

1 Shirley.

2 THE COURT: State, you may proceed.

3 MS. DAILY: Thank you, Judge.

4 JASON SHIRLEY,

5 having been first duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. DAILY:

8 Q. Good afternoon. Officer Shirley, will you  
9 please introduce yourself to the jury?

10 A. My name is Jason Shirley. I'm a Pasadena  
11 Police Officer with the Pasadena Police Department.  
12 I've been with the police department for twenty-two  
13 years.

14 Q. What is your current assignment with the  
15 Pasadena Police Department?

16 A. My current assignment with the police  
17 department is the Bomb Squad. That's where my  
18 assignment is currently.

19 Q. How long have you been assigned to the Bomb  
20 Squad?

21 A. For the last two years.

22 Q. And prior to your assignment with the Bomb  
23 Squad, where were you assigned?

24 A. I was assigned in Investigations, and  
25 Investigations was burglary and theft. I was out there

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 for thirteen years. In that same time of the thirteen  
2 years we had what we called General Assignment, and we  
3 would investigate anything from a telephone harassment  
4 to a homicide.

5 Q. And let me stop you there, Officer Shirley.  
6 How long did you work specifically with General  
7 Assignment?

8 A. At General Assignment was probably three or  
9 four years.

10 Q. And then after the General Assignment  
11 assignment, what did you do after that?

12 A. Which is strictly property crimes, which is  
13 burglary and theft.

14 Q. And what were your day-to-day activities as a  
15 property crime detective?

16 A. The officers on patrol would generate reports  
17 where there were houses broken into or something was  
18 stolen from a business. The following morning we would  
19 get those report in our office. We would review the  
20 reports and look for any kind of leads, whether it be a  
21 named suspect or a registration off of a vehicle. And  
22 then we would start with that and start investigating  
23 the case.

24 Q. Now in your capacity as a property crimes  
25 detective, did you wear plain clothes or did you wear a

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 uniform?

2 A. Yeah. At that time we just wore a suit and  
3 tie, slacks, sports coat; and we would drive unmarked  
4 vehicles. The vehicle I was driving that particular  
5 day, it was an unmarked Ford Expedition. Because I'm  
6 assigned to the Bomb Squad, we carried all our equipment  
7 in the back. And the vehicle is equipped with lights  
8 and sirens in case I have to respond to a scene.

9 Q. So I want to take you back to a couple of years  
10 ago, June 1st, 2011. What was your assignment at that  
11 point?

12 A. At that point I was working traffic  
13 enforcement. I was working an overtime program, and I  
14 had just left the station after getting off duty from  
15 that assignment.

16 Q. Were you assigned as a detective or in your  
17 role now as an officer?

18 A. Yes. I was assigned to the Property Squad as a  
19 detective at that time on that particular day.

20 Q. And you worked traffic enforcement as an extra  
21 job?

22 A. Yes, that's correct.

23 Q. Okay. So let's talk about that day in  
24 particular. Had you worked in your detective capacity  
25 at all that day?

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1           A.    Yes.  Earlier in the day I worked the -- my  
2 hours were 6:00 to 2:00.

3           Q.    Okay.  And about what time of day did this  
4 happen?  Do you recall?

5           A.    I want to say it was about 6:50 in the evening.

6           Q.    So at 6:50 in the evening, were you on duty?

7           A.    No, I was not on duty.

8           Q.    And where were you coming from?

9           A.    I was coming from the traffic enforcement  
10 program, and I had changed from my uniform back into my  
11 detective clothes to head to the house.

12          Q.    And what kind of car were you driving at that  
13 point?

14          A.    Ford Expedition.

15          Q.    Was that a marked police vehicle or unmarked?

16          A.    It was an unmarked.

17          Q.    And on your way home, did you observe anything  
18 in particular?

19          A.    In my route leaving the station, as I drive  
20 through the neighborhood to get to the freeway and as I  
21 enter the neighborhood, I see a vehicle, maroon,  
22 four-door Lincoln Town Car, run a Stop sign in the  
23 neighborhood.

24          Q.    And where did you observe the Town Car run a  
25 Stop sign?

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 A. It was at the intersection of Scott and Alvin.

2 Q. And is that in Pasadena, Texas?

3 A. Yes. It's in the incorporated city. It's in  
4 Pasadena, Texas.

5 Q. Is that in Harris County, Texas?

6 A. It is in Harris County, yes.

7 Q. And what did you do next?

8 A. I mean, you see a vehicle run a Stop sign. I  
9 was off duty. It doesn't really catch your eye. And  
10 then I continued to watch the vehicle, and I noticed  
11 there was a lawnmower protruding from the vehicle. The  
12 trunk was open, and there was a lawnmower sticking in  
13 the back of the Lincoln Town Car.

14 Q. Now, Officer Shirley, describe the vehicle for  
15 the jury.

16 A. The vehicle, it's a -- I want to say it was  
17 about a 1990 model Lincoln Town Car, which is a luxury  
18 car, four doors, nothing real noticeable, no  
19 after-market ground effects or anything of that nature.

20 Q. Was the trunk open?

21 A. Yeah, the trunk was protruding open. The  
22 lawnmower was just, you know, sitting inside the trunk.  
23 The handle was, you know, protruding outside the  
24 vehicle. There were no tie-downs or anything to hold  
25 the lawnmower in there that I could see. The trunk

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 wasn't strapped down or anything, anything like that.

2 Q. Okay. So what did you do next?

3 A. So I continued to watch the vehicle; because  
4 the vehicle was, again, traveling in the same direction  
5 I was towards the freeway. And after the first Stop  
6 sign, we went maybe a hundred yards until we got to the  
7 second Stop sign.

8 When we got to that Stop sign, I noticed  
9 the driver disregarded that Stop sign, also. So then I  
10 started getting kind of curious of, you know, why did  
11 this gentleman just run two Stop signs? We have a  
12 lawnmower protruding from the vehicle. So I continued  
13 to really see what was, you know, see what was --  
14 focusing specifically on that vehicle.

15 Q. Now at that point, how far away from you -- how  
16 far were you from 916 Alvin Street?

17 A. Probably less than a quarter of a mile for  
18 those two Stop signs.

19 Q. After you observed the vehicle run the two Stop  
20 signs, what did you do next?

21 A. Continued to follow the vehicle, and we -- the  
22 driver disregarded three more Stop signs before he  
23 actually exited the neighborhood. So at this time I'm  
24 like, okay, I need to get the vehicle stopped. I need  
25 to find out why the guy is running Stop signs. And my

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 first thought was the lawnmower was stolen.

2 MR. GREENLEE: Objection, Your Honor.

3 This is speculation on his part.

4 THE COURT: Sustained.

5 Q. (By Ms. Daily) Now, Officer Shirley, if I may  
6 stop you for a second, why did you continue to follow  
7 the vehicle?

8 A. I believed a crime may have been committed.

9 Q. And based on what?

10 A. Just based on the vehicle running five Stop  
11 signs, or the driver of the vehicle disregarding five  
12 Stop signs and a lawnmower hanging out of the back of  
13 the luxury car.

14 Q. Okay. Now are lawnmowers items that are  
15 commonly stolen?

16 A. Yes, they are.

17 Q. And in your capacity as a property crimes  
18 detective, did you often investigate thefts of  
19 lawnmowers?

20 A. Yes. It is oftentimes we would investigate  
21 lawnmowers that were either taken from a residential  
22 garage or from Sears.

23 MR. GREENLEE: Excuse me. I'm going to  
24 object as to relevance as this point about -- I think  
25 the focus is this particular case -- I object to talking

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 about what they normally do. A lot of things are  
2 normally stolen.

3 THE COURT: Sustained.

4 Q. (By Ms. Daily) Now let's go back to when you  
5 were following the suspect vehicle.

6 A. Okay.

7 Q. And you finally -- did you finally come to a  
8 determination that the vehicle needed to be stopped?

9 A. Yes, I did.

10 Q. And that was based on?

11 A. A vehicle -- the driver disregarding the Stop  
12 signs, five of them, and the lawnmower hanging out of  
13 the back of the vehicle.

14 Q. Now is that conclusion consistent with someone  
15 with your experience and training?

16 A. Yes.

17 Q. Okay. So what do you do next?

18 A. So at that time, I was in plain clothes. I was  
19 in an unmarked vehicle. I started calling for other  
20 unit to start coming towards my direction so we can get  
21 the vehicle stopped.

22 Q. Is that consistent with Pasadena PD protocols  
23 and regulations?

24 A. Yes. I am equipped with lights and sirens. It  
25 is an unmarked vehicle. So if we go to make the traffic



JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 stop, I want to have somebody that is in uniform that's  
2 clearly identifiable. And that's why we call the  
3 additional units to come up and assist with the traffic  
4 stop. I could actually make the traffic stop, but we  
5 like to have a visible presence.

6 Q. And why is that?

7 A. Just where the driver can clearly see that,  
8 hey, it is the police. It's not just a random act of a  
9 normal citizen making traffic stops on individuals.

10 Q. Okay. And so did you, in fact, have patrol  
11 officers dispatched?

12 A. Yes. The patrol units did eventually catch up  
13 to me; and we did stop the vehicle in a neighboring  
14 city, and the traffic stop was made.

15 Q. Now was that city still in Harris County,  
16 Texas?

17 A. Yes, it was.

18 Q. Okay. So once the traffic stop was made, what  
19 did you do next?

20 A. At that time we had contacted the driver, which  
21 was the gentleman here in the yellow shirt.

22 Q. Now did you contact the driver, or did the  
23 assisting patrol officers?

24 A. No. I contacted the driver.

25 Q. Okay. And is that consistent with Pasadena PD

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 protocols and regulations?

2 A. Yes.

3 Q. And why not have the patrol officers contact  
4 the driver?

5 A. The patrol officer was there, and we were on  
6 the traffic stop at the same time.

7 Q. Okay.

8 A. But I have more knowledge of what has gone on  
9 and of the situation. And, again, that officer in  
10 uniform is just my backup.

11 Q. Okay.

12 A. And let me just add one thing.

13 MR. GREENLEE: Objection. This is  
14 nonresponsive.

15 THE COURT: Sustained.

16 Q. (By Ms. Daily) So once you made contact with  
17 the driver, did you get his name?

18 A. Yes.

19 Q. And what was his name?

20 A. Jose Alvarado.

21 Q. And do you see the driver of that vehicle in  
22 this room today?

23 A. Yes, ma'am. It's the gentleman here in the  
24 yellow shirt.

25 Q. And can you point to him and describe something

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 that he's wearing for the record?

2 A. Yes. It's going to be the yellow, long-sleeved  
3 shirt, unbuttoned.

4 MS. DAILY: Your Honor, would the record  
5 reflect the officer has identified the defendant?

6 THE COURT: The record will so reflect.

7 Q. (By Ms. Daily) Okay. When you approached the  
8 defendant driving the vehicle, what happened next?

9 A. At that time just started interviewing the  
10 driver in regards to why he was running the Stop signs  
11 and then questioning him about, you know, the lawnmower  
12 protruding from the vehicle.

13 Q. And when you approached the vehicle, was he the  
14 only person in the vehicle?

15 A. No. There were two other people in the  
16 vehicle.

17 Q. Were they in the front seat or the back seat?

18 A. The back seat. I believe there was maybe  
19 one -- I believe they were both in the backseat.

20 Q. Okay. And so, once you had an opportunity to  
21 speak with him, what happened next?

22 A. While we were on the traffic stop, we overheard  
23 on the radio and the communications contact had  
24 indicated --

25 MR. GREENLEE: That's going to be hearsay.

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1                   THE COURT: Sustained.

2           Q.    (By Ms. Daily) While you -- while the  
3 defendant was pulled over, did you receive information  
4 relevant to that stop you had just made?

5                   MR. GREENLEE: That's hearsay. The  
6 question itself calls for hearsay. Did you receive any  
7 information is hearsay.

8                   MS. DAILY: Your Honor, that's a yes or no  
9 question. It's not going to the truth of any matter.  
10 It's asking him if he heard -- if he received  
11 information relevant to the stop that he had already  
12 made.

13                   MR. GREENLEE: That's based on hearsay.

14                   THE COURT: Overruled. The witness can  
15 answer.

16           Q.    (By Ms. Daily) You can answer it.

17           A.    Yes, I did receive information that was  
18 relevant to the traffic stop.

19           Q.    And what was that information?

20                   MR. GREENLEE: Objection. That is hearsay  
21 at that point.

22                   THE COURT: Sustained.

23           Q.    (By Ms. Daily) What did you do once you  
24 received that information?

25           A.    I discovered that an offense had occurred.

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 Q. What offense was that?

2 MR. GREENLEE: Objection. That's hearsay.  
3 He discovered it based upon what he was told.

4 MS. DAILY: Your Honor, that was based on  
5 the officer's own personal investigation into the matter  
6 once he had the defendant's vehicle pulled over.

7 MR. GREENLEE: He's testified that he  
8 pulled over the vehicle, ostensibly, on traffic. He  
9 wants to testify to information he received. He went  
10 further. That's hearsay.

11 MS. DAILY: Information that he received  
12 in his line of duty as an investigative officer.

13 MR. GREENLEE: It doesn't change the  
14 nature that it's hearsay, Your Honor, because of the  
15 line of duty.

16 THE COURT: Okay. Sustained. Rephrase  
17 the question.

18 Let's take a two-minute recess. Please  
19 remember the admonitions from the Court. Do not discuss  
20 this case with anyone, not even among yourselves.

21 *(Brief recess)*

22 *(Outside jury's hearing)*

23 THE COURT: Yes.

24 MS. DAILY: The State would like to make  
25 the Court aware that the State would like State's

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 Exhibit No. 4 to be admitted into evidence. For the  
2 record, it is a copy of the unredacted version of the  
3 defendant's statement. Defense and I have already  
4 spoken and agreed that it's not to be shown in front of  
5 the jury.

6 THE COURT: It's for appellate purposes?

7 MS. DAILY: Yes, ma'am, for appellate  
8 purposes only.

9 THE COURT: Okay. State's 4 is admitted.

10 MR. GREENLEE: To which we would have no  
11 objections, Your Honor. We, obviously, have a copy of  
12 that, Your Honor.

13 THE COURT: Anything else?

14 MS. DAILY: No, Your Honor.

15 (Jury enters courtroom)

16 THE COURT: All right. Thank you. Please  
17 be seated.

18 State, you may proceed.

19 MS. DAILY: Thank you, Your Honor.

20 Q. (By Ms. Daily) Now, Officer Shirley, to pick  
21 up where we left off, you testified that you learned  
22 information relevant to this, the traffic stop.

23 A. Yes.

24 Q. And how long before -- or how long was it  
25 before when you learned the information to when you went

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 back to 916 Alvin Street?

2 A. It was about thirty minutes.

3 Q. Why did it take so long?

4 A. When we were on the traffic stop, there was  
5 a -- individuals were arrested out of the vehicle, and  
6 we have to wait for the vehicle to be inventoried and  
7 towed back to our impound lot.

8 Q. Why did you go back to 916 Alvin?

9 A. Scene of where a burglary had taken place.

10 Q. Did you continue your investigation at that  
11 point?

12 A. Yes, I did.

13 Q. How so?

14 A. I met with the complainant.

15 Q. And who was the complainant in this case? Do  
16 you recall her name?

17 A. I do not recall her name. It's at 916 Alvin, a  
18 young lady that just left.

19 Q. Did you have a chance to meet with the owner of  
20 that house?

21 A. Yes, I did.

22 Q. Okay. And what happened next?

23 A. In speaking with the owner of the house, she  
24 indicated --

25 MR. GREENLEE: Objection. That would be

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 hearsay.

2 THE COURT: Sustained.

3 Q. (By Ms. Daily) Did the owner of that house --  
4 did you take anything back to the house for the owner?

5 A. I took the lawnmower that was in the back of  
6 the vehicle, the luxury car. I took it back to her. I  
7 displayed the lawnmower to her, and she indicated that  
8 specific lawnmower was hers and it was situated inside  
9 her residential garage that is attached to the  
10 residence.

11 Q. And did you believe her to be credible at that  
12 point?

13 MR. GREENLEE: Objection, Your Honor.  
14 That would call for speculation. It's irrelevant as to  
15 what he --

16 THE COURT: Overruled. The witness may  
17 answer that.

18 Q. (By Ms. Daily) Did you --

19 A. Yes.

20 Q. -- believe her to be credible at that point?

21 A. Yes.

22 Q. Did you, in fact, return the lawnmower to her  
23 house?

24 A. Yes. Once she made a positive identification  
25 of the item, the item was returned to her custody.



JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 Q. And where did that item originally come from?

2 A. Her open residential garage that was attached  
3 to the residence.

4 Q. And how did you maintain control over that  
5 item? Where did you get it from?

6 A. That's the same one where a lawnmower that was  
7 observed protruding from the maroon, four-door Lincoln  
8 Town Car that was leaving, I mean, that street from  
9 where the burglary had taken place at 916 Alvin.

10 Q. And was the defendant driving that vehicle that  
11 the lawnmower was retrieved from?

12 A. Yes, the gentleman in the yellow shirt.

13 Q. Okay. So what did you do next?

14 A. After I returned the property, I gathered some  
15 more information from the complainant and returned to  
16 the police station to continue the investigation.

17 Q. Okay. And when you say continue the  
18 investigation, what did you do?

19 A. There were individuals that were interviewed in  
20 regards to the lawnmower being stolen out of the  
21 complainant's residence. We -- once we get to the  
22 station, we'll separate everybody. And then we'll take  
23 them individually, one at a time, and start working  
24 through each of them, getting their statements in  
25 regards to what had occurred on that evening.

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 Q. And during the course of that investigation,  
2 did you have an opportunity to interview the defendant,  
3 Mr. Alvarado?

4 A. Yes. It was a one-on-one interview.

5 Q. And did those interviews take place in a room?

6 A. It takes place in a small cubicle type of room  
7 about the size of your average closet.

8 Q. And are there rooms equipped with a recording  
9 system for the area?

10 A. Yeah. Each individual room has its own camera  
11 and microphone that it can pick up all the activity  
12 that's going on in the room.

13 Q. And is that normal? Does that happen for every  
14 meeting that you have in the room?

15 A. Anybody -- anytime somebody's arrested for a  
16 particular offense, they are interviewed in that room;  
17 and that way it gives an accurate depiction of what had  
18 occurred. It gives their testimony to what had occurred  
19 or what actions that they have done or have not done.  
20 Instead of putting it on typed paper, you're actually  
21 able to see his emotions and his responses to my  
22 questions.

23 Q. And to your personal knowledge, was Mr.-- was  
24 the defendant, Mr. Alvarado's, statement recorded that  
25 day?

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 A. Yes, it was recorded that day.

2 MS. DAILY: Your Honor, may I approach?

3 THE COURT: You may.

4 Q. (By Ms. Daily) I'm going to show you something  
5 that's been previously marked as State's Exhibit No. 3.  
6 Do you recognize it, without going into the details of  
7 what it is?

8 A. Yes.

9 Q. What is it?

10 A. It's a CD, and that would -- or DVD, and that  
11 would be commonly what the interview would be recorded  
12 down onto for evidence purposes.

13 Q. And have you had a chance to review it prior to  
14 your testimony today?

15 A. Yes.

16 Q. And does it fairly and accurately represent the  
17 events that took place on June 1st, 2011?

18 A. Yeah. Everything that took place accurately  
19 depicts it.

20 MS. DAILY: Okay. Your Honor, at this  
21 time the State's going to tender State's Exhibit 3 to  
22 Defense for any objections.

23 MR. GREENLEE: May I approach the -- may I  
24 ask the witness a question?

25 THE COURT: You may voir dire the witness.

1 MR. GREENLEE: Thank you, Your Honor.

2 VOIR DIRE EXAMINATION

3 BY MR. GREENLEE:

4 Q. Officer Shirley, I'm showing you what is marked  
5 as State's Exhibit -- proposed Exhibit No. 3. And I  
6 think you've testified that it is a CD; is that correct?

7 A. It's a DVD.

8 Q. And if I were to remove the contents, are there  
9 any markings on that DVD?

10 A. No, there are not going to be any markings on  
11 that DVD.

12 Q. And the only print that you see is a  
13 manufacturer's print; is that correct?

14 A. It's memory recollection, yes, sir.

15 Q. And there is nothing on here that identifies  
16 this particular proposed exhibit, is there?

17 A. Not to the specific case, no markings being on  
18 there; but I have viewed that.

19 Q. My question is, there are no markings on here;  
20 is that correct?

21 A. No, sir.

22 Q. Your initials or name does not appear on this;  
23 is that correct?

24 A. No, sir.

25 Q. There is no case number or Pasadena Police

JASON SHIRLEY - November 13, 2013  
Voir Dire Examination by Mr. Greenlee

1 Department report number related to this case on the  
2 DVD; is that correct?

3 A. No, sir.

4 Q. And that would also be true of the envelope  
5 that it's contained in; is that correct?

6 A. That's correct.

7 Q. There are no markings at all; is that correct?

8 A. That's correct.

9 MR. GREENLEE: At this time, Your Honor,  
10 we would object to this coming in through this  
11 particular witness.

12 MS. LOGAN: Judge, may we approach?

13 MR. GREENLEE: Proper foundation has not  
14 been laid.

15 THE COURT: Yes.

16 (At the bench)

17 THE COURT: Let me let the jury step out.  
18 There is a legal issue that the Court needs to address.

19 (Outside jury's hearing)

20 THE COURT: Okay.

21 MS. LOGAN: Judge, State's Exhibit No. 3  
22 is the redacted version of State's Exhibit No. 4, which  
23 we've put into evidence for the purposes of the  
24 appellate record. This officer watched State's Exhibit  
25 No. 3 in court at the same time the Defense Attorney was

JASON SHIRLEY - November 13, 2013  
Voir Dire Examination by Mr. Greenlee

1 watching it and observed it to be a true and accurate  
2 copy, though redacted, of the defendant's statement in  
3 this investigation.

4                   So, despite the fact that it doesn't have  
5 the markings that the original DVD has, it's still  
6 appropriately authenticated for the purposes of use in  
7 this trial.

8                   *THE COURT:* Okay.

9                   *MS. LOGAN:* So we would ask it be  
10 admitted.

11                   *THE COURT:* Okay. State's 3 is admitted.  
12 Your objection is noted for the record.

13                   *MR. GREENLEE:* May I amplify on my  
14 objection for purposes of the record?

15                   *THE COURT:* You may.

16                   *MR. GREENLEE:* I think that the issue here  
17 is the unredacted version was the subject of a motion  
18 for redaction, which the Court granted. So that  
19 exhibit, Exhibit No. 4, was only offered for purposes to  
20 assist the appellate record if, in fact, it does. It  
21 does not alter the fact that for purposes of offering  
22 evidence in the proper format that the redacted version  
23 still doesn't have to comply with all those  
24 requirements. It still has to comply with proper  
25 foundation, and so forth, and linking the redacted

JASON SHIRLEY - November 13, 2013  
Voir Dire Examination by Mr. Greenlee

1 version to this case. I think I would be remiss if I  
2 did not object to its admission without some connection  
3 on that to this case, and there are no markings other  
4 than the manufacturing markings.

5 MS. LOGAN: And the State's Exhibit  
6 sticker. And he's testified it is an exhibit he's  
7 familiar with, that it's a true and accurate recording  
8 with the exception of being a redacted version. I can't  
9 take this back to Pasadena Police Department and get  
10 somebody to put some markings on it; because our office,  
11 they created it at your request. And the fact he's  
12 watched it -- I'm sorry. I didn't mean to interrupt.

13 THE COURT: State's Exhibit 3, the video  
14 of the recorded statement, was redacted at the Defense's  
15 request. And this is going to be admitted, and your  
16 objection is noted for the record.

17 MR. GREENLEE: Thank you, Your Honor.

18 THE COURT: Okay. Let's bring in the  
19 jury.

20 (Jury enters courtroom)

21 THE COURT: Okay. Please be seated. You  
22 may proceed.

23 **DIRECT EXAMINATION (CONTINUED)**

24 BY MS. DAILY:

25 Q. Officer Shirley, did you and I have an

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 opportunity to review State's Exhibit 3 just before your  
2 testimony here today?

3 A. Yes, just prior to the start of the court.

4 Q. And is it a fair and true and accurate  
5 reflection of the interview that took place with you and  
6 the defendant on the date of offense?

7 A. Yes, it is.

8 MS. DAILY: Your Honor, permission to  
9 publish?

10 THE COURT: You may publish.

11 (State's Exhibit No. 3 is now being  
12 published)

13 Q. (By Ms. Daily) Now, Officer Shirley, how many  
14 people were arrested for this offense?

15 A. Three.

16 Q. Do you have a copy of the offense report that  
17 you made for this case?

18 A. Not in front of me.

19 MS. DAILY: Your Honor, may I approach?

20 THE COURT: You may.

21 Q. (By Ms. Daily) Officer Shirley, I'm going to  
22 hand you a copy of your offense report that you drafted.  
23 If you can, just review it. I want you to tell the jury  
24 how old the defendant was at this point in time.

25 A. At the time the offense occurred the defendant,



JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 Jose Alvarado, was thirty-eight years old.

2 Q. And two other people were arrested, correct?

3 A. Yes, correct.

4 Q. How old were those individuals?

5 A. The two other individuals were -- one was  
6 fourteen, and there was a friend, and the son of the  
7 defendant was fourteen.

8 Q. All of these were the ages at the time of the  
9 offense, right?

10 A. Yes, at the time of the offense.

11 Q. Now we just reviewed the statement that was  
12 recorded between you and the defendant on that day, and  
13 I want you to clear a couple of things up. Did Mr.-- or  
14 was the person that you were meeting with, in fact, the  
15 defendant?

16 A. Yes, the individual here in the yellow shirt.

17 Q. Did he identify himself by full name?

18 A. Full name and date of birth prior to the  
19 interview.

20 Q. At that point we've established that he was how  
21 old?

22 A. At the time of the offense he was thirty-eight.

23 Q. Now a couple of times he mentioned that he  
24 wasn't thinking, or it was -- he knows the difference  
25 between right and wrong. Is that what we heard?

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1           A.    Yes.

2           Q.    What other kind of things did he say?

3                    MR. GREENLEE:  Your Honor, I'm going to  
4 object.  I think the best evidence -- the jury heard the  
5 tape.  That's the best evidence, not the officer's  
6 interpretation of what was given.

7                    THE COURT:  Okay.  Sustained.

8                    MS. DAILY:  I just want to clear up a  
9 couple of things that he said.

10                   MR. GREENLEE:  Well, Your Honor, again,  
11 it's best evidence.  The jury gets to make that  
12 determination.  That's evidence.  They watched the tape  
13 and can draw their own conclusions.  The officer's  
14 interpretation substitutes his opinion for the jury.  
15 And that's, again, the best evidence.

16                   THE COURT:  What's the State's response?

17                   MS. DAILY:  The State's response is,  
18 Judge, I'm not asking him to spit back verbatim what was  
19 on the video.  I wanted to clear up a couple of things  
20 that the defendant stated to the officer while on video.

21                   THE COURT:  Okay.

22                   MS. DAILY:  Just a couple of statements.

23                   THE COURT:  Overruled.  The witness may  
24 answer.

25           Q.    (By Ms. Daily)  Did the defendant, in fact,

JASON SHIRLEY - November 13, 2013  
Direct Examination by Ms. Daily

1 confirm that he was Jose Humberto Alvarado?

2 A. Yes, he did.

3 Q. And did he, in fact, say that he was  
4 responsible for committing the crime?

5 A. Yes.

6 MR. GREENLEE: Objection. Again, Your  
7 Honor, best evidence. The jury gets to make that call.  
8 Otherwise, we don't need the tape.

9 THE COURT: Overruled.

10 Q. (By Ms. Daily) Did the defendant admit to  
11 taking the lawnmower?

12 A. Yes.

13 Q. And did he admit to getting out of the car at  
14 the scene?

15 A. Yes.

16 Q. Did he admit to going into the garage?

17 MR. GREENLEE: May I have a continuing  
18 objection to this line of questioning, Your Honor?

19 THE COURT: You may.

20 Q. (By Ms. Daily) Did he admit to going into the  
21 garage --

22 A. Yes.

23 Q. -- at 916 Alvin Street?

24 A. Yes, that's correct.

25 Q. And that's in Harris County, Texas, correct?

1           A.    Yes, it is.

2                        MS. DAILY:  Pass the witness, Your Honor.

3                        THE COURT:  Your cross, Counsel.

4                                       **CROSS-EXAMINATION**

5  BY MR. GREENLEE:

6           Q.    Officer, what is the purpose of an offense  
7  report?

8           A.    To depict the events that occurred during the  
9  investigation.

10          Q.    And it's designed to memorialize the  
11  significant points, correct?

12          A.    Portions of it, yes.

13          Q.    To help your memory?

14          A.    Correct.

15          Q.    Because you're not going to remember  
16  everything.  Would that be accurate?

17          A.    Some things you remember more.  Others you  
18  forget.

19          Q.    It would be fair to say that the reason that  
20  the maroon vehicle was stopped was because of traffic  
21  violations; isn't that correct?

22          A.    That was what led me to start looking at the  
23  vehicle, yes, sir.

24          Q.    And, in fact, you were not the person who  
25  stopped the vehicle, were you?

JASON SHIRLEY - November 13, 2013  
Cross-Examination by Mr. Greenlee

1 A. Yes, sir, I was.

2 MR. GREENLEE: May I approach the witness,  
3 Your Honor?

4 THE COURT: You may.

5 Q. (By Mr. Greenlee) Do you have a copy of the  
6 offense report there?

7 A. Yes, sir.

8 Q. Draw your attention to Page 6, please.

9 A. Okay.

10 Q. And in particular, that paragraph, just read it  
11 to yourself, please.

12 A. At the intersection --

13 Q. No. Read it to yourself, not aloud.

14 A. Okay.

15 Q. Did you have an opportunity to read it?

16 A. Yes, sir.

17 Q. And this is an offense report that you  
18 prepared; is that correct?

19 A. That's correct.

20 Q. And, in fact, your name appears at the bottom  
21 of the page?

22 A. That is correct.

23 Q. So now that you've had an opportunity to  
24 refresh your memory of the report that you wrote, isn't  
25 it true that it was other officers, patrol officers, not

1 you, who stopped the vehicle?

2 A. My vehicle lights, which was the unmarked  
3 vehicle, were activated. And I was a patrol officer,  
4 and patrol officers with the police department stopped  
5 the vehicle.

6 Q. Okay. Officer, if that were the case, why did  
7 you speak in the -- why did you not speak in the first  
8 person then?

9 A. Again, it is an accurate depiction of what had  
10 occurred, a traffic stop by patrol officers, which is  
11 myself stopped the vehicle.

12 Q. Well, but you did not say that. You did not  
13 say, I stopped the vehicle on traffic, did you, Officer?

14 A. There is times that I've summarized the events  
15 that occurred. And yes, it would not be in the first  
16 person, which is why it's going to just state the events  
17 that occurred on that particular day.

18 Q. And you would agree with me that there were  
19 other portions of this offense report where you do say,  
20 I did something; isn't that correct?

21 A. That is correct. And at the time of the  
22 traffic stop --

23 Q. Office --

24 MR. GREENLEE: Excuse me. Your Honor,  
25 objection to nonresponsive.

1                   Just answer the question, Officer.

2                   *THE COURT:* Sustained.

3           *Q.*    *(By Mr. Greenlee)* So up until the point in  
4 time that this vehicle was stopped by patrol officers,  
5 this vehicle was stopped for purposes of running Stop  
6 signs; is that not correct?

7           *A.*    That's what initially brought my attention to  
8 the vehicle.

9           *Q.*    While the vehicle was stopped, that was the  
10 message you communicated to other officers, to stop the  
11 vehicle?

12          *A.*    When a vehicle runs five Stop signs --

13          *Q.*    Officer, answer my question. Isn't that the  
14 message that you indicated to the patrol officers, stop  
15 this vehicle because it has run five Stop signs? That's  
16 a yes or no, Officer.

17          *A.*    It is yes, correct.

18          *Q.*    Thank you. Okay. Now -- and it was not until  
19 after you had made that stop that you received some  
20 information, correct?

21          *A.*    I received the information from dispatch.

22          *Q.*    Okay. And based upon that, you then did  
23 something. In particular, you arrested Mr. Alvarado and  
24 the other two persons; is that not correct?

25          *A.*    That's correct.

1 Q. Was it you or was it the other patrol officers?

2 A. It was the patrol officers and myself that  
3 arrested the individuals for burglary based on the  
4 information.

5 MR. GREENLEE: Excuse me. Your Honor,  
6 objection. This is nonresponsive, and it's hearsay.  
7 I'd ask for an instruction, please.

8 THE COURT: Okay.

9 THE WITNESS: Got you.

10 THE COURT: The objection is sustained.

11 THE WITNESS: Yes, ma'am.

12 Q. (By Mr. Greenlee) Now, subsequent to that, you  
13 then returned to the scene at an address of 916 Alvin?

14 A. That's correct.

15 Q. And you had a conversation; is that right?

16 A. Correct.

17 Q. Okay. Now you have no personal knowledge of  
18 the circumstances surrounding how the lawnmower got into  
19 the maroon vehicle; isn't that correct?

20 A. No, I don't.

21 Q. Okay. And you don't know whether this  
22 lawnmower was outside or inside of the garage, do you,  
23 personally, do you?

24 A. Prior to speaking to the complainant, no.

25 Q. Well, personally, you have no personal



1 knowledge as to whether or not the lawnmower was either  
2 inside or outside of its garage, do you?

3 A. Correct.

4 Q. And at some point in time Mr. Alvarado was  
5 placed under arrest, and you had the opportunity to  
6 interview him, as we just saw; is that correct?

7 A. Yes, sir.

8 Q. And would it be fair to say that in questioning  
9 a suspect for a crime and you're trying to get a  
10 statement, you can use pretty much any method you choose  
11 other than physical threat and physical violence?

12 A. That's correct.

13 Q. And sometimes you may tell less than the truth  
14 to get a statement; isn't that correct?

15 A. At times.

16 Q. After you terminated your interview with  
17 Mr. Alvarado, did you have any subsequent involvement  
18 with this case after that point in time?

19 A. I believe we -- I don't recall having anything  
20 else to do with it after we filed the charges on the  
21 defendant.

22 Q. And I assume you've done nothing, essentially,  
23 basically, since June the 1st of 2011?

24 A. There is no additional information on it.

25 MR. GREENLEE: Pass the witness, Your