

1 MR. CORNELIUS: No questions.

2 THE COURT: May this witness be excused?

3 MS. FULLER: Yes, Your Honor.

4 MR. CORNELIUS: Yes, Your Honor.

5 THE COURT: Thank you, Mr. Davis. You're free
6 to go.

7 THE WITNESS: You're welcome.

8 THE COURT: Take care.

9 THE WITNESS: You're welcome.

10 THE COURT: Call your next witness, please.

11 MS. FULLER: Yes, ma'am. Officer Elkin.

12 THE COURT: If you would, please state and
13 spell your name for my court reporter.

14 THE WITNESS: Officer Elkin, E-L-K-I-N, first
15 name Jeffrey, J-E-F-F-R-E-Y.

16 THE COURT: You may proceed.

17 **JEFF ELKIN,**

18 having been first duly sworn, testified as follows:

19 **DIRECT EXAMINATION**

20 Q. (BY MS. FULLER) Good morning, Officer Elkin. How
21 long have you been with the Houston Police Department?

22 A. About two and a half years.

23 Q. Okay. Prior to the Houston Police Department and
24 becoming a police officer, what did you do?

25 A. I was in the Marines. I was an infantryman in the

1 Marine Corps.

2 Q. Okay. How long were you in the Marines?

3 A. For four years.

4 Q. Were you ever deployed?

5 A. Yes, ma'am, I was deployed twice for seven months
6 each time to Iraq.

7 Q. Okay. You said you were infantry in the Marines?

8 A. Yes, ma'am.

9 Q. Okay. So, after serving time in the Marines and
10 getting out, what did you do next?

11 A. I got out and I went to college for a little bit,
12 did marketing for a sports nutrition company and then I
13 applied for the police department.

14 Q. Okay. When you applied to the police department
15 and you're accepted, what are the first things the Houston
16 Police Department does?

17 A. First off you go to the police academy, which is
18 about six months. While you're in there, they're teaching
19 you the laws, they're teaching you the elements of each
20 crime, you're also getting your firearms training and
21 physical fitness.

22 Q. Okay. And once you -- do you graduate from the
23 academy? Is that fair to say?

24 A. Yes, ma'am, you graduate and then you get put on
25 six months probation period while -- and you have a field

1 trainer. At that time you're pretty much having the
2 practical application, what you were taught in the academy
3 out in the field, like on the streets.

4 Q. Okay. And you're paired up with a more senior
5 officer at this point?

6 A. Yes, ma'am.

7 Q. Okay. Is that during the six-month probationary
8 period?

9 A. Yes, ma'am.

10 Q. Okay. After the six-month probationary period,
11 what happens next?

12 A. Then you get assigned your unit number or beat and
13 you're in the patrol division.

14 Q. Okay. Do you know approximately when you were off
15 of your probationary period and assigned your beat?

16 A. Approximately March of 2010.

17 Q. Okay. And at that time are you assigned a shift
18 that you work?

19 A. Yes, ma'am, evening shift.

20 Q. You work evening shift?

21 A. Yes, ma'am, northeast.

22 Q. Northeast. Okay. What shift did you work for
23 evening shift?

24 A. I worked the early side; so, it was 2:00 PM to
25 10:00 PM.

1 Q. Okay. Now, in June of 2010 -- well, let me back
2 up. Can you tell us a little bit about what a patrol
3 officer does?

4 A. For instance, patrol, when a citizen calls 911 and
5 needs the assistance of the police officers, we're going to
6 go out there and assist them, whether it's a burglary call,
7 a family disturbance, we're going to go out there and assess
8 the situation, see what we have to do.

9 Q. Now, in June of 2010, were you working in June?

10 A. Yes, ma'am.

11 Q. And what was your beat in June?

12 A. 7 District 20 beat, which is down by 59/I-10 area.

13 Q. Okay. Were you working patrol at that time?

14 A. Yes.

15 Q. Do you recall June 25th, 2010, working on that day?

16 A. Yes, ma'am.

17 Q. Okay. Can you tell us a little bit about what
18 happened that day?

19 A. I called out to go eat lunch at Subway with another
20 officer and as we were sitting in the Subway, we were
21 approached by a black male by the name of Kenneth Davis.

22 Q. Okay. Let me stop you there. Do you know where
23 the location of the Subway was?

24 A. Yes, ma'am, on Tidwell.

25 Q. On Tidwell. Okay.

1 A. The 2900 block of Tidwell.

2 Q. Okay. So, you were approached by Kenneth Davis?

3 A. Yes, ma'am.

4 Q. And what were you told?

5 A. He states that he was walking through some woods,
6 stated he was about to use the restroom and he thought he
7 walked across a body of bones.

8 Q. Okay. What did you do after being told that?

9 A. Originally he tried to describe to us where it was
10 located and stuff, so, but he couldn't give us really good
11 directions. So, me and that other officer, we put Mr. Davis
12 into Officer Glover's patrol car and we had Mr. Davis show
13 us exactly where it was.

14 Q. Okay. Can you tell us what the address of the
15 location was that he took you to?

16 A. Yes, ma'am. He took us to the 6100 block of Frisco
17 which is actually out of my area, which is North Shepherd's
18 area.

19 Q. Okay. It's out of your area but is it in Harris
20 County, Texas?

21 A. Yes, ma'am, it's in the city of Houston also.

22 Q. Okay. Now, he takes you to the 6100 block of
23 Frisco. When you get there, can you describe for us what
24 you see?

25 A. I get there; we walk into the woods -- I don't

1 know -- maybe 15, 20 feet, to my memory, and I see what
2 appears to be human body remains or bones.

3 Q. Okay. How did you know that it was human versus
4 animal?

5 A. You could see a skull and you could see the rib
6 cages and stuff. I was pretty confident that was human
7 remains.

8 Q. Okay. If you look to your -- up on the screen,
9 State's Exhibit 3 is up. Can you point out the location
10 that Mr. Davis took you to?

11 A. It's going to be right here where the A is.

12 Q. Okay.

13 A. Right there.

14 Q. And can you describe for us what that area looks
15 like?

16 A. In between Frisco and the Hardy Toll Road it's a
17 very wooded area and you can see there's trails where people
18 walked in and out but other than that, it's a wooded area in
19 between there.

20 Q. Okay. And there's a lot of freeways up on State's
21 Exhibit 3. Are those ground level freeways or are they
22 raised?

23 A. To my memory I believe they're raised.

24 Q. Okay. And you said that you walked about 15 to
25 20 feet into -- is it woods?

1 A. To my memory, yes, ma'am.

2 Q. Okay. Was it closer to the street? The remains?
3 Were they closer to the street or were they pretty deep into
4 the woods?

5 A. They were -- I mean, there was definitely woods in
6 between the street and where I found the remains where the
7 woods were actually -- would actually cover up from anybody
8 just driving by.

9 Q. Okay. Did you notice any odor out there?

10 A. No, not to my memory.

11 Q. You said that you saw bones. Did you see any
12 flesh?

13 A. Not to my memory, no, ma'am.

14 Q. When you got out there and you found the remains,
15 what did you do next?

16 A. I called homicide division, let them know what I
17 saw and they told me to hold the scene and that they were
18 going to send out the crime scene unit and some
19 investigators would be making the scene also.

20 Q. Okay. When they say, "hold the scene," what does
21 that mean?

22 A. Means secure it, put crime scene tape up, don't let
23 anyone come in that scene so it doesn't get ruined by
24 someone walking in it.

25 Q. Did anyone, in fact, walk through that area while

1 you were there?

2 A. No, ma'am.

3 Q. At some point were you allowed to leave that scene
4 and go back to your beat?

5 A. Yes, ma'am, some other officers from that area came
6 and relieved me. Before I left, though, homicide
7 investigators and CSU had made the scene.

8 Q. Okay. Once it was released off to other officers,
9 you were free to go off to your area?

10 A. Yes, ma'am.

11 MS. FULLER: Pass the witness.

12 MR. CORNELIUS: No questions.

13 THE COURT: May this witness be excused?

14 MS. FULLER: Yes, Your Honor.

15 MR. CORNELIUS: Yes, Your Honor.

16 THE COURT: Thank you, Officer. You're free
17 to go.

18 THE WITNESS: Thank you, Judge.

19 THE COURT: Call your next witness, please.

20 MS. FULLER: State calls Roger Rowland.

21 THE COURT: Right up here, please,

22 Mr. Rowland, if you would have your seat. And would you
23 please state and spell your name for my court reporter.

24 THE WITNESS: Roger Rowland, R-O-W-L-A-N-D.

25 THE COURT: You may proceed.