

1                   That's all I have, Judge.

2                   THE COURT:    You may step down, sir.  You  
3 can step down.

4                   MS. BAILY:    May this witness be excused,  
5 Your Honor?

6                   THE COURT:    Yes.  Call your next witness.

7                   MS. BAILY:    Yes, Your Honor.  The State  
8 calls Officer Crawford.  Sergeant Crawford.

9                   THE BAILIFF:   The witness needs to be  
10 sworn.

11                                 (Witness sworn)

12                   THE COURT:    All right.  Go ahead,  
13 Ms. Baily.

14                   MS. BAILY:    Thank you, Your Honor.

15   **JAMES CRAWFORD,**

16 having been first duly sworn, testified as follows:

17   **DIRECT EXAMINATION**

18 **BY MS. BAILY:**

19                   Q.    Can you begin by stating your name for the  
20 record?

21                   A.    James Crawford.

22                   Q.    And, Sergeant Crawford, what is it that you do  
23 for a living?

24                   A.    I'm now a sergeant for the Houston Police  
25 Department.

1 Q. And when did you make the rank of sergeant?

2 A. September of last year.

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

5 A. Fourteen years.

6 Q. And in what division are you currently a  
7 sergeant?

8 A. The dispatch.

9 Q. What -- prior to being promoted to sergeant,  
10 where were you working?

11 A. The Crime Reduction Unit.

12 Q. And can you tell the ladies and gentlemen of  
13 the jury what the Crime Reduction Unit is?

14 A. It was a unit developed to go respond to  
15 high-crime areas throughout the city of Houston to  
16 reduce part-one crimes like murders, robberies through  
17 arresting dope dealers and stuff like that.

18 Q. And it's called a proactive unit, right?

19 A. Yes, ma'am.

20 Q. And what is the difference between proactive  
21 and regular patrol?

22 A. Regular patrol goes to the calls after  
23 something has already happened. Proactive is where we  
24 go out and actually seek it and try to prevent it from  
25 happening.

1 Q. So, you guys go out and look for drug dealers,  
2 you look for things about to happen?

3 A. Yes, ma'am.

4 Q. Turning your attention back to December 3rd,  
5 2009, do you recall, were you working in that capacity  
6 on that date?

7 A. Yes, ma'am.

8 Q. Okay. Which shift were you working?

9 A. Night shift.

10 Q. And who were you riding with?

11 A. Officer Holland.

12 Q. What area of town were you assigned to patrol?

13 A. The north side of Houston.

14 Q. And do you recall becoming involved in a larger  
15 robbery-murder investigation?

16 A. Yes, ma'am.

17 Q. Okay. And do you recall how it is that you  
18 became involved in that investigation?

19 A. Yes, ma'am.

20 Q. Okay. I guess tell us --

21 MS. BAILY: Permission to approach, Your  
22 Honor?

23 THE COURT: Okay.

24 Q. (By Ms. Baily) What area of town -- I guess  
25 what neighborhood specifically were you working when you

1 became involved in this case?

2 A. We were in the Acres Homes area. And that area  
3 is broken up between like a 6th district and then the  
4 beats are like 10's beat, 20's beat, 30's beat. And I  
5 was in my 6-B 20's beat. And that was the area we were  
6 in that night.

7 Q. Let me show you State's Exhibit 67, what's been  
8 marked as State's Exhibit 67. Have you had a chance to  
9 view this map (indicating)?

10 A. Yes, ma'am.

11 Q. Is this a fair and accurate depiction of the  
12 area of town that we're talking about?

13 A. Yes, ma'am.

14 Q. In addition, is State's Exhibit 68 a fair and  
15 accurate depiction of the area of town that we're  
16 talking about where you became involved in the robbery  
17 investigation?

18 A. Yes, ma'am.

19 Q. I want to show you 69 through 76. Do you  
20 recognize these photographs (indicating)?

21 A. Yes, ma'am.

22 Q. Okay. Are these fair and accurate depictions  
23 of the scene that you were at on December 3rd, 2009?

24 A. Yes, ma'am.

25 Q. I also want to show you State's Exhibits 250,

1 251, and 252. Are these fair and accurate depictions of  
2 the scene as well (indicating)?

3 A. Yes, ma'am.

4 MS. BAILY: Your Honor, at this time I will  
5 offer 67 and 68 into evidence and tender to opposing  
6 counsel for any objections.

7 Judge, can I clear that up? Let me offer  
8 67 through 76 as well as 250 through 252.

9 **(State's Exhibit No. 67 through 76, 250**  
10 **through 252 Offered)**

11 MR. GRABER: No objections.

12 THE COURT: State's 67 through 76 are  
13 admitted. State's 250, 251, and 252 are admitted.

14 **(State's Exhibit No. 67 through 76, 250**  
15 **through 252 Admitted)**

16 MS. BAILY: Permission to publish, Your  
17 Honor?

18 THE COURT: All right.

19 Q. (By Ms. Baily) Sergeant, on State's Exhibit 67,  
20 what is this main road on the top portion of this  
21 picture that we're looking at (indicating)?

22 A. This road (indicating)?

23 Q. Yes, sir.

24 A. West Mount Houston, 249.

25 Q. This is West Mount Houston, 249.

1                   What is this large road that cuts  
2 diagonally through the whole picture (indicating)?

3           A.   Looks like West Montgomery.

4                   THE COURT:   Excuse me.   Can you-all see the  
5 map?   Can everybody see the map?

6                   You probably need to move around here so  
7 they can see it.

8           A.   It's West Montgomery.

9           Q.   (By Ms. Baily) And where is the area on the map  
10 where you became involved in this investigation?

11          A.   Down here at the intersection of Carver and  
12 DeSoto (indicating).

13          Q.   Okay.   So, that's south of 249?

14          A.   Yes, ma'am.

15          Q.   How far south do you figure that is?

16          A.   I would say at least 10 miles or so.

17          Q.   And you can have a seat.

18          A.   (Witness complies).

19          Q.   I'm going to show you State's Exhibit 68.

20 Where on this map was your vehicle positioned  
21 (indicating)?

22          A.   We were on Carver Road facing south at the  
23 intersection of DeSoto.

24          Q.   Okay.   You can press on the screen and it will  
25 actually --

1 A. Oh, okay (indicating).

2 Q. So, when you say "facing south," your car was  
3 facing DeSoto?

4 A. Correct.

5 Q. Okay. And where -- are you sitting kind of at  
6 the intersection?

7 A. Yes, ma'am.

8 Q. And what was the purpose of you sitting at that  
9 intersection?

10 A. We were watching the cars go by and running the  
11 license plates of the vehicles. We've had a lot of  
12 experience in a lot of stolen vehicles come through that  
13 area and that's what we were checking for.

14 Q. So, that's the proactive part, you're running  
15 license plates to make sure vehicles aren't stolen?

16 A. Correct.

17 Q. Okay. Do you recall anything unusual happening  
18 as you were sitting there?

19 A. As we were sitting there, I was looking back to  
20 the west and I saw four vehicles coming to the east  
21 and --

22 Q. And can you show us just for clarification --

23 A. They were coming from this direction going this  
24 way (indicating).

25 Q. Okay.

1           A.    And as the last vehicle got up to this street,  
2 it turned quickly, turned and made a left-hand turn  
3 (indicating).

4           Q.    Okay.

5           A.    I knew that area. I knew those streets  
6 dead-ended and I thought it was kind of suspicious so I  
7 said: We'll go down there and check it out. So, we --

8           Q.    What time -- let me interrupt, sir.

9                         What time of the night, morning was it  
10 when --

11          A.    It was about 2:20 in the morning.

12          Q.    So, around 2:20 this last car takes a quick  
13 left and you think it's suspicious, right?

14          A.    Yes, ma'am.

15          Q.    Do you recall what kind of vehicle it was?

16          A.    It was a black truck.

17          Q.    Okay. And once you see -- I guess it's more  
18 suspicious because both streets dead-end?

19          A.    Yes.

20          Q.    As you decide to follow it, where do you go?

21          A.    I turn north on Rollins and -- on Rollins -- I  
22 guess that says Easter, but Rollins. And then I don't  
23 see anything, so I make a left turn on Homer. And then  
24 down Homer on the right-hand side on the north side, I  
25 saw the truck pull into a driveway. I could see the



1 taillights on.

2 Q. Could you put an "X" kind of where you think  
3 you saw the truck?

4 A. Somewhere around there (indicating).

5 Q. You see it's the same truck?

6 A. Yes.

7 Q. And it's a black truck?

8 A. Correct.

9 Q. You said you see the taillights on?

10 A. Yes.

11 Q. Anything else unusual?

12 A. The back passenger door was open and I did not  
13 see anybody inside the vehicle. And that's when we  
14 exited our car. And you could hear people running in  
15 the woods behind the house where the truck was parked.

16 Q. When you say "the woods behind the house," is  
17 this this area we're talking about (indicating)?

18 A. Yes, ma'am, right back in here (indicating).

19 Q. What is this blue line running through the map  
20 here (indicating)?

21 A. That's like a ditch that runs along there.

22 Q. Okay. I want to show you what's been marked as  
23 State's Exhibit 69. What intersection are we looking at  
24 here (indicating)?

25 A. This is Rollins at DeSoto and that's facing

1 north.

2 Q. So, this would be where they had turned left  
3 quickly off of DeSoto?

4 A. Yes, correct.

5 Q. Okay. In State's 70, where are we?

6 A. We're still on Rollins going north approaching  
7 the street that they -- Homer, where they turned left or  
8 where I turned left.

9 Q. Can you see the street where they turned left?

10 A. Yeah. It's right there (indicating).

11 Q. And so, this area, this street here is the same  
12 street that we see in this map, right (indicating)?

13 A. Yes, ma'am.

14 Q. Okay. This photograph, State's 72, is a  
15 photograph looking down what street (indicating)?

16 A. Down Homer.

17 Q. So, you're on Rollins and you're looking --

18 A. West down Homer.

19 Q. State's Exhibit 74, what do we see here  
20 (indicating)?

21 A. That's the house the truck had pulled into the  
22 driveway of.

23 Q. Okay. And where -- this is as you're going  
24 down Homer to the right, correct (indicating)?

25 A. Yes.

1 Q. Okay. Where -- can you mark on there where the  
2 truck pulled up?

3 A. The truck was parked right here (indicating).

4 Q. Did that house appear to be occupied,  
5 abandoned, do you know?

6 A. No. It had the boards on the front. It looked  
7 like an abandoned house.

8 Q. Okay. State's Exhibit 75, is this how you  
9 found the truck (indicating)?

10 A. Yes, ma'am.

11 Q. Which door did you say was open when you  
12 arrived?

13 A. The passenger rear over there (indicating).

14 Q. And you said you could hear people from  
15 behind -- like basically the house's backyard running?

16 A. Yes. Behind this house right here, you could  
17 hear running behind it (indicating).

18 Q. So, I guess, what occurs to you at that point?  
19 What are you and your partner doing?

20 A. We want to make sure that there's no one else  
21 in the vehicle. We don't want to run past the vehicle  
22 and then be ambushed behind us in case there's somebody  
23 in there. So, we go up there and clear the vehicle,  
24 make sure there's nobody in there that can do any harm  
25 to us.

1 Q. Did you go clear the vehicle?

2 A. Yes, ma'am.

3 Q. Did you find any people in the vehicle?

4 A. No, ma'am.

5 Q. What did you find in that vehicle?

6 A. We saw -- in the bed of the truck, I saw some  
7 marijuana and a TV. Looked inside the vehicle, could  
8 see some spent 223 casings. And in the front seat,  
9 there was a shotgun and a Tec-9 laying on the  
10 floorboard.

11 Q. Showing you State's Exhibit 250. What are we  
12 looking at here (indicating)?

13 A. Those were the spent 223 casings that we saw  
14 when we walked up to clear the vehicle.

15 Q. And this is actually the back passenger side of  
16 the vehicle, right (indicating)?

17 A. Yes, ma'am.

18 Q. And I think we can see in the front of the  
19 picture the seat ahead of it (indicating)?

20 A. Yes, ma'am.

21 Q. So, when you see these 223 casings, what does  
22 that signify to you?

23 A. We knew there was another rifle involved. We  
24 didn't see it in the vehicle, so we assumed that the  
25 people that were running still had it with them as they

1 were running.

2 Q. And how is it that just by looking at these  
3 shell casings you know that another weapon is involved?

4 A. Because the two weapons that were in the  
5 vehicle couldn't hold that type of casing.

6 Q. And you said those two weapons were located  
7 where?

8 A. In the front seat.

9 Q. In the driver's seat, passenger seat?

10 A. Passenger. Passenger.

11 Q. What type of weapons were they?

12 A. It was a Tec-9 and a 12-gauge shotgun.

13 MS. BAILY: Permission to approach, Your  
14 Honor?

15 THE COURT: All right.

16 MS. BAILY: For the record, I'm handing  
17 State's Exhibits 189 and 186 to the deputy to have him  
18 clear the weapons.

19 THE BAILIFF: The weapons are clear.

20 THE COURT: Thank you.

21 MR. GRABER: Judge, may we approach the  
22 bench?

23 THE COURT: Okay.

24 (At the Bench, on the record)

25 MR. GRABER: Judge, at this time I object

1 to No. 186, the Tec-9, being paraded in front of the  
2 jury unless they're going to tie it up. My objection is  
3 relevance. No witness has testified to anything about  
4 State's 186.

5 THE COURT: Overruled.

6 (Open court, defendant and jury present)

7 Q. (By Ms. Baily) Sergeant, I'm going to show you  
8 what's been marked as State's Exhibit 186 for the  
9 purposes of identification. It's a little oily. Does  
10 this appear to be the same gun that you saw in the front  
11 passenger seat (indicating)?

12 A. Yes, ma'am.

13 Q. And which of the two guns is this?

14 A. That's the Tec-9.

15 Q. Okay. State's Exhibit 189, does this appear to  
16 be the same -- the other weapon that you saw in the  
17 front seat (indicating)?

18 A. Yes, ma'am.

19 Q. And what kind of weapon is this?

20 A. That's a shotgun.

21 Q. So, these are the two weapons left in the  
22 vehicle?

23 A. Correct.

24 Q. And you know that there's at least a third out  
25 there?

1 A. Yes, ma'am.

2 Q. With that information, what do you do?

3 A. As we had cleared the truck, another unit had  
4 got on the radio and started giving suspect information  
5 from what happened in the county, about a home invasion  
6 and someone had been shot, and gave a description of the  
7 vehicle that fled and it matched the vehicle that we had  
8 had --

9 MR. GRABER: Judge, I'm going to object to  
10 hearsay.

11 THE COURT: Sustained.

12 Q. (By Ms. Baily) Without going into hearsay, are  
13 you able to put those cases together?

14 A. Yes.

15 Q. Once you put those two cases together in your  
16 mind, what do you do and who do you notify?

17 A. We get on the radio and ask for more units to  
18 show up to set up a perimeter to try and keep the people  
19 that were running enclosed in that perimeter so we were  
20 able to catch one or more of them.

21 Q. And once you have cleared the truck, you've  
22 notified everybody that you need backup and to secure  
23 the area, what is it that you and your partner do?

24 A. After the units show up to help secure  
25 everything, the K-9 shows up and we begin walking where

1 we last heard them running.

2 Q. And whose K-9 is it? Is this the sheriff's  
3 office K-9 or HPD?

4 A. Well, I am with HPD K-9.

5 Q. Okay. Now, on State's Exhibit 68, can you show  
6 us on this map where, approximately, you and your  
7 partner go walking with the K-9 (indicating)?

8 A. We started behind the house and then we went to  
9 the ditch and the dog started tracking east alongside  
10 the ditch. And then somewhere right about in here is  
11 where the other shotgun was sticking up out of the water  
12 (indicating).

13 Q. So, you found another shotgun there?

14 A. Yes, ma'am.

15 Q. Okay. And what did that -- I guess, what part  
16 of the shotgun are you looking at?

17 A. It was the handle of the shotgun, the --

18 Q. Was it an unusual type of shotgun, a regular --

19 A. It's a pistol-grip shotgun and you could see  
20 the pistol-grip sticking up out of the water with the  
21 barrel stuck into the ditch.

22 Q. I want to show you what's been marked as  
23 State's Exhibit 76. Does this appear to be that  
24 pistol-grip shotgun you're talking about (indicating)?

25 A. Yes, ma'am.



1 Q. And this is after somebody removed it from the  
2 ground?

3 A. That is before -- that's in the ditch.

4 Q. Oh, that's how you found it?

5 A. Yes.

6 Q. I'm sorry. I misunderstood.

7 MS. BAILY: Permission to approach, Your  
8 Honor?

9 THE COURT: All right.

10 Q. (By Ms. Baily) Sergeant, I want to show you  
11 what's been marked as State's Exhibit 191. Do you  
12 recognize this weapon (indicating)?

13 A. Yes, ma'am.

14 Q. And what does this appear to be?

15 A. It appears to be the weapon that was in the  
16 ditch, that we found along the ditch.

17 Q. When you say it was in the ditch, how much of  
18 it was stuck in the ditch?

19 A. Most of it was stuck in the ditch with the  
20 upper part sticking out of the water.

21 Q. And that's where we get some of this dirt from  
22 (indicating)?

23 A. Yes, ma'am.

24 Q. What do you do once you find this pistol-grip  
25 shotgun?

1           A.    We stay with the evidence until someone from  
2 the county was able to come over there and retrieve it  
3 and process it.

4           Q.    And when you say "somebody," is that somebody  
5 with Crime Scene?

6           A.    Yes, ma'am.  That would have been the Harris  
7 County Crime Scene Unit.

8           Q.    Okay.  So, as you -- is it just you or you and  
9 your partner that stay with the shotgun?

10          A.    Me and my partner.

11          Q.    Okay.  And where does the K-9 go?

12          A.    He continues tracking east along the ditch with  
13 some more officers that had shown up.

14          Q.    After the sheriff's office arrives and you turn  
15 over -- I guess you turn over the shotgun to them?

16          A.    Uh-huh.

17          Q.    Okay.  Once you turn over the shotgun, you  
18 know, tell them all the information that you have, do  
19 you have any further involvement with this case?

20          A.    No, ma'am.

21                   MS. BAILY:  Pass the witness, Your Honor.

22                   THE COURT:  Mr. Graber.

23                   MR. GRABER:  Thank you, Judge.

24                                   **CROSS-EXAMINATION**

25                   **BY MR. GRABER:**

1 Q. Sir, I think it's clear from your testimony  
2 that you don't have any personal knowledge of the  
3 incident at 2522 Cadiz Circle at Cordoba, do you?

4 A. No, sir.

5 Q. And you didn't -- during your patrol that  
6 you've just talked about, you didn't see anybody put  
7 those weapons into that truck, did you?

8 A. No, ma'am -- I mean no, sir.

9 Q. And at least the one shotgun that you've talked  
10 about, you didn't see, when that truck was stopped, if  
11 that shotgun came from that truck, you don't know, do  
12 you?

13 A. No, sir.

14 Q. Because you didn't see anybody handling any of  
15 those weapons; would you agree with that?

16 A. Correct.

17 MR. GRABER: That's all I have, Judge.

18 THE COURT: Ms. Baily.

19 MS. BAILY: No further questions, Your  
20 Honor.

21 May this witness be excused?

22 THE COURT: You may step down, sir. You're  
23 free to go.

24 Call your next witness.

25 MS. DEVINE: State calls Deputy Larry