

1 THE COURT: Call your next witness,
2 please.

3 MR. ROGERS: Your Honor, the State calls
4 Mona Colca to the stand.

5 MONA COLCA
6 having been first duly sworn, testified as follows.

7 THE COURT: Mr. Rogers?

8 MR. ROGERS: Thank you, Judge.

9 DIRECT EXAMINATION

10 BY MR. ROGERS:

11 Q. Good afternoon. Will you introduce yourself
12 to the Court, please?

13 A. My name is Mona Colca.

14 Q. And, Ms. Colca, how are you employed?

15 A. I'm a forensic analyst with the Houston
16 Forensic Science Center.

17 Q. How long have you been with the Houston
18 Forensic Science Center?

19 A. In August it will be 10 years.

20 Q. And what kind of training and education did
21 you have to have to become -- to work with the Houston
22 Forensic Science Center?

23 A. I have a Bachelor's Degree in chemistry from
24 Texas State University. I also received training with
25 the Houston Police Department Crime Laboratory,

1 Q. And those letters, are those your initials?

2 A. Yes, sir.

3 Q. So, the date that we see, would be the date
4 that you would have dropped it off at 1200 Travis?

5 A. Well, again, sir, if I dropped it off after
6 midnight, it wouldn't -- on the log in, it would read
7 the 19th. Because sometimes that can happen if we run
8 a search warrant in the evening and it may carry -- say
9 the 18th. And by the time we get done with paperwork
10 and go down to tag it, it may be midnight or it maybe
11 12:30 and the log would read the 19th.

12 Q. Okay. And so, what date do we see here?

13 A. The 18th, sir. The 18th is the day that I
14 completed this.

15 Q. And in particular, is that June 18th?

16 A. Yes, sir.

17 Q. 2014?

18 A. Yes, sir.

19 MR. ROGERS: Pass the witness, Your
20 Honor.

21 MR. GAISER: I'd like to reserve
22 cross-examination of this witness, Your Honor.

23 THE COURT: All right. If you'll step
24 outside, please. Thank you.

25 THE WITNESS: Thank you.

1 have to again sign your name, date and time, case
2 number and how many envelopes or boxes you're
3 submitting into that -- the tag-in box for that
4 particular incident. And once you're done with that,
5 you've got to go and sign back out and return the key.

6 Q. Do you recall if you would have done all of
7 those things in this particular case?

8 A. Yes, sir.

9 Q. Do you recall off the top of your head on what
10 date that would have been? If you recall.

11 A. Well, if I tagged it after midnight, it would
12 be the next -- the log would read the next date.

13 MR. ROGERS: Your Honor, may I approach?

14 THE COURT: Yes, sir.

15 Q. (BY MR. ROGERS) Again, showing you those same
16 exhibits. On the back here on -- just to be clear for
17 exhibits, 27-A, 28-A, 32, 26-A, 30-A, on the back of
18 each one of those what do we see?

19 A. What that is is the -- once I put the evidence
20 in there and -- that's the last step to seal it up.
21 Close the lip on it. I put tape. And then I've got to
22 sign my initials and the date that I completed this.

23 Q. Okay. And so, is that what we see here on
24 these exhibits?

25 A. Yes, sir.

1 A. Okay. Well, first to get into the building,
2 we have to scan into the building to get in. So,
3 that's one measure. So, I scan in. I enter the
4 building. Once I enter the building, there's an
5 officer that's working at the desk. And I have to scan
6 in there again. So, that's another measure of
7 security. Once I do that, I have to go to the window
8 to where the officer is on the back side after I scan
9 in. And I have to tell them what I'm there for.

10 The officer recognizes me. So, he knows
11 what I'm there for. So, then he'll reach into the
12 counter that's behind the glass where I'm at. And so,
13 he'll reach in and grab a key. He'll put the key in
14 the tray that goes under a window. And then there's a
15 sign-in log. So, once you get the key from him, you've
16 got to sign your name and where you work, your payroll
17 number. And you've got to sign the time in.

18 Once I -- once I do that, I go with the
19 key. Go down the hallway. There's a room that's
20 locked at all times and you need the key to get in.
21 Once you enter that room, once again, there's a --
22 there's one box where small envelopes or boxes may fit.
23 And then there's like larger boxes -- metal boxes as if
24 you have any larger items. And so, what you do from
25 there -- there's -- there's another log in there. You

1 items from Officer Elkin?

2 A. Well, once I receive them from him, that's
3 when I start completing the forms. The -- this -- that
4 envelope and there's actually another form that goes
5 stapled onto the front. And I complete that. I will
6 complete that form. And it has the same -- the same
7 information that's on there, it's the same thing. It's
8 typed out. It's a -- it's a template and then we fill
9 in all the blanks. And then that goes stapled to the
10 front and that's for the lab.

11 Q. And so, you would have been the one that would
12 have personally filled all this out?

13 A. Yes, sir.

14 Q. And then once you fill that out, what's the
15 next step?

16 A. I just maintain care, custody and control
17 until I go to 1200 Travis. And whether that be right
18 there sitting next to me on the desk or if I leave
19 immediately, I take it with me. And put it in the car
20 next to me and drive down to 1200 Travis and put it in
21 the lock box.

22 Q. And now, when you put it in the lockbox, is it
23 secured in any kind of way?

24 A. Yes, sir, it is.

25 Q. Explain to the Court, how is it secured?

1 A. Same thing -- well, marijuana. It's the
2 narcotics again with notes written on it. I was saying
3 where it was found, approximate weight.

4 Q. And would these items have been given to you
5 by Officer Elkin?

6 A. Yes, sir.

7 Q. And then finally State's Exhibit 21 -- excuse
8 me -- State's Exhibit 29 and State's Exhibit 30?

9 A. That's the same narcotics with notes written
10 on the bags.

11 Q. And these items, would they have been given to
12 you by Officer Elkin?

13 A. Yes, sir.

14 Q. So, then just to be clear, all these objects
15 that we've -- that you just testified to, they would
16 have been handed directly to you from Officer Elkin?

17 A. Yes, sir.

18 Q. What condition or state would the items have
19 been handed to you?

20 A. I don't understand your question, sir.

21 Q. So, in other words, how are they packaged when
22 they're given to you by Officer Elkin?

23 A. In plastic baggies. We've got different size
24 baggies.

25 Q. And what are you to do once you receive these

1 what are you to do with them?

2 A. Put them in the --

3 MR. ROGERS: May Your Honor, may I
4 approach?

5 THE COURT: Yes, sir.

6 Q. (BY MR. ROGERS) Officer, we already talked
7 about 27-A, which was the outside. I now want to talk
8 particularly about the inside of it, State's Exhibit
9 27. What do we see here?

10 A. Notes written on the bag.

11 Q. All right. And would this be one of the
12 objects or one of the things that Officer Elkin would
13 have given to you on that day?

14 A. Yes.

15 Q. Same thing for 28-A. You've already
16 identified it by your handwriting; is that right?

17 A. Yes, sir.

18 Q. Then in regards to the contents 28-A --

19 A. Same bag with notes.

20 Q. So, in regards to -- we see State's
21 Exhibit 28. Would this have been given to you by
22 Officer Elkin?

23 A. Yes, sir.

24 Q. And then on Exhibits 32-B and 32-A, what are
25 -- what do we see here?

1 MR. GAISER: Object to speculation.

2 THE COURT: Sustained.

3 Q. (BY MR. ROGERS) In regards to State's
4 Exhibits 27-A --

5 A. Yes, sir.

6 Q. Let me show you that. What is that?

7 A. The same thing as that, the envelope with the
8 evidence in it.

9 Q. All right. And do you recognize the
10 handwriting on this --

11 A. Yes.

12 Q. -- which is 27-A?

13 A. Yes, that's my handwriting.

14 Q. All right. State's 28-A?

15 A. Same, my handwriting.

16 Q. And then same thing for State's Exhibits 30-A,
17 State's Exhibit 32 -- and State's Exhibit 32?

18 A. Um-hum. Yes, sir, my handwriting.

19 Q. And these would have all been collected from
20 the residence on that day?

21 A. Yes, sir.

22 Q. Now, these items, would they have been given
23 you by Officer Elkin?

24 A. Yes, sir.

25 Q. And once Officer Elkin gives you these items,

1 approximate weight and then the signature.

2 Q. And then this writing that we see, is that
3 your handwriting?

4 A. Yes, sir, it is.

5 Q. And then particularly, if you look inside of
6 State's 26-A and look at State's Exhibit 26, what is
7 that?

8 A. That -- what I was talking about earlier, once
9 we start weighting it, what we'll do is we'll write
10 down the weight of the narcotics. Sometime we'll write
11 it down where it was found. Sometimes we'll write down
12 the weight on it. It just -- it just depends. There's
13 no -- there's no exact -- whoever is preparing it --
14 it's no exact definition of how you have to -- how it
15 has to be done, what you write on there. It's more
16 mainly for notes -- what we'll do.

17 Q. And then this handwriting that we see on
18 State's Exhibit 26, do you recognize that handwriting?

19 A. Yes, sir.

20 Q. And whose handwriting is it?

21 Well, let me ask you: Is this your
22 handwriting?

23 A. Sir, I don't recall this being my handwriting.

24 Q. Okay.

25 A. It might have been --

1 usually as a unit -- because there's so much paperwork
2 involved, somebody will -- he'll start designating hey,
3 who can help out with what.

4 So, in this instance, my task was to do
5 the forms and weigh in and testing of the narcotics.
6 So, in this case once we got to the office, I conducted
7 the field-test. I weighed the narcotics. And I sealed
8 it in the envelopes to be tagged at the narcotics lock
9 box down at 1200 Travis.

10 Q. And those envelopes that you mentioned, would
11 that contain your handwriting?

12 A. Yes, sir.

13 MR. ROGERS: Your Honor, may I approach?

14 THE COURT: Yes, sir.

15 Q. (BY MR. ROGERS) I'm showing you what's marked
16 for identification -- well, marked for identification
17 purposes as State's Exhibit 26-A. Can you explain what
18 that is?

19 A. Okay. What this is -- this is the envelope
20 that we use. And then we'll write -- we'll write down
21 the pertinent information. It's -- well, just fill in
22 the blanks. And as you can see here, case number, any
23 defendant -- excuse me -- or suspect at the time we're
24 linking the evidence to the offense what they're being
25 charged with, the location, the date and the time and

1 me backtrack.

2 We'll take pictures as on this instance.
3 I recall -- I'm not sure, but I believe that my
4 supervisor -- our supervisor at the time took the
5 photographs of the scene. And he'll usually photograph
6 the scene, anything that's out in plain view.

7 Then we'll -- by secure he'll collect,
8 he'll note down, we'll put in -- we have like Ziploc
9 bags. And the common practice for us will be gather
10 the narcotics. We'll start separating it and putting
11 it in Ziploc bags and maybe write down on the bag where
12 it was found. And so, that way it just keeps
13 everything more organized. We know we're all on the
14 same page as far as hey, this was found -- this was
15 found here, just to note it down. And then having the
16 pictures as well.

17 And so, what will happen is we'll secure
18 it. Put in a -- put in our box. We have a tin box we
19 carry. And then we'll keep it together and put it in
20 the van and lock it up.

21 Q. So, who if anyone or -- if you know, who would
22 Officer Elkin give that responsibility to in regards to
23 the narcotics that are found?

24 A. Well, he maintains custody of it up until --
25 throughout the scene. Once we return to the office,

1 Two, as you can see what I was talking about earlier,
2 the smaller white -- those are small white crack
3 cocaine rocks. A lot of time when they're like this,
4 that means they're being individually packaged for
5 resale. And then the firearm, of course, that's
6 another indicator of having something for protection.

7 Q. So, now, what is the team doing at this point?

8 A. Well, at this point -- well, like I said,
9 what's out in plain view, any weapons, narcotics, we go
10 ahead and -- at the direction of the case agent, we go
11 ahead and recover it. And the case agent on this one
12 recovered this. So, he'll secure everything. And once
13 we secure it, we'll just wait for the dog just in case
14 there might be something else that's hidden. Because
15 we don't -- we don't always find everything on the
16 initial -- when we're clearing a house, we may not
17 always seeing everything. There may be other things
18 that are hidden. And then we'll -- once the dog alerts
19 in certain places, then we'll, you know, look there and
20 then look in the rest of the house.

21 Q. So, you said the case agent will secure it; is
22 that correct?

23 A. Yes, sir.

24 Q. What does that involve? What does that mean?

25 A. What he'll do is he'll come in -- actually let

1 what's in plain view. And then once the dog gets --
2 once the dog gets here, we'll let the dog do the
3 search. And then we'll search after the dog --
4 wherever the dog may alert. And we'll start the
5 residence.

6 Q. Now, if I heard correctly, you said in this
7 case the narcotics were in plain view; is that right?

8 A. Yes, sir.

9 Q. Do you recall where in the residence the
10 narcotics were?

11 A. Yes, sir. As soon as you went in the
12 residence, straight ahead was a -- like a kitchen. And
13 there was a little bar kind of open window and there is
14 where it was sitting on top of the counter.

15 Q. Officer, I'm showing you what's already in
16 evidence as State's 13. Is that the area of the
17 residence that you're talking about?

18 A. Yes, sir.

19 Q. And once seeing this in plain view, what, if
20 anything, does that tell you as an officer?

21 A. Well, that -- being out in plain view and in
22 the open, I mean, it's not even concealed, tells me a
23 couple of things. One is whoever is in the residence
24 is most likely to have knowledge about it because it's
25 -- it's just out in the open. It's not concealed.

1 Once we go in, then that's what we use
2 the specialized training I was talking about earlier,
3 how to clear -- how to clear structures. Once we go
4 in, somebody may break off into the living room,
5 stairs, cover down on a hallway until we clear a
6 certain section. And we just go from clearing --
7 clearing a residence from there.

8 Q. So, at that point when you say clearing a
9 residence, you-all are trying to see if there's anyone
10 else in the house that potentially may pose a threat;
11 is that right?

12 A. That's correct, sir.

13 Q. During that search, did you find anybody?

14 A. No, sir, not inside the residence.

15 Q. And during that time, do you recall anyone
16 else inside, other than police officers, leave the
17 residence?

18 A. No, sir.

19 Q. So, now once that search is conducted, what is
20 the next step for you?

21 A. Well, next step for us is we'll ask the case
22 agent hey, what do you need? Where do we go from here?
23 And sometimes they will tell us hey, let's wait for a
24 dog. Sometimes they'll say -- in this instance, the
25 narcotics were out in plain view. Let me recover

1 Q. (BY MR. ROGERS) So, as you rounded that
2 corner, Officer, what happened after that?

3 A. Well, I -- I noticed that the door was open.
4 So, what I did is I dropped -- I dropped -- let me
5 reflect this.

6 As I was dropping the Moby, the battering
7 ram -- as I was dropping that, the other officers were
8 passing me up to go inside the door and then the other
9 ones were detaining the defendant outside. And then
10 once -- once -- as I'm dropping the Moby -- once they
11 pass me up, I try to fall in the stack as quickly as
12 possible.

13 Q. So, what's the goal at this point?

14 A. Well, the goal at this point once -- once we
15 enter the residence is to secure residence and anybody
16 that could be in there or standing around it right
17 outside.

18 Q. How do y'all go about doing that?

19 A. Well, we usually -- we fall in -- as me being
20 the Moby, using the battering ram -- because I don't
21 have a weapon out, I'm usually -- I have to wait till
22 the guys pass me up as I'm dropping off -- as I'm
23 setting it on the ground or dropping it, whichever it
24 may be. And then as coming out with my weapon, then I
25 fall in the stack.

1 ram. And once -- when we serve these search warrants,
2 I'll break the door in as well, is what I'll do. I'll
3 force it open, is essentially what I do.

4 Q. And do you recall on this particular day, did
5 you have to force the door open?

6 A. No, sir, I did not.

7 Q. And why was that?

8 A. Because as -- right when we made the corner as
9 we were coming to the front door, the defendant was
10 exiting the door. So, therefore, it was open. I
11 didn't have to breach it.

12 Q. And did you personally see the defendant
13 leaving the residence?

14 A. Yes, sir.

15 Q. And that person that you saw leaving the
16 residence, is he -- do you see him in the courtroom
17 today?

18 A. Yes, sir, I do.

19 Q. And would you identify him by where he's
20 sitting and by an article of clothing he's wearing?

21 A. To my right, sir, in the orange jumpsuit.

22 MR. ROGERS: Your Honor, may the record
23 reflect that the witness has identified the defendant
24 in open court?

25 THE COURT: It will.

1 June 18th, 2014?

2 A. Yes, sir.

3 Q. And particularly, would you have been at 12407
4 West Village Drive?

5 A. Yes, sir.

6 Q. And that's located in Harris County, Texas?

7 A. Yes, sir.

8 Q. What was your reason for being there?

9 A. Well, I was assisting officer Elkin in serving
10 a narcotic search warrant.

11 Q. And so, when you say that you were assisting
12 Officer Elkin, particularly what was your -- your job
13 for this case?

14 A. Well, as Officer Elkin is case agent, he'll
15 ask or designate who does what in his unit. And at the
16 time being in his unit, my job was to breach the door
17 for that particular location.

18 Q. To do what?

19 A. Breach the door.

20 Q. And what does that mean?

21 A. Well, what that means is sometimes some of
22 these residences, they're secure with either burglar
23 bars or they'll have obstacles in the way. They'll
24 have multiple doors. So, what I do is I usually have
25 the -- we call it the Moby, but it's a small battering

1 protection for them as well.

2 One other thing I forgot to mention, sir,
3 is on the -- another measure that we use to determine
4 to -- excuse me -- the intent to deliver or sell would
5 be if we -- when we find money. And the money a lot of
6 times -- especially if it's small baggies, the
7 denomination will be a bunch of small denominations,
8 maybe five's, 10s and 20s. Multiple -- multiple
9 amounts of -- a large amount of money in small
10 denominations is another sign of intent to sell or
11 deliver that we use.

12 Q. And these different things, are these all
13 things that you'll consider when you're conducting
14 these investigations?

15 A. Yes, sir. We take the totality of the
16 circumstances. It's not just one thing per se that we
17 may see. It's the whole picture as to what will
18 determine whether we believe the person is in
19 possession with intent to sell or deliver.

20 Q. And these different things, do they apply just
21 a particularized drug, like cocaine or do they apply to
22 cocaine, methamphetamine and other drugs?

23 A. No, sir. Normally they -- they apply to all
24 -- pretty all drugs.

25 Q. So, Officer, would you have been working on

1 -- may have note it down as far as amounts. The other
2 one would be the suspect -- once they're arrested, if
3 we see that they have previous possession cases, that's
4 another indicative measure that we use. Again, it's
5 just taking in the whole picture as to what we see.

6 Q. And does that include the possible discovery
7 of any kind of firearms?

8 A. Yes, sir.

9 Q. And why do firearms matter?

10 A. Well, most of the times in my personal
11 experience and even in training, when you come across
12 suspects who you believe that are in possession of
13 narcotics with intent to sell or deliver, a lot of
14 times they're armed. And reason being is for their own
15 protection usually from -- from other -- somebody else
16 who may try to steal their narcotics because it is
17 valuable to them.

18 Q. And what about dogs, particularly like a pit
19 bull? Have you seen those in your experience as a
20 narcotics officer?

21 A. Yes, sir. Sometimes with some of these
22 residences that we may serve these search warrants in,
23 they may have dogs that are sometimes chained up,
24 sometimes loose. They'll have multiple dogs. A lot of
25 times, it's a deterrence or it could be there for

1 of times that leads us to believe that the person could
2 be in possession with intent to sell or deliver.
3 That's -- that's one of the factors. It's a totality
4 of the circumstances.

5 Q. How does weight of a narcotic consider into
6 your analysis?

7 A. How much -- how much weight it is -- it's no
8 exact weight per se. It could be a small amount. But
9 if it's individually packaged, then a lot of times
10 that's indicative of -- of a resale. If it's
11 individually packaged, in let's say quarter gram per se
12 -- again, it just depends on the situation. Not every
13 situation is the same. But that's one of the
14 indicative -- is the amount as to personal use. You
15 know, you've got two baggies, we argue personal use.
16 But when you have somebody who's in possession of
17 multiple baggies and they're about the same amount,
18 that looks to be more of an intent to sell or
19 distribute versus a small amount, which might just be
20 one or two baggies or so.

21 Q. And you mentioned the bags. What other kind
22 of paraphernalia, if any, do you come across on these
23 cases where there's an intent to sell?

24 A. A lot of times we come across scales. That's
25 one thing. Scales or sometimes even ledgers may have

1 specialized training we receive there as far as how to
2 execute search warrants, certain tactics we use and
3 SOPs within our division as far as how we do things.

4 Q. And do you have any particularized training in
5 regards to detecting the sale or intent to deliver
6 narcotics?

7 A. Yes, sir.

8 Q. Can you briefly speak about that training?

9 A. Well, the training on that comes from, again,
10 being told and experience and being -- coming across
11 it. As far as how we're told when -- what we -- what
12 we come across to suspect to be in possession with
13 intent to deliver or sale, in the manner it's packaged,
14 the type of baggies, the quantity, amount and the type
15 of narcotic that it is. What is the -- if it follows
16 pretty much the guidelines of what we've been told or
17 come across, that's -- that's why we determine if it's
18 -- we believe that the person is in possession with
19 intent to sell or deliver.

20 Q. Can you describe these baggies that you
21 mentioned?

22 A. Well, for instance, if there's a certain
23 amount of narcotic -- for instance, I'll say powder
24 cocaine. If there's a certain amount that's more than
25 a usable amount and it's individually packaged, a lot

1 Mauricio Valle.

2 Q. And, Officer Valle, how are you employed?

3 A. With the Houston Police Department, sir.

4 Q. How long have you been with the Houston Police
5 Department?

6 A. Just over eight and a half years.

7 Q. And where are you assigned with the Houston
8 Police Department?

9 A. To the narcotics division.

10 Q. What are your responsibilities in the
11 narcotics division?

12 A. Enforce -- I'm on a street-level squad.
13 Enforce complaints, follow up on complaints, serve
14 search warrants, conduct buy/busts as needed and any
15 other complaints that I have assigned to take care of,
16 follow up on investigations.

17 Q. And in brief, do you have training in regards
18 to narcotics particular -- particularized for your job?

19 A. Yes, sir, I do.

20 Q. What kind of training do you have?

21 A. Well, our training starts actually in the
22 academy with the recognition of narcotics. And once we
23 go from there, we gain experience through arrests, past
24 arrests made. It just depends on the street, coming
25 across it. Once we come into the division, the

1 at the residence?

2 A. I can't say that I recall seeing a specific
3 cell phone, no, sir.

4 Q. Did you conduct any kind of search to
5 determine who was connected to the residence, mail or
6 documents?

7 A. I personally did not.

8 MR. GAISER: I pass the witness.

9 THE COURT: Mr. Rogers?

10 MR. ROGERS: No further questions, Your
11 Honor.

12 THE COURT: All right. Thank you for
13 your time, sir. You can step outside.

14 Call your next witness, please.

15 MR. ROGERS: Your Honor, the State calls
16 Officer Valle to the stand.

17 MAURICIO VALLE,
18 having been first duly sworn, testified as follows:

19 THE COURT: Mr. Rogers?

20 MR. ROGERS: Thank you, Judge.

21 DIRECT EXAMINATION

22 BY MR. ROGERS:

23 Q. Good afternoon. Will you introduce yourself
24 to the Court, please?

25 A. Yes, sir. Good afternoon. My name is

1 A. Yes, sir.

2 Q. Did it come to your knowledge whether or not
3 he had any contraband or any narcotics on him?

4 A. No, sir, not that I recall.

5 Q. Now, apparently there are cameras outside this
6 residence.

7 A. Yes, sir.

8 Q. I guess you are somewhat fearful of that he
9 would -- someone could detect your presence as you
10 approach the house.

11 A. Yes, sir.

12 Q. Did you discover where the monitor was for
13 those cameras in the house?

14 A. I don't recall myself discovering it, no, sir.

15 Q. Did you see a monitor for those cameras?

16 A. I don't recall seeing a monitor myself, no,
17 sir.

18 Q. So, you don't know whether those cameras were
19 actually functional or not?

20 A. I don't recall at this point, sir.

21 Q. You don't remember any of the research that
22 may have been done during the investigation to
23 determine who owned or leased this premises?

24 A. I didn't do any research. It wasn't my case.

25 Q. Okay. Do you recall seeing a cell phone there

1 security at the door. I can't tell you whether he was
2 right behind me, two people behind me, three people
3 behind me.

4 Q. But he was somewhere behind?

5 A. Yes, sir.

6 Q. Who deployed the flash device in the house?

7 A. I don't recall who it was that actually
8 deployed it.

9 Q. Was that before you entered the house or
10 after?

11 A. Yes, sir. It would have been before.

12 Q. Now, you're -- you're pictured with
13 Mr. Seymour outside the residence -- a photo was taken
14 of you and Mr. Seymour?

15 A. Yes, sir.

16 Q. Did you have occasion to search Mr. Seymour?

17 A. Do I have what sir?

18 Q. Occasion to search Mr. Seymour?

19 A. I don't understand your question.

20 Q. Well, was he searched incident to his arrest?

21 A. Yes, sir. I myself didn't search him. He was
22 already in handcuffs when we came back out of the
23 house.

24 Q. So, someone else handcuffed him and may or may
25 not have searched him at that point in time?

1 A. No, sir.

2 Q. Were you involved in the surveillance of the
3 residence there?

4 A. No, sir.

5 Q. Now, as soon as you saw Mr. Seymour come out
6 of the residence, you attempted to detain him; am I
7 correct?

8 A. I attempted to have him stop, yeah.

9 Q. Okay. How did you go about that?

10 A. Say again, sir.

11 Q. How did you do that? How did you go about
12 that?

13 A. I told him police officer, search warrant,
14 stop, multiple times.

15 Q. And ultimately, he stopped I take it?

16 A. After several times of me saying it, yes, sir.

17 Q. Okay. And then it was Sergeant Roberts --

18 A. Right.

19 Q. -- who took over for you and -- as you went
20 into the residence.

21 A. Correct, sir.

22 Q. Okay. So, it's natural to assume that
23 Sergeant Roberts was right behind you.

24 A. Not necessarily, sir. There was -- could have
25 been other officers that would broken over to post

1 Q. So, one -- at least one of the targets of the
2 investigation was supposedly in this vehicle?

3 A. That's correct, sir.

4 Q. And you got that information from whom?

5 A. The case agent, sir.

6 Q. And that would be Officer Elkins?

7 A. Yes, sir.

8 Q. Now, I'm showing you State's Exhibit No. 3. I
9 take it you advanced down that fence line toward the
10 front of the house.

11 A. Yes, sir.

12 Q. And you were in the lead, I take it.

13 A. Yes, sir.

14 Q. And who was behind you?

15 A. I don't recall, sir.

16 Q. You were -- you were the lead officer?

17 A. Yes, sir.

18 Q. And I take it you went around -- this is
19 State's Exhibit No. 7.

20 You went around the corner there of
21 State's Exhibit No. 7 and observed Mr. Seymour coming
22 out that burglar barred door.

23 A. Yes, sir.

24 Q. Prior to that time, had you ever seen
25 Mr. Seymour before?

1 MR. ROGERS: Pass the witness.

2 THE COURT: Mr. Gaiser?

3 MR. GAISER: I need some exhibits, Judge.

4 THE COURT: Okay.

5 CROSS-EXAMINATION

6 BY MR. GAISER:

7 Q. Officer Ramirez.

8 A. Yes, sir.

9 Q. I'm going to show you State's Exhibit No. 2.

10 Do you remember that scene?

11 A. Yes, sir.

12 Q. Okay. Can you explain to me why that scene
13 was relevant to this case?

14 A. This is the back of the residence where we
15 executed the search warrant.

16 Q. Okay. So, this would be on the north side of
17 the residence, the rear of the residence?

18 A. The rear of the residence, yes, sir.

19 Q. Okay. And what happened with regard to that
20 automobile with the open door?

21 A. There was, I believe, three individuals in the
22 vehicle. One of which the case agent had informed
23 uniformed officers that was one of the individuals that
24 he had possibly identified that was going to be inside
25 of the residence.

1 and we clear the residence. We either try to secure it
2 or leave it with somebody that the owner of the
3 property wishes to leave it with.

4 Q. And during this case, did you find out who was
5 the owner of this property?

6 A. I don't recall who the actual owner was, sir.

7 Q. Well, do you know what the defendant was
8 ultimately arrested for?

9 A. I believe possession of controlled substance
10 with intent to deliver.

11 Q. And what was -- and what circumstances or what
12 kind of things with the intent to deliver was that
13 based off of?

14 A. For the most part it was based on the weight.

15 MR. GAISER: Object, calls for a legal
16 conclusion.

17 THE COURT: Overruled.

18 A. For the most part, the weight is considered.
19 And also the fact that it's individually packaged up
20 for sale and stuff like that.

21 Q. (BY MR. ROGERS) And the weight and packaging,
22 just to be clear, in regards to the intent to deliver,
23 is that for the cocaine, the methamphetamine or both?

24 A. For both. I mean, depending on -- each drug
25 carries -- can carry its own charge.

1 know, is that the way that they're found or are they
2 rearranged for that purpose?

3 A. No, they're -- like I said, when we -- once we
4 clear the residence, pictures are taken. And if
5 something is in plain view, they're taken at that
6 moment. The entire scene -- the entire residence is
7 photographed. And then if we can -- once we continue
8 the search, if there's narcotics or any type of
9 evidence that's found that may have been hidden at the
10 time of the pictures, then he will follow up with
11 pictures of where it was found.

12 Q. So, Officer, after you search the residence
13 and after narcotics were found, did anyone else --
14 again aside from the police officers -- come inside
15 residence?

16 A. No, sir.

17 Q. Did anyone else, aside from the police
18 officers, leave the residence?

19 A. No, sir.

20 Q. So, once the evidence is collected and given
21 to the case agent, what would then be your next step in
22 this case?

23 A. After everything has been documented and the
24 individuals that are in custody, they would be taken to
25 jail, all their paperwork is done and we collect that

1 people that they do not trust?

2 A. No, sir.

3 Q. And do you know why that is?

4 A. Same reason. If they don't trust the
5 individual, they're scared that they're going to call
6 the police on them or they may themselves get robbed of
7 the narcotics.

8 Q. And you stated that once the narcotics are
9 recovered, they're then given to a case agent; is that
10 right?

11 A. The case agent for the most part begins to
12 process the narcotics, taking it in his possession and
13 recovering them.

14 Q. Did you know who the case agent would be for
15 this case?

16 A. Yes, sir, Officer Jeff Elkins or Elkin.

17 Q. And these different pictures that you've seen
18 that you've testified about, do you recall who would
19 have taken these pictures?

20 A. I believe it was Sergeant Bobby Roberts in our
21 squad. He -- our sergeant is normally the one who
22 takes the pictures.

23 Q. And do you know if these pictures that we see,
24 would they have been taken -- in other words -- well,
25 let me ask this: Are these picture taken -- do you

1 of command, an individual can -- like I said earlier --
2 have multiple individuals selling drugs for them. They
3 can acquire residences where they have an individual
4 stay at the residence. And the individual that has
5 moved up the chain of command brings narcotics to the
6 house and has that individual sell it for them.

7 Q. And isn't it uncommon for people to work in
8 shifts on things like that?

9 A. Not at all, sir.

10 Q. And so, again, we're looking at State's 13,
11 which you see there on the screen.

12 So, do you see narcotics in this picture?

13 A. Yes, sir.

14 Q. And are these narcotics in plain view?

15 A. Yes, sir.

16 Q. Now, Officer, in your experience is it common
17 for narcotics to be left in plain view with --
18 unknowingly by a person?

19 A. No, sir.

20 Q. And why is that?

21 A. They don't want to get their narcotics either
22 stolen or they don't want to have somebody that is not
23 in favor of their illicit narcotic sales call the
24 police on them.

25 Q. Is it common for them to leave narcotics with

1 little plastic baggies that are used -- commonly used
2 to package these narcotics up.

3 Q. When you say to package the narcotics, to
4 package the narcotics for what?

5 A. For sale, sir.

6 Q. Is that based on your experience that you've
7 seen?

8 A. Yes, sir.

9 Q. Do you recall whether or not scales were
10 recovered at that residence?

11 A. I don't recall off the top of my head, no,
12 sir.

13 Q. And we talked earlier about multiple people,
14 how they're sometimes involved in these kind of cases;
15 is that right?

16 A. Yes, sir.

17 Q. Now, the purpose of -- what is the purpose of
18 having multiple people involved in a case like this if
19 there's a residence involved and other people living
20 there?

21 A. Like I said, in regards to individuals selling
22 narcotics, sometimes it's an organized group where
23 people move up the chain -- chain of command where they
24 start selling narcotics from a street level, selling
25 \$20 rocks at a time. And once they move up their chain

1 part. And it's -- as we're continuing to search, if
2 there's something that is discovered after pictures
3 have been taken, then we call the individual who is
4 assigned with the camera to come take pictures prior to
5 us removing it or tagging it.

6 Q. And do you recall in this particular case,
7 Officer, if things besides narcotics were found at this
8 location?

9 A. Yes, sir. There were firearms found at the
10 location.

11 Q. Now, based on your experience, have you seen
12 or have you had occasion where firearms are found along
13 with narcotics on cases like this?

14 A. It's very common. Yes, sir.

15 Q. And do you know why?

16 A. They use it for protection. Most of the
17 individual that I've talked to in regards to executing
18 search warrants, you know, they fear getting robbed
19 just as anybody else. Sometimes they have a large
20 amount of money or individuals coming after their
21 narcotics. So, they use these firearms to protect
22 their property, for the most part.

23 Q. And on that same line, do you recall if any
24 paraphernalia was discovered at the location?

25 A. Yes, sir. I do believe there was several like

1 said, had already discovered it. It was in plain view
2 and I did see the tray on the counter.

3 Q. Officer, I'm showing you what's in evidence as
4 State's 13. Is this the tray you were referring to?

5 A. Yes, sir.

6 Q. All right. Is that where you said that you
7 saw narcotics?

8 A. Yes, sir.

9 Q. And do you recall about how much in terms of
10 weight was recovered at the residence?

11 A. No, sir. I didn't process the narcotics.

12 Q. Do you have any idea about the value or the
13 estimated street value for the narcotics that were
14 found in the location?

15 A. In its total weight, no, sir. But like I
16 said, I mean, these are --

17 MR. GAISER: Objection, nonresponsive.

18 THE COURT: Sustained.

19 Q. (BY MR. ROGERS) And in regards to the
20 narcotics found, what would be the next step for the
21 process for the team once the narcotics are found?

22 A. Well, once narcotics are found, for the most
23 part, the case agent will start collecting his
24 evidence. There's obviously pictures that are going to
25 be taken prior to anything being moved for the most

1 Q. And you mentioned earlier about street value,
2 right?

3 A. Yes, sir.

4 Q. Can you explain just briefly what exactly is
5 street value?

6 A. Just what --

7 Q. In general.

8 A. What normally the narcotics is sold for out on
9 the streets.

10 Q. And what kind of things, if you know, are
11 taken into consideration to determine what they're sold
12 for?

13 A. They're sold in regards to weight. For
14 example, a \$20 crack rock would be sold -- it would
15 probably weigh approximately .2 grams -- .02 grams.
16 I'm sorry. And that's how they go -- I guess that's
17 how they charge their customers in regards to weight.

18 Q. And do you recall if any -- do you recall what
19 narcotics were found in this residence?

20 A. Not -- not all of the narcotics. I know there
21 was crack cocaine, powder cocaine, methamphetamines and
22 MDMA, Ecstasy pills, from what I remember.

23 Q. And did you actually personally see this
24 yourself as well?

25 A. After I came back down, the officers, like I

1 do -- when we conduct these narcotics search warrants,
2 we're looking for any type of illegal narcotics.

3 Q. Do you recall where this search would have
4 began in the house?

5 A. Different officers take different areas of the
6 residence. So, it's not like we all stick to one room.
7 We break off. And, I guess, for timewise, we search
8 different areas of the room. So, that the search
9 itself for narcotics would have been taken all at once
10 with the officers that were present.

11 Q. Do you recall where you would have looked that
12 day?

13 A. Yes, sir. I went upstairs and searched for
14 any narcotics that may have been found.

15 Q. And do you recall finding any narcotics
16 upstairs?

17 A. No, sir, I did not.

18 Q. Now, while you may not have been searching the
19 first floor, did you see any narcotics though just from
20 being inside the residence?

21 A. Yes, sir. After I came back down after the
22 secondary search, officers had already stated that they
23 had found narcotics in plain view on the -- I guess,
24 you would call it the little breakfast bench area that
25 divides the living room with the kitchen.

1 individuals there.

2 Q. So, this secondary search, you said that's at
3 a faster pace?

4 A. It's a slower pace.

5 Q. Excuse me, slower pace.

6 A. Right.

7 Q. And do you know who would have been involved
8 with that search?

9 A. The entire squad.

10 Q. So, Officer, what do you recall seeing upon
11 conducting this secondary search?

12 A. I know I had that secondary search of the top
13 floor. And like I said, we went again. Went through
14 the couches and the moved furniture around to make sure
15 there's nobody else there hiding. I don't -- there was
16 nobody else in the residence during the secondary
17 search. So, it was at that point it was declared safe.

18 Q. So, from there, what is the next step for your
19 team?

20 A. Then we begin to search for illicit narcotics.

21 Q. Particularly are you looking for any
22 particular kind of narcotics?

23 A. Well, when the search warrant is written,
24 there's a specific type of narcotics that is written in
25 the search warrant that we're looking for. But when we

1 staircase and cleared the top of the second floor of
2 the residence itself.

3 Q. And what's the purpose of that?

4 A. Just to ensure that there's no other
5 individuals that can pose a threat to officers while
6 they're searching the residence.

7 Q. And so, at this particular time, you're
8 specifically looking for other people; is that right?

9 A. Right. Right.

10 Q. And did you find any other people in the
11 residence?

12 A. No, sir.

13 Q. Do you recall seeing anyone else aside from
14 police officers leave the residence?

15 A. No, sir.

16 Q. So, at that point, Officer, now, what's the
17 next step for the team?

18 A. After the location has been deemed safe, where
19 there's no -- no other threats, then we do a secondary
20 search. And initially when we go in there, it's a
21 dynamic entry. So, we're moving at a faster pace to
22 try to clear every room. Then after that's done, we do
23 a secondary search, which is a slower methodical search
24 where we're searching under mattresses, behind couches
25 and stuff like that, to make sure that there's no

1 up behind me and also ordered him to get on the ground.
2 After I saw that Sergeant Roberts was going to get him
3 to actually get on the ground, I continued to the front
4 of the residence and let the uniformed officers put
5 handcuffs on him.

6 Q. All right. And you said that's because your
7 job is to be point on this; is that correct?

8 A. That's correct.

9 Q. So, now once he's passed off to Sergeant
10 Roberts, what is your next up in this case?

11 A. I stack up at the front of the residence --
12 front of the door itself and wait for -- wait for the
13 team to be ready to enter the residence.

14 Q. And as you're stacked up at the front of the
15 residence, do you recall if the door was open or
16 closed?

17 A. I remember the burglar bar door was open. I
18 can't recall at this point if the actual door to the
19 residence was --

20 Q. And so, what happens next?

21 A. We enter the residence. I continue to the
22 residence and observe that there is a -- like a spiral
23 staircase with kind of like a half a floor upstairs. I
24 continued with -- I continued with the team. Myself
25 and another officer broke off and went up the spiral

1 A. Yes, sir. We approached where this officer is
2 here.

3 Q. Okay.

4 A. We walked up the side of this -- that house
5 there and made this -- I guess it was a left for us at
6 the time to walk towards the door.

7 Q. And where was it that you saw the defendant?

8 A. He was running outside of this door here as I
9 -- as I, I guess, engaged him and informed him that,
10 you know, we're police executing a search warrant. He
11 initially did not stop at that point. So, I had to
12 continue around these bushes. And I stopped at this
13 point. And he -- he finally stopped in this area when
14 he realized that there was, I guess, multiple officers
15 that were coming to the door.

16 Q. So, Officer, was it you that actually made the
17 -- I guess, the first contact then with the defendant?

18 A. Yes, sir.

19 Q. So, were you able to detain the defendant?

20 A. I didn't detain him as in put handcuffs on
21 him. My role in the search warrant, like I said, was
22 to enter the residence first. I had a long rifle with
23 me.

24 So, I ordered him to get on the ground.
25 After that -- after he stopped, Sergeant Roberts came

1 rear of the residence.

2 Q. Do you recall seeing that particular camera?

3 A. After the warrant was executed. I can't
4 remember as we're walking up, sir.

5 Q. You stated that you saw the defendant coming
6 out of the residence; is that correct?

7 A. Right.

8 Q. Showing you what's already in evidence as
9 State's Exhibit 6. What is that?

10 A. It's Mr. Chauncey.

11 Q. And are you the individual that we see next to
12 him?

13 A. Yes, sir.

14 Q. Now, would this have been taken immediately
15 upon your arrival or would it be after that -- after
16 everything?

17 A. No. It would have been taken after the
18 location was safe.

19 Q. And when you say you saw him coming out of the
20 residence -- now, I want to show you State's Exhibit 8.
21 Is that the residence you're talking about?

22 A. Yes, sir.

23 Q. And can you explain for the Court what
24 direction it was that you would have approached and saw
25 the defendant coming out?

1 the door to the actual search warrant location. Be the
2 first one in the door.

3 Q. And as you got out of the vehicle, what
4 happened next?

5 A. I know that they have some individuals that
6 Officer Elkins had identified as individuals that were
7 going to be inside of the location. When we exit the
8 vehicle, he directed uniformed officers to detain those
9 individuals. And I proceeded towards the front of the
10 door of the residence.

11 Q. And what did you see as you proceeded towards
12 the front of the residence?

13 A. As we -- as we walk up to the actual
14 residence, we came up on the side of the house. When I
15 made that immediate left, I observed a camera that was
16 pointed towards the door. And immediately I saw -- I
17 observed Mr. Chauncey run out of the residence.

18 MR. ROGERS: Your Honor, may I approach
19 to retrieve evidence?

20 THE COURT: Yes, sir.

21 Q. (BY MR. ROGERS) Officer, I'm showing you
22 what's already in evidence as State's -- State's
23 Exhibit 4. Is that the camera that you were just
24 referring to?

25 A. No, sir. That's the camera that faces the

1 THE COURT: It will.

2 Q. (BY MR. ROGERS) Officer, what was it that
3 brought you in contact with the defendant?

4 A. We were executing a narcotics search warrant.
5 And I observed him exiting residence as we were
6 approaching.

7 Q. Who all was executing this narcotics search
8 warrant?

9 A. It was narcotics squad -- it was Narcotics
10 Squad 10, I believe. The current squad -- the squad
11 that I was on -- in when I executed the search warrant.
12 It included Officer Valle, Sergeant Roberts, Officer
13 Jeff Elkins, myself, Officer Gray Green. I think for
14 that warrant we also used assistance of Eric Trumile
15 (phonetic), he's one of the training officers. But
16 they just assisted with the execution of the warrant.

17 Q. Do you recall the address of where you went
18 that day?

19 A. I can't recall it off the top of my head at
20 this point.

21 Q. What did you do once you arrived at the scene?

22 A. I was tasked with being the point for
23 executing the search warrant. So, as the point, I
24 would be the first one to exit the vehicle and lead the
25 team to the front door. And I made -- make entry to

1 an individual that is no longer actively on the street
2 corners, but he hires other individuals to sell his
3 narcotics for him.

4 Q. Now, in particular, Officer, I want to go
5 ahead and draw your attention to June 18th of 2014. Do
6 you recall if you would have been working that day?

7 A. Yes, sir.

8 Q. And do you recall if you would have -- or what
9 capacity you would have been working that day?

10 A. Yeah. I was in the narcotics division at that
11 point, sir -- narcotics investigator.

12 Q. And on that particular day, did you come in
13 contact with a Chauncey Seymour?

14 A. Yes, sir.

15 Q. And the person that you came in contact with,
16 Chauncey Seymour, do you see him present in the
17 courtroom?

18 A. Yes, sir.

19 Q. And would you identify him by where he's
20 sitting by an article of clothing?

21 A. Individual sitting there with the orange
22 shirt.

23 MR. ROGERS: Your Honor, may the record
24 reflect that the witness has identified the defendant
25 in open court?

1 as in addition to the drugs?

2 A. They commonly have money. They commonly have,
3 I guess, little baggies and stuff like that that they
4 use to package their narcotics.

5 Q. In your experience have you found things like
6 scales?

7 A. Yes, sir.

8 Q. What's the purpose of that?

9 A. When an individual is selling narcotics, they
10 also want to make sure that they're selling the right
11 amount. They don't want to sell too much for not
12 enough money. So, they weigh out their narcotics by
13 the amount of money that their customers are buying.

14 Q. And in your experience have you found that
15 people tend to work individually or do they work with
16 multiple people?

17 A. For the most part, it's always more than one
18 person when you talk about the sales of narcotics.

19 Q. And do you have a reason or in your trainings,
20 have you learned as to why that is the case?

21 A. You know, there's a hierarchy. There's
22 individuals that may have moved up in the narcotics
23 world where they no longer are the ones that are
24 possessing -- possessing the narcotic themselves, but
25 they're calling the shots. It's not uncommon to have

1 A. We -- we're introduced to different types of
2 narcotics and what, I guess, their street values are
3 for the most part. We also do, I guess, hands-on
4 training once we become investigator by senior officers
5 in the division.

6 Q. In your experience have you had occasion to
7 make arrests for the possession and delivery of
8 narcotics?

9 A. Yes, sir.

10 Q. And what kind of things have you noticed among
11 people who deliver or sell narcotics? What
12 characteristics do you find in those cases?

13 A. Of an individual --

14 MR. GAISER: Your Honor, I object to the
15 question. It's too vague. It's irrelevant to this
16 case.

17 THE COURT: Sustained.

18 Q. (BY MR. ROGERS) Sir, have you made arrests
19 for someone who is selling narcotics who has an intent
20 to deliver narcotics?

21 A. Yes, sir.

22 Q. Okay. And what kind of -- when you make those
23 arrests, what kind of things -- what kind of -- aside
24 from the actual narcotics, what kind of things do they
25 have -- do they -- I guess are they possessing as well

1 18th, 2014?

2 A. I was a narcotics investigator.

3 Q. Can you explain in brief what being a
4 narcotics investigator -- what does that involve?

5 A. We investigate any type of crimes that
6 involves narcotics activity. Whether it's the sales
7 of, transportation of narcotics or possession of
8 narcotics.

9 Q. What kind of training did you have to go
10 through?

11 A. To be a narcotics officer, sir?

12 Q. Yes.

13 A. We had to take a two-week -- initially have to
14 take a two-week -- what they call survival school. The
15 first week you go over administrative training in
16 regards to typing up search warrants, stuff like that.
17 Second week involved tactical training, which we were
18 trained in entering the residences to do active
19 narcotics search warrants.

20 Throughout the two years that I've been
21 in the division, we take several other trainings that
22 we do like carbine long rifle, flash bang training,
23 stuff like that.

24 Q. In particular in regards to the sale of
25 narcotics, do you have training in that?

1 back at 1:00 o'clock.

2 (Court recess for lunch).

3 THE COURT: Call your next witness.

4 MR. ROGERS: At this time, State calls
5 Officer Manuel Ramirez.

6 THE COURT: Mr. Rogers?

7 MR. ROGERS: Thank you, Judge.

8 MANUEL RAMIREZ,
9 having been first duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. ROGERS:

12 Q. Good afternoon. Will you introduce yourself
13 to the Court, please?

14 A. Manny Ramirez, sir.

15 Q. And, sir, how are you employed?

16 A. I'm a Houston police officer.

17 Q. Is that with the Houston Police Department?

18 A. Yes, sir.

19 Q. How long have you been with HPD?

20 A. I've been with the Houston Police Department
21 for approximately nine years.

22 Q. In what capacity are you employed with HPD?

23 A. At this current moment, I'm a narcotics
24 investigator.

25 Q. And what would have been your job on June

1 THE COURT: Sustained.

2 Q. (BY MR. ROGERS) Do you know what Mr. Horton
3 was charged with?

4 A. Yes, sir.

5 Q. What was Mr. Horton charged with?

6 A. He was charged with possession of a controlled
7 substance with intent to deliver for crystal meth and
8 possession of a controlled substance with intent to
9 deliver for the Ecstasy as well.

10 Q. So, was that the same thing that this
11 defendant, Mr. Seymour, is charged with?

12 A. Yes, sir.

13 MR. ROGERS: No further questions, Your
14 Honor.

15 THE COURT: Mr. Gaiser.

16 MR. GAISER: So, may I have a second,
17 Judge?

18 THE COURT: Yes, sir.

19 MR. GAISER: I have no questions.

20 THE COURT: All right. Thank you for
21 your time, sir. You can step outside.

22 THE WITNESS: Thank you, sir.

23 THE COURT: The court reporter needs a
24 break. So, we're going to go ahead and take our lunch
25 break now. We'll break until 1:00 o'clock and start

1 unquote, operation is continuing even when they're not
2 there, to protect the narcotics or the product inside.
3 They're not supposed to leave it alone.

4 Q. And why are they supposed to leave it alone?
5 Why are they supposed to leave it -- why aren't they
6 supposed to leave it alone?

7 A. With the street value of roughly what we found
8 inside the location, I mean, obviously, they're going
9 to be out multiple thousands of dollars. And so,
10 they're not just going to have that amount of narcotics
11 just sitting in a house open to the public.

12 Q. And do you know what the street value was
13 found in that location?

14 A. Quickly off the top of my head, I'd have to
15 say three to \$4,000.

16 Q. And what is that based off of?

17 A. Just my experience talking to individuals, the
18 packaging of it. Because obviously, they're break it
19 down into the smaller quantities. So, they're not
20 wholesaling it out. So, there's even more value when
21 they sell smaller amounts.

22 Q. So, on what basis -- so, on what basis was it
23 that Mr. Horton was charged?

24 MR. GAISER: Objection, Your Honor, that
25 calls for a legal conclusion.

1 Q. And he was charged with possession of these
2 drugs, wasn't he?

3 A. Yes, sir.

4 Q. Do you know what happened to his case?

5 MR. ROGERS: Objection, relevance.

6 THE COURT: Sustained.

7 MR. GAISER: I'm just asking if he know.
8 I'm not asking what the --

9 THE COURT: Okay. You can ask him if he
10 knows, but not what the result is.

11 Q. (BY MR. GAISER) Do you know what happened to
12 his case?

13 A. I haven't looked into it.

14 MR. GAISER: I'll pass the witness,
15 Judge.

16 THE COURT: Mr. Rogers?

17 MR. ROGERS: Thank you, Judge.

18 REDIRECT EXAMINATION

19 BY MR. ROGERS:

20 Q. Officer, based on your experience, is it
21 common for larger-level drug dealers to have
22 lower-level people selling the drugs for them?

23 A. Yes, sir. They hire workers, as we call them.

24 Q. And do you know the purpose of the workers?

25 A. Their job is to make sure that the, quote,

1 A. No, sir.

2 Q. -- visa or any kind of document that would
3 indicate who the -- who was living at the residence?

4 A. No, sir.

5 Q. Did you look for clothing?

6 A. Yes, sir.

7 Q. Did you -- was there a telephone at the
8 residence, a land line?

9 A. I don't recall. I don't remember.

10 Q. Okay. So, this photo of a photo that was in a
11 phone you identified as Mr. Seymour's, State's Exhibit
12 25, is there anything about that photo where we can
13 tell when that was taken?

14 MR. GAISER: Approach, Your Honor?

15 THE COURT: Yes, sir.

16 A. No, sir. I can't tell when it was taken.

17 Q. (BY MR. GAISER) What does that T-shirt say,
18 don't ask me for --

19 A. Looks like it says don't ask me for shit.

20 Q. Any way to tell how long that T-shirt had been
21 hanging there?

22 A. No, sir. This is the first time I was in the
23 residence.

24 Q. Now, Mr. Horton was arrested also, wasn't he?

25 A. Yes, sir.

1 that's selling drugs?

2 A. Maybe \$20 worth of dope.

3 Q. Okay. Now, did you find any money in the
4 residence?

5 A. No, sir.

6 Q. In ascertaining the -- doing your surveillance
7 and investigation into this residence, did you
8 determine whether it was owned or rented?

9 A. I believe we ran the HCAD, but it didn't come
10 back to any of the individuals that we had at the
11 scene.

12 Q. Was that before or after the search warrant
13 was obtained?

14 A. Before.

15 Q. Do you know who it came back to?

16 A. I do not.

17 Q. What happened to the dogs that were there?

18 A. Animal control came and took them.

19 Q. Did you find anything -- any kind of mail or
20 anything identification -- identifying documents in the
21 residence that would point to who was staying there?

22 A. No, sir.

23 Q. Did you look for that?

24 A. Yes, sir.

25 Q. No traffic tickets, no mail, no --

1 Q. Prior to that time, had you ever seen my
2 client before?

3 A. I can't say 100 percent yes.

4 Q. You don't remember?

5 A. I'm not going to lie. I can't tell you 100
6 percent yes or no.

7 Q. Then the target vehicle arrived or had it
8 already arrived?

9 A. As we were pulling -- it was -- it was parking
10 as we're pulling right behind it.

11 Q. Now, was any contraband found on Mr. Seymour?

12 A. There was a fake \$20 bill found on him.

13 Q. Okay. Was there any -- were there any drugs
14 found on him, any narcotics?

15 A. No, sir.

16 Q. Any weapon found on him?

17 A. No, sir.

18 Q. Any cash?

19 A. Just that fake \$20 bill, if I remember
20 correctly.

21 Q. When you say a fake \$20 bill, how was it fake?

22 A. It wasn't real. It was definitely -- in fact,
23 that one and another was -- that was found in the
24 residence was tagged into the Secret Service lockbox.

25 Q. Okay. What can you buy with \$20 from somebody

1 A. Yes, sir.

2 Q. Okay. Now, did you approach the residence on
3 the west side?

4 A. Yes, sir. We actually approached it from the
5 north side. And we actually -- where the camera was,
6 there's another driveway. If you look -- there was a
7 picture of some --

8 Q. This is State's Exhibit 5. And you approached
9 it from the rear of the residence, correct?

10 A. Yes, sir.

11 Q. And you went down the west side?

12 A. Correct.

13 Q. And it was Ramirez who was leading the way
14 down the west side.

15 A. Yes, sir.

16 Q. And there was a good reason for approaching
17 from that direction, wasn't there? There are no
18 windows on the west side.

19 A. Correct?

20 Q. So, you couldn't be seen.

21 And it's -- as you -- as Ramirez or you
22 or both of you turn that corner, you see my client
23 Mr. Seymour exiting through the -- I take it the
24 burglar bars.

25 A. Yes, sir.

1 name is Horton.

2 Q. James Horton?

3 A. One second, sir. Yes, sir.

4 Q. So, as far as you knew, it was James Horton
5 who had sold the drugs to your -- the person that made
6 the controlled buy?

7 A. Yes, sir.

8 Q. And you -- based on this, you filled out an
9 affidavit. Went to a judge and obtained a warrant,
10 correct?

11 A. Yes, sir.

12 Q. And the warrant authorized the arrest of the
13 suspected party or others in control of the suspected
14 place, right?

15 A. Yes, sir.

16 Q. Now, as you approached the residence, Mr. --
17 Officer Ramirez was running point, correct?

18 A. Yes, sir.

19 Q. And he's the one that's pictured with -- with
20 Mr. Seymour -- the photo we have of Mr. Seymour that's
21 in evidence. That's Officer Ramirez that's with him,
22 correct?

23 A. Yes, sir.

24 Q. And so, Officer Ramirez was ahead of you, I
25 take it, as you approached the residence?

1 A. Yes, sir.

2 Q. So, do you know how long the surveillance went
3 on?

4 A. Well, usually what I do is I do it for at
5 least a week or two. Not going out -- not saying I'm
6 going out there every day, but throughout a certain
7 period so I can establish that maybe this wasn't a
8 one-time thing or someone is there for a day and
9 selling narcotics. I wanted to develop a pattern.

10 Q. Okay. And you -- after you had established
11 that there was a lot of traffic at this address, you --
12 you set up a controlled buy.

13 A. Yes, sir.

14 Q. And there was a particular individual that you
15 wanted to buy from that you knew by the name of Green;
16 isn't that correct?

17 A. Yes, sir.

18 Q. And that's the -- that's the name that had
19 come up in your investigation.

20 A. Yes, sir.

21 Q. Did you later learn who Mr. Green was or who
22 this person named Green was?

23 A. Yes, sir.

24 Q. Who was he?

25 A. Mr. Green is going to be -- I believe his last

1 just testified to, would you have hand delivered them
2 to Officer Valle?

3 A. Yes, sir.

4 Q. And that would have been on June 28th, 2014 --
5 excuse me -- June 18th, 2014?

6 A. Yes, sir.

7 Q. And which you would handed the -- all the
8 objects to other officers, does that conclude your part
9 in this particular case?

10 A. Yes, sir. Other than writing my report, yes,
11 sir.

12 MR. ROGERS: Pass the witness.

13 THE COURT: Mr. Gaiser?

14 MR. GAISER: Thank you, Judge.

15 CROSS-EXAMINATION

16 BY MR. GAISER:

17 Q. Officer Elkin, how long have you been in the
18 narcotics?

19 A. For a little over two years.

20 Q. You set up surveillance on this residence?

21 A. Yes, sir.

22 Q. At some point after you received information
23 from some confidential informant or some anonymous
24 source that narcotics were being sold from this
25 location; is that correct?

1 MR. ROGERS: And so, for purposes of the
2 record, this is an additional bag that was inside of
3 30-A. We're going to mark that as State's Exhibit 44.
4 I think we have already have a 30-A.

5 THE COURT: Well, you skipped 29.

6 MR. ROGERS: We'll mark it as State's
7 Exhibit 29.

8 THE COURT: Well, I can't tell y'all what
9 to mark it because I don't know what all you got going
10 on over there. There's a 29 on the list but we skipped
11 it.

12 MR. ROGERS: Will be marked as State's
13 Exhibit 29.

14 Q. (BY MR. ROGERS) So, to be clear, 29 is going
15 to be part of what came out from 30-A; is that correct?

16 A. Yes, sir.

17 Q. Then finally, State's Exhibits 32 along with
18 32-A and 32-B.

19 A. 32 is going to be an evidence envelope with
20 the defendant's name on it. It says approximately 50
21 grams of marijuana. And then there's two different
22 bags for the different locations it was found. 38
23 grams on the kitchen counter and then another 12 grams
24 by the front door cabinet.

25 Q. And these items in all these exhibits that you

1 it have been -- is it fair and accurate representation
2 of what you saw that day?

3 A. Yes, sir.

4 Q. And then in regards to 27-A, what do we see
5 there -- 27-A as well as 27?

6 A. Another evidence envelope, defendant's name on
7 it. That says approximately 34.17 grams, field-tested
8 positive Ecstasy or in 183 pills.

9 And then inside of that is going to be a
10 plastic baggie with multiple plastic baggies inside
11 with the Ecstasy inside of it.

12 Q. Then 28 and 28-A.

13 A. Another evidence envelope with the defendant's
14 name on it. And it says approximately 11.37 grams
15 field-tested positive crack cocaine.

16 Exhibit 28 is going to be another plastic
17 baggie with the crack cocaine from inside the metal
18 container.

19 Q. Exhibit 30 and 30-A?

20 A. 30-A is going to be another evidence envelope
21 with the defendants name. And says approximately 2.08
22 grams field-tested positive, powder cocaine. And then
23 you have the multiple bags. One with the individually
24 packed batman baggies that were inside the metal
25 container along with another semi-empty one.

1 MR. ROGERS: Your Honor, may I approach?

2 THE COURT: Yes, sir.

3 MR. ROGERS: With apologies to the court
4 reporter.

5 Q. (BY MR. ROGERS) Offering -- I'm showing you
6 what's marked for identification purposes as Exhibits
7 26-A as well as the contents which contain Exhibit 26,
8 Exhibit 27-A and its contents -- well, sticking with
9 Exhibit 26-A and 26 -- and excuse me -- and 26, what is
10 it?

11 A. It's going to be our evidence envelope with --
12 stated approximately 13.19 grams field-tested positive
13 crystal meth.

14 Q. And then particularly Exhibit 26, what do we
15 see there?

16 A. Be a plastic baggie of the -- with another
17 baggie of the crystal meth inside of it.

18 Q. Now, what we see here, is this what you would
19 have been -- what you would have bagged yourself that
20 you referred to earlier?

21 A. Officer Valle is the one that bagged all of
22 this.

23 Q. But did you see that from that day?

24 A. Yes, sir.

25 Q. Okay. And does it appear to be -- look like

1 Q. And at any point did you see anyone else aside
2 from police officers exit or come into the residence?

3 A. Just the animal control later on when they
4 took the dogs, but no, sir.

5 Q. You mentioned dogs. What are you referring to
6 about that?

7 A. There was multiple dogs tied up in the patio
8 in the back. Like actually -- if you -- you can
9 actually see the patio area in the back.

10 Q. And do you recall what kind of dogs these
11 were?

12 A. Pit bulls.

13 Q. What if anything did that signify to you?

14 A. For protection, help -- a lot of times they're
15 used to help guard their house.

16 Q. Do you recall how many dogs there were?

17 A. There was multiple, at least -- at least four
18 or five, if not more than that.

19 Q. And now, Officer, once the evidence is
20 collected and gathered, what would be the next step in
21 the process?

22 A. The uniformed officers take whoever is going
23 to jail down to the jail. And then we all head back.
24 Take all the evidence back towards our -- to the
25 station. And then we do all of our processing there.

1 defendant is actually in, the original picture?

2 A. Yes, sir. It appears to be in the living room
3 of the couch of the picture that you just took off with
4 the same exact shirt right behind him. That was also
5 that picture.

6 Q. And just to be clear for the record purposes.
7 When you say the shirt that we just saw, is that the
8 same shirt that we see here on State's Exhibit 11?

9 A. Yes, sir.

10 Q. And the individual that we see in this
11 picture, is that the defendant?

12 A. Yes, sir.

13 Q. And do you know this because you saw the
14 defendant that day?

15 A. The day this picture was taken or --

16 Q. No. You saw the defendant the day that you
17 executed the search warrant.

18 A. Yes, sir.

19 Q. And the person that we see in that picture, is
20 that the same that you see -- that you identified
21 earlier as being the defendant here in the courtroom?

22 A. Yes, sir.

23 Q. And at any point, Officer, had you seen anyone
24 else inside the residence?

25 A. No, sir.

1 A. Yes, sir.

2 Q. No shirt, shorts on?

3 A. Yes, sir.

4 Q. And he was brought back into the residence?

5 A. Yes, sir.

6 Q. Do you know who this purports to be in the
7 photograph?

8 A. Excuse me, sir?

9 Q. Do you know who this purports to be in the
10 photograph?

11 A. The defendant.

12 MR. GAISER: No objection, Judge.

13 THE COURT: No objection?

14 MR. GAISER: No objection.

15 THE COURT: All right. State's 25 will
16 be admitted.

17 CONTINUED DIRECT EXAMINATION

18 BY MR. ROGERS:

19 Q. Officer, I'm showing you what's marked --
20 what's now in evidence as State's Exhibit 25. What is
21 it?

22 A. It's going to be the picture of the picture of
23 the defendant's phone.

24 Q. And do you know if the place -- do you know
25 where this picture is taken, the picture that the

1 he gave consent?

2 A. Inside with us, sir.

3 Q. And he was under arrest at that time?

4 A. Yes, sir.

5 Q. Had Mr. Seymour been asked any questions prior
6 to that time?

7 A. By me, no, sir.

8 Q. By anyone in your presence?

9 A. Not that I know -- I was told that he -- I was
10 just told what they told me.

11 Q. Okay.

12 A. But I -- they didn't tell me they asked him
13 anything. They told me he was --

14 Q. They informed you that they had questioned
15 him? They informed -- whoever they is, did they inform
16 you of some things that Mr. Seymour had said?

17 A. Yes. They didn't say they were questioning
18 him.

19 Q. Who were those people?

20 A. The uniformed officers.

21 Q. And Mr. Seymour was under arrest at that time?

22 A. Yes, sir.

23 Q. Was he dressed the way he was depicted in the
24 photos that -- of him that we saw that have been
25 admitted in evidence?

1 MR. ROGERS: Your Honor, tender to
2 opposing counsel for inspection and offer State's 25.

3 MR. GAISER: May I, Judge?

4 THE COURT: Yes, sir.

5 VOIR DIRE EXAMINATION

6 BY MR. GAISER:

7 Q. Officer, you learned that this was
8 Mr. Seymour's phone?

9 A. Yes, sir.

10 Q. Did you -- and you looked into the contents of
11 the phone?

12 A. Yes, we looked in the phone.

13 Q. Did you have a warrant to do that?

14 A. No, sir.

15 Q. You just decided you were going to explore
16 what was on the phone?

17 A. No. He was actually brought into the
18 residence and gave us permission.

19 Q. Did you have some sort of consent form for him
20 to sign?

21 A. No, sir. We got verbal consent.

22 Q. And you found this phone in the house, not on
23 Mr. Seymour?

24 A. Correct.

25 Q. Where was Mr. Seymour when this occurred, when

1 Q. Do you know whose phone this was?

2 A. The defendant Seymour's.

3 MR. ROGERS: Your Honor, may I approach?

4 THE COURT: Yes, sir.

5 Q. (BY MR. ROGERS) Officer, I'm showing you
6 what's marked for identification purposes as State's
7 Exhibit 25. So, again, without going into it, what do
8 we see here?

9 A. A picture of the phone with a picture on the
10 phone.

11 Q. So, it just -- just to say it for the record,
12 is it a picture of a picture?

13 A. Yes, sir.

14 Q. Okay. And this appear to be a fair and
15 accurate picture from what -- from what you -- well,
16 let me back up.

17 It's a picture of a picture. Was this
18 taken at the residence?

19 A. Yes, sir.

20 Q. And do you recall, was this a picture taken of
21 the phone?

22 A. Yes, sir.

23 Q. And does it appear to be a fair and accurate
24 depiction of the picture that was taken of the phone?

25 A. Yes, sir.

1 A. Yes, sir.

2 Q. And at some point while you're inside -- while
3 you're inside the residence, did you ever come across a
4 phone?

5 A. Yes, sir.

6 Q. Do you recall when it was you came across the
7 phone?

8 A. Well, while we were searching the residence,
9 it was brought to my attention that the defendant was
10 telling the officer outside that he wanted to talk and
11 he had already told him that he lived at the residence.

12 MR. GAISER: Objection to what he said.

13 THE COURT: Sustained.

14 Q. (BY MR. ROGERS) So, at some point, did you
15 come in contact with a phone?

16 A. Yes, sir.

17 Q. Do you recall where this phone was located?

18 A. At the -- I don't remember where exactly we
19 came across it.

20 Q. Do you recall if it was inside the residence
21 or outside the residence?

22 A. Inside.

23 Q. And did you have a chance to look at this
24 phone?

25 A. Yes, sir.

1 that second floor that you were referring to?

2 A. Yes, sir.

3 Q. So, Officer, at this point what now do you do
4 once you've searched the residence?

5 A. After we found all the evidence that we
6 needed, that's when we collect it all.

7 Q. And who -- I'm sorry.

8 Who would have collected it all?

9 A. I would have or I did.

10 Q. And so, when you collect it, that means
11 gathering it. Does that include bagging it as well?

12 A. Yes, sir.

13 Q. And when you say collect it and bag it, would
14 you have been the one that also would eventually tagged
15 it into the property room?

16 A. A lot times depending on what we have going
17 on, maybe if -- if there's another officer that had a
18 search warrant or I was the only one. Once we get back
19 to the office and other officers -- we help each other
20 out. So, I -- on this day I was not the one that
21 actually submitted it down to the evidence box.

22 Q. Do you know who was?

23 A. Officer Valle.

24 Q. So, would he have done all the labeling and
25 the writing on the packaging?

1 Q. (BY MR. ROGERS) Can you describe for the
2 Court what it is that we see here in State's 21?

3 A. It's going to be the living room area just to
4 the left as you walk into the front door.

5 Q. So, where would the kitchen be from this
6 angle?

7 A. It's right to the right.

8 Q. And then on State's 22?

9 A. It's going to be the bathroom area in the back
10 bedroom.

11 Q. And what do we see inside of the bathroom
12 here?

13 A. Two firearms right here and right here.

14 Q. Now, firearms throughout the residence or
15 throughout a residence in different locations, is that
16 consistent with the sale of narcotics?

17 A. Yes, sir.

18 Q. And why is that?

19 A. For their protection. A lot of times you've
20 got rival drug dealers want to rob certain other drug
21 dealers, for their protection.

22 Q. In this residence, do you recall, is it a
23 one-story residence or two-story residence?

24 A. Two-story.

25 Q. Showing you State's 23. Does that capture

1 MR. ROGERS: Your Honor, may I approach?

2 THE COURT: Yes, sir.

3 Q. (BY MR. ROGERS) Officer, I'm now showing you
4 what's marked for identification purposes as State's
5 Exhibits 21 and as well 23. Without going into detail,
6 what are these?

7 A. This is a view of just the living room area.

8 Q. And what about 23?

9 A. Same thing, but seeing from the front door.

10 Q. And are these fair and accurate
11 representations of the living room on that day on June
12 18th, 2014?

13 A. Yes, sir.

14 Q. And then State's 22, what is that a picture
15 of, without going into detail?

16 A. The bathroom.

17 Q. And does that appear to be a fair and accurate
18 depiction of the bathroom on June 18th, 2014?

19 A. Yes, sir.

20 MR. ROGERS: Tender to opposing counsel
21 for inspection and offer into evidence State's 21
22 through 23.

23 MR. GAISER: No objection, Your Honor.

24 THE COURT: All right. State's 21, 22,
25 23 will be entered with no objection.

1 State's Exhibit 16, what do we see here?

2 A. It's going to be that little tin container
3 full of the individual empty baggies that we saw
4 earlier.

5 Q. And then on State's 19?

6 A. It's going to be closer-up view of the empty
7 batman bags and other baggies that are used for
8 packaging.

9 Q. And these different objects, these bags, you
10 say that you're familiar with seeing all these; is that
11 correct?

12 A. Yes, sir.

13 Q. Now, as you searched throughout the house, did
14 you find anything else that stood out to you?

15 A. We found multiple firearms in the residence.
16 We found some other -- there's some marijuana that we
17 found closer to the cabinet close to the front door.
18 There was also a pistol on the -- on the counter in the
19 living room also.

20 Q. And you took pictures or pictures were taken
21 of the living room as well?

22 A. Yes, sir.

23 Q. Do you recall if pictures were taken of the
24 bathroom as well?

25 A. Yes, sir.