

1 **R. SIMMONS,**
2 having been first duly sworn, testified as follows:

3 **DIRECT EXAMINATION**

4 BY MS. BENNETT:

5 Q. If you would please introduce yourself to the
6 jurors by telling them your name and where you work?

7 A. My name is Deputy Simmons. I work for the
8 Harris County Sheriff's Office in a division called the
9 Safe Home Task Force.

10 Q. How long have you been employed by the
11 sheriff's office?

12 A. Since 1997.

13 Q. Have you worked for any other law enforcement
14 agencies?

15 A. Yes, I worked for the Harris County Constable's
16 Office.

17 Q. How long were you with the constable?

18 A. Since '91.

19 Q. And tell me again what division are you
20 assigned to in the sheriff's office?

21 A. I worked in the criminal investigations
22 division, it's a Safe Home Task Force. We investigate
23 home invasions and burglary of habitations.

24 Q. And do your investigations mainly deal in parts
25 of the county outside of Houston, City of Houston?

1 A. Yes, ma'am.

2 Q. Does that include a location at 503 West Road?

3 A. Yes, ma'am.

4 Q. Were you working in that same division back on
5 August the 17th of 2011?

6 A. Yes, ma'am.

7 Q. Were you assigned to investigate a home
8 invasion robbery that had taken place at that 503 West
9 Road address at Apartment 77?

10 A. Yes, ma'am.

11 Q. And when you go to begin your investigation,
12 what information do you have to work with?

13 A. Usually have a offense report, initial
14 officer's investigation of what he saw on the scene,
15 suspect description, Complainant's information and
16 property that's missing.

17 Q. Did you have that basic information in this
18 case?

19 A. Yes, ma'am.

20 Q. At the time that you get assigned to the case
21 or that you begin working on the case, did you receive
22 any helpful information about items that had been
23 recovered that were taken in this robbery?

24 A. Yes, ma'am.

25 Q. And what was that?

1 A. I received information from a message center
2 that Humble Police Department had recovered a stolen
3 pistol from that home invasion and had some suspects in
4 custody.

5 Q. And is it common when a gun is stolen that
6 somebody will actually enter that into some type of
7 system?

8 A. Yes, ma'am, it's entered into NCIC, TCIC.

9 Q. And this particular gun had been entered as
10 being stolen?

11 A. Yes, ma'am.

12 Q. Is there a serial number that a gun is
13 identified by?

14 A. Yes, the Complainant provided the responding
15 officer with a serial number to the firearm, which he
16 called the message center to have it entered into the
17 computer system.

18 Q. So, when Humble ran that serial number, they
19 realized that that gun had been stolen in a West Road
20 home invasion?

21 A. Yes, ma'am.

22 Q. Once you learned that that has happened, what
23 is the next step of your investigation?

24 A. Next step what I did was I compiled, I got the
25 suspect information and put together some photo arrays

1 of the suspects. I checked into the pawnshop database
2 to see if they had pawned any property and stuff like
3 that.

4 Q. First of all, how many suspects did you learn
5 had been arrested in the Humble case?

6 A. I believe there was four, three males, one
7 female.

8 Q. And did they match the descriptions of
9 individuals believed to be involved in the West Road
10 home invasion?

11 A. Yes, ma'am, the vehicle description and the
12 suspect information.

13 Q. And you said that you prepared photo arrays,
14 which, the person arrested in Humble, did you place into
15 photo arrays?

16 A. I believe it was a female and then two males,
17 two adult males.

18 Q. Would that be Denise Champ, Robert Flint and
19 Anthony Latson?

20 A. Yes, ma'am.

21 Q. And once you prepared those photo arrays, what
22 did you do with them?

23 A. I contacted the Complainant, set up an
24 appointment to meet with them.

25 Q. And where did you meet with the Complainant?

1 A. At their residence on West Road.

2 Q. Who did you meet with there to show the photo
3 arrays?

4 A. I met with the mother, she was there on the
5 scene, and Brandon and I believe his name is Jason.

6 Q. Were they two younger boys?

7 A. Yes, ma'am.

8 Q. Now, you didn't have any reason to believe that
9 the mother was there during the home invasion, did you?

10 A. No, ma'am.

11 Q. So, you were there to show the photo arrays to
12 the two boys?

13 A. Yes, ma'am.

14 Q. Did you show it to them together or separate?

15 A. Separately, one at a time.

16 Q. And did you give them any special instructions
17 as to what they should do when they're looking at these
18 photographs?

19 A. Yes, ma'am, we have a standard form that we
20 have them read and sign and prepare on the instruction
21 to look at it.

22 MS. BENNETT: May I approach the witness,
23 Your Honor?

24 THE COURT: Yes.

25 Q. (BY MS. BENNETT) I'm going to show you what's

1 been admitted into evidence as State's Exhibit No. 67.

2 Is this the form that you showed to Jason before showing
3 him the photospreads?

4 A. Yes, ma'am.

5 Q. And does that give him special instructions
6 that he reads before looking at the pictures?

7 A. Yes, ma'am.

8 Q. Now, did you suggest to him in any way who he
9 should pick?

10 A. No, ma'am.

11 Q. Do you tell him that the person is absolutely
12 in the photospread?

13 A. No, ma'am.

14 Q. What do you tell him?

15 A. Basically, I tell him to go off of what's on
16 the thing that, you know, everybody needs to be, you
17 know, presumed innocent. They could be in here, they
18 might not be them because, you know, just because the
19 gun was found with them, they could have got it from
20 somewhere else or, you know.

21 Q. And I'm showing you State's Exhibit 67 here,
22 are these those instructions that was given to Jason?

23 A. Yes, ma'am.

24 Q. Now, I want to show you first State's Exhibit
25 No. 69. Is this one of the photospreads that you showed

1 Jason when you met with him?

2 A. Yes, ma'am.

3 Q. And I notice there is a day of August the 23rd
4 of 2011, is that the date that you showed Jason the
5 photospread?

6 A. Yes, ma'am.

7 Q. And, again, I believe as I said, this is 68.
8 And who is the individual whose photograph is circled
9 there in Position No. 5?

10 A. Mr. Latson.

11 Q. And do you see Mr. Latson in the courtroom
12 today?

13 A. Yes, ma'am.

14 Q. Could you please point him out and describe
15 what he's wearing?

16 A. (Pointing) He's sitting right there wearing a
17 blue long-sleeved shirt.

18 MS. BENNETT: Your Honor, may the record
19 reflect the witness has identified the Defendant?

20 THE COURT: It will.

21 Q. (BY MS. BENNETT) And did Jason make an
22 identification in State's Exhibit 68?

23 A. Yes, ma'am.

24 Q. Who did he identify?

25 A. Mr. Latson.

1 Q. When he made the identification, how certain
2 did he seem?

3 A. Oh, he was a hundred percent certain.

4 Q. Did he hesitate?

5 A. No, ma'am.

6 Q. Now showing you State's Exhibit No. 69, is this
7 another photospread that was shown to Jason?

8 A. Yes, ma'am.

9 Q. And did he circle that Photograph No. 5 there?

10 A. Yes, ma'am.

11 Q. Who is that individual that he circled in
12 Photograph 5?

13 A. Mr. Flint.

14 Q. Okay. Do you happen to recall how old Robert
15 Flint was at the time this happened?

16 A. I believe he was around 18.

17 Q. Was he younger than Anthony Latson?

18 A. Yes, ma'am.

19 Q. Okay. And again, the same question, how
20 certain was Jason when he chose Mr. Flint's photograph
21 in State's Exhibit 69?

22 A. He was a hundred percent. He had no
23 hesitation.

24 Q. And finally showing you State's Exhibit 70, did
25 Jason make an identification in that photospread?

1 A. Yes, ma'am.

2 Q. And who did he choose there?

3 A. Ms. Champ.

4 Q. Any problem with his identification of Ms.
5 Champ?

6 A. No, ma'am, no, ma'am.

7 Q. Now, you also stated that you showed
8 photospreads to Brandon?

9 A. Yes, ma'am.

10 Q. Did you give Brandon the same instructions that
11 you gave to Jason?

12 A. Yes, ma'am.

13 Q. And did you show him those same photospreads
14 that you showed to Jason?

15 A. Yes, ma'am.

16 Q. Was he able to make an identification?

17 A. Yes, ma'am.

18 Q. Did he identify any of the three individuals
19 who were in those photospreads?

20 A. He identified Mr. Flint.

21 Q. Was Mr. Flint the only individual that he
22 identified in those photospreads?

23 A. Yes, ma'am.

24 Q. You stated that another part of your
25 investigation is to check the pawn records?

1 A. Yes, ma'am.

2 Q. And how are you able to do that?

3 A. There's a database called Leads on Line; the
4 pawnshops download to this law enforcement database of
5 daily pawn transactions, and we can search by serial
6 number or individual reference.

7 Q. And did you search Leads on Line for any of the
8 items stolen from Jason and Brandon's home?

9 A. Yes, ma'am, I searched by the suspects' names.

10 Q. Okay. So you actually searched the records to
11 see if Robert Flint, Anthony Latson or Denise Champ had
12 pawned any items?

13 A. Yes, ma'am.

14 Q. Were you successful in your search?

15 A. Yes, ma'am.

16 Q. Where had they pawned items?

17 A. They pawned the items at the Fiesta Pawn
18 located at Greens Road and 45.

19 Q. Which one of those three individuals did you
20 find had pawned items?

21 A. Mr. Flint.

22 MS. BENNETT: Approach the witness, Your
23 Honor?

24 THE COURT: You may.

25 Q. (BY MS. BENNETT) If I might show you what's

1 been marked for identification as State's Exhibit 58.
2 Does that appear to be a map of the northern part of
3 Harris County?

4 A. Yes, ma'am.

5 Q. And do you see on that map where the West Road
6 address is for Jason and Brandon's house?

7 A. Yes, ma'am.

8 Q. And does that fairly and accurately depict
9 where that location is within Harris County?

10 A. Yes, ma'am.

11 Q. And I'm also pointing to another location
12 marked as 208 Greens Road, CiCi's Pizza. Does that
13 appear to be a fair and accurate depiction of where the
14 Greenspoint Mall is located?

15 A. Yes, ma'am.

16 MS. BENNETT: Your Honor, at this time I'll
17 tender to Defense counsel State's Exhibit 58 and ask
18 that it be admitted.

19 (State's Exhibit No. 58 offered.)

20 MR. DUARTE: There's no objection to 58,
21 Judge.

22 THE COURT: State's Exhibit No. 58 is
23 admitted without objection.

24 (State's Exhibit No. 58 admitted.)

25 MS. BENNETT: If I may publish it, Your

1 Honor?

2 THE COURT: You may.

3 Q. (BY MS. BENNETT) Showing you now, Deputy
4 Simmons, State's Exhibit 58. There are several
5 locations marked on State's Exhibit 58, but first I'd
6 like to draw your attention to this location right here
7 at that pushpin. Is that where Jason and Brandon's home
8 is located?

9 A. Yes, ma'am.

10 Q. And now showing you right here above what's
11 marked as the Sam Houston Toll Road, is this pushpin
12 that says CiCi's Pizza is that the location of
13 Greenspoint Mall?

14 A. Yes, ma'am.

15 Q. Is the Fiesta Pawn located anywhere in this
16 area?

17 A. Yes, ma'am, it's located just right above the
18 pushpin for the 208 Greens Road.

19 Q. So, right north of where the Greenspoint Mall
20 is?

21 A. Yes, ma'am, just right there on the north side
22 of Greens Road.

23 Q. And were any of the items that were taken from
24 the West Road home found at the Fiesta Pawn?

25 A. Yes, ma'am.

1 Q. What items were those?

2 A. It was a E-Machine desk computer, a purse, and
3 a iPod.

4 Q. Ultimately, did you file aggravated robbery
5 charges on all three of these individuals?

6 A. Yes, ma'am.

7 Q. Thank you.

8 MS. BENNETT: State will pass the witness.

9 THE COURT: All right, Mr. Duarte.

10 MR. DUARTE: Yes, ma'am.

11 **CROSS-EXAMINATION**

12 BY MR. DUARTE:

13 Q. Deputy Simmons, Ms. Bennett asked you that Mr.
14 Flint was 18 years of age at that time, correct?

15 A. I believe he was around 18, 19, yes, sir.

16 Q. And is it your recollection that Mr. Latson at
17 that time was 22 years old?

18 A. I believe so.

19 Q. So, it wasn't that big of an age, is that
20 correct, four years difference?

21 A. Sure, yes, sir.

22 Q. So, now in your investigation, you talked to
23 Jason. You showed him the photospreads. He ID'd a
24 female suspect, correct?

25 A. Ms. Champ, yes, sir.

1 Q. And did he tell you what her role was in their
2 robbery?

3 A. Yes, he told me she was the one that knocked on
4 the door.

5 Q. He did identify the female that knocked on the
6 door. And he identified Mr. Flint and Mr. Latson,
7 correct?

8 A. Yes.

9 Q. And he identified them as being two individuals
10 that would have come in carrying weapons, correct?

11 A. Yes, sir.

12 Q. All right. And then you also met with his
13 brother, Brandon; and he was only able to identify just
14 one individual, correct?

15 A. Yes, sir.

16 Q. That would have been Mr. Flint?

17 A. Yes, sir.

18 Q. And did he say anything about him being also
19 one that had a firearm or not?

20 A. I believe so, yes, sir.

21 Q. I was just curious, in your report doesn't
22 mention that Brandon would have been shown any other
23 photospreads. Was he shown any other photospreads?

24 A. Yes, he was.

25 Q. And he was not able to make identification on

1 any of those other people as far as the photospreads
2 that you showed him?

3 A. No, sir.

4 Q. All right. Regarding when you went to check
5 the pawnshop database, did it indicate there when you
6 found that Mr. Flint had pawned this E-Machine and
7 desktop computer, was there any information who would
8 have been there with them, that Ms. Champ would have
9 gone with them to pawn those things?

10 A. Yes, sir.

11 Q. And what was that information?

12 A. There was --

13 Q. What was the information that you found out
14 that Flint went with someone else?

15 A. Yes.

16 Q. Who would that have been?

17 A. Mr. Latson and Ms. Champ.

18 Q. And did they use Ms. Champ's ID to try to pawn
19 that inventory of stuff that they have?

20 A. No, sir.

21 Q. It was all under Flint's name, correct?

22 A. Yes, sir.

23 MR. DUARTE: I'll pass this witness, Judge.

24 THE COURT: All right. Is there anything
25 further?