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REPORTER'S RECORD

VOLUME 3 OF 7 VOLUMES

TRIAL COURT CAUSE NO. 1394200

COURT OF APPEALS NO. 01-14-00901-CR

TRAVIS LAMB)	IN THE DISTRICT COURT
)	
Appellant)	
)	
)	
VS.)	HARRIS COUNTY, TEXAS
)	
)	
THE STATE OF TEXAS)	
)	
Appellee)	351ST JUDICIAL DISTRICT

PRETRIAL PROCEEDINGS

On the 27th day of October, 2014, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Mark Kent Ellis, Judge presiding, held in Houston, Harris County, Texas;

Proceedings reported by computer-aided transcription/stenograph shorthand.

A P P E A R A N C E S

1
2
3 MS. KRISTIN ASSAAD
SBOT NO. 24048164
4 MR. JOSEPH ALLARD
SBOT NO. 24062582
5 Assistant District Attorneys
1201 Franklin
6 Houston, Texas 77002
PHONE: 713.755.5800
7 **ATTORNEYS FOR THE STATE OF TEXAS**

8
9 - AND -

10
11 MR. KEITH LARSON
SBOT NO. 00796927
12 2855 Mangum Road, Suite A-559
Houston, Texas 77092-7493
13 PHONE: 713.688.8472
14 **ATTORNEY FOR THE DEFENDANT**

15
16
17
18
19
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22
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25

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VOLUME 3
(PRETRIAL PROCEEDINGS)

OCTOBER 27, 2014

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1 (Open court, defendant present, no jury.)

2 THE COURT: We're outside the presence of
3 the jury in Mr. Lamb's case, No. 1394200. The defense
4 filed a Motion to Suppress. Is this an arrest without a
5 warrant?

6 MS. ASSAAD: Yes, Your Honor.

7 THE COURT: All right. Then, go.

8 MS. ASSAAD: Would the Court like to swear
9 in both witnesses at one time or --

10 THE COURT: Sure. Let's not waste more
11 time. Go ahead.

12 MR. LARSON: Do you want the defendant to
13 also stand, Your Honor?

14 THE COURT: If he's going to testify in the
15 hearing.

16 MR. LARSON: Yes, Your Honor.

17 (Witnesses sworn.)

18 THE COURT: Okay. Who's first?

19 MR. LARSON: Your Honor, we'd like to
20 invoke the Rule.

21 THE COURT: The Rule is invoked. That
22 means you can only be in the courtroom when you testify,
23 otherwise you must remain outside the courtroom. You
24 cannot talk about your testimony to each other.

25 Call your first witness.

1 Everybody else, go outside.

2 MS. ASSAAD: Officer Perez.

3 MR. LARSON: Your Honor, we have to show
4 standing. We go first. I'm calling Katrisa Lamb.

5 THE COURT: You filed the motion. There is
6 no warrant. That puts the burden on the State --

7 MR. LARSON: Yes, Your Honor. I'm sorry.

8 THE COURT: -- okay?

9 MR. LARSON: You're correct, Your Honor.

10 THE COURT: All the time, every single
11 time. Okay?

12 So have a seat.

13 Get up on the stand. Come on.

14 All right. Go ahead.

15 **OFFICER RICARDO PEREZ,**

16 having been called as a witness and being first duly
17 sworn, testified as follows:

18 **DIRECT EXAMINATION**

19 **BY MS. ASSAAD:**

20 Q. Officer, please state your name for the record.

21 A. Ricardo Perez.

22 Q. How are you employed?

23 A. With the Houston Police Department, police
24 officer.

25 Q. Are you a certified police officer in the state

1 of Texas?

2 A. Yes, I am.

3 Q. How long have you been a peace officer?

4 A. About seven years now.

5 Q. What is your current assignment?

6 A. I am assigned to the Gang Task Force at
7 Southeast.

8 Q. And as part of your training to become a police
9 officer -- well, what was that training to become a
10 police officer?

11 A. We did six months in the police academy and
12 then six months on the street with a trainer.

13 Q. And are you trained in the enforcement of the
14 laws of the State of Texas?

15 A. Yes, I am.

16 Q. Does that include the traffic laws?

17 A. Yes, ma'am.

18 Q. Directing your attention to July 10th, 2013,
19 were you on duty that night?

20 A. Yes.

21 Q. What shift were you working?

22 A. We worked a power shift at that time, which is
23 7:00 p.m. to 5:00 a.m.

24 Q. Were you assigned to the same assignment then
25 as you are now?

1 A. No.

2 Q. What was your assignment then?

3 A. Well, I am still on -- I have a different shift
4 now. That's it.

5 Q. So same duties?

6 A. Same duties, yes.

7 Q. And did you come into contact with someone by
8 the name of Travis Lamb that night?

9 A. Yes, I did.

10 Q. How did your interaction with him begin?

11 A. We conducted a traffic stop.

12 Q. And backing up, what did you see to draw your
13 attention to his vehicle?

14 A. He turned without signaling.

15 Q. Do you recall the streets?

16 A. Yes. He was traveling westbound on Hartsville
17 and made a southbound turn, which is a left-handed turn,
18 onto Donegal Way.

19 Q. And you did not see a turn signal?

20 A. No, ma'am.

21 Q. What did you then do?

22 A. My partner and I, Officer Gallegos at the time,
23 we initiated a traffic stop on the vehicle.

24 Q. And was this at a location in Harris County,
25 Texas?

1 A. Yes.

2 Q. What do you typically ask the driver of a
3 vehicle during a traffic stop?

4 A. We make contact with the driver and we ask for
5 driver's license and proof of financial responsibility.

6 Q. Did you do that in this case?

7 A. Yes.

8 Q. Did the driver provide you with a valid
9 driver's license?

10 A. No, ma'am.

11 Q. Is that an arrestable offense in Texas?

12 A. Yes, it is.

13 Q. Is turning without signaling an arrestable
14 offense in Texas?

15 A. Yes, it is.

16 Q. What did you then do?

17 A. Placed him under arrest.

18 Q. And what happened after that?

19 A. After that, my partner began doing an inventory
20 search of the vehicle before towing.

21 Q. Why did you decide the vehicle was to be towed?

22 A. Because he was going to jail, the individual
23 that was with him informed us that he had a suspended
24 driver's license. So we decided to tow it then.

25 Q. Was there only one passenger in the vehicle?

1 A. That is correct.

2 Q. And you cannot release a vehicle to someone who
3 does not have a valid driver's license?

4 A. That is correct.

5 Q. Are you familiar with HPD's policies and
6 procedures on when to call a tow truck?

7 A. Yes.

8 Q. And are you familiar with the policies and
9 procedures related to an inventory search?

10 A. Yes.

11 Q. Were you the one who performed the inventory
12 search in this case?

13 A. No. My partner did, Officer Gallegos.

14 Q. After Officer Gallegos performed the inventory
15 search, did the defendant make any kind of statement?

16 A. Yes, he did.

17 Q. Where was he when he made the statement?

18 A. In the backseat of the patrol car.

19 Q. Had you given him his Miranda warnings?

20 A. No, ma'am. It was -- since we didn't question
21 him or do any -- since we didn't make -- do any
22 questioning, we did not.

23 Q. What was the statement that the defendant made?

24 A. He said, "It's not meth, it's bath salts."

25 Q. And are you testifying that you did not

1 question him in any way before he made that statement?

2 A. We did not, no, ma'am.

3 MS. ASSAAD: Pass the witness.

4 THE COURT: Mr. Larson?

5 **CROSS-EXAMINATION**

6 **BY MR. LARSON:**

7 Q. Was this your usual patrol area?

8 A. We patrol all of southeast, yes.

9 Q. Had you seen the vehicle before that you
10 stopped?

11 A. Have I ever interacted with him in the past?

12 Q. Yes, sir.

13 A. Yes.

14 Q. And when was that?

15 A. I can't give you the exact date, but I've
16 stopped him before, yes, sir.

17 Q. Okay. What was that for?

18 A. That was on a different incident with another
19 individual, but he was there.

20 Q. I'm sorry?

21 A. It was an arrest that we were making on a
22 different individual and he was there.

23 Q. Okay.

24 A. And I recall his vehicle as well.

25 Q. You recall the vehicle?

1 A. Yes.

2 Q. And how close in point to the date that you
3 pulled him over was that?

4 A. I couldn't tell you. I don't remember.

5 Q. Could it be possible it was within a couple of
6 weeks?

7 A. I don't remember.

8 Q. Do you recall what happened during that
9 incident?

10 A. I believe the individual was arrested for felon
11 in possession of a firearm.

12 Q. You're not talking about Mr. Lamb?

13 A. No.

14 Q. You're talking about the other individual?

15 A. Correct.

16 Q. Where did that occur?

17 MS. ASSAAD: Objection to relevance.

18 THE COURT: Sustained.

19 Q. (By Mr. Larson) What was your interaction with
20 Mr. Lamb on that date?

21 MS. ASSAAD: Objection to relevance.

22 THE COURT: Sustained.

23 Q. (By Mr. Larson) Did you review any field notes
24 for your testimony today?

25 A. My report from that day.

1 Q. The offense report?

2 A. Correct.

3 Q. Okay. Was there any video of this stop that
4 day?

5 A. No, sir.

6 Q. Any audio recordings?

7 A. No, sir.

8 Q. And you said you took Mr. Lamb into custody
9 after you found he didn't have a driver's license?

10 A. For the no driver's license and turning without
11 signal, correct.

12 Q. Yes, sir.

13 And you did not Mirandize him?

14 A. No, sir.

15 Q. And you removed him immediately from the
16 vehicle he was in?

17 A. After he -- after not having his driver's
18 license and everything, yes, I removed him from his
19 vehicle and placed him in the backseat of our patrol
20 car.

21 Q. Who was the passenger?

22 A. I do not recall her name, but she was a female.

23 Q. Do you recall checking the registration for the
24 vehicle?

25 A. I did on scene. We run the plates, but the

1 registered owner, I couldn't tell. I don't remember.

2 Q. Was it the defendant?

3 A. I don't remember.

4 Q. What happened with the female?

5 A. She was released.

6 Q. Did you give her an opportunity to call a
7 relative or anyone to come get the car?

8 A. I do not remember.

9 Q. Is that allowed under the policy for HPD?

10 A. We do occasionally allow an individual, if they
11 can get ahold of them, but to the exact circumstance of
12 what happened that night, I can't tell you. I don't
13 remember how far we went with that.

14 Q. Now, as far as the statement that Mr. Lamb
15 made, when did that occur? You took him out of the car
16 immediately?

17 A. No. He made that when we were test -- me and
18 Officer Gallegos were discussing the substance that he
19 found.

20 Q. That who found?

21 A. That Officer Gallegos found.

22 Q. Okay. And where were you discussing this?

23 A. We were discussing it near the trunk of the
24 patrol car.

25 Q. Were you doing anything while you were

1 discussing it?

2 A. Talking back and forth.

3 Q. When you recover substances, do you field-test
4 them?

5 A. Yes, we do.

6 Q. And where do you do that?

7 A. Usually in the -- by the trunk of the patrol
8 car.

9 Q. Is that what you were doing while you were
10 discussing?

11 A. We might have been.

12 Q. But you don't recall?

13 A. I couldn't tell. I mean, it was a year ago, so
14 I can't tell you for sure.

15 Q. Had you had any discussions with Mr. Lamb?
16 Obviously, you identified him?

17 A. Correct.

18 Q. And you told him he was under arrest for no
19 driver's license?

20 A. Uh-huh.

21 Q. Did you tell him you found the substance?

22 A. Well, when we found it, I'm pretty sure he saw
23 it.

24 Q. Well, he was in the back of the patrol car.

25 A. Yeah, but we were next to it, discussing it.

1 He can see through the backseat. And the windows were
2 down, so I'm pretty sure he heard us.

3 Q. Okay. So he heard you.

4 Did either you or Officer Gallegos have any
5 discussion with him about, "Hey, look what we found"?

6 A. No.

7 Q. "Hey, we got you," anything like that?

8 A. No, sir.

9 Q. Where did you find the substance?

10 A. Officer Gallegos found it on the driver's
11 side --

12 MS. ASSAAD: Objection. This officer was
13 not the officer who found the substance.

14 THE COURT: Sustained.

15 Q. (By Mr. Larson) Okay. So you didn't find the
16 substance?

17 A. No.

18 Q. You don't know where it came from?

19 Did you think that in discussing this
20 substance that you found in close proximity to Mr. Lamb
21 that he may reply about it?

22 A. No.

23 Q. So it's your testimony that in discussing it,
24 it wasn't to elicit anything from him?

25 A. No. We weren't discussing it with him. It was

1 a private conversation between the two of us.

2 Q. As far as the inventory, do you have a list of
3 the items that were taken in the inventory?

4 MS. ASSAAD: Objection, again, to hearsay
5 and speculation. This officer was not the one who
6 completed the inventory search.

7 THE COURT: Overruled.

8 You can answer that question. Do you have
9 the inventory or not?

10 THE WITNESS: I do not.

11 Q. (By Mr. Larson) Did you see Officer Gallegos
12 field-test the substance?

13 A. Yes. I was right there.

14 MR. LARSON: Pass the witness, Your Honor.

15 MS. ASSAAD: No further questions.

16 THE COURT: You can step down.

17 MS. ASSAAD: No further questions.

18 State calls Officer Gallegos.

19 THE COURT: Step down.

20 All right. Go ahead.

21 MS. ASSAAD: Thank you, Your Honor.

22 **OFFICER FELIPE GALLEGOS,**

23 having been called as a witness and being first duly
24 sworn, testified as follows:

25 **DIRECT EXAMINATION**

1 **BY MS. ASSAAD:**

2 Q. Officer, please state your name for the record.

3 A. Felipe Gallegos.

4 Q. Are you a police officer?

5 A. Yes, I am.

6 Q. How are you employed?

7 A. I'm employed by the Houston Police Department
8 as a peace officer.

9 Q. And you are a certified peace officer in the
10 state of Texas?

11 A. Yes.

12 Q. Did you undergo training to become a peace
13 officer?

14 A. Yes, I did.

15 Q. What was that training?

16 A. Went to a six-and-a-half month police academy
17 where we studied the Penal Code and Criminal Code of
18 Procedures.

19 Q. So you are familiar with the laws of Texas?

20 A. Yes, ma'am.

21 Q. And you enforce those laws?

22 A. Yes.

23 Q. Does that include the traffic laws?

24 A. Yes.

25 Q. What is your current assignment?

1 A. I'm assigned to the Southeast Gang Task Force
2 and also SWAT.

3 Q. Were you -- is that the same assignment that
4 you had on July 10th of 2013?

5 A. Yes.

6 Q. Directing your attention to that night, were
7 you on duty?

8 A. Yes, ma'am.

9 Q. And who were you riding with?

10 A. Officer Perez.

11 Q. Is that your partner?

12 A. Yes, ma'am.

13 Q. And while you were on duty, did you come in
14 contact with the defendant, Travis Lamb?

15 A. Yes, I did.

16 Q. How did that interaction begin?

17 A. We came in contact with him on a traffic stop.

18 Q. What was the reason for the traffic stop?

19 A. He failed to signal a turn.

20 Q. Did you see him fail to signal the turn?

21 A. Yes, ma'am.

22 Q. And what did you do next?

23 A. I was a passenger, so my partner was driving,
24 and we initiated a traffic stop. And that's when we
25 approached the vehicle and my partner came in contact

1 with him on the driver's side.

2 Q. Who did you come in contact with?

3 A. The passenger.

4 Q. Do you recall the passenger's name?

5 A. I don't recall her name.

6 Q. But you remember that she's a female?

7 A. Correct.

8 Q. And do you remember if she had a valid driver's
9 license?

10 A. I remember she did not have a valid driver's
11 license.

12 Q. Is turning without signaling an arrestable
13 offense in Texas?

14 A. Yes, it is.

15 Q. Are you familiar with HPD's policies and
16 procedures regarding towing of vehicles?

17 A. Yes.

18 Q. And are you allowed, as an HPD officer, to
19 release a vehicle on scene, when a driver is arrested,
20 to a passenger who does not have a valid driver's
21 license?

22 A. No, ma'am.

23 Q. Are you familiar with HPD's policies and
24 procedures related to an inventory search?

25 A. Yes.

1 Q. Did you follow them in this case?

2 A. Yes, I did.

3 Q. You were the officer who performed the
4 inventory search?

5 A. Yes.

6 Q. What did that entail?

7 A. Basically document anything of value inside the
8 vehicle before the vehicle is being towed.

9 Q. And did you do that in this case?

10 A. Yes.

11 Q. What did you find in the vehicle?

12 A. In the driver's side door panel immediately
13 when you open the door, I observed a baggie containing a
14 white crystal powdery substance.

15 Q. Did you have to move other items to see that
16 baggie?

17 A. No, ma'am, I didn't.

18 Q. What did you do once you saw it?

19 A. I retrieved the substance and advised my
20 partner of what I had discovered.

21 Q. And did you field-test that substance?

22 A. Yes, ma'am, I did.

23 Q. What did you do when you were field-testing it?

24 A. We have field-testers that we use for different
25 types of drugs. We field-tested it for methamphetamine,

1 and it came back with a positive. So that's what we
2 did.

3 Q. Did you also test it in the cocaine field test?

4 A. No, ma'am, I didn't.

5 Q. So once you got the positive for meth, that was
6 the end of the field test you conducted?

7 A. Yes.

8 Q. What did that substance look like?

9 A. It was a white powder substance, crystallly,
10 which is why we believed it was meth, because it had a
11 crystal form to it.

12 Q. Did you interrogate the defendant?

13 A. No, ma'am, we didn't.

14 Q. Did you Mirandize the defendant?

15 A. No, ma'am.

16 Q. Did the defendant make a statement to you or
17 your partner at any time?

18 A. Yes.

19 Q. What was that statement?

20 A. Me and my partner were having a conversation by
21 the back of the vehicle, I guess contemplating whether
22 it was meth. We both believed it was meth. He
23 overheard our conversation and stated, "It's bath salts,
24 it's not meth."

25 Q. And where was he when he made that statement?

1 A. He was in the backseat of the patrol car.

2 Q. But you were not questioning him in any way?

3 A. No, ma'am.

4 Q. Do you see the defendant, Travis Lamb, in the
5 courtroom today?

6 A. Yes, ma'am.

7 Q. Can you identify him by an article of clothing?

8 A. Purple button-up dress shirt.

9 MS. ASSAAD: Your Honor, may the record
10 reflect the witness has identified the defendant?

11 THE COURT: Yes, ma'am.

12 MS. ASSAAD: Pass the witness.

13 THE COURT: Mr. Larson?

14 **CROSS-EXAMINATION**

15 **BY MR. LARSON:**

16 Q. This was your usual patrol area?

17 A. Yes, sir.

18 Q. And had you seen the vehicle you stopped on
19 July 10th before?

20 A. Yes.

21 Q. And when did you see it before?

22 A. I think it was the day prior.

23 Q. Day prior?

24 And what was the circumstance that you saw
25 the vehicle?

1 A. We actually made an arrest the day prior while
2 Mr. Lamb was present, a person that he knew, for a
3 pistol case.

4 Q. I'm sorry. What kind of case was it?

5 A. Pistol. Firearm.

6 Q. Okay. You're not saying Mr. Lamb had a
7 firearm?

8 A. No.

9 Q. Do you recall where that was?

10 MS. ASSAAD: Objection to relevance.

11 THE COURT: Sustained.

12 Q. (By Mr. Larson) You remember Mr. Lamb. Why did
13 you remember the vehicle and Mr. Lamb?

14 A. Because he was in the group where the arrest
15 was made, and he was released and it hadn't been
16 24 hours since we had seen him in the same vehicle.

17 Q. And did you believe he was involved in the
18 weapon case?

19 A. At the time his friend was telling Mr. Lamb,
20 "Hey, tell him it's your gun; tell him it's your gun,"
21 but we couldn't prove that. Therefore, that's exactly
22 how we remembered him.

23 Q. Okay. Did you think it was Mr. Lamb's gun?

24 MS. ASSAAD: Objection to relevance.

25 THE COURT: What's the relevance?

1 MR. LARSON: Your Honor, it's our
2 contention that it was a pretext stop, that they thought
3 Mr. Lamb had that weapon and stopped him --

4 THE COURT: There's no such thing as a
5 pretext stop under state law anymore, so it doesn't
6 matter.

7 MR. LARSON: Well, there were other reasons
8 why they wanted to search the vehicle.

9 THE COURT: There is no such thing as a
10 pretext stop under state law.

11 MR. LARSON: Yeah, I --

12 THE COURT: There isn't.

13 MR. LARSON: I understand.

14 THE COURT: I sustain the objection.

15 Q. (By Mr. Larson) Now, as far as inventory
16 policy, is it written anywhere?

17 A. Yes, we have general orders of the State
18 policies.

19 Q. Do you carry them around?

20 A. I don't carry them around with me, but we have
21 access to them if we need to.

22 Q. And what is the policy?

23 A. I don't know it off the back of my hand, but I
24 can kind of give you the gist of it.

25 Q. Now, in this particular case, you were the

1 officer that completed the inventory?

2 A. Correct.

3 Q. Okay. How is it that you completed the
4 inventory?

5 A. When you inventory the vehicle, basically you
6 look inside the vehicle and check if there's anything of
7 value that needs to be documented on the tow slip.

8 Q. Okay. Do you have a copy of the tow slip?

9 A. I don't have it with me. It's been filed
10 somewhere.

11 Q. Filed somewhere?

12 A. Correct.

13 Q. Did you find anything else of value in the
14 vehicle?

15 A. I don't recall if I did. It should be
16 documented on the tow slip.

17 Q. Would it surprise you that nothing else was on
18 that tow slip except the baggie you found?

19 A. No.

20 Q. Did you look around in the back of the vehicle?

21 A. I believe so.

22 Q. What is the purpose of an inventory?

23 A. To document anything of value that is going to
24 stay in the vehicle while it's being towed, so that if
25 it comes up missing later on, there's a -- it showed

1 it's been documented when we release the vehicle.

2 Q. And you said you did tow this vehicle?

3 A. Correct.

4 Q. But you're saying you didn't look through the
5 whole vehicle?

6 A. I said -- you asked me if I looked through the
7 back, and I said yes.

8 Q. I think you said you believe so.

9 A. I believe I looked through the -- yes, I looked
10 through the vehicle.

11 Q. Did you look through the vehicle or not?

12 A. Yes, sir, I looked through the vehicle.

13 Q. Did you find anything else of value in the
14 vehicle?

15 A. No, sir.

16 Q. Now, where did you locate the baggie?

17 A. The driver's side door panel.

18 Q. Was there other property in that door panel?

19 A. I don't recall.

20 Q. If there was valuable property in that door
21 panel, would you have noted it?

22 A. Possibly.

23 Q. As far as the field test in this case, where do
24 you store that?

25 A. We keep them in our gear bag.

1 Q. Where do you keep your gear bag?

2 A. The trunk of the vehicle.

3 Q. And you said that you were back at the trunk
4 with the baggie when Mr. Lamb made that statement?

5 A. Correct.

6 Q. Okay. Were you field-testing the substance
7 that you recovered at that point?

8 A. Me and my partner were conversating about what
9 we believed it was.

10 Q. And while you were conversing, was that before
11 you did the field test or after?

12 A. It was before, to figure out which test we were
13 going to use.

14 Q. Did you or your partner give Mr. Lamb or the
15 female passenger a chance to call someone to come get
16 the vehicle?

17 A. I don't recall.

18 Q. As part of your inventory policy, aren't you
19 allowed to let them get someone to pick the vehicle up?

20 A. We're not to have them release it to anybody
21 with an invalid driver's license.

22 Q. You don't recall if you let that happen in this
23 case?

24 A. I don't recall letting him make a phone call,
25 no. I recall asking him if the female could drive it,

1 but she didn't have a valid driver's license.

2 Q. Do you recall the female's name?

3 A. I don't recall her name.

4 Q. Do you know whose vehicle it was?

5 A. I don't recall at the moment.

6 MR. LARSON: Pass the witness, Your Honor.

7 THE COURT: Ms. Assaad?

8 MS. ASSAAD: Just briefly, Judge.

9 **REDIRECT EXAMINATION**

10 **BY MS. ASSAAD:**

11 Q. Officer, according to the policies and
12 procedures of HPD, can you release a vehicle to someone
13 without a valid driver's license?

14 A. No, ma'am.

15 Q. Did the passenger in this case have a valid
16 driver's license?

17 A. No, she did not.

18 Q. Are you familiar with the policies and
19 procedures of an inventory search?

20 A. Yes.

21 Q. What is the purpose of that search?

22 A. To inventory the vehicle, document anything
23 that's of value, and if we run across anything that's
24 illegal, it must be retrieved from the vehicle.

25 Q. So if you found anything of value in the

1 vehicle, would you have documented it?

2 A. Correct.

3 Q. And if you found anything illegal, as you did
4 in this case, do you then take that?

5 A. Correct.

6 Q. Did you perform the inventory search in this
7 case correctly?

8 A. Yes.

9 Q. Did you perform it thoroughly?

10 A. Yes, ma'am.

11 MS. ASSAAD: Pass the witness.

12 THE COURT: Mr. Larson?

13 MR. LARSON: Nothing further, Your Honor.

14 THE COURT: You may step down.

15 MS. ASSAAD: State rests.

16 THE COURT: Mr. Larson?

17 MR. LARSON: We call Katrissa Lamb.

18 THE COURT: Okay. Mr. Larson?

19 **KATRISA LAMB,**

20 having been called as a witness and being first duly
21 sworn, testified as follows:

22 **DIRECT EXAMINATION**

23 **BY MR. LARSON:**

24 Q. Ms. Lamb, will you state your name for the
25 record?

1 A. Katrisa Scranton Lamb.

2 Q. And how do you know Travis Lamb?

3 A. That's my husband.

4 Q. Ma'am, I'd like to take you back to July 10th
5 of 2013, around 10:00 o'clock that evening. Do you
6 recall where you were?

7 A. Uh-huh.

8 Q. You've got to say "yes" or "no."

9 A. Yes.

10 Q. Where were you?

11 A. Right by the school off of Cullen. I don't
12 know the exact street.

13 Q. And who were you with?

14 A. With my husband.

15 Q. So you were with Travis Lamb?

16 A. (Moving head up and down.)

17 Q. And what were you doing?

18 A. He had picked me up from work and we were on
19 our way to his mom's.

20 Q. Okay. So you were the person in the car with
21 him?

22 A. Yes.

23 Q. And what happened?

24 A. The police -- we were driving, I guess you want
25 to say, in a west direction. And the officers were

1 coming from the east -- they were coming from the west,
2 we were headed east like that (indicating). And we were
3 getting ready to make a left by the elementary school.
4 I don't recall the name of the elementary school, but
5 when we were getting ready to make that left, they came
6 around the corner and turned on their lights. And I
7 don't think there were sirens, but there were lights.

8 Q. Okay. So there was a traffic stop?

9 A. No.

10 Q. Well, did the police stop you or not?

11 A. They did stop us. We were making a left, but
12 there was no stop sign or nothing. They said he ran a
13 stop sign, or something like that. But when they pulled
14 us over, they didn't have sirens on. They just had
15 lights on. And when Travis pulled over, they said, "Oh,
16 you're the guy from the other night. We remember you
17 from the other night."

18 Q. Okay. Now, how many officers were there?

19 A. There were two.

20 Q. And what did the officers do first? Did they
21 come up?

22 A. That's what I was getting ready to say. When
23 they pulled us over --

24 Q. Okay. Ma'am, just --

25 A. When they pulled us over, they came to the side

1 of the truck, and they was like, "You the guy from the
2 other night. Yeah, we remember you. Now we got your
3 ass."

4 And so once they got him out of the car --
5 they pulled him out the car, no search, no nothing.
6 They just got him out of the car and put him in the
7 backseat of the police car. I was there on the
8 passenger's side. And I'm sitting there, waiting. And
9 they got their sirens on -- I mean, their lights on with
10 no sirens. And when they came back, I think the one
11 with the dark suit on, he's the one that came back to --

12 Q. Now, slow down. When you say "he," one of the
13 officers?

14 A. The officer with the dark suit today --

15 THE REPORTER: Just let him finish his
16 question before you talk, please.

17 Q. (By Mr. Larson) Did you see that officer today?

18 A. Yes.

19 Q. Now, when the officers came up, did they come
20 up on the same side of Travis, or did one come up on the
21 side of Travis, the driver's side, and the other come up
22 on the passenger side with you?

23 A. No. They both came over there with Travis.
24 They knew my truck.

25 Q. Did they ever identify Travis?

1 A. As far as his name, no. But knowing that they
2 knew him from the store the other night, the night
3 before, they had choked him, so this was -- it was --

4 Q. I need you to testify --

5 A. They was together.

6 Q. -- to what you know about this evening, about
7 July the 10th.

8 A. Okay. This evening that we're speaking of,
9 these officers brought up that night before where they
10 saw Travis.

11 Q. Okay. And they removed him from the vehicle?

12 A. Yes.

13 Q. And they put him in the --

14 A. The backseat.

15 Q. -- squad car.

16 Did they come back and talk to you?

17 A. Yes.

18 Q. Did they identify you? Did they ask for
19 identification?

20 A. Yes, they did. And also they searched me. Two
21 men officers searched me under my clothes.

22 Q. Did they ask whose car it was?

23 A. Yes. I think they knew --

24 Q. Whose car --

25 A. It was my truck.

1 Q. Okay. And your husband was driving. Did he
2 have permission to drive your truck?

3 A. Yes.

4 Q. Now, since it's your vehicle, do you have any
5 valuable property in it?

6 A. Like I told you earlier, I had rings in my
7 truck.

8 Q. Well, we've discussed this.

9 A. And purses.

10 Q. So your purses --

11 A. Uh-huh.

12 Q. -- and your rings.

13 Q. Now, where were your rings?

14 A. In the side of the door.

15 Q. Which --

16 A. The driver's door.

17 Q. It was on the driver's door. And is that on
18 the driver's side door panel?

19 A. Uh-huh.

20 Q. You said you had some rings. What kind of
21 rings were they?

22 A. Sterling silver rings.

23 Q. Are they valuable?

24 A. Yes.

25 Q. Did the officers release the vehicle to you?

1 A. No.

2 Q. Did they give you an opportunity to call
3 someone to come pick the car up?

4 A. No.

5 Q. Where were you going that evening?

6 A. To Travis' mom's house.

7 Q. How far away were you from Travis' mom's house?

8 A. Approximately like three streets over.

9 Q. So not that far?

10 A. No.

11 Q. Was there a friend or family member, someone
12 with a license, available who could come get the car?

13 A. I wasn't given that opportunity. Will I be
14 able to finish what happened that night after they
15 searched me?

16 THE COURT: Ma'am, you need to answer the
17 questions that are asked of you, not volunteer
18 information. Do you understand that?

19 THE WITNESS: Okay. Okay.

20 THE COURT: Well, I'm glad it's all right
21 with you.

22 Ask your next question.

23 Q. (By Mr. Larson) Were you ever given an
24 inventory of the items in that vehicle?

25 A. An inventory from the tow truck people?

1 Q. Or from the officers.

2 A. From the tow truck people. Not from the
3 officers.

4 Q. Okay. What did you get from the tow truck
5 people?

6 A. The inventory of everything that was in there,
7 like pens, different miscellaneous items that were in
8 there.

9 Q. But the officers didn't give you anything?

10 A. No.

11 Q. Was there anything listed like the rings that
12 you're talking about?

13 A. No.

14 Q. Now, did you eventually get your vehicle back?

15 A. Yes.

16 Q. Were the rings still there?

17 A. Yes.

18 Q. Now, where are those rings now?

19 A. At home.

20 MR. LARSON: Pass the witness, Your Honor.

21 THE COURT: Ms. Assaad?

22 **CROSS-EXAMINATION**

23 **BY MS. ASSAAD:**

24 Q. Ms. Lamb, what is your legal name?

25 A. Katrissa Scranton Lamb.

1 Q. How do you spell Katrissa?

2 A. K-a-t-r-i-s-a.

3 Q. And what is your date of birth?

4 A. January 24th, 1979.

5 Q. What were you and your husband doing that
6 night?

7 A. That evening he had picked me up from work and
8 we were on our way to his mother's house.

9 Q. Where do you work?

10 A. At that time, I do voting campaigning. And
11 that was a side job, but I work at the waterfront, the
12 Port of Houston. I'm a longshoreman.

13 Q. When did he pick you up?

14 A. It must have been about 7:00.

15 Q. What did you do after that?

16 A. We were in the truck on the way to his mom's
17 house, and the police pulled us over.

18 Q. Did you stop anywhere in between work and when
19 you got pulled over?

20 A. Oh, yes, I did. I stopped and we had got some
21 charcoals.

22 Q. What does that mean?

23 A. For barbecuing, charcoals.

24 Q. How long did that take?

25 A. Not long, a few minutes. A few minutes.

1 Q. Was that at a store?

2 A. Uh-huh.

3 Q. Anything else in between being picked up for
4 work and then being stopped by the police?

5 A. No, ma'am.

6 Q. What street were you traveling on when you saw
7 the police lights?

8 A. Hartsville.

9 Q. Did you see the police vehicle before you saw
10 their lights on?

11 A. No.

12 Q. Had your husband just made a turn when you saw
13 the lights?

14 A. Yeah, he just made a turn, a left turn. And a
15 little bit after, a few feet after, the lights came on
16 with no sirens.

17 Q. Do you know whether your husband has a valid
18 driver's license?

19 A. No, he doesn't.

20 Q. Did you at that time have a valid driver's
21 license?

22 A. Yes. It was suspended.

23 Q. So your license was suspended at that time?

24 A. Yes.

25 Q. Are you testifying that you had some personal

1 items in the vehicle?

2 A. Uh-huh.

3 Q. Where were those located in the vehicle?

4 A. I had purses in the backseat of my truck. I
5 had rings in the driver's side door. Just a lot of -- a
6 few different things that were valuable to me.

7 Q. Would you classify your vehicle as a dirty
8 vehicle or a clean vehicle?

9 A. Clean.

10 Q. Would you classify is it as messy or organized?

11 A. At that time?

12 Q. Yes.

13 A. At that time, it was organized.

14 Q. And would you say it was cluttered or it didn't
15 have very many things in it? Did you have a lot of
16 things in the vehicle or not very many?

17 A. No, I didn't have a lot of stuff in there.

18 Q. Where were you seated in the vehicle?

19 A. The passenger's side.

20 Q. In the front?

21 A. Uh-huh.

22 THE REPORTER: "Yes"?

23 THE WITNESS: Yes.

24 MS. ASSAAD: No further questions.

25 THE COURT: Mr. Larson?

1 MR. LARSON: Nothing further, Your Honor.

2 THE COURT: You may step down.

3 Mr. Larson?

4 MR. LARSON: Travis Lamb.

5 THE COURT: All right. Go ahead.

6 **TRAVIS LAMB,**

7 having been called as a witness and being first duly
8 sworn, testified as follows:

9 **DIRECT EXAMINATION**

10 **BY MR. LARSON:**

11 Q. Sir, please state your name for the record.

12 A. Travis Lamb.

13 Q. Mr. Lamb, you're the defendant in this case.

14 I'd like to go back to July 10th, 2013. Do you recall
15 what you were doing about 10:00 o'clock that evening?

16 A. Yes.

17 Q. What were you doing?

18 A. I was leaving the corner store going to my
19 mother's house.

20 Q. Okay. And when you say "leaving the corner
21 store," were you on foot, were you in a car?

22 A. In my wife's truck, driving my wife's truck.

23 Q. And was there anyone with you?

24 A. Yes, sir.

25 Q. And who was with you?

1 A. My wife.

2 Q. You were driving?

3 A. Yes.

4 Q. What happened?

5 A. I was going down the street. I turned my left
6 turn signal on. I seen -- I was just coming this way,
7 so we were like coming head-on.

8 Q. Do you recall which way you were heading?

9 A. I don't know the direction, but -- like, east
10 and west, whatever, but I was heading toward the
11 elementary school and I turned left.

12 Q. Okay. And where were you going?

13 A. To my mom's house.

14 Q. You said you used a turn signal?

15 A. Yes, sir.

16 Q. You said you saw the officers?

17 A. I saw them.

18 Q. When you say you saw the officers, how did you
19 see the officers?

20 A. They were further down the street coming my
21 way. And I turned left like before they got to where I
22 was at.

23 Q. So they were kind of head-on to you?

24 A. Yeah.

25 Q. And what kind of vehicle were they in?

1 A. Police car.

2 Q. Is that what -- a standard police car with the
3 bubble top, the lights on top?

4 A. Yeah.

5 Q. And could you see that?

6 A. Yes.

7 Q. Okay. Approximately how far away were they?

8 A. Like halfway up the block.

9 Q. Okay. And then you said you made the turn.
10 And what happened?

11 A. I turned left and I drove down a couple of
12 yards, got to a stop sign. And when they got behind me
13 by the stop sign, they hit their lights.

14 Q. When you say "they," you mean the officers?

15 A. Yes, sir.

16 Q. Did they turn behind you?

17 A. Yes, sir.

18 Q. And they stopped you?

19 A. Yes.

20 Q. So what did you do?

21 A. Pulled over.

22 Q. Okay. And what happened when you pulled over?

23 A. When I pulled over, they came to my side of the
24 car, the truck or whatever. They got me out, pulled me
25 out.

1 Q. When you say "they" --

2 A. The officers.

3 Q. -- the officers that testified earlier?

4 A. Yeah.

5 Q. Did they both come to your side of the vehicle?

6 A. Yes.

7 Q. You say they got you out. Did you roll down
8 the window and did they ask you for your driver's
9 license?

10 A. No. They just took me out immediately.

11 Q. Okay. Did you find that odd?

12 A. I mean, I came into contact with them like the
13 night before, so I -- you know, I mean they could have
14 asked me before do I have a driver's license or I.D. or
15 whatever. They just pulled me out of the truck.

16 Q. Stop. Please just answer my question.

17 So they never asked you for your driver's
18 license?

19 A. No.

20 Q. They just pulled you out of the car?

21 A. Yes.

22 Q. That's your testimony?

23 A. Yes.

24 Q. Okay. Now, did you recognize those officers?

25 A. Yes.

1 Q. How is it that you recognized them?

2 A. The night before that, they were -- I was at a
3 store the night before that.

4 Q. Where was that store?

5 A. Right by my house on Selinsky.

6 Q. Okay. And what were you doing at the store?

7 A. Playing a game, the gambling game.

8 Q. And how did those officers come to contact you
9 at the store?

10 A. There was a lot of guys up there and they
11 just -- they just apprehended everybody and --

12 Q. When you say "they," these two officers?

13 A. The two officers, yeah.

14 Q. When you say "apprehended," what happened to
15 you at that store?

16 A. They came in there and made everybody get off
17 the machines and took us outside.

18 Q. When you say "everybody," how people were on
19 those machines?

20 A. It was like four people, four machines.

21 Q. Okay. Were you with those individuals?

22 A. No. We wasn't together, no.

23 Q. And then what happened when they got you
24 outside?

25 A. They took the keys out of my pocket and hit the

1 alarm to see what vehicle I was in, which was my wife's
2 truck. And they had the other guy's keys, everybody
3 else up there, and they searched everybody's car.

4 Q. Do you know why they were searching you?

5 A. I mean, it was just routine. They do that
6 anytime.

7 Q. Did they tell you why they were searching you?

8 A. No.

9 Q. Did they tell you why they got you out of that
10 store?

11 A. No.

12 Q. What happened?

13 A. They searched everybody and they found a gun in
14 this dude's car.

15 Q. The dude that you're talking about, that wasn't
16 you?

17 A. No.

18 Q. Okay. Was it somebody you knew?

19 A. I know him, yeah.

20 Q. Well, how did you know him?

21 A. Just went to school with him. I grew up with
22 him, been knowing him.

23 Q. Okay. Did they search your vehicle that night?

24 A. Yes, sir.

25 Q. Did they do anything to you?

1 A. I mean, they got kind of physical with me.

2 Q. Okay. When you say "they got kind of
3 physical," was it the officers --

4 MS. ASSAAD: Objection to relevance.

5 A. Yes.

6 THE COURT: Go ahead, finish.

7 Q. (By Mr. Larson) Okay. How did they get
8 physical with you?

9 A. They thought I had something in my mouth, so
10 they grabbed me by the neck, like "What you've got in
11 your mouth, what you've got in your mouth?" I didn't
12 have anything in my mouth, so they let me go.

13 Q. But did you have to open your mouth?

14 A. Yes.

15 Q. Did you do that voluntarily or did they force
16 you to do that?

17 A. He grabbed me by the throat and was like, "Open
18 your mouth."

19 Q. When you say "he," which officer was that?

20 A. The last one that was in here.

21 Q. Officer Gallegos?

22 A. Yeah.

23 Q. Okay. And that was the night before they
24 stopped you?

25 A. Yes.

1 Q. And you say they knew which vehicle you had
2 there?

3 A. Yeah.

4 Q. That night on Selinsky?

5 A. Yes.

6 Q. Okay. And that's because they pulled the keys
7 out of your pocket. Did they search your vehicle that
8 night?

9 A. Yes.

10 Q. Did they say anything that night to you?

11 A. No. They just said like regular things, like
12 "What you got in your mouth?" You know, they seen I
13 didn't have nothing, so they let me go.

14 Q. Now, once they pulled you out of the car, where
15 did they take you? I'm talking about July 10th.

16 A. Took me to the backseat of the police car.

17 Q. Did they tell you that you were under arrest?

18 A. No. They just put me in the backseat.

19 Q. Did you feel like you were free to leave?

20 A. No.

21 Q. Did they ever tell you that you had the right
22 to an attorney?

23 A. No.

24 Q. Did they ever tell you that you had the right
25 to remain silent?

1 A. No.

2 Q. After they put you in the back of the police
3 car, what happened?

4 A. Then started -- they got her out of the truck
5 and they started searching the truck.

6 Q. When you say "they got her out," do you mean
7 your wife, Katrissa?

8 A. Yes, sir.

9 Q. Okay. Did both officers get her out or did
10 one?

11 A. They were both over there, but like one of them
12 opened the door and just told her to get out.

13 Q. Okay. And what did they do with Katrissa?

14 A. They searched her and then they cuffed her and
15 made her sit down on the grass.

16 Q. Okay. Then what happened?

17 A. They started searching the truck.

18 Q. Okay. And was it one officer or both officers?

19 A. Both of them searched it.

20 Q. All right. And then what happened?

21 A. They came out with a bag and they took it to
22 the back of the police car.

23 Q. Okay. And what happened when they took this
24 bag to the back of the police car?

25 A. It was -- the time when they just left out, he

1 was telling his partner -- he was like -- he opened the
2 trunk. He was like, "Man, we don't have a field test up
3 in here. So what are we going to do with it?"

4 Q. And so then what did they do?

5 A. He told me -- he was like, "Man, it looks like
6 crystal meth." So I was like, "All you've got to do is
7 check it. I ain't never seen crystal meth before."

8 Q. Okay. Did you say anything?

9 A. No.

10 Q. So you've heard the officers say you said it's
11 bath salts, not meth.

12 A. I heard them say that.

13 Q. Is that true?

14 A. No, I didn't say nothing about bath salts.

15 Q. Did you say anything to the officers?

16 A. I just told them to check it.

17 Q. What happened at that point?

18 A. They didn't never check it. He just said -- I
19 was like, "What are you taking me to jail for?" He was
20 like, "For possession of crystal meth."

21 Q. Did you say anything at that point?

22 A. I was like, "I never seen crystal meth before."

23 Q. Did they ever give you an inventory of the
24 items taken from the car?

25 A. No, sir.

1 Q. And after that point, was your -- Katrisa's
2 vehicle towed?

3 A. Yes.

4 Q. And were you taken to jail?

5 A. Yes.

6 MR. LARSON: Pass the witness.

7 THE COURT: Ms. Assaad?

8 MS. ASSAAD: Thank you, Your Honor.

9 **CROSS-EXAMINATION**

10 **BY MS. ASSAAD:**

11 Q. Mr. Lamb, where were you before the officers
12 pulled you over on July 10th, 2013?

13 A. I was leaving the corner store.

14 Q. What were you doing at the corner store?

15 A. Buying charcoal. We was about to barbecue.

16 Q. You were with your wife at that time?

17 A. Yes.

18 Q. How long were you at the corner store?

19 A. Couple of minutes. Not long.

20 Q. When did you pick up your wife that evening?

21 A. It was like probably 7:00, 8:00, 9:00. 7:00 or
22 8:00, something like that. I don't know.

23 Q. What did you do in between picking her up and
24 going to the corner store?

25 A. Nothing. That's all we did.

1 Q. You went straight there?

2 A. Yes.

3 Q. How long does it take to drive to the corner
4 store from where you picked her up?

5 A. Probably about 30, 40 minutes.

6 Q. Then what did you do in between going to the
7 corner store and being pulled over?

8 A. I was on the way to my mom's house.

9 Q. How long was it after you left the corner store
10 when you got pulled over?

11 A. Like not even a minute. It was right up the
12 street.

13 Q. What street were you on?

14 A. I think it's Hartsville, I think.

15 Q. Did you see the police car before they turned
16 on their lights?

17 A. Yes.

18 Q. Where did you see it?

19 A. I seen when they were coming up the block.
20 They were further down the block coming my way.

21 Q. Then what did you see?

22 A. I turned left. I cut my left-hand signal on
23 and turned left by the elementary school, and then I
24 pulled up to the stop sign. They turned behind me.
25 When I got to the stop sign, that's when they hit the

1 lights.

2 Q. Did you have a valid driver's license at that
3 time?

4 A. No.

5 Q. And your wife didn't either?

6 A. No. Her license was suspended.

7 Q. You were driving, right?

8 A. Yes.

9 Q. Mr. Lamb, do you have any prior felony
10 convictions?

11 A. Yes, yes.

12 Q. What are those convictions?

13 MR. LARSON: Objection to relevance, Your
14 Honor.

15 THE COURT: It goes to credibility.

16 Answer the question.

17 A. What are my past felonies?

18 Q. (By Ms. Assaad) Correct.

19 A. Murder, possession of a controlled substance.

20 Q. Any others?

21 A. I'm trying to think. Like evading arrest, but
22 those were a long time ago.

23 Q. Any others?

24 A. I don't know. I don't think so. There was a
25 couple of possessions, delivery.

1 Q. When were you convicted of murder?

2 A. In 2004.

3 Q. What was your sentence?

4 A. Nine years.

5 MS. ASSAAD: No further questions.

6 THE COURT: Mr. Larson?

7 MR. LARSON: Nothing further, Your Honor.

8 THE COURT: You may step down, sir.

9 MR. LARSON: Nothing further from the
10 defense.

11 THE COURT: Okay. Anything else from the
12 State?

13 MS. ASSAAD: Nothing else, Your Honor.

14 THE COURT: Motion is denied.

15 Bring me the jury.

16 And to make clear, it's denied as to both
17 the evidence retrieved and for the statement by the
18 defendant.

19 MR. LARSON: Your Honor, may we approach
20 quickly on a motion in limine?

21 THE COURT: Okay.

22 (At the Bench, on the record.)

23 MR. LARSON: I'm just asking that none of
24 their witnesses go into the defendant's criminal
25 background.

1 THE COURT: Of course.

2 MR. LARSON: I just want to make it clear
3 that they don't go into his criminal background on
4 guilt-innocence.

5 MS. ASSAAD: Oh, unless he testifies.

6 MR. LARSON: Right. I'm just saying --

7 MS. ASSAAD: Absolutely.

8 MR. LARSON: I've seen in the past where
9 officers blurt it out.

10 THE COURT: That would be a major problem.
11 So that will not happen.

12 MS. ASSAAD: I will remind them of that.

13 THE COURT: Okay.

14 MR. LARSON: And also the statement, I
15 don't think that's res gestae.

16 THE COURT: We disagree.

17 MR. LARSON: Okay. Thank you, Judge.

18 THE COURT: Okay. Let's go.

19 (End of pretrial proceedings)

20

21

22

23

24

25

1 **REPORTER'S CERTIFICATE**

2
3 THE STATE OF TEXAS)
4 COUNTY OF HARRIS)

5 I, Gayle Patterson, Deputy Official Court Reporter
6 in and for the 351st District Court of Harris County,
7 State of Texas, do hereby certify that the above and
8 foregoing contains a true and correct transcription of
9 all portions of evidence and other proceedings requested
10 in writing by counsel for the parties to be included in
11 this volume of the Reporter's Record, in the
12 above-styled and numbered cause, all of which occurred
13 in open court or in chambers and were reported by me.

14 I further certify that this Reporter's Record of
15 the proceedings truly and correctly reflects the
16 exhibits, if any, admitted by the respective parties.

17 WITNESS MY OFFICIAL HAND this the 26th day of
18 February, 2015.

19
20
21 /s/ Gayle Patterson
22 Gayle Patterson, Texas CSR 3355
23 Expiration Date: 12/31/2015
24 Deputy Official Court Reporter
25 351st District Court
P.O. Box 5224
Alvin, Texas 77512
713.582.9121

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