

1 opinion that the wound was self-inflicted, the nature of  
2 the wound and the fact that the pistol was laying there  
3 in the grass next to the -- Mr. Brown, where he was  
4 discovered.

5 THE COURT: Thank you very much.

6 Call your next witness.

7 MR. MOSS: State calls Officer Leos.

8  
9 DANIEL LEOS,

10 having been previously duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. MOSS:

13 Q. Would you state your name for the record?

14 A. Daniel Leos.

15 Q. And, Officer Leos -- I'm sorry, Mr. Leos, how  
16 are you employed?

17 A. With the City of Houston Police Department.

18 Q. And what division are you with?

19 A. I'm in Central Patrol.

20 Q. What part of town do you patrol?

21 A. The Montrose, near midtown area.

22 Q. Were you on patrol yesterday, March 10th,  
23 2010?

24 A. Yes, sir.

25 Q. Okay. Were you dispatched to a shooting?

1 A. Actually dropped as a suicide, yes, sir.

2 Q. Okay. So, when it dropped, what did you do?

3 A. Officer Weller was the primary unit. I  
4 volunteered to check by with him. And after letting the  
5 dispatcher know, I went ahead and proceeded to the call.

6 Q. Did you go to the scene of the shooting, of  
7 the suicide?

8 A. Yes, sir.

9 Q. And after you got to the scene of the suicide,  
10 what did you do?

11 A. As soon as I got there, of course, I stepped  
12 out of my car and I originally -- first of all, I  
13 noticed engine -- HFD on the scene and a couple of other  
14 people milling around. I went to talk with one of the  
15 paramedics.

16 Q. What did the paramedic have to say?

17 A. He said that --

18 MR. ALFORD: Objection, your Honor,  
19 hearsay.

20 THE COURT: Overruled for this hearing.

21 Go ahead.

22 A. (CONTINUING) Okay. He said that the victim  
23 was already transported to the hospital. And there is a  
24 crime scene here. There is a pistol there. And where  
25 the body laid, he pointed out where the body laid on the

1 grass, some blood on the grass and a pistol.

2 Q. (BY MR. MOSS) Did he say anything about the  
3 wound?

4 A. No, sir.

5 Q. What did you do next?

6 A. What I did is I went ahead and see if I could  
7 locate a witness. And the first person that I spoke  
8 with was his roommate. I can't remember his name  
9 exactly. He was the one who told me that --

10 MR. ALFORD: Objection, your Honor,  
11 hearsay.

12 THE COURT: Overruled for purposes of this  
13 hearing.

14 Go ahead.

15 A. (CONTINUING) He advised me that -- he was  
16 advised by one of his neighbors saying that somebody got  
17 shot. His roommate, Mr. Brown, got shot. His roommate  
18 had stated that he had been looking for him because they  
19 were getting ready to come to Court that morning. And  
20 he couldn't find him in the house. Went outside, looked  
21 for him, couldn't find him. And then that's when he was  
22 alerted that there was a -- that he had -- that his  
23 roommate had been shot.

24 Q. Did you go to the hospital?

25 A. Yes, sir, I did.

1 Q. And when you went to the hospital, did you  
2 speak with anyone?

3 A. I spoke with the doctor.

4 Q. Do you remember his name?

5 A. No, sir. I can't pronounce his name.

6 Q. Kinikawa (phn), does that --

7 A. Yes, sir.

8 Q. What did Dr. Kinikawa have to say about his  
9 wound?

10 A. He said that the wound had entered through his  
11 mouth, went up either severed his eye, went through his  
12 eye and lodged inside his head in his brain. He said he  
13 would survive.

14 Q. Did he say whether the gun would have been  
15 placed outside or inside of his mouth?

16 A. No, sir.

17 Q. Okay. Was there -- where was the entrance  
18 wound on the mouth? Was it the roof of the mouth?

19 A. I'm not exactly sure. But just the way the  
20 doctor described it as so, the roof of the mouth going  
21 up.

22 MR. MOSS: Pass the witness.

23 THE COURT: Okay.

24 Mr. Alford?

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## CROSS-EXAMINATION

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BY MR. ALFORD:

Q. When you were speaking with Dr, Kinikawa, he was not able to confirm whether or not the injury that was sustained was self-inflicted, correct?

A. Correct, yes, sir.

Q. Therefore, he couldn't say whether or not, not being self-inflicted, meaning obviously that it could have been inflicted by another shooter, correct?

A. Yes, sir.

Q. When you were there -- as you stated clearly, you had no opportunity to view Mr. Brown at the scene of the shooting, correct?

A. Correct, yes, sir.

Q. And when you arrived there and as you stated there was just a firearm and a pool of blood, correct?

A. Yes, sir.

Q. Are you aware if any gunshot residue testing was done on Mr. Brown to determine if he had fired a weapon?

A. No, sir.

Q. That was not done, was it?

A. No, sir.

Q. Also, I assume that there was -- based on my investigation there's been no -- there were no

1 fingerprints lifted from the weapon, correct?

2 A. No, sir.

3 Q. Therefore, there's no way to determine  
4 obviously whether or not there was someone else, the  
5 other shooter potentially, whether or not there are  
6 prints on that gun, correct?

7 A. No, sir, not at this time.

8 MR. ALFORD: Thank you very much.

9 I'll pass the witness.

10 THE COURT: Okay. Thank you, Mr. Alford.

11 Anything else?

12 MR. MOSS: No, your Honor.

13 THE COURT: All right. Thank you,  
14 Officer. You may step down.

15 Did you have any other witnesses?

16 MR. MOSS: Let me -- may I check real fast  
17 and see if there are any in the hallway?

18 THE COURT: Sure.

19 MR. MOSS: Your Honor, my investigator is  
20 on his way, but I'll rest.

21 THE COURT: Mr. Alford, you wanted me to  
22 hear from your doctor; is that right?

23 MR. ALFORD: Yes, your Honor. We have  
24 Dr. Root. If the Court would allow, he's in Dartmouth  
25 College. I believe that's in Vermont.