

1 MS. COLLINS: I've got something short,  
2 Judge.

3 THE COURT: All right. Go.

4 MS. COLLINS: State calls Murphy Jacobs to  
5 the stand.

6 Judge, if Mr. Scott is released, would it  
7 be all right with the Court for him to be able to sit in  
8 here with his sisters for the remainder of the trial?

9 THE COURT: Are you going to call him back  
10 or -- it's fine with me --

11 MR. WENTZ: I really -- I think I'm  
12 actually going to be calling some of the State's  
13 witnesses. So, I think I can't release him.

14 THE COURT: Okay. You need to step out,  
15 sir.

16 All right. Go ahead.

17 **MURPHY JACOBS, III,**

18 having been first duly sworn, testified as follows:

19 **DIRECT EXAMINATION**

20 **BY MS. COLLINS:**

21 Q. Can you please introduce yourself for the  
22 Court?

23 A. I'm Officer Murphy Jacobs, III.

24 Q. Officer, what do you do for a living?

25 A. I work for the Houston Police Department.

1 Q. How long have you been with HPD?

2 A. Approximately six to seven years.

3 Q. During your six to seven years at HPD, what has  
4 your assignment been?

5 A. Initially, I was on patrol. I went from patrol  
6 to police officer trainer, which trains the rookie  
7 officers that graduate the academy. And now my new  
8 assignment would be in the CRU.

9 Q. Okay. And what's the CRU?

10 A. It's going to be the Crime Reduction Unit.

11 Q. What do you do as part of the CRU?

12 A. We target different -- different areas of the  
13 city with high crime. And it's pretty much to reduce  
14 the crime in that area and make the citizens feel at  
15 ease.

16 Q. Prior to becoming a licensed police officer,  
17 did you go through the mandatory academy for HPD?

18 A. Yes, I did.

19 Q. And over the last seven years or so, have you  
20 maintained your police officer license?

21 A. Yes, I have.

22 Q. And undergone the required amount of yearly  
23 training to hold that license?

24 A. Correct.

25 Q. Okay. I want to turn your attention to July of

1 2013. At that time, where were you assigned?

2 A. To the northeast patrol division.

3 Q. Okay. And specifically on July 19th of 2013,  
4 what were you doing on that day?

5 A. Patrol, regular patrol, running calls for  
6 service.

7 Q. And on that particular day, were you asked to  
8 help out with an ongoing homicide investigation?

9 A. Yes, I was.

10 Q. What were you asked to do?

11 MR. WENTZ: Objection. It's hearsay, Your  
12 Honor.

13 THE COURT: Overruled. Go ahead.

14 Q. (By Ms. Collins) What were you asked to do?

15 A. The homicide investigator wanted us to meet up,  
16 like you said, for the ongoing investigation. And we  
17 did our briefing at Lockwood and Mulvey.

18 Q. And after the briefing, where did you go?

19 A. I saw the targeted vehicle traveling down  
20 Lockwood, north down Lockwood.

21 Q. Okay. Let me stop you there and back up just a  
22 little bit.

23 A. Okay.

24 Q. Okay. You said target vehicle. Was there a  
25 vehicle that you were looking for?

1 A. Correct.

2 Q. Okay. Can you tell us what vehicle it was that  
3 you were looking for?

4 A. I don't know the year. It's a black  
5 Mercedes-Benz, four-door.

6 Q. Okay. Do you have your offense report up there  
7 with you?

8 A. Yes.

9 Q. Feel free to take a look at that as we go  
10 along. Okay?

11 At the time that you were asked to look for  
12 this target vehicle, did you have a license plate number  
13 to go with that vehicle?

14 A. I don't think I had a license plate at that  
15 time.

16 Q. What was the description that you were given  
17 for the vehicle that you were looking for?

18 A. It was just a black four-door Mercedes-Benz.  
19 Officer Sosa had already told us that the vehicle was at  
20 the location and he was waiting on it to move.

21 Q. Okay. So, you weren't wandering the streets  
22 looking for the vehicle; you knew exactly where it was?

23 A. Correct.

24 Q. Would it be fair to say that you were asked to  
25 basically set up on that vehicle and see where it went

1 and who was with it?

2 A. Correct.

3 Q. Okay. Do you remember where the location was  
4 of that vehicle?

5 A. I don't know the exact street location. Like I  
6 said, I was set up around the corner.

7 Q. Okay. At some point, as you stated earlier,  
8 did you notice that the car wasn't sitting around  
9 anymore, it was moving?

10 A. Correct.

11 Q. Okay. Was it your understanding at the time  
12 that this was a stolen vehicle, it had a stolen listing?

13 A. Yeah. I list -- I gave the license plate to  
14 the dispatcher and she confirmed the stolen hit.

15 Q. Okay. At that point, when you see a car  
16 moving, and obviously someone was driving it. Is that  
17 fair?

18 A. Correct.

19 Q. Okay. And you have a stolen hit. What do you  
20 do?

21 A. You initiate the traffic stop.

22 Q. Okay. Now, when you initiated the traffic  
23 stop, looking at State's Exhibit No. 1, does this look  
24 like the vehicle you stopped that day (indicating)?

25 A. Yes, it does.

1 Q. Okay. Now, when you pulled over the vehicle,  
2 how many people were inside?

3 A. Two.

4 Q. And do you remember if it was males, females?

5 A. It was a male driver and a female passenger,  
6 front passenger.

7 Q. Now, when you pull over the vehicle, does it  
8 stop immediately?

9 A. We were coming over a hill, so, yeah, they  
10 did -- kind of did.

11 Q. What do you mean by "kind of did"?

12 A. We were -- I activated the emergency equipment  
13 as we were coming down the hill. So, they proceeded to  
14 go onto the level ground, then they pulled over.

15 Q. Okay. Once you pull the vehicle over, do the  
16 individuals stay inside or do they get out? What  
17 happens?

18 A. They remained inside.

19 Q. Okay. What do you do once everyone is pulled  
20 over?

21 A. I had already bumped for additional units to  
22 come, but everything happened so fast to where -- I  
23 mean, we kind of just had to go with what we had. So, I  
24 approached the vehicle, introduced myself, and the  
25 driver, he was on his cell phone, so I told him to hand

1 me the cell phone and I put the cell phone on the top of  
2 the vehicle. At that time, I went ahead and took him  
3 out, took him into custody.

4 Q. Okay. Now, what was the basis for you taking  
5 him into custody at that point?

6 A. It's the -- at that point, it's the  
7 investigation on the stolen vehicle.

8 Q. Okay. When you take him into custody, is he  
9 asking what's this about or seeming confused?

10 MR. WENTZ: Objection. Calls for  
11 speculation on the part of the witness.

12 THE COURT: Sustained.

13 Q. (By Ms. Collins) At any point -- well, let me  
14 back up.

15 Officer Jacobs, were you able to identify  
16 the person that was driving that vehicle?

17 A. Yes.

18 Q. Okay. Who did you identify him as?

19 A. He was the gentleman right here (indicating).

20 Q. Okay. You said the "gentleman right here." Is  
21 that someone you see here in court today?

22 A. Yes, it is.

23 Q. Can you identify him using an article of  
24 clothing he's wearing?

25 A. The blue button-down, long-sleeved shirt,

1 collared shirt.

2 MS. COLLINS: May the record reflect the  
3 witness has identified the defendant?

4 THE COURT: Yes.

5 Q. (By Ms. Collins) And at that time, do you  
6 remember how you identified him at the stop?

7 A. He was the driver of the vehicle.

8 Q. Okay. Did he have a license or identification  
9 on him at that time?

10 A. I don't recall.

11 Q. Okay. Officer Jacobs, at any point did the  
12 defendant protest his being taken into custody?

13 A. No.

14 Q. Did he say anything at all?

15 A. Not to my knowledge.

16 Q. You mentioned that there was a phone that he  
17 had in his hands at the time that you pulled him over  
18 that you put on top of the vehicle.

19 A. Correct.

20 Q. What did you do with that phone after you had  
21 arrested the defendant?

22 A. I put that -- the particular phone that he had  
23 in his hand, I put that one on the top of the vehicle.  
24 After I conducted my search and put him in the back of  
25 the patrol car, I went back up -- after getting the



1 female out of the vehicle, he told me that there was  
2 another phone on the inside of the vehicle. I went in  
3 and retrieved that additional phone, also. And then I  
4 maintained custody of those phones. And later on, after  
5 transporting, I released those phones to Officer Sosa.

6 Q. Okay. Now, you mentioned that when you got out  
7 to the scene of where this vehicle was, that you already  
8 knew the car was there. Was Officer Sosa and homicide  
9 units there during, basically, the entirety of this  
10 stop?

11 A. Yes.

12 Q. Once you released those phones to Officer Sosa,  
13 did you have any further involvement in this  
14 investigation?

15 A. No, I didn't.

16 Q. Did you identify who the woman in the vehicle  
17 was?

18 A. I think it's -- it was the defendant's mother.

19 MS. COLLINS: Pass the witness, Your Honor.

20 THE COURT: Mr. Wentz.

21 MR. WENTZ: May it please the Court?

22 THE COURT: Okay.

23 **CROSS-EXAMINATION**

24 **BY MR. WENTZ:**

25 Q. Good afternoon.

1 A. How are you doing?

2 Q. Fine. Thank you.

3 July 19th, 2013, you were on regular  
4 patrol; is that correct?

5 A. Correct.

6 Q. Were you alone or did you have a partner?

7 A. Alone.

8 Q. When were you notified to go to Lockwood and  
9 Mulvery {sic}?

10 A. Mulvey? It says in my report at 7:23.

11 Q. And how did you get that notice to go to that  
12 location?

13 A. Normally in investigations like that, an  
14 investigator comes over the air and requests a unit to  
15 help out.

16 Q. And in this instance, did that investigator  
17 turn out to be Detective Sosa?

18 A. Correct.

19 Q. And did he specifically request you or did he  
20 request other cars?

21 A. He just requested a unit to check by.

22 Q. A unit or units?

23 A. A unit.

24 Q. And you were the first one to appear; is that  
25 correct?

1 A. Correct.

2 Q. And did he tell you where to report to? I  
3 mean, I think you say Lockwood and Mulvey.

4 A. Lockwood and Mulvey.

5 Q. And that's where he told you to meet him?

6 A. Yeah, that's where we met.

7 Q. And at that time, did you learn that he was  
8 involved in a homicide investigation?

9 A. Who are you speaking of? Officer Sosa?

10 Q. Yeah. Did you learn from him that he was  
11 involved in a homicide investigation?

12 A. Correct.

13 Q. And that is the reason that he solicited your  
14 assistance on this particular occasion, correct?

15 A. Correct.

16 Q. And when you had your meeting with him there,  
17 did you notice that he had a civilian with him in his  
18 car?

19 A. Yes.

20 Q. Did he identify that civilian for you?

21 A. I don't remember.

22 Q. And was Detective Sosa with his partner,  
23 Detective Avila, or was he alone?

24 A. It was him and a civilian.

25 Q. Okay. Fine.

1                   Did you have occasion to see this black  
2 Mercedes parked at a location on the 2200 block of  
3 Erastus?

4           A.    Did I see it prior to the meeting with Officer  
5 Sosa?

6           Q.    No.  After meeting with Detective Sosa, did you  
7 see this black Mercedes parked at a residence in the  
8 2200 block of Erastus?

9           A.    No.  The vehicle was moving.

10          Q.    Where did you set up to meet the vehicle or to  
11 stop the vehicle?

12          A.    I remained at the location.  And Officer Sosa  
13 was going back to try to get eyes on the vehicle, and  
14 then I saw the vehicle moving.

15          Q.    Okay.  So, he was going back to where the motor  
16 vehicle was.  Is that what you're telling us?

17          A.    Correct.

18          Q.    And he had actually left you at the meeting  
19 place, Lockwood and Mulvey, and you were there by  
20 yourself when you saw the car moving?

21          A.    Right.

22          Q.    And when you saw the car moving, did you advise  
23 Detective Sosa of this?

24          A.    Right.

25          Q.    And your purpose in being -- part of being

1 called by Detective Sosa was, in fact, to stop this  
2 motor vehicle if it chose to move?

3 A. And to assist in the investigation, correct.

4 Q. And to assist in the homicide investigation,  
5 correct?

6 A. Correct.

7 Q. The stolen vehicle was not the reason that  
8 Detective Sosa called you to that location, was it?

9 A. I had no knowledge until the dispatcher  
10 informed me that it had a stolen hit.

11 Q. But he called you there because of the homicide  
12 investigation that he was involved in that particular  
13 day?

14 A. Correct.

15 Q. And we're talking about seven o'clock in the  
16 evening, correct?

17 A. 7:30, roughly.

18 Q. And I think that you've indicated that you put  
19 on your lights and the car did not stop immediately, it  
20 was on a downhill decline; is that correct?

21 A. Correct.

22 Q. However, once it reached a level area, it did  
23 stop?

24 A. Correct.

25 Q. And from that point on, it was a relatively

1 routine stop for you, no one did anything unusual; would  
2 you agree with me?

3 A. Correct.

4 Q. And he was cooperative in all ways?

5 A. Correct.

6 Q. He gave you his cell phone that you saw him  
7 using; is that correct?

8 A. Correct.

9 Q. And where was this other phone that you've  
10 described taking from the motor vehicle?

11 A. Let me check back in my offense report.

12 (Pause)

13 Q. (By Mr. Wentz) Could it be that you actually  
14 took the cell phone from the lady that was in the car  
15 and placed that on the roof of your car as well?

16 A. No. Actually, when I took his cell phone from  
17 him, I placed it on the driver's side roof; took the  
18 cell phone from the lady passenger and I placed it on  
19 the roof of the passenger side. So, there's no way that  
20 they could be mixed up. So, those two cell phones  
21 remained in that place. And then the defendant told me  
22 that there was an additional white and black T-Mobile  
23 cell phone, and that was his new cell phone. I --

24 Q. And where was that located?

25 A. On the interior of the vehicle.

1 Q. That is not the phone that he was using; is  
2 that correct?

3 A. No. I don't -- I can't -- I don't remember.

4 Q. Were -- after you had Mr. Walker out of the  
5 motor vehicle, after you had the female passenger out of  
6 the motor vehicle --

7 A. Correct.

8 Q. -- what happened to that black Mercedes?

9 A. I was responsible for the two -- the defendant  
10 and his mother. So, I transported them to 1200 Travis  
11 for the investigation.

12 Q. What happened to the motor vehicle that you had  
13 stopped?

14 A. I wasn't there to see, but in accordance with  
15 our policy it's transported to the Dart lot.

16 THE REPORTER: I'm sorry. Transported to  
17 what?

18 THE WITNESS: To the Dart lot. And that's  
19 it.

20 Q. (By Mr. Wentz) And any property that was in the  
21 motor vehicle, when you left -- or you extracted  
22 Mr. Walker and his mother, would have been in that motor  
23 vehicle when it was at the Dart lot, correct?

24 A. Correct.

25 Q. And you've indicated you separated the two cell

1 phones, one on the driver's side, one on the passenger  
2 side, correct?

3 A. Correct.

4 Q. And you gave those to Detective Sosa, correct?

5 A. Correct.

6 Q. And they're the only two phones that you gave  
7 to Detective Sosa; is that correct?

8 A. I put in the offense report that I released all  
9 of the cell phones to -- both cell phones to Officer  
10 Sosa.

11 Q. All right. And they're the two that I've just  
12 described, the one on the driver's side, the one on the  
13 passenger side, correct?

14 A. Yeah. I'm just refreshing over the report. I  
15 released all of the cell phones to Officer Sosa.

16 Q. And your stopping the vehicle was really done  
17 at -- in accordance with the plan that you and Detective  
18 Sosa had come up with when you first met at Lockwood and  
19 Mulvey --

20 MS. COLLINS: Objection. Asked and  
21 answered. Cumulative.

22 THE COURT: Sustained.

23 Q. (By Mr. Wentz) In the activities that you  
24 performed that evening, you were following Detective  
25 Sosa's instructions, correct?



1           A.     Correct.

2                     MR. WENTZ:    Pass the witness, Your Honor.

3                     MS. COLLINS:   Nothing further, Your Honor.

4                     THE COURT:    You may step down, sir.

5                     Okay.   We're going to take an hour for  
6 lunch.

7                     (Lunch recess)

8                     (Open court, defendant present, no jury)

9                     THE COURT:    Call your next witness.

10                    MR. STAYTON:   State calls Mr. Jason  
11 Schroeder.   And this witness has not yet been sworn in,  
12 Your Honor.

13                    THE COURT:    Okay.

14                    (Witness sworn)

15                    THE COURT:    All right.   Go ahead.

16                                    **JASON SCHROEDER,**

17 having been first duly sworn, testified as follows:

18                                    **DIRECT EXAMINATION**

19 **BY MR. STAYTON:**

20            Q.    Good afternoon, sir.   Would you please  
21 introduce yourself for the Court?

22            A.    Good afternoon.   My name is Jason Schroeder.

23            Q.    How do you spell your last name, sir?

24            A.    S-c-h-r-o-e-d-e-r.

25            Q.    And as I ask the questions, I know you've