

1 THE COURT: You may step down, sir.
2 Call your next witness.

3 MS. DEVINE: Deputy Price.

4 THE COURT: I'm taking judicial
5 notice of all the information contained in both
6 clerk's files in both of these cases.

7 MS. DEVINE: Judge, also, I would
8 ask the Court to take judicial notice of the
9 probation file which contains the conditions of
10 probation as well as the facts of the underlying
11 evading for which the Defendant is on probation.

12 THE COURT: I will do that.

13 All right. Go ahead.

14 MS. DEVINE: Thank you, Judge.

15 KENT PRICE,

16 having been first duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. DEVINE:

19 Q. Deputy, introduce yourself to the Court?

20 A. I'm Deputy Kent Price.

21 Q. Deputy Price, who do you work for?

22 A. Harris County Sheriff's Office.

23 Q. Are you a certified peace officer in the
24 State of Texas?

25 A. Yes.

1 Q. How long have you been so?

2 A. Twenty years.

3 Q. Where are you assigned?

4 A. District 2 Patrol.

5 Q. And what shift do you work typically?

6 A. Second shift.

7 Q. Which is?

8 A. 2:00 to 10:00.

9 Q. What substation are you assigned to?

10 A. Will Clayton.

11 Q. Deputy Price, I'd like to direct your
12 attention to Sunday, October the 16th of 2011, at
13 approximately almost 4:00 o'clock in the afternoon.
14 Were you working on that day?

15 A. Yes.

16 Q. And did you receive a call to go out and
17 take a report?

18 A. Yes.

19 Q. Where did you go?

20 A. Went to the Ealenque Restaurant.

21 Q. And where is that located at?

22 MS. DEVINE: E-A-L-E-N-Q-U-E.

23 Q. (By Ms. Devine) Where is that at?

24 A. It's 1415 Spring-Cypress.

25 Q. And generally what part of town are we

1 talking about?

2 A. It's in Spring.

3 Q. So, 45?

4 A. 45 and Spring-Cypress.

5 Q. What type of report were you called out
6 to take?

7 A. For a stolen vehicle.

8 Q. Do you see a person in the courtroom
9 today that you took that report from?

10 A. Yes.

11 Q. Can you point to that person and
12 describe an article of clothing?

13 A. He's in the orange jump suit.

14 MS. DEVINE: Your Honor, may the
15 record reflect the witness has identified the
16 Defendant?

17 THE COURT: Yes.

18 Q. (By Ms. Devine) What does the Defendant
19 report to you had been stolen?

20 A. He reported that a white pickup truck
21 was stolen.

22 Q. What kind of pickup truck?

23 A. I think a Ford.

24 Q. Did he say where it had been stolen
25 from?

1 A. Said it was stolen from the Red River
2 Dance Hall.

3 Q. And did he say when it had been stolen?

4 A. Yeah, the -- that night -- the night
5 before.

6 Q. Did this trigger something that you
7 remembered seeing earlier in your shift?

8 A. Yes. When I signed on at 2:00 o'clock
9 there was a BOLO message that was sent out advising
10 that a suspect from an evading case was attempting
11 to report his vehicle stolen through another agency.

12 Q. And once you recalled that BOLO and you
13 had this Defendant in front of you making that
14 report what did you do?

15 A. I asked him to fill out a voluntary
16 statement.

17 MS. DEVINE: Your Honor, may I
18 approach the witness?

19 THE COURT: Yes.

20 Q. (By Ms. Devine) Deputy Price, I'm
21 showing you what's been marked as State's Exhibit 2.
22 Do you recognize what that is?

23 A. Yes.

24 Q. Is that a true and accurate copy of the
25 statement that you obtained from this Defendant at

1 about 4:00 o'clock in the afternoon on October the
2 16th, 2011?

3 A. Yes.

4 MS. DEVINE: Your Honor, after
5 tendering to Defense counsel who has been provided a
6 copy prior to the hearing, I offer State's Exhibit
7 No. 2.

8 (State's Exhibit No. 2, Statement,
9 was offered.)

10 MR. FRAZIER: No objection.

11 THE COURT: State's 2 is admitted.

12 (State's Exhibit No. 2, Statement,
13 was admitted.)

14 Q. (By Ms. Devine) Deputy Price, would you
15 please tell the Court what the address is that the
16 Defendant lists as his address on that statement?

17 A. 28915 Enchanted Drive, Shenandoah, Texas
18 77381.

19 Q. After you obtained the statement,
20 State's Exhibit No. 2, from the Defendant, what did
21 you do?

22 A. I then placed him in custody because I
23 was aware of the warrant that was being filed.

24 Q. How were you made aware of the warrant
25 that had been filed?

1 A. Deputy Meyers, the one that issued the
2 BOLO, I got in contact with him on the way to this
3 call. And he filled me in on all the details. He
4 was in front of the Judge at the time getting the
5 warrant signed.

6 Q. So he asked you to detain him until he
7 had the warrant in hand?

8 A. Right.

9 Q. And did you confirm who the Defendant
10 was?

11 A. Yes.

12 Q. How did you do that?

13 A. If I remember right he had his Texas
14 driver's license with him.

15 Q. And it said he was Cody James Ross?

16 A. Yes.

17 MS. DEVINE: Your Honor, pass the
18 witness.

19 THE COURT: Mr. Frazier.

20 MR. FRAZIER: Just briefly.

21 CROSS-EXAMINATION

22 BY MR. FRAZIER:

23 Q. Sir, your dealings with Mr. Ross, what
24 was his demeanor like when you were dealing with
25 him?

1 A. He was polite, respectful.

2 Q. What about once he was detained, what
3 was his demeanor at that point?

4 A. He became nervous and, of course, upset
5 that he was in that position.

6 Q. Sure, I bet. That's natural. But still
7 he was polite and respectful and cooperative?

8 A. Nothing unusual.

9 Q. Okay.

10 MR. FRAZIER: No further questions,
11 Your Honor.

12 MS. DEVINE: I have no further
13 questions.

14 THE COURT: You may step down, sir.
15 Anything else from the State?

16 MS. DEVINE: No, Your Honor, the
17 State rests.

18 THE COURT: Okay. I have a meeting
19 that starts at 1:30 that I'm in charge of, so we'll
20 continue this at 2:30.

21 (Noon recess.)

22 MR. FRAZIER: Your Honor, before we
23 get started can we just briefly discuss logistics?

24 THE COURT: Okay.

25 MR. FRAZIER: We've got four