

1 PLANTIFF: Ms. Miller

2 WITNESS: Officer Thomas Caro

3 COURT:

4 DEFENDANT: Ms. White

5

6 WARM UP

7 THE COURT: We will call the case of People vs.
8 Henderson.

9 Appearances.

10 MS. MILLER: Kathy Miller on behalf of the People.

11 MS. WHITE: Connie White, Public Defender's Office,
12 on behalf of / Mr. Henderson, who is present in
13 custody.

14 THE COURT: Okay. We are here for the prelim. It
15 looks like what's at issue here is Count 1, which / is
16 a felony, and also Count 2. Are you ready on this?

17 MS. WHITE: Yes, your Honor. Just to be clear, are
18 we on the second amended / complaint?

19 THE COURT: Yes. That's correct.

20 MS. WHITE: Okay.

21 THE COURT: The first amended complaint had the
22 gang stuff on it. At least that's what I have here.

23 MS. WHITE: Yes.

24 THE COURT: And then / that was dismissed?

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1 MS. MILLER: I don't know if that was filed and
2 then dismissed or exactly what happened. But we are
3 not dealing with gang allegations / in this.

4 THE COURT: All right.

5 MS. WHITE: Okay.

6 THE COURT: Any motions before we begin?

7 MS. WHITE: I have no co-defendants in this prelim.
8 I think there is only one witness. I / think we are
9 ready.

10 THE COURT: Okay.

11 MS. MILLER: No motions, your Honor.

12 THE COURT: Go ahead and call your first witness.

13 MS. MILLER: People call Officer Caro.

14 THE COURT: Officer, you have been sworn. /

15 THE WITNESS: Yes, your Honor.

16 THE COURT: State your name and spell it for the
17 record.

18 THE WITNESS: My first name is Thomas, T-H-O-M-A-S.
19 Last name */ Caro, C-A-R-O.

20 THE COURT: Thank you. Please have a seat at the
21 witness stand.

22 MS. MILLER: May I inquire?

23 THE COURT: Yes.

24 DIRECT EXAMINATION

25 Q. BY MS. MILLER: Good morning, sir.

26 A. Good morning.

1 Q. Who / do you work for?
2 A. Santa Ana Police Department.
3 Q. How long have you been employed as an officer?
4 A. Over two years.
5 Q. Are you a sworn peace / officer?
6 A. Yes, ma'am.
7 Q. Do you have law enforcement experience prior
8 to your current employment?
9 A. No, ma'am, I don't.
10 Q. Before becoming an officer, did you attend /
11 an academy?
12 A. Yes, I did.
13 Q. What is your current assignment?
14 A. I am a patrol police officer.
15 Q. Were you working in the early morning hours of
16 / June 18th of this year?
17 A. Yes, ma'am.

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20 **END OF WARM UP**
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1 EXAM

2 Q. BY MS. MILLER: Now, Officer, on that date in
3 the early morning hours, were you dispatched to 2261
4 North Fairview?

5 A. Yes, ma'am.

6 Q. And what were / you dispatched in reference
7 to?

8 A. I was dispatched regarding a stolen vehicle
9 report.

10 Q. Did you speak to somebody there named Bruce
11 Cortez?

12 A. Yes, ma'am.

13 Q. And / did he tell you that he owns a car?

14 MS. WHITE: Objection. Calls for hearsay. Lack of
15 foundation.

16 THE COURT: Overruled.

17 You may answer.

18 THE WITNESS: Yes, ma'am.

19 Q. BY MS. MILLER: Okay. And what / kind of car
20 did he tell you that he owned?

21 MS. WHITE: Objection. Lack of foundation. My
22 report says that Mr. Cortez speaks Spanish.

23 THE COURT: Okay. Sustained.

24 Q. BY MS. MILLER: When / you spoke to Mr.
25 Cortez, did you speak to him in English or in Spanish?

26

1 A. First started talking to him in English, and
2 then I / realized his primary language was Spanish.

3 Q. Okay. Do you speak Spanish, Officer?

4 A. Yes, I do.

5 Q. How long have you spoken Spanish?

6 A. All my life.

7 Q. Okay. / When you initially spoke to Mr.
8 Cortez, what kind of vehicle did he tell you that he
9 owned?

10 A. A black Nissan Sentra.

11 Q. Were you able / to obtain the license plate
12 number of that car at some point?

13 A. Using his name we were able to obtain the
14 license plate number of */ that vehicle.

15 Q. Okay. And what was the license plate number?

16 A. Can I refresh my recollection?

17 Q. If looking at your report would refresh your
18 recollection.

19 A. Yes, / ma'am.

20 MS. MILLER: Your Honor, with your permission.

21 THE COURT: That's fine. Go ahead.

22 MS. WHITE: Objection. Lack of foundation and
23 personal knowledge by the witness regarding the license
24 number.

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1 THE COURT: Well, / I think you have a point. There
2 is a foundation that needs to be laid in how he got the
3 license plate number. It is / sustained.

4 Q. BY MS. MILLER: Did the victim tell you about
5 a couple of people that he had met the night before?

6 A. Yes, ma'am.

7 Q. And what did the victim / tell you about the
8 people he met the previous evening?

9 A. He initially reported that he met a female in
10 Anaheim and she identified herself as / Tina. He said
11 he met her when she was walking.

12 Q. What did he tell you happened after that?

13 A. He felt sorry for her, so he / offered to give
14 her a ride to her apartment. She immediately accepted
15 his offer.

16 Q. Let me stop you right there.

17 At some point did he / tell you he met another
18 young woman?

19 A. Yes, ma'am.

20 Q. And what name did he know that young woman as?

21 A. He said her name was Crystal. */
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1 START TYPING

2 Q. BY MS. MILLER: Did Mr. Cortez tell you that
3 he gave Tina and Crystal a ride in his vehicle?

4 MS. WHITE: Objection. It is leading and vague as
5 to time. /

6 THE COURT: Sustained.

7 MS. MILLER: Your Honor, is that ruling as to both?

8 THE COURT: Sustained as to both.

9 Q. BY MS. MILLER: What did Mr. Cortez tell you
10 he did with Tina and Crystal? /

11 MS. WHITE: Objection. Form of the question
12 assumes facts not in evidence.

13 THE COURT: Overruled.

14 Q. BY MS. MILLER: You may answer my question.

15 A. He previously met Tina the evening prior.
16 Crystal called / him and said she was a friend of
17 Tina's and asked if he was willing to give her a ride
18 to her friend's house.

19 Q. Did / the victim tell you that he picked up
20 that young woman?

21 A. Yes.

22 MS. WHITE: Objection. Form of the question is
23 vague. Which young woman?

24 THE COURT: Sustained.

25 Q. BY MS. MILLER: Did the / victim tell you that
26 he picked up Crystal?

1 A. Yes.

2 Q. What did Mr. Cortez tell you happened after he
3 picked up Crystal?

4 MS. WHITE: Objection. The form of / the question
5 is vague as to time, your Honor.

6 THE COURT: Objection is sustained on that ground.

7 Q. BY MS. MILLER: Officer, what time did Mr.
8 Cortez pick up Crystal?

9 A. Approximately / 7:30.

10 Q. And would that be the night of June 17th?

11 A. Yes, ma'am.

12 Q. You were speaking to him the early morning
13 hours of June 18th? */

14 A. Yes, ma'am.

15 Q. Okay. And what did Mr. Cortez report to you
16 he did after he picked up Crystal that evening?

17 A. He transported Tina and Crystal / to Santa Ana
18 and dropped them off.

19 Q. And at some point did Mr. Cortez tell you he
20 eventually picked the two girls up again?

21 A. Yes, / ma'am.

22 Q. Did Mr. Cortez report to you he stopped at
23 some point with the girls in the vehicle?

24 MS. WHITE: Objection. It is leading and vague as
25 / to time.

26 THE COURT: Sustained.

1 Q. BY MS. MILLER: What did Mr. Cortez tell you
2 he did after that?

3 A. Subsequent to picking up the girls, they were
4 heading back home. He / stopped at the Chevron
5 station.

6 Q. Okay. Mr. Cortez told you that he stopped at
7 a gas station?

8 A. Correct.

9 Q. Were you at the Chevron station when / you
10 were speaking to him?

11 A. That's correct.

12 Q. What did the victim tell you happened after he
13 stopped at the Chevron with the two girls in / the
14 vehicle?

15 A. Mr. Cortez said he felt thirsty, and he wanted
16 something to drink. He pulled over into the Chevron to
17 go purchase a soda. /

18 Q. Did he leave the girls in the car?

19 A. Yes.

20 Q. Was there any conversation before he left the
21 car?

22 A. As he was exiting the vehicle, Crystal */
23 asked him to leave the keys behind so they could listen
24 to some music. He ultimately handed over the keys to
25 Crystal as he walked / away and went into the market.

26

1 Q. Okay. And did Mr. Cortez tell you what
2 happened after that?

3 A. He experienced what he described as a weird /
4 feeling. He turned and looked where he parked his
5 vehicle, and it was no longer there.

6 Q. Okay. And did the victim tell you whether he
7 / had given the girls permission to drive the vehicle?

8 A. He did not give permission.

9 Q. And did he call the police after that?

10 A. Yes, ma'am.

11 Q. Now, / at some point during or after this
12 interview were you notified that his vehicle was
13 possibly located?

14 A. Yes, ma'am.

15 Q. And at any point did you / proceed to that
16 location?

17 A. Yes, ma'am.

18 Q. When you went to that location, did you take
19 Mr. Cortez with you?

20 A. I did.

21 Q. Where did you two / go?

22 A. We went north of the intersection of Main
23 Street and 17th Street in the city of Santa Ana.

24 Q. When you arrived, did you see / a black Nissan
25 Sentra?

26 A. Yes, ma'am.

1 Q. And did Mr. Cortez identify that as his
2 vehicle?

3 A. Yes, ma'am.

4 Q. Were there two young women there at the */
5 location where you found the car?

6 A. I told the victim before we arrived there that
7 there would be people we wanted him to look at. /

8 Q. Okay. So there were people being detained at
9 this location that you went to?

10 A. That's correct.

11 Q. So you conducted what is called a lineup in /
12 the field with the victim and some people who were
13 stopped in the vehicle?

14 A. Yes, ma'am.

15 Q. And did he make an identification?

16 MS. WHITE: Objection. Relevance and / lacking in
17 foundation. It is vague.

18 THE COURT: Sustained.

19 Is your question asking about the two girls?

20 MS. MILLER: Yes, your Honor. That was my intent.

21 THE COURT: Okay. What's the / offer of proof as
22 to the relevance of whether he did a lineup of the two
23 girls?

24 MS. MILLER: Your Honor, the offer is that the
25 victim / identifies two people who are arrested in the
26 car with the defendant.

1 THE COURT: All right.

2 MS. MILLER: Defendant then makes a statement about
3 his knowledge of what was / going on in the car and the
4 fact that the car was, in fact, stolen.

5 THE COURT: All right.

6 MS. WHITE: May I please address that issue?

7 THE COURT: Not necessary. / It is relevant for the
8 reasons that were stated. Next question, please.

9 Q. BY MS. MILLER: Now, the victim identified two
10 girls who were being detained at the second */
11 location; is that correct?

12 A. Yes.

13 Q. Did you understand those people to be the two
14 girls that he knew as Crystal and Tina?

15 A. Yes, ma'am.

16 Q. Okay. / And were you able to determine if they
17 were adults or juveniles?

18 A. Yes, ma'am. They were juveniles.

19 Q. Okay. And when you got to the second /
20 location, did you speak to any other officers?

21 A. Yes. I spoke to the officers who were at the
22 scene of the vehicle stop.

23 Q. Okay. Was / there one in particular you spoke
24 to at that time?

25

26

1 A. Paul Johnson was the one who had pulled the
2 vehicle over, and he was detaining / the occupants of
3 the Nissan.

4 Q. And did he tell you that there were any other
5 people in that car besides the two girls?

6 A. Yes.

7 Q. How / many other people were in the vehicle?

8 A. In addition to the two girls, there were two
9 males.

10 Q. When you arrived to that location, did you /
11 see anyone there who is in the courtroom today?

12 A. Yes, ma'am.

13 Q. And if you could point to that person and
14 describe an article of clothing / that person is
15 wearing.

16 A. That would be the gentleman wearing the jail
17 jumpsuit and sitting next to the attorney.

18 MS. MILLER: Your Honor, may the record reflect */
19 the witness has identified the defendant?

20 THE COURT: It may so reflect.

21 Q. BY MS. MILLER: When you spoke to Officer
22 Johnson, did he tell you whether or not the defendant /
23 was in the car when it was stopped?

24 A. That's correct. He reported to me the
25 defendant was a passenger in the rear seat of the /
26 vehicle.

1 Q. Did you subsequently interview Mr. Henderson,
2 the defendant?

3 A. Yes, ma'am.

4 Q. And did you ask him questions?

5 A. Yes, ma'am.

6 Q. And did he answer those questions? /

7 A. Yes, ma'am.

8 Q. Did you advise him of his rights?

9 A. Yes, I did.

10 Q. Did this happen out in the field, or was it at
11 the police / department?

12 A. We were out in the field. He, Mr. Henderson,
13 was sitting in the back of my police car.

14 Q. And do you recollect whether he / was
15 handcuffed at that point?

16 A. Yes, he was.

17 Q. Did you question him about the circumstances
18 which got him into that vehicle?

19 A. That's correct.

20 Q. What did / he tell you?

21 MS. WHITE: Objection. Lack of foundation.

22 THE COURT: Overruled.

23 Q. BY MS. MILLER: What did the defendant tell
24 you happened that evening?

25 A. He told me he heard from the two / girls, and
26 they wanted to pick him up and go get something to eat.

1 Q. Did the defendant tell you that they were able
2 to go */ get something to eat?

3 A. No. The car was stopped prior to them getting
4 something to eat.

5 Q. Did the defendant tell you anything about his
6 prior / relationship with either of the two girls,
7 Crystal or Tina?

8 MS. WHITE: Objection. Compound.

9 THE COURT: Overruled.

10 You may answer.

11 THE WITNESS: He stated that he knew Crystal from
12 his past. /

13 Q. BY MS. MILLER: Okay. He admitted there was
14 some sort of prior relationship between the two?

15 A. Yes, ma'am.

16 MS. MILLER: Your Honor, if I could have just one
17 moment.

18 THE COURT: Yes. /

19 MS. MILLER: Nothing further.

20 THE COURT: Are you ready to start?

21 MS. WHITE: Yes, I am. If you prefer, your Honor,
22 we can take the break.

23 THE COURT: Let's just go ahead and / get started.

24 MS. WHITE: That's fine. Thank you.

25 THE COURT: Let's proceed.

26

1 CROSS-EXAMINATION

2 Q. BY MS. WHITE: All right. Let's start here at
3 the beginning, Officer Caro.

4 You have told us that you had / an interview with
5 an individual by the name of Cortez on June 18th of
6 2009; correct?

7 A. Yes, ma'am.

8 Q. Now, this interview occurred at / about 1:00
9 o'clock in the morning; correct?

10 A. Yes, ma'am.

11 Q. The interview was held at the Chevron station
12 which is located at 2261 / North Fairview; correct?

13 A. Yes, ma'am.

14 Q. Now, Mr. Cortez is a male Hispanic; correct?

15 A. Yes, ma'am.

16 Q. And his date of birth is 8/2/74, which */ made
17 him about 35 years old at the time you interviewed him;
18 correct?

19 MS. MILLER: Objection. Relevance.

20 THE COURT: Overruled.

21 You may answer.

22 THE WITNESS: Yes, ma'am.

23 Q. BY MS. WHITE: And Mr. Cortez told / you that
24 his car had been stolen; correct?

25 A. Yes, ma'am.

26

1 Q. And then you proceeded to get from Mr. Cortez
2 the story about what happened; correct? /

3 A. Yes, ma'am.

4 Q. And the story as to what had happened had
5 actually started one or two days before that; right?

6 A. I am not sure what / you are asking, ma'am.

7 Q. When exactly did Mr. Cortez tell you that he
8 met Tina?

9 A. He was referencing the night before.

10 Q. All right. So you / spoke to Mr. Cortez in
11 the early morning hours of the 18th; correct?

12 A. That's correct.

13 Q. He complained to you that things started when
14 he met / this woman by the name of Tina; correct?

15 A. That's correct.

16 Q. And as you have testified previously, Tina was
17 a female juvenile; correct?

18 A. That's correct.

19 Q. He / told her that he had seen Tina walking
20 down the streets of Anaheim; is that correct?

21 A. Yes, ma'am.

22 Q. And did he tell you when he / first saw Tina,
23 what day in relationship to the day that he reported
24 that his car was stolen?

25 MS. MILLER: I am going to object. Asked and */
26 answered.

1 THE COURT: Overruled.

2 THE WITNESS: He was referring to the night before.

3 Q. BY MS. WHITE: All right. So I believe Mr.
4 Cortez actually told you that he had seen Tina walking
5 / on the streets around midnight on June 17th; correct?

6 A. Yes. Somewhere in that time period.

7 Q. Now, according to Mr. Cortez, he felt sorry
8 for Tina / so he stopped and he asked her if she needed
9 a ride; correct?

10 A. Yes, ma'am.

11 Q. And Tina told Mr. Cortez yes and then got into
12 / his car; right?

13 A. Yes, ma'am.

14 Q. Now, did you ask Mr. Cortez some questions as
15 to whether or not he was soliciting this young girl for
16 / any illegal purpose?

17 MS. MILLER: I object.

18 THE COURT: Overruled.

19 You may answer.

20 THE WITNESS: Not at that point, no.

21 Q. BY MS. WHITE: So not at that point in your
22 interview with Mr. Cortez? /

23 A. No. I thought about it, but after everything
24 was said and done and all the facts came out, no.

25

26

1 Q. So at no point in your / interview did you ask
2 him some questions about whether or not he had been
3 soliciting Tina for any illegal purpose; correct?

4 MS. MILLER: I am going to / object again to
5 relevance.

6 THE COURT: Do you have an offer of proof?

7 MS. WHITE: It goes to the victim's story. He is a
8 grown man picking up a */ young girl off the street and
9 then making claims against her.

10 THE COURT: Objection is overruled. Next question.

11 Q. BY MS. WHITE: Did you ever ask him if he was
12 looking / for a prostitute or if he was soliciting
13 these young women?

14 A. I did question him whether he knew the age of
15 Tina once I discovered / how old she was. He stated he
16 wasn't aware she was only 14. He stated one of the
17 main reasons why he picked her up / is because he felt
18 sorry for her walking in the middle of the night.

19 Q. Now, did Mr. Cortez tell you anything about
20 whether or not / he planned on partying with these two
21 girls?

22 A. No, ma'am.

23 Q. Okay. He did not make that statement to you;
24 correct?

25 A. No, he did not.

26

1 Q. According / to him, he was being a good guy
2 and driving these young girls to various locations;
3 correct?

4 MS. MILLER: Objection. Argumentative.
5 Assumes facts not in evidence.

6 THE COURT: Overruled. /

7 THE WITNESS: That's what he portrayed, yes.

8 Q. BY MS. WHITE: I want to ask you some
9 questions about when the car was stopped.

10 A. All right.

11 Q. The vehicle was occupied by / four
12 individuals; correct?

13 A. Yes, ma'am.

14 Q. And the driver was the girl that you knew up
15 to that point in time as Crystal; correct?

16 A. Yes, ma'am. */

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21 *****EACH EXAM VARIES. THE ACTUAL TEST GIVEN MAY BE**
22 **SLIGHTLY DIFFERENT*****
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