

Gerald Milstead - July 15, 2014
Redirect Examination by MR. McLEAREN

1 THE COURT: Recross?

2 **RECROSS-EXAMINATION**

3 **BY MR. HALPERT:**

4 Q Do you have any photos of this damaged door that
5 you're talking about?

6 A No, sir. I didn't take any.

7 MR. HALPERT: Nothing further.

8 THE COURT: Thank you. May he be excused?

9 MR. McLEAREN: Yes, Your Honor.

10 THE COURT: Thank you Deputy Milstead. You
11 can go back. Call your next.

12 MR. McLEAREN: State calls Deputy Reyes.

13 THE COURT: Deputy Reyes. Thank you Deputy
14 Reyes, would you write your name on the paper there and
15 talk loud enough so they can hear you furthest in the jury
16 box there?

17 THE WITNESS: Yes, sir.

18 THE COURT: You can adjust that mike.

19 There you go.

20 THE WITNESS: Yes, sir.

21 **BASILIO REYES,**

22 having been first duly sworn, testified as follows:

23 **DIRECT EXAMINATION**

24 **BY MR. McLEAREN:**

25 Q Deputy Reyes, can you please introduce yourself

Gerald Milstead - July 15, 2014
Direct Examination by MR. McLEAREN

1 to the jury?

2 A Basilio Reyes. Harris County Sheriff's Office.

3 Q How long have you been with the Harris County
4 Sheriff's Office?

5 A This November will be one year, sir.

6 Q And were you with any kind of law enforcement
7 before that?

8 A No, sir.

9 Q And what kind of training did you have to do at
10 the Academy to become a certified peace officer?

11 A Consists of training in the Texas Penal Code,
12 Transportation Code, Family Law, U.S. and Texas
13 Constitution, things of that nature.

14 Q And do you have ongoing classes to make sure
15 you're current with the law and you know what's going on?

16 A Yes, sir. We have a training cycle which
17 consists of two years, and during that two years, we're
18 required to take 40 hours of training to keep our license
19 current.

20 THE COURT: Scoot up a little bit and talk
21 into the mike.

22 THE WITNESS: Yes, sir.

23 Q (By Mr. McLearen) Is your license current?

24 A Yes, it is.

25 Q What part of Harris County are you responsible

Gerald Milstead - July 15, 2014
Direct Examination by MR. McLEAREN

1 for patrolling or responsible for in your day-to-day
2 activities?

3 A West Harris County.

4 Q Okay. So the jury has an idea, can you broadly
5 describe what Harris County would be?

6 A Well, our substation is located off of 1600 block
7 of Clay Road which is Highway 6 and Clay road. We are
8 responsible mainly from Clay Road, Highway 6, all the way
9 to the Waller County Line, I-10 all the way to the Waller
10 County Line and Highway 6, all the way to the Fort Bend
11 County Line.

12 Q What are your normal responsibilities when you
13 go on shift?

14 A Respond to calls for service from the citizens of
15 the district, and enforce the Transportation Code, and do
16 traffic stops and, you know, look for suspicious activity
17 and things of that nature.

18 Q And you got -- are you personally normally on
19 patrol so you're out and about are you waiting at the
20 station to be dispatched?

21 A No. We are on driving around the district being
22 visible.

23 Q On October 20, 2013, were you on patrol in
24 Harris County?

25 A Yes, I was.

Gerald Milstead - July 15, 2014
Direct Examination by MR. McLEAREN

1 Q Did you receive a notification from dispatch?

2 A Yes, we did.

3 Q About what time were you notified of an incident
4 on October 20, 2013?

5 A I don't remember the approximate time, it was
6 late in the afternoon, maybe about 5:00 o'clock, if I
7 remember correctly.

8 Q Still light outside?

9 A Yes, sir.

10 Q Initially, what was the call in dispatch?

11 A The caller had called our dispatch. She was a
12 realtor. She was showing a house that was vacant. When
13 she arrived at the house, she noticed some people inside
14 that should not have been there, according to her, and she
15 called the police.

16 Q Do you remember the address for the location you
17 were dispatched to?

18 A Not at this time, sir, no.

19 Q Do you remember arriving at the scene?

20 A Yes, I do.

21 Q And were there other deputies that were there?

22 A Yes.

23 Q What did you personally do in the investigation
24 when you arrived?

25 A When I arrived, I went to the rear of the

Gerald Milstead - July 15, 2014
Direct Examination by MR. McLEAREN

1 residence with Deputy Jones and Deputy Maeweather and
2 Deputy Sobota and Milstead were at the front of the
3 residence. When we arrived at the back of the residence,
4 we did notice forced entry into the house. The back door
5 had been kicked in.

6 So, we waited there for a second to figure
7 out what our next move was going to be, and we heard
8 Deputy Sobota yelling at some people.

9 Q Okay. I want to take it one step at a time.

10 A Okay.

11 MR. McLEAREN: May I approach, Your Honor?

12 THE COURT: Yes.

13 Q (By Mr. McLearn) Deputy Reyes, I will show you
14 what has been previously marked as Petitioner's Exhibit
15 143 and 114, which have already been admitted into
16 evidence.

17 Does that refresh your memory to the
18 location that you were dispatched to?

19 A Yes, it does.

20 Q 6007 Plantation Crest?

21 A Correct.

22 Q All right. And you stated that you were from
23 the back of the house?

24 A Yes, sir.

25 Q And that's where you saw the signs of forced

Gerald Milstead - July 15, 2014
Direct Examination by MR. McLEAREN

1 entry?

2 A Correct.

3 Q How did you know it was forced entry?

4 A You could see the doorframe had been broken and
5 had been busted. There was pieces of the doorframe on the
6 outside and pieces of wood from the doorframe that had been
7 broken. And then around the locking mechanism, on the door
8 itself, was badly damaged.

9 Q And you heard officers yelling commands from
10 inside the house?

11 A At the time I thought Deputy Sobota was inside
12 the house, yes.

13 Q So, what did you personally do as you approached
14 the back of the house?

15 A Once I hear Deputy Sobota yelling, I made entry
16 into it. Me and the other deputies with me made entry into
17 that residence.

18 Q What did you -- did you see anyone inside when
19 you made entree?

20 A Yes.

21 Q How many people did you see inside?

22 A There was three.

23 Q Okay. Can you describe the three individuals
24 that you initially saw?

25 A Two males, one female.

Gerald Milstead - July 15, 2014
Direct Examination by MR. McLEAREN

1 Q What ethnicity were the three individuals
2 inside?

3 A Hispanic, I thought at the time, sir.

4 MR. McLEAREN: Can we approach again, Your
5 Honor?

6 THE COURT: Yes.

7 Q (By Mr. McLearen) Deputy Reyes, I am handing you
8 what has been previously marked and admitted as
9 Petitioner's 119, 120, and 121.

10 Were those the three individuals that
11 you saw in the house upon making entry?

12 A Yes, sir.

13 Q Did you later find out the identity of those
14 three individuals?

15 A Yes, sir, we did.

16 Q The female there, which is Petitioner's Exhibit
17 20, who was that?

18 A She was one of the individuals inside the
19 residence when I initially made entree. I saw her standing
20 in the -- kind of near the front entrance of the door.

21 Q And just for clarification for the record,
22 Petitioner's 120, that's the female you are looking at,
23 what is her name?

24 A I can't recall her name at this time, sir.

25 Q If I said Brenda Flores, does that sound

Gerald Milstead - July 15, 2014
Direct Examination by MR. McLEAREN

1 accurate?

2 A Yes, sir.

3 Q You also saw Petitioner's 118. That individual
4 with the streak -- sorry, 119?

5 A I'm sorry, I didn't see a 118. Sorry.

6 Q 119, with the streak in his hair.

7 A Yes, sir.

8 Q I'm sorry. Petitioner's 121 is the individual
9 that has a streak in his hair; is that correct?

10 A Correct.

11 Q And were you able to identify him later?

12 A Other deputies on the scene that identify him,
13 later, yes, sir.

14 Q And you were able to confirm that was Neiman
15 Gasper?

16 A Yes, sir.

17 Q And in Petitioner's 119 was the third individual
18 you saw?

19 A Yes, sir.

20 Q Is that individual sitting in court today?

21 A Yes, he is.

22 Q Can you please identify him with an article of
23 clothing he has?

24 A Saying it again.

25 Q Something he has on, can you identify him?

Gerald Milstead - July 15, 2014
Direct Examination by MR. McLEAREN

1 A Purple button-down shirt.

2 MR. McLEAREN: For the record, Your Honor,
3 the witness has identified Mr. Sandoval.

4 THE COURT: Record will so reflect.

5 Q (By Mr. McLearen) When you made entree, what did
6 the three individuals do?

7 A Ms. Flores and Mr. Gasper immediately complied
8 with lawful orders to get on the ground. Once those orders
9 were given, Mr. Sandoval ran upstairs.

10 Q What did you do upon seeing Mr. Sandoval run up
11 the stairs?

12 A I gave another order to stop, which he refused,
13 and proceeded to go after Mr. Sandoval.

14 Q Did you make sure that Brenda Flores and Neiman
15 Gasper were first properly detained before taking off with
16 Mr. Sandoval?

17 A Yes. Deputy Maeweather stayed with those two
18 individuals while myself and Deputy Jones went upstairs.

19 Q What did you do or how did you try to find Mr.
20 Sandoval?

21 A Once we leave to the second level, we identified
22 ourselves as being sheriff's office and gave Mr. Sandoval
23 several more options, or chances, to come out. We didn't
24 hear any, you know, we didn't get any compliance from him,
25 so we immediately started to clear the second level of that

Gerald Milstead - July 15, 2014
Direct Examination by MR. McLEAREN

1 residence.

2 Q And were you able to find Mr. Sandoval?

3 A Yes, sir. Once I entered the master bedroom
4 closet or master bedroom bathroom area while searching the
5 closet of that bathroom, that's where I located Mr.
6 Sandoval hiding.

7 Q And where was Mr. Sandoval hiding?

8 A Inside the closet of the master bath.

9 Q Did you make contact with Mr. Sandoval?

10 A Yes, sir. Absolutely.

11 Q What did you do as you tried to get him out of
12 the closet?

13 A I gave him several commands to come out of the
14 closet, which he refused. At that point I used an arm bar
15 technique, which we are taught in the Academy, which is
16 taught to restrain, and he refused, and -- and he was taken
17 into custody without further incident.

18 Q As an officer and from your experience, what are
19 you thinking or feeling when you have an individual who is
20 not compliant with your commands?

21 A That there is something to hide. It's not --
22 not, that's not normal behavior.

23 Q You didn't know if the respondent had a weapon
24 or firearm?

25 A I didn't know what he had. I had no idea, he

Gerald Milstead - July 15, 2014
Direct Examination by MR. McLEAREN

1 could have had anything out there.

2 Q So, you're taught in the Academy for officers
3 safety to restrain the individual or detain them as fast
4 as possible?

5 A Yes, sir.

6 Q And that's when you executed the arm bar?

7 A Yes, sir.

8 Q When you executed the arm bar, was Mr. Sandoval
9 taken to the ground?

10 A Yes, sir, he was.

11 Q Did he sustain any injuries?

12 A I believe he did to his nose, yes, sir.

13 Q And after he had been detained, what did you do
14 next?

15 A He was -- like I said, he was placed into custody
16 and was walked down, outside, to where Ms. Flores and Mr.
17 Gasper were already on the front lawn of the residence with
18 other deputies, and he was placed there also.

19 Q You stated that Mr. Sandoval had a bloody nose?

20 A Yes, sir.

21 Q Were paramedics at the scene?

22 A Yes, paramedics were called to assess medical
23 attention.

24 Q So they checked on Mr. Sandoval to make sure he
25 was okay?

Gerald Milstead - July 15, 2014
Direct Examination by MR. McLEAREN

1 A Yes.

2 Q And Ms. Flores, Mr. Gasper, and Mr. Sandoval
3 were sitting on the curb, what did you do?

4 A At that point, I walked away from where they were
5 being detained at, and I assisted deputies in the house.

6 Q So, as far as the apprehension of the three
7 individuals in the house, did you do anything else with
8 your investigation?

9 A Yes, I did.

10 Q Did you bring Sergeant Ashmore?

11 A Sergeant Ashmore actually arrived on the scene
12 after hearing the call on the radio, and he arrived on
13 scene after that.

14 Q And at that point did you turn over the
15 investigation for the three individuals to Sergeant
16 Ashmore?

17 A Yes, we did.

18 MR. McLEAREN: Pass the witness, Your
19 Honor.

20 THE COURT: Cross?

21 MR. HALPERT: Briefly, Your Honor.

22 **CROSS-EXAMINATION**

23 **BY MR. HALPERT:**

24 Q Deputy Reyes --

25 A Yes, sir.

Bosilio Reyes - July 15, 2014
Cross-Examination by MR. HALPERT

1 Q You characterize that as not normal behavior to
2 run from officers commands, correct?

3 A Yes, sir.

4 Q In this case, two adults quickly went down on
5 the ground when told to, right?

6 A Yes, sir.

7 Q Some might describe someone who runs from the
8 police as very juvenile behavior, wouldn't you?

9 A Maybe so, sir.

10 Q Mr. Sandoval -- I know you said you had to take
11 him to the ground, he didn't punch you or anything like
12 that, did he?

13 A Absolutely no, sir.

14 MR. HALPERT: Nothing further, Your Honor.

15 THE COURT: Thank you. May he be excused?
16 Thank you Deputy Reyes, you're excused. Thank you. Call
17 you're next.

18 MS. LONGORIA: May I have just a moment,
19 Your Honor?

20 THE COURT: Yes, ma'am. See you later. Be
21 careful. Have a good one. You all can stretch. Okay.
22 Call you're next. Counsel, can you all approach, please?

23 (At the Bench, off the record)

24 THE COURT: Okay. Call your next.

25 MS. LONGORIA: State calls Officer --

Bosilio Reyes - July 15, 2014
Cross-Examination by MR. HALPERT

1 Deputy Sobota, Your Honor.

2 THE COURT: Deputy Sobota. Thank you, Pat.
3 All right. Deputy, take a chair there and write your name
4 on that white piece of paper and talk loud enough so they
5 can hear you all the way in the back.

6 THE WITNESS: All right, sir.

7 THE COURT: Okay.

8 MS. LONGORIA: May it please the Court?

9 THE COURT: Yes, ma'am.

10 **ANDREW SOBOTA,**

11 having been first duly sworn, testified as follows:

12 **DIRECT EXAMINATION**

13 **BY MS. LONGORIA:**

14 Q Deputy Sobota, can you please introduce yourself
15 to the jury?

16 A Yes, ma'am. My name is Andrew Sobota.

17 Q And how are you employed, sir?

18 A Deputy with the Harris County Sheriff's Office.

19 Q And how long have you held that employment?

20 A Almost ten years.

21 Q Can you tell the jury a little bit about your
22 course of employment? What areas of the Sheriff's
23 Department have you worked in?

24 A I worked in the jail when I first started for
25 about a year and a half and then went to the Academy and