

1 witness.

2 **MS. JOHNSON:** The State would call  
3 Officer Garcia.

4 **THE COURT:** Thank you.

5 **MS. JOHNSON:** He has not been sworn  
6 yet.

7 **THE COURT:** Thank you.

8 Come around here, sir. And then if  
9 would you turn and face the jury, I like the jury to  
10 see the witness when they take oath. Raise your  
11 right hand.

12 **(Witness Duly Sworn)**

13 **THE COURT:** Thank you, sir. Please  
14 have a seat.

15 **JOSE GARCIA,**  
16 having been first duly sworn, testified as follows:

17 **DIRECT EXAMINATION**

18 **Q. (BY MS. JOHNSON)** Good afternoon, Officer.

19 **A.** Good afternoon.

20 **Q.** And would you please introduce yourself to  
21 the jury?

22 **A.** My name is Jose Garcia.

23 **Q.** And who do you work for?

24 **A.** I work for the Houston Police Department.

25 **Q.** And how long have you been a Houston police

1 officer?

2 A. I have been with the department just over  
3 four years.

4 Q. And what division are you assigned to?

5 A. I work at the southeast patrol station.

6 Q. And how long were you assigned at the  
7 southeast patrol station?

8 A. Approximately about three years.

9 Q. What's your current assignment?

10 A. I still work at southeast patrol.

11 Q. And are you in any kind of specialized unit  
12 now or training for a specialized unit?

13 A. No, still patrol.

14 Q. Are you doing any additional training  
15 that -- matter of fact, you are attending -- or you  
16 were going to attend tonight?

17 A. Yes, this week I have been attending  
18 special response group training.

19 Q. And what is that?

20 A. They deal with riot control or protests,  
21 mass arrests, whenever you have large crowds and you  
22 have to control the situation.

23 Q. Let me take you back to February of 2011.  
24 Were you on duty that day?

25 A. Yes, I was.

1 Q. And were you working with a partner?

2 A. My partner at that time was Officer Kelly.

3 Q. And back on, specifically, February 20,  
4 2011, were you dispatched to a suspicious person  
5 call?

6 A. Yes, we were dispatched to a suspicious  
7 person call.

8 Q. What was the location of that call?

9 A. It was on Belcrest. The address was --

10 Q. 5778 Belcrest?

11 A. Yes, 5778 Belcrest. Yes.

12 Q. And when you arrived at the location, who  
13 did you speak to?

14 A. We spoke with Ms. Williams.

15 Q. What was her first name?

16 A. Odessa.

17 Q. So, you spoke to Odessa Williams. Was she  
18 the one who called the police to her home?

19 A. Yes, she called the police.

20 Q. And when you arrived and spoke to  
21 Ms. Williams, did she direct you to her great  
22 grandson?

23 A. She gave us a description and just a brief  
24 description of what -- you know, her grandson and his  
25 name; and we went down the road and found him.

1 Q. And what did she want you to do?

2 A. She wanted us to arrest him because he was  
3 back at her home.

4 Q. And did she tell you what had happened the  
5 day before?

6 A. She gave us a short version of what  
7 happened and the case number. So, we looked it up on  
8 our computer system; and we got most of the  
9 information off there.

10 Q. So, you were able to read the previous  
11 reports and find out what had been going on?

12 A. Yes. Whatever was already reported.  
13 Because it wasn't complete, from my understanding.

14 Q. Now, was the case still under  
15 investigation?

16 A. Yes, it was.

17 Q. Now, she gave you a description of the  
18 suspect. Who did you identify the suspect to be?

19 A. Jonnie Dent.

20 Q. And do you see him here in the courtroom  
21 today?

22 A. Yes, I do.

23 Q. Could you point to him and describe for the  
24 Court what he is wearing?

25 A. He is wearing a white dress shirt with a

1 black tie (indicating.)

2 **MS. JOHNSON:** May the record reflect  
3 the witness has identified the defendant?

4 **THE COURT:** The record will show that,  
5 please, Mrs. Lee.

6 **(Defendant Identified)**

7 **Q. (BY MS. JOHNSON)** Now, did she direct you to  
8 where she last saw the defendant?

9 A. Yes. She told us he was walking towards  
10 M.L.K., which is just west of where her residence is.

11 **Q.** And what did you and Officer Kelly do?

12 A. We drove around the area, and we located  
13 him down at Belarbor and M.L.K., which there is a  
14 corner store there.

15 **Q.** And when you found the defendant, what was  
16 his demeanor?

17 A. He was there with a group of people; and as  
18 soon as he saw us approaching, he turned around to  
19 walk away. He had a hard time keeping his balance;  
20 and when we approached him, he just kind of had  
21 slurred speech. We detained him flat.

22 **Q.** Did it appear to you, based on your  
23 training and experience as a police officer, that he  
24 was under the influence of some unknown substance?

25 A. Yes, it did.

1 Q. When you found him, what did you do?

2 A. We detained him. We, you know, searched  
3 him before we put him in the patrol car. We  
4 transported him back to Ms. Williams' residence to  
5 get some more information about what exactly  
6 happened.

7 Q. Did she identify him?

8 A. Yes, she did.

9 Q. Now, during your contact with Ms. Williams,  
10 did she make any statements of "I don't want him  
11 arrested," "I don't want him to go anywhere" or  
12 anything like that?

13 A. No, nothing like that.

14 Q. Did she ever make any statements to you  
15 stating that she had lied to the police the day  
16 before, anything like that?

17 A. No, nothing like that.

18 Q. She was cooperative with you?

19 A. I'm sorry. What was that?

20 Q. She was cooperative with you?

21 A. Yes, she was.

22 Q. As matter of fact, she called you to her  
23 house; is that right?

24 A. That's correct.

25 Q. Now, after you detained the defendant,

1 where did you take him?

2 A. We transported him to the central Houston  
3 Police Department jail.

4 Q. And then what happened once you got to the  
5 jail?

6 A. He was screened there by a medical screen  
7 like every other prisoner and they actually told us  
8 that we had to take him to Ben Taub because he was  
9 not responding to them and like he might be having  
10 some kind of medical problem or condition.

11 Q. And so, when someone that you take to the  
12 jail has -- appears to have some type of condition,  
13 where do you have to take them?

14 A. They usually get transported to Ben Taub by  
15 ambulance.

16 Q. Did you transport the defendant to the  
17 hospital, or did someone else?

18 A. I believe the ambulance transported him,  
19 and Officer Kelly was with the ambulance.

20 Q. Is that Officer Kelly, your partner?

21 A. Yes.

22 Q. Now, at the time that you detained the  
23 defendant, did you check to see if there were any  
24 open arrest warrants for Ms. Williams' case on the  
25 defendant?

1 A. Yes, we did.

2 Q. Okay. At that time had a warrant been  
3 filed yet?

4 A. Not yet.

5 Q. Did you have any contact with the  
6 investigating officer, Officer Gibson, about your --

7 A. Yes. We called him on the cell phone.

8 Q. And you told him that you had the suspect  
9 in custody?

10 A. Yes. We advised him that he was in  
11 custody.

12 **MS. JOHNSON:** Pass the witness.

13 **THE COURT:** Thank you.

14 Mr. Oliver.

15 **MR. OLIVER:** Please the Court, yes.

16 **CROSS-EXAMINATION**

17 Q. **(BY MR. OLIVER)** Sir, your last name is  
18 what, please?

19 A. Garcia.

20 Q. Mr. Garcia, thank you. This is  
21 February 20th when you arrested this man, correct?

22 A. Yes, that's correct.

23 Q. The incident was back February 11th, about  
24 nine days ago, right?

25 A. Yes.



1           Q.     About nine days prior to that; and you get  
2 a call, something about a suspicious person?

3           A.     That's right.

4           Q.     And you go out there to check it out, and  
5 you met with Ms. Odessa?

6           A.     That's correct.

7           Q.     And she directed you to where her grandson  
8 was, correct?

9           A.     Yes.

10          Q.     Okay. And she -- after you picked him up,  
11 you brought him back there where she was at her home;  
12 and she identified that that was her great grandson,  
13 correct?

14          A.     Correct.

15          Q.     And did you -- did she tell you that he  
16 beat me up? Robbed me?

17          A.     I don't remember.

18          Q.     Did she say that?

19          A.     I don't remember her saying -- yeah, I do  
20 remember her saying -- she did not say the words  
21 "beat me up." I don't remember that, but  
22 specifically --

23          Q.     What did she say? "He robbed me"?

24          A.     She said he assaulted her, and then she  
25 gave us the case number. We looked up the

1 information on the computer.

2 Q. She said to you, "That's my great grandson  
3 that assaulted me"?

4 A. Before we picked him up, she said --  
5 because we try to get some information before we just  
6 go and pick somebody off the street. So, she told us  
7 that he assaulted her.

8 Q. You had information on your screen that  
9 said he had assaulted this victim?

10 A. After we brought him back, we looked up the  
11 report that she gave us the case number for; and it  
12 said on there the original statement to the  
13 officers --

14 Q. Correct.

15 A. -- when they investigated.

16 Q. Okay. But she never told you that?

17 A. She told us he assaulted her.

18 Q. Excuse me?

19 A. She told us he assaulted her.

20 Q. Okay. Didn't say anything about being beat  
21 up, though, correct?

22 A. Not in those words. I don't remember --

23 Q. Okay.

24 A. -- anything about robbing.

25 Q. Did she mention robbery?

1           A.     I don't remember her using the word  
2 "robbery."

3           Q.     Well, at that time there was not a warrant  
4 for any robbery; is that correct?

5           A.     That's correct.

6           Q.     It was a warrant or something for assault?

7           A.     No. There was no warrant at that time.

8           Q.     No warrant at all?

9           A.     No, there wasn't.

10          Q.     So, you took him to the hospital -- or  
11 someone took him to the hospital?

12          A.     Eventually he was taken to the hospital,  
13 yes.

14          Q.     Okay. You didn't take him to jail because  
15 there was no warrant?

16          A.     We took him to the jail, and he was  
17 rejected by the medical screener there because he was  
18 not mentally -- I mean, physically fit to be taken  
19 into the jail at that time. He had to go to the  
20 hospital and get checked out and evaluated.

21          Q.     Okay. He just was not in a condition that  
22 you could jail him. So, you took him to the  
23 hospital?

24          A.     When we were at the jail, he was talking to  
25 the medical screener. He fell to the ground, and he

1 was not responding to anything. He was breathing.  
2 He just wasn't responding.

3 Q. Okay. I understand. Thank you.

4 MR. OLIVER: No further questions of  
5 this witness, Your Honor.

6 THE COURT: Thank you.

7 Any redirect?

8 MS. JOHNSON: Yes, Your Honor.

9 REDIRECT EXAMINATION

10 Q. (BY MS. JOHNSON) Officer Garcia, did it  
11 appear as if he was faking at the jail?

12 A. On the way to the jail, he was doing the  
13 same thing, like he would look around every few  
14 minutes to see where he was going.

15 Q. Now, just to be clear, after reviewing the  
16 offense report, this didn't happen 11 days before you  
17 arrested him. This happened on February 19<sup>th</sup>. Is  
18 that what the report says?

19 MS. JOHNSON: May I approach the  
20 witness?

21 THE COURT: Granted.

22 Q. (BY MS. JOHNSON) After looking at the  
23 report, does that refresh your memory?

24 A. That's correct. Documented that the  
25 incident occurred the day before, on the 19<sup>th</sup>.

1           Q.       And you dispatched and called this was by  
2 Ms. Williams on the 20th, the next day; is that  
3 right?

4           A.       That's right.

5           Q.       And she gave you the case number that she  
6 was given the day before, right?

7           A.       That's correct. It was written on an HPD  
8 case slip.

9                   **MS. JOHNSON:** I pass the witness.

10                   **MR. OLIVER:** Just a couple of  
11 questions, Your Honor, if I might, please.

12                                   **RECROSS-EXAMINATION**

13           Q.       **(BY MR. OLIVER)** You said he was acting  
14 crazy like or something. You think he might have  
15 been faking or what?

16           A.       When we approached him at the corner store,  
17 he saw us; and he tried to walk away. We detained  
18 him under suspicion that he was intoxicated, brought  
19 him back for further investigation in regards to what  
20 Ms. Williams called about.

21                                   While we were there, he became  
22 nonresponsive, slumped his head down and started  
23 drooling. Fire department, HPD, checked him out and  
24 told us he appears normal, cleared him for  
25 transportation.

1           **Q.**       Okay. Are you aware that he has - that he  
2 has special needs?

3                   **MS. JOHNSON:** Objection, relevance.

4                   **THE COURT:** Approach, please.

5                   **MR. OLIVER:** There is some kind of  
6 mental problems going on.

7                   **THE COURT:** Excuse me. When I ask you  
8 to approach, that means we will have a conference up  
9 here.

10                   **(At the Bench)**

11                   **MR. OLIVER:** This is something the  
12 clerk gave me.

13                   **(End of Bench Discussion)**

14                   **THE COURT:** Retire the jury, please.  
15 All rise, please, for the jury.

16                   **(Jury released)**

17                   **THE COURT:** Thank you. Let me say  
18 before we start that all of this is very collateral  
19 as to whether or not your client committed the  
20 offense he is charged with. So, if somebody would  
21 have objected a long time ago --

22                   **MR. OLIVER:** Thank you.

23                   **THE COURT:** -- we wouldn't be at this  
24 point. So, that --

25                   **MR. OLIVER:** I'm sorry.

1                   **THE COURT:** -- applies to both sides.  
2 Show me what it is that you want to ask, Mr. Oliver.

3                   **MR. OLIVER:** Your Honor, he does have  
4 some known disabilities. I was given this by the  
5 Court earlier this morning. The clerk, I guess, gave  
6 it. He does have some issues now. I think the  
7 State's witness has made some -- some comment that  
8 maybe he was faking it or maybe he was not mentally  
9 ill or what else was wrong with him. Obviously,  
10 something is wrong with him.

11                   **THE COURT:** So, give me a proffer.  
12 What question do you want to ask?

13                   **MR. OLIVER:** I was just going to ask  
14 him if he was aware that he was -- had some -- did he  
15 have some real mental disorders.

16                   **THE COURT:** Okay. And the State's  
17 position?

18                   **MS. JOHNSON:** It's not relevant.

19                   **MR. OLIVER:** Well --

20                   **MS. JOHNSON:** We have talked about him  
21 being intoxicated, unknown substance, appearing to be  
22 intoxicated, nothing about mental disorders.

23                   **THE COURT:** Excuse me. His  
24 grandmother may be able to testify to that; but for  
25 you to ask if he had mental disorders, assumes a fact

1 not in evidence and --

2 **MR. OLIVER:** Well --

3 **THE COURT:** -- based on hearsay.

4 So --

5 **MR. OLIVER:** May I do this?

6 **THE COURT:** Huh?

7 **MR. OLIVER:** May I do this? They have  
8 raised the level -- the issue of intoxication. Maybe  
9 I can ask the officer about the intoxication and the  
10 medication he is taking.

11 **THE COURT:** No. But you didn't  
12 object. I wouldn't have let her go into a lot of  
13 this if you would have objected. Now she is  
14 objecting. So, I'm going to stop it. So, I don't  
15 find any of this to be relevant.

16 Do you want the orange sheet back?

17 **MR. OLIVER:** Thank you, Judge. Thank  
18 you.

19 **THE COURT:** Thank you.

20 All right. Ready for the jury.

21 **(Jury enters the courtroom)**

22 **THE COURT:** Thank you. Please have a  
23 seat.

24 Any other questions, Mr. Oliver; or do  
25 you pass the witness?



1                   **MR. OLIVER:** I pass the witness at  
2 this time, Your Honor.

3                   **THE COURT:** Thank you.

4                   **MS. JOHNSON:** Nothing further, Your  
5 Honor.

6                   **THE COURT:** Is Officer Garcia excused,  
7 or do you need him on call?

8                   **MS. JOHNSON:** Yes -- yes, he is  
9 excused.

10                  **MR. OLIVER:** No objection, Your Honor.

11                  **THE COURT:** Thank you. Then you're  
12 excused as a witness. You're released from your  
13 subpoena.

14                  **THE WITNESS:** Thank you.

15                  **THE COURT:** Thank you so much.

16                  **(Witness released)**

17                  **THE COURT:** Do you have another?

18                  **MS. JOHNSON:** Sorry, Judge. Yes. The  
19 State calls Odessa Williams.

20                  **THE COURT:** Thank you. I guess we  
21 need to put in an elevator lift.

22                  **THE WITNESS:** I can sit her.

23                  **THE COURT:** You're doing okay with the  
24 stairs?

25                  **THE WITNESS:** Uh-huh. Yes, ma'am.