

1 handed it to this other female were PCP. At the end of this
2 trial, ladies and gentlemen, you will have enough evidence to
3 find that the defendant, in fact, June 3rd, 2011, was in
4 possession of the drug PCP and that he intend to deliver it.

5 THE COURT: Thank you, Ms. Martinez.

6 Mr. Isbell.

7 **Defendant's Opening Statement**

8 MR. ISBELL: Briefly, Your Honor.

9 As you listen to the evidence, you will learn in this
10 trial that when they arrested Mr. Demetrius Williams, he did
11 not have any drugs or illegal substances on his person. You
12 will learn that he was not the driver of the car. He was a
13 passenger of the car in which there were four people. You will
14 learn that the driver of this car was smoking a cigarette that
15 had been dipped in PCP and the police arrested him and
16 recovered that cigarette.

17 You will hear from the lab people that, that cigarette had
18 been dipped in PCP. But there is nothing that connects
19 Mr. Demetrius Williams in terms of actually possessing or
20 being, having any instrument for the use of illegal drugs. And
21 at the end of the evidence, I hope you will find that the State
22 has not proven their case beyond a reasonable doubt.

23 THE COURT: Thank you, Mr. Williams. All right.

24 Ms. Martinez, call your first witness.

25 MS. MARTINEZ: State calls Officer Crawford with

1 the Houston Police Department.

2 THE COURT: Officer Crawford.

3 MS. MARTINEZ: May I proceed.

4 THE COURT: Yes, ma'am.

5 MS. MARTINEZ: Thank you, Judge.

6 **JAMES CRAWFORD,**

7 having been first duly sworn, testified as follows:

8 **DIRECT EXAMINATION**

9 **BY MS. MARTINEZ:**

10 Q. Officer, good morning.

11 A. Hello.

12 Q. Please tell your name to the members of the jury and
13 the Court.

14 A. James Crawford.

15 Q. I see, Officer Crawford, that you are wearing a
16 uniform; but would you, please, let the jury know how you are
17 employed.

18 A. I am a sergeant with the Houston Police Department.

19 Q. And how long have you been employed by the
20 Houston Police Department?

21 A. Right at 15 years.

22 Q. How long have you been a sergeant with the
23 Houston Police Department?

24 A. A little bit over a year.

25 Q. And what was your assignment before being promoted as

1 a sergeant?

2 A. I was assigned to the Crime Reduction Unit of the
3 gang division of the Houston Police Department.

4 Q. And what do you do as far as the crime division unit?

5 A. We are a city wide, basically, a hostile unit sent to
6 high crime area throughout the city to try to help arrest all
7 the drug dealers, robbery suspects, anybody that was committing
8 crimes to help reduce the crime in the area.

9 Q. And was your role in that unit a proactive role, or
10 it was more like you wait for someone to call the police and
11 then show up?

12 A. It was proactive. We actually went out and looked
13 for it.

14 Q. How long were you in that assignment?

15 A. Four years.

16 Q. Let me take you back to Friday June 3rd, 2011, were
17 you employed as an officer with HPD on that date?

18 A. Yes.

19 Q. And were you assigned to the crime unit?

20 A. Yes, ma'am.

21 Q. Were you on duty that date?

22 A. Yes, ma'am.

23 Q. Did you conduct an investigation around 11:00 p.m.
24 that night?

25 A. Yes.

1 Q. What kind of investigation was it?

2 A. A narcotic's investigation.

3 Q. What was the location of the investigation?

4 A. The 5300 block of North Ridge.

5 Q. And is that location in Harris County, Texas?

6 A. Yes, ma'am.

7 Q. Now, were you driving your patrol, were you with
8 other unions, or describe how it was.

9 A. It was me and my partner, and we were in a marked
10 patrol car.

11 Q. What was your partner's name?

12 A. Clifton Holloway.

13 Q. Was he driving the car or were you driving the car?

14 A. I was the driver.

15 Q. As a result of your investigation that night, did you
16 make any arrest that night?

17 A. Yes, ma'am.

18 Q. How many did you?

19 A. Three.

20 Q. Do you see any of those three people in the courtroom
21 today?

22 A. Yes, ma'am.

23 Q. Would you please point out one of the people that you
24 arrested that night that is here in the courtroom today?

25 A. The gentlemen sitting there with the stripe and

1 button-up shirt.

2 Q. Do you know his name?

3 A. Demetrius Williams.

4 Q. Would you please identify him by a piece of clothing
5 that he is wearing?

6 A. The stripe button up shirt.

7 MS. MARTINEZ: Let the record reflect that the
8 witness has identified the defendant.

9 THE COURT: It will.

10 Q. (BY MS. MARTINEZ) Now tell us how you end up having
11 contact with the defendant that night.

12 A. We were checking that street. We have been told
13 previously that there was a good area for narcotics.

14 MR. ISBELL: Objection to hearsay, Your Honor.

15 THE COURT: Okay. Don't repeat what other
16 people say unless it's the defendant.

17 THE WITNESS: Okay.

18 Q. (BY MS. MARTINEZ) How is it you made contact with
19 the defendant that day?

20 A. We were driving down North Ridge eastbound, and he
21 was standing on the passenger's side of the Jeep Cherokee.

22 Q. Now, tell us about that area that you were driving by
23 that night.

24 A. It's an area known for narcotics activity.

25 Q. When you say narcotics activity, what type of

1 activity are you referring to?

2 A. The sell of PCP and cocaine. I have personally made
3 other arrests at that location before.

4 Q. Have you made few or many arrests in that area for
5 narcotic activity?

6 A. Many.

7 Q. So as you are driving by, you see the defendant and
8 then what happens?

9 A. The Jeep was parked on the southbound on the south
10 side of the road facing eastbound. I'm sorry, facing
11 westbound. It was parked on the wrong side of the road. There
12 was a gentlemen standing at the driver's side window then and
13 Demetrius Williams standing at the passenger's rear door of the
14 Jeep Cherokee.

15 As we went by, we had our windows down because PCP has a
16 very -- it stinks really bad. You can smell it from a long way
17 away. We had our windows down as we went by. As we past the
18 Jeep, we could smell the odor of PCP.

19 Q. Is PCP the same as Phencyclidine?

20 A. Yes.

21 Q. And are you familiar with PCP?

22 A. Yes.

23 Q. And how are you familiar with it?

24 A. I've made several, many, many arrest with that of
25 PCP.

1 Q. Is there anything particular about PCP?

2 A. It's just the odor is -- it's a liquid and the odor
3 is very bad. And, I mean, it will give you a headache smelling
4 it.

5 Q. How is it people use that liquid?

6 A. They usually smoke it.

7 Q. How is it that they smoke it?

8 A. They will dip a cigarette or marijuana cigarette or
9 some type of cigarette, and they smoke it.

10 Q. Now, as far as the liquid consistency, to your
11 knowledge, do people drink that liquid as well?

12 A. No. I've never seen people drink it.

13 Q. Is there a reason why people don't drink it?

14 A. They wouldn't --

15 MR. ISBELL: Excuse me. He is not qualified to
16 give an opinion why other people may or may want do something.

17 THE COURT: If you know from training and
18 experience, you may answer; but no one is asking you to guess.

19 THE WITNESS: I've seen someone drinking PCP and
20 was put in the hospital from drinking it.

21 Q. (BY MS. MARTINEZ) Now, based on your training and
22 experience, have you seen people, during your training and
23 experience, have you seen people under the influence of PCP?

24 A. Yes.

25 Q. And could you describe the effects of PCP on someone?

1 A. They, basically, become or believe they are
2 invincible. The body heat starts generating, and they end up
3 taking their clothes off and running up and down the streets
4 naked. We end up having to fight them; and they don't feel any
5 pain at the time, so it is very hard to subdue them.

6 Q. So is it -- would you qualify it as a dangerous
7 situation to meet someone under the influence of PCP?

8 A. Yes.

9 MS. MARTINEZ: May I approach the witness, Your
10 Honor?

11 THE COURT: You may.

12 MS. MARTINEZ: Officer, I am showing you what
13 has been premarked as State's Exhibit 3 to 10. I would like
14 you to take a look at them, and I will ask you a few questions
15 about each of them.

16 THE WITNESS: Okay.

17 MS. MARTINEZ: Now, I'm showing you what has
18 been premarked as State's Exhibits No. 3 and No. 4.

19 Q. (BY MS. MARTINEZ) Do you recognize those two
20 exhibits?

21 A. Yes.

22 Q. And what were they?

23 A. Just a map of the area that the arrest was made.

24 Q. Okay. And does it fairly and accurately depict the
25 streets you were driving by and where the arrest took place on

1 the night of June 3rd, 2011?

2 A. Yes, ma'am.

3 Q. Now, I am showing you State's Exhibit No. 5, No. 6,
4 No. 7, No. 8, No. 9; do you recognize those?

5 A. Yes.

6 Q. And what are they?

7 A. That is the location of where the arrest was made.

8 Q. And are they photographs of that location?

9 A. Yes, ma'am.

10 Q. And do those photographs accurately depict the way
11 the location was of the night of June 3rd, 2011?

12 A. Correct.

13 Q. I am show you State's Exhibit No. 10; do you
14 recognize this exhibit?

15 A. It's a streetlight.

16 Q. Okay. And does it fairly and accurately represent
17 the streetlights that were located on the street where you made
18 the arrest on June 3rd 2011?

19 A. Correct.

20 MS. MARTINEZ: At this time I am showing to
21 opposing counsel Exhibits 3 to 10.

22 THE COURT: And offered?

23 MS. MARTINEZ: I will wait for objections; and
24 if there are no objections, then I will offer, Your Honor.

25 MR. ISBELL: Your Honor, I have no objections to

1 Exhibits 3 and 4. May I ask him a question regarding the other
2 exhibits to determine if I have any objections or not.

3 THE COURT: You're saying you have an objection?

4 MR. ISBELL: I have no objections to 3 and 4. I
5 would like to ask him a question to see whether or not I have
6 an objection or not about the pictures.

7 THE COURT: All right.

8 MS. MARTINEZ: Is your objection that it is
9 improper foundation? You want to take him on voir dire?

10 (State's Exhibit 3 through 10 offered)

11 MR. ISBELL: Yes, I do.

12 MS. MARTINEZ: Should we take it outside the
13 presence of the jury, Your Honor?

14 THE COURT: Do you need it outside the presence
15 of the jury?

16 MR. ISBELL: No.

17 THE COURT: And you may approach.

18 MR. ISBELL: Thank you, Your Honor.

19 **VOIR DIRE EXAMINATION**

20 **BY MR. ISBELL:**

21 Q. Officer, State's Exhibit 5, 6, 7, 8, 9, and 10 are
22 taken in the daytime, aren't they?

23 A. Correct.

24 Q. Now, you're not suggesting to the jury that that's
25 the way that you can see or look at things that night at

1 11:00 o'clock at night, are you?

2 A. No. These are pictures are in the daylight.

3 Q. All right. In other words, if you were there in the
4 daylight, these pictures accurately reflect what you would see?

5 A. Yes.

6 MR. ISBELL: All right. Then I have no
7 objections.

8 THE COURT: Okay. Then they are admitted. Do
9 you want to publish?

10 (State's Exhibit 3 through 10 admitted)

11 MS. MARTINEZ: Yes, Your Honor.

12 THE COURT: To publish just means to show them.

13 MR. ISBELL: Officer, I am showing you
14 State's Exhibit No. 3.

15 Q. (BY MS. MARTINEZ) Could you, please, describe to the
16 members of the jury what is it that State's Exhibit No. 3
17 shows?

18 A. It's the map of the location where the scene took
19 place. And then A is the marker of the approximate location of
20 where the arrest was made.

21 Q. I am showing you State's Exhibit No. 4, which is a
22 close up of that same location. Will you, please, point to
23 your screen, and show the jury where exactly was the location
24 of the scene?

25 A. The Jeep was parked on the south side of the road

1 right about in there.

2 Q. When you say the "Jeep", which Jeep are you referring
3 to?

4 A. The Jeep the suspects were in and around.

5 Q. What part of town is this 5300 of North Ridge Street?

6 A. It is on the south side of Houston.

7 MS. MARTINEZ: I'm showing you
8 State's Exhibit No. 5.

9 THE COURT: If you touch the bottom left corner.

10 Q. (BY MS. MARTINEZ) Will you please describe what the
11 picture shows.

12 A. This is a view of the street if you were looking
13 eastbound. The southbound side would be over here, and this
14 driveway right here would be where the Jeep was parked facing
15 westbound.

16 Q. Was the Jeep parked in the same manner that the car
17 depicted in the picture was parked?

18 A. Correct. Just further down to where that mark is.

19 MS. MARTINEZ: I am showing you
20 State's Exhibit No. 6.

21 Q. (BY MS. MARTINEZ) Will you please describe what you
22 see on that exhibit.

23 A. This is looking back westbound from the east at the
24 south side of the street. This driveway is -- right here is
25 where the Jeep was, with this driveway and this vacant house.

1 THE COURT: Clear it each time. Thank you.

2 MS. MARTINEZ: I am showing you
3 State's Exhibit No. 7.

4 Q. (BY MS. MARTINEZ) Do you recognize -- please
5 describe what you see on State's Exhibit No. 7.

6 A. That is the house that is just west of the driveway
7 where the Jeep is parked. That's the vacate house on the south
8 side.

9 Q. Is that the same house that State's Exhibit No. 6 is
10 showing?

11 A. Yes, ma'am.

12 MS. MARTINEZ: Now I am showing
13 State's Exhibit No. 8.

14 Q. (BY MS. MARTINEZ) Do you recognize it, and would you
15 please describe it for the jury.

16 A. This is the house that is on the north side across
17 from the vacant house; and then, over here is another house
18 which is directly across the street from that driveway.

19 MS. MARTINEZ: I am showing you
20 State's Exhibit No. 10 -- I'm sorry, No. 9.

21 Q. Please describe what you see on that picture.

22 A. Looking back westbound, this is the north side of the
23 street, that burned house is right in there, and then that
24 house, this house is directly across the street from the south
25 side of the street where the streetlight is. So strictly

1 across the street from the streetlight is where the driver of
2 the Jeep was, over here.

3 Q. So as you are -- so if you can walk us through. As
4 you drove in to North Ridge, just walk us through and tell us
5 what happened then.

6 A. We drove eastbound, this direction. And the Jeep was
7 parked over here in front of this driveway, facing us on the
8 wrong side of the road. There was a gentlemen at the driver's
9 side door of the Jeep with the door open. And then there was
10 somebody at the passenger's-side-rear-door window with their
11 back to us. Both of them had their back to us. As we got
12 closer, there's two people in the backseat of the Jeep.

13 They're --

14 Q. Are the two people females or males?

15 A. Females. They see us as we go by. Their windows are
16 down. As we go by, they are looking at us kind of like oh, no,
17 it is the police. As we past the Jeep, we can smell the odor
18 of PCP.

19 We stop the vehicle as we just past the jeep, and my
20 partner gets out and deals with the passenger which is
21 Mr. Williams, and then I walk around and deal with the driver
22 who is the other suspect that was arrested. As I walked up to
23 him, he dropped his cigarette to the ground.

24 Q. So once you see the other suspect, what is he doing
25 at is that point?

1 A. When I see him, he sees me and drops what looks like
2 a wet cigarette to the ground and places something in the door,
3 the driver's side door, of the jeep is open and he stashes
4 something in the doorhandle, where you grab it and close it,
5 and put something in there.

6 Q. Now, when you say a wet cigarette, what were you
7 referring to?

8 A. You can tell the cigarette wasn't dry. If it was a
9 dry cigarette, you can see the white paper. This was very dark
10 brown, wet looking. And from my training and experience, I've
11 always found it to be dipped in PCP.

12 Q. Now, was the area that street he is showing on the
13 screen, State's Exhibit 5, was that area -- how is the lighting
14 of the area?

15 A. You have a streetlight across the street and then you
16 have another one down the road.

17 Q. So could you, please, point at the streetlight in
18 reference to the Jeep.

19 A. The Jeep is right here. There is a streetlight right
20 here that points and illuminates this whole area. And then
21 there is another streetlight down there, so it helps to
22 illuminate the whole area.

23 Q. Once you see that other suspect drop the cigarette,
24 then what happens next?

25 A. He drops it. I pretend like I don't see it because I

1 don't want him to take off running. Take him into custody. As
2 I am walking him back, the female that was in the driver's side
3 backseat jumps up to the driver's seat and started the Jeep.
4 My partner, Clifton Holloway, had already detained Mr. Williams
5 and went around and told her, hey, to stop, don't do anything,
6 turn the Jeep off, gets her out. And as he is getting her
7 detained, he sees the bottle of crack laying in the doorhandle
8 where I saw the other suspect place something. Put them all in
9 the backseat --

10 Q. So once they are -- I will slow down a little -- so
11 do you detain the four people that are still there?

12 A. Yes.

13 Q. And where are they at that point once they are
14 detained?

15 A. They are all in the backseat of the patrol car.
16 There was another female sitting in the backseat passenger area
17 and they were all detained and put in the backseat of the
18 patrol car and that's when Officer Holloway told me what he had
19 seen --

20 MR. ISBELL: Objection.

21 THE COURT: Do not repeat what other people say
22 unless it is what the defendant said.

23 Q. (BY MS. MARTINEZ) Let me ask you as well. You say
24 you are in the patrol car. Is your patrol car -- how is it
25 equipped? You have any lights or any --

1 A. It's got lights and sirens and computer and all that
2 in there.

3 Q. Okay. Were your lights on at that point, your
4 emergency lights?

5 A. No.

6 Q. Can you actually see the interior of the Jeep clearly
7 at that point?

8 A. Yes.

9 Q. And did your patrol car have the headlights on?

10 A. Yes, the headlights were on.

11 Q. So once you have all the suspects detained, then what
12 do you do next?

13 A. I go and recover the crack cocaine that was in the
14 door; the PCP cigarette that was on the ground; and a bottle of
15 PCP in the rear of the Jeep.

16 Q. Now, when you say the rear of the Jeep, walk us
17 through exactly how is it you find it?

18 A. Office Holloway told me that --

19 MR. ISBELL: Excuse me.

20 THE COURT: Okay. Again.

21 Q. (BY MS. MARTINEZ) During the search of the vehicle,
22 just walk us through. Where do you search?

23 A. I would search the entire vehicle. I recovered what
24 I knew was there already and I recovered the crack cocaine, the
25 PCP cigarette and I checked the back of the Jeep and found a

1 brown bottle, glass bottle, with PCP in it.

2 MS. MARTINEZ: May I approach the witness,
3 Your Honor.

4 THE COURT: You may.

5 MS. MARTINEZ: Officer, I am showing you what
6 has been premarked as State's Exhibit No. 1 and its contents
7 that have been marked as State's Exhibit No. 1.1 and 1.2.

8 Q. (BY MS. MARTINEZ) Do you recognize
9 State's Exhibit No. 1.1?

10 A. Yes.

11 Q. And what is it?

12 A. That's the brown glass bottle I recovered from the
13 rear of the Jeep.

14 Q. And how do you recognize it as being the brown bottle
15 that you recovered from the Jeep?

16 A. Because I was the one who recovered it.

17 Q. Does it look --

18 A. Yes, it definitely looks exactly the same way as when
19 I recovered it, the brown bottle.

20 Q. Does it look the same as far as the content that it
21 had?

22 A. The contents are no longer in it because they have
23 been placed in another bottle; but yes, it's the same bottle.

24 MS. MARTINEZ: I am showing Exhibit No. 1.1 to
25 defense counsel.

1 MR. ISBELL: This is 1.2.

2 MS. MARTINEZ: I am just trying to enter 1.1.

3 MR. ISBELL: On 1.1 I have no objection to the
4 bottle itself. I do have an objection to the hearsay written.

5 THE COURT: Well, if it is able to be redacted,
6 we will redact that. Let's see what it is. There are markings
7 of how we identify it.

8 I don't find that I am going to overrule your objection.

9 MR. ISBELL: All right. Just so the record is
10 clear, I am objecting to the written part on 1.1, the packaging
11 which actual bottle, uh --

12 THE COURT: The Cellophane bag that is in it.

13 MR. ISBELL: -- the Cellophane bag. I have no
14 objection to the bottle itself.

15 MS. MARTINEZ: I'd like to offer
16 State's Exhibit No. 1.1, Your Honor.

17 (State's Exhibit 1.1 offered)

18 THE COURT: It is admitted over objection.

19 (State's Exhibit 1.1 admitted)

20 MR. ISBELL: Your Honor, just for clarification,
21 you are not entering 1, are you?

22 MS. MARTINEZ: Not at this point, Your Honor. I
23 am just entering 1.1.

24 Q. (BY MS. MARTINEZ) If you could describe and show to
25 the jury State's Exhibit 1.1.

1 A. This is the brown bottle that I recovered from the
2 rear of the Jeep, and it had a large amount of liquid in it at
3 the time that was PCP.

4 THE COURT: Does this have a smell through the
5 Cellophane.

6 THE WITNESS: Yes, it does.

7 MS. MARTINEZ: Can you please clear the screen,
8 if you can.

9 Q. (BY MS. MARTINEZ) So once you recovered that bottle,
10 Exhibit 1.1, what did you do with it?

11 A. I held on to it until I met with Officer Johns and
12 gave it to him to tag.

13 MS. MARTINEZ: All right. I am going to show
14 you state's exhibit --

15 THE COURT: And you may approach.

16 MS. MARTINEZ: I am sorry. May I approach,
17 Your Honor.

18 I am showing you marked State's Exhibit No. 2 and its
19 content, and I am showing you contents of
20 State's Exhibit No. 2.1 and 2.2.

21 Q. (BY MS. MARTINEZ) Do you recognize both of them?

22 A. Yes. One of them is the dipped PCP cigarette and the
23 other one is the bottle of crack cocaine.

24 Q. Now is 2.1 -- what is 2.1?

25 A. This is the cigarette that was dipped in PCP.

1 Q. And what about 2.2?

2 A. This is the crack cocaine that was in the doorhandle
3 of the Jeep.

4 MS. MARTINEZ: I am showing you opposing counsel
5 for any objections.

6 (State's Exhibit 2.1 and 2.2 offered)

7 MR. ISBELL: I have no objection to those
8 exhibits, Your Honor.

9 THE COURT: They are admitted.

10 (State's Exhibit 2.1 and 2.2 admitted)

11 MS. MARTINEZ: May I publish to the jury?

12 THE COURT: You may. Did you want to pass that
13 first exhibit around so that anyone could smell it?

14 MS. MARTINEZ: Sure. Let me ask some questions
15 first, Your Honor.

16 Q. (BY MS. MARTINEZ) As far as the contents of the
17 bottle, do you still have the same amount of PCP or the liquid
18 that you believe to be PCP in the bottle today?

19 A. No.

20 Q. And why not?

21 A. Whenever we tag that, we don't leave it in the bottle
22 because they leak. It is placed in another bottle to keep it
23 secure until it can be tested.

24 Q. What we see in Exhibit 1.1 is the residue or the
25 actual liquid you found on June 3rd, 2011, in this bottle?

1 A. Yes.

2 THE COURT: Don't open it. Just if you can,
3 smell through.

4 Q. (BY MS. MARTINEZ) Now, Officer, is the smell from
5 the bottle as strong today as it was when you originally gave
6 it to Officer Johns to be tide.

7 A. No.

8 Q. Why not?

9 A. Because it is sealed in a bag and it is not all in
10 there.

11 MS. MARTINEZ: So let me go back to
12 State's Exhibit No. 2.2, what you identify as the cigarette
13 that you found.

14 THE WITNESS: Correct.

15 Q. (BY MS. MARTINEZ) Do you still see any marks that
16 will show the cigarette was dipped into a liquid?

17 A. Yeah. From right about here on, you can see the
18 discoloration where the PCP has dried on to the paper of the
19 cigarette.

20 Q. So you say it is dry now. Did it look a little bit
21 different when you found it?

22 A. Yes. It was wet whenever we found it.

23 Q. And will the stain will be darker or lighter?

24 A. The stain will be darker. Or the liquid, the color
25 will be darker than what it is when now when it's dry. The

1 stain is lighter than what it was when it was wet?

2 Q. Describe for the jury what is
3 State's Exhibit No. 2.2.

4 A. This is the bottle of crack cocaine that was in the
5 doorhandle of the Jeep Cherokee.

6 MS. MARTINEZ: I'm going to pass to the jurors
7 State's Exhibit No. 2.1 and 2.2.

8 Q. (BY MS. MARTINEZ) Now, once you get the evidence,
9 did you have contact with the defendant that day?

10 A. I am sorry.

11 Q. Once you recover the evidence, did you have any other
12 contact with the defendant that day?

13 A. Just booking information to transport him to the
14 jail.

15 Q. And just to clarify, where exactly was the defendant
16 when you first saw him?

17 A. He was at the window of the back passenger's door
18 talking to the female that was sitting there.

19 MS. MARTINEZ: Pass the witness.

20 THE COURT: Okay. Mr. Isbell.

21 **CROSS EXAMINATION**

22 **BY MR. ISBELL:**

23 Q. (BY MR. ISBELL) Sergeant Crawford, are you on duty
24 today?

25 A. Yes, sir.

1 Q. Are we taking you away from your duties today?

2 A. No, sir.

3 Q. What are your hours today?

4 A. I work from 9:00 o'clock tonight till 5:00 in the
5 morning.

6 Q. I see you have your uniform on and regalia; is that
7 for the jury to see when you testify?

8 A. That's because I am on duty. Whenever I have been
9 subpoenaed in court, I am placed on duty to come here and this
10 is my uniform.

11 Q. So it's a policy that if you are subpoenaed by the
12 State, you wear the uniform. If a defendant subpoenas you, you
13 are not to wear a uniform to testify, are you?

14 A. That's because of our policy.

15 Q. That's correct. I mean, that is the police's policy
16 that if the police officer is going to testify for the
17 defendant, he is forbidden from wearing the police uniform when
18 he testifies; but when he testifies for the State, you are
19 encouraged to do that aren't you?

20 A. That's part of our uniform, yes, sir.

21 Q. Well, that's the policy, isn't it?

22 A. Yes, sir.

23 Q. You were on a special program in June of 2011? Did I
24 understand that correctly? You were part of a special unit?

25 A. It's a specialized unit called the

1 "Crime Reduction Unit."

2 Q. And you were on that on June of 2011?

3 A. Yes, sir.

4 Q. And does that unit receive special grants based on
5 the number of arrest that they make?

6 A. No, sir.

7 Q. Do you submit special statistics to show how good you
8 are about arresting people?

9 A. I have no knowledge of that.

10 Q. You don't know anything about the workings of that
11 special --

12 A. I have never been required to keep the stats or
13 anything like that.

14 Q. Okay. You were the driver of the police car?

15 A. Yes, sir.

16 Q. Did you have an informant in this case?

17 A. No.

18 Q. This is just a case where you're driving down the
19 street and you smell something and you arrest three people? Is
20 that what happened?

21 A. Yes, sir.

22 Q. Did you have any recordings that you made, audio
23 recordings?

24 A. No, sir.

25 Q. Did you have capability of recording anything?

1 A. Yes.

2 Q. But did you have any video recordings?

3 A. No, sir.

4 Q. The police vehicle that you were driving, does it
5 have the camera mounted on the dashboard?

6 A. No, sir.

7 Q. No camera at all?

8 A. No, sir.

9 Q. So there was no way you could have been videotaping
10 the scene as you were driving by and then as you were
11 conducting it, correct?

12 A. Correct.

13 Q. Did you see any other people out on the street?

14 A. No, sir.

15 Q. Did you know whether there had been other people out
16 on the street?

17 A. No, sir.

18 Q. So what you saw, it was a car parked on the wrong
19 side of the road, correct?

20 A. Correct.

21 Q. And someone smoking a cigarette with the front
22 driver's door open?

23 A. Yes. The cigarette wasn't lit, no.

24 Q. Oh the --

25 A. -- I didn't, don't remember seeing a cigarette lit,

1 no.

2 Q. You don't remember seeing a cigarette?

3 A. I don't remember seeing them, some of them smoking a
4 cigarette, no.

5 Q. I thought you testified that the driver who was
6 standing outside the driver's door was smoking his cigarette?

7 THE COURT: He said he dropped it.

8 THE WITNESS: Yes. That's what I said. When I
9 approached him, he had dropped his cigarette to the ground.

10 Q. (BY MR. ISBELL) Where did you first see it?

11 A. First see what?

12 Q. The cigarette.

13 A. As I approached the suspect, he dropped it to the
14 ground.

15 Q. So you're saying that this strong odor --

16 MR. ISBELL: May I approach?

17 THE COURT: Yes.

18 MR. ISBELL: Where is the evidence bottle?

19 THE COURT: It's here.

20 MR. ISBELL: May I?

21 THE WITNESS: Of course.

22 Q. (BY MR. ISBELL) It is your testimony that you are
23 driving down the street in a police vehicle, and this strong
24 odor of PCP must come from this closed container?

25 A. I didn't know where it was coming from at the time.

1 It was coming from the area where the Jeep was and people were
2 standing.

3 Q. There was nobody else on the street?

4 A. I don't remember seeing nobody else on the street
5 besides --

6 Q. Nobody else in the yard?

7 A. I don't recall anybody else in the yards.

8 Q. Could the odor had been left there by somebody else
9 that saw you coming and left?

10 A. I would think it would have dissipated by then.

11 Q. You didn't see anybody trying to buy PCP, did you?

12 A. No, sir.

13 Q. Weren't you simply suspicious that here is a car
14 parked on the wrong side of the street at 11:00 o'clock at
15 night and somebody standing by, two people standing by; isn't
16 that why you stopped?

17 A. No. We stopped because we smelled the odor of PCP.
18 I had stated that we had actually, we had almost driven past
19 the vehicle before we smelled the PCP and asked them to stop.

20 Q. You were driving, correct.

21 A. Correct.

22 Q. So you would have been on the further side as you
23 past the vehicle that was parked?

24 A. Yes, sir.

25 Q. And your window was down?

1 A. Yes, sir.

2 Q. Was the other window down?

3 A. Yes.

4 Q. Let's talk about June the 3rd 2011; it was very hot,
5 wasn't it?

6 A. Yes, sir.

7 Q. Was it your policy to just drive around with the
8 windows down in the police car?

9 A. No, sir. There was a reason for my windows being
10 down at that time.

11 Q. Was your vehicle equipped with air conditioning?

12 A. Yes.

13 Q. But you weren't using it?

14 A. It was probably on.

15 Q. Now, did you pull in immediately behind the Jeep?

16 A. No, I didn't pull in behind it. I stopped just past
17 it to where, basically, the rear end of the patrol car was,
18 basically, at the back tire of the Jeep.

19 Q. Now, did you pull up against the curve to park or did
20 you park in the street?

21 A. No. I stopped right there in the street.

22 Q. You parked in the street?

23 A. Correct.

24 Q. Now you said your headlights were on?

25 A. Yes.

1 Q. But they were be pointing in the direction opposite
2 from where the Jeep was?

3 A. From when I stopped, yes.

4 Q. Well, did you move your patrol car back around, or
5 did you just leave it there while you investigated?

6 A. I -- my patrol car was in the same spot where I
7 parked it until the end of the arrest.

8 Q. So your headlights didn't illuminate the interior of
9 that Jeep, did it?

10 A. As we drove down the street, it did.

11 Q. And as you drove down the street and your headlights
12 illuminated the interior of the vehicle, what did you
13 personally see going on in the vehicle?

14 A. I wasn't watching the vehicle. I was watching the
15 driver.

16 Q. All right. And you stopped and got out of the
17 driver's seat and walked around the back of the parked Jeep; is
18 that correct?

19 A. Correct.

20 Q. And so you would have approached the driver from the
21 back end of the Jeep?

22 A. Correct.

23 Q. And that's when you saw him throwing a cigarette
24 down?

25 A. Correct.

1 Q. And was there anything about that cigarette that made
2 you suspicious when you saw him throw it down?

3 A. Yes.

4 Q. What was that?

5 A. It appeared to be it was -- half the cigarette
6 appeared to be wet. And, like I said before, in my training
7 and experience, I found that to be dipped in PCP.

8 Q. Now, you explained the phrase that we use "wet" as
9 being cigarettes or marijuana cigarettes dipped in PCP and then
10 smoked?

11 A. Correct. I was just referring to the actual paper
12 looked wet, not the other name for PCP being called wet.

13 Q. Okay. Are you familiar with the phrase "smoking
14 wet"?

15 A. Correct.

16 Q. And was that phrase mean?

17 A. Usually, smoking a dipped cigarette that's been
18 dipped in PCP or Phencyclidine.

19 Q. Now, the person that you saw with this cigarette that
20 was thrown down that had been dipped in PCP was not Demetrius
21 Williams, was it?

22 A. No.

23 Q. And you saw this person place an object in the
24 driver's doorhandle as you were walking up?

25 A. Correct.

1 Q. And the person that placed something in that
2 doorhandle of the Jeep, as you were walking up, was not
3 Demetrius Williams, was it?

4 A. Correct.

5 Q. And the exhibits that were introduced, Exhibit 2.1,
6 that cigarette, you never saw Mr. Demetrius Williams with that,
7 did you?

8 A. No, sir.

9 Q. In the exhibit marked 2.2, a container of crack
10 cocaine, you never saw Mr. Williams with that, did you?

11 A. No, sir.

12 Q. When you arrest somebody, before you put them in the
13 patrol car, you search them, don't you?

14 A. Yes.

15 Q. Did you find any marijuana on Mr. Demetrius Williams?

16 A. I never searched him.

17 Q. Did you receive anything from any officer who may
18 have searched him that you submitted to the evidence room that
19 came from Mr. Demetrius Williams?

20 A. No, sir.

21 Q. Now, in the photographs that were admitted of the
22 scene it's not only pictures taken in the daytime, but there
23 was a white car that was supposed to represent where the car
24 was parked that you'd been talking about, correct?

25 A. I don't know if it was there to represent. I was --

1 she asked me if it was facing the same direction, and I said it
2 was on the same side of the road and facing the same direction
3 but further to the west.

4 Q. Did you and the prosecutor go out there and take
5 these pictures one day?

6 A. I did not, no.

7 Q. Do you know who took them?

8 A. The prosecutor as far as I -- she said she was going
9 out there and take the pictures.

10 Q. I'm sorry.

11 A. The prosecutor had told me she was going out there to
12 look at the scene.

13 Q. So you weren't there?

14 A. No.

15 Q. The vehicle that -- well, let's call him by name:
16 Mr. Castor, that's the one you saw with the cigarette and saw
17 with the crack cocaine, right, Castor?

18 A. Yes.

19 Q. By the way, did you write any offense report or
20 notes?

21 A. No, sir.

22 Q. Have you reviewed any offense report for your
23 testimony today?

24 A. Yes, sir.

25 Q. Did you have a camera with you?

1 A. No, sir.

2 Q. Y'all don't carry cameras in your police car when
3 you're out patrolling for people to arrest?

4 A. No, sir.

5 Q. It was dark, wasn't it, at 11:00 o'clock on that
6 street?

7 A. It was lit up by traffic or streetlights. It was
8 dark at night, but the location was lit up by streetlights.

9 Q. Well, a streetlight does illuminate the interior of a
10 vehicle, does it?

11 A. No.

12 Q. Did you arrest Mr. Williams?

13 A. No.

14 Q. Did you place him in the patrol car that you were
15 driving?

16 A. No, sir.

17 Q. Was he placed in the patrol car you were driving?

18 A. Yes, sir.

19 Q. Did you take him to the police station?

20 A. Yes, sir.

21 Q. He didn't give you any trouble, did he?

22 A. I don't believe so. I don't remember anything.

23 Q. You would remember if a prisoner gave you problems in
24 your police car, wouldn't you?

25 A. Correct.

1 Q. And Mr. Williams did not give you problems, did he?

2 A. Like I said, I don't remember him giving me any.

3 Q. Did you find anybody in that area that night by the
4 name of Chester?

5 A. I don't remember anybody by the name of Chester. I
6 don't remember talking to anybody else except for the four
7 people that were in and around the Jeep.

8 Q. You don't know of a person by the name of Chester
9 that lives in that area?

10 A. No, sir. I don't recall that name, no.

11 Q. The lights were not on inside the Jeep, were they?

12 A. I don't think they were. I don't remember.

13 Q. Did you retrieve a cell phone or use a cell phone
14 that belonged to Mr. Williams that night?

15 A. No.

16 Q. You have the offense report in front of you that you
17 used to refresh your testimony?

18 A. Yes, sir.

19 Q. It describes the vehicle as a black Jeep; does it
20 not?

21 A. Correct.

22 Q. And when you stop a vehicle like this, you are
23 careful to get down the, so you can identify what car it is,
24 the license plate number?

25 A. Yes, sir.

1 Q. And was the license plate on that Jeep CM4K794?

2 A. According to the report, yes.

3 Q. You have any reason not to believe that report to be
4 accurate?

5 A. I mean, there is -- could be a typo at any point in a
6 report; but as far as I know, that's the plate.

7 Q. Also, you not only get the license plate number just
8 to double check, you get the Vehicle Identification Number,
9 don't you?

10 A. Correct.

11 Q. And is that Vehicle Identification Number
12 1J4FX58S1SC629724?

13 A. According to the report, that is the VIN number
14 that's assigned to that license plate.

15 Q. There certainly is a way to double check to see if
16 you made a mistake in the license number or something, because
17 if the license plate number matches the Vehicle Identification
18 Number, then that's just a double safety, right, check?

19 A. That's correct. But I don't remember anybody
20 actually writing down the VIN number. That VIN number could be
21 just from running that plate.

22 Q. Well, that VIN number goes with that plate? You're
23 not suggesting that, are you? There is a different VIN number
24 for each plate.

25 A. No. I am just saying that VIN number matches that

1 plate. That's -- I'm not saying that -- I did not personally
2 check the VIN number on the Jeep to compare it to what was in
3 the plate.

4 Q. All right. So somebody in the police station gets
5 the license number and they look on the computer screen and
6 that's how we get the VIN number?

7 A. For the report, yes.

8 Q. The officer at the scene doesn't get the VIN number?

9 A. No. Unless we suspect it being a stolen car.

10 Q. You said you can see inside the vehicle?

11 A. When we approached the vehicle with the headlights
12 on, yes.

13 Q. Your headlights are not on the vehicle. They are
14 pointing in the opposite direction of that vehicle.

15 A. The Jeep is facing us as we pull around the street.
16 So when we're driving in our lane and that vehicle is in our
17 lane and it is facing us, my headlights are pointing into that
18 vehicle.

19 Q. So -- I'm sorry. After you stopped, the vehicle was
20 not illuminated with your headlights?

21 A. Correct.

22 Q. What did you see that you knew was criminal activity
23 as you were driving down the street and your lights illuminated
24 the Jeep and two people standing outside? What did you see
25 inside of that vehicle that made you think that criminal

1 activity was afoot?

2 A. Criminal activity was afoot with the Jeep being
3 parked on the wrong side of the road. And as we past it, we
4 could smell the odor of PCP which then drew our suspicions to
5 that vehicle which gave us another reason to stop and talk to
6 the people at that vehicle.

7 Q. Let me make my question a little clearer?

8 A. All right.

9 Q. What did you see going on in the interior of that
10 Jeep when your headlights showed you what was inside the Jeep?

11 A. I don't remember. Like I said before, I was looking
12 at the driver, the guy standing outside the driver's side
13 vehicle. I never paid attention to what was going on inside
14 the Jeep.

15 Q. So your answer is you didn't see anything illegal
16 going on inside that Jeep when you were driving toward it and
17 it was illuminated, correct?

18 A. Correct.

19 Q. Now, in the report, you claimed that you could see
20 inside the Jeep and what people were doing because the windows
21 were not tinted; is that correct?

22 A. I didn't write the report, and I don't remember
23 claiming that I ever saw anything going on inside the Jeep.

24 Q. Were the windows tinted?

25 A. I don't remember if they were or not.

1 MR. ISBELL: May I approach the witness, Your
2 Honor.

3 THE COURT: You may.

4 MR. ISBELL: I'll mark these here.

5 THE COURT: In the future will you mark them
6 before you come to court.

7 MR. ISBELL: I should have done that, Your
8 Honor. I am sorry.

9 THE COURT: Same goes for the State, but I know
10 you have done that already.

11 MR. ISBELL: May I approach the witness, Your
12 Honor.

13 THE COURT: You may.

14 MR. ISBELL: I am going to show you what's been
15 marked as Exhibit No. 1.

16 Q. (BY MR. ISBELL) Do you recognize the type of vehicle
17 reflected there?

18 A. Yes, sir.

19 Q. And do you recognize the license plate there?

20 A. It appears it matches the one in the report, sir.

21 Q. And what is that vehicle that's in that photograph?

22 A. The black Jeep Cherokee.

23 Q. And the license plate on that black Jeep Cherokee is
24 the same that is in the report?

25 A. It appears so.

1 Q. I will show you what's been marked as Exhibit No. 2.
2 Is that the same vehicle, the same license number?

3 A. Correct.

4 Q. Now, you may need a magnifying glass, and I've got
5 one if you do. But would you look and see the VIN number that
6 is there and compare it with the VIN number that is in the
7 police report.

8 A. It appears to be the same one.

9 Q. All right. And No. 4, do you recognize that as being
10 of the same vehicle?

11 A. It's the same vehicle, yes.

12 Q. And number five the same vehicle?

13 A. Yes, sir.

14 MR. ISBELL: Your Honor, I want to offer these
15 into evidence, 1 through 5. I will tender them to counsel.

16 (State's Exhibit 1 through 5 offered)

17 MS. MARTINEZ: No objections from the State.

18 THE COURT: Defense Exhibits 1 through 5 are
19 admitted without objection. Publish?

20 (State's Exhibit 1 through 5 admitted)

21 MR. ISBELL: Yes, Your Honor. If I could have
22 some assistance from the prosecution working the machine.

23 As I show you what has been marked as Exhibit No. 1,
24 defense exhibit.

25 Q. (BY MR. ISBELL) And that is the vehicle that you've

1 identified as having the same license plate number and the same
2 vehicle that you saw that night?

3 A. Yes, sir.

4 Q. That's a black Jeep vehicle, correct?

5 A. Correct.

6 MR. ISBELL: And I will show you what's been
7 marked as Exhibit No. 2, which shows the same.

8 Q. (BY MR. ISBELL) And Exhibit No. 2 is the same
9 vehicle; is that correct?

10 A. Yes, sir.

11 Q. Exhibit No. 3 which is kind of hard to see, but as on
12 automobiles, the Vehicle Identification Number is in the front
13 windshield and that's what that number is, correct?

14 A. Yes, sir.

15 Q. So and you said that's the same Vehicle
16 Identification Number that's written in your police report?

17 A. Correct.

18 Q. Correct. And you identified -- you identified this
19 as the same vehicle? That would be the back passenger's side
20 view of that vehicle, right?

21 A. It's not the same view from that night, no.

22 Q. I said that -- what you are seeing is the passenger's
23 backside of that vehicle?

24 A. It's the passenger's side of that vehicle, yes.

25 Q. The back passenger side, isn't it?

1 A. Correct.

2 Q. And what you see in that area is a cargo area; is
3 that correct?

4 A. Yes.

5 Q. And it's your testimony that you found that little
6 bottle in the back cargo area?

7 A. Correct.

8 Q. Did you ever see Demetrius Williams inside that
9 vehicle?

10 A. No.

11 Q. Did you decide who owned that vehicle?

12 A. I don't remember who that registered owner of that
13 vehicle was.

14 Q. Wasn't Demetrius Williams, was it?

15 A. No.

16 MR. ISBELL: May I have just a moment,
17 Your Honor?

18 THE COURT: You may.

19 MR. ISBELL: I pass the witness, Your Honor.

20 THE COURT: All right. Ms. Martinez, redirect?

21 MS. MARTINEZ: Briefly, Your Honor.

22 Your Honor, may I approach to take a look at the exhibits?

23 THE COURT: You may.

24 **REDIRECT EXAMINATION**

25 **BY MS. MARTINEZ:**

1 MS. MARTINEZ: Officer, I am showing you
2 Defense Exhibit No. 2.

3 Q. (BY MS. MARTINEZ) Will you please describe the
4 window from the passenger's side from the front passenger side.

5 A. It's that clear window with no tint on it.

6 Q. So there is a no tinted window. What about the other
7 windows?

8 A. The rest of the windows are tinted.

9 MS. MARTINEZ: I am showing you
10 Defense Exhibit No. 1.

11 Q. What about the driver's window; is that a tinted
12 window?

13 A. It's not a tinted window. It's clear.

14 Q. Now, Officer, let's talk about the contents of the
15 State's Exhibit 1.1, which is the bottle; do you remember the
16 bottle to be -- how much liquid was in the bottle?

17 A. I don't remember exactly how much it was. It was
18 over 10 grams.

19 Q. Now, over 10 grams, would that be a full bottle, half
20 of a bottle, a little bit less?

21 A. I would say at least a half a bottle.

22 Q. Now, as far as a half a bottle what you consider to
23 be PCP, what could someone do with that amount?

24 MR. ISBELL: Excuse me, Your Honor. That is
25 speculation what someone might do with it.

1 THE COURT: If you know from your experience and
2 training, you can answer. I am not asking you to guess on
3 this.

4 A. From my training and experience I've known, they use
5 the big bottle to dip individual cigarette in and sell
6 individual cigarettes to a buyer, and they just have that one
7 bottle they keep dipping. They have a pack of cigarettes they
8 will dip one at a time and sell them.

9 Q. (BY MS. MARTINEZ) Do you know how many cigarettes
10 could you dip in a bottle of ten grams of PCP?

11 A. At least a pack of cigarettes.

12 Q. And if someone were to smoke a pack of cigarettes
13 dipped in PCP, based on your training and experience, what
14 would be the physical consequences of that?

15 A. They would become deathly ill.

16 Q. Based on your training and experiencing, Officer
17 Crawford, the amount of PCP you found in that brown bottle that
18 day, is that a large amount, a small amount, or how would you
19 describe it?

20 A. It's a larger amount not for personal consumption.

21 MR. ISBELL: Excuse me, Your Honor. I object to
22 that last statement as nonresponsive to the question and
23 injecting an opinion in which he is not qualified to give one.

24 THE COURT: If you know from your training and
25 experience and education, I will allow that; but otherwise,

1 please refrain from guessing.

2 Q. (BY MS. MARTINEZ) Based on your training and
3 experience, Officer Crawford, could you determine when that
4 amount of PCP will be from personal use.

5 A. From my training and experience, I've always seen
6 that amount used to, for someone to sell individually dipped
7 cigarettes, not for their own personal use.

8 Q. Do you know what is the street value of cigarette
9 dipping PCP?

10 A. I have no clue on that.

11 MS. MARTINEZ: Pass the witness.

12 THE COURT: Yes, sir.

13 **REXCROSS EXAMINATION**

14 **BY MR. ISBELL:**

15 Q. (BY MR. ISBELL) Mr. Demetrius Williams didn't have
16 any cigarettes on him, did he?

17 A. I don't remember if he did or not. I didn't search
18 him.

19 Q. Did you review what was taken from all the people you
20 arrested that night as to what they had on them?

21 A. No, I did not.

22 Q. Now, Mr. Castor had a pack of cigarettes on him,
23 didn't he?

24 A. I don't remember. I don't remember what they had on.

25 Q. You didn't search him?

1 A. I searched him, but I don't recall what personal
2 property he had on them.

3 Q. Well, you are out there trying to find somebody using
4 or selling PCP. And you see him with one cigarette, and you
5 didn't notice whether he had a package of cigarettes on him?

6 A. If he did, I would have checked it. It is not
7 something that I would try to remember.

8 Q. Are you saying that it is beyond your experience and
9 beyond anyone thinking that somebody who had a personal habit
10 of PCP would buy that amount of PCP in that little bottle?

11 A. I have never seen somebody with a personal habit have
12 that much PCP on him.

13 Q. Well, it is not likely that people who have that
14 habit are going to go up to you and explain that, are they?

15 A. Not most of the time.

16 Q. The front passenger's windows of that Jeep did not
17 have the tint; but all the windows from the front all the way
18 around the back and the other side, they were all tinted
19 windows, weren't they?

20 A. Yes, sir:

21 MR. ISBELL: That's all I have, Your Honor.

22 THE COURT: Ms. Martinez.

23 MS. MARTINEZ: Nothing further.

24 THE COURT: Thank you officer.

25 THE WITNESS: Thank you, sir.