

Opening Statement by Mr. Easterling  
October 23, 2013

1                   *(Brief recess)*

2                   *THE COURT:* You may have a seat in the  
3 witness stand.

4                   Let's bring out Mr. Jones.

5                   *(Jury enters courtroom)*

6                   *THE COURT:* Please be seated. And I'll  
7 just explain to you, ladies and gentlemen. This Court  
8 has 976 cases on the docket. So when you see attorneys  
9 walking through, everybody is still handling their  
10 business for other cases. Okay.

11                  *MS. LOGAN:* May I proceed, Judge?

12                  *THE COURT:* You may proceed.

13                  *MS. LOGAN:* Okay. For the record, the  
14 State calls Officer Baldwin to the stand. And this  
15 witness has already been sworn.

16                                 **ORUS BALDWIN,**  
17 having been first duly sworn, testified as follows:

18   **DIRECT EXAMINATION**

19 *BY MS. LOGAN:*

20                 *Q.* Officer Baldwin, would you please introduce  
21 yourself to the folks on the jury?

22                 *A.* Good morning. My name is Orus Baker Baldwin.

23                 *Q.* And we can see you've got a Houston Police  
24 Department uniform on there. Tell us how long have you  
25 been a police officer.

ORUS BALDWIN - October 23, 2013  
Direct Examination by Ms. Logan

1           A.    I've been on twenty-seven years.

2           Q.    And are you a certified peace officer in the  
3 State of Texas?

4           A.    Yes, ma'am.

5           Q.    And tell us what area of Houston you're  
6 responsible for working in.

7           A.    I ride 6-B 40s beat, 40. That's in Houston,  
8 Texas, Acres Homes area.

9           Q.    And for your entire career or approximately  
10 twenty-seven years in law enforcement, have you been a  
11 patrol officer that whole time?

12          A.    Yes, ma'am, except for the academy.

13          Q.    Okay. And tell the folks on the jury a little  
14 bit about what your job is as a patrol officer.

15          A.    I'm in dispatch patrol. I answer calls for  
16 service. It could include murders, robberies,  
17 burglaries, domestic disturbances, break-in to cars,  
18 animals, wild, stuff like that. Anything, really.

19          Q.    Okay. So when somebody calls 911, the  
20 information they provide, that gets dispatched out to  
21 police units such as yourself, right?

22          A.    Yes, ma'am.

23          Q.    Okay. And certain calls you respond to, lights  
24 and sirens, what you call Priority 1, right?

25          A.    Yes, ma'am.

ORUS BALDWIN - October 23, 2013  
Direct Examination by Ms. Logan

1 Q. And there are other types of calls that you,  
2 obviously, don't respond to in that high speed manner?

3 A. That's correct.

4 Q. Now, have you always been a patrol unit in the  
5 Acres Homes area?

6 A. Yes, ma'am.

7 Q. Okay. Now give the folks on the jury a little  
8 bit of a description of that part of town.

9 A. Well, it's an area that goes from Little York  
10 out to Veterans back over to like TC Jester, and it  
11 encompasses a pretty large area.

12 Q. Is that an area of town that is considered a  
13 fairly high crime area?

14 A. Yes, ma'am.

15 Q. Okay. Now I want to talk to you about  
16 June 15th of 2006. Do you recall being dispatched that  
17 day?

18 A. Yes, ma'am.

19 Q. What shift were you working at that point in  
20 time?

21 A. I was a day shift unit.

22 Q. What does that mean?

23 A. I worked 7:00 a.m. to 3:00 p.m.

24 Q. So, June 16th of 2006, approximately what time  
25 did you get dispatched?

ORUS BALDWIN - October 23, 2013  
Direct Examination by Ms. Logan

1 A. I was dispatched at 10:38 to a shooting call.

2 Q. So when we say 10:38, just so the record's  
3 clear, we're talking about 10:38 in the morning?

4 A. That is correct.

5 Q. What location were you dispatched to?

6 A. I was dispatched to 8935 Veterans Memorial.

7 Q. Is that a location here in Harris County,  
8 Texas?

9 A. Yes, ma'am.

10 MS. LOGAN: May I approach the witness,  
11 Judge?

12 THE COURT: You may.

13 Q. (By Ms. Logan) Officer Baldwin, I'm going to  
14 show you what I've marked for identification purposes as  
15 State's Exhibits 1 and 6 through 15. I'm also going to  
16 show you State's Exhibit No. 3. I want you to tell me  
17 whether or not you recognize those items.

18 A. I recognize this.

19 Q. And that's State's Exhibit No. 3?

20 A. Yes, ma'am.

21 Q. Okay. Do State's Exhibits 1, 3 and 6 through  
22 15 fairly and accurately depict the area where you were  
23 dispatched for the robbery/shooting call on June 15th of  
24 2006?

25 A. Yes, ma'am.

ORUS BALDWIN - October 23, 2013  
Direct Examination by Ms. Logan

1 Q. Okay.

2 MS. LOGAN: At this time, Your Honor, I  
3 would offer into evidence State's Exhibits 1, 3, and 6  
4 through 15. I'm tendering to defense counsel for  
5 inspection.

6 MS. GUTIERREZ: No objection.

7 THE COURT: Okay. State's 1, 3, 6 through  
8 15 are admitted. You may publish.

9 MS. LOGAN: Thank you, Judge.

10 Q. (By Ms. Logan) All right. Officer Baldwin,  
11 I'm going to show you on the document camera here  
12 State's Exhibit No. 1. I'm going to zoom in a little  
13 bit. What is this major road we see here on the  
14 right-hand side of State's Exhibit No. 1?

15 A. West Gulf Bank and Veterans Memorial.

16 Q. And this freeway right here?

17 A. That's I-45.

18 Q. Okay. So I-45 near West Gulf Bank Road and  
19 then Veterans Memorial, is that the location where you  
20 were dispatched on June 15th of 2008?

21 A. I was dispatched --

22 Q. I'm sorry, 2006.

23 A. -- to 8935 Veterans Memorial at Peach Springs.

24 Q. Okay. And so, is that the location that we see  
25 here marked by the letter A?

ORUS BALDWIN - October 23, 2013  
Direct Examination by Ms. Logan

1           A.    Yes, ma'am.

2           Q.    Now this type of call that you were dispatched  
3 to, tell us how you're going to respond to that type of  
4 call.

5           A.    I'm going to be going there as fast and safely  
6 as I can.

7           Q.    Are you going to be using your lights and  
8 sirens on your police vehicle?

9           A.    Yes, ma'am, I am.

10          Q.    Can you tell us about how long it took for you  
11 to get there after you had been dispatched?

12          A.    It took five minutes.

13          Q.    So you were nearby in the area; is that right?

14          A.    Yes, ma'am.

15          Q.    Okay.  I'm going to show you State's Exhibit  
16 No. 7 here.  Tell us what we're looking at here in this  
17 photograph.

18          A.    You're looking at the store where this incident  
19 occurred, the Happy Food Store.

20          Q.    So if I zoom in a little bit here, we can see  
21 it's sort of a strip-type area?

22          A.    Yes, ma'am.

23          Q.    Where there's a Beauty Supply, Lucky's Lounge  
24 and then the Happy Food Store, right?

25          A.    Yes, ma'am.

ORUS BALDWIN - October 23, 2013  
Direct Examination by Ms. Logan

1 Q. And do you recall seeing this business -- this  
2 is State's Exhibit No. 13 -- the Quick Tune Auto Store?

3 A. Yes, ma'am.

4 Q. Okay. Describe for the folks on the jury about  
5 where that's located in relation to the Happy Food Mart.

6 A. Okay. When you step out of the store, you look  
7 to your left. The Quick Tune is to your left, which  
8 would be to the north. And it's right there on the  
9 corner, on the other side of the corner to the Happy  
10 Food Store.

11 Q. Now, you said you were dispatched at 10:38 a.m.  
12 What time did you arrive?

13 A. I arrived at 10:43.

14 Q. When you arrived, tell us what you saw.

15 A. I saw an HFD Ambulance 58 and Pumper 67 on the  
16 scene; and there was another sergeant that had arrived  
17 on the scene, as well.

18 Q. When you say pumper, what do you mean?

19 A. Okay. There is an ambulance, and then there is  
20 a pumper, which is a long fire truck.

21 Q. Is it common for the ambulance and the fire  
22 department to be able to arrive at a location like this  
23 before the police get there?

24 A. That is correct.

25 Q. Why is that?

ORUS BALDWIN - October 23, 2013  
Direct Examination by Ms. Logan

1           A.    Well, a shooting, there could be somebody hurt  
2 and they need medical help really quick.

3           Q.    Okay.  Now at the time that you arrived, did  
4 you become aware as to whether or not there were injured  
5 folks at the location that needed help?

6           A.    Yes, I did.

7           Q.    Okay.  Tell us about that.

8           A.    Okay.  When I got there, I talked to the  
9 ambulance, the firefighters and all.  And they told me  
10 that there was a male, deceased, that had been shot  
11 twice and he was DOA.

12          Q.    When you say DOA, what does that mean?

13          A.    Dead on arrival.

14          Q.    Okay.  Now State's Exhibit No. 15, is that a  
15 photograph of the front of the store where the male was  
16 deceased upon your arrival?

17          A.    Yes.

18          Q.    Describe for the folks on the jury kind of the  
19 layout of that store.

20          A.    Okay.  You go in there, and to your left will  
21 be the -- where you pay for your stuff, the clerks, the  
22 cash register.  And it's a ma-and-pa-type store.  You  
23 walk in, and the coolers are towards the back.  And then  
24 you've got aisles of whatever you want to buy, you know,  
25 groceries and stuff like that.



ORUS BALDWIN - October 23, 2013  
Direct Examination by Ms. Logan

1 Q. And when you entered that store, could you see  
2 where the male was located that they had pronounced  
3 deceased already?

4 A. Yes, ma'am.

5 Q. Okay. Tell us where he was in the store.

6 A. He was straight towards the back, and I could  
7 see his body laying back there.

8 Q. All right. Do you also recall meeting and  
9 speaking with a young boy there at the scene?

10 A. Yes, ma'am.

11 Q. Okay. Tell us what you remember about that.

12 A. I went in. After I came out, I located -- I  
13 asked if there was any witnesses there. I got their  
14 names, because I didn't want them to disappear. So, I  
15 got their names. Then I went over to the ambulance.  
16 And at that point I could see a female, an Asian female,  
17 and a young boy. And his name was Darrion Nguyen.

18 Q. Now, tell us about their condition when you saw  
19 them in the ambulance.

20 A. They were really crying and very upset  
21 emotionally.

22 Q. And we can see you're a little bit upset today.  
23 Tell us why that is.

24 A. Because I remember when it happened. I  
25 remember feeling what they were feeling. And, you know,

ORUS BALDWIN - October 23, 2013  
Direct Examination by Ms. Logan

1 you think about it.

2 Q. Now when you had a conversation with them, were  
3 you able to get some sort of a description as to the  
4 people that had come in the store that day?

5 A. Yeah. It took me awhile to calm them down.  
6 And yes, I finally was able to calm them down; and they  
7 told me that two black males came in. They were dressed  
8 in black, and they had pantyhose on and that one of them  
9 had a wig on but she could tell it was a male.

10 Q. Okay. And so, when you got that information  
11 from them, I'm guessing, was this like moments after the  
12 incident had happened?

13 A. I don't think it was moments, but it was in a  
14 general time frame pretty soon after. Because when I  
15 got there and I seen the guy had been -- he was bloody  
16 and he was passed away, then I came out. I got the  
17 firemen's name. And then I hollered out, is there any  
18 witnesses? I got their names real quick. Then that's  
19 when I went over to the ambulance.

20 I could hear the crying, and both parties  
21 were very upset. And then it took me a little while to  
22 calm them down. I mean, they couldn't -- they just  
23 couldn't talk. I mean, you know.

24 Q. So, just so the jury has an idea of how much  
25 time is passing between when this robbery/murder

ORUS BALDWIN - October 23, 2013  
Direct Examination by Ms. Logan

1 happened and when we're getting police out there to try  
2 and go look for these people, how long do you think it  
3 was before you could communicate those descriptions for  
4 the general broadcast?

5 A. I would say about three to four minutes.

6 Q. Okay. So what did you do to communicate the  
7 descriptions to other police officers in the area?

8 A. Okay. It's called a GB. And you get on your  
9 radio and you say, I've got a GB, a general broadcast.  
10 And then you give them what's going on. That way  
11 responding units can be on the lookout. Or if they come  
12 in contact with somebody, you know, they go, hey, that's  
13 the GB that Officer Baldwin just gave out, Unit 6-B, 45  
14 days, so --

15 Q. Okay. Do you remember getting any information  
16 as far as the type of vehicle that the men were driving  
17 when they left the location?

18 A. I did not do that.

19 Q. Okay. So that would have been another officer  
20 that took care of that?

21 A. That's correct.

22 Q. Okay. Now, during the time when you were  
23 speaking with Mrs. Nguyen, the Asian female that you  
24 talked about being in the ambulance, tell us what her  
25 condition was at the time that you were talking to her.

ORUS BALDWIN - October 23, 2013  
Direct Examination by Ms. Logan

1 A. She was crying and just emotionally upset.

2 Q. Now, was she able to relate to you in that  
3 condition how many gunshots she had heard inside the  
4 store?

5 A. Yeah. She told me she heard two gunshots and  
6 that she had thought that they had killed her son and  
7 her husband.

8 Q. Now, did she tell you what the males that were  
9 in the store were demanding of her at the point in time  
10 when you were having this conversation right after the  
11 robbery had happened?

12 A. Yeah. They were demanding money or cash.

13 Q. Now at that point in time, are you taking a  
14 detailed statement from her to get all of the  
15 information; or what are you trying to do at this point?

16 A. At that time I'm trying to get the most detail,  
17 but you've got to listen to what they're telling you and  
18 you -- at that point I'm trying to get out something to  
19 where I can get it out over the radio.

20 Q. And during that time and in that condition when  
21 she was very upset, did she tell you what she was  
22 telling the robbers as she was trying to get the money  
23 together for them?

24 A. Yes. She said that she told them she would  
25 give them all the money and just not to kill her son.

ORUS BALDWIN - October 23, 2013  
Direct Examination by Ms. Logan

1 Q. Now once you had spoken with the witnesses  
2 there at the scene and gotten the information out to  
3 other police officers, what did you do as far as keeping  
4 the crime scene secure?

5 A. Well, we put up yellow tape. And this is going  
6 to be a homicide, so we put up tape. And then we are to  
7 keep the scene secure and wait for Homicide detectives.

8 Q. So, does that mean you're letting folks go in  
9 and out of that convenience store at this point in time?

10 A. No, ma'am. It's off limits.

11 Q. And we can see here in State's Exhibit No. 15  
12 there is some yellow tape here, right?

13 A. That's correct.

14 Q. And there is a bunch of police officers  
15 standing around, right?

16 A. Yes, ma'am.

17 Q. Okay. And you-all are there waiting for  
18 Homicide to get there. And what do you do once Homicide  
19 gets there?

20 A. Once they get there, they take over the  
21 investigation; and we -- basically, we tell them what's  
22 going on. We give them the synopsis, and they take over  
23 the investigation.

24 MS. LOGAN: Your Honor, at this time I  
25 pass the witness.

1                   THE COURT: Okay. Your cross.

2                   **CROSS-EXAMINATION**

3 BY MS. GUTIERREZ:

4           Q. Good afternoon, Officer Baldwin. My name is  
5 Valerie Gutierrez, and I represent Mr. Jones.

6           A. Yes, ma'am.

7           Q. So, you testified that when you arrived at the  
8 scene of the call that you encountered the mother and  
9 the son together in an ambulance?

10          A. Yes, ma'am. They were both in the ambulance.

11          Q. So when you were speaking with the mother, the  
12 son could hear the conversation?

13          A. Yes, ma'am.

14          Q. And when you were speaking with the son --  
15 well, did you speak with the son?

16          A. Yes, I did.

17          Q. So, then the mother could hear the  
18 conversation. It wasn't -- you didn't talk to them  
19 separately, correct?

20          A. No, I didn't. I wasn't going to separate a  
21 mother and her son --

22          Q. I understand.

23          A. -- when the father had just been murdered in  
24 front of them.

25          Q. I understand.

ORUS BALDWIN - October 23, 2013  
Cross-Examination by Ms. Gutierrez

1           A.     Huh-uh.

2           Q.     You mentioned that you were trying to get the  
3 most detail possible out of the witnesses, the mother  
4 and the son, right?

5           A.     Doing the best I can with their emotions.

6           Q.     Sure, under the circumstances.

7           A.     Yes, ma'am.

8           Q.     And after talking to them you learned, number  
9 one, that there were two suspects, right?

10          A.     Yes, ma'am.

11          Q.     And they appeared to be African-American?

12          A.     Yes, ma'am.

13          Q.     Did they say -- did the witnesses say for sure  
14 that they were African-American or they appeared to be?

15          A.     She said that there were two black males.

16          Q.     And they were dressed in black?

17          A.     Yes, ma'am.

18          Q.     Did she mention whether they were -- their skin  
19 was completely covered, as in wearing long-sleeved  
20 shirts?

21          A.     No. She said that they had pantyhose over  
22 their face and that one of them had a wig on and she  
23 could tell that it was not a man.

24          Q.     But as far as the clothing, no mention of  
25 whether the clothing completely covered the skin of the

ORUS BALDWIN - October 23, 2013  
Cross-Examination by Ms. Gutierrez

1 suspects?

2 A. I did not get that.

3 Q. Okay. Did she mention to you that one of the  
4 suspects was wearing a Toyota work shirt?

5 A. No, I did not get that out of her.

6 Q. Did she mention seeing -- she or her son, that  
7 is, either one of them -- seeing a T-shirt with a big  
8 image of a face on the front of a rapper?

9 A. No, ma'am.

10 Q. What about seeing a long-sleeved sweater with  
11 the label, U.S. Polo Association, printed in big letters  
12 on the front? Did anybody recall seeing that?

13 A. No, ma'am.

14 Q. Now, you mentioned that you had an opportunity  
15 to observe the deceased complainant, correct?

16 A. Yes, ma'am.

17 Q. Had any other officers besides yourself  
18 encountered -- do you know if anybody else encountered  
19 the complainant, the deceased, before you?

20 MS. LOGAN: Object. That calls for  
21 speculation.

22 THE COURT: Sustained.

23 Q. (By Ms. Gutierrez) When you came across the  
24 body of the complainant, did you notice anything  
25 unusual -- let me strike that. Did you notice any



ORUS BALDWIN - October 23, 2013  
Cross-Examination by Ms. Gutierrez

1 paper, paper towels or toilet paper placed on him?

2 A. He was laying face up, and there was a lot of  
3 blood; and HFD probably has some white cloth stuff.

4 Q. My question is, did you see white paper on the  
5 decedent?

6 A. I don't think it was -- I don't recall if it  
7 was paper. I think it's like a sheet or something.

8 Q. Okay. But certainly, the law enforcement or  
9 the paramedics wouldn't put something like toilet paper  
10 on a complainant, would they, that had passed away?

11 A. Not that I know of.

12 Q. Would that seem unusual to you, based on your  
13 twenty-seven years as an HPD patrol officer, to see that  
14 at a scene?

15 A. Yeah.

16 MS. GUTIERREZ: I pass the witness.

17 MS. LOGAN: Just briefly, if I may, Judge.

18 **REDIRECT EXAMINATION**

19 BY MS. LOGAN:

20 Q. I think you might have misspoken, Officer  
21 Baldwin; but you mentioned that when Dee Nguyen was  
22 talking to you, she told you that she saw the man that  
23 had the wig on that went toward her husband. Now, did  
24 she tell you that she could tell it was a man or she  
25 could tell it was a woman? What did she tell you?

ORUS BALDWIN - October 23, 2013  
Redirect Examination by Ms. Logan

1           A.     She said that it was -- she could tell that it  
2 was a man.

3           Q.     Okay.  Even though it appeared to be maybe a  
4 woman's wig?

5           A.     That's right.

6           Q.     Okay.  Now based on your conversations with  
7 folks out there on the scene and your knowledge of this  
8 case, the men who were in the store were followed  
9 immediately from the store by other witnesses; is that  
10 correct?

11                   MS. GUTIERREZ:  Objection, Judge, leading.

12                   THE COURT:  Sustained.  Rephrase.

13           Q.     (By Ms. Logan)  Okay.  What do you know about  
14 what happened, as far as as soon as the robbers left the  
15 store and then what happened after that?

16           A.     Darrion said that he followed the guys outside  
17 the store and told some men that his father had been  
18 shot and that they followed them.

19           Q.     Okay.

20                   MS. LOGAN:  I'll pass the witness, Judge.

21                   THE COURT:  Okay.  Any recross?

22                                   **RECROSS-EXAMINATION**

23           BY MS. GUTIERREZ:

24           Q.     Officer Baldwin, while you were at the scene,  
25 did you have an opportunity to observe several other

ORUS BALDWIN - October 23, 2013  
Recross-Examination by Ms. Gutierrez

1 civilian kind of people mulling about, kept on the other  
2 side of the crime tape but in the distance?

3 A. Yes.

4 Q. And did you have an opportunity to interview  
5 any of those to see whether any of those people could  
6 provide us with some information about the suspects?

7 A. No, I didn't interview them; but I got their  
8 names, and I asked them if they could stay there until  
9 Homicide gets out there.

10 Q. Okay. But you didn't talk to them beyond that?

11 A. No.

12 Q. Okay.

13 MS. GUTIERREZ: Pass the witness.

14 MS. LOGAN: I don't have anything further  
15 from this witness, Judge.

16 THE COURT: Okay. You are excused.

17 Your food will arrive at 12:15. We have  
18 time to start another witness.

19 MS. LOGAN: Sure, Judge. The State will  
20 call Deputy Thomas to the stand.

21 THE COURT: Okay. Have seat on the  
22 witness stand.

23 You may proceed.

24 MS. LOGAN: Thank you, Judge.

25