or not Mr. Roland lived there, did you ever go
4 and talk to the manager of the apartment?

5 A. It's a house. And, no, sir, we did not talk to
6 the manager. I did not.

7 Q. Well, how do you know he lived there?

8 A. We found documents at the residence with his
9 name and that address.

10 Q. My daughter moves from time to time, and she
11 gets her mail at my address. Based on your theory, is
12 that to say she lives there just merely because her mail
13 come there, like his did?

14 MS. COLLINS: Objection to argumentative
15 and side-bar, Your Honor.

16 THE COURT: Overrule the objection.

17 A. I don't understand your question.

18 Q. (BY MR. CARTER) When you-all look for the
19 mail, did you get all the mail?

20 A. I don't know if we recovered every instance of
21 mail.

22 Q. You got some mail that was closer to the time
23 of your search. Did you know that?

24 A. Well, I don't know what you mean by "closer."
25 I know that we had mail that was close in time, but I

1 guess that's relative when you say "closer."

2 Q. Let's say, for instance, all the mail that you
3 have is for February of the same month that you executed
4 the search warrant. My question to you is: Did you-all
5 look for additional mail?

6 A. Yes, sir.

7 Q. And that's all y'all found?

8 A. I didn't say that's all we found, no.

9 Q. If a person rented a house and they let
10 somebody else live in there while they're away and when
11 they come back, in all probability, they would have mail
12 there, wouldn't they?

13 A. Which person?

14 Q. You let me housesit in your house for six
15 months.

16 A. Okay.

17 Q. And while I'm gone, mail is coming to my house.
18 And then when you-all execute a search warrant, you-all
19 get the mail for the last month instead of the mail
20 while -- that was sent there while I was gone. You-all
21 didn't do that, did you?

22 A. We recovered what mail we could at the
23 residence as close to the time and with the names on it.

24 Q. I understand. Forget about close to the time.

25 A. Okay.

1 Q. Did you understand -- if the person -- you let
2 somebody live in your house or apartment while you gone,
3 there's all probability of you getting mail during that
4 time, isn't there?

5 A. Yes, sir.

6 Q. You-all didn't look to see if you had mail
7 beyond the month that you executed the search warrant,
8 did you?

9 A. Actually, I believe we did.

10 Q. What did you do with it?

11 A. I believe we have some in evidence.

12 Q. For what month?

13 A. I want to say January. I know at least for
14 sure for January, I believe.

15 Q. Not -- not December?

16 A. I -- well, not directly from December.

17 Q. You don't know how far you went back?

18 A. No, sir.

19 Q. He had some mail from -- you didn't have none
20 from November, did you?

21 A. I don't recall. I don't remember, sir.

22 Q. Is there any way you could find out as to
23 whether or not there were mail in the apartment or house
24 beyond January or December?

25 A. You mean -- you mean right now?

1 Q. Not right now. I know you can't right now
2 because you hadn't thought about it.

3 You-all charged both parties in the house
4 with possession of narcotics, right?

5 A. I believe that's correct, yes, sir.

6 Q. And, so, you take the position that just merely
7 because he rented the place, he probably was in custody
8 of the narcotics?

9 A. No, not just because somebody rents it, no,
10 sir.

11 Q. What if Mr. Roland went to jail and let the
12 other party stay in his apartment while he was gone?

13 A. I'm sorry. I don't mean to be difficult. I
14 just don't understand.

15 Q. I go to jail. I'm going to be there for six
16 months. I let the other individual live in my apartment
17 while I'm gone.

18 A. Okay.

19 Q. Which means that I'm going to have mail there
20 while I'm in jail, right?

21 A. That's correct.

22 Q. You-all didn't look back beyond January and
23 February, did you?

24 A. Well, I mean, we looked at the documents that
25 were there at the scene.

1 Q. But did you understand what I'm asking you?

2 A. Not exactly, but I'm trying to answer as best
3 as I can.

4 Q. Did you know that at least six months prior to
5 this, Mr. Roland was in jail? Did you know that?

6 A. I did not.

7 Q. Did you know that prior to him going to jail,
8 he leased out this house or apartment? Did you know
9 that?

10 A. No, sir.

11 Q. And did you know that prior to going to jail,
12 that he was paying for the utilities? Did you know that?

13 A. No, sir.

14 Q. So, when you found his utility bills, there was
15 no other person to have the bills' name in, was it?

16 A. We found the utility bills in his name, as you
17 said, yes.

18 Q. Wouldn't it be prudent to go to the leasing
19 agent and find out when it was when he leased his place?
20 Wouldn't that have been prudent?

21 A. I suppose it's possible we could have, yes,
22 sir.

23 Q. And that would have explained how these bills
24 would have been there, right?

25 A. I suppose that's one explanation, yes, sir.

1 Q. And you a police officer. You could have
2 checked to see whether or not he was in jail, couldn't
3 you?

4 A. I could have, yes, sir.

5 Q. And, again, that would show that he was not
6 continuously in there and there was a reason for the
7 bills to be there. That would have explained that part,
8 wouldn't it?

9 A. It's one possibility, yes.

10 Q. But that, in and of itself, does not mean that
11 he was in possession of a controlled substance, just
12 merely because you can get his water bill and his
13 telephone bill. That, in and of itself, does not suggest
14 that he was in possession of a drug, does it?

15 A. No, not a water bill or a light bill. No, that
16 by itself does not.

17 Q. There was a young lady there, and you-all says
18 that -- you-all took it upon yourself to say she doesn't
19 have nothing to do with nothing?

20 A. We talked to her. We interviewed her and
21 interviewed, like I said, the two other males. And based
22 on what we were told and what we believed, she didn't
23 have anything to do with narcotics trafficking at that
24 residence.

25 Q. Would you say that the person in the check-out

1 line at the grocery store had something to do with
2 delivery of drugs even if their name is not on anything?

3 A. I don't understand.

4 Q. Would you say that the person who sacks your
5 groceries at a grocery store, even though their name is
6 not on anything, is actually trafficking -- under your
7 definition of trafficking -- even though their name is
8 not on anything?

9 MS. COLLINS: Objection, argumentative and
10 asked and answered, Your Honor.

11 THE COURT: Overrule the objection.

12 Q. (BY MR. CARTER) Did you understand what I'm
13 saying?

14 A. No, sir.

15 Q. The person who sacks your groceries is moving
16 it from one person to another. Would you agree to that?

17 A. Yes.

18 Q. And their name is not on HEB, the drugs -- the
19 guy who sacks your groceries, is it?

20 A. No, sir.

21 Q. Well, how do you know that the woman was not in
22 that posture?

23 A. Well, like I said, I'm not 100 percent certain;
24 but I can tell you that based on what we were told at the
25 time --

1 Q. But you didn't know her.

2 A. No, I didn't know her. No, sir.

3 Q. How do you know that she's a truth-teller?

4 A. Well, I don't.

5 Q. Well, what you think she's going to say? Well,
6 yeah, I do this? I mean, she a big enough fool to just,
7 Yeah, this is what I do? You actually thought she was
8 going to say that?

9 A. Well, I don't know. It has happened before.

10 Q. But y'all let her go.

11 A. Yes, sir.

12 Q. And, so, men are more likely to be drug
13 traffickers than men [sic]? That's the decision you
14 made, wasn't it?

15 A. No, sir.

16 Q. You asked the men; and they said no, did they
17 not?

18 A. Yes, sir.

19 Q. You didn't let them go, did you?

20 A. No, sir.

21 Q. You never arrested a woman for possession of
22 drugs?

23 A. I have, sir.

24 Q. When you go out here and you find drugs and you
25 find two or three people in the house and you don't

1 really know who they belong to, it's easy to arrest
2 everybody, isn't it?

3 A. Well, no, actually, it's not.

4 Q. Well, that's what you did. You let her go, and
5 you don't really know who was in close proximity to the
6 drugs. Y'all did the easy thing: Well, she's a woman;
7 we're going to let her go. And the two guys, you charge
8 them, didn't you?

9 MS. COLLINS: Objection, Your Honor, to
10 argumentative.

11 THE COURT: Overrule the objection.

12 Q. (BY MR. CARTER) Did you charge the two guys?

13 A. Yes, sir.

14 Q. And you don't really know, other than both of
15 them was there, who did what. You don't know, do you?

16 A. Well, I didn't see them, no, sir, if that's
17 what you're asking.

18 Q. That means you don't know.

19 A. Yes, sir.

20 Q. You see me, you know you looking at me.

21 A. Yes, sir.

22 Q. So, you don't know what you don't see; is that
23 correct?

24 A. Sometimes, yes, sir.

25 Q. So, you don't really know who was in care,

1 custody, or control of these drugs, do you?

2 A. I know who I believe was.

3 Q. There's a belief -- a difference between belief
4 and -- you can flip a coin; and I believe if it hits
5 heads, it belongs to him, as opposed to tails. That's a
6 belief, isn't it?

7 A. I suppose, yes, sir.

8 Q. That's a guess, isn't it?

9 A. That one would be, yes, sir.

10 Q. Yeah. But we are talking about criminal
11 liability is based upon guesswork, aren't we?

12 A. No, sir.

13 Q. You didn't really know, did you?

14 A. Well, I don't -- I did not see him physically
15 in possession of the -- holding it in his hand, if that's
16 what you're asking.

17 Q. Can you recall as to who had the keys to the
18 house?

19 A. No, sir.

20 Q. Did you do an offense report?

21 A. No, sir.

22 Q. Did you review your recollection based on the
23 offense report?

24 A. I can.

25 Q. I noticed earlier you were asked to refresh

1 your recollection and you referred to the offense report.

2 Do you remember that?

3 A. Yes, sir.

4 Q. Could you look at the offense report and do the
5 same thing you've already done to refresh your
6 recollection to determine whether or not if some keys
7 found -- and I don't want you to tell me what the offense
8 report says unless I ask you.

9 A. Yes, sir.

10 Q. All right.

11 A. Sure.

12 Q. Would you do that for me, please, sir?

13 A. Yes, sir.

14 MS. COLLINS: Your Honor, this witness has
15 already stated that he was not the person who made entry
16 into the home. He has no personal knowledge of the
17 questions he's being asked. We certainly have Officer
18 Castro here, who will testify next, who will be happy to
19 answer all of these questions; but this witness does not
20 have personal knowlege of who was in the home and what
21 was found at the time that entry was made.

22 MR. CARTER: Your Honor, my only thing is
23 that she has asked him from time to time to refresh his
24 recollection from the offense report; and I'm just asking
25 him to do the same thing she's asked him to do on a

1 different area.

2 THE COURT: You may continue.

3 Q. (BY MR. CARTER) Would you look at page 2.006?

4 A. Sure.

5 Q. The third paragraph.

6 A. Yes, sir.

7 Q. Okay. Now, does it tell you -- just tell me --
8 don't tell me who had the keys. Does it tell you who had
9 the keys to the place?

10 A. Yes, sir.

11 Q. Was it Mr. Roland?

12 A. No, sir.

13 Q. Do you know what the keys belonged to?

14 A. I'm sorry?

15 Q. Do you know what the keys belonged to?

16 A. What they opened?

17 Q. Yeah.

18 A. Yes, sir.

19 Q. What?

20 A. The burglar bars there at the residence.

21 Q. The person who had the keys that let you in was
22 not Mr. Roland; is that correct?

23 A. Well, actually, we weren't let in. And, no, he
24 did not have the keys that you're referring to.

25 Q. Okay. And Mr. Roland, again, was not the one

1 charged with the gun; is that correct?

2 A. I believe that's correct, yes, sir.

3 Q. And Mr. Roland, again, was not the one who had
4 the money, the \$1900?

5 A. That is correct.

6 Q. Did you know that the other individual was in
7 the kitchen? Did you know that?

8 A. No, sir.

9 Q. Did you know that narcotics were found in the
10 kitchen?

11 A. Yes, sir.

12 Q. Did you know that Mr. Roland was not in the
13 kitchen? Did you know that?

14 A. I did not know that.

15 Q. Okay. Did you-all ever find any drugs in the
16 bedrooms?

17 A. I don't remember if they recovered any from the
18 bedrooms or not.

19 Q. Did you ever determine as to what bedroom
20 Mr. Roland used, if any?

21 A. I did not, no, sir.

22 Q. You said there were 146 grams of crack and 120.
23 Do you know whether or not they were found in close
24 proximity to one another?

25 A. I believe they were found in the kitchen area.

1 Q. Close to each other?

2 A. Well, as close in the kitchen as they can be.

3 Q. Did you -- when you went in, did you ever see a
4 couch and a coffee table?

5 A. I believe so, yes, sir.

6 Q. How close was that to the kitchen?

7 A. Well, I believe it's in the next room from the
8 kitchen.

9 Q. Could you see the kitchen, sitting on the
10 couch?

11 A. No, I don't think so.

12 Q. Could you reach and grab something from the
13 couch, in the kitchen?

14 A. No, sir.

15 Q. Do you know where the young lady was sitting at
16 any point in time?

17 A. No, sir.

18 Q. Do you know whether or not she was sitting with
19 somebody or by herself?

20 A. I don't know.

21 Q. Did you ever see her on the outside, on the
22 ground?

23 A. No, sir.

24 Q. Didn't you-all have the young lady and the
25 people in the house come outside and lay facedown with

1 their hands behind them?

2 A. No, sir.

3 Q. That didn't happen?

4 A. No, sir.

5 Q. Well, how did y'all do them?

6 A. We detained them inside the house and
7 handcuffed them and just walked them out to the police
8 cars, set them in the police cars; and they just sat
9 there while the paperwork was being done on them.

10 Q. Y'all put them together?

11 A. I believe we kept them separate, initially.

12 Q. Was y'all ever able to determine who the girl
13 was there with?

14 A. I don't remember.

15 Q. If you didn't make a determination of who she
16 was with, how do you-all know she didn't have a stake in
17 what was going on out there?

18 A. Well, again, it was based on speaking with her
19 and the two individuals; and based on everything we had
20 in front of us at the time, that's our best belief.

21 Q. When you-all went in, y'all searched the place.
22 Other than the utility bills, did anybody else have their
23 names on any of the bags or anything where the dope was
24 involved?

25 A. No, sir.

1 Q. So, how do you know who it belonged to?

2 A. Well, it belonged to the individuals that
3 currently stay at the house on a regular basis.

4 Q. How do y'all know she didn't stay there
5 regularly?

6 A. From the surveillance we conducted during the
7 previous month.

8 Q. Y'all didn't know her; so, you made a
9 determination on how long she had been staying there to
10 determine whether or not she stayed there? Is that the
11 way you do it?

12 A. Well, no. We look for other signs. For
13 example, we didn't find any kind of female clothing in
14 the closets and cosmetics and things that women typically
15 keep around.

16 Q. The amount of time she went there has nothing
17 to do with anything, does it?

18 A. Well, I don't understand.

19 Q. Well, when you got married, there's always a
20 first day, wasn't there?

21 A. Yes, sir.

22 Q. Okay, then. So, what's days got to do with it?

23 A. I don't know.

24 Q. Well, how you know --

25 MS. COLLINS: Your Honor, I object to

1 argumentative.

2 THE COURT: Overrule the objection.

3 Q. (BY MR. CARTER) How do you know that wasn't
4 her first day there? Everything has to start from
5 somewhere, doesn't it?

6 A. Yes, sir.

7 Q. Okay, then. So, it doesn't really mean
8 anything to suggest that she weren't seen there before,
9 does it?

10 A. Well, I didn't say that.

11 Q. Just like when you started working at the
12 police station, that was the first day, wasn't it?

13 A. Yes, sir, without a doubt.

14 MR. CARTER: I pass the witness.

15 THE COURT: All right. Ladies and
16 gentlemen of the jury, at this point, we're going to take
17 a brief recess. I'll let you stretch your legs, go to
18 the restroom; and we'll resume in about ten minutes.

19 If you would, please, go with the bailiff.

20 (Jury exits courtroom.)

21 THE COURT: You may be seated. The Court
22 will stand in recess for ten minutes.

23 (Recess taken.)

24 THE COURT: Back on the record in Cause
25 No. 1253231, styled The State of Texas versus Willie