

1 PLAINTIFF: Ms. Weston

2 WITNESS:

3 COURT:

4 DEFENDANT: Ms. Ryan

5

6 WARM UP

7 Q. BY MS. WESTON: All right. On the 27th of
8 November of 2012, at about 2:10, were you in the general
9 area of 1600 South / Evergreen Street in Santa Ana, in the
10 County of Orange?

11 A. Yes, I was.

12 Q. Do you see someone in court here that you saw in
13 that / general area that day?

14 A. Yes.

15 Q. Could you identify that person for us, please.

16 A. Yes. The man seated at the far left end of the
17 counsel / table wearing the Orange County Jail jumpsuit.

18 MS. WESTON: Your Honor, could the record show the
19 witness has identified the defendant?

20 THE COURT: It will so reflect.

21 MS. WESTON: Thank you, / your Honor.

22 Q. BY MS. WESTON: And where was it that you first
23 saw Mr. Edwards, the man you just identified?

24 A. The first time I saw him, he was / walking from
25 the east alley of the 1600 block of South Evergreen onto
26 the sidewalk on Evergreen.

1 Q. All right. Were you on duty that / day?
2 A. Yes, I was.
3 Q. Now, what did you do or why were you in the area?
4 A. We were conducting a narcotics enforcement
5 operation as part / of a full suppression team.
6 Q. All right. Was there something in particular that
7 attracted your attention to Mr. Edwards?
8 A. Yes.
9 Q. What was that?
10 A. As soon */ as Mr. Edwards stepped out onto the
11 sidewalk, he discarded an object onto the ground.
12 Q. All right. Was that when he came into view of /
13 you and, also, then you were within view of where he was
14 walking?
15 A. That's correct.
16 Q. Did anyone go and retrieve the item that he
17 discarded? /
18 A. Yes.
19 Q. And who retrieved it?
20 A. Detective Burns. He's my partner.
21 THE COURT: Detective who?
22 THE WITNESS: Burns, B-U-R-N-S.
23 MS. WESTON: Thank you.
24 Q. BY MS. WESTON: Did you have an opportunity to
25 examine / the item that was discarded?
26 A. That's correct.

1 Q. Would you describe that for the court, please.

2 A. Sure.

3 It was a clear, small Ziploc baggie containing a /
4 white crystal-like substance which resembled
5 methamphetamine.

6 Q. Did you have an opportunity to -- or, did you
7 subsequently weigh that substance?

8 A. Yes.

9 Q. All right. Did you weigh / it in the Ziploc
10 baggie?

11 A. Yes.

12 Q. All right. And what was the true weight of that
13 substance?

14 A. It was .8 grams.

15 Q. All right. Did / you form an opinion with regards
16 to whether or not that appeared to be methamphetamine or
17 not?

18 A. Yes.

19 Q. What was your opinion?

20 A. My opinion was / that it was meth.

21 MS. RYAN: Objection. Lack of foundation.

22 THE COURT: Sustained.

23 MS. RYAN: Move to strike.

24 THE COURT: Last answer will be stricken.

25 MS. WESTON: Your Honor, if I could have a moment. */

26 **END OF WARM UP**

1 EXAM

2 Q. BY MS. WESTON: All right. What happened after
3 you saw Mr. Edwards discard this item?

4 A. Mr. Edwards walked in our direction. I asked him
5 if I could speak / to him. He said yes. We began our
6 contact.

7 Q. And when you started to question the defendant,
8 what did you initially say after you asked / if you could
9 speak to him?

10 A. I asked him if he lived in the area.

11 Q. What did he tell you?

12 A. He described that he resided / on Gilbert Street
13 within our city, which was not in our particular area.

14 Q. Did you have any kind of follow-up question to
15 that?

16 A. Yes.

17 Q. What / did you ask?

18 A. I inquired what brought him to this particular
19 neighborhood area.

20 Q. What did he tell you?

21 A. He indicated that he was merely walking / around.
22 He described to me he was merely walking around.

23 Q. Okay. And what did you ask him next?

24 A. I believe I asked him if he / was on probation or
25 parole.

26 Q. Okay. What did he tell you?

1 A. He denied being either on probation or parole.

2 Q. All right. When you were provided / the small
3 bindle -- I am going to refer to it as a bindle. Is that
4 how you would describe it, the bindle of narcotics that was
5 later retrieved */ by Detective Burns?

6 A. I would describe it more as a baggie because it
7 was in an actual Ziploc baggie, as opposed to a bindle,
8 which / you kind of form yourself.

9 Q. When you were provided that baggie of what
10 appeared to be meth, what did you do?

11 A. Based on that confirmation / of what it was and
12 based on my opinion and my observations, I placed Mr.
13 Edwards under arrest for possession of meth.

14 Q. All right. After / placing him under arrest, did
15 you take a cell phone from Mr. Edwards?

16 A. Yes.

17 Q. And what happened with the cell phone? Where did
18 you put / that?

19 A. It was placed on the trunk of a vehicle that was
20 parked adjacent to us.

21 Q. Okay. After you placed him under arrest -- or,
22 excuse / me. Let me withdraw that.

23 After you had taken the cell phone from him, did the
24 cell phone ring at all?

25 MS. RYAN: Objection. Leading.

26 THE COURT: Overruled.

1 THE WITNESS: Yes, / it did.

2 Q. BY MS. WESTON: Did it ring a lot?

3 A. Yes, it did.

4 MS. RYAN: Objection. Vague as to a lot.

5 THE COURT: Sustained.

6 Q. BY MS. WESTON: Do you recall how often it was
7 ringing? /

8 A. The phone rang continuously during our contact.
9 While he was holding it and after it was placed on the
10 trunk of the vehicle.

11 MS. RYAN: Objection. Nonresponsive. */

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1 START TYPING

2 THE COURT: I will just strike the entire answer.

3 MS. RYAN: Yes, your Honor. Move to strike.

4 THE COURT: Counsel, you can ask the question again.

5 Q. BY MS. WESTON: Will you describe for us / how
6 often the phone rang after you contacted Mr. Edwards.

7 A. I would estimate that the phone rang at least --
8 well, that there was at least / an incoming call per
9 minute during our contact.

10 Q. Okay. Did you or any other officer at any point
11 in time pick up that cell phone / and answer one of the
12 incoming calls?

13 A. Correct. We both did. I answered the phone on
14 one occasion as well as the assisting officer.

15 MS. RYAN: Objection. / It should be just yes or no
16 for the answer.

17 THE COURT: Everything after yes will be struck. The
18 objection is sustained.

19 Q. BY MS. WESTON: So how many times did / you
20 answer Mr. Edwards' phone?

21 A. I answered his phone at least twice.

22 Q. Now, who was the first person that you remember
23 talking to?

24 A. Based on / the investigation, we determined that
25 the first incoming call that I answered was from a Trevor
26 Butler.

1 Q. All right. When you say Trevor Butler, was /
2 this a name that was provided to you after you answered
3 the phone?

4 A. It was a name that was determined after Mr.
5 Butler was contacted */ and the telephone numbers were
6 matched and he admitted to making the phone call.

7 MS. RYAN: Objection. Hearsay and no foundation.

8 MS. WESTON: Let me withdraw that question and / ask
9 it a different way.

10 MS. RYAN: Thank you.

11 Q. BY MS. WESTON: Did you talk to a male when you
12 answered the phone?

13 A. Correct.

14 Q. When you answered the phone and / there was a
15 male calling, what did that individual say to you?

16 A. He was asking if I was still coming to meet him.

17 Q. What was / your response?

18 A. I requested him to confirm his vehicle and where
19 he was located.

20 Q. What did he tell you?

21 A. He described he was in a / white Hyundai and he
22 was temporarily parked in the alley.

23 Q. Did you ask him anything else?

24 A. I asked for a further description of where he /
25 was located. He described he was immediately next to a
26 red S.U.V. I also asked him to confirm what he was

1 waiting for. /

2 Q. Okay. What did he tell you?

3 A. At that time he admitted to me he was waiting for
4 black, which is street slang for heroin.

5 Q. Was / there anything else in your conversation
6 with this individual that was of importance to you?

7 A. Nothing that I can think of at this time.

8 Q. All */ right. Did you also answer a phone call
9 in which there was a female calling?

10 MS. RYAN: Objection. Leading.

11 THE COURT: Overruled.

12 THE WITNESS: Yes, I did.

13 Q. BY MS. WESTON: All right. And what / happened
14 when you answered that call?

15 A. She also asked if I was still coming to meet her.

16 Q. What did you say?

17 A. During that conversation, I / also tried to
18 confirm what, in fact, we were meeting for as far as what
19 we had previously agreed on.

20 Q. And what was her response? /

21 A. She described that she was waiting for me to
22 deliver heroin to her.

23 Q. Did you identify yourself as being Mr. Edwards,
24 or how did you / identify yourself to this female?

25 A. I identified myself as a friend of his.

26 Q. All right. So in your discussion with her, did

1 you talk about / anything other than heroin?

2 A. Yes.

3 Q. What else did you talk about?

4 A. We talked about meth as well.

5 Q. What was the discussion you had at that / time?

6 A. After I said I was a friend of the defendant's,
7 she disclosed to me that she had previously purchased meth
8 from Mr. Edwards and / that she was unaware that he also
9 sold heroin, which she preferred.

10 Q. Did she tell you she wanted to now purchase
11 heroin from the defendant? */

12 A. She agreed to also purchase heroin from the
13 defendant, which he was ready to deliver to her, and she
14 would have to pay him for / that on Friday because she had
15 already spent her money on the meth.

16 Q. How did the conversation with this female end?

17 A. After she described where / she was waiting and
18 what she was waiting for, I had the impression that she
19 would be open to talk to me. I then identified / myself
20 as a police officer, and she quickly hung up the phone.

21 Q. So that terminated the phone call?

22 A. Yes.

23 Q. All right. Now, during the phone / conversation
24 with the man, you asked where the man was and what type of
25 car he was driving; is that right?

26 A. Correct.

1 Q. All right. Did / another officer then go to that
2 location?

3 A. Yes.

4 Q. Have you talked to that officer about what took
5 place at that location?

6 A. Yes.

7 Q. Who was that / officer?

8 A. Dan Rodriguez.

9 Q. All right. Did he tell you whether or not he
10 made contact with someone at that location?

11 A. Yes.

12 Q. Did Officer Rodriguez tell / you whether or not
13 he was able to retrieve a cell phone from the individual
14 he contacted at this location?

15 A. He told me that he */ was able to obtain the cell
16 phone of the male he contacted and that the male consented
17 to him reviewing his call log.

18 MS. RYAN: Objection. Hearsay. / That's two layers
19 of hearsay.

20 THE COURT: Sustained.

21 MS. RYAN: Move to strike that part of the answer.

22 THE COURT: Stricken. Next question, please.

23 Q. BY MS. WESTON: Did Officer Rodriguez tell you
24 whether he / ever inspected that phone?

25 A. Yes.

26 Q. Did he tell you whether or not he was able to

1 observe the call log for that number?

2 A. Yes.

3 Q. What / was the conclusion in regards to the
4 numbers that he observed on the phone?

5 A. We were able to verify the calls between the
6 various phones / by checking the numbers and the call
7 logs.

8 Q. Did Detective Rodriguez indicate he found
9 anything else in the alley when he contacted the people
10 there? /

11 A. Yes. A meth pipe was in the white car.

12 MS. RYAN: Objection. Speculation and foundation on
13 if it was a pipe for smoking meth.

14 THE COURT: You can lay / some foundation.

15 Q. BY MS. WESTON: How long have you worked with
16 Detective Rodriguez?

17 A. Well, I have worked with him as a partner for at
18 least a year and / as a member of the same team for almost
19 three years. We have worked together under different
20 circumstances for about seven years.

21 Q. All right. Have */ the two of you both worked in
22 narcotics cases?

23 A. Yes, we have.

24 Q. Have you both undergone training in the
25 recognition of all types of narcotics / and things used to
26 ingest narcotics?

1 MS. RYAN: I object. It is vague. It is also
2 speculation.

3 THE COURT: Sustained.

4 MS. WESTON: That's fine.

5 THE COURT: Next question, please.

6 Q. BY MS. WESTON: Can you tell me / whether or not
7 you two together have ever arrested people for possession
8 of drugs and also found some items like pipes used to
9 smoke the / drugs?

10 A. Yes, we have.

11 Q. Have you both interviewed the people that you
12 have arrested for those crimes?

13 A. Yes.

14 Q. And have you interviewed them together, the / two
15 of you?

16 A. Yes.

17 Q. And does your partner have the experience to
18 recognize a meth pipe when he sees one at a crime scene?

19 MS. RYAN: I / object. Lacks foundation.

20 THE COURT: Sustained.

21 Q. BY MS. WESTON: Back to the phone calls that you
22 answered.

23 Now, would you describe for us what Mr. Edwards did
24 when you or / other officers attempted to answer incoming
25 calls on his cell phone.

26 A. Yes. Mr. Edwards reacted by raising his voice

1 and yelling out, both in English / and Spanish, that they
2 were talking to the cops. He was telling the incoming
3 caller that they were speaking to a cop.

4 MS. RYAN: I object. Speculation */ as to whether he
5 was actually alerting these people.

6 THE COURT: Overruled.

7 Q. BY MS. WESTON: Subsequent to the defendant's
8 arrest, was he interviewed at the police station?

9 A. Yes, he was. /

10 Q. Was he first advised of his Miranda rights?

11 A. Yes.

12 Q. Did you advise him of his rights?

13 A. Yes, I did.

14 Q. How did you advise him of / his Miranda rights?

15 A. I read them verbatim straight from the form that
16 we are required to use.

17 Q. All right. And did Mr. Edwards indicate to / you
18 that he understood each of his rights?

19 A. Yes.

20 Q. And did you subsequently then question him with
21 regards to what had taken place that day? /

22 A. Yes.

23 Q. All right. Did you ask him about the baggie of
24 what appeared to be meth that was placed into evidence?

25 A. Yes.

26 Q. What did he / tell you?

1 A. He denied ever possessing the drug.

2 Q. Did you say anything about that to him?

3 A. Yes.

4 Q. What did you say?

5 A. I offered him the / opportunity to submit to a
6 D.N.A. test so we could compare that to the sample taken
7 from the actual evidence found at the / scene.

8 Q. And what did the defendant do when you gave him
9 that offer?

10 A. He refused.

11 MS. RYAN: Objection. This is not relevant to our
12 proceedings here today. */

13 Pardon me. I'll withdraw the objection.

14 Q. BY MS. WESTON: Okay. Did you ask him about the
15 phone conversation you had with the woman who had called
16 his number? /

17 A. Yes, I did.

18 Q. Okay. Officer, what did he tell you about that?

19 A. He admitted he was previously with a female at
20 the park and that / he had ingested narcotics with her
21 while they were together.

22 Q. Did you ask him whether or not he had sold some
23 drugs to any woman / that day?

24 A. Yes.

25 Q. What did he tell you?

26 A. He denied it.

1 MS. WESTON: Nothing further at this time.

2 THE COURT: Counsel, you may proceed.

3 CROSS-EXAMINATION

4 Q. BY MS. RYAN: When my client told you / that he
5 had used meth with a woman earlier that day, did you ask
6 him anything with regards to his usage?

7 A. Yes.

8 Q. What did you / ask him?

9 A. I questioned him if he would be willing to submit
10 to a chemical test to confirm that he was actually a user
11 of / narcotics.

12 Q. And was he willing to submit to that chemical
13 test or that blood test?

14 A. No, he wasn't.

15 Q. Was he required to submit to that / test?

16 A. No, absolutely not.

17 Q. Okay. When Mr. Edwards was arrested was a search
18 performed of his person?

19 A. That's correct.

20 Q. All right. And when he was */ searched, did you
21 find anything that would be consistent with someone who
22 uses narcotics?

23 A. No, I did not.

24 Q. Did you find anything consistent with someone /
25 who sells drugs?

26 A. What do you mean?

1 Q. For example, did you find any packaging supplies
2 on my client?

3 A. No, I did not.

4 Q. Did you find / any large amounts of cash on his
5 person?

6 A. He had approximately \$100 on his person.

7 Q. Is that a large amount of cash consistent / with
8 drug sales?

9 A. I believe it is, yes.

10 Q. What else did you find on my client that led to
11 his arrest?

12 A. There were many factors / that caused the
13 defendant to be arrested that day.

14 Q. Could you share those with us, please.

15 A. Well, a couple of them was his location. He /
16 said he was merely walking around that area, yet he
17 doesn't live in the neighborhood.

18 Q. But that isn't a crime, to be walking around away
19 / from your home, correct?

20 A. In addition, he was receiving many calls on his
21 cell phone from people who were wanting to purchase drugs.

22 Q. Are you / speaking of the two people you
23 identified earlier?

24 A. There were other calls. Those two are the ones I
25 personally spoke to. My partner spoke to */ more than
26 that.

1 Q. Well, I think we will have to wait for that
2 testimony.

3 MS. WESTON: Objection. This is argumentative, your
4 Honor.

5 THE COURT: Well, let's just have a / question,
6 please.

7 Q. BY MS. RYAN: Now, did you form the opinion that
8 the substance that was found in the bindle was a usable
9 quantity?

10 A. Yes.

11 Q. Will you explain / your understanding as to what
12 that means to you?

13 A. Of course. Usable quantity is any amount that
14 could be manipulated for use.

15 Q. Just to be / clear. Is that consistent with your
16 interviews of people you have arrested in the past?

17 A. Yes, it is.

18 Q. Have you ever testified as an expert / with
19 regards to narcotics?

20 A. Yes, I have.

21 Q. Okay. Now, let me ask you about what you thought
22 you saw in the alley.

23 A. I saw your / client in the alley that day.

24 Q. I understand that. And we aren't arguing whether
25 he was in the alley that day. My questions will be /
26 directed to what you saw him do.

1 A. Okay.

2 MS. WESTON: Could we just have questions and answers,
3 please.

4 Q. BY MS. RYAN: You testified that you believe my
5 client discarded something / in the alley when you saw
6 him; is that correct?

7 A. Yes, he did. We had eye contact. He then threw
8 the bindle to the side. * /

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14 *****EACH EXAM VARIES. THE ACTUAL TEST GIVEN MAY BE**
15 **SLIGHTLY DIFFERENT*****

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