

1 proceed.

2 MS. BARD: Thank you, Your Honor.

3 DON EGDORF,

4 having been first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. BARD:

7 Q. Now, just for the record, you're the same  
8 Officer Egdorf that we had testify throughout the  
9 guilt-innocence phase of this trial, correct?

10 A. Yes, I am.

11 Q. Okay. Now, you had talked with Ms. Cooper  
12 about getting a search warrant for a cell phone of the  
13 defendant. Do you remember that?

14 A. Yes, I do.

15 MS. BARD: Your Honor, may I approach the  
16 witness?

17 THE COURT: Yes.

18 Q. (By Ms. Bard) I want to show you what has  
19 already been entered into evidence as State's Exhibit  
20 113. That's a copy of the search warrant that you used  
21 for this case for the defendant's cell phone, State's  
22 Exhibit 114, correct (indicating)?

23 A. Yes, it is.

24 Q. And what time was this search warrant done or  
25 signed?

1           A.    What time was it signed?  At 1:50 p.m. on  
2 August 19th of 2010.

3           Q.    All right.  And if we're looking at State's  
4 Exhibit 114, this is actually the defendant's cell phone  
5 that you recovered on the day of the crash, correct?

6           A.    Yes, it is.

7           Q.    Okay.  After a search warrant is done on a cell  
8 phone, what happens to it next?

9           A.    Well, once the warrant is completed and it's  
10 actually taken in front of a judge and signed, I  
11 actually take a copy of the warrant and the cell phone  
12 to our digital forensic lab.

13          Q.    Is that what you did here in this case?

14          A.    Yes, it is.

15          Q.    And the digital forensics lab, what generally  
16 do they do?

17          A.    They take cell phones, computers, iPhones,  
18 iPads, iPods, things like that, and they take  
19 information off of it and they give that information to  
20 us for our investigation.

21          Q.    And is that what happened here in this case?

22          A.    Yes, it is.

23          Q.    Now, does the digital forensics lab, do they  
24 have their own unique case number attached to when  
25 they're doing an investigation of a phone?

1 A. Yes, they do.

2 Q. Now, if we look at State's 114, is that a  
3 sticker that the digital forensics lab uses to track the  
4 phone (indicating)?

5 A. Yes, it is.

6 Q. And what was their case number for this case?

7 A. The DFL number is 2010285.

8 Q. Now, after the digital forensics lab, DFL, is  
9 done with their work, what do you get to continue your  
10 investigation?

11 A. I get the cell phone back and I get a CD that  
12 has the information on it that they've taken from the  
13 phone.

14 Q. And is this a copy of the CD that you got or is  
15 this the exact CD that you got from the digital  
16 forensics lab?

17 A. This is the CD that I got from them.

18 Q. How do you know that's the CD attached to this  
19 cell phone?

20 A. It has the same DFL case number, 2010285. It  
21 has the HPD incident number that I did my report under,  
22 which is 107226210 G, as in George. It has Officer J.T.  
23 Smith's name on it, which is the examiner that actually  
24 did the download. And it's got my name on the disk as  
25 well.

1 Q. After you got that disk, what did you do?

2 A. Plugged it into a computer and opened it up to  
3 see what was in there.

4 Q. Were you able to print off the records that you  
5 got from that disk?

6 A. Yeah. I think it was 77 pages that we printed  
7 out.

8 Q. And looking at State's Exhibit 131, are those  
9 the records that you printed from what the digital  
10 forensics lab did?

11 A. Yes, it is.

12 Q. And is that a complete and accurate copy of  
13 what the digital forensics lab was able to recover from  
14 the defendant's cell phone?

15 A. Yes, it is.

16 Q. Looking at State's Exhibit 122, what are we  
17 looking at here (indicating)?

18 A. This is a picture of the defendant taken in a  
19 hospital. He's wearing a hospital gown.

20 Q. And was that picture recovered from the  
21 defendant's cell phone?

22 A. Yes, it was.

23 Q. What kind of things were recovered by the  
24 digital forensics lab on the defendant's cell phone?

25 A. On this particular phone what we got was call

1 logs for -- I believe it's about a week surrounding the  
2 time of the crash, text messages, incoming and outgoing  
3 text messages, and any photographs that were actually on  
4 the phone.

5 Q. Does this photo -- does it fairly and  
6 accurately depict what was on the defendant's phone  
7 based on the download of his phone?

8 A. Yes, it does.

9 MS. BARD: Your Honor, at this time, the  
10 State would offer into evidence State's Exhibit 131  
11 containing 77 pages of the defendant's cell phone and  
12 Page {sic} 122, a photograph. Tenders for opposing  
13 counsel for any objection.

14 **(State's Exhibit No. 122 and 131 Offered)**

15 MS. BECK: May I have a second, Your Honor?

16 THE COURT: Yes.

17 (Pause)

18 MS. BECK: No objection to State's Exhibits  
19 131 and 122.

20 THE COURT: State's 122 and 131 are  
21 admitted.

22 **(State's Exhibit No. 131 Admitted)**

23 MS. BARD: May I publish, Your Honor?

24 THE COURT: Yes.

25 Q. (By Ms. Bard) If we're looking at State's

1 Exhibit 131, what's the -- can you describe for the jury  
2 what it is that we're looking at on the first page  
3 (indicating)?

4 A. Well, the first thing that we have here is the  
5 type of cell phone that it is. So, the manufacturer,  
6 the model number, serial numbers, all the identifiers  
7 that tell us that it's that particular phone that they  
8 actually did the download on.

9 Q. And does it give -- it's kind of hard to tell,  
10 let me zoom in here a little bit -- the date and time of  
11 the examination, when it was done, when it was over with  
12 (indicating)?

13 A. Yes. It actually has the date 10-27. Started  
14 at 1536 and finished at 1618.

15 Q. If we look down a little bit further, what is  
16 the phone examination report index mean (indicating)?

17 A. Well, it's what they're looking for on the  
18 phone. So, looking for the contacts, the text messages,  
19 call logs, images, video. And things that we don't need  
20 are things like ring tones or audio files that might be  
21 on there.

22 Q. Now, the first thing that we see on State's  
23 Exhibit 131 are the phone contacts. Do you see that  
24 there on the bottom of the first page (indicating)?

25 A. Yes.

1 Q. And how many phone contact entries does he  
2 have?

3 A. 285.

4 Q. And if we flip through the first few pages,  
5 these are just a list of all of his phone contacts,  
6 correct (indicating)?

7 A. Yes. And I believe it's 29 pages that it goes  
8 through on that. End of the 30th page.

9 Q. So, we're at Page 30 of 77 and we end with  
10 phone contacts?

11 A. Yes.

12 Q. Okay. What's the next thing that's in State's  
13 Exhibit 131 that the digital forensics lab took from the  
14 defendant's cell phone?

15 A. It would be the incoming and outgoing text  
16 messages from the phone.

17 Q. Okay. Now, can you kind of describe for the  
18 jury the text messages, what it is that they're looking  
19 at, kind of going through the calls?

20 A. Well, you've got the phone numbers, names that  
21 might have been plugged into the phone's memory. So, if  
22 it's not just a number, it actually tells you the  
23 person's name where it's going to. The date and time  
24 that that message either came in or was sent out. For  
25 some reason, it doesn't put a date and time that the

1 message is sent, but they go in order of the way that  
2 they're pulled off the phone. So, you'll know like, for  
3 example, number two, has a time of 1744, number three  
4 doesn't have a time under it. And if you'll move that  
5 up just a little bit. And you'll see where it picks up  
6 on the next incoming call with the date and time.

7 Q. And what are the next kind of calls that we're  
8 looking at?

9 A. It will tell you whether or not it's a sent  
10 message or a received message, incoming or outgoing.  
11 And then it's got the text itself, what was in that  
12 message.

13 Q. If we scroll to -- you've had a chance to flip  
14 through and look at these text messages and mark some of  
15 the important ones, right?

16 A. Yes, I have.

17 Q. Okay. Getting to -- how many pages of cell  
18 phone text message records were there?

19 A. Twenty-four.

20 Q. And they end on page?

21 A. Sorry. It looks like 23.

22 Q. They -- all of the cell phone records start on  
23 Page 30 and they end on Page 52. Is that fair?

24 A. The last one looks like goes into Page -- I  
25 guess, yeah, it does end on Page 52.



1 Q. Okay.

2 A. 53 starts with the call logs themselves.

3 Q. I want to draw your attention -- we'll start at  
4 Page 37. Let me know when you're there.

5 A. Okay.

6 Q. If we scroll down to a text message No. 99 --

7 A. Okay.

8 Q. -- who does he send a text message to?

9 A. Rayna, if I'm pronouncing that correctly.

10 Q. What is the text message?

11 A. You still smoking these days.

12 Q. Does he get a response from Rayna?

13 A. Response comes in -- it's actually message 101  
14 and the response is: A little bit.

15 Q. And then does she send him another one?

16 A. And the next one is message 103 and it says:  
17 Got hit me up -- I'm sorry. That's an outgoing one.

18 Q. Okay. Going to Page 34, looking at call,  
19 starting at the top of the page, No. 105, Brittany?

20 A. Yes.

21 Q. Starting with the message that he sends to  
22 Brittany, what does he say?

23 A. Hit me up if you need bud.

24 Q. What's the next text message he sends?

25 A. It's to a different person with the same

1 message: Hit me up if you need bud.

2 Q. What do you understand, based on your training  
3 and experience, bud to be?

4 A. Marijuana.

5 Q. So, if he's sending these text messages, what  
6 are you interpreting that text message to mean to both  
7 Brittany and Rayna?

8 A. He's checking with people to see if they need  
9 some weed.

10 Q. Does Brittany ever respond down and around 111  
11 text message?

12 A. 110.

13 Q. Okay. And what's her response?

14 A. Yes, sir. And then: How you feeling?

15 Q. Does Brittany then respond -- do they then kind  
16 of have a text message conversation between themselves?

17 A. Yeah, there's four or five messages going back  
18 and forth there.

19 Q. All right. Does anything result based on those  
20 text messages?

21 A. 115 is: Got 45 dollar zones. And I can't tell  
22 you exactly what that means.

23 Q. Do you think it has something to do with some  
24 sort of drug lingo based on your training and  
25 experience?

1 A. Yes.

2 Q. Going to Page 39, up at the top, call number  
3 123 to Candace, what does he send to Candace  
4 (indicating)?

5 A. Do you need any smoke?

6 Q. Does Candace ever start a response to him?

7 A. Yeah. Actually, the very next message says:  
8 That's what I'm asking you.

9 Q. And what's his response to her?

10 A. No. That's what I'm asking you. Got cheap  
11 prices, bad ass bud.

12 Q. So, that's him saying he's got cheap prices  
13 trying to sell some weed?

14 A. Right.

15 Q. Okay. Then if we scroll down a couple more  
16 texts to a guy named Randy M., do you see that  
17 (indicating)?

18 A. Yes.

19 Q. All right. What's Randy sending to the  
20 defendant?

21 A. The incoming message is: How much for half a  
22 pound? 200. Randall.

23 Q. And does he ever respond to Randy?

24 A. Yes. The next message is: 265. Meet me in  
25 Anahuac.

1 Q. And what date is all this kind of happening on?

2 A. This is the -- July 23rd of 2010.

3 Q. If the defendant had been released from the  
4 hospital on the 22nd, this would be the next day?

5 A. Yes.

6 Q. Okay. That conversation with Randy, what do  
7 you believe, based on your training and experience, was  
8 happening there?

9 A. It's a dope deal. It's half a pound of weed  
10 being sold.

11 Q. Now, Brittany comes back into the text  
12 messaging down a little bit starting on Page 130 on that  
13 same day, July 23rd. Do you see that (indicating)?

14 A. Yes.

15 Q. Okay. What does Brittany send to Mr. Petty,  
16 the defendant?

17 A. Can you get my mom a ball of white.

18 Q. Do you know what a ball of white is?

19 A. Cocaine.

20 Q. And does he send a response?

21 A. Yes. He says: I don't mess with that stuff  
22 homey.

23 Q. Does she ever send him a response later on  
24 down, the last sort of text message we have on that?

25 A. Yeah. It's actually the next message that's in

1 the phone. Sorry, J.W. They are telling me they will  
2 give me 50 if I find it. Lol, I guess.

3 Q. What's her next response -- or his next  
4 response?

5 A. That's cool, but I don't even know where to  
6 begin to find it.

7 Q. So, what was going on between Brittany and the  
8 defendant during this text message conversation?

9 A. She's looking for a drug that he doesn't sell  
10 apparently.

11 Q. Now, we're going to stick with Brittany for a  
12 minute. On Page 40 of the text messaging towards the  
13 middle, No. 143.

14 A. Okay.

15 Q. What's going on between Brittany and the  
16 defendant here?

17 A. Again, it's another conversation. It looks  
18 like it actually starts with 141 with her starting off  
19 the question: I've got a dime. The next one will be:  
20 Do you have a 20 too? And then the response from the  
21 defendant will be: So you want a half?

22 Q. And then his next response is: In two bags?

23 A. Yes.

24 Q. Okay. So, what does it mean: Got a dime, do  
25 you have a 20? What does that mean?

1           A.    Just different size bags of dope that you're  
2 buying, different weights.

3           Q.    So, she's requesting you got a dime and do you  
4 have a 20 and he's trying to clarify, so you want half  
5 in two bags?

6           A.    Correct

7           Q.    Okay. Do they then continue their conversation  
8 a bit through Page 40, Page 41, about how she's going to  
9 pay, Brittany?

10          A.    Yes.

11          Q.    Okay. Then we go to a guy by the name of Bob  
12 down on Page 41. Do you see that (indicating)?

13          A.    162.

14          Q.    Okay. What is the defendant and Bob text  
15 messaging back and forth?

16          A.    Hey, I can't get an OZ -- which would mean  
17 ounce -- but if it's cool, I could get a half.

18          Q.    What's the next part of the conversation by the  
19 defendant?

20          A.    So you want both or just a half?

21          Q.    And do they keep having that conversation?

22          A.    Yes.

23          Q.    And what's that conversation?

24          A.    The incoming message from Bob is: Just a half.  
25 And then outgoing from the defendant: Yeah, 30 cool

1 just cuz I will bring it to you.

2 Q. So, what's going on between Bob and the  
3 defendant?

4 A. Another dope deal.

5 Q. So, at this point we have Brittany, we have  
6 Bob, we have Randy that we've talked about so far.

7 Correct?

8 A. Yes.

9 Q. Okay. And that's all been July 23rd and into  
10 July 24th, correct?

11 A. Yes.

12 Q. Okay. Now let's move to a guy named Connor on  
13 Page 42. Do you see that (indicating)?

14 A. Yes. 170. 169 and 170.

15 Q. Okay. And what does the conversation between  
16 the defendant and Connor look like?

17 A. The first one at 169 is an incoming and it  
18 says: You have bud? And the response from the  
19 defendant would be: What you need? Good old school  
20 prices.

21 Q. What did you take that conversation to mean?

22 A. Again, Connor is looking for weed and the  
23 defendant is saying he's got good prices on it.

24 Q. In fact, the next text from Connor is: Just  
25 give me a call?

1 A. Right.

2 Q. Okay. Then we move down to the end of Page 42  
3 to a guy by the name of Justin. Do you see that  
4 (indicating)?

5 A. Yes.

6 Q. Okay. What do Justin and the defendant talk  
7 about?

8 A. Incoming call was: You got a nik or dime? And  
9 the response was: Can you wait just a little bit? We  
10 just headed out.

11 Q. So, what are Justin and the defendant talking  
12 about?

13 A. Nickle or dime. Again, it's weights of the  
14 weed.

15 Q. Okay. And then do Justin and the defendant  
16 continue to have a conversation about how the defendant  
17 is going to deliver the weed and when he's going to do  
18 so?

19 A. The conversation goes on over the next probably  
20 ten messages.

21 Q. And when is that conversation happening?

22 A. That's on the 24th, 11:00 p.m., around that  
23 time.

24 Q. We're going to go back -- we're going to go to  
25 Page 44 now.



1 A. Okay.

2 Q. We're going to go back to our friend Connor.  
3 Do you see he and Connor start a conversation on  
4 July 25th?

5 A. Around message No. 212?

6 Q. Yes, sir.

7 A. Okay.

8 Q. Okay. What do Connor and the defendant start  
9 talking about?

10 A. The incoming message is: What's good on the  
11 weed? And the message sent from the defendant: I got a  
12 blunt, but I just got out of ER, freak accident.

13 Q. And then we get into, if you move to Page 45,  
14 some text messages with a guy by the name of Ronnie. Do  
15 you see those (indicating)?

16 A. Yes.

17 Q. Okay. Can you tell the jury about their  
18 conversation over texts?

19 A. Starts out at the top of the page with an  
20 outgoing message, saying: Just got out of ER. And then  
21 incoming No. 219: At Wal-Mart. You still got some good  
22 stuff?

23 Q. What did you take that to mean? What's Ronnie  
24 asking about?

25 A. Asking about weed or some other type of dope.

1           Q.    If we go to 224, continuing with the  
2 conversation with Ronnie, what is the defendant's  
3 response?

4           A.    The outgoing message is:  A little bit, but I  
5 just got out of the hospital and haven't talked to my  
6 boy.

7           Q.    What do you take that to mean?

8           A.    I can only take that to mean he's talking about  
9 whoever he gets his dope from to pass it on to other  
10 people.

11          Q.    And then we continue with the conversation with  
12 Ronnie down at the last 229.  What does he send to  
13 Ronnie?

14          A.    Thanks.  But when I talk to my boy, I'll hit  
15 you up.

16          Q.    Now, we're moving into July 26th, which is the  
17 day of the crash on Page 46 of the text messages,  
18 correct (indicating)?

19          A.    Yes.

20          Q.    What is the defendant say starting with 232,  
21 continuing with Randy's conversation?

22          A.    I just got out of the hospital again.  I  
23 haven't talked to my boy.

24          Q.    And then does he start a conversation with a  
25 guy by the name of Ronnie about some more weed on

1 July 26th?

2 A. Yes.

3 Q. Okay. Can you talk to the jury a little bit  
4 about the conversation between Ronnie and the defendant  
5 the day after he's gotten out of the hospital and the  
6 day of this crash?

7 A. The outgoing message from the defendant says:  
8 What did you need man? The next message from Ronnie is:  
9 OZ, for ounce. And then the conversation goes through:  
10 Where are you, I'm at work, can I drop it by. Talking  
11 about where to meet up or how to meet up, is what it  
12 appears to be.

13 Q. Okay. Then he's talking with some other  
14 friends of his, Will and Adam --

15 A. Yes.

16 Q. -- some text messaging?

17 Okay. If we go to Page 47, text message  
18 256, do you see the text message to Adam (indicating)?

19 A. Yes.

20 Q. Okay. And about -- is that the July 26th calls  
21 around 11:00 o'clock or so?

22 A. Yeah. The message prior to 55 is at 11:07, and  
23 257, which would be just after at 11:08.

24 Q. All right. Now, the conversation that he and  
25 Adam were having at this point, what are they talking

1 about?

2 A. Adam is asking where he is and the defendant  
3 replies: At her work.

4 Q. Now, this is approximately an hour,  
5 hour-and-a-half before the crash, correct?

6 A. About an hour-and-a-half.

7 Q. Okay. If we go to Page 48, the conversation he  
8 continues to have with Adam, correct, while he's at work  
9 about an hour-and-a-half before the crash?

10 A. Yes.

11 Q. At her work.

12 Do you take that to mean Kristen's, the  
13 girlfriend's work?

14 A. Yes.

15 Q. Okay. What's the conversation that he starts  
16 having with Adam? Or continues to have with Adam, I  
17 should say.

18 A. It's continuing. Oh, yeah. At whose work?  
19 And he talks about it, Kristen, you going to be okay.  
20 And then the next message to Adam from defendant is: I  
21 had to start slangin the killa to make ends meet.  
22 Failed a drug test.

23 Q. What is slangin the killa mean?

24 A. Selling drugs.

25 Q. Okay. Then Adam responds with two kind of long

1 text messages. I want to talk about 262 that's in  
2 direct response to the one that the Defendant sent.  
3 What does Adam respond with?

4 A. On 262, you said?

5 Q. Yes.

6 A. Shut up, nigga, you lost your fucking job nig.  
7 How long you been there? That's fucked off bro. Shit  
8 that's how things go. You start doing good and shit  
9 fucks up.

10 Q. Does he respond to Adam?

11 A. He does.

12 Q. All right. What's his response?

13 A. No. Still got the job. Just have to take a  
14 drug class.

15 Q. Okay. And then they continue to have a  
16 conversation about the drug class and how long it's  
17 going to take through the text messages?

18 A. Yes.

19 Q. Okay. And then does he start having some more  
20 conversations back with Ronnie and Adam throughout the  
21 day or throughout that morning?

22 A. There's a lot of Adam, there's Justin, Ronnie.  
23 Mostly Adam.

24 Q. Okay. And these are all happening kind of  
25 11:40, 11:42, 11:54, kind of all happening pretty

1 sequentially?

2 A. Yes.

3 Q. Okay. And then they start having a  
4 conversation, Adam and the defendant are having a  
5 conversation about some other people that they know?

6 A. Yes, they are.

7 Q. Okay. And that's about the end of the text  
8 messages, that puts us about to the end because the  
9 crash then happens, correct?

10 A. Yeah. The last message before the crash was at  
11 about 12:19 and that was an incoming message.

12 Q. Okay. And then there's no text messaging  
13 during the time of the crash. Do you believe, based on  
14 your investigation, that he was texting during the  
15 crash?

16 A. No, I don't.

17 Q. Okay. Now, we're going to go to Page 53, which  
18 is the incoming call list. And these are the calls that  
19 are strictly from July 26th and July 25th, correct?

20 A. Yes.

21 Q. Okay. And then we go to the phone outgoing  
22 calls list and it starts with July 26th. And that last  
23 call that he makes is 12:36 to a guy by the name of who?

24 A. The last one outgoing call is Will and then it  
25 has K.M. next to it.

1 Q. Okay. And then looking at the out calls, he  
2 has roughly ten calls that he makes --

3 A. Yes.

4 Q. -- between July 26th and July -- between  
5 July 26th, correct?

6 A. Yes.

7 Q. Not one of those phone calls is made to 911, is  
8 it?

9 A. No, it's not.

10 Q. Now, one of the things that you also do is you  
11 pull images based on what's on the defendant's phone; is  
12 that correct?

13 A. Yes, we do.

14 Q. We can kind of start flipping through these  
15 just black and white photos of images that are on his  
16 phone, correct?

17 A. Yes, they are.

18 Q. If the jury wanted to take them back, they  
19 could look at them and see what they were?

20 A. Yes.

21 Q. Okay. I'm going to flip to Page 74 of the  
22 phone records.

23 A. Okay.

24 Q. To No. 82.

25 A. Yes.

1 Q. All right. What -- what are we looking at?  
2 What was downloaded here (indicating)?

3 A. It's a photo that was taken on 7-17.

4 Q. Okay. And if the defendant was in the hospital  
5 at that time, does that photo suggest to you that he  
6 was, in fact, in the hospital?

7 A. Yes.

8 Q. Okay. And if we look at State's Exhibit 122,  
9 this is a color photograph of the defendant in the  
10 hospital, is it not (indicating)?

11 A. Yes, it is.

12 Q. Now, he's kind of got his hand in sort of an  
13 odd position, his left hand. What is his left hand  
14 doing?

15 A. It looks like a gang sign.

16 MS. BARD: Your Honor, may I approach the  
17 witness?

18 THE COURT: Yes.

19 Q. (By Ms. Bard) Officer Egendorf, I'm going to show  
20 you what's previously been marked as State's Exhibit  
21 134. Can you take a look at that for me (indicating)?

22 A. Okay.

23 Q. What are we looking at in State's Exhibit 134?

24 A. The defendant's driving record from the  
25 Department of Public Safety.



1 Q. How do we know it's -- 134 is this defendant's  
2 driving record?

3 A. It's got his name on it and it's got a driver's  
4 license number on it.

5 Q. Does that driver's license match the driver's  
6 license number you recovered in your investigation?

7 A. Yes, it does.

8 MS. BARD: Your Honor, at this time, the  
9 State would offer into evidence State's Exhibit 134, a  
10 certified copy of the defendant's driving record, and  
11 tenders to opposing counsel.

12 (State's Exhibit No. 134 Offered)

13 MS. BECK: No objection to 134, Your Honor.

14 THE COURT: State's 134 is admitted.

15 (State's Exhibit No. 134 Admitted)

16 MS. BARD: May I publish, Your Honor?

17 THE COURT: Yes.

18 Q. (By Ms. Bard) So, 134 is three pages of the  
19 defendant's driver's record; is that correct?

20 A. Yes.

21 Q. Okay. We know it's the defendant's because it  
22 has his name, Michael Gregory Petty. And it's got his  
23 date of birth and then it's got his driver's license,  
24 correct (indicating)?

25 A. Yes.

1 Q. Okay. If we go down to the very bottom, it  
2 says: Event history; is that correct?

3 A. Yes, it does.

4 Q. Okay. Looking at the events for Mr. Petty, the  
5 defendant, event number one, what is his event number  
6 one on his driver's record?

7 A. Event number one is a -- looks like it was an  
8 accident with no citation issued.

9 Q. Okay. And event number two?

10 A. A speeding conviction.

11 Q. And when was that?

12 A. That would have been December of 2008. I'm  
13 sorry. I guess the conviction would have been February  
14 of '09.

15 Q. And event number three?

16 A. A speeding conviction, January of '08.

17 Q. And what's event number four?

18 A. Can you zoom that out just a little bit?  
19 You're cutting the side of it off there.

20 Q. Sure.

21 A. Looks like a driving safety course or defensive  
22 driving in December of '07.

23 Q. Event number five?

24 A. A speeding conviction, January of '06.

25 Q. Event number six?

1 A. Conviction for unsafe speed, March of '05.

2 Q. And event number seven?

3 A. Speeding conviction, April of '05.

4 Q. And event number eight?

5 A. It would be a crash with no citation issued.

6 Q. Based on your experience with the case involved  
7 here that we're here for and his driver's record, do you  
8 have an opinion as to whether or not the defendant has a  
9 tendency to go a little fast in his motor vehicle?

10 A. Just based off of his driving record, it would  
11 appear so, yes.

12 MS. BARD: Pass the witness, Your Honor.

13 THE COURT: Ms. Beck.

14 MS. BECK: No questions, Your Honor.

15 THE COURT: You may step down, sir.

16 THE WITNESS: Sure.

17 THE COURT: State, call your next witness.

18 MS. COOPER: Your Honor, State calls Deputy  
19 Hulsart.

20 THE COURT: All right. You may proceed.

21 **COLLIN HULSART,**

22 having been first duly sworn, testified as follows:

23 **DIRECT EXAMINATION**

24 **BY MS. COOPER:**

25 Q. Can you please introduce yourself to the

1 members of the jury?

2 A. My name is Collin Hulsart. I'm a deputy with  
3 Harris County Precinct 8 Constable's Office.

4 Q. Where is the Precinct 8 Constable's Office?

5 A. We're in the south part of the county.

6 Everywhere from Webster to La Porte, Pasadena, just  
7 south of South Houston, the south side of Houston,  
8 all -- most of northbound to 45 inside the Beltway.

9 Q. How long have you been working for the Precinct  
10 8 Constable's Office?

11 A. I've been with the constable's office for  
12 seven -- just at seven years now.

13 Q. And in order to become a constable, did you go  
14 through a police academy?

15 A. Yes. In '01, I took a basic police officer  
16 course to get certified to receive my job.

17 Q. Can you tell the members of the jury about your  
18 duties as a Precinct 8 Constable deputy?

19 A. Like I said, I'm a patrol deputy. So, traffic  
20 enforcement, answer calls for service, accident  
21 investigations, DWI enforcement, narcotics and  
22 interdiction. Basically, anything a normal patrol  
23 deputy would handle.

24 Q. What hours do you work?

25 A. I work the night shift, which is from 10:00

1 p.m. to 6:00 a.m.

2 Q. Did you work last night?

3 A. I did.

4 Q. Are you sleepy?

5 A. A little bit.

6 Q. All right. I want to talk to you about back in  
7 2007, in October of 2007. Were you -- where were you  
8 assigned within Precinct 8 at that time?

9 A. At that time, I had just came to this agency  
10 from another one. When you first come to Precinct 8,  
11 you get assigned to the toll road contract, which,  
12 basically, you just patrol the toll road portion of our  
13 precinct.

14 Q. Where did you work prior to Precinct 8?

15 A. I worked for the City of Dayton in Liberty  
16 County for four years.

17 Q. As a police officer?

18 A. Yes.

19 Q. Now, back in October 2007, which area of the  
20 toll road were you assigned to?

21 A. It's basically everything in our precinct,  
22 which extends from the Gulf Freeway or 45 to Interstate  
23 10.

24 Q. And when you worked the toll road, what were  
25 your duties at that time?

1           A.    Basically, just traffic investigations, any  
2 kind of traffic violations, accidents.  Of course, if  
3 somebody, you know, had a flat or something, we'd help  
4 them, too.

5           Q.    Did you also conduct traffic stops?

6           A.    Yes.

7           Q.    I want to direct your attention specifically to  
8 October 25th of 2007.  Did you conduct a traffic stop  
9 that day?

10          A.    Yes.

11          Q.    If you could, tell the members of the jury  
12 around what time of the day or evening did you conduct  
13 that traffic stop?

14          A.    It was approximately 10:30.  It was just after  
15 I had come on duty that night.

16          Q.    Is that 10:30 p.m.?

17          A.    Yes, ma'am.

18          Q.    And was there something that caught your  
19 attention?

20          A.    Yes.  I was working stationary radar, sitting  
21 on the outside shoulder of the toll road, which is in  
22 the 7900 block, which is near Highway 3.  I observed two  
23 vehicles coming off the 45 ramp onto the toll road at an  
24 excessive rate of speed.

25          Q.    Can you tell the members of the jury what types