

1 J. Saucedo.

2 THE BAILIFF: He has not been
3 sworn, Your Honor.

4 THE COURT: Sir, stand where you
5 are, and raise your right hand to be sworn.

6 (Witness sworn)

7 THE COURT: Ms. Falk.

8 JESUS SAUCEDO,
9 After having been duly sworn, testified as follows:

10 DIRECT EXAMINATION (Jury out)

11 Q. (By Ms. Falk) Officer Saucedo, can you
12 tell us your full name, please?

13 A. Jesus Saucedo.

14 Q. Who do you work for?

15 A. HPD, Houston Police Department.

16 Q. How long have you worked for the Houston
17 Police Department?

18 A. Going on 12 years in November.

19 Q. If you can let me finish my question
20 completely so Ms. Julie can take it down before you
21 answer. So, how many years have you worked there?

22 A. Twelve years.

23 Q. What's your current assignment within
24 the Houston Police Department?

25 A. I work patrol, 18 district.

1 Q. What's the 18 district? What area of
2 town does that cover?

3 A. Galleria area.

4 Q. And have you worked patrol the entire 18
5 years?

6 A. Twelve years, yes.

7 Q. I'm sorry, 12 years. You said 18
8 district?

9 A. Yes.

10 Q. Twelve years?

11 A. Correct.

12 Q. I want to direct your attention to a
13 call that you responded to on March 21st of 2011.
14 Were you dispatched to a call for service or 911
15 call on that day in that morning?

16 A. I was dispatched to a call.

17 Q. And what was the location of the call
18 that you responded to?

19 A. They gave a cross-street of Westheimer
20 and Chimney Rock.

21 Q. Do you remember roughly what time of day
22 it was?

23 A. It was a first call from when I started
24 my shift.

25 Q. What time did you start your shift?

1 A. 6:00 o'clock a.m., 6:00 in the morning.

2 Q. Do you work typically the 6:00 a.m.
3 shift?

4 A. Yes. I go in at 6:00, and get off at
5 2:00.

6 Q. You were on that same shift scheduled
7 back in March of 2011?

8 A. Correct.

9 Q. So, you said that it was the first call.
10 So, you think it was roughly after 6:00 a.m. when
11 you arrived at the cross-streets of, you said
12 Chimney Rock and Westheimer?

13 A. Correct.

14 Q. What area? I mean, is it residential?
15 Is it commercial? Is it shopping?

16 A. It's a little bit of both. Mainly there
17 at the intersection it's commercial.

18 Q. At that intersection it's commercial?

19 A. Correct.

20 Q. When you responded to that location,
21 what did you observe, or what did you find?

22 A. I was looking -- I got dispatched to the
23 call. I was looking for a cutting victim of some
24 type. We really didn't know. We were looking for
25 two males, and I turned northbound on Chimney Rock,

1 got to Westheimer, made a right turn. A few blocks
2 down, maybe two blocks on the right, I saw the
3 defendant and a security guard just sitting there in
4 the bank parking lot.

5 Q. When you say you went to the right two
6 blocks, what road would that have been on?

7 A. 5300 block of Westheimer.

8 Q. Do you remember what building or
9 business there was at that location?

10 A. Yeah. It's Prosperity Bank.

11 Q. You stated when you got there you
12 observed two males, right?

13 A. Correct.

14 Q. One was a security guard you said?

15 A. Yes.

16 Q. You identified the other as being the
17 defendant, but at some point did you learn the
18 person's name that you came upon?

19 A. I don't recall his name off the top of
20 my head.

21 Q. Do you see him here in the courtroom?

22 A. Yes.

23 Q. What's he wearing?

24 A. A gray suit with a yellow tie.

25 Q. Can you -- I know it's rude, but can you

1 point at him, too, please?

2 A. He's the guy sitting right over there.

3 MS. FALK: Your Honor, let the
4 record reflect the witness has identified the
5 defendant.

6 THE COURT: Yes, ma'am.

7 Q. (By Ms. Falk) Now, Officer Saucedo, when
8 you made contact with the man that you've identified
9 as the defendant but you don't remember his name,
10 what did you do? When you first got up there what
11 did you do?

12 A. I noticed he had some type of cut on his
13 hand. He was just bracing, holding onto his hand
14 there, sitting on the curb next to a shopping cart
15 with his belongings.

16 Q. When you said he had a cut on his hand,
17 do you mean the person in the courtroom or the
18 security guard?

19 A. The person in the courtroom.

20 Q. Did you make contact with him?

21 A. Yes, I did.

22 Q. Did you also make contact with the
23 security guard?

24 A. I did.

25 Q. When you made -- who did you make

1 contact with first?

2 A. The defendant himself.

3 Q. What did you do when you made contact
4 with him?

5 A. I asked him what was going on and asked
6 him for an I.D. card, which he produced.

7 Q. Did he tell you what was going on?

8 A. No, not necessarily. He just showed me
9 he had a cut on his hand. So, I called HFD for him
10 to get medical attention.

11 Q. When you said HFD, for the record, is
12 that the Houston Fire Department?

13 A. Yes, Houston Fire Department.

14 Q. You said you got I.D., identification,
15 from the person in the courtroom here today, the
16 defendant, correct?

17 A. Correct. I got a Texas I.D.

18 Q. What was the purpose of you getting his
19 Texas I.D.?

20 A. For interview or further investigation
21 of who he was or what's going on with him at the
22 time.

23 Q. Is that what you typically do as the
24 first step of all your investigations?

25 A. Correct.

1 Q. What did you do after you obtained
2 Mr. Richie's I.D.?

3 A. After that I pretty much hold on to it
4 and wait for HFD to go out there and treat him. It
5 required medical attention and kind of wrapped him
6 up, cleaned up his wound.

7 Q. How long did you hold onto that I.D. and
8 wait there for the Houston Fire Department?

9 A. Normally about four minutes it takes
10 them to get out there. It's pretty close. The
11 station's less -- about a mile away.

12 Q. So, not very long?

13 A. No.

14 Q. Once the Houston Fire Department went
15 out there on the scene, did anybody else make the
16 scene?

17 A. Yes, Officer Gabler.

18 Q. Is he another HPD officer?

19 A. Yes, he is.

20 Q. While you were out there when it was
21 just you and the defendant and Houston Fire
22 Department, but before Officer Gabler comes, did you
23 ever talk to the defendant about what happened or
24 why y'all were there?

25 A. No.

1 Q. Did you ever make any promises to him?

2 A. No.

3 Q. Did you ever make any threats to him?

4 A. No.

5 Q. Did you cuff him at any point?

6 A. No, I did not.

7 Q. Did you even frisk him at any point?

8 A. No, I did not.

9 Q. At any point was Mr. Richie or the man
10 you've identified as the defendant here in the
11 courtroom -- was he ever placed in the back or the
12 front of your car?

13 A. No, he was not.

14 Q. Did you ever tell him he was not free to
15 leave?

16 A. No, I did not.

17 Q. Did you ever tell him he was under
18 arrest or could be arrested at any point?

19 A. No, I did not.

20 Q. Now, when you were out there at the
21 scene and Officer Gabler joined, were you present
22 when Officer Gabler interviewed the defendant?

23 A. Yes, I was.

24 Q. And did you hear their conversation?

25 A. Not necessarily hear the conversation,

1 but I was there in my patrol car, backed up and, I
2 mean, I was right behind Officer Gabler's patrol
3 car. And I believe Officer Gabler put him in a car
4 and they were talking inside the vehicle.

5 Q. So, you observed Officer Gabler and the
6 defendant talking?

7 A. Yes.

8 Q. Did you say that they were in the car or
9 out of the car?

10 A. Both, inside and out.

11 Q. Who was inside the patrol car?

12 A. I believe they started outside, the
13 conversation. I don't know what led for Officer
14 Gabler to place him in the backseat of the car and
15 had a conversation with him.

16 Q. Did you ever observe Officer Gabler
17 place handcuffs on the defendant?

18 A. No.

19 Q. Did you ever observe Officer Gabler like
20 be physically aggressive or abusive in any way with
21 the defendant?

22 A. No.

23 Q. Did you ever observe Officer Gabler make
24 any, like, threatening mannerisms?

25 A. No.

1 Q. You said you could not hear what was
2 going on?

3 A. That is correct. I couldn't get
4 anything what they were talking about, what was
5 going on in their conversation.

6 Q. Did you do a report in this case?

7 A. No, I did not.

8 Q. And why not?

9 A. I mean, it was basically he said/she
10 said type of deal. Officer Gabler was the primary
11 unit. So, he was going to take care of the case
12 himself. I was there for backup to provide any
13 safety awareness for them.

14 Q. How does it work? You said Officer
15 Gabler was the primary and you were backup, but you
16 were technically the first person out there.
17 Explain to us that difference.

18 A. Normally, the Houston Police Department,
19 the officer that receives the initial call, he's
20 going to be the primary unit responsible for the
21 reports and arrests made at the scene.

22 Q. And then how does the secondary unit --

23 A. Secondary is there to provide safety as
24 far as being a second suspect or helping him out,
25 filling some forms out or just holding a scene for

1 him pretty much.

2 Q. Why in this case were you secondary even
3 though you were first there?

4 A. Like I said, he was dispatched to the
5 call, and I was there to back him up at the scene.
6 It just happened to be that I was the first one who
7 made contact with the defendant.

8 Q. How many minutes transpired before
9 Officer Gabler joined you at the scene roughly?

10 A. Roughly about three to five minutes.

11 Q. Have you been able to check any call
12 logs to see when things happened or MDT's to see who
13 was dispatched when?

14 A. No.

15 Q. You said you did not do a report in this
16 case?

17 A. That is correct.

18 Q. Why would you not do a report?

19 A. According to the scene -- I mean, there
20 was not really a scene. The defendant had a cut.
21 He was supposedly a complainant saying somebody --
22 he had some type of scuffle with somebody else.
23 That's pretty much all we had.

24 Q. Now, when you say he was supposedly
25 involved in a scuffle, did you learn that from him,

1 or did you learn that from reading the report?

2 A. I got that from the security guard there
3 at the scene.

4 Q. Did you also interview the security
5 guard while you were at the scene?

6 A. Yes. I talked to him when I got there,
7 trying to find out what was going on.

8 Q. Was he actually a witness to anything,
9 or was he kind of follow-up on the tail end?

10 A. He was just reporting that the defendant
11 had a cut on his hand from -- he sustained a few
12 blocks down from where they were at.

13 Q. Walk me through how you left the scene.
14 What happened?

15 A. I believe I left the scene after Officer
16 Gabler left the scene also. We let the defendant --
17 which at the time was the complainant. We took his
18 information, gave him back his I.D., and released
19 him at the scene.

20 Q. So, he was free to leave when y'all
21 left?

22 A. Correct.

23 Q. You gave him back his identification
24 card?

25 A. Yes.

1 MS. FALK: Pass the witness.

2 MR. DAVIS: Mr. Davis.

3 CROSS-EXAMINATION (Jury Out)

4 Q. (By Mr. Davis) You aren't privy to the
5 conversation that Officer Gabler had with Mr. Richie
6 because it took place inside the back of Officer
7 Gabler's patrol car?

8 A. Correct. I didn't hear the
9 conversation.

10 Q. So, you couldn't hear what was going on?

11 A. No.

12 Q. You couldn't hear what was being said to
13 Mr. Richie by Officer Gabler?

14 A. No.

15 Q. And, of course, you didn't document
16 anything following this exchange?

17 A. Correct.

18 Q. You didn't have a report?

19 A. Yes.

20 Q. You're aware that the 911 dispatch
21 talked about a person who says he was being
22 assaulted? Are you aware of that?

23 A. No, I was not.

24 Q. You don't know anything about the
25 dispatch, what was actually called? You just got a

1 call to that location?

2 A. Correct, to back-up Officer Gabler.

3 Q. Are you familiar with the location, sir?

4 A. Yes, I am.

5 Q. And are you familiar with the scene?

6 A. No, I did not make the actual scene.

7 Q. Were you familiar with that general area
8 from patrol?

9 A. I am.

10 Q. The Prosperity Bank building is no
11 longer there now, right?

12 A. The building still stands there.

13 Q. Yes, sir. But it's no longer Prosperity
14 Bank because they moved?

15 A. I could not answer that.

16 Q. It's on that corner. You know where the
17 Roxy club is?

18 A. Correct.

19 Q. You know where the block that occupies
20 the Roxy club, right?

21 A. Yes.

22 Q. The Prosperity Bank building is diagonal
23 from that corner?

24 A. It is.

25 Q. You can pretty much walk across the

1 street to get to the Prosperity Bank building?

2 A. Yes, you can.

3 Q. Not some place you have to drive in
4 terms of a long distance?

5 A. Yes.

6 Q. Easy to walk?

7 A. Yes.

8 Q. If you're at the Prosperity Bank
9 building and you're trying to go over to where the
10 Roxy club is, it may take you what, two minutes,
11 three minutes?

12 A. About two minutes.

13 Q. Two minutes to walk over there?

14 A. Yes.

15 Q. So, not a very complicated situation, in
16 terms of being able to walk different places?

17 A. No.

18 Q. At the time Mr. Richie's being talked to
19 by Officer Gabler in the back of his patrol car,
20 you're still there?

21 A. Yes, correct.

22 Q. So, there's a police presence there at
23 that time?

24 A. Yes.

25 Q. And, in fact, you're there to provide

1 Officer Gabler with backup, right?

2 A. Correct.

3 Q. Because he's doing his investigation?

4 A. Yes.

5 Q. You gave the identification. When
6 Gabler comes up, you didn't give the I.D. back to
7 Mr. Richie?

8 A. No.

9 Q. You gave it to Officer Gabler?

10 A. Correct.

11 Q. Because he's going to do the
12 investigation?

13 A. That's correct.

14 Q. He holds the I.D. while he's doing his
15 investigation?

16 A. That is correct.

17 Q. He takes Richie and puts him in the back
18 of his patrol car during the course of his
19 investigation?

20 A. Correct.

21 Q. You don't recall whether or not he was
22 handcuffed, do you?

23 A. He was not handcuffed.

24 Q. You didn't see him being handcuffed?

25 A. No. I was standing beside his car.

1 Q. Yes, sir. You were standing right by
2 his car. All right.

3 MR. DAVIS: May I have one moment,
4 Your Honor?

5 THE COURT: Yes, sir.

6 MR. DAVIS: Pass the witness, Your
7 Honor.

8 THE COURT: Ms. Falk.

9 MS. FALK: Judge, I have no further
10 questions. May this witness stand down?

11 THE COURT: You may stand down,
12 sir. Anything else?

13 MS. FALK: No, Your Honor.

14 THE COURT: Let's have Officer
15 Miller back on the stand, please.

16 MS. FALK: Yes, Judge.

17 THE COURT: Bring the jury in,
18 please. Back on the stand, please, Officer. Go
19 ahead and bring the jury.

20 THE BAILIFF: All rise.

21 (Jury in)

22 THE COURT: Be seated, please. Ms.
23 Falk, you may continue.

24 MS. FALK: Thank you.

25