

1 you dropped him off 26 minutes later if you left 25
2 minutes after he didn't come back?

3 A No.

4 MR. GOODHART: Thank you. Pass the
5 witness.

6 MS. ANASTASIO: No further questions.

7 THE COURT: May Officer Bryant be excused?

8 MR. GOODHART: Sure, Judge.

9 THE COURT: State?

10 MS. ANASTASIO: No objection.

11 THE COURT: Thank you, Officer. Remember
12 you're under the rule.

13 THE COURT: Call your next witness.

14 MS. ANASTASIO: The State calls Officer
15 Charles Jones.

16 OFFICER CHARLES JONES,
17 having been first duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. ANASTASIO:

20 Q Good day, Officer. How are you?

21 A Fine. How are you?

22 Q What is your name?

23 A Charles Jones.

24 Q And what is your profession?

25 A I'm a police officer for the City of

1 Houston.

2 Q And how long have you been --

3 THE COURT: The mic is not working, so
4 speak up.

5 THE WITNESS: Okay.

6 THE COURT: Some of us are getting deaf
7 around here.

8 Q (By Ms. Anastasio) How long have you been
9 employed as an officer for HPD?

10 A Fifteen years.

11 Q What is your assignment?

12 A I'm assigned to the narcotics division.

13 Q And how long have you been in that
14 assignment?

15 A A little over three years.

16 Q And are you familiar with the -- and
17 understand the term "buy and bust"?

18 A Yes.

19 Q How often do you perform surveillance for
20 narcotic buy and busts?

21 A A few times a week. Four or five times a
22 week, maybe.

23 Q And being in surveillance you're
24 experienced and accustomed to identifying suspects?

25 A Yes.

1 Q Do you perform buy and busts yourself
2 sometimes?

3 A Yes.

4 Q So, you're familiar and have firsthand
5 knowledge of the typical course of events in a usual
6 buy and bust?

7 A Yes.

8 Q Were you on duty April 5th, 2012, around
9 6:30 p.m.?

10 A Yes.

11 Q Where were you on duty?

12 A We were in the area known as Third Ward.

13 Q And that is in Harris County?

14 A Yes.

15 Q What were you doing while you were on
16 duty?

17 A We were conducting a buy-bust
18 investigation.

19 Q Okay. While performing surveillance, did
20 you see Officer Bryant pull up to a Mobil gas
21 station on Dowling Street?

22 A Yes.

23 Q About how far away from Officer Bryant
24 were you?

25 A Maybe 10, 15 feet.

1 Q Okay. Was it daylight at that time?

2 A Yes.

3 Q Did you have clear visibility?

4 A Yes.

5 Q On April 5th, did you have occasion to see
6 the defendant, Mr. Bobby Joseph Johnson?

7 A Yes.

8 Q Do you recognize Mr. Johnson in the
9 courtroom today?

10 A Yes.

11 Q Would you please point out Mr. Johnson and
12 identify him by an article of clothing?

13 A He is sitting to my right here, and he is
14 wearing the orange shirt.

15 MS. ANASTASIO: Okay. Your Honor, please
16 let the record reflect that -- Your Honor,
17 please let the record reflect that the witness
18 identified the defendant.

19 THE COURT: The record will so reflect.

20 Q (By Ms. Anastasio) Did you see Mr. Johnson
21 get in Officer Bryant's vehicle at the Mobil station
22 on Dowling?

23 A Yes.

24 MR. GOODHART: Objection, leading.

25 THE COURT: Watch your leading.

1 Q (By Ms. Anastasio) What did you see
2 Mr. Johnson do at the Mobil station on Dowling?

3 A I saw Mr. Johnson get into the passenger
4 seat of Officer Bryant's vehicle.

5 Q What did you observe after Mr. Johnson got
6 into the car?

7 A The -- Officer Bryant's vehicle left the
8 Mobil location and drove to some other locations in
9 that area.

10 Q Did you follow them?

11 A Yes.

12 Q Okay. Where did Officer Bryant go after
13 he left the Mobil station on Dowling?

14 A The first place they went, I believe they
15 went to another convenience store or gas station
16 that wasn't too far from that location.

17 Q Okay. When you got to the second
18 location, how far from Officer Bryant were you, at
19 that point?

20 A Probably about 20 feet.

21 Q Okay. Did you see Officer Bryant and
22 Mr. Johnson interact with anyone else?

23 A I saw Mr. Johnson get out of the vehicle
24 and interact with other people.

25 Q What happened next?

1 A He got back into Officer Bryant's vehicle,
2 and they left that location.

3 Q Where did they go next?

4 A I believe they went to a -- to the area --
5 intersection of -- I believe, it was McIlhenny and
6 maybe Sampson Street. He got out of the vehicle, at
7 that point.

8 Q And you followed them?

9 A Yes.

10 Q And did you stay in one location when you
11 arrived at Sampson Street?

12 A I drove around the block a couple of
13 times.

14 Q Why did you do that?

15 A Reason being, because some of the drug
16 dealers that we deal with, they're on --

17 MR. GOODHART: Objection to what other
18 drug dealers do, Judge.

19 THE COURT: Overruled. Go ahead.

20 A Some of the drug dealers that we deal with
21 have lookouts, people that are looking for vehicles
22 that are not familiar to the neighborhood. And we
23 don't want to get, you know, picked off or
24 recognized as being someone not from the
25 neighborhood.

1 Q (By Ms. Anastasio) Okay. How would you
2 generally describe the area you were in on Sampson
3 Street?

4 A I would generally describe it as crack
5 infested, drug infested.

6 Q So, when you got to Sampson Street, what
7 did you see happen when Officer Bryant parked?

8 A Like I said, Mr. Johnson got out of the
9 vehicle, at some point in the intersection there,
10 and he walked up to a house on McIlhenny Street
11 where there was several other people standing in the
12 yard.

13 Q Okay. Is the man that you previously
14 identified as Mr. Johnson, sitting in the courtroom
15 today, the same man that you saw get out of Officer
16 Bryant's car?

17 A Yes.

18 Q Okay. Did you have any contact with
19 Officer Bryant after Mr. Johnson got out of the car?

20 A Yes, we had radio contact.

21 Q Okay. And what did you guys -- what did
22 you say to each other?

23 A I advised him that I was keeping an eye on
24 Mr. Johnson as he got out of Officer Bryant's
25 vehicle.

1 Q Okay. And did you, at some point, lose
2 visibility of Mr. Johnson?

3 A Yes.

4 Q Okay. Did the defendant ever return to
5 Officer Bryant's car?

6 A No.

7 Q How long did Officer Bryant wait for the
8 defendant?

9 A We waited and drove around the area for
10 about 25, 30 minutes looking for Mr. Johnson.

11 Q Would it seem unusual that Mr. Johnson
12 hadn't returned?

13 A I'm sorry?

14 Q Was it unusual that Mr. Johnson had not
15 returned with the narcotics?

16 A Yes.

17 Q So, at that point, would it be fair to say
18 that you felt Mr. Johnson would not be returning?

19 A Yes.

20 Q What did you do after you concluded that
21 Mr. Johnson would not return?

22 A We actually changed locations and
23 continued to do buy-bust investigations.

24 Q And, so, you were in the same area that --

25 A We were -- we were still in the Third Ward

1 area, but we moved from that particular
2 intersection.

3 Q Okay. And did you ever come back to that
4 intersection or there about Sampson Street?

5 A Not that day, we did not.

6 Q Okay. Did Mr. Johnson make any attempts
7 to get in contact with Mr. -- Officer Bryant?

8 A Not that I know of.

9 Q Did you hear any reports of someone being
10 mugged or robbed in the area?

11 A No.

12 Q Okay. So, you -- again, you never saw
13 Mr. Johnson attempt to locate Mr. Bryant, at any
14 point in time?

15 MR. GOODHART: Objection, asked and
16 answered for the third time.

17 THE COURT: Overruled.

18 A No.

19 MS. ANASTASIO: No further questions, Your
20 Honor.

21 THE COURT: Cross.

22 CROSS-EXAMINATION

23 BY MR. GOODHART:

24 Q Mr. Jones, my name is Craig Goodhart.
25 I've just got a couple of areas I want to talk to

1 you about. Did you have any type of audio or
2 videotaping devices between yourself and Officer
3 Bryant or any other surveillance officers?

4 A The only contact we had was radio.

5 Q So, I ask you, again, did you have any
6 type of audio or videotaping devices during this
7 particular operation?

8 A No.

9 Q So, you have no proof, audio or video, of
10 who met with Officer Bryant. Is that fair to state?

11 A I saw with my own eyes who met with
12 Officer Bryant.

13 Q But you have no audio or video proof of
14 that, correct?

15 A No.

16 Q How did you identify him?

17 A By sight.

18 Q How did you identify a person you didn't
19 know the name of to get a warrant? What was your
20 method of identification?

21 A What warrant? I didn't do a warrant.

22 Q Was there a warrant done for his arrest?

23 A I have no idea.

24 Q You don't have any idea?

25 A Nope.

1 Q Well, how would you get somebody into
2 custody if they were not arrested in the course of
3 committing a crime? How would you do that?

4 A How would I do it?

5 Q Uh-huh.

6 A I would file a warrant.

7 Q So, let's say there was a warrant filed.

8 A Okay.

9 Q You have to identify the person you want
10 to arrest, correct?

11 A Correct.

12 Q How was he identified for this arrest
13 warrant?

14 A I did not do the warrant, so I do not
15 know.

16 MS. ANASTASIO: Objection, speculation.

17 THE COURT: Overruled.

18 Q (By Mr. Goodhart) So, you have no idea how
19 this man was identified and arrested, do you?

20 A No.

21 Q When you wrote the offense report --

22 A I did not write the offense report.

23 Q Oh, you didn't write it?

24 A No.

25 Q Oh, okay. How about your supplement?

1 What supplements did you follow?

2 A I did not complete a supplement.

3 Q When you were at the academy 15 years ago,
4 what did they teach you about writing offense
5 reports? What was the purpose of them?

6 A The purpose of writing a report is to help
7 myself and recollection of the events that occurred.

8 Q But you didn't write anything, so how
9 could you recollect anything?

10 A I have a memory.

11 Q But you didn't write anything down?

12 A And I wasn't the primary case officer
13 either.

14 Q Well, in a homicide case every police
15 officer involved in a homicide has to write a
16 supplement.

17 A Sir, this is not a homicide case.

18 Q It has to do with a man's freedom and some
19 narcotics. Why is that not more important?

20 A You're comparing apples to oranges now.

21 Q No, I'm comparing what the justice system
22 says to do correctly, which is identify the correct
23 person --

24 A Uh-huh.

25 Q -- arrest the correct person, and convict

1 the correct person. You do that by evidence.

2 A Okay.

3 Q Did you write any of the information down?

4 A And, again, I was not the case agent on
5 this case, so I didn't do any of that.

6 Q All right. So, when the first buy bust
7 began and the defendant allegedly gets into the car
8 with Mr. Bryant, you're located where?

9 A I was riding on the street in front of the
10 Mobil gas station.

11 Q In what?

12 A In a vehicle.

13 Q What kind of vehicle?

14 A It was a truck.

15 Q What year, what make?

16 A I don't remember.

17 Q Were you parked?

18 A At some points I was parked, and at other
19 times I was driving.

20 Q When he allegedly got into the car with
21 Officer Bryant, were you parked?

22 A I was parked.

23 Q How far parked were you from Officer
24 Bryant?

25 A The first time, approximately 10, 15 feet.

1 Q So, this is an undercover operation and
2 two black males in two different vehicles are 8 feet
3 apart on a known narcotics street area. You don't
4 think that is a little suspicious?

5 A Suspicious how?

6 Q To the lookouts that you're all worried
7 about. You talked about lookouts. You do heat runs
8 for lookouts, don't you?

9 A What is a "heat run"?

10 Q You have been in narcotics three years and
11 you have no idea what a heat run is?

12 A I haven't heard that term.

13 Q All right. Fair enough.

14 When he gets picked up and you go to
15 the next location, what is that location?

16 A I believe it was a convenience store.

17 Q And what? I mean, gas station,
18 convenience store, liquor store, what was it?

19 A Convenience store.

20 Q You really don't remember what it was, do
21 you?

22 A It was a convenience store.

23 Q Do you have any idea what the location was
24 that you were at?

25 A It was a Mobil gas station.

1 Q Where?

2 A In the Third Ward area.

3 Q How big is the Third Ward area?

4 A As compared to what?

5 Q How big is the Third Ward area?

6 A Sir? I mean, as compared to --

7 Q What street were you on at the Mobil
8 station?

9 A We were on Elgin, I believe.

10 Q Okay. You believe or are you sure?

11 A I believe I was -- we were on Elgin.

12 Q Okay. But you're not sure. Are you sure
13 or are you not sure?

14 A I believe we were on Elgin.

15 Q Okay. But you're not gonna see if I can
16 answer the question, is what you're telling me?

17 A I'm answering your questions, sir.

18 Q Okay. So, when you went to the next
19 location, where was that?

20 A It was at, I believe, the corner of
21 McIlhenny and Sampson.

22 Q What is around that area?

23 A Houses.

24 Q What is the landmark?

25 A What you mean, "What is the landmark?"

1 Q Is there a hotel?

2 A No.

3 Q There's no hotel there. Okay. So,
4 there's no hotel on Sampson, and he gets dropped off
5 on Sampson and McIlhenny. And where are you located
6 when you observe the dropoff?

7 A I was on McIlhenny.

8 Q Were you parked?

9 A No, I was driving down the street.

10 Q You were driving, which direction down the
11 street?

12 A Sir, I don't remember exactly which
13 direction I was going.

14 Q Well, isn't that kind of important,
15 because if he went one way and you went the other,
16 you wouldn't see him, would you?

17 A Not necessarily.

18 Q Not necessarily what? You wouldn't see
19 him?

20 A You're trying to make me say a definite
21 answer. I would see him, it all depends on where
22 you were at the time he got out of the vehicle, how
23 fast you may have been going, if it was -- are there
24 anything blocking your view.

25 Q Okay. Answer all of those questions for

1 me. How fast were you going?

2 A I have no idea. I don't remember. But I
3 do remember him getting in the vehicle with Officer
4 Bryant, taking him to the second Mobil location. I
5 also remember him getting back into the vehicle at
6 that second location, taking Officer Bryant to the
7 area of McIlhenny and Sampson. Those things I am
8 positive of.

9 Q Let's go to the things you're not positive
10 of, which is, you don't know which direction he came
11 from or which direction he went. You're not sure
12 which direction you went.

13 A Okay.

14 Q Fair enough?

15 A Fair enough.

16 Q All right. So, you really have no idea
17 what was your first contact when you saw him in
18 Sampson Street and McIlhenny. You don't remember
19 where it was, do you?

20 A No, I remember it was at a house located
21 on McIlhenny, not too far from the intersection of
22 Sampson and McIlhenny.

23 Q When we go back, I ask you, where were you
24 at when you saw him exit the vehicle; and you said
25 you were on McIlhenny?

1 A Yes.

2 Q What if your partner said he dropped him
3 off on Sampson two blocks from there? How could you
4 see that?

5 A Sir, I saw him at the corner of Sampson
6 and McIlhenny.

7 Q Then you did not see the dropoff, is what
8 you're telling us?

9 A I saw him out at the corner of McIlhenny
10 and Sampson.

11 Q Did you see the dropoff or not?

12 A At -- you mean, as far as him actually
13 getting out of the vehicle?

14 Q Yes.

15 A No, I may not -- I have -- I may not have
16 seen him actually get out of the vehicle, at that
17 point.

18 Q You may not or you did not?

19 A I did not.

20 Q But you testified to begin with as though
21 you were right there watching him get out of the car
22 and take off walking and you took surveillance.
23 Now, that's not true, is it? What the truth is, you
24 don't know where he got out from, where he went to,
25 but you did see him on McIlhenny. Is that what

1 you're --

2 A Sir, I know -- he -- they drove. I
3 followed them to Sampson and McIlhenny, and at some
4 point at Sampson and McIlhenny, within that
5 immediate area, he got out of the vehicle, and I saw
6 him walking on McIlhenny.

7 Q But you didn't see him get out. We're
8 agreeing on that, right?

9 A No, I can't remember if I saw him actually
10 get out.

11 Q So, when you saw him, you saw him at a
12 house. What was the address of the house?

13 A I saw him walking down McIlhenny from the
14 corner of Sampson and McIlhenny.

15 Q All right. You testified that he went to
16 a house --

17 A Yes.

18 Q -- and he talked to different people?

19 A Right.

20 Q What was the address of the house?

21 A I don't remember.

22 Q Was the address of the house on McIlhenny?

23 A Yes.

24 Q Were you sitting in surveillance inside
25 your car or were you rolling at the time?

1 A Both. At some point I sat there
2 and watched --

3 Q How do you sit and roll?

4 A I watched him for a second or a few
5 seconds, and then I drove around the block, as I
6 said earlier, and I came back around the corner.

7 Q All right.

8 A And he was still there.

9 Q So, you made one block rotation; and when
10 you came back he was still standing there?

11 A I made, I believe, two block rotations, he
12 was there. On maybe the third time I came around,
13 he had disappeared.

14 Q All right. So, you didn't write any of
15 that down. This is the first time we've ever heard
16 about one block rotation, two block rotations --

17 A Okay.

18 Q -- third block rotation. You didn't write
19 this down, did you?

20 A No, I did not.

21 Q So, now you're testifying that you kept
22 him under surveillance for three rotations of a
23 block. How long was that?

24 A Maybe a process of 10, 15 minutes.

25 Q So, in a 10- or 15-minute period you're

1 claiming you never lost sight of him; but then you
2 did lose sight of him somewhere after that?

3 A No. What I'm telling you is, I left him
4 at the location, he was at the house. I drove
5 around twice, he was there. The third time I come
6 back around, he was not there, sir.

7 Q So, how long was he under your
8 surveillance, continuous surveillance?

9 A Sir, I just explained to you what I did.

10 Q Okay. So, you only saw him for a few
11 seconds, two times in a span of 15 minutes is what
12 you're telling me?

13 A No, it was more than a few seconds.

14 Q How many?

15 A Few minutes.

16 Q How fast were you going when you drove by?

17 A I don't remember.

18 Q Well, don't you think it would only take
19 on a normal public street 25 miles an hour?

20 A Well, like I told you, I would stop, and I
21 would sit for a minute or two, and then I would take
22 off and drive again.

23 Q That wasn't suspicious, you sitting on a
24 street of known narcotics dealers?

25 A Yes, it would be. It would also be

1 suspicious to just sit there and not move at all.

2 That would be more suspicious.

3 Q Okay. Who were the people that he was
4 dealing with at the house?

5 A I have no idea.

6 Q Never seen them before?

7 A No.

8 Q Do you know the address of the house?

9 A No.

10 Q Had you had any other type of narcotics
11 action, operational information about this house
12 being a known narcotics location?

13 A That particular house, no.

14 Q No.

15 When you came back on the third run
16 and you didn't see him, what did you do?

17 A I advised Officer Bryant that I didn't see
18 him anymore.

19 Q So, up to that point, that 15 minutes, you
20 were telling Officer Bryant that he was under your
21 surveillance and everything was cool, right?

22 A Yes.

23 Q So, is that 15 minutes part of the total
24 25 minutes that you all were waiting for him to
25 return with the narcotics?

1 A No.

2 Q So, what was it?

3 A What was what?

4 Q You saw him for 15 minutes and then you
5 waited 15 more minutes or 25 more minutes or what?

6 A Yes.

7 Q Yes what?

8 A Yes, that was -- I saw him for the 10 to
9 15 minutes; and then after I didn't see him anymore,
10 we probably looked around that immediate area for
11 another 25, 30 minutes.

12 Q "We probably," or did we?

13 A We did.

14 Q You didn't write that down either, did
15 you?

16 A I didn't.

17 Q You mean you never saw him again; is that
18 correct?

19 A Not until today.

20 Q This is the first time you have seen him?

21 A Yes.

22 Q And you didn't try to do any type of
23 identification with Officer Bryant?

24 A No.

25 Q Did you look at the mail that was

1 recovered from the car?

2 A No, I did not.

3 Q So, you didn't do anything after that.

4 You moved on to something else?

5 A Yes.

6 Q And this is the first time you've had any

7 more contact on this case?

8 A Yes.

9 MR. GOODHART: Pass the witness, Judge.

10 THE COURT: State, any redirect?

11 MS. ANASTASIO: No further questions, Your

12 Honor.

13 THE COURT: May this officer be excused?

14 MS. ANASTASIO: Yes.

15 MR. GOODHART: Yes, ma'am.

16 THE COURT: Thank you, Officer. Remember

17 you're under the rule.

18 Okay. State, call your next witness.

19 MS. ANASTASIO: The State rests, Your

20 Honor.

21 THE COURT: Okay. Defense, are you ready

22 to proceed?

23 MR. GOODHART: I need to see the

24 indictment -- the information, Judge, for a

25 second.