

1 very much. You are excused, sir. Your next witness.  
2 The State calls Deputy Tarrance.

3 THE COURT: Deputy, right down here  
4 please. Please raise your right hand to be sworn in.

5 (Witness sworn.)

6 THE COURT: Please have a seat, sir, and  
7 speak into the microphone to the jury at all times.

8 Ms. Buese, you may proceed.

9 KENNETH TARRANCE

10 Having first been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MS. BUESE:

13 Q. Deputy, could you go ahead and introduce  
14 yourself to the jury?

15 A. My name is Deputy Ken Tarrance. I'm assigned  
16 to District 3 Patrol, District 33, Harris County  
17 Sheriff's Office.

18 Q. Are you a licensed peace officer in the State  
19 of Texas?

20 A. Yes, ma'am.

21 Q. Can you explain to the jury a little bit about  
22 what it means to be a licensed peace officer in the  
23 State of Texas. What do you have to do?

24 A. I went to the Harris County Sheriff's Academy  
25 in 1997 and spent approximately eight months there

1 studying to be a police officer.

2 Q. How many hours of training is that?

3 A. With the Harris County requirements, 1,722, I  
4 think.

5 Q. Is there a test you have to pass before you  
6 become licensed?

7 A. Yes, ma'am.

8 Q. This is the important question. Did you pass?

9 A. Yes, ma'am.

10 Q. And Deputy, once you pass that test, are you  
11 forever a licensed peace officer?

12 A. Yes, ma'am. If I keep my training requirements  
13 up.

14 Q. What are those training requirements you have  
15 to keep up with?

16 A. I have to take at least 40 hours every two  
17 years.

18 Q. And what type of training did you receive in  
19 the academy and what kind of training is it that you  
20 keep up with?

21 A. Basically the same thing, we have to keep our  
22 skills up to par.

23 Q. What types of skills?

24 A. Patrol procedures, law, everything we need to  
25 do our job.

1 Q. And if you had to calculate between the academy  
2 that you said was over 1,000 hours and all the hours  
3 that you've taken to keep up with your TCLEOSE  
4 certification, how many hours of training do you think  
5 you've had in law enforcement?

6 A. Right now I have almost 1800 hours of training.

7 Q. Okay. Let's talk a little bit about your  
8 experience. Have you always been assigned to patrol?

9 A. No, ma'am.

10 Q. What are some of the other places you've been  
11 assigned to?

12 A. I was assigned to 701 jail when I first  
13 started. Then I transferred to the Academy, came back  
14 from the Academy at 701 jail. From there, I transferred  
15 to the Inmate Processing Center, receiving, booking and  
16 receiving, and was there approximately three years. And  
17 then I transferred to patrol. I've been on patrol for  
18 11 years, 11 plus years.

19 Q. And Deputy, could you explain to the jury what  
20 your responsibilities are in patrol division?

21 A. Enforce traffic laws, answer calls for service,  
22 investigate accidents, criminal offenses, whatever we  
23 are assigned to do.

24 Q. So on a typical day, how do you find out what  
25 you are going to be doing on patrol?

1           A.    We are dispatched by radio or we on view or  
2 drive up on something and see it.

3           Q.    So you see a crime or you get told about a  
4 crime?

5           A.    Yes, ma'am.

6           Q.    And can you explain to the jury the dispatch  
7 process, how does that work?

8           A.    Citizens call in complaints, basically citizens  
9 call in because they see something or are involved in  
10 something to our Dispatch Center. Dispatch Center  
11 passes information to us. We go and take care of it.

12          Q.    So when you respond to a caller, do you always  
13 know exactly what is happening that you're responding  
14 to?

15          A.    No, ma'am, because sometimes what we are told  
16 happens changes to be something else.

17          Q.    Were you dispatched to a call on January 5th of  
18 2012?

19          A.    Yes, ma'am.

20          Q.    And do you recall where you were dispatched to?

21          A.    The intersection of I-10, Interstate 10 service  
22 road and the Beltway or the South Sam Houston Parkway.

23          Q.    And Deputy, if you know, is that location in  
24 Harris County, Texas?

25          A.    Yes, ma'am.

1 Q. Are you familiar with that particular area?

2 A. Yes, ma'am.

3 Q. And when you got there, what did you see?

4 A. A crowd of people on the northwest corner of  
5 the intersection. A black SUV that had struck the light  
6 pole and several other cars parked in the area. A lot  
7 of people around the vehicle.

8 Q. At that point, did it appear to be an accident  
9 to you?

10 A. Yes, ma'am.

11 Q. Do you deal with accident scenes on few or many  
12 occasions on patrol?

13 A. Many.

14 Q. What do you first do when you get to an  
15 accident scene?

16 A. Check on the safety and well-being of  
17 passengers, occupants, or drivers, occupants in the  
18 vehicle, see who needs medical aid, if needed, and start  
19 collecting information to the accident.

20 Q. Who are you going to try to collect information  
21 from?

22 A. The drivers, the parties involved in the  
23 accident, and witnesses.

24 Q. And in this case when you first got to the  
25 accident scene, and if you could look at State's Exhibit

1 No. 8, and tell me if that is the accident that you saw,  
2 that you recall? What did you do first?

3 A. I'm not sure if that's the vehicle from that  
4 picture.

5 Q. How about we look at the front of the vehicle?

6 A. Yes, that was the vehicle. It apparently  
7 struck the light pole there and generated enough force  
8 when it struck the light pole, it actually rotated  
9 around the pole.

10 Q. Have you seen that type of accident before?

11 A. Once or twice maybe.

12 Q. Why is it so rare for you to see that type of  
13 impact?

14 A. Because it's quite a bit of speed involved  
15 usually.

16 Q. Is it unusual to see that type of speed  
17 enforced on a feeder road and not on a freeway?

18 A. No, ma'am. The feeder road is usually about 50  
19 miles an hour speed limit, that happened right at an  
20 intersection.

21 Q. So when you first arrived at the scene, did you  
22 have any idea whether or not a crime had occurred?

23 A. No, ma'am.

24 Q. Were there any people who had been injured in  
25 this accident?

1 A. Yes, ma'am.

2 Q. And what happened to those people, if you know?

3 A. The driver of the vehicle was favoring his left  
4 shoulder and everything. I couldn't tell if it was  
5 broken, but he was very disoriented. There were two  
6 small children at the back of the vehicle with on  
7 looking witnesses. One of the children had an almost  
8 amputated right leg. It was just barely hanging on by a  
9 piece of skin.

10 Q. And once you saw those injuries, what did you  
11 do?

12 A. I requested dispatch to put Life Flight on  
13 standby. I called for a traffic unit due to the  
14 seriousness of the injuries and possible fatality. Our  
15 traffic division does fatality accidents because the  
16 girl possibly could die from bleeding out or not telling  
17 what other injuries.

18 Q. So would you characterize the injuries you saw  
19 at the scene as minor?

20 A. No, ma'am.

21 Q. How would you characterize them?

22 A. Life threatening in the case of the girl, you  
23 know. I'm not a, I've been in enough accidents, it  
24 didn't appear the father was going to die or the other  
25 girl was going to die, but that does happen after

1 they've been transported to the hospital, but with the  
2 amputated limb or serious injury, open wound like that,  
3 she could have bled to death.

4 Q. Once you made sure that the victims of the  
5 accident had medical treatment, did you begin an  
6 accident investigation?

7 A. Yes, ma'am.

8 Q. How did you start that investigation?

9 A. I spoke to the driver, asked him what happened.  
10 He said he really didn't know.

11 THE COURT: That will be sustained.

12 Q. (By Ms. Buese) Deputy, we are not going to talk  
13 about what people told you, just who did you talk to,  
14 not what did they say. Who did you talk to?

15 A. I left my copy of my report in there. Do we  
16 have another copy?

17 MS. BUESE: May I approach the witness?

18 THE COURT: She has the report.

19 THE WITNESS: I'll meet you half way. I'm  
20 sorry.

21 Q. (By Ms. Buese) And Deputy, while we are on the  
22 topic, what is an offense report?

23 A. An offense report is a criminal offense report  
24 or possibly a civil offense report in some cases.

25 Q. What are they?



1 A. I'm sorry.

2 Q. What are they? What do you put in an offense  
3 report?

4 A. Information received, facts of the incident.

5 Q. Who writes them?

6 A. We do.

7 Q. Who is we?

8 A. I'm sorry. The investigating officer.

9 Q. Do you include witness information?

10 A. Yes, ma'am.

11 Q. Do you include the information that people tell  
12 you?

13 A. Yes, ma'am.

14 Q. Do you include your observations?

15 A. Yes, ma'am.

16 Q. Do you always write everything down in perfect  
17 excruciating detail?

18 A. We try. But in some cases because of the  
19 scenes and everything we may not, don't get everything  
20 as detailed as possible.

21 Q. And do you ever write down witnesses'  
22 statements word for word in your offense report?

23 A. No, ma'am.

24 Q. What actually goes into the offense report  
25 then?

1 A. Pretty much what they tell us, a synopsis of  
2 it. If we can, we do try to get witnesses' statements  
3 and that way we have their exact words.

4 Q. Okay. Who do you remember, now referencing  
5 your offense report, talking to at this scene on January  
6 5th of 2012?

7 A. I spoke with a witness, Bradley Wilson,  
8 Mr. Wilson stated --

9 THE COURT: Again, without going into what  
10 he said. She just asked whom you talked to.

11 A. Oh, I'm sorry. Bradley Wilson appears to be  
12 the first person I listed in the report.

13 Q. Did you talk to some other witnesses?

14 A. Yes, ma'am.

15 Q. That were there?

16 A. Yes, ma'am.

17 Q. Did you talk to a Carla Washington?

18 A. Yes, ma'am.

19 Q. And you said that you asked for an accident  
20 investigator; correct?

21 A. Yes, ma'am, because of the seriousness of the  
22 accident and the possible death of the, or maybe the  
23 possible death of the parties involved in the accident.

24 Q. You were concerned about one of the children?

25 A. Yes, ma'am.

1 Q. And if you could explain to the jury what's the  
2 difference between a patrol officer like you and an  
3 accident investigator?

4 A. Accident investigator is more thoroughly  
5 trained in accident investigation. They go to school,  
6 more advanced schools, things such as that. They have  
7 tools and equipment in their patrol vehicles where they  
8 can actually measure skid marks, diagram the accident,  
9 you know, cameras. Just a whole bunch of tools we don't  
10 have. Usually they are not needed on a normal accident.

11 Q. And when you are talking about a normal  
12 accident, are you talking about a minor or major  
13 accident?

14 A. Well, a minor accident is where there is no  
15 injuries. A major accident is where there are injuries  
16 and an injury can be them complaining about pain or  
17 where they are transported to the hospital. That's  
18 where we determine the difference between a major and a  
19 minor, the more serious, the major accident. Just from  
20 experience, we know when to have traffic come out and  
21 give us a hand.

22 Q. So did you actually have an accident  
23 investigator meet you at the scene?

24 A. Yes, ma'am.

25 Q. Who was that accident investigator?

1 A. Deputy Ramon Gutierrez.

2 Q. And once Deputy Gutierrez got there, did you  
3 pack up and leave?

4 A. No, ma'am.

5 Q. Why not?

6 A. He needed help working the accident. Makes it  
7 easier if there's more than one of us. There are still  
8 wrecker slips to do, still witnesses to talk to. You  
9 know, still information gathered even when we turn it  
10 over to traffic. If nothing else we sit there and  
11 control traffic so he can concentrate on working the  
12 accident.

13 Q. And in this case, how did you assist Deputy  
14 Gutierrez?

15 A. Let's see. I helped him. I spoke to some of  
16 the witnesses. I checked the scene for evidence.  
17 Deputy Gutierrez took photographs and advised me it  
18 looked like there were three points of contact.

19 THE COURT: Don't tell us what anyone told  
20 you. Without going into what anyone told you, no  
21 statements.

22 THE WITNESS: Basically I helped him  
23 complete the accident.

24 Q. (By Ms. Buese) The accident?

25 A. Investigation.

1 Q. And did that accident investigation take you  
2 anywhere other than that intersection at I-10 and the  
3 Beltway?

4 A. Yes, ma'am. The resting place of the vehicle  
5 was on the west side of the intersection. We, after  
6 talking to the witnesses and obtaining information, we  
7 found that there had been another accident involving the  
8 same vehicle or vehicles on the east side of the  
9 intersection on the westbound lanes. We checked those  
10 places for information. We completed the accident.  
11 During the accident investigation, we determined it was  
12 an intentional act.

13 MR. HINTON: I object. Improper for a  
14 witness to speculate on the intent of any actors.

15 THE COURT: That will be sustained.

16 MR. HINTON: And I asked the jury be  
17 instructed to disregard.

18 THE COURT: Members of the jury, the  
19 witness gave his opinion. He's not allowed to do that  
20 because he's not an expert in the field. You're to  
21 disregard the last statement made by him. When you go  
22 back there to deliberate individually and certainly  
23 don't ever bring it up as a ground. I need to know  
24 whether you can do that and disregard that please. Can  
25 everyone do that?

1 (All answers affirmatively.)

2 THE COURT: Officer, please listen  
3 carefully. Don't ask for supposition please.

4 MR. HINTON: For the record, I ask for a  
5 mistrial.

6 THE COURT: Overruled.

7 Q. (By Ms. Buese) Deputy, did you recover any  
8 physical evidence with Deputy Gutierrez during your  
9 investigation?

10 A. Yes, ma'am.

11 Q. Was all that physical evidence located at the  
12 crash scene that you first responded to?

13 A. No, ma'am.

14 Q. Did you observe additional physical evidence,  
15 specifically a fluid trail?

16 A. Yes, ma'am.

17 Q. And can you describe for the jury what a fluid  
18 trail looks like?

19 A. A fluid trail is usually fluids from the  
20 vehicle. Going to be power steering fluid, transmission  
21 fluid, oil, antifreeze coolant, windshield washer fluid,  
22 any fluids you could find on the vehicle, gas or diesel  
23 or whatever.

24 Q. Are those commonly associated with accidents or  
25 crashes?

1           A.    Yes, ma'am.  In some cases, depends on the  
2 seriousness and the amount of damage.

3           Q.    How about other types of debris that you see at  
4 accidents or crash scenes?

5           A.    Usually there's pieces of the vehicle which  
6 would be headlights, lenses, tires, wheels, any part  
7 that could come off of the vehicle or knocked off.

8                   MS. BUESE:  May I approach the witness?

9                   THE COURT:  You may.

10          Q.    (By Ms. Buese) Deputy, I am going to show you  
11 what has been marked as State's Exhibit No. 11.  Does  
12 that appear to be a map?

13          A.    Yes, ma'am.

14          Q.    Does that map appear to accurately reflect the  
15 areas we have been discussing?

16          A.    Yes, ma'am.

17                   MS. BUESE:  Your Honor, at this time, I  
18 offer State's Exhibit No. 11 and tender to opposing  
19 counsel.

20                   MR. HINTON:  No objections.

21                   THE COURT:  Being no objections, 11 is  
22 admitted.  You may proceed.

23          Q.    (By Ms. Buese) Deputy, I'm going to go ahead  
24 and leave this up here with you.

25          A.    Thank you.

1 Q. Since you didn't stay at that original location  
2 at the intersection of the Beltway and I-10, where did  
3 you end up going? Ultimately did you end up at an  
4 address?

5 A. Yes, ma'am.

6 Q. What was the address you ended up at?

7 A. It was at Waldine, little trailer park, 14649  
8 Waldine.

9 Q. On State's Exhibit No. 11, is that address  
10 marked with a little red dot above it?

11 A. Well, I know the plot numbers in that area, so  
12 yes, ma'am, that would be very close.

13 Q. And can you explain to the jury how you went  
14 from the intersection here, to the intersection of  
15 Beltway and I-10 all the way to that address?

16 A. Can I touch this? Does it draw?

17 Q. No. Explain to us what made you go to that  
18 location?

19 A. Okay. The white roads here are the service  
20 roads. The accident occurred on the west side of the  
21 service road, just west of the Sam Houston Parkway, the  
22 Sam Houston Parkway. This part runs basically north to  
23 south. I-10 runs east to west. The accident occurred  
24 on the northwest corner of the service road. The fluid  
25 trail started just passed the intersection, went down



1 the service road under the freeway where the service  
2 road loops back to the east. We found some debris under  
3 the freeway, the over pass and stuff.

4 Then we continued to follow the fluid trail. When  
5 I say we, Deputy Gutierrez and I, the service road and  
6 then Marwood. We made a right on Marwood or south on  
7 Marwood, followed the fluid trail until it came to  
8 Waldine and the fluid trail went to the west and, on  
9 Waldine, and then into a driveway which is a trailer  
10 park at 16 or 14, 14649 Waldine. Followed the fluid  
11 trail on the driveway and then located a vehicle that  
12 was black in color and possibly, you know, the suspect  
13 vehicle, observed it parked behind the first trailer.

14 Q. And Deputy, you've given us a lot of very  
15 detailed directions that you took. Could you on State's  
16 Exhibit No. 11, using that black marker, just draw the  
17 course that y'all took following that fluid trail?

18 A. The accident occurred here. It went down the  
19 service road under the freeway. We located the debris  
20 at the second X, continued to follow the fluid trails to  
21 Marwood, south on Marwood to Waldine, west on Waldine to  
22 the trailer park and then north into the trailer park.

23 MS. BUESE: May I approach the witness?

24 THE COURT: You may.

25 MS. BUESE: Thank you.

1 Q. (By Ms. Buese) And Deputy, you told us what a  
2 fluid trail is. Can you describe for us what it looks  
3 like?

4 A. Oil, transmission fluid doesn't evaporate very  
5 fast and leave noticeable puddle streaks on the  
6 pavement. It depends on how heavy the vehicle is  
7 leaking as to how visible the trail was. In this case,  
8 the vehicle appeared to have been leaking very heavily  
9 and that's how we were able to follow the fluid trails.

10 Q. And Deputy, as you were following a fluid  
11 trail, did you find additional debris?

12 A. Yes, ma'am.

13 Q. And when we say debris, what specifically did  
14 you find?

15 A. Seems like the front grill of the vehicle,  
16 pieces of the headlights, lenses, seems like, yeah,  
17 that's what we found.

18 Q. And did you collect any of those items?

19 A. Yes, ma'am.

20 MS. BUESE: May I approach the witness?

21 THE COURT: You may.

22 Q. (By Ms. Buese) And Deputy, I'm going to show  
23 you a bag first. Just tell me if you recognize that  
24 bag?

25 A. Yes, ma'am.

1 Q. How do you recognize it?

2 A. My name and my handwriting.

3 Q. And was that bag sealed this morning?

4 A. Yes, ma'am.

5 Q. How do you know that?

6 A. I picked it up from the evidence room.

7 Q. And if you know, how did it become unsealed?

8 A. You and I opened it in the witness room.

9 Q. Okay. And we've looked at the contents?

10 A. Okay.

11 Q. Do me a favor and take another look at the  
12 contents?

13 A. Yes, ma'am.

14 Q. Does that appear to be the same contents that  
15 was in it when we opened it earlier?

16 A. Yes, ma'am.

17 Q. Is that the same contents that you originally  
18 placed in this bag?

19 A. Yes, ma'am.

20 Q. Are they in the same condition?

21 A. Yes, ma'am.

22 MS. BUESE: Your Honor, at this time, I  
23 offer State's Exhibit 12 into evidence and tender to  
24 opposing counsel.

25 MR. HINTON: Judge, I don't have any

1 objection to the exhibit itself. I do to the bag.

2 THE COURT: Is there writing on the bag?

3 MS. BUESE: There is. I'm not offering  
4 the bag.

5 THE COURT: The contents of 12 are  
6 admitted. You may proceed.

7 MS. BUESE: Your Honor, may I have Jon Ray  
8 publish to the jury.

9 THE COURT: You may. Jon.

10 Q. (By Ms. Buese) And Deputy, you described some  
11 other pieces of debris that were also recovered. Did  
12 you tag every little bit and piece that you found in the  
13 roadway?

14 A. No, ma'am.

15 Q. Was it necessary to tag all the little bits and  
16 pieces in the roadway?

17 A. No, ma'am.

18 Q. When you located that pickup truck, what color  
19 was it?

20 A. It was black.

21 Q. Did it appear to have any damage?

22 A. Yes, ma'am. It had heavy front end damage.

23 Q. And was Deputy Gutierrez, the accident  
24 investigator, still with you?

25 A. Yes, ma'am.

1 Q. Did he document all the damage that was done to  
2 that pickup truck?

3 A. Yes, ma'am. He took photographs.

4 Q. Once y'all had located that pickup truck and  
5 investigated at that second scene, what did you do next?

6 A. I checked the vehicle for evidence. I located  
7 a couple of pieces of paper in there that listed a  
8 person's name. I collected, I believe, I collected  
9 evidence from the vehicle. I swabbed the steering wheel  
10 and arm rest, on the driver's steering wheel, and the  
11 driver's arm rest for DNA and I also swab the  
12 passenger's arm rest for DNA.

13 Q. When you say you swab for DNA, what are you  
14 physically doing?

15 A. Basically I take a Q-tip with sterile water and  
16 rub it on the arm rest, steering wheel, and mark each  
17 DNA or each swab as to the location it was taken from.

18 Q. And once you did that, what happens to those  
19 swabs?

20 A. They are placed into evidence for DNA matching.

21 Q. And do you have any part of the DNA testing?

22 A. No, ma'am.

23 Q. Okay. Other than collecting additional  
24 evidence at that second scene, did you have any further  
25 role in the investigation?

1           A. I took the evidence, placed it in the property  
2 room. I observed the vehicle that we located to have  
3 the same paint markings as debris we located at the  
4 scene. And at the second location, we located debris.  
5 I observed pieces of the debris to have black paint and  
6 gold paint.

7           Q. And is that the same type of black paint, gold  
8 paint we see on State's Exhibit No. 12?

9           A. Yes, ma'am.

10          Q. And is that why you collected State's Exhibit  
11 No. 12?

12          A. Yes, ma'am.

13          Q. Did you create a scene diagram or anything like  
14 that in this case?

15          A. I believe I completed an accident report also.

16          Q. Okay. Was the accident investigation handed  
17 over to Deputy Gutierrez?

18          A. I believe so. Because I don't see where I  
19 notated in here that I did the accident report, so he  
20 may have done the accident report.

21          Q. And did you do any follow-up investigations in  
22 this case, interview any additional witnesses that  
23 weren't at the scene that night, conduct any follow up  
24 interviews, anything along those lines?

25          A. I know I went to the hospital. I remember

1 hearing a call about the vehicle that we recovered, the  
2 suspect vehicle, and I advised the unit that was going  
3 to that call that it was possibly involved in a, the  
4 major accident, aggravated assault.

5 Q. You were part of spreading the information to  
6 the rest of law enforcement?

7 A. Yes, ma'am.

8 Q. Was there another officer that was assigned  
9 follow-up investigation?

10 A. I'm not sure.

11 Q. If you could please, in the report, turn to  
12 Supplement No. 4?

13 A. Supplement No. 4 is Inocencio.

14 Q. Would that be the Sergeant that was assigned  
15 follow-up investigation?

16 A. Yes, ma'am. I believe so.

17 MS. BUESE: I pass the witness.

18 THE COURT: You want to cross right after  
19 lunch.

20 MR. HINTON: Yes, sir.

21 THE COURT: Okay. Deputy, I'm going to  
22 ask you to please come back. Let's say 1:15. We will  
23 continue with your testimony at that time. Thank you,  
24 sir.

25 Members of the jury, again please, don't

1 discuss the case over the lunch hour. Talk about  
2 anything else, but just not about this case. We are  
3 going to take you out to eat and bring you right back  
4 and continue with the Deputy's testimony as soon as you  
5 arrive. Have a good lunch and see you back this  
6 afternoon. Thank you again.

7 (Noon recess.)

8 THE COURT: Please have a seat. Deputy,  
9 please have a seat. Ladies and gentlemen, I hope you  
10 had a good lunch. That's one of Jon's favorites, but  
11 it's a good place.

12 For the record, I would ask you, Deputy,  
13 you are the same Deputy Kenneth Tarrance who testified  
14 before the lunch break; are you not? You are the same  
15 person that testified --

16 THE WITNESS: Yes.

17 THE COURT: And you understand you are  
18 still under oath?

19 THE WITNESS: Yes, sir.

20 THE COURT: Okay. Mr. Hinton, you may  
21 proceed.

22 MS. BUESE: Very briefly, may we approach,  
23 Judge.

24 THE COURT: You may.

25 (Discussion at the bench.)



1 MS. BUESE: I don't think we are going to  
2 get to my last witness, Steven Rangel. It's going to be  
3 a very lengthy testimony. Can I cut him loose.

4 THE COURT: Go ahead.

5 (In the presence and hearing of the jury.)

6 THE COURT: And the young lady with  
7 Ms. Buese is a paralegal for the D.A.'s Office, so you  
8 will know all the actors involved.

9 Chuck, you may proceed.

10 MR. HINTON: Thank you, Judge.

11 CROSS EXAMINATION

12 BY MR. HINTON:

13 Q. Deputy Tarrance; is that correct?

14 A. Yes, sir.

15 Q. Ms. Buese, the prosecutor, had asked you, you  
16 know, about an offense report, and it would be fair to  
17 say that one of its purposes is to document the events,  
18 evidence, that may have happened a year or two ago, so  
19 when a case goes to trial, you won't just have to rely  
20 on your memories. Would that be fair to say?

21 A. Yes, sir.

22 Q. And do you have -- you have a copy of your  
23 report with you; right?

24 A. Yes.

25 Q. If you could, if our pages are the same, if you

1 could turn to page 8 of 12 of your supplement or your  
2 original. And just so you can have that to refresh your  
3 memory there, you were the first unit at the scene of  
4 this accident at I-10 and the Beltway; correct?

5 A. Yes, sir.

6 Q. Now, one of the things that you did was to put  
7 in the offense report the names of any potential  
8 witnesses to the incident. Is that fair to say?

9 A. Yes, sir.

10 Q. And Bradley Wilson and Carla Washington were  
11 two of the people whose names you put in your report.  
12 Is that fair to say?

13 A. Yes, sir.

14 Q. Okay. And if someone wants to get in touch  
15 with them, there is like address information in there,  
16 contact information, phone number, date of birth, that  
17 type of thing; is that correct?

18 A. Yes, sir.

19 Q. Now there were other people who were, whose  
20 names you listed in the report as potential witnesses  
21 also. Would that be fair to say?

22 A. Yes, sir.

23 Q. Okay. And you can look at your report any time  
24 you want. Was there a James Ray McBroom who was listed  
25 as a potential witness. And I can also cite you to page

1 5 of your report.

2 A. I'm sorry. What was the name?

3 Q. Pardon me.

4 THE COURT: What's the name?

5 A. James Ray McBroom. And our pages may be  
6 numbered different. This would be up near the top of  
7 page 5 of 12.

8 Q. No, sir. The pages would be numbered the same.  
9 Okay. This would be listed as witness No. 5?

10 A. Witness No. 5 on page 6.

11 Q. We have different page numbers. We just have  
12 to work with it. Okay. So on your page 6, is there  
13 a --

14 THE COURT: You can go up and show him.  
15 You can take it yourself if you want to.

16 Q. (By Mr. Hinton) This right here in the middle  
17 of the page, Witness No. 5, is there a James Ray  
18 McBroom?

19 A. Yes, sir.

20 Q. Is there also an Oscar Rivera listed as a  
21 potential Witness No. 6?

22 A. Yes, sir.

23 Q. Is there an Alfredo Tumald, T-u-m-a-l-d, listed  
24 as a potential witness?

25 A. Yes, sir.

1 Q. Now, when people are listed as potential  
2 witnesses, just as these were, there's contact  
3 information in the report, addresses, phone numbers, in  
4 order for them to be contacted if somebody wanted to,  
5 you know, get them to come to court. Would that be fair  
6 to say?

7 A. Yes, sir.

8 Q. And that's the purpose, one of the purposes of  
9 making an offense report. Would that be fair?

10 A. Yes, sir.

11 Q. Okay. Now, did you yourself talk to any of  
12 these people? In other words, how did you get their  
13 names to begin with?

14 A. Well, sir, I didn't necessarily put their names  
15 in the personal summary, so I wouldn't have necessarily  
16 spoke to them.

17 Q. Let me ask you this. At the bottom of the  
18 pages of the report that I'm referring to right now,  
19 does it show the reporting officer as K. E. Tarrance?

20 A. Yes, sir.

21 Q. Okay. So somehow the witnesses, 5, 6, 7  
22 potential witnesses anyway got in to your police report  
23 somehow; right?

24 A. Yes, sir.

25 Q. So would it be fair to say that somebody must

1 have talked to those people in order to get that  
2 information into your report?

3 A. Yes, sir.

4 Q. Could it have been you?

5 A. No, sir. Don't believe so.

6 Q. Okay.

7 A. I spoke to Bradley Wilson, Carla Washington.

8 Q. Edward Chapa?

9 A. I'm looking. Yes, sir. Edward Chapa.

10 Mr. Rangel.

11 Q. How about a Joseph Montero who would be listed  
12 as Witness No. 3 in the report. Do you know if you  
13 talked to him?

14 A. No, sir. I know there were other witnesses on  
15 the scene that I had other deputies speak to because of  
16 the language barrier in one case.

17 Q. Okay. Now, would it be fair to say that  
18 there's eight potential witnesses listed on two  
19 consecutive pages and once again yours may be numbered  
20 different than mine?

21 MS. BUESE: I object to testifying to a  
22 document that's not in evidence at this point.

23 THE COURT: This is cross-examination.  
24 You may proceed.

25 Q. (By Mr. Hinton) Is it fair to say that on two

1 consecutive pages of police report that there is a space  
2 for witnesses and it's numbered 1 through 8, and  
3 there's, you know, eight people's names listed there  
4 with contact information?

5 A. Yes, there is eight witnesses listed.

6 Q. Pardon me.

7 A. There is eight witnesses listed.

8 Q. Potentially anyway; right?

9 A. Yes, sir.

10 Q. You didn't talk to all of them, but somehow  
11 their names and contact information got into the report?

12 A. Yes, sir.

13 Q. Fair enough. Now, would it be fair to say that  
14 you are, you know, the first officer on the scene,  
15 there's going to be follow-up investigation done, right,  
16 and I -- would you agree with that?

17 A. Yes, sir.

18 Q. And I believe in this case, would it be fair to  
19 say that Deputy Viacencio (phn), I'm sorry, Inocencio  
20 was, did follow-up investigation; right?

21 A. I believe so, sir.

22 Q. Okay. All right. And she may very well have  
23 talked to other potential witnesses. Would that be fair  
24 to say?

25 A. Yes, sir.

1 Q. Okay. Now, you didn't do any recording of  
2 statements; right?

3 A. No, sir.

4 Q. In the sense of audio recordings?

5 A. No, sir.

6 Q. You did document in your report things that  
7 people said to you out there at the scene?

8 A. Yes, sir.

9 Q. Right. Okay. Now, without saying anything  
10 that may have been said, you talked to Mr. Steven Rangel  
11 at the scene, right, and I'll direct you to, it's my  
12 page 10 of 12, perhaps it is your page 11?

13 A. Yes. Mr. Rangel was the driver of the black  
14 vehicle.

15 Q. Right. And without saying what he said, you  
16 did attempt to talk to him; right?

17 A. Yes, sir.

18 Q. Granted, it was an accident scene, and he was  
19 having to go to the hospital, but you tried to get  
20 information from him; right?

21 A. Yes, sir.

22 Q. Okay. As part of your investigation, and this  
23 is on January 5th, did you, were you ever called to the  
24 Key Truck Stop on, I think it's Magnolia at I-10?

25 A. 17124 East Freeway is the physical address.

1 Q. So you know where it's at?

2 A. Yes, sir.

3 Q. Did you ever get a call on that day, January  
4 5th, to go to the Key Truck Stop?

5 A. Not that I recall.

6 Q. Okay. And you would have put that in your  
7 report; would you not?

8 A. No, sir. Not necessarily.

9 Q. Well, let me ask you this. If there was an  
10 incident pertaining to this accident scene where the  
11 Durango wound up wrapped around a pole, if there were  
12 witnesses to any earlier incident connected with that,  
13 and somebody called from the Key Truck Stop, somebody  
14 would have gone on down there to talk to people to see  
15 what it was about. Would that be fair to say?

16 A. Yes, sir. If we knew the two incidents were  
17 linked.

18 Q. Pardon me.

19 A. If we knew the two incidents were linked.

20 Q. Right. I understand that. And there wasn't  
21 any call that you got that day to go down there; right?

22 A. Not that I recall, sir.

23 Q. What I'm saying is that if there had been, you  
24 would have put it in your police report because that  
25 would have been important; wouldn't it?



1 A. If I had been made aware of it.

2 Q. That's what I mean. If you had been made aware  
3 of it, you would have put it in your report; right?

4 A. Yes, sir.

5 Q. Apparently you weren't made aware of it?

6 A. More than just me working in the district, I  
7 don't recall that day, hearing a call to the Key Truck  
8 Stop. No one contacted me and said, hey, there was a  
9 black Durango involved in a disturbance over here, that  
10 may be the same vehicle. I don't remember hearing any  
11 of that information.

12 Q. Okay. You didn't talk to an Armando Escalante  
13 on January 5th. I believe he's also known, he has a  
14 nickname of Mondo?

15 A. Not that I recall.

16 Q. Okay. Did you have an occasion to talk to an  
17 Ali or maybe it's Ali McCool?

18 A. Not on that day, but he's the manager of the  
19 Key Truck Stop. I've had, I believe, that's the same  
20 gentleman.

21 Q. You didn't talk to him on January 5th?

22 A. No, sir. Not that I recall.

23 Q. You know the person?

24 A. I don't know him.

25 Q. You would recognize him; right?

1 A. Yes, sir, I believe so.

2 Q. The Durango, you took a look at it; right?

3 A. Yes, sir.

4 Q. Okay. And did it have tinted windows?

5 A. I don't recall.

6 Q. Well, are there -- did anybody take any  
7 pictures of it in the daylight?

8 A. No, sir. I believe it was pretty late in the  
9 day. Deputy Gutierrez is the only one I know of that  
10 took photographs.

11 Q. Okay. Well, so you don't know whether the  
12 windows on that Durango were tinted or not; right?

13 A. I don't remember, sir.

14 Q. Could you suggest somebody who might be able to  
15 say whether they were tinted or not?

16 A. Might could see it in Exhibit 8 of the  
17 photographs.

18 Q. The nighttime photographs, right?

19 A. I don't know, sir. I can look at it and see if  
20 I can see a window well enough to tell if it was tinted  
21 or not.

22 Q. Okay. And if this has been asked and answered  
23 I apologize. Did you see any car seats in the vehicle?

24 A. I'm not positive of the number, but it seems  
25 like there was one child car seat on the right rear

1 passenger's side and a booster seat for sure. Seems  
2 like there was at least two car seats.

3 Q. There was how many car seats?

4 A. At least two.

5 Q. And did you put that in your report?

6 A. No, sir. That would have been in the accident  
7 report section as to the restraints of the children.

8 Q. Let me ask you this. The ages of these three  
9 children, there should have been three car seats. Would  
10 you agree with that?

11 A. I don't remember the exact ages.

12 MS. BUESE: Your Honor, I object to  
13 relevance.

14 THE COURT: Be overruled.

15 Q. (By Mr. Hinton) Let me ask you this. Well, no,  
16 I'll just move on to another question. You located and  
17 testified about locating a black pickup truck that had  
18 damage to it; is that correct?

19 A. Yes, sir.

20 Q. All right. And you said that you looked in the  
21 truck and you found a couple of pieces of paper in  
22 there; is that correct?

23 A. Yes, sir.

24 Q. Okay. And one of those papers was in the name  
25 of Richard Lange, L-a-n-g-e; is that correct?

1 A. Yes, sir.

2 Q. And the other paper that you found in the  
3 pickup truck, that was the black pickup truck that was  
4 damaged, was a receipt in the name of Michael Estrada,  
5 E-s-t-r-a-d-a; is that correct?

6 A. Yes, sir.

7 Q. And you documented that information in your  
8 report?

9 A. Yes, sir.

10 MR. HINTON: And I pass the witness,  
11 Judge.

12 MS. BUESE: Briefly, Judge.

13 REDIRECT EXAMINATION

14 BY MS. BUESE:

15 Q. Deputy Tarrance, Defense counsel was just  
16 asking you about a receipt you recovered in the black  
17 pickup truck at the second location you went to?

18 A. Yes, ma'am.

19 Q. Was it a receipt or was it bond paperwork?

20 A. It was a receipt for bond payment.

21 Q. And did you actually tag those documents?

22 A. Yes, ma'am.

23 Q. Why did you tag those specific documents?

24 A. Those persons were possibly in the vehicle at  
25 some point in time, could give us, either they were a

1 suspect or could possibly give us suspect information as  
2 to who the owner or operator of the vehicle was.

3 Q. So at that point, were you still looking for  
4 suspect information?

5 A. Yes, ma'am.

6 Q. You mentioned inventoring the black pickup  
7 truck?

8 A. Yes, ma'am.

9 Q. Did the black Durango also get inventoried?

10 A. Yes, ma'am. I'm sure it did because it was  
11 towed.

12 Q. And if anything of significance were to be  
13 found in that black Durango when it was inventoried,  
14 would you have been told as the lead investigator at  
15 that point in time?

16 A. Yes, ma'am. I'm sure I would have.

17 Q. If there were drugs in the vehicle, would you  
18 have been notified?

19 A. Yes, ma'am.

20 Q. If there were weapons in the vehicle, would you  
21 have been notified?

22 A. Yes, ma'am.

23 Q. If there were child seats in the car, would you  
24 have been notified?

25 A. No, ma'am.

1 Q. Why not?

2 A. Normal piece of equipment. It's not illegal to  
3 have child seats in the car, so they would have  
4 inventoried it as normal inventory of the vehicle.

5 Q. At any point, were you notified there were  
6 drugs, weapons, or any other contraband in that Durango?

7 MR. HINTON: Calls for hearsay.

8 THE COURT: That will be sustained.

9 Q. (By Ms. Buese) Anywhere in your report, drugs,  
10 weapons, or contraband appear in that vehicle?

11 A. No, ma'am.

12 Q. Would they have, had they been located in the  
13 Dodge Durango?

14 A. Yes, ma'am.

15 MS. BUESE: Pass the witness.

16 THE COURT: Mr. Hinton.

17 RECROSS EXAMINATION

18 BY MR. HINTON:

19 Q. You didn't put how many car seats were in the,  
20 in your report in the vehicle; right?

21 A. No, sir.

22 Q. Okay.

23 A. Because I didn't inventory the vehicle.

24 Q. Pardon me.

25 A. I didn't inventory the vehicle.

1 Q. Who inventoried the vehicle?

2 A. I don't know, sir.

3 Q. So it would be the person who inventoried the  
4 vehicle who would be able to say from their own personal  
5 knowledge, what, if anything, was in the vehicle; right?  
6 You said you didn't inventory it, somebody else did; is  
7 that correct?

8 A. Yes, sir.

9 Q. Okay. You don't know who it is; right?

10 A. No, sir.

11 Q. But the person who inventoried it would be the  
12 person who could tell this jury what was in the vehicle;  
13 right?

14 A. Yes, sir.

15 Q. All right.

16 MR. HINTON: Pass the witness.

17 THE COURT: Ms. Buese.

18 MS. BUESE: Nothing further. May this  
19 witness be excused?

20 MR. HINTON: I take it back. I apologize  
21 and may I approach the bench

22 (Discussion at the bench.)

23 MR. HINTON: He talked to the complainant  
24 and the complainant gave some statements to him and I'm  
25 sure that I will be calling him for impeachment.

1 THE COURT: In the morning.

2 MR. HINTON: He can be on call.

3 THE COURT: Mr. Rangel, after Mr. Rangel?

4 MR. HINTON: Yes.

5 (In the presence and hearing of the jury.)

6 THE COURT: Deputy, you are excused. I'll  
7 ask you to come back at 10:00 o'clock tomorrow morning  
8 just in case you're needed to be recalled.

9 Your next witness.

10 MS. BUESE: The State calls Deputy  
11 Gutierrez.

12 THE COURT: Deputy Gutierrez, Jon.  
13 Deputy, please come right down here. Please raise your  
14 right hand to be sworn in.

15 (Witness sworn.)

16 THE COURT: Please have a seat. Speak to  
17 the jury, please.

18 Ms. Buese, you may proceed.

19 MS. BUESE: Thank you, Judge.

20 RAMON GUTIERREZ

21 Having first been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. BUESE:

24 Q. Deputy, why don't you introduce yourself to the  
25 jury?