

1 verdict of not guilty after you hear all the evidence
2 because, number one, he didn't do anything wrong;
3 and, number two, they violated his rights for us to
4 be here.

5 Thank you very much.

6 **THE COURT:** Thank you.

7 Who will be your first witness,
8 Mr. Batarse?

9 **MR. BATARSE:** The Defense -- oh, the
10 State calls Officer Lara to the stand.

11 **THE COURT:** Thank you.

12 **THE BAILIFF:** Your Honor, this witness
13 will need to be sworn in.

14 **THE COURT:** Thank you.

15 If you would turn and face the jury
16 and raise your right hand, I will give you oath.

17 *(Witness Duly Sworn)*

18 **THE COURT:** Thank you. You may have a
19 seat up here.

20 **THE WITNESS:** Thank you.

21 **MR. BATARSE:** May I proceed, Your
22 Honor?

23 **THE COURT:** Yes, sir.
24
25

1 **ROBERT RAY LARA, JR.,**

2 having been first duly sworn, testified as follows:

3 **DIRECT EXAMINATION**

4 **Q.** **(BY MR. BATARSE)** Officer Lara, could you
5 introduce yourself to the jury?

6 **A.** My name is Robert Ray Lara, Jr., currently
7 assigned to Houston Police Department. I'm an
8 undercover narcotics officer.

9 **Q.** Could you please spell your full name for
10 the record?

11 **A.** Sure. First name is Robert, last name
12 L-A-R-A, Jr.

13 **Q.** And how long have you worked for the
14 Houston Police Department?

15 **A.** I have been employed for approximately 12
16 years.

17 **Q.** What kind of jobs have you had while at
18 HPD?

19 **A.** Besides the standard patrol, I worked the
20 tactical division and currently assigned to the
21 narcotics division.

22 **Q.** Let's talk to the jury. Explain to them
23 what kind of training do you have to go through to
24 be -- first to be an officer.

25 **A.** We go through an academy course. Everybody

1 knows about that. We take several hours in order to
2 get T-Close certified, to get your license. We go
3 through weapons training, you know, the standard
4 stuff that officers would go through on the street.

5 Q. And did you have to take any additional
6 training for the narcotics?

7 A. I did. I was required to go through
8 different survival schools, tactical schools.

9 Q. Okay. Like what? I mean, explain. What,
10 do you train or what do you do? We got different
11 trainings?

12 A. I'm required to go to training on a
13 quarterly basis every year. I have been trained in
14 both undercover tactical operation, I'm trained in
15 rolling surveillance, counter surveillance; I'm given
16 updates on a daily basis about narcotics activity in
17 the City of Houston.

18 Q. Officer, I want to -- the jury to know a
19 little bit about you. I mean, are you from Houston?

20 A. Yes, I am.

21 Q. Okay. Where did you go to high school?

22 A. I went to high school out of town, but I
23 went to elementary here, junior high; and then we
24 moved.

25 Q. Do you have family here?

1 A. I do.

2 Q. Wife? Kids?

3 A. Yes, I do.

4 Q. Okay. And you're living in Houston now?

5 A. Correct.

6 Q. Are you still working in the narcotics
7 division?

8 A. I am.

9 Q. Why -- why does Houston have -- sounds like
10 a silly question, but why does Houston have a
11 narcotics division?

12 A. Well, I think it's obvious. Houston is
13 considered a major drug corridor. It's a hub. We're
14 also known as a pill city. A lot of people abuse
15 drugs here. We have a narcotics division in order to
16 combat that. We work in an undercover capacity to
17 address narcotics complaints within the City of
18 Houston, Harris County, Texas.

19 Q. Okay. And when you are talking about
20 narcotics, what type of drugs are you talking about?

21 A. I'm talking about everything. You know,
22 when you think of drugs, I'm thinking everything from
23 heroin, crack cocaine, to prescription drugs, you
24 know, items that are regulated by the Federal
25 Government.

1 Q. And when you are conducting these
2 investigations -- and how long have you been in the
3 narcotics divisions?

4 A. About five years.

5 Q. And have you conducted investigations while
6 you have been there?

7 A. Yes, I have.

8 Q. Few or many?

9 A. Many.

10 Q. When you conduct these investigations, who
11 do you investigate?

12 A. We go to high-crime areas. We're looking
13 for, of course, narcotics dealers.

14 Q. And you said -- actually, let's kind of run
15 the jury. What happens -- tell us how a normal
16 narcotics investigation works.

17 A. We got different -- different deals,
18 different areas we go. It just depends on where we
19 are going. First thing, we come up with a plan of
20 action. We come up -- basically what that is, is
21 just a game plan. We get support from patrol
22 officers to help us out. We usually go like to
23 high-crime areas and conduct surveillance for
24 criminal activity.

25 Q. And when you say -- you keep on saying

1 "high-crime area," what do you mean by that? Explain
2 to them how you determine what places are dangerous.

3 A. Basically what it sounds like, a location
4 that has a lot of calls for service, where officers
5 are having to be dispatched to address a location
6 known for gang activity, narcotics activity.

7 Q. What is a call for service?

8 A. That's anytime a concerned citizen calls
9 the police to investigate.

10 Q. Now, when you are doing your
11 investigations, do you -- are you in your uniform; or
12 how do you do these?

13 A. No. I'm strictly an undercover officer,
14 narcotics officer. People call us narcs. I work in
15 plain clothes in order to fit into a location, and
16 I'm always in an unmarked vehicle. It's important
17 that I protect my identity.

18 Q. Is that why you're not in uniform today?

19 A. That's correct.

20 Q. So, when you are conducting these
21 investigations, do you have any identifying marks on
22 you that you're a police officer?

23 A. No, absolutely not.

24 Q. Okay. And, officer, these narcotics
25 investigations, when you're doing prescription pill

1 investigations -- have you done a lot of those?

2 A. I have done a few.

3 Q. Okay. Does the Houston Police Department
4 do a lot of prescription investigations?

5 A. They do. We even have our own squad
6 assigned to combat that situation.

7 Q. Okay. And, officer, during those -- in
8 your experience in the investigations that you have
9 done, do y'all focus only on the last dealer; or who
10 is it that you focus on?

11 A. No. It's like every investigation, you
12 start at the bottom, and you try to work yourself up
13 to the supplier. And in a case of prescription
14 drugs, of course, you'd like to get the individuals
15 who are giving these prescriptions out.

16 Q. Okay. All right. Officer, I want to bring
17 your attention to June 14, 2012. Okay?

18 A. Okay.

19 Q. Were you working that day?

20 A. Yes, I was.

21 Q. And were you in the narcotics activity
22 division on that day?

23 A. That's correct, sir.

24 Q. Okay. Tell the jury what you were doing.

25 A. I was assisting some of our gang officers.

1 They had some complaints in this particular
2 high-crime area. They needed someone to work in an
3 undercover capacity to conduct surveillance, address
4 the situations out there.

5 Q. Okay.

6 MR. BATARSE: Your Honor, may I
7 approach?

8 THE COURT: Yes, sir.

9 Q. (BY MR. BATARSE) Officer, I'm showing you
10 what's been marked as State's Exhibits 16, 17, and
11 18. Without telling the jury what it is, do you
12 recognize these?

13 A. Yes, I do.

14 Q. Okay. What are these?

15 A. They are the location where we conducted
16 our operation.

17 Q. Okay. And just so the record is clear,
18 this is a what?

19 A. It's a map, global map.

20 Q. Okay. And 16, 17, and 18, do you think
21 these would help the jury understand where you were
22 working that day?

23 A. I believe so.

24 MR. BATARSE: Your Honor, the State
25 moves to enter State Exhibits 16 through 18 into

1 evidence, tender to opposing counsel.

2 **MR. LIGON:** No objection to -- sorry,
3 Judge -- 16, 17, 18.

4 **THE COURT:** Admitted.

5 **MR. BATARSE:** Permission to publish,
6 Your Honor?

7 **THE COURT:** Granted.

8 **Q. (BY MR. BATARSE)** Officer, I'm showing you
9 what's been marked as -- I will zoom in -- State's
10 Exhibit No. 16. And what is this a map of?

11 A. The north side, north central side of
12 Houston.

13 **Q.** Just so you are aware, that screen -- you
14 can actually draw on it with your finger; and
15 anything that you draw, we can see on those screens.
16 Okay?

17 A. That's correct.

18 **Q.** Okay. So, this is a map of Houston?

19 A. Correct, sir.

20 **Q.** Okay. Is this Harris County, Texas?

21 A. Yes, it is.

22 **Q.** And roughly where were you doing the
23 investigation? Do you see it on this map?

24 A. Yes, I do. Basically investigating -- I
25 don't think it's marking.

1 Q. Not coming out?

2 A. No, it's not.

3 Q. Why don't you just step down. Let me show
4 you the enlarged version anyways. I'm showing you
5 State's Exhibit No. 17. Come down and show the jury
6 where you were conducting your investigation.

7 A. I'm a little short. But if you can see
8 Elysian Street, Hardy Street, those are one-way
9 streets. And we were doing the investigation
10 technically in that area where Collingsworth --

11 Q. So, right up here (indicating)?

12 A. That's correct, sir.

13 Q. Let me zoom in there. So, show the jury.

14 A. We were just basically in this general area
15 here (indicating), focusing on this area
16 (indicating.)

17 Q. Okay. And you mentioned high crime, and
18 how do you -- you can have a seat.

19 A. (Witness complies.)

20 Q. How do you know that's a high-crime area?

21 A. For the simple fact we have a lot of calls
22 for service in the area. I have conducted
23 investigations there in the past, undercover
24 operations, that have lead to arrests.

25 Q. So, you personally have conducted

1 investigations in that specific area?

2 A. Yes, sir. And we have been out there in
3 order to target a violent street gang, Hardy Boys.

4 Q. Okay. Now, officer --

5 **MR. BATARSE:** May I approach, Your
6 Honor?

7 **THE COURT:** You may.

8 Q. **(BY MR. BATARSE)** I'm showing you what's
9 been marked as State's Exhibits 19, 20, 21, and 22.
10 Again, without telling the jury what it is yet, do
11 you recognize these photos?

12 A. Yes, I do.

13 Q. Okay. And what are they photos of?

14 A. It's a picture of the 1700 block of
15 Collingsworth in between Hardy and Elysian.

16 Q. Okay. And what is located there?

17 A. We have a convenience store. There is also
18 a car wash.

19 Q. All right. Is this the area where you were
20 conducting the surveillance?

21 A. Yes, sir.

22 Q. Is this a fair and -- are these fair and
23 accurate depictions of how the area appeared on that
24 day?

25 A. Yes, sir.

1 **MR. BATARSE:** The State offers State's
2 Exhibits 19 through 22 into evidence and tenders to
3 opposing counsel.

4 **MR. LIGON:** No objections to 19
5 through 22, Judge.

6 **THE COURT:** All are admitted.

7 **MR. BATARSE:** Permission to publish,
8 Your Honor?

9 **THE COURT:** Granted.

10 And I appreciate you being so polite.
11 And, Mr. Ligon, you're also very polite. But if
12 something is in evidence, feel free to show it to the
13 jury; and you don't have to ask to approach. You're
14 free to move around the courthouse however you wish
15 to present your case, but just don't stand next to
16 the witness while you're questioning the witness
17 unless you're actually showing the witness an
18 exhibit.

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

20 **THE COURT:** Okay. Thank you.

21 **Q. (BY MR. BATARSE)** Officer Lara, I'm showing
22 you State's Exhibit 21. What are we seeing here?

23 **A.** This is a convenience store.

24 **Q.** And were you conducting surveillance on
25 this area?

1 A. Yes, I was.

2 Q. Okay. And Exhibit No. 19, right here on
3 this corner up here, the lower right-hand corner, is
4 this the same entrance for the Chevron (indicating)?

5 A. That's correct.

6 Q. Okay. So, you can see this entire area
7 from where you were?

8 A. Yes.

9 Q. And we won't tell the jury exactly where
10 you were sitting or where you were in your car or
11 what type of car you have; but you can see the whole
12 area, right?

13 A. Correct.

14 Q. So, tell the jury what you saw.

15 A. On this particular day, what caught my
16 interest, I saw the defendant driving a vehicle
17 approaching -- I wish I could point, but he was
18 traveling from Hardy onto Collingsworth. I saw
19 somebody flagging him down at that point.

20 Q. Show us -- and do you want to step down up
21 here on the big screen again?

22 A. Sure.

23 Q. And I will lower it if that helps.

24 A. Yes. If you could lower it, please.

25 Q. Show where you were coming from.

1 A. I was watching this area. I saw him coming
2 here. What caught my attention was somebody was
3 flagging him down, waving him down. And I believe he
4 stopped right here (indicating), and then he stopped
5 again right here (indicating.)

6 Q. Okay.

7 A. He met up with that person and another
8 person. Then he just left them and quickly came here
9 and met up with two more individuals.

10 Q. Okay. What did he do after that?

11 A. After that he left the location.

12 Q. So, how many people did he meet up with?

13 A. About four people.

14 Q. Okay. At that point, what are you thinking
15 in your head?

16 Have a seat.

17 A. (Witness complies.)

18 Q. Why did that draw your attention?

19 A. That drew my attention because I have
20 conducted undercover operations; and when I conduct
21 these operations in these high-crime areas where
22 there are drug dealers, a lot of times these drug
23 dealers on the streets are going to be flagging
24 people down. And it just kind of seemed like a real
25 popular person. He was talking to so many people

1 there. It definitely drew my -- me to him.

2 Q. Okay. And at that point had he committed
3 any crime?

4 A. No.

5 Q. Did you stop and arrest him at that point?

6 A. No, I did not.

7 Q. Okay. So, you had -- you had just -- I
8 mean, were you curious as to what was going on?

9 A. Yeah, absolutely.

10 Q. Okay. And let me ask you this: In
11 prescription drug cases, generally speaking, if
12 someone wants to pick up or fill prescriptions, how
13 are they going to do that?

14 MR. LIGON: Judge, I object to
15 speculation, Judge.

16 THE COURT: Overruled.

17 Q. (BY MR. BATARSE) I will ask the question.
18 You can answer it.

19 A. Okay.

20 Q. Generally speaking, in narcotics
21 investigations involving prescription drugs, say you
22 want to purchase a prescription, would you go and
23 purchase it yourself?

24 A. I would. I have done both. I have done
25 undercover operations where I have done buy busts

1 where I conducted surveillance --

2 Q. Okay.

3 A. -- or people buying them.

4 Q. In situations where the individual does not
5 go, why wouldn't they go personally and buy the
6 drugs?

7 A. Oh, because they are now keeping records.
8 They are a paper trail. So, a lot of these drugs
9 dealers know that; and so they are trying to keep
10 their name off a database.

11 Q. So, how do you do that?

12 A. You pick up individuals to do it for you.

13 Q. And the individuals that he was talking to,
14 I mean, how did they appear to you, the people he was
15 talking to?

16 A. Well, the area right next to it, it's --
17 they hire a lot of people off the street and I know
18 it because I have done a lot of operations out there
19 and a lot of people are homeless. And it's not their
20 fault, but you can tell they're homeless. They look
21 dirty. They often have backpacks, not well kempt at
22 all.

23 Q. So, those are the people that he was
24 talking to, right?

25 A. Right.

1 Q. And there is nothing -- in and of itself,
2 nothing wrong with that, right?

3 A. Correct.

4 Q. Okay. So, after you see him leave, what do
5 you do?

6 A. At that point I decide to follow him. I
7 want to see what's going on.

8 Q. Okay. And can you show us on this map here
9 where he went?

10 A. That's correct. Like I mentioned before,
11 Hardy and Elysian are one-way streets. He went
12 north, from Collingsworth north --

13 Q. Okay.

14 A. -- on Elysian Street.

15 Q. From here (indicating), north?

16 A. That's correct. From here (indicating), he
17 went north.

18 Q. And right now -- I was showing you State's
19 Exhibit 17. Now I'm showing you State's Exhibit 18.
20 And for about how far did you follow him?

21 A. It was a good distance. I had to punch the
22 gas to catch up to him. Elysian is a pretty busy
23 street. It's three lanes going north. We caught up
24 to him all the way past -- a little before Cavalcade
25 is where I caught up to him.

1 Q. Okay. You can have a seat.

2 A. (Witness complies.)

3 Q. And what did you observe about the
4 defendant's driving while you were following him?

5 A. Like I said, he was moving. And, of
6 course, I don't have a radar gun or anything; but I
7 could tell he was moving. He had committed two
8 traffic infractions. So, I decided to talk to him.

9 Q. What were the traffic infractions?

10 A. He failed to use a turn signal.

11 Q. When he was doing what?

12 A. When he was changing lanes.

13 Q. And you said -- how many times did he do
14 that?

15 A. Twice.

16 Q. And what are we talking about? From which
17 lanes did he change? Do you remember?

18 A. I remember when he went up -- when I saw
19 him, he was in the number one lane. He moved out to
20 the number two lane, which is the middle lane, and
21 back to the number one lane.

22 Q. Okay.

23 A. And that's where the units caught up to
24 him, in the number one lane.

25 Q. And just to be clear, you're following him

1 in your vehicle?

2 A. That's correct.

3 Q. And what marks does your vehicle have on
4 it?

5 A. No marks at all, undercover vehicle.

6 Q. Okay. Do you have a -- do you have a siren
7 on top of your car?

8 A. No.

9 Q. Do you have a siren in your car?

10 A. No, I do not.

11 Q. Do you have a video camera like some of the
12 police officers' cars do? Do you have a video camera
13 in your car?

14 A. No, sir, I do not.

15 Q. Why don't you have any of those things in
16 your undercover car?

17 A. It would be easy for a crook to pick me
18 off.

19 Q. Okay. As a general policy, does every
20 single Houston police officer car have a camera
21 anyways?

22 A. No, they do not.

23 Q. Officer, you observed the traffic
24 violations; and what did you do?

25 A. At that point I called for a marked unit to

1 conduct a traffic stop.

2 Q. And explain to the jury, why did you call
3 for a marked unit?

4 A. Because I saw the violations and I wanted
5 to talk to him.

6 Q. And the marked unit that you called, was
7 this just a random marked unit; or had they been
8 waiting?

9 A. No. They had been waiting. They were
10 assisting me with this operation.

11 Q. So, you called them; and did you
12 communicate to them what you had seen?

13 A. Yes, I did.

14 Q. And what did they do?

15 A. They came up to stop him.

16 Q. And I want to take the jury kind of step by
17 step on what happened here. Okay?

18 So, when you say they came to stop
19 him, how did they do that?

20 A. They came directly behind him, and they
21 turned on their emergency equipment.

22 Q. So, they came quickly after you told them
23 to come?

24 A. Yes.

25 Q. And they turned on what?

1 A. Their emergency lights.

2 Q. And what was the defendant's reaction to
3 them turning on their lights?

4 A. We -- prior to them turning on their
5 lights, what I like to do, I like to get close to the
6 vehicle, parallel with the vehicle, so I can see
7 what's going on.

8 **MR. LIGON:** Objection, Judge,
9 nonresponsive.

10 **THE COURT:** Sustained.

11 Q. **(BY MR. BATARSE)** Describe what you did.

12 A. What I did was I pulled up next to the
13 vehicle so I can get a clear view of the individuals
14 inside of the vehicle.

15 Q. Why do you do that?

16 A. I always do it mainly for officer safety.
17 That way I can, you know, describe what you can see,
18 people get nervous and start making movements.

19 Q. What did this defendant do after they
20 initiated the stop?

21 A. I could tell you he was nervous. He
22 started making furtive movements, started going
23 towards the seat. Then he went to his -- he had a
24 little center console that he opened up.

25 Q. And show the jury what he was doing.

1 A. Like he was in a panic. When they let
2 him -- I saw him go like this (indicating) and kind
3 of went like this (indicating), and then he opened up
4 the center console.

5 Q. Could you see why he was doing that?

6 A. No.

7 Q. Could you see what he was grabbing for?

8 A. Not at that point. I didn't see anything
9 in his hand.

10 Q. Did you communicate what you were seeing to
11 the marked units?

12 A. Yeah. Obviously, it scared me. You don't
13 know what he is doing. So, I let the officers know
14 what he had done.

15 Q. Officer, the -- how many people were in the
16 car?

17 A. There were three.

18 Q. What were the other two guys doing while he
19 is freaking out in the driver's seat?

20 A. I mean, they didn't jump out to me. So, I
21 mean, they were just -- basically just sitting there.
22 They weren't in a panic; or I would have called that
23 out, as well.

24 Q. And so at that point what did you do? Did
25 you wait for the officers to approach or what?

1 A. No. Once they stopped, I circled around
2 and went into the neighborhood and waited.

3 Q. Why did you do that?

4 A. Usually, with the traffic stops, a lot of
5 people show up, especially in the neighborhood. So,
6 I try to just stay away from the area so if anyone
7 tries to pick me off.

8 Q. Did you eventually come back to the scene?

9 A. Yes, I did.

10 Q. In your car?

11 A. I parked it around the block.

12 Q. So, you parked it away; and then how did
13 you get back to the scene?

14 A. I walked up there.

15 Q. You walked over there?

16 A. Yes.

17 Q. Why didn't you just drive up in your car
18 again?

19 A. I mean, you know, you don't want people to
20 see your vehicle. There is people -- drug dealers
21 and people out there looking for officers; and if
22 they make your unmarked vehicle, you're pretty much
23 burned.

24 Q. Okay. Now, officer, when you got back --
25 actually --

1 **MR. BATARSE:** May I approach, Your
2 Honor?

3 **THE COURT:** Granted.

4 **(At the Bench)**

5 **MR. BATARSE:** Your Honor, I just
6 wanted to make sure that we're okay to talk about the
7 prescription forms at this point. I mean, I'm going
8 to bring the other officers who did the search in --

9 **THE COURT:** If I grant the Motion to
10 Suppress, the case is over anyway. So --

11 **MR. BATARSE:** Right.

12 **THE COURT:** So, I don't see any reason
13 we can't hear it in front of the jury.

14 **MR. BATARSE:** I just wanted to make
15 the Court aware.

16 **THE COURT:** Okay. Thank you.

17 **(End of Bench Discussion)**

18 **Q.** **(BY MR. BATARSE)** Officer, when you walked
19 back to the scene where he had been stopped, what did
20 you observe?

21 A. I observed the officers there next to his
22 vehicle, and I observed him sitting on a curb.

23 **Q.** Sitting on the curb?

24 A. Uh-huh (affirmative.)

25 **Q.** How many people were in his car at this

1 point?

2 A. I believe there were two.

3 Q. Okay. Now, officer, at some point did you
4 have an opportunity -- I mean, did the officers
5 communicate to you what they had found?

6 A. Yes, they did.

7 Q. Okay. And what did they find in the car?

8 **MR. LIGON:** Objection, Judge. That is
9 based on hearsay.

10 **THE COURT:** Can you establish if he
11 observed that or if it is based on hearsay?

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

13 **THE COURT:** Thank you.

14 Q. **(BY MR. BATARSE)** Did you actually see what
15 the officers had found in the car?

16 A. When I walked up there, I saw that they
17 had -- Officer McMullen had some prescriptions in his
18 hands.

19 Q. Okay. So, you saw them with your own eyes?

20 A. Yes, I did.

21 Q. Okay. And did you go through the
22 prescriptions?

23 A. Yes, I did.

24 Q. And, actually, Officer, I'm showing you
25 what's been marked as State's Exhibits 1 through -- I

1 believe it's 15. Okay. I want you to go through
2 these, and I'm going to ask if you -- if you
3 recognize these before I tell you about it.

4 A. Okay. Yes, I recognize them.

5 Q. Okay. What are these?

6 A. These are prescription forms.

7 Q. All right.

8 A. And these are receipts.

9 Q. Okay. And when you came up, who had these?

10 A. Sergeant McMullen.

11 Q. And he gave them to you?

12 A. Yes, he did.

13 Q. And had he communicated to you where he had
14 found these?

15 A. Yes, he did.

16 Q. Okay. Are these the same -- are these true
17 and correct copies of the prescription forms and
18 receipts that you saw that day?

19 A. Yeah. These aren't copies. These are
20 originals.

21 Q. These are originals?

22 A. These are items that I did see, that I was
23 given.

24 Q. Okay. And just for purposes of the record,
25 State's Exhibits 1 through 8, what are these

1 specifically?

2 A. These are prescriptions.

3 Q. And they are from where?

4 A. They say from a Health Care Plus facility.

5 Q. And State's Exhibits 9, 10, and 11, what
6 are these?

7 A. These are copies from Hurtaway Medical
8 Clinics.

9 Q. Hurtaway?

10 A. Yes.

11 Q. All three of them?

12 **MR. LIGON:** Judge, I object. He is
13 testifying about something that is not in evidence,
14 Judge.

15 **THE COURT:** Sustained.

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

17 Q. **(BY MR. BATARSE)** And these the actual
18 papers that he had in his possession?

19 A. Yes, they are.

20 **MR. BATARSE:** At this time the State
21 moves to enter State's Exhibits 1 through 15, tender
22 to opposing counsel.

23 **MR. LIGON:** Judge, I'm going to
24 object. There is no chain of custody, and I'd like
25 to take him on voir dire about one thing he said in

1 relation to this evidence, Judge.

2 **THE COURT:** Granted as to voir dire.

3 **VOIR DIRE EXAMINATION**

4 **Q.** (BY MR. LIGON) Officer Lara?

5 A. Yes.

6 **Q.** You didn't -- you stated that you didn't
7 see the -- when you walked back up to the scene, the
8 officers had these in their hands; am I right?

9 A. The officer did, yes.

10 **Q.** Okay. So, you personally on your -- based
11 on your own knowledge, you don't know if he had these
12 in his possession or not, do you?

13 A. No.

14 **Q.** Okay. And so, you can't say -- you can't
15 tell this jury for a fact that these are the
16 documents that my client had in his possession or in
17 his car?

18 A. I can.

19 **Q.** Based on your personal knowledge?

20 A. I can to tell you what I was given at the
21 scene.

22 **Q.** Okay. Now -- and you didn't recover these,
23 did you?

24 A. No, I did not.

25 **Q.** Okay. And, in theory, from -- based on

1 your personal knowledge, you don't even know where
2 they were recovered in the car, do you?

3 A. I do, because the officer told me where he
4 recovered them.

5 Q. Listen again. Let's go through it.

6 A. Okay.

7 Q. You didn't conduct the stop, did you?

8 A. No, I did not.

9 Q. Okay. You didn't come to my client and
10 talk to him about his license and insurance, did you?

11 A. No, I did not.

12 Q. In fact, when you showed up on the scene,
13 he was already detained, wasn't he?

14 A. For the traffic stop investigation, yes,
15 sir.

16 Q. Okay. But the question -- the answer is,
17 was he detained, yes or no?

18 A. Yes, sir.

19 Q. Okay. He was on the curb?

20 A. Yes, sir.

21 Q. Okay. The officers had the stuff in their
22 hands, right?

23 A. Correct.

24 Q. Okay. And, again, you parked your car
25 around the corner and walked to the scene; am I

1 right?

2 A. That's correct.

3 Q. And when you got there, these were
4 recovered; and he was detained?

5 A. Correct.

6 Q. Was he in handcuffs?

7 A. No.

8 Q. Okay. It was just him and other gentlemen
9 sitting on the curve?

10 A. The other gentlemen were in the vehicle.

11 Q. Okay. Let me ask you something. Do you
12 know if the officers had any reason to search his
13 car?

14 A. Yes.

15 Q. Okay. You know it personally?

16 A. I gave them the reason.

17 Q. Oh, okay. So, let me ask you something.
18 Now, you gave them the reason other than to stop him
19 for traffic violations?

20 A. No. I told them he was --

21 **THE COURT:** Sorry. This has to do
22 only with whether or not the evidence should be
23 admitted. That's more appropriate for
24 cross-examination.

25 **MR. LIGON:** I understand, Judge. I

1 caught it, too, Judge. Thank you.

2 **THE COURT:** Okay.

3 **MR. LIGON:** Judge, I'm going to
4 object. There is no chain of custody, and this
5 officer cannot testify as to where these were
6 recovered and who they were recovered from. So, I
7 object. And it was also based on hearsay, Judge.

8 **THE COURT:** All right. Do you want to
9 be heard on his objection?

10 **MR. BATARSE:** Your Honor, for purposes
11 of expediency, I was going to offer them through the
12 officer; but I can call Officer Rodgers to testify,
13 if that simplifies it for Defense counsel.

14 **THE COURT:** Well, I think -- of
15 course, there is no chain of custody required. But I
16 think since he obtained them at the scene, they're
17 relevant. So, I'm going to go ahead and admit them
18 at this time.

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

20 **THE COURT:** Thank you. Admitted.

21 **DIRECT EXAMINATION (CONTINUED)**

22 **Q. (BY MR. BATARSE)** Okay. Officer, you
23 arrived at the scene -- back on the scene,
24 actually -- and I'm showing you what's been marked as
25 State's Exhibit No. 1. Can you tell the jury what

Robert Ray Lara, Jr. - June 3, 2013
Direct Examination (Continued) by Mr. Batarse

1 that is?

2 A. It's a prescription form with no name or
3 not addressed to anybody.

4 Q. Okay. And right here (indicating), what
5 does that say?

6 A. "Date of birth."

7 Q. And is this blank next to that?

8 A. Yes, it is.

9 Q. What about right there (indicating)?

10 A. "Date." And it's blank, as well.

11 Q. Okay. And what about the address?

12 A. The address is blank.

13 Q. And what about the name?

14 A. There is no name on there.

15 Q. Okay. Showing you State's Exhibit No. 2,
16 what do you notice about State's Exhibit 2?

17 A. Same exact deal. There is no name, no
18 address, date of birth, or date.

19 Q. Okay. And is there anything unusual about
20 that?

21 A. Yeah. I don't see a doctor. These things
22 are regulated. I don't see a doctor, just
23 prescribing that to someone would -- being blank,
24 giving it to someone with no name or date of birth,
25 address, or date.

Robert Ray Lara, Jr. - June 3, 2013
Direct Examination (Continued) by Mr. Batarse

1 Q. All right. And, Officer, do you remember
2 what -- by the way, when you arrived on the scene,
3 you saw the defendant sitting on the curb?

4 A. Correct.

5 Q. Okay. Do you see him in the courtroom
6 today?

7 A. Yes, I do.

8 Q. Could you point him out and identify him by
9 an article of clothing?

10 A. Yes, wearing a white T-shirt (indicating.)

11 **MR. BATARSE:** Your Honor, may the
12 record reflect the witness has identified the
13 defendant?

14 **THE COURT:** He is wearing what?

15 **THE WITNESS:** White T-shirt, dress
16 shirt.

17 **THE COURT:** Dress shirt?

18 **THE WITNESS:** Yes.

19 **THE COURT:** The record will so
20 reflect, please.

21 **(Defendant Identified)**

22 Q. **(BY MR. BATARSE)** And, Officer, did you have
23 an opportunity to get the names and identities of the
24 other two persons in the car?

25 A. Yes, I did.

*Robert Ray Lara, Jr. - June 3, 2013
Direct Examination (Continued) by Mr. Batarse*

1 Q. Do you remember their names?

2 A. I have them written on my report.

3 Q. Could you refresh your recollection and
4 tell the jury what their names are?

5 A. Willie Samuel and Darrell Moddess.

6 Q. Willie Samuel?

7 A. Uh-huh (affirmative.)

8 Q. And Darrell Moddess?

9 A. Correct.

10 Q. And the defendant, Michael Williams, right?

11 A. Correct, sir.

12 Q. Okay. Showing you what's been marked as
13 State's Exhibit No. 3. What do you see on here?

14 A. Same prescription, but this one is filled
15 out to Robert Whitherspoon.

16 Q. Was Robert Whitherspoon in the car?

17 A. No, he was not.

18 Q. What about this one right here, that's
19 State's Exhibit No. 4, whose name is on that
20 prescription?

21 A. Kenneth Tyson.

22 Q. Okay. And what is that prescription for?

23 A. For Lortab, Soma -- and I can't pronounce
24 the next one.

25 Q. Okay. Meloxicam; is that right?

Robert Ray Lara, Jr. - June 3, 2013
Direct Examination (Continued) by Mr. Batarse

1 A. Looks like Meloxicam.

2 Q. Okay. And State's Exhibit No. 5, whose
3 name is on that?

4 A. Christopher Stroud.

5 Q. Was he in the car?

6 A. No, he was not.

7 Q. State's Exhibit No. 6, whose name is that?

8 A. I can't pronounce it. S something Wiley.

9 Q. Maybe Seric Wiley.

10 Was there a Wiley in the car?

11 A. No.

12 Q. Okay. And what are those prescriptions
13 filled out for?

14 A. Lorcet, Xanax, Ibuprofen.

15 Q. In your experience, Lorcet and Xanax, are
16 these drugs that are commonly abused by people who
17 abuse prescription drugs?

18 **MR. LIGON:** I object to speculation,
19 Judge.

20 **THE COURT:** Overruled.

21 Q. **(BY MR. BATARSE)** You can answer the
22 question.

23 A. Yes.

24 Q. State's Exhibit No. 7, whose name is on
25 that?

1 A. Wallace Davis.

2 Q. And State's Exhibit No. 8, whose name is on
3 that?

4 A. Edgar Smith.

5 Q. Okay. Officer, showing you what's marked
6 as State's Exhibit No. 9. And now, I just want to
7 clarify for the jury here. What we're looking at is
8 a copy, right?

9 A. Right.

10 Q. Is this what he actually had in his
11 possession?

12 A. Yes. Those are the actual copies.

13 Q. Okay. So, this is the original as it
14 pertains to what he had; but the stuff that he had
15 was a copy. I just want to clarify for the jury.

16 A. Yes, this is true.

17 **MR. LIGON:** I object, Judge, because
18 this -- he was testifying about something he has no
19 knowledge. Outside -- he's not competent to testify
20 whether or not he had Exhibit 9 in his possession or
21 not.

22 **THE COURT:** Sustained.

23 Q. **(BY MR. BATARSE)** Okay. Officer, what
24 clinic?

25 A. Hurtaway Medical Clinic.

Robert Ray Lara, Jr. - June 3, 2013
Direct Examination (Continued) by Mr. Batarse

1 Q. Okay. And whose name is on this
2 prescription?

3 A. Malcolm Bell.

4 Q. Was Malcolm Bell in the car?

5 A. No.

6 Q. And what's this prescription for?

7 A. I see Xanax, amoxicillin. I can't make out
8 the first one.

9 Q. Okay. Does that help?

10 A. I can't pronounce it. I never heard of it.
11 Tuftab? I can't make it out.

12 Q. That's okay.

13 All right. State's Exhibit No. 10,
14 who is this prescription form made out to?

15 A. Looks like Senedrick Green.

16 Q. All right. And State's Exhibit No. 11, who
17 is that made out to?

18 A. Lanel Farley.

19 Q. Farley. Okay.

20 Officer, the exhibits I have just
21 showed you, State's Exhibits 1 through 11, did any of
22 them have this defendant's name on them?

23 A. No.

24 Q. Did any of them have either of the
25 passengers' names on them?

Robert Ray Lara, Jr. - June 3, 2013
Direct Examination (Continued) by Mr. Batarse

1 A. No.

2 Q. Okay. I also want to show you State's
3 Exhibit 12 through 15. Okay. Now, tell the jury
4 what it is we're looking at here?

5 A. Those are prescription receipts.

6 Q. Prescription receipts. Okay. And whose
7 name is actually on this one?

8 A. The defendant's, Michael Jermaine Williams.

9 Q. Okay. So, his name is on this receipt?

10 A. Correct.

11 Q. Okay. And there are one, two, three, four
12 receipts. Just look here. What does it say this
13 drug was that he filled in?

14 A. It's going to be naproxen.

15 Q. And what about this one?

16 A. Looks like Tab-A-Vite, hydrocodone,
17 alprazolam.

18 Q. And these were found -- well, these were
19 given to you altogether, right?

20 A. Correct.

21 Q. We will ask the other officer exactly where
22 they were found.

23 Now, Officer, I'm going to ask you
24 about the defendant's vehicle. Okay?

25 A. Okay.

Robert Ray Lara, Jr. - June 3, 2013
Direct Examination (Continued) by Mr. Batarse

1 Q. Was the defendant's vehicle marked? Did it
2 have any visual or writing on the car?

3 A. No. I saw no type of advertisement or
4 emblems on it.

5 Q. And was it a passenger car, or was it some
6 sort of distribution truck?

7 A. No. It was just an SUV. It wasn't a
8 commercial vehicle.

9 Q. Okay. And whose vehicle was it?

10 A. It was his vehicle.

11 Q. All right. And, Officer, did the defendant
12 indicate to you that, you know, he was a doctor?

13 A. No, he did not.

14 Q. Did he indicate to you that he was a
15 pharmacist?

16 A. No.

17 Q. Okay. Did he indicate whether or not he
18 was employed?

19 A. Yes, he told me.

20 Q. And what did he say?

21 MR. LIGON: Judge, may we approach,
22 Judge?

23 THE COURT: Sure. Come on up.

24 (At the Bench)

25 MR. LIGON: Judge, I don't necessarily

1 have an issue with -- I don't have an issue with him
2 saying where he was employed, but what's going to be
3 said next is that it is going to be an improper
4 statement. So --

5 **MR. BATARSE:** That's all I'm asking.

6 **MR. LIGON:** Okay.

7 **THE COURT:** Okay.

8 **(End of Bench Discussion)**

9 **Q. (BY MR. BATARSE)** Officer, you can answer
10 the question. Was the defendant employed or not?

11 A. He told me he wasn't.

12 **Q.** He was unemployed?

13 A. That's correct.

14 **Q.** Officer, did you do any investigation on
15 your own in this case?

16 A. Yes, I did.

17 **Q.** Okay. During your investigation, did you
18 determine whether or not this defendant is an officer
19 for the City of Houston?

20 A. No, he is not.

21 **Q.** Is he an investigator or authorized to do
22 law enforcement?

23 A. No.

24 **Q.** How did you determine that?

25 A. I conducted an investigation on him.

Robert Ray Lara, Jr. - June 3, 2013
Direct Examination (Continued) by Mr. Batarse

1 Q. Okay. What did you do?

2 A. I utilized one of our analysts to run a
3 history on him. I went on the web to see if he was
4 ever licensed by any kind of medical or
5 pharmaceutical company, and I couldn't find a
6 license.

7 Q. Okay. So, did you determine whether or not
8 he was licensed as a doctor?

9 A. I couldn't find one.

10 Q. Okay. And how about as a pharmacist?

11 A. No.

12 Q. Okay. Was he wearing a lab coat?

13 A. No, he was not.

14 Q. Did he have a stethoscope in the car?

15 A. I don't recall seeing one.

16 Q. Did he have anything in his possession or
17 in the vehicle that would indicate to you that there
18 was a legitimate purpose for those prescriptions?

19 A. No.

20 Q. Okay.

21 **MR. BATARSE:** Pass the witness, Your
22 Honor.

23 **THE COURT:** Thank you.
24 Cross-examination?

25 **MR. LIGON:** Thank you, Judge.

1 A. That's what it's made for.

2 Q. Okay. So, the fact that you're doing that,
3 that doesn't make you suspicious, does it?

4 A. No, not --

5 Q. Okay. But you will agree with me that it
6 made Mr. Williams suspicious in this particular case?

7 A. Considering the area, it's a high narcotics
8 area, a lot of drug deals go on there.

9 Q. So, let me just get it straight. So, if
10 I'm in a high-crime area or drug area and I talk to
11 several people, I am considered suspicious by you?

12 A. You do.

13 Q. Okay. Fair enough.

14 And so, then after that you follow --
15 you decide to -- when he leaves the area, you decide
16 to follow him; am I right?

17 A. Correct.

18 Q. Okay. Now, Officer -- so, you have
19 absolutely no surveillance equipment, meaning no
20 cameras, no video recorders, no nothing, is that your
21 testimony to the jury?

22 A. Yes.

23 Q. Okay. So, your surveillance is just for
24 your eyes only?

25 A. Correct.

1 Q. All right. And there is no way to verify
2 anything other than we just have to believe you?

3 A. Right.

4 Q. Okay. So, you follow -- so, you are
5 following Mr. Williams. Are you following because
6 the car is nice or -- talk to me about that -- or
7 just the fact that he has stopped and talking to
8 several people?

9 A. Like I said, he raised my suspicion. I saw
10 him talking to different individuals. He had two
11 individuals in his vehicle. The guys -- I will be
12 honest with you, no fault of their own, but to me
13 they looked like street guys. We have a huge problem
14 with drugs there. So, I wanted to follow him. I
15 wanted to see what he did, where he went, what he was
16 doing.

17 Q. Okay. Now, being a narcotics officer,
18 you're familiar with the terms like "hand-to-hand
19 transaction," right?

20 A. Correct.

21 Q. Okay. And when he was flagged down by the
22 first person, did you see Mr. Williams conduct a
23 hand-to-hand transaction?

24 A. No, I did not.

25 Q. Okay. What about the second person? Did

1 you see him conduct a hand-to-hand transaction?

2 A. No, I never saw a transaction.

3 Q. Okay. So, none of the four people
4 conducted anything, what you would consider a
5 hand-to-hand transaction?

6 A. That's correct. That's why I didn't stop
7 him for that.

8 Q. Okay. And I'm just getting things
9 straight. So -- and that's one of the things you're
10 looking for when you're conducting surveillance in a
11 narcotics or high-crime area?

12 A. Correct.

13 Q. Okay. And you didn't see any of that?

14 A. No, I did not.

15 Q. Okay. So, just so we're straight, we have
16 a gentleman talking to a couple of people. So, you
17 choose to follow him?

18 A. Correct, sir.

19 Q. All right. Now, he didn't speed off or
20 anything like that, did he?

21 A. Yeah, he was moving. That's what I said.
22 He took off at a high rate of speed, took me a little
23 while to catch up to him.

24 Q. He burned his tires?

25 A. He didn't burn his tires, but you could see

1 he was moving.

2 Q. Okay. And would you agree with me that the
3 speed limit -- because I'm familiar with that area,
4 as well -- the speed limit is not 35. It's about 45
5 or 30. It depends on which road you're on.

6 A. I believe so.

7 Q. So, not necessarily he was speeding. He
8 could have been driving the speed limit?

9 A. He could have, but I felt he was going
10 pretty fast.

11 **THE COURT:** Excuse me just a moment.
12 We're going to need to take up a matter outside the
13 jury's presence. I will ask that you retire briefly.
14 Thank you.

15 **(Jury released)**

16 **THE COURT:** Thank you. Please be
17 seated.

18 Deputy Phillips has observed the
19 defendant doing something. Can you tell us for the
20 record what that is?

21 **THE BAILIFF:** He's been motioning
22 throughout the entire testimony of this officer,
23 saying he had no marijuana, hands over the mouth,
24 obviously communications to the entire room.

25 **THE COURT:** Okay. Well, I haven't

1 noticed any gestures; but I was signing some
2 paperwork. So, maybe that may be why.

3 But I have seen you shaking your head
4 no. And when you make gestures or you shake your
5 head, that's a way of communicating with the jury.
6 It's no different than if you were talking to them or
7 saying out loud that that's not right or whatever.
8 You're not allowed to do that. If you wish to
9 testify, you may. But you are going to sit still,
10 and you're going to quit trying to communicate with
11 the jury.

12 **THE DEFENDANT:** Yes, ma'am.

13 **THE COURT:** Do we have that straight?

14 **THE DEFENDANT:** Yes, ma'am.

15 **THE COURT:** Okay. Thank you.

16 **(Jury enters the courtroom)**

17 **THE COURT:** Thank you. Please be
18 seated.

19 **MR. LIGON:** May I continue, Judge?

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

21 **Q.** **(BY MR. LIGON)** Officer, we left off with --
22 I think we were talking about you following my
23 client.

24 **A.** Correct.

25 **Q.** Okay. So, now, he turned -- you stated

1 that he turned down Elysian Street?

2 A. Correct, sir.

3 Q. Okay. But you hadn't caught him at that
4 time, did you?

5 A. No.

6 Q. Okay. So, you didn't see any of these
7 alleged traffic violations before he made the left
8 turn on Elysian?

9 A. No.

10 Q. Okay. So, now you get behind him at some
11 point?

12 A. Yes, sir.

13 Q. How far -- how far down the street does he
14 go? Does he -- before you catch up to him? About a
15 mile, maybe? Two miles?

16 A. He goes a ways. I mean, it's a good
17 distance from Collingsworth to Cavalcade. I couldn't
18 give an exact measurement, but several city blocks.

19 Q. Okay. Fair enough.

20 Now, did you see Mr. Williams stop at
21 any clinic or pharmacies on the way?

22 A. No.

23 Q. Okay. Did you see any of the other
24 gentlemen stop at any clinic or pharmacies on the
25 way?

1 A. No, I did not.

2 Q. Okay. So, he was going wherever he was
3 going?

4 A. Correct.

5 Q. Okay. And did you see him stop and pick up
6 any additional people?

7 A. No, I did not.

8 Q. Okay. Did you see him stop and do any
9 hand-to-hand transactions with any other people?

10 A. No.

11 Q. Okay. So, he is driving. So, now, let me
12 ask you this: You state that you saw these traffic
13 violations. He went from lane one over to lane
14 two --

15 A. Correct.

16 Q. -- am I right?

17 Was there any other car behind you? I
18 mean, behind him in between -- well, let me say it
19 this way: Were there any cars in between his vehicle
20 and your vehicle when you noticed these traffic
21 violations?

22 A. Not that I recall.

23 Q. Okay. Could have been, though?

24 A. I know I had a clear sight of him.

25 Q. Okay. So, although -- you're saying it

1 could have been, so which one is it? Was there a car
2 there, yes or no?

3 A. When I saw the infractions, I had a clear
4 view, no cars in between us.

5 Q. Okay. And infractions -- he didn't almost
6 hit anybody or anything like that?

7 A. No. He was reckless and didn't use the
8 turn signals.

9 Q. Okay. When you say "reckless," he wasn't
10 driving erratic, was he?

11 A. I thought he was driving at a high rate of
12 speed.

13 Q. Okay. That's not the question. The
14 question is: Was he driving erratic?

15 A. No.

16 Q. He wasn't weaving inside the lanes, was he?

17 A. No.

18 Q. Okay. He didn't almost cause any accidents
19 or anything, did he?

20 A. No.

21 Q. Okay. So, it could have just been as
22 simple as he changed lanes and then decided to change
23 back because it was a better flow of traffic. Could
24 have been as simple as that, right?

25 A. Could have been a lot of things.

1 **Q.** Okay. And what type of car are you
2 driving?

3 **A.** I'm driving a pickup truck.

4 **Q.** Okay.

5 **A.** Unmarked vehicle.

6 **Q.** Okay. You're driving a pickup truck. What
7 type of pickup truck?

8 **THE WITNESS:** Do I have to get into
9 that, Judge?

10 **THE COURT:** Can you approach, please?

11 **(At the Bench)**

12 **THE COURT:** Hi. We don't want to go
13 into that because that's an attempt to find out what
14 vehicle he drives for future investigations. So,
15 what is the purpose?

16 **MR. LIGON:** Well, the purpose is my
17 guy is in an SUV, Judge. My guy -- my client is in
18 an SUV, and the relevance --

19 **THE COURT:** A what?

20 **MR. LIGON:** An SUV.

21 **THE COURT:** Okay.

22 **MR. LIGON:** And if he is in a car, my
23 position would be that it would be difficult for him
24 to look into the car to see my guy reaching inside of
25 the center console.

1 **MR. BATARSE:** He just testified that
2 he was in a pickup truck. I think that's enough.

3 **THE COURT:** I can't hear a word you're
4 saying.

5 **MR. BATARSE:** He just testified that
6 he was in a pickup truck. Your Honor, I think that's
7 enough description to address the issue.

8 **THE COURT:** I agree. So, your
9 objection --

10 **MR. BATARSE:** Yes, I do, Judge.

11 **THE COURT:** -- is sustained.

12 **MR. LIGON:** Understood, Judge.

13 **(End of Bench Discussion)**

14 **Q.** **(BY MR. LIGON)** So, you call the marked
15 units; am I right?

16 **A.** Correct.

17 **Q.** Now, you stated that you pulled over to the
18 side of him to kind of see what he was doing. You
19 stated he was panicking. Did he scream?

20 **A.** I couldn't tell if he was screaming, but he
21 was panicking. I could see that.

22 **Q.** Okay. So, you assumed that he was in a
23 panic because he reached for something. I'm assuming
24 that's what you're saying?

25 **A.** I'm assuming that he is in a panic because

1 police officers were stopping him.

2 Q. Okay. So, really, you don't have any
3 information that he was in a panic or not because
4 if --

5 A. Sorry. Go ahead, sir.

6 Q. I -- I'm saying because the only thing --
7 he didn't scream; am I right?

8 A. That I could make out, no.

9 Q. He didn't do -- throw his hands, you didn't
10 claim that he threw his hands up and said, oh, Lord,
11 or anything like that, did he?

12 A. No. He threw them down towards the seat.

13 Q. Okay. So, is it your testimony that he was
14 in a panic only because the police officer stopped
15 him?

16 A. Correct.

17 Q. Okay. So, really, you don't have any
18 evidence that he was in a panic, do you?

19 A. I can just tell you what my definition of
20 panic is, and I felt like he was panicking.

21 Q. Okay. But you will agree that it's your
22 position that he was panicking just because the
23 officer stopped him. It's not that he did anything
24 unusual with his hands or body to make you think he
25 was in panic?

1 **MR. BATARSE:** Objection, asked and
2 answered.

3 **THE COURT:** Overruled. He may
4 explain.

5 A. I'm sorry. Can you repeat the question?

6 **Q. (BY MR. LIGON)** Other -- other than the
7 officer stopping him, he didn't -- since he didn't
8 scream or didn't throw his hands up or anything like
9 that, he didn't do anything unusual to make you think
10 he was in a panic?

11 A. He did. I told you he was moving around,
12 and he quickly went into the center console like he
13 was extremely scared.

14 **Q.**Now, let's talk about -- let's talk about
15 the center console. Now, did he raise his hands up
16 and then reach into the center console; or are you
17 assuming he reached into the center console?

18 A. No. He opened it.

19 **Q.**Okay. How could you see that?

20 A. I had a great view. I was next to him. My
21 vehicle was elevated. I mean, I do this all the
22 time. Every time we do a traffic stop, I park so I
23 can see, get a clear view. And even though he was
24 driving in an SUV, I could clearly see in at the same
25 time.

1 Q. Sorry?

2 A. Go ahead.

3 Q. Are you saying as far as elevation
4 purposes, your truck was elevated higher than his SUV
5 at that time?

6 A. I believe it was, yes.

7 Q. Well -- and so, now the officer has stopped
8 him. What do you do then? You drive around the
9 back; am I right?

10 A. I pull off, yes.

11 Q. Okay. So, you don't know if the officers
12 asked him for his license or insurance?

13 A. No, sir.

14 Q. Okay. You don't know. And he didn't have
15 any traffic warrants or anything like that, did he?

16 A. No, he didn't.

17 Q. Okay. Would you agree with me, sir, that
18 if he made these alleged traffic violations and he
19 produced his license and insurance, then he shouldn't
20 have been detained? Does that sound like a fair
21 statement?

22 A. He was being detained for the traffic stop
23 investigation.

24 Q. Okay. But the traffic stop
25 investigation -- wouldn't you agree with me that a

1 normal traffic stop investigation starts with license
2 and insurance?

3 A. It depends on the circumstances; but, yes,
4 that's the way it normally starts.

5 Q. Okay. And after you ask for license and
6 insurance, then wouldn't you agree with me, sir, that
7 either one or two things will happen? You either
8 write a person a ticket, write a person a traffic
9 violation; or you ask him or her to step out of the
10 car?

11 A. It depends. Depends on the situation. It
12 depends.

13 Q. Okay.

14 A. If there is circumstances to do it
15 otherwise.

16 Q. So, is it your position that at every
17 traffic stop, a person -- a person and his vehicle
18 should be searched?

19 **MR. BATARSE:** Objection, Your Honor,
20 relevance, speculation.

21 **THE COURT:** Sustained.

22 Q. **(BY MR. LIGON)** Now -- so, as far as the
23 actual interaction with my client at the traffic
24 stop, you don't have any information for that, do
25 you?

1 **THE COURT:** Thank you.

2 **Q.** **(BY MR. BATARSE)** Just clarify for the jury
3 why you believe he was panicked?

4 **A.** I believe he was panicked because the
5 police were behind him. I believe he was up to no
6 good, and for that reason he began making the
7 movement towards different locations. That is panic.

8 **Q.** Did you inform the officers of what you
9 observed?

10 **A.** Yes, I did.

11 **Q.** And did you also inform them of what you
12 observed before with the interactions with the
13 homeless people earlier?

14 **A.** Yes.

15 **Q.** So, they had all that information when they
16 initiated the stop?

17 **A.** Correct.

18 **MR. BATARSE:** Pass the witness, Your
19 Honor.

20 **THE COURT:** Thank you.

21 **MR. LIGON:** No recross-examination,
22 Judge.

23 **THE COURT:** All right. Thank you.

24 Is this witness excused, or do you
25 need him to remain?

1 **MR. BATARSE:** He is excused, subject
2 to recall, Your Honor.

3 **THE COURT:** All right. You're free to
4 go today, if you wish.

5 **THE WITNESS:** Okay.

6 **THE COURT:** Thank you very much.

7 **THE WITNESS:** Thank you, Judge.

8 **(Witness released)**

9 **THE COURT:** Let's see. It's almost
10 lunchtime. Has the jury's lunch arrived?

11 **THE BAILIFF:** No, ma'am.

12 **THE COURT:** Okay. Why don't we go
13 another 5 or 10 minutes. I have another matter to
14 hear. So, we will try and go another 10 minutes with
15 the next witness.

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

17 **THE COURT:** Okay.

18 **THE BAILIFF:** Judge, it just arrived.

19 **THE COURT:** It has?

20 **THE BAILIFF:** I just got the phone
21 call.

22 **THE COURT:** Good. Okay. Thank you.
23 Your next witness, sir.

24 **MR. BATARSE:** Yes, Your Honor. Do you
25 want to start?