

1                                   **(Witness sworn)**

2                                   THE COURT: You can have a seat.

3                                   MS. PALMER: May I proceed?

4                                   THE COURT: Yes.

5   **ROBERT BOEHMKE,**

6                                   having been first duly sworn, testified as follows:

7   **DIRECT EXAMINATION**

8                                   **BY MS. PALMER:**

9                                   Q.        Could you please state your name for the  
10                                   jury?

11                                   A.        My name is Robert Boehmke.

12                                   Q.        And how are you employed?

13                                   A.        I'm an officer with the Houston Police  
14                                   Department.

15                                   Q.        And what is your rank?

16                                   A.        Sergeant.

17                                   Q.        And when did you obtain that rank?

18                                   A.        April of this year.

19                                   Q.        Attain, not obtain.

20                                   A.        Sorry.

21                                   Q.        Are you a certified peace officer in the  
22                                   state of Texas?

23                                   A.        Yes, I am.

24                                   Q.        How long have you been a certified peace  
25                                   officer?

1 A. Since December of '02.

2 Q. And have you spent that entire time with  
3 the Houston Police Department?

4 A. Yes, I have.

5 Q. I want to talk about something that  
6 happened on April 8th, 2010, at 5500 Yale. Is that  
7 location in Harris County, Texas?

8 A. Yes, it is.

9 Q. And can you tell the jury what time you  
10 responded to the scene?

11 A. It was approximately 4:52 in the evening.

12 Q. And what was the call about when you  
13 responded?

14 A. The call dropped as a robbery that just  
15 occurred.

16 Q. And let's step back and talk about at that  
17 time what your duties were.

18 Can you tell the jury what you did as  
19 a Houston Police Department officer at that time?

20 A. Sure. What we do is we advise the  
21 dispatcher that we're responding to the call over the  
22 radio. It's kind of a higher priority call. It's a  
23 Code 2. So we immediately respond to the scene and  
24 then we advised the dispatcher that we have arrived.

25 Q. What time did you receive this call?

1           A.       It was 4:52.

2           Q.       What time did you arrive?

3           A.       4:56.

4           Q.       Were you riding by yourself at that time?

5           A.       No, I was training a P-P-O, which is  
6 probationary officer, which would be a rookie, fresh  
7 out of the academy.

8           Q.       And who was that?

9           A.       Officer Thompson.

10          Q.       And, now, when you arrived at the scene,  
11 tell us what you saw.

12          A.       Basically it's a one building structure on  
13 the corner of Yale and Tidwell. The front door faces  
14 north. It's kind of glass with bars in front of it.

15                    I didn't observe anything when we  
16 approached the building. As they opened up the door,  
17 I observed two males inside who appeared to have just  
18 been assaulted.

19                    The one room you walk into was in  
20 total disarray. There was furniture tossed about,  
21 drawers were pulled out of the dressers.

22                    The two males were bleeding from the  
23 face. Their shirts were covered in blood. And I  
24 immediately responded, Are you okay?

25                    They said, We just been robbed.

1 Q. I want to talk about this area and I am  
2 going to put State's Exhibit No. 3 on the overhead  
3 projector.

4 Can you tell the jury at the time that  
5 this happened what part of town do you patrol?

6 A. I patrol the north side, which is -- my  
7 beat is between North Shepherd, Tidwell, 45 North and  
8 the 610 Loop, all kind of a box.

9 Q. So at the time that happened April 8th,  
10 2010, how long had you been patrolling that area?

11 A. Approximately four years.

12 Q. So you are familiar with that area?

13 A. Right.

14 Q. Can you tell us what that area is like?

15 A. There is a lot of foot traffic. There's  
16 nearby apartments with a lot of convenience stores.  
17 So there's a lot of foot traffic going about.

18 Tidwell and Yale are pretty major  
19 intersections so there's constant traffic.

20 Q. Okay.

21 A. That's about it.

22 Q. I want to put State's Exhibit No. 4 up on  
23 the screen. Can you tell us about this location?

24 A. That is the corner of Yale and Tidwell.  
25 The front doors are facing north and then the street

1 right in front of you is West Tidwell and it runs  
2 east/west.

3 Q. So, at this location, this intersection,  
4 Yale and Tidwell, at the time this happened 4:00 to  
5 5:00 in the afternoon, what is the foot traffic like?

6 A. Well, some people are getting off of work.  
7 I believe across the street there is Metro bus stop.  
8 So there is constantly people about.

9 Q. Now, were you able to identify the victims  
10 in this case when you went to the scene?

11 A. Yes.

12 Q. And what were their names?

13 A. They were Mr. Morales and Mr. Ghaznavi.

14 Q. And Mr. Morales, what was his physical  
15 condition like?

16 A. He had swollen -- the side of his head was  
17 swollen. His side of his head was bleeding. His  
18 shirt was covered in blood. I believe he had a towel  
19 of some sort trying to put pressure on his face. I  
20 asked him if he needed an ambulance and he said, No,  
21 I don't need an ambulance.

22 Q. Mr. Ghaznavi, what was his physical  
23 condition like?

24 A. It was basically the same. His face was  
25 swollen. His shirt had blood on it. When he walked,

1 he had blood droplets dropping on the floor. And he  
2 appeared kind of disoriented, upset and disoriented  
3 at the time same time, kind of like shellshock, not  
4 believing what happened. And he was very upset.

5 Q. What was their emotional state like?

6 A. Very upset. He said his car got stolen.  
7 That was one of the first things he said when I  
8 walked in. And they went that way. My car got  
9 stolen.

10 I kept trying to get him to sit down,  
11 take a deep breath and he was really uptight and real  
12 emotional. I can't blame him.

13 Q. And when you say he said that they stole my  
14 car, who are you speaking of?

15 A. The three males that had just robbed the  
16 store.

17 Q. And whose car was stolen?

18 A. The complainant's.

19 Q. Which one?

20 A. Mr. Morales.

21 Q. At the scene, did you recover anything from  
22 that scene?

23 A. I did not recover anything. There appeared  
24 to be just blood all about.

25 MR. HAYNES: I object to nonresponsive

1 after he said, I did not see anything.

2 *THE COURT:* Overruled.

3 Q. (BY MR. HAYNES) Is a firearm a deadly  
4 weapon?

5 A. Yes.

6 Q. Did you recover any firearms?

7 A. No, I did not.

8 Q. Did you recover a video?

9 A. Yes.

10 Q. And how did you do that?

11 A. The complainant stated that their camera  
12 system worked and the computer in the back was not  
13 damaged. I believe there was another computer nearby  
14 that was damaged in the robbery, but he said this  
15 computer was not damaged and it should have good  
16 video on it of the robbery.

17 *MS. PALMER:* May I approach the  
18 witness?

19 *THE COURT:* Yes.

20 Q. (BY MS. PALMER) I am going to show you  
21 State's Exhibit No. 6. We have talked about the  
22 video in this case. Have you seen the video in this  
23 case?

24 A. I observed it in April, the date of the  
25 robbery.

1 Q. And did you make a copy of that?

2 A. I did.

3 Q. And is that copy a fair and accurate  
4 depiction of the video in this case?

5 A. Yes.

6 MS. PALMER: I'd offer State's Exhibit  
7 No. 6.

8 MR. HAYNES: No objections.

9 THE COURT: State's 6 is admitted.

10 MS. PALMER: Your Honor, I'd ask to  
11 publish.

12 THE COURT: Yes.

13 Q. (BY MS. PALMER) Just to be clear before we  
14 start, there is no audio on this video; is that  
15 correct?

16 A. Right.

17 (Exhibit Published)

18 MS. PALMER: I pass the witness.

19 THE COURT: Mr. Haynes?

20 MR. HAYNES: Yes.

21 CROSS-EXAMINATION

22 BY MR. HAYNES:

23 Q. Mr. Boehmke, do you know if there were any  
24 fingerprints or any biological evidence that would  
25 link Mr. Cordero Stevenson that were found in that



1 residence?

2 A. I contacted a print unit to come make the  
3 scene and another officer is the one who came out and  
4 collected prints.

5 Q. So you don't have any evidence or any  
6 knowledge about what print details showed up?

7 A. I do not.

8 Q. Okay. All right. Thank you.

9 You were the one who was contacted  
10 about Patrick Anthony as being possibly the third  
11 suspect in that video; is that correct?

12 A. I believe a citizen who actually knew how  
13 to work the camera system made the scene and he had  
14 mentioned a gentleman that possibly could have been  
15 involved. So I noted that in the report.

16 Q. Was that Patrick Anthony?

17 A. Let me check.

18 Yes.

19 Q. Patrick Anthony was one of the third  
20 suspects at one time; is that correct?

21 A. I'm not sure. That's just the name that  
22 the citizen gave me so I mentioned it in the report.

23 MR. HAYNES: Pass the witness at this  
24 time, Your Honor.

25 THE COURT: Anything further?

1 MS. PALMER: No, Your Honor.

2 THE COURT: May this witness be  
3 excused?

4 MR. HAYNES: Yes, Your Honor.

5 THE COURT: You may step down. Thank  
6 you.

7 THE WITNESS: Thank you.

8 THE COURT: State, call your next.

9 MS. PALMER: Officer Kenneth Bigger.

10 THE BAILIFF: This witness has not  
11 been sworn in, Judge.

12 THE COURT: Officer, would you raise  
13 your right hand.

14 **(Witness Duly Sworn)**

15 THE COURT: Thank you. You can have a  
16 seat.

17 MS. PALMER: May I proceed?

18 THE COURT: Yes.

19 **KENNETH BIGGER,**  
20 having been first duly sworn, testified as follows:

21 **DIRECT EXAMINATION**

22 **BY MS. PALMER:**

23 Q. Would you please state your name?

24 A. My name is Kenneth Bigger.

25 Q. How are you employed?