

1 A. Yes, sir.

2 Q. And that's why you --

3 A. Yes, sir.

4 Q. -- put that in your report?

5 A. Yes, sir.

6 Q. And because you came to the scene after the 911
7 calls and you got there after everybody had fled, you
8 don't have any personal knowledge of what happened there
9 before you got there, do you?

10 A. No, sir.

11 MR. GRABER: Judge, I'll pass the witness.

12 THE COURT: Ms. Baily.

13 MS. BAILY: No further questions, Your
14 Honor.

15 THE COURT: You may step down, sir.

16 Call your next witness.

17 MS. BAILY: Yes, Your Honor. State calls
18 Deputy Pilkinton.

19 THE COURT: All right. You may proceed.

20 MS. BAILY: Thank you, Your Honor.

21 **MARCUS PILKINTON,**

22 having been first duly sworn, testified as follows:

23 **DIRECT EXAMINATION**

24 **BY MS. BAILY:**

25 Q. Can you begin by stating your full name for the

1 record?

2 A. Marcus Pilkinton.

3 Q. And it's Pilkinton?

4 A. Pilkinton, yes, ma'am.

5 Q. Pilkinton?

6 And who is it that you work for?

7 A. Harris County Sheriff's Office.

8 Q. How long have you been a Harris County
9 Sheriff's deputy?

10 A. Fourteen years.

11 Q. And in what capacity do you work for them?

12 A. I work in the Patrol Bureau.

13 Q. How long have you been on patrol?

14 A. Approximately 10-and-a-half years.

15 Q. What did you do with the sheriff's office
16 before you were on patrol?

17 A. Worked the jail.

18 Q. I want to talk about -- I guess you had to have
19 the police academy classes?

20 A. Correct.

21 Q. And then you have to do additional training as
22 well to stay current?

23 A. Yes, ma'am.

24 Q. I want to talk about -- take you back to
25 December 3rd, 2009. Do you recall whether or not you

1 were working on that date?

2 A. If that was the day of this incident, then,
3 yes.

4 Q. And what shift were you working?

5 A. Third shift.

6 Q. And what is third shift?

7 A. I believe I was working 11:00 p.m. to 7:00 a.m.

8 Q. And do you recall at some point being
9 dispatched to a weapons disturbance?

10 A. Yes, ma'am.

11 Q. Do you recall what time that was?

12 A. I believe it was 2:04.

13 Q. And where were you dispatched to?

14 A. It was an address on Cordoba. I'm not sure of
15 the exact address.

16 Q. I want to show you, Deputy, what's been
17 admitted as State's Exhibit 2. What is it that we are
18 looking at in this picture? What is this street
19 (indicating)?

20 A. That's Cordoba Drive.

21 Q. Okay. Cordoba Drive. And what are all
22 these -- are all these streets culdesacs that run off of
23 it (indicating)?

24 A. Yes, ma'am.

25 Q. Do you recall where on Cordoba you were

1 dispatched to?

2 A. It was just south of Cadiz Circle.

3 Q. And you can -- if you press on your TV, it will
4 show up.

5 A. Okay. Somewhere right in here (indicating).

6 Q. Okay. And for what were you dispatched?

7 A. I believe it was a discharge of firearms,
8 meaning somebody was shooting a weapon.

9 Q. So, as you arrive at that location for this
10 discharging a firearm complaint, are you given any more
11 information?

12 A. Yes. As soon as I got out, they said there
13 were several more calls in the area and they said a
14 possible shooting on Cadiz Circle.

15 Q. And from the location that you're at on Cordoba
16 where you've marked the green mark there, how many feet
17 would you say it was to the end of Cadiz Circle?

18 A. To the end of Cadiz Circle?

19 Q. From where you were to that street, yes.

20 A. To the street, it's probably 50 to 100 feet.

21 Q. 50 to 100 feet.

22 And we're talking from where you are here
23 to the end of the street (indicating)?

24 A. To the Cadiz Circle street?

25 Q. Yes.

1 A. Yes.

2 Q. Okay. As you get word that the incident has
3 actually occurred on Cadiz Circle, what is it that you
4 decide to do?

5 A. Well, I was actually standing outside of my
6 vehicle and I seen a vehicle turn off of Cadiz Circle
7 southbound onto Cordoba and then I stopped that vehicle
8 because it was at a high rate of speed.

9 Q. And when you say "southbound," they came out of
10 Cadiz Circle and took a right or a left?

11 A. A right.

12 Q. Okay. So, this car takes a right and is coming
13 right at you, basically?

14 A. Correct.

15 Q. When you say "high rate of speed," what would
16 you estimate that at?

17 A. Turning the -- making that right turn off of
18 Cadiz onto Cordoba, it probably turned that intersection
19 right there at probably 15 miles-per-hour,
20 approximately.

21 Q. And when you see -- when you get this call that
22 there was a shooting on Cadiz Circle and then you see
23 this car come pulling out of there, what occurs to you
24 in your mind?

25 A. That this is possibly a vehicle involved in it,

1 in the possible shooting.

2 Q. And so, what do you do?

3 A. I stop the vehicle, I flash my flashlight at
4 them until they stopped and --

5 Q. Do you recall what kind of vehicle it was?

6 A. It was a gold-colored passenger vehicle.

7 Q. Do you recall how many people were in the
8 vehicle?

9 A. One person.

10 Q. And was that person male or female?

11 A. Female.

12 Q. Who did you identify that person ultimately to
13 be?

14 A. She was one of the witnesses, one of the people
15 that were in the residence.

16 Q. And was her name Crystal Scott?

17 A. I'm not sure what her name was.

18 Q. Do you -- do you have your report with you?

19 A. No, I don't. I left it in the car.

20 Q. What was significant once you stopped this lady
21 in the car, what stood out about her to you?

22 A. She was nude.

23 Q. When you say "nude," what do you mean?

24 A. She didn't have any clothes on.

25 Q. Like not just a stray {sic}, just absolutely

1 naked?

2 A. Nothing, naked.

3 Q. Okay. How was -- what was her behavior and
4 demeanor like?

5 A. She was nervous, she kept repeating that she
6 just wanted to go home.

7 MR. LOPER: Object to nonresponsive, Judge.

8 THE COURT: Sustained.

9 Q. (By Ms. Baily) You said she was nervous --

10 A. Yes.

11 Q. -- right?

12 Did she appear to be excited or hysterical?

13 A. Somewhat.

14 Q. And, I guess, before you asked her any
15 questions, she's repeating herself to you?

16 A. Correct.

17 Q. Does she appear to still be under the stress of
18 the event?

19 A. Yes.

20 Q. And what is she saying to you?

21 MR. LOPER: Object to hearsay, Judge.

22 THE COURT: Overruled.

23 A. She said that she was in the shower and she
24 jumped out the window, the bathroom window, and that's
25 when people came in the house and she ran off in the

1 woods.

2 Q. (By Ms. Baily) And once she makes those
3 statements to you, do you believe that she's involved in
4 your shooting investigation?

5 A. Yes.

6 Q. And what is it that you do with her once you
7 realize that she is involved?

8 A. I let another deputy that was behind my patrol
9 vehicle, I told him to watch her while we went around to
10 the Cadiz address.

11 Q. And who -- do you recall who you left her with?

12 A. Deputy Robert Stow (phonetic).

13 Q. And when you say we went around to Cadiz
14 Circle, who went with you?

15 A. Ross Strech.

16 Q. Strech?

17 A. Yes.

18 Q. Is that -- you've seen him here today?

19 A. Yes.

20 Q. When you guys make it onto Cadiz Circle, what
21 is it that you notice?

22 A. We see several people standing and squatted
23 down on an address on Cadiz Circle. We get out of our
24 vehicle -- I got out of my vehicle and observed it was a
25 person that had been shot. And then at that time, we

1 started making everybody leave the area, the immediate
2 area around this person who was shot and then secured
3 the area with crime scene tape.

4 Q. As you're securing the area, do Strech and
5 other deputies take off to another house?

6 A. Yes.

7 Q. Do you recall -- I want to show you on this
8 map -- do you recall which address you found the person
9 that had been shot at or where he was located
10 (indicating)?

11 A. I'm not sure of the address, but it would be to
12 your left of the culdesac.

13 Q. Okay. So, if I were to tell you it was 2519,
14 that would be to the left?

15 A. Correct.

16 Q. Where did Deputy Strech and the other
17 deputies -- what address did they walk off to?

18 A. I'm not for sure, but I believe it's 2522.

19 Q. So, while they're dealing with that house and
20 clearing that scene, you stayed in the area of 2519?

21 A. Correct.

22 Q. And why do you stay in that area and not go
23 with them?

24 A. Just to make sure that the scene was still
25 secure. And I'm not sure if I -- if -- to watch the

1 victim in this case.

2 Q. Once the ambulance takes the victim off --
3 there's a female on the scene with him, right?

4 A. Correct.

5 Q. Do you recall her name?

6 A. I believe it was Olga.

7 Q. What, if anything, did you deputies do with
8 Olga?

9 A. I was advised to put her in the back of my
10 patrol vehicle until the detectives arrived.

11 Q. And you put her in because she's a possible
12 witness, right?

13 A. Correct.

14 Q. Do you ask her any questions when you put her
15 in your patrol car?

16 A. I don't believe so.

17 Q. Does she volunteer anything to you when you put
18 her in the patrol car?

19 A. Yes.

20 Q. And what does she volunteer to you?

21 MR. LOPER: And I object to hearsay, Judge.

22 THE COURT: Sustained.

23 Q. (By Ms. Baily) Does she give you some
24 information?

25 A. Yes, she did.

1 Q. Based on that information, did you have her
2 sign a document?

3 A. Yes, I did.

4 MS. BAILY: Permission to approach, Your
5 Honor?

6 THE COURT: All right.

7 Q. (By Ms. Baily) I want to show you what's been
8 admitted as State's Exhibit 26. Do you recognize this
9 document (indicating)?

10 A. Yes.

11 Q. And what is this?

12 A. This is a consent to search form.

13 Q. And who gave you consent to search their
14 residence?

15 A. Olga.

16 Q. And what were you looking for?

17 A. I was advised to get the form filled out for
18 the detectives when they arrived and the Crime Scene
19 Units.

20 Q. So, she signs a consent to search saying: You
21 can search my entire house. Right?

22 A. Correct.

23 Q. Once you get this document from her, do you, in
24 fact, search her house?

25 A. We went to a specific area in the house.

1 Q. Okay. But you don't, yourself, just take this
2 document and go search her house, right?

3 A. No, I don't.

4 Q. And why is that?

5 A. I had to wait for the detectives and the Crime
6 Scene Unit.

7 Q. So, who do you go in the house with?

8 A. Deputy Sams. He's a Crime Scene Unit.

9 Q. Okay. And where is it in Olga's house that you
10 go?

11 A. In her bedroom.

12 Q. Okay. And where specifically in her bedroom do
13 you go?

14 A. I believe it's the -- from her door, it was, I
15 believe, the back wall, right across from her front --
16 her bedroom door. I'm not sure exactly where at.

17 Q. Do you recall what piece of furniture --

18 A. No, I don't.

19 Q. -- you looked at?

20 Do you recall what you find, you and Sams
21 find in that room?

22 A. A handgun.

23 Q. And in State's Exhibit 16 -- I'm going to show
24 you in person because it's kind of hard to see --
25 State's Exhibit 16, is this what you find (indicating)?

1 A. Yes, ma'am.

2 Q. And what is it that we're looking at in this
3 photograph (indicating)?

4 A. It's a handgun.

5 Q. And it's a handgun that's actually under this
6 dresser?

7 A. Correct.

8 Q. After you get the consent and go into the house
9 with Deputy Sams, the Crime Scene Unit, who actually
10 recovers the gun?

11 A. Deputy Sams.

12 Q. And that's protocol, right?

13 A. Yes, ma'am.

14 Q. After you guys find this handgun in Olga's
15 house, do you stay on the scene?

16 A. Yes, ma'am.

17 Q. And in what -- for what purpose do you remain
18 on the scene?

19 A. For the crime scene, security of the crime
20 scene. And also, I had Olga still in my patrol vehicle.

21 Q. And how long did you stay at that scene
22 securing it that morning?

23 A. Until I was relieved. I'm not sure what time.
24 It was after -- after 6:00 or 7:00 in the morning.

25 Q. So, approximately, how many hours do you think

1 you were on the scene?

2 A. Four to five.

3 Q. And after you're relieved, do you have any
4 other involvement in this case, any follow-up
5 investigation?

6 A. No, ma'am.

7 Q. Interview any witnesses?

8 A. No, ma'am.

9 MS. BAILY: I'll pass the witness, Your
10 Honor.

11 THE COURT: Mr. Loper.

12 MR. LOPER: Thank you, Judge.

13 **CROSS-EXAMINATION**

14 **BY MR. LOPER:**

15 Q. Good afternoon, Deputy.

16 A. Hello.

17 Q. A couple questions for you about your
18 testimony.

19 Do you think that Deputy Strech was on
20 scene before you got there?

21 A. On the Cordoba or the Cadiz Circle?

22 Q. On the Cadiz scene.

23 A. Yeah, I believe he was right in front of me.

24 Q. Okay. Did he stop at that location on Cordoba
25 where you stopped the vehicle and found the woman

1 driver?

2 A. Yes, he did.

3 Q. Okay. Was he with you at the time that you
4 stopped the woman --

5 A. Yes.

6 Q. -- driver?

7 A. I'm not sure if he was there with me or if he
8 was just pulling up right behind me.

9 Q. Okay. And you made the decision to stop that
10 vehicle because you had been advised via radio that
11 there was possibly another shooting that had happened on
12 Cadiz Circle, correct?

13 A. Correct.

14 Q. And because the vehicle was leaving that street
15 at a fairly high rate of speed, you thought it important
16 to stop that person and see who it was, correct?

17 A. Correct.

18 Q. Obviously, it was unusual to you that she had
19 no clothes on, correct?

20 A. Yes.

21 Q. Other than the statement that you told the jury
22 that she made to you, she said nothing else; is that
23 right?

24 A. Correct.

25 Q. And you didn't interview her any further at

1 that point in time, did you?

2 A. No.

3 Q. Once she made that statement, I take it you
4 made the decision then to go down to the scene on Cadiz
5 Circle yourself, correct?

6 A. Correct.

7 Q. Left her with the other deputy, right?

8 A. Correct.

9 Q. If she had told anything to the other deputy
10 while she was in his care, we'd have to hear from that
11 other deputy about that; is that right?

12 A. Correct.

13 Q. Okay. The information that she gave you when
14 you first stopped her, that was enough for you to think
15 that might be involved in what you had heard may have
16 occurred on Cadiz Circle; is that right?

17 A. Correct.

18 Q. And you said earlier you remember her, but you
19 don't remember her name?

20 A. Correct.

21 Q. Okay. Obviously, you didn't stop at that point
22 in time, when you find her driving the car, and ask her
23 her name, do you?

24 A. No.

25 Q. You probably weren't in a position to ask her

1 for I.D. at that point, did you?

2 A. No.

3 Q. Okay. She didn't have one to show you, in any
4 event, I assume; correct?

5 A. Correct.

6 Q. So, when you say -- when Ms. Baily mentioned a
7 name to ask you if that was that person, if you know her
8 name, if you've ever learned her name, that's something
9 you would have learned well after the fact from someone
10 else, correct?

11 A. Correct.

12 Q. When you got down to the end of Cadiz Circle
13 and found a person who appeared to have been shot, you
14 were one of the deputies who made the people, the
15 neighbors, the other folks that were standing around
16 there, non-law enforcement people move back from that
17 person; is that right?

18 A. Correct.

19 Q. The idea being they should move away from the
20 wounded person and also so they would step out of the
21 crime scene; is that correct?

22 A. Correct.

23 Q. Now, after they moved away from where the
24 person was laying on the ground, how much time passed
25 before EMS personnel arrived?

1 A. I couldn't tell you. No idea.

2 Q. Okay. You didn't note that in your report in
3 any way?

4 A. No.

5 Q. Did it appear like it was a short time or a
6 long time?

7 A. Usually down there they're pretty quick on
8 getting there.

9 Q. Okay. But you say "usually." I'm talking
10 specifically about this case. Do you have a
11 recollection?

12 A. I have no idea.

13 Q. Do not?

14 A. No, do not.

15 Q. Okay. During the time that you made the people
16 move away who had been sort of attending to him, was
17 anyone else attempting to provide any medical treatment
18 to the gentleman?

19 A. His wife was -- we didn't have his wife leave
20 the scene.

21 Q. Okay.

22 A. She stayed with him.

23 Q. You moved everyone else away except for her
24 {sic} wife; is that what you're saying?

25 A. Correct.

1 Q. And you also talked about going into the house
2 to a very specific location, correct?

3 A. Correct.

4 Q. That was into the bedroom and you specifically
5 looked under a dresser, right?

6 A. Correct.

7 Q. And under that dresser a weapon was found,
8 correct?

9 A. Correct.

10 Q. Now, you didn't retrieve it, but the CSU
11 officer is the person who actually took possession of
12 it, right?

13 A. Correct.

14 Q. But you're the one who provided the information
15 as to where there might be a gun located, right?

16 A. Correct.

17 Q. And you had been told by someone that there was
18 a gun inside the house, correct?

19 A. Correct.

20 Q. And that was by this lady named Olga; is that
21 right?

22 A. Yes.

23 Q. She told you that her husband had asked her to
24 move the gun inside; is that right?

25 A. Correct.

1 Q. Okay. And that's how you knew where to find
2 it?

3 A. Correct.

4 Q. Did you check it, when it was recovered there
5 under the dresser, or do you know if Deputy Sams checked
6 it when he found it under the dresser, as to whether it
7 had been fired or not?

8 A. I have no idea if he checked it or not. I
9 didn't touch it.

10 Q. Okay. That would have been -- if it was done,
11 that would have been something that he would have done?

12 A. Correct.

13 Q. Did you become involved in interviewing any of
14 the witnesses there at the scene as to anything that
15 they may have seen or heard?

16 A. No.

17 Q. And did you ever enter the house across the
18 street, which is kind of located -- been identified as
19 2522 Cadiz Circle?

20 A. I'm not sure if I did or not. I can't recall.

21 Q. You don't recall whether you entered the house
22 across the street or not?

23 A. No.

24 Q. Would you have noted that in your report,
25 whether you entered the house across the street?

1 A. More than likely I would have, but I don't
2 recall if I went in there or not. It was kind of a
3 hectic scene at first.

4 MR. LOPER: Thank you, sir.

5 That's all I have, Judge.

6 THE COURT: Ms. Baily.

7 MS. BAILY: No further questions, Your
8 Honor.

9 THE COURT: You may step down, sir.

10 MS. BAILY: May this witness be excused?

11 THE COURT: You're on call.

12 Call your next witness.

13 MS. DEVINE: State calls Willie Gentry.

14 THE COURT: All right. Ms. Devine.

15 MS. DEVINE: Thank you, Your Honor.

16 **WILLIE JAMES GENTRY,**

17 having been first duly sworn, testified as follows:

18 **DIRECT EXAMINATION**

19 **BY MS. DEVINE:**

20 Q. Good afternoon, Mr. Gentry.

21 A. Good afternoon.

22 Q. Could you please introduce yourself to the
23 ladies and gentlemen of the jury?

24 A. My name is Willie James Gentry.

25 Q. Mr. Gentry, how old a man are you?