

1 affidavit, a 911 phone call that's been on file for  
2 over 14 days. At this time, I'm tendering it to  
3 opposing counsel and I'd offer State's Exhibit 1.

4 (State's Exhibit No. 1 offered.)

5 MR. ANDERSON: Your Honor, we have no  
6 objection. We've listened to it.

7 THE COURT: It's admitted.

8 (Whereupon State's Exhibit No. 1 is  
9 admitted into evidence.)

10 MR. WAKEFIELD: Permission to display to  
11 the jury?

12 THE COURT: Sure.

13 (Whereupon State's Exhibit No. 1 is  
14 played for the jury.)

15 MR. WAKEFIELD: At this time, Judge, the  
16 State calls Officer David Matthews.

17 THE BAILIFF: The witness needs to be  
18 sworn in, Judge.

19 (Whereupon the witness is sworn in  
20 by the Court.)

21 **OFFICER DAVID MATTHEWS,**

22 having been first duly sworn, testified as follows:

23 **DIRECT EXAMINATION**

24 BY MR. WAKEFIELD:

25 Q. Can you introduce yourself to this jury?

1 A. Yes. I'm Officer D. P. Matthews.

2 Q. Which police department do you work for?

3 A. Houston Police Department.

4 Q. How long have you been with HPD?

5 A. Approximately 30 years.

6 Q. During your time with HPD, which posts have you  
7 held?

8 A. Basically a patrol officer. Run calls for  
9 service.

10 Q. Can you explain to the jury what the duties of  
11 a patrol officer are?

12 A. As a patrol officer, I run calls. It could be  
13 an accident, robbery, rape, murder, homicide,  
14 disturbances, accidents, anything that's basically  
15 happening on the street. We are the first responders,  
16 basically. We handle it and then we do the initial  
17 report. From there it goes to the investigatory division.

18 Q. And is that function, the function of being the  
19 first responder, is that what you were doing on August  
20 15th, 2011?

21 A. Yes, sir, I was.

22 Q. So, that early morning where were you working?

23 A. Montrose-Westheimer area. It's called One  
24 District. It goes from like Elgin and Bagby, all the way  
25 out to Wesleyan and Westheimer, a little bit past that,

1 all the way to New Castle. That's the north -- east and  
2 west boundaries. The north boundary is Allen Parkway to  
3 Bissonnet. It's called Montrose-Westheimer area.

4 Q. During that morning, were you called out to a  
5 scene?

6 A. Yes, sir, I was.

7 Q. What kind of scene was it?

8 A. I got dispatched right when I came on duty. I  
9 come on around 11:00. By the time I get my gear, it's  
10 about 11:15. I got dispatched out to a robbery, sexual  
11 assault incident.

12 MR. WAKEFIELD: Approach the witness,  
13 Judge? Judge, may I approach the witness?

14 THE COURT: Sure.

15 Q. (By Mr. Wakefield) I am handing you what has  
16 been pre-marked as Exhibits 3 and 4. Would you take a  
17 look at them?

18 A. (Witness complies).

19 Q. Do those -- also I'm showing you what's been  
20 marked as State's Exhibits 5 and 6.

21 Do all of these fairly and accurately represent the  
22 scene as you saw it that evening?

23 A. This picture here does. This is a map of the  
24 City of Houston.

25 Q. Is that the location of where it took place?

1 A. It happened on West Main and Shepherd.

2 Q. Right.

3 A. I don't see West Main on this.

4 MR. ANDERSON: What exhibit is that?

5 MR. WAKEFIELD: State's Exhibit 3.

6 Q. (By Mr. Wakefield) Does that appear to be the  
7 approximate location where --

8 A. Okay. I see it. That's Richmond.  
9 Approximately, yeah.

10 Q. And this, too, does it also seem to be a fair  
11 and accurate representation of the scene?

12 A. Yes, sir.

13 MR. WAKEFIELD: I offer State's Exhibits  
14 3, 4, 5, and 6 into evidence.

15 (State's Exhibit Nos. 3 through 6  
16 offered.)

17 THE COURT: Very well.

18 MR. ANDERSON: No objection, Your Honor.

19 THE COURT: Admitted.

20 (Whereupon State's Exhibit Nos. 3-6  
21 are admitted into evidence.)

22 MR. WAKEFIELD: At this time, Your Honor,  
23 I want to display State's Exhibit 3 to the jury.

24 THE COURT: Go ahead.

25 Q. (By Mr. Wakefield) I will display it to the

1 jury. What is Exhibit 3? What is this?

2 A. That's a map of the city of Houston, but that  
3 particular area it happened at is going to be a little bit  
4 north of Richmond and Shepherd.

5 Q. Is this inside of Harris County?

6 A. Yes, sir, it is.

7 Q. All right. Now, State's Exhibit 4, can you  
8 tell us what this is?

9 A. That's like the complex. It was like two or  
10 three complexes, same description. It's different  
11 addresses; 1825, 1827 right next to each other. Like a  
12 two-story complex. They've each got about -- say about 15  
13 units in each one of them.

14 Q. Now, this particular unit that the offense took  
15 place in, was that 1827?

16 A. Yes, sir, it was.

17 Q. 1827, is that a one-story or two-story complex?

18 A. Two-story.

19 Q. What story -- or what story was the apartment  
20 where this took place?

21 A. It was upstairs, Apartment No. 3.

22 Q. At this time, can you tell us what's on State's  
23 Exhibit 5?

24 A. This is like inside the courtyard here going  
25 in.

1 Q. And then State's Exhibit 6?

2 A. This is the side of it. It was like you walk  
3 in, it's upstairs to your left.

4 Q. Is that the main door to get into the location?

5 A. Right.

6 MR. WAKEFIELD: Display these to the jury,  
7 Judge, publish these?

8 THE COURT: Yes.

9 Q. (By Mr. Wakefield) When you arrived at the  
10 scene, tell us what you observed as you rolled up in your  
11 patrol car.

12 A. Well, I arrived at the scene. From what I  
13 recall -- it was almost a year ago, basically. It was  
14 basically four young people, very distraught, and they had  
15 been robbed and one female sexually assaulted. They had  
16 been tied up with shoestrings. They had been tied up for  
17 quite a while; from what I recall, it was over two hours.  
18 The suspects tied them up. Evidently, the complainant --

19 MR. ANDERSON: Excuse me, Your Honor. I'm  
20 going to object to the narrative response.

21 THE COURT: All right. Sustained. Ask  
22 another question.

23 MR. WAKEFIELD: Yes, Your Honor.

24 Q. (By Mr. Wakefield) Who did you interview when  
25 you went to the scene?

1           A.       I talked to the complainant and also the young  
2 man that was with her.

3           Q.       Who was the complainant?

4           A.       Withoff was -- well, they were all  
5 complainants, but one of them was -- I guess I called her  
6 complainant number one because she was the one, I guess,  
7 most abused.

8           Q.       Okay. And did you interview -- who else did  
9 you interview?

10          A.       Her boyfriend. Well, she told me they were  
11 separated, but they were still friends. One and then the  
12 other two that came. They were friends. They were young  
13 people from college. They came while it was occurring and  
14 they got caught up in it. They were also bound up and all  
15 this stuff.

16          Q.       Were all four of those interviews consistent  
17 with each other?

18          A.       Yes, they were.

19          Q.       Were they consistent with what you observed at  
20 the scene that day?

21          A.       What I observed was, basically, like I said --

22                   MR. ANDERSON: I'm sorry. I would object.  
23 It was a "yes" or "no" question.

24                   THE COURT: All right. He can answer  
25 "yes" or "no" and then he can explain his answer.

1                   Go ahead.

2           Q.       (By Mr. Wakefield) Was what they had told you  
3 during their interview, was it consistent with what you  
4 observed at the scene?

5           A.       Yes, from what they looked like and what they  
6 all -- you know, very distraught and very scared and  
7 frightened.

8           Q.       When you say they were distraught and scared  
9 and frightened, can you explain to the jury how they  
10 looked? What was their demeanor?

11          A.       Well, like they were in fear of their life.  
12 They had been through a lot. You know, just wasn't a run-  
13 of-the-mill deal. You have been bound up for two hours  
14 and don't know -- people with guns and pointed at you and  
15 everything, and the female that was sexually assaulted,  
16 she was crying and -- it was just chaos, basically, you  
17 know, because they couldn't get to the police. They  
18 couldn't call us until they got unbound, until they  
19 unbound each other.

20          Q.       Did you observe any marks or wounds on the arms  
21 of these people?

22          A.       I don't recall that. I don't recall. It's  
23 been -- I let -- my partner took care of all of that as  
24 far as, you know...

25          Q.       Through this investigation, were you able to

1 determine how many suspects there were?

2 A. I was told it was two suspects.

3 Q. Did you report it in?

4 A. Yes. I took the description and put it in my  
5 report.

6 Q. What was the description of those men?

7 A. The way they described them was one was tall  
8 and slender. They said he was the nice guy. The other  
9 guy was basically a little heavier. Not big, but he was  
10 bigger than the slender guy. And they said the number one  
11 suspect was a nice guy. Number two they described as a  
12 bad guy because of the stuff he was doing.

13 Q. Which one was the one who was being accused of  
14 the sexual assault?

15 A. The one that was -- the number two suspect, the  
16 one that was -- they said he wasn't the tall slender guy.  
17 The other guy.

18 Q. After you got the scene under control and had  
19 taken the interviews and did your report on who the  
20 suspects were, what did you do?

21 A. Well, they stole the girl's car. So, it was a  
22 rental car. She didn't have the plate on it. So, I had  
23 to GB out to the units to look out for this HR vehicle in  
24 case they stopped it. The guy was armed. That's how a  
25 lot of people get hurt. It's not on a hot sheet. We

1 don't have a license plate. Like when y'all guys wake up  
2 in the morning and your car is gone, we are the first ones  
3 that actually come across it because there's not a report  
4 it's stolen, but the suspect know it's stolen and they  
5 take action because they know they stole the car. So, we  
6 couldn't put it on the hot sheet. We didn't know what  
7 kind of car it was, as far as the plate number. It was  
8 just an HR vehicle.

9 So, we put that out and put the descriptions of the  
10 suspects out. We had several units check by. Like, for  
11 instance, we knew that they had been gone for a couple of  
12 hours. So, more than likely, they were long gone out of  
13 the area. So, we were trying to get everybody's -- they  
14 were crying and very upset.

15 MR. ANDERSON: Your Honor, I will object  
16 to the nonresponsive nature. He's doing narrative.  
17 I'd ask that we have question and answer.

18 THE COURT: Go ahead, ask a question.

19 MR. WAKEFIELD: Yes, Your Honor.

20 Q. (By Mr. Wakefield) Was there anything else that  
21 you did at the very end?

22 A. Basically, I had my co-worker come out and took  
23 pictures and everything.

24 Q. Who is that?

25 A. Rex Gigout.

1 MR. WAKEFIELD: Pass the witness.

2 THE COURT: All right.

3 MR. ANDERSON: Just a few questions.

4 **CROSS-EXAMINATION**

5 BY MR. ANDERSON:

6 Q. Officer Matthews, when you interviewed the four  
7 young people who were out at the scene, did you interview  
8 them together?

9 A. No. We -- I interviewed them separately, but  
10 then when it came time to take the -- part of it --

11 Q. No. You've answered the question. Let me just  
12 ask the questions --

13 A. That's fine, sir.

14 Q. -- so we can move along. All right. You  
15 interviewed them separately from one another; is that  
16 correct?

17 A. I interviewed them separately. When it got  
18 time for the descriptions of the suspects, we --  
19 sometimes, to get a more positive description, we ask each  
20 of them what they'd seen.

21 Q. All right. Now, when you got the description  
22 of the two suspects that was involved, did you have the  
23 four young people together in order to get the description  
24 of the two suspects?

25 A. No, not all four of them. I talked to them

1 separately. And then after I get the separate, then I put  
2 them together and say: You tell me what you saw, what you  
3 saw. So, basically, I kind of like -- I don't recall  
4 exactly because I -- that's a year ago. I'm not going to  
5 sit here --

6 Q. Just tell us to the best of your recollection  
7 what you recall in terms of getting -- the process that  
8 you went through in getting the description of the two  
9 suspects in talking with the four young people there.

10 A. I talked to the four young people and asked  
11 them.

12 Q. All right. When you were talking to the four  
13 young people --

14 A. But they weren't all together. It might have  
15 been about two of them, but they weren't all four  
16 together, no.

17 Q. But at least at some point in time -- and you  
18 can correct me if I'm wrong. When talking to them and  
19 getting a description of the two suspects, you had at  
20 least maybe two of them together when the description of  
21 the --

22 A. That could have been possible, yes, sir. That  
23 could have been possible. Like I said, I don't remember  
24 exactly. But normally that's what I do. Sometimes I do  
25 that, yes.

1 Q. All right. Officer Matthews, let's do this.  
2 The court reporter is not saying anything, but there's a  
3 look. Just let me kind of finish the question, please.

4 A. Go ahead.

5 Q. All right. Because we're kind of talking over  
6 each other and I'm kind of responsible also, and I'm going  
7 to try and not to do that. And, so, can you work with me  
8 on that?

9 A. Yes, sir.

10 Q. All right. So, at least at some point in time  
11 when the descriptions of the suspects are given, at least  
12 two of the persons, the witnesses, are together when they  
13 are talking to you about what these persons looked like  
14 and what these persons were wearing, correct?

15 A. Most of the time. I can't tell you exactly  
16 "yes" or "no." More than likely. Sometimes I do get two  
17 together so they can both give me a description together.

18 Q. All right. Now, do you recall how long it was  
19 after you arrived at the location that you started the  
20 first interview of the four young people out there?

21 A. It was pretty quick. We put the GB on the  
22 stolen car pretty quick.

23 Q. Approximately what time did you arrive at the  
24 scene?

25 A. I come on duty at 11:00. So, it had to have

1 been after 11:00.

2 Q. As far as your duties as a police officer -- I  
3 know you indicated you've been a police officer for 30  
4 years, and it sounds like all of it has really been in the  
5 area as a patrol officer; is that correct?

6 A. Yes, sir.

7 Q. All right. And you described the type of cases  
8 that you get involved in as being accident cases, rape  
9 cases, robbery cases, things of that nature where you get  
10 called out to act as a police officer, correct?

11 A. Yes, sir.

12 Q. Now, as far as when you respond to whatever  
13 type of incident that you are called out as a patrol  
14 officer, part of your duties are interviewing witnesses,  
15 gathering information, but also making a record of the  
16 information that you obtain at the time that you arrive at  
17 a location, correct?

18 A. Make a report, yes.

19 Q. All right. And you call that an offense  
20 report; is that right?

21 A. Yes, sir.

22 Q. And would it be a fair statement that one of  
23 the reasons that you, as a police officer, generate what's  
24 known as an offense report is that at some point in time  
25 you may be called upon to testify in court and that report

1 helps you to recall what had happened on a given date,  
2 right?

3 A. Yes, sir.

4 Q. Okay. Just like what you mentioned today, this  
5 incident happened August 15th, 2011, over a year ago. And  
6 there are some things about what had occurred out there  
7 that you recall and some things that you don't recall,  
8 correct?

9 A. That's true.

10 Q. Now, if you were -- have you looked at your  
11 offense report prior to you coming in here and testifying  
12 today?

13 A. Yes, sir.

14 Q. All right. And could you look at your offense  
15 report to see if it tells you exactly what time it was  
16 that you arrived at the location of 1827 West Main Street  
17 on August 15th, 2011?

18 A. Yeah, I can look at my offense report and it  
19 will tell me that.

20 Q. All right. Do you have that report with you,  
21 sir?

22 A. Yes, sir, I do.

23 Q. Okay. Could you take a look at it and could  
24 you review it to yourself and tell us whether it tells --

25 A. I don't have the whole complete report with me.

1 I didn't bring it into the courtroom, no.

2 Q. Where is your report?

3 A. In my truck, some of it.

4 Q. All right. Do you know -- has the State shown  
5 you a copy of your offense report to -- prior to you  
6 testifying?

7 A. I could have looked at it. The district  
8 attorney had it. But, no, I didn't look through the whole  
9 report, no.

10 MR. ANDERSON: Your Honor, if the State  
11 has his offense report, I'd ask that he at least be  
12 allowed to review it to see if it is his report so  
13 that I may ask him some questions in regards to it.

14 (Whereupon the State hands the  
15 witness the offense report.)

16 Q. (By Mr. Anderson) After -- is that your report,  
17 by the way?

18 A. Yes, sir.

19 Q. And after reviewing your offense report, does  
20 it indicate what time it was that you arrived at the  
21 location of 1827 West Main Street?

22 A. Right. 12:18.

23 Q. I'm sorry?

24 A. It says 12:18.

25 Q. All right. So, you arrived out there at 12:18

1 a.m.?

2 A. Right.

3 Q. You indicated you started work at that time?

4 A. Yes. We don't get on the street till --  
5 whenever the call dropped.

6 Q. And when you arrived at the location of 1827  
7 West Main Street, were you the first officer who arrived  
8 there at the scene?

9 A. I don't recall that. We got units that check  
10 by. On something in progress, we've got many units that  
11 check by.

12 Q. Do you recall whether, when you arrived at the  
13 location of 1827 Main Street, whether you were the first  
14 officer who interviewed any of the four young people who  
15 was out there? Do you recall that?

16 A. On a scene like that, it's chaotic, I'm the  
17 primary unit, so I do the initial report, but I can't tell  
18 you that another officer didn't say "hi" and "bye" to the  
19 other people.

20 Q. The answer to the question would be you don't  
21 know whether you were the first officer who interviewed  
22 any of the four young people who was out there, or you  
23 were the first person who interviewed the young people out  
24 there?

25 A. What do you mean interview? Get all the

1 details to it? Yes. Just talk to them? No, I can't tell  
2 you that. They might have said: How are you doing? Is  
3 that what you call an interview?

4 Q. No. If another officer arrived at the location  
5 before you and had a conversation with the four young  
6 people out there, would that officer, if he had contact  
7 with them and talked to those persons, would that officer  
8 prepare a supplement to the report that would indicate  
9 whether he did or did not have contact with these people?

10 A. Not necessarily because you're duplicating.  
11 What it is, is an officer is going to get the description  
12 of the car and put it out saying: Hey, this car left the  
13 scene with a rape suspect. He might not necessarily write  
14 a report on it because I'm going to do the report. He is  
15 trying to protect the citizens out there and say: Hey,  
16 suspect drove off in an HR vehicle. He is not going to do  
17 a report on that.

18 Q. You don't know if anything like that took  
19 place, right?

20 A. That is what normally happens in my 30 years.  
21 Again, a broadcast is sent out to the rest of the  
22 neighborhood, the other officers that got radios in the  
23 police cars: Be on the lookout for this suspect that's in  
24 the area.

25 Q. My question is: You don't know whether another

1 officer spoke with these young people before you;  
2 don't know that for a fact?

3 A. By speaking to them, what do you mean?

4 Q. Whether it was to say "hi" or "goodbye."

5 A. They could have done that, yeah. I'm not sure.  
6 I can't testify under oath that I know exactly what they  
7 asked them, no.

8 Q. Officer, the question is: Could they have done  
9 that?

10 A. Yes, they could have said "hi" and "bye."

11 Q. I'm sorry. My question is: Do you know if  
12 they did that?

13 A. I can't testify to that.

14 Q. Now, would it be a fair statement that at least  
15 as far as you're concerned, you had the contact with the  
16 persons, you interviewed them individually where you  
17 received information about what had taken place, correct?  
18 That's what your role was in terms of talking with and  
19 interviewing the four young people out there, was to find  
20 out what had happened, correct?

21 A. Right. These people -- you say individually --

22 Q. I --

23 A. I'm answering the question. You said  
24 individually. I can't testify to that.

25 Q. Sir, the question was -- it was a "yes" or "no"

1 question.

2 A. No, it wasn't. Because you said individually

3 --

4 THE COURT: Just listen to the question  
5 before you start answering, please.

6 Q. (By Mr. Anderson) The question is: As far as  
7 you are concerned, you interviewed the four young people  
8 out there individually, correct? "Yes" or "no"? You did?

9 A. I talked to them.

10 Q. Individually?

11 A. Yeah, more or less.

12 Q. And --

13 A. Two could have been talking at one time. I  
14 don't know. I can't testify to that.

15 Q. Then that would mean that maybe there were two  
16 people together talking to you giving information.

17 A. At one point. But then I did talk to them  
18 individually afterwards, yes.

19 Q. So, at some point in time, the people may have  
20 been together when they were explaining to you what  
21 happened?

22 A. Right. That's what I was trying to say.

23 Q. At some other point in time, these people may  
24 have been separated and talking to you individually about  
25 what happened?

1 A. Right.

2 Q. When you are interviewing and talking with  
3 these people, do you take notes in terms of what they tell  
4 you or do you record it on some kind of recording device?

5 A. I take notes.

6 Q. And the notes that you generated that night,  
7 having -- and after talking with these persons, whether  
8 it's individually or as a group, did you maintain those  
9 notes? Do you still have those notes?

10 A. It's in the report.

11 Q. No. I mean the written notes themselves.

12 A. The written notes themselves?

13 Q. Yes, sir.

14 A. I might have them, but good luck looking for  
15 them.

16 Q. You mean good luck for me looking for them?

17 A. Yeah, because we put it in the report.

18 Q. You copy everything into the report?

19 A. Yes. We are not required to keep that as long  
20 as we do the report.

21 Q. Now, in terms of talking with the witnesses,  
22 you generated a description of the persons, the two  
23 suspects that were involved in this incident?

24 A. Yes, sir.

25 Q. Okay. And I take it that information was

1 something you placed in the notes you then transferred or  
2 placed in your offense report?

3 A. Right.

4 Q. All right. Now, do you recall -- without  
5 looking at your report right now, do you recall  
6 specifically what the description was that you received  
7 from either one or all of the witnesses regarding the two  
8 suspects?

9 A. It's in the report.

10 Q. I tell you what, take a look at your report.  
11 And after looking at your report, reading it to yourself,  
12 could you tell us what the description of the suspect  
13 number one was that was given by the witness or witnesses  
14 that night?

15 A. This doesn't have the suspect description in  
16 here.

17 Q. I'm sorry?

18 A. This report doesn't have the -- it's in the  
19 suspect screen. This is not a suspect screen.

20 Q. Okay. So, that part of your report doesn't  
21 have the description of the suspects?

22 A. No. In the computer it does, but this thing  
23 here does not have -- this particular report here has the  
24 introduction, narrative, and summary.

25 MR. ANDERSON: May I approach the witness,

1 Your Honor?

2 THE COURT: Sure.

3 A. Two possible suspects, no arrests.

4 Q. (By Mr. Anderson) Let me take a look at it.

5 MR. ANDERSON: There's more to his report.

6 Q. (By Mr. Anderson) Just kind of look at the  
7 first part of that to yourself and I will ask you some  
8 questions.

9 A. (Witness complies).

10 Q. Now, have you reviewed that portion of the --  
11 of your report?

12 A. Yes, sir.

13 Q. And the suspect information that's contained in  
14 there, is that the information that you received from the  
15 witnesses, the four young people the night of -- or the  
16 early morning hours of August 15th, 2011?

17 A. Right. Yes, sir.

18 Q. Now, when you talked with these four young  
19 people regarding the persons who had committed this  
20 offense, of course, at the time nobody has any names; is  
21 that correct?

22 A. No, sir.

23 Q. All right. The only thing you have is a  
24 description of the persons who was involved, correct?

25 A. Yes, sir.

1 Q. All right. Now, as far as the first suspect,  
2 the number one suspect is concerned, what was the  
3 description that was given to you by either one or all of  
4 the persons who was out there, the young people who were  
5 out there?

6 A. They described him as the nice one.

7 Q. Okay.

8 A. The one, basically, that wasn't that  
9 aggressive.

10 Q. All of that is not --

11 A. That's what I remember. You're talking about  
12 what I remember?

13 Q. I'm asking you in terms of what you have  
14 reported there in that portion of the report.

15 A. That portion. Okay.

16 Q. What was the description that they gave of that  
17 person, suspect number one?

18 A. Okay. You want me to read it out?

19 Q. Just -- go ahead. Yes.

20 A. You want me to read it?

21 Q. Read what's there.

22 A. Black male.

23 Q. Yes, sir.

24 A. Weight -- I mean -- I don't have my glasses on.  
25 Height about 5'9"; weight 140, 150 pounds; dark

1 complexion. He had a white T-shirt, white sports pants,  
2 red do-rag, red do-rag -- I'm sorry. Pants was red and  
3 do-rag was black. And weapon used, revolver.

4 Q. All right. Now, the second -- there's a second  
5 suspect description that's given there also, correct?

6 A. Uh-huh, right.

7 Q. Okay. And what is the description that's  
8 written as far as the second suspect is concerned?

9 A. Black male; age 20 to 24 years of age; height,  
10 5'10" to 6"; weight, 170 to 185, dark complexion, T-shirt  
11 white.

12 Q. T-shirt what?

13 A. T-shirt. Red, I mean.

14 Q. Yes, sir.

15 A. Blue jeans, baseball hat red, weapon used,  
16 revolver.

17 Q. And there's a difference in the height and the  
18 weight and the clothing that these two individuals were  
19 wearing, correct?

20 A. The height, definitely. The weight,  
21 definitely. You know, 5'9" to 5'10" is not that big a  
22 height difference, but they described one as being skinny,  
23 suspect number one; and the other one was a little bit  
24 bigger and a little bit heavier.

25 Q. And the clothing descriptions are different,

1 right?

2 A. White T-shirt. Yeah. Yes, sir.

3 Q. Now, after you -- after you got this  
4 information, you indicated you took notes, and later on it  
5 was placed in the report, the police report you're talking  
6 about. I would assume that other officers came out to the  
7 scene to get further involved in the investigation of what  
8 had taken place out at the West Main Street location,  
9 correct?

10 A. Not necessarily. Their job is basically -- as  
11 backup units is to look for the suspect and try to keep  
12 all the witnesses in one place where they won't walk away  
13 or -- you know, the parents start showing up, stuff of  
14 that nature.

15 Q. It probably wasn't a clear question. I will  
16 try and make it clear.

17 After you arrived, other officers came out to the  
18 West Main Street location and got involved in that  
19 investigation of what took place out there?

20 A. You keep saying after. We all come at the same  
21 time sometimes. We all work that area and we come on a  
22 call like that. It's a code one call. We get there,  
23 basically, at the same time.

24 Q. Let's talk about that night.

25 A. That's what I'm trying to tell you.

1 Q. Tell me the best that you can recall.

2 A. Several units responded. A couple of units  
3 responded for sure.

4 Q. And some of the units came out after you had  
5 arrived on the scene? Only if know.

6 A. I don't recall that, sir.

7 Q. But there were other officers out there besides  
8 you?

9 A. Right. Yes, sir.

10 Q. Did you -- you -- all right -- recover any  
11 items of evidence out at that location?

12 A. My crime scene -- me? No.

13 Q. That's fine. All right. You did not tag any  
14 items to be placed in the property room or to be sent off  
15 to a lab for any further investigation?

16 A. Not me.

17 Q. All right. If that was done, that would have  
18 been done by other officers who arrived out at the West  
19 Main Street location, right?

20 A. 91, Adam, A99 is our crime scene guy.

21 Q. Nine --

22 A. 91, Adam, A99.

23 Q. All right. Do you recall the officer's name?

24 A. Rex Gigout.

25 Q. Rex --

1 A. Gigout.

2 Q. Do you know how to spell the last name?

3 A. G-i-g-o-u-t.

4 Q. Okay. Were you present when -- do you know if  
5 he went around and recovered any evidence?

6 A. He was doing his deal and I was interviewing  
7 the people downstairs. He went upstairs, took pictures,  
8 did all that stuff. That's his job. I don't check behind  
9 him.

10 Q. You weren't there --

11 A. He does his own report on something else.

12 Q. All right. Officer Matthews, you weren't there  
13 when he did what he does?

14 A. Yeah, I was there, but I didn't see him do  
15 everything.

16 Q. All right.

17 A. I don't -- I don't piggy-back him. He knows  
18 what he's doing.

19 Q. All right. You were doing something separate?

20 A. Yeah, right.

21 Q. Did he give to you any of the evidence that he  
22 --

23 A. He's not supposed to, sir. Chain of custody.  
24 He takes care of that.

25 Q. So, the answer is no, he did not give you --

1 A. No.

2 Q. When you arrived at the location, the four  
3 young people that you talked with, were they in that -- in  
4 the apartment together?

5 A. From what I can recall, like I said, they were  
6 in the courtyard. I can't tell you exactly where they  
7 were, but they were -- weren't all in the same place. You  
8 know, it was like a bad -- I'm going to leave it like  
9 that. You told me not to add to it. They weren't all  
10 together, no.

11 MR. ANDERSON: I'll pass the witness.

12 Thank you, sir.

13 MR. WAKEFIELD: Nothing further for this  
14 witness, Judge.

15 THE COURT: You may step aside, please.  
16 Call your next.

17 MR. WAKEFIELD: The State calls Rex  
18 Gigout.

19 THE BAILIFF: The witness needs to be  
20 sworn, Judge.

21 (Whereupon the witness is sworn by  
22 the Court.)

23

24

25