

1 Raise your right hand, please.

2 THE WITNESS: Yes, sir.

3 (Witness sworn).

4 THE WITNESS: I do, sir.

5 THE COURT: All right. Feel free to
6 adjust the chair and microphone. Were you able to
7 complete your call you had to make?

8 THE WITNESS: Yes, sir. Thank you.

9 THE COURT: Okay. Answer as directly
10 as you can, and you know about the Rule? The Rule
11 has been invoked.

12 THE WITNESS: Yes, sir.

13 THE COURT: All right. You may
14 proceed.

15 **OFFICER MICHAEL BURROW,**

16 having been first duly sworn, testified as follows:

17 **DIRECT EXAMINATION**

18 BY MS. COOPER:

19 Q Can you introduce yourself to the members of
20 the jury, please?

21 A My name is Michael Burrow. I'm an
22 investigator with the Houston Police Department
23 homicide division.

24 Q Can you tell the members of the jury about
25 your -- your education?

1 A I have a bachelor's degree in psychology
2 from the University of Texas and a master's degree in
3 psychology from Sam Houston State University.

4 Q And if you can pull the microphone down a
5 little bit, so you can --

6 A Better?

7 Q Yes.

8 A All right.

9 Q All right. So a bachelor's degree in
10 psychology from University of Texas?

11 A Yes.

12 Q And then you also said you had a master's
13 degree?

14 A Yes, in psychology from Sam Houston State.

15 Q How long have you been employed at the
16 Houston Police Department?

17 A Since 2006.

18 Q And can you tell the members of the jury
19 about your training that you received as a police
20 officer?

21 A A six-month long police academy training in
22 everything, from street work to crime scene
23 investigation to handling calls for service, DWI,
24 everything across the board. I've also been trained
25 as a homicide investigator.

1 Since I came to the homicide division,
2 I've had approximately 100 hours of training in
3 homicide investigation, interviewing interrogation,
4 things of that nature.

5 Q How long been assigned to the homicide
6 division?

7 A Three years.

8 Q And what is -- does the homicide division
9 only investigate homicides?

10 A No.

11 Q Tell the members of the jury a little bit
12 about the homicide division and what you guys do?

13 A Okay. We do investigate all the murder
14 cases, obviously. We also investigate all officer
15 involved shootings, all active kidnapping
16 investigation are assigned to homicide, any in
17 custody death situation, where a suspect dies in
18 police custody or in jail, we investigate those
19 incidents.

20 And any suspicious death case, where
21 it's not certain whether it is a homicide or not.
22 It's not certain what the status of the case is, we
23 make the scene or handle the follow up investigation.

24 Q And as far as a homicide investigation, when
25 you're investigating a murder, how long do those

1 often take?

2 A It really varies. There are some cases
3 where you get to the scene and the suspect's already
4 in custody. And there are other cases that require
5 extensive follow ups, and cases that even go old cold
6 over time. I've had cases that are as old as 20
7 years.

8 Q All right. So it doesn't just stop at the
9 scene sometimes?

10 A No.

11 Q Do you -- can you tell the members of the
12 jury about the first responding officers and what
13 your role is in relation to them?

14 A What my role is in relation to the first
15 responding officer's?

16 Q Yeah. Are you the first officer out on
17 scene?

18 A Oh, no. I see -- no, typically, especially
19 in a shooting case like this, patrol is the first
20 ones to make the scene. They respond usually an
21 assault in progress, something of that nature. And
22 their job is to get there, assess the scene, secure
23 the scene, secure any witnesses, and then they
24 contact us at the homicide division, and detectives
25 are dispatched to the scene.

1 Q Okay. And when the homicide detectives are
2 dispatched to the scene, do you go alone?

3 A No. Usually at least two detectives go, as
4 well as a crime scene unit officer.

5 Q Well, what's a crime scene unit officer?
6 Like what do they -- what do they do?

7 A All they do is work crime scenes, primarily
8 homicides. They're responsible for photographing the
9 scene, documenting the scene with sketches,
10 collecting evidence, making sure the evidence is
11 properly tagged and handled.

12 Q Are you and the other homicide detectives,
13 are you guys communicating with the crime scene units
14 out at the scene?

15 A Yes.

16 Q What's the purpose of that?

17 A The communication?

18 Q Yes.

19 A To make sure that we're all on the same page
20 as far as what evidence needs to be collected. And
21 as far as how the scene might be reconstructed, based
22 on the evidence available, trying to determine
23 exactly what happened.

24 Q Why did --

25 A And what types of photos need to be taken

1 and things of that nature.

2 Q Okay. As far as your -- you mentioned when
3 you were going through your background, that you had
4 received numerous hours of training in relation to
5 the homicide division.

6 A Yes.

7 Q What kind of training and education do you
8 have related to homicide investigations?

9 A Death scene investigations, interview and
10 interrogation, which covers both witnesses and
11 suspect interrogations. Crime scene unit functions,
12 the investigation of officer involved shootings, the
13 investigation of child abduction cases and active
14 kidnappings. A handful of other things, but some of
15 them are escaping me at the moment.

16 Q All right. So through the course of your
17 employment in the homicide division, about -- if you
18 can estimate. I know you don't know for sure, how
19 many -- about how many homicides have you
20 investigated or been involved in?

21 A About 35.

22 Q Okay. I want to talk to you about a
23 homicide investigation at 4206 Groton Drive, back on
24 May 19th of 2011.

25 A Yes.

1 Q Was that an investigation that you responded
2 to?

3 A Yes.

4 Q Is that located in Harris County, Texas?

5 A Yes.

6 Q Now, how is it that -- well, if a call comes
7 in to 911, is it -- is there documentation of the
8 times that those calls are made?

9 A Yes, there is.

10 Q All right. I want to show you State's
11 Exhibit No. 76.

12 What is this that we're looking at here
13 in State's Exhibit No. 76?

14 A That is a printout of the calls for service
15 that was issued to that address for that incident.
16 It shows the details, what information was
17 broadcasted to units, what time the units arrived,
18 things of that nature. What the initial information
19 was that officers received, as well.

20 Q I want to draw your attention to the top
21 left-hand corner, if I'm looking at it?

22 A Uh-huh.

23 Q And we have in here -- well, we have an
24 event number. What does that mean?

25 A An event number is a number that's generated

1 any time that there's a police call that's
2 dispatched. And it will eventually turn into a case
3 number assigned to a case, if a police report is
4 necessary.

5 Q And then we have a -- it says right next to
6 time.

7 A Uh-huh.

8 Q We have a date?

9 A Yes.

10 Q And then what are all these numbers out to
11 -- on the right side of the page?

12 A That's the time that the first officer was
13 dispatched to the scene, 2134 hours, which would be
14 9:34 p.m. and 26 second.

15 Q Okay. What do you mean dispatched? What is
16 that?

17 A That's when the -- when a call for service
18 comes in to 911, the call is relayed to the police
19 dispatcher or to the fire department dispatcher,
20 depending on an ambulance or a police officer or both
21 need to be sent to the scene.

22 The time reflected here is the time of
23 dispatch -- actually it shows a police unit to be
24 sent to that scene.

25 Q Is it documented at the time that the call

1 came in?

2 A Not on the call slip, no.

3 Q Okay.

4 A But it is documented in the 911 call
5 recordings.

6 Q All right. And have you listened to the 911
7 call recordings in this case?

8 A Yes, I have.

9 Q Are you -- do you know what time the
10 initial -- the very first 911 call came in, regarding
11 the homicide at 4206 Groton Drive?

12 A Yes, it came in at 9:32 p.m. and 7 seconds.

13 Q Okay. So 9:32 p.m. and 7 seconds?

14 A Yes, ma'am.

15 Q And then the first officer is dispatched at
16 9:34?

17 A Correct.

18 Q Is it documented anywhere where -- well,
19 when officers respond to scenes, do they have to make
20 some kind of notification?

21 A They have to make notification of their
22 arrival, particularly on code one or code two calls.

23 Q What is -- what's the difference between a
24 code one and a code two call?

25 A Well, a code one call, an in progress call

1 typically, or an assault in progress, a robbery in
2 progress. Something that's still going on. It's
3 just the officer.

4 The code two call can be a variety of
5 things, but it's usually something that just
6 occurred -- a serious as in it just occurred, an
7 aggravated assault that just occurred, an aggravated
8 robbery that just occurred.

9 There's also code threes and fours,
10 which are low priority.

11 Q All right. And this was a priority one?

12 A I believe so, yes.

13 Q Okay. Is -- have you reviewed, or where is
14 it documented the time that the first responding
15 officer -- or the first officers arrive on scene?

16 A In the call slip.

17 Q All right. Have you reviewed the call slip
18 -- in State's Exhibit No. 76 is a call slip in this
19 case?

20 A Yes.

21 Q And is it documented where the first
22 responding officer arrives on scene?

23 A Yes.

24 Q Okay. Where is that?

25 A Let me show you State's Exhibit No. 76.

1 Actually --

2 MS. COOPER: May I approach the
3 witness, Judge?

4 THE COURT: You may.

5 Q (BY MS. COOPER) I'll just let you look at
6 it.

7 A Okay. Right here (indicating.) First
8 officer on -- ONS stands for on scene. First officer
9 arrived at 9:40 p.m. and 36 seconds.

10 Q Okay. Let me put that up so that the jury
11 can see it.

12 And looking at page 3 of State's
13 Exhibit No. 76, are there different columns -- we've
14 backed it up a little bit.

15 Are there different columns on State's
16 Exhibit No. 76?

17 A Yes.

18 Q All right. And what are these -- the column
19 all the way over to the left, what is this
20 indicating?

21 A It's the date and time of the event in that
22 row.

23 Q Okay. And then the second or the next row
24 over, there's various -- looks like codes.

25 A Uh-huh.

1 Q What is that for?

2 A That is -- can you go down just a little
3 bit? That is to reflect the status of the unit at
4 that point in time. And then the unit that it's
5 talking about is in the far right column.

6 Q All right. The far right column is -- are
7 there -- what is this, like for instance, 13D04K,
8 what does that mean?

9 A That's a unit number of a particular police
10 unit, the supervisor, in this case, a sergeant.

11 Q Okay. So if --

12 THE COURT: Excuse me. When you say
13 "unit," is that the vehicle or is that the -- that's
14 the unit?

15 THE WITNESS: Yes. It applies to the
16 vehicle and the officer assigned to that vehicle.
17 Sometimes it's a two-man unit, but they have one unit
18 number that they both share.

19 THE COURT: Okay. Thank you.

20 THE WITNESS: Yes, sir.

21 Q (BY MS. COOPER) If we look at five lines up
22 from the bottom.

23 A Uh-huh.

24 Q You said that you can see ONS?

25 A Correct. That stands for on scene.

1 Q And how do you know that's the first time
2 that the unit is on scene?

3 A Because I've looked through the entire call
4 slip, and it's the earliest time that any unit shows
5 to be arriving on scene.

6 Q Okay. And so the first unit arrival on
7 scene is at what time?

8 A 9:40 p.m. and 36 seconds.

9 Q It says on here 2140 and 36, is that --

10 A Correct. It's military time.

11 Q Okay. So 9:40, 36 seconds is the first
12 officer on the scene?

13 A Yes.

14 Q So pretty quick after dispatch, about seven
15 minutes; is that right?

16 A Yes. About six minutes after dispatch.

17 Q Do you know -- obviously, were you the very
18 first officer on the scene?

19 A No.

20 Q Do you -- around what time of the evening
21 did you get a call to respond to the homicide at 4206
22 Groton Drive?

23 A I would have to consult my report for the
24 exact time, but as I recall it was around 10:15.

25 Q And why -- the first officers get there

1 about 9:40, why does it take time for the homicide
2 officers to get there?

3 A To be notified or to arrive?

4 Q Well, either one?

5 A Okay. To be notified -- notification may
6 come in, in this case the victim was shot and was
7 transported to the hospital, and his status was
8 unknown. Since we don't make aggravated assault
9 cases typically, if he'd still been alive, then we
10 would not have been dispatched.

11 So there's -- we were waiting to see at
12 least what his status -- what the hospital was going
13 to say his status would be.

14 Q Okay. And were you made aware of that?

15 A Yes.

16 Q At the time that you respond to the scene,
17 are you aware that this is a homicide investigation?

18 A Yes.

19 Q Can you describe whenever you pull up on
20 scene, are you -- do you go there alone?

21 A No.

22 Q Excuse me. I'm sorry. Who do you go with?

23 A Officer Condon, who is also an investigator
24 with the homicide division and Officer Hassick
25 (phonetic), who was on rotation with the homicide

1 division, came along to assist us.

2 Q Whenever you get to a homicide scene, do you
3 have different roles?

4 A Yes.

5 Q Explain that?

6 A There's always a division of labor on a
7 scene, depending on the exact circumstances. But the
8 typical division of labor is that one investigator
9 works the scene side, which is the processing of the
10 scene with the CSU, determining what evidence needs
11 to be collected.

12 The other investigator typically
13 handles trying to locate and interview witnesses.

14 Q What was your role at this -- during this
15 investigation?

16 A To locate and interview witnesses.

17 Q And who was assigned to scene side?

18 A Officer Condon.

19 Q So when you get there, do you -- what's the
20 first thing that you do?

21 A Well, the first thing that we do is make an
22 assessment of what we have. Has patrol located any
23 witnesses? Is the scene well contained? How large
24 of a scene do we have? Is there any initial -- any
25 additional crime scene search? Do we need to try to

1 spread out our perimeter? Is everything under
2 control? Do we have witnesses -- do we have crowd
3 control issues? Do we have witnesses need to be
4 transported downtown? Maybe some time factors
5 involved.

6 We basically get together, find out
7 what we have and then come up with a strategy for how
8 to approach each part of the investigation -- the
9 initial investigation.

10 Q Can you describe the scene to the jury?
11 What it looked like? What was going on when you
12 first arrived?

13 A Well, when we first arrived, as I said, the
14 victim had already been transported to the hospital,
15 and so there was no body on the scene. Several
16 witnesses had been found by patrol inside the house,
17 which included the victim's wife and his children.

18 The two older children were in the back
19 of a patrol car, Gregory and Malik Brown. And Tonie
20 Brown was separated as well in the back of a patrol
21 car. The witnesses were not doing any talking or
22 anything like that. And separating witnesses, so
23 that they're not communicating with each other is a
24 very important factor.

25 Q I want to talk to you -- was it -- what was

1 the time of -- well, you said around 10:00.

2 What was the -- was it raining?

3 A No.

4 Q What was the weather like?

5 A It was clear and hot.

6 Q I'm going to show you State's Exhibit No. 1.
7 We've got a -- this is a daytime photo of the front
8 of the house.

9 A Yes.

10 Q Is there -- was the house secured and roped
11 off by crime scene tape or anything like that when
12 you got there?

13 A It was. Actually, the street was roped off
14 I believe -- actually, no, I think it was roped off
15 at the perimeter of the street and at both ends of
16 the street, to isolate the house from the surrounding
17 neighbors.

18 Q And as you get there, can you describe the
19 lighting?

20 A The ambient lighting was pretty good. There
21 was a street light across the street from the house.
22 There was a lot of ambient lighting from the
23 surrounding houses, and there was some lights on
24 inside the house.

25 Q Can you -- was the street light on and

1 working?

2 A Yes.

3 Q Where was it -- if you're looking at the
4 house, and it's the view that we're looking at here
5 in State's Exhibit No. 1, where is the street light?

6 A Street light would be over here
7 (indicating).

8 Q Okay.

9 A Across the street and then this way
10 (indicating).

11 Q So, if we're looking at State's Exhibit
12 No. 1, we can see right in front of the house there's
13 a street, was the street light on the opposite side
14 of the road from the house here at 4206 Groton?

15 A Yes.

16 Q Okay. And the -- you said a little bit
17 diagonal over to the left?

18 A Right. Kind of towards the -- this far end
19 of the house here (indicating).

20 Q So if you had to -- so is it like directly
21 in front of the front door?

22 A No. Offset.

23 Q All right. Where is it in relation to the
24 front window on the left side of the door?

25 A It would be not directly across the street,

1 but slightly to the right of that window. If you're
2 looking away from the house, slightly to the right of
3 the window, and it's on the opposite side of the
4 street.

5 Q And when you get there, you get out of your
6 vehicle, are you able to see clearly in front of you?

7 A Yes.

8 Q What do you do when you first get up there,
9 and you said that you -- that you talk to the patrol
10 officers?

11 A Right.

12 Q And as far as the witnesses, you said that
13 your role was the witnesses?

14 A Yes.

15 Q Do you do any kind of walk through before
16 you start talking to witnesses?

17 A Yes.

18 Q Why?

19 A Because I want to know if what the witnesses
20 are telling me matches up with factors that I see on
21 the scene.

22 Q All right. So did you do a walk through of
23 this house?

24 A Yes.

25 Q What did you observe?

1 A I observed in the living room area -- well,
2 first of all, in the front door I observe six bullet
3 holes, roughly centered in the door, to the left of
4 the door knob. And then going in, you could see
5 where there were multiple bullet strikes throughout
6 the house.

7 The back sliding glass door of the
8 house had been shot out. There were some bullet
9 strikes in the couch. And there was a blood trail
10 leading from the living room into the master bedroom.
11 Which, as you walk from the front door, the master
12 bedroom was on your right-hand side. And it was
13 attached to the living room.

14 Then we did a walk through of the other
15 bedrooms in the house. There was a kitchen located
16 at the back of the house. That's where the sliding
17 glass door was that had been shot out. And then
18 there were two bedrooms on the left-hand side of the
19 house as you walked through.

20 Q All right. I want to show you State's
21 Exhibit No. 40.

22 Was this the door that you saw when you
23 first walk up to the house?

24 A Yes.

25 Q Was this important to your investigation?

1 A Yes.

2 Q Why?

3 A Well, because it showed us that the shooting
4 had happened somebody outside the house, not somebody
5 inside, for one thing. Another factor is, there are
6 six bullet holes here (indicating), and there were no
7 shell casings found at the scene.

8 Q Why was that important to you?

9 A Because it indicates that a revolver firearm
10 was used instead of a semiautomatic pistol.

11 Q All right. What's the difference in the
12 two?

13 A A revolver is typically a five or a
14 six-shot. It has a cylinder that rotates and does
15 not eject any shell casings when it's fired. It's
16 kind of the old cowboy wheel gun style of firearm.

17 A semiautomatic is the kind that's more
18 modern. It has a slide that moves back and forth
19 each time a shot is fired, and it ejects shell
20 casings.

21 Q Okay. Did you look for shell casings?

22 A Yes.

23 Q And then State's Exhibit No. 15, the
24 entryway or the living room area of the house, what
25 stood out to you in State's Exhibit No. 15, or when

1 you first walked through the living area of the
2 house?

3 A Well, of course, the blood trail leading
4 from the front living room area here (indicating).
5 It gets heavier as it heads towards the bedroom,
6 indicating that somebody was shot towards the front
7 door. And that they then traveled into the bedroom.
8 And there was a pool of blood in the bedroom area,
9 indicating that they had laid there.

10 Q And State's Exhibit No. 25.

11 A Uh-huh.

12 Q Do you see -- well, what is this? What are
13 we looking at?

14 A We're looking at blood stains on the carpet,
15 just inside the doorway of the master bedroom. This
16 is the living room that you saw (indicating). So you
17 come in and go right. This blood trail here pretty
18 much terminates right here. There's some heavy blood
19 flow here on the carpet (indicating).

20 Q And is that the darker circular area down
21 towards the bottom of the picture?

22 A Yes.

23 Q All right. And the blood trail, can you see
24 it outside the door?

25 A Yes.

1 Q If we zoom up?

2 A Uh-huh.

3 Q Go ahead. I'm sorry.

4 A If you can put the photo back up, please.

5 There's a mixture of different types of
6 blood stains here that indicate -- that kind of
7 indicate different types of activity. You've got
8 some drip stains here.

9 You've also got some smear stains here,
10 indicating that something traveled through the blood
11 or wiped the blood onto the surface, rather than just
12 falling and hitting the ground.

13 Q And then State's Exhibit No. 21?

14 A This is the kitchen at the rear of the
15 house. This is the sliding glass door that I spoke
16 of that was hit by a bullet and shattered.

17 Q Was this important to your investigation?

18 A Yes.

19 Q In what ways?

20 A Well, the trajectory of the gunshots through
21 the front door, the bullets going through would be
22 consistent -- one of them going through would be
23 consistent with hitting this door. It's along the
24 line of fire. It told us something about the angle
25 of the gunshots that were being fired, as did the

1 bullet holes in the door.

2 Q I want to show you State's Exhibit No. 11.

3 When you arrived at 4206 Groton, was
4 the porch light on, as shown here in State's Exhibit
5 No. 11?

6 A When I arrived I believe it was on.

7 Q Okay. Do you know whether or not it was on
8 then the first responding officer arrived?

9 A According to --

10 MR. MAYR: Objection, calls for
11 hearsay.

12 THE COURT: All right. Sustained,
13 unless you got personal knowledge.

14 Q (BY MS. COOPER) Was the porch light something
15 that was important to your investigation?

16 A Yes.

17 Q Was it something that -- did you speak with
18 the other officers about it?

19 A Yes.

20 Q Did you learn, without going in what anyone
21 said, did you learn whether or not the porch light
22 was on or off when the patrol officers arrived?

23 MR. MAYR: Again, objection. That's --
24 it's going to be based on hearsay.

25 THE COURT: It's overruled. Did he

1 learn whether it was on or off.

2 MR. MAYR: But if he's relying upon
3 hearsay, Your Honor, then it's -- it's an objection.
4 I'm objecting to hearsay, as well as confrontation
5 clause.

6 THE COURT: All right. It's overruled.

7 Q (BY MS. COOPER) You can answer the question.

8 THE COURT: He doesn't say whether it
9 was on or off. But did you learn about the status of
10 the light?

11 THE WITNESS: I did learn about the
12 status of the light, yes.

13 Q (BY MS. COOPER) All right. And was that
14 something that you used in your investigation?

15 A Yes.

16 Q All right. Okay. So after going through
17 the house, was there anything in your initial walk
18 through that stood out to you and was important to
19 you at that time?

20 A During the initial walk through?

21 Q The initial walk through.

22 A Just basically what I've said. That it
23 appeared that the shooting occurred at the front door
24 of the house.

25 Q Right. Anything in addition to what we've

1 looked at in these photos and discussed already?

2 A No.

3 Q Okay. So you do your walk through -- your
4 initial walk through, and then what do you do next?

5 A I -- having spoken to patrol, I had an idea
6 of what some of the different witnesses were saying,
7 and who maybe had seen what. And so then I went
8 about prioritizing which witnesses that I was going
9 to speak to in turn.

10 And Officer Hassick, who was there to
11 assist us, I assigned to canvas the area houses, go
12 around, knock on doors, talk to witnesses in the
13 crowd. See if they had heard anything or knew
14 anything about the shooting.

15 Q All right. Who was the first witness that
16 you spoke with?

17 A Tonie Brown.

18 Q All right. And why did you make the
19 decision to talk to her first?

20 A The other witnesses were children. She was
21 the only adult in the house reportedly at the time.
22 And so I wanted to get her perspective on what had
23 happened, and see if she knew who -- knew anything
24 about the suspect.

25 Q How was her demeanor while she was talking

1 to you?

2 A At first her demeanor was a little bit
3 shocked. She actually was not aware that her husband
4 was deceased, when I first spoke with her. She had
5 not been notified. She managed to hold it together
6 until she was notified, then she became very upset.

7 Q Did you talk to her, without going into what
8 she said, did you talk to her about what she had
9 observed and what she had seen?

10 A Yes.

11 Q Did you ask -- talk to her about whether or
12 not she saw the suspect?

13 A Yes.

14 Q And do you -- did you have any leads at that
15 point as to who to -- as to whether or not the
16 suspect had been seen?

17 A I had some leads at that point, yes.

18 Q Okay. Based on that, what did you do?

19 A I interviewed Malik Brown.

20 Q All right. And so when you talked to Malik
21 Brown, where does this interview take place?

22 A In my city vehicle. I got Malik out of the
23 patrol car to go over to where he'd be more
24 comfortable, in the front seat of my car. And I sat
25 in the front seat also, so we could have some air

1 conditioning and talk.

2 Q Do you have any type of training or
3 education as it relates to communicating -- talking
4 to children?

5 A Yes.

6 Q What training do you have in that area?

7 A It's part of my interview training, that
8 children as a group are more suggestible than adults
9 are. And so it's very --

10 MR. MAYR: Objection, nonresponsive. I
11 think --

12 THE COURT: All right. That's
13 sustained. Question called for "yes" or "no" of what
14 kind of training. Go ahead.

15 Q (BY MS. COOPER) What kind of training do you
16 have regarding the interviewing of children? You can
17 answer the question.

18 A Okay. Well, as I was saying, children are
19 technically more suggestible than adults. And it's
20 important to not ask them leading questions, to avoid
21 leading questions in talking to them.

22 Q What do you mean by "leading question"?
23 What is that?

24 A A question that would cause someone to come
25 to a conclusion of what you think the answer should

1 be.

2 Q When you talked to him, did you -- did you
3 have that in your mind?

4 A Yes.

5 Q Did you interview him with -- or what kind
6 of tactics did you use in interviewing Malik Brown?

7 A I asked him open ended questions initially.
8 I didn't want to ask him -- I didn't want to force
9 him into answering "yes" or "no" one way or the
10 other, until I had an idea of what he actually knew.
11 So I had to go through -- I asked him open ended
12 questions, to have him go through his account of what
13 he saw and heard on his own, without any suggestion
14 from me, before I asked him any specific follow up
15 questions.

16 Q Was he able to -- and you can't go into what
17 he said, but was he able to have a conversation with
18 you?

19 A Yes.

20 Q What was his emotional state at that time?
21 How was his demeanor?

22 A He was surprisingly put together. He was a
23 little bit -- maybe a little bit shocked, but he was
24 able to talk to me and have a conversation and
25 provide detail.

1 Q Was he crying or anything like that?

2 A No.

3 Q So, as you're talking to him, is he able to
4 communicate with you what about he saw?

5 A Yes.

6 Q How old was he at the time?

7 A He was 9.

8 Q Was he -- how was his vocabulary?

9 A It was pretty good. It was on -- I would
10 say it was on par with a 9-year-old or even above.

11 Q Did you come to know during your questioning
12 or during your interview with Malik, that he had seen
13 the shooter?

14 A Yes.

15 Q Did you talk to him about the person he had
16 seen outside of his window?

17 A Yes.

18 Q Did he tell you where he -- where he was
19 looking when he made that observation?

20 A He told me that he was looking out the front
21 bedroom window.

22 Q Did you get a -- was he able to give you a
23 description of the suspect?

24 A Yes.

25 Q What kind of description -- or what was the

1 description that he gave you?

2 A The description that he gave was a bald,
3 dark skinned black male, who was dressed in a white
4 tank top with no writing on the front. It was
5 untucked. Dark colored pants or jeans that were
6 pulled down low. And I asked him about the man's
7 age. I asked him if he could tell me how old he was,
8 and he shook his head. He didn't think he could.

9 And I then asked him, okay, was he a
10 grown up or was he not a grown up? And he said -- he
11 shook his head that he was a grown up. And he said
12 he looked kind of old but not. He looked kind of
13 like my mother, not really like her but in the age.

14 Q Okay. Now, when he gave you this
15 description, were you -- did it -- was it a detailed
16 -- it was detailed description?

17 A Yes.

18 Q Have you had homicide investigations
19 involving children before?

20 A Yes.

21 Q All right. What was your -- after you got
22 the description from Malik, what did you do next?

23 A One of the first things that I did was to
24 get with one of the patrol units on the scene and to
25 put out a description of the suspect.

1 Q What's the purpose of doing that?

2 A So that any other units that are not on
3 scene that are in the area, if they run across
4 someone matching that description, they stop and
5 detain them and identify them.

6 Q All right. What about -- well, what did you
7 do -- after you put out the description of the
8 suspect, what did you do in relation to what Malik
9 had told you?

10 A I'm not sure what you're asking.

11 Q Did you do any follow up based on the
12 information that Malik had given you?

13 A Yes. I wanted to know what his vantage
14 point looked like from inside the house. So I went
15 back inside the scene to the window where Malik had
16 been looking out from. And I observed what his
17 vantage point was.

18 Q And as far as State's Exhibit No. 1, what
19 window was it that you went and looked out of?

20 A This window right here (indicating).

21 Q If you can make a circle or do something a
22 little bit --

23 A Oh, is it touch screen?

24 Q Yes. I'm sorry.

25 A Right here (indicating).

1 Q There you go. Is that the front -- it's the
2 front window on the house to the left of the door, if
3 you're looking towards the house?

4 A Yes.

5 Q And State's Exhibit No. 3.

6 What is this?

7 A That's the inside of that bedroom where that
8 front window is.

9 Q When you look out -- it -- obviously it has
10 curtains over it?

11 A Right.

12 Q Do you -- were there blinds, as well?

13 A Yes.

14 Q When you look out that window, can you
15 describe to the jury what your vantage point was?

16 A Your vantage point, when you're looking out
17 that front window is that you can see the front yard,
18 and you can see the front patio in front of the front
19 door. And you can see most of the driveway and
20 carport, as well as the street in front of the house.

21 Q And State's Exhibit No. 2.

22 When you're looking out the window, can
23 you see you the grassy area in the front yard?

24 A Very well.

25 Q What about the street light? Can you see

1 the street light?

2 A Yes.

3 Q How is the lighting? If you can describe to
4 the jury the lighting, when you looked out the window
5 that night?

6 A The lighting with the porch light on is
7 excellent.

8 Q All right. Now, did you speak with any
9 other witnesses out there at the scene?

10 A Yes.

11 Q Who else did you speak with?

12 A Gregory Hamblin, the victim's stepson.

13 Q Okay. After talking to him, did you get a
14 recorded statement from him?

15 A Yes.

16 Q And talking to him, did you speak to any of
17 the other children?

18 A Not that night. One of the children was an
19 infant, so we were unable to get a statement from a
20 2-year-old child.

21 The other was Kadesha Brown, who was
22 the victim's daughter. She was already passed out
23 asleep, and we thought we'd better talk to her at a
24 later date, considering what the family had been
25 through.

1 Q I want to go back to State's Exhibit No. 76,
2 which is the call slip.

3 On page 2, can you tell the members of
4 the jury what -- what it is that we're looking at
5 here at the top of page 2?

6 A At the top of page 2, you've got my
7 statement. Actually, the second line down, there's a
8 broadcast that I sent out to all the patrol units,
9 with a description of the suspect and the vehicle
10 that the suspect was believed to be driving.

11 Q All right. And so we have the suspect,
12 bald, black male, 5-8 to 6 foot?

13 A Yes.

14 Q What else?

15 A Thin build, wearing a white muscle shirt,
16 driving a burgundy Honda Civic, possibly a 2000 or
17 2006 model.

18 Q All right. So where was -- obviously you
19 get the information about the suspect from Malik?

20 A Right.

21 Q Where did you get the information regarding
22 the vehicle?

23 A A neighbor named Eugene Mohammad.

24 Q Okay. And as far as you know, was he a
25 witness to the actual crime?

1 A No.

2 Q All right. Just the vehicle?

3 A Correct.

4 Q Okay. And that's a burgundy Honda Civic
5 vehicle?

6 A Correct.

7 Q Why did you put the vehicle description out
8 on the air?

9 A Because I felt the vehicle description was
10 accurate.

11 Q Okay. But what's the purpose -- I mean,
12 just like you putting it out --

13 A Oh, well, the same reason that you would put
14 out the description of the person. So that area
15 units can be on the lookout for it. And if they see
16 someone driving a similar vehicle, stop and identify
17 them, possibly to locate the suspect.

18 Q Did you have a plate number or anything like
19 that?

20 A No.

21 Q All right. Out there at the scene, you're
22 talking to witnesses. Is a canvas being done or
23 what's a canvas?

24 A A canvas is going door to door. Going out,
25 branching out from the immediate scene, try and talk

1 to neighbors. Maybe if this is businesses in the
2 area, talking to people who work in the area about
3 whether or not they saw anything. Trying to locate
4 neutral witnesses.

5 Q Did you do that?

6 A Yes. Well, at the scene, no.

7 Q All right.

8 A Officer Hassick did that.

9 Q Officer Hassick. Okay. After -- out at the
10 scene, you speaking to the witnesses that were in the
11 house, speaking to Eugene Mohammad, were there any
12 other witnesses that were spoken to out there at 4206
13 Groton on May 19th?

14 A One other. I spoke to a man named Linden
15 (phonetic) Mohammad.

16 Q All right. And was he able to provide any
17 information regarding this case?

18 A He was not an eyewitness to any part of the
19 incident. He came to the scene later. He was an
20 associate of the victim, and he had some information
21 about some of the victim's activities in the days
22 before he was killed.

23 Q After talking to Tonie Brown and the
24 witnesses or neighbors, did you kind of get a feel
25 for the types of things that Keith Brown was involved

1 in?

2 A Yes.

3 Q At the point that -- well, when you first
4 get on scene, do you have a known suspect?

5 A No.

6 Q Do you have a known suspect when you leave
7 the scene?

8 A No.

9 Q How long were you out there at 4206 Groton
10 on the evening of May 19th of 2011?

11 A Probably three or four hours. That's
12 typical of a scene processing time. It seems to be
13 about right from what I recall.

14 Q Were you concerned at all that -- or is it
15 odd that -- to not have a suspect that night?

16 A No.

17 Q Okay. What do you mean by that?

18 A Well, typically a suspect's not standing
19 around waiting for you when you get to murder a
20 scene. It usually takes some leg work to find out
21 who they are. Even if you have a name, it takes leg
22 work to even locate the person.

23 Q Did you -- was the defendant, Gareic
24 Hankston, out there on scene?

25 A No.

1 Q Did he come up and talk to you that night?

2 A No.

3 Q What about Crystal Jordan?

4 A No.

5 Q To your knowledge, did Gareic Hankston, the
6 defendant, or Crystal Jordan, talk to any of the
7 officers out there?

8 A No.

9 Q All right. So you -- you're out there three
10 to four hours. You leave. There's no suspect at
11 this point.

12 So what do you do from this point
13 forward?

14 A I went to the hospital where the victim had
15 been transported.

16 Q All right. And were you -- did you see him?

17 A Yes.

18 Q What did you observe?

19 A I observed that he was -- had sustained
20 several gunshot wounds. Without manipulating the
21 body, I couldn't tell exactly how many gunshot wounds
22 he had. But I knew he had gunshot wounds to the legs
23 and to the hip.

24 Q All right.

25 A Possibly a graze wound as well to his

1 forearm.

2 Q When -- after that, is there anything else
3 that you do that night?

4 A Yes. I -- when I went to the hospital,
5 there were some officers there with the body. And I
6 spoke to them. They were from the gang unit. And
7 they told me that they received information from
8 another gang unit officer, that he had stopped that
9 victim on a street stop, and talked to him
10 approximately a week before he was killed.

11 Q And what was the name of that officer?

12 A Joshua Horn.

13 Q All right. And you say gang unit, any
14 indication at all that gangs -- well, I guess, at
15 that point you don't know. Are you -- all right. So
16 you get this information from an officer by the name
17 of Josh Horn.

18 What do you do to follow up on that?

19 A I contacted Officer Horn?

20 Q All right. Did you talk to him?

21 A Yes.

22 Q Without going in to what he said, did you
23 receive some information that helped you go further
24 into your investigation in this case?

25 A Yes.

1 Q All right. Now, I want to talk to you about
2 in general -- well, on this case. You -- you don't
3 have any -- you don't have a suspect in the
4 beginning. What do you do -- what do you do from
5 that point forward, when you don't have a suspect in
6 a homicide case, but you're continuing to investigate
7 it.

8 What kinds of things are you doing?

9 A You start looking at -- well, the first
10 thing you do is you make an assessment of the type of
11 crime that you're dealing with. And that helps to
12 guide you in certain directions that might be
13 fruitful.

14 Q Okay. What do you mean by that?

15 A Well, for instance, if this had been a gas
16 station robbery where the clerk was shot and killed
17 by a hijacker, that would be a different circumstance
18 and we would start looking in different directions
19 than what we did in this case.

20 Q Okay. What was it about this case and the
21 way that it was committed that aided you in your
22 investigation?

23 A Well, it didn't appear to be a robbery for
24 one thing. And it appeared to be personally
25 motivated in some way.

1 Q What about it made you think that it was
2 personally motivated?

3 A Number one, the occurrence that the suspect
4 was not wearing a mask and came to someone's front
5 door and banged on the door very loudly, angrily.
6 And then shot them through the front door as soon as
7 he saw someone inside, without making a demand,
8 without trying to force entry, and entry was not
9 forced after the victim had been shot. Person just
10 got in their car and left.

11 And a hijacker attempting to get into
12 the house wouldn't need to fire his entire weapon's
13 worth of ammunition. It seemed to be that the person
14 was highly motivated to kill the person who answered
15 the door.

16 Q All right. Now, what do you do at this
17 point, when you don't have any suspects, you've got
18 this information about how the crime was committed.

19 A Uh-huh.

20 Q In this case, what do you do to start
21 developing leads?

22 A We start looking into the victim's
23 background.

24 Q All right.

25 A It's called victimology. We start studying

1 the victim, where they've been, who have they been
2 with, what kind of activities were they involved in.

3 Q And as you're studying the victim's
4 background, without going into what people have told
5 you. Who were you talking to to get this
6 information?

7 A Primarily the victim's family and then a
8 handful of associates.

9 Q After --

10 A Friends.

11 Q After speaking to family and friends, do you
12 start to get an idea of the type of lifestyle that
13 Keith Brown lived?

14 A Yes.

15 Q And was this important to your
16 investigation?

17 A Yes.

18 Q In what way?

19 A It provided several directions, several
20 possible people that we needed to look in to and find
21 -- and include or exclude as suspects.

22 Q Okay. When was it that you got a -- the
23 first person of interest?

24 A After I talked to Joshua Horn on the phone.

25 Q So that night?

1 A Yes.

2 Q Okay. So, May 19th of 2011, you speak to
3 Joshua Horn and you develop the first person of
4 interest?

5 A Yes.

6 Q And who was that person?

7 A Howard Ambush.

8 MS. COOPER: May I approach the
9 witness, Judge?

10 THE COURT: You may.

11 Q (BY MS. COOPER) I want to show you State's
12 Exhibit No. 106.

13 Do you recognize the person in State's
14 Exhibit No. 106?

15 A I do.

16 Q How do you recognize him?

17 A I've met him, interrogated him. His name's
18 Howard Ambush.

19 Q All right. Does this -- 106 fairly and
20 accurately depict Howard Ambush and how he looks?

21 A Yes. This is his booking photo from that
22 day.

23 Q Okay. So this was actually taken on what
24 day?

25 A On May the 21st, 2011.

1 Q All right.

2 MS. COOPER: Your Honor, at this time
3 I'm tendering to opposing counsel State's Exhibit 106
4 for any objections, and then ask that it be admitted
5 into evidence?

6 MR. MAYR: No objection, Your Honor.

7 THE COURT: State's 106 is admitted.

8 (State's Exhibit No. 106 was admitted.)

9 Q (BY MS. COOPER) All right. So State's
10 Exhibit 106, we have Howard Ambush.

11 Actually, I'm going to move this, I'm
12 not --

13 All right. If you can -- what was it
14 that first led you to Howard Ambush?

15 A My conversation with Officer Horn.

16 Q Okay. Based on that conversation, did you
17 get led to a vehicle?

18 A Yes.

19 Q What kind of vehicle was it?

20 A A Pontiac Bonneville, maroon.

21 Q A maroon Pontiac Bonneville?

22 A Yes.

23 Q All right. And this was information that
24 Officer Horn had got from the complainant; is that
25 right?

1 A That's correct.

2 Q And that was when? When did he get that
3 information?

4 A On May the 12th, during a street stop that
5 he made on Keith Brown.

6 Q Okay. And as far as what Officer Horn told
7 you -- well, what led you to -- or what led him to
8 the vehicle?

9 A The complainant led him to the vehicle.
10 Officer Horn told me that when he stopped Keith
11 Brown, he noticed that he had a knot on his head.
12 And he asked him what had happened to him, and he was
13 reluctant to tell him, and was adamant that he did
14 not want to file a police report about it.

15 Officer Horn kept talking to him, and
16 said that he made a bet on a basketball game with
17 some guys. And when he went to collect the money, he
18 was jumped and they took his money.

19 Q Okay.

20 A And then Officer Horn told me that he asked
21 the complainant, Keith Brown, to take him to where
22 this had happened at. He wasn't willing to file a
23 police record, you know, would he at least take him
24 over there and show him, and he did.

25 He got in the back of the patrol car

1 with Officer Horn, and rode with him over to the
2 address of 4206 Grassmere and pointed out the
3 vehicle.

4 Q All right. And that was a maroon --

5 A Pontiac Bonneville.

6 Q Pontiac Bonneville.

7 All right. And you've indicated to the
8 jury that Officer Horn is a gang officer?

9 A Yes.

10 Q Any indication -- did Officer Horn give you
11 any indication that this was some kind of a gang
12 investigation? Anything that had to do with the
13 complainant being in a gang?

14 A No.

15 Q Okay. So he takes you to a maroon -- or
16 takes Officer Horn to a maroon Pontiac.

17 When was this? When did it happen?

18 A On May the 12th, 2011.

19 Q All right. Was that important to your
20 investigation?

21 A Sure.

22 Q Why was it important?

23 A Well, because we had a maroon vehicle seen
24 fleeing the scene. It wasn't a Pontiac Bonneville,
25 but this was our first good possible lead on what the

1 victim might have been involved with, and who he
2 might have been involved with before that, and who
3 had animosity towards him.

4 Q Okay. And so what do you do based on this
5 information?

6 A I put a suspicious vehicle hit on the
7 license plate of the vehicle, which Officer Horn had
8 written down. And I also ran a background on the
9 vehicle and found that it was used by Mr. Ambush.

10 Q Okay.

11 A Who had several traffic warrants out for his
12 arrest.

13 Q All right.

14 A For tickets.

15 Q And so then what do you do based on that
16 information?

17 A Well, it was a few days later, a couple of
18 days later, I received a call from a patrolman who
19 had located the vehicle, based on the suspicious hit
20 on the license plate.

21 Q Did you actually go out and observe the
22 vehicle?

23 A No.

24 Q Was there anything significant about the
25 vehicle that weighed into your investigation?

1 A It was on blocks.

2 Q All right. What do you mean by that?

3 A I mean, the officer told me it had makeshift
4 blocks under the rear end holding it up. And that
5 the exhaust pipes were on the ground, like somebody
6 was working on the vehicle.

7 Q All right. So based on that information, do
8 you still continue to follow up on this lead?

9 A We did.

10 Q Whenever the vehicle was located and
11 observed to be on blocks, when -- do you know around
12 -- or what day that was?

13 A That was -- well, it would have been the
14 21st, May 21st.

15 Q All right.

16 A 2011.

17 Q So, what's done at this point?

18 A I spoke to the officer who had located the
19 vehicle. He told me that it was illegally parked.
20 And I started to make arrangement to have the city
21 tow truck go out and tow the vehicle. This was
22 partly a strategy on my part to flush out the owner.
23 The owner did arrive. It was Mr. Ambush.

24 He and his wife came on scene and were
25 trying to find out what was going on with the vehicle

1 and why it was going to be towed.

2 Q Okay. And then after that what happened
3 next?

4 A Mr. Ambush, I guess, had outstanding traffic
5 warrants. And so he was taken into custody and
6 brought down to homicide for questioning. The
7 officers got a consent to search his vehicle on the
8 scene. They don't find any items of interest that
9 might be evidence in this case. And so the vehicle
10 was left where it was found.

11 Q Did you have an opportunity to speak with
12 Howard Ambush?

13 A Yes.

14 Q Did you speak with his wife?

15 A I did not speak with her directly, no.

16 Q Was -- did someone speak with his wife?

17 A Yes.

18 Q Where you able to determine how long the
19 vehicle had been on blocks?

20 A One to two weeks.

21 Q All right.

22 MR. MAYR: I'm going to object to the
23 hearsay, Your Honor. It's whether -- and
24 nonresponsive is the objection, Your Honor.

25 THE COURT: All right. That's

1 sustained.

2 Q (BY MS. COOPER) Okay. So, at this point,
3 Howard Ambush is a person of interest. You get him
4 down, you talk to him.

5 Without going into what he said, did he
6 talk to you?

7 A Yes.

8 Q How was his demeanor when he talked to you?

9 A His demeanor was, he was mildly hostile, but
10 he was responsive to questions. He was upset that
11 he'd been brought down there.

12 Q Okay. Throughout talking to him and looking
13 through the vehicle, did you -- at this point, did
14 you have -- had you found anything that aided you in
15 your investigation?

16 A I'm sorry, could you repeat that?

17 Q After talking to him, did you move forward
18 and do anything else to follow up on this lead?

19 A Yes.

20 Q What was that?

21 A We obtained his cellular phone records via
22 court order.

23 Q During his interview, without going in to
24 what he said, did he provide information regarding
25 where he was at the -- on the day or -- of the

1 murder?

2 A Yes.

3 Q Did he -- were you able to -- well, when you
4 get the cell phone records, is that consistent with
5 the story that he gave you?

6 A Yes, it was.

7 Q All right. And what do you mean by that?

8 A It was consistent that he was out of the
9 area.

10 MR. MAYR: Your Honor, I going to
11 object. This calls for hearsay.

12 THE COURT: Sustained.

13 Q (BY MS. COOPER) Were you -- throughout your
14 -- through your investigation, were you able to
15 determine whether or not Howard Ambush was in the
16 area at the time of the murder?

17 A Yes, he was.

18 MR. MAYR: Objection, Your Honor,
19 that's based on hearsay from Howard.

20 THE WITNESS: Actually, it's not.

21 MS. COOPER: It's not.

22 THE COURT: It's not. It's overruled.
23 It's not. Personal knowledge, personal
24 investigation.

25 THE WITNESS: We know the date and time

1 of the incident, and we had Mr. Ambush's phone
2 records. We had what towers his phone was hitting
3 off of at the time. And they were nowhere near the
4 area of the shooting.

5 Q (BY MS. COOPER) Okay. So, did his -- his
6 phone records corroborate the fact -- or not
7 corroborate, but did his phone records give you an
8 indication of where he was at the time that the
9 murder was committed?

10 A Yes. They did give us an indication. They
11 also give us an indication that he'd never been in
12 contact with the victim via phone.

13 Q Okay. And what do you mean by that?

14 A The victim's -- we knew the victim's phone
15 numbers, and his phone numbers were nowhere in
16 Mr. Ambush's phone records. And Mr. Ambush's number
17 was nowhere in the victim's phone records.

18 MR. MAYR: Your Honor, I'm going to
19 stop and object. If -- referring to what the cell
20 phone records say or what they reflected or anything
21 else is all hearsay, Your Honor. So I would object
22 on that basis.

23 MS. COOPER: I'm moving on, Your Honor.

24 THE COURT: All right. Sustained.

25 Q (BY MS. COOPER) All right. So if --

1 MR. MAYR: I ask that the jury be
2 instructed to disregard any part of what he said in
3 regards to the cell phone testimony. The objection
4 was made in the middle of his response to it, I
5 therefore ask --

6 THE COURT: All right. It's sustained.
7 The jury is instructed to disregard the responses
8 made by the witness concerning the cell phone records
9 of Howard Ambush and the complainant.

10 Q (BY MS. COOPER) Throughout your
11 investigation, were you able to find any ties or any
12 link between the complainant and Howard Ambush?

13 A None.

14 Q Other than what the complainant had --

15 A Correct.

16 Q Told Officer Horn. As the complainant's
17 giving this information to Officer Horn, do you know
18 whether or not a name was mentioned?

19 A No name was mentioned.

20 Q All right. So, is Howard Ambush ruled out
21 as a suspect?

22 A Yes, he was.

23 Q Why is he ruled out as a suspect?

24 A Well, number one, he doesn't match the
25 description of the shooter already given by Malik

1 Brown.

2 Number two, he appeared truthful to us
3 during his interview, and we were able to verify the
4 contents of his interview.

5 Q All right. So he doesn't match the
6 description. Can you -- you can see his face here in
7 State's Exhibit No. 106.

8 Can you describe what he looked like,
9 his build and all that to the jury?

10 A He's very tall and he's fairly heavy.

11 Q All right. What do you mean by tall though?
12 About how tall?

13 A I'd say he's about 6 foot 2.

14 Q Okay.

15 A And over 200 pounds.

16 Q All right. So he doesn't match the
17 description. What else?

18 A It appears that his vehicle was disabled at
19 the time the incident occurred. And --

20 Q Hold on one second, the vehicle was
21 disabled. What else?

22 A We weren't able to establish any linkage
23 between him and the victim, other than what the
24 victim had told Officer Horn.

25 Q No links to Keith Brown?

1 A And additionally, we did not believe that
2 the potential motive for Mr. Ambush made any sense.

3 Q All right. What -- what was that motive at
4 all? I mean, if there was one?

5 A The motive would have been that he had
6 ripped off Keith Brown, and then decided after the
7 fact, after he had the money, to go to his house and
8 shoot him, even though he already had the money that
9 he wanted from ripping him off.

10 Q All right. Well, why didn't that make sense
11 to you?

12 A I don't know. It was a very small amount of
13 money.

14 Q How much money was it?

15 A Fifty-dollars.

16 Q Okay.

17 A And number two, having established from what
18 Keith had told Officer Horn, that he had been beaten
19 up and had his money taken, there would be no reason
20 for someone to take the additional measure of then
21 going to his house and shooting him.

22 Q All right.

23 A It just didn't make any sense.

24 Q All right. And then as far as any
25 indication at all that Howard Ambush was in the area

1 of the murder at the time the murder was committed?

2 A No. No indication.

3 Q All right.

4 MS. COOPER: I'm going to mark this as
5 State's Exhibit No. 113.

6 Q (BY MS. COOPER) Okay. So when is Howard
7 Ambush ruled out as a suspect?

8 A After his court ordered phone records were
9 obtained and reviewed.

10 Q Okay. What do you do next at this point?

11 A We had developed another person of interest
12 who we started looking in to. We also went and
13 conducted an extended area canvas shortly thereafter.
14 The night at the scene, we canvassed the houses in
15 the immediate area, but we began to branch out. We'd
16 also given it time for the streets to talk so to
17 speak.

18 Q What does that mean? What do you mean by
19 street talk?

20 A Well, rumors spread. The rumor mill gets
21 going. Things would leak out over time and then they
22 get distributed. And sometimes doing a canvas after
23 a period of time, you can find out what's being done
24 and said on the street.

25 MR. MAYR: Judge, may we approach real

1 quick?

2 THE COURT: Yes.

3 (Bench Conference.)

4 MR. MAYR: Judge, I'd like to request
5 to see the vision right at the -- the State could
6 move over next to the witness. That way everyone can
7 see what's going on. I'm having to move around and
8 I've got to have access to notes and transcripts and
9 things like that. And much of what you're doing, it
10 seems like you can just do it effectively standing
11 next to the witness, where we all can see it.

12 MS. COOPER: I just don't know that the
13 whole -- the jury will be able to see it. I mean,
14 because that's why I've got it right in front of the
15 jury.

16 THE COURT: Well, you can move it over
17 here. Just move it -- move it right here. Move it
18 this way.

19 MS. COOPER: Back a little bit?

20 MR. MAYR: Just move it back. And I'll
21 move it to the other side. I just need to be able to
22 see.

23 MS. COOPER: That's fine.

24 (Bench Conference Completed.)

25 (Equipment repositioned.)

1 (Discussion off the record.)

2 Q (BY MS. COOPER) All right. Who is -- well,
3 you said you had a canvas -- canvas of the
4 neighborhood?

5 A Yes.

6 Q What's the purpose of doing a canvas of the
7 neighborhood?

8 A To try and drum up additional leads. Find
9 out what kind of information is floating around the
10 neighborhood.

11 Q Were you able to drum up any new leads at
12 that point?

13 A Some rumors.

14 Q Okay. During the canvas -- what -- what --
15 where was the -- like how far out did you do the
16 canvas? What area did you do the canvas in?

17 A We did the entire block of Groton Street, as
18 well as a block to the west on Leitrim and parts of
19 Hartsville, which is the street to the next block,
20 the south of Groton.

21 Q After doing this, were you -- did you follow
22 up on any additional leads?

23 A Yes.

24 Q What was that?

25 A Well, we had received information that

1 somebody named G. Hanks had done the shooting.

2 Q Okay.

3 MR. MAYR: And I'm going to object,
4 Your Honor. It's the hearsay, the source of the
5 information, as well as violation of confrontation
6 clause at this point.

7 THE COURT: All right. Sustained.

8 MR. MAYR: And I'd ask that the jury be
9 instructed to disregard that last comment.

10 THE COURT: Jury's instructed to
11 disregard that last comment at this time.

12 Q (BY MS. COOPER) All right. So, you're
13 conducting your canvas and you get information -- you
14 get information that may possibly be another suspect;
15 is that right?

16 A Yes. Then we got information, like I said,
17 rumor that the victim may have been --

18 THE COURT: Yes. Yes. That was the
19 answer, yes. Go ahead.

20 Q (BY MS. COOPER) That there may be another
21 possible suspect? Are you able to -- and you get a
22 -- without going into the information that you got or
23 the name, do you get a possible street name or
24 nickname?

25 A Yes.

1 Q And what do you do -- just -- well, your
2 action?

3 A To clarify though, this was not directly
4 part of the canvas that you're talking about.

5 Q All right. But during this time, you get
6 information?

7 A Yes.

8 Q Do you -- what do you do with this nickname
9 that you get?

10 A We checked it against police databases for a
11 alias and for a partial real name. And we weren't
12 able at that time, to turn up anybody who seemed to
13 have any direct contact with the complainant.

14 Q Okay. And when was this?

15 A This was in the first couple of weeks of the
16 investigation, early June 2011.

17 Q Are you able to follow up on that particular
18 lead at that time?

19 A Somewhat.

20 Q All right. Do you eventually hit a
21 roadblock?

22 A Yes. We hit the roadblock that we couldn't
23 match that nickname to a name at that time.

24 Q Okay. And then as far as the canvas, are
25 you also talking to -- continuing to talk to family

1 members and friends of the complainant in this case?

2 A Yes, we were.

3 Q Now, while all this is going on, I want to
4 talk to you about May the 26th of 2011, which is the
5 day that Malik was sent to the sketch artist?

6 A Yes.

7 Q To do a sketch. How does this all get set
8 up?

9 A Officer Condon and I spoke about what our
10 findings were at the scene, and we believed that
11 Malik was a good enough witness to get with our
12 sketch artist and compose a composite sketch.

13 Q When -- after the sketch is done, do you get
14 a copy of it?

15 A Yes.

16 Q Do you -- does it match the verbal
17 description that he provided to you the night of the
18 murder?

19 A Yes, it does.

20 Q And what do you do with the sketch?

21 A The sketch was prepared with a Crime
22 Stoppers flier.

23 Q All right.

24 A To be disseminated.

25 Q And is it -- do you know or do you remember

1 whether or not it was actually disseminated?

2 A No, it was not.

3 Q Why not?

4 A Because we kept developing new people of
5 interest to look in to, and we didn't want that
6 information out on the street until we were able to
7 clear up that suspect.

8 Q Okay. At some point do you -- during -- as
9 you're following up on all these leads, do you
10 develop a person by the name of Chad Jones?

11 A Yes.

12 Q Why do you develop Chad Jones as a suspect,
13 or a person of interest.

14 A Because the night of the shooting, witnesses
15 reported hearing the name "Chad" being said by the
16 shooter outside, when he banged on the door.

17 Q How does he -- how do you get -- how do you
18 get his name?

19 A We asked his -- the victim's wife about any
20 associates that the victim may have named Chad. And
21 she said, he didn't have any relatives named Chad.
22 The only Chad that she knew of that he knew, was a
23 guy he used to make music with back in the '90s,
24 named Chad Jones.

25 Q All right.

1 MS. COOPER: May I approach the board,
2 Your Honor?

3 THE COURT: You may.

4 Q (BY MS. COOPER) Now, at this point, when you
5 develop Chad Jones, has Howard Ambush already been
6 ruled out as a suspect?

7 A Not completely. We were still waiting on
8 his phone records at that point.

9 Q Okay. But after you get the phone records
10 and all that?

11 A We didn't think Mr. Ambush was a good
12 suspect at that point though.

13 Q Okay. But eventually he's ruled out?

14 A Uh-huh.

15 Q And you develop -- or you start following up
16 on leads involving?

17 A Chad Jones.

18 Q Chad Jones.

19 Now, he's developed as a suspect --
20 well, you said because of the name provided by Tonie,
21 what else?

22 A Once we were able to identify which Chad
23 Jones she was talking about, we did find that he was
24 bald headed and was not dissimilar in stature to the
25 description given by Malik Brown.

1 Q I'm going to show you State's Exhibit No. 5.
2 I have a big picture printed on the -- but I want to
3 look at the No. 5 position.

4 A Uh-huh.

5 Q State's Exhibit No. 5. Who is this?

6 A Chad Jones.

7 Q All right. So you get Chad Jones as a
8 suspect and -- and what do you do?

9 A We began trying to find connections between
10 Mr. Jones and the victim. Because we were told by
11 the victim's wife that she had not seen Chad in
12 years. And as far as she knew, Keith did not have
13 much contact with him.

14 We also put Chad Jones in a photo
15 spread and showed it to -- or Officer Condon
16 presented it to Malik Brown.

17 Q All right. Why was Chad Jones put in a
18 photo spread?

19 A Because we thought he was close enough to
20 the description, and we didn't have much else to go
21 on to follow.

22 Q When a photo spread is put together, can you
23 describe to the jury the steps that you go through to
24 make sure that a photo spread is put together
25 properly?

1 A Yeah. You have to have a minimum of five
2 fillers, as there is in this picture here. So Chad
3 Jones will be the target, and you have five filler
4 photos that are composed of other photographs
5 selected likely to match the description of the
6 target. Similarities in race, age. And in this
7 case, everyone's wearing earrings because Mr. Jones
8 had earrings on in that photo.

9 Q All right. So is there is like Photo Shop
10 done or something to get earrings on?

11 A Yeah. It can be, yes. In this case it was.

12 Q All right. Now, when you -- do you ever put
13 -- or when you say "the target" what do you mean by
14 "the target"?

15 A Whoever the person of interest is. The
16 other five people in the photo spread are just
17 fillers. They're not anyone that's being
18 investigated.

19 Q Why wouldn't you put more than one target in
20 a photo spread?

21 A Because you'd raise the probability of a
22 misidentification.

23 Q Okay. So you put -- you put a target in and
24 then five fillers. Where do you get the fillers?

25 A Usually from the driver's license database

1 or from the mug shot database, the HPD mug shot
2 database of booking photos.

3 Q Is it important to make sure that the
4 fillers have similar characteristics to the target?

5 A Yes.

6 Q Why?

7 A Because you don't want the target to stand
8 out from the fillers, because it might encourage
9 someone to pick that individual over everyone else,
10 instead of because they recognize their face.

11 Q Okay. So Malik is shown a photo spread with
12 Chad Jones.

13 And when was that done?

14 A That was done on June 15th, 2011.

15 Q All right. And does Malik identify him?

16 A No. He did not make any identification on
17 that photo spread.

18 Q Was that important to your investigation?

19 A Sure.

20 Q Why?

21 A Because we believed Malik Brown was a good
22 witness. And we believed if Malik recognized the
23 shooter in the photo spread, he would have picked
24 him.

25 Q Is Chad Jones ruled out as a suspect?

1 A Yes, he was.

2 Q Why was Chad Jones ruled out as a suspect?

3 A Well, for the reason that I just mentioned.
4 Number one, Malik Brown did not pick him out of the
5 photo spread. Additionally, we could find no
6 evidence of any recent connection between him and the
7 victim. They knew each other from years ago. We
8 also spoke to each known associates of the two men,
9 and they said that there was never any problems in
10 the past.

11 MR. MAYR: Objection.

12 THE COURT: One second. One second.

13 MR. MAYR: As to hearsay.

14 THE COURT: Sustained at this time.

15 Q (BY MS. COOPER) All right. No
16 identification. You said no recent connection?

17 A Correct.

18 Q Or no recent contact?

19 A We also --

20 Q Hold on one second.

21 A Sorry.

22 Q All right. So no identification made by
23 Malik, who saw the shooter?

24 A Uh-huh.

25 Q There was no recent contact between Chad

1 Jones and the victim in this case?

2 A Correct.

3 Q What else?

4 A We were never able to develop any kind of
5 motive that Chad Jones would have to kill Keith
6 Brown.

7 Q Other than the name Chad and the physical
8 description, were you -- was there anything else that
9 made him a person of interest?

10 A No. We also found no connection between
11 Chad Jones and a maroon vehicle.

12 MS. COOPER: I'm going to mark this as
13 State's Exhibit No. 114.

14 Q (BY MS. COOPER) You said no maroon vehicle?

15 A Correct.

16 Q So is Chad Jones ruled out?

17 A Yes, he was.

18 Q Did you attempt to talk to Chad Jones back
19 in 2011?

20 A We attempted to locate him, yes.

21 Q Were you successful in that?

22 A No.

23 Q Did you have any idea where he was at that
24 time, where he was living?

25 A No. He had had a habit of hopping

1 addresses. We had numerous addresses on him. We
2 checked them. We never found him or any person who
3 seemed to know him at those addresses.

4 Q Did you get any indication that he was
5 trying to evade you?

6 A No.

7 Q Why not?

8 A Because we never made contact with anybody
9 that knew him, you know. And if we made contact with
10 somebody who know him, they refused to call or
11 refused to come in. I don't think of that being
12 evasive, but since we never made contact with him or
13 anybody who knew him, then, no, I didn't think he
14 was.

15 Q Did you recently -- were you recently able
16 to locate Chad Jones?

17 A I was.

18 Q And when was that?

19 A Just a couple of weeks ago.

20 Q All right. Did you talk to him?

21 A Yes.

22 Q Get a statement from him?

23 A Yes.

24 Q What was his demeanor like?

25 A His demeanor was helpful. I told him I was

1 there to talk to him about his friend KB that was
2 killed. He invited me in, said he would help in any
3 way he could.

4 Q All right.

5 MR. MAYR: You know, again, Your Honor,
6 I'm going to object to that last part being hearsay.

7 THE COURT: Sustained.

8 MR. MAYR: Oh, and instruct that the
9 jury disregard?

10 THE COURT: The jury's instructed to
11 disregard that last comment.

12 MR. MAYR: And, Judge, given the nature
13 of the hearsay that's been offered by this witness,
14 I'm going to move for a mistrial at this time?

15 THE COURT: All right. It's overruled.
16 It's denied.

17 Q (BY MS. COOPER) All right. So what was Chad
18 -- without going into what anyone -- what was said to
19 you, what was his demeanor like when you spoke with
20 him?

21 A Without going in anything that he said.

22 He seemed like he was --

23 MR. MAYR: I'm going to object to asked
24 and answered. She's already -- he's already asked
25 what his demeanor was. And again, if it's going to

1 be based upon hearsay, without this witness being
2 here for me to able to question, I object to it being
3 hearsay.

4 THE COURT: All right. Sustained.

5 Right now the witness says his demeanor
6 helpful. Now, next question.

7 Q (BY MS. COOPER) All right. Did -- okay.
8 After Chad Jones was ruled out, do you follow up on
9 any other leads?

10 A On Chad Jones?

11 Q No. When Chad Jones was ruled out as a
12 suspect --

13 A No. Yes. We followed up on other leads,
14 other people of interest, yes.

15 Q All right. Do you develop -- who's
16 another -- the other suspect that you developed?

17 A Timothy Harold Hatter.

18 MS. COOPER: Can I have just a moment,
19 Your Honor?

20 THE COURT: All right. We're going to
21 take a 15-minute break till 3:10.

22 Remember the instructions I gave you.
23 Do not discuss the case. Do not make any kind of
24 independent investigations. Just have a good break,
25 3:10 we'll resume. And Officer, you can take a