

1 end of this trial, you will have that doubt and that you
2 will find him not guilty.

3 *THE COURT:* Thank you, counsel.

4 Please call your first witness.

5 *MS. STABE:* The State calls Deputy Hartmann.

6 *THE COURT:* Right up here, please, sir. And
7 if you would, just have your seat. And if you would, please
8 state and spell your name for my court reporter.

9 *THE WITNESS:* It's Russell Hartmann,
10 R-U-S-S-E-L-L H-A-R-T-M-A-N-N.

11 *THE COURT:* You may proceed.

12 *MS. STABE:* Thank you, Your Honor.

13 **RUSSELL HARTMANN,**

14 having been first duly sworn, testified as follows:

15 **DIRECT EXAMINATION**

16 *Q.* (BY *MS. STABE*) Deputy Hartmann, can you please
17 introduce yourself to the jury?

18 *A.* I'm Deputy Russell Hartmann. I work for Harris
19 County Precinct 5.

20 *Q.* How long have you been with Precinct 5?

21 *A.* 25 years.

22 *Q.* I'm sorry. I didn't hear you.

23 *A.* 25 years.

24 *Q.* 25 years. Okay. And what are your duties as a
25 deputy with Precinct 5?

1 A. I patrol.

2 Q. Okay. When you patrol, what type of things do you
3 do?

4 A. Take calls and just drive around.

5 Q. Okay.

6 A. Traffic enforcement.

7 Q. Traffic enforcement. Do you answer 911 calls?

8 A. Yes, we take calls from dispatch, dispatched calls.

9 Q. Is there a particular area that Precinct 5 covers?

10 A. Precinct 5 is pretty much the west end of the
11 county.

12 Q. Okay. So, from -- I mean, if you can give us kind
13 of an idea road-wise, where does it start and end?

14 A. West of the 610 Loop, a little south -- starts a
15 little south of 290 and goes almost down to South Main.

16 Q. Okay. All in the Harris County area?

17 A. All in the Harris County area.

18 Q. So, on June the 4th of 2013, were you on duty that
19 day?

20 A. I'm sorry.

21 Q. On June the 4th of 2013?

22 A. Yes, I was.

23 Q. Okay. Do you work, like, the day shift or the
24 night shift?

25 A. I work day shift. I patrolled Memorial and Gessner

1 area.

2 Q. With the day shift, what hours are those?

3 A. 7:00 AM to 3:00 PM.

4 Q. Are you a certified peace officer?

5 A. Yes, I am.

6 Q. Okay. And what training did you have to go through
7 to become a certified peace officer?

8 A. An academy, a state academy.

9 Q. Okay.

10 A. And then had to take a TCLEOSE exam.

11 Q. How long is the academy?

12 A. Back then, it was -- I think it was 450 classroom
13 hours.

14 Q. Okay. And then since then, over the 25 years, do
15 you have continuing education requirements?

16 A. Yes, ma'am, we're required to take 40 hours every
17 24 months.

18 Q. Okay. And so, you were on patrol that day,
19 June 4th, 2013, on the day shift?

20 A. Yes.

21 Q. Okay. That day did you, around 1:00 o'clock, did
22 you get any types of calls for service?

23 A. Yes, ma'am, I received an alarm call.

24 Q. Okay. When you receive an alarm call, what do you
25 typically do?

1 A. They -- we dispatch two units and I proceeded to
2 the location, the address they sent me to.

3 Q. So, is it the alarm company that called dispatch or
4 how does that work?

5 A. Yeah, the alarm company calls our dispatchers and
6 our dispatcher sends the call to us.

7 Q. Okay. So, do you recall about how long it took you
8 to get to the location of the alarm call?

9 A. From the time I was dispatched?

10 Q. Yes, sir.

11 A. About three minutes.

12 Q. Okay. And once you arrived -- well, do you recall
13 the address?

14 A. It's 121 -- it's in the 12100 block of Rip Van
15 Winkle.

16 Q. Okay. Is that in Harris County, Texas?

17 A. Yes, it is.

18 Q. And when you got there, what did you observe?

19 A. The front of the house looked fine. I got out of
20 my car and walked around to the back and found a broken
21 window on the back door and a window open with a broken
22 window on that window.

23 Q. Okay. So, were you able -- I guess, were any
24 owners of the house there at the time that you first
25 arrived?

1 A. No, they were not.

2 Q. Okay. So, what did you do when you got there?
3 Were you able to go in or did you have to wait?

4 A. Waited for backup and then two of us went in in
5 that window and cleared the house, made sure nobody was in
6 there.

7 Q. Okay. So, when you come upon a scene where there's
8 a situation like that, where there's broken windows and
9 things, is that your typical procedure, like, you'll try to
10 go in the house and make sure things are okay?

11 A. Yes.

12 Q. Okay. And were you able to -- when you say
13 "cleared the house," what do you mean?

14 A. We just checked to make sure there was no one in
15 the house.

16 Q. Okay. And did you find anyone inside?

17 A. We found no one in the house.

18 Q. Did you find any signs that, you know, anyone had
19 been in the house?

20 A. Yes. From outside the house, I could see there was
21 a chest of drawers in the living room, I could see one of
22 the drawers was open and as we went through the house, each
23 room actually had some drawers open in the dressers.

24 Q. Okay. At some point did the home owners get there?

25 A. Yes.

1 Q. Do you recall, I mean, about how long they took?

2 A. It was about 30 to 45 minutes after we arrived.

3 Q. Okay. And when they got there, what happened?

4 A. It was Ms. Butrum, she opened the back door so that
5 we wouldn't -- so we could walk in and she and I walked
6 through the house so I could show her what had happened and
7 asked her to, you know, tell me if anything was missing
8 or -- and things like that.

9 Q. Okay. Initially was she able to identify whether
10 there was property missing?

11 A. Initially, no. She was a little frazzled. She
12 didn't -- she didn't know if anything was missing.

13 Q. Okay. Was there also a safe in the home?

14 A. Yes.

15 Q. Was anything done to the safe?

16 A. The keypad had been knocked off of it. It was an
17 electronic keypad and the keypad was laying on the floor
18 next to the safe.

19 Q. Okay. And did you find out if that's how, I guess,
20 they had left it that day?

21 A. Oh, no, she said it wasn't like that when she left.

22 Q. Okay. So, after you walked around with Ms. Butrum
23 through the house, what do you do next?

24 A. I start getting information from her so that we can
25 complete an offense report.

1 Q. Okay. Do you or the other deputies that are there
2 try to find out if there are any fingerprints at the scene?

3 A. Yeah, we had a deputy come by and try to lift
4 fingerprints from the point of entry, the window area and
5 also had another deputy walk door to door and knock and see
6 if any of the neighbors had seen anything.

7 Q. Okay. First, were you guys able to lift any prints
8 from any of the points of entry?

9 A. No, ma'am, we were not.

10 Q. Okay. Did any neighbors see anything?

11 A. No, ma'am, they did not.

12 Q. Okay. And at that point what did you do?

13 A. Got the information that I needed for the report
14 and left the scene to go enter the report into the system.

15 Q. Okay. At some point do you -- are you aware of --
16 if -- whether the complainant, Herbert Butrum, came home?

17 A. I believe he came home right as I was -- a few
18 minutes before I left.

19 Q. Okay. Did you meet him yourself or --

20 A. Yeah, I -- yes, I did.

21 Q. Okay. So, he was there before you left?

22 A. He was.

23 Q. And you testified that you got there around
24 1:03 PM?

25 A. Yes, sir.

1 Q. And the alarm -- you were dispatched at 1:00
2 o'clock?

3 A. 1:00 o'clock, yes.

4 Q. Okay. So, at the time that you left, were you able
5 to determine if you -- you know, who the suspects were or
6 anything like that?

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

8 Q. Okay. And after you left and you entered the
9 police report, did you have any further involvement in the
10 investigation?

11 A. None.

12 MS. STABE: Okay. I'll pass the witness.

13 MR. MENSING: May I proceed, Your Honor?

14 THE COURT: Sure.

15 **CROSS-EXAMINATION**

16 Q. (BY MR. MENSING) Officer Hartmann, when the
17 burglary occurred, there was no one in the home, correct?

18 A. That is correct.

19 Q. Mr. and Ms. Butrum weren't physically threatened,
20 correct?

21 A. No, they were not. They weren't there.

22 Q. No one pulled a weapon on them, for instance?

23 A. No, they did not.

24 Q. Whoever did this waited until they were gone,
25 right?

1 A. Yes.

2 Q. Okay. Now, when Ms. Butrum arrived, you said she
3 was frazzled?

4 A. She was a little -- she was upset, yes.

5 Q. She was upset about what had just happened?

6 A. Yes.

7 Q. And you went ahead and talked to her about what had
8 just happened?

9 A. Yes.

10 Q. You went through the house with her?

11 A. I went through the house with her, yes.

12 Q. Okay. And obviously Ms. Butrum was concerned about
13 whether things had been stolen, right?

14 A. Yes.

15 Q. So was Mr. Butrum?

16 A. Yes. I --

17 Q. And the house was not ransacked, correct?

18 A. That is correct.

19 Q. In other words, the safe had had the pad jimmied
20 off of it and there were a few drawers that were open?

21 A. Yes.

22 Q. In fact, there was a wallet that was left on the
23 counter full of cash?

24 A. Yes.

25 Q. Okay. So because it wasn't ransacked, there

1 weren't a lot of different places to search to see if things
2 were missing. There was a limited number of spots, fair?

3 A. I guess.

4 Q. Okay. And so, after Ms. Butrum carefully went
5 through those spots with you, she told you that she didn't
6 think anything had been taken; is that right?

7 A. Yeah.

8 Q. Okay. For instance, she didn't mention that there
9 were four cufflinks stolen.

10 MS. STABE: Objection, Your Honor, to the
11 hearsay.

12 MR. MENSING: I've laid the predicate, Your
13 Honor, excited utterance.

14 THE COURT: Sustained.

15 Q. (BY MR. MENSING) Okay. Was Ms. Butrum still upset
16 and frazzled during the time period that she was looking
17 through the house with you for stolen items?

18 A. Yeah, she was upset because we just walked through
19 the house and I showed her what was -- what had happened.

20 Q. Okay.

21 A. Okay?

22 Q. Sure. Okay.

23 A. It was a quick walk-through.

24 Q. Fair enough. And then Mr. Butrum shows up later?

25 A. Yes.

1 Q. And you did an offense report in this case?

2 A. Yes.

3 Q. Okay. And the offense report is designed to record
4 all the important details of what you saw and heard, fair
5 enough?

6 A. Correct.

7 Q. Okay. And your offense report doesn't indicate
8 that Mr. Butrum stated that there were cufflinks missing; is
9 that also fair?

10 A. He did not, to me.

11 Q. Okay. So, when you arrived, did you see Joshua
12 Williams in the house?

13 A. No.

14 Q. Did you see him outside of the house?

15 A. No, I did not.

16 Q. Did you see him walking in the neighborhood?

17 A. No, I did not.

18 Q. Did you see him driving in the neighborhood?

19 A. No, I did not.

20 Q. Okay. Did you see him anywhere touching, using,
21 wearing, doing anything with the property that was allegedly
22 stolen?

23 A. No, I did not.

24 Q. Okay. You interviewed neighbors?

25 A. A deputy went door to door and talked to the

1 neighbors.

2 Q. No neighbor saw Joshua Williams in the house,
3 correct?

4 A. Correct.

5 Q. Leaving the house?

6 A. Correct.

7 Q. Driving near the house?

8 A. Correct.

9 Q. In the neighborhood?

10 A. Correct.

11 Q. Touching the property?

12 A. Correct.

13 Q. Holding the property?

14 A. No.

15 Q. Okay. Now, you said you lifted for prints?

16 A. Yeah, another deputy checked for prints.

17 Q. Fair enough. And you did not find any of Joshua
18 Williams' prints on the safe?

19 A. No.

20 Q. Where the door and window were broken?

21 A. Did not.

22 Q. Okay. Did you locate any DNA type evidence linking
23 Joshua Williams to the scene?

24 A. No.

25 Q. Did you attempt to fingerprint the items that were

1 later recovered and claimed to be the stolen property from
2 the Butrums?

3 A. I was not at that scene.

4 Q. Okay. Are you aware of any surveillance video from
5 any neighboring properties or this home, showing Joshua
6 Williams at the Butrum house?

7 A. No.

8 Q. Any images, pictures, whatever, showing Joshua
9 Williams there?

10 A. I'm not aware of any.

11 Q. Or nearby?

12 A. No.

13 Q. Okay. Okay. So --

14 MR. MENSING: May I approach, Your Honor?

15 THE COURT: You may.

16 Q. (BY MR. MENSING) Officer Hartmann, at some point
17 you did an offense report, I think we agreed?

18 A. Yes.

19 Q. And in that offense report, you listed the articles
20 that were allegedly stolen from the Butrum household.

21 A. I was not aware of any articles stolen, so, no, I
22 did not list any.

23 Q. Okay.

24 A. They were advised to call back later if they
25 noticed anything missing.

1 Q. Okay. Did you have any involvement in the offense
2 report in front of you that -- and I'll turn your attention
3 to page 1 and 2, listing the articles -- listing articles.
4 Just leave it at that.

5 A. No, I did not.

6 Q. Okay. Are you aware of who was involved in listing
7 these articles?

8 A. I am not.

9 Q. Okay. Did you have any involvement in ascribing
10 value to the articles that were allegedly taken from the
11 Buttrums' home for purposes of this indictment?

12 A. No, I did not.

13 Q. Okay. Fair enough. Did the Buttrums ever provide
14 you with any receipts for the property, showing what they
15 paid for it?

16 A. No, they did not.

17 Q. Any appraisals of the jewelry?

18 A. No.

19 Q. Any insurance policy ascribing value to that?

20 A. No, they did not.

21 Q. Did you ever, in fact, see what the Buttrums claimed
22 had been taken?

23 A. No, I did not.

24 Q. Is it fair to say that the Buttrums did not ever
25 provide you with any documentation which would identify the

1 fair market value of the items that were allegedly taken
2 from their home?

3 A. They did not.

4 Q. Okay.

5 MR. MENSING: I'll pass.

6 THE COURT: Ms. Stabe, any questions?

7 MS. STABE: Nothing further from this officer,
8 Your Honor.

9 THE COURT: All right. And may this witness
10 be excused on call?

11 MS. STABE: Yes, Your Honor.

12 THE COURT: Thank you, Deputy. You are free
13 to go.

14 THE WITNESS: Thank you.

15 THE COURT: Call your next witness, please.

16 MS. STABE: The State calls Herbert Butrum.

17 THE COURT: Right up here, please, sir. If
18 you would, please have your seat.

19 If you would, please state and spell your name
20 for my court reporter.

21 THE WITNESS: Okay. Herbert L. Butrum,
22 B-U-T-R-U-M.

23 THE COURT: You may proceed.

24 MS. STABE: Thank you, Your Honor.

25

