

1 MR. GARCIA: The State would call Sergeant  
2 Chris Starnes.

3 THE BAILIFF: Sergeant, just step here. Pause  
4 one second. Raise your right hand and receive the  
5 oath from the clerk please.

6 THEREUPON,

7 CHRISTOPHER STARNES,  
8 the witness, was placed under oath.

9 THE WITNESS: I do.

10 THE BAILIFF: Just a little alley. Be  
11 careful.. Step up.

12 Sit down and get comfortable. Just get close  
13 enough to the microphone, but not right on top.

14 Thank you, sir.

15 THE WITNESS: Thank you.

16 MR. GARCIA: Thank you, Judge.

17 May it please the Court.

18 Counsel.

19 MR. YEAZELL: Judge, -- and I'm sorry to  
20 interrupt, Judge. If we may approach just for a  
21 moment?

22 (BENCH CONFERENCE.)

23 MR. YEAZELL: I just wanted to renew my  
24 objection to the rebuttal witnesses again prior to  
25 this witness.

1 THE COURT: Okay. All right. So noted.

2 (OPEN COURT.)

3 DIRECT EXAMINATION

4 BY MR. GARCIA:

5 Q Sergeant Starnes, can you state your full  
6 legal name and spell your last name please.

7 A Yes. Christopher Scott Starnes,  
8 S-t-a-r-n-e-s.

9 Q And what is your profession, sir?

10 A I'm currently a sergeant with the Pasco County  
11 Sheriff's Office.

12 Q And how long have you been employed with the  
13 Pasco County Sheriff's Office?

14 A Since May of '96.

15 Q Were you, likewise, on a DEA task force?

16 A Yes, sir. I was.

17 Q And what years were you on the DEA task force?

18 A Nineteen ninety -- correction. 2005 to 2013.

19 Q Okay. And DEA standing for?

20 A Drug Enforcement Administration.

21 Q And you were an agent with them during that  
22 time period on the task force?

23 A Yes.

24 Q Okay. In July of 2007, did you have occasion  
25 to come in contact with an individual by the name of

1 Anthony Harris?

2 A Yes.

3 Q And prior to that date, had you signed him up  
4 as a confidential source with DEA?

5 A Yes, I did.

6 Q In July of 2007, did you, likewise, sign him  
7 up as a confidential source with the Pasco County  
8 Sheriff's Office?

9 A I had another detective do it. But, yes, he  
10 was signed up with the Pasco County Sheriff's Office.

11 Q And was he working as an undercover -- as a  
12 confidential source during that time period?

13 A Yes.

14 Q Okay. Did he have any pending charges at the  
15 time that you signed him -- that he was signed up?

16 A I don't recall. He was -- he came to us to  
17 work -- well, first to work off somebody's charges in  
18 federal court and then he opted to work for pay.

19 Q Okay. So primarily he was working for money?

20 A Yes.

21 Q All right. Was he a reliable confidential  
22 source?

23 A Yes.

24 Q And between July and August of 2007, did he  
25 provide you information about the double homicide in

1 Trilby?

2 A Yes, he did.

3 Q And do you recall the specifics as to how he  
4 told you and how that came about?

5 A I don't recall everything, but I do have  
6 recollections of parts of it.

7 Q All right. Can you share that with the  
8 members of this jury.

9 A It was between July and August of 2007. I  
10 picked him up with another either agent or detective in  
11 Dade City and we were driving around in my vehicle. He  
12 was sitting behind me. And we were going to various  
13 locations where he'd point out houses of drug dealers in  
14 the area.

15 During that drive around, we were in the  
16 vicinity of somewhere like 17th Street and Lock Street.  
17 I think he just got finished talking about Noe, a  
18 Hispanic male named Noe that sells methamphetamine in  
19 that area. And he said that he had information --

20 MR. YEAZELL: Objection. It's hearsay, Judge.

21 He can't testify to what he said.

22 MR. GARCIA: Judge, this is rebuttal.

23 MR. YEAZELL: It's still hearsay.

24 THE COURT: (Indicating.)

25 (BENCH CONFERENCE.)

1 MR. GARCIA: This is a consistent statement.  
2 And you can -- and that's allowed. Because they're  
3 trying to say that his statements were fabricated,  
4 that it was inconsistent, that he was lying.

5 MR. YEAZELL: A prior consistent statement is  
6 when a declarant makes a statement that is then  
7 attacked and that is rebutted with a -- to rebut  
8 recent fabrication. That's not what this is,  
9 Judge.

10 If he wants -- if he wants to ask him when  
11 Anthony Harris spoke to him, that's fine. But he  
12 can't ask him what Anthony Harris said. And --

13 MR. GARCIA: Judge, it's rebuttal. It goes to  
14 impeach. All -- it goes against all the  
15 impeachment that he had against Mr. Harris and the  
16 fact that he brought in all these witnesses in here  
17 to say that he was lying and stuff. That is a  
18 consistent statement which is, in fact, allowed.

19 MR. YEAZELL: A prior consistent statement is  
20 only appropriate when you're -- first of all, it  
21 would have to be the same declarant and it would be  
22 to rebut a recent fabrication. That is not what's  
23 taking place here. He's just trying to get in  
24 hearsay statements of Anthony Harris.

25 THE COURT: Okay. Here's the rule: "Unless

1 there is an applicable exception to the hearsay  
2 rules, prior consistent statements are admissible  
3 only when they're offered to rebut the attacks upon  
4 the credibility of a witness specified in Section  
5 90.801.

6 This section provides that a prior statement  
7 of a witness who testifies at the trial, was  
8 subject to cross-examination is excluded concerning  
9 the statement is excluded from the definition of  
10 hearsay if the prior statement is offered to rebut  
11 an expressed or implied charge against the witness  
12 of improper influence, motive or recent  
13 fabrication."

14 MR. GARCIA: That's what I'm doing.

15 MR. YEAZELL: Right. It has to be the same  
16 declarant. It can't be --

17 MR. GARCIA: No.

18 THE COURT: It comes in. I'm going to allow  
19 it. Overruled.

20 (OPEN COURT.)

21 MR. GARCIA: May I proceed, Judge?

22 THE COURT: Go ahead.

23 Q (MR. GARCIA) Sergeant Starnes, what did  
24 Anthony Harris tell you?

25 A He had information about a double homicide. I

1 asked him which one because I was kind of collecting  
2 information everywhere, all across Tampa Bay. He  
3 clarified it was in Pasco and that Luc Pierre-Charles  
4 and Tyree Jenkins were the ones involved.

5 Q Okay. And did he give a location?

6 A He said Trilby.

7 Q Okay. And did you tell Mr. Harris, "Don't  
8 tell me anything more; I'll get you -- "

9 A Yes. At the time I stopped what he was saying  
10 about any more information. I wanted to get the  
11 homicide detective who was in charge of that case  
12 involved at that point. So I stopped him on that and we  
13 continued on with our drive that day.

14 Q Okay. And did you follow up with that  
15 information? Did you call Major Crimes?

16 A Yes. Either later that day or the next day I  
17 placed a phone call over to the Major Crimes Unit in  
18 Dade City. I don't remember exactly who I spoke to, but  
19 I passed on that, you know, I had an informant that had  
20 some information about the double homicide up in Trilby  
21 and left my cell phone number. Some of them already had  
22 my cell phone number, but some of them don't.

23 MR. GARCIA: Okay. May I have a moment,

24 Judge?

25 THE COURT: You may.

1 Q (MR. GARCIA) Was Mr. Harris known as a  
2 snitch in the community?

3 A Yeah.

4 Q In fact, people don't like snitches, do they?

5 MR. YEAZELL: Objection, Judge. I don't know  
6 that he can testify to what other people think.

7 THE COURT: Sustained.

8 Q (MR. GARCIA) Based upon your personal  
9 knowledge as a law enforcement officer for how many  
10 years, Sergeant Starnes?

11 A Those who are out there involved in the drug  
12 trade --

13 MR. YEAZELL: I'm going to object, Judge,  
14 again if he's going to respond to the first  
15 question. I don't have any problem with the second  
16 question that was asked about how many years he's  
17 been in law enforcement. But, still, I would be  
18 objecting to him speculating as to what other  
19 people think.

20 THE COURT: I'm going to sustain.

21 Q (MR. GARCIA) All right. Based upon  
22 however many years that you've been a law  
23 enforcement officer and on the DEA task force, based  
24 upon your personal knowledge do average people like  
25 snitches?



1 MR. YEAZELL: Again, Judge, same objection.  
2 He's asking him to speculate about what other  
3 people think.

4 MR. GARCIA: No. I said his own personal  
5 knowledge.

6 THE COURT: (Indicating.)

7 MR. YEAZELL: About what other people think.

8 THE COURT: Approach.

9 (BENCH CONFERENCE.)

10 THE COURT: It's speculation or it's  
11 irrelevant. It doesn't matter what other people  
12 think. So sustained.

13 MR. GARCIA: Okay.

14 (OPEN COURT.)

15 MR. GARCIA: Judge, I don't have any further  
16 questions of Sergeant Starnes.

17 THE COURT: Thank you.

18 MR. YEAZELL: Thank you, Judge.

19 CROSS-EXAMINATION

20 BY MR. YEAZELL:

21 Q Good morning, Sergeant.

22 A Good morning, sir.

23 Q Okay. I think that you indicated that when he  
24 came to you he was working off charges with the federal  
25 court in addition to being paid; is that correct?

1 A No. That's not exactly correct.

2 Q Okay. Well, did you say something about he  
3 was working off charges?

4 A What I said was he came to my attention  
5 through DEA because he was going to work --

6 Q Sir, let me just ask you: Did you say he was  
7 working off charges? Did you use those words? Because  
8 I heard you say he was working off charges. Did you say  
9 that or did I mishear you?

10 A Yeah. But you're taking it out of context of  
11 my statement.

12 Q Sir, I'm not trying to take it out of context.  
13 I'm just asking you. When he came to you --

14 MR. GARCIA: Judge, I'm going to object. He's  
15 not even allowing him to answer the question and  
16 it's a mischaracterization of his testimony.  
17 That's not what he said.

18 MR. YEAZELL: Judge, I simply asked the  
19 question whether he's working off charges, whether  
20 I heard him say that. That's it.

21 MR. GARCIA: There's more to that, Judge.

22 THE COURT: He can answer that question.

23 MR. YEAZELL: And if the State wants to cross  
24 him on that, that's fine.

25 THE COURT: That's a yes or no question, did

1 he say that.

2 MR. YEAZELL: Yeah. That was it.

3 THE COURT: You can answer.

4 THE WITNESS: Yes.

5 Q (MR. YEAZELL) Okay. And you indicated  
6 that he was working for pay; is that correct?

7 A Yes.

8 Q All right. You indicated that -- and, again,  
9 I want to make sure I heard you correctly -- that there  
10 was a homicide detective when this statement about he  
11 had information about a homicide, that was present; is  
12 that true at the time?

13 A What was your question? You kind of rambled a  
14 little bit, sir. If you'd clarify?

15 Q I'm sorry. Did you say I was rambling?

16 A It kind of rambled around. I need to get  
17 clarification.

18 Q Okay. That's what I thought. Well, let me  
19 make it clear for you.

20 A Uh-huh.

21 Q When he made the statement to you was there a  
22 detective present?

23 A Inside the car?

24 Q Yes.

25 A It was either a detective or an agent.

1 Q Okay. So there was a detective or agent, but  
2 you're not sure. Because I think you previously said it  
3 was a detective.

4 A I said it was a detective or an agent.

5 Q All right. But you're not sure which?

6 A No. I can't remember who was with me.

7 Q All right. So it may be an agent that's  
8 working for the federal government as opposed to a  
9 detective that's maybe working for the county?

10 A It would be either a detective with the  
11 Sheriff's Office or a detective on the task force with  
12 the Sheriff's Office at the time or a DEA agent.

13 Q All right. Well, you actually work for the  
14 Pasco Sheriff's Office, correct?

15 A Yes.

16 Q All right. It would be a fair statement to  
17 say that if a detective was present and somebody was  
18 giving information about a murder that that would be put  
19 in a report; wouldn't that be a fair statement?

20 A Yes.

21 Q All right. And there was no report from a  
22 detective that was in that vehicle?

23 A None that I found.

24 Q All right. All right. You indicated that you  
25 primarily work with -- you have indicated in the past

1 that you were primarily working on drug cases; is that  
2 true?

3 A Yes.

4 Q And presumably you worked a lot of these  
5 cases?

6 A Yes.

7 Q And is it a fair statement that you've  
8 indicated that a lot of times the defendants are looking  
9 at serious prison time, is that correct, on these drug  
10 cases?

11 A Federal or state?

12 Q Federal or state, either one.

13 A Mostly federal.

14 Q All right. And is it a fair statement to say  
15 there is incentive for them to cooperate with law  
16 enforcement?

17 A Defendants who are facing large or long,  
18 lengthy prison sentences?

19 Q That's correct.

20 A Who don't want to do those prison sentences?  
21 Yes.

22 Q All right. And that was going to be my next  
23 to you. These defendants that are in a lot of trouble  
24 that you've indicated have an incentive to work for you,  
25 that is to try to get time off their sentence?

1 MR. GARCIA: Judge, I'm going to object as to  
2 the relevancy of these questions.

3 MR. YEAZELL: Do you want us to approach,  
4 Judge?

5 THE COURT: (Nodding head.)

6 (BENCH CONFERENCE.)

7 MR. YEAZELL: Judge, this witness under oath  
8 and on the record has indicated that a lot of times  
9 defendants are looking at serious prison time so  
10 there is an incentive for them to cooperative with  
11 law enforcement.

12 MR. GARCIA: For who to cooperate, though,  
13 Judge?

14 MR. YEAZELL: Judge, the point is obviously  
15 this goes right to the heart of the defense that  
16 all of these witnesses have had some motive or bias  
17 to lie. And I'm just establishing --

18 MR. GARCIA: But, Judge, he had no pending  
19 charges. Anthony Harris had no pending charges.  
20 And the question that he asked and he said, "You  
21 have to answer yes or no; did he say that he's  
22 working off charges?" He said he was working off  
23 charges for someone else.

24 THE COURT: That's what I thought he said.

25 MR. GARCIA: That's exactly what he said.

1           MR. YEAZELL: He can cross him on that. But  
2 the truth of the matter is, Judge, -- and I don't  
3 want this witness to hear this -- I don't buy for a  
4 second that he knows when he talked to Anthony  
5 Harris. He doesn't remember. And he's coming in  
6 here and testifying now that it was before. We  
7 don't know whether Anthony Harris had pending  
8 charges at the time. Even if he didn't, it  
9 wouldn't matter because he was known that -- that  
10 he was working for money. So this is relevant  
11 stuff that goes right to the heart of it.

12           MR. GARCIA: Judge, --

13           MR. YEAZELL: Besides, quite frankly, Judge,  
14 he's already responded to it anyway. The State  
15 objected after he responded.

16           MR. GARCIA: It's not relevant about  
17 defendants if it doesn't -- if it's not regarding  
18 Anthony Harris.

19           THE COURT: Right. That's what I was getting  
20 to. As to that, I think you've gone as far as you  
21 can.

22           MR. YEAZELL: That's as far as I was going to  
23 go.

24           THE COURT: I'm going to sustain to any  
25 further inquiry as to that.

1 MR. GARCIA: Okay. Judge, and I don't know if  
2 you noticed it or not, but the audience is out  
3 there when we were talking about the snitches, you  
4 hear oohs and aahs and ohs.

5 THE COURT: I had noticed that too.

6 MR. GARCIA: Several times. So ...

7 MR. YEAZELL: Was it out in the audience?

8 THE COURT: I'll keep an eye out.

9 MR. GARCIA: I don't know who did it. I heard  
10 it. Ms. Lavender heard it several times.

11 THE COURT: I'll keep an eye on it.

12 (OPEN COURT.)

13 Q (MR. YEAZELL) Okay. I wanted to talk to  
14 you more about this report issue as well.

15 In addition to that you not being aware of any  
16 detective's report that may have occurred in this  
17 particular case, you don't recall specifically writing  
18 any reports either, is that accurate, in regard to this  
19 matter?

20 A Absolutely. I did not.

21 Q Okay.

22 A Because I was driving that day.

23 Q Now, in some cases, you do do what is called  
24 intelligence interviews and do reports for those or  
25 little reports at least; is that correct?



1 A Yes.

2 Q All right. But in this case where you're  
3 suggesting this took place, you didn't do an  
4 intelligence interview?

5 A No, I didn't.

6 Q And would you say that that is something that  
7 would normally be put into a format of a report and  
8 filed, an intelligence interview?

9 A Yes.

10 Q And you don't recall providing any reports,  
11 either yourself or through somebody else, to the State  
12 Attorney's Office in regard to this particular comment  
13 that was made by Anthony Harris; is that a fair  
14 statement?

15 A Yes.

16 Q Okay. Do you have any idea how many cases  
17 that you worked with or on with Anthony Harris?

18 A Define "work cases on."

19 Q Well, working cases where you had contact with  
20 him where he actually worked the case or he was  
21 providing information on a case or anything like that at  
22 all.

23 A A few.

24 Q All right. And when you say, "a few", how do  
25 you define "a few"?

1           A     Less than ten.

2           Q     Okay. Do you know if he worked more than that  
3 number of cases with the Sheriff's Office or with the  
4 DEA?

5           A     I know what I was working with him.

6           Q     Uh-huh.

7           A     And I included in that number what he was  
8 doing with the Sheriff's Office. So I think it's  
9 somewhere around ten.

10          Q     Okay. You would agree that he worked more  
11 than that or do you not have personal knowledge of that?

12          A     I don't know if he was out of my sight.

13          Q     Okay. Fair enough. When he originally  
14 approached you to be a confidential informant and to  
15 work with you or the DEA, I suppose, you would agree  
16 that when he originally approached you, it didn't have  
17 anything to do with this particular case, correct?

18          A     Correct.

19          Q     It was in regard to another case or something  
20 else that he knew?

21          A     Yes.

22          Q     All right. And you've already testified that  
23 Mr. Harris wanted to get paid for his help. Do you have  
24 any idea how much you paid Mr. Harris for his help?

25          A     Totally? No. I can't remember.

1 Q Okay.

2 A But it was me who suggested payment.

3 Q I'm sorry?

4 A It was me who suggested paying.

5 Q It was made to --

6 A Me. I suggested payment instead of the  
7 federal defendant he was going to work for.

8 Q Okay. All right. Is it a fair statement that  
9 at least prior to today that you didn't remember when  
10 you learned something from Anthony Harris on Luc's  
11 case -- Luc Pierre-Charles's case?

12 A Are you asking me I don't know -- I don't  
13 remember an exact date? No, I do not remember the exact  
14 date. Is that what you asked me, sir?

15 Q Well, even as we sit here today, you don't  
16 remember the exact date; is that fair?

17 A It's more than fair. I do not remember the  
18 exact date. I got it boxed within about a month.

19 Q Okay. But it's also true that you didn't even  
20 remember where it was prior to this as to what month or  
21 even year?

22 A That's very true.

23 Q Okay. Since we have not been able to find any  
24 report from a detective and since you didn't prepare any  
25 report when this statement was allegedly made, are you

1 aware that the first report to the Pasco County  
2 Sheriff's Office was almost two years after the  
3 murder -- the murders? Are you aware of that? I'm just  
4 wondering because you work for the Pasco County  
5 Sheriff's Office.

6 A I don't remember exactly when the murders  
7 were. I knew it prior to.

8 Q Okay. So you don't remember either that it  
9 was two years later that --

10 A I remember it was '05 or '06, the murders.

11 Q Okay. That's when the murders were.

12 Were you aware that the first report by any  
13 detective with the Pasco County Sheriff's Office was in  
14 2008?

15 A First report with the Pasco County Sheriff's  
16 Office in 2008?

17 Q Yeah. The first report of anything from  
18 Mr. Harris in regard to these murders was two years  
19 later, in 2008.

20 A I didn't know that.

21 Q Okay. How many informants have you worked  
22 with over the years, any idea?

23 A Hundreds. A hundred.

24 Q Hundreds. Okay. And during this time  
25 period -- let's go just back to 2006. Let's say 2006

1 through 2008. I know this is a tough question; I don't  
2 expect you to be exact. But I'm just trying to get a  
3 general idea.

4           During that three-year period, any idea  
5 approximately how many informants that you would have  
6 worked with during that three-year period, best guess?

7           A     I'm not trying to be coy, but it depends on  
8 what you define "informants". I was in DEA. I just  
9 inherited a case that I worked on at Pasco where we had  
10 15, 20 defendants. They're all wanting to work off  
11 charges from the Aaron McKinney Distribution  
12 Organization (phonetic).

13           Q     Okay.

14           A     So it depends on what you define as  
15 "informant." At that point where they're out working  
16 and buying dope or were they feeding me information? A  
17 lot. I mean, I don't have a number, sir.

18           Q     Okay. Yeah. Let's go with feeding you  
19 information between those years, 2006 through 2008. I  
20 mean, would it be hundreds of people that are trying to  
21 come to you?

22           A     No. I wouldn't say hundreds. It was quite a  
23 few though.

24           Q     Okay. Maybe even dozens? 150, something like  
25 that?

1           A     No.  It wouldn't be that many in that time  
2 period.

3           Q     Okay.

4           A     Sir, I'd be guessing.

5           Q     Okay.  It's a lot.  Can we say that?

6           A     Define "a lot."  I mean -- I mean, 20, 30, 40.

7           Q     Okay.  Somewhere in that range?

8           A     Again, this is a guess.  This is me throwing  
9 numbers out there.

10          Q     All right.  That's over a three-year period.  
11 You think that's all it was?

12          A     I don't know.  I'm guessing.

13          Q     All right.  Would it be a fair statement that  
14 prior to today, you gave a statement back in September  
15 of 2013?  Do you recall that?

16          A     A statement where, sir?

17               MR. GARCIA:  Objection, Judge.  Asked and  
18 answered.

19               MR. YEAZELL:  No.  I don't know that I asked  
20 him if he had previously given -- I don't think I  
21 gave a date.  Let me ask it this way, Judge:

22          Q     (MR. YEAZELL) You previously gave a sworn  
23 statement in this case, right?

24          A     You're talking about a deposition?

25          Q     Yes.

1 A Yes.

2 Q And at that time -- That was in September of  
3 2013, right?

4 A Sounds right.

5 Q Okay. At that time you weren't certain if you  
6 had even spoken to Anthony Harris about Luc  
7 Pierre-Charles.

8 MR. GARCIA: Object, Judge. Asked and  
9 answered.

10 MR. YEAZELL: No. I haven't asked this  
11 question, Judge.

12 THE COURT: Overruled.

13 Q (MR. YEAZELL) As of that time you weren't  
14 even certain that you had ever spoken to Anthony  
15 Harris about Luc Pierre-Charles; is that true?

16 A Yeah. I had no independent recollection at  
17 that time.

18 Q Okay.

19 A That day.

20 MR. YEAZELL: I have nothing further, Your  
21 Honor.

22 THE COURT: Redirect?

23 MR. GARCIA: Yes, Judge.

24

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## REDIRECT EXAMINATION

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BY MR. GARCIA:

Q Sergeant Starnes, to clarify, you never said Anthony Harris was working off charges, right?

A Not for himself.

Q Okay. I think what you had said was he was working off federal charges for someone else?

A That's how he came to me, yes.

Q Okay. Is he the one that came to you and said he wanted to work charges off for someone else?

A No, sir. The task force Agent Dan Rivera alerted me to him.

Q Okay. And then you ended up signing him as a confidential source in the federal system?

A Yes.

Q And then in the state system as well?

A Yes.

Q Did everything that Anthony Harris tell you turn out to be true?

MR. YEAZELL: Objection, Judge.

THE COURT: Sustained. Rephrase.

Q (MR. GARCIA) Did Anthony Harris, while a confidential source, provide you with accurate information?

MR. YEAZELL: Objection.



1 THE COURT: Approach.

2 (BENCH CONFERENCE.)

3 MR. YEAZELL: If I may, it's my objection.  
4 Talk about bolstering the credibility of another  
5 witnesses through another witness. Completely  
6 improper.

7 MR. GARCIA: Judge, do you know how many times  
8 they've said he lied, he laid about these charges?  
9 He fabricated --

10 THE COURT: I know. I know. Hang on. We're  
11 going to take a couple minimum break.

12 MR. YEAZELL: Okay.

13 THE BAILIFF: Judge, --

14 (OPEN COURT.)

15 THE COURT: Okay. We're going to take a  
16 recess.

17 Let's take a ten-minute recess. It's about  
18 time anyways.

19 You can stay or go.

20 THE WITNESS: I'll just stay, Your Honor.

21 THE COURT: Yeah. You can stay right there.

22 THE BAILIFF: They can go?

23 THE COURT: Uh-huh. Yeah.

24 (Jury absent.)

25 THE BAILIFF: Your Honor, the jurors are clear

1 of the courtroom.

2 THE COURT: Thank you, Mr. Dome. We can take  
3 a ten-minute recess.

4 Sergeant Starnes, you're welcome to remain.  
5 Either way. I always have to instruct witnesses  
6 not to discuss their testimony with anyone, if you  
7 do go out. All right?

8 THE WITNESS: Yes, Your Honor. Absolutely.

9 THE COURT: Okay. Thanks.

10 (RECESS.)

11 (OPEN COURT.)

12 (Defendant present.)

13 (Jury absent.)

14 THE COURT: Are we ready to proceed?

15 MR. GARCIA: Judge, I think that we were at  
16 the bench and there was an objection.

17 THE COURT: Right. What was it?

18 MR. GARCIA: I had asked several questions. I  
19 think one of the questions was, "Did everything  
20 Anthony Harris tell you turn out to be true?" It  
21 was objected to.

22 THE COURT: Right. Right. Right.

23 MR. YEAZELL: And I objected saying that  
24 that's clearly bolstering the credibility of  
25 another witness through --

1 THE COURT: Right.

2 MR. YEAZELL: Did you want us to come up?

3 THE COURT: No. It's all right.

4 MR. GARCIA: And the other question was, "The  
5 information that he provided you, was it accurate"  
6 and that was objected to as well.

7 THE COURT: Right.

8 MR. YEAZELL: And my other objection -- and  
9 the same objection. But my other objection would  
10 be the relevance to this case. And this is a  
11 lesser objection. But the relevance of that -- of  
12 what he's done in other cases as it pertains to  
13 this case.

14 But the more important objection is that it's  
15 clearly bolstering the credibility of a witness  
16 that is not on the stand right now with collateral  
17 matters and it would not be admissible.

18 MR. GARCIA: Judge, and I would remind the  
19 Court that the witness Anthony Harris was  
20 repeatedly attacked as far as credibility, as far  
21 as lying, as far as recent fabrication. All of  
22 those things.

23 THE COURT: It still doesn't allow for  
24 bolstering by another witness. I know in some --  
25 the hearsay, we've already had that; the prior

1 consistent -- that's a pretty -- that's what you  
2 already asked, was he a reliable confidential --

3 MR. GARCIA: Okay.

4 THE COURT: -- that is acceptable. But I  
5 think we're going over the line when you ask him  
6 pointblank, was he accurate or did he lie or stuff  
7 like that.

8 The first one was good. After that, we're  
9 getting into dangerous territory.

10 MR. YEAZELL: Judge, and I would ask that the  
11 State not be permitted -- because I would be  
12 objecting to him even asking whether he was  
13 reliable. Because that's --

14 MR. GARCIA: It's already been asked and  
15 answered.

16 MR. YEAZELL: If I may? I'm just going to say  
17 that if the Court's allowing, I would be objecting,  
18 just for, you know, the record. But I ask that he  
19 not be permitted to ask it again as being asked and  
20 answered. So ...

21 THE COURT: That's fair.

22 MR. GARCIA: I'm not going to ask it again,  
23 Judge.

24 THE COURT: Okay.

25 MR. GARCIA: It's already been asked,

1 THE COURT: Right. All right. So I think  
2 we're ready to move on?

3 MR. GARCIA: Yes.

4 THE COURT: All right. Bring the jury in  
5 please.

6 Mr. Garcia, --

7 MR. GARCIA: Yes, Judge.

8 THE COURT: -- can you approach on -- it's  
9 totally unrelated to this case.

10 (Thereupon, an unrelated discussion ensued at  
11 the bench.)

12 THE BAILIFF: Are you ready?

13 THE COURT: Yeah.

14 UNIDENTIFIED OFFICER: Bring them in?

15 THE COURT: Uh-huh.

16 THE BAILIFF: Your Honor, jurors are entering  
17 the courtroom, Your Honor.

18 UNIDENTIFIED OFFICER: Jurors are entering the  
19 courtroom, Your Honor.

20 (Jury present.)

21 THE BAILIFF: Your Honor, jurors are present  
22 and seated in the courtroom.

23 THE COURT: Thank you.

24 Ladies and gentlemen, were you all able to  
25 abide by my instructions during the recess?

1 THE JURY PANEL: (Responding.)

2 THE COURT: Very good. Thank you. Thanks  
3 again for your patience.

4 State.

5 Q (MR. GARCIA) Sergeant Starnes, what  
6 materials did you look at prior to coming in today  
7 and testifying that refreshed your memory?

8 A Some intel report sign up that was inside the  
9 -- or in my computer.

10 Q Okay. And based upon that, has that brought  
11 back what you testified to here today?

12 A Yes. It didn't bring everything back. I'd  
13 like to still know who was riding with me. But, yes, it  
14 refreshed some of my memory.

15 Q Okay. As to what you've testified to?

16 A Yes.

17 Q And my next question: Have you ever had a  
18 confidential source inform you about a double homicide  
19 other than Anthony Harris?

20 A No. Not that I recall. No.

21 Q Okay. So I mean, that would be something that  
22 would be significant, right?

23 A Yeah. It should be.

24 Q Okay. And the name Noe, did that bring  
25 memories back as to how this debriefing occurred as

1 well?

2 A It did.

3 Q Was that one of the key things that refreshed  
4 your memory?

5 A For me, yes, it was. Because I remember the  
6 location. I don't remember the exact physical address,  
7 but I remember the location.

8 Q Okay. Well, can you explain to the members of  
9 this jury that, you know -- I think on cross you didn't  
10 remember a lot of things back in 2013. But, obviously,  
11 you've looked at materials that has refreshed your  
12 memory?

13 A Some of my memory, yes.

14 Q All right. So what is significant about the  
15 name Noe?

16 A We were looking at a --

17 MR. YEAZELL: Judge, may we approach?

18 THE COURT: Yes.

19 (BENCH CONFERENCE.)

20 MR. YEAZELL: Well, Judge, if the Court  
21 recalls, this whole Noe Gonzales thing is what came  
22 in earlier that I objected to and discussed whether  
23 we were going to move for a mistrial or not.

24 This is a whole drug deal thing that went on  
25 he's kind of going to be walking this guy into.

1 You know, that was the problem where he originally  
2 said my client was there, that whole big mess. And  
3 that's my concern, we're going down that same road  
4 again. It has nothing to do with this case.

5 THE COURT: Let's move on.

6 MR. GARCIA: Well, Judge, that's how he  
7 refreshed his memory.

8 THE COURT: All right. We've established  
9 that. Let's move on.

10 MR. GARCIA: Okay.

11 (OPEN COURT.)

12 MR. GARCIA: May I proceed, Judge?

13 THE COURT: Go ahead.

14 Q (MR. GARCIA) Sergeant Starnes, the  
15 investigation involving Noe has refreshed your  
16 memory?

17 A Yes.

18 Q Okay. There's no doubt in your mind that you  
19 passed on the information to Major Crimes?

20 A Yes, I did.

21 Q Okay. Is it fair to say that you don't know  
22 what they did with it obviously?

23 A I have no idea what they did with the  
24 information.

25 Q Okay. And generally when a -- I assume you



1 were a detective back then. When a detective gets  
2 information like that, do you normally write a report or  
3 do you normally leave that to the homicide and Major  
4 Crimes to speak to that particular person and write a  
5 report?

6 A At that time?

7 Q Yes.

8 A I would include it in my report that -- with a  
9 sentence, CI such and such had information on a -- on  
10 this homicide, reference this. However, that day, I was  
11 driving. And whoever was taking the notes that day with  
12 me should have been the author of the report.

13 Q Okay. So the person in the back would have  
14 been the scribe, the one to be taking notes down?

15 A Yes.

16 MR. GARCIA: All right. I don't have any  
17 further questions.

18 MR. YEAZELL: Just a couple of questions, Your  
19 Honor.

20 THE COURT: Uh-huh.

21 RE-CROSS-EXAMINATION

22 BY MR. YEAZELL:

23 Q Sergeant Starnes, you had indicated that you  
24 looked at some reports that refreshed your recollection  
25 about this incident. But it's fair to say that there

1 was nothing in those reports about this Luc  
2 Pierre-Charles case, correct?

3 A Yeah. You're right. Yes.

4 MR. YEAZELL: Okay. Thank you. Nothing  
5 further.

6 THE COURT: State, anything further?

7 MR. GARCIA: Nothing further. No, Judge.

8 THE COURT: May this witness be released?

9 MR. GARCIA: Yes, Your Honor.

10 THE COURT: Thank you, Sergeant. You're free  
11 to go.

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: Who's next?

14 MR. GARCIA: Judge, the State has no further  
15 rebuttal witnesses.

16 THE COURT: All right. Mr. Yeazell, are you,  
17 to your knowledge, ready to call some of your  
18 witnesses?

19 MR. YEAZELL: Judge, I think we're still  
20 waiting on the bailiffs.

21 May we approach?

22 THE COURT: Uh-huh.

23 (BENCH CONFERENCE.)

24 MR. YEAZELL: Judge, I just got word that one  
25 or two of our witnesses have arrived. Obviously it