

1                                   **(Witness Duly Sworn)**

2                                   **THE COURT:** Thank you, sir. You may  
3 have a seat right there.

4                                   **CHRISTOPHER ZERMENO,**  
5 having been first duly sworn, testified as follows:

6                                   **DIRECT EXAMINATION**

7                   **Q.**       **(BY MS. KOCH)** Officer, please introduce  
8 yourself to the jury.

9                   **A.**       My name is Officer Christopher Zermeno.  
10 Been in auto theft for quite awhile, worked a lot of  
11 cases.

12                   **Q.**       What agency do you work for?

13                   **A.**       I work for Metro, assigned to the Houston  
14 Auto Crimes Task Force; and I have been there since,  
15 I believe, '10. Last couple of years anyway.

16                   **Q.**       Can you describe for the jury what your  
17 task force does?

18                   **A.**       High crimes, crime spots, auto theft,  
19 burglary of motor vehicles. We have quite a caseload  
20 that we work, high-target, high-crime areas; and get  
21 assigned some cases and get tips on some cases and  
22 work those, as well.

23                   **Q.**       And how long have you been -- well, were  
24 you an officer before you were assigned to that task  
25 unit?

1           A.       Yes.    About 16 years.

2           Q.       So, in total, how long have you been an  
3 officer?

4           A.       I have been a police officer almost 17  
5 years now.

6           Q.       Seventeen?

7           A.       Yes, ma'am.

8           Q.       And the last two were spent in this task  
9 force?

10          A.       Yes, ma'am.

11          Q.       Okay.  Now, how do the officers -- or how  
12 does your task force typically even get involved  
13 when -- with a car being stolen?

14          A.       We either are contacted by the  
15 complainants -- complainants contact our office  
16 looking for somebody that will -- they feel  
17 victimized a lot of times.  They're pursuing someone  
18 that will pick it up, and they call us.  Sure, no  
19 problem, we will assign it to ourselves and start  
20 working it.

21                    Our -- we're funded by the state  
22 pretty much as a grant.  So, our focus is to help the  
23 victims.  So, we try to help the victims.

24          Q.       And when you say -- just so there is no  
25 confusion with the jury, when you say a "complainant"

1 and "victim," what does that mean? Who is that  
2 person?

3 A. The complainant feels victimized. The  
4 complainant is the person that the vehicle was stolen  
5 from or broken into or -- victim is the same. And we  
6 also get assigned cases --

7 **THE COURT:** Excuse me. I think you  
8 need to just answer the question asked.

9 **THE WITNESS:** Yes, ma'am. No problem.

10 **THE COURT:** Just answer in a sentence  
11 or two.

12 **THE WITNESS:** Yes, ma'am.

13 **THE COURT:** You can't go into a whole  
14 paragraph. And then wait for the next question  
15 because that's what the rules require.

16 **THE WITNESS:** Yes, ma'am.

17 **THE COURT:** Thank you.

18 **Q. (BY MS. KOCH)** Now, Officer, do you recall  
19 how you became involved in this incident?

20 A. Yes, ma'am. I was contacted by a locator  
21 that told me they had located one of the stolen  
22 vehicles.

23 **Q.** What is a locator?

24 A. Somebody Enterprise hires to see if they  
25 can help out in locating the vehicle.

1           Q.     Can you please explain why it might be  
2 necessary, even though we have a task force, for  
3 people to hire locators?

4           A.     There is so many thefts and so many we  
5 can't refer. My squad is only 14 people. So, they  
6 seek outside help, too, sometimes.

7           Q.     When you say your squad is 14 people, can  
8 you give the jury an idea of about how many cases  
9 each of you actually work?

10          A.     No. I know I had quite a few at any given  
11 time. Within the last few months, I had 34 in one  
12 month.

13          Q.     Okay. 34 cases at any given time would be  
14 an average?

15          A.     Sometimes.

16          Q.     Okay. Now, you said that a locator had  
17 contacted you?

18          A.     Correct.

19          Q.     So, then what happened next?

20          A.     I contacted Officer Blankenship and asked  
21 him if he could go by and see if he could locate the  
22 vehicle.

23          Q.     To your knowledge, did he locate the  
24 vehicle?

25          A.     Yes, ma'am.

1 Q. And then what was the next time when you  
2 were involved in the case?

3 A. When he called and told me that they had  
4 video and that a third party had already identified  
5 who the lady was in the video.

6 Q. What do you mean by that?

7 A. The lady, Ms. Williams, in the green, they  
8 had said that Mr. Jordan, her previous boss, before  
9 she was terminated, that that was the same woman that  
10 worked for him.

11 Q. Okay. So, let's back up. So, you called  
12 Officer Blankenship to go follow up on a locater who  
13 found this missing car?

14 A. Yes, ma'am.

15 Q. And Officer Blankenship follows up on  
16 that --

17 A. Yes, ma'am.

18 Q. -- right?

19 Does Officer Blankenship, to your  
20 knowledge, get a positive ID on the person who is in  
21 the video?

22 A. Yes.

23 Q. And who does he get that from?

24 A. Mr. Jordan, Keith Jordan, which used to be  
25 her boss.

1           Q.     Okay.  And does he also get it from  
2 Mr. Hunter Cox?

3           A.     Correct.

4           Q.     And when I say "Hunter Cox," who is that in  
5 this case?

6           A.     He is the locator.

7           Q.     He is the locator?

8           A.     Yes, ma'am.

9           Q.     So, at this point you have contacted  
10 Officer --

11                   **THE COURT:**  Excuse me.  Can we have  
12 all the cell phones turned off.  I'm not sure where  
13 it's coming from.

14                   Okay.  Pardon the interruption.

15                   **MS. KOCH:**  May I proceed, Your Honor?

16                   **THE COURT:**  Uh-huh (affirmative.)

17                   **MS. KOCH:**  Thank you.

18           Q.     **(BY MS. KOCH)** Officer Blankenship at this  
19 point is meeting with the locator who is Hunter Cox?

20           A.     Yes, ma'am.

21           Q.     You're not present?

22           A.     No, ma'am.

23           Q.     At that point in time, they get an ID on  
24 who was in the video driving the car, to your  
25 knowledge?

1 A. Correct.

2 Q. Then what happens?

3 A. I -- the complainant -- saw the suspect  
4 had -- reviewed the video. I seen the gold Tahoe. I  
5 seen the close proximity of the dump location to her  
6 address --

7 Q. And I don't want to --

8 A. Go ahead.

9 Q. I'm sorry to interrupt. One thing, we're  
10 going to be -- the court reporter is taking down  
11 everything we're saying. So, we're not going to talk  
12 over each another, which is why I'm hesitant to  
13 interrupt you.

14 But when you say you're talking about  
15 the video, how did you get the video?

16 A. Wal-Mart sent it to us.

17 Q. Wal-Mart sent you the video?

18 A. Correct.

19 Q. Okay. And you watched the video?

20 A. Correct.

21 Q. And what did you see on the video?

22 A. Silver Charger pulling up, a gold Tahoe  
23 pulling up, early 2000s model, several individuals  
24 exiting, movement by the silver Tahoe -- or silver  
25 Charger coming up. You see the movement turns into a

1 black female in a white shirt and black pants. Video  
2 follows the lady into the store, shopping, and at  
3 check out and upon exit.

4 Q. Okay. It is -- are you telling the jury  
5 that it is your belief that the female you described  
6 in the white shirt who walked into the Wal-Mart was,  
7 in fact, the person operating the Charger on video?

8 A. Yes, ma'am.

9 Q. Okay. Is there any doubt in your mind  
10 about that?

11 A. No, ma'am.

12 Q. Now, once the suspect at that point in  
13 time, who was wearing the white shirt and whatnot,  
14 goes into the Wal-Mart, did you have you an  
15 opportunity to view all of the different angles that  
16 was given by Wal-Mart?

17 A. Yes, ma'am.

18 Q. Okay. What did you do after you viewed the  
19 video?

20 A. I ran the suspect's name in a database that  
21 I have access to to look at different pictures.

22 Q. And just to be clear, why did we know that  
23 the suspect -- what was the suspect's name?

24 A. Nettra Williams or Nettra Hawthorne,  
25 either.



1           Q.       Okay. Why did we know that Nettra Williams  
2 was the suspect when you started running her in the  
3 system?

4           A.       Because of Keith Jordan and Hunter Cox.

5           Q.       So, she had been identified by two people  
6 at that point in time?

7           A.       Yes, ma'am.

8           Q.       Okay. Now, you started running her and --  
9 I'm sorry. Where did you run her through?

10          A.       The database we have access to.

11          Q.       Okay. Did you -- did you ever find a good  
12 address or an address for Nettra Williams?

13          A.       Yes, ma'am. It was off the West Road.

14          Q.       What would be 503 West Road?

15          A.       Yes, ma'am.

16          Q.       Okay. Now, we -- do you -- I know it's lot  
17 to ask, but do you recall what the exact address is  
18 of the Wal-Mart? It's in your report.

19          A.       No, ma'am. It's in the report. But like  
20 14000 block of North Freeway, I believe.

21          Q.       10411 North Freeway sound right?

22          A.       Sounds correct.

23          Q.       Okay.

24                   **MS. KOCH:** May I approach, Your Honor?

25                   **THE COURT:** Yes, ma'am.

1           **Q.**     **(BY MS. KOCH)** I'm showing you what has been  
2 marked as State's Exhibit 9 for identification  
3 purposes. Do you recognize what this is?

4           **A.**     Yes, ma'am.

5           **Q.**     Okay. What do you recognize it to be?

6           **A.**     Map of the two locations.

7           **Q.**     At Point A, what address do you -- is that  
8 marked as?

9           **A.**     That is the Wal-Mart.

10          **Q.**     And what is the actual physical address  
11 there?

12          **A.**     10411 North Freeway.

13          **Q.**     And at Point B, what address does that  
14 represent?

15          **A.**     Ms. Williams' home address, 503 West Road.

16          **Q.**     Okay.

17          **A.**     Very short distance.

18          **Q.**     And --

19                   **MS. KOCH:** I'm showing to opposing  
20 counsel what has been marked as State's Exhibit 9 for  
21 identification purposes, Your Honor. We move to  
22 admit it only as a representation for a map of where  
23 the two locations are.

24                   **THE COURT:** Exhibit 9?

25                   **MS. KOCH:** Yes, Your Honor.

1                   **THE COURT:** Thank you.

2                   **MS. FOOTE:** No objection, Your Honor.

3                   **THE COURT:** Admitted.

4                   **MS. KOCH:** May we publish?

5                   **THE COURT:** Yes, ma'am.

6                   **Q.**        **(BY MS. KOCH)** So, Officer, when you were  
7 looking to -- when you were -- can you see the  
8 exhibit, Exhibit 9, now, Officer?

9                   A.        Yes, ma'am.

10                  **Q.**        Okay. Now, the screen next to you, to your  
11 other side to your left --

12                  A.        Yes, ma'am.

13                  **Q.**        Okay. On that screen, if you touch it, it  
14 will make a mark. Okay?

15                                So you -- can you please draw with  
16 your finger on A where the Wal-Mart was located or  
17 is?

18                  A.        (Indicating.)

19                  **Q.**        And is that in Harris County, Texas?

20                  A.        Yes, ma'am.

21                  **Q.**        Is that the location where the video was  
22 taken of the suspect driving the Charger?

23                  A.        Yes, ma'am.

24                  **Q.**        Now, can you please circle B where you  
25 found the defendant's address to be?

1 A. (Indicating.)

2 Q. Okay. Now, the directions that are marked  
3 on here are simply a side thing from Google, but do  
4 you know about how far away those two points are from  
5 each other?

6 A. No, ma'am. It's close.

7 Q. Okay. So, would you say less than 2 miles?

8 A. Yes, ma'am.

9 Q. Okay. So, the defendant lives less than 2  
10 miles away from where the video of her driving the  
11 car would be, correct?

12 A. Yes, ma'am.

13 Q. Okay. Now, if you touch -- if you touch  
14 the bottom left-hand corner of that, it will get rid  
15 of what you're drawing.

16 A. (Witness complies.)

17 Q. Perfect. Thank you.

18 A. No problem.

19 Q. Now, after you found out her address, did  
20 you make yourself familiar with what Nettra Williams,  
21 or her maiden name Hawthorne, looked like?

22 A. Yes, ma'am.

23 Q. Okay. So --

24 **MS. KOCH:** May I approach, Your Honor?

25 **THE COURT:** Yes, ma'am.

1           **Q.**        **(BY MS. KOCH)** And why was it important for  
2 you to make yourself aware of what the suspect looked  
3 like?

4           **A.**        Because I wanted to make sure it was the  
5 right suspect.

6           **Q.**        Okay. I'm showing you what has been marked  
7 as State's Exhibit 4.

8           **A.**        Yes.

9           **Q.**        Do you recognize what this is?

10          **A.**        It's a mugshot.

11          **Q.**        Okay. And do you recognize the person in  
12 it?

13          **A.**        Yes, ma'am.

14          **Q.**        Is that a fair and accurate representation  
15 of the person -- who do you recognize it to be?

16          **A.**        Ms. Williams.

17          **Q.**        And is that a fair and accurate  
18 representation of Ms. Williams as you know her to be?

19          **A.**        Yes, ma'am.

20                    **MS. KOCH:** I'm tendering to opposing  
21 counsel what has been marked as State's Exhibit 4 for  
22 identification purposes; and move to admit, Your  
23 Honor.

24                    **MS. FOOTE:** No objection.

25                    **THE COURT:** Admitted.

1           Q.       (BY MS. KOCH) Now, Officer, this picture  
2 is -- you said it was of the defendant, correct?

3           A.       Yes, ma'am.

4           Q.       And did you use this picture to aid you in  
5 your investigation of confirming her identity in the  
6 video?

7           A.       I don't recall actually that picture, no,  
8 because I think that was actually at the time of the  
9 arrest.

10          Q.       Okay. But a picture of her looking  
11 similar?

12          A.       A prior picture.

13          Q.       At this point in time?

14          A.       Yes, ma'am.

15                   **THE COURT:** Excuse me. Try not to  
16 talk at the same time.

17                   **MS. KOCH:** Yes.

18          Q.       (BY MS. KOCH) Let's make sure.

19          A.       No problem.

20          Q.       Sometimes I have a tendency to run over.  
21 So, if you could bear with me. Okay?

22                   I will ask you again. So, is this  
23 similar to what she looked like at the time frame of  
24 when this offense happened?

25          A.       Yes, ma'am.

1 Q. Okay. Thank you.

2 Now, did you do any further research  
3 as to who owned the Tahoe?

4 A. Yes, ma'am.

5 Q. And what did your research reveal of who  
6 owned that Tahoe? And when I say "Tahoe," what I'm  
7 specifically talking about, is the vehicle that the  
8 male and some other individuals got out of and met  
9 with the suspect in the Wal-Mart parking lot.

10 Who -- what did you learn about that  
11 car?

12 A. When I ran registered vehicles to their  
13 address, it's a Mr. Harrison Williams on a gold  
14 Tahoe, 2004.

15 Q. Okay. Do you know who Mr. Harrison  
16 Williams is?

17 A. The spouse.

18 Q. Spouse of who?

19 A. Ms. Williams.

20 Q. And how do you know that?

21 A. I saw -- when I ran it through our  
22 database, it showed a marriage license.

23 Q. Okay. So, you identified the male that  
24 Nettra Williams, who was identified by two other  
25 people, met up with as her husband?

1 A. Yes, ma'am.

2 Q. Okay. Now, was there any doubt in your  
3 mind that the Tahoe and that person were related  
4 somehow to Ms. Williams?

5 A. No doubt.

6 Q. Okay. In your investigation of that  
7 particular offense, did you ever meet with or have a  
8 conversation with the Enterprise managers?

9 A. Managers, no.

10 Q. Or complaining witnesses?

11 A. Yes, ma'am.

12 Q. Okay. And during that conversation, do  
13 they report to you that the vehicle had been taken  
14 without permission?

15 A. Yes, ma'am.

16 Q. Okay. And did you confirm with them that  
17 there wasn't any permission for -- in particular,  
18 this defendant -- I'm sorry. I asked that very  
19 confusingly. Let me rephrase.

20 Did you confirm that this defendant  
21 did not have permission to operate the car on  
22 June 28, 2012?

23 A. Yes, ma'am.

24 Q. And when I say "the car," specifically I'm  
25 talking about the Dodge Charger.



1           A.       That's correct.

2           Q.       Now, after -- well, what did you do next in  
3 your investigation, after you did your research on --  
4 through your testimony?

5           A.       I ran -- saw she went to check out at a  
6 register.

7           Q.       When you say "she," who are you talking  
8 about?

9           A.       I saw Ms. Williams check out at a register.

10          Q.       Okay. Then what?

11          A.       She ran two cards through. This usually  
12 means they're using a food stamp. I contacted the  
13 OIG office for copy of the food stamp records.

14          Q.       Now, let's back up. Did you receive any  
15 information from Laura Martinez about the transaction  
16 that was happening in the video?

17          A.       She relayed to Blankenship that she -- that  
18 I believe it was register 18 that Ms. Williams, the  
19 suspect -- Ms. Williams went to and made a purchase  
20 for \$5 and some-odd change.

21          Q.       So, you have an exact amount of purchase  
22 she made on one card?

23          A.       Yes, ma'am.

24          Q.       And you said you followed up with who?

25          A.       Food stamp, OIG, Office of Inspector

1 General, to get the records of her food stamp  
2 records.

3 Q. Okay. Through that investigation, what did  
4 you find out?

5 A. That Nettra Hawthorne or Ms. Williams --  
6 her food stamp card was used for that exact amount at  
7 that exact register at that exact time.

8 Q. So, the person that the jury saw on camera  
9 in the video you identified through the OIG --

10 A. Yes, ma'am.

11 Q. -- OIG as this defendant, Nettra Williams  
12 or Nettra Hawthorne?

13 A. As her card being used there, yes, ma'am.

14 Q. Okay. Now, what did you do after that?

15 A. That was it.

16 Q. Well, after you completed your report, your  
17 investigation, do you write a report?

18 A. I do, ma'am.

19 Q. Okay. So, did you write a report in this  
20 case?

21 A. I did, ma'am.

22 Q. And then what happens?

23 A. I filed an affidavit with the D.A.'s  
24 office, and they issued a warrant for her arrest.

25 Q. Okay. When you say "I filed an affidavit,"

1 what is an affidavit?

2 A. I go to the -- it's probable cause.

3 Q. Do you swear by the affidavit?

4 A. Yes, ma'am.

5 Q. Okay. And so, once you did that, did --  
6 you weren't the one that actually arrested this  
7 defendant or served the warrant or anything like  
8 that?

9 A. No, ma'am. I issued the affidavit.

10 Q. Prior to this, your involvement with this  
11 case, did you know the defendant?

12 A. No, ma'am.

13 Q. Have you ever met her prior to today?

14 A. No, ma'am.

15 Q. So, you don't have any ill feelings or  
16 anything like that?

17 A. No, ma'am, not at all.

18 Q. Okay. Now, in -- you mentioned that you  
19 worked in the task force for about two years?

20 A. Yes, ma'am.

21 Q. And you have worked several cases. Do you  
22 always -- do you ever get DNA swabs for these types  
23 of cases?

24 A. Sometimes.

25 Q. And what would be a circumstance that you

1 would get a DNA swab?

2 A. Unknown. Unknown person takes an  
3 unknown -- or takes a complainant's vehicle. We have  
4 no leads in the case, get a DNA swab, and run it  
5 through the M.E.'s office and see if comes up with a  
6 positive hit.

7 Q. So, if you don't have a suspect, that's one  
8 way of getting one?

9 A. Yes, ma'am.

10 Q. What about fingerprints? Do you always  
11 take fingerprints in cases like this?

12 A. Not always, no.

13 Q. Do you sometimes?

14 A. Yes, ma'am.

15 Q. Okay. Can you explain sometimes why you  
16 take fingerprints?

17 A. Well, with -- yes, I wouldn't take  
18 fingerprints.

19 Q. Well, do you sometimes take fingerprints?

20 A. For an unknown suspect, to put them in a  
21 vehicle at the time of the theft.

22 Q. Okay. Now, in this case did anybody -- you  
23 or Officer Blankenship take fingerprints?

24 A. No, ma'am.

25 Q. And did you take a DNA swab?

1 A. No, ma'am.

2 Q. Why not?

3 A. She was previously employed at the place  
4 where the vehicle came from, that she had access to.  
5 Even if her fingerprints or DNA was in the vehicle,  
6 to me, that wouldn't show anything. That wouldn't  
7 had been enough to say she was in the vehicle at that  
8 time. For -- at that time we needed to show the  
9 length of her use of the vehicle right then. It  
10 wouldn't have been fair to her or anybody else to use  
11 the DNA at that time.

12 Q. Do you -- I'm sorry.

13 A. Go ahead.

14 Q. Are you done?

15 A. Yes, ma'am.

16 Q. Did you feel -- well, let's -- what kind  
17 of -- we're talking about a car from Enterprise,  
18 correct?

19 A. Yes, ma'am.

20 Q. So, what would you suspect to find in a car  
21 from Enterprise?

22 A. Multiple donors. Multiple donors of DNA,  
23 fingerprints. Lots of it.

24 Q. Okay. Would it be fair to say that this is  
25 sort of a different situation than you normally deal

1 with, like, for instance, if my personal car was  
2 stolen?

3 A. Yes, ma'am.

4 Q. Okay. Now, Officer, do you feel like you  
5 had a direct link in this case between the defendant  
6 and the charge we're here for today, the unlawful use  
7 of the car?

8 A. Absolutely.

9 Q. And what was that direct link?

10 A. The prior working at Enterprise, the  
11 vehicle dumped less than a mile from her house -- or  
12 less than 2 miles, I believe we came up with, from  
13 her house -- the 2004 or so gold Tahoe, her location,  
14 her family location, her food stamp card being used  
15 at the booth, and to me there was nothing else.

16 Q. And, most importantly, what is the physical  
17 piece of evidence that we have linking this defendant  
18 to the -- her driving the car?

19 A. Her getting out.

20 Q. And that's captured on what?

21 A. Video.

22 Q. On video?

23 A. Yes, ma'am.

24 Q. And, Officer, I know this sounds like a  
25 silly question, but you watched the video, and

1 according to what you saw, was the vehicle being  
2 driven a motor-propelled vehicle?

3 A. Yes, ma'am.

4 Q. And was it being operated?

5 A. Yes, ma'am.

6 Q. And how do we know it was being operated?

7 A. Because it drove through the parking lot  
8 and someone got out of it.

9 Q. Okay.

10 **MS. KOCH:** I pass the witness, Your  
11 Honor.

12 **THE COURT:** Thank you.

13 Ms. Foote?

14 **MS. FOOTE:** Yes. Thank you, Your  
15 Honor.

16 **CROSS-EXAMINATION**

17 Q. **(BY MS. FOOTE)** Good afternoon, Officer  
18 Zermeno.

19 A. Good afternoon.

20 Q. After the car was taken -- I guess  
21 basically returned to Enterprise from the Wal-Mart  
22 parking lot, did you do any further investigation in  
23 regards to the case?

24 A. Yes, ma'am. That's -- I had to.

25 Q. Well, other than your supplement. Sorry.

1           A.       Pulled video, everything involved in the  
2 supplement, yes. What exactly are you asking?

3           Q.       Okay. I just want to understand how far --  
4 did you ever interview Ms. Williams?

5           A.       No, ma'am. I did not have the opportunity.

6           Q.       Okay. And are you aware of whether anybody  
7 in your department or your task force interviewed  
8 Ms. Williams?

9           A.       No, ma'am.

10          Q.       Okay. Did you ever have occasion to try to  
11 or attempt to locate any vehicles at Ms. Williams'  
12 residence?

13          A.       Prior to now?

14          Q.       Prior to -- yes, prior to the date that the  
15 car was located at the Wal-Mart parking lot.

16          A.       No.

17          Q.       Okay. You stated that you believed you had  
18 the right person because you saw them getting out of  
19 the car. Did you actually see someone get out of the  
20 car in the video?

21          A.       Yes, ma'am.

22          Q.       Okay. And could you identify that person  
23 when they got out of the car?

24          A.       Not at that time. Until they got closer,  
25 no.



1 Q. Okay. Did the video that you had, is it  
2 the one that has been presented here today?

3 A. I hope so.

4 Q. The video that you saw, were you able to  
5 see all sides of the vehicle, the silver Charger,  
6 once it parked?

7 A. Once it's parked, no.

8 Q. Okay. Now, specifically were you able to  
9 see the driver's door once the car was parked?

10 A. Most of it. There was a black van parked  
11 right in front of it a little bit.

12 Q. You have seen the video. Okay. So, there  
13 was a pretty large obstruction in front of the silver  
14 Charger once it parked, correct?

15 A. Yes, ma'am.

16 Q. Okay. Now, there was also a point on the  
17 video where you see the Charger come up the parking  
18 lot underneath the camera in the drive lane there.  
19 Do you recall that?

20 A. I believe so.

21 Q. When it first gets there?

22 A. Yes, ma'am.

23 Q. First comes into view?

24 A. Yes.

25 Q. Okay. And at that time, when this is

1 directly in the light under the camera, can you see  
2 who the driver is?

3 A. No, ma'am.

4 Q. Was Ms. Williams working for Enterprise at  
5 the time that this car was recovered from the  
6 Wal-Mart parking lot?

7 A. No. She was already terminated from  
8 another deal.

9 Q. So, she wasn't working at Enterprise any  
10 longer by -- she wasn't working on June 28 and 29,  
11 2012. Ms. Williams wasn't working for Enterprise,  
12 correct?

13 A. I was advised she was not, that she was  
14 already terminated.

15 Q. Okay. Did you ever get any information as  
16 to how she was able to -- if you're saying that she  
17 was driving the Charger, how she was able to get that  
18 car if she no longer worked for them?

19 A. The car, from what I understand, had been  
20 missing before; and she was terminated over another  
21 unauthorized use.

22 Q. Okay.

23 **MS. FOOTE:** Your Honor, if we could  
24 approach.

25 **THE COURT:** Okay.

1                   **(At the Bench)**

2                   **MS. FOOTE:** I asked this witness if  
3 she wasn't working there, if he knew how she would  
4 get -- you know, how she had access to the car, and  
5 he goes and starts talking about something that I did  
6 not ask him about. I'm going to ask that his  
7 response be --

8                   **THE COURT:** First of all -- okay.  
9 What is it that you want?

10                  **MS. FOOTE:** I'm asking that his  
11 response be stricken because he started talking about  
12 the reason why she was terminated. I didn't ask  
13 that. And so, now he has already put it out there  
14 she was terminated --

15                  **THE COURT:** You-all knew when you  
16 asked that question --

17                  **MS. FOOTE:** I didn't ask that  
18 question.

19                  **THE COURT:** Ma'am, can I respond?

20                  **MS. FOOTE:** Uh-huh (affirmative.)

21                  **THE COURT:** When you asked that  
22 question, I'm sitting here waiting for his answer.  
23 He hadn't given one responsive answer yet. He  
24 rambles on to every question that's asked and gives  
25 unresponsive answers. And you asked a question that

1 called for hearsay, and he could have said anything  
2 in response to that question. I don't know why you  
3 asked him. So, don't ask that kind of question if  
4 you don't want --

5 **MS. FOOTE:** That wasn't anywhere near  
6 that. It wasn't even anywhere near that.

7 **THE COURT:** I knew it was coming the  
8 minute you asked that question. I knew.

9 **MS. FOOTE:** But it was nowhere near  
10 that. Nowhere. I didn't ask him why she was  
11 terminated or how.

12 **THE COURT:** Okay.

13 **(End of Bench Discussion)**

14 **THE COURT:** Officer Zermeno, only  
15 answer the question asked.

16 **THE WITNESS:** Yes, ma'am.

17 **THE COURT:** Thank you. Thank you.

18 Your objection is overruled.

19 **Q. (BY MS. FOOTE)** Did you ever have occasion  
20 to come into contact with Enterprise?

21 **A.** Yes, ma'am.

22 **Q.** Other than the investigator that worked for  
23 them?

24 **A.** Yes, ma'am.

25 **Q.** Okay. Were you aware that Ms. Williams did

1 not work directly for Enterprise?

2 A. Yes, ma'am.

3 Q. Okay. And do you know the name of the  
4 company she actually worked for?

5 A. Yes, ma'am.

6 Q. Can you name it?

7 A. Pinnacle.

8 Q. Okay. So she was actually employed by  
9 Pinnacle, correct?

10 A. Correct.

11 Q. Okay. So, Enterprise couldn't have fired  
12 her, correct?

13 A. Correct.

14 Q. All right. So, any reasoning that you were  
15 given was only speculation because she was not an  
16 employee, correct?

17 **MS. KOCH:** Objection, Your Honor.  
18 This is argumentative.

19 **THE COURT:** First of all, it calls for  
20 hearsay. So, sustained.

21 Q. **(BY MS. FOOTE)** You say that on the video,  
22 once Ms. Williams -- the person that is later  
23 identified as Ms. Williams gets to -- comes from, I  
24 guess, in between the van and the Charger, that at  
25 that point you're able to say that's who we're

1 tracking and then a year later able to identify her  
2 at the register using --

3 **THE COURT:** Excuse me. That is  
4 multifarious. Can you ask one question at a time?

5 **MS. FOOTE:** Yes, Your Honor.

6 **Q. (BY MS. FOOTE)** You're only able to identify  
7 Ms. Williams once she got into the store and used the  
8 register, correct?

9 **A.** No, ma'am.

10 **Q.** Tell me when you were able to identify her.

11 **A.** Entry, register, and exit. With entry and  
12 exit, getting a better identification.

13 **Q.** Okay. So --

14 **THE COURT:** Hold on just a minute.  
15 She didn't ask what was the better identification.  
16 So, just try and answer the question asked.

17 **THE WITNESS:** Yes, ma'am.

18 **THE COURT:** Thank you.

19 **MS. FOOTE:** Thank you, Judge.

20 **Q. (BY MS. FOOTE)** Other than when you believed  
21 that you first identified Ms. Williams on the video  
22 at the tail of the car, once it -- once she comes  
23 from in between the black van and the Charger, other  
24 than that first point where you see the person, did  
25 you ever see that person go back to the Charger?

1 A. No.

2 Q. Okay. Did you -- based on what you were  
3 able to see on the video, did you perceive any type  
4 of nervous movement or hesitation or anything that  
5 would denote guilt?

6 A. No, ma'am.

7 Q. Or criminal activity?

8 A. No, ma'am.

9 Q. Okay. Now, you stated earlier that you  
10 were able to locate an address for Ms. Williams and  
11 it was a short distance from the Wal-Mart location  
12 where the car was left or dumped, as you say,  
13 correct?

14 A. Yes, ma'am.

15 Q. Okay. Now, the Enterprise location, how  
16 far is it from the Wal-Mart?

17 A. I do not know.

18 Q. Okay. Do you know where the Enterprise  
19 location was or where the car was supposed to have  
20 been taken from?

21 A. No, I don't recall.

22 Q. Other than the grainy video, did you bring  
23 any other evidence that Ms. Williams was driving that  
24 car?

25 A. No, ma'am.

1                   **MS. FOOTE:** Pass, Your Honor.

2                   **THE COURT:** Thank you.

3                   Redirect?

4                   **MS. KOCH:** No, Your Honor.

5                   May the witness be excused?

6                   **THE COURT:** Is this witness excused,  
7 Ms. Foote?

8                   **MS. FOOTE:** Yes, Your Honor.

9                   **THE COURT:** Thank you. Sorry. You're  
10 released as a witness. Thank you so much.

11                   We will take the afternoon recess  
12 until 10 after 3:00. And if you want to walk around  
13 the courthouse, you may. We have vending machines on  
14 the second floor. Thank you.

15                   All rise, please, for the jury.

16                   **(Jury released)**

17                   **(Recess taken)**

18                   **(Jury enters courtroom)**

19                   **THE COURT:** Thank you. Have a seat.

20                   Come on up, please, Officer, and turn  
21 and face the jury and I will give you the oath.

22                   **(Witness duly sworn)**

23                   **THE COURT:** Thank you. Have a seat.

24                   **MR. BATARSE:** May I proceed, Your  
25 Honor?