

1 MR. WHITE: No further questions for this
2 witness, Your Honor.

3 THE COURT: Redirect?

4 MS. BUESS: Nothing further for this witness.
5 May he be excused?

6 THE COURT: Yes. May he be excused, Mr. White?

7 MR. WHITE: Yes, that's fine.

8 THE COURT: You maybe excused. Call your next
9 witness.

10 MS. BUESS: The State calls Officer Revus.

11 THE BAILIFF: This witness has previously been
12 sworn in.

13 THE COURT: Thank you.

14 MS. BUESS: May I proceed?

15 THE COURT: You may.

16 **OFFICER ROBERT REVUS,**

17 after having been first duly sworn, testified as follows:

18 **DIRECT EXAMINATION**

19 **BY MS. BUESS:**

20 Q. Officer, will you please introduce yourself to the
21 jury.

22 A. My name is Robert Revus, and I'm employed with the
23 Houston Police Department.

24 Q. How long been with the Houston Police Department?

25 A. Coming up six years now.

1 Q. Are you a licensed peace officer in the State of
2 Texas?

3 A. Yes, I am.

4 Q. How long have you been a licensed peace officer?

5 A. Five years.

6 Q. What is your current assignment with the Houston
7 Police Department?

8 A. I'm currently assigned to the Gang Division Crime
9 Reduction Unit.

10 Q. How long have you been assigned to that unit?

11 A. Three years.

12 Q. Who is your partner in that unit?

13 A. Officer Revus.

14 Q. Is that the officer that just left this courtroom?

15 A. Yes, ma'am.

16 Q. How long have you been partnered with him?

17 A. Five years.

18 Q. Let's talk specifically about April 8th of 2012.

19 A. Yes.

20 Q. Do you remember that day?

21 A. Yes.

22 Q. Were you working that day?

23 A. Yes.

24 Q. Were you working with your partner that day?

25 A. Yes.

1 Q. Where were you working -- or what part of town were
2 you working in?

3 A. The southeast area.

4 Q. And is that in Harris County, Texas?

5 A. Yes.

6 Q. What's one of the major roadways that you were
7 working on there?

8 A. MLK.

9 Q. While you're on MLK, were you in a uniform?

10 A. Yes.

11 Q. Were you in a marked patrol vehicle?

12 A. Yes.

13 Q. Is that how you regularly patrol?

14 A. Yes.

15 Q. While you were there, did you come in contact with
16 the Defendant?

17 A. Yes.

18 Q. And when we talk about the "Defendant," do you see
19 the person that we're referring to here in the courtroom
20 today?

21 A. Yes, I do.

22 Q. And can you do me a favor and point him out and tell
23 me an article of clothing that he's wearing?

24 A. He's wearing a peach, long-sleeved shirt.

25 MS. BUESS: Your Honor, may the record reflect

1 that the witness has identified the Defendant?

2 THE COURT: Yes.

3 Q. (BY MS. BUESS) Officer Revus, when you first
4 encountered the Defendant, what was he doing?

5 A. He was driving his vehicle.

6 Q. Where was he driving his vehicle?

7 A. Northbound on MLK.

8 Q. And if I can direct your attention to State's Exhibit
9 No. 10, does this appear to fairly and accurately depict
10 Martin Luther King Boulevard?

11 A. Yes, it does.

12 Q. And if you could, indicate for us where you first
13 noticed the Defendant.

14 A. About right here (indicating.)

15 Q. Now, when you observed the Defendant in his vehicle,
16 what first drew your attention?

17 A. He swerved into the right lane.

18 Q. Which lane was he in?

19 A. In the middle lane.

20 Q. When he served into the right lane, could you tell
21 whether or not there were any other vehicles around?

22 A. Yes.

23 Q. What happened to those other vehicles?

24 A. They hit their brakes to avoid a collision.

25 Q. How many vehicles had to hit their brakes?

1 A. I'd say two, two vehicles.

2 Q. Okay. And how did you know that they had to hit
3 their brakes?

4 A. Because I had -- my vantage point was on the
5 passenger's side of the vehicle and I can see the right-side
6 lane.

7 Q. Is there anything about cars that about cars that
8 indicates when they're vehicles are being applied?

9 A. Yes, their brake lights.

10 Q. Were you able to see their vehicle's taillights
11 accurate?

12 A. Yes.

13 Q. What would have happened from your advantage point
14 had the vehicles not applied their brakes?

15 A. There would have been a collision.

16 Q. And what would have caused that collision?

17 A. His driving.

18 Q. When he went into the other lane, did he use a turn
19 signal?

20 A. No.

21 Q. Did he do anything to indicate for those other
22 drivers that he intended to go over to their lane?

23 A. No, he did not.

24 Q. Did he actually stay in that lane?

25 A. He -- he came back into that lane. Yes.

1 Q. When you say, "Came back into that lane," do you mean
2 the right-hand lane or the center lane?

3 A. That center lane.

4 Q. And, Officer, I'm going to show you what's been
5 marked as State's Exhibit No. 1. Do you recognize State's
6 Exhibit No. 1?

7 A. Yes, I do.

8 Q. How do you recognize it?

9 A. That's the Defendant's car.

10 Q. And looking at State's Exhibit No. 2, is that that
11 same vehicle?

12 A. Yes, it is.

13 Q. Now, do you and your partner ever do anything to
14 document when you come into contact with people?

15 A. Yes, especially if we arrest them.

16 Q. Do you write a police report?

17 A. Yes, we do.

18 Q. In this case, who wrote the police report?

19 A. My partner did.

20 Q. And any where in the police report do you document
21 anything about the vehicle?

22 A. Yes.

23 Q. In the report for this case, is that the same license
24 plate as the one that you documented?

25 A. Yes, it is.

1 Q. After you saw the Defendant swerve into the other
2 lane and vehicles apply their breaks, did you immediately
3 pull him over?

4 A. No. No, we did not.

5 Q. Why not?

6 A. We -- common practice, we usually see if they correct
7 themselves. We don't stop them on the first one.

8 Q. Could there be a lot of reasons why someone might go
9 out of their lane?

10 A. Yeah, a number of reasons.

11 Q. So, do you pull always pull someone over the first
12 time you see that happen?

13 A. No, we don't.

14 Q. So, what happened after that initial swerve?

15 A. I said -- I alerted my partner, of course. And, you
16 know, we stayed behind him. I started running his plates to
17 see if anything comes up on his plates and that's when I
18 stopped him the second time.

19 Q. You said you ran his plate?

20 A. Yes, I did.

21 Q. How are you running his plate?

22 A. On the computer inside of the vehicle.

23 Q. What computer system is that connected to?

24 A. It's connected to a number of sources. But if we run
25 a plate, it will come back with the vehicle registration and

1 things of that nature.

2 Q. Will it connect to the HPD Gang Tracker?

3 A. You have to have a special program for that.

4 Q. So, when you initially run a plate, are you running
5 it through the Gang Tracker or are you running it through the
6 initial registration?

7 A. No, just initial registration.

8 Q. Were you able to get registration on the vehicle?

9 A. Yes.

10 Q. Who did the registration come back to?

11 A. I believe it came back to him. It's in the police
12 report.

13 Q. Once you had run the registration, are you also
14 checking for warrants?

15 A. Yes.

16 Q. Were there any warrants that came back?

17 A. No.

18 Q. After you saw -- and I apologize -- you said you saw
19 him do it again?

20 A. Yes.

21 Q. What did you see him do?

22 A. He swerved back into that right lane.

23 Q. And at this time, were there any other vehicles that
24 were by him?

25 A. There was still another vehicle, yes?

1 Q. What happened the second time he went over into the
2 other lane?

3 A. The same thing happened.

4 Q. After the second time you saw that happen, what did
5 you do?

6 A. My partner and I -- we agreed to pull him over.

7 Q. How did you indicate to him that you were pulling him
8 over?

9 A. Well, go ahead and pull him over and see what's going
10 on with him.

11 Q. Did you roll down the window and say, "Hey, I'm
12 pulling you over"?

13 A. No. Initiated our emergency lights and our sirens.

14 Q. And at what point did y'all do that?

15 A. Like as soon as we were getting right past the
16 intersection.

17 Q. And looking again at State's Exhibit No. 10, moving
18 it along, the intersection that you're talking about, is that
19 at an intersection here at the bottom of the screen?

20 A. Yes, it is.

21 Q. Where did the Defendant actually pull over?

22 A. He pulled over in that first little break there.

23 Q. If you actually touch the screen, it will draw on it.

24 A. Yeah, right here (indicating.)

25 Q. Once the Defendant stopped his vehicle, what did you

1 and your partner do?

2 A. Stepped out of our vehicle and he approached the
3 driver's side and I approached the passenger's side.

4 Q. Why do you guys approach on each separate sides?

5 A. Officer safety, plus you can see more and just common
6 practice for us.

7 Q. What do y'all have a standing arrangement as far as
8 who is going to be responsible of what when you make a
9 traffic?

10 A. Yes, for the most part, he usually makes contact with
11 the driver. And I usually make contact with the passenger's
12 side of the vehicle. If there's anybody there, I make
13 contact with them.

14 Q. How about who watches the vehicle that y'all intend
15 to stop or is it who watches everything what's going on
16 around?

17 A. Kind a little of both, you know. Most of the time,
18 he's dealing with the driver and I'm looking into the vehicle
19 to see if there's any type of movement.

20 Q. Okay. In this case, when you approached the vehicle,
21 was there a passenger in that vehicle?

22 A. Yes.

23 Q. Where was the Defendant in the vehicle?

24 A. The Defendant was actually the driver.

25 Q. When you got to the vehicle, what are you typically

1 looking for?

2 A. Anything that stands out, narcotics, guns, you know,
3 things of that nature.

4 Q. Why are you looking for those things?

5 A. Those are pretty much our main focus.

6 Q. Did you see anything stand out when you walked up to
7 the Defendant's car?

8 A. Yes, I thought I seen him move -- like he moved away
9 towards the center of the vehicle.

10 Q. Why are you looking for movement?

11 A. You know, it can be for any number of reasons. In my
12 experience, sometimes they're trying to stash drugs away or
13 stash something they don't want us to see.

14 Q. In this case, when you looked where the Defendant was
15 moving towards, what did you see?

16 A. I say a pistol.

17 Q. Now, Officer, I'm going to show you what's been
18 marked and admitted as State's Exhibit No. 11. Does State's
19 Exhibit No. 11 fairly and accurately depict the inside of the
20 Defendant's vehicle?

21 A. Yes.

22 Q. Now, obviously, State's Exhibit No. 11 is not
23 actually the Defendant's car; is that correct?

24 A. Correct.

25 Q. So, what about the interior is accurate or the same

1 of the Defendant's car?

2 A. That middle portion is raised up and the seats pretty
3 much alike are as well.

4 Q. Is there actually a covered center console area in
5 the car?

6 A. There's really not a connection where you can put cups
7 there. It's pretty open like it is there (indicating.)

8 Q. And looking at State's Exhibit 12, is that just a
9 slightly different angle?

10 A. Yes.

11 Q. And do you see in State's Exhibit No. 12 -- or could
12 you show us in State's Exhibit No. 12 where you saw the gun?

13 A. Like right here, in between the driver's seat and the
14 raised portion of the center.

15 Q. What portion of the gun could you see?

16 A. The back of the pistol and the handle.

17 Q. What did you do when you saw the gun?

18 A. I immediately alerted my partner to have the Defendant
19 step out.

20 Q. Do you recall what words you used?

21 A. I told him, "Get him out of the car."

22 Q. Do y'all have a prearranged code?

23 A. That's pretty much it. I told him to get out of the
24 car.

25 Q. When you told your partner, "Get him out of the car,"

1 what happened next?

2 A. He knows I spotted something that is a great concern
3 for us and he asked him to step out of the vehicle and bring
4 him to the back of the car.

5 Q. Do you frisk someone for weapons before you put him
6 in the back of your car?

7 A. Yes, I do.

8 Q. What did you do with the Defendant that day?

9 A. As soon as my partner is done with the Defendant, I
10 search the backseat. You know, I tell the passenger, you
11 know, "Don't move. Keep your hands where I can see them."
12 And at that time, as my partner is walking, I have my
13 passenger step out and my partner takes over.

14 Q. Why do you separate the driver and the passenger like
15 that?

16 A. A lot of times when we put them in the backseat of the
17 vehicle, they try to get they're story straight. And
18 sometimes when we have them separated, their stories don't
19 add up. That's the tactic we use.

20 Q. Were you able to talk to talk to the Defendant about
21 the gun in this case?

22 A. Not really. My partner had more conversations him.

23 Q. Did you actually retrieve the gun that you saw?

24 A. I did, yes.

25 Q. And, Officer, I'm going to show you what's been

1 admitted as State's Exhibit Nos. 13, 14 and 15. Do you
2 recognize these items?

3 A. Yes, I do.

4 Q. How do you recognize them?

5 A. It's the gun that I recovered from the vehicle.

6 Q. And where was that --

7 A. Yeah. And my partner did, too.

8 Q. Where was that gun located, initially?

9 A. Initially, where I pointed right here (indicating.)

10 Q. And once you removed it, did you check to see if it
11 was loaded?

12 A. Yes, I did.

13 Q. Was it loaded?

14 A. Yes, it was.

15 Q. What indicated that to you?

16 A. The magazine stuffed inside the gun.

17 Q. Would that be State's Exhibit No. 14?

18 A. Yes.

19 Q. Were the bullets contained in State's Exhibit No. 15,
20 actually loaded in State's Exhibit 14?

21 A. Yes.

22 Q. Were they all located in State's Exhibit No. 13?

23 A. Yes.

24 Q. And, Officer, based on your training and experience,
25 is State's Exhibit No. 13 a handgun?

1 A. Yes, it is.

2 Q. Is that a firearm?

3 A. Yes.

4 Q. When you stopped the Defendant, what clothing do you
5 recall him wearing?

6 A. From what I can remember, he only had his pants on and
7 that was it.

8 Q. Did you notice anything about the Defendant's chest?

9 A. He had no shirt on.

10 Q. Was there anything on his skin that you noted?

11 A. Yeah, a number of tattoos.

12 Q. Now, Officer, are you trained in identifying gang
13 members?

14 A. Yes.

15 Q. Have you encountered gang members on few or many
16 times occasions?

17 A. Yes.

18 Q. Few or many?

19 A. I would say many.

20 Q. Are you familiar with the 52 Hoovers-Crips?

21 A. Yes.

22 Q. What are they?

23 A. They're a street gang.

24 MR. WHITE: Objection, speculation of his own
25 subjective opinion, Your Honor.

1 THE COURT: Overruled.

2 Q. (BY MS. BUESS) Are they a street gang that you are
3 trained to identify?

4 A. Oh, yes.

5 Q. Have you encountered members of the 52 Hoovers-Crips?

6 A. Yes.

7 Q. And the tattoos that you observed, was there are
8 anything about them that caused you to be concerned that the
9 Defendant may be a member?

10 A. Yes. The "5" "2" --

11 THE COURT: That was "yes" or "no."

12 A. Yes.

13 Q. (BY MS. BUESS) And I'm going to show you what's been
14 marked as State's Exhibits 5. Does that appear to be the
15 Defendant and the tattoos that you observed?

16 A. Yes, ma'am.

17 Q. Now, can you point out to us what tattoos you saw
18 that concerned you?

19 A. "5" "2" on his stomach and the dice.

20 Q. Did you talk to the Defendant about whether or not he
21 was a member of the Hoovers-Crips?

22 A. My partner did.

23 Q. And is that while you were handling --

24 A. Yes, that's while I was handling the weapon.

25 Q. And did you ever have any an opportunity to check the

1 Defendant's status in the HPD Gang Tracker?

2 A. I believe my partner ran him in the Gang Tracker.

3 Q. Are you familiar with the HPD Gang Tracker?

4 A. Yes.

5 Q. Can you explain to the jury a little about that.

6 A. Pretty much when you make an encounter with someone
7 and they meet two of the eight criteria to be a gang member,
8 you go ahead and take pictures of the tattoos or whatever it
9 is that makes him a gang member and document it.

10 Q. And, Officer, based on your training and experience
11 that night, did you believe the Defendant was a member of the
12 52 Hoovers-Crips?

13 A. Yes.

14 Q. Which observations caused you to believe that?

15 A. His tattoos.

16 Q. Are you familiar with the colors that the 52
17 Hoovers-Crips commonly associate with?

18 A. Yes.

19 Q. What are those colors?

20 A. It's blue for the most part.

21 Q. Officer, from where the Defendant was initially
22 sitting in the vehicle, was the gun that you recovered within
23 his reach?

24 A. Oh, yes. Yes, it was.

25 Q. How close was it to him?

1 A. I mean, you can grab it.

2 MS. BUESS: Pass the witness.

3 THE COURT: You may inquire.

4 MR. WHITE: Thank you, Your Honor.

5 **CROSS-EXAMINATION**

6 **BY MR. WHITE:**

7 Q. Officer Revus --

8 A. Yes.

9 Q. -- now in regards to that night, how soon after you
10 saw this alleged first swerve, did you get behind Mr.
11 Washington and begin to follow him?

12 A. A couple of seconds. I mean, it wasn't -- it wasn't
13 that long.

14 Q. Do you recall which lane that you were in when you
15 saw the swerve?

16 A. We were in the center lane as well.

17 Q. So, you were right behind him?

18 A. No, not right, right on his bumper or anything like
19 this. But we were in that lane not too far behind.

20 Q. Were there any cars between your vehicle and his
21 vehicle?

22 A. No.

23 Q. Now, about how long distance-wise would you say you
24 followed him before he did this alleged second swerve?

25 A. We didn't follow him after -- I mean, I saw the first

1 swerve. That's what brought my attention to the vehicle.
2 Ran his plate, and that's when, you know, we wanted to see if
3 he still maintained in his lane. But he did it again. And
4 that's when we made the decision to go ahead and pull him
5 over.

6 Q. How long does it normally take to run a plate?

7 A. It depends. On some nights, if the system is working
8 pretty well it could come back in a couple of seconds. If it
9 isn't, it takes awhile, a minute, three minutes, four
10 minutes.

11 Q. Do you recall about how long it took?

12 A. That, I do not recall.

13 Q. So, you don't know distance-wise how long you
14 followed him or how far?

15 A. Maybe about a two-vehicle length. I can't recall.

16 Q. Now, you said Mr. Washington was in the center lane;
17 is that correct?

18 A. Yes.

19 Q. Now, your report -- did you document that? Is that
20 documented on your report that he was driving in the center
21 lane?

22 A. I'm not sure. My partner wrote the report.

23 Q. I believe the report is in front of you. Would you
24 like to review it?

25 A. No, it's not.

1 (Court reporter tenders report to the witness.)

2 A. I don't think it states that, but I do remember that
3 he was in the center lane.

4 Q. (BY MR. WHITE) Now, in the applies academy, you're
5 taught to document everything, correct?

6 A. Yes.

7 Q. Anything significant as to why you would stop a
8 vehicle or why you would make an arrest?

9 A. Correct. Yes.

10 Q. Would it not be documented which lane Mr. Washington
11 is operating in?

12 A. A number witnesses we're a proactive unit we're going
13 on thing run. Sometimes things get missed. And like said he
14 had wrote the report.

15 Q. And would it also be important to document where your
16 vehicle was positioned when you saw this?

17 A. Yes.

18 Q. Is that documented in the report?

19 A. No, I don't believe so.

20 Q. And again, why would that not be documented?

21 A. Like I said, it could be a number of reasons. But
22 like I said, I do remember a traffic stop.

23 Q. Typically, is somebody's memory accurate right after
24 the occurrence or two years later?

25 Q. So, it would be more important right after it

1 happened?

2 A. Right.

3 Q. So, it would be more important?

4 MS. BUESS: Judge, I'm going to object.

5 Improper impeachment.

6 THE COURT: Sustained.

7 Q. (BY MR. WHITE) Now, you stated other vehicles had to
8 take evasive action. Did your partner see other vehicles or
9 evasive action?

10 MS. BUESS: Judge --

11 THE COURT: Sustained.

12 Q. (BY MR. WHITE) Now, when you're in the academy,
13 you're taught to observe everything, correct?

14 A. Yes.

15 Q. Your surroundings, correct?

16 A. Correct.

17 Q. You're taught to multitask?

18 A. Yes.

19 Q. Why were you the one responsible for watching the
20 vehicle?

21 A. I'm the passenger. I'm not in control of driving the
22 vehicle. He's doing a number of things.

23 Q. So, I believe you stated earlier that you were
24 watching the passenger's side of the vehicle or you were
25 watching the vehicle itself, correct?

1 A. Like I said, this is all happening simultaneously.
2 I'm watching the vehicle. I'm watching the inside of the
3 vehicle. That's what we're doing.

4 Q. About how far over into the lane would you say Mr.
5 Washington's vehicle veered into the lane?

6 A. Now, that, I cannot -- I didn't bring out a measuring
7 tape, but he did cross that -- that lane.

8 Q. I mean, was it a slight veer --

9 A. No, he --

10 Q. -- and he moved back --

11 THE COURT: Wait a second. One at a time,
12 Folks.

13 MR. WHITE: I apologize.

14 THE COURT: Answer the question.

15 A. A whole half of his vehicle was in that other lane.

16 Q. (BY MR. WHITE) So, a whole half of his vehicle was in
17 that other lane?

18 A. Yes.

19 Q. And you decided to wait before you pulled him over?

20 A. Yes, to see if he corrected himself or not.

21 Q. How many vehicles were going to have to evasive
22 action?

23 A. Like I said, two.

24 Q. So, how many vehicles were going to have to take
25 evasive action or close to being hit before you actually

1 pulled him over?

2 A. Like I said, once we saw a second one, that's why we
3 made the decision to pull him over.

4 Q. Is that normal standard procedure or procedure?

5 A. That's common practice between me and my partner.

6 Q. Now, you said you've been working in the Gang
7 Reduction Crime Unit for about three years; is that correct?

8 A. That's correct.

9 Q. And in that time, I'm assuming you've encountered a
10 number of gangs before?

11 A. Yes.

12 Q. Have you ever encountered someone who you thought was
13 in a gang and turned out not to be?

14 A. It's not common practice for us to initially just off
15 the bat say, "Hey, you're a gang member." We investigate.

16 Q. Does a person having a tattoo in itself mean that a
17 person is in a gang?

18 A. It would cause for an investigation.

19 MR. WHITE: Objection, Your Honor,
20 nonresponsive.

21 THE COURT: Sustained. Just answer the question,
22 sir. Okay?

23 A. I would say, yes, a tattoo --

24 Q. (BY MR. WHITE) So, your tattoo in itself would lead
25 you to believe that a person is an active member of a gang?

1 A. If that's their name of their street gang, yes.

2 Q. Now, do you recall that night you said your partner
3 is the one that actually approached Mr. Washington's side of
4 the vehicle, correct?

5 A. Correct.

6 Q. And they actually spoke, correct?

7 A. Correct.

8 Q. You didn't speak to Mr. Washington at any time that
9 night?

10 A. No, my partner had more of conversation with them.

11 Q. Specifically, when your partner is approaching the
12 driver's side, are you guys staggered, one is ahead of the
13 other or you guys are the same?

14 A. For the most part, we walk together.

15 Q. Did you and partner approach the passenger's side at
16 the same time your partner approached driver's side?

17 A. Yes.

18 Q. Did you ever hear Mr. Washington tell your partner
19 that he had the gun in the vehicle?

20 A. I didn't hear that conversation. Like I said, I --
21 from what I can recall, I heard my partner was asking for his
22 driver's license and insurance. That's what he does. And
23 I'm looking inside the vehicle.

24 Q. So, it's possible that the same time you're looking
25 inside the vehicle, Mr. Washington had already told your

1 partner about the gun; is that correct?

2 A. This happened fast. Like I said, when my partner was
3 asking for his driver's license and insurance, that's when I
4 spotted the gun. It wasn't like I was just looking around
5 for a couple of minutes. I walked up and I said, "Hey." It
6 was really quick.

7 MR. WHITE: Objection, Your Honor,
8 nonresponsive.

9 THE COURT: Sustained. Just listen to the call
10 of the question and answer that question only.

11 THE WITNESS: Okay.

12 Q. (BY MR. WHITE) So, it's possible that your partner
13 had already been informed by Mr. Washington about the gun
14 being in the vehicle while you were searching the vehicle
15 with your flashlight; is that correct?

16 A. It's possible. But --

17 Q. You don't know whether or not Mr. Washington had
18 already informed him of that gun or not; is that correct?

19 A. That's correct.

20 Q. Now, you say that gun where it was positioned is
21 between the two seats; is that correct?

22 A. Yes.

23 Q. And I believe this is State's Exhibit 12. You said
24 it was positioned between the seats, correct?

25 A. Yes, this location right here.

1 Q. Now, are you sure it was in that location or could it
2 have been a little further up?

3 A. No. I'm positive it's in that location.

4 Q. Just as positive as you are concerning whether or not
5 Mr. Washington had told your partner about the gun being in
6 the vehicle?

7 MS. BUESS: Judge, I'm going to object,
8 argumentative.

9 THE COURT: Sustained.

10 Q. (BY MR. WHITE) How are you so certain of the location
11 of the weapon? Is that documented in your police report?

12 A. No. It's in my memory. I can remember that. It
13 sticks out, the weapon.

14 MS. BUESS: Objection, argument.

15 THE COURT: Sustained.

16 Q. (BY MR. WHITE) Now, did -- Mr. Washington, his
17 attitude that night, did he appear to be combative or was he
18 cooperate?

19 A. No, he was very cooperative.

20 Q. And did he tell you what he had the gun for?

21 A. I believe he spoke to my partner on that.

22 Q. And, in fact, did he tell you and your partner that
23 could check his trunk for his uniform?

24 A. Now, that, no.

25 Q. You don't recall that?

1 A. No.

2 Q. Would it be unusual for someone who works was a
3 security officer to have their gun in their vehicle?

4 A. If working as a security guard capacity, no.

5 Q. Now, you stated that you saw a movement in their
6 vehicle when you were approaching; is that correct?

7 A. Yes.

8 Q. Was there before or after you stopped them?

9 A. That's after we stopped them.

10 Q. Now, did Mr. Washington actually informed you and his
11 partner that he was placing the gun in the center so that you
12 guys would be aware of it?

13 A. That came afterwards. He had mentioned he has an
14 uncle that's an officer. And he had stated to him that
15 whenever he gets pulled over to pull the gun out and pretty
16 much prop it up there so we can see it.

17 Q. So, he actually told you and Officer Ferzenni?

18 A. I heard that, yes, sir. Yes.

19 Q. And is that not, in fact, where you found the gun in
20 plain view, out in the open?

21 A. Yeah, it was out in the open. It was in the center
22 there.

23 Q. And you saw movement towards that area, correct?

24 A. Yeah. Moving away from -- moving away from that area.

25 Q. So, you saw movement away from that area?

1 A. Yes, I did.

2 Q. So, it's possible that what he was doing when he was
3 moving it away from that area, was placing the gun in plain
4 view so the other officer could see it?

5 MS. BUESS: Judge, I am going to object to
6 relevance.

7 THE COURT: Sustained.

8 MR. WHITE: No further questions for this
9 witness.

10 THE COURT: Any redirect?

11 MS. BUESS: No direct from the State.

12 THE COURT: May he be excused?

13 MR. WHITE: No further questions, Your Honor.

14 THE COURT: May he be excused?

15 MR. WHITE: Yes, Your Honor.

16 THE COURT: You may be excused. Call your next
17 witness.

18 MS. BUESS: The State calls Sergeant Ponder.

19 MR. WHITE: Your Honor, before this next
20 witness, I believe there is a motion about --

21 THE COURT: Let's excuse the jury for a moment
22 and have a legal matter heard.

23 THE BAILIFF: All rise for the jury.

24 (Jury exits the courtroom.)

25 THE BAILIFF: Your Honor, this witness has been