

C. R. Morales - July 14, 2015  
Direct Examination by Mr. Vazquez

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**C. R. MORALES,**

having been first duly sworn, testified as follows:

**DIRECT EXAMINATION**

**BY MR. VAZQUEZ:**

Q. Good afternoon, Officer Morales.

A. Good afternoon.

Q. Can you please state your name and spell it for the record, please?

A. Christopher Rey Morales, C-h-r-i-s-t-o-p-h-e-r, R-e-y, M-o-r-a-l-e-s.

Q. Thank you. And you are a police officer, correct?

A. Yes, sir, with the City of Houston.

Q. Thank you. And are you certified in the State of Texas?

A. Yes, I am.

Q. How long have you been certified as a police officer?

A. For 13 years now.

Q. And what kind of training did you undergo to become a police officer?

A. We had Houston police academy. Was approximately six months, I believe.

Q. Okay. And what is your current assignment?

A. I am currently assigned to Kingwood Patrol

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1 Station.

2 Q. At the time of the incident what was your  
3 assignment?

4 A. I was assigned to the D.W.I. Task Force.

5 Q. And how do you become a member of the D.W.I.  
6 Task Force?

7 A. They have an interview process; and once you  
8 are selected through the interview, then you will be  
9 selected to go to that group.

10 Q. Have you received any specialized training  
11 pertaining to intoxicated drivers?

12 A. Yes. While we are at the academy, we get -- we  
13 have standardized field sobriety tests that we get  
14 trained and certified on.

15 Q. Okay. How about as a member of the D.W.I. Task  
16 Force?

17 A. We have continued training while we are there  
18 on the Task Force.

19 Q. About how many D.W.I. investigations have you  
20 been a part of?

21 A. Over a hundred.

22 Q. And when you detect an intoxicated driver, are  
23 you trained to conduct field sobriety evaluations?

24 A. Yes, sir, I am.

25 Q. Are you certified to conduct those evaluations?

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1 A. Yes, sir.

2 Q. And who certified you?

3 A. Certified through NHTSA.

4 Q. And that stands for?

5 A. National Highway Traffic and Safety  
6 Administration.

7 Q. Thank you. Because I would never remember  
8 that.

9 A. I believe that's correct. Yes, sir.

10 Q. Now, did you have to go through classroom  
11 training for that?

12 A. We did. We did classroom and practical  
13 training.

14 Q. Is "practical training" also field training?

15 A. Field training, yes, sir.

16 Q. And how much -- or what did your classroom  
17 training entail?

18 A. Entailed lectures regarding the standardized  
19 field sobriety tests, explaining what they are for, how  
20 they were certified, where they were conducted at,  
21 different types of people that they were conducted on.

22 Q. And what about field training? What did that  
23 entail?

24 A. That entailed -- we had some volunteers that  
25 came to the academy, had some alcoholic beverages to get

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1    them above a .08; and we would administer the  
2    standardized field sobriety tests to get -- to be  
3    evaluated on.

4           Q.    When were you last certified to administer  
5    standardized field sobriety tests?

6           A.    Approximately six months ago.

7           Q.    And you said you are required to take refresher  
8    courses?

9           A.    Yes, sir.

10          Q.    Okay.  Based on your training and experience,  
11   do you really need to be an expert to spot someone who  
12   is intoxicated?

13                   MR. GUERRA:  Objection, Your Honor.  That  
14   calls for speculation.

15                   THE COURT:  Overruled.

16          Q.    (BY MR. VAZQUEZ) You may answer.

17          A.    No, not at all.

18          Q.    So, when you suspect someone of driving while  
19   intoxicated, are you trained to immediately arrest them?

20          A.    No, sir.

21          Q.    So, people are sometimes let go?

22          A.    We may come across people that have been  
23   drinking, but that does not necessarily mean they are  
24   impaired.

25          Q.    What do you mean by "impaired"?

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1           A.     In other words, not able to do more than one  
2 thing at a time. Not able to operate their vehicle, in  
3 other words, in a safe manner.

4           Q.     So, in your training and experience, if someone  
5 is not able to operate the vehicle in a safe manner, you  
6 will detain them?

7           A.     Yes, we will detain them for a D.W.I.  
8 investigation and administer standardized field sobriety  
9 tests.

10          Q.     What are some classic signs of intoxication?

11          A.     Strong odor of alcoholic beverage coming from  
12 their breath, slurred speech, red, glassy eyes or  
13 bloodshot eyes. Sometimes they will be stumbling, lack  
14 of balance. Sometimes they cannot focus. Even grabbing  
15 a driver's license out of their wallet or purse, they  
16 will grab the wrong items. Sometimes they will even  
17 urinate on themselves.

18          Q.     Now, Officer Morales, I need to bring your  
19 attention to the morning or the night of January 18,  
20 2015. Were you on duty that day?

21          A.     Yes, sir, I was.

22          Q.     What shift were you working?

23          A.     I was working night shift. We work from 9:00  
24 p.m. to 7:00 a.m. in the morning.

25          Q.     What was your assignment that night?

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1           A.     That night I was working with the D.W.I. Task  
2 Force.

3           Q.     While you were on duty, did you come in contact  
4 with someone by the name of Jose Garcia?

5           A.     Yes, sir, I did.

6           Q.     Do you see that person in the courtroom today?

7           A.     Yes, sir, I do.

8           Q.     Can you please identify him by an article of  
9 clothing that he's wearing.

10          A.     He has a black jacket on with a white shirt.

11          Q.     Can you please clarify that a little bit.

12          A.     Sure.  It's a striped tie with a light blue  
13 stripe on it.

14                   MR. VAZQUEZ:  May the record reflect, Your  
15 Honor, the officer has identified the Defendant.

16                   THE COURT:  It will.

17          Q.     (BY MR. VAZQUEZ) And how did you first come in  
18 contact with the Defendant?

19          A.     In the -- the officers brought him to the  
20 Central Intox area, and I came in contact with him there  
21 in our Intox room.

22          Q.     And do you know why he was brought into the  
23 Intox room?

24          A.     From what I remember, it was due to an accident  
25 that had occurred.

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1 Q. Okay.

2 MR. GUERRA: May we approach briefly, Your  
3 Honor?

4 THE COURT: Yes.

5 *(At the Bench)*

6 MR. GUERRA: Your Honor, I would like  
7 to -- if this police officer is going to testify that at  
8 the time he was already there, he was -- the  
9 observations that were made were not made by him as  
10 to -- the officer is testifying about probable cause or  
11 reasonable suspicion; but I believe it's probable cause  
12 necessary to arrest him. I believe it was under arrest  
13 based on him being free to leave. So I would like to  
14 urge and just put it on the record as to that portion of  
15 my written motion.

16 THE COURT: I don't believe this officer  
17 has testified to this yet or not. But what is the time  
18 difference between the officer transporting from the  
19 scene to the station?

20 MR. GUERRA: It's two hours,  
21 approximately.

22 THE COURT: Two hours to get him to the  
23 scene?

24 MR. GUERRA: The tests were administered  
25 shortly after, right after the field sobriety tests, and

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1 that was approximately two hours.

2 THE COURT: And what is your objection at  
3 this point?

4 MR. GUERRA: Well, I just want to preserve  
5 it for the record. I know that my Motion to Suppress  
6 covers an arrest taken, to the field sobriety tests  
7 based on the observations of the two officers for a very  
8 short amount of time and they both testified that he was  
9 not free to leave and they had only reasonable  
10 suspicion. They needed more than reasonable suspicion  
11 to arrest Mr. Garcia.

12 THE COURT: So, just looking at an  
13 independent view, are you saying that the evidence  
14 doesn't support enough probable to believe he was  
15 intoxicated?

16 MR. GUERRA: Correct.

17 THE COURT: Even though they are calling  
18 it reasonable suspicion?

19 MR. GUERRA: Correct.

20 THE COURT: You have made your objection  
21 on the record, so I guess you can preserve your  
22 objection.

23 MR. GUERRA: Okay. So --

24 THE COURT: Are you asking me to suppress  
25 the evidence?