

1 six months training at the academy and six months of
2 training.

3 Q. Okay. And can you keep your voice up a little bit?

4 A. Yes.

5 Q. I know the court reporter has to take everything
6 down and everybody's got to be able to hear you.

7 A. Yes. I'm sorry.

8 Q. Okay. So, you said six months of training in the
9 academy and then were you put right out on the street or do
10 you go through some patrol training as well?

11 A. Patrol training. Basically you start nights,
12 evenings and day shift training with a trainer with you for
13 another six months before you're put out by yourself.

14 Q. What's your current position or role with the
15 Houston Police Department?

16 A. I'm with the departmental gangs unit in Midwest.

17 Q. Okay. And what do you do as a part of the gang
18 unit?

19 A. We investigate mostly gang crimes, gang-related
20 crimes. We do felony arrests, warrants, investigations of
21 that nature.

22 Q. Okay. And did you -- were you employed or did you
23 do anything before you joined the Houston Police Department?

24 A. Yes. I was in the military for 20 years.

25 Q. Okay. What branch of the military were you in?

1 A. U.S. Navy.

2 Q. What was your position with the U.S. Navy?

3 A. I was a combat medic.

4 Q. Okay. And so, that training, did you receive
5 medical training with the Navy?

6 A. That's correct.

7 Q. Okay. So, on June the 4th of 2013, were you with a
8 gang division at that time or in a different division?

9 A. I'm with the DGU in Midwest, yes.

10 Q. And have you always been with the gang division at
11 the Houston Police Department or have you switched around?

12 A. I was with the gang unit. Yes, the tactical unit
13 as well. We're pretty much attached to each other.

14 Q. So, do you have to have specialized training to be
15 part of the tactical unit and the gang unit?

16 A. Yes, you have to go to additional training,
17 firearms training, tactical training, driver's training as
18 well.

19 Q. Okay. So, on June 4th, 2013, were you working that
20 day?

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

22 Q. Were you in a marked patrol car or were you, I
23 guess, undercover?

24 A. I was in a unmarked unit, undercover.

25 Q. So when you're working undercover, what are you

1 wearing?

2 A. Normal civilian, wear T-shirts, jeans.

3 Q. Okay. And where were you, I guess, working
4 undercover at that time?

5 A. At that time we were working at the Sharpstown
6 Mall. We had had a lot of smash-and-grabs, breaking into
7 vehicles in that area, so we were working on that.

8 Q. Okay. Is that -- is Sharpstown Mall in Harris
9 County, Texas?

10 A. That is correct.

11 Q. Okay. So, what shift were you working?

12 A. Our normal shift is 10:00 AM to 6:00 PM, Monday
13 through Friday.

14 Q. And as the undercover officer, what is your job?

15 A. Basically follow vehicles. If any suspicious
16 activity in the area, if a call drops, saying that they have
17 suspicious person doing or dealing drugs or in the
18 neighborhood, say there's a suspicious car, we normally go
19 in there, myself and the other undercover, and try to see
20 what's going on before we go in there with marked units.

21 Q. Okay. So, what do you look for? You say
22 "suspicious cars," "suspicious persons," so what is that?

23 A. Suspicious cars, suspicious car is -- normally it
24 will be a car that is driving very slow through the
25 neighborhoods. Normally very dark, tinted windows, not

1 necessarily, but anything that does not fit that area. And
2 in those suspicious calls from -- that's from the
3 complainant. They are the ones that calls it in, saying
4 it's a suspicious car.

5 Q. So you'll have, like, people in the neighborhood,
6 calling in, saying they think there's a suspicious car;
7 you'll go and investigate that?

8 A. Correct.

9 Q. And what about suspicious persons?

10 A. Same thing. A person is walking along the
11 neighborhood with backpacks, persons that a lot of times
12 they see more than once walking in the same area, people
13 that -- they don't recognize people from the neighborhood.

14 Q. Okay. And what about at Sharpstown Mall itself?
15 Is there anything that you're looking for when you're
16 patrolling at the mall area?

17 A. Not necessarily we're looking for, no. We just
18 drive around and --

19 Q. Okay. So, that day, at around 1:30 in the
20 afternoon, did you notice anything that you found
21 suspicious?

22 A. I did, actually. I saw two persons coming out of
23 the mall at a very high rate of speed. They weren't really
24 running; they were fast walking, coming to one of the
25 stores -- one of the exits, I'm sorry -- and by the time I

1 turned around to find out what it was, I saw him get into a
2 car, a Buick, tan, four-door. I called the plate. The
3 plate came back with city warrants and I believe a
4 prisoner's hit also. The car took off very fast. I managed
5 to get behind it and follow it for a short time. They
6 committed a couple infractions, no turn signal, and they
7 changed lanes, I believe, without a signal. So, a traffic
8 stop -- also we already had the warrants on it. So a
9 traffic stop, they -- I called it in for the units and
10 they -- uniformed units come in and stopped it.

11 Q. So you are there in your unmarked unit and you saw,
12 you said, two males leaving the Sharpstown Mall not running
13 but walking quickly.

14 A. Very fast, and like I said, since we had had
15 smash-and-grabs in the last few days, you know, thought it
16 was kind of suspicious they were kind of running, walking
17 fast.

18 Q. Okay. And do you see any of those people that you
19 saw in the courtroom today?

20 A. When I saw them, I couldn't recognize them, not
21 until they did the traffic stop and I was able to make it to
22 the traffic stop.

23 Q. Okay. So, once they made the traffic stop, do you
24 see one of the people that was in the car here in the
25 courtroom today?

1 A. Yes, I do.

2 Q. Could you please point to him and identify him for
3 the record?

4 A. Gentlemen in the blue polo shirt.

5 MS. STABE: May the record reflect the witness
6 has identified the defendant?

7 THE COURT: The record will so reflect.

8 Q. (BY MS. STABE) And at some point did you come to
9 know what his name is?

10 A. Yes, eventually, I did. When they did the traffic
11 stop, I didn't pull up right next to them. I kind of stay
12 far away until the officers came in and they did the traffic
13 stop and --

14 Q. Okay. So, at some point -- I guess, what is his
15 name?

16 A. I don't recall right now.

17 Q. Oh, you don't recall. Okay. So, you see the
18 defendant coming out of the mall walking quickly?

19 A. Yes.

20 Q. And get into a tan four-door Buick?

21 A. Yes.

22 Q. Okay. And you said it takes off at a high rate of
23 speed?

24 A. Correct.

25 Q. And are you, in the undercover capacity, able to

1 make a traffic stop yourself?

2 A. No.

3 Q. Okay. So, what is it that you did?

4 A. I need to -- I radio in that the patrol unit's in
5 the area or the marked unit's within our unit and I radio in
6 the license plate description, direction of travel and then
7 they, in turn, do the traffic stop.

8 Q. Okay. Now, as they're doing the traffic stop, you
9 said you initially -- you hang back. You don't go to the
10 scene at first?

11 A. Correct.

12 Q. And why is that?

13 A. We let the patrol officers handle that, that area
14 of this traffic stop and again, I'm in a unmarked vehicle,
15 so I don't have no way of pulling them over.

16 Q. Okay. And once they're pulled over -- I mean, are
17 you, like, kind of hanging back, able to see what's going
18 on?

19 A. Yes, yes, I can. I have binoculars, so I can see
20 what's going on.

21 Q. Okay. So, as you see the people getting out of the
22 car, do you see what location this defendant exits the car
23 from?

24 A. Yes, I did.

25 Q. Where was he located?

1 A. He was on the backseat behind the driver.

2 Q. Okay. And at some point did you -- once the
3 investigation was ongoing, did you go up to the car?

4 A. Yes, I did.

5 Q. And go up to the scene?

6 A. Yes, I did.

7 Q. Okay. So, when you got up to the scene, what did
8 you observe?

9 A. Well, by then, all the defendants were in custody;
10 they were in the back of the patrol car. I saw pillowcases
11 full of items. The car by then has been, you know, being
12 searched by the patrol officers, so it's obvious that they
13 went through the car.

14 Q. Okay. And when you got there, were the pillowcases
15 still in the car or had they been taken out of the car?

16 A. They were still in the car.

17 Q. Okay. Where were they located in the car? Do you
18 remember?

19 A. On the floorboard and there was another one on the
20 seat.

21 Q. Okay. And so, that floorboard, which part of the
22 car? Was that in the back?

23 A. In the backseat, yes.

24 Q. And in which side of the car were the pillowcases?

25 A. Behind the driver's.

1 Q. The same position that the defendant was sitting
2 in?

3 A. Yes, ma'am.

4 Q. And did you see any other property in the car?

5 A. Besides what's inside the pillowcases, no.

6 Q. Okay. Now, inside the pillowcases, though, there
7 was property; is that right?

8 A. Correct.

9 Q. Okay. And did you do anything in order to try to
10 find out who the property belonged to?

11 A. There was an iPad that was still receiving messages
12 from the alarm company. We contacted the alarm company and
13 asked them to give us the owner or the number that we're
14 trying to call. They gave us the number, contact the
15 complainant, who said -- I told him what was going on, I had
16 his iPad and if he can come over to the scene, which he did.
17 He came over and identified some of his items that were in
18 the pillowcase and those items were returned to him and we
19 continue with the investigation.

20 Q. Okay. And where the car itself was stopped, where
21 was that location?

22 A. The corner of South Gessner and Bellaire, in the
23 Fiesta parking lot.

24 Q. Okay. Is that also in Harris County, Texas?

25 A. That's correct, 18 District.

1 Q. Okay. So you said the complainant came to the
2 scene; is that right?

3 A. Yes, ma'am, yes.

4 Q. And did you talk to the complainant yourself?

5 A. Yes, I did.

6 Q. Okay. And the complainant, did you come to know
7 his name as Herbert Butrum?

8 A. Correct.

9 Q. And he was able to identify which of the property
10 that was in the pillowcase was actually his?

11 A. Yes, the iPad, I believe he also identified his
12 jewelry box, some cufflinks and I can't remember exactly
13 what else he identified but --

14 Q. Okay. When you were at the scene, did you dust for
15 fingerprints?

16 A. No, I did not.

17 Q. Okay. Is there a reason why not?

18 A. We found a pair of gloves also in there, so at that
19 time we deemed it wasn't necessary to. We weren't -- we
20 kind of were expecting not to find any.

21 Q. Okay. And so, if somebody was wearing gloves while
22 they were touching the property or burglarizing a house,
23 then would there be fingerprints found on the items?

24 A. More than likely not.

25 Q. Okay.

1 MS. STABE: May I approach the witness, Your
2 Honor?

3 THE COURT: You may.

4 MS. STABE: Actually, Your Honor, may we
5 approach first?

6 (At the bench, on the record.)

7 MS. STABE: Your Honor, in the box is all the
8 property but we wanted to only introduce the gloves that
9 were found.

10 THE COURT: In the car?

11 MS. STABE: In the car because they brought it
12 up about fingerprints and all that and we think it's
13 relevant for the jury to see that there are gloves.

14 MR. LUONG: Where were the gloves found?

15 MS. STABE: In the car with all the stuff.

16 MR. LUONG: I mean, I think it's more
17 prejudicial than probative because there's no link to the
18 gloves to my defendant. There's no proximity to think he
19 would have touched it.

20 THE COURT: Okay. I'm going to allow it based
21 on the cross-examination but is there a way to just get
22 those out? Or how do you want to do it without getting --

23 MS. STABE: What I was going to do is just
24 have the officer identify the box and then just take only
25 the gloves out. They're on the top.

1 MR. LUONG: I mean, I don't mind stipulating
2 if -- I mean, I'd rather stipulate the gloves were found in
3 there rather than have them go through the whole box, so.

4 THE COURT: Okay. I get it. So, you --

5 MR. LUONG: I mean, I will not dispute the
6 chain of custody, so, for example, if they remove the gloves
7 now and --

8 THE COURT: Okay. So she can take them out
9 and show them to him and say these came out of the box?

10 MR. LUONG: Yeah.

11 THE COURT: Okay. How about that?

12 *(End of discussion at the bench.)*

13 Q. (BY MS. STABE) Okay. So, Officer, I'm showing you
14 what we're going to be marking as State's Exhibit 6
15 together. Do you recognize these items?

16 A. Yes, ma'am, yes.

17 Q. Okay. And where were these items found?

18 A. Inside the pillowcase.

19 Q. Okay. In the car with the defendant?

20 A. In the car with the defendant.

21 Q. Okay. And so, these were the gloves that you're
22 talking about that were found at the scene?

23 A. Yes, ma'am.

24 THE COURT: Do you want to do them as pairs?

25 MS. STABE: There's a pair and then there's

1 one.

2 *THE COURT:* Okay. Maybe -- okay. Just so we
3 don't -- they don't lose their sticker. Let's maybe staple
4 everything together and staple a sticker on there, or let
5 Carrie do it, maybe would be the better way to handle that,
6 since she will be in charge of the evidence.

7 A. Do you want me to do it?

8 Q. (BY MS. STABE) If you can staple them together.

9 A. Okay.

10 *MS. STABE:* Okay. Got it. Your Honor, at
11 this time I'll tender State's 6 to opposing counsel and
12 offer into evidence.

13 *MR. LUONG:* I'll object, Your Honor.
14 Mr. Williams isn't charged with burglary and I think this
15 officer is going to testify that they're used in a burglary
16 which he's not charged for.

17 *THE COURT:* And that objection is overruled
18 based on what we discussed here at the bench. And State's 6
19 will be admitted.

20 *MS. STABE:* Okay. Thank you, Your Honor.

21 May I walk past and publish these to the jury?

22 *THE COURT:* Sure.

23 Q. (BY MS. STABE) Okay. So, Officer Olvera, you
24 found these gloves in the car with the defendant and the
25 other defendants in the car; is that right?

1 A. That's correct. I'm sorry.

2 Q. Okay. And so, if anyone had been wearing those
3 gloves while touching any of the property, then we wouldn't
4 have any fingerprints, would we?

5 A. That's correct.

6 Q. Or if they had been in a house that was being
7 burglarized wearing gloves, there wouldn't be any
8 fingerprints there, either?

9 A. More than likely not.

10 Q. Okay. So going back to the complainant, he came to
11 the scene because you were able to locate him through the
12 alarm company who was sending messages to that iPad?

13 A. Yes, that's correct.

14 Q. Okay. And when he got to the scene, you said that
15 he was able to identify the property that was his from the
16 pillowcases and everything?

17 A. Yes, ma'am.

18 Q. Okay. And did you give it back to him at the
19 scene?

20 A. Yes, we did.

21 Q. Okay. Do you recall -- I'll strike that question.

22 Okay. So, after the complainant came and
23 claimed his property, what did you do next?

24 A. We basically gather all the items. We took him
25 over to our station, try to catalog and categorize all of

1 it, took pictures of it and eventually we tagged that into
2 the property room.

3 Q. Okay. Those are just the other property that was
4 found in the car?

5 A. Yes.

6 Q. Okay. And did you -- were you involved at all in
7 transporting the defendant to the jail, or that was Officer
8 Grossbard; is that right?

9 A. It wasn't me.

10 Q. Okay.

11 MS. STABE: I'll pass the witness.

12 THE COURT: Mr. Luong, is he your witness?

13 MR. LUONG: Thank you, Your Honor.

14 **CROSS-EXAMINATION**

15 Q. (BY MR. LUONG) You would agree that a police
16 investigation should be thorough, correct?

17 A. Correct.

18 Q. And that a police investigation shouldn't be based
19 on assumptions; it should be based on actual evidence
20 collected at a scene, correct?

21 A. That's correct.

22 Q. And as a member of the Midwest Gang Unit, that's a
23 proactive unit, right?

24 A. Yes.

25 Q. That means you don't make routine patrol stops even

1 if you see someone speeding; you don't necessarily make a
2 patrol stop unless you prior to that believe that person is
3 involved in suspicious activities, right?

4 A. That is incorrect. If the officer sees something,
5 any crime going on, he's supposed to respond.

6 Q. But in application, you're not riding around
7 looking for simple traffic violations. You're looking for
8 people who may be involved, as you told the prosecutor,
9 suspicious activity or themselves look suspicious?

10 A. Correct, yes, correct.

11 Q. And at Sharpstown, you said -- well, generally --
12 like a suspicious vehicle is a vehicle that has tinted
13 windows, right?

14 A. It could be one.

15 Q. Do you remember if the vehicle in this case, the
16 Buick, had tinted windows?

17 A. Yes.

18 Q. It did have tinted windows?

19 A. Yes.

20 Q. And that's one of the things that drew your
21 attention to it?

22 A. No. What got my attention was the fact that they
23 were coming out of the mall kind of fast getting to the
24 vehicle and then taking off from the parking lot fast.

25 Q. So, in your mind, the speed at which the two males

1 were getting out -- leaving Sharpstown was an important
2 factor for why they're suspicious?

3 A. Not necessarily suspicious. The fact that it
4 caught my attention when they came out fast out of the mall,
5 get in the car, drive off fast, that got my attention. Not
6 necessarily suspicious. That's why I called the plate.

7 Q. Okay. But for a proactive unit, when does it
8 become suspicious for you for the purposes of you getting a
9 marked patrol unit to pull them over?

10 A. Because the warrants and the prisoner hit.

11 Q. The car didn't come back registered to Mr. Joshua
12 Williams, did it?

13 A. No.

14 Q. Let me go back to the importance of offense
15 reports. You've probably written hundreds of offense
16 reports in your career as a police officer, correct?

17 A. I have no idea how many I wrote.

18 Q. Probably thousands?

19 A. I'm not sure, to be honest.

20 Q. But a lot.

21 A. A lot, yes.

22 Q. I mean, you're not here to represent you don't
23 write offense reports. You're just not sure how many of
24 them you've written?

25 A. Right.

1 Q. And you've also, for example, been trained on how
2 to write offense reports and the importance of them,
3 correct?

4 A. Yes.

5 Q. It's important for the offense report to be
6 accurate?

7 A. Correct.

8 Q. To be truthful?

9 A. Yes.

10 Q. And that it be complete.

11 A. Yes.

12 Q. And in fact, you have the opportunity to read over
13 the offense report and correct anything, even after it's
14 provided, to write a supplement?

15 A. Yes, that's what I did.

16 Q. And you can review the offense report written by
17 other officers to make sure it's accurate, especially as to
18 things you personally observed?

19 A. Right.

20 Q. You would agree the accuracy -- one of the roles of
21 the offense report is to reflect your recollection about one
22 of the hundreds of cases you may make in any given year,
23 right?

24 A. Yes, sir.

25 Q. Would you agree that the offense report is more

1 accurate -- I guess your memory, when you write the offense
2 report, is better at the time near the incident than it
3 would be necessarily today trying to reflect back on those
4 events?

5 A. That's correct.

6 Q. Did you write any portions of the offense report in
7 this case?

8 A. I wrote the supplement report, sir.

9 Q. Officer Fisher, what was his role in the
10 investigation?

11 A. Officer Fisher, he was also at the scene when we
12 started following the vehicle.

13 Q. Is he undercover or is he patrol?

14 A. Yes, he's undercover.

15 Q. Was he working with you at Sharpstown at that time
16 period or did he just come to the scene to -- after
17 everything had already happened?

18 A. I'm not sure if he was working with me there, sir,
19 or he came after.

20 Q. But to your knowledge he doesn't have any firsthand
21 knowledge of seeing Mr. Williams or the other black male
22 leave Sharpstown?

23 A. To my knowledge, no.

24 Q. And he wasn't part of the initial patrol stop,
25 correct?

1 A. I don't know how soon or how long it was before he
2 showed up at the scene.

3 Q. In a case where an officer is not the primary
4 responder but he may write the offense report, isn't it
5 especially important in that case for that officer to get
6 those facts right when he writes the report?

7 A. Correct.

8 MR. LUONG: May I approach the witness, Your
9 Honor?

10 THE COURT: You may.

11 Q. (BY MR. LUONG) You testified that you saw the
12 items found in the vehicle when you arrived at the scene?

13 A. Yes, there were some of the items.

14 Q. Do you remember where this particular item depicted
15 in State's Exhibit 3 was found? Well, first do you
16 recognize this item?

17 A. Looks like a jewelry box.

18 Q. Do you remember where it was found?

19 A. No, I do not. Not exactly where it was, no.

20 Q. Do you remember seeing a jewelry box at the scene?

21 A. I saw several jewelry boxes at the scene.

22 Q. But you don't know where this one in particular was
23 found?

24 A. Not where it was found, no, sir.

25 Q. Is this the type of surface in which you can get

1 fingerprints from?

2 A. Yes, you could, although -- well, you talking about
3 the paper, right? Or you talking about the box?

4 Q. I meant the actual item itself, the metal item
5 itself?

6 A. I don't know. Depends on the texture, sir. I
7 don't know if you can get the fingerprints.

8 Q. Did you have a meeting as gang unit at the start of
9 your patrol together to talk about, like, the day's game
10 plan or the -- what you're going to try to do for that day
11 or goals or accomplishments?

12 A. Yes, sir, roll call.

13 Q. Do you remember in roll call for this day, was
14 anything said as far as our goal today is to do X?

15 A. Normally --

16 MS. STABE: Objection to hearsay.

17 THE COURT: Overruled. It's just a yes-or-no
18 question.

19 A. What was the question again?

20 Q. (BY MR. LUONG) Do you remember what was said in
21 terms of what your goal for the day was or -- at your roll
22 call meeting before heading out to Sharpstown?

23 A. We don't set goals. We basically just get together
24 and say, okay, today we're going to hit this area, we're
25 going to hit Sharpstown or Galleria, et cetera, but not

1 necessarily a goal.

2 Q. Did you talk to Officer Fisher about what y'all
3 observed in his -- or Officer Culver and what you all
4 observed in terms of what would ultimately go in the offense
5 report?

6 A. Yes, I did.

7 Q. Did you review the entire offense report for these
8 cases, both of them?

9 A. At that time, no.

10 Q. What about up through the time today, to your
11 testimony here today?

12 A. Yes.

13 Q. What did you review?

14 A. Well, I read the reports.

15 Q. The --

16 MR. LUONG: May I approach the witness?

17 THE COURT: Sure.

18 Q. (BY MR. LUONG) Did you review this report? And I
19 apologize for my handwriting on there.

20 A. No, it's okay. I should have brought my reading
21 glasses. This is the one with all the items?

22 (Court reporter tenders reading glasses to
23 witness.)

24 THE WITNESS: Hey, thank you.

25 A. Yes, I did, sir, I read it.

1 Q. (BY MR. LUONG) Okay. And let me point you to a
2 specific portion. In this paragraph here, I guess it
3 describes your observations prior to initiating the call to
4 stop the vehicle, correct?

5 A. That's correct.

6 Q. And do you believe it's an accurate statement about
7 what you saw that day?

8 A. I'm not sure about the names. Other than that,
9 basically, yeah, that's what happened.

10 Q. Okay. And you note that the offense report, I
11 guess this statement that you conveyed to -- whether Officer
12 Culver or Fisher wrote this doesn't describe the
13 defendant --

14 MS. STABE: Objection, Your Honor, to --

15 Q. (BY MR. LUONG) Or the suspects --

16 MS. STABE: Objection, hearsay.

17 THE COURT: Hang on.

18 MS. STABE: He's, again, trying to get into a
19 report that this officer didn't write.

20 THE COURT: Sustained.

21 Q. (BY MR. LUONG) You believe this paragraph is
22 accurate as described, as you've read it?

23 A. My actions.

24 Q. Yes, as what you observed?

25 A. That's what I observed, yes.

1 Q. If it states they weren't walking up quickly, that
2 would be accurate?

3 *MS. STABE:* Objection, Your Honor, again, to
4 the hearsay.

5 *MR. LUONG:* Your Honor, he's adopted this
6 statement.

7 *THE COURT:* Counsel, I'm going to sustain the
8 objection. We've been over it.

9 Q. (*BY MR. LUONG*) So, you initially believed that
10 these two black males may have been involved in a
11 snatch-and-grab, correct?

12 A. I didn't say that.

13 Q. Well, you said that day one of the suspicious
14 activities at Sharpstown was that there are
15 snatch-and-grabs?

16 A. Correct.

17 Q. And then you went on to comment that what drew your
18 attention was these two gentlemen, both black males, walked
19 out quickly; they were not running, right?

20 A. Correct.

21 Q. In your mind that is actually not suspicious and it
22 wouldn't draw your attention, or does it?

23 A. It drew my attention, the fact they were coming out
24 very fast from the mall, got into a car and drove off at a
25 very --

1 Q. Why is that suspicious to you, in your experience?

2 A. That's not normal in a mall parking lot, it's --
3 plus the prior history of the snatch-and-grabs, the breaking
4 into cars.

5 Q. And so, you never -- but no one ever went back to
6 the mall to see whether or not anyone was involved in --
7 whether there was a snatch-and-grab there, was there?

8 A. Actually, my understanding, there was an officer
9 that went back to the mall and checked with one of the
10 jewelry stores to see if any items were pawned.

11 Q. But no -- in your understanding or knowledge, no
12 one did an investigation as to whether or not there was
13 actually a snatch-and-grab other than to talk to one jewelry
14 place, correct?

15 A. Yes.

16 Q. And that jewelry store didn't lead to any
17 information to indicate that Mr. Williams or that black male
18 had sold any jewelry there, right?

19 A. I don't know. I didn't go. I didn't go to the
20 jewelry store, sir.

21 Q. If it did, you expect it to come out as part of
22 this investigation?

23 A. I'm sure it would have come out in the report.

24 Q. What information did you convey to Officer
25 Grossbard and to Officer Culver as to why you thought they

1 should stop this vehicle?

2 A. The -- I didn't tell them they should stop -- once
3 we get the hit back for the warrants and the prisoner hit on
4 it, they're going to stop it.

5 Q. So your testimony is that you told them to stop the
6 vehicle because they had open warrants?

7 A. No, I didn't say that.

8 Q. What did you tell Officer Grossbard --

9 A. I told them that the car had just left very fast
10 out of the mall and that's when I gave him the plates and
11 that's when they came back with a hit.

12 Q. Do you stop every vehicle that exits Sharpstown
13 quickly?

14 A. Not every vehicle.

15 Q. Okay. So, at that point when you relay the
16 information, you would agree that exiting a vehicle quickly
17 is not itself probable cause for a stop.

18 A. Say that question again one more time.

19 Q. You would agree simply a car exiting a parking lot
20 quickly is not probable cause for a traffic stop?

21 A. Probably not.

22 Q. Okay. So, what probable cause did you tell the
23 officer for the basis for stopping that vehicle?

24 A. The warrants.

25 Q. So, you did tell them about the warrants?

1 A. Yes. Once they relay, hey, we have warrants, we
2 have a prisoner hit, then I tell them, okay, we're going to
3 stop this car.

4 Q. So, did you also tell them that they should stop
5 them because they were running quickly or running from the
6 mall?

7 A. I didn't tell them they should stop them for that.
8 I told them to stop them for the warrants and find out who
9 they are.

10 Q. How long did it take you to travel from the
11 shopping mall to where the car was actually stopped?

12 A. Probably, with traffic, around that time, it took
13 us maybe six, eight minutes. It wasn't that far from there.

14 Q. And were you able to see -- well, you'd agree that
15 because of the tinting and the time of day, it wasn't
16 necessarily easy to see how many people were in that
17 vehicle.

18 A. No, you couldn't tell how many were in there but I
19 knew it was at least four because those two gentlemen got in
20 the backseat.

21 Q. Okay.

22 A. So I assumed somebody was a driver and a passenger,
23 so they both got in the backseat.

24 Q. Can you describe the types of bags that the two
25 black males exiting Sharpstown had on them?

1 A. Plastic bags.

2 Q. How big were they?

3 A. Shopping bags, you know, different -- like, maybe
4 shoes, clothes.

5 Q. Did you ever come -- did you, as part of your
6 investigation at the scene, find out what was actually
7 inside those bags?

8 A. Yes, we saw them.

9 Q. Okay. And those items were things like clothing?

10 A. Shoes.

11 Q. Shoes?

12 A. Correct.

13 Q. Things that had been purchased at the mall?

14 A. Yes, sir.

15 Q. That would be typical of someone just going to the
16 mall for routine business?

17 A. Correct.

18 Q. And in fact, were they all from the same store or
19 different stores?

20 A. I don't recall.

21 Q. But likely the person may have had to walk around
22 the mall for a bit before making those purchases?

23 MS. STABE: Objection, it's speculation.

24 THE COURT: Sustained.

25 Q. (BY MR. LUONG) Do you remember where those bags

1 were found?

2 A. Where?

3 Q. Yes. At the scene within that car, where those
4 bags were actually found?

5 A. On the backseat, yes, sir.

6 Q. Do you remember what else was found on the actual
7 backseat?

8 A. No, sir.

9 Q. Do you recall seeing the jewelry box I showed you
10 in State's Exhibit 3 in the backseat?

11 A. I don't recall if it was on the backseat or in the
12 bags.

13 Q. Have you ever photographed a crime scene?

14 A. Have I?

15 Q. Yes.

16 A. Yes, sir.

17 Q. Have you ever had or called a unit to photograph a
18 crime scene for you?

19 A. Yes.

20 Q. And is it something that is within every officer's
21 ability to call for a crime scene photographer unit?

22 A. Yes. Anybody can call one.

23 Q. And you'd agree as part of any investigation that,
24 for example, where things are located, are initially found,
25 if it's important to be documented, it should be documented,

1 correct?

2 A. Correct.

3 Q. It should be documented accurately, right?

4 A. Yes, sir.

5 Q. And if there are multiple items, like two
6 pillowcases or whatnot or where proximity may be an
7 important fact, get the scene photographed, right?

8 A. If available. You can always call for one unit.

9 Q. Did you ever call for --

10 A. I did not.

11 Q. Okay. Did anyone call for a photograph unit?

12 A. I don't know, sir.

13 Q. Is there any reason why you couldn't have called
14 for one that day?

15 A. Why I couldn't call?

16 Q. Or you or any officer could not have?

17 A. Well, I do not know.

18 Q. But sitting here today, you can't remember a reason
19 why you couldn't do it, for example, all the photographers
20 had gone on strike? Right? There's no reason why the scene
21 could not have been photographed?

22 A. No reason why at least call for one. If I'm not
23 mistaken, there are very few crime scene units working
24 during the day, working for the whole department, so, I
25 don't know. If you call -- yeah, I don't know.

1 Q. But you guys also have cameras that have cell phone
2 cameras on there, right?

3 A. Most of the people, yes.

4 Q. Sweat leaves DNA evidence, correct?

5 A. Okay.

6 Q. Well --

7 A. Yes.

8 Q. In your experience, does it?

9 A. Yes.

10 Q. And if a person is wearing gloves, oftentimes that
11 can be proven through DNA evidence, right?

12 MS. STABE: Objection, Your Honor, this
13 witness is not an expert in DNA collection or analysis.

14 THE COURT: Sustained, unless you want to ask
15 some questions, that will be fine.

16 MR. LUONG: I will, Your Honor.

17 Q. (BY MR. LUONG) How many years have you been a
18 police officer, Your Honor -- I mean, your officer?

19 A. Roughly six years.

20 Q. And have you investigated burglaries on a few or
21 many occasions?

22 A. In between.

23 Q. Okay. You have enough experience to understand
24 that gloves are used at a burglary, right?

25 A. Correct.

1 Q. And they're used to conceal fingerprints, right?

2 A. Yes, sir.

3 Q. You have also that kind of knowledge that there
4 could be DNA evidence inside gloves?

5 A. Yes, sir.

6 Q. Okay. And it's true that there could be DNA
7 evidence from sweat, skin particles inside gloves?

8 A. Yes, sir.

9 Q. Were these gloves ever tested for any of that
10 information?

11 A. Not to my knowledge.

12 Q. Who would have been in charge of deciding what
13 evidence is collected at the scene, which officer?

14 A. Probably the senior officer.

15 Q. And who would that have been?

16 A. It wasn't me.

17 Q. Do you know who it would have been?

18 A. I know we had a sergeant at the scene. We also had
19 a lieutenant at the scene.

20 Q. Were there any glass particles found on
21 Mr. Williams' person or shoes?

22 A. I didn't search him, sir.

23 Q. Any fibers found on him relating to the gloves on
24 his fingertips or any of the kind of material? Sometimes we
25 have -- it sticks to your skin after you take it off.

1 Anything like that found on his skin?

2 A. I didn't search him, sir.

3 Q. To your knowledge did anyone try to get that
4 information?

5 A. Not to my knowledge, sir. I don't know if they
6 did.

7 Q. You never saw him handle the pillowcases, correct?

8 A. No, sir.

9 Q. Never saw him handle the jewelry box in State's
10 Exhibit 3?

11 A. Never saw him.

12 Q. Never saw him touch an iPad?

13 A. No.

14 Q. And when we talk about those gloves, State asked
15 you, those gloves are used in a burglary, oftentimes used in
16 a burglary to cover fingerprints, right?

17 A. Yes, sir, you said that already.

18 Q. He's not charged with burglary in this case, right?

19 A. Not to my knowledge.

20 Q. And you never saw him wearing those gloves?

21 A. I never saw him wearing the gloves.

22 Q. So, just so that I'm correct and the jury's clear,
23 what we're talking about is a black male getting into a car
24 where there were already items in the car, correct?

25 MS. STABE: Objection, Your Honor, that's

1 speculation. We don't know that.

2 *THE COURT:* Sustained.

3 *Q.* (*BY MR. LUONG*) Do you remember that jewelry box at
4 all?

5 *A.* Sorry, I don't.

6 *Q.* Okay.

7 *A.* There was a lot of items in the car.

8 *Q.* You didn't see the iPad sticking out of that -- the
9 bags he was carrying, the plastic bags.

10 *A.* No.

11 *Q.* Did you?

12 *A.* No.

13 *Q.* You didn't see a sharp-cornered box sticking out of
14 those plastic bags?

15 *A.* I was driving when I saw them walking, sir. I
16 didn't see them that close.

17 *Q.* But you didn't see anything unusual about those
18 plastic bags, like strange, sharp objects, squared objects
19 sticking out?

20 *A.* There was no way I could see that, sir.

21 *Q.* You didn't see -- were those bags clear or white or
22 brown or what?

23 *A.* White. They were white.

24 *Q.* You didn't see those dark-colored gloves sticking
25 out of those bags, did you?

1 A. No, I didn't see anything coming out or sticking
2 out or -- I mean, the bags were closed in their hands. I
3 couldn't see anything inside. I'm driving by.

4 Q. So you didn't see those pillowcase tops or
5 pillowcases sticking out of those plastic bags, did you?

6 A. No, sir, I did not.

7 Q. And so, from all the information you have at this
8 point, the pillowcases, the jewelry box, the gloves, were
9 already in the car when Mr. Williams got into the vehicle,
10 correct?

11 A. That seems to be the case, yes, sir.

12 Q. And eight minutes later he was charged with theft,
13 correct?

14 A. Yes, sir.

15 MR. LUONG: Pass the witness.

16 THE COURT: Ms. Stabe.

17 MS. STABE: Thank you, Your Honor.

18 **REDIRECT EXAMINATION**

19 Q. (BY MS. STABE) So, typically crime scene units,
20 are they called out for just a theft case?

21 A. Typically, no.

22 Q. What types of crimes? Is it usually, like, murders
23 or shootings?

24 A. Murder, yes, ma'am.

25 Q. And you testified that there are very few crime

1 scene units on -- during the day shift; is that right?

2 A. That's correct.

3 Q. You also testified that texture can affect
4 fingerprints. Do you know how -- what did you mean by that?

5 A. I didn't -- he's the one that said that. I just
6 agreed with him, the fact that, yeah, you can leave DNA
7 cells on the gloves.

8 Q. Oh, what I mean is when he showed you the picture
9 of the jewelry box.

10 A. Oh. He asked me if fingerprints can be lifted out
11 of there. I thought he was talking about the paper.
12 Obviously he's talking about the jewelry box, which I have
13 no idea. I mean, I don't even remember seeing it and also
14 depends on the texture of the surface, whether you can or
15 cannot lift fingerprints.

16 Q. Right. And a rough texture makes it very
17 difficult, almost impossible to lift fingerprints?

18 A. That's correct.

19 Q. Okay. And then also when you were talking about
20 DNA in the gloves, I mean, that would only be a slight
21 possibility that somebody could have potentially left some
22 sort of DNA in the gloves; is that right?

23 A. Correct.

24 Q. I mean, people don't just shed DNA everywhere they
25 touch. It depends on the circumstances.

1 A. Correct.

2 Q. And also if something like a snatch-and-grab or
3 whatever happened at the mall, a call would have dropped on
4 the radio and y'all would have been notified of that; is
5 that right?

6 MR. LUONG: Objection, calls for speculation.

7 THE COURT: Maybe you can rephrase it.

8 MS. STABE: Okay.

9 Q. (BY MS. STABE) When a crime happens and someone
10 calls 911, does the call go across the radio?

11 A. No. I mean, obviously it goes to the dispatch
12 first and then by the time we get it -- by the time we get
13 it, it takes awhile. Besides, myself, being in unmarked
14 unit, I don't have a computer. All I have is the radio. So
15 I rely on the officers on the marked units to let us know
16 what's going on in the area.

17 Q. Okay. Right. But I'm just saying in general, when
18 someone calls 911, it goes to the dispatcher and then the
19 dispatcher will radio over to the units in the area?

20 A. Yes.

21 Q. In the area?

22 A. Correct, yes.

23 Q. About a call?

24 A. Yes, ma'am.

25 Q. And did a call come in about any type of

1 snatch-and-grab while you were there at the scene?

2 A. No, they did not.

3 Q. All right. You were investigating a felony theft
4 that had just occurred from a burglary that happened a few
5 miles away earlier that day; is that right?

6 A. No. We were just in the area looking for anything
7 suspicious in the area.

8 Q. Okay. I know, but I'm saying once you start the
9 investigation, you found out --

10 A. Oh, once we started, yes.

11 Q. -- you found out what was going on?

12 A. Correct. I'm sorry.

13 Q. Were you able -- you said that the car was not
14 registered to the defendant, Joshua Williams?

15 A. If I remember, I believe it was registered to his
16 mom.

17 Q. Okay.

18 A. Or to a female.

19 Q. The car was registered to his mother?

20 A. I believe so. I'm not sure.

21 Q. Okay.

22 MS. STABE: May I approach the witness, Your
23 Honor?

24 THE COURT: You may.

25 Q. (BY MS. STABE) You don't recall off the top of

1 your head what the VIN number of that car was, do you?

2 A. No.

3 Q. And I'm just showing you your report. If you could
4 just look here and read it to yourself to refresh your
5 memory.

6 A. Okay.

7 Q. Okay. And so, can you tell us what the VIN number
8 of the car is, or was at the time?

9 A. Want me to read it to you?

10 Q. Yes.

11 A. Okay. I'm sorry. It's
12 1-George-4-Henry-Paul-52-King-93-Uniform-101413.

13 Q. Okay. And that was a four-door 2003 Buick LeSabre?

14 A. Yes.

15 Q. Tan car?

16 A. At the time it had paper plates.

17 Q. With paper plates. Oh, and you said that an
18 officer went into a jewelry store to try to find out if
19 property had been pawned?

20 A. Yes.

21 Q. Okay. Are you aware of what happened with that?

22 A. I believe he was told that nobody had been in
23 there.

24 Q. Okay. And Sharpstown Mall, you said it's a
25 high-crime area known for snatch-and-grabs and things like

1 that?

2 A. Yes.

3 Q. Is it also, or do you know, is it also a place that
4 people go to sell stolen property?

5 A. We have knowledge that people go there and sell
6 stolen items.

7 Q. Okay.

8 A. Especially jewelry.

9 Q. Are there certain jewelry stores that you know of
10 that people go to do that in the mall?

11 A. We have some in mind.

12 Q. Okay. So, there's some that you're aware of as an
13 officer that patrols that area?

14 A. Yes, ma'am.

15 Q. And Officer, are you aware of where the Third Ward
16 area of Houston is?

17 A. Yes, ma'am.

18 Q. Okay. What part of town is that?

19 A. That's going to be southeast, east side.

20 Q. Was it kind of, like, the midtown area?

21 A. Probably, yes.

22 Q. Okay. And then where is Sharpstown Mall? What
23 part of town?

24 A. It's going to be southwest.

25 Q. Okay.

1 A. Considered southwest.

2 Q. Okay. And the complainant's house, did you ever
3 become aware of where that was located?

4 A. No, ma'am.

5 Q. Is Memorial Forest -- what part of town is that in?

6 A. That's going to be probably midtown -- midwest.

7 Q. So, is it out past -- around Beltway 8 and I-10?

8 A. Yes, that's in that area, yes.

9 Q. Okay. And that area, it's fairly close to
10 Sharpstown Mall. I think it's only about six miles away?

11 A. Roughly.

12 Q. Would you agree with that?

13 A. Yes, ma'am.

14 MS. STABE: Pass the witness.

15 THE COURT: Mr. Luong?

16 MR. LUONG: Just briefly.

17 **RECROSS-EXAMINATION**

18 Q. (BY MR. LUONG) There are other stores at the mall
19 at Sharpstown other than this jewelry store, right?

20 A. Yes, sir, there's everything you can think of.

21 Q. And not every black male that goes to Sharpstown is
22 there to sell jewelry, right?

23 A. No, I don't think so, sir.

24 MR. LUONG: Pass the witness, Your Honor.

25 THE COURT: Anything further?

1 MS. STABE: Nothing further from this witness.

2 THE COURT: May this witness be excused on
3 call?

4 MS. STABE: Yes, Your Honor.

5 THE COURT: Thank you, Officer. You are free
6 to go.

7 THE WITNESS: Thank you.

8 THE COURT: Thank you so much.

9 THE WITNESS: Thank you.

10 THE COURT: Ladies and gentlemen, let's take
11 our afternoon break. We'll be in recess until, let's say,
12 ten after 3:00, please.

13 (Jury not present.)

14 (Recess.)

15 MS. STABE: So, what we wanted to put on the
16 record is, Judge, at this time we feel, you know, there was
17 that -- the felony theft warrant from the bond forfeiture
18 and the defendant was arrested June 28th. Officer Parker,
19 who's here, is the one that did that traffic stop and
20 arrested the defendant. We feel that it's relevant now at
21 this point because the defendant was driving the same car
22 that's there at the shopping center that he gets into at
23 Sharpstown Mall on the day of this incident.

24 They're trying to call into question that the
25 defendant knew anything about what was going on. They're

1 saying he was just in the wrong place at the wrong time, he
2 just happened to get in the car but the defendant was then
3 only a few weeks later driving the car himself, and so we
4 feel it's very relevant to the jury to see that he's not
5 just a random passenger in this car but that he has access
6 to the car himself and he drives it.

7 *THE COURT:* Okay. So, which -- let me
8 understand. You want to put this officer on to say, I
9 stopped this defendant driving the car a couple weeks after
10 this.

11 *MS. STABE:* Yes. And we don't have to go
12 into, you know, the fact that there was a warrant or those
13 things because he was -- they were stopped -- I mean, it's
14 up to --

15 *THE COURT:* No, no. I mean, if that's all you
16 intend to do is to show his connection to the car --

17 *MS. STABE:* Right. The warrant was for this
18 case, though.

19 *THE COURT:* Right. Let's just not go into
20 that.

21 *MS. STABE:* Okay.

22 *THE COURT:* Let's not go into whether there's
23 a bond forfeiture, just that he was stopped, that this
24 officer observed him driving the car on a particular day, I
25 mean.

1 MR. LUONG: May I respond?

2 THE COURT: Oh, I thought that --

3 MR. LUONG: I don't agree with this at all.

4 THE COURT: I'm sorry. I thought your issue
5 was it was inviting the motion in limine about his priors or
6 something.

7 MR. LUONG: Well, I think it does but I don't
8 think there's any relevance to this particular issue. One,
9 he's seen driving the vehicle later, which is not relevant
10 as to what happened, I guess, 24-plus days before in the
11 car. He's not claiming no connection to these people. It's
12 his brother driving the vehicle. So, that issue is not
13 really at play here. I know they're trying to bring this up
14 in order to show, hey, he's got other contact with cops. I
15 mean, that's the clear issue that's been involved here and I
16 think it's highly prejudicial to Mr. Williams for the
17 purpose of -- that we're not disputing that he knew the
18 people in the car. He's not claiming he got kidnapped and
19 went to a random vehicle but the car is not registered to
20 him. That was the only issue, that point. But I don't
21 think -- what they're trying to elicit and the manner
22 they're trying to elicit is more prejudicial than probative
23 and it's not relevant to the issues in this case.

24 MS. BRUCHMILLER: We're in no way trying to
25 elicit that he had more contact with officers in any way or

1 that there was any other bad acts that we're trying to
2 somehow bring in. It's just that we have an officer who
3 came in contact with him in the same vehicle. You all have
4 said multiple times throughout this trial so far, wrong
5 place, wrong time, he was leaving the mall, just happened to
6 get in this vehicle with these people. He just happened to
7 be there, wrong place, wrong time, that's y'all's theme for
8 this whole event. That was in your opening, you said it
9 during some testimony that was on cross, and that's not so.
10 It's leaving a false impression that he has no connection to
11 this car.

12 He has a connection. It's his mother's car.
13 He even drives it. It's not like his mother's driving it
14 all the time -- I don't know if she is or not but I know
15 that it's more than he's merely a passenger on that one day.
16 He actually has had control over that vehicle at certain
17 times in -- that we're aware of.

18 *MR. LUONG:* That --

19 *THE COURT:* Well, and let me honestly tell you
20 what my concern is at this point, is that I understand that
21 you do not want that evidence to come in and here's what I'm
22 going to say about that. I will keep it out but I don't
23 want to hear in argument that they didn't prove that he has
24 any connection to the car.

25 *MR. LUONG:* Fine.

1 *THE COURT:* I mean, that's where we are with
2 that. I just have some concerns about some things that have
3 happened throughout the trial about -- so.

4 *MR. LUONG:* We were never claiming that.

5 *THE COURT:* I'm sorry?

6 *MR. LUONG:* We've never claimed he didn't
7 know -- he didn't have no connection with the vehicle,
8 that's correct. We're not arguing that.

9 *MS. STABE:* Your Honor, their whole case is
10 that he had just been in that car for a few minutes and it
11 was pulled over and we just think it's so important for the
12 jury not to be left with that false impression that he
13 doesn't really ever get in that car. It was just for a few
14 minutes.

15 *THE COURT:* Well --

16 *MR. LUONG:* That particular day.

17 *THE COURT:* I'm not saying I'm keeping it out
18 forever, at the rate things are going. Just at this point
19 I'm not going to let it in.

20 *MS. STABE:* Okay. That officer was our next
21 witness.

22 *THE COURT:* Okay.

23 *MS. STABE:* That we have here. There's one
24 other officer, Officer Culver, that he also did the traffic
25 stop and, Your Honor, originally, since Officer Grossbard

1 could testify to all those same things, I wasn't necessarily
2 planning on calling him.

3 *THE COURT:* Okay.

4 *MS. STABE:* He was actually out of town
5 because his uncle or his wife's uncle passed away.

6 *THE COURT:* Okay.

7 *MS. STABE:* But he is on his way to court
8 because defense told me if we didn't call him as a witness,
9 they would.

10 *THE COURT:* Okay.

11 *MS. STABE:* So, I don't know, you know, what
12 we want to do at this point, if --

13 *THE COURT:* How far away is Culver?

14 *MS. STABE:* He texted me about 15 minutes ago
15 saying he was an hour away.

16 *THE COURT:* Okay. All right. And so, other
17 than Culver and the witness that we're looking for, do you
18 have anybody else?

19 *MS. STABE:* No, just Officer Parker, who's
20 here about the car, stopping the defendant in the car.

21 *THE COURT:* Okay. All right. And do you all
22 have some witnesses to put on?

23 *MR. LUONG:* Let me confer with defense
24 counsel.

25 *THE COURT:* Okay.

1 (Mr. Luong and Mr. Mensing whispering.)

2 MR. LUONG: Just Culver, Your Honor. That's
3 the only other witness we planned to have on cross.

4 THE COURT: I saw some people come in that you
5 made go outside.

6 MR. LUONG: They're punishment witnesses and
7 the State didn't want them listening to the testimony.

8 THE COURT: Okay. I just wanted to be sure
9 about that. Okay. Well, then -- but Culver's on his way,
10 right?

11 MS. STABE: He is. I can call him right now
12 and see how far away he is.

13 THE COURT: Why don't you do that. Far away
14 from here? Far away from home? Where is he? Let's see
15 where he is. Let's do that. Because if he's already on his
16 way here, better to just wait and get him on and do it but
17 if he's, you know, not really on his way here, then let's
18 revisit that.

19 MS. STABE: Okay.

20 MS. BRUCHMILLER: His text said he's an hour
21 from home.

22 MS. STABE: He said from his house but I don't
23 know where his house is in relation to --

24 THE COURT: Right. Let's find out where he
25 is.

Jury Trial
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1 MS. STABE: Right.

2 *(Off the record discussion.)*

3 *(Jury present.)*

4 THE COURT: Be seated, please. Ladies and
5 gentlemen, the next witness who's kind of, from my
6 understanding, a witness both sides want the jury to hear
7 from, is not available for about another hour, so rather
8 than you all sitting here waiting for that witness, I'm
9 going to go ahead and release you for the day. Just don't
10 tell anybody I let you go before 5:00. That might make me
11 look bad.

12 We're going to start in the morning, once
13 again, at 9:30. I hate for you to sit waiting for them
14 because sometimes there's conflicts. We're going to start
15 in the morning at 9:30. Please remember the Court's
16 admonishments I went over with you yesterday. I'll see
17 everybody in the morning. Have a great evening.

18 *(Jury not present.)*

19 *(Court in recess for the day.)*

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Jury Trial
April 23, 2014

1 STATE OF TEXAS
2 COUNTY OF HARRIS

3 I, Carrie Logan, Official Court Reporter in and for the
4 185th District Court of Harris County, State of Texas, do
5 hereby certify that the above and foregoing contains a true
6 and correct transcription of all portions of evidence and
7 other proceedings requested in writing by counsel for the
8 parties to be included in this volume of the Reporter's
9 Record in the above-styled and numbered cause, all of which
10 occurred in open court or in chambers and were reported by
11 me.

12 I further certify that this Reporter's Record of the
13 proceedings truly and correctly reflects the exhibits, if
14 any, admitted, tendered in an offer of proof or offered into
15 evidence.

16 WITNESS MY OFFICIAL HAND on this, the 29th day
17 of May, 2014.

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