

1 THE BAILIFF: This witness has been sworn.

2 THE COURT: Thank you, sir.

3 All right. State, when you're ready.

4 MS. DICKSON: Thank you.

5 **OFFICER FRANK MEDINA,**

6 having been called as a witness and being first duly

7 sworn, testified as follows:

8 **DIRECT EXAMINATION**

9 **BY MS. DICKSON:**

10 Q. Could you state your name for the jury?

11 A. Frank Medina.

12 Q. And where do you work?

13 A. Houston Police Department.

14 Q. How long have you worked for the HPD
15 Department?

16 A. It will be six years in August.

17 Q. Where are you assigned currently?

18 A. Southeast Tactical Unit.

19 Q. What are some of your duties in that unit?

20 A. We basically target hot spots in our areas, 13,
21 14 District, whatever the captain needs, burglaries,
22 robberies, anything that's specific, stuff like that
23 that he needs taken care of.

24 Q. Now, is your job different than what we see,
25 normal traffic control?

1 A. Yes, ma'am. Most officers work patrol, whereas
2 they respond to calls and they're reactive. We're
3 considered more of a proactive unit where we go out and
4 we try to prevent crimes before they happen, get
5 criminals before they commit whatever crimes, things of
6 that nature.

7 Q. So, is part of your job always looking and
8 being aware of your surroundings?

9 A. Yes, ma'am. Being ever vigilant is a big deal.

10 Q. And how long have you been a part of this
11 particular unit?

12 A. I think probably going on two years now.

13 Q. Did you receive any specialized training before
14 you became a police officer?

15 A. Before I became a police officer? No, ma'am.

16 Q. Did you go to the police academy?

17 A. Yes, ma'am.

18 Q. Where did you go?

19 A. Houston Police Academy. 17000 Aldine
20 Westfield. I spent six months there. And then we do
21 six months training on the streets with a supervisor --
22 or training officers and things of that nature.

23 Q. And since you were hired with HPD, have you
24 kept up with your training?

25 A. Yes. I've done investigating schools. On our

1 unit, we're privileged to do different tactical
2 quarterly training. Basically, four times a year at
3 minimum, we go and we work on things like writing search
4 warrants, being proficient with our firearms,
5 interviews, things of that nature.

6 Q. Let me ask you: When you start out as a police
7 officer, do you start out on a patrol?

8 A. Yes, sir.

9 Q. So, the position you have, you have been
10 promoted?

11 A. It's considered Method B, where basically you
12 apply and you go up against other candidates and you're
13 chosen.

14 Q. Were you -- let's talk about extra jobs. Do
15 you work any extra jobs?

16 A. Yes, ma'am.

17 Q. And what extra jobs do you have?

18 A. I work at two apartment complexes, basically,
19 about one day a week. And then I work at a hospital
20 every other Friday.

21 Q. Now, are these extra jobs approved by your
22 department?

23 A. Yes, ma'am.

24 Q. Who is it that approves them?

25 A. We have an extra job department. That review

1 it and they talk to people that hire us and all that
2 other stuff and make sure the jobs are okay with the
3 department, and, basically, everything is okay for us to
4 work there.

5 Q. Now, is it common for police officers to have
6 extra jobs?

7 A. Yes, ma'am.

8 Q. Why is that?

9 A. To supplement our income and because people
10 need security.

11 Q. So, do you have an extra job where you work at
12 4800 Allendale?

13 A. Yes, ma'am.

14 Q. Okay. The address I just gave you, where is
15 that?

16 A. That's considered in 11 District, which is just
17 east of 45. It would be considered the southeast
18 Houston area.

19 Q. Is that an apartment complex?

20 A. Yes, ma'am.

21 Q. What's the name of that apartment complex?

22 A. They're called Concorde at Allendale.

23 Q. And how long have you worked this location?

24 A. I've probably worked there, probably going on
25 three years.

1 Q. So, once a week for three years?

2 A. Once a week, yes, ma'am.

3 Q. Have you become pretty familiar with the people
4 that live there?

5 A. Yes, ma'am. They usually recognize me. I
6 recognize them.

7 Q. And when you're working this extra job, are you
8 in uniform?

9 A. Yes, ma'am. Full uniform. The only difference
10 is I'm in my only personal vehicle. We're not allowed
11 to use department vehicles for that.

12 MS. DICKSON: Can I approach the witness?

13 THE COURT: You may.

14 Q. (By Ms. Dickson) I'm handing you what's been
15 previously marked as State's Exhibits 3 and 4. Do you
16 recognize what are in these pictures (indicating)?

17 A. Yes, ma'am.

18 Q. Okay. And State's Exhibit 3, is this a fair
19 and accurate depiction of -- what is in this picture?
20 Sorry.

21 A. That would be the Concorde at Allendale.

22 Q. Okay. Is it a fair and accurate
23 representation?

24 A. Yes, ma'am.

25 Q. All right. Look at State's Exhibit 4. What do

1 we have here (indicating)?

2 A. That looks like an overview map of the general
3 area of where the apartments are located.

4 Q. Is that a fair and accurate description --
5 depiction?

6 A. Yes, ma'am.

7 MS. DICKSON: Let the record reflect I'm
8 tendering to opposing counsel what's been marked as
9 State's Exhibits 3 and 4. State offers 3 and 4.

10 **(State's Exhibit No. 3 and 4 Offered)**

11 MR. BUNDICK: No objection, Your Honor.

12 THE COURT: State's 3 and 4 are admitted.

13 **(State's Exhibit No. 3 and 4 Admitted)**

14 MS. DICKSON: May I publish them to the
15 jury?

16 THE COURT: You may.

17 Q. (By Ms. Dickson) Officer Medina, this is
18 State's Exhibit 3. What are we looking at (indicating)?

19 A. That's going to be the only way to get onto the
20 property at the Concorde at Allendale. It runs off the
21 4800 block of Allendale. You have to turn right into
22 that first driveway to even get on the property.

23 Q. You said the first driveway. Is this the first
24 driveway right here (indicating)?

25 A. Yes, ma'am.

1 Q. Okay. And so, you turn right into the complex
2 right here (indicating)?

3 A. Correct.

4 Q. Now, where are the entrance and exit gates? If
5 you turn to your left, there's a touch screen.

6 A. Oh, okay.

7 Q. And you can actually show us.

8 A. In that general area, that's going to be your
9 entrance. And then over here, that's your exit gate
10 (indicating).

11 Q. Now, the entrance gate that you pointed out
12 right here, is that the only way to enter the complex?

13 A. Sometimes cars go in when cars are exiting, but
14 the only way you're supposed to go in. Yes, ma'am.

15 Q. Now, this area right here, that's the only exit
16 gate (indicating)?

17 A. Yes, ma'am.

18 Q. Okay. Now, what is this area right in here
19 (indicating)?

20 A. That's marked off. Basically it's for --
21 marked as for future residents and for visitor parking.

22 Q. And what is in this building right here
23 (indicating)?

24 A. Apartments on the second and third floor and on
25 the first floor. And that's also where the office is at

1 and one of the model apartments.

2 Q. And were you working this extra job on October
3 3rd, 2012?

4 A. Yes, ma'am.

5 Q. Where in the complex were you parked?

6 A. Actually, that day when I got there, there was
7 a complaint about some people hanging out in the
8 breezeway. So, I drove into the entrance gate and I
9 made a right and I parked by the 16 Building, because I
10 went to the third floor where the people were supposed
11 to be hanging out.

12 Q. Now, after you addressed the complaint, what
13 did you do next?

14 A. Well, when I drove in, I saw a male that I
15 didn't recognize. And I actually was met at the 16
16 Building by the manager. I asked her about it. She
17 informed me she didn't know who I was referring to.
18 When I was coming down the stairs of the 16 Building, I
19 observed the same male and pointed him out to the
20 manager. She said she didn't recognize him at all and
21 he must be visiting. I actually made contact with the
22 male.

23 MR. BUNDICK: Objection. Nonresponsive.

24 THE COURT: Sustained. Next question.

25 Q. (By Ms. Dickson) Officer Medina, I'm going to

1 slow you down. First you said that you initially saw a
2 male you didn't recognize.

3 A. Correct.

4 Q. So, is that uncommon?

5 A. For that property, yes, ma'am.

6 Q. Why is that?

7 A. Because it's usually just the people that live
8 there and I usually recognize most of the people.

9 Q. Okay. So, was there anything about him that
10 stood out to you at that point?

11 A. Initially, other than the fact that I didn't
12 recognize him, no, ma'am.

13 Q. And is part of your job as a security officer
14 to point things out like this?

15 A. That's actually one of the main things, is to
16 keep an eye out for trespassing.

17 Q. So, then you said that you approached the
18 manager about an unrelated issue and the two of you had
19 a conversation?

20 A. Correct.

21 Q. And you said you saw this same person again?

22 A. Yes.

23 Q. All right. Where did you see him at that
24 point?

25 A. He was actually walking northbound along the

1 backside where the visitor parking is at.

2 Q. And was he with anybody?

3 A. No, ma'am. He was walking by himself.

4 Q. Did you see that he went to visit anybody at
5 the complex?

6 A. No. That's part of what was odd, is that that
7 part is marked for the visitor parking only. And
8 initially he was in the front and now he was walking
9 northbound on the back by himself.

10 Q. So, he's walking around in the back. What do
11 you do after that?

12 A. Well, then I spoke to him, and I said: What's
13 up? And he kind of just gave me a head nod.

14 Q. Okay. Was that your entire encounter with him?

15 A. Yeah. He kind of just brushed me off and kept
16 on walking.

17 Q. Did you notice anything about what he was
18 wearing or carrying or anything?

19 A. He didn't have anything in his hands. He was
20 wearing a brown shirt and brown shorts. He had a large
21 tattoo on his neck and on his arms.

22 Q. So, after the two of you talk, do you leave the
23 area?

24 A. Well, then I went and got in my vehicle and
25 drove back around to the front.

1 Q. Why did you do that?

2 A. Just to go to the office and let -- walk back
3 over there and whatever I had to talk to the manager
4 about.

5 Q. So, when you got back to the office, what did
6 you do?

7 A. Well, when I was pulling up to the office,
8 which the entrance is by over here, there was a black
9 Bentley parked right there (indicating).

10 Q. I'm showing you what's already been admitted as
11 State's Exhibit 1. Is State's Exhibit 1 a similar
12 picture of what that black Bentley looked like
13 (indicating)?

14 A. Very similar, yes, ma'am.

15 Q. Is there anything different about this picture?

16 A. Yes, ma'am. The rims that were on the Bentley
17 that I saw were black.

18 Q. Okay. Did it have a license plate?

19 A. It had a paper tag on it.

20 Q. Okay. What's the difference between a license
21 plate and paper tag?

22 A. Paper tags are typically temporarily issued and
23 they're not valid for a long period of time.

24 Q. So, you see this black Bentley parked -- tell
25 us again. Where was it parked?

1 A. I would say right about there (indicating).

2 Q. And what do you do with that information at
3 that point?

4 A. Well, to see a Bentley parked there is odd
5 because I've never seen a Bentley parked there. And to
6 be honest, I've probably never really seen a Bentley
7 parked anywhere in the area where I patrol. So, I
8 called an officer and had them run the paper tag.

9 Q. Did you determine -- what did that reveal?

10 A. That the tag was not valid. It came back to
11 nothing.

12 Q. So, if the tag were valid, would it come back
13 to something?

14 A. Yeah. It would typically say it's either
15 registered to a dealer or an individual and where that
16 individual had it registered to, be it a P.O. box or a
17 residence.

18 Q. So, what did you do next?

19 A. Then, finding that odd that the paper tag
20 didn't come back to anything, I retrieved the VIN number
21 from the car, and that way I could have that checked.

22 Q. Now, when you say you retrieved the VIN
23 number -- I'm showing you again what's been entered as
24 State's Exhibit 1. Where is the VIN number located in a
25 vehicle?

1 A. Well, typically, there are several areas.
2 Usually on the door and somewhere in the engine
3 compartment, but the most easy to see and accessible is
4 going to be right there in the bottom right-hand corner
5 of the windshield (indicating). There's a VIN plate.

6 Q. So, you get right up on the windshield of this
7 vehicle?

8 A. Yes, ma'am.

9 Q. And write down the VIN number?

10 A. Onto a card, yes, ma'am.

11 Q. How long is that VIN number?

12 A. Seventeen characters.

13 Q. Did you notice whether the front windshield was
14 tinted?

15 A. No, it wasn't.

16 Q. Is it normal to have a tinted front windshield?

17 A. No, ma'am. It's against the law, as a matter
18 of fact.

19 Q. Now, when you were that close to the vehicle,
20 did you observe anybody inside?

21 A. No, ma'am.

22 Q. And you're still, as a part of your job, kind
23 of surveying the property?

24 A. Yes, ma'am. At that point, after the paper
25 tags are not valid, it gives me a feeling that there's

1 probably something not right with the car. So, I'm
2 actually trying to look around and make sure that I'm
3 not being watched by anyone or anybody's about to
4 approach the car or anything like that.

5 Q. Did you see anybody else suspicious walking
6 around this vehicle?

7 A. No, ma'am, I didn't see anybody outside.

8 Q. Okay. So, after you get the VIN number, what
9 did you do next?

10 A. I called Sergeant Ruiz and had him run it.

11 Q. And what did you find out?

12 A. That the vehicle came back stolen.

13 Q. With this information, what did you do?

14 A. I got in my personal vehicle and then I drove
15 and parked over here because the metal gate, you can see
16 through, and at that point, since my personal vehicle is
17 not a marked patrol vehicle, I can keep eyes on the
18 vehicle in case someone was to get in it and drive off.
19 And I let them know exactly where I was at and what kind
20 of vehicle that it was.

21 Q. You said you "let them know." Who did you let
22 know?

23 A. Sergeant Ruiz. And I believe he was responding
24 by letting some of the guys on his unit know.

25 Q. And why did you call Sergeant Ruiz?

1 A. Well, because he works the area. And because
2 I'm at an extra job, I don't have access to our computer
3 system to be able to run the VIN number or the license
4 plate.

5 Q. So, at that point, was there anybody next to
6 the vehicle when you pulled over to that gate?

7 A. No, ma'am. By the time I got to this gate,
8 which would have took probably 30 seconds, there was
9 still nobody at the vehicle.

10 Q. You didn't see a female walking around?

11 A. I didn't see anyone.

12 Q. So, what did you see next?

13 A. Next, I believe I stayed on the phone with him
14 and he said he was on his way. We hung up. I sat
15 there. I kept eyes on the vehicle, never took my eyes
16 off. Next I saw a black male, same black male that I
17 saw earlier with the brown shirt, brown shorts, the
18 tattoo on his neck walking towards the vehicle. The
19 only difference now was he had a black backpack on.

20 Q. When he got close to the vehicle, did you
21 notice anything in his hands?

22 A. I couldn't see what was in his hand, but it
23 looked like he kind of made a motion with his hand
24 towards the vehicle. At that point in time, the lights
25 on the vehicle kind of blinked like you do when you lock

1 or unlock a vehicle.

2 Q. And then what did that black male do?

3 A. He got inside the driver's side seat of the
4 vehicle.

5 Q. Is it possible that he got inside the passenger
6 seat?

7 A. No, ma'am, because I wouldn't have been able to
8 see him from where we were parked at. He was parked
9 head-in right there. I was parked over here
10 (indicating). And I saw him clearly get into the
11 driver's side of that car.

12 Q. So, what did you do at this point?

13 A. At that point, I believe I got on the radio and
14 I let the dispatcher, along with Sergeant Ruiz, know
15 that the vehicle was now occupied and it appeared as
16 though someone was about to leave in the vehicle.

17 Q. And did the vehicle leave?

18 A. In fact, it did. It backed up, and then it
19 exited through the second driveway on Allendale.

20 Q. And what did you do?

21 A. I kind of waited for him to get here because I
22 didn't want him to see me. A lot of the residents know
23 what kind of vehicle I drive. And even though I knew he
24 wasn't a resident, I didn't know if maybe somebody told
25 him. So, I waited for him to get out here where he

1 wouldn't see me, and then I kind of pulled out after.

2 Q. At any point did you see the vehicle stop and a
3 female get inside?

4 A. No, ma'am, actually I did not.

5 Q. Now, did you start to follow this vehicle?

6 A. I went in the same direction that the vehicle
7 was traveling, yes, ma'am.

8 Q. And, of course, you're in your personal car,
9 right?

10 A. Correct, ma'am.

11 Q. You don't have lights and sirens in your car,
12 do you?

13 A. No, ma'am.

14 Q. And could you point on this map to where -- so
15 we can just get our bearings. This is State's
16 Exhibit 4. Where is the Allendale apartment complex?

17 A. I believe it's going to be right here where
18 this blue is at. It just kind of takes over all of that
19 (indicating). Yes, ma'am.

20 Q. And could you show me on the map which route
21 the black Bentley took?

22 A. I saw the Bentley go out onto Allendale, across
23 the median. There's a break right outside the complex.
24 And it started traveling this way until it got stopped
25 at the light at Howard at Old Galveston, at which point

1 I was able to back into the fire department, which it is
2 located right here (indicating). And I backed in, and I
3 was able to just keep eyes on the car until the units
4 were close.

5 Q. And did the units make the scene?

6 A. Yeah. I actually saw -- I believe it was
7 Sergeant Ruiz took a right onto Allendale and made the
8 U-turn and the light went through, but there was pretty
9 heavy traffic.

10 Q. So, once you saw Sergeant Ruiz make that
11 U-turn, did you -- were you able to kind of talk to him
12 over the radio or how is it that he knew which car to
13 follow?

14 A. Well, initially, actually, he thought it was my
15 car. So, I kind of drove with the Bentley still. And
16 then once I pointed it out to him on the radio, he knew
17 what car it was. Plus, the car started to accelerate at
18 a very high rate of speed when he saw the patrol car.

19 Q. Okay. So, you said that -- tell me again,
20 where did you see Ruiz come from?

21 A. He turned onto Allendale at the light and --
22 right here. And then he made a U-turn right by the fire
23 station (indicating). That was the first break.

24 Q. And you said the fire station is?

25 A. Right about -- just a little bit on the other

1 side of Aaron's right there (indicating). Yeah, Station
2 29.

3 Q. Are there any schools in this area right here?

4 A. In the area that you just pointed out, yes,
5 ma'am. This big school right here -- I'm going to put
6 an "X" -- that's Chavez High School (indicating).

7 Q. That's a high school?

8 A. Yes, ma'am.

9 Q. Are there any elementary schools in this area?

10 A. In the area that you pointed out over here, no.
11 Right over here, I believe, on Allendale is Patterson
12 Elementary.

13 Q. All right. In this general area right here
14 where my pen is, are there any schools in that area
15 (indicating)?

16 A. I'm not sure how far down south it is. This
17 might be it right here, but Bonner Elementary is located
18 over there (indicating).

19 Q. Okay. And otherwise, is this mostly
20 residential neighborhoods?

21 A. Yes, ma'am. There is a park somewhere back
22 there, but other than that, it's pretty much a
23 residential area.

24 Q. Once you see Sergeant Ruiz make the U-turn, did
25 you see his lights and sirens go on?

1 A. Yes, ma'am.

2 Q. Did you observe Sergeant Ruiz -- I guess the
3 word is take chase?

4 A. Yes, ma'am. He gave chase until the other
5 units could get close. And I just kind of had to listen
6 from the radio over there.

7 Q. So, what did you do after Ruiz took over?

8 A. Well, when they started the pursuit, I went
9 back to the apartment complex. And pretty much all I
10 could do is wait from there. I talked to the
11 management, tried to get a good idea of where he came
12 from.

13 Q. Okay. Now, do you see the person that you saw
14 at the Concorde apartments on October 3rd, 2012, in the
15 courtroom today?

16 A. Yes, ma'am.

17 Q. Okay. Could you identify him with the color
18 shirt that he's wearing?

19 A. Cream-colored, maybe.

20 Q. And could you point to him?

21 A. The gentleman sitting right over there
22 (indicating).

23 MS. DICKSON: Let the record reflect the
24 witness has identified the defendant.

25 THE COURT: Agreed.

1 Q. (By Ms. Dickson) Now, I'm going to fast-forward
2 to when Mr. Ruiz -- Sergeant Ruiz came back to the
3 location, to the apartment complex. At some point, did
4 he come back?

5 A. Yes, ma'am, he did.

6 Q. Do you remember how much time had passed?

7 A. It wasn't very much time at all.

8 Q. Okay. And at that point, did y'all start to
9 conduct an investigation?

10 A. Yes, ma'am. They started to ask me where did I
11 see him come from, you know, what possible apartments,
12 was he -- you know, whatever. And then we went
13 upstairs. I accompanied them while they went upstairs
14 and knocked on the door and began speaking to
15 individuals.

16 Q. So, you were able to find some people to
17 interview at that point?

18 A. Yes, ma'am.

19 Q. And after those interviews, did you come up
20 with a name?

21 A. Yes, ma'am.

22 Q. All right. What was that name?

23 A. Demetrius Daniels.

24 Q. Do you know if he ever had a middle name?

25 A. At that point in time, no, because it was

1 acquired from Facebook.

2 Q. Okay. So, what steps -- after you have a name,
3 what steps did you take to confirm or dispel whether
4 this was the right guy?

5 A. Well, in our department we have access to this
6 program called Universal Log-On. Basically, it gives
7 you access to all individuals' mugshots. It's a mugshot
8 database. One of the units on his squad was able to
9 pull up a picture of the name Demetrius Daniels, and I
10 positively identified him as the individual that I saw
11 get inside the vehicle.

12 MS. DICKSON: May I approach the witness?

13 THE COURT: You may.

14 Q. (By Ms. Dickson) I'm handing you what's been
15 marked as State's Exhibit 11. Do you recognize this
16 picture (indicating)?

17 A. Yes, ma'am.

18 Q. Who is in the picture?

19 A. The individual that got inside the vehicle.

20 Q. Now, why is this particular picture relevant?

21 A. Because in this picture, as opposed to the day
22 that I saw him, and opposed to as he sits before us
23 today, he had no tattoos on his neck, but I clearly saw
24 the tattoo on his neck the day that I saw him, but
25 that's the individual.

1 Q. And were you able to identify Demetrius Daniels
2 as the person you saw that day using this photograph?

3 A. Yes, ma'am.

4 MS. DICKSON: Let the record reflect I'm
5 tendering to opposing counsel what's been marked as
6 State's Exhibit 11. State moves to offer Exhibit 11.

7 **(State's Exhibit No. 11 Offered)**

8 MR. BUNDICK: No objection, Your Honor.

9 THE COURT: State's 11 is admitted.

10 **(State's Exhibit No. 11 Admitted)**

11 MS. DICKSON: May I publish to the jury?

12 THE COURT: You may.

13 Q. (By Ms. Dickson) Mr. -- so the jury can see
14 what we're looking at, this is State's Exhibit 11. Is
15 this the photo that you pulled up that day (indicating)?

16 A. Yes, ma'am. They pulled it up, and that's the
17 one I identified as the suspect.

18 Q. All right. And, Officer Medina, you told us
19 that you pulled up that photo from your HPD system. You
20 don't know when that photo was taken, do you?

21 A. I believe that photo was taken in '06, I think.

22 Q. '06. Okay. But the facial characteristics are
23 enough?

24 A. The facial characteristics, yes, ma'am.

25 Q. And did you ever -- you were very close to him,

1 weren't you, when y'all were talking?

2 A. I would say probably within inside of 5 -- I'm
3 not very good at judging distance, but probably,
4 approximately, from me to you, if not just a little bit
5 further.

6 Q. Okay. And is that when you were in the
7 breezeway talking?

8 A. I was actually on the stairwell, yes, ma'am,
9 and he walked down in front of me.

10 Q. Do you remember taking note of how tall he was?

11 A. He was taller than me, but that's not uncommon.

12 Q. And you're a police officer. What would you
13 estimate his height to be?

14 A. He was probably about 6-4 to 6-6, somewhere in
15 that neighborhood.

16 MS. DICKSON: Judge, at this point, I'd ask
17 to have the defendant stand up so the jury can observe
18 the height of the defendant?

19 THE COURT: All right. If you'd stand for
20 us, Mr. Daniels.

21 (Defendant complies.)

22 THE COURT: You may be seated. Thank you,
23 sir.

24 Q. (By Ms. Dickson) Is this how you remember
25 Mr. Daniels that day?

1 A. Yes, ma'am.

2 Q. And are you positive that on October 3rd, 2012,
3 that Mr. Daniels was the only person in that vehicle?

4 A. Yes, ma'am.

5 MS. DICKSON: I'll pass the witness.

6 THE COURT: Mr. Bundick?

7 MR. BUNDICK: May I proceed?

8 THE COURT: You may, sir.

9 **CROSS-EXAMINATION**

10 **BY MR. BUNDICK:**

11 Q. Say your name again.

12 A. I'm sorry?

13 Q. Say your name again, please.

14 A. Frank Medina.

15 Q. Officer Medina, you indicated that you had --
16 had you just gotten there? Had you just gotten to the
17 apartments?

18 A. I usually get to the apartments in the area of
19 4:15, 4:20, because there's got to be a 15-minute gap
20 between the end of our shift and when I arrive. I dealt
21 with the breezeway thing. So, pretty much, yeah, I had
22 just gotten there.

23 Q. So, you had gotten there and you had already
24 gotten a call from, I guess, the manager about some
25 people?

1 A. Well, yes, sir. She called me and I told her I
2 was on my way. And she told me that there was some
3 people hanging out.

4 Q. In the breezeway area?

5 A. Yes, sir.

6 Q. So, you were in your -- you were in your patrol
7 car?

8 A. No, sir.

9 Q. No. You were in your private automobile?

10 A. My personal vehicle, yes, sir.

11 Q. I'm sorry.

12 So, you arrive at the apartments. You had
13 gotten a call from the manager saying that there was
14 some activity going on in the breezeway that you were
15 checking out?

16 A. Yes, sir.

17 Q. And that's part and parcel of your job, is
18 checking out things that the managers at the apartment
19 are -- or maybe residents there that tell you if
20 something suspicious is going on there?

21 A. Yes, sir. Quite frequently we get complaints
22 about maybe illegal activity or loud noise or anything
23 like that. And that's our job, to check it out.

24 Q. So, you got there, if I understood, and right
25 after you got there, you had to get out of your personal

1 vehicle to go check out what's going on in the
2 breezeway?

3 A. Yes, sir.

4 Q. And did you find somebody in the breezeway,
5 something going on there?

6 A. There were two juveniles -- I want to say
7 juveniles in the area, 16 to 18. And they were
8 basically just public display of affection in the
9 breezeway. And I asked them to step inside their
10 apartment and they concurred.

11 Q. Kissing?

12 A. Basically.

13 Q. But neither one of those were my client?

14 A. No, sir.

15 Q. But then you did see him walking in the
16 complex; is that right? Is that what I understood?

17 A. From when I was coming down the stairs, yes,
18 sir, and when I initially got there.

19 Q. So, you saw him when you pulled in the --

20 A. Yes, sir. I saw him by the entrance, but I
21 didn't pay a lot of attention to the entrance that day.
22 I just took note of him as I was driving in. And I
23 think that's, perhaps, why I didn't see the vehicle when
24 I first drove in also.

25 Q. I can't operate that machine, so I'm going to

1 show you some pictures.

2 A. All righty.

3 Q. Do you recognize that photograph or what it
4 purports to depict (indicating)?

5 A. Yes, sir.

6 Q. Okay. Absent any vehicles or things like that
7 that would be different, does that fairly and accurately
8 depict the entrance or the front area to the apartment
9 complex?

10 A. Yes, sir.

11 Q. And does that fairly and accurately depict what
12 it looked like back on July of 2012?

13 A. More or less. I couldn't tell you what color
14 the flowers were.

15 Q. Sure.

16 A. But structurally, yes, sir.

17 Q. Those are the buildings, that's the sign?

18 A. Yes, sir. That's the exit gate. Yes, sir.

19 THE COURT: Mr. Bundick, exhibit numbers
20 what?

21 MR. BUNDICK: This will be Defense Exhibit
22 No. 1 for identification purposes.

23 THE COURT: All right.

24 MR. BUNDICK: And I would tender it to the
25 State for their inspection.

1 **(Defense Exhibit No. 1 Offered)**

2 MS. DICKSON: No objection.

3 THE COURT: Defendant's 1 is admitted.

4 **(Defense Exhibit No. 1 Admitted)**

5 Q. (By Mr. Bundick) I'm going to show you another
6 photograph, which I will mark for exhibition purposes as
7 Defendant's Exhibit No. 2. Do you recognize that
8 picture (indicating)?

9 A. Yes, sir.

10 Q. Does it fairly and accurately depict the scene
11 there as it appeared on July of 2012? I understand that
12 the automobiles are going to be different, but the
13 buildings and the area?

14 A. Yeah. The buildings and the area, yes, sir.

15 MR. BUNDICK: I would tender to the State
16 for inspection.

17 **(Defense Exhibit No. 2 Offered)**

18 MS. DICKSON: No objections, Your Honor.

19 THE COURT: Defendant's 2 is admitted.

20 **(Defense Exhibit No. 2 Admitted)**

21 Q. (By Mr. Bundick) In Defense Exhibit No. 1, does
22 that show the picture that we were looking at on the
23 wide screen there with a sign in front of the complex
24 (indicating)?

25 A. That's the entrance sign, yes, sir.

1 Q. And can you tell us, where is the apartments in
2 relation to that -- the apartment office in relation to
3 that sign?

4 A. You're going to have to go straight, which
5 would lead you into that. So, basically that -- it goes
6 that way (indicating).

7 Q. The sign that says "leasing" with the arrow,
8 does that pretty well describe --

9 A. Yeah.

10 Q. -- where the leasing office would be?

11 A. Yes, sir.

12 Q. Okay. And if I understand, this is -- Defense
13 Exhibit No. 2 would be to the right of Defense Exhibit
14 No. 1. Is that fair and accurate?

15 A. Behind it and to the right, yes, sir.

16 Q. Okay. And where did you go when you came into
17 the complex immediately?

18 A. Drove into the left, which would be around that
19 median and into the entrance gate.

20 Q. So, that would be in the direction of where the
21 office is?

22 A. Yeah, more or less, because I've got to go
23 around that median. So, I went towards there and then
24 took a left into the entrance gate.

25 Q. Okay.

1 MR. BUNDICK: May I publish to the jury?

2 THE COURT: You may, sir.

3 Tell you what, do you want to blow it up on
4 the overhead or just let them pass it around?

5 MR. BUNDICK: Pass it around, if I can.

6 THE COURT: Let's do it the old style and
7 just take one exhibit and pass it right down the line to
8 the juror next to you, please.

9 (Exhibit published)

10 Q. (By Mr. Bundick) So, you came into the complex,
11 you got the call, and you went to investigate the
12 breezeway activity where the young people were being
13 affectionate?

14 A. Yes, sir.

15 Q. And you noticed my client when you drove in
16 before you even got to go do that investigation; is that
17 correct?

18 A. Yes, sir. While -- before and while making a
19 turn to go into the entrance gate.

20 Q. Before -- as you came in the gate?

21 A. Yeah. Because you've got to go and make a
22 right while you're going in the entrance gate.

23 Q. And Defense Exhibit No. 1 where the sign and
24 the area there, grassy area there around that, you had
25 to turn right as you came into the complex?

1 A. You have to turn right into the complex off of
2 Allendale in front of that sign that says "leasing."
3 And then once you get past that median, you have to make
4 a left. That will put you where you go parallel to all
5 the visitor, future resident parking that I showed when
6 the State showed the first picture.

7 Q. And those places will be near the leasing
8 office, I'm sure.

9 A. Correct, sir.

10 Q. Is that accurate?

11 A. Yes, sir. And then you have to make another
12 right into the actual entrance gate.

13 Q. And you noticed my client near the -- would it
14 be near the office, is that --

15 A. No, not near the office, because the office is
16 on the right-hand side of the 20 Building. He was kind
17 of just -- there is a gate you can walk through. I
18 would say towards that gate.

19 Q. How far was he at that point?

20 A. What do you mean how far?

21 Q. How far was he from you?

22 A. How far was he from me? If I'm driving by,
23 probably from me to the end of the jury box, maybe, if
24 that far, sir.

25 Q. 20, 30 feet, is that --

1 A. Like I said, I'm not real good with --

2 Q. But you saw him and you recognized him?

3 A. Yes. Brown shirt, brown shorts.

4 Q. Okay. Then you saw him again; is that right?

5 A. Yes, sir.

6 Q. And what was that occasion?

7 A. When I was coming down the stairs from Building
8 No. 16. And I spoke to him.

9 Q. From investigating the breezeway --

10 A. Correct, sir.

11 Q. And so, you were walking, you were on foot at
12 that point?

13 A. Yes, sir.

14 Q. And did you walk right past each other?

15 A. No, sir. I was coming down the stairs, he was
16 walking through the parking lot, and I saw him. That's
17 when I spoke to him and he kind of just...

18 Q. "Hey, what's up" -- is that what --

19 A. I said, "Hey, what's up," and he just kind of
20 said... (indicating)

21 Q. Okay. But you got a good look at him?

22 A. Pretty good look.

23 Q. Did you see what apartment that he --

24 A. He wasn't coming from an apartment. There's no
25 apartments back there. That's what was odd to me, sir.

1 That's just the visitor parking. The 16 Building is
2 where I was at. He didn't come from that building. He
3 was coming from -- the only thing back there is parking
4 spots and dumpsters on that side of the complex.

5 Q. Would that be the rear of the complex?

6 A. Depending on where you're standing. The best
7 way to describe that side is the side that butts up to
8 Old Galveston.

9 Q. I'm going to show you what will be marked for
10 exhibition purposes as Defense Exhibit No. 3. Is that
11 the area that you're talking about with the dumpster in
12 the picture (indicating)?

13 A. Not the alleyway where you're pointing, but
14 that back area along the wooden fence.

15 Q. Okay. May I show you Defense Exhibit No. 4?
16 Is that the area that you're discussing (indicating)?

17 A. Yes, sir.

18 Q. Does that fairly and accurately depict the
19 scene as it appeared in July of 2012, the layout and the
20 buildings?

21 A. Well, the layout, yes, sir.

22 Q. Thank you.

23 MR. BUNDICK: Offer it to the State, tender
24 to the State for their inspection.

25 **(Defense Exhibit No. 4 Offered)**

1 MS. DICKSON: No objections.

2 THE COURT: Is that 3 and 4 or just 4,
3 Counsel?

4 MR. BUNDICK: Just 4, Your Honor.

5 THE COURT: Defendant's 4 is admitted.

6 **(Defense Exhibit No. 4 Admitted)**

7 MR. BUNDICK: May I publish?

8 THE COURT: You may, sir.

9 Q. (By Mr. Bundick) So, you saw my client
10 somewhere in the area of the dumpsters back --

11 A. On the back fence, sir.

12 Q. What we're describing as the back fence; is
13 that correct?

14 A. Yes, sir.

15 Q. And you were -- did you say 20, 30 feet? Is
16 that fair?

17 A. If that's 20, 30 feet, then that would be a
18 fair approximation.

19 Q. But you got a good look at him?

20 A. Decent enough, sir.

21 Q. But you didn't see -- what was he doing when
22 you saw him?

23 A. Just walking, sir.

24 Q. You didn't see what, if any, apartment he went
25 into or came out of?

1 A. No, sir.

2 Q. So, after that, if I understood, you noticed
3 the Bentley parked in the parking lot?

4 A. Yes, sir, when I drove back to the front.

5 Q. So, the Bentley was up near the front of the
6 complex; is that --

7 A. Yes, sir.

8 Q. Or between the back where the dumpster area was
9 and the front? Which is it?

10 A. No, sir. In the front of the complex. That's
11 where I saw the Bentley.

12 Q. In like the visitor parking?

13 A. Visitor parking, yes, sir.

14 Q. So, a Bentley parked in the visitor parking lot
15 was suspicious?

16 A. A little bit.

17 Q. It was at least suspicious enough for you to
18 run the license plate number?

19 A. Yes, sir.

20 Q. And when you ran the license plate number, it
21 came back as no hits. Is that what I heard you say?

22 A. Not valid.

23 Q. Sir?

24 A. Not valid. Not valid. The license plate was
25 not valid.

1 Q. It didn't come back as stolen?

2 A. No. The license plate, did not, sir, but it
3 did not come back registered to any vehicle.

4 Q. Okay. But because of that, you decided to
5 write down the VIN number; is that right?

6 A. Yes, sir.

7 Q. And you got that off the area right near the
8 windshield. Is that what I understood?

9 A. The bottom right of the windshield.

10 Q. In front of the steering wheel area of the
11 driver's side?

12 A. Dashboard, yes, sir.

13 Q. You had no idea who was driving the automobile
14 at that point?

15 A. There was nobody driving it, sir. It was --

16 Q. Who had driven the automobile to the
17 apartments?

18 A. No, sir, no idea.

19 Q. Were there any other people moving around in
20 the apartment complex?

21 A. The whole complex? I couldn't say.

22 Q. You didn't notice anybody?

23 A. I was in the front with the car trying to get
24 the VIN number, sir.

25 Q. All right. So, you noticed the two young

1 people in the breezeway and my client. Those are the
2 people you noticed in the apartments that day; is that
3 correct?

4 A. Those are the people that I came into contact
5 with, as far as speaking with that day, yes, sir.

6 Q. There were certainly other people in the
7 apartments?

8 A. I would assume so, yeah.

9 Q. Sure.

10 There could have been other people moving
11 around in the apartment complex and you would -- you
12 just didn't notice them; is that --

13 A. I was preoccupied.

14 Q. Officer, I'm not trying to put words in your
15 mouth. Is that fair, there could have been --

16 A. There could have been other people moving
17 around in the apartment complex. I will agree to that.

18 Q. But you didn't see where my client went to or
19 was coming from?

20 A. No, sir. I saw him walking and I saw him
21 standing there. Not in that order.

22 Q. So, if I understood you, did you radio in
23 initially with the license plate number or did you call
24 Officer Ruiz?

25 A. No, sir. I called Officer Ruiz with the VIN

1 number. I called another officer with the license plate
2 number, but he was in the middle of something.

3 Q. But chronologically what you did first was call
4 another officer about the license plate number?

5 A. Yes, sir.

6 Q. And then you -- you called, I guess, on your
7 cell phone; is that right?

8 A. I believe so, yes, sir.

9 Q. Officer Ruiz, who was on duty?

10 A. Yes, sir, he was on duty.

11 Q. In his patrol car.

12 And did he radio into dispatch or were you
13 guys --

14 A. We --

15 Q. How does it go -- if you're on duty, how do you
16 find out about a VIN number?

17 A. If you're on duty, all you have to do is put it
18 into our computer system. You can run the license plate
19 or you can run the VIN number.

20 Q. And that's the computer in your car; is that
21 right?

22 A. Yes, sir.

23 Q. So, you called him with the VIN number and he's
24 inputting that information on his computer in his car?

25 A. Yes, sir. He put it in and I could actually

1 hear the return on the computer, because when it's
2 stolen, it indicates: Caution, possible stolen vehicle.

3 Q. It makes a noise?

4 A. Yes, sir. It speaks. It actually says that:
5 Caution, possible stolen vehicle.

6 Q. Okay. But this is after you had already made a
7 phone call about the license plate, right?

8 A. Yes, sir.

9 Q. Am I getting the order there?

10 A. Yes, sir. I called about the license, came
11 back with nothing, walked back over to the car and got
12 the VIN number.

13 Q. And so, what did Officer Ruiz say to you when
14 he told you that the VIN number showed that the car was
15 stolen?

16 A. He asked me where I was at.

17 Q. Because you were off duty at that point, right?

18 A. Yes, sir. He wanted to know where the stolen
19 car was at.

20 Q. So, did he indicate to you that he was coming
21 to where you were?

22 A. Yeah. He asked me where I was at. I told him,
23 gave him a description of the vehicle, and he said him
24 and some of his guys would be on the way.

25 Q. Okay. Where were you doing all of this phone

1 calling from?

2 A. My phone.

3 Q. Yes, sir. Where were you and your phone at?

4 A. On the property in the parking lot. I stayed
5 in the parking lot when I called Officer Ruiz. That
6 way, after I made that phone call and he told me the car
7 was stolen, I just got back in my car. And like I said,
8 I drove to keep eyes on the vehicle.

9 Q. So, if I understand, you see my client walking
10 toward the car; is that right?

11 A. Are we talking about when I first spoke with
12 him, or are we talking about afterwards?

13 Q. Well, after you got the -- the notice that the
14 VIN number showed that the vehicle had been stolen.

15 A. Yes, sir, I saw your client walking towards the
16 vehicle.

17 Q. And you had met at that point -- or you had
18 seen him twice at least; is that --

19 A. Seen him twice, spoke to him once, yes, sir.

20 Q. Okay. How far were you from the car at that
21 point?

22 A. Greater distance than that, but, like I said, I
23 wouldn't be able to judge. From the exit gate to that
24 parking spot.

25 Q. Guesstimate.

1 THE COURT: Use this courtroom as kind of
2 an example. Further than the courtroom, closer?

3 A. Maybe if I was on that back wall, probably -- I
4 would say maybe to the hallway outside. I don't know
5 how many feet that is.

6 Q. (By Mr. Bundick) From this wall --

7 A. Outside in the hallway probably to that other
8 side of the wall.

9 Q. Did that car have tinted windows?

10 A. I don't recall if the windows were tinted or
11 not, sir. I know the windshield wasn't, like we went
12 over, but the windows I do not recall.

13 Q. You're a peace officer. You make, I'm sure,
14 investigations about tinted windows that are too dark?

15 A. Yes, sir, quite frequently.

16 Q. And isn't it fair and accurate that the front
17 of the windshield can't be as dark as the sides; is
18 that --

19 A. The front two cannot. And the front windshield
20 cannot be tinted at all unless it's that one strip on
21 the top.

22 Q. Okay. From where you were -- were you sitting
23 in your personal vehicle? Is that what you said?

24 A. Yes, sir.

25 Q. Watching the car?

1 A. Watching it.

2 Q. Are you looking through the front of the
3 windshield when you're looking at the car? Where was
4 the car in relation to where you were?

5 A. Directly to my right. That way I could just
6 look out my driveway -- and I made sure I put no cars in
7 between us, so I had direct line of sight.

8 Q. So, were you looking through the driver's side
9 side window or the passenger side?

10 A. My passenger side window.

11 Q. And on the car, which side was it?

12 A. The driver's side of the stolen vehicle.

13 Q. So, you're looking through the passenger {sic}
14 to the right of your vehicle to the driver's side of the
15 Bentley?

16 A. Well, I had a view of the whole car and the
17 area around it, but, yes, the closest thing to me was
18 the driver's side of the Bentley.

19 Q. Okay. So, the car leaves?

20 A. After the suspect got in it.

21 Q. The car leaves. You began to follow the
22 vehicle because you had already heard that it came back
23 stolen from you checking the VIN number; is that right?

24 A. Yes, sir. And when --

25 Q. It was going down Allendale, right?

1 A. Yes, it made a left on Allendale. Yes, sir.

2 Q. And you saw Officer Ruiz in his patrol car
3 coming the opposite direction; is that right?

4 A. Once he made the turn, I believe, from Howard.

5 Q. He turned from -- is it Old Galveston?

6 A. No. Allendale actually merges into Old
7 Galveston Road.

8 Q. Okay.

9 A. Yes, sir.

10 Q. Okay. But you saw him and you saw him make a
11 U-turn; is that right?

12 A. Sergeant Ruiz?

13 Q. Yes, sir.

14 A. Yes, sir.

15 Q. Did he get behind you at that point? You
16 indicated, I thought, that he thought you were the car.

17 A. Yeah, he did. Because on Allendale, where it
18 merges to Old Galveston, not even 100 feet away there's
19 Fire Station 29. I had backed into the driveway of Fire
20 Station 29 to keep an eye on the stolen vehicle at the
21 light, which was signaling to go westbound onto Howard
22 from Old Galveston. I saw Sergeant Ruiz make the right,
23 he went past it, and he had to go down to the U-turn.
24 Once I realized the light was going to change, I kind
25 of got in behind and went with the vehicle until

1 Sergeant Ruiz was able to get behind it.

2 Q. In any event, he activated his emergency
3 equipment; is that right?

4 A. Yes, sir.

5 Q. Did he do that when he made a U-turn?

6 A. No, I don't believe he did. Well, he was
7 behind me at that point because when I saw him having to
8 make the U-turn, I got in front of him to go behind him.

9 Q. But you're driving your personal vehicle?

10 A. Yes, sir.

11 Q. You're not going to be involved in a police
12 chase --

13 A. Oh, no.

14 Q. -- in your personal vehicle?

15 A. Once the lights came on, I was out of the way.

16 Q. I understand.

17 What did you do at that point?

18 A. I went back to the apartment complex.

19 Q. All right. So, then what did you do when you
20 got to the apartment complex?

21 A. Let the manager know what was going on, that
22 the vehicle was being chased, kind of listened to my
23 radio, tried to figure out where he was coming from in
24 the complex. I know what building I saw him come from,
25 but I wanted to find out who, if anybody, had seen him

1 anywhere.

2 Q. So, what did you do?

3 A. What do you mean?

4 Q. You're trying to find out where he came from;
5 is that right?

6 A. Yes, sir.

7 Q. What did you do?

8 A. Spoke with the staff.

9 Q. Spoke with the people in the office?

10 A. In the office and the maintenance people.
11 Because the maintenance people are typically the ones
12 walking around and usually see, more or less, where
13 everybody is going and coming from.

14 Q. What did they tell you?

15 A. They said most likely he was coming from the
16 second floor.

17 Q. Second floor. Did they tell you which
18 building?

19 A. That same building as the office. The 20
20 Building, sir. That's the one that you see right when
21 you make the right to go into the complex.

22 Q. Okay. What did you do then? Did you start
23 knocking on doors for people --

24 A. No, no, no. I actually waited for Sergeant
25 Ruiz to come back.

1 Q. Okay. So, Sergeant Ruiz comes back. I guess,
2 this is after the car chase, right?

3 A. Yeah. I listened on the radio. He terminated
4 the chase. They lost sight of the vehicle. Sergeant
5 Ruiz came back. I gave him the information that I had
6 ascertained from the apartment staff. We decided we
7 were just going to go knock on doors until we found
8 somebody who that guy that was there visiting.

9 Q. Say that again, please.

10 A. Who the individual was there visiting, because
11 he didn't live there because I didn't recognize him, and
12 the apartment staff.

13 Q. So, y'all went knocking on residents' doors
14 asking, hey, who was the guy who just left?

15 A. Well, his unit and him were there knocking on
16 doors, asking individuals if anybody knew who that was,
17 gave a description of what he was wearing, the kind of
18 car, things of that nature. I just kind of stayed back
19 and let them conduct their investigation while I was
20 there.

21 Q. So, you weren't involved in the search for
22 which apartment; is that right? You had given the
23 information to your on-duty officer?

24 A. Yeah. The on-duty officers were taking care of
25 it, and I was just kind of there as a backup since I was

1 in uniform. It's an extra body in case anything
2 happens.

3 Q. But they were doing the interviews with the
4 people, the residents in the --

5 A. Speaking with people, yes, sir.

6 Q. And they came to determine which apartment --

7 A. I don't recall which apartment it was. If we
8 were there, I could point it out to you, but I don't
9 know what number it was.

10 Q. I understand, but you were there, so you --
11 you're aware that they determined --

12 A. Yes, sir -- no. Oh, yes, sir. Yes, sir.

13 Q. So, if you know from your own knowledge, was it
14 determined that my client had been there at an
15 apartment?

16 A. According to the residents, yes, sir.

17 Q. So, you did speak to the residents then?

18 A. I was present when they were speaking to the
19 officer, sir.

20 Q. And so, you ultimately did learn which
21 apartment my client had been to visit?

22 A. The officers learned, yes, sir.

23 Q. At the intersection where Allendale and Old
24 Galveston Road make a "Y," that's basically where you
25 left off in the car chase. Is that accurate?

1 A. No, sir. The car chase didn't even --

2 Q. I'm not -- your involvement. That was as far
3 as you went?

4 A. No, sir. I went onto Howard until Officer Ruiz
5 passed me, and then they went through the neighborhood.

6 Q. It's not possible that anybody else got in that
7 car?

8 A. No, sir.

9 Q. Because you had -- you were watching the car
10 the entire time?

11 A. I had eyes on that car from the time I saw that
12 male get into it until the time Sergeant Ruiz started
13 pursuing it.

14 Q. Before the male got into --

15 A. Well, yes, prior to that, but I watched --

16 Q. Somebody could have gotten in the car?

17 A. Excuse me?

18 Q. Well, prior to that, somebody could have gotten
19 in the car; is that right? You weren't watching the car
20 the entire time you were in the complex?

21 A. No, sir, because I had to drive around and get
22 eyes on the vehicle.

23 Q. But you did see my client walk up and get in?

24 A. Yes, sir. Driver's side, sir.

25 MR. BUNDICK: Pass the witness.

1 THE COURT: Ms. Dickson?

2 MS. DICKSON: Redirect?

3 THE COURT: Sure.

4 **REDIRECT EXAMINATION**

5 **BY MS. DICKSON:**

6 Q. Officer Medina, do you remember the number of
7 the paper plate that you called in to dispatch?

8 A. I do not.

9 Q. Would you have written it down in your report?

10 A. Yes, ma'am. I believe it is in there.

11 Q. Would it have been accurate at the time that
12 you wrote it in your report?

13 A. Yes, ma'am.

14 Q. Would you like to look at your report to
15 refresh your memory?

16 A. Actually, I do have a copy.

17 MS. DICKSON: May I approach the witness?

18 THE COURT: You may.

19 Q. (By Ms. Dickson) You did your own supplement
20 to --

21 A. Yes, ma'am, I did.

22 Q. Don't read from your report, but --

23 A. No, ma'am. I'm just looking for the plate.
24 34, William, 2697.

25 Q. So, that's the number that you called in to

1 dispatch?

2 A. Well, I called another officer and had him run
3 it, but, yes, ma'am.

4 Q. And that number was not associated with any
5 car?

6 A. No, ma'am.

7 Q. Now, as a part of your investigation, did you
8 ever learn the correct number of that tag?

9 A. I don't believe there was a correct tag, unless
10 it was some kind of registration that...

11 Q. Did you get -- or was there any indication to
12 you that the tag on the vehicle had been altered in any
13 way?

14 A. I wouldn't say altered, but a lot of times we
15 see paper tags that are invalid or things of that
16 nature.

17 Q. What's it mean when you say "invalid"?

18 A. That it doesn't come back registered to
19 anything at all. I mean, it just says no record in the
20 database.

21 Q. Who issues those paper tags?

22 A. I believe the Department of Motor Vehicles.

23 Q. And if the Department of Motor Vehicles issues
24 the tag and it's a valid tag, does it show up in your
25 system?

1 doing that job for a couple hours. It's about 200 words
2 a minute. She takes down the spoken word, and then she
3 translates it into her cryptic symbol language. Only
4 she can read it. It's just phenomenal.

5 Officer Ruiz?

6 MS. DICKSON: Robert Ruiz, please.

7 THE BAILIFF: This witness has been sworn.

8 THE COURT: Roger that.

9 All right. Ms. Dickson, when you're ready.

10 MS. DICKSON: Thank you, Judge.

11 **SERGEANT ROBERT VINCENT RUIZ, JR.,**

12 having been called as a witness and being first duly
13 sworn, testified as follows:

14 **DIRECT EXAMINATION**

15 **BY MS. DICKSON:**

16 Q. Could you introduce yourself to the jury?

17 A. I'm Robert Vincent Ruiz, Jr.

18 Q. And where do you work?

19 A. I work for the Houston Police Department.

20 Q. What division?

21 A. I work for the East Side Patrol Division. I
22 supervise a gang unit.

23 Q. And how long have you been with HPD?

24 A. I'm going on my 33rd year.

25 Q. Were you always assigned to this division?