

1 THE COURT: All right. Deputy  
2 Meyers, you can come up.

3 Okay. Ms. Devine, you may proceed.

4 MS. DEVINE: Thank you, Judge.

5 CLINT MEYERS,  
6 having been first duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. DEVINE:

9 Q. Deputy Meyers, please introduce yourself  
10 to the Court?

11 A. Deputy Clint Meyers with the Harris  
12 County Sheriff's Department.

13 Q. Are you a certified peace officer in the  
14 State of Texas?

15 A. Yes, ma'am.

16 Q. How long have you been so?

17 A. Four years.

18 Q. Four years.

19 Where do you work?

20 A. Harris County Sheriff's Department,  
21 District 5.

22 Q. Keep your voice up so the Judge can hear  
23 you and the court reporter can get your testimony.

24 In what capacity are you employed by the  
25 Harris County Sheriff's Department?

1 A. As a peace officer.

2 Q. And what are your primary  
3 responsibilities?

4 A. Patrol deputy working the streets of  
5 Harris County.

6 Q. And District 5 is what part of town?

7 A. Northwest Harris County.

8 Q. Now, in the course of your employment as  
9 a peace officer and in your capacity as a police  
10 officer, do you work what's commonly known as extra  
11 jobs?

12 A. Yes, ma'am.

13 Q. Can you briefly for the record tell the  
14 Court what that all involves?

15 A. Working an extra job is basically you're  
16 hired by a private employment to perform security  
17 for that business. And my duties at the business is  
18 to enforce the State laws.

19 Q. I'd like to direct your attention to  
20 October 16th, 2011. Do you recall that date?

21 A. Yes, ma'am.

22 Q. Were you, in fact, working an extra job  
23 on that date?

24 A. Yes, sir.

25 Q. Where were you working?

1           A.    Red River Dance Hall and Saloon.

2           Q.    And that's located at 23238 Tomball  
3 Parkway, correct?

4           A.    Yes, ma'am.

5           Q.    Is that a location here in Harris  
6 County, Texas?

7           A.    Yes, ma'am.

8           Q.    And were you performing those functions  
9 that you just described for the Court in your  
10 capacity as a police officer working an extra job?

11          A.    Yes, ma'am.

12          Q.    Did you have an opportunity to come into  
13 contact with a person whom you later determined to  
14 be Cody James Ross?

15          A.    Yes, ma'am.

16          Q.    Do you see that person in the courtroom?

17          A.    Yes, ma'am.

18          Q.    Can you point to him and describe an  
19 article of clothing he's wearing?

20          A.    He's wearing a Harris County -- an  
21 orange County jump suit.

22                    MS. DEVINE:  Your Honor, may the  
23 record reflect the witness has identified the  
24 Defendant?

25                    THE COURT:  Yes.

1 Q. (By Ms. Devine) How did you come into  
2 contact with the Defendant?

3 A. While outside in the parking lot after  
4 business hours at approximately 2:10 an employee  
5 came out and --

6 Q. Let me stop you real quick. What is the  
7 Red River Dance Hall?

8 A. It is a bar dance hall.

9 Q. So about 2:00 -- after 2:00 o'clock in  
10 the morning when the business is closed you're  
11 approached by an employee regarding this Defendant?

12 A. Yes, ma'am.

13 Q. What do you find out?

14 A. They advise me they have a male inside  
15 the business who is refusing to leave and asked me  
16 to go in and escort him out of the business.

17 MR. FRAZIER: I'm going to object  
18 to the hearsay, Your Honor.

19 THE COURT: Overruled.

20 Q. (By Ms. Devine) Did you, in fact, do  
21 that?

22 A. Yes, ma'am.

23 Q. Where did you first make contact with  
24 the Defendant?

25 A. Inside the business near the men's

1 restroom.

2 Q. Okay. Did you observe anything about  
3 his demeanor at the time you first came into contact  
4 with him?

5 A. He was agitated, aggravated, upset that  
6 they were not allowing him to use the bathroom.

7 Q. Were you able to determine if he had  
8 been drinking?

9 A. Yes, ma'am.

10 Q. And how were you able to determine that?

11 A. The slurred speech, bloodshot watery  
12 eyes, his demeanor.

13 Q. So what -- once you came into contact  
14 with him what did you do with him?

15 A. I asked him to exit the business, the  
16 business was no longer open. And he continued to be  
17 argumentative with me. I requested him to go to the  
18 bathroom but the business management asked him to  
19 leave. So I asked him to leave the business. After  
20 several attempts he finally headed towards the front  
21 door.

22 Q. But initially he refused after repeated  
23 requests?

24 A. Yes, ma'am.

25 Q. Once he finally agreed to leave the

1 business where did you go?

2 A. We proceeded to the front of the  
3 business, the front entry and exit doorways. He  
4 walked outside of the business and continued to  
5 loiter around in front.

6 Q. So what did you do?

7 A. Several people are outside waiting to  
8 leave, go to their cars and whatnot. We just kept  
9 an eye on him because he was close to the entrance,  
10 just talking loudly, being belligerent towards  
11 myself and other law enforcement that were at the  
12 front door.

13 Q. You say "we." Are you referring to  
14 other officers who were also working security?

15 A. Yes, ma'am.

16 Q. So you keep an eye on him, what does he  
17 do?

18 A. Eventually proceeds towards his vehicle.

19 Q. Which was what kind of vehicle?

20 A. It's a white Ford truck.

21 Q. Do you see anybody else get in the  
22 vehicle with him?

23 A. No, ma'am, he's alone.

24 Q. Now then what happens?

25 A. After I see him go to his truck and get

1 in his vehicle, I proceed to my county equipment,  
2 which was parked at the back of the business.

3 Q. So you're in a marked patrol unit?

4 A. Yes, ma'am.

5 Q. Are you dressed the way you are here in  
6 court today?

7 A. Yes, ma'am.

8 Q. And then what?

9 A. I proceed to the front of the business,  
10 as which point I see his vehicle going towards the  
11 front of the business where other law enforcement  
12 officers were standing.

13 Q. Is there a supervisor or somebody that's  
14 higher rank there that's working that night?

15 A. Actually two of them.

16 Q. Okay. And who are they?

17 A. Sergeant Herndon, Tommy Herndon, and  
18 Sergeant Mike Defferie.

19 Q. Would you spell that for the court  
20 reporter if you know?

21 A. D-E-F-F-E-R-I-E.

22 Q. Close enough.

23 And are these two officers, along with  
24 other officers, kind of congregated there around the  
25 front of the business?

1           A.    Yes, ma'am.

2           Q.    Where does the Defendant go in his  
3 vehicle?

4           A.    He drives directly up next to them.

5           Q.    And does he stop or does he keep going?

6           A.    He stops right in front of them.

7           Q.    And you're not within earshot at this  
8 point, correct?

9           A.    No, ma'am.

10          Q.    Okay.  But at some point are you  
11 directed by one of those supervisors to do something  
12 with respect to this Defendant?

13          A.    Yes, ma'am.  Due to the fact a patron, I  
14 guess, of the bar approached us while he was walking  
15 towards his vehicle, the Defendant, he had stated to  
16 the patrons that he was going to kill a pig tonight.  
17 So --

18          Q.    And based on your law enforcement  
19 experience what does a pig refer to?

20          A.    A law enforcement officer.

21          Q.    And was that related to you directly by  
22 that patron or was it related to the other officers?

23          A.    It was related from him just in general  
24 and the patrons heard him.  So they come and told us  
25 due to the fact that they knew we had had previous



1       altercations with him.

2               Q.    So you're up behind him in your patrol  
3       car at this point?

4               A.    Right.  Once I saw him proceeding to the  
5       other officers I decided instead of leaving and  
6       going home to pull in behind him to make sure he  
7       wasn't going to do anything.

8               Q.    And at some point does he do something?

9               A.    There was some type of verbal  
10       altercation between him and the other deputies at  
11       the front.  So they approached his vehicle to try to  
12       detain him, at which point he left the business.  I  
13       was directed by Sergeant Herndon to proceed to a  
14       traffic stop.

15              Q.    For what was he going to be detained?

16              A.    For criminal trespass at that point.

17              Q.    Because he had still not left the  
18       property after having been requested to repeatedly?

19              A.    Yes, ma'am.

20              Q.    What happens next?

21              A.    I activate my emergency equipment, my  
22       overheads.  I follow him through the parking lot.  I  
23       get on the PA system asking him to stop his vehicle  
24       several times.  He drives through the parking lot  
25       and exits onto Tomball Parkway.

1 Q. Is the parking lot lit?

2 A. Yes, ma'am.

3 Q. Once he gets out onto the feeder road --  
4 it's Highway 249, right?

5 A. Yes, ma'am.

6 Q. Are there businesses along that Section  
7 of the feeder road along 249?

8 A. Yes, ma'am.

9 Q. Are they lit parking lots as well?

10 A. Yes, ma'am.

11 Q. Are there places for him to pull over?

12 A. Yes, ma'am.

13 Q. Does he stop?

14 A. No, ma'am.

15 Q. Is your car equipped with a video  
16 camera?

17 A. Yes, ma'am, it is.

18 Q. Was it functioning that evening?

19 A. Yes, ma'am.

20 MS. DEVINE: Your Honor, may I  
21 approach the witness?

22 THE COURT: Yes.

23 Q. (By Ms. Devine) Deputy Meyers, I'm  
24 showing you what's been marked as State's Exhibit  
25 No. 1. Do you recognize that?

1           A.    Yes, ma'am.

2           Q.    Did you have an opportunity to view the  
3 contents of State's Exhibit No. 1 this morning in my  
4 office prior to this hearing?

5           A.    Yes, ma'am.

6           Q.    Does what you reviewed accurately depict  
7 the events starting from when the Defendant was  
8 stopped in his vehicle next to the group of police  
9 officers up until the time he finally stops and gets  
10 out of his vehicle?

11          A.    Yes, ma'am.

12                   MS. DEVINE:   Your Honor, after  
13 tendering to Defense counsel who has been provided a  
14 copy of the video prior to this hearing, I offer  
15 State's Exhibit No. 1.

16                           (State's Exhibit No. 1, DVD, was  
17 offered.)

18                   MR. FRAZIER:   No objection, Your  
19 Honor.

20                   THE COURT:   State's 1 is admitted.

21                           (State's Exhibit No. 1, DVD, was  
22 admitted.)

23                   MS. DEVINE:   For purposes of the  
24 record, Judge, this video is about 35 or so minutes  
25 long.  Do you want me to play it now?

1 THE COURT: Sure.

2 Q. (By Ms. Devine) Deputy Meyers, is there  
3 audio associated with --

4 A. Yes, ma'am.

5 Q. Okay. And is that the audio that's  
6 within your car?

7 A. Yes, ma'am.

8 Q. Is there radio traffic on in the  
9 background?

10 A. Yes, ma'am.

11 Q. For the most part what does that radio  
12 traffic involve?

13 A. Other deputies call in pursuit to  
14 dispatch getting information about where other  
15 deputies are.

16 Q. Now, when you say "call in pursuit," is  
17 that simply another officer notifying dispatch what  
18 the cross streets are that y'all are passing at the  
19 time?

20 A. Yes, ma'am.

21 Q. Now, where were you in terms of position  
22 in the pursuit?

23 A. I was directly behind the Defendant.

24 Q. So you were the lead car?

25 A. Yes, ma'am.

1 Q. Who typically calls the pursuit when  
2 there's a pursuit?

3 A. Typically the No. 2 car.

4 Q. For what purpose?

5 A. For safety. That way I can keep my eye  
6 on the vehicle in front of me.

7 Q. Now, let me ask you. How long did this  
8 pursuit last?

9 A. Approximately 35 minutes or so.

10 Q. In terms of mileage, how far?

11 A. I believe it was 34.2 miles.

12 Q. Starting at the Red River Dance Hall?

13 A. Yes, ma'am.

14 Q. And ending where, approximately?

15 A. It's on 1488.

16 Q. What county?

17 A. Montgomery County.

18 Q. How many agencies were involved  
19 approximately?

20 A. Approximately seven.

21 Q. Where there efforts made by agencies to  
22 get the Defendant's vehicle stopped?

23 A. Yes, ma'am.

24 Q. And how -- what types of efforts were  
25 made?

1           A.    Several different agencies attempted to  
2    deploy spike strips.

3           Q.    And what are those?

4           A.    Those are devices used to deflate the  
5    tire on the vehicle.

6           Q.    Did that happen on several occasions  
7    throughout the pursuit?

8           A.    Yes, ma'am.

9           Q.    And were there times when the Defendant  
10   was able to avoid crossing those spike strips?

11          A.    Yes, ma'am.

12          Q.    How did he do that?

13          A.    He would drive into oncoming traffic, go  
14   to the shoulders, go around the strips, go around  
15   the other deputies' vehicles.

16          Q.    Now, in the grand scheme of things,  
17   there's not a whole lot of traffic on the road at  
18   this time of the early morning, is there?

19          A.    No, ma'am.

20          Q.    But there is some traffic?

21          A.    Yes, ma'am.

22          Q.    During the course of the pursuit does  
23   the Defendant run red lights?

24          A.    Yes, ma'am.

25          Q.    On few or many occasions?

1 A. Many occasions.

2 Q. Now, during the course of this 34.2  
3 miles are there other well-lit parking lots,  
4 well-lit areas where the Defendant could have pulled  
5 over?

6 A. Yes, ma'am, numerous.

7 Q. At any time do you ever see anyone else  
8 get in his vehicle?

9 A. No, ma'am.

10 Q. In terms of speeds you wouldn't  
11 characterize this as a high speed pursuit, would  
12 you?

13 A. No, ma'am.

14 Q. On average -- what would you say that  
15 the typical speed was during the course of this  
16 pursuit?

17 A. On average, 45 to 50 miles an hour.

18 Q. Is that still enough for someone to be  
19 injured or something to happen?

20 A. Yes, sir [sic].

21 Q. Or someone -- either the Defendant, a  
22 law enforcement officer or another person could be  
23 injured?

24 A. Yes, ma'am.

25 (State's Exhibit No. 1 played.)

1           Q.    (By Ms. Devine) Deputy, that part we  
2 just saw, is that where the officers were attempting  
3 to detain him?

4           A.    Yes, ma'am.

5           Q.    Do you have your sirens on at this  
6 point?

7           A.    No, ma'am.

8           Q.    At what point do you turn your siren on?

9           A.    Approximately half a mile down the  
10 roadway here when we do a U-turn.

11          Q.    Where are you at this point?

12          A.    At Northpoint Boulevard and 249.

13          Q.    Once you turned your siren on did it  
14 remain on throughout the pursuit?

15          A.    Yes, ma'am.

16          Q.    Are you the only car involved at this  
17 point?

18          A.    Myself and Deputy Herndon, Sergeant  
19 Herndon is behind me.

20          Q.    Is he in a marked unit?

21          A.    It's an unmarked unit.

22          Q.    Does he have lights?

23          A.    Yes, ma'am.

24          Q.    At what point did other cars become  
25 involved in the pursuit?



1           A.    We're approaching Spring-Cypress and  
2 there's additional deputies at that intersection.

3                   THE COURT:  Deputy, is everything  
4 so far in Harris County?

5                   THE WITNESS:  Yes, sir, everything  
6 is in Harris County.

7                   THE COURT:  If you'd tell me when  
8 they leave the county, I'd appreciate that.

9                   THE WITNESS:  Yes, sir.

10           Q.    (By Ms. Devine)  Is that Spring-Cypress  
11 you just turned on to?

12           A.    Yes, ma'am, Spring-Cypress headed  
13 eastbound.

14           Q.    Do you know what that cross street is?

15           A.    That should be Old Louetta.

16           Q.    From time to time other marked units  
17 will go past you and pass the Defendant.  For what  
18 purpose do they go up ahead like that?

19           A.    Due to the fact he's running red lights,  
20 trying to get a unit up to the next intersection to  
21 block that intersection to prevent an auto accident  
22 and also to deploy spike strips.

23           Q.    Deputy, there are times when your miles  
24 per hour doesn't show up down there on the left  
25 bottom part of the screen.  Why is that?

1           A.    The GPS on the device, the camera isn't  
2 always catching it.

3           Q.    What was that diversion?

4           A.    He was trying to avoid the spike strips.

5           Q.    What's the overpass you're approaching?

6           A.    Interstate 45.

7           Q.    Which direction are you now headed?

8           A.    We're headed northbound on the service  
9 road of Interstate 45.

10          Q.    Is this going to be somewhere between  
11 Spring and The Woodlands?

12          A.    Yes, ma'am.

13          Q.    Still in Harris County?

14          A.    Correct.

15                    The Montgomery County line should be  
16 somewhere in this area here.

17          Q.    Just past the exit sign for the Hardy  
18 Toll Road, correct?

19          A.    Yes, ma'am.

20                    MR. FRAZIER:  And, Your Honor, I'm  
21 going to object to the relevance of those portions  
22 of the chase occurring outside of Harris County.

23                    THE COURT:  Overruled.

24          Q.    (By Ms. Devine)  Deputy, was there ever  
25 an attempt to box the Defendant in or take any -- do

1 any kind of maneuvers to bump the -- I guess they  
2 call them a pit maneuver?

3 A. No, ma'am.

4 Q. Why not?

5 A. It's against our policy.

6 Q. The next major cross street you're  
7 coming up on?

8 A. I'm not certain. I believe that's  
9 Woodlands Parkway.

10 Q. What just happened there?

11 A. Just right back around 242 he actually  
12 ran over a spike strip and he just lost air pressure  
13 in his front right tire.

14 Q. At this point are you thinking that  
15 maybe he's finally going to stop?

16 A. It did appear that way at one point.

17 Q. Did that happen?

18 A. No, ma'am.

19 Q. What exit did he just get off of?

20 A. 1488.

21 Q. Is that still in Montgomery County?

22 A. Yes, ma'am.

23 Q. Ever since he ran over the spike strips  
24 does he appear to have difficulty maintaining  
25 control of the vehicle?

1           A.    At times.

2           Q.    Can that be dangerous?

3           A.    Yes, ma'am.

4           Q.    What road are you on now?

5           A.    I'm now headed westbound on 1488.

6           Q.    Deputy, just right of center of the  
7 screen there's black marks on your windshield?

8           A.    That's road debris from the rubber  
9 coming off of his vehicle.

10          Q.    Can that also be dangerous?

11          A.    Yes, ma'am.

12          Q.    At some point on 1488 does he run over  
13 another spike strip?

14          A.    Yes, ma'am, he does. We were  
15 approaching -- he was losing the air pressure in his  
16 rear right tire.

17          Q.    There appears to be a fog of smoke you  
18 can see on camera. What's that from?

19          A.    It's the smoke from his tires.

20          Q.    Deputy, is there a hazard to the  
21 officers who are laying out the spike strips?

22          A.    Yes, ma'am. As he's going through the  
23 intersection trying to avoid the strips you can very  
24 easily run one over.

25          Q.    Are there hazards to the other officers

1 from the spike strips?

2 A. Yes, ma'am. A lot of times in these  
3 situations other officers will run over the strips.

4 Q. What did he just do there?

5 A. I believe that is when his back rear  
6 tire was struck with a spike strip.

7 Q. Does he have even more trouble  
8 maintaining control of his vehicle?

9 A. Yes, ma'am. The spike strip's designed  
10 to release air slowly as not to allow the fleeing  
11 vehicle to have a serious accident. So as he loses  
12 the air pressure it begins to get more difficult.

13 Q. At some point during the latter part of  
14 the pursuit is there radio traffic involving a  
15 member of the Defendant's family trying to contact  
16 dispatch?

17 A. Yes, ma'am.

18 Q. And what member of his family was that?

19 A. It was his grandmother.

20 Q. And what was that person attempting to  
21 do?

22 MR. FRAZIER: Calls for hearsay,  
23 Your Honor.

24 THE COURT: Overruled.

25 Q. (By Ms. Devine) You may answer.

1           A.    She was advising dispatch that she had  
2    been in contact with the Defendant and was trying to  
3    make him stop the vehicle.

4           Q.    And at least at this point in time that  
5    hadn't -- that persuasion hadn't worked, correct?

6           A.    No, ma'am.

7           Q.    What county dispatch did that come  
8    through?

9           A.    Montgomery.

10          Q.    What do we see on the left in the center  
11    turn lane?

12          A.    Some barrels commonly used for  
13    construction zones.

14          Q.    What does he do there at that  
15    intersection?

16          A.    Trying to get around the spike strips.

17          Q.    Do you have any idea about how many sets  
18    of strips were thrown during this pursuit?

19          A.    I couldn't give you an accurate count.

20          Q.    Several?

21          A.    Yes, ma'am.

22          Q.    Is that more smoke coming from his  
23    deflated tires?

24          A.    Yes, ma'am.

25          Q.    What did he do there?

1 A. He's getting around spike strips again.

2 Q. Can you tell the Court generally what  
3 area of Montgomery County this is, the nearest  
4 populated area?

5 A. We're getting closer to Magnolia.

6 Q. What was that flash?

7 A. He just lost all the rubber on his tire  
8 and now his rim is running on the asphalt.

9 Q. Who's that jumping out of the passenger  
10 side of that truck?

11 A. It was the driver of the vehicle, the  
12 Defendant.

13 Q. What's on the right side of the road?

14 A. It's a wooded area that leads to a  
15 subdivision.

16 Q. At this point we see some of these other  
17 agencies that are involved?

18 A. Yes, ma'am.

19 Q. Can you tell the Court what some of  
20 those agencies are?

21 A. There was the State of Texas, DPS was on  
22 the scene; Oak Ridge; Shenandoah; Montgomery County;  
23 Montgomery County Constable's Office; Magnolia  
24 Police Department, as well as ourselves.

25 Q. Now, once the Defendant baled out of the

1 truck were there efforts made to locate him?

2 A. Yes, ma'am. Magnolia Police Department  
3 canine was on scene and they deployed their canine  
4 to look for him. And Harris County canine showed up  
5 a short while later.

6 Q. Was there a perimeter set up or was it  
7 just because it was such a remote area?

8 A. It was hard to get a good perimeter set  
9 up. We attempted to set up the best perimeter at  
10 that time.

11 Q. Was the Defendant able to be located  
12 that night?

13 A. No, ma'am.

14 Q. Now, is the rest of the people you see  
15 people walking around trying to find the Defendant?

16 A. Yes, ma'am.

17 THE COURT: I've seen enough.

18 (State's Exhibit No. 1 stopped.)

19 Q. (By Ms. Devine) Deputy Meyers, did you  
20 then get into the vehicle to attempt to determine  
21 who the driver was at that point, the name of the  
22 driver even though you knew who he was by  
23 recognition?

24 A. Yes, ma'am.

25 Q. And were you able to determine that --



1 were you able to get a name?

2 A. I found an insurance form inside the  
3 vehicle with the Defendant's name and Texas driver's  
4 license number.

5 Q. And once you had that information when  
6 you got back to your station or into your car, if  
7 you can get that kind of information, were you able  
8 to find a photograph of the person whose name was on  
9 that insurance card?

10 A. Yes, ma'am. We were able to locate an  
11 AFIS mug shot from a previous arrest.

12 Q. And is the person that was in that mug  
13 shot, the same person you identified in court today  
14 as the driver of that truck?

15 A. Yes, ma'am.

16 Q. Were you able to determine where the  
17 defendant lived based on the information on the  
18 insurance card or the information you found?

19 A. Yes, ma'am.

20 Q. And where did he live, what part of  
21 town?

22 A. Shenandoah.

23 Q. Is that -- how far approximately -- is  
24 that in the vicinity of where this pursuit ended?

25 A. Actually he drove through that area.

1           Q.    When is the next time that you had  
2 contact with the Defendant?

3           A.    Later that evening I had received a  
4 phone call or a message from dispatch --

5           Q.    Let me stop you there.  At that point do  
6 you put information into the computer since you  
7 don't have suspect in your custody?

8           A.    Yes.

9           Q.    What do you do?

10          A.    I called the District Attorney who  
11 accepted charges for felony evading and filed  
12 charges for that case.

13          Q.    Have you put out information on the  
14 computer that other agencies if they come into  
15 contact with the Defendant would know that he was  
16 wanted based on the pursuit?

17          A.    Yes, ma'am.

18          Q.    And is that what is commonly known as a  
19 BOLO --

20          A.    Yes, ma'am.

21          Q.    -- be on the look out?

22                   And so later that evening you come into  
23 contact with the Defendant after you receive a  
24 message from dispatch.  Where do you go based on  
25 that message from dispatch?

1           A.    I contacted -- the message from dispatch  
2 asked me to contact the Shenandoah Police  
3 Department, a specific officer.  I can't recall his  
4 name.

5           Q.    Did you do that?

6           A.    I did do that.

7           Q.    Did you get information that the  
8 Defendant had been to the Shenandoah Police  
9 Department?

10          A.    They advised that he had placed a call  
11 for service stating that his vehicle was stolen and  
12 they recognized him as being the defendant in the  
13 pursuit initiated by Harris County that night --  
14 earlier that morning.  So they contacted the lead  
15 deputy on that case, which was myself.  I instructed  
16 him to have the Defendant go -- return to Harris  
17 County to file his vehicle stolen since he's  
18 claiming it was stolen from Harris County, which  
19 would be the investigators who would investigate  
20 that crime.

21          Q.    And at some point in time did you get  
22 information that the Defendant did, in fact, go to  
23 Harris County or contact the Harris County Sheriff's  
24 Department to report his vehicle stolen?

25          A.    Yes, ma'am.  After receiving that

1 information I sent BOLO's to Districts 1, 2, 5 and 4  
2 advising them to be on the lookout for the  
3 Defendant, who was going to later possibly list his  
4 vehicle as stolen and listed the vehicle that was  
5 used in the pursuit as the vehicle that was  
6 allegedly stolen.

7 Q. And did you get contacted by another  
8 officer after that?

9 A. I did.

10 Q. Who was that?

11 A. Deputy Price.

12 Q. And based on your communication with  
13 Deputy Price what happened next?

14 A. Deputy Price advised me that the  
15 Defendant did indeed come to Harris County, filed  
16 his vehicle as stolen, and that he had custody of  
17 the Defendant at that time.

18 Q. So what did you do?

19 A. I instructed the deputy that I had a  
20 signed warrant for his arrest in my possession and I  
21 was downtown at the District Attorney's Office and  
22 proceed with the Defendant to the IPC for  
23 processing.

24 Q. What is that?

25 A. That's the inmate processing center.

1           Q.    Did you come into contact with the  
2 Defendant? Did you meet him at IPC or --

3           A.    Yes, I did.

4           Q.    Did you see the Defendant when he got  
5 booked into the jail?

6           A.    Yes, I did.

7           Q.    But you didn't have anything to do with  
8 the actual taking of the stolen report?

9           A.    No, ma'am.

10          Q.    That was all Deputy Price, right?

11          A.    Yes.

12                   MS. DEVINE: Your Honor, I'll pass  
13 the witness and tender a copy of the offense report  
14 which Defense counsel has been given a copy prior to  
15 the hearing.

16                   THE COURT: Okay.

17                   MR. FRAZIER: May I proceed, Your  
18 Honor?

19                   THE COURT: Yes.

20                                CROSS-EXAMINATION

21 BY MR. FRAZIER:

22           Q.    Sir, my name is Steve Frazier. You and  
23 I've never met or spoken before, correct?

24           A.    That is correct.

25           Q.    I'm going to ask you a few questions.

1 I'm going to jump around a little bit so if at any  
2 point if I confuse you, just stop me and tell me to  
3 rephrase it. Okay?

4 A. Okay.

5 Q. Just to clarify, I believe earlier you  
6 said that the Defendant driving with the tires  
7 deflated, that was dangerous to other vehicles,  
8 other people out there, correct?

9 A. Yes.

10 Q. And I believe you also said him running  
11 over spike strips because there were other officers,  
12 it poses a danger to the other officers as well?

13 A. Yes.

14 Q. But in this case no officers were  
15 injured, correct?

16 A. That is correct.

17 Q. No civilians were injured?

18 A. That's correct.

19 Q. No one was injured?

20 A. That's correct.

21 Q. And the Defendant's vehicle didn't  
22 strike any other vehicles?

23 A. No, sir.

24 Q. Didn't strike anything, correct?

25 A. No.

1           Q.    Okay.  In the video we see him when he's  
2   leaving the parking lot and he didn't just barrel  
3   out of the parking lot, does he?

4           A.    No.

5           Q.    In fact, he stops and waits for traffic  
6   to clear and then he proceeds, correct?

7           A.    That is correct.

8           Q.    He even uses his blinker?

9           A.    Yes.

10          Q.    So, you're on the road and he's going  
11   down the road, he's changing lanes, he's using his  
12   blinker?

13          A.    Yes.

14          Q.    In fact, he used his blinker throughout  
15   the entire chase it seems, correct?

16          A.    He uses it at times.

17          Q.    Okay.  Uses his blinker.

18                    You said earlier this wasn't -- you  
19   didn't consider this a high speed pursuit, correct?

20          A.    No, sir, it wasn't.

21          Q.    Because he was pretty much going the  
22   speed limit?

23          A.    Yes, sir.

24          Q.    And as far as other traffic on the road  
25   watching the video, really there weren't that many

1 cars out there?

2 A. Not a lot of traffic.

3 Q. In fact, the roads that the Defendant  
4 traveled on seemed like for large portions of the  
5 chase there were no vehicles out there. Would that  
6 be fair to say?

7 A. Yes, sir.

8 Q. Okay. Officer, have you ever been  
9 involved in any other chases before?

10 A. Yes, sir.

11 Q. How many would you say you've been  
12 involved in?

13 A. Three.

14 Q. Three. How would -- let me see the best  
15 way to ask this question. The other chases you were  
16 involved in did they end up this way or did they end  
17 up with accidents?

18 MS. DEVINE: Objection, relevance.

19 THE COURT: Sustained.

20 Q. (By Mr. Frazier) Let me ask it this  
21 way: As far as -- you've now been involved in I  
22 guess four chases. How would you rate this as far  
23 as I guess the danger involved?

24 MS. DEVINE: Objection, relevance.

25 THE COURT: Sustained.



1           Q.    (By Mr. Frazier)  Now, you mentioned  
2  earlier about him -- with someone when their tires  
3  had been deflated not being able to control their  
4  vehicle, correct?

5           A.    Yes.

6           Q.    But you watch the video of this  
7  Defendant and he's in his lane pretty much the whole  
8  time, correct?

9           A.    Some of the time.

10          Q.    The majority of the time?

11          A.    I did see moments where he could not  
12  control the vehicle when he went to the shoulder,  
13  for instance, on several occasions.

14          Q.    And that was once his tires -- he's  
15  already hit the spike strips, correct?

16          A.    Yes.

17          Q.    But to that point he was pretty much  
18  straight and narrow in his lane at all times,  
19  correct?

20          A.    Most of the time.

21          Q.    Most of the time.

22                    Let's talk about -- let's go back to the  
23  club a little bit.  Was your very first contact with  
24  the Defendant at the end of the evening when he  
25  wanted to go to the restroom?

1 A. Yes.

2 Q. So up to that point you had no contact  
3 with him at all?

4 A. That's correct.

5 Q. And you were working security that  
6 evening?

7 A. Yes, sir.

8 Q. And fair to say if there is trouble with  
9 any patrons you're going to be the person that they  
10 come into contact with?

11 A. Yes, sir.

12 Q. So no trouble with him before that  
13 point?

14 A. No, sir.

15 Q. The trouble was he just wanted to go to  
16 the restroom?

17 A. That's correct.

18 Q. And he just wasn't allowed to go?

19 A. That's correct.

20 Q. He was asked to leave?

21 A. Yes, sir.

22 Q. And he did, in fact, leave the  
23 establishment, correct, the club?

24 A. After several attempts, yes, he did.

25 Q. But he did leave. He didn't have to be

1 dragged out of the place?

2 A. No, sir, he did not.

3 Q. And then he proceeds to his vehicle?

4 A. Yes.

5 Q. Okay. And then you said you were going  
6 to detain him at that point. I guess, he pulled  
7 back in front of the club?

8 A. Yes, sir.

9 Q. And what were you going to detain him  
10 for?

11 A. Criminal trespass.

12 Q. And what would have been the trespass at  
13 that point?

14 A. He returned back to the front of the  
15 club preventing him from leaving. There's more  
16 exits than coming back to the front of the club. He  
17 could have turned left and exited the driveway.  
18 Instead he turned right and came to the club.

19 Q. I mean, he obviously didn't get out and  
20 go back in the club, right? He stayed in his  
21 vehicle, correct?

22 A. He stayed in his vehicle.

23 Q. So, again, I'm just trying -- what's the  
24 trespass at that point?

25 A. The entire property is owned by the club

1 owner. It's private property. He's on the  
2 property. He's been asked to leave several times.  
3 He's refused to do.

4 Q. Who asked him to leave?

5 A. Initially it was the club management  
6 themselves asked him to leave. And when he refuses  
7 to do so, it's a violation of the law which is when  
8 I become involved.

9 Q. You mentioned at some point his  
10 grandmother called dispatch, I believe?

11 A. Dispatch had advised that she had been  
12 in contact with Montgomery County.

13 Q. Do you have any idea how she was even  
14 notified of this chase? How she even found out  
15 about it?

16 A. She said -- stated that she had been in  
17 contact with him via cell phone.

18 Q. So he called her?

19 A. I don't know how exactly what happened.

20 Q. Okay.

21 MR. FRAZIER: No further questions,  
22 Your Honor.

23 THE COURT: Ms. Devine.

24 MS. DEVINE: Nothing more from this  
25 witness.