

J. C. Wood - August 25, 2014
Direct Examination by Ms. Gaido

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J. C. WOOD,

having been first duly sworn, testified as follows:

DIRECT EXAMINATION

Q. (BY MS. GAIDO) Would you please introduce yourself for the record.

A. Sergeant J. C. Wood.

Q. And where are you currently employed?

A. Houston Police Department Gang Division.

Q. How long have you been employed there?

A. With the Gang Division, a year, and with Houston Police Department, 19 years.

Q. I want to draw your attention to the reason we're here today. Are you familiar with someone named William Horhn?

A. Yes, ma'am, I am.

Q. How are you familiar with that person?

A. William Horhn is the person seated at the table wearing the blue shirt. He was known to frequent the area that -- Iran a gang unit that was responsible for investigating gang crimes in the area. He was involved in several gang-related investigations and other things that took place out in that area.

Q. Officer, what I want to direct your attention to is April 11th of 2013. Were you on duty that day?

A. Yes, ma'am, I was.

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1 Q. At that time were you employed with the
2 Houston Police Department in the same capacity as you
3 are now?

4 A. Yes. I was a sergeant. Instead of being
5 assigned to the Gang Division, I was assigned to the
6 Westside Patrol Station where I was in charge of the
7 Westside Divisional Gang Unit.

8 Q. Where were you that day?

9 A. I was inside the Chevron gas station in the
10 3800 block of South Dairy Ashford and Brant Rock.

11 Q. Did you on April 11th, 2013, come into contact
12 with the defendant, William Horhn?

13 A. Yes, ma'am, I did.

14 Q. Can you describe how that happened?

15 A. While I was inside the gas station, I
16 recognized another person that was a friend of
17 Mr. Horhn's come into the store. I immediately
18 recognized him, watched him leave, watched him walk out
19 to his car.

20 When he got out to his car, I looked out
21 there and Mr. Horhn, as well as Tevon Lewis, another
22 known gang member, was with him around their car at that
23 time.

24 Q. Did you have any thoughts at that time about
25 William Horhn?

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1 A. Yes. William Horhn, up until probably that
2 morning, on previous occasions we had been looking for
3 him for quite some time in regards to a burglary warrant
4 that had issued for his arrest in Fort Bend County.

5 Q. And you said, Up until that morning. Well,
6 first of all, what was your belief with regard to the
7 validity of that warrant when you initially saw
8 Mr. Horhn on April 11th?

9 A. That it was still an active warrant.

10 Q. Did you later come to find out that it was or
11 was not?

12 A. Later learned that the warrant was no longer
13 valid. He had posted bond on that warrant, but he also
14 had four arrest warrants from Oak Ridge North for
15 traffic violations.

16 Q. Did you verify those warrants?

17 A. I did not personally. The uniformed officers
18 that detained him did.

19 Q. Was he taken into custody?

20 A. Yes. He was lawfully detained pending the
21 verification of the burglary warrant as well as the
22 traffic citations warrants out of Oak Ridge North.

23 Q. At some point did -- well, were you present
24 when the -- while the other officers interacted with the
25 defendant?

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1 A. Yes, ma'am, I was.

2 Q. And at some point was property of his taken by
3 those officers?

4 A. Yes, ma'am. They identified a cell phone that
5 they had taken from him.

6 Q. Well, did the officers that were present have
7 any discussions about that cell phone in front of you?

8 A. Not initially. I was talking to Patrick
9 Soles, one of the other defendants that was with him.
10 Very familiar with Soles. So, I was talking to him at
11 the time that they found the cell phone. I later
12 learned that they found a credit card in his wallet that
13 did not bear Mr. Horhn's name as well as other evidence
14 along those same lines containing identifying
15 information in the cell phone, as well.

16 Q. Are you aware if any of the officers present
17 ever asked the defendant for consent to search his
18 phone?

19 A. I did not hear that, but they had told me they
20 had obtained that from him.

21 Q. Are you aware if subsequent to his arrest a
22 search warrant was obtained for his cell phone?

23 A. Yes, ma'am.

24 Q. And do you remember who obtained that search
25 warrant?

1 A. Yes. Officer Flora.

2 MS. GAIDO: Pass the witness, Your Honor.

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CROSS-EXAMINATION

5 Q. (BY MS. MEADOR) Officer Wood, have you
6 reviewed the offense report for this offense?

7 A. Yes, ma'am. I actually reviewed it today for
8 the first time in a while.

9 Q. Are you aware in the offense report that there
10 is no mention throughout the offense report of any Fort
11 Bend County warrants?

12 A. Yes, ma'am, because the Fort Bend County
13 warrant was no longer valid. We also had working
14 knowledge of the Oak Ridge warrants as well prior to our
15 interaction with Mr. Horhn as he had been arrested on
16 those same warrants on a previous occasion, but Oak
17 Ridge chose to release him from when his time came up
18 within HPD. Based on SETCIC agreement, they can only
19 hold him for eight hours and then transfer custody. So,
20 those warrants were still active as well.

21 Q. So, in the offense report where it says he was
22 arrested for outstanding -- how do you pronounce it?
23 SETCIC?

24 A. SETCIC, Southeast Texas Crime Information
25 Center.

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1 Q. So, when you say he was arrested on four
2 SETCIC warrants, those are the Oak Ridge warrants?

3 A. Correct.

4 Q. Then again later on when it said Sergeant Wood
5 knew that he had four outstanding SETCIC warrants and
6 that they would conform to four SETCIC warrants out of
7 Oak Ridge North, those are not the Fort Bend warrants?

8 A. No, ma'am. The Fort Bend warrant was a
9 warrant for burglary and it was no longer valid. He had
10 bonded out. So, there was no warrant existing for that.

11 Q. Right. But you said that at the time you
12 initially saw him, what initially brought you over to
13 him was you believed that he had a warrant out of Fort
14 Bend?

15 A. Yes.

16 Q. But that's not in the offense report at any
17 point?

18 A. No, ma'am.

19 Q. And, again, on the third point, SETCIC warrant
20 officers knew he had outstanding Oak Ridge warrants?
21 And that's all that's mentioned about the warrants in
22 the offense report?

23 A. Yes.

24 Q. If he originally piqued your interest, though,
25 because of the Fort Bend warrants, wouldn't those have

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1 been listed in the offense report?

2 A. It was my belief that he was still wanted for
3 a burglary warrant, which is a felony in the state of
4 Texas and I'm sure you're familiar with. That has a
5 greater priority than the traffic violations that he was
6 also wanted for.

7 It would have resulted in the same
8 interaction with him. I would have notified the guys to
9 come in and stop him and talk to him and potentially
10 arrest him for those same warrants, but the fact that he
11 was a potential felon piqued my interest much more and
12 warranted the interaction between the uniformed officers
13 and Mr. Horhn, whom we had been looking for for almost a
14 year prior for that same warrant.

15 Q. That's understandable that the felony warrant
16 would be what was more interesting to you, but yet it's
17 not listed anywhere in the offense report, if that's
18 what initiated this interaction.

19 A. It was initiated by my interest, but it wasn't
20 a valid warrant. So, therefore, we did not lift it.

21 Q. Did you review the search warrant affidavit
22 for the phone?

23 A. I did not, no.

24 MS. MEADOR: Pass the witness, Your
25 Honor.

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1 THE COURT: Anything else?

2 MS. GAIDO: Nothing else from the State,
3 Your Honor.

4 THE COURT: You may step down.
5 Call your next.

6 MS. GAIDO: Your Honor, the State calls
7 Officer Flora.

8 THE COURT: You may proceed.

9 MS. GAIDO: Thank you, Your Honor.

10 **CHARLES FLORA,**
11 having been first duly sworn, testified as follows:

12 **DIRECT EXAMINATION**

13 Q. (BY MS. GAIDO) Good afternoon. Can you please
14 introduce yourself for the record?

15 A. Officer Charles Flora.

16 Q. How are you currently employed?

17 A. With the Houston Police Department.

18 Q. What is your current assignment with the
19 Houston Police Department?

20 A. My current assignment is the Westside Patrol
21 Division Divisional Gang Unit.

22 Q. How long have you been with that unit?

23 A. Approximately two years.

24 Q. And how long have you been with HPD?

25 A. Five years.