

1 Ms. Bennett, please call your next witness.

2 MS. BENNETT: State calls Sergeant

3 Gonzales.

4 THE BAILIFF: Judge, this witness has not  
5 been sworn.

6 THE COURT: All right. Please raise your  
7 right hand to be sworn.

8 (Witness sworn.)

9 THE COURT: All right. You can have a  
10 seat, Sergeant.

11 Ms. Bennett, you may proceed.

12 MS. BENNETT: Thank you, Judge.

13 **LOUIS GONZALEZ,**

14 having been first duly sworn, testified as follows:

15 **DIRECT EXAMINATION**

16 BY MS. BENNETT:

17 Q. Sergeant, if you would please introduce  
18 yourself to the jurors by telling them your name and  
19 where you work?

20 A. I'm Sergeant Louis Gonzalez, and I work for the  
21 Harris County Precinct 5 Constable's Office.

22 Q. If you could pull that mic a little bit closer  
23 to you, kind of sideways. How long have you been with  
24 the constable's office?

25 A. Approximately 15 years now.

1 Q. Is that the only law enforcement agency you've  
2 worked for?

3 A. Yes, ma'am.

4 Q. What are your responsibilities there?

5 A. I'm a patrol supervisor day shift. I watch  
6 over approximately 50 deputies.

7 Q. Are you a certified peace officer in the State  
8 of Texas?

9 A. Yes, ma'am.

10 Q. And for those jurors who may not know, where  
11 exactly is Precinct 5?

12 A. I'm sorry, where?

13 Q. Precinct 5.

14 A. Oh, what it is?

15 Q. What are the boundaries, generally, for  
16 Precinct 5?

17 A. Oh, okay. It's going to be up from Katy over  
18 by I-10, goes down to 610 and then south towards  
19 Stafford.

20 Q. Were you working there back on September the  
21 1st of 2007?

22 A. Yes, ma'am.

23 Q. And were you working in the 6600 block of  
24 Fondren on that date?

25 A. Yes, ma'am.

1 Q. Did you have the opportunity to see a vehicle  
2 fail to signal a lane change that ultimately came back  
3 stolen?

4 A. Yes, ma'am, sure did.

5 Q. And do you remember approximately what time it  
6 was that you made that observation?

7 A. I can look for you real quick.

8 Q. Was it during the daytime?

9 A. Yes, ma'am.

10 Q. It was light outside?

11 A. It was daylight, yes, ma'am.

12 Q. Were you riding alone in a patrol car? Were  
13 you on foot?

14 A. I was in an unmarked vehicle. At that time  
15 they had me in that area due to increased burglaries.

16 Q. Were you acting in the capacity as a supervisor  
17 in that area, or were you undercover?

18 A. Well, it was a little bit of both. I am the  
19 patrol sergeant; so anytime anyone needs me, I get  
20 called out to them. But in this case here because of  
21 the numerous burglaries that we had in the area, I  
22 decided to patrol that day.

23 Q. Were you alone in your vehicle?

24 A. Yes, ma'am.

25 Q. And what did you see that drew your attention

1 to this car that we've been talking about?

2 A. Pulled out in front of me. I guess he didn't  
3 know that I was a police officer since it was unmarked.  
4 And he failed to signal a lane change. At that time, I  
5 just ran the plate; and it came back stolen.

6 Q. And do you remember how long before September  
7 the 1st the vehicle had come back stolen? Does August  
8 the 23rd sound correct?

9 A. Yes, ma'am, around that time, yes, ma'am.

10 Q. What did you do when you ran the vehicle, and  
11 it came back as a stolen car?

12 A. I asked for backup. I followed the vehicle  
13 through a neighborhood a good little ways until backup  
14 finally arrived, which was a marked vehicle. Grant it  
15 mine is unmarked, but I still have lights and sirens.  
16 But I wanted backup since it was occupied multiple  
17 times.

18 Q. How many people could you see that were in the  
19 car while you were following it?

20 A. Three.

21 Q. Did you go ahead and turn on your lights and  
22 sirens in your unmarked car, or did you just keep those  
23 off until backup got there?

24 A. I kept them off until backup was directly  
25 behind me.

1 Q. And then what happened?

2 A. Once he got behind me, we initiated our  
3 emergency lights and siren. At that time he accelerated  
4 and began to evade us.

5 Q. What type of area were you in when he began to  
6 accelerate and evade?

7 A. It was a neighborhood, two-lane street, parked  
8 cars along the sides. Of course, not too far away from,  
9 there was also a school.

10 Q. Was this a residential area?

11 A. Yes, ma'am, it was.

12 Q. Would you say that he was going high rate,  
13 medium rate, or low rate of speed?

14 A. He was going high rate. He was trying to evade  
15 us. Once he saw that I was behind him, he just gunned  
16 it.

17 Q. What did y'all do?

18 A. We proceeded for about a mile and a half  
19 through the neighborhood, running stop signs, all that  
20 until he made it out to Beechnut, which is a heavily ran  
21 street. So, once we got out there, he made his turn  
22 pretty reckless, ran the red light. And, I guess, once  
23 he saw a little bit of traffic in front of him, he  
24 decided to try to complete a U-turn, and, unfortunately,  
25 didn't make it. He went into oncoming traffic and

1 struck a vehicle head on.

2 Q. And then what happened?

3 A. After that all three occupants bailed out, and  
4 they ran on foot. The driver and the backseat passenger  
5 began jumping fences through the same neighborhood.

6 Q. Were you chasing them?

7 A. Yes, ma'am. I went after the No. 2 suspect,  
8 which ran along the freeway back behind a shopping  
9 strip. Managed to stop him. My backup unit along with  
10 other deputies completed a perimeter, and we also  
11 notified HPD helicopter for assistance.

12 Q. Okay. Let me back up just to make sure we're  
13 clear. There's three individuals?

14 A. Yes, ma'am.

15 Q. You chase one of them and are able to catch  
16 him?

17 A. Correct.

18 Q. And then the other two are able to get away so  
19 you set up a perimeter?

20 A. Yes, ma'am.

21 Q. What does that mean?

22 A. Perimeter is basically we had deputies located  
23 in key locations to basically trap the suspects, to  
24 prevent them from running any further than that boxed-in  
25 area.

1 Q. And you said you called the HPD helicopter?

2 A. Yes, ma'am, because he was jumping fences, some  
3 of the fences were pretty high, going in behind  
4 vehicles, ducking in behind people's yards, it was an  
5 advantage to us to actually get a helicopter out there  
6 to assist.

7 Q. Okay. Were you able to find the two that had  
8 run away after the perimeter was formed and the  
9 helicopter came out?

10 A. Yes, ma'am. After the helicopter came out, he  
11 actually notified us that the suspects were seen going  
12 into a residence. We got out there, got in front of  
13 that said home, he actually said, hey, that's the house.  
14 Go ahead and set up perimeter on that.

15 Q. And what did you do after you know which house  
16 they've gone into, what do you do to try to get them  
17 out?

18 A. Well, we had a perimeter set on that residence  
19 itself. Myself and a couple other deputies went to the  
20 back; and once we opened up that sliding door, there was  
21 a nine-year-old boy standing there at the back door.

22 Q. What was the nine-year-old boy's demeanor when  
23 he opened the door?

24 A. He was very frightened, very frightened.

25 Q. And did he tell you anything?

1           A.    He was scared, didn't say much until I asked  
2 him is somebody inside the home, and all he did was nod  
3 his head.

4           Q.    What did you do after this nine year old  
5 confirms these people are hiding in his house?

6           A.    We had him exit the residence for his safety,  
7 then he mentioned to us that his brother is in there,  
8 also.

9           Q.    How old was his brother?

10          A.    Approximately 14 years old.

11          Q.    What do you do next?

12          A.    After that, we make entry into the residence  
13 and the 14 year old actually comes out from the side,  
14 from the right portion of the residence; and we also ask  
15 him to get out or exit the residence and we start going  
16 from room to room trying to locate the suspects.

17          Q.    Do you find them?

18          A.    Yes, ma'am, they're back behind a counter in  
19 the kitchen area laying on the floor.

20          Q.    Were there any adults in the house with the  
21 children?

22          A.    No, ma'am, not at all.

23          Q.    Were they home alone when this happened?

24          A.    They were.

25          Q.    What was the demeanor of the 14 year old when



1 you came into contact with him?

2 A. He was also frightened. He wanted to know  
3 where his little brother was.

4 Q. Did you have an opportunity to go back to the  
5 stolen vehicle?

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

7 Q. And were any firearms found in that car?

8 A. Yes, ma'am, loaded shotgun was located in the  
9 rear section of the home, I mean of the vehicle.

10 Q. And do you see the driver of that vehicle in  
11 the courtroom today?

12 A. Yes, ma'am, I do.

13 Q. Could you please point him out and describe  
14 what he's wearing?

15 A. (Pointing) He's right here, looks like a plaid  
16 shirt.

17 MS. BENNETT: Your Honor, may the record  
18 reflect the witness has identified the Defendant?

19 THE COURT: It will.

20 Q. (BY MS. BENNETT) And was the Defendant  
21 ultimately charged with unauthorized use of a motor  
22 vehicle and evading arrest with a motor vehicle?

23 A. Yes, ma'am.

24 Q. And showing you what's been admitted as State's  
25 Exhibit No. 23, a statement for unauthorized use of a

1 motor vehicle showing Anthony Terrell Latson went to the  
2 State jail for 9 months. And State's Exhibit 24, a  
3 judgment for evading arrest with a motor vehicle showing  
4 that Anthony Terrell Latson went to the State jail for  
5 9 months concurrent.

6 MS. BENNETT: State will pass the witness.

7 THE COURT: All right, Mr. Duarte.

8 MR. DUARTE: Yes, ma'am, thank you.

9 **CROSS-EXAMINATION**

10 BY MR. DUARTE:

11 Q. Sergeant Gonzalez, you and I have never talked  
12 before other than this morning?

13 A. Correct.

14 Q. Regarding that car chase on September the 1st,  
15 '07, you said that it went for a pretty high rate of  
16 speed through a neighborhood; is that correct?

17 A. Yes, sir.

18 Q. But were there any pedestrians hit?

19 A. No, sir, there weren't.

20 Q. And were -- while you're pursuing that car,  
21 were any vehicles hit at that point before it made the  
22 U-turn on Beechnut?

23 A. Not until Beechnut.

24 Q. Regarding the incident at Beechnut that made  
25 the U-turn and hit the car oncoming, damage rating, what

1 kind of damage rating did both cars sustain? Did your  
2 report indicate that?

3 A. Yes, sir, I believe if I'm not mistaken, the  
4 second vehicle not the suspect's vehicle, the second  
5 vehicle sustained minimal damage.

6 Q. So, it was a turn made a U-turn and came onto  
7 oncoming traffic and hit the vehicle, but there was  
8 minor damage to the car that he hit, correct?

9 A. Yes, sir.

10 Q. Do you remember if the ambulance or emergency  
11 crew came out to the scene to see if the driver of that  
12 vehicle that sustained minor damage had any type  
13 injuries or anything?

14 A. If I recall correctly, I believe they said that  
15 they denied request of an ambulance.

16 Q. Because it wasn't that serious as far as  
17 injuries to them. I'm sure they were frightened; but  
18 they weren't injured, correct?

19 A. Correct.

20 Q. You went back, I guess, to the house when the  
21 helicopter told y'all they saw these guys go into this  
22 house, correct?

23 A. Yes, sir.

24 Q. And there was a 9-year-old little boy and a  
25 14-year-old boy in there, correct?

1 A. Yes, sir.

2 Q. Now, when you-all went to the back door, the  
3 little 9-year-old boy was at the door. He basically  
4 greeted y'all at the door; is that correct?

5 A. Correct.

6 Q. And he was frightened, I'm sure. Was he  
7 injured anyhow?

8 A. I do not recall other than being frightened.

9 Q. But he didn't have any physical injuries to  
10 your recollection?

11 A. No, sir, not that I recall.

12 Q. Regarding the 14-year-old older brother, did he  
13 have any physical injuries?

14 A. Physical, no, just frightened.

15 Q. They both were frightened and rightfully so.  
16 So, you said you and your partner then went into the  
17 house and that how many suspects were in the house at  
18 that point?

19 A. Two.

20 Q. And were they already on the floor in a prone  
21 position realizing that they had been caught?

22 A. Yeah, I think they were more in the prone  
23 position because they were trying to hide.

24 Q. But they also knew that they had been caught at  
25 that point?

1 A. Yes, sir, I'm sure.

2 Q. Had y'all made an announcement at that point,  
3 hey, the police are out here, y'all need to come out?

4 A. Yes, once we had the two little boys come out  
5 of the residence, yes, sir, we did, we announced our  
6 presence.

7 Q. And then they come out voluntarily, or did  
8 y'all bring them out in cuffs?

9 A. We had to actually go into the kitchen because  
10 even after giving a warning to come out with their hands  
11 up, they never stood. So, once we located them inside  
12 the kitchen, yes, we did handcuff them there.

13 Q. Was there any physical violence towards you at  
14 that point?

15 A. No, sir.

16 Q. Or towards your partner at that point?

17 A. No, sir.

18 Q. They pretty much, I mean, we got caught. We  
19 got to go. Y'all took them down, correct?

20 A. Correct.

21 Q. Did the younger little boy ever indicate to you  
22 that maybe he had given permission to these two  
23 individuals to come into their house?

24 A. No, sir, he said that whenever he was sitting  
25 in the living room, they were already inside the back

1 section of the residence.

2 Q. And to the best of your recollection, there  
3 wasn't any type of claim or allegation that any of the  
4 individuals that went into those two boys' house that  
5 they were missing any type of personal property,  
6 anything was stolen from them?

7 A. No, I think the only thing was a phone, if I  
8 recall; and it was later located. I think they used it  
9 to make phone calls.

10 Q. All right.

11 MR. DUARTE: I'll pass this witness.

12 THE COURT: All right. Is there anything  
13 further?

14 MS. BENNETT: No, Your Honor.

15 THE COURT: May Sergeant Gonzales be  
16 excused?

17 MS. BENNETT: Yes, ma'am.

18 MR. DUARTE: Yes, ma'am.

19 THE COURT: All right. Thank you,  
20 Sergeant. You may be excused.

21 Call your next witness, please.

22 MS. BENNETT: State calls Officer Gomez.

23 THE BAILIFF: Judge, this witness has not  
24 been sworn.

25 THE COURT: All right. Please raise your