

1 (Jury out).

2 THE COURT: Be seated.

3 (Court recess).

4 (Jury in).

5 THE COURT: Thank you. Please be seated.

6 Call your next witness, please.

7 MS. ROBERTS: Your Honor, the State calls
8 Officer Medina.

9 THE COURT: He was sworn in as a witness,
10 ladies and gentlemen, right before y'all came in.

11 Ms. Roberts?

12 MS. ROBERTS: Thank you, Your Honor.

13 FRANK MEDINA,
14 having been first duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. ROBERTS:

17 Q. Officer Medina, can you please introduce
18 yourself to the jury?

19 A. My name is Frank Medina. I work HPD
20 narcotics. I've been on the department --
21 approximately it will be seven years.

22 Q. All right. So, you said you have been with
23 HPD about seven years --

24 A. Yes, ma'am. I'm sorry.

25 Q. That's okay.

1 What do you do before that?

2 A. Before that I went to school, played sports.

3 Q. Okay. And what was the type of training and
4 education you had to do to be a Houston Police officer?

5 A. We completed six months at the Houston Police
6 Academy. That was basically like you're going to
7 college again, but everything was just specifically
8 focused on police, police enforcement, guidelines,
9 rules and all that other stuff.

10 Q. Okay. And once you have finished the six
11 months at the academy, did you do anything after that
12 to continue your training?

13 A. Oh, yes, ma'am. Ever year we have mandatory
14 training where we have to complete X amount of hours
15 per TCLEOSE, the people that provide the peace officer
16 licenses. We have to stay up to day with that. And
17 then, you know, you also have extra curricular
18 activities as far shooting and tactical with your
19 weapons.

20 Q. Okay. So, do you keep up with all your
21 required hours that you're supposed to do?

22 A. Oh, yes, ma'am.

23 Q. Now, you said right now you're part of the
24 narcotics squad.

25 A. Narcotics division, yes, ma'am.

1 Q. Narcotics division.

2 Do you have to have any type of special
3 training to be part of narcotics?

4 A. You have to complete different schools to --
5 it's basically you put in for it. They choose you and
6 then you have to complete more training. Everything is
7 about training at our job.

8 Q. Okay. And so, being in narcotics, do you get
9 to do any special work or like different things than
10 other divisions normally get to do?

11 A. Yes, ma'am. We execute search warrants, you
12 know, things of that nature. All the cool stuff you
13 see on TV, that's what we do. I work in undercover
14 capacity every day. That's why I'm dressed the way I
15 am. We were out on assignment right now and I received
16 your phone calls. I didn't have time to go home and
17 get propers.

18 Q. Okay. So, do you normally wear an HPD uniform
19 on your every-day job?

20 A. No, ma'am, not anymore.

21 Q. Okay. What did you do prior to narcotics?

22 A. I worked for the Southeast Tactical Unit.

23 Q. All right. And when did you make the move
24 from that -- from tactical to narcotics?

25 A. I believe it was official last April. So,

1 I've been here for eight months, maybe, in narcotics.

2 Q. Okay. And now, what -- what's the tactical
3 unit?

4 A. The tactical unit is basically -- we have
5 different substations for Houston Police Department
6 around the city. And in southeast, it's located at
7 8300 Mykawa. The tactical unit is also something you
8 have to apply for and be chosen. We're more of a
9 proactive unit as opposed to running calls and
10 responding to, you know, your 911s or burglar alarms.
11 We focus on going out and trying to prevent crimes
12 before they happen. Or if there's something going on
13 in particular, say a certain number of robberies,
14 burglaries in a specific area, the captain assigns us
15 to that. And we are in charge of it. Going out and
16 trying to solve that before it gets any worse.

17 Q. All right. So, I want to talk to you about
18 your time with the tactical unit. Did you wear your
19 normal HPD uniform then?

20 A. Yes, ma'am.

21 Q. Okay. And did you also drive a normal marked
22 car with lights and sirens and everything on it?

23 A. Yes, ma'am. Just like the ones you see on the
24 streets.

25 Q. Okay. And those are the ones that also say

1 like HPD on the side and have all the markings on the
2 front hood as well?

3 A. Yes, ma'am. Well, not on the hood. It says
4 Houston Police on the side. It gives you the
5 non-emergency number. It has the light bars on the top
6 and front grill and the back window and all that good
7 stuff.

8 Q. Okay. I'm going to ask you to slow down just
9 a little bit. Okay?

10 A. Sorry.

11 Q. All right. So, when -- on July 25th, 2013,
12 which division were you in?

13 A. I was in the tactical unit.

14 Q. Okay. And as being part of the tactical, I
15 know you said you do a lot of proactive. But do you
16 also do normal patrol and kind of just driving around
17 on the streets?

18 A. Oh, yes, ma'am. Well, that's part of being
19 proactive. You go more towards the areas where you
20 know they have a high crime rate. That way you can try
21 to cut things off before they happen. High narcotics
22 rate, high loitering, things of that nature.

23 Q. Okay. Do you also do basic traffic stops?

24 A. Yes, ma'am, quite frequently.

25 Q. Okay. So, again, I want to talk to you about

1 the 25th of July, 2013. Were you on duty that day?

2 A. Yes, ma'am.

3 Q. Okay. And did you make any stops or attempt
4 to make any stops that day?

5 A. Yes, ma'am.

6 Q. Okay. More than one?

7 A. I'm sure.

8 Q. All right. Well, I want to talk to you about
9 one in particular. Do you know which -- the reason
10 you're here today?

11 A. Yes, ma'am.

12 Q. All right. And so, on the 25th of July, you
13 said that you were with the tactical unit. Were you
14 actually wearing your full uniform and in the marked
15 patrol car that day?

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

17 Q. All right. And when you were doing that, did
18 you attempt any stops on vehicles, specifically the one
19 we're here to talk about?

20 A. Yes, ma'am. I recall that one.

21 Q. All right. Can you tell me what was the
22 address that you attempted to do a stop?

23 A. I was traveling westbound on the 4100 block of
24 Erby. And the vehicle in question was coming down
25 Broad going towards Telephone Road at a high rate of

1 speed. That's when I --

2 Q. I'm going to -- sorry. I'm going to stop you
3 for one second.

4 A. Okay.

5 Q. That location, is that in Harris County,
6 Texas?

7 A. Yes, ma'am.

8 Q. Okay. And you said that the vehicle in
9 question -- can you please tell us what type of vehicle
10 was it?

11 A. It was a Cadillac.

12 Q. Okay. And so, you said it was going at a high
13 rate of speed. Did you have like a radar or something
14 like that or how do you know how fast it was going?

15 A. No, ma'am. You're in a neighborhood. And
16 once when you drive through X amount of neighborhoods,
17 X amount of times, X amount of days, you can pretty
18 much guess who's driving the normal speed in addition
19 to like dust flying up and debris on the side of the
20 road and things like that.

21 Q. Okay. Now, I'm going to pick on a word you
22 said, pretty much guess. Is it guess or is it from
23 your training and experience that you know when
24 somebody is at a high rate of speed?

25 A. Well, I mean, as far as us, it would be from

1 every-day experience. I will chalk it up to that.

2 Q. All right. So, you see this vehicle traveling
3 at a high rate of speed. What happened once you
4 noticed them?

5 A. Well, I got out to Broad as fast as I could in
6 a safe manner. 'Cause like I said, it's a residential
7 neighborhood. When I did that, the vehicle was going
8 towards Telephone Road. I did notice there was an
9 Expedition, a gold one in front of it. When I signaled
10 my lights to try to stop the vehicle on traffic, the
11 vehicle -- it's only a two-lane coming and going. The
12 vehicle actually went into the opposite lanes going the
13 wrong direction to get around the SUV. As soon as he
14 did that, my first instinct is to follow him.

15 Well, of course, I see another vehicle
16 coming right at me. So, for the safety of that driver,
17 myself and the driver in front of me, I waited for that
18 vehicle to pass. And then when that vehicle passed, I
19 pursued around the SUV, toggled my lights and he pulled
20 over. And by that time, I was able to get behind the
21 Cadillac that actually took a right turn onto Duval.

22 Q. Okay. And I'll stop you for just a second,
23 just a few technical things.

24 A Cadillac, is that a motor vehicle?

25 A. Yes, ma'am.

1 Q. Okay. And so -- and also was this time that
2 he -- that Cadillac went into the opposite lane of
3 traffic, as you described, and then when it pulled back
4 into the proper lane, is that a traffic violation?

5 A. Oh, yes, ma'am. That's signaling without --
6 or changing lanes without a signal. You're traveling
7 in the wrong lane of traffic, which is illegal. Pretty
8 much could be seen as an evasive maneuver. But yes, to
9 the answer your question, it is several traffic
10 violations.

11 Q. Okay. And with those violations, do you have
12 the right to stop a vehicle on -- during your normal
13 patrolling and being a Houston Police officer?

14 A. Yes, ma'am. They're ticketable offenses.

15 Q. Okay. And so, you said that you saw them take
16 a right onto what street?

17 A. Duval -- d-u -- yes, ma'am.

18 Q. And what happened after that?

19 A. Well, I took a right with it. And by this
20 time I was on the radio because I usually have a
21 partner. But I don't remember why my partner wasn't
22 there that day. So, I had said on the radio to the
23 dispatch that I had a vehicle refusing to stop. So, we
24 got halfway down Duval and the vehicle pulled over to
25 the right-hand side of -- being that the vehicle was

1 occupied more than one time and I was by myself, I drew
2 my duty weapon --

3 MS. REDDI: Objection, nonresponsive,
4 Your Honor.

5 THE COURT: Let's keep it to question and
6 answer.

7 THE WITNESS: I'm sorry.

8 Q. (BY MS. ROBERTS) That's okay. I'm going to
9 back you up for a second anyway.

10 At what point did you turn on your lights
11 and sirens in your marked patrol car?

12 A. As soon as I turned onto Broad and I could
13 physically see that I was behind -- directly behind the
14 Cadillac.

15 Q. Okay. So, you're directly behind the
16 Cadillac. And you've already saw that he was traveling
17 at a high rate of speed.

18 A. Yes, ma'am.

19 Q. And is that ticketable offense?

20 A. Yes, ma'am.

21 Q. Okay.

22 A. And there's also a stop sign at Broad. At the
23 rate of speed he was going, there was no way he stopped
24 and gained that amount of speed and to proceed through
25 Erby on Broad.

1 Q. Okay. But -- so, the first thing you see
2 that's a ticketable offense is the speeding?

3 A. Yes, ma'am.

4 Q. All right. And so, then you try to get behind
5 it. And you're physically -- it's the Cadillac and
6 you're right behind it and that's when you turned your
7 sirens and lights on?

8 A. Yes, ma'am.

9 Q. Okay. And so, then how far did you travel
10 until it stopped on Duval?

11 A. I would say probably about two and a half
12 blocks -- city blocks. Because it's the two blocks up
13 and then half a block over.

14 Q. Okay. And during that time, you said -- how
15 did you describe the maneuvers of getting around the
16 other vehicles?

17 A. I would best describe it as an evasive
18 maneuver.

19 Q. Okay. And so, you're all alone at this point
20 and you said you pull up and he's finally stopped on
21 Duval?

22 A. Yes, ma'am.

23 Q. All right. And what happens then?

24 A. I start approaching the vehicle. Let the
25 dispatcher know -- well, let the dispatcher know the

1 vehicle stopped, where I'm at. Start getting out.
2 Seeing that the vehicle is occupied multiple times. I
3 pull my duty weapon and I immediately start giving
4 verbal commands for everybody in the car to show me
5 their hands.

6 As I'm approaching the vehicle at an angle, I
7 can hear the driver just screaming profanities at me,
8 things like that. He just sounded irate.

9 Q. Okay. And so, do you still approach the
10 vehicle at that point?

11 A. Yes, ma'am. But I'm going to keep my duty
12 weapon drawn. My focus is going to be the driver.
13 Because without the driver --

14 MS. REDDI: Objection, nonresponsive,
15 Your Honor.

16 THE COURT: Keep it question and answer,
17 please.

18 Q. (BY MS. ROBERTS) So, you said your focus is
19 on the driver. And why is that?

20 A. Without a driver, the car can't go anywhere.

21 Q. Okay. And sorry, just to back you up one
22 second.

23 We were talking about how you -- it was
24 about two and a half blocks that he went. Were there
25 safe spots that that Cadillac could have stopped and

1 pulled over once you had your lights on?

2 A. Initially he could have pulled over right
3 there. There was, I think, at least one more block
4 that he could have took a right on and went there. But
5 the fact that he went around the car was peculiar, to
6 say the least.

7 Q. All right. So, not only did he not stop as he
8 was supposed to, he actually took evasive actions to
9 try and get away?

10 A. Yes, ma'am.

11 Q. Okay. And so, you get up to the car. You see
12 that there is more than one passenger. At some point,
13 did other officers come to help you?

14 A. Yes, ma'am. I believe the first one to
15 respond was my -- not my sergeant at the time, but
16 Sergeant Williams.

17 Q. Okay. And at some point, did you identify who
18 the driver of the car was?

19 A. Yes, ma'am.

20 Q. All right. And who was that?

21 A. Roy Vasquez.

22 Q. All right. And do you see that person today
23 in court that you -- that was there at the side of the
24 street that day?

25 A. Yes, ma'am.

1 Q. All right. And can you please point to him
2 and identify him by an article of clothing?

3 A. He's wearing -- I believe it's a checkered
4 tie.

5 MS. ROBERTS: Okay. Your Honor, at this
6 time I'd like the record to reflect that this witness
7 has identified the defendant.

8 THE COURT: It will.

9 Q. (BY MS. ROBERTS) And just to be clear, what
10 position was he in the vehicle?

11 A. He was the driver of the vehicle.

12 Q. All right. Is that the same person that you
13 were saying was shouting obscenities?

14 A. Yes, ma'am.

15 Q. Okay. And what types of things was he
16 shouting?

17 A. You want verbatim.

18 MS. REDDI: Objection, hearsay, Your
19 Honor.

20 THE COURT: Overruled.

21 Q. (BY MS. ROBERTS) Yes, please. If you have a
22 verbatim, that would be -- that would be how I prefer
23 it.

24 A. Okay. He was screaming why are you fucking
25 with me. My homeboy just died.

1 He was late. He was trying to get
2 somewhere.

3 Q. I'm sorry?

4 A. He was late. He was trying to get somewhere.

5 Q. Okay. And was there anything else that he was
6 yelling at y'all originally while you were approaching
7 the car?

8 A. He just kept repeating why are you fucking
9 with me.

10 Pardon my language.

11 Q. Okay. And so, at some point was he taken into
12 custody?

13 A. Yes, ma'am.

14 Q. Okay. And how was his demeanor once he was in
15 custody?

16 A. He was completely aggressive and noncompliant
17 the whole time.

18 Q. What do you mean by that?

19 A. Well, I had to order him on the ground because
20 he was screaming at me as I was giving verbal commands
21 to him for him to comply. Once he was taken into
22 custody, he got in the backseat of the car. He kept on
23 screaming. He was screaming at Sergeant Williams as he
24 arrived. And he just got more and more aggressive as
25 he was in the backseat of the car.

1 Q. Okay. And do you know exactly what he was
2 saying at both of y'all when he was in the backseat of
3 the car?

4 MS. REDDI: Objection to hearsay, Your
5 Honor.

6 THE COURT: Overruled.

7 A. Yes, ma'am. He stated, fuck y'all, because we
8 were both there.

9 Q. Okay. And what was he doing while he was in
10 the backseat of that car?

11 A. He was screaming at us. And then he started
12 banging his head on the cage. Which is basically the
13 plastic that separates the officers from the prisoners
14 in the backseat of the car.

15 Q. Okay. And what did y'all do when he started
16 doing that?

17 A. We told him to stop. Officer Williams gave
18 him orders to stop. He basically told -- or Sergeant
19 Williams told him if you don't stop, then basically
20 we're going to have to interlock you with leg
21 restraints. And he just proceeded to keep on doing
22 that and scream profanities at us.

23 Q. Okay. And so, when he continued, what
24 happened next?

25 A. Basically we had to get on the radio give a

1 time check that we were going to interlock him with leg
2 restraints. We removed him from the vehicle. We put
3 him in leg restraints. He got back in the car. And
4 then, you know, he was just still upset, still
5 screaming at us, still cursing.

6 Q. Okay. And so, does his demeanor change at all
7 between that time and when he was taken downtown?

8 A. No, ma'am. Basically he was laying on his
9 side and he just kept on screaming and banging his head
10 on the seat. And we have to notify the dispatcher. In
11 case anything happens to him because of his own doing,
12 it's still, you know --

13 Q. Okay. And so, just to be clear. When you
14 were -- during the time that you were trying to stop
15 him, was he being compliant with you at that time
16 point?

17 A. No, ma'am. He was disregarding all our
18 orders. He was just belligerent and screaming and I
19 guess attempting to injure himself.

20 Q. While he was in the back of the car being
21 transported to the jail, did he say anything else?

22 MS. REDDI: Objection, asked and
23 answered, Your Honor.

24 THE COURT: Overruled.

25 A. I don't recall, ma'am. And I'm not finding it

1 in my police report.

2 MS. ROBERTS: Your Honor, may I approach
3 the witness?

4 THE COURT: Yes, ma'am.

5 Q. (BY MS. ROBERTS) So -- okay. So, I guess
6 just now that you've refreshed your memory with your
7 police report, was that anything else that he stated
8 while he was being transported and in the back of your
9 police car?

10 A. Yes, ma'am. He responded to myself and
11 another officer that Sergeant Williams made ride with
12 me down there due the subject's behavior. He stated
13 that the next time he would keep running and if
14 officers wanted to see him, they would know where to
15 find him.

16 MS. ROBERTS: Your Honor, I pass the
17 witness.

18 THE COURT: Ms. Reddi?

19 MS. REDDI: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MS. REDDI:

22 Q. Officer Medina, you said that you were driving
23 a tactical unit car.

24 A. It's just a regular patrol car, ma'am. I was
25 assigned to a tactical unit.

1 Q. Okay. And what color is this car?

2 A. White.

3 Q. Regular police car?

4 A. Yes, ma'am.

5 Q. Lights, sirens, everything?

6 A. Lights, sirens, blue stickers on the side that
7 say Houston police, stoplight, all the good stuff.

8 Q. Now, when you first saw Mr. Vasquez's car, you
9 were not directly behind him, were you?

10 A. No, ma'am.

11 Q. And you were, what, cross --

12 A. I was at perpendicular, yes, ma'am.

13 Q. To him?

14 A. Yes, ma'am.

15 Q. All right. And then you said you saw him
16 traveling at a high rate of speed, but you did not
17 clock him.

18 A. No, ma'am, I did not.

19 Q. Okay. And by the time you turned around and
20 came towards him, he had already gone through the
21 block?

22 A. I didn't have to turn around. I was already
23 approaching the intersection that he was driving
24 perpendicular to me. If we would have met at the same
25 time, we would have T-boned basically.

1 Q. All right. But you did not actually clock
2 him?

3 A. No, ma'am. No, ma'am.

4 Q. All right. Do you know what the speed limit
5 is on that road?

6 A. It's a residential neighborhood. I would say
7 it's 30 or 35.

8 Q. Okay. But you don't know that for a fact?

9 A. No, ma'am.

10 Q. Okay. And you did not clock him?

11 A. No, ma'am, could not.

12 Q. Okay. So, you got behind him. I'm assuming
13 by then he had traveled some?

14 A. Yeah. He traveled a little bit. But like I
15 said, the Expedition was in front of him.

16 Q. Okay. And -- and you saw him passing up the
17 Expedition?

18 A. He did not pass up the Expedition until I
19 turned on my emergency equipment.

20 Q. Okay.

21 A. Which meaning lights and sirens.

22 Q. All right. Now, when you turned on the lights
23 and sirens, you immediately expect that the person in
24 front of you would know that it's for them? It could
25 be for any other reason too, correct?

1 A. I can't attest to what someone would think.
2 But I mean, if a police officer was behind me, I would
3 assume naturally it was for me.

4 Q. Okay. And this was -- when you approached
5 him, he was already overtaking the other car?

6 A. No, ma'am. He did not commit the evasive
7 maneuver until I had already initiated my lights and
8 sirens.

9 Q. All right. What kind of neighborhood would
10 you classify that as, high crime?

11 A. I wouldn't say high crime. I work in high
12 crime and that one is not high crime.

13 Q. Okay. But you make a fair number of arrests?

14 A. Yes, ma'am. More than I would say in West
15 University or something like that. Yes, ma'am.

16 Q. Sure. So, there's quite a bit of police
17 activity around there?

18 A. Yes, ma'am.

19 Q. Okay. And so, from Broad to -- what is this
20 other street that you just mentioned that you stopped
21 him at?

22 A. He stopped on Duval.

23 Q. Duval.

24 You're talking about two blocks?

25 A. Well, Broad is a street that also runs

1 perpendicular to Duval. The street I stopped him on, I
2 was on Erby. And that would run parallel with Duval.

3 Q. Okay. Let's talk about when you think you
4 turned your lights. How far do you think he traveled,
5 quarter mile?

6 A. That, I don't know. I'm terrible at that. I
7 could tell you how many blocks. Two and a half blocks,
8 something like that, that I would be my best estimate.

9 Q. Two and a half blocks?

10 A. Yes, ma'am.

11 Q. And he did stop?

12 A. After he made the right turn, yes, ma'am, and
13 went around the Expedition.

14 Q. Okay. But he did stop. He didn't keep going?

15 A. No. He stopped, yes, ma'am.

16 Q. All right. Now, police cars in Harris County,
17 all of them equipped with cameras?

18 A. No, ma'am.

19 Q. Your car in particular?

20 A. No, ma'am.

21 Q. No cameras?

22 A. No, ma'am.

23 Q. So, you were calling -- a person traveling two
24 and a half blocks, you're basically saying this is an
25 evading arrest?

1 A. Well, due to the fact that I took in all the
2 circumstances, particularly the evasive maneuver where
3 he not only put his own life and the passenger's at
4 risk along with the oncoming traffic that he is going
5 head on with, yes, ma'am, I would classify that -- with
6 my experience -- as an evading arrest.

7 Q. Okay. When you eventually stopped him, did he
8 mention he was going to a funeral?

9 A. Yes, ma'am, along with several swear words.

10 Q. Okay. And there was several other people in
11 the car, correct?

12 A. Two others, I believe, yes, ma'am, a female
13 and a male.

14 Q. Okay. And you then arrested him for evading
15 arrest?

16 A. Yes, ma'am.

17 Q. Two blocks would mean -- just give me a
18 guesstimate, how far is that?

19 Out in front of the courthouse, we have
20 San Jacinto. You have -- just two blocks -- exactly
21 two blocks here?

22 A. If you start at one block and went two blocks
23 down, half a block to the right, two city blocks. I
24 couldn't give you a distance. I don't want to lie to
25 you either.

1 Q. Okay. Did he turn and keep changing lanes and
2 go in different directions other than --

3 A. Well, he -- and the one lane change where he
4 went into oncoming traffic, changed back and then tried
5 to turn.

6 Q. Sure. That's a traffic violation, correct?

7 A. Multiple.

8 Q. What were the multiple violations there?

9 A. Well, he changed lanes without signaling a
10 lane change.

11 Q. Sure.

12 A. Signal -- changed to his lane without
13 signaling. And then you take a right onto Duval and
14 you don't signal on that either. So, that's three lane
15 changes without signaling right there.

16 Q. All right.

17 MS. REDDI: Pass the witness, Your Honor.

18 THE COURT: Ms. Roberts?

19 MS. ROBERTS: Nothing further, Your
20 Honor.

21 THE COURT: All right. Thank you, sir.
22 You may step down and step outside.

23 Call your next witness, please.

24 MS. ROBERTS: Your Honor, the State
25 rests.