

1 excused?

2 MR. LEONARD: He may, Judge.

3 THE COURT: Is that okay?

4 MR. MARTIN: Yes, ma'am.

5 THE COURT: On call?

6 MR. MARTIN: Yes.

7 THE COURT: Thank you, Officer. You're free
8 to go. Don't discuss your testimony with anybody else.

9 Call your next witness, please.

10 MR. LEONARD: State calls Sergeant Gonzales.

11 THE COURT: Come on up, Sergeant. If you
12 would, please raise your right hand to take the oath.

13 *(Witness sworn.)*

14 THE COURT: You may proceed.

15 MR. LEONARD: Thank you.

16 **DENNIS GONZALES,**

17 having been first duly sworn, testified as follows:

18 **DIRECT EXAMINATION**

19 Q. (BY MR. LEONARD) Sergeant, please introduce
20 yourself to the jury.

21 A. Sergeant Dennis S. Gonzales.

22 Q. How are you -- well, it's obvious how you're
23 employed. How long have you been with the Houston Police
24 Department?

25 A. 12 years.

1 Q. And where are you currently assigned?

2 A. Emergency communications division.

3 Q. All right. Let's just jump right into it. Are you
4 working in the same place that you were working back in
5 October of 2011?

6 A. No, sir.

7 Q. What's happened since then?

8 A. I promoted in January and I was reassigned.

9 Q. Congratulations.

10 Now, I want to talk to you about your
11 involvement in the particular investigation on October 27th,
12 2011. What were you doing that day?

13 A. I was assisting in the serving of a warrant.

14 Q. Okay. Were you part of the actual raid team that
15 day?

16 A. Yes, sir.

17 Q. Were you working in narcotics back then?

18 A. Yes, sir.

19 Q. Okay. Tell the jury what exactly were your
20 instructions for that particular day?

21 A. Upon approaching, I was armed with a M16. So I was
22 told, since they were going to go upstairs, the location was
23 upstairs, they wanted me to stay downstairs and cover from
24 downstairs since I believe it was going to be -- I believe
25 it was second- or third-floor apartment.

1 Q. And I'll show you a picture -- I'll show you
2 State's Exhibit 5. Does that look familiar at all?

3 A. Yes, sir.

4 Q. Okay. And what were you doing? Which -- how many
5 of you guys was it?

6 A. I want to say at least -- I know at least five.
7 It's got to be at least, minimum, five but.

8 Q. Okay. Okay. So, were you the first person in the
9 apartment or what order were you assigned to go in?

10 A. No, sir. Since I was covering down, I waited
11 till -- they already made entry into the apartment before I
12 even came up the stairs.

13 Q. Okay. Do you remember noticing anything unusual
14 before you and the raid team made entry into the apartment?

15 A. Yes, sir. I saw a black male looking out the
16 window and as I saw him, I notified them that we were
17 compromised.

18 Q. Okay. Did you -- were you able to identify or
19 recognize the person who you saw looking out of the window?

20 A. Not from where I was, no, sir.

21 Q. Okay. Once you all made entry into the apartment,
22 what did you do next?

23 A. Helped them go ahead and detain anybody that was in
24 the apartment.

25 Q. Okay. And about how long did this take?

1 A. I'd say less than five minutes.

2 Q. Okay. Once everyone was detained, what were you
3 assigned to do?

4 A. After everything was taken care of, the scene was
5 secured, they were going to go hit another location and I
6 was left at the location to secure the area.

7 Q. What does that mean, "to secure the area"?

8 A. Basically, since I'm in narcotics, I was in charge
9 of making sure no one entered or exit -- or left the
10 location from the actual apartment.

11 Q. Did you process any of the evidence on the scene?

12 A. No, sir, everything was left there until the case
13 agent came back.

14 Q. Okay. Did anyone come in?

15 A. No, sir.

16 Q. Did anyone go out?

17 A. No, sir.

18 Q. Were there uniformed officers there present with
19 you?

20 A. Yes, sir. There were officers maintaining the
21 cover of the door. Since we were undercover, I could not go
22 in and out of the apartment. So, I covered the inside while
23 they covered the main door.

24 Q. And how long was -- and the case agent in this case
25 is Officer Zamora, correct?

1 A. Yes, sir.

2 Q. How long was Zamora and his crew gone before they
3 returned back? How long did you secure the scene and hold
4 it down till they came back?

5 A. It was about 45 to an hour.

6 Q. Okay. And you just sat there and held the scene?

7 A. Yes, sir.

8 Q. All right.

9 MR. LEONARD: I pass this witness.

10 THE COURT: Mr. Martin?

11 MR. MARTIN: Yes, Your Honor.

12 **CROSS-EXAMINATION**

13 Q. (BY MR. MARTIN) Sergeant, where are you standing
14 when you're covering the scene as the actual raid team is,
15 you know, getting ready to go up the stairs?

16 A. I was at the bottom of the staircase.

17 Q. Are you away from the building so you can see up
18 and see the window?

19 A. Yes, sir.

20 Q. If the jury rail was there, if it was the wall of
21 the apartment with the stairwell going up, how far back this
22 way would you be? If I'm you? If this is the apartment --
23 if that's how you were? How were you --

24 A. Well, it's a two-story.

25 Q. Yes.

1 A. So, since the stairs were coming up this way, I
2 covered, I would say, about where the gentleman in the green
3 shirt is.

4 Q. Okay.

5 A. So that way I could look up towards -- up towards
6 the window because the window was right next to the door.

7 Q. Okay. And you told us you saw a black male in the
8 window.

9 A. Yes, sir.

10 Q. And that's when you let the raid team know y'all
11 had been compromised?

12 A. Yes, sir.

13 Q. Do you just yell it out?

14 A. Yes, sir, yes, sir, we do yell it out.

15 Q. Where -- if you recall, where was the raid team
16 when you saw they'd been compromised and yelled at them?

17 A. Already coming up the stairs. So, we're already up
18 on the stairs.

19 Q. Okay. Did the black male move back from the
20 window?

21 A. Yes, sir.

22 Q. All right. And did he move back before they
23 started using -- is it the moby, the thing to beat on the
24 door?

25 A. Yes, sir. When I spotted them -- I initially

1 spotted them -- to let them know.

2 Q. Right.

3 A. Because then our plans change as they enter -- you
4 know, start making entry so that way they know prior to that
5 someone is there and they do know that we are coming in.

6 Q. Okay. And then I take it they use the moby to bang
7 on the door.

8 A. Yes, sir.

9 Q. And they used a flashbang or whatever?

10 A. I believe they did, yes, sir.

11 Q. And in they go?

12 A. Yes, sir.

13 Q. Are you able to tell us -- can you remember how
14 much time went by from the time you saw the guy in the
15 window till they started using the moby to hit the door?

16 A. I'd say a minute to two minutes. Everything
17 usually goes -- it goes split second.

18 Q. Okay. All right, sir. Thank you, Sergeant.

19 MR. MARTIN: I'll pass the witness, Your
20 Honor.

21 THE COURT: Mr. Leonard.

22 MR. LEONARD: Nothing further from this
23 witness.

24 THE COURT: May this witness be excused?

25 MR. LEONARD: This witness may be excused.