

1 (Open court, jury and defendant  
2 present.)

3 THE COURT: Call your next.

4 MR. WAKEFIELD: Your Honor, the State calls  
5 Officer Aaron Rodriguez.

6 THE BAILIFF: Your Honor, this witness has  
7 not been sworn.

8 (Whereupon the witness is sworn by the  
9 Court.)

10 **AARON RODRIGUEZ,**

11 having been first duly sworn, testified as follows:

12 **DIRECT EXAMINATION**

13 BY MR. WAKEFIELD

14 Q. Good morning.

15 A. Good morning.

16 Q. Would you please introduce yourself to the  
17 jury?

18 A. Good morning. I'm Officer Aaron Rodriguez with  
19 the Houston Police Department, Robbery Division.

20 Q. Officer Rodriguez, where are you from?

21 A. I was born and raised in Houston, Texas.

22 Q. And you mentioned that you work for HPD. Is  
23 there something interesting about your family history with  
24 HPD?

25 A. Yes, sir. I come from a long line of police

1 officers, from my grandfather, my father, and my brother.  
2 And my father was one of the first Hispanic police  
3 officers in the city of Houston to ever make Sergeant.  
4 We're proud of that fact.

5 Q. How long have you been with HPD?

6 A. Seven years, sir.

7 Q. During those seven years you've been with the  
8 Houston Police Department, what divisions have you been  
9 in?

10 A. Currently, as I said, Robbery Division. Before  
11 that, I worked patrol, and I also worked the jail  
12 division.

13 Q. How long have you been in the investigation  
14 Robbery Division?

15 A. Nearly three years. A little bit over -- about  
16 two years, eight months.

17 Q. When you become an investigator in the Robbery  
18 Division, what kind of training does HPD put you through  
19 to qualify you as an investigator?

20 A. We take basic investigator courses which  
21 also -- we have to continue also our education. We're  
22 constantly having to reaffirm the techniques of what we  
23 do. So, we get the latest trainings, keep us current.  
24 So, we have continuing education, as well as the  
25 experience of doing multiple investigations constantly.

1 We are the experts of -- we are proficient in what we do  
2 because we do so many of them. We actually help a lot of  
3 the other divisions complete their tasks because we do so  
4 many of them.

5 Q. You mentioned you do so many. How many,  
6 ballpark, investigations on robberies have you conducted  
7 in the past three years?

8 A. The past three years? Approximately about --  
9 maybe about 150 cases that I've been a part of, assigned,  
10 and also assisted on.

11 Q. Now, when you typically get a case in Robbery  
12 to investigate, how does it come to you?

13 A. Usually -- it can come in many ways. It can  
14 come through our case management, which we get assigned a  
15 case. It could come as someone who has been detained.  
16 They will say: Hey, Rodriguez, and maybe my partner, you  
17 are assigned this case. Go ahead and work this case, the  
18 information that's at hand. Then we go straight to work.  
19 So, those are the ways, either through our case  
20 management, or assigned by a sergeant or a supervisor, or  
21 someone who says: Hey, get on this now; you're working  
22 it.

23 Q. All right. In August of 2011, were you  
24 assigned a robbery investigation that happened on West  
25 Main?

1           A.       Yes, sir, I was.

2           Q.       All right. Now, how did that investigation get  
3 assigned to you?

4           A.       I was notified that this case had been -- there  
5 had been a scene out there. And as soon as we started, I  
6 got notified of the case. I went immediately to start to  
7 read over the case and review it and begin a follow-up  
8 investigation.

9           Q.       What day did the actual event happen? The  
10 actual robbery itself, what day did that happen?

11          A.       I believe it was August 14th.

12          Q.       Was it at night leading into the 15th?

13          A.       I believe so. Yes, sir.

14          Q.       All right. When did you actually get hands on  
15 the case file when you began your investigation?

16          A.       I believe it was around -- can I verify to make  
17 sure?

18          Q.       Sure.

19          A.       I got this case assigned to me on 8-17-2011,  
20 for the follow-up.

21          Q.       Now, by the time you received the case file for  
22 follow-up investigation, had Paul Reese already been  
23 conducting his own investigation on it as well?

24          A.       That's correct. Yes, sir.

25          Q.       By the time you had gotten the case file, who

1 had been identified as one of the suspects in the event?

2 A. At that time, Greg Coleman had been identified  
3 as one of the suspects.

4 Q. All right. Now, when was Greg Coleman  
5 ultimately arrested on the arrest warrant?

6 A. On the arrest warrant, I believe it was going  
7 to be on -- I did everything in a matter of course of  
8 three days. Let me verify. On the -- I believe the 18th,  
9 August 18th.

10 Q. So, the day after you get hands on the file,  
11 that's when Greg Coleman is arrested?

12 A. Correct.

13 MR. WAKEFIELD: Approach the witness,  
14 Judge?

15 THE COURT: Sure.

16 Q. (By Mr. Wakefield) I am showing you what has  
17 been admitted as State's Exhibit 50. Is this Greg  
18 Coleman?

19 A. Yes, sir, that is Greg Coleman.

20 Q. All right. Now, at the time you arrested -- or  
21 at the time that you were investigating, was there a  
22 second suspect yet?

23 A. At the time I was investigating, there was a  
24 second suspect that had not been divulged at that time.

25 Q. So, at this point, the only one you have to go

1 on is Greg?

2 A. Correct.

3 Q. Greg Coleman. When you began your  
4 investigation, how did you begin?

5 A. Usually, when I begin my investigation, I read,  
6 of course, over the reports. I do any type of research  
7 that needs to be done to better stuff. When an arrest is  
8 made, we are then to proceed to interview the person in  
9 question.

10 Q. Could you touch the top right-hand corner of  
11 that screen there in front of you?

12 A. (Witness complies).

13 Q. Again.

14 A. (Witness complies).

15 Q. Beautiful. All right. And what we are looking  
16 at, again, we've already identified that as Greg Coleman,  
17 correct?

18 A. Yes, sir.

19 Q. Okay. So, whenever you're assigned this  
20 investigation, you said you began by interviews?

21 A. Yes, sir.

22 Q. Who did you interview in this case?

23 A. In this case here?

24 Q. Yes.

25 A. I interviewed the list of complainants,

1 Sanchez, Parks, Withoff, and Newton.

2 Q. All right. Of those three -- or those four  
3 individuals, which is the one that reported that she was  
4 sexually assaulted?

5 A. Ms. Withoff.

6 Q. Okay. After Greg Coleman became your first  
7 subject, was he identified as being one of the defendants  
8 by the complainants, by the victims?

9 MR. ANDERSON: Your Honor, I would object  
10 to it as being hearsay.

11 THE COURT: Sustained.

12 Q. (By Mr. Wakefield) Was Greg Coleman the one  
13 that was photographed by the laptop?

14 A. Yes, sir.

15 Q. Did you end up interviewing Greg Coleman?

16 A. Yes, sir.

17 Q. When you spoke to him -- before you spoke to  
18 this man, were there any leads on who the second suspect  
19 was?

20 A. At the time, no, other than the photographs  
21 that -- other than the photographs that were taken off  
22 that laptop, and also stuff that was looked at. Pictures  
23 were out there.

24 Q. Right. But, I mean, other -- other than Greg  
25 Coleman, you had no leads on who the second suspect was?

1 A. Correct.

2 Q. So, when you met him, when you spoke to him,  
3 was he cooperative?

4 A. During the interview, he started out like most  
5 --

6 MR. ANDERSON: I'm sorry, Your Honor. I  
7 would object to that as being narrative. It calls  
8 for a "yes" or "no" as to whether or not he was  
9 cooperative.

10 THE COURT: Sustained.

11 Q. (By Mr. Wakefield) Throughout the course of the  
12 time that you spoke to Greg Coleman in your investigation,  
13 did you find Greg Coleman to be cooperative with you?

14 A. He cooperated with me.

15 Q. Was he helpful to your investigation?

16 A. Yes, he was.

17 Q. When did you do the interview with Greg  
18 Coleman?

19 A. The interview was conducted, I think, also on  
20 the -- I had the place. Stand by. 8-18-2011.

21 Q. Where did you conduct the interview of Greg  
22 Coleman?

23 A. It was conducted at the central jail, 61  
24 Riesner Street.

25 Q. Was anyone with you in that interview?



1 A. Yes, sir.

2 Q. Who was that?

3 A. Officer N. Alvarado.

4 Q. Now, after you interviewed him, and throughout  
5 your investigation up to that point, did a second suspect  
6 emerge?

7 A. Yes, sir.

8 Q. Who was that suspect?

9 A. That suspect is John Thomas.

10 Q. Do you see him in court today?

11 A. Yes, sir. He's sitting right there.

12 Q. Can you describe him by an article of his  
13 clothing?

14 A. He's wearing a blue multi-colored plaid shirt.

15 MR. WAKEFIELD: Your Honor, may the record  
16 reflect the witness has identified the defendant?

17 THE COURT: It will.

18 Q. (By Mr. Wakefield) Now, when you learned there  
19 was a second suspect and you identified him, what did you  
20 go about doing?

21 A. I'm sorry. Can you repeat the question?

22 Q. When you learned there was a second suspect and  
23 you learned his identity, what did you do next?

24 A. Usually, at that time, we get the partial type  
25 information. We had the photographs. And Mr. Coleman was

1 able to identify the name John and also a photograph and  
2 say: That's John and that's the guy that -- he was with  
3 me during this. And he -- he stated some other things as  
4 well regarding John. At that point, N. Alvarado was able  
5 to go about using the information from that interview.

6 Q. Is that how you tracked down John Thomas?

7 A. Correct.

8 Q. When you had the name John Thomas and you had  
9 him identified, what did you do about assuring that he was  
10 the one actually involved in the robbery?

11 A. I made sure that his photograph was shown and  
12 that we had positive identifications.

13 Q. Okay. Now, let's talk about that. Whenever  
14 you say positive identification, what do you mean?  
15 Explain to the jury what you mean by positive  
16 identification.

17 A. Positive identification -- we have three types  
18 in our policies when we show a photo array, and one is  
19 positive. I always make sure that I tell them the word  
20 "positive" means that this is someone who took your  
21 property, this is the person who did the violation against  
22 you. In specific detail, that is how you know it's  
23 positive.

24 Q. So, basically -- let me make sure I understand  
25 what you're saying. You can take a photograph and you can

1 ask a person if that photograph is the person who did  
2 these things?

3 A. Correct.

4 Q. Whenever you display these photographs, do you  
5 have a protocol for how you're going to show photographs  
6 to victims?

7 A. Yes, we do.

8 Q. Is that protocol written down by HPD?

9 A. Yes, it is.

10 Q. What is that protocol? Explain to the jury.

11 A. Protocol is to -- you set up a time, an  
12 appointment. A person is given what they call an  
13 admonishment statement which explains that they are not  
14 obligated to pick anyone. They are only -- things can  
15 change with facial features. Hair and color can be dyed,  
16 your mustache could be shaved or it could be grown.  
17 Things that don't change are things specifically about the  
18 face, nose, the lip -- the lip to the ear, the face shape.  
19 And when they read this, I make sure that they understand  
20 the process, the identification process, and I let them  
21 know that there's these types of identifications, that  
22 they need to be clear, and that I cannot guide them or  
23 lead them to anything; that it's up to them to be for sure  
24 when they say it's positive, for sure whether it be  
25 anything else.

1 Q. All right. When you show these photographs to  
2 these victims, do you show them by themselves or with  
3 other photographs?

4 A. I'm sorry?

5 Q. When you show the photographs, do you show them  
6 just the suspect or do you show it in an array of other  
7 photographs?

8 A. I use -- the suspect will be combined with five  
9 other similar people that resemble the suspect, giving the  
10 -- giving the subject a fair chance. Basically, similar  
11 characteristics.

12 Q. Is that what we call a photo spread?

13 A. Yes, sir.

14 Q. When you used it to identify the defendant from  
15 the victims, did you use a photo spread?

16 A. Yes, I did.

17 Q. Now, we will start with the first one. Did you  
18 show Dominique Withoff the photo spread?

19 A. Yes, I did.

20 Q. Did that photo spread contain the photograph of  
21 John Thomas?

22 A. Yes, it did.

23 Q. Ultimately, throughout the course of your  
24 investigation, how many of the victims were shown that  
25 same photo spread?

1           A.       It would be Withoff, it would be Parks, it  
2 would also be Jose Sanchez.

3           Q.       Okay.  What about Juan Newton?

4           A.       And also Juan Newton, correct.

5           Q.       Now, were they shown this photo spread at the  
6 same time or individually?

7           A.       Individually.

8           Q.       Now, when you presented this photo spread to  
9 them, had any of them seen these photographs before?

10          A.       No, sir.

11          Q.       Did you or any other officer indicate which one  
12 was John Thomas?

13          A.       No, sir.

14          Q.       When you showed the photo spread -- and this is  
15 the first one -- to Dominique, did she recognize a person  
16 in that photo spread as the one that committed the sexual  
17 assault against her?

18          A.       Yes, sir.

19          Q.       Did she tell you this?

20          A.       Yes, sir.

21          Q.       Explain to the jury how she told you one of the  
22 people in this photo spread was the suspect?

23                   MR. ANDERSON:  Your Honor, I would object  
24 to hearsay.

25                   THE COURT:  Sustained.

1 Q. (By Mr. Wakefield) Did she point or did she  
2 speak to you?

3 MR. ANDERSON: Your Honor, the same  
4 objection. It's still hearsay.

5 MR. WAKEFIELD: The point is it's just  
6 going to be something he observed, Judge.

7 THE COURT: All right.

8 Q. (By Mr. Wakefield) Did she point?

9 A. Yes.

10 MR. ANDERSON: Again, I object.

11 THE COURT: I will overrule that part, just  
12 that part.

13 Q. (By Mr. Wakefield) Did she?

14 A. Yes, sir, she did.

15 Q. All right. And the person that she pointed to  
16 in that photo spread, is that the same man that you've  
17 identified as John Thomas today?

18 A. Yes, it is.

19 Q. All right. Was that a positive I.D.?

20 A. Yes, sir, it was.

21 MR. WAKEFIELD: Approach the witness,  
22 Judge?

23 Q. (By Mr. Wakefield) I have my hands on State's  
24 Exhibits 42, 43 -- I'm sorry -- 52, 53, 54, and 55. Let's  
25 start with 52. Do you recognize this document?

1 A. Yes, I do.

2 Q. Is that the document that you had with you when  
3 you met with Dominique Withoff?

4 A. Yes, sir.

5 Q. Has anything changed about that document since  
6 you had it?

7 A. The only thing is the State's exhibit sticker.  
8 That's it.

9 Q. Is it in the same condition as it has been?

10 A. Absolutely.

11 Q. Throughout the course of your investigation,  
12 did you maintain this document?

13 A. Yes, sir.

14 Q. All right. Now, let's talk about these  
15 photographs. In the photographs, are all six of these  
16 photographs of males?

17 A. Yes.

18 Q. Are they all African-American?

19 A. Yes, sir.

20 Q. Do they all have the same hairstyle?

21 A. Yes.

22 Q. Do they all have the same facial features, like  
23 a beard?

24 A. Yes.

25 Q. Are they generally the same size and build?

1 A. Yes.

2 Q. Is there anything unique about the one that was  
3 identified by Dominique Williams [sic] as being John  
4 Thomas? Is there anything about that photograph amongst  
5 the other ones?

6 A. There is a circle around it.

7 Q. Who circled -- made that?

8 A. Ms. Withoff.

9 Q. Did she sign and date this particular photo  
10 spread?

11 A. Yes, she did.

12 Q. And did she indicate that that was positive?

13 A. Yes, she did.

14 Q. All right. After showing -- and then with this  
15 one, did she identify that this one, the one that she  
16 picked, John Thomas, was that the one who sexually  
17 assaulted her?

18 A. Yes, it was.

19 Q. Was it also one of the ones who robbed her that  
20 day?

21 A. Yes, it was.

22 Q. Move on to the next one. The next one you  
23 showed was to whom?

24 A. This is Juan Carlos Newton.

25 Q. And is that another one of the victims that was



1 robbed that day?

2 A. Yes, it is.

3 Q. Do you recognize this document?

4 A. Yes, I do.

5 Q. Substantially the same condition as it was when  
6 you gave it to Juan Newton?

7 A. Yes.

8 Q. All right. Six photographs in here. Are these  
9 the same six that you showed -- not the same document, but  
10 the same pictures that you showed to Dominique?

11 A. Yes, it is.

12 Q. Is this the -- is this a different set of  
13 pictures, meaning like there's no circle around this one?

14 A. That's correct.

15 Q. Okay. But it's the same photographs, just on  
16 different copies?

17 A. Correct.

18 Q. All right. Now, in this case, was Juan Newton  
19 able to make an identification?

20 A. He had, I believe, a negative.

21 Q. Okay. Now, when you say "negative," does that  
22 mean that no one in there did it or he doesn't recognize  
23 anybody in there?

24 A. It could also mean that nobody did -- that he  
25 didn't recognize.

1 Q. Didn't recognize anybody?

2 A. Right.

3 Q. Okay. Now, what would a tentative I.D. mean?

4 A. Tentative is a strong belief that it's very  
5 similar to the person that committed the offense.

6 Q. Are those the three kind: You don't recognize  
7 anybody, the tentative, or positive?

8 A. Correct.

9 Q. All right. Let's move on -- let me ask you  
10 this. Whenever you did Juan Newton, was he given the same  
11 admonishments that you gave Dominique?

12 A. Yes.

13 Q. Was he given the same considerations, don't  
14 pick out anybody or -- you didn't indicate who it was or  
15 anything like that?

16 A. Correct.

17 Q. All right. Next photo spread. Can you  
18 identify which one that is?

19 A. Jose Sanchez.

20 Q. All right. Was he given the same admonishments  
21 that Dominique and Juan Newton were?

22 A. Yes, he was.

23 Q. Was he shown the same six photographs, just on  
24 a different copy than the other two individuals were?

25 A. Yes, sir.

1 Q. Did he indicate, of those six photographs,  
2 which one was the one who robbed him that day?

3 A. Yes, he did.

4 Q. And which one did he select?

5 A. Number one position, John Thomas.

6 Q. Did he -- did you watch Jose Sanchez sign this  
7 document?

8 A. Yes, I did.

9 Q. Did he indicate that it was a positive I.D.,  
10 that that was the one?

11 A. Yes, he did.

12 Q. All right. Now, at this point of the -- when  
13 were all of these shown? What day were all of these shown  
14 to these people?

15 A. All the photo arrays were done, I believe, on  
16 the 19th.

17 Q. Now, those three were done on the 19th?

18 A. Correct.

19 Q. Okay. At this point in your investigation, do  
20 you have enough probable cause to arrest John Thomas for  
21 aggravated robbery and aggravated sexual assault?

22 A. Yes, sir.

23 Q. When you had that information, what did you do  
24 with it?

25 A. At that time, I contacted a district attorney

1 and provided the elements of the offense and the fact that  
2 we had positive identifications in the photo arrays from  
3 the eyewitnesses and I had re-interviewed them. And, at  
4 that time, they gave us the charges, and I --

5 Q. When you say they gave you the charges, that  
6 means somebody at the D.A.'s office accepted the charges?

7 A. Correct.

8 Q. Did you file the warrant or did someone else?

9 A. Someone else filed the warrant.

10 Q. Who was it that filed the warrant?

11 A. Officer Reese, Paul Reese.

12 Q. Now, was the vehicle that was stolen at the  
13 scene -- identify that vehicle. What was it?

14 A. That vehicle was white, I believe, a rental  
15 car.

16 Q. Who had rented that car?

17 A. I believe it was Withoff.

18 Q. It was Withoff?

19 A. Correct.

20 Q. Was that vehicle found?

21 A. Yes, it was.

22 Q. When was it found?

23 A. It was recovered on, I believe, the 22nd or --  
24 let me make sure of that. The 21st it was recovered.

25 Q. So, the actual offense occurred on the 14th and

1 15th?

2 A. Correct.

3 Q. And it was actually discovered on the 21st?

4 A. Correct.

5 Q. All right. When it was discovered, had it been  
6 abandoned?

7 A. Yes.

8 Q. Whenever you find an abandoned vehicle that was  
9 used in a robbery, or stolen in a robbery, what do you do  
10 with it? What does HPD do with it?

11 A. It's considered a crime scene. It's recovered  
12 by a policeman who makes the scene, preserved, the scene  
13 -- in that report regarding a recovery, it's transported  
14 to our evidence lab, which is our -- located at our Dart  
15 lot.

16 Q. And let's explain that to the jury. When you  
17 say "evidence lab," what is the lab that it's taken to?

18 A. It's taken to a stall in which evidence is kept  
19 without being -- undercover and they dust it for  
20 fingerprints, they swab it for any type of DNA materials,  
21 recover anything, and note an inventory, any type of thing  
22 that might have been left, any property or any evidence  
23 that might be within that vehicle.

24 Q. Do you know where that car was found?

25 A. I believe it was found --

1                   MR. ANDERSON: Excuse me, Your Honor. I'll  
2                   object to that. He's speculating.

3                   THE COURT: Sustained.

4                   Q.        (By Mr. Wakefield) Through your investigation,  
5                   were you able to determine where it was found?

6                   A.        Yes, sir.

7                   Q.        Where was that?

8                   A.        I can go right to the location. The officer  
9                   that recovered that vehicle -- recovery -- stand by. 5210  
10                  Briar Drive.

11                  Q.        Is that location in Houston?

12                  A.        Yes, sir. It's our 18th District part of  
13                  Houston, what we call 18th District.

14                  Q.        And also in Harris County?

15                  A.        Yes, sir.

16                  Q.        All right. Now, after the 21st when the car  
17                  was discovered, was the warrant for John Thomas' arrest --  
18                  had it been issued? When was he arrested?

19                  A.        I believe on the 22nd he was arrested.

20                  Q.        After he was arrested, did you meet up with  
21                  John Thomas?

22                  A.        Yes, I did.

23                  Q.        When he was -- the day he was arrested, was he  
24                  interviewed?

25                  A.        I think it was the next morning. The 23rd is

1 when I actually did my interview with him.

2 Q. And you spoke to him?

3 A. Yes, I did.

4 Q. During that interview, what was the defendant  
5 wearing?

6 A. I believe a white T-shirt. Yeah, a white  
7 T-shirt and red shorts.

8 Q. What kind of shorts were they?

9 A. Kind of like basketball, long-type baggy  
10 basketball shorts.

11 Q. Is that outfit important to your investigation?

12 A. Yes, it is.

13 Q. Tell the jury why.

14 A. It's important to the investigation because the  
15 list of complainants identified the suspect as wearing the  
16 exact same attire.

17 Q. After the interview with John Thomas, was there  
18 anything left to do in your investigation?

19 A. Yes, sir.

20 Q. Okay. What was that?

21 A. I had to recover some property that was found  
22 in that vehicle that belonged to Dominique Withoff.

23 Q. Was the property that was found in the vehicle  
24 that belonged to Dominique, was that taken during the  
25 robbery?

1 A. Yes.

2 Q. What was that property?

3 A. I think it was an I-Pad or I-Pod, and some  
4 other miscellaneous, like a key chain, I believe.

5 MR. WAKEFIELD: Approach the witness again,  
6 Judge? May I approach the witness, Judge?

7 THE COURT: Yes.

8 Q. (By Mr. Wakefield) Now, we had mentioned that  
9 the three people you had already shown the photo spreads  
10 to were Jose Sanchez, Juan Newton, and Dominique Withoff.

11 A. Correct.

12 Q. Was there one last person to show your photo  
13 spread to?

14 A. Yes. It was Tempe, I believe.

15 Q. Tempe Parks or Noelle?

16 A. Noelle, right. Her name --

17 Q. Her middle name?

18 A. Right.

19 Q. All right. Why weren't you able to show that  
20 photo spread to her at the time you showed it to these  
21 other three complainants?

22 A. She was unavailable on the phone and she was, I  
23 believe, in Oregon.

24 Q. Were you eventually able to show the photo  
25 spread to her?



1 A. I did.

2 Q. All right. I'm showing to you State's Exhibit  
3 55. Is that in the same condition it was since you  
4 actually gave the photo spread?

5 A. Yes, it is.

6 Q. All right. Now, when were you able to show  
7 this photo spread to Tempe Parks?

8 A. On 10-13-2011.

9 Q. And since August 11th, when the actual robbery  
10 happened, through 10-13, was she ever contacted by HPD  
11 with any pictures of the defendant?

12 A. No.

13 Q. To your knowledge, did she ever see the  
14 defendant?

15 A. No, she did not.

16 Q. Whenever you showed this to her, did you give  
17 the exact same admonishments that you gave Dominique,  
18 Juan, and Mr. Sanchez, as far as, you know, take a look at  
19 it, and positive, negative, or tentative?

20 A. Yes, it's the same.

21 Q. Did you indicate which one was your suspect?

22 A. No, I did not.

23 Q. Is this the same photo spread -- a copy of the  
24 same photo array that you showed to the other three  
25 individuals?

1 A. Yes.

2 Q. Did she make a selection on this photo array?

3 A. Yes, she did.

4 Q. Which one does she select?

5 A. The number one position, John Thomas.

6 Q. Did she sign next to John Thomas' picture?

7 A. Yes, she did.

8 Q. Did she circle it?

9 A. Yes, she did.

10 Q. Did she indicate that was a positive I.D.?

11 A. Yes, she did.

12 Q. Do you remember when you showed this photo  
13 spread to Tempe Parks, how long did it take her to  
14 identify him?

15 A. I believe almost instantly.

16 Q. When you showed the photo spread to Jose  
17 Sanchez, how long did it take him to identify John Thomas?

18 A. Instantly.

19 Q. When you showed the photo spread to Dominique  
20 Withoff, how long did it take her to identify John Thomas  
21 as the man who sexually assaulted her?

22 A. Instantly.

23 MR. WAKEFIELD: Pass the witness.

24 MR. ANDERSON: May I proceed, Your Honor?

25 THE COURT: Sure.

**CROSS-EXAMINATION**

1  
2 BY MR. ANDERSON

3 Q. Officer Rodriguez, you received the assignment  
4 on this case on -- I believe you indicated on August 17th.  
5 So, three days after the robbery. Did you have an  
6 occasion to go to the location where the robbery had taken  
7 place?

8 A. Ultimately -- to try to re-interview, I was  
9 able to do that. Yes, sir, I did. But, ultimately, all  
10 the re-interviews were done on the phone. So, I did not.

11 Q. So, you didn't go to the actual location of  
12 where the robbery had taken place?

13 A. Correct.

14 Q. The interviews that you conducted with the  
15 witnesses in this case occurred at the Houston Police  
16 Department?

17 A. Yes, sir, at the third floor of 61 Riesner  
18 Street.

19 Q. When you interviewed the -- the persons, the  
20 witnesses at the Houston Police Department, that occurred  
21 sometime after August 17th when you received the  
22 assignment, right?

23 A. No.

24 Q. Pardon me?

25 A. It happened on the 18th exactly.

1 Q. Okay. Well, that is after August 17th when you  
2 received the --

3 A. Yes, sir.

4 Q. Okay. So, those interviews occurred after you  
5 received the assignment?

6 A. No. The day I received it. On the 17th, I  
7 said the phone -- the re-interviews happened on the phone  
8 on the 17th and again on the 18th.

9 Q. Now, at the time that you conducted your  
10 interviews on the phone with the witnesses, you had  
11 already read, I guess, portions, or whatever parts of the  
12 offense report which had been generated at that particular  
13 time, correct?

14 A. Yes.

15 Q. All right. It gave you some idea of what had  
16 -- according to the witnesses, had taken place on August  
17 14th, correct?

18 A. Yes, that's correct.

19 Q. Now, when you interviewed the witnesses on the  
20 phone, were they at the same location or were they at  
21 different locations?

22 A. Different locations.

23 Q. And do you recall who it was that you spoke to  
24 first?

25 A. Yeah. Yes, sir. If you can stand by, I've got

1 it written exactly.

2 Q. Sure.

3 A. Yeah. 8-17-2011, at 1400 hours, I spoke with  
4 Dominique Withoff. Actually -- I'm sorry -- at 1530 hours  
5 I spoke with her.

6 Q. All right. On the 17th. And that would have  
7 been 3:30 in the afternoon?

8 A. That is correct.

9 Q. All right. And I take it you phoned her at a  
10 number that you had received as far as the investigation  
11 is concerned as to where to contact her?

12 A. Yeah. The 832-922-21 --

13 Q. All right. You spoke to her. After speaking  
14 with her, who was the next person you spoke with?

15 A. The next person I spoke to is going to be the  
16 same day, 8-17-2011, at 1535 hours.

17 Q. Okay. Who was that that you spoke with?

18 A. That is Juan Newton.

19 Q. So, you spent five minutes -- a little less  
20 than five minutes talking with Ms. Withoff. You then  
21 contacted Mr. Newton?

22 A. Correct.

23 Q. Okay. And after speaking with Mr. Newton, who  
24 was the next person you spoke with?

25 A. It's going to be Noelle Parks, Tempe Parks.

1 Q. All right. That was also on the 17th?

2 A. Correct.

3 Q. What time was that, sir?

4 A. 1545 hours.

5 Q. So, you spent maybe 10 minutes or less talking  
6 with Mr. Newton and then you contacted Ms. Parks?

7 A. That's correct.

8 Q. Now, as far as Mr. Newton is concerned, he was  
9 at a different number than Ms. Withoff?

10 A. That's what it says, yes, sir. 281-610 number.

11 Q. And would that be the same as far as talking  
12 with Ms. Parks, she was at a different number than Mr.  
13 Newton and also Ms. Withoff?

14 A. Repeat the question.

15 Q. Ms. Parks, she was at a different number than  
16 Mr. Newton and Ms. Withoff?

17 A. That's right.

18 Q. And the next person who you interviewed on the  
19 18th, who was that?

20 A. That would be on the 17th still. Jose Sanchez  
21 is who I spoke with.

22 Q. Okay. I thought I said the 17th. I'm sorry.  
23 I misspoke. Mr. Sanchez you also spoke with on the 17th?

24 A. Correct.

25 Q. What time was that, sir?

1 A. I don't have the time there.

2 Q. Now, in talking with those individuals about  
3 what had taken place, did you inform them that you may be  
4 in contact with them at some later date if any information  
5 is received as far as any of the suspects that were  
6 involved in what had taken place on the 14th?

7 A. I told them, yes, there would be a follow-up  
8 investigation to continue.

9 Q. You do that to make them aware that if things  
10 develop during the course of an investigation, to expect  
11 to be contacted again and perhaps even to be  
12 re-interviewed as far as what may have developed later on  
13 in your investigation, correct?

14 A. Yes, that is correct.

15 Q. At some point in time, you -- as far as the  
16 investigation is concerned, you developed the person of  
17 Greg Coleman as one of the suspects in the case, correct?

18 A. Yes.

19 Q. And after developing him as a suspect, you  
20 prepared a photo spread, including his photograph in the  
21 photo spread, correct?

22 A. Yes, sir.

23 Q. Now, in terms of the process for developing the  
24 photo spread, you have a photograph -- you obtain a  
25 photograph with his driver's license or some other

1 photograph of the possible suspect, and you then search  
2 around for similar-looking persons, five, maybe sometimes  
3 more than that, but, typically, it's five, so that the  
4 photo spread contains six photographs to be shown to  
5 witnesses for the purposes of identification, correct?

6 A. Absolutely correct.

7 Q. All right. I mean, you pick the location of  
8 where the suspect is going to be and the other  
9 individuals, whether it's random, or by lot, or just --  
10 they are just included in the photograph, correct?

11 A. No, that's incorrect.

12 Q. Okay. Then how are the other persons situated  
13 in the photo spread?

14 A. It was picked by another officer who created  
15 the photo spread, and I did not choose the position.

16 Q. Okay. I'm sorry?

17 A. I did not choose the position, no, sir.

18 Q. The position of what?

19 A. Of -- the position of the target or the  
20 suspects at all. In any of the photo arrays, I did not  
21 choose the position.

22 Q. Okay. Somebody else did?

23 A. Correct.

24 Q. Okay. So, I guess, the proper way is that when  
25 one -- when a photo spread is prepared, whoever prepares



1 it selects the location of the suspect and then includes  
2 the location of the other persons who are included in the  
3 photo spread?

4 A. I need to clarify that it's random. Yes, you  
5 choose the -- the person chooses the photographs and it's  
6 at random. The computer will randomize the position.

7 Q. Okay. Now, the person who prepares the photo  
8 spread knows who the suspect is, correct?

9 A. Repeat that.

10 Q. The person who prepares the photo spread, does  
11 that person know who the suspect is, who the focus is of  
12 the investigation, whose photographs are included in the  
13 photo spread?

14 A. Yes, at the time.

15 Q. And, of course, when you receive the photo  
16 spread to present to the witnesses -- and I'm talking  
17 about Mr. Coleman's photo spread -- you are aware of who  
18 Mr. Coleman is, correct?

19 A. Yes, that's right.

20 Q. Now, if you have multiple witnesses to be shown  
21 a photo spread, if I understand things correctly, you show  
22 them copies of the same photo spread, correct?

23 A. Yes.

24 Q. Now, when you show them the same copies of the  
25 same photo spread, are the witnesses separate or are they

1 together?

2 A. Separated.

3 Q. And many times they aren't even shown the photo  
4 spread on the same day; is that correct?

5 A. I'm sorry?

6 Q. The witnesses, if you have multiple witnesses,  
7 there are times when those witnesses are not shown that  
8 photo spread or copies of that photo spread on the same  
9 day?

10 A. Sir, I really can't speculate on that.  
11 Sometimes it is. Sometimes you're lucky enough to get all  
12 the people cooperative. When a complainant is willing and  
13 wants to really do something, usually, you get their  
14 cooperation very fast.

15 Q. Okay. The question is -- you may have answered  
16 it -- there are occasions when you're showing photo  
17 spreads to witnesses, they are not always available on the  
18 same day?

19 A. Oh, yes, that is correct.

20 Q. Okay. And whether a witness -- let's say if  
21 the witnesses aren't available on the same day to be shown  
22 the photo spread, and let's say you have to show the photo  
23 spread to the witnesses over the course of other days, of  
24 course you have no control over whether a witness may  
25 contact another witness to report to them: Look, I was

1 shown a photo spread and I saw the person who I recognized  
2 in the photo spread, and this is the position that that  
3 person was in; you don't have any control if a person were  
4 to do that, would you?

5 A. Yes. The only control is that I told them that  
6 they would be prosecuted for perjury. I said: Do not  
7 talk about the case to other witnesses because of the fact  
8 it might taint the court case. You will be perjuring.  
9 And if you do talk about it, that you can sit in court and  
10 say: I for sure did not talk to anyone else about the  
11 position, or about the suspect, or about any particular  
12 details of the case.

13 Q. Okay. Again, you don't have control over --

14 A. Other than that statement that I just gave.

15 Q. Okay. And someone reporting to another witness  
16 the fact that they saw a photo spread which contained the  
17 photograph of the person who they believe was involved in  
18 an incident and told that to another witness, that's not  
19 perjury, is it? They are violating the admonishments that  
20 you gave them as far as being a witness and looking at a  
21 photo spread, correct?

22 A. Yes, it would not be perjury, but they would be  
23 in violation of what I told them.

24 Q. Okay. And those admonishments are written  
25 rules created by the Houston Police Department, correct?

1 At least my understanding -- you said there are written  
2 protocols that the Houston Police Department has as far as  
3 photo spreads are concerned and that's what you tell the  
4 witnesses when they are looking at photo spreads?

5 A. Yes, sir.

6 Q. And there's no penalty for a witness, they  
7 won't be arrested, put in jail, or charged with an offense  
8 if they violate that protocol, will they?

9 A. Not from our department, no, sir.

10 Q. Now, when you showed -- I'm assuming as far as  
11 Mr. Coleman is concerned, when you showed the photo  
12 spreads to the witnesses -- and let me ask you this. The  
13 witnesses that you showed Mr. Coleman's photo spread to,  
14 would that also be Ms. Withoff, Mr. Newton, Mr. Sanchez  
15 and Ms. Parks; would it also be those four individuals?

16 A. Yes.

17 Q. And when you showed those photo spreads to  
18 those witnesses, at least my understanding was, you didn't  
19 do that, of course, as a group; that was done  
20 individually?

21 A. Correct.

22 Q. All right. And do you recall whether when you  
23 showed that photo spread to those witnesses, whether that  
24 was done on the same day?

25 A. I can tell you, yes, sir. Stand by. Yes.

1 Q. Okay. And were they shown to the witnesses at  
2 the Houston Police Department or at another location?

3 A. 61 Riesner, third floor. That was on  
4 8-18-2011. They were shown a photograph of Mr. Coleman.

5 Q. Okay. All four witnesses were down at the  
6 Houston Police Department on the same day, at the same  
7 time, but were shown the photo spread of Mr. Coleman  
8 separately?

9 MR. WAKEFIELD: Your Honor, I'm going to  
10 object to this line of questioning as irrelevant.

11 THE COURT: Overruled.

12 Q. (By Mr. Anderson) Go ahead.

13 A. These were shown -- can you repeat the question  
14 again? I'm not sure --

15 Q. Sure. The photo spread of Mr. Coleman, at  
16 least from what I'm understanding you're saying, was shown  
17 to the four witnesses down at the Houston Police  
18 Department at 61 Riesner on the same day, but shown to  
19 them separately?

20 A. Correct.

21 Q. And were they shown to those witnesses within  
22 minutes of each other? Are there times listed on the  
23 photo spreads as to when the witness looked at the photo  
24 spread and either made an identification or didn't make an  
25 identification?

1 A. Yes, there are times.

2 Q. That's on Mr. Coleman's photo spread?

3 A. Yes, sir.

4 Q. Okay. Now, you indicated at some point in time  
5 the photo spreads were prepared for my client, Mr. Thomas.

6 A. Uh-huh.

7 Q. Is that a "yes"?

8 A. I'm not sure there's a question there.

9 Q. You indicated at some point in time that a  
10 photo spread was prepared of my client, Mr. Thomas.

11 A. At that time?

12 Q. At sometime.

13 A. Yes, at sometime there was a document  
14 presented. Yes.

15 Q. All right. A photo spread. Let's call it what  
16 it is.

17 A. Photo spread.

18 Q. It's a photo spread?

19 A. Yes.

20 Q. All right. And the process that was used in  
21 preparing that photo spread was similar to the process  
22 that was used in preparing Mr. Coleman's photo spread?

23 A. I'm sorry. Could you repeat the question?

24 Q. The process that was used to prepare Mr.  
25 Thomas' photo spread was the same process that was used to

1 prepare Mr. Coleman's?

2 A. Yes, sir.

3 Q. And in terms of the protocol that was followed  
4 and given to the witnesses, was it the same protocol that  
5 you gave to the witnesses when you showed them Mr.  
6 Coleman's photo spread?

7 A. Yes.

8 Q. And is it correct that what the witnesses were  
9 shown were copies of the same photo spread --

10 A. No.

11 Q. -- as far as Mr. Thomas is concerned?

12 A. No, that's not correct. Copies?

13 Q. Copies of the -- you had one photo spread, I  
14 guess what one could call the original photo spread.

15 A. Uh-huh.

16 Q. All right. And copies were made of that  
17 original photo spread and individually shown to the  
18 witnesses, correct?

19 A. Yeah. Yes, sir.

20 Q. And would that be because when an  
21 identification, or a tentative identification, or a  
22 negative identification was made on the photo spread, you  
23 would have the individual witness circle, initial, or  
24 indicate the result of their viewing of that photo spread  
25 on the photo spread that was shown to them?

1           A.       Yes.

2           Q.       Okay.  Now, you prepare a photo spread and you  
3 select, besides the suspect, five individual persons of  
4 similar characteristics because you want to have a fair  
5 representation shown to the witnesses for the purpose of  
6 their identification, correct?

7           A.       Yes.

8           Q.       You, I guess, try, in terms of getting the  
9 photo spread, putting it together and giving the protocols  
10 to the witnesses so that if they make an identification,  
11 you feel that it will be an accurate identification,  
12 right?

13          A.       Yes, sir.

14          Q.       Now, let me ask you this.  In terms of being  
15 fair, and because you don't have control over whether one  
16 witness -- no matter how it is, they contact or say  
17 something to another witness as far as identification is  
18 concerned, as to whether or not they saw someone in a  
19 photo spread that they identified and recognized -- let's  
20 say they violate the protocol, wouldn't it be better to  
21 prepare a different photo spread that may include the same  
22 five fill-ins but a different photo spread for each  
23 witness where the suspect is placed in a different  
24 location than the one that may be shown to another  
25 witness?



1 A. I can't speculate on that, what's better.

2 Q. Okay. Wouldn't it sound better if you do it  
3 that way? That way, if someone contacts in violation of  
4 the protocol -- if Ms. Withoff, after looking at a photo  
5 spread, whether it's Mr. Coleman or Mr. Thomas, says: I  
6 made the identification, and, say, in violation of your  
7 protocol, calls Juan Newton and says: Look, Juan, I came  
8 down. I looked at some photo spread. The person I saw  
9 was in position number one --

10 A. Well, this particular --

11 Q. I haven't finished the question.

12 A. Okay.

13 Q. Let's say that's what happens. Wouldn't it be  
14 better to make sure that it was fair that the photo spread  
15 that was shown to Mr. Juan Newton didn't have the suspect  
16 in the same location as the one that was shown to a  
17 previous witness, to Ms. Withoff?

18 A. I'm going to respond by saying that during this  
19 -- when this was shown at Riesner, there was another  
20 officer present. So, each individual was sat down in a  
21 chair and said nothing, saw it, viewed it, came back, and  
22 sat down in another chair, viewed it, went, and saw it.  
23 So, there's no way for them to speak with one another  
24 regarding anything.

25 Q. We know that was true as far as Mr. Coleman's

1 photo spread was concerned, but as far as the photo spread  
2 of Mr. Thomas, was the photo spreads of Mr. Thomas shown  
3 to the witnesses at 61 Riesner on the same day and, say,  
4 within a minute or two minutes of each other?

5 A. No. They were -- you want me to respond to  
6 that?

7 Q. They were shown on different days?

8 A. Yes, sir, they were shown on different days,  
9 different locations. I said 61 Riesner. It was 1200  
10 Travis, in our interview room separately, yes.

11 Q. All right. They were shown on the same day,  
12 but different locations, correct, at least from what you  
13 indicated?

14 A. No. You're indicating that. Both photo arrays  
15 were shown -- both complainants were shown at 1200 Travis  
16 separately in our interview room while one sat on a couch,  
17 brought one in, in the interview room, sat the other one  
18 on the couch, and then brought the other complainant in.  
19 So, there's no way for them to discuss regarding the case.

20 Q. Now, are we talking about Mr. Coleman's photo  
21 spread identification or are we talking about Mr. Thomas?

22 A. Thomas.

23 Q. So, then I think I may have misunderstood you.

24 A. Okay.

25 Q. Because I asked you whether on -- as far as Mr.

1 Thomas' showing of the photograph -- or photo spread of  
2 Mr. Thomas, whether or not that occurred on the same day  
3 at the same location?

4 A. Yes, sir. At 1200 Travis, yes.

5 Q. Okay. As far as Mr. Thomas, it was also shown  
6 to Mr. Juan Newton, Ms. Withoff, and Mr. Sanchez at the 61  
7 Riesner location on the same day?

8 A. No. These were shown -- no. Because he had  
9 not been developed at that time.

10 Q. All right. When I say the same day, I don't  
11 mean the same day that Mr. Coleman's was shown on August  
12 18th, I believe.

13 A. It was -- yes, it was going to be the 18th,  
14 8-18-2011.

15 Q. For?

16 A. Coleman.

17 Q. All right. Let's do it this way. When was Mr.  
18 Thomas' photo spread shown to Dominique Withoff and where  
19 was it that it was shown to her?

20 A. It was shown to her at Travis. I'm sorry. Let  
21 me correct myself here.

22 Q. Yes, sir.

23 MR. WAKEFIELD: Your Honor, would it help  
24 -- would it help testimony if I actually returned  
25 these back to the stand? These are the extra lineups

1 themselves.

2 THE COURT: I don't know.

3 MR. ANDERSON: I don't know.

4 THE WITNESS: Yeah, sure.

5 A. This looks like her address. Sawyer Street, I  
6 believe.

7 Q. (By Mr. Anderson) All right. So, the photo  
8 spread of Mr. Thomas was shown to Ms. Withoff at her  
9 address?

10 A. Yes. Actually, no. 1200 Travis, like I  
11 stated.

12 Q. All right. And on what day, sir?

13 A. That is on 8-19-2011.

14 Q. Now, when the photo spread shown to Mr. Newton,  
15 where was that shown?

16 A. 1200 Travis also.

17 Q. Now, the location is indicated on the  
18 admonishment form as to where the photo spreads were  
19 shown?

20 A. Yes, sir.

21 Q. And what time was the photo spread of Mr.  
22 Thomas shown to Mr. Newton?

23 A. At 5:35 p.m.

24 Q. And Ms. Withoff, what time was it shown?

25 A. 5:28 p.m.

1 Q. Now, when the photo spread was shown to Juan  
2 Sanchez, where was it shown?

3 A. 2955 Kirby Drive. That's right. I remember  
4 that.

5 Q. When was it shown? What day, sir?

6 A. 8-19-2011.

7 Q. At what time?

8 A. At 7:45 p.m.

9 Q. And if I understood things correctly as far as  
10 during direct, Ms. Parks was not available at the time of  
11 the showing of -- for Mr. Thomas' photo spread as the  
12 other witnesses. She had been shown the photo spread at a  
13 later date?

14 A. That's correct.

15 Q. When was that, sir?

16 A. 10-13-2011.

17 Q. 10-13-2011. And where was that shown to her?  
18 Where was she?

19 A. That was at 406 West Sawyer Street, Apartment  
20 8.

21 Q. All right. At her residence?

22 A. Correct.

23 Q. Now, the method of showing photographs or photo  
24 spreads for identification purposes to witnesses as you've  
25 described as to what occurred back in August and in

1 November of 2011 with the photo spreads, is that still the  
2 policy at the Houston Police Department?

3 A. I'm sorry?

4 Q. The method of showing and preparing photographs  
5 for identification purposes, is it the same now as it was  
6 back in August and October of 2011?

7 A. No, it is not.

8 Q. How has it changed?

9 MR. WAKEFIELD: Objection. Relevance.

10 THE COURT: Overruled.

11 Q. (By Mr. Anderson) You may answer the question,  
12 sir.

13 A. Now there are two types of -- two types of ways  
14 we can show a photo spread. It's up to our choice.

15 Q. All right. What are the two ways?

16 A. Sequential or simultaneous.

17 Q. Now, simultaneous would be the method that was  
18 used in August and November of 2011, the preparation of  
19 the photo spreads, correct?

20 A. That's right.

21 Q. Where you have six photographs and the person  
22 looks at the six photographs, correct?

23 A. Yes.

24 Q. All right. The sequential method is where  
25 there are individual photographs which a witness is

1 presented with and they pick through those photographs to  
2 see whether or not they recognize anyone in the photograph  
3 using the sequential method, correct?

4 A. That's correct.

5 Q. And the reason that you now have the two  
6 methods for showing photographs to a witness for  
7 identification purposes is that there's been studies and  
8 findings that, perhaps, the sequential method is the best  
9 method in terms of getting a fair --

10 MR. WAKEFIELD: Objection, Your Honor.

11 This is hearsay.

12 THE COURT: If he knows of his own  
13 knowledge, he can answer it.

14 Q. (By Mr. Anderson) The sequential method has  
15 been adopted and been described as, perhaps, a better  
16 method for identification purposes; is that correct?

17 A. No. There's no study proving that. There's  
18 nothing that I would know that's proved that.

19 Q. Because you don't know it doesn't mean there's  
20 no study. Because there's a reason as to why --

21 MR. WAKEFIELD: Objection. Counsel is  
22 testifying at this point.

23 THE COURT: Sustained as to the form of the  
24 question.

25 Q. (By Mr. Anderson) There's a reason as to why

1 the Houston Police Department has now two methods for  
2 showing photographs for identification rather than one  
3 method that was available at the time of August 11th and  
4 November 11th of 2011. I'm sorry. There's a reason why  
5 HPD decided to use the two methods, correct?

6 A. Yes. Yes, sir. Yes, that's correct. It's  
7 still a choice, but that is right.

8 Q. And it's up to the individual investigator to  
9 decide which method they want to use?

10 A. That's correct.

11 Q. Now, the State asked you a question about the  
12 recovery of the vehicle. You weren't active or involved  
13 in the recovery of the vehicle, were you?

14 A. Correct.

15 Q. Do you recall the officer who, in fact, located  
16 the vehicle?

17 A. I'm sorry?

18 Q. Do you recall the name of the officer who  
19 recovered the vehicle?

20 A. Yes, sir. It was G. Francis.

21 Q. I'm sorry?

22 A. G. Francis Riley at 18 Frank 47 I.

23 Q. All right. And, also, as far as the processing  
24 of the vehicle, once it was taken down to the evidence lab  
25 or the stall that you described -- of course, you weren't



1 involved in the processing. There were some other  
2 officers that were involved in the processing of the  
3 vehicle, right?

4 A. Office Lambright at the Dart lot, yes, sir.

5 Q. The process that you indicated included  
6 fingerprinting, or search for fingerprints, DNA evidence,  
7 and inventory, and, perhaps, recovering any items of  
8 evidence that might be found inside the vehicle?

9 A. That's correct.

10 Q. That was done by the other officers?

11 A. By Officer Lambright, yes, sir.

12 Q. Were you involved in the arrest of Mr. Thomas?

13 A. No, I was not.

14 Q. Okay. There were some other officers that were  
15 involved in that?

16 A. Yes, our fugitive detail.

17 MR. ANDERSON: I'll pass the witness.

18 Thank you, sir.

19 MR. WAKEFIELD: Nothing further, Judge.

20 THE COURT: You may step aside.

21 THE WITNESS: Thank you.

22 MR. WAKEFIELD: At this time, Judge, the  
23 State calls Officer De Los Santos.

24 THE BAILIFF: This witness needs to be  
25 sworn in, Judge.