

1 **THE COURT:** Please be seated.

2 **DAVID SOKOLOSKI,**

3 having been first duly sworn, testified as follows:

4 **DIRECT EXAMINATION**

5 **BY MISS VANIK:**

6 **Q.** Officer, can you please introduce yourself to
7 the jury.

8 **A.** I'm a Houston police officer. My name is
9 David Sokoloski. I've been with the Houston Police
10 Department two and a half years. That was from start
11 of the academy from right now. Last two years I been
12 in the special command, Central Patrol Division.

13 **Q.** What are some of your duties as a central
14 patrol officer?

15 **A.** Patrol officer. I've been running calls for
16 service, disturbances, accidents. Just when people
17 call, usually 911, I'm usually the first respondent to
18 the scenes.

19 **Q.** Okay. And, Officer, I'm just going to ask you
20 to slow it down. You're speaking a little bit too fast
21 for the court reporter.

22 **A.** Yes, ma'am.

23 **Q.** But on April the 21st, 2012, were you a patrol
24 officer?

25 **A.** Yes, I was.

1 Q. Were you on duty on that day?

2 A. Yes, I was.

3 Q. And what are your normal hours for that? What
4 are your normal hours?

5 A. My normal hours are 10:00 p.m. till 6:00 a.m.

6 Q. Were you working a 10:00 p.m. to 6:00 a.m.
7 shift on April 21st, 2012?

8 A. Yes, ma'am.

9 Q. Were you called out to a scene at
10 approximately 1:00 o'clock in the morning?

11 A. Yes.

12 Q. And where was that?

13 A. That was going to be in a district. We have
14 2 Adams 10 beat, Thomas and Carl.

15 Q. Is that in Harris County?

16 A. Yes, ma'am.

17 Q. And when you arrived at the scene did you know
18 what you were looking for?

19 A. It was going to be an accident involving a
20 vehicle in a ditch.

21 Q. And when you got to Carl and Thomas -- excuse
22 me. Was that in Harris County, Texas?

23 A. Correct.

24 Q. Okay. And when you got to that particular
25 location, what did you find?

1 **A.** We found a Jeep nose first in the ditch.

2 **Q.** Okay. And what color was that Jeep?

3 **A.** It was going to be a gray Jeep.

4 **Q.** And did you find the driver or did you find
5 anyone around the Jeep?

6 **A.** Yes, I did.

7 **Q.** Can you please describe to the jury where you
8 found this person?

9 **A.** I found a male on his hands and his knees, on
10 all fours, about two houses north from the Jeep. He
11 was inside of a bush, just rummaging through a bush.

12 **Q.** And what did you do once you saw this person
13 in the bush?

14 **A.** I walked up and said, Houston Police. Come
15 out and talk to us.

16 **Q.** And what was that person's response?

17 **A.** He didn't have any response. He just
18 continued to stay in the bush, looking for something.

19 **Q.** And what did you do at that point?

20 **A.** At that time me and my partner walked up and
21 continued to give him commands. And at that time when
22 we got there and he still didn't do the command, we
23 pulled him out of the bush and detained him.

24 **Q.** And what was your general impression of this
25 person when you first interacted with him?

1 **A.** He was uncooperative, he was not in a right
2 state of mind. There was something off about him.

3 **Q.** And what was this particular person wearing?

4 **A.** I do not remember.

5 **Q.** And do you recognize this person that you
6 interacted with on April 21st, 2012, in the courtroom
7 today?

8 **A.** Yes, ma'am.

9 **Q.** Can you identify him by just pointing at him
10 and stating an article of clothing that he's wearing?

11 **A.** The male right over there with the brown hair.
12 (Indicates.)

13 **MISS VANIK:** Your Honor, may the record
14 reflect that the witness has properly identified the
15 defendant?

16 **THE COURT:** Yes, ma'am.

17 **MISS VANIK:** Thank you, sir.

18 **Q.** **(BY MISS VANIK)** And so once you interacted
19 with Mr. Galvan and detained him, what did you do next?

20 **A.** I had to assist him back to my patrol car.

21 **Q.** And when you say, "assist him," what do you
22 mean?

23 **A.** He had a horrible balance to where he was
24 pretty much leaning on me as I had him on my shoulder
25 carrying him to my patrol car.

1 Q. And at any point did you ask Mr. Galvan about
2 the accident that had occurred?

3 A. Once we got to the patrol car, I did.

4 Q. Okay. And what did you ask Mr. Galvan?

5 A. Was he driving the vehicle.

6 Q. And what was --

7 **MR. RAMIREZ:** Objection, Judge. That's
8 custodial interrogation. I'm going to object. He had
9 already detained him, placed him under arrest, placed
10 him in his patrol vehicle, taken to the patrol vehicle
11 and was questioning him without giving him the proper
12 warning as required by our laws.

13 **THE COURT:** Overruled.

14 **MISS VANIK:** Thank you, sir.

15 Q. **(BY MISS VANIK)** You may answer. You may
16 answer. What did he respond when you asked him about
17 the vehicle?

18 A. "I was driving the vehicle."

19 Q. So the defendant admitted that he was driving
20 the vehicle?

21 A. Correct.

22 Q. Did he say if it was his vehicle or not?

23 A. He said it was not his.

24 Q. And whose vehicle did he say it was?

25 A. It was a family member's. I do not remember

1 exactly which family member.

2 Q. And at that point in time what did you do?

3 A. I began to get his name, his first name, last
4 name, and date of birth. I didn't have an
5 identification card on him to ID who he was.

6 Q. And at some point in time was anyone able to
7 identify Mr. Galvan as the person driving the vehicle?

8 MR. RAMIREZ: Objection, Judge. That
9 calls for hearsay.

10 THE COURT: Sustained.

11 Q. (BY MISS VANIK) During the course of your
12 investigation, did you learn if anyone had observed the
13 accident?

14 A. I was told by my partner --

15 MR. RAMIREZ: Objection, Judge. That
16 calls for hearsay.

17 THE COURT: Sustained.

18 Q. (BY MISS VANIK) Without going into
19 specifically what your partner was told, during the
20 course of your investigation did you learn if someone
21 had observed the accident?

22 A. Yes.

23 Q. Okay. And do you know who that person is?

24 A. No.

25 Q. And did that person --

1 **MR. RAMIREZ:** Objection, Judge. Hearsay.

2 **MISS VANIK:** I didn't ask the question.

3 **THE COURT:** Allow her to finish her
4 question.

5 **MR. RAMIREZ:** I'm sorry, I'll withdraw
6 it.

7 **THE COURT:** All right.

8 **Q. (BY MISS VANIK)** Okay. So you were speaking
9 with Mr. Galvan and you -- will you describe to the
10 jury some more of Mr. Galvan's general appearance and
11 demeanor.

12 **A.** At the time he was dirty. He was rummaging
13 through wet grass and mud. He was covered in dirt and
14 all sorts of stuff you would find in front of an
15 abandoned house. He was uncooperative. He would
16 answer little questions.

17 **MR. RAMIREZ:** Objection, Judge. Ask a
18 question and answer as opposed to a narrative.

19 **THE COURT:** Overruled.

20 **Q. (BY MISS VANIK)** You may go ahead, sir.

21 **A.** He was -- that was pretty much it.

22 **Q.** Okay. And so at some point in time did you
23 call for a DWI Task Force Unit?

24 **A.** Yes.

25 **Q.** And why did you do that?

1 **A.** Because at the time he appeared to have a
2 strong odor of alcoholic beverage coming from his
3 person. He admitted to driving the vehicle, and we had
4 a real witness.

5 **Q.** Okay.

6 **MISS VANIK:** Nothing further, Your Honor.

7 **CROSS-EXAMINATION**

8 **BY MR. RAMIREZ:**

9 **Q.** Officer, what time did you make -- did you
10 arrive at that location?

11 **A.** I do not remember the approximate time we
12 arrived.

13 **Q.** Do you remember what time you got your call?

14 **A.** It would be 0020 or 12:20.

15 **Q.** And so -- and do you have any -- you don't
16 know what time this vehicle went into the ditch, do
17 you?

18 **A.** I do not have an approximate time of the
19 accident.

20 **Q.** You weren't there when that happened, right?

21 **A.** No, sir.

22 **Q.** You didn't see anybody get in or out of that
23 vehicle, did you?

24 **A.** No, sir.

25 **Q.** In fact, when you got there the vehicle was in

1 the ditch and there was nobody in it; is that right?

2 **A.** Correct.

3 **Q.** And you can't tell this jury whether or not it
4 was one person in the vehicle or a thousand people. I
5 mean, not a thousand but five people in the vehicle at
6 that time, right?

7 **A.** Correct.

8 **Q.** And, um, and you never met Mr. Galvan prior to
9 that time; had you?

10 **A.** Correct.

11 **Q.** And is it fair to say this is the first time
12 you've seen him since then?

13 **A.** Yes.

14 **Q.** And when you see Mr. Galvan today, does he
15 appear the same physically as he did that night?

16 **A.** Describe?

17 **Q.** Other than the items, the description
18 regarding being might be more soiled, does his physical
19 description appear to be the same as you recall from
20 that night?

21 **THE WITNESS:** Your Honor?

22 **THE COURT:** Yes, sir.

23 **THE WITNESS:** I'm not understanding the
24 definition of physical description.

25 **Q. (BY MR. RAMIREZ)** I'll be more than happy to

1 rephrase that question.

2 Do you remember what Mr. Galvan looked
3 like that night?

4 A. Correct.

5 Q. Is that a yes?

6 A. Yes.

7 Q. Okay. And was he about the same body frame?

8 A. Yes.

9 Q. Okay. Was he about the same body height?

10 A. I can't tell. He is sitting right now.

11 Q. If I have him stand, would you be able to
12 answer that question?

13 A. No, because I was standing next to him at the
14 time, so I cannot judge by that if I am not standing
15 right next to him.

16 Q. Well, do you want me to go have him stand
17 right next to you? Do you think that would help you?

18 **THE WITNESS:** Your Honor, is that okay?

19 **THE COURT:** Sir? Sure.

20 Q. **(BY MR. RAMIREZ)** What do you think?

21 A. Yes.

22 Q. Okay. Same hair color, everything?

23 A. I do not remember.

24 Q. Same hair length?

25 A. I do not remember.

1 Q. Now, besides Mr. Galvan, who else did you
2 speak to that night out there?

3 A. As in officers or witnesses?

4 Q. Non-officers.

5 A. No.

6 Q. So you didn't speak to anybody?

7 A. No.

8 Q. You didn't -- okay. Did you prepare the
9 report?

10 A. No.

11 Q. Who prepared the report?

12 A. Which report, sir? There are two reports.

13 Q. Both of them.

14 A. There's an accident report and a DWI report.

15 Q. Who prepared the accident report?

16 A. Officer Stevens.

17 Q. Stevens?

18 A. Yes, sir.

19 Q. And the other report?

20 A. Was done by the DWI Task Force.

21 Q. And who is he?

22 A. Her name is Officer Swift.

23 Q. Officer Swift.

24 If you know, was Officer Stevens on the
25 scene?

1 **A.** We were riding together.

2 **Q.** Together?

3 **A.** Yes, sir.

4 **Q.** And Officer Swift, was she on the scene?

5 **A.** She came to the scene later, after we arrived,
6 yes.

7 **Q.** To your recollection, did you see either
8 Officer Stevens or Officer Swift speak to witnesses?

9 **A.** I don't remember.

10 **Q.** Did you take any photos?

11 **A.** No, sir.

12 **MR. RAMIREZ:** Pass the witness, Judge.

13 **MISS VANIK:** Nothing further from the
14 State, Your Honor.

15 **THE COURT:** All right. May this witness
16 be excused?

17 **MISS VANIK:** Yes, sir.

18 **MR. RAMIREZ:** Yes, Your Honor.

19 **THE COURT:** Thank you, officer. You're
20 free to go.

21 **THE WITNESS:** Thank you, Your Honor.

22 **THE COURT:** Please call your next
23 witness.

24 **MISS VANIK:** Thank you, Your Honor. The
25 State calls Officer Swift.

1 **THE BAILIFF:** This witness has not been
2 sworn.

3 **THE COURT:** Officer Swift, if you would
4 please step up on the witness stand. Turn and face the
5 jury. Would you please raise your right hand.

6 Do you solemnly swear the testimony you
7 are about to give before this jury be the truth, the
8 whole truth, and nothing but the truth, so help you
9 God?

10 **THE WITNESS:** Yes, sir.

11 **THE COURT:** Please be seated.

12 **MISS VANIK:** May I proceed, Your Honor?

13 **THE COURT:** Yes, ma'am.

14 **E. SWIFT,**

15 having been first duly sworn, testified as follows:

16 **DIRECT EXAMINATION**

17 **BY MISS VANIK:**

18 **Q.** Officer, can you please introduce yourself to
19 the jury.

20 **A.** My name is Officer E. Swift. I'm with the
21 Houston Police Department.

22 **Q.** And how long have you been employed with the
23 Houston Police Department?

24 **A.** Approximately a little over a year.

25 **Q.** And have you had -- or what is your current