

1 Jenkins.

2 MS. FULLER: Your Honor is he free to go?

3 THE COURT: Any objections.

4 MR. MONCRIFFE: No objections.

5 THE COURT: You're free to go.

6 THE COURT: You were sworn yesterday

7 correct?

8 THE WITNESS: Yes, Your Honor.

9 **MATTHEW JENKINS,**

10 After having been duly sworn was called to the stand
11 and testified as follows:

12 DIRECT EXAMINATION.

13 BY MS. FULLER:

14 Q. Would You please introduce yourself to the
15 jury?

16 A. Yes, ma'am. My name is Matt Jenkins.

17 Q. And who are you employed by?

18 A. Houston Police Department.

19 Q. How long have you been with the Houston
20 Police Department?

21 A. 17 years.

22 Q. And can you tell us what some of the job
23 duties you've had in the police department over those
24 years?

25 A. I was a cadet. The police academy in 1998. I

1 patrolled the northeast and North Sheperd areas on the
2 north side of the city. I was a robbery investigator
3 as an officer. Promoted in 2006. I've worked in the
4 central jail, I've worked Internal Affairs, I worked
5 in the robbery division. I've worked at the police
6 academy and I worked in the southwest division.
7 Currently assigned to the burglary and theft division.

8 Q. Back in June, June 17, 2011, to be specific
9 what were you working back then?

10 A. I was assigned to the robbery division.

11 Q. Okay.

12 A. On the evening shift.

13 Q. I'm sorry.

14 A. On evening shift.

15 Q. What is evening shift?

16 A. The evening shift at that time was 2 p.m. to
17 midnight and I had Sunday, Mondays and Tuesdays off.

18 Q. I want to direct your attention -- were you
19 called out to a scene on that day?

20 A. Yes, ma'am I was.

21 Q. Do you remember the location you were called
22 out to?

23 A. I believe it was 5445 East Freeway.

24 Q. And that's a location in Harris County,
25 Texas?

1 A. Yes, ma'am.

2 Q. When you got to the scene what did you learn;
3 what did you learn about that scene?

4 A. Initially we were called out because it was a
5 -- it met the criteria for being a scene that robbery
6 investigator would respond to. I know that to my
7 knowledge at least one person had been shot. They
8 were at the hospital. They were no longer at the scene
9 when we got there. The scene was in the parking lot of
10 a Chevron gas station. Northwest corner of the
11 intersection of Lockwood and the East Freeway service
12 road. There were a lot of officers there, a lot of
13 people there. It was a very busy, active scene. Lots
14 of people were there. I can't tell you how many
15 people but basically when we responded there --

16 MR. MONCRIFFE: Judge I would object to
17 the narrative form of the answer at this point.

18 THE COURT: Sustained.

19 Q. (By Ms. Fuller) When you got out there were
20 you the officer from the robbery division that was in
21 charge?

22 A. Yes.

23 Q. Okay. And when you got out there was a Crime
24 Scene Unit dispatched at any point?

25 A. At that time, no.

1 Q. And was that unusual?

2 A. No that was not unusual. That would have been
3 common.

4 Q. Why would that be common?

5 A. Limited resources. And Crime Scene Unit would
6 not -- would not be dispatched to a scene of that
7 nature.

8 Q. When you say of that nature do you mean an
9 aggravated robbery?

10 A. Correct. Aggravated robbery. Most typically
11 a Crime Scene Unit is not going to respond to that
12 scene.

13 Q. Okay.

14 A. Usually held in reserve for other scenes.

15 Q. Now you said that you went through the police
16 academy. When you go through the police academy are
17 all officers trained on evidence collection?

18 A. They are.

19 Q. All right. So when a CSU unit is not called
20 out to the scene whose responsibility is it to
21 preserve and collect evidence?

22 A. It would be the officers on the scene.

23 Q. All right. Now, when you got out there
24 officers had already been on the scene. Is that
25 correct?

1 A. Yes, ma'am. I believe for at least an hour.

2 Q. Okay. So what did you do in terms of your
3 duties and responsibilities when you got there?

4 A. One of the first things I had to do was get
5 an understanding of what had occurred based upon the
6 information that I had available to me at the time.
7 There were -- you had one large scene and several
8 sub-set of that scene where different things may have
9 occurred. So it's your responsibility to understand
10 how all those pieces fit together and you know get a
11 complete picture as possible based on the information
12 you have of what's going on.

13 Q. Okay. Now, while you were there and while
14 you were processing this scene was it your
15 understanding that the victim in the case was still
16 alive?

17 A. Yes, ma'am.

18 Q. But the victim was not at the scene at that
19 time?

20 A. No, ma'am.

21 Q. And let me show you a photograph. State's
22 Exhibit 18. Does State's Exhibit 18 look familiar to
23 you?

24 A. Yes, ma'am it does.

25 Q. All right. Are you in this picture?

1 A. Yes, ma'am I am.

2 Q. Can you identify yourself by a piece of
3 clothing?

4 A. Yeah. I'm wearing the white shirt.

5 Q. Did you or were you responsible for making
6 sure that any evidence that was located was at your
7 direction tagged into evidence?

8 A. Yes.

9 Q. After you got an understanding of what was
10 happening on the scene what were the next things that
11 you did?

12 A. There were two separate groups of robbery
13 investigators. There were the people who were on the
14 scene at 5445, also individuals who had been to the
15 hospital to check on the person who had been injured.
16 So there was also a sergeant there at that scene. We
17 were coordinating together to find out what
18 information, trying to get a more complete picture of
19 what was going on.

20 Q. Okay. Is that in regards specifically to the
21 complainant?

22 A. Yes.

23 Q. Okay.

24 A. Yes.

25 Q. At some point did you finish the

1 investigation that you conducted there on the scene at
2 5445?

3 A. Yes, ma'am.

4 Q. And while you were there were any potential
5 possible suspects brought back to that location?

6 A. I believe there were three persons who were
7 already at the scene when we arrived and they were in
8 patrol cars. They were obviously outside of the area
9 where the yellow tape had been placed. I think to the
10 best of my memory I think they were on the southeast
11 corner of the gas station parking lot.

12 Q. And through the information that was obtained
13 on the scene was a determination made as to whether or
14 not these individuals were involved?

15 A. Yes, ma'am.

16 Q. And were they in fact believed to be
17 involved?

18 A. They were not believed to be involved.

19 Q. All right. And were they at that point
20 released from the scene?

21 A. They were.

22 Q. Now after you left your investigation there
23 there were things that were in your possession. Would
24 that be fair to say?

25 A. Yes, ma'am.

1 Q. Such as reports that you would have to making
2 the video surveillance, things of that nature?

3 A. Yes, ma'am.

4 Q. Now, when the complainant in this case passed
5 away what happened with the case?

6 A. The case was transferred. Responsibility for
7 the case was transferred to homicide division.

8 Q. All right. So at the time that you were out
9 on the scene did any officers from homicide show-up on
10 the scene when you were there?

11 A. No, ma'am.

12 Q. Was the complainant passed away -- once the
13 complainant passed away all of the information that
14 you had gathered was passed on to homicide for them to
15 pick up the case?

16 A. Yes, ma'am.

17 Q. Okay.

18 MS. FULLER: Pass the witness Your Honor.

19 MR. MONCRIFFE: May I proceed Your Honor?

20 THE COURT: You may.

21 **CROSS EXAMINATION**

22 BY MR. MONCRIFFE:

23 Q. Good afternoon officer Jenkins. A few
24 questions.

25 You were trained at the academy to become a police

1 officer weren't you?

2 A. Yes sir.

3 Q. As a matter of fact you had trained to
4 testify like you're doing today?

5 A. Yes, ma'am. Yes, sir I was.

6 Q. You're trained to interview witnesses?

7 A. Yes sir.

8 Q. You're trained to make reports?

9 A. Yes sir.

10 Q. Reports are important because they are
11 contemporaneous with the events that occurred but
12 later on you're going to go back to that report?

13 A. True.

14 Q. Did you make a report in this case?

15 A. I did not make the report in this case, no.

16 Q. All right. You told the prosecutor -- a few
17 moments ago you told the jury that there were some
18 people there, suspects in custody?

19 A. Yes.

20 Q. Isn't it a fact that suspects in custody were
21 young people?

22 A. They were.

23 Q. As a matter of fact one of them was almost a
24 juvenile. Is that correct sir?

25 A. I don't recall what their ages were but they

1 were young people.

2 Q. You had a description of the person you were
3 looking for. Is that correct?

4 A. The officers on the scene had the
5 description, yes.

6 Q. If they had arrested young people then
7 obviously they were looking for the descriptions that
8 a person was young?

9 A. My understanding is they base they part of
10 the criteria for --

11 MS. FULLER: Objection Your Honor. That
12 would be speculation by the officer.

13 THE COURT: Sustained.

14 Q. (By Mr. Moncriffe) I'll rephrase the
15 question.

16 They didn't arrest old people did they?

17 A. The people in custody were not older.

18 Q. And the logical question is if there was a
19 description given and the people in custody were young
20 obviously the description was of a young person?

21 MS. FULLER: Objection speculation.

22 THE COURT: Sustained.

23 Q. (By Mr. Moncriffe) All right. Do you know
24 what the description was?

25 MS. FULLER: Objection hearsay.

1 THE COURT: Sustained.

2 Q. (By Mr. Moncriffe) If you know.

3 THE COURT: You can answer yes or no.

4 Q. (By Mr. Moncriffe) If you know. Do you know
5 what the description of the suspect was?

6 A. No I didn't know what the description of the
7 suspect was at the time.

8 Q. But officer the description is important
9 because it prepares you to -- who you should look for.
10 Is that right?

11 A. Yes.

12 Q. If I gave a description of a suspect Hispanic
13 male, 6-foot 4 we're looking for a Hispanic male
14 6-foot 4 a person to hold would fit that description.
15 Is that correct sir?

16 A. Yes, sir.

17 Q. That's why description is so important so you
18 may not have had it but somebody had a description to
19 follow. Is that correct?

20 A. They did.

21 Q. How many people were in the vehicle arrested
22 do you remember, suspects? Do you remember how many?

23 A. I believe there were three persons that had
24 been detained. I don't know if they were on the same
25 vehicle or not.

1 Is that what you're asking?

2 Q. Yes.

3 A. Okay. I'm --

4 Q. And officer you said CSI did not come out?

5 A. No, sir.

6 Q. Because this was a robbery as opposed to
7 murder of some sort?

8 A. Yes, sir. Yes, sir.

9 Q. CSI is a little more experts in terms of
10 gathering and preserving evidence. Is that correct?

11 A. If they have a substantial amount of training
12 and experience, yes.

13 Q. So the people who were at the scene did not
14 have as much experience and training as the CSI people
15 who had come in on something a little more serious?

16 MS. FULLER: Objection speculation.

17 THE COURT: Sustained.

18 Q. (By Mr. Moncriffe) If you know all right.
19 CSI experts these people were not CSI people?

20 MS. FULLER: Objection asked and
21 answered.

22 THE COURT: Sustained.

23 Q. (By Mr. Moncriffe) You were from the robbery
24 division?

25 A. Yes, sir.

1 Q. Did you personally interview any witnesses
2 yourself?

3 A. No, sir.

4 MR. MONCRIFFE: No further questions at
5 this time Your Honor.

6 MS. FULLER: Just a few points Your
7 Honor.

8 **RE-DIRECT EXAMINATION.**

9 BY MS. FULLER:

10 Q. Were the individuals that were detained on
11 the scene were they actually arrested or detained?

12 A. They were detained.

13 Q. What's the difference between being arrested
14 and being detained?

15 A. Somebody matches a general physical
16 description, a clothing description following a crime.
17 If you saw someone who was matching that description,
18 White male, blue jeans, T-shirt in the proximity of
19 the area it would probably be reasonable based upon
20 once again the totality of the circumstances detain
21 that person to see if they were involved in the
22 incident that you were investigating.

23 Q. What does it mean when you arrest somebody?

24 A. Arrest somebody is when they would be in
25 custody. They wouldn't be free to leave and you would

1 have probably contacted the district attorney in order
2 to obtain charges against that person.

3 Q. And to your knowledge these individuals were
4 just detained?

5 A. They were.

6 Q. All right. Now, when you got on the scene
7 did you break up your responsibilities with other
8 robbery investigators?

9 A. I did.

10 Q. And did you have any involvement with
11 interviewing witnesses?

12 A. No, ma'am.

13 Q. Did you have involvement with the scene
14 itself?

15 A. Yes, ma'am I did.

16 Q. All right. And was there a lot of evidence
17 in this scene that had to be collected and gathered?

18 A. No.

19 MS. FULLER: Pass the witness Your Honor.

20 **RE-CROSS EXAMINATION**

21 BY MR. MONCRIFFE:

22 Q. Just clarification purposes sir.

23 The people who were detained were young people?

24 A. Yes, sir they were.

25 Q. Juvenile people?

1 MS. FULLER: Objection Your Honor asked
2 and answered.

3 THE COURT: Sustained.

4 Q. (By Mr. Moncriffe) Young people?

5 THE COURT: Sustained.

6 MS. FULLER: Asked and answered.

7 MR. MONCRIFFE: No further questions Your
8 Honor.

9 THE COURT: You may stand down.

10 Ladies and Gentlemen we're going to take
11 a lunch break. Stand and go to the back with the
12 bailiff.

13 MS. FULLER: Sergeant Jenkins free to
14 leave?

15 THE COURT: Any objections?

16 MR. MONCRIFFE: No objections Your Honor.

17 THE COURT: You're excused.

18 (Lunch Recess Taken).

19 THE COURT: Please be seated in the
20 courtroom.

21 **AFTERNOON PROCEEDINGS**

22 THE COURT: Were you sworn the other day?

23 THE WITNESS: No.

24 THE COURT: Go ahead raise your
25 right-hand to be sworn.

1 (Witness Sworn).

2 THE COURT: Bring them in please. Now on
3 the stand sergeant Chavez.

4 THE BAILIFF: All rise for the jury.

5 (Jury Present)

6 THE COURT: Please be seated.

7 Call your next please.

8 MS. FULLER: State calls sergeant Chavez.

9 THE COURT: Ladies and Gentlemen this
10 witness has been previously sworn.

11 Proceed.

12 MS. FULLER: Thank you Your Honor.

13 **H. A CHAVEZ,**

14 After having been duly sworn was called to the stand
15 and testified as follows:

16 DIRECT EXAMINATION

17 BY MS. FULLER:

18 Q. Good afternoon. Would you please introduce
19 yourself to the jury?

20 A. Yes, ma'am. I'm sergeant H. A. Chavez.

21 Q. Sergeant Chavez who do you work for?

22 A. I work for the Houston Police Department and
23 currently I work for the Internal Affairs Division.

24 Q. How long you been with the Houston Police
25 Department?