

1 MS. PALMER: Thank you, Your Honor.

2 **ANTONIO R. GUZMAN,**
3 having been first duly sworn, testified as follows:

4 **DIRECT EXAMINATION**

5 **BY MS. PALMER:**

6 Q. Would you please state your name for the
7 record.

8 A. My name is Sergeant Antonio R. Guzman.

9 Q. And how are you employed?

10 A. I'm employed by the City of Houston as an
11 investigative sergeant with the Houston Police
12 Department, robbery division.

13 Q. Are you a certified peace officer in the
14 state of Texas?

15 A. Yes, ma'am, I am.

16 Q. How long have you been a certified peace
17 officer?

18 A. Thirty-five years.

19 Q. How long have you been with HPD?

20 A. Thirty-five years.

21 Q. Now, we are talking about a robbery case.
22 Are you currently in a robbery division?

23 A. Yes, ma'am, I am.

24 Q. How long have you been in the robbery
25 division?

1 A. Twelve years.

2 Q. And one of the duties in the robbery
3 division is to conduct identifications; is that
4 right?

5 A. Yes, ma'am, it is.

6 Q. And what are the different kinds of
7 identifications that you can conduct?

8 A. You can conduct photo arrays, live lineups
9 and what we call mock lineups.

10 Q. And here today we're talking about a photo
11 array identification of an individual named Cordero
12 Stevenson; is that right?

13 A. Yes, ma'am.

14 Q (MS. PALMER) May I approach the witness?

15 THE COURT: Yes.

16 Q. (BY MS. PALMER) Sergeant Guzman, I'm
17 showing you State's Exhibit No. 1. Do you recognize
18 that?

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

20 Q. How do you recognize that?

21 A. It's a photo array I created.

22 Q. When did you create that?

23 A. March 22nd, 2011.

24 Q. And who is in this photo array?

25 A. Cordero Stevenson.

1 Q. And what position is he in?

2 A. In the No. 6 position.

3 Q. How did you put together this photo array?

4 A. We have a database of mug shot photos in
5 the HPD criminal files.

6 Q. And you yourself put this photo array
7 together?

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

9 Q. And what did you do with this photo array
10 after you put it together?

11 A. I contacted the complainants, the victims
12 of the robbery.

13 Q. And who were they?

14 A. Rosendo Morales and I can't pronounce the
15 second individual. I can't pronounce the second
16 name.

17 Q. Is Ghaznavi -- does that sound correct?

18 A. Yes, ma'am.

19 Q. What did you -- did you show them this
20 photo array as State's Exhibit No. 1?

21 A. Yes, I did.

22 Q. When did you do that?

23 A. March 22nd, 2011.

24 Q. And when you showed this photo array,
25 State's Exhibit No. 1, to Mr. Morales, how did you do

1 that?

2 A. We usually give them a standard HPD
3 admonishment. I instruct them the suspect or the
4 person who committed the crime may or may not be in
5 the array, to look at each photo carefully, to just
6 take your time and if you see the individual, point
7 him out.

8 Q. Did you in any way point to the individual
9 you wanted him to identify?

10 A. No, I didn't.

11 Q. And all the individuals in this photo
12 array, are they all of the same race?

13 A. Yes, they are.

14 Q. And are they all of the same -- around the
15 same age?

16 A. Yes, they are.

17 Q. And do they have -- all have similar facial
18 hair?

19 A. Yes.

20 Q. After you showed this photo array to
21 Mr. Morales, how did he indicate whether he
22 identified anyone in this photo array?

23 A. Once I handed him the array, he looked at
24 it for a few seconds and he pointed at the No. 6
25 position and said, That's him.

1 MR. HAYNES: I object to that as being
2 hearsay, the part where he says, That's him.

3 THE COURT: Overruled.

4 MS. PALMER: I offer State's Exhibit
5 No. 1.

6 MR. HAYNES: No objections.

7 THE COURT: State's 1 is admitted for
8 purposes of the hearing.

9 Q. (BY MS. PALMER) And is that the finality of
10 the identification that you conducted in this
11 situation with Mr. Morales?

12 A. Yes, it is.

13 Q. And the individual he identified in this
14 case is Cordero Stevenson?

15 A. Yes.

16 Q. Do you see Cordero Stevenson in this
17 courtroom today?

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

19 Q. Could you identify him by his location and
20 the color shirt he is wearing?

21 A. He is wearing an orange jumpsuit.

22 MS. PALMER: Your Honor, I'd ask the
23 record to reflect this witness has identified the
24 defendant.

25 THE COURT: The record will reflect.

1 MS. PALMER: And I pass the witness.

2 THE COURT: Mr. Haynes.

3 MR. HAYNES: Yes, sir.

4 **CROSS-EXAMINATION**

5 **BY MR. HAYNES:**

6 Q. Do you have any personal knowledge that
7 another person had been arrested besides Cordero
8 Stevenson for this case by the State?

9 A. By the State?

10 Q. Yes.

11 A. No.

12 Q. When you made this photo lineup, you look
13 at this photo lineup, there are two individuals which
14 are darker, No. 5 and 6, than the rest of the
15 individuals. Did you see that?

16 A. More or less.

17 Q. Look at the lineup, Your Honor?

18 MR. HAYNES: May I approach?

19 Q. (BY MR. HAYNES) When you look at Positions
20 No. 5 and 6, those are probably the two darkest
21 individuals, would you say, that are in this lineup?
22 Is that correct?

23 A. Possibly.

24 Q. As far as complexion goes?

25 A. No. Not necessarily.

1 Q. Who is as dark as the five and six
2 position?

3 A. Well, No. 5 is the darkest.

4 Q. Relatively speaking, in comparing the two,
5 who is darker than five and six, the five and six
6 position? Is anybody darker than those two?

7 A. No.

8 Q. Is it safe to say that those two, five and
9 six, are the two darkest-complected individuals that
10 are on this array?

11 A. No.

12 Q. Who is darker than five and six if they are
13 not the two darkest?

14 A. Three is about the same complexion as six.

15 Q. Who? Which one?

16 A. No. 3. No. 1 is about the same complexion.

17 Q. You are telling me that the photo in No. 1
18 and lineup in No. 1 is about the same complexion as
19 in those photos in five and six?

20 A. Yes.

21 Q. Why do you say that?

22 A. The same complexion, a lot of times the
23 lighting of the flash of the -- in the AFIS room.

24 Q. Look at No. 5 and No. 6. It they are the
25 two individuals who are similar in complexion that

1 you said were similar complexions, do you see that
2 the face on five is a lot thicker than the face on
3 No. 6?

4 A. It may be.

5 Q. Why did you not have a -- an individual
6 that had a picture that was close to the complexion
7 of five and six that had a slender -- a more slender
8 frame? Why did you not include an individual with a
9 more slender frame with facial hairs that was around
10 the complexion of five and six?

11 A. It's just a random choosing. I try to get
12 their appearance similar.

13 Q. Don't you think they can simulate a
14 misidentification if you don't have an individual
15 that's close in complexion to five and six with the
16 same facial fair as five and six to put the photo
17 lineup? Would that be possible to cause a
18 misidentification?

19 A. Can you repeat that question?

20 Q. I said would it make it more likely to
21 cause a misidentification, given the fact that you
22 didn't have an individual that was the same
23 complexion as five and six that was a slender build
24 like No. 6?

25 A. To me, all the individuals look similar.

1 Q. Under oath, you are telling me that No. 1
2 is similar in identification to five and six?

3 A. Yes.

4 Q. And why do you say that?

5 A. He's got the same facial features.

6 Q. Have you ever heard of a concept called
7 class misidentification wherein a person of a
8 different race has a problem identifying features of
9 a person of race different than he is? Class
10 misidentification?

11 A. No, I haven't.

12 Q. Okay. In your opinion to this Court, you
13 are telling me that all of these individuals in this
14 photo lineup look similar to you; is that correct?

15 A. That is correct.

16 Q. Okay. In all these years you have been
17 practicing, has anybody ever misidentified a suspect
18 that you had on these photo lineups?

19 A. Yes.

20 Q. How often has it happened?

21 A. It depends on how long they looked at the
22 individual during the robbery.

23 MR. HAYNES: I pass the witness, Your
24 Honor.

25 THE COURT: State?

1 *MS. PALMER:* Nothing further.

2 *THE COURT:* May this witness be
3 excused?

4 *MS. PALMER:* Yes, Your Honor.

5 *THE COURT:* State, call your next.

6 *MS. PALMER:* The State rests.

7 *THE COURT:* Mr. Haynes?

8 *MR. HAYNES:* No further witnesses,
9 Your Honor.

10 *THE COURT:* May I see the photo
11 spread?

12 *MS. PALMER:* Absolutely.

13 *THE COURT:* Argument, State?

14 **CLOSING STATEMENT**

15 *MS. PALMER:* Your Honor, Sergeant
16 Guzman conducted a photo spread lineup with the
17 complainants in this case in the regular manner and
18 regular course of business at the Houston Police
19 Department. There is no evidence that he suggested
20 the defendant's photo to the complainants. There is
21 no evidence that the photo spread is improperly put
22 together and so we would ask that you do not suppress
23 the identification. Thank you.

24 *THE COURT:* Defense?
25

CLOSING STATEMENT

1
2 MR. HAYNES: Yes, Your Honor. This is
3 a classic case of cross race recognition deficit.
4 This officer stood here and told you that the person
5 in Position No. 1 was similar in complexion to No. 5
6 and six. He also told you that all these individuals
7 were similar. It's intuitively obvious in looking at
8 this that No. 1 has a complexion that is much, much
9 lighter than five and six. And the -- one of the
10 reasons why he couldn't put together a good lineup is
11 because he sees all black people as pretty much the
12 same. He doesn't distinguish the facial features
13 between the black people. He did not put in this
14 photo lineup a slender build, dark-skinned man with
15 facial hairs to match on No. 6, which was Cordero
16 Stevenson. He had a No. 5, which I believe is the
17 one that's most close in complexion to Cordero
18 Stevenson, but his features of are much broader and
19 much bulkier than the slender build of Cordero
20 Stevenson.

21 Had he put another person in this
22 lineup with the same complexion as Cordero Stevenson
23 and the same slender build as Cordero Stevenson,
24 there is a likely possibility that this alleged
25 witness that we have here, Mr. Ghaznavi, would have

1 chosen one of the other people; but because of the
2 big disparity, that causes you to make a
3 misidentification when you have a person that sticks
4 out like a sore thumb in a photo lineup when the
5 photo lineup is supposed to have other people who are
6 similar make, build, complexion, facial hairs as the
7 defendant, Cordero Stevenson. This caused a
8 misidentification and we're asking this be excluded
9 into evidence, this photo lineup, Your Honor.

10 *THE COURT:* Your motion for the
11 suppression of the identification is denied.

12 This trial will be in recess for 35
13 minutes. We will begin promptly at 10:00. Court
14 will take up any other matters at this time.

15 **TRIAL ON GUILT/INNOCENCE**

16 ***(Jury enters the courtroom)***

17 *THE COURT:* Good morning, ladies and
18 gentlemen. Welcome back.

19 Just to kind of lay out a map of
20 today's scheduling, we'll be taking a short, just a
21 stretch-your-leg break at about 11:15. We'll come
22 back and do a little bit more testimony and we'll
23 break for lunch at 12:30. If you guys need anything,
24 please just wave and get my attention. If you need
25 something outside of those times. You all may be

*Closing Statement by Mr. Haynes
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1 seated. I'm sorry. And we'll be eating in today so
2 that you don't have to deal with the horrible
3 oppressive heat. Okay?

4 So if you would all rise for just one
5 moment so that I can administer the oath, please.

6 ***(Jury sworn)***

7 *THE COURT:* Okay. Have a seat.

8 The bailiff is passing out notepads
9 for you. I allow note-taking with a couple of rules.
10 You are allowed to take notes if it aids you, but you
11 are not allowed to take notes during opening
12 statements or closing argument by the attorneys.
13 Because those are merely summations of what the
14 attorneys believe the evidence will prove or has
15 proven. You are certainly free to take notes during
16 any witness testimony. Understand, though, that
17 those notes don't go back into the deliberation room
18 with you. They are just used to help you focus
19 during testimony.

20 Along those lines, I will admonish you
21 that what you see on television in terms of getting a
22 full transcript of the trial cannot and will not
23 happen. You will be admonished as to the specific
24 rules of asking for very specific portions of
25 testimony be read back to you. I expect this to be a

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1 very short trial, so I guess that's just my polite
2 way of saying, Keep focused. But, obviously, you are
3 more than welcome to take notes if that does help
4 you. Okay?

5 So, State, would you please arraign
6 the defendant.

7 Mr. Stevenson, please stand.

8 *THE DEFENDANT:* (Complies.)

9 *MS. PALMER:* The State of Texas vs.
10 Cordero Jarreal Stevenson. In the name and by
11 authority of the State of Texas: The duly organized
12 Grand Jury of Harris County, Texas, presents in the
13 District Court of Harris County, Texas, that in
14 Harris County, Texas, Cordero Jarreal Stevenson
15 hereafter styled the defendant, heretofore on or
16 about April 8th, 2010, did then and there unlawfully,
17 while in the course of committing theft of property
18 owned by Rosendo Morales, and with intent to obtain
19 and maintain control of the property, intentionally
20 and knowingly threaten and place Rosendo Morales in
21 fear of imminent bodily injury and death, and the
22 defendant did then and there use and exhibit a deadly
23 weapon, namely, a firearm.

24 Against the peace and dignity of the
25 State. Undersigned, the foreman of the Grand Jury.

*Closing Statement by Mr. Haynes
July 23, 2013*

1 *THE COURT:* To that charge, how do you
2 plead, Mr. Stevenson?

3 *THE DEFENDANT:* Not guilty.

4 *THE COURT:* Thank you. You may be
5 seated.

6 State, do wish to make an opening
7 statement at this time?

8 *MS. PALMER:* I do not. I have two
9 witnesses here in the courtroom. If they could be
10 sworn in and I'll call one of them.

11 *THE COURT:* Absolutely.

12 Gentlemen, would you please stand.
13 Would you each raise your right hand.

14 ***(Witnesses duly sworn)***

15 *MS. PALMER:* I call Sergeant Guzman.

16 *MR. HAYNES:* Your Honor, are we
17 invoking the Rule?

18 *MS. PALMER:* Yes.

19 *MR. HAYNES:* There is an exception to
20 the Rule for a spouse. I have some -- she is here.
21 She's in the audience, I believe -- because she's a
22 spouse, the exception of the Rule allows her to be
23 here even though the Rule is invoked.

24 *THE COURT:* Officer -- the Rule has
25 been invoked, Sergeant, so when you finish

1 testifying, while you are more than free to wait
2 around, please do not speak about your testimony with
3 the other prospective witnesses.

4 State, do you have a response to the
5 exception for spouses?

6 *MS. PALMER:* That's fine.

7 *THE COURT:* Okay. All right. State,
8 call your first.

9 *MS. PALMER:* Sergeant Guzman.

10 *THE COURT:* Mr. Guzman, please take
11 the stand.

12 *THE BAILIFF:* Judge, this witness has
13 already been sworn in.

14 *MS. PALMER:* May I proceed?

15 *THE COURT:* Yes.

16 **ANTONIO R. GUZMAN,**
17 having been first duly sworn, testified as follows:

18 **DIRECT EXAMINATION**

19 **BY MS. PALMER:**

20 *Q.* Sergeant Guzman, could you please introduce
21 yourself to the jury?

22 *A.* I am Sergeant Antonio R. Guzman. I am an
23 investigator with the Houston Police Department,
24 robbery division.

25 *Q.* And are you a certified peace officer in

1 the state of Texas?

2 A. Yes, ma'am. I am.

3 Q. How long have you been a certified peace
4 officer in the state of Texas?

5 A. Thirty-five years.

6 Q. Now, in those 35 years, have all of them
7 been with HPD?

8 A. Yes, ma'am.

9 Q. And you said you are in the robbery
10 division right now. How long have you been in the
11 robbery decision?

12 A. Twelve years.

13 Q. Now, in the robbery division, what are your
14 duties?

15 A. We conduct follow-up investigations where
16 the uniform officers get called out to a robbery
17 scene. With the information they provide in the
18 police report, we'll do the follow-up investigation.

19 Q. Did you conduct an investigation into a
20 robbery that occurred on April 8th, 2010 at 5500
21 Yale?

22 A. Yes, I did.

23 Q. And how did you get assigned that
24 investigation?

25 A. Usually we get a call from an officer that

1 wants -- who I know and they will want me to do the
2 follow-up investigation. It's just randomly
3 assigned.

4 Q. And what day did you receive that
5 assignment?

6 A. Probably soon after the incident. Probably
7 a day or two later.

8 Q. And what was your first step in that
9 investigation?

10 A. Usually what I do is I try to talk to the
11 victims to get a little bit more additional
12 information, to see if any of the uniformed officers
13 may have left anything out.

14 Q. And did you speak with the victims in this
15 case?

16 A. Yes, I did.

17 Q. And who were they?

18 A. Rosendo Morales and Mehmood Ghaznavi.

19 Q. Do you remember the first day that you
20 spoke with them?

21 A. It was probably soon after the robbery.

22 MR. HAYNES: Your Honor, I object to
23 him testifying from something that's not been
24 admitted into evidence. He is looking at a piece of
25 paper that's not admitted into evidence.

1 THE COURT: Officer -- or Sergeant, if
2 you need to use the offense report to refresh your
3 memory, just let the prosecutor know that.

4 THE WITNESS: Sure.

5 THE COURT: In response to the
6 question.

7 Q. (BY MS. PALMER) So do you remember the
8 first date that you spoke with these witnesses?

9 A. Probably April 14th.

10 Q. And I see right in front of you, you have
11 some information. What is that?

12 A. That's the offense report.

13 Q. And who created the offense report?

14 A. Well, it starts with the uniform officers
15 and then usually myself.

16 Q. And do you use that offense report to
17 conduct your investigation?

18 A. Yes, I do.

19 Q. Did you obtain a videotape involving this
20 robbery?

21 A. Yes, I did.

22 Q. When did you do that?

23 A. Probably two or three days, the day the --
24 I started on my offense report.

25 Q. And was this videotape shown on local

1 television?

2 A. Yes, it was.

3 Q. And who facilitated that?

4 A. I did.

5 Q. Do you know what day or when it was shown
6 on local television?

7 A. I have to --

8 MR. HAYNES: Once again, he continues
9 to refer to his offense report. It's not been
10 admitted into evidence.

11 THE COURT: Sergeant, if you need to
12 use the offense report to refresh your memory, just
13 let the prosecutor know that, please, in response to
14 the question.

15 Q. (BY MS. PALMER) Do you need the offense
16 report to remember some of these dates?

17 A. Yes, I do.

18 Q. Okay. And does that offense report help
19 refresh your memory on specific dates about something
20 that happened in 2010?

21 A. Yes.

22 Q. Do you remember what date the video was
23 shown on local television?

24 A. I need to look at my notes.

25 Q. Sure.

1 MR. HAYNES: Your Honor, once again, I
2 object on the grounds that he is referring to
3 something that has not been admitted into evidence.

4 THE COURT: He's allowed to use the
5 offense to refresh his recollection.

6 Overruled.

7 THE WITNESS: It was probably around
8 April the 16th. I am not exactly sure.

9 Q. (BY MS. PALMER) Now, how many suspects
10 were there in this robbery?

11 A. Three.

12 Q. And at some point after the robbery
13 occurred, did you develop two other suspects?

14 A. Yes.

15 Q. And who were they?

16 A. Charston Meachum and the other individual,
17 I can't recall his name offhand.

18 Q. Okay. Would the offense report help
19 refresh your memory?

20 A. Yes, it would. Erion Fountain.

21 Q. And I want to fast-forward to 2011. On
22 March 22nd, 2011, did you receive a Crime Stoppers
23 tip in regards to Cordero Stevenson?

24 A. Yes, I did.

25 Q. And what did that tip say?

1 MR. HAYNES: Your Honor, I object to
2 that as being hearsay. We would need this person
3 who's at Crime Stoppers here to be on the stand to
4 cross-examine their truthfulness and veracity. It's
5 hearsay.

6 THE COURT: Objection as to the form
7 of the question, sustained as to the form of the
8 question.

9 Q. (BY MS. PALMER) What did you do after
10 receiving this Crime Stoppers tip involving the
11 defendant?

12 A. I obtained a photo.

13 Q. And what did you do with that photo?

14 A. I placed the photo in a photo array.

15 MS. PALMER: May I approach the
16 witness?

17 THE COURT: Yes.

18 Q. (BY MS. PALMER) I'm Sergeant -- I am not
19 Sergeant Guzman. I am Rachel Palmer.

20 But, Sergeant Guzman, I am showing you
21 what's been marked as State's Exhibit No. 1. Do you
22 recognize this?

23 A. Yes, I do.

24 Q. How do you recognize this?

25 A. It's the array I created.

1 Q. Okay. And what is -- how do you create a
2 photo array?

3 A. We have a database that we use and we
4 select fill-ins from the database.

5 Q. And in creating -- how long -- how many
6 years have you created photo arrays?

7 A. Twelve years, since I have been in the
8 robbery division.

9 Q. Now, in creating photo arrays, is it
10 possible to have the exact same perspective and
11 lighting for each photo?

12 A. No.

13 MR. HAYNES: Object as being
14 speculative.

15 THE COURT: Overruled.

16 THE WITNESS: No.

17 Q. (BY MS. PALMER) And what day did you create
18 this photo array?

19 A. March 22nd.

20 Q. And what did you do with this photo array
21 after you created it?

22 A. I contacted the victims involved in the
23 incident.

24 Q. And that was Rosendo Morales and Mehmood
25 Ghaznavi?

1 A. That's correct.

2 Q. Now, this photo array, I want to talk about
3 the individuals who are in it. Are they all of the
4 same race?

5 A. They are.

6 Q. And are they all of similar age?

7 A. Yes, they are.

8 Q. And do they all have similar skin tone?

9 A. Yes.

10 Q. And is it true that some of the lighting is
11 different in some of these pictures?

12 A. That is correct.

13 Q. Do all of the six individuals in these
14 photos have similar facial hair?

15 A. Yes.

16 Q. And who put this photo array together?

17 A. I did.

18 Q. Who gathered these photos?

19 A. I did.

20 Q. And after you put this photo array
21 together, when did you show it to Rosendo Morales?

22 A. That day.

23 Q. And when did you show it to Mehmood
24 Ghaznavi?

25 A. The same day.

1 Q. And when you showed it to Mr. Morales,
2 where did you do that?

3 A. I went to the store where he worked,
4 Mr. Ghaznavi.

5 Q. Was that the location where this robbery
6 occurred?

7 A. Yes, ma'am.

8 Q. And when you showed it to Mr. Morales, how
9 did he respond?

10 A. He immediately looked at the photo array
11 and identified the individual in the No. 6 position.

12 Q. And who is the individual in the No. 6
13 position?

14 A. That's Cordero Stevenson.

15 Q. And do you see Cordero Stevenson here in
16 the courtroom today?

17 A. Yes, I do.

18 Q. Could you identify him by his location in
19 the courtroom and the color top he is wearing?

20 A. He is seated over here the defendant
21 wearing a black jacket.

22 MS. PALMER: Your Honor, I'd ask the
23 record to reflect he's identified the defendant.

24 THE COURT: The record will reflect.

25 MS. PALMER: And I'd offer State's

1 Exhibit No. 1.

2 MR. HAYNES: No objections, Your
3 Honor.

4 THE COURT: State's 1 is admitted.

5 MS. PALMER: And I ask to publish
6 State's 1.

7 THE COURT: Yes.

8 Q. (BY MS. PALMER) So, Sergeant Guzman, we see
9 here some writing in the bottom right-hand corner.
10 and I am going to focus in on that for a second.

11 What does that say?

12 A. That's the signature of Mr. Morales.

13 Q. And what is the date below it?

14 A. March 22nd, 2011.

15 Q. And then below that, we see an R and M.
16 What does that stand for?

17 A. That's his initials and the time it was
18 shown to him.

19 Q. Now, the individuals in these pictures, do
20 they all have on -- are they all wearing the exact
21 same clothes?

22 A. No.

23 Q. And are they wearing similar clothes?

24 A. Yes.

25 Q. Every single person in the six photos, are

1 they all wearing white T-shirts?

2 A. Yes.

3 Q. And we see -- we can see in these photos
4 that, like, No. 2 is a little -- has a little lighter
5 skin than some of the other individuals. Do you know
6 how that can happen?

7 A. Usually when I try to maintain the same
8 facial features, the same characteristics as far as
9 the mustache and goatee.

10 Q. So when you as a robbery detective are
11 creating the photo spread, what's your ultimate goal?

12 A. To get individuals that look similar to the
13 individual that we are targeting to make -- so that
14 it is not unfair.

15 Q. Now, on March 22nd, 2011, after you showed
16 this photo array to Rosendo Morales -- and let me
17 back up if you don't mind. I apologize.

18 On the same day that you showed this
19 photo array to Rosendo Morales, did you also show it
20 to Mr. Ghaznavi?

21 A. Yes, I did.

22 Q. And do you know -- we're here today at --
23 in July 2013, do you know if Mr. Ghaznavi is still
24 alive?

25 A. No, ma'am. He's passed away.

1 Q. Okay. So, after you showed the photo
2 arrays to Mr. Ghaznavi, what did you do in relation
3 to this case?

4 A. Well, once they were identified, I
5 contacted the assistant district attorney to see if
6 they would accept charges.

7 Q. And were charges accepted?

8 A. Yes, they were.

9 Q. Now, after -- that was on March 22nd, 2011.
10 On March 23rd, 2011, what did you do in relation to
11 this case and in the investigation?

12 A. I completed a probable cause warrant. I
13 met with the Judge and had the Judge sign the warrant
14 for the arrest of Cordero Stevenson.

15 Q. Did you look for the last known address of
16 Cordero Stevenson?

17 A. Yes, I did.

18 Q. And what was that? And if you need to,
19 refer to your offense report --

20 A. I am going to refer to my notes.

21 Q. -- to refresh your memory.

22 A. I went to 7050 --

23 MR. HAYNES: Your Honor, may I have a
24 running objection on referring to the offense report
25 to refresh his memory. I feel that it is a comment

1 on something that's not in evidence.

2 THE COURT: The Court will allow your
3 running objection. Mr. Haynes, your objection is
4 overruled.

5 MR. HAYNES: Thank you.

6 Q. (BY MS. PALMER) What was his last known
7 address?

8 A. 7055 Hollister, No. 1638.

9 Q. Did you go to that location?

10 A. Yes, I did.

11 Q. Did you find Cordero Stevenson?

12 A. No, I did not.

13 Q. On March 23rd, the same day, did you
14 receive a Crime Stoppers tip?

15 A. Yes, I did.

16 Q. And what did that tip give you a location?

17 A. Yes, it did.

18 Q. What location was that?

19 A. 4250 --

20 MR. HAYNES: Your Honor, I object to
21 that as being hearsay.

22 THE COURT: Overruled.

23 THE WITNESS: 4250 West 34th.

24 Q. (BY MS. PALMER) Did you go to that
25 location?

1 A. Yes, I did.

2 Q. On that day?

3 A. Yes.

4 Q. Did you find Cordero Stevenson?

5 A. No, I did not.

6 Q. On March 24th, did you go to 4250 West
7 34th, the same address?

8 A. Yes, I did.

9 Q. And did you find the defendant there?

10 A. No, I did not.

11 Q. Who did you find?

12 A. Some family members.

13 Q. And looking at your offense report to
14 refresh your memory, can you tell us the name of the
15 family member who you found on March 24th, 2011, at
16 4250 West 34th.

17 A. Corey Thomas.

18 Q. And could you -- do you know if Corey
19 Thomas was related to the defendant?

20 A. He told me he was the brother.

21 MR. HAYNES: Your Honor, I object as
22 this being hearsay.

23 THE COURT: Overruled.

24 Q. (BY MS. PALMER) He said he was his brother?

25 A. Yes.

1 Q. And on March 25th, did you go back to 4250
2 West 34th.

3 A. Yes, I did.

4 Q. And Apartment No. 30 --

5 A. Yes.

6 Q. -- did you find two people there?

7 A. I did.

8 Q. And who were they?

9 A. Travis Clark and Cato Thomas.

10 Q. And did you ever find the defendant on that
11 day?

12 A. No, I did not.

13 Q. On March 31st, 2011, did you go back to the
14 same location, 4250 West 34th?

15 A. Yes, I did.

16 Q. And who did you find there at that time?

17 A. Some family members.

18 Q. And who were they?

19 A. Shanika Stevenson who identified herself as
20 Cordero's sister.

21 Q. And who else?

22 A. Travis Clark.

23 Q. And who was Travis Clark in relation to the
24 defendant?

25 A. He was dating Cordero's mom.

1 Q. And did you find one other individual?

2 A. Yes.

3 Q. Who was that?

4 A. Carvarus Thomas.

5 Q. And who was that in relation to the
6 defendant?

7 A. I don't recall.

8 Q. Okay. And finally on March 23rd, 2012, is
9 that when the defendant was finally arrested on your
10 warrant on the aggravated robbery?

11 A. Yes.

12 Q. And where was he arrested?

13 A. May I refer to my notes?

14 Q. Yes.

15 A. He was arrested at those apartments, just
16 in a separate -- another unit.

17 Q. So you filed a warrant on March 22nd, 2011,
18 and he was finally arrested on March 23rd, 2012, a
19 year later?

20 A. That's correct.

21 MS. PALMER: May I approach the
22 witness?

23 THE COURT: Yes.

24 Q. (BY MS. PALMER) I'm going to show you
25 State's Exhibits 2 and 3 and ask you to look at

1 those. Okay.

2 A. (Complies.)

3 Q. Do you recognize those?

4 A. Yes, I do.

5 Q. And what are they?

6 A. Exhibit No. 3 would be the location of the
7 store where the robbery took place. And I don't see
8 a street here.

9 Q. Exhibit No. 2, does that -- what is this?

10 A. That's the geographical area where the
11 robbery took place.

12 Q. Okay. And are they fair and accurate
13 depictions of State's Exhibit No. 2 of the Houston
14 area and State's Exhibit No. 3, the location of where
15 this aggravated robbery took place?

16 A. It is.

17 Q. State's Exhibit No. 4, do you recognize
18 that?

19 A. I do.

20 Q. What is that?

21 A. That's the location where the incident
22 occurred.

23 Q. Is that a fair and accurate depiction of
24 the location where this aggravated robbery occurred?

25 A. It is.

1 Q. And State's Exhibit No. 5, do you recognize
2 that?

3 A. Yes.

4 Q. And what is that?

5 A. That's the photo of Cordero Stevenson.

6 MS. PALMER: I offer State's 2 through
7 5.

8 MR. HAYNES: No objections.

9 THE COURT: State's 2 through 5 is
10 admitted without objections.

11 MS. PALMER: And I ask to publish.

12 THE COURT: Of course.

13 Q. (BY MS. PALMER) Starting with State's
14 Exhibit No. 2. As a robbery detective with the
15 Houston Police Department, do you handle robberies in
16 a certain part of town?

17 A. Yes, I do.

18 Q. And what town -- what part of Houston is
19 that?

20 A. Mainly north Houston.

21 Q. And is that where this occurred?

22 A. Yes.

23 Q. Is that what we see here on the map?

24 A. Yes, ma'am.

25 Q. And if you could point to -- on your

1 screen, can you point out for the jury where exactly
2 this occurred?

3 A. It would be just west of 45, probably about
4 five minutes.

5 Q. In looking at State's Exhibit No. 3 -- and
6 I am going to focus in on it -- what does this show?

7 A. This shows the exact location where the
8 incident occurred.

9 Q. And what is this -- what kind of part of
10 town is this? What do we see in this part of town?

11 MR. HAYNES: Your Honor, I object to
12 that as being irrelevant.

13 THE COURT: Overruled.

14 THE WITNESS: Mainly businesses, small
15 hospital, apartment complexes.

16 Q. (BY MS. PALMER) And looking at State's
17 Exhibit No. 4, can you describe to the jury the
18 location where this aggravated robbery happened?

19 A. It occurred at the Java Gold store, which
20 the picture reflects, near an intersection of Yale
21 and Tidwell.

22 Q. What kind of business was this?

23 A. Mainly he purchased gold.

24 Q. And who was the head of this business?

25 A. Mr. Ghaznavi.

1 Q. Were you able to tell what Mr. Morales'
2 role was in the business?

3 A. Yes.

4 Q. And what was that?

5 A. He was mainly there to put up a video
6 system.

7 Q. And State's Exhibit No. 5, you said this is
8 a picture of the defendant?

9 A. It is.

10 Q. Now, after the defendant was found in 2012,
11 did you do anything else in relation to investigating
12 this case or investigating this robbery?

13 A. Well, normally our procedure is to try to
14 conduct a follow-up interview with the arrested
15 suspect in this case. I was out of town and another
16 investigator was assigned the case.

17 Q. Did you ever -- often we talk about DNA or
18 scientific evidence. Do you know if any scientific
19 evidence was collected from this scene of this
20 aggravated robbery?

21 A. Yes, there was.

22 Q. And what was that?

23 A. Fingerprints.

24 Q. Do you know where the fingerprints was --
25 were collected from?

1 A. Various locations, inside the store, inside
2 the vehicle.

3 Q. Do you know if through your investigation
4 if the fingerprints led or linked the scene to the
5 defendant?

6 A. They did not.

7 Q. Do you know if the fingerprints linked
8 anybody in this case?

9 A. They did.

10 Q. And who was that?

11 A. Two other defendants.

12 Q. And you are not responsible for -- or are
13 you responsible for actually conducting the
14 evaluation of print evidence?

15 A. No, I am not.

16 Q. And how do you as a robbery detective
17 process scientific evidence?

18 A. Once the evidence has been submitted, the
19 individual who conducts their examination will
20 complete a report and that report will come to me.
21 And then I will look at the information to see if
22 it's consistent with what I am finding as my
23 investigation continues.

24 MS. PALMER: May I approach the
25 witness?

1 THE COURT: Yes.

2 Q. (BY MS. PALMER) I'm going to ask you to
3 take a look at this item. Do you mind looking at
4 this report?

5 A. Okay.

6 Q. And what is this report?

7 A. This is a supplemental report about the
8 examination of the fingerprints that were taken at
9 the scene.

10 Q. And who actually conducts the fingerprint
11 examination for the Houston Police Department?

12 A. We have a fingerprint -- latent fingerprint
13 examiners.

14 Q. In reviewing this report, were you able to
15 tell -- because I asked you earlier if the
16 fingerprints led to anyone. Were you able to tell in
17 here whether it linked to anyone involved in this
18 case?

19 MR. HAYNES: Your Honor, I object to
20 this as being irrelevant. My client is the one
21 that's on trial today and his fingerprints were
22 nowhere on the scene that's been testified to.

23 THE COURT: Objection's overruled.

24 Q. (BY MS. PALMER) My question is: So how
25 many prints were taken from the scene? Do you

1 remember?

2 A. Several prints were taken from the scene.

3 Q. Okay. And none of them linked to this
4 defendant, right?

5 A. Right.

6 Q. And after reviewing this report, you said
7 earlier that they were linked to the two codefendants
8 after reviewing this report; is that true?

9 A. That is true.

10 Q. Okay.

11 MS. PALMER: I pass the witness.

12 THE COURT: Mr. Haynes.

13 MR. HAYNES: Yes.

14 **CROSS-EXAMINATION**

15 **BY MR. HAYNES:**

16 Q. Mr. Guzman, you had stated that the
17 photo -- a lineup array was shown to the alleged
18 victims shortly after the incident occurred. Did you
19 say that?

20 A. Yes.

21 Q. When, in fact, the photo array was not
22 shown to the alleged victims until March the 22nd of
23 2011. That's what was on the photo array and that's
24 what the initials say. Is that correct?

25 A. That is correct.

1 Q. That's approximately a year after the
2 alleged incident occurred; am I correct?

3 A. I have to refresh my notes.

4 Yes, you are correct.

5 Q. So, indeed, your statement was untrue when
6 you said that the photo lineup was shown to them
7 shortly after the incident occurred because it was
8 one year after the incident occurred; is that
9 correct?

10 A. That is correct.

11 Q. And in your experience, do people's
12 memories tend to fade in a year's time as to what
13 they saw?

14 A. Sure.

15 Q. Indeed, after you had the photo array
16 lineup, you went to the apartment complex where you
17 thought you would find Mr. Cordero Stevenson; is that
18 correct?

19 A. That is correct.

20 Q. And, indeed, you arrested Mr. Corey Thomas
21 who was Mr. Stevenson's brother; is that correct?

22 A. I did not arrest him.

23 Q. You accosted him and you stopped him. You
24 thought he was Cordero Stevenson. That's what your
25 report says.

1 A. I am sorry. Can you say that again?

2 Q. You thought he was Cordero Stevenson?

3 A. No, I did not.

4 Q. You did not in your report think that
5 Mr. Corey Thomas was Cordero Stevenson?

6 A. No, I did not.

7 Q. Did you accost and stop Mr. Corey Thomas?

8 A. I would not say I accosted anybody.

9 Q. You arrested Corey Thomas on that same day,
10 didn't you?

11 A. I didn't arrest him.

12 Q. You did not arrest Corey Thomas on April
13 the 24th of 2011?

14 A. I didn't arrest him.

15 Q. Did another officer arrest him?

16 A. I don't recall. I didn't arrest him.

17 Q. It's your statement under oath today that
18 you never stopped or questioned Mr. Corey Thomas in
19 regards to this particular case?

20 A. I did question him.

21 Q. Why did you question him?

22 A. Because they were in a car that belonged --
23 that was used by Cordero.

24 Q. Okay. All right. And did you have him as
25 a suspect in this case, Mr. Corey Thomas, at all?

1 A. No.

2 Q. Okay. Your offense report says that
3 Patrick Anthony was identified as one of the people
4 who could have been part of this arrest; is that
5 correct.

6 A. That is correct.

7 Q. Was Patrick Anthony a suspect in this case
8 at one time?

9 A. That was information I received.

10 Q. And this Patrick Anthony was allegedly the
11 third suspect who was -- Mr. Cordero Stevenson was
12 alleged to be the third suspect. So there was at
13 least some discrepancy about whether Patrick Anthony
14 was a third suspect or whether Cordero Stevenson was
15 a third suspect; is that correct?

16 A. I am sorry. Say that again?

17 Q. There was at least some question about
18 whether Cordero Stevenson was a third suspect or
19 whether Patrick Anthony was the third suspect at one
20 point in the investigation; is that correct?

21 A. At that time, I didn't know Cordero
22 Stevenson was involved.

23 Q. But you did check out Patrick Anthony; is
24 that correct?

25 A. That is correct.

1 Q. And he was alleged to be a suspect at one
2 point, right, in the investigation?

3 A. He was.

4 Q. Okay. And he was pointed out to be the
5 third suspect in the robbery; is that correct?

6 A. I received information about his name.

7 Q. The third suspect; is that correct?

8 A. Yes.

9 Q. All right.

10 A. One of the three.

11 Q. Your report says the third suspect, which
12 is the same as Cordero Stevenson.

13 Now, let's see. You stated earlier
14 that you -- there was never any biological evidence,
15 including fingerprints or anything else, that would
16 link Cordero Stevenson to this particular location;
17 is that correct?

18 A. That is correct.

19 Q. Okay. Did you have Patrick Anthony in that
20 same photo array lineup with Mr. Cordero Stevenson
21 that we have? Was he in this photo lineup?

22 A. No.

23 Q. Why wasn't he in that photo lineup?

24 A. Mr. Anthony?

25 Q. Yes. Since he was an alleged suspect at

1 one time, why didn't you put him in the same lineup
2 with Mr. Cordero Stevenson?

3 A. I didn't know who Cordero Stevenson was at
4 that time.

5 Q. Since you had an alleged suspect of Patrick
6 Anthony, why did you not put him in the same lineup
7 that was shown on the board there?

8 A. Like I said, I didn't know Cordero
9 Stevenson was involved.

10 Q. But you knew that you should put a picture
11 of Cordero Stevenson in that lineup, in that array.

12 A. How am I going to put somebody who I don't
13 know is involved in the incident?

14 Q. Let me ask you this question: Every time
15 that you would show the alleged victims a lineup,
16 wouldn't it been proper in each one of those lineups
17 you have to Patrick Anthony as one of the people in
18 the lineup, since he was a suspect?

19 A. He had been eliminated.

20 Q. But I'm asking you for recognition purposes
21 and being a professional, as you are, wouldn't it
22 have been proper that each time that you showed a
23 lineup for you to have put Patrick Anthony in that
24 lineup each time you had a lineup presented to them,
25 since he was a suspect? Would that be the proper

1 thing to do?

2 A. I just want to randomize the array.

3 Q. Would not that have been the proper thing
4 to do?

5 A. No.

6 Q. Why not?

7 A. I didn't see the need for it.

8 Q. You didn't see the need to put a -- someone
9 who had been pointed out to be a suspect in a case in
10 a lineup with other people who were alleged to have
11 been a suspect? You didn't see a need to do that?

12 A. His name just came up.

13 MR. HAYNES: Your Honor, that calls
14 for a yes-or-no answer.

15 THE WITNESS: I'm sorry?

16 Q. (BY MR. HAYNES) Yes-or-no answer. You did
17 not see the need to put Mr. Patrick Anthony in the
18 same lineup with all the other suspects at the time
19 that you were showing them to the alleged victims?

20 A. True.

21 Q. Okay. And you didn't think that was
22 necessary?

23 A. I did not.

24 Q. Okay. And you didn't think that would
25 cause a misidentification possibly by not putting him

1 in there?

2 A. It would not.

3 Q. You didn't think that would increase the
4 error of recognizing someone?

5 A. No.

6 Q. Okay. And you don't think that would be an
7 unfair array or photo lineup by not putting
8 Mr. Patrick Anthony in the lineup?

9 A. No.

10 Q. Since he was a known suspect?

11 A. No.

12 MR. HAYNES: I pass the witness at
13 this time, Your Honor.

14 THE COURT: State?

15 MS. PALMER: Thank you.

16 **REDIRECT EXAMINATION**

17 **BY MS. PALMER:**

18 Q. A couple of questions. 5500 Yale, is that
19 a location in Harris County, Texas?

20 A. It is.

21 Q. And the defendant, is his full name Cordero
22 Jarreal Stevenson?

23 A. It is.

24 Q. And this aggravated robbery, did it happen
25 on April 8th, 2010?

1 A. It did.

2 Q. And the complainant in this case is Rosendo
3 Morales; is that right?

4 A. That's correct.

5 Q. Now, what was taken in this aggravated
6 robbery?

7 A. Money, laptops, a car, and various other
8 personal items.

9 Q. Do you know how much money?

10 A. I would have to refresh -- look at the
11 notes.

12 Q. Absolutely.

13 A. Approximately \$9,000.

14 Q. So this happened on April 8th, 2010. The
15 name Patrick Anthony, how did that come up in your
16 investigation?

17 A. This area has -- a lot people walk in the
18 area. They know each other. And they like to remain
19 anonymous and give names. And my job is to filter
20 out the good information from the bad information.

21 Q. And so when did his name come up?

22 A. Shortly after the incident.

23 Q. And we saw the photo array you put together
24 with the defendant in this case. Did you put a photo
25 array together like that with Patrick Anthony's

1 picture?

2 A. I did.

3 Q. When did you do that?

4 A. Can I refer to my notes?

5 Q. Absolutely.

6 A. April 13th, 2010.

7 Q. And what did you do with that photo array?

8 A. I met with the two victims of the incident.

9 Q. And did they identify Patrick Anthony?

10 A. They did not.

11 Q. In fact, what was their response to you?

12 A. It wasn't him.

13 Q. So -- and then so you showed that Patrick
14 Anthony photo array on 4/13/2010 and the photo array
15 with the defendant in it was shown on March 22nd,
16 2011, almost a year later.

17 As a robbery detective, would it have
18 made sense to put a photo of somebody who had already
19 been excluded in the same photo array as another
20 suspect?

21 A. No sense whatsoever.

22 Q. Why?

23 A. There was no need. He had been eliminated.

24 MS. PALMER: I pass the witness.

25 THE COURT: Mr. Haynes?

1 MR. HAYNES: Nothing further from the
2 defense, Your Honor.

3 THE COURT: May this witness be
4 excused?

5 MR. HAYNES: Yes, Your Honor.

6 MS. PALMER: Yes.

7 THE COURT: You may step down,
8 Sergeant. Thank you.

9 Looks like a good time to take our
10 morning stretch break. So if you will retire to the
11 jury deliberation room and we'll take some -- care of
12 some matters not with regard to this trial. Please
13 do not discuss the case among yourselves as you've
14 not heard all the evidence. And we'll be back at
15 11:15.

16 THE BAILIFF: All rise for the jury.

17 **(Jury released)**

18 THE COURT: You may be seated.

19 **(Recess taken)**

20 **(Jury enters the courtroom)**

21 THE COURT: You may be seated.

22 State, call your next.

23 MS. PALMER: Sergeant Boehmke.

24 THE BAILIFF: This witness has not
25 been sworn in, Judge.