

1 MR. DUARTE: Yes, Judge.

2 THE COURT: Thank you, ma'am.

3 WITNESS: Thank you.

4 THE COURT: Call your next witness, please.

5 MS. BENNETT: State calls Sergeant Guzman.

6 THE BAILIFF: Witness was previously sworn,

7 Your Honor.

8 THE COURT: Sergeant, if you'll come around
9 and have a seat, please.

10 Ms. Bennett, you may proceed.

11 MS. BENNETT: Thank you, Judge.

12 **ANTONIO GUZMAN,**

13 having been first duly sworn, testified as follows:

14 **DIRECT EXAMINATION**

15 BY MS. BENNETT:

16 Q. If you would please introduce yourself to the
17 jurors by telling them your name and where you work?

18 A. My name is Sergeant Antonio R. Guzman. I'm a
19 detective sergeant in the Houston Police Department
20 robbery division.

21 Q. How long have you been with the Houston Police
22 Department?

23 A. I've been a police officer 34 years.

24 Q. Did you serve with any other agencies besides
25 HPD?

1 A. No, ma'am.

2 Q. Are you a certified peace officer in the State
3 of Texas?

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

5 Q. Where all have you been assigned within the
6 Houston Police Department besides robbery?

7 A. I was promoted in 1995. I served as a
8 patrolman, a patrol supervisor. The last 12 years I've
9 been assigned as a robbery detective investigator in the
10 police department.

11 Q. What are your responsibilities as a robbery
12 detective?

13 A. To do followup in police investigations where
14 the patrol officers go out to a scene if they have some
15 information on it, on a report it will be forwarded to
16 us and we'll do the follow-up investigation.

17 Q. Were you assigned a follow-up investigation for
18 an aggravated robbery that had taken place at the
19 Canfield Lakes Apartments on August 17th of 2011?

20 A. Yes, ma'am.

21 Q. And is that the case that you're here on today?

22 A. Yes, ma'am.

23 Q. When you received the case, you had not been to
24 the scene at that time; is that correct?

25 A. That is correct.

1 Q. Patrol made the scene?

2 A. Yes, ma'am.

3 Q. And then you proceeded to do a follow-up
4 investigation?

5 A. That is correct.

6 Q. During the course of your investigation, were
7 you able to develop any suspects in this case?

8 A. Yes.

9 Q. And specifically, did you develop a suspect by
10 the name of Anthony Terrell Latson?

11 A. Yes, ma'am.

12 Q. Do you see Mr. Latson in the courtroom today?

13 A. Yes, I do.

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

16 A. He's in the plaid shirt seated next to Counsel.

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) Did you contact Alexandra
21 Aguilar, the Complainant, in this case?

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

23 Q. Once you developed the Defendant as a suspect,
24 what did you do before going to see Ms. Aguilar?

25 A. I prepared a photo array.

1 Q. And would you please describe generally to the
2 jurors what you mean when you say a photo array?

3 A. A photo array would be just pictures; and the
4 computer generates it, three on top, three on the bottom
5 one, two, three, four, five, six.

6 Q. And did you create a photo array with the
7 Defendant's photograph in it?

8 A. Yes.

9 MS. BENNETT: May I approach the witness,
10 Your Honor?

11 THE COURT: Yes.

12 Q. (BY MS. BENNETT) I'm going to show you what's
13 been admitted as State's Exhibit 14. Is this the photo
14 array that you're referring to?

15 A. Yes.

16 Q. And do you see the Defendant's photograph
17 there?

18 A. Yes, ma'am.

19 Q. Which number is it?

20 A. No. 5.

21 Q. Where did you go to show this to Ms. Aguilar?

22 A. I went to her residence.

23 Q. Did you give her any instructions before you
24 showed it to her?

25 A. Yes, I did.

1 Q. And do you kind of have standard instructions
2 that you give to any witness or Complainant that you're
3 going to show a photospread?

4 A. Yes.

5 Q. And what instructions did you give her?

6 A. We have what we call a standard HPD
7 admonishment before you view the photo array. I tell
8 them I don't know if this is the suspect or not. Don't
9 feel obligated to pick anyone out. Look at each photo
10 carefully before you make a decision, and I explained
11 the three types of identification.

12 Q. What are the three types of identification?

13 A. Positive, negative and tentative.

14 Q. When you showed her the photographs, was she
15 able to make an identification?

16 A. Yes.

17 Q. How quickly was she able to make an
18 identification?

19 A. Very quickly.

20 Q. Was it immediate?

21 A. Immediate.

22 Q. Who did she identify?

23 A. The Defendant.

24 Q. Would you say it was positive, negative, or
25 tentative?

1 A. Positive.

2 Q. And did you ask her to make any markings on the
3 photospread to show who she believed was the person who
4 had robbed her?

5 A. Yes, I have her circle, date, and sign the
6 position she selected.

7 Q. And did she do that on State's Exhibit 14?

8 A. Yes.

9 Q. And was that in compliance with your
10 directions?

11 A. It is.

12 Q. Had you identified other individuals that you
13 believed might be involved in this aggravated robbery?

14 A. Yes.

15 Q. What was the name of those individuals?

16 A. I believe it was a Robert Flint and a Denise
17 Nicely.

18 Q. Is that Denise Champ?

19 A. Denise Champ, I'm sorry, yes.

20 Q. Did she go by the name Nicie (phon.)?

21 A. Yes.

22 Q. Did you have an opportunity to speak to those
23 individuals?

24 A. I did.

25 Q. Based on the information that they gave you,

1 did you continue your investigation?

2 A. I did.

3 Q. Were you able to locate any of Ms. Aguilar's
4 property?

5 A. Yes, ma'am.

6 Q. And where did you locate that property?

7 A. I located the property at 17715 Wayforest, No.
8 819.

9 Q. Who lives at that address?

10 A. A female who we determined to be the girlfriend
11 of the Defendant.

12 Q. And did he reside there with her as well?

13 A. Yes.

14 MS. BENNETT: Approach the witness, Judge?

15 THE COURT: Yes.

16 Q. (BY MS. BENNETT) I'm going to show you what
17 I've marked for identification as State's Exhibit 15.
18 This location on Wayforest was it a home, house, or an
19 apartment complex?

20 A. It's an apartment complex.

21 Q. What's the name of those apartments?

22 A. Savannah at Cityview Apartments.

23 Q. And looking at State's Exhibit 15, in general,
24 can you tell us what that is?

25 A. It's an apartment complex located just outside

1 the Beltway off 45.

2 Q. But State's Exhibit 15, is that a map?

3 A. Yes, it is.

4 Q. Of the, say, northern part of Houston in Harris
5 County?

6 A. Right.

7 Q. And is that location on Wayforest the apartment
8 that you've referred to shown on that map?

9 A. Yes, it is.

10 Q. And is that an accurate depiction of where it's
11 located?

12 A. Yes, ma'am.

13 Q. Is it shown in conjunction with the location of
14 Ms. Aguilar's apartment on August 17th?

15 A. Yes, it is.

16 Q. And does that appear to be correct?

17 A. Yes, it does.

18 Q. I now want to show you what's been marked as
19 State's Exhibit 16. What is that just generally?

20 A. This is what we use in the police department.
21 It's called a Voluntary Consent For Search and Seizure.

22 Q. And for what location is that Voluntary Consent
23 for Search and Seizure?

24 A. 17715 Wayforest, No. 819.

25 Q. And who signed that consent?

1 A. Myself and my partner, Sergeant Rivera.

2 Q. And who granted the consent?

3 A. The tenant who was on the lease, Julie
4 Oppenheim.

5 Q. And is that the person you referred to as the
6 Defendant's girlfriend?

7 A. Yes.

8 Q. Did you find any property when you went into
9 that apartment?

10 A. Yes, I did.

11 Q. I want to show you first of all back behind you
12 what's been marked as State's Exhibit 20, was this an
13 item that was located in that apartment?

14 A. It was.

15 Q. And did you photograph that item?

16 A. I did.

17 Q. Showing you State's Exhibit 17, 18 and 19, are
18 those photographs of what's marked State's Exhibit 20?

19 A. Yes, they are.

20 Q. And was that an item found in Ms. Oppenheim and
21 the Defendant's apartment?

22 A. Yes.

23 Q. And do those photographs fairly and accurately
24 depict State's Exhibit 20?

25 A. It does.

1 MS. BENNETT: Your Honor, at this time
2 State would tender to Defense counsel State's
3 Exhibits 15 and 16 and ask that they be admitted.

4 (State's Exhibit Nos. 15 and 16 offered.)

5 MR. DUARTE: There's no objection to 15 or
6 16, Judge.

7 (State's Exhibit Nos. 15 and 16 admitted.)

8 THE COURT: All right. State's Exhibits 15
9 and 16 are admitted without objection.

10 MS. BENNETT: May I publish, Your Honor?

11 THE COURT: Yes.

12 Q. (BY MS. BENNETT) Sergeant Guzman, I'm showing
13 you what's been admitted as State's Exhibit 15, is that
14 the map we've talked about of the northern part of
15 Harris County?

16 A. Yes.

17 Q. And can you see there where the apartments on
18 Wayforest we've been talking about is located within
19 Harris County?

20 A. Yes, ma'am.

21 Q. And about how close would you say those
22 apartments are to the Aguilar apartment on Northborough?

23 A. Probably within five, no more than ten minutes.

24 Q. And showing you State's Exhibit 16, is this the
25 consent to search you've referred to?

1 A. Yes.

2 Q. And basically what does this do? What is a
3 consent to search for?

4 A. We use it to -- if we have questions that we
5 believe property may be in there, we have to get the
6 tenant or the homeowner to give us permission to enter
7 the home.

8 Q. And Ms. Oppenheim did that?

9 A. Yes.

10 Q. And I said that it's dated, is that August the
11 23rd of 2011?

12 A. I think that's her date of birth at the bottom,
13 right; but I think the date on the top right is the
14 23rd, yes.

15 Q. So, y'all went to that location approximately
16 six days after the robbery had occurred?

17 A. Right.

18 Q. And would that be her signature there at the
19 bottom and her date of birth you were referring to?

20 A. Yes.

21 Q. Now showing you what's been previously admitted
22 as State's Exhibit 12, did you recover anything of Ms.
23 Aguilar's at the apartment?

24 A. I'm sorry?

25 Q. Did you recover anything stolen from Ms.

1 Aguilar at the Julie Oppenheim and the Defendant's
2 apartment?

3 A. Yes, I did.

4 Q. And was this television one of those items?

5 A. Yes.

6 Q. Showing you State's Exhibit 13, is that the
7 serial number for that television?

8 A. Yes.

9 Q. Was this television ultimately returned to
10 Alexandra Aguilar after you recovered it from the
11 Defendant's apartment?

12 A. Yes.

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. Good morning, Sergeant. My name is Rudy
19 Duarte. I have a couple of questions. So, Ms. Bennett
20 asked you during this particular investigation that you
21 were able to develop, I guess, two other suspects also,
22 correct?

23 A. Right.

24 Q. Information that you received regarding this
25 investigation there was a Robert Flint, correct?

1 A. Correct.

2 Q. And I guess a Denise Champ or goes by Nicie,
3 correct?

4 A. Yes.

5 Q. During the investigation on this case, did you
6 find out that Ms. Champ actually had a red Grand Am or a
7 red Grand Prix vehicle?

8 A. Yes.

9 Q. And during -- for the purposes of this
10 investigation that it was your understanding from
11 information you received that Robert Flint had also
12 entered into Ms. Aguilar's apartment on this instance,
13 correct?

14 A. Correct.

15 Q. And during your investigation you also found
16 out that Ms. Denise Champ was the driver of the red
17 Grand Am that would have been utilized during Ms.
18 Aguilar's robbery, correct?

19 A. Correct.

20 Q. And, in fact, that during your investigation
21 you would have found out that the TV set would have been
22 placed into Ms. Denise Champ's red Grand Am, correct?

23 A. Correct.

24 Q. On the evening that it was taken from Ms.
25 Aguilar's apartment, correct?

1 A. Correct.

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

3 THE COURT: Is there anything further?

4 MS. BENNETT: No, Your Honor.

5 THE COURT: May Sergeant Guzman be excused?

6 MS. BENNETT: Yes, ma'am.

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

9 Ladies and gentlemen, we're going to take
10 our morning recess at this time. If you will step back
11 to the jury room with Deputy Kaminski, we'll be back
12 with you shortly.

13 THE BAILIFF: Rise for the jury.

14 (Jury exits courtroom.)

15 THE COURT: Be seated, please.

16 (A recess was taken.)

17 (Open court, Defendant present.)

18 THE COURT: Are both sides ready for the
19 jury?

20 MS. BENNETT: State's ready.

21 MR. DUARTE: Yes, ma'am.

22 THE COURT: All right. Bring them in.

23 THE BAILIFF: Rise for the jury.

24 (Jury enters courtroom.)

25 THE COURT: Be seated, please.