

1 witness. Thank you.

2 *THE COURT:* Ms. Dozier.

3 *MS. DOZIER:* No further questions, Your Honor.

4 *THE COURT:* May this witness be excused on  
5 call?

6 *MR. ANDERSON:* Yes, Your Honor.

7 *MS. DOZIER:* Yes, Your Honor.

8 *THE COURT:* Okay. Thank you, sir. You're  
9 free to go as long as we have a number to get you back if we  
10 need you, okay?

11 *THE WITNESS:* Okay.

12 *THE COURT:* Thank you so much.

13 Call your next witness, please.

14 *MR. BREWER:* State calls Officer Johnson to  
15 the stand, Your Honor.

16 *THE COURT:* Right up here, please, sir. If  
17 you would, just have your seat. If you would please, once  
18 you get settled, state and spell your name for my court  
19 reporter.

20 *THE WITNESS:* It's Graves Johnson,  
21 G-R-A-V-E-S, common spelling, Johnson.

22 *THE COURT:* Thank you. You may proceed.

23 *MR. BREWER:* Thank you, Your Honor.  
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**GRAVES JOHNSON,**

having been first duly sworn, testified as follows:

**DIRECT EXAMINATION**

Q. (BY MR. BREWER) Now you've introduced yourself to the court reporter, introduce yourself to the jury, please.

A. Yes, sir. I'm Officer Graves Johnson. I work for the Houston Police Department.

Q. Officer, I'm going to ask you to pull the mic a little bit more towards your mouth. I just want you to talk as if you're speaking to the lady in the very back row. That way we make sure it's nice and loud, okay?

A. Okay.

Q. That's perfect. Thank you.

Officer Johnson, you have a Houston Police Department uniform but before you donned that uniform, you actually wore a uniform of another type; is that correct?

A. Yes, sir.

Q. Tell us about that.

A. I was a member of the U.S. Coast Guard for about 12 and a half years, got stationed here in Houston and rather than be transferred to New Hampshire, I decided to stay here.

Q. Let's talk in brief about the 12 and a half years in the Coast Guard. Could you tell us what some of your duties were in the Coast Guard?

1           A.    It ranged from shipboard duty, consisted of law  
2 enforcement activity, some immigration, some fisheries,  
3 patrols and some land/shore duty that constituted working at  
4 a marine safety office, such as the Port of Houston, where  
5 we oversaw some of the foreign freight ships that came into  
6 the U.S. and worked with marine environmental protection  
7 agency.

8           Q.    Were you only stationed in Houston?

9           A.    No, sir. I was originally stationed in Port  
10 Canaveral, Florida, then transferred to New Orleans to the  
11 port there and then to LA, Long Beach, on a ship and then to  
12 Houston.

13          Q.    And even before you were in the Coast Guard, you  
14 were actually not a native Texan. You were from where?

15          A.    Shreveport, Louisiana.

16          Q.    And were you born and raised in Shreveport?

17          A.    Yes, sir.

18          Q.    And your family is there also, correct?

19          A.    Yes, sir.

20          Q.    We talked to one of the police officers, a police  
21 officer earlier about kind of the process that an individual  
22 goes through when they're hired by the police department, we  
23 talked about the academy and things like that. Even though  
24 you were in the Coast Guard, did you have to go through the  
25 regular Houston police academy process like all other police

1 officers?

2 A. Yes, sir.

3 Q. All right. After you finished it, what class did  
4 you graduate in?

5 A. It was Class 181.

6 Q. And that number actually signifies the 181st rookie  
7 class to graduate from the academy?

8 A. Yes, sir.

9 Q. What year was that?

10 A. I graduated in December of 2003.

11 Q. You've been at it 10, 11 years; is that correct?

12 A. Yes, a little over ten.

13 Q. Tell us some of the various assignments you've had  
14 as a Houston police officer in the ten-plus years.

15 A. First assignment at the academy was Beechnut  
16 southwest patrol. Worked there for a few years. I was  
17 transferred into the jail division for a period of time and  
18 I transferred to northeast patrol, worked there for a couple  
19 years and then I worked at airport division for a couple  
20 years and then transferred into the crime scene unit, worked  
21 there for a while and then transferred back to northeast  
22 patrol.

23 Q. Just so nobody gets the wrong impression,  
24 transferred within HPD is something that's natural. I mean,  
25 officers get different assignments, correct?

1           A.    Yes, sir.

2           Q.    All right.  Let's talk about one of those  
3 assignments.  I want to talk about -- you referred to it as  
4 a CSU.  What words do C, S and U stand for?

5           A.    Crime scene unit.

6           Q.    All right.  Does that take us back to the year  
7 2011?

8           A.    Yes, sir.

9           Q.    When were you assigned to be a crime scene unit in  
10 training at least?

11          A.    Originally reported in -- I believe it was October,  
12 2010.

13          Q.    All right.  Is there a process -- we understand  
14 there's a process for becoming a police officer that  
15 involves some training, kind of some book learning and then  
16 also some hands-on training with a supervisor.  Is there a  
17 process like that when you become a crime scene unit?

18          A.    Yes, sir.

19          Q.    What is that process?

20          A.    Well, first you have to have taken the basic crime  
21 scene unit, which, you get in the academy, then you go  
22 through a selection process, which is a interview process.  
23 Once selected, then you go -- you start on the day shift,  
24 you go through a training process with a senior CSU, fellow  
25 officers and they have basically a -- I guess a worksheet,

1 if you will, of tasks that you have to perform as you  
2 proceed through your learning process and once you get a go  
3 or no-go type thing to move on to the next phase of your  
4 training, similar to that of a patrol officer in field  
5 training.

6 Q. All right. And I really apologize for this but you  
7 told us it's crime scene unit and I'm sure we've all seen TV  
8 but go ahead and give us your definition of what is it that  
9 a crime scene unit officer does.

10 A. Crime scene unit officer is a police officer that  
11 is -- that assists investigators in their investigation,  
12 either by photographing, collecting evidence and helping  
13 them with diagrams, just to capture the scene as it is.

14 Q. So, when you do that job or when a crime scene unit  
15 officer does that job, does that -- the photographs and the  
16 different pieces of evidence that you may capture, does that  
17 sometimes end up in court?

18 A. Yes, sir.

19 Q. Is it sometime used in trials just like this one?

20 A. Yes, sir.

21 Q. All right. Getting back to your training, it  
22 sounds like a lot of it is actually hands-on with the  
23 supervisor there, kind of showing you the right way to do it  
24 and then letting you do it; is that correct?

25 A. Yes, sir, that is a part of it. There are some

1 other courses that you do take while in the process, basic  
2 photography, advanced photography, bloodstain pattern  
3 analysis, child death investigations and fingerprinting,  
4 things of that nature.

5 Q. All right. I want to -- and did you successfully  
6 go through all that training with a supervisor and to --  
7 such that you got to a point where you were starting to do  
8 it yourself?

9 A. Yes, sir.

10 Q. All right. I want to now jump to March 11th of  
11 2011.

12 A. Yes, sir.

13 Q. How were you functioning as -- or were you  
14 functioning as an independent CSU, crime scene unit at that  
15 time?

16 A. Yes, sir.

17 Q. Okay. Did you have a supervisor or was somebody  
18 kind of making scenes with you or were you through with your  
19 training?

20 A. I was still in field training. I just basically  
21 had an observer with me to ensure basically if I had any  
22 questions but on night shift it wasn't uncommon for other  
23 CSU units to show up on the scene. Due to the dynamics of  
24 night activity, they'll come and assist each other, so.

25 Q. One thing you said I want to ask you about was

1 night shift. So, what shift were you on?

2 A. At that time I was working from 11:00 to 7:00 in  
3 the morning.

4 Q. 11:00 PM to 7:00 AM?

5 A. Yes, sir.

6 Q. Where were you stationed?

7 A. 1200 Travis.

8 Q. So, that's the main police department.

9 A. Main police station, yes, sir.

10 Q. Downtown. All right. Did you get a call late on  
11 the night of -- well, was it late on the night of March 11th  
12 or was it after midnight, such that it was on March 12th of  
13 2011?

14 A. It was after midnight.

15 Q. About what time was it, if you recall?

16 A. About 1:00 AM.

17 Q. How does a crime scene unit get called out to a  
18 crime scene?

19 A. Normally they get tasked with -- from the homicide  
20 call desk but in this case I was called by a fellow CSU that  
21 apparently had been sent out to the scene and since I was  
22 new to the game, I pretty much get stuck with all the calls,  
23 so, that's how --

24 Q. All right. Things tend to roll downhill?

25 A. Yes, sir.



1 Q. Is that right?

2 A. Yes, sir.

3 Q. All right. When you left the station, what type of  
4 vehicle did you leave in?

5 A. It's a Ford Econoline van. It's a HPD SUV vehicle,  
6 carries my crime scene unit equipment.

7 Q. Okay. That was going to be the next question.

8 Does that van contain the very specialized things that you  
9 may need when you get out to a crime scene?

10 A. Yes, sir.

11 Q. Did you then go to a crime scene?

12 A. Yes, sir.

13 Q. Did you know before you went out there kind of  
14 maybe what about the crime was or not?

15 A. The only thing I was made aware of, that a shooting  
16 had occurred and that someone had died.

17 Q. Do you remember what location you went to?

18 A. Yes.

19 Q. What is it?

20 A. It's --

21 Q. Was it?

22 A. Briargrove, 2757 Briargrove.

23 Q. When you arrived at the location, were there  
24 already other officers there?

25 A. Yes, sir.

1 Q. And when -- were the homicide detectives there when  
2 you got there?

3 A. Yes, sir.

4 Q. What was the process -- is there a process that you  
5 follow every time when you make it to a scene?

6 A. Yes, sir. Once I get on scene, I talk with the  
7 primary officers and the investigators if the investigators  
8 are there, basically just get a idea of what we're looking  
9 at, what occurred and basically what they're expecting from  
10 me.

11 Q. All right. When you talk to them, is there  
12 anything that you actually physically do with the crime  
13 scene after you've talked to them?

14 A. We usually do a walk-through kind of --

15 Q. What is that?

16 A. It's where we're walking through and they kind of  
17 say, well, here's where this occurred or where they believe  
18 something occurred, they want us to photograph this area or  
19 it happened in this apartment or this stairwell or whatever  
20 the case may be and we go through and we basically start  
21 looking through and kind of spotting and looking for any  
22 possible evidence that we may have to make note of later.

23 Q. Okay. How would you make note of the evidence as  
24 you do this walk-through, typically?

25 A. Usually we'll walk through, we have markers which

1 are, like, yellow markers with numbers on them, we'll walk  
2 through and place them by pieces of evidence that ourselves  
3 and investigators have deemed important to the case.

4 Q. Okay. So, as you walk through, you're looking for  
5 things, right?

6 A. Yes, sir.

7 Q. Are you looking for things that pertain to what the  
8 crime was?

9 A. Yes, sir.

10 Q. Sometimes when you've gotten on a scene, have the  
11 officers that have already been there, got there before you  
12 do, have sometimes they actually marked evidence to make  
13 sure that you don't miss it?

14 A. They have, yes, sir.

15 Q. Is that part of the goal when you do this  
16 walk-through with the homicide detectives or with the  
17 officers on the scene?

18 A. Yes, sir.

19 Q. All right. Let's talk about this particular scene.  
20 First we're going to talk about it and then we'll look at  
21 some pictures, okay?

22 A. Yes.

23 Q. Was this an apartment complex?

24 A. Yes, sir.

25 Q. Large or small?

1           A.    Fairly large.

2           Q.    All right.  When you got to the apartment complex,  
3 were you headed to a particular apartment or just to the  
4 apartment complex in general?

5           A.    Well, I was given the apartment number, so I  
6 basically was going to be heading toward a particular  
7 apartment.

8           Q.    Was it Apartment No. 409?

9           A.    Yes, sir.

10          Q.    When you got there, can you basically describe,  
11 just in a basic sense, what did you first see when you got  
12 to 409?

13          A.    Well, appeared something had occurred as we walked  
14 to the apartment, there was some things laying on the  
15 ground, some glass broken out from a window, some of the  
16 lights were on, things of that nature.

17          Q.    Was it a first-, second- or third-floor apartment?

18          A.    First floor.

19          Q.    So, would you consider that area inside of the  
20 apartment and just outside of the apartment, was that a  
21 crime scene that you were now going to, you know, work or  
22 process?

23          A.    Yes, sir.

24          Q.    All right.

25          A.    And the officers had that area secured with yellow

1 tape to restrict access to the area.

2 Q. When you got there, were there people walking  
3 through the crime scene or had they cordoned it off?

4 A. They had it cordoned off.

5 Q. Did you learn that there was another location  
6 within the apartment complex also associated with the crime?

7 A. Yes, sir.

8 Q. And tell us about that. Where is it?

9 A. That was in that same section of the apartments but  
10 it was up on the third floor of a walkway, I believe,  
11 between apartments -- what is it? 637, 638, I believe.

12 Q. All right. So, it's on the third floor.

13 A. Yes, sir.

14 Q. And when you say "a walkway," sometimes that gives  
15 me an impression of something being closed in.

16 A. I guess I should say the balcony, the balcony in  
17 front of the apartments.

18 Q. Okay. Describe -- did you go to that crime scene  
19 also?

20 A. Yes, sir.

21 Q. Was that part of the walk-through?

22 A. Yes, sir.

23 Q. Generally tell us what you saw when you got up  
24 there.

25 A. Well, as I approached the stairwells, they had that

1 area cordoned off with crime scene tape and there was a  
2 officer stationed at the bottom of the stairs and as I went  
3 up the stairwell, got to the location, to where they had  
4 it -- crime scene tape stripped across to block off that  
5 area and there was a officer at that location as well. Once  
6 I got there, it was basically a -- on the concrete there was  
7 clothing, some blood and appeared to be some vomit.

8 Q. Other than those two locations within the same  
9 apartment complex, was there any other locations kind of  
10 associated with this crime that you were concerned with?

11 A. No, sir.

12 Q. All right. So, at that point we've got Apartment  
13 No. 409 and we've got a balcony up on the third floor near  
14 630-something, right?

15 A. Yes, sir.

16 Q. All right. So, what did you do regarding Apartment  
17 No. 409? Tell me what it is you did to mark evidence and  
18 take photographs, just --

19 A. We walk through, place markers in areas that we --  
20 that at the time seemed important for the investigation and  
21 we --

22 Q. Did you take photographs?

23 A. Yes, sir.

24 Q. Did you take a few photographs or a lot of  
25 photographs?

1           A.    A lot of photographs.

2           Q.    Is the point, at the time when you're processing a  
3 scene like that, is the point to try to photograph  
4 individual things that you think may be important or to  
5 photograph everything in case something is important?

6           A.    Both.

7           Q.    Both.

8           A.    One is to photograph the whole area and -- so it  
9 will assist the investigators in their investigation when we  
10 look over the photos but also to capture things as we found  
11 them when I arrived at the scene.

12          Q.    Did you do that in Apartment 409?

13          A.    Yes, sir.

14          Q.    Did you also take that same technique and use it on  
15 the third floor balcony in the area that you described to us  
16 where there was clothing and blood and vomit?

17          A.    Yes, sir.

18                    MR. BREWER:  Judge, may I approach the  
19 witness?

20                    THE COURT:  You may.

21          Q.    (BY MR. BREWER)  After you took those photographs,  
22 do you also sometimes make a diagram of the locations that  
23 you photograph to kind of also help people understand the  
24 way it looked and the layout?

25          A.    Yes, sir.

1 Q. Did you do that with Apartment 409?

2 A. Yes, sir.

3 Q. Did you do it with the crime scene or the scene up  
4 on the third story?

5 A. No, sir.

6 Q. All right. Let me ask you now -- we met yesterday  
7 briefly to kind of go over a bunch of photographs; is that  
8 correct?

9 A. Yes, sir.

10 Q. All right. I'm going to ask you to take a look  
11 just to make sure that these are the photographs that you  
12 and I talked about, State's Exhibit No. 10 through State's  
13 Exhibit No. 44. Please just take a look at those and I'll  
14 ask you a few questions after you get finished.

15 All right. Have you had a chance to look at  
16 those?

17 A. Yes, sir.

18 Q. All right. Regarding State's Exhibits No. 10  
19 through 44 inclusive, did you take these photographs?

20 A. Yes, sir.

21 Q. If you took the photographs, can we safely assume  
22 that you know how to operate the camera that took the  
23 photographs?

24 A. Yes, sir.

25 Q. Is that part of the training that you received to



1 be a crime scene unit officer?

2 A. Yes, sir.

3 Q. And are these crime -- are these exhibits, 10  
4 through -- did I say 44? I'm sorry. 10 through 44, are  
5 those pictures of the area where the crime was committed as  
6 they existed that night?

7 A. Yes, sir.

8 Q. Was that night 3-11 or actually you've gone into  
9 the morning of March 12th, 2011, correct?

10 A. Yes, sir.

11 Q. Would anybody, like the jury, who wanted to better  
12 understand that scene, what it looked like, would it be  
13 helpful to them, in your opinion, to have these pictures,  
14 State's Exhibit No. 10 through 44, to look at?

15 A. I believe so, yes, sir.

16 Q. All right. The pictures that we've put in State's  
17 Exhibit No. 10 through 44, are those principally kind of  
18 regarding the entrance to the apartment complex and then the  
19 Unit No. 409 that we first talked about?

20 A. Yes, sir.

21 Q. All right. You -- did you take pictures on the  
22 third floor area?

23 A. Yes, sir.

24 Q. I would like for you to take a look at State's  
25 Exhibit No. 50 through 58, ask you to take a look at those

1 for a minute.

2 Are those also photographs that you took of  
3 the crime scene?

4 A. Yes, sir.

5 Q. Are these photographs of the area related to the  
6 upstairs scene that we talked about?

7 A. Yes, sir.

8 Q. Did you use the same camera?

9 A. Yes, sir.

10 Q. All right. And would these photographs -- do these  
11 photographs accurately depict that area on the day or the  
12 next early morning after the incident?

13 A. Yes, sir.

14 Q. All right. And do you believe that these  
15 photographs might help somebody understand that upstairs  
16 area if they were to look at them?

17 A. Yes, sir.

18 Q. All right. And then lastly, I want you to look at  
19 State's Exhibit No. 59. Do you recognize it?

20 A. Yes, sir.

21 Q. It's two pages, correct?

22 A. Yes, sir.

23 Q. Is the diagram that's on the first page of State's  
24 Exhibit No. 59, is that the diagram you created or -- to  
25 kind of recreate for us the area of Apartment No. 409?

1 A. Yes, sir.

2 Q. And I guess it also includes the area out in front  
3 of 409, correct?

4 A. Yes, sir.

5 Q. And then the second page, does that -- is that kind  
6 of a written description of some of the things that you have  
7 pointed out in the actual diagram?

8 A. Yes, sir.

9 Q. All right. And do you think -- was this or is this  
10 accurate as to the way the crime scene was in Apartment No.  
11 409 on the morning that you got there?

12 A. Yes, sir.

13 Q. All right.

14 MR. BREWER: Your Honor, at this time we'd  
15 offer State's Exhibit -- and I believe Mr. Anderson's had a  
16 previous opportunity to review, State's Exhibits No. 10  
17 through 44, State's Exhibits No. 50 through 58 and State's  
18 Exhibit No. 59. So, 50 through 59, Your Honor. I'm sorry.

19 MR. ANDERSON: I have no objection, Your  
20 Honor. I have had a chance to look at the exhibits.

21 THE COURT: Very well. All right. State's  
22 Exhibits 10 through 59 -- no. 10 through 44, 50 through 58  
23 and 59 are admitted.

24 MR. BREWER: Thank you, Your Honor. May we  
25 publish them to the jury as we ask the officer questions

1 about the exhibits?

2 THE COURT: Yes.

3 MR. BREWER: Thank you, Your Honor.

4 Q. (BY MR. BREWER) Officer, what I'd like to do is  
5 relatively quickly go through some of these photographs and  
6 then maybe talk a little more in detail about some of them  
7 that have interesting facets to them. What are we looking  
8 at here in State's Exhibit No. 10? What is that showing us?

9 A. This is the entrance to that section of the  
10 complex.

11 Q. Okay. Is that the entrance to the building in  
12 which Apartment No. 409 was contained?

13 A. Yes, sir.

14 Q. What are we looking at here in State's Exhibit No.  
15 12?

16 A. The door of Apartment 409.

17 Q. Was the door open when you got there?

18 A. Yes, sir.

19 Q. When you first arrived, you said that you noticed  
20 some things outside of the apartment; is that correct?

21 A. Yes, sir.

22 Q. All right. I want to -- let's look at State's  
23 Exhibit No. 13. I'm going to zoom in just a little bit  
24 here. Is this the outside of Apartment 409?

25 A. Yes, sir.

1           Q.    Now, did 409 have --did 409 have windows on both  
2   the left -- as you face the door, on both the left and the  
3   right?

4           A.    Yes, sir.

5           Q.    All right.  Is this the set of windows belonging to  
6   409 on the left of the door?

7           A.    Yes, sir.

8           Q.    Is this the set of windows on the right?

9           A.    Yes.

10          Q.    Did you note anything regarding the windows to the  
11   left of the door as you started examining that crime scene?

12          A.    Well, it appeared that obviously that glass was  
13   broken out and there was glass on the floor or on the ground  
14   there on the concrete.

15          Q.    All right.  We're looking at State's Exhibit No. 14  
16   now.  Is this the window or are these the windows to the  
17   left of the door?

18          A.    Yes, sir.

19          Q.    And is there anything about the way the shades are  
20   sticking out the window?  Does that indicate anything to  
21   you?

22          A.    Well, it appeared that the glass had been broken  
23   from the inside out.

24          Q.    So whatever the object was that broke the window,  
25   do you think it was traveling into the apartment or

1 traveling out of the apartment?

2 A. Traveling out.

3 Q. If we look on the ground here in front of that  
4 window, can we see the glass that you just referred to?

5 A. Yes, sir.

6 Q. Were there other items in front of the window that  
7 we can see? In fact, let's look at State's Exhibit No. 15  
8 because it's a little clearer. Are there other items  
9 outside of that window that you noticed?

10 A. Yes, sir. Portions of --

11 Q. What are they?

12 A. Window frames or the blinds, portions of curtains  
13 and what appeared to be a handgun.

14 Q. All right.

15 A. At the time.

16 Q. Now, hold on. Let's stop a little bit. In the  
17 diagram that you made, did you include things like this  
18 handgun that we see there?

19 A. Yes, sir.

20 Q. All right. How did you designate that in the  
21 diagram? I'm going to put the diagram here so we can kind  
22 of get used to using this diagram. Use your finger to  
23 circle the gun.

24 A. (Indicating.)

25 Q. All right. We can see an outline of a gun and we

1 see a No. 12. What does the 12 designate?

2 A. That was the number of the marker that was placed  
3 near the --

4 Q. When we go back to the picture, we see there's that  
5 little yellow 12, correct?

6 A. Yes, sir.

7 Q. On the second sheet of your diagram, do you also  
8 write something regarding No. 12?

9 A. Correct, write down what type of pistol it was and  
10 then once it goes to inspection, turned out to be a Crosman  
11 Co2 BB pistol.

12 Q. So, let's note several things here. A BB pistol.  
13 What is a BB pistol? To be really clear for the record, I  
14 know it might be common sense, but is a BB pistol a firearm?

15 A. It's not considered a firearm, no, sir.

16 Q. All right. Does it shoot real bullets?

17 A. No, sir.

18 Q. What does it shoot?

19 A. Copper BBs.

20 Q. All right. Did this -- when we look here at  
21 State's Exhibit No. 18, what is that a close-up of?

22 A. Of the BB pistol.

23 Q. It's a little hard to see with this lighting but  
24 was there a word actually written across the pistol?

25 A. It had a brand name, Phantom.

1 Q. Was it made of plastic or made of metal?

2 A. Plastic with some metal but mostly plastic.

3 Q. Did it look like, from a distance, a real firearm?

4 A. Yes.

5 Q. I want to go back to the outside of Apartment No.  
6 409 and I want to talk about these windows to the right of  
7 the door as you face the door. Was there anything to the  
8 right windows that captured your attention?

9 A. Well, we noticed there were some stickers on there  
10 that said "video surveillance," so.

11 Q. If we take a look at State's Exhibit No. 20 here,  
12 what are we looking at?

13 A. Sticker that says, "Warning, premises under 24-hour  
14 video surveillance," and then also you can see what appears  
15 to be a video camera in the window right there.

16 Q. Why was that important to you as a crime scene  
17 unit?

18 A. Well, we thought we might get lucky and have video  
19 of maybe what occurred at least outside the apartment.

20 Q. All right. Did you investigate that?

21 A. Yes, sir.

22 Q. All right. Did you find -- let's skip a little bit  
23 here. I'm going to show you State's Exhibit No. 22. Did  
24 you find equipment inside that you thought might have helped  
25 us in terms of recording what happened outside?



1           A.    Well, there were televisions and VCR players there  
2 but the camera equipment wasn't hooked up to anything when  
3 we checked.

4           Q.    All right.  So, at that point there was no reason  
5 for you to believe that you had any functioning video; is  
6 that fair?

7           A.    Yes, sir.

8           Q.    All right.  Based on your training and experience,  
9 cameras are great but if they're not hooked up to something  
10 to record what happens, then you've got nothing, right?

11          A.    Yes, sir.

12          Q.    All right.  Let's look at the diagram here and  
13 let's try to orient ourselves.  State's Exhibit No. 59 is  
14 your diagram.  Let's try to become a little more familiar  
15 with it.  What is it that we're seeing here that I'm  
16 pointing to that also says RP.  I believe that's reference  
17 point, correct?

18          A.    Yes, sir.

19          Q.    All right.  What is this opening that I'm pointing  
20 to?

21          A.    That -- the front door, front entrance of the  
22 apartment.

23          Q.    And as you go inside of that room, was this the  
24 main room that has a bed and then over to the right it looks  
25 like two couches, was this the main living area of the

1 apartment?

2 A. Yes, sir.

3 Q. When you went into that area, if -- and you walked  
4 in -- did you walk in through the front door? I mean, you  
5 didn't go in through the window, right?

6 A. Yes, walked in.

7 Q. Okay. Did you make an effort to take photographs  
8 of all the different angles here of this main room?

9 A. Yes, sir.

10 Q. Let's look at State's Exhibit No. 23. Is that a  
11 photograph looking -- we're going to go back and forth  
12 between your Exhibit 59 here and the different photographs,  
13 okay? Is that a photograph with you having entered the door  
14 and looking immediately to the right and seeing this first  
15 couch?

16 A. Yes, sir.

17 Q. All right. We also see something here just in the  
18 very bottom of the photograph. What is that?

19 A. That is a top portion of a television that was  
20 sitting on the table there.

21 Q. Okay. And that was some of the electronics that  
22 you referred to earlier, correct?

23 A. Yes, sir.

24 Q. When we stand and we look, we're still at this  
25 front door and we look a little further into the living

1 room, if we take a look at State's Exhibit No. 24, do we  
2 then see that second couch sitting a little further back  
3 here in the room?

4 A. Yes, sir.

5 Q. There's a little exhibit or -- excuse me --  
6 evidence marker here that says No. 2. Do you recall what  
7 that was about?

8 A. I believe it was marking the ammo box or the little  
9 plastic Styrofoam container and some shell casings or --  
10 say, cartridges that are laying on the floor there.

11 Q. Okay. Let me make sure that we're talking about  
12 the same thing because I want to make sure we're using words  
13 that the jury understands. Did you find bullets laying on  
14 the floor in this area where the No. 2 is?

15 A. Yes, sir.

16 Q. Okay. You used the term "cartridges." Were those  
17 cartridges fired?

18 A. No, they were unfired cartridges.

19 Q. So, it'd be something like what you have in your  
20 gun right now?

21 A. Yes, sir.

22 Q. Do you recall what size those cartridges were, what  
23 type of gun they were for?

24 A. They were 9 millimeter.

25 Q. All right. Did you find, just so we can maybe jump

1 ahead a little, did you find any shell casings that had  
2 already been fired inside the apartment?

3 A. No, sir.

4 Q. As we look at State's Exhibit No. 25 here -- well,  
5 actually, let me go back to 24 and ask you a little bit  
6 about the left side of this photograph. As we look into the  
7 apartment here, what's straight ahead from the door  
8 actually?

9 A. The kitchen.

10 Q. And if we go back again to your diagram, we can see  
11 that straight back from the door -- to the right -- there we  
12 go. Wrong room.

13 Straight back from the door we're able to see  
14 the kitchen area, correct?

15 A. Yes, sir.

16 Q. If we look a little more kind of, I guess, straight  
17 back from the door and a little to the left, what area do we  
18 have back here?

19 A. Well, it's like a little -- a small, short hallway  
20 that leads to the rest of the apartment where there's a  
21 bathroom on one side and a bedroom on the other side.

22 Q. Okay. So, if you were going to the bathroom, I  
23 guess you'd have to walk around this bed but you'd come back  
24 here near the kitchen, you'd make a left and then you'd go  
25 into the bathroom this way; is that correct?

1 A. Yes, sir.

2 Q. All right. As we look at State's Exhibit No. 25,  
3 is this the hallway that you were talking about where you  
4 make a right to go to the bathroom or you'd make a left here  
5 to go into the one bedroom?

6 A. Yes, sir.

7 Q. Do you recall what these -- what these evidence  
8 markers indicate, 5 and 6?

9 A. Let's see. 5, I believe was marking -- I'm not  
10 sure if it's a cell phone, I believe, and No. 6 I believe  
11 was a box, cardboard exterior of a ammo box.

12 Q. All right. Was it that -- if we look on your list  
13 here, just to clarify, we see 5 is actually a cell phone.  
14 Was there any reason to believe that the cell phone was  
15 important or not important?

16 A. Occasionally investigators will want cell phones  
17 and to, you know -- for further investigation, so that was  
18 marked.

19 Q. Do you kind of always mark cell phones and take  
20 them, if you can?

21 A. Yes, sir. I think at this point I did not tag  
22 them. I believe the investigators took possession of the  
23 cell phones.

24 Q. All right. If we went through the 200-plus  
25 pictures here that we actually have, did you take

1 photographs of the individual cell phones?

2 A. Yes, sir.

3 Q. Also if we look at No. 6, empty box, ammo, is that  
4 the same 9 millimeter type of ammunition that you spoke  
5 about earlier?

6 A. Yes, sir.

7 Q. So No. 2 was actually the ammunition laying on the  
8 ground; No. 9 was the box of the ammunition.

9 A. Correct.

10 Q. Okay. State's Exhibit No. 27, have you now kind of  
11 walked into the apartment into the area of where that kind  
12 of small hallway was that you were speaking of?

13 A. Yes, sir.

14 Q. And you're kind of pointed towards the bathroom  
15 door here with your camera; is that correct?

16 A. Yes, sir.

17 Q. So, if we overlay State's Exhibit No. 59 here, what  
18 we've got is you're essentially standing right here shooting  
19 into the bathroom; is that correct?

20 A. Yes, sir.

21 Q. With a camera.

22 A. Yes, sir.

23 Q. All right. Did you notice anything unique about  
24 the bathroom door that grabbed your attention?

25 A. Well, there was what appeared to be a bullet hole

1 near the door handle.

2 Q. All right. And as we zoom in on this, are you  
3 referring to this small dot right here by the bathroom  
4 door --

5 A. Yes, sir.

6 Q. -- handle? Let's go ahead and look a little  
7 further into the bathroom with State's Exhibit No. 28. Did  
8 you step a little bit further into the bathroom to get a  
9 good shot of what was in there?

10 A. Yes, sir.

11 Q. And is there something on this photograph indicated  
12 with an arrow that you put to draw your attention to it?

13 A. There appears to be a bullet hole in the tile.

14 Q. Circle it to make sure that we're looking where  
15 you're looking.

16 A. Yes, sir.

17 Q. All right. So, was that an actual hole in the tile  
18 of the bathroom wall?

19 A. Yes, sir.

20 Q. Is that a close-up of the bullet hole, State's  
21 Exhibit No. 30, on the outside of the bathroom door?

22 A. Yes, sir.

23 Q. State's Exhibit No. 31, a close-up of the bullet  
24 hole in the inside of the bathroom door?

25 A. Yes, sir.

1 Q. Is there anything about the surface of this inside  
2 hole that means anything to you?

3 A. Well, with that wood and paint chipped -- or pushed  
4 out that way, it appeared that the bullet was fired from the  
5 outside of the door and entered the inside.

6 Q. And so, that --

7 A. It exited the out -- or the inside into the wall.

8 Q. Okay. So, just to be clear, did that bullet come  
9 from inside of the bathroom, yes or no?

10 A. No.

11 Q. Did it come from outside of the bathroom shooting  
12 in?

13 A. Yes, sir.

14 Q. All right. When we're looking at the way the edge  
15 is jagged on the inside, is that kind of the same theory  
16 that we looked at the window with -- on the front of the  
17 apartment, hey, all the glass ended up outside, so something  
18 was clearly going that way?

19 A. Yes, sir.

20 Q. Okay. So we know now that we've got a bullet that  
21 wasn't coming from in the bathroom; it was going into the  
22 bathroom, right?

23 A. Yes, sir.

24 Q. All right. State's Exhibit No. 32 is a photograph  
25 of what? What are we seeing here?



1           A.    We have a photograph of the hole with a rod stuck  
2           in it to give you some idea of the angle and trajectory.  
3           And I have a tape measure to show how high off the ground it  
4           was.

5           Q.    What is the -- also we see this orange stick in the  
6           middle of the photograph.  What is it called and what is it  
7           used for?

8           A.    We call them trajectory rods, placed in the hole of  
9           a bullet strike and to give you an idea kind of what angle  
10          the bullet was at when it entered or where -- and kind of  
11          points to kind of where it was fired from.

12          Q.    All right.  And did -- well, let me -- let's go to  
13          the next photograph, State's Exhibit No. 34.  Are we also  
14          seeing here a trajectory rod in State's Exhibit 34?

15          A.    Yes, sir.

16          Q.    What's the point -- what is this trajectory rod  
17          trying to show us?

18          A.    This is showing the angle from the door itself back  
19          toward where -- where it lines up with the hole in the wall.

20          Q.    Yeah, if we actually look on the right side of this  
21          photograph, would you agree with me that rod actually needs  
22          to go up a little bit because we need to make it go in this  
23          hole here, correct?

24          A.    Correct.

25          Q.    All right.  So, based on your training and

1 experience, did it appear like the bullet that came from  
2 outside of the bathroom through the bathroom door is the  
3 same bullet that went into the hole there near the bathtub  
4 or shower?

5 A. Yes, sir.

6 Q. And then lastly, State's Exhibit No. 35, you've  
7 kind of taken and completed the series by sticking the  
8 trajectory rod into that hole, correct?

9 A. Yes, sir.

10 Q. Did you make efforts to -- did you make efforts to  
11 find whatever bullet went through the hole near the bathtub?

12 A. Yes, sir.

13 Q. Were you successful?

14 A. No, sir.

15 Q. Did you actually dig into that wall as we see here  
16 in State's Exhibit 36?

17 A. Yes, sir.

18 Q. When you got inside of the wall, what are we  
19 looking at here in State's Exhibit No. 37? What is that?

20 A. That's the opposite wall from the joint or the --  
21 on the outside where the bullet struck and then went in some  
22 unknown direction.

23 Q. Okay. So, bullet hit that. Did it appear to  
24 penetrate that?

25 A. No, sir.

1 Q. All right. So, it hit that and went an unknown  
2 direction; you all never did find it?

3 A. No, sir.

4 Q. If we go back to our diagram and -- want to point  
5 out one thing. You have a dashed line with some dashed  
6 arrows in the bathroom on your diagram. Is that kind of the  
7 approximate trajectory of that bullet through the door into  
8 the bathroom area?

9 A. Yes, sir.

10 Q. Is this map to scale or this diagram to scale? Is  
11 everything perfect in proportion to one another or is it an  
12 approximation?

13 A. Approximation, it's not to scale.

14 Q. All right. So, if we're looking at the exact  
15 angles or the exact size of the kitchen or the stove or a  
16 table or a bed, is that going to be right?

17 A. Well, the measurements are correct but the -- more  
18 science to get it to exact scale but the measurements  
19 from -- while the use of the reference point and from the  
20 walls across are exactly what they were in the room.

21 Q. Okay. Let me clarify that because I'm not sure I  
22 understood it. Okay. On this diagram you have included  
23 some measurements, like we see here, from a back wall to  
24 this line was five feet.

25 A. Yes, sir.

1 Q. Are those measurements correct?

2 A. Yes, sir.

3 Q. All right. But when we look at the pictures,  
4 the --

5 A. Oh, the items.

6 Q. Hold on. When we look at the shapes within the  
7 diagram, like the size of the bathtub, is that  
8 necessarily -- is the shape necessarily the proper length or  
9 width?

10 A. No, sir.

11 Q. Okay. So, the shapes are here to give us  
12 approximate location. The measurements are here if we need  
13 to exactly recreate the scene; is that correct?

14 A. Yes, sir.

15 Q. All right. If we were standing in the doorway to  
16 the bathroom here and we wanted to turn around -- we're  
17 looking at the toilet and we want to turn around and face  
18 the opposite direction, in other words, this way, down on  
19 our diagram, what would we be looking into?

20 A. The bedroom, another room of the apartment.

21 Q. Was it a one-bedroom apartment?

22 A. Yes, sir.

23 Q. Show you State's Exhibit No. 39. Is that a picture  
24 basically of you turning around out of the bathroom doorway  
25 facing the opposite direction and maybe taking a step kind

1 of into the doorway of the one bedroom?

2 A. Yes, sir.

3 Q. Did that bedroom appear to be neat or in kind of a  
4 disarray?

5 A. Somewhat disarray.

6 Q. Are the windows to that bedroom, do they face out  
7 the front -- to the front of the apartment or to the back of  
8 the apartment?

9 A. To the front.

10 Q. When you showed us early on in State's Exhibit No.  
11 13 that there was this window over here that looked like it  
12 had been broken from the inside out, is that the window  
13 we're looking at when we're standing inside of the bedroom?

14 A. Yes, sir.

15 Q. So, if we look at State's Exhibit No. 40 here, are  
16 we looking at both those windows from inside of the bedroom  
17 out to the concrete in front of Apartment No. 409?

18 A. Yes, sir.

19 Q. Would you agree with me -- go back to your diagram  
20 to get some orientation -- the broken window's here, some  
21 type of a bed in front of a window that we saw that's  
22 covered with some type of dark cloth but then back over here  
23 you've kind of got a vanity or a closet area; is that  
24 correct?

25 A. Yes, sir.

1 Q. Is that the area that we're looking here in State's  
2 Exhibit No. 42? Is we've kind of stepped into the bedroom  
3 and turned right; is that correct?

4 A. Yes, sir.

5 Q. Got a vanity area here, back here there's actually  
6 a little closet. Would you agree -- what is this that we  
7 see here? You've got it marked as State's Exhibit -- excuse  
8 me -- as a piece of evidence number -- what is that? 11?

9 A. 11, yes, sir.

10 Q. What is that?

11 A. That would be that shotgun that's propped up  
12 against the wall there.

13 Q. Was that a BB shotgun or a real shotgun?

14 A. A real shotgun.

15 Q. Was it loaded or unloaded, if you know?

16 A. It was unloaded.

17 Q. Do you know, were there shells somewhere in the  
18 house ever found?

19 A. There were shells located in a box right next to  
20 the shotgun itself.

21 Q. Did the shell -- did that shell box appear to be  
22 open?

23 A. Yes, sir. Or -- I just remember there was 24 in a  
24 box of 25. I don't remember if the box was open or not.

25 I'm not --

1           Q.    All right.  Don't know if the box was open but  
2 there's 24 out of 25.  Was the one that was missing, was it  
3 in that shotgun?

4           A.    No, sir.

5           Q.    Anything to indicate that that shotgun had been  
6 fired?

7           A.    No, sir.

8           Q.    State's Exhibit No. 44, is that a photograph kind  
9 of standing in the vanity area and turning back around again  
10 to look at the window that goes out front?

11          A.    Yes, sir.

12          Q.    There are more photographs with more detail but do  
13 the photographs that we've just looked at substantially show  
14 all of the areas of that apartment, that apartment being No.  
15 409?

16          A.    Yes, sir.

17          Q.    We know that you didn't diagram the area up on the  
18 third floor but let's look at State's Exhibits No. 50  
19 through 58 and talk about -- try to get an idea of what the  
20 third floor looked like.  You've got two front door  
21 photographs here, State's Exhibit No. 50 and 51.  What do  
22 those represent?

23          A.    That was two apartments in the area that the  
24 clothing and stuff were lying on the concrete balcony there,  
25 in between those two apartments.

1 Q. And just to be very clear, Officer, was there ever  
2 any indication to you that, you know, you needed to go  
3 inside of those apartments or anybody pertaining to this  
4 case was inside of those apartments?

5 A. No, sir.

6 Q. So, taking the door numbers is just a reference,  
7 hey, this is where we were?

8 A. Yes, sir.

9 Q. State's Exhibit No. 52, what is that a photograph  
10 of?

11 A. This is the photograph of the -- or on the balcony  
12 looking down toward where the Apartment 409 is.

13 Q. Go ahead and put a circle around the front door of  
14 409 if you can see it.

15 A. (Witness complies.)

16 Q. Okay. So, just to the left of your circle is a  
17 light. Is that actually the doorway to 409?

18 A. Yes, sir.

19 Q. All right. So, when you were up on the balcony,  
20 were you standing in the immediate area of where the  
21 clothing and where Mr. Williams was found?

22 A. Yes, sir.

23 Q. So, you were within straight-eye shot of Apartment  
24 No. 409?

25 A. Yes, sir.



1           Q.    When you got there -- we know the answer to this  
2 question -- but was Mr. Williams there or not?

3           A.    No, sir.

4           Q.    Was any of the Houston Fire Department personnel or  
5 any of them there?

6           A.    No, sir.

7           Q.    In fact, this is more than an hour after the actual  
8 event, correct, after the murder?

9           A.    Yes, sir.

10          Q.    We looked at State's Exhibit No. 53.  What are we  
11 looking at here?

12          A.    We're looking where the area is cordoned off and  
13 there's some clothing and shoes and stuff lying on the  
14 balcony.

15          Q.    State's Exhibit No. 54, is that just a closer shot  
16 of the same area?

17          A.    Yes, sir.

18          Q.    What are we seeing now that we've got better light  
19 and we can kind of distinguish it?  What is it?

20          A.    We have a couple pairs of shoes, some jeans and a  
21 belt.  There was 14 shirts over there and some blood and  
22 vomit.

23          Q.    You've been to -- I assume you've been to many  
24 crime scenes where there's been either a person severely  
25 injured or a person murdered; is that correct?

1           A.    Yes, sir.

2           Q.    When emergency medical technicians or fire  
3 department personnel, when they work on people, sometimes do  
4 they leave their clothing behind?

5           A.    Yes, sir.

6           Q.    Why?

7           A.    Mainly for the purpose -- they remove it obviously  
8 so they can treat the victim but they also leave it behind  
9 so we can use it where we can collect it as evidence.

10          Q.    All right.  One of the things that you might --  
11 well, is one of the things that you might collect a person's  
12 wallet?  If they've been shot and they've been taken off to  
13 the hospital, might you be interested in who they are?

14          A.    Yes, sir.

15          Q.    All right.  So, what do we see here propped up in  
16 Mr. Williams' two tennis shoes or one tennis shoe?

17          A.    A wallet.

18          Q.    Is that something that either you've seen before  
19 with the ambulance personnel or with your police officers to  
20 make sure it doesn't get lost and gets noticed?

21          A.    Yes, sir.

22          Q.    Along those same lines, might you be interested in  
23 a person's pants because there might be a wallet or some  
24 other type of information or money or anything else of  
25 valuables in their pants?

1           A.    Yes, sir.

2           Q.    By the way, what happens to these things that we're  
3    seeing on the photograph there after you finished  
4    photographing them in place?  What happens to them?

5           A.    They are taken and tagged into evidence.

6           Q.    Who does that?

7           A.    I do.  The officer that recovers them.

8           Q.    All right.  And you mentioned that there were --  
9    what is it we're looking here at State's Exhibit No. 57?

10          A.    These are some clothing, couple of, like, T-shirts  
11    and a white T-shirt.  Now, with these they had some --

12          Q.    Now, when you say "these," you're going to have to  
13    tell us what you're referring to.

14          A.    Yes, sir.  I'd say that, like, these here and these  
15    pieces of clothing had some bloodstains on them, some vomit  
16    and I guess we call it wet material, so we have a location  
17    that we take these called the drying room where they are  
18    hung and they dry and then they are placed into the property  
19    room.

20          Q.    All right.  Also in kind of the top portion of this  
21    picture we see some things that appear to be white and  
22    paperish.

23          A.    Yes, sir.

24          Q.    What is that?

25          A.    That is HFD -- I guess -- well, I'm trying to think

1 of what they call them. The pads and packing and stuff you  
2 use when they're treating a victim on the scene.

3 Q. All right. So, these are kind of medical leftovers  
4 from where they were trying to save Mr. Williams' life?

5 A. Yes, sir.

6 Q. And since you understood -- since you understood  
7 that there was a weapon involved and possibly a shooting,  
8 would you typically examine the clothing to see if there's  
9 any sign of that?

10 A. Yes, sir.

11 Q. All right. If I show you State's Exhibit No. 58,  
12 can you tell us what this is and why it's significant?

13 A. This is a piece of clothing that was retrieved at  
14 the scene and it appeared to have obviously some bloodstains  
15 and then what appeared to be two bullet holes -- holes in  
16 the shirt.

17 Q. All right. And just to be clear, if a piece of  
18 material is folded in half and you shoot through it, is it  
19 going to create two holes like that or will you have one?

20 A. Two.

21 Q. Are you aware of Mr. Williams being shot once or  
22 twice, if you are aware?

23 A. I'm not aware of how he was shot, no.

24 MR. BREWER: All right. Thank you. Pass the  
25 witness, Your Honor.

1                   THE COURT: Mr. Anderson, why don't we take  
2 our break. We'll be in recess till, let's say, 3:20,  
3 please.

4                   (Jury not present.)

5                   (Recess.)

6                   (Jury present.)

7                   THE COURT: Mr. Anderson, you may proceed.

8                   MR. ANDERSON: Thank you, Your Honor.

9                   **CROSS-EXAMINATION**

10                  Q.    (BY MR. ANDERSON) Officer Johnson, I just have a  
11 few questions I'd like to ask you. As far as your training  
12 is concerned and when you investigate a crime scene, it's  
13 the normal practice to prepare what they call an offense  
14 report or offense report supplement outlining what your  
15 actions were and observations that are made by you during  
16 the course of the investigation, correct?

17                  A.    Yes, sir.

18                  Q.    And actually what that is, that's done by any  
19 police officer that may have some bearing or have taken some  
20 action in investigating a particular type of crime, correct?

21                  A.    Yes, sir.

22                  Q.    All right. Now, I know you indicated that you as  
23 one -- as a crime scene officer was dispatched to the  
24 location to -- to process the scene. Were there other crime  
25 scene officers also there at the location kind of doing the

1 same work that you were doing or were you the only one?

2 A. I was the only one processing my crime scene.  
3 There were -- officer that was with me, Officer Pena, he's  
4 basically just with me to assist me in my taking of  
5 measurements and things of that nature but there was one  
6 other officer there as well.

7 Q. And do you recall the officer's name?

8 A. Thompkins.

9 Q. Okay. Now, when you do your offense report or your  
10 supplement, you place what you do and also the observations  
11 that you made, correct?

12 A. Yes, sir.

13 Q. Now, in the offense report I'm looking at, there's  
14 a notation in here that entering the apartment, it says,  
15 Apartment 409, there was a strong smell of recently burned  
16 marijuana that was noticed.

17 A. Let's see here.

18 Q. And I'm not sure if my report is going to be the  
19 same page as yours but I'm looking at page 2.015.

20 A. More than likely not.

21 MR. ANDERSON: May I approach?

22 THE COURT: Come on up.

23 A. Is it under scene description?

24 Q. (BY MR. ANDERSON) Right, under description of  
25 scene.

1 A. I don't know exactly where that might be.

2 Q. No, you're looking at -- okay. You have 2.015.  
3 These are 1s, page 1.

4 A. Right. Well, I understand. This is actually my  
5 copy I printed out the day I wrote it. So, the way it  
6 prints out, maybe because you probably have the whole case  
7 file.

8 Q. Yes, sir.

9 A. I'm not sure, you know, without knowing but --  
10 let's see if I can find where you're talking about here.

11 MR. BREWER: What supplement?

12 MR. ANDERSON: I'm sorry?

13 MS. DOZIER: What page are you looking at?

14 MR. ANDERSON: I'm looking at 2.015.

15 Supplement 7.

16 MR. BREWER: That will help him reference it.

17 Q. (BY MR. ANDERSON) Okay. Do you have a Supplement  
18 7?

19 A. Mine says No. 9 at the top of my supplement page,  
20 so --

21 Q. All right. Who is Officer B.D. Evans?

22 A. I'm not sure.

23 Q. Okay. All right. Let me ask you this.

24 A. I think I have his name on here as being there as  
25 well, so.

1 Q. I'm sorry?

2 A. I said I have his name under -- in my supplement  
3 as -- I guess he was one of the investigators on the scene.

4 Q. All right. I take it if this is his report, his  
5 supplement and he recorded in the supplement that there was  
6 a strong smell of burning marijuana when he entered the  
7 apartment, I guess he put that in there because that's what  
8 he observed?

9 A. Yes, sir.

10 Q. All right. Do you recall when you entered the  
11 apartment whether or not you noticed any smell of burning or  
12 recently burnt marijuana?

13 A. Not that I recall, no, sir.

14 Q. But you came -- it was sometime later that you came  
15 on the scene to process it, correct?

16 A. Yes, sir.

17 Q. All right. And when you came out on the scene to  
18 process it, the door to the apartment was open?

19 A. Yes, sir.

20 Q. Now, do you remember if Officer B.D. Evans is still  
21 a member of the Houston Police Department? Do you know?

22 A. No, sir, I do not.

23 Q. Now, you processed the scene, you walked the area  
24 of the apartment, you take the photographs that are admitted  
25 into evidence. Did you notice any packing boxes in



1 Apartment 409?

2 A. They're -- I say packing boxes. There were, I  
3 think, in the bedroom there was, like, containers and things  
4 of that nature in there, like maybe they were packing or  
5 unpacking or whatever the case may be.

6 Q. But as far as packing boxes, you didn't see?

7 A. Nothing that -- not that I recall without --

8 Q. All right. Now, with all of the evidence that you  
9 collected, did you also observe or collect what's known as a  
10 blunt, marijuana cigar?

11 A. Yes, sir.

12 Q. All right. And where was that marijuana cigar  
13 located?

14 A. I believe it was located in the living room on the  
15 floor in front of -- near the mattress in that first room.

16 Q. Now, would that -- your diagram that also contains  
17 the page that has both the description of the evidence that  
18 was recovered, would that contain the reference to the  
19 marijuana cigar that was found there in the apartment?

20 A. I believe it would. I'd have to look at it and  
21 make sure but I believe it would.

22 MR. ANDERSON: Where is 59, State's Exhibit  
23 59?

24 MR. BREWER: Right there.

25 MR. ANDERSON: Can I take it to him?

1 MR. BREWER: Okay.

2 MR. ANDERSON: I'm challenged.

3 MR. BREWER: I'll help you.

4 MR. ANDERSON: May I approach the witness,  
5 Your Honor?

6 THE COURT: You may.

7 Q. (BY MR. ANDERSON) All right. Let me show you  
8 what's been admitted into evidence as defendant's -- excuse  
9 me -- State's Exhibit 59. This is a diagram you've been  
10 describing and talking about, correct?

11 A. Yes, sir.

12 Q. All right. Does it reference on it, and also on  
13 the page of descriptions, the marijuana cigar that you've --

14 A. Yes, No. 1.

15 Q. Okay. Now, also looking at this and based on your  
16 recollection, did you also recover a small glass water bong?

17 A. Yes, sir.

18 Q. Okay. And what is that used for?

19 A. It's for the smoking of some narcotics.

20 Q. Now, do you recall whether there was any evidence  
21 of narcotics in that bong that you recovered?

22 A. No, I do not.

23 Q. Okay. You don't recall?

24 A. (Shakes head negatively.)

25 Q. Was that actually logged in or placed in the

1 property room?

2 A. Yes, sir.

3 Q. Okay. Now, were there any scales of any nature  
4 that are used for the purpose of weighing narcotics  
5 recovered?

6 A. There was a scale recovered. Whether it was used  
7 for that, I can't say but that's, you know.

8 Q. All right. Now, you've investigated --

9 A. Yes, sir.

10 Q. -- quite a few scenes, correct? The scale that you  
11 recovered out there, was it of the type that's used for the  
12 purpose of making narcotics?

13 A. Yes, sir.

14 Q. But I mean, you don't know what it was used for but  
15 it was that type of scale.

16 A. Yeah, used for that, yes, sir.

17 Q. Now, with all the evidence that you recovered out  
18 there, did any of that evidence tell you who shot Reginald  
19 Williams?

20 A. No, sir, not that --

21 Q. We've seen quite a few photographs and I'm going to  
22 assume that those are not all of the photographs that you  
23 took that night, are they?

24 A. No, sir.

25 Q. How many photographs do you think you took?

1           A.    I could give you the exact number if you'd like.

2           Q.    Tell us exactly.

3           A.    Okay.  Let's see.

4           Q.    If you can't find it, just give us your best guess.

5           A.    I would say close to 250, maybe 300.

6           Q.    Photographs?

7           A.    Yes, sir.

8           Q.    Of all those 250 or 300 photographs, do any of them  
9 tell you or tell us who shot Reginald Williams?

10          A.    No, sir.

11          Q.    Now, I know in looking at one of the photographs  
12 taken in the bathroom, and you made some effort in banging a  
13 hole through the wall to try to locate the bullet --

14          A.    Yes, sir.

15          Q.    -- that you believe created that hole that's in  
16 that wall.  You said you weren't able at all to recover the  
17 bullet?

18          A.    No, sir.

19          Q.    Any way of describing or, I guess, telling us why  
20 that might be?

21          A.    Well, either -- I'm not -- without knowing what  
22 type of bullet or anything it was, I mean, it may have hit  
23 something and caused it to shatter to -- you know, into  
24 small particles -- like I said, small fragments that may not  
25 have been perceived as bullet fragments or when it hit, it

1 lodged somewhere else in the wall and we just weren't able  
2 to find it without doing further damage to the apartment.

3 Q. Let me ask you this. The hole that's in the door  
4 of the bathroom and the hole that's in the wall, could  
5 that -- those holes have been made by something other than a  
6 bullet?

7 A. Possibly.

8 Q. Okay. Did you take any evidence from those holes  
9 that would be able to be analyzed and looked at to tell us  
10 conclusively that the hole that went through the door was  
11 made by a bullet?

12 A. No, sir.

13 Q. Okay. The hole that's in the wall, all right, did  
14 you take any samples or any evidence that could be analyzed  
15 that would tell us that that hole in that bathroom wall was  
16 made by a bullet?

17 A. No, sir.

18 Q. Now, if they were made by something other than a  
19 bullet, would that be a reason as to why you may not have  
20 found a bullet behind that wall that you knocked that big  
21 hole in?

22 A. Possibly.

23 MR. ANDERSON: Thank you, sir. No further  
24 questions.

25 THE COURT: Anything further?

1                   MR. BREWER: Briefly, Your Honor. May I?

2                   THE COURT: Sure.

3                   MR. BREWER: May I approach the witness, Your  
4 Honor?

5                   THE COURT: You may.

6                                   **REDIRECT EXAMINATION**

7           Q.    (BY MR. BREWER) Officer Johnson, would you please  
8 look at State's Exhibit No. 45 and tell me if that's one of  
9 the photographs also that you took out there at the scene?

10           A.   Yes, sir.

11           Q.   And the big yellow thing, is that one of the  
12 evidence markers that you put down that's also contained in  
13 your diagram?

14           A.   Yes, sir.

15           Q.   All right.

16                   MR. BREWER: Your Honor, I'll show State's  
17 Exhibit No. 45 to defense counsel and offer State's 45 into  
18 evidence.

19                   MR. ANDERSON: No objection.

20                   THE COURT: 45 will be admitted.

21                   MR. BREWER: May I show it to the jury, Your  
22 Honor?

23                   THE COURT: You may.

24           Q.    (BY MR. BREWER) I believe Mr. Anderson asked you  
25 about a blunt. What is a blunt?

1           A.    It's a cigar.  I mean, the term "blunt," but it's a  
2   cigar that's been cut and has marijuana basically rolled  
3   back into it.

4           Q.    And is it a common way for people that want to  
5   smoke marijuana be a little less conspicuous than holding a  
6   little paper joint, you know, makes it a little less  
7   conspicuous?  Is that one way that marijuana gets consumed  
8   these days?

9           A.    Yes, sir.

10          Q.    If we look at State's Exhibit No. 45, Mr. Anderson  
11   asked you about taking a photograph of a blunt.  Is that the  
12   photograph of the type of marijuana cigarette you just  
13   described?

14          A.    Yes, sir.

15          Q.    All right.  And this evidence marker next to it,  
16   No. 1, if we were to look at the State's Exhibit No. 59, we  
17   could see where this blunt was actually laying next to that  
18   mattress that was in the front room if we looked at your  
19   diagram, correct?

20          A.    Yes, sir.

21          Q.    All right.  To maybe add to what Mr. Anderson was  
22   asking you, were there signs in this apartment that the  
23   apartment was a dope house?

24          A.    Yes.

25          Q.    Based on your experience and your training,

1 whatever you've seen in the ten-plus years you've been on  
2 the force?

3 A. As far as dope house, I wouldn't say but there was  
4 obviously some drugs found in the -- or narcotics found in  
5 the apartment.

6 Q. I want to talk lastly about firearms. Have you  
7 received some firearms training both as just a non-CSU  
8 Houston police officer but also a CSU?

9 A. Yes, sir.

10 Q. All right. If we're talking about a revolver  
11 pistol versus a semiautomatic pistol, explain to us what the  
12 difference is. Explain to the jury what the difference is  
13 between those two types of guns.

14 A. Well, a revolver, it normally holds six rounds, it  
15 has a cylinder that holds the rounds and with each pull of  
16 the trigger, you'll fire and the rounds, they're expended  
17 but the shell casings remain within the cylinder.

18 Q. Now, let's stop there. When we're watching the old  
19 cowboy movies from the '50s and we see the gunslinger shoot  
20 his gun and the cylinder rolls around in the middle, is that  
21 a revolver?

22 A. Yes, sir.

23 Q. Okay. And Mr. Anderson asked you about finding  
24 some things in the apartment. If a person used a revolver  
25 to shoot, hypothetically, inside of that apartment or, say,



1 to make those holes that you were putting rods through --

2 A. Yes, sir.

3 Q. -- would there be a shell casing of any type left  
4 behind for you to find?

5 A. Not normally, no, sir, unless he unloaded and  
6 reloaded but no, sir.

7 Q. Since you said it that way, let's explore the  
8 possibilities. If a person pulled the trigger twice with a  
9 revolver, assuming it had two bullets loaded in it and it  
10 shot twice, would it eject any type of a shell casing or  
11 anything for you to find, again, if they're shooting a  
12 revolver?

13 A. No, sir.

14 Q. All right. Did you look for things like that, just  
15 in case?

16 A. Yes, sir.

17 Q. Did you find any evidence of ejected casings from  
18 any type of a weapon?

19 A. No, sir.

20 Q. All right. And just to be clear, the bullets that  
21 you did find had not been fired, correct?

22 A. No, sir.

23 Q. All right. Just real quickly so we understand the  
24 other half of the picture, Officer Johnson, the other type  
25 of a handgun is called a semiautomatic; is that fair to say?

1           A.    Yes, sir.

2           Q.    When you shoot a semiautomatic, does it sometimes  
3           leave behind or does it eject the remainder of a shell?

4           A.    Yes, sir.

5           Q.    All right.  If you believe that a semiautomatic  
6           handgun was used at the scene, would you be looking for that  
7           used shell casing that spit out of the gun when you pulled  
8           the trigger?

9           A.    Yes, sir.

10          Q.    And just to be, again, very clear, did you find any  
11          shell casings like that that looked like someone had fired a  
12          semiautomatic gun in the apartment?

13          A.    No, sir.

14          Q.    All right.  9 millimeters.  9 millimeter is the  
15          type of bullets that you found that had never been fired,  
16          correct?

17          A.    Yes, sir.

18          Q.    A 9 millimeter is a semiautomatic pistol; isn't  
19          that correct?

20          A.    Yes, sir.

21          Q.    Does a 9 millimeter even come in a revolver?

22          A.    Yes, there are some that do come in 9 millimeter,  
23          yes, sir.

24          Q.    All right.  Typically do you see 9 millimeters that  
25          are semiautomatics?

1           A.    Yes, sir, that's the more common.

2           Q.    You know, the vast, vast, vast majority of  
3    9 millimeters are the type that spit out the shell casing  
4    when you shoot with it; is that correct?

5           A.    Yes, sir.

6           Q.    All right. Did you find any 9 millimeter shell  
7    casings that had been fired in the apartment?

8           A.    No, sir.

9                    MR. BREWER: Pass the witness, Your Honor.

10                   THE COURT: Mr. Anderson.

11                   MR. ANDERSON: No further questions, Your  
12   Honor.

13                   THE COURT: May this witness be excused?

14                   MR. ANDERSON: Yes, Your Honor.

15                   MR. BREWER: Please, Your Honor.

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

18                   Call your next witness, please.

19                   MS. DOZIER: Officer Lovelace.

20                   THE COURT: Right up here, please, sir. If  
21   you would, just have your seat. And would you please state  
22   and spell your name for my court reporter.

23                   THE WITNESS: Lowell Keith Lovelace,  
24   L-O-W-E-L-L K-E-I-T-H L-O-V-E-L-A-C-E.

25                   THE COURT: You may proceed.

1 MS. DOZIER: Thank you.

2 LOWELL KEITH LOVELACE,  
3 having been first duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 Q. (BY MS. DOZIER) Officer Lovelace, can you  
6 introduce yourself to the members of the jury now?

7 A. I'm Officer Lovelace, Lowell Lovelace.

8 Q. Are you a Houston -- City of Houston police  
9 officer?

10 A. Yes, ma'am.

11 Q. And how long have you been a City of Houston police  
12 officer?

13 A. 21 years.

14 Q. Are you sure you're old enough for that?

15 A. Yes, ma'am, I am.

16 Q. Okay.

17 A. Starting my 22nd year this year.

18 Q. Okay. When did you start with the police  
19 department? What age?

20 A. 21.

21 Q. Okay. Are you from the Houston area?

22 A. Yes, ma'am.

23 Q. Born and raised?

24 A. Yes, ma'am.

25 Q. Your 21 years with the Houston Police Department,