

1 PLANTIFF: Mr. Bell

2 WITNESS: Officer Alice Blake

3 COURT:

4 DEFENDANT: Ms. Turner

5

6 WARM UP

7 THE COURT: Back on the record in People vs. Gomez.
8 Are we ready to proceed?

9 MR. BELL: Yes, your Honor. My next witness is
10 here and we are ready / to go.

11 THE COURT: All right. Are we going to be taking a
12 witness out of order?

13 MR. BELL: Yes, your Honor. If there is no
14 objection by counsel, / that's what I would like to do.

15 MS. TURNER: I don't have any problem with that. I
16 understand the officer is going out of town and I /
17 think we can finish her testimony today.

18 THE COURT: All right. Let's proceed and bring the
19 jury in.

20 MS. TURNER: Thank you, your Honor.

21 THE COURT: Ladies and gentlemen, we are */ going
22 to be proceeding with the people's case in chief.
23 Call your witness.

24 MR. BELL: Thank you, your Honor.

25 The people call Officer Blake as the next /
26 witness.

1 THE COURT: Officer, please step forward and state
2 your full name for the record.

3 THE WITNESS: Alice Blake, B-L-A-K-E.

4 THE COURT: Thank you. Okay. Let's proceed.*/
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DIRECT EXAMINATION

6 Q. BY MR. BELL: Officer Blake, by whom are you
7 employed?

8 A. I am an officer with the Garden Grove police
9 department.

10 Q. How long have you been so employed?

11 A. I / have been with that department for 15
12 years.

13 Q. Were you employed as a police officer prior to
14 Garden Grove?

15 A. Yes. I was a police officer **/ in northern
16 California prior to relocating down here.

17 Q. How many years total have you been employed in
18 law enforcement?

19 A. 24 years altogether.

20 Q. Now, I want / to ask you about an interview
21 that you conducted of a witness in this case. Were you
22 on duty on the date of March 8, / 2006?

23 A. Yes, I was.

24 Q. Were you directed out to the scene of a
25 shooting on that date?
26

1 A. Correct. I was dispatched to the / scene to
2 assist Sergeant York.

3 MR. BELL: I have a diagram I would like to mark at
4 this time next in order.

5 THE COURT: It may be so marked. */

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 END OF WARM UP

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1 EXAM

2 MS. TURNER: Your Honor, if I may have a minute
3 with counsel.

4 THE COURT: Yes, that's fine.

5 MS. TURNER: Thank you, your Honor. I just wanted
6 to make sure that I / had the same exhibit that counsel
7 had.

8 MR. BELL: This was part of the evidence that was
9 in the discovery.

10 THE COURT: Counsel, I don't want to have this /
11 discussion in the presence of the jury.

12 MS. TURNER: My apologies.

13 MR. BELL: Thank you, your Honor. We all have
14 copies now.

15 THE COURT: Proceed.

16 Q. BY MR. BELL: Officer Blake, are you familiar
17 with / what this depicts?

18 A. Yes, it is a diagram of the area of the
19 shooting. It shows the neighborhood and the school.

20 Q. Are you familiar with */ this area that is
21 shown in the diagram?

22 A. Yes, I am.

23 Q. Have you had occasion to patrol that area as
24 an officer for the Garden / Grove police department?

25 A. Yes, I have.

26

1 Q. Are you familiar with the schools that are
2 located in that neighborhood?

3 A. Yes, I am. There is a high / school right
4 next to this location where the shooting took place.
5 There is also an elementary school down the street a
6 few blocks.

7 Q. As an / officer for the city, are you
8 routinely called out to the school for problems that
9 may occur?

10 A. The high school is in the part of **/ the city
11 where I routinely patrol. They have a campus officer
12 present every day and sometimes I drive by and check
13 things out.

14 Q. Have you / had calls for service to that
15 neighborhood behind the high school?

16 A. Yes, absolutely.

17 Q. Are they always related to the high school?

18 A. Not always. It is / a regular neighborhood
19 where you have calls for assistance. We have had
20 robberies and burglaries in the neighborhood. There
21 are also domestic calls and things / not related to the
22 school.

23 Q. On the date of March 8 were you called to the
24 scene of a shooting?

25 MS. TURNER: Objection. Asked and answered.

26 THE COURT: All */ right. Sustained.

1 Q. BY MR. BELL: You testified that you were sent
2 to assist Sergeant York. What did that consist of?

3 A. I arrived in the neighborhood behind the
4 school / and contacted Sergeant York.

5 Q. What did that consist of?

6 A. There was a shooting and Sergeant York was in
7 charge of the scene. I reported to / him and he asked
8 me to interview a couple of the witnesses.

9 Q. When you arrived Sergeant York was obviously
10 already at the scene?

11 A. Yes. There / were several officers on the
12 scene. There was also paramedics and a fire engine
13 there as well.

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1 START TYPING

2 Q. BY MR. BELL: What did you observe when you
3 first arrived? **/

4 A. The paramedics were working on a young man who
5 was laying in the street. There were probably five or
6 six units blocking off the street / to the traffic and
7 officers were setting up a perimeter.

8 Q. What do you mean by setting up a perimeter?

9 A. We want to cordon off the / area so we can
10 secure the scene. We don't want the public to be
11 walking through an area where we are going to be trying
12 / to collect evidence for the case.

13 Q. Is this what we commonly see with the tape
14 blocking off travel through the scene?

15 A. Yes. It is just */ to keep people out until
16 we have had a chance to investigate the crime.

17 Q. You testified that Sergeant York had you
18 interview witnesses. Who was / it that you talked to
19 on that day?

20 A. I spoke to the residents in the corner house
21 and also some of the students who were / walking out of
22 the school that afternoon.

23 Q. Do you remember the address of the house where
24 you conducted your interviews?

25 A. I would have to review / my report.

26

1 MS. TURNER: I have no objection if the officer
2 wants to review the report.

3 MR. BELL: With the court's permission.

4 THE COURT: That's fine. Let's proceed.

5 THE WITNESS: The address is **/ 1535 Walker.

6 Q. BY MR. BELL: Who did you speak to at that
7 location?

8 A. I spoke to a woman who was renting a room in
9 the house at / 1535. I also spoke to the homeowner
10 when he arrived.

11 Q. When you spoke to the woman, what did she tell
12 you?

13 MS. TURNER: Objection. Calls for / a narrative.

14 THE COURT: Sustained. Next question.

15 Q. BY MR. BELL: Tell us about your interview
16 with the woman. First of all, what is her name?

17 A. Her name is Sharon Baker. /

18 Q. Is she the woman who made the 911 call?

19 MS. TURNER: Objection. No foundation.

20 THE COURT: All right. I assume this is the
21 foundation for the interview. */ Overruled.

22 Q. BY MR. BELL: Did Ms. Baker make an emergency
23 call that afternoon to report a possible shooting?

24 A. Yes, she absolutely did.

25 Q. Did you identify yourself as an / officer for
26 Garden Grove when you met with her?

1 A. Yes, that's correct. I was in uniform like I
2 am today. I inquired if I could / ask her some
3 questions and she brought me into her home for that
4 purpose.

5 Q. What did you ask her?

6 A. I asked her what prompted her / to make the
7 call to 911 and she began to relay what she had
8 observed that afternoon outside her home.

9 Q. What did she **/ tell you at that time?

10 MS. TURNER: Objection. Hearsay.

11 MR. BELL: It is not offered for the truth. It's
12 offered for the thought process of the officer after
13 the / interview.

14 THE COURT: Okay. Overruled.

15 Officer, you may answer the question.

16 THE WITNESS: She reported to me that she heard
17 some yelling outside her home that afternoon. She
18 looked / out her window and saw a fight starting.

19 Q. BY MR. BELL: Did you ask the witness if she
20 knew the people in the street?

21 A. Yes, I did.

22 Q. What / did she say?

23 A. She informed me she sees them all the time
24 coming and going to school, but that she doesn't
25 actually know the children personally. */

26 Q. How old of a woman is Ms. Baker?

1 MS. TURNER: Objection. Irrelevant.

2 THE COURT: Overruled.

3 THE WITNESS: I didn't ask her age.

4 Q. BY MR. BELL: Does she have children that
5 attend the school?

6 A. She / has two children attending the high
7 school.

8 Q. Was she able to identify the people in the
9 street to you that afternoon?

10 A. She initially gave me / the names of some of
11 the people she observed in front of her residence.

12 Q. Was she able to identify the young victim who
13 was shot? /

14 A. Yes, she said that his name was Jeffrey and
15 that he was a friend of her son's.

16 Q. Who else was she able to identify?

17 A. She **/ said that there were two juveniles she
18 had observed previously and they were trying to help
19 Jeffrey before the police arrived.

20 Q. Did she provide you / names for those possible
21 witnesses?

22 A. She didn't know their names.

23 Q. Did Ms. Baker tell you how long it took her to
24 call 911 / after she saw the altercation in front of
25 her residence?

26 A. She said that she called shortly thereafter.

1 Q. Were you able to get her to approximate / the
2 time?

3 A. Her best estimate was within five minutes.

4 Q. What was she able to tell you that she
5 observed prior to calling 911? */

6 A. The witness reported that she initially heard
7 the fight starting and proceeded to the front window
8 and observed them fighting.

9 Q. What did she observe from / the window?

10 A. She saw several kids throwing punches and
11 fighting. She then saw the defendant come around the
12 corner and began firing a weapon.

13 Q. How / many shots did she see or hear?

14 A. She thought she heard five shots, but she
15 wasn't positive.

16 Q. And what happened after she heard the shots? /

17 A. She saw the defendant take off down the street
18 and run into the yard of one of the houses across the
19 street.

20 MR. BELL: Your Honor, I **/ would like to mark
21 this photograph as next in order.

22 THE COURT: It may be so marked.

23 MR. BELL: I would like to display the photo to the
24 jury / at this time.

25 THE COURT: Is there any objection?

26 MS. TURNER: No, your Honor.

1 MR. BELL: Thank you.

2 THE COURT: Just make sure that you display the
3 board where everyone is able to / see it.

4 Q. BY MR. BELL: Officer, do you recognize this
5 photograph?

6 A. Yes. That's the residence where the defendant
7 ran.

8 Q. Did you proceed to that home to interview
9 anyone / there?

10 A. Yes, but there was no answer at the door.

11 MR. BELL: Nothing further at this time.

12 THE COURT: How long do you anticipate for your
13 cross-examination?

14 MS. TURNER: Not too */ long, your Honor. I think
15 I can finish it up before the break.

16 THE COURT: All right. Let's proceed.

17 CROSS-EXAMINATION

18 Q. BY MS. TURNER: Good morning, Officer Blake.

19 A. Good morning.

20 Q. Do you / know the time you were initially
21 dispatched to the scene?

22 A. If I could review my report, then I would be
23 able to refresh my recollection. /

24 THE COURT: That's fine.

25 THE WITNESS: I arrived at the shooting at 3:15.

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1 Q. BY MS. TURNER: Is that when you made contact
2 with Sergeant York?

3 A. Within a few minutes of my / arrival.

4 Q. Now, you took your direction from Sergeant
5 York; is that correct?

6 A. Yes, exactly.

7 Q. Did the sergeant advise you anything about the
8 case when you **/ arrived?

9 A. Nothing specific. It was obvious that there
10 was a shooting because we had a victim in the street.

11 Q. Did someone advise you it was / a shooting or
12 you just assumed that?

13 A. I believe the dispatch reported it as a
14 shooting. I knew that before I arrived there.

15 Q. All right. / Did Sergeant York direct you to
16 the corner house where Sharon Baker resided?

17 A. Yes, that's correct.

18 Q. Do you remember what time you spoke to her? /

19 A. It would be within minutes of arriving at the
20 scene.

21 Q. Do you have that information reflected in your
22 report or in your notes?

23 A. Yes. It */ was 3:45 when I spoke to Ms.
24 Baker.

25 Q. And how long was that conversation?

26 A. I would estimate 15 minutes, maybe 20.

1 Q. What was her / demeanor when you spoke to her?

2 A. She was very upset and was crying a little
3 bit.

4 Q. You may have testified to this, but I have /
5 forgotten. Did you conduct your interview with her
6 inside her home or outside her home?

7 A. It was inside. She invited me in and we spoke
8 / in the living room.

9 Q. Was there anyone else present when you began
10 interviewing her?

11 A. Yes. Her son was also present in the living
12 room.

13 Q. Was **/ her son there the whole time you spoke
14 to her?

15 A. Yes.

16 Q. Did you actually question her son at all, or
17 just Ms. Baker?

18 A. I directed / my questions to the mother. I
19 may have asked him if he was okay or if he needed
20 anything, but I didn't question him regarding / the
21 shooting.

22 Q. Do you believe that maybe you should have
23 questioned him?

24 MR. BELL: Objection. Argumentative.

25 THE COURT: Sustained.

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1 Q. BY MS. TURNER: What did Sergeant York say to
2 you when he directed / you to that house?

3 A. He told me to interview the witnesses that
4 were standing in the driveway.

5 Q. Did he give you any names or anything */ like
6 that?

7 A. No. He advised me there was a woman that
8 resided there and that she had made the 911 call.

9 Q. Now, you / said witnesses plural in your
10 earlier answer. Who was the other witness that you
11 were to interview?

12 A. I also spoke to the homeowner. He was / there
13 to collect the rent.

14 Q. So he just happened to be present or did you
15 notify him?

16 A. No. I didn't notify anyone. There were two /
17 people standing next to the residence and I contacted
18 them both.

19 Q. Is it your practice to question anyone that is
20 present at a crime scene? **/

21 MR. BELL: Objection. Calls for speculation.

22 THE COURT: Sustained.

23 Q. BY MS. TURNER: As an officer are you
24 instructed in how to conduct investigations?

25 A. Yes.
26

1 Q. Are you trained in who to look to / for
2 information at a possible crime scene?

3 A. That's correct.

4 Q. When Sharon Baker told you that her son knew
5 the victim, why didn't you talk to / the son?

6 MR. BELL: Objection. Assumes facts not in
7 evidence.

8 THE COURT: All right. Sustained.

9 Q. BY MS. TURNER: Did Ms. Baker report to you
10 her son knew the victim?

11 A. Yes, she did. /

12 Q. Was her son present when she reported that?

13 A. Yes, he certainly was.

14 Q. And you had no questions for him, did you?

15 A. Not at that time. */

16 Q. What is this young man's name?

17 A. Kevin.

18 Q. Did you ever ask him any questions about his
19 friend who was shot?

20 A. No, I didn't.

21 Q. Don't you / think that might have been
22 important to ask him what he observed?

23 MR. BELL: Objection. Argumentative.

24 THE COURT: Sustained.

25 MR. BELL: Your Honor, I would like to be heard
26 sidebar.

1 THE COURT: No. / Your objection was sustained.

2 Let's just proceed.

3 MR. BELL: Thank you, your Honor.

4 Q. BY MS. TURNER: You testified that you are
5 familiar with that area from your years of patrolling /
6 the neighborhood; is that correct?

7 A. Yes, absolutely.

8 Q. Have you ever been dispatched to the Baker
9 home before that day for a shooting?

10 A. Yes, I have. **/

11 Q. All right. I will come back to that in a
12 minute.

13 When you were speaking with Sharon Baker, did you
14 inquire whether she had seen / the shots or just heard
15 them?

16 A. I don't remember making that distinction. She
17 reported that she heard five shots and that she
18 observed the confrontation. /

19 Q. You testified that she told you that my client
20 came around the corner with a weapon in his hand; is
21 that correct?

22 A. Yes.

23 Q. When you / talked about coming around the
24 corner, which corner on this diagram were you speaking
25 of?

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1 A. She reported that he traveled from the north
2 and fired */ the handgun.

3 Q. In looking at the diagram could you draw a
4 line depicting the path of travel?

5 A. Certainly. She reported to me he traveled
6 from / the school and then continued down the sidewalk.

7 Q. Did she tell you she witnessed him from the
8 front? In other words, did she actually see / his face
9 as he was walking toward the altercation?

10 A. She said that she saw the profile of his face
11 as he ran past her window / and then fired the handgun.

12 Q. When she heard the gunshots being fired did
13 she notice where they were coming from?

14 A. She told me that the **/ defendant's arm was
15 extended. He was firing the weapon at the victim.

16 Q. Did she actually see my client fire the weapon
17 or did she only / hear the gunshots?

18 A. She heard five gunshots and witnessed the
19 victim falling to the asphalt.

20 Q. You testified you were also directed to
21 another residence across / the street?

22 A. Correct.

23 Q. You testified there wasn't anyone home at that
24 residence; is that correct?

25 A. Yes.

26

1 Q. Did you leave a card for them / to contact you
2 when they returned?

3 A. No, I did not.

4 Q. Is there a reason why you didn't do that?

5 MR. BELL: Objection. Argumentative and
6 irrelevant.

7 THE COURT: Sustained.

8 Q. BY MS. TURNER: In */ the past have you ever
9 left a card for someone to contact you if they have any
10 information?

11 A. It depends on the case and what / my role is
12 in the investigation.

13 Q. You were one of the investigators in this
14 case, were you not?

15 A. I was there to assist Sergeant York. / There
16 were detectives assigned to the case at a later time to
17 conduct the investigation.

18 Q. You are not a detective, correct?

19 A. That's right.

20 Q. How would / you describe your role in this
21 investigation?

22 MR. BELL: Objection. Asked and answered.

23 THE COURT: Overruled.

24 THE WITNESS: I was first sent to the scene to
25 assist my sergeant.

26 MS. TURNER: Nothing further. **/ -o0o-