

1 A. I do. I'm on the night shift, which is early
2 side. It's 10:00 p.m. to 6:00 a.m.

3 Q. Were you working on May 5th, 2011?

4 A. I was.

5 Q. And in what capacity? What were you doing?

6 A. I was patrol at that time. I was on the late
7 side nights, which is 11:00 p.m. to 7:00 a.m.

8 Q. Were you patrolling the city by yourself?

9 A. I was alone in the car by myself, but there is
10 other officers in the area where I work.

11 Q. What kind of calls do you usually get or have
12 you gotten in your experience around midnight in that
13 area?

14 A. Where I work, it's a poverty-stricken area.
15 So, there's everything from drugs to homicides to
16 shootings, prostitution, in the scheme of things, really
17 hasn't been a slow night since I've gotten on.

18 Q. As a fairly new officer, have you worked
19 robberies on few or many occasions.

20 A. Where I work is very busy; so, I can't count
21 the number of robberies that I have worked or
22 investigated.

23 Q. On the night of May 5th, 2011, did you receive
24 a call directing you to the facts of this case?

25 A. Yes, I did.

1 Q. Approximately what time was that?

2 A. I'm sorry. I didn't bring my report with me.

3 (Pausing.)

4 Q. If I said you received a phone call somewhere
5 around midnight, would that sound appropriate?

6 A. Yes, ma'am.

7 Q. Okay. Before you get your offense report to
8 answer things like dates and times, can you tell us
9 generally what you remember about this case?

10 A. I believe it dropped as a shooting in progress
11 or shooting that just occurred. I was told to go to the
12 hospital and check on the status of the complainant. I
13 guess I can't remember exactly what time it was, but I
14 actually beat the ambulance that was transporting the
15 complainant to the hospital.

16 MS. EPLEY: May I approach, Your Honor?

17 THE COURT: You may.

18 Q. (BY MS. EPLEY) Officer Nelson, I'm showing you
19 a copy of your supplement to this offense report. Do
20 you recognize it?

21 A. Yes, I do.

22 Q. Would reviewing it help you in testifying
23 before this jury?

24 A. It will.

25 Q. Okay. Please feel free to use it to refresh

1 your recollection.

2 Can you take a peek at that and tell me
3 what time you received your call?

4 A. It was at 0020 hours, which is midnight. It
5 was about 12:30 in the morning.

6 Q. Do you remember where you were?

7 A. At the time I received the call or where I was
8 dispatched to?

9 Q. When you received the call where you were.

10 A. I was in the beat somewhere. I can't really
11 remember exactly where I was.

12 Q. So, you had not responded directly to the scene
13 of the shooting?

14 A. I did not. I was told to go to the hospital,
15 Ben Taub Hospital at the Medical Center.

16 Q. Approximately how long did it take you to get
17 to Ben Taub?

18 A. Not very long at all. It was kind of a
19 significant event. Due to the nature of the call, we
20 are allowed to use the necessary equipment to get there
21 in a timely manner.

22 Q. What do you mean, "the nature of the call"?

23 A. Like I said, the called dropped. I'm not sure
24 whether it was shooting in progress or shooting that
25 just occurred. All we knew there was someone struck

1 several times. We needed to get the status of the
2 complainant.

3 Q. When you say "struck," did you understand what
4 he had been struck with?

5 A. Yes. It was, like I said, it dropped as a
6 shooting; so, therefore, he was struck by the bullets or
7 ammunition of some sort.

8 Q. When you say it had dropped at a certain level,
9 meaning use certain equipment, what does that mean?

10 A. Like I said, if there is traffic at that hour,
11 we're allowed to use our emergency equipment, our lights
12 and sirens to get through intersections safely. Like I
13 said, I worked night shift at the time. So, you can hop
14 on 610 and get there pretty quickly.

15 Q. Okay. And, Officer, did you know why you were
16 going to Ben Taub? I understand to check on the
17 complainant, but is there a reason you needed to know
18 the status?

19 A. Right. If a complainant is shot in our line of
20 work, if he's dead, he goes to a different division. So
21 they sent me there to check on status. If he is still
22 alive, still breathing, what the circumstances were.

23 Q. What would change in regards to the
24 investigation if it was an aggravated robbery versus a
25 murder at the moment?

1 A. Like I said, at the time he's -- like, if
2 suspect or complainant is dead, it goes to our homicide
3 division. This particular case, they were unsure. So,
4 homicide treated it as a homicide.

5 If the complainant doesn't die, we go
6 ahead and work it ourselves. We do the investigation
7 until it goes to the concerned division.

8 Q. Obviously, if it was not a homicide, the
9 homicide detectives were not working it. You said you
10 would work it yourself, meaning patrol officers?

11 A. Correct.

12 Q. But that would still be a thorough and complete
13 investigation?

14 A. Correct. We do an additional investigation and
15 then an investigator of, whatever, if it was a robbery,
16 a robbery investigator would take the case and handle it
17 from there.

18 Q. Those individuals would be working a day shift,
19 correct?

20 A. Correct.

21 Q. What's the difference with homicide?

22 A. They work around the clock. If they believe
23 someone is not expected to live or they are already
24 dead, they will come out and make the scene and take it
25 away from us. They work the whole scene there

1 themselves.

2 Q. Okay. When you arrived at Ben Taub, where did
3 you go?

4 A. To the ER. I was waiting on the ambulance to
5 arrive. I actually beat the ambulance there. I was
6 just waiting on them to show up.

7 Q. Do you recall, roughly, how long you had to
8 wait for ambulance?

9 A. I'm not quite sure. It wasn't very long at all
10 because I arrived at the hospital, at 12:20 in the
11 morning, which is midnight.

12 Q. So, would it be fair to say five to ten minutes
13 or shorter than that?

14 A. I would probably say less than five minutes.

15 Q. Where were you in regards to the ambulance when
16 it arrived? Were you able to see Walter Moore, the
17 victim in this case?

18 A. Correct. I was waiting at the bay where they
19 back in. They are unloading him. I was staying there
20 trying to get information about the status.

21 Q. What was the scene like as the ambulance was
22 pulling in? Are people calm?

23 A. I was there by myself. When they opened the
24 doors to the ambulance, it was controlled chaos. They
25 were trying to stabilize the complainant. There was a

1 lot of blood, though. They had his clothes removed,
2 trying to figure out what organs -- or what was wrong
3 with him or what organs were struck.

4 Q. Where did you see blood?

5 A. The first thing I noticed was a wound to his
6 foot because they had him head first. I was at the rear
7 of the ambulance; so, I noticed his foot was pretty
8 messed up. It was destroyed by, I'm assuming, a gunshot
9 wound because there were several bullet holes in his
10 body. I couldn't tell you how many because there was an
11 extreme amount of blood on his person.

12 Q. Okay. When you say his foot was destroyed, in
13 what way?

14 A. I'm not sure I can describe it. To me, being
15 hit with a hammer. It was unrecognizable.

16 Q. You said he was struck seven times. How do you
17 know that?

18 A. Several times.

19 Q. Oh, several.

20 A. They thought at least six. Like I say, I have
21 no medical experience; so, I couldn't count either. All
22 I saw is a bunch of holes in the front side of his body.
23 There was a lot of blood; so, some were covered with
24 blood and some weren't.

25 Q. Did the man seem to be conscious?

1 A. I thought he was dead. I thought they were
2 just trying to preserve life so they could identify him.

3 Q. So, they were still working on him in the
4 ambulance?

5 A. Correct.

6 Q. Okay. So, after they pull into the bay, what
7 did you see happen? Where did they go?

8 A. They went to the trauma center. It's on the
9 first floor. That's when the staff at Ben Taub takes
10 over. They tried to stabilize him. I was in the ER at
11 that time as well. I was trying to get information, but
12 they're doing their job and I was trying to do mine.
13 So, getting little bits and pieces. I was talking to
14 one of the nurses and she said he had been shot at least
15 six times; but there could be more.

16 Q. Do you recall how many doctors and nurses there
17 were in the room?

18 A. There were several. There was more than six, I
19 can tell you that.

20 Q. When you're saying you're getting bits and
21 pieces of information, you're physically in the
22 operating room?

23 A. Correct.

24 Q. Are they taking the time to come over and
25 explain things to you?

1 A. One nurse was. I'm not sure what her role was
2 at the time, but she was giving me a lot of information.

3 Q. How much time do you think elapses while you
4 were standing in the operating room at Ben Taub?

5 A. It was a decent amount of time. Like I said,
6 as fast as I got out of their way and the information
7 came, I would jot it down, just so I could document it.

8 Q. At some point are you able to determine that,
9 of course, this gentleman is going to live?

10 A. I was not.

11 Q. Okay. Why not?

12 A. They informed me that he was on life support
13 and was not breathing on his own.

14 Q. What percentage of life support? Do you
15 recall?

16 A. It was 100 percent life support as the doctors
17 stated.

18 Q. Were you in the intensive care unit at some
19 point or did you stay in the emergency room?

20 A. They had stabilized the patient as best they
21 could, then they brought him to ICU. At certain times I
22 can't go back there because they have to do their
23 medical procedures. Once he was somewhat stabilized, I
24 talked to the doctor myself personally and she, in her
25 expert opinion, said that she didn't think he was going

1 to live and that he is on 100 percent life support.

2 Q. Did she explain to you what the next steps
3 would be?

4 A. She did not.

5 Q. Did you understand what kind of care he was
6 going to be given once he was in the intensive care
7 unit?

8 A. Say that again?

9 Q. Did you understand anything about the care he
10 was being given? Was he still in surgery or they just
11 had him on machines and were hoping for the best? Do
12 you know what happened?

13 A. He was on 100 percent life support. They are
14 trying to identify the body before they could operate
15 because he was struck several times. So, there was a
16 lot of operating to be done.

17 Q. So, at that point they were still trying to
18 identify who Walter Moore was?

19 A. Correct.

20 Q. Did you find out anything at the hospital that
21 helped with this?

22 A. I can't remember. Sorry.

23 Q. That's okay. Do you know if family or friends
24 had been notified?

25 A. Not at the time I was at the hospital, they

1 hadn't.

2 Q. Were you still there at some point when they
3 were trying to take photographs of Mr. Moore in order to
4 identify him?

5 A. I was not.

6 Q. How long were you at the hospital?

7 A. I arrived at 12:20 and about 3:50 in the
8 morning, I was relieved by homicide. They told me I
9 could leave.

10 Q. Were you in contact with homicide the whole
11 time you were there?

12 A. I was.

13 Q. Do you know what investigator you were speaking
14 with?

15 A. Carr. Officer Carr is the one told me that I
16 could go ahead and leave. They were going to take over
17 the investigation.

18 Q. Okay. Once Officer Carr released you, do you
19 understand what kind of investigation they were going to
20 do? Was it going to be a homicide or a routine
21 investigation?

22 A. It was going to be a homicide. He said I could
23 leave; so, therefore, the homicide investigator is going
24 to take over the status of the complainant and work it
25 themselves.

1 Q. At the risk of being redundant, why would it be
2 established to be a homicide four hours after you've
3 been there when he is still alive in the emergency room?

4 A. Because he wasn't breathing on his own. He was
5 on 100 percent life support. They assumed he was not
6 going to make it, that he was dead.

7 MS. EPLEY: No further questions.

8 THE COURT: Thank you, Ms. Epley.

9 Mr. Martin.

10 MR. MARTIN: No questions, Your Honor.

11 THE COURT: Okay. Thank you, Officer.

12 You are excused.

13 Call your next witness.

14 MR. BURDETTE: May we approach, Judge?

15 THE COURT: Yes.

16 (At the Bench, on the record.)

17 MR. BURDETTE: We're making better time
18 than we thought. The next witness we thought was going
19 to be tomorrow, but I've called him. He said he will be
20 here at 4:10.

21 THE COURT: That's fine. Let's take a
22 short break.

23 MR. BURDETTE: We can get through him and
24 then I think we could break for the day and then start
25 the complainant tomorrow.

1 THE COURT: In agreement?

2 MR. MARTIN: Yes.

3 *(End of bench discussion.)*

4 THE COURT: Okay. We're going to take a
5 very short break. We are waiting on a witness. When he
6 comes, we will have that witness. Hopefully, we'll take
7 a break -- I mean we'll break for the day after that and
8 we'll come back tomorrow at 10:00.

9 Let's all rise for the jury.

10 *(Jury out.)*

11 *(Short recess.)*

12 *(Jury in.)*

13 THE COURT: Call your next witness.

14 MR. BURDETTE: State calls Anthony
15 Onibokun.

16 *(Witness sworn.)*

17 THE COURT: Mr. Burdette.

18 MR. BURDETTE: Thank you, Judge.

19 **ANTHONY ONIBOKUN,**

20 having been first duly sworn, testified as follows:

21 **DIRECT EXAMINATION**

22 **BY MR. BURDETTE:**

23 Q. Good afternoon, sir.

24 A. Good afternoon.

25 Q. Could you please introduce yourself to the