

1 THE COURT: Ms. Downing?

2 MS. DOWNING: No further questions, Your
3 Honor.

4 THE COURT: All right. Thank you, ma'am.
5 You may step down and step outside.

6 Call your next witness, please.

7 MS. DOWNING: State calls Officer
8 Robinson.

9 CODY ROBINSON,
10 having been previously sworn, testified as follows?

11 THE WITNESS: Hi, Judge.

12 THE COURT: Welcome back.

13 THE WITNESS: Thank you, sir.

14 THE COURT: Ms. Downing.

15 MS. DOWNING: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MS. DOWNING:

18 Q. Officer Robinson, you are the officer that
19 testified a few hours ago in this same case.

20 A. Yes, ma'am.

21 Q. Okay.

22 MS. DOWNING: Permission to approach,
23 Your Honor?

24 THE COURT: Yes.

25 Q. (BY MS. DOWNING) Officer, I'm handing you

1 what's been submitted as State's Exhibit No. 6. We've
2 identified that already.

3 A. Yes, ma'am.

4 Q. I'm handing you what's been marked as State's
5 Exhibit No. 24. Do you recognize that?

6 A. I do.

7 Q. And what do you recognize it to be?

8 A. A various assortments of green leafy substance
9 believed to be marijuana.

10 Q. Okay. And where did these various substances
11 believed to be marijuana come from?

12 MR. BUNDICK: Objection, Your Honor.
13 None of this is relevant. This has nothing to do with
14 any issue in this case.

15 THE COURT: Can y'all come up here,
16 please?

17 (Bench conference on the record).

18 THE COURT: What are you doing?

19 MS. DOWNING: It goes to affirmative
20 links, Your Honor.

21 By case law, additional drugs goes to
22 affirmative links. The fact that there's weapons found
23 along with drugs goes to the fact that he's -- there's
24 a bunch of marijuana in the house that he claims to be
25 living in. And he just doesn't happen to possess the

1 cocaine. It goes to affirmative links to the entire
2 situation.

3 THE COURT: All right. What's State's
4 Exhibit No. 24? That's what you just had him identify.
5 What is State's Exhibit No. 24?

6 MS. DOWNING: It's 22.

7 THE COURT: You said State's Exhibit
8 No. 24. What is State's Exhibit No. 24?

9 MS. DOWNING: It should be State's
10 Exhibit No. 22. I misspoke, Your Honor. State's
11 Exhibit 22. 22 is the marijuana.

12 23 is the gun. 24 is the bullets.

13 THE COURT: 22 is what?

14 MS. DOWNING: 22 is the marijuana.

15 THE COURT: 23 is what?

16 MS. DOWNING: The gun. And 24 is the
17 bullets that came out of the gun.

18 MR. BUNDICK: And these are all
19 extraneous.

20 THE COURT: Anything else?

21 MS. DOWNING: No, Your Honor.

22 MR. BUNDICK: These are all extraneous
23 that are not admissible under any theory.

24 THE COURT: Well, your objection at this
25 point is overruled. Whether they can actually get them

1 into evidence, I guess we will see.

2 (End of conference).

3 THE COURT: Please continue.

4 MS. DOWNING: Thank you, Your Honor.

5 Q. (BY MS. DOWNING) For clarification, when
6 we're talking about baggies of marijuana, that's marked
7 State's Exhibit No. 22; is that correct?

8 A. That's correct.

9 Q. Okay. And in State's Exhibit No. 22, where
10 did those baggies of marijuana come from?

11 A. A combination of the tops of the two dressers
12 in the bedroom.

13 Q. Okay. And how did they get here today? Can
14 you explain the process from how they got from the
15 dresser to here?

16 A. Sure. I documented the scene by taking
17 photographs, collected everything together, noting
18 where each item was found. Brought them down to our
19 narcotics division. They -- I passed them off to a
20 narcotics officer. They weigh them. They give them
21 back to me. I place them back in this bag. Seal the
22 bag, initial and date it and I return it back to them.

23 Q. So, State's Exhibit No. 22 came out of State's
24 Exhibit No. 6?

25 A. That's correct.

1 Q. Okay. Additionally, I'm showing you what's
2 been marked as State's Exhibit No. 23 and State's
3 Exhibit No. 24.

4 MS. DOWNING: For the record, Your Honor,
5 this weapon has been cleared by the deputy.

6 Q. (BY MS. DOWNING) What is State's Exhibit
7 No. 23 -- what is State's Exhibit No. 23?

8 A. It's a .22 caliber revolver. It's a firearm.

9 Q. And how do we know that it's the firearm that
10 is relevant to this case?

11 A. Well, it was brought by me down to our
12 evidence room. And they secure it with the strap to
13 make sure that it can't go off. They unload it.
14 Separate the unfired cartridges from it in this case.
15 And they bag it, seal it and I sign it and date it.

16 Q. Okay. And so, you signed this?

17 A. I did.

18 Q. Okay. And in regards to State's Exhibit
19 No. 24, you said they take the ammunition out of the
20 gun?

21 A. Right.

22 Q. What is State's Exhibit No. 24?

23 A. Typically we do that on the scene with gloves
24 on so that we don't, you know, get our fingerprints on
25 the stuff.

1 But I separated them at the scene. And
2 they put them in the separate bags. And this is the
3 six unfired .22 caliber cartridges.

4 Q. Okay. And how did State's Exhibit No. 23 and
5 24 come to be in the courthouse today?

6 A. I went and checked them out this morning from
7 our evidence room.

8 Q. Okay.

9 MS. DOWNING: State would move to admit
10 State's No. 22, 23 and 24.

11 MR. BUNDICK: We will renew our previous
12 objection, which is not admissible.

13 THE COURT: Your objection to State's
14 No. 22 will be sustained. Your objection to State's 23
15 and 24 will be overruled.

16 23 and 24 will be admitted.

17 MS. DOWNING: Permission to publish
18 State's 23 and 24 to the jury, Your Honor?

19 THE COURT: Yes, ma'am.

20 Q. (BY MS. DOWNING) Officer Robinson, so State's
21 Exhibit No. 24, the ammunition, you took those out of
22 the gun -- that gun?

23 A. Yes, ma'am.

24 Q. State's Exhibit No. 23?

25 A. That's correct.

1 Q. At the scene?

2 A. That's correct.

3 Q. And where was this weapon found?

4 A. On the headboard of the bed. If you walked
5 into the bedroom, left side of the headboard.

6 Q. Okay. In the same room where the rest of the
7 evidence was found?

8 A. That's correct.

9 Q. And this weapon other than the securing of
10 this Ziptie, is in the same exact condition as you
11 found it?

12 A. Yes, it is.

13 MS. DOWNING: Pass the witness.

14 THE COURT: Mr. Bundick?

15 MR. BUNDICK: Thank you, Judge.

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. BUNDICK:

19 Q. You testified that you found that evidence in
20 the same room where you found the other evidence that
21 we discussed earlier; is that right?

22 A. Yes, sir.

23 Q. You found that evidence in the same room where
24 you found Ms. Dominique Levi; is that right?

25 A. Yes, sir.

1 Q. How far was she from that evidence?

2 A. Three or four feet.

3 Q. But you did not charge her with any offense
4 regarding this evidence or the other that we discussed
5 earlier?

6 A. No, I did not.

7 MR. BUNDICK: Can I have just a moment,
8 Your Honor?

9 THE COURT: Yes, sir.

10 (Brief pause).

11 Q. (BY MR. BUNDICK) If I understand your
12 testimony, you believed you were investigating a
13 criminal trespassing case?

14 MS. DOWNING: Objection to asked and
15 answered.

16 THE COURT: Well, it has been asked and
17 it has been answered, but I will let him ask it again.

18 A. That's -- that was it from the onset, yes.

19 Q. (BY MR. BUNDICK) And so, with that evidence,
20 you could have filed a criminal trespassing charge?

21 A. Potentially. Sometimes the DAs don't like to
22 take it if there's been no previous warning or if the
23 person is willing to leave.

24 MR. BUNDICK: Nothing further.

25 MS. DOWNING: No further questions, Your

1 Honor.

2 THE COURT: All right. Thank you, sir.

3 You may step outside.

4 Can y'all come up, please?

5 (Bench conference on the record).

6 THE COURT: Do you have any more

7 witnesses?

8 MS. DOWNING: Nothing further, Your

9 Honor.

10 THE COURT: You're going to rest?

11 MS. DOWNING: Yes, Your Honor.

12 THE COURT: How about you?

13 MR. BUNDICK: Maybe.

14 THE COURT: Maybe?

15 THE COURT: Okay. Step back.

16 (End of conference).

17 THE COURT: Call your next witness.

18 MS. DOWNING: State rests, Your Honor.

19 THE COURT: All right. State has rested
20 its case in chief, ladies and gentlemen. I'm trying to
21 juggle things here. So, y'all just bear with me for a
22 second. All right. I intend on us probably taking our
23 break at 12:30. We ordered lunch in for you at 12:30.
24 Usually when I order it for 12:30, it doesn't get here
25 till about 12:15. Today for some reason, it's already