

1 All right. Welcome back, folks.

2 State, call your next.

3 MS. MAGNESS: State calls Sergeant
4 Cisneros.

5 THE BAILIFF: The witness has been
6 sworn, Your Honor.

7 THE COURT: All right. Have a
8 seat, sir.

9 You may proceed.

10 MS. MAGNESS: Thank you, Your
11 Honor.

12 **ELI CISNEROS,**
13 having been previously duly sworn, testified as
14 follows:

15 **DIRECT EXAMINATION**

16 **BY MS. MAGNESS:**

17 Q. Good afternoon, Sergeant.

18 A. Good afternoon.

19 Q. Introduce yourself to our jury, please.

20 A. My name is Eli Cisneros.

21 Q. And who do you work for?

22 A. The Houston Police Department.

23 Q. And how long have you been employed by
24 the Houston Police Department?

25 A. For 21 years.

1 Q. What division are you currently assigned
2 to?

3 A. Homicide Division.

4 Q. And how long have you been a Homicide
5 investigator?

6 A. For six years.

7 Q. You were tasked with working on this
8 homicide investigation, correct?

9 A. Yes.

10 Q. Up to this point we've had testimony
11 from so many people involved that I sort of want to
12 focus in on some very specifics as to the
13 investigation.

14 Okay. What would you consider the first
15 big break that you-all got in this case?

16 A. Well, the interview of Jalessa London
17 for me, yes.

18 Q. Okay. Let's --

19 MS. MAGNESS: May I approach the
20 witness, Judge?

21 THE COURT: You may.

22 Q. (By Ms. Magness) During the course of
23 the investigation, either you personally or the
24 other Homicide investigators interviewed various
25 witnesses, correct?

1 A. Yes.

2 Q. Now, obviously the interviews that you
3 conducted you have personal knowledge of. Did you
4 have an opportunity to review the information that
5 was obtained by the other investigators, interviews
6 of suspects or persons of interest in this case?

7 A. I did briefly. I had specific
8 assignments.

9 Q. Let's -- let's take a minute to sort of
10 put all of the information that -- that we've heard
11 through testimony together at this point.

12 Let's talk about the players. Jalessa
13 London, after being interviewed and providing
14 information, was Ms. London charged with the capital
15 murder of Phillip Little?

16 A. Yes.

17 Q. How about Timothy Robinson?

18 A. Yes.

19 Q. Did Mr. Robinson provide a voluntary
20 statement --

21 A. Yes.

22 Q. -- detailing his role in this capital
23 murder?

24 A. Yes.

25 Q. And was he, too, charged with the

1 capital murder of Phillip Little?

2 A. He was.

3 Q. How about Jacobe White?

4 A. Yes.

5 Q. Also provide a voluntary statement?

6 A. Yes.

7 Q. And based on the information provided in
8 that statement, was he charged with the capital
9 murder of Phillip Little?

10 A. Yes.

11 Q. All right. And, finally, there's the
12 Defendant in this case, Darryl Reed?

13 A. Yes.

14 Q. Based on the information that he
15 provided in his voluntary statement, was he charged
16 with the capital murder of Phillip Little?

17 A. Yes.

18 Q. Now, when each of these people gave
19 their voluntary statement, did they detail exactly
20 what their part in the common scheme was?

21 A. Yes.

22 Q. So with Jalessa London, what was her
23 role?

24 MR. CORNELIUS: Judge, that calls
25 for hearsay. Object to it.

1 THE COURT: Sustained.

2 MS. MAGNESS: May we approach,
3 Judge?

4 THE COURT: Yes, ma'am.

5 (*Bench proceedings.*)

6 MS. MAGNESS: Judge, I'm offering
7 this at this point as a statement against interest.
8 I don't know if Counsel is making a hearsay
9 objection or if he's specifically making some form
10 of confrontation clause objection, but Jalessa
11 describing on the whole -- because she's not
12 incriminating the Defendant. She's talking about --
13 it's an incriminating statement of herself. That's
14 a statement against interest which is a hearsay
15 exception.

16 MR. CORNELIUS: Okay. It's a
17 hearsay objection which is based on the Sixth
18 Amendment confrontation. That's why we have the
19 Hearsay Rule. And for them to be able to get her
20 statement into evidence without me being able to
21 cross-examine her I think is a violation.

22 THE COURT: I sustain the
23 objection.

24 MS. MAGNESS: Okay. And while
25 we're still up here, then I am going to ask rather

1 than approaching it that way, I am going to ask him
2 what the Defendant described each person's role as
3 because he does.

4 THE COURT: Okay.

5 MR. CORNELIUS: If it's on the
6 statement, then, yeah.

7 THE COURT: Yeah.

8 *(Bench proceedings concluded.)*

9 Q. (By Ms. Magness) Based on your
10 interview with Darryl Reed and the information that
11 he provided, what was Jalessa London's role in this
12 offense?

13 A. To place a phone call to Curtessa Levi
14 to order a pizza for them.

15 Q. All right. Based on what the Defendant
16 told you, what was Jacobe White's role in this
17 offense?

18 A. To participate in the actual robbery.

19 Q. And what about Timothy Robinson?

20 A. To participate in the robbery.

21 Q. Okay. When you compared Jalessa
22 London's statement, Jacobe White's statement and
23 Timothy Robinson's statement, are they all
24 consistent with each other?

25 A. Yes.

1 Q. Then we get a statement from Darryl
2 Reed. Let's talk about that. How is it that you
3 come to get -- how do you come into contact with
4 Darryl Reed to begin with?

5 A. During an interview with his sister,
6 Juvonia Hackett, at the conclusion of that interview
7 she received a phone call on her cell phone from
8 Mr. Reed and she notified me that her brother wanted
9 to speak to me so she handed her cell phone to me.

10 Q. And did you speak to the Defendant?

11 A. I did.

12 Q. And did he make any request of you?

13 A. He did.

14 Q. And what did he ask of you?

15 A. He asked if -- well, I introduced
16 myself, I told him who I was, and he introduced
17 himself and asked that I come to the Harris County
18 Jail to speak to him, that he wanted to speak to me
19 regarding this case.

20 Q. Now, he was in custody at the County
21 Jail on a matter unrelated to this capital murder,
22 correct?

23 A. That's correct.

24 Q. Did you proceed to the County Jail?

25 A. I did.

1 Q. And who went with you?

2 A. Sergeant Warren Meeler, another Homicide
3 sergeant.

4 Q. And do you recall what date it was that
5 you interviewed Darryl Reed?

6 A. That was November 4th, 2011.

7 Q. Prior to conducting the interview --
8 first of all, where did the interview occur?

9 A. The interview took place at the Harris
10 County Jail in the booking area downstairs. That's
11 an adjacent office, which is the booking sergeant's
12 office.

13 Q. So it is an open office. You aren't
14 communicating through the Plexiglass, like, for
15 instance, we have back in the holdover?

16 A. That's correct.

17 Q. Did you take with you a recording device
18 in order to record the interview?

19 A. I did.

20 Q. And was that device working properly?

21 A. Yes.

22 Q. And were you the operator of the
23 recording device?

24 A. Yes.

25 Q. And you know how to properly operate it?

1 A. Yes.

2 Q. All right. Previously I had you review
3 State's Exhibit No. 50. Is State's Exhibit No. 50
4 an exact duplicate of the original recording of that
5 interview?

6 A. Yes.

7 Q. There are no alterations or deletions?

8 A. No.

9 Q. Explain to the jury what the Miranda
10 warnings are.

11 A. It's the Texas statutory warnings which
12 advises him of his constitutional rights basically.
13 It's his rights to an attorney, his right to not
14 speak at all, his rights to terminate the interview
15 at any time; and it's clearly explained.

16 Q. And those Miranda rights, those Miranda
17 warnings, those are specific to a person who is in
18 custody, correct?

19 A. That's correct.

20 Q. And even though he wasn't in custody on
21 the capital murder case, you went ahead and gave him
22 his Miranda warnings out of an abundance of caution?

23 A. Yes.

24 Q. All right. Are those Miranda warnings
25 recorded on the Defendant's audio-recorded

1 statement?

2 A. Yes.

3 Q. Now, after reciting each of his
4 statutory rights to him, did you determine that he
5 understood the rights that you were communicating?

6 A. Yes.

7 Q. And did he indicate to you affirmatively
8 that he was willing to waive each of those rights
9 and talk to you about this case?

10 A. Yes.

11 Q. When you met with the Defendant in jail,
12 did he have the appearance that he was under the
13 influence of alcohol, a controlled substance or any
14 type of prescription medication?

15 A. No.

16 Q. Was he alert and oriented at the time
17 that you interviewed him?

18 A. Yes.

19 Q. Did he appear to have had adequate sleep
20 and wasn't suffering from any type of sleep
21 deprivation?

22 A. Yes.

23 Q. In your communication with the
24 Defendant, was there anything at all that indicated
25 to you that he was of below average intelligence or

1 that there was any form of learning disability?

2 A. No.

3 Q. Anything that would indicate to you that
4 he suffered from any form of mental retardation or
5 illness?

6 A. No.

7 Q. When you were talking with the
8 Defendant, was he able to express his ideas and
9 communicate effectively with you?

10 A. Yes.

11 Q. Did he have any trouble or did he appear
12 to have any trouble comprehending the things that
13 you were asking him?

14 A. No.

15 Q. Either prior to the actual recorded
16 interview or thereafter, did you make him any
17 promise of any type of benefit, leniency, anything
18 along those lines?

19 A. No.

20 Q. And did you exert any type of physical
21 force or pressure against him?

22 A. No.

23 Q. Anything in what you said or did that
24 would be construed as coercive or intimidating?

25 A. No.

1 Q. And the recording speaks for itself, but
2 did you afford him at the end of the interview an
3 opportunity to say anything more that he wanted to
4 say about this case?

5 A. Yes.

6 Q. I want to talk to you about interview
7 techniques and tactics. In voir dire we discussed
8 this some, and I want to talk about it specific to
9 this case.

10 First of all, did you ever say anything
11 to the Defendant that was untrue or that was a lie?

12 A. Yes, as far as having detailed
13 information in regards to the case, yes.

14 Q. Okay. Now, tell the jury the purpose of
15 telling the Defendant that. And before you answer
16 that, let me just -- let me establish one other
17 fact.

18 At the time that you interviewed Darryl
19 Reed, it's my understanding you had not yet
20 interviewed Timothy Robinson and Jacobe White; is
21 that correct?

22 A. That's correct.

23 Q. So you had only interviewed Jalessa
24 London, correct?

25 A. That's correct.

1 Q. All right. So the basis of your
2 knowledge other than what you gained independently
3 from other sources came from the information Jalessa
4 provided to you?

5 A. Yes.

6 Q. Okay. So now you're going to Darryl who
7 has invited you to come talk to him and you tell
8 Darryl what? And you don't have to be verbatim, but
9 generally speaking.

10 A. Part of the interview tactic that we use
11 is when we have limited information in regards to
12 what actually occurred -- it's permissible, it's
13 part of one of the interrogation tactics that we
14 use -- to actually lie and say that we know more
15 about the particular investigation than what we
16 actually do to see what we get in return.

17 Q. So, the benefit, then, is that your
18 suspect thinks you know more than you really do.
19 And I guess because he thinks you already know it,
20 he goes ahead and tells you?

21 A. That's correct.

22 Q. Okay. Now, in the course of
23 interviewing a suspect, do you ever utilize a tactic
24 where -- where you give them an out, you give them
25 some form of justification in order to encourage

1 them to tell you the truth?

2 A. Yes.

3 Q. Okay. Explain that to the jury.

4 A. We actually refer to that as themes.

5 With a theme what we're doing is actually
6 rationalizing the actions of the individual to
7 actually minimize what the person did to make it a
8 little bit easier for them to actually admit to what
9 it is that they've done.

10 Q. And so by minimizing their conduct, does
11 it make them more comfortable disclosing the truth?

12 A. Sometimes.

13 Q. And when you use that interview
14 technique, the technique of using a theme, are
15 you -- are you in agreement with it, I guess is my
16 question? Are you in agreement that there's a legal
17 justification or are you providing that as a tool to
18 the Defendant for him to be forthcoming and tell the
19 truth?

20 A. It's a tool.

21 Q. Okay. Now, in this case, when you
22 interviewed Darryl Reed, did you utilize that
23 tactic? Did you give him an out or use a theme?

24 A. I did.

25 Q. And what theme did you use?

1 A. I believe the theme that I used was that
2 sometimes people make mistakes.

3 Q. And when you use the terminology
4 "mistake" while interviewing Mr. Reed, I want to
5 make sure that we are clear. Are you in any way
6 communicating or suggesting that this was not
7 criminal conduct?

8 A. No.

9 Q. I believe also in the interview you
10 suggest at one point to Mr. Reed that this was an
11 accident. Explain to the jury why that that was
12 your word choice.

13 A. Same purpose. It's a theme. There's
14 multiple themes that we, as we're progressing
15 through the interrogation itself, that we'll kind of
16 zero in on. I used the word "mistake" as a theme
17 and I believe I used the word "accident" to
18 minimize, again, the actions of the individual who
19 committed the act.

20 Q. So when you use those two terms, I guess
21 the ultimate effect is that it -- it makes your
22 suspect more comfortable telling you what
23 happened --

24 A. Yes.

25 Q. -- if they think they have an excuse?

1 A. Yes.

2 Q. Approximately how long does this
3 interview last?

4 A. I believe it's a little over 20 minutes.

5 Q. Okay. Did you tell him that he was
6 being recorded?

7 A. Yes.

8 Q. And was the recording device clearly
9 visible in the room?

10 A. Yes.

11 Q. So from the moment that we start hearing
12 the recording on this disk, Darryl Reed is aware
13 that everything he's saying is being preserved?

14 A. Yes.

15 MS. MAGNESS: May I approach,
16 Judge?

17 THE COURT: Yes, ma'am.

18 Q. (By Ms. Magness) I'm going to show you
19 what's been marked for identification purposes as
20 State's Exhibit 50. Have you had an opportunity to
21 review that item?

22 A. Yes.

23 Q. And same general questions. It's an
24 exact duplicate of the original?

25 A. Yes.

1 Q. No alterations or deletions?

2 A. No.

3 MS. MAGNESS: Tendering State's
4 Exhibit 50 to opposing counsel.

5 (State's Exhibit No. 50,
6 Defendant's recorded statement, offered.)

7 MR. CORNELIUS: No additional
8 objections, Judge, to what was already raised.

9 THE COURT: All right. 50 is
10 admitted, and you may publish.

11 (State's Exhibit No. 50 admitted.)

12 MS. MAGNESS: Thank you.

13 Q. (By Ms. Magness) At any point prior to,
14 during or after this recording, did Darryl Reed ever
15 tell you that he wanted to terminate the interview
16 or that he wanted the advice of legal counsel?

17 A. No.

18 (State's Exhibit No. 50 published.)

19 Q. (By Ms. Magness) Let me stop the
20 recording right there.

21 It's a little tough to make out on the
22 recording; but does he say there, "We're at the
23 vacant house"?

24 A. He refers to a vaco, which he's
25 referring to the vacant house. Vaco.

1 Q. All right. Thank you.

2 (State's Exhibit 50 continued to be
3 published.)

4 Q. (By Ms. Magness) Let me stop that
5 there.

6 He makes the statement, "We can't do it
7 from Tim's phone because he cancelled an order
8 earlier today?"

9 Based on all the information that you
10 gathered in your investigation, can you expand an
11 that statement? Can you explain what that means?

12 A. Earlier in the day there was a phone
13 call made from Timothy's cell phone to Domino's
14 Pizza and the order was cancelled. And my
15 understanding is when you do that with a pizza
16 company that you were no longer eligible to receive
17 a delivery, to my understanding, at least for that
18 day.

19 Q. So that explains the necessity of having
20 somebody else call in the order for them?

21 A. Yes.

22 Q. And I guess also none of them using
23 their own phones so that the phone number doesn't
24 track directly back to the four of them?

25 A. Yes.

1 Q. And let me ask you, did you interview
2 Curtessa Levi?

3 A. Yes.

4 Q. Can you explain to the jury your
5 impression of her intellectual level of functioning
6 and maturity?

7 A. Very low. It's very low. It was
8 obvious to me that there was some sort of disability
9 going on.

10 Q. Based on your interaction with Curtessa,
11 would she necessarily have recognized that maybe she
12 was being used in this situation?

13 MR. CORNELIUS: That calls for a
14 conclusion, Judge. Objection.

15 THE COURT: Sustained.

16 MS. MAGNESS: I'm sorry, Judge. I
17 didn't hear your ruling.

18 THE COURT: Sustained.

19 Q. (By Ms. Magness) Is Curtessa's mental
20 functioning much lower than these other four
21 players?

22 A. Yes.

23 (State's Exhibit No. 50 continued
24 to be published.)

25 Q. (By Ms. Magness) All right. Let's stop

1 there.

2 So he's telling this story and at this
3 point we've got Cobe coming up with a plan and then
4 is he saying that Timothy is the one to suggest the
5 vacant house, that that's where they would lay in
6 wait?

7 A. Yes.

8 Q. Okay. But then the next statement is he
9 won't deliver to the vacant house, so use the house
10 next door?

11 A. Yes.

12 Q. Okay. So knowing what we know now,
13 obviously somebody had at least gone through the
14 trouble of knowing what the address to the occupied
15 house next to the vacant house was?

16 A. Yes.

17 Q. Okay. Let's continue.

18 (State's Exhibit 50 continued to be
19 published.)

20 Q. (By Ms. Magness) Let me pause it there.

21 So based on what he's saying -- you can
22 tell me if this impression is correct, but it sounds
23 like Jacobe's role is to act as if he's the
24 customer, that he's actually the one that's going up
25 there to pay for the pizza?

1 A. Yes.

2 Q. Okay. Let me just put that up there so
3 we know what everybody's doing (writing on chart).

4 Now, does he say that he and Timothy
5 come out from the bushes?

6 A. Yes.

7 Q. Okay. So I guess if Jacobe is acting as
8 the paying customer, understanding he doesn't have
9 any money and has no intent to pay, that's -- I
10 guess he is the distraction so that Phillip is
11 paying attention to Jacobe and not to Timothy or
12 Darryl?

13 A. Yes.

14 Q. Okay.

15 (State's Exhibit No. 50 continued
16 to be published.)

17 Q. (By Ms. Magness) Okay. I want to stop
18 again.

19 When he says in the statement that
20 somebody is saying, "Come on, man, please, please,"
21 is he referring to Timothy or is he referring to
22 Phillip?

23 A. Phillip.

24 Q. Okay. And let me just back it up
25 because I want to listen to this part one more time.

1 (State's Exhibit 50 continued to be
2 published.)

3 Q. (By Ms. Magness) Let me stop.

4 So Darryl Reed is telling you that
5 Timothy is the one who's firing?

6 A. Yes.

7 Q. And that he's firing there next to the
8 car as Phillip's trying to drive away?

9 A. Yes.

10 Q. The next statement that he makes is that
11 Tim runs after the car and continues firing?

12 A. Yes.

13 Q. Now, if Phillip is turning from Madden
14 Street onto MLK and the shooter is running after him
15 continuing to fire, is that an explanation as to why
16 the additional casings may not have been right there
17 in the driveway?

18 A. It could be.

19 (State's Exhibit 50 continued to be
20 published.)

21 Q. (By Ms. Magness) Let me just ask you a
22 question.

23 You're watching him tell you this story.
24 As you're watching him and he's telling you this
25 story, are you believing him?

1 A. No.

2 Q. What was it about either his attitude or
3 his demeanor or the story itself that caused you to
4 doubt the truthfulness of what he was saying?

5 A. I've been doing this for a long time and
6 instinct, plus he was very animated as he was
7 explaining it. It just didn't sit right.

8 (State's Exhibit No. 50 continued
9 to be published.)

10 Q. (By Ms. Magness) Let me ask you a
11 question because I've noticed it more than once
12 during this interview.

13 There are times when he answers
14 questions that are posed to him or is providing you
15 information where his voice, for lack of a better
16 way of saying it, gets higher, higher pitch. What
17 have you learned from your experience that's
18 indicative of?

19 A. Of a lie.

20 (State's Exhibit No. 50 continued
21 to be published.)

22 Q. (By Ms. Magness) Now, here's the point
23 in the interview -- I guess at this point you feel
24 like he's not being truthful with you?

25 A. Yes.

1 Q. So let's establish what -- what you did
2 know. When you represented to him "I don't believe
3 it was Tim who did the shooting. It was you," was
4 that your honest belief based on the information you
5 had gathered?

6 A. Yes.

7 Q. Okay. And when you used the terminology
8 that mistakes were made and that this was an
9 accident, is that one of the interview -- the
10 accepted interview tactics that you've told the jury
11 about?

12 A. Yes.

13 Q. The point of that is to, I guess, call
14 him out on the fact that you don't think he's being
15 truthful?

16 A. Yes.

17 Q. But you give him an out to minimize his
18 own conduct?

19 A. Yes.

20 (State's Exhibit No. 50 continued
21 to be published.)

22 Q. (By Ms. Magness) Let me stop you there.

23 We've got his voice going up an octave
24 again. You're watching him saying he's -- he was
25 really just trying to shoot at the tires. Are you

1 buying that explanation?

2 A. No.

3 (State's Exhibit No. 50 continued
4 to be published.)

5 Q. (By Ms. Magness) So based on his own
6 statements, Darryl Reed admits to you that he is the
7 shooter in this capital murder?

8 A. Yes.

9 Q. And when he finally comes clean, he says
10 Tim had the .45, I guess Jacobe has the .25, but
11 says Jacobe never even pulls his gun?

12 A. That's right.

13 Q. And he, of course, has what we now know
14 is the murder weapon, which is the .9 millimeter?

15 A. Yes.

16 Q. The interview itself, in its entirety,
17 22 minutes and 56 seconds. In about the last 54
18 seconds of the interview, he expresses some remorse
19 for the fact that Phillip Little is dead. Other
20 than that portion of the interview, but before he
21 even started, was there any point that he ever said
22 he was sorry or expressed any kind of concern for
23 Phillip Little at all?

24 A. No.

25 Q. Now, you've got the benefit of the big

1 picture because you know what each of these people's
2 statements said. You know what the Defendant's
3 statement contains and now we do, too. You've
4 evaluated the physical evidence. In your opinion,
5 based on your training and your experience and your
6 investigation, tell us what happened that night.

7 MR. CORNELIUS: Objection, Your
8 Honor. That's pure opinion, and he's not an expert
9 on predicting things like that.

10 MS. MAGNESS: I'm going to
11 disagree. He's an expert on homicides, criminal
12 investigations.

13 THE COURT: Overruled.

14 MR. CORNELIUS: Well, let me refine
15 my objection, if I might.

16 If you're going to -- if I'm
17 understanding it, he's going to be allowed to
18 testify as to physical events. I want to object,
19 though, further if he's going to start giving the
20 jury the benefit of reading people's minds and why
21 they did things. So I'm -- I have a specific
22 objection to that, if he's going to be allowed to go
23 into that.

24 THE COURT: Well, he can answer as
25 to what his conclusions are based on the evidence he

1 collected and his investigation.

2 MR. CORNELIUS: Okay.

3 Q. (By Ms. Magness) Let me ask it more
4 specifically.

5 When Darryl Reed first starts telling
6 you what happened out there that night, he is
7 specific and he is detailed and -- and he's
8 forthcoming. Really the only difference is he says
9 it's Timothy that's the shooter?

10 A. Yes.

11 Q. Now, when you evaluate that portion of
12 the statement, do you feel like, but for making Tim
13 the shooter instead of himself, do you feel like he
14 was telling the truth about what actually happened?

15 A. Yes.

16 Q. When it comes to the point where he's
17 finally going to give it up and admit he was the
18 shooter, does he then start minimizing his own
19 conduct?

20 A. Yes.

21 Q. Do you see the person in the courtroom
22 today that you interviewed on November the 4th of
23 2011?

24 A. I do.

25 Q. And is that the same individual who you

1 interviewed who admitted to you that he attempted to
2 rob and caused the death of Phillip Little?

3 A. Yes.

4 Q. Will you point to him and please
5 identify him by his clothing?

6 A. This is Darryl Reed sitting next to his
7 attorney wearing the white, long-sleeved shirt with
8 the vest, dark-colored vest (indicating).

9 MS. MAGNESS: If the record could
10 reflect that he has identified the Defendant in this
11 case, Darryl Reed?

12 THE COURT: It will so reflect.

13 MS. MAGNESS: And I pass this
14 witness.

15 THE COURT: Mr. Cornelius?

16 **CROSS-EXAMINATION**

17 **BY MR. CORNELIUS:**

18 Q. Sergeant Cisneros, we've talked about
19 this case briefly outside the presence of the jury,
20 correct?

21 A. Yes, sir.

22 Q. Okay. So you're saying the Defendant
23 minimized his role?

24 A. Yes.

25 Q. Okay. Did I hear him say, "I get things

1 wrong all the time," but he said he shot four times
2 through the back window?

3 A. Yes.

4 Q. Okay. Now, you didn't go out to the
5 scene, did you?

6 A. No, I did not.

7 Q. Did you go to the Print Stall or the
8 Dart Lot?

9 A. No.

10 Q. You've seen the pictures of that stuff?

11 A. Yes.

12 Q. Okay. Well, we know that only one shot
13 was fired through the window, don't we?

14 A. Yes.

15 Q. He didn't fire four times through that
16 window, did he?

17 A. No.

18 Q. So if he's telling you that he shot four
19 times through the window, that's not minimizing his
20 role, is it?

21 A. Not that portion.

22 Q. Well, that's, like, the most significant
23 thing this -- only one shot struck this man,
24 Mr. Little. I mean, it's, like, the most important
25 possible thing that the jury could have to consider

1 in the case. Would you not agree with me?

2 A. I disagree with the portion of
3 minimizing shots being fired at a tire instead of
4 the back window. I understood that as minimizing
5 his role.

6 Q. Okay. All right. I follow what you're
7 saying. You're just not going to believe that he
8 shot at the tires -- that he shot at the tires?

9 A. Right.

10 Q. But if he's saying he was shooting at
11 the tires four times and four times the shots
12 accidentally went through the back window, that's
13 not -- maybe the tire part might be, at least in
14 your mind, but saying he shot four times -- shot the
15 man four times is not minimizing? It's four times
16 more than the guy got shot, right?

17 A. Well, he's saying he shot four times
18 through the window, not necessarily the person four
19 times.

20 Q. Okay. Is it your understanding that the
21 scene from where the shooting occurred and where the
22 car crashed is almost a half a mile away? Did you
23 ever look at the map?

24 A. No, I did not.

25 Q. Okay. So you -- then you wouldn't have

1 an opinion on whether it's even possible for him to
2 have seen where the car crashed?

3 A. No.

4 Q. Okay. Did you see the picture of what
5 may have been another bullet strike on the side of
6 the car?

7 A. Yes.

8 Q. And you know from, I guess, from seeing
9 the pictures and talking to people that the bullet
10 that actually entered the car came in from the
11 driver's side side window of the car, not the back
12 of the car, but the side window. You know that,
13 right?

14 A. I'm not aware of that.

15 Q. Did you think he shot through the back
16 of the car, the back was blown out?

17 A. I didn't have any knowledge of actually
18 where the entrance wounds were or any of that, no.

19 Q. Okay. It really didn't take much for
20 you to be able to get him to turn away from saying
21 Tim was the shooter and admit that he was the
22 shooter. You let him kind of tell his story, which
23 is an interview technique also, to try to get as
24 much out of him as you can get out of him, correct?

25 A. Yes.

1 Q. And then it really didn't take much for
2 you to turn him around and for him to admit that he
3 was the shooter, did it?

4 A. No.

5 Q. Do you know if there was ever any
6 attempt for HPD, anybody, Crime Scene Unit or one of
7 the Homicide investigators or somebody, a ballistics
8 person or someone to ever go back out to the scene
9 where the shooting occurred to see if there were
10 more bullet --

11 (*Computer sound.*)

12 MS. MAGNESS: Sorry.

13 MR. CORNELIUS: No problem.

14 (*Brief pause.*)

15 Q. (By Mr. Cornelius) -- to see if there
16 were any more bullet strikes that could be located,
17 either in the street or anywhere out there where
18 this shooting occurred?

19 A. I'm not aware if they did or didn't. I
20 didn't participate in that.

21 Q. So, that's nothing you've ever read or
22 been told that indicated that HPD went back out
23 there looking for other bullet strikes?

24 A. Not that I'm aware of.

25 Q. All right. And the same for other spent

1 shell casings, any attempt that you know of to go
2 back out and find other spent shell casings?

3 A. Not that I'm aware of.

4 MR. CORNELIUS: Could I look at the
5 evidence for a second, Judge?

6 THE COURT: Yes, sir.

7 MR. CORNELIUS: I don't think I
8 need the system. I'll just show it to him.

9 May I approach the witness?

10 THE COURT: Yes, sir.

11 Q. (By Mr. Cornelius) Let me show you
12 what's in evidence as State's No. 62. Do you
13 recognize that picture?

14 A. Yes.

15 Q. You've actually seen that before?

16 A. I've seen this one picture, yes.

17 Q. Let me -- can I just hold it up in front
18 of the jury? They've seen it, but just to refresh
19 their memory what we're talking about here.

20 That's a picture of the car that
21 Mr. Little was driving allegedly, correct?

22 A. Yes.

23 Q. And when you saw that -- now that you
24 see that picture, can you see the bullet strike that
25 actually went through the back driver's side window?

1 A. Yes.

2 Q. And can you see that the back window or
3 the back glass, we'll call it, of the car is not
4 shattered in any way?

5 A. The main back window? Is that what
6 you're referring to?

7 Q. Yeah.

8 A. Yes, that's correct.

9 Q. And do you see a mark on the side of the
10 car that might be another -- in that back driver's
11 side door that might be another bullet strike?

12 A. Yes.

13 Q. Okay. All right.

14 And you see where that is on that door,
15 right?

16 A. Which bullet? The lower one you're
17 referring to?

18 Q. Yeah.

19 A. Yes.

20 Q. Okay.

21 MR. CORNELIUS: I'll pass the
22 witness.

23 MS. MAGNESS: No further questions.

24 THE COURT: All right. May this
25 witness step down, be excused?

1 MS. MAGNESS: Yes.

2 MR. CORNELIUS: Yes.

3 THE COURT: All right. State?

4 MS. MAGNESS: State of Texas rests.

5 THE COURT: Mr. Cornelius?

6 MR. CORNELIUS: Could I have a

7 minute to talk to my client, Judge?

8 THE COURT: Yes.

9 Why don't we send you out to take a
10 five-minute break and we'll bring you back when
11 we're ready.

12 THE BAILIFF: All rise for the
13 jury.

14 (*Jury retired.*)

15 (*Brief recess.*)

16 THE COURT: All right. While the
17 jury is out, the State has rested -- we didn't get
18 the Defendant. Never mind.

19 (*Brief pause.*)

20 THE COURT: All right. Have a
21 seat, Mr. Reed.

22 (*Defendant in courtroom.*)

23 THE COURT: All right. The jury is
24 out. The State has rested.

25 Mr. Cornelius, off the record while