

1 MS. RAMIREZ: At this time the State calls
2 Detective Young.

3 THE BAILIFF: Your Honor, this witness has
4 not been sworn.

5 **DETECTIVE GARY YOUNG,**
6 having been first duly sworn, testified as follows:

7 **DIRECT EXAMINATION**

8 MS. RAMIREZ: May I proceed, Judge?

9 THE COURT: Yes, you may.

10 **BY MS. RAMIREZ:**

11 Q. Detective Young, can you please introduce
12 yourself to the ladies and gentlemen of the jury?

13 A. I'm Gary Young, I'm a Houston police officer.

14 Q. How long have you been a Houston police
15 officer?

16 A. Twenty-four years.

17 Q. Can you describe to us some of the general
18 duties that a police officer has?

19 A. Everything from running 911 calls to homicides,
20 it runs a gamut.

21 Q. What is it that a person has to do in order to
22 becomes a police officer?

23 A. You have to go through -- it's TCOLE academy.
24 I honestly don't know how long it is now. I know it's
25 over six months.

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1 Q. Did you go through that academy, Detective
2 Young?

3 A. Yes, ma'am.

4 Q. What are some of the things that you learned in
5 that academy?

6 A. Basic investigation, Penal Code, defense
7 tactics, driving, shooting, everything you can imagine a
8 police officer does, they try to teach you.

9 Q. Can you describe, just very generally, what it
10 is exactly that you do right now?

11 A. General investigations.

12 Q. By any chance did you come into contact with
13 the investigation of Isai Mares?

14 A. Yes, I did.

15 Q. When did you get a hold of this case?

16 A. I was contacted by Officer Seay on -- I would
17 have to look in here. He called me when I was off and
18 told me about the bow, and asked me to do the followup
19 investigation on it.

20 Q. So what did you do as part of the followup
21 investigation?

22 A. I looked at the bow. Obviously, found the
23 serial number on it. Then he had the complainant's
24 information. I called the complainant, scheduled a time
25 to meet with him to get a statement from him.

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1 And during that statement, I gave him an
2 opportunity to view a photo of Mr. Mares that I brought
3 or that I printed off the Houston Police Department
4 mugshot data base, so it was a known picture of him.

5 I gave Mr. Woodyard an opportunity to view
6 the photo, and he said he didn't know the guy.

7 Q. So what did you do after you spoke to the
8 complainant and determined that he didn't know who Isai
9 Mares was?

10 A. I called in -- initially, I did what is called
11 a pocket warrant; and it's an arrest warrant, but it
12 doesn't hit the system.

13 So if I go down and I file on a guy for,
14 let's say, Class A. assault, then I go in there, I do --
15 I walk the warrant through, and it gets signed off and
16 goes through the system. So anybody who comes across
17 him later on, it will come up when they run him, shows
18 he has a warrant.

19 A pocket warrant what it does for me is it
20 allows me as an investigator to be the person that knows
21 about this warrant, and it gives me an opportunity to
22 arrest him on this warrant. It has a full-force affect
23 of a regular warrant, but gives me the opportunity to
24 talk to him, if they want to sit down and have a
25 conversation with me.

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1 Q. Were you able to get any leads based on the
2 warrant that you found?

3 A. Our tact guys, Officer Seay, and what they do,
4 they went to several locations, but they were unable to
5 find Mr. Mares.

6 Q. Now, Detective Young, I want to back up just a
7 little bit to when you first spoke to the complainant.
8 Can you explain to the ladies and gentlemen of the jury
9 what exactly a pawnshop has to do when they're pawning
10 items?

11 A. Sure. And this to the best of my knowledge
12 that when a person goes in to pawn an item in Houston,
13 you have to provide some form of governmental I.D. They
14 take that information, they put it into their system.
15 And from that system -- and I'm fairly certain about
16 this, but not 100 percent, they have -- these pawnshops
17 have to go into what is called a web site called Leads
18 Online.

19 Q. Can you tell us about that?

20 A. Yeah. Leads Online, it allows us access to
21 pawned merchandise or sold merchandise. We can go in
22 and put in -- I can go in and put in Gary Young, and it
23 will show if I pawned anything within the last 60 days,
24 that's a standard. It will go any where from Houston to
25 nationwide.

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1 Q. Did you -- were you able to do this for Isai
2 Mares once you found out about the bow?

3 A. Yes.

4 MS. RAMIREZ: May I approach the witness?

5 THE COURT: Yes, you may.

6 Q. (BY MS. RAMIREZ) Now, Detective Young, I'm
7 showing you what has previously been marked as State's
8 Exhibit 14. Without going into the detail of that, do
9 you mind telling us what it is?

10 A. It's a print off of a Leads Online, I guess,
11 pawn slip.

12 Q. (BY MS. RAMIREZ) And were you the one that
13 printed this up, looked up the information that day?

14 A. Yes.

15 Q. Does this, does State's Exhibit 14 represent a
16 fair and accurate depiction of the information that you
17 received from Leads Online?

18 A. Yes.

19 MS. RAMIREZ: At this time, the State
20 offers State's Exhibit 14 to opposing counsel and offers
21 into evidence.

22 MR. DAVIDSON: No objection.

23 THE COURT: State's 14 is admitted.

24 MS. RAMIREZ: Permission to publish,
25 Judge?

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1 THE COURT: Yes.

2 Q. (BY MS. RAMIREZ) Detective Young, how exactly
3 is it that you come upon this information in exhibit 14?

4 A. It's a web site. You can go in there, and you
5 put the name, address, date of birth, and other various,
6 you know, TDL numbers, stuff like that.

7 And once you hit enter, then it goes
8 through and searches its data base. And it will show
9 that Gary Young has pawned two items in the past 60
10 days.

11 Q. Do you mind reading off to us what exactly Isai
12 Mares pawned off on March 4, 2014.

13 A. It says compound bow, manufacture PSE, serial
14 number is 80152L, 32-inch, 100, I'm assuming, pound
15 pull, blue, APPL number.

16 Q. And at what location was this item pawned?

17 A. 802 Telephone.

18 Q. And is that in Harris County, Texas?

19 A. Yes, ma'am.

20 Q. Now, Detective Young, does any information of
21 the person that pawns the item come up on Leads Online
22 or their address or things like that?

23 A. Yes, ma'am.

24 Q. Do you mind showing us, and you can actually
25 tap on the screen, where that information is?

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1 A. It says right here on address, it says 1005
2 Elliston, Houston, and also gives his, either TDL or
3 Texas ID number.

4 Q. Now, Detective Young, once you became familiar
5 with this case, were you able to watch the surveillance
6 video from the pawnshop?

7 A. Yes, ma'am.

8 Q. And prior to coming into court today, did you
9 have a chance to review the video of the surveillance
10 video from the pawnshop?

11 A. Yes, ma'am.

12 Q. When you were investigating the case, were you
13 able to determine who the person was who pawned this bow
14 that we're looking at right now?

15 A. Yes, ma'am.

16 Q. And who was that person?

17 A. Isai Mares.

18 Q. Now, Detective Young, how did you know that it
19 was Isai Mares in the video?

20 A. Previous contacts.

21 Q. Do you guys know each other, you and Isai
22 Mares?

23 A. Yeah, I would say --

24 MR. DAVIDSON: I'll lob this objection
25 right there. That's spearing into territory that we

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1 said we would probably try not to go into. Respect the
2 motion in limine, we have a motion on file, Your Honor.

3 THE COURT: I'll allow that question and
4 answer.

5 Ask you to move on.

6 Q. (BY MS. RAMIREZ) So Detective Young, after
7 watching the video, you were able to identify Isai
8 Mares?

9 A. Yes, ma'am.

10 Q. Do you happen to see Isai Mares in the
11 courtroom here today?

12 A. Yes.

13 Q. Can you identify him by an article of clothing
14 that he is wearing?

15 A. He's wearing a maroon, turtle-neck sweater.

16 MS. RAMIREZ: Let the record reflect that
17 the witness has correctly identified Isai Mares as the
18 person in the maroon, turtle-neck sweater.

19 THE COURT: The record will so reflect.

20 Q. (BY MS. RAMIREZ) Now, Detective Young, after
21 you viewed the video from the surveillance pawnshop that
22 day, what ended up happening with the case?

23 A. Like I said, I tried to -- I filed the pocket
24 warrant on him. The County, Harris County, doesn't want
25 pocket warrants out there forever. So after 30 days,

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1 they generally want them to come back.

2 At that point, I presented the probable
3 cause to the hearing examiner, Veeda Gomez {phonetic},
4 and she found probable cause that this theft occurred,
5 and signed the warrant off for his arrest. And that was
6 the hard warrant.

7 MS. RAMIREZ: May we approach briefly,
8 Judge?

9 THE COURT: Yes, you may.

10 (Bench conference.)

11 MS. RAMIREZ: Judge, this is in the
12 abundance of caution, the Leads Online information and
13 where the pawnshop is located, the Officer knows where
14 the defendant lives. I didn't want to violate any
15 type -- that the officer knows where he lives, and he
16 know that --

17 MR. DAVIDSON: Well, he can say, you know,
18 his address is in the records from the pawnshop, for
19 example. That address on -- showing that, that's close
20 to the pawnshop. As long as he doesn't say he knows
21 where he lives. He can know where he lives by looking
22 at the address on his information there.

23 THE COURT: Okay.

24 Q. (BY MS. RAMIREZ) Now, Detective Young, can you
25 read us off the address where Mr. Mares lives again.

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1 A. 1005 Elliston, Houston, Texas.

2 MS. RAMIREZ: May I approach the witness,
3 Judge?

4 THE COURT: Yes, you may.

5 Q. (BY MS. RAMIREZ) Now, Detective Young, I'm
6 showing you what has been previously marked as State's
7 Exhibit 15. Without going into detail of it, do you
8 mind telling us what this is?

9 A. Looks like a Goggle Earth Map.

10 Q. What streets do you see that are familiar based
11 on the Leads Online document that you have in front of
12 you?

13 A. Elliston.

14 Q. And any other streets that look familiar?

15 A. I know all of them. It's my area.

16 Q. Do you mind telling us what this street is that
17 I'm pointing to right now?

18 A. It's 802, it says 802 Telephone.

19 Q. Is that the location of the pawnshop?

20 A. Yes.

21 MS. RAMIREZ: At this time the State
22 offers State's Exhibit 15 and tenders to opposing
23 counsel for any objection.

24 MR. DAVIDSON: No objection.

25 MS. RAMIREZ: Permission to publish?

1 THE COURT: State's 15 is admitted. You
2 may publish.

3 MS. RAMIREZ: Thank you, Judge.

4 Q. (BY MS. RAMIREZ) Now, Detective Young, showing
5 you what has been admitted as State's Exhibit 15, can
6 you show us based on all the information you have where
7 in fact the defendant is said to live on this map?

8 A. I'm sorry?

9 Q. Where in fact the defendant is said to live on
10 this map here? And you can tap it and maybe double tap
11 it.

12 (Witness complying.)

13 And can you show us exactly where the
14 pawnshop where this item was pawned is located?

15 A. (Witness tapping on map.)

16 MS. RAMIREZ: Pass the witness, Judge.

17 THE COURT: Mr. Davidson.

18 **CROSS-EXAMINATION**

19 **BY MR. DAVIDSON:**

20 Q. Good afternoon, Officer or Detective?

21 A. Either one. I'm an officer.

22 Q. So in your career in HPD, I would suppose
23 you've investigated some theft cases?

24 A. Yes, sir.

25 Q. That would probably include burglary of motor

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1 vehicles as well?

2 A. Yes, sir.

3 Q. And so that's how this bow came to be here in
4 the courtroom because it was stolen from a vehicle,
5 correct?

6 A. Yes, sir.

7 Q. And in your experience, about how much time
8 usually elapses before property stolen from a vehicle is
9 turned into cash or drugs or something?

10 MS. RAMIREZ: Objection, speculation.

11 THE COURT: If you know the answer based
12 on your experience you can answer it.

13 A. I honestly, I don't know. It could be 10
14 minutes, it could be a year. I honestly don't know. I
15 just don't know how long it takes to pawn something.

16 Q. (BY MR. DAVIDSON) But isn't it true that most
17 people stealing items from vehicles are really
18 interested in the money?

19 MS. RAMIREZ: Objection to relevance and
20 speculation.

21 THE COURT: Sustained.

22 Q. (BY MR. DAVIDSON) Do you know what time of day
23 most motor vehicle burglaries usually occur?

24 MS. RAMIREZ: Objection, speculation.

25 THE COURT: If you know the answer, you

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1 can answer.

2 Q. (BY MR. DAVIDSON) Based on your experience,
3 mainly at night?

4 A. Depends on the location.

5 Q. Depends on the location?

6 A. Yes.

7 Q. So the location maybe where there is not a lot
8 of people or traffic might be likely to happen during
9 the day?

10 A. Sure.

11 Q. With respect to your experience in that area,
12 how often is any property stolen in these kind of cases
13 recovered?

14 A. Probably not a lot.

15 Q. Very rarely?

16 A. Very rarely.

17 Q. Now, did you go to Cash America Pawnshop at any
18 point in your investigation on Telephone Road, do you
19 recall?

20 A. Not that I recall, no, sir.

21 Q. Are you familiar with that pawnshop?

22 A. Yes, sir.

23 Q. Do they -- do the customers that come in there
24 have to provide identification you said, correct?

25 A. That's correct.

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1 Q. And that information is shared with your
2 department?

3 A. Yes, sir, through Leads Online.

4 Q. So are the customers -- do they have notice
5 that the pawnshop shares their information with your
6 agency?

7 MS. RAMIREZ: Objection, speculation.

8 THE COURT: If you know.

9 MR. DAVIDSON: If he knows, Judge.

10 A. I don't know.

11 Q. (BY MR. DAVIDSON) Don't know, okay.

12 Did you have time to review the report in
13 this case?

14 A. Yes, sir.

15 Q. And it's a fairly length report. But I want to
16 ask you about when all of this got started. You
17 interviewed Mr. Woodyard correct?

18 A. Yes, sir.

19 Q. So this all started when Mr. Woodyard went to
20 the Edwards Cinema on February?

21 A. Yes, sir.

22 Q. What I'm looking at here is marked on page 5 of
23 12?

24 A. Yes, sir.

25 Q. So did anyone go out to the scene of the

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1 Edwards Theater when Mr. Woodyard reported this?

2 A. No, sir, looks like a Tele-serve report.

3 Q. What does that mean?

4 A. That means they called in -- I've never worked
5 Tele-serve. They call in, and then at some point,
6 Tele-serve calls them back and gets information to make
7 the police report.

8 Q. So no officer goes to scene there?

9 A. No, sir.

10 Q. Why would that be?

11 A. I don't know.

12 Q. And is that typical? Would it be fair to say
13 in the city of Houston, there are a large number of
14 vehicle burglaries?

15 A. Yes.

16 Q. Would that be the reason that an officer was
17 not sent to the scene?

18 A. Yes.

19 Q. And there's simply too much, and most of the
20 time the property is not recovered?

21 A. Yes.

22 Q. With respect to this particular incident, other
23 than Mr. Woodyard, were there any other witnesses?

24 A. No, sir.

25 Q. Did you ever go to the Edwards Marquee

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1 location?

2 A. No, sir.

3 Q. During the course of the investigation, okay.

4 So as reflected in the report, was there
5 any surveillance video recovered from the parking lot
6 from that theater?

7 A. I don't believe so, no, sir.

8 Q. Did anyone ever talk to a security guard there?

9 A. No, sir.

10 Q. Did you take any photographs of Mr. Woodyard's
11 truck?

12 A. I did not.

13 Q. You did not?

14 A. No, sir.

15 Q. Where there any prints recovered from the
16 truck?

17 A. No. No officer went out there, no, sir.

18 Q. Had any of the other items stolen in that
19 incident recovered?

20 A. Not to my knowledge.

21 Q. Not to your knowledge, okay.

22 And you interviewed Mr. Woodyard on or
23 about what date, do you recall?

24 A. April the -- April 3rd, I believe, April 3rd.

25 Q. So April 3rd. That would have been after he

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1 had gone to the pawnshop and retrieved the bow you have
2 in front of us?

3 A. He identified it, yes, sir.

4 Q. Did you have it with you?

5 A. Did I?

6 Q. Uh-huh.

7 A. I do now. When I had the investigation, yes, I
8 had it, and then I tagged it into the property room.

9 Q. So was that before you talked to Mr. Woodyard
10 or after?

11 A. Prior to.

12 Q. Prior to. So you obtained the bow from which
13 officer?

14 A. Officer Seay.

15 Q. And then you tagged it?

16 A. I tagged it.

17 Q. And then you went to see Woodyard?

18 A. Yes.

19 Q. But you didn't take the bow with you?

20 A. No, sir.

21 Q. Did you have anything with you?

22 A. No. But according to Officer Seay's report,
23 Mr. Woodyard came to the pawnshop.

24 Q. Okay. It was after you interviewed
25 Mr. Woodyard that you issued an warrant?

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1 A. Yes.

2 MS. RAMIREZ: Pass the witness.

3 THE COURT: Ms. Ramirez.

4 MS. RAMIREZ: Nothing further from this
5 witness, Judge.

6 THE COURT: Anything further from this
7 witness?

8 MR. DAVIDSON: May we have a brief moment
9 to confer with my client?

10 THE COURT: Yes. Any more questions with
11 this witness?

12 MR. DAVIDSON: No, this witness may step
13 down.

14 THE COURT: Sir, you may step down.

15 (Lunch break taken.)

16 THE COURT: You may be seated.

17 Ms. Ramirez, do you have any other
18 witnesses?

19 MS. RAMIREZ: Judge, at this time the
20 State rest and close.

21 THE COURT: May the attorneys approach.

22 MR. DAVIDSON: Yes.

23 (Bench conference.)

24 MR. DAVIDSON: I want to put a motion for
25 directed verdict on the record at this point.

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1 THE COURT: You may proceed.

2 MR. DAVIDSON: Well, we feel that the
3 evidence in this case has simply not risen to the
4 legally sufficient level that the Mr. Mares knew or the
5 intent to deprive of that property. Nothing proved and
6 had nothing connects them to the burglary of the
7 considerable period of time between that burglary and
8 whatever turns up. And we just feel like they -- the
9 evidence just is legally insufficient.

10 THE COURT: Motion denied.

11 While I got y'all up here, I'll hear
12 objections to the charge. Any objection on the part of
13 the State?

14 MS. RAMIREZ: No objection from the State.

15 MR. DAVIDSON: Other than the point we
16 pointed out to the prior offenses for jurisdictional
17 purposes.

18 THE COURT: We took that out.

19 MR. DAVIDSON: At this time, the Defense
20 will rest.

21 THE COURT: Ladies and gentlemen of the
22 jury, I do have the charge ready. I'm getting ready to
23 read the charge of the Court to you. Please listen
24 carefully when I read the charge to you, but you do not
25 have to memorize what I read to you. The charge will go

1 back with you when you deliberate.

2 After I read the charge of the Court to
3 you, it will be time for closing arguments. The
4 District Attorney's Office will go first, get the first
5 part of their closing argument. When they're finished,
6 the Defense counsel will get his closing argument.
7 Because the District Attorney's Office has the burden of
8 proof in this case, they have a right to do a final
9 closing argument.

10 After closing arguments, I will give you
11 further instructions, and then I will formally submit
12 this case to you for your deliberations.

13 (Reading of the charge.)

14 THE COURT: Ms. Ramirez, are you ready to
15 proceed?

16 MS. RAMIREZ: The State waives right to
17 open and reserves the right to close.

18 **CLOSING STATEMENT**

19 MR. DAVIDSON: Your Honor, opposing
20 counsel, ladies and gentlemen of the jury, may it please
21 the Court.

22 You will recall when we were doing jury
23 selection that one of the questions I posed to all of
24 the perspective jurors is: If you haven't seen enough
25 proof at the time the verdict is over, what do you