

1 though we have the mike. Proceed, please, Ms.
2 Horton.

3 MS. HORTON: Thank you, Your Honor.

4 CLYDELL WHITE,
5 After having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 Q. (By Ms. Horton) Officer, can you please
8 introduce yourself to the jury?

9 A. Sure. My name is Clydell White. I've
10 been a Houston Police officer for about four years
11 now. I work at gang division in the crime reduction
12 unit here.

13 Q. I can tell already you're a fast talker.
14 I am, too. I have to slow myself at a half pace
15 when I'm in trial.

16 A. No problem.

17 Q. So, if you can do that as a favor to the
18 court reporter.

19 A. Yes, ma'am.

20 Q. Now, how long did you say you'd been
21 with H.P.D.?

22 A. For four years now.

23 Q. What division are you currently assigned
24 to?

25 A. To gang division.

1 Q. You said part of the crime reduction
2 unit?

3 A. Crime reduction unit is part of the gang
4 unit, yes, ma'am.

5 Q. On January 6, 2012 were you assigned to
6 that same division?

7 A. Yes, ma'am.

8 Q. Do you recall what day of the week
9 January 6, 2012 was?

10 A. I don't recall, no, ma'am.

11 Q. That's okay. Do you recall in the early
12 morning hours of January 6, 2012 coming into contact
13 with the defendant in this case?

14 A. Yes, ma'am.

15 Q. Can you please point to and identify the
16 defendant by an article of clothing he's wearing?

17 A. He has on the striped shirt.

18 MS. HORTON: Your Honor, let the
19 record reflect the witness has identified the
20 defendant.

21 THE COURT: The record will so
22 reflect.

23 Q. How did you come into contact with him?

24 A. When my partner, Officer Horn, was
25 driving and we were coming down Bissonnet, we turned

1 on Forum Park and he was standing in the street.

2 Q. And when -- now you were the passenger
3 in the vehicle, correct?

4 A. Yes, ma'am.

5 Q. So, when you observed the defendant
6 standing in the street, what did you guys do?

7 A. When we saw him standing in the street,
8 my partner turned on the spotlight. As we were
9 coming down the road, he was kind of blocking the
10 street. So, if we didn't move or he didn't move to
11 the side we'd have ran him over. He turned the
12 spotlight on, and the defendant walked to the side
13 of the road.

14 Q. When you saw him walk to the side of the
15 road, did you see him do anything else?

16 A. I noticed that he had a small Scope
17 bottle in his hand like the one that you get from
18 when you go to like hotels, those little bitty
19 bottles. He had one of those in his hand, and when
20 he walked to the side of the road he stuffed it in
21 his pants. Me and my partner thought that was a
22 little odd, a little strange.

23 Q. In your experience as a police officer,
24 you know Scope bottles to be consistent with some
25 type of drug activity or no?

1 A. Yes, ma'am, absolutely. With my
2 experience, usually people carry PCP inside those
3 Scope bottles. They do this because the top of the
4 Scope bottle is small, and usually when they consume
5 PCP, they dip cigarettes into the PCP and the small
6 opening makes the cigarettes accessible to the PCP.

7 Q. So they don't lose their cigarette in
8 the Scope bottle, correct?

9 A. Yes, ma'am, correct.

10 Q. And so did you make contact with the
11 defendant, or how did you make contact with him?

12 A. Yes, ma'am. We exited the vehicle, and
13 we started walking towards the defendant. That's
14 when we made initial contact with him.

15 Q. Now, let's back up a little bit. You
16 said that you were in charge of the spotlight, or
17 was that your partner?

18 A. No, ma'am. The spotlight's on the
19 driver's side. He had the spotlight on.

20 Q. So, you turn the spotlight on the
21 defendant or -- sorry, your partner turns the
22 spotlight on the defendant?

23 A. Yes, ma'am.

24 Q. Is it at that point you see him making
25 these movement with the Scope bottle?

1 A. Yes, ma'am. Well, it wasn't really --
2 it was nighttime but it's fairly lit over there but
3 the spotlight makes it so much brighter. You can
4 see him. It's like daytime when you put the
5 spotlight on. That's when we saw the Scope bottle
6 pretty much at the same time.

7 Q. At the point you turned your spotlight
8 on the defendant, is that when he began putting the
9 Scope bottle in his pants?

10 A. Yes, ma'am.

11 Q. In what part of his pants was he putting
12 the Scope bottle in?

13 A. To the rear, right. He had it in his
14 right hand, and he was stuffing it behind. It kind
15 of looked like he was trying to put it in his back
16 pocket, but he was stuffing behind him in that sense
17 like.

18 Q. Why do you think he would do that?

19 A. Well, it's illegal to possess it, and
20 when he saw us, when we turned the spotlight on, he
21 wanted to hide it.

22 Q. Okay. So, you approach -- you and your
23 partner approach the defendant?

24 A. Yes, ma'am.

25 Q. At the same time, or did somebody stay

1 with the car?

2 A. No, ma'am. We both approached him.

3 Q. Why would you both approach the
4 defendant?

5 A. Usually when dealing with things like
6 that, with PCP, if the person themselves had
7 consumed it, they're usually aggressive, not all the
8 time but most of the time they're aggressive, and
9 it's better to go with two people.

10 Q. It's an officer safety issue?

11 A. Absolutely.

12 Q. You approached the defendant, and do you
13 talk to him, or does your partner talk to him?

14 A. I can't recall. I remember when we were
15 walking towards him. I remember the Scope bottle
16 falling out. So, at that point I realize he was
17 stuffing it, and he didn't stuff it in his pocket.
18 He instead stuffed it in his pants. Maybe he tried
19 to stuff it in his pocket, but it fell through his
20 pants, onto the ground.

21 Q. You observed the Scope bottle he shoved
22 come out of his pants leg; is that correct?

23 A. Yes, ma'am.

24 Q. And what did you do at that point, if
25 anything?

1 A. Well, my partner picked up the Scope
2 bottle. He picked it up, and I don't know if he
3 picked it up like in the sense to hand it back to
4 him, but when he handed it back, even as we were
5 approaching, we could smell it. It has a really
6 distinct odor. It's pretty strong. We could smell
7 it. I know the bottle was closed because when it
8 fell out, no liquid fell out of the bottle. So, at
9 that point I figured out that he was on PCP himself.

10 Q. You said that PCP has a -- comes with a
11 strong, chemical odor. Is it like a nice, perfumy
12 odor or is it --

13 A. No.

14 Q. Kind of a nasty odor?

15 A. It's strong. I really can't describe
16 it. It's real strong. If you smelled it once,
17 you'd know what it is. It's real distinct and
18 extremely strong.

19 Q. So, you know it from your training and
20 experience?

21 A. Absolutely, yes, ma'am.

22 Q. Now, did the defendant smell like PCP,
23 or was it just the Scope bottle or both?

24 A. No, ma'am. He smelled like it. When we
25 exited the car, you could immediately smell it, and

1 as we got closer, it got stronger and you could
2 smell it. It comes from the breath and it comes out
3 -- it's like they're sweating it out. It comes out
4 of their pores. You can smell it.

5 Q. And did the Scope bottle smell like it
6 as well?

7 A. Yes, ma'am.

8 Q. Now, you said that Officer Horn
9 recovered the evidence from the ground; is that
10 correct?

11 A. Yes, ma'am, he picked it up.

12 Q. At that point what did you guys do?

13 A. He picked it up, and when he picked it
14 up, I kind of noticed that he could smell it
15 stronger. He opened it and then he smelled it
16 again. Then he closed it back and handed it to me
17 and we knew it was PCP.

18 Q. Did you at that point -- did you guys
19 place the defendant under arrest?

20 A. Yes, ma'am. He handed me the Scope
21 bottle. I took the Scope bottle, and we placed him
22 under arrest.

23 Q. So, you had care, custody, and control
24 of the Scope bottle; is that correct?

25 A. Yes, ma'am.

1 MS. HORTON: Your Honor, may I
2 approach the witness?

3 THE COURT: You may.

4 Q. I'm showing you what's been marked as
5 State's Exhibit No. 3 and its contents. Do you
6 recognize this?

7 A. Yes.

8 Q. What is this?

9 A. Our evidence submission form and --

10 THE COURT: Please speak a little
11 slower and a little louder.

12 A. Yes, sir. That's our evidence
13 submission form and envelope. I filled that out
14 initially on the day after I collected the PCP.
15 What happens is if someone is found with any kind of
16 narcotics, the officer takes the narcotics. He
17 takes it to central narcotics and fills out this
18 form and places it into evidence.

19 Q. Well, let's go backwards a little bit.
20 Do you recognize this?

21 A. Yes, ma'am.

22 Q. Okay. What is this right here inside
23 this plastic bag?

24 A. That's the Scope bottle with the PCP,
25 and it also has flakes from cigarettes. When they

1 dip the cigarettes, the back end of the cigarette is
2 open. So, sometimes when they dip the PCP in it
3 parts of the cigarette gets into the liquid of the
4 PCP.

5 Q. And is this the same Scope bottle you
6 recovered from this defendant on January 6th of
7 2012?

8 A. Yes, ma'am.

9 Q. And did you place it in this plastic
10 envelope or -- sorry, bag?

11 A. No, ma'am, I did not.

12 Q. Okay. What did you do with the evidence
13 once you collected it from the defendant -- or from
14 Officer Horn?

15 A. When I got it from Officer Horn and
16 after we placed the defendant under arrest we both
17 drive down to narcotics. I took it up to narcotics,
18 which is on the fourth floor of 61 Riesner. They
19 waited -- the narcotics guys waited. Then I placed
20 it in the envelope, and I fill out all the forms
21 that go along with it.

22 Q. Do you place it in this plastic bag?

23 A. No, ma'am.

24 Q. This might happen later at the lab;
25 you're not sure?

1 A. Yes, ma'am.

2 Q. You place the plastic bottle in this bag
3 in this envelope?

4 A. Yes.

5 Q. Is that after you fill out the envelope?

6 A. Correct.

7 Q. You said you put markings on the
8 envelope, correct?

9 A. Yes, ma'am.

10 Q. Why do you do that?

11 A. I mark it with my initials and the date
12 to make sure no one tampers with it or messes with
13 the evidence.

14 MS. HORTON: Your Honor, may I
15 approach the witness again?

16 THE COURT: You may.

17 Q. All right. On this envelope you stated
18 the address of the offense; is that correct?

19 A. Yes, ma'am.

20 Q. You stated the date of the offense?

21 A. Yes, ma'am.

22 Q. Is that date January 6th 2012?

23 A. Yes, ma'am, it is.

24 Q. And you write around the time of the
25 arrest; is that correct?

1 A. Yes, ma'am.

2 Q. Which is around 1:25 in the morning?

3 A. Yes, ma'am.

4 Q. And you put the amount of the PCP
5 submitted; is that correct?

6 A. Yes, ma'am.

7 Q. Is that after somebody at narcotics has
8 weighed the PCP?

9 A. Correct. We don't weigh it ourselves.
10 They do.

11 Q. With a scale of some sort?

12 A. Yes, ma'am, with a scale.

13 Q. And on the back of this envelope there's
14 some initials and a date. Can you describe what
15 that is?

16 A. Yes, ma'am. On the back, across the
17 back it has my initials and the date that I
18 submitted it to narcotics.

19 Q. What are those initials?

20 A. Those initials are C -- C.W., and the
21 date is January the 1st 2012 -- excuse me, January
22 6th 2012.

23 Q. And you said "C.C.W." but you mean C.W.?

24 A. C.W., yes, ma'am.

25 Q. That stands for what?

1 A. Clydell White.

2 Q. Which is your name, correct?

3 A. Yes, ma'am.

4 Q. Okay. Can you explain to the jury why
5 you put your initials on the tape?

6 A. Yes, ma'am. After I tape the envelope
7 closed, I put my initials across the tape so no one
8 can open up the evidence and tamper with it. If
9 someone opens it up, they would have to re-initial
10 it. That way someone would know that someone else
11 has been in the evidence.

12 Q. You'll see on the overhead here State's
13 Exhibit No. 1, which is in evidence. It's a map of
14 the area. Do you recall that area?

15 A. Yes, ma'am, I do.

16 Q. That's a clear and accurate depiction of
17 the area in which the defendant was stopped?

18 A. Yes, ma'am.

19 Q. Now I'm going to zoom in a little bit.
20 If you recall, do you recall where about on that map
21 you first saw the defendant -- not you first saw,
22 where the defendant was, sorry, when you stopped
23 him.

24 A. We were traveling on Bissonnet, and we
25 turned southbound on Forum Park. He was standing

1 above, like if this was north, south, east, west, he
2 was standing to the north of that "A" with the
3 little "A" point. He was standing just above that
4 point there.

5 Q. So, he wasn't standing in an
6 intersection, or he was?

7 A. He was standing in the intersection. We
8 were traveling southbound. He was blocking the
9 southbound lane as we were traveling southbound.

10 Q. When I say an intersection, I mean
11 there's a cross-street there.

12 A. No, ma'am. He was just south of
13 Bissonnet on Forum Parkway. He was standing on
14 Forum Park, south of Bissonnet.

15 Q. He was impeding traffic; is that
16 correct?

17 A. Yes, ma'am, he was.

18 Q. So much so that -- I mean, would cars
19 have to avoid him if, I guess, if they were driving
20 in the street?

21 A. Absolutely. If the cars didn't go
22 around him, they would run over him.

23 MS. HORTON: Pass the witness.

24 THE COURT: Mr. Ayers.

25 MR. AYERS: I have a few questions,

1 if I might, Judge.

2 CROSS-EXAMINATION

3 Q. (By Mr. Ayers) Officer White, correct?

4 A. Yes, sir.

5 Q. Officer White, you and I have not met
6 and discussed this case, have we?

7 A. No, sir.

8 Q. You'd agreed with me you've had an
9 opportunity to discuss it with your partner,
10 Officer --

11 A. Officer Horn.

12 Q. Officer Horn and the prosecutor right
13 before you testified today, right?

14 A. To discuss this case?

15 Q. Yeah.

16 A. Yes, sir.

17 Q. So, y'all sat down, went over the map
18 and the offense report that Officer Horn wrote and
19 discussed what happened and what you recollect,
20 correct?

21 A. Right, the date of the offense and
22 today, correct.

23 Q. So, today. Now, let's talk a little bit
24 about the offense report. You didn't write it.
25 Officer Horn did, correct?

1 A. Correct.

2 Q. You certainly had a chance to review it
3 before you testified, right?

4 A. Yes, sir.

5 Q. You read it. So, you know what's in it,
6 right?

7 A. Yes, sir. I have a copy as well.

8 Q. You have a copy. Again, even though you
9 didn't write it, you would certainly use that to
10 refresh your memory, right?

11 A. Right.

12 Q. And that's not uncommon. That's why
13 y'all write them, right?

14 A. The offense report?

15 Q. Yes.

16 A. Yes.

17 Q. Because it could be months after you
18 have to testify in court, right?

19 A. Correct.

20 Q. In this case, in fact, it's been five
21 months, plus, right?

22 A. Yes, sir. Well, yes, sir.

23 Q. Well, when did this happen, January?

24 A. January the 6th, yes, sir.

25 Q. So, from January to the middle of May?

1 A. Yes, sir, correct.

2 Q. You'd agree with me you've had a lot of
3 arrests and things since then?

4 A. Correct.

5 Q. So, to keep from getting confused, you
6 have that report, right?

7 A. Correct.

8 Q. Now, let's talk a little bit about --
9 you say you and Officer Horn, you were in a marked
10 patrol car, correct?

11 A. Yes, sir, we were.

12 Q. You're in uniform?

13 A. Yes, sir.

14 Q. All right. You're driving, according to
15 that map it would be westbound on Bissonnet; is that
16 correct?

17 A. Yes, sir.

18 Q. And you turn down Forum Park which would
19 be going south?

20 A. Southbound, yes, sir.

21 Q. When you turned onto Forum Park, is that
22 when you saw Mr. Jones standing in the road?

23 A. Yes, sir.

24 Q. So, you were going to go down Forum Park
25 regardless?

1 A. Sir?

2 Q. You were going to go down Forum Park
3 regardless?

4 A. Yes, sir. We had already turned onto
5 Forum Park.

6 Q. When you turned on Forum Park from that
7 map, you would agree with me that there's a street
8 there that goes east and west and then goes back
9 north and connects with Bissonnet; is that correct?

10 A. Correct.

11 Q. Do you know what that street name is?

12 A. That might be Sugar Branch, but I'm not
13 sure how the map's laid out.

14 MR. AYERS: All right. May I
15 approach, Judge?

16 THE COURT: You may.

17 Q. I realize those other streets aren't
18 labeled, but you are familiar with the area out
19 there, right?

20 A. Yes, sir.

21 Q. Now, on the map it shows some day care
22 learning center, Angel's Day Care. Do you know that
23 place?

24 A. That doesn't ring a bell, no.

25 Q. But you and Officer Horn patrol out

1 there quite a bit?

2 A. Yes, sir.

3 Q. But you don't know about that, right?

4 A. Well, that day care, a lot of those
5 buildings are abandoned. That might be an abandoned
6 building.

7 Q. Certainly you would agree with me
8 there's a street right there roughly in the area of
9 the "A"?

10 A. Right.

11 Q. And you're not sure what the name of
12 that street is?

13 A. I'm also positive it's Sugar Branch.
14 Doesn't look like it's to scale though. He wasn't
15 quite that south on the map.

16 Q. I'm not asking at this point where
17 Mr. Jones was. I'm asking just a street there?

18 A. Yes, sir.

19 Q. So, there's a distance between Bissonnet
20 and that street, Sugar Branch?

21 A. Yes, sir.

22 Q. You're saying that Mr. Jones was
23 somewhere -- was he on the north side of what you
24 believe to be Sugar Branch or the south side?

25 A. No. He was north of Sugar Branch.

1 Q. You're saying he wasn't at that
2 intersection. He was a little north of that?

3 A. Correct.

4 Q. And he was on the west side of Forum
5 Park or the east side?

6 A. He was on the west side.

7 Q. Okay. And from the time you turned down
8 Forum Park on Bissonnet how far would you say that
9 was from Bissonnet to where he was?

10 A. Maybe a few hundred feet maybe.

11 Q. All right. When you say a few hundred,
12 200, 300, 500?

13 A. I'd say between 100 and 200 feet.

14 Q. All right. So, 200 -- well, 210 feet
15 would be 70 yards, right?

16 A. I'm not sure.

17 Q. Well, how many -- do you know how many
18 feet in a yard?

19 A. No, sir.

20 Q. Okay. All right. Play any football?

21 A. No. I played basketball.

22 Q. Basketball. So, how long is a
23 basketball court?

24 A. Ninety-two feet.

25 MS. HORTON: Objection to

1 relevance, Judge.

2 THE COURT: Be overruled. Next
3 question.

4 Q. (By Mr. Ayers) Given your basketball
5 experience, 92 feet is a basketball court. You're
6 saying it was longer than that?

7 A. It was about 100 to 200 feet.

8 Q. So, at least a basketball court, maybe
9 two basketball courts away?

10 A. Not quite two, maybe in between.

11 Q. Somewhere in that range?

12 A. Right, correct.

13 Q. And when you guys saw him at that point
14 did you have the spotlight on him right then?

15 A. When we noticed him standing in the
16 middle of the road, my partner turned on the
17 spotlight.

18 Q. Does that spotlight go that far?

19 A. Absolutely.

20 Q. So, as soon as you see him standing in
21 the street, somewhere between one and two basketball
22 courts down the street --

23 A. Right.

24 Q. -- you hit that spotlight that's going
25 forward, right?

1 A. Correct.

2 Q. You're both facing forward?

3 A. Correct.

4 Q. And you're both driving straight down
5 Forum Park?

6 A. Correct.

7 Q. At that point you say he stepped up on
8 to the curb?

9 A. When we turned on the spotlight?

10 Q. Yes.

11 A. Yes.

12 Q. When he stepped up on the curb had you
13 seen this Scope bottle yet, or was that later?

14 A. Correct. As -- we're moving when the
15 stoplight is on. We never stopped moving. We just
16 made a left-hand turn --

17 THE COURT: Speak a little slower.

18 THE WITNESS: Yes, sir.

19 A. We made a left-hand turn onto Forum
20 Park. He turned on the spotlight. We're still
21 moving. We're closing the distance pretty quickly.
22 We're not slowly just walking. We're moving in the
23 vehicle. So, when he turned on the spotlight, we're
24 driving. We're driving that way. And as the
25 spotlight hits him, you can see him holding the

1 Scope bottle.

2 Q. All right. At this point is when you
3 saw that?

4 A. Correct.

5 Q. Approximately one to two basketball
6 courts away?

7 A. That's how far he was from Bissonnet.
8 When we turned onto Bissonnet -- we turned onto
9 Bissonnet, we're still moving.

10 Q. I understand.

11 A. And we turn on the spotlight. That's
12 when we saw him.

13 Q. All right. Well, I understand you turn
14 onto Bissonnet?

15 A. Correct.

16 Q. You see him in the street down there?

17 A. Yes, sir.

18 Q. Somewhere between one and two basketball
19 courts away?

20 A. Correct. Then the spotlight comes on.

21 Q. I understand. So, when you see the
22 person in the street, you turn the spotlight on.

23 A. My partner.

24 Q. I'm sorry. Your partner turns the
25 spotlight on?

1 A. Yes, sir.

2 Q. He's still some distance away when you
3 turn the spotlight on?

4 A. Yes.

5 Q. I realize you're moving.

6 A. Right.

7 Q. You're not like going 60 miles an hour
8 or anything, right?

9 A. No.

10 Q. Okay. So, you're still something like
11 one or two basketball courts away when you turn the
12 spotlight on and see the Scope bottle?

13 A. We would at least close half that
14 distance at least by this point.

15 Q. At best a half to one basketball court
16 away?

17 A. I would think so. That would be a
18 little more accurate.

19 Q. He's standing in the street. And is he
20 facing y'all, facing straight north, looking right
21 at you?

22 A. I don't recall. He had to have seen us
23 though because when we turned on the spotlight he
24 started moving back.

25 Q. He didn't move back to the curb until

1 you hit hit him with a spotlight?

2 A. Correct.

3 Q. Once you hit him with a spotlight, he
4 moved to the curb?

5 A. Yes.

6 Q. And then you drove on up to where he
7 was, right?

8 A. Correct.

9 Q. At any point did you angle the car over
10 towards him, or did you just pull up to where he
11 was?

12 A. I don't recall.

13 Q. Well, you don't recall or you don't
14 remember one way or the other?

15 A. I don't remember if we angled the car.

16 Q. All right. Is that something you do
17 that you come up and angle it up, or do you just
18 pull up?

19 A. It all depends. He was just standing in
20 the street. It all depends.

21 Q. All right. Now, once you saw and -- may
22 I approach, Judge -- the Scope bottle that you've
23 identified?

24 A. Yes, sir.

25 Q. The Scope bottle, which is contained in

1 -- is it --

2 MS. HORTON: State's Exhibit No. 3.

3 Q. (By Mr. Ayers) State's Exhibit No. 3,
4 is what's in this baggy right here, right? That's
5 the clear bottle?

6 A. Yes, sir.

7 Q. And I don't know. Would you agree with
8 me that's maybe four inches tall?

9 A. Looks --

10 Q. It's pretty small, right?

11 A. Right.

12 Q. I could conceal that with my hand pretty
13 easily. It wasn't in the plastic bag, right?

14 A. Correct.

15 Q. When it was out there at the scene, it
16 was out of this bag, right?

17 A. Correct.

18 Q. So, you can cover that with your hand
19 pretty easily, right?

20 A. Sure, you could.

21 Q. What you're telling the jury is that he
22 may or may not have been facing you, right?

23 A. Right. I can't remember.

24 Q. Again, this is like 1:30 in the morning,
25 right?

1 A. Right.

2 Q. So, it's dark.

3 A. That area is not too dark. It's
4 actually an apartment complex to the west side, and
5 it's lights there. So, it's not too dark.

6 Q. So, it's well-lit?

7 A. I wouldn't say it was well-lit. After
8 we put the spotlight on him, it's well-lit.

9 Q. You needed the spotlight to see really
10 well?

11 A. The spotlight -- it's officer safety.
12 You want to really light up the person that you're
13 looking at, you know.

14 Q. Right. So, you had to use the spotlight
15 to get it lit up, as you say, to where you could
16 really see him?

17 A. Not necessarily, no, that's not what I'm
18 saying.

19 Q. Let me ask you this. Did you see the
20 Scope bottle before you hit the spotlight or after?

21 A. After.

22 Q. All right. So, can we agree that in
23 order for you to see this Scope bottle in his hand
24 you had to have the spotlight?

25 A. Sure. We can agree.

1 Q. Okay. And you're saying he may have
2 been facing you as you're coming down Forum Park?

3 A. Yes.

4 Q. He may have been standing like this?

5 A. No -- see --

6 Q. I'm sorry. What?

7 A. No, sir. He wasn't standing like that.
8 You asked me earlier if he was facing me. I don't
9 recall if he was facing me, but he wasn't turned
10 away from me. If he was turned away from me, he
11 wouldn't have moved.

12 Q. All right. Let me do it like this to
13 make it easy. I'm sorry I'm confusing you.

14 A. No problem.

15 Q. You're in the car?

16 A. Okay.

17 Q. You're in the passenger seat. Right
18 next to you is Officer Horn. You're coming down
19 Forum Park?

20 A. Right.

21 Q. I'm Mr. Jones.

22 A. Okay.

23 Q. I'm standing in the street?

24 A. Okay.

25 Q. Now, you would agree with me -- and I'm

1 going to the back of the courtroom. Okay?

2 A. Yes, sir.

3 Q. This isn't anywhere near half a
4 basketball court, is it?

5 A. No.

6 Q. Okay. So, he was at least this far away
7 and actually, by your testimony, further; isn't that
8 correct?

9 A. Right.

10 Q. Now, think back. You're looking
11 straight out your car window. You've got that
12 spotlight on, right?

13 A. Right. When we turn the spotlight on
14 him, that's about the distance he was at when we
15 turn the spotlight on.

16 Q. All right. So, you're saying now when
17 you hit him with a spotlight, he was about this far?

18 A. Right. Well, I'm saying when we turn on
19 the corner and we turn on the spotlight, we were
20 still moving. So, by the time we turn the spotlight
21 on him and he was actually looking towards us, it
22 was about this distance.

23 Q. So, when you first saw him in the
24 spotlight, was he facing you like this?

25 A. I can't recall. I don't know which way

1 he was facing.

2 Q. So, you just said, you don't know which
3 way he was facing?

4 A. Right. I just know that he wasn't
5 facing -- earlier you said was he turned around the
6 other way. His back wasn't towards us if that's
7 what you're asking.

8 Q. Right. He could have been standing like
9 this?

10 A. Right. He could have been.

11 Q. Could have been standing like this?

12 A. Correct.

13 Q. You're saying he was not standing like
14 like this?

15 A. Right.

16 Q. All right. So, when you saw him in the
17 spotlight, he was either this or this or this,
18 right?

19 A. Yes, sir.

20 Q. And he had this Scope bottle right here?

21 A. Yes, sir.

22 Q. In his right hand or left hand?

23 A. It was in his right hand.

24 Q. Right hand. You could see it?

25 A. Yes, sir.

1 Q. When you saw it you knew it was a Scope
2 bottle, right?

3 A. I knew it was a bottle, didn't
4 necessarily know it was a Scope bottle.

5 Q. You knew it was something you were
6 interested in?

7 A. Say that again.

8 Q. Something you were interested in.

9 A. What do you mean interested in?

10 Q. Well, there was something about it that
11 caught your attention and made you go up to him,
12 right?

13 A. Right. He was in the middle of the
14 street, blocking a moving lane of traffic.

15 Q. You said you saw the Scope bottle?

16 A. Right.

17 Q. Based on your experience, you know Scope
18 bottles hold PCP?

19 A. Correct.

20 Q. He's standing here. Was he holding the
21 bottle like this?

22 A. No, sir.

23 Q. Like this?

24 A. No, sir.

25 Q. Okay. I mean, if he was standing like

1 this, would he have his right hand -- I mean, how is
2 he holding it that you guys could see it in the
3 spotlight?

4 A. He had it in his hand. I remember him
5 having it in his hand; it was in his right hand. I
6 remember, as we got closer, I remember him stuffing
7 it in his pocket as he was going.

8 Q. He didn't have it down to his side like
9 this?

10 A. Sir?

11 Q. He didn't have it down to his side like
12 this?

13 A. No, sir.

14 Q. He certainly wasn't standing there
15 dipping a cigarette in it?

16 A. No, not that I recall.

17 Q. In fact, you guys didn't recover any
18 cigarettes from him, did you?

19 A. No.

20 Q. So, you turn down, you see the
21 spotlight, you see this Scope bottle?

22 A. Yes.

23 Q. From at least this far away?

24 A. Yes, sir.

25 Q. And you would agree with me perhaps

1 further, right, based on your earlier testimony?

2 A. Before or after the spotlight?

3 Q. All right. Take your pick, before or
4 after.

5 A. As we're moving with the spotlight on
6 him, I would say that's pretty much the distance.

7 Q. Where we are now, this distance, you and
8 me, that's when you turned on the spotlight?

9 A. Yes, sir. Say that again, sir.

10 Q. Well, the distance between you and me
11 right now --

12 A. Right.

13 Q. That is when you turned on the
14 spotlight?

15 A. We turned on the spotlight as soon as we
16 saw him on the street, that's when my partner turned
17 on the spotlight.

18 Q. How far from him were you when you saw
19 him in the street that you turned on the spotlight?

20 A. It was a little bit further than that
21 when we initially turned on the spotlight. As we
22 got to about the distance of you and me are now,
23 that's when I saw the bottle.

24 Q. Before this distance, you didn't see it.
25 So, it's at least this far though, right?

1 A. Correct. We can agree.

2 Q. Okay. And then at that point you're
3 saying he somehow, I guess, saw you guys and stepped
4 back up onto the curb, right?

5 A. As he was stuffing the bottle in his
6 pants, yes, sir.

7 Q. When he was doing that, he was doing
8 something, he was stuffing something behind him,
9 correct?

10 A. Correct.

11 Q. At that point if it was behind him, you
12 couldn't see it, right?

13 A. As he was stuffing, no, sir.

14 Q. That's when you pulled him over and
15 talked to him, right?

16 A. Right.

17 Q. Now, there were other people out there
18 that night, right?

19 A. Not that I can recall. You mean with
20 our immediate incident right there?

21 Q. Well, you said there was an apartment
22 complex nearby?

23 A. Right.

24 Q. Were there other pedestrians out there
25 that night walking around?

1 A. I don't recall. I mean, in a situation
2 like that you're just worried about the immediate
3 situation.

4 Q. Well, if you were worried about your
5 immediate situation, wouldn't you be concerned about
6 other people maybe threatening your safety?

7 A. Not when you're dealing with someone on
8 PCP like that. He's more of a threat than anyone
9 else. You really want to deal with that person.

10 Q. So, you don't recall whether there were
11 other people out in that area or not?

12 A. I know there's people driving around,
13 but I don't recall. If other people were standing
14 out there, I wouldn't be able to pick them out. You
15 know what I mean?

16 Q. I understand. So, you don't recall
17 whether there were other people out there or not?

18 A. Well, I'm sure there were, but I
19 couldn't pick them out.

20 Q. You're sure there were other people?

21 A. Yes.

22 Q. I wasn't there. I'm just asking.

23 A. Sure. Yes, sir.

24 Q. So, there were other people, pedestrians
25 out there, there were cars passing by?

1 A. No. I know there were cars driving
2 around, but I don't know if there was someone
3 standing there or anything like that.

4 Q. Okay. So, if -- you're not saying there
5 were or weren't. You just don't remember?

6 A. Correct. I don't recall.

7 Q. Now, certainly you don't recall, either
8 you yourself or Officer Horn, talking to any
9 witnesses out there about anything that may have
10 happened out there?

11 A. No, sir.

12 Q. Y'all didn't like talk to anybody, get
13 their names about what they might have seen, right?

14 A. No, sir.

15 Q. You'd agree with me if there were people
16 out there, you didn't talk to them?

17 A. Correct.

18 Q. And you mentioned something about
19 Mr. Jones standing in the street. He was impeding
20 traffic, right?

21 A. Correct. He was standing in the
22 southbound.

23 Q. Sure. Did you see some cars like
24 slamming on the brakes or swerving or screeching
25 tires to avoid hitting him?

1 A. I remember cars going around him.
2 That's how I figured that he saw us because he
3 didn't move for other cars, but he started moving
4 back once he saw us. I don't know if it was the
5 spotlight or what, but we were in a marked car.

6 Q. Certainly you would agree, he saw you in
7 the marked car. It's obvious you're police
8 officers?

9 A. Yes, sir.

10 Q. And he's standing there holding the
11 bottle, right?

12 A. Yes, sir.

13 Q. Now, you've reviewed your offense
14 report, right, or the one that Officer Horn wrote,
15 right?

16 A. Yes, sir.

17 Q. And there's nothing in there about other
18 cars swerving or trying to avoid him, is there?

19 A. Not that I can recall.

20 Q. You just say you observe someone
21 blocking the traffic in the 9700 block of Forum
22 Park, right?

23 A. Yes, sir.

24 Q. So, no mention of all these other cars
25 moving around him and all that, right?

1 A. No, sir.

2 Q. Now, you also mentioned and a couple
3 times you mentioned, "Well, I had to focus on him."
4 You've got to deal with the people on PCP, right?

5 A. Correct.

6 Q. And they're dangerous, correct?

7 A. Right.

8 Q. You mentioned people on PCP, the reason
9 they're dangerous, they're really aggressive
10 sometimes, right?

11 A. Sometimes, not all the times.

12 Q. In this case he was really aggressive
13 and giving you a hard time and you guys had to do
14 something to subdue him. I mean, he was -- was he
15 aggressive?

16 A. I don't really recall. It wasn't
17 anything that stood out. A lot of times it's one
18 way or the other when they're on PCP. Either
19 they're really aggressive or they're not.

20 Q. So, if you're really aggressive, you
21 might be on PCP, and if you're calm, you might be on
22 PCP?

23 A. Not necessarily. It goes in cycles.
24 When they get really aggressive, they get really
25 extremely hot, start taking off their clothes.

1 They're more combative.

2 Q. Let me just stop you. Did any of that
3 happen?

4 A. No. No, sir.

5 Q. So, in this case there was no -- he
6 wasn't hot and taking off his clothes or being
7 combative?

8 A. No, sir.

9 Q. Because if he had done those things, it
10 would be in your offense report, wouldn't it?

11 A. Correct.

12 Q. So, your arrest must have been fairly
13 uneventful because you would agree with me there's
14 nothing in your offense report to indicate
15 otherwise, right?

16 A. In Officer Horn's.

17 Q. Officer Horn's offense report to be
18 precise. Officer Horn did not make any notations in
19 his report, which you used to refresh your memory?

20 A. Correct.

21 Q. Of anything unusual about his arrest or
22 his demeanor, he being Mr. Jones, correct?

23 A. Yes, sir.

24 Q. All right. Certainly, you would agree
25 with me that if there had been some of those

1 aggressive things you talked about or some unusual
2 signs that Mr. Jones was on PCP, whatever that may
3 be, they're not anywhere indicated in the offense
4 report, are they?

5 A. Correct. You are correct.

6 Q. You recovered the bottle and you took
7 it -- I think you said you took it to the narcotics
8 to have it weighed, right?

9 A. We both transported. We were riding
10 together.

11 Q. Okay. And they weighed it at narcotics
12 for you?

13 A. Yes, sir, they did.

14 Q. And they weighed the whole bottle with
15 the liquid and everything, right?

16 A. They weighed the whole bottle, but they
17 have a charge where they'll make the correction on
18 the weight. The bottle weighs a certain amount.
19 The liquid weighs a certain amount.

20 Q. So, they have some way -- they don't
21 take the liquid out and weigh it separately. They
22 weigh the whole thing. Then, they, narcotics you're
23 saying, has some thing where they say, well, the
24 Scope bottle must weigh this much and they deduct
25 that out?

1 A. Right. They have containers. It's
2 pretty common PCP is carried in a Scope bottle.

3 Q. I understand. But you're not saying
4 they weighed this Scope container and liquid or they
5 weighed some empty bottle. They just said this is
6 what it should weigh and gave you the number,
7 correct?

8 A. Correct.

9 Q. Then you did not do any further -- you
10 submit it to the lab to have it tested, see if it
11 was PCP, correct?

12 A. Correct.

13 Q. Didn't see it again until today, right?

14 A. Sure.

15 Q. Well, after you turned that Scope bottle
16 into the lab --

17 A. Right.

18 Q. Have you seen it again?

19 A. No, sir. Well, we came up here for
20 trial Monday and Tuesday and checked out the
21 evidence.

22 Q. I'm with you. So, earlier in the week
23 you checked it out?

24 A. Correct. Correct.

25 Q. I understand. So, Monday when I say

1 today but Monday?

2 A. Yes, sir.

3 Q. But Monday and Tuesday you had it in the
4 envelope, right?

5 A. Correct.

6 Q. So, the first time you laid eyes on that
7 little bottle as we can see it right now is today?

8 A. Correct.

9 Q. When it was opened, right?

10 A. Yes, sir.

11 Q. Haven't seen it since then. All right.
12 Now, you didn't submit the bottle and ask for any
13 fingerprints to be taken or anything, right?

14 A. No, sir.

15 Q. Okay. That's certainly -- I mean, HPD
16 has a crime lab, right?

17 A. Yes, sir.

18 Q. HPD is a big department, has a lot of
19 resources, right?

20 A. Yes, sir.

21 Q. In your training and experience as a
22 police officer, I mean, that's not like unheard of.
23 There is a technology with fingerprints, right?

24 A. It's not unheard of that there's -- can
25 you repeat?

1 Q. Let me put it this way. Have you ever
2 heard of fingerprints?

3 A. Sure.

4 Q. In your training as a police officer
5 that's not something new they just came up with,
6 right?

7 A. No.

8 Q. Okay. And you didn't submit it and ask
9 them to check for any trace DNA or anything like
10 that, right?

11 A. No, sir.

12 Q. Okay. I think you did say when you
13 actually did -- or your partner, I guess, Officer
14 Horn, he's actually the one who physically picked it
15 up, right?

16 A. Correct.

17 Q. And when he picked it up, he picked it
18 up off the ground, right?

19 A. Yes.

20 MR. AYERS: I don't have any
21 further questions of Officer White, Judge.

22 THE COURT: Is there redirect
23 examination, Ms. Horton?

24 MS. HORTON: No, Your Honor,
25 nothing further from the State.

1 THE COURT: May the witness then be
2 excused by agreement?

3 MR. AYERS: Yes, Judge.

4 MS. HORTON: Yes, Your Honor.

5 THE COURT: Thank you, Officer.
6 You are excused. Jury, at this time why don't we
7 take a short recess. Knock on the door when you're
8 ready to return or ring the bell, whatever the
9 device is there for you. Do not yet begin to
10 discuss the case.

11 THE BAILIFF: All rise.

12 (Jury out)

13 (Short recess)

14 THE COURT: Recall and seat the
15 jury, please.

16 THE BAILIFF: All rise.

17 (Jury in)

18 THE COURT: Ms. Horton, please call
19 your next witness. Raise your right hand.

20 (Witness sworn)

21 THE COURT: Pull the microphone to
22 some point that suits your voice. You'll probably
23 have to move much closer to it than you planned.
24 Speak louder than you intended to.

25 Proceed, please, Ms. Horton.

1 MS. HORTON: Thank you, Judge.

2 AMANDA PHILLIPS,

3 After having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 Q. (By Ms. Horton) Can you please
6 introduce yourself to the jury.

7 A. Amanda Phillips.

8 Q. Can you please spell your last name for
9 the court reporter.

10 A. P-H-I-L-L-I-P-S.

11 Q. And what do you do for a living,
12 Ms. Phillips?

13 A. I am a criminalist at the Houston Police
14 Department Crime Laboratory.

15 Q. And how long have you been employed at
16 the Houston Police Department Crime Lab?

17 A. Next week will be seven years.

18 Q. And did you work in any crime labs
19 before the Houston Police Department Crime Lab?

20 A. No, I did not.

21 Q. And were you in school prior to being at
22 the Houston Police Department Crime Lab?

23 A. No. Prior to this job I had a different
24 job.

25 Q. What'd you do for a job? Was it a