

Terrance O'Neill - August 25, 2014
Direct Examination by Ms. Gaido

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TERRANCE O'NEILL,

having been first duly sworn, testified as follows:

DIRECT EXAMINATION

Q. (BY MS. GAIDO) Having introduced yourself to the court reporter, can you tell us how you are currently employed?

A. With the Houston Police Department.

Q. How long have you been with HPD?

A. Five and a half years.

Q. What is your current assignment?

A. I'm assigned to the Midwest Patrol Station Divisional Gang Unit.

Q. Is that the same unit that we just heard Officer Flora discuss?

A. No, ma'am. It's a separate substation divisional gang unit.

Q. What are your responsibilities there?

A. Just to conduct gang investigations in the greater Sharpstown area of Houston.

Q. In your role as a peace officer with HPD, have you had training?

A. Yes, ma'am.

Q. Does that training continue even today?

A. Yes, ma'am, absolutely.

Q. Are you familiar with someone named William

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1 Horhn?

2 A. Yes, ma'am.

3 Q. How are you familiar with that person?

4 A. The arrest made last April.

5 Q. Was that the first time you had come into
6 contact with that individual?

7 A. Yes, ma'am, it was.

8 Q. Do you see that person in the courtroom here
9 today?

10 A. Yes.

11 Q. And could you identify him by an article of
12 clothing that he's wearing?

13 A. He's the gentleman wearing the blue dress
14 shirt, yellow tie.

15 MS. GAIDO: Your Honor, may the record
16 reflect that the witness has identified the defendant,
17 William Horhn?

18 THE COURT: The record will reflect.

19 Q. (BY MS. GAIDO) Officer O'Neill, was it
20 April 13th of 2013 that you first came into contact with
21 the defendant?

22 A. Yes, ma'am.

23 Q. Were you on duty that day?

24 A. Yes, I was.

25 Q. What caused you to come into contact with this

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1 defendant?

2 A. Sergeant Wood had advised members of the
3 Westside Gang Unit that he had just observed Mr. Horhn
4 at the gas station at the 3800 block of South Dairy
5 Ashford and that unit had prior knowledge of Mr. Horhn
6 and the fact that he had an outstanding -- I'm sorry --
7 four outstanding SETCIC warrants.

8 Q. What did you do at that point learning that
9 information?

10 A. I was riding with Officer Mishka. We went
11 over there in a marked patrol unit and detained
12 Mr. Horhn.

13 Q. And why did you detain him?

14 A. We detained him based upon our knowledge that
15 he had several outstanding SETCIC warrants and that they
16 were in the process of being verified.

17 Q. What is your routine as a police officer --
18 well, first of all, was he detained or arrested?

19 A. He was detained.

20 Q. What is your policy when you detain an
21 individual?

22 A. In detaining, we place him in handcuffs and we
23 perform a pat-down just for weapons. It's basically a
24 cursory search of the exterior.

25 Q. Was that done on William Horhn?

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1 A. Yes, ma'am, it was.

2 Q. Then what happened next? What was your next
3 interaction with Mr. Horhn?

4 A. My interaction with Mr. Horhn was, once those
5 warrants were verified incident to arrest, I conducted a
6 full systematic search and recovered his wallet from his
7 front right-hand pocket.

8 Q. Let's kind of break it down. You said that
9 y'all confirmed the warrants, correct?

10 A. Yes, ma'am.

11 Q. And was it only then that you placed him under
12 arrest for those warrants?

13 A. Yes, ma'am, that's correct.

14 Q. Is it normal Houston Police Department policy
15 to search someone incident to arrest?

16 A. Absolutely, yes, ma'am. Yes.

17 Q. What is the reason behind that?

18 A. To make sure there's no contraband or weapons.

19 Q. Was that done in this case?

20 A. Yes, ma'am.

21 Q. What did you search?

22 A. I searched the inside of his pockets and found
23 his wallet and went through his identifying
24 information -- or I'm sorry. Looked for identifying
25 information in the wallet.

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1 Q. Is that a normal practice for you?

2 A. Yes, ma'am.

3 Q. Is that normal procedure for the Houston
4 Police Department?

5 A. Yes, ma'am.

6 Q. What did you find upon looking through this
7 defendant's wallet?

8 A. I found a Visa credit card belonging to a
9 female whose last name was, I believe, Pimentel.

10 Q. What did you do after seeing that card?

11 A. I advised my partner of the credit card found
12 and he then, in turn, used our computer in our patrol
13 car and found that the name listed on the credit card
14 was a complainant in a theft where a purse was stolen.

15 Q. Did someone ever make contact that evening
16 with Ms. Pimentel?

17 A. Yes, ma'am.

18 Q. Who did that?

19 A. My partner, Officer Mishka.

20 Q. What did y'all find from that contact?

21 A. She said that her purse was stolen and the
22 listed credit card was hers and that Mr. Horhn should
23 not be in possession of that.

24 Q. Where was Mr. Horhn while all this was taking
25 place?

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1 A. Everything happened outside the patrol
2 vehicle.

3 Q. So, it's fair to say he was privy to
4 everything that was going on?

5 A. Yes, ma'am, correct.

6 Q. After reaching Ms. Pimentel and discussing her
7 credit card with her, what was your next interaction
8 with this defendant?

9 A. I advised the defendant that we found the
10 credit card on him and that was pretty much it.

11 Q. Were you present when Officer Flora discussed
12 or found the cell phone of the defendant?

13 A. I don't believe.

14 Q. Were you present when the defendant gave
15 consent to search the phone?

16 A. No, ma'am.

17 Q. So, you can't testify about that today?

18 A. Can't, no, ma'am.

19 Q. About how long between when you and Officer
20 Mishka arrived on scene was it until the defendant was
21 informed about the credit card, roughly?

22 A. Fifteen, 20 minutes at the most.

23 MS. GAIDO: Pass the witness, Your Honor.

24 MS. MEADOR: Thank you, sir.

25

CROSS-EXAMINATION

1
2 Q. (BY MS. MEADOR) Officer O'Neill, at the point
3 that you took his wallet from him, he was under arrest?

4 A. Yes, ma'am, correct.

5 Q. And he was in handcuffs?

6 A. Yes, ma'am.

7 Q. Was he in the back of the patrol car at this
8 point?

9 A. No, ma'am. He was outside the patrol car.

10 Q. What about Mr. Soles and Mr. Lewis? Where are
11 they when this is happening?

12 A. Everybody was outside the patrol cars.

13 Q. Were they handcuffed or do you remember?

14 A. I don't recall, no, ma'am.

15 Q. How many officers were at that scene? Can you
16 recall?

17 A. I would say six, approximately six.

18 Q. Sergeant Wood, Officer Flora, yourself and
19 then Officer Mishka?

20 A. Yes, ma'am.

21 Q. And then -- I'm sorry. You are Officer Flora.
22 Are y'all together or was --

23 A. I was with Officer Mishka.

24 Q. So, Officer Flora and his partner as well?

25 A. Yes, ma'am.

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Cross-Examination by Ms. Meador

1 Q. So, at least five, maybe six officers?

2 A. Yes, ma'am.

3 MS. MEADOR: Nothing further.

4 MS. GAIDO: Nothing from the State, Your
5 Honor.

6 THE COURT: You may step down.

7 MS. GAIDO: State rests and closes, Your
8 Honor.

9 MS. MEADOR: Defense calls William Horhn.

10 THE COURT: Raise your right hand to be
11 sworn.

12 (Witness duly sworn.)

13 **WILLIAM C. HORHN,**

14 having been first duly sworn, testified as follows:

15 **DIRECT EXAMINATION**

16 Q. (BY MS. MEADOR) Mr. Horhn, do you remember
17 April 11th, 2013?

18 A. Yes, ma'am.

19 Q. What were you doing on that day?

20 A. I was helping a friend of mine put oil in the
21 car.

22 Q. Where were you?

23 A. At a store.

24 Q. Okay. While you and your friend were in the
25 store -- were you in the store or the parking lot?