

1 but if it helps you to sort of stay focused and
2 listen -- some people -- I, for one, listen better
3 sometimes if I'm writing. You're certainly welcome to
4 do that. However, when you-all begin your
5 deliberations, I will ask the bailiff to collect the
6 notes. Okay?

7 THE BAILIFF: This witness has been sworn,
8 Your Honor.

9 THE COURT: Thank you.
10 Okay. You may proceed.

11 MS. ASSAAD: Thank you, Your Honor.

12 **SERGEANT ERIC VALDEZ,**
13 having been called as a witness and being first duly
14 sworn, testified as follows:

15 **DIRECT EXAMINATION**

16 **BY MS. ASSAAD:**

17 Q. Sergeant, will you please state your name for
18 the record?

19 A. Eric Valdez.

20 Q. And are you a certified peace officer in the
21 state of Texas?

22 A. Yes, I am.

23 Q. Where are you employed?

24 A. Houston Police Department.

25 Q. How long have you been a certified peace

1 officer?

2 A. Six years.

3 Q. What is your education and background prior to
4 becoming a peace officer?

5 A. I have a bachelor's in business administration
6 from the University of Houston.

7 THE COURT: Sergeant, we may be having an
8 issue with the microphone. If you could just keep your
9 voice up so that everyone can hear you, please.

10 THE WITNESS: Yes, ma'am.

11 THE COURT: Thank you.

12 Q. (By Ms. Assaad) Do you also have military
13 service?

14 A. Yes, ma'am.

15 Q. What is that?

16 A. U.S. Army for eight years.

17 Q. U.S. Army for eight years?

18 A. Yes, ma'am.

19 Q. Did you go through training to become a
20 certified peace officer?

21 A. Yes.

22 Q. What did that training consist of?

23 A. Penal code, search and seizure, local and state
24 law, evidence retrieval, firearms proficiency.

25 Q. And your six years as a certified peace

1 officer, have all of those years been with the Houston
2 Police Department --

3 A. Yes.

4 Q. -- or HPD?

5 A. Yes.

6 Q. What was your assignment on March 31st of 2014?

7 A. I was assigned to the Southwest Tactical Unit.

8 Q. Did you have a partner at that time?

9 A. Yes, I did.

10 Q. What was his name?

11 A. Officer Duncan.

12 Q. And do you recall what shift you were working
13 that day?

14 A. We were working noon to 8:00 p.m.

15 Q. You were assigned to a certain area of town,
16 correct?

17 A. Yes, southwest.

18 Q. Do you recall what part of town you were in
19 when you came into contact with the defendant in this
20 case, Lawrence Glover?

21 A. We were around Stella Link and Olmara
22 approaching West Bellfort.

23 Q. How did that contact with his vehicle begin?

24 A. The vehicle stood out due to the fact that it
25 was -- it failed to maintain a single lane and it was

1 occupying two lanes and impeding traffic.

2 Q. Was it traveling at about the speed limit?

3 A. Yes.

4 Q. And is failing to maintain a single lane, is
5 that a violation of the traffic code?

6 A. Yes, it is.

7 Q. What did you do once you saw that violation?

8 A. I activated the emergency equipment and sirens
9 in order to detain him and advise him of the violation.

10 Q. So is that your lights and sirens?

11 A. Yes.

12 Q. You're in a marked patrol car, meaning the
13 police car that we all know very well?

14 A. Yes, that's correct.

15 Q. Do you have -- this will sound like a silly
16 question, but is your siren loud?

17 A. Yes, it is.

18 Q. And do people who are driving notice your
19 lights and sirens during the daytime?

20 MR. GODINICH: Objection, Your Honor. That
21 calls for speculation from this witness. That's not
22 relevant for this particular case.

23 THE COURT: Sustained.

24 Q. (By Ms. Assaad) Do you know what the lights are
25 designed to do on your patrol car?

1 A. Yes. They're emergency lights that alert
2 people that we're either trying to get through or
3 normally to stop, that we're trying to conduct a traffic
4 stop to stop a vehicle.

5 Q. What is your siren designed to do?

6 A. To alert people. In case they're not able to
7 see the sirens, they can hear the -- in case they can't
8 see the lights, they can hear the sirens.

9 Q. And is there a difference between a full siren
10 and then the shorter one that's maybe called the whelp?

11 A. Yes, whelp.

12 Q. Is that the "whoop"?

13 A. That's correct.

14 Q. Okay. And in this case, do you remember what
15 type of vehicle the defendant was driving?

16 A. Yes, a white Toyota.

17 Q. What did you do once you initiated your -- I'm
18 sorry.

19 What did the vehicle do once you initiated
20 your emergency equipment?

21 A. The driver of the vehicle turned around in his
22 seat and made contact with us.

23 Q. Made eye contact?

24 A. Yes.

25 Q. Did he then pull over?

1 A. No.

2 Q. What happened?

3 A. He continued to proceed northbound on Stella
4 Link.

5 Q. Was he still occupying two lanes at the moment
6 that you initiated your emergency equipment?

7 A. Yes.

8 Q. And when he proceeded down Stella Link, did you
9 take anymore measures to ensure that he knew you were
10 behind him?

11 A. My partner got on the intercom and was asking
12 him to stop and pull over in the first available parking
13 lot or to the side of the street.

14 Q. Is that the P.A. system or the --

15 A. That's correct.

16 Q. Okay. Is that also loud?

17 A. Yes.

18 Q. And did the defendant pass any places where he
19 could have safely pulled over?

20 A. A lot of safe places that he could have pulled
21 over.

22 Q. Did he then proceed to make a turn from Stella
23 Link?

24 A. Yes. He turned into a Valero gas station and
25 then proceeded through the parking lot and out onto the

1 service road of the South Loop.

2 Q. Were there places where he could have pulled
3 over safely or parked at the Valero gas station?

4 A. Yes, there was.

5 Q. What did he do after he pulled through that gas
6 station?

7 A. He darted out of the Valero and continued on
8 the feeder road.

9 Q. Did you say "darted"?

10 A. Yes.

11 Q. Why do you characterize what he did as darting?

12 A. Because initially he slowed down as though he
13 was going to stop, led us to believe he was going to
14 stop, and then he accelerated out of the parking lot.

15 Q. So once he -- did he slow down before entering
16 the Valero?

17 A. Yes.

18 Q. And then once he was at the Valero, did he slow
19 down?

20 A. Once he was at the Valero?

21 Q. Once he was inside that parking lot, did he
22 slow down?

23 A. Yes.

24 Q. Did he, in fact, stop?

25 A. His vehicle didn't come to a complete stop.

1 Q. And then did he accelerate again once he was
2 leaving the Valero?

3 A. Yes.

4 Q. What road was he then traveling on?

5 A. On the feeder road of the South Loop West.

6 Q. Where did he next turn?

7 A. He continued on the feeder road driving around
8 traffic. He made a right turn on Main.

9 Q. You said he was driving around traffic. What
10 do you mean by that?

11 A. It was clear he was trying to get around
12 traffic. There was moderate to heavy traffic at the
13 time and he was switching lanes.

14 Q. So he's switching lanes weaving through other
15 vehicles?

16 A. Yes.

17 Q. At this point, do you or your partner make a
18 decision to alert other officers?

19 A. Yes. We alerted dispatch and other officers in
20 the area.

21 Q. Why is that?

22 A. Because he was creating a danger to citizens
23 and to us, and we needed assistance in getting this car
24 stopped.

25 Q. Sergeant, I'd like to show you a photo that's

1 been admitted into evidence. This is State's Exhibit
2 No. 5. Is that the Valero gas station (indicating)?

3 A. Yes, it is.

4 Q. And if you could -- you can actually make a
5 mark on your screen. Can you show the jury where he
6 entered and where he exited?

7 A. He entered right there (marking).

8 Q. And where did he exit the gas station?

9 A. (Indicating).

10 Q. Were there other vehicles at that gas station?

11 A. Yes.

12 Q. Were there pedestrians at the gas station?

13 A. Yes.

14 Q. If you touch the bottom left of your screen, I
15 believe it will clear those marks, if you don't mind.

16 A. (Witness complies.)

17 Q. I'm showing you a map that's been entered as
18 State's Exhibit No. 9. What is Point B?

19 A. Point B is a Shell gas station.

20 Q. And is that an accurate reflection of the
21 travel that the defendant took from the point that you
22 initiated your emergency equipment, this map?

23 A. Yes, it is.

24 Q. I'm showing you State's Exhibit 6. Is this
25 Shell gas station that you're referring to (indicating)?

1 A. Yes.

2 Q. And State's Exhibit 7, this is another view of
3 that gas station. Can you show the jury where the
4 defendant drove his vehicle to enter the Shell gas
5 station?

6 A. (Witness complies.)

7 Q. When the defendant was traveling down the
8 feeder, weaving in and out of traffic, how did he enter
9 that Shell gas station?

10 A. When he got to the intersection of Main and the
11 feeder road, he drove around traffic and made an illegal
12 right turn onto Main.

13 Q. And how was that an illegal right turn?

14 A. Because he turned from an undesignated turn
15 lane.

16 Q. And then he entered the Shell?

17 A. Yes.

18 Q. Once he entered, did he finally stop his
19 vehicle?

20 A. Yes.

21 Q. What did you do with your patrol car?

22 A. Stopped it.

23 Q. What does policy dictate that you do in these
24 types of situations?

25 A. We conduct a high-risk felony stop on vehicles.

1 Q. And what are you -- per policy, what are you
2 trying to accomplish during a felony stop?

3 A. To safely detain the occupants of the vehicles
4 one at a time by giving them verbal commands.

5 Q. Who do you focus on first?

6 A. The driver.

7 Q. So how did you do that in this case?

8 A. My partner was giving oral commands for him to
9 turn off his vehicle, toss his keys out of the windows,
10 and hold his hands out of the window so that we knew he
11 wasn't going to drive off again.

12 Q. Did the defendant comply?

13 A. No.

14 Q. What did you see him doing instead of
15 complying?

16 A. Seemed like he was just moving around inside
17 the car, looking around.

18 Q. Did he finally step out of the vehicle?

19 A. Yes, he did.

20 Q. How long would you estimate it took him to
21 comply from the first command to step out of the
22 vehicle?

23 A. At least 30 seconds or more.

24 Q. What happened once he stepped out of the
25 vehicle? What did you do?

1 A. He was shouting. I was already out of my
2 vehicle. Both my partner and I had our firearms pointed
3 in their direction for our protection and safety, in
4 case he came out with a weapon. We continued to give
5 him verbal commands to turn around and waited for him
6 just to step away from his vehicle.

7 Q. What did he do?

8 A. He continued staring at us, was shouting,
9 yelling.

10 Q. And what was he shouting? And if he was saying
11 curse words, you can say them in the courtroom.

12 A. He was saying, "Fuck, y'all. Y'all fucked with
13 the wrong person. Racist mother-fuckers. You have no
14 probable cause to pull me over. I know El Franco Lee."

15 Q. "I know El Franco Lee"?

16 A. Yes.

17 Q. Do you know who that is?

18 A. I believe he's the commissioner for Precinct 1.

19 Q. So he said, "You had no probable cause to pull
20 me over"?

21 A. Yes.

22 Q. What do you think he meant by "y'all fucked
23 with the wrong person"?

24 MR. GODINICH: Objection, Your Honor.

25 Calls for speculation on the part of this witness.

1 THE COURT: Sustained.

2 Q. (By Ms. Assaad) While he was shouting at you,
3 what did you do?

4 A. I continued to give him commands.

5 Q. What were those commands?

6 A. To turn around, face away from us, come back
7 towards the sound of our voice, step away from his
8 vehicle. I also gave him orders to turn off his car
9 before he exited the vehicle.

10 Q. Did he comply by turning around and moving back
11 towards you?

12 A. No, he didn't.

13 Q. What did he do instead?

14 A. He threw himself on the ground next to his
15 vehicle.

16 Q. And why is it -- why do you want him to step
17 away from his vehicle?

18 A. Because there could be weapons within reach in
19 the vehicle or he can jump back in the vehicle and take
20 off.

21 Q. So what did you do when he threw himself on the
22 ground?

23 A. Gave him commands to stand up.

24 Q. Did he do that?

25 A. No, not initially.

1 Q. How did you end up getting him into handcuffs?

2 A. He stood up on his own, and at that point I
3 continued to give him commands to turn away from me, to
4 take steps to the left away from the car, but he just
5 came towards us. And then he stopped and went down to
6 his knees again.

7 Q. And once he was in handcuffs, what did you try
8 to do? Did you walk him towards your patrol car and --

9 A. Yes. Once he was in handcuffs, I stood him up
10 and was attempting to get him to walk to the back where
11 our patrol vehicle was so that I could safely search
12 him.

13 Q. What happened while you were walking him
14 towards the patrol car?

15 A. He started to pull away, he was flailing his
16 arms, he was not walking. He'd walk two steps and he
17 would stop. He wasn't obeying orders.

18 Q. Was he still speaking to you disrespectfully?

19 A. Yes.

20 Q. Did you then -- why did you attempt to search
21 him before putting him in the patrol car?

22 A. For our safety. Possibility he could have
23 weapons or contraband on him.

24 Q. What happened when you started to search the
25 defendant?

1 A. He started to pull away from me and he was
2 moving around. He kept swinging his arms. He then
3 pushed his weight towards me, which made me lose my
4 balance.

5 Q. And did you at this point have other officers
6 arrive on scene?

7 A. Yes.

8 Q. So when he made you lose your balance, did the
9 other officers come to assist?

10 A. Yes.

11 Q. And then he was put in the patrol car?

12 A. Yes.

13 Q. Did you -- when you searched him, did you find
14 anything on the defendant's person?

15 A. Yes, I did.

16 Q. What did you find?

17 A. Xanax pills.

18 Q. And where were they located?

19 A. In his back right pocket of his jeans.

20 Q. Is that a substance that a person can legally
21 possess without a prescription?

22 A. No, it's not.

23 Q. Did you find a prescription on the defendant?

24 A. There was no prescription.

25 Q. Did he tell you that he had a prescription?

1 A. No, he didn't.

2 Q. What did you do with the Xanax pills that you
3 recovered from the defendant? Did you pass them off to
4 another officer?

5 A. Yes, I gave them to Officer Duncan.

6 Q. Did you see Officer Duncan pass off those drugs
7 and the drugs that he found in the defendant's vehicle
8 to another officer?

9 A. Yes.

10 Q. Which officer was that?

11 A. Officer Gemmill.

12 Q. Were there other civilians present at the Shell
13 gas station?

14 A. Yes, there was.

15 Q. Do you recall about what time of day this
16 incident occurred?

17 A. Around 7:00 p.m.

18 Q. And is that -- were you concerned for the
19 safety of the other civilians?

20 A. Yes, I was.

21 Q. And were you concerned for your own safety?

22 A. Yes.

23 Q. The intersection of West Bellfort and Stella
24 Link where you attempted to detain the defendant to pull
25 over for the traffic infraction, is that in Harris

1 County, Texas?

2 A. Yes, it is.

3 Q. Do you see -- how did you learn the defendant's
4 name?

5 A. By I.D.

6 Q. And what is his name?

7 A. Lawrence Glover.

8 Q. Do you see him in the courtroom today?

9 A. Yes.

10 Q. Could you identify him by an article of
11 clothing?

12 A. Yes. Suit, dark gray or black suit.

13 Q. What color tie?

14 A. It's hard to tell from here.

15 MS. ASSAAD: May the record reflect that
16 the witness has identified the defendant?

17 THE COURT: Which individual are you
18 referring to?

19 THE WITNESS: Right there (indicating).

20 THE COURT: The record will reflect the
21 witness has identified the defendant.

22 MS. ASSAAD: Pass the witness.

23 **CROSS-EXAMINATION**

24 **BY MR. GODINICH:**

25 Q. Officer Valdez, a few questions for you this

1 afternoon. I'm a little bit confused about a few things
2 here.

3 Did you participate in the drafting of this
4 offense report?

5 A. I completed a supplement.

6 Q. Okay. And your supplement is what page?

7 A. Page 6 of the 10.

8 Q. I'm sorry?

9 A. Page 6 of 10.

10 Q. All right. Now, before you testified today,
11 you had an opportunity to review this offense report,
12 correct?

13 A. Yes.

14 Q. And let me ask you this -- let's back up just a
15 little bit. At some point this offense report was
16 prepared. Can you tell us when this report was
17 prepared?

18 A. I can't find it, but it was around 9:00 p.m.

19 Q. So you're saying -- it's your testimony it was
20 prepared sometime the day of this offense, correct?

21 A. Yes.

22 Q. When did you prepare your supplement?

23 A. The same day.

24 Q. Okay. Now, at some point you had an
25 opportunity, did you not, to review this entire

1 report --

2 A. Yes.

3 Q. -- correct?

4 When did you do that? When was the first
5 time you reviewed this entire report?

6 A. When I learned that I was subpoenaed.

7 Q. Okay. So you're saying -- and when was that,
8 approximately?

9 A. I do not recall. Several weeks ago.

10 Q. Okay. Either in December or early part of --
11 well, December then?

12 A. Yes.

13 Q. Okay. So at that time -- are you telling us
14 that was the very first time that you reviewed this
15 entire report?

16 A. That's correct.

17 Q. Okay. So as you're on the witness stand today,
18 are there any additions, deletions, corrections that
19 need to be made to the report?

20 MS. ASSAAD: Objection to relevance and
21 referring to a document that's not in evidence.

22 THE COURT: Sustained.

23 Q. (By Mr. Godinich) So are there any problems
24 with this report?

25 MS. ASSAAD: Objection to referring to a

1 document that's not in evidence. If the defense counsel
2 would like to attempt to enter it into evidence --

3 MR. GODINICH: I'm not attempting to enter
4 anything into evidence, Your Honor. He's testifying
5 from his report, and I'm giving him the opportunity
6 before I cross-examine him --

7 THE COURT: Objection sustained.

8 Q. (By Mr. Godinich) So when you testify, Sergeant
9 Valdez, that my client was allegedly -- and I think you
10 said just a few moments ago, slowed down as he either
11 approached or was in the Valero and then accelerated
12 when leaving, you would agree with me that neither
13 yourself nor your co-officer on this case who testified
14 moments ago, Cullen Duncan, did not include that
15 information in the offense report?

16 A. That's correct.

17 MS. ASSAAD: Objection to improper
18 impeachment.

19 THE COURT: Overruled.

20 Q. (By Mr. Godinich) You can answer the question.

21 A. That's correct.

22 Q. Okay. And you would agree with me that's kind
23 of important information, is it not?

24 A. Yes, it is.

25 Q. Now, you also told us that my client here,

1 Mr. Glover, was switching lanes?

2 A. Yes.

3 Q. And just help me out here. Was that before he
4 reached the Valero and headed out to the Shell station,
5 or was that when he was between the Valero and the
6 Valero station?

7 A. When he was between the Valero and the gas
8 station.

9 Q. In the Shell station?

10 A. Correct, between the Valero and the Shell
11 station.

12 Q. And you would agree with me that neither
13 yourself nor your co-officer here included that
14 information in the offense report?

15 A. That's correct.

16 Q. And you provided some information a few moments
17 ago on direct testimony about Mr. Glover throwing
18 himself on the ground, correct?

19 A. Yes.

20 Q. Okay. And did you include that in your
21 supplement or in the offense report?

22 A. It's in the offense report.

23 Q. Okay. And then standing up, falling back down
24 on his knees, that's not in the offense report, is it?

25 A. No, it's not.

1 Q. Now, is the very first time this prosecutor
2 hearing this, is that while you're testifying today or
3 had you told her this earlier?

4 A. Can you repeat the question?

5 Q. Yes. Are you testifying about these incidents
6 about my client allegedly falling on his knees and
7 getting back up and switching lanes and darting and
8 accelerating, are we hearing that for the very first
9 time this morning or had you told this prosecutor that
10 earlier?

11 A. I had told her prior.

12 Q. You had?

13 A. Yes.

14 Q. Okay.

15 MR. GODINICH: Pass the witness, Your
16 Honor.

17 THE COURT: Mrs. Assaad, anything further?

18 MS. ASSAAD: No further questions.

19 THE COURT: May this witness be excused?

20 MR. GODINICH: Yes, Your Honor.

21 THE COURT: And is the jurors' lunch here
22 yet?

23 THE BAILIFF: No, not yet.

24 THE COURT: Okay. That's fine. We'll move
25 forward.

1 Call your next witness.

2 MS. ASSAAD: State calls Officer Elizabeth
3 Gemmill.

4 THE COURT: And I'm sorry. May this
5 witness be excused?

6 MR. GODINICH: Yes, Your Honor.

7 THE COURT: Thank you, sir. You may step
8 down and you're excused.

9 MS. ASSAAD: State calls Officer Elizabeth
10 Gemmill.

11 THE BAILIFF: This witness has not been
12 sworn.

13 THE COURT: If you will step forward and
14 raise your right hand.

15 (Witness sworn.)

16 THE COURT: You may proceed.

17 MS. ASSAAD: Thank you, Your Honor.

18 **OFFICER ELIZABETH GEMMILL,**

19 having been called as a witness and being first duly
20 sworn, testified as follows:

21 **DIRECT EXAMINATION**

22 **BY MS. ASSAAD:**

23 Q. Officer, will you please state your name for
24 the record?

25 A. Officer Elizabeth Gemmill.