

1 right hand to be sworn.

2 (Witness sworn.)

3 THE COURT: Officer, have a seat.

4 Ms. Bennett, you may proceed.

5 MS. BENNETT: Thank you, Judge.

6 **M. GOMEZ,**

7 having been first duly sworn, testified as follows:

8 **DIRECT EXAMINATION**

9 BY MS. BENNETT:

10 Q. Officer, if you would please introduce yourself  
11 to the jurors by telling them your name and where you  
12 work?

13 A. Officer Gomez, I work in North Shepherd station  
14 at Crosstimbers and 45.

15 Q. And what agency do you work for?

16 A. Houston police.

17 Q. How long have you been with Houston police?

18 A. Ten years now.

19 Q. Have you worked for any other law enforcement  
20 agencies?

21 A. No, ma'am.

22 Q. Are you a certified peace officer in the State  
23 of Texas?

24 A. Yes, ma'am.

25 Q. Your current assignment, what type of work do

1 you do?

2 A. Patrol.

3 Q. Is that the only assignment you've had during  
4 your time with HPD?

5 A. Yes, ma'am.

6 Q. Were you working in that capacity on January  
7 the 23rd of 2008?

8 A. Yes, ma'am.

9 Q. On that date at approximately 11:55 p.m., did  
10 you have an opportunity to come into contact with an  
11 Anthony Latson?

12 A. Yes, ma'am.

13 Q. And what location was it approximately that you  
14 first came into contact with him?

15 A. It was on Northborough and Greenspoint.

16 Q. You said that's in Greenspoint?

17 A. Yes, ma'am.

18 Q. And what part of Houston and Harris County is  
19 that located in?

20 A. Harris County, the north side of Harris County  
21 and Greenspoint.

22 Q. What was it that first drew your attention to  
23 Anthony Latson?

24 A. We were traveling southbound on Northborough,  
25 and there was a vehicle coming northbound towards us

1 that had their sidelights on it.

2 Q. Was this after dark?

3 A. Yes, ma'am, during nighttime, yes, ma'am.

4 Q. And so there were no headlights on?

5 A. No, ma'am.

6 Q. What did you do when you realized this car was  
7 traveling after dark with no headlights?

8 A. We turned in behind it and it pulled into an  
9 apartment complex and as soon as we got closer, they  
10 just took off at a high rate of speed. So, we turned on  
11 our emergency lights to try to pull them over.

12 Q. And what happened next?

13 A. They pulled into a parking spot and a foot  
14 pursuit ensued.

15 Q. When you say "they," how many people were in  
16 the car?

17 A. Three.

18 Q. Do you happen to recall what kind of car it  
19 was?

20 A. It was a Nissan Altima.

21 Q. And all three of them ran?

22 A. Yes, ma'am.

23 Q. And you said an apartment complex, could you  
24 describe a little bit about how the complex looks?

25 A. It's an apartment complex separated, I guess,

1 in the middle by a parking lot.

2 Q. Okay. Are they multistoried buildings or  
3 single-story buildings?

4 A. Two-story building apartment complex.

5 Q. And just for clarification when you're talking  
6 about Northborough Drive up in Greenspoint, what type of  
7 residences are generally located on Northborough in that  
8 area?

9 A. It's all apartment complexes.

10 Q. And do you happen to remember the name of this  
11 particular complex?

12 A. No.

13 Q. Once they take off on foot, what do you do  
14 next?

15 A. Me and my partner are chasing them on foot, and  
16 we're able to keep an eye on one of them.

17 Q. And then what happens?

18 A. We were able to detain him, and we put up a  
19 perimeter to look for the other individuals.

20 Q. The one that you were able to catch quickly,  
21 who was that?

22 A. Anthony Latson.

23 Q. Is he in the courtroom today?

24 A. Yes, ma'am.

25 Q. Could you please point him out and describe

1 what he's wearing?

2 A. He's wearing a plaid shirt.

3 MS. BENNETT: Your Honor, may the record  
4 reflect the witness as identified the Defendant?

5 THE COURT: It will.

6 Q. (BY MS. BENNETT) Were you able to catch the  
7 other two?

8 A. One of the two.

9 Q. And one was able to get away?

10 A. Yes, ma'am.

11 Q. Were you able to determine where in the car  
12 Anthony Latson had been seated?

13 A. Yes, ma'am.

14 Q. And where was that?

15 A. Behind the driver in the rear.

16 Q. In the backseat?

17 A. Yes, ma'am.

18 Q. Once you got him in custody and the second guy  
19 and the other one gets away, do you go back to the  
20 Nissan Altima?

21 A. Yes, ma'am.

22 Q. Do you look inside the vehicle?

23 A. Yes, ma'am.

24 Q. What do you find there?

25 A. Marijuana and some firearms.

1 Q. The marijuana, how was it packaged?

2 A. It was in a Macy's bag, and it was separately  
3 packaged into five individual bags.

4 Q. What were the -- what was the size of the five  
5 individual bags?

6 A. They were pretty big, some were freezer bags  
7 and another one was Ziploc, like, airtight bag.

8 Q. When you say a freezer bag, do you mean the  
9 full-sized freezer bag like you put your meat in?

10 A. Yes, ma'am.

11 Q. And were those bags full of marijuana?

12 A. Yes, ma'am.

13 Q. And how did you know that it was marijuana?

14 A. Prior training, ran into it before.

15 Q. Did it look like it?

16 A. Yes, ma'am.

17 Q. Did it smell like it?

18 A. Yes, ma'am.

19 Q. And you said there were also firearms, how many  
20 firearms were in the Altima?

21 A. Three.

22 Q. Let me back up. Was the marijuana in the  
23 backseat?

24 A. Yes, ma'am.

25 Q. What about the firearms?

1 A. In the backseat, also.

2 MS. BENNETT: Your Honor, may the witness  
3 step down to examine the evidence?

4 THE COURT: Yes, keep your voice up,  
5 Officer.

6 THE WITNESS: I'm sorry about that.

7 THE COURT: I mean, when you step down.

8 THE WITNESS: Okay.

9 Q. (BY MS. BENNETT) Officer Gomez, if you would,  
10 please, I want to show you what I've marked first as  
11 State's Exhibit No. 36. Do you recognize that?

12 A. Yes, ma'am.

13 Q. And just generally what is that?

14 A. This one is a BB gun.

15 Q. Was that in the Altima when you searched it?

16 A. Yes, ma'am.

17 Q. Does that appear to be the same BB gun that was  
18 in the backseat of the Altima where the Defendant was  
19 seated?

20 A. Yes, ma'am.

21 Q. And looking at what's been marked as State's  
22 Exhibit 30, do you recognize that?

23 A. Yes, ma'am.

24 Q. What is that?

25 A. It's a rifle that was also found in the

1 backseat of that vehicle.

2 Q. Showing you what's been marked as State's  
3 Exhibit 32 for identification, do you recognize what  
4 that is?

5 A. Yes, ma'am.

6 Q. What is it?

7 A. A magazine.

8 Q. Does that go with one of the firearms that you  
9 located?

10 A. Yes, ma'am, this one.

11 Q. Which is marked as State's Exhibit 30?

12 A. Yes, ma'am.

13 Q. Showing you State's Exhibit No. 31, do you  
14 recognize that?

15 A. Yes, ma'am.

16 Q. What is it?

17 A. These are rounds of ammunition.

18 Q. And do those go with State's Exhibit 30?

19 A. Yes, ma'am.

20 Q. Were those located separately from the firearm  
21 or within the firearm?

22 A. Within the firearm.

23 Q. Showing you now what's been marked for  
24 identification as State's Exhibit 33. Just take a look  
25 at it here?



1 THE COURT: Just for, my benefit, has  
2 Deputy Kaminski cleared all the weapons?

3 MS. BENNETT: Yes, ma'am, I'm so sorry.  
4 They have all been cleared.

5 THE COURT: Ladies and gentlemen, the  
6 weapons have been cleared and secured outside your  
7 presence.

8 MS. BENNETT: I apologize, Judge.

9 Q. (BY MS. BENNETT) Showing you now State's  
10 Exhibit 33, do you recognize that?

11 A. Yes, ma'am.

12 Q. Where was it located?

13 A. It was in the backseat of the Altima on the  
14 floorboard.

15 Q. Showing you State's Exhibit No. 34?

16 A. Yes, ma'am.

17 Q. What is that?

18 A. Bullets, ammunitions.

19 Q. And was that located with State's Exhibit 33?

20 A. Yes, ma'am.

21 Q. Was it loaded into the weapon or separate?

22 A. Loaded into the weapon.

23 Q. And showing you State's Exhibit 35, do you  
24 recognize what that is?

25 A. Yes, ma'am.

1 Q. And what is that?

2 A. That's a magazine.

3 Q. And did that go with one of the firearms you've  
4 identified?

5 A. Yes, ma'am.

6 Q. Which one?

7 A. This one right there.

8 Q. State's Exhibit 33?

9 A. Yes, ma'am.

10 MS. BENNETT: Your Honor, at this time the  
11 State would move to introduce State's Exhibits 30  
12 through 36 and tender them to Defense counsel here on  
13 the table for inspection.

14 (State's Exhibit Nos. 30 through 36  
15 offered.)

16 MR. DUARTE: There's no objection, Judge.

17 THE COURT: All right. State's Exhibits 30  
18 through 36 are admitted without objection.

19 (State's Exhibit Nos. 30 through 36  
20 admitted.)

21 MS. BENNETT: And may we publish these by  
22 holding them up in front of the jurors?

23 THE COURT: Yes.

24 Q. (BY MS. BENNETT) I'm going to start first with  
25 State's Exhibit No. 30, Officer Gomez. You said this

1 was found in the backseat where the Defendant was  
2 seated?

3 A. Yes, ma'am.

4 Q. Do you know what kind of rifle that is?

5 A. Three way.

6 Q. And is that just a basic hunting rifle?

7 A. It's an assault rifle.

8 Q. And the magazine that you've identified as  
9 State's Exhibit 32, was that loaded into that weapon?

10 A. Yes, ma'am.

11 Q. Where does it go in the weapon when it's  
12 loaded?

13 A. Right here.

14 Q. And State's Exhibit No. 31, what are those that  
15 we're looking at?

16 A. These are 308 ammunition rounds.

17 Q. For those who don't know about weapons, would  
18 they consider those basically bullets that go into  
19 State's Exhibit 30?

20 A. Yes, ma'am.

21 Q. Were all of these in this baggy that's been  
22 admitted as State's Exhibit 31 loaded into State's  
23 Exhibit 30, the assault rifle?

24 A. Yes, ma'am.

25 Q. Moving now to State's Exhibit No. 36, would you

1 please tell the jurors what that is?

2 A. This is a BB gun.

3 Q. Does it resemble any other type of weapon that  
4 you see on the streets?

5 A. It could resemble a shotgun at first glance.

6 Q. A sawed-off shotgun?

7 A. Yes, ma'am.

8 Q. And that was also in the backseat?

9 A. Yes, ma'am.

10 Q. And showing you State's Exhibit No. 33, what is  
11 that?

12 A. This is a pistol.

13 Q. Do you know what caliber pistol that is?

14 A. It's a .38.

15 Q. Is it stated there on the side of the weapon?

16 A. Yes, ma'am.

17 Q. Okay. And showing you State's 34 and 35, you  
18 stated earlier those items came out of that weapon.  
19 Where would that have been loaded into?

20 A. Right into the bottom.

21 Q. Was the BB gun loaded?

22 A. No.

23 Q. If you would please take your seat.

24 A. Okay.

25 Q. At that time was the Defendant charged with

1 felon in possession of a weapon and felony possession of  
2 marijuana?

3 A. Yes, ma'am.

4 Q. Showing you State's Exhibit No. 25, the  
5 Judgment, from the 209th District Court, for felon in  
6 possession of a weapon, and State's Exhibit No. 26, a  
7 Judgment from the 209th District Court for possession of  
8 marijuana, 4 ounces to 5 pounds. And the date of  
9 offense on these Judgments is November the 23rd of 2008.  
10 Is that the same date that you arrested the Defendant?

11 A. Yes, ma'am.

12 Q. Thank you.

13 MS. BENNETT: State will pass the witness.

14 THE COURT: All right, Mr. Duarte.

15 MR. DUARTE: Yes, ma'am.

16 **CROSS-EXAMINATION**

17 BY MR. DUARTE:

18 Q. Officer Gomez, regarding this incident did  
19 you-all find who the driver of that vehicle was?

20 A. Yes.

21 Q. And it was a person by the last name of Range,  
22 correct?

23 A. Yes, sir.

24 Q. And that person, did you-all see him; or did he  
25 admit being the driver of that vehicle to you-all?

1 A. No, we seen him.

2 Q. Y'all see the driver. Y'all saw him when he  
3 bailed from the Altima, correct?

4 A. Yes, sir.

5 Q. That Range individual lived in that apartment  
6 complex; is that right?

7 A. Yes, sir.

8 Q. Now, regarding the weapons, did anyone ever  
9 claim ownership of those weapons?

10 A. No, sir.

11 Q. Did Range ever claim ownership of those  
12 weapons?

13 A. No, sir.

14 Q. The vehicle had been reported stolen at some  
15 time earlier, is that right, or had been reported  
16 missing, correct?

17 A. No, that was another, that was probably the  
18 other officer's -- the Altima.

19 Q. So, this vehicle, who did the vehicle belong  
20 to?

21 A. This one?

22 Q. Did it belong to Mr. Range?

23 A. I'm not sure.

24 Q. It says there in your summary that something  
25 that y'all found some documentation, a Texas ID. Was

1 that Mr. Range's documentation?

2 A. Yes, sir.

3 Q. So, it appeared that was his vehicle; or he had  
4 use of that vehicle, correct?

5 A. Correct.

6 Q. So, the things that are in his vehicle could  
7 have been his vehicle, including the drugs and the  
8 weapons, correct?

9 A. Could have been.

10 Q. Y'all had to chase Mr. Latson down a little  
11 bit. Y'all caught him pretty quickly, correct?

12 A. Yes, sir.

13 Q. Did he resist or hurt you anyhow?

14 A. No, sir.

15 Q. And what about your partner, Officer Rodriguez,  
16 was he injured anyhow on this incident?

17 A. No, sir.

18 Q. Was anyone injured in this incident?

19 A. No, sir.

20 MR. DUARTE: I pass this witness, Judge.

21 THE COURT: Is there anything further?

22 MS. BENNETT: Just briefly, Judge.

23 **REDIRECT EXAMINATION**

24 BY MS. BENNETT:

25 Q. Officer Gomez, didn't Anthony Latson also live

1 in this apartment complex?

2 A. Yes, ma'am.

3 Q. Thank you.

4 MS. BENNETT: State will pass the witness.

5 MR. DUARTE: Nothing further, Judge.

6 THE COURT: All right. May Officer Gomez

7 be excused?

8 MS. BENNETT: Yes, Your Honor.

9 MR. DUARTE: Yes, Your Honor.

10 THE COURT: Thank you, Officer. You are  
11 excused.

12 Are you-all okay? We're going to move on a  
13 little further.

14 Call your next witness, please.

15 MS. BENNETT: State calls Officer Clark.

16 THE BAILIFF: Judge, this witness has not  
17 been sworn.

18 THE COURT: All right. Officer, please  
19 raise your right hand to be sworn in.

20 (Witness sworn.)

21 THE COURT: All right. Officer Clark, if  
22 you'll have a seat, please.

23 MR. DUARTE: May we approach, Judge?

24 THE COURT: Yes.

25 (Bench conference.)