

1 MR. SANCHEZ: State calls Will Domilos.

2 THE COURT: Thank you.

3 (Witness sworn.)

4 THE COURT: All right. From the State,
5 please.

6 **WILL DOMILOS,**

7 having been first duly sworn, testified as follows:

8 **DIRECT EXAMINATION**

9 BY MR. SANCHEZ:

10 Q. Would you state your name for the record?

11 A. Will Domilos.

12 Q. How are you employed, Officer Domilos?

13 A. I'm a patrol officer with the City of Humble.

14 Q. What is your current assignment with the City
15 of Humble?

16 A. Day shift patrol.

17 Q. How long have you been with the City of Humble?

18 A. 16, 17 years, approximately.

19 Q. Now, I want to turn your attention to December
20 of 2013. Were you working an investigation that day?

21 A. Yes, sir.

22 Q. Okay. What kind of investigation was that?

23 A. I was assigned to the Harris County Narcotics
24 Task Force.

25 Q. And when you say "task force" what do you mean?

1 A. It's a group of investigators from Harris
2 County Sheriff's Department, along with other agencies,
3 that work together.

4 Q. Okay. So you were working along side some
5 other agencies that day?

6 A. Yes, sir.

7 Q. And how long were you on that task force?

8 A. Two years.

9 Q. Now, on the evening of December 10th what kind
10 of investigation did you conduct?

11 A. I was a backup unit for an investigation that
12 the task force was running. Deputy Thompson was running
13 a previous case that he was already working on.

14 Q. What was your participation in that
15 investigation?

16 A. I was a backup, a recovery unit with Officer
17 Hill from the South Houston Police Department.

18 Q. Okay. As a recovery unit, what did you do?

19 A. I responded to the radio communications,
20 whether it be for surveillance or for takedown unit or
21 support, whatever is necessary.

22 Q. So on this date December 10, 2013, were you
23 called to any specific location?

24 A. Yes, sir. I don't remember the exact numbers,
25 I do know it was on Broad Street. We were parked at a

1 church parking lot close by monitoring the radio.

2 Q. Okay. So upon receiving the call, what did you
3 do?

4 A. Responded to the location, pulled into the
5 driveway that we were given. We had already driven by
6 that location so we knew where the driveway was. And we
7 were told to pull in, there was a white Buick that we
8 were to approach.

9 Q. Was this at 2612 Broad Street?

10 A. I would have to look at the report to refresh,
11 but I believe that sounds correct.

12 Q. Now, upon pulling into the driveway what did
13 you see?

14 A. There was a white Buick that was midway towards
15 the house that was at the back of the driveway, and
16 there were two males -- there was one male that was
17 standing outside of the back of the vehicle. And then
18 there were two males that got out of the vehicle and
19 took off running as soon as we pulled in and got out of
20 the car.

21 Q. Now, the person standing outside of the
22 vehicle, did he make any attempt to flee?

23 A. When the other two ran, he turned like he was
24 going in that direction. But I believe -- because of
25 how he was standing -- I don't know why he didn't go,

1 but I give him commands to stop where he was and he did.

2 Q. And do you see that person in the courtroom
3 today?

4 A. Yes, sir. I do.

5 Q. Can you identify him by a distinct article of
6 clothing?

7 A. Gray shirt, black tie with stripes.

8 MR. SANCHEZ: May the record reflect that
9 the witness has identified the defendant?

10 THE COURT: The record will so reflect.

11 Q. (BY MR. SANCHEZ) So after seeing the other two
12 individuals flee, what did you do?

13 A. Well, I had my weapon drawn because we were in
14 a high drug-traffic area. I gave the defendant commands
15 to show me his hands, not to run which he complied. At
16 that time I captured or took him into custody, and we
17 were watching the area because we didn't know where the
18 other two ran, waiting for the other units to arrive.

19 Q. Did you have any other participation in this
20 investigation?

21 A. I did get the search warrant. I affirmed to
22 the search warrant that Deputy Thompson drafted.

23 Q. Did you participate in the searching of the
24 residence?

25 A. No, sir.

1 Q. Can you explain briefly the process by which
2 you got the search warrant?

3 A. Yes, sir. Deputy Thompson, being the case
4 agent, he drafted the search warrant with the
5 information from his investigation. Based on that
6 information, as we had done in the past, I went over the
7 case with him. And due to the time constraints, I went
8 downtown to get the warrant signed.

9 Q. Now, you worked with Deputy Thompson in the
10 past?

11 A. Yes, sir. That's correct. I actually worked
12 with him previous to me being on the narcotics unit.

13 Q. And so you believed him to be a credible
14 person, right?

15 A. Yes, sir.

16 Q. Is that why you felt comfortable swearing to
17 the information that he gave you?

18 A. Yes, sir. I was.

19 MR. SANCHEZ: Pass the witness.

20 MR. VAN BUREN: May I, Your Honor?

21 THE COURT: Please.

22 **CROSS-EXAMINATION**

23 BY MR. VAN BUREN:

24 Q. You were out there from the time -- good
25 afternoon, by the way.

1 A. Good afternoon.

2 Q. You were out there from the time of the initial
3 interaction took place with Anthony, correct?

4 A. Yes, sir. I was.

5 Q. And just to verify this, you said that he
6 turned. He never made an attempt to get around or be
7 evasive, or run? He listened to what you had to say,
8 correct?

9 A. I had my gun drawn, so I don't -- and I thought
10 he was going to leave the same direction the other two
11 males did.

12 Q. But he didn't?

13 A. No, sir. He did not.

14 Q. He stayed put?

15 A. Yes, sir.

16 Q. Your gun was certainly drawn when the other two
17 individuals took off running at that time, correct?

18 A. Not at that time. I drew it when they jumped
19 out of the vehicle because I didn't know what I was
20 going to be met with.

21 Q. So as they jump out of the vehicle, you draw
22 your gun; correct?

23 A. Correct.

24 Q. Okay. You yell for everyone to stop?

25 A. Correct.

1 Q. And the only one who stopped was Anthony?

2 A. Correct.

3 Q. Now, how long do you think you were out there
4 from the time that you had that interaction until the
5 search began of the residence? Would you agree with me
6 about three hours?

7 A. I honestly couldn't tell you, sir, because I
8 was downtown.

9 Q. It was a long period of time, though; correct?

10 A. Yes, sir.

11 Q. And how long do you think you were downtown?

12 A. At the court courthouse, maybe an hour; hour
13 and 20 minutes.

14 Q. Pretty significant period of time, correct?

15 A. An hour. I mean --

16 Q. Did anyone ever contact you and say, Hey, could
17 you do me a favor before we search this house, pick up a
18 camera?

19 A. I don't -- I don't recall that.

20 Q. If they would have, it would have been feasible
21 to stop by HPD and grab a camera; correct? That's
22 downtown, as well? Or the sheriff's department, I
23 apologize. It's even closer.

24 A. I would have -- I would have, I guess, stopped
25 wherever. I would assume someone would have brought a

1 camera; but if they would have asked me to, I would have
2 stopped to get one if that's what you're asking.

3 Q. You would have assumed as part of the
4 investigation going into a house that somebody would
5 have had a camera, correct?

6 A. I can't assume that, sir. It wasn't my
7 investigation, to begin with.

8 Q. But you could have easily gotten one if
9 requested to do so, correct?

10 A. I could have asked for one, yes, sir.

11 Q. And there wasn't anything out there -- there
12 wasn't a hostile situation at the location, correct?

13 A. There was a lot of the people. We had already
14 had two people run, so we didn't know what was going to
15 happen. For me, officer safety is paramount so I don't
16 know what the situation was when I -- after I left,
17 there was a lot of people there when I got back.

18 Q. You didn't have to call in for any backup;
19 correct?

20 A. Additional units were called.

21 Q. Additional units were called immediately,
22 correct?

23 A. Yes, sir.

24 Q. But there wasn't anything that rose to the
25 level of concern later on in the evening, correct?

1 A. I wasn't there during that period of time.

2 Q. When you got back, you would agree --

3 A. After I got back, no, sir.

4 Q. And you don't have any personal knowledge of
5 any of the facts of this case, correct?

6 A. Other than what was presented to me that day,
7 no, sir.

8 Q. Which essentially would be hearsay, you don't
9 have -- you can't testify as to anything in this case
10 directly, correct?

11 A. No, sir.

12 Q. And you said -- you stated that you were
13 situated at the church, is that correct?

14 A. I was at a church parking lot.

15 Q. At a church parking lot?

16 A. Yes, sir.

17 Q. That church?

18 A. No, sir.

19 Q. Different church?

20 A. Yes, sir. I believe there was one down around
21 the corner.

22 Q. You were kind of sitting back, waiting for your
23 call to come in; right?

24 A. Yes, sir.

25 MR. VAN BUREN: I have no further

1 questions.

2 MR. SANCHEZ: No further questions.

3 THE COURT: Is he to be excused?

4 MR. SANCHEZ: Yes, Judge.

5 THE COURT: Any objection?

6 MR. VAN BUREN: No, Your Honor.

7 THE COURT: You are excused, sir. Thank
8 you for your testimony.

9 Next witness, please.

10 MR. SANCHEZ: State calls LaToya Binder.

11 THE BAILIFF: This witness has not been
12 sworn in.

13 THE COURT: Very well, thank you.

14 Could you raise your right hand, please.

15 Thank you.

16 *(Witness sworn.)*

17 THE COURT: All right. From the State,
18 please?

19 **LATOYA BINDER,**

20 having been first duly sworn, testified as follows:

21 **DIRECT EXAMINATION**

22 BY MR. SANCHEZ:

23 Q. Good afternoon.

24 A. Good afternoon.

25 Q. Could you state your name for the record,