

1 WITNESS: Yes, ma'am.

2 All right. Ms. Allen, you may proceed.

3 MS. ALLEN: Thank you, Your Honor.

4 DANIEL ROSALES,

5 having been first duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. ALLEN:

8 Q. Will you please state your name for the record
9 and for the ladies and gentlemen of the jury?

10 A. Daniel Rosales.

11 Q. How are you employed?

12 A. I'm a police officer with the Houston Police
13 Department.

14 Q. How long have you been with HPD?

15 A. I'm in my 29th year.

16 Q. Where are you currently assigned?

17 A. Narcotics.

18 Q. How long have you been in the narcotics
19 division?

20 A. '91.

21 Q. Did you go to the Houston Police Academy?

22 A. Yes.

23 Q. And when did you finish that?

24 A. In December of '83.

25 Q. Did you have various assignments in the Houston

1 Police Department between your graduating the academy
2 and your being assigned to the narcotics division?

3 A. Yes.

4 Q. Have you kept up your TCLEOSE certification
5 during the time you've been with HPD so that you are a
6 certified peace officer here in Harris County?

7 A. Yes, ma'am.

8 Q. Your current assignment you said is narcotics.
9 Where were you assigned in November of 2009?

10 A. To the same squad.

11 Q. And what squad is that?

12 A. It's a T-net Squad 18.

13 Q. Did you work with Officer Abe Vanderberry and
14 Sergeant Ohland back in 2009?

15 A. Yes.

16 Q. Did you become involved in an investigation on
17 November 30th, 2009 at 7823 Sarita?

18 A. Yes, ma'am.

19 Q. How did you get involved in that?

20 A. I was just notified that the squad had a search
21 warrant, and we have to have at least five people go to
22 keep the warrant, and I was called in.

23 Q. So, did you have anything to do with the
24 surveillance at 7823 Sarita?

25 A. No.

1 Q. Did you have anything to do with actually
2 obtaining the search warrant?

3 A. No.

4 Q. When you -- approximately what time did you
5 arrive at the Sarita location?

6 A. It was late afternoon. It was -- I would say
7 it was after 6:00 between 6:00, 8 o'clock around there
8 somewhere.

9 Q. What was your duties -- what were your duties
10 out there on November 30th?

11 A. At the point they were making entry.

12 Q. Was that what you were there for?

13 A. I was only called in for the execution of the
14 search warrant.

15 Q. So, once the warrant was signed and you --
16 y'all went to execute it, what did you do once the door
17 was open?

18 A. I was just, I don't even remember what part of
19 the team I was at. I didn't break in the door or the
20 primary. I was in the back of it. We just go and clear
21 the residence.

22 Q. Were you wearing clothes that noted that you
23 were law enforcement?

24 A. Yes, ma'am.

25 Q. Did everybody announce themselves as law

1 enforcement police?

2 A. As we go through we're always announcing.

3 Q. Did you help clear the home there at 7823

4 Sarita?

5 A. Yes.

6 Q. Were there any individuals in the home when

7 y'all made entry?

8 A. I don't think anybody was in the house.

9 Q. Once the home was cleared, did you assist in
10 the search of the home?

11 A. Yes.

12 Q. What was your job in doing the search of the
13 home?

14 A. On that particular residence, I was actually
15 doing searching in the residence itself.

16 Q. So, you were actually, like, looking under
17 things and opening drawers and stuff like that?

18 A. Yes.

19 Q. Specifically, were you involved in the search
20 of the kitchen?

21 A. Yes.

22 Q. What, if anything, did you find in the kitchen?

23 A. There was, there was a little black tray or
24 something with some green residue that I recognized to
25 be marijuana. There was a couple Ziploc bags of

1 marijuana in a drawer in the kitchen; and there was a
2 pill bottle with some, I believe they turned out to be
3 Xanax pills. And then there was a little bit of,
4 another Ziploc with a small amount of white powder
5 residue that tested out to be cocaine.

6 Q. And was that found in the kitchen area, also?

7 A. Everything was in a couple of drawers.

8 Q. Were the drawers near --

9 A. Side by side.

10 Q. Do you recall what was in each drawer?

11 A. No, I can't tell you exactly what was where.

12 But it was within a couple -- it was more than one
13 drawer that had some of the narcotics in it.

14 MS. ALLEN: May I approach?

15 THE COURT: You may.

16 Q. (BY MS. ALLEN) Show you what's been marked as
17 State's Exhibit 26. Is that the tray that you saw that
18 day?

19 A. Yes.

20 Q. Show you State's Exhibit 27, what is that?

21 A. That looks awful blurry from here.

22 Q. What about State's Exhibit 28, what is shown in
23 there?

24 A. Those are the Ziplocs of the marijuana.

25 Q. And State's Exhibit 32?

1 A. That's the white powder that tested out for
2 cocaine.

3 Q. And was that powder cocaine that is shown in
4 State's Exhibit 32, the cocaine that you found in one of
5 the drawers in the kitchen?

6 A. Yes.

7 Q. Once you saw the cocaine, did you touch it in
8 any way?

9 A. I don't know if I touched it or where exactly
10 it was in the drawer. I don't recall. I didn't recover
11 it. I pointed it out to another officer, and then they
12 recovered it.

13 Q. And would that be Officer Vanderberry?

14 A. Yes.

15 Q. And is that common practice for different
16 officers searching to point things out to other
17 officers?

18 A. Generally the case agent, everything is pointed
19 out to the case agent as a general rule because that's
20 who's going to be writing the report and everything.

21 Q. Other than going into the house and looking
22 around and pointing out things to Officer Vanderberry,
23 did you have anything else to do with the investigation
24 on Sarita on November 30th of 2009?

25 A. I don't think so.

1 MS. ALLEN: No further questions, Your
2 Honor. I'll pass the witness.

3 THE COURT: All right. Thank you, Ms.
4 Allen.

5 Mr. Davis.

6 MR. DAVIS: May I have one moment, Your
7 Honor?

8 THE COURT: All right.

9 MR. DAVIS: I don't have any questions of
10 this witness.

11 THE COURT: All right. May Officer Rosales
12 be excused?

13 MS. ALLEN: I'm sorry. I do have another
14 question or two to ask him if I could, Your Honor.

15 THE COURT: All right.

16 MS. ALLEN: May I approach the witness?

17 THE COURT: You may.

18 Q. (BY MS. ALLEN) I'd like to show you what has
19 been marked as State's Exhibit 10; do you recognize
20 that?

21 A. Yes.

22 Q. And what is it?

23 A. This is a evidence envelope that was used that
24 night to tag the narcotics.

25 Q. And have you seen that earlier today?

1 A. Yes.

2 Q. Where did you first see that bag?

3 A. Today I got it from the crime lab.

4 Q. And was it filled with what's been marked as
5 State's Exhibits 59, 62, 63 and 60?

6 A. Yes.

7 Q. And did you do anything to tamper with anything
8 that was found or was transported in State's Exhibit 10?

9 A. No.

10 MS. ALLEN: I have no further questions,
11 Your Honor.

12 MR. DAVIS: Still no questions, Your Honor.

13 THE COURT: All right. May Officer Rosales
14 be excused?

15 Thank you, Officer. You may step down.

16 MR. DAVIS: Judge, I'd ask that he remain
17 subject to recall.

18 THE COURT: All right. Officer Rosales,
19 you are subject to recall. Ladies and gentlemen, I have
20 to take care of some business quickly. If y'all
21 wouldn't mind stepping back to the jury room, we'll be
22 back with you shortly.

23 THE BAILIFF: Rise for the jury.

24 (Jury exits courtroom.)

25 THE COURT: Be seated, please.