

1 PATRICK MCGILL,
2 having been first duly sworn, testified as follows.

3 THE COURT: All right. You may take the
4 stand.

5 You may proceed when you're ready,
6 Ms. Mickelson.

7 MS. MICKELSON: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY MS. MICKELSON:

10 Q. Officer, could you please state your name for
11 the record?

12 A. Patrick McGill.

13 Q. How are you currently employed?

14 A. Houston Police Department.

15 Q. How long have you been with the Houston Police
16 Department?

17 A. 16 years.

18 Q. What's your current assignment?

19 A. Night shift patrol, Spring Branch area.

20 Q. And is that the same assignment that you had
21 back on July 18th of 2010?

22 A. Yes, ma'am.

23 Q. And can you tell us just briefly, what type of
24 training did you have to become a police officer?

25 A. Six months in the police academy and six

1 months of field training on the street with a trainer.

2 Q. Now, on July 28th, 2010, you told us you were
3 working the night shift. Is that typically from 10:00
4 p.m. to 6:00 a.m.?

5 A. My shift actually was just on late side. It's
6 11:00 p.m. to 7:00 a.m.

7 Q. And so, on July 28th, 2010, were you ever
8 dispatched to either 9010 Laverne Crescent or 9014
9 Laverne Crescent?

10 A. Yes, ma'am, I was.

11 Q. Do you remember which location you were
12 actually dispatched to?

13 A. I was actually dispatched to 9014.

14 Q. And when you got to 9014, was anyone else
15 already there as far as -- sorry -- law enforcement?
16 Was any other law enforcement there?

17 A. I don't recall if other law enforcement were
18 there.

19 Q. Was other emergency personnel?

20 A. Yeah. HFD was there attending, yes.

21 Q. So, you when got to 9014, what did you see?

22 A. I saw the complainant shot in the face holding
23 rags on her face.

24 Q. So, you were actually able to observe
25 Ms. Gracia that evening?

1 A. Yes, ma'am.

2 Q. Okay. Did you speak to her at all?

3 A. Yes.

4 Q. Can you describe for us what Ms. Gracia's
5 demeanor was like when you arrived on the scene?

6 A. She appeared to be real scared.

7 Q. What made you think that she was very scared?

8 A. Just the way she was speaking and she seemed
9 afraid.

10 Q. Now, in regards to her physical description,
11 was she bleeding when you were there?

12 A. Yes, ma'am, she was.

13 Q. Okay. Was -- had HFD or had the EMTs already
14 started to perform lifesaving measures on her?

15 A. Yes. They were -- they were treating her.

16 Q. And did Ms. Gracia make any statements to you
17 about what had happened?

18 A. Yes, ma'am.

19 Q. Based on her demeanor, did you feel like it
20 was urgent to respond to those statements?

21 A. Yes, ma'am.

22 Q. What did Ms. Gracia tell you had happened to
23 her face?

24 MR. CHERNOFF: Objection, hearsay. I'm
25 sorry. Objection to hearsay, Judge.

1 THE COURT: That's overruled, sir.

2 MS. MICKELSON: Thank you, Your Honor.

3 Q. (BY MS. MICKELSON) What did Ms. Gracia tell
4 you had happened to her face?

5 A. She told me her boyfriend shot her in the
6 face.

7 Q. Did you -- what did she say, if anything, that
8 he shot her with?

9 A. A gun.

10 Q. And did her physical characteristics or did
11 the scene seem to match up with what was Ms. Gracia was
12 telling you?

13 A. Yes, ma'am.

14 Q. And so, what did you do once you had that
15 information?

16 A. Once I had information from about her being
17 shot?

18 Q. Yes, sir.

19 A. Yes. Well, we wanted to make sure -- to see
20 if the suspect was still inside her home.

21 Q. Did she give you any type of physical
22 description of what he looked like?

23 A. Yes.

24 Q. Do you remember what that was?

25 A. Told me he was wearing a uniform shirt.

1 Q. Did she say what the uniform was or what the
2 name on it was?

3 A. The same as what was on the -- the company van
4 that was parked outside her residence.

5 Q. And did she give you a time frame on when he
6 had left the home?

7 A. She said it just happened. She believed he
8 may still be in the home.

9 Q. And so, having that type of situation, where
10 you have one person that's been shot and you either
11 don't know where the suspect is, you think he might be
12 inside the home, what were your primary concerns?

13 A. Well, my primary concern was for the safety of
14 other citizens. We believed that her daughters -- one
15 of her daughters was still inside the home.

16 Q. And so, what did you do knowing that one of
17 the children was still upstairs inside the home?

18 A. I got with other officers at the scene and we
19 searched the home.

20 Q. And at some point or at any point inside of
21 the home, did you find the suspect?

22 A. No, ma'am.

23 Q. And so, at that point what decision did you
24 make?

25 A. We went to look at his residence. What was

1 told as his residence was also his place of work.

2 Q. Okay. So, you actually left the 9014 Laverne
3 Crescent location?

4 A. Yes, ma'am.

5 Q. Okay. And do you remember where the residence
6 or where his place of work is that you went to look for
7 the suspect?

8 A. It was on Campbell Road.

9 Q. And was he there?

10 A. No, ma'am.

11 Q. What did you do about the children or the
12 child that was still in the second story of the home?

13 A. She was asleep. And we took her out of there
14 and brought her to the neighbors.

15 Q. And so, while you're at the home at 9014
16 Laverne Crescent, do other officers start to arrive?

17 A. Yes. Yes, we had a few.

18 Q. Would you say -- about how many police
19 officers showed up that evening?

20 A. I guess four including -- four to five
21 including me.

22 Q. And are you considered the primary officer on
23 the scene?

24 A. Yes, ma'am.

25 Q. Okay. And so, what does that mean?

1 A. Primary officer is the officer that's really
2 responsible for the call. I'm the one who got
3 dispatched. So, you can have other officers on the
4 scene, but it's going to be you that's going to do the
5 report and actually make sure what's done is done.

6 Q. So, are you giving out responsibilities that
7 evening or was there a sergeant or like a supervising
8 officer that did that?

9 A. We had a sergeant on the scene who pretty much
10 did that.

11 Q. Did you make the decision to ask a sergeant to
12 come to the scene or had he already been dispatched?

13 A. I believe he heard on the radio and came by.

14 Q. Was the crime scene unit ever requested to
15 come to the scene?

16 A. I called for a crime scene unit, yes.

17 Q. Okay. And did a crime scene unit ever arrive?

18 A. No, ma'am.

19 Q. Okay. Were you given a reason or an
20 explanation for that?

21 A. Yes, ma'am.

22 Q. Okay. And what was that?

23 A. I was told that if there was going to be a
24 unit at the scene that was going to take photos, that
25 they would not send a crime scene unit.

1 Q. And so, did you -- was there an officer there
2 that took photos of the scene?

3 A. Yes, ma'am.

4 Q. And which officer was that?

5 A. Officer Belinoski.

6 Q. While you were there at the scene you said you
7 searched through the home. Did you collect any types
8 of evidence?

9 A. There was nothing that we found.

10 Q. Okay. Were you ever able to find a weapon
11 inside the home?

12 A. No, ma'am.

13 Q. What became -- once you had secured the child
14 from the second story of the home and made sure
15 everyone there was safe, what became your next concern?

16 A. To find the suspect.

17 Q. Okay. Now, you just told us that you went to
18 what you were told was either his home and/or his place
19 of business. What else did you guys start to do to
20 look for the suspect?

21 A. We had our helicopter, which is called Fox.
22 They were in the area searching also. And there's also
23 constables in our area. They were searching too.

24 Q. After a period of time were you able -- not
25 maybe you personally, but was law enforcement able to

1 find the suspect?

2 A. Yes, ma'am.

3 Q. Okay. And was that person detained?

4 A. Yes, ma'am.

5 Q. Okay. Was he ever brought back to the home or
6 did you see him that evening?

7 A. Yes, I did.

8 Q. Okay. And do you see the person -- the
9 suspect that matched the description that Leticia
10 Gracia gave you in the courtroom today?

11 A. Yes, ma'am.

12 Q. Okay. Could you please point to that person
13 and identify him by an article of clothing for the
14 record?

15 A. In the gray suit top.

16 Q. Is he wearing a tie or no tie?

17 A. No tie.

18 THE COURT: All right. He's identified
19 the defendant.

20 MS. MICKELSON: Thank you, Your Honor.

21 Q. (BY MS. MICKELSON) Can you tell us, Officer,
22 is 9014 Laverne Crescent, is that in Harris County,
23 Texas?

24 A. Yes, ma'am.

25 Q. And, Officer, are you familiar with firearms?

1 A. Fairly.

2 Q. Is a semiautomatic pistol or handgun, is that
3 considered a firearm?

4 A. Yes, ma'am.

5 Q. Okay. And is that a weapon that's capable of
6 causing substantial risk of death or life impediment?

7 A. Yes, sir, sure is.

8 MS. MICKELSON: No further questions.

9 THE COURT: Cross?

10 MR. CHERNOFF: Yes, Judge.

11 CROSS-EXAMINATION

12 BY MR. CHERNOFF:

13 Q. Officer McGill --

14 A. Yes, sir.

15 Q. -- when you -- the responsibility for search
16 was one that you gave to yourself; is that right?

17 A. No.

18 Q. Was it the sergeant that gave that
19 responsibility to you?

20 A. Yes, sir.

21 Q. What did the sergeant ask for you -- ask you
22 to look for?

23 A. To look for?

24 Q. Um-hum.

25 A. To look for the suspect.

1 Q. Okay. Anything else?

2 A. We were looking for the child.

3 Q. All right. Anything else?

4 A. And to look for the gun.

5 Q. Okay. Is that all?

6 A. That's all I can remember.

7 Q. The -- when you spoke to Ms. Gracia about the
8 events, you testified that she said that she was shot
9 by her boyfriend; is that right?

10 A. Yes, sir.

11 Q. You -- you also asked -- you also asked her
12 other questions -- follow-up questions after that, did
13 you not?

14 A. Yes, sir.

15 Q. Okay. And what -- what questions did you ask
16 her?

17 A. Why he did it.

18 Q. Okay. And did -- what did she say?

19 A. She said she didn't know why.

20 Q. All right. Did she -- you asked her what he
21 was wearing. That's one of the questions you asked,
22 right?

23 A. Yes, sir.

24 Q. And any other questions, Officer?

25 A. Asked her about her daughters.

1 Q. One of the things that Ms. Gracia stated to
2 you was that she believed the suspect is still in the
3 house. Isn't that what she told you?

4 A. Um-hum. Yes, sir.

5 Q. Is that a yes?

6 A. Yes, sir.

7 Q. Did she happen to tell you why she believed
8 the suspect was in the house?

9 A. 'Cause she didn't see him leave.

10 Q. You also asked Ms. Gracia if she had been
11 fighting with the suspect, didn't you?

12 A. Yes, sir.

13 Q. She said no?

14 A. That's correct.

15 Q. Did you have the -- Officer McGill, during
16 your conversations and while you watched Ms. Gracia
17 being treated, did you have the ability to observe her
18 wounds?

19 A. No, sir.

20 Q. Not able to do that.

21 Do you -- do you recall offhand when you
22 left the scene -- when you left the house or either one
23 of the townhouses to go looking for the suspect?

24 A. I mean, how much -- how much later than after
25 I arrived?

1 Q. Yes, sir.

2 A. I couldn't tell exactly how much it was. I
3 would say roughly 45 minutes.

4 Q. Okay. During those 45 minutes, did you have
5 occasion to see any bullet holes?

6 A. No.

7 Q. Bullets, bullet shells, shell casings?

8 A. No, sir.

9 Q. Did you have occasion to look outside the back
10 door where the -- where the patio was?

11 A. I don't remember if I went outside -- the back
12 side.

13 Q. In some of the photos, it shows -- you didn't
14 take any photos yourself; is that right?

15 A. No, sir. I didn't take photos myself.

16 Q. In fact, you called CSU to come out and take
17 photos, right?

18 A. Correct.

19 Q. But that wasn't your specific request to the
20 CSU, just to take photos, was it?

21 A. I just requested for CSU to come out.

22 Q. And they -- they said take your own photos,
23 essentially?

24 A. Correct.

25 Q. The benefit of CSU is they don't just take

1 photos. They also collect evidence.

2 A. Yes, sir.

3 Q. Videotapes, for instance?

4 A. Yes, sir.

5 Q. Things like that?

6 In this photo it shows, State's Exhibit
7 20, that door is -- do you know where that door leads
8 out to, Officer McGill?

9 I'll go back.

10 A. No, sir, I'm not sure.

11 Q. Okay. But the door -- you do observe that the
12 door is open?

13 A. Yes, sir.

14 Q. Do you remember anyone going out there at all
15 while you were at the scene for 45 minutes?

16 A. No, sir, I don't remember.

17 MR. CHERNOFF: I'll pass the witness.

18 Thank you.

19 THE COURT: Redirect?

20 MS. MICKELSON: No.

21 THE COURT: Okay.

22 MS. MICKELSON: May this witness be
23 excused?

24 THE COURT: Yes. You may step down.

25 Thank you.