

1 OFFICER AARON ELTON, being first duly sworn
2 upon oath, was examined
and testified as follows:

3 DIRECT EXAMINATION

4 BY MS. FOSTER:

5 Q Good morning, Officer Elton. If you could please tell
6 us, or if you could please spell your name, state and
7 spell it for the record.

8 A Aaron Elton, E-l-t-o-n.

9 Q If you could please tell us, who is your employer?

10 A City of Bremerton Police Department.

11 Q How long have you been with the City of Bremerton Police
12 Department?

13 A Since July of 2000.

14 Q And what is your role with them?

15 A I am currently assigned to the patrol unit, graveyard.

16 Q Prior to that?

17 A I started with the patrol division, and I worked five
18 years in narcotics with the Special Operations Group,
19 and I have been back on patrol for I think over three
20 years.

21 Q Any other prior law enforcement experience?

22 A I worked with the Suquamish Police Department in the
23 north end of the county as a patrol officer, I worked
24 with the sheriff's office as a volunteer with the
25 sheriff's as a deputy sheriff, and I worked with Bangor

1 security police, and when I left there I was a corporal,
2 field training officer.

3 Q What about training that you have received specific to
4 narcotics and narcotic detection?

5 A In addition to the training you receive in the academy,
6 the basic law enforcement academy, which talks about
7 street drugs, the appearance, the packaging methods, the
8 concealment methods, I attended a lot of narcotics
9 training when I was with the Special Operations Group.
10 I attended a two-week DEA basic course which covered
11 some of the same things, but a little bit more in depth.
12 Got to learn a lot about street prices and how they
13 change or fluctuate, depending on what's going on,
14 learned a little bit more about concealment methods, a
15 lot about search and seizure and that ever-changing area
16 of it, and in addition to the two-week DEA basic course,
17 I attended a one-week clandestine methamphetamine lab
18 training, some street crime investigations that's
19 specifically related to vice crime investigation, which
20 is what Special Operations Group was assigned to do, but
21 we mostly did narcotics-related crimes.

22 Q And, both as a patrol officer as well as a member of the
23 Special Operations Group, have you ever encountered
24 methamphetamine?

25 A Countless times.

1 Q Have you ever encountered methamphetamine in a concealed
2 form?

3 A Many times.

4 Q What about paraphernalia used for methamphetamine? Have
5 you ever encountered that?

6 A Lots of different types of paraphernalia, paraphernalia
7 related to methamphetamine use.

8 Q Can you tell us about some of that paraphernalia.

9 A Predominantly you will see glass tubes, pipes. You will
10 see syringes. Those are the two main things that you
11 will see, but you will see straw sections, sections of
12 pen that have been cut to use methamphetamine by
13 inhaling it. You will see different things that go
14 along with the use of methamphetamine, like tourniquets
15 or rubber straps or shoelaces or belts. Alcohol swabs
16 are commonly seen with those things. Small tin cups,
17 shot glasses, anything that can be used to put water in,
18 to put the meth in, to dilute it, to put it into, a
19 needle. Those things are commonly seen together.
20 Digital scales are commonly seen and they will often
21 have -- most of the times they will have methamphetamine
22 residue or a drug residue on it. Those are some of the
23 main, main things that you will see with methamphetamine
24 or IV drug users.

25 Q Have you had any training or experience with regards to

1 determining if someone is under the influence of a
2 narcotic?

3 A Yes, training and experience with that. Both of those
4 things together certainly help quite a bit, but with the
5 methamphetamine, you learn about what to see, what to
6 look for when somebody is on a stimulant. It's pretty
7 typical; fidgeting, you will see signs within the eyes,
8 within the pupils, the constriction or dilation of the
9 pupils, that's specific to meth.

10 Q On November 19 of 2009, were you working in your
11 capacity as a law enforcement officer?

12 A Yes, I was.

13 Q And, did you happen to have contact with anyone on that
14 evening?

15 A I did. I stopped a vehicle that had a female and a male
16 in it.

17 Q Why did you stop the vehicle?

18 A The plates were expired.

19 Q And, is that something that a traffic infraction or
20 citation would be issued for?

21 A Yes.

22 Q How did you determine the plates were expired?

23 A We have an MCT in the vehicle, which is a mobile
24 computer basically, and it's attached to the Department
25 of Licensing, and I ran the plate and determined that it

1 was expired through that system.

2 Q And, when you stopped the vehicle, what happened next?

3 A I made contact with the female driver. I let her know
4 why I stopped her. I asked for the common things, a
5 driver's license, registration, and insurance. I
6 believe it was -- I don't believe she was able to
7 produce any of those things, but she spent a significant
8 period of time fumbling through her purse looking for
9 ID. During that time I saw what I believed to be some
10 baggies with some residue in it, again, commonly seen
11 with users, bags with methamphetamine residue or cocaine
12 residue or whatever, but they are very commonly seen. I
13 did see those when she was rummaging through. She
14 provided a false name it turned out to be. I learned
15 that her true name was Jeanette Post.

16 Q How did you learn that was her true name?

17 A What I did was I ran the first name that she gave me,
18 but I was a little suspicious because it seemed to be
19 quite a distance off in age. The age she gave me seemed
20 to be too young. In further discussion with her -- I
21 got no record when I ran her through CenCom, when I ran
22 the name she provided. I arrested her for no valid
23 operator's license because of the not having any record,
24 and I asked her at that time, "Look, please tell me the
25 truth about who you are," and it was at that time that

1 she told me her name was Jeanette Post and that she had
2 a warrant.

3 Q Did you make contact with the passenger at any point?

4 A I did. I made contact with the passenger.

5 Q Do you recall the passenger's name?

6 A Donald Cotton.

7 Q Do you see the passenger in the courtroom today?

8 A He's sitting next to his counsel.

9 MS. FOSTER: For the record, the witness has
10 pointed out the defendant.

11 Q (By Ms. Foster) After you got the full name of
12 Ms. Post, did you communicate with her any further?

13 A I did.

14 Q Did you read her her Miranda warnings?

15 A I did.

16 Q And, did she speak with you after that?

17 A She did.

18 Q What did she tell you?

19 A I asked her if there were -- I asked her if there was
20 anything else inside the vehicle, any drugs or weapons,
21 pretty typical question for me to ask. My plan was to
22 search the vehicle subsequent to her arrest and
23 determine if she was in fact who she was saying she was
24 this time. She admitted that there was some syringes in
25 the vehicle. I talked to her about the syringes and she

1 said they actually belonged to a friend of hers, that
2 she took them from her to save her from using the
3 methamphetamine. She said that they were used needles.
4 In fact, one of the needles had methamphetamine drawn
5 inside of it still.

6 Q You said that your plan was to initially search the
7 vehicle for evidence of her identity?

8 A Uh-hum.

9 Q Had you placed her under arrest at that point for false
10 statement or any other crime associated with the
11 original statement she made to you about her identity?

12 A I made an arrest of her, and advised her she was under
13 arrest for no valid operator's license without ID.

14 Q And did you then ask if you could search the vehicle
15 after she told you that there was needles in the car?

16 A I did ask to search the vehicle. I had also asked
17 Mr. Cotton if he owned anything in the vehicle.

18 Q When did you ask Mr. Cotton if he owned anything in the
19 vehicle?

20 A I would have to refer back to my notes to determine when
21 that happened in the process.

22 Q If that would help refresh your recollection.

23 A It would certainly help.

24 Sorry, I am having a difficult time trying to find
25 that in here. I recall it in here. I just want to get

1 it right as to when it occurred.

2 Q Officer, I will ask a different question. Do you recall
3 contacting any other officers or any other officers
4 arriving on scene?

5 A Officer Jennings arrived on scene. He saw me on the
6 traffic stop and stopped with me.

7 Q And after Officer Jennings arrived on scene, did you
8 have Mr. Cotton outside of the vehicle at that point?

9 A I think it happened right around that time. I might
10 have asked him to get out when Officer Jennings arrived.
11 I think that's in here, too. And I located the point in
12 the contact when I talked to him about items he owned in
13 the car.

14 Q Okay. So you asked Mr. Cotton to get out of the
15 vehicle. Why is that?

16 A So I could spend my focus and attention at that time on
17 my search of Post, who was under arrest. These events
18 are evolving. I am by myself. I have a couple people
19 to watch. I already can see there's paraphernalia in
20 the car, so I was concerned about the other person, so I
21 had to be cognizant of that.

22 Q And when you asked the defendant to get out of the
23 vehicle, at that point did you place him under arrest at
24 that point?

25 A No.

1 Q Did you just have him stand with Officer Jennings?
2 A I did.
3 Q Did you then commence to search the vehicle?
4 A I did. I did at some point, but prior to searching the
5 vehicle I asked Mr. Cotton a question.
6 Q What question did you ask him?
7 A I asked him if he owned anything in the vehicle.
8 Q What was his response?
9 A He said that -- initially he said no, then he said that
10 he had a battery pack, like -- it's like a jumper cable
11 box for vehicles.
12 Q And, did you ask Mr. Cotton any questions about his
13 knowledge of Ms. Post?
14 A I did. I was a little miffed as to why he sat there
15 when she was giving me the false name in the car and
16 didn't say anything, and I asked him about that.
17 Q What was his response?
18 A I remember him smirking about it, and basically just
19 saying, you know, he knew her as Jeanne or something
20 like that, which didn't really explain to me why he
21 would allow somebody to give a false name.
22 Q Did you ask the defendant where they had been coming
23 from?
24 A I did.
25 Q And what was his response?

1 A Said they were coming from a house. I had asked about
2 some of the names of the people. I asked the driver
3 about some of the names of the people prior to asking
4 Donald, and he didn't have the same names that she
5 provided me.

6 Q So after you asked the defendant if he had any
7 belongings in the vehicle, what did you do next?

8 A Can I refer back to my notes?

9 Q If that would assist you.

10 A Yes. Okay, there were a few things. The purse that she
11 had been rummaging through was left in the vehicle.

12 Q Did you conduct a search of that purse?

13 A I did.

14 Q Did you locate anything of evidentiary value?

15 A I found those baggies that I was discussing earlier that
16 had the residue, and also found the syringes that she
17 admitted were in the car, in the purse. They were in
18 like a black container I believe, and one of them
19 possessed or contained meth, and then in the back seat,
20 near this battery pack that he had explained was his,
21 there was a LeapFrog case. The best I can explain to
22 you it has a zipper and it opens, kind of a
23 clamshell-type thing, and inside of that were many items
24 that I recognized to be part of a, something we call
25 like a hype kit. It would include a tourniquet, had a

1 shot glass in it, contained what I believed to be
2 methamphetamine residue. I believe there was a digital
3 scale in it, a metal spoon, and again, those things are
4 things commonly seen as a kit all together.

5 Q At the point that you found this LeapFrog case, did you
6 have any idea who it belonged to?

7 A I did not. I believed, you know, based on the way they
8 were positioned in the car next to the jumper cable box
9 that he admitted was his -- of course he distanced
10 himself from anything else in the vehicle -- I believed
11 that it was more likely that it was his. It was on top
12 of a Carhartt jacket which is typically a men's piece of
13 clothing, and in my conversation with the driver, she
14 had told me that there were items placed in the car by
15 Mr. Cotton.

16 Q Did she tell you that before or after you searched the
17 LeapFrog case?

18 A I brought the LeapFrog case back to her first I believe,
19 to ask her, to try to get some clarification on who it
20 belonged to, and that's when we talked about what he
21 brought into the vehicle.

22 Q So you brought the LeapFrog case back to the driver,
23 Ms. Post, to get some clarification, but you still were
24 not at that point sure or aware of who that LeapFrog
25 case belonged to.

1 A No, not 100 percent.

2 Q What did Ms. Post say to you when you showed her the
3 LeapFrog case?

4 A She said that it wasn't hers.

5 Q Did she tell you whose it was?

6 A Again, can I refer to my notes?

7 Q If it would help refresh your recollection.

8 A It would. Okay.

9 Q What did -- Did she tell you whose it was?

10 A She didn't tell me exactly whose it was. She told me --
11 that was the point when she told me that he brought
12 other things to the vehicle.

13 Q Did she tell you what other things that he had brought
14 to the vehicle?

15 A She mentioned that he brought some clothing, the jumper
16 cable box and other items. She seemed -- It seemed to
17 me that she wasn't being entirely forthcoming.

18 Q At this point, is that when you suspected that the
19 LeapFrog case may belong to the defendant?

20 A I did.

21 Q Did you then contact the defendant?

22 A I did.

23 Q And why did you contact the defendant?

24 A To arrest the defendant.

25 Q What were you arresting him for?

1 A For the possession of the items I believed to be
2 methamphetamine paraphernalia that were found in the
3 LeapFrog case.

4 Q Did you place the defendant in handcuffs?

5 A I attempted to.

6 Q You say you attempted to. What happened?

7 A He was not willing and was not cooperating with both me
8 and Officer Jennings' attempt to place him in
9 restraints. In fact -- Yeah, he was not cooperating.

10 Q When you say not cooperating, what do you mean?

11 A "Fuck that" is what he said, something about "Get your
12 hands off me. You can't touch me. I am going to get
13 this suppressed," which at that point I found
14 interesting, because it seemed like a pretty premature
15 thing to say not knowing what I was going to talk to him
16 about. It took some physical force to get him into the
17 restraints because of his noncooperation.

18 Q Did you interview the defendant at that point?

19 A I attempted to. I advised him why he was under arrest.
20 I advised him of his rights and he said he wanted to
21 talk to an attorney.

22 Q Was there a search conducted of the defendant incident
23 to his arrest?

24 A There was.

25 Q Was anything located in that search?

1 A There was additional methamphetamine evidence taken from
2 his person. I would have to look through to determine
3 what was all there. I would have to look in my notes.

4 Q If that would help refresh your recollection.

5 A It would. There were seven baggies with residue in it I
6 suspected to be meth. There was a glasses case, for
7 reading glasses, prescription glasses is what I mean,
8 that had a small baggie with green Playboy print on it,
9 the Playboy bunny is what I am talking about, and it had
10 a small amount of meth in it which was tested with a
11 narcotics identification kit and it was a positive
12 result for meth. There was one bag, I believe it was
13 that bag, that weighed about one and a half grams.
14 There was also a section of rubber strap in it, again,
15 similar -- the tourniquet material is what I am talking
16 about, what I talked about earlier. There was also a
17 small gold-colored metal tin, another container that
18 they will use to put meth and water and dilute, to draw
19 into the needle, or shot glasses, usually something
20 sturdy so they can transport it around without it
21 breaking. In this case small little tins are really
22 cheap and you see that quite frequently, too.

23 Q Is there a reason that you searched the eyeglass case?

24 A Just as part of searching his person incident to his
25 arrest, doing a complete search.

1 Q After you conducted this search of the defendant's
2 person, did you contact the driver again?

3 A I am sure I did. I would have to -- I am sure I did,
4 because again, the thing was ever evolving. There was
5 lots of different things going on there.

6 Q Did you speak to the driver about her glove compartment
7 box?

8 A I did. It was during my hand search of the vehicle, I
9 located, or I learned that the glove box was locked. Of
10 course I can't enter that without permission, so I asked
11 her for permission.

12 Q Did she give you permission?

13 A She was very -- again, she didn't seem to want to be
14 forthcoming, but she did ultimately give me permission
15 to search the glove box. There was an issue with --
16 She was concerned about what was in there. She said she
17 didn't know what was in there. Ultimately she said that
18 Donald put something in there.

19 Q When she said Donald put something in there, did she
20 tell you at what point the defendant put something in
21 the glove compartment box?

22 A When they were at this house. She said they were at
23 Lisa's house. Again, there were differences in the
24 names. He told me they were at Tony's house. She said
25 while they were at this person's house, Lisa or Tony,

1 I'm not sure, he asked for her keys to put what he said
2 to be a large sum of money in the glove box, from like a
3 tax check or something, so she said she gave him the
4 keys and he went downstairs and did whatever he did in
5 the car, and then they drove down the road and that's
6 when I stopped them, so she was concerned. She didn't
7 know what was in the glove box.

8 Q Did you get her permission to search the glove box?

9 A I did. At that point Deputy Eberhard had arrived on
10 scene. Because of the drug nexus from what we had found
11 earlier, I had asked for a narcotics K-9 to assist with
12 the search, and she gave me permission in the presence
13 of Deputy Eberhard.

14 Q Did you search the glove compartment box?

15 A I did. I used her key, I opened the glove box, and I
16 searched it.

17 Q What did you locate?

18 A There were a couple things in there. I think the only
19 item of evidence -- I would have to look at my report.

20 Q If that would assist in your recollection.

21 A It would. There was a glass methamphetamine pipe inside
22 with white residue inside, a metal spoon with suspected
23 residue on it. It will be often caked on there, residue
24 from past use. There was another section of rubber
25 strap, tourniquet material, and a bottle of clear

1 liquid, and the label on that said lidocaine. I brought
2 all these items back to her and showed her them, and she
3 claimed no knowledge of those items.

4 Q At that point, did you have any further contact with the
5 defendant?

6 A No, because he asked for an attorney and there was no
7 need.

8 Q Was he transported to the jail facilities?

9 A He was.

10 Q And did you transport him?

11 A No. Officer Jennings transported him. I think I
12 transported her. Yes, I transported her, and -- yes, I
13 transported her to the jail and Officer Jennings
14 transported Mr. Cotton to the jail.

15 Q Once again for clarification, with regards to your
16 initial search of the LeapFrog case, when you located
17 that case, was it your intent to search it knowing that
18 it was the defendant's property?

19 A No.

20 MS. FOSTER: Thank you. Nothing further, Your
21 Honor.

22 THE COURT: Cross examination, Ms. Smith?

23 MS. SMITH: Thank you.

24

25