

1 THE COURT: State, call your next.

2 MS. MAGNESS: State calls Officer
3 Hutson.

4 THE COURT: Come up, Officer. Have
5 a seat, please.

6 You may proceed.

7 MS. MAGNESS: Thank you, Judge.

8 **KEITH HUTSON,**

9 having been first duly sworn, testified as follows:

10 **DIRECT EXAMINATION**

11 **BY MS. MAGNESS:**

12 Q. Good afternoon.

13 A. Hello.

14 Q. Will you introduce yourself to our jury,
15 please?

16 A. I'm Officer Keith Hutson.

17 Q. Officer Hutson, who do you work for?

18 A. Houston Police Department.

19 Q. And how long have you worked for HPD?

20 A. Fourteen years.

21 Q. And what is your current assignment?

22 A. I'm a police officer on Night Patrol in
23 Southeast Houston.

24 Q. And what part of town do you patrol in?
25 What are your geographic boundaries?

1 A. Let's see. Primarily everything south
2 of Airport between Mykawa and 288.

3 Q. And other than the Patrol Division, what
4 other divisions have you worked in in HPD?

5 A. That's it.

6 Q. So you've been out on patrol your entire
7 time?

8 A. That's correct.

9 Q. Are you a certified peace officer?

10 A. Yes.

11 Q. Went through the Academy?

12 A. Yes, ma'am.

13 Q. And at the time of this offense, were
14 you riding in a single-man unit or did you have a
15 partner?

16 A. Single-man.

17 Q. Specifically on November the 2nd of
18 2011, what time did your shift start?

19 A. My shift started at 11:00 p.m.

20 Q. And you would work until what time?

21 A. 7:00 a.m.

22 Q. And during the course of your shift,
23 what were your duties, what do you do?

24 A. Primarily drive around in a patrol car
25 just looking at businesses, looking at houses,

1 responding to our computer; and we get dispatched to
2 calls, various disturbances and calls over the
3 computer.

4 Q. So you're either looking for crime or
5 responding to reports of crime?

6 A. That's correct.

7 Q. You mentioned the in-car computer. When
8 you are dispatched to a location, is it solely
9 through that computer system or is there also a
10 radio system?

11 A. There's a radio system as well, yes,
12 ma'am.

13 Q. And specifically were you dispatched to
14 the 11000 block or around the 11000 block of Martin
15 Luther King?

16 A. Yes, I was.

17 Q. And do you recall what time you were
18 dispatched?

19 A. At 11:19 p.m.

20 Q. And approximately what time did you
21 arrive?

22 A. 11:20.

23 Q. So you were just right there around the
24 corner?

25 A. Yes, ma'am, I was right around the

1 corner.

2 Q. When you arrived at that location,
3 describe to the jury what you observed there at
4 Martin Luther King and Canterway Drive.

5 A. Okay. Pulled up and saw the broken
6 fence right there at the corner house, right there
7 on the corner of MLK and Canterway, giant hole in
8 the fence. Looked inside and there's a vehicle, I
9 believe it was a dark blue Chrysler, parked in the
10 middle of the yard. It had actually struck a shed
11 in the backyard. And walked up and found a black
12 male sitting in the driver's seat.

13 And he was nonresponsive. I was trying
14 to find out what happened and everything. He was
15 nonresponsive and just kind of barely breathing at
16 the time when I got there.

17 MS. MAGNESS: May I approach the
18 witness, Judge?

19 THE COURT: You may.

20 Q. (By Ms. Magness) I'm going to show you
21 what's been marked for identification purposes as
22 State's Exhibit No. 5 and No. 6. Do those
23 photographs fairly and accurately depict the vehicle
24 that you observed at the location on Canterway?

25 A. Yes, ma'am.

1 MS. MAGNESS: Tendering State's
2 Exhibits 5 and 6 to opposing counsel and offering
3 them into evidence.

4 (State's Exhibits No. 5 and 6,
5 Photographs, offered.)

6 MR. CORNELIUS: No objections,
7 Judge.

8 THE COURT: No objection, State's 5
9 and 6 are admitted.

10 (State's Exhibits No. 5 and 6
11 admitted.)

12 MS. MAGNESS: May I publish them,
13 Judge?

14 THE COURT: Yes, ma'am.

15 Q. (By Ms. Magness) All right. Beginning
16 with State's Exhibit No. 5, this is the blue vehicle
17 that you're referring to?

18 A. That's correct.

19 Q. Okay. The photograph depicts that the
20 vehicle basically is resting on a chain-link fence?

21 A. That's right.

22 Q. Had it become, I guess, ensnared within
23 the fence?

24 A. Yes, it had.

25 Q. This roadway behind the blue car --

1 A. Uh-huh.

2 Q. -- is that Martin Luther King?

3 A. I believe so, yes, ma'am.

4 Q. And then in State's Exhibit No. 6, same
5 vehicle just a different vantage point. The house
6 that is depicted here in the photograph, is that the
7 residence, I guess, of the location where all of
8 this fence is encompassing?

9 A. I believe so. It was on the corner, so
10 there was actually a house that he went through the
11 fence and then he actually -- I believe he went
12 through a second fence to another yard. So that may
13 have been the house behind it, I believe.

14 Q. Okay. So when you made contact with the
15 driver -- first of all, what can you tell us about
16 just your observations? What did he look like?
17 What was he doing?

18 A. He was just sitting in the driver's
19 seat. It was a black male wearing, I believe, a
20 blue Domino's shirt, just sitting there kind of
21 staring out the window. And I went up to him and
22 just tried to talk to him to find out what happened.
23 And he was nonresponsive and he was just kind of
24 doing shallow breathing at the time and that's when
25 I got on the radio and called for HFD and backup.

1 Q. Different people mean different things
2 when they use the term nonresponsive.

3 A. Uh-huh.

4 Q. He was not responding to any of your
5 questions, so he was not answering any questions?

6 A. That's correct.

7 Q. Was he conscious?

8 A. I believe he was. His eyes were open
9 and he was still breathing at the time. So...

10 Q. Was there anything, based on your
11 observations, that led you to believe either he had
12 some recognition of what you were saying or not?

13 A. No, I don't believe so.

14 Q. Okay. So at the point that you made
15 contact with him, he was rapidly losing
16 consciousness?

17 A. That's correct. That's correct.

18 Q. Okay. You requested the Houston Fire
19 Department make the scene?

20 A. Right.

21 Q. And did they arrive?

22 A. They did.

23 Q. Were there other police officers that
24 arrived to assist in, I guess, control of the scene
25 and directing traffic?

1 A. Yes.

2 Q. Which other officers arrived?

3 A. Let's see. Officer Senecal checked by
4 with Officer Gilbert. I believe Officer Rambo. A
5 couple of different sergeants, Sergeant Winters,
6 Sergeant Figueroa.

7 Q. When you were there, did you see the --
8 did you see the medics loading the driver of that
9 car onto a gurney and then into the ambulance?

10 A. Yes, I did.

11 Q. And when you were observing that, did
12 you note any obvious injury to the driver of the
13 vehicle?

14 A. Yes. Once they got him out of the car,
15 they lifted the back of his shirt because they saw
16 some blood on the back of his shirt; and I did see a
17 bullet hole in his back.

18 Q. Now, until that moment did you have any
19 idea that he had been shot?

20 A. No, ma'am.

21 Q. What other action did you take in terms
22 of this investigation in managing that scene?

23 A. Once we found out that he had been shot,
24 we started using our police tape, taped off the yard
25 initially, and then we started just blocking the

1 streets off just to keep everybody out.

2 Q. Okay. Now, you mentioned that you
3 observed the driver of that vehicle was wearing a
4 Domino's shirt with a Domino's logo on it?

5 A. Yes, ma'am.

6 Q. While you were there at the scene, did
7 an employee of Domino's arrive on the scene to
8 identify the driver of that vehicle?

9 A. Yes, they did.

10 Q. And do you recall the name of the
11 Domino's employee that arrived on the scene?

12 A. No, I don't.

13 Q. Okay. Claudia Williams, does that sound
14 familiar?

15 A. That sounds familiar.

16 Q. Okay. Did you speak with Ms. Williams?

17 A. Maybe just briefly because at that point
18 it was more just trying to keep everybody back and
19 control the scene.

20 Q. Did you come to know that the driver of
21 that vehicle was a Domino's pizza delivery driver?

22 A. Yes, I did.

23 Q. And was he identified as Phillip Little?

24 A. Yes, he was.

25 Q. Do you know whether or not there was an

1 officer who was tasked with the duty of following
2 the ambulance to Ben Taub Hospital?

3 A. Yes, I do.

4 Q. And do you recall which officer that
5 assignment was given to?

6 A. I believe it was Officer Mahaney.

7 Q. And did Officer Mahaney communicate with
8 you upon arrival at Ben Taub Hospital the condition
9 of the complainant?

10 A. Yes, he did.

11 Q. And what was his condition?

12 A. He was dead on arrival.

13 Q. And once you learned that the
14 complainant was dead on arrival at Ben Taub, did you
15 or another officer on the scene contact the Homicide
16 Division?

17 A. I believe I did. I called Homicide.

18 Q. Now, you had mentioned that Officers
19 Gilbert and Senecal arrived on the Canterway scene?

20 A. Yes, I believe they did.

21 Q. And do you know whether or not they went
22 to a secondary location?

23 A. Yes. Yes, I do.

24 Q. And did they go to a secondary location?

25 A. Yes, they did.

1 Q. And what location did they go to?

2 A. I believe it was the 5400 block of
3 Madden.

4 Q. And the 5400 block of Madden, is that
5 located within Harris County, Texas?

6 A. Yes.

7 Q. If you were to drive from Canterway, the
8 house on Canterway to the 5400 block of Madden, how
9 long would it take you?

10 A. Maybe a minute.

11 Q. It's literally just right around the
12 corner, isn't it?

13 A. Yes, ma'am. Yes, ma'am.

14 Q. Do you know why Gilbert and Senecal went
15 to the Madden address?

16 A. We had received information from the
17 Domino's employee that I believe --

18 MR. CORNELIUS: Object to the
19 hearsay, Judge.

20 THE COURT: Sustained.

21 Q. (By Ms. Magness) Based on the
22 information provided by the Domino's employee, did
23 Officers Gilbert and Senecal go to the secondary
24 location on Madden?

25 A. Yes, they did.

1 Q. And while at that location, did they
2 inform you as to whether or not they found anything
3 of evidentiary value?

4 A. Yes, they did.

5 Q. And did they?

6 A. Yes, they did.

7 Q. Did you turn your scene over?

8 A. To Homicide, but I stayed there the
9 whole time, yes, ma'am.

10 Q. Okay. And do you recall which detective
11 you turned your scene over to?

12 A. No, I don't recall that.

13 Q. When you say you stayed there the whole
14 time, do you mean you stayed on the scene until the
15 investigation there was concluded?

16 A. Yes, that's correct.

17 Q. Did you ever go to the secondary
18 location on Madden?

19 A. No, I did not.

20 MS. MAGNESS: I'll pass this
21 witness.

22 MR. CORNELIUS: No questions.

23 THE COURT: All right. May this
24 witness be excused?

25 MS. MAGNESS: Yes.

1 MR. CORNELIUS: Yes, sir.

2 THE COURT: You may step down,
3 Officer.

4 THE WITNESS: Thank you, sir.

5 MS. MAGNESS: Judge, may we
6 approach?

7 THE COURT: Yes, ma'am.

8 *(Bench proceedings.)*

9 MS. MAGNESS: Can we take, like, a
10 two-minute break? I drank a lot of water.

11 THE COURT: Okay. How long is your
12 next witness going to take?

13 MS. MAGNESS: Five, maybe ten
14 minutes.

15 THE COURT: All right.

16 *(Bench proceedings concluded.)*

17 THE COURT: We're going to take a
18 quick break. We have one more witness. We should
19 be done very close to 5:00 o'clock. We just have to
20 take a quick restroom break. All right.

21 THE BAILIFF: All rise for the
22 jury.

23 *(Jury retired.)*

24 *(Brief recess.)*

25 THE BAILIFF: All rise for the

1 jury.

2 (Jury seated.)

3 THE COURT: All right. Y'all may
4 be seated.

5 State, call your next.

6 MS. MAGNESS: State calls Officer
7 Senecal.

8 THE BAILIFF: The witness has
9 already been sworn.

10 THE COURT: Have a seat, please.
11 You may proceed.

12 MS. MAGNESS: Thank you, Judge.

13 **TIMOTHY SENECAI,**

14 having been first duly sworn, testified as follows:

15 **DIRECT EXAMINATION**

16 **BY MS. MAGNESS:**

17 Q. Good afternoon.

18 A. Good afternoon.

19 Q. Thank you for waiting so patiently, by
20 the way.

21 A. You're welcome.

22 Q. Introduce yourself to the jury, please.

23 A. I'm Officer Timothy Senecal with the
24 Houston Police Department.

25 Q. How long have you worked with the