

1 THE COURT: Afternoon.

2 Ms. Downing?

3 MS. DOWNING: Thank you.

4 CODY ROBINSON,

5 having been previously sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. DOWNING:

8 Q. Officer Robinson, for the record you are the
9 officer that testified in this case earlier today?

10 A. Yes, ma'am.

11 Q. Okay. I wanted to talk to you again about
12 State's Exhibit No. 22.

13 MS. DOWNING: Permission to approach,
14 Your Honor?

15 THE COURT: Yes.

16 Q. (BY MS. DOWNING) In regards to State's
17 Exhibit No. 6 and State's Exhibit No. 22, within the
18 baggie that is marked as State's Exhibit No. 2, you had
19 said that there was additional marijuana. Is there
20 marijuana marked inside this bag?

21 A. Let me clarify.

22 THE COURT: No, hold on a second.

23 State's Exhibit No. 2?

24 MS. DOWNING: 22.

25 MR. BUNDICK: Objection, Your Honor, that

1 was not admitted, if I recall.

2 MS. DOWNING: It is not admitted.

3 THE COURT: Are we talking about
4 State's 2 or 22 because we've mentioned them both?

5 MS. DOWNING: State's Exhibit No. 22,
6 which has been marked and not admitted.

7 THE COURT: All right.

8 Q. (BY MS. DOWNING) Can you describe for the
9 jury what State's Exhibit No. 22 is?

10 A. Yes. It is all the marijuana that was
11 collected off the two dressers inside the bedroom.

12 Q. Okay. There was also discussion about
13 Ms. Levi being charged with marijuana.

14 A. Yes.

15 Q. Is her marijuana that she's charged with
16 inside State's Exhibit No. 22?

17 A. No, it is not. Anytime someone is charged --

18 MR. BUNDICK: Objection, he's testifying
19 about something that's not in evidence, Your Honor.

20 THE COURT: Overruled.

21 A. Anytime someone is charged with a narcotic, if
22 there's multiple suspects, then the narcotics are
23 separated according to the defendants.

24 Q. (BY MS. DOWNING) Okay. And State's Exhibit
25 No. 6, is the -- what is State Exhibit No. 6?

1 A. It's a paper envelope that contained the crack
2 cocaine and the marijuana that Mr. Williams is charged
3 with.

4 Q. Okay. So, this baggie, State's Exhibit
5 No. 22, came out of State's Exhibit No. 6?

6 A. That's correct.

7 Q. On the outside of the envelope on State's
8 Exhibit No. 6, what does it indicate to you?

9 A. It has a suspect's name, race, sex, age, has
10 complainant as the State of Texas. And it will list
11 the charge as possession of controlled substance, the
12 location of the offense. And then the date, time and
13 it lists all the evidence, 1.4 grams of crack cocaine
14 and 121.9 grams of marijuana.

15 Q. Okay. And if Ms. Levi's marijuana had been
16 contained in that envelope, how would that envelope be
17 different on the outside?

18 A. It would have her listed as a second suspect,
19 a line drawn underneath the narcotics to separate the
20 two. And it would have been noted at the bottom.

21 Q. Okay. My last question, Officer. How do you
22 know that this marijuana is the marijuana that was
23 collected from inside the house?

24 A. Because I'm the one that photographed it,
25 bagged it and tagged it.

1 MS. DOWNING: State would move to admit
2 State's Exhibit No. 22.

3 MR. BUNDICK: No objection.

4 THE COURT: State's 22 will be admitted.

5 MS. DOWNING: No further questions, Your
6 Honor.

7 THE COURT: Mr. Bundick?

8 MR. BUNDICK: No questions, Judge.

9 THE COURT: All right. Thank you, sir.
10 You may step down and one more time step outside.

11 THE WITNESS: All right. Thank you, sir.

12 THE COURT: Call your next witness.

13 MS. DOWNING: May we have permission to
14 approach, Your Honor?

15 THE COURT: Okay.

16 (Bench conference on the record).

17 MS. DOWNING: We would like to bring it
18 to the Court's attention that we have some duplicates
19 in our exhibits.

20 MR. BUNDICK: Some what?

21 MS. DOWNING: There's duplicates inside
22 the exhibits.

23 MR. BUNDICK: I saw that.

24 MS. DOWNING: Yeah. So, State's Exhibit
25 No. 12, 16, 28, 30 and 31 are duplicates.

1 MR. BUNDICK: Well, then we object.

2 MS. DOWNING: And we would withdraw.

3 MR. BUNDICK: We would object to State's
4 Exhibit 12, 16, 28, 30 and 31.

5 (End of conference).

6 THE COURT: Ladies and gentlemen, can
7 y'all step to the back for a few moments, please?

8 (Jury out).

9 THE COURT: Be seated.

10 MR. BUNDICK: Look, what I have to do is
11 go through and check the dates that -- what they're for
12 and make sure that they're a certified copy. I went
13 through and did that on every one of these things.
14 Every one of them was certified. Every one of them had
15 the correct dates on it. Seemed to be a lot of
16 repetition, but I didn't see that these were
17 duplicates. And that was my reasoning.

18 MS. DOWNING: Your Honor, I erroneously
19 included them. And I don't want to leave a false
20 impression with the jury, which is why I'm requesting
21 them to be withdrawn, State's Exhibit No. 12, 16, 28,
22 30 and 31.

23 THE COURT: Can we even do that? I mean,
24 once -- not just like one thing has been admitted, but
25 several things have been offered, not objected to --

1 and I understand what you're saying about what you're
2 checking for -- and then they are admitted without
3 objection. Can I then just take away out of evidence
4 five different exhibits?

5 I don't know. You know why I don't know?
6 Because I ain't never seen it.

7 MS. DOWNING: The alternative.

8 THE COURT: Did y'all get that, ain't?
9 Did you write ain't? Okay. Good.

10 MS. DOWNING: The alternative, Your
11 Honor, is to put on the record that they are
12 duplicates.

13 THE COURT: I don't think that they --
14 I'm not going to do that. I'm not going to let y'all
15 take them out once they've been offered and they're in.
16 Once they're offered and they're in, they become the
17 property of court and/or Trish right there. So, I'm
18 not going to let that happen.

19 So, why don't y'all do the right thing
20 then at this point and explain to them, whether it be
21 in closing or however you want to do it, what it is.

22 MS. DOWNING: Okay.

23 THE COURT: Do you have anymore
24 witnesses?

25 MS. DOWNING: No, Your Honor.

1 THE COURT: Are you?

2 MR. BUNDICK: Maybe. I've got one on the
3 way.

4 THE COURT: What does that mean?

5 MR. BUNDICK: It means that I was given
6 information that she could be here in a few minutes.
7 And I told them an hour ago to get her here. And
8 they've had difficulty getting her. She's coming.
9 She's on the way. I hope she'll be here in the next
10 few minutes.

11 THE COURT: Well, then we might as well
12 just pretend I'm yelling at y'all for 20 minutes.
13 Since we're at this point, let's wait a few more
14 minutes to see if this person gets here.

15 In the meantime, y'all read these
16 charges, please.

17 (Court recess).

18 THE COURT: All right. I know that
19 neither side has rested yet as it relates to
20 punishment. But it is my understanding that once we
21 bring the jury back in here, the State will rest,
22 correct?

23 MS. DOWNING: Correct, Your Honor.

24 THE COURT: The defense will have one
25 witness if she is here. Since I was told about 20

1 minutes ago she would be here in five minutes. And as
2 far as I know, she's still not here yet. But should
3 she be here, the defense will have one witness,
4 correct?

5 MR. BUNDICK: Potentially two, but I
6 won't ask for a continuance if the second isn't here
7 when she gets off.

8 THE COURT: Okay. So, one or two. Then
9 you're going to rest?

10 MR. BUNDICK: Yes, sir.

11 THE COURT: Both sides will close at that
12 point?

13 MS. DOWNING: Yes, Your Honor.

14 MR. BUNDICK: Yes, Your Honor.

15 THE COURT: I've provided both sides with
16 a copy of the Court's charge with the applicable law as
17 it stands right now. I don't know what any of these
18 witnesses could say that could change anything. If it
19 does, I will, of course, take a break and we will do
20 that.

21 But if that doesn't happen, have you both
22 had an opportunity to review the Court's charge on
23 punishment? And if you have, are there any objections
24 to it?

25 MS. DOWNING: None from the State, Your

1 Honor.

2 MR. BUNDICK: None from the defense.

3 THE COURT: All right. If there are no
4 changes to be made, as soon as both sides rest and
5 close, I will go straight into reading it. And then
6 y'all can go straight into arguing it.

7 Do you want to check and see? I saw
8 whomever that is stick his head in the door just now.

9 (Brief pause).

10 MR. BUNDICK: I was told earlier they are
11 going through the metal detector. She's not here. She
12 knows where the court is. I don't know what to tell
13 you, Judge.

14 THE COURT: You know, I've been waiting
15 for 30 minutes now.

16 MR. BUNDICK: Yes, sir.

17 THE COURT: After you -- and I'm not
18 blaming you. But I know after what you were told, she
19 would be here in five minutes. I've been waiting 30 --
20 well, to be accurate, I've probably about waiting about
21 20 to 25 minutes since then. And when I'm waiting,
22 that means those 13 citizens are waiting. Which is
23 what drives me crazy more than anything else.

24 Do they have any idea where she is now?

25 MR. BUNDICK: He keeps wanting --

1 THE COURT: I don't want you to be in the
2 position of not being able to call your witness. Okay.
3 But I have sat around and waited on everybody to figure
4 out what the hell they're doing longer than there's
5 actually been testimony in this case.

6 MR. BUNDICK: May I?

7 THE COURT: Please.

8 (Brief pause).

9 THE COURT: Okay.

10 (Jury in).

11 THE COURT: You can be seated.

12 Call your next witness, State.

13 MS. DOWNING: State rests, Your Honor.

14 THE COURT: State rests.

15 What says the defense?

16 MR. BUNDICK: Your Honor, we would call
17 Nevelyn Williams.

18 THE COURT: Mr. Bundick?

19 MR. BUNDICK: Thank you, Judge.

20 NEVELYN WILLIAMS,
21 having been first duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. BUNDICK:

24 Q. Ms. Williams, can you state your name for the
25 record?