

1 THE COURT: Sustained.

2 MR. ISBELL: Pass the witness.

3 THE COURT: Anymore questions.

4 MS. MARTINEZ: No further questions.

5 THE COURT: Well, looks like it is time to go to
6 lunch, ladies and gentlemen. I think you are going out to
7 lunch to Treebeards which is three blocks down. So you need to
8 really be expeditious on walking there.

9 Don't discuss the case yet. Y'all don't have the facts,
10 so please don't start discussing it. You will go in a group
11 together. Deputy Val Jenkins is going to take you and y'all
12 are going to go right now.

13 (Break taken).

14 (Jury Present).

15 So all rise for the jury.

16 Call your next witness.

17 MS. MARTINEZ: State calls Officer Johns with
18 the Houston Police Department.

19 THE COURT: We are going to break for the day
20 and come back tomorrow and finish in the morning. So
21 hopefully. Do you also anticipate that?

22 MR. ISBELL: I anticipate we will be through
23 before lunch tomorrow.

24 THE COURT: Good.

25 All right Ms. Martinez.

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J.A JOHNS, JR.,

having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. MARTINEZ:

MS. MARTINEZ: Good afternoon please introduce to the members of the jury and the Court.

THE WITNESS: Anthony Johns.

Q. And how are you employed?

A. I am a police officer with the Houston Police Department.

Q. And for how long have you been an officer with the Houston Police Department?

A. Seven and a half years.

Q. What is your current assignment?

A. I'm currently assigned to the narcotic's division.

Q. And what do you do in your current assignment?

A. Conduct proactive investigations in high crime areas, focussing mainly on narcotics.

Q. How long have you been in that assignment?

A. Almost 3 years.

Q. Let's turn your attention to Friday June 3rd, 2011; were you employed as an officer with the Houston Police Department that day?

A. Yes, ma'am.

Q. Were you assign to your current assignment of

1 narcotic's unit?

2 A. Yes, ma'am.

3 Q. Were you part of an investigation involving a person
4 by the name of Demetrius Williams?

5 A. Yes, ma'am, I was.

6 Q. What was your involvement with that investigation?

7 A. I was out in the area with Officer Crawford and
8 Holloway. They came across the vehicle and once the
9 investigation was completed, I took custody of all the narcotic
10 and then completed the report and charges.

11 Q. Now when you say you took custody of all of the
12 "narcotics", where were you when you took custody of that?

13 A. At the jail.

14 Q. Explain how is it that you come from the area where
15 Officer Holloway and his partner are patrolling to the time
16 that you go to the jail?

17 A. I'm sorry.

18 Q. Explain how is it that you end up at the jail meeting
19 both officers as opposed to meeting them at the place they are
20 conducting the investigation?

21 A. In my assignment I am undercover so I am in a plain
22 car, plain clothes. I usually don't go up on scenes just to
23 keep my car where people can't see my car because then they'll
24 recognize it if I am in the area again.

25 Q. Once you meet up, do you meet both officers or just

1 one of them?

2 A. I met both of them.

3 Q. And when you met with them, what do you do?

4 A. Officer Crawford handed me the narcotics. They gave
5 me a rundown on what happened at the scene, and then I left.

6 MS. MARTINEZ: May I approach the witness, Your
7 Honor.

8 THE COURT: You may.

9 MS. MARTINEZ: Officer, I am showing you what
10 has been premarked as State's Exhibit No. 1 and its content and
11 I am also going to show you State's Exhibit 1.1 which is
12 already admitted. Let me start with State's Exhibit 1.1.

13 Q. (BY MS. MARTINEZ) Do you recognize it?

14 A. Yes, ma'am.

15 Q. What is it?

16 A. An extra bottle that contains PCP.

17 Q. When did you see it for the first time?

18 A. At the jail on June 3rd.

19 Q. Was that the same bottle that Officer Crawford gave
20 to you on that day?

21 A. Yes, ma'am.

22 Q. What do you do with that bottle?

23 A. As soon as I took it back to my station and then
24 poured it into a plastic container, because these bottles
25 notoriously leak, and I weighed it and put it in the bag.

1 Q. How do you know it is the same bottle that Officer
2 Crawford gave to you on June 3rd, 2011?

3 A. Because those are my initials, and this is the bag I
4 put it in.

5 Q. Aside from your initials and aside from the bag, is
6 this bottle altered in any way?

7 A. No, ma'am.

8 MS. MARTINEZ: Let me show you State's Exhibit
9 No. 1.1. Do you recognize -- I am sorry, 1.2.

10 Q. (BY MS. MARTINEZ) Do you recognize it?

11 A. Yes, ma'am.

12 Q. What is it?

13 A. The plastic bottle I poured the PCP into and weighed
14 it.

15 Q. How do you know it is the same bottle you used to
16 pour the PCP from the brown bottle?

17 A. I wrote on it and taped it and initialled it.

18 Q. And are those your initials the ones right here on
19 the plastic bag?

20 A. On the plastic bag and right here on the plastic
21 bottle itself.

22 Q. And aside from the identifiers that we have here
23 today is it in the same or similar state as it was when you saw
24 it first on June 3rd?

25 A. Yes, ma'am.

1 MS. MARTINEZ: I am tendering to opposing
2 counsel State's Exhibit No. 1.2. Any objection? And we are
3 offering it into evidence if no objections.

4 (State's Exhibit 1.2 offered)

5 MR. ISBELL: No objection, Your Honor.

6 THE COURT: State's Exhibit 1.2 is admitted
7 without objection.

8 (State's Exhibit 1.2 admitted).

9 You may publish it.

10 Q. (BY MS. MARTINEZ) Officer Johns, if you can walk us
11 through what is it that you do with State's Exhibit 1.1 which
12 is the bottle and State's Exhibit number 1.2.

13 A. I took them to the station. I put the big plastic
14 bottle onto a scale, write down the weight. Empty, pour the
15 contents out of the extract bottle into the plastic bottle;
16 subtract those weights to get the final weight of the narcotics
17 and then I tape the lid shut and initial it and then put them
18 in plastic bags; tape the bag; initial it; put them in
19 narcotics envelope; tape and initial that and then drop it into
20 a narcotics lock box.

21 Q. So just to clarify, this container in State's
22 Exhibit 1.2 is the one that contains the liquid that you
23 consider to be PCP?

24 A. Yes, ma'am.

25 Q. You close it and then also tape it?

1 A. Yes, ma'am.

2 Q. Does this waste?

3 A. Yes, ma'am?

4 Q. And then I also have a plastic bag and it is sealed?

5 A. Yes, ma'am.

6 MS. MARTINEZ: May I approach the witness, Your
7 Honor.

8 THE COURT: You may.

9 Q. (BY MS. MARTINEZ) If you were to smell the bag right
10 now, can you still smell the odor of PCP?

11 A. Yes, ma'am.

12 Q. Now, is it as strong as the smell would be if the
13 bottle were going to be open?

14 A. No. If you opened that bag, it would be very
15 pungent.

16 Q. Now, after you seal the evidence, then what do you do
17 next.

18 A. Drop it into the narcotics lock box.

19 Q. And then once you drop it in the narcotics lock box,
20 do you know what happens with that evidence?

21 A. Then the crime lab takes possession of it.

22 Q. And who brought the evidence into the courtroom
23 today?

24 A. I did.

25 Q. Where did you pick it from?

1 A. At the crime lab.

2 Q. Was it in your possession at all times since you took
3 it from the crime lab until right now?

4 A. Yes.

5 MS. MARTINEZ: Pass the witness.

6 THE COURT: Okay. Mr. Isbell.

7 MR. ISBELL: Yes, Your Honor. Thank you.

8 **CROSS EXAMINATION**

9 **BY MR. ISBELL:**

10 Q. (BY MR. ISBELL) You took custody of all the evidence
11 that was gathered at the scene where three people were
12 arrested, correct?

13 A. Yes, sir.

14 Q. Including the cigarette that had been dipped in PCP?

15 A. Yes, sir.

16 Q. And what did you do with that?

17 A. I put it in a separate bag. I weighed it, put it in
18 a separate bag; taped that bag; put it in a straight envelope
19 and taped that envelope.

20 Q. And you also received a container that had crack
21 cocaine?

22 A. Yes, sir.

23 Q. Three people were arrested, a Ms. Lathan, correct?

24 A. Yes, sir.

25 Q. Mr. Castor, correct?

1 A. Yes, sir.

2 Q. And Mr. Williams, correct?

3 A. Yes, sir.

4 Q. Now, you personally were not at the scene where they
5 were arrested?

6 A. No, sir.

7 Q. At any time?

8 A. No, sir.

9 Q. So they just came back and handed you this evidence,
10 and you took care following procedures to send it to the lab?

11 A. Yes, sir.

12 MR. ISBELL: That's all I have.

13 THE COURT: Further.

14 MS. MARTINEZ: Just brief, Your Honor. May I
15 approach the witness.

16 THE COURT: You may.

17 **REDIRECT EXAMINATION**

18 **BY MS. MARTINEZ:**

19 Q. Officer Johns, to clarify as well. I am showing you
20 State's Exhibit No. 2.1 and 2.2.

21 Q. (BY MS. MARTINEZ) Is Exhibit 2.1 a plastic bag with
22 a cigarette that was handed to you by Officer Crawford on
23 June 3rd, 2011?

24 A. Yes, ma'am.

25 Q. How do you know it's the same cigarette?

1 A. It is the same cigarette, and I also wrote the
2 suspect information and how much it weighed and what it is.

3 Q. Does the bag have your initials as well?

4 A. Yes, ma'am, right there.

5 Q. To your knowledge, aside from the identifiers and the
6 sticker, has it been altered in any way?

7 A. No, ma'am.

8 Q. Same thing with State's Exhibit No. 2.2; do you
9 recognize that?

10 A. Yes, ma'am.

11 Q. And what is it?

12 A. Crack in a medicine bottle.

13 Q. And was it the same medicine bottle that Officer
14 Crawford gave you when he recovered some of the evidence
15 regarding the incident in June 3rd, 2011?

16 A. Yes, ma'am.

17 Q. And are these your initials on the sealing?

18 A. Right here, yes, ma'am.

19 Q. And is State's Exhibit No. 2.2 in the same or similar
20 condition as when it was when Officer Crawford gave it to you?

21 A. Yes, ma'am.

22 MS. MARTINEZ: No further questions.

23 THE COURT: Mr. Isbell.

24 MR. ISBELL: I don't have any further questions,
25 Your Honor.