

1 (A recess was taken.)

2 (Open court, Defendant present.)

3 THE BAILIFF: All rise for the jury.

4 (Jury enters courtroom.)

5 THE COURT: Please be seated.

6 State, call your next witness, please.

7 MS. MERIWETHER: Your Honor, the State
8 would call Corporal Boughter.

9 THE COURT: Ladies and gentlemen, this
10 witness was previously sworn.

11 Proceed, please.

12 MS. MERIWETHER: Thank you.

13 **JASON BOUGHTER,**

14 having been first duly sworn, testified as follows:

15 **DIRECT EXAMINATION**

16 BY MS. MERIWETHER:

17 Q. Could you please introduce yourself to our
18 jury?

19 A. My name is Corporal Jason Boughter with Jersey
20 Village PD.

21 Q. And were you previously with a different
22 agency?

23 A. Yes, ma'am. I was contract patrol deputy with
24 Harris County Precinct 5 Constable's Office in
25 Sharpstown.

1 Q. And is that -- I'm just going to cut to the
2 chase, are you a certified peace officer with the State
3 of Texas?

4 A. Yes, ma'am.

5 Q. And how long were you with Precinct 5?

6 A. I got laid off a month or two shy of four years
7 in 2011 when they did budget cuts.

8 Q. And then after that is that when you went to
9 Jersey Village?

10 A. I did a year and a half of real estate
11 investment and decided I enjoyed law enforcement more
12 than the money and went back into law enforcement.

13 Q. Okay. And that's when you hooked up with
14 Jersey Village Police Department?

15 A. Right.

16 Q. You've been with them since 2013, I think you
17 told me?

18 A. About three years now.

19 Q. About three years, okay. When you were working
20 with Precinct 5, did you have an occasion to make the
21 scene of what later turned out to be a capital murder on
22 December 31st of 2010?

23 A. Yes, ma'am.

24 Q. And is that an area that you'd been to before?

25 A. Yes, ma'am.

1 Q. That gas station, had you ever been in there
2 before?

3 A. Yeah, Beechnut and Hillcroft is actually right
4 on the outside border of the Sharpstown residential
5 patrol district, so it was in my patrol area.

6 Q. How did you learn about the shooting that had
7 occurred at the -- robbery/shooting that had occurred at
8 the location?

9 A. You know, on that I honestly don't remember.
10 When I was -- Precinct 5 patrol deputies are deputies
11 that patrol a specific neighborhood. They're paid for
12 by HOA or a shopping district or different geographical
13 area. And we have patrol districts inside of Houston
14 city limits and in the county.

15 Q. Okay.

16 A. When I worked for Precinct 5, I purchased my
17 own HPD radio so I could listen to their calls and
18 communicate with them. I don't remember whether I heard
19 it on their radio or another officer, or another
20 constable deputy drove past and advised me. But I do
21 remember I was one of the first officers on scene.

22 Q. About what time did you arrive?

23 A. The report says 18:25, which would be 6:25 p.m.

24 Q. And you would agree with me that you entered
25 this report and made this report pretty close to the

1 time when the incident happened versus now when you're
2 testifying several years later?

3 A. Right.

4 Q. So you make the scene, and what do you see when
5 you get there?

6 A. It was, I got there before EMS. Like I said,
7 if I remember, there were only maybe me and two or three
8 officers there. I think it was, there was, I want to
9 say there was one HPD officer. At any rate, there were
10 only a few officers there. EMS hadn't shown up. It was
11 still chaotic. I found a Hispanic male on the sidewalk
12 right at the front doors of the business. He appeared
13 to have been shot, and I immediately started rendering
14 aid to him. At that point I had no idea really what was
15 going on and essentially treated him and then gave my
16 information to the HPD officer that was investigating
17 the scene and then cleared the scene. It was HPD's
18 call. I was essentially, after I treated the victim, I
19 was just rubbernecking.

20 Q. When you were out there on December 31st of
21 2010, did you have any recording equipment on?

22 A. I did. I had a personally owned body camera.
23 It's a View Home Movie Pro. It's 680 by 420 resolution,
24 personal owner recording devices, yay tall and yay wide
25 and about yay thick that clips onto my shirt. I've

1 had -- for a good portion of my career, I've had a body
2 camera of some sort that I've used on duty.

3 Q. So back in 2010, you were wearing that body
4 camera; and did it capture what you saw and what you
5 were doing there at the scene?

6 A. Yes, ma'am.

7 MS. MERIWETHER: Your Honor, may I approach
8 the witness?

9 THE COURT: You may.

10 Q. (BY MS. MERIWETHER) Showing you what's been
11 marked as State's Exhibit No. 3. Have you had an
12 opportunity to look at this?

13 A. Yes, ma'am.

14 Q. And does it accurately and fairly reflect what
15 you saw out there that night and your interaction with
16 the victim in this case?

17 A. Yes, ma'am.

18 MS. MERIWETHER: Your Honor, at this time I
19 move to offer State's Exhibit No. 3, tender to Counsel
20 for any objections.

21 (State's Exhibit No. 3 offered.)

22 MR. ORTIZ: Same 403 objection.

23 THE COURT: Again, it's overruled. State's
24 3 is admitted.

25 (State's Exhibit No. 3 admitted.)

1 Q. (BY MS. MERIWETHER) Now, Corporal, when we see
2 this video, obviously we see some blue-gloved hands,
3 would those be yours throughout it?

4 A. Yes, ma'am.

5 Q. And we can also hear multiple voices on the
6 video. Were some of those belonging to the victim and
7 also some of you narrating?

8 A. Yes, ma'am.

9 MS. MERIWETHER: And, Your Honor, may we
10 publish State's Exhibit No. 3?

11 THE COURT: You may.

12 MS. MERIWETHER: Thank you, Your Honor.

13 (Publishing State's Exhibit No. 3.)

14 MS. MERIWETHER: Pass the witness, Your
15 Honor.

16 MR. ORTIZ: No questions of this witness,
17 Judge.

18 THE COURT: You may stand down. Any
19 objections to this witness being excused?

20 MS. MERIWETHER: No, Your Honor.

21 MR. ORTIZ: Subject to recall, Judge.

22 THE COURT: You want him on call?

23 MR. ORTIZ: On call if we need him.

24 THE COURT: All right. You remain on call.
25 You may stand down.

1 Ladies and gentlemen, we're going to
2 adjourn for the evening. All the previous admonitions
3 are still in effect that I've given you so far, which
4 aren't that many.

5 You're not to make any kind of independent
6 investigation. You're not to read up on any law you
7 might think apply in the case. Do not try to go to any
8 kind of media and locate anything about this case.
9 You're not to go by any scenes that may have been
10 described to you. You're not to discuss the case with
11 anyone, including spouses. You're not to discuss the
12 case among yourselves until you're all back there
13 deliberating as a body once the case has been argued to
14 you. If anybody attempts to talk to you about the case,
15 you bring it to our attention immediately.

16 The attorneys have been instructed not to
17 engage you in conversation, so if they see you in the
18 hallway or the elevators, they may nod in recognition
19 but that's the extent of it. Again, if anybody attempts
20 to talk to you about the case, you tell the bailiff who
21 has you in charge when you come in; or you notify me.

22 We're going to ask you to come back
23 tomorrow morning at 9:45. Do not come into the
24 courtroom. You have probably, I don't know if you've
25 been shown yet or not how to enter and exit from the