

1 THE BAILIFF: Your Honor, this
2 witness has not been sworn.

3 THE COURT: Would you raise your
4 right hand?

5 (Witness sworn.)

6 THE BAILIFF: Go up on the witness
7 stand.

8 THE COURT: Let's proceed.

9 **RAUL DE LA CRUZ,**

10 having been first duly sworn, testified as follows:

11 **DIRECT EXAMINATION**

12 **BY MR. MULDROW:**

13 Q. Can you please state your name for the
14 ladies and gentlemen of the jury?

15 A. Raul de la Cruz.

16 Q. How are you employed, Officer de la
17 Cruz?

18 A. I'm a police officer working for the
19 City of Houston.

20 Q. How long have you been a police officer
21 working with the City of Houston?

22 A. December will be 19 years.

23 Q. What kind of training did you have
24 before you became a police officer?

25 A. I went through a six-month academy.

1 They teach you how to shoot a gun, how to drive
2 fast, traffic laws, criminal laws. Basically
3 prepare you to be a police officer.

4 Q. And since that time have you had
5 on-the-job training?

6 A. Yes.

7 Q. What position with the Houston Police
8 Department are you currently assigned to?

9 A. I work at the northeast station. I'm a
10 patrol officer assigned to the night shift.

11 Q. Were you a patrol officer on May 26th,
12 2011?

13 A. Yes, I was.

14 Q. What are your duties as a patrol
15 officer?

16 A. As a patrol officer, we wait to be
17 dispatched by the dispatcher. We receive calls with
18 regards to burglaries, robberies; and basically we
19 patrol all night until we get dispatched.

20 Q. Are you dispatched from time to time to
21 homicides?

22 A. Yeah, not as often but, yeah, I am.

23 Q. I understand.

24 On May 26th of 2011, were you dispatched
25 to Orleans Street?

1 A. Yes, I was.

2 Q. Is it 12909 Orleans?

3 A. Yes, sir.

4 Q. Is that a residence in Harris County,
5 Texas?

6 A. Yes, it is.

7 Q. What were you dispatched to? What was
8 the call for?

9 A. The call over the radio was a cutting in
10 progress at 12909 Orleans, a residence.

11 Q. Were you the primary officer on that
12 call?

13 A. Yes, I was.

14 Q. Were you the first officer to arrive on
15 the scene?

16 A. No, sir, I wasn't. There was a patrol
17 car there already.

18 Q. Who was in that patrol car that arrived
19 there first?

20 A. It was Officer Murphy and Officer Tovar.

21 Q. Did you arrive -- about how long after
22 then did you arrive on the scene?

23 A. Couple of minutes after they did.

24 Q. When you got there, can you describe
25 what you saw for us?

1 A. When I pulled up on the -- on Orleans,
2 Orleans is a east and west street. The house is
3 located on the north side of the street. There was
4 a patrol car and paramedics already there. Officer
5 Tovar already had the suspect, the defendant, in
6 custody handcuffed. I went inside. There was an
7 older lady, the mother of the deceased, she was in
8 there crying. Three -- the three kids were crying.
9 To the right there was an open door leading to a
10 bedroom and I saw the deceased laying next to a bed
11 with her throat cut.

12 MR. MULDROW: May I approach the
13 witness?

14 THE COURT: You may.

15 Q. (By Mr. Muldrow) I'm going to show you
16 what's been marked as State's Exhibit No. 6 which is
17 a diagram of that residence. Can you tell us -- you
18 said there was an elderly lady and three children.
19 Where were they at in that residence?

20 A. Where is the street? Where is Orleans
21 at?

22 Q. (Indicating).

23 A. Okay. When I walked in, they were right
24 here to the left.

25 Q. In the living room area?

1 A. Yeah.

2 Q. Were all four of them in there?

3 A. Yes.

4 Q. Okay. When you're dispatched to a
5 homicide call, what is your part in the
6 investigation or what do you do?

7 A. My part is to basically make sure the
8 scene is safe, assess the situation; and on a murder
9 scene like this, contact Homicide Division.
10 Basically secure the scene so nobody contaminates,
11 so nobody comes in and out and moves stuff around.
12 That's basically it.

13 Q. Do you conduct any witness interviews?

14 A. No, I don't.

15 Q. Did you gather evidence or anything like
16 that?

17 A. No, no. If I see it, I'll secure it or,
18 you know, I'll have somebody watch it. Like, if it
19 has a gun involved, you know, I just basically
20 secure everything until they get there. You know,
21 Crime Scene, they do all that.

22 Q. How did you go about securing this
23 scene?

24 A. We put crime scene tape inside the house
25 and then at a later time we had to move the

1 witnesses out and while they were there, we kept
2 them in the living room. They couldn't wander about
3 and stuff so that, you know, wouldn't have blood
4 everywhere and stuff because there was a lot of
5 blood there.

6 Q. You stated there was an elderly lady and
7 three children in the living room. Were you able to
8 locate the suspect?

9 A. Yeah. Well, Officer Tovar and Murphy
10 had already placed him in cuffs and they were in the
11 back already and they moved him into the patrol car.

12 Q. So he was already in custody before you
13 arrived on the scene?

14 A. Yes, he was.

15 Q. The fact that you said you put crime
16 scene tape up, secured the witnesses and the
17 suspect, what else did you do as part of securing
18 this scene?

19 A. I contacted Sergeant Bridges of Homicide
20 and I did that so he could contact the Homicide
21 investigators who were on call along with the Crime
22 Scene Unit and after that I just wait for them to
23 get there. I tell them what I just told you,
24 basically the scene that I have and I'll turn it
25 over to them.

1 Q. Did officers with Homicide make the
2 scene?

3 A. Yes, they did.

4 Q. And did they conduct an investigation?

5 A. Yes, sir, they did.

6 Q. After they got there, what other role
7 did you play there at the scene or in this
8 investigation?

9 A. I just -- I waited until they did what
10 they had to do, take pictures, measuring everything
11 and once they're gone, I'm gone.

12 Q. You stated that there were the four
13 individuals that were in the living room?

14 A. Yes, sir.

15 Q. Was there anyone else in the residence?

16 A. When I first got there, no.

17 Q. Okay. Did anybody else show up later?

18 A. Yes, the brother of the lady that got
19 killed.

20 Q. Okay. Was he there when you arrived or
21 did he show up later?

22 A. He showed up later.

23 Q. Do you remember how much later he showed
24 up?

25 A. I couldn't say.

1 Q. Can you describe the demeanor of the
2 people in the living room, the three children and
3 the mother of the complainant?

4 A. Oh, they were in tears. You know,
5 everybody was.

6 Q. Did you see anything on their clothing
7 or on their body?

8 A. I think the elderly lady had a little
9 blood on her and one of the kids or two of the kids
10 had blood on them.

11 Q. After Homicide arrived and then
12 departed, did you have any further part in this
13 investigation?

14 A. No, no, sir.

15 MR. MULDROW: Pass the witness.

16 THE COURT: Mr. Decuir.

17 MR. DECUIR: No questions.

18 THE COURT: Thank you, sir.

19 May this witness be excused?

20 MR. MULDROW: Yes, Your Honor.

21 MR. DECUIR: Yes, sir.

22 THE COURT: Thank you, sir. You
23 may be excused.

24 Call your next.

25 MR. MULDROW: At this time the

1 State call officer Tovar.

2 THE BAILIFF: Your Honor, this
3 witness has not been sworn.

4 THE COURT: Raise your right hand,
5 please.

6 (Witness sworn.)

7 THE COURT: Let's proceed.

8 **NAT TOVAR,**

9 having been first duly sworn, testified as follows:

10 **DIRECT EXAMINATION**

11 **BY MR. MULDROW:**

12 Q. Can you introduce yourself to the ladies
13 and gentlemen of the jury?

14 A. Yes. My name is -- I'm Officer Nat
15 Tovar. I work for the Houston Police Department.
16 I've been on about 18 years approximately. I'm in
17 Patrol, patrol officer out of the northeast.

18 Q. And you've been on patrol your entire 18
19 years?

20 A. That's correct, yes, sir.

21 Q. What are your duties as a patrol
22 officer?

23 A. Run calls for service.

24 Q. On May 26th, 2011, were you dispatched
25 to a call on Orleans Street?