

1 THE COURT: All right. The Rule will be
2 invoked. I'll instruct both sides to instruct any
3 witnesses that you intend to call to testify to explain
4 exactly what that means so that they will all know.
5 They don't want me to do it, so y'all need to do it.

6 Anything else?

7 MR. ROGERS: Nothing further from the
8 State, Your Honor.

9 THE COURT: Anything else?

10 MR. GAISER: I don't think so.

11 THE COURT: Mr. Rogers, if you'll arraign
12 the defendant, please.

13 MR. ROGERS: In the name and by the
14 authority of the State of Texas, the duly organized
15 Grand Jury of Harris County, Texas, presents in the
16 District Court of Harris County, Texas, that in Harris
17 County, Texas, Chauncey Seymour, hereafter styled the
18 defendant, heretofore on or about June 18th, 2014, did
19 then and there unlawfully and knowingly possess with
20 intent to deliver a controlled substance, namely
21 methamphetamine, weighing at least four grams and less
22 than 400 grams by aggregate weight, including any
23 adulterants and dilutants.

24 Against the peace and dignity of the
25 State.

1 THE COURT: All right. And, Mr. Seymour,
2 your plea to this offense is guilty or not guilty?

3 MR. GAISER: Not guilty. But since this
4 is a unitary trial, we might as well arraign him on the
5 enhancement paragraphs.

6 THE COURT: It's up to you, if you're not
7 -- if you're okay with that.

8 MR. GAISER: That's fine. Let's just
9 wait.

10 THE COURT: Okay. I prefer to wait.

11 MR. GAISER: He pleads not guilty.

12 THE COURT: That will be entered for the
13 record.

14 Mr. Rogers, call your first witness.

15 MR. ROGERS: Your Honor, at this time the
16 State calls Officer Jeffrey Elkin.

17 THE COURT: Would you stand there and
18 raise your right hand and be sworn in as a witness,
19 please?

20 JEFFREY ELKIN,
21 having been first duly sworn, testified as follows:

22 THE COURT: Mr. Rogers?

23 MR. ROGERS: Thank you, Judge.

24 DIRECT EXAMINATION

25 BY MR. ROGERS:

1 Q. Good morning. Would you introduce yourself to
2 the Court, please?

3 A. Officer Jeffrey Elkin.

4 Q. Officer Elkin, whom are you employed with?

5 A. The Houston Police Department.

6 Q. And for how long has that been?

7 A. A little over six years.

8 Q. And then in brief before the Court, can you
9 explain the experience that you had in order to become
10 a police officer?

11 A. When we first hire on, you go through the
12 police academy which is a six-month time frame. They
13 teach you how to -- pretty much the laws, the basics of
14 policing, i.e., like patrol, the basics of
15 investigation. And from there you go to a probationary
16 time frame where you really learn how to become a
17 patrol officer.

18 Q. And do you have any particular training
19 related to narcotics?

20 A. Yes, sir. I'm currently assigned to the
21 narcotics division for Houston PD.

22 Q. And can you explain what kind of training you
23 had in order -- what kind of narcotics training do you
24 have?

25 A. They put us through a narcotics survival

1 school. Constantly have training every quarter. And
2 then also throughout our experience, I -- teach us how
3 to type up search warrants, what needs to be done for
4 search warrants, buying narcotics, taking care of
5 citizen complaints.

6 Q. And in your experience or your training with
7 narcotics, do you have any particularized training in
8 regards to the sale and delivery of narcotics?

9 A. Yes, sir.

10 Q. And what training do you have based on that?

11 A. During the survival school they pretty much
12 set up scenarios through going -- learning how to
13 purchase, how to talk and then understanding the sale
14 of it. Obviously throughout the -- my career, I've
15 gained the experience as well.

16 Q. So, what kind of things do you look for to
17 show a possible intent to deliver a controlled
18 substance?

19 A. With the intent, you know, larger quantities
20 that have been prepackaged for smaller amounts.
21 Usually with the larger quantities, if they're all
22 divvied up into smaller quantities, that usually
23 indicates that, you know, it was packaged up for sale
24 compared to personal use.

25 Q. And would you have been with the Houston

1 Police Department on June 18th, 2014?

2 A. Yes, sir.

3 Q. And, Officer, are you familiar with 12407,
4 Apartment No. A on West Village Drive?

5 A. Yes, sir.

6 Q. And can you explain, how are you familiar with
7 that particular residence?

8 A. Well, I -- I was familiar with that area
9 originally 'cause when I was in patrol, I paroled the
10 northeast Houston area and I've been in that actual
11 area itself prior to this date numerous times.

12 And then I was alerted to this residence
13 by confidential informant.

14 Q. And what was the nature of that? Without
15 going into detail, what was the nature of that alert of
16 the confidential informant in regards to what topic?

17 A. I just received information that there was
18 narcotics being sold there.

19 Q. Once you received this information, what did
20 you do?

21 A. Conduct a surveillance, did my research on the
22 residence to see if I could get any individual's names.
23 And then eventually we did a controlled buy.

24 Q. And what did your conducted surveillance lead
25 to?

1 A. A lot of traffic consistent with people coming
2 and going. That was consistent with narcotics
3 trafficking.

4 Q. And how long did you conduct the surveillance?

5 A. I conducted surveillance -- usually we're out
6 there multiple times for at least an hour or two. Not
7 -- we just don't go out there one time. We go multiple
8 times just to verify the information that we receive is
9 correct.

10 Q. And you mentioned that you were curious to see
11 if you could learn names. At any point while you're
12 conducting this surveillance, did you learn any names?

13 A. The only name that we had originally was by a
14 male -- an individual who went by Green.

15 Q. So, once you conducted your surveillance, what
16 is the next step in your investigation?

17 A. After we conducted our surveillance and felt
18 that I had enough information to verify that I believed
19 there was narcotics trafficking going, we -- we did a
20 controlled buy.

21 Q. And what was the result of that controlled
22 buy?

23 A. We were able to buy narcotics out of there,
24 crystal meth.

25 Q. And would that have been on -- before June

1 14th, 2014?

2 A. One second. It was definitely before the day
3 that we served the warrant.

4 Yes, sir, it was before.

5 Q. And did you verify that it was, in fact,
6 crystal meth that was sold?

7 A. Yes, sir.

8 Q. And once this controlled buy took place,
9 what's the next step in your investigation?

10 A. Well, after I got the controlled buy, I tagged
11 the narcotics. That's when I go acquire a search
12 warrant.

13 Q. And what would be the purpose of the search
14 warrant?

15 A. To give us legal access to that residence. We
16 can't just go in there and kick a door down and go into
17 someone's house without having probable cause to go in
18 there.

19 Q. And were you seeking any particular kind of
20 search warrant?

21 A. A no-knock search warrant.

22 Q. And what is a no-knock search warrant for the
23 record?

24 A. That mainly is because we received information
25 that there was -- there was cameras at this house. I

1 don't have my warrant in front of me. But if I
2 remember correctly, we received information that there
3 was guns, burglar bars. Pretty much the reason why we
4 obtain a no-knock search warrant is for officer safety.

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

6 THE COURT: Yes, sir.

7 Q. (BY MR. ROGERS) Officer, I'm showing you
8 what's marked for identification purposes as State's
9 Exhibit 1. Can you identify it?

10 A. The search -- the affidavit or the actual
11 search warrant that I typed up.

12 Q. All right. And how do you know that?

13 A. 'Cause my name is listed on here. I have also
14 -- I'm the one that typed it. And then my return with
15 my name on it and signed -- printed and signed.

16 Q. And does it appear -- appear to be a fair and
17 accurate copy of the search warrant that you were
18 issued in this case?

19 A. Yes, sir.

20 MR. ROGERS: Tender to opposing counsel
21 for inspection. Offer into evidence State's 1.

22 MR. GAISER: Judge, can I take the
23 witness on voir dire for --

24 THE COURT: Yes, sir.

25 VOIR DIRE EXAMINATION

1 BY MR. GAISER:

2 Q. Officer Elkin -- is it Officer Elkin?

3 A. Yes, sir.

4 Q. You obtained this warrant by virtue of an
5 affidavit that you filled out; is that correct?

6 A. Yes, sir.

7 Q. Okay. And I take it that the judge that
8 signed this warrant -- you took that affidavit before
9 that judge and he signed the warrant that was contained
10 in State's Exhibit No. 1; is that correct?

11 MR. GAISER: Yes, sir.

12 I have no objection to this, Judge.

13 THE COURT: All right. No objection,
14 State's 1 will be admitted.

15 MR. ROGERS: May I retrieve the exhibit,
16 Your Honor?

17 THE COURT: Yes, sir.

18 Q. (BY MR. ROGERS) Officer, where in particular
19 does that search warrant give you authority to search?

20 A. Inside the residence. You want the actual
21 address.

22 Q. Yes, please.

23 A. It says 12407, Apartment No. A, West Village
24 Drive.

25 Q. And is that located in Harris County, Texas?

1 A. Yes, sir.

2 Q. And what are you to seize based on that search
3 warrant?

4 A. Narcotics -- well, mainly this stated crystal
5 meth, is what we're going in there looking for. Mainly
6 crystal meth because that's what we had purchased for
7 the controlled buy.

8 Q. So, once you then receive the search warrant,
9 what is the next step in your process?

10 A. After we receive the search warrant, we'll go
11 -- I will conduct a raid plan. It's sort of a plan for
12 our -- for the rest of the guys in my squad to know --
13 so, they know what their task is during the -- during
14 the search warrant. Also let them know past history,
15 if there's history of certain targets, pertinent
16 information, burglar bars, cameras, drugs, dogs, guns,
17 what we're looking for.

18 Q. Now, how many people would be involved on this
19 raid?

20 A. We had my squad, who they're -- that day there
21 was eight narcotics officers there. And then we had
22 multiple uniformed patrol officers as well, five there
23 and then we have two surveillance officers.

24 Q. So, you mentioned narcotics officers,
25 uniformed patrol officers and surveillance officers.

1 What's the point of the different type of officers?

2 A. Well, we want a uniformed presence just so
3 there's no confusion that there's police -- that we are
4 the police. Granted we come in our raid van. There's
5 not police marked on there. So, we have marked
6 uniformed officers come with us. And then the
7 surveillance officers are there -- we set up
8 surveillance prior to the execution of the warrant just
9 so they can advise the raid team or in this case the
10 narcotics officers that are part of the raid team if
11 there's any changes in people that are outside of the
12 target residence just for our safety so we know -- so,
13 we're not going in there blindsided.

14 Q. And this particular raid team, do you recall
15 the officers that would have been a part of that?

16 A. Yes, sir.

17 Q. And who were those officers?

18 A. Well, my supervisor was officer or Sergeant
19 Roberts. Then we had Officer Williams, Officer
20 Ramirez, Officer Valle, Officer Green, Officer Valise
21 (phonetic) and Officer Lockley (phonetic), who is the
22 canine officer.

23 Q. And do you recall at what point it is that you
24 went to the residence?

25 A. Around what time?

1 Q. Approximately, if you recall.

2 A. It was definitely in the afternoon --
3 afternoon hours. One second.

4 I'd have to say about probably 3:00, 4:00
5 o'clock in the afternoon.

6 Q. And to be clear for the record, would that
7 have been on June 18th, 2014?

8 A. Yes, sir.

9 Q. And can you just describe for the Court what
10 you saw upon arriving to the scene?

11 A. Yes, sir. Prior to executing, we were
12 obviously in contact with the surveillance officers.
13 They -- well, usually we get one last report --

14 MR. GAISER: Object as nonresponsive,
15 Your Honor.

16 THE COURT: Ask your next question.

17 MR. ROGERS: Yes, Your Honor.

18 Q. (BY MR. ROGERS) So, what did you see upon
19 arrival to the location?

20 A. Upon arrival, we observed -- as we were
21 arriving -- get there, my CO, I believe was the target
22 vehicle pulling into the driveway. Radioed for the
23 marked units to stop that vehicle. 'Cause our task is
24 to go to the residence. As we approached the front of
25 the residence, we see an individual coming from --

1 MR. GAISER: Objection, Your Honor. He's
2 answered the question. The rest is nonresponsive.

3 THE COURT: Keep it question and answer,
4 please.

5 MR. ROGERS: Yes, Your Honor.

6 Q. (BY MR. ROGERS) And so, Officer, as you
7 approached the residence, what do you see or what do
8 you see next?

9 A. As we get to the front of the residence?

10 Q. Yes.

11 A. We see an individual coming out of the
12 residence.

13 MR. GAISER: Object to the question, what
14 he did do.

15 THE COURT: Overruled.

16 Q. (BY MR. ROGERS) And did you personally get a
17 chance to see that individual?

18 A. Yes, sir.

19 Q. All right. And that individual you saw, do
20 you see him present in the courtroom today?

21 A. Yes, sir.

22 Q. And would you identify him by where he's
23 sitting and by describing his clothing?

24 A. It's going to be the gentleman in the orange
25 shirt next to the defense counsel.

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

2 THE COURT: Yes, sir.

3 MR. ROGERS: And may the record reflect
4 that the witness has identified the defendant in open
5 court?

6 THE COURT: It will.

7 Q. (BY MR. ROGERS) Officer, I'm showing you
8 what's marked for identification purposes as State's
9 Exhibits 2, 3 and 4. And without going into them, what
10 are they?

11 A. It's one vehicle and then pictures of the
12 cameras.

13 Q. And does these -- are these pictures accurate
14 reflections of the residence that day on June 18th
15 2014?

16 A. Yes, sir.

17 MR. ROGERS: Your Honor, tender to
18 opposing counsel for inspection. Offer into evidence
19 State's 2 through 4.

20 MR. GAISER: I have no objection, Your
21 Honor.

22 THE COURT: All right. No objections,
23 State's 2, 3 and 4 will be admitted.

24 Q. (BY MR. ROGERS) Now, Officer, you mentioned
25 about arriving to the scene and seeing what you

1 believed was the target vehicle. Is that vehicle seen
2 in State's 2?

3 A. Yes, sir.

4 Q. And can you just for the Court circle or use
5 your finger to identify what would be the target
6 vehicle?

7 A. That vehicle right there.

8 Q. All right. What was it that led you to
9 believe that was the target vehicle?

10 A. Because I received information that the main
11 target had drove a white Cadillac.

12 Q. And can you describe to the Court what is it
13 that we see on State's Exhibit 3?

14 A. This is actually going to be the back of the
15 residence and the camera right below the window right
16 there.

17 Q. When you say the camera, Officer, is this what
18 we see on State's Exhibit 4?

19 A. Yes, sir.

20 Q. All right. Now, in your experience, Officer,
21 have you seen cameras -- when you conduct these
22 narcotics investigations, have you seen surveillance
23 cameras on the outside?

24 A. Multiple times.

25 Q. What's the purpose of that, if you know?

1 A. To let the individuals inside know who is
2 outside of the residence.

3 Q. And is that consistent with the sale of
4 narcotics?

5 A. Yes, sir.

6 Q. Or particularly, is that consistent with the
7 intent to deliver narcotics?

8 A. Yes, sir.

9 Q. And the individual you said that you saw
10 running out, what happened next?

11 MR. GAISER: Objection to the
12 mischaracterization. There was no testify that he was
13 running out.

14 THE COURT: All right. Restate your
15 question.

16 MR. ROGERS: Yes, Your Honor.

17 Q. (BY MR. ROGERS) Officer, you stated that
18 someone -- you saw an individual, whom you identified
19 as the defendant, come out of the residence.

20 MR. GAISER: Objection, Your Honor. He's
21 never said that he saw that individual. We said we saw
22 that individual.

23 THE COURT: Actually he said he saw him
24 personally.

25 MR. GAISER: I don't believe the

1 testimony was that he saw him coming out of the house.
2 He saw the individual there, is what he said.

3 THE COURT: Well --

4 MR. ROGERS: I'll rephrase it.

5 THE COURT: -- you can ask it again when
6 that was -- when he re-asked the question, I went back
7 and read it. It's what was there. You can ask him
8 again though.

9 Q. (BY MR. ROGERS) Officer Elkin, the person you
10 identified as the defendant, did you see him coming out
11 of the residence?

12 A. Yes, sir.

13 Q. And once he came out of the residence, what
14 happened at that point?

15 A. At that point we're all yelling police because
16 obviously we've been compromised. We're at the front
17 of the residence. We're yelling police. I'm the
18 second person behind Officer Ramirez. They detained
19 the defendant. And we kept going towards the front
20 door. He was -- the defendant was eventually passed on
21 to uniformed officers and placed into custody by them.

22 Q. And just to be clear, where particularly did
23 you see the defendant coming from, what part of the
24 house?

25 A. The front door.

1 Q. The front door of the residence?

2 A. Yes, sir.

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

4 THE COURT: Yes, sir.

5 Q. (BY MR. ROGERS) Officer, I'm now showing you
6 what's marked for identification purposes as State's
7 Exhibits 5 through 10. So, again, without going into
8 detail of what they contain, what are they?

9 A. Exhibit 5 is going to be the side of the
10 residence. Exhibit 6 is going to be the defendant.
11 Exhibit 7 is a picture of the front of the residence.
12 Exhibit 8 is also another view of the front of the
13 residence. Exhibit 9 is the front door with the
14 numbers to the address of the residence. And Exhibit
15 10 is that same door opened, leading inside of the
16 residence.

17 Q. And these pictures, State's Exhibits 5 through
18 10, do they appear to be fair and accurate depictions
19 of what you saw on June 18th, 2014?

20 A. Yes, sir.

21 MR. ROGERS: Tender to opposing counsel
22 for inspection. Offer into evidence State's 5 through
23 10.

24 MR. GAISER: Just one question, Judge.

25 THE COURT: Yes, sir.

1 VOIR DIRE EXAMINATION

2 BY MR. GAISER:

3 Q. Officer, these photos were obviously taken
4 after the team had made entry into the residence,
5 correct?

6 A. Yes, sir.

7 MR. GAISER: Okay. No objection.

8 THE COURT: All right. No objection,
9 State's 5 through 10 will be admitted.10 Q. (BY MR. ROGERS) Officer, can you explain to
11 the Court what it is that we see here in State's
12 Exhibit 5?13 A. This is going to be the side of the residence,
14 the west side of the residence.15 Q. And so, which particular part -- where did the
16 defendant come from?17 A. Where this officer is standing right here, he
18 came -- if you -- to the left of him is the front porch
19 of the residence and that's where he came from.20 Q. And then on State's Exhibit 6 -- clear your
21 screen, Officer. Thank you.

22 For the Court, what do we see here?

23 A. It's going to be the defendant.

24 Q. Now, is that you that's pictured with him?

25 A. No, sir.

1 Q. Okay. Who is that?

2 A. Officer Ramirez.

3 Q. And now, on State's Exhibit 7, can you
4 identify that, please?

5 A. It's going to be the side view of the front of
6 the residence.

7 Q. And towards the black object that we see there
8 in the picture, what are those?

9 A. Right up in this area, sir?

10 Q. Yeah.

11 A. That's going to be another camera.

12 Q. Okay. And then is that a cooler we see there?

13 A. Yes, sir.

14 Q. What is that next to the cooler near the door,
15 the black item?

16 A. This item right here?

17 Q. Yes.

18 A. Appears to be a trash can.

19 Q. Well, let me -- let's look at State's 10 to
20 clarify what I meant by that.

21 On State's 10, what do we see here?

22 A. The black burglar bar.

23 Q. Yes.

24 Now, in your experience with narcotics,
25 have you seen these type burglar bars before?

1 A. Yes, sir.

2 Q. And would you say it's common or not common to
3 see these kind of bars?

4 A. Very common.

5 Q. And then again just on State's 9, that number
6 that we see there, is that the residence -- the actual
7 number of the address that you went to?

8 A. Yes, sir.

9 Q. And then on State's 8, what is it that we see
10 there?

11 A. It's going to be a whole picture of the front
12 of the residence.

13 Q. So, Officer, where were you standing when the
14 defendant came out of the front door?

15 A. We came around the side over here when the
16 defendant came out.

17 Q. So, once the defendant comes out of the
18 residence -- well, excuse me.

19 Once he's detained, what happens at that
20 point?

21 A. We deployed a flash bang inside of the
22 residence and continued into the residence.

23 Q. I'm sorry. You deployed a what?

24 A. A flash bang.

25 Q. And just quickly, what is that?

1 A. That's a noise diversionary with device. It's
2 just to distract in case there's any other individuals
3 inside of the residence.

4 Q. So, at that point what happens?

5 A. We make entry into the residence. Our main
6 goal at this time is to secure anyone inside of the
7 residence. At this point we're checking places where
8 individuals are going to be. At this point we're not
9 looking for any evidence at this time.

10 Q. So, how do you go about doing that?

11 A. We clear the house, you know, with the rest of
12 our squad. There was an upstairs as well. So, once
13 the downstairs was cleared, we went upstairs and
14 cleared the upstairs. We didn't find anyone else
15 inside.

16 Q. And so once that first initial search is done,
17 then where does your investigation go from there?

18 A. Usually after we get done with the initial
19 search, we go back outside to our raid van and take off
20 all of our gear and prepare to begin the search for
21 evidence inside the residence.

22 Q. And at this point, would it still be those
23 same officers that you mentioned earlier that would be
24 with you?

25 A. Yes, sir. Usually how it works is all the

1 uniformed officers -- if we find anyone inside, they're
2 taking control of any individuals that we've detained
3 during our investigation. And all the other narcotics,
4 we're the ones doing the actual searching for evidence
5 inside the residence.

6 Q. And so, at this point have you seen anyone
7 else come out of the residence besides the defendant?

8 A. No, sir.

9 Q. And you said no one else was found inside the
10 residence?

11 A. Inside, no, sir.

12 Q. So, now what's the next step?

13 A. At this point we began searching the residence
14 and we -- if we find any evidence, we gather it. We
15 take pictures of the all the evidence that we found
16 before we actually start picking it up and moving it.

17 Q. So, do you recall, Officer, or can you recall
18 what you saw upon entering the residence?

19 A. Yes, sir. Through the front door right here
20 where this window is right behind the window is like a
21 little living room area. And then as you go straight
22 through the front door, you have the kitchen area.

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

24 THE COURT: Yes, sir.

25 Q. (BY MR. ROGERS) I'm showing you what's marked

1 for identification purposes as State's 11. Can you
2 identify that?

3 A. This is going to be the living room area and
4 straight ahead is the kitchen area.

5 Q. And just to be clear, this is the living room
6 area of the residence that you went to that day?

7 A. Yes, sir.

8 Q. And does it appear to be a fair and accurate
9 representation of the living room?

10 A. Yes, sir.

11 MR. ROGERS: Tender to opposing counsel
12 for inspection. Offer into evidence State's 11.

13 MR. GAISER: No objection.

14 THE COURT: All right. No objection,
15 State's 11 will be admitted.

16 Q. (BY MR. ROGERS) And so, Officer, on
17 State's 11 which we see here on the screen, can you
18 describe for the Court what we see?

19 A. The front door is going to be right here. We
20 have the living room right here. And straight ahead is
21 going to be the kitchen area. And then this backdoor
22 is going to lead out to the patio where -- was below
23 that back camera that we saw earlier in the picture.

24 Q. And so, at this point then, what do you do?

25 A. When it comes to searching the residence?

1 Q. Sure.

2 A. So, we break off usually into separate areas
3 of the residence after obviously it's been secured and
4 start searching for the narcotics that we're after.

5 Q. And as you're searching for the narcotics,
6 where would you be looking? Are there any particular
7 places, I guess, that you would be looking for?

8 A. Well, the main thing that caught our eyes on
9 this day is it was all out in plain view in the kitchen
10 area. The majority of the narcotics that we found was
11 in plain view in the kitchen area.

12 Q. What made you -- what made you recognize it as
13 narcotics?

14 A. From my training and experience and seeing it
15 almost on a daily basis, sir.

16 Q. And the pictures that you've -- or that you've
17 seen -- that you've shown, are these picture taken
18 before or after everything?

19 A. After.

20 Q. Okay.

21 MR. ROGERS: Your Honor, may I approach
22 the witness?

23 THE COURT: Yes, sir.

24 Q. (BY MR. ROGERS) Officer, I'm now showing you
25 what's marked State's Exhibits 12 through 16. What are

1 these?

2 A. Picture -- Exhibit 12 is going to be a baggie
3 of Ecstasy. Exhibit 13 is going to be a picture of all
4 -- the kitchen counter with multiple different
5 narcotics out in plain view along with a pistol.
6 Exhibit 14 is going to be a closer picture of crack
7 cocaine and some more Ecstasy. And then Exhibit 15 is
8 going to be a closer-up picture of the tin box that was
9 on the kitchen counter with more crack cocaine, some
10 powder cocaine, some crystal meth and that bag of
11 Ecstasy that was in Exhibit 12. And then Exhibit 16 is
12 going to be a tin of individual baggies with which we
13 find consistent with use for transactions in narcotics
14 -- sale of narcotics.

15 Q. And in these pictures, do they appear to be
16 fair and accurate representations of what you saw on
17 that day, June 18th?

18 A. Yes, sir.

19 MR. ROGERS: Tender to opposing counsel
20 for inspection.

21 MR. GAISER: No objection, Your Honor.

22 THE COURT: All right. No objection,
23 State's 12 through 16 will be admitted.

24 Q. (BY MR. ROGERS) And, Officer, if you would
25 again clear your screen?

1 Now, Officer, this is State's Exhibit 12.
2 Is this the kitchen counter you're referring to -- that
3 you referred to earlier?

4 A. Yes, sir.

5 Q. And just to be clear, these pictures, were
6 they -- would these have been taken beforehand or would
7 these be -- would this be a representation of -- in
8 other words, let me say it like this. Did you y'all
9 rearrange the things you see to take this picture?

10 A. No, sir. Our squad -- in our squad what we do
11 is after we serve the warrant and come back in and
12 start searching -- we don't touch anything until our
13 supervisor gets done taking pictures.

14 Q. And I apologize. This is for the record,
15 earlier I said State's Exhibit 12. I was referring
16 actually to State's Exhibit 13.

17 A. Yes, sir.

18 Q. And so, what is it that we see here in State's
19 13?

20 A. All this stuff right in here is going to be
21 crack cocaine. Got a razor blade right here that --
22 what we find common with cutting up the crack cocaine.
23 Obviously, you see -- clearly you've got larger chunks
24 of crack cocaine right here which obviously were used
25 by this razor blade and cut up into smaller pieces.

1 You've got a baggie of Ecstasy right here. You've got
2 a pistol right here. And then you've got more
3 narcotics inside this tin.

4 Q. The firearm that you mentioned there, is that
5 consistent with the sale of narcotics based on your
6 experience?

7 A. Yes, sir.

8 Q. And then now on State's 12, what we do see
9 here?

10 A. It's going to be a baggie of Ecstasy.

11 Q. And how do you know that?

12 A. Because we field-tested it when we got back to
13 the office.

14 Q. And where in the house was -- where exactly
15 are we looking at in this picture?

16 A. That's going to be in that tin box that was on
17 top of the kitchen counter.

18 Q. State's Exhibit 15, is this referring -- is
19 this the tin box you were referring to?

20 A. Yes, sir.

21 Q. Okay. And what do we see -- what else do we
22 see in State's 15?

23 A. Right there there's going to be a bag of --
24 the baggie of crystal meth. And looks like some more
25 -- what appears to be crack rocks and then some more

1 individually packed baggies.

2 Q. The individual packed baggies, are those the
3 bags that we see with that yellow symbol with what I'm
4 going to call -- is that batman symbol?

5 A. Yes, sir.

6 Q. And have you seen those before?

7 A. Yes, sir.

8 Q. And is that consistent with the sale of
9 narcotics?

10 A. Yes, sir.

11 Q. And then State's Exhibit 14, what is that we
12 see there?

13 A. It's a closer picture of what we saw earlier.
14 There's larger chunks of crack cocaine right there cut
15 out into the smaller pieces right here. Got your razor
16 blade and then smaller baggie of Ecstasy pills right
17 there.

18 Q. Just to be clear, all these things, did you
19 have to move anything around to find these objects?

20 A. No, sir. They were out in plain view.

21 Q. And once you see all of these, what's the next
22 step for you?

23 A. After the entire residence has been searched
24 or pictures taken, that's when we start collecting all
25 the evidence and taking custody of it.

1 Q. And do you recall also at some point looking
2 at the counter in the kitchen of the residence -- at
3 another counter?

4 A. Yes, sir.

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

6 THE COURT: Yes, sir.

7 Q. (BY MR. ROGERS) First showing you what's
8 marked for identification purposes as State's
9 Exhibits 18, what is that?

10 A. It's going to be right below the dresser --
11 sorry -- the shelf in the kitchen with the tinfoil on
12 it.

13 Q. And then also, you mentioned this was all in
14 the kitchen, correct?

15 A. Yes, sir.

16 Q. Do you remember searching the rest of the
17 kitchen and seeing other bags?

18 A. Yes, sir.

19 Q. Showing you right now State's Exhibits --
20 excuse me -- State's Exhibit 19. What is that?

21 A. It's going to be empty --

22 MR. GAISER: Judge, is he going to offer
23 these?

24 MR. ROGERS: Yes.

25 A. It's going to be empty baggies of the batman

1 bags and other small bags.

2 MR. ROGERS: Tender to opposing counsel
3 for inspection and offer State's 18 and 19.

4 MR. GAISER: No objection.

5 THE COURT: No objection, State's 18 and
6 19 will be admitted.

7 Q. (BY MR. ROGERS) And, Officer, I'm showing you
8 now what just been admitted as State's 18. Can you
9 explain to the Court what we see here?

10 A. See at the top, this is going to be the metal
11 tin that we saw on the first kitchen counter as you can
12 see from the front door. And this counter right here
13 is going to be the counter just below that on the other
14 side of the kitchen. And there's going to be a firearm
15 right here and some more Ziploc bags and even a scale
16 right here.

17 Q. Now, the scale, what is that consistent with
18 based on your experience?

19 A. Usually weighing the weight of the narcotics
20 because different amounts of narcotics are sold. So,
21 the dealer themselves will weigh the different amounts.

22 Q. So, is that consistent with the sale of
23 narcotics?

24 A. Yes, sir.

25 Q. And then you mentioned about seeing -- here in

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

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

5 Q. And then on State's 19?

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

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

12 A. Yes, sir.

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

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

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

22 A. Yes, sir.

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

25 A. Yes, sir.

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

2 THE COURT: Yes, sir.

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

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

8 Q. And what about 23?

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

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

13 A. Yes, sir.

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

16 A. The bathroom.

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

19 A. Yes, sir.

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

23 MR. GAISER: No objection, Your Honor.

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

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

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

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

7 A. It's right to the right.

8 Q. And then on State's 22?

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

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

13 A. Two firearms right here and right here.

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

17 A. Yes, sir.

18 Q. And why is that?

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

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

24 A. Two-story.

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

1 that second floor that you were referring to?

2 A. Yes, sir.

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

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

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

8 Who would have collected it all?

9 A. I would have or I did.

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

12 A. Yes, sir.

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

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

22 Q. Do you know who was?

23 A. Officer Valle.

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

1 A. Yes, sir.

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

5 A. Yes, sir.

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

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

12 MR. GAISER: Objection to what he said.

13 THE COURT: Sustained.

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

16 A. Yes, sir.

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

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

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

22 A. Inside.

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

25 A. Yes, sir.

1 Q. Do you know whose phone this was?

2 A. The defendant Seymour's.

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

4 THE COURT: Yes, sir.

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

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

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

13 A. Yes, sir.

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

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

19 A. Yes, sir.

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

22 A. Yes, sir.

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

25 A. Yes, sir.

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

3 MR. GAISER: May I, Judge?

4 THE COURT: Yes, sir.

5 VOIR DIRE EXAMINATION

6 BY MR. GAISER:

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

9 A. Yes, sir.

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

12 A. Yes, we looked in the phone.

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

14 A. No, sir.

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

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

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

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

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

24 A. Correct.

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

1 he gave consent?

2 A. Inside with us, sir.

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

4 A. Yes, sir.

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

7 A. By me, no, sir.

8 Q. By anyone in your presence?

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

11 Q. Okay.

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

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

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

19 Q. Who were those people?

20 A. The uniformed officers.

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

22 A. Yes, sir.

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

1 A. Yes, sir.

2 Q. No shirt, shorts on?

3 A. Yes, sir.

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

5 A. Yes, sir.

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

8 A. Excuse me, sir?

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

11 A. The defendant.

12 MR. GAISER: No objection, Judge.

13 THE COURT: No objection?

14 MR. GAISER: No objection.

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

17 CONTINUED DIRECT EXAMINATION

18 BY MR. ROGERS:

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

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

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

1 defendant is actually in, the original picture?

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

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

9 A. Yes, sir.

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

12 A. Yes, sir.

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

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

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

18 A. Yes, sir.

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

22 A. Yes, sir.

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

25 A. No, sir.

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

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

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

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

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

12 A. Pit bulls.

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

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

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

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

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

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

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

2 THE COURT: Yes, sir.

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

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

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

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

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

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

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

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

24 A. Yes, sir.

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

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

3 A. Yes, sir.

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

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

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

12 Q. Then 28 and 28-A.

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

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

19 Q. Exhibit 30 and 30-A?

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

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

5 THE COURT: Well, you skipped 29.

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

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

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

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

16 A. Yes, sir.

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

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

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

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

3 A. Yes, sir.

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

6 A. Yes, sir.

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

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

12 MR. ROGERS: Pass the witness.

13 THE COURT: Mr. Gaiser?

14 MR. GAISER: Thank you, Judge.

15 CROSS-EXAMINATION

16 BY MR. GAISER:

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

19 A. For a little over two years.

20 Q. You set up surveillance on this residence?

21 A. Yes, sir.

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

1 A. Yes, sir.

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

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

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

13 A. Yes, sir.

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

17 A. Yes, sir.

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

20 A. Yes, sir.

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

23 A. Yes, sir.

24 Q. Who was he?

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

1 name is Horton.

2 Q. James Horton?

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

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

7 A. Yes, sir.

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

11 A. Yes, sir.

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

15 A. Yes, sir.

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

18 A. Yes, sir.

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

23 A. Yes, sir.

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

1 A. Yes, sir.

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

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

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

10 A. Yes, sir.

11 Q. And you went down the west side?

12 A. Correct.

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

15 A. Yes, sir.

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

19 A. Correct?

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

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

25 A. Yes, sir.

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

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

4 Q. You don't remember?

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

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

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

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

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

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

15 A. No, sir.

16 Q. Any weapon found on him?

17 A. No, sir.

18 Q. Any cash?

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

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

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

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

1 that's selling drugs?

2 A. Maybe \$20 worth of dope.

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

5 A. No, sir.

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

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

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

14 A. Before.

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

16 A. I do not.

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

18 A. Animal control came and took them.

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

22 A. No, sir.

23 Q. Did you look for that?

24 A. Yes, sir.

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

1 A. No, sir.

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

4 A. No, sir.

5 Q. Did you look for clothing?

6 A. Yes, sir.

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

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

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

14 MR. GAISER: Approach, Your Honor?

15 THE COURT: Yes, sir.

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

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

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

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

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

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

25 A. Yes, sir.

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

3 A. Yes, sir.

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

5 MR. ROGERS: Objection, relevance.

6 THE COURT: Sustained.

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

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

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

13 A. I haven't looked into it.

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

16 THE COURT: Mr. Rogers?

17 MR. ROGERS: Thank you, Judge.

18 REDIRECT EXAMINATION

19 BY MR. ROGERS:

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

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

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

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

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

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

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

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

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

16 Q. And what is that based off of?

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

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

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

1 THE COURT: Sustained.

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

4 A. Yes, sir.

5 Q. What was Mr. Horton charged with?

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

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

12 A. Yes, sir.

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

15 THE COURT: Mr. Gaiser.

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

18 THE COURT: Yes, sir.

19 MR. GAISER: I have no questions.

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

22 THE WITNESS: Thank you, sir.

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