

1 Remind your witnesses that they're under
2 the Rule. All right.

3 MS. MILES: Yes, Judge.

4 THE COURT: You may step down.

5 MS. BUESS: May this witness be excused?

6 THE COURT: Would you like him on call as
7 well?

8 MR. STILL: May we still have the same
9 on-call status, Your Honor?

10 THE COURT: All right. Okay.

11 State, call your next witness.

12 MS. BUESS: State calls Officer Beck.

13 THE COURT: Stand over here next to the
14 witness stand. Face me and raise your right hand.

15 ADOLF BECK,
16 having been first duly sworn, testified as follows:

17 THE COURT: All right. You may take the
18 stand, sir.

19 Ms. Buess, your witness. You may
20 proceed.

21 DIRECT EXAMINATION

22 BY MS. BUESS:

23 Q. All right. Sir, could you introduce yourself
24 to the jury?

25 A. I'm Officer Adolf Beck.

1 Q. And who are you an officer with?

2 A. Houston Police Department.

3 Q. Is that your only career that you've ever had?

4 A. Yes, ma'am.

5 Q. How long have you been with HPD?

6 A. 29 years.

7 Q. Can you tell the jury a little bit about some
8 of the things that you need to do in order to become a
9 police officer?

10 A. You need to, first of all, have a good record,
11 of course. You can't have any criminal record beyond a
12 ticket. You have to have the college hours that's
13 necessary to do so. You have to have a clean
14 background check, psychological check. And you have to
15 basically be a good person.

16 Q. Do you go through any type of training to
17 become a police officer?

18 A. Yes.

19 Q. What is that training?

20 A. Training consists of everything from the Code
21 of Criminal Procedures, the Penal Code of the State of
22 Texas, shooting, physical fitness and a couple other
23 things. But that's -- that's basically the basics.

24 Q. When you finish that academy, do you have to
25 take a test for TCLOESE?

1 A. Yes, ma'am.

2 Q. What is TCLEOSE?

3 A. That's the Texas licensing commission that
4 license individuals in the State of Texas to become a
5 peace officer.

6 Q. Do you have to pass that test to be licensed?

7 A. Yes, ma'am.

8 Q. All right. Officer Beck, this is the
9 important question: Did you pass that test?

10 A. Yes, ma'am.

11 Q. Now, do you have to do anything to maintain
12 that certification once you have it?

13 A. Yes, ma'am. You have to attend -- what
14 TCLEOSE has is 40 hours of school every year. And the
15 subjects every year are different. And they range from
16 many different things that has to do with being an
17 officer.

18 Q. Can you give us some of the ideas -- some of
19 the trainings that you've been to recently, what the
20 topics were?

21 A. We train in culture diversity of how to deal
22 with different cultures and the diversity of different
23 cultures. We deal with refresher courses in our
24 department policies and procedures. We deal with
25 refresher courses in the changes in the state Penal

1 Code and the state Code of Criminal Procedures.
2 Because the Legislature from year to year, they review
3 a lot of the laws that are on the books. And if they
4 feel that they need to be upgraded or outdated, they
5 can eliminate it or add something to it.

6 Q. Now, Officer Beck, if you had to give us just
7 a rough estimate of how many hours of training you've
8 had in law enforcement, what would that estimate be?

9 A. 40 hours a year minimum, 29 years, probably
10 somewhere in the neighborhood of 1,500 hours.

11 Q. What is your assignment with the Houston
12 Police Department?

13 A. I'm currently assigned to the special -- to
14 the South Central Division, which is the Third Ward
15 area. Many people might not be familiar with that.
16 That's the area surrounding the University of Houston
17 and TSU University.

18 Q. So, from where we are here today, where is it
19 directionally, north, south, east, west?

20 A. It's southeast.

21 Q. Is it in Harris County, Texas?

22 A. That's correct.

23 Q. And when you're assigned to that area, what
24 are you doing on a day-to-day basis?

25 A. I do regular patrol duties in what we call

1 10 District. That's the district that I patrol.

2 Q. And when you're doing patrol work, what type
3 of daily activities are you doing?

4 A. Everything from traffic stops, writing
5 reports, checking on businesses in the area. Just
6 everything that goes along with being a patrol officer.
7 And it could -- it's a variety of things. It's a wide
8 range of things.

9 Q. Do you ever get involved in assault cases?

10 A. Yes.

11 Q. How about aggravated assault cases?

12 A. Yes.

13 Q. How about cases specifically dealing with
14 situations where someone has been stabbed?

15 A. Yes.

16 Q. Have you dealt with those on few or many
17 occasions?

18 A. Many.

19 Q. Now, were you called out December 27th of
20 2011?

21 A. Yes.

22 Q. And what was the reason that you were called
23 out on that occasion?

24 A. The call originally dropped as a shooting.
25 But while en route to the call, the dispatcher sent me

1 some updated information via my MDT -- that's the
2 mobile data unit in the vehicle -- that corrected the
3 call and said it was a stabbing.

4 Q. And when you get dispatched out, is that when
5 someone picks up the phone and calls 911 and gets you
6 or how does that work?

7 A. No. When a person call for a unit, they call
8 the Houston Police Department HEC center. And that's
9 located off of North Shepherd. And they speak with a
10 civilian dispatcher that's trained in taking calls from
11 citizens. And then the call-taker transfers the call
12 to the dispatcher, which dispatches it to the proper
13 area that it's to go to.

14 Q. So, you never actually talk to the person
15 who's the one who's calling 911?

16 A. No.

17 Q. So, you don't know whether the information
18 you're getting is reliable or not?

19 A. No.

20 Q. So, when you arrive to a scene where first
21 they say there's a shooting and then they say there's a
22 stabbing, what's going through your mind?

23 A. What's going through my mind, it could be one
24 or everything or both.

25 Q. So, what type of safety concerns do you have

1 when you arrive at that type of scene?

2 A. To make sure when I arrive to have a complete
3 visual -- as much of a visual as I can of the area.
4 See what's going on and what's taking place.

5 Q. When you arrived at this scene --- well, first
6 of all, where was this scene that you were being
7 dispatched out to?

8 A. Excuse me for just one second.

9 I was dispatched to 3105 Tuam.

10 Q. And real quick, what do you have up there that
11 you're glancing at right there?

12 A. This is my Houston Police Department incident
13 report that I wrote that day of the call.

14 Q. And do you regularly write incident reports?

15 A. Every day.

16 Q. What's the purpose of writing an incident
17 report?

18 A. The purpose of writing an incident report is
19 to get the information that's given to you at that time
20 accurate and to have a record of it.

21 Q. And does that help you, for example, when
22 you're testifying as to an event that happened a year
23 or longer ago?

24 A. Yes.

25 Q. Now, do you write down what everybody tells

1 you word for word in your offense report?

2 A. I would not say word for word. But I write
3 down what they tell me as it best relates to the
4 incident and what happened.

5 Q. Now, when someone is telling you what's
6 happening, are you sitting at the computer typing right
7 then?

8 A. No. I'm taking notes.

9 Q. Okay. When you write the report, is it while
10 you're talking to people?

11 A. No.

12 Q. Is it after you're done talking to everyone?

13 A. Yes.

14 Q. And you said you make notes?

15 A. Yes.

16 Q. Do you look at those notes when you write the
17 report?

18 A. Yes.

19 Q. If you wrote down every single word that every
20 person told you for your report, how long would your
21 reports be?

22 A. Astronomically long.

23 Q. Okay. Now, let's get back to the address that
24 you said you were dispatched out to on December 27th of
25 2011. What part of town is that in?

1 A. That's located in the Third Ward area of
2 Houston and --

3 Q. I'm sorry. Go ahead and finish.

4 A. And like I said, the area I was dispatched to
5 is off of -- if I had to give you a location that's
6 closer to -- that you probably would recognize, would
7 be Dowling and Elgin area.

8 Q. What type of area is that like? Help us
9 picture the neighborhood around there.

10 A. The area is an older area of Houston, low
11 income, but not all low income. That's how I would
12 kind of describe it.

13 Q. Okay. What do you see when you arrive at the
14 house that you've been dispatched out to?

15 A. On the day of the call?

16 Q. On the day of the call.

17 A. When I arrive as I'm coming down the street,
18 the first thing I see is the HFD ambulance on the
19 scene.

20 Q. And HFD, what's that?

21 A. The Houston Fire Department.

22 Q. And why were they there?

23 A. They were there because the wife had -- or
24 someone there had called them to the scene for the
25 complainant.

1 Q. Okay. And why did the complainant need the
2 Houston Fire Department?

3 A. He was injured.

4 Q. Okay. Did you get a look at his injuries?

5 A. Not initially at the scene.

6 Q. Was he being treated by paramedics at that
7 point?

8 A. Yes. He was -- he was in the back of the
9 ambulance being treated.

10 Q. Now, Officer, when you're conducting an
11 investigation, are you going to interfere with someone
12 receiving medical treatment?

13 A. No.

14 Q. Why not?

15 A. Because I'm not a medical doctor or a
16 paramedic and that's not procedure.

17 Q. Is it more important to you that someone get
18 the help that they need or that you complete your
19 investigation right away?

20 A. If someone is injured, it's more important to
21 me that they get the medical attention that they need.

22 Q. So, when you arrive at the scene, what do you
23 do?

24 A. When I initially arrive at the scene, I
25 arrive. I get out of the vehicle. His family members

1 are kind of frantic, upset. I ascertain who's the
2 different individuals. I'm pointed out his wife that
3 was at the scene. And there was a couple of other
4 individuals that was there.

5 Q. And when you say there, at the house, correct?

6 A. Right.

7 Q. Okay. So, did you talk with people that were
8 there?

9 A. I spoke with the wife.

10 Q. Was she able to kind of explain what had
11 happened?

12 A. Yes. She told me what he had kind of
13 explained to her what had happened.

14 Q. Okay. At that point, did you learn that there
15 was actually a second location that you needed to go
16 to?

17 A. Yes.

18 Q. What was that second location?

19 A. I was told that the original location of the
20 stabbing or cutting had happened at the corner of
21 Rosalie and Sampson.

22 MS. BUESS: May I approach the witness?

23 THE COURT: You may.

24 Q. (BY MS. BUESS) Officer, I'm going to show you
25 State's Exhibit No. 6 and 7. If you could just take a

1 look at those. The areas that we've been talking
2 about, are you familiar with those areas?

3 A. Yes, ma'am.

4 Q. Does State's Exhibit No. 6 and State's Exhibit
5 No. 7 appear to fairly reflect those areas that we've
6 been discussing?

7 A. Yes.

8 MS. BUESS: Your Honor, at this time, I
9 would offer into evidence State's Exhibit No. 6 and 7,
10 having tendered to opposing counsel for any objections.

11 MR. STILL: I've reviewed these exhibits.
12 I have no objections.

13 THE COURT: They're admitted.

14 MS. BUESS: Permission to publish to the
15 jury?

16 THE COURT: Yes, ma'am.

17 Q. (BY MS. BUESS) Okay. Officer Beck, let's
18 start with State's Exhibit No. 6 here. Let me zoom out
19 a little bit.

20 This intersection here, this is Rosalie,
21 correct?

22 A. Yes.

23 Q. And this street here is Sampson?

24 A. That's correct.

25 Q. Now, what is this area here?

1 A. This area that you're pointing to on the
2 screen is the area of a vacant lot that exists at the
3 location there. And typically a lot of individuals
4 from the neighborhood congregate there or hang out
5 there in that location.

6 Q. So, are you familiar with that area?

7 A. Yes.

8 Q. When you went to that -- or I guess what time
9 did you go to this location?

10 A. It was shortly after arriving at the scene.
11 Maybe 15 minutes after arriving at the scene.

12 Q. After you had spoke to the relatives that were
13 there --

14 A. Yes.

15 Q. -- at the scene.

16 When you went to that location, did you
17 notice anything unusual there?

18 A. The thing on that day that I noticed that was
19 unusual from normal, there was nobody there.

20 Q. Okay. Why is that unusual?

21 A. Because normally there's people there every
22 day.

23 Q. Did you see blood on the ground?

24 A. No.

25 Q. Did you see a knife or a gun or any other type

1 of weapons?

2 A. No.

3 Q. How about the defendant, did you see him
4 there?

5 A. No, ma'am.

6 Q. How about any trucks?

7 A. No.

8 Q. Any vehicles at all?

9 A. No.

10 Q. And looking at State's Exhibit No. 7 here,
11 what are we looking at?

12 A. You're looking at a map that shows the street
13 of the area where the -- I was told that the incident
14 occurred.

15 Q. So, where the A is marked here at Rosalie and
16 Sampson, would that be the lot that we were just
17 looking at in State's Exhibit No. --

18 A. That's correct.

19 Q. -- 6?

20 How about where the little B bubble is,
21 what's that?

22 I can zoom it out for you, if you want.

23 A. That looks to be the location of the
24 complainant's home.

25 Q. And that was the location that you were

1 originally dispatched to?

2 A. Yes.

3 Q. Officer, after you went to the second scene
4 and you weren't able to locate any additional witnesses
5 or evidence, what did you do next?

6 A. I proceeded from there to check on the
7 complainant, which was transported to Ben Taub
8 Hospital.

9 Q. And were you able to make contact with him at
10 that point?

11 A. Yes.

12 Q. What was his condition when you met with him?

13 A. Serious, but stable.

14 Q. Okay. Why do you say serious? What was wrong
15 with him?

16 A. He had three injuries. One to his left hand.
17 One to his left cheek. And a puncture wound to the
18 left side of the chest that the doctors had told me
19 that had punctured his lung.

20 Q. Okay. This may sound like a silly question.
21 Why is it a problem if your lung is punctured?

22 A. It can be a big problem. You can -- you can
23 die from it.

24 Q. When you spoke to him, what was the
25 complainant's general demeanor?

1 A. At the hospital?

2 Q. At the hospital.

3 A. Upset, angry, and in a lot of pain.

4 Q. Okay. Was he able to coherently go through
5 what had happened for you?

6 A. Yes.

7 Q. While you're talking to him, are doctors and
8 nurses coming and going?

9 A. Yes.

10 Q. How long did you talk to him for?

11 A. His -- he was having problems speaking.
12 Probably 10 to 15 minutes.

13 Q. When you're talking to someone in a case like
14 this and there are -- and they have a punctured lung,
15 so they're already having trouble breathing and they're
16 not able to speak clearly with you, what are you doing?
17 Are you trying to give them as much of the story so
18 they can just give you yes or nos or are you letting
19 them give you long, open-ended answers?

20 A. No. I ask the questions and I let them answer
21 at a pace that's okay for them.

22 Q. While you were talking to the complainant,
23 were the doctors and nurses still working on him?

24 A. They were still doing some procedures.
25 Exactly which ones, I'm really not familiar with it.

1 Q. And, Officer, based on your familiarity with
2 assault and stabbing cases, the injuries that you saw
3 on the complainant, were they consistent with being
4 caused by a knife?

5 A. Yes.

6 Q. And why do you say that?

7 A. The injury to his hand, I could tell from the
8 way that it was cut, that it was some kind of sharp
9 instrument. The complainant had told me that he saw
10 the knife in like the suspect's hand.

11 Q. And that's consistent with a sharp bladed
12 knife, correct?

13 A. Yes.

14 Q. Did you ever -- were you ever able to make
15 contact with the defendant, Mr. Woods, in this case?

16 A. No.

17 Q. Did you ever speak to him at all?

18 A. No.

19 MS. BUESS: Pass the witness.

20 THE COURT: Cross?

21 MR. STILL: Yes, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. STILL:

24 Q. Officer Beck, I'd like to talk with you first
25 about your interaction with Mr. Kennon at Ben Taub

1 Hospital. You indicated he was coherent; is that
2 correct?

3 A. Yes, sir.

4 Q. So, you believed just based on his responses
5 that he understood the questions that you were asking;
6 is that correct?

7 A. Yes, sir.

8 Q. He was able to lay out a narrative of what his
9 perspective was about the event; is that correct?

10 A. That's correct.

11 Q. Isn't it true that Mr. Kennon indicated that
12 this dispute started over a nonpayment of a purchase
13 agreement for a truck; is that correct?

14 A. No. He stated that the argument started over
15 an agreement that him and the defendant had about the
16 truck.

17 Q. Right. That he indicated was an unpaid for
18 agreement, correct?

19 A. He stated that the defendant was paying on the
20 truck, but they had an agreement that he was not to
21 drive the truck until the truck was completely paid for
22 and it was out of his name.

23 Q. Now, he did indicate, however, that it was his
24 intention to drive that truck away from that lot to his
25 home, correct?

1 A. No.

2 Q. Okay. Now, Officer Beck, you wrote a
3 supplement in this particular case; is that correct?

4 A. That's correct.

5 Q. Do you have a copy of that supplement in front
6 of you, sir?

7 A. That's correct.

8 Q. Now, isn't it true that you indicated in that
9 supplement when you were detailing the offense in the
10 first paragraph that Kennon advised Mr. Woods that he
11 was going to drive the unpaid for vehicle back to his
12 home because Mr. Woods had broken the purchase
13 agreement?

14 THE COURT: His supplement might have
15 come off a different printer.

16 MR. STILL: May I approach, Your Honor?

17 THE COURT: You can approach and direct
18 him to what you're referring to.

19 MR. STILL: Thank you, Judge.

20 Q. (BY MR. STILL) Officer Beck, did you need
21 some help on that?

22 Do you agree with me that this is your
23 supplement; is that correct?

24 A. I'm looking at what you're saying.

25 Yes, I stated that he said that he was

1 going to drive the vehicle back to his home because
2 this suspect had broken the agreement that they had.

3 Q. Okay. So, he indicated he was going remove
4 that truck from that lot, correct?

5 A. That would be my thinking.

6 Q. Now, you didn't have any -- any identifying
7 information for the truck. And what I mean by that is
8 a license plate number or VIN number; is that right?

9 A. Can you give me one second?

10 Q. I'd be happy to.

11 A. No.

12 Q. Okay. So, you had no identifying information
13 for the truck that was the subject of the dispute,
14 correct?

15 A. No, just a description.

16 Q. Okay. So, there was no way for you to run in
17 any of the police available databases who might be the
18 actual owner of the truck, correct?

19 A. No.

20 Q. So, that's not an avenue of investigation you
21 could have pursued at that time; is that correct?

22 A. That's correct.

23 Q. And you don't know who the owner was anyway,
24 correct?

25 A. Correct.

1 MR. STILL: I'll pass the witness, Your
2 Honor.

3 THE COURT: Any redirect?

4 MS. BUESS: Yes, Judge.

5 REDIRECT EXAMINATION

6 BY MS. BUESS:

7 Q. Officer Beck, dealing with patrol with HPD, do
8 you ever deal with disputes over property?

9 A. Yes.

10 Q. Do you do that on few or many occasions?

11 A. Many occasions.

12 Q. Have you ever dealt with a similar situation
13 where a vehicle is in dispute -- who owns the vehicle
14 is in dispute?

15 A. Yes.

16 Q. And when something like that happens, what do
17 you as a law enforcement officer usually do?

18 A. If we're having a dispute over a vehicle in
19 particular and the vehicle is at the scene, the first
20 thing I'm going to do is use my mobile MDT unit in the
21 vehicle to run the license plate to see who the vehicle
22 is registered to.

23 Q. Okay. What are you going to do once you
24 figure out who the vehicle is registered to?

25 A. That's the individual that's going to get that

1 vehicle.

2 Q. Okay. And if someone wants to dispute that or
3 argue that, what do they need to do at that point?

4 A. If they want to dispute whether they are the
5 actual owner of the vehicle or not, they need to take
6 it further and produce documentation and maybe take it
7 civilly to prove that the vehicle belong to them.

8 Q. So, if someone is having a dispute over who
9 actually owns the vehicle, they can call you, correct?

10 A. Correct.

11 Q. Or they can go to civil court to litigate the
12 issue, correct?

13 A. Correct.

14 Q. Any reason why they would need to stab
15 someone?

16 MR. STILL: Objection, speculation, Your
17 Honor.

18 THE COURT: That's sustained.

19 MS. BUSS: I'll pass the witness.

20 THE COURT: Recross, sir?

21 MR. STILL: Briefly, Your Honor.

22 RECROSS-EXAMINATION

23 BY MR. STILL:

24 Q. Officer Beck, you'd agree with me that
25 oftentimes in your professional capacities when you're

1 dispatched to situations that involve the loss of
2 property, that the police department can't always
3 arrive in time to prevent the loss of property that's
4 in question, correct?

5 A. That's correct.

6 Q. Because the very nature of calls for service
7 is someone is having a problem and then the police
8 department has to react to said problem; is that right?

9 A. Correct.

10 Q. And sometimes the problem happens and is over
11 with and there's just not enough time for a police
12 presence to get there to deal with the situation,
13 correct?

14 A. That's correct.

15 Q. Okay. Now, not all -- not all theft cases are
16 solved, correct?

17 A. Correct.

18 Q. Not all burglary cases are solved, correct?

19 A. Correct.

20 Q. So, you'd agree with me that calling the
21 police from a -- from a complainant's standpoint does
22 not always result in someone getting the disposition
23 they like, namely, their property not taken, correct?

24 A. Correct.

25 MR. STILL: Pass the witness, Your Honor.

1 THE COURT: All right. Thank you, sir.
2 You may step down.

3 MS. BUESS: May this witness be excused?

4 THE COURT: Any objection, sir?

5 MR. STILL: None, Your Honor.

6 THE COURT: All right. You're excused,
7 sir.

8 State, call your next witness.

9 We're going to break for the day in about
10 30 minutes. I know it's been a long day for everybody.

11 MS. MILES: State calls Officer Salcido.

12 THE COURT: Come forward, sir. Stand
13 right there. Raise your right hand and I'll swear you
14 in.

15 GABRIEL SALCIDO,
16 having been first duly sworn, testified as follows:

17 THE COURT: Ms. Miles.

18 DIRECT EXAMINATION

19 BY MS. MILES:

20 Q. Officer, will you please introduce yourself to
21 the members of the jury?

22 A. Gabriel Salcido.

23 Q. And, Officer Salcido, if it isn't obvious, how
24 are you employed?

25 A. I'm with the Houston Police Department.