

1 skin. So when there is sheering of the skin surface,
2 an abrasion occurs. A bruise occurs when there is a
3 collection of blood underneath and causes -- that is
4 a bruise.

5 Q. Okay. The trauma to Patricia Asberry's
6 vagina and anus, are those abrasions?

7 A. No. Those are tears.

8 Q. In regards to the tears, can you give us
9 kind of a framework for the timing on those injuries?

10 A. Those would also be within six to 12 hours.

11 MR. PENEGUY: No further questions,
12 Judge.

13 MR. SCOTT: No further questions.

14 THE COURT: And you are excused.

15 Thank you so much for your time and testimony.

16 Next witness, please.

17 MR. PENEGUY: State will call Officer
18 Burton.

19 THE COURT: From the State.

20 JERALD BURTON,

21 having been first duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 Q. (BY MR. PENEGUY) Will you please introduce
24 yourself to the jury?

25 A. My name is Jerald Burton. I'm a sergeant

1 with the Houston Police Department.

2 Q. How long have you been with the Houston
3 Police Department?

4 A. Almost 25 years.

5 Q. Can you tell us briefly where you've been
6 assigned throughout your time at the police
7 department?

8 A. I patrolled for 18 years, in the jail, and
9 then now in the homicide for the last four years.

10 Q. Okay. And when did you make sergeant?

11 A. 2008.

12 Q. And have you served as a sergeant in the
13 homicide division?

14 A. Yes, I have.

15 Q. And as a homicide officer, have you
16 participated in many or few homicide investigations?

17 A. Many. Over 50.

18 Q. Are you currently a certified peace officer
19 in the State of Texas?

20 A. Yes, I am.

21 Q. I want to talk to you about an
22 investigation that took place back in 2012. Where
23 were you assigned then?

24 A. On the homicide day shift, murder squad 11,
25 at the time.

1 Q. What is a murder squad?

2 A. It's a group of officers and sergeants
3 under the supervision of a lieutenant. Investigate
4 murders, kidnappings, baby deaths, suicides.

5 Q. On June 8, 2012, were you called to assist
6 in a homicide investigation?

7 A. Yes, I was.

8 Q. Now, can you tell us the circumstances by
9 which you became involved in the homicide
10 investigation?

11 A. Two of our investigators had been called to
12 a murder scene the night before. I came into work,
13 and my lieutenant, Smith, asked me and Officer Abbey
14 to go back to the scene to conduct followup
15 interviews with witnesses. It happened in the middle
16 of the night, so we were going to go out there during
17 the day and interview witnesses during the day.

18 Q. In regards to this murder scene, what was
19 the address for the murder investigation?

20 A. 5126 Van Fleet.

21 Q. Where is Van Fleet?

22 A. In southeast Houston, in 14 district, as
23 far as I believe.

24 Q. Is it a location in Harris County, Texas?

25 A. Yes, it is.

1 Q. Now, Van Fleet Street, what types of homes
2 are out there?

3 A. Single story, single residence, small
4 homes. It's a residential area.

5 Q. Did you participate as a day shift officer
6 in any of the scene investigation that had taken
7 place, I guess, in the early morning hours of June 8,
8 2012?

9 A. I did not. That had already been completed
10 at that time.

11 Q. What was the status of 5126 when you got
12 out to that area?

13 A. There was numerous -- a crowd had gathered
14 in front of the residence.

15 Q. Did you ever go inside the residence?

16 A. I did not.

17 Q. Did you ever actually take any formal
18 statements from anybody that was out there at the
19 scene that day?

20 A. No formal statements, no, sir.

21 Q. What was the purpose of yours and Officer
22 Abbey's goal or being out there that day?

23 A. Well, they -- through different -- they
24 developed a name of a Ronald, a Ronald C. We didn't
25 have actually a known suspect at the time, so we were

1 going to go out and ask people on the street during
2 daylight hours, because it happened in the middle of
3 the night, more people are out, if they knew any
4 Ronald C. and fit the description we had.

5 Q. Did you have a general description of a
6 suspect?

7 A. Yes, a light-complected black male with
8 braids and a ponytail.

9 Q. You had this name, Ronald, and a name
10 starting with a C?

11 A. Ronald C. from different people. Some were
12 saying Ronald; some were saying the last name started
13 with a C.

14 Q. Had you talked to any of those witnesses
15 from the night before?

16 A. I had not, no.

17 Q. So when you're out there on that day, what
18 do you guys do?

19 A. Just go out there and started trying to
20 talk to people informally and ask them if they know
21 anyone -- you know, give the description, see if they
22 know anybody named Ronald or last name C.

23 Q. Over the course of that morning, did you
24 guys -- did you walk the street?

25 A. Yes, we did.

1 Q. Did you canvas the neighborhood?

2 A. Canvassed up and down on Van Fleet Street.

3 Q. What do we mean when we talk about canvas?

4 A. Witness canvas is where you approach
5 houses, people out on their yards, on the street, and
6 ask them information about the crime you're
7 investigating.

8 Q. During the course of your investigation,
9 did you develop a potential suspect?

10 A. When we had mentioned the name Ronald C.
11 someone had --

12 MR. SCOTT: If it please the Court,
13 we'd object. It's nonresponsive as well as hearsay.

14 THE COURT: Repeat the question.

15 Q. (MR. PENEГУY) Did you develop a potential
16 suspect?

17 A. We had a name, yes, sir.

18 Q. Were you able to do some research on that?

19 A. Correct, yes, sir.

20 Q. And where did you do that research?

21 A. Research was done back at the homicide
22 office.

23 Q. Where's your office located?

24 A. 1200 Travis on the sixth floor.

25 Q. Is that a location kind of in downtown

1 Houston?

2 A. Yes, sir.

3 Q. Were you able to develop a potential
4 suspect in the case?

5 A. Yes. Someone had also given us the name
6 of --

7 MR. SCOTT: If it please the Court,
8 we'd object. It's based on hearsay. The question
9 has a yes or no answer, Judge.

10 THE COURT: Sustained.

11 Q. (MR. PENEГУY) Did you develop a suspect?

12 A. Yes.

13 Q. And what did you do with the information
14 that you obtained?

15 A. Officer Abbey created a photo lineup
16 obtained from a mugshot of a suspect we had
17 developed.

18 Q. A photo lineup is kind of just basically a
19 piece of paper; is that correct?

20 A. At this time it was a piece of paper with
21 six different photos randomly selected, the actual
22 location.

23 Q. In regards to your investigation, what did
24 you do when you developed the photo array?

25 A. It was given to Sergeant Wilson to show to

1 one of the complainants in the case.

2 Q. Who is Sergeant Wilson?

3 A. He was a sergeant in the homicide division
4 at that time. James Wilson.

5 Q. And is he currently retired?

6 A. He has since retired, yes, sir.

7 Q. With the exception of the canvassing and
8 developing a suspect and completing a photo array,
9 was that really your participation in this
10 investigation?

11 A. That was our assigned task, was to canvas,
12 try to develop a suspect, and then turn it over to
13 the other investigators.

14 Q. Did you conduct any additional
15 investigation into the case on that date?

16 A. I did not.

17 MR. PENEГУY: Judge, I pass the
18 witness.

19 MR. SCOTT: No questions, your Honor.

20 THE COURT: You are excused, sir.

21 Thank you for your testimony.

22 Next witness, please.

23 MR. PENEГУY: Judge, we'll call J. J.
24 Wilson.

25 THE COURT: From the State.

1 J.J. WILSON,
2 having been first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 Q. (BY MR. PENEGUY) Sir, will you please
5 introduce yourself to the jury?

6 A. I'm a retired sergeant, J. J. Wilson,
7 Houston Police Department.

8 Q. How long have you been with the Houston
9 Police Department?

10 A. I retired last year with 27 years.

11 Q. And tell the jury some of the assignments
12 that you had with the Houston Police Department.

13 A. When I was -- when I retired, the last
14 three and a half years I worked in the homicide
15 division as a homicide sergeant on the murder squad
16 there.

17 Q. And kind of what are your responsibilities
18 as a sergeant assigned to the murder squad?

19 A. Well, we investigate criminal
20 investigations, everything from kidnappings to sexual
21 assaults, murders, whatever major crimes such as
22 that.

23 Q. In the course of your investigation
24 throughout your time with HPD, were you a certified
25 peace officer?