

1 Ms. Bennett, you may proceed.

2 MS. BENNETT: Thank you, Judge.

3 **ANTONIO GUZMAN,**

4 having been previously sworn, testified as follows:

5 **DIRECT EXAMINATION**

6 BY MS. BENNETT:

7 Q. Sergeant Guzman, you were here with us on  
8 Monday, were you not?

9 A. Yes, ma'am.

10 Q. I want to talk with you about further  
11 investigation that was conducted regarding Anthony  
12 Latson. Did you also take over the investigation of an  
13 aggravated robbery that took place at CiCi's in  
14 Greenspoint Mall on August the 15th of 2011?

15 A. Yes, ma'am.

16 Q. Do you believe that aggravated robbery might be  
17 related to other robberies that had been committed in  
18 the area?

19 A. Yes, ma'am.

20 Q. Including the one of Alexandra Aguilar?

21 A. Yes, ma'am.

22 Q. During your investigation into the home  
23 invasion of Alexandra Aguilar's apartment, did you  
24 interview a Denise Champ and a Robert Flint?

25 A. Yes, I did.

1 Q. Based on the information that they gave you,  
2 was it your intention to then go and show photospreads  
3 to the victims of the CiCi's Pizza robbery?

4 A. That is correct.

5 Q. What photo arrays did you prepare to go  
6 interview those victims?

7 A. Two photo arrays of the Defendant, Mr. Latson,  
8 and Mr. Flint.

9 Q. Did you also prepare a photo array of Denise  
10 Champ?

11 A. No, I didn't.

12 Q. Just Flint and Latson; is that correct?

13 A. Yes, that is correct.

14 Q. Who were the three, or who were the  
15 Complainants that you showed those photospreads to?

16 A. They're listed in the original report as an  
17 Angeles Banuelos, Toribio Morales and Viviana Vasquez.

18 Q. Where did you go to show those three  
19 individuals the photospreads that you had prepared?

20 A. I drove to the CiCi's Pizza in Greenspoint.

21 Q. Did you meet with them together or separate at  
22 that location?

23 A. I separated them.

24 Q. Did you show Ms. Banuelos the photospread of  
25 Anthony Latson?

1 A. Yes, I did.

2 Q. I want to go back when you were here on Monday,  
3 you talked about positive, negative, or tentative IDs?

4 A. Right.

5 Q. Did you give Ms. Banuelos the same instructions  
6 that you talked about giving Alexandra Aguilar?

7 A. Yes, I did.

8 Q. And did you ask her to look at the photospread  
9 of Anthony Latson after giving her those instructions?

10 A. Yes.

11 Q. And what did she say when she looked at the  
12 photospread?

13 MR. DUARTE: Objection as to what she said,  
14 it calls for hearsay.

15 MS. BENNETT: I'll rephrase, Judge.

16 THE COURT: All right.

17 Q. (BY MS. BENNETT) Was she able to make an  
18 identification of any of the individuals in Anthony  
19 Latson's photospread?

20 A. Who are we referring to?

21 Q. Angeles Banuelos.

22 A. Oh, yes.

23 Q. How many individuals did she identify in that  
24 photospread?

25 A. Under Latson she identified three positions.

1 Q. Did she seem certain as to whether any of those  
2 three had been involved in the robbery?

3 A. She wasn't sure.

4 Q. Did she identify Anthony Latson?

5 A. No, she didn't.

6 Q. What about when you showed her the photospread  
7 of Robert Flint, who had you spoken to prior to meeting  
8 with her, was she able to make an identification in that  
9 photospread?

10 A. Yes, she did.

11 Q. And was it Robert Flint?

12 A. No, it wasn't.

13 Q. And how certain was she as to the  
14 identification that she made of that individual?

15 A. She said it looked like the fill-in in the No.  
16 4 position.

17 Q. Who looked like the fill in?

18 A. Flint.

19 Q. Well, let me back up. She looks at the  
20 photospread. Does she -- did you instruct her that  
21 she's to identify anybody that looks like somebody that  
22 did the robbery at CiCi's?

23 A. Yes.

24 Q. Did she pick anybody out of that photospread as  
25 possibly having been there at the robbery?

1 A. Yes.

2 Q. Did she pick Robert Flint?

3 A. No.

4 Q. When she made her selection of the fill-in, how  
5 certain was she that that person was the one that was  
6 there?

7 A. She wasn't certain at all.

8 Q. Okay. Did you show those same two photospreads  
9 to Viviana Vasquez?

10 A. I did.

11 Q. And talking first about the photospread  
12 containing Anthony Latson's photograph, was she able to  
13 identify anyone in that photospread?

14 A. She identified the fill-in in the No. 4  
15 position.

16 Q. Did not identify Mr. Latson?

17 A. That is correct.

18 Q. How certain was she as to her identification of  
19 that fill-in?

20 A. She wasn't certain at all.

21 Q. Did you show her the photospread of Robert  
22 Flint?

23 A. Yes, I did.

24 Q. Did she make an identification of anybody in  
25 that photospread?

1 A. No, she didn't.

2 Q. And turning to Toribio Morales, when you showed  
3 him the photospread of Anthony Latson, was he able to  
4 make an identification?

5 A. He identified the person in the No. 1 position,  
6 which was a fill-in.

7 Q. Not Anthony Latson?

8 A. Not Anthony Latson.

9 Q. How certain was he in that identification?

10 A. He wasn't sure at all.

11 Q. And did you show Mr. Morales the photospread of  
12 Robert Flint?

13 A. Yes, I did.

14 Q. And was he able to make an identification?

15 A. No, he wasn't.

16 Q. Were you surprised that the three victims in  
17 this case were unable to make certain identifications?

18 A. Yes, I was.

19 Q. You were surprised?

20 A. Well, the incident happened very fast, so a lot  
21 of times just because of the suddenness and what  
22 occurred during the incident, it felt like to me that  
23 their minds just kind of shut down a little bit. It was  
24 late at night. They were tired. They had been working  
25 all day.

1 Q. So, from what you're saying, I'm taking it  
2 you're not surprised that they could not make an  
3 identification?

4 A. True, correct.

5 Q. Did you have an opportunity to speak to any  
6 other suspects in this string of aggravated robberies?

7 A. Besides Champ?

8 Q. Besides, well, I'll turn your attention to an  
9 individual named Sleepy. Did you speak to an individual  
10 who goes by the name Sleepy?

11 A. I think that's Rayley Archie.

12 Q. Is that his real name?

13 A. Sleepy is not his real name, Rayley Archie, I  
14 believe, is his real name.

15 Q. Did you speak to Mr. Archie?

16 A. Yes, I did.

17 Q. And what I'm trying to clarify, is he known by  
18 the name of Sleepy?

19 A. Yes, he is.

20 Q. And based on what he told you, did you feel  
21 like you were moving in the right direction on your  
22 investigation?

23 A. I was.

24 Q. Thank you, Sergeant.

25 MS. BENNETT: State will pass the witness.

1 THE COURT: All right, Mr. Duarte.

2 MR. DUARTE: Yes, just one or two.

3 **CROSS-EXAMINATION**

4 BY MR. DUARTE:

5 Q. Good morning, again. Thank you for coming  
6 back, Officer Guzman.

7 You took over this investigation on August  
8 the 29th of 2011, correct?

9 A. I believe so.

10 Q. And you have a whole police report there that  
11 was compiled, I guess, originally by the original  
12 responding officers that was out at the CiCi's location  
13 on the night of the robbery, correct?

14 A. Correct.

15 Q. You used that part of that report to kind of  
16 gather some background information on the victims of Ms.  
17 Banuelos and Ms. Viviana Vasquez and Mr. Toribio  
18 Morales, correct?

19 A. Correct.

20 Q. You used that information to go look for them  
21 at CiCi's and maybe information that the police had  
22 acquired from or were able to get from those victims on  
23 the night of the robbery, correct?

24 A. Yes.

25 Q. Now, do you recollect from looking at the



1 police report that was generated by the original  
2 responding officers that you would have looked at in  
3 preparation for your follow-up investigation on August  
4 the 29th, 2011, does it seem to indicate that Ms.  
5 Banuelos suffered injuries or was not injured in that  
6 incident?

7 MS. BENNETT: Judge, I'm going to object if  
8 the answer is based on hearsay.

9 THE COURT: That's sustained.

10 MR. DUARTE: I'll pass this witness, Your  
11 Honor.

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

14 MS. BENNETT: No, Your Honor.

15 THE COURT: All right. Thank you,  
16 Sergeant. You may step down.

17 Call your next witness, please.

18 MS. BENNETT: State calls Deputy Chacon.

19 MR. DUARTE: May we approach, Judge?

20 THE COURT: Yes.

21 (Bench conference.)

22 MR. DUARTE: Your Honor, I'm going to  
23 object to this witness' testimony. He is, I think, a  
24 gang expert from, I think, the Harris County Sheriff's  
25 Department. And I'm just going to make an objection