

1 MS. DALEY: Yes, Judge.

2 MR. JUSTIN: Yes.

3 THE COURT: Thank you for your time.

4 (Recess taken)

5 THE COURT: Okay. Call your next witness.

6 MS. DALEY: The State calls

7 Officer Rodriguez.

8 ROY RODRIGUEZ,

9 having been first duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. DALEY:

12 Q Good morning, Officer Rodriguez.

13 A Good morning.

14 Q Will you please state your name for the
15 record.

16 A Roy Rodriguez.

17 Q Officer Rodriguez, what do you do for a
18 living?

19 A I'm a Houston police officer.

20 Q Okay. Did you have a chance to encounter
21 the defendant after April 17th, 2012?

22 A Yes, ma'am.

23 Q On what date did you encounter him?

24 A May 24th.

25 Q Did you stop him on that date?

1 A Yes.

2 Q Did you have probable cause to stop him?

3 A Yes.

4 Q What was your probable cause?

5 A Speeding.

6 Q Where was that?

7 A On the North Freeway.

8 Q Is that in Harris County, Texas?

9 A Yes, ma'am.

10 Q What was the posted speed limit on the
11 North Freeway?

12 A 60 miles per hour.

13 Q What was the defendant traveling?

14 A 115.

15 Q And what kind of -- was the defendant
16 operating a motor vehicle at that point?

17 A Yes, ma'am, he was.

18 Q What kind of vehicle was it?

19 A 2003 Honda CBR motorcycle.

20 Q Once you pulled him over for speeding, did
21 you have a chance to encounter the defendant on the
22 motorcycle?

23 THE COURT: Where did you pull him over,
24 exactly?

25 THE WITNESS: Ma'am?

1 THE COURT: Where did you pull him over,
2 exactly?

3 THE WITNESS: Actually, another unit
4 helped me.

5 THE COURT: Where was the stop?

6 THE WITNESS: 9000 North Freeway.

7 THE COURT: So on 45 North?

8 THE WITNESS: Yes, on the service road.

9 THE COURT: On the service road of
10 45 North?

11 THE WITNESS: Yes, ma'am.

12 THE COURT: So not on a freeway?

13 THE WITNESS: Well, it started on the
14 freeway and --

15 THE COURT: Ended on the service road?

16 THE WITNESS: Service road, yes, ma'am.

17 THE COURT: What time of day was this?

18 THE WITNESS: After midnight.

19 THE COURT: Okay. Go on.

20 Q (By Ms. Daley) And once you pulled the
21 defendant over, did you have a chance to personally
22 encounter him on this motorcycle?

23 A Yes.

24 Q Do you see defendant in the courtroom
25 today?

1 A Yes, the gentleman in the black jacket and
2 the braids.

3 MS. DALEY: Your Honor, may the record
4 reflect that the witness has identified the
5 defendant?

6 THE COURT: The record may so reflect.

7 Q (By Ms. Daley) Officer Rodriguez, when you
8 approached the --

9 Do you know what a interlock device
10 is?

11 A Yes.

12 Q What is it?

13 A The apparatus that driver has to blow into
14 to get the vehicle to start.

15 Q Are you familiar with what they look like?

16 A I've seen maybe one or two in my time.

17 Q When you approached the defendant, did you
18 see an interlock on his motorcycle that he was
19 operating?

20 A No.

21 Q Did you ask for his driver's license and
22 identification?

23 A Personally, no, I did not.

24 Q Do you recall whether or not his driver's
25 license and identification was asked for by a fellow

1 officer?

2 A Yes.

3 MR. JUSTIN: Hearsay, Your Honor.

4 THE COURT: Overruled.

5 MS. DALEY: Pass the witness.

6 THE COURT: Anything further?

7 CROSS-EXAMINATION

8 BY MR. JUSTIN:

9 Q So, Officer, how many devices -- interlock
10 devices have you seen on motorcycles before now?

11 None?

12 A On a motorcycle, none.

13 Q So you have no idea where it would be
14 located, do you?

15 A On a motorcycle, no.

16 Q Seen any pictures of the motorcycle that
17 night?

18 A No.

19 Q So you're really not sure if there was an
20 interlock device on the motorcycle or not, are you,
21 you personally?

22 A From --

23 THE COURT: What?

24 A From -- no.

25 Q Thank you.