

1 THE COURT: Let bring the jury in.

2 (Open court, defendant and the jury
3 are present.)

4 THE COURT: State, call your first
5 witness -- or your second witness.

6 MS. BRAUN: The State calls Officer Glover.

7 THE COURT: Come forward, sir. This
8 witness was sworn in yesterday. So, he's under oath.
9 You can come forward and take the stand, sir.

10 Ms. Braun, your witness. You may proceed
11 when you're ready.

12 **OFFICER MICHAEL W. GLOVER, JR.,**

13 having been first duly sworn, testified as follows:

14 **DIRECT EXAMINATION**

15 BY MS. BRAUN:

16 Q. Officer, can you state and spell your name for
17 the record, please?

18 A. Michael W. Glover, Jr. You want me to spell
19 it? M-i-c-h-a-e-l, W., initial, G-l-o-v-e-r, Jr.

20 Q. And, Officer Glover, where are your currently
21 employed?

22 A. With the City of Houston, Houston Police
23 Department.

24 Q. What's your position there?

25 A. Police officer.

1 Q. And what department are you working in right
2 now?

3 A. The Northeast Division Patrol.

4 Q. How long have you been an officer with HPD for?

5 A. Approximately four years.

6 Q. And in your experience as a police officer,
7 what kind of experience and training did you undergo as a
8 peace officer?

9 A. We spent about six months in the Houston Police
10 Academy, took courses on crime scene analysis, defensive
11 tactics, different things like that. After the six months
12 in the academy, we did six months on field training, which
13 is basically patrol, but you are out with the field
14 training officer and they evaluate you at the end of
15 probably about four-and-a-half months, and after you get
16 off of evaluation, if you pass, you become a full fledge
17 police officer.

18 Q. When you say you're with patrol --

19 A. Yes, ma'am.

20 Q. -- what kind of duties, responsibilities do you
21 have as a patrol officer?

22 A. Primarily, to respond to calls for service. We
23 also do proactive activities like run traffic radar,
24 narcotics investigations, and run warrants as well. But
25 primarily our main focus is calls for service.

1 Q. When you say "calls for service," basically,
2 when people are calling 911, you report to the scene?

3 A. Correct.

4 Q. I want to take you to October 31st of 2012.
5 Were you working that night --

6 A. Yes, ma'am.

7 Q. -- or that day?

8 A. Yes, ma'am.

9 Q. And on that day, did you get called out to a
10 scene?

11 A. Yes, ma'am.

12 Q. Okay. Now, go ahead and tell me what happened.
13 What were you dispatched in reference to?

14 A. If I'm not mistaken, let me see, we were
15 dispatched to a disturbance with a weapon at a liquor
16 store that's on the corner of Lyons and Gregg.

17 Q. Was it at 3316 Lyons?

18 A. Yes, ma'am, at the Ralston Liquor Store.

19 Q. And did you, in fact, report to that scene?

20 A. Yes, ma'am.

21 Q. And is that located in Houston, Harris County,
22 Texas?

23 A. Yes, ma'am.

24 Q. And when you reported to that scene, this was
25 on October 31st, 2012; is that right?

1 A. Yes, ma'am.

2 Q. And did you come into contact with anyone at
3 the scene?

4 A. Yes, ma'am.

5 Q. And who was that?

6 A. We came in contact with the lady that called
7 the police initially. She was the manager, I believe, or
8 an employee of the liquor store.

9 Q. Okay. And when you spoke with the manager of
10 the store, the complainant in this case, did she provide
11 some information to you?

12 A. Yes, ma'am.

13 Q. And what did you do based on that information?

14 A. Based on the information she gave me, she kind
15 of initially gave me a brief summary of what actually
16 happened, or why she called the police, and described to
17 me the suspect that was -- that she called the police on.

18 Q. Okay. And was this a physical clothing? What
19 kind of description were you given?

20 A. Both, physical description and clothing.

21 Q. So, at this point, what are you investigating?
22 What are you looking for?

23 A. At that point we're looking for a suspect in an
24 aggravated assault with a deadly weapon.

25 Q. And in terms of a deadly weapon, what weapon

1 were you told was used?

2 A. I was told it was a pocket knife.

3 Q. So, are you then remaining at the Ralston? Do
4 you go somewhere else? What happens?

5 A. I was told that the suspect had left the
6 location on foot. So, after I spoke with her briefly, I
7 circled the area and started to search the immediate area
8 to see if I could locate the suspect.

9 Q. Why is it important to go immediately to try to
10 locate the suspect as opposed to just kind of hanging out
11 around the Ralston Liquor Store?

12 A. Because, typically, people leave, and if you
13 want to hang onto them -- they go into houses, you lose
14 sight of them, get on a bus, get in a car and they drive
15 off. So, it's imperative to go as fast as you can to try
16 to catch them before they do one of those things.

17 Q. If he's potentially still in the area?

18 A. Correct.

19 Q. And, then, do you go in fact and search for
20 this suspect with the description that was given?

21 A. Yes, ma'am.

22 Q. At some point in time, do you come into contact
23 with the defendant?

24 A. Yes.

25 Q. Okay. And was that at a bus stop located at

1 3300 Market Street?

2 A. Yes, ma'am. I think it's -- the bus stop is
3 actually on Gregg. It's either on Gregg and Green, or
4 Gregg and Market.

5 Q. Nevertheless --

6 A. I believe Market.

7 Q. That location is in Houston, Harris County,
8 Texas?

9 A. Yes, ma'am.

10 Q. And, again, this was still on October 31st,
11 2012?

12 A. Yes, ma'am.

13 Q. And how did you -- how did you make it to that
14 scene? Did someone else alert you to it or did you go
15 yourself?

16 A. I was actually looking in another area not far
17 from there. I was advised by another officer that he
18 located somebody fitting the physical description at that
19 location. When he notified me, that's when I went to that
20 location.

21 Q. When you say "another officer," who was that
22 officer?

23 A. Officer Robert Tarver.

24 Q. So, you and Officer Robert Tarver, I guess
25 both, were responding and searching for the defendant at

1 the same time?

2 A. Yes, ma'am.

3 Q. And can you identify the defendant today in
4 this courtroom by an article of clothing he's wearing?

5 A. Yes, ma'am.

6 Q. Go ahead and tell us.

7 A. He's the black male sitting at that table right
8 there in the dress shirt.

9 THE COURT: He's identified the defendant.

10 Q. (By Ms. Braun) Now, when you come into contact
11 with the defendant, what happens?

12 A. When I come into contact with him, we asked him
13 for his ID, and he told me that he didn't have one. So,
14 we -- at that point we wanted to get him identified.

15 Q. What is it about -- was there anything unique
16 about his physical description that made you aware that
17 this was, in fact, the defendant?

18 A. Yes, ma'am. He basically fit the physical
19 description to a T.

20 MS. BRAUN: Judge, may I approach the
21 witness?

22 THE COURT: You may.

23 Q. (By Ms. Braun) I'm showing you what's been
24 marked as State's Exhibit 1. Do you recognize this?

25 A. Yes, that's the defendant.

1 Q. Okay. That's a picture of the defendant?

2 A. Yes, ma'am.

3 Q. Is that a fair and accurate representation of
4 the defendant as you saw him on October 31, 2012?

5 A. Yes, ma'am.

6 MS. BRAUN: The State offers to defense
7 counsel for inspection and then offers into evidence.

8 MR. POPE: No objections, Your Honor.

9 THE COURT: It's admitted.

10 (Whereupon State's Exhibit No. 1 is
11 admitted into evidence.)

12 MS. BRAUN: Judge, may I publish?

13 THE COURT: You may.

14 MS. BRAUN: I'm not sure if there's a
15 switch, Judge, to -- for that main screen.

16 THE COURT: I'm sure there is a switch.

17 MS. BRAUN: It's turned on. I didn't know
18 if in was one on the bench.

19 Q. (By Ms. Braun) So, when you say "fit the
20 description to a T," is that both by the clothing and the
21 physical description?

22 A. Yes, ma'am.

23 Q. So, you're talking to the defendant, and then
24 what happens?

25 A. After he says he doesn't have his ID, I

1 actually recognized him from a previous incident a week or
2 so earlier, but I didn't actually know who he was, but I
3 just recognized him by face. We were advised, obviously,
4 that he supposed to have a deadly weapon. So, we decided
5 to detain him for further investigation, patted him down
6 to see if he was going to have a weapon.

7 Q. So, he's not under arrest at this point?

8 A. No, he's not under arrest.

9 Q. And, so, you're detaining him because you're
10 investigating what the complainant has now told you about
11 a person threatening her with a weapon?

12 A. Correct.

13 Q. So, when you're patting him down and looking
14 for a weapon, do you, in fact, find a weapon?

15 A. Yes, ma'am.

16 Q. And what is it that you found?

17 A. I found a pocket knife.

18 Q. All right. And did you find anything else?

19 A. Yes, ma'am.

20 Q. And what is that?

21 A. We found a small bag of pills.

22 Q. Okay. So, first, I want to talk about the
23 pocket knife. Where exactly did you find it?

24 A. It was in his pants pocket, in his right pants
25 pocket.

1 Q. And in reference to that pocket knife, have you

2 --

3 MS. BRAUN: Judge, may I approach the
4 witness?

5 THE COURT: Yes, ma'am.

6 Q. (By Ms. Braun) I'm going to talk to you about
7 what's been marked as State's Exhibit 7, which is right
8 here. Can you go ahead and open this?

9 A. (Witness complies.)

10 Q. So, now, State's Exhibit 7 would be the outer
11 bag of evidence; and then I'm going to put State's
12 Exhibit 8 on the inner bag that had the actual knife in
13 it, and I'll put State's Exhibit 9 on the knife itself.
14 Now, in reference to these two bags, State's Exhibits 7
15 and 8, what is unique on the markings on these bags that
16 indicate to you that you had this knife and put it into
17 evidence?

18 A. These pieces of tape that says "HPD evidence
19 tape property room."

20 Q. Let me back up a minute. You see the knife.
21 When you're dealing with the defendant at some point, you
22 take the knife and you take custody of it to have it in
23 evidence; is that right?

24 A. Yes, ma'am.

25 Q. Then you bring it to the property room and put

1 it in these bags; is that right?

2 A. Yes, ma'am.

3 Q. Then this tape that you just referred to, this
4 "HPD evidence tape property room," are there initials on
5 this outer bag or anything that notes a case number?

6 A. Yes.

7 Q. What is that?

8 A. There are my initials right here that we are
9 required to put on the bag after we seal the bag to make
10 sure that no one removes the tape, and the case number for
11 the Houston Police Department is here.

12 Q. And does that case number on this bag
13 correspond with the case number that we're dealing with
14 today?

15 A. Yes.

16 Q. And, so, you submitted it to the property room
17 on that day, October 31, 2012?

18 A. Yes, ma'am.

19 Q. And then you went to the property room for this
20 trial and then retrieved the property; is that right?

21 A. This morning, yes, ma'am.

22 Q. In reference to State's Exhibit 9, the knife,
23 can you go ahead and open that?

24 A. (Witness complies.)

25 Q. Now, in your experience as a police officer and

1 with your training and involvement in day-to-day crimes
2 that you're coming into contact with, can this knife in
3 fact be used as a deadly weapon?

4 A. Yes, ma'am.

5 Q. And it can in fact cause serious bodily injury
6 or death?

7 A. Yes, ma'am.

8 Q. For example, if it were to hit an artery or
9 something of that nature?

10 A. Correct.

11 Q. You can go ahead and close it now.

12 A. (Witness complies.)

13 MS. BRAUN: Judge, at this time the State
14 is going to offer State's Exhibits 7, 8, and 9 -- or
15 tender to defense counsel for inspection and then
16 offer into evidence.

17 MR. STILL: Judge, at this time we would
18 reurge our objection that we made with this officer
19 earlier outside the presence of the jury.

20 THE COURT: All right. That's overruled.
21 They are admitted. Exhibits 7, 8, and 9 are
22 admitted.

23 (Whereupon State's Exhibit Nos. 7-9
24 are admitted into evidence.)

25 Q. (By Ms. Braun) And, so, you get the knife and

1 you also see some pills in the other pocket; is that
2 right?

3 A. Yes, ma'am.

4 Q. Same pocket as the knife, different pocket?

5 A. Different pocket.

6 Q. And when you take those pills out, what do you
7 do with them?

8 A. I put them in my patrol car and -- you mean the
9 total thing or immediately what did I do with them?

10 Q. That's fine. Essentially, you are taking
11 custody of them at this point; is that right?

12 A. Correct.

13 Q. That's because, again, you're still conducting
14 an investigation?

15 A. Yes, ma'am.

16 MS. BRAUN: Judge, may I approach the
17 witness again?

18 THE COURT: Yes, ma'am.

19 Q. (By Ms. Braun) I want to talk to you about
20 State's Exhibit 5, as well as State's Exhibit 2. First,
21 I'm going to show you State's Exhibit 2. Do you recognize
22 this?

23 A. Yes, ma'am.

24 Q. And what is that?

25 A. Those are the pills that I recovered from the

1 defendant.

2 Q. And did you take this picture?

3 A. Yes, ma'am.

4 Q. And is this a fair and accurate depiction of
5 the pills as you saw them and came into contact with them
6 on October 31st of 2012?

7 A. Yes, ma'am.

8 Q. These are the -- a picture of the pills that
9 you retrieved from the defendant's pocket?

10 A. Correct.

11 Q. Why did you take a picture?

12 A. I took a picture actually because I had never
13 come into contact with oxycodone pills, and I wanted to
14 know what they looked like, and I wanted to remember what
15 they looked like. So, I took a picture.

16 Q. For future reference?

17 A. Yes, ma'am.

18 Q. And then State's Exhibit 5, if you can go ahead
19 and tell me what kind of markings are on this bag for
20 State's Exhibit 5 that indicate they correspond -- that
21 these pills correspond with this case.

22 A. The suspect's name is written here, the exact
23 location of where I -- where the offense occurred, the
24 date, the time that I booked them into evidence, and the
25 list of the evidence here, which is 2.63 grams of

1 oxycodone.

2 Q. Is there, as well, a case number on there?

3 A. Yes, ma'am.

4 Q. When we turn it over, are your markings, your
5 initials on the bag, as well?

6 A. Yes, ma'am, my initials and the date.

7 Q. Let's go ahead and take the contents out of the
8 bag.

9 A. (Witness complies.)

10 Q. And on this bag I'm going to mark it as State's
11 Exhibit 10. And this is a bag that contains the pills
12 inside; is that right?

13 A. Yes, ma'am.

14 Q. And what is unique on this bag, State's
15 Exhibit 10?

16 A. These are my initials written over the evidence
17 tape.

18 Q. Okay. Is that to indicate that you had -- once
19 you had them in your custody and were done with this case,
20 you submitted them as evidence?

21 A. Yes, ma'am.

22 Q. And then I'm going to have you --

23 MS. BRAUN: Deputy Walker, do you mind if
24 we use a scissor?

25 Q. (By Ms. Braun) I'm going to have you open this

1 so we can also discuss the contents.

2 THE COURT: I think the court reporter has
3 some scissors right there.

4 Q. (By Ms. Braun) I'm going to go ahead and have
5 you open that without marking off on the indicators, if
6 you want to do it on the top or the bottom.

7 A. Can we do it on the bottom?

8 Q. Wherever it is that you are kind of not marking
9 into --

10 A. (Witness complies.)

11 Q. Okay. Let's go ahead and take the contents
12 out.

13 A. (Witness complies.)

14 Q. So, the contents inside of State's Exhibit 10,
15 we have two bags of pills in a plastic bag. I'm going to
16 go ahead and mark one bag of pills as State's Exhibit 11,
17 the other bag as State's Exhibit 12, and then this plastic
18 bag as State's Exhibit 13. And, so, looking at State's
19 Exhibits 11 and 12, these two bags of pills, as well as
20 State's Exhibit 13, these are all the items that you
21 retrieved from the defendant's pocket?

22 A. Yes, ma'am.

23 Q. What is the significance of this plastic bag
24 here?

25 A. That's the plastic bag that the pills were

1 actually inside when I recovered it.

2 Q. Okay. Did it look like this?

3 A. Yes, ma'am.

4 Q. And these pills were just placed inside of that
5 bag?

6 A. Yes, ma'am.

7 Q. And are your markings on these two bags? In
8 other words, are these the analyst's markings on these
9 bags?

10 A. Yes. Those are not mine, no.

11 Q. So, when you submitted these pills into
12 evidence, you submitted them inside of this bag as you
13 found them?

14 A. Yes, ma'am.

15 MS. BRAUN: State would tender State's
16 Exhibit 2 to defense counsel for inspection and then
17 offer into evidence.

18 MR. POPE: No objection, Judge.

19 THE COURT: It's admitted.

20 (Whereupon State's Exhibit No. 2 is
21 admitted into evidence.)

22 MS. BRAUN: May I publish, Judge?

23 THE COURT: Yes, ma'am.

24 Q. (By Ms. Braun) And these -- obviously, this is
25 a picture of the pills, and then the Baggie that the pills

1 were in. And you just took a picture of it?

2 A. Yes, ma'am.

3 Q. And where did you take this picture; in your
4 patrol car or something?

5 A. Yes, ma'am.

6 Q. What did you do when you saw the pills to
7 identify them?

8 A. To identify the pills, I had to call the HPD
9 Narcotics Division on my cell phone, and they basically
10 ask you to describe the pills to them as for as size,
11 color, and then any numbers or markings that are on the
12 pills, and they identify them for me.

13 Q. Is that pretty standard practice that if you
14 come into contact with pills, or an unknown substance,
15 that you would call to get them identified by one of your
16 specialty divisions?

17 A. Yes, ma'am.

18 Q. And is that because in the field you don't have
19 field-testing kits for pills?

20 A. Correct.

21 Q. And once you get them identified, where do you
22 then submit them to be fully identified?

23 A. We take them to the Houston Police Narcotics
24 Division at 61 Riesner, and they weigh it to find out the
25 exact amount, they confirm what the pills actually are, or

1 whatever any of the narcotics are, and that's where we tag
2 the evidence. So, we submit it to them.

3 Q. So, you submit it to them for further analysis?

4 A. Yes, ma'am.

5 Q. Did you do that in this case?

6 A. Yes, ma'am.

7 Q. And that's what we are referencing about the
8 markings on the Baggies by an analyst?

9 A. Yes, ma'am.

10 Q. And did you, in fact, retrieve those bags this
11 morning to bring for purposes of this trial today?

12 A. Yes, ma'am.

13 Q. So, now that you have the pills in your
14 custody, you also have the pocket knife, what do you do?

15 A. At that time we place the defendant into
16 handcuffs and we drive him back to the original location,
17 which is the liquor store.

18 Q. And why are you bringing him back to the liquor
19 store?

20 A. To have him positively identified by our
21 complainant.

22 Q. So, in other words, to make sure this is the
23 same person?

24 A. Yes, ma'am.

25 Q. And when you bring him back to the liquor

1 store, is he identified?

2 A. Yes, ma'am.

3 Q. And who identifies him?

4 A. The complainant.

5 Q. She identifies him as Kelvin Clark, the person
6 who threatened her with the knife?

7 A. Yes, ma'am.

8 Q. And are there any other people around the
9 liquor store at this time?

10 A. Yes, ma'am.

11 Q. Maybe 20, 30 people, something like that?

12 MR. POPE: Objection to the leading, Your
13 Honor.

14 THE COURT: Do not lead, please.
15 Sustained.

16 Q. (By Ms. Braun) Was it a group of people?

17 A. It was a group of people. I'm not sure about
18 the exact amount.

19 Q. Did you ever go up to them to try to talk to
20 any of them?

21 A. Yes, ma'am.

22 Q. Were you trying to see if they were potential
23 witnesses to this aggravated assault?

24 A. Yes, ma'am.

25 Q. And did anyone -- did you -- were you able to

1 get information from anyone?

2 MR. POPE: Objection, Judge. Anything they
3 say would be hearsay.

4 THE COURT: Overruled.

5 Q. (By Ms. Braun) You can go ahead and answer.

6 A. No, I was not.

7 Q. And why is that?

8 A. Most of the people I spoke with said that they
9 didn't see anything.

10 MR. POPE: Objection, Judge. This is
11 clearly hearsay.

12 THE COURT: Sustained.

13 Q. (By Ms. Braun) Without getting into the
14 specifics of what people may have said to you, did you
15 find that the people there were cooperating with you and
16 Officer Tarver?

17 A. No.

18 Q. Have you been to that -- as a patrol officer,
19 have you been in that area, that neighborhood a lot?

20 A. Pretty much my entire career.

21 Q. Would you describe it as a rough area?

22 A. Yes.

23 Q. An area with high crime?

24 A. Lots of calls for service, a lot of crime.

25 Q. Do you find that people are often cooperating

1 with law enforcement?

2 A. Typically, no, not unless it is literally
3 direct involvement, like they are a complainant;
4 witnessing, not typically.

5 Q. And in this case, the person that was directly
6 involved, the complainant did cooperate?

7 A. Yes, ma'am.

8 Q. And the other people there did not?

9 A. Correct.

10 Q. So, you weren't able to get people's names or
11 any sort of information that could have been beneficial to
12 this particular incident?

13 A. That's correct.

14 THE COURT: Don't lead your witness,
15 please.

16 Q. (By Ms. Braun) Do you remember the defendant's
17 demeanor at the time that you're dealing with him when you
18 have him detained, when you bring him back to get
19 identified, anything significant about his demeanor?

20 A. He seemed cooperative for the most part,
21 slightly intoxicated, irritated when we brought him back
22 to the original scene. But for the most part, he wasn't
23 combative or anything, but slightly intoxicated and maybe
24 a little irritated when we brought him back to the scene.

25 Q. What made you think he was intoxicated?

1 A. Slurred speech.

2 Q. Did you find him to be aggressive at all?

3 A. Not with us, no, ma'am.

4 Q. With anyone else?

5 A. I believe he was slightly irritated when we
6 brought him back to the original scene and he saw the
7 complainant and the complainant identified him, that kind
8 of irritated him.

9 Q. But, basically, he was pretty much cooperative
10 with you guys?

11 A. Yes, ma'am.

12 Q. Now, when you're back at the liquor store with
13 the complainant, are you able to get more in-depth details
14 now that you have the defendant in custody?

15 A. Yes, ma'am.

16 Q. And at that point, what are you doing with the
17 complainant?

18 A. I'm taking -- I'm taking a little bit more
19 detail of the statement of the events that occurred to
20 document them in our report so I can also communicate them
21 to the district attorney that's going to be charging him
22 with a crime.

23 Q. Okay. And once you get your details to make
24 your report and stuff, did you, in fact, call the District
25 Attorney's Office?

1 A. Yes, ma'am.

2 Q. And, then, do you transport the defendant?
3 Does someone transport him?

4 A. I transported him to the central jail and
5 proceeded to book him and also tag the knife at the HPD
6 central property room, and I tagged the pills that I
7 recovered at the narcotics division.

8 Q. All right. And, then, after you're done
9 transporting him, do you, in fact, make a report about
10 this case?

11 A. Yes, ma'am.

12 Q. And would Officer Tarver have any -- are you
13 the primary officer?

14 A. Yes, ma'am.

15 Q. And is it standard practice that the primary
16 officer is the one that writes the report?

17 A. Yes, ma'am.

18 Q. And that's what you did in this case?

19 A. Yes, ma'am.

20 Q. As opposed to Officer Tarver writing the
21 report?

22 A. Correct.

23 MS. BRAUN: Pass the witness, Judge.

24 THE COURT: Cross?

25 MR. POPE: Thank you, Judge.

CROSS-EXAMINATION

1
2 BY MR. POPE:

3 Q. You testified just briefly a minute ago that
4 the area around the liquor store is a high crime area?

5 A. Yes, sir.

6 MR. POPE: May I approach, Judge?

7 THE COURT: You may.

8 Q. (By Mr. Pope) I'm showing you what I've marked
9 as Defendant's Exhibit No. 1. Is this the liquor store in
10 question?

11 A. Yes.

12 Q. And the people that you saw were all standing
13 around this area here (indicating)?

14 A. Pretty much. Most of them hang out behind the
15 liquor store, which is this general area right here
16 (indicating).

17 Q. Okay.

18 A. And, basically, walk back and forth getting
19 alcohol.

20 MR. POPE: Judge, the defense would offer
21 Defendant's Exhibit No. 1 after tendering to the
22 State for inspection.

23 MS. BRAUN: No, Judge.

24 THE COURT: It's admitted.

25 (Whereupon Defendant's Exhibit No. 1

1 is admitted into evidence.)

2 MR. POPE: Permission to publish, Your
3 Honor.

4 THE COURT: You may publish.

5 Q. (By Mr. Pope) So, this is the corner of Lyons
6 and Gregg Street where the liquor store is. How far away
7 was the defendant, if you recall, when you made contact
8 with him?

9 A. He was down the street significantly, not
10 visible on this picture; probably maybe a hundred yards
11 down the street, maybe.

12 Q. Not more than a couple of blocks?

13 A. Yes.

14 Q. Now, have you ever had a call for service at
15 this liquor store before?

16 A. Yes, sir.

17 Q. And what was an example of one of them that
18 occurred there?

19 A. We had -- just a random example would be a
20 robbery. We had a robbery. A guy runs in there, shoots
21 into the wall and runs out.

22 Q. How many times have you been called to this --
23 if you could estimate?

24 A. Between the liquor store and the area behind
25 the liquor store, in three-and-a-half years, I'm not sure

1 of the number amount, but a lot.

2 Q. More than 20?

3 A. Yes, sir.

4 Q. More than 50?

5 A. Most likely, yes, sir.

6 Q. More than a hundred?

7 A. Not me directly, probably not more than a
8 hundred.

9 Q. So, there's a call out to the Ralston Liquor
10 almost every week; is that fair to say?

11 A. Yes, sir.

12 Q. Now, when you talk to the complainant
13 originally, did she have anything with her at the time?

14 A. Not that I can recall.

15 Q. Did she have a stick with her?

16 A. Not that I can recall.

17 Q. Now, have you ever been into the liquor store,
18 or another store around there where somebody had a stick
19 behind the counter to use as protection?

20 A. Yes.

21 Q. Now, if a stick -- obviously, if someone is
22 using it for protection, could that be considered a deadly
23 weapon?

24 A. Could be, yes, sir.

25 Q. Something that was, obviously, two-and-a-half

1 to three feet long, that's three inches round could
2 certainly be considered a deadly weapon?

3 A. Yes.

4 MR. POPE: May I approach, Judge?

5 THE COURT: Yes, sir.

6 Q. (By Mr. Pope) Now, you testified earlier that
7 after you went back to the liquor store with Mr. Clark,
8 that you talked to the complainant further so you could
9 flesh out your report; is that right?

10 A. Just get, like, more specific details.

11 Q. I'm looking in the report right here, and this
12 is -- this is the statement that she told you, right? If
13 you don't mind looking over it real quick.

14 A. Yes, that's what I put in the report. Yes,
15 sir.

16 Q. And, basically, she just told you what happened
17 before when he was there?

18 A. Yes.

19 Q. And she told you that he slapped her in the
20 face?

21 A. Yes.

22 Q. And then she called the police?

23 A. Yes.

24 Q. Now, did you observe any injuries on the
25 complainant?

1 A. No, sir.

2 Q. Now, let me direct your attention to when you
3 approached the defendant, Mr. Clark, a couple of blocks
4 away. You said that you went up to him and patted him
5 down?

6 A. Yes, sir.

7 Q. And then I believe you also testified that
8 that's how you knew it was a knife when you patted him
9 down?

10 A. I didn't specifically know what it was, but it
11 could be a knife, yes.

12 Q. So, you didn't -- you didn't know it was a
13 knife until you took it out of his pocket, right?

14 A. Not for sure, no, sir.

15 Q. So, in fact, whatever pat-down you did, you
16 didn't know what anything was until you fully searched the
17 pockets and emptied them out?

18 A. Correct.

19 Q. Once he was in custody?

20 A. Not until I physically saw it.

21 Q. Now, on page 5 of your offense report, where
22 does it detail that you patted him down for weapons?

23 A. In the "Officer's action" portion.

24 Q. Where does it say that exactly?

25 MR. POPE: I'm looking at my copy, too,

1 just for the record.

2 A. It says, "I then took the suspect into custody
3 and began to search him for weapons."

4 Q. (By Mr. Pope) So, it doesn't say you patted him
5 down, though, it just says you searched him for weapons?

6 A. Yes, that's what it says.

7 Q. And, again, you didn't know there was a weapon
8 in there until you actually emptied out his pockets?

9 A. Correct.

10 Q. And let me direct your attention to the pills
11 that you found in his other pocket. They were just in
12 this plastic bag?

13 MR. POPE: You mind if I approach, Judge?

14 THE COURT: Go ahead.

15 Q. (By Mr. Pope) They were in this bag, and
16 there's about 17 pills in here. So, this is -- well, in
17 this bag, they would have been -- how was the bag -- did
18 it look like it was bunched up like this when it was in
19 his pocket or were they all loose in here? Were the pills
20 loose in this little piece of bag? This is a little
21 portion of a bag, right?

22 A. Well, it's like rolled up and --

23 Q. Okay.

24 A. Rolled up in there.

25 Q. So, it would have been about -- maybe about

1 this big?

2 A. The bag?

3 Q. Yeah. When you took it out of his pocket, do
4 you remember about how big it was?

5 A. Not specifically. Probably about -- probably
6 about like this.

7 Q. And this is like about two inches by three
8 quarters of an inch?

9 A. Approximately.

10 Q. When you felt that piece of a bag with the
11 pills in there, you didn't know they were pills until you
12 took them out of the pocket, right?

13 A. Correct.

14 Q. Now, when you -- do you recall -- do you
15 remember what the Baggie felt like when you were pushing
16 it?

17 A. Not really.

18 Q. I mean, it didn't feel like a weapon, though?

19 A. I didn't know what anything in the pockets were
20 until we pulled them out.

21 Q. So, the pills didn't feel like a weapon to you,
22 though, did they?

23 A. I don't remember what they felt like.

24 Q. Well, can you imagine them feeling like a
25 weapon?

1 A. Probably not.

2 Q. Now, when you contacted the complaining
3 witness, did she seem -- what was her demeanor like? Was
4 she agitated, was she very upset, was she yelling and
5 screaming?

6 A. Not at me, but she seemed upset, visibly upset.

7 MR. POPE: Pass the witness, Your Honor.

8 THE COURT: Any redirect?

9 MS. BRAUN: Yes, Judge, briefly.

10 **REDIRECT EXAMINATION**

11 BY MS. BRAUN:

12 Q. Officer Glover, the defense attorney was asking
13 you about a stick. You, obviously, never saw this stick?

14 A. No, ma'am.

15 Q. Never saw the complainant with a stick?

16 A. No, ma'am.

17 Q. So, you really couldn't judge what the stick
18 looked like?

19 A. No, I could not.

20 Q. Or what it could do?

21 A. No, ma'am.

22 Q. Did you -- did the defendant ever tell you that
23 the complainant attacked him?

24 A. No, ma'am.

25 Q. Did the defendant ever tell you that the

1 complainant used a stick on him?

2 A. No, ma'am.

3 MR. POPE: Judge, objection. These are
4 statements that would have been made in custody.

5 THE COURT: It's overruled.

6 Q. (By Ms. Braun) So, then, the defendant never
7 gave you --

8 THE COURT: What was the statement again?

9 MS. BRAUN: Did the defendant ever tell you
10 that the complainant attacked him?

11 MR. POPE: Judge, I object.

12 THE COURT: Yeah, you've got a good point.
13 Sustained.

14 MR. POPE: Any statement he would have made
15 at all would have been in custody because the officer
16 took him into custody immediately.

17 THE COURT: That's sustained. You can't --
18 the jury will disregard those questions and answers.

19 MS. BRAUN: Nothing further, Judge.

20 MR. POPE: Nothing further from the
21 defense, Judge.

22 THE COURT: All right. Thank you, sir.
23 You may step down.

24 Call your next witness, please.

25 MS. BRAUN: The State calls Officer Tarver.