

1 witness?

2 **MR. BATARSE:** Officer James Huckabee.

3 **THE COURT:** Thank you.

4 **THE BAILIFF:** Your Honor, this witness  
5 has not been sworn.

6 **THE COURT:** Thank you. Come on up,  
7 please, sir. And if you don't mind, would you turn  
8 and face the jury and raise your right hand to take  
9 the oath.

10 **(Witness Duly Sworn)**

11 **THE COURT:** Thank you, sir. Please  
12 have a seat there.

13 **MR. BATARSE:** May I proceed, Your  
14 Honor?

15 **THE COURT:** Yes, sir.

16 **JAMES HUCKABEE,**  
17 having been first duly sworn, testified as follows:

18 **DIRECT EXAMINATION**

19 **Q.** **(BY MR. BATARSE)** Officer, would you please  
20 introduce yourself to the jury?

21 **A.** Yes ma'am. Excuse me. My name is Officer  
22 James Huckabee with the Houston Police Department.

23 **Q.** And, officer, do you mind just pulling that  
24 microphone up a little bit?

25 You're with which police department?

1           **A.**     Houston Police Department.

2           **Q.**     And how long have you been employed with  
3     HPD?

4           **A.**     Seven years in December.

5           **Q.**     Okay.  What kind of training do you have to  
6     have -- or do you have to receive before you can  
7     become a police officer?

8           **A.**     There is a six-month academy time where  
9     we're studying laws, and then six months on-the-job  
10    training with a field training officer.

11          **Q.**     And when did that occur?  2000 what?

12          **A.**     2008.

13          **Q.**     2008.  And you have been with the police  
14    department since then?

15          **A.**     Yes, sir.

16          **Q.**     Okay.  Tell the jury what kind of jobs you  
17    have had while you have been a peace officer?

18          **A.**     In the department?

19          **Q.**     Yes.

20          **A.**     I have been patrol my entire eight years,  
21    as a field training officer the last five.

22          **Q.**     All right.  So, we'll talk about these.

23                    Patrol.  What does that mean to be a  
24    patrol officer?

25          **A.**     Respond to calls for service, 911 calls for

1 citizens in locations, and provide proactive  
2 policing.

3 Q. Okay. So, calls for service. So,  
4 basically, if someone calls the police, they want an  
5 officer at the scene, you're the guy who shows up?

6 A. Yes, sir.

7 Q. All right. I'm showing you what's been  
8 marked as State's Exhibit No. 1. Actually, you know  
9 what? I apologize.

10 Before I do that, officer, do you  
11 recognize State's Exhibit No. 1?

12 A. Yes, sir.

13 Q. Okay. And what is it?

14 A. It's a map of the city of Houston.

15 Q. Okay. And is that a map of a portion of  
16 Harris County?

17 A. Yes, sir.

18 Q. Okay. And this red dot here, do you  
19 recognize where that is?

20 A. Yes, sir.

21 Q. Okay. And where is that?

22 A. It's the original dispatched location, a  
23 residence in my jurisdiction.

24 Q. Okay. Is this a fair and accurate  
25 depiction of a map of this area of Houston?

1           **A.**       Yes, sir, it is.

2                       **MR. BATARSE:** State moves to enter  
3 State's Exhibit No. 1. Tender to opposing counsel  
4 for objection.

5                       **MR. TABOADA:** No objection.

6                       **THE COURT:** Admitted.

7                       **MR. BATARSE:** May I publish, Your  
8 Honor?

9                       **THE COURT:** Yes, sir.

10           **Q.**       **(BY MR. BATARSE)** So, we're looking at  
11 State's Exhibit No. 1. And this is -- is this in  
12 Harris County, Texas?

13           **A.**       Yes, sir.

14           **Q.**       All right. And this little area right  
15 here, can you point to the spot where you were  
16 dispatched back in May of 2013?

17           **A.**       Yes, sir.

18           **Q.**       Okay. And what area were you patrolling at  
19 that time?

20           **A.**       Residential area, northeast Houston.

21           **Q.**       Okay. So, could you like circle the  
22 general area? Do you see it on that map?

23           **A.**       Absolutely. (Indicating.) Roughly about  
24 that, sir.

25           **Q.**       All right. And you mentioned that you did

1 patrol and that you were a field training officer.

2 What does it mean to be an FTO?

3 **A.** As new police officers come out of the  
4 academy, we teach them how to be basic police  
5 officers and ensure that their training is up to date  
6 and they meet the requirements of the job.

7 **Q.** Let's talk about May of 2013. Were you  
8 working patrol then?

9 **A.** Yes, sir, I was.

10 **Q.** All right. And that circle there on  
11 State's Exhibit No. 1, that is the patrol you were  
12 working?

13 **A.** Yes, sir.

14 **Q.** All right. What shift were you working?

15 **A.** Night shift.

16 **Q.** And what are the times for that shift?

17 **A.** 11:00 p.m. to 7:00 a.m.

18 **Q.** All right. Describe to the jury -- you  
19 know, when you get a normal call for service or 911  
20 call, what is your procedure? What do you do?

21 **A.** Based on the priority of the call dictates  
22 how quickly we move to the call. If it's an  
23 in-progress call where somebody's life is in  
24 jeopardy, it's lights and sirens. If it is a call  
25 where there is a suspect still on the scene or a

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1 threat of violence, it's code 2, which means we  
2 cannot observe any other calls other than a felony.  
3 We have to proceed to that call. And then lessers in  
4 degree from there.

5 Q. Okay. So, there is a priority list, right?

6 A. Yes, sir, there is.

7 Q. So, you get sent out to a call; and when  
8 you get out there, what's your job?

9 A. Depending on nature of the call, find the  
10 facts, pursue the criminal justice system, separate  
11 parties. It depends on the nature of the call.

12 Q. Kind of whole gambit anytime someone calls  
13 911, right?

14 A. Yes, sir.

15 Q. What is the indication that you have -- or  
16 did you get an indication of what kind of call you're  
17 going to? Do you receive any information like that?

18 A. There is a short description in our  
19 dispatched call that dispatch advises us when the  
20 person calls 911, what they describe to the 911 call  
21 taker.

22 Q. Okay. So, someone speaks to the 911  
23 operator; and then they send you some -- a little  
24 blurb of the information, right?

25 A. Yes, sir.

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1           **Q.**     Okay.  So, May 5, 2013, you were working  
2 patrol that night.  At about what time were you  
3 dispatched to the location that you have got circled  
4 there?

5           **A.**     I believe it was 2:00 a.m.

6           **Q.**     Okay.  I'm going to show you a little close  
7 up.  If you don't mind clearing the screen.  Press  
8 the lower left-hand corner of the screen.

9           **A.**     (Witness complies.)

10          **Q.**     Thanks.

11                                 Showing you State's Exhibit No. 2.  
12 And what address is that showing it?

13          **A.**     7414 Glass Street.

14          **Q.**     Okay.  And why were you dispatched to 7414  
15 Glass Street?

16          **A.**     That was the residence of the complainant  
17 and the witness.

18          **Q.**     And what was the purpose?  What was the  
19 reason for the call?

20          **A.**     It was an injury to a child.

21          **Q.**     Okay.  So, describe what happened when you  
22 arrived.

23          **A.**     Before I could even arrive at the location,  
24 we were flagged down at the corner of the  
25 intersecting street of Denmark and Glass Street.

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1           **Q.**     So, circle that for us.

2           **A.**     Yes, sir. (Witness complies.)

3           **Q.**     Okay. And what did you do?

4           **A.**     I exited my patrol vehicle, spoke to both  
5 parents, got the nature of the call.

6           **Q.**     Who -- who all was there? I mean, was it a  
7 lot of people? A few people?

8           **A.**     There was -- there was quite a few people.  
9 There was two defined groups. The mother and the  
10 complainant were standing in the driveway separated  
11 by a very large gap between the -- between the man I  
12 have been calling the suspect and the people that  
13 lived at the actual residence that I was flagged down  
14 at.

15          **Q.**     Okay. So, there is two groups; and they  
16 are close to each other, right?

17          **A.**     Yes, sir.

18          **Q.**     All right. And did you -- you said you got  
19 out and spoke to them?

20          **A.**     Yes, sir.

21          **Q.**     Is that normal procedure?

22          **A.**     Yes, sir.

23          **Q.**     Okay. All right. And so, did you talk to  
24 someone by the name of Maria Ortiz?

25          **A.**     Yes, sir, I did.



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1 Q. And who was she?

2 A. The mother of the complainant.

3 Q. Okay. And when you say "the complainant,"  
4 who are you referring to?

5 A. The juvenile daughter.

6 Q. Okay. Are you referring to Jasmine?

7 A. Yes.

8 Q. Okay. Now, did you actually speak to the  
9 child; or did somebody else speak to the child?

10 A. I elected, due to the nature of the call  
11 and what I had been told by the mother, to have a  
12 female officer speak to Jasmine.

13 Q. And Jasmine, did she appear to be young?  
14 Old?

15 A. She appeared to be young.

16 Q. How old?

17 A. She appeared to be 10 to 12 years old.

18 Q. Okay. What was her demeanor when you got  
19 there?

20 A. She was -- she was very upset, crying, not  
21 a lot of communication while I was speaking to her  
22 mother. That's why I determined that if she was  
23 going to open up to anybody, it would probably be a  
24 female officer.

25 Q. Okay. So, you had a female officer come to

1 the scene?

2 A. Yes, sir, I did.

3 Q. Okay. You spoke to mom?

4 A. Yes, sir.

5 Q. Female officer spoke to the child?

6 A. Yes, sir.

7 Q. Did you also speak to anyone else at the  
8 scene?

9 A. Yes, sir. I -- I brought the defendant  
10 away from the other parties and spoke to him.

11 Q. Okay. And why did you do that?

12 A. I didn't want him to interfere -- or  
13 anybody for that matter -- interfere with any  
14 statement. I didn't want an intimidation factor for  
15 anybody to overhear any conversation taking place.

16 Q. Okay. So, you separated the parties?

17 A. Yes, sir.

18 Q. Okay. Before we get into the discussion  
19 with the defendant, did the mom -- did the --  
20 Ms. Ortiz, did she explain the reason for the call?

21 A. Yes, sir.

22 Q. Okay. And did you -- did you observe any  
23 injuries on the child?

24 A. I did.

25 Q. Jasmine -- pardon me. The child, Jasmine

1 Chacon, did you observe injuries on her?

2 A. Yes, sir, I did.

3 Q. Okay. And an officer spoke to Jasmine, the  
4 victim, and also -- and you spoke to Ms. Ortiz. Did  
5 you and the officer discuss what y'all learned from  
6 the victim and her mother?

7 A. Yes, sir. The female officer relayed the  
8 information to me, as I was the primary and  
9 investigating officer on the scene.

10 Q. And were they spoken to separately at that  
11 point?

12 A. Yes, sir.

13 Q. And were stories consistent as to what  
14 occurred?

15 A. Yes, sir.

16 Q. Okay. Now, you spoke to the defendant,  
17 correct?

18 A. Yes, sir, I did.

19 Q. All right. Now, at the time you spoke to  
20 the defendant, was he formally under arrest?

21 A. At that time, no.

22 Q. Okay. Why did you separate him from  
23 everyone else?

24 A. I didn't want -- while Jasmine was giving a  
25 statement to the female officer, I didn't want -- if

1 there was any intimidation factor that could have  
2 taken place, I didn't want that. I didn't want  
3 people's statements to be overheard and, therefore,  
4 intertwined. I wanted everybody's statements to be  
5 their own statement.

6 Q. Okay. And what was your -- tell us about  
7 your discussion with the defendant.

8 A. I just asked him what had happened, why I  
9 was called to the location. He replied, Whatever  
10 they tell you is accurate.

11 I gave him kind of a brief synopsis of  
12 what they had told me and that I do not think he  
13 wanted to just agree with it. He told me that it was  
14 a misunderstanding, that that's not exactly what had  
15 happened. And we went into further detail.

16 He said that while the mother was away  
17 in Mexico, he was taking care of Jasmine and her  
18 sisters and that one morning Jasmine had woke him up.  
19 In his words verbatim, he said -- he said, "I'm a  
20 horny motherfucker and I felt a warm body wake me up  
21 and I just reacted."

22 We went into more detail, and he said  
23 that he --

24 Q. I just want to interrupt you here. Just so  
25 that we're clear with the jury, were you surprised by

1 the fact that he was telling you this?

2 **A.** Yes, sir.

3 **Q.** Yeah. Is it normal for -- you know, is it  
4 normal for defendants to just admit stuff like this  
5 to you?

6 **A.** In my experience, no.

7 **Q.** Okay. So, what else did he say?

8 **A.** He said on the morning that he was woken up  
9 by Jasmine, he felt a warm body and he just reacted.  
10 He grabbed her breasts. He said then he realized who  
11 it was. We continued conversating. We went back to  
12 it, and then it changed to he grabbed her breast and  
13 her buttocks before he realized who it was.

14 And then the third and final time that  
15 we spoke about the incident, he went as far as to say  
16 he grabbed her breasts, buttocks and got on top of  
17 her before he realized who it was. But at no time  
18 did he admit to any intercourse or anything along  
19 those lines.

20 **Q.** So, each time he would disclose to you,  
21 there was more information that he would disclose to  
22 you, correct?

23 **A.** Yes, sir.

24 **Q.** Okay. So, at this point, after he has told  
25 you this, what do you do?

1           **A.**     At this point I take the collective  
2 statements; and I call the district attorney's office  
3 to determine if I have established probable cause for  
4 an arrest.

5           **Q.**     Okay. Now, were you ultimately -- you said  
6 that you're a patrol officer, correct?

7           **A.**     Yes, sir.

8           **Q.**     All right. Were you ultimately the officer  
9 who completed, you know, any subsequent  
10 investigations?

11          **A.**     No, sir, I was not.

12          **Q.**     Is that part of your job description to  
13 also, you know, follow up and be the investigator on  
14 these cases?

15          **A.**     No, sir.

16          **Q.**     Does HPD have a system for follow-up and  
17 investigating cases?

18          **A.**     Yes, sir.

19          **Q.**     Who -- how did that happen? Does it get  
20 referred to somebody?

21          **A.**     It gets referred to the concerned division.  
22 I'm -- for violent crimes, usually homicide division.  
23 For crimes involving juveniles, there is juvenile  
24 investigators. There is --

25          **Q.**     Would that describe this situation?

1           **A.**     Yes, sir, it would.

2           **Q.**     Okay.  And was the case -- well, did you  
3 document when this occurred?

4           **A.**     Yes, sir, I did.

5           **Q.**     Okay.  And was the case then transferred to  
6 the relevant division?

7           **A.**     Yes, sir.

8           **Q.**     And what division was that?

9           **A.**     I believe it was juvenile sex crimes.

10          **Q.**     Okay.  And do you know which officer ended  
11 up investigating the case?

12          **A.**     (No response.)

13          **Q.**     It's okay if you don't.

14          **A.**     I don't, no, sir.

15          **Q.**     Okay.

16                   **MR. BATARSE:**  Pass the witness.

17                   **THE COURT:**  Thank you.

18                   Mr. Taboada?

19                   **MR. TABOADA:**  No questions, Your  
20 Honor.

21                   **THE COURT:**  No questions?  Is this  
22 officer excused?

23                   **MR. TABOADA:**  Yes, Your Honor.

24                   **MR. BATARSE:**  Yes, Your Honor.

25                   **THE COURT:**  Thank you so much, sir.

1                   **THE WITNESS:** Thank you, ma'am.

2                   **THE COURT:** You're released as a  
3 witness.

4                   **(Witness released)**

5                   **MR. BATARSE:** Your Honor, I was going  
6 to make sure and check to see if we have the doctor  
7 here, Judge.

8                   **THE COURT:** Okay.

9                   **(Brief pause)**

10                  **THE BAILIFF:** Your Honor, this witness  
11 has not been sworn.

12                  **THE COURT:** Good afternoon.

13                  **THE WITNESS:** Hi.

14                  **THE COURT:** Would you mind facing the  
15 jury, and raise your right hand.

16                  **(Witness Duly Sworn)**

17                  **THE COURT:** Thank you.

18                  **MR. BATARSE:** May I proceed, Your  
19 Honor?

20                  **THE COURT:** Yes, sir.

21                  **(Witness Duly Sworn)**

22                                 **REENA ISAAC,**  
23 having been first duly sworn, testified as follows:

24   **DIRECT EXAMINATION**

25                   **Q.       (BY MR. BATARSE)** Ms. Isaac, please