

1 THE COURT: You're excused, officer.
2 Thank you very much.

3 Are you hungry yet?

4 Approach the Bench.

5 (At the Bench. On the record.)

6 THE COURT: Lunch is coming in in 20
7 minutes. Did you want --

8 MS. LOGAN: We can keep going.

9 THE COURT: For 20 minutes?

10 MS. LOGAN: Yes. I'll call my other
11 detective. He'll be really quick.

12 (Open court. Defendant and jury present.)

13 MS. LOGAN: State calls Sergeant
14 Schobey.

15 THE COURT: Proceed.

16 MS. LOGAN: Thank you, Judge.

17 ROBERT SCHOBNEY,
18 having been previously sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MS. LOGAN:

21 Q. Good afternoon, sir.

22 Please introduce yourself to the ladies and
23 gentlemen of the jury?

24 A. Good morning. My name is Robert Schobey.

25 I'm a sergeant with the Harris County Sheriff's

1 Office. Currently assigned to the FBI Task Force and
2 been with that task force for approximately four
3 years.

4 Q. What did you do before you were assigned to
5 the Bank Robbery Task Force?

6 A. I worked another tasks force, FBI Cargo
7 Theft.

8 Q. And before that?

9 A. I worked in Robbery.

10 Q. Now, we just heard from Sergeant Ryza. Do
11 you work with him on a daily basis?

12 A. Yes, ma'am.

13 Q. Are you both assigned to that same Bank
14 Robbery Task Force?

15 A. Yes, ma'am.

16 Q. What sorts of training and experience do
17 you have that helps you as an investigator in bank
18 robberies?

19 A. Been to several conferences such as -- as
20 far as bank robberies. We've -- years of experience
21 in investigating robberies.

22 Q. And you said that you've been a member of
23 the Task Force for four years?

24 A. Yes, ma'am.

25 Q. And we've already heard from Sergeant Ryza

1 about the purpose of having a task force.

2 Can you tell us what your involvement was
3 in this case?

4 A. In this particular case -- this is --

5 Q. First Convenience Bank?

6 A. I interviewed Erika Lafiton and also Ruben
7 Flores.

8 Q. And were they people who were present
9 during the robbery that took place on July 23, 2010?

10 A. Yes, ma'am.

11 Q. So you were also dispatched out to the
12 scene initially right after the robbery happened?

13 A. Yes, ma'am.

14 Q. After you had conversations with those
15 people and documented those conversations, what was
16 the next thing that you recall doing in your
17 investigation? Were you involved in the creation of
18 photospreads in this case?

19 A. I believe I was, yes, ma'am.

20 MS. LOGAN: May I approach the
21 witness?

22 THE COURT: You may.

23 Q. (BY MS. LOGAN) Showing you what I've
24 marked as State's Exhibit Number One.

25 Ask you whether or not you recognize it?

1 A. Yes, ma'am, this is the booking image of
2 the defendant.

3 Q. And does it fairly and accurately depict
4 what he looked like when you encountered him during
5 your investigation in this robbery case?

6 A. Yes, ma'am.

7 MS. LOGAN: Offer State's Exhibit One
8 into evidence. Tendering to defense counsel for
9 inspection.

10 MR. MCCULLOUGH: I don't have any
11 objection.

12 THE COURT: Admitted without
13 objection.

14 (State's Exhibit One received.)

15 MS. LOGAN: May it be published?

16 THE COURT: It may.

17 Q. (BY MS. LOGAN) As a part of your robbery
18 investigation in this case did you attempt to collect
19 any evidence from the scene of the crime?

20 A. We always try to look for evidence at the
21 scene. And if any is there, yes, we will recover
22 it. And we recovered the video. If we're able to
23 get fingerprints and such, we send the Crime Scene
24 Unit out to do that.

25 Q. In this case did you review the

1 surveillance video with the cooperation of the
2 security personnel, Amy Polka, to determine whether
3 there was any reasonable expectation to find
4 fingerprints or DNA present at the scene of this
5 crime?

6 A. Yes, ma'am.

7 Q. Is that a pretty typical thing for you to
8 do?

9 A. Yes, ma'am.

10 Q. Based on your review of the surveillance
11 video, what was your opinion about whether it would
12 be advantageous to try to get DNA or fingerprints?

13 A. I apologize. I have to look back at my
14 notes to see.

15 Q. Do you recall any fingerprints or DNA being
16 left at the First Convenience Bank robbery as far as
17 your knowledge?

18 A. Right off I don't remember.

19 Q. If you need to refresh your recollection
20 with your report that's fine.

21 A. Yes, please.

22 Okay.

23 Yes, ma'am. In my notes -- rather
24 supplement I state that we did not observe the
25 suspect touch any other surface with his ungloved

1 hands, so we did not require Crime Scene to come
2 out.

3 Q. Okay.

4 We talked about you collecting surveillance
5 video. Was there any other type of video in this
6 case that you were able to collect?

7 A. We only collect like from the bank and also
8 from the store.

9 Q. Okay.

10 And so would parking lot video be included
11 in that list?

12 A. Yes, ma'am, that would be the entrance
13 doors and parking lot video from the Kroger store.

14 Q. Okay.

15 Based on your review of the video from the
16 parking lot of the Kroger store on July 23, 2010, was
17 there any relevant information that you were able to
18 develop from that video? As far as a license plate
19 number?

20 A. No, ma'am.

21 Q. Or some identifying information for the
22 person who robbed the bank?

23 A. As far as identifying, no, ma'am.

24 MS. LOGAN: May I approach?

25 THE COURT: You may.

1 Q. (BY MS. LOGAN) I show you State's Exhibit
2 Number Five and ask you whether or not you recognize
3 what that is?

4 A. Yes, ma'am. This is the CD we had copied.

5 Q. Does it contain the images from the parking
6 lot of the Kroger store on July 23, 2010?

7 A. Yes, ma'am, I know it's from the Kroger
8 store surveillance. I don't see where it's marked
9 for the parking lot though.

10 Q. Is that your name we see present on the CD?

11 A. Yes, ma'am.

12 MS. LOGAN: Offer State's Exhibit
13 Number Five.

14 MR. MCCULLOUGH: No objection.

15 THE COURT: Admitted without
16 objection.

17 (State's Exhibit Five received.)

18 Q. (BY MS. LOGAN) I want to talk to you about
19 your experience as a detective in robbery cases.

20 In your experience do people who commit
21 crimes with weapons often retain the weapon or
22 dispose of it after the commission of the crime?

23 A. Many of the people that will commit a crime
24 with a weapon will try to dispose of the weapon as
25 soon as they can.

1 Q. And can you tell us how many months it was
2 between the commission of the robbery at the Kroger
3 and when the defendant was charged in this case?

4 A. I believe it was --

5 Q. Was it a matter of months?

6 A. Several months. I think like July to
7 January.

8 Q. And in your experience as a robbery
9 detective does the passage of time effect the ability
10 to recover evidence such as the firearm used?

11 A. Oh, yes, ma'am.

12 MS. LOGAN: I'll pass the witness.

13 MR. MCCULLOUGH: I don't have any
14 questions of this witness, Your Honor.

15 THE COURT: May this witness be
16 excused?

17 MR. MCCULLOUGH: Yes, sir.

18 MS. LOGAN: Yes, sir.

19 THE COURT: You are excused.

20 MS. LOGAN: I believe we can do one
21 more very quickly. Try to get that in before lunch.

22 THE COURT: Go ahead.

23 MS. LOGAN: State calls Amy Polka.
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