

11 Are you going to call your shorter
12 witness or your longer witness?
13 MR. JARRARD: Shorter witness.
14 THE COURT: All right. Call your next
15 witness.
16 MR. JARRARD: We will call Sergeant Neil
17 Crawford.
18 THE WITNESS: Too big for the chair.
19 THE COURT: Yeah, that's specially
20 designed for police officer belts.
21 All right.
22 Oh, were you sworn?
23 THE WITNESS: No, sir.
24 (The witness was sworn)
25 NEIL CRAWFORD,

1 having been first duly sworn, testified as follows: 2011

2 DIRECT EXAMINATION

3 BY MR. JARRARD:

4 Q. Officer Crawford, would you please state your
5 full name for the record, please.

6 A. Sergeant Larry Neil Crawford, Jr.

7 Q. And how are you currently employed?

8 A. As a patrol sergeant for City of Georgetown.

9 Q. And how were you employed on December 6,
10 2002?

11 A. Patrol officer.

12 Q. You haven't been retained as an expert in
13 this case, have you?

14 A. No.

15 Q. So you're here to testify as to what you saw
16 or may have done on December 6, 2002?

17 A. Yes.

18 Q. Do you recall having been dispatched to the
19 Pupko home on that date?

20 A. I was dispatched to assist a Williamson
21 County deputy.

22 Q. And do you know -- do you recall that being
23 the Pupko home?

24 A. I would assume, but I mean, I was
25 dispatched -- I don't remember the address.

1 Q. Okay. 201
2 MR. JARRARD: May I approach the witness,
3 Your Honor?
4 Q. (BY MR. JARRARD) Let me show you what's been
5 identified as Defendant Exhibit No. 7. Can you
6 identify that document, please?
7 A. It's a printout of our CAD screen dated 12-6,
8 2002.
9 Q. And that's a report that's made internally at
10 the Georgetown Police Department. Is that correct?
11 A. Yes.
12 Q. And are you familiar with how those are
13 prepared?
14 A. Yes.
15 Q. Does it accurately reflect what occurred on
16 that day as far as your report?
17 A. Yes. I'd seen this years ago. I haven't
18 seen it in a while.
19 MR. JARRARD: We'd move to admit
20 Defendant's Exhibit No. 7.
21 MR. FERNANDEZ: No objection.
22 THE COURT: Defendant's Exhibit 7 is
23 admitted.
24 Q. (BY MR. JARRARD) And on this, does it
25 explain what you were doing on the scene at

1 Ms. Pupko's home that day? 202
2 A. Well, it's an account of me getting
3 dispatched there in order to assist the deputy and
4 some call notes and then a final disposition and my
5 times I responded and cleared.
6 Q. And you weren't called there to investigate a
7 crime. Is that correct?
8 A. Correct.
9 Q. You were not called?
10 A. No.
11 Q. So you were there for what purpose according
12 to the "notes" field on that?
13 A. The note says "WCSO has one detained need
14 unit for check by," and then another entry of "already
15 en route to jail."
16 Q. So do you recall any particulars about what
17 happened when you arrived at the Pupko home that day?
18 A. I never arrived at the home. What I remember
19 is finding the -- I'm sorry -- Officer or Sergeant
20 Dulton on Williams Drive, and I circled in behind his
21 unit and followed him to the jail and then once he
22 went into the salty port, I went 10-8 or back on duty.
23 Q. So you didn't help arrest Ms. Pupko that day?
24 A. No.
25 Q. You didn't help cram her into the back seat

1 of the car that day? 203
2 A. No. I wasn't there.
3 Q. You didn't laugh and ridicule at her --
4 A. No.
5 Q. -- while she was being arrested that day?
6 A. NO.
7 Q. What about this report would indicate that
8 none of that occurred?
9 A. I'm sorry?
10 Q. Is there anything on this report that would
11 indicate that none of that could have occurred?
12 A. Well, if that would have occurred, I would
13 have wrote -- in this police report, I would have
14 wrote an incident report on that, documented it all as
15 far as in the reports, and it would have went use of
16 force up to my chain of command, submitted my video
17 into evidence, all kinds of reports made by me. But
18 the other thing, the biggest thing is I guess the
19 times on mine when I responded was 16:25 hours, and I
20 cleared at 16:31 hours, which is I guess six minutes.
21 Q. So you were -- From the time you were called
22 that a deputy needed assistance to the time that you
23 said, "I'm off this call" was six minutes?
24 A. Yes, sir.
25 Q. Did you know Officer Dulton before this?

1 A. I've seen him around. I honestly didn't know 204
2 who he was until I walked in because I haven't seen
3 him in years.
4 MR. JARRARD: No further questions. Pass
5 the witness.
6 CROSS-EXAMINATION
7 BY MR. FERNANDEZ:
8 Q. If I were to hand you a report that you wrote
9 on November 6 of 2002, would you remember what you
10 did, how you drove down there, whether you circled
11 around, any of the particulars of that offense?
12 A. Depends on the -- like the circumstance like
13 if it was something that -- I guess it was impacting
14 me at the time or if it was something that -- I don't
15 know. I just -- Yeah, certain ones I do and certain
16 ones, I wouldn't.
17 Q. Well, from 2002 -- in November of 2002, do
18 you remember the particulars of the second call that
19 you might have made that month?
20 A. I do on this one because it bothered me at
21 the time because I was pulled in --
22 Q. I'm not asking you about this one. Do you
23 remember the particulars -- This is December. I'm not
24 trying to confuse you. I'm talking about November,
25 the month before.

1 A. It depends on what the call is. I mean, if 205
2 it was something that --
3 Q. The second call you made that month.
4 A. I don't understand.
5 Q. Do you remember the particulars of the second
6 call that you made that month?
7 A. If I saw it, I might. I don't --
8 Q. How many -- How many arrests do you make in a
9 given year?
10 A. Which year?
11 Q. Pardon me?
12 A. Which year?
13 Q. Last year.
14 A. Just on average?
15 Q. Sure.
16 A. Well, as being a patrol sergeant -- I don't
17 know -- maybe a half a dozen or two dozen a year. As
18 an officer, I made, you know, 50 to a hundred a year
19 maybe.
20 Q. All right. So you're a highly trained,
21 competent, professional police officer?
22 A. I hope so.
23 Q. Okay. So whenever you come upon someone and
24 you ask them for identification, you know what the law
25 is as to whether or not they're required to identify

1 themselves? 206
2 A. I hope so. Uh-huh.
3 Q. So if you come upon me and you're
4 investigating something and you ask me to give you --
5 you want me to give you my name and my date of birth,
6 am I required to do that?
7 A. I -- You have to be legally detained, I mean,
8 as far as arrested --
9 Q. Pardon me?
10 A. You have to be arrested.
11 Q. Have to be arrested?
12 A. Uh-huh.
13 Q. Have to be arrested for something else?
14 A. Well, a crime.
15 Q. A crime. Let's say it's driving while
16 license invalid. Have to be arrested for that.
17 Murder? DWI?
18 A. Uh-huh.
19 Q. Assault?
20 A. There's a lot of crimes.
21 Q. A lot of crimes. If I'm under arrest for one
22 of those and then you ask me to identify myself, then
23 I've committed the crime of failure to identify,
24 right?
25 A. Well

1 Q. Pardon me? 207
2 A. Yes.
3 Q. All right.
4 A. Or legally detained on a traffic stop where
5 you can't ascertain the identification of the driver.
6 Q. Right. Some show of authority by you, right?
7 A. Uh-huh.
8 Q. The red lights would be a show of authority?
9 A. Yes.
10 Q. Or you could tell me that I'm detained,
11 right?
12 A. Uh-huh.
13 Q. But unless I am arrested, I have committed no
14 crime by not giving you my identification, have I?
15 A. Well, like -- I was listening to some of the
16 testimony. I mean, it's difficult if you're trying to
17 investigate an offense and you don't know who you're
18 talking to or you don't -- you can't -- You know, you
19 need to make -- try to make all identification
20 possible and --
21 Q. I realize that. Do you agree with me that
22 unless I'm under --
23 A. Yes, sir.
24 Q. -- arrest for another offense, you cannot
25 arrest me for failure to identify?

1 A. Yes. I was just trying to clarify. 208
2 Q. Sure. No, I understand. Thank you for that.
3 And that's pretty basic law that every police officer
4 knows because in every contact, eventually you're
5 going to say, "Who are you?", right?
6 A. Yes.
7 Q. So the officer has got to know is the person
8 required to tell me and if they don't tell me, what
9 can I do about it, right?
10 A. I'm sorry? I was thinking about something
11 else.
12 Q. All right. Well, let's try to think about
13 this.
14 A. Sorry. I worked all night last night, and I
15 haven't got much sleep so --
16 Q. I apologize. I guarantee you this is going
17 be about the last -- maybe two more questions after
18 this.
19 A. Yes, sir.
20 Q. A police officer stops someone, that's their
21 job; they come into contact with citizens, right?
22 A. Yes, sir.
23 Q. The officer has got to know on a daily basis
24 he's going to come into contact with someone?
25 A. Yes, sir.

1 Q. And at some point ask them to identify 209
2 themselves, right?
3 A. Yes, sir.
4 Q. The officer has got to know what the law is
5 on whether or not that person is required to identify
6 themselves?
7 A. Yes, sir.
8 Q. And the officer has got to know what the
9 officer can do if the person refuses to identify
10 themselves, right?
11 A. Yes.
12 Q. And if the officer doesn't know that
13 elementary law, then innocent people can get arrested?
14 A. Yes.
15 Q. People can get arrested without probable
16 cause, right?
17 A. Yes.
18 Q. You have people working under you, don't you?
19 A. Yes.
20 Q. You expect those people to know that
21 elementary law on failure to identify, don't you?
22 A. Yes.
23 MR. FERNANDEZ: Pass the witness.
24 MR. JARRARD: No further questions, Your
25 Honor.

1 THE COURT: Do you have to go back to 210
2 work?
3 THE WITNESS: Tonight all night.
4 THE COURT: Until when? When do you
5 start?
6 THE WITNESS: 6:00 to 6:00.
7 THE COURT: You can get a nap.
8 (Laughter)
9 THE WITNESS: I doubt it.
10 THE COURT: All right. You're excused.
11 Okay. We're kind of off our break
12 schedule, but I think y'all need a break. Okay. I
13 need a break. So let's take a 10-minute break. Be
14 back in the jury room in 10 minutes. Remember, don't
15 discuss the case amongst yourselves or with anybody
16 else or let anybody discuss it with you.
17 (Recess from 3:54 to 4:13)
18 (Open court, jury present)
19 THE COURT: Okay. Now, I think we have
20 one more witness. We are not going to try to kill
21 everybody and argue tonight. We are going to argue
22 first thing in the morning -- or actually we may argue
23 not quite first thing in the morning, but sometime in
24 the morning. So -- Otherwise, we're going to be up
25 here until -- Well, we're going to get done with the
testimony and then I'm going to send you home.