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V I R G I N I A:
 IN THE CIRCUIT COURT OF ARLINGTON COUNTY
 COMMONWEALTH OF VIRGINIA,)
 Plaintiff,)
 vs.) At Law No.
 ABRAHAM WOLDEMICHAEL,) CR10-1409
 Defendant.)
 * * * * *

E X C E R P T

The above-entitled matter came on for
 motion hearing on Tuesday, May 3, 2011, commencing
 at 10:42 a.m., at 1425 North Courthouse Road,
 Arlington, Virginia, before Audra A. Gilbert, Court
 Reporter and Notary Public.

BEFORE:

THE HONORABLE WILLIAM T. NEWMAN, JR.

* * * * *

A P P E A R A N C E S

ON BEHALF OF THE COMMONWEALTH:

BENJAMIN TRASTER, ESQUIRE

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I N D E X

WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
Corporal Heimberger	4	22	32	

EXHIBITS:	PAGE MARKED
COMMONWEALTH'S NO. 1	15

1 P R O C E E D I N G S

2 - - - - -

3 * * * * *

4 Whereupon --

5 CORPORAL MATT HEIMBERGER,

6 a witness, called for examination, having previously
7 been first duly sworn, was examined and testified as
8 follows:

9 DIRECT EXAMINATION

10 BY MR. TRASTER:

11 Q. Good morning.

12 A. Good morning.

13 Q. Corporal, will you introduce yourself to
14 the jury.

15 A. Corporal Matt Heimberger. I'm a police
16 officer with Arlington County.

17 Q. How long have you been a police officer for
18 Arlington?

19 A. I've been in law enforcement for
20 19-and-a-half years. I've been a police officer
21 with Arlington County for the last 15 years.

22 Q. And what are your responsibilities entail

1 as a corporal for Arlington?

2 A. I'm assigned to the operations division,
3 patrol section. I'm currently assigned to the
4 evening shift. My duties and responsibilities is
5 general patrol. I'm also a training officer as well
6 as crime scene and evidence technician.

7 Q. And were you working on October 11th of
8 last year?

9 A. Yes.

10 Q. At that time where were you working in
11 Arlington?

12 A. I was working in a third police district,
13 which is the Green Valley area; specifically, 24th
14 Road and Shirlington Road in Arlington County.

15 Q. And what were you driving?

16 A. I was driving my marked police vehicle.

17 Q. At about 6:50 in the morning, did you see
18 anything unusual?

19 A. Yes. I was sitting at the intersection of
20 South 24th Road and South Shirlington Road
21 monitoring the traffic light at that intersection.

22 Q. And what did you see around that time?

1 A. At that time the light was a steady red
2 light for Shirlington Road and a green light for
3 24th Street. I observed a vehicle that was
4 traveling south on Shirlington Road approach that
5 red light and make a right-hand turn without
6 stopping at the red light.

7 Q. Let me just ask: Is that in Arlington?

8 A. Yes, it is.

9 Q. What did you do after you saw that car make
10 that right turn on the red?

11 A. Where I was sitting, the car did make the
12 right on red without stopping, and as soon as it
13 passed by me, I pulled in behind the vehicle and
14 began to follow it north on Kenmore Street.

15 Q. Could you see what was going on inside the
16 car at that time?

17 A. Yes.

18 Q. How could you?

19 A. There was a clear view. I was directly
20 behind the vehicle, approximately one car length or
21 less, traveling behind the vehicle. The windows
22 were clear; they were not tinted, so I did have a

1 clear view directly through the back window. I
2 observed three people in the vehicle.

3 Q. And did you make any observations about the
4 three people in the vehicle before you pulled the
5 car over for the traffic stop?

6 A. Yes. There was a driver, a front-seat
7 passenger, and then one person in the backseat,
8 seated directly behind the passenger seat.

9 Q. And did they make any movements toward each
10 other?

11 A. No.

12 Q. What kind of car was it?

13 A. It was an older model Oldsmobile.

14 Q. And about what time was this?

15 A. It was just prior to 7:00 a.m.

16 Q. Can you describe for the jury what the
17 lighting was like at that time?

18 A. Yeah. It was not quite 100 percent
19 daylight; yet it was not darkness. It was dawn, so
20 to speak. There was some light or there was a
21 little bit of darkness.

22 Q. Did you have any trouble seeing inside the

1 car?

2 A. No. In addition to that, I did use my
3 flashlight for illumination.

4 Q. What did you do? Did you initiate a
5 traffic stop?

6 A. I did. On the 2200 block of South Kenmore
7 Street, I did stop the vehicle. When I stopped the
8 vehicle, I activated my overhead-blue emergency
9 lights, as well as my takedown lights, and my
10 spotlight into the interior of the vehicle.

11 Q. And during the course of the traffic stop,
12 were you observing the individuals in the car?

13 A. I was. As soon as I activated my blue
14 emergency lights and the spotlight and takedown
15 lights inside the vehicle, I observed the driver --
16 I could see her looking into the rear-view mirror
17 back at me.

18 I could then see the front seat passenger
19 turn his head back and look toward me and then turn
20 his head back forward.

21 Q. And do you see the rear-seat passenger in
22 the court today?

1 A. Yes. That was Mr. Woldemichael. He is
2 sitting over there at the table.

3 Q. Could you just identify him by an article
4 of clothing?

5 A. He's wearing his blue shirt and tie.

6 MR. TRASTER: I ask the Court -- I just ask
7 to note the identification for the record.

8 THE COURT: The Court will note the
9 identification.

10 MR. TRASTER: Thank you.

11 BY MR. TRASTER:

12 Q. Did you come to learn the name of the
13 individual sitting, the defendant?

14 A. Yes.

15 Q. And what's his name?

16 A. It's Abraham Woldemichael.

17 Q. What did you do after you pulled the car
18 over?

19 A. As I pulled the car over, I began to
20 approach the driver. When I went up to the vehicle,
21 first thing I do is check the backseat, backseat
22 passenger, and then I check the front-seat passenger

1 as well as the front-seat driver.

2 I stood approximately parallel with the
3 backseat and backdoor window when I made contact
4 with the driver requesting the driver's license and
5 registration of the vehicle.

6 Q. Could you clearly see the defendant in the
7 backseat of the car?

8 A. Yes. I could clearly see everybody at that
9 point.

10 Q. I'm not sure if I asked you this -- I just
11 want to make sure that I did -- did you see any
12 movements that the defendant made before you
13 approached the car --

14 MR. SHORT: Objection. The question is
15 leading asked, and he already asked and answered the
16 question.

17 THE COURT: Sustained.

18 BY MR. TRASTER:

19 Q. Did you make contact with the driver of the
20 car?

21 A. I did.

22 Q. And what did you observe about the driver

1 of the car?

2 A. At that time I noticed an odor of an
3 alcoholic beverage coming from the vehicle while
4 speaking with the driver. Around the same time,
5 Officer Holloway arrived on scene and began to
6 observe the vehicle with me; however, she was
7 standing on the passenger side of the vehicle.

8 At that point --

9 Q. Let me stop you there. Why did you -- had
10 you called for Officer Holloway?

11 A. As I had called for an additional unit, she
12 was actually pulling up at the same time that I did
13 that. So Officer Holloway was there and eventually
14 a third officer did arrive later on.

15 Q. From the moment that you arrived at the
16 driver's side of the car, to the end of the
17 interaction with the occupants of the vehicle, was
18 the vehicle ever left unattended?

19 A. No.

20 Q. When you said you noticed the slight smell
21 of alcohol on the driver, what did you do at that
22 point?

1 A. I then let Officer Holloway know that I was
2 going to take the driver out and perform a field
3 sobriety test and requested that Officer Holloway
4 watch the two passengers in the vehicle while I did
5 that.

6 Q. And did she?

7 A. Yes. She stood at the passenger side the
8 entire time.

9 Q. And did you conduct the field sobriety test
10 on the driver?

11 A. I did. I conducted a field sobriety test,
12 as well as a road-side interview, and gave the
13 driver an Alco-Sensor.

14 Q. What did you do after you were done
15 investigating the driver of the vehicle?

16 A. After that, I had the driver have a seat
17 away from the vehicle. I then approached the
18 passenger side where Officer Holloway was and made
19 contact with the rear-passenger seat who was
20 Mr. Woldemichael.

21 Q. And what did you -- what was your
22 interaction with the defendant at that time?

1 A. I opened the back door where he was
2 sitting, and then I asked him his name. He told me
3 it was Abraham. I then had him step out of the
4 vehicle. I was getting everybody out of the vehicle
5 at that time because I had permission from the
6 owner, who was the driver of the vehicle, to conduct
7 a search of the vehicle.

8 Q. And how was the defendant -- if I can
9 ask -- how was the defendant seated when you first
10 saw him in the car?

11 A. He was sitting in the backseat, directly
12 behind the passenger seat. He was the only one in
13 the backseat at that time. He was seated with his
14 feet on the floor, directly in front of him.

15 Q. And were his feet together? Were they
16 spread out?

17 A. His feet were together.

18 Q. Could you see the floor around his feet at
19 that time?

20 A. Yes.

21 Q. Did you have any problem seeing the floor
22 around his feet at that time?

1 A. No.

2 Q. Could you see anything around the floor by
3 his feet?

4 A. No.

5 Q. What did you see when he stepped out of the
6 car?

7 A. Once he stepped out of the car, as soon as
8 he moved his feet, I saw what appeared to be a
9 glass-smoking device which I identified, just by
10 looking at it, as a crack pipe.

11 Q. Can you describe it?

12 A. It's a glass pipe that was broken off at
13 one end, and inside it, there was some copper wiring
14 or mesh wiring that is used as a filter. And one
15 end, which was that filter end, had carbon buildup
16 on it from being burned.

17 Q. Was there anything else on the floor?

18 A. There was nothing else on the floor in the
19 backseat at all -- on either driver's or passenger
20 side.

21 Q. When you say on either the driver or the
22 passenger side, do you mean in the rear?

1 A. The backseat, correct.

2 MR. TRASTER: Judge, may I approach?

3 THE COURT: Yes, sir.

4 BY MR. TRASTER:

5 Q. Do you recognize this -- actually, I
6 apologize. Let me mark this before I hand it to
7 you.

8 (Whereupon, Commonwealth's Exhibit 1 was
9 marked for identification.)

10 BY MR. TRASTER:

11 Q. Do you recognize what has been previously
12 marked as Commonwealth's Exhibit 1?

13 A. Yes. This is the crack pipe that I
14 recovered from the backseat on the floor.

15 Q. What did you do with that pipe after you
16 had found it on the backseat of the floor?

17 A. I placed it in this plastic evidence bag
18 that it's in, which I carry with me. I then took
19 custody of it by putting it in the side pocket of my
20 pants.

21 Q. Were you wearing gloves when you picked it
22 up?

1 A. I don't recall if I was or not.

2 Q. And did you touch it with your hand when
3 you picked it up?

4 A. Yes. I physically picked it up and placed
5 it the bag -- a Ziploc plastic bag -- I then sealed
6 that bag and put the item in my pocket.

7 Q. What observations did you make of the
8 defendant when you -- did you have the defendant
9 step out of the car?

10 A. I did. And I asked him his information:
11 his name, his date of birth, and what his address
12 was.

13 Q. And any other observations that you were
14 able to make of the defendant?

15 A. Yes. He had extremely bloodshot eyes; they
16 were very glassy. When I had him step out of the
17 vehicle, his motor functions appeared to be
18 impaired. He had very erratic, jerky motions and
19 movements with his arms and legs and body when I
20 told him to do certain things and asked him certain
21 questions.

22 Q. What were you asking him?

1 A. Those questions that I described earlier:
2 his name, his date of birth, what his address was.

3 Q. Did you ask him if you could search him?

4 A. I did. Initially, I asked him if he had
5 anything illegal on him; he said, No. I asked if I
6 could pat him down; he said, Yes. And then I asked
7 him if I could search him; again, he said, Yes.

8 Q. And did you search him?

9 A. I did.

10 Q. What did you do after you searched him?

11 A. After I searched him, I detained him and
12 placed him in the back of a police cruiser.

13 Prior to placing him in that cruiser, I did
14 read him his Miranda Rights --

15 MR. SHORT: Objection. I believe he's
16 expanding beyond the scope of the questioning.

17 MR. TRASTER: Judge, I wanted to elicit --
18 I think it's relevant considering the officer asked
19 him some questions. So the fact that the officer --

20 THE COURT: Why don't you ask another
21 question.

22 MR. TRASTER: Sure.

1 BY MR. TRASTER:

2 Q. Did you have an occasion to talk to the
3 defendant again after you had searched him?

4 A. Yes. I read him his rights, which he
5 stated that he understood. After reading him his
6 rights, I did ask him several other questions.

7 Q. What else did you ask him?

8 A. First off, I asked him about the crack pipe
9 that I found in the vehicle.

10 Q. Specifically, what did you ask him -- well,
11 actually, let me ask you something more specific. I
12 apologize.

13 Did you ask him, more specifically, about
14 any experience he had with narcotics in the past?

15 MR. SHORT: Objection.

16 MR. TRASTER: Judge, it's relevant -- if I
17 can argue to the Court -- that one of the things
18 that the Commonwealth is going to argue, in arguing
19 constructive possession, is that the defendant had
20 to have knowledge of the nature and presence of the
21 drugs.

22 And his prior experience -- there's case

1 law on prior experience with drugs, and so I think
2 it's clearly relevant.

3 MR. SHORT: It's not relevant as to the
4 issue of knowingly and intentionally possessing
5 cocaine. Once more, it's not in any discovery
6 that's been given to the defendant.

7 MR. TRASTER: Judge, the defense has seen
8 our file. It's in the file, the questions, and the
9 entire statement.

10 THE COURT: All right. It's overruled.

11 MR. TRASTER: Thank you.

12 BY MR. TRASTER:

13 Q. Did you the ask the defendant about any
14 experience he had with narcotics?

15 A. Yes. Due to my observations of him with
16 the glassy eyes and very erratic movements, I did
17 ask him about drug use. He did state that he had
18 smoked marijuana earlier.

19 MR. SHORT: I, again, object, Your Honor.
20 It's completely irrelevant and should be struck.

21 THE COURT: Sustained. I'm going to
22 sustain. The jury can disregard that question.

1 MR. TRASTER: Judge --

2 THE COURT: I've made a ruling.

3 BY MR. TRASTER:

4 Q. Did you ask him -- and did you get a chance
5 to ask him about the pipe by his feet?

6 A. I did. I asked him if that was his pipe by
7 his feet. His response was that I did not find
8 anything on him.

9 Q. When he made that response, did you -- did
10 you ask him anything else after that?

11 A. Yes. I said, I know that. I said, I just
12 want to know about the pipe I found where you were
13 sitting. And, again, he stated, You didn't find
14 anything on me.

15 I, again, stated, I know I didn't find
16 anything on you; I'm talking about the pipe that I
17 found where you were sitting in the vehicle. The
18 third time he stated, You didn't find anything on
19 me. And those were his exact same three statements
20 each time I asked those three questions.

21 Q. What did you do with the pipe after you
22 were finished with this transaction?

1 A. I took Mr. Woldemichael up to the jail. He
2 was processed through the jail. I then went to our
3 property section, turned the pipe in to property as
4 evidence, along with a property sheet, and request
5 for laboratory examination.

6 Q. Now, how did you package the pipe when you
7 brought it to the property department?

8 A. I packaged it in this larger evidence bag.
9 The original package that I put it in was a smaller
10 plastic Ziploc bag that I described before. I then
11 placed that in this larger drug evidence bag, filled
12 out all the information on the front, and submitted
13 it to a temporary evidence locker.

14 Q. Did you seal that bag?

15 A. I did seal it. I did use a heat seal on
16 it, and I initialed over the heat seal with my
17 initials and badge number.

18 MR. TRASTER: Judge, may I approach?

19 THE COURT: Yes, sir.

20 BY MR. TRASTER:

21 Q. Do you recognize this document?

22 A. Yes. This is a lab request form that I

1 completed at the time I turned the pipe in to
2 evidence.

3 Q. And why do you complete that form?

4 A. Because that requests that the pipe itself
5 and anything that's contained in it is tested for
6 controlled substances.

7 Q. Thank you.

8 MR. TRASTER: I have no further questions
9 at this time.

10 THE COURT: Cross-examine.

11 CROSS-EXAMINATION

12 BY MR. SHORT:

13 Q. Officer Heimberger, when you first
14 approached the car that had the three occupants in
15 it, was it at that point that you saw the -- this
16 pipe on the floorboard?

17 A. No.

18 Q. All right. When did you specifically see
19 the pipe on the floorboard?

20 A. When I removed Mr. Woldemichael from the
21 backseat of the car.

22 Q. All right. Now, where was the -- there was

1 a front-seat passenger as well; is that correct?

2 A. Yes. There was a front-seat driver and
3 front-seat passenger.

4 Q. All right. And there was another officer
5 who was in charge of dealing with the driver while
6 you handled Mr. Woldemichael, correct?

7 A. There was a third officer there.

8 Q. All right. Now, who was watching the
9 front-seat passenger?

10 A. Officer Holloway.

11 Q. All right. Now, the front-seat passenger
12 was right in front of where you took
13 Mr. Woldemichael out of the car?

14 A. Yes, sir.

15 Q. Okay. All right. Now, you have in front
16 of what you have described as a crack pipe; is that
17 correct?

18 A. Yes.

19 Q. Would you please take it out of the
20 evidence bag and show it to the jury.

21 A. (Witness complies.)

22 Q. Now, what is that?

1 A. This is a crack pipe.

2 Q. How do you know it's a crack pipe?

3 A. Because during my nearly 20 years of
4 experience as a police officer, I have made
5 approximately between 500 and 1,000 arrests for
6 narcotics violations; and when people smoke crack,
7 typically, it's always smoked in a device such as
8 this.

9 Q. So you know it's a crack pipe based on your
10 training and experience as an experienced police
11 officer?

12 A. Yes.

13 Q. Okay. Now, this crack pipe was on the
14 floorboard of a car that stopped during a time of
15 day where it was not completely light yet; is that
16 correct?

17 A. Not completely daylight; that's correct.

18 Q. All right. And you only saw this after you
19 got Mr. Woldemichael out of the car?

20 A. That's correct.

21 Q. All right. Now, from your training and
22 experience with crack pipes, would you explain to

1 the jury how one uses a crack pipe. You can show
2 that to them.

3 A. The one end that has the dark wire mesh
4 filter in it is used just as that, a filter. There
5 is a crack -- piece of crack rock put in the filter
6 side, it is then lit on this filter side. The
7 person smoking, its mouth is placed on this side,
8 and they inhale the smoke from the crack through the
9 filter into the mouth and into their lungs.

10 Q. Just to clarify: When you're referring to
11 crack, you're referring to crack cocaine?

12 A. That's correct.

13 Q. All right. Now, what else can crack --
14 what else can that pipe be used to smoke?

15 MR. TRASTER: Objection, Your Honor.
16 Speculation.

17 MR. SHORT: I don't think it's speculation.
18 He's an expert, and he's testified he's been doing
19 this for 20 years.

20 THE COURT: I'll let him answer the
21 question, if he knows.

22 THE WITNESS: Out of this specific type of

1 pipe?

2 BY MR. SHORT:

3 Q. Crack pipes in general.

4 A. Crack pipes, in general, crack is smoked
5 out of it.

6 Q. Okay.

7 A. Now, different kinds -- there are several
8 different kinds of pipes where other things can be
9 smoked out of it. There's marijuana pipes. There's
10 methamphetamine pipes.

11 Q. Heroin?

12 A. Typically, heroine is not smoked. Heroine
13 is typically --

14 Q. It sometimes is though, right?

15 A. Very rarely.

16 Q. Okay. Could you smoke heroine in that
17 pipe?

18 A. Heroine is in a powder form so you would
19 not smoke it in this type of pipe.

20 Q. Could you smoke marijuana in that pipe?

21 A. You could.

22 Q. Okay. Now, inside the pipe, did you see

1 anything inside -- let me rephrase.

2 Did you see anything inside the pipe?

3 A. Yes. I've described that there was a
4 filter in it, and in the filter, there was residue.

5 Q. All right. Now, you're referring to
6 residue. What are you referring to?

7 A. Crack cocaine residue.

8 Q. And what color was the residue?

9 A. The residue, it's black because it's burn
10 residue.

11 Q. What color is crack cocaine?

12 A. It's white. Sometimes it does have a
13 yellowish tint, but typically, it's white.

14 Q. Now, once you got Abraham out of the car
15 and you searched him -- he agreed to be searched; is
16 that correct?

17 A. Yes.

18 Q. Okay. And when you got him out of the car,
19 where was the crack pipe?

20 A. It was right underneath where his feet
21 were, sitting in the backseat of the car, directly
22 on the floorboard.

1 The floor board is this wide (indicating)
2 from where the backseat of the car comes down and
3 the backseat is, and it was directly in the middle
4 of that floor area, and it was the only thing on the
5 floor.

6 Q. All right. And when you were -- when you
7 talked to Mr. Woldemichael about the pipe, had you
8 retrieved it, or had you left it there in the car?

9 A. When I talked to him about the pipe, I had
10 already retrieved it.

11 Q. All right. When you retrieved it, where
12 was the crack pipe when you were talking to
13 Mr. Woldemichael about it?

14 A. It was in my pocket.

15 Q. All right. Did you ever take it out of
16 your pocket and show it to Mr. Woldemichael?

17 A. No.

18 Q. All right. So your specific question to
19 Mr. Woldemichael was: Is that your crack pipe in
20 the car? Is that a fair -- fair --

21 A. That was one of my questions.

22 Q. Okay. Now, Mr. Woldemichael did not

1 acknowledge that he knew that there was a crack pipe
2 in the car, did he?

3 A. No. He told me that I did not find
4 anything on him.

5 Q. All right. And you didn't show him the
6 crack pipe that you were talking about, did you?

7 A. No.

8 Q. Now, when Mr. Woldemichael was standing out
9 and allowing himself to be searched, you stated that
10 his movements were erratic. How long had he been
11 standing out there with you?

12 A. Less than a minute.

13 Q. All right. Well, what was it about his
14 movements that were erratic?

15 A. The way his motions -- Okay. When you
16 move -- when you typically move your arm, if I asked
17 him to put his hands up on the vehicle -- which I
18 did -- it would typically go like this (indicating).

19 His movements, he was jerking his arm and
20 twitching, which was obviously abnormal. That,
21 along with his glassy eyes, that's why I felt he was
22 under the influence.

1 Q. Let me ask you this: Did he do what you
2 asked him to do?

3 A. He did. But it took a lot of extra time to
4 do that.

5 Q. So he put his hands on the vehicle when you
6 asked him?

7 A. Eventually.

8 Q. Okay. And when you say "eventually," let's
9 talk time frames here, how long?

10 A. Typically, if I asked somebody to put their
11 hands on their car, it would take 2 to 3 seconds.

12 Q. And so how long did it take him?

13 A. This took approximately between 2 to 3
14 times longer.

15 Q. 5 seconds? 10 seconds?

16 A. Closer to 10.

17 Q. Very suspicious. Okay.

18 MR. TRASTER: Objection, Your Honor.

19 THE COURT: Don't testify, Counsel.

20 BY MR. SHORT:

21 Q. Now, other than that, would it be fair to
22 say that he fully cooperated with your requests as

1 to where he had to place his hands and where he had
2 to stand?

3 A. Yes.

4 Q. And you were -- every question that you
5 asked him about the crack pipe, you were referring
6 to the crack pipe that was found in the car?

7 A. That was the only crack pipe that was found
8 in the car, yes.

9 Q. Okay. And did you point to Mr. -- did you
10 indicate to Mr. Woldemichael where you had found
11 that crack pipe?

12 A. Yes.

13 Q. But you didn't show him the crack pipe?

14 A. No.

15 Q. And his response was -- after he had been
16 searched -- I don't have anything on me; is that
17 correct?

18 A. In response to what?

19 Q. To your questions.

20 A. That's correct.

21 MR. SHORT: Nothing further, Your Honor.

22 THE COURT: Any redirect?

1 REDIRECT EXAMINATION

2 BY MR. TRASTER:

3 Q. Did you have a chance to search the car?

4 A. Yes.

5 Q. And did you find -- how did you search the
6 car?7 A. I thoroughly searched the entire interior
8 driver and passenger compartments of the vehicle as
9 well as in the trunk of the vehicle in an attempt to
10 locate additional contraband or narcotics.11 Q. And when you say you searched the passenger
12 compartment, does that include, you know, any
13 special panels or compartments in the car?14 A. The entire interior of the car; to include,
15 overhead visors, ashtrays, door panels in the
16 vehicle, map books, every place that I could find
17 inside the vehicle that might contain any type of
18 compartment that could hide additional narcotics,
19 that included possibly hidden panels or hidden
20 compartments.

21 Q. Why did you do that?

22 A. Due to finding a crack pipe, which

1 contained narcotics in the vehicle, I was searching
2 for additional narcotics.

3 Typically, narcotics are not kept in the
4 open, in the vehicle. They are usually hidden to
5 conceal them in case they're stopped by the police.

6 Q. Did you find any additional contraband or
7 narcotics?

8 A. I did not find any additional contraband or
9 any evidence of narcotics at all.

10 Q. Just to be clear: Did you have any
11 problems seeing the movements of the individuals
12 inside the car before you got up to the car?

13 A. No.

14 MR. SHORT: Objection. Not in the scope of
15 cross-examination.

16 THE COURT: I'll allow the question.

17 BY MR. TRASTER:

18 Q. And were you able to observe the occupants
19 of the vehicle, continuously, from the time that you
20 saw the -- from the time that you saw the traffic
21 infraction until the time you approached the car?

22 A. Yes. I could clearly see them, and I could

1 see them before they noticed that I was actually
2 behind them.

3 Q. And did you, at any point, see any
4 movements between the front passengers and the rear
5 passenger?

6 A. No.

7 MR. SHORT: Same objection, Your Honor.
8 It's not in the scope of cross-examination.

9 THE COURT: I'll allow the question.

10 THE WITNESS: I did not.

11 MR. TRASTER: I have nothing further,
12 Judge.

13 (Witness excused.)

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1 CERTIFICATE OF REPORTER

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3 I, Audra A. Gilbert, do hereby certify that
4 the foregoing proceedings were taken by me in
5 stenotype and thereafter reduced to typewriting
6 under my supervision; that I am neither counsel for,
7 related to, nor employed by any of the parties to
8 the action in which these proceedings were taken;
9 and further, that I am not a relative or employee of
10 any attorney or counsel employed by the parties
11 hereto, nor financially or otherwise interested in
12 the outcome of the action.

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15 Audra A. Gilbert
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