

1 PLANTIFF: MS. HUNT

2 WITNESS:

3 COURT:

4 DEFENDANT: MS. WHITE

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6 WARM UP

7 THE COURT: Before we bring in the jury, did
8 counsel want to address the issue of calling the drug
9 expert?

10 MS. HUNT: Yes. I believe counsel and I were /
11 going to talk about that over the lunch recess. I
12 think it is something that we should be able to work
13 out.

14 THE COURT: All right.

15 MS. WHITE: I / have discussed with counsel the
16 areas that I have concern about. I agree that we
17 should be able to come to some agreement as far / as
18 that testimony, and perhaps we won't need to call the
19 witness.

20 MS. HUNT: I agree. I may need to call the witness
21 just for some evidence / identification issues, but as
22 far as the analysis of the drugs, we may have a
23 stipulation.

24 THE COURT: All right. I will just let you work on
25 / that, then.

26 MS. HUNT: Thank you.

1 THE COURT: Was there an issue with the witness on
2 the stand at this time?

3 MS. WHITE: I just wanted the witness to be told /
4 about our discussions and the subjects that are not to
5 be testified before the jury.

6 MS. HUNT: The witness is present and I have
7 discussed it with / him.

8 THE COURT: Officer, you were present during our
9 discussions without the jury. I assume you understand
10 what we are talking about.

11 THE WITNESS: Yes, your Honor. I understand.* /

12 THE COURT: All right. Did you want to inquire of
13 the witness?

14 MS. HUNT: I can do that, your Honor.

15 MS. WHITE: Go ahead.

16 Q. BY MS. HUNT: Officer, you are aware that the
17 defendant / has had prior contact with law enforcement;
18 is that correct?

19 A. Yes, I am.

20 Q. You are aware that the defendant has been
21 arrested over ten times; / is that correct?

22 A. Yes, I am.

23 Q. You are familiar with the circumstances of
24 those contacts with your department?

25 A. Yes, I am.

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1 Q. And you are aware / we won't be discussing
2 those in front of the jury at this time?

3 A. Yes, I understand that.

4 Q. Do you have any questions about that?

5 A. No. /

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END OF WARM UP

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1 EXAM

2 THE COURT: If there is nothing further on that
3 issue, we can bring the jury in; is that right?

4 MS. HUNT: Yes, your Honor. We are ready to
5 proceed. /

6 THE COURT: We are back on the record. You may
7 resume your direct examination.

8 MS. HUNT: Thank you, your Honor.

9 Before I do that, may I ask what exhibit / number
10 we left off with, your Honor?

11 THE COURT: Your next in order would be 15.

12 MS. HUNT: Thank you, your Honor.

13 THE COURT: Let's proceed.

14 Q. BY MS. HUNT: Officer, before the break we /
15 were talking about when you approached the defendant's
16 home. Now, do you remember what time that was?

17 A. It was just after 2:00 in the afternoon. /

18 Q. All right. And how long had you been watching
19 the house before you went in?

20 A. We had been on the street since early that
21 morning. /

22 Q. And were you always focused on the defendant's
23 home that day?

24 A. Yes. The surveillance of the defendant's home
25 had been going on for some time. /

26 MS. WHITE: Objection. Nonresponsive.

1 THE COURT: All right. Sustained. Everything
2 after "yes" is stricken. Next question.

3 MS. HUNT: I would ask, your Honor, to mark as
4 exhibit 15 this diagram.

5 THE COURT: It / may be so marked.

6 MS. HUNT: Is there an objection if I display
7 it to the jury before it is in evidence?

8 MS. WHITE: I have no objection. Counsel */ has
9 shown me the exhibits that she is planning to use, and
10 I have copies as well.

11 THE COURT: All right. Thank you.

12 Q. BY MS. HUNT: Officer, do you recognize / what
13 we have marked as the next exhibit?

14 A. Yes, I do.

15 Q. What does that depict?

16 A. That is a diagram of the house that we had /
17 been watching and that had been identified as the
18 defendant's residence.

19 Q. Is this located in the City of Anaheim?

20 A. Yes, it is.

21 Q. And in the / County of Orange?

22 A. Yes, it is.

23 Q. Now, you testified that you had been on the
24 street since early that morning; is that correct?

25 A. Yes, it / is.

26 Q. What time did you arrive on the scene?

1 A. I personally arrived at 6:00 a.m.

2 Q. All right. Now, we left off before the break
3 / discussing the approach to the defendant's home. And
4 I believe you testified it was approximately 2:00
5 o'clock when you made entry in the home?

6 A. We / first entered the garage. That's where
7 the defendant was located and that's where we first
8 entered.

9 Q. All right. Tell us what happened when you
10 first / entered the garage.

11 A. Yes, ma'am. We entered the garage and
12 observed the defendant to be standing next to a work
13 bench located in the garage. */

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1 START TYPING

2 Q. BY MS. HUNT: What did you do at that time?

3 A. We directed the defendant to place his hands
4 where we could see them and step away from the / bench.

5 MS. WHITE: Excuse me, your Honor. If the witness
6 could be directed to just testify as to what he
7 personally did, that would make it easier. /

8 THE COURT: Is that an objection?

9 MS. WHITE: Yes, your Honor. Objection.

10 MS. HUNT: I can clear it up, your Honor.

11 THE COURT: All right. Overruled.

12 Next question.

13 Q. BY MS. HUNT: Officer, when you entered the /
14 garage, what did you do?

15 A. I instructed the defendant to put his hands
16 where I could see them.

17 Q. All right. Did he immediately comply?

18 A. Yes, / he did.

19 Q. Was there anyone else in the garage with the
20 defendant when you first approached?

21 A. Yes. There was another male subject who was
22 seated / on the west side in a recliner.

23 Q. Were any instructions given to that subject?

24 A. Definitely. He was instructed to do the same
25 thing, to display / his hands and to get down on the
26 ground.

1 Q. Did you also order the defendant to get down
2 on the ground?

3 A. No, I did not. / I just instructed him to
4 step back from the work area.

5 Q. Now, I want to show you some pictures here and
6 see if you recognize */ these.

7 THE COURT: Are you going to be marking these as
8 exhibits at this time?

9 MS. HUNT: Yes, your Honor. I have three
10 photographs that I would like to / mark as next in
11 order.

12 THE COURT: They may be so marked for
13 identification.

14 Q. BY MS. HUNT: Okay. On this photograph here,
15 16, do you recognize what this depicts?

16 A. Yes. / That is the chair where the other
17 male subject was sitting when we entered the garage.

18 Q. All right. And how about 17?

19 A. That would be / the work bench area where the
20 defendant was standing.

21 Q. And how about 18?

22 A. That would be another view of the same place
23 where the defendant / was when we first entered.

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1 Q. Now, I want to ask you about what you found
2 when you entered the garage. You testified earlier
3 that you / had been observing the defendant for some
4 time?

5 A. Yes, that's correct.

6 Q. How was it that you were first connected to
7 the defendant?

8 MS. WHITE: Objection. Vague.

9 THE COURT: Sustained. /

10 Q. BY MS. HUNT: What was it that brought you to
11 be outside his home that morning?

12 A. We had been monitoring drug activity in the
13 neighborhood and had traced / some of the sales to that
14 address.

15 Q. Did you have any knowledge before that day of
16 what kind of drugs you were expecting to find */ at
17 that residence?

18 A. Yes.

19 Q. Did you expect to find cocaine?

20 MS. WHITE: Objection. Leading.

21 THE COURT: Sustained.

22 Q. BY MS. HUNT: Let me go back and start it this
23 way. You testified before / that you had the
24 information from Officer Brown that the defendant had
25 sold him drugs; is that right?

26 A. Yes, it is.

1 Q. And, tell the jury / now who Officer Brown is.

2 A. He is a police officer for the Anaheim Police
3 Department and he was working as an undercover officer.

4 Q. All right. / Now, is he your partner?

5 A. He is not my partner, but we do work for the
6 same department.

7 Q. All right. Now, without telling us what /
8 Officer Brown relayed to you, were you of the opinion
9 that the defendant was dealing drugs out of his home?

10 A. Yes.

11 Q. Had you observed any / drug transactions
12 yourself between the defendant and Officer Brown?

13 A. Yes, I had.

14 Q. All right. Tell us approximately how many you
15 had knowledge of?

16 MS. WHITE: Objection. Vague. / Your Honor, this
17 deals with the subject matter that we discussed before.

18 THE COURT: All right.

19 MS. WHITE: If we could have a time frame, I think
20 that would / take care of the objection.

21 THE COURT: Counsel, perhaps you could rephrase
22 your question.

23 MS. HUNT: Yes, your Honor.

24 THE COURT: All right.

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1 Q. BY MS. HUNT: Officer, in the three months
2 before the defendant's */ arrest, how many transactions
3 did you observe between the defendant and Officer
4 Brown?

5 A. I would estimate that there were approximately
6 ten.

7 Q. And those would be / times where Officer Brown
8 was buying drugs from the defendant?

9 A. Yes.

10 Q. What drugs did he buy in his undercover role?

11 A. It was mostly cocaine, but / there was also
12 marijuana and some meth.

13 Q. All right. Now, when you made entry to the
14 defendant's home, tell us what you saw.

15 A. The defendant / and the other male were
16 packaging cocaine.

17 Q. What did you see on the work table in front of
18 the defendant as you approached him?

19 A. There / were several small bindles of a white
20 substance immediately in front of him. There was also
21 a scale and packaging materials.

22 Q. Now, I assume that / the defendant was removed
23 from the residence at some point; is that correct?

24 A. Yes.

25 Q. Was he arrested?

26 A. Yes. Both subjects were arrested eventually.

1 Q. Okay. Did / you conduct a search of the
2 premises at that time?

3 A. Yes, we did.

4 Q. Were you involved in that search?

5 A. I was, that's correct.

6 Q. Tell us / what else you found on that day.

7 A. Do you mean just in the garage, or the entire
8 house?

9 Q. Let's start with the garage where the */
10 defendant was standing. If you could start with the
11 work table area where you observed the defendant. Was
12 there something else that you saw on / that table?

13 A. Yes. In addition to the drugs there was also
14 a box of ammunition on the table.

15 Q. What kind of ammunition are we talking /
16 about?

17 A. There was a box of shotgun shells to the right
18 of the table. Right above the table was a shelf that
19 had a loaded / shotgun.

20 Q. Was that within reach from where the defendant
21 was standing?

22 MS. WHITE: Objection. Speculation.

23 THE COURT: Sustained.

24 Q. BY MS. HUNT: Well, how tall was the shelf
25 where you observed the gun? /
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1 A. I would estimate that it was approximately
2 eight feet off the ground.

3 Q. All right. Did you see that shotgun as you
4 first approached the garage? /

5 A. Yes, I did.

6 Q. Is that one of the reasons why you asked to
7 have the defendant's hands where you could see them?

8 A. Well, that's standard / whenever we are
9 approaching suspects, but the knowledge that there were
10 weapons in the garage is also a consideration.

11 Q. Did you have knowledge before that / day that
12 the defendant was known to have weapons in his
13 possession?

14 A. Yes, I did.

15 Q. And did that come from Officer Brown?

16 MS. WHITE: Objection. Calls for */ hearsay.

17 MS. HUNT: I will withdraw the question, your
18 Honor.

19 THE COURT: All right. It is withdrawn.

20 MS. HUNT: I have no further questions at this
21 time, your Honor.

22 THE COURT: All right. / Cross-examination.

23 MS. WHITE: Thank you, your Honor. If I could just
24 have a moment before I begin.

25 THE COURT: Yes, that's fine.

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1 CROSS-EXAMINATION

2 Q. BY MS. WHITE: Officer, I want to ask you some
3 / questions about your surveillance of my client's
4 home.

5 A. All right.

6 Q. You testified before that you arrived on the
7 scene at approximately 6:00 o'clock that morning; / is
8 that right?

9 A. Yes, I did.

10 Q. Where did you position yourself upon arrival?

11 A. I was in the police van that was parked down
12 the street / from the defendant's location.

13 Q. Did you arrive to that location in that van?

14 A. No. The van was there before I arrived. I
15 was in an / unmarked vehicle. I parked around the
16 corner and then walked to the van.

17 Q. So you were familiar with where the van was
18 parked before you / arrived there?

19 A. Yes.

20 Q. How did you know where the van was when you
21 arrived there?

22 MS. HUNT: Objection. Irrelevant.

23 THE COURT: Overruled. You may answer.

24 THE WITNESS: I was in telephone / contact with the
25 officers in the van. I already knew what the van
26 looked like, so it wasn't hard to find.

1 Q. BY MS. WHITE: All right. Describe what */
2 kind of automobile this is for the jury, please.

3 A. It is just a regular van similar to what you
4 would see on the road.

5 Q. Was / it equipped with all the fancy equipment
6 in the back section like we see in the movies?

7 A. No, definitely not. It is simply a regular /
8 passenger van that we utilize.

9 Q. All right. Now, once you were inside the van
10 were you able to observe the front of my client's
11 home?/

12 A. I could see the garage, but not the front of
13 the residence.

14 Q. Was the door open when you initially arrived?

15 A. Correct.

16 Q. All right. Now, did / you see the defendant
17 at that time?

18 A. Not when I first arrived. Mr. Blake was in
19 the garage by himself.

20 Q. Mr. Blake is the other / man that was in the
21 garage and was arrested with the defendant?

22 A. Yes, that is correct.

23 Q. Okay. When did you notice my client to enter
24 / the garage that morning?

25 A. He left the house and came around to the
26 garage just before 8:00 o'clock.

1 Q. Did he remain within your vision the / whole
2 time until you arrested him?

3 A. Yes, he did.

4 Q. All right. Did you actually enter the
5 residence at that address?

6 A. Yes, I did.

7 Q. Was there */ anyone else in the home on that
8 morning?

9 A. Yes. The defendant's wife and two of his
10 children were there.

11 Q. Did you have any contact with / the
12 defendant's wife?

13 A. Yes, I did.

14 Q. When did you first have any contact with her?

15 A. We were securing the residence and asked
16 everyone to step / into the living room.

17 Q. All right. Where was the defendant's wife
18 when you first spoke to her?

19 A. She was in the kitchen at the table / with her
20 daughter. I believe they were working on homework.

21 Q. All right. After my client was arrested, did
22 you have a conversation with his wife? /

23 A. Yes, I did.

24 Q. What did you ask her?

25 A. I asked her if she was aware of her husband's
26 activity.

1 Q. And what was her response?

2 MS. HUNT: Objection. / Calls for hearsay.

3 THE COURT: Sustained.

4 MS. WHITE: Your Honor, it goes to state of mind.

5 THE COURT: Sustained. Next question, please.

6 Q. BY MS. WHITE: Was anyone else present during
7 your conversation with his / wife?

8 A. The child was there initially. I asked Mrs.
9 Fox if I could speak to her in private.

10 Q. Why did you do that?

11 A. I didn't / want to have the conversation in
12 front of the children.

13 Q. All right. What happened after that?

14 A. There was another woman in the home, and she
15 */ came and took the kids out while I was talking to
16 the defendant's wife.

17 Q. Did you arrest his wife that day, then?

18 A. No, I did / not.

19 Q. Is it fair to assume you did not arrest her
20 because she wasn't involved in anything illegal, then?

21 MS. HUNT: Objection. Calls for legal conclusion.

22 THE COURT: Overruled. / You may answer.

23 THE WITNESS: She was not arrested.

24 Q. BY MS. WHITE: That is because she had done
25 nothing wrong; is that right?

26

1 A. She wasn't arrested at that time because / we
2 didn't think she should be.

3 Q. Has she since been arrested?

4 MS. HUNT: Objection. Irrelevant.

5 THE COURT: Sustained.

6 MS. HUNT: Your Honor, we need to approach sidebar
7 on the record, please. /

8 THE COURT: Is this something that we can address
9 at the break after the jury leaves?

10 MS. HUNT: Yes, your Honor. If I may have a
11 moment, your Honor. /

12 THE COURT: Certainly.

13 MS. WHITE: Your Honor, after conferring with Ms.
14 Hunt, I have nothing further at this time.

15 THE COURT: Do you have any redirect?

16 MS. HUNT: Just briefly, if I may. /

17 THE COURT: All right.

18 REDIRECT EXAMINATION

19 Q. BY MS. HUNT: Officer, I just wanted to clear
20 up something here. As you were watching the defendant
21 in his garage, did you observe what you / believed to
22 be a drug sale?

23 A. Yes, I did.

24 Q. And did you have prior knowledge that
25 something was going to occur at the defendant's home */
26 that afternoon?

1 A. Yes. Our undercover people had given us
2 information.

3 Q. Is that why you were there that day, or was
4 this just a random event? /

5 A. It was not random. We had been watching the
6 defendant for that very purpose that day.

7 Q. All right. And the information that you had
8 been / given was that the defendant was selling
9 cocaine, marijuana and meth out of his home; is that
10 right?

11 A. Yes, that's right.

12 Q. On the day that / you arrested the defendant,
13 did you collect evidence from the defendant's home?

14 A. Well, I didn't collect it, but other officers
15 did.

16 Q. Were you made aware / of certain evidence that
17 was collected?

18 A. Yes. I was the one in charge of overseeing
19 that process.

20 Q. Did you make a list of everything that / was
21 seized from the defendant's home?

22 A. Yes, I did.

23 Q. Before evidence is taken from the scene are
24 there photographs that are taken?

25 A. Yes.

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1 Q. Now, is / everything labeled and marked in
2 some way so that you can review that at a later time?

3 A. Yes. There are people who take photographs
4 before / the evidence is even picked up from the scene
5 and booked into evidence.

6 Q. Have you seen the photographs of the evidence
7 seized?

8 A. Yes, I have. */

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