

1 A. No, I did not.

2 Q. Okay. Now, I may have one more question.

3 (Pause)

4 MR. GAISER: No, I don't. I'll pass the
5 witness, Judge.

6 THE COURT: All right.

7 MR. RAMIREZ: No additional questions at
8 this time, Your Honor.

9 THE COURT: All right. You may step down.
10 Thank you, Officer.

11 Call your next witness.

12 MR. RAMIREZ: State calls Deputy Michael
13 Jones.

14 (Witness sworn)

15 MR. RAMIREZ: May I proceed, Judge?

16 THE COURT: You may.

17 **MICHAEL JONES,**

18 having been first duly sworn, testified as follows:

19 **DIRECT EXAMINATION**

20 **BY MR. RAMIREZ:**

21 Q. Good afternoon, sir. Would you introduce
22 yourself to the jury, please?

23 A. Deputy Michael Jones with Precinct 4 Harris
24 County Constable's Office.

25 Q. Can you pull that microphone down just a little

1 bit?

2 A. (Witness complies).

3 Q. You're a police officer?

4 A. Yes, sir.

5 Q. Are you a deputy constable?

6 A. Yes, sir.

7 Q. And you work for Precinct 4, did you say?

8 A. Yes, sir.

9 Q. What part of the county does Precinct 4
10 encompass?

11 A. The north end of Harris County.

12 Q. When you say north end, what are the eastern
13 and western boundaries?

14 A. Pretty much from the Huffman Bridge on the east
15 side to the west at 290 and from the Montgomery County
16 line north to the south Beltway, give or take.

17 Q. That's a large area, would you agree with me?

18 A. Yes, sir.

19 Q. How long have you been a police officer?

20 A. A little over six years.

21 Q. Your law enforcement career, has it been spent
22 exclusively with Precinct 4?

23 A. Yes, sir, it has.

24 Q. What are your duties currently?

25 A. I'm assigned to patrol on the north end of --

1 north Houston in Harris County.

2 Q. In order to do what you do, did you have to go
3 through a police academy?

4 A. Yes, sir.

5 Q. And successfully complete it?

6 A. Yes, sir.

7 Q. Are you a licensed peace officer?

8 A. Yes, sir, I am.

9 Q. Were you so licensed back in April of 2009?

10 A. Yes, sir, I was.

11 Q. Did you work in patrol April of 2009?

12 A. Yes, sir.

13 Q. What particular part of Precinct 4 did you work
14 back then?

15 A. It was -- I mean, it's hard to divide it up.
16 In our jurisdiction, our department kind of works from
17 the south to the north, give or take, on the call, the
18 circumstances.

19 Q. Okay. What shift did you work back then?

20 A. I worked from 2:00 p.m. to 10:00 p.m.

21 Q. Did you work by yourself or with a partner?

22 A. No, sir. We patrol by ourselves.

23 Q. Let me direct your attention to April 11th,
24 2009. Did you have an occasion to conduct a traffic
25 stop on a Buick LeSabre?

1 A. Yes, sir, I did.

2 Q. Where were you when you first saw the Buick
3 LeSabre?

4 A. I was on Veterans Memorial Drive.

5 Q. Do you recall the approximate block location?

6 A. I don't recall the block number, no, sir.

7 Q. Would it assist you, Deputy Jones, if you had a
8 copy of the report that you had written about the
9 incident?

10 A. Yes, sir.

11 MR. RAMIREZ: May I approach the witness,
12 Your Honor?

13 THE COURT: You may.

14 Q. (By Mr. Ramirez) Now I am asking you about
15 something that occurred almost three years ago and you
16 have made a number of cases since then; is that right?

17 A. Yes, sir, I have.

18 Q. Having the opportunity to review your report,
19 does it help you recall where on Veterans Memorial you
20 first saw the Buick LeSabre?

21 A. Yes, sir. I mentioned the 10500 block of
22 Veterans Memorial Drive.

23 Q. Are there any cross-streets near there?

24 A. The Beltway 8 intersects Veterans Memorial
25 Drive.

1 Q. Is Beltway 8 to the north of that particular
2 block that you mentioned?

3 A. It's going to be to the south.

4 Q. To the south.

5 What was it that drew your attention to the
6 Buick LeSabre?

7 A. It had a defective taillight.

8 Q. Do you recall about what time of day this was
9 that you first saw it?

10 A. It's going to be pretty much when daylight
11 turns to night, late evening.

12 Q. Late evening?

13 A. Yes, sir.

14 Q. When you saw the defective taillight -- do you
15 enforce traffic laws?

16 A. Yes, sir, I do.

17 Q. Is a defective taillight a violation of the
18 state traffic laws?

19 A. Yes, sir, it is.

20 Q. Is it something for which an individual driving
21 a car with that defect could be issued a citation?

22 A. Yes, sir.

23 Q. And when you saw the defective taillight, what
24 did you do?

25 A. I positioned my patrol car behind it and

1 activated my emergency equipment to stop the vehicle on
2 traffic.

3 Q. What was your intent at that point when you
4 turned -- when you say emergency equipment on, what are
5 you referring to?

6 A. Lights and sirens.

7 Q. What was your intent at that point?

8 A. To make contact with the driver and address the
9 issue with the taillight.

10 Q. The equipment violation?

11 A. Yes, sir.

12 Q. As you're in the process of doing this, do you
13 see any other traffic violations being committed?

14 A. Not that I recall.

15 Q. When you turned on your lights and sirens, how
16 did the Buick LeSabre respond?

17 A. I'm sorry. I'll have to review back on my
18 report, if that's okay.

19 Q. All right. If the Court will allow.

20 A. Okay.

21 (Pause)

22 A. Can you repeat the question for me please, sir?

23 Q. When you turned on your lights and sirens, how
24 did the Buick LeSabre react?

25 A. It pulled over to a fuel station at Beltway 8

1 and Veterans Memorial.

2 Q. It pulled over to what now?

3 A. A fuel station parking lot at the corner of
4 Veterans Memorial and Beltway 8.

5 Q. A gas station?

6 A. Yes, sir.

7 Q. Do you recall what gas station it was?

8 A. I don't remember the name, no, sir.

9 Q. Okay. And at that point, did you know how many
10 occupants were inside the car?

11 A. Two, sir.

12 Q. There was a driver and an additional occupant?

13 A. Yes, sir, a front seat passenger.

14 Q. So, there was a driver and a passenger next to
15 him?

16 A. Yes, sir.

17 Q. Okay. Once the LeSabre pulled into the gas
18 station parking lot, did you follow him?

19 A. Yes, sir, I did.

20 Q. And what did you do once both vehicles, the
21 LeSabre and your patrol vehicle, came to a stop?

22 A. Approached the driver's side of the vehicle,
23 made contact with the driver.

24 Q. Okay. Did you -- were you able to see the
25 driver?

1 A. Yes, sir.

2 Q. Were you able to talk to him?

3 A. Yes, sir, I was.

4 Q. Was the window down when you were visiting with
5 him --

6 A. Yes, sir, it was.

7 Q. -- the driver?

8 A. Yes, sir.

9 Q. In the course of visiting with the driver
10 through the window, did you observe anything else?

11 A. A heavy stench of marijuana odor coming from
12 the vehicle.

13 Q. Okay. Are you familiar with the smell of
14 burning marijuana?

15 A. Yes, sir, I am.

16 Q. Have you smelled that on few or many occasions?

17 A. Yes, sir, I have.

18 Q. On few or on many?

19 A. On many occasions.

20 Q. What did you do at this point?

21 A. I asked the driver to exit where he was Terry
22 frisked for weapons outside of his clothing, was patted
23 down.

24 Q. Now, why did you pat him down?

25 A. For officer safety, to make sure he didn't have

1 no weapons on his person.

2 Q. When you pat someone down, do you do a
3 comprehensive search?

4 A. Pretty comprehensive on the exterior of the
5 clothing, yes, sir.

6 Q. So, you just touch the exterior of their
7 clothing; is that right?

8 A. Yes, sir.

9 Q. Now, the driver, were you able to get an
10 identification on him?

11 A. I did have an identification on him, yes, sir.

12 Q. And what was his name?

13 A. Teddrick Batiste.

14 Q. Was he able to show you some sort of picture
15 I.D.?

16 A. I don't recall, sir.

17 Q. So, you now have the driver out of the car; is
18 that right?

19 A. Yes, sir.

20 Q. And where are you talking to him?

21 A. Right by the windows.

22 Q. Which windows?

23 A. Of the driver's side.

24 Q. Okay. The windows of the driver's side closer
25 to the front or the back or the middle?

1 A. The middle, sir.

2 Q. Now, is the front seat passenger still inside
3 the car?

4 A. Yes, sir.

5 Q. In the course of talking to the driver,
6 Mr. Batiste, did you observe anything with regard to the
7 passenger?

8 A. That he was making movements towards the
9 floorboard and I recall him making movements towards the
10 door handle as well as unbuckling his seatbelt.

11 Q. Now, you're a one-man unit at this time, right?

12 A. Yes, sir, I am.

13 Q. You're dealing with the driver and you see the
14 passenger start to make movements; is that correct?

15 A. That is correct.

16 Q. Are there any other police officers assisting
17 you at this time?

18 A. No, sir.

19 Q. When you say that you saw the passenger start
20 to make movements, what did he do?

21 A. He was reaching towards the floorboard,
22 unbuckling his seatbelt, and reaching towards the door
23 handle.

24 Q. What did he reach towards the floorboard with?

25 A. His hand.

1 Q. The area where he was reaching, was it near the
2 under portion of his seat that he was sitting in?

3 A. Towards his feet, sir.

4 Q. Towards his feet?

5 A. Yes, sir.

6 Q. Seeing him reaching down in the floorboard,
7 unbuckling his seatbelt and reaching towards the door
8 handle, did any of this concern you?

9 A. Yes, sir, it did.

10 Q. What was your concern?

11 A. That he was fixing to take off running.

12 Q. And as a result of that, what did you do?

13 A. I directed my attention towards him and made
14 contact with that individual on that side of the
15 vehicle.

16 Q. And how did you do?

17 A. I asked him to step out of the car.

18 Q. Did you physically walk over to the passenger
19 side?

20 A. Yes, sir, I did.

21 Q. Meanwhile, did you do anything with the driver?

22 A. I don't recall.

23 Q. But you had already patted him down; is that
24 right?

25 A. Yes, sir.

1 Q. Did you feel safe that he didn't have any
2 weapons?

3 A. Yes, sir.

4 Q. And so, when you went over to the passenger
5 side, what did you do?

6 A. I had the passenger exit where he was detained.

7 Q. Okay. And when you say he was detained, there
8 at the side of the car?

9 A. Yes, sir.

10 Q. And what did you do at that point with him?

11 A. Detained meaning placed in handcuffs.

12 Q. Okay. Did you pat him down at all?

13 A. I did pat him down, yes, sir.

14 Q. The same sort of patdown you did with the
15 driver?

16 A. Correct.

17 Q. When you patted him down, can you tell the
18 members of the jury, if you recall, what sort of
19 clothing he was wearing?

20 A. I don't recall. I do recall that he had
21 multiple jeans, if not shorts, underneath the jeans.

22 Q. Now, when you say multiple, he was wearing
23 multiple pants?

24 A. Yes, sir.

25 Q. About how many different pairs of pants was he

1 wearing?

2 A. I can only guess, sir.

3 Q. More than one?

4 A. Yes.

5 Q. And so, when you patted him down, were you able
6 to feel anything on him?

7 A. I did not.

8 Q. And you stated you placed him in handcuffs at
9 that point?

10 A. Yes, he was placed in handcuffs.

11 Q. Why did you do that?

12 A. For my safety. Being that there was two males
13 and one me and given the circumstances of what I
14 believed, the passenger was about to exit and take off
15 running. Yes.

16 Q. All right. The reason you patted him down, did
17 you have a concern for your safety?

18 A. Yes.

19 Q. Now, at some point during this traffic stop did
20 any other police officer show up?

21 A. Yes, there were two.

22 Q. Who showed up?

23 A. A fellow deputy of mine and my sergeant that
24 was on duty.

25 Q. Do you remember the name of the other Deputy?

1 A. Tramane Jackson (phonetic).

2 Q. And a sergeant, what was his name?

3 A. Matthew Rodriguez.

4 Q. Did they then come up and start to assist you?

5 A. Yes, they did.

6 Q. Were you able to identify at that time or later
7 who the passenger was?

8 A. Yes, later.

9 Q. And what did you find his identification to be?

10 A. Leon Thompson.

11 Q. Leon Thompson?

12 A. Yes, sir.

13 Q. Can you tell the members of the jury if you
14 have ever had occasion to look under the front passenger
15 seat where Mr. Thompson had been sitting?

16 MR. GAISER: Your Honor, may we approach?

17 THE COURT: Yes.

18 (At the Bench, on the record)

19 MR. GAISER: I think we're about to get
20 into the area I talked about in the other motion that I
21 filed. And I'd like to have the opportunity to deal
22 with that before we go into what he found.

23 THE COURT: Opportunity to what?

24 MR. GAISER: To go into my motion before we
25 go into it before the jury; the motion that was relative

1 to this particular officer's testimony. Remember I had
2 the two motions? We've heard one and this is the other
3 one.

4 MR. RAMIREZ: What is it you're seeking to
5 have excluded; the statements?

6 MR. GAISER: Well, my motion also runs to
7 the -- will now run to the gun they find on him. I
8 mean, at this point, there's no basis for them to do
9 anything.

10 THE COURT: I must be going deaf. I can
11 barely hear you.

12 MR. GAISER: At this point, there's no
13 basis for them to do anything other than issue a
14 citation. They've identified both parties and neither
15 man is armed. He's decided that he needs to handcuff
16 them for no good reason that I can find, that -- you
17 know, the guy does not exit the car when he had the
18 opportunity to, that he asked them to get out, he obeys,
19 he identifies him. What is the basis for continuing to
20 hold my client and search him?

21 MR. RAMIREZ: A traffic offense had been
22 committed. The officer smells marijuana inside the car.
23 It seems to him that the passenger is about to run out
24 and so he's got to -- working alone, he's got to
25 preserve the situation so he detains the passenger.

1 MR. GAISER: I'm -- my client is --

2 THE COURT: I think he's got you with the
3 marijuana.

4 MR. GAISER: Well --

5 MR. RAMIREZ: The main thing, he's gotten
6 out --

7 THE COURT: This has expanded from a mere
8 traffic stop.

9 MR. RAMIREZ: Right. You know, with the
10 smell of marijuana, he's got the right now to conduct
11 the search of the vehicle, which is what he does.

12 MR. GAISER: You think the law is they can
13 search on the basis of smelling marijuana, the mere
14 smelling marijuana is enough?

15 MR. RAMIREZ: I think he can arrest on the
16 traffic violation alone and he can search the car.

17 THE COURT: He could at one time. I don't
18 think he can at this time, but he can --

19 MR. RAMIREZ: Back in 2009, I believe that
20 he could. And now having smelled marijuana, I think
21 he's got the right.

22 THE COURT: If it's expanded to a marijuana
23 search, yes, I agree.

24 MR. GAISER: Okay. The problem is -- okay.
25 Let him go. I just -- before you get into the part of

1 the statements --

2 MR. RAMIREZ: Yeah. That's fine.

3 MR. GAISER: Okay.

4 THE COURT: All right.

5 (Open court, jury and defendant present)

6 Q. (By Mr. Ramirez) Deputy Jones, at some point
7 did you have an occasion to look under the front
8 passenger seat where Leon Thompson had been sitting?

9 A. Yes, sir, I did.

10 Q. And when you looked under there, what did you
11 find?

12 A. A semiautomatic handgun.

13 Q. Okay. Was this the same area to which you saw
14 Leon Thompson reaching down with his hand?

15 A. Yes, sir, towards the floorboard.

16 Q. Did you later recover that semiautomatic
17 handgun?

18 A. Yes, sir, it was recovered.

19 MR. RAMIREZ: May I approach the witness,
20 Your Honor?

21 THE COURT: You may.

22 MR. RAMIREZ: Deputy.

23 (Bailiff clears weapon)

24 Q. (By Mr. Ramirez) Deputy Jones, I want to show
25 you a plastic bag with an item inside. I'll ask you if

1 you recognize this bag (indicating)?

2 A. Yes, sir, I do.

3 Q. How do you recognize it?

4 A. By my handwriting.

5 Q. Okay. Have you written some information on
6 here?

7 A. Yes, sir, I have.

8 Q. Is this the bag that you placed the
9 semiautomatic pistol that you found under the seat?

10 A. Yes, sir.

11 Q. Okay. And how do you know that?

12 A. By case number, by my name that I placed on the
13 bag.

14 Q. So, it has -- the bag has written on it the
15 unique case number assigned to this traffic stop --

16 A. Yes, sir.

17 Q. -- that turned into something else?

18 Does it have the date?

19 A. It does.

20 Q. The location where the stop occurred?

21 A. Yes, sir.

22 Q. And your name?

23 A. Yes.

24 Q. You reach inside here, I'll show you an item
25 with a tag marked State's Exhibit No. 278. Do you

1 recognize this (indicating)?

2 A. Yes, sir, I do.

3 Q. Does the tag have writing on it?

4 A. Yes, sir, it does.

5 Q. Whose handwriting is that?

6 A. That's going to be my handwriting.

7 Q. Okay. Does it have the same sort of
8 information that was on the outside of the bag?

9 A. Yes, sir, it does.

10 Q. Does the tag include a serial number as well?

11 A. Yes, sir.

12 Q. Does that correspond to the article in
13 question, State's Exhibit No. 278?

14 A. Yes, sir.

15 Q. Okay. Did you later do anything with this
16 after the traffic stop was complete?

17 A. It was submitted as evidence.

18 MR. RAMIREZ: Judge, I'll move to introduce
19 State's 278 at this time.

20 **(State's Exhibit No. 278 Offered)**

21 MR. GAISER: May I take the witness on voir
22 dire?

23 THE COURT: You may.

24 **VOIR DIRE EXAMINATION**

25 **BY MR. GAISER:**

1 Q. Officer Jones, you said it was submitted as
2 evidence. Did you submit it?

3 A. Yes, sir, I did.

4 Q. Okay. To where did you submit it?

5 A. At our patrol station at 6830 Cypresswood
6 Drive.

7 MR. GAISER: I have no objections, Judge.

8 THE COURT: Admitted without objection.

9 (State's Exhibit No. 278 Admitted)

10 **DIRECT EXAMINATION**

11 **CONT'D BY MR. RAMIREZ:**

12 Q. Now, you testified this is the 9-millimeter
13 pistol that you found underneath the seat; is that
14 right?

15 A. Yes, sir.

16 Q. Okay. Were there any other weapons recovered
17 in this traffic stop?

18 A. Yes, sir, there was.

19 Q. What else was recovered in the way of weapons?

20 A. There was a revolver recovered.

21 Q. Where was the revolver found?

22 A. On the defendant's person.

23 Q. And when you say the defendant, which
24 individual are we talking about?

25 A. Leon Thompson.

1 Q. Okay. Where on Leon Thompson's person was the
2 revolver found?

3 A. From his waistband.

4 Q. From his waistband?

5 A. Yes, sir.

6 Q. Was it found after you had done your patdown?

7 A. Yes, it was.

8 Q. Okay. And in your initial patdown, had you
9 found that weapon?

10 A. I did not.

11 Q. Okay. Was a more comprehensive search of him
12 done a short time later after your patdown?

13 A. A secondary search by another officer, yes.

14 Q. And is that where it was found?

15 A. Yes, sir.

16 Q. Did you subsequently write the report regarding
17 this incident?

18 A. I did.

19 Q. In addition to the two weapons that were found,
20 was anything else found inside the car that led to
21 charges?

22 A. A small bag of marijuana was found inside the
23 vehicle.

24 Q. Can you tell the members of the jury where the
25 bag of marijuana was found?

1 A. Within the a-wall frame of the driver's side.

2 Q. What is the a-wall frame on the driver's side?
3 What is that?

4 A. The plastic that's above the threshold, above
5 the driver's side window that leads down to the
6 windshield and dash area.

7 Q. Was that marijuana that was behind that panel
8 immediately visible to someone outside or inside the
9 car?

10 A. That was recovered by Sergeant Rodriguez. I
11 did not personally recover that substance. He did.

12 Q. Okay. So, did you see where it came from in
13 the car?

14 A. He told me where it came from within the car.

15 Q. And subsequent to this, was anyone charged with
16 possession of marijuana?

17 A. The driver was.

18 Q. Who was that?

19 A. Teddrick Batiste.

20 Q. Okay. So, Batiste was charged with possession
21 of marijuana?

22 A. Yes, sir.

23 Q. And you've described it as being within the
24 A-frame; is that correct?

25 A. Correct.

1 Q. Was it hidden within the A-frame?

2 A. From what I was told.

3 MR. GAISER: I object to the hearsay,
4 Judge.

5 THE COURT: Sustained.

6 MR. GAISER: Ask the jury be instructed to
7 disregard.

8 THE COURT: The jury is instructed.

9 Q. (By Mr. Ramirez) The weapons that were
10 recovered, did you file any charges related to that?

11 A. Yes, sir.

12 Q. And who did you file those charges on?

13 A. Leon Thompson.

14 Q. What charge was Leon Thompson charged with at
15 that time?

16 A. Unlawful carrying of a weapon.

17 Q. That is a misdemeanor charge, was it not?

18 A. Yes, it is.

19 Q. Now, we've described and we now have in
20 evidence the 9-millimeter pistol that was found
21 underneath the seat he was in. Was there any ammunition
22 in that semiautomatic pistol?

23 A. I don't recall, sir.

24 Q. Okay. Would it help you refresh your memory if
25 you were to look in your report? And specifically Page

1 4.

2 A. (Witness complies).

3 Yes, sir.

4 Q. Was there ammunition, live ammunition in it?

5 A. Yes, sir.

6 Q. And how many rounds of live ammunition was
7 found in that pistol?

8 A. In the report it was chambered, but I did not
9 state how many rounds were in there.

10 MR. RAMIREZ: May I approach the witness,
11 Your Honor?

12 THE COURT: You may.

13 Q. (By Mr. Ramirez) Directing your attention to a
14 portion on Page No. 4, does that help you to explain how
15 many rounds of ammunition were in the weapon
16 (indicating)?

17 A. Yes. I listed ten.

18 Q. Now, the other weapon that was found on
19 Mr. Thompson's person, what type of weapon was that?

20 A. It was a revolver.

21 Q. Did you note the brand, make, and model of that
22 revolver?

23 A. I did. I need a moment to locate it, please.

24 (Pause)

25 A. It's going to be a Ruger RG-23.

1 Q. (By Mr. Ramirez) RG-23 pistol?

2 A. Yes, sir.

3 Q. What caliber was that pistol?

4 A. .22 caliber.

5 Q. .22 caliber.

6 Was the .22 caliber pistol loaded with
7 ammunition, if you recall?

8 A. I do not recall.

9 Q. Okay. Was any ammunition found on Leon
10 Thompson's person?

11 A. I do not recall, sir.

12 Q. Okay. Did you end up tagging any ammunition
13 that corresponded to the caliber of that revolver? I
14 direct your attention to Page 4 in the property section.

15 A. Eleven rounds, sir.

16 Q. Mr. Jones, I want to show you a photograph I
17 will put up on the screen. It's in evidence as State's
18 Exhibit No. 325. And it's not up on the screen.

19 Do you see to weapons in this photograph
20 (indicating)?

21 A. Yes, sir.

22 Q. I want to direct your attention to the weapon
23 on the right. Does that appear to be a revolver
24 (indicating)?

25 A. Yes, it is a revolver.

1 Q. And does there appear to be an insignia or logo
2 there below the hammer --

3 A. Yes.

4 Q. -- on the side (indicating)?

5 I want to zoom in. And what do you see
6 there (indicating)?

7 A. RG-23.

8 Q. Is that RG-23 consistent with the revolver that
9 was found on Leon Thompson during this traffic stop?

10 A. Yes, sir, consistent.

11 Q. Now, Deputy Jones, I mentioned after this
12 traffic stop was complete charges were filed?

13 A. Yes, sir.

14 Q. What does that entail when you file charges in
15 a situation such as this? Do you just file whatever
16 charges you want?

17 A. No, sir. We have an obligation to review the
18 facts and circumstances with the Harris County District
19 Attorney's Office prior to submitting charges.

20 Q. How do you do that?

21 A. By a telephone call to them.

22 Q. All right. You telephone what part of the
23 D.A.'s office? What division is it called?

24 A. Intake.

25 Q. The Intake Division, is it open 24 hours a day,

1 seven days a week?

2 A. Yes, sir, it is.

3 Q. So, after hours, even after 7:00 p.m. it would
4 be open for you to call if you had charges you wanted
5 filed?

6 A. Yes, sir.

7 Q. Did you present a summary of the facts --

8 A. Yes, sir, I did.

9 Q. -- as you knew them?

10 And were charges accepted?

11 A. Yes, they were.

12 Q. Was the charge of possession of marijuana
13 accepted on Teddrick Batiste?

14 A. Yes, sir.

15 Q. And was a charge of carrying a weapon accepted
16 on Leon Thompson?

17 A. Yes, sir.

18 Q. Once charges were accepted on these two
19 individuals, what did you do?

20 A. They were transported to the patrol station
21 where they were processed, the evidence was submitted,
22 and shortly thereafter they were filed on for those
23 charges that we previously spoke about and they were
24 transported to the jail.

25 Q. When you say they were transported to the

1 station where they were processed, did you participate
2 in this procedure?

3 A. Yes, sir.

4 Q. What does that entail?

5 A. That entails collecting and confirming their
6 identity through the fingerprint AFIS program, as well
7 as submitting all the evidence.

8 Q. Let's talk about that fingerprint AFIS program.
9 With respect to Mr. Thompson, how did you run him
10 through the fingerprint AFIS program?

11 A. His fingerprints are pressed against a latent
12 machine. And on their end, I guess they check it and it
13 confirms --

14 MR. GAISER: Object to them confirming,
15 Judge, unless he's an expert in fingerprint
16 identification.

17 THE COURT: Sustained.

18 Q. (By Mr. Ramirez) Well, I'm not asking you about
19 any fingerprint identification, but when you do an AFIS
20 check and the persons that you've arrested have their
21 hands placed on -- what is it, a glass surface?

22 A. Yes, sir.

23 Q. Okay. You get a return, do you not, if there's
24 a match?

25 A. Yes.

1 Q. Were you able to confirm that, in fact, he was
2 Leon Thompson through that?

3 A. Yes, sir.

4 Q. Can you tell the members of the jury whether or
5 not --

6 MR. RAMIREZ: May I have a sidebar with
7 counsel, Your Honor?

8 THE COURT: You may.

9 (Discussion off the record between
10 attorneys)

11 (Open court, defendant and jury present)

12 MR. RAMIREZ: Thank you, Deputy. I pass
13 the witness, Your Honor.

14 THE COURT: All right.

15 **CROSS-EXAMINATION**

16 **BY MR. GAISER:**

17 Q. Deputy Jones, I just want to kind of run
18 through this quickly with you. Both this .22 and
19 9-millimeter, those are firearms, right?

20 A. Yes, sir.

21 Q. Okay. And one of them was found under the seat
22 of the automobile driven by Mr. Batiste, correct?

23 A. Yes, sir.

24 Q. And one was found on the person of Leon
25 Thompson?

1 A. Yes, sir.

2 Q. Do you recognize Mr. Thompson seated here next
3 to me?

4 A. No, sir.

5 Q. Okay. So, you can't testify that this is
6 the -- whether or not this is the same person?

7 A. No, sir.

8 Q. Did -- and the .22 revolver was the weapon that
9 was found on Mr. Thompson's person; is that correct?

10 A. Yes, sir.

11 Q. And you were not the one that found that, it
12 was your sergeant, I believe you said.

13 A. Yes, sir.

14 Q. Your sergeant found it at some later point
15 after you conducted the patdown search?

16 A. Yes, sir.

17 Q. Okay. And do you know exactly how he happened
18 to find it?

19 A. I was present, yes, sir.

20 Q. Okay. Did Mr. Thompson tell him that he had a
21 pistol on his person?

22 A. I don't recall if he told him. No, sir.

23 Q. Okay. All right. Was it at the time when he
24 was about to be placed into the patrol car?

25 A. It was prior to being placed into the patrol

1 car.

2 Q. Right, but he would be searched again prior to
3 being placed in the patrol car, correct?

4 A. Yes, sir.

5 Q. That's to ensure that no weapons were in the
6 patrol car?

7 A. Yes, sir.

8 MR. GAISER: I have no further questions,
9 Judge.

10 MR. RAMIREZ: Just a brief redirect, Your
11 Honor.

12 **REDIRECT EXAMINATION**

13 **BY MR. RAMIREZ:**

14 Q. Deputy Jones, part of the process from your end
15 of getting charges filed into the system in a case like
16 this, does it involve going into what's called the DIMS
17 system?

18 A. Yes, sir, it does.

19 Q. And entering in information about the charges?

20 A. Yes, sir.

21 Q. When you enter information about a charge into
22 the DIMS system, is the particular case that you work on
23 assigned a log number?

24 A. A transaction number, yes, sir.

25 Q. Okay. And the log number as well?

1 A. Yes, sir.

2 MR. RAMIREZ: May I approach the witness,
3 Your Honor?

4 THE COURT: You may.

5 Q. (By Mr. Ramirez) Let me show you what has been
6 marked as State's Exhibit No. 307. Do you recognize
7 this document, multi-page document (indicating)?

8 A. Yes, sir.

9 Q. Would this be the DIMS information that you
10 entered in relation to the charge of carrying a weapon
11 filed on Leon Thompson?

12 A. Yes, sir.

13 Q. Okay. Can you tell the members of the jury
14 what particular D.A. log number was assigned to this
15 charge?

16 A. 1503653.

17 Q. Okay. And did your entry into the DIMS process
18 indicate what Mr. Thompson's unique SPN number was?

19 A. Yes, it did.

20 Q. What was that?

21 A. 001902375.

22 MR. RAMIREZ: I'll pass the witness.

23 MR. GAISER: No questions, Judge.

24 THE COURT: All right. You may step down.

25 Thank you, sir.