

1 A. Yeah, we did, me and my partner.

2 MR. MULDROW: No further questions.

3 THE COURT: Mr. Decuir.

4 MR. DECUIR: No questions.

5 THE COURT: All right. Thank you.

6 May this witness be excused?

7 MR. MULDROW: Yes, Your Honor.

8 MR. DECUIR: Yes, Your Honor.

9 THE COURT: Thank you, sir. You
10 may be excused.

11 THE WITNESS: Thank you.

12 THE COURT: Call your next.

13 MR. MULDROW: At this time, the
14 State calls Officer Murphy.

15 THE BAILIFF: Your Honor, this
16 witness has not been sworn.

17 THE COURT: Raise your right hand,
18 please.

19 (Witness sworn.)

20 **SEAN MURPHY,**

21 having been first duly sworn, testified as follows:

22 **DIRECT EXAMINATION**

23 **BY MR. MULDROW:**

24 Q. Can you please state your name for the
25 ladies and gentlemen of the jury?

1 A. Sean Murphy.

2 Q. How are you employed?

3 A. City of Houston.

4 Q. Police department?

5 A. Police officer, police department.

6 Q. How long have you been with the Houston
7 Police Department?

8 A. 18 years.

9 Q. Okay. What position do you currently
10 hold in the City of Houston Police Department?

11 A. Patrol officer.

12 Q. And how long have you been in Patrol?

13 A. 18 years.

14 Q. On May 26th, 2011, did you receive a
15 call on Orleans Street?

16 A. Yes, sir.

17 Q. And is that in Harris County, Texas?

18 A. Yes, sir.

19 Q. Were you riding with anyone that day?

20 A. Yes, Officer Tovar.

21 Q. When you arrived on the scene, was there
22 anyone else there, any other units ahead of y'all?

23 A. No other units.

24 Q. Had HFD or anybody gotten there before
25 y'all?

1 A. HFD was there.

2 Q. But no other police officers?

3 A. No officers.

4 Q. When you got there, can you describe for
5 us what you saw?

6 A. HFD was there and we arrived there. A
7 male was out in the driveway.

8 Q. Can you tell us kind of what he looked
9 like or --

10 A. It was a Hispanic male dressed in dark
11 clothing. He had his hands in the air.

12 Q. Could you see any blood on his clothing
13 or body?

14 A. Not at that time. It was dark.

15 Q. Okay.

16 MR. MULDROW: Your Honor, may I
17 approach the witness?

18 THE COURT: You may.

19 Q. (By Mr. Muldrow) I'm going to show you
20 what's been marked as State's Exhibit No. 84. Is
21 that the suspect as you observed him on that day?

22 A. Yes.

23 Q. And do you see him here in the courtroom
24 today?

25 A. Yes.

1 Q. And can you tell where he's sitting and
2 what he's wearing?

3 A. Black suit.

4 Q. Does he have headphones on?

5 A. Yes.

6 MR. MULDROW: Your Honor, I would
7 ask that the record reflect that the witness has
8 identified the defendant.

9 THE COURT: The record will so
10 reflect.

11 Q. (By Mr. Muldrow) When he walked out, do
12 you remember where he was coming from?

13 A. From the back of the house.

14 Q. Did he put his hands up or do anything
15 when he walked out --

16 A. His hands were up. His hands were up
17 already.

18 Q. What did you do when he came around the
19 house?

20 A. At that time I ordered him to the ground
21 and then I placed him in custody.

22 Q. After you placed him into custody -- and
23 what do you mean by that?

24 A. Put handcuffs on him.

25 Q. After you placed handcuffs on him, where

1 did you take him?

2 A. I walked toward the back of the house
3 with him.

4 Q. And did you stay with him there in the
5 back of the house?

6 A. Yes.

7 Q. While he was in cuffs, did you attempt
8 to talk to him or anything like that?

9 A. No.

10 Q. Did he attempt to talk to you?

11 A. No.

12 Q. Do you speak Spanish?

13 A. No.

14 Q. During the investigation, did you remain
15 with the suspect?

16 A. Yes.

17 Q. After a period of time, did you move
18 from the back of the house to another location?

19 A. Yes.

20 Q. Where did you take him?

21 A. To my patrol car.

22 Q. And did you stay with him there in the
23 patrol car?

24 A. Yes.

25 Q. Was your part in securing the scene to

1 secure the defendant in this case?

2 A. Yes.

3 Q. Other than -- after you cuffed him, put
4 him in the back of the car -- back of the house and
5 then in the back of the car, did you play any other
6 role in the investigation?

7 A. No.

8 Q. Did you help transport the defendant to
9 Homicide?

10 A. Yes.

11 Q. At whose request did you transport him?

12 A. The detectives.

13 Q. Other than that, did you have anything
14 to do with securing the scene or --

15 A. No.

16 Q. And did you talk to the defendant or
17 have any conversation with him?

18 A. No.

19 MR. MULDROW: No further questions.

20 **CROSS-EXAMINATION**

21 **BY MR. DECUIR:**

22 Q. Officer Murphy, was the defendant
23 cooperative?

24 A. When ordered to the ground, yes, he was.

25 Q. He got on the ground with no problems,

1 put his hands back and you put your handcuffs on
2 him?

3 A. Yes.

4 Q. Followed all your orders, got in the
5 patrol car -- went to the back of the house, got in
6 the patrol car without giving you any problems?

7 A. No problems.

8 MR. DECUIR: Pass the witness.

9 THE COURT: Anything further?

10 MR. MULDROW: Yes, Your Honor.

11 **REDIRECT EXAMINATION**

12 **BY MR. MULDROW:**

13 Q. Did you order him to the ground at
14 gunpoint?

15 A. Yes.

16 MR. MULDROW: No further questions.

17 THE COURT: Anything further?

18 MR. DECUIR: Nothing further.

19 THE COURT: All right. May the
20 witness be excused?

21 MR. MULDROW: Yes, Your Honor.

22 MR. DECUIR: Yes, Your Honor.

23 THE COURT: Thank you. You may be
24 excused.

25 Call your next.

1 MR. MULDROW: At this time the
2 State calls Officer Sosa.

3 (Brief pause.)

4 THE BAILIFF: There is no Officer
5 Sosa present.

6 MR. MULDROW: Your Honor, can we
7 approach?

8 THE COURT: Retire to the jury --
9 just a second. Yeah, come up just a second.

10 Do y'all need a break? Sure. Just
11 for how long.

12 (Bench proceedings off the record.)

13 THE COURT: All right. Ladies and
14 gentlemen, let's take about a ten-minute break.
15 Don't discuss this case with anyone. Don't let
16 anyone discuss it with you. You can retire to the
17 jury room or kind of wander around the floor but
18 don't get too far.

19 THE BAILIFF: All rise for the
20 jury.

21 (Jury retired.)

22 (Brief recess.)

23 (Jury seated.)

24 THE COURT: Be seated.

25 Call your next witness.

1 MR. MULDROW: At this time, the
2 State calls Officer Sosa.

3 THE BAILIFF: This witness has not
4 been sworn.

5 THE COURT: Raise your right hand,
6 please.

7 (Witness sworn.)

8 THE COURT: Let's proceed.

9 **JESUS SOSA,**

10 having been first duly sworn, testified as follows:

11 **DIRECT EXAMINATION**

12 **BY MR. MULDROW:**

13 Q. Can you please introduce yourself to the
14 ladies and gentlemen of the jury?

15 A. My name is Jesus, J-E-S-U-S, last name
16 Sosa, S-O-S-A.

17 Q. How are you employed?

18 A. I'm a police officer with the Houston
19 Police Department.

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

22 A. 18 years.

23 Q. What kind of training did you go through
24 to become a Houston Police Department officer?

25 A. I went through a six-month academy and