

1 if they are ready to go.

2 THE BAILIFF: Yes, sir.

3 (Whereupon the jury is present.)

4 THE COURT: State, call your next witness.

5 MR. PHANCO: Officer Harris, please.

6 THE COURT: Harris.

7 THE BAILIFF: This witness has not been  
8 sworn.

9 THE COURT: All right. Come forward,  
10 Mr. Harris, right by the witness stand. I'll swear  
11 you in. Please raise your right hand.

12 (Whereupon the witness is sworn in by  
13 the Court.)

14 THE COURT: You may take the stand. State,  
15 you may proceed when you are ready. Your witness.

16 MR. PHANCO: Thank you, Your Honor.

17 **OFFICER LARSON HARRIS,**

18 having been first duly sworn, testified as follows:

19 **DIRECT EXAMINATION BY THE STATE**

20 BY MR. PHANCO:

21 Q. All right. Good morning. Go ahead and  
22 introduce yourself to the jury with your first and last  
23 name, and spell it so the court reporter can get it down.

24 A. My name is Larson Harris. First name is  
25 L-a-r-s-o-n. Last name is Harris, H-a-r-r-i-s.

1 Q. How are you employed?

2 A. I'm employed as a police officer with the  
3 Houston Police Department.

4 Q. How long have you been with HPD?

5 A. I've been with HPD for about two and a half  
6 years.

7 Q. All right. Where are you currently assigned?

8 A. I am currently assigned to Southeast Gang Task  
9 Force.

10 Q. All right. So I'm just going to kind of direct  
11 your attention to October 15, 2014. Do you recall the  
12 date?

13 A. Yes, sir.

14 Q. Do you recall you came into contact with  
15 someone you will know to be Rigoberto Monrroy?

16 A. Yes, sir.

17 Q. Do you see him in the courtroom today?

18 A. Yes, sir.

19 Q. Point him out using an article of clothing and  
20 doing the physical pointing.

21 A. Be the gentleman right here with the gray  
22 T-shirt.

23 THE COURT: All right. He's identified the  
24 defendant.

25 MR. PHANCO: Thank you, Your Honor.

1 Q. (By Mr. Phanco) So tell the jury kind of what  
2 role you were playing on that day.

3 A. That day, I was pretty much given a takedown  
4 signal after the deal was made. I was pretty much the  
5 marked unit that showed up to get the suspect into  
6 custody.

7 Q. So you're in a police car, police uniform, all  
8 that good stuff?

9 A. Yes, sir, correct.

10 Q. Are you part of the narcotics squad that, you  
11 know, guys like Aguirre and Zapata are a part of?

12 A. No, sir.

13 Q. So talk about that. Talk about how those  
14 squads kind of use your division and things like that.

15 A. The other guys, they work on the narcotics  
16 division and they are in plain clothes. So after they do  
17 certain deals where they need a suspect detained or  
18 arrested, pretty much they'll call for a patrol unit with  
19 a marked vehicle, Houston Police Department marked vehicle  
20 with the Houston police uniform. And pretty much we'll  
21 work hand-in-hand with them just to be that actual visual  
22 presence, or just for us to actually come in and affect  
23 the arrest.

24 Q. And so I'm going to show you what's been  
25 previously marked and admitted as State's Exhibit No. 2.

1 Does this look familiar to you?

2 A. Yes, sir.

3 Q. So you can kind of draw -- is this your first  
4 time testifying?

5 A. Second time.

6 Q. Okay. On the monitors there, you can actually  
7 draw on them. So if you would kind of show the jury how  
8 you pulled into the driveway and arrested Mr. Monrroy.

9 A. Once we got the takedown signal, we kind of  
10 drove -- headed this way. And we had parked actually  
11 right here (marking). We didn't actually pull into his  
12 driveway, we just stopped the patrol car right here.

13 I was the passenger, so he let me out. I was right  
14 here on this side. And when I walked up to his driveway  
15 where he was parked at, he was still in his driver seat.  
16 The vehicle was running. The door was open. They also  
17 gave me a description of him. So I also knew who I was  
18 looking for. Stated that he was still in his vehicle.  
19 Walked up to him, asked him to step out. He stepped out.  
20 He was cooperative. Asked him for his name, date of  
21 birth. And at the moment, he's outside of his vehicle.  
22 I'm talking to him right here in his driveway, getting  
23 that information, telling him to put his hands behind his  
24 back, and put the handcuffs on him.

25 Q. Hold on. Let me stop you.

1 A. Yes, sir.

2 Q. We've got to do it in question and answer.

3 A. Right.

4 Q. So you placed him in handcuffs at that point,  
5 right?

6 A. Yes, sir.

7 Q. You said that you had been given a description.  
8 Where did you hear the description?

9 A. It was on our radio.

10 Q. Okay. And do you know who it was that was  
11 giving the description?

12 A. I believe it was Aguirre.

13 Q. And so you hear the description over the radio,  
14 and you hear that before you pull up?

15 A. Yes, sir.

16 Q. So when you go into the driveway, how many  
17 people were in the driveway?

18 A. It was just Monrroy.

19 Q. So it was nobody else. It was just the  
20 defendant?

21 A. Yes, sir.

22 Q. You walk up, put him in handcuffs, and asked  
23 him his name?

24 A. Yes, sir.

25 Q. You mentioned he was cooperative. At any point

1 in time did he become combative to you?

2 A. No, sir.

3 Q. Did you ask -- what did you do next after you  
4 had him in cuffs and asked him his name and stuff?

5 A. I asked him would he allow me to search his  
6 vehicle; and at that point he gave me consent to search  
7 his vehicle.

8 Q. Okay. Hold on real quick. Did you ask him in  
9 Spanish or in English?

10 A. It was in English.

11 Q. Do you know Spanish?

12 A. Very little.

13 Q. So you didn't talk in Spanish to him at all?

14 A. No, sir.

15 Q. Did it seem like he knew what you were talking  
16 about?

17 A. Yes, sir.

18 Q. Did you ask him his name and all that other  
19 stuff in English or Spanish?

20 A. It was in English.

21 Q. Did he give you his name and all that?

22 A. Yes, sir.

23 Q. So he understood those questions?

24 A. Yes, sir.

25 Q. And when you asked him for consent, did he

1 argue with you at all or did he just kind of give you  
2 consent to search the vehicle?

3 A. No, sir, there was no argument. He just kind  
4 of gave me the consent.

5 Q. Did you actually end up searching the vehicle?

6 A. Me, personally, no, sir.

7 Q. Tell us what happened then.

8 A. At that moment, I just placed him in handcuffs,  
9 walked him back to the patrol vehicle. And at that point,  
10 I just searched his person for any weapons, or anything  
11 else, and ran him on my mobile computer.

12 Q. Okay. Didn't ever check the car?

13 A. No, sir.

14 Q. Did you ever -- you have physical custody of  
15 the defendant. Do you ever give physical custody over to  
16 someone else?

17 A. Yes, sir.

18 Q. To who?

19 A. It was to Officer Aguirre.

20 Q. Okay. Did you do anything else really on the  
21 scene that day?

22 A. No, sir, just kind of held the perimeter, made  
23 sure nobody else kind of interfered with the  
24 investigation.

25 Q. Last questions. Did you ever threaten the

1 defendant to call CPS?

2 A. No, sir.

3 Q. Did you ever threaten to arrest his wife?

4 A. No, sir.

5 Q. His kids?

6 A. No, sir.

7 Q. Ever threaten to beat him up?

8 A. No, sir.

9 Q. Do you recall saying: Give me consent, or give  
10 us consent, or, you know, enter any threat?

11 A. No, sir.

12 Q. Do you remember hearing that from any of the  
13 narcotics guys?

14 A. No, sir.

15 Q. All right. Do you recall anything that you  
16 could see as being some sort of threat against the  
17 defendant if he didn't give us consent?

18 A. No, sir.

19 MR. PHANCO: I pass the witness, Your  
20 Honor.

21 THE COURT: Cross?

22 MR. PARRISH: Yes, Your Honor.

23 **CROSS-EXAMINATION BY THE DEFENSE**

24 BY MR. PARRISH:

25 Q. Officer Harris, you said you received a



1 takedown signal from, you believe, Officer Aguirre?

2 A. Yes, sir.

3 Q. How much time passed between the time you  
4 received the signal till the time you arrived at his  
5 house?

6 A. It was pretty quick; just a few seconds.

7 Q. And at that point you were at the house a few  
8 seconds. So like 5 seconds or 10 seconds?

9 A. Maybe a little bit longer. Somewhere between  
10 maybe about 30 seconds.

11 Q. So you received the takedown signal from  
12 Officer Aguirre. About 30 seconds later you arrived at  
13 the scene?

14 A. Yes, sir.

15 Q. And do you recall how much longer it took for  
16 Officer Aguirre to arrive back at the scene? Another 30  
17 seconds or --

18 A. No, it wasn't that fast. Maybe a few minutes.

19 Q. A few minutes?

20 A. Yes, sir.

21 Q. So you receive a takedown signal, and 30  
22 seconds later you arrive, and you want to say three  
23 minutes later Officer Aguirre came back?

24 A. Yes, sir, approximately.

25 Q. And during that time period while you were

1 there those two and a half minutes, it was just you and  
2 Mr. Monrroy by himself, just y'all two together?

3 A. I had a partner, as well, with me. He was the  
4 driver.

5 Q. Was he in the car still, or was he standing  
6 next to you, or where was he?

7 A. He had gotten out of the car, but at that time  
8 I had pretty much already had him placed in handcuffs.

9 Q. So as far as the vicinity goes, it's just you  
10 and Mr. Monrroy next to his truck, and your partner is  
11 next to the vehicle, y'all's vehicle?

12 A. Yes, sir.

13 Q. So you said then -- you said you're not fluent  
14 in Spanish, correct?

15 A. No, sir.

16 Q. And were you there when Officer Aguirre was  
17 talking to Mr. Monrroy by his truck?

18 A. Yes, sir.

19 Q. And did you observe that Officer Aguirre talked  
20 to Mr. Monrroy in Spanish?

21 A. Yes, sir.

22 Q. You said you spoke to him in English, and you  
23 believe he understood; is that correct?

24 A. Yes, sir.

25 Q. But you're not for sure he understood; is that

1 correct?

2 A. I believe he understood because --

3 Q. Just yes or no.

4 A. Yes, sir.

5 Q. You asked him basic questions like name and  
6 date of birth, correct?

7 A. Yes, sir.

8 Q. Those are agreed upon easy concepts for most  
9 people who usually don't speak the language to understand,  
10 correct?

11 A. Yes, sir.

12 Q. But we can agree that asking for consent to  
13 search a vehicle is kind of that higher legal -- higher  
14 legal understanding, correct?

15 A. Repeat the question.

16 Q. Well, I mean -- an example: Just because  
17 somebody can understand, name and date of birth, doesn't  
18 mean they could possibly understand, give me consent to  
19 search your vehicle?

20 A. Possibly, yes, sir.

21 Q. So it's possible that Officer -- that  
22 Mr. Monrroy didn't understand that you were asking for  
23 consent to search his vehicle; is that correct?

24 A. It could be possible.

25 Q. Now, while you were at the house, you were

1 primarily in the driveway, but did you ever go into the  
2 house?

3 A. Yes, sir, but it was later down the line.

4 Q. So how long were you at this scene?

5 A. It was for a few hours.

6 Q. So you went -- I will come back to that for a  
7 second. I'm sorry. While you were next to Mr. Monrroy,  
8 he didn't have a gun, did he?

9 A. No, sir, not on his person.

10 Q. So he didn't display a gun or pull a gun on  
11 you?

12 A. No, sir.

13 Q. And you were the first person to the scene.  
14 You detained him and arrested him, correct?

15 A. Yes, sir.

16 Q. Part of that includes a pat-down?

17 A. Yes, sir.

18 Q. You patted Mr. Monrroy down?

19 A. Yes, sir.

20 Q. Did you feel a gun or anything like that?

21 A. No, sir.

22 Q. So, to the best of your knowledge, he didn't  
23 have a gun on him at all?

24 A. No, sir.

25 Q. So you go down -- Officer Aguirre arrives.

1 They speak in Spanish, correct?

2 A. Yes, sir.

3 Q. Then at some point in time you go into the  
4 house?

5 A. Yes, sir.

6 Q. How much time elapsed from the time Officer  
7 Aguirre spoke with Mr. Monrroy till the time you entered  
8 the house do you think?

9 A. For me it was quite a bit of time.

10 Q. But they entered the house prior to that?

11 A. Yes, sir.

12 Q. And throughout this duration, it was just -- at  
13 some point in time Officer Aguirre arrives and other  
14 officers, correct?

15 A. Yes, sir.

16 Q. How many other officers do you think arrived at  
17 the scene?

18 A. It was a few. I don't have an exact number.  
19 It's probably maybe about five or six other guys on my  
20 squad, including me, and maybe around five of the  
21 narcotics guys.

22 Q. So between 10 and 11 -- 10 and 12 other  
23 officers?

24 A. Yes, sir.

25 Q. Officers in total?

1 A. Yes, sir.

2 Q. You spent the bulk of your time outside?

3 A. Yes, sir.

4 Q. But the rest of those officers went inside?

5 A. Yes, sir.

6 Q. And they went inside after Officer Aguirre  
7 talked to Mr. Monrroy, correct?

8 A. Yes, sir.

9 Q. They all went inside?

10 A. Just a few.

11 Q. When you say, "just a few," how many do you  
12 think went?

13 A. Maybe three or four.

14 Q. Now, I understand this is a narcotics arrest.  
15 I understand that it's important. At any point in time  
16 after you stopped Mr. Monrroy and searched him, did you  
17 feel like your life was threatened?

18 A. No, sir.

19 Q. At any point in time the hours you were there,  
20 did you ever feel like other people in the house were  
21 going to come out and get you?

22 A. As a patrol officer, you've got to be aware of  
23 your surroundings. So at the moment I walked up to him,  
24 you kind of have that --

25 Q. Right. But I'm talking about after you

1 searched him and after your initial encounter, you never  
2 felt like your life was threatened or in danger, correct?

3 A. No, sir.

4 Q. At that point it was just a routine stop and  
5 made a search?

6 A. Yes, sir.

7 Q. Now, HPD officers, a lot of them are issued a  
8 body cam. Are you issued a body cam?

9 A. No, sir.

10 Q. Your car, HP car, is also issued dashboard  
11 cams. Do you have a dashboard cam in your vehicle?

12 A. No, sir.

13 Q. Do you have a lapel mic?

14 A. No.

15 Q. Do you have any kind of recording device?

16 A. No, sir.

17 Q. But you have access to them?

18 A. We can get access to them.

19 Q. So on this particular day, did you not have  
20 access to any kind of recording device?

21 A. No, sir, I never actually requested any.

22 Q. Did anybody else, any other officers at the  
23 scene have any kind of surveillance or recording devices?

24 A. Not to my knowledge.

25 Q. But they all have access to them, correct?

1 A. Yes, sir.

2 Q. And you would agree with me that it's important  
3 to document these kind of things audio and visually,  
4 correct?

5 A. No, sir.

6 Q. You don't think so?

7 A. No, sir.

8 Q. Now, since you spent most of your time -- since  
9 you spent most of your time outside, you're not aware of  
10 what happened on the inside, correct?

11 A. No, sir, just by talk.

12 Q. You said, "just by talk." What do you mean?

13 A. Just pretty much relay the information to us.  
14 You know, when they are going in and out, they will relay  
15 some information to us.

16 Q. But you yourself are not aware of what  
17 communications may have transpired on the inside, correct?

18 A. No, sir.

19 Q. So you don't know if any other officer may have  
20 coerced or got consent to search via coercion, correct?

21 A. No, sir.

22 Q. You don't know if any officers threatened to  
23 call CPS or take away his family; is that correct?

24 A. No, sir.

25 Q. You can only testify as to what you did or



1 didn't do?

2 A. Yes, sir.

3 Q. You yourself never searched the vehicle?

4 A. No, sir, I didn't.

5 Q. Now, you said that you -- Mr. Monrroy gave you  
6 consent to search his vehicle, correct?

7 A. Yes, sir.

8 Q. But you didn't search it?

9 A. No, sir.

10 Q. Why didn't you search it?

11 A. I was pretty much taking control of the  
12 suspect.

13 Q. But you had every opportunity to, you just  
14 chose not to, correct?

15 A. Yes, sir.

16 Q. Now, you also testified, just maybe a couple of  
17 seconds ago, that you are only aware of things by talk;  
18 right, officers talking to each other?

19 A. Yes, sir.

20 Q. So you had an opportunity to speak with other  
21 officers, about this case in particular, about testifying  
22 today, haven't you?

23 A. Say it again, sir.

24 Q. You had an opportunity to speak with other  
25 officers about the facts of this case, and in particular

1 testifying today, correct?

2 A. Yes, we had talked on the scene.

3 Q. And have you talked together since then?

4 A. No, sir, not pertaining to this case.

5 MR. PARRISH: Your Honor, I pass the  
6 witness.

7 THE COURT: Redirect?

8 MR. PHANCO: Briefly, Judge.

9 **REDIRECT EXAMINATION BY THE STATE**

10 BY MR. PHANCO:

11 Q. I'm interested. You said you believe he  
12 understood English because -- then you were stopped. So  
13 go ahead, finish your thought on that.

14 A. Because the conversation went smooth. When I  
15 walked up to the car, I asked him for his name, date of  
16 birth. You know, we also get driver's license,  
17 identification card. The conversation actually went  
18 pretty smooth. And also, as well, when I told him to  
19 place his hands behind his back, he did it right away.

20 Q. You had mentioned that you didn't search the  
21 car and Aguirre had come on the scene. You don't  
22 understand English -- or excuse me -- Spanish. And what  
23 the two of them were talking about, the defendant and  
24 Aguirre, do you know?

25 A. No, sir.

1 Q. Do you know who ended up searching that car?

2 A. I believe it was Aguirre, along with my  
3 partner.

4 Q. So when Aguirre was talking in Spanish with the  
5 defendant, he might have asked for consent to search the  
6 car in addition to your --

7 MR. PARRISH: I object to speculation. He  
8 said he might have asked.

9 THE COURT: Sustained as to speculation.  
10 He doesn't understand -- you don't know what he said,  
11 right, in Spanish?

12 THE WITNESS: No, sir.

13 THE COURT: Okay.

14 MR. PARRISH: Your Honor, I will ask for  
15 the jury to disregard the question.

16 THE COURT: Jury, disregard.

17 MR. PARRISH: I move for a mistrial.

18 THE COURT: It's overruled.

19 Q. (By Mr. Phanco) But Aguirre searched the car?

20 A. Yes, sir.

21 MR. PHANCO: I pass the witness.

22 MR. PARRISH: Briefly, Your Honor.

23 **RECROSS-EXAMINATION BY THE DEFENSE**

24 BY MR. PARRISH:

25 Q. Officer Harris, when you first approached

1 Mr. Monrroy, did you have your gun drawn?

2 A. No, sir.

3 Q. But you -- were you using a very authoritative  
4 tone?

5 A. No, sir.

6 Q. You weren't very aggressive or anything?

7 A. Not aggressive, no, sir.

8 Q. And the first thing you said to him -- did you  
9 arrest him initially, and then ask for his name and date  
10 of birth, or did you talk to him first?

11 A. No, sir, I talked to him first.

12 Q. When you went to arrest him, did you have your  
13 handcuffs already out?

14 A. No, sir.

15 Q. Were you reaching for your handcuffs?

16 A. No, sir.

17 Q. So going back to the question. Still, it's  
18 your belief he understood, but you're not for sure if he  
19 understood everything, correct?

20 A. Yes, sir.

21 MR. PARRISH: Pass the witness, Your Honor.

22 THE COURT: Anything else?

23 MR. PHANCO: Nothing further, Your Honor.

24 THE COURT: You may step down. Thank you.

25 You are excused, sir. Call your next witness.

1 MR. PHANCO: Officer Mark Zapata.

2 THE BAILIFF: This witness has not been  
3 sworn.

4 THE COURT: All right. Come forward, sir.  
5 (Whereupon the witness is sworn in by  
6 the Court.)

7 THE COURT: You may take the stand. Your  
8 witness, sir.

9 **OFFICER MARK ZAPATA,**

10 having been first duly sworn, testified as follows:

11 **DIRECT EXAMINATION BY THE STATE**

12 BY MR. PHANCO:

13 Q. Go ahead and introduce yourself to the jury  
14 with your first and last name, spelling both so the court  
15 reporter can get them down.

16 A. Officer Mark Zapata. M-a-r-k, Z-a-p-a-t-a.

17 Q. How are you employed, sir?

18 A. Houston Police Department.

19 Q. How long have you been with the Houston Police  
20 Department?

21 A. Thirteen years.

22 Q. And what division are you currently assigned  
23 to?

24 A. Narcotics.

25 Q. How long have you been in narcotics?