

1 doing that job for a couple hours. It's about 200 words
2 a minute. She takes down the spoken word, and then she
3 translates it into her cryptic symbol language. Only
4 she can read it. It's just phenomenal.

5 Officer Ruiz?

6 MS. DICKSON: Robert Ruiz, please.

7 THE BAILIFF: This witness has been sworn.

8 THE COURT: Roger that.

9 All right. Ms. Dickson, when you're ready.

10 MS. DICKSON: Thank you, Judge.

11 **SERGEANT ROBERT VINCENT RUIZ, JR.,**

12 having been called as a witness and being first duly
13 sworn, testified as follows:

14 **DIRECT EXAMINATION**

15 **BY MS. DICKSON:**

16 Q. Could you introduce yourself to the jury?

17 A. I'm Robert Vincent Ruiz, Jr.

18 Q. And where do you work?

19 A. I work for the Houston Police Department.

20 Q. What division?

21 A. I work for the East Side Patrol Division. I
22 supervise a gang unit.

23 Q. And how long have you been with HPD?

24 A. I'm going on my 33rd year.

25 Q. Were you always assigned to this division?

1 A. No.

2 Q. Where else have you been?

3 A. I've served in the Accident Division, DWI Task
4 Force, Homicide Division, and then went to the East Side
5 Patrol Station.

6 Q. So, you said part of your job is supervising
7 people?

8 A. Yes.

9 Q. Okay. How many people do you supervise?

10 A. Currently I supervise eight officers.

11 Q. And is Frank Medina one of the officers you
12 supervise?

13 A. No, he's not.

14 Q. And do you know an HPD officer named Frank
15 Medina?

16 A. Yes, I do.

17 Q. How do you know him?

18 A. I know him as a coworker, and then he's married
19 to my niece.

20 Q. Now, do the two of you, Officer Medina and you,
21 work kind of in the same general part of town?

22 A. Officer Medina works at the Southeast Patrol
23 Station, which is adjacent to where I work at the East
24 Side Patrol Station.

25 Q. Okay. And did you receive any type of training

1 before you became a police officer?

2 A. Yes, ma'am.

3 Q. What kind of training?

4 A. I went to the police academy, the Houston
5 Police Department Police Academy, and then since then
6 have received additional on-the-job training and other
7 schools that they require that I take.

8 Q. So, you keep your training up to date over the
9 years?

10 A. Yes, ma'am.

11 Q. And were you working on October 3rd, 2012?

12 A. Yes, ma'am, I was.

13 Q. Okay. And what area of town were you working
14 in?

15 A. I was working in the -- some people refer to it
16 as the southeast part of town. The patrol district is
17 11 District, but it's -- if people are familiar with
18 Gulfgate, it's just around that area.

19 Q. In this area, do you have an apartment complex
20 at 4800 Allendale?

21 A. Yes, ma'am.

22 Q. Okay. Do you know the name of that complex?

23 A. It's the Concorde Apartments.

24 Q. And is this apartment complex in Harris County,
25 Texas?

1 A. Yes, ma'am.

2 Q. At some point, did you receive a phone call
3 from Officer Medina?

4 A. Yes, I did.

5 Q. All right. And tell us what happened in that
6 phone call.

7 A. Officer Medina called me on my cell phone. He
8 asked me if I could run a VIN number for him on a
9 vehicle that was inside the apartment complex.

10 Q. Did you run that VIN number?

11 A. Yes, ma'am, I did.

12 Q. And what did you determine?

13 A. When I ran the VIN number that he gave me,
14 the -- on my mobile data terminal, it came up as a
15 stolen vehicle in a robbery.

16 Q. Now, that's all you knew, though, right?

17 A. Yes, ma'am.

18 Q. So, at that point, with that information, what
19 did you do?

20 A. He informed me at that point that the vehicle
21 was unoccupied. It was parked in the apartment complex.
22 Since I run a unit that is half uniform and half
23 plainclothes, I started to move resources in that
24 direction so that we could sit up on the car in order to
25 arrest whoever got inside the car to operate it.

1 Q. And so, if you were to find somebody operating
2 the vehicle, what is it that you could arrest them for?

3 A. We would arrest them for the stolen --
4 unauthorized use of a motor vehicle.

5 Q. So, you said you moved resources over to that
6 area. Do you remember who you sent over there?

7 A. I was already in the area on another scene. I
8 began to move what we call our divisional tactical unit,
9 some of those officers into the area. It's whoever was
10 working that day. Two of the officers I know were
11 Officer Martinez and Officer Valle.

12 MS. DICKSON: May I approach the witness?

13 THE COURT: You may.

14 Q. (By Ms. Dickson) I'm handing you what's been
15 previously marked as State's Exhibits 5, 6, and 7. Can
16 you look at No. 5 and tell me what that is (indicating)?

17 A. It's a map of the area near the intersection of
18 Allendale and Old Galveston Road.

19 Q. Okay. And what about 6 (indicating)?

20 A. 6 is the same, except that it's more area. The
21 map encompasses more than the one in No. 5.

22 Q. Does it show a particular freeway?

23 A. It shows the Gulf Freeway.

24 Q. And on Exhibit 7, what is that (indicating)?

25 A. It's even more of a general area -- or general

1 map of the area of Houston with the southeast area being
2 more predominant.

3 Q. Now, are State's Exhibits 5, 6, and 7 all fair
4 and accurate representations of what they depict?

5 A. Yes, ma'am.

6 MS. DICKSON: Let the record reflect I'm
7 tendering to opposing counsel what's been marked as 5,
8 6, and 7 for inspection. State offers 5, 6, and 7.

9 **(State's Exhibit No. 5 through 7 Offered)**

10 MR. BUNDICK: No objection.

11 THE COURT: State's 5, 6, and 7 are
12 admitted.

13 **(State's Exhibit No. 5 through 7 Admitted)**

14 MS. DICKSON: May I publish them to the
15 jury?

16 THE COURT: You may.

17 Q. (By Ms. Dickson) Do you know how long it took
18 you to arrive at the location where Officer Medina was
19 waiting?

20 A. It didn't take long, Counselor. I was actually
21 probably a quarter mile away from the location. My
22 scene was at Bonner and Alaska, which, like I said, near
23 the section of Howard and Old Galveston.

24 Q. I'm showing you what's already been admitted as
25 State's Exhibit 4 (indicating).

1 A. Okay.

2 Q. Do you recognize that intersection?

3 A. Well, there's a couple of intersections in
4 there.

5 Q. And if you'd look to your left, there's a
6 smaller screen that is probably easier for you to see.

7 A. Oh, all right.

8 Q. All right. So, when you approach to meet up
9 with Officer Medina, what streets did you take?

10 A. If you look at the top of the photo or the map,
11 you'll see that's Chavez High School at the top.

12 (Cell phone rings.)

13 JUROR: Sorry. I thought it was off.

14 THE COURT: That happens.

15 So, at the top of the diagram we have
16 Chavez High School.

17 Q. (By Ms. Dickson) Sergeant Ruiz, this is a
18 touch-screen. You can actually mark on it.

19 A. Okay.

20 Q. Mark on the screen where Chavez High School is.

21 A. Right there. That's Chavez High School. I was
22 just to the left of it in this area there conducting an
23 investigation (indicating).

24 Q. And when you started in route to meet Officer
25 Medina, where did you see him?

1 A. I turned onto Galveston Road as we were
2 approaching southbound, going in this direction toward
3 this street that you see Aaron's. Officer Medina -- I'm
4 sorry. Let me go back.

5 There's a fire station at the corner of
6 Aaron's and Old Galveston Road. Officer Medina was in
7 his personal vehicle parked in the driveway of the fire
8 station.

9 Q. Okay. And so, when you saw Officer Medina,
10 were the two of you communicating over the phone at this
11 point?

12 A. We were actually communicating at that time
13 over a police radio. He informed me that the Bentley
14 was traveling north on Galveston Road toward Howard.

15 Q. And you say north on Galveston Road. So, it's
16 going this direction (indicating)?

17 A. Yes, ma'am.

18 Q. Okay. And at that point, what did you do?

19 A. I made the U-turn at Aaron's, came around like
20 this. And as I -- I made the U-turn.

21 Q. And is there a light here at Galveston and
22 Allendale?

23 A. There is a light at Galveston and Allendale,
24 yes.

25 Q. And did you see the black Bentley stopped at

1 the light at that point?

2 A. I did not see the vehicle stopped at Allendale
3 and Galveston. The vehicle was stopped -- or it wasn't
4 stopped. It was nearing Howard from Galveston here
5 (indicating).

6 Q. So, it was already in motion?

7 A. Yes, ma'am.

8 Q. Okay. And did you have information of where
9 the vehicle was coming from?

10 A. Officer Medina had informed us over the radio
11 that the vehicle was leaving the apartment complex.

12 Q. Okay. And is that apartment complex right here
13 in this area (indicating)?

14 A. Right here where you have the blue dot
15 (indicating).

16 Q. Now, you said the vehicle was turning onto
17 Howard Drive; is that right?

18 A. When I made the U-turn to go back north on
19 Galveston Road, the Bentley turned westbound onto Howard
20 at a high rate of speed.

21 Q. And at that point, what did you do?

22 A. I activated my emergency lights and siren to
23 catch up.

24 Q. Now, I'm going to show you what's already been
25 admitted as State's Exhibit 1. Is this a similar

1 Bentley, like the one that you were following --

2 A. Yes.

3 Q. -- on October 3rd, 2012?

4 A. Yes. It was a two-door.

5 Q. So, did you -- you said -- you just said you
6 turned on your lights and sirens. At that point, where
7 did the chase -- I guess the word is -- where did y'all
8 go at that point? And for the record, this is State's
9 Exhibit 5. What are we looking at in this area
10 (indicating)?

11 A. This is the neighborhood that is referred to as
12 Meadowbrook, the Meadowbrook neighborhood. It's a
13 residential neighborhood. The vehicle turned west on
14 Howard at a high rate of speed. Traffic was heavy and I
15 had to go in and out of traffic to try to catch up to
16 the vehicle. The Bentley was moving very fast. I had
17 never chased a Bentley before, and hopefully I will
18 never have to. And the Bentley turned north on
19 Radcliff, this street here (indicating).

20 Q. Okay.

21 A. By that time, another unit had arrived in the
22 area. It was Officers Valle and Martinez. And they
23 began to pursue the Bentley. Unfortunately, I was not
24 able to make that turn onto Radcliff, so I went further
25 down this street to Arizona (indicating).

1 Q. Is that right here (indicating)?

2 A. Yes, ma'am.

3 Q. Okay. Now, do you know, after the Bentley
4 turned onto Radcliff, where did it go?

5 A. It went north on Radcliff to North Bayou Drive.

6 Q. Is that North Bayou Drive right there
7 (indicating)?

8 A. Yes.

9 Q. Okay.

10 A. It made a left or west on North Bayou Drive to
11 Park Lane.

12 Q. Okay.

13 A. It then -- the vehicle then turned south on
14 Park Lane to Glenview Drive.

15 Q. Now, why is it that you decided to jump onto
16 Arizona?

17 A. I knew there was only two ways out of this
18 neighborhood. One was either back toward Galveston Road
19 or back toward the Gulf Freeway. So, I just deduced
20 that he was heading -- the vehicle was heading toward
21 the Gulf Freeway.

22 Q. And to back up, were you in a marked police
23 car?

24 A. I was in a marked police car, yes.

25 Q. And were Officers Valle and Martinez in marked

1 police cars?

2 A. Yes.

3 Q. Did Officers Valle and Martinez have their
4 lights and sirens on?

5 A. Yes.

6 Q. So, after you turn onto Arizona, do you see the
7 vehicle again?

8 A. Yes, I do.

9 Q. All right. So, do you get in behind it, or as
10 much as you could?

11 A. As I approached the intersection of Glenview on
12 Arizona, I saw the flash. The car was moving westbound
13 on Glenview. And then I observed the other police car
14 with Officers Valle and Martinez coming afterwards. And
15 then I turned onto Glenview. By the time I turned onto
16 Glenview, the Bentley was like almost near the service
17 road. You know, I sped up. The Bentley turned onto the
18 service road in this direction. There's a stop sign
19 that's there. The vehicle never stopped for the stop
20 sign. As we got -- or as I got closer to the service
21 road, there's an entrance ramp here and I observed the
22 Bentley get onto the freeway (indicating).

23 Q. Now -- and before we move on to the freeway,
24 this -- what neighborhood did you call this again?

25 A. It's the Meadowbrook neighborhood.

1 Q. All this area that this chase is going on, are
2 those businesses or are they homes?

3 A. They're homes.

4 Q. And how fast were we going? If you can
5 estimate.

6 A. I know I was doing probably between 60 and 80,
7 depending on where I was on Glenview. I wasn't catching
8 up.

9 Q. Okay. Now, you said earlier just a second ago
10 that if a vehicle turned onto the 45 service road -- for
11 the record, this is State's Exhibit 6. Now, just for
12 orientation, this is Howard Drive. And is Glenview just
13 right around here somewhere (indicating)?

14 A. Yes. This should be -- this should be Glenview
15 here. This is Glenbrook Golf Course here. So, he went
16 on the street adjacent to the Glenbrook Golf Course and
17 then he turned here. And this is -- it's either Sims or
18 Braes Bayou. I always get confused, unfortunately. But
19 there's an entrance ramp just past River Drive. This is
20 River Drive. There's an entrance ramp onto the Gulf
21 Freeway. And that's the entrance ramp that he entered
22 the Gulf Freeway going inbound toward downtown
23 (indicating).

24 Q. How heavy was the traffic on 45 that day?

25 A. The traffic was very heavy. It was -- we're

1 near 5:00 o'clock, so it was very heavy. Unfortunately,
2 when vehicles are so bunched up, even for an emergency
3 vehicle it's hard to maneuver in and out and such. Once
4 I entered the freeway, we never -- I know I never saw
5 the vehicle again.

6 Q. Now, did you ever see the vehicle -- I
7 understand he ran a stop sign. Was he making any other
8 type of evasive actions?

9 A. When he turned up here in this area right here,
10 there are stop signs. There are at least two stop signs
11 there that he ran. There is a third stop sign -- I'm
12 sorry -- at Glenview and Park Lane. So, he ran each of
13 those -- or whoever was in the vehicle ran each.

14 Q. And you just said "whoever was in the vehicle."
15 Did you ever get close enough to see who was in the
16 vehicle?

17 A. I never got close enough to see who was driving
18 the vehicle, no.

19 Q. So, did you ever get close enough to see if
20 there was more than one person in the vehicle?

21 A. Never got that close.

22 Q. When you got up onto 45, did you see the
23 Bentley weaving in and out of traffic?

24 A. I saw the Bentley weaving in and out of traffic
25 going south. There is an overpass over the Broadway,

1 Park Place intersections there. So, as he went over the
2 overpass, when I crested the overpass, I never saw the
3 vehicle again.

4 Q. Now, the Bentley we're talking about, is that a
5 motor vehicle?

6 A. Yes.

7 Q. And so, when you're on 45, what direction were
8 you traveling south or north?

9 A. We're traveling north or toward downtown.

10 Q. And what direction did you take when you got
11 closer to downtown?

12 A. At that point, I went west on 610. Another
13 unit went inbound on 45. I don't believe anybody went
14 north on the loop or east on the loop.

15 Q. Let me show you what's been admitted as State's
16 Exhibit 7. So, we've got -- here is the Allendale area
17 right here (indicating).

18 A. Yes.

19 Q. So, you were on 610 going this way
20 (indicating)?

21 A. No. I was on 610 going like toward Reliant
22 Stadium.

23 Q. Okay. Going this way (indicating)?

24 A. Yes, ma'am.

25 Q. And you had a unit go on 45?

1 A. Yes, ma'am.

2 Q. Okay. Now, did you receive any information
3 about where the Bentley went?

4 A. Shortly afterwards, I terminated the pursuit.
5 I didn't need a bunch of police cars out there running
6 with lights and sirens chasing nothing. So, I
7 terminated the pursuit. We were notified by our
8 dispatcher that they had received a report that some
9 citizens had seen a Bentley take the Homestead exit at a
10 high rate of speed.

11 Q. Do you know where the Homestead exit is?

12 A. Yes, ma'am. It's going to be somewhere in this
13 area right here (indicating).

14 Q. All right. So, this is 610. So, when you were
15 on 45 at the chase, this direction is the direction the
16 Bentley would have taken (indicating)?

17 A. Yes, ma'am.

18 Q. Based on the reports that you received?

19 A. Yes, ma'am.

20 Q. So, suffice it to say you didn't catch the
21 Bentley?

22 A. That's correct.

23 Q. Had you caught him, what was it -- had he
24 pulled over, what was it that you would have
25 investigated?

1 A. We would have investigated -- we would have
2 verified the stolen on the vehicle and investigated --
3 or conducted an auto theft investigation.

4 Q. And was it your -- were you trying to detain
5 him?

6 A. At the time that I was trying to stop him, yes.

7 Q. All right. So, after you terminated the chase,
8 what did you do next?

9 A. I returned back to the apartment complex at the
10 Concorde at 4800 Allendale to discuss with Officer
11 Medina and try to determine maybe, you know, what
12 apartment that the individual who had been in the
13 Bentley had been at and maybe we could identify him at
14 that point.

15 Q. Did you determine which apartment he had been
16 visiting?

17 A. Yes.

18 Q. Which one was that?

19 A. Apartment 2022.

20 Q. And were there individuals inside that
21 apartment?

22 A. Yes, ma'am.

23 Q. And do you remember how many?

24 A. There were three individuals in the apartment.

25 Q. Did you interview them?

1 A. Yes, ma'am.

2 Q. What information did you learn?

3 A. They -- when we asked them if they knew who the
4 person was in the Bentley, they stated "yes."

5 Q. Did they give you a name?

6 A. They knew the person by a nickname and they
7 gave us the nickname "Dee."

8 Q. How is it you were able to determine his
9 name -- or how did you determine his full name?

10 A. They showed us a Facebook page that had the
11 individual who they said had been visiting there, and it
12 had a name there.

13 Q. What was that name?

14 A. Demetrius Daniels.

15 Q. Did you ever determine his full name?

16 A. At that point, we ran the Demetrius Daniels
17 through our system, and we did come up with a name and a
18 date of birth.

19 Q. And does he have a middle name?

20 A. I'd have to check the report, ma'am. I don't
21 know.

22 Q. Could you check your report?

23 A. I don't see one listed, ma'am.

24 MS. DICKSON: May I approach the witness?

25 THE COURT: You may.

1 A. Yes, ma'am. It's showing a middle name.

2 Q. (By Ms. Dickson) And is this part of the entry
3 that you would have made into the report?

4 A. Yes, ma'am.

5 Q. Okay. So, what was his middle name?

6 A. I'm not -- it's spelled K-o-c-h-e-e. I'm not
7 sure how they would pronounce that.

8 Q. But that's the information you received from
9 your system?

10 A. Yes, ma'am.

11 Q. Okay. And were you able to pull up a photo at
12 that point?

13 A. A photo was found -- we were able to pull up a
14 photo out of our police mugshot system.

15 Q. I'm showing you what's been entered as State's
16 Exhibit No. 11. Is this the photo that y'all pulled up,
17 do you remember (indicating)?

18 A. Yes, ma'am, it looks like the photo we were
19 able to pull up.

20 Q. And was Officer Medina able to positively I.D.
21 the defendant?

22 A. Yes, ma'am. Officer Medina observed the photo
23 and said that's the subject that was inside the Bentley.

24 Q. So, now you've got an offense and a name. What
25 do you do next?

1 A. I then basically go back to the station. I
2 started doing additional research on trying to find a
3 location for the subject. Two, I contacted the
4 complainant that the vehicle belonged to. He informed
5 me at that time he no longer owned the vehicle. It
6 actually belonged to the insurance company at that point
7 in time, but he told me, basically, what had occurred
8 and where the vehicle had got stolen. I then did my
9 supplement on the report. And then the next day, I
10 contacted the insurance company and spoke with a
11 representative with the insurance company and asked them
12 if they had given permission to anyone to drive the
13 vehicle.

14 Their records still indicated the vehicle
15 was stolen. They said they had given no one permission
16 to drive the vehicle and they wished to file charges.
17 At that point, with that information, I then went to the
18 district attorney's office, talked to an assistant D.A.
19 who then authorized charges of evading arrest by vehicle
20 and unauthorized use of a motor vehicle.

21 Q. At that point, what happens? Does a warrant
22 issue?

23 A. At that point, I filed charges, go through the
24 system, a warrant is signed, and then put into the
25 system.

1 Q. And what do you do with that warrant? What did
2 you do with that warrant?

3 A. With that warrant, at that point we began to
4 track Daniels down and tried to determine what locations
5 he was at. So, we did some more research. We used a
6 database called Fujinet, which is a database that is
7 used by the Texas Department of Criminal Justice, the
8 prison system. Daniels had been in prison and
9 had visited --

10 MR. BUNDICK: Objection, Your Honor.

11 THE COURT: Objection sustained.

12 Jurors, disregard, please.

13 Narrow it down, Counselor.

14 MS. DICKSON: Sure.

15 Q. (By Ms. Dickson) At any point did you get an
16 address of where you believed Demetrius Daniels was
17 staying?

18 A. We obtained an address for what we believed was
19 a girlfriend.

20 Q. Okay. And what was that address?

21 A. I'm sorry. I have to refer to my report for
22 the correct address. 6820 Kittridge, K-i-t-t-r-i-d-g-e.

23 Q. Did you determine what part of town this house
24 was in?

25 A. It was in the northeast part of town off --

1 probably the main street out there would be Homestead.

2 Q. Did you and your people go to this location?

3 A. Yes, we did.

4 MS. DICKSON: May I approach the witness?

5 THE COURT: You may.

6 Q. (By Ms. Dickson) I'm handing you what's been
7 marked as State's Exhibits 8, 9, and 10. Do you
8 recognize what's in 8 (indicating)?

9 A. Yes, I do.

10 Q. Okay. And what is that?

11 A. This was the residence on Kittridge.

12 Q. And who did the residence belong to?

13 A. Belonged --

14 Q. Was it a girlfriend?

15 A. Yes. Or who we believed was his girlfriend.

16 Q. Okay. And State's Exhibit 9, what is that
17 (indicating)?

18 A. It's an aerial photo of the area off of
19 Kittridge.

20 Q. And State's Exhibit 10, what is that
21 (indicating)?

22 A. It's another aerial photo of Kittridge.

23 Q. And are all of these, State's Exhibits 8, 9,
24 and 10, fair and accurate depictions of the area?

25 A. Yes, ma'am, they appear to be so.

1 MS. DICKSON: Let the record reflect I'm
2 tendering to opposing counsel what's been marked as
3 State's Exhibits 8, 9, and 10, for inspection. And
4 State offers 8, 9, and 10.

5 **(State's Exhibit No. 8 through 10 Offered)**

6 MR. BUNDICK: No objection, Your Honor.

7 THE COURT: State's 8, 9, and 10 are
8 admitted.

9 **(State's Exhibit No. 8 through 10 Admitted)**

10 MS. DICKSON: May I publish to the jury?

11 THE COURT: You may.

12 Q. (By Ms. Dickson) Sergeant Ruiz, this is State's
13 Exhibit 9. So we know where we're talking about, where
14 is the house 6820 Kittridge?

15 A. It appears to be where you have the blue, the
16 blue dot there.

17 Q. Okay. And what street is this to the right?

18 A. That is Homestead.

19 Q. Now, does Homestead go all the way to 610?

20 A. Yes, ma'am, it does.

21 Q. Is that where the reports you received
22 indicated the vehicle had traveled to?

23 A. Yes, ma'am.

24 Q. Let's look at State's Exhibit No. 8. What are
25 we looking at here (indicating)?

1 A. That's the residence at 6820 Kittridge.

2 Q. So, when you walked up to the residence, what
3 did you see?

4 A. When I drove up to the residence, there was a
5 female that was walking out the street towards the -- or
6 walking down the driveway towards the street.

7 Q. Did you make contact with her?

8 A. Yes.

9 Q. And did you determine what her name was at any
10 point?

11 A. Yes, ma'am.

12 Q. What was that? Does DeShana Myers sound right?

13 A. It was DeShana Myers.

14 Q. Okay. And who was she?

15 A. She was identified as a possible girlfriend for
16 Daniels.

17 Q. And did the two of you have a conversation?

18 A. Yes, we did.

19 Q. And what did you learn?

20 A. I'd asked her if she had seen Daniels. She had
21 this surprised look on her face. I pressed her some
22 more and said: Is Daniels here? And she hesitated. I
23 said: Is Daniels here? And she said: Yes, he's inside
24 the house.

25 Q. So, at that point what happened?

1 A. I was with Lieutenant Robert Irving and with
2 one of my other officers, Officer Aldo Gonzales --

3 MR. BUNDICK: Your Honor, may we approach?

4 THE COURT: Come talk to me.

5 (At the Bench, on the record.)

6 MR. BUNDICK: We're getting into another
7 area here about the circumstances of his arrest. This
8 is what, several days after the theft of the car. It's
9 not relevant to whether or not he evaded arrest in a
10 motor vehicle or not. This is days afterwards.

11 THE COURT: We're talking a couple days of
12 later?

13 MS. DICKSON: This is eight days later, but
14 this is where we recovered the car. We recovered the
15 car --

16 THE COURT: The Bentley?

17 MS. DICKSON: Yes.

18 THE COURT: Sweet.

19 MS. DICKSON: So we have to talk about
20 this.

21 THE COURT: Absolutely you do.

22 Overruled, Counsel.

23 MR. BUNDICK: He also runs from the
24 police --

25 THE COURT: Let's wait and see.

1 MR. BUNDICK: -- vis-à-vis consciousness of
2 guilt, arguably.

3 THE COURT: Let's wait and see.

4 (Open court, defendant and jury present.)

5 Q. (By Ms. Dickson) So, Ms. Myers tells you that
6 Daniels is in the house. What happens next?

7 A. I have other officers en route to the location.
8 I radio them to tell them to speed it up, that we have
9 our wanted subject in a house and that we need to get
10 them there as quick as possible. Unfortunately, they
11 didn't get there as quick as possible. Lieutenant
12 Irving had set up just to the left -- if you're looking
13 at the house, just to the left. Officer Gonzales set up
14 at the rear of the house. And I was there at the
15 driveway with the female.

16 Q. Were you right around this area (indicating)?

17 A. Yes, ma'am.

18 Q. And did someone knock on the door?

19 A. We didn't approach the house. We were waiting
20 for additional officers to arrive. At that point, I
21 heard -- shortly afterwards, I heard Lieutenant Irving
22 start to yell at someone on the left side of the house.

23 Q. Is that right here (indicating)?

24 A. Yes, ma'am.

25 Q. All right. What was going on?

1 A. Daniels was sticking his head out the window.

2 Q. Did he make it out of the window?

3 A. He jumped out of the window and fled toward the
4 rear of the house.

5 Q. All right. I'm going to show you what's
6 marked -- or been admitted as State's Exhibit 10
7 (indicating). This is the house. Is this the left side
8 of the house? Now it's the right side, but what we were
9 looking at before?

10 A. Yes, ma'am. If you want to use direction, I
11 would say the east side of the house.

12 Q. East side of the house. So, what direction did
13 he travel?

14 A. He ran south or toward the rear.

15 Q. Let me show you a bigger one than that. This
16 is State's Exhibit 9 (indicating).

17 All right. Did you chase him?

18 A. I didn't chase him. I know that Officer
19 Gonzales and Lieutenant Irving did. I was with the
20 female, so I didn't want to leave the female unattended.

21 Q. So, where did they run to?

22 A. They ran towards the rear into this area right
23 here, this wooded area right there (indicating).

24 Q. Now, is that -- are there houses that are there
25 or is it all woods?

1 A. It's all woods. There's some type of little
2 ravine or drainage ditch back there.

3 Q. And do you know whether Mr. Daniels was
4 recovered at that point?

5 A. After about 30 minutes -- we sent in a canine
6 unit, we set up a perimeter surrounding this area with
7 additional officers. A canine officer was sent in with
8 his dog. Basically, pushed him out. And he ran in this
9 direction then -- or Daniels ran in that direction then.
10 He ran across the street, where he was tackled by an
11 officer and taken into custody.

12 Q. Did you, at that point, go back to the house
13 and survey the area or what did you do?

14 A. I returned back to the house. We began to --
15 that's where we began to just finish up on our
16 investigation at that time.

17 Q. Okay. And when you were clearing the scene,
18 was the 2005 Bentley recovered?

19 A. Yes, it was.

20 Q. And was it recovered from this house?

21 A. Yes, it was.

22 Q. Do you know where it was?

23 A. It was at the rear of the house. That's
24 somewhere in this area, but Lieutenant Irving would know
25 more (indicating).

1 Q. So, Lieutenant Irving was the one that found
2 the car?

3 A. Yes.

4 Q. Did DeShana Myers ever attempt to run from you?

5 A. No.

6 Q. Did she ever attempt to give you any type of
7 story about her involvement in this case?

8 A. No. As far as I know -- or as far as she knew,
9 she was not aware that the vehicle was stolen.

10 Q. Did you ask her whether or not she knew the car
11 was stolen?

12 A. Yes.

13 Q. And she said "no"?

14 A. No.

15 Q. And did she ever tell you that she was the one
16 driving the vehicle, the vehicle that you chased on
17 October 3rd, 2012?

18 A. I never asked her any questions on that.

19 Q. Did she ever volunteer the information?

20 A. No.

21 Q. Did you tell her what it was that Mr. Daniels
22 was being arrested for?

23 A. Yes, she was told.

24 Q. And yet, she never volunteered any information
25 at the scene?

1 A. No.

2 Q. Let me back you up to the pursuit through the
3 neighborhood. Could you -- if you had to estimate the
4 distance --

5 A. I'm --

6 Q. -- of the pursuit, could you?

7 A. Which pursuit are you talking about? The
8 vehicle pursuit or the foot pursuit?

9 Q. I'm sorry. The vehicle pursuit.

10 I'm showing you State's Exhibit 5. If you
11 had to guesstimate the distance -- how about this? This
12 is easier. How much time did you spend pursuing
13 Mr. Daniels in the Bentley?

14 A. It was probably two to three minutes. It
15 wasn't what we would call a long pursuit. Just never
16 caught up with him.

17 Q. And could you estimate a distance that was
18 traveled?

19 A. I would say 3 to 4 miles.

20 Q. And when you first saw the Bentley turn onto
21 Howard Drive, you were, at that point, turning around to
22 catch up, correct?

23 A. Correct.

24 Q. And you said that the Bentley automatically
25 sped up?

1 A. As soon as I made the U-turn, he was gone.

2 Q. Okay.

3 A. He made that left turn.

4 Q. Now, was it because he saw your car?

5 A. No doubt in my mind that's why.

6 Q. And when we were speeding through the
7 neighborhood, there's no indication in your mind that
8 this was just a joy ride, was it?

9 A. No.

10 Q. And based on your training and experience
11 and -- with HPD, did you believe that he was evading
12 from you?

13 A. Yes.

14 Q. Did you believe that he was intentionally
15 fleeing from you?

16 A. Yes.

17 Q. And the neighborhood that you were chasing him
18 in, what county, what state is that?

19 A. It's in Houston, Harris County.

20 Q. And what state?

21 A. Texas.

22 MS. DICKSON: I'll pass the witness.

23 THE COURT: All right. Mr. Bundick, the
24 floor is yours, sir.

25 MR. BUNDICK: May I proceed?

1 THE COURT: Yeah, you may.

2 CROSS-EXAMINATION

3 BY MR. BUNDICK:

4 Q. If I understood you, Officer, when you reported
5 back that the VIN number came back to a stolen car, you
6 were already on your way to the area; is that -- you
7 were in the area. You were on your way to the scene; is
8 that right?

9 A. No, I was not.

10 Q. Because you didn't know exactly where it was.
11 Is that true? You didn't know where the officer was?

12 A. No. I knew where the officer was. I was still
13 out on my original investigation with some officers.

14 Q. But I believe you said you directed -- directed
15 units to the scene; is that right?

16 A. I had asked for and was sending resources that
17 were officers out there to sit up on the vehicle.

18 Q. Resources to the area. So, these would have
19 been plainclothes officers?

20 A. Yes.

21 Q. But if I understood you, you had a mix of
22 officers in uniform and plainclothes officers working
23 for you and you were moving resources into the area. Is
24 that a mixture of both of those things?

25 A. Yes, sir.

1 Q. Other than you, what other officers in uniform
2 were involved in the chase?

3 A. Officer Martinez and Officer Valle.

4 Q. All right. And so, the three of you?

5 A. Yes, sir.

6 Q. When you -- when you were reporting to the
7 scene, Officer Medina was parked at a fire station. He
8 wasn't driving at that point, he was parked?

9 A. Yes. Yes, sir, he was parked.

10 Q. Did you mistake his vehicle for the stolen
11 vehicle?

12 A. No.

13 Q. If I understood you, the chase only lasted --
14 by chase -- you're the officer in charge; is that right?
15 You called off the chase?

16 A. Yes, sir.

17 Q. Is that right?

18 A. As the supervisor involved, yes, sir, I would
19 have been in charge of the pursuit.

20 Q. After -- did you say three or four minutes? Is
21 that right?

22 A. When we lost sight of the vehicle.

23 Q. Which is when it got onto --

24 A. To the freeway.

25 Q. -- Interstate 45 heading north, right?

1 A. Yes, sir.

2 Q. So, the area -- was that about Broadway? Is
3 that what you said?

4 A. Between Broadway and 610 Loop.

5 Q. How long an area -- how far a distance is that?
6 Very short, right?

7 A. Yes, it's very short.

8 Q. But you personally never got close to the
9 Bentley; is that right? If I understood, he turned --
10 the Bentley turned onto Howard immediately after you
11 began your pursuit; is that right?

12 A. Yes, sir.

13 Q. So, you were never that close; is that right?

14 A. Never could catch up, that's correct.

15 Q. Has that happened before?

16 A. I -- it's never happened to me before. And
17 I -- personal opinion, I'm in awe of the Bentley. So, I
18 don't know if I'll get to buy one when I retire or not,
19 but it can run.

20 Q. Okay. So, you called off the chase for, I
21 guess, public safety reasons, not to have officers --

22 A. Yes, sir.

23 Q. Is that fair?

24 A. That's fair to say.

25 Q. And then you went back to the apartments to

1 continue your investigation?

2 A. Yes, sir.

3 Q. And you were able to determine an apartment
4 associated with that car; is that right?

5 A. Yes, sir.

6 Q. And did you conduct that investigation?

7 A. Yes, sir.

8 Q. Tell me about -- tell us about how you came to
9 get the name of my client from the people in that
10 apartment.

11 A. When we -- I was there, along with some other
12 officers, but as I talked to the lessee of the
13 apartment -- you know, we know that there was a
14 gentleman here that had been driving the Bentley, do you
15 know his name.

16 Q. And the people gave you a Facebook photo of
17 him; is that right?

18 A. Initially they gave me just a nickname, Dee.
19 We just know him as Dee. And do you have a real -- I
20 mean, do we have a full name?

21 And one managed to say: He has a Facebook
22 page.

23 Q. So, you found him that way?

24 A. Yes.

25 Q. You didn't see my client or anyone else driving

1 the car. You weren't that close?

2 A. No, sir, I did not see who was driving the
3 vehicle.

4 Q. You didn't see if there were two people or
5 three people or four people in the car. You didn't --

6 A. The only information I received was from
7 Officer Medina who said it was occupied by a black male.

8 Q. I understand, but you personally didn't?

9 A. No, sir.

10 Q. And so, at some point you traced my client to a
11 girlfriend, DeShana Myers; is that right?

12 A. Yes, sir.

13 Q. And that was at the address 6820 Kittridge --
14 Kittridge?

15 A. Yes, sir.

16 Q. And when you showed up there, if I understood
17 you, she was walking from the house out the driveway,
18 towards the street; is that right?

19 A. Yes, sir.

20 Q. Did you tell her what you were there about?

21 A. Yes, sir.

22 Q. You were there to arrest Demetrius?

23 A. No. I told her I was there looking for
24 Demetrius.

25 Q. But you were there to arrest him. You told her

1 you were there to meet him.

2 A. No. I told her did she know Demetrius, is
3 Demetrius -- basically, I was there to obtain
4 information about Daniels.

5 Q. Okay. Did you ask her about the car?

6 A. No.

7 Q. But you located the car in her backyard; is
8 that right? That address was her address. Is that
9 true?

10 A. I did not locate the car. Lieutenant Irving
11 did.

12 Q. The police department located the car?

13 A. Yes, sir.

14 Q. In her backyard?

15 A. Yes, sir.

16 Q. Did you, in the course of your investigation --
17 strike that.

18 When you made the U-turn on Allendale -- do
19 I have that scene in my mind correct -- that's when the
20 car was arriving at the intersection of Allendale and
21 Howard. Is that about the same time?

22 A. You just have the streets mixed up. I made the
23 U-turn on Galveston Road.

24 Q. I'm sorry. I apologize. When you made the
25 U-turn on Galveston Road, that was about the time that

1 the Bentley was arriving at the intersection there at
2 Howard; is that --

3 A. Yes.

4 Q. And it took off?

5 A. Yes, sir.

6 MR. BUNDICK: Pass the witness.

7 MS. DICKSON: Nothing further, Your Honor.

8 THE COURT: You may step down, sir. Thank
9 you, sir.

10 THE WITNESS: Thank you, sir.

11 THE COURT: Ms. Dickson, what's next?

12 MS. DICKSON: Lieutenant Robert Irving,
13 Your Honor.

14 THE COURT: Lieutenant Irving, please.

15 THE BAILIFF: This witness has not been
16 sworn.

17 THE COURT: Thank you, sir.

18 (Witness sworn.)

19 THE COURT: Have a seat beside me.

20 THE WITNESS: Yes, sir.

21 THE COURT: The last name is Irving,
22 I-r-v-i-n-g?

23 THE WITNESS: That is correct, sir.

24 THE COURT: State, when you're ready.

25 **ROBERT IRVING,**

1 having been called as a witness and being first duly
2 sworn, testified as follows:

3 **DIRECT EXAMINATION**

4 **BY MS. DICKSON:**

5 Q. Could you introduce yourself to the jury?

6 A. My name is Robert Irving. I'm a lieutenant
7 with the Houston Police Department.

8 Q. What do you do?

9 A. I'm a supervisor over a gang unit and a
10 tactical unit.

11 Q. How long have you been with HPD?

12 A. Twenty-three years.

13 Q. And what kind of training did you receive
14 before becoming a police officer?

15 A. Before becoming a police officer, I was in
16 college.

17 Q. Where did you go to college?

18 A. Southwest Texas State University.

19 Q. Did you, at some point, go to the police
20 academy?

21 A. Yes, ma'am.

22 Q. Did you go to the HPD Police Academy?

23 A. Yes. I graduated in June, 1990.

24 Q. And since being hired on with HPD, have you had
25 any other type of specialized training?