

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE, NORTH JUSTICE CENTER

DEPARTMENT N3

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

JUL 13 2012

THE PEOPLE OF THE STATE
OF CALIFORNIA,

PLAINTIFF,

VS.

JOHN LUCAS,

DEFENDANT.

NO. 12NF0037

COPY

V. Q. O.
VANESSA ROCHA

THE HONORABLE DANIEL J. DIDIER, JUDGE PRESIDING

REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING

JULY 10, 2012

APPEARANCES OF COUNSEL:

FOR PLAINTIFF:

TONY RACKAUCKAS
DISTRICT ATTORNEY
BY: MICHAEL HERNANDEZ
DEPUTY DISTRICT ATTORNEY

FOR DEFENDANT:

FRANK OSPINO
PUBLIC DEFENDER
BY: DANIEL KIM
DEPUTY PUBLIC DEFENDER

STACIE SKOTARCZYK, CSR #7211
OFFICIAL COURT REPORTER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

W I T N E S S I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
ALEX HONG	5	27	56	60

(THE DEFENDANT WAS BOUND OVER TO DEPARTMENT C5 ON
JULY 10, 2012.)

E X H I B I T S

PEOPLE'S:

FOR I.D. IN EVIDENCE

(NONE)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 FULLERTON, CALIFORNIA - JULY 10, 2012

2 MORNING SESSION

3 * * * *

4 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT:)

5 THE COURT: GOOD MORNING.

6 MR. HERNANDEZ: GOOD MORNING, YOUR HONOR.

7 MR. KIM: GOOD MORNING.

8 THE COURT: THIS IS THE TIME AND PLACE FOR THE
9 PRELIMINARY EXAMINATION IN THE CASE OF PEOPLE V. JOHN
10 PAUL LUCAS.

11 GOOD MORNING, MR. LUCAS.

12 THE DEFENDANT: GOOD MORNING, YOUR HONOR.

13 THE COURT: ALL RIGHT.

14 FIRST OF ALL, I NOTE THAT WE HAVE AN
15 ACCOMMODATION HERE REQUESTED FOR A LISTENING DEVICE. AND
16 IS THAT WORKING OKAY FOR YOU, MR. LUCAS?

17 THE DEFENDANT: ACTUALLY, THIS ONE IS A HUGE
18 IMPROVEMENT OVER THE ONES THAT THEY HAD OVER THERE.

19 THE COURT: WE JUST TRY TO PLEASE HERE, SO I'LL
20 MARK DOWN THAT YOU ARE GOOD WITH THE HEARING DEVICE.

21 THE DEFENDANT: THANK YOU.

22 THE COURT: ALL RIGHT?

23 MR. KIM: THANK YOU, YOUR HONOR.

24 THE COURT: NOW, ANY OTHER PRELIMINARY MATTERS
25 BEFORE THE FIRST WITNESS IS CALLED?

26 MR. HERNANDEZ: NONE FROM THE PEOPLE, YOUR

1 HONOR.

2 MR. KIM: NONE FROM THE DEFENSE.

3 THE COURT: ALL RIGHT.

4 MR. HERNANDEZ?

5 MR. HERNANDEZ: THE PEOPLE CALL DETECTIVE HONG.

6 **ALEX HONG,**

7 CALLED AS A WITNESS ON BEHALF OF THE PEOPLE,
8 HAVING BEEN DULY SWORN, WAS EXAMINED AND TESTIFIED AS
9 FOLLOWS:

10 THE CLERK: DO YOU SOLEMNLY STATE THAT THE
11 TESTIMONY YOU ARE ABOUT TO GIVE IN THE CAUSE NOW PENDING
12 BEFORE THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH AND
13 NOTHING BUT THE TRUTH, SO HELP YOU GOD?

14 THE DEFENDANT: I DO.

15 THE COURT: PLEASE STATE YOUR NAME AND SPELL IT
16 FOR THE RECORD.

17 THE WITNESS: HONG, H-O-N-G; FIRST OF ALEX,
18 A-L-E-X.

19 THE COURT: GOOD MORNING, OFFICER.

20 THE DEFENDANT: GOOD MORNING, YOUR HONOR.

21 **DIRECT EXAMINATION**

22 Q. BY MR. HERNANDEZ: DETECTIVE HONG, WILL YOU
23 STATE YOUR CURRENT OCCUPATION AND ASSIGNMENT FOR THE
24 RECORD, PLEASE?

25 A. CURRENTLY EMPLOYED WITH BUENA PARK POLICE
26 DEPARTMENT.

1 Q. AND WHAT DIVISION ARE YOU ASSIGNED TO IN THE
2 BUENA PARK POLICE DEPARTMENT?

3 A. CURRENTLY ASSIGNED TO PATROL DIVISION.

4 Q. OKAY. AND YOU HAVE BEEN WORKING AS A PEACE
5 OFFICER FOR HOW LONG?

6 A. OVER SEVEN YEARS.

7 Q. OKAY. AND NOW BACK ON OCTOBER 26, 2011, YOU
8 WERE IN THE NARCOTICS/VICE UNIT, CORRECT?

9 A. THAT'S CORRECT.

10 Q. AND ON THAT DATE, AT AROUND 1330 HOURS, YOU WERE
11 IN THE AREA OF 1788 NORTH WIDDOWS IN THE CITY OF ORANGE,
12 COUNTY OF ORANGE, TO SERVE A SEARCH WARRANT, CORRECT?

13 A. YES, I WAS.

14 Q. OKAY. AND IS THERE A HOME OR AN APARTMENT AT
15 THAT 1788 NORTH WIDDOWS ADDRESS?

16 A. YES.

17 Q. IS IT A HOME?

18 A. IT'S AN APARTMENT.

19 Q. IT IS AN APARTMENT, OKAY. AND THE 1788 ADDRESS
20 WAS PART OF A SEARCH WARRANT, CORRECT?

21 A. THAT'S CORRECT.

22 Q. AND WAS THERE A NAMED SUBJECT ON THAT SEARCH
23 WARRANT AS WELL?

24 A. YES.

25 Q. OKAY. AND AT AROUND 1330 HOURS, YOU WERE AT
26 THAT LOCATION CONDUCTING SURVEILLANCE, CORRECT?

1 A. THAT IS CORRECT.

2 Q. AND DID YOU SEE SOMEONE DRIVE UP TO THAT
3 LOCATION THAT YOU SEE IN THIS COURTROOM TODAY?

4 A. YES.

5 Q. CAN YOU IDENTIFY THEM AND DESCRIBE AN ARTICLE OF
6 CLOTHING?

7 A. YES. THE GENTLEMEN ON THE FAR RIGHT, WEARING A
8 BLUE DRESS SHIRT.

9 THE COURT: INDICATING THE DEFENDANT, MR. LUCAS.

10 MR. HERNANDEZ: THANK YOU, YOUR HONOR.

11 Q. AND MR. LUCAS WAS THE PERSON NAMED IN THE SEARCH
12 WARRANT, CORRECT?

13 A. THAT'S CORRECT.

14 Q. OKAY. AND WHEN YOU FIRST SAW THE DEFENDANT,
15 WHAT DID YOU DO?

16 A. DETECTIVE YAKUBOVSKY AND I APPROACHED THE
17 VEHICLE, WHERE WE MADE CONTACT WITH MR. LUCAS. AT THAT
18 TIME, I CONDUCTED A SEARCH AND FOUND LARGE AMOUNT OF CASH
19 IN HIS FRONT RIGHT PANTS POCKET.

20 Q. DO YOU REMEMBER HOW MUCH MONEY IT WAS THAT YOU
21 FOUND ON HIM?

22 A. THAT I DO NOT RECALL.

23 Q. DID YOU BOOK THAT MONEY INTO EVIDENCE?

24 A. THE MONEY THAT WAS FOUND WAS LATER PUT INTO
25 ASSET FORFEITURE.

26 Q. OKAY. SO WHEN YOU RECOVERED THE MONEY OFF THE

1 DEFENDANT, DID YOU BOOK IT INTO EVIDENCE OR TAKE IT AS
2 PART OF YOUR INVESTIGATION?

3 A. I PERSONALLY DIDN'T. IT WAS DONE BY EITHER
4 DETECTIVE YAKUBOVSKY OR DETECTIVE CETINA.

5 Q. SO YOU HAD OTHER OFFICERS FROM YOUR AGENCY
6 INVOLVED IN THIS SEARCH, CORRECT?

7 A. THAT'S CORRECT.

8 Q. AND --

9 THE COURT: COULD YOU SPELL THE NAMES OF THE
10 OTHER OFFICERS?

11 THE WITNESS: YES. YAKUBOVSKY IS
12 Y-A-K-U-B-O-V-S-K-Y, AND CETINA IS C-E-T-I-N-A.

13 Q. BY MR. HERNANDEZ: DETECTIVE YAKUBOVSKY IS THE
14 LEAD INVESTIGATOR ON THIS CASE; IS THAT CORRECT?

15 A. CORRECT.

16 Q. AND YOU TURNED OVER SOME MONEY TO HIM; IS THAT
17 CORRECT?

18 A. LATER, YES, I DID.

19 Q. DO YOU REMEMBER COUNTING THE MONEY AFTER YOU
20 SEIZED IT OFF THE DEFENDANT?

21 A. I DIDN'T PERSONALLY COUNT IT.

22 Q. OKAY. DO YOU REMEMBER WHAT DENOMINATIONS?

23 A. I RECALL THE, I REMEMBER SEEING 20'S AND 100'S.

24 MR. KIM: OBJECTION, YOUR HONOR, VAGUE.

25 THE COURT: OVERRULED.

26 Q. BY MR. HERNANDEZ: OKAY. AFTER YOU --

1 THE COURT: NEXT QUESTION.

2 MR. HERNANDEZ: THANK YOU, YOUR HONOR.

3 Q. AFTER YOU SERVED THE DEFENDANT, WHAT DID YOU DO
4 NEXT?

5 A. I WAS PRESENT WHEN DETECTIVE YAKUBOVSKY
6 CONDUCTED A SEARCH OF THE STORAGE UNIT OF THE GARAGE
7 AREA.

8 Q. AND THIS STORAGE UNIT, WAS THAT THE SAME STORAGE
9 UNIT THAT WAS TIED TO THE 1788 NORTH WIDDOWS ADDRESS?

10 A. CORRECT.

11 Q. OKAY. AND WHAT DID THAT DETECTIVE FIND?

12 A. DETECTIVE YAKUBOVSKY FOUND A .22.

13 MR. KIM: OBJECTION, YOUR HONOR. MULTIPLE
14 LEVELS OF HEARSAY. LACK OF PERSONAL KNOWLEDGE.

15 THE COURT: ALL RIGHT. FOUNDATION?

16 MR. HERNANDEZ: OKAY.

17 Q. YOU WERE THERE WHEN THAT DETECTIVE WAS SEARCHING
18 THAT STORAGE UNIT?

19 A. I WAS WITH HIM, YES.

20 Q. OKAY. SO YOU WERE HELPING HIM IN HIS SEARCH?

21 A. THAT'S CORRECT.

22 Q. OKAY. SO WHAT DID YOU AND THIS DETECTIVE FIND
23 IN THAT STORAGE UNIT?

24 MR. KIM: OBJECTION, YOUR HONOR. COMPOUND,
25 VAGUE, LACK OF FOUNDATION.

26 THE COURT: OVERRULED.

1 YOU MAY ANSWER.

2 THE WITNESS: I SAW DETECTIVE YAKUBOVSKY FIND A
3 .22-CALIBER RIFLE.

4 Q. OKAY. WAS THERE ANYTHING ELSE RECOVERED FROM
5 THAT STORAGE AREA?

6 A. THERE WAS TWO EMPTY MASON JARS, ALONG WITH BOXES
7 OF .22-CALIBER AMMUNITION.

8 MR. KIM: OBJECTION, VAGUE. LACK OF FOUNDATION.
9 MOVE TO STRIKE.

10 THE COURT: WELL, YOU HAVE TO PICK IT UP ON
11 CROSS. THE OFFICER TESTIFIED THAT HE WAS WITH THE OTHER
12 OFFICER AND THEY BOTH CONDUCTED THE SEARCH. AND -- ALL
13 RIGHT.

14 MR. LUCAS, ONE THING. YOU MIGHT AGREE OR
15 DISAGREE, BUT DON'T SHAKE YOUR HEAD OR NOD ONE WAY OR THE
16 OTHER. THAT IS DISCOURTEOUS, OKAY?

17 APPARENTLY, HE WAS-- HE HAS PERSONAL KNOWLEDGE
18 OF WHAT HE PERCEIVES. HE WAS WITH THE OTHER OFFICERS.

19 WAS THERE SOMETHING I MISSED?

20 MR. KIM: WHO FOUND THE MASON JAR?

21 THE COURT: WHO PUT THEIR HANDS ON IT?

22 MR. KIM: WHERE IS HE GETTING THIS?

23 THE COURT: MR. LUCAS, I DON'T NEED YOUR HELP
24 ONE WAY OR THE OTHER, OKAY?

25 MR. KIM: AND WHERE IS DETECTIVE HONG GETTING
26 THIS INFORMATION? WAS IT FROM HIS PERSONAL OBSERVATIONS

1 OR WHAT? DETECTIVE YAKUBOVSKY WROTE IN HIS REPORT --

2 THE COURT: MR. HERNANDEZ, MAYBE YOU CAN PATCH
3 IT UP A LITTLE BIT.

4 MR. HERNANDEZ: SURE. THANK YOU, YOUR HONOR.

5 Q. NOW, THE SEARCH OF THE STORAGE UNIT WAS
6 CONDUCTED BY DETECTIVE YAKUBOVSKY AND YOURSELF, CORRECT?

7 A. THAT'S CORRECT.

8 Q. AND YOU WERE WITH THAT DETECTIVE WHEN YOU WERE
9 CONDUCTING THE SEARCH, CORRECT?

10 A. YES.

11 Q. AND THE THINGS THAT WERE RECOVERED YOU ACTUALLY
12 WITNESSED THE OTHER DETECTIVE RECOVER?

13 A. YES, I SAW IT.

14 Q. OKAY. AND SO YOU SAW THE RECOVERY OF THE MASON
15 JARS?

16 A. YES.

17 Q. AND THE RECOVERY OF THE FIREARM?

18 A. THAT IS CORRECT.

19 Q. AND THE AMMUNITION?

20 A. YES.

21 Q. WAS ANYTHING ELSE RECOVERED FROM THAT STORAGE
22 UNIT?

23 A. NO.

24 Q. AFTER YOU FINISHED YOUR SEARCH OF THE STORAGE
25 UNIT, WHERE DID YOU GO NEXT?

26 A. WE WENT UPSTAIRS TO 1788 NORTH WIDDOWS WAY.

1 Q. AND?

2 M. KIM: YOUR HONOR, I WOULD OBJECT AS VAGUE.
3 WHO'S "WE"?

4 THE WITNESS: BUENA PARK --

5 THE COURT: WELL, EXCUSE ME. SUSTAINED. VAGUE.

6 Q. BY MR. HERNANDEZ: OTHER THAN YOURSELF INVOLVED
7 IN THIS SEARCH, AND THE OTHER TWO DETECTIVES, WAS THERE
8 ANYBODY ELSE PRESENT THAT WAS INVOLVED IN THIS
9 INVESTIGATION WITH YOU?

10 A. YES.

11 Q. AND WHO WAS THAT?

12 A. SERGEANT ODETTE WAS PRESENT.

13 THE COURT: SPELLING ON THAT?

14 THE WITNESS: O-D-E-T-T-E.

15 THE COURT: OKAY.

16 THE WITNESS: AND DETECTIVE CARUSO, C-A-R-U-S-O,
17 WAS ALSO PRESENT.

18 AND OFFICER DETECTIVE DAVENPORT,
19 D-A-V-E-N-P-O-R-T.

20 Q. BY MR. HERNANDEZ: ANYBODY ELSE PRESENT THAT YOU
21 RECALL?

22 A. NO.

23 Q. OKAY. SO YOU WENT UP TO THIS ACTUAL, THE
24 APARTMENT ITSELF NOW; IS THAT CORRECT?

25 A. YES. IT WAS LOCATED ON THE SECOND FLOOR.

26 Q. OKAY. AND HOW DID YOU GAIN ENTRY INTO THAT

1 RESIDENCE?

2 A. IT WAS NOT FORCED OPEN. BY THE TIME I GOT UP
3 THERE, IT WAS ALREADY OPEN.

4 Q. OKAY. SO YOU WALKED THROUGH AN OPEN DOOR?

5 A. YES.

6 Q. SO THE OTHER DETECTIVES IN YOUR TEAM HAD MADE
7 ENTRY?

8 A. YES.

9 Q. OKAY. AND WHAT DID YOU DO ONCE YOU WENT INSIDE
10 THE RESIDENCE?

11 A. I BEGAN TO SEARCH THE RESIDENCE. AND IN THE
12 HALLWAY CLOSET I LOCATED A 12-GAUGE MOSSBERG SHOTGUN.

13 Q. WAS THAT LOADED OR NOT, DO YOU REMEMBER?

14 A. I DO NOT RECALL.

15 Q. OKAY. AND DID YOU SEE IF THAT WAS A FUNCTIONING
16 WEAPON?

17 A. YES. IT APPEARED TO BE FUNCTIONAL.

18 Q. YOU ACTUALLY, IT WAS A PUMP ACTION SHOTGUN OR
19 SEMI-AUTOMATIC?

20 A. IT WAS PUMP ACTION.

21 MR. KIM: I WOULD OBJECT, LACK OF FOUNDATION.
22 NO BASIS FOR THE OPINION THAT THE FIREARM WAS FUNCTIONAL.

23 THE COURT: ALRIGHT.

24 FOUNDATION AS TO FUNCTIONING FIREARM.

25 MR. HERNANDEZ: SURE.

26 Q. OFFICER, YOU HAVE BEEN A PEACE OFFICER FOR

1 SEVEN YEARS, CORRECT?

2 A. YES.

3 Q. AND YOU'VE HAD FIREARMS TRAINING, CORRECT?

4 A. THAT'S CORRECT.

5 Q. YOU ALSO HAVE TRAINING ON HOW TO OPERATE A
6 SHOTGUN; IS THAT CORRECT?

7 A. THAT'S CORRECT.

8 Q. THAT'S SOMETHING THAT YOU HAVE IN YOUR VEHICLE;
9 IS THAT CORRECT?

10 A. YES.

11 Q. A 12-GAUGE SHOTGUN IS SOMETHING COMMON IN LAW
12 ENFORCEMENT?

13 A. THAT'S CORRECT.

14 Q. MOST OFFICERS HAVE A 12-GAUGE SHOTGUN IN THEIR
15 VEHICLE?

16 A. YES.

17 Q. HOW OFTEN HAVE YOU USED A 12-GAUGE SHOTGUN IN
18 YOUR EXPERIENCE, EITHER AT THE SHOOTING RANGE OR IN THE
19 LINE OF DUTY?

20 A. AT LEAST ONCE A MONTH.

21 Q. WHEN YOU RECOVERED THIS 12-GAUGE SHOTGUN FROM
22 THE CLOSET INSIDE THE 1788 WIDDOWS ADDRESS, HOW DID YOU
23 CHECK WITH RESPECT TO SEE IF IT APPEARED TO YOU TO BE
24 FUNCTIONAL?

25 A. I GRABBED IT TO MAKE SURE THAT -- ARE YOU ASKING
26 ME IF I INSPECTED IT?

1 Q. DID YOU EXAMINE IT TO SEE IF IT APPEARED TO BE
2 FUNCTIONING TO YOU?

3 A. ALL PARTS, ALL MECHANISMS FOR THE PUMP ACTION
4 SHOTGUN WAS INTACT AND APPEARED TO BE FUNCTIONING.

5 Q. WAS IT RUSTED OR APPEARED --

6 A. NO. IT DID NOT APPEAR TO BE RUSTED. IT
7 APPEARED TO BE WELL MAINTAINED.

8 Q. TO OPERATE A PUMP ACTION SHOTGUN, YOU PUT YOUR
9 HAND ON THE PUMP, WHICH IS THE HANDLE UP IN THE FRONT
10 UNDERNEATH THE BARREL AND SLIDE IT BACK. CORRECT?

11 A. THAT'S CORRECT.

12 Q. AND THEN YOU TAKE THAT SAME MOTION AND SLIDE IT
13 FORWARD TO PUT A ROUND IN THE CHAMBER; IS THAT CORRECT?

14 A. YES.

15 Q. AND DID YOU DO THAT ON THIS SHOTGUN THAT YOU
16 FOUND IN THE CLOSET?

17 A. THAT I DO NOT RECALL, IF I DID THAT DAY.

18 Q. OKAY. BUT UPON YOUR INSPECTION IT APPEARED TO
19 YOU TO BE A FUNCTIONING FIREARM?

20 A. YES.

21 Q. DID YOU LOOK TO SEE IF IT WAS LOADED OR NOT?

22 A. I REMEMBER INSPECTING IT, BUT I DO NOT ACTUALLY
23 RECALL IF IT WAS LOADED OR NOT.

24 Q. OKAY. BUT TO KEEP A FIREARM SAFE IN THIS TYPE
25 OF INSTANCE, YOU WOULD GENERALLY TAKE A LOOK TO SEE IF
26 THERE IS A ROUND IN THE CHAMBER. CORRECT?

1 MR. KIM: OBJECTION, SPECULATION.

2 THE COURT: OVERRULED.

3 THE WITNESS: THAT'S CORRECT.

4 Q. BY MR. HERNANDEZ: OKAY. AND HOW WOULD YOU
5 INSPECT A 12-GAUGE PUMP ACTION SHOTGUN TO SEE IF THERE
6 WAS A ROUND IN THE CHAMBER?

7 A. YOU PUT THE PUMP ACTION HALFWAY UP, MAKE SURE
8 THAT THE CHAMBER IS TO THE REAR. AND WHEN YOU INSPECT
9 THE CHAMBER, MAKE SURE IT IS EMPTY, IT IS NOT LOADED WITH
10 ANY BUCKSHOT OR SLUGS.

11 Q. OKAY. AND HOW MANY SEARCH WARRANTS HAVE YOU
12 BEEN INVOLVED IN SERVING?

13 A. I WAS INVOLVED IN OVER A HUNDRED NARCOTICS
14 SEARCHES.

15 Q. WHEN YOU COME ACROSS FIREARMS IN THOSE SEARCH
16 WARRANTS, IF YOU FIND A FIREARM, YOU CHECK TO MAKE SURE
17 THAT IT IS SAFE, CORRECT?

18 A. THAT'S CORRECT.

19 Q. OKAY. AND YOU WOULD HAVE DONE THAT IN THIS
20 CASE, WOULDN'T YOU?

21 A. YES.

22 Q. OKAY.

23 MR. KIM: OBJECTION, VAGUE, SPECULATION.

24 THE COURT: OVERRULED.

25 Q. BY MR. HERNANDEZ: SO YOU DON'T ACTUALLY HAVE TO
26 PULL THE SLIDE ALL THE WAY BACK ON THE PUMP ACTION TO

1 LOOK INSIDE THE CHAMBER TO MAKE SURE THAT THERE IS NO
2 ROUND IN THE CHAMBER; IS THAT CORRECT?

3 A. YOU COULD SLIDE IT DOWN HALFWAY AND OBSERVE.

4 Q. ALL RIGHT.

5 AFTER YOU RECOVERED THE SHOTGUN IN THE CLOSET,
6 WHAT DID YOU DO NEXT?

7 A. I BEGAN TO SEARCH THE SOUTHEAST BEDROOM.

8 Q. AND WHAT DID YOU FIND IN THERE?

9 A. IN THE CLOSET OF THE SOUTHEAST BEDROOM I LOCATED
10 A 357 CALIBER REVOLVER, ALONG WITH A 9-MILLIMETER
11 SEMI-AUTOMATIC LUGER PISTOL.

12 Q. DID YOU CHECK TO SEE IF THOSE FIREARMS WERE
13 SAFE? DID THEY HAVE BULLETS IN THE CHAMBERS?

14 A. THAT I DO NOT RECALL, IF WAS THERE WAS A ROUND
15 IN THE CHAMBER OR NOT, BUT I ASSURED IT WAS SAFE.

16 Q. OKAY. AND THAT WAS BOTH FIREARMS, BECAUSE YOU
17 HAD A REVOLVER AND A SEMI-AUTOMATIC; IS THAT CORRECT?

18 A. THAT'S CORRECT.

19 Q. AND HOW WOULD YOU INSPECT THE REVOLVER TO MAKE
20 SURE THAT IT WAS SAFE AND THERE WASN'T A ROUND IN THE
21 CHAMBER?

22 A. YOU PUT THE -- YOU PRESS THE RELEASE, THE ROUND
23 RELEASE, AND OPEN IT. YOU INSPECT THE ROUND, CHAMBER
24 DEVICE OF THE ROUND OR OF THE FIREARM, TO MAKE SURE THAT
25 IT IS EMPTY.

26 Q. SO THE REVOLVER THAT YOU RECOVERED WAS A DOUBLE

1 ACTION?

2 A. YES.

3 Q. OKAY. SO IT HAS A PIN OR DEVICE THAT YOU PRESS
4 ON AND THEN THE CYLINDER FALLS OUT, CORRECT?

5 A. THAT'S CORRECT.

6 Q. AND THAT'S WHAT YOU DID IN THIS CASE TO CHECK TO
7 MAKE SURE THAT IT WAS SAFE?

8 A. YES.

9 Q. NOW, THE SEMI-AUTOMATIC, HOW DID YOU CHECK TO
10 MAKE SURE THAT THAT WAS SAFE?

11 A. YOU RELEASE THE MAGAZINE, PUT THE CHAMBER TO THE
12 REAR, AND MAKE SURE THAT THERE IS NO ROUND IN THE
13 CHAMBER.

14 Q. OKAY. AND YOU DID THAT IN THIS CASE?

15 A. YES.

16 Q. OKAY. YOU JUST DON'T REMEMBER WHETHER THERE WAS
17 A ROUND IN THE CHAMBER, EITHER ONE OF THOSE FIREARMS; IS
18 THAT CORRECT?

19 A. THAT'S CORRECT. I DO NOT RECALL THAT.

20 Q. BUT YOU WERE ABLE TO GET THE REVOLVER TO OPEN IN
21 THAT POSITION TO MAKE THAT INSPECTION, CORRECT?

22 A. THAT'S CORRECT.

23 Q. AND THE SAME WITH THE SEMI-AUTOMATIC, YOU WERE
24 ABLE TO PULL THE SLIDE BACK?

25 A. YES.

26 Q. OKAY. NOW, WHERE ELSE DID YOU SEARCH IN THAT

1 APARTMENT THAT DAY?

2 A. I CONTINUED TO SEARCH IN THE CLOSET AREA.

3 Q. OKAY. AND DID YOU FIND ANYTHING ELSE THAT WAS
4 UNUSUAL TO YOU, SOMETHING THAT WAS IMPORTANT TO THIS
5 INVESTIGATION?

~~6~~ A. I FOUND TWO MASON JARS, GLASS MASON JARS
7 CONTAINING APPROXIMATELY 230 GRAMS OF MARIJUANA. AND THE
8 SECOND GLASS MASON JAR CONTAINING APPROXIMATELY 75 GRAMS
9 OF MARIJUANA.

10 Q. OKAY. AND BASED UPON YOUR TRAINING AND
11 EXPERIENCE, WAS THAT A USABLE QUANTITY OF MARIJUANA?

12 MR. KIM: OBJECTION, YOUR HONOR. CALLS FOR
13 LEGAL CONCLUSION, LACK OF FOUNDATION. SPECULATION AT
14 THIS POINT.

15 THE COURT: FOUNDATION WITH REGARD TO USABLE
16 QUANTITY.

17 MR. HERNANDEZ: OKAY.

~~18~~ Q. DETECTIVE HONG, CAN YOU STATE YOUR TRAINING AND
19 EXPERIENCE AS IT RELATES TO THE IDENTIFICATION,
20 RECOGNITION OF MARIJUANA, AND ITS POSSESSION FOR SALES?

21 A. YES. LIKE I STATED EARLIER, I HAVE OVER
22 SEVEN YEARS OF LAW ENFORCEMENT EXPERIENCE, THREE YEARS AS
23 A NARCOTICS DETECTIVE. I COMPLETED 80 HOURS OF NARCOTICS
24 INVESTIGATION, WHICH WAS INSTRUCTED BY THE CALIFORNIA
~~25~~ BUREAU OF NARCOTICS ENFORCEMENT.

26 I COMPLETED TOTAL OF 48 HOURS OF UNDER THE

1 INFLUENCE OF CONTROLLED SUBSTANCE COURSE, WHICH WAS
2 INSTRUCTED BY ORANGE COUNTY SHERIFF'S DEPARTMENT AND
3 CALIFORNIA HIGHWAY PATROL.

4 I SUCCESSFULLY COMPLETED OVER 100 NARCOTICS
5 SEARCH WARRANTS. I INVESTIGATED OVER A HUNDRED SALES OF
6 NARCOTICS, SUCH AS METHAMPHETAMINE AND MARIJUANA AND ALL
7 THE CONTROLLED SUBSTANCES, OTHER CONTROLLED SUBSTANCES.

8 Q. NOW, DETECTIVE, AS RELATES BACK TO YOUR TRAINING
9 AND EXPERIENCE IN IDENTIFICATION OF MARIJUANA, DID YOU
10 ALSO RECEIVE THAT SAME TRAINING AND EXPERIENCE AS IT
11 RELATES TO THE IDENTIFICATION AND RECOGNITION OF
12 METHAMPHETAMINE AND ITS POSSESSION FOR SALE?

13 A. THAT'S CORRECT.

14 Q. OKAY. AND DID YOU LEARN ABOUT USABLE QUANTITIES
15 IN THOSE TRAINING CLASSES THAT YOU JUST TESTIFIED TO?

16 A. YES.

17 Q. DID YOU ALSO LEARN ABOUT QUANTITIES AND INDICIA
18 THAT ARE POSSESSED FOR SALE IN THOSE CLASSES?

19 A. YES.

20 Q. AND BASED UPON THE AMOUNT OF MARIJUANA THAT YOU
21 RECOVERED, WAS THAT A USABLE QUANTITY OF MARIJUANA?

22 A. THAT'S CORRECT.

23 Q. DO YOU HAVE AN OPINION AS TO WHETHER THAT WAS A
24 QUANTITY THAT COULD BE POSSESSED FOR SALE?

25 A. BASED ON MY TRAINING --

26 MR. KIM: LACK OF FOUNDATION, SPECULATION.

1 THE COURT: OVERRULED.

2 Q. BY MR. HERNANDEZ: DO YOU HAVE AN OPINION AS TO
3 WHETHER THAT MARIJUANA WAS POSSESSED FOR SALE?

4 A. YES.

5 Q. AND WHAT IS -- WHAT IS YOUR OPINION?

6 A. BASED ON MY TRAINING AND EXPERIENCE, IT WAS
7 POSSESSED FOR SALES OF MARIJUANA.

8 Q. AND DO YOU HAVE, AND THOSE WERE USABLE
9 QUANTITIES OF MARIJUANA, CORRECT?

10 A. THAT'S CORRECT.

11 Q. OKAY. NOW, AFTER YOU FINISHED YOUR SEARCH --
12 STRIKE THAT. DID YOU FINISH YOUR SEARCH OF THE BEDROOM
13 AT THAT TIME WITH THE RECOVERY OF THE MARIJUANA?

14 A. I CONTINUED WITH THE SEARCH.

15 Q. AND DID YOU FIND ANYTHING ELSE?

16 A. I LOCATED THREE WORKING DIGITAL SCALES AND ALSO
17 EMPTY MEDICINE BOTTLES, APPROXIMATELY 20 TO 30.

18 Q. AND WAS THERE ANYTHING IN THOSE EMPTY MEDICINE
19 BOTTLES?

20 A. IT APPEARED TO BE UNUSED.

21 Q. OKAY. AND THEN DID YOU CONTINUE YOUR SEARCH OF
22 THE BEDROOM?

23 A. AND I COMPLETED THE SEARCH OF THE BEDROOM AT
24 THAT TIME.

25 Q. OKAY. AND DID YOU SEARCH ANYWHERE ELSE?

26 A. NO.

1 Q. OKAY. AND DURING THE SERVICE OF THIS SEARCH
2 WARRANT, WAS ANY METHAMPHETAMINE RECOVERED?

3 A. YES.

4 Q. OKAY. AND DID YOU RECOVER THAT METHAMPHETAMINE?

5 A. NO, I DID NOT.

6 Q. WHO DID THAT?

7 A. DETECTIVE YAKUBOVSKY DID.

8 Q. WERE YOU PRESENT WHEN THE METHAMPHETAMINE WAS
9 RECOVERED?

10 A. YES.

11 Q. WHERE WAS THAT METHAMPHETAMINE RECOVERED FROM?

12 A. IT WAS LOCATED IN THE BATHROOM.

13 MR. KIM: OBJECTION, SPECULATION. LACK OF
14 FOUNDATION.

15 THE COURT: WELL, WE HAVE TESTIMONY HE WAS
16 PRESENT WHEN IT WAS FOUND, BUT MAYBE YOU SHOULD PROVIDE A
17 LITTLE MORE FOUNDATION, MR. HERNANDEZ.

18 MR. HERNANDEZ: THANK YOU, YOUR HONOR.

19 Q. NOW, YOU AND DETECTIVE YAKUBOVSKY WENT INTO
20 ANOTHER ROOM TO CONDUCT YOUR SEARCH?

21 A. DETECTIVE YAKUBOVSKY WAS SEARCHING THE BEDROOM
22 AREA.

23 Q. DID YOU GO INTO THAT BATHROOM WHILE THAT
24 DETECTIVE WAS SEARCHING IT?

25 A. I WAS IN THE HALLWAY WHEN HE WAS IN THE
26 BATHROOM, WHEN HE FOUND THE ITEM IN THE BATHROOM.

1 Q. WHEN HE MADE HIS DISCOVERY, DID HE POINT
2 SOMETHING OUT TO YOU?

3 A. YES.

4 Q. WHAT DID HE POINT OUT TO YOU?

5 A. HE POINTED OUT A METAL SAFE. INSIDE OF THE SAFE
6 THERE WAS A PLASTIC CONTAINER CONTAINING A CRYSTALIZED
7 SUBSTANCE.

8 Q. AND SO YOU SAW THIS CRYSTALLINE SUBSTANCE INSIDE
9 THE SAFE?

10 A. YES.

11 Q. AND BASED UPON YOUR OBSERVATIONS, YOUR TRAINING
12 AND EXPERIENCE, WHAT DID IT APPEAR TO YOU TO BE WHEN YOU
13 SAW IT?

14 A. IT APPEARED TO BE A USABLE AMOUNT OF
15 METHAMPHETAMINE.

16 Q. OKAY. AND DID YOU WEIGH THIS QUANTITY OF
17 METHAMPHETAMINE BACK AT THE STATION?

18 A. LATER AT THE STATION I DID.

19 Q. AND WHAT WAS YOUR WEIGHT ON THAT?

20 A. IT WEIGHED APPROXIMATELY THREE GRAMS.

21 Q. OKAY.

22 THE COURT: I'M SORRY?

23 THE WITNESS: THREE.

24 THE COURT: THREE GRAMS?

25 Q. BY MR. HERNANDEZ: AND BASED ON YOUR TRAINING
26 AND EXPERIENCE, IS THAT A, DO YOU HAVE AN OPINION AS TO

1 WHETHER THAT WAS A QUANTITY OF METHAMPHETAMINE THAT COULD
2 BE POSSESSED FOR SALE?

3 A. YES.

4 Q. AND WHAT IS YOUR OPINION?

5 A. BASED ON THE TOTALITY OF THE INVESTIGATION, IT
6 WAS POSSESSED FOR SALES OF METHAMPHETAMINE.

7 THE COURT: COUNSEL, WE'RE GOING TO NEED TO TAKE
8 A SHORT BREAK.

9 WE HAVE TO TAKE A VERDICT.

10 MR. HERNANDEZ: VERY WELL, YOUR HONOR.

11 THE COURT: ALL RIGHT.

12 WE'RE DOING ANOTHER MATTER, SO THAT WILL
13 PROBABLY TAKE 10, 15 MINUTES.

14 CAN WE HAVE OF A WAIVER OF CONTINUOUS PRELIM?

15 MR. KIM: I'LL STIPULATE.

16 MR. HERNANDEZ: VERY WELL, YOUR HONOR. THANK
17 YOU. WE'LL STIPULATE.

18 THE COURT: ALL RIGHT. SO THERE IS A
19 STIPULATION AS TO WAIVER OF CONTINUOUS PRELIM.

20 IS THAT OKAY WITH YOUR CLIENT?

21 MR. KIM: IS THAT OKAY WITH YOU, MR. LUCAS?

22 THE DEFENDANT: WE'RE COMING BACK IN LIKE
23 20 MINUTES, RIGHT?

24 THE COURT: IF THAT LONG.

25 THE DEFENDANT: THAT'S OKAY.

26 THE COURT: JUST STAND BY FOR A FEW MINUTES.

1 (RECESS IN PROCEEDINGS.)

2 THE COURT: WE'RE ALL BACK AND WE HAVE OFFICER
3 HONG ON THE STAND.

4 MR. HERNANDEZ?

5 MR. HERNANDEZ: THANK YOU, YOUR HONOR.

6 Q. AND DETECTIVE HONG, YOU WERE INVOLVED IN LOOKING
7 IN ALL OF THE EVIDENCE THAT WAS RECOVERED IN THIS CASE,
8 CORRECT?

9 A. THAT'S CORRECT.

10 MR. KIM: OBJECTION, SPECULATION AND VAGUE.

11 THE COURT: ALL RIGHT. SUSTAINED.

12 FURTHER FOUNDATION.

13 Q. BY MR. HERNANDEZ: DURING THE COURSE OF THIS
14 INVESTIGATION, OTHER DETECTIVES WERE INVOLVED, CORRECT?

15 A. YES.

16 Q. AND OTHER OFFICERS AND DETECTIVES DID SEARCH,
17 DID A SEARCH OF THAT 1788 RESIDENCE, CORRECT?

18 A. THAT'S CORRECT.

19 Q. AND THERE WAS EVIDENCE COLLECTED DURING THE
20 SEARCH IN THE SERVICE OF THIS SEARCH WARRANT FOR THAT
21 RESIDENCE, CORRECT?

22 A. YES.

23 Q. AND THE EVIDENCE THAT WAS COLLECTED WAS GIVEN TO
24 YOU TO BE BOOKED INTO PROPERTY IN EVIDENCE AT BUENA PARK
25 P.D., CORRECT?

26 A. THAT'S CORRECT.

1 Q. AND THAT WAS ALL THE EVIDENCE THAT WAS COLLECTED
2 DURING THE SERVICE OF THE SEARCH WARRANT. CORRECT?

3 A. YES.

4 Q. AND THE OFFICERS TOLD YOU WHAT THEY FOUND AND
5 PROVIDED IT TO YOU?

6 A. YES.

7 Q. DID YOU RECOVER ANY DOCUMENTS THAT SHOWED
8 OWNERSHIP OF RESIDENCE OF THE LOCATION THAT YOU SEARCHED
9 THAT WAS TIED TO THIS DEFENDANT, MR. LUCAS?

10 A. YES.

11 Q. AND WHAT DID YOU FIND?

12 A. I FOUND DOCUMENTS INDICATING THE DEFENDANT'S
13 NAME AND THE ADDRESS OF THE SEARCH WARRANT.

14 Q. AND WERE YOU PRESENT WHEN THERE WAS A SEARCH OF
15 A SAFE THAT MONEY WAS RECOVERED FROM?

16 A. YES.

17 Q. AND WHO DID THAT SEARCH OF THAT SAFE?

18 A. IT WAS DETECTIVE YAKUBOVSKY.

19 Q. AND YOU WERE PRESENT WHEN HE SEARCHED THAT SAFE?

20 A. YES.

21 Q. AND WHERE WAS THAT SAFE LOCATED?

22 A. THERE WAS A -- THE FIRST SAFE WAS LOCATED IN THE
23 BATHROOM, AND THE SECOND SAFE WAS LOCATED ALSO IN THE
24 CLOSET OF THE SOUTHEAST BEDROOM.

25 Q. WAS THAT THE SAME BEDROOM THAT YOU SEARCHED?

26 A. YES.

1 Q. AND THERE WAS SOME MONEY RECOVERED IN THE SAFE
2 IN THAT ROOM AS WELL?

3 A. THAT'S CORRECT.

4 Q. DO YOU REMEMBER HOW MUCH MONEY?

5 A. THAT I DO NOT RECALL.

6 Q. WAS THAT ALSO PROVIDED OVER TO ASSET FORFEITURE?

7 A. THAT'S CORRECT.

8 Q. OKAY. AND DO YOU REMEMBER SEEING THE MONEY?

9 A. YES.

10 Q. DO YOU REMEMBER THE DENOMINATIONS THAT YOU SAW?

11 A. IN LARGE BILLS SUCH AS 20'S, AND ET CETERA.

12 Q. OKAY. AND WERE YOU PRESENT WHEN THE DEFENDANT
13 WAS INTERVIEWED BY DETECTIVE YAKUBOVSKY?

14 A. THAT I WAS NOT.

15 Q. OKAY.

16 MR. HERNANDEZ: NOTHING FURTHER, YOUR HONOR.

17 THE COURT: CROSS-EXAMINATION.

18 MR. KIM: YES, YOUR HONOR.

19 THANK YOU.

20 **CROSS-EXAMINATION**

21 Q. BY MR. KIM: DETECTIVE HONG.

22 A. YES.

23 Q. IT HAS BEEN OVER SEVEN MONTHS SINCE YOU EXECUTED
24 THE SEARCH WARRANT, CORRECT?

25 A. THAT'S CORRECT.

26 Q. OKAY. IT WAS OCTOBER 26TH OF 2011, CORRECT?

1 A. THAT'S CORRECT.

2 Q. WHEN YOU WERE CONDUCTING SURVEILLANCE OF THE
3 1788 ADDRESS, HOW LONG WERE YOU ACTUALLY DOING THE
4 SURVEILLANCE FOR?

5 A. WE WERE CONDUCTING SURVEILLANCE A DAY PRIOR
6 ALSO, THE 25TH. AND IT CONTINUED ON INTO THE 26TH. IT
7 WAS NOT ALL DAY, BUT WE HAD PART OF THE DAY FOR THE 25TH
8 AND ALSO PART OF THE DAY FOR THE 26TH.

9 Q. APPROXIMATELY HOW LONG DID YOU CONDUCT THE
10 SURVEILLANCE ON THE 25TH?

11 A. 25TH, APPROXIMATELY ANYWHERE BETWEEN THREE TO
12 FIVE HOURS.

13 THE COURT: I'M SORRY?

14 THE WITNESS: THREE TO FIVE HOURS.

15 THE COURT: THREE TO FIVE.

16 Q. BY MR. KIM: AND THEN ON THE 26TH, APPROXIMATELY
17 HOW MANY HOURS?

18 A. PROBABLY TWO TO THREE HOURS.

19 Q. AND WERE YOU THERE EACH TIME ON BOTH DATES?

20 A. YES.

21 Q. YOU COULD SEE THE DRIVEWAY AND THE APARTMENT
22 ENTRANCE, CORRECT?

23 A. THERE WAS NO DRIVEWAY. THERE IS AN ALLEYWAY TO
24 THE REAR OF THE APARTMENT. AND THERE IS A, ON THE REAR
25 SIDE THERE IS A CARPORT AREA.

26 Q. DID YOU HAVE LINE OF SIGHT TO THE APARTMENT AND

1 THAT REAR CARPORT AREA THE WHOLE TIME YOU WERE CONDUCTING
2 SURVEILLANCE?

3 A. ON THE 26TH, I DID.

4 Q. HOW ABOUT ON THE 25TH?

5 A. THAT I DO NOT RECALL.

6 Q. DID YOU NOTICE ANY PEDESTRIAN TRAFFIC GOING TO
7 AND FROM THE 1788 ADDRESS DURING YOUR TIME OF
8 SURVEILLANCE?

9 A. AT THAT TIME, NO.

10 Q. DID YOU NOTICE ANY HIGH VOLUME OF CARS PARKING
11 AT THE CARPORT, DRIVING BY?

12 A. NO.

13 Q. OKAY. HOW MANY TIMES DID YOU OBSERVE THE RED
14 TOYOTA TUNDRA COMING TO AND FROM THE 1788 ADDRESS DURING
15 YOUR SURVEILLANCE PERIOD?

16 A. ONCE ON THE 25TH AND ONCE ON THE 26TH.

17 Q. OKAY. DID YOU OBSERVE ANYBODY ELSE INSIDE THAT
18 TOYOTA TUNDRA?

19 A. NO.

20 Q. DID YOU OBSERVE MR. LUCAS INSIDE THAT TOYOTA
21 TUNDRA?

22 A. YES.

23 Q. BOTH ON THE 25TH AND 26TH?

24 A. THAT'S CORRECT.

25 Q. DID YOU NOTICE ANY OTHER PASSENGERS INSIDE OF
26 THAT VEHICLE?

1 A. NO.

2 Q. DID YOU NOTICE ANY OTHER PEOPLE COME NEAR THE
3 VEHICLE, APPROACH THE VEHICLE AT ALL?

4 A. YES. I SEEN THAT.

5 Q. ON THE 25TH?

6 A. ON THE 25TH.

7 Q. OKAY. WHEN YOU WERE ACTUALLY EXECUTING THE
8 SEARCH WARRANT ON THE 26TH, HOW MANY OFFICERS WERE
9 PRESENT WITH YOU WHEN YOU WERE EXECUTING THE SEARCH
10 WARRANT?

11 A. DETECTIVE YAKUBOVSKY AND MYSELF, DETECTIVE
12 CETINA, SERGEANT ODETTE, DETECTIVE CARUSO, AND DETECTIVE
13 DAVENPORT. A TOTAL OF SIX.

14 Q. DID EACH OF THE SIX OFFICERS HAVE THEIR SPECIFIC
15 DUTIES WHILE EXECUTING THAT SEARCH WARRANT? AND IF SO,
16 WHAT WAS YOUR PARTICULAR DUTY?

17 A. MINE WAS OBSERVATION POINT AT THAT TIME.

18 Q. DETECTIVE YAKUBOVSKY WAS THE LEAD IN THIS
19 OPERATION, CORRECT?

20 A. HE WAS THE LEAD INVESTIGATOR, THAT'S CORRECT.

21 Q. IN FACT, DETECTIVE YAKUBOVSKY IS THE ONLY ONE
22 THAT WROTE A POLICE REPORT IN THIS CASE, CORRECT?

23 A. AS I RECALL, YES.

24 Q. OKAY. SO IT HAS BEEN ACTUALLY CLOSER TO NINE TO
25 TEN MONTHS SINCE THE DATE OF VIOLATION, CORRECT, THE DATE
26 OF INCIDENT?

1 A. CLOSE TO NINE MONTHS, RIGHT.

2 Q. AND YOU SAID YOU HAVE BEEN TRAINED AS A POLICE
3 OFFICER, CORRECT?

4 A. YES.

5 Q. AND YOU HAVE BEEN ON THE FORCE FOR THE PAST
6 SEVEN YEARS?

7 A. GOING ON EIGHT YEARS, YES.

8 Q. AND IN YOUR TRAINING, THEY TEACH YOU TO WRITE
9 POLICE REPORTS, CORRECT?

10 A. THAT'S CORRECT.

11 Q. THEY TEACH YOU TO WRITE THEM AS COMPLETE AND
12 ACCURATE AS POSSIBLE, CORRECT?

13 A. THAT'S CORRECT.

14 Q. AND ONE OF THE PURPOSES OF WRITING A POLICE
15 REPORT IS TO SUBMIT IT TO THE DISTRICT ATTORNEY'S OFFICE
16 FOR ASSESSMENT OF CHARGES, CORRECT?

17 MR. HERNANDEZ: OBJECTION, RELEVANCE.

18 THE COURT: WHAT IS THE RELEVANCE?

19 MR. KIM: I'LL MOVE ON, YOUR HONOR.

20 THE COURT: THE GENTLEMAN DIDN'T WRITE A POLICE
21 REPORT.

22 MR. KIM: I'LL MOVE ON.

23 THE COURT: SUSTAINED.

24 Q. BY MR. KIM: ANOTHER PURPOSE OF WRITING A POLICE
25 REPORT IS TO HELP REFRESH YOUR RECOLLECTION IF AND WHEN
26 YOU DO COME AND TESTIFY, CORRECT?

1 MR. HERNANDEZ: OBJECTION, RELEVANCE.

2 THE COURT: WELL, I THINK WHAT YOU ARE ASKING
3 IS, IT IS USED FOR ONE OFFICER OR ANY OTHER OFFICERS
4 PRESENT TO REFRESH THEIR MEMORY; IS THAT YOUR POINT?

5 MR. KIM: THAT'S MY POINT.

6 THE COURT: OVERRULED.

7 YOU MAY ANSWER.

8 THE WITNESS: I'M SORRY; REPEAT THE QUESTION
9 AGAIN.

10 Q. BY MR. KIM: ONE OF THE PURPOSES OF WRITING A
11 POLICE REPORT IS TO REFRESH YOUR RECOLLECTION, MEMORY OF
12 THE EVENTS AFTER THE FACT IF YOU COME AND TESTIFY,
13 CORRECT?

14 A. THAT'S ONE OF THEM, YES.

15 Q. OKAY. AND YOU DIDN'T DOCUMENT ANY OF YOUR
16 OBSERVATIONS 10 MONTHS AGO FOR THIS INCIDENT, CORRECT?

17 A. NO. I DIDN'T WRITE A REPORT.

18 Q. DID YOU TAKE ANY FIELD NOTES AT ALL?

19 A. NO.

20 Q. DID YOU HAVE YOUR AUDIO RECORDING DEVICE GOING
21 AT ALL?

22 A. NO.

23 Q. OKAY. IN FACT -- WHEN THE RED TOYOTA TUNDRA
24 APPROACHED THE CARPORT ON THE 26TH, WHO ACTUALLY WENT TO
25 APPROACH THE TUNDRA?

26 A. DETECTIVE YAKUBOVSKY AND I BOTH DID.

1 Q. WHERE WERE THE FOUR OTHER OFFICERS?

2 A. I DON'T RECALL WHERE EXACTLY THEY WERE
3 POSITIONED.

4 Q. OKAY. AND WAS IT ACTUALLY YOU OR DETECTIVE
5 YAKUBOVSKY THAT TOOK MR. LUCAS OUT OF THE DRIVER'S SEAT?

6 A. THAT I DO NOT RECALL, WHO TOOK HIM OUT.

7 Q. WHO ACTUALLY SEARCHED MR. LUCAS?

8 A. I DID. - *Ceting*

9 Q. OKAY. AND YOU CONDUCTED THE SEARCH, HOW DID YOU
10 CONDUCT THE SEARCH?

11 A. I TOLD HIM TO SPREAD HIS FEET, PLACE HIS HANDS
12 BEHIND HIS BACK. I HELD HIS HANDS AND I BEGAN TO SEARCH
13 WITH MY RIGHT HAND.

14 Q. AND YOU DID NOT FIND ANYTHING ILLEGAL ON
15 MR. LUCAS, CORRECT?

16 A. THAT'S CORRECT.

17 Q. OKAY. AND YOU HAVE BEEN TRAINED TO CONDUCT
18 INVESTIGATIONS OF NARCOTICS SALES, CORRECT?

19 A. THAT'S CORRECT.

20 Q. ISN'T IT IMPORTANT AND A PART OF THE INDICIA OF
21 SALES TO DETERMINE HOW MUCH CASH A PERSON HAS ON HAND?

22 A. TO INDICATE OR --

23 Q. AS AN INDICIA OF SALES?

24 A. YES.

25 Q. AND IN THIS CASE, WHEN YOU SEARCHED MR. LUCAS
26 YOU FOUND AN AMOUNT OF CASH, CORRECT?

1 A. YES.

2 Q. BUT YOU HAVE NO DOCUMENTATION OR RECOLLECTION OF
3 HOW MUCH CASH HE ACTUALLY HAD, CORRECT?

4 A. I PERSONALLY DON'T HAVE ANY RECORD OF THAT.

5 Q. AND YOU REFRESHED -- DO YOU HAVE, DID YOU --
6 ACTUALLY, IS THERE ANY KIND OF RECORD OF HOW MUCH CASH
7 WAS OBTAINED FROM MR. LUCAS?

8 A. IT SHOULD BE ON THE ASSET FORFEITURE RECEIPT.

9 Q. OKAY. AND DO YOU RECOLLECT AT ALL HOW MANY, A
10 NUMBER, WHAT TYPE OF DENOMINATIONS THAT YOU FOUND?

11 A. I DON'T PERSONALLY RECOLLECT, BUT IT SHOULD BE
12 NOTED IN THE ASSET FORFEITURE RECEIPT.

13 Q. OKAY. DO YOU HAVE THAT INFORMATION WITH YOU
14 RIGHT NOW?

15 A. NO, I DO NOT.

16 Q. OKAY. SO IT COULD HAVE BEEN A DOLLAR?

17 A. IT WAS MORE THAN A DOLLAR.

18 Q. IT COULD HAVE BEEN \$10?

19 A. IT WAS MORE THAN THAT.

20 Q. \$20?

21 A. MORE THAN THAT.

22 Q. HUNDRED DOLLARS?

23 A. IT HAS TO BE OVER \$500 IN ORDER FOR US TO SEIZE
24 THE MONEY FOR ASSET FORFEITURE IN THE COUNTY OF ORANGE,
25 SO I'M ASSUMING IT IS MORE THAN \$500.

26 Q. BUT YOU DON'T KNOW FOR SURE?

1 A. I PERSONALLY DON'T HAVE DOCUMENTATION FOR THAT.

2 Q. AND YOU DON'T KNOW EXACTLY HOW THE AMOUNT WAS
3 DISTRIBUTED IN TERMS OF THE DENOMINATIONS, CORRECT?

4 A. I DON'T HAVE A RECORD OF THAT.

5 Q. OKAY. ONE OF THE INDICIA OF SALES IS TO HAVE A
6 LARGE QUANTITY OF A SMALLER NUMBER OF DENOMINATIONS,
7 CORRECT?

8 A. IT IS NOT REQUIRED BUT IT COULD BE A SIGN, YES.

9 Q. AND IN THIS CASE YOU DON'T HAVE THAT SIGN, YOU
10 DON'T KNOW IF THAT SIGN EXISTS, CORRECT?

11 A. I DON'T HAVE A RECOLLECTION OF THAT.

12 Q. AFTER THE FACT, AFTER YOU SEARCHED MR. LUCAS,
13 DID YOU OR DETECTIVE YAKUBOVSKY SEARCH HIS CAR?

14 A. SEARCH?

15 Q. HIS CAR.

16 A. I SEARCHED THE CAR.

17 Q. OKAY. AND BASED ON YOUR TRAINING AND
18 EXPERIENCE, YOU KNOW EXACTLY WHERE, YOU KNOW, WHAT
19 COMPARTMENTS, WHERE TO LOOK FOR, TO LOOK FOR POTENTIAL
20 NARCOTICS, CORRECT?

21 A. YES.

22 Q. AND IN THIS CASE YOU FOUND NO NARCOTICS INSIDE
23 THE VEHICLE, CORRECT?

24 A. I DIDN'T FIND ANY ILLEGAL CONTRABAND IN HIS
25 VEHICLE.

26 Q. YOU DIDN'T FIND ANY LEGAL CONTRABAND THAT

1 DEMONSTRATES INDICIA OF SALES EITHER, SUCH AS BAGGIES,
2 SCALES?

3 A. NOT IN THE VEHICLE.

4 Q. OKAY.

5 THE COURT: HOW MUCH MORE TIME DO YOU HAVE WITH
6 THIS WITNESS?

7 MR. KIM: PROBABLY 30 MORE MINUTES.

8 THE COURT: ALRIGHT. IT IS ALMOST 10 TO 12.
9 WOULD IT BE OKAY TO TAKE OUR LUNCH RECESS AT THIS TIME?

10 MR. KIM: THAT WILL BE OKAY.

11 IS THAT OKAY WITH YOU, MR. LUCAS?

seriously I'll
12 THE DEFENDANT: I HAVE AN APPOINTMENT WITH MY
13 CARDIOLOGIST AT 1:00. BUT IF I CAN GET TO ST. JOSEPH'S
14 BY 5:00, I'M GOOD.

15 MR. KIM: WE WILL BE DONE BY 5:00.

16 THE COURT: WE WILL GO AHEAD AND TAKE OUR LUNCH
17 RECESS AT THIS TIME, AND WE WILL BE COMING BACK AT 1:30.
18 1:30 SHARP.

19 MR. HERNANDEZ: THANK YOU, YOUR HONOR.

20 (LUNCH RECESS.)

21 -0 0 0-

1 FULLERTON, CALIFORNIA - JULY 10, 2012

2 AFTERNOON SESSION

3 * * * *

4 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT:)

5 THE COURT: OFFICER HONG IS ON THE STAND AND
6 WE'RE IN THE MIDDLE OF CROSS.

7 MR. KIM?

8 MR. KIM: THANK YOU, YOUR HONOR.

9 Q. DETECTIVE HONG, WE JUST GOT DONE WITH THE SEARCH
10 OF MR. LUCAS, AND YOU INDICATED THAT YOU SEARCHED THE
11 VEHICLE. CORRECT?

12 A. YES.

13 Q. AND YOU INDICATED THAT YOU DID NOT FIND ANYTHING
14 ILLEGAL INSIDE THE VEHICLE, CORRECT?

15 A. THAT'S CORRECT.

16 Q. AND YOU DIDN'T FIND ANY EVIDENCE TO SUPPORT THE
17 SALE OF MARIJUANA OR METHAMPHETAMINE INSIDE THE VEHICLE
18 ALSO, CORRECT?

19 A. NOT IN THE VEHICLE, YES.

20 Q. OKAY. AFTER YOU SEARCHED THE VEHICLE, YOU WENT
21 AHEAD AND WENT INTO THE APARTMENT, CORRECT?

22 A. YES, SIR.

23 Q. OKAY. AND DID DETECTIVE YAKUBOVSKY GO INTO THE
24 APARTMENT FIRST OR WAS IT YOU?

25 A. THAT I DON'T RECALL, WHO WENT IN FIRST.

26 Q. COULD IT HAVE BEEN THE FOUR OTHER OFFICERS WITH

1 YOU, PART OF YOUR TEAM, THAT WENT IN FIRST?

2 A. THAT'S A POSSIBILITY.

3 Q. OKAY. AND WERE YOU ABLE TO OBSERVE OR HEAR WHEN
4 THEY KNOCKED AND ANNOUNCED THEIR PRESENCE BEFORE GOING
5 IN?

6 MR. HERNANDEZ: OBJECTION, RELEVANCE.

7 THE COURT: SUSTAINED.

8 Q. BY MR. KIM: DO YOU KNOW IF THE OFFICERS WERE
9 INSIDE THE APARTMENT PRIOR TO YOUR ARRIVAL INTO THE
10 APARTMENT?

11 A. THAT I DON'T REMEMBER.

12 Q. OKAY. DO YOU REMEMBER IF THE APARTMENT WAS
13 OCCUPIED BY ANYBODY ELSE OTHER THAN THE OFFICERS OR
14 MR. LUCAS?

15 A. AS I RECALL, IT WAS UNOCCUPIED AT THE TIME.

16 Q. OKAY. WERE THERE ANY -- WERE YOU AWARE OF ANY
17 OTHER TENANTS LIVING INSIDE THAT APARTMENT?

18 A. THAT I DON'T KNOW.

19 Q. HOW MANY BEDROOMS WERE INSIDE THAT APARTMENT?

20 A. AS I RECALL, I THINK IT COULD HAVE BEEN ONE
21 BEDROOM PLUS DEN, MAYBE TWO-BEDROOM APARTMENT.

22 Q. DID YOU SEARCH THE ENTIRE APARTMENT?

23 A. NO.

24 Q. SO YOU, BASED ON YOUR TESTIMONY, ONLY SEARCHED
25 THE CARPORT AREA, THE HALLWAY, AND THEN MR. LUCAS'S
26 BEDROOM, CORRECT?

1 A. YES, OFF THE EAST BEDROOM, YES.

2 Q. OKAY. BUT THERE ARE OTHER AREAS INSIDE THE
3 HOUSE THAT WEREN'T SEARCHED?

4 A. IT WAS PROBABLY BY -- IT WAS SEARCHED BY SOME
5 OTHER, OR OTHER DETECTIVES, BUT I DON'T KNOW WHO SEARCHED
6 WHERE AND WHY.

7 Q. OKAY. AND YOU DON'T KNOW RIGHT NOW WHETHER
8 THERE ARE OTHER TENANTS LIVING INSIDE THAT APARTMENT?

9 A. THAT I DON'T KNOW.

10 Q. IS IT POSSIBLE THAT THERE ARE TWO OTHER TENANTS
11 LIVING INSIDE THAT APARTMENT?

12 MR. HERNANDEZ: OBJECTION, CALLS FOR
13 SPECULATION.

14 THE COURT: SUSTAINED.

15 Q. BY MR. KIM: OKAY. DID YOU SEE SHOES OF A
16 DIFFERENT SIZE THAN MR. LUCAS' LYING AROUND NEAR THE
17 FRONT DOOR?

18 A. THAT I DON'T RECALL.

19 Q. DID YOU SEE CLOTHES, CLOTHING, FEMININE CLOTHING
20 IN DIFFERENT PARTS OF THE APARTMENT?

21 A. THE BEDROOM I SEARCHED I DID NOT SEE ANY FEMALE
22 CLOTHING.

23 Q. OKAY. AFTER YOU SEARCHED THE CAR, YOU ACTUALLY
24 WENT TO THE CARPORT, YOU SAID?

25 A. YES.

26 Q. OR WAS IT A GARAGE?

1 A. IT WAS ACTUALLY A CARPORT.

2 Q. CAN YOU DESCRIBE THE CARPORT BRIEFLY?

3 A. IT DOESN'T HAVE A GARAGE DOOR. IT HAS A
4 ROOFTOP, IT IS OPEN ACCESS ENTRY.

5 Q. SO ANYBODY FROM THAT APARTMENT HAS ACCESS TO
6 THAT CARPORT, OR IS IT SPECIFICALLY DESIGNATED TO THAT
7 APARTMENT NUMBER?

8 A. THAT'S WHERE THE TRUCK WAS PARKED.

9 Q. OKAY.

10 A. WHEN WE INITIALLY MADE CONTACT.

11 Q. OKAY. DID THE CARPORT HAVE ITEMS LYING AROUND
12 IN THE AREA IN TERMS OF STORAGE AT ALL?

13 A. THAT COULD HAVE BEEN A POSSIBILITY. I DON'T
14 EXACTLY RECALL.

15 Q. WHERE -- DID YOU ACTUALLY SEARCH THE CARPORT AND
16 FIND THE BOXES THAT YOU TALKED ABOUT, THE -- I'M SORRY --
17 THE STORAGE CONTAINERS? DID YOU ACTUALLY FIND A STORAGE
18 CONTAINER OR WAS IT DETECTIVE YAKUBOVSKY?

19 A. ARE YOU TALKING ABOUT THE MASON JAR --

20 Q. CORRECT.

21 A. -- THAT WAS --

22 Q. INSIDE THE CARPORT. WHO ACTUALLY FOUND THAT?

23 A. IT WAS AN EMPTY MASON JAR, WHICH WAS FOUND BY
24 DETECTIVE YAKUBOVSKY.

25 Q. WHERE IN THAT CARPORT WAS IT FOUND?

26 A. IN THE STORAGE.

1 Q. SO THERE WAS, THERE IS A STORAGE COMPARTMENT IN
2 THE CARPORT?

3 A. CORRECT.

4 Q. CAN YOU DESCRIBE THE DIMENSION OF THAT STORAGE?

5 A. APPROXIMATELY 12 BY 14.

6 Q. WAS IT DUSTY? HAS IT BEEN USED?

7 A. I DON'T RECALL.

8 Q. DID YOU SEE FINGERPRINTS NEAR THERE?

9 A. FINGERPRINTS? I DON'T REMEMBER.

10 Q. NO? OKAY.

11 DID YOU ACTUALLY HOLD THE MASON JAR, OBSERVE IT,
12 EXAMINE IT?

13 A. I LOOKED AT IT.

14 Q. WAS THE MASON JAR DUSTY AT ALL?

15 A. THAT I DON'T REMEMBER.

16 Q. OKAY. WHO ACTUALLY FOUND THE .22 RIFLE IN THE
17 CARPORT? WAS IT YOU OR OFFICER YAKUBOVSKY?

18 A. DETECTIVE YAKUBOVSKY DID.

19 Q. OKAY. WHEN YOU WERE SEARCHING THE CARPORT,
20 WHERE WERE THE FOUR OTHER OFFICERS?

21 A. THAT I DON'T KNOW.

22 Q. IT IS SAFE TO SAY THAT ONLY ONE PERSON CAN
23 SEARCH THE STORAGE AREA OF THE CARPORT AT A TIME,
24 CORRECT?

25 A. NO. IT IS BIG ENOUGH FOR TWO OR THREE.

26 Q. WAS THERE A LATCH ON THE STORAGE AREA OF THE

1 CARPORT THAT NEEDS TO BE OPENED AND CLOSED?

2 A. IN THE STORAGE AREA, YES.

3 Q. AND IT WAS DETECTIVE YAKUBOVSKY THAT OPENED
4 THAT, CORRECT?

5 A. THAT'S CORRECT.

6 Q. OKAY. AND WHERE WERE YOU IN RELATION TO
7 DETECTIVE YAKUBOVSKY WHEN HE ACTUALLY OPENED THAT?

8 A. I WAS APPROXIMATELY THREE TO FIVE FEET AWAY,
9 SEARCHING THE VEHICLE.

10 Q. OKAY. WERE YOU PEERING OVER HIS SHOULDER AT
11 ALL?

12 A. LOOKING AT OVER -- NO.

13 Q. OKAY. SO YOUR GAZE WAS DIRECTED AT THE VEHICLE,
14 AT THE CONTENTS INSIDE THE VEHICLE, WHILE DETECTIVE
15 YAKUBOVSKY IS SEARCHING THE STORAGE AREA IN THE CARPORT,
16 CORRECT?

17 A. INITIALLY, YES.

18 Q. OKAY. WHAT HAPPENED AFTERWARDS? AFTER THE
19 INITIAL SETTING?

20 A. ONCE I SEARCHED THE VEHICLE, I WENT TOWARDS
21 OFFICER YAKUBOVSKY.

22 Q. AND DETECTIVE YAKUBOVSKY, DID HE ALREADY FIND
23 THE MASON JARS AT THIS POINT OR WAS HE IN THE PROCESS OF
24 FINDING IT?

25 A. AS I RECALL, IT WAS IN PROCESS.

26 Q. OKAY. SO YOU HAVE NO IDEA WHERE EXACTLY THE

1 RIFLES WERE IN THE STORAGE AREA, CORRECT?

2 A. OTHER THAN IN THE STORAGE AREA, I COULDN'T
3 ANSWER THAT.

4 Q. SO YOU DON'T KNOW WHETHER IT WAS PLACED
5 UNDERNEATH A BLANKET, WHETHER IT WAS IN THE CORNER OF THE
6 STORAGE AREA, IT WAS --

7 A. THAT I DON'T KNOW.

8 Q. OKAY. YOU JUST KNOW THAT OFFICER, DETECTIVE
9 YAKUBOVSKY PRODUCED THESE MASON JARS AND THESE RIFLES.
10 THAT'S IT, CORRECT?

11 A. YES.

12 Q. DID YOU HANDLE THE RIFLE AT ALL?

13 A. YES.

14 Q. YOU DID, OKAY.

15 WHAT DID YOU DO WHEN YOU HANDLED THE RIFLE?

16 A. I OBSERVED IT.

17 Q. OKAY. WHERE IT WAS LOCATED INSIDE THE CARPORT
18 STORAGE, WAS THERE A LOCK ON IT?

19 A. THAT I DON'T RECALL, IF THERE WAS A LOCK.

20 Q. DO YOU RECALL IF DETECTIVE YAKUBOVSKY HAD TO
21 BREAK OPEN THAT STORAGE AREA?

22 A. THAT I DON'T REMEMBER.

23 Q. OKAY. SAFE TO SAY THAT MR. LUCAS COULD NOT
24 REACH IT, NOT HAVE ACCESS TO THAT STORAGE AREA WHILE HE
25 WAS IN HIS CAR, CORRECT?

26 A. HE HAS TO EXIT THE CAR IN ORDER FOR HIM TO REACH

1 THE STORAGE AREA.

2 Q. OKAY. YOU INDICATED THAT IT WAS YOU YOURSELF
3 THAT FOUND THE 12-GAUGE SHOTGUN INSIDE THE HALLWAY,
4 CORRECT?

5 A. CLOSET, YES.

6 Q. OKAY. AND IS IT A TWO-STORY APARTMENT OR A
7 ONE-STORY APARTMENT?

8 A. IT WAS A SINGLE-STORY APARTMENT BUT IT IS
9 LOCATED ON THE SECOND FLOOR.

10 Q. OKAY. AND WAS THAT, WHAT KIND OF A CLOSET WAS
11 IT IN THE HALLWAY? WAS IT A CLOSET, JUST A REGULAR
12 STORAGE CLOSET? WAS IT FOR A WATER HEATER? FOR JUST
13 MISCELLANEOUS BATHROOM TOILETRY ITEMS? WHAT WAS INSIDE
14 THAT CLOSET IN THE HALLWAY?

15 A. I DON'T REMEMBER WHAT WAS IN IT, OTHER THAN IT
16 WAS A SMALL CLOSET.

17 Q. OKAY. CAN YOU DESCRIBE THE DIMENSIONS THE BEST
18 YOU CAN?

19 A. APPROXIMATELY 18 FEET BY 8 FEET. APPROXIMATELY
20 3 TO 4 FEET BY 2, 2 1/2 FEET.

21 Q. OKAY. DID YOU FIND ANYTHING ELSE BESIDES THAT
22 12-GAUGE SHOTGUN INSIDE THAT CLOSET?

23 A. NO ILLEGAL CONTRABAND OTHER THAN THAT.

24 Q. OKAY. WHILE YOU WERE SEARCHING THAT CLOSET,
25 WHAT WAS DETECTIVE YAKUBOVSKY DOING?

26 A. HE WAS SEARCHING THE BATHROOM.

1 Q. AND IS THE BATHROOM ADJACENT TO THE CLOSET?

2 A. AS I RECALL, YES.

3 Q. OKAY. SO WE HAVE ONE CLOSET THAT LEADS TO THE
4 SOUTHWEST BEDROOM, AND ALONG THAT OR ALONG THAT HALLWAY,
5 SORRY. SO THERE IS ONE HALLWAY THAT LEADS TO THE
6 SOUTHEAST BEDROOM; IS THAT CORRECT?

7 A. THAT'S CORRECT.

8 Q. AND ALONG THAT HALLWAY THERE IS A BATHROOM?

9 A. YES.

10 Q. OKAY. PRIOR TO GETTING TO THE BEGINNING OF THAT
11 HALLWAY, IS THERE A LIVING AREA, ANOTHER BEDROOM, A
12 DINING AREA?

13 A. THERE IS A LIVING ROOM AND KITCHEN AS YOU ARE
14 ENTERING OFF THE MAIN DOOR.

15 Q. OKAY. WHERE INSIDE THE BEDROOM WAS THE SAFE
16 LOCATED?

17 A. THAT I DON'T KNOW.

18 Q. BECAUSE YOU WERE NOT THERE, CORRECT?

19 A. I WAS NOT IN THE BATHROOM, NO.

20 Q. OKAY. SO YOU DID NOT STEP FOOT INTO THE
21 BATHROOM?

22 A. I DIDN'T.

23 Q. ALL RIGHT. YOU DID NOT PERSONALLY FIND THE
24 METHAMPHETAMINE INSIDE THE SAFE IN THE BATHROOM, CORRECT?

25 A. NO.

26 Q. YOU DIDN'T HANDLE THAT, CORRECT?

1 A. I LATER DID.

2 Q. AT WHAT POINT?

3 A. I WAITED AND TESTED THE SUSPECTED
4 METHAMPHETAMINE.

5 Q. YOU DON'T KNOW WHAT ELSE BELONGED IN THAT SAFE,
6 CORRECT?

7 A. THE CONTENTS, I DON'T RECALL.

8 Q. OKAY.

9 A. OTHER THAN METHAMPHETAMINE THAT WAS FOUND.

10 Q. WHILE YOU WERE SEARCHING THE SOUTHEAST BEDROOM,
11 DID DETECTIVE YAKUBOVSKY FOLLOW YOU INTO THE BEDROOM?

12 A. YES. LATER HE ALSO ASSISTED WITH THE SEARCH.

13 Q. OKAY. INSIDE THE BEDROOM, YOU INDICATED THERE
14 WAS A CLOSET, CORRECT?

15 A. THAT'S CORRECT.

16 Q. AND YOU SEARCHED THAT CLOSET, CORRECT?

17 A. YES.

18 Q. AND YOU SAID YOU FOUND A 9-MILLIMETER HANDGUN
19 AND A REVOLVER, CORRECT?

20 A. YES.

21 Q. AND YOU ALSO FOUND AN ADDITIONAL SAFE INSIDE THE
22 CLOSET?

23 A. DETECTIVE YAKUBOVSKY DID.

24 Q. OKAY. YOU INDICATED YOU FOUND APPROXIMATELY
25 230 GRAMS OF MARIJUANA IN A MASON JAR INSIDE THE CLOSET?
26 YES?

1 A. ONE OF, YES.

2 Q. LET ME GO BACK TO YOUR TRAINING AND EXPERIENCE
3 AS A NARCOTICS OFFICER. RIGHT NOW YOU ARE PART OF THE
4 PATROL DIVISION, CORRECT?

5 A. THAT'S CORRECT.

6 Q. OKAY. SO RIGHT NOW, YOUR DUTIES WOULD NOT
7 INCLUDE NARCOTICS INVESTIGATIONS, CORRECT?

8 A. SOMETIMES IT DOES.

9 Q. OKAY. BUT SPECIFICALLY, THAT'S NOT WHAT THE
10 PURPOSE OF YOUR ASSIGNMENT IS, CORRECT?

11 A. THAT'S NOT -- YES. THAT'S NOT MY PRIMARY DUTY
12 RIGHT NOW.

13 Q. BUT YOU WERE PART OF THE NARCOTICS/VICE UNIT FOR
14 YOU SAID THREE YEARS?

15 A. YES.

16 Q. APPROXIMATELY WHAT YEARS?

17 A. 2008, '9, AND '10 -- I'M SORRY, 2009, '10, 2011.

18 Q. SO WERE YOU PART OF THE NARCOTIC/VICE UNIT ON
19 OCTOBER 26, 2011?

20 A. YES.

21 Q. OKAY. AND YOU INDICATED YOU HAD 80 HOURS OF
22 TRAINING, CORRECT, IN NARCOTICS?

23 A. NARCOTICS INVESTIGATION COURSE, YES.

24 Q. AND WHEN WAS THIS TRAINING UNDERTAKEN?

25 A. SPRING OF 2009, AS I RECALL.

26 Q. AND WERE YOU TRAINED ON THE NEW COMPASSIONATE

1 USE ACT, THE AMOUNT OF MARIJUANA NECESSARY TO COMPLY
2 UNDER THAT STATUTE?

3 MR. HERNANDEZ: OBJECTION, RELEVANCE.

4 THE COURT: SUSTAINED.

5 MR. KIM: OKAY.

6 Q. WERE YOU TRAINED ON DIFFERENTIATING BETWEEN
7 FINDING EVIDENCE FOR THE SALE OF MARIJUANA VERSUS THE
8 POSSESSION OF MARIJUANA?

9 A. YES.

10 Q. OKAY. AND WHAT TYPE OF TRAINING DID YOU
11 UNDERTAKE WITH THAT IN THAT RESPECT?

12 A. JUST GOING THROUGH THE TOTALITY OF THE
13 INVESTIGATION AND LOOKING FOR INDICIA, LOOKING FOR THEIR
14 ACTIVITY. YOU KNOW, NOT JUST THE LARGE AMOUNT OF
15 MARIJUANA OR CONTROLLED SUBSTANCE IN QUESTION. YOU ARE
16 LOOKING FOR, YOU ARE ALSO LOOKING FOR OTHER INDICIA THAT
17 SUPPORTS SALES ACTIVITY.

18 Q. OKAY. HERE WE HAD 230 GRAMS OF MARIJUANA IN ONE
19 MASON JAR, YOU INDICATED, AND 75 GRAMS IN ANOTHER MASON
20 JAR, CORRECT?

21 A. THAT'S CORRECT.

22 Q. AND WAS IT A VISUAL ESTIMATE OF THE AMOUNT OR
23 DID YOU LATER WEIGH IT?

24 A. IT WAS LATER WEIGHED.

25 Q. OKAY. AND IN YOUR TRAINING AND EXPERIENCE,
26 230 GRAMS PLUS 75, SO FOR ABOUT 305 GRAMS, IS THAT

1 INDICATIVE OF SALES OR POSSESSION, OR CAN IT BE BOTH?

2 A. IT MIGHT; IN MY OPINION I THINK IT IS POSSESSED
3 FOR SALES.

4 Q. IN YOUR TRAINING AND EXPERIENCE, YOU KNOW THAT
5 HEALTH & SAFETY CODE 11362.77 UNDER THE COMPASSIONATE USE
6 ACT PERMITS A PERSON TO POSSESS EIGHT OUNCES OF
7 MARIJUANA, CORRECT?

8 MR. HERNANDEZ: OBJECTION, RELEVANCE.

9 THE COURT: SUSTAINED.

10 MR. HERNANDEZ: MOTION TO STRIKE.

11 THE COURT: GRANTED.

12 Q. BY MR. KIM: ONE GRAM OF MARIJUANA IS EQUAL TO
13 .335 OUNCES, CORRECT?

14 A. APPROXIMATELY, YES.

15 Q. SO IF YOU HAVE 305 GRAMS AS YOU STATED YOU
16 WEIGHED AFTER THE FACT, THAT AMOUNTS TO ABOUT
17 10.75 OUNCES, CORRECT?

18 MR. HERNANDEZ: OBJECTION, RELEVANCE.

19 THE COURT: WELL, I MEAN, IT IS WHAT IT IS. ARE
20 WE TESTING THE OFFICERS'S MATH SKILLS? SUSTAINED.

21 THE PROBATIVE VALUE IS OUTWEIGHED BY THE UNDUE
22 CONSUMPTION OF TIME, 352.

~~23~~ 23 Q. BY MR. KIM: DID YOU ACTUALLY WEIGH THE
24 MARIJUANA AFTER THE FACT?

25 A. YES.

26 Q. OKAY. DID IT INCLUDE DEBRIS, STEMS, BRANCHES OR

1 WAS IT JUST THE LEAVES?

2 A. IT WAS MAYBE SOME BRANCHES, BUT I DON'T KNOW HOW
3 MUCH. THE MAJORITY OF THEM WAS LEAVES, MARIJUANA LEAVES.

4 Q. OKAY.

5 THE COURT: LEAVES AND WHAT?

6 THE DEFENDANT: MARIJUANA LEAVES. - *Chalkos*

7 THE COURT: OKAY.

8 Q. BY MR. KIM: WHEN YOU WEIGHED IT, DID YOU WEIGH
9 IT IN A CONTAINER OR JUST THE MARIJUANA LEAVES AND
10 BRANCHES THEMSELVES?

11 A. IT WAS.

12 Q. WAS IT IN PACKAGING?

13 A. WE USE A NET WEIGHT.

14 Q. DID MR. LUCAS INDICATE TO YOU THAT HE HAD A
15 VALID MEDICAL MARIJUANA LICENSE?

16 A. HE, A PERSON INDICATED THAT TO ME.

17 Q. DID HE SHOW YOU A VALID MARIJUANA LICENSE?

18 A. HE DIDN'T SHOW IT TO ME.

19 Q. DID HE SHOW DETECTIVE YAKUBOVSKY?

20 A. THAT I DON'T KNOW.

21 Q. BECAUSE YOU WEREN'T PRESENT WHEN DETECTIVE
22 YAKUBOVSKY ACTUALLY INTERVIEWED MR. LUCAS, CORRECT?

23 A. THAT'S CORRECT.

24 Q. OKAY. DURING YOUR TRAINING, YOU ALSO HAVE
25 LEARNED THAT OTHER INDICIA OF SALES INCLUDE POTENTIALLY
26 TEXT MESSAGES, CORRECT?

1 A. IT IS ONE OF THE METHODS, YES.

2 Q. IN THIS CASE YOU DIDN'T FIND ANY, CORRECT?

3 A. I DIDN'T LOOK THROUGH HIS PHONE.

4 Q. OKAY. YOU ALSO LEARNED THAT ANOTHER INDICIA OF
5 SALES COULD POTENTIALLY BE A LEDGER, LIKE A PAY/OWE
6 SHEET, CORRECT?

7 A. YES.

8 Q. AND YOU DIDN'T FIND ANY, CORRECT?

9 A. NO.

10 THE COURT: THAT WAS A DOUBLE NEGATIVE. THERE
11 HAVE BEEN A FEW OF THOSE. IF YOU LOOK AT THE TRANSCRIPT.
12 HE DID FIND PAY/OWE SHEETS. SEE, YOU NEED TO ASK THE
13 QUESTION IN A POSITIVE WAY: "DID YOU FIND ANY PAY/OWE
14 SHEETS?" RATHER THAN, "YOU DID NOT FIND ANY PAY/OWE
15 SHEETS."

16 MR. KIM: OKAY. I'LL DO THAT AND CLARIFY THE
17 RECORD.

18 Q. LATER ON, YOU, DID YOU DETERMINE THAT THE GUNS
19 WERE LEGALLY REGISTERED TO MR. LUCAS?

20 A. A RECORDS CHECK WAS CONDUCTED. AND, AS I
21 RECALL, ONE OF THE GUNS WERE REGISTERED TO MR. LUCAS. I
22 DON'T RECALL WHICH ONE IT WAS.

23 Q. OKAY. WASN'T THE OTHER GUN, BOTH GUNS
24 REGISTERED TO MR. LUCAS?

25 A. THAT I DON'T KNOW.

26 Q. OKAY. IS IT POSSIBLE THAT A PERSON WITH A

1 MEDICAL MARIJUANA LICENSE HAS 10.75 OUNCES OF MARIJUANA
2 FOR HIS OWN PERSONAL USE?

3 MR. HERNANDEZ: OBJECTION, SPECULATION,
4 RELEVANCE.

5 THE COURT: SUSTAINED.

6 Q. BY MR. KIM: THAT AMOUNT DOESN'T NECESSARILY
7 INDICATE THAT IT IS POSSESSION FOR SALES, CORRECT?

8 A. IT IS MORE THAN AN AMOUNT THAT A PERSON IS
9 ALLOWED TO HAVE IF THEY ARE UNDER THE COMPASSIONATE ACT.

10 Q. SPEAKING OF THE COMPASSIONATE USE ACT, A PERSON
11 IS ALLOWED TO HAVE 8 OUNCES AND 16 JUVENILE PLANTS,
12 CORRECT?

13 MR. HERNANDEZ: OBJECTION, RELEVANCE.

14 THE COURT: SUSTAINED.

15 Q. BY MR. KIM: HOW MUCH IS ALLOWED UNDER THE
16 COMPASSIONATE USE ACT?

17 MR. HERNANDEZ: OBJECTION, RELEVANCE.

18 THE COURT: SUSTAINED.

19 MR. KIM: IF YOU COULD GIVE ME A MINUTE, YOUR
20 HONOR.

21 Q. WHEN YOU FOUND THE QUANTITY OF MARIJUANA, DID
22 YOU SEE ANY OF THEM INDIVIDUALLY PACKAGED?

23 A. NO.

24 Q. OKAY. THAT'S ALSO ONE OF THE INDICIA OF SALES,
25 CORRECT?

26 A. COULD BE, YES.

1 Q. WHEN YOU ACTUALLY HANDLED THE METHAMPHETAMINE
2 AFTER THE FACT, WAS THE METHAMPHETAMINE SEPARATED INTO
3 SIMILAR QUANTITIES IN DIFFERENT PACKAGING?

4 A. IT WAS A SINGLE BAGGIE CONTAINING
5 METHAMPHETAMINE.

6 Q. YOU HAVE NEVER SEEN AN EXCHANGE FOR MONEY,
7 SERVICES, OR ANYTHING OF VALUE FOR THE MARIJUANA
8 ASSOCIATED WITH MR. LUCAS, CORRECT?

9 A. PERSONALLY?

10 Q. CORRECT.

11 A. NO.

12 Q. YOU NEVER SEEN THE GUNS ACTUALLY IN THE
13 POSSESSION OF MR. LUCAS OR WITHIN HIS REACH WHERE HE
14 COULD ACTUALLY GRAB AND POSSESS IT, CORRECT?

15 A. DURING THE CONTACT, NO, THE INITIAL CONTACT.

16 Q. DO YOU KNOW FOR A FACT WHETHER THE FIREARMS WERE
17 LOADED OR UNLOADED?

18 A. THAT I DON'T RECALL.

19 Q. AND YOU ARE BASING ALL THIS TESTIMONY OFF OF
20 YOUR MEMORY 10 MONTHS AFTER THE FACT, CORRECT?

21 A. BASED ON MY RECOLLECTION, AND THE REPORT.

22 Q. THAT'S DETECTIVE YAKUBOVSKY'S REPORT, CORRECT?

23 A. YES.

24 Q. HOW MANY OTHER NARCOTICS INVESTIGATIONS HAVE YOU
25 CONDUCTED SINCE THAT TIME UP UNTIL TODAY?

26 A. SINCE THAT TIME, APPROXIMATELY 20.

1 Q. HOW MANY INVOLVING MARIJUANA?

2 A. MAYBE TWO OR THREE.

3 Q. AND DID YOU WRITE REPORTS FOR THOSE TWO OR THREE
4 ACCIDENTS?

5 A. INVOLVING THAT, YES.

6 Q. HOW MANY INVOLVING METHAMPHETAMINE?

7 A. INVESTIGATING SALES, OVER A HUNDRED.

8 Q. SINCE OCTOBER 26TH --

9 A. SINCE THE 26TH.

10 Q. -- 2011?

11 A. I WOULD APPROXIMATE MAYBE 20.

12 Q. DID YOU WRITE REPORTS FOR THOSE INVESTIGATIONS?

13 A. YES.

14 Q. OKAY. SO THE ONLY TWO PLACES WHERE YOU AND
15 OFFICER YAKUBOVSKY WERE AT THE SAME PLACE AT THE SAME
16 TIME WAS ACTUALLY THE SEARCH OF MR. LUCAS AND IN THE
17 CARPORT, CORRECT?

18 OTHER THAN THAT, YOU GUYS WERE IN SEPARATE
19 PLACES, CORRECT?

20 A. I MEAN, DEFINE. WHAT DO YOU MEAN SEPARATE
21 PLACES?

22 Q. I MEAN, WHEN HE WAS SEARCHING THE RESTROOM YOU
23 WERE IN THE HALLWAY, CORRECT?

24 A. INITIALLY, YES.

25 Q. AND WHEN YOU FIRST SEARCHED THE BEDROOM, HE WAS
26 IN THE BATHROOM, CORRECT?

1 A. INITIALLY. I LATER CAME TO THE CLOSET TO
2 ASSIST.

3 Q. SO WERE YOU BOTH IN THE CLOSET AT THE SAME TIME?

4 A. AT ONE POINT, YES.

5 Q. WAS IT A WALK-IN CLOSET?

6 A. IT WAS A LARGE CLOSET, ALMOST LIKE A WALK-IN.

7 Q. AND THERE WERE CLOTHES AND REGULAR, NORMAL ITEMS
8 THAT YOU WOULD NORMALLY SEE IN A CLOSET?

9 A. CLOTHING, YES.

10 Q. WHERE IN THAT CLOSET DID YOU FIND THAT SAFE?

11 A. IT WAS FOUND BY DETECTIVE YAKUBOVSKY.

12 Q. OKAY. WHERE IN THAT CLOSET DID YOU FIND THE
13 MASON JARS?

14 A. IT WAS -- AS I RECALL, IT WAS ON THE SHELF.

15 Q. OKAY. WOULD IT REFRESH YOUR RECOLLECTION, OR
16 ACTUALLY, YOU INDICATED THAT YOU DON'T KNOW WHETHER ALL
17 THE GUNS WERE REGISTERED TO MR. LUCAS, CORRECT?

18 A. NOT ALL OF THEM, NO.

19 Q. WOULD IT REFRESH YOUR RECOLLECTION TO LOOK AT
20 DETECTIVE YAKUBOVSKY'S REPORT TO SEE IF ALL THE GUNS WERE
21 REGISTERED TO MR. LUCAS?

22 A. THE REPORT DIDN'T INDICATE THAT.

23 Q. WOULD IT REFRESH YOUR RECOLLECTION TO LOOK AT
24 PART OF THE REPORT, PAGE 7 OF 17?

25 A. YES.

26 MR. KIM: MAY I APPROACH, YOUR HONOR?

1 THE COURT: YES.

2 Q. BY MR. KIM: SO WE ARE TALKING ABOUT THE .22,
3 THE REVOLVER AND THEN THE SHOTGUN?

4 A. 9-MILLIMETER RUGER.

5 Q. DID THAT 9-MILLIMETER RUGER BELONG TO MR. LUCAS?

6 A. IT IS REGISTERED UNDER HIS NAME, YES.

7 Q. AND THEN HOW ABOUT THE SHOTGUN?

8 A. I DON'T SEE THE SHOTGUN ON HERE. IT SHOWS THE
9 RUGER 9.

10 THE COURT: OKAY. THERE IS NO QUESTION PENDING.

11 Q. BY MR. KIM: DID YOU TAKE PRINTS FROM THE GUNS
12 AT ALL?

13 A. IT WASN'T REQUESTED.

14 Q. OKAY.

15 MR. KIM: I HAVE NOTHING FURTHER.

16 THE COURT: REDIRECT?

17 MR. HERNANDEZ: JUST BRIEFLY, YOUR HONOR.

18 **REDIRECT EXAMINATION**

19 Q. BY MR. HERNANDEZ: DETECTIVE HONG, I BELIEVE ON
20 CROSS-EXAMINATION YOU HAD TESTIFIED THAT DURING YOUR
21 SURVEILLANCE ON 10/25 OF '11, THAT YOU SAW SOMEBODY
22 APPROACH THE DEFENDANT IN HIS VEHICLE?

23 A. YES.

24 Q. AND WAS THAT, WHEN YOU MADE THAT OBSERVATION,
25 WAS IT SIGNIFICANT TO YOUR INVESTIGATION FOR NARCOTICS
26 RELATED SALES?

1 A. THAT'S CORRECT.

2 MR. KIM: YOUR HONOR, I WOULD OBJECT TO THAT,
3 THIS LINE OF QUESTIONING. IT IS --

4 THE COURT: GROUNDS?

5 MR. KIM: IT WAS PART OF THE SEARCH WARRANT
6 AFFIDAVIT THAT I WAS NOT DISCOVERED.

7 THE COURT: OVERRULED.

8 NEXT QUESTION.

9 Q. BY MR. HERNANDEZ: SO YOU WITNESSED SOMEBODY
10 APPROACH THE DEFENDANT IN HIS VEHICLE ON 10/25 OF 2011,
11 CORRECT?

12 A. YES.

13 Q. WHAT DID YOU SEE?

14 A. WITHOUT GOING INTO DETAIL, I SAW SUBJECT MADE
15 CONTACT WITH LUCAS.

16 Q. OKAY. ALL RIGHT. AND THEN WAS THAT A BRIEF
17 ENCOUNTER?

18 A. ENCOUNTER LASTED LESS THAN A MINUTE.

19 Q. OKAY. AND THEN ON THE 26TH, WHEN YOU SERVED THE
20 SEARCH WARRANT, YOU DID SEE THE DEFENDANT PULL UP IN HIS
21 VEHICLE; IS THAT CORRECT?

22 A. YES, SIR.

23 Q. AND THE DOCUMENTATION THAT YOU RECOVERED IN THIS
24 INVESTIGATION, THAT HAD THE DEFENDANT'S NAME ON IT, WAS
25 THAT RECOVERED IN THAT SOUTHEAST BEDROOM THAT YOU HAD
26 SEARCHED?

1 A. YES.

2 Q. OKAY. AND THAT WAS THE SAME BEDROOM IN WHICH
3 YOU RECOVERED A LARGE QUANTITY OF MARIJUANA AND THE
4 SEMI-AUTOMATIC 9 MILLIMETER AND 357 REVOLVER, CORRECT?

5 A. THAT'S CORRECT.

6 Q. AND IN THE HALLWAY WHERE YOU LOCATED THE
7 12-GAUGE SHOTGUN, HOW CLOSE WAS THAT TO THE BATHROOM
8 WHERE THE METHAMPHETAMINE WAS RECOVERED?

9 A. APPROXIMATELY FIVE TO SEVEN FEET.

10 Q. OKAY. AND YOU RECOVERED APPROXIMATELY
11 THREE GRAMS OF METHAMPHETAMINE; IS THAT CORRECT?

12 A. DETECTIVE YAKUBOVSKY DID.

13 Q. AND YOU ACTUALLY TOOK POSSESSION OF IT FROM
14 DETECTIVE YAKUBOVSKY, CORRECT?

15 A. YES, I DID.

16 Q. AND HE SHOWED YOU THAT IT WAS RECOVERED FROM A
17 SAFE IN THE BATHROOM, CORRECT?

18 A. THAT'S CORRECT.

19 Q. OKAY. NOW, THREE GRAMS OF METHAMPHETAMINE CAN
20 BE BROKEN UP FOR STREET LEVEL SALES INTO HOW MANY
21 DIFFERENT QUANTITIES? HOW LONG CAN YOU STRETCH OUT THAT
22 THREE GRAMS?

23 A. IT COULD BE BROKEN DOWN INTO SMALLER PORTIONS
24 SUCH AS -- AS SMALL AS .2 GRAMS, HALF A GRAM, AND SO ON.

25 Q. AND DID YOU RECOVER ANY ADDITIONAL BAGGIES
26 DURING YOUR INVESTIGATION IN THE SERVICE OF THE SEARCH

1 WARRANT AT THIS LOCATION?

2 A. THERE WAS ADDITIONAL PACKAGING MATERIALS THAT
3 WERE RECOVERED.

4 Q. OKAY. AND THAT WAS SOME ITEMS THAT YOU BOOKED
5 INTO EVIDENCE, THE PACKAGING MATERIAL?

6 A. THAT'S CORRECT.

7 Q. AND DO YOU REMEMBER WHAT THAT PACKAGING MATERIAL
8 WAS?

9 A. IT WAS MEDICINE BOTTLES.

10 Q. OKAY. AND YOU HAD RECOVERED SOME MONEY OFF THE
11 DEFENDANT THAT DAY, CORRECT?

12 A. YES.

13 Q. AND YOU REMEMBER DETECTIVE YAKUBOVSKY RECOVERING
14 MONEY FROM THE SAFE THAT WAS IN THE SOUTHEAST BEDROOM,
15 CORRECT?

16 A. THAT'S CORRECT.

17 Q. AND TODAY YOU DON'T REMEMBER HOW MUCH MONEY WAS
18 RECOVERED; IS THAT CORRECT?

19 A. THAT'S CORRECT.

20 Q. OKAY. WOULD IT REFRESH YOUR RECOLLECTION BY
21 LOOKING AT THE RETURN OF THE SEARCH WARRANT THAT WAS USED
22 IN THIS CASE TO REFRESH YOUR RECOLLECTION TO THE AMOUNT?

23 A. YES.

24 MR. HERNANDEZ: YOUR HONOR, IF I MAY APPROACH?

25 THE COURT: YES. EITHER COUNSEL MAY APPROACH
26 ANY TIME. DO NOT ASK.

1 MR. HERNANDEZ: I'LL SHOW THIS TO DEFENSE
2 COUNSEL.

3 Q. DETECTIVE HONG, I WOULD LIKE YOU TO TAKE A LOOK
4 AT THIS AND SEE IF IT REFRESHES YOUR RECOLLECTION AS TO
5 THE AMOUNT OF MONEY THAT WAS RECOVERED IN THIS
6 INVESTIGATION.

7 A. YES.

8 Q. HAVE YOU REVIEWED THAT DOCUMENTATION?

9 A. YES.

10 Q. NOW, DOES THAT HELP REFRESH YOUR RECOLLECTION TO
11 THE AMOUNT OF MONEY THAT WAS RECOVERED IN THIS
12 INVESTIGATION?

13 A. THAT'S CORRECT.

14 Q. OKAY. NOW, YOU CAN GO AHEAD AND TURN OVER THE
15 PAPERWORK.

16 DO YOU REMEMBER ABOUT HOW MUCH MONEY WAS
17 RECOVERED IN THIS INVESTIGATION?

18 A. \$9,395.

19 MR. HERNANDEZ: NO FURTHER QUESTIONS, YOUR
20 HONOR.

21 THE COURT: RECROSS?

22 MR. KIM: SURE.

23 **RECROSS-EXAMINATION**

24 Q. BY MR. KIM: MISCELLANEOUS DOCUMENTATION WITH
25 MR. LUCAS' NAME ON IT, YOU INDICATED RIGHT NOW THAT IT
26 WAS FOUND IN MR. LUCAS'S BEDROOM?

1 A. YES. THERE WAS NUMEROUS PAPER DOCUMENTS THAT
2 WAS FOUND.

3 Q. OKAY.

4 A. THERE WAS A PASSPORT THAT WAS FOUND IN THE SAFE,
5 ALONG WITH BILLS.

6 Q. YOU USED DETECTIVE YAKUBOVSKY'S REPORT TO
7 REFRESH YOUR RECOLLECTION OF YOUR TESTIMONY HERE,
8 CORRECT?

9 A. YES, I DID.

10 Q. NOWHERE IN THAT REPORT DOES IT INDICATE THAT
11 IDENTIFICATION, IDENTIFYING INFORMATION PERTAINING TO
12 MR. LUCAS WAS FOUND IN THIS BEDROOM, CORRECT?

13 A. YES. THAT'S BASED ON MY RECOLLECTION.

14 Q. SO ARE YOU SAYING THAT YOU FOUND IDENTIFYING
15 INFORMATION FOR MR. LUCAS INSIDE HIS BEDROOM?

16 A. BILLS, INDICATING HIS NAME AND ADDRESS.

17 Q. OKAY. ON THE 25TH WHEN YOU SAW THAT MINUTE
18 ENCOUNTER, WAS IT AT 1788 WIDDOWS?

19 A. IT WAS SOMEWHERE IN THE COUNTY OF ORANGE; IT WAS
20 NOT AT THE ADDRESS.

21 Q. IT WAS NOT AT THAT ADDRESS?

22 A. YES.

23 Q. SO AT THAT PARTICULAR ADDRESS YOU DIDN'T OBSERVE
24 PEDESTRIAN TRAFFIC OR VEHICLE TRAFFIC --

25 A. NO.

26 Q. -- THAT WAS NOTABLE?

1 A. NO.

2 Q. OKAY. THE TOTAL AMOUNT THAT YOU INDICATED WAS
3 CONFISCATED?

4 A. AMOUNT OF MONEY?

5 Q. YES.

6 A. YES.

7 Q. YOU INDICATED THAT IT WAS APPROXIMATELY \$9,000,
8 CORRECT?

9 A. YES.

10 Q. AND YOU STATED THAT WHEN YOU FIRST SEARCHED
11 MR. LUCAS, YOU FOUND AN UNIDENTIFIABLE AMOUNT OF MONEY ON
12 HIS PERSON, CORRECT?

13 A. I SAID A LARGE AMOUNT, YES.

14 Q. AND THEN LATER ON YOU SAID DETECTIVE YAKUBOVSKY
15 FOUND ANOTHER SUM OF MONEY INSIDE HIS SAFE, INSIDE HIS
16 CLOSET, CORRECT?

17 A. IN THE CLOSET, YES.

18 Q. DO YOU KNOW IF 8,900 WAS FOUND IN THE SAFE IN
19 THE CLOSET AND A HUNDRED ON MR. LUCAS?

20 A. THAT I DON'T KNOW.

21 Q. DO YOU KNOW EXACTLY HOW MUCH WAS FOUND IN THE
22 SAFE VERSUS HOW MUCH WAS FOUND ON MR. LUCAS?

23 A. NO.

24 Q. OKAY.

25 MR. KIM: I HAVE NOTHING FURTHER.

26 THE COURT: REDIRECT?

1 MR. HERNANDEZ: NOTHING FURTHER, YOUR HONOR.
2 THANK YOU.

3 THE COURT: THANK YOU, OFFICER. YOU MAY STEP
4 DOWN AND YOU ARE EXCUSED.

5 NEXT WITNESS, PLEASE.

6 MR. HERNANDEZ: NO FURTHER WITNESSES FOR THE
7 PEOPLE, YOUR HONOR.

8 THE COURT: PEOPLE REST?

9 MR. HERNANDEZ: PEOPLE REST.

10 THE COURT: DEFENSE EVIDENCE?

11 MR. KIM: WE HAVE NO AFFIRMATIVE DEFENSE.

12 THE COURT: IS THERE A MOTION?

13 MR. HERNANDEZ: YES, YOUR HONOR.

14 BASED UPON EVIDENCE PRESENTED TO THIS COURT, THE
15 PEOPLE BELIEVE THAT THERE IS ENOUGH EVIDENCE TO HOLD THE
16 DEFENDANT TO ANSWER AS TO COUNTS 1, 2, AND THE
17 ENHANCEMENT AS TO COUNT 1 AND 2.

18 THE COURT: ARGUMENT?

19 IS THERE ANY ARGUMENT?

20 MR. KIM: WE'LL JUST ASK THAT MR. LUCAS NOT BE
21 HELD TO ANSWER TO COUNTS 1, 2, AND THE ENHANCEMENTS. AND
22 WE WILL SUBMIT.

23 THE COURT: IT APPEARING TO THE COURT THAT THE
24 FELONIES HAVE BEEN COMMITTED AND THERE BEING SUFFICIENT
25 AND PROBABLE CAUSE TO BELIEVE THAT THE DEFENDANT
26 COMMITTED SAID FELONIES, DEFENDANT IS HEREBY ORDERED HELD

1 TO ANSWER AS TO VIOLATIONS OF SECTION 11378 OF THE HEALTH
2 & SAFETY CODE AND 11359 OF THE HEALTH & SAFETY CODE, BOTH
3 FELONIES, AS ALLEGED IN COUNTS 1 AND 2 RESPECTIVELY. AS
4 WELL AS THE ENHANCEMENT TO COUNT 1 UNDER 12022(C) OF THE
5 HEALTH & SAFETY CODE, AND THE ENHANCEMENT TO COUNT 2
6 UNDER 12022(A)(1) OF THE PENAL CODE.

7 AND -- I'M SORRY. BOTH ENHANCEMENTS ARE AS TO
8 THE PENAL CODE, THE FIREARM ENHANCEMENTS TO COUNTS 1 AND
9 2 AS CHARGED IN THE COMPLAINT.

10 AN INFORMATION WILL BE FILED ON JULY 18TH,
11 THAT'S JULY 18, 2012, AT 8:00 A.M. IN DEPARTMENT C5 OF
12 THE SUPERIOR COURT, CENTRAL JUSTICE CENTER, SANTA ANA.

13 THE COURT ORDERS DEFENDANT AND COUNSEL TO BE
14 PRESENT AT THAT TIME. AND UNLESS I HEAR OTHERWISE, THE
15 CURRENT O.R. STATUS OF THE DEFENDANT WILL REMAIN.

16 MR. HERNANDEZ: THANK YOU, YOUR HONOR.

17 THE COURT: ALL RIGHT.

18 MR. KIM: THANK YOU.

19 THE COURT: VERY GOOD.

20 (END OF PROCEEDINGS.)

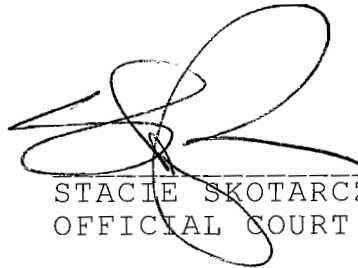
21 -0 0 0-
22
23
24
25
26

1 STATE OF CALIFORNIA.)
2) SS.
3 COUNTY OF ORANGE)

4 REPORTER'S CERTIFICATE

5
6
7 I, STACIE SKOTARCZYK, CSR NO. 7211, COURT
8 REPORTER, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING
9 REPORTER'S TRANSCRIPT IS A FULL, TRUE AND CORRECT
10 TRANSCRIPTION OF MY SHORTHAND NOTES THEREOF, AND A FULL,
11 TRUE AND CORRECT STATEMENT OF THE PROCEEDINGS HAD IN SAID
12 CAUSE.

13 DATED AT FULLERTON, CALIFORNIA, THIS 12TH DAY OF
14 JULY, 2012.

15
16 
17

18 STACIE SKOTARCZYK, CSR NO. 7211
19 OFFICIAL COURT REPORTER
20
21
22
23
24
25
26