

*JAMES BLACK - February 19, 2014
Further Redirect Examination by Mr. Phanco*

1 that's what he's charged with.

2 MR. HUGHES: One charge and one charge
3 only.

4 THE COURT: That's what he's charged with
5 in this trial.

6 MR. HUGHES: Thank you, sir.

7 THE COURT: You may proceed.

8 MR. PHANCO: I'll call Officer Black.

9 *(Off-the-record discussion)*

10 THE COURT: I'm going to grant your
11 request, and you'll be excused until tomorrow. Please
12 be here on time.

13 All right. With that in mind, please call
14 your next.

15 MR. PHANCO: State calls Officer Huckabee.

16 THE COURT: Please proceed.

17 MR. PHANCO: Thank you, Your Honor.

18 **JAMES HUCKABEE,**

19 having been first duly sworn, testified as follows:

20 **DIRECT EXAMINATION**

21 *BY MR. PHANCO:*

22 Q. Go ahead and introduce yourself to the jury.

23 Tell them your first and last name.

24 A. My name is James Huckabee. I'm a police
25 officer with the Houston Police Department.

JAMES HUCKABEE - February 19, 2014
Direct Examination by Mr. Phanco

1 Q. How long have you been with HPD?

2 A. Five-and-a-half years.

3 Q. What did you do before you were with HPD?

4 A. I was in the United States Marine Corps.

5 Q. How long were you in the Marine Corps?

6 A. Four years.

7 Q. So when you came to HPD, I assume you went
8 through all the training and everything that --

9 A. Yes, sir.

10 Q. And how long did you go through the training
11 period?

12 A. Six months in the academy, six months on the
13 street, so a year total training.

14 Q. And once you got out of training, where were
15 you assigned?

16 A. To the Northeast Station located at 8301 Ley
17 Road, L-E-Y.

18 Q. What are -- what's your patrol area?

19 A. My patrol area consists of -- the Houston city
20 limits is cordoned off into districts. My district is 8
21 District, which is -- basic boundaries is Hirsch Road to
22 Mason Road on the eastern side all the way up to Mount
23 Houston and almost to 610 on the south side.

24 Q. I'm going to to show you something marked
25 State's Exhibit No. 1.

*JAMES HUCKABEE - February 19, 2014
Direct Examination by Mr. Phanco*

1 MS. LOGAN: Judge, do you happen to have
2 it muted up there?

3 THE COURT: Hold on a second.

4 MS. LOGAN: There we go. Thank you.

5 THE COURT: Thank you.

6 Q. (By Mr. Phanco) All right. So kind of circle
7 your area, if you will.

8 A. Yes, sir.

9 Q. All right. So you know the area pretty well,
10 obviously?

11 A. Yes, sir.

12 Q. Do you recall the date of March 26th, 2012?

13 A. March 26th?

14 Q. Excuse me. May 26th of 2012.

15 A. Yes, sir, May 26th of 2012.

16 Q. Now did you come into contact with someone you
17 know to be Oliver Hughes that night?

18 A. Yes, sir, I did.

19 Q. Now I want you to tell the jury how you first
20 arrived at the scene. Do you remember the address?

21 A. Yes, sir. It's an apartment complex located at
22 9555 Crofton.

23 Q. Okay. And is that in Harris County, Texas?

24 A. Yes, sir, it is.

25 Q. Now tell the jury how you got there.

JAMES HUCKABEE - February 19, 2014
Direct Examination by Mr. Phanco

1 A. From the original call?

2 Q. Yes.

3 A. The original call dropped as -- sometimes the
4 calls drop as something that we investigate later and
5 find out they're not. It dropped as a robbery/weapon
6 just occurred. Turned out we were investigating later
7 on what was an aggravated assault with a deadly weapon.
8 We met with the original complainant, took his
9 statement, searched the area for the suspect that he had
10 described, couldn't find him. And ultimately --

11 *THE COURT:* Hold on just a second.

12 Officer, you need to slow down and speak distinctly.

13 *THE WITNESS:* Yes, sir.

14 *THE COURT:* Let's proceed. Say it again.

15 A. We ultimately cleared it, report to be.

16 Q. *(By Mr. Phanco)* So I'm going to go through
17 kind of what that means.

18 A. Yes, sir.

19 Q. Take a step backwards. You said you were
20 called out on a first call?

21 A. Yes, sir.

22 Q. What time did the first call happen?

23 A. I'm not the primary investigating officer, sir.
24 I'm --

25 *THE COURT:* If you don't know, say you

JAMES HUCKABEE - February 19, 2014
Direct Examination by Mr. Phanco

1 don't know.

2 THE WITNESS: Yes, sir.

3 A. I don't know.

4 Q. (By Mr. Phanco) Okay. Do you recall if it was
5 morning, afternoon, that kind of thing?

6 A. It was early in the morning, sir.

7 Q. Okay. And so you go out to the first call, and
8 you said you met with a complaining witness?

9 A. Yes, sir.

10 Q. Okay. Did you find out the name of that
11 complaining witness?

12 A. No, sir, I did not.

13 Q. Okay. And after speaking with the complaining
14 witness, what were you investigating at that point in
15 time?

16 A. Officer Black was investigating an aggravated
17 assault with a deadly weapon.

18 Q. Okay. Were you helping him in that
19 investigation?

20 A. Yes, sir. I was there for officers' safety.

21 Q. Okay. And then you searched -- did you have a
22 description of the person who committed the aggravated
23 assault?

24 A. Yes, sir, we did.

25 Q. Did you have a name of the person that

JAMES HUCKABEE - February 19, 2014
Direct Examination by Mr. Phanco

1 committed the aggravated assault?

2 THE COURT: You need to slow down.

3 Q. (By Mr. Phanco) Did you have a name?

4 A. I did not, no, sir.

5 Q. Did you, on the first call, look around to find
6 the suspect in the aggravated assault?

7 A. Yes, sir, we did.

8 Q. Did you find the suspect?

9 A. On the first call, no, sir, we did not.

10 Q. So you leave?

11 A. Yes, sir.

12 Q. Do you receive a second call?

13 A. Yes, sir, we do.

14 Q. Okay. Tell us -- and again, slow down and just
15 kind of tell us blow-by-blow what happened after the
16 second phone call was made.

17 A. Yes, sir. The second call came in from the
18 original complainant telling us that the male that had
19 assaulted him was back at the location with a weapon.
20 The complainant flagged us down inside the apartment
21 complex and pointed to the apartment where the suspect
22 supposedly lived.

23 Q. Okay. So you came out a second time?

24 A. Yes, sir.

25 Q. And you met with the same victim as the first

JAMES HUCKABEE - February 19, 2014
Direct Examination by Mr. Phanco

1 call?

2 A. Yes, sir.

3 Q. Okay. And he was the one who called again and
4 said that the defendant was back with a gun?

5 A. Yes, sir.

6 Q. All right. Tell me what you do next.

7 A. At that point Officer Black advised he was
8 going to go try and talk to the suspect, knock on the
9 door. I remembered, and so did Officer Black, that
10 there at -- this particular apartment has back doors, so
11 I advised Officer Black that I would go to the north and
12 around back of the apartment to make sure that the
13 suspect or anybody couldn't run out the back while we
14 were trying to talk to him at the front.

15 Q. Describe to the jury what happened next as you
16 walked around the back of this apartment complex.

17 A. Yes, sir. I walked to the north of the
18 apartments. As I'm circling around to the east and
19 backside of the particular apartment, I see a male
20 matching the description of the suspect that was
21 described by the complainant with his hand inside the
22 wheel well of, I believe, a white vehicle. And he's
23 kind of bended at the waist, walking away from me to the
24 south.

25 Q. Okay. Do you recall -- you said vehicle. Do

JAMES HUCKABEE - February 19, 2014
Direct Examination by Mr. Phanco

1 you remember what kind of vehicle it was? It's okay if
2 you don't.

3 A. No, sir, I do not.

4 Q. But it's in -- you see him reaching where?

5 A. Inside the wheel well.

6 Q. Okay. And do you see his hand already inside
7 the wheel well, or do you see him -- or do you see his
8 hand actually go into the wheel well?

9 A. As I'm turning the corner, his hand is already
10 inside the wheel well.

11 Q. So you cannot see what was in his hand, if
12 anything?

13 A. No, sir.

14 Q. Okay. Did you see him pull his hand back out
15 from the wheel well?

16 A. Yes, sir, I did.

17 Q. When you saw him pull his hand back out from
18 the wheel well, was there anything in it?

19 A. Not that I could notice.

20 Q. What do you do when you see him bent over
21 reaching into the wheel well?

22 A. I advised Officer Black over the radio that I
23 have a possible suspect on the backside walking to the
24 southeast corner of the apartment. I draw my weapon and
25 start following the suspect. As I'm gaining ground on

JAMES HUCKABEE - February 19, 2014
Direct Examination by Mr. Phanco

1 him, Officer Black and I both at the same about time
2 meet him at the southeast corner where I draw -- point
3 my weapon at him and Officer Black takes him into
4 custody.

5 Q. Why did you draw your weapon at that point in
6 time?

7 A. Because officers had had -- we had had -- been
8 told by the complainant that this was a weapon
9 involvement; he possibly was armed with a firearm.

10 Q. And just for organization purposes, the
11 complainant that you're talking about is not Valery
12 Gulley, who you later met on the aggravated robbery?

13 A. No, sir, it's not.

14 Q. It's the original complainant on the aggravated
15 assault?

16 A. Yes, sir, it is.

17 Q. Okay. And when you draw your weapon, you said
18 that that's when you're seeing him reaching underneath
19 the -- or into the tire well?

20 A. Yes, sir.

21 Q. Why not at that point in time announce your
22 presence and kind of go towards him while he's at the
23 tire well?

24 A. There was a reasonable line of distance between
25 us. And tactically, sir, I'd rather not approach him by

JAMES HUCKABEE - February 19, 2014
Direct Examination by Mr. Phanco

1 myself. I'd rather have other officers know where I'm
2 headed and know where we're headed.

3 Q. When you saw him reaching in the tire well,
4 what made you suspect that this was the defendant that
5 you were looking for?

6 A. He matched the description that the complainant
7 gave us exactly.

8 Q. Do you remember what that description was?

9 A. Black male, I believe, with a black shirt and
10 tan pants.

11 Q. And once you met him at the southeast corner,
12 what happened next?

13 A. Officer Black more or less surprised him as he
14 was turning the corner. I covered Officer Black by
15 keeping my weapon on the suspect while Officer Black
16 took him into custody and gave him a high risk search at
17 that point.

18 Q. Describe to the jury what a high risk search
19 is.

20 A. A high risk search is anything that was
21 accessible to the suspect. It's not a complete invasive
22 search. It's not digging in the pockets. It's just
23 your waistband, feeling the outside of your clothing
24 where a weapon could be, a knife, anything that can harm
25 officers at that time.

JAMES HUCKABEE - February 19, 2014
Direct Examination by Mr. Phanco

1 Q. Now when you didn't find a weapon on him, what
2 did that lead you to believe and do next?

3 A. At that time we're thinking that maybe we're
4 missing the gun. We're worried about where the gun
5 could be. And then I remembered that he had reached
6 into the wheel well of that vehicle, and I advised
7 Officer Black there could possibly be something at that
8 vehicle.

9 Q. And after the search, did he immediately go to
10 the vehicle?

11 A. Yes, sir, he did.

12 Q. How much time are you talking about between you
13 seeing him reach into the wheel well and Officer Black
14 going to retrieve the gun from the wheel well?

15 A. Forty-five seconds to maybe a minute.

16 Q. And did you see anybody going over to the wheel
17 well in between the defendant and Officer Black?

18 A. No, sir.

19 Q. What happens once you bring the defendant out
20 front of the building?

21 A. Once we brought the defendant out front and
22 placed him into the backseat of the patrol vehicle, we
23 approached -- we were approached by another complainant,
24 who advised that the defendant had robbed him
25 approximately thirty to forty-five minutes prior.

JAMES HUCKABEE - February 19, 2014
Direct Examination by Mr. Phanco

1 Q. Okay. And do you remember the name of this
2 complaining witness?

3 A. I believe his last name is Gullory, sir.

4 Q. Gulley? Does that sound --

5 A. Gulley, yes, sir.

6 Q. Now the person that you had in custody at this
7 point, did you know him to be Oliver Hughes?

8 A. Yes, sir, I did.

9 Q. And do you see that man in the courtroom today?

10 A. Yes, sir, I do.

11 Q. All right. Could you point him out? Just
12 point to him and describe him using an article of
13 clothing that he's wearing.

14 A. Sir, he's sitting in the chair right there in a
15 black suit.

16 MR. PHANCO: Your Honor, let the record
17 reflect he's identified the defendant?

18 THE COURT: The record so shall reflect.

19 Q. (By Mr. Phanco) Okay. Now when the second
20 victim, Mr. Gulley, pulled up, did he give you a
21 description of the man that robbed him?

22 A. He did not give me a description, sir. He gave
23 Officer Black a description.

24 Q. Did you and Officer Black find the description
25 to meet the description of Mr. Hughes, the person you

JAMES HUCKABEE - February 19, 2014
Direct Examination by Mr. Phanco

1 had in custody?

2 A. Yes, sir.

3 Q. And did you later that night -- was Mr. Hughes
4 booked into the Harris County Jail for the incidents
5 that occurred?

6 A. Yes, sir, he was.

7 Q. Okay. I'm going to show you what's been marked
8 as State's Exhibit No. 9. Tell me, do you recognize
9 State's Exhibit No. 9?

10 A. Yes, sir, I do.

11 Q. Okay. And who's that a picture of?

12 A. That is a picture of the defendant, sir.

13 Q. Okay. Does it fairly and accurately depict the
14 way that the defendant looked on the night of May 26th
15 of 2012?

16 A. Yes, sir, it does.

17 Q. Okay.

18 MR. PHANCO: At this point in time, Your
19 Honor, I'd ask State's Exhibit No. 9 be admitted into
20 evidence. And I'm tendering to opposing counsel for
21 inspection.

22 THE COURT: Thank you.

23 MR. HUGHES: Okay. We're good, Your
24 Honor.

25 THE COURT: No objection?

JAMES HUCKABEE - February 19, 2014
Direct Examination by Mr. Phanco

1 MR. HUGHES: No objection, Your Honor.

2 THE COURT: Be admitted without objection.
3 That's State's 9.

4 MR. PHANCO: May I publish to the jury,
5 Your Honor?

6 THE COURT: Yes, you may.

7 Q. (By Mr. Phanco) All right. So this is taken
8 on the night of May 26, 2012; and this is the
9 description that you were given on this night?

10 A. Yes, sir.

11 Q. And when Mr. Black -- or Officer Black spoke to
12 the complaining witness, Mr. Gulley, at that point in
13 time did you believe that you had the suspect in
14 custody?

15 A. Yes, sir, we did.

16 Q. Was he able to describe the gun?

17 A. Not to me, sir. I did not participate in that
18 part of the interview.

19 Q. Did Officer Black talk to Mr. Gulley about the
20 gun?

21 A. Yes, sir.

22 Q. Did you see the gun?

23 A. Yes, sir, I did.

24 MR. PHANCO: For the record, I'm showing
25 the witness what's been marked as State's Exhibit No. 3.

JAMES HUCKABEE - February 19, 2014
Direct Examination by Mr. Phanco

1 Q. (By Mr. Phanco) And does that appear to be the
2 gun as it was on this night?

3 A. Yes, sir, it does.

4 Q. Did you talk to Mr. Gulley at all, the
5 complaining witness on the robbery?

6 A. No, sir, I did not.

7 THE COURT: Are you finished with your
8 exhibit?

9 MR. PHANCO: Yes, Your Honor.

10 Q. (By Mr. Phanco) You didn't speak to the
11 complaining witness at all that night?

12 A. No, sir. I don't recall.

13 MR. PHANCO: I pass the witness, Your
14 Honor.

15 THE COURT: Thank you.

16 Mr. Hughes, when you're ready.

17 MR. HUGHES: Yes, Your Honor.

18 **CROSS-EXAMINATION**

19 BY MR. HUGHES:

20 Q. Good afternoon, Officer Huckabee.

21 A. How are you doing, sir?

22 Q. Okay. Well, I'm going to bypass asking your
23 experience and everything and job description because --

24 THE COURT: Speak up.

25 Q. (By Mr. Hughes) We can already see you're a

JAMES HUCKABEE - February 19, 2014
Cross-Examination by Mr. Hughes

1 Houston Police Officer, so I'm going to bypass all that.
2 What I want to know is were you the officer originally
3 called to the scene?

4 A. The primary officer?

5 Q. Yes.

6 A. No, sir.

7 Q. So you was an assistant, a backup, right?

8 A. Yes, sir.

9 Q. Okay. And can you tell me a physical location
10 where all this happened, supposedly happened?

11 A. The Crofton --

12 Q. I'm talking -- excuse me. Let me make this
13 clear. Can you tell me the physical location where the
14 armed robbery supposedly took place at?

15 A. No, sir, I cannot.

16 Q. You cannot tell me the physical location?

17 A. No, sir.

18 Q. Can you tell me if you know anything about what
19 transpired?

20 A. In the investigation, no, sir.

21 Q. Yes, sir. All you're aware of is that you got
22 called out to come get a suspect, and it trickled off
23 from there to something else?

24 A. I called -- I was called to assist Officer
25 Black in officer's safety.

JAMES HUCKABEE - February 19, 2014
Cross-Examination by Mr. Hughes

1 Q. Okay. So that's it. But you don't have no
2 eyewitness awareness of what's going on?

3 A. As far as the robbery goes, no, sir.

4 Q. Thank you. Okay. Covered that. You say a
5 weapon was recovered, right?

6 A. Yes, sir.

7 Q. Under the wheel of a car, right?

8 A. Yes, sir.

9 Q. Can you describe --

10 MR. HUGHES: Can you give him the
11 apartments? I want him to describe at the scene what
12 happened. Can I have the photos of the apartment you
13 had earlier?

14 MR. PHANCO: Sure. Do you want them on
15 the screen?

16 MR. HUGHES: Let me see first. Okay.
17 Could you put these on the screen, both of them?

18 MR. PHANCO: Sure.

19 Q. (By Mr. Hughes) Let's start with the one --
20 what's that apartments you recognize?

21 A. That is the Crofton Place Apartments located at
22 9585 Crofton Street.

23 Q. Which unit was mine, sir? Excuse me. Before
24 you say anything, it was my address, Apartment 116,
25 correct?

*JAMES HUCKABEE - February 19, 2014
Cross-Examination by Mr. Hughes*

1 A. Yes, sir.

2 Q. Okay. So that was my apartment?

3 A. As far as I know, yes, sir.

4 Q. Okay. Could you show me on there where that
5 apartment is?

6 A. I do not believe your exact apartment is
7 photographed, sir.

8 Q. Thank you. All right.

9 MR. HUGHES: Now do me a favor, man. Take
10 them off.

11 Q. *(By Mr. Hughes)* Now keep in mind, sir, that
12 you just testified under oath that that was my apartment
13 building.

14 MR. HUGHES: And when you're finished, put
15 this one on, back-to-back. There is no way to enhance
16 the light, huh?

17 Q. *(By Mr. Hughes)* Can you see that, Officer?

18 A. Vaguely, yes, sir.

19 Q. Excuse me. We're going to have to do it
20 different. Hold on. They're coming clear. Do you
21 recognize that apartment there?

22 A. It appears to be one of the buildings at 9555
23 Crofton, sir.

24 Q. No. That's my apartment. Do you recognize
25 that apartment?

JAMES HUCKABEE - February 19, 2014
Cross-Examination by Mr. Hughes

1 MR. HUGHES: And go to the next one. Go
2 to the next one.

3 Q. (By Mr. Hughes) Do you recognize that parking
4 lot right there?

5 A. Sir, all the buildings at 9555 are identical.

6 Q. Excuse me, sir.

7 THE COURT: Excuse me.

8 Q. (By Mr. Hughes) Well, finish. I'm sorry.

9 THE COURT: Go ahead.

10 A. Without actually seeing apartment numbers on
11 the doors, there is no way. Everything is identical in
12 the apartments.

13 Q. (By Mr. Hughes) Excuse me, sir. Them
14 apartments there are gray, half of them. I'm correct.
15 They're gray and white with green trimming, and half of
16 them are boarded up?

17 A. On the east side of Crofton, yes, sir.

18 Q. Okay.

19 MR. HUGHES: Now go back to the other --
20 not them, the other apartments, the exhibits y'all had.
21 Yes, ma'am.

22 Q. (By Mr. Hughes) Now you testified to that
23 being my apartment where the search took place. Look at
24 them apartments. Them apartments are brown brick with
25 white trimming.

JAMES HUCKABEE - February 19, 2014
Cross-Examination by Mr. Hughes

1 A. I believe I said, sir, that I don't believe
2 your exact apartment building is pictured.

3 Q. But see, this is -- well, you just gave
4 testimony -- I'm not trying to trap you or trap your
5 version or anything. I'm just laying it out here. You
6 gave testimony that those apartments there was the
7 building that all this took -- the arrest and the, you
8 know, convergence on the suspect -- all this took place
9 in, but now you recognize that's the State's evidence
10 right there.

11 A. This --

12 Q. Can I finish, sir?

13 A. Go ahead.

14 Q. You recognize them apartments there. That's
15 the State's evidence, by the way. You recognize them
16 apartments there. You testified under oath that those
17 are the apartments that -- where this convergence took
18 place and the scene where you arrested me at Apartment
19 116. That's my apartment.

20 Now, when I showed you the other
21 apartments, you recognized those apartments for what
22 they were. That's my apartment complex. That's where I
23 lived at 116, correct?

24 A. Yes, sir.

25 Q. Okay.

JAMES HUCKABEE - February 19, 2014
Cross-Examination by Mr. Hughes

1 MR. HUGHES: Excuse me. Go back to the
2 other apartments.

3 Q. (By Mr. Hughes) Okay. That's Apartment 116.
4 Not that picture, the picture where you can go around --
5 okay. That's -- what would you say on a map? North,
6 south -- could this be -- this is the little diagram,
7 the north, south, east, west thing, the building thing.

8 MR. HUGHES: Could you bring it to the
9 officer?

10 THE COURT: Let the record reflect that
11 the deputy handed the officer testifying a document
12 previously prepared by the defense.

13 Q. (By Mr. Hughes) Okay. You see that -- okay.
14 You said north, south, east, west, right? Which side
15 you started?

16 A. I started -- we started on the west side right
17 outside your door.

18 MR. HUGHES: Switch it.

19 Q. (By Mr. Hughes) Okay. If you look right at
20 that on the left side of the screen -- if you look, that
21 would be my door right there next to the next door. The
22 next door is 115 --

23 A. Okay.

24 Q. -- correct?

25 A. I can't see any door numbers, but --

*JAMES HUCKABEE - February 19, 2014
Cross-Examination by Mr. Hughes*

1 Q. No, no, no. That's what it is.

2 A. That's what your building would look like, sir.

3 THE COURT: Excuse me. You may not
4 testify. Ask him questions.

5 A. That's what your building would look like, sir.
6 I cannot see any door numbers.

7 Q. (By Mr. Hughes) Okay. So you -- where you
8 started at?

9 A. We started to the west, right there in front of
10 your door; and I moved to the north --

11 Q. Excuse me.

12 COURT REPORTER: Can you let him finish,
13 please?

14 A. And I moved to the north of the building to
15 cover the back.

16 Q. (By Mr. Hughes) Okay.

17 MR. HUGHES: Mr. Phanco, could you show
18 him how to use the pointer?

19 MR. PHANCO: Just draw on it.

20 THE COURT: You may draw on it. Put your
21 finger on it. Trace it.

22 A. Started on the west in this area.

23 Q. (By Mr. Hughes) Uh-huh.

24 A. And I went to the north to cover around back.

25 Q. Could you show me where your partner, Officer

JAMES HUCKABEE - February 19, 2014
Cross-Examination by Mr. Hughes

1 Black, started?

2 A. Officer Black started in the west.

3 Q. Uh-huh.

4 A. And when I called out that I had possibly seen
5 a suspect or yourself in the back of the apartments, he
6 moved this way.

7 Q. Okay. And where y'all converged, you met up
8 at?

9 A. The southeast corner.

10 Q. And right there on the southeast corner. And I
11 was right there then, right? Is that what you're
12 saying?

13 A. You were walking from the back to the south,
14 yes, sir.

15 Q. And it just so happens -- it just so happens --
16 could you tell me how fast this happened? It just so
17 happens is you turn the corner, you see my hand come
18 from under the wheel well?

19 A. Yes, sir.

20 Q. I'm talking about -- excuse me. Just so
21 happens that as you're walking and you physically turn a
22 corner, you see my hand come from under the wheel well.
23 How many seconds did that take, transpire? Know what
24 I'm talking about? Like when you glance at something,
25 just say like one, two; it took you like a second for

JAMES HUCKABEE - February 19, 2014
Cross-Examination by Mr. Hughes

1 the direction you were?

2 A. I was turning the corner, looking for a
3 possible armed suspect; so I was taking into account
4 everything.

5 Q. But you couldn't say how long it took you for
6 you to get the direction in your mind that this man
7 stuck his hand under the wheel well of a car?

8 A. No, sir, I don't know how fast information
9 travels to my head.

10 Q. Okay. So -- okay. Did the plaintiff in this
11 armed robbery, did he call the police?

12 A. I don't know, sir. I didn't investigate the
13 robbery.

14 Q. Okay. Did you know what time the call came in?

15 A. In the early morning hours, sir. I don't know.

16 Q. Okay. Okay. Where was the scene where all
17 this offense took place? Where is --

18 THE COURT: I can't hear you. Speak up.

19 Q. (By Mr. Hughes) Where was the scene where all
20 these offenses took place?

21 A. As I said, sir, I didn't investigate that. I
22 don't know. I was there for Officer Black's safety.

23 Q. Can --

24 MR. HUGHES: Your Honor, can I have a
25 question raised?

*JAMES HUCKABEE - February 19, 2014
Cross-Examination by Mr. Hughes*

1 *THE COURT:* By whom?

2 *MR. HUGHES:* Okay, no. It's not time for
3 that yet. It's not time.

4 *THE COURT:* Go ahead.

5 *MR. HUGHES:* No. It's not time for that
6 yet.

7 *THE COURT:* Okay. Go ahead.

8 *Q. (By Mr. Hughes)* What did you or any other
9 Houston Police Department, Officer Huckabee, or to your
10 knowledge, any other HPD Officer witness to this alleged
11 crime?

12 *A.* I'm not sure I understand.

13 *Q.* Okay. Try it again. What did you, Officer
14 Huckabee, or any other HP -- Houston Police Department
15 Officer witness to this crime?

16 *A.* We didn't see the crime --

17 *Q.* What you didn't see --

18 *THE COURT:* Wait. Let him finish, and
19 don't talk at the same time. Hold on. We've got to
20 stop this talking at the same time. It's not that
21 difficult.

22 Okay. Let's proceed. Do you have an
23 answer, sir?

24 *A.* We were not called till after the crime had
25 taken place.

JAMES HUCKABEE - February 19, 2014
Cross-Examination by Mr. Hughes

1 Q. (By Mr. Hughes) Okay. So, technically, you
2 didn't view anything?

3 A. Of the robbery, no, sir.

4 Q. Okay. So you don't have -- the money that was
5 supposedly -- the victim, the alleged victim, said he
6 was robbed of \$25. Do you have any knowledge of that?
7 You know, did it get recovered?

8 A. I did not investigate the robbery. I don't
9 know anything about that, sir.

10 Q. Okay. So all you was, was there for assistance
11 and control?

12 A. I was there to make sure Officer Black did not
13 get injured during the investigation.

14 Q. So you was there to assist your partner?

15 A. Yes, sir.

16 Q. Okay. Can I ask you a question, Officer?

17 A. Yes, sir.

18 Q. Just because you recovered a weapon at the
19 scene, does that constitute armed robbery?

20 A. No, sir. I didn't investigate.

21 Q. No, no, no, no, no, no.

22 THE COURT: Don't be saying no, no, no,
23 no, no.

24 Q. (By Mr. Hughes) No. This is specific. Just
25 because you said you recovered a weapon at this scene

1 here for the arrest, does that constitute an armed
2 robbery?

3 A. No.

4 Q. Okay.

5 THE COURT: Anything further?

6 MR. HUGHES: No, Your Honor.

7 THE COURT: Thank you.

8 Anything?

9 MR. PHANCO: Just a couple of quick ones,
10 Judge.

11 **REDIRECT EXAMINATION**

12 BY MR. PHANCO:

13 Q. The gun that I showed you earlier, is that a
14 deadly weapon?

15 A. Yes, sir, it is.

16 Q. Okay. And would you call it a firearm?

17 A. Yes, sir, I would.

18 MR. PHANCO: Pass the witness, Your Honor.

19 THE COURT: Anything further?

20 **RECROSS-EXAMINATION**

21 BY MR. HUGHES:

22 Q. All right. I got one more question for you.
23 Does the initial call that you came out for, does that
24 have anything to do with this case?

25 A. I don't know anything about the initial call,

JAMES HUCKABEE - February 19, 2014
Recross-Examination by Mr. Hughes

1 sir.

2 Q. Okay. Thank you.

3 A. I'm the secondary officer.

4 MR. HUGHES: No further questions.

5 THE COURT: Thank you very much.

6 Anything further?

7 MR. PHANCO: Nothing further.

8 THE COURT: May this witness step down and
9 be excused, not subject to recall?

10 MR. PHANCO: I believe he can, Your Honor.

11 MR. HUGHES: Yes, Your Honor.

12 THE COURT: You are excused. We thank you
13 for your time and your testimony.

14 MR. PHANCO: May we approach real quick,
15 Judge?

16 THE COURT: You sure may.

17 *(Off-the-record discussion)*

18 THE COURT: All right. We'll take a short
19 recess. Please go with the deputy. We'll call you back
20 in just a few minutes.

21 *(Outside jury's hearing)*

22 THE COURT: Yes, sir.

23 MR. PHANCO: Before they come back in, I'm
24 going to read into the record the next complaining
25 witness' criminal history, which had been provided to